## CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL	COUN	CIL AGENDA CILCA	I OI I BILL	Planning & Development DIVISION		
ONLY STAPLED	Disastan 9.7	oning COMMITTEE:	8/20/2024	DIVISION		
TO DOCUMENTS	Planning & L	oning_ Committee.	DATE			
		PUBLIC SESSION:	<u>9/10/2024</u> DATE			
ITEM (CHECK ONE)ORDINANCE	X RESOLUTION	<u>X</u> REQUEST FOR	PUBLIC HEAR	RING		
ITEM DESCRIPTION:	action of the Memph Subdivision to allow	(1) a two-year time extens	sion pursuant to	n and Brenda McElwain seeking to overturn the oard approving a modification to the Coro Vista Section 9.7.I(5); (2) a phasing plan pursuant to liminary plan to allow for private streets at the umber MJR 2024-007 (S 22-34 CORRES.)		
CASE NUMBER:	MJR 2024-007 (S 22	-34 CORRES.)				
DEVELOPMENT:	Coro Vista Subdivis	on				
LOCATION:	1560 Drew Road					
COUNCIL DISTRICTS:	: District 6 and Super District 8 – Positions 1, 2, and 3					
APPELLANT:	Dr. Sherry Jeffries Compton and Brenda McElwain					
REQUEST:	Overturn a decision of the Land Use Control Board					
AREA:	+/-14.385 acres					
RECOMMENDATION:	The Division of Planning and Development recommended Approval of Requests (1) and (2); Rejection of Request (3) The Land Use Control Board recommended Approval of Requests (1), (2) and (3)					
PRIOR ACTION ON ITEM	Publ	to consent agenda requesti ic hearing – <u>September 10</u>	<u>, 2024</u>			
(1)		APPROVAL - (1) APP	ROVED (2) DE	IED		
04/11/2024 (1) Land Use Control Board		DATE ORGANIZATION - (1) BOARD / COMMISSION				
(1) Land Ose Control Board		(2) GOV'T. ENTITY (3	3) COUNCIL C	OMMITTEE		
FUNDING:		PEOLURES CITY EXE	PENDITURE - (	(1) YES (2) NO		
(2)		REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE				
\$		REVENUE TO BE RE	CEIVED			
SOURCE AND AMOUNT	OFFUNDS	OPERATING BUDGET				
\$		CIP PROJECT # FEDERAL/STATE/OTHER				
<u>\$</u> ====================================		DATE	POSITION			
ADMINISTRATIVE APP.	ROVAL:	8-12-24	PLANNER			
mene Writton		0 10 0	-	ADMINISTRATOR		
- +++		0 /12 /	2 ADMINIST			
BUTUG				R (JOINT APPROVAL)		
			COMPTRO			
			-	DIRECTOR		
			CITY ATT			
			-	OMINISTRATIVE OFFICER		
			COMMIT	TEE CHAIRMAN		



Memphis City Council Summary Sheet

## MJR 2024-007 (CORRES. S 22-34)

RESOLUTION APPROVING THE APPEAL OF DR. SHERRY JEFFRIES COMPTON AND BRENDA MCELWAIN ON BEHALF OF THE CORO LAKE HOA AND PROPERTY OWNERS' ASSOCIATION SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A MODIFICATION TO THE CORO VISTA SUBDIVISION AT THE SUBJECT PROPERTY LOCATED AT 1560 DREW ROAD, KNOWN AS CASE NUMBER MJR 2024-007 (CORRES. S 22-34)

- This item is a resolution to appeal the Land Use Control Board's approval of a subdivision major modification to allow a two-year time extension pursuant to Section 9.7.7I(5); a phasing plan pursuant to Section 9.7.7I(4); and a modification to the approved major preliminary plan to allow for private streets; and
- The Land Use Control Board held a public hearing on April 11, 2024, and approved the aformentioned request; and
- Dr. Sherry Jeffries Compton appeared at the aforementioned public hearing; and
- An appeal of the Land Use Control Board decision was filed on April 18, 2024, by Dr. Sherry Jeffries Compton and Brenda McElwain on behalf of the Coro Lake HOA and Property Owners' Association requesting the Memphis City Council overturn the action of the Land Use Control Board; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

#### RESOLUTION APPROVING THE APPEAL OF DR. SHERRY JEFFRIES COMPTON AND BRENDA MCELWAIN SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A MODIFICATION TO THE CORO VISTA SUBDIVISION AT THE SUBJECT PROPERTY LOCATED AT 1560 DREW ROAD, KNOWN AS CASE NUMBER MJR 2024-007 (CORRES. S 22-34)

**WHEREAS**, Gerald Robinson filed an application with the Memphis and Shelby County Division of Planning and Development to allow a two-year time extension, a phasing plan, and a modification to the approved preliminary plan to allow for private streets; and

WHEREAS, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards and regulations of Memphis and Shelby County Unified Development Code and submitted its findings and recommendation 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 April 11, 2024, and said Board approved the request of the applicant.

WHEREAS, Dr. Sherry Jeffries Compton and Brenda McElwain, filed an appeal on April 18, 2024, on behalf of the Coro Lake HOA and Property Owners' Association with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis overturn the action of the Memphis and Shelby County Land Use Control Board; and

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

**WHEREAS**, upon evidence presented at this public hearing by the appellant, the City Council of the City of Memphis, concludes the appeal herein should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the appeal of the appellants, Dr. Sherry Jeffries Compton and Bernda McElwain on behalf of The Coro Lake HOA and Property Owners' Association, is granted and the action of the Memphis and Shelby County Land Use Control Board on April 11, 2024, is hereby overturned.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the Council of the City of Memphis.

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

## LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	MJR 2024-007 (CORRES S 22-34)
LOCATION:	1560 Drew Road
COUNCIL DISTRICT(S):	District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Gerald Robinson
REPRESENTATIVE:	N/A
REQUEST:	Major modification to allow a two year time extension pursuant to Section 9.7.7I(5); a phasing plan pursuant to Section 9.7.7.I(4); and a modification to the approved major preliminary plan to allow for private streets in Tranquil Timbers Estates.
EXISTING ZONING:	Residential Single-Family – 6 (R-6) and Residential Single-Family - 8 (R-8)
AREA:	+/-14.385 acres

The following spoke in support of the application: Josh Whitehead, Gerald Robinson

**The following spoke in opposition to the application:** Michael Compton, Sherry Compton, Kimberley Owens-Pearson, Keshun Pearson

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

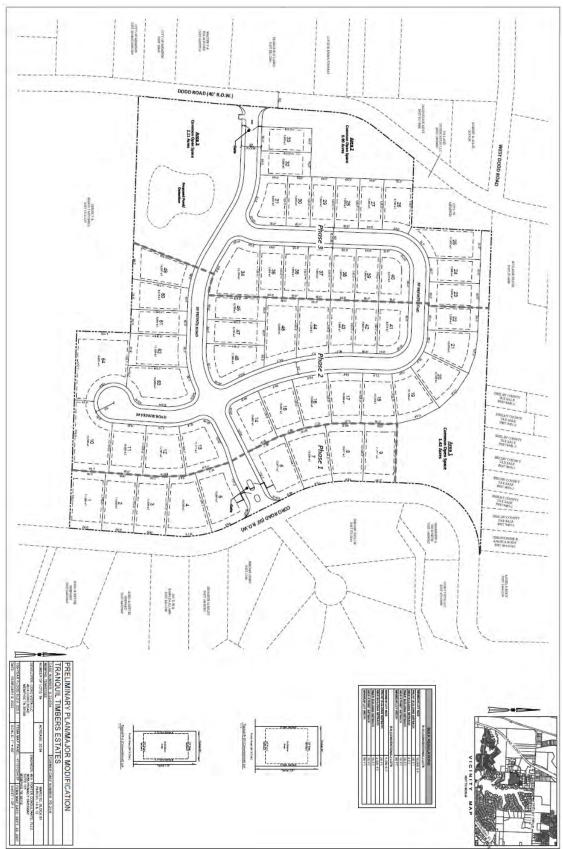
## The motion passed by a unanimous vote of 7-0 on the regular agenda.

Respectfully,

Chloe Christion

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

## MJR 2024-007 (CORRES S 22-34) PRELIMINARY PLAN





AGENDA ITEM: 29

CASE NUMBER:	MJR 2024-007 (S 22-34 CORRES.)	L.U.C.B. MEETING:	April 11, 2024
DEVELOPMENT:	Coro Vista Subdivision		
LOCATION:	1560 Drew Road		
OWNER/APPLICANT:	Gerald Robinson		
REPRESENTATIVE:	Josh Whitehead, Burch, Porter, Johnso	n	
REQUEST:	Major modification to allow (1) a two-y (2) a phasing plan pursuant to Section 9 major preliminary plan to allow for priv	9.7.7I(4); and (3) a mo	
AREA:	+/-14.385 acres		
EXISTING ZONING:	Residential Single Family – 6 (R-6) and	Residential Single Far	nily – 10 (R-10)

## CONCLUSIONS

- 1. The request is not to approve the subdivision. The Land Use Control board previously approved the subdivision on November 10, 2022.
- 2. Requests (1) and (2) are consistent with the criteria found in the Unified Development Code to support such requests.
- 3. Staff finds Request (3) (private drive street network) cannot be supported. The east/west street through the development provides an ideal opportunity to accomplish public street connectivity as required by UDC Sub-Section 5.2.4A.

**CONSISTENCY WITH MEMPHIS 3.0** 

N/A

## RECOMMENDATION

Approval of Requests (1) and (2); Rejection of (3)

#### **GENERAL INFORMATION**

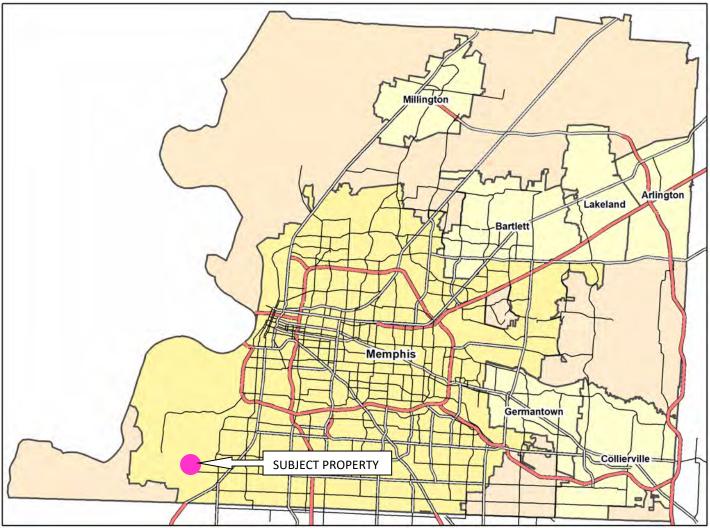
Street Frontage:	Dodd Road	+/-722.4 curvilinear feet
Zoning Atlas Page:	2420	
Parcel ID:	082061 00014	
Existing Zoning:	Residential Single Family – 6 (R-6)	and Residential Single-Family – 10 (R-10)

#### PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 80 notices were mailed on February 16, 2024 see pages 18-19 for a copy of said public notice.

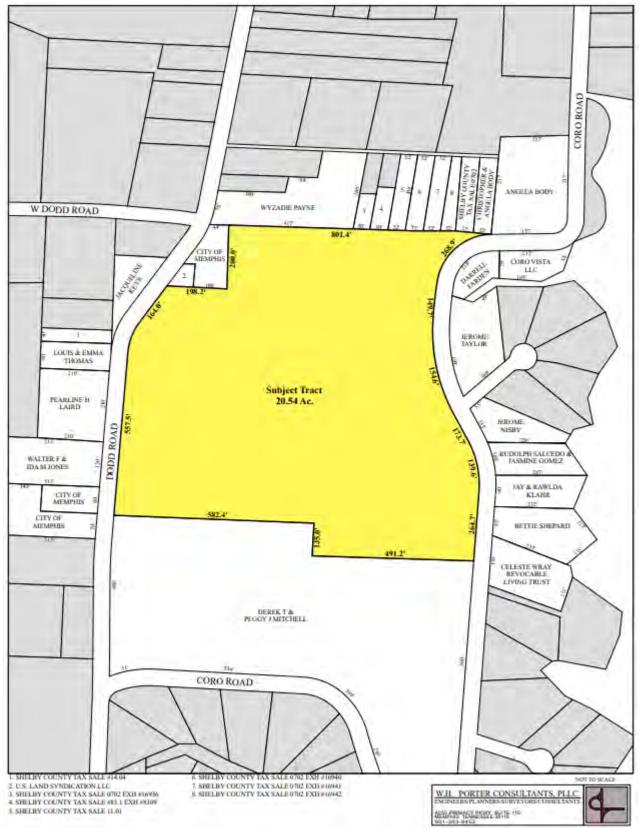
March 14, 2024 Page 3

#### LOCATION MAP



Subject property located within the pink circle, Coro Lake neighborhood

#### **VICINITY MAP**



Subject property highlighted in yellow

## AERIAL



Subject property outlined in yellow, imagery from 2023

## **ZONING MAP**



Subject property highlighted in yellow

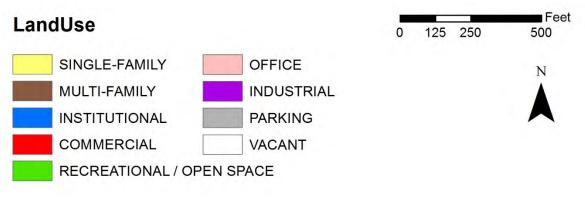
Existing Zoning: R-6 and R-10

## Surrounding Zoning

North:	Single Family Residential – 6 (R-6), and Single Family Residential – 10 (R-10)
East:	R-10
South:	R-6 and R-10
West:	R-6, Conservation Agriculture (CA), and BOA 1947-070 CO

#### LAND USE MAP





Subject property indicated by a pink star

#### SITE PHOTOS



View of subject property from Dodd Road looking east.



View of subject property from Dodd Road looking southeast.

APPROVED PRELIMINARY PLAN (S 22-34)

March 14, 2024 Page 9

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STATES

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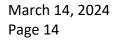
Page 10

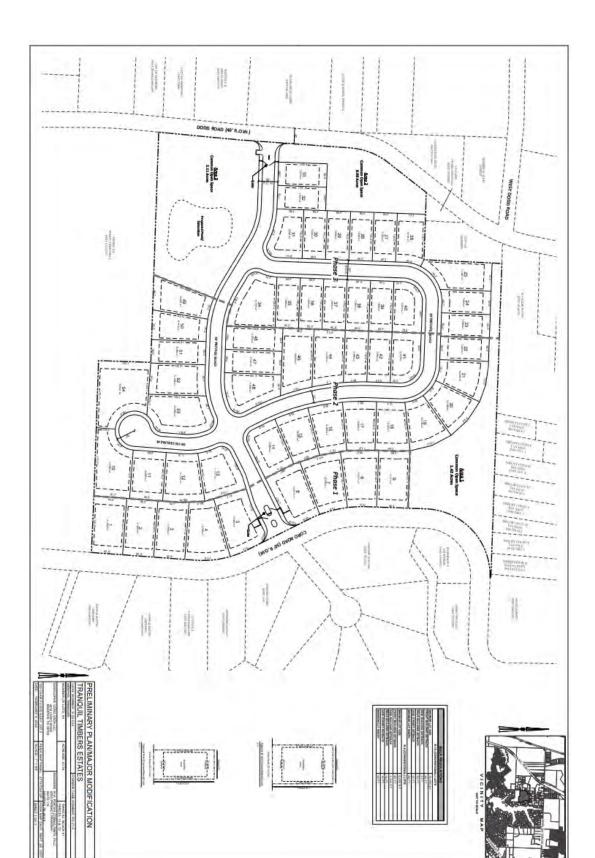
March 14, 2024 Page 11



PROPOSED PHASING PLAN

March 14, 2024 Page 13





#### STAFF ANALYSIS

#### **Request and Justification**

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

The request is major modification to allow (1) a two-year time extension pursuant to Section 9.7.7I(5); (2) a phasing plan pursuant to Section 9.7.7I(4); and (3) a modification to the approved major preliminary plan to allow for private streets. The justification for the request is due to the large scale of this 54-lot subdivision. According to the applicant, a time extension and phasing plan will ensure a stable and functional development is created to foster long-term residents. Additionally, the applicant believes the development will be more successful if its internal streets are private rather than public as originally approved.

#### **Site Description**

The subject property is +/-14.385 acres located on the east side of Dodd Road in the Coro Lake neighborhood. The site is zoned R-6 and R-10 and is currently vacant. The site contains a sprinkling of mature trees and has mature shrubs located roughly along the western portion.

#### Site Zoning History

On November 10, 2022, the Memphis and Shelby County Land Use Control Board approved Case Number S 22-34 for preliminary plan approval of a 54-lot single-family subdivision at 1560 Drew Road. See pages 21-22 of this report for said letter to applicant.

#### <u>Analysis</u>

#### *Two-year Time Extension Request:*

The Findings of Fact used to evaluate a request for a time extension are found in UDC Chapter 9.16 and listed as follows;

- A. Changed conditions of the neighborhood and area in which the time extension is being made, as compared to conditions present during the original approval;
- B. Changed conditions of the site in which the request is being made, as compared to conditions present during the original approval;
- C. Any administrative or legislative policy, ordinance, regulation or comprehensive or neighborhood plan that has been adopted since the time of the original approval; and
- D. The scope of construction, such as the size of the site or building, involved with the original approval.

The Land Use Control Board shall make these findings in its approval, approval with conditions, or rejection of a time extension.

DPD Staff has concluded in their examination of the Findings of Fact nothing that would preclude recommending a two-year preliminary plan time extension. The proposed plan, even with its phasing and proposed use of private streets, remains consistent with the original preliminary plan street and lot layout and compatible with the neighborhood. Approval of the two-year time extension is recommended.

#### Phasing Plan Request:

When considering a phasing plan, connectivity becomes a primary issue. UDC Section 5.2.4 provides connectivity requirements based on the number of lots the development proposes. For instance, with the 54 lots that

comprise this application, at least two access points must be provided. The first two proposed phases consist of one access point to Coro Road for 36 lots. A second physical connection will be provided in Phase 3 to connect to Dodd Road. There is no objection to the proposed phasing as it complies with the connectivity requirements.

#### Private Street Network Request:

The subject property is within a large block surrounded by the following public streets: West Shelby Drive to the north, Coro Road to the south, Coro Road to the east, and Dodd Road to the west (see map on Page 6). In terms of connectivity, the distance between West Shelby Drive and Coro Road is +/-2,600 feet or nearly one-half mile (see map below). UDC Sub-Section 5.2.4A requires an overall connectivity network whose spacing generally occurs at ¼ mile intervals (1,320 feet). By converting the proposed public street network for the subdivision to private streets, compliance with this requirement is lost. The subject property is the largest remaining undeveloped property within this large block and presents the best opportunity to meet this requirement by retaining its east/west public thru street connection from Dodd Road to Coro Road. This public street connection should remain to increase connectivity and provide another route for emergency services vehicles, delivery vehicles, and school buses, not to mention a more efficient neighborhood circulation pattern. It is recommended the request for private streets be denied.



## **Conclusions**

Requests (1) and (2) are consistent with the criteria found in the Unified Development Code to support such requests.

Request (3) for a private drive street network cannot be supported. The east/west street through the development provides an ideal location to accomplish public street connectivity as required by UDC Sub-Section 5.2.4A.

## RECOMMENDATION

Two-Year Preliminary Time Extension – Approval.

Phasing Request – Approval.

Conversion from a Public Street Network to Private Street Network – Rejection.

## **DEPARTMENTAL COMMENTS**

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

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

March 14, 2024 Page 19

#### APPLICATION



#### Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Processing Opened Date: February 5, 2024

Expiration Data:

**Owner Phone** 

Record Number: MJR 2024-007

Record Name: Tranquil Timbers Estates

beartplase of work: A 54 lot (SingleOfamily home) subdivision consisting of 6,000 - 10,000 square foot lots

Parent Record Number:

#### Address:

1560 DREW RD, MEMPHIS 38109

#### **Owner Information**

Primary Owner Name Y CORO VISTA LLC

Denser Address 1450 E COMPTON BLVD, COMPTON, CA 90221

Parcel Information 082061 00014

#### Data Fields

PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL INFORMATION Justification for Request

Jeffery Penzes 02/01/2024 Phone

Please See Letter of Intent

Page 1 of 2

MJR 2024-007

GENERAL INFORMATION		
List any relevant former Docket / Case	S 22-34	
Number(s) related to previous applications on		
this site		
Is this application in response to a citation, stop	No	
work order, or zoning letter		
If yes, please provide a copy of the citation, stop	3	
work order, and/or zoning letter along with any		
other relevant information		
GIS INFORMATION		
Central Business Improvement District	No	
Case Layer		
Class	1.54	
Downtown Fire District	No	
Historic District	1700	
Land Use	1.e.C	
Municipality	÷.	
Overlay/Special Purpose District	-	
Zoning		
Lot	-	
State Route		
Subdivision	-	
Planned Development District	-	
Wellhead Protection Overlay District	No	
Contact Information		
Name		Contact Type
CORO VISTA LLC		APPLICANT
Address		
Phone		
-		
Fee Information		
hydice # Pse item Quantity	Feen Status	Dalance Data Assessed
1575577 Major Medifestion Eco 1	200.00 (50.00)	1000 0.00 0000 MODA

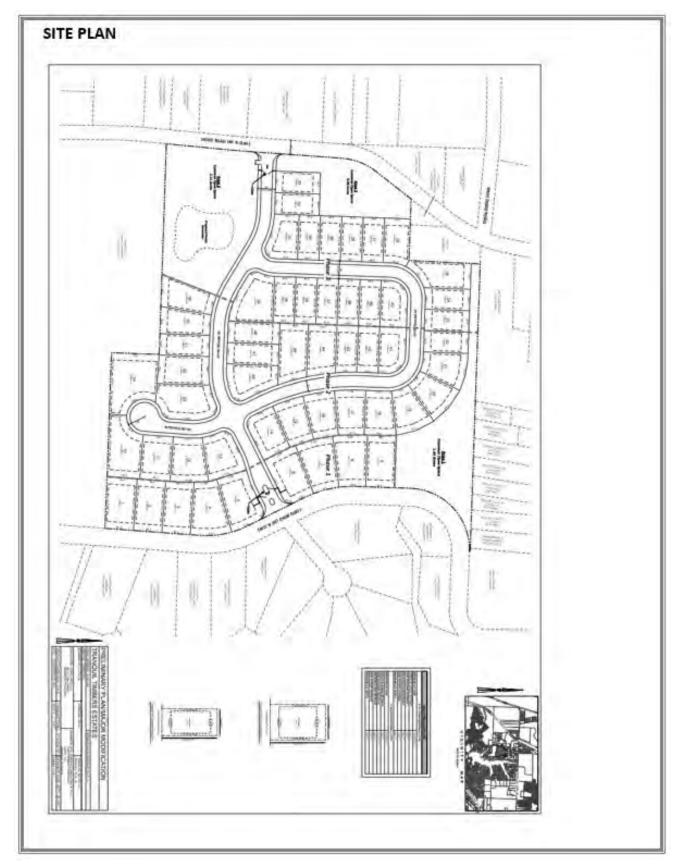
Invoice #	Fee Item	Quantity	Feet	Status	Dalance	Date Assessed
1535577	Major Modification Fee	1	300.00	INVOICED	0.00	02/05/2024
1535577	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	02/05/2024
		Total Fee Invo	loed: \$307.80	Total Ba	lance: \$0.	00

Payment Information	formation
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Payment Amount \$307.80 Nethod of Payment Credit Card

## MAILED PUBLIC NOTICE

In the second s
ce because you own or reside on a property that is near the site of a land use application fil g and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will how wing application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unifi 024-007 (CORR \$ 22-034) Orew Road ITE PLAN ON REVERSE SIDE) abal subdivision
g and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hole wing application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unifi 024-007 (CORR S 22-034) Orew Road ITE PLAN ON REVERSE SIDE) abal subdivision
Drew Road ITE PLAN ON REVERSE SIDE) obal subdivision CONTROL BOARD PUBLIC MEETING WILL BE HELD: Thursday, March 14, 2024
TE PLAN ON REVERSE SIDE) sobal subdivision CONTROL BOARD PUBLIC MEETING WILL BE HELD: Thursday, March 14, 2024
obal subdivision CONTROL BOARD PUBLIC MEETING WILL BE HELD: Thursday, March 14, 2024
subdivision CONTROL BOARD PUBLIC MEETING WILL BE HELD: Thursday, March 14, 2024
CONTROL BOARD PUBLIC MEETING WILL BE HELD:
Thursday, March 14, 2024
Council Chambers on the First Floor of City Hall, 125 N, Main Street
he Board may approve or reject this item or hold the item for a public hearing at a subseque y place this item on the <u>Consent Agenda</u> , which is considered at the beginning of the Boa ic hearing will be held, nor will the Board debate items on the Consent Agenda unless a memb ard requests that the item be removed from the Consent Agenda.
tend this hearing, although you are welcome to do so if you wish to speak for or against t contact Chloe Christion at chloe.christion@memphistn.gov or (901) 636-7494 to learn mo to submit a letter of support or opposition no later than Wednesday, March 6, 2024, at 8 A yone other than the staff planner will not be recognized or included in the staff report.
iii a



#### LETTER OF INTENT

LAW OFFICES

Barch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, 7N 38103 Phone: 901.524.5000 Fax: 901.524.5024 bpjaw.com

February 9, 2024

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

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

**Josh Whitehead** 

Senior Attorney

Cireat: 901.524.5127

whitehead@bollaw.com

Concerning the Tranquil Timbers Estates subdivision on Coro Road (Case S 22-34), I am pleased to submit this application for a Major Modifications that will allow (1) a two-year time extension pursuant to Section 9.7.7I(5) of the Memphis and Shelby County Unified Development Code ("UDC"); (2) a phasing plan pursuant to Section 9.7.7I(4) of the UDC and (3) a modification to the approved major preliminary plan to allow for private streets pursuant to Section 9.7.9B of the UDC.

