

**WHEREAS**, on occasion the Memphis City Council has seen fit to honor citizens who have enriched the community, and the **Pastor Noah A. Alexander**, a man whose influence transcended the pulpit and reached deep into the hearts and lives of all who knew him, is certainly worthy of recognition and honor; and

**WHEREAS**, **Pastor Noah A. Alexander**, affectionately known as "The Encyclopedia of Preachers," has made a lasting impact on the Memphis Baptist Ministers' Association and the broader community through his captivating and theologically rich style; and

**WHEREAS**, **Pastor Alexander** was born on June 16, 1949, in Mason, Tennessee, to parents Norah and Lue Alice Alexander, growing up with four brothers and four sisters, and demonstrating from an early age a remarkable gift for memory and recitation; and

**WHEREAS**, **Pastor Alexander** made history by integrating Byars Hall High School in Covington, Tennessee, as its first Black student and football player, graduating in 1967, and continuing his education at the University of Memphis; and

**WHEREAS**, at the age of 27, **Pastor Alexander** answered God's call to ministry, being ordained and later elected Pastor of King's Hill Baptist Church in Brighton, Tennessee, where he became a prominent advocate for political participation and equality; and

**WHEREAS**, **Pastor Alexander's** commitment to social justice was further recognized by the Memphis City Council for his role in the student demonstrations at Memphis State University; and

**WHEREAS**, in 1979, **Pastor Alexander** became the pastor of Fredonia Baptist Church of Stanton, Tennessee, where he significantly enhanced the church's activities and facilities, including initiating weekly worship services, Bible Study, and building a fellowship hall; and

**WHEREAS**, on the fifth Sunday in October 1988, Pastor Alexander began his enduring pastorate at Prince of Peace Baptist Church in Memphis, Tennessee, leading the church with vision and dedication for 37 years; and

**WHEREAS**, under his leadership, Prince of Peace Baptist Church expanded its outreach and facilities, including the establishment of a day camp and preschool, the construction of a new sanctuary, and the ceremony of multiple ministers, including the first woman minister in the church's history; and

**WHEREAS**, **Pastor Alexander** was instrumental in advocating for legislation that provided daycare services for low-income families, benefitting thousands of families and creating employment opportunities within the community; and

**WHEREAS**, **Pastor Alexander** was deeply committed to the educational and career development of young people, securing summer jobs for teenagers and guiding many toward successful career paths; and

**WHEREAS**, **Pastor Alexander** was a brilliant, electrifying, and unforgettable orator, statesman, and man, whose love for children and belief in the institutions of life reflected his deep faith in our Lord and Savior Jesus Christ; and

**WHEREAS**, **Pastor Alexander's** legacy of peace, wisdom, and community service will forever be remembered and cherished by those who knew him and were impacted by his ministry.

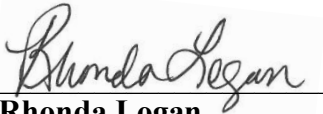
**NOW, THEREFORE, BE IT RESOLVED** by the Memphis City Council that Ridgemont between New Allen and Egypt Central Rd. be designated

**Pastor Noah A. Alexander Street**

that will testify to his life, celebrating his many accomplishments and the lasting impact he made on the lives of countless individuals.

**BE IT FURTHER RESOLVED** that the City Engineer is requested to affix suitable signs designating this public road, effective with the passage of this resolution.

**Adopted: November 12, 2024**



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**Rhonda Logan**  
**Memphis City Council – District 1**

**WHEREAS**, upon occasion, the City Council approves the naming of specified public roads to honor those who have served and enriched this community, and **Reverend Dr. Keith Norman** is a wonderful example of a community leader who is deserving of this City's recognition and gratitude; and

**WHEREAS, Dr. Keith Norman**, a proud native Memphian, is the son of Zella Cathey and holds degrees from Morehouse College and the Memphis Theological Seminary, where he earned his Doctorate in Ministry with an emphasis in Leadership; and

**WHEREAS**, under **Dr. Norman's** visionary leadership as Senior Servant Leader, First Baptist Church Broad has grown from fewer than 100 members to over 5,000 active worshippers, a testament to his commitment to fostering a vibrant and inclusive faith community; and

**WHEREAS, Dr. Norman** has led the church in over \$15 million in capital improvements in the Binghampton area, addressing vital community needs such as education, homelessness, and community development, thereby enhancing the quality of life for countless residents; and

**WHEREAS**, in his role as Vice President of Government Affairs for Baptist Memorial Healthcare Corporation, **Dr. Norman** has been instrumental in building essential partnerships between healthcare and government, promoting social justice, reducing healthcare disparities, and encouraging civic participation among underrepresented populations; and

**WHEREAS, Dr. Norman** has been recognized with numerous honors for his contributions to social equity and community service, including the prestigious White House "Champion of Change" award from President Barack Obama and the Bishop Carroll T. Dozier Peace and Justice Award from Christian Brothers University; and

**WHEREAS**, throughout his distinguished career, **Dr. Norman** has served on several boards and organizations, including the Land Use Control Board of Memphis and Shelby County, the Tennessee Business Roundtable, the National NAACP Foundation Board of Trustees, the Board of Directors for Tennesseans for Quality Early Education and Seeding Success, NAACP Memphis Chapter, among others; and

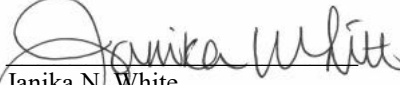
**WHEREAS, Dr. Norman** values the love and support of his family, including his wife Alicia Yvette Norman, their four children, Keith, Keasia, Keenan, and Kiara, and two grandchildren, Khalil and Noelle; together, they stand as a testament to his unwavering commitment to faith, family, and service.


**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MEMPHIS, TENNESSEE** that congratulations are extended to **Reverend Dr. Keith Norman** as he commemorates 25 years of impactful pastoral ministry at First Baptist Church Broad, which has positively impacted the congregation and the wider community, and that Broad Street between Tillman Street and Scott Street shall be officially designated and always remembered as

## **Reverend Dr. Keith Norman Street**

**BE IT FURTHER RESOLVED** that the City Engineer is requested to affix suitable signs so designating such public road.

**ADOPTED: November 12, 2024**

  
Janika N. White  
Memphis City Councilmember  
Super District 8-2

  
JB Smiley, Jr.  
Memphis City Council Chairman

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 8/20/2024  
DATE**

**PUBLIC SESSION: 9/10/2024  
DATE**

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

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

**CASE NUMBER:** PD 2024 – 004

**DEVELOPMENT:** Self-Storage Lamar Crossing Planned Development

**LOCATION:** 2899 Lamar Avenue

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

**OWNER/APPLICANT:** Lamar, Inc.

**REPRESENTATIVE:** Delinor Smith, Smith Building Design

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

**AREA:** +/- 1.81 acres

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

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

**PRIOR ACTION ON ITEM:**

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

**FUNDING:**

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT #
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

<u>DATE</u>	<u>POSITION</u>
<u>8/12/24</u>	PLANNER I
	DEPUTY ADMINISTRATOR
<u>8/12/24</u>	ADMINISTRATOR
	DIRECTOR (JOINT APPROVAL)
	COMPTROLLER
	FINANCE DIRECTOR
	CITY ATTORNEY

**CHIEF ADMINISTRATIVE OFFICER**

**COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

**PD 2024 – 004**

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

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

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

<b>CASE NUMBER:</b>	PD 2024 – 004
<b>LOCATION:</b>	2899 Lamar Avenue
<b>COUNCIL DISTRICT(S):</b>	District 4, Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Lamar, Inc.
<b>REPRESENTATIVE:</b>	Delinor Smith, Smith Building Design
<b>REQUEST:</b>	Amendment to Planned Development to allow a mini storage
<b>EXISTING ZONING:</b>	Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses
<b>AREA:</b>	1.81 acres

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**The following spoke in support of the application:**  
Delinor Smith

**The following spoke in opposition of the application:** None

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

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

Respectfully,



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

Cc: Committee Members  
File

PD 2024 – 004  
CONDITIONS

**Outline Plan Conditions – Revisions**

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

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

I. Uses Permitted:

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

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

- a. **Mini storage**

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

II. Bulk Regulations:

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

### III. Access, Circulation and Parking:

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

### IV. Landscaping:

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

V. Signs:

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

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

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

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

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

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

VI. Drainage:

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

VII. Design and Other:

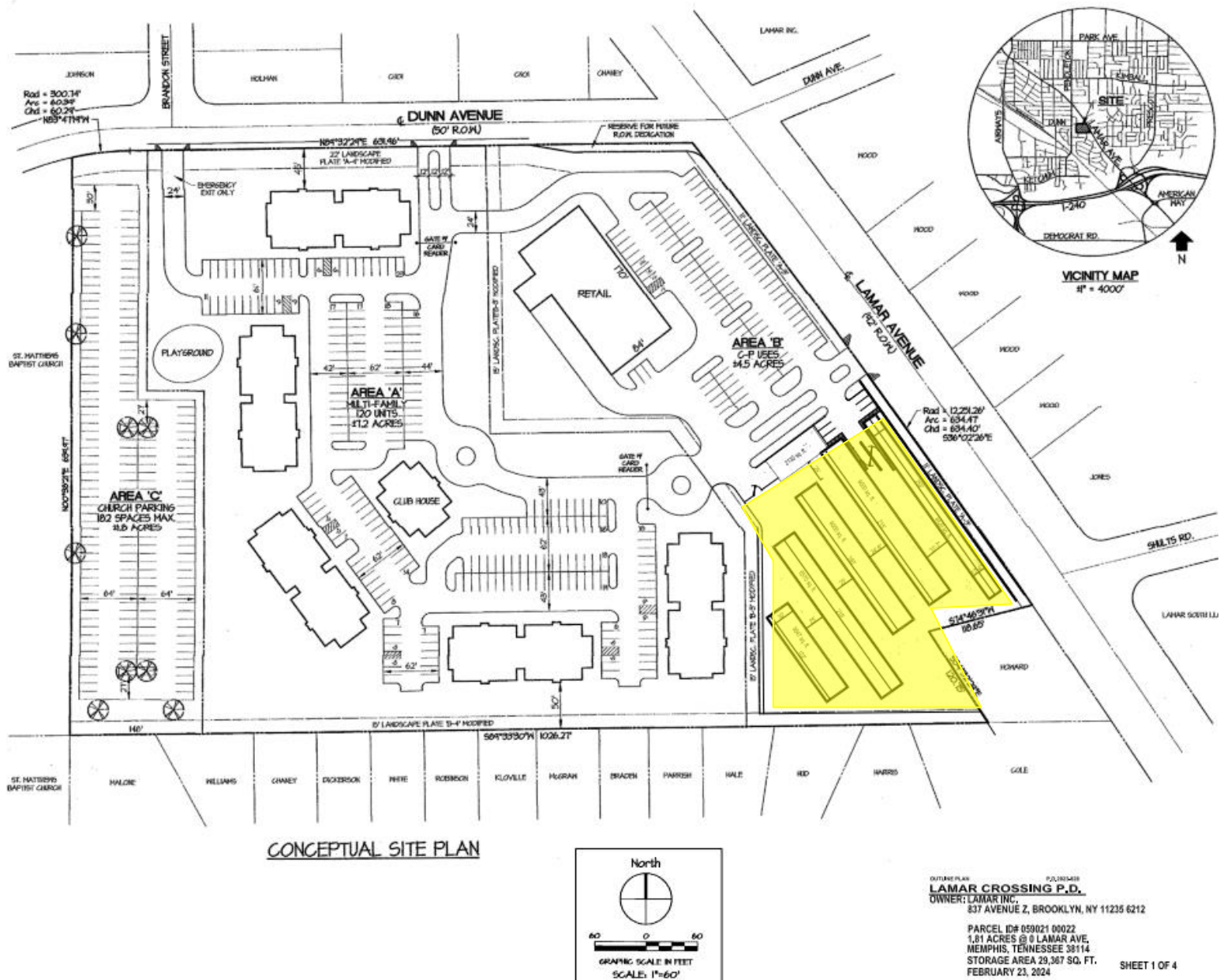
- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent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

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

IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN





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

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

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

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

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

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

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

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

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

## OUTLINE PLAN CONDITIONS - REVISED

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

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

### I. Uses Permitted:

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

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

- a. **Mini storage**

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

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

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

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- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
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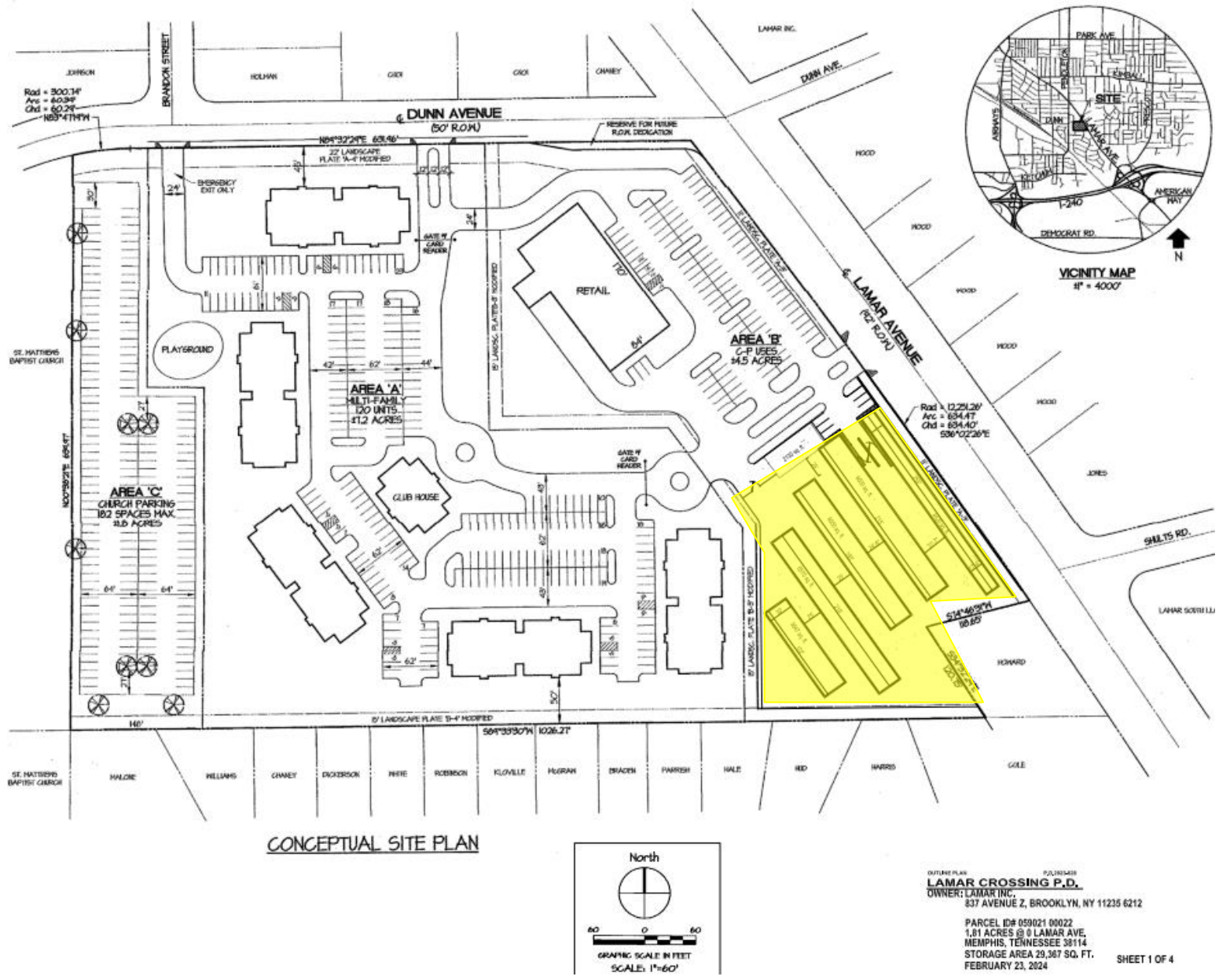
- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
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The Land Use Control Board may grant extensions at the request of the applicant.

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CONCEPT PLAN



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

SHEET 1 OF 4

***ATTEST:***

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

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

**CASE NUMBER:** PD 2024 – 004

**DEVELOPMENT:** Self Storage at Lamar Crossing PD

**LOCATION:** 2899 Lamar Avenue

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

**OWNER/APPLICANT:** Lamar, Inc.

**REPRESENTATIVE:** Delinor Smith, Smith Building Design

**REQUEST:** Amendment to Planned Development to allow a mini storage

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

## CONCLUSIONS

1. The subject property is located within the Lamar Crossing Planned Development (PD 06 – 313) and designated as “Area B” which permits any Commercial Mixed Use – 2 uses.
2. The applicants proposed use of Mini-storage is allowed by the Special Use Permit (SUP) within the CMU – 2 zoning districts.
3. The applicants proposed use of Mini-storage is a special permitted use within the CMU – 2 zoning districts.
4. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

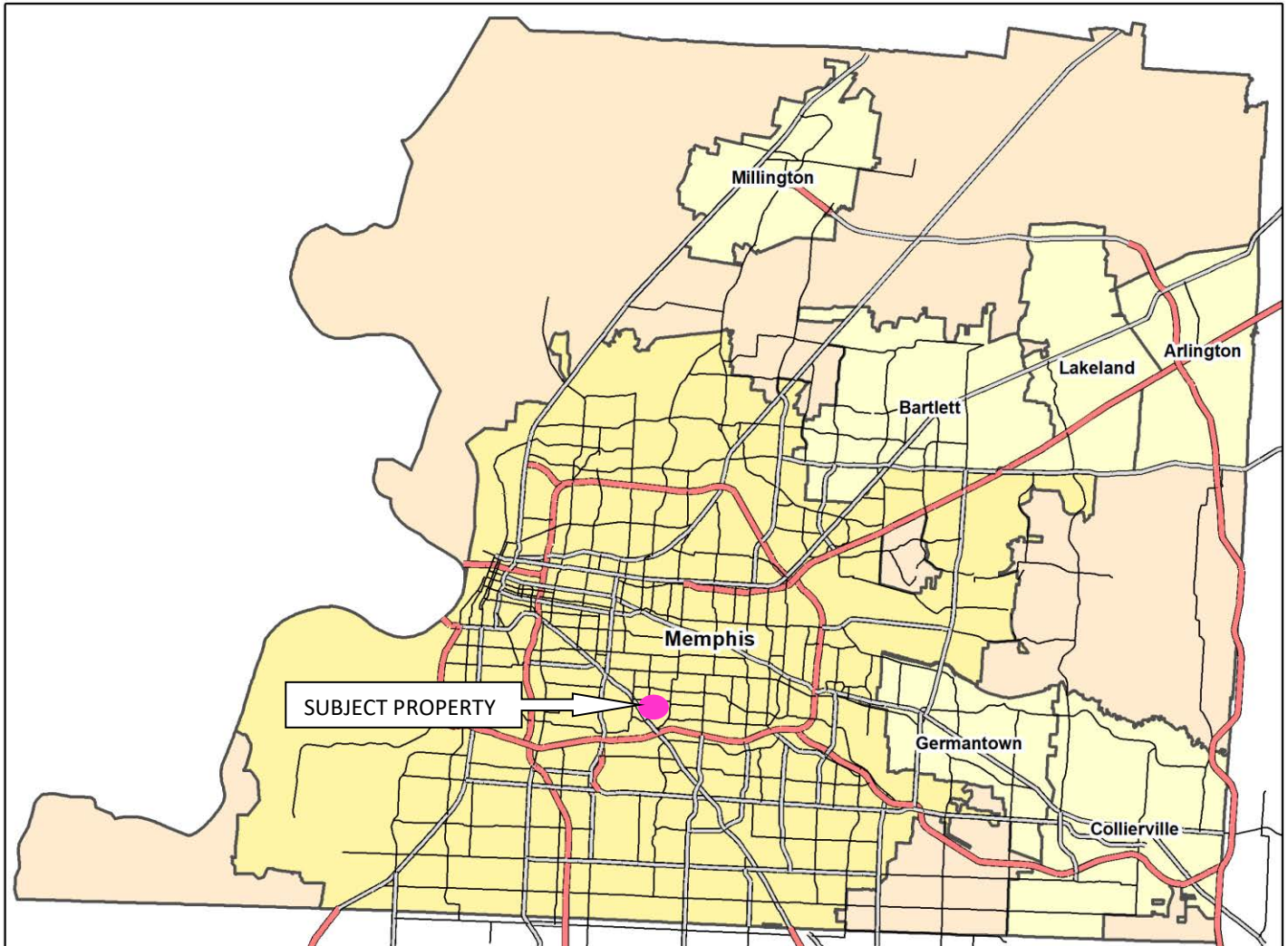
## CONSISTENCY WITH MEMPHIS 3.0

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

## RECOMMENDATION:

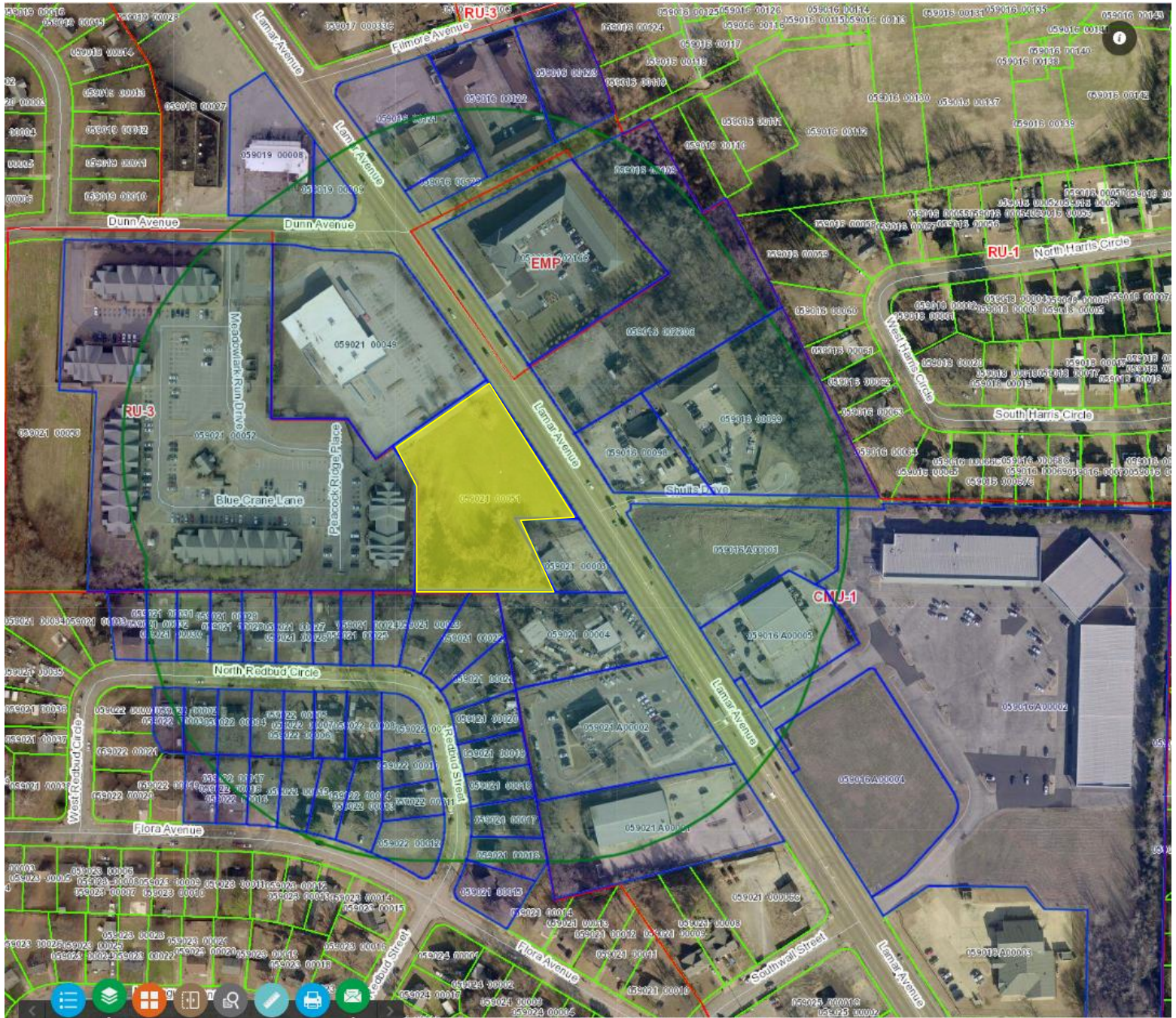
*Rejection*

**LOCATION MAP**



Subject property located within the pink circle.

## PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

## PUBLIC NOTICE DETAILS

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

## NEIGHBORHOOD MEETING

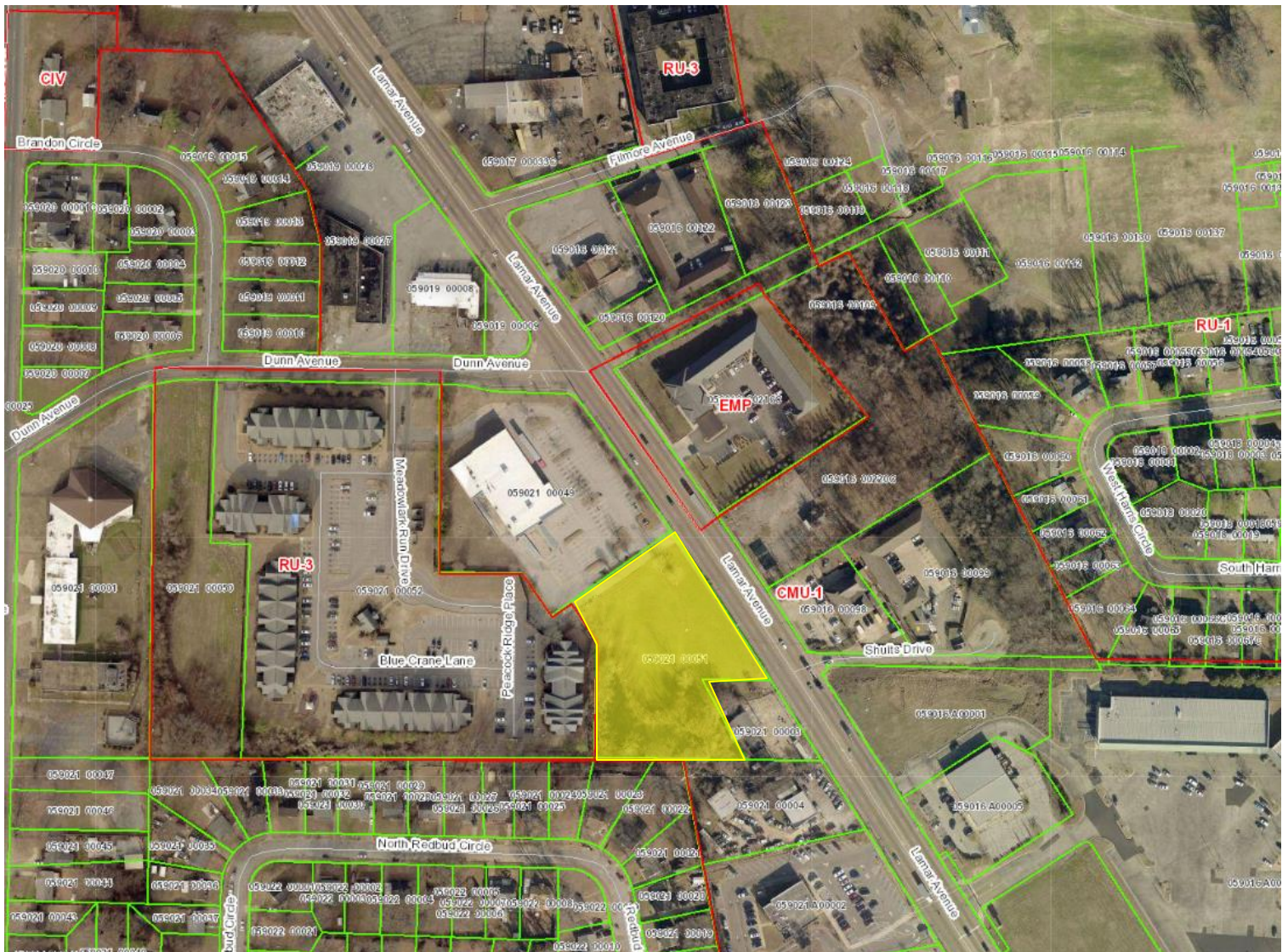
The meeting was held at 4:30 PM on Friday, May 31, 2024, at the Cherokee Library, 3300 Sharpe Avenue.

**AERIAL**



Subject property outlined in yellow, imagery from 2022

**ZONING MAP**



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

**SITE PHOTOS**



View of subject property from Lamar Avenue looking South.



View of subject property from Lamar.



View of subject property from entrance point of abutting property.

Rad = 300.14'  
Arc = 60.94'  
Chd = 60.26'  
N53°47'11"W

JOHN CR  
HOLMAN  
GIER  
GIER  
CHANEY

DUNN AVENUE  
(50' R.O.W.)

RESERVE FOR FUTURE  
ROAD DESIGNATION

LANAR AVE.  
DUNN AVE.

HOOD  
HOOD  
HOOD  
HOOD  
JONES  
LANAR SOUTH LANE  
SHULTS RD.

VICINITY MAP  
1" = 4000'

Rad = 1225.12'  
Arc = 634.47'  
Chd = 634.40'  
S36°02'28"E

ST. MATTHEWS  
BAPTIST CHURCH

MOOREBOW'S GRANT

AREA 'C'  
CHURCH PARKING  
102 SPACES MAX.  
3.0 ACRES

PLAYGROUND

AREA 'A'  
MULTI-FAMILY  
120 UNITS  
11.2 ACRES

CLUB HOUSE

AREA 'B'  
C-P USES  
14.5 ACRES

RETAIL

ST. MATTHEWS  
BAPTIST CHURCH

HALOIE  
WILLIAMS  
CHANEY  
DICKERSON  
WHITE  
ROBERSON  
KLOVITZ  
MURRAY  
BRADEN  
FARRISH  
HALE  
RED  
HARRIS  
GULE

CONCEPTUAL SITE PLAN

North

60 0 60

GRAPHIC SCALE IN FEET  
SCALE: 1"=60'

OUTLINE PLAN  
OWNER: LAMAR INC.  
837 AVENUE Z, BROOKLYN, NY 11235 6212

PARCEL ID# 059021 00022  
1.11 ACRES @ 8 LAMAR AVE,  
MEMPHIS, TENNESSEE 38114  
STORAGE AREA 29,367 SQ. FT.  
FEBRUARY 23, 2024

SHEET 1 OF 4



## **CASE REVIEW**

### **Request**

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

### **Applicability**

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

#### ***4.10.2 Applicability***

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

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

### **General Provisions**

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

#### ***4.10.3 General Provisions***

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

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

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

#### **Commercial or Industrial Criteria**

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

#### **4.10.5 Planned Commercial or Industrial Developments**

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

- A. Screening*  
*When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.*
- B. Display of Merchandise*  
*All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.*
- C. Accessibility*  
*The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.*
- D. Landscaping*  
*Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.*

**Approval Criteria**

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

**9.6.9 Approval Criteria**

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

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

### **Site Details**

Address:  
2899 Lamar Avenue

Parcel ID:  
059021 00051

Area:  
+/- 1.81 acres

### **Description:**

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

### **Site Zoning History**

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

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

### **Concept Plan Review**

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

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

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

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

### **Analysis**

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

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

The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## RECOMMENDATION

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

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

### **Outline Plan Conditions – Revisions**

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

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

I. Uses Permitted:

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

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

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

C

II. Bulk Regulations:

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

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

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

V. Signs:

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

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

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

- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.

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

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

VI. Drainage:

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

VII. Design and Other:

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

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.  
The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
  - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easements.
  - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
  - G. The one-hundred (100) year Flood elevation.
  - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
  - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

## DEPARTMENTAL COMMENTS

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

### **City/County Engineer:**

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

#### **Sewers:**

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

#### **Roads:**

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

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

#### **Traffic Control Provisions:**

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

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

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

#### **Curb Cuts/Access:**

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

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

10. Will require engineering ASPR.

#### **Drainage:**

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

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

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

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

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

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

**City/County Fire Division:**

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

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

**Office of Comprehensive Planning:**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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

Site Address/Location: 2899 LAMAR AVE

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

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

*The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage.*

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

## 1. Future Land Use Planning Map



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

## 2. Land Use Description/Intent

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



### “CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

### “CSL” Zoning Notes

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

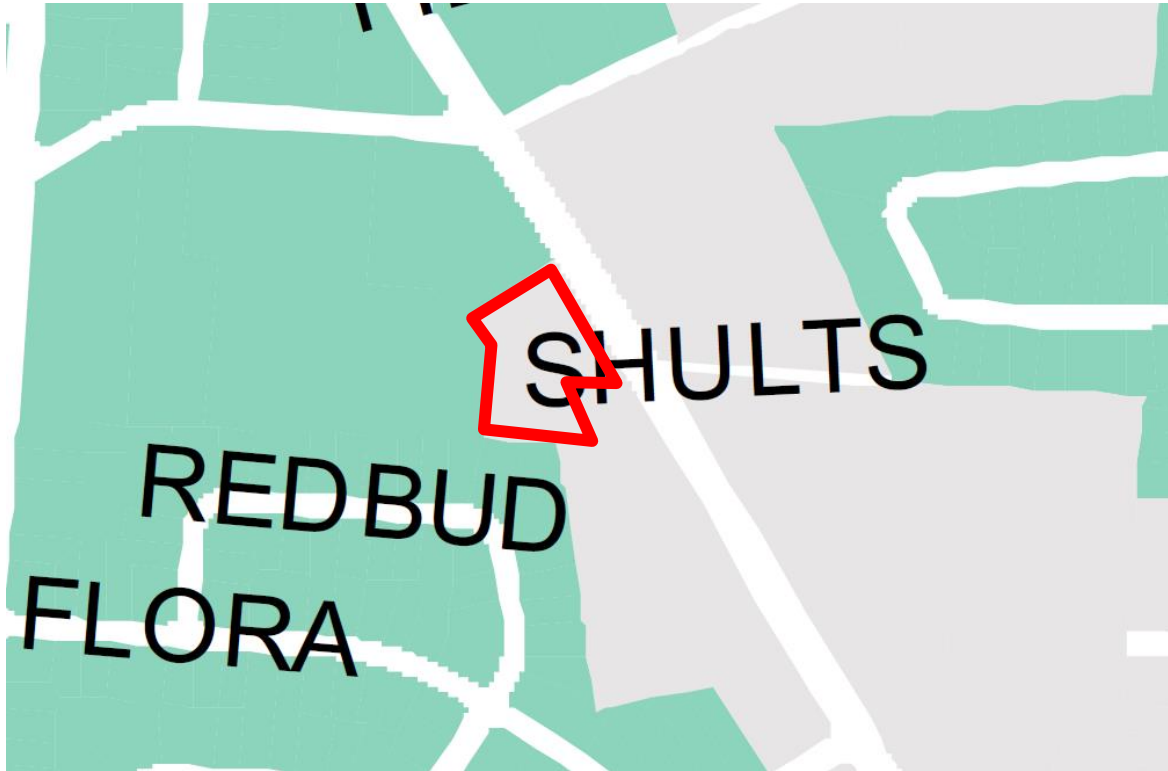
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

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

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

## 3. Degree of Change Map



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

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

#### **Consistency Analysis Summary**

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

57 Notices Mailed on 05/17/2024.



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

## NOTICE OF PUBLIC HEARING

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

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

**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

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

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

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

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

[illegible]

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

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

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

☒ Land Use Control Board

☐ Board of Adjustment

☒ Memphis City Council

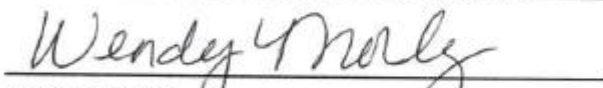
☐ Shelby County Board of Commissioners

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

  
Owner, Applicant or Representative

5-30-24  
Date

Subscribed and sworn to before me this 30<sup>th</sup> day of May, 2024.

  
Notary Public

My Commission Expires June 28, 2027

My commission expires: \_\_\_\_\_



APPLICATION



Memphis and Shelby County Division of  
Planning and Development

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

website: [www.develop901.com](http://www.develop901.com)

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date:

Record Name: SELF STORAGE - JUNE LUCB

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

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary	Owner Name
Y	LAMAR INC

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

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	ALEXIS LONGSTREET
Date of Meeting	11/01/2023
Pre-application Meeting Type	Phone
GENERAL PROJECT INFORMATION	
Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	PD 06-313
Medical Overlay / Uptown	No

**GENERAL PROJECT INFORMATION**

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

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

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

No

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

SEE ATTACHED PDF FILE OF THE APPLICATION

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9B

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9C

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9D

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9E

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9F

SEE ATTACHED PDF FILE OF THE APPLICATION

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

elements

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

SEE ATTACHED PDF FILE OF THE APPLICATION

GIS INFORMATION

Case Layer	-
Central Business Improvement District	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  
DELINOR DELINOR SMITH

Contact Type  
APPLICANT

Address

Phone  
(190)169-0394

Fee Information

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

Total Fee Invoiced: \$1,539.00      Total Balance: \$0.00

Payment Information

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

OWNER AFFIDAVIT

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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, MUHAMMAD U. NAWID, N.A.S., state that I have read the  
definition of LAMAR INC  
(Print Name) (Sign Name)

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

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

of the property located at

and further identified by Assessor's Parcel Number

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

Subscribed and sworn to (or affirmed) before me this 08th day of April in the year of 2024.

Tanweer A. Khan

Signature of Notary Public

My Commission Expires

05/31/2027

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

## LETTER OF INTENT

Dear Zoning Department,

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

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

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

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

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

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

Sincerely,

Muhammad U Nawid

**LETTERS RECEIVED**

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



## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: November 9, 2023

Record Number: PD 2023-028

Expiration Date:

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

---

### Address:

2899 LAMAR AVE, MEMPHIS 38114

### Owner Information

Primary Owner Name

Y LAMAR INC

Owner Address

837 AVENUE Z, BROOKLYN, NY 11235

Owner Phone

---

### Parcel Information

059021 00051

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

LUCAS SKINNER

Date of Meeting

09/08/2022

Pre-application Meeting Type

Phone

#### GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

**GENERAL PROJECT INFORMATION**

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

**APPROVAL CRITERIA**

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

**GENERAL PROVISIONS**

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

**GIS INFORMATION**

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

**GIS INFORMATION**

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

---

**Contact Information****Name**

MUHAMMAD U NAWID

**Contact Type**

APPLICANT

**Address****Phone**

(917)690-8686

Dear Zoning Department,

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Sincerely,

Muhammad U Nawid

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

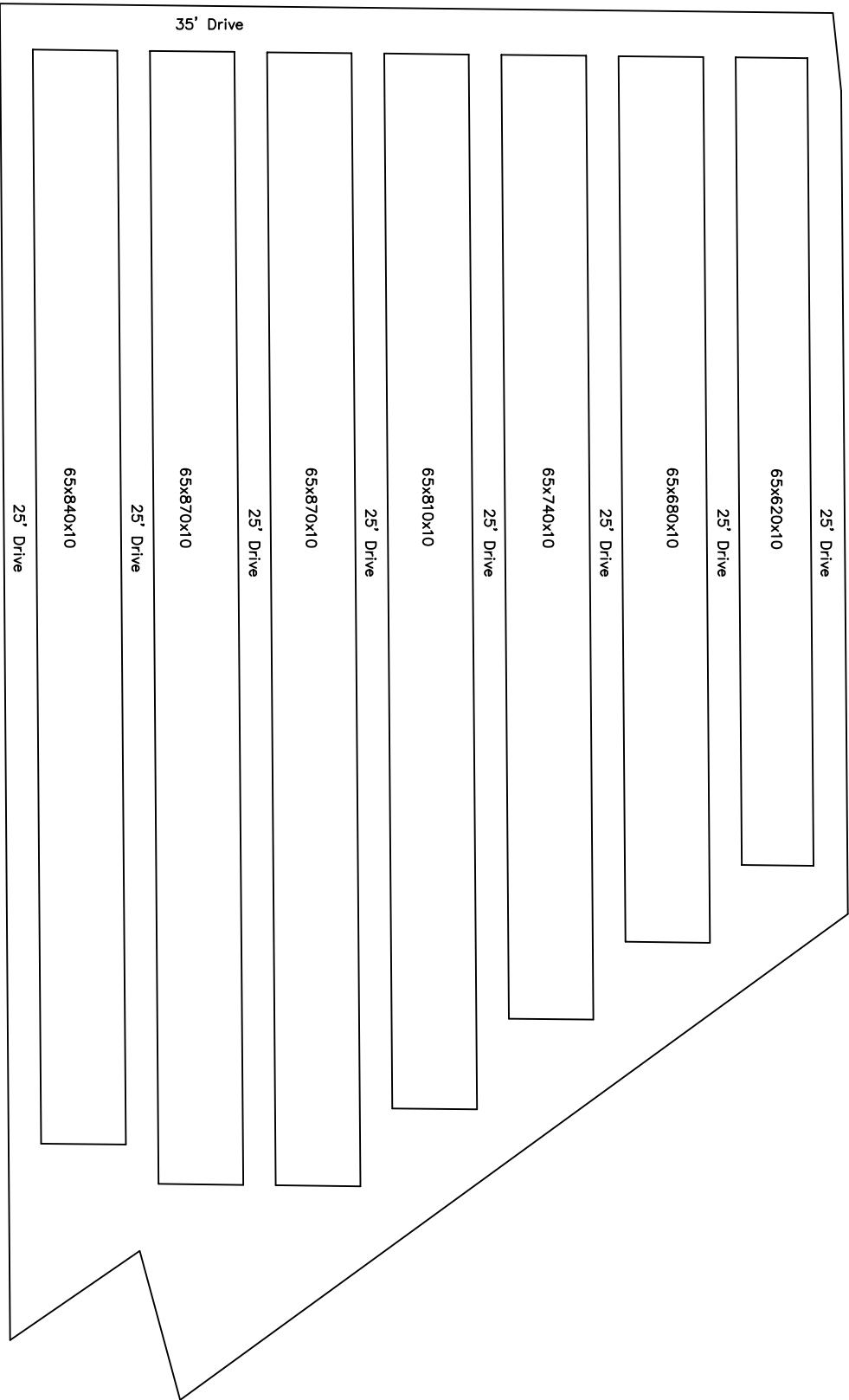
- ☐ I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

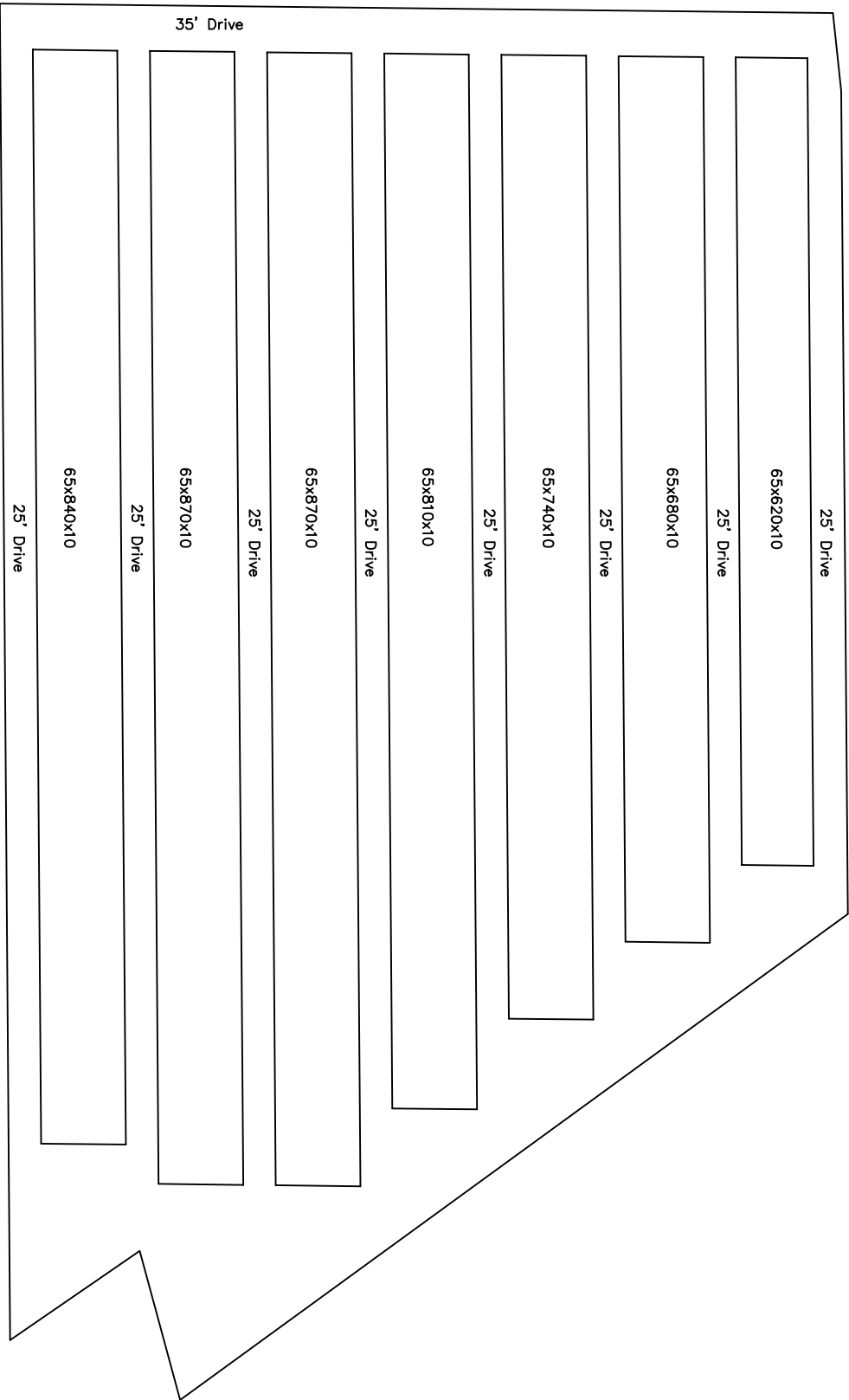
of the property located at \_\_\_\_\_  
and further identified by Assessor's Parcel Number \_\_\_\_\_,  
for which an application is being made to the Division of Planning and Development.

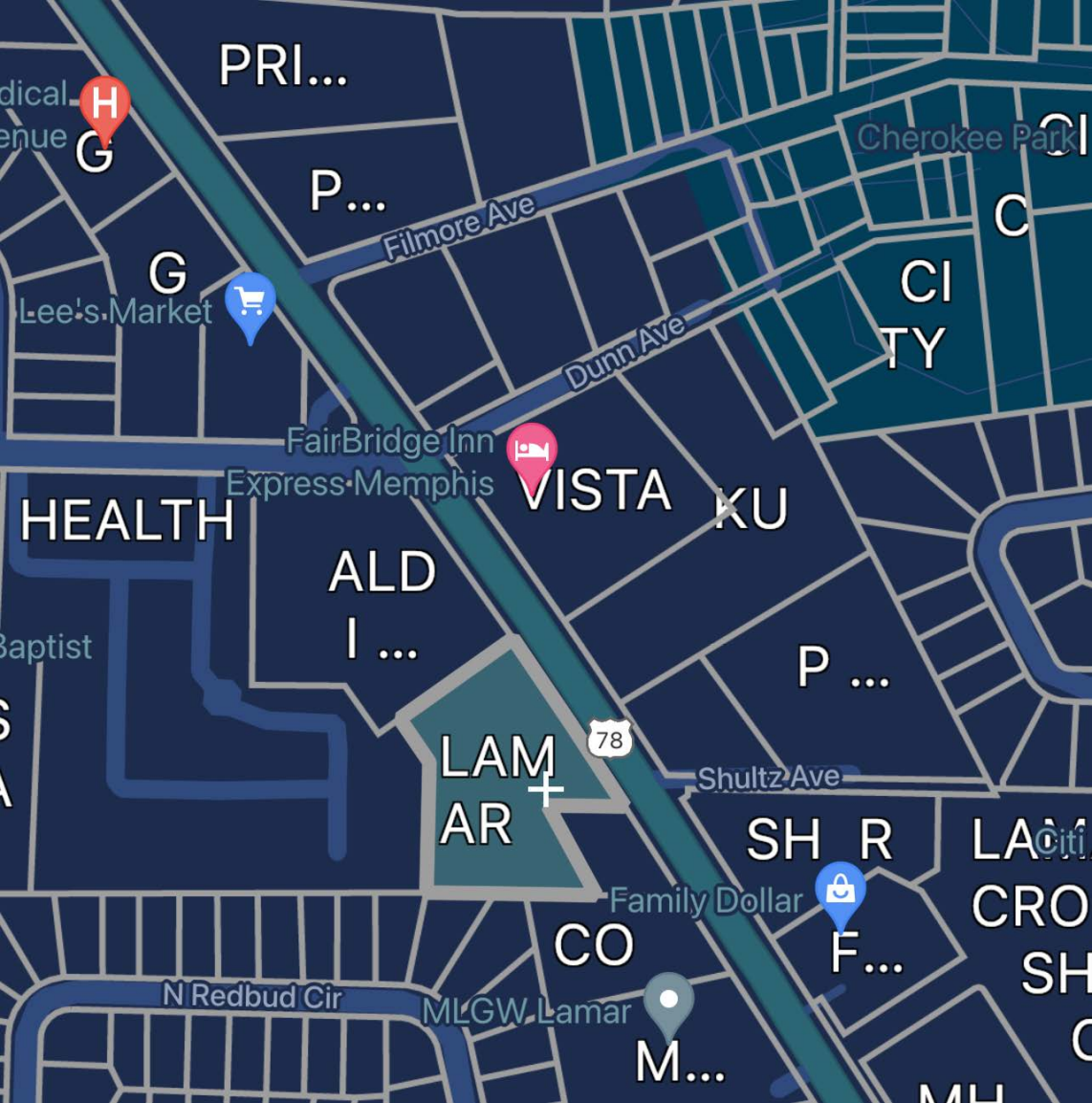
Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
My Commission Expires










*Tom Leatherwood*  
Shelby County Register

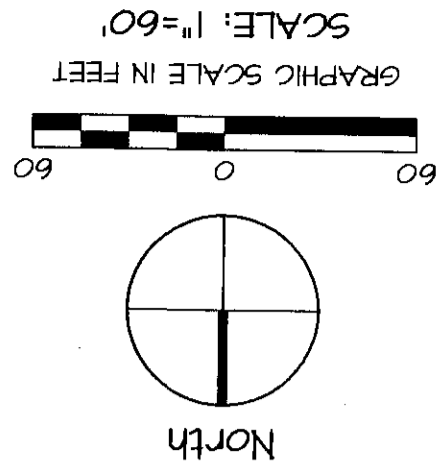
As evidenced by the instrument number shown below, this document  
has been recorded as a permanent record in the archives of the  
Office of the Shelby County Register.

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

key D:\2006\0606\65 Lamar and Dunn\Outline-sleedwg Oct 27, 2006 - 12:27pm

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

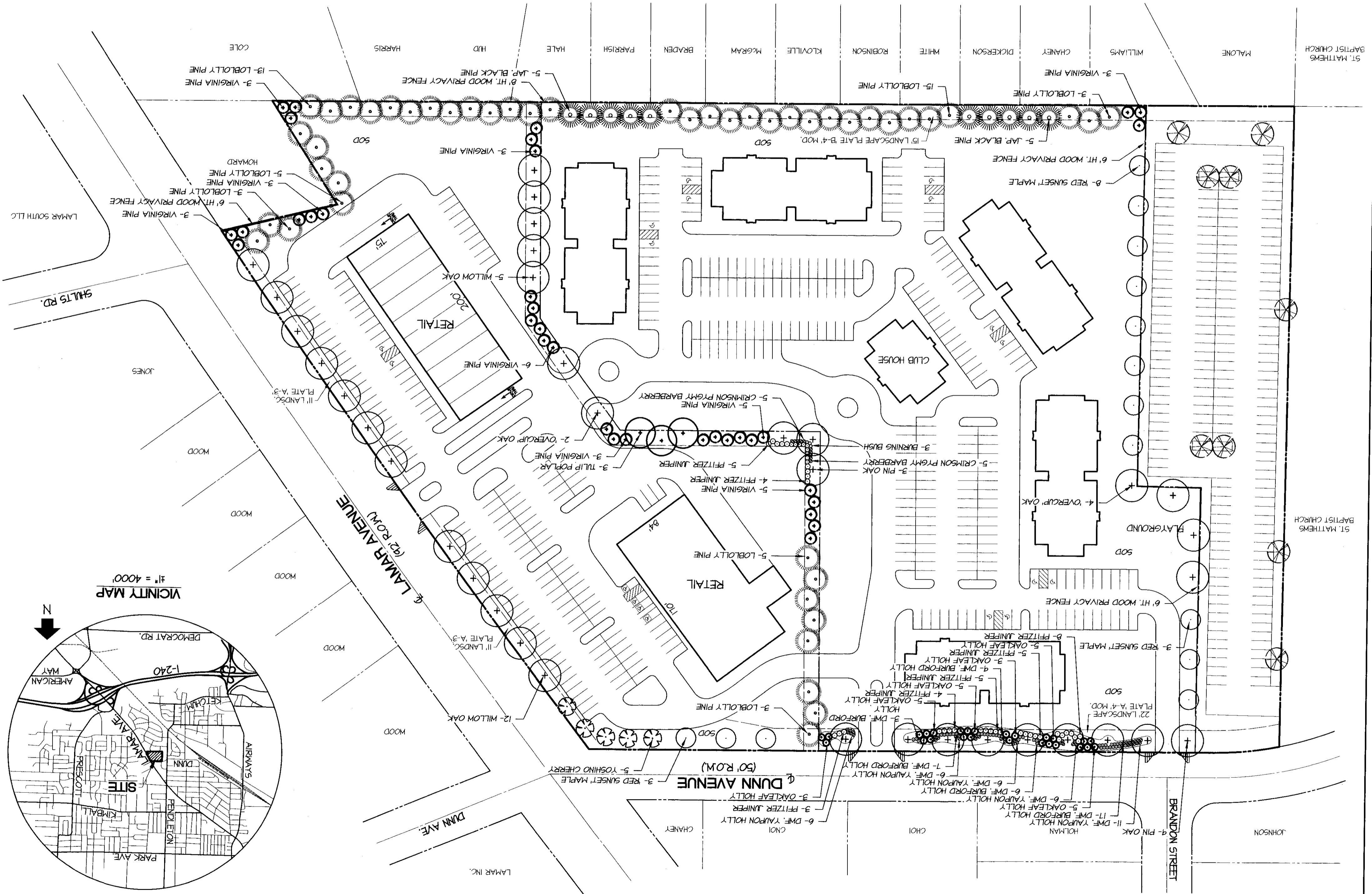
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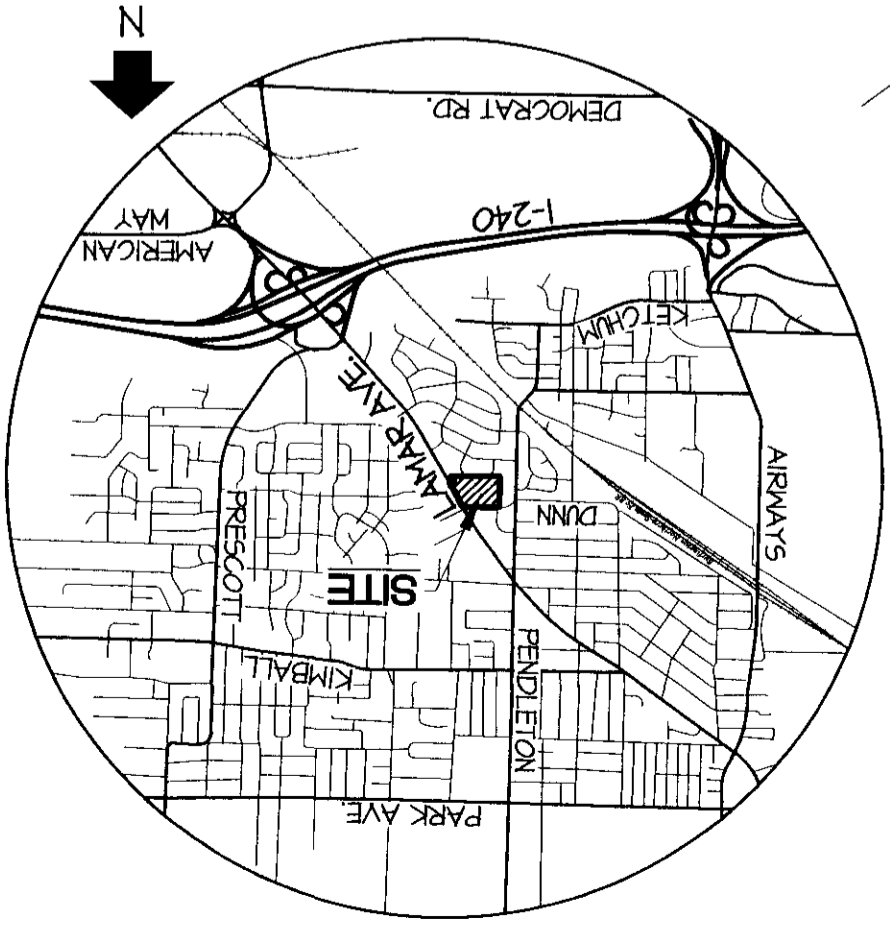
06177206	
10/30/2006	11:35 AM
3 POS : E - PLAT	LIT 445260-617706
PLAT BOOK : 229	PAGE : 39
REGISTER OF DEEDS SHERIFF COUNTY TENNESSEE	
RECORDING FEE	15.00
UP FEE	2.00
TOTAL AMOUNT	17.00

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

# LANDSCAPE PLAN



VICINITY MAP  
1" = 4000'



I. Uses Permitted:

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

II. Bulk Regulations:

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

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

V. Signs:

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

VI. Drainage:

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

VII. Design and Other:

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

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

IX. Any final plan shall include the following:

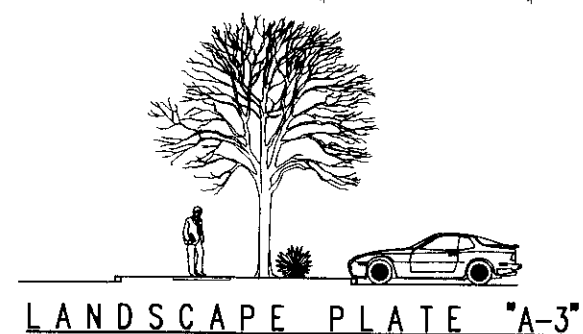
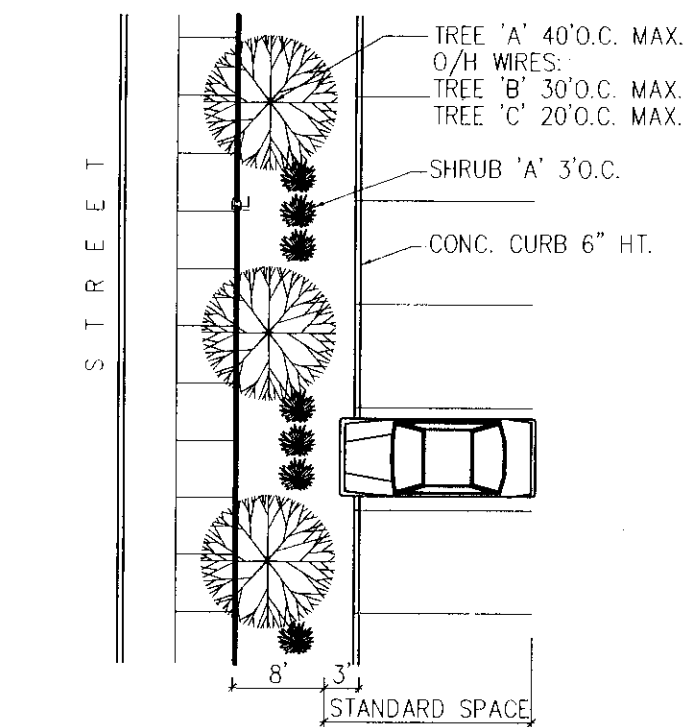
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

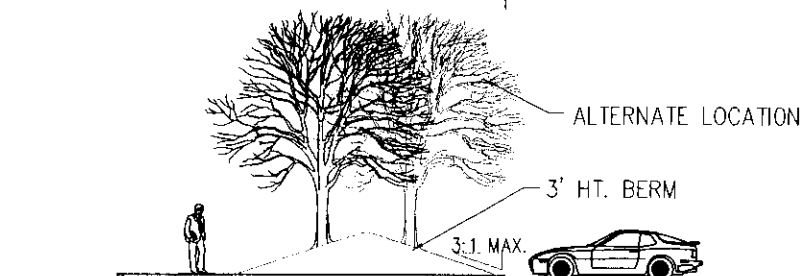
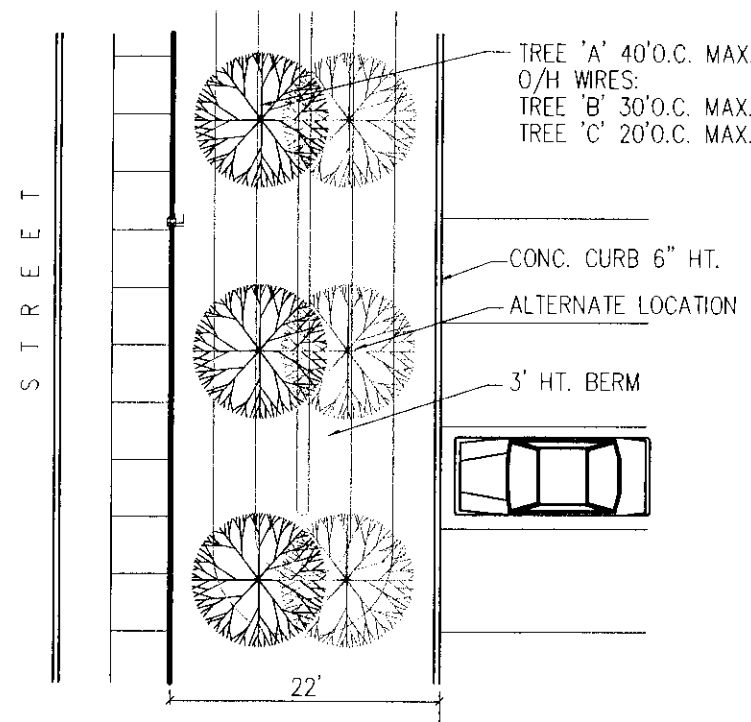
06177206  
10/30/2006 11:35 AM  
4 PGS : R - PLAT  
LIZ 445260-6177206  
PLAT BOOK : 229  
PAGE : 39  
RECORDING FEE 15.00  
DP FEE 2.00  
TOTAL AMOUNT 17.00  
TOM LEATHERWOOD  
REGISTER OF DEEDS SHREVE COUNTY TENNESSEE



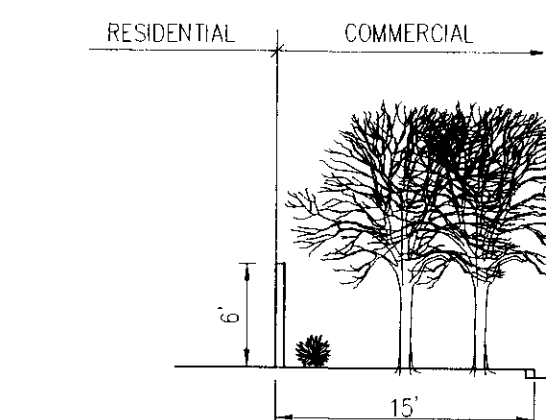
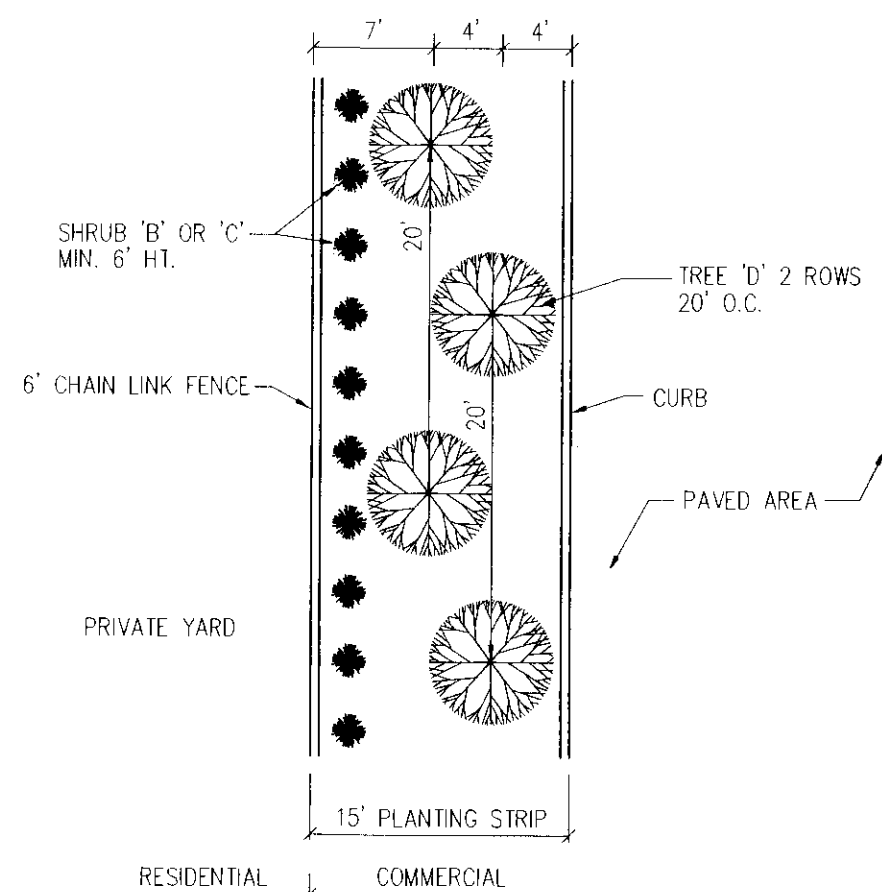
OUTLINE PLAN P.D. 06-313  
**LAMAR CROSSING P.D.**  
OWNER: HORIZON HOLDING COMPANY, LLC  
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC  
13.5 ACRES ON LAMAR AVENUE  
MEMPHIS, TENNESSEE  
OCTOBER, 2006  
SHEET 3 OF 4



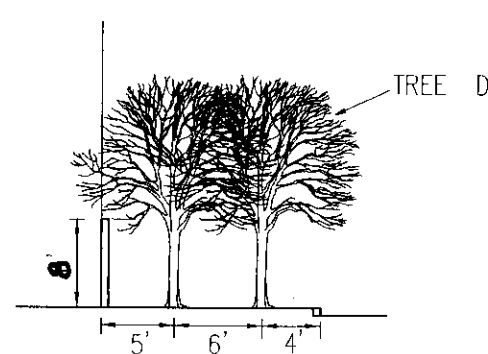
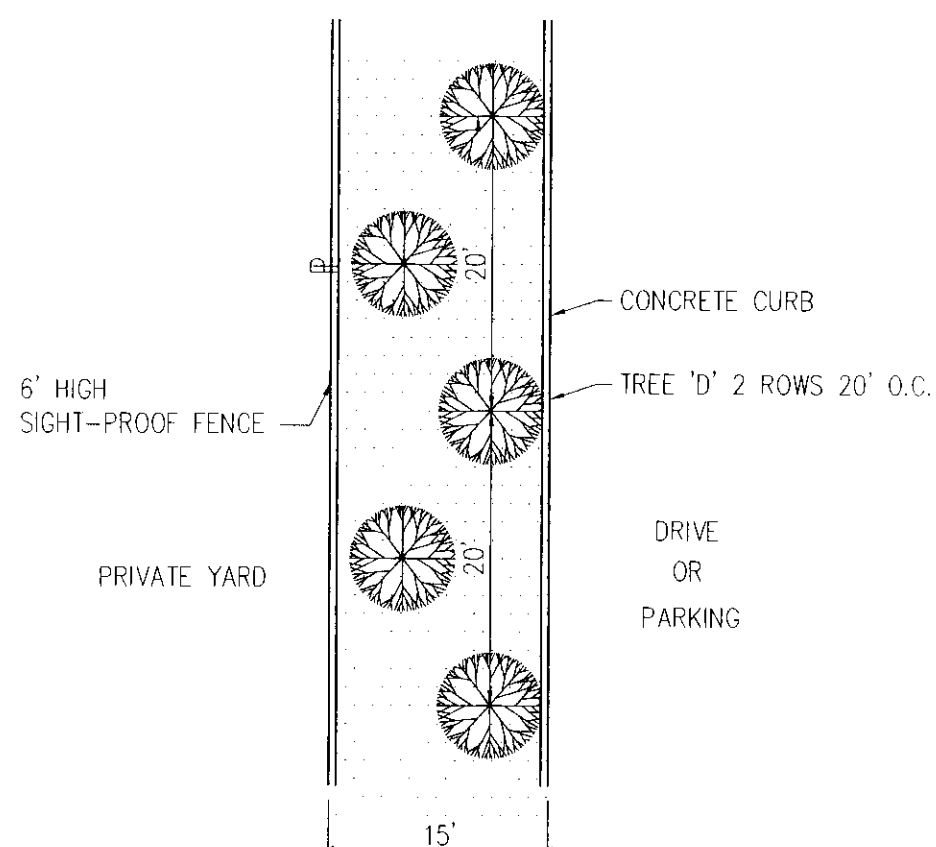
LANDSCAPE PLATE "A-3"



LANDSCAPE PLATE "A-4"



LANDSCAPE PLATE "B-3"



LANDSCAPE PLATE "B-4"

#### OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

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

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

#### OWNER'S CERTIFICATE

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

Signature

#### NOTARY'S CERTIFICATE

State of Tennessee  
County of Shelby

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

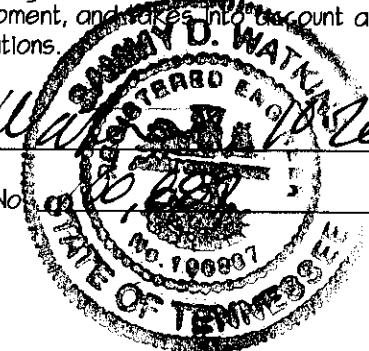
Notary Public Harry Lee Dade  
My Commission Expires NOVEMBER 10, 2008



#### ENGINEER'S CERTIFICATE

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

By: Sammy D. Watkins Date: 10/30/06  
Tennessee Certificate No. 100897



06177206	10/30/2006	11:35 AM
4 PGS : R - PLAT		
GIS : 845286-6177206		
PLAT BOOK : 229		
PAGE : 39		
RECORDING FEE	15.00	
OP FEE	2.00	
TOTAL AMOUNT	17.00	
TOM LEATHERWOOD		
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE		




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



*Tom Leatherwood*  
Shelby County Register

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

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

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

REGISTER OF DEEDS SHERRY COUNTY TENNESSEE

**TOM LEATHERWOOD**

RECORDING FEE: 15.00  
DEED FEE: 2.00  
TOTAL AMOUNT: 17.00

PAGE : 39

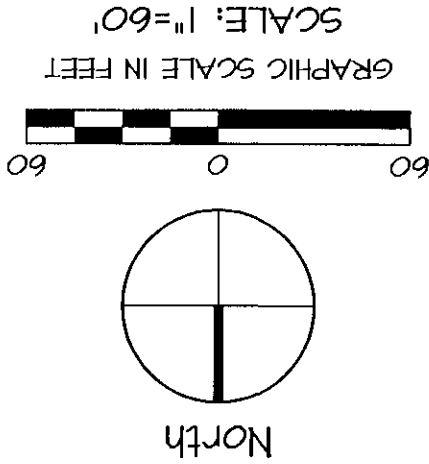

PLAT BOOK : 229

LIT 485260-0117106

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**06177206**



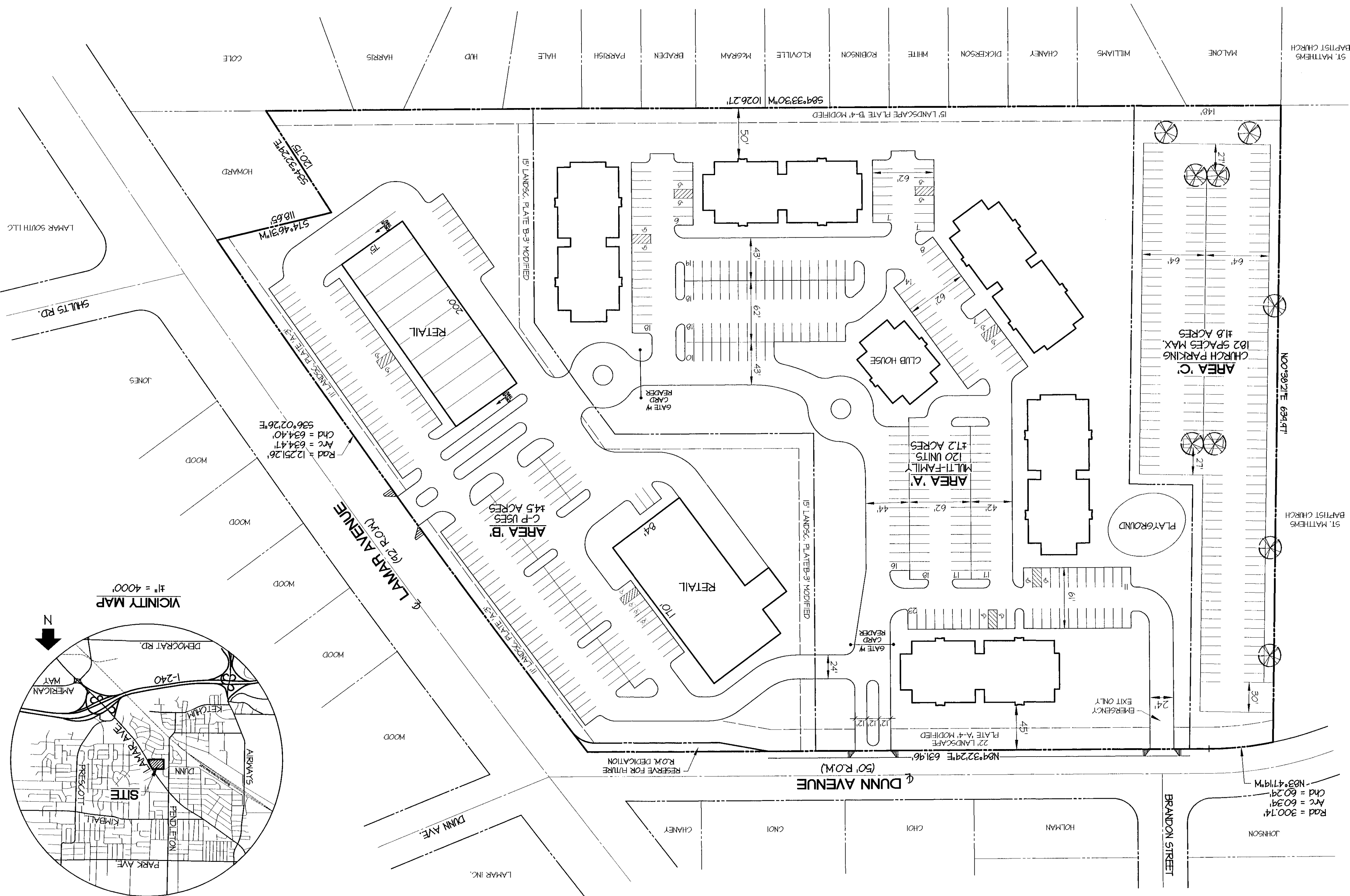
**The Reaves Firm**

Planning  
Engineering  
Landscape Architecture  
Land Surveying

INCORPORATED

5118 Park Avenue, Suite 400 Memphis, TN 38117  
Phone: 901.761.2016 Fax: 901.761.2047  
www.reavesfirm.com

OUTLINE PLAN  
P.D. 06-313  
**LAMAR CROSSING P.D.**  
OWNER: HORIZON HOLDING COMPANY, LLC  
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13.5 ACRES ON LAMAR AVENUE  
MEMPHIS, TENNESSEE  
OCTOBER, 2006  
SHEET 1 OF 4

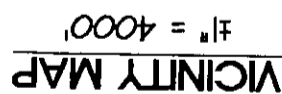


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LANDSCAPE PLAN



OUTLINE PLAN  
P.D. 06-313  
**LAMAR CROSSING P.D.**  
OWNER: HORIZON HOLDING COMPANY, LLC  
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC  
13.5 ACRES ON LAMAR AVENUE  
MEMPHIS, TENNESSEE  
OCTOBER, 2006  
SHEET 2 OF 4



N  
↓

I. Uses Permitted:

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

II. Bulk Regulations:

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

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

V. Signs:

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

VI. Drainage:

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

VII. Design and Other:

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

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

IX. Any final plan shall include the following:

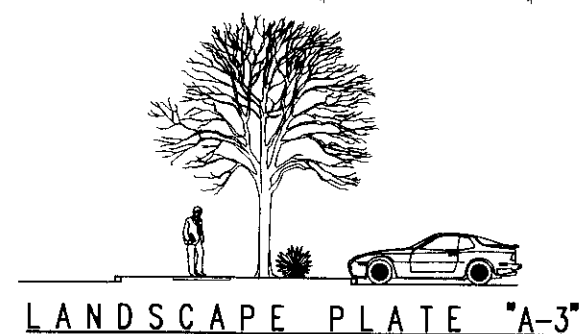
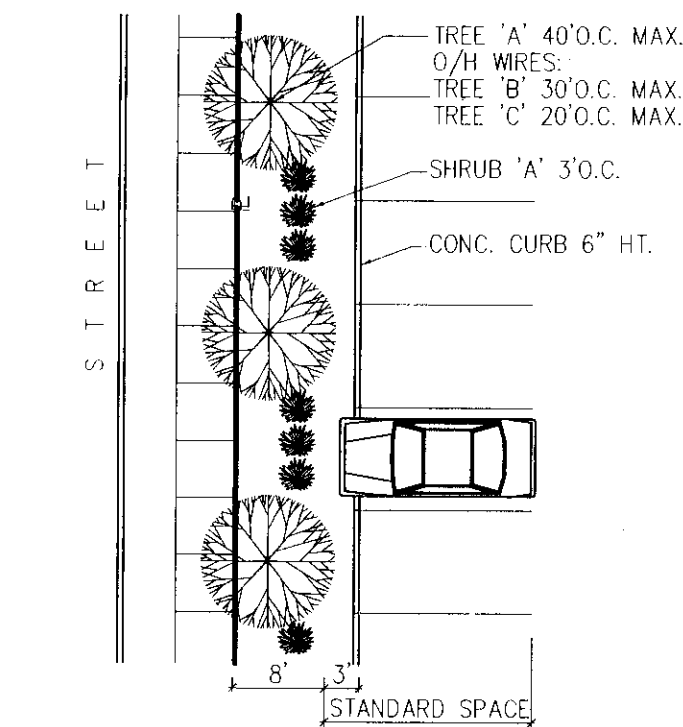
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

" NO BUILDING PERMIT SHALL BE  
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RECORDING OF THIS PLAT "

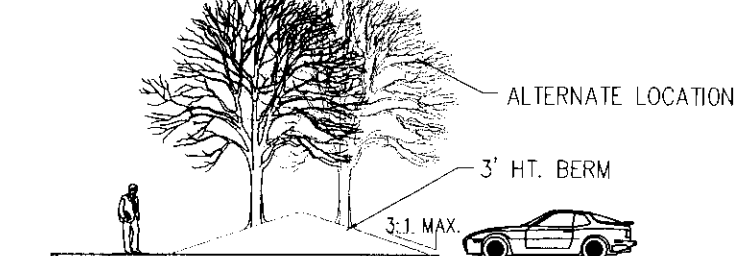
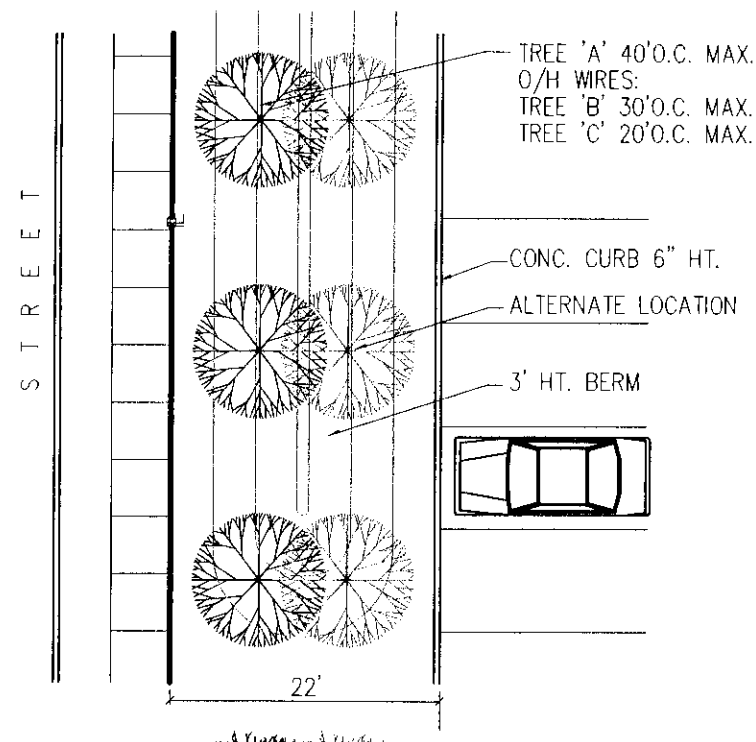
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4 PGS : R - PLAT  
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TOM LEATHERWOOD  
REGISTER OF DEEDS SHREVE COUNTY TENNESSEE



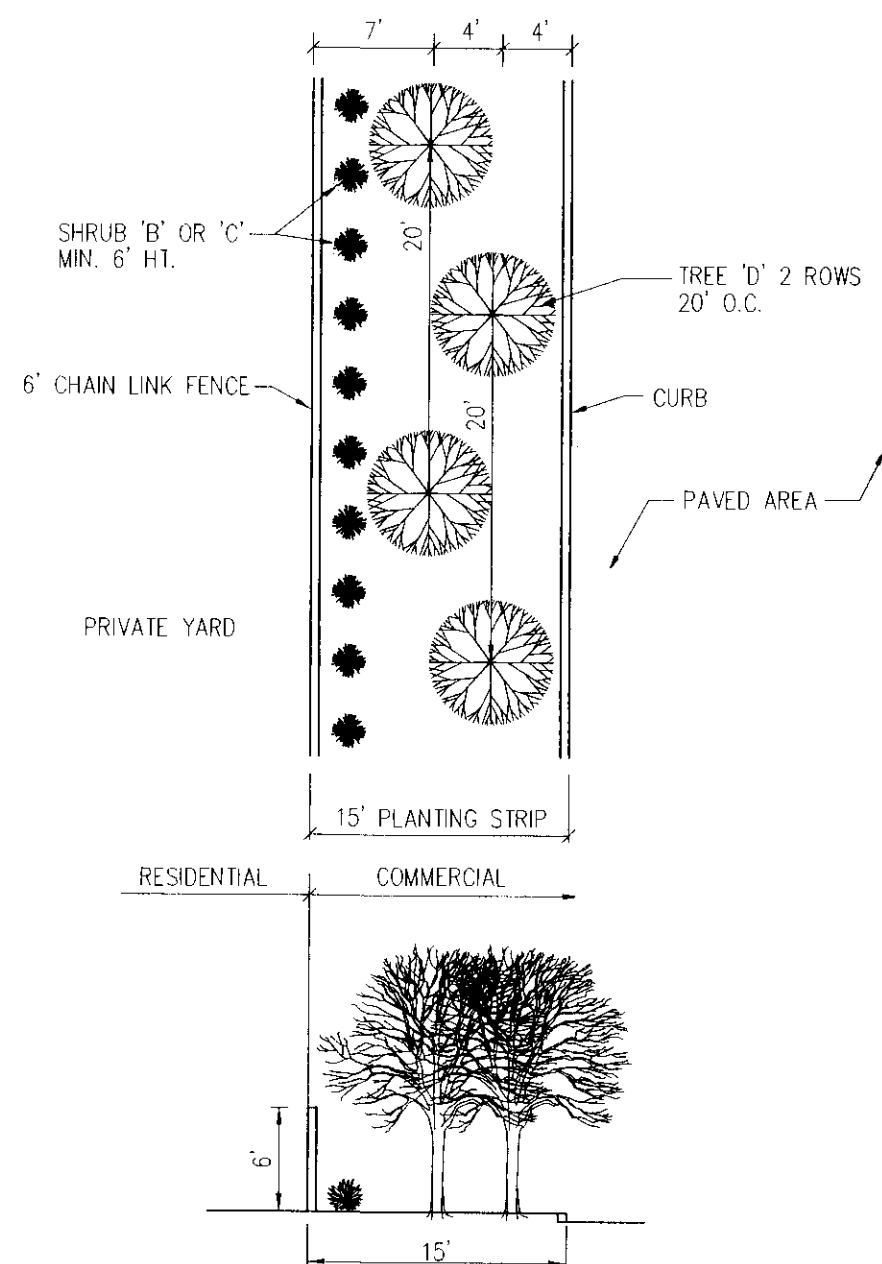
OUTLINE PLAN P.D. 06-313  
**LAMAR CROSSING P.D.**  
OWNER: HORIZON HOLDING COMPANY, LLC  
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC  
13.5 ACRES ON LAMAR AVENUE  
MEMPHIS, TENNESSEE  
OCTOBER, 2006  
SHEET 3 OF 4



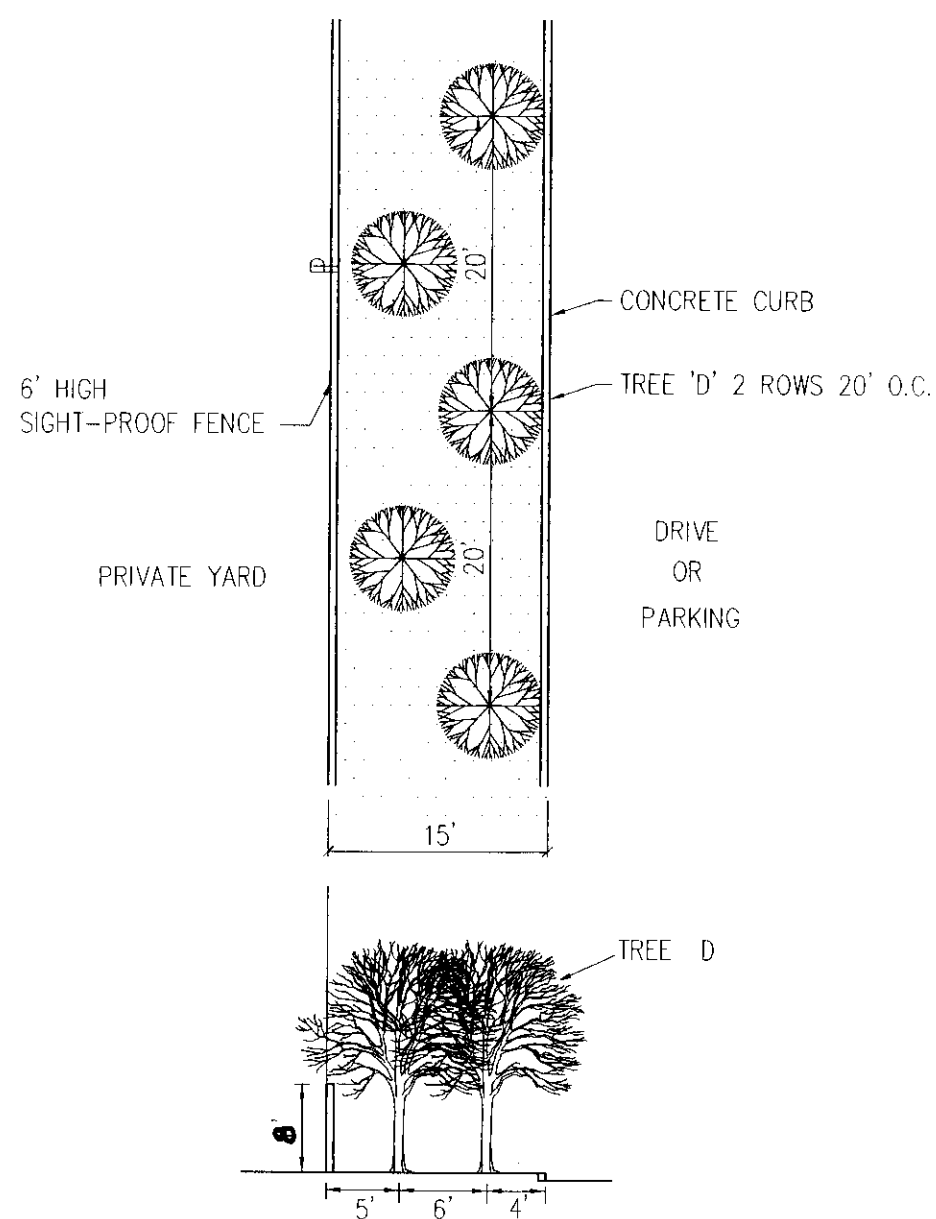
LANDSCAPE PLATE "A-3"



LANDSCAPE PLATE "A-4"



LANDSCAPE PLATE "B-3"



LANDSCAPE PLATE "B-4"

#### OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

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

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

#### OWNER'S CERTIFICATE

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

Signature

#### NOTARY'S CERTIFICATE

State of Tennessee  
County of Shelby

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

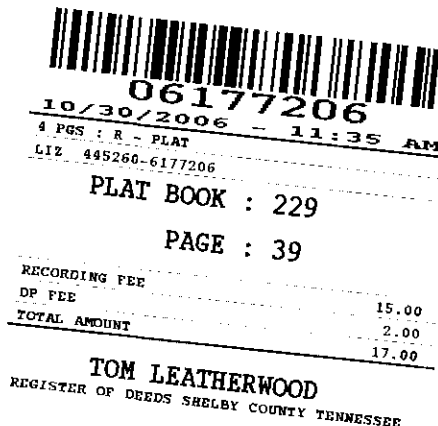
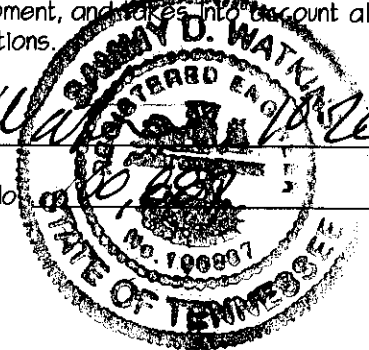
Notary Public Harry Lee Dade  
My Commission Expires NOVEMBER 10, 2008



#### ENGINEER'S CERTIFICATE

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

By: Sammy D. Watkins Date: 10/30/06  
Tennessee Certificate No. 100897



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



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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

20026259

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

3 PGS

LACY 1992319-20026259

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

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

## WARRANTY DEED

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

Sherman Cole and Thomas L. Cole, an undivided 1/2 interest each as tenants in common, party of the first part, and

Lamar Inc., a Tennessee corporation, party of the second part,

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

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

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

This conveyance is made subject to:

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

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

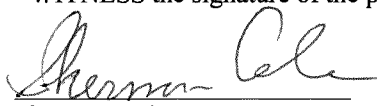
Easements recorded at Instruments E6 6980, T2 1290, 07010137, 12057432 and 15024820; and Book 2031, Page 191; Book 3027, Page 37; Book 3783, Page 633; Book 3799, Page 592; Book 3799, Page 594; and Book 5084, Page 100 as shown in the Register's Office of Shelby County, Tennessee.

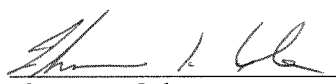
Outline Plan of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 34; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

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

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

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

  
Sherman Cole

  
Thomas L. Cole

20-00073

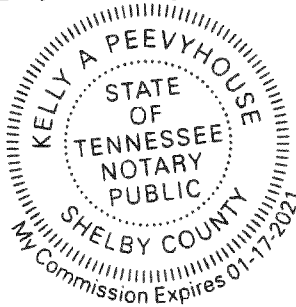
State of Tennessee

County of Shelby

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

WITNESS my hand and seal this 28<sup>th</sup> day of February, 2020.

Kelly A. Peevyhouse  
Notary Public  
My Commission Expires:



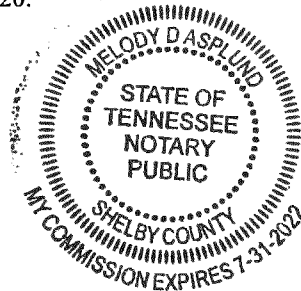
State of: Tennessee  
County of: Shelby

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

Thomas L. Cole  
Affiant

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

Melody Dasplund  
Notary Public  
My Commission Expires:

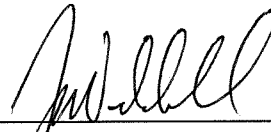


Property Owner & Address:  
& Mail Tax Bills To:  
Lamar Inc.  
837 Avenue Z  
Brooklyn, NY 11235

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

After recording, return to:

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

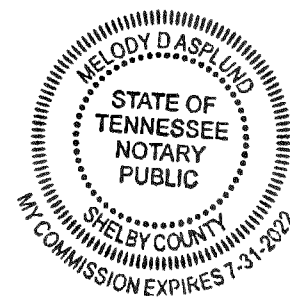
  
\_\_\_\_\_  
J. Seth Waddell

State of Tennessee

County of Shelby

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

  
\_\_\_\_\_  
Notary's Signature



GARCIA JOSE A  
2903 MONTAGUE AVE #  
MEMPHIS TN 38114

THOMAS JUANDA J  
2821 REDBUD CL #  
MEMPHIS TN 38114

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

ROBINSON LINDA  
2832 N REDBUD CIR #  
MEMPHIS TN 38114

MYERS MATTIE  
5075 ROYSTON LN #  
MEMPHIS TN 38125

JAMERSON CLARA  
2854 FLORA AVE #  
MEMPHIS TN 38114

WILLIAMS JANICE  
2826 N REDBUD CIR #  
MEMPHIS TN 38114

EVANS LILLIE G  
2833 REDBUD CL #  
MEMPHIS TN 38114

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

WHITE GWENDOLYN Y  
2820 N REDBUD CIR #  
MEMPHIS TN 38114

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

TAO JENKANG  
22 CHESTNUT PL #  
BROOKLINE MA 2445

HANEY JAMES C  
3617 PHILSDALE AVE #  
MEMPHIS TN 38111

CLARK AND LANGE LLC  
4745 POPLAR AVE #  
MEMPHIS TN 38117

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

ALDI INC  
PO BOX 460049 #  
HOUSTON TX 77056

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

HIATT HAROLD & TAMMY  
385 KNOCO CV #  
EADS TN 38028

LAMAR INC  
837 AVENUE Z #  
BROOKLYN NY 11235

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

BROAD ST LLC  
2595 BROAD AVE #  
MEMPHIS TN 38112

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

WILLIAMS EVERLINA  
2865 REDBUD CIR #  
MEMPHIS TN 38114

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

PRUITT DORIS H  
2067 REDBUD CIR #  
MEMPHIS TN 38114

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

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

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

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

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: [dsmith920@comcast.net](mailto:dsmith920@comcast.net)

Lamar Crossing Planned Development Amendment – Self Storage

Case Number: PD 2024-004

LUCB Recommendation: Rejection

Dear applicant,

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

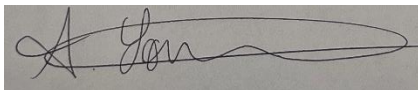
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Alexis Longstreet

Planner I

Land Use and Development Services

Division of Planning and Development

**Letter to Applicant**  
**PD 24-004**

Cc:

File

**Outline Plan Conditions – Revisions**

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

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

I. Uses Permitted:

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

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

II. Bulk Regulations:

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

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

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

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

VII. Design and Other:

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

**Letter to Applicant**  
**PD 24-004**

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

IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 11/12/2024  
DATE**

**PUBLIC SESSION: 11/26/2024  
DATE**

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 1145 East Brooks Road, known as case number PD 2024-011

**CASE NUMBER:** PD 2024-011

**DEVELOPMENT:** Brooks Hernando Planned Development

**LOCATION:** 1145 East Brooks Road

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

**OWNER/APPLICANT:** Russ Rudolph, LG Investments, LLC

**REPRESENTATIVE:** Mark Jobe, Glankler Brown, PLLC

**REQUEST:** Add land to existing commercial Brooks Hernando Planned Development

**AREA:** +/-7.06 acres

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

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**  
Hearing – November 26, 2024

**PRIOR ACTION ON ITEM:**

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>10/10/2024</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT #
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

**DATE**

**POSITION**

_____	_____	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

\_\_\_\_\_  
**COMMITTEE CHAIRMAN**



## **Memphis City Council Summary Sheet**

### **PD 24-11**

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 1145 EAST BROOKS ROAD, KNOWN AS CASE NUMBER PD 24-11

- This item is a resolution with conditions to allow a add land to existing commercial Brooks Hernando Planned Development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, October 10, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 24-11
<b>DEVELOPMENT:</b>	Brooks Hernando Planned Development
<b>LOCATION:</b>	1145 East Brooks Road
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Russ Rudolph, LG Investments, LLC
<b>REPRESENTATIVE:</b>	Mark Jobe, Glankler Brown, PLLC
<b>REQUEST:</b>	Add land to existing commercial Brooks Hernando Planned Development
<b>EXISTING ZONING:</b>	Commercial Mixed Use – 3 (CMU-3)
<b>AREA:</b>	+/-1.56 acres

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**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 revisions to the outline plan conditions.

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

Respectfully,



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

Cc: Committee Members  
File

**PD 24-11**  
**CONDITIONS**

**Outline/General Plan Conditions**

**I. Uses Permitted**

- A. Any use permitted by right or administrative site plan review in the ~~highway commercial (C-H)~~ **CMU-3** district, and outdoor storage, except for adult entertainment places, taverns, night clubs and cocktail lounges, and liquor stores.
- B. Existing dwellings may remain in use, subject to the regulations on nonconforming uses and structures, Section 30.

**II. Bulk Requirements**

- A. The bulk regulations of the CMU-3 district shall apply, except that a 30-foot setback is permitted when the front yard setback is landscaped and/or not devoted to parking area,

**III. Access, Parking, and Circulation**

- A. The number, location and design of curb cuts shall be determined as part of the final Plan review and is subject to the approval of the city engineer.
- B. Hernando Road shall be dedicated to 34 feet from the centerline. Improvements not required,

**IV. Landscaping**

- A. The west property line shall be screened with Plate H, (20 feet Wide), and a minimum six-foot-high chain link fence with barbed wire on top substituted for the sight-proof wooden fence.
- B. The Hernando Road frontage shall be landscaped with Plate Y.
- C. Light standards within 100 feet of the west property line shall not exceed 10 feet in height.
- D. Existing vegetation within 10 feet of the east line of Parcel VI where it abuts the Nonconnah Baptist Church property shall be retained.
- E. Equivalent landscaping may be substituted for that required above subject to the approval of the office of planning and development.
- F. Lighting shall be directed so as to not glare onto residential property,
- G. Refuse containers shall] be completely screened from view from adjacent 'Properties,

**V. Signage**

- A. Detached and attached signs shall be governed by CMU-3 district regulations.
- B. Advertising signs (billboards) are prohibited.

**VI. Drainage**

- A. All drainage plans shall be submitted to the city engineer for review.

**VII. The land use control board may modify the building setback and height, access, parking, landscaping and signage requirements if equivalent alternatives are presented.**

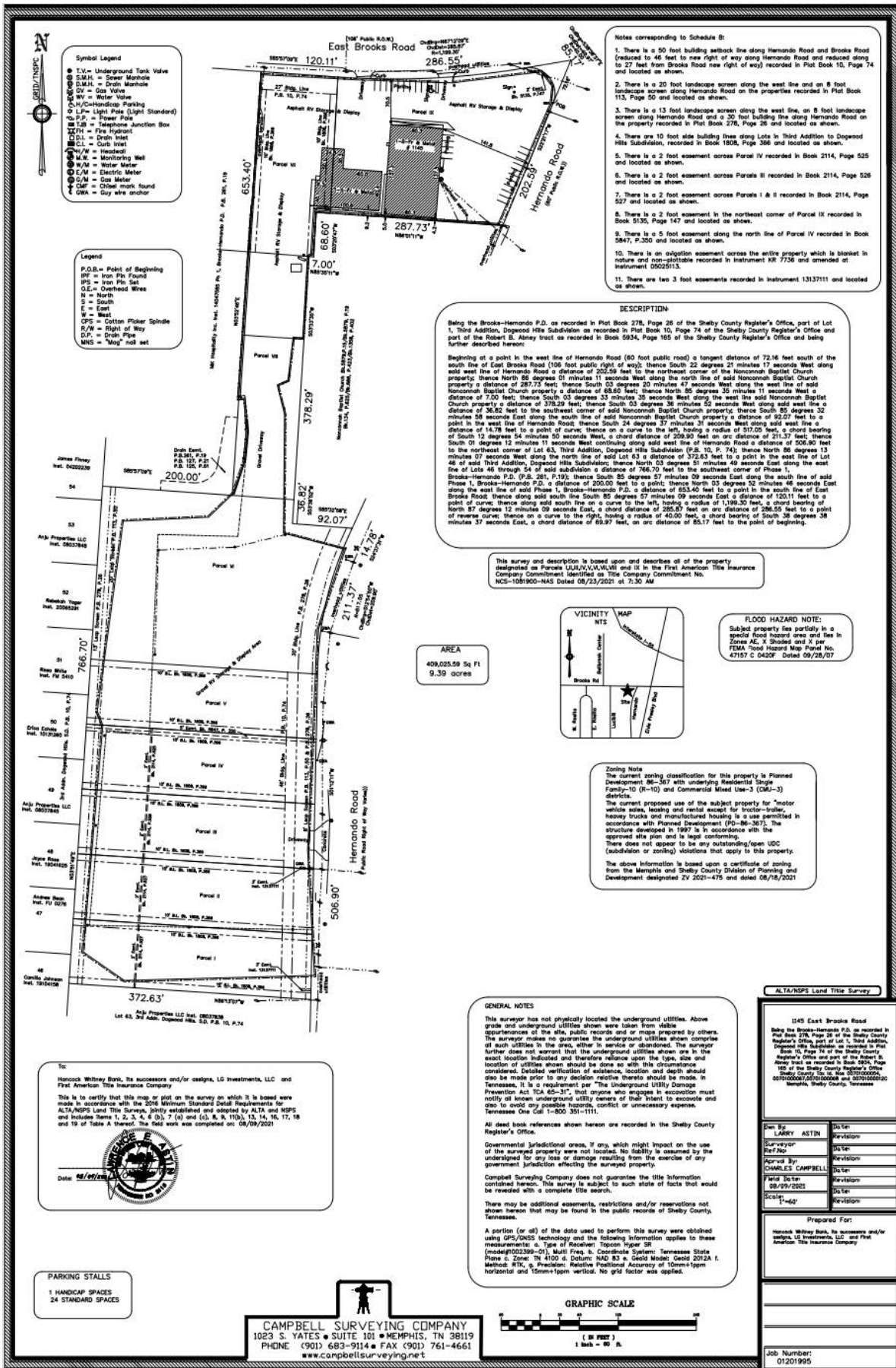
**VIII. A final plan shall be filed within five years of approval of the outline plan. the land use control! board may grant extensions, at the request of the applicant**

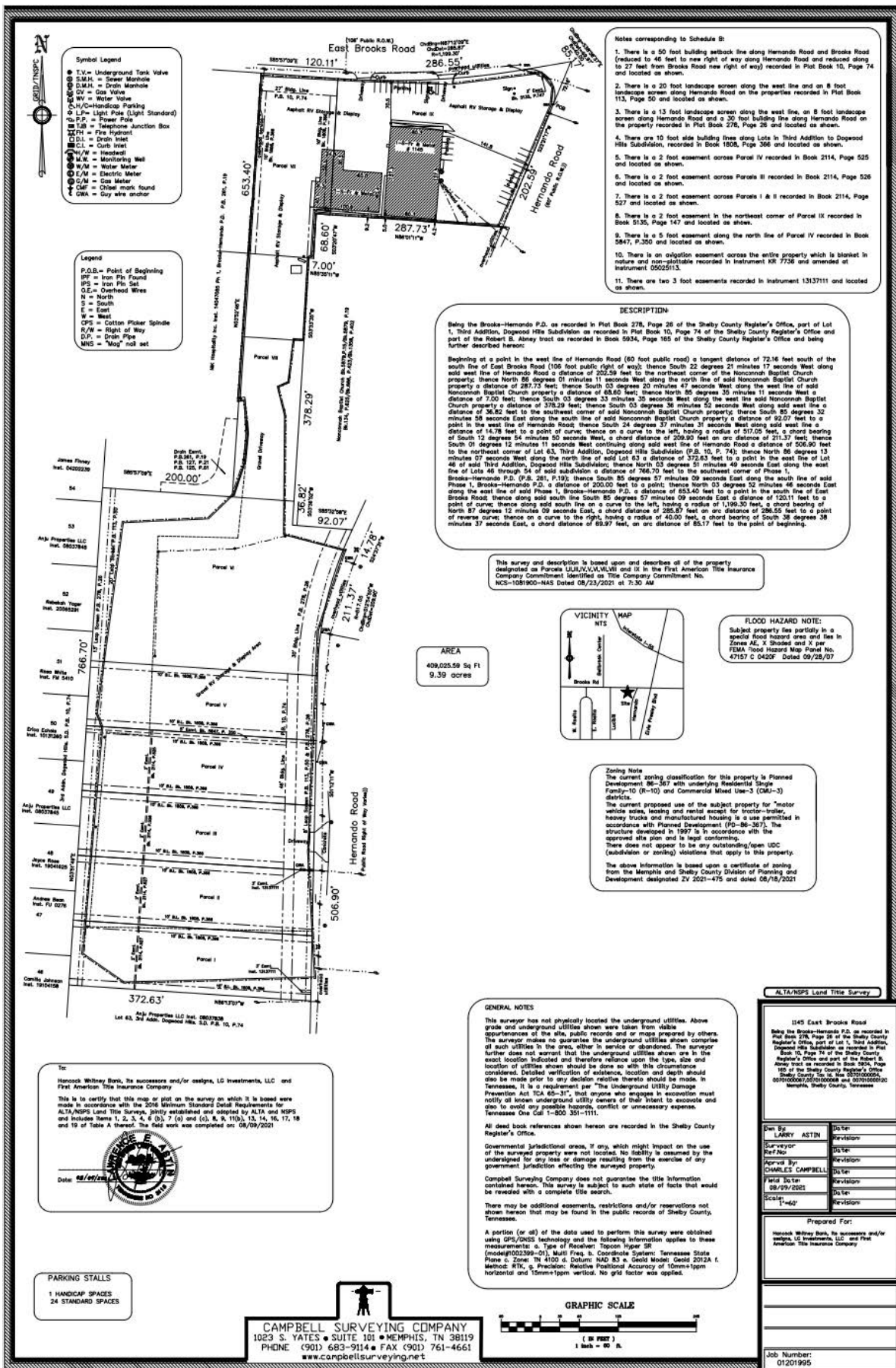
**IX. Any final plan shall include the following.**

- A. The outline plan conditions;
- B. A standard subdivision contract as defined by the subdivision regulations;
- C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, required landscaping;
- D. The number of parking spaces;
- E. The location and ownership, whether public or private of any easement;
- F. A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance purposes,

7. Current or subsequent owners of property within this planned development may request amendments to the plan without the consent ~~of notification~~ of the other owners area of the proposed amendments shall extend from the boundary of the entire development.

# CONCEPT PLAN





**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 1145 EAST BROOKS ROAD, KNOWN AS CASE NUMBER PD 24-11**

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

**WHEREAS**, Russ Rudolph, LG Investments, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to add land to existing commercial Brooks Hernando Planned Development; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 10, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

## OUTLINE PLAN CONDITIONS

### I. Uses Permitted

A. Any use permitted by right or administrative site plan review in the ~~highway commercial (C-H)~~ **CMU-3** district, and outdoor storage, except for adult entertainment places, taverns, night clubs and cocktail lounges, and liquor stores.

B. Existing dwellings may remain in use, subject to the regulations on nonconforming uses and structures, Section 30.

### II. Bulk Requirements

A. The bulk regulations of the CMU-3 district shall apply, except that a 30-foot setback is permitted when the front yard setback is landscaped and/or not devoted to parking area,

### III. Access, Parking, and Circulation

A. The number, location and design of curb cuts shall be determined as part of the final Plan review and is subject to the approval of the city engineer.

B. Hernando Road shall be dedicated to 34 feet from the centerline. Improvements not required,

### IV. Landscaping

A. The west property line shall be screened with Plate H, (20 feet Wide), and a minimum six-foot-high chain link fence with barbed wire on top substituted for the sight-proof wooden fence.

B. The Hernando Road frontage shall be landscaped with Plate Y.

C. Light standards within 100 feet of the west property line shall not exceed 10 feet in height.

D. Existing vegetation within 10 feet of the east line of Parcel VI where it abuts the Nonconnah Baptist Church property shall be retained.

E. Equivalent landscaping may be substituted for that required above subject to the approval of the office of planning and development.

F. Lighting shall be directed so as to not glare onto residential property,

G. Refuse containers shall] be completely screened from view from adjacent 'Properties,

### V. Signage

A. Detached and attached signs shall be governed by CMU-3 district regulations.

B. Advertising signs (billboards) are prohibited.

### VI. Drainage

A. All drainage plans shall be submitted to the city engineer for review.

VII. The land use control board may modify the building setback and height, access, parking, landscaping and signage requirements if equivalent alternatives are presented.

VIII. A final plan shall be filed within five years of approval of the outline plan. the land use control! board may grant extensions, at the request of the applicant

IX. Any final plan shall include the following.

A. The outline plan conditions;

B. A standard subdivision contract as defined by the subdivision regulations;

C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, required landscaping;

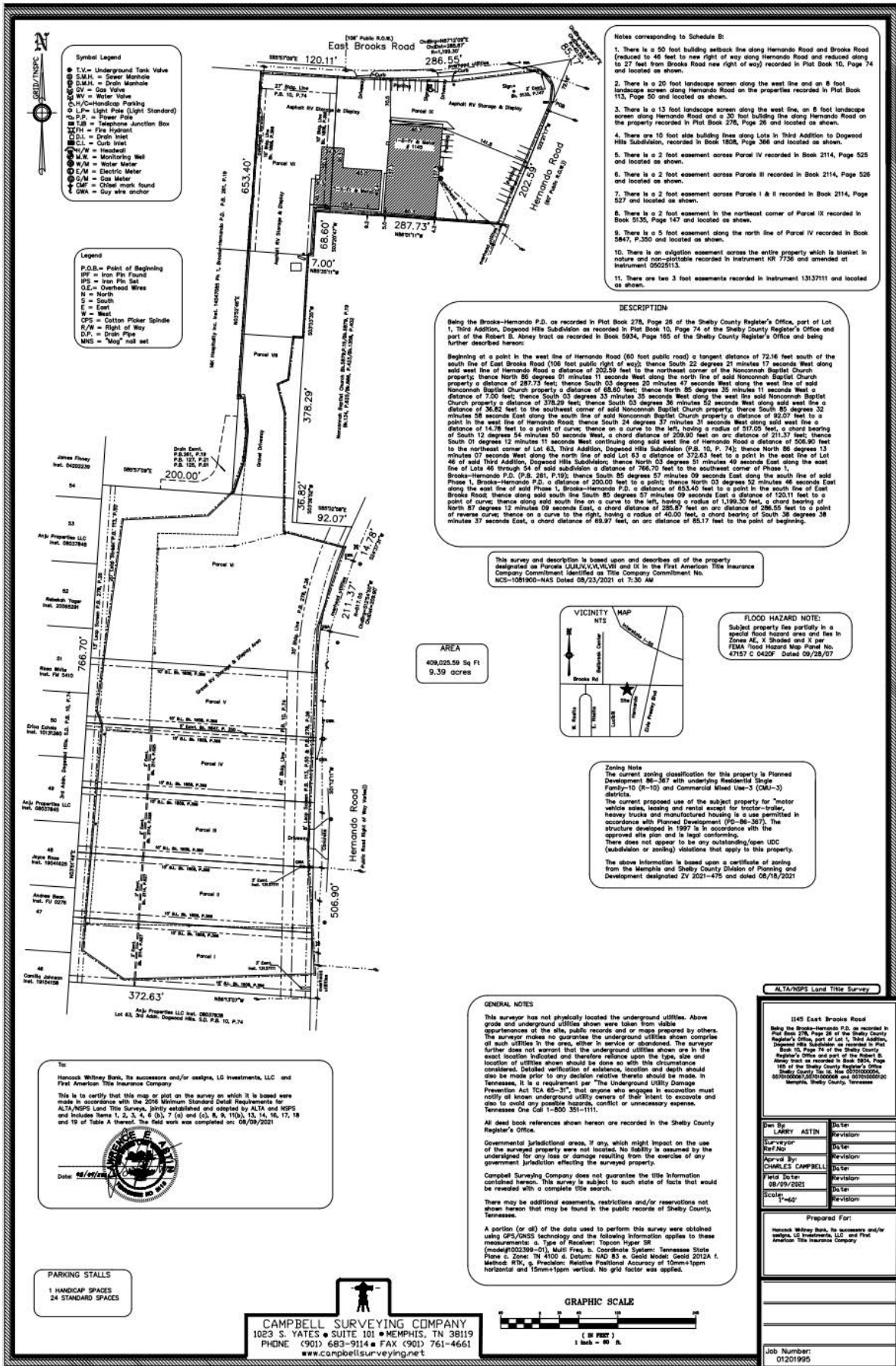
D. The number of parking spaces;

E. The location and ownership, whether public or private of any easement;

F. A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance purposes,

7. Current or subsequent owners of property within this planned development may request amendments to the plan without the consent of ~~notification~~ **of the other owners** area of the proposed amendments shall extend from the boundary of the entire development.

# CONCEPT PLAN



***ATTEST:***

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

**AGENDA ITEM:** 4 **L.U.C.B. MEETING:** October 10, 2024

**CASE NUMBER:** PD 2024-011 (CORRES PD 1986-367)

**DEVELOPMENT:** Brooks Hernando PD

**LOCATION:** 1145 East Brooks Road

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

**OWNER/APPLICANT:** Russ Rudolph, LG Investments, LLC

**REPRESENTATIVE:** Mark Jobe, Glankler Brown, PLLC

**REQUEST:** Add land to existing commercial Brooks Hernando Planned Development

**EXISTING ZONING:** Commercial Mixed Use – 3 (CMU-3)

## CONCLUSIONS

1. The subject property is noted as Parcel IV of the Brooks Hernando Planned Development.
2. PD 1986-367 is comprised of three parcels all addressed 0 East Brooks Road (077010 00067, 077010 00068, and 077010 00012C).
3. The applicant is not proposing a new use at this time and would be operating uses originally approved in the outline plan conditions for “motor vehicle sales, leasing and rental except for tractor-trailer, heavy trucks and manufactured housing.”
4. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

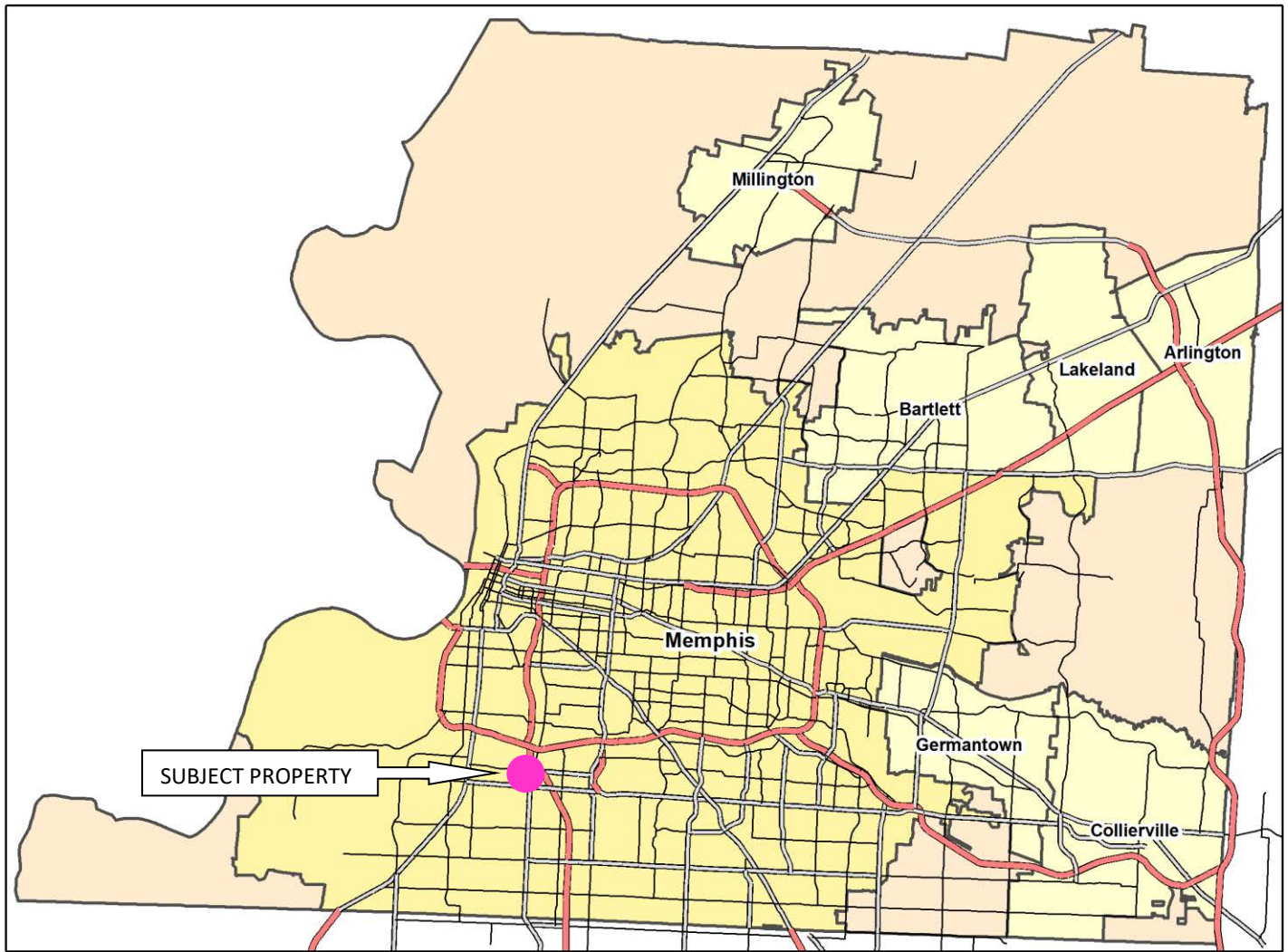
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 23 – 25 of this report.

## RECOMMENDATION:

*Approval with conditions*

**LOCATION MAP**



Subject property located within the pink circle

## PUBLIC NOTICE VICINITY MAP

Subject property highlighted in yellow

## PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 27 notices were mailed July 11, 2024, see pages 26 – 27 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 29 of this report for a copy of the sign affidavit.

## NEIGHBORHOOD MEETING

The meeting was held at 4:00 PM on Tuesday, August 27, 2024, at Great American RV Dealership at 1145 East Brooks Road.



**AERIAL**



Subject property outlined in yellow, Proposed added land highlighted in red imagery from 2024

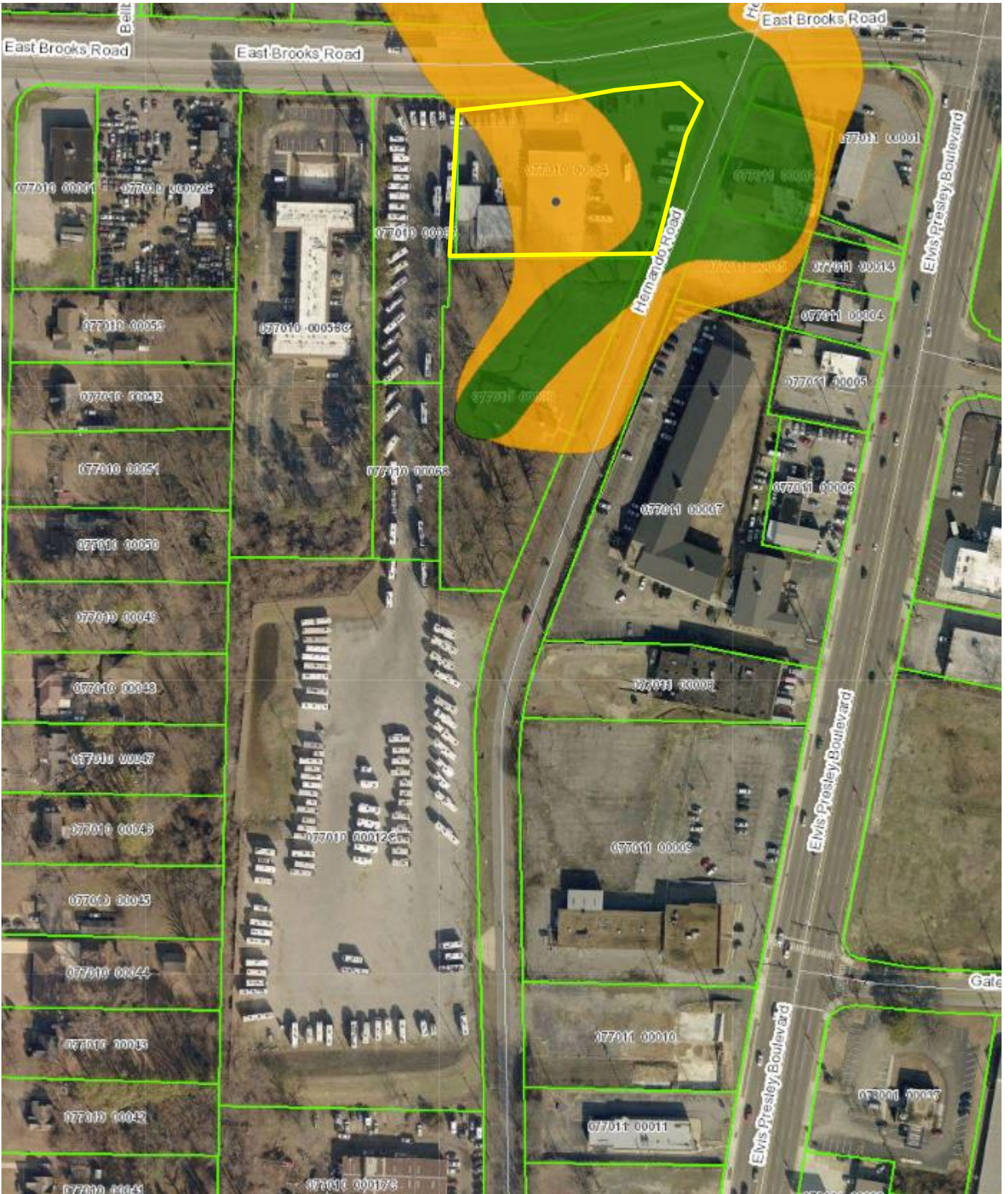
This is an aerial map of a residential area, likely in Memphis, Tennessee, based on the street names and parcel numbers. The map shows a grid of property lots, many of which are outlined in green. A large area in the center-right is outlined in yellow, and a smaller area within it is outlined in red. Various labels are overlaid on the map, including street names, parcel numbers, and specific area identifiers.

**Streets:**

- East Brooks Road (top)
- West Rosta Circle (left)
- East Rosta Circle (bottom left)
- Elvis Presley Boulevard (right)
- Memoriam Road (diagonal, center-right)
- Lucifer Road (vertical, center-left)

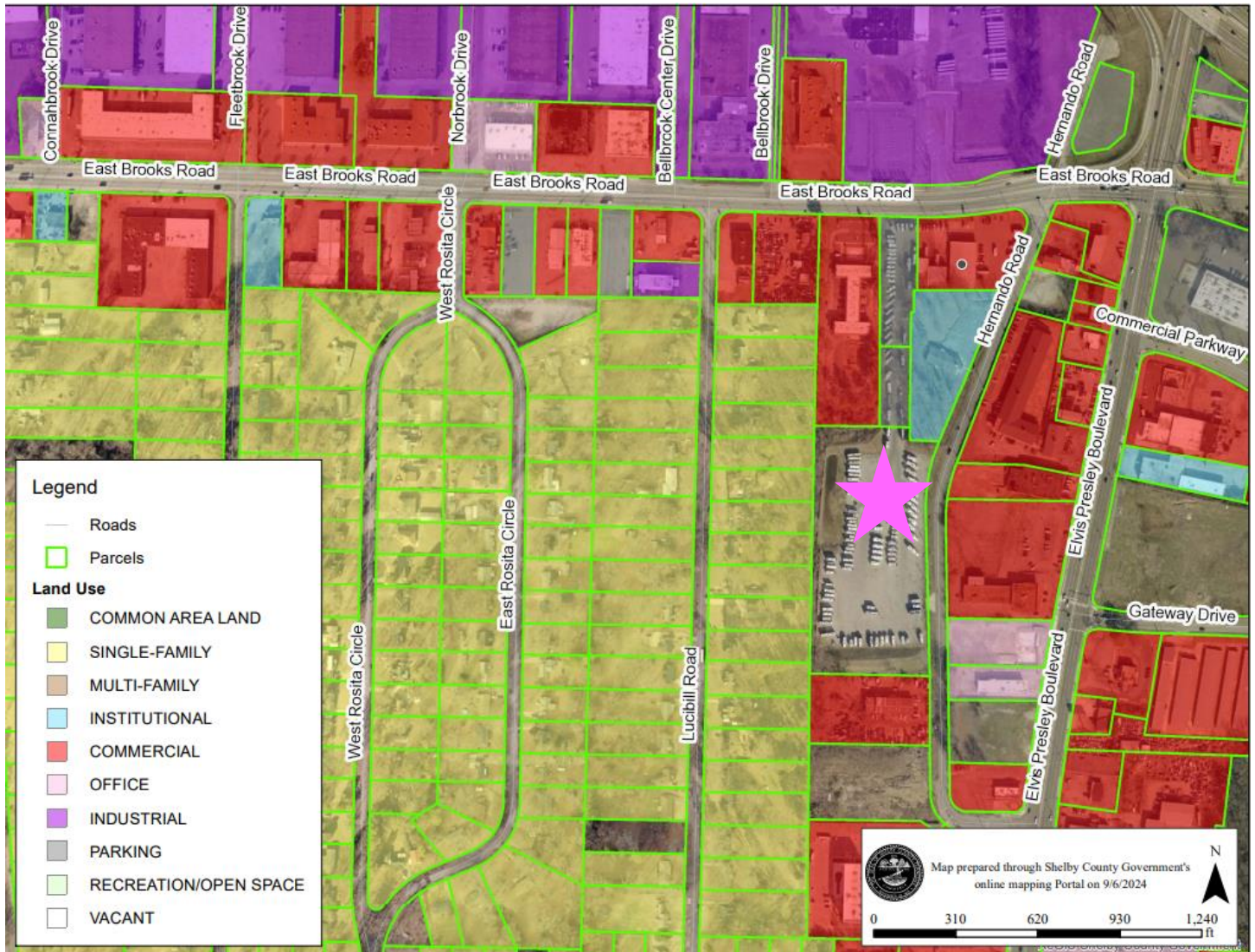
**Parcel Numbers:** Numerous parcel numbers are visible, such as 077009 00008, 077010 00004, 077011 00001, 077012 00002, 077013 00003, 077014 00004, 077015 00005, 077016 00006, 077017 00007, 077018 00008, 077019 00009, 077020 00010, 077021 00011, 077022 00012, 077023 00013, 077024 00014, 077025 00015, 077026 00016, 077027 00017, 077028 00018, 077029 00019, 077030 00020, 077031 00021, 077032 00022, 077033 00023, 077034 00024, 077035 00025, 077036 00026, 077037 00027, 077038 00028, 077039 00029, 077040 00030, 077041 00031, 077042 00032, 077043 00033, 077044 00034, 077045 00035, 077046 00036, 077047 00037, 077048 00038, 077049 00039, 077050 00040, 077051 00041, 077052 00042, 077053 00043, 077054 00044, 077055 00045, 077056 00046, 077057 00047, 077058 00048, 077059 00049, 077060 00050, 077061 00051, 077062 00052, 077063 00053, 077064 00054, 077065 00055, 077066 00056, 077067 00057, 077068 00058, 077069 00059, 077070 00060, 077071 00061, 077072 00062, 077073 00063, 077074 00064, 077075 00065, 077076 00066, 077077 00067, 077078 00068, 077079 00069, 077080 00070, 077081 00071, 077082 00072, 077083 00073, 077084 00074, 077085 00075, 077086 00076, 077087 00077, 077088 00078, 077089 00079, 077090 00080, 077091 00081, 077092 00082, 077093 00083, 077094 00084, 077095 00085, 077096 00086, 077097 00087, 077098 00088, 077099 00089, 077100 00090, 077101 00091, 077102 00092, 077103 00093, 077104 00094, 077105 00095, 077106 00096, 077107 00097, 077108 00098, 077109 00099, 077110 00100, 077111 00101, 077112 00102, 077113 00103, 077114 00104, 077115 00105, 077116 00106, 077117 00107, 077118 00108, 077119 00109, 077120 00110, 077121 00111, 077122 00112, 077123 00113, 077124 00114, 077125 00115, 077126 00116, 077127 00117, 077128 00118, 077129 00119, 077130 00120, 077131 00121, 077132 00122, 077133 00123, 077134 00124, 077135 00125, 077136 00126, 077137 00127, 077138 00128, 077139 00129, 077140 00130, 077141 00131, 077142 00132, 077143 00133, 077144 00134, 077145 00135, 077146 00136, 077147 00137, 077148 00138, 077149 00139, 077150 00140, 077151 00141, 077152 00142, 077153 00143, 077154 00144, 077155 00145, 077156 00146, 077157 00147, 077158 00148, 077159 00149, 077160 00150, 077161 00151, 077162 00152, 077163 00153, 077164 00154, 077165 00155, 077166 00156, 077167 00157, 077168 00158, 077169 00159, 077170 00160, 077171 00161, 077172 00162, 077173 00163, 077174 00164, 077175 00165, 077176 00166, 077177 00167, 077178 00168, 077179 00169, 077180 00170, 077181 00171, 077182 00172, 077183 00173, 077184 00174, 077185 00175, 077186 00176, 077187 00177, 077188 00178, 077189 00179, 077190 00180, 077191 00181, 077192 00182, 077193 00183, 077194 00184, 077195 00185, 077196 00186, 077197 00187, 077198 00188, 077199 00189, 077200 00190, 077201 00191, 077202 00192, 077203 00193, 077204 00194, 077205 00195, 077206 00196, 077207 00197, 077208 00198, 077209 00199, 077210 00200, 077211 00201, 077212 00202, 077213 00203, 077214 00204, 077215 00205, 077216 00206, 077217 00207, 077218 00208, 077219 00209, 077220 00210, 077221 00211, 077222 00212, 077223 00213, 077224 00214, 077225 00215, 077226 00216, 077227 00217, 077228 00218, 077229 00219, 077230 00220, 077231 00221, 077232 00222, 077233 00223, 077234 00224, 077235 00225, 077236 00226, 077237 00227, 077238 00228, 077239 00229, 077240 00230, 077241 00231, 077242 00232, 077243 00233, 077244 00234, 077245 00235, 077246 00236, 077247 00237, 077248 00238, 077249 00239, 077250 00240, 077251 00241, 077252 00242, 077253 00243, 077254 00244, 077255 00245, 077256 00246, 077257 00247, 077258 00248, 077259 00249, 077260 00250, 077261 00251, 077262 00252, 077263 00253, 077264 00254, 077265 00255, 077266 00256, 077267 00257, 077268 00258, 077269 00259, 077270 00260, 077271 00261, 077272 00262, 077273 00263, 077274 00264, 077275 00265, 077276 00266, 077277 00267, 077278 00268

Subject property highlighted in yellow

**FEMA MAP**

Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

**SITE PHOTOS**



View of subject property from East Brooks looking southwest.

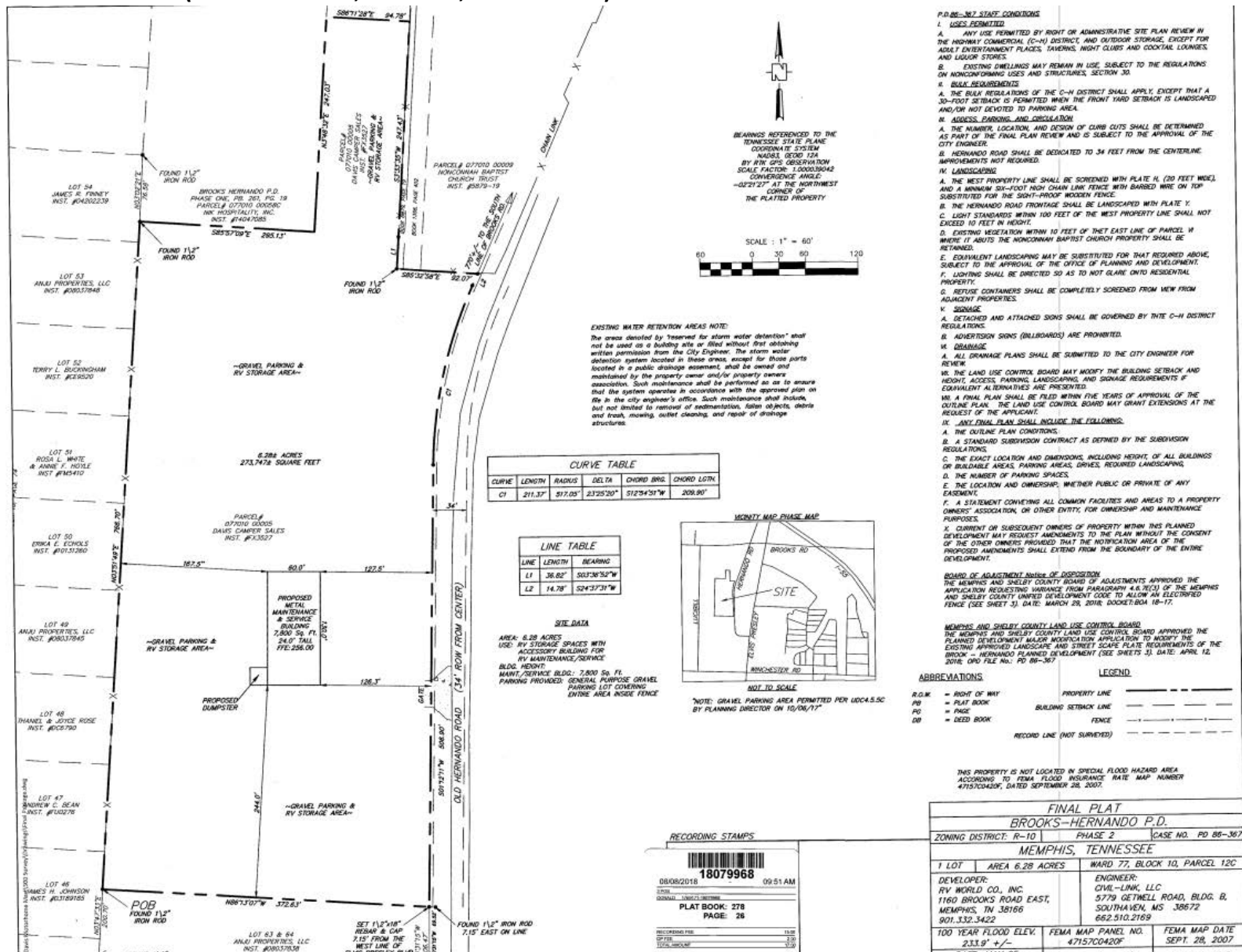


View of subject property from East Brooks looking southeast.



View of subject property from Old Hernando looking north.

FINAL PLAT (PLAT BOOK 278, BOOK 26, PD 1986-367)



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON 02-05-87, AND APPROVED BY THE MEMPHIS CITY COUNCIL ON 04-07-87.

BY: [Signature] DATE: 7-26-18  
DIRECTOR OF PLANNING AND DEVELOPMENT  
BY: [Signature] DATE: 7-24-17  
CITY ENGINEER  
BY: [Signature] DATE: 07-26-18  
OFFICE OF PLANNING AND DEVELOPMENT

ENGINEER'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE AND LOCAL BUILDING LAWS AND REGULATIONS.

BY: [Signature] DATE: 7-23-2018  
TENNESSEE CERTIFICATE NUMBER: 1117285



SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS IS A CLASS \_\_\_\_\_ SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT.

BY: [Signature] DATE: 7-23-2018  
TENNESSEE CERTIFICATE NUMBER: \_\_\_\_\_



OWNER'S CERTIFICATE

WE, DAVID DAVIS, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY CERTIFY THAT AS OUR PLAN OF DEVELOPMENT, AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. WE CERTIFY THAT WE ARE THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCLUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

DAVID DAVIS, OWNER, DAVIS CAMPER SALES, INC. & RV WORLD CO., INC.

STATE OF TENNESSEE (MISSISSIPPI)

COUNTY OF SHELBY (DEKALB)

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY-AS-MEMPHIS, JULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED DAVID DAVIS WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON HIS OATH ACKNOWLEDGED HIMSELF TO BE \_\_\_\_\_ FOR AND CORPORATION, OWNER OF THE PROPERTY, THE WITHIN NAMED SIGNED, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

NOTARY PUBLIC [Signature]

MY COMMISSION EXPIRES Sept 22, 2020



MORTGAGEE'S CERTIFICATE

WE, THE UNDERSIGNED MORTGAGEE OF THE PROPERTY SHOWN, HEREBY CONSENT AND AGREE TO THE PLAN OF DEVELOPMENT AS SUBMITTED BY \_\_\_\_\_ OWNER OF THE PROPERTY.

WITNESSETH \_\_\_\_\_ SIGNATURE

PROPERTY DESCRIPTION

A 6.28 ACRE, MORE OR LESS, PARCEL OF LAND BEING KNOWN AS PARCEL 12C, WARD 77, BLOCK 10, IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1 1/2" IRON ROD AT THE NORTHWEST CORNER OF LOT 8.5, DODDWOOD HILLS SUBDIVISION, ADDITION NO. 3, RECORDED IN BOOK 10, PAGE 74 IN THE SHELBY COUNTY REGISTER'S OFFICE, SAID 1 1/2" IRON ROD ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 03 DEGREES 51 MINUTES 49 SECONDS EAST, 766.70 FEET TO A FOUND 1 1/2" IRON ROD ON THE EAST LINE OF LOT 54, OF SAID DODDWOOD HILLS SUBDIVISION, ADDITION NO. 3; THENCE SOUTH 85 DEGREES 57 MINUTES 08 SECONDS EAST, 285.13 FEET TO A SET 1 1/2"x18" REBAR AND CAP ON THE WEST LINE OF THE HONOLULU BAPTIST CHURCH TRUST PARCEL RECORDED IN BOOK 5078, PAGE 18; THENCE ALONG SAID WEST LINE, SOUTH 03 DEGREES 36 MINUTES 52 SECONDS WEST, 36.82 FEET TO A FOUND 1 1/2" IRON ROD AT THE CORNER OF A CHAIN LINK FENCE; THENCE SOUTH 88 DEGREES 32 MINUTES 58 SECONDS EAST, 82.07 FEET TO A SET 1 1/2"x18" REBAR AND CAP ON THE WEST RIGHT OF WAY LINE OF OLD HERMANO ROAD (24-FOOT RIGHT OF WAY FROM CENTER); THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 24 DEGREES 37 MINUTES 31 SECONDS WEST, 14.78 FEET TO A SET 1 1/2"x18" REBAR AND CAP; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, A CURVE TO THE LEFT HAVING THE FOLLOWING ATTRIBUTES: RADIUS - 507.05', ARC LENGTH - 211.57 FEET, DELTA - 23 DEGREES 25 MINUTES 20 SECONDS, CHORD BEARING - SOUTH 12 DEGREES 54 MINUTES 51 SECONDS WEST, CHORD LENGTH - 206.90 FEET TO A SET 1 1/2"x18" REBAR AND CAP; SAID REBAR AND CAP BEING NORTH 86 DEGREES 13 MINUTES 07 SECONDS WEST, 71.15 FEET FROM A FOUND 1 1/2" IRON ROD; THENCE NORTH 86 DEGREES 13 MINUTES 07 SECONDS WEST, 372.63 FEET TO THE POINT OF BEGINNING, AND CONTAINING 6.28 ACRES, MORE OR LESS.

L.U.C.B. Major Modification Conditions (04-12-18)

Site Conditions

- The western property line of the subject site shall be screened in accordance with Modified Plate H-1 as shown on the site plan.
- The eastern property line abutting and fronting Hermans Road and currently adjacent to a place of worship shall be screened in accordance with Modified Plate H-2 as shown on the site plan.
- The subject site frontage along Hermans Road shall be landscaped in accordance with Modified Plate Y as shown on the site plan.
- Chain-link fencing with barbed wire on top shall be allowed on the boundary of the subject site except where the streetscape or landscape plate referenced in site conditions one through three require a different fencing type, thus, in those instances chain-link fencing with barbed wire on top shall not be permitted.
- Any required landscaping that falls within the existing detention pond area shall be subject to approval by the City Engineer. If deemed necessary by the City Engineer, the plans may be modified in this area subject to review and approval by the Office of Planning and Development.
- All outline plan conditions remain applicable unless modified by site conditions one through four.

Outline Plan Conditions

I. Uses Permitted

- Any use permitted by right or administrative site plan review in the highway commercial (C-H) district, and outdoor storage, except for adult entertainment places, taverns, night clubs and cocktail lounges, and liquor stores.
- Existing dwellings may remain in use, subject to the regulations on nonconforming uses and structures, Section 30.

II. Bulk Requirements

- The bulk regulations of the C-H district shall apply, except that a 30-foot setback is permitted when the front yard setback is landscaped and/or not devoted to parking area.

III. Access, Parking, and Circulation

- The number, location and design of curb cuts shall be determined as part of the final plan review and is subject to the approval of the city engineer.
- Hermans Road shall be dedicated to 34 feet from the centerline. Improvements not required.