The current expiration date is November 15, 2024, and we request a two-year time extension for Phase 1 of the development from this date. November 15, 2026. Due to the large scale of this 54-lot single-family residential subdivision, a time extension and phasing plan will ensure a stable and functional development is created to foster long-term residents.

According to UDC Section 9.7.71(4), "[t]he Land Use Control Board may approve an expiration date exceeding 24 months for a subdivision with multiple phases." As such, we request that the expiration date for all phases be set at November 15, 2030, which will allow each phase to be completed within two years.

Finally, we believe the development will be more successful if its internal streets are private rather than public as originally approved and are requesting this change as part of this application, per UDC Section 9.7.9B.

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

#### LETTER TO APPLICANT (S22-34)

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

DATE: November 15, 2022 TO: Josh Whitehead <jwhitehead@bpjlaw.com> RE: S 22-34 AT: 1560 Drew Road and an adjacent parcel

Mr. Whitehead:

On Thursday, November 10, 2022, the Memphis and Shelby County Land Use Control Board *approved* the above-referenced request for preliminary plan approval of a 54-lot single-family residential subdivision, subject to the following conditions and waivers:

#### Conditions

- Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
- A property owner's association shall be created concurrently with the recording of a final plat, if necessary to maintain common open spaces.
- 3. Any front-facing garage shall be at least 7' behind the front of the house.
- The final plat shall demonstrate substantial compliance with the preliminary plan, as well as compliance with all standards of the Unified Development Code that have not been waived.

#### Waivers

 Waivers are granted from Chapter 4.3 and Section 5.2.7 so as not to require any streetscape or street improvements along Coro Rd. or Dodd Rd. These waivers do not apply to new streets.

Your next step is to apply for final plat approval. Please do not hesitate to reach out with any questions or comments at (901) 636-7179 or brett.davis@memphistn.gov.

Respectfully,

Brett Davis Principal Planner

March 14, 2024 Page 25

Letter to Applicant S 22-34

PRELIMINARY PLAN



Page 2 of 2

## LETTERS RECEIVED

One (1) letter of opposition has been received at the time of completion of this report.

Ms. Christion:

Please accept this email as formal notification from the Coro Lake Property Owners Association, the Coro Lake HOA, and the Coro Lakes Preservation Society that we are adamantly opposed to the above-referenced development proposal. As the record will reflect, our community has consistently voted with 99% opposition to this developer's proposals, and we remain opposed to this kind of large-scale development in our neighborhood.

As chair of the Coro HOA and Property Owners Association and as President of the Coro Lakes Preservation Society, I am asking for a 30-day delay on this hearing so that our residents, property owners, and supporters may have adequate time to express their opposition and concern to their elected officials.

Respectfully,

Sherry Jeffries Compton

# **Record Summary for Major Modification**

**Record Detail Information** 

Record Type: Major Modification

Record Status: Processing Opened Date: February 5, 2024

Record Number: MJR 2024-007

**Record Name: Tranquil Timbers Estates** 

Description of Work: A 54 lot (SingleOfamily home) subdivision consisting of 6,000 - 10,000 square foot lots

Parent Record Number:

#### Address:

1560 DREW RD, MEMPHIS 38109

#### **Owner Information**

**Owner Name** Primary Y CORO VISTA LLC

#### **Owner Address**

1450 E COMPTON BLVD, COMPTON, CA 90221

#### Parcel Information

082061 00014

#### **Data Fields**

PREAPPLICATION MEETING Name of DPD Planner Date of Meeting

Pre-application Meeting Type GENERAL INFORMATION

Justification for Request

Jeffery Penzes 02/01/2024 Phone

Please See Letter of Intent

**Owner Phone** 

**Expiration Date:** 



#### GENERAL INFORMATION

List any relevant former Docket / Case Number(s) related to previous applications on this site	S 22-34
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 GIS INFORMATION	-
Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
Lot	-
State Route	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

#### **Contact Information**

CORO VISTA LLC

#### Address

#### Phone

Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1535577	Major Modification Fee	1	300.00	INVOICED	0.00	02/05/2024
1535577	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	02/05/2024
	Т	otal Fee Invoiced: \$307.80		Total Balance: \$0.00		

Payment AmountMethod of Payment\$307.80Credit Card

Page 2 of 2

Contact Type

APPLICANT



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

February 9, 2024

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

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

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The current expiration date is November 15, 2024, and we request a two-year time extension for Phase 1 of the development from this date, November 15, 2026. Due to the large scale of this 54-lot single-family residential subdivision, a time extension and phasing plan will ensure a stable and functional development is created to foster long-term residents.

According to UDC Section 9.7.7I(4), "[t]he Land Use Control Board may approve an expiration date exceeding 24 months for a subdivision with multiple phases." As such, we request that the expiration date for all phases be set at November 15, 2030, which will allow each phase to be completed within two years.

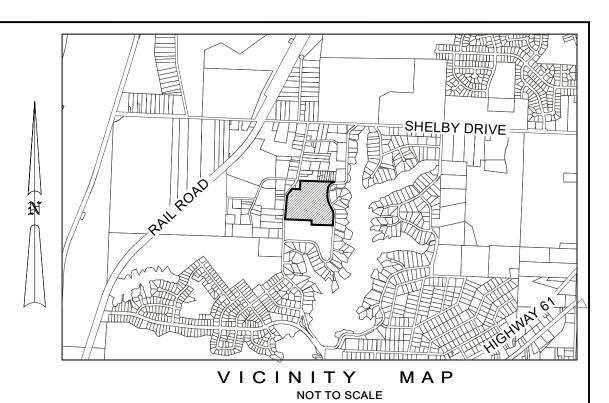
Finally, we believe the development will be more successful if its internal streets are private rather than public as originally approved and are requesting this change as part of this application, per UDC Section 9.7.9B.

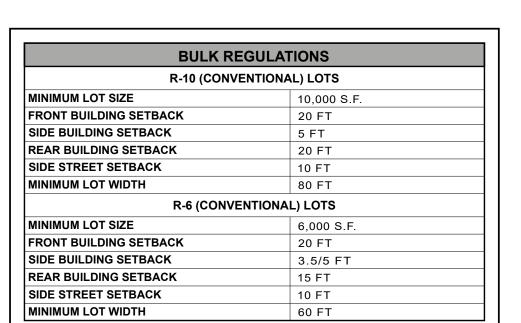
Thank you for your consideration of this matter.

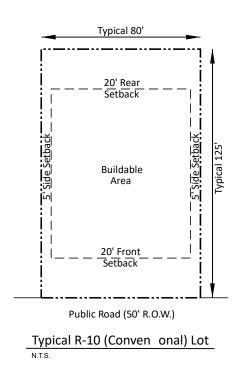
Very truly yours,

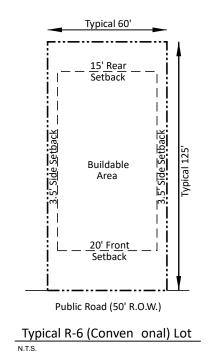
Josh Whitehead







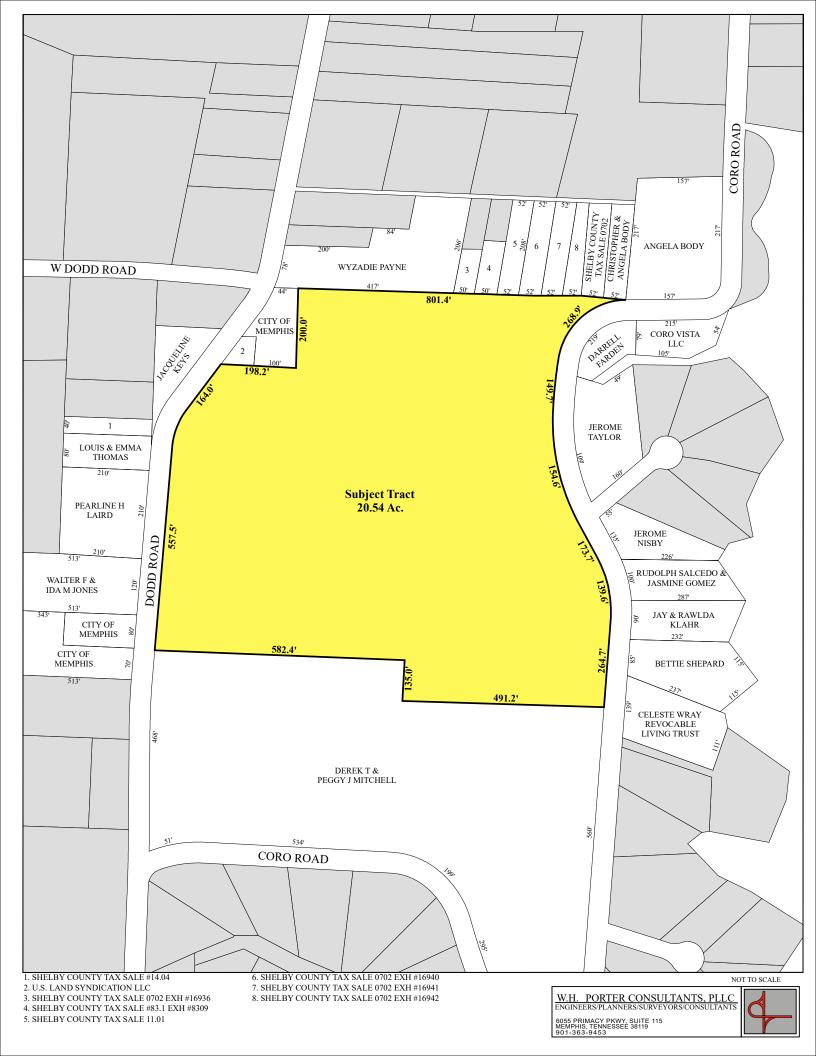




, PF	RELIMINARY PL	AN/MAJO	R MODIF	ICATION
TF	TRANQUIL TIMBERS ESTATES			
CAS	E NUMBER: S 22-034		FORMER CASE I	NUMBER: PD 21-5
MEM	PHIS, TENNESSEE			
NUM	BER OF LOTS: 54	ACREAGE: 20.54		WARD 82, BLOCK 61 PARCEL 14 & 12
DEVE	ELOPER: CORO VISTA LLC 4814 CORO ROAD MEMPHIS TN 38109	·	6055 F SUITE	ORTER CONSULTANTS, PLLC PRIMACY PARKWAY 115 HIS TN 38119
100-`	YEAR FLOOD ELEV: 223.0	FEMA MAP PANE	L:47157C0415F	FEMA MAP DATE: SEPT. 28, 2007
DATE	: FEBRUARY 9, 2022	SCALE: 1" = 60'		SHEET 1 OF 1

JAY D III & RAWLDA KLAHR INST KB-1280

JOHN & BETTIE SHEPARD INST 04073945





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 Core Vistor, LLC ; Manay ing Development Code Section 12.3.1.

Setus Comm (Print Name)

ell this

\_\_\_\_, 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):

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

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

of the property located at 0 Coro Road and 1560 Drew Road and further identified by Assessor's Parcel Number 082061 00012 & 082061 00014, for which an application is being made to the Division of Planning and Development.

ANCEW day of Jet Subscribed and sworn to (or affirmed) before me this Man the year of 2024. TENNESSEE

Signature of Notary Public

My Commission Expires



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

DATE: November 15, 2022 TO: Josh Whitehead <jwhitehead@bpjlaw.com> RE: S 22-34 AT: 1560 Drew Road and an adjacent parcel

Mr. Whitehead:

On Thursday, November 10, 2022, the Memphis and Shelby County Land Use Control Board *approved* the above-referenced request for preliminary plan approval of a 54-lot single-family residential subdivision, subject to the following conditions and waivers:

#### **Conditions**

- 1. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
- 2. A property owner's association shall be created concurrently with the recording of a final plat, if necessary to maintain common open spaces.
- 3. Any front-facing garage shall be at least 7' behind the front of the house.
- 4. The final plat shall demonstrate substantial compliance with the preliminary plan, as well as compliance with all standards of the Unified Development Code that have not been waived.

#### **Waivers**

1. Waivers are granted from Chapter 4.3 and Section 5.2.7 so as not to require any streetscape or street improvements along Coro Rd. or Dodd Rd. These waivers do not apply to new streets.

Your next step is to apply for final plat approval. Please do not hesitate to reach out with any questions or comments at (901) 636-7179 or brett.davis@memphistn.gov.

Respectfully,

Brett Davis Principal Planner

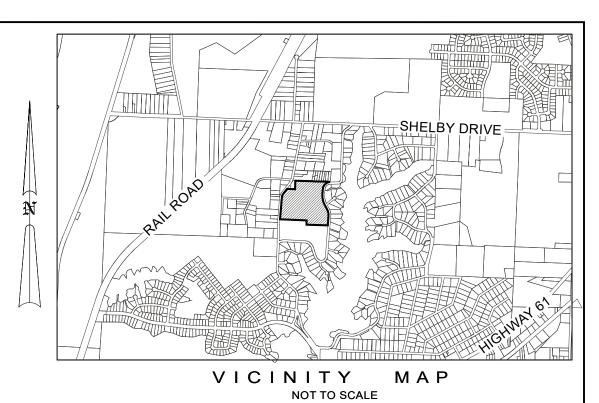
# Letter to Applicant S 22-34

# PRELIMINARY PLAN



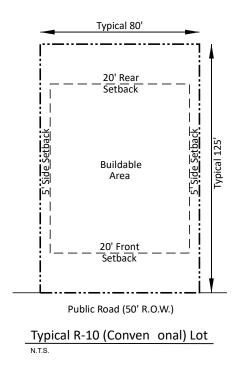








BULK REGULATIONS R-10 (CONVENTIONAL) LOTS		
FRONT BUILDING SETBACK	20 FT	
SIDE BUILDING SETBACK	5 FT	
REAR BUILDING SETBACK	20 FT	
SIDE STREET SETBACK	10 FT	
MINIMUM LOT WIDTH	80 FT	
R-6 (CONVE	ENTIONAL) LOTS	
MINIMUM LOT SIZE	6,000 S.F.	
FRONT BUILDING SETBACK	20 FT	
SIDE BUILDING SETBACK	3.5/5 FT	
REAR BUILDING SETBACK	15 FT	
SIDE STREET SETBACK	10 FT	
MINIMUM LOT WIDTH	60 FT	



Typical 60' \_\_ \_\_ <u>15' Rear</u> \_ Setback Buildable Area \_\_\_<u>20' Front</u>\_\_\_ Setback Public Road (50' R.O.W.) Typical R-6 (Conven onal) Lot N.T.S.

	PRELIMINARY PLAN			
	TRANQUIL TIMBERS ESTATES			
	CASE NUMBER: S 22-034		FORMER CASE I	NUMBER: PD 21-5
	MEMPHIS, TENNESSEE			
N	NUMBER OF LOTS: 54	ACREAGE: 20.54		WARD 82, BLOCK 61 PARCEL 14 & 12
	DEVELOPER: CORO VISTA LLC 4814 CORO ROAD MEMPHIS TN 38109		6055 F SUITE	ORTER CONSULTANTS, PLLC PRIMACY PARKWAY 115 HIS TN 38119
	100-YEAR FLOOD ELEV: 223.0	FEMA MAP PANEL	_: 47157C0415F	FEMA MAP DATE: SEPT. 28, 2007
~ 1	DATE: SEPTEMBER 8, 2022	SCALE: 1" = 60'		SHEET 1 OF 2

\_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_

JAY D III & RAWLDA KLAHR INST KB-1280

JOHN & BETTIE SHEPARD INST 04073945



# 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.

060177 01/31/2006 - 0	1:55 PM
3 PGS : R - WARRANTY DEED	
MARYF 376819-6017714	
VALUE	45000.00
NORTGAGE TAX	166.50
TRANSPER TAX	15.00
RECORDING FEE	2.00
DP FEE	1.00
REGISTER'S FEE	<u>1.00</u>
WALK THRU FEE	184,50
TOTAL AMOUNT	
TOM LEATHERN	OOD

This instrument prepared by and return to: Joshua B. Lawhead Burch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, Tennessee 38103

## WARRANTY DEED

THIS INDENTURE, made and entered into this <u>30</u><sup>L</sup> day of <u>January</u>, 2006, by and between **Gerald Robinson**, ("Grantor"), and Coro Vista, LLC, a Tennessee limited liability company ("Grantee").

## WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, Grantor have bargained and sold and do hereby bargain, sell, convey and confirm unto Grantee the following described real estate (the "Real Estate"), situated and being in the City of Memphis, County of Shelby, State of Tennessee:

That property described on Exhibit A attached hereto, which exhibit is hereby incorporated herein by reference as fully as if copied herein verbatim.

The above described property is the same property conveyed to Grantor and Jesse Chatman by Warranty Deed of record as Instrument No. 04156017 in the Shelby County Register's Office. Jesse Chatman conveyed to Grantor his undivided one-half (1/2) interest in and to the property under that certain Quit Claim Deed of record at Instrument No. 05209080 in the Shelby County Register's Office.

TO HAVE AND TO HOLD the Real Estate together with all the appurtenances and hereditaments thereunto belong or in anywise appertaining unto Grantee, and Grantee's successors and assigns in fee simple forever.

Grantor hereby covenant with Grantee that Grantor is lawfully seized in fee of the aforesaid Real Estate; that he has good right to sell and convey the same; that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons; and that the same is unencumbered except for: the lien of 2006 City of Memphis and Shelby County taxes, liens which are not yet due and payable; Easements of record at Book 4019, Page 383; Book 747, Page 203; Book 3182, Page 279; Book 4830, Page 121; Book 4877, Page 329; Book 5276, Page 114; Book 5315, Page 467; Book 4877, Page 330; Book 5416, Page 90; Book 6229, Page 147; Subdivision Restrictions, Building Lines and Easements of record at Plat Book 29, Page 47; Plat Book 31, Page 57; and Plat Book 34, Page 24, all in the aforesaid Register's Office.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 06017714

WITNESS the due execution hereof the day and year first above written.

Juald Robin

erald Robinson

# STATE OF <u>California</u> COUNTY OF <u>Los Angeles</u>

2

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Gerald Robinson, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND AND SEAL, this	<u>30</u> day of <u>January</u> , 2006.
MARTHA CHAVEZ Comm. # 1357533 Notary Public - California UI	matter Char.
Los Angeles County. My Coma. Expires May 21, 2008 T	Notary Public
My Commission Expires: 5 - 21-06	

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

uld filmons President

Subscribed and sworn to before me this 30 day of \_ January \_\_, 2006.

MARTHA CHAVEZ MARITIA CONTLA COMM. # 1357533 NOTARY FUELC- CALIFORNIA Los Angeles County. My Comm. Expires May 21, 2006 My Commission Expires:

Matthe Nofary Public 21-06

**Property Address:** Vacant Land Memphis, TN

Name and Address of the **Property Owner:** Coro Vista, LLC 1450 E. Compton Blvd. Compton, CA 90221

Name and Address for the **Delivery of Property Tax Bills:** Coro Vista, LLC 1450 E. Compton Blvd. Compton, CA 90221

### Tax Parcel No.: 082061 00012

Transfer Tax: 166.50 Recording Fees: 15.00 Register's Fee: 1.00 2.00 DP Fee: 184.50

U:\LAWHEADJ\Robinson\Warranty Deed.doc

# EXHIBIT A

Description of Part of the W. D. Jemison, Jr. Property, being Part of Parcel IV of the Michael G. Alexander Property, as recorded in Instrument Number LD 8813, in the Shelby County Register's Office, said Property being located in Memphis, Shelby County, Tennessee.

Beginning at a point in the north line of the Cobb-Robinson Inc. Property a distance of 845.36 feet eastwardly from the east line of Dodd Road as measured along the north line of the Cobb-Robinson, Inc. Property; Thence South 5 degrees 44 minutes East a distance of 1.00 foot to a point in the north line of Coro Road; Thence southwestwardly along the west line of Coro Road along a curve to the left having a radius of 171.19 feet and a length of 268.9 feet to a point of tangency; Thence South 5 degrees 44 minutes East along the west line of Coro Road a distance of 149.71 to a point of curvature; Thence southeastwardly along the west line of Coro Road along a curve to the left having a radius of 312.94 feet and a length of 156.3 feet to a point of tangency; Thence South 34 degrees 21 minutes East along the west line of Coro Road a distance of 173.77 feet to a point of curvature; Thence southwardly along the west line of Coro Road along a curve to the right having a radius of 262.94 feet and a length of 141.35 feet to a point of tangency; Thence South 3 degrees 33 minutes East along the west line of Coro Road a distance of 264.74 feet to a point; Thence South 84 degrees 38 minutes 54 seconds West leaving the west line of Coro Road for a distance of 150.13 feet to a point being the southeast corner of the Shelby County School Board Property; Thence North 3 degrees 33 minutes West along the east line of the Shelby County School Board Property a distance of 300.55 feet to a point; Thence North 34 degrees 21 minutes West along the Shelby County School Board Property a distance of 322.99 feet to a point; Thence North 5 degrees 44 minutes West along the east line of the Shelby County School Board Property a distance of 240.58 feet to a point; Thence South 84 degrees 10 minutes West along the north line of the Shelby County School Board Property a distance of 686.38 feet to a point in Dodd Road; Thence North 29 degrees 39 minutes 54 seconds East along the centerline of Dodd Road a distance of 245.66 feet to a point; Thence North 84 degrees 10 minutes East leaving the centerline of Dodd Road and along the north line of the Cobb-Robinson Inc. Property a distance of 864.98 feet to the point of beginning and containing 6.386 acres, more or less, having 0.11 acres of land in the Right-of-Way of Dodd Road.

LESS AND EXCEPT that portion of the subject Property described in and conveyed by Warranty Deed of record at Instrument No. El 1576 in said Register's Office (Tax Parcel # 0826100016); and

LESS AND EXCEPT that portion of the subject Property which was sold for delinquent taxes at Shelby County Tax Sale # 89.5, which is more particular described as follows:

Part of parcel IV, of the Alco Properties Inc. property as described in Instrument L2-7000 in the Register's Office of Shelby County Tennessee. Beginning at a point in the south line of Dodd Road, said point being the northwest corner of City of Memphis property as described in instrument E1 4576; thence south 29 degrees 1 feet and 10 inches west along the west line of said City of Memphis property, 128.23 feet to the point of beginning of the property herein described; thence north 84 degrees 11 feet 50 inches east, 37.07 feet to a point; thence south 5 degrees 44 feet 30 inches east 94.77 feet to a point in the north line of Board of Education of the Memphis City School property as described in Instrument K5-9388; thence west along the north line of said Board of Education of Memphis City School property, 104.0 feet more or less to a point; thence north 29 degrees 1 feet 10 inches west, 115.5 feet more or less to the point of beginning (Tax Parcel # 08206100015).



Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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



21094888

07/30/2021 - 02:13:31 PM

6 PGS	· · · · · · · · · · · · · · · · · · ·
CHRISTINAM 2274384 - 21094888	
VALUE	65000.00
MORTGAGE TAX	0.00
TRANSFER TAX	240.50
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	273.50

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov Prepared by and return to: CC Drayton Baker Donelson 165 Madison Ave., Suite 2000 Memphis, Tennessee 38103 (901) 577-2210

#### **QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that on this the 23 day of 100, 2021, Shelby County Board of Education, successor-in-interest to the Board of Education of the Memphis City Schools (herein "Grantor") for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby quit claim unto Coro Vista, LLC a Tennessee limited liability company (herein "Grantee"), all of Grantor's right, title, and interest, if any, in and to the following described real estate located in the City of Memphis, County of Shelby, State of Tennessee (the "Land"), to wit:

See property description at Exhibit A attached hereto and incorporated herein by this reference

Being part of the same property conveyed to Grantor by the Memphis City Board of Education, acting by and through Grantor, pursuant to the instrument recorded in the Register's Office of Shelby County, Tennessee as instrument number 19121203.

The Land was owned by the Board of Education of the Memphis City Schools, which entity is one and the same as the Memphis City Board of Education. By virtue of that Order, dated August 8, 2011 (the "Federal Court Order"), in the U.S. District Court, Western District of Tennessee, Western Division, Cause No. 11-2101, 2011 WL 34444059, styled: Board of Education of Shelby County, Tennessee, et al. v. Memphis City Board of Education, et al., a copy of which is recorded in the Register's Office of Shelby County, Tennessee, as Instrument No. 14093250, all the assets, both real and personal, of the Memphis City Board of Education, including the Land, became the property of the Shelby County Board of Education (see Conclusion #6 in the Federal Court Order). The Memphis City Board of Education surrendered its Charter on or about December 20, 2010, which decision was ratified by the voters of the City of Memphis on or about March 7, 2011. Pursuant to the Federal Court Order, the Memphis City Board of Education ceased to exist at the beginning of the school year in 2013 (see Conclusion #7 in the Federal Court Order). As the successor in interest to the Memphis City Board of Education executes this quitclaim deed as successor in interest to, and on behalf of, the Memphis City Board of Education in order to complete and effectuate the conveyance and transfer of the Land.

#### [SIGNATURE AND ACKNOWLEDGMENT PAGE FOLLOW]

IN TESTIMONY WHEREOF, Grantor has executed this Quit Claim Deed as of the date first written above.

GRANTOR: Shelby County Board of Education

By Dr. Joris M. Ray

Superintendent

#### STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Dr. Joris M. Ray, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the Superintendent of the Shelby County Board of Education, the within named bargainor, and that he as such Superintendent, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Shelby County Board of Education by himself as such Superintendent.

WITNESS my hand and Notarial Seal at office this  $\frac{3}{2}$  day of 2021. pille

My Commission Expires: December 13, 2023

[affix seal]



IN TESTIMONY WHEREOF, Grantor has executed this Quit Claim Deed as of the date first written above.

GRANTOR: Shelby County Board of Education

Clay Bibbs Board Chair

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Miska Clay Bibbs, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged herself to be the Board Chair of the Shelby County Board of Education, the within named bargainor, and that she as such Board Chair, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Shelby County Board of Education by herself as such Board Chair.