IV. Landscaping

- The west property line shall be screened with Plate H, (20 feet wide), and a minimum six-foot-high chain link fence with barbed wire on top substituted for the sight proof wooden fence.
- The Hermans Road frontage shall be landscaped with Plate Y.

- C. Existing standards within 100 feet of the west property line shall not exceed 10 feet in height.
- D. Existing vegetation within 10 feet of the east line of Parcel VJ where it abuts the Newcomb Baptist Church property shall be retained.
- E. Equivalent landscaping may be substituted for that required above subject to the approval of the office of planning and development.
- F. Lighting shall be directed so as to not glare onto residential property.
- G. Refuse containers shall be completely screened from view from adjacent properties.
- H. Signage

V. Signage

- Detached and attached signs shall be governed by the C-H district regulations.
- Advertising signs (billboards) are prohibited.

VI. Drainage

- All drainage plans shall be submitted to the city engineer for review.

- The land use control board may modify the building setback and height, access, parking, landscaping and signage requirements if equivalent alternatives are presented.

- VII. A final plan shall be filed within five years of approval of the outline plan, the land use control board may grant extensions, at the request of the applicant.

IX. Any final plan shall include the following:

- A. The outline plan conditions;
- B. A standard subdivision contract as defined by the subdivision regulations;
- C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, required landscaping;
- D. The number of parking spaces;
- E. The location and ownership, whether public or private of any easement;
- F. A statement conveying all common facilities and access to a property owners' association, or other entity, for ownership and maintenance purposes.

- G. Current or subsequent owners of property within this planned development may request amendments to the plan without the consent of the other owners provided that the notification area of the proposed amendments shall extend from the boundary of the entire development.

The Board of Adjustment Approval Conditions

B.O.A. 16-17 Conditions (03-28-18)

- Any change or deviation from the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.
- A site plan shall be submitted for administrative review and approval by the Memphis and Shelby County Office of Planning and Development to reflect the approved conditions.

- The electrified fence shall be permitted along the border of the subject property. The maximum height of the electrified fence shall be 10 feet.
- Regarding the northern portion of the site, the street frontage fencing shall be constructed of high quality materials, such as wrought iron, powder coated aluminum, etc. and this quality of fencing shall extend into the subject property the respective distances on each street to match the distance that the principal structure is setback (1+80 feet deep from Brooks Road and 1+100 feet from Old Hermans Road).

- Regarding the western property line of the subject property which is adjacent to single-family residential a site-proof wooden fence shall be installed with a minimum height of six feet.
- A landscape plan shall be submitted for administrative review and approval by the Memphis and Shelby County Office of Planning and Development for any portion of the subject property not within the companion case for the Brooks - Hermans Planned Development, PD 86-367 Correspondence. The intent of this condition is that all street frontage fencing shall be part of an evergreen landscape screening system or equivalent.

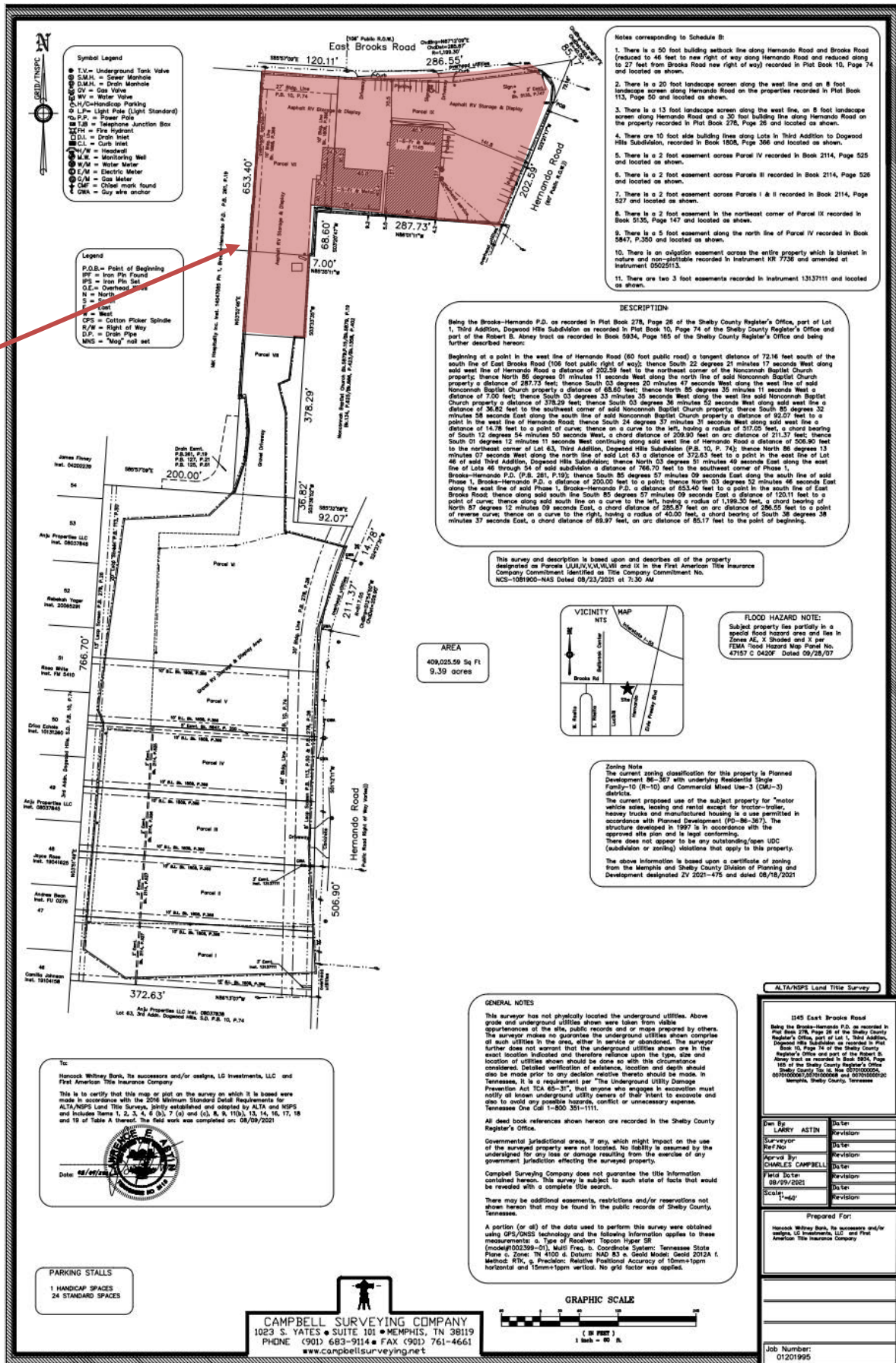
RECORDING STAMPS

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PLAT BOOK: 278  
PAGE: 25  
RECORDING FEE: \$1.00  
OFFICE: \$3.00  
TOTAL: \$4.00  
TON LEATHERWOOD  
REGISTERED CLERK OF SHELBY COUNTY, TENNESSEE

FINAL PLAT  
BROOKS-HERNANDO P.D.  
ZONING DISTRICT: R-10 PHASE 2 CASE NO. PD 86-367  
MEMPHIS, TENNESSEE  
T LOT AREA 6.28 ACRES WARD 77, BLOCK 10, PARCEL 12C  
DEVELOPER: RV WORLD CO., INC. ENGINEER: CIVIL-LINK, LLC  
1160 BROOKS ROAD EAST, 5779 GETTLE ROAD, BLDG. B,  
MEMPHIS, TN 38166 SOUTHAVEN, MS 38672  
901.332.3422 662.510.2169  
100 YEAR FLOOD ELEV. 233.9' +/- FEMA MAP PANEL NO. 47157C0420F FEMA MAP DATE  
DATE: MAY 25, 2018 SCALE: 1" = 50' SHEET 2 OF 3

OUTLINE PLAN

Proposed land to be added to existing planned development



## CASE REVIEW

### Request

The request is to add land to existing commercial Brooks Hernando Planned Development

### Applicability

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

#### *4.10.2 Applicability*

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

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

### **General Provisions**

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

#### *4.10.3 General Provisions*

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

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

### **Commercial or Industrial Criteria**

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

#### *4.10.5 Planned Commercial or Industrial Developments*

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

- A. Screening*  
*When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.*
- B. Display of Merchandise*  
*All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned*

*commercial development, gasoline may be sold from pumps outside of a structure.*

**C. Accessibility**

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

**D. Landscaping**

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

**Approval Criteria**

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

**9.6.9 Approval Criteria**

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

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

### **Site Details**

**Address:**

1145 East Brooks Road

**Parcel ID:**

077010 00054

**Area:**

+/-1.56 acres

**Description:**

The subject property is known as Lot 14 of the Ford Subdivision and Lot IX of the Brooks-Hernando Planned Development (PD 1986-367) and governed by Commercial Mixed Use – 3 uses for any regulation not stated within the PD. Per the Assessor’s website, the principal structure on the site was built in 1997 and currently is currently operated as a auto dealer with building square footage of +/-12,560 square feet. The surrounding land uses are a mixture of commercial, industrial and single family uses land designations. Additionally, this lot has two street frontages.

### **Site Zoning History**

On February 05, 1987, the Memphis and Shelby County Land Use Control Board recommended approval of a Planned Development application to allow highway commercial and outdoor storage uses covering an area +/- 8.89 acres.

On April 07, 1987, the City of Memphis City Council approved the Planned Development application to allow highway commercial and outdoor storage uses covering an area +/- 8.89 acres.

### **Concept Plan Review**

- There is a one-story structure setback +/-70 feet from East Brooks Road and +/-141 feet from Hernando Road.
- There are two curb cuts along East Brooks Road that provide access to the subject property.
- There is a 20-foot landscape screen along the west property line and a 8 foot landscape screen along Hernando Road.
- All structures are exiting.
- There is a sign located in the northeast corner of the subject property.
- There is designated RV storage and display noted.

### **Analysis**

The applicant is proposing to include the existing lot and its uses that serve the established planned development within the Brooks-Hernando (PD 86-367). The subject property will be governed by previously approved outline plan conditions and CMU-3 uses and bulk regulations.

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

## RECOMMENDATION

Staff recommends approval with revisions to the outline plan conditions.

### Outline Plan Conditions – Revisions

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

#### Outline Plan Conditions

##### L Uses Permitted

- A. Any use permitted by right or administrative site plan review in the ~~highway commercial (C-H)~~ **CMU-3** district, and outdoor storage, except for adult entertainment places, taverns, night clubs and cocktail lounges, and liquor stores.
- B. Existing dwellings may remain in use, subject to the regulations on nonconforming uses and structures, Section 30.

##### II. Bulk Requirements

- A. The bulk regulations of the CMU-3 district shall apply, except that a 30-foot setback is permitted when the front yard setback is landscaped and/or not devoted to parking area,

##### III. Access, Parking, and Circulation

- A. The number, location and design of curb cuts shall be determined as part of the final Plan review and is subject to the approval of the city engineer.
- B. Hernando Road shall be dedicated to 34 feet from the centerline. Improvements not required,

##### IV. Landscaping

- A. The west property line shall be screened with Plate H, (20 feet Wide), and a minimum six-foot-high chain link fence with barbed wire on top substituted for the sight-proof wooden fence.
- B. The Hernando Road frontage shall be landscaped with Plate Y.
- C. Light standards within 100 feet of the west property line shall not exceed 10 feet in height.
- D. Existing vegetation within 10 feet of the east line of Parcel VI where it abuts the Nonconnah Baptist Church property shall be retained.
- E. Equivalent landscaping may be substituted for that required above subject to the approval of the office of planning and development.
- F. Lighting shall be directed so as to not glare onto residential property,
- G. Refuse containers shall] be completely screened from view from adjacent 'Properties,

##### V. Signage

- A. Detached and attached signs shall be governed by CMU-3 district regulations.
- B. Advertising signs (billboards) are prohibited.

##### VI. Drainage

- A. All drainage plans shall be submitted to the city engineer for review.

VII. The land use control board may modify the building setback and height, access, parking, landscaping and signage requirements if equivalent alternatives are presented.

VIII. A final plan shall be filed within five years of approval of the outline plan. the land use control! board may grant extensions, at the request of the applicant

##### IX. Any final plan shall include the following.

- A. The outline plan conditions;
- B. A standard subdivision contract as defined by the subdivision regulations;
- C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, required landscaping;

- D. The number of parking spaces;
  - E. The location and ownership, whether public or private of any easement:
  - F. A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance purposes,
7. Current or subsequent owners of property within this planned development may request amendments to the plan without the consent ~~of notification~~ of the other owners area of the proposed amendments shall extend from the boundary of the entire development.

## 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. The sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

### 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. Development is greater than 1 acre and requires detention.

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

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

18. 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.

19. 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.

**County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:** See pages 23 – 25.

## Comprehensive Planning Review of Memphis 3.0 Consistency

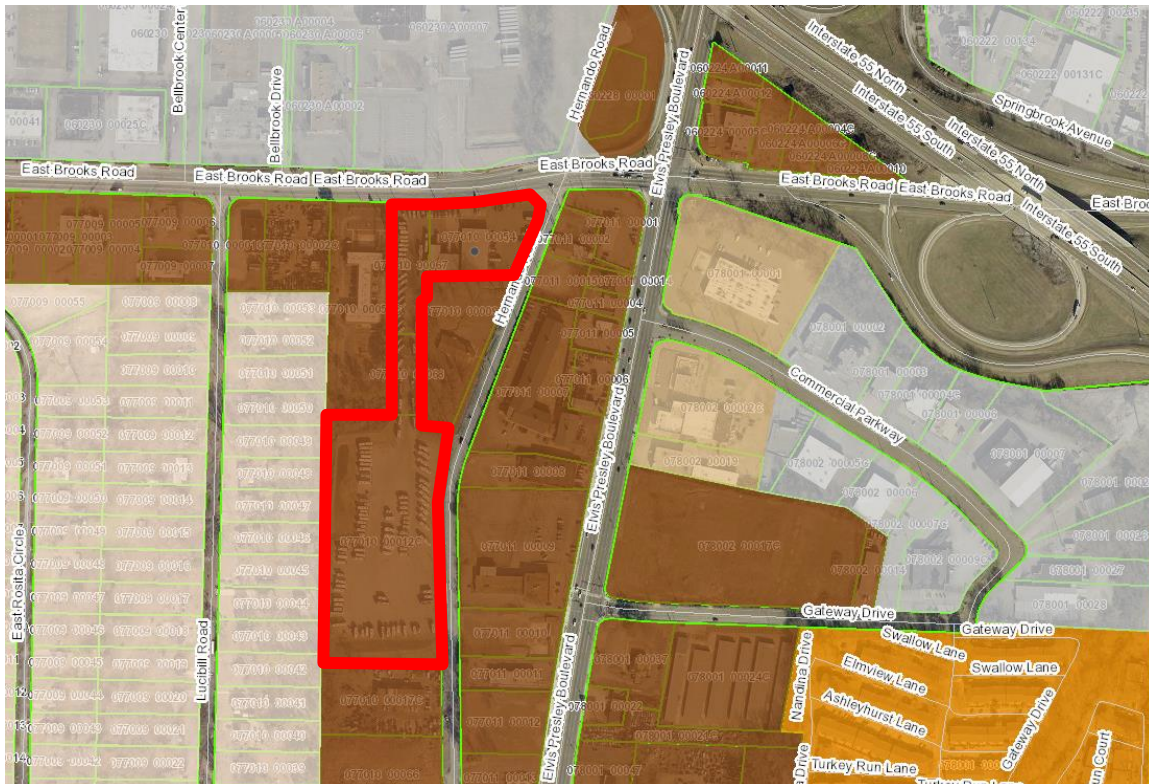
This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2024-011 Whitehaven

Site Address/Location: 1145 E BROOKS RD (Parcel ID: 077010 00054, 077010 00067, 077010 00068, 077010 00012C)  
Overlay District/Historic District/Flood Zone: Located in a Floodplain, but not in an Overlay District, or Historic District  
Future Land Use Designation: High Intensity Commercial & Services (CSH)  
Street Type: N/A

*The applicant is requesting to incorporate multiple parcels within the proposed Planned Development site.*

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.

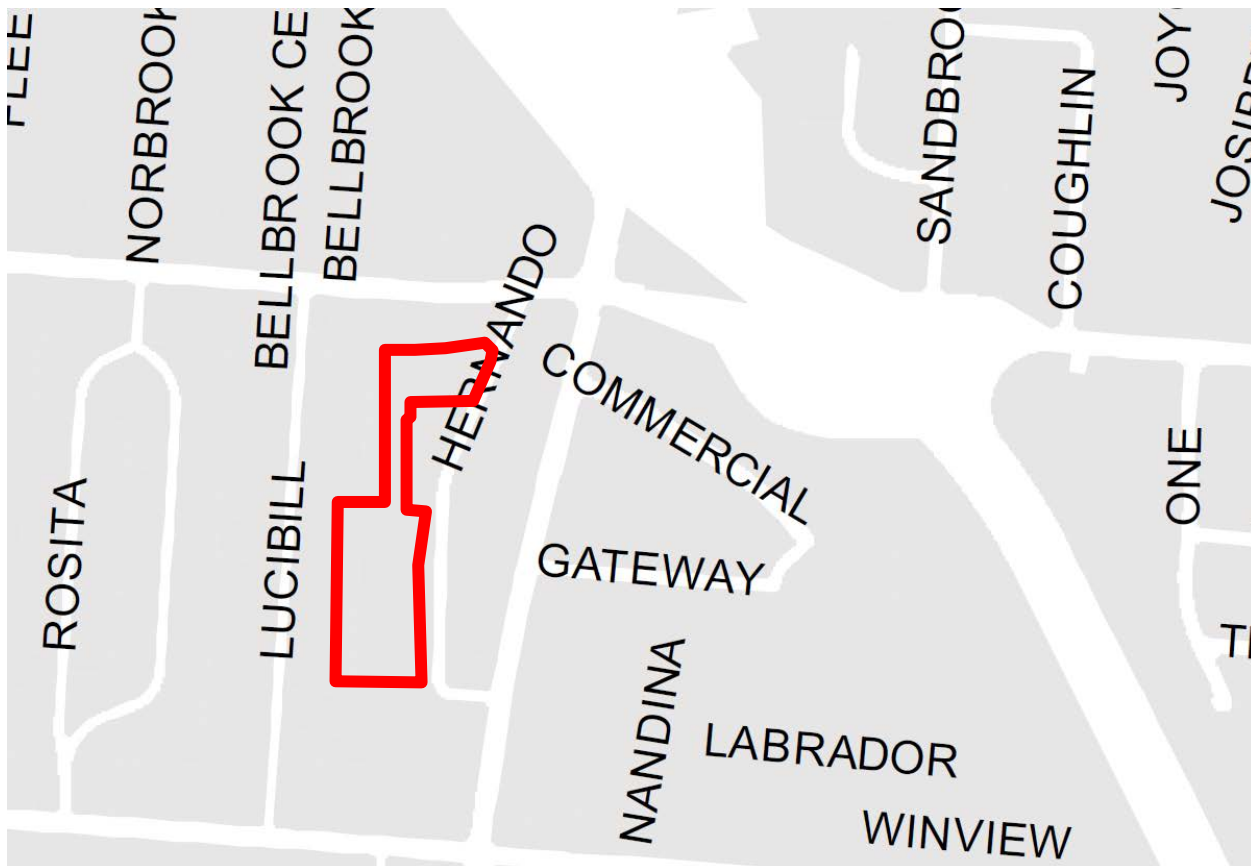
#### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Commercial and Vacant, R-10 and CMU-3

Adjacent Land Use and Zoning: Commercial, Institutional, Single-Family, Office, Industrial; CMU-3, R-10, RU-4, CMU-1 and EMP

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

#### **Degree of Change Map**



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

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

**Consistency Analysis Summary**

*The applicant is requesting to incorporate multiple parcels within the proposed Planned Development site.*

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE



## NOTICE OF PUBLIC HEARING

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

**CASE NUMBER:** PD 2024 – 011  
**LOCATION:** 1145 East Brooks  
(SEE SITE PLAN ON REVERSE SIDE)  
**APPLICANT:** Russ Rudolph, LG Investments, LLC  
**REQUEST:** Add land to existing commercial Brooks Hernando Planned Development

**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

**DATE:** Thursday, August 8, 2024  
**TIME:** 9:00 AM  
**LOCATION:** Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet via e-mail at [alexis.longstreet@memphistn.gov](mailto:alexis.longstreet@memphistn.gov) or call (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, July 31, 2024 at 8 AM**. **Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.**



**SIGN AFFIDAVIT**

**AFFIDAVIT**

*Shelby County  
State of Tennessee*

I, Mark T. Jobs, Jr., being duly sworn, depose and say that at 8:30 am/pm on the 19th day of August, 2024, I posted a Public Notice Sign(s) pertaining to Case No. PD2024-011 at 1145 E. Brooks Road, Memphis TN (Great American RV) providing notice of a Public Hearing before the x Land Use Control Board, x Memphis City Council,        Shelby County Board of Commissioners for consideration of a proposed Land Use Action (   Planned Development,        Special Use Permit,        Zoning District Map Amendment,        Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

*Mark T. Jobs, Jr.*  
Owner, Applicant or Representative

August 20, 2024  
Date

Subscribed and sworn to before me this 20th day of August, 2024.

*Dakota S. Beasley*  
Notary Public

My commission expires: 6/29/2025



APPLICATION



## Memphis and Shelby County Division of Planning and Development

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

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

website: [www.develop901.com](http://www.develop901.com)

### Record Summary for Planned Development

#### Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: April 1, 2024

Record Number: PD 2024-011

Expiration Date:

Record Name: Major Modification to Brooks-Hernando P.D.

Description of Work: The Applicant submits this proposed Major Modification to the Brooks-Hernando P.D. for the purpose of incorporating the properties at 1145 E. Brooks Road (Parcel ID 077010 00054) and 0 E. Brooks Road (Parcel ID 077010 00067) into the Brooks-Hernando P.D. recorded at Plat Book 278, Page 26, which is currently comprised of the properties at 0 E. Brooks Road (Parcel ID 077010 00068) and 0 E. Brooks Road (Parcel ID 077010 00012C).

In addition to incorporating the above referenced properties, the Applicant desires to amend the Uses Permitted to bring them in line with the provisions of the UDC and otherwise modify the Brooks-Hernando P.D. as provided in this Application. Currently, all of the above referenced parcels operate collectively as the RV Dealership.

The Brooks-Hernando PD provides generally for C-H uses, which is the historical equivalent to CMU-3. The Applicant desires to modify the Planned Development to incorporate the current terminology of CMU-3, such that the "Uses Permitted" would read as follows:

A. ANY USE PERMITTED BY RIGHT OR ADMINISTRATIVE SITE PLAN REVIEW IN THE CMU-3 DISTRICT AND OUTDOOR STORAGE, EXCEPT FOR ADULT ENTERTAINMENT PLACES, TAVERNS, NIGHT CLUBS AND COCKTAIL LOUNGES AND LIQUOR STORES.

Parent Record Number: MJR 2024-035

#### Address:

1145 E BROOKS RD, MEMPHIS 38116

#### Owner Information

Primary Owner Name

Y LG INVESTMENTS LLC

Owner Address

407 SAINTT TAMMANY ST, MADISONVILLE, LA 70447

Owner Phone

2255674424

**Parcel Information**

077010 00054

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner	Lucas Skinner
Date of Meeting	02/28/2024
Pre-application Meeting Type	In Person

**GENERAL PROJECT INFORMATION**

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	-
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	Yes
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	ZV 21-475

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A	See Letter of Intent
UDC Sub-Section 9.6.9B	See Letter of Intent
UDC Sub-Section 9.6.9C	See Letter of Intent
UDC Sub-Section 9.6.9D	See Letter of Intent
UDC Sub-Section 9.6.9E	See Letter of Intent
UDC Sub-Section 9.6.9F	See Letter of Intent

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A	See Letter of Intent
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development	See Letter of Intent
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	See Letter of Intent
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and	See Letter of Intent

**GENERAL PROVISIONS**

the amenities incorporated therein, and are not inconsistent with the public interest

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

See Letter of Intent

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

See Letter of Intent

**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**  
RUSS RUDOLPH

**Contact Type**  
APPLICANT

**Address**

**Phone**

-

**Name**  
CHARLES CAMPBELL

**Contact Type**  
ARCHITECT / ENGINEER /  
SURVEYOR

**Address**

**Phone**  
(901)683-9114

**Name**  
HUNTER HUMPHREYS

**Contact Type**  
REPRESENTATIVE

**Address**

**Phone**  
(901)576-1744

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1577318	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	39.00	07/10/2024
1577318	Planned Development - 5 acres or less	1	1,500.00	INVOICED	1,500.00	07/10/2024

Total Fee Invoiced: \$1,539.00

Total Balance: \$1,539.00

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Russ Rudolph, Authorized Officer of LG Investments, LLC, 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 1145 and 0 E. Brooks Road, Memphis, TN and further identified by Assessor's Parcel Numbers 077010 00054, Parcel ID 077010 00067, Parcel ID 077010 00068 and Parcel ID 077010 00012C, for which an application is being made to the Division of Planning and Development.

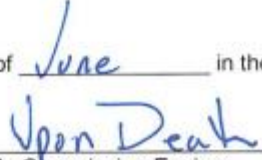
LG INVESTMENTS, LLC

By: 

Russ Rudolph, Authorized Officer

Subscribed and sworn to (or affirmed) before me this 28th day of June in the year of 2024.

  
Signature of Notary Public

  
My Commission Expires

LETTER OF INTENT



6000 Poplar Avenue, Suite 400  
Memphis, Tennessee 38119  
P 901.525.1322 F 901.525.2389  
www.glankler.com

Mark T. Jobe, Jr.  
901.576.1853  
[mjobe@glankler.com](mailto:mjobe@glankler.com)

June 28, 2024

Memphis and Shelby County  
Division of Planning and Development  
125 N. Main Street #468  
Memphis, TN 38103

Re: Major Modification to Brooks-Hernando P.D.  
(Plat Book 278, Page 26)

Ladies and Gentlemen:

This firm represents LG Investments LLC, the owner of 1145 E. Brooks Road (Parcel ID 077010 00054), 0 E. Brooks Road (Parcel ID 077010 00067), 0 E. Brooks Road (Parcel ID 077010 00068) and 0 E. Brooks Road (Parcel ID 077010 00012C).

This proposed Major Modification to the Brooks-Hernando P.D. is submitted for the purposes of (i) incorporating the properties at 1145 E. Brooks Road (Parcel ID 077010 00054) and 0 E. Brooks Road (Parcel ID 077010 00067) into the Brooks-Hernando P.D. recorded at Plat Book 278, Page 26 (the "Planned Development"), which is currently comprised of the properties at 0 E. Brooks Road (Parcel ID 077010 00068) and 0 E. Brooks Road (Parcel ID 077010 00012C), and (ii) to modify the Planned Development to replace the outdated terminology of the "Commercial Highway – CH District" to incorporate the current terminology of CMU-3, such that the "Uses Permitted" would read as follows:

- A. ANY USE PERMITTED BY RIGHT OR ADMINISTRATIVE SITE PLAN REVIEW IN THE CMU-3 DISTRICT, AND OUTDOOR STORAGE, EXCEPT FOR ADULT ENTERTAINMENT PLACES, TAVERNS, NIGHT CLUBS AND COCKTAIL LOUNGES AND LIQUOR STORES.

We believe that bringing the above referenced tax parcels owned by LG Investments LLC into one planned development and using the updated terminology will make the property more attractive to potential investors, purchasers and tenants because the zoning entitlements will be unified throughout the planned development and easier to understand. If approved, we would request all four (4) tax parcels are consolidated into one (1) tax parcel going forward. Currently, the two parcels that are not presently in the planned development are zoned CMU-3.

In the meantime, the subject properties will continue to operate as Great American RV Superstores – Memphis.

4874-1015-6986, v. 1

Please let us know if you have any questions or concerns regarding this application.

Very best regards,

GLANKLER BROWN, PLLC

DecSigned by:  
A handwritten signature in black ink that reads "Mark T. Jobe, Jr." is written over a white rectangular background.  
3CDB30C0FEC4AA  
Mark T. Jobe, Jr.

**LETTERS RECEIVED**

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



# Memphis and Shelby County Division of Planning and Development

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

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

website: [www.develop901.com](http://www.develop901.com)

## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: April 1, 2024

Record Number: PD 2024-011

Expiration Date:

Record Name: Major Modification to Brooks-Hernando P.D.

**Description of Work:** The Applicant submits this proposed Major Modification to the Brooks-Hernando P.D. for the purpose of incorporating the properties at 1145 E. Brooks Road (Parcel ID 077010 00054) and 0 E. Brooks Road (Parcel ID 077010 00067) into the Brooks-Hernando P.D. recorded at Plat Book 278, Page 26, which is currently comprised of the properties at 0 E. Brooks Road (Parcel ID 077010 00068) and 0 E. Brooks Road (Parcel ID 077010 00012C).

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Parent Record Number: MJR 2024-035

---

### Address:

1145 E BROOKS RD, MEMPHIS 38116

### Owner Information

Primary Owner Name

Y LG INVESTMENTS LLC

Owner Address

407 SAINTT TAMMANY ST, MADISONVILLE, LA 70447

Owner Phone

2255674424

## Parcel Information

077010 00054

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner	Lucas Skinner
Date of Meeting	02/28/2024
Pre-application Meeting Type	In Person

#### GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	-
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
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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	ZV 21-475

#### APPROVAL CRITERIA

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#### GENERAL PROVISIONS

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C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	See Letter of Intent
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and	See Letter of Intent

**GENERAL PROVISIONS**

the amenities incorporated therein, and are not inconsistent with the public interest

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

See Letter of Intent

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

See Letter of Intent

**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**

RUSS RUDOLPH

**Contact Type**

APPLICANT

**Address****Phone**

-

**Name**

CHARLES CAMPBELL

**Contact Type**

ARCHITECT / ENGINEER /  
SURVEYOR

**Address****Phone**

(901)683-9114

**Name**

HUNTER HUMPHREYS

**Contact Type**

REPRESENTATIVE

**Address****Phone**

(901)576-1744

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1577318	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	39.00	07/10/2024
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Total Fee Invoiced: \$1,539.00

Total Balance: \$1,539.00

**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, Russ Rudolph, Authorized Officer of LG Investments, LLC, 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):

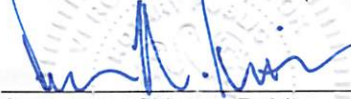
- ☒ I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate 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 1145 and 0 E. Brooks Road, Memphis, TN and further identified by Assessor's Parcel Numbers 077010 00054, Parcel ID 077010 00067, Parcel ID 077010 00068 and Parcel ID 077010 00012C, for which an application is being made to the Division of Planning and Development.

LG INVESTMENTS, LLC

By:   
Russ Rudolph, Authorized Officer

Subscribed and sworn to (or affirmed) before me this 28th day of June in the year of 2024.

  
Signature of Notary Public

  
My Commission Expires

# STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

IN SENATE

REPORT OF THE ATTORNEY GENERAL  
ON THE PROCEEDINGS OF THE  
COMMISSIONERS OF THE LAND OFFICE  
IN THE MATTER OF THE  
LANDS BELONGING TO THE STATE

ALBANY: J.B. LIPPINCOTT & CO. PRINTERS  
1892

THE LANDS BELONGING TO THE STATE  
OF NEW YORK  
ALBANY: J.B. LIPPINCOTT & CO. PRINTERS  
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June 28, 2024

Memphis and Shelby County  
Division of Planning and Development  
125 N. Main Street #468  
Memphis, TN 38103

Re: Major Modification to Brooks-Hernando P.D.  
(Plat Book 278, Page 26)

Ladies and Gentlemen:

This firm represents LG Investments LLC, the owner of 1145 E. Brooks Road (Parcel ID 077010 00054), 0 E. Brooks Road (Parcel ID 077010 00067), 0 E. Brooks Road (Parcel ID 077010 00068) and 0 E. Brooks Road (Parcel ID 077010 00012C).

This proposed Major Modification to the Brooks-Hernando P.D. is submitted for the purposes of (i) incorporating the properties at 1145 E. Brooks Road (Parcel ID 077010 00054) and 0 E. Brooks Road (Parcel ID 077010 00067) into the Brooks-Hernando P.D. recorded at Plat Book 278, Page 26 (the “Planned Development”), which is currently comprised of the properties at 0 E. Brooks Road (Parcel ID 077010 00068) and 0 E. Brooks Road (Parcel ID 077010 00012C), and (ii) to modify the Planned Development to replace the outdated terminology of the “Commercial Highway – CH District” to incorporate the current terminology of CMU-3, such that the “Uses Permitted” would read as follows:

- A. ANY USE PERMITTED BY RIGHT OR ADMINISTRATIVE SITE PLAN REVIEW IN THE CMU-3 DISTRICT, AND OUTDOOR STORAGE, EXCEPT FOR ADULT ENTERTAINMENT PLACES, TAVERNS, NIGHT CLUBS AND COCKTAIL LOUNGES AND LIQUOR STORES.


We believe that bringing the above referenced tax parcels owned by LG Investments LLC into one planned development and using the updated terminology will make the property more attractive to potential investors, purchasers and tenants because the zoning entitlements will be unified throughout the planned development and easier to understand. If approved, we would request all four (4) tax parcels are consolidated into one (1) tax parcel going forward. Currently, the two parcels that are not presently in the planned development are zoned CMU-3.

In the meantime, the subject properties will continue to operate as Great American RV Superstores – Memphis.

Please let us know if you have any questions or concerns regarding this application.

Very best regards,

**GLANKLER BROWN, PLLC**

DocuSigned by:  
  
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Mark T. Jobe, Jr.




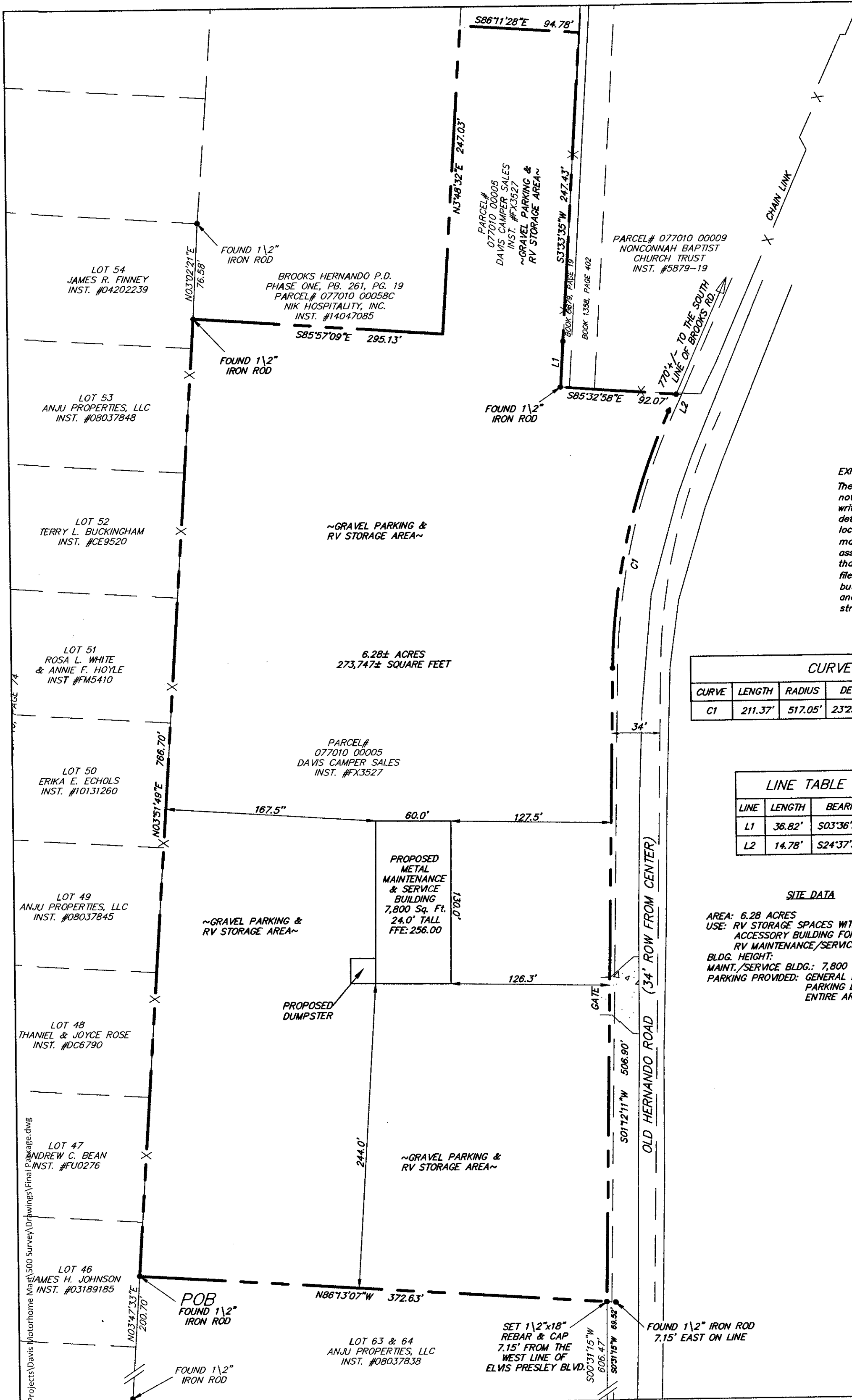


*Tom Leatherwood*

Shelby County Register

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

	
<b>18079968</b>	
08/08/2018	09:51 AM
3 PGS	
DONALD 1769171-18079968	
<b>PLAT BOOK: 278</b>	
<b>PAGE: 26</b>	
RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

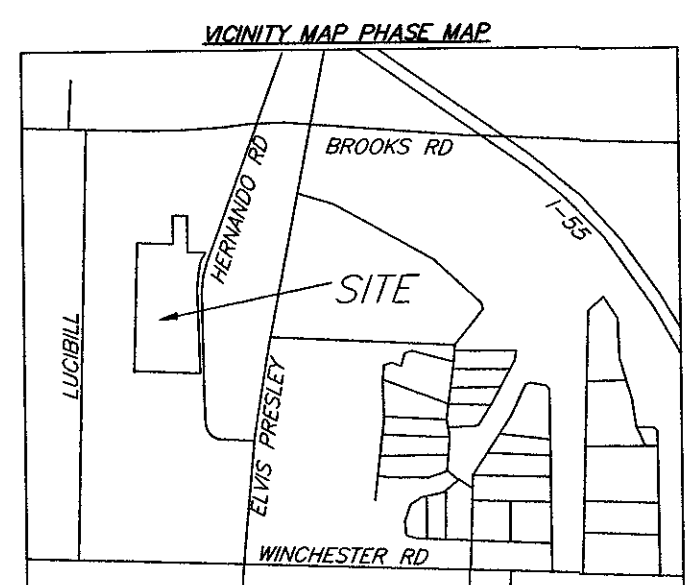


**EXISTING WATER RETENTION AREAS NOTE:**  
The areas denoted by "reserved for storm water detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention system located in these areas, except for those parts located 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 engineer's office. Such maintenance shall include, but not limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

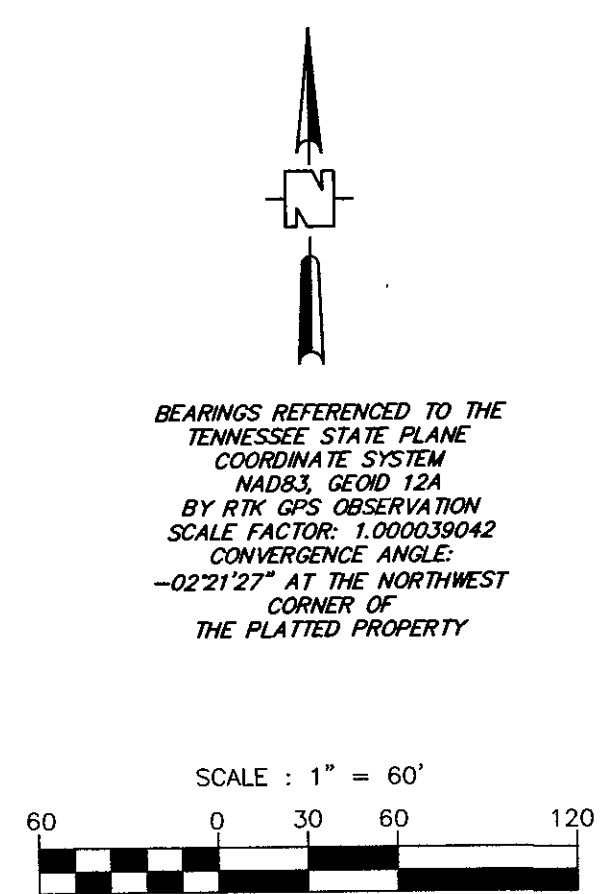
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD LGTH.
C1	211.37'	517.05'	23°25'20"	S12°54'51"W	209.90'

LINE TABLE		
LINE	LENGTH	BEARING
L1	36.82'	S03°36'52"W
L2	14.78'	S24°37'31"W

**SITE DATA**  
AREA: 6.28 ACRES  
USE: RV STORAGE SPACES WITH ACCESSORY BUILDING FOR RV MAINTENANCE/SERVICE  
BLDG. HEIGHT: 24.0' TALL  
MAINT./SERVICE BLDG.: 7,800 Sq. Ft.  
PARKING PROVIDED: GENERAL PURPOSE GRAVEL PARKING LOT COVERING ENTIRE AREA INSIDE FENCE



NOT TO SCALE  
NOTE: GRAVEL PARKING AREA PERMITTED PER UDC4.5.5C BY PLANNING DIRECTOR ON 10/06/17



- P.D. 86-367 STAFF CONDITIONS**
- I. USES PERMITTED.**  
A. ANY USE PERMITTED BY RIGHT OR ADMINISTRATIVE SITE PLAN REVIEW IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT, AND OUTDOOR STORAGE, EXCEPT FOR ADULT ENTERTAINMENT PLACES, TAVERNS, NIGHT CLUBS AND COCKTAIL LOUNGES, AND LIQUOR STORES.  
B. EXISTING DWELLINGS MAY REMAIN IN USE, SUBJECT TO THE REGULATIONS ON NONCONFORMING USES AND STRUCTURES, SECTION 30.
- II. BULK REQUIREMENTS.**  
A. THE BULK REGULATIONS OF THE C-H DISTRICT SHALL APPLY, EXCEPT THAT A 30-FOOT SETBACK IS PERMITTED WHEN THE FRONT YARD SETBACK IS LANDSCAPED AND/OR NOT DEVOTED TO PARKING AREA.
- III. ADDRESS, PARKING, AND CIRCULATION.**  
A. THE NUMBER, LOCATION, AND DESIGN OF CURB CUTS SHALL BE DETERMINED AS PART OF THE FINAL PLAN REVIEW AND IS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.  
B. HERNANDO ROAD SHALL BE DEDICATED TO 34 FEET FROM THE CENTERLINE. IMPROVEMENTS NOT REQUIRED.
- IV. LANDSCAPING.**  
A. THE WEST PROPERTY LINE SHALL BE SCREENED WITH PLATE H, (20 FEET WIDE), AND A MINIMUM SIX-FOOT HIGH CHAIN LINK FENCE WITH BARBED WIRE ON TOP SUBSTITUTED FOR THE SIGHT-PROOF WOODEN FENCE.  
B. THE HERNANDO ROAD FRONTAGE SHALL BE LANDSCAPED WITH PLATE Y.  
C. LIGHT STANDARDS WITHIN 100 FEET OF THE WEST PROPERTY LINE SHALL NOT EXCEED 10 FEET IN HEIGHT.  
D. EXISTING VEGETATION WITHIN 10 FEET OF THE EAST LINE OF PARCEL V1 WHERE IT ABUTS THE NONCONNAH BAPTIST CHURCH PROPERTY SHALL BE RETAINED.  
E. EQUIVALENT LANDSCAPING MAY BE SUBSTITUTED FOR THAT REQUIRED ABOVE, SUBJECT TO THE APPROVAL OF THE OFFICE OF PLANNING AND DEVELOPMENT.  
F. LIGHTING SHALL BE DIRECTED SO AS TO NOT GLARE ONTO RESIDENTIAL PROPERTY.  
G. REFUSE CONTAINERS SHALL BE COMPLETELY SCREENED FROM VIEW FROM ADJACENT PROPERTIES.
- V. SIGNAGE.**  
A. DETACHED AND ATTACHED SIGNS SHALL BE GOVERNED BY THE C-H DISTRICT REGULATIONS.  
B. ADVERTISING SIGNS (BILLBOARDS) ARE PROHIBITED.
- VI. DRAINAGE.**  
A. ALL DRAINAGE PLANS SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW.  
VII. THE LAND USE CONTROL BOARD MAY MODIFY THE BUILDING SETBACK AND HEIGHT, ACCESS, PARKING, LANDSCAPING, AND SIGNAGE REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED.  
VIII. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.  
IX. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:  
A. THE OUTLINE PLAN CONDITIONS.  
B. A STANDARD SUBDIVISION CONTRACT AS DEFINED BY THE SUBDIVISION REGULATIONS.  
C. THE EXACT LOCATION AND DIMENSIONS, INCLUDING HEIGHT, OF ALL BUILDINGS OR BUILDABLE AREAS, PARKING AREAS, DRIVES, REQUIRED LANDSCAPING.  
D. THE NUMBER OF PARKING SPACES.  
E. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE OF ANY EASEMENT.  
F. A STATEMENT CONVEYING ALL COMMON FACILITIES AND AREAS TO A PROPERTY OWNERS' ASSOCIATION, OR OTHER ENTITY, FOR OWNERSHIP AND MAINTENANCE PURPOSES.  
X. CURRENT OR SUBSEQUENT OWNERS OF PROPERTY WITHIN THIS PLANNED DEVELOPMENT MAY REQUEST AMENDMENTS TO THE PLAN WITHOUT THE CONSENT OF THE OTHER OWNERS PROVIDED THAT THE NOTIFICATION AREA OF THE PROPOSED AMENDMENTS SHALL EXTEND FROM THE BOUNDARY OF THE ENTIRE DEVELOPMENT.

**BOARD OF ADJUSTMENT Notice OF DISPOSITION**  
THE MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENTS APPROVED THE APPLICATION REQUESTING VARIANCE FROM PARAGRAPH 4.6.7E(3) OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE TO ALLOW AN ELECTRIFIED FENCE (SEE SHEET 3). DATE: MARCH 29, 2018; DOCKET: BOA 18-17.

**MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD**  
THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVED THE PLANNED DEVELOPMENT MAJOR MODIFICATION APPLICATION TO MODIFY THE EXISTING APPROVED LANDSCAPE AND STREET SCAPE REQUIREMENTS OF THE BROOK - HERNANDO PLANNED DEVELOPMENT (SEE SHEETS 3). DATE: APRIL 12, 2018; OPD FILE No.: PD 86-367

ABBREVIATIONS		LEGEND	
R.O.W.	= RIGHT OF WAY	PROPERTY LINE	---
PB	= PLAT BOOK	BUILDING SETBACK LINE	---
PG	= PAGE	FENCE	-x-x-x-x-
DB	= DEED BOOK	RECORD LINE (NOT SURVEYED)	---

THIS PROPERTY IS NOT LOCATED IN SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 47157C0420F, DATED SEPTEMBER 28, 2007.

**RECORDING STAMPS**

08/08/2018 09:51 AM  
18079968  
3 PGS  
DONALD 1769171-18079968  
PLAT BOOK: 278  
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RECORDING FEE 15.00  
OP FEE 2.00  
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TOM LEATHERWOOD  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

FINAL PLAT		
BROOKS-HERNANDO P.D.		
ZONING DISTRICT: R-10	PHASE 2	CASE NO. PD 86-367
MEMPHIS, TENNESSEE		
1 LOT	AREA 6.28 ACRES	WARD 77, BLOCK 10, PARCEL 12C
DEVELOPER: RV WORLD CO., INC. 1160 BROOKS ROAD EAST, MEMPHIS, TN 38166 901.332.3422	ENGINEER: CIVIL-LINK, LLC 5779 GETWELL ROAD, BLDG. B, SOUTHAVEN, MS 38672 662.510.2169	
100 YEAR FLOOD ELEV. 233.9' +/-	FEMA MAP PANEL NO. 47157C0420F	FEMA MAP DATE SEPT. 28, 2007
DATE: MAY 25, 2018	SCALE: 1" = 50'	SHEET 1 OF 3

## OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON 02-05-87, AND APPROVED BY THE MEMPHIS CITY COUNCIL ON 04-07-87.

BY [Signature] DATE 7-26-18  
DIRECTOR OF PLANNING AND DEVELOPMENT

BY 7.24.17  
CITY ENGINEER

BY NLS 07/26/18  
OFFICE OF PLANNING AND DEVELOPMENT

## ENGINEER'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE AND LOCAL BUILDING LAWS AND REGULATIONS.

BY Nicholas Kreuner DATE \_\_\_\_\_  
TENNESSEE CERTIFICATE NUMBER 119285

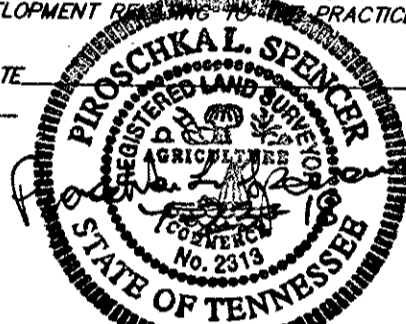


SEAL

## SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS IS A CLASS \_\_\_\_\_ SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT AND THE PRACTICE OF SURVEYING.

BY \_\_\_\_\_ DATE \_\_\_\_\_  
TENNESSEE CERTIFICATE NUMBER \_\_\_\_\_



SEAL

## OWNER'S CERTIFICATE

WE, DAVID DAVIS, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY CERTIFY THIS PLAT AS OUR PLAN OF DEVELOPMENT, AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. WE CERTIFY THAT WE ARE THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

DAVID DAVIS, OWNER, DAVIS CAMPER SALES, INC. & RV WORLD CO., INC.

STATE OF TENNESSEE MISSISSIPPI  
COUNTY OF SHELBY DESOTO

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED DAVID DAVIS WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON HIS OATH ACKNOWLEDGED HIMSELF TO BE OWNER FOR ABC CORPORATION, OWNER OF THE PROPERTY, THE WITHIN NAMED BARGAINER, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

NOTARY PUBLIC [Signature]

MY COMMISSION EXPIRES Sept 22, 2020



## MORTGAGEE'S CERTIFICATE

WE, \_\_\_\_\_ THE UNDERSIGNED MORTGAGEE OF THE PROPERTY SHOWN, HEREBY CONSENT AND AGREE TO THE PLAN OF DEVELOPMENT AS SUBMITTED BY \_\_\_\_\_ OWNER OF THE PROPERTY.

INSTITUTION \_\_\_\_\_ SIGNATURE \_\_\_\_\_

## PROPERTY DESCRIPTION

A 6.28 ACRE, MORE OR LESS, PARCEL OF LAND BEING KNOWN AS PARCEL 12C, WARD 77, BLOCK 10, IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1 1/2" IRON ROD AT THE NORTHWEST CORNER OF LOT 63, DOGWOOD HILLS SUBDIVISION, ADDITION NO. 3, RECORDED IN BOOK 10, PAGE 74 IN THE SHELBY COUNTY REGISTER'S OFFICE, SAID 1 1/2" IRON ROD ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 03 DEGREES 51 MINUTES 49 SECONDS EAST, 766.70 FEET TO A FOUND 1 1/2" IRON ROD ON THE EAST LINE OF LOT 54, OF SAID DOGWOOD HILLS SUBDIVISION, ADDITION NO. 3; THENCE SOUTH 85 DEGREES 57 MINUTES 09 SECONDS EAST, 295.13 FEET TO A SET 1 1/2"x18" REBAR AND CAP ON THE WEST LINE OF THE NONCONNAH BAPTIST CHURCH TRUST PARCEL RECORDED IN BOOK 5879, PAGE 19; THENCE ALONG SAID WEST LINE, SOUTH 03 DEGREES 36 MINUTES 52 SECONDS WEST, 36.82 FEET TO A FOUND 1 1/2" IRON ROD AT THE CORNER OF A CHAIN LINK FENCE; THENCE SOUTH 85 DEGREES 32 MINUTES 58 SECONDS EAST, 92.07 FEET TO A SET 1 1/2"x18" REBAR AND CAP ON THE WEST RIGHT OF WAY LINE OF OLD HERNANDO ROAD (34-FOOT RIGHT OF WAY FROM CENTER); THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 24 DEGREES 37 MINUTES 31 SECONDS WEST, 14.78 FEET TO A SET 1 1/2"x18" REBAR AND CAP; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, A CURVE TO THE LEFT HAVING THE FOLLOWING ATTRIBUTES: RADIUS - 517.05', ARC LENGTH - 211.37 FEET, DELTA - 23 DEGREES 25 MINUTES 20 SECONDS, CHORD BEARING - SOUTH 12 DEGREES 54 MINUTES 51 SECONDS WEST, CHORD LENGTH - 209.90 FEET TO A SET 1 1/2"x18" REBAR AND CAP; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01 DEGREE 12 MINUTES 11 SECONDS WEST, 506.90 FEET TO SET 1 1/2"x18" REBAR AND CAP, SAID REBAR AND CAP BEING NORTH 86 DEGREES 13 MINUTES 07 SECONDS WEST, 7.15 FEET FROM A FOUND 1 1/2" IRON ROD; THENCE NORTH 86 DEGREES 13 MINUTES 07 SECONDS WEST, 372.63 FEET TO THE POINT OF BEGINNING, AND CONTAINING 6.28 ACRES, MORE OR LESS.

## L.U.C.B. Major Modification Conditions (04-12-18)

## Site Conditions

- The western property line of the subject site shall be screened in accordance with Modified Plate H-1 as shown on the site plan.
- The eastern property line abutting not fronting Hernando Road and currently adjacent to a place of worship shall be screened in accordance with Modified Plate H-2 as shown on the site plan.
- The subject site frontage along Hernando Road shall be landscaped in accordance with Modified Plate Y as shown on the site plan.
- Chain-link fencing with barbed wire on top shall be allowed on the boundary of the subject site except where the streetscape or landscape plate referenced in site conditions one through three require a different fencing type, thus, in those instances chain-link fencing with barbed wire on top shall not be permitted.
- Any required landscaping that falls within the existing detention pond area shall be subject to approval by the City Engineer. If deemed necessary by the City Engineer, the plate may be modified in this area subject to review and approval by the Office of Planning and Development.
- All outline plan conditions remain applicable unless modified by site conditions one through four.

## Outline Plan Conditions

- Uses Permitted
  - Any use permitted by right or administrative site plan review in the highway commercial (C-H) district, and outdoor storage, except for adult entertainment places, taverns, night clubs and cocktail lounges, and liquor stores.
  - Existing dwellings may remain in use, subject to the regulations on nonconforming uses and structures, Section 30.
- Bulk Requirements
  - the bulk regulations of the C-H district shall apply, except that a 30-foot setback is permitted when the front yard setback is landscaped and/or not devoted to parking area.
- Access, Parking, and Circulation
  - The number, location and design of curb cuts shall be determined as part of the final plan review and is subject to the approval of the city engineer.
  - Hernando Road shall be dedicated to 34 feet from the centerline. Improvements not required.
- Landscaping
  - The west property line shall be screened with Plate H, (20 feet wide), and a minimum six-foot-high chain link fence with barbed wire on top substituted for the sight-proof wooden fence.
  - The Hernando Road frontage shall be landscaped with Plate Y.
  - Light standards within 100 feet of the west property line shall not exceed 10 feet in height.
  - Existing vegetation within 10 feet of the east line of Parcel VI where it abuts the Nonconna Baptist Church property shall be retained.
  - Equivalent landscaping may be substituted for that required above subject to the approval of the office of planning and development.
  - Lighting shall be directed so as to not glare onto residential property.
  - Refuse containers shall be completely screened from view from adjacent properties.
- Signage
  - Detached and attached signs shall be governed by the C-H district regulations.
  - Advertising signs (billboards) are prohibited.
- Drainage
  - All drainage plans shall be submitted to the city engineer for review.
- The land use control board may modify the building setback and height, access, parking, landscaping and signage requirements if equivalent alternatives are presented.
- A final plan shall be filed within five years of approval of the outline plan. the land use control board may grant extensions, at the request of the applicant.
- Any final plan shall include the following.
  - The outline plan conditions;
  - A standard subdivision contract as defined by the subdivision regulations;
  - The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, required landscaping;
  - The number of parking spaces;
  - The location and ownership, whether public or private of any easement;
  - A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance purposes.
- Current or subsequent owners of property within this planned development may request amendments to the plan without the consent of the other owners provided that the notification area of the proposed amendments shall extend from the boundary of the entire development

## The Board of Adjustment Approval Conditions

## B.O.A. 18-17 Conditions (03-28-18)

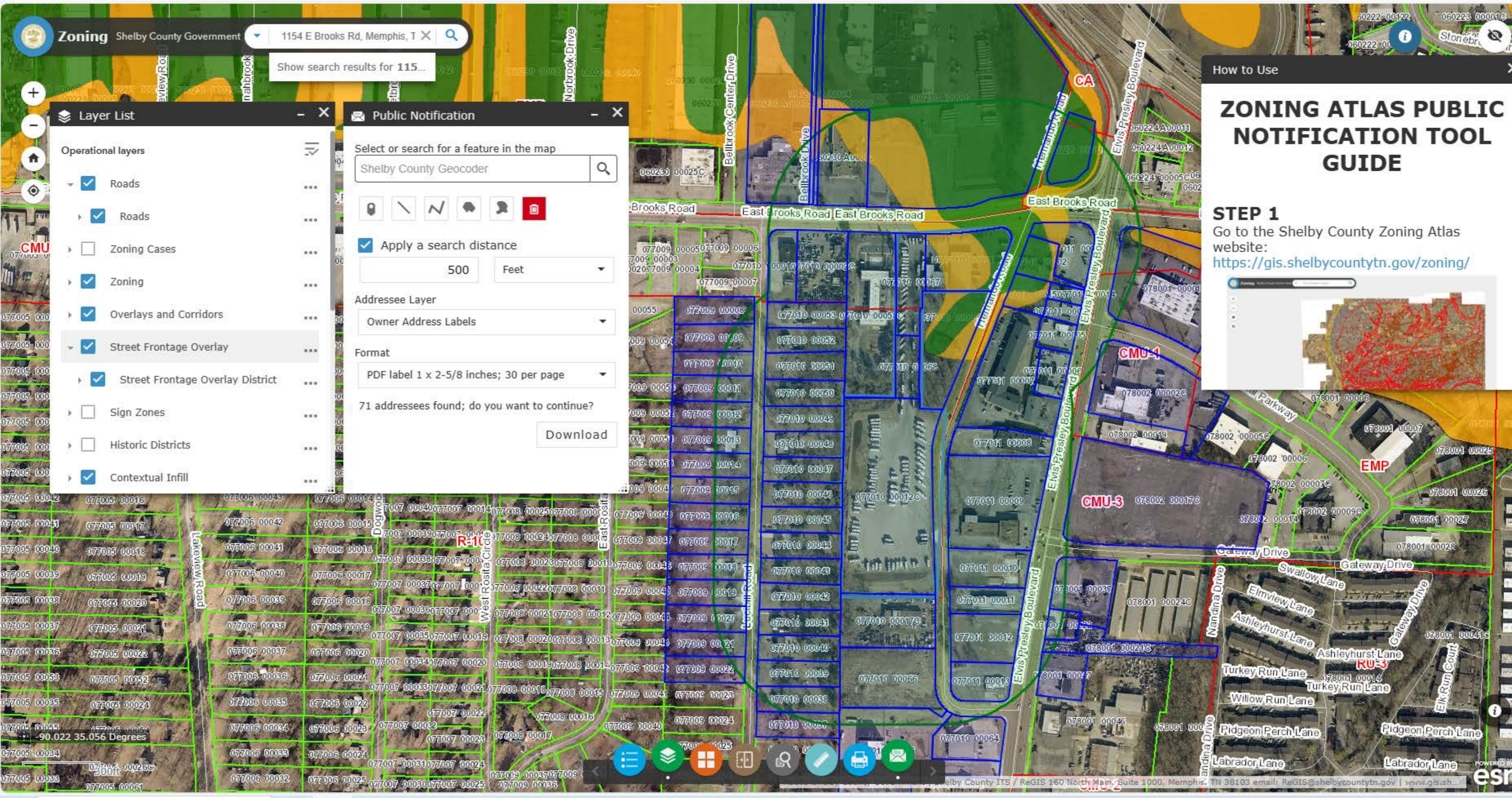
- Any change or deviation from the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.
- A site plan shall be submitted for administrative review and approval by the Memphis and Shelby County Office of Planning and Development to reflect the approved conditions.
- The electrified fence shall be permitted along the border of the subject property. The maximum height of the electrified fence shall be 10 feet.
- Regarding the northern portion of the site, the street frontage fencing shall be constructed of high quality materials, such as wrought iron, powder coated aluminum, etc. and this quality of fencing shall extend into the subject property the respective distances on each street to match the distance that the principal structure is setback (+/-80 feet deep from Brooks Road and +/-100 feet from Old Hernando Road.
- Regarding the western property line of the subject property which is adjacent to single-family residential a site-proof wooden fence shall be installed with a minimum height of six feet.
- A landscape plan shall be submitted for administrative review and approval by the Memphis and Shelby County Office of Planning and Development for any portion of the subject property not within the companion case for the Brooks - Hernando Planned Development, PD 86-367 Correspondence. The intent of this condition is that all street frontage fencing shall be part of an evergreen landscape screening system or equivalent.

## RECORDING STAMPS

18079968	
08/08/2018	09:51 AM
3 PGS	
DONALD 1769171-18079968	
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TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

FINAL PLAT		
BROOKS-HERNANDO P.D.		
ZONING DISTRICT: R-10	PHASE 2	CASE NO. PD 86-367
MEMPHIS, TENNESSEE		
1 LOT	AREA 6.28 ACRES	WARD 77, BLOCK 10, PARCEL 12C
DEVELOPER: RV WORLD CO., INC. 1160 BROOKS ROAD EAST, MEMPHIS, TN 38166 901.332.3422		ENGINEER: CIVIL-LINK, LLC 5779 GETWELL ROAD, BLDG. B, SOUTHAVEN, MS 38672 662.510.2169
100 YEAR FLOOD ELEV. 233.9' +/-	FEMA MAP PANEL NO. 47157C0420F	FEMA MAP DATE SEPT. 28, 2007
DATE: MAY 25, 2018	SCALE: 1" = 50'	SHEET 2 OF 3





## How to Use

# ZONING ATLAS PUBLIC NOTIFICATION TOOL GUIDE

### STEP 1

Go to the Shelby County Zoning Atlas website:  
<https://gis.shelbycountyttn.gov/zoning/>



078001 00001 - SHUGAA YAAQOB A  
078001 00021C - NGUYEN DANH AND NGUYET T NGUYEN  
078001 00022 - TIPTON ELRUDIA  
078001 00037 - KAY L D & LENORE D BLEADON TR  
078001 00047 - SANDERS JOHNNY W AND MELINDA SANDERS  
078002 00002C - NELSON WILL J SR  
078002 00017C - ANJU HOTELS LLC  
060228 00001 - YORK PROPERTIES LLC  
060230 A00002 - OLYMBEC BELLBROOK LLC  
060230 A00004 - OLYMBEC BELLBROOK LLC  
060230 A00005 - OLYMBEC BELLBROOK LLC  
060230 A00006 - OLYMBEC BELLBROOK LLC  
060230 A00007 - YORK PROPERTIES LLC  
077009 00008 - AMISANO ROSEMARIE AND DOROTHY L AMISANO  
077009 00009 - MCCLAIN MARK T AND SHAWN T KIRKPATRICK  
077009 00010 - COSTA WILMA  
077009 00011 - GREEN BOBBY C  
077009 00012 - MOORE FREDRICK M  
077009 00013 - HILL CHARLIE F & CHERYL D  
077009 00014 - MIMS CLARK H & DONNA  
077009 00015 - MURPHY-WALKER DEBORAH D & WILLIE B JR  
077009 00016 - STERLING PROPERTY INVESTMENTS LLC  
077009 00017 - BADGER BOUND TN LLC  
077009 00018 - GORDON BRADY  
077009 00019 - SOUGOU NDEYE F AND FOUNDATION CHEIKH

077009 00020 - BROWN JOSHUA L  
077009 00021 - 3359 LUCIBILL LLC  
077009 00022 - LEWIS GILDA G  
077010 00001 - WILLIAMS JOHN L  
077010 00002C - WILLIAMS DEWAYNE  
077010 00009 - NONCONNAH BAPTIST CHURCH TR  
077010 00012C - LG INVESTMENTS LLC  
077010 00017C - ANJU PROPERTIES LLC  
077010 00037 - ANJU PROPERTIES LLC  
077010 00038 - AUSTIN TAMMIE L  
077010 00039 - HARRIS JAMES E  
077010 00040 - BROWN CHARLES E AND CAPRICE S BRATCHER  
077010 00041 - ROBINSON ALYASHA K AND MILDRED MUHAMMAD  
077010 00042 - MID SOUTH HOME BUYERS GP  
077010 00043 - BEAN ANDREW C  
077010 00044 - ROSE NATHANIEL & JOYCE M  
077010 00045 - ANJU PROPERTIES LLC  
077010 00046 - HARRIS JEREMIAH & ASHLIEY I  
077010 00047 - WHITE ROSA L AND ANNIE F HOYLE  
077010 00048 - YAGER REBEKAH AND MAURICO NICHOLS  
077010 00049 - ANJU PROPERTIES LLC  
077010 00050 - FINNEY JAMES R & VIRGINIA M (LE ) AND  
077010 00051 - NICHOLS MAURICO & REBEKAH  
077010 00052 - ROCHE MELVIN A  
077010 00053 - ROCHE MELVIN A

077010 00054 - LG INVESTMENTS LLC  
077010 00058C - NIK HOSPITALITY INC  
077010 00064 - VENTURA FD LLC  
077010 00065 - NEW YORK INVESTMENT GROUP LLC  
077010 00066 - PATEL SANDIP  
077010 00067 - LG INVESTMENTS LLC  
077010 00068 - LG INVESTMENTS LLC  
077011 00001 - MEMPHIS CONVENTION AND VISTORS BUREAU  
077011 00002 - WATSON KENNETH D  
077011 00004 - BLU RIVER LLC  
077011 00005 - GIBBS ALVIN  
077011 00006 - ANJU PROPERTIES LLC  
077011 00007 - OM SHIVAYA NAMAH INC  
077011 00008 - STOTTS GREGORY  
077011 00009 - SHIVA PROPERTIES LLC  
077011 00010 - ANJU PROPERTIES LLC  
077011 00011 - GRAY JANICE L & EDDIE W JR  
077011 00012 - NERO HOLDINGS LLC  
077011 00013 - EXLINE WALTER L JR LIVING TRUST  
077011 00014 - BLU RIVER LLC  
077011 00015 - BLU RIVER LLC

AMISANO ROSEMARIE AND DOROTHY L AMISANO  
3229 LUCIBILL RD #  
MEMPHIS TN 38116

GORDON BRADY  
3331 LUCIBILL LN #  
MEMPHIS TN 38116

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

MCCLAIN MARK T AND SHAWN T KIRKPATRICK  
3237 LUCIBILL RD #  
MEMPHIS TN 38116

SOUGOU NDEYE F AND FOUNDATION CHEIKH  
21500 SCHOOLCRAFT #  
DETROIT MI 48223

AUSTIN TAMMIE L  
3378 LUCIBILL RD #  
MEMPHIS TN 38116

COSTA WILMA  
11781 MAGNOLIA PARK CT #  
LAS VEGAS NV 89141

BROWN JOSHUA L  
3333 W 2ND ST #  
LOS ANGELES CA 90004

HARRIS JAMES E  
3370 LUCIBILL RD #  
MEMPHIS TN 38116

GREEN BOBBY C  
209 NAPOLEON #  
MEMPHIS TN 38106

3359 LUCIBILL LLC  
3225 MCLEOD DR #  
LAS VEGAS NV 89121

BROWN CHARLES E AND CAPRICE S BRATCHER  
3360 LUCIBILL RD #  
MEMPHIS TN 38116

MOORE FREDRICK M  
3269 LUCIBILL RD #  
MEMPHIS TN 38116

LEWIS GILDA G  
3369 LUCIBILL RD #  
MEMPHIS TN 38116

ROBINSON ALYASHA K AND MILDRED MUHAMMAD  
3350 LUCIBILL RD #  
MEMPHIS TN 38116

HILL CHARLIE F & CHERYL D  
3279 LUCIBILL RD #  
MEMPHIS TN 38116

WILLIAMS JOHN L  
1085 E BROOKS RD #  
MEMPHIS TN 38116

MID SOUTH HOME BUYERS GP  
46 FLICKER ST #  
MEMPHIS TN 38116

MIMS CLARK H & DONNA  
3289 LUCIBILL RD #  
MEMPHIS TN 38116

WILLIAMS DEWAYNE  
1091 BROOKS RD #  
MEMPHIS TN 38116

BEAN ANDREW C  
3330 LUCIBILL RD #  
MEMPHIS TN 38116

MURPHY-WALKER DEBORAH D & WILLIE B JR  
3299 LUCIBILL RD #  
MEMPHIS TN 38116

NONCONNAH BAPTIST CHURCH TR  
3257 HERNANDO RD #  
MEMPHIS TN 38116

ROSE NATHANIEL & JOYCE M  
3320 LUCIBILL RD #  
MEMPHIS TN 38116

STERLING PROPERTY INVESTMENTS LLC  
662 ANTEBELLUM CV #  
COLLIERVILLE TN 38017

LG INVESTMENTS LLC  
407 SAINTT TAMMANY ST #  
MADISONVILLE LA 70447

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

BADGER BOUND TN LLC  
191 BROOME ST #  
SUN PRAIRIE WI 53590

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

HARRIS JEREMIAH & ASHLIEY I  
7580 OCTOBER ROSE DR #  
MEMPHIS TN 38119

WHITE ROSA L AND ANNIE F HOYLE  
3286 LUCIBILL RD #  
MEMPHIS TN 38116

NEW YORK INVESTMENT GROUP LLC  
102 COLONY WAY #  
BRANDON MS 39047

STOTTS GREGORY  
1357 FARROW RD #  
MEMPHIS TN 38116

YAGER REBEKAH AND MAURICO NICHOLS  
3356 W ROSITA CIR #  
MEMPHIS TN 38116

PATEL SANDIP  
9639 GRAYS MEADOW DR #  
CORDOVA TN 38018

SHIVA PROPERTIES LLC  
3311 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

LG INVESTMENTS LLC  
407 SAINTT TAMMANY ST #  
MADISONVILLE LA 70447

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

FINNEY JAMES R & VIRGINIA M (LE ) AND  
3256 LUCIBILL RD #  
MEMPHIS TN 38116

LG INVESTMENTS LLC  
407 SAINTT TAMMANY ST #  
MADISONVILLE LA 70447

GRAY JANICE L & EDDIE W JR  
3341 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

NICHOLS MAURICO & REBEKAH  
3278 LUCIBILL RD #  
MEMPHIS TN 38116

MEMPHIS CONVENTION AND VISTORS BUREAU  
47 UNION AVE #  
MEMPHIS TN 38103

NERO HOLDINGS LLC  
1991 CORPORATE AVE #  
MEMPHIS TN 38132

ROCHE MELVIN A  
3228 LUCIBILL RD #  
MEMPHIS TN 38116

WATSON KENNETH D  
8909 GEORGIAN DR #  
AUSTIN TX 78753

EXLINE WALTER L JR LIVING TRUST  
5 RIVERWALK DR #  
NEW SMYRNA BEACH FL 32169

ROCHE MELVIN A  
3228 LUCIBILL RD #  
MEMPHIS TN 38116

BLU RIVER LLC  
119 S MAIN ST #  
MEMPHIS TN 38103

BLU RIVER LLC  
119 S MAIN ST #  
MEMPHIS TN 38103

LG INVESTMENTS LLC  
407 SAINTT TAMMANY ST #  
MADISONVILLE LA 70447

GIBBS ALVIN  
3661 SUMMER SHADE CV #  
MEMPHIS TN 38116

BLU RIVER LLC  
119 S MAIN ST #  
MEMPHIS TN 38103

NIK HOSPITALITY INC  
1117 E BROOKS RD #  
MEMPHIS TN 38116

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

SHUGAA YAAQOB A  
547 VANCE AVE #  
MEMPHIS TN 38126

VENTURA FD LLC  
1401 QUAIL ST #  
NEWPORT BEACH CA 92660

OM SHIVAYA NAMAH INC  
3265 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

NGUYEN DANH AND NGUYET T NGUYEN  
3360 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

TIPTON ELRUDIA  
3800 MASONWOOD LN #  
MEMPHIS TN 38116

YORK PROPERTIES LLC  
3100 BELLBROOK DR #  
MEMPHIS TN 38116

KAY L D & LENORE D BLEADON TR  
919 E MAIN ST 14TH FL #  
RICHMOND VA 23219

SANDERS JOHNNY W AND MELINDA SANDERS  
1656 SYCAMORE VIEW RD #  
MEMPHIS TN 38134

NELSON WILL J SR  
465 TENNESSEE ST #  
MEMPHIS TN 38103

ANJU HOTELS LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

YORK PROPERTIES LLC  
3100 BELLBROOK DR #  
MEMPHIS TN 38116

OLYMBEC BELLBROOK LLC  
1004 E BROOKS RD #  
MEMPHIS TN 38116

OLYMBEC BELLBROOK LLC  
1004 E BROOKS RD #  
MEMPHIS TN 38116

OLYMBEC BELLBROOK LLC  
1004 E BROOKS RD #  
MEMPHIS TN 38116

OLYMBEC BELLBROOK LLC  
1004 E BROOKS RD #  
MEMPHIS TN 38116



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

ZV 2021-475

August 18, 2021

Denna Sanders  
[dsanders@bradley.com](mailto:dsanders@bradley.com)

<b>RE:</b>	<b>Certificate of Zoning</b>	<b>Parcel ID No.</b>
	1145 E Brooks Road	077010 00054
	0 E Brooks Road	077010 00067
	0 E Brooks Road	077010 00068
	0 Brooks Road	077010 00012C

Dear Applicant,

The Tennessee Motor Vehicle Commission requires that in order to obtain a new or used motor vehicle dealer (new recreational vehicles, franchise motor vehicle or motorcycle dealer), used motor vehicle dealer, motor vehicle auction, dismantler or recycler's license or to change the address of an existing firm (relocation) that you must obtain "written approval from the local zoning/land-use authority indicating local zoning compliance for the firm's business address."

We have examined the City of Memphis and Shelby County zoning atlas (Panel #2330) and the Unified Development Code (zoning ordinance) and make the following findings:

- **The current zoning classification for the subject property is:**

Planned Development 86-367 with underlying Residential Single Family – 10 (R-10) and Commercial Mixed-Use – 3 (CMU-3) District.

- **Is the subject property located within an Overlay District?**

No, it is not within an Overlay District.

- **Information regarding variances, special permits/exceptions, ordinances or conditions.**

The following apply to the subject property:

A variance (Docket #BOA 1968-95 CO) approved by the Memphis and Shelby County Board of Adjustment on November 14, 1968. See enclosed Notice of Disposition. This variance approved campers to be displayed in the required front yard.

A variance (Docket #BOA 2018-17) approved by the Memphis and Shelby County Board of Adjustment on March 28, 2018. See enclosed Notice of Disposition. This variance approved an electric fence on the site.

A planned development (Docket #PD 86-367) approved by the Memphis City Council on April 7, 1987. See enclosed final plat.

- **The current / proposed use of the subject property for “motor vehicle sales, leasing and rental except for tractor-trailer, heavy trucks and manufactured housing” is a:**

Use permitted in accordance with the above planned development outline plan conditions (Paragraph I.D) and Table 2.5 – Permitted Use Table of the Joint Memphis and Shelby County Unified Development Code (UDC).

In those instances where a Certificate of Occupancy is to be obtained (UDC Section 9.19.3) the property is subject to the following additional use standards in accordance with the provisions of UDC Sub-Section 2.6.3.P unless over-ridden by the approved Special Use Permit conditions:

P. Vehicle Sales, Service, and Repair

1. General Provisions

- a. A Class III buffer (see Section 4.6.5) shall be established along any side yard and rear yard of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
- b. The outdoor overnight storage of vehicles may be permitted in accordance with Chapter 4.8, Outdoor Storage and Display. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- c. There shall be no dismantling of vehicles for salvage.
- d. The storage of impounded vehicles shall not be permitted.
- e. All outdoor lighting shall be directed downward to the extent possible and shall not glare onto residential property. Outdoor lighting must meet the requirements of Chapter 4.7, Outdoor Site Lighting.
- f. The maximum foot-candle for outdoor lighting shall be 60.
- g. No banners, flags, steamers, balloons or similar advertising devices, temporary or portable signs, reader board signs, roof-mounted signs or tents shall be permitted.
- h. When located within 300 feet of a residential district, no outside speaker system shall be permitted and automobile service doors shall be closed except for entry and exit of automobiles.

2. CBD, Designated Frontage

- a. The sales and leasing of motor vehicles shall be conducted within a fully-enclosed building. The outdoor display and storage of vehicles for sale or rental shall not be permitted.
- b. All repair or service operations shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation. Service and repair activity may be conducted outside to the rear the building provided activity shall be fully screened from view from adjacent property and public right-of-way.
- c. A maximum of two service bay doors no more than 24 feet in width each shall be permitted. No more than one bay door shall be permitted on each side of the building.

3. Provisions Related Specifically to Vehicle Sales and Leasing

- a. Road testing of vehicles may be restricted to non-residential areas.

- b. New car display shall not be artificially elevated above the general topography of the site.
  - c. If the automobile dealership ceases to operate, all attached and detached signs depicting the dealership shall be removed from the property.
  - d. Any vehicle sales, rental or leasing facility located in the CMU-3 zoning established after February 10, 2015, or reactivated after one year of discontinuance, shall require the issuance of a Special Use Permit.
  - e. A minimum of 288 square feet of office space shall be provided.
  - f. Functioning restroom facilities, in accordance with the Building Code, shall be provided.
  - g. For sites utilized for vehicle sales, there shall be room for 15 spaces for overnight service or repair storage, or on-going vehicle sales display and three dedicated spaces for customer parking. All spaces shall be clearly delineated.
  - h. Any vehicle sales facility that both requires the issuance of a Special Use Permit under this Code and is primarily or solely engaged in the sales of used vehicles shall require a major modification if the controlling interest of its ownership changes. During its review of the major modification request, the Land Use Control Board shall review whether the original conditions of approval, as well as the use standards contained in this Code, are being met. Furthermore, the Land Use Control Board may amend the conditions to ensure the approval criteria for special use permits contained in Section 9.6.9 of this Code are met. For the purpose of this section, the term "primarily or solely engaged in the sales of used vehicles" shall be defined as any car sales facility where the sales of used vehicles constitute 50% or more of its annual sales, measured by the most recent calendar year available.
- **Is the site in conformance with the Unified Development Code or if constructed prior to 2011, in compliance with a previous zoning code or approved Planned Development?**

The structure was developed in 1997 and is:

In accordance with the approved site plan and is legal conforming to the approved site plan. If any nonconforming issues exist with respect to current zoning requirements; the subject property would be considered legal non-conforming.

- **In the event of casualty, in whole or in part, the structure(s) located on the subject property:**

May be rebuilt in its present form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.

- **Are there any Unified Development Code (UDC) violations?**

There do NOT appear to be any outstanding / open UDC (subdivision or zoning) violations that apply to the subject property.

The above information contained herein was researched on August 18, 2021. It is believed to be accurate and is based upon, or relates to, the information supplied by the requestor. No guarantees as to the accuracy of the data and information provided above are expressed or implied. This office is not responsible for any loss of profit, indirect, incidental, special, or consequential damages arising out of the use of the information provided above and assumes no liability for error and/or omission associated with this determination. All of the information contained herein was obtained from public records, which may be inspected during regular business hours.

Further information pertaining to the Unified Development Code may be obtained by visiting <https://www.develop901.com/landuse-developmentservices> or by contacting staff in the Land Use and Development Services Section of the Memphis and Shelby County Division of Planning and Development.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [lucas.skinner@memphistn.gov](mailto:lucas.skinner@memphistn.gov).

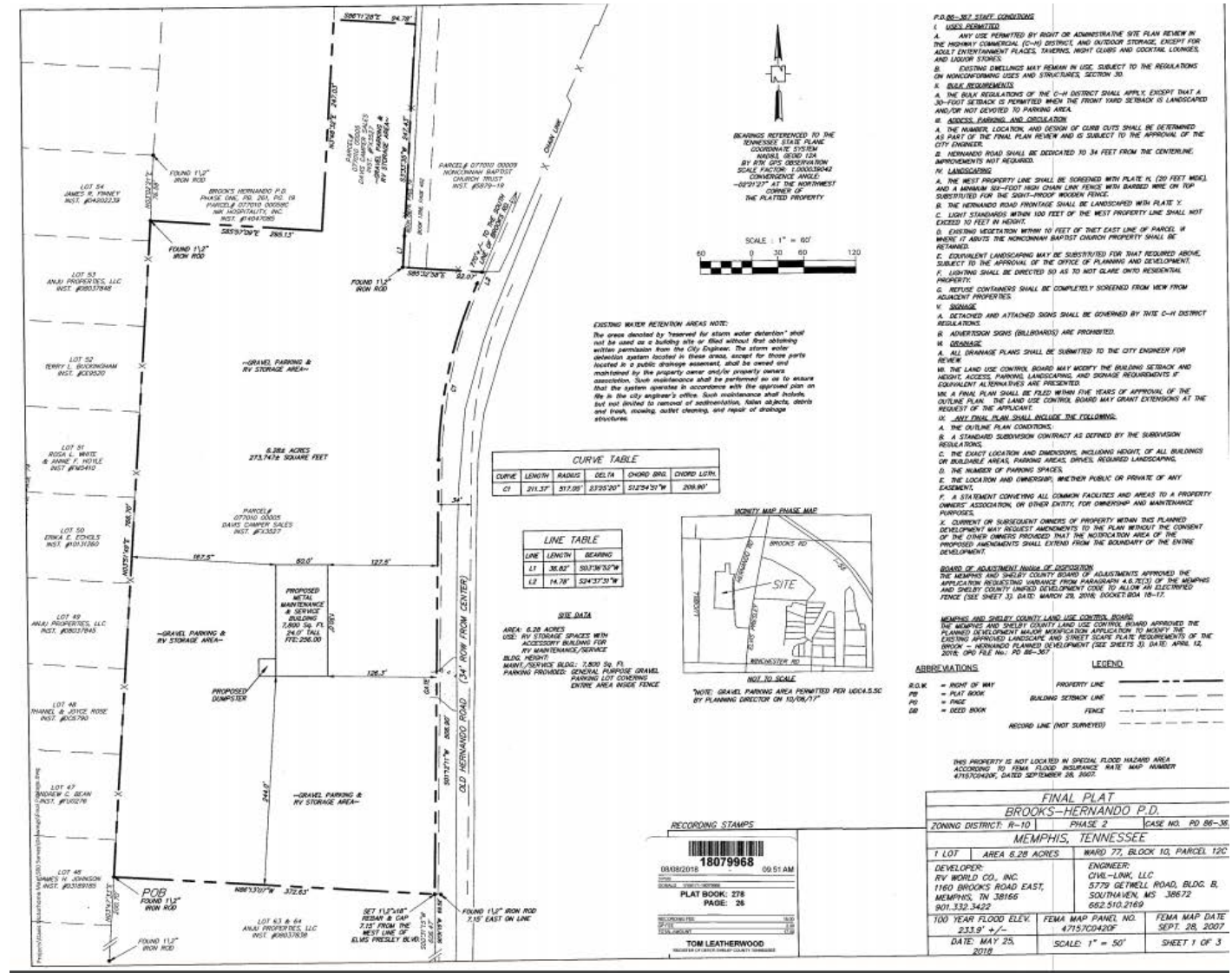
Respectfully,

A handwritten signature in cursive script that reads "Lucas Skinner".

Lucas Skinner  
Municipal Planner  
Land Use & Development Services



## PD 86-367 – Final Plan



**OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE**

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON 02-03-21, AND APPROVED BY THE MEMPHIS CITY COUNCIL ON 04-07-21.

BY: [Signature] DATE: 7-28-18

DIRECTOR OF PLANNING AND DEVELOPMENT

BY: 7-24-17

CITY ENGINEER

DATE: 07-26-18

OFFICE OF PLANNING AND DEVELOPMENT

**OWNER'S CERTIFICATE**

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE AND LOCAL BUILDING, LAND AND ZONING REGULATIONS.

BY: [Signature] DATE: 7-23-2018

TENNESSEE CERTIFICATE NUMBER: 119285

SEAL

**SURVEYOR'S CERTIFICATE**

IT IS HEREBY CERTIFIED THAT THIS IS A CLASS 1 SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1:15,000 OR GREATER. THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT.

BY: [Signature] DATE: 7-23-2018

TENNESSEE CERTIFICATE NUMBER: 119285

SEAL

**OWNER'S CERTIFICATE**

WE, DAVID DAVIS, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY CERTIFY THAT AS OUR PLAN OF DEVELOPMENT AND DESIGN OF THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND OF DESIGN TO PUBLIC USE FOREVER, WE CERTIFY THAT WE ARE THE OWNER OF THE SAID PROPERTY IN FEET SIMPLE, HAVE PERSONALLY ACQUIRED, AND WHO UPON HIS OATH ADMITTED HIMSELF TO BE THE OWNER OF THE SAID PROPERTY, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: [Signature] DATE: 7-23-2018

DAVID DAVIS, OWNER, DAVIS CAMPER SALES, INC. & RV WORLD CO., INC.

STATE OF TENNESSEE: MEMPHIS COUNTY OF SHELBY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY, AS AGRUANT, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED DAVID DAVIS, WITH ME AND I AM PERSONALLY ACQUAINTED, AND WHO UPON HIS OATH ADMITTED HIMSELF TO BE THE OWNER OF THE SAID PROPERTY, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

NOTARY PUBLIC: [Signature] JAMES BLANTON JONES, Commission Expires: SEP 23, 2020

MY COMMISSION EXPIRES: Sept 23, 2020

**WITNESSES' CERTIFICATE**

WE, THE UNDERSIGNED, WITNESSES TO THE SIGNATURE OF THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY CONSENT AND AGREE TO THE PLAN OF DEVELOPMENT AS SUBMITTED BY THE OWNER OF THE PROPERTY.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SIGNED OUR NAMES AND AFFIXED OUR SEALS.

PROPERTY DESCRIPTION

A 6.28 ACRES, MORE OR LESS, PARCEL OF LAND BEING KNOWN AS PARCEL 12C, WARD 77, BLOCK 10, IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 11/2" IRON ROD AT THE NORTHWEST CORNER OF LOT 61, DODD HILLS SUBDIVISION, ADDITION NO. 3, RECORDED IN BOOK 10, PAGE 74 IN THE SHELBY COUNTY REGISTER'S OFFICE; SAID 11/2" IRON ROD ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 03 DEGREES 49 MINUTES 49 SECONDS EAST, 260.70 FEET TO A FOUND 11/2" IRON ROD ON THE EAST LINE OF LOT 24, OF SAID DODD HILLS SUBDIVISION; THENCE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS EAST, 285.13 FEET TO A SET 11/2" IRON ROD AND CAP ON THE WEST LINE OF THE MONTECASSINO BAPTIST CHURCH TRUST PARCEL RECORDED IN BOOK 5876, PAGE 18; THENCE ALONG SAID WEST LINE, SOUTH 03 DEGREES 36 MINUTES 52 SECONDS WEST, 36.40 FEET TO A FOUND 11/2" IRON ROD AT THE CORNER OF A CHAIN LINK FENCE; THENCE SOUTH 80 DEGREES 32 MINUTES 06 SECONDS EAST, 80.07 FEET TO A SET 11/2" IRON ROD AND CAP ON THE WEST FRONT OF WAY LINE OF OLD HERMAN ROAD (CH-101) RIGHT OF WAY FROM CENTROS; THENCE ALONG SAID WEST FRONT OF WAY LINE, SOUTH 24 DEGREES 37 MINUTES 31 SECONDS WEST, 14.78 FEET TO A SET 11/2" IRON ROD AND CAP; THENCE CONTINUING ALONG SAID WEST FRONT OF WAY LINE, A CURVE TO THE LEFT HAVING THE FOLLOWING DATA: RADIUS = 512.05', ARC LENGTH = 211.37 FEET, DELTA = 23 DEGREES 20 MINUTES 20 SECONDS, CHORD BEARING = SOUTH 12 DEGREES 54 MINUTES 51 SECONDS WEST, 208.00 FEET TO A SET 11/2" IRON ROD AND CAP; THENCE CONTINUING ALONG SAID WEST FRONT OF WAY LINE, SOUTH 01 DEGREE 12 MINUTES 11 SECONDS WEST, 506.00 FEET TO A SET 11/2" IRON ROD AND CAP; THENCE ALONG SAID WEST FRONT OF WAY LINE, SOUTH 01 DEGREE 12 MINUTES 11 SECONDS WEST, 506.00 FEET TO A SET 11/2" IRON ROD AND CAP; THENCE NORTH 86 DEGREES 13 MINUTES 07 SECONDS WEST, 372.63 FEET TO THE POINT OF BEGINNING, AND CONTAINING 6.28 ACRES, MORE OR LESS.

**RECORDING STAMPS**

18079968

06/08/2018 09:51 AM

PLAT BOOK: 278

PAGE: 26

TOM LEATHERWOOD

**FINAL PLAT**

BROOKS-HERNANDO P.D.

ZONING DISTRICT: R-10 PHASE 2 CASE NO. PD 86-367

MEMPHIS, TENNESSEE

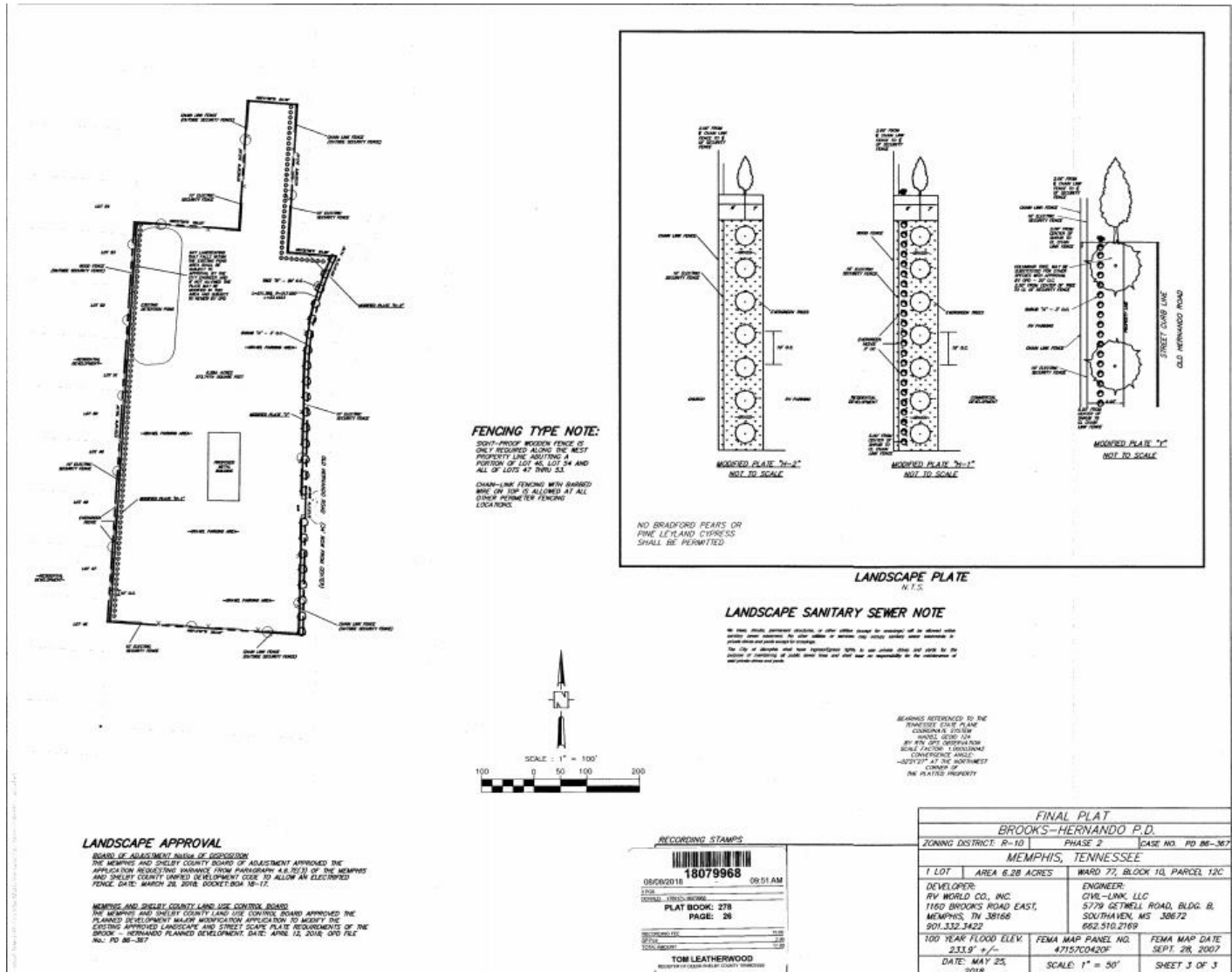
1 LOT AREA 6.28 ACRES WARD 77, BLOCK 10, PARCEL 12C

DEVELOPER: RV WORLD CO., INC. 1160 BROOKS ROAD EAST, MEMPHIS, TN 38166 901.332.3422

ENGINEER: CIVIL-INK, LLC 5779 GETWELL ROAD, BLDG. B, SOUTHAVEN, MS 38672 662.510.2169

100 YEAR FLOOD ELEV. 233.9' +/- FEMA MAP PANEL NO. 4715700450P FEMA MAP DATE SEPT. 28, 2007

DATE: MAY 25, 2018 SCALE: 1" = 30' SHEET 2 OF 3



## BOA 1968-95 CO Notice of Disposition

**SHELBY COUNTY BOARD OF ADJUSTMENT**  
CITY HALL • 125 N. MAIN STREET • MEMPHIS, TENNESSEE 38103  
**NOTICE OF DISPOSITION** 182

Date: November 15, 1968  
Re Docket: 68-95 County  
Location: 1145 E. Brooks Road, (146 feet  
west of Hernando Road)

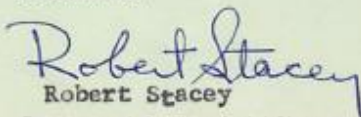
To: George L. Rice, Jr., Attorney  
701 Home Federal Building  
Memphis, Tennessee

Dear Sir:

On November 14, 1968, the Board  
of Adjustment approved your application to permit the display of  
campers in the required front yard, subject to the following condition:

1. The camper trailers are to be parked in such a manner that  
they do not block the view of motorists entering and leaving  
the premises.

All appeals and applications GRANTED are expressly conditioned upon the applicant obtaining the permit  
requested or other order within one (1) year from the date of the decision of the Board of Adjustment.  
The resolution of the Board is subject to your inspection at the office of the Board of Adjustment.

Respectfully,  
  
Robert Stacey  
Secretary of the Board of Adjustment

## BOA 2018-17 Notice of Disposition



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

CITY HALL - 125 N. MAIN STREET, SUITE 468 - MEMPHIS, TENNESSEE 38103

**BOARD OF ADJUSTMENT NOTICE OF DISPOSITION**

TO: Applicant  
David Davis

DATE: March 29, 2018  
DOCKET: BOA 18-17  
3305 Old Hernando Road

*Sent via electronic mail to: [daviddavis140@gmail.com](mailto:daviddavis140@gmail.com)*

On March 28, 2018, the Memphis and Shelby County Board of Adjustment *approved* your application requesting variance from Paragraph 4.6.7E(3) of the Memphis and Shelby County Unified Development Code to allow an electrified fence, subject to the following conditions:

1. Any change or deviation from the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.
2. A site plan shall be submitted for administrative review and approval by the Memphis and Shelby County Office of Planning and Development to reflect the approved conditions.
3. The electrified fence shall be permitted along the border of the subject property. The maximum height of the electrified fence shall be 10 feet.
4. Regarding the northern portion of the site, the street frontage fencing shall be constructed of high quality materials, such as wrought iron, powder coated aluminum, etc. and this quality of fencing shall extend into the subject property the respective distances on each street to match the distance that the principal structure is setback (+/-80 feet deep from Brooks Road and +/-100 feet from Old Hernando Road.
5. Regarding the western property line of the subject property which is adjacent to single-family residential a site-proof wooden fence shall be installed with a minimum height of six feet.
6. A landscape plan shall be submitted for administrative review and approval by the Memphis and Shelby County Office of Planning and Development for any portion of the subject property not within the companion case for the Brooks – Hernando Planned Development, PD 86-367 Correspondence. The intent of this condition is that all street frontage fencing shall be part of an evergreen landscape screening system or equivalent.

All appeals and applications granted are expressly conditioned upon the applicant obtaining the permit requested or other order within two years from the date of the decision of the Board of Adjustment, unless the Board explicitly provided a different time frame in its approval.

Note this case is a companion case to PD 86-367CC Correspondence and any portion of this approval located within the Brooks-Hernando Planned Development must be included on the final plan and recorded with the Shelby County Register.

Submit any required plan(s) as part of this approval to the Office of Planning and Development Land Use Controls East Office for review and approval.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Jeffrey Penzes', is written over a horizontal line.

Jeffrey Penzes  
Municipal Planner  
for Josh Whitehead  
Secretary

Cc: Ted Illsley – Office of Construction Code Enforcement  
Burk Renner – Office of Planning and Development  
Nick Kreunen – Civil-Link  
Cindy Williams – Electric Guard Dog LLC  
Donald McLellan – Electric Guard Dog LLC



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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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.

22017873

02/16/2022 - 08:06:30 AM

10 PGS

BRIAN 2383959-22017873

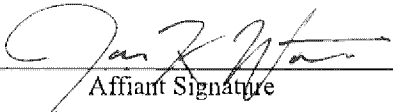
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MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	50.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	54.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

### Tennessee Certification of Electronic Document

I, Jake Watson, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on August 31, 2021 (date of document).

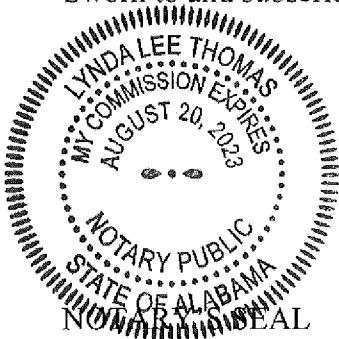
  
Affiant Signature

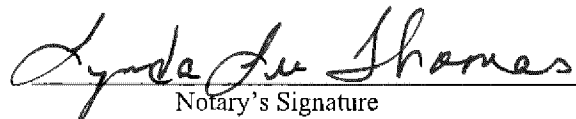
02/10/2022  
Date

State of Alabama

County of Jefferson

Sworn to and subscribed before me this 10<sup>th</sup> day of February, 2022.



  
Notary's Signature

MY COMMISSION EXPIRES: 8/20/2023

ADDRESS NEW OWNER:	MAP/PARCEL	SEND TAX BILLS TO:
LG Investments, LLC 407 St. Tammany St. Madisonville, Louisiana 70447	077-010-00012C 077-010-00054 077-010-00067 077-010-00068	Same Address as New Owner
This instrument prepared by: Bradley Arant Boult Cummings LLP (WCB) One Federal Place, 1819 Fifth Avenue North, Birmingham, Alabama 35203		

### SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN and NO/100 DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, **R. V. WORLD CO., INC.**, a Tennessee corporation (the "**Grantor**"), has bargained and sold, and by these presents does transfer and convey to **LG INVESTMENTS, LLC**, a Louisiana limited liability company (the "**Grantee**"), Grantee's heirs, successors and assigns, certain land in Shelby County, State of Tennessee, being more particularly described in Exhibit A, which is attached hereto and incorporated herein by this reference (the "**Property**").

This conveyance of the Property, and all covenants and warranties contained herein, are made expressly subject to those Permitted Encumbrances set forth on Exhibit B, attached hereto and incorporated herein by reference (the "**Permitted Encumbrances**").

This is improved property located at 1145 E. Brooks Road, Memphis, Tennessee 38116 and 3331 Old Hernando Road, Memphis, Tennessee 38116.

**TO HAVE AND TO HOLD** the Property with all appurtenances, estate, title, and interest thereto belonging or in any wise appertaining to the Grantee, Grantee's heirs, successors, and assigns, in fee simple forever.

Grantor covenants with the Grantee that the Property is free from all encumbrances made or suffered by Grantor, except to the extent otherwise set forth herein.

Grantor covenants and binds itself and its successors and assigns, to warrant and forever defend the title to the Property to the Grantee, Grantee's heirs, successors and assigns against the lawful claims of all persons whomsoever claiming by, through or under Grantor, except (i) claims arising under or by

STATE OF Tennessee  
COUNTY OF Shelby

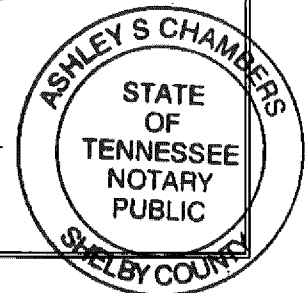
The actual consideration or value, whichever is greater, for this transfer is \$1,850,000.00.

2-7-  
Affiant

Subscribed and sworn to before me this 31 day of August, 2021.

Ashley S Chambers  
Notary Public

My Commission Expires: 7-1-23



virtue of the Permitted Encumbrances, and (ii) Grantor makes no warranty as to the amount of acreage in the Property.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has executed this Special Warranty Deed this 31st day of August, 2021.

GRANTOR:

R. V. WORLD CO., INC.,  
a Tennessee corporation

By: 2-1-

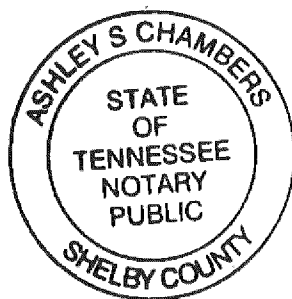
Name: DAVID DAVIS

Its: PRES.

STATE OF Tennessee )  
COUNTY OF Shelby )

Before me, the undersigned, Ashley Chambers, a Notary Public in and for the State and County aforesaid, personally appeared David Davis, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be the President of R. V. World Co., Inc., the within named bargainor, a Tennessee corporation, and that as such President, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the R. V. World Co., Inc., by himself/herself as such President.

WITNESS my hand and seal at office in Memphis, Tennessee, this the 31 day of August, 2021.



Ashley Chambers  
Notary Public

My Commission Expires: 7-1-23

**EXHIBIT A**

**Property**

**PARCEL I**

LOT 62, THIRD ADDITION, CARRINGTON JONES' DOGWOOD HILLS SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10, PAGE 74, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

ALSO BEING THE SAME PROPERTY AS PARCEL I, BROOKS-HERNANDO P.D. AS RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND IN THE SOUTH LINE OF PARCEL II, BROOKS-HERNANDO P.D.; THENCE ALONG SAID WEST LINE OF HERNANDO ROAD SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 88 DEGREES 51 MINUTES 51 SECONDS WEST A DISTANCE OF 372.60 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 55 SECONDS EAST A DISTANCE OF 367.99 FEET TO THE POINT OF BEGINNING.

**PARCEL II**

LOT 61, THIRD ADDITION, CARRINGTON JONES' DOGWOOD HILLS SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10, PAGE 74, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

ALSO BEING THE SAME PROPERTY AS PARCEL II, BROOKS-HERNANDO P.D. AS RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING THE SOUTH LINE OF PARCEL III, BROOKS-HERNANDO P.D.; THENCE ALONG SAID WEST LINE OF HERNANDO ROAD SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 55 SECONDS WEST A DISTANCE OF 363.39 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 01 SECONDS EAST A DISTANCE OF 358.79 FEET TO THE POINT OF BEGINNING.

**PARCEL III**

PARCEL III IN BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING

THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL II, BROOKS-HERNANDO P.D.; THENCE NORTH 88 DEGREES 50 MINUTES 01 SECONDS WEST A DISTANCE OF 363.39 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 45 SECONDS EAST A DISTANCE OF 358.79 FEET TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET TO THE POINT OF BEGINNING.

#### PARCEL IV

PARCEL IV, BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE SOUTH LINE OF PARCEL V OF BROOKS-HERNANDO P.D.; THENCE ALONG SAID WEST LINE OF HERNANDO ROAD SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 45 SECONDS WEST A DISTANCE OF 358.79 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 31 SECONDS EAST A DISTANCE OF 354.18 FEET TO THE POINT OF THE BEGINNING.

#### PARCEL V

PARCEL V IN BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL IV, BROOKS-HERNANDO P.D.; THENCE NORTH 88 DEGREES 49 MINUTES 31 SECONDS HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL IV, BROOKS-HERNANDO P.D. (THIS CALL IS ERRONEOUSLY DESCRIBED); THENCE NORTH 88 DEGREES 49 MINUTES 31 SECONDS WEST A DISTANCE OF 354.18 FEET TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 88 DEGREES 48 MINUTES 21 SECONDS EAST A DISTANCE OF 349.58 FEET TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE ALONG SAID WEST LINE SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

#### PARCEL VI

PART OF PARCEL VI, BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL V, BROOKS-HERNANDO P.D.; THENCE NORTH 88 DEGREES 48

MINUTES 21 SECONDS WEST A DISTANCE OF 349.58 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 266.81 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES 58 SECONDS EAST A DISTANCE OF 302.39 FEET; THENCE SOUTH 00 DEGREES 34 MINUTES 42 SECONDS WEST A DISTANCE OF 37.07 FEET; THENCE SOUTH 88 DEGREES 52 MINUTES 18 SECONDS EAST A DISTANCE OF 88.99 FEET, TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE SOUTH 21 DEGREES 42 MINUTES 42 SECONDS WEST A DISTANCE OF 26.18 FEET; THENCE SOUTHWARDLY ALONG SAID WEST LINE A DISTANCE OF 209.68 FEET TO THE POINT OF BEGINNING.

PARCELS I THROUGH VI - BEING THE SAME PROPERTY CONVEYED TO RV WORLD CO., INC., A TENNESSEE CORPORATION, BY WARRANTY DEED FROM SOUTHERN REAL ESTATE HOLDINGS, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, OF RECORD IN INSTRUMENT NO. 08013614 RE-RECORDED IN INSTRUMENT NO. 08043988, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

#### PARCEL VII

LOT 1, DOGWOOD HILLS SUBDIVISION, THIRD ADDITION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10, PAGE 74, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, LESS THAT PORTION CONVEYED TO THE COUNTY OF SHELBY BY INSTRUMENT OF RECORD IN BOOK 5624, PAGE 125, IN SAID REGISTER'S OFFICE.

#### PARCEL VIII

PART OF PARCEL VI, BROOKS-HERNANDO P.D. AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 113, PAGE 50 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, DOGWOOD HILLS SUBDIVISION, THIRD ADDITION, AS SHOWN IN PLAT BOOK 10, PAGE 74 OF THE REGISTER'S OFFICE; THENCE SOUTH 00 DEGREES 57 MINUTES WEST APPROXIMATELY 376 FEET ALONG THE EAST LINE OF THE MOTEL 6 PROPERTY AS DEEDED IN INSTRUMENT NO. AV 9779 IN THE REGISTER'S OFFICE TO AN IRON PIN WHICH IS IN THE SOUTHEAST CORNER OF SAID MOTEL 6 PROPERTY; THENCE EASTWARDLY ALONG THE EXTENSION OF THE SOUTH LINE OF THE SAID MOTEL T PROPERTY A DISTANCE OF APPROXIMATELY 98 FEET TO A POINT IN THE WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY AS SET FORTH IN BOOK 5878, PAGE 19 IN SAID REGISTER'S OFFICE; THENCE NORTH APPROXIMATELY 46.93 FEET ALONG SAID WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY; THENCE WEST APPROXIMATELY 7 FEET TO A POINT IN THE WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY; THENCE NORTH ALONG SAID WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY A DISTANCE OF APPROXIMATELY 329.47 FEET TO A POINT IN THE NORTH LINE OF LOT 1, DOGWOOD HILLS SUBDIVISION, THIRD ADDITION; THENCE WEST 92.95 FEET TO THE POINT OF BEGINNING.

PARCELS VII AND VIII - BEING THE SAME PROPERTY CONVEYED TO DAVIS CAMPER SALES, INC., A TENNESSEE CORPORATION, BY WARRANTY DEED FROM WILLIAM R. CARRINGTON JONES AND LUCY CARRINGTON JONES, OF RECORD IN INSTRUMENT NO. FX 3527, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE. DAVIS CAMPER SALES, INC. MERGED WITH AND INTO R.V. WORLD CO., INC., A TENNESSEE CORPORATION BY ARTICLES OF MERGER OF RECORD IN INSTRUMENT NO. 06007714,

IN SAID REGISTER'S OFFICE.

ALSO ABOVE DESCRIBED PARCELS I, II, III, IV, V, VI AND VIII BEING ALSO DESCRIBED AS FINAL PLAT BROOKS-HERNANDO P.D., PHASE 2, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 278, PAGE 26, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

#### PARCEL IX

BEGINNING AT THE INTERSECTION OF THE PRESENT SOUTH LINE OF BROOKS ROAD (53 FEET FROM THE CENTERLINE), WITH THE EAST LINE OF LOT 1, THIRD ADDITION TO DOGWOOD HILLS SUBDIVISION, SAID BEGINNING POINT BEING 635 FEET EAST OF THE EAST LINE OF LUCIBILL ROAD AS MEASURED ALONG THE PRESENT SOUTH LINE OF BROOKS ROAD; AND RUNNING THENCE EASTWARDLY WITH THE PRESENT SOUTH LINE OF BROOKS ROAD BY A CURVE TO THE LEFT HAVING A RADIUS OF 1199.3 FEET A DISTANCE OF 286.55 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE; THENCE SOUTH EASTWARDLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 40 FEET A DISTANCE OF 85.68 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT ON THE WEST LINE OF HERNANDO ROAD; THENCE SOUTH 14 DEGREES 22 MINUTES WEST ALONG THE WEST LINE OF HERNANDO ROAD 204.07 FEET TO THE NORTHEAST CORNER OF A CHURCH PROPERTY; THENCE SOUTH 85 DEGREES 22 MINUTES WEST ALONG THE NORTH LINE OF THE CHURCH PROPERTY 261.98 FEET TO A POINT; THENCE NORTH 5 DEGREES 16 MINUTES WEST A DISTANCE OF 208.6 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE CERTAIN PORTIONS OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE COUNTY OF SHELBY BY WARRANTY DEEDS OF RECORD IN BOOK 4726, PAGE 108 AND BOOK 5673, PAGE 91, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED TO DAVID DAVIS BY WARRANTY DEED FROM BILLY C. DAVIS (SAME AS BILLY CARLTON DAVIS) OF RECORD IN INSTRUMENT NO. 05026034 AND BY CORRECTION QUIT CLAIM DEED FROM DANNY DAVIS AND DAVID DAVIS OF RECORD IN INSTRUMENT NO. 22011760, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THE ABOVE REFERENCED PROPERTY BEING THE SAME PROPERTY DESCRIBED AS FOLLOWS:

Being the Brooks-Hernando P.D. as recorded in Plat Book 278, Page 26 of the Shelby County Register's Office, part of Lot 1, Third Addition, Dogwood Hills Subdivision as recorded in Plat Book 10, Page 74 of the Shelby County Register's Office and part of the Robert B. Abney tract as recorded in Book 5934, Page 165 of the Shelby County Register's Office and being further described hereon:

Beginning at a point in the west line of Hernando Road (60 foot public road) a tangent distance of 72.16 feet south of the south line of East Brooks Road (106 foot public right of way); thence South 22 degrees 21 minutes 17 seconds West along said west line of Hernando Road a distance of 202.59 feet to the northeast corner of the Nonconnah Baptist Church property; thence North 86 degrees 01 minutes 11 seconds West along the north line of said Nonconnah Baptist Church property a distance of 287.73 feet; thence South 03 degrees 20 minutes 47 seconds West along the west line of said Nonconnah Baptist Church property a distance of 68.60 feet; thence North 85 degrees 35 minutes 11 seconds West a distance of 7.00 feet; thence South 03 degrees 33 minutes 35 seconds West along the west line said Nonconnah

Baptist Church property a distance of 378.29 feet; thence South 03 degrees 36 minutes 52 seconds West along said west line a distance of 36.82 feet to the southwest corner of said Nonconnah Baptist Church property; thence South 85 degrees 32 minutes 58 seconds East along the south line of said Nonconnah Baptist Church property a distance of 92.07 feet to a point in the west line of Hernando Road; thence South 24 degrees 37 minutes 31 seconds West along said west line a distance of 14.78 feet to a point of curve; thence on a curve to the left, having a radius of 517.05 feet, a chord bearing of South 12 degrees 54 minutes 50 seconds West, a chord distance of 209.90 feet an arc distance of 211.37 feet; thence South 01 degrees 12 minutes 11 seconds West continuing along said west line of Hernando Road a distance of 506.90 feet to the northeast corner of Lot 63, Third Addition, Dogwood Hills Subdivision (P.B. 10, P. 74); thence North 86 degrees 13 minutes 07 seconds West along the north line of said Lot 63 a distance of 372.63 feet to a point in the east line of Lot 46 of said Third Addition, Dogwood Hills Subdivision; thence North 03 degrees 51 minutes 49 seconds East along the east line of Lots 46 through 54 of said subdivision a distance of 766.70 feet to the southwest corner of Phase 1, Brooks-Hernando P.D. (P.B. 261, P.19); thence South 85 degrees 57 minutes 09 seconds East along the south line of said Phase 1, Brooks-Hernando P.D. a distance of 200.00 feet to a point; thence North 03 degrees 52 minutes 46 seconds East along the east line of said Phase 1, Brooks-Hernando P.D. a distance of 653.40 feet to a point in the south line of East Brooks Road; thence along said south line South 85 degrees 57 minutes 09 seconds East a distance of 120.11 feet to a point of curve; thence along said south line on a curve to the left, having a radius of 1,199.30 feet, a chord bearing of North 87 degrees 12 minutes 09 seconds East, a chord distance of 285.87 feet an arc distance of 286.55 feet to a point of reverse curve; thence on a curve to the right, having a radius of 40.00 feet, a chord bearing of South 38 degrees 38 minutes 37 seconds East, a chord distance of 69.97 feet, an arc distance of 85.17 feet to the point of beginning.

**EXHIBIT B**

**Permitted Encumbrances**

1. All taxes for 2021 and subsequent years, which are a lien not yet payable.
2. All matters of record.



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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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.

22023077

03/01/2022 - 09:10:30 AM

28 PGS

LAKECIA 2390978-22023077

VALUE	1850000.00
MORTGAGE TAX	2125.20
TRANSFER TAX	0.00
RECORDING FEE	145.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	2275.20

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

## Tennessee Certification of Electronic Document

I, Jake Watson, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on August 31, 2021 (date of document).

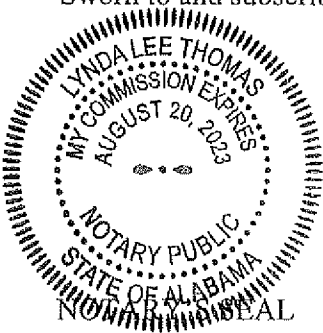
*Jake Watson*  
Affiant Signature

02/10/2022  
Date

State of Alabama

County of Jefferson

Sworn to and subscribed before me this 10<sup>th</sup> day of February, 2022.



*Lyndalee Thomas*  
Notary's Signature

MY COMMISSION EXPIRES: 8/20/2023

This Instrument was Prepared By  
William C. Byrd, II  
Bradley Arant Boult Cummings LLP  
1819 Fifth Avenue,  
Birmingham, Alabama 35203  
(205) 521-8000

The maximum principal indebtedness for Tennessee recording  
tax purposes is \$1,850,000.00

**DEED OF TRUST, ASSIGNMENT OF RENTS AND LEASES,  
FIXTURE FILING AND SECURITY AGREEMENT**

**THIS INSTRUMENT SECURES OBLIGATORY ADVANCES AND IS MADE FOR  
COMMERCIAL PURPOSES.**

**THIS INSTRUMENT IS ALSO A UNIFORM COMMERCIAL CODE FINANCING  
STATEMENT WHICH IS BEING FILED AS A FIXTURE FILING IN THE REAL  
ESTATE RECORDS IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED.**

**PURSUANT TO T.C.A. § 47-28-104(B), NOTICE IS HEREBY GIVEN THAT THIS  
DEED OF TRUST SECURES FUTURE ADVANCES WHICH ARE OBLIGATORY FOR  
THE PURPOSES OF SUCH STATUTE, AND WHICH ARE MADE FOR  
COMMERCIAL PURPOSES.**

**PURSUANT TO T.C.A. § 47-9-502(C), FILING OF THIS DEED OF TRUST  
CONSTITUTES A FIXTURE FILING.**

**THE BENEFICIARY EXPRESSLY OBJECTS TO THE PRIORITY OF ANY  
MECHANICS' OR MATERIALMEN'S LIENS IMPOSED SUBSEQUENT TO THE  
DATE OF THE RECORDATION OF THIS DEED OF TRUST AS SUCH PRIORITY  
WOULD OTHERWISE BE ALLOWED PURSUANT TO THE TERMS OF T.C.A. § 66-  
11-108.**

THIS DEED OF TRUST, ASSIGNMENT OF RENTS AND LEASES, FIXTURE  
FILING AND SECURITY AGREEMENT (the "Deed of Trust") dated August 31, 2021, by and  
between **LG INVESTMENTS, LLC**, a Louisiana limited liability company, whose business  
address is 407 St. Tammany Street, Madisonville, Louisiana 70447, Attention: Gregory A. Lala  
(the "Grantor"), **MATTHEW FOSTER**, an individual, trustee, a resident of Williamson  
County, Tennessee (the "Trustee"), whose address is 611 Commerce Street, Suite 3101,  
Nashville, Tennessee 37203 and **HANCOCK WHITNEY BANK**, a Mississippi state chartered  
bank, whose address is Post Office Box 61260, New Orleans, Louisiana 70161-9967  
("Beneficiary").

**WITNESETH:**

For and in consideration of the above premises, Grantor grants and conveys to the  
Trustee IN TRUST WITH POWER OF SALE for the benefit of Beneficiary the following

described land, real estate, buildings, improvements, fixtures, furniture, and other personal property (which together with any additional such property hereafter acquired by the Grantor and subject to the lien of this Deed of Trust, or intended to be so, as the same may be from time to time constituted is hereinafter sometimes referred to as the "Property") to-wit:

(a) All estate, right, title and interest of Grantor in, to and under or derived from the real property described in Exhibit A (the "Land") and any interest Grantor presently has or acquires hereafter in any of the Mortgaged Property as defined herein.

(b) All buildings, structures, and improvements of every nature whatsoever now or hereafter situated on the Land, and all fixtures, machinery, equipment, furniture and furnishings and personal property of every nature whatsoever now or hereafter owned by Grantor and located in, on, or used or intended to be used in connection with or with the operation of said property, buildings, structures or other improvements, including all extensions, additions, improvements, betterments, renewals and replacements to any of the foregoing.

(c) All building materials, equipment, fixtures, fittings and personal property of every kind or character now owned or hereafter acquired by Grantor for the purpose of being used or useful in connection with the improvements located or to be located on the real estate described herein, whether such materials, equipment, fixtures, fittings and personal property are actually located on or adjacent to said real estate or not, and whether in storage or otherwise, wheresoever the same may be located, including, but without limitation, all lumber and lumber products, bricks, building stones and building blocks, sand and cement, roofing material, paint, doors, windows, hardware, nails, wires and wiring, plumbing and plumbing fixtures, heating and air conditioning equipment and appliances, electrical and gas equipment and appliances, pipes and piping, ornamental and decorative fixtures, furniture, ranges, refrigerators, dishwashers, disposal, and in general all building materials and equipment of every kind and character used or useful in connection with said improvements (the "Personalty").

TOGETHER with all easements, rights of way, gores of land, streets, ways, alleys, passages, sewer rights, waters, water courses, water rights and powers, and all estates, rights, titles, interests, privileges, liberties, tenements, hereditaments, and appurtenances whatsoever, in any way belonging, relating or appertaining to any of the property hereinabove described, or which hereafter shall in any way belong, relate or be appurtenant thereto, whether now owned or hereafter acquired by Grantor, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, property, possession, claim and demand whatsoever at law, as well as in equity, of Grantor of, in and to the same, including but not limited to:

(d) All rents, profits, issues and revenues of the Property from time to time accruing, whether under leases or tenancies now existing or hereafter created, reserving to Grantor, however, so long as Grantor is not in default hereunder, the right to receive and retain the rents, issues and profits thereof; and

(e) All judgments, awards of damages and settlements hereafter made resulting from condemnation proceedings or the taking of the premises or any part

thereof under the power of eminent domain, or for any damage (whether caused by such taking or otherwise) to the premises or the improvements thereon or any part thereof, or to any rights appurtenant thereto, including any award for change of grade or streets.

IN TRUST WITH POWER OF SALE TO SECURE TO BENEFICIARY, its successors and assigns as holder of the Promissory Note described herein, (a) the payment of the Commercial Note in the principal sum of One Million Eight Hundred Fifty Thousand and 00/100 Dollars (\$1,850,000.00) of even date herewith, plus interest at the rate specified in said Note, said principal and interest being payable monthly as provided in said Note, maturing on August 31, 2026, as the same may be extended pursuant to the terms of the Note or Commercial Business Loan Agreement for Term loans and Lines of Credit, said Note being payable to the order of Beneficiary, at the offices of Beneficiary, Post Office Box 61260, New Orleans, Louisiana 70161-9967, or at such other place as the Beneficiary may designate in writing, being executed and delivered by Grantor to Beneficiary for value (said Promissory Note, as the same may hereafter be modified, amended, extended or renewed, being herein called the "Note" and being incorporated herein by reference as fully and particularly as if set out herein verbatim), (b) performance by Grantor of its obligations under this instrument, the Note, that certain Loan Agreement, dated of even date herewith, between Grantor and Beneficiary, as may be amended or modified (all of which are herein referred to as the "Loan Documents"), and (c) the Letter of Credit Documentation (the "Obligations").

AND FURTHER IN TRUST to secure all other sums which may be advanced by Beneficiary or are owed to Beneficiary or Trustee pursuant to the terms hereof. Beneficiary is authorized (but is not obligated) to take such actions and advance such sums as it, in its reasonable discretion, after demand, deems necessary for the protection and preservation of the Property, including, but not limited to, payment for insurance premiums and real estate taxes. All sums so advanced are secured hereby, shall bear interest at a rate equal to the greater of (i) 2% in excess of the interest rate then in effect or (ii) 2% in excess of the Base Rate quoted by Beneficiary from time to time.

AND Grantor hereby covenants and agrees as follows:

## ARTICLE 2

Article 1.1 Performance of Note and Deed of Trust. Grantor will perform, observe and comply with all provisions hereof and of the Note secured hereby and will duly and punctually pay to Beneficiary the sum of money expressed in the Note with interest thereon and all other sums required to be paid by Grantor pursuant to the provisions of this Deed of Trust, all without any deductions or credit for taxes or other similar charges paid by Grantor.

Article 1.2 Warranty of Title. Grantor is lawfully seized of an indefeasible estate in fee simple in the land and real property described herein and has good and absolute title to all existing personal property described herein and has good right, full power and lawful authority to sell and convey the same in the manner and form aforesaid; that, except as otherwise set forth in the policy of title insurance delivered to and approved by Lender, the same is free and clear of all liens, charges, and encumbrances whatsoever, including, as to the personal property and fixtures, conditional sales contracts, chattel

mortgages, security agreements, financing statements, and anything of a similar nature, and that Grantor shall and will warrant and forever defend the title thereto unto the Trustee, his successors and assigns, against the lawful claims of all persons whomsoever.

Article 1.3 Monthly Tax Deposits. If required by Beneficiary, at any time from and after an Event of Default, Grantor will pay to Beneficiary each month on scheduled monthly payment dates as set forth in the Note together with and in addition to the regular installment of principal and interest, until the Note is fully paid, an amount equal to one-twelfth (1/12) of the yearly taxes and assessments as estimated by Beneficiary to be sufficient to enable Beneficiary to pay, at least thirty (30) days before they become delinquent, all taxes, assessments, and other similar charges against the Property or any part thereof. Such added payments shall be deposited into a money-market account with Lender, with interest to be credited to the account. Upon demand of Beneficiary, Grantor agrees to deliver to Beneficiary such additional moneys as are necessary to make up any deficiencies in the amounts necessary to enable Beneficiary to pay such taxes, assessments and similar charges when they become due. In the event of a default by Grantor in the performance of any of the terms, covenants or conditions in the Note or this Deed of Trust, Beneficiary may apply to the reduction of the sums secured hereby, in such manner as Beneficiary shall determine, any amount under this Section 1.3 remaining to Grantor's credit. Beneficiary shall make all such escrowed funds available to Grantor to pay taxes, or shall pay the same directly, prior to the due date thereof, unless an Event of Default has occurred and is continuing. Grantor agrees that it shall, promptly upon demand of Beneficiary, deliver to Beneficiary receipted invoices or other appropriate documentation evidencing the payment of all taxes or assessments against the Property (unless paid by Beneficiary from escrowed payments).

Article 1.4 Other Taxes, Utilities and Liens.

(a) Grantor will pay or cause to be paid promptly, when and as due, and will, upon request of Beneficiary, promptly exhibit to Beneficiary receipts for the payment of, all taxes, assessments, water rates, dues, charges, fines and impositions of every nature whatsoever imposed, levied or assessed or to be imposed, levied or assessed upon or against the Property or any part thereof, or upon the interest of Beneficiary in the Property (other than any of the same for which provision has been made in Section 1.3 hereof), as well as all income taxes, assessments and other governmental charges lawfully levied and imposed by the United States of America or any state, county, municipality, borough or other taxing authority upon Grantor or in respect of the Property or any part thereof, or any other such charge which, if unpaid, would become a lien or charge upon the Property prior to or equal to the lien of this Deed of Trust for any amounts secured hereby or would have priority or equality with this Deed of Trust in distribution of the proceeds of any foreclosure sale of the Property or any part thereof.

(b) Grantor will promptly pay all charges by utility companies, whether public or private, for electricity, gas, water, sewer or other utilities.

(c) Grantor shall promptly pay and will not suffer any mechanic's, laborer's, statutory or other lien which might or could be prior to or equal to the lien of this Deed of Trust to be created or to remain outstanding upon any of the Property, provided that

Grantor shall have thirty (30) days after receipt of actual notice of the filing against the Property of any lien, statement of lien, or suit to enforce a lien to either (i) cause the same to be discharged and released as a lien against the Property or (ii) to furnish a good and sufficient bond, surety or other security satisfactory to Beneficiary.

(d) In the event of the passage of any state, federal, municipal or other governmental law, order, rule or regulation, subsequent to the date hereof, in any manner changing or modifying the laws now in force governing the taxation of deeds of trust or debts secured thereby or the manner of collecting taxes so as to affect adversely Beneficiary, such taxes or other sums as may then become due shall promptly be paid by Grantor to the fullest extent permitted by law. In the event that the payment of such taxes or other sums by Grantor shall be in any manner limited or prohibited, then either (i) Beneficiary shall pay such tax or other sum and add the amount thereof to the indebtedness secured hereby, or (ii) if not permitted, then the entire balance of the principal sum secured by this Deed of Trust and all interest accrued thereon shall without notice become due and payable forthwith at the option of Beneficiary.

(e) Grantor shall have the right, after prior notice to Beneficiary, to contest by appropriate legal proceedings diligently conducted in good faith, without cost or expense to Beneficiary, the amount, validity or application of taxes, liens and other charges of the nature referred to in Section 1.4(a), (b), (c) and (d) hereof, provided Grantor (1) furnishes Beneficiary security, satisfactory to Beneficiary, against the maximum amount, as reasonably estimated by Beneficiary, of Grantor's potential ultimate liability, loss or injury by reason of such contest or delay should Grantor be unsuccessful, (2) prosecutes the contest with due diligence, (3) in the case of any utility charges, such service is not interrupted and (4) in the case of any lien or encumbrance, any enforcement against the Property is effectively stayed.

Article 1.5 Insurance. Grantor will procure for, deliver to, and maintain for the benefit of Beneficiary during the life of this Deed of Trust, all insurance required under Section 4.5 of the Loan Agreement. Upon request of Beneficiary, Grantor shall deliver to Beneficiary receipts evidencing the payment of all such insurance policies and renewals. In the event of the foreclosure of this Deed of Trust or any other transfer of title to the Property in extinguishment of the indebtedness secured hereby, all right, title and interest of Grantor in and to all insurance policies then in force shall pass to the purchaser or grantee.

Beneficiary is hereby authorized and empowered, at its option, to adjust or compromise any loss under any casualty insurance policies on the Property, and to collect and receive the proceeds from any such policy or policies (other than proceeds for loss of rents or business interruption) in excess of first \$250,000 of losses; provided, however, that if no Event of Default shall then exist, Beneficiary shall not adjust or compromise any such loss without the written consent of the Grantor. Each insurance company is hereby authorized and directed to make payment for all such losses, directly to Beneficiary, instead of to Grantor and Beneficiary jointly. Proceeds of insurance will be applied as provided in Section 1.14 hereof (Restoration and Repair of Property Damaged or Taken).

Beneficiary shall not be held responsible for any failure to collect any insurance proceeds due under the terms of any policy regardless of the cause of such failure, excluding, however, the gross negligence of willful misconduct of Beneficiary.

After an Event of Default if required by Lender, Grantor will pay to Beneficiary each month on the scheduled monthly payment date as set forth in the Note, together with and in addition to the regular installment of principal and interest and monthly tax deposit (as and if required by Section 1.3 hereof) until the Note is fully paid, an amount equal to one-twelfth (1/12) of the yearly premiums for insurance. Such amount shall be used by Beneficiary (or released to Grantor) to pay such insurance premiums when due. Such added payments shall be deposited into a money-market account with Beneficiary, with interest to be credited to the account. Upon demand of Beneficiary, Grantor agrees to deliver to Beneficiary such additional moneys as are necessary to make up any deficiencies in the amounts necessary to enable Beneficiary to pay such insurance premiums. In the event of a default by Grantor in the performance of any of the terms, covenants and conditions in the Note or this Deed of Trust, Beneficiary may apply to the reduction of the sums secured hereby, in such manner as Beneficiary shall determine, any amount paid in accordance herewith remaining to Grantor's credit.

Article 1.6 Condemnation. If all or any part of the Property shall be damaged or taken through condemnation (which term when used in this Deed of Trust shall include any damage or taking by any governmental authority, and any transfer by private sale in lieu thereof), the proceeds thereof shall be payable directly to Beneficiary, and Beneficiary shall be entitled to all compensation, awards, and other payments or relief therefor and is hereby authorized, at its option, to commence, appear in and prosecute, in its own or Grantor's name, any action or proceedings relating to any condemnation, and to settle or compromise any claim in connection therewith; provided, however, that so long as no Event of Default then exists, Beneficiary shall not compromise or settle any such claim without the written consent of Grantor. All such compensation, awards, damages, claims, rights of action and proceeds and the right thereto are hereby assigned by Grantor to Beneficiary and shall be applied as provided in Section 1.14 hereof. Grantor agrees to execute such further assignments of any compensation, awards, damages, claims, rights of action and proceeds as Beneficiary may require.

Article 1.7 Care of the Property.

(a) Grantor will preserve and maintain the Property in good condition and repair, will not commit or suffer any waste and will not do or suffer to be done anything which will increase the risk of fire or other hazard to the Property or any part thereof.

(b) Except as otherwise provided herein or in the Loan Agreement, no buildings, fixtures, personal property, or other part of the Property shall be removed, demolished or substantially altered without the prior written consent of Beneficiary. Grantor may sell or otherwise dispose of, free from the lien of this Deed of Trust, furniture, furnishings, equipment, tools, appliances, machinery, fixtures or appurtenances, subject to the lien hereof, which may become worn out, undesirable, obsolete, disused or unnecessary for use in the operation of the Property, upon replacing the same by, or substituting for the same, other furniture, furnishings, equipment, tools, appliances, machinery, fixtures, or appurtenances not necessarily of the same character, but of at least

equal value or utility to Grantor and costing not less than the amount realized from the property sold or otherwise disposed of, which shall forthwith become, without further action, subject to the lien of this Deed of Trust. Beneficiary and Trustee will execute, at Grantor's request, releases of any property replaced as provided in this Section 1.7(b).

(c) If the Property or any part thereof is damaged by fire or any other cause, Grantor will give immediate written notice of the same to Beneficiary.

(d) Beneficiary is hereby authorized to enter upon and inspect the Property at any time during normal business hours, subject to the rights of tenants.

(e) Intentionally Deleted.

(f) Grantor will promptly comply with all present and future laws, ordinances, rules and regulations of any governmental authority affecting the Property or any part thereof.

(g) If all or any part of the Property shall be damaged by fire or other casualty, subject to the terms and conditions of this Deed of Trust and other Loan Documents, Grantor will (provided Beneficiary makes available for such purpose any available insurance proceeds and provided Guarantor does not elect to pay off the Loan) promptly restore the Property to the equivalent of its original condition, regardless of whether or not insurance proceeds therefor are sufficient. If a part of the Property shall be physically damaged through condemnation, Grantor will (provided Beneficiary makes available for such purpose any available condemnation proceeds) promptly restore, repair or alter the remaining property in a manner satisfactory to Beneficiary.

Article 1.8 Further Assurances; After Acquired Property. At any time, and from time to time, upon request by Beneficiary, Grantor will make, execute and deliver or cause to be made, executed and delivered, to Beneficiary or the Trustee and, where appropriate, to cause to be recorded and/or filed and from time to time thereafter to be re-recorded and/or refiled at such time and in such offices and places as shall be deemed desirable by Beneficiary any and all such other and further mortgages, instruments of further assurance, certificates and other documents as may, in the reasonable opinion of Beneficiary, be necessary or desirable in order to effectuate, complete, or perfect, or to continue and preserve the obligation of Grantor under the Note and this Deed of Trust and the lien of this Deed of Trust as a first and prior lien upon all of the Property, whether now owned or hereafter acquired by Grantor. Upon any failure by Grantor so to do, Beneficiary may make, execute, and record any and all such mortgages, instruments, certificates, and documents for and in the name of Grantor and Grantor hereby irrevocably appoints Beneficiary the agent and attorney-in-fact of Grantor so to do. The lien hereof will automatically attach, without further act, to all after acquired property attached to and/or used in the operation of the Property or any part thereof.

Article 1.9 Leases Affecting Property. Grantor will comply with and observe its obligations as landlord under all leases affecting the Property or any part thereof. If requested by Beneficiary, Grantor will furnish Beneficiary with executed copies of all leases now or hereafter created on said premises; and all leases hereafter entered into will

be in compliance with all applicable provisions of the Loan Agreement. Except as permitted in the Assignment of Rents and Leases, Grantor will not accept payment of rent more than one (1) month in advance (other than standard deposits and fees) without the express written consent of Beneficiary. As provided in the Assignment of Rents and Leases executed contemporaneously herewith, Grantor assigns to Beneficiary as additional security all such leases, whether now existing or hereafter created, including, without limitation, all rents, royalties, issues and profits of the premises from time to time accruing, and will not (except in the ordinary course of business) cancel, surrender or modify any lease so assigned without the written consent of Beneficiary.

Article 1.10 Expenses. Grantor will pay or reimburse Beneficiary and the Trustee for all reasonable attorneys' fees, costs and expenses incurred by Beneficiary and the Trustee in any action, proceeding or dispute of any kind (except for matters directly and solely caused by Beneficiary's willful misconduct or gross negligence) in which Beneficiary or the Trustee is made a party, or appears as party plaintiff or defendant, affecting the Note, this Deed of Trust, Grantor or the Property, including but not limited to the foreclosure of this Deed of Trust, any condemnation action involving the Property, or any action to protect the security hereof; and any such amounts paid by Beneficiary or the Trustee shall bear interest at the Default Rate, shall be payable upon demand, and shall be secured by the lien of this Deed of Trust.

Article 1.11 Performance by Beneficiary or the Trustee of Defaults by Grantor. If Grantor shall default (i) in the payment of any tax, lien, assessment or charge levied or assessed against the premises, (ii) in the payment of any utility charge, whether public or private, (iii) in the payment of insurance premiums or the procurement of insurance coverage and the delivery to Beneficiary of the insurance policies required hereunder, or (iv) in the performance or observance of any covenant, condition or term of this Deed of Trust, then Beneficiary or the Trustee, at their option, may perform or observe the same, and all reasonable payments made for costs or incurred by Beneficiary in connection therewith, shall be secured hereby and shall be, without demand, immediately repaid by Grantor to Beneficiary or the Trustee, as the case may be, with interest thereon at the Default Rate. Notwithstanding the foregoing, in the event that immediate action is deemed reasonably necessary by Beneficiary in order to preserve or protect the Property or the security of this Deed of Trust, no prior notice to Grantor of any such action shall be required. Beneficiary shall be the sole judge of the legality, validity and priority of any such tax, lien, assessment, charge, claim and premium, of the necessity for any such actions, and of the amount necessary to be paid in satisfaction thereof, all in Beneficiary's reasonable judgment. Subject to the rights of tenants under leases, Beneficiary is hereby empowered to enter and to authorize others to enter upon the premises or any part thereof for the purpose of performing or observing any such defaulted covenant, condition or term, without thereby becoming liable to Grantor or any person in possession holding under Grantor.

Article 1.12 Books and Records. Grantor shall keep and maintain at all times full, true and accurate books of accounts and records, adequate to reflect correctly the results of the operation of the Property.

Article 1.13 Estoppel Affidavits. Grantor within ten (10) days after written request from Beneficiary shall furnish a written statement, duly acknowledged, setting forth, to the best of its knowledge as its records reflect, the unpaid principal of, and interest on, the Note and whether or not any offsets or defenses exist against such principal and interest.

Article 1.14 Restoration and Repair of Property Damaged or Taken. Notwithstanding the provisions of Sections 1.5 and 1.6 hereof, Beneficiary agrees that Beneficiary shall make available to Grantor the net proceeds of insurance or condemnation (after payment of costs and expenses pursuant to Sections 1.5 and 1.6) for Grantor's repair or restoration of the Property upon the following terms and subject to Grantor's satisfaction (in its commercially reasonable discretion) of the following conditions:

(a) At the time of such loss or damage and at all times thereafter while Beneficiary is holding any portion of such proceeds, there shall exist no Event of Default or event which, but for expiration of any applicable grace period, would constitute an Event of Default on the part of Grantor under this instrument or under any other Loan Document.

(b) The property, buildings, improvements and fixtures for which a loss or damage has resulted shall be capable of being restored to substantially their pre-existing condition and utility with a value equal to or greater than prior to such loss or damage, shall be capable of being completed prior to the maturity of the Note.

(c) Within thirty (30) days from the date of such loss or damage, Grantor shall have given Beneficiary a written notice electing to have the proceeds applied for such purpose.

(d) As soon as practicable, but in any event within sixty (60) days following the receipt of applicable insurance or condemnation proceeds, and prior to any proceeds being disbursed to Grantor, Grantor shall have provided to Beneficiary all of the following:

(i) complete plans and specifications to the extent required for restoration of the property, buildings, improvements and fixtures damaged or taken to the condition and utility prior to such loss or damage;

(ii) if loss or damage exceeds \$250,000, fixed-price or guaranteed maximum cost bonded construction contract for completion of the repair and restoration work in accordance with such plans and specifications;

(iii) builder's risk insurance for the full cost of construction with Beneficiary named under a standard mortgagee loss-payable clause;

(iv) such additional funds as in Beneficiary's opinion are reasonably necessary to complete the repair and restoration; and

(v) copies of all permits and licenses necessary to complete the work in accordance with the plans and specifications (or evidence that such permits and licenses have been applied for and will be issued in due course).

(e) Beneficiary may, at Grantor's expense, retain an independent inspecting engineer to review plans and specifications and completed construction and to certify all requests for disbursement.

(f) No portion of such proceeds shall be made available by Beneficiary for architectural reviews or for any other purposes which are not directly attributable to the cost of reconstructing those portions of the property for which a loss or damage has occurred.

(g) Grantor shall use good faith efforts to commence such work within one hundred twenty (120) days of such loss or damage (but not later than 150 days) and shall diligently pursue such work to completion.

(h) Each disbursement by Beneficiary of such proceeds and deposits shall be funded in accordance with disbursement procedures reasonably satisfactory to Beneficiary.

(i) Grantor shall grant to Beneficiary a first lien and security interest in all building materials and completed repair and restoration work and in all fixtures and equipment acquired with such proceeds, and Grantor shall execute and deliver such mortgages, security agreements, financing statements and other instruments as Beneficiary shall request to create, evidence, or perfect such lien and security interest.

(j) In the event and to the extent such proceeds are not required or used for the repair and restoration of the damaged property, buildings, improvements or fixtures, or in the event Grantor fails to timely make such election or having made such election fail to timely comply with the terms and conditions set forth herein, Beneficiary shall, without notice to or consent from Grantor, apply such proceeds or the balance thereof to the full or partial payment or prepayment of the indebtedness under the Note (principal, interest, and prepayment premium, if any).

(k) Notwithstanding anything to the contrary contained herein, any insurance proceeds received from a builder's risk policy during the Interest Term as defined in the Note shall be applied to restoration of the improvements provided no Default or Event of Default exists.

## ARTICLE 2

Article 2.1 Conveyances and Security Interests. In order to secure the prompt payment and performance of the Obligations, including without limitation, any and all renewals, amendments, extensions and modifications thereof, Grantor (a) grants, bargains, sells and conveys the Property unto Trustee in trust for the benefit of Beneficiary, with power of sale, the Property unto Trustee in fee simple forever; provided that Grantor may retain possession of the Property until the occurrence of an Event of

Default; (b) grants to Beneficiary a security interest in the Personalty; (c) assigns to Beneficiary, and grants to Beneficiary a security interest in, all condemnation awards and all insurance proceeds; and (d) assigns to Beneficiary, and grants to Beneficiary a security interest in, all of Grantor's right, title and interest in, but not any of Grantor's obligations or liabilities under, all construction documents.