WITNESS my hand and Notarial Seal at office this

Notary

My Commission Expires: December 13, 2023

[affix seal]



Seller's General Counsel's Approval of Form

Approved as to legal form: ocisie General Coursel

#### Consideration Affidavit

# STATE OF TENNESSEE COUNTY OF SHELBY

t

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$65,000.00.

Subscribed and sworn to before me this the  $\frac{1}{2}$ day of

My Commission Expres: Conning and a second se

Notary Public

Recording Information
No. Owner:

[affix seal]

Property Address: 1560 Drew Memphis, TN 38109 **Tax Parcel ID No.** 082-061-00012

Coro Vista, LLC 1450 E. Compton Blvd. Compton, CA 90221 Mail Tax Bills To: Coro Vista, LLC 1450 E. Compton Blvd. Compton, CA 90221

2021.

Shelandra Y Ford Shelby County Register of Deeds: Instrument# 21094888 Page 6 of 6

# QUITCLAIM DEED

Exhibit A

#### Legal Description

Commencing at the physical centerline intersection of W Dodd Rd (not dedicated) and Dodd Rd (not dedicated). whose Northing is 274778.5779 and whose Easting is 735751.2581 (Reference (TSPCS) -Tennessee State Plane Coordinate System - NAD83 - US Survey foot); Thence, Southerly along the physical centerline of Dodd Road (not dedicated), along a curve to the right through an angle of 16' 57' 52", having a radius of 400.00 feet, and whose long chord bears South 29" 39' 23" West a distance of 118.00 feet to a point of tangency, Thence, continuing along said physical centerline, South 37 55 20" West and departing said physical centerline at a curve to the left, a distance of 291.63 feet to a point 6.40 feet Northwest of the physical centerline of Dodd Road (not dedicated) said point also being the Point of Beginning (P.O.B. "A") whose TSPCS Northing is 274445.9841 and whose Easting is 735513.6399; Thence, along the physical centerline of Dodd Road (not dedicated), North 37' 30' 17" East a distance of 164.08 feet to a point; Thence, departing said physical centerline, South 87 59' 43" East along the North line of the Board of Education property, a distance of 686.38 feet to the Northeast corner of said property; Thence, along the East line of said property the following three(3) calls: South 02' 06' 17" West a distance of 240.58 feet to a point; Thence, South 26' 30' 43" East a distance of 322.99 feet to a point; Thence, South 04' 17' 17" West a distance of 300.55 feet to the Southeast corner of the said Board of Education property and the Southwest corner of the Coro Vista LLC Inst. #06017714 and the North line of the Derek T. and Peggy J Mitchell Inst. #15111527; Thence, along the North line of said property, North 88° 02' 43" West a distance of 342.25 feet to a Northeast corner; Thence, along an East line, North 01' 57' 17" East a distance of (M)134.12 (R)135.00 feet to a Northeast corner of said property; Thence, along the North line of said property, North 88° 02' 43" West a distance of (M)582.40 (R)582.33 feet to the Northwest corner of said property and the Southwest corner of the said Board of Education property and being 28.60 feet East of the physical centerline of Dodd Road (not dedicated); Thence, along the West line of said Board of Education property. North 02°08' 17" East a distance of (M)557.81 (R)557.58 feet to the Point of Beginning.

Containing 14.397 Acres or 627,152 Sq. Ft.

MITCHELL DEREK T & PEGGY J 4920 DOOD ROAD MEMPHIS, TN 38114

JONES WALTER F & IDA M 4893 DODD ROAD MEMPHIS, TN 38109

SHELBY COUNTY TAX SALE 14.04 PO BOX 2751 MEMPHIS, TN 38101

> CITY OF MEMPHIS 125 N MAIN STREET MEMPHIS, TN 38103

SHELBY COUNTY TAX SALE #83.1 EXH #8309 160 N MAIN STREET MEMPHIS, TN 38103

SHELBY COUNTY TAX SALE 0702 EXH#16941 PO BOX 2751 MEMPHIS, TN 38101

BODY CHRISTOPHER & ANGELA 1069 WOODLAND GLADE CV CORDOVA, TN 38018

> TENANT 4850 HIGH POINT COVE MEMPHIS, TN 38109

KLAHR JAY D III RAWLDA 4898 CORO ROAD MEMPHIS, TN 38109

TENANT 4875 DODD ROAD MEMPHIS, TN 38109 CITY OF MEMPHIS FOR THE USE AND BENEFIT OF MLG&W 220 S MAIN STREET MEMPHIS, TN 38103

> LAIRD PEARLINE H 4239 VAN BUREN PL LOS ANGELAS, CA 90037

KEYS JACQUELINE 1492 JEANNINE STREET MEMPHIS, TN 38111

WYZADIE PAYNE 4820 DODD ROAD MEMPHIS, TN 38109

SHELBY COUNTY TAX SALE 11.01 PO BOX 2751 MEMPHIS, TN 38101

SHELBY COUNTY TAX SALE 0702 EXH #16942 PO BOX 2751 MEMPHIS, TN 38101

BODY ANGELA 1069 WOODLAND GLADE CV MEMPHIS, TN 38108

> NISBY JEROME 4878 CORO ROAD MEMPHIS, TN 38109

SHEPHARD BETTIE C 4904 CORO ROAD MEMPHIS, TN 38109

TENANT 4914 CORO ROAD MEMPHIS, TN 38109 CITY OF MEMPHIS 125 N MAIN STREET MEMPHIS, TN 38103

THOMAS LOUIS & EMMA 4861 DODD ROAD MEMPHIS, TN 38109

US LAND SYNDICATION LLC 6645 QUEEN AVE S, APT 100B MINNEAPOLIS, MN 55423

SHELBY COUNTY TAX SALE 0702 #16936 PO BOX 2751 MEMPHIS, TN 38101

SHELBY COUNTY TAX SALE 0702 EXH#16940 PO BOX 2751 MEMPHIS, TN 38101

SHELBY COUNTY TAX SALE 0702 EXH #16943 PO BOX 2751 MEMPHIS, TN 38101

HARDEN DARRELL 2065 WOODCHASE COVE MEMPHIS, TN 38016

SALCEDO RUDOLPH & JASMINE GOMEZ 4888 CORO ROAD MEMPHIS, TN 38109

WRAY CELESTE REVOCABLE LIVING TRUST 259 GRAYLYNN DRIVE NASHVILLE, TN 37214

> CORO VISTA LLC 1450 E COMPTON BLVD COMPTON, CA 90221

TAYLOR JEROME JR 4263 TOMAKAWK ST MEMPHIS, TM 38109 TENANT 4830 CORO ROAD MEMPHIS, TN 38109 TENANT 4814 CORO ROAD MEMPHIS, TN 38109

TENANT 4048 CORO ROAD MEMPHIS, TN 38109

WESTWOOD NEIGHBORHOOD ASSOC. DAVID PAGE 753 LEACREST AVE MEMPHIS, TN 38109 TENANT 4875 DODD ROAD MEMPHIS, TN 38109

WH PORTER CONSULTANTS ATTN: TIM DAGASTINO 6055 PRIMACY PARKWAY, SUITE 115 MEMPHIS TN 38119 CORO LAKE HOMEOWNERS ASSOC. CHAIRMAN LYLES 5077 E SHORE DRIVE MEMPHIS, TN 38109

> BURCH PORTER JOHNSON ATTN: JOSH WHITEHEAD 130 NORTH COURT AVE MEMPHIS, TN 38103



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

April 12, 2024

Burch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, TN 38103

Sent via electronic mail to: jwhitehead@bpjlaw.com

Tranquil Timbers Estates Case Number: MJR 2024007 (S 22-34) LUCB Decision: Approval

Dear applicant,

On Thursday, April 11, 2024, the Memphis and Shelby County Land Use Control Board *approved* your subdivision major modification application to allow (1) a two-year time extension pursuant to Section 9.7.7I(5); (2) a phasing plan pursuant to Section 9.7.7I(4); and (3) a modification to the approved major preliminary plan to allow for private streets in Tranquil Timbers Estates.

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

Respectfully,

Chloe Christian

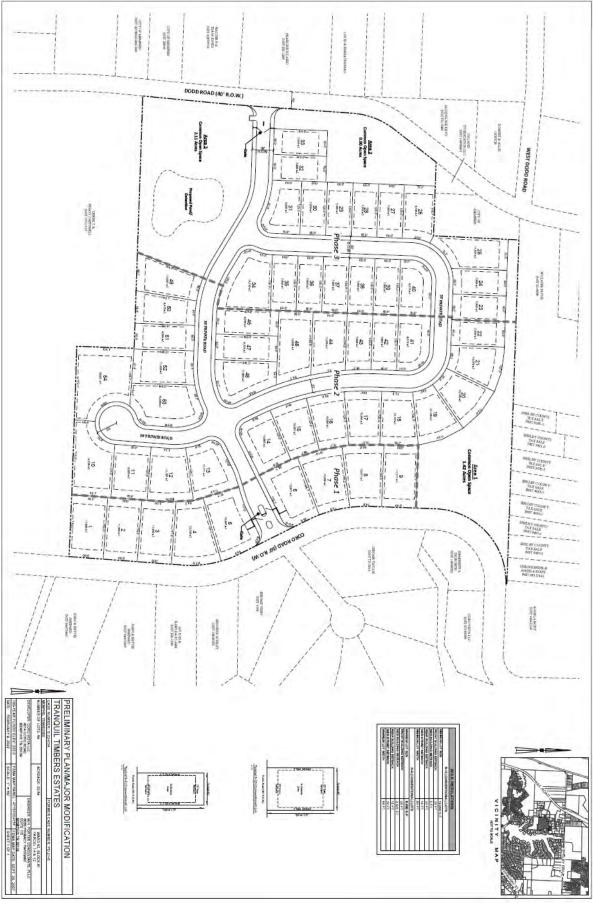
Chloe Christion Planner I Land Use and Development Services Division of Planning and Development

Cc: gldrobinson@aol.com

File

**Encl. Approved Plans** 

Letter to Applicant MJR 2024-007 (S 22-34 CORRES)



# APPEAL: Case #MJR 2024-007 (CORR S 22-34)

# FILED BY CORO LAKE HOA AND PROPERTY OWNERS ASSOCIATION

18 April 2024

# TO THE HONORABLE MEMBERS OF THE MEMPHIS CITY COUNCIL:

We, The Coro Lake Property Owners Association, its neighbors, and supporters hereby appeal to the Memphis City Council in opposition to the proposed Tranquil Timbers/Coro Vista Development at 1650 Drew Rd. (LUCB case #MJR 2024-007 / S 22-34).

Our Community has been fighting this Development, through all its transformations, since 2020. Despite resident opposition of 99%—expressed in letters, reports, public demonstrations, and the collection of over four hundred signatures—the LUCB has sided every time with the Developers. Not only has the LUCB ignored the voice of the Community, they have ignored the spirit and letter of their own mission statement and written guidelines. We therefore must seek relief from our Elected Representatives.

To be clear, we not only oppose the recent decision to approve the gated roads and 2-year, phased building plan outlined in Case #MJR 2024-007; we oppose the entire development, especially as it is currently conceived.

Our objections are as follows:

The dense, suburban nature of the Development is not consistent with the open, semi-rural character of the Coro Lake neighborhood.

With an average size of 6,000-7,000 sf, the lots of this proposed Development are far smaller than those of Coro Lake, which average 24,200 sf (see attached housing report). Many homes sit on double lots of up to an acre in size (1 acre=43,560 sf).

The small lots and modest home sizes are also inconsistent with current development trends on Coro Lake, which is to build homes of 3,000, 4,000, and even 5,000 sf. The Developers, in contrast, propose to build homes to a lesser standard established in the 1950s.

Further, this dense Development will double the number of homes in the immediate area, doubling the traffic, noise, litter, and light pollution.

With no direct outlet to a major thoroughfare, such as Shelby Dr. or Holmes Rd., all new traffic will be funneled either through Coro Rd. or Dodd Rd. These are narrow, winding "country" roads that can be hazardous in rain, fog, and snow. Within the last three months

alone, two vehicles have gone into our lake when it was merely dark outside. Dodd is already overburdened with through-traffic, which has necessitated the installation of speed bumps.

The proposed Development will also endanger the nationally recognized wildlife habitat of Coro Lake (see attached wildlife report). Home to abundant wildlife of all kinds—including our National symbol, the Federally protected Bald Eagle, American white pelicans, and over 160 species of other birds—Coro Lake and the wildlife that make it unique will be irreparably harmed by this large Development. The Lake is already under pressure from runoff, trash, and pollution from the surrounding suburbs. Moreover, when our sewer system required a major overhaul in September of 2020, the City's Project Engineer told us our system was at its maximum capacity and could not be modified to accommodate any large-scale development. With these considerations in mind, a better use for the old Coro Elementary property would be to transform it, as Representative Justin J. Pearson has suggested, into a "community park, to serve as a beautiful, eco-friendly public greenspace."

Regarding the LUCB's record in handling this matter, we assert that their decisions have been inconsistent with their own guidelines. Additionally, they have shown inconsistency in how they have treated our Community, compared to their rulings in similar cases in other Communities.

The LUCB's Mission Statement (see below) includes the admonition to "Protect the community's unique character and sense of place." Among their guiding principles is "Consistency." Past LUCB staff reports issued in relation to the proposed Coro Development have included language about "maintain(ing) the character of the neighborhood," as well as the statement that subdivisions may be rejected if they are "not in keeping with the character of development in the neighborhood."

The evidence we have presented here, and in numerous communications with the LUCB, demonstrates that Tranquil Timbers/Coro Vista does not "maintain the character" of our neighborhood, and the small, crowded lots are certainly not "in keeping with the character of development in the neighborhood." As we have amply shown, our neighborhood trend is toward larger homes on larger lots, not the reverse.

Another example of the LUCB's inconsistency was demonstrated at the hearing of April 11. Also on the agenda that day was Case #PD-2023-029, a small development on Boeingshire. Residents opposed the development, largely on the grounds that the eleven small residential lots were not in character with the larger, quarter-acre lots of the established neighborhood. The LUCB unanimously agreed, two members specifically citing the concern about the imbalance in the lot size. Only minutes later, they unanimously voted down our opposition, even though small lot size is one of our major objections. We are therefore concerned that Coro Lake is being treated differently.

Finally, we would like to rebut some unfounded claims the Developers have made, by way of attempting to discredit our opposition.

First is the claim that they have worked with residents and have sought to accommodate our concerns. The truth is that they have taken an adversarial, "hard sell" approach from day one. This proposal has progressed from a four-story apartment building, to condos, townhouses, and zero-lot homes, to its present form, but **every** version has been presented to the Community with a slick sales pitch and a take-it-or-leave-it attitude. Our concerns are dismissed, our questions unanswered. When objections are raised, they warn us that if we don't accept the proposal as is, a worse proposal will be forthcoming. "You'll be sorry," is a phrase we have heard more than once. They have made changes, but every change they have made has come only because we have forced the issue.

Second, they accuse us of NIMBYism, saying we are opposed to any change of any kind. On the contrary, construction on the Lake is ongoing, and residents welcome it, so long as it is *consistent with the character* of our neighborhood. In fact, the Developer himself has previously proposed such construction, which would place a handful of large, estate-style homes on a parcel he owns along Coro Rd. Our Community is not against building houses on the Lake and its surrounding areas, but we want organic, small-scale development that puts quality of life above profit.

Finally, we object to the Developer's characterization of Coro Lake as a blighted neighborhood of decaying properties, trash-strewn streets, and roaming packs of dogs. Over the last five years, we have spent tens of thousands of dollars on dam repair and dredging to staunch the on-going effects of run=off and erosion. Our revitalized Property Owners Association has mounted a more aggressive campaign of code enforcement and has made outreach to nearby churches, Community groups, and neighborhood associations. Our bi-annual cleanup has been increased to four times a year, and we are partnering with the City to combat the dumping of tires. We have multiple cameras in the neighborhood to monitor crime. Finally, in the last year-and-a-half, at least six properties that had been in disrepair have been rehabbed, and we have had a burst of new construction. Lots that had sat vacant for years now feature newly-built, beautiful homes that would not be out of place in Cordova or Germantown. These positive developments have brought new, younger residents and a revived Community spirit.

Far from a neighborhood in decline, we are a Community on the move, and we do not want this Development to set us back, or to transform our unique place of good abode into just another suburban tract. The Coro Lake Property owners Association is committed to restoring Coro Lake to its original vision of a vibrant, diverse Community dedicated to the preservation of this great City asset of natural beauty. We ask for your vote in support of this great mission.

Respectfully submitted,

Doain

Dr. Sherry Jeffries Compton Chair and Registered Agent

Brenda McElwain Treasurer and Registered Agent

Coro Lake HOA and Property Owners Association P.O. Box 901153 Memphis, TN 38190

#### **Mission Statement**

The Land Use Control Board, through its leadership, recommends long-term public policies consistent with Smart Growth Strategies and administers the Unified Development Code in order to:

- Protect the community's unique character and sense of place
- Encourage the development of great, vibrant, healthy urban streets, open spaces, public places, and neighborhood
- Establish and maintain a Unifying Civic Vision for Greater Memphis
- Promote economically, environmentally, and fiscally sustainable and responsible use of land in service to the common good.

#### **Guiding Principles:**

The Land Use Board's actions are guided by these principle-based values:

- Fairness
- Wise judgment
- Civic passion
  - · Civility and diplomacy
  - integrity
  - Humanity
  - Consistency
  - Respect for all Memphis and Shelby County Stakeholders

Coro Rd. residences, from Shelby to Dodd (31 homes)\*

Address	Land sf	Home sf
4704 CORO RD	29430	1600
4731 CORO RD	87120	3190
4744 CORO RD	20500	1272
4764 CORO RD	13500	1587
4814 CORO RD	11825	2384
4850 HIGH POINT CV	38333	2228
4868 HIGH POINT CV	19166	3384
4872 HIGH POINT CV	27433	5433
4878 CORO RD	15987	3266
4888 CORO RD	22564	1390
4898 CORO RD	25831	2574
4904 CORO RD	19776	2088
4914 CORO RD	32104	2955
4920 CORO RD	4748	2764
4924 CORO RD	19123	2208
4934 CORO RD	21519	2000
4948 S CORO CV	40511	3206
4952 CORO CV	24611	2299
4954 CORO CV	5619	1923
4956 CORO CV	6403	1650
4958 CORO CV	45302	2490
4974 CORO RD	41687	2006
4978 CORO RD	14549	2249
4980 CORO RD	11021	2725
5010 MALLARD POINT	27094	3937
5029 MALLARD POINT	4879	3032
5023 MALLARD POINT	13504	1403
5011 MALLARD POINT	25875	2128
5005 MALLARD POINT	24873	2400
5011 CORO RD	21780	1755
5021 CORO RD	33541	and the second s
Average	24200	2542

\*The entirety of Coro Rd., from Shelby to Holmes, has approx. 51 homes total

\*\*The current proposal no longer features attached housing, but total the number of lots remains the same. Proposed Tranquil Timbers Development\*\*

Total lots: 54 (doubling neighborhood size) Smallest lot: 1900 sf Largest lot: 12000 sf 27+/- detached home lot avg: 8379 sf 27+/- attached homes lot avg: 3630 sf Total average: 6004.5 sf
<b>Half</b> of the lots would be smaller than the four smallest Coro lots. (The only Coro lots under 13,000 sf)
The largest TT lots are half the average size of the lots currently on Coro.
With an average size of 2542 sf, the <b>homes</b> alone on Coro Lake will be larger than some of the lots in Tranquil Timbers (TT).
The smaller houses in the Coro sample were built in the 1970s. No one today is building a 1700 sf house on Coro Lake. TT proposes to build to a standard of 50 years ago, taking our neighborhood backwards.
In terms of lot size, TT will transform our neighborhood from a semi-rural environment with estate-size lots to a concentrated suburban-style environment.
These smaller properties will be ripe for absentee ownership and rental housing and will inevitably lead to more and more low- level development, until Coro Lake has lost all its rural character.
TT has no direct outlet onto a major

TT has no direct outlet onto a major thoroughfare, doubling the traffic on our narrow roads. Double the noise, double the light pollution, double the litter. 1 November 2022 [Original submission date]

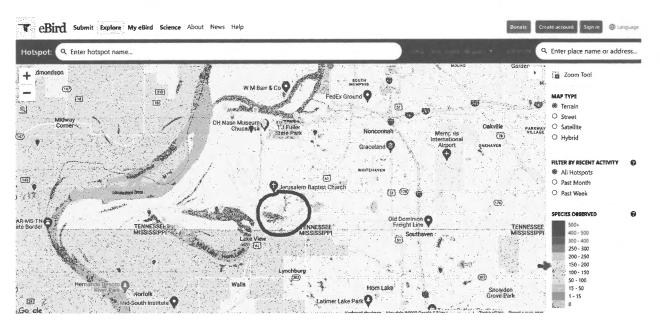
Re. Case #S-22-34, "Tranquil Timbers"

To the Honorable Members of the Land Use Control Board,

On behalf of The Coro Lakes Preservation Society and supporting residents of the Coro Lake and Westwood Shores neighborhoods, we respectfully submit the following wildlife report as evidence in **opposition** to the proposed Tranquil Timbers development.

Essential to the unique character of Coro Lake are its ample natural spaces and abundant wildlife. The 95-acre lake is not only a picturesque spot to live, boat, and fish, it is a magnet for hundreds of species of birds, mammals, and aquatic creatures not normally found in a metropolitan setting.

As the map below shows, Cornell University has designated Coro and Robco lakes as a birding "hotspot," with 167 species identified on their eBird website. <a href="https://ebird.org/hotspot/L360669">https://ebird.org/hotspot/L360669</a>>



In addition to the great blue herons, kingfishers, egrets, and Canada geese that live on the lake year-round, Coro Lake is an important stop on the Mississippi Flyway, hosting dozens of species of migratory birds that city-dwellers rarely see. The most spectacular among these are the hundreds of American White Pelicans that come to the lake around Christmas time. These magnificent birds, which stand about four feet in height, are the largest pelicans in North America, and have a wingspan second only to the California Condor. Few Memphians have ever heard of them, much less seen them, and yet Coro Lake brings them every year.



Significantly, Coro Lake is also a perennial home for Bald eagles, a **protected species** most Memphians associate with a long drive up to Reelfoot. Thanks to Coro Lake, they are right here in our own backyard.

The bald eagles are part of a diverse raptor population of ospreys, kites, great horned owls, barred owls, falcons, and hawks that live and hunt on and around the lake. These and other birds depend not just on the lake, but the wetlands, woodlands, and fields that surround it. We also have foxes, woodchucks, whole herds of deer, and rare pileated woodpeckers, all of which depend on large natural spaces to survive.

In fact, Coro Lake itself could not survive, and it certainly could not attract the abundance of wildlife that it does, if it were an island of water in a sea of heavy suburban development. The 27 acres of undeveloped lots directly on the lake, and the many adjacent plots, like the marsh to the north and the old Coro Elementary site to the west, are essential to maintaining the diverse natural ecology we currently enjoy.

It is, of course, inevitable that **some** of this land will be developed. In fact, individual, singlefamily homes are being built or renovated on the lake right now. But that kind of slow, "organic" development is low-impact and sustainable over time.

In contrast, Tranquil Timbers will be a high-impact, even catastrophic, intrusion on our natural spaces. It will **double** the noise pollution, light pollution, litter, and other human activity on the west side of the lake. In the developers' application letter, they cite the "rustic/rural appeal" of our neighborhood, as if it were mere decoration. In fact, "rustic" and "rural" are in our neighborhood's DNA. Tranquil Timbers, and the similar (or worse) development it would bring, would destroy that essential part of Coro Lake's character.

We therefore ask the Board to **deny** this application.

Respectfully submitted,

The Coro Lakes Preservation Society

[The photos below were all taken by wildlife cameras situated on a single Coro Lake property.] [Note: Time stamps are incorrect. The photos all date from 2021-2022.]