TO HAVE AND TO HOLD, the foregoing rights, interests, and properties, and all rights, estates, powers and privileges appurtenant thereto, unto the Trustee and Trustee's successors or substitutes in this Trust, and to Trustee's successors and assigns, in trust, in fee simple forever, subject to the terms and provisions set forth herein.

All persons who may have or acquire an interest in all or any part of the Property will be deemed to have notice of, and will be bound by, the terms of the Obligations and each other agreement or instrument made or entered into in connection with each of the Obligations.

Article 2.2 Assignment of Leases and Rents. In consideration of the making of the Loan by Beneficiary to Grantor, the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor absolutely and unconditionally assigns the Leases and Rents to Beneficiary. This assignment is, and is intended to be, an unconditional, absolute and present assignment from Grantor to Beneficiary of all of Grantor's right, title and interest in and to the Leases and the Rents and not an assignment in the nature of a pledge of the Leases and Rents or the mere grant of a security interest therein. So long as no Event of Default shall exist, however, Grantor shall have a license (which license shall terminate automatically and without notice upon the occurrence of an Event of Default) to collect, but not prior to accrual, all Rents. Grantor agrees to collect and hold all Rents in trust for Beneficiary and to use the Rents for the payment of the cost of operating and maintaining the Property and for the payment of the other Obligations before using the Rents for any other purpose.

Article 2.3 Security Agreement, Fixture Filing and Financing Statement. This Deed of Trust creates a security interest in the Personalty, and, to the extent the Personalty is not real property, this Deed of Trust constitutes a security agreement from Grantor to Beneficiary under the Uniform Commercial Code of the State of Tennessee. In addition to all of its other rights under this Deed of Trust and otherwise, Beneficiary shall have all of the rights of a secured party under the Uniform Commercial Code of the State of Tennessee, as in effect from time to time, or under the Uniform Commercial Code in force from time to time in any other state to the extent the same is applicable Law. This Deed of Trust shall be effective as a financing statement filed as a fixture filing with respect to all fixtures included within the Property and is to be filed for record in the real estate records of each county where any part of the Property (including such fixtures) is situated. This Deed of Trust shall also be effective as a financing statement with respect to any other Property as to which a security interest may be perfected by the filing of a financing statement and may be filed as such in any appropriate filing or recording office. The respective mailing addresses of Grantor and Beneficiary are set forth in the opening paragraph of this Deed of Trust. A carbon, photographic or other reproduction of this Deed of Trust or any other financing statement relating to this Deed of Trust shall be sufficient as a financing statement for any of the purposes referred to in this Section.

Grantor hereby irrevocably authorizes Beneficiary at any time and from time to time to file any initial financing statements, amendments thereto and continuation statements as authorized by applicable Law, reasonably required by Beneficiary to establish or maintain the validity, perfection and priority of the security interests granted in this Deed of Trust.

### ARTICLE 3

Article 3.1 Events of Default. The terms "Event of Default", wherever used in this Deed of Trust, shall mean the occurrence of any one or more of the following events:

(a) Failure by Grantor to pay as and when due and payable under the Note, this Deed of Trust or any other Loan Document any installments of principal, interest or escrow deposits, which failure is not cured within ten (10) days of the due date; or

(b) Failure by Grantor to duly observe any other covenant, condition or agreement of the Note, this Deed of Trust or any other Loan Document, which failure is not cured within thirty (30) days after written notice thereof from Beneficiary to Grantor specifying such default or failure and requiring it to be remedied and stating that such notice is a "notice of default" hereunder; provided that, if such failure shall not be capable of cure within such thirty (30) day period, Beneficiary shall, upon Grantor's written request, permit Grantor an additional period, not to exceed an additional thirty (30) days, within which to cure such failure, and no Event of Default shall exist as long as Grantor (A) commences to cure such failure within the initial thirty (30) day period, (B) prosecutes such cure with due diligence to completion, and (C) cures such default or failure within the additional period allowed by Lender; or

(c) The occurrence of an "Event of Default" under either the Note or the Loan Agreement; or

(d) Except as permitted under the Loan Documents, the sale or other transfer of all or any portion of the Property, or any interest therein, without the prior written consent of Beneficiary, which consent may be granted or refused by Beneficiary in its sole discretion; or

(e) The creation or suffering to exist by Grantor, for a period in excess of thirty (30) days after Grantor is notified by Lender or otherwise of such filing, of any lien or encumbrance on the Property (other than the lien of this Deed of Trust and the lien for ad valorem taxes not then delinquent), which is not removed of record, bonded off, insured over or dismissed, without the prior written consent of Beneficiary, which consent may be granted or refused by Beneficiary in its sole discretion.

Article 3.2 Acceleration of Maturity. If an Event of Default shall have occurred, then the entire principal amount of the indebtedness secured hereby with interest accrued thereon shall, at the option of Beneficiary, become due and payable without notice or demand (except as otherwise expressly provided in the Loan Documents), time being of

the essence; and any omission on the part of Beneficiary to exercise such option when entitled to do so shall not be considered as a waiver of such right.

Article 3.3 Right of Beneficiary and Trustee to Enter and Take Possession.

(a) If an Event of Default shall have occurred and be continuing, Grantor, upon demand of Beneficiary, shall forthwith surrender to Beneficiary, or its agents or representatives, as directed by Beneficiary, the actual possession, and if and to the extent permitted by law, Beneficiary, or its agents or representatives, may enter and take possession, of all the Property, and may exclude Grantor and its agents and employees wholly therefrom.

(b) Upon every such entering upon or taking of possession, Beneficiary, or its agents or representatives, as the case may be, may hold, store, use, operate, manage and control the Property and conduct the business thereof, and, from time to time:

(i) make all necessary and proper maintenance, repairs, renewals, replacements, additions, betterments and improvements thereto and thereon and purchase or otherwise acquire additional fixtures, personalty and other property;

(ii) insure or keep the Property insured;

(iii) manage and operate the Property and exercise all the rights and powers of Grantor in its name or otherwise, with respect to the same;

(iv) enter into any and all agreements with respect to the exercise by others of any of the powers herein granted Beneficiary, all as Beneficiary, or its agents or representatives, from time to time may determine to be to its best advantage; and Beneficiary, or its agents or representatives, may collect and receive all the income, revenues, rents, issues and profits of the same including those past due as well as those accruing thereafter, and, after deducting (A) all reasonable expenses of taking, holding, managing, and operating the Property (including compensation for the services of all persons employed for such purposes); (B) the reasonable cost of all such maintenance, repairs, renewals, replacements, additions, betterments, improvements, purchases and acquisitions; (C) the reasonable cost of such insurance; (D) such taxes, assessments and other charges prior to the lien of this Deed of Trust as Beneficiary, or its agents or representatives, may determine to pay; (E) other proper charges upon the Property or any part thereof; and (F) the reasonable compensation, expenses and disbursements of the attorneys and agent of Beneficiary, or its agents or representatives; shall apply the remainder of the moneys so received to the payment of accrued interest, to the payment of tax and insurance deposits required in Sections 1.3 and 1.5 hereof, and to the payment of overdue installments of principal, all in such order and priority as Beneficiary may determine.

(c) Whenever all such Events of Default have been cured and satisfied, Beneficiary, or its agents or representatives, may, at the option of Beneficiary, surrender possession of the Property to Grantor, its successors or assigns. The same right of taking

possession, however, shall exist if any subsequent Event of Default shall occur and be continuing.

Article 3.4 Receiver.

(a) If an Event of Default shall have occurred and be continuing, Beneficiary, upon application to a court of competent jurisdiction, shall be entitled, without regard to the adequacy of any security for the indebtedness hereby secured or the solvency of any party bound for its payment, to the appointment of a receiver to take possession of and to operate the Property and to collect the rents, profits, issues, and revenues thereof.

(b) Grantor will pay to Beneficiary and the Trustee upon demand all reasonable expenses, including receiver's fees, attorney's fees, costs and agent's compensation, incurred pursuant to the provisions contained in this Section 2.4; and all such expenses shall be secured by this Deed of Trust.

Article 3.5 Beneficiary's Power of Enforcement. If an Event of Default shall have occurred and be continuing, Beneficiary and the Trustee may, either with or without entry or taking possession as hereinabove provided or otherwise, proceed by suit or suits at law or in equity or any other appropriate proceeding or remedy, in accordance with applicable Tennessee laws, including notice requirements,

(a) to enforce payment of the Note or the performance of any term thereof or any other right,

(b) to foreclose this Deed of Trust and to sell, as an entirety or in separate lots or parcels, the Property, as provided by law, and

(c) to pursue any other remedy available to it, all as Beneficiary shall deem most effectual for such purposes. Beneficiary and the Trustee shall take action either by such proceedings or by the exercise of the powers herein with respect to entry or taking possession, as Beneficiary may determine.

Article 3.6 Foreclosure of the Deed of Trust.

(a) The Trustee hereunder, or his agent or successors, at the request of the Beneficiary, or the representatives or assigns of the Beneficiary, after giving notice of the time and place of sale by publication of such at least three (3) different times in some newspaper published in the county in which the Premises are primarily situated, the first of which publications shall be at least twenty (20) days previous to said sale, shall, at the date and time stated in the notice, and at the door of the County Courthouse in said County at which foreclosure sales are customarily held or at the election of Beneficiary at the Premises, proceed to sell the Premises at public auction for cash (or for credit against the Secured Indebtedness if the Beneficiary is the highest bidder) or upon such other terms that are satisfactory to Trustee and Beneficiary, and in bar of the equity of redemption and all other rights of redemption, statutory or otherwise (including, without limitation, those rights of redemption contained in Tennessee Code

Annotated Section 66 8 101 et seq.), homestead, dower, elective share, rights of appraisal or valuation, and all other rights and exemptions of every kind, all of which are hereby waived. Trustee shall apply the proceeds from such sale. First to the payment of all costs and expenses of such sale, including attorney and trustee fees and expenses incurred in connection with the sale and Grantor's default; Second, to the payment of the Secured Indebtedness, including any and all advances made under the terms hereof with interest thereon; Third, the surplus, if any, to the parties legally entitled thereto. In the event the Trustee cannot determine the person or persons to whom the surplus should be paid or a controversy exists with respect to the surplus, the Trustee may pay the surplus into a court of competent jurisdiction in an interpleader action and all expenses of such action, including legal fees incurred by Beneficiary and Trustee, shall be paid from the surplus or, if the surplus is insufficient, by Grantor.

(b) The foreclosure sale may be adjourned from time to time by Trustee, or his agent or successors, at the place of sale on the date the sale is originally set, or on the date of any adjournment thereof, and may be reset at a later date or dates, by announcement without any additional publication.

(c) Beneficiary or Beneficiary's designee may purchase the Premises at any sale. In the event Beneficiary purchases the Premises at the Trustee's sale, to the extent Beneficiary's bid price exceeds the Secured Indebtedness, Beneficiary shall pay Trustee cash equal to such excess.

(d) The Premises or any part thereof may be sold in one parcel, or in such parcels, manner or order as Beneficiary in its sole discretion may elect, and one or more exercises of the power herein granted shall not extinguish or exhaust the power unless the entire Premises are sold or the Secured Indebtedness paid in full.

(e) Following a Trustee's sale of the Premises, Trustee shall deliver to the purchaser a Trustee's Deed conveying the property so sold without any covenant or warranty, expressed or implied. The recitals in the Trustee's Deed shall be prima facie evidence of the truth of the statements made therein.

(f) Grantor further agrees that in case of any sale hereunder, it will at once surrender possession of the Premises, and will from that moment become and be the tenant at will of the purchaser, and removable by process as upon a forcible and unlawful detainer suit, hereby agreeing to pay such purchaser the reasonable rental value of the Premises after such sale plus all expenses, including legal fees, incurred by the purchaser.

(g) Neither the Beneficiary or the Trustee shall be required to give any notice of the foreclosure sale to the Grantor.

(h) institute appropriate proceedings of foreclosure in equity or at law. Upon the institution of such proceedings, Trustee shall, upon application therefor, without notice, be entitled to have a receiver appointed to take possession of the Premises, and Trustee or Beneficiary shall be entitled to all of the rents, issues and

profits arising therefrom during the pendency of any such foreclosure proceedings;

Article 3.7 Collection of Rents. Upon the occurrence and during the continuance of an Event of Default, the license granted to Grantor to collect the Rents shall be automatically and immediately revoked, without further notice to or demand upon Grantor. Beneficiary may, but shall not be obligated to, perform any or all obligations of the landlord under any or all of the Leases, and Beneficiary may, but shall not be obligated to, exercise and enforce any or all of Grantor's rights under the Leases. Without limitation to the generality of the foregoing, Beneficiary may notify the tenants under the Leases that all Rents are to be paid to Beneficiary, and following such notice all Rents shall be paid directly to Beneficiary and not to Grantor or any other Person other than as directed by Beneficiary, it being understood that a demand by Beneficiary on any tenant under the Leases for the payment of Rent shall be sufficient to warrant payment by such tenant of Rent to Beneficiary without the necessity of further consent by Grantor. Grantor hereby irrevocably authorizes and directs the tenants under the Lease to pay all Rents to Beneficiary instead of to Grantor, upon receipt of written notice from Beneficiary, without the necessity of any inquiry of Grantor and without the necessity of determining the existence or non-existence of an Event of Default. Grantor hereby appoints Beneficiary as Grantor's attorney-in-fact with full power of substitution, which appointment shall take effect upon the occurrence of an Event of Default and is coupled with an interest and is irrevocable prior to the full and final payment and performance of the Obligations, in Grantor's name or in Beneficiary's name: (a) to endorse all checks and other instruments received in payment of Rents and to deposit the same in any account selected by Beneficiary; (b) to give receipts and releases in relation thereto; (c) to institute, prosecute and/or settle actions for the recovery of Rents; (d) to modify the terms of any Leases including terms relating to the Rents payable thereunder; (e) to cancel any Leases; (f) to enter into new Leases; and (g) to do all other acts and things with respect to the Leases and Rents which Beneficiary may deem necessary or desirable to protect the security for the Obligations. Any Rents received shall be applied first to pay all Expenses and next in reduction of the other Obligations. Grantor shall pay, on demand, to Beneficiary, the amount of any deficiency between (i) the Rents received by Beneficiary, and (ii) all Expenses incurred together with interest thereon as provided in the Loan Agreement and the other Loan Documents.

Article 3.8 Uniform Commercial Code. Beneficiary may proceed under the Uniform Commercial Code as to all or any part of the Personalty, and in conjunction therewith may exercise all of the rights, remedies and powers of a secured creditor under the Uniform Commercial Code. Upon the occurrence of any Event of Default, Grantor shall assemble all of the accessories and make the same available within the Improvements. Any notification required by the Uniform Commercial Code shall be deemed reasonably and properly given if sent in accordance with the Notice provisions of this Deed of Trust at least ten (10) days before any sale or other disposition of the Personalty. Disposition of the Personalty shall be deemed commercially reasonable if made pursuant to a public sale advertised at least twice in a newspaper of general circulation in the community where the Property is located. It shall be deemed commercially reasonable for the

Trustee to dispose of the Personalty without giving any warranties as to the Personalty and specifically disclaiming all disposition warranties.

Article 3.9 Judicial Foreclosure. Trustee and/or Beneficiary may, at its option, institute appropriate proceedings of foreclosure in equity or at law.

Article 3.10 Attorney-in-Fact. Any legal proceeding, contractual obligation, further assignment or other action taken by Beneficiary in the course of exercising its remedies hereunder may be entered into or initiated by Beneficiary either in its own name as Grantor's assignee or in the name of Grantor. Grantor hereby irrevocably appoints Beneficiary as Grantor's attorney-in-fact for the purpose of taking any such action upon default hereunder.

Article 3.11 Application of Proceeds. The proceeds of any sale pursuant to Section 2.6 shall be applied as follows, but in any event in accordance with the requirements of Tennessee state law:

(a) First, to the reasonable expenses of making the sale, including a reasonable attorney's fee for such services as may be necessary in the collection of said indebtedness or the foreclosure of this Deed of Trust;

(b) Second, to the repayment of any money, with interest thereon at the Default Rate, which Beneficiary or the Trustee may have paid, or become liable to pay, or which it may then be necessary to pay for taxes, insurance, assessments or other charges, liens, or debts as hereinabove provided;

(c) Third, to the payment and satisfaction of the indebtedness hereby secured with interest to date of sale; and

(d) Fourth, the balance, if any, shall be paid to the party or parties appearing of record to be the owner of the premises at the time of the sale after deducting any expense of ascertaining who is such owner.

Article 3.12 Waiver of Exemption. Grantor waives all rights of exemption pertaining to real or personal property as to any indebtedness secured by or that may be secured by this Deed of Trust, and Grantor waives the benefit of any statute regulating the obtaining of a deficiency judgment or requiring that the value of the premises be set off against any part of the indebtedness secured hereby.

Article 3.13 Suits to Protect the Property. Beneficiary and the Trustee shall have power (a) to institute and maintain such suits and proceedings as they may deem expedient to prevent any impairment of the Property by any acts which may be unlawful or any violation of this Deed of Trust, (b) to preserve or protect their interest in the Property and in the income, revenues, rents and profits arising therefrom, and (c) to restrain the enforcement of or compliance with any legislation or other governmental enactment, rule or order that may be unconstitutional or otherwise invalid, if the enforcement of or compliance with, such enactment, rule or order would impair the security hereunder or be prejudicial to the interest of Beneficiary.

Article 3.14 Delay or Omission No Waiver. No delay or omission of Beneficiary or the Trustee to exercise any right, power or remedy accruing upon any default shall exhaust or impair any such right, power or remedy or shall be construed to be a waiver of any such default, or acquiescence therein; and every right, power and remedy given by this Deed of Trust to Beneficiary or the Trustee may be exercised from time to time and as often as may be deemed expedient by Beneficiary or the Trustee, as the case may be.

Article 3.15 No Waiver of One Default to Affect Another, etc. No waiver of any default hereunder shall extend to or shall affect any subsequent or any other then existing default or shall impair any rights, powers or remedies consequent thereon.

If Beneficiary or the Trustee:

(a) grants forbearance or an extension of time for the payment of any sums secured hereby;

(b) takes other or additional security for the payment thereof;

(c) waives or does not exercise any right granted herein or in the Note;

(d) releases any part of the Property from the lien of this Deed of Trust or otherwise changes any of the terms of the Note or this Deed of Trust;

(e) consents to the filing of any map, plat or replat thereof;

(f) consents to the granting of any easement thereon; or

(g) makes or consents to any agreement subordinating the lien or charge hereof, any such act or omission shall not release, discharge, modify, change, or affect the original liability under the Note, this Deed of Trust or otherwise of Grantor or any subsequent purchaser of the Property or any part thereof, or any maker, co-signer, endorser, surety or guarantor; nor shall any such act or omission preclude Beneficiary and the Trustee from exercising any right, power or privilege herein granted or intended to be granted in the event of any other default then made or of any subsequent default, nor, except as otherwise expressly provided in an instrument or instruments executed by Beneficiary shall the lien of this Deed of Trust be altered thereby.

In the event of the sale or transfer by operation of law or otherwise of all or any part of the Property, Beneficiary, at its option, without notice to any person or corporation is hereby authorized and empowered to deal with any such vendee or transferee with reference to the Property or the indebtedness secured hereby, or with reference to any of the terms or conditions hereof, as fully and to the same extent as it might deal with the original parties hereto and without in any way releasing or discharging any of the liabilities or undertakings hereunder.

Article 3.16 Discontinuance of Proceedings - Position of Parties Restored. In case Beneficiary or the Trustee shall have proceeded to enforce any right or remedy under this Deed of Trust by foreclosure, entry or otherwise, and such proceedings shall have been discontinued or abandoned for any reason, then and in every such case Grantor,

Beneficiary and the Trustee shall be restored to their former positions and rights hereunder, and all rights, powers and remedies of Beneficiary and the Trustee shall continue as if no such proceeding had been taken.

Article 3.17 Remedies Cumulative. No right, power, or remedy conferred upon or reserved to Beneficiary or the Trustee by this Deed of Trust is intended to be exclusive of any right, power or remedy, but each and every such right, power and remedy shall be cumulative and concurrent and shall be in addition to any other right, power and remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Article 3.18 Defeasance. The conveyance by Grantor to Trustee is made upon this special trust, that if Grantor shall pay or cause to be paid the indebtedness secured hereby in full according to the applicable terms of the Note, this Deed of Trust, the Loan Agreement and the other Loan Documents, and that if Grantor shall pay or cause to be paid all other sums due under this Deed of Trust or secured hereby and shall comply with all of the other terms, covenants and conditions of this Deed of Trust, the Loan Agreement and the other Loan Documents, then this conveyance shall be null and void and shall be cancelled of record. But if at any time there shall occur any Event of Default, then Beneficiary shall be entitled to pursue the remedies set forth in Article III of this Deed of Trust.

Article 3.19 Obligatory Advances. The term "Obligatory Advances," as used herein, has the same meaning as in T.C.A. § 47-28-101.

#### ARTICLE 4

Article 4.16 Liability of Trustee. Trustee shall have no liability or responsibility for, and make no warranties in connection with, the validity or enforceability of any of the Loan Documents or the description, value or status of title to the Property. Trustee shall be protected in acting upon any notice, request, consent, demand, statement, note or other paper or document believed by Trustee to be genuine and to have been signed by the party or parties purporting to sign the same. Trustee shall not be liable for any error of judgment, nor for any act done or step taken or omitted, nor for any mistakes of law or fact, nor for anything which Trustee may do or refrain from doing in good faith, nor generally shall Trustee have any accountability hereunder except for willful misconduct or gross negligence. The powers and duties of Trustee hereunder may be exercised through such attorneys, agents or servants as Trustee may appoint, and Trustee shall have no liability or responsibility for any act, failure to act, negligence or willful conduct of such attorney, agent or servant, so long as the selection was made with reasonable care. In addition, Trustee may consult with legal counsel selected by Trustee, and Trustee shall have no liability or responsibility by reason of any act or failure to act in accordance with the opinions of such counsel. Trustee may act hereunder and may sell or otherwise dispose of the Property or any part thereof as herein provided, although Trustee has been, may now be or may hereafter be, an attorney, officer, agent or employee of Beneficiary, in respect of any matter or business whatsoever. Trustee, however, shall have no obligation to sell all or any part of the Property following an Event of Default or to take any other action authorized to be taken by Trustee hereunder except upon the demand of Beneficiary.

Article 4.17 Indemnification of Trustee. Grantor agrees to indemnify Trustee and to hold Trustee harmless from and against any and all Claims and Expenses directly or indirectly arising out of or resulting from any transaction, act, omission, event or circumstance in any way connected with the Property or the Loan, including but not limited to any Claim arising out of or resulting from any assertion or allegation that Trustee is liable for any act or omission of Grantor or any other Person in connection with the ownership, development, financing, operation or sale of the Property; provided, however, that Grantor shall not be obligated to indemnify Trustee with respect to any Claim arising solely from the gross negligence or willful misconduct of Trustee. The agreements and indemnifications contained in this Section shall apply to Claims arising both before and after the repayment of the Loan and shall survive the repayment of the Loan, any foreclosure or deed in lieu thereof and any other action by Trustee to enforce the rights and remedies of Beneficiary or Trustee hereunder or under the other Loan Documents.

Article 4.18 Substitution of Trustee; Multiple Trustees. Beneficiary shall have, and is hereby granted with warranty of further assurances, the irrevocable power to appoint a new or replacement or substitute Trustee. Such power may be exercised at any time without notice, without cause and without specifying any reason therefor, by filing for record in the office where this Deed of Trust is recorded a Substitution of Trustee. The power of appointment of a successor Trustee may be exercised as often as and whenever Beneficiary may choose, and the exercise of the power of appointment, no matter how often, shall not be an exhaustion thereof. Upon the recordation of such Substitution of Trustee, the Trustee so appointed shall thereupon, without any further act or deed of conveyance, become fully vested with identically the same title and estate in and to the Property and with all the rights, powers, trusts and duties of its predecessor in the trust hereunder with like effect as if originally named as Trustee hereunder. Whenever in this Deed of Trust reference is made to Trustee, it shall be construed to mean each Person appointed as Trustee for the time being, whether original or successor in trust. All title, estate, rights, powers, trusts and duties granted to Trustee shall be in each Person appointed as Trustee so that any action hereunder by any person appointed as Trustee shall for all purposes be deemed to be, and as effective as, the action of all Trustees.

## ARTICLE 5

Article 5.16 Successors and Assigns Included in Parties. Whenever in this Deed of Trust one of the parties hereto is named or referred to, the heirs, administrators, executors, successors and assigns of such party shall be included, and all covenants and agreements contained in this Deed of Trust by or on behalf of Grantor shall bind and inure to the benefit of Beneficiary and the Trustee, their respective heirs, administrators, executors, successors and assigns, whether so expressed or not.

Article 5.17 Headings, etc. The headings of the articles, sections, paragraphs and subdivisions of this Deed of Trust are for convenience of reference only, are not to be considered a part hereof, and shall not limit or otherwise affect any of the terms hereof.

Article 5.18 Invalid Provisions to Affect No Others. In case any one or more of the covenants, agreements, terms or provisions contained in this Deed of Trust or in the Note

shall be invalid, illegal or unenforceable in any respect, the validity of the remaining covenants, agreements, terms and provisions contained herein and in the Note shall be in no way affected, prejudiced or disturbed thereby.

Article 5.19 Successor Trustee. The powers of the Trustee hereunder may be exercised by the Trustee named herein or any successor Trustee or Trustees, and in the event of the resignation, death, incapacity, disability or removal of any Trustee hereunder or in the event Beneficiary for any reason may deem it appropriate, Beneficiary may, by instrument executed, acknowledged and recorded in the same Clerk's Office or Offices as this Deed of Trust is recorded, designate and appoint one (1) or more substitute Trustees in the place and stead of any Trustee, the substituted Trustee or Trustees to thereupon be vested with all the powers, rights, authority and duties vested in his predecessor.

Article 5.20 Trustee Compensation. Trustee shall be entitled to reasonable compensation for all services rendered, whether or not a foreclosure is held hereunder, and shall be reimbursed for all reasonable expenses, charges and attorneys' fees, including fees for legal advice concerning his duties and rights in the Property and title examinations.

Article 5.21 No Assumption or Assignment. No sale, transfer, conveyance or encumbrance of the Property, or any interest therein (other than tenant leases entered into in the ordinary course of business and/or in compliance with the provisions of this Deed of Trust and transfers of membership interests permitted under the terms of the Loan Documents), shall be made or suffered so long as it shall remain subject to the lien of this Deed of Trust without the prior written consent of Beneficiary, it being agreed by Grantor that, except as provided above, payment of the indebtedness secured hereby may not be assumed by any future owners of the Property and that Beneficiary may, at its option, declare all indebtedness secured hereby due and payable in full upon any sale, transfer, conveyance or encumbrance of the Property, or any interest therein. Accordingly, NOTICE - THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS THEREOF BEING MODIFIED IN THE EVENT OF SALE, TRANSFER, CONVEYANCE OR ENCUMBRANCE OF THE PROPERTY CONVEYED OR ANY INTEREST THEREIN.

Article 5.22 Security Agreement. This Deed of Trust creates a lien and security interest on the personal property and fixtures owned by Grantor and located on the Property, and it shall constitute a security agreement under the Tennessee Uniform Commercial Code or other law applicable to the creation of liens on personal property. Grantor covenants and agrees to execute, file and refile such financing statements, continuation statements or other documents as the Beneficiary may require by written notice from time to time with respect to such personal property. Upon the occurrence of an Event of Default, the Beneficiary shall have all rights and remedies of a secured party under the Tennessee Uniform Commercial Code.

Article 5.23 Notices. Any and all notices, elections or demands permitted or required to be made under the Loan Documents, or any other agreement executed in connection with or relating to the Note or this Deed of Trust or by applicable law, shall be given and be deemed effective upon being (a) delivered in person, (b) deposited with the U.S. Mail,

certified or registered, postage prepaid, return receipt requested, or (c) sent by Federal Express or overnight U.S. Mail or other national overnight carrier, and addressed in each such case to the parties at their respective addresses set forth in the heading of this instrument or such other single address as either party may designate in a written notice given as herein provided (except that a change of address notice shall not be effective until actual receipt). Beneficiary agrees to provide a copy of any notice to:

Grantor: 407 St. Tammany Street,  
Madisonville, Louisiana 70447  
Attention: Gregory A. Lala

Article 5.24 Waiver of Jury Trial. Each of Grantor, Beneficiary and the Trustee hereby waive any right to a trial by jury on any claim, counterclaim, setoff, demand, action or cause of action (a) arising out of or in any way pertaining or relating to this Deed of Trust, the Note, any Loan Document, or any other instrument, document or agreement executed or delivered in connection herewith or therewith, or (b) in any way connected with or pertaining or relating to or incidental to any dealings of the parties hereto with respect to this Deed of Trust, the Note, any Loan Document, or any transactions related hereto or thereto or contemplated hereby or thereby, or the exercise of any party's rights and remedies hereunder or thereunder, in all of the foregoing cases whether now existing or hereafter arising, and whether sounding in contract, tort or otherwise. The parties agree that any of them may file a copy of this Section with any court as written evidence of the knowing, voluntary and bargained agreement between the parties irrevocably to waive trial by jury, and that any dispute or controversy whatsoever between them shall instead be tried in a court of competent jurisdiction by a judge sitting without a jury. Grantor hereby certifies that no representative or agent of Beneficiary, including Beneficiary's counsel, has represented, expressly or otherwise, that Beneficiary would not, in the event of such dispute or controversy, seek to enforce the provisions of this Section, and Grantor acknowledges that Beneficiary has, in part, been induced to make the extension of credit evidenced by the Note in reliance on the provisions of this Section

Article 5.25 Future Advances. This Deed of Trust shall secure the payment of any additional amounts advanced, from time to time, by Beneficiary to Grantor under the Note or other documents stating that such advances are secured hereby ("Future Advances").

Article 5.26 Indebtedness Secured Hereby Not Limited by Statement for Tax and Registration Authorities. Any legend appearing on the face hereof and any affidavit that may be submitted to recording authorities herewith pursuant to any requirement of taxation or registration authorities is included for the benefit of such authorities only and does not affect the terms of Beneficiary's agreement with Grantor as provided by this Deed of Trust and by other documents pertaining to the indebtedness secured hereby or the priority of the lien of this Deed of Trust or any advance made hereunder.

[Signature Pages Follow]

IN WITNESS WHEREOF, Grantor has caused this Deed of Trust to be executed as of the day and year first written above.

GRANTOR:

LG INVESTMENTS, LLC,  
a Louisiana limited liability company

By: [Signature]  
Print Name: STEPHEN GUIDRY  
Its: MANAGER

Grantor's address: 407 St. Tammany Street,  
Madisonville, Louisiana 70447

STATE OF LOUISIANA )

COUNTY OF ST. TAMMANY

Before me, RUSSELL RUDOLPH, a Notary Public of said County and State, personally appeared STEPHEN GUIDRY, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be MANAGER (or other officer authorized to execute the instrument) of LG Investments, LLC, a Louisiana limited liability company, the within named bargainor, and that he as such MANAGER executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as its MANAGER.

Witness my hand and seal, this 21 day of August, 2021.

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

Russell W. Rudolph, La. Notary Public  
407 St. Tammany, Madisonville, La. 70447  
La. Bar No. 19391 / La. Notary No. 36381  
Commission Expires at Death

Exhibit A

## Legal Description

## PARCEL I

LOT 62, THIRD ADDITION, CARRINGTON JONES' DOGWOOD HILLS SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10, PAGE 74, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

ALSO BEING THE SAME PROPERTY AS PARCEL I, BROOKS-HERNANDO P.D. AS RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND IN THE SOUTH LINE OF PARCEL II, BROOKS-HERNANDO P.D.; THENCE ALONG SAID WEST LINE OF HERNANDO ROAD SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 88 DEGREES 51 MINUTES 51 SECONDS WEST A DISTANCE OF 372.60 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 55 SECONDS EAST A DISTANCE OF 367.99 FEET TO THE POINT OF BEGINNING.

## PARCEL II

LOT 61, THIRD ADDITION, CARRINGTON JONES' DOGWOOD HILLS SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10, PAGE 74, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

ALSO BEING THE SAME PROPERTY AS PARCEL II, BROOKS-HERNANDO P.D. AS RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING THE SOUTH LINE OF PARCEL III, BROOKS-HERNANDO P.D.; THENCE ALONG SAID WEST LINE OF HERNANDO ROAD SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 55 SECONDS WEST A DISTANCE OF 363.39 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 01 SECONDS EAST A DISTANCE OF 358.79 FEET TO THE POINT OF BEGINNING.

## PARCEL III

PARCEL III IN BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING

THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL II, BROOKS-HERNANDO P.D.; THENCE NORTH 88 DEGREES 50 MINUTES 01 SECONDS WEST A DISTANCE OF 363.39 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 45 SECONDS EAST A DISTANCE OF 358.79 FEET TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET TO THE POINT OF BEGINNING.

#### PARCEL IV

PARCEL IV, BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE SOUTH LINE OF PARCEL V OF BROOKS-HERNANDO P.D.; THENCE ALONG SAID WEST LINE OF HERNANDO ROAD SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 45 SECONDS WEST A DISTANCE OF 358.79 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.0 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 31 SECONDS EAST A DISTANCE OF 354.18 FEET TO THE POINT OF THE BEGINNING.

#### PARCEL V

PARCEL V IN BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL IV, BROOKS-HERNANDO P.D.; THENCE NORTH 88 DEGREES 49 MINUTES 31 SECONDS HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL IV, BROOKS-HERNANDO P.D. (THIS CALL IS ERRONEOUSLY DESCRIBED); THENCE NORTH 88 DEGREES 49 MINUTES 31 SECONDS WEST A DISTANCE OF 354.18 FEET TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 88 DEGREES 48 MINUTES 21 SECONDS EAST A DISTANCE OF 349.58 FEET TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE ALONG SAID WEST LINE SOUTH 01 DEGREES 41 MINUTES 16 SECONDS EAST A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

#### PARCEL VI

PART OF PARCEL VI, BROOKS-HERNANDO P.D. AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN PLAT BOOK 113, PAGE 50, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF HERNANDO ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED AND BEING IN THE NORTH LINE OF PARCEL V, BROOKS-HERNANDO P.D.; THENCE NORTH 88 DEGREES 48

MINUTES 21 SECONDS WEST A DISTANCE OF 349.58 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 266.81 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES 58 SECONDS EAST A DISTANCE OF 302.39 FEET; THENCE SOUTH 00 DEGREES 34 MINUTES 42 SECONDS WEST A DISTANCE OF 37.07 FEET; THENCE SOUTH 88 DEGREES 52 MINUTES 18 SECONDS EAST A DISTANCE OF 88.99 FEET, TO A POINT IN THE WEST LINE OF HERNANDO ROAD; THENCE SOUTH 21 DEGREES 42 MINUTES 42 SECONDS WEST A DISTANCE OF 26.18 FEET; THENCE SOUTHWARDLY ALONG SAID WEST LINE A DISTANCE OF 209.68 FEET TO THE POINT OF BEGINNING.

#### PARCEL VII

LOT 1, DOGWOOD HILLS SUBDIVISION, THIRD ADDITION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10, PAGE 74, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, LESS THAT PORTION CONVEYED TO THE COUNTY OF SHELBY BY INSTRUMENT OF RECORD IN BOOK 5624, PAGE 125, IN SAID REGISTER'S OFFICE.

#### PARCEL VIII

PART OF PARCEL VI, BROOKS-HERNANDO P.D. AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 113, PAGE 50 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, DOGWOOD HILLS SUBDIVISION, THIRD ADDITION, AS SHOWN IN PLAT BOOK 10, PAGE 74 OF THE REGISTER'S OFFICE; THENCE SOUTH 00 DEGREES 57 MINUTES WEST APPROXIMATELY 376 FEET ALONG THE EAST LINE OF THE MOTEL 6 PROPERTY AS DEEDED IN INSTRUMENT NO. AV 9779 IN THE REGISTER'S OFFICE TO AN IRON PIN WHICH IS IN THE SOUTHEAST CORNER OF SAID MOTEL 6 PROPERTY; THENCE EASTWARDLY ALONG THE EXTENSION OF THE SOUTH LINE OF THE SAID MOTEL T PROPERTY A DISTANCE OF APPROXIMATELY 98 FEET TO A POINT IN THE WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY AS SET FORTH IN BOOK 5878, PAGE 19 IN SAID REGISTER'S OFFICE; THENCE NORTH APPROXIMATELY 46.93 FEET ALONG SAID WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY; THENCE WEST APPROXIMATELY 7 FEET TO A POINT IN THE WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY; THENCE NORTH ALONG SAID WEST LINE OF THE NONCONNAH BAPTIST CHURCH PROPERTY A DISTANCE OF APPROXIMATELY 329.47 FEET TO A POINT IN THE NORTH LINE OF LOT 1, DOGWOOD HILLS SUBDIVISION, THIRD ADDITION; THENCE WEST 92.95 FEET TO THE POINT OF BEGINNING.

ALSO ABOVE DESCRIBED PARCELS I, II, III, IV, V, VI AND VIII BEING ALSO DESCRIBED AS FINAL PLAT BROOKS-HERNANDO P.D., PHASE 2, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 278, PAGE 26, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

#### PARCEL IX

BEGINNING AT THE INTERSECTION OF THE PRESENT SOUTH LINE OF BROOKS ROAD (53 FEET FROM THE CENTERLINE), WITH THE EAST LINE OF LOT 1, THIRD ADDITION TO DOGWOOD HILLS SUBDIVISION, SAID BEGINNING POINT BEING 635 FEET EAST OF THE EAST LINE OF LUCIBILL ROAD AS MEASURED ALONG THE PRESENT SOUTH LINE OF BROOKS ROAD; AND RUNNING THENCE EASTWARDLY WITH THE PRESENT SOUTH LINE OF BROOKS ROAD BY A CURVE TO THE LEFT HAVING A RADIUS OF 1199.3 FEET A

DISTANCE OF 286.55 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE; THENCE SOUTH EASTWARDLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 40 FEET A DISTANCE OF 85.68 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT ON THE WEST LINE OF HERNANDO ROAD; THENCE SOUTH 14 DEGREES 22 MINUTES WEST ALONG THE WEST LINE OF HERNANDO ROAD 204.07 FEET TO THE NORTHEAST CORNER OF A CHURCH PROPERTY; THENCE SOUTH 85 DEGREES 22 MINUTES WEST ALONG THE NORTH LINE OF THE CHURCH PROPERTY 261.98 FEET TO A POINT; THENCE NORTH 5 DEGREES 16 MINUTES WEST A DISTANCE OF 208.6 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE CERTAIN PORTIONS OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE COUNTY OF SHELBY BY WARRANTY DEEDS OF RECORD IN BOOK 4726, PAGE 108 AND BOOK 5673, PAGE 91, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCELS I THROUGH IX BEING THE SAME PROPERTY CONVEYED TO LG INVESTMENTS, LLC BY SPECIAL WARRANTY DEED FROM R. V. WORLD CO., INC. OF RECORD IN INSTRUMENT NO. 22017873 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.



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

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

October 23, 2024

Russ Rudolph, LG Investments, LLC

Sent via electronic mail to: [russr@garv.com](mailto:russr@garv.com)

Brooks-Hernando PD

Case Number: PD 2024-011

LUCB Recommendation: Approval with revisions to the outline plan conditions

Dear applicant,

On Thursday, October 10 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development amendment application for the Brooks-Hernando Planned Development, subject to the attached revised outline plan conditions.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [alexis.longstreet@memphistn.gov](mailto:alexis.longstreet@memphistn.gov).

Respectfully,



Alexis Longstreet

Planner

Land Use and Development Services

Division of Planning and Development

**Letter to Applicant**  
**PD 2024-011**

Cc: Mark Jobe, Glankler Brown, PLLC  
File

## Letter to Applicant

PD 2024-011

### Outline Plan Conditions – Revisions

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

#### I. Uses Permitted

- A. Any use permitted by right or administrative site plan review in the ~~highway commercial~~ **(C-H) CMU-3** district, and outdoor storage, except for adult entertainment places, taverns, night clubs and cocktail lounges, and liquor stores.
- B. Existing dwellings may remain in use, subject to the regulations on nonconforming uses and structures, Section 30.

#### II. Bulk Requirements

- A. The bulk regulations of the CMU-3 district shall apply, except that a 30-foot setback is permitted when the front yard setback is landscaped and/or not devoted to parking area,

#### III. Access, Parking, and Circulation

- A. The number, location and design of curb cuts shall be determined as part of the final Plan review and is subject to the approval of the city engineer.
- B. Hernando Road shall be dedicated to 34 feet from the centerline. Improvements not

required,

#### IV. Landscaping

- A. The west property line shall be screened with Plate H, (20 feet Wide), and a minimum six-foot-high chain link fence with barbed wire on top substituted for the sight-proof wooden fence.
- B. The Hernando Road frontage shall be landscaped with Plate Y.
- C. Light standards within 100 feet of the west property line shall not exceed 10 feet in height.
- D. Existing vegetation within 10 feet of the east line of Parcel VI where it abuts the Nonconnah Baptist Church property shall be retained.
- E. Equivalent landscaping may be substituted for that required above subject to the approval of the office of planning and development.
- F. Lighting shall be directed so as to not glare onto residential property,
- G. Refuse containers shall] be completely screened from view from adjacent 'Properties,

#### V. Signage

- A. Detached and attached signs shall be governed by CMU-3 district regulations.
- B. Advertising signs (billboards) are prohibited.

#### VI. Drainage

- A. All drainage plans shall be submitted to the city engineer for review.

VII. The land use control board may modify the building setback and height, access, parking, landscaping and signage requirements if equivalent alternatives are presented.

VIII. A final plan shall be filed within five years of approval of the outline plan. the land use control! board may grant extensions, at the request of the applicant

#### IX. Any final plan shall include the following.

- A. The outline plan conditions;
- B. A standard subdivision contract as defined by the subdivision regulations;
- C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, required landscaping;
- D. The number of parking spaces;
- E. The location and ownership, whether public or private of any easement:

**Letter to Applicant**

**PD 2024-011**

- F. A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance purposes,
7. Current or subsequent owners of property within this planned development may request amendments to the plan without the consent ~~of notification~~ of the other owners area of the proposed amendments shall extend from the boundary of the entire development.

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

**ONE ORIGINAL |  
ONLY STAPLED |  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 11/12/2024**

**DATE**

**PUBLIC SESSION: 11/26/2024**

**DATE**

**ITEM (CHECK ONE)**

☒ ORDINANCE ☐ RESOLUTION ☐ REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.10(C) of the Memphis and Shelby County Unified Development Code approving a street name change at the subject property located at Bates Alley and Park Lane (east of North 2nd St and west of North 4th St), known as case number SNC 2024-001

**CASE NUMBER:** SNC 2024-001

**LOCATION:** Bates Alley and Park Lane (east of North 2nd St and west of North 4th St)

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

**OWNER/APPLICANT:** Stuart Harris

**REQUEST:** Street name change from Park Lane and Bates Aly to Stereo Alley

**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 – November 12, 2024

Public hearing – November 26, 2024

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_

08/08/2024

(1) Land Use Control Board

APPROVAL - (1) APPROVED (2) DENIED

DATE

ORGANIZATION - (1) BOARD / COMMISSION

(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**SOURCE AND AMOUNT OF FUNDS**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

REQUIRES CITY EXPENDITURE - (1) YES (2) NO

AMOUNT OF EXPENDITURE

REVENUE TO BE RECEIVED

OPERATING BUDGET

CIP PROJECT # \_\_\_\_\_

FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

**DATE**

**POSITION**

*J. Harris*

11/14/24

PRINCIPAL PLANNER

DEPUTY ADMINISTRATOR

*Brett B.*

11/14/24

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

**CHIEF ADMINISTRATIVE OFFICER**

**COMMITTEE CHAIRMAN**



## **Memphis City Council Summary Sheet**

### **SNC 2024-001**

ORDINANCE PURSUANT TO CHAPTER 9.10.1(C) OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A STREET NAME CHANGE AT THE SUBJECT PROPERTY LOCATED AT BATES ALLEY AND PARK LANE, KNOWN AS CASE NUMBER SNC 2024-001

- This item is an ordinance with conditions to allow a street name change is for the east-west right-of-way from the North Second Street intersection to North Fourth Street.

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

**CASE NUMBER:** SNC 2024-001

**LOCATION:** Bates Alley and Park Lane (east of North 2nd St and west of North 4th St)

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

**OWNER/APPLICANT:** Stuart Harris

**REQUEST:** Street name change from Park Lane and Bates Alley to Stereo Alley

**EXISTING ZONING:** Central Business District (CBD)

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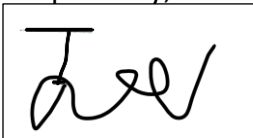
**The following spoke in support of the application:** None

**The following spoke in opposition the application:** None

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

**The motion passed by a unanimous vote of 10-0 on the consent agenda.**

Respectfully,



Justin Harris  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SNC 2024-0001****CONDITIONS****Conditions**

1. The street name change shall take effect on the date determined by the Address Assignment Department of Memphis Light, Gas and Water (MLGW) and after proper notification by MLGW to affected property owners.
2. The applicant shall be responsible for the cost of any new street name blades if installed at the intersection of the renamed alley and existing public streets.

**AN ORDINANCE APPROVING A STREET NAME CHANGE TO CHANGE THE NAME OF PARK LANE ALSO KNOWN AS BATES ALLEY TO STEREO ALLEY LOCATED AT THE EAST-WEST RIGHT-OF-WAY FROM THE NORTH SECOND STREET INTERSECTION TO NORTH FOURTH STREET.**

**(CASE SNC 2024-001)**

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**WHEREAS**, Stuart Harris filed an application with the Memphis and Shelby County Division of Planning and Development to change the name of Street from Park Lane and Bates Alley to Stereo Alley,

**WHEREAS**, This alleyway is adjacent to seventeen (17) lots/parcels containing various industrial and commercial uses; and

**WHEREAS**, The Memphis and Shelby County Land Use Control Board on July 11, 2024, concerning a proposed street name change, recommended approval of the requested street name changes subject to two conditions as follows:

**L.U.C.B CONDITIONS:**

1. The street name change shall take effect on the date determined by the Address Assignment Department of Memphis Light, Gas and Water (MLGW) and after proper notification by MLGW to affected property owners.
2. The applicant shall be responsible for the cost of any new street name blades if installed at the intersection of the renamed alley and existing public streets

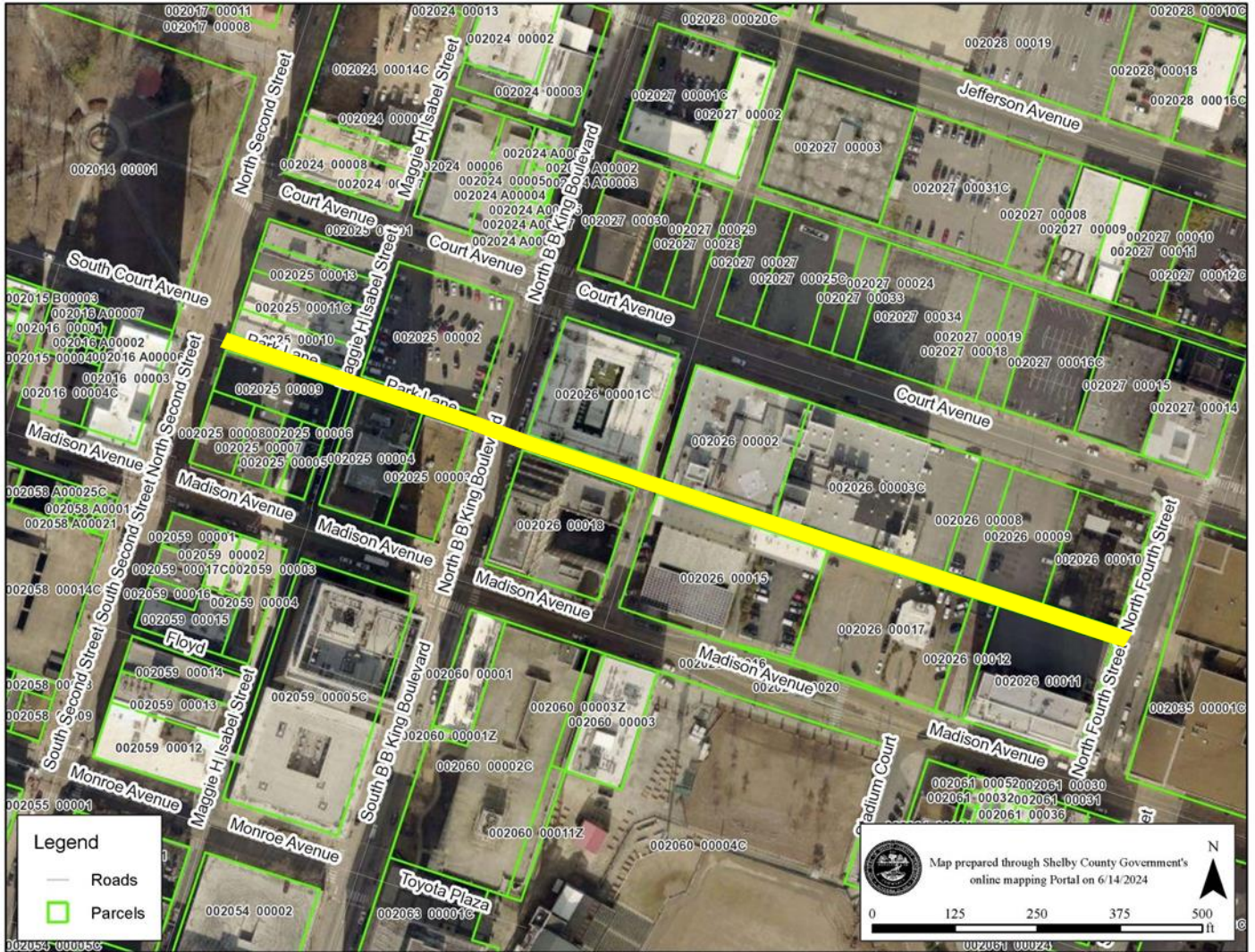
**WHEREAS**, on July 11, 2024, the Memphis and Shelby County Land Use Control Board at its regularly scheduled meeting considered said application and recommended approval of this request.

**NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS**, based upon evidence presented at this public hearing, the Memphis City Council concludes that there is merit in renaming Park Lane also known as Bates Alley to Stereo Alley and the name Park Lane also known as Bates Alley shall hereafter be known as **“Stereo Alley”** in accordance with the attached map (SNC 2024-001)

**BE IT FURTHER RESOLVED, THAT,** This street name change ordinance shall take effect on the date determined by the Address Assignment Department of Memphis Light, Gas and Water (MLGW) and after proper notification by MLGW to affected property owners and then 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 the law.

**THAT,** the House Numbers Section of the Memphis Light, Gas and Water Division shall notify the current adjacent property owners of the street name change to “**Stereo Alley**” and its effective date.

## Aerial



**ATTEST:**

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

**AGENDA ITEM:** 11 **L.U.C.B. MEETING:** July 11, 2024

**CASE NUMBER:** SNC 2024-0001

**LOCATION:** Bates Alley and Park Lane (east of North 2<sup>nd</sup> St and west of North 4<sup>th</sup> St)

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

**OWNER/APPLICANT:** Stuart Harris

**REQUEST:** Street name change from Park Lane and Bates Alley to Stereo Alley

**EXISTING ZONING:** Central Business District (CBD)

## CONCLUSIONS

1. The applicant submitted a request to rename Park Lane, also known as Bates Alley, to Stereo Alley.
2. The street name change is requested for this east-west right-of-way from the North Second Street intersection to North Fourth Street.
3. Approximately 17 properties in the Central Business District surround the right-of-way proposed for the street name change.
4. The name change is requested in an effort to commemorate the history of the alley and the metal “Stereo Alley” sign placed over the street decades ago. The oldest Google Street View image captured of the alley in August 2007 also shows the sign at that time; additionally, news articles mention the sign dating back to the 1960’s.
5. KLYX is incorporated into the sign above the Stereo Alley inscription. News reports and historians recount that the radio station KLYX was known to broadcast station programming and music into the alley, hence the reason for the sign inscription.

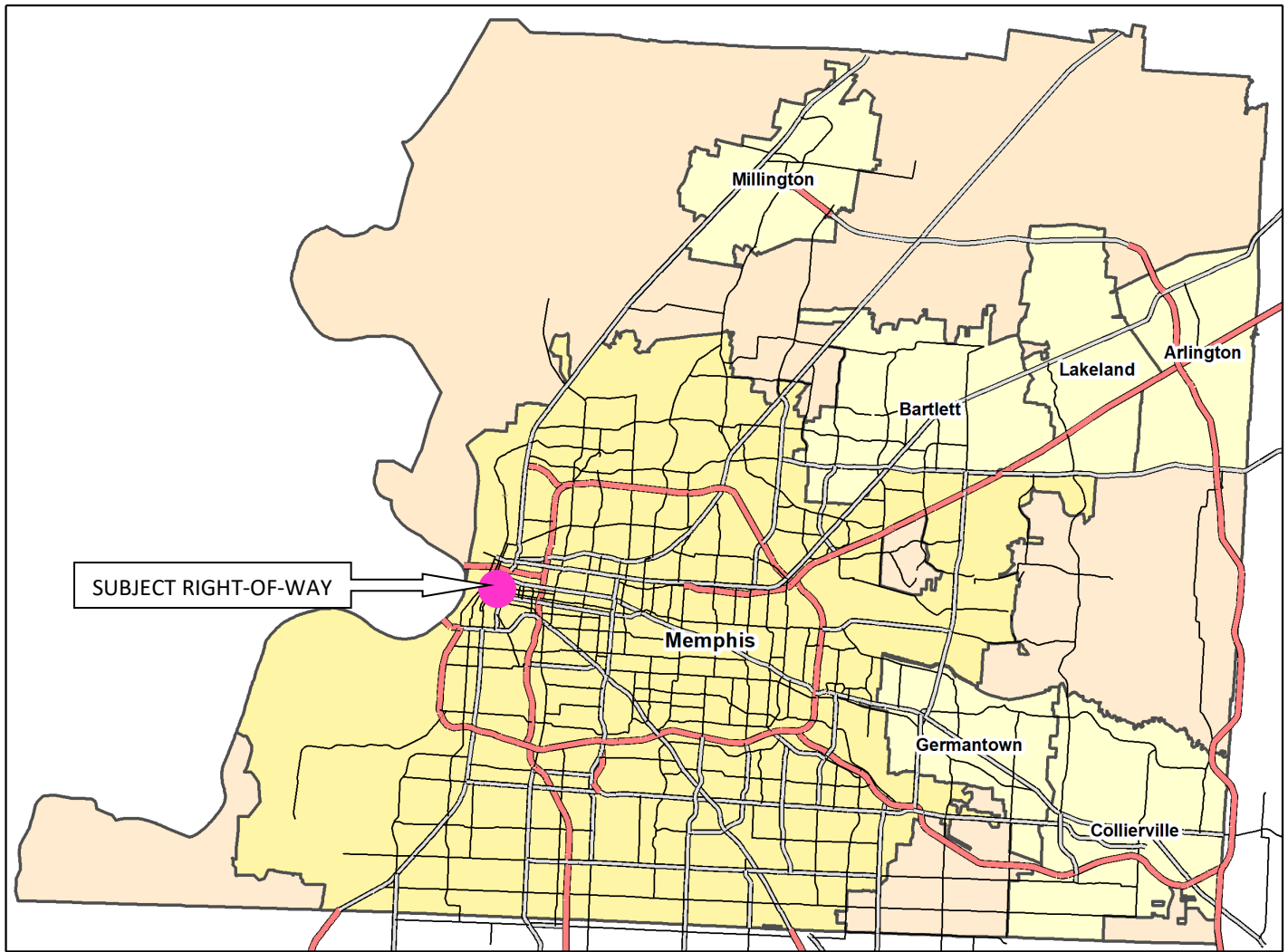
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inapplicable to Memphis 3.0 General Plan land use decision criteria.

## RECOMMENDATION:

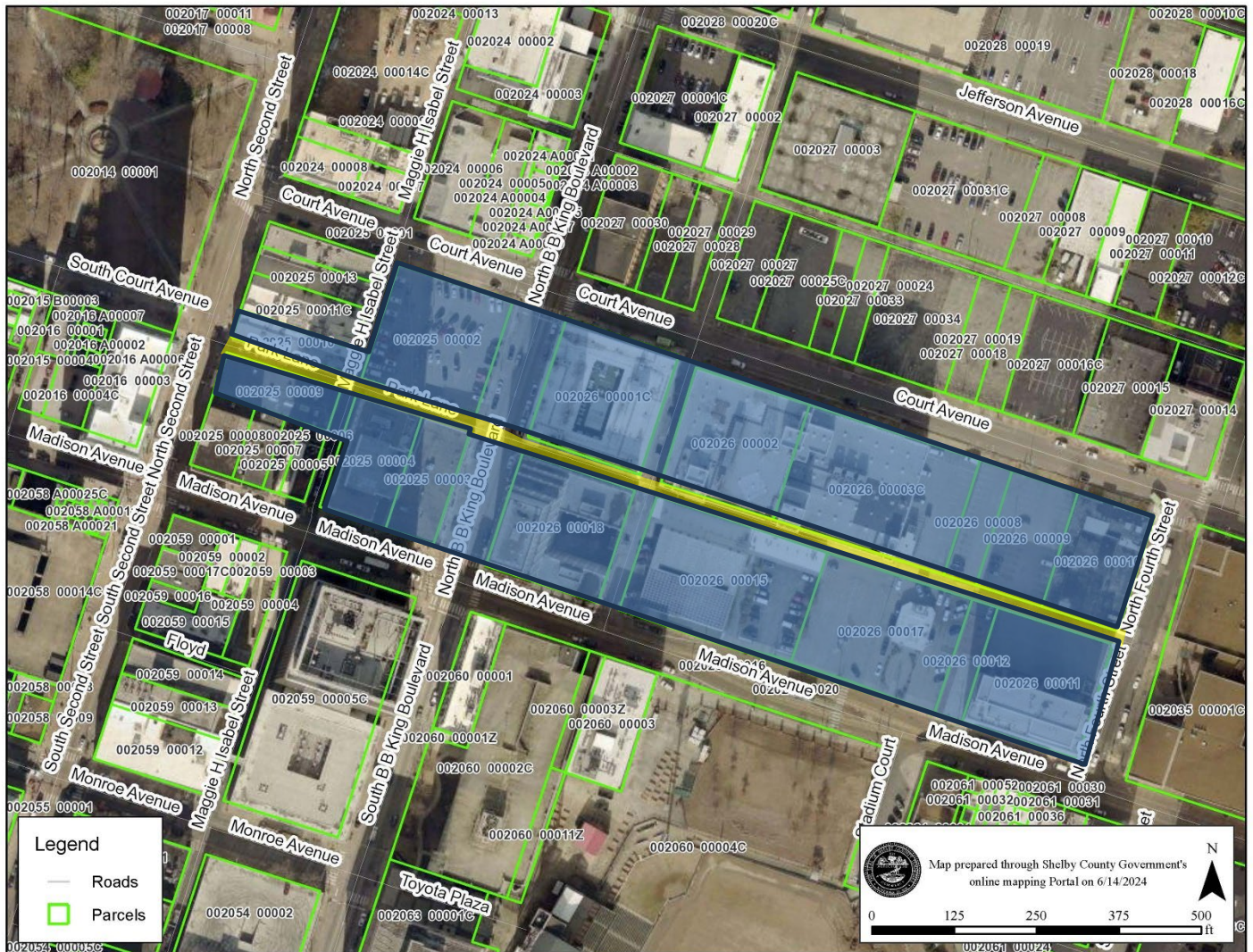
*Approval with two conditions*

**LOCATION MAP**



Subject right-of-way located within the pink circle

## PUBLIC NOTICE VICINITY MAP

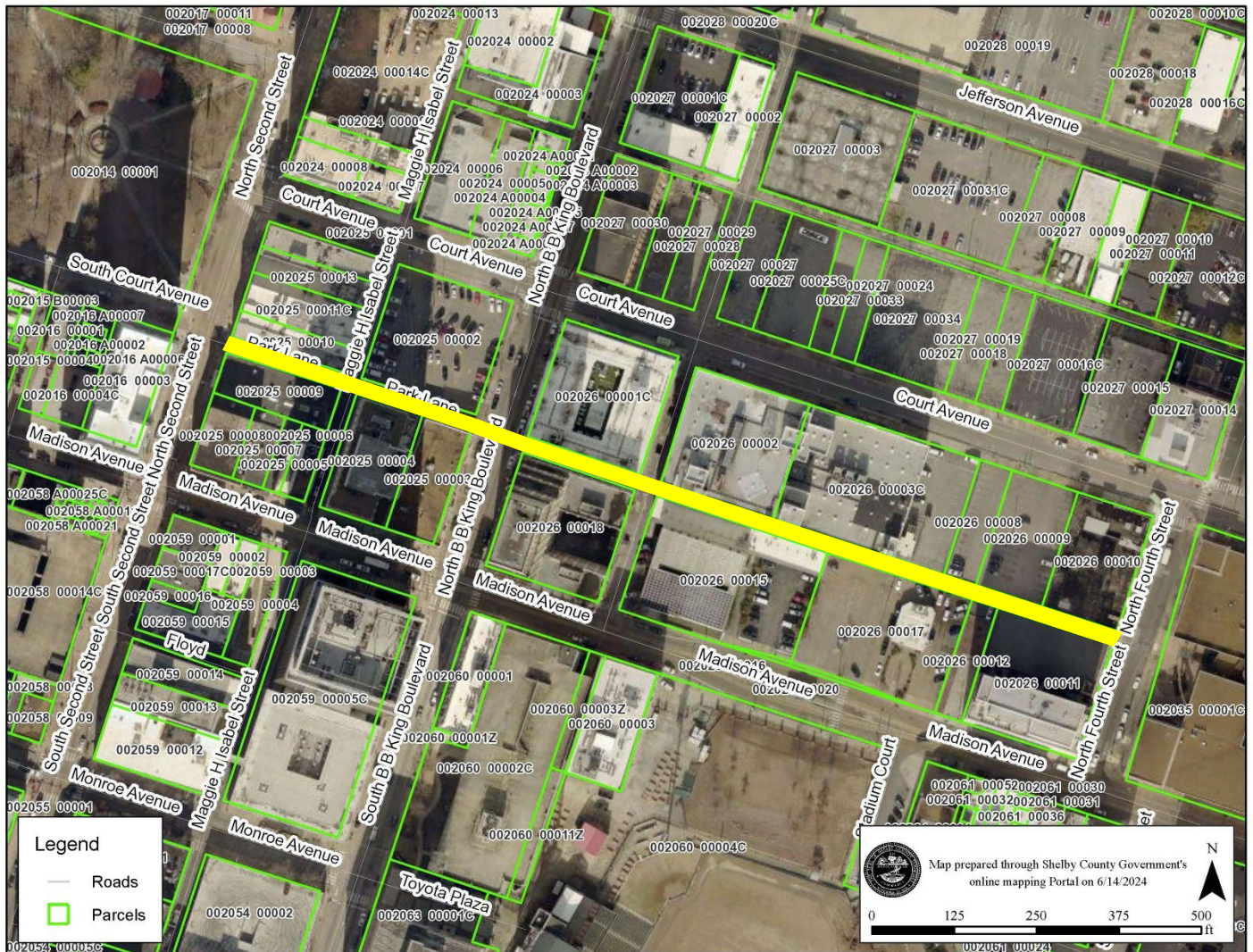


Subject right-of-way highlighted in yellow

## PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 15 notices were mailed on June 14, 2024, see pages 11-12 of this report for a copy of said notice.

AERIAL



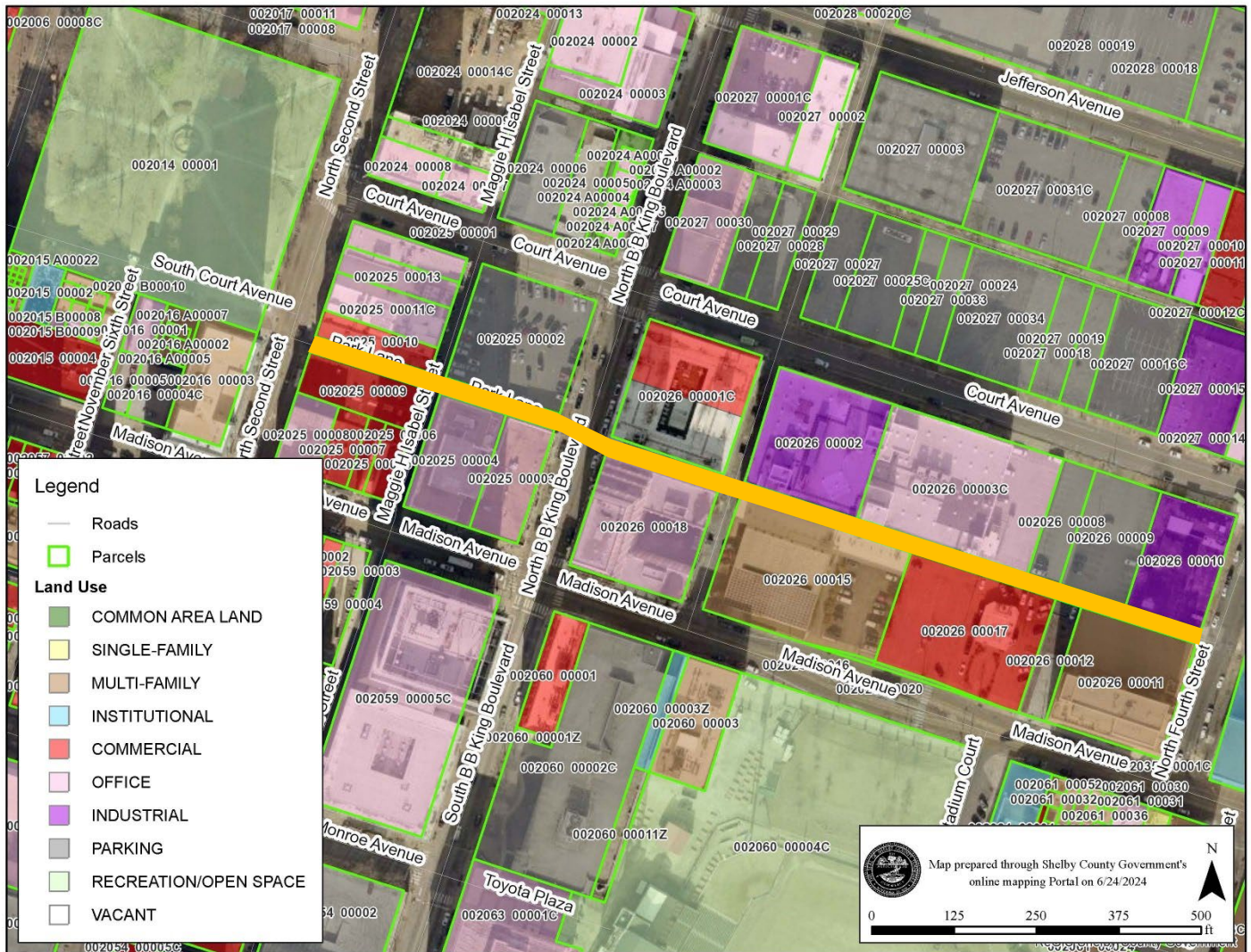
Subject right-of-way outlined in yellow

**ZONING MAP**



Subject right-of-way highlighted in yellow

LAND USE MAP

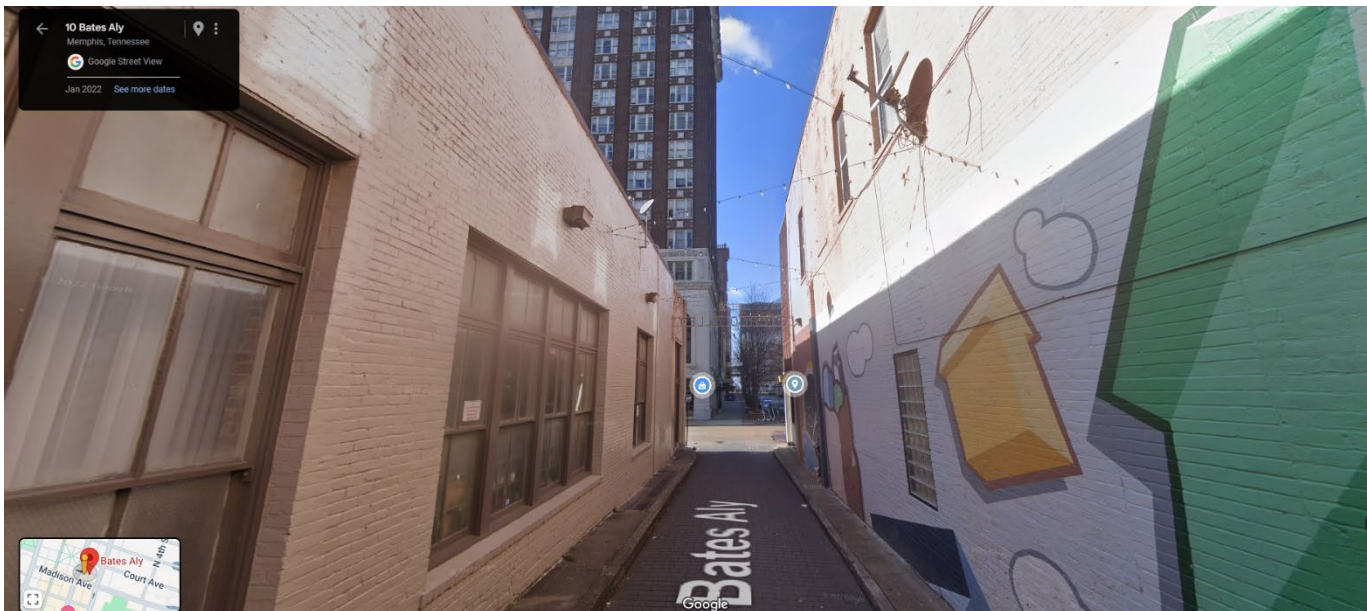


Subject right-of-way highlighted in orange

## SITE PHOTOS



View of access point to Park Lane/Bates Alley from North Second Street looking east



View from Park Lane/Bates Alley looking west



View from Park Lane/Bates Alley looking west



View of access point to Park Lane/Bates Alley from North Fourth Street looking northwest

## **CASE REVIEW**

### **Request**

The request is for a street name change from Bates Alley and Park Lane to Stereo Alley.

### **Site Details**

Address:

Bates Alley and Park Lane (east of North 2<sup>nd</sup> St and west of North 4<sup>th</sup> St)

Area:

+/-1,157 feet

Description:

The subject right-of-way is an east-west public alley extending +/-1,157 feet between North Second Street and North Fourth Street. The street name sign at North Second Street at Maggie H. Isabel intersections shows the subject right-of-way named Park Lane; however, Bates Alley also shows up on the street label in Google Street View. The right-of-way is located between 17 parcels with various business and property owners.

### **Analysis**

Per the Unified Development Code (UDC), the Land Use Control Board has the final authority to decide requests for street name changes. In researching compliance with the UDC, staff has found no regulations within the Code that would prohibit the request to change the public alley name from Park Lane/Bates Alley to Stereo Alley. As the applicant has requested the name change in order to help reactivate the overall district anchored by the Sterick Building redevelopment (the Sterick Building is at the southeast corner of Bates Alley and North B.B. King Boulevard), no opposition letters or even inquiries have been received related to the request, and the "Stereo Alley" sign is a celebrated part of Downtown Memphis history, staff believes the request is reasonable.

## **RECOMMENDATION**

Staff recommends approval with one condition.

### **Conditions**

1. The street name change shall take effect on the date determined by the Address Assignment Department of Memphis Light, Gas and Water (MLGW) and after proper notification by MLGW to affected property owners.
2. The applicant shall be responsible for the cost of any new street name blades if installed at the intersection of the renamed alley and existing public streets.

## **DEPARTMENTAL COMMENTS**

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

<b>City/County Engineer:</b>	No comments received.
<b>City/County Fire Division:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>County Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Office of Sustainability and Resilience:</b>	No comments received.
<b>Office of Comprehensive Planning:</b>	No comments received.

**MAILED PUBLIC NOTICE**

15 Notices Mailed on 6/14/2024



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

## NOTICE OF PUBLIC HEARING

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

**CASE NUMBER:** SNC 2024-0001  
**LOCATION:** Bates Alley and Park Lane (east of North 2<sup>nd</sup> St and west of North 4<sup>th</sup> St)  
(SEE SITE PLAN ON REVERSE SIDE)  
**APPLICANT:** Stuart Harris  
**REQUEST:** Street name change from Bates Alley and Park Lane to Stereo Alley

**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

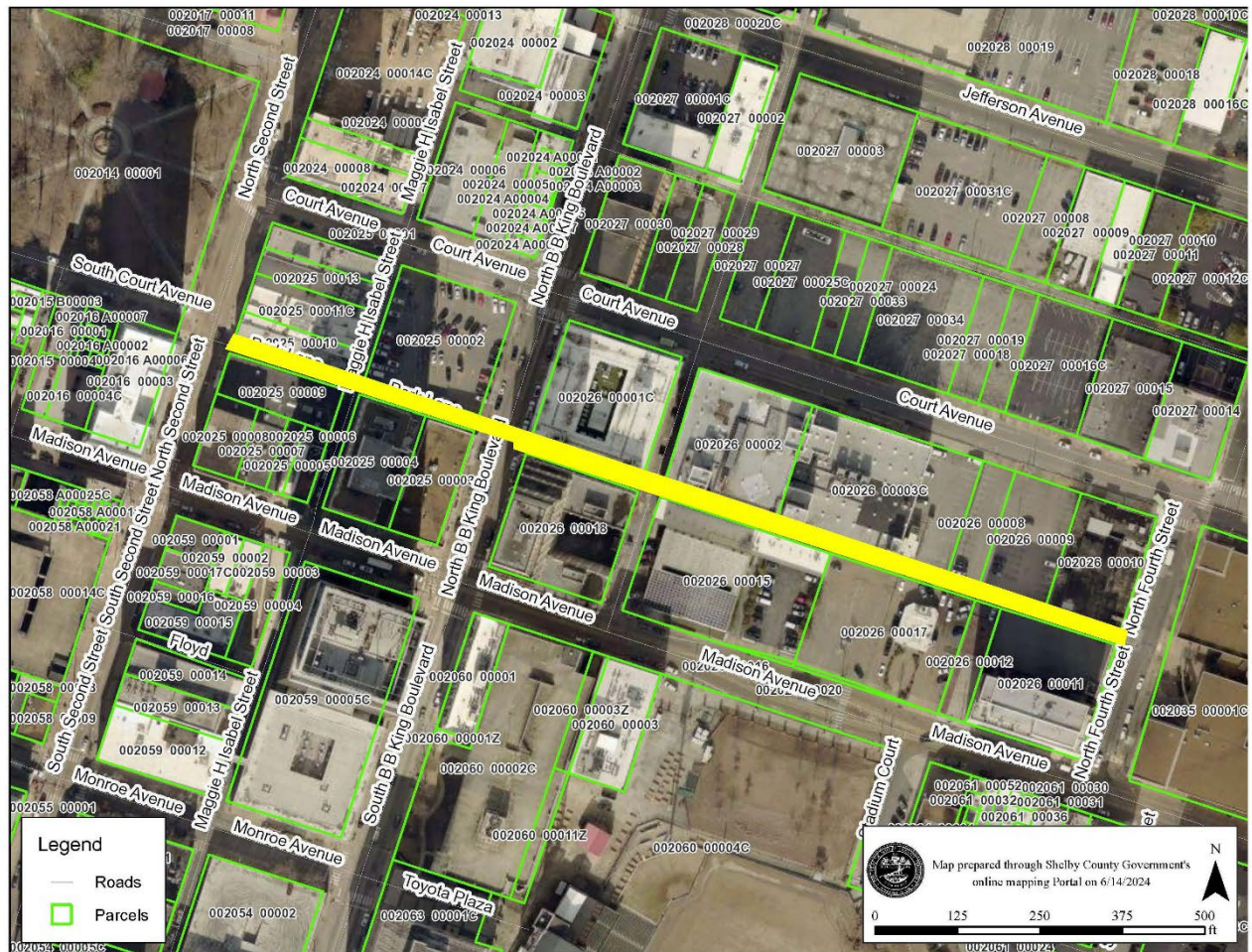
**DATE:** Thursday, July 11, 2024  
**TIME:** 9:00 AM  
**LOCATION:** Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Kendra Cobbs at [Kendra.Cobbs@memphistn.gov](mailto:Kendra.Cobbs@memphistn.gov) or (901) 636-6619 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, July 3, 2024, at 8 AM**.

## STREET NAME BOUNDARY



Proposed Street Name Change Highlighted in Yellow

APPLICATION



Memphis and Shelby County Division of  
Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,  
Tennessee 38134  
Downtown Service Center: 125 N. Main Street;  
Memphis, Tennessee 38103  
  
website: [www.develop901.com](http://www.develop901.com)

Record Summary for Street Name Change

Record Detail Information	
Record Type: Street Name Change	Record Status: Processing
	Opened Date: May 24, 2024
Record Number: SNC 2024-001	Expiration Date:
Record Name: -	
Description of Work: -	
	Parent Record Number:

Address:

Owner Information

Primary	Owner Name
N	
Owner Address	Owner Phone

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Lucas Skinner
Date of Meeting	05/24/2024
Pre-application Meeting Type	-
GENERAL INFORMATION	
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Existing Street Name	Park Lane + Bates Alley
Proposed Street Name	Stereo Alley

GENERAL INFORMATION

Reason for Change	In the 1960's, radio station KLYX broadcasted music through the Park Lane alley as a tactic to activate and make the arterial road more pleasant and passable. A sign was erected at the center point of the alley at the time, declaring it "Stereo Alley", which it is more broadly known by. We believe that codifying this name is a nod to both Memphis music history as well as the intentions of activating the space, which our projects aim to do.
Name Change Starts At	Fourth Street
And Proceeds To	Front Street
Length Of Street Name Change	1150

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

Data Tables

ALL INTERSECTING STREETS

Intersecting Street 1:	Fourth Street
Intersecting Street 2:	B.B. King Boulevard
Intersecting Street 3:	Maggie H. Isabel Street
Intersecting Street 4:	Second Street

Contact Information

-----

**LETTER OF INTENT**

Stuart Harris  
240 Madison Ave.  
Memphis, TN 38103  
sharris@constellationprop.com

May 24, 2024

Lucas Skinner  
DPD Planner  
Memphis and Shelby County Division of Planning and Development  
125 N Main St #477  
Memphis, TN 38103

Dear Mr. Skinner,

This applications purpose is to propose the name change of Bates Alley, which runs from Second Street to B. B. King Boulevard, and Park Lane, which runs from B. B. King Boulevard to Fourth Street, to Stereo Alley. This new, combined alley will be the heart of a new district anchored by the redevelopment of the Sterick Building.

In the 1960's, radio station KLYX broadcasted music through the Park Lane alley as a tactic to activate and make the arterial road more pleasant and passable. A sign was erected at the center point of the alley at the time, declaring it "Stereo Alley", which it is more broadly known by. We believe that codifying this name is a nod to both Memphis music history as well as the intentions of activating the space, which our projects aim to do.

Sincerely,

Stuart Harris

**LETTERS RECEIVED**

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



# Memphis and Shelby County Division of Planning and Development

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

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

website: [www.develop901.com](http://www.develop901.com)

## Record Summary for Street Name Change

### Record Detail Information

Record Type: Street Name Change

Record Status: Processing

Opened Date: May 24, 2024

Record Number: SNC 2024-001

Expiration Date:

Record Name: -

Description of Work: -

Parent Record Number:

---

Address:

### Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

05/24/2024

Pre-application Meeting Type

-

#### GENERAL INFORMATION

List any relevant former Docket / Case

-

Number(s) related to previous applications on  
this site

Existing Street Name

Park Lane + Bates Alley

Proposed Street Name

Stereo Alley

## GENERAL INFORMATION

### Reason for Change

In the 1960's, radio station KLYX broadcasted music through the Park Lane alley as a tactic to activate and make the arterial road more pleasant and passable. A sign was erected at the center point of the alley at the time, declaring it "Stereo Alley", which it is more broadly known by. We believe that codifying this name is a nod to both Memphis music history as well as the intentions of activating the space, which our projects aim to do.

Fourth Street

Name Change Starts At

And Proceeds To

Front Street

Length Of Street Name Change

1150

## 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

## Data Tables

### ALL INTERSECTING STREETS

Intersecting Street 1:	Fourth Street
Intersecting Street 2:	B.B. King Boulevard
Intersecting Street 3:	Maggie H. Isabel Street
Intersecting Street 4:	Second Street

## Contact Information

---

**Name**  
STUART HARRIS

**Contact Type**  
APPLICANT

**Address**

**Phone**  
(901)289-6400

**Name**  
STUART HARRIS

**Contact Type**  
PROPERTY OWNER OF  
RECORD

**Address**

**Phone**  
(901)289-6400

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1566848	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	05/24/2024
1566848	Street Name Change	1	400.00	INVOICED	0.00	05/24/2024

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

---

**Payment Information**

Payment Amount	Method of Payment
\$410.40	Credit Card

GOLDSTEIN EDWARD J AND AMY GOLDSTEIN  
4240 W 113TH TER #  
LEAWOOD KS 66211

TWO MAIN LLC  
12224 MONTAGUE ST #  
PACOIMA CA 91331

LEMANSKI MARGARET  
123 COURT SQ #601  
MEMPHIS TN 38103

IDEAL INVESTMENTS LLC  
111 MADISON AVE #  
MEMPHIS TN 38103

LANDMARK COMMERCIAL LLC  
581 RIDGEPEAKS DR #  
COLLIERVILLE TN 38017

KNM DEVELOPMENT GROUP LLC  
PO BOX 1060 #  
COLDWATER MS 38618

ALLIED GROUP REALTY LLC  
PO BOX 752390 ST #  
MEMPHIS TN 38175

MAGNUS E ALAN AND MELANIE A MAGNUS  
243 JEFFERSON AVE #E  
MEMPHIS TN 38103

UIGTN III LLC  
9 N SECOND ST #  
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE  
145 COURT AVE #  
MEMPHIS TN 38103

ROLLINS BENNIE M AND TUEL P ROLLINS AND  
280 E GE PATTERSON AVE #122  
MEMPHIS TN 38126

RICE GEORGE L III  
275 JEFFERSON AVE #  
MEMPHIS TN 38103

IN8PWR LLC  
7870 WINCHESTER RD #  
MEMPHIS TN 38125

JEFFERSON COURT PROPERTIES INC  
254 COURT AVE #  
MEMPHIS TN 38103

PEYTON REGINALD M  
1795 PARKWAY TER #  
MEMPHIS TN 38114

MEMPHIS CITY SCHOOLS BOARD OF EDUCATION  
2597 AVERY AVE #218  
MEMPHIS TN 38112

LANDMARK COMMERCIAL LLC  
581 RIDGEPEAKS DR #  
COLLIERVILLE TN 38017

BLAKE PHYLLIS V REVOCABLE TRUST (TR) AND  
2 N 2ND ST #  
MEMPHIS TN 38103

YMCA OF MEMPHIS & THE MID-SOUTH  
6373 N QUAIL HOLLOW RD #201  
MEMPHIS TN 38120

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

BLAKE PHYLLIS V REVOCABLE TRUST (TR) AND  
2 N 2ND ST #  
MEMPHIS TN 38103

DOWNTOWN YMCA LOFTS CONDOMINIUM  
165 MADISON AVE #  
MEMPHIS TN 38103

GLASSMAN RICHARD AND CARL WYATT AND  
26 N 2ND ST #  
MEMPHIS TN 38103

OMEGA PROPERTIES INC  
3981 WALNUT GROVE RD #  
MEMPHIS TN 38111

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

BERGMAN JOSEPHINE  
1786 GREENWOOD PL #  
MEMPHIS TN 38119

RIVER DOGS LLC  
246 COURT AVE #  
MEMPHIS TN 38103

LANDMARK COMMERCIAL LLC  
9245 POPLAR AVE #5  
GERMANTOWN TN 38138

PINCKNEY PARTNERS LLC  
25 MARTIN LUTHER KING AVE #200  
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
PO BOX 38328 #  
GERMANTOWN TN 38183

MEMPHIS CENTER CITY REVENUE CORP  
21860 BURBANK BLVD #300  
WOODLAND HILLS CA 91367

MEMPHIS HOSPITAL SERV & SURGICAL ASSOCIA  
85 N DANNY THOMAS BLVD #  
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
100 N MAIN ST #2200  
MEMPHIS TN 38103

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

JEFFERSON COURT PROPERTIES INC  
254 COURT AVE #  
MEMPHIS TN 38103

COURT SQUARE PARTNERSHIP  
130 N COURT AVE #N  
MEMPHIS TN 38103

CITY OF MEMPHIS  
125 N MAIN ST #568  
MEMPHIS TN 38103

HARI TEJ HOSPITALITY GROUP LLC  
6230 RIVER GROVE CV #  
MEMPHIS TN 38120

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
100 N MAIN ST #2200  
MEMPHIS TN 38103

ZABELIS KAPOIS PROPERTIES LLC  
215 ANDY CV #  
COLLIERVILLE TN 38017

OMEGA PROPERTIES INC  
3981 WALNUT GROVE RD #  
MEMPHIS TN 38111

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

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

LANGSTON JOHN D JR  
1900 N 6TH ST #  
BLYTHEVILLE AR 72315

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

KNM DEVELOPMENT GROUP LLC  
PO BOX 1060 #  
COLDWATER MS 38618

CHALMERS KATRINA  
127 MADISON AVE #401  
MEMPHIS TN 38103

GOODWYN CONDOMINIUM OWNERS  
11 S ORLEANS ST #  
MEMPHIS TN 38103

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

PAPPAS GEORGE J JR REVOCABLE TRUST  
127 MADISON AVE #502  
MEMPHIS TN 38103

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

KNM DEVELOPMENT GROUP LLC  
P.O. BOX 1060 #  
COLDWATER MS 38618

DAGS PROPERTIES LLC  
400 HUNTCLIFF DR #  
JONESBORO AR 72404

THG MAIN LLC  
4404 NORTHSIDE PKWY #711  
ATLANTA GA 30327

119 SOUTH COURT AVE LLC  
119 S COURT AVE #200  
MEMPHIS TN 38103

OKUI GLEN & ABIGAIL  
127 MADISON AVE #501  
MEMPHIS TN 38103

COURT SQUARE PARTNERSHIP (PSO)  
130 COURT AVE #  
MEMPHIS TN 38103

KNM DEVELOPMENT GROUP LLC  
PO BOX 1060 #  
COLDWATER MS 38618

MCCORMACK BLAIRE G & AARON J  
127 MADISON AVE #301  
MEMPHIS TN 38103

THG MAIN LLC  
4404 NORTHSIDE PKWY #711  
ATLANTA GA 30327

CHARNG LLC  
1979 FELIX AVE #  
MEMPHIS TN 38104

HD ENTERPRISES LLC  
307 MADISON #  
MEMPHIS TN 38103

WILLIAMS CALEB A  
66 S FRONT ST #  
MEMPHIS TN 38103

CHARNG LLC  
1979 FELIX AVE #  
MEMPHIS TN 38104

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
PO BOX 1729 #  
MADISON MS 39130

HICKS MATTHEW K  
528 ALTHEA LN #  
COLLIERVILLE TN 38017

BANKTENNESSEE  
1125 W POPLAR AVE #  
COLLIERVILLE TN 38017

HD ENTERPRISES LLC  
307 MADISON #  
MEMPHIS TN 38103

245 MADISON AVE #606 TRUST  
3214 E FORT UNION BLVD #  
SALT LAKE CITY UT 84121

14 S SECOND CORP  
2884 WALNUT GROVE RD #  
MEMPHIS TN 38111

INGELMO JACQUELINE M  
257 MADISON AVE #  
MEMPHIS TN 38104

BLVS LLC  
9614 MISTY BROOK CV #  
CORDOVA TN 38016

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

MADISON AVENUE LLC  
3427 KEL CREEK CV #  
MEMPHIS TN 38122

JEAN-PIERRE DANIELE  
17 QUINCY PL #  
WASHINGTON DC 20001

24MAIN LLC  
10520 LARSON BAY LN #  
COLLIERVILLE TN 38017

TRG EQUITY INC  
80 MONROE AVE #610  
MEMPHIS TN 38103

THOMAS ROBERT K & TERRI L  
127 MADISON AVE #202  
MEMPHIS TN 38103

FT BUILDING LLC  
165 MADISON AVE #  
MEMPHIS TN 38103

YMCA OF MEMPHIS & THE MID-SOUTH  
6373 N QUAIL HOLLOW RD #201  
MEMPHIS TN 38120

SMITH JASON  
127 MADISON AVE #201  
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
PO BOX 1729 #  
MADISON MS 39130

STRICKER DANIEL E  
245 MADISON AVE #705  
MEMPHIS TN 38103

124 NEWSROOM LLC  
120 MONROE AVE #  
MEMPHIS TN 38103

MONROE ASSOCIATES LLC  
629 MONROE AVE #  
MEMPHIS TN 38103

WILLIAMS CALEB A  
245 MADISON AVE #704  
MEMPHIS TN 38103

COLE O B INC  
3835 STEELE ST #301  
MEMPHIS TN 38127

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
PO BOX 1729 #  
MADISON MS 39130

WILLIAMS CALEB A  
66 S FRONT ST #21  
KINGSPORT TN 37660

O B COLE INC  
126 MONROE AVE #  
MEMPHIS TN 38103

ESBORJA INVESTMENTS LLC  
PO BOX 40192 #  
MEMPHIS TN 38174

SOUSOULAS JAMES AND SOPHIE SOUSOULAS  
6303 MASSEY OAKS CV #  
MEMPHIS TN 38120

160 COURT GARAGE LLC  
11227 MATTHEWS COVE CV #1104  
FARRAGUT TN 37934

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

BERMUDEZ GUSTAVO  
1322 MADISON AVE #  
MEMPHIS TN 38104

IN8PWR LLC  
7870 WINCHESTER RD #  
MEMPHIS TN 38125

SCHUTT L PETER AND LESLIE SCHUTT LIVING  
360 WINCHESTER LN #  
STANTON TN 38069

STERLING HEDRICK LLC  
240 MADISON AVE #603  
MEMPHIS TN 38103

GARLAND CHRISTOPHER D & PAIGE M  
2205 POPLAR AVE #  
MEMPHIS TN 38104

KNM DEVELOPMENT GROUP LLC  
PO BOX 1060 #  
COLDWATER MS 38618

CTB LLC  
44 ABELE RD #304  
BRIDGEVILLE PA 15017

LOVELL JON C  
10 N MAIN ST #402  
MEMPHIS TN 38103

VIBRANT HOTEL INC  
220 GOODMAN RD #  
SOUTHAVEN MS 38671

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

LOVELL JON C  
10 N MAIN ST #102  
MEMPHIS TN 38103

WESSMAN JOHN TRUST  
201 N PALM CANYON DR #200  
PALM SPRINGS CA 92262

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
PO BOX 1729 #  
MADISON MS 39130

WERFELMANN RUTH T  
10 N MAIN ST #302  
MEMPHIS TN 38103

CROW KEVIN V AND DANA L BUNKE  
150 MADISON AVE #  
MEMPHIS TN 38103

VIBRANT HOTELS INC  
220 GOODMAN RD #  
SOUTHAVEN MS 38671

MYERS RUFUS W AND STEPHANIE M FERREIRA  
675 LIPFORD ST #  
MEMPHIS TN 38112

WESSMAN JOHN TRUST  
201 N PALM CANYON DR #200  
PALM SPRINGS CA 92262

THG COURT LLC  
4401 NORTHSIDE PKWY #711  
ATLANTA GA 30327

LOVELL JON  
10 N MAIN ST #  
MEMPHIS TN 38103

COSSITT FLATS LLC  
12 MINA AVE #  
MEMPHIS TN 38103

PRIMROSE HILL QOZB LLC  
272 COURT AVE #  
MEMPHIS TN 38103

WHEELER DAVID A  
10 N MAIN ST #301  
MEMPHIS TN 38103

BRASS DOOR LLC  
152 MADISON AVE #  
MEMPHIS TN 38104

LINDSAY MEMORIAL PRESBY CH  
44 N 2ND ST #1104  
MEMPHIS TN 38103

MARTIN SYLVESTER A AND MICHY-MARCOLE  
1S177 MICHIGAN AVE #  
VILLA PARK IL 60181

MITCHELL JANA M  
10 N MAIN ST #702  
MEMPHIS TN 38103

DELERY LAUREN J  
10 N MAIN ST #602  
MEMPHIS TN 38103

ODELL JACQUELINE K  
10 N MAIN ST #  
MEMPHIS TN 38103

BENNETT MARCUS C  
10 N MAIN ST #701  
MEMPHIS TN 38103

KING THERESA M  
1616 WEST END AVE #3201  
NASHVILLE TN 37203



# MEMPHIS AND SHELBY COUNTY

## DIVISION OF PLANNING AND DEVELOPMENT

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

**LAND USE CONTROL BOARD STREET NAME CHANGE APPLICATION**  
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)

Date: \_\_\_\_\_

Previous Case/Docket #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Email Address: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

Representative: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Representative Email Address: \_\_\_\_\_

Architect/Engineer/Surveyor: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Architect/Engineer/Surveyor Email Address: \_\_\_\_\_

**PREMISES LOCATION**

Existing Street Name: \_\_\_\_\_ Proposed Street Name: \_\_\_\_\_

Reason for Change: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Did you have a pre-application meeting with the Division of Planning and Development (DPD)?**

Planner: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Name change starts at: \_\_\_\_\_ and proceeds to: \_\_\_\_\_

Length of street name change (feet): \_\_\_\_\_

Intersecting streets where a street name sign will need to be changed:

A. _____	B. _____	C. _____
D. _____	E. _____	F. _____
G. _____	H. _____	I. _____
J. _____	K. _____	L. _____
M. _____	N. _____	O. _____
P. _____	Q. _____	R. _____
S. _____	T. _____	U. _____
V. _____	W. _____	X. _____
Y. _____	Z. _____	AA. _____
BB. _____	CC. _____	DD. _____
EE. _____	FF. _____	GG. _____
HH. _____	II. _____	JJ. _____
KK. _____	LL. _____	MM. _____
NN. _____	OO. _____	PP. _____

*Note the applicant is responsible for the cost of new street name signs and their installation.*

## LAND USE CONTROL BOARD STREET NAME CHANGE APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: [www.aca-prod.accela.com/SHELBYCO/Default](http://www.aca-prod.accela.com/SHELBYCO/Default)

### GENERAL INFORMATION

#### **UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR STREET NAME CHANGES:**

- a) Street Name Change – UDC Chapter 9.10

**PROPERTY OWNER OF RECORD** – The property owner may either be the government of jurisdiction or an abutting property owner along the street that is associated with this application.

**PRE-APPLICATION MEETING** – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

**APPLICATION REVIEW PROCESS** – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

**APPLICATION DEADLINES** – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services' [webpage](#).

**APPLICATION ASSISTANCE** – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the

filing of applications with the Division of Planning and Development.

**FILING FEE(S)** – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

#### **REQUIRED DOCUMENTS**

As part of the application, the following documents are required to be submitted:

**LETTER OF INTENT** – A brief narrative statement generally describing the nature, location, and extent of the proposed street name change and the reason for said change.

**STREET NAME CHANGE PRELIMINARY PLAN** – In general, the plan must identify the precise location of the entire length of the subject street and identify all intersecting cross streets.

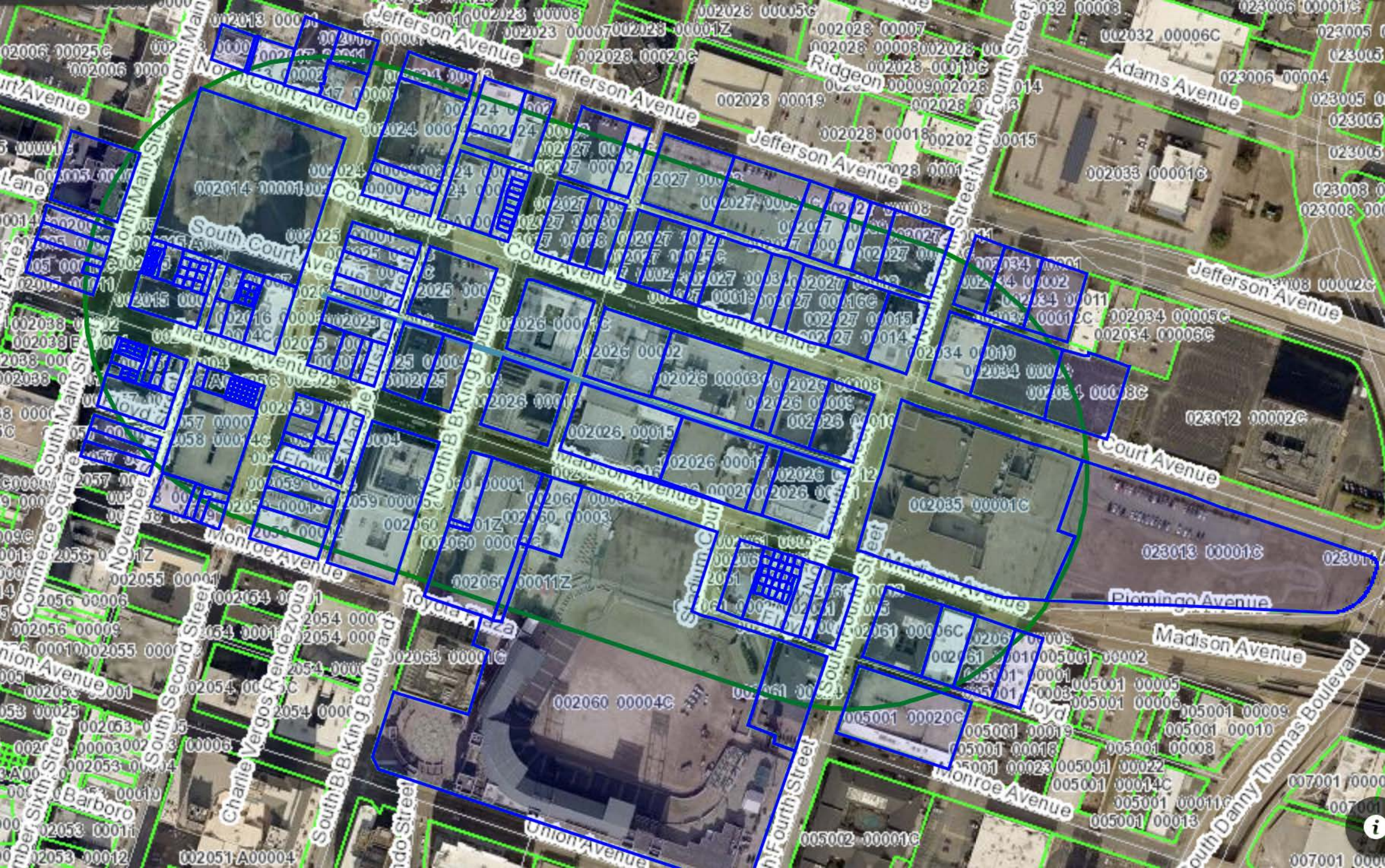
**VICINITY MAP** – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. [Public Notice Tool User Guide](#).

**MAILING LABELS OF NAMES AND ADDRESSES** – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

**OWNER AFFIDAVIT** – [Affidavit of ownership or owner designee](#).

**DEED(S)** – Most recent deed(s) on file with [Shelby County Register of Deeds](#), if filed by an abutting property owner.

**Additional documents may be required prior to approval.**



**NOTICE TO INTERESTED OWNERS OF PROPERTY  
(PLANNED DEVELOPMENT)**

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, November 26<sup>th</sup> at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

**CASE NUMBER:** SNC 2024-001

**LOCATION:** Bates Alley and Park Lane (east of North 2nd St and west of North 4th St)

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

**OWNER/APPLICANT:** Stuart Harris

**EXISTING ZONING:** Central Business District (CBD)

**REQUEST:** Street name change from Park Lane and Bates Aly to Stereo Alley

**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, November 26th, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**JB SMILEY, JR.**  
***CHAIRMAN OF COUNCIL***

**ATTEST:**

**KAMETRIS WYATT**  
***CITY COMPTROLLER***

---

**TO BE PUBLISHED:**

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE:** 11/12/2024  
**DATE**

**PUBLIC SESSION:** 11/26/2024  
**DATE**

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 888 N Perkins Road, known as case number SUP 2024-036

**CASE NUMBER:** SUP 2024-036

**LOCATION:** 888 N Perkins Road

**COUNCIL DISTRICTS:** District 5 and Super District 9

**OWNER/APPLICANT:** Whitney Watson

**REPRESENTATIVE:** N/A

**REQUEST:** Special Use Permit to establish a Group Day Care Home in the Residential Single-Family – 6 zoning district.

**AREA:** +/- 11,108 sq. ft. (+/- ¼ acre)

**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**  
If public hearing is not required:  
Hearing – November 26, 2024

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
10/10/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

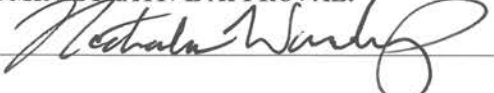

**FUNDING:**

(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>10-18-24</u> <u>PLANNER II</u>
	<u>10/18/24</u> <u>ADMINISTRATOR</u>
_____	DEPUTY ADMINISTRATOR
_____	DIRECTOR (JOINT APPROVAL)
_____	COMPTROLLER
_____	FINANCE DIRECTOR
_____	CITY ATTORNEY

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

\_\_\_\_\_  
**COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### SUP 2024-036

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 888 N PERKINS ROAD, KNOWN AS CASE NUMBER SUP 2024-036

- This item is a resolution with conditions for a special use permit to allow group daycare home at 888 N Perkins Road (the southeast corner of N Perkins Road and Durbin Ave.).
- Because the applicant resides on the subject property, she can care for up to seven children by-right. The approval of this item would increase that limit to twelve.
- Both DPD staff and the Land Use Control Board recommend ***approval with conditions***.
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, October 10, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	SUP 2024-036
<b>LOCATION:</b>	888 N Perkins Road
<b>COUNCIL DISTRICT(S):</b>	District 5 and Super District 9
<b>OWNER/APPLICANT:</b>	Whitney Watson
<b>REPRESENTATIVE:</b>	N/A
<b>REQUEST:</b>	To allow a group daycare home in the Residential Single-Family – 6 district.
<b>EXISTING ZONING:</b>	Residential Single-Family – 6 (R-6)
<b>AREA:</b>	+/- 11,108 sq. ft. (+/- ¼ acre)

---

**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,



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

Cc: Committee Members  
File

**SUP 2024-036****CONDITIONS**

1. At no time shall more than twelve (12) children younger than nine (9) years of age be located on the premises, regardless of their familial relation to the operator.
2. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway. No improvements shall be made to the property for the purposes of adding parking.
3. No signage related to the daycare shall be permitted.
4. No more than three individuals not residing on the property may be employed by the daycare.
5. Any future improvements to the property (including but not limited to the installation of playground equipment) shall be submitted to the Division of Planning and Development for administrative review and approval. The Zoning Administrator may, at their discretion, impose additional landscaping requirements necessary to appropriately screen such improvements.
6. Should the daycare operator cease to reside on the premises, this Special Use Permit shall be rendered null and void.

**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 888 N PERKINS ROAD, KNOWN AS CASE NUMBER SUP 2024-036**

---

**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**, Whitney Watson filed an application with the Memphis and Shelby County Division of Planning and Development to allow a group daycare home at 888 N Perkins Road; 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 October 10, 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. At no time shall more than twelve (12) children younger than nine (9) years of age be located on the premises, regardless of their familial relation to the operator.
2. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway. No improvements shall be made to the property for the purposes of adding parking.
3. No signage related to the daycare shall be permitted.
4. No more than three individuals not residing on the property may be employed by the daycare.
5. Any future improvements to the property (including but not limited to the installation of playground equipment) shall be submitted to the Division of Planning and Development for administrative review and approval. The Zoning Administrator may, at their discretion, impose additional landscaping requirements necessary to appropriately screen such improvements.
6. Should the daycare operator cease to reside on the premises, this Special Use Permit shall be rendered null and void.

***ATTEST:***

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

**AGENDA ITEM:** 22 **L.U.C.B MEETING:** October 10, 2024

**CASE NUMBER:** SUP 2024-036

**LOCATION:** 888 N Perkins Rd.

**COUNCIL DISTRICTS:** District 5 and Super District 9

**OWNER/APPLICANT:** Whitney Watson

**REQUEST:** Special Use Permit to establish a Group Day Care Home in the Residential Single-Family – 6 zoning district.

**AREA:** +/- 11,108 sq. ft. (+/- ¼ acre)

**EXISTING ZONING:** Residential Single-Family – 6 (R-6)

## CONCLUSIONS

1. The applicant can care for up to seven children by-right as a home occupation. The granting of this special use permit would increase that limit to twelve.
2. The combination of the applicant's driveway, carport, and on-street parking at the subject property is sufficient for the proposed use even assuming the presence of an outside staff member and associated vehicle.
3. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

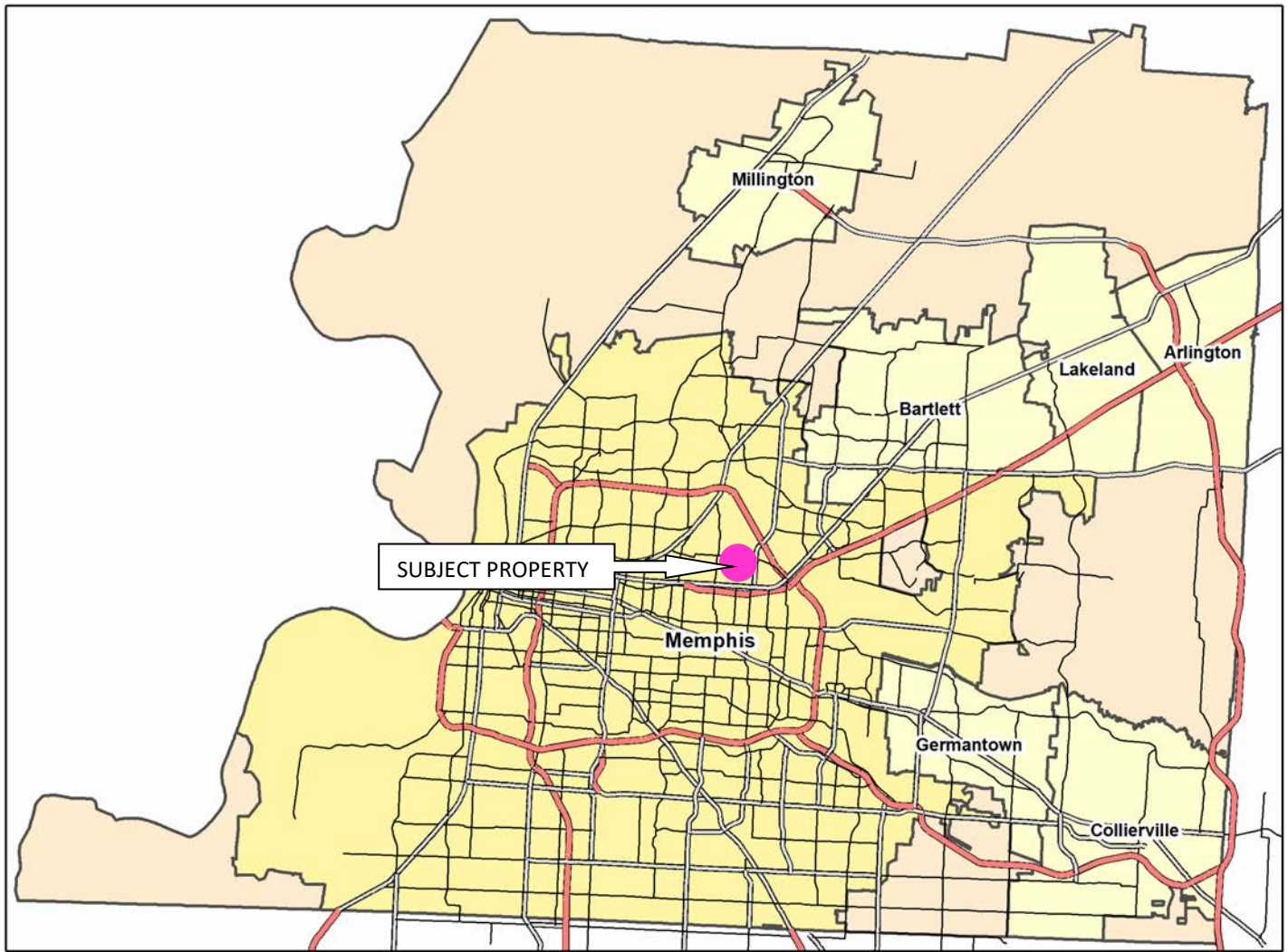
## CONSISTENCY WITH MEMPHIS 3.0

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

## RECOMMENDATION:

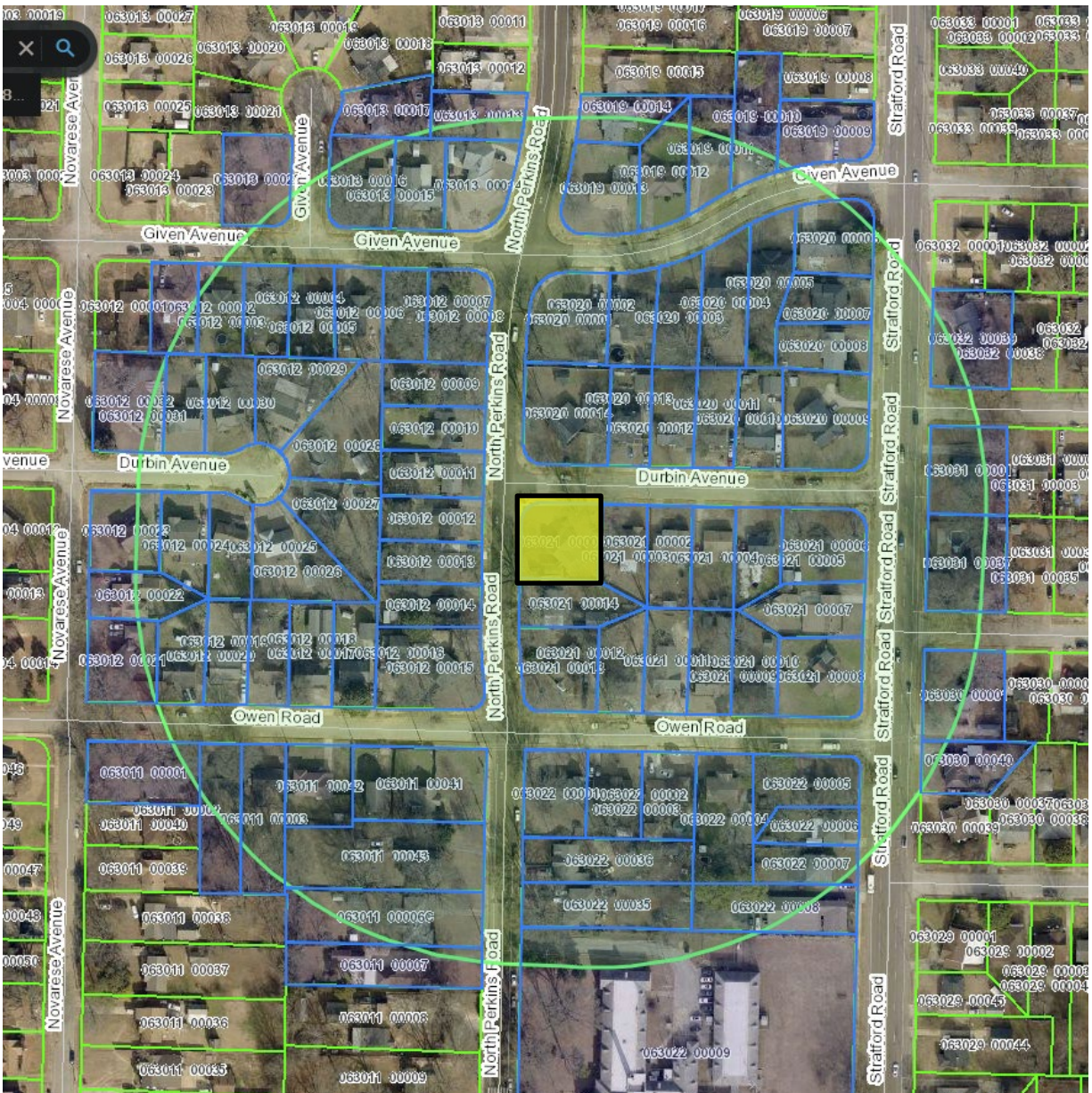
***Approval with conditions***

**LOCATION MAP**



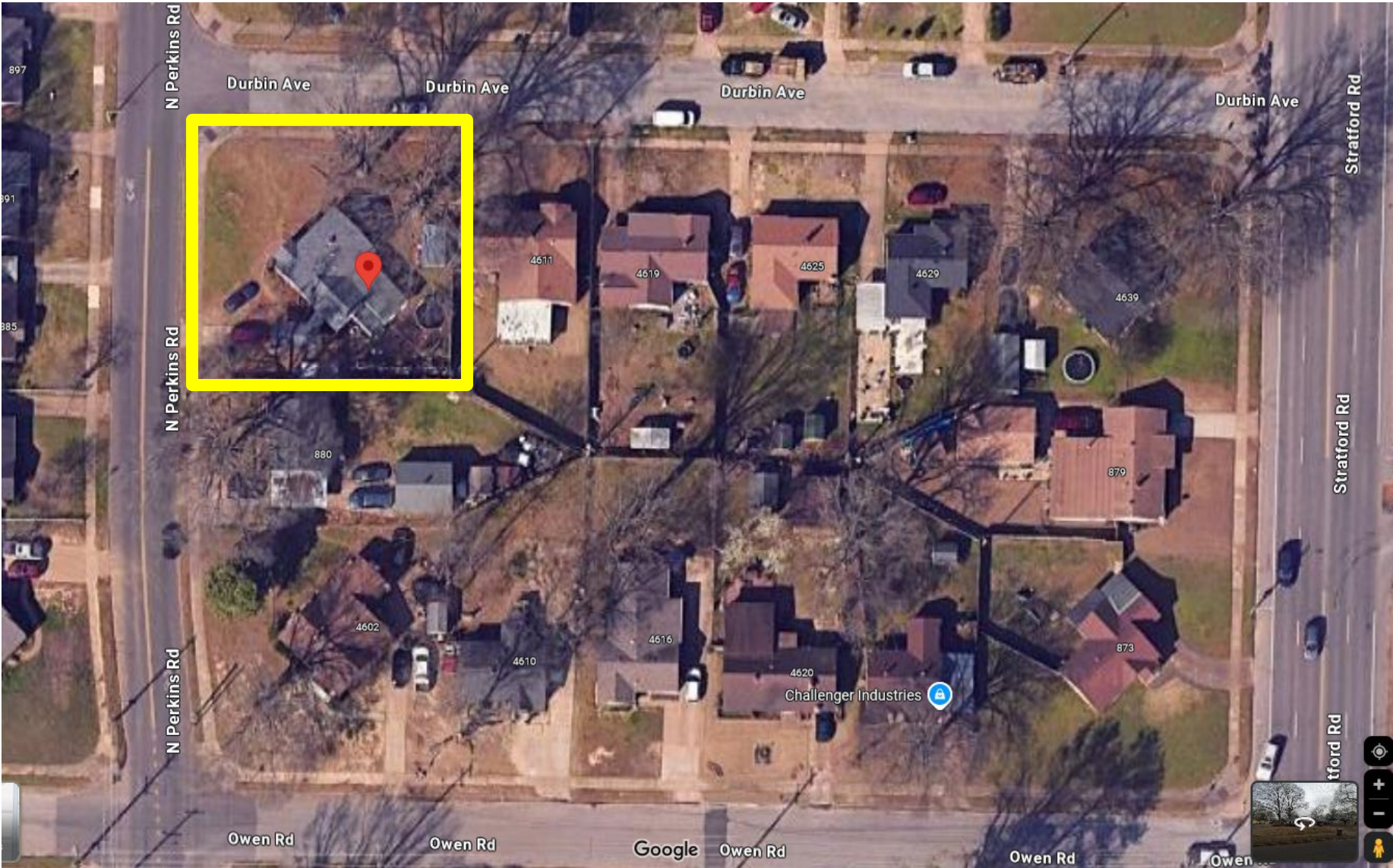
Subject property located within the pink circle

**VICINITY MAP**



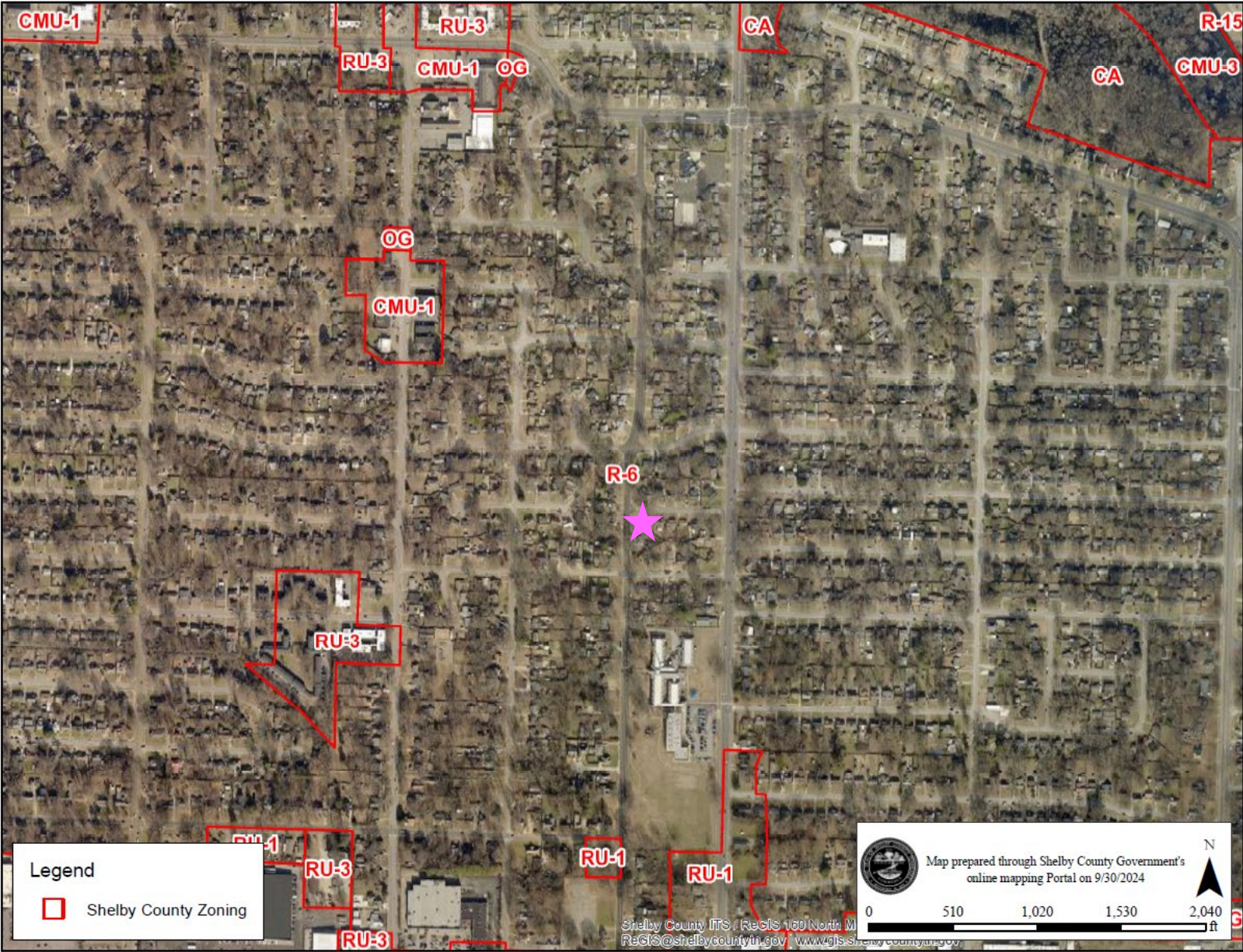
Subject property highlighted in yellow. Notice issued to owners of properties outlined in blue. 94 notices mailed 9/19/2024.

AERIAL



Subject property outlined in yellow

ZONING MAP



LAND USE MAP



Subject property location indicated by pink star

## SITE PHOTOS



View of subject property from looking south from Durbin Ave.



View of subject property looking east from N Perkins Rd.

The applicant hosted the required neighborhood meeting on Sept. 30, the sign-in sheet for which is below.

8

### POSTED NOTICE

The applicant posted two notice signs on the property, photos of which are below. The next page has an image of the sign affidavit.



AFFIDAVIT

Shelby County  
State of Tennessee

Whitney Watson, being duly sworn, depose and say that at 4 am  
on the 20 day of September, 2024, I posted 2 Public Notice Signs  
pertaining to Case No. \_\_\_\_\_ at 880 N. Perkins Rd. Memphis  
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 hereto and a copy of the sign purchase receipt or rental contract attached  
hereto.

[Signature] 9/20/2024  
Owner, Applicant or Representative Date

Subscribed and sworn to before me this 20<sup>th</sup> day of September, 2024

Megan Harmon  
Notary Public

My Commission Expires September 23, 2026  
My commission expires September 23, 2026



## STAFF ANALYSIS

### Request

New Special Use Permit to establish a Group Day Care Home in the Residential Single-Family – 6 zoning district.

### Approval Criteria

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

#### *9.6.9 Approval Criteria*

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

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

### **Site Description and Staff Analysis**

The subject property is a +/- 11,108 sq. ft. (approx. ¼ acre) lot at the southeast corner of N Perkins Rd. and Durbin Ave. in the Berclair area. It features a single-family residence constructed in 1951 and in which the applicant resides. It is served by a single curb cut and drive on Perkins Rd.

As the applicant resides on the subject property, she would be allowed to care for up to seven children by-right as a home occupation (accessory use). The subject application, if approved, would increase that limit to twelve.

When staff has expressed concern on daycare applications, those concerns have tended to involve parking. Proposed daycare locations need to not only meet the minimum parking requirement found in UDC Chapter 4.5 (three spaces in this case), but also feature a site design conducive to safe pick-up and drop-off. Staff finds that this site meets this standard. In addition to the driveway and carport, the abutting section of Durbin Ave. provides some four spaces.

Additionally, staff notes that, as Perkins Rd. is designated as a collector, this site meets the standard of UDC Sub-Section 2.6.2B. Daycare SUP applications often require a companion variance from this provision, but such a variance is not necessary in this case.

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

### **RECOMMENDATION**

Staff recommends approval subject to the following six (6) conditions.

#### **Conditions**

1. At no time shall more than twelve (12) children younger than nine (9) years of age be located on the premises, regardless of their familial relation to the operator.
2. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway. No improvements shall be made to the property for the purposes of adding parking.
3. No signage related to the daycare shall be permitted.
4. No more than three individuals not residing on the property may be employed by the daycare.
5. Any future improvements to the property (including but not limited to the installation of playground equipment) shall be submitted to the Division of Planning and Development for administrative review and approval. The Zoning Administrator may, at their discretion, impose additional landscaping requirements necessary to appropriately screen such improvements.
6. Should the daycare operator cease to reside on the premises, this Special Use Permit shall be rendered null and void.

## DEPARTMENTAL COMMENTS

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

<b>City/County Engineer:</b>	See next page.
<b>City/County Fire Division:</b>	See page 17.
<b>City Real Estate:</b>	No comments received.
<b>County Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Office of Sustainability and Resilience:</b>	No comments received.
<b>Office of Comprehensive Planning:</b>	See page 18.

**CITY ENGINEERING COMMENTS**

CITY ENGINEERING COMMENTS TRC: 26 Sept 24 & LUCB:10 Oct 24      DATE: 24 Sept 2024

**CASE 11: SUP-24-036**

**NAME: 888 North Perkins Road**

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

**Sewers:**

2. City sanitary sewer capacity is available to serve this development.
3. If/when MLGW assigns/upgrades a water meter for this development, a Sewer Development Fee may be required per the City of Memphis Sewer Use Ordinance.
4. Payment of applicable sewer development fees per the City of Memphis Sewer Use Ordinance should be paid to the Land Development Office.

**General Notes:**

5. Residential lots with individual curb cuts to an arterial street must have a minimum 100 feet, a minimum lot depth of 150 feet, and provide an on-site turn around area permitting egress by forward motion. A note to this effect shall appear on the final plat in accordance with Section 403.4.A of the Unified Development Code.
6. Residential lots with individual curb cuts to a collector street should provide adequate width and front yard depth to provide an on-site turn around area permitting egress by forward motion.
7. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.
8. Locate the pick-up/discharge area as far as possible from the entrance as practical to maximize on-site queue space for vehicles between the right-of-way and the pick-up/discharge point.
9. Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.
10. All parking areas and driving aisles to be paved with asphalt or concrete.

## FIRE PREVENTION COMMENTS



### **DIVISION OF FIRE SERVICES ♦ FIRE PREVENTION BUREAU**

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

Case Number: SUP 2024 036

Date Reviewed: 10/2/24

Reviewed by: J. Stinson

Address or Site Reference: 888 N Perkins

- 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.

## OFFICE OF COMPREHENSIVE PLANNING REVIEW

### Comprehensive Planning Review of Memphis 3.0 Consistency

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-036 Jackson

Site Address/Location: 888 N Perkins Road

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

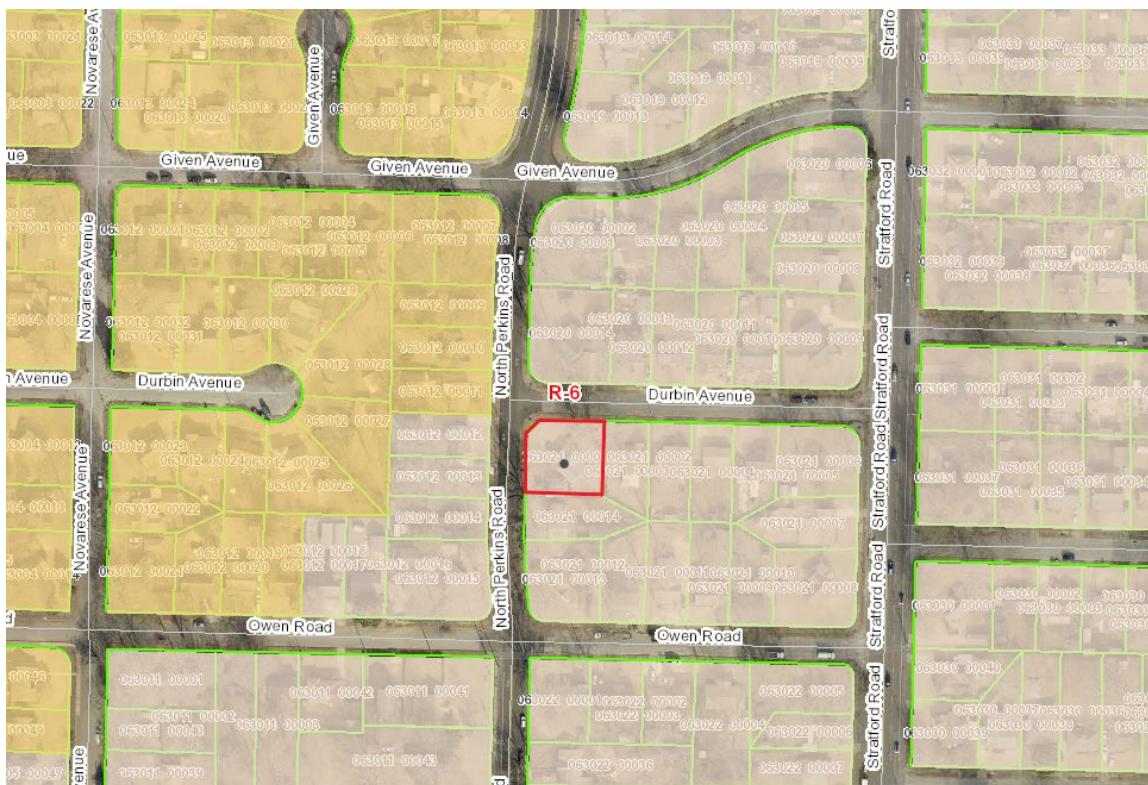
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Avenue

*The applicant is requesting a special use permit to allow an in-home family daycare in a single unit home.*

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.

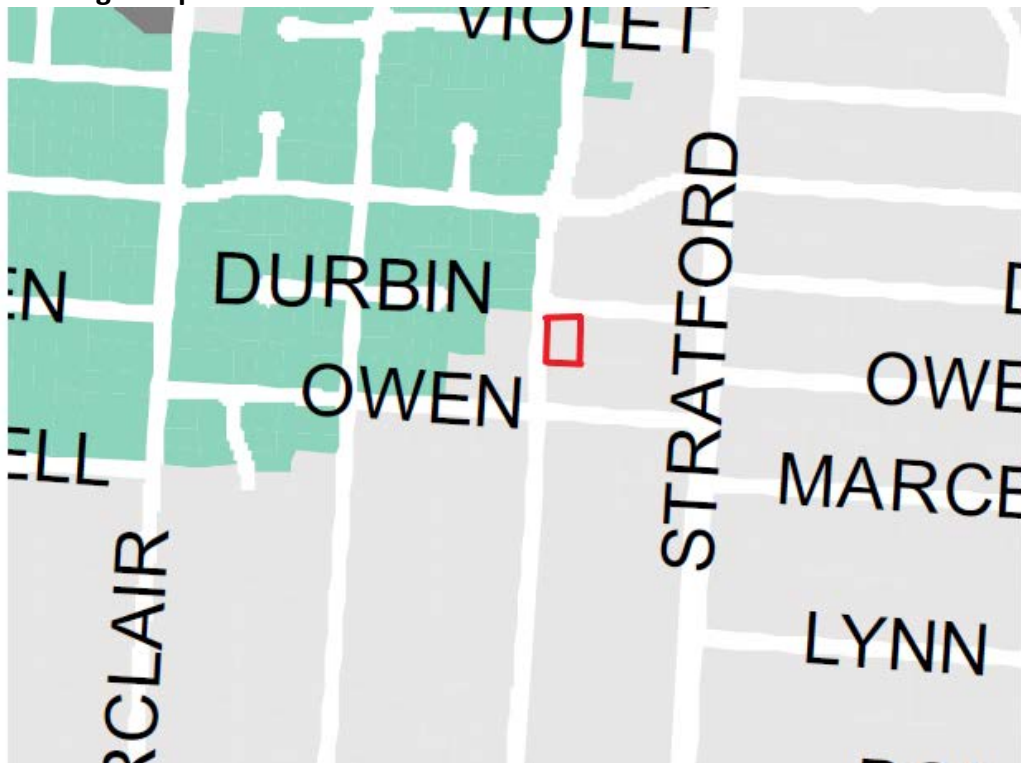
#### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Residential, R-6

Adjacent Land Use and Zoning: Single-Family; R-6

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

#### Degree of Change Map



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

**3. Degree of Change Description**

N/A

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

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

**Consistency Analysis Summary**

*The applicant is requesting a special use permit to allow an in-home family daycare in a single unit home. This requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.*

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

MAILED PUBLIC NOTICE

## NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, October 2, 2024 at 8 AM.**

**CASE NUMBER:** SUP 2024-036  
**ADDRESS:** 888 N Perkins Rd.  
**REQUEST:** Special use permit to allow a group daycare home  
**APPLICANT:** Whitney Watson

### Meeting Details

<b>Location:</b> Council Chambers City Hall 1st Floor 125 N Main St.	<b>Time:</b> 9:00 AM <b>Date:</b> Thursday, Oct. 10, 2024
--	--

### Staff Planner Contact:

Nicholas Wardroup  
✉ [nicholas.wardroup@memphistn.gov](mailto:nicholas.wardroup@memphistn.gov)  
☎ (901) 636-7398



### VICINITY MAP



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



94 Notices Mailed 09/19/2024

**LETTERS RECEIVED**

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



# Memphis and Shelby County Division of Planning and Development

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

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

website: [www.develop901.com](http://www.develop901.com)

## Record Summary for Special Use Permit

### Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: September 4, 2024

Record Number: SUP 2024-036

Expiration Date:

Record Name: Adventure Dynasty

Description of Work: In Home Family Daycare (learning center) with up to 12 children.

Parent Record Number:

---

### Address:

888 N PERKINS RD, MEMPHIS 38122

### Owner Information

Primary Owner Name

Y WATSON WHITNEY

Owner Address

888 N PERKINS RD, MEMPHIS, TN 38122

Owner Phone

9015847302

---

### Parcel Information

063021 00001

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Nicholas Wardrop

Date of Meeting

08/07/2024

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

## GENERAL PROJECT INFORMATION

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

### APPROVAL CRITERIA

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

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

-

No adverse effect upon adjacent properties, character of the neighborhood, traffic conditions, parking, utility facilities, or other matters affecting the public health, safety, and general welfare of the neighborhood.

Yes, the project will be 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, the project will be served adequately by essential public facilities and services.

No, the project will not result in the destruction, loss, or damage of any feature determined governing bodies to be of significant natural, scenic, or historic importance.

Yes, the project complies with all additional standards imposed on it by any particular provisions authorizing such use. Facility will follow all state rules and regulations outlined for childcare centers in the state of Tennessee.

No, this request will not adversely affect any plans to be considered pertaining to existing standards for development of adjacent properties.

## GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

Historic District

Land Use

Municipality

Overlay/Special Purpose District

Zoning

State Route

Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District

-

No

-

No

-

-

-

-

-

-

-

-

-

-

No

## Contact Information

---

**Name**

WHITNEY WATSON

**Contact Type**

APPLICANT

**Address****Phone**(901)584-7302

---

## Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1591036	Child Care Center (8-12 Children)	1	100.00	INVOICED	0.00	09/06/2024
1591036	Credit Card Use Fee (.026 x fee)	1	2.60	INVOICED	0.00	09/06/2024

Total Fee Invoiced: \$102.60

Total Balance: \$0.00

---

## Payment Information

**Payment Amount**

\$102.60

**Method of Payment**

Credit Card

# **Adventure Dynasty**

## **Letter of Intent**

What is Adventure Dynasty? Adventure Dynasty is a family child care center dedicated to providing a high level of conceptual learning techniques. Conceptual learning methods usually yield higher standards for teaching material for understanding not memorization. Studies show that 90% of children's brains are developed by 5 years of age. With that concept in mind we must take into consideration what children are being taught and how they are being taught during these critical years of life. Here at Adventure Dynasty inspiring learning through individualized child directed exploration and small group teacher directed learning techniques is our narrative. Deep diving into Sciences, Geography, Music, Art, Physical Fitness exercises with purpose, theater, and imaginative play are key components of the development behind our teaching standards.

Director Watson has been in Education for 10 years, and directly worked with the youth for over 16 years now. She holds a Bachelors of Science in Education, with an emphasis in Youth Services, and is in the last stages of obtaining her State Licensure in Childcare Administration. Additionally, she has thorough background knowledge and experience in Hospitality Management which increases her ability to relate to people of all ages and backgrounds. She is a mother who understands the importance of Education and child development in the earlier years of a child's life. She is one of the two Chief Executive Directors for the local nonprofit organization Moxie Way Incorporated, a youth consulting academy focused on creating safe alternatives for youth and their families to learn, grow, and inspire. She is highly motivated to incorporate a learning environment for families to utilize as a place for their child to explore and thrive. A place where each family finds a home away from home.

The focus age group for our center is children 2-5 years of age. The maximum capacity is set at a total of 12 children. Hours of operation are projected to be between 6:30am and 8:30pm. When serving the maximum number of children there will be a full staff of trained individuals who align with the values and vision of the center. These potential jobs include the Director (50 hours weekly), Assistant Director (20 hours weekly), Flow Teacher (16 hours weekly), Sanitation Monitor (10 hours weekly) and permanent trained senior adult volunteer (as needed). Children of all backgrounds, cultures, socio-economic family types, physical and mental abilities, and parenting styles are welcome to receive services. Adventure Dynasty will be accepting both private pay and State Certificate Program Vouchers. As this is a Family Center the location will consist of both residential living and childcare services aligned with state rules and regulations outlined for childcare centers in the State of Tennessee.



# 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, Whitney Watson (Print Name) [Signature] (Sign Name), state that I have read the definition of

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

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

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

of the property located at 888 N. Perkins Rd Memphis, TN 38122  
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 6<sup>th</sup> day of SEPTEMBER in the year of 2024.

[Signature]  
Signature of Notary Public



MAY 17, 2026  
My Commission Expires



## Shelby County Register of Deeds

WILLIE F. BROOKS, JR.  
Register of Deeds

Whitney Watson  
888 North Perkins Rd  
Memphis, TN 38122

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September 28, 2022

Dear Whitney :

As your Shelby County Register, I wish to congratulate you on the purchase of your property! This notice is to inform you that your deed has been received and recorded as a permanent record in the office of the Shelby County Register under Instrument #22107292. Your deed has now been returned to the requested return address. You should receive the original soon.

Your deed is now available on our website: <http://register.shelby.tn.us>. Our website offers other items of interest from genealogical information, historical exhibits, detailed geographic information and more.

Beware of real estate solicitations. Some companies send mailings to homeowners that look like a government agency, charging up to \$80 for a certified copy. Our website offers a copy of your deed for free. Certified copies are available in our office usually for less than \$5.

If my staff or I may assist you in any way, please do not hesitate to call.