# NOTICE TO INTERESTED OWNERS OF PROPERTY (APPEAL OF LAND USE CONTROL BOARD ACTION)

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, \_\_\_\_\_\_ at 3:30 P.M., in the matter of granting an application for an appeal of decision made by the Memphis and Shelby County Land Use Control Board, as follows:

CASE NUMBER:	MJR 2024-007 (CORRES S 22-34)
LOCATION:	1560 Drew Road
COUNCIL DISTRICTS:	District 6 and Super District 8 – Positions 1, 2, and 3
APPEALANT:	Gerald Robinson
<b>REPRESENTATIVE:</b>	N/A
<b>EXISTING ZONING:</b>	Residential Single-Family – 6 (R-6) and Residential Single-Family – 8 (R-8)
REQUEST:	Overturn a decision of the Land Use Control Board (LUCB) (The LUCB approved major modification to allow a two year time extension pursuant to Section 9.7.7I(5); a phasing plan pursuant to Section 9.7.7.I(4); and a modification to the approved major preliminary plan to allow for private streets in Tranquil Timbers Estates.)
AREA:	+/-14.385 acres

# **RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: Approval of Requests (1) and (2); Rejection of (3)

Memphis and Shelby County Land Use Control Board: Approval of Requests (1), (2) and (3)

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

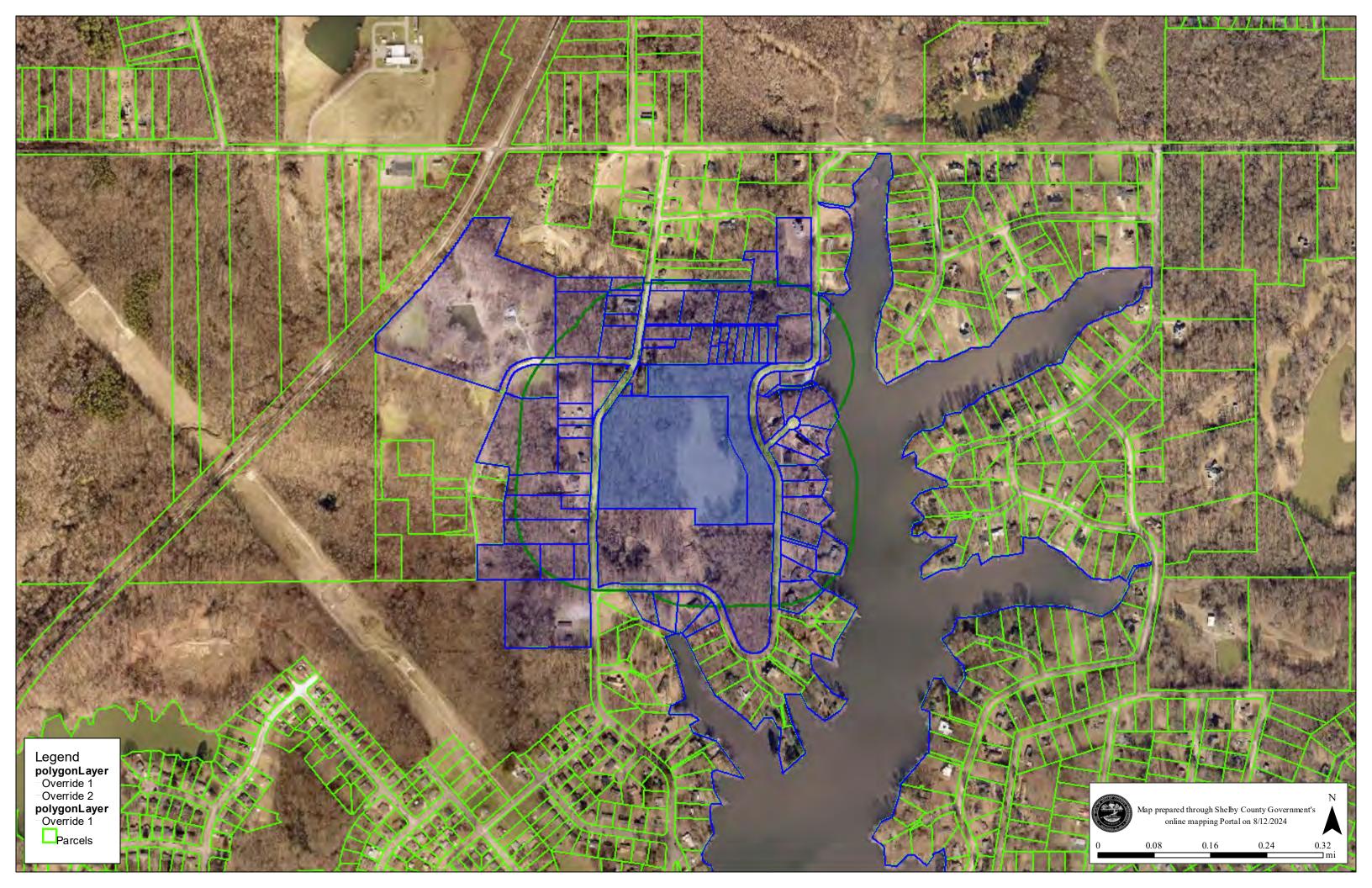
THIS THE \_\_\_\_\_\_, \_\_\_\_\_

JB SMILEY, JR. CHAIRMAN OF COUNCIL

**ATTEST:** 

# CRYSTAL GIVENS CITY COMPTROLLER

TO BE PUBLISHED:



RICE TIFFANY AND CLIFFORD RICE JR PO BOX 333 # MILLINGTON TN 38083

DUDCZAK KARLY L 3878 155TH AVE # PARRISH FL 34219

ROBERTSON ODELL (1/3) INT AND SAMELLA 8224 S YATES BLVD # CHICAGO IL 60617

MOORE LUGENE & JAMIKA 4793 DODD RD # MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 0405 EXH #14467 PO BOX 2751 # MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702 EXH #16942 ESKRIDGE TAMELA PO BOX 2751 # MEMPHIS TN 38101

CITY OF MEMPHIS 125 N MAIN ST # MEMPHIS TN 38103

CORO VISTA LLC 1450 E COMPTON BLVD # COMPTON CA 90221

HARDEN DARRELL 2065 WOODCHASE CV # CORDOVA TN 38016

CORO LAKE SUBDIVISION (TRS) PO BOX 901153 # MEMPHIS TN 38190

CORO VISTA LLC 1450 E COMPTON BLVD # COMPTON CA 90221

NISBY JEROME 4878 CORO RD # MEMPHIS TN 38109

SALCEDO RUDOLPH & JASMINE GOMEZ 4888 CORO RD # MEMPHIS TN 38109

SHEPHARD BETTIE C 4904 CORO RD #

MEMPHIS TN 38109

DOYLES HOPE A 3994 SIENA CIR # WEST PALM BEACH FL 33414

PO BOX 901551 # MEMPHIS TN 38190

MOORE LUGENE & JAMIKA 4793 DODD RD # MEMPHIS TN 38109

WATKIN ABRAHAM 38 E FAIRMOUNT AVE # PONTIAC MI 48340

JACKSON CHARLIE & CORA L 3797 SEWANEE RD # MEMPHIS TN 38109

SILVER DISCOUNT PROPERTIES LLC PO BOX 48708 # LOS ANGELES CA 90048

CORO LAKE SUBDIVISION TRS OF P O BOX 901153 # MEMPHIS TN 38190

**MOORE LUGENE & JAMAKIA** 4793 DODD RD # MEMPHIS TN 38109

BODY ANGELA 1069 WOODLAND GLADE CV # MEMPHIS TN 38108

WILLIAMS EDDIE & ROBERT 4265 BROOKWAY # MEMPHIS TN 38109

JOHNSON ROOSEVELT & EDDIE L 27 E DUNBAR RD # MEMPHIS TN 38109

PAYNE WYZADIE 4820 DODD RD # MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 13.04 PO BOX 2751 # MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 11.01 PO BOX 2751 # MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702 EXH #16940 PO BOX 2751 # MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702 EXH #16941 PO BOX 2751 # MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702 EXH #16943 HAYDEN LIVING TRUST PO BOX 2751 # MEMPHIS TN 38101

BODY CHRISTOPHER & ANGELA 1069 WOODLAND GLADE CV # CORDOVA TN 38018

PAYNE WYZADIE L 4820 DODD RD # MEMPHIS TN 38109

SHELBY COUNTY TAX SALE #83.1 EXH #8309 160 N MAIN ST # MEMPHIS TN 38103

SHELBY COUNTY TAX SALE 0702 EXH #16936 PO BOX 2751 # MEMPHIS TN 38101

GOOCH ROBERT & ALLIE B 4833 DODD RD # MEMPHIS TN 38109

CORO VISTA LLC 1450 E COMPTON BLVD # COMPTON CA 90221

KEYS JACQUELINE 1492 JEANNINE ST # MEMPHIS TN 38111

U S LAND SYNDICATION LLC 6645 QUEEN AVE #100B MINNEAPOLIS MN 55423

ROBINSON COOPER Y JR 331 COLONIAL RD # MEMPHIS TN 38117

10939 CROOKED CREEK CIR # DALLAS TX 75229

KLAHR JAY D III & RAWLDA 4898 CORO RD # MEMPHIS TN 38109

MITCHELL DEREK T & PEGGY J FRAZIER TINA 1808 PATRICK RD # MEMPHIS TN 38114

WRAY CELESTE REVOCABLE LIVING TRUST 259 GRAYLYNN DR # NASHVILLE TN 37214

WHITINGTON JOHN R & JEAN 4920 CORO RD # MEMPHIS TN 38109

MORGAN TERRILYN J 4924 CORO RD # MEMPHIS TN 38109

MITCHELL DEREK & PEGGY 4934 CORO RD # MEMPHIS TN 38109

LAKESHORES COMMUNITY CHURCH OF THE 5049 CORO RD # MEMPHIS TN 38109

PERKINS MARCAIUS & ERICA 720 LITTY CT # MEMPHIS TN 38103

TAYLOR JEROME JR 4263 TOMAHAWK ST # MEMPHIS TN 38109

**BANKS MARVIN & TABATHA** 4731 CORO RD # MEMPHIS TN 38109

COMPTON MICHAEL & SHERRY 5021 CORO RD # MEMPHIS TN 38109

4380 GRAY ESTATES DR # SOUTHAVEN MS 38671

STORY ROBERT B & JEANETTE 4872 HIGH POINT CV # MEMPHIS TN 38109

STORY ROBERT B & JEANETTE 4868 HIGH POINT CV # MEMPHIS TN 38109

HARRIS GEORGIE B 5098 CORO RD # MEMPHIS TN 38109

COOPER1 REALTY LLC 5161 WESTGROVE PARK # NEW ORLEANS LA 70131

BOBO TOM & MUREL 4851 DODD RD # MEMPHIS TN 38109

THOMAS LOUIS & EMMA 4861 DODD RD # MEMPHIS TN 38109

LAIRD PEARLINE H 4239 VAN BUREN PL # LOS ANGELES CA 90037 CORO LAKE SUBDIVISION TRS OF P O BOX 901153 # MEMPHIS TN 38190

RICHARDS-SMITH WILLIE M AND JOHN SMITH 657 E 100TH RD # CHICAGO IL 60628

SMITH HEZEKIAH & ANNIE L 1678 W DODD RD # MEMPHIS TN 38109 CITY OF MEMPHIS FOR THE USE AND BENEFIT 220 S MAIN ST # MEMPHIS TN 38103

SMITH HEZEKIAH & ANNIE L 1678 W DODD RD # MEMPHIS TN 38109 JONES WALTER F & IDA M 4893 DODD RD # MEMPHIS TN 38109

DILLIHUNT GUS ((ESTATE OF) AND JOHN D 402 KING RD # MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 14.04 PO BOX 2751 # MEMPHIS TN 38101

PINSON BRANDON 1637 SOUTHWALL ST # MEMPHIS TN 38114

SHELBY COUNTY TAX SALE 14.02 PO BOX 2751 # MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 19.04 PO BOX 2751 # MEMPHIS TN 38101

CITY OF MEMPHIS 125 N MAIN ST # MEMPHIS TN 38103

ENGLE MARY AND BILLY STONE AND BOBBIE 4897 DODD RD # MEMPHIS TN 38109

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

**Planning & Development ONE ORIGINAL** DIVISION ONLY STAPLED Planning & Zoning COMMITTEE: 8/20/2024 TO DOCUMENTS DATE **PUBLIC SESSION:** 9/10/2024 DATE ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING X RESOLUTION ORDINANCE Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a planned development at the subject property located at 2899 Lamar Avenue, known as case number PD 2024-004 PD 2024 - 004 CASE NUMBER: Self-Storage Lamar Crossing Planned Development **DEVELOPMENT:** 2899 Lamar Avenue LOCATION: District 4 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Lamar, Inc. Delinor Smith, Smith Building Design **REPRESENTATIVE:** Amendment to Lamar Crossing Planned Development to allow a mini storage **REQUEST:** +/- 1.81 acres **AREA:** The Division of Planning and Development recommended rejection **RECOMMENDATION:** The Land Use Control Board recommended rejection **RECOMMENDED COUNCIL ACTION:** Public Hearing Not Required Hearing - September 10, 2024 \_\_\_\_\_ **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED (1)06/13/2024 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: **REQUIRES CITY EXPENDITURE - (1) YES (2) NO** (2)AMOUNT OF EXPENDITURE **REVENUE TO BE RECEIVED** SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: DATE **POSITION** 8 12 24 PLANNER I Britt Regadale DEPUTY ADMINISTRATOR 8 2 24 ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY \_\_\_\_\_ CHIEF ADMINISTRATIVE OFFICER **COMMITTEE CHAIRMAN** 



Memphis City Council Summary Sheet

# PD 2024 - 004

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

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

# LAND USE CONTROL BOARD RECOMMENDATION

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

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

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

# The following spoke in opposition of the application: None

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

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

Respectfully,

Alexis Longsteet

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

a. Mini storage

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.

### 11. Bulk Regulations:

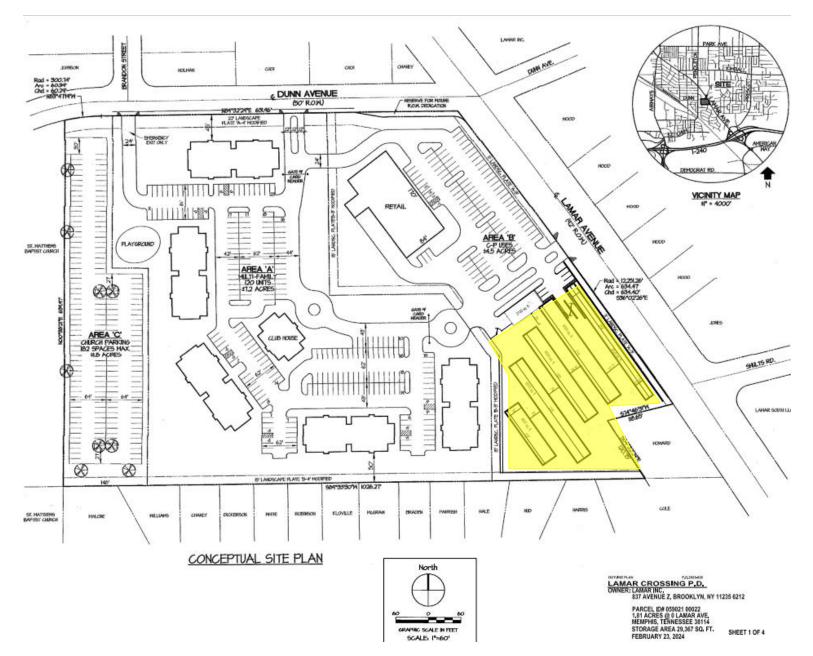
- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, 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 (I) tree for every twenty (20) parking spaces.
- D. <u>Area 'B-1': The bulk regulations of the CMU-2 District shall apply.</u>

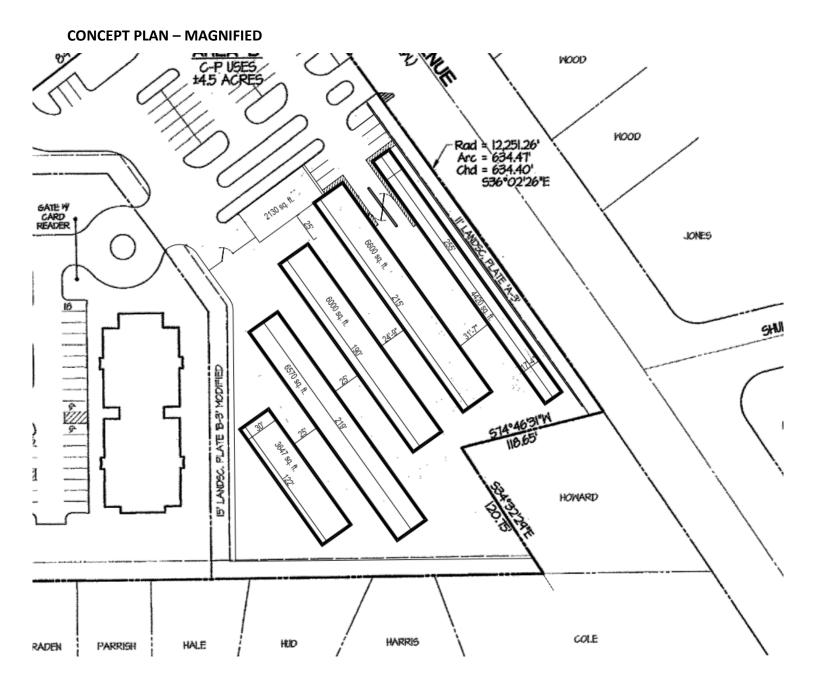
- III. Access, Circulation and Parking:
  - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
  - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 18) 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 aate/auardhouse/card reader for vehicles to exit bu forward
- IV. Landscaping:
  - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
  - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be Illustrated on the Concept/Landscape Plan.
  - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
  - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) 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 (IO) 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.
  - 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.
  - 1. 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

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. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use</u> <u>-2 (CMU-2) and the following use shall be permitted:</u> a. Mini storage
- <u>D</u>
- 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.
- 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 (I) 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.

PARTY CONTRACTOR OF THE PARTY OF

#### 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.
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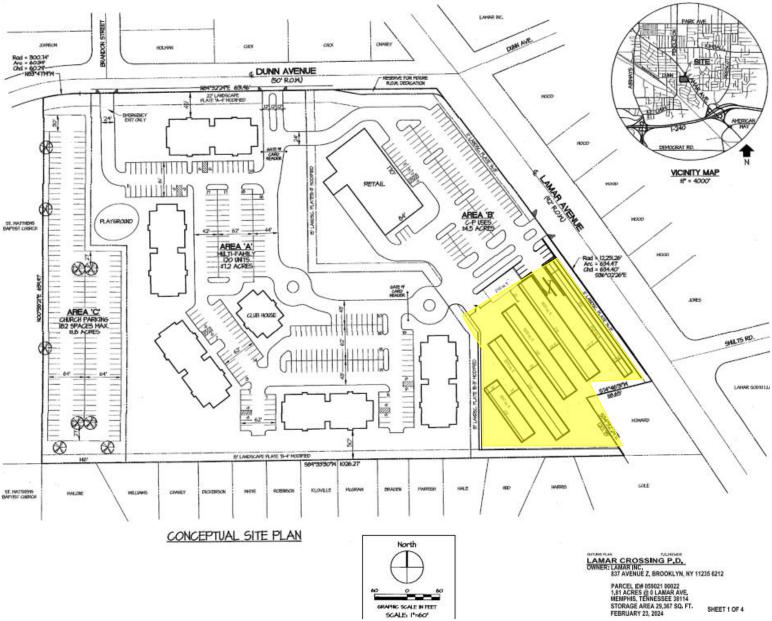
- V. Signs:
  - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments. <u>Area's 'B' and 'B-1'</u>
  - B. Area B. Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
  - C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking. <u>Area's 'B', 'B-1' and 'C'</u>
  - 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.
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  - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
  - 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.
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# **CONCEPT PLAN**



SHEET 1 OF 4

**ATTEST:** 

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

dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
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 – Pos	itions 1, 2, and 3	
OWNER/APPLICANT:	Lamar, Inc.		
REPRESENTATIVE:	Delinor Smith, Smith Building Desig	n	

**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.
- 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

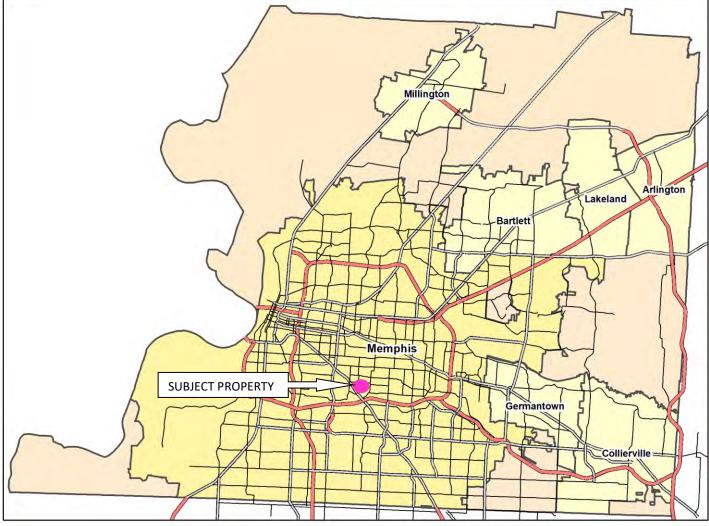
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 – 24 of this report.

# **RECOMMENDATION:**

Rejection

June 13, 2024 Page 2

# 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

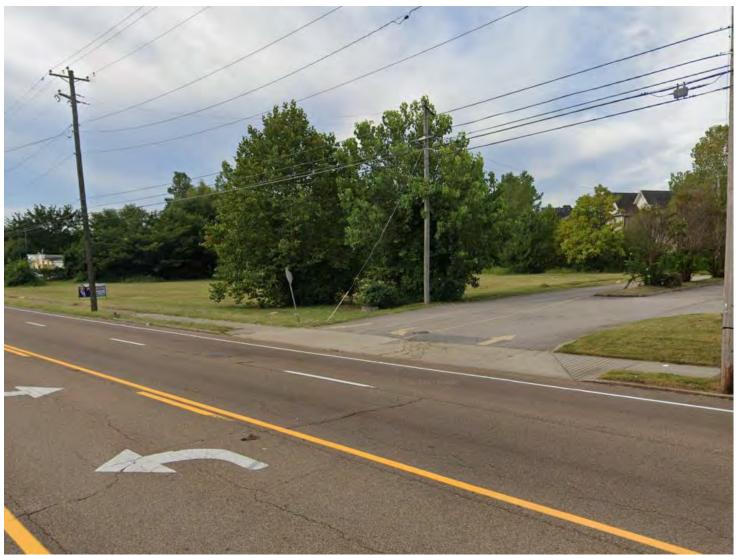


Subject property highlighted in yellow.



Subject property indicated by a pink star

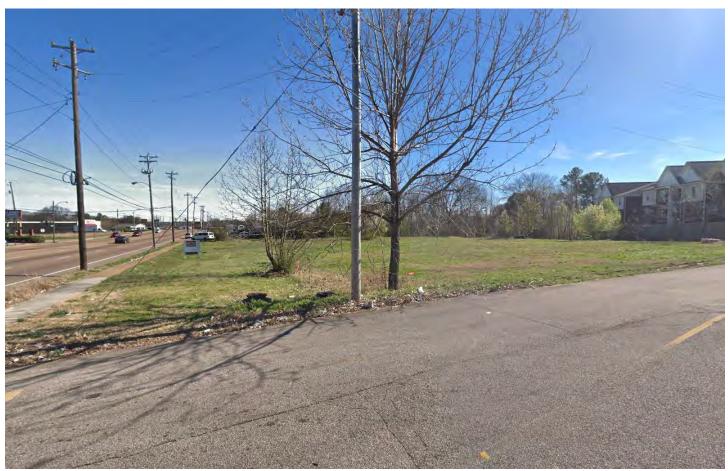
# SITE PHOTOS



View of subject property from Lamar Avenue looking South.



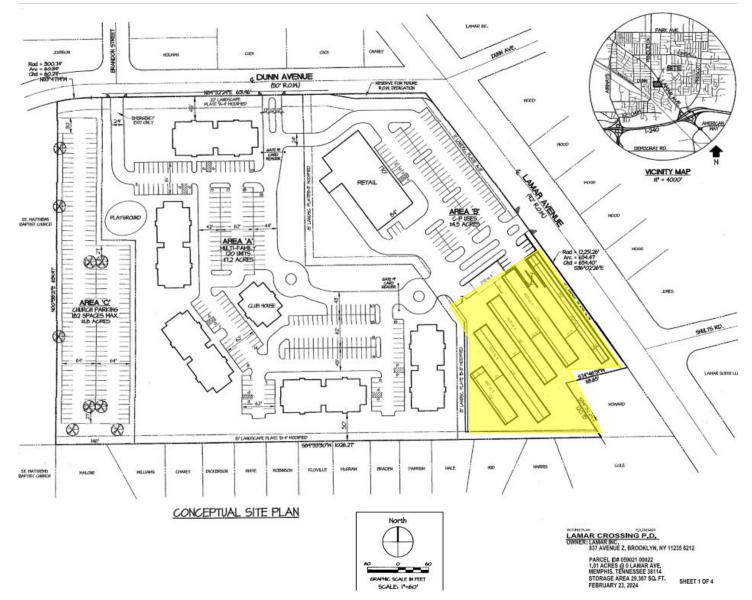
View of subject property from Lamar.

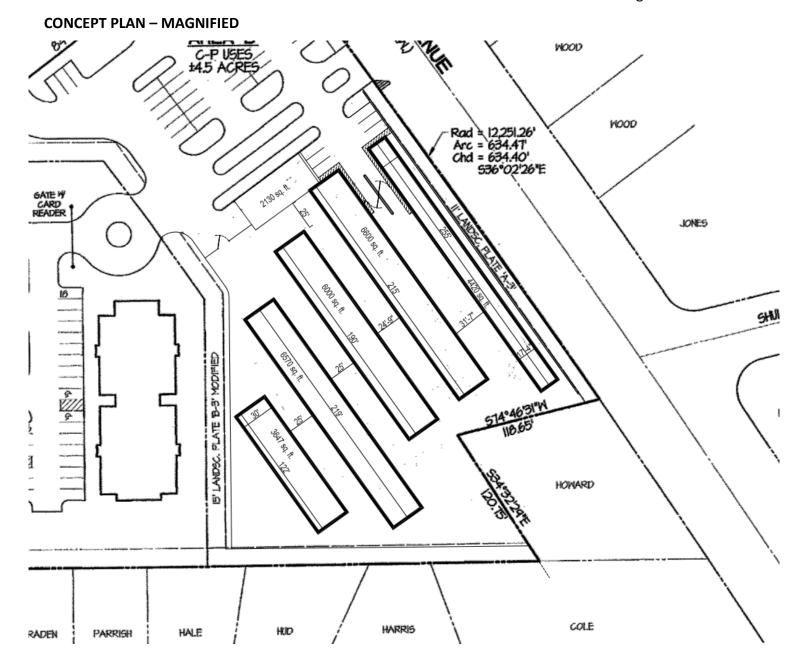


View of subject property from entrance point of abutting property.

June 13, 2024 Page 10

# CONCEPT PLAN





#### CASE REVIEW

#### <u>Request</u>

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.

<u>Site Details</u> 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.

### <u>Analysis</u>

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.

June 13, 2024 Page 15

June 13, 2024 Page 16

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

D

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

- 11. Bulk Regulations:
  - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
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  - 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. 18) 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.

June 13, 2024 Page 18

- 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 (I) 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 BL. 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. <u>Area's 'B', 'B-1' and 'C'</u>
  - 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 (IO) 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.
  - 1. 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:**

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

· Fire apparatus access shall comply with section 503.

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

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

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

• IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.