Sincerely,

Willie F. Brooks Jr  
SHELBY County Register

Key  
 1 Daycare  
 arch  
 1 Family  
 area  
 1 Pearimeter  
 E=Door  
 I=Window  
 I=Gate  
 -fence

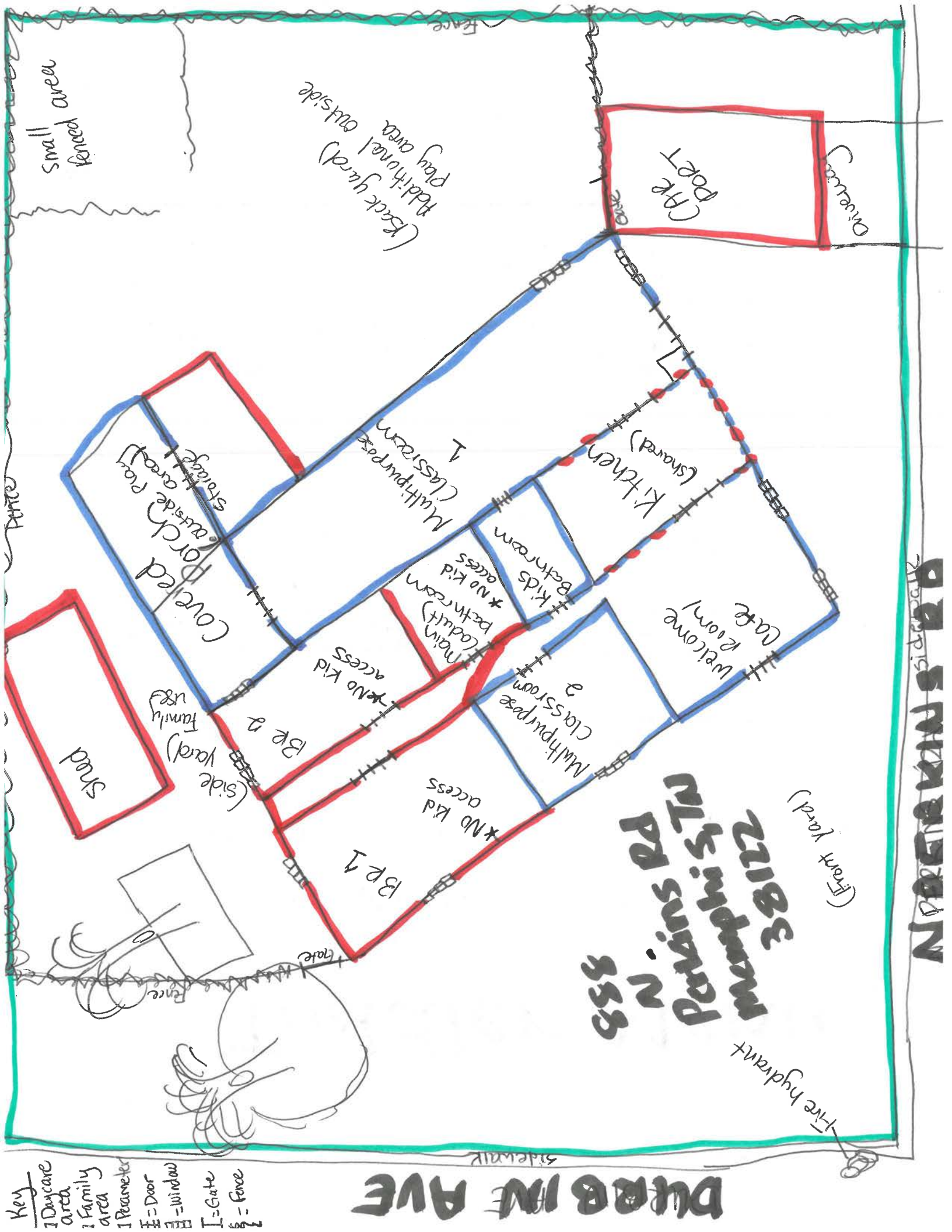
DURBIN AVE

sidewalk

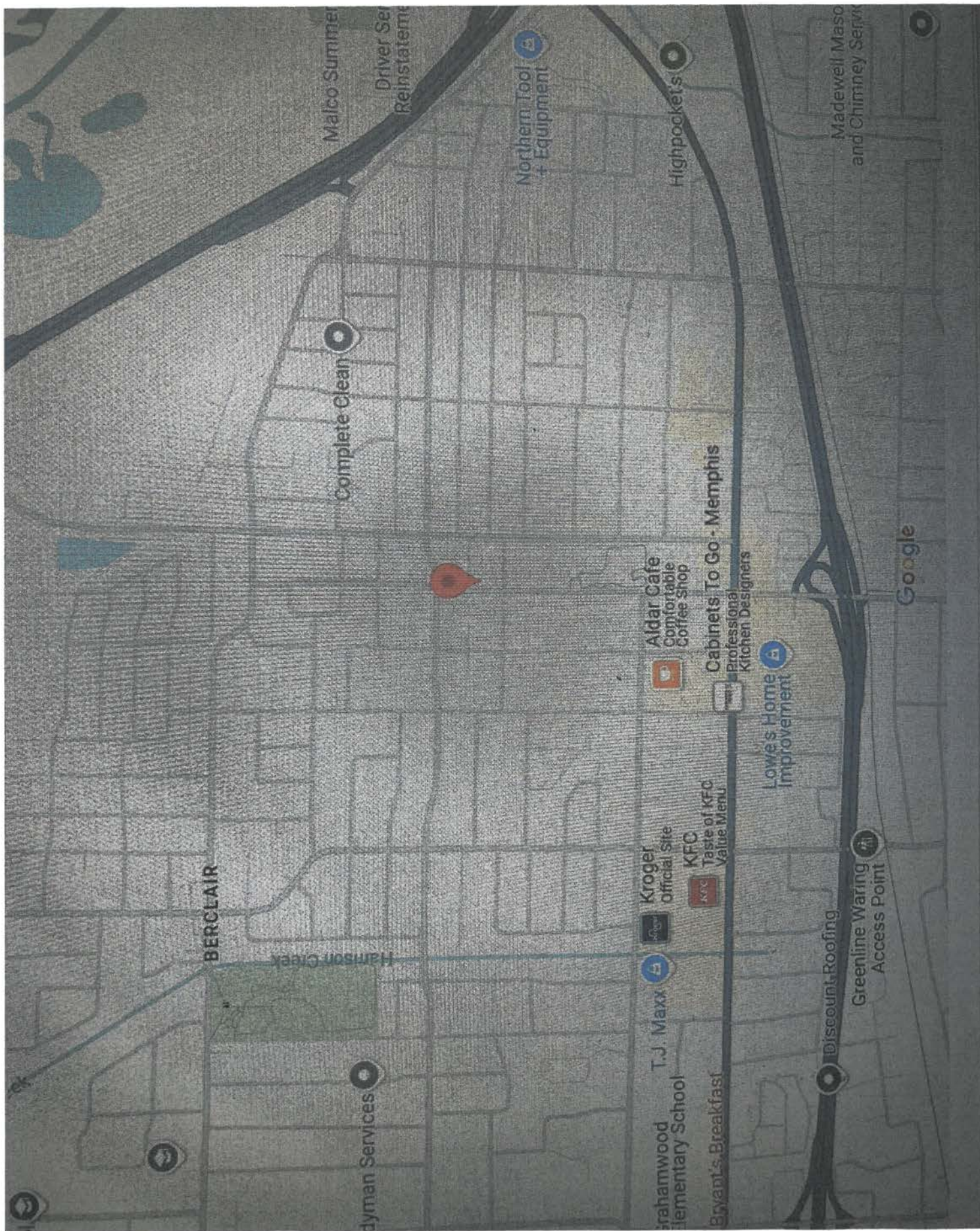
Fire hydrant

555  
 N  
 Perkins Rd  
 Memphis TN  
 38122

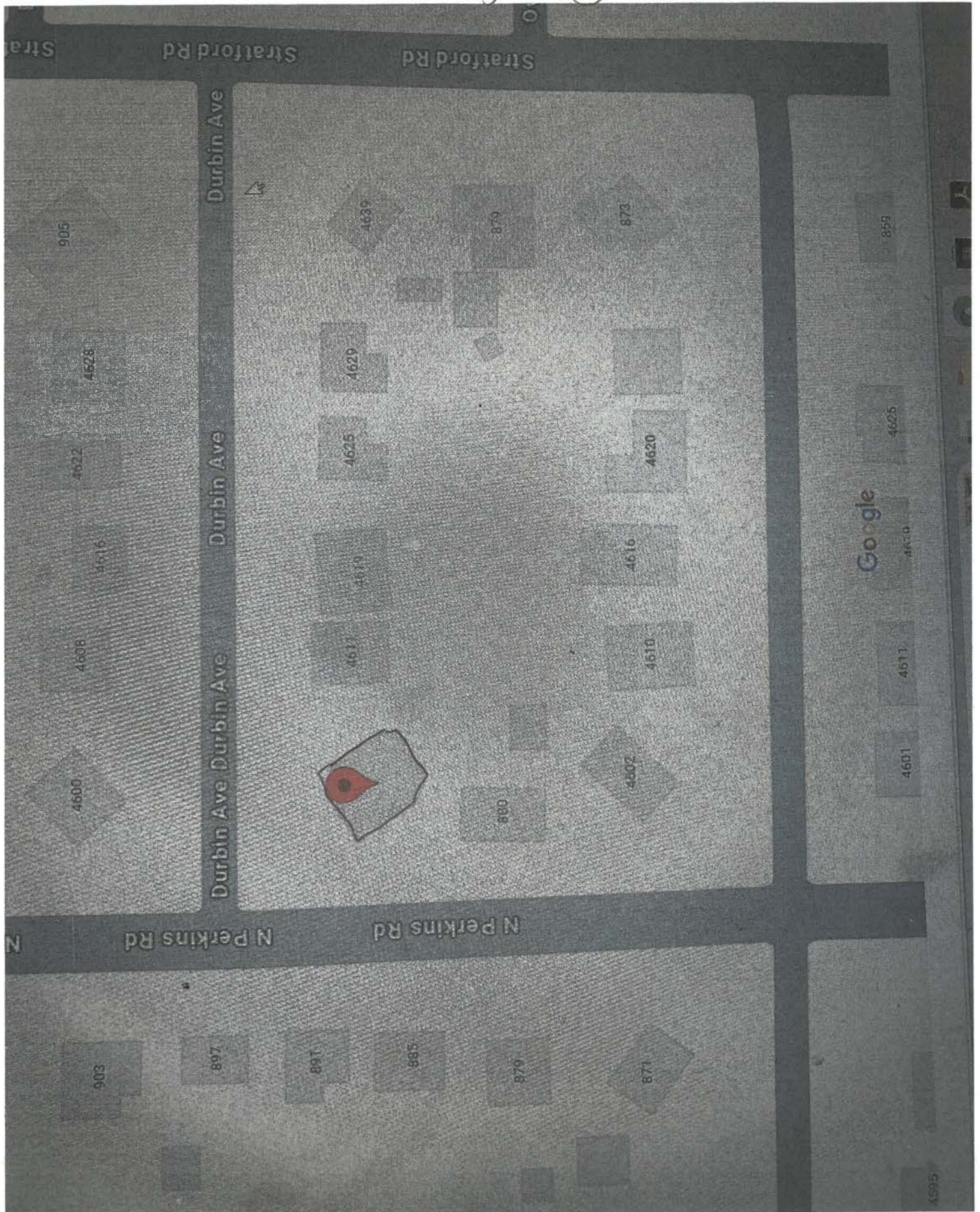
(Front yard)



Back side yard



# Adventure Dynasty



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 10/15/2024  
DATE**

**PUBLIC SESSION: 11/5/2024  
DATE**

**ITEM (CHECK ONE)**

  X   ORDINANCE             RESOLUTION        X   REQUEST FOR PUBLIC HEARING

**ITEM CAPTION:**

Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the east side of Waring Road south of Sam Cooper Blvd. by taking the land out of the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) Use Districts and including it in the Residential Urban – 1 (RU-1) Use District, known as case number Z 2024-005.

**CASE NUMBER:** Z 2024-005

**LOCATION:** East side of Waring Rd south of Sam Cooper Blvd.

**COUNCIL DISTRICTS:** District 5 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** James & Karen Street Revocable Living Trust

**REPRESENTATIVES:** Cindy Reaves, SR Consulting

**REQUEST:** Rezoning of +/-2.02 acres from the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) to Residential Urban – 1 (RU-1)

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

**RECOMMENDED COUNCIL ACTION: Public Hearing Required**

Set date for first reading – October 1, 2024

Second reading – October 15, 2024

Third reading – November 5, 2024

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_  
08/08/2024  
(1) Land Use Control Board

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

**FUNDING:**

(2) \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

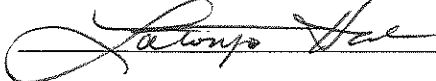
REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
AMOUNT OF EXPENDITURE  
REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

OPERATING BUDGET  
CIP PROJECT # \_\_\_\_\_  
FEDERAL/STATE/OTHER

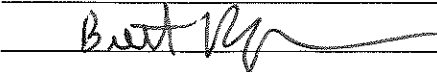
**ADMINISTRATIVE APPROVAL:**



**DATE      POSITION**

9/23/24 PLANNER II

DEPUTY ADMINISTRATOR



9/23/24 ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

**CHIEF ADMINISTRATIVE OFFICER**

**COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### **Z 2024-005**

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EAST SIDE OF WARING ROAD SOUTH OF SAM COOPER BLVD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6), RESIDENTIAL SINGLE-FAMILY – 15 (R-15), AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 1 (RU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-005

- 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, August 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 2024-005

**LOCATION:** East side of Waring Road south of Sam Cooper Blvd.

**COUNCIL DISTRICT(S):** District 5 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** James & Karen Street Revocable Living Trust

**REPRESENTATIVE:** Cindy Reaves, SR Consulting

**REQUEST:** Rezoning of +/-2.02 acres from the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) to Residential Urban – 1 (RU-1)

---

**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

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

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

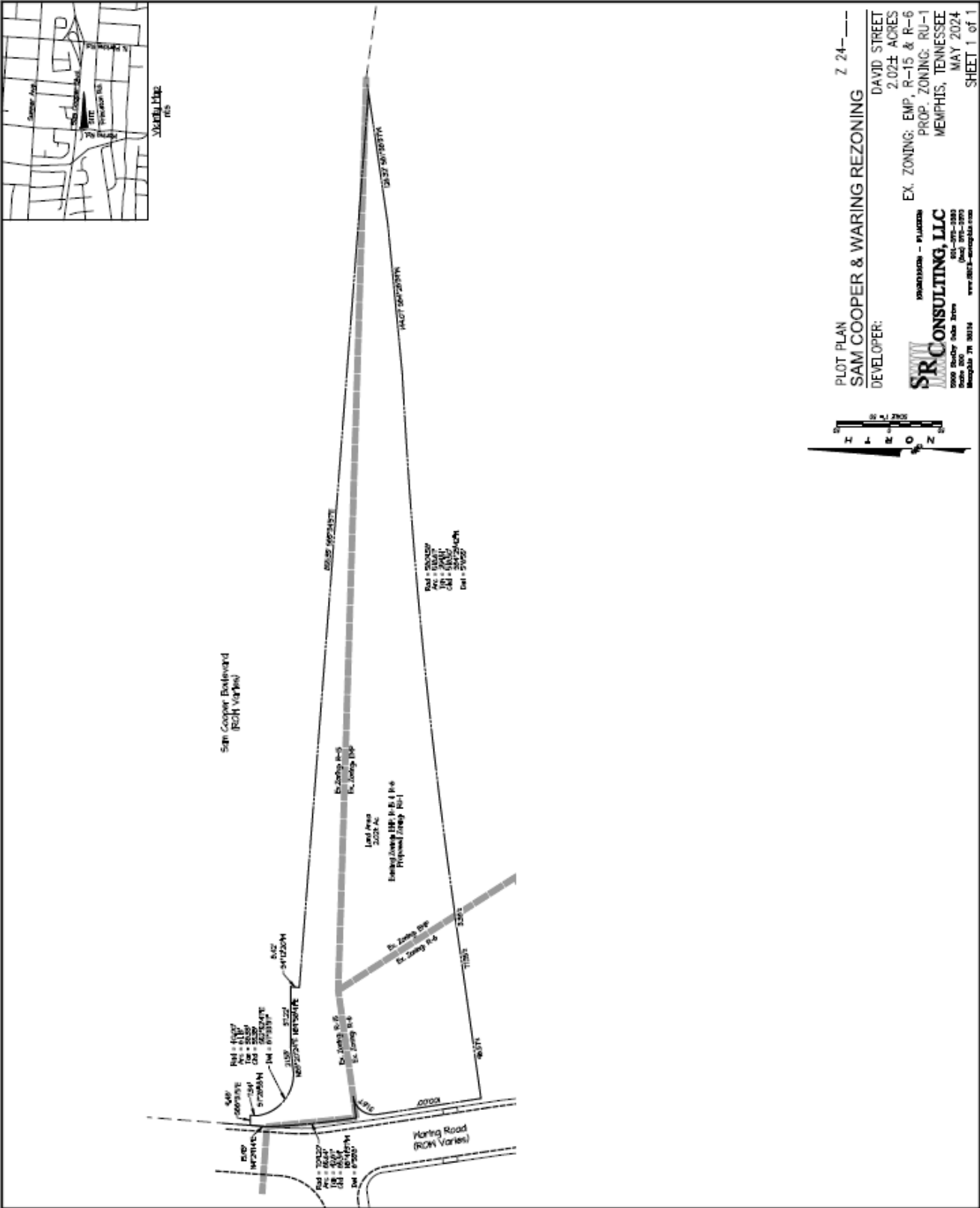
Respectfully,



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

Cc: Committee Members  
File

PLOT PLAN



**ORDINANCE NO: \_\_\_\_\_**

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EAST SIDE OF WARING ROAD SOUTH OF SAM COOPER BLVD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6), RESIDENTIAL SINGLE-FAMILY – 15 (R-15), AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 1 (RU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-005**

---

**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-005**; 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), RESIDENTIAL SINGLE-FAMILY – 15 (R-15), AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 1 (RU-1) USE DISTRICT.**

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Beginning at a right-of-way monument found at the intersection of the south line of Interstate 40 with the east line of Waring Road (right-of-way varies); thence northwestwardly along a curve to the right having a radius of 709.20 feet with the east line of Waring Road a distance of 85.64 feet (chord = North 05 degrees 41 minutes 37 seconds West, 85.59 feet, delta = 6 degrees 55 minutes 08 seconds) to a right-of-

way monument found in the east line of Waring Road; thence North 04 degrees 29 minutes 14 seconds East with the east line of Waring Road a distance of 15.93 feet to a 1/2" iron pin set; thence South 88 degrees 31 minutes 05 seconds East a distance of 9.48 feet to a point in the toe of slope; thence generally with the toe of slope the following calls:

South 01 degrees 28 minutes 55 seconds West 7.34 feet to a point of curvature; thence southeastwardly along a curve to the left having a radius of 40.00 feet a distance of 61.13 feet (chord = South 52 degrees 52 minutes 47 seconds East, 55.35 feet, delta = 87 degrees 33 minutes 37 seconds) to a point; thence North 83 degrees 20 minutes 24 seconds East a distance of 21.53 feet to a point; thence North 89 degrees 58 minutes 41 seconds East a distance of 57.22 feet to a 1/2" iron pin set in the northerly projection of the east line of Lot 29, Gram Park Subdivision as recorded in Plat Book 14 Page 75; thence South 04 degrees 12 minutes 20 seconds West with said projection line a distance of 8.42 feet to an iron pin set 105.7 feet south of the centerline of Sam Cooper Blvd. (50 feet south of the white strip); thence South 85 degrees 34 minutes 57 seconds East parallel with the white stripe a distance of 855.35 feet to an iron pin set in the south line of Sam Cooper Blvd. (102.1 feet south of centerline) and the north line of the said Shelby County Government property; thence South 81 degrees 38 minutes 37 seconds West a distance of 126.32 feet to right-of-way monument found at an angle point; thence South 84 degrees 28 minutes 39 seconds West a distance of 144.07 feet to a point on a curve; thence southwestwardly along a non-tangent curve to the left having a radius of 5809.58 feet a distance of 518.67 feet (chord = South 84 degrees 25 minutes 42 seconds West, 518.50 feet, delta = 5 degrees 06 minutes 55 seconds) right-of-way monument found; thence South 81 degrees 58 minutes 33 seconds West with said north line a distance of 175.90 feet to the east line of Waring Road; thence North 08 degrees 45 minutes 13 seconds West with the east line of Waring Road a distance of 99.98 feet to a point of curvature; thence northeastwardly along a curve to the right having a radius of 20.00 feet a distance of 31.67 feet (chord = North 36 degrees 36 minutes 22 seconds East 28.46 feet, delta = 90 degrees 43 minutes 09 seconds) to a point; thence South 81 degrees 57 minutes 56 seconds West a distance of 20.32 feet to the point of beginning and containing 87,826 square feet or 2.02 acres more or less.

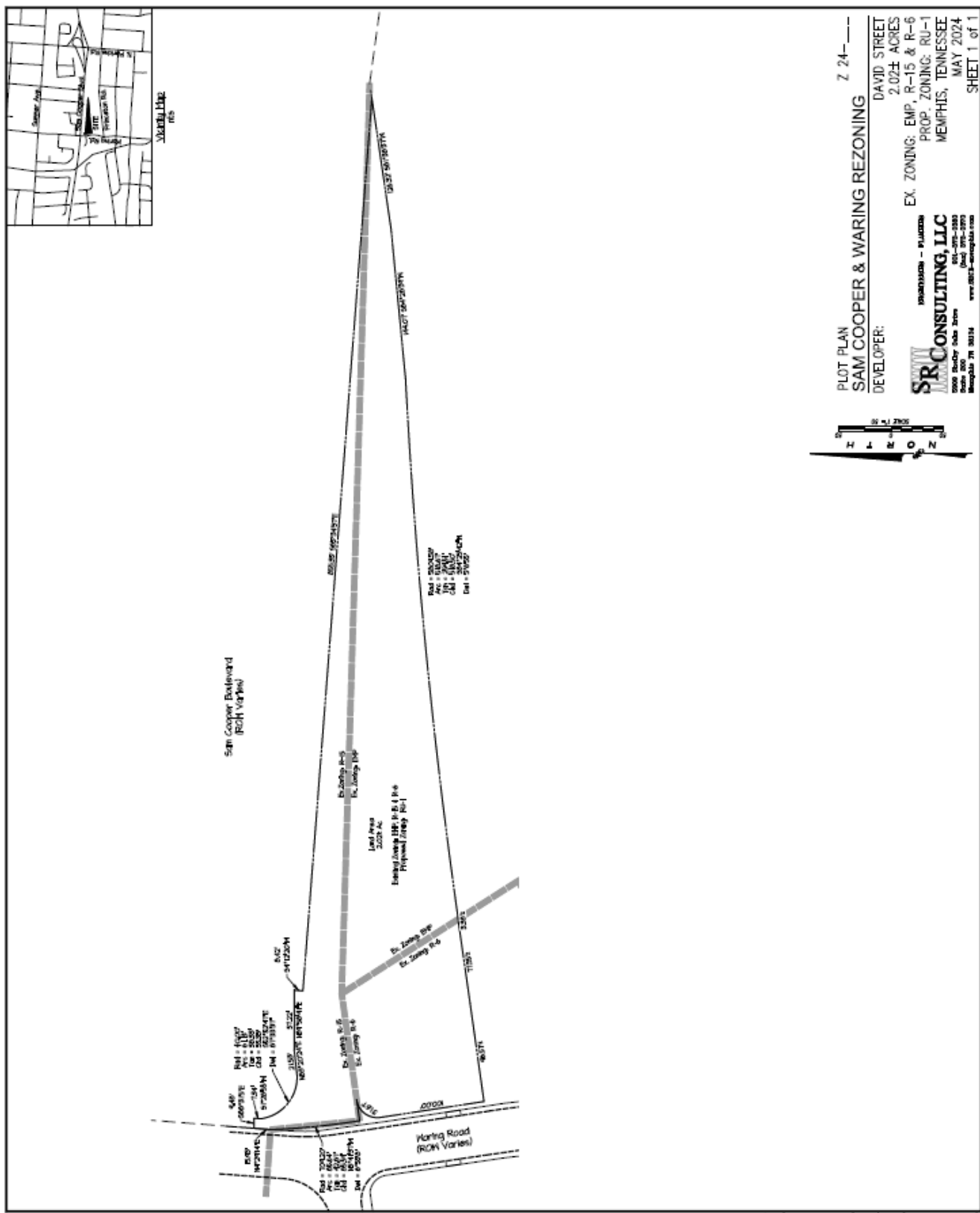
## **SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

## **SECTION 3:**

**THAT**, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

## PLOT PLAN



**ATTEST:**

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

**AGENDA ITEM:** 6 **L.U.C.B. MEETING:** August 8, 2024

**CASE NUMBER:** Z 2024-005

**LOCATION:** East side of Waring Rd south of Sam Cooper Blvd

**COUNCIL DISTRICT:** District 5 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** James & Karen Street Revocable Living Trust

**REPRESENTATIVE:** Cindy Reaves, SR Consulting

**REQUEST:** Rezoning from R-6, R-15, and Employment (EMP) to Residential Urban – 1 (RU-1)

## CONCLUSIONS

1. The applicant is requesting a rezoning of the subject property consisting of three parcels owned by the applicant totaling +/- 2.02 acres from R-6, R-15, and EMP to Residential Urban-1 (RU-1).
2. Parcel (054043 00002) directly abutting Waring Road contains the single-family residence of the applicant. The remaining parcels are located to the rear of the home between Sam Cooper Boulevard and the Shelby Farms Green Line, of which +/- 1.44 acres were recently purchased by the applicant from the Tennessee Department of Transportation and have not yet been assigned a parcel number or included in the county GIS mapping system.
3. The applicant's intent is that the subject property will be redeveloped as single-family housing. It should be noted that once rezoned, the following housing types are permitted by right: Single-Family Detached which includes a conventional home, side yard house, and cottage, and Single-Family Attached which includes Semi-Attached, Two-Family, and Townhouse dwellings.
4. The surrounding land uses are single-family residential. The rezoning request is consistent with the development pattern in the surrounding vicinity.

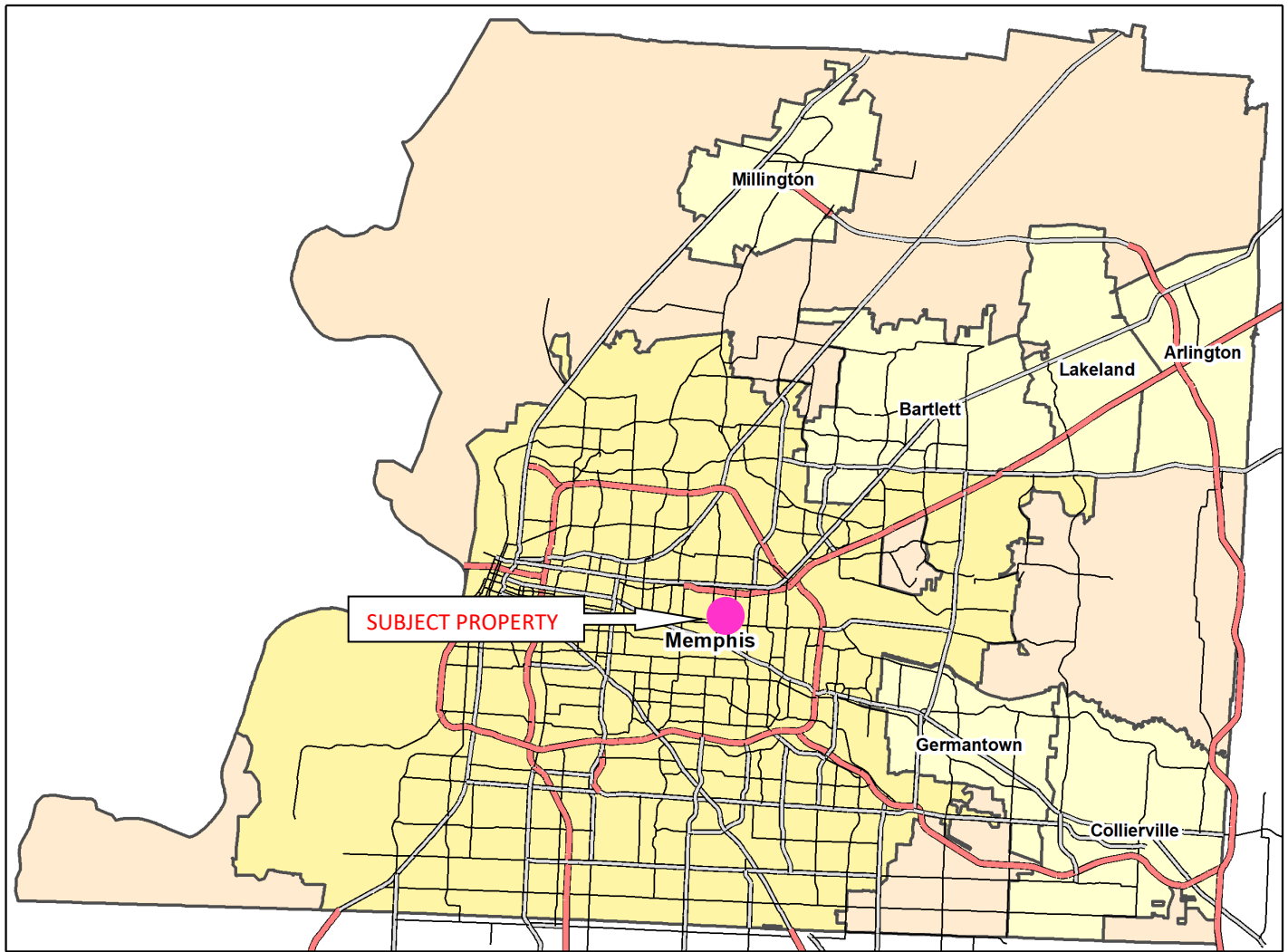
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 17 of this report.

## RECOMMENDATION:

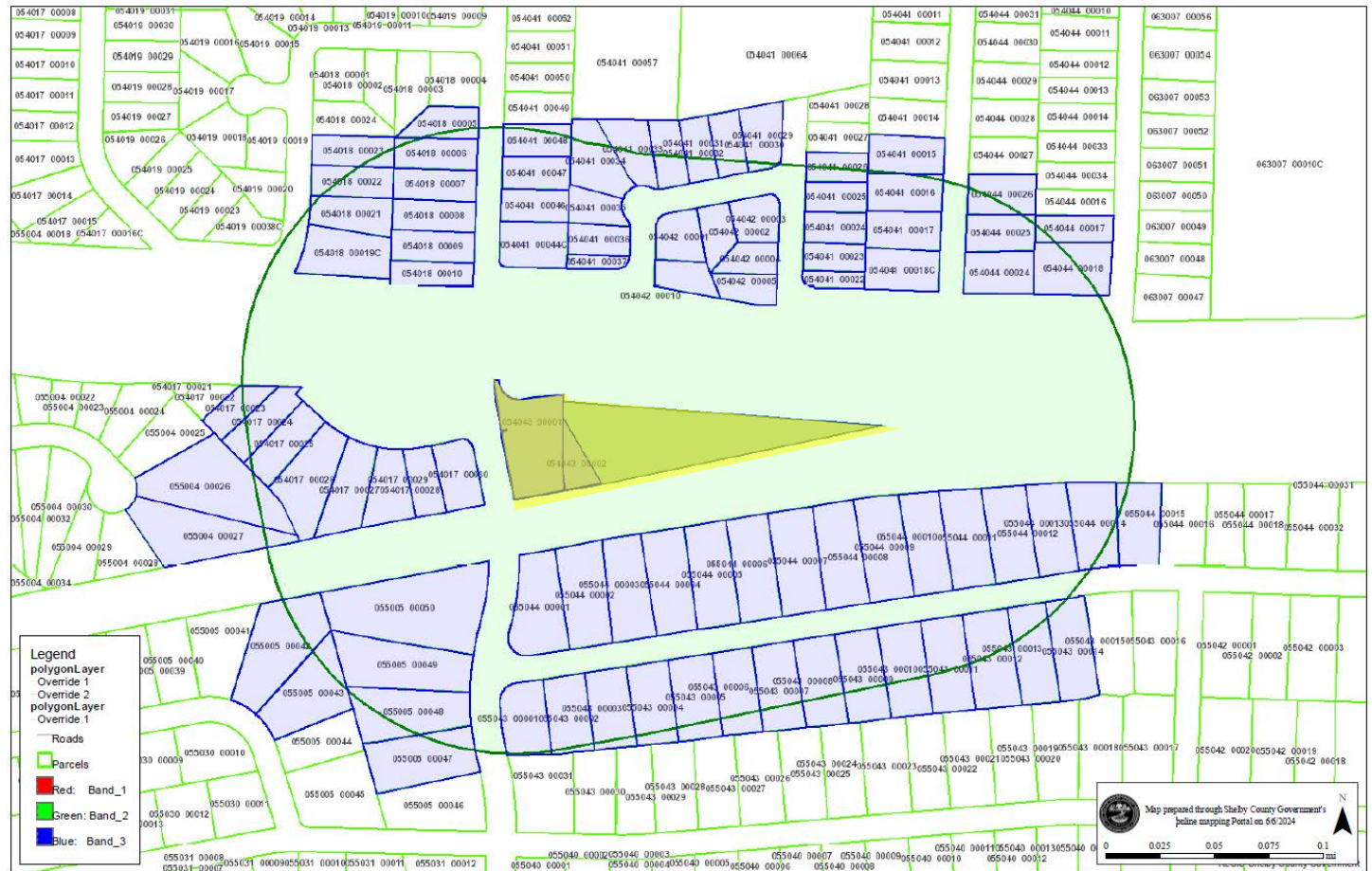
*Approval*

**LOCATION MAP**



Subject property located within the pink circle

## PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

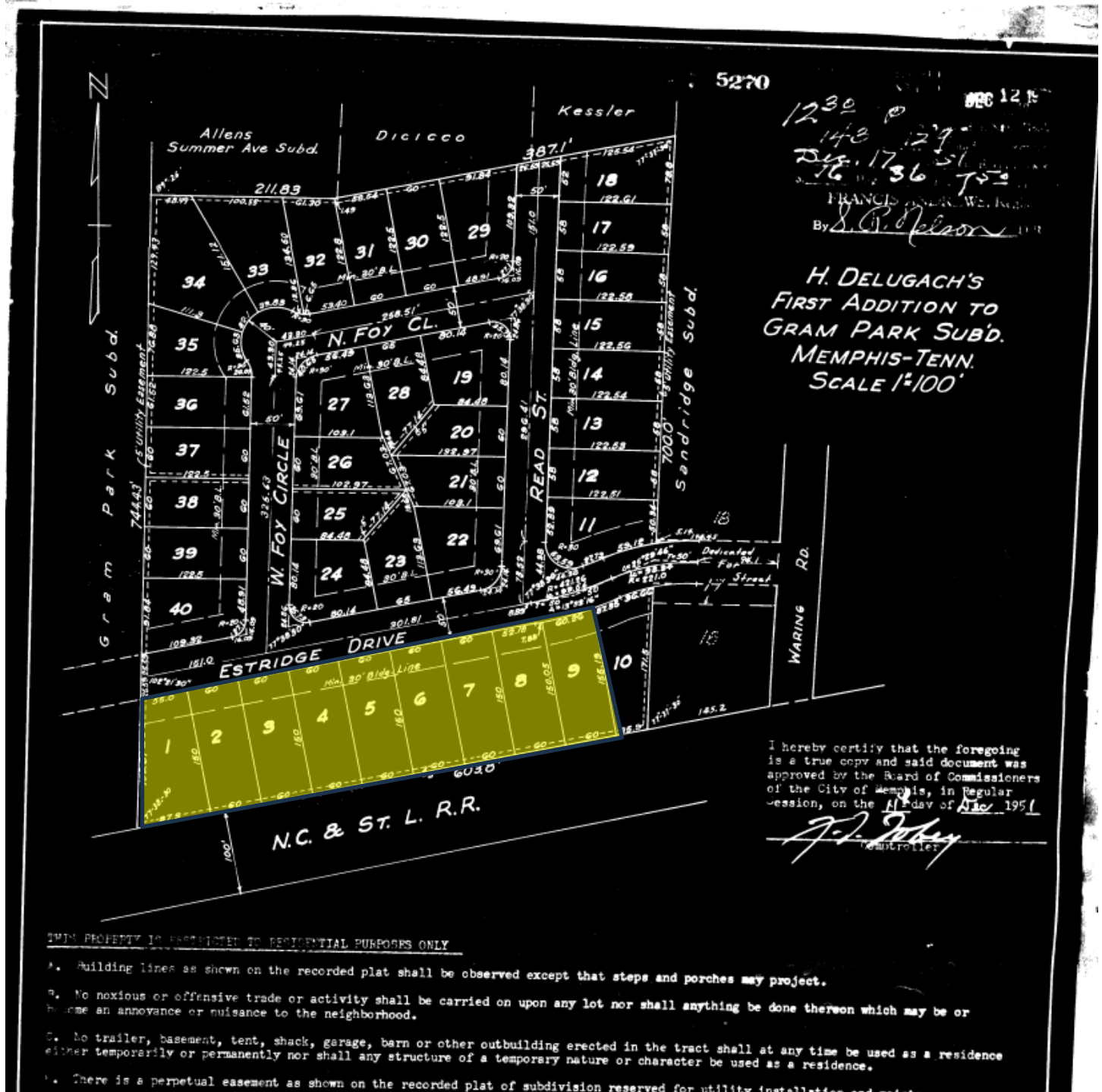
## PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 90 notices were mailed on June 14, 2024, see pages 20-21 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 22 of this report for a copy of the sign affidavit.

## NEIGHBORHOOD MEETING

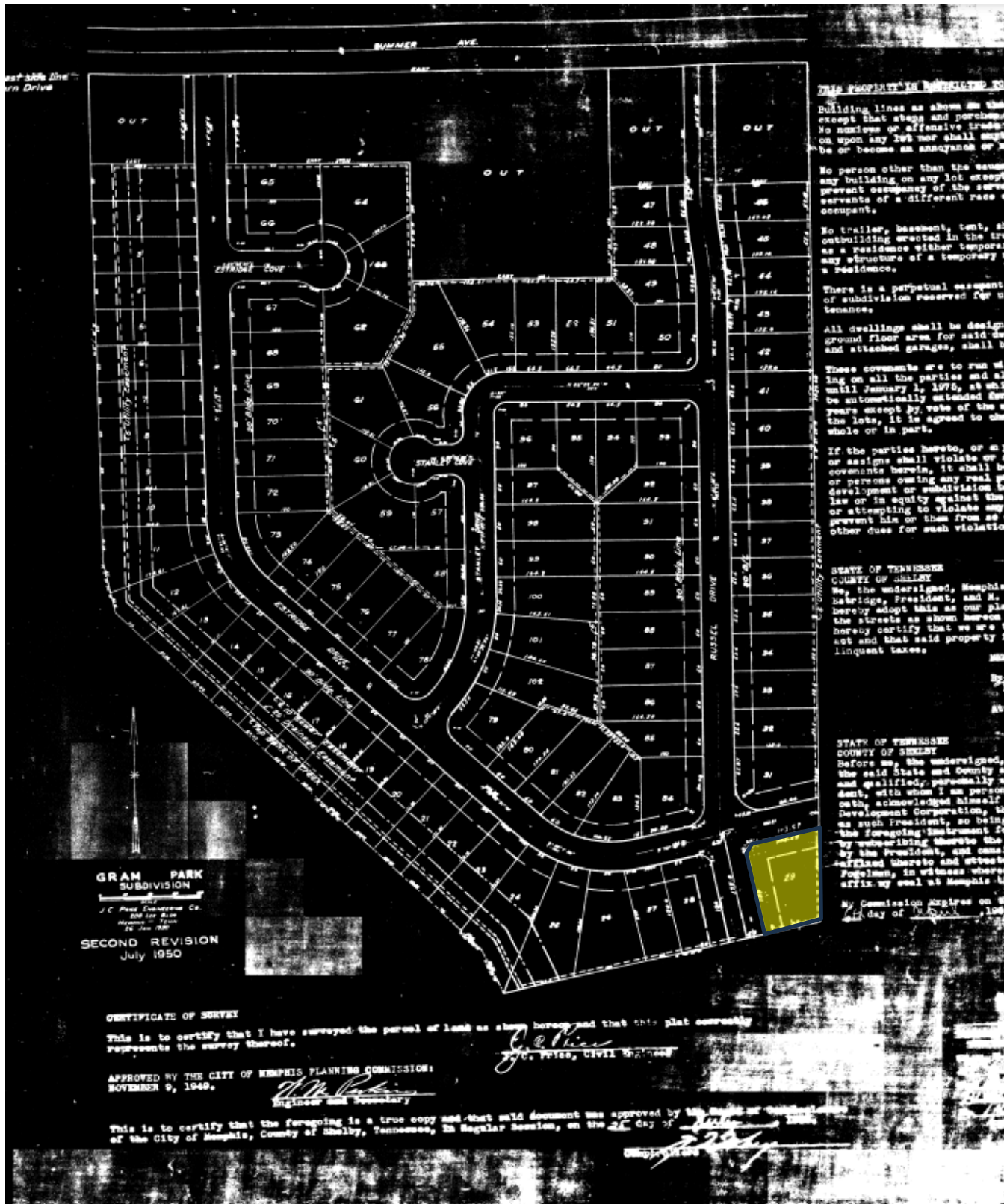
The meeting was held at 5:30 PM on Monday, June 27, 2024, at 496 Waring Road.

First Addition Gram Park Subdivision (1919) (PLAT BOOK 16 PAGE 36)



Subject property highlighted in yellow, 1-9

Gram Park Subdivision (1919) (PLAT BOOK 14 PAGE 75)



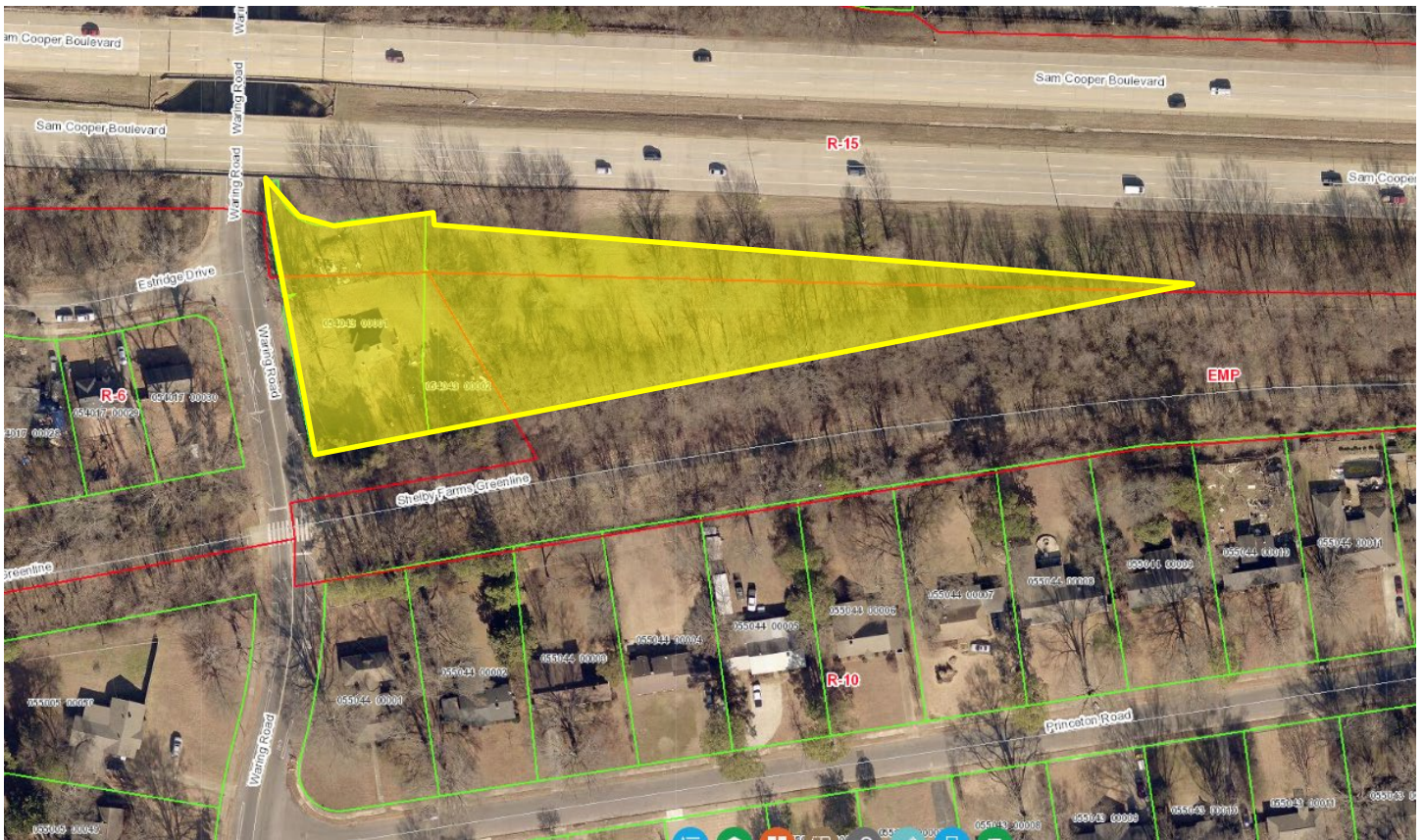
Subject property highlighted in yellow, Lot 29

**AERIAL**



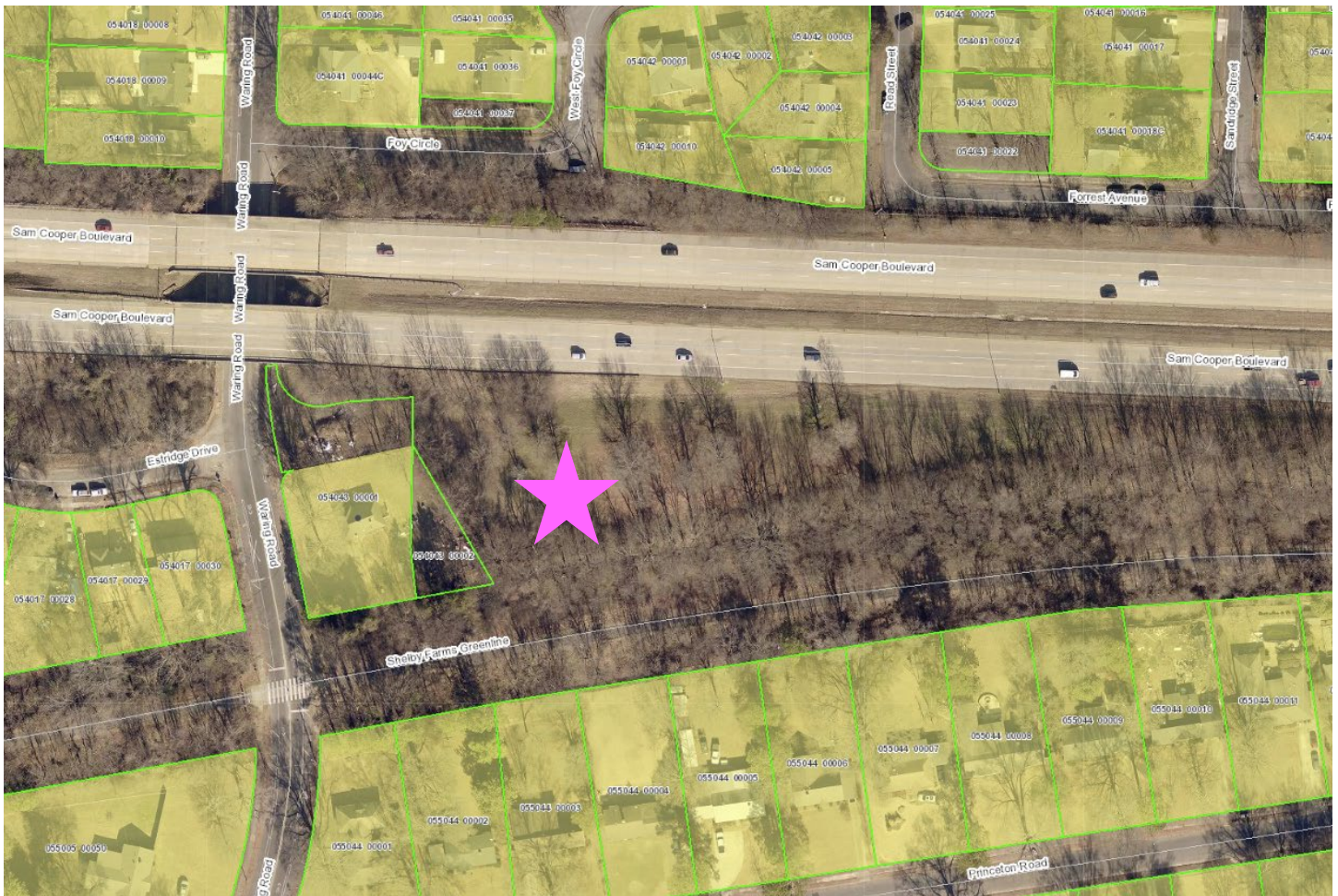
Subject property outlined in yellow, imagery from 2023

**ZONING MAP**



Subject property highlighted in yellow

## LAND USE MAP



Subject property indicated by a pink star

**SITE PHOTOS**



View of subject property from Waring Road looking north toward Sam Cooper Blvd.



View of subject property from Waring Road looking East

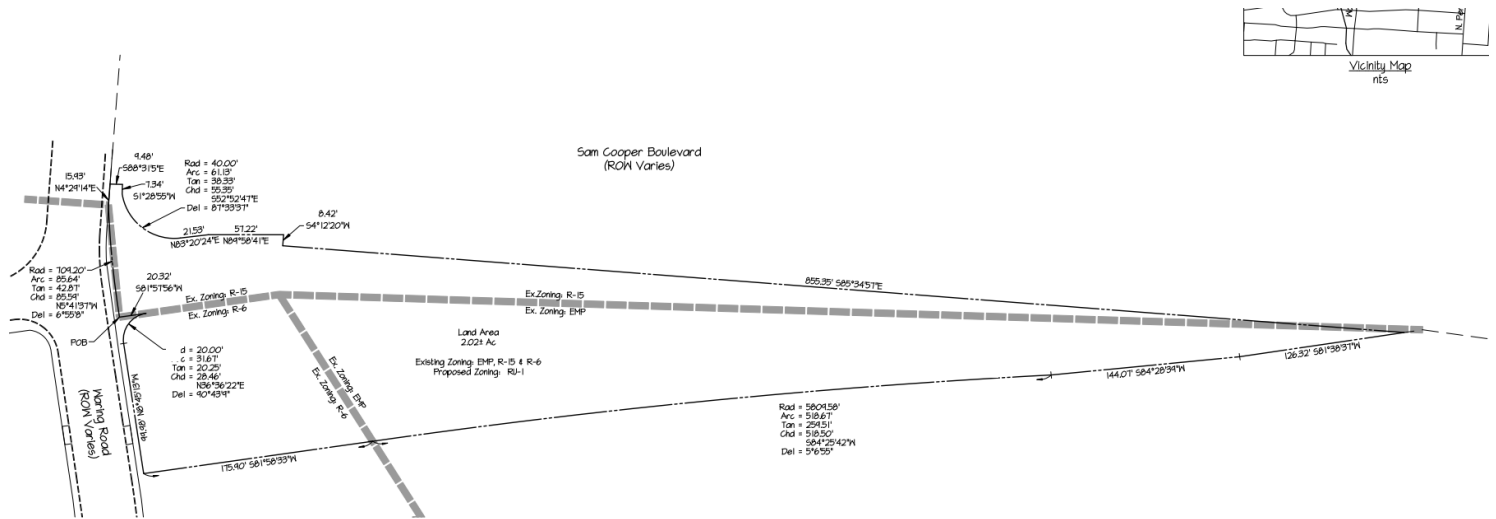


View of subject property from Shelby Farms Greenline looking west towards Waring Road



View of subject property from Sam Cooper Blvd. looking South

## PLOT PLAN



## LEGAL DESCRIPTION

Property description of Jeremy and Christy Street property as described in Instrument 21149191, the James D. Street and Karen B. Street, Trustees property as described in Instrument 24024647 and part Lot 29, Gram Park Subdivision as recorded in Plat Book 14 Page 75 in Memphis, Shelby County, Tennessee:

Beginning at a right-of-way monument found at the intersection of the south line of Interstate 40 with the east line of Waring Road (right-of-way varies); thence northwestwardly along a curve to the right having a radius of 709.20 feet with the east line of Waring Road a distance of 85.64 feet (chord = North 05 degrees 41 minutes 37 seconds West, 85.59 feet, delta = 6 degrees 55 minutes 08 seconds) to a right-of-way monument found in the east line of Waring Road; thence North 04 degrees 29 minutes 14 seconds East with the east line of Waring Road a distance of 15.93 feet to a 1/2" iron pin set; thence South 88 degrees 31 minutes 05 seconds East a distance of 9.48 feet to a point in the toe of slope; thence generally with the toe of slope the following calls:

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Description based on records and subject to survey.

## **CASE REVIEW**

### **Request**

The request is a Rezoning of +/-2.028 acres from Residential Single-Family-6 (R-6), Residential Single-Family-15 (R-15), and Employment (EMP) to Residential Urban-1 (RU-1).

### **Review Criteria**

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### *9.5.7B Review Criteria*

*In making recommendations, the Land Use Control Board shall consider the following matters:*

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### **Site Details**

Address:

4353 Estridge, 0 Estridge Drive, and East side of Waring Rd south of Sam Cooper Blvd and north of Shelby Farms Greenline

Parcel ID:

054043 00002, 054043 0001, and Property conveyed via instrument 24024647. Currently, no Parcel ID assigned

Area:

+/-2.02 acres

Description:

The subject properties are known as Lot 1-9 of the First Addition of Gram Park Subdivision and 29 of the Gram Park Subdivision. The underlying zoning of parcels 054043 00002 and 054043 0001 is Residential Single-Family – 6 (R-6). Per the Assessor's website, the principal structure on parcel 054043 00002 was built in 1952 and currently is a single-story structure with a ground floor area of 940 square feet. The remaining land is zoned Residential Single-Family-15 (R-15) and was part of Interstate 40 (Sam Cooper Blvd.) right of way. Parcel 054043 00001 and the remainder of the site is vacant. The surrounding land uses are vacant and single-family residential.

### **Analysis**

The applicant is requesting a rezoning of the subject property from R-6, R-15, and EMP to Residential Urban-1 (RU-1). The subject property consists of three parcels owned by the applicant. Parcel (054043 00002) directly abutting Waring Road contains the single-family residence of the applicant and is zoned R-6. The other two parcels are vacant land located to the rear of the home between Sam Cooper Boulevard and Shelby Farms Green

Line. Parcel (054043 00001) is vacant and is also zoned R-6. The remaining parcel is a +/-1.44-acre portion of vacant land zoned R-15 that was a portion of the right-of-way of Interstate 40 (Sam Cooper Blvd.) at Waring Road. The applicant recently purchased this parcel from the Tennessee Department of Transportation. It has not yet been assigned a parcel number or included in the county GIS mapping system.

The applicant intends that the property will be redeveloped as single-family housing. It should be noted that once rezoned, the following housing types are permitted by right: Single-Family Detached which includes a conventional home, side yard house, and cottage, and Single-Family Attached which includes Semi-Attached, Two-Family, and Townhouse dwellings.

This rezoning request is consistent with the development pattern in the immediate vicinity of the site.

## **RECOMMENDATION**

Staff recommends approval.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

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

### Sewers:

2. A sewer extension will be required to serve this development.

3. The sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

**City Fire Division:** No comments received.

**City Real Estate:** No comments received.

**County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

### Office of Sustainability and Resilience:

### General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The Applicant is requesting a rezoning from Employment to Residential Urban – 1. The parcel is not located in a sensitive resilience zone, conservation priority area, or aquifer recharge area.

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

This application is consistent with the Mid-South Regional Resilience Master Plan. The site is located within Zone 1, where development is encouraged, which is consistent with Section 4.1 – Resilient Sites. Encouraging compact development and urban infill in areas with low-risk of flooding is consistent with Section 4.2 – Smart Growth.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends approval. Staff suggests the incorporation of Low-Impact Development practices (See below) in the future design of the site. Some examples include vegetated strips such as linear/ultra-urban bioretention areas, residential rain gardens, and permeable pavement.



### Linear/Ultra-Urban Bioretention

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



### Residential Rain Gardens

Small-scale basins designed to capture a target amount of water from the site. The water is treated through chemical and biophysical processes by vegetation and engineered media.



### Permeable Pavement

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

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

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

---

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 2024-005 University

Site Address/Location: Sam Cooper Blvd and Waring Road, Memphis, TN 38122

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

Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

*The applicant is requesting a rezoning of a parcel from EMP to RU-1.*

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

**1. Future Land Use Planning Map**



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

**2. Land Use Description/Intent**



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: Vacant, EMP

Adjacent Land Use and Zoning: Single-Family, Park/Open Space; R-6, R-10

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

### **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**

*The requested use is consistent with Objective 1.3 Action 1.3.2 – Assess vacant land throughout anchors and communities for strategic land assembly and re-use.*

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

N/A

**Consistency Analysis Summary**

*The applicant is requesting a rezoning of a parcel from EMP to RU-1.*

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

*The requested use is consistent with Objective 1.3 Action 1.3.2 – Assess vacant land throughout anchors and communities for strategic land assembly and re-use.*

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

MAILED PUBLIC NOTICE

90 Notices Mailed on 06/14/2024



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

## NOTICE OF PUBLIC HEARING

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

**CASE NUMBER:** Z 2024-005  
**LOCATION:** 0 Estridge Drive (east side of Waring Rd south of Sam Cooper Blvd)  
(SEE SITE PLAN ON REVERSE SIDE)  
**APPLICANT:** James & Karen Street Revocable Living Trust  
**REQUEST:** Rezoning from Employment (EMP) to Residential Urban – 1 (RU-1)

**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

**DATE:** Thursday, July 11, 2024  
**TIME:** 9:00 AM  
**LOCATION:** Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact LaTonya Hull at [Latonya.hull@memphistn.gov](mailto:Latonya.hull@memphistn.gov) or (901) 636-7179 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, July 3, 2024, at 8 AM.



**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:24 pm am/pm  
on the 27th day of June, 2024, I posted 1 Public Notice Sign(s)  
pertaining to Case No. Z 2024-005 at 496 Waring Road  
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.

  
Owner, Applicant or Representative

7/1/24  
Date

Subscribed and sworn to before me this 1 day of July, 2024.

  
Notary Public

My commission expires: 9/26/27

APPLICATION



Memphis and Shelby County Division of  
Planning and Development

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

website: [www.develop901.com](http://www.develop901.com)

Record Summary for Rezoning

Record Detail Information	
Record Type: Rezoning	Record Status: Processing
	Opened Date: June 6, 2024
Record Number: Z 2024-005	Expiration Date:
Record Name: Sam Cooper at Waring Rezoning	
Description of Work: Rezoning from EMP to RU-1	
Parent Record Number:	
Address:	
, MEMPHIS 38122	
Owner Information	
Primary	Owner Name
Y	James & Karen Street Revocable Living Trust
Owner Address	Owner Phone
PO Box 187, Watauga, TN 37694	
Parcel Information	
054043 00002	

Data Fields	
PREAPPLICATION MEETING	
Name of DPD Planner	Alexis Longstreet
Date of Meeting	-
Pre-application Meeting Type	-
GENERAL INFORMATION	
Have you held a neighborhood meeting?	No
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-
GIS INFORMATION	

GIS INFORMATION	
Central Business Improvement District	No
Case Layer	-
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 1
Subdivision	GRAM PARK FIRST ADDN
Planned Development District	-
Wellhead Protection Overlay District	Yes

Contact Information

Name	Contact Type
DAVID STREET	APPLICANT
Address	
Phone	
-	

Name	Contact Type
CINDY REAVES	REPRESENTATIVE
Address	
Phone	
(901)870-7003	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569573	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	06/06/2024
1569573	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	06/06/2024
Total Fee Invoiced: \$769.50			Total Balance: \$0.00			

Payment Information

Payment Amount	Method of Payment
\$769.50	Credit Card

OWNER AFFIDAVIT



**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, James David Street James David Street, 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 Sam Cooper Blvd.  
and further identified by Assessor's Parcel Number N/A  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 31 day of May in the year of 2024.

Kimberly D. Hensley  
Signature of Notary Public



10-1-2025  
My Commission Expires

**LETTER OF INTENT**



Date: May 23, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: Sam Cooper Blvd. & Waring Rd. Rezoning

**LETTER OF INTENT**

We are submitting a rezoning application for property at Sam Cooper Boulevard east of Waring Road. The property is within the EMP zoning district. We are requesting a rezoning to RU-1.

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

**LETTERS RECEIVED**

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



# Memphis and Shelby County Division of Planning and Development

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

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

website: [www.develop901.com](http://www.develop901.com)

## Record Summary for Rezoning

### Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: June 6, 2024

Record Number: Z 2024-005

Expiration Date:

Record Name: Sam Cooper at Waring Rezoning

Description of Work: Rezoning from EMP to RU-1

Parent Record Number:

---

### Address:

, MEMPHIS 38122

### Owner Information

Primary Owner Name

Y James & Karen Street Revocable Living Trust

Owner Address

PO Box 187, Watauga, TN 37694

Owner Phone

---

### Parcel Information

054043 00002

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner Alexis Longstreet

Date of Meeting -

Pre-application Meeting Type -

#### GENERAL INFORMATION

Have you held a neighborhood meeting? No

Is this application in response to a citation from No

Construction Code Enforcement or Zoning  
Letter?

If yes, please provide additional information -

#### GIS INFORMATION

**GIS INFORMATION**

Central Business Improvement District	No
Case Layer	-
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 1
Subdivision	GRAM PARK FIRST ADDN
Planned Development District	-
Wellhead Protection Overlay District	Yes

**Contact Information****Name**

DAVID STREET

**Contact Type**

APPLICANT

**Address****Phone**

-

**Name**

CINDY REAVES

**Contact Type**

REPRESENTATIVE

**Address****Phone**

(901)870-7003

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569573	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	06/06/2024
1569573	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	06/06/2024

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

**Payment Information****Payment Amount**

\$769.50

**Method of Payment**

Credit Card

DAVIS STEPHEN R  
4939 BRIARCLIFF AVE #  
MEMPHIS TN 38117

WEST BARBARA C  
4470 PRINCETON RD #  
MEMPHIS TN 38117

ALGER KEVIN  
4445 PRINCETON RD #  
MEMPHIS TN 38117

MUSSO SAMANTHA L  
552 STANLEY DR #  
MEMPHIS TN 38122

BOSWELL EMERY J REVOCABLE LIVING TRUST  
4460 PRINCETON RD #  
MEMPHIS TN 38117

PENDER JOHN V JR & KATHLEEN TR  
6125 E SHADY GROVE RD #  
MEMPHIS TN 38120

CLEVELAND MICAH  
583 N FOY CIR #  
MEMPHIS TN 38122

O'MALLEY PETER & HOLLY OBOIKOVITZ  
4444 PRINCETON RD #  
MEMPHIS TN 38117

RIGG GREGORY L & AMANDA G  
4377 PRINCETON RD #  
MEMPHIS TN 38117

NUTH RADY AND SOPHA KEO (RS)  
4494 PRINCETON RD #  
MEMPHIS TN 38117

WULFF KURT S & KRISTIN L  
469 WARING RD #  
MEMPHIS TN 38117

HENRY BLAKE AND EMETERIO ALVAREZ AND  
4963 ESSEXSHIRE AVE #  
MEMPHIS TN 38117

HARAH ABDULKHALEK  
544 SANDRIDGE ST #  
MEMPHIS TN 38122

COWGILL PAUL & JEANETTE  
4485 PRINCETON RD #  
MEMPHIS TN 38117

STALLINGS JOE W JR  
3685 NW DEER OAK DR #  
JENSEN BEACH FL 34957

DEEP BAY PROPERTIES TN LLC  
3441 W 31ST AVE #  
DENVER CO 80211

HARDER CHRISTOPHER H  
4332 HILLDALE AVE #  
MEMPHIS TN 38117

STALLINGS JOE W JR  
3685 NW DEER OAK DR #  
JENSEN BEACH FL 34957

NUTH RADY  
4494 PRINCETON RD #  
MEMPHIS TN 38117

SMITH BLOUNT D  
457 WARING RD #  
MEMPHIS TN 38117

KEO KELLY & SOPHA  
4348 SUMMER AVE #  
MEMPHIS TN 38122

MYERS RUBY D AND MARIE H JOWERS (RS)  
533 READ #  
MEMPHIS TN 38122

COUCH THEO (ESTATE OF)  
4475 PRINCETON RD #  
MEMPHIS TN 38117

KEO KELLY T & SOPHA  
4348 SUMMER AVE #  
MEMPHIS TN 38122

NOOOR LLC  
974 NATIONAL ST #  
MEMPHIS TN 38122

LIKLEY STEPHEN G  
4465 PRINCETON RD #  
MEMPHIS TN 38117

MOORE TROY  
PO BOX 770373 #  
MEMPHIS TN 38177

LOPEZ FRANCES L  
535 ESTRIDGE DR #  
MEMPHIS TN 38122

GEORGE ASHISH AND KATARZYNA BIELANSKA  
3815 N MONTCLAIR DR #  
MEMPHIS TN 38111

CARPENTER RICHARD F & MARY B  
561 WARING RD #  
MEMPHIS TN 38122

AMNL ASSET CO 3 LLC  
5001 PLAZA ON THE LAKE #200  
AUSTIN TX 78746

SNOATES AND CO LLC  
4323 CHICKASAW CV #  
MEMPHIS TN 38117

BONDS RANDELL L  
538 W FOY CIR #  
MEMPHIS TN 38122

ERWIN DAVID O & LORETTA B  
4480 PRINCETON RD #  
MEMPHIS TN 38117

ZUBER JEFFREY K & SYLVIA  
548 READ ST #  
MEMPHIS TN 38122

SAKAAN ABBY J  
540 SANDRIDGE ST #  
MEMPHIS TN 38122

BREWI JONATHAN W  
553 WARING RD #  
MEMPHIS TN 38122

CHIOZZA MARIO  
541 WARING RD #  
MEMPHIS TN 38122

DEEP BAY PROPERTIES TN LLC  
3441 W 31ST AVE #  
DENVER CO 80211

JOHNSON DON W AND DONELLE M J MORRISON  
560 READ ST #  
MEMPHIS TN 38122

HAIR REVA M  
543 W FOY CIR #  
MEMPHIS TN 38122

MEMPHIS INVESTMENT PROPERTIES IV LLC  
4701 SUMMER AVE #  
MEMPHIS TN 38122

TROUT I RAY AND SANDRA K SHAPPLEY (RS)  
555 SANDRIDGE ST #  
MEMPHIS TN 38122

BOSIN SLAVA  
PO BOX 771496 #  
MEMPHIS TN 38177

ERWIN DAVID O & LORETTA B  
4480 PRINCETON RD #  
MEMPHIS TN 38117

LE HUY V  
2471 LAMAR AVE #  
MEMPHIS TN 38114

QUALITY PROPERTIES LLC  
299 S WALNUT BND #100  
CORDOVA TN 38018

SHORT NATHAN T  
4474 PRINCETON RD #  
MEMPHIS TN 38117

BARNETT MARK T SR & BRENDA J  
554 SANDRIDGE ST #  
MEMPHIS TN 38122

PRIME RENTAL LLC  
3707 MACON RD #  
MEMPHIS TN 38122

GUERRERO JORGE  
4486 PRINCETON RD #  
MEMPHIS TN 38117

JAROTO LLC  
4337 CHICKASAW CV #  
MEMPHIS TN 38117

DIANO-ANGLIN MARIA S  
535 WARING RD #  
MEMPHIS TN 38122

HEATH RICHARD J & LAURA S  
4464 PRINCETON RD #  
MEMPHIS TN 38117

CHIOZZA EUGENE M & MARY A  
547 WARING RD #  
MEMPHIS TN 38122

DEAN PHOEBE  
667 GLANKLER ST #  
MEMPHIS TN 38112

HOWELL CAMERON & DUNCAN  
3816 NORTHWOOD DR #  
MEMPHIS TN 38111

BACOPULOS DIONYSIA S  
567 N FOY CIR #  
MEMPHIS TN 38122

BANES BERNICE L TRUST A REVOCABLE LIVING  
205 S YATES RD #  
MEMPHIS TN 38120

HAYS KENNY F & AMELIA A  
4434 PRINCETON RD #  
MEMPHIS TN 38117

CARRINGTON KENNETH R & MARILYN A  
4418 PRINCETON RD #  
MEMPHIS TN 38117

FOSTER ROLANNE L  
4401 PRINCETON RD #  
MEMPHIS TN 38117

PARKER LUTHER  
139 HARBOR RIDGE LN #  
MEMPHIS TN 38103

BURESS JAMES O  
4408 PRINCETON RD #  
MEMPHIS TN 38117

BURTON KERRIE B  
4391 PRINCETON RD #  
MEMPHIS TN 38117

JAROTO LLC  
715 CHANEY CV #  
COLLIERVILLE TN 38017

ATKEISON PETER  
4400 PRINCETON RD #  
MEMPHIS TN 38117

SIMPSON BRENDA G  
4383 PRINCETON RD #  
MEMPHIS TN 38117

WOLF GARY & EDIT ALFARO  
2583 KRISTINA DR #  
HERNANDO MS 38632

DEFRANK PHILIP M  
4390 PRINCETON RD #  
MEMPHIS TN 38117

HARDEE WILLIAM D & RACHAEL A  
449 WARING RD #  
MEMPHIS TN 38117

KELLY PATRICK D  
580 N FOY CIR #  
MEMPHIS TN 38122

DAVIS ELLEN B  
4380 PRINCETON RD #  
MEMPHIS TN 38117

UTECH RAYMOND & RAMYA  
441 WARING RD #  
MEMPHIS TN 38117

MCKINNEY MICHAEL  
8893 N VALLEY CREEK DR #  
ARLINGTON TN 38002

WHEELER JERRY L & DIANE R  
4328 HILLDALE AVE #  
MEMPHIS TN 38117

HANSEL RUSTY W  
539 ESTRIDGE DR #  
MEMPHIS TN 38122

BURRESS JAMES D  
568 N FOY CIR #  
MEMPHIS TN 38122

GESKE GREGORY J & HAYLIE L  
4461 PRINCETON AVE #  
MEMPHIS TN 38117

CARPENTER FAYE M AND RICHARD F CARPENTER  
544 WARING RD #  
MEMPHIS TN 38122

ALEJEAL RHAMY E & ELIZABETH M  
PO BOX 342950 #  
BARTLETT TN 38135

LOBIANCO THOMAS J  
4433 PRINCETON RD #  
MEMPHIS TN 38117

WOODRUFF FRANK L & MICHELLE G  
4280 EASTERN CV #  
MEMPHIS TN 38122

STREET JEREMY  
4353 ESTRIDGE DR #  
MEMPHIS TN 38122

COLTURI HOMES INC  
939 LINDEN AVE #  
MEMPHIS TN 38104

ASHWORTH DANNY R  
547 ESTRIDGE DR #  
MEMPHIS TN 38122

STREET JAMES AND KAREN STREET REVOCABLE  
PO BOX 187 #  
WATAUGA TN 37694

FILIBERTO DINA AND PATRICK IMLAY TRUST  
4409 PRINCETON RD #  
MEMPHIS TN 38117

BAKER JOHN D & MAXINE H  
543 ESTRIDGE DR #  
MEMPHIS TN 38122

GILBERT DANIEL A & LORI C  
554 N FOY CIR #  
MEMPHIS TN 38122



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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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.



22087668

08/04/2022 - 12:07:50 PM

3 PGS	
EVELYN 2465794 - 22087668	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

**SHELANDRA Y FORD**  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This transfer is exempt from the payment of any transfer tax as provided in T.C.A. § 67-4-409(a)(3)(f).

**This instrument was prepared by:**

AmeriEstate Legal Plan, Inc.  
3525 Hyland Ave. Suite 150  
Costa Mesa, CA 92626

**Address New Owner as Follows:**

THE JAMES AND KAREN  
STREET TRUST  
P.O. BOX 187  
WATAUGA, TN 37694

**Send Tax Bill to:**

JAMES D. STREET AND  
KAREN B. STREET  
Trustee(s) of  
THE JAMES AND KAREN  
STREET TRUST  
P.O. BOX 187  
WATAUGA, TN 37694

**Map Parcel Number:**

054-043-00002

## QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that JAMES D. STREET who acquired title as DAVID STREET and KAREN STREET, husband and wife, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and do hereby remise, release and forever quitclaim unto JAMES D. STREET AND KAREN B. STREET Trustee(s) respectively, and his/her/their successors in a Revocable Living Trust for the benefit of JAMES D. STREET AND KAREN B. STREET, under the terms of THE JAMES AND KAREN STREET TRUST Dated June 19, 2022, its successors and assigns, his/her entire right title and interest in and to a certain tract or parcel of land in **SHELBY County, Tennessee**, described as follows:

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

BEING the same land conveyed to the Grantors by D. LEE DUNN, A MARRIED MAN to JAMES D. STREET who acquired title as DAVID STREET and KAREN STREET, husband and wife, by Deed of record as Instrument 16130037 on 12/22/2016 in the Register's Office for SHELBY County, Tennessee.

Description contained herein was taken from a prior deed and without benefit of an updated survey. Preparer makes no representation as to the accuracy of said description.

This improved property is known as: 0 ESTRIDGE DRIVE, MEMPHIS, TN

This instrument and the interest hereby released and quitclaimed are subject to such limitations, restrictions and encumbrances as may affect the premises.

WITNESS my hand this 29<sup>th</sup> day of June, 20 22

James D. Street  
JAMES D. STREET

Karen B. Street  
KAREN STREET

**STATE OF TENNESSEE  
COUNTY OF CARTER, ss.**

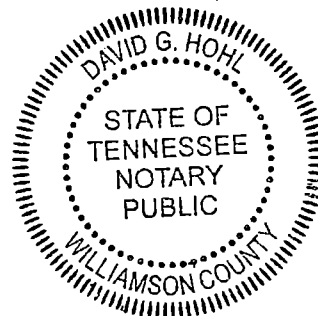
On this 29<sup>th</sup> day of June, 20 22, before me, the undersigned officer, personally appeared JAMES D. STREET and KAREN STREET, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the uses and purposes therein contained.

**IN WITNESS WHEREOF** I hereunto set my hand and official seal.

David G. Hohl  
Notary Public  
My commission expires on 2/20/23

**AFFIDAVIT OF VALUE**

The actual consideration for this transfer is \$-0-



James D. Street  
Affiant

STATE OF TENNESSEE

COUNTY OF Carter

Subscribed and sworn to before me this day of June 29, 20 22.