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

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

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

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

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

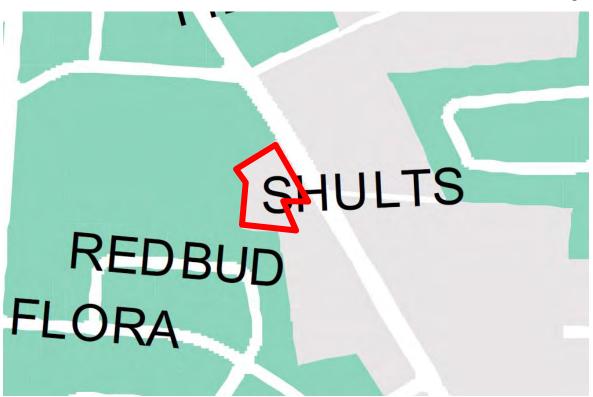
Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

#### 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**

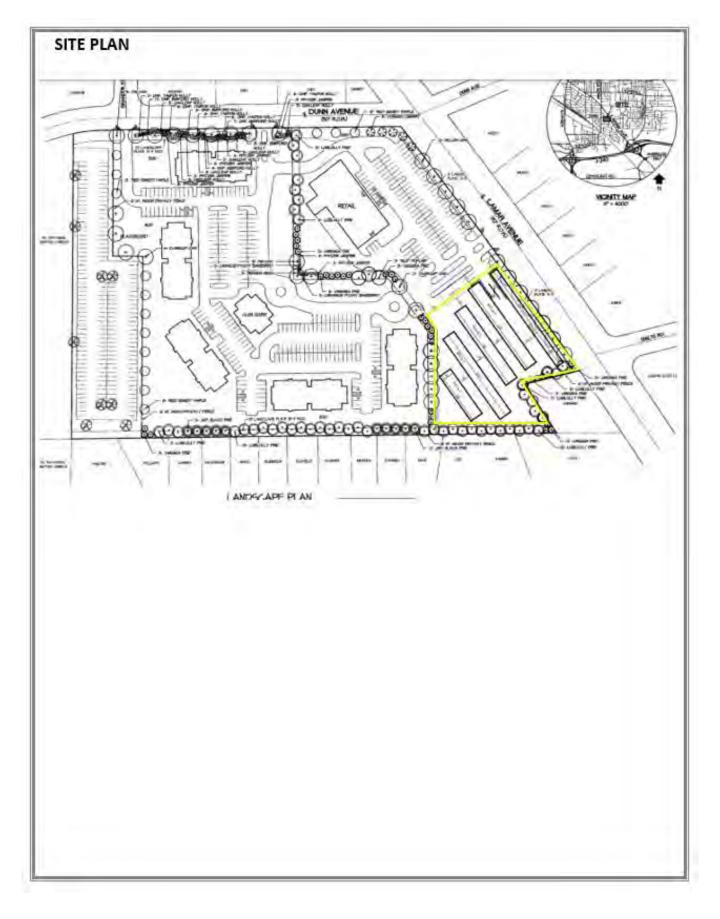
The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

# MAILED PUBLIC NOTICE

		_
	57 Notices Mailed on 05/17/202	24_
ME	MPHIS AND DIVISION OF PLANNIN	JC
SHEL	MPHIS AND DIVISION OF PLANNIN BY COUNTY AND DEVELOPMENT	
SUFFE		
	City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103	
	NOTICE OF PUBLIC HEARING	
with the Division	d this notice because you own or reside on a property that is near the site of a land use application of Planning and Development. The <b>MEMPHIS &amp; SHELBY COUNTY LAND USE CONTROL BOARD</b> will h n the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Ur de:	hold
CASE NUMBER:	PD 2024-004	
LOCATION:	2899 Lamar Avenue	
	(SEE SITE PLAN ON REVERSE SIDE)	
APPLICANT:	Delinor Smith	
REQUEST:	Amendment to the Lamar Crossing PD to allow mini-storage	
DATE: TIME:		
LOCAT		
During the public Board meeting.	hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsec	quer
meeting. No indiv	Board may place this item on the <u>Consent Agenda</u> , which is considered at the beginning of the B ridual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a me staff or Board requests that the item be removed from the Consent Agenda.	
application. You n	ired to attend this hearing, although you are welcome to do so if you wish to speak for or agains nay also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn al and/or to submit a letter of support or opposition no later than Wednesday, June 5, 2024, at 8 A	mor



#### **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
 being duly sworn, depose and say that at 2:00 PM am/pm pertaining to Case No. PD 2024-004

 Pertaining to Case No. PD 2024-004
 at 2899 LAMAR AVE.

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

X Land Use Control Board

\_\_\_\_Board of Adjustment

X 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.

Date

Owner, Applicant of Representative

Subscribed and sworn to before me this 30th day of May , 20 34.

Notary Public

My Commission Explose June 28, 2027

My commission expires:



#### APPLICATION

June 13, 2024 Page 28



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Planned Development**

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date.

Record Name: SELF STORAGE - JUNE LUCB

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

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

**Owner Information** 

Primary Owner Name Y LAMAR INC

Owner Address

837 AVENUE Z. BROOKLYN, NY 11235

#### Parcel Information

059021 00051

#### Data Fields

PREAPPLICATION MEETING

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

Planned Development Type Previous Docket / Case Number Medical Overlay / Uptown ALEXIS LONGSTREET 11/01/2023 Phone

Amendment to Existing PD PD 06-313 No

28

Owner Phone

#### 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) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

#### GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

 B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common SEE ATTACHED PDF FILE OF THE APPLICATION - THE TRACT IS NOT LOCATED IN UNINCORPORATED SHELBY COUNTY

No

SEE ATTACHED PDF FILE OF THE APPLICATION

SEE ATTACHED PDF FILE OF THE APPLICATION SEE ATTACHED PDF FILE OF THE APPLICATION SEE ATTACHED PDF FILE OF THE APPLICATION SEE ATTACHED PDF FILE OF THE APPLICATION SEE ATTACHED PDF FILE OF THE APPLICATION SEE ATTACHED PDF FILE OF THE APPLICATION

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SEE ATTACHED PDF FILE OF THE APPLICATION

ff Report 2024 – 00	)4					June 13, 20 Page 30
GENERAL	PROVISIONS					
	of record are created with the nned development final plan	recording	SEE ATTACI APPLICATIO	HED PDF FILE	OF THE	
Case La	iyer Business Improvement Distric		No			
Class	business improvement Distric	a,	NO			
1.000	wn Fire District		No			
Historic			100			
Land Us			124 I			
Municipa	ality		- é - 1			
Overlay/	Special Purpose District		8			
Zoning			~			
State Ro	oute		~			
Lot			- 2			
Subdivis			- 6			
the second se	Development District		÷			
	d Protection Overlay District		No			
Contact li	nformation					
Name DELINOR DE	ELINOR SMITH				Conta APPLIC	ct Type
Address					- CONTRACT	
Phone (190)169-039	14					
Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Baiance	Date Assessed
1653561	Credit Card Use Fee (.026 x fee)	=1)	39.00	INVOICED	0,00	04/07/2024
1553561	Planned Development - 5 acres or less	4	1,500.00	INVOICED	0.00	04/07/2024
		Total Fee Inv	oiced: \$1,539.00	Total Ba	alance: \$0.	00
Payment	Information					
Payment Am	ount Method of P					
\$1 530 00	Cradit Car	0				

\$1,539.00

Credit Card

PD 2024-004

**OWNER AFFIDAVIT** 

June 13, 2024 Page 31

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

#### **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

1. MUHPMMAD U. NAWID. , state that I have read the definition of LAMAR INC

(Print Name)

e) (Sign Name) the Mamphie and Shellow County Unified Development Code Section 12.3 Land

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

I where one 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 mortgage or vendee in possession; or I have a freehold or lesser estate in the premises

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

of the property located at

and further identified by Assessor's Parcel Number

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

Subscribed and sworn to (or affirmed) before me this <u>oBth</u> day of <u>April</u> in the year of <u>2024</u>

Janmer A. Cla

Signature of Notary Public

My Commission Expires 05/31/2027

TANWEER AHMED KHAN NOTARY PUBLIC-STATE OF NEW YORK No. 01KH6242057 Ouelflied 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.

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

# **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

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

**Expiration Date:** 

#### Address:

2899 LAMAR AVE, MEMPHIS 38114

#### **Owner Information**

**Owner Name** Primary Υ LAMAR INC

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

# Parcel Information

059021 00051

#### **Data Fields**

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

Planned Development Type

LUCAS SKINNER 09/08/2022 Phone

New Planned Development (PD)

**Owner Phone** 

PD 2023-028

#### **GENERAL PROJECT INFORMATION**

Previous Docket / Case Number No Medical Overlay / Uptown SEE APPLICATION 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) Is this application in response to a citation, stop No work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA SEE APPLICATION UDC Sub-Section 9.6.9A UDC Sub-Section 9.6.9B SEE APPLICATION UDC Sub-Section 9.6.9C SEE APPLICATION SEE APPLICATION UDC Sub-Section 9.6.9D 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 SEE APPLICATION 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 SEE APPLICATION 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 GIS INFORMATION No Central Business Improvement District

#### **GIS INFORMATION**

Case Layer	-
Class	С
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

Address

#### Phone

(917)690-8686

Contact Type APPLICANT Dear Zoning Department,

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Muhammad U Nawid



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

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

l,			, state that I	have read the definition of
	(Print Name)	(Sign Name)		
"Own	er" as outlined in the Memphis ar	nd Shelby County Unified D	evelopment Code Section	12.3.1 and hereby state
that (	select applicable box):			
	I am the owner of record as show	wn on the current tax rolls o	of the county Assessor of P	Property; the mortgage
	holder of record as shown in the	mortgage records of the co	ounty Register of Deeds; pr	urchaser under a land
	contract; a mortgagee or vendee	in possession; or I have a	freehold or lesser estate in	n the premises
	I have charge, care or control of	the premises as trustee, a	gent, executor, administrate	or, assignee, receiver,
	guardian or lessee (and have ind	cluded documentation with	this affidavit)	
of the	property located at			
and f	urther identified by Assessor's Pa	rcel Number		,
for wl	nich an application is being made	to the Division of Planning	and Development.	
Subs	cribed and sworn to (or affirmed)	before me this	day of	_ in the year of

			35' Dri	ve										
25' Drive	65x840x10	25' Drive	65x870x10	25' Drive	65x870x10	25' Drive	65x810x10	25' Drive	65x740x10	25' Drive	65x680x10	25' Drive	65x620x10	25' Drive

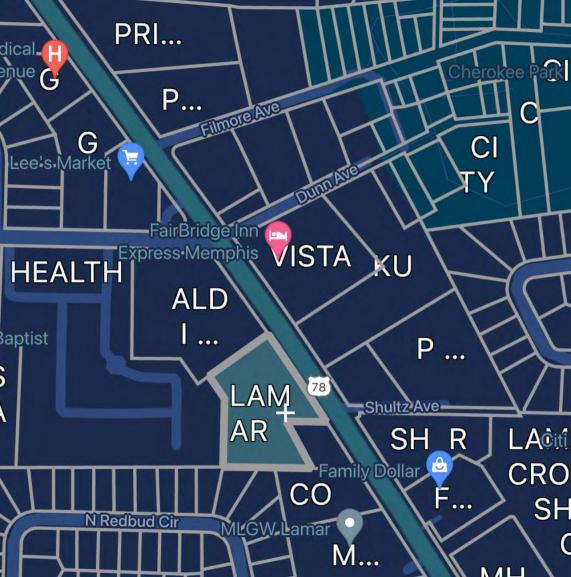
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			35' Dri	ve										
25' Drive	65x840x10	25' Drive	65x870x10	25' Drive	65x870x10	25' Drive	65x810x10	25' Drive	65x740x10	25' Drive	65x680x10	25' Drive	65x620x10	25' Drive

Dua: (000) 000 Yuu: (000) 000 Yuu: (000) 000 Dual Johnson Dual Johnson Sile Layout Propo

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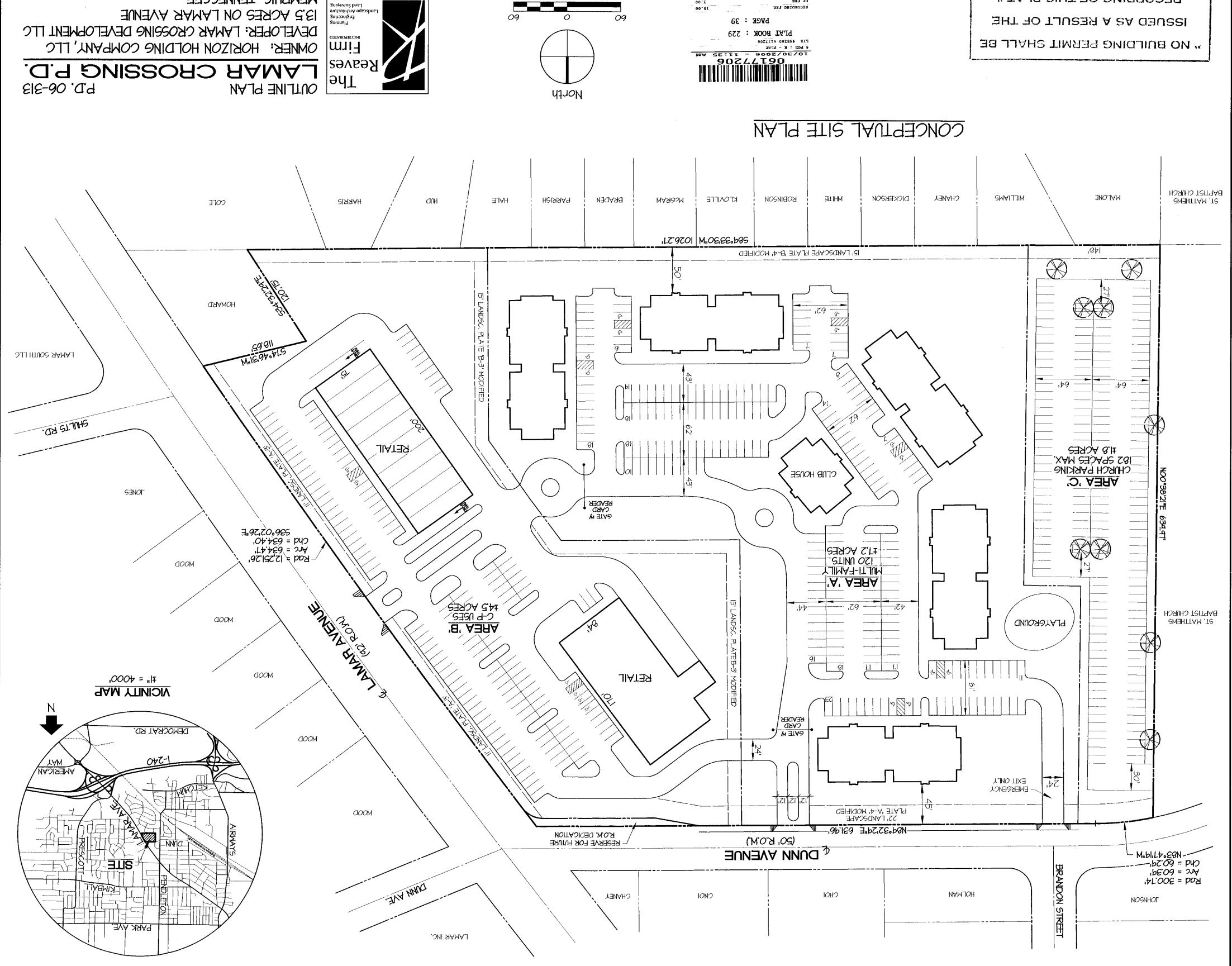
# Tom Leatherwood

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.

0617	7	
10/30/2006	-	11:35 AM
4 PGS : R - PLAT LIZ 445260-6177206		
PLAT BOOK	:	229
PAGE	:	39
RECORDING FEE		15.00
DP TEE		2.00
TOTAL ANOUNT		17.0

160 N. Main St., Suite 519 ~ Memphis, Tennessee 38103 ~ (901) 545-4366 http://register.aneiby.thius



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GRAPHIC SCALE IN FEET

OCTOBER, 2006

AEMPHIS, TENNESSEE

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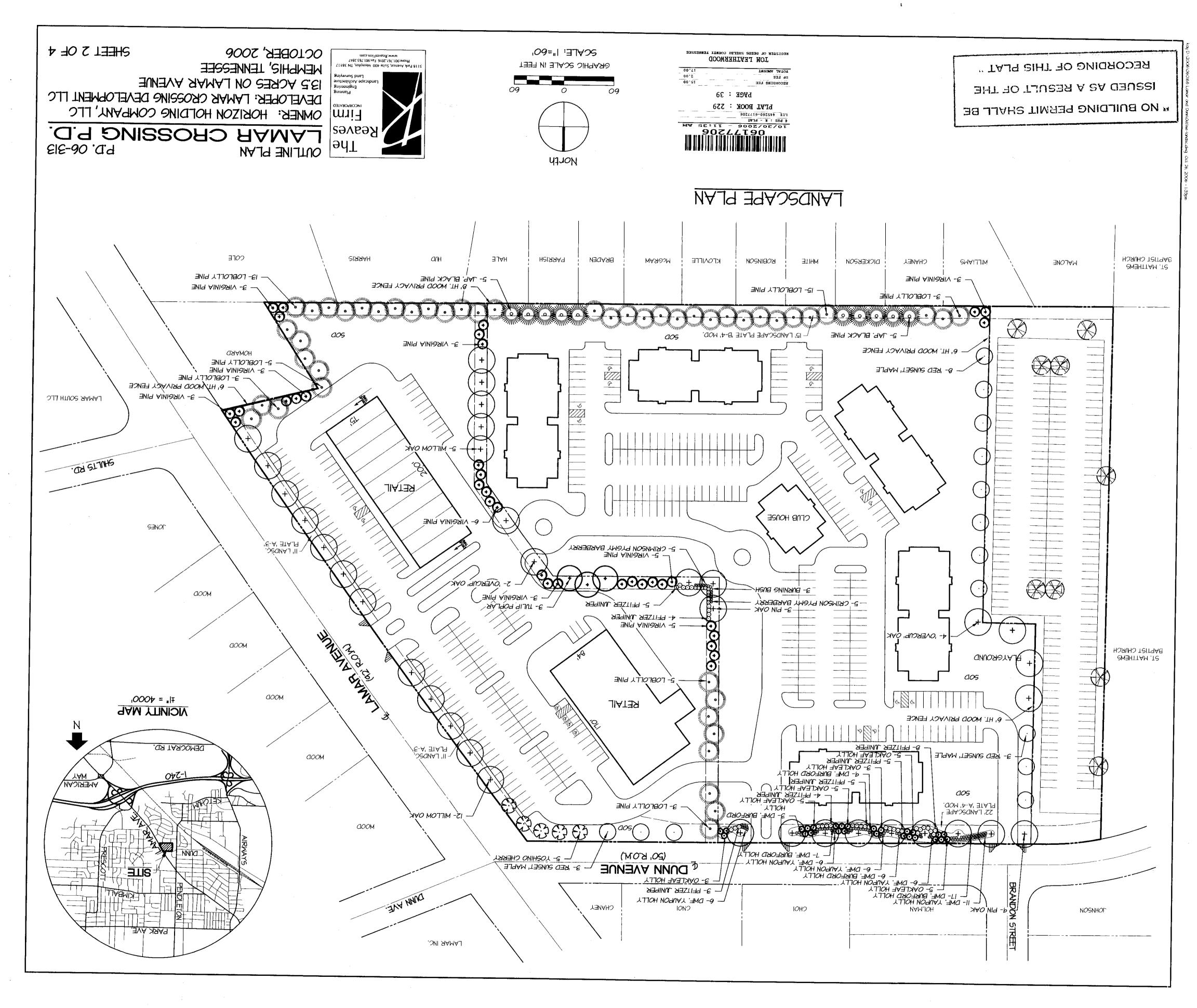
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TUBORA LATOT

aan qo

RECORDING OF THIS PLAT "



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 playarounds.
  - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
  - Area 'C': Church Parking Lot A maximum of 182 parking spaces С. 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:
  - Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a Α. 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.
    - I. One (I) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
    - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
  - All private and rear service drives shall be constructed to meet pavement D. 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.
  - Adequate maneuvering room shall be provided between the right-of-way F. and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- IV. Landscaping:
  - 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.
  - Commercial developments shall provide perimeter landscaping and F. landscaping flowering beds as illustrated on the Concept/Landscape Plan.
  - Equivalent landscaping may be substituted for that required above, subject G. to review and approval by the Office of Planning and Development.
  - Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

" NO BUILDING PERMIT SHALL BE

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- V. Signs:
  - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
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  - 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.
  - Drainage data for assessment of on-site detention requirements shall be В. submitted to and approved by the City Engineer.
  - Design of the storm water conveyance and management facilities for this С. 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.
  - All drainage plans shall be submitted to the City Engineer for review. D.
  - 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.
  - The Land Use Control Board may modify the bulk, access, parking, В. 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.
  - The number of parking spaces. D.
  - 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.
  - The one-hundred (100) year flood elevation. G.
  - The location, diameter and species name of all existing trees over eight (8) Н. inches in diameter and differentiation between those trees to be preserved and those to be removed.
  - 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 Ilmited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.



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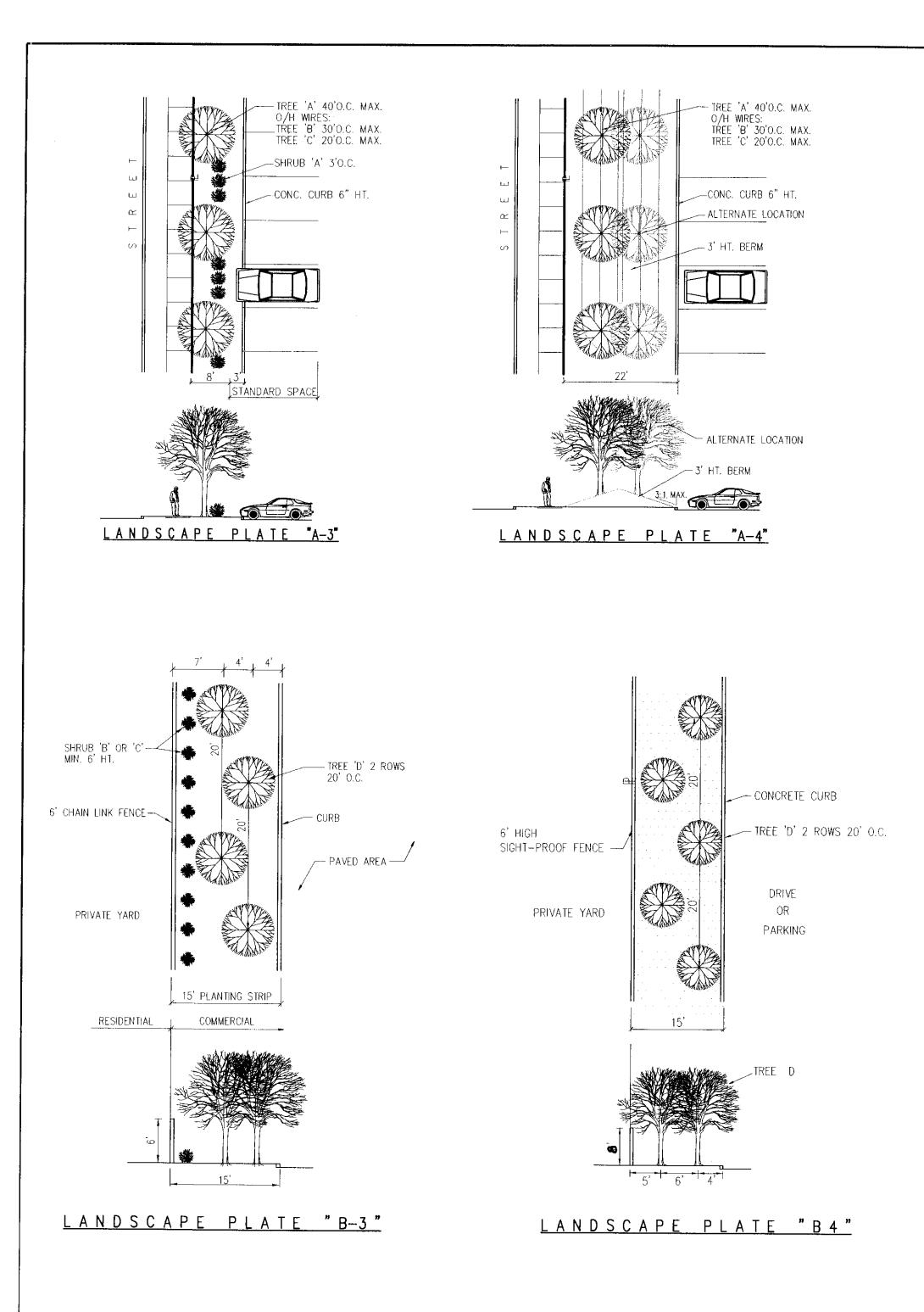
PLAT BOOK : 229 **PAGE : 39** 15.00

2.00 17.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TEXNESSE



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

P.D. 06-313



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 <u>August 10, 2006</u>. Approved by the Memphis City Council on <u>October 3, 2006</u>.



# OWNER'S CERTIFICATE

#We, <u>Horizon Holding Company</u>, When undersigned owner [s] of the property shown, hereby adopt this plat as my/our plan of development. Whe certify that #We and 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.

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Signature

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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 <u>CHIEF MANAGER</u> of the HORIZON HOUNG COMPANY LLG 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 diffixed my notarial seal at my office in Memphis, this <u>301</u> day of <u>OCTOBER</u>

1 Ball Notary Public Harry Les Dad MY COMMISSION WERE WAN 20 2000 My Commission Expires

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 Res into baccount all applicable federal, state and local imposed on this development, and building laws and regulations

606 By: \_\_\_\_\_ Tennessee Certificate No

0617 0/30/2006 4 PGS : R - PLAT LIZ 445260-6177206 PLAT BOOK : 229 PAGE : 39 RECORDING FEE DP FEE 15.00 TOTAL AMOUNT 2.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE 7.00

OUTLINE PLAN P.D. 06-313 The LAMAR CROSSING P.D. Reaves Firm OWNER: HORIZON HOLDING COMPANY, LLC INCORPORATE DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC Planning Engineering Landscape Architecture Land Surveying 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 4 OF 4

Date: 10/30/06





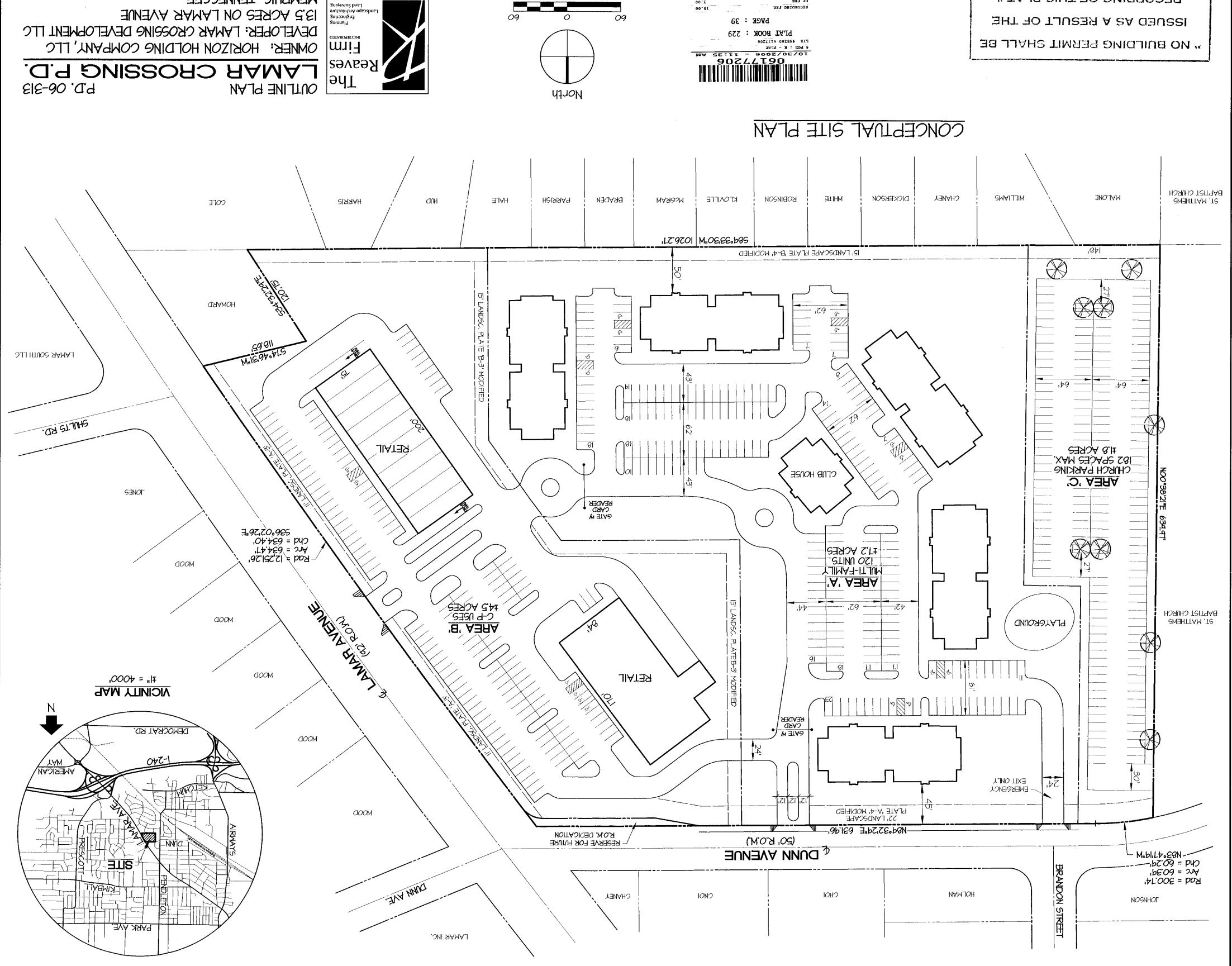
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GRAPHIC SCALE IN FEET

OCTOBER, 2006

AEMPHIS, TENNESSEE

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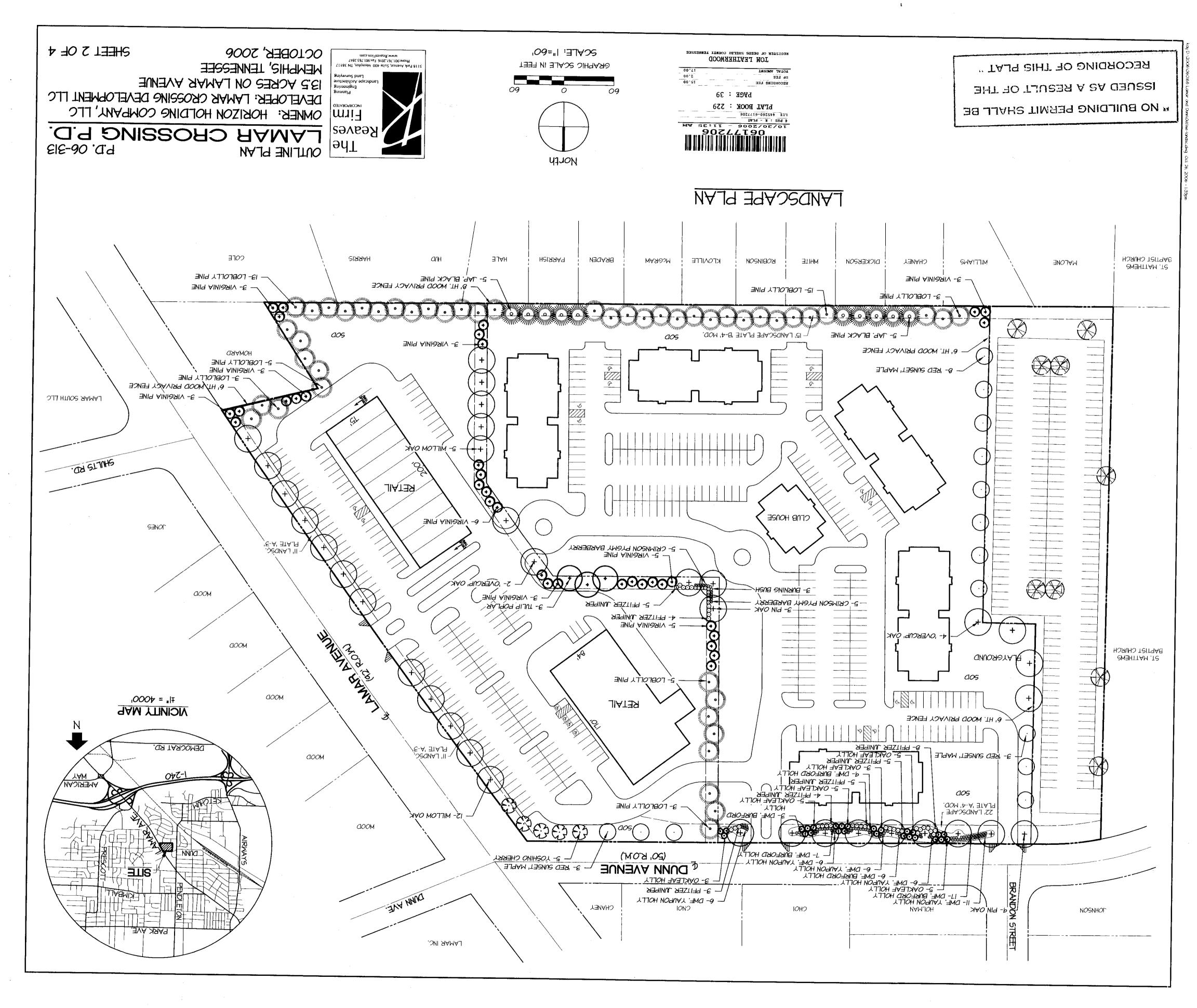
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RECORDING FEI DP FEE TOTAL AMOU.



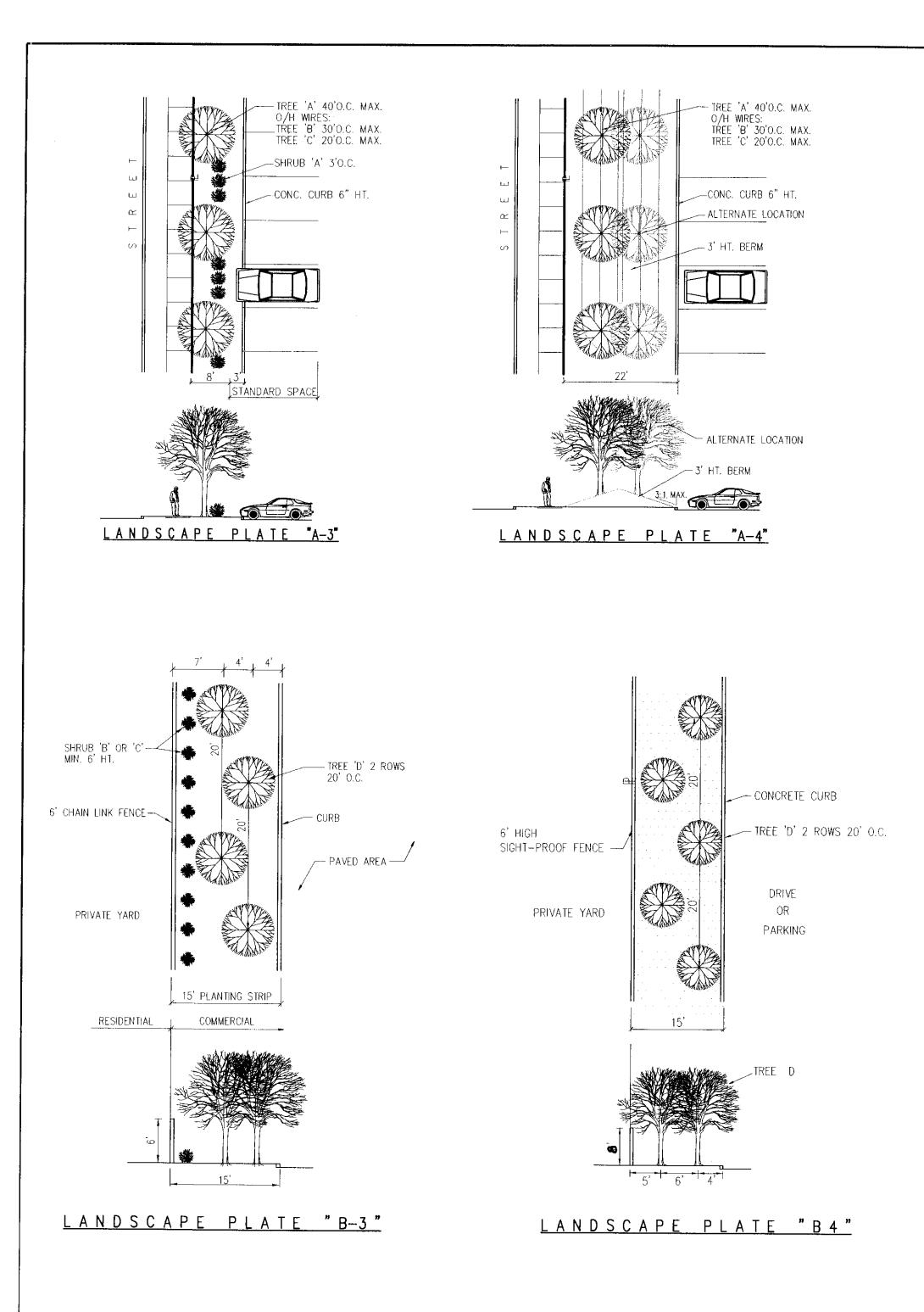
PLAT BOOK : 229 **PAGE : 39** 15.00

2.00 17.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TEXNESSE



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

P.D. 06-313



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 <u>August 10, 2006</u>. Approved by the Memphis City Council on <u>October 3, 2006</u>.



# OWNER'S CERTIFICATE

#We, <u>Horizon Holding Company</u>, When undersigned owner [s] of the property shown, hereby adopt this plat as my/our plan of development. Whe certify that #We and 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.

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Signature

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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 <u>CHIEF MANAGER</u> of the HORIZON HOUNG COMPANY LLG 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 diffixed my notarial seal at my office in Memphis, this <u>301</u> day of <u>OCTOBER</u>

1 Ball Notary Public Harry Les Dad MY COMMISSION WERE WAN 20 2000 My Commission Expires

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 Res into baccount all applicable federal, state and local imposed on this development, and building laws and regulations

606 By: \_\_\_\_\_ Tennessee Certificate No

0617 0/30/2006 4 PGS : R - PLAT LIZ 445260-6177206 PLAT BOOK : 229 PAGE : 39 RECORDING FEE DP FEE 15.00 TOTAL AMOUNT 2.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE 7.00

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Date: 10/30/06





Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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

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
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REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov 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.

Menn

Sherman Cole

Thomas L. Cole

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 bargainor(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.

28th day of February, 2020. WITNESS my hand and seal-this DEFEVYL, Notary Public KEL, My Commission Expires: TENNESSEE NOTARY UBLIC YELBY CON 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 if equal to or greater than the amount which the property would command at a fair and voluntary sale.

n Δ Affiant

Subscribed and sworn to before me this the <u>3</u> day of February 2020. Muloly Qare Notary Public My Commission Expires: My Commission Expires: Mark State of Notary PUBLIC My Count in the state of State of Notary PUBLIC

> 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.

Vhiloly Qaplup Notary's Signature



GARCIA JOSE A 2903 MONTAGUE AVE # MEMPHIS TN 38114

ROBINSON LINDA 2832 N REDBUD CIR # MEMPHIS TN 38114

WILLIAMS JANICE 2826 N REDBUD CIR # MEMPHIS TN 38114

WHITE GWENDOLYN Y 2820 N REDBUD CIR # MEMPHIS TN 38114

HANEY JAMES C 3617 PHILSDALE AVE # MEMPHIS TN 38111

ALDI INC PO BOX 460049 # HOUSTON TX 77056

LAMAR INC 837 AVENUE Z # BROOKLYN NY 11235

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

THOMAS JUANDA J 2821 REDBUD CL # MEMPHIS TN 38114

MYERS MATTIE 5075 ROYSTON LN # MEMPHIS TN 38125

EVANS LILLIE G 2833 REDBUD CL # MEMPHIS TN 38114

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

CLARK AND LANGE LLC 4745 POPLAR AVE #

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

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

2865 REDBUD CIR # MEMPHIS TN 38114

REALTY INCOME PROPERTIES 30 LLC PRUITT DORIS H 11995 EL CAMINO REAL # 2067 REDBUD CIR # SAN DIEGO CA 92130

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

MEMPHIS TN 38114

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

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

JAMERSON CLARA 2854 FLORA AVE # MEMPHIS TN 38114

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

22 CHESTNUT PL # **BROOKLINE MA 2445** 

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

385 KNOCO CV # EADS TN 38028

2595 BROAD AVE # MEMPHIS TN 38112



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

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: dsmith920@comcast.net

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

Dear applicant,

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

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

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

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

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

Respectfully,

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

# Letter to Applicant PD 24-004

Cc:

File

# Letter to Applicant PD 24-004

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

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

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

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

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



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.

- 11. 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 (I) 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 (B') 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 (I) 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 (IO) 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.
  - 1. 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

Planning & Development DIVISION

#### Planning & Zoning COMMITTEE: 8/20/2024

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

	DATE
<b>PUBLIC SESSION:</b>	<u>9/10/2024</u>
	DATE

ITEM (CHECK ONE)	DAIL			
	X RESOLUTION X REQUEST FOR PUBLIC HEARING			
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 7802 Fisher Steel Road, known as case number PD 2024-007			
CASE NUMBER:	PD 2024-007			
<b>DEVELOPMENT:</b>	North East Region High School Planned Development			
LOCATION:	7801 Fischer Steel Road			
COUNCIL DISTRICTS:	District 2 and Super District 9 – Positions 1, 2, and 3			
<b>OWNER/APPLICANT:</b>	Memphis-Shelby County Schools			
<b>REPRESENTATIVE:</b>	Cory Brady, Integrated Land Solutions			
<b>REQUEST:</b>	New planned development to allow a new high school			
AREA:	+/-46.42 acres			
<b>RECOMMENDATION:</b>	The Division of Planning and Development recommended <i>Approval with outline plan conditions</i> The Land Use Control Board recommended <i>Approval with outline plan conditions</i>			
RECOMMENDED COUN	CIL ACTION: Public Hearing Required Add to consent agenda requesting public hearing – <u>August 20, 2024</u> Public hearing – <u>September 10, 2024</u>			
PRIOR ACTION ON ITEM	· · · · · · · · · · · · · · · · · · ·			
(1)	APPROVAL - (1) APPROVED (2) DENIED			
07/11/2024 (1) Land Use Control Board	DATE ORGANIZATION - (1) BOARD / COMMISSION			
(1) Land Ose Control Dourd	(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 #			
<u>\$</u>	FEDERAL/STATE/OTHER			
ADMINISTRATIVE APPR	OVAL: <u>DATE</u> <u>POSITION</u>			
	PLANNER I			
	DEPUTY ADMINISTRATOR			
	ADMINISTRATOR			
	DIRECTOR (JOINT APPROVAL)			
	COMPTROLLER			
	FINANCE DIRECTOR			
	CITY ATTORNEY			
	CHIEF ADMINISTRATIVE OFFICER			
, 	COMMITTEE CHAIRMAN			



# Memphis City Council Summary Sheet

# PD 2024-007

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 7801 FISCHER STEEL ROAD, KNOWN AS CASE NUMBER PD 2024-007

- This item is a resolution with conditions to allow a new planned development to allow a new high school; 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, July 11, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2024-007
DEVELOPMENT:	North East Region High School Planned Development
LOCATION:	7801 Fischer Steel Road
COUNCIL DISTRICT(S):	District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Memphis-Shelby County Schools
REPRESENTATIVE:	Cory Brady, Integrated Land Solutions
REQUEST:	New planned development to allow a new school
EXISTING ZONING:	Heavy Industrial (IH), Fletcher Creek Overlay
AREA:	+/- 46.42 acres

The following spoke in support of the application: Cory Brady, Chief Patrice Williamson-Thomas, Michael Winter, and Stephen McPhail

The following spoke in opposition the application: Rick Bennett, Ernie Norcross, Dan McCleary, and Chris Crabtree

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

# The motion passed by a unanimous vote of 8-0 on the consent agenda.

Respectfully,

Chloe Christion

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

Cc: Committee Members

File

# PD 2024-007 Outline/Final Plat Conditions

## I. USES PERMITTED

Education Facility - School, Public or Private (K-12), Park/Open Area - Recreation Field with and without lights, and all Accessory Uses per Sub-Sections 2.9.3.C & E of the Unified Development Code shall be permitted.

- II. USE STANDARDS
  - A. The use standards outlined in Sub-Section 2.6.2.C of the Unified Development Code shall apply as modified herein.
    - 1. School, Public or Private, Seminary:
      - a. Class II, Type C buffer <u>shall not be</u> required between any recreation field/associated structure (ie bleacher, dugout, etc.) and any public right-of-way.
      - b. All off-street parking lots shall meet the requirements of Section 4.5.5 of the Unified Development Code as modified herein.
      - c. Vehicular Access shall be permitted along Fisher Steel Road, Moriarity Road, and Herbert Road as generally illustrated on the Outline Plan and Conceptual Master Plan.
      - d. Vehicular parking may be located between the principal school building and all adjacent public roadways.
      - e. In addition to the bicycle parking requirements outlined in Sub-section 4.5.3.C of the Unified Development Code, all schools shall provide secure bicycle parking at a ratio of 1:3 (bicycle to vehicle parking) within 200 feet of a functioning entrance to the principal building.
      - f. Lighted motor vehicle parking areas must meet the requirements of Chapter 4.7 of the Unified Development Code, as applicable.
      - g. This planned development is exempt from the designated frontage requirements of Section 3.10.3 of the Unified Development Code.
      - h. All public streets immediately adjacent to the school site shall comply with the dimensional standards outlined in Section 5.2.7 of the Unified Development Code for classification as a Connector street.
    - 2. Recreation Field, with Lights:
      - a. Field lighting must meet the requirements of Chapter 4.7 of the Unified Development Code, Outdoor Site Lighting.

#### III. BULK REGULATIONS

- A. The bulk regulations outlined in UDC Sub-section 3.10.2(b) for the IH District shall apply as modified herein.
  - 1. Tract or Lot (min)
    - a. Area (sq. ft.): 20,000sf
    - b. Width (ft.): 50ft
  - 2. <u>Building</u>
    - a. Height (max ft.): 75ft
    - b. Setback (min ft.)
      - i. Front (Primary Street): 30ft\*
         \*Recreation Fields and associated structures shall be setback a minimum 15ft from any perimeter public street.
      - ii. Side (Side Street): 20ft
      - iii. Side/Rear: 5ft
  - 3. Parking setback (min ft.) (Principal and Accessory)
    - a. On-street (public right-of-way): Not Permitted
    - b. Abutting Primary Street: 30ft
    - c. Abutting Side Street: 20ft
    - d. Abutting nonresidential: 10ft
- B. Accessory Building/Structures: The bulk regulations outlined in UDC Chapter 2.7 shall apply as modified herein.
  - 1. There shall be no limitation upon the cumulative square footage of accessory structures.
- IV. ACCESS, PARKING AND CIRCULATION
  - A. The primary street shall be defined as the public street upon which the principal building's primary façade or main entrance is oriented.
  - B. The side street shall be defined as any street that is not defined as a primary street.
  - C. The access standards outlined in UDC Chapter 4.4 directly pertaining to nonresidential uses shall apply as modified herein.
  - D. The design and location of curb cuts illustrated upon the master plan are conceptual. The final location of all curb cuts shall be approved by the City Engineer.
  - E. Roadway Right-Of-Way and Improvements:

- 1. Fischer Steel Road, Moriarity Road, and Herbert Road shall each be dedicated one-half of a 68' future right-of-way and improved to establish one-half of a 48' urban cross section as illustrated upon the enclosed street section.
- 2. Dedication and improvements shall be limited to the planned development's contiguous frontages.
- F. Off-street parking and loading shall be provided per UDC Chapter 4.5 as modified herein or as otherwise approved by the zoning administrator:
  - 1. Off-street parking shall be required at a ratio of 1 space per 300sf of the education facility's net floor area used for academic and administrative purposes.
  - 2. All principal and accessory uses shall share the off-street parking facilities required above.
  - 3. On-street parking along any public roadway shall be prohibited.
  - 4. Off-street loading shall be permitted to adequately serve the school and associated accessory uses.
  - 5. The size and frequency of interior islands shall be determined with the final site plan with the intent to maximize parking efficiency. Under no circumstances shall terminal islands be omitted.
- V. LANDSCAPING, SCREENING, AND FENCING REQUIREMENTS
  - A. The streetscape standards outlined in UDC Chapter 4.3 shall apply as modified herein:
    - Streetscape Plate S-11 Modified, or an equivalent alternative, shall be installed along all public roadway frontages. Where off-street parking faces the public right-of-way, Evergreen Shrub Type A shall be installed to form a hedge along the curb line facing the public road. Tree Type "A, B, or C" shall be installed at a frequency equivalent to 40' o.c. No berm shall be required.
  - B. Perimeter Fencing shall be permitted within all front, side, and rear yards so long as the fencing does not impede the streetscape or buffer requirements specified herein. Street trees shall be located on the streetside of any perimeter fencing.
    - 1. A 6' 9' Chain link or picket-style fencing shall be permitted within the streetscape area. Chain link fencing must be galvanized, polyvinyl chloride (PVC) color coated in either black, dark green or dark brown color coatings. Uncoated chain link fencing shall be prohibited.
    - 2. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, and landscaped areas.
    - 3. The Zoning Administrator may permit additional fence material, alternate fence design, additional fence height, or reduced setback through the administrative deviation if it is

determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Zoning Administrator when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site, and the proposed use of the subject site.

- C. Private streets and drives are exempt from the streetscape standards provided in Chapter 4.3.
- D. This planned development shall comply with the landscape and screening requirements outlined in Chapter 4.6 of the Unified Development Code unless otherwise approved by the Zoning Administrator.
- E. No Perimeter landscape buffers shall be required where the planned development adjoins properties having established industrial land uses and/or zoning.

# VI. LIGHTING REQUIREMENTS

- A. All parking and general site lighting shall comply with Chapter 4.7 of the Unified Development Code unless modified herein.
- B. All recreational sports field lighting shall comply with the TSSAA (Tennessee Secondary School Athletic Association standards.
- C. Equivalent alternatives shall be permitted by the Zoning Administrator.
- D. All pole-mounted site lighting fixtures shall be LED.
- E. All general area site lighting pole heights shall not exceed 30 feet.
- F. All sports lighting pole heights shall not exceed 80 feet.

# VII. UNDERGROUND UTILITY LINES

All utility lines such as electric, telephone, cable television, or other similar lines shall be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines that service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

# VIII. SIGNS

- A. All proposed signage shall comply with Chapter 4.9 of the Unified Development Code as modified herein.
- B. One (1) Off-Premise Ground Sign shall be permitted in the general vicinity of Future Herbert Road and Future Trinity Road intersection.

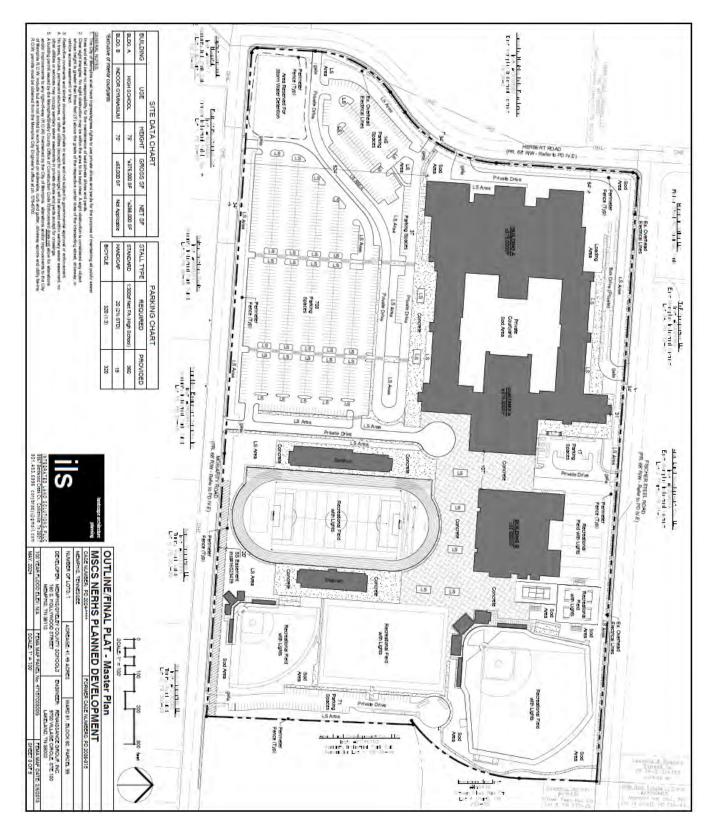
#### IX. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.

# X. FINAL PLAN REQUIREMENTS Any final plan shall include the following:

- A. The approved outline plan conditions.
- B. A standard subdivision contract for any needed public improvements.
- C. The exact location and dimension including height, of all buildings or buildable areas, parking areas and number of parking spaces, drives, required landscaping, and building elevations and building materials.
- D. A rendering, including plan view and elevations, of any proposed development identification signs showing the height, dimensions, and design thereof.
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The area denoted by "Reserve for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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' associations. 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 be limited to: removal of sedimentation, fallen objects, debris and trash; moving; outlet cleaning; and repair of drainage structures.
- G. A photometric lighting plan.
- H. The enclosed master plan, corresponding plans, and building elevations are conceptual. The Zoning Administrator shall have the authority to approve modifications to the final plan, associated plans, and building elevations without limitation, where the final plan complies with these conditions.

#### **MASTER 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 7801 FISCHER STEEL ROAD, KNOWN AS CASE NUMBER PD 2024-007

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

**WHEREAS**, the Memphis-Shelby County Schools filed an application with the Memphis and Shelby County Division of Planning and Development to a new planned development to allow a new high school; 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 July 11, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

#### **Outline Plan Conditions**

# I. USES PERMITTED

Education Facility - School, Public or Private (K-12), Park/Open Area - Recreation Field with and without lights, and all Accessory Uses per Sub-Sections 2.9.3.C & E of the Unified Development Code shall be permitted.

## II. USE STANDARDS

- A. The use standards outlined in Sub-Section 2.6.2.C of the Unified Development Code shall apply as modified herein.
  - 1. School, Public or Private, Seminary:
    - a. Class II, Type C buffer shall not be required between any recreation field/associated structure (ie bleacher, dugout, etc.) and any public right-of-way.
    - b. All off-street parking lots shall meet the requirements of Section 4.5.5 of the Unified Development Code as modified herein.
    - c. Vehicular Access shall be permitted along Fisher Steel Road, Moriarity Road, and Herbert Road as generally illustrated on the Outline Plan and Conceptual Master Plan.
    - d. Vehicular parking may be located between the principal school building and all adjacent public roadways.
    - e. In addition to the bicycle parking requirements outlined in Sub-section 4.5.3.C of the Unified Development Code, all schools shall provide secure bicycle parking at a ratio of 1:3 (bicycle to vehicle parking) within 200 feet of a functioning entrance to the principal building.
    - f. Lighted motor vehicle parking areas must meet the requirements of Chapter 4.7 of the Unified Development Code, as applicable.
    - g. This planned development is exempt from the designated frontage requirements of Section 3.10.3 of the Unified Development Code.
    - h. All public streets immediately adjacent to the school site shall comply with the dimensional standards outlined in Section 5.2.7 of the Unified Development Code for classification as a Connector street.
  - 2. Recreation Field, with Lights:
    - a. Field lighting must meet the requirements of Chapter 4.7 of the Unified Development Code, Outdoor Site Lighting.

#### III. BULK REGULATIONS

A. The bulk regulations outlined in UDC Sub-section 3.10.2(b) for the IH District shall apply as modified herein.

1. Tract or Lot (min)

a.	Area (sq. ft.):	20,000sf
b.	Width (ft.):	50ft

2. Building

a. Height (max ft.):	75ft
b. Setback (min ft.)	
i. Front (Primary Street):	30ft*
*Recreation Fields and as	sociated structures shall be setback a minimum 15ft from any
perimeter public street.	
ii. Side (Side Street):	20ft
iii. Side/Rear:	5ft

#### 3. Parking setback (min ft.) (Principal and Accessory)

- a. On-street (public right-of-way): Not Permitted
- b. Abutting Primary Street: 30ft
- c. Abutting Side Street: 20ft
- d. Abutting nonresidential: 10ft
- B. Accessory Building/Structures: The bulk regulations outlined in UDC Chapter 2.7 shall apply as modified herein.
  - 1. There shall be no limitation upon the cumulative square footage of accessory structures.

# IV. ACCESS, PARKING AND CIRCULATION

- A. The primary street shall be defined as the public street upon which the principal building's primary façade or main entrance is oriented.
- B. The side street shall be defined as any street that is not defined as a primary street.
- C. The access standards outlined in UDC Chapter 4.4 directly pertaining to nonresidential uses shall apply as modified herein.
- D. The design and location of curb cuts illustrated upon the master plan are conceptual. The final location of all curb cuts shall be approved by the City Engineer.
- E. Roadway Right-Of-Way and Improvements:
  - 1. Fischer Steel Road, Moriarity Road, and Herbert Road shall each be dedicated one-half of a 68' future right-of-way and improved to establish one-half of a 48' urban cross section as illustrated upon the enclosed street section.
  - 2. Dedication and improvements shall be limited to the planned development's contiguous frontages.
- F. Off-street parking and loading shall be provided per UDC Chapter 4.5 as modified herein or as otherwise approved by the zoning administrator:

- 1. Off-street parking shall be required at a ratio of 1 space per 300 sf of the education facility's net floor area used for academic and administrative purposes.
- 2. All principal and accessory uses shall share the off-street parking facilities required above.
- 3. On-street parking along any public roadway shall be prohibited.
- 4. Off-street loading shall be permitted to adequately serve the school and associated accessory uses.
- 5. The size and frequency of interior islands shall be determined with the final site plan with the intent to maximize parking efficiency. Under no circumstances shall terminal islands be omitted.
- V. LANDSCAPING, SCREENING, AND FENCING REQUIREMENTS
  - A. The streetscape standards outlined in UDC Chapter 4.3 shall apply as modified herein:
    - 1. Streetscape Plate S-11 Modified, or an equivalent alternative, shall be installed along all public roadway frontages. Where off-street parking faces the public right-of-way, Evergreen Shrub Type A shall be installed to form a hedge along the curb line facing the public road. Tree Type "A, B, or C" shall be installed at a frequency equivalent to 40' o.c. No berm shall be required.
  - B. Perimeter Fencing shall be permitted within all front, side, and rear yards so long as the fencing does not impede the streetscape or buffer requirements specified herein. Street trees shall be located on the streetside of any perimeter fencing.
    - 1. A 6' 9' Chain link or picket-style fencing shall be permitted within the streetscape area. Chain link fencing must be galvanized, polyvinyl chloride (PVC) color coated in either black, dark green or dark brown color coatings. Uncoated chain link fencing shall be prohibited.
    - 2. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, and landscaped areas.
    - 3. The Zoning Administrator may permit additional fence material, alternate fence design, additional fence height, or reduced setback through the administrative deviation if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Zoning Administrator when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site, and the proposed use of the subject site.
  - C. Private streets and drives are exempt from the streetscape standards provided in Chapter 4.3.
  - D. This planned development shall comply with the landscape and screening requirements outlined in Chapter 4.6 of the Unified Development Code unless otherwise approved by the Zoning Administrator.
  - E. No Perimeter landscape buffers shall be required where the planned development adjoins

properties having established industrial land uses and/or zoning.

# VI. LIGHTING REQUIREMENTS

- A. All parking and general site lighting shall comply with Chapter 4.7 of the Unified Development Code unless modified herein.
- B. All recreational sports field lighting shall comply with the TSSAA (Tennessee Secondary School Athletic Association standards.
- C. Equivalent alternatives shall be permitted by the Zoning Administrator.
- D. All pole-mounted site lighting fixtures shall be LED.
- E. All general area site lighting pole heights shall not exceed 30 feet.
- F. All sports lighting pole heights shall not exceed 80 feet.
- G. All sports lighting shall have a shut off time of no later than 10:00PM.

# VII. UNDERGROUND UTILITY LINES

All utility lines such as electric, telephone, cable television, or other similar lines shall be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines that service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

#### VIII. SIGNS

- A. All proposed signage shall comply with Chapter 4.9 of the Unified Development Code as modified herein.
- B. One (1) Off-Premise Ground Sign shall be permitted in the general vicinity of Future Herbert Road and Future Trinity Road intersection.

# IX. PERIOD OF VALIDITY

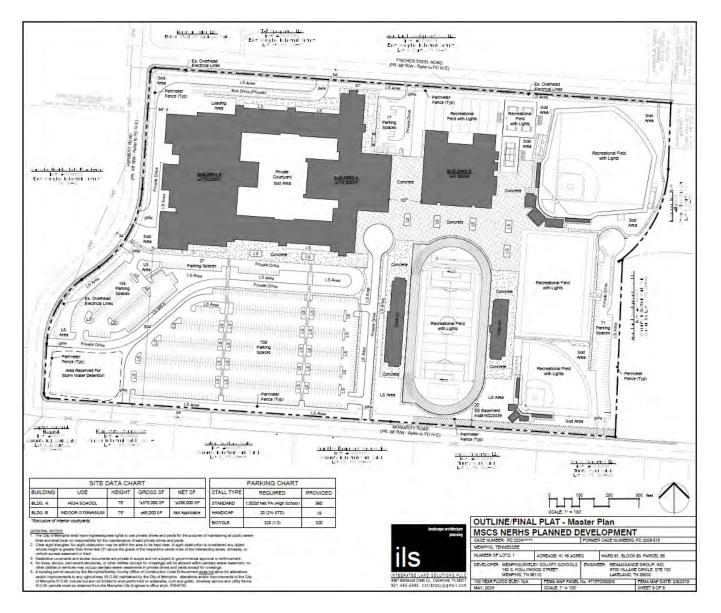
- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.

#### X. FINAL PLAN REQUIREMENTS Any final plan shall include the following:

A. The approved outline plan conditions.

- B. A standard subdivision contract for any needed public improvements.
- C. The exact location and dimension including height, of all buildings or buildable areas, parking areas and number of parking spaces, drives, required landscaping, and building elevations and building materials.
- D. A rendering, including plan view and elevations, of any proposed development identification signs showing the height, dimensions, and design thereof.
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The area denoted by "Reserve for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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' associations. 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 be limited to: removal of sedimentation, fallen objects, debris and trash; moving; outlet cleaning; and repair of drainage structures.
- H. A photometric lighting plan.
- I. The enclosed master plan, corresponding plans, and building elevations are conceptual. The Zoning Administrator shall have the authority to approve modifications to the final plan, associated plans, and building elevations without limitation, where the final plan complies with these conditions.

### **MASTER PLAN**



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

# dpd STAFF REPORT

AGENDA ITEM:	6	L.U.C.B. MEETING:	July 11, 2024
CASE NUMBER:	PD 2024-007		
DEVELOPMENT:	New East Region High School (NERHS)	Planned Development	
LOCATION:	7801 Fischer Steel Road		
COUNCIL DISTRICT:	District 2 and Super District 9 – Position	ns 1, 2, and 3	
OWNER/APPLICANT:	Memphis-Shelby County Schools		
<b>REPRESENTATIVE:</b>	Cory Brady, Integrated Land Solutions		
REQUEST:	New planned development to allow a r	new school	
EXISTING ZONING:	Heavy Industrial (IH), Flecther Creek Ov	verlay	

# CONCLUSIONS

- 1. The request is a Planned Development to allow a new high school with lighted recreation fields, private access drives, stadiums, and other accessory facilities.
- 2. The project is served by all utility infrastructure and public street networks with planned improvements as necessary to facilitate the proposed high school and accessory uses, subject to City Engineer approval.
- 3. Contingent upon approval of this request, Memphis-Shelby County Schools intends to purchase the subject lots, and Herbert Road is planned to be extended south to Trinity Road.
- 4. The proposed school use offers a long-term, stable, community service land use to this site that is more desirable than industrial uses.

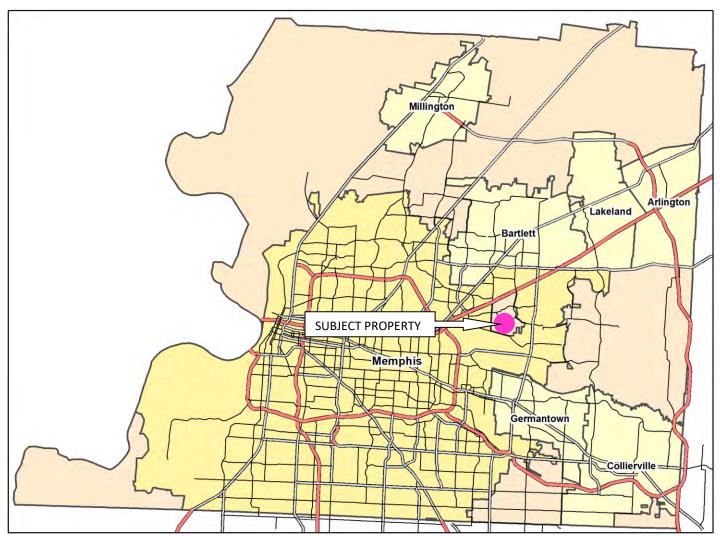
# CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 31-32 of this report.

# **RECOMMENDATION:**

Approval with Conditions

# LOCATION MAP



Subject property located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



Subject property highlighted in blue

#### 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 42 notices were mailed on May 15, 2024, see pages 30-31 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 32 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on May 30, 2024 at the Bert Ferguson Community Center at 8505 Trinity Road.

# AERIAL



Subject property outlined in yellow, imagery from 2023

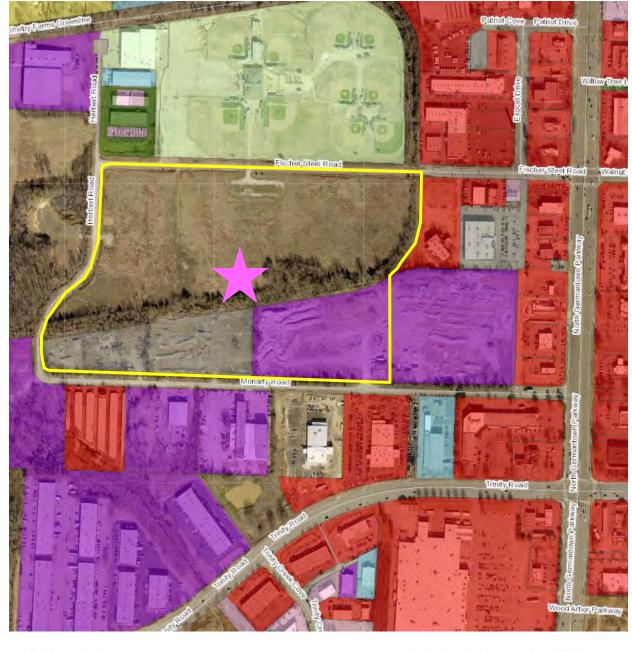
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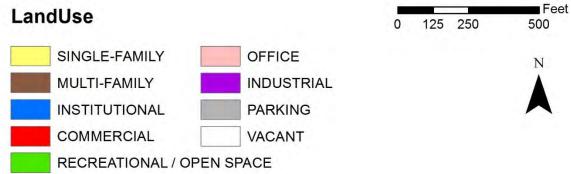
# ZONING MAP



Subject property highlighted in yellow

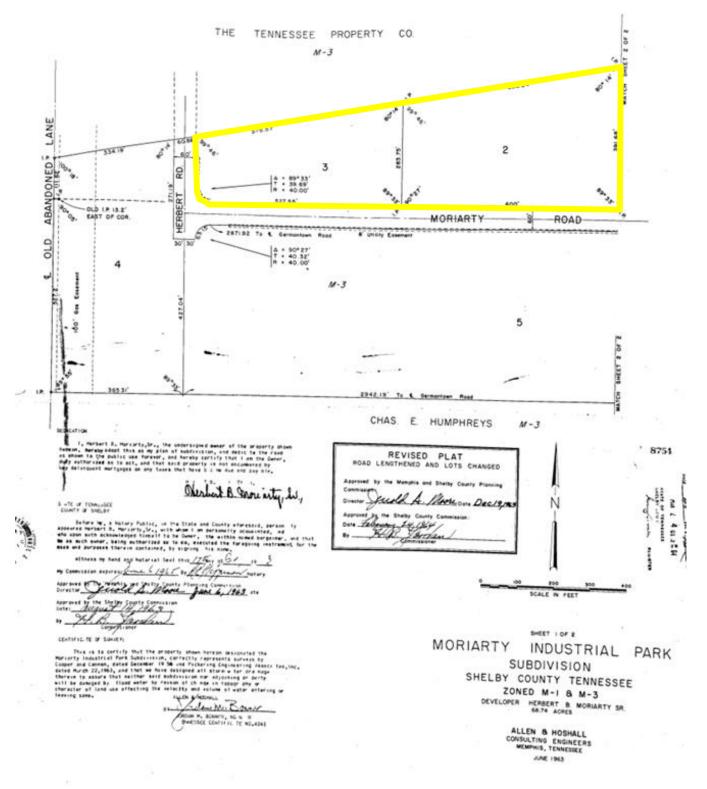
#### LAND USE MAP





Subject property outlined in yellow and indicated by a pink star

#### **MORIARTY INDUSTRIAL PARK SUBDIVISION (1963)**



Portion of proposed subject property outlined in yellow, Lots 2 and 3 of Moriarity Industrial Park subdivision.

# SITE PHOTOS



View of subject property from Fischer Steel Road facing south.



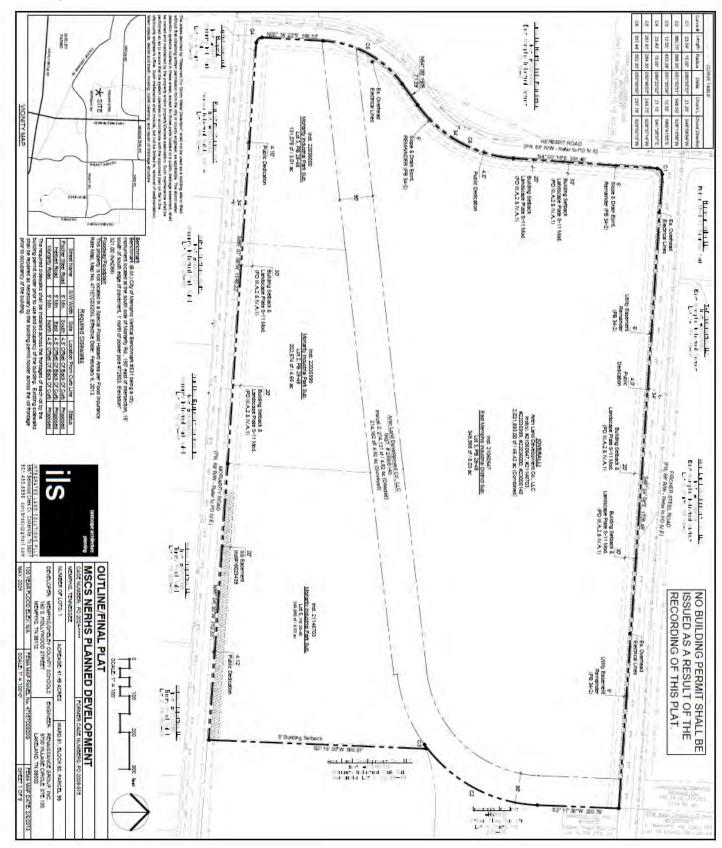
View of subject property from the corner of Fischer Steele and Herbert Road facing southeast.



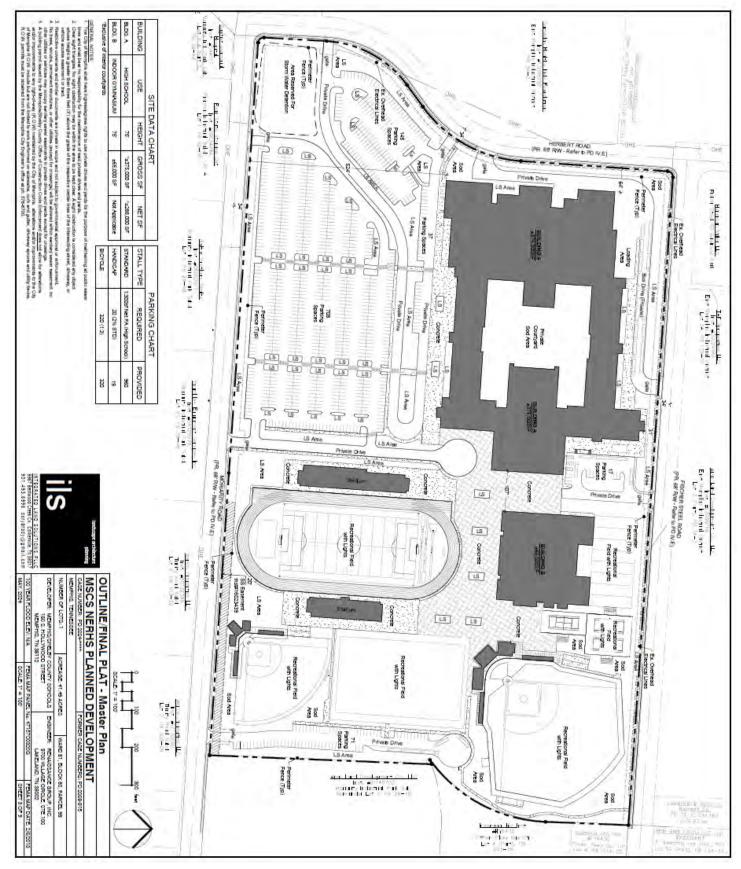
Google View of subject property from Moriarty Road facing north.



View of subject property from Moriarty Road facing north.

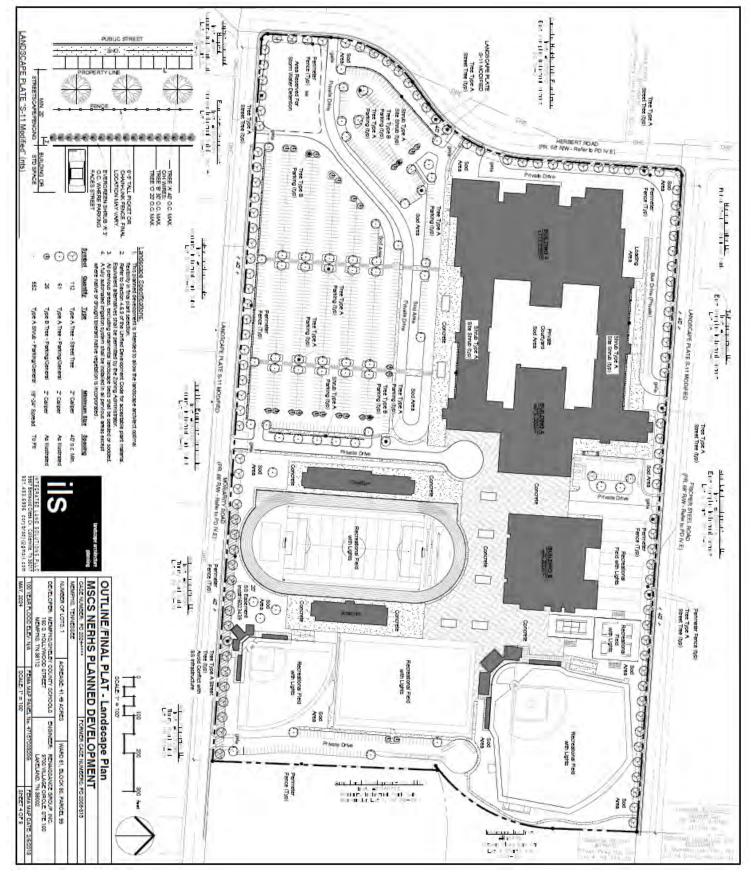


#### **MASTER PLAN**



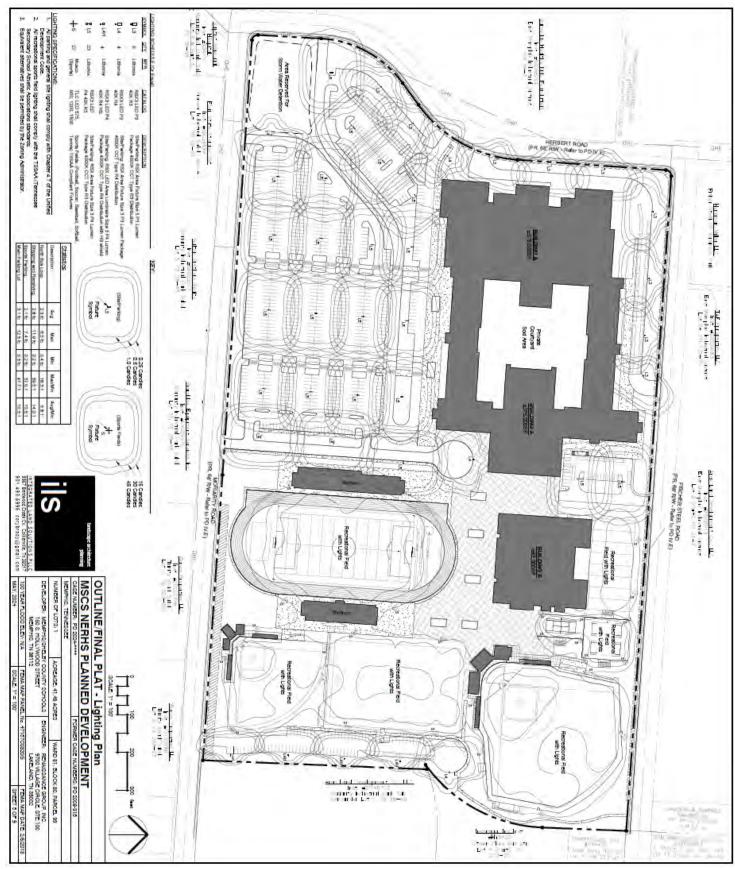
#### LANDSCAPE PLAN

June 13, 2024 Page 12



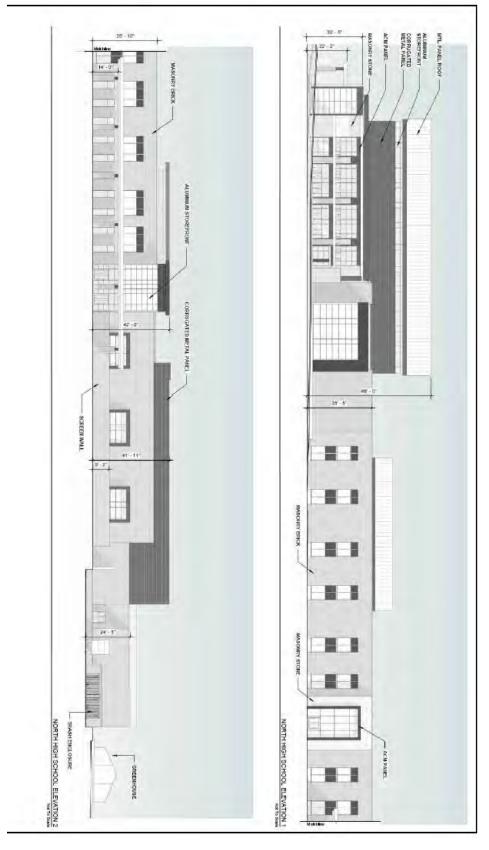
#### LIGHTING PLAN

June 13, 2024 Page 13



# **ELEVATIONS**

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## June 13, 2024 Page 15

## Staff Report PD 2024-007





#### **CASE REVIEW**

## **Request**

The request is a new planned development to allow a new high school.

## **Applicability**

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

## 4.10.2 Applicability

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

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

## **General Provisions**

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

## 4.10.3 General Provisions

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

A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the

June 13, 2024 Page 17

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: 4801 Fischer Steele Road

Parcel ID: 091031 0001

Area: +/-46.42acres

#### Description:

The subject property is zoned Heavy Industrial, and it is within the Fletcher Creek Overlay. The northernmost portion of the subject property is vacant, and the southern portion is used as a manufacturing facility. The three lots in the south portion of the proposed Planned Development are known as lots 2 and 3 of Moriarty Industrial Park Subdivision. Additionally, the subject property has three street frontages on Fischer Steel Road, Herbert Road, and Moriarty Road.

## Concept Plan Review

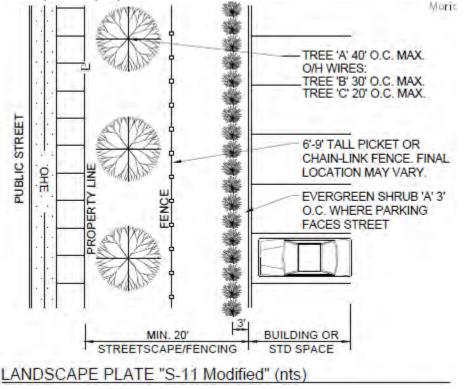
June 13, 2024 Page 19

The master plan indicates two primary structures, a High School Building A (+/- 375,000 sq. ft.) and an Indoor Gymnasium Building B (+/- 65,000 sq. ft), along with six accessory recreational fields with lights, and stadium seating.

The school campus is proposed to be gated and fenced with private drive access along all three street frontages.

In regard to parking, 960 regular parking spaces, 19 handicap spaces, and 320 bicycle parking spaces are proposed with landscape island terminals containing Type A and B trees. On-street parking along the public right of way is prohibited in the Outline Pan Conditions.

A modified Landscape Plate S-11 (see graphic below) is proposed along all street frontages and a storm water detention pond is proposed to be in the southwest corner of the tract.



The conceptual photometric plan indicates a 1.0 foot-candle parking light spill near proposed access point on Fischer Steel Road and a 1.0 foot candle parking light spill along both access points on Herbert Road. Lighting for athletic fields is proposed to have minimal light spill across property lines. Outline Plan Conditions require a maximum general area site lighting pole height of 30-feet and a maximum sports lighting pole height of 80-feet.

The proposed Outline Plan Conditions permit uses including an education facility, park/open area, recreation field with or without lights, and all school accessory uses per UDC Civic Use Categories Sub-Section 2.9.3C and E.

## <u>Analysis</u>

The applicant is requesting a Planned Development to allow a new high school, a gymnasium, and six

recreational fields on a subject property with an underlying zoning of Heavy Industrial (IH). Per the Permitted Use Table Key in UDC Section 2.5.2, public or private K-12 schools are allowed in the IH District with a Special Use Permit approval.

The proposed high school development is +/- 875 feet from North Germantown Parkway, +/- 1,200 feet from a Walmart and +/- 900 feet from single-family residences on Macon Road. A variety of uses surround the proposed site, including designated park/open space, manufacturing services, commercial office space, and restaurants.

It should be noted that with the existing Heavy Industrial Zoning currently governing the use of the site, a number of uses could locate on the property by right that perhaps are not the most suitable here in terms of compatibility, providing the highest and most sustainable use of the property, and contributing to the community needs of the area. For example, these uses could be developed at the site by right:

- Truck Trailer Storage
- Detention center, jail, prison
- Lumberyard
- Garbage or refuse collection service (office and truck fleet)

The proposed school use offers a long-term stable, community service land use to this site that is more desirable than industrial uses.

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 subject to revisions to the outline plan conditions.

## **Outline Plan Conditions**

#### I. USES PERMITTED

Education Facility - School, Public or Private (K-12), Park/Open Area - Recreation Field with and without lights, and all Accessory Uses per Sub-Sections 2.9.3.C & E of the Unified Development Code shall be permitted.

- II. USE STANDARDS
  - A. The use standards outlined in Sub-Section 2.6.2.C of the Unified Development Code shall apply as modified herein.
    - 1. School, Public or Private, Seminary:

- a. Class II, Type C buffer shall not be required between any recreation field/associated structure (ie bleacher, dugout, etc.) and any public right-of-way.
- b. All off-street parking lots shall meet the requirements of Section 4.5.5 of the Unified Development Code as modified herein.
- c. Vehicular Access shall be permitted along Fisher Steel Road, Moriarity Road, and Herbert Road as generally illustrated on the Outline Plan and Conceptual Master Plan.
- d. Vehicular parking may be located between the principal school building and all adjacent public roadways.
- e. In addition to the bicycle parking requirements outlined in Sub-section 4.5.3.C of the Unified Development Code, all schools shall provide secure bicycle parking at a ratio of 1:3 (bicycle to vehicle parking) within 200 feet of a functioning entrance to the principal building.
- f. Lighted motor vehicle parking areas must meet the requirements of Chapter 4.7 of the Unified Development Code, as applicable.
- g. This planned development is exempt from the designated frontage requirements of Section 3.10.3 of the Unified Development Code.
- h. All public streets immediately adjacent to the school site shall comply with the dimensional standards outlined in Section 5.2.7 of the Unified Development Code for classification as a Connector street.
- 2. Recreation Field, with Lights:
  - a. Field lighting must meet the requirements of Chapter 4.7 of the Unified Development Code, Outdoor Site Lighting.

## III. BULK REGULATIONS

- A. The bulk regulations outlined in UDC Sub-section 3.10.2(b) for the IH District shall apply as modified herein.
  - 1. Tract or Lot (min)
    - a. Area (sq. ft.):20,000sfb. Width (ft.):50ft
  - 2. <u>Building</u> a. Height (max ft.): 75ft
    - b. Setback (min ft.)
      - i. Front (Primary Street): 30ft\*
        - \*Recreation Fields and associated structures shall be setback a minimum 15ft from any perimeter public street.

ii. Side (Side Street):20ftiii. Side/Rear:5ft

- 3. Parking setback (min ft.) (Principal and Accessory)
  - a. On-street (public right-of-way): Not Permitted
  - b. Abutting Primary Street: 30ft
  - c. Abutting Side Street: 20ft
  - d. Abutting nonresidential: 10ft
- B. Accessory Building/Structures: The bulk regulations outlined in UDC Chapter 2.7 shall apply as modified herein.
  - 1. There shall be no limitation upon the cumulative square footage of accessory structures.
- IV. ACCESS, PARKING AND CIRCULATION
  - A. The primary street shall be defined as the public street upon which the principal building's primary façade or main entrance is oriented.
  - B. The side street shall be defined as any street that is not defined as a primary street.
  - C. The access standards outlined in UDC Chapter 4.4 directly pertaining to nonresidential uses shall apply as modified herein.
  - D. The design and location of curb cuts illustrated upon the master plan are conceptual. The final location of all curb cuts shall be approved by the City Engineer.
  - E. Roadway Right-Of-Way and Improvements:
    - 1. Fischer Steel Road, Moriarity Road, and Herbert Road shall each be dedicated one-half of a 68' future right-of-way and improved to establish one-half of a 48' urban cross section as illustrated upon the enclosed street section.
    - 2. Dedication and improvements shall be limited to the planned development's contiguous frontages.
  - F. Off-street parking and loading shall be provided per UDC Chapter 4.5 as modified herein or as otherwise approved by the zoning administrator:
    - 1. Off-street parking shall be required at a ratio of 1 space per 300 sf of the education facility's net floor area used for academic and administrative purposes.
    - 2. All principal and accessory uses shall share the off-street parking facilities required above.
    - 3. On-street parking along any public roadway shall be prohibited.
    - 4. Off-street loading shall be permitted to adequately serve the school and associated accessory uses.

- 5. The size and frequency of interior islands shall be determined with the final site plan with the intent to maximize parking efficiency. Under no circumstances shall terminal islands be omitted.
- V. LANDSCAPING, SCREENING, AND FENCING REQUIREMENTS
  - A. The streetscape standards outlined in UDC Chapter 4.3 shall apply as modified herein:
    - 1. Streetscape Plate S-11 Modified, or an equivalent alternative, shall be installed along all public roadway frontages. Where off-street parking faces the public right-of-way, Evergreen Shrub Type A shall be installed to form a hedge along the curb line facing the public road. Tree Type "A, B, or C" shall be installed at a frequency equivalent to 40' o.c. No berm shall be required.
  - B. Perimeter Fencing shall be permitted within all front, side, and rear yards so long as the fencing does not impede the streetscape or buffer requirements specified herein. Street trees shall be located on the streetside of any perimeter fencing.
    - 1. A 6' 9' Chain link or picket-style fencing shall be permitted within the streetscape area. Chain link fencing must be galvanized, polyvinyl chloride (PVC) color coated in either black, dark green or dark brown color coatings. Uncoated chain link fencing shall be prohibited.
    - 2. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, and landscaped areas.
    - 3. The Zoning Administrator may permit additional fence material, alternate fence design, additional fence height, or reduced setback through the administrative deviation if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Zoning Administrator when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site, and the proposed use of the subject site.
  - C. Private streets and drives are exempt from the streetscape standards provided in Chapter 4.3.
  - D. This planned development shall comply with the landscape and screening requirements outlined in Chapter 4.6 of the Unified Development Code unless otherwise approved by the Zoning Administrator.
  - E. No Perimeter landscape buffers shall be required where the planned development adjoins properties having established industrial land uses and/or zoning.

#### VI. LIGHTING REQUIREMENTS

A. All parking and general site lighting shall comply with Chapter 4.7 of the Unified Development Code unless modified herein.

- B. All recreational sports field lighting shall comply with the TSSAA (Tennessee Secondary School Athletic Association standards.
- C. Equivalent alternatives shall be permitted by the Zoning Administrator.
- D. All pole-mounted site lighting fixtures shall be LED.
- E. All general area site lighting pole heights shall not exceed 30 feet.
- F. All sports lighting pole heights shall not exceed 80 feet.
- G. All sports lighting shall have a shut off time of no later than 10:00PM.
- VII. UNDERGROUND UTILITY LINES

All utility lines such as electric, telephone, cable television, or other similar lines shall be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines that service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

- VIII. SIGNS
  - A. All proposed signage shall comply with Chapter 4.9 of the Unified Development Code as modified herein.
  - B. One (1) Off-Premise Ground Sign shall be permitted in the general vicinity of Future Herbert Road and Future Trinity Road intersection.
- IX. PERIOD OF VALIDITY
  - A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
  - B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.

## X. FINAL PLAN REQUIREMENTS Any final plan shall include the following:

- A. The approved outline plan conditions.
- B. A standard subdivision contract for any needed public improvements.

- C. The exact location and dimension including height, of all buildings or buildable areas, parking areas and number of parking spaces, drives, required landscaping, and building elevations and building materials.
- D. A rendering, including plan view and elevations, of any proposed development identification signs showing the height, dimensions, and design thereof.
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The area denoted by "Reserve for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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' associations. 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 be limited to: removal of sedimentation, fallen objects, debris and trash; moving; outlet cleaning; and repair of drainage structures.
- H. A photometric lighting plan.
- I. The enclosed master plan, corresponding plans, and building elevations are conceptual. The Zoning Administrator shall have the authority to approve modifications to the final plan, associated plans, and building elevations without limitation, where the final plan complies with these conditions.

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

## **City Engineer:**

# CASE 10: \*PD-24-007

## NAME: 7801 Fischer Steel 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 sewers is unknown at this time and needs to be further assessed.

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

#### Curb Cuts/Access:

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

- 9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- 10. Any curb cut along the (street name) frontage beginning closer than 300 feet from the centerline of (cross street) will be limited to right in/right access only.
- 11. Will require engineering ASPR.
- 12. Dedicate and improve Fisher Steel Road, Herbert Road, and Moriarty Road with 68' ROW.
- 13. On street parking along any public roadway shall be prohibited.

#### Drainage:

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

#### **General Notes:**

- 19. Development is greater than 1 acre and is located within a sensitive drainage basin.
- 20. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 21. All connections to the sewer shall be at manholes only.
- 22. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private

drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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

**City Fire Division:** 



## DIVISION OF FIRE SERVICES **&** FIRE PREVENTION BUREAU

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

Case Number: PD 2024-007 Date Reviewed: 7/5/24 Reviewed by: J. Stinson Address or Site Reference: 7801 Fischer Steel

- 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.

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June 13, 2024 Page 30

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:

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Robin Richardson Planner II Office of Sustainability and Resilience 125 N. Main St., Memphis, TN 38103 Dorothy.Richardson1@memphistn.gov

#### MEMORANDUM

To: Chloe Christion, Planner I

From: Robin Richardson, Planner II

Date: June 3, 2024

Subject: OSR Comments on PD 2024-007: CORDOVA

#### 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 planned development that would allow for the creation of a regional public high school. The plan for the site includes a school building and multiple kinds of sports facilities.

The entirety of the planned development is in the Fletcher Creek drainage basin.

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

This application for a planned development is generally consistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites recommends development in Zone 1, as these areas pose the least risk in terms of both resilience and ecological sensitivity.

#### Consistent with the Memphis Area Climate Action Plan best practices: N/A

**Recommendations:** Staff recommends adding a condition to the Outline Plan Conditions that would require development to be consistent with UDC Chapter 8.9, Fletcher Creek Overlay District. Additionally, there are other additions that could be made to the site to be forward-thinking and increase the site's sustainability and resilience:

- Some of the large amount of parking available could have electric vehicle (EV) charging infrastructure installed, as the growth in the EV market in recent years would indicate that there may be demand for EV charging in the near future. Another option is to have some of the spaces be "EV-ready," with electrical capacity installed at certain parking spaces to facilitate the installation of EV charging stations at a later date. Installing electrical capacity during construction can lower installation costs in the long term, as retrofit costs can be up to four times as much as it would have cost to install EV infrastructure in the first place.
- Metal roofs, like the ones shown in the elevations submitted in the application packet, can be more energy efficient than other options, as they reflect heat away from the building they are attached to. An additional consideration in roof design could be the color and/or coating used for the roof material, which could transform the roof into a "cool roof." Multiple elements of this project suggest that this would be an excellent candidate for a cool roof, as it will be new construction of a building with a large surface area. Further information about cool roofs can be found in the Mid-South Regional Resilience Master Plan, Chapter 3.4 Roof Design.
- Low-impact development (LID) practices could be incorporated into the common areas around the site. For example, rain gardens or linear bioretention could be incorporated in the landscaping areas around the parking lot and around some of the recreational fields, or permeable pavement could be used in lieu of concrete for the walking areas. More information about LID can be found in the Mid-South Regional Resilience Master Plan, Chapter 2.3 Low-Impact Development.

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

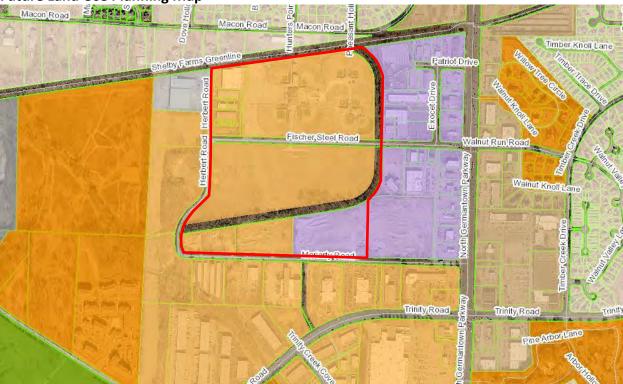
This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-007: Cordova</u>

Site Address/Location: 7801 Fischer Steel Rd

Overlay District/Historic District/Flood Zone: In the Overlay District but not in the Historic District or Flood Zone Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M) Street Type: Avenue

*The applicant is seeking approval for a new planned development to allow a new school.* The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

#### 2. Land Use Description/Intent

Anchor Neighborhood-Mix of Building Types (AN-M) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.



## "AN-M" Form & Location Characteristics

**ACCELERATE:** Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

## "AN-M" Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

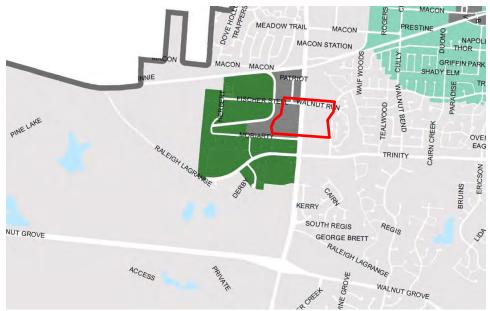
## Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, Industrial, IH

Adjacent Land Use and Zoning: Industrial, Commercial, Recreation, Common Area Land, Institutional, Single Family, CMU-2, EMP, IH, R-8, and RU-4

**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 as the request is for new planned development to allow a new school.

## 3. Degree of Change Map



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

## 4. Degree of Change Description

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

The proposed school will speed up development activity.

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

N/A

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

## N/A

# **Consistency Analysis Summary**

The applicant is seeking approval for a new planned development to allow a new school.

This requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the request is for new planned development to allow a new school.

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

The proposed school will speed up development activity.

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

#### MAILED PUBLIC NOTICE

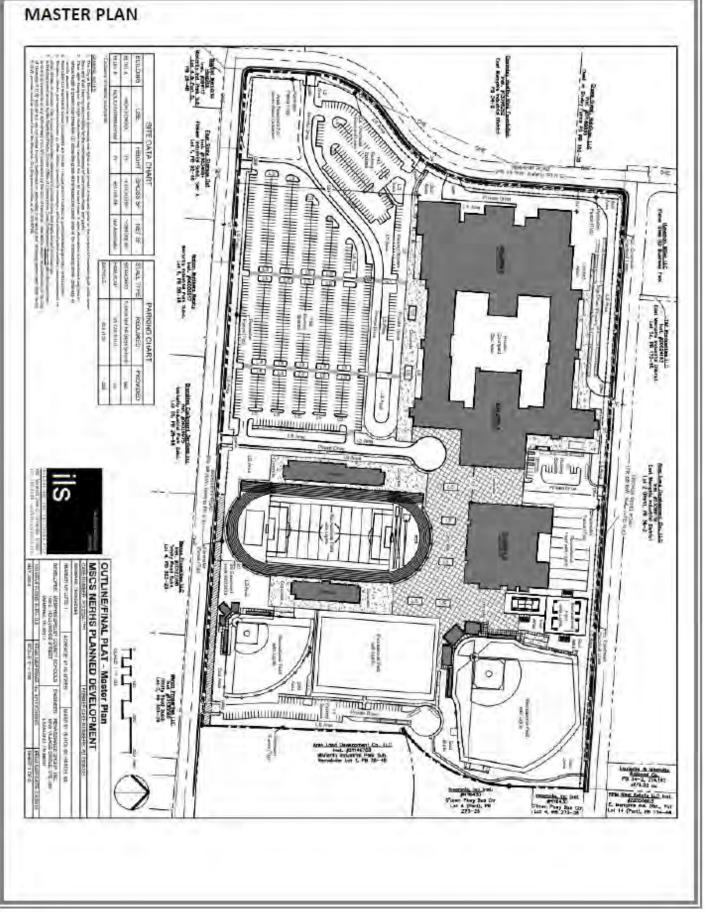
42 Notices Mailed on 5/15/2024

MEI Shelb	THE SAND DIVISION OF PLANNING AND DEVELOPMENT City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103					
NOTICE OF PUBLIC HEARING						
with the Division o	this notice because you own or reside on a property that is near the site of a land use application filed f Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified a:					
CASE NUMBER:	PD 2024-007					
LOCATION:	7801 Fischer Steel Road					
	(SEE MASTER PLAN ON REVERSE SIDE)					
APPLICANT:	Memphis-Shelby County Schools					
REQUEST:	New planned development to allow a new school.					
<u>THE LAP</u> DATE: TIME: LOCATIO	ND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD: Thursday, June 13, 2024 9:00 AM ON: 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 <u>Consent Agenda</u>, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christion at chloe.christion@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, June 5, at 8 AM. Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.



June 13, 2024 Page 37

#### AFFIDAVIT

Shelby County State of Tennessee

 I. Cory Brady
 being duly swom, depose and say that at 11:30 am/pm

 on the 30th day of May
 20 24, I posted 3 Public Notice Sign(s)

 pertaining to Case No. PD 2024-007 at Fischer Steel Rd, Herbert Rd and Morlarity Rd

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

X Land Use Control Board

Board of Adjustment

x 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

heretø.

5/30/24 Date

Owner, Applicant or Representative

Subscribed and sworn to before me this 30th day of

Notary Public

My commission expires: New 13th 2027



#### APPLICATION

June 13, 2024 Page 38



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

#### **Record Summary for Planned Development**

**Record Detail Information** 

Record Type: Planned Development

Record Status: Processing Opened Date: May 10, 2024

Record Number: PD 2024-007

Expiration Date:

Record Name: MSCS NERHS PLANNED DEVELOPMENT

Description of Work: Planned Development Application in the facilitation of a proposed North East Region High School planned upon 46.42 acres generally located at the southeast corner of Fischer Steel Road and Herbert Road.

Parent Record Number:

#### Address:

7801 FISCHER STEEL RD, CORDOVA 38018

#### **Owner Information**

Primary Owner Name

Y Aren Land Dev Co LLC

**Owner Address** 

7707 Apache Plume Dr., Houston, TX 77071

Parcel Information

091031 00001

#### Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba & Jeffrey Penzes
Date of Meeting	04/26/2024
Pre-application Meeting Type GENERAL PROJECT INFORMATION	Virtual
Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	PD 2008-315
Medical Overlay / Uptown	No
If this development is located in unincorporated	N/A

Page 1 of 5

PD 2024-007

Owner Phone

GENERAL PROJECT INFORMATION	
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)	
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	The subject property is surrounded by commercial and industrial-zoned properties and is adequately served by all utility infrastructure and public street networks. Where inadequacies exist or improvements are necessary, those improvements are proposed concurrently with the project. The proposed school use will have no substantial or undue effect on any adjacent property. Conversely, the proposed school will improve the character of the property/neighborhood/district and offer improved public education facilities for the
UDC Sub-Section 9.6.9B	Memphis/Cordova community. The planned development has been designed to adhere to the community standard and applicable zoning district regulations as modified to facilitate the proposed high school campus format in the industrial zoning district. The construction and operation of the proposed high school will not interfere with the development and use of any adjacent property.
UDC Sub-Section 9.6.9C	The project is served by all utility infrastructure and public street networks with planned improvements as necessary to facilitate the proposed high school and accessory uses, subject to City Engineer approval.
UDC Sub-Section 9.6.9D	No features of natural, scenic, or historic importance exist upon the subject property.
UDC Sub-Section 9.6.9E	The planned development will comply with all standards and conditions upon approval by the Memphis City Council.
UDC Sub-Section 9.6.9F	The planned development is consistent with the recommendations of the Memphis 3.0. No further plans are to be considered and the use does not violate the character or standards for development of any surrounding property.
GENERAL PROVISIONS	or any surrounding property.

PD 2024-007

#### GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

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

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

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

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

Data Tables

June 13, 2024 Page 40

The proposed development will have no adverse effect upon the surrounding property nor will it hinder or prevent the development of surrounding properties in any way.

The project is adequately served by public water, sewer, and storm drainage services. Various improvements are proposed to be completed concurrently with the development, subject to engineering approval.

The arrangement of all structures, parking, loading, walks, lighting, landscaping