David G. Hohl  
Notary Public

My Commission Expires: 2/20/23



**THIS INSTRUMENT HAS BEEN PREPARED SOLELY FROM INFORMATION GIVEN BY THE PARTIES HERETO. DESCRIPTION CONTAINED HEREIN WAS TAKEN FROM A PRIOR DEED AND WITHOUT BENEFIT OF AN UPDATED SURVEY. PREPARER MAKES NO REPRESENTATION AS TO THE ACCURACY OF SAID DESCRIPTION.**

EXHIBIT "A"

**Map Parcel Number:**

054-043-00002

Part of Lot 1, First Addition to Gram Park Subdivision, as shown on plat of record in Plat Book 16, Page 36, in the Register's Office of Shelby County, Tennessee, said part being more particularly described as follows: Beginning at a point in the south line of Estridge Drive 123.59 feet east of the east line of Waring Road said point of beginning being the northeast corner of Lot #29, Second Revision, Gram Subdivision as shown in Plat Book 14, Page 75 in said Register's Office; said point of beginning being also the northwest corner of the land conveyed to State of Tennessee for interstate highway Route I-40; thence along the west line of the land conveyed to the State of Tennessee for Interstate highway Route -40 south 32 degrees 48 minutes 30 seconds east a distance of 132 feet to a point in the east of Lot 1 said subdivision 30 feet north of the southeast corner of said Lot 1; thence westwardly a distance of 7.37 feet; thence south 81 degrees 48 minutes 43 seconds west a distance of 77.55 feet to a point in the west line of Lot 29 of Gram Park Subdivision, Second Revision as shown in Plat Book 14, Page 75 said Register's Office; thence along east line of said Lot 29 a distance of 123.10 feet to the point of beginning.

This being the same property conveyed to Grantor herein by Warranty Deed of record at Instrument Number E6-0882, in the aforesaid Register's Office.

This conveyance is made subject to subdivision restrictions, building lines and easements of record at Plat Book 16, Page 36, in the aforesaid Register's Office; and the 2017 City of Memphis taxes and the 2017 Shelby County taxes, which the party of the second part agrees to assume and pay.

unimproved ☒

This is improved ☐ property, known as

0 Estridge Drive, Memphis, TN

(House Number)

(Street)

(P.O. Address)

(City or Town)

(Postal Zip)

HS 9690

HT 5063 2

3

**PREPARED BY:**  
**Fred M. McDonald, IV**  
**1709 Kirby Parkway**  
**Memphis, Tennessee 38120**

### **WARRANTY DEED**

**THIS INDENTURE** is made and entered into this **28th day of August, 1998** between **MARGIE R. WARFIELD, UNMARRIED**, GRANTOR, and **JEREMY STREET, UNMARRIED**, GRANTEE.

**WITNESSETH:** That for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR does hereby bargain, sell, transfer and convey unto the GRANTEES, all of GRANTOR'S right, title and interest in the following described property lying in City of **MEMPHIS,, County of Shelby, State of Tennessee, more particularly described as follows:**

**Part of Lot 29, Second Revision to GRAM PARK Subdivision, as recorded in Shelby County Register's Office, Plat Book 14, Page 75 and being more particularly described as follows:**

**BEGINNING** at a point in the east line of Waring Road, said point being 20 feet southwardly from the south line of Estridge Drive (Interstate I-40); thence southwardly along said east line a distance of 100.0 feet to a point; thence eastwardly a distance of 96.57 feet to a point in the northwest line of Lot 1, First Addition to Gram Park Subdivision; thence northeastwardly along said northwest line a distance of 123.09 feet to a point in the south line of Estridge Drive (Interstate I-40); thence westwardly along said south line a distance of 103.59 feet to a point of curvature; thence on a curve to the left having a radius of 20 feet a distance of 31.42 feet to the point of beginning.

Being the same property conveyed to grantor by Warranty Deed Book 3685, Page 3 of record in Register's Office of Shelby County, Tennessee and the death of Curtiss G. Warfield on or about 2/15/88.

This conveyance is made subject to 1999 City and 1998 County Taxes, not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record in Plat Book 14, Page 75 as amended at Book 2705, Page 399 and Deed Restrictions at Book 6232, Page 122, in said Register's Office of Shelby County, Tennessee.

**TO HAVE AND TO HOLD** said land with the appurtenances, hereditaments, estate, title and interest unto GRANTEE, GRANTEE'S heirs, successors and assigns forever. The GRANTOR does covenant and agree with the said GRANTEE that GRANTOR is lawfully seized and possessed of the said real estate and that GRANTOR has a good and lawful right to sell the same. The GRANTOR further covenants that the same is unencumbered except as otherwise set forth herein, and that the title and quiet possession thereto GRANTOR will forever warrant and defend against the lawful claims of all persons whomsoever.

WITNESS my hand on the day and year first above written.

*Margie R. Warfield*

**MARGIE R. WARFIELD**

Signature of Seller

This document being re-recorded to correct legal description.

HS 9690

HT 5063

INDIVIDUAL  
STATE OF TENNESSEE )  
COUNTY OF SHELBY )

Personally appeared before me, a Notary Public of said County and State, **MARGIE R. WARFIELD, UNMARRIED**, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she executed the within instrument for the purposes therein contained.

Witness my hand and seal, this **28th** day of **August, 1998**.

*[Signature]*  
Notary Public

My Commission Expires: September 06, 1998

Name and Address of Property Owner:

**JEREMY STREET  
4353 ESTRIDGE DRIVE  
MEMPHIS, TENNESSEE 38122**

Property Address:

**4353 ESTRIDGE DRIVE  
MEMPHIS, TENNESSEE 38122**

Person Responsible for Taxes:

**UNION PLANTERS BANK, NA  
P O BOX 3137  
MEMPHIS, TENNESSEE 38173**

Parcel #: 054-043-001

### AFFIDAVIT OF VALUE

STATE OF TENNESSEE  
COUNTY OF SHELBY

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is **\$49,000.00** which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.

*[Signature: Margie R. Warfield]*  
Affiant

Sworn to and subscribed before me, a Notary Public, this **28th** day of **August, 1998**.

*[Signature]*  
Notary Public

My Commission Expires: ~~September 06, 1998~~

RETURN TO:  
Fred M. McDonald, IV  
1709 Kirby Parkway  
Memphis, Tennessee 38120

HS 9690	
DATE	8-28-98
AMOUNT	49,000.00
FEES	181.30
TOTAL	1,000.00
PAID	800.00
REMAINING	200.00
DATE	8-28-98
AMOUNT	192.30
STATE OF TENNESSEE SHELBY COUNTY GUY B. RAYES REGISTER	

SHELBY COUNTY  
REGISTER OF DEEDS

98 SEP -1 PM 12:40

HT 5063

HT5063

SHELBY COUNTY  
REGISTER OF DEEDS  
98 SEP -9 PM 3: 55

*ReRecording*

No.	HT 5063
D/C	DR # 15
Pgs.	3
Val	
STATE TAX	
REGISTER'S FEE	
RECORDING FEE	12.00
D.P. FEE	2.00
WT <input type="checkbox"/> MISC FEE	
TOTAL	14.00
STATE OF TENNESSEE SHELBY COUNTY GUY B. BATES REGISTER	



ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://www.SRCE-memphis.com)

Date: May 23, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: Sam Cooper Blvd. & Waring Rd. Rezoning

### **LETTER OF INTENT**

We are submitting a rezoning application for property at Sam Cooper Boulevard east of Waring Road. The property is within the EMP zoning district. We are requesting a rezoning to RU-1.

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

055044 00006 - DAVIS STEPHEN R  
054018 00021 - MUSSO SAMANTHA L  
054042 00003 - CLEVELAND MICAH  
054042 00002 - NUTH RADY AND SOPHA KEO (RS)  
054044 00025 - HARAH ABDULKHALEK  
054041 00023 - DEEP BAY PROPERTIES TN LLC  
054041 00018C - NUTH RADY  
054042 00005 - MYERS RUBY D AND MARIE H JOWERS (RS)  
054017 00030 - NOOOR LLC  
054017 00028 - LOPEZ FRANCES L  
055044 00012 - WEST BARBARA C  
055044 00010 - BOSWELL EMERY J REVOCABLE LIVING TRUST  
055044 00008 - O'MALLEY PETER & HOLLY OBOIKOVITZ  
055005 00050 - WULFF KURT S & KRISTIN L  
055043 00014 - COWGILL PAUL & JEANETTE  
055005 00043 - HARDER CHRISTOPHER H  
055005 00049 - SMITH BLOUNT D  
055043 00013 - COUCH THEO (ESTATE OF)  
055043 00012 - LIKLEY STEPHEN G  
055043 00010 - GEORGE ASHISH AND KATARZYNA BIELANSKA  
055043 00009 - ALGER KEVIN  
055043 00006 - PENDER JOHN V JR & KATHLEEN TR  
055043 00001 - RIGG GREGORY L & AMANDA G  
055004 00026 - HENRY BLAKE AND EMETERIO ALVAREZ AND  
054017 00023 - STALLINGS JOE W JR

054017 00024 - STALLINGS JOE W JR  
054018 00005 - KEO KELLY & SOPHA  
054041 00048 - KEO KELLY T & SOPHA  
054018 00023 - MOORE TROY  
054018 00006 - CARPENTER RICHARD F & MARY B  
054041 00015 - AMNL ASSET CO 3 LLC  
054018 00022 - ERWIN DAVID O & LORETTA B  
054018 00007 - BREWI JONATHAN W  
054041 00026 - JOHNSON DON W AND DONELLE M J MORRISON  
054041 00016 - TROUT I RAY AND SANDRA K SHAPPLEY (RS)  
054041 00046 - LE HUY V  
054044 00026 - BARNETT MARK T SR & BRENDA J  
054041 00025 - JAROTO LLC  
054018 00008 - CHIOZZA EUGENE M & MARY A  
054042 00001 - BACOPULOS DIONYSIA S  
054018 00019C - SNOATES AND CO LLC  
054041 00024 - ZUBER JEFFREY K & SYLVIA  
054018 00009 - CHIOZZA MARIO  
054041 00036 - HAIR REVA M  
054041 00017 - BOSIN SLAVA  
054044 00017 - QUALITY PROPERTIES LLC  
054042 00004 - PRIME RENTAL LLC  
054018 00010 - DIANO-ANGLIN MARIA S  
054041 00037 - DEAN PHOEBE  
054044 00018 - BANES BERNICE L TRUST A REVOCABLE LIVING

054042 00010 - BONDS RANDELL L  
054044 00024 - SAKAAN ABBY J  
054041 00022 - DEEP BAY PROPERTIES TN LLC  
054017 00029 - MEMPHIS INVESTMENT PROPERTIES IV LLC  
055044 00014 - ERWIN DAVID O & LORETTA B  
055044 00013 - SHORT NATHAN T  
055044 00015 - GUERRERO JORGE  
055044 00011 - HEATH RICHARD J & LAURA S  
055044 00009 - HOWELL CAMERON & DUNCAN  
055044 00007 - HAYS KENNY F & AMELIA A  
055044 00005 - CARRINGTON KENNETH R & MARILYN A  
055044 00004 - BURESS JAMES O  
055044 00003 - ATKEISON PETER  
055044 00002 - DEFRANK PHILIP M  
055044 00001 - DAVIS ELLEN B  
055005 00042 - WHEELER JERRY L & DIANE R  
055043 00011 - GESKE GREGORY J & HAYLIE L  
055043 00008 - LOBIANCO THOMAS J  
055043 00007 - COLTURI HOMES INC  
055043 00005 - FILIBERTO DINA AND PATRICK IMLAY TRUST  
055043 00004 - FOSTER ROLANNE L  
055043 00003 - BURTON KERRIE B  
055043 00002 - SIMPSON BRENDA G  
055005 00048 - HARDEE WILLIAM D & RACHAEL A  
055005 00047 - UTECH RAYMOND & RAMYA

054017 00027 - HANSEL RUSTY W  
054041 00044C - CARPENTER FAYE M AND RICHARD F CARPENTER  
055004 00027 - WOODRUFF FRANK L & MICHELLE G  
054017 00025 - ASHWORTH DANNY R  
054017 00026 - BAKER JOHN D & MAXINE H  
054041 00033 - PARKER LUTHER  
054041 00035 - JAROTO LLC  
054041 00029 - WOLF GARY & EDIT ALFARO  
054041 00030 - KELLY PATRICK D  
054041 00031 - MCKINNEY MICHAEL  
054041 00032 - BURRESS JAMES D  
054041 00047 - ALEJEAL RHAMY E & ELIZABETH M  
054043 00001 - STREET JEREMY  
054043 00002 - STREET JAMES AND KAREN STREET REVOCABLE  
054041 00034 - GILBERT DANIEL A & LORI C

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

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James & Karen Street Revocable Living  
Trust  
P.O. Box 187  
Watauga, TN 37694-0187

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

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

**Property Owner's Affidavit**

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, James David Street James David Street, 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 Sam Cooper Blvd.

and further identified by Assessor's Parcel Number N/A

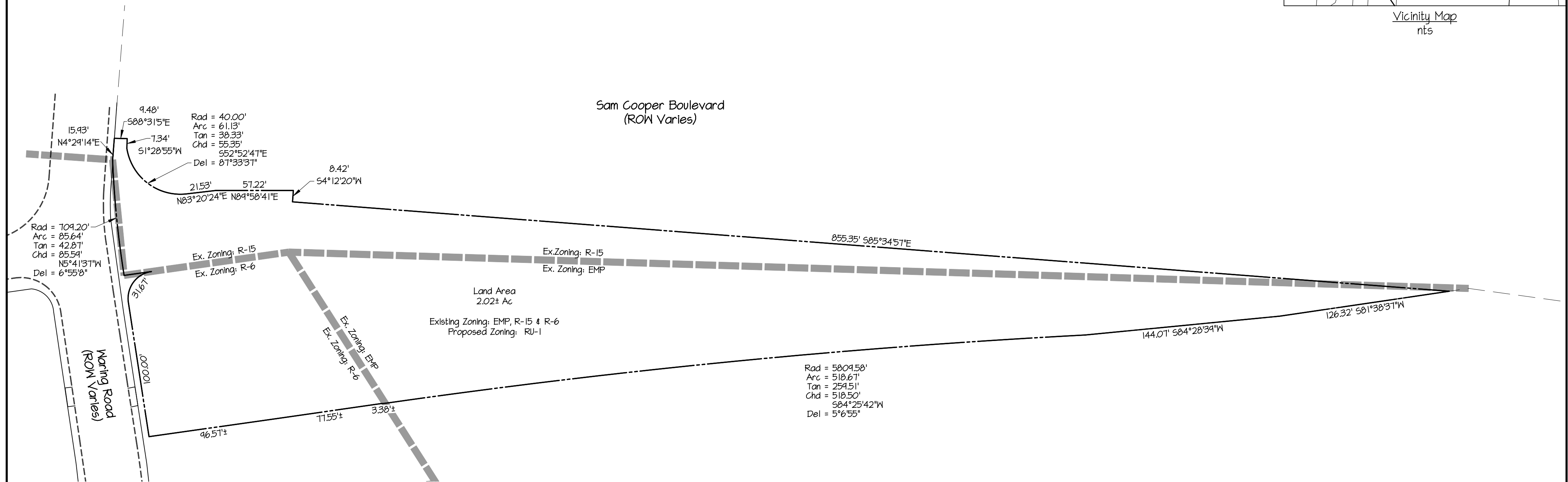
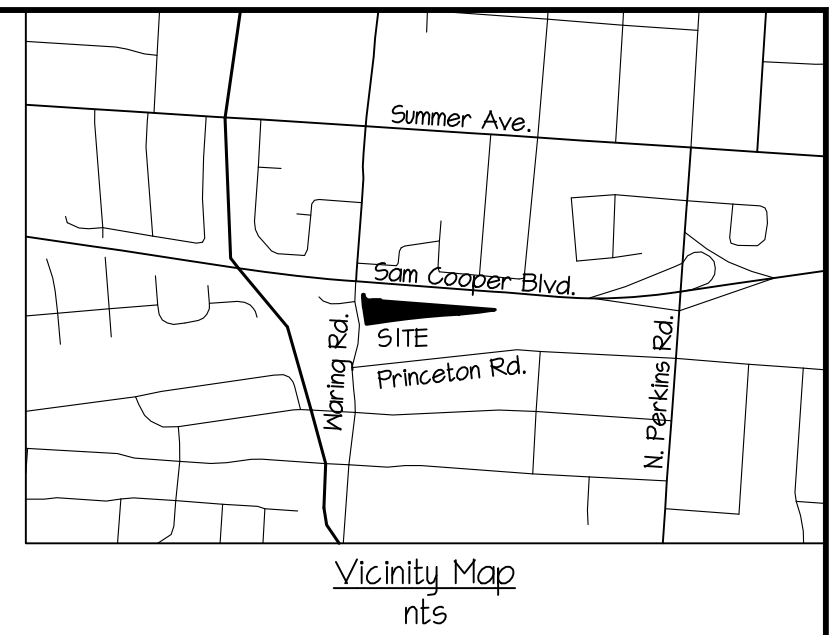
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 31 day of May in the year of 2024.

Kimberly D. Hensley  
Signature of Notary Public



10.1.2025  
My Commission Expires



## PLOT PLAN

# SAM COOPER & WARING REZONING

DEVELOPER:

Z 24-\_\_\_\_

DAVID STREET

2.02± ACRES


EX. ZONING: EMP, R-15 & R-6

PROP. ZONING: RU-1

MEMPHIS, TENNESSEE

MAY 2024

SHEET 1 of 1



ENGINEERING - PLANNING

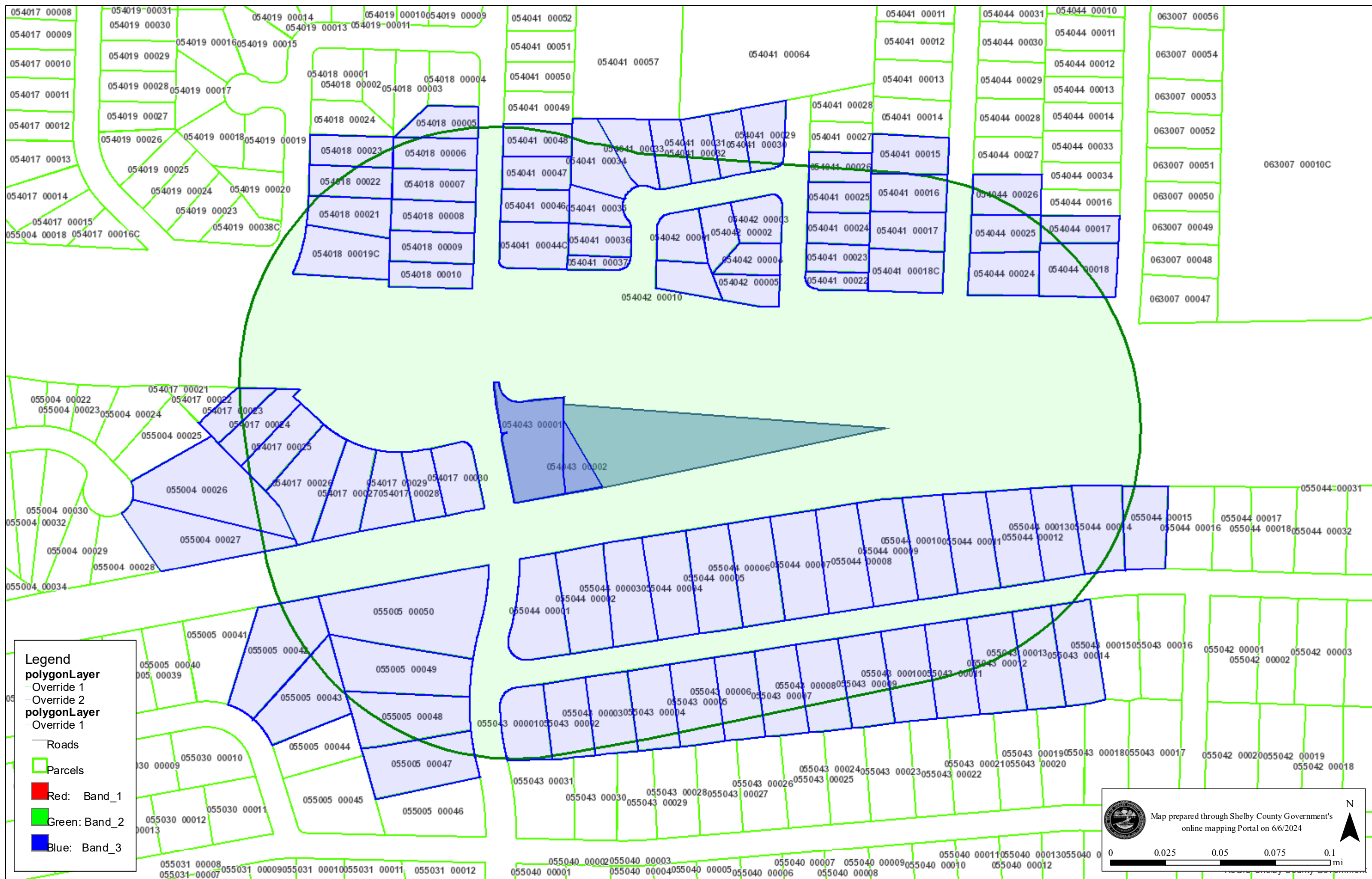
**SR CONSULTING, LLC**

ENGINEERING - PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

901-373-0380  
(fax) 373-0370  
www.SRCE-memphis.com

Style: Hem S; 1/22/24-0025 Marling & Sam Cooper Reasonable Plankton Plan OVERALL.dwg Jun 06, 2024 - 10:18am





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

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

August 9, 2024

James & Karen Street Revocable Living Trust  
PO Box 187  
Watauga, TN 37694

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

Case Number: Z 2024-005  
LUCB Recommendation: Approval

Dear applicant,

On Thursday, August 8, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located on the east side of Waring Road south of Sam Cooper Blvd. be included in the Residential Urban – 1 (RU-1) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



LaTonya Hull  
Planner II

**Letter to Applicant**

**Z 2024-005**

Land Use and Development Services  
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC  
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT  
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, November 5, 2024 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 2024-005

**LOCATION:** East side of Waring Road south of Sam Cooper Blvd.

**COUNCIL DISTRICTS:** District 5 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** James & Karen Street Revocable Living Trust

**REPRESENTATIVE:** Cindy Reaves, SR Consulting

**REQUEST:** Rezoning of +/-2.02 acres from the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) to Residential Urban – 1 (RU-1)

**RECOMMENDATIONS:**

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

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

**NOW, THEREFORE,** you will take notice that on Tuesday, November 5, 2024, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

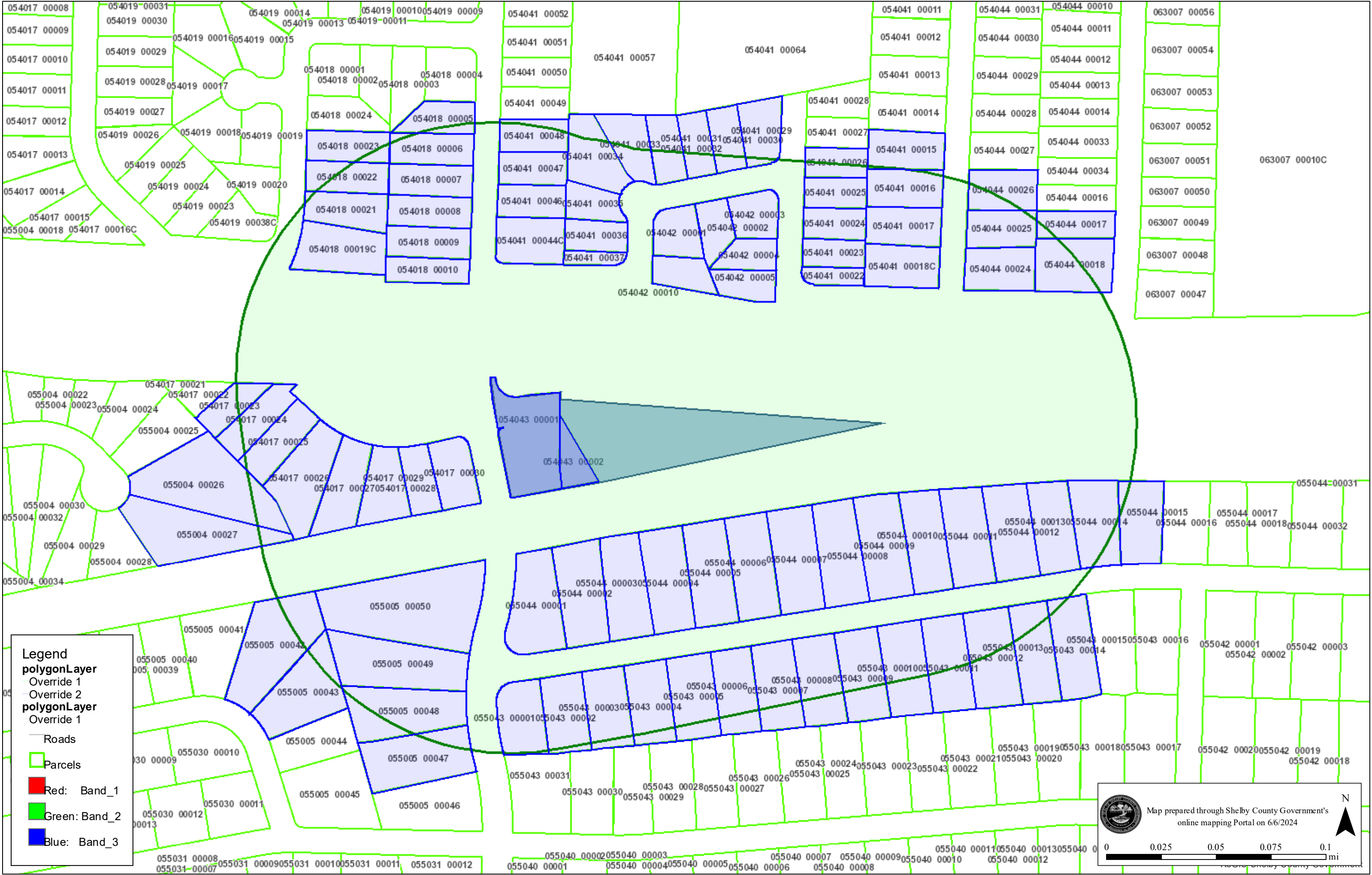
**JB SMILEY, JR.**  
***CHAIRMAN OF COUNCIL***

***ATTEST:***

**KAMETRIS WYATT**  
***CITY COMPTROLLER***

---

**TO BE PUBLISHED:**



DAVIS STEPHEN R  
4939 BRIARCLIFF AVE #  
MEMPHIS TN 38117

WEST BARBARA C  
4470 PRINCETON RD #  
MEMPHIS TN 38117

ALGER KEVIN  
4445 PRINCETON RD #  
MEMPHIS TN 38117

MUSSO SAMANTHA L  
552 STANLEY DR #  
MEMPHIS TN 38122

BOSWELL EMERY J REVOCABLE LIVING TRUST  
4460 PRINCETON RD #  
MEMPHIS TN 38117

PENDER JOHN V JR & KATHLEEN TR  
6125 E SHADY GROVE RD #  
MEMPHIS TN 38120

CLEVELAND MICAH  
583 N FOY CIR #  
MEMPHIS TN 38122

O'MALLEY PETER & HOLLY OBOIKOVITZ  
4444 PRINCETON RD #  
MEMPHIS TN 38117

RIGG GREGORY L & AMANDA G  
4377 PRINCETON RD #  
MEMPHIS TN 38117

NUTH RADY AND SOPHA KEO (RS)  
4494 PRINCETON RD #  
MEMPHIS TN 38117

WULFF KURT S & KRISTIN L  
469 WARING RD #  
MEMPHIS TN 38117

HENRY BLAKE AND EMETERIO ALVAREZ AND  
4963 ESSEXSHIRE AVE #  
MEMPHIS TN 38117

HARAH ABDULKHALEK  
544 SANDRIDGE ST #  
MEMPHIS TN 38122

COWGILL PAUL & JEANETTE  
4485 PRINCETON RD #  
MEMPHIS TN 38117

STALLINGS JOE W JR  
3685 NW DEER OAK DR #  
JENSEN BEACH FL 34957

DEEP BAY PROPERTIES TN LLC  
3441 W 31ST AVE #  
DENVER CO 80211

HARDER CHRISTOPHER H  
4332 HILLDALE AVE #  
MEMPHIS TN 38117

STALLINGS JOE W JR  
3685 NW DEER OAK DR #  
JENSEN BEACH FL 34957

NUTH RADY  
4494 PRINCETON RD #  
MEMPHIS TN 38117

SMITH BLOUNT D  
457 WARING RD #  
MEMPHIS TN 38117

KEO KELLY & SOPHA  
4348 SUMMER AVE #  
MEMPHIS TN 38122

MYERS RUBY D AND MARIE H JOWERS (RS)  
533 READ #  
MEMPHIS TN 38122

COUCH THEO (ESTATE OF)  
4475 PRINCETON RD #  
MEMPHIS TN 38117

KEO KELLY T & SOPHA  
4348 SUMMER AVE #  
MEMPHIS TN 38122

NOOOR LLC  
974 NATIONAL ST #  
MEMPHIS TN 38122

LIKLEY STEPHEN G  
4465 PRINCETON RD #  
MEMPHIS TN 38117

MOORE TROY  
PO BOX 770373 #  
MEMPHIS TN 38177

LOPEZ FRANCES L  
535 ESTRIDGE DR #  
MEMPHIS TN 38122

GEORGE ASHISH AND KATARZYNA BIELANSKA  
3815 N MONTCLAIR DR #  
MEMPHIS TN 38111

CARPENTER RICHARD F & MARY B  
561 WARING RD #  
MEMPHIS TN 38122

AMNL ASSET CO 3 LLC  
5001 PLAZA ON THE LAKE #200  
AUSTIN TX 78746

SNOATES AND CO LLC  
4323 CHICKASAW CV #  
MEMPHIS TN 38117

BONDS RANDELL L  
538 W FOY CIR #  
MEMPHIS TN 38122

ERWIN DAVID O & LORETTA B  
4480 PRINCETON RD #  
MEMPHIS TN 38117

ZUBER JEFFREY K & SYLVIA  
548 READ ST #  
MEMPHIS TN 38122

SAKAAN ABBY J  
540 SANDRIDGE ST #  
MEMPHIS TN 38122

BREWI JONATHAN W  
553 WARING RD #  
MEMPHIS TN 38122

CHIOZZA MARIO  
541 WARING RD #  
MEMPHIS TN 38122

DEEP BAY PROPERTIES TN LLC  
3441 W 31ST AVE #  
DENVER CO 80211

JOHNSON DON W AND DONELLE M J MORRISON  
560 READ ST #  
MEMPHIS TN 38122

HAIR REVA M  
543 W FOY CIR #  
MEMPHIS TN 38122

MEMPHIS INVESTMENT PROPERTIES IV LLC  
4701 SUMMER AVE #  
MEMPHIS TN 38122

TROUT I RAY AND SANDRA K SHAPPLEY (RS)  
555 SANDRIDGE ST #  
MEMPHIS TN 38122

BOSIN SLAVA  
PO BOX 771496 #  
MEMPHIS TN 38177

ERWIN DAVID O & LORETTA B  
4480 PRINCETON RD #  
MEMPHIS TN 38117

LE HUY V  
2471 LAMAR AVE #  
MEMPHIS TN 38114

QUALITY PROPERTIES LLC  
299 S WALNUT BND #100  
CORDOVA TN 38018

SHORT NATHAN T  
4474 PRINCETON RD #  
MEMPHIS TN 38117

BARNETT MARK T SR & BRENDA J  
554 SANDRIDGE ST #  
MEMPHIS TN 38122

PRIME RENTAL LLC  
3707 MACON RD #  
MEMPHIS TN 38122

GUERRERO JORGE  
4486 PRINCETON RD #  
MEMPHIS TN 38117

JAROTO LLC  
4337 CHICKASAW CV #  
MEMPHIS TN 38117

DIANO-ANGLIN MARIA S  
535 WARING RD #  
MEMPHIS TN 38122

HEATH RICHARD J & LAURA S  
4464 PRINCETON RD #  
MEMPHIS TN 38117

CHIOZZA EUGENE M & MARY A  
547 WARING RD #  
MEMPHIS TN 38122

DEAN PHOEBE  
667 GLANKLER ST #  
MEMPHIS TN 38112

HOWELL CAMERON & DUNCAN  
3816 NORTHWOOD DR #  
MEMPHIS TN 38111

BACOPULOS DIONYSIA S  
567 N FOY CIR #  
MEMPHIS TN 38122

BANES BERNICE L TRUST A REVOCABLE LIVING  
205 S YATES RD #  
MEMPHIS TN 38120

HAYS KENNY F & AMELIA A  
4434 PRINCETON RD #  
MEMPHIS TN 38117

CARRINGTON KENNETH R & MARILYN A  
4418 PRINCETON RD #  
MEMPHIS TN 38117

FOSTER ROLANNE L  
4401 PRINCETON RD #  
MEMPHIS TN 38117

PARKER LUTHER  
139 HARBOR RIDGE LN #  
MEMPHIS TN 38103

BURESS JAMES O  
4408 PRINCETON RD #  
MEMPHIS TN 38117

BURTON KERRIE B  
4391 PRINCETON RD #  
MEMPHIS TN 38117

JAROTO LLC  
715 CHANEY CV #  
COLLIERVILLE TN 38017

ATKEISON PETER  
4400 PRINCETON RD #  
MEMPHIS TN 38117

SIMPSON BRENDA G  
4383 PRINCETON RD #  
MEMPHIS TN 38117

WOLF GARY & EDIT ALFARO  
2583 KRISTINA DR #  
HERNANDO MS 38632

DEFRANK PHILIP M  
4390 PRINCETON RD #  
MEMPHIS TN 38117

HARDEE WILLIAM D & RACHAEL A  
449 WARING RD #  
MEMPHIS TN 38117

KELLY PATRICK D  
580 N FOY CIR #  
MEMPHIS TN 38122

DAVIS ELLEN B  
4380 PRINCETON RD #  
MEMPHIS TN 38117

UTECH RAYMOND & RAMYA  
441 WARING RD #  
MEMPHIS TN 38117

MCKINNEY MICHAEL  
8893 N VALLEY CREEK DR #  
ARLINGTON TN 38002

WHEELER JERRY L & DIANE R  
4328 HILLDALE AVE #  
MEMPHIS TN 38117

HANSEL RUSTY W  
539 ESTRIDGE DR #  
MEMPHIS TN 38122

BURRESS JAMES D  
568 N FOY CIR #  
MEMPHIS TN 38122

GESKE GREGORY J & HAYLIE L  
4461 PRINCETON AVE #  
MEMPHIS TN 38117

CARPENTER FAYE M AND RICHARD F CARPENTER  
544 WARING RD #  
MEMPHIS TN 38122

ALEJEAL RHAMY E & ELIZABETH M  
PO BOX 342950 #  
BARTLETT TN 38135

LOBIANCO THOMAS J  
4433 PRINCETON RD #  
MEMPHIS TN 38117

WOODRUFF FRANK L & MICHELLE G  
4280 EASTERN CV #  
MEMPHIS TN 38122

STREET JEREMY  
4353 ESTRIDGE DR #  
MEMPHIS TN 38122

COLTURI HOMES INC  
939 LINDEN AVE #  
MEMPHIS TN 38104

ASHWORTH DANNY R  
547 ESTRIDGE DR #  
MEMPHIS TN 38122

STREET JAMES AND KAREN STREET REVOCABLE  
PO BOX 187 #  
WATAUGA TN 37694

FILIBERTO DINA AND PATRICK IMLAY TRUST  
4409 PRINCETON RD #  
MEMPHIS TN 38117

BAKER JOHN D & MAXINE H  
543 ESTRIDGE DR #  
MEMPHIS TN 38122

GILBERT DANIEL A & LORI C  
554 N FOY CIR #  
MEMPHIS TN 38122

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Memphis TN 38134

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5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

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Watauga, TN 37694-0187

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P.O. Box 187  
Watauga, TN 37694-0187

James & Karen Street Revocable Living  
Trust  
P.O. Box 187  
Watauga, TN 37694-0187

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 08/06/2024  
DATE**

**PUBLIC SESSION: 08/20/2024  
DATE**

**ITEM (CHECK ONE)**

  X   ORDINANCE             RESOLUTION        X   REQUEST FOR PUBLIC HEARING

**ITEM CAPTION:** Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the east side of Elvis Presley Boulevard, +/- 208 feet north of Commercial Parkway. By taking the land out of the Residential Single-Family – 15 (R-15) Use District and including it in the Commercial Mixed Use – 1 (CMU-1) District, known as case number Z 2024 – 006

**CASE NUMBER:** Z 2024 – 006

**LOCATION:** 3230 Commercial Parkway

**COUNCIL DISTRICTS:** District 3

**OWNER/APPLICANT:** Yaaqob Al Shugga

**REPRESENTATIVES:** David Bray, The Bray Firm

**REQUEST:** Rezoning of +/-20, 265 square feet from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1) located at 3230 Commercial Parkway

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

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Required**  
Set date for first reading – August 06, 2024  
Second reading – August 20, 2024  
Third reading – September 10, 2024

**PRIOR ACTION ON ITEM:**

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>07/11/2024</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT #
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PLANNER I
_____	_____	DEPUTY ADMINISTRATOR
<u>Brett Regado</u>	<u>July 29, 2024</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

\_\_\_\_\_  
**COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### **Z 2024 - 006**

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY ON THE EAST SIDE OF ELVIS PRESLEY BOULEVARD, +/- 208 FEET NORTH OF COMMERCIAL PARKWAY ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 (CMU-1) DISTRICT, KNOWN AS CASE NUMBER Z 2024 – 006

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

**CASE NUMBER:** Z 2024 – 006

**LOCATION:** 3230 Commercial Parkway

**COUNCIL DISTRICT(S):** District 3, Super District 8 – Position 1, 2, 3

**OWNER/APPLICANT:** Yaaqob Al Shugga

**REPRESENTATIVE:** David Bray, The Bray Firm

**REQUEST:** Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

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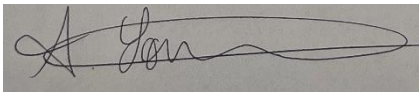
**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

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

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

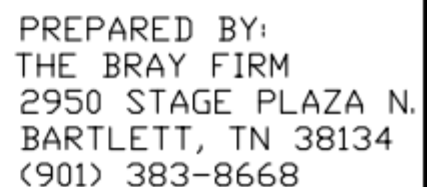
Respectfully,



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

Cc: Committee Members  
File

LOT SURVEY  
LOT 4  
FREEWAY COMMERCIAL  
PARK SUBDIVISION  
PB. 24, PG 42  
MEMPHIS, TN



**ORDINANCE NO: \_\_\_\_\_**

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-006.**

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**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-006**; and

**WHEREAS**, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

**WHEREAS**, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:**

**SECTION 1:**

**THAT**, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT.**

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Commencing at the intersection of the north line of Commercial Parkway (80-foot right of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right of-way); then along the

said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

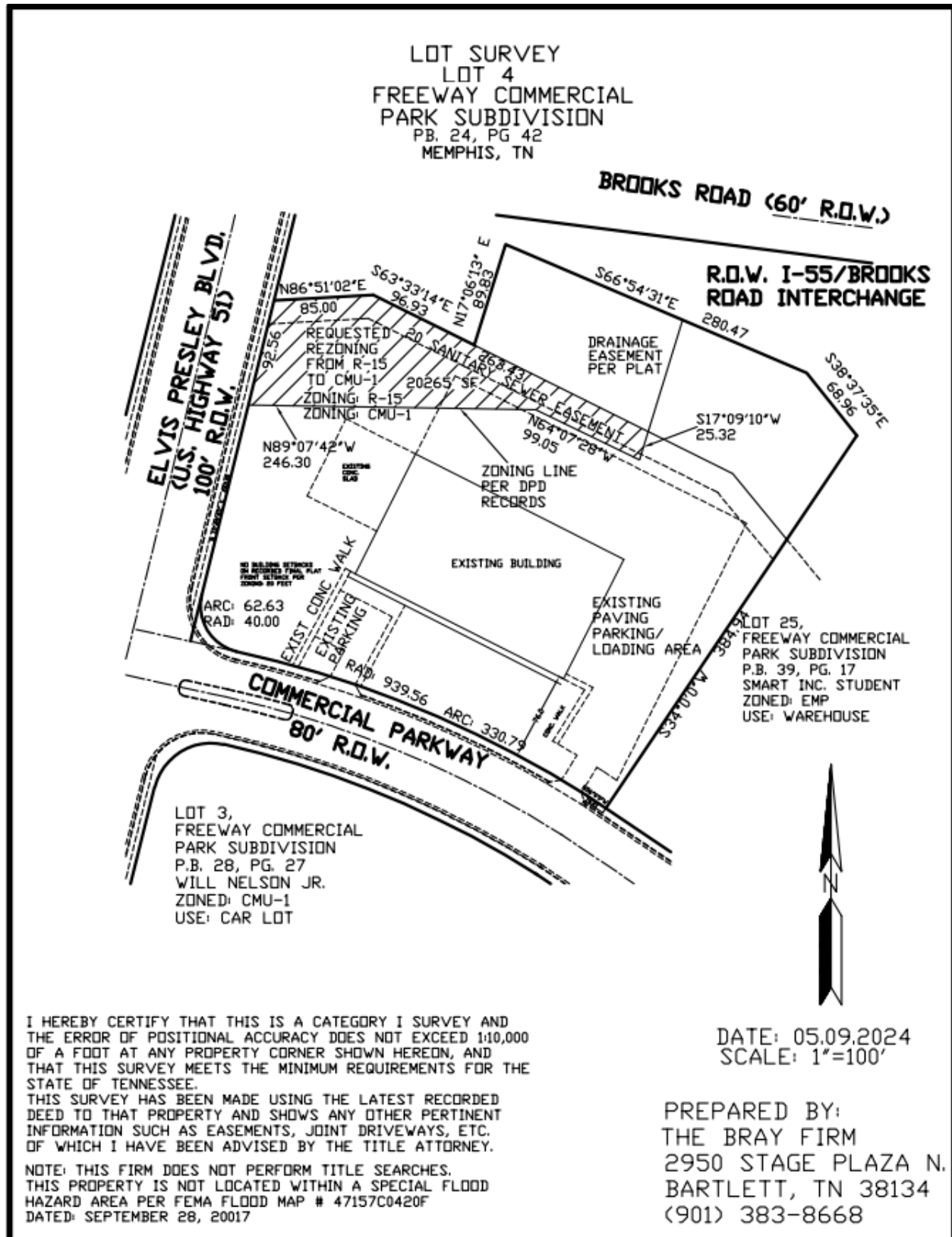
## **SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

## **SECTION 3:**

**THAT**, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

## PLOT PLAN



**ATTEST:**

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

**AGENDA ITEM:** 16 **L.U.C.B. MEETING:** July 11, 2024

**CASE NUMBER:** Z 2024 – 006

**LOCATION:** 3230 Commercial Parkway

**COUNCIL DISTRICT:** District 3

**OWNER/APPLICANT:** Yaaqob Al Shugaa

**REPRESENTATIVE:** David Bray, The Bray Firm

**REQUEST:** Rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.

**EXISTING ZONING:** Commercial Mixed Use – 1, Residential Single – Family – 15

## CONCLUSIONS

1. The applicant is requesting rezoning of a +/- 20, 265 square feet portion of the +/- 3.78-acre lot.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1.

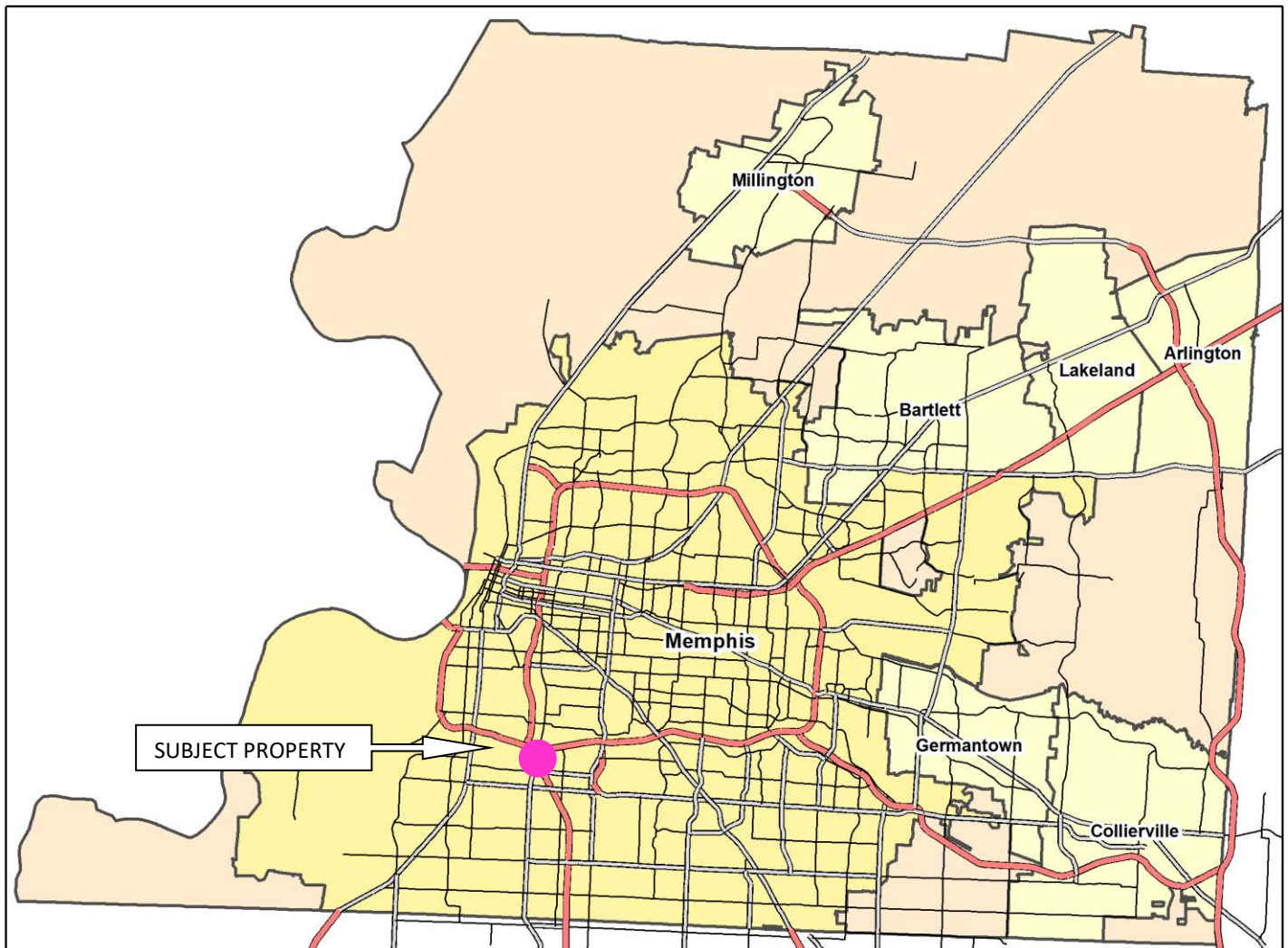
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 15 – 16 of this report.

## RECOMMENDATION:

*Approval*

**LOCATION MAP**



Subject property located within the pink circle.

## PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

## PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

## NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

**AERIAL**



Subject property outlined in yellow. The northwest portion of this site is currently zoned R-15.

**ZONING MAP**



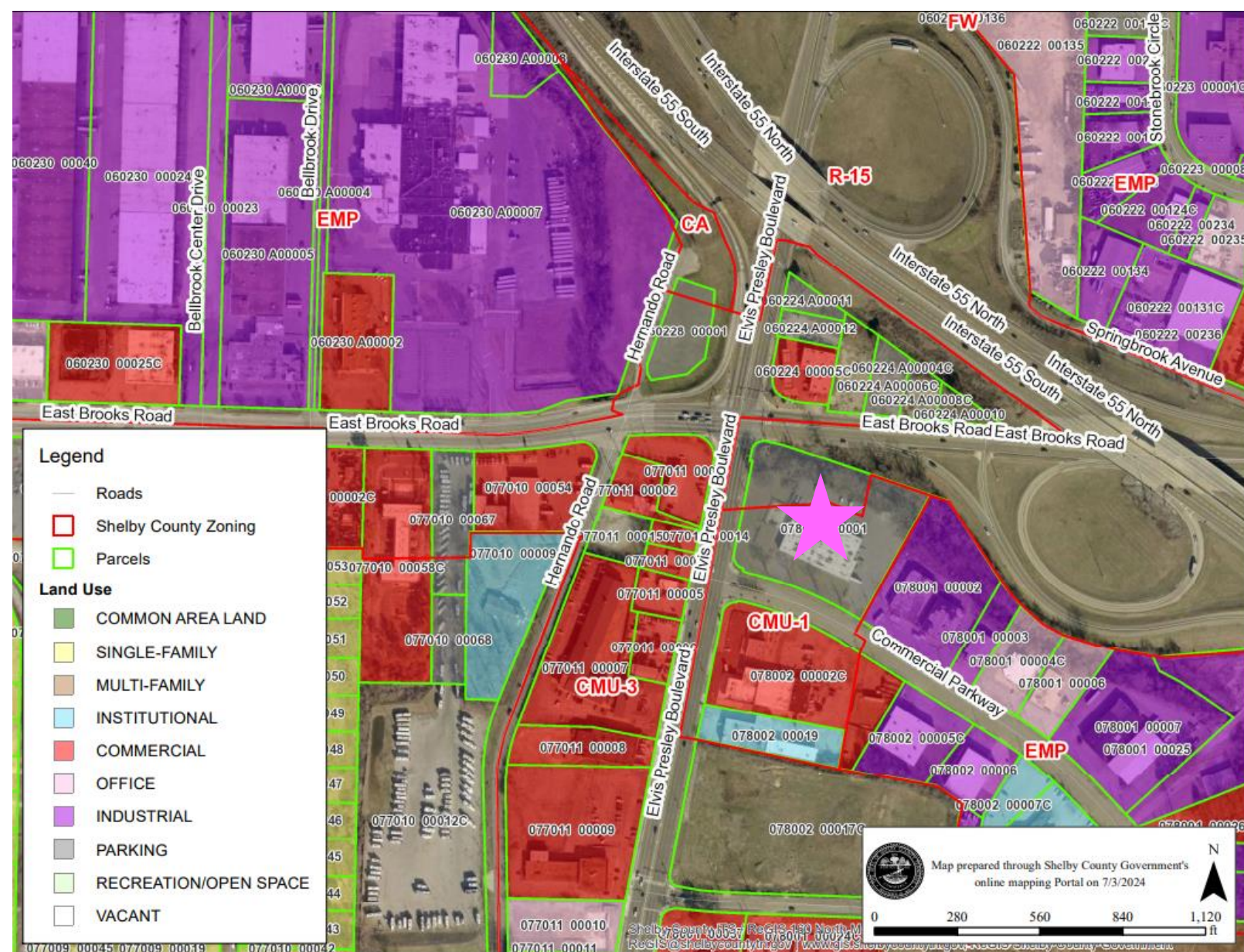
Subject area of proposed rezoning highlighted in yellow.

FEMA MAP



Subject area of proposed rezoning highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

**SITE PHOTOS**

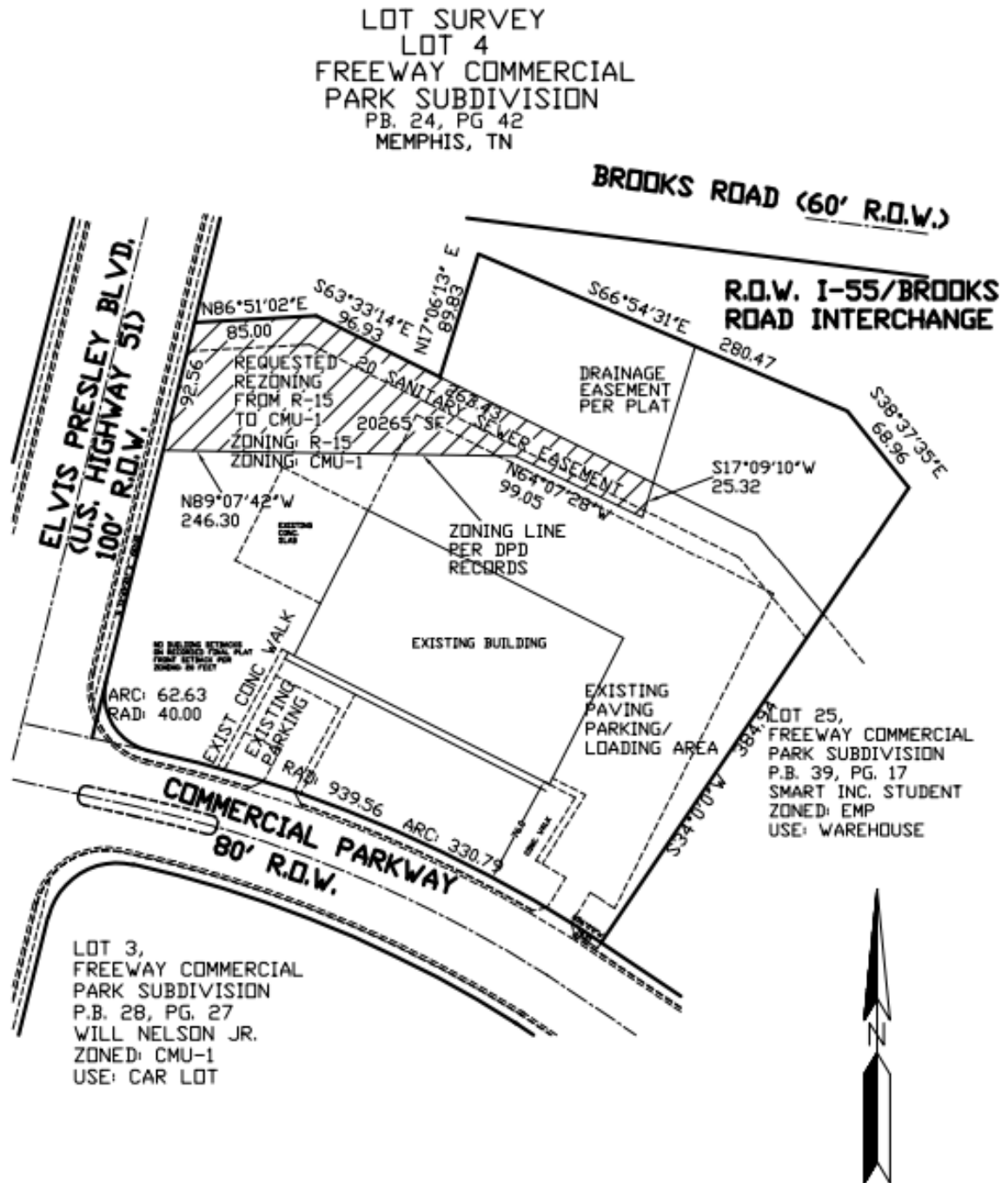


View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

**SURVEY**



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

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

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024  
SCALE: 1"=100'

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

**LOT DESCRIPTION**

*Property Line Description  
of  
Part of Lot 4,  
Freeway Commercial Park Subdivision  
as recorded by  
Plat Book 24, Page 42  
in the  
Shelby County Registers Office;  
Property located in Memphis, Shelby County, Tennessee  
and being more particularly described as follows:*

Commencing at the intersection of the north line of Commercial Parkway (80-foot right-of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right-of-way); then along the said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

## CASE REVIEW

### Request

The request is a rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.

### Approval Criteria

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

#### *9.5.7B Review Criteria*

*In making recommendations, the Land Use Control Board shall consider the following matters:*

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### Site Details

Address:  
3230 Commercial Parkway

Parcel ID:  
078001 00001

Area:  
+/- 3.78 acres

**Description:**

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor's website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

**Analysis**

The applicant is proposing a rezoning of +/- 20,265 square feet of the subject property that is included in the Residential Single – Family – 15 zoning district to Commercial Mixed Use – 1. The surrounding areas support the rezoning proposal as majority of the surrounding areas have land designations of similar intensities.

**RECOMMENDATION**

Staff recommends approval.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

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

#### Sewers:

2. The sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

#### Drainage:

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

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

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

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

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

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

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

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

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

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

### City Fire Division:

No comments received.

### City Real Estate:

No comments received.

### County Health Department:

No comments received.

### Shelby County Schools:

No comments received.

### Construction Code Enforcement:

No comments received.

### Memphis Light, Gas and Water:

No comments received.

### Office of Sustainability and Resilience:

No comments received.

### Office of Comprehensive Planning:

See pages 15 – 16.

## Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 2024-006 Whitehaven

Site Address/Location: 3230 highway 51

Overlay District/Historic District/Flood Zone: Located in a 0.2% Annual Flood Hazard Zone, but not in an Overlay District or Historic District

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

*The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.*

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

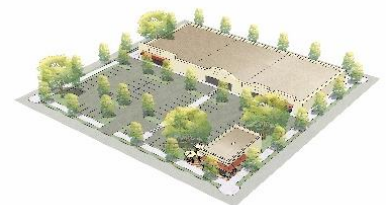
### 1. Future Land Use Planning Map



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

### 2. Land Use Description/Intent

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



#### “CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

### **“CSL” Zoning Notes**

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

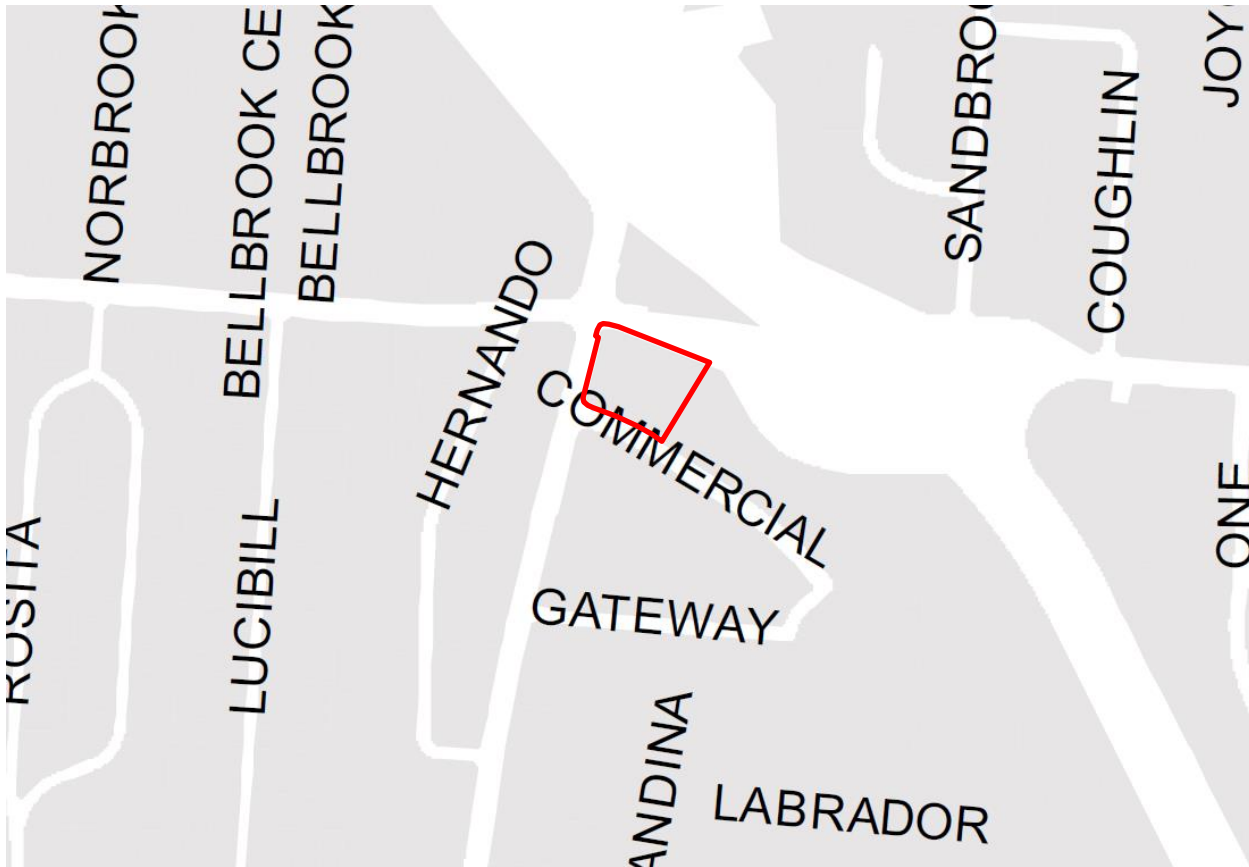
### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Commercial, CMU-1 and R-15

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional, Office and Vacant; R-15, CMU-1 and EMP

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

### **3. Degree of Change Map**



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

**4. Degree of Change Description:** N/A

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

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

### **Consistency Analysis Summary**

*The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.*

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



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

## NOTICE OF PUBLIC HEARING

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

**CASE NUMBER:** SUP 2024 – 019 and Z 2024 – 006  
**LOCATION:** 3230 Commercial Parkway  
(SEE SITE PLAN ON REVERSE SIDE)  
**APPLICANT:** ~~Shugga~~ Yaaqob  
**REQUEST:** Special use permit to allow a convenience store with gas pumps

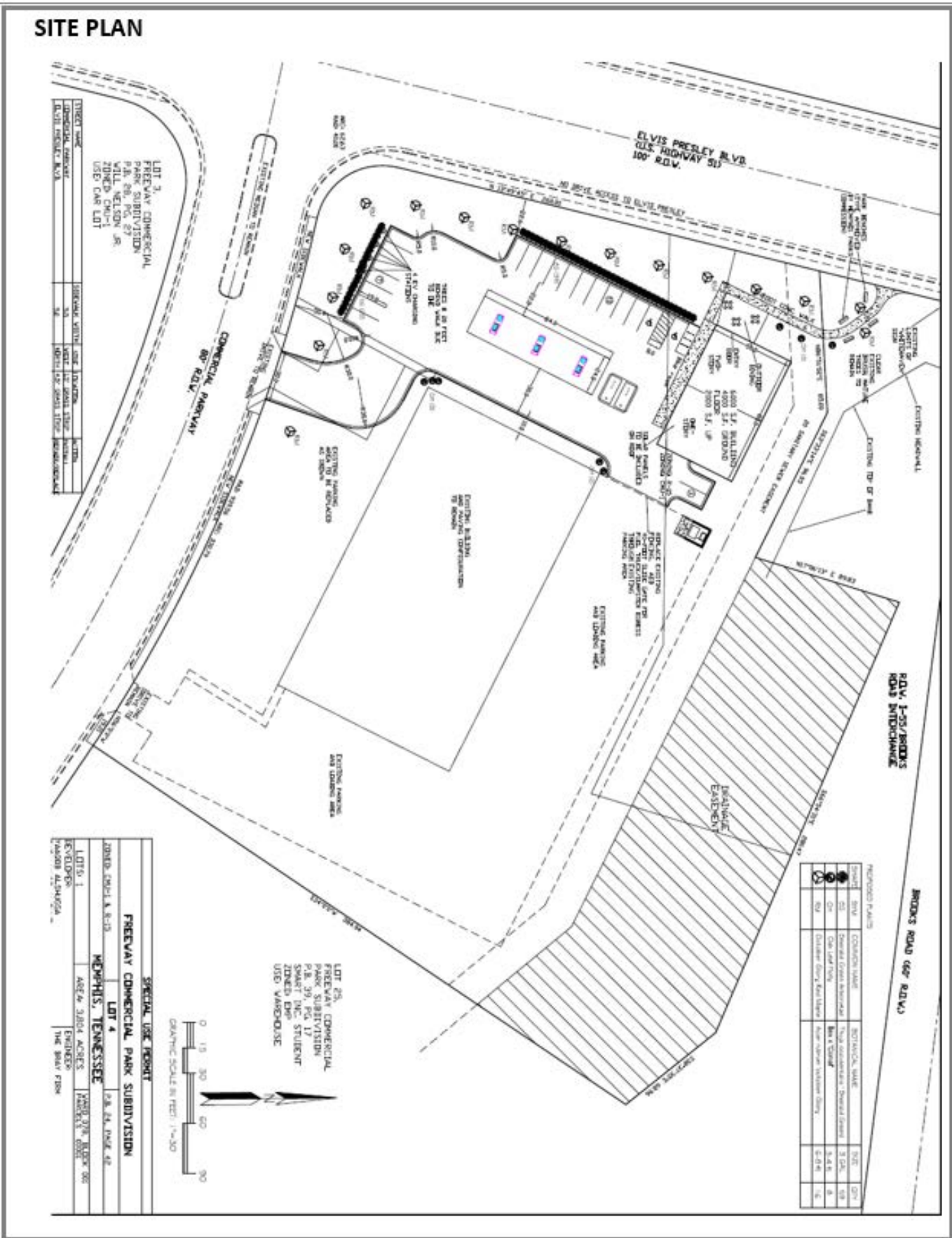
**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

**DATE:** Thursday, July 11, 2024  
**TIME:** 9:00 AM  
**LOCATION:** Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**



**ZONING APPLICATION**



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

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

website: [www.develop901.com](http://www.develop901.com)

**Record Summary for Rezoning**

**Record Detail Information**

Record Type: Rezoning

Record Status: Processing

Opened Date: June 7, 2024

Record Number: Z 2024-006

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: Rezone request of a portion of the lot from R-15 to CMU-1

Parent Record Number:

---

**Address:**

3230 highway 51 38116

**Owner Information**

Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

, MEMPHIS, TN 38126

Owner Phone

---

**Parcel Information**

078001 00001

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Alexis Longstreet

Date of Meeting

06/03/2024

Pre-application Meeting Type

Email

**GENERAL INFORMATION**

Have you held a neighborhood meeting?

Yes

Is this application in response to a citation from  
Construction Code Enforcement or Zoning  
Letter?

No

If yes, please provide additional information

n/a

**GIS INFORMATION**

**GIS INFORMATION**

Central Business Improvement District	No
Case Layer	SUP19-006
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	-
Lot	0 4
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

**Contact Information**

**Name**

SHUGAA YAAQOB A

**Contact Type**

APPLICANT

**Address**

MEMPHIS, TN, 38126

**Phone**

-

**Name**

THE BRAY FIRM

**Contact Type**

ARCHITECT / ENGINEER /  
SURVEYOR

**Address**

2950 STAGE PLAZA NORTH,

**Phone**

(901)487-2425

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569821	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/07/2024
1569925	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	06/07/2024
1569925	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	06/07/2024

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

**Payment Information**

**Payment Amount**

\$1,026.00

**Method of Payment**

Credit Card

OWNER AFFIDAVIT



**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 3230 Elvis Presley  
and further identified by Assessor's Parcel Number 07806100001  
for which an application is being made to the Division of Planning and Development.

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

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
My Commission Expires

LETTER OF INTENT



---

Telephone 901-383-8668

2950 Stage Plaza North  
Bartlett, Tennessee 38134

June 7, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision  
3230 Elvis Presley Blvd.  
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application to rezone a portion of the above captioned property from R-15 to CMU-1. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. A Special Use Permit is currently under consideration for this property. It does not appear from the 1980 comprehensive rezoning that the intention was for a portion of this property (currently used as commercial) to have an area designated R-15 but the zoning map as currently drawn reflect the split zoning.

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

Sincerely,

David Gean Bray, P.E.

**LETTERS RECEIVED**

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

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

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

July 24, 2024

Yaaqob Shugaa  
547 Vance Avenue  
Memphis, TN 38126

Sent via electronic mail to: [dqbray@comcast.net](mailto:dqbray@comcast.net), [Mustafashujaa2003@yahoo.com](mailto:Mustafashujaa2003@yahoo.com)

Case Number: Z 24-006  
LUCB Recommendation: Approval

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application for a portion of property located on 3230 Commercial Parkway to be included in the Commerical Mixed Use – 1 Zoning District.

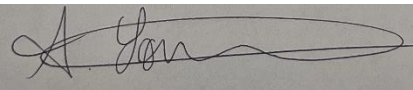
This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Alexis Longstreet  
Planner I  
Land Use and Development Services  
Division of Planning and Development  
Cc: David Bray, The Bray Firm  
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT  
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 2024 – 006

**LOCATION:** 3230 Commercial Parkway

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

**OWNER/APPLICANT:** Yaaqob Al Shugga

**REPRESENTATIVE:** David Bray, The Bray Firm

**REQUEST:** Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

**RECOMMENDATIONS:**

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

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

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**JB SMILEY, JR.**  
***CHAIRMAN OF COUNCIL***

***ATTEST:***

**CRYSTAL GIVENS**  
***CITY COMPTROLLER***

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



# Legend

- Roads
- Parcels



Map prepared through Shelby County Government's  
online mapping Portal on 7/29/2024

0 450 900 1,350 1,800  
ft

TLC PROPERTIES INC  
1600 CENTURY CENTER #104  
BARTLETT TN 38134

OM SHIVAYA NAMAH INC  
3265 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

MEMPHIS SMOKES CIGAR LOUNGE LLC  
5341 BRADLEY RIDGE LN #  
MEMPHIS TN 38125

JOLLY BEE LLC  
PO BOX 400 #  
WHEATLEY AR 72392

STAFFORD W DELL AND EDWIN W STAFFORD  
3262 COMMERCIAL PKWY #  
MEMPHIS TN 38116

SHIVA PROPERTIES  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

JOLLY BEE LLC  
PO BOX 400 #  
WHEATLEY AR 72392

YET HOLDING LLC  
4970 RALEIGH LAGRANGE RD #9  
MEMPHIS TN 38128

SHUGAA YAAQOB A  
547 VANCE AVE #  
MEMPHIS TN 38126

JOLLY BEE LLC  
PO BOX 400 #  
WHEATLEY AR 72392

NELSON WILL J SR  
465 TENNESSEE ST #  
MEMPHIS TN 38103

BERUK PROPERTIES INC  
3264 W SARAZENS CL #  
MEMPHIS TN 38125

ANJU HOTELS LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

DOUGLAS PAUL M AND GEORGE R DOUGLAS V  
3261 COMMERCIAL PKWY #  
MEMPHIS TN 38116

NONCONNAH BAPTIST CHURCH TR  
3257 HERNANDO RD #  
MEMPHIS TN 38116

JOLLY BEE LLC  
PO BOX 400 #  
WHEATLEY AR 72392

NELSON WILLIE J & HATTIE  
3360 FONTAINE RD #  
MEMPHIS TN 38116

ANJU PROPERTIES LLC  
8720 SOMERSET LN #  
GERMANTOWN TN 38138

TLC PROPERTIES INC  
1600 CENTURY CENTER #104  
BARTLETT TN 38134

KARN JAMES JR  
3271 COMMERCIAL PKWY #  
MEMPHIS TN 38116

YORK PROPERTIES LLC  
3100 BELLBROOK DR #  
MEMPHIS TN 38116

LG INVESTMENTS LLC  
407 SAINTT TAMMANY ST #  
MADISONVILLE LA 70447

WATSON KENNETH D  
8909 GEORGIAN DR #  
AUSTIN TX 78753

YORK PROPERTIES LLC  
3100 BELLBROOK DR #  
MEMPHIS TN 38116

SMART INC STUDENT MAKING A REWARDED  
3242 COMMERCIAL PKWY #  
MEMPHIS TN 38116

MEMPHIS CONVENTION AND VISTORS BUREAU  
47 UNION AVE #  
MEMPHIS TN 38103

BLU RIVER LLC  
119 S MAIN ST #500  
MEMPHIS TN 38103

SHIVA PROPERTIES  
8720 SOMERSET LN #  
GERMANTOWN TN 38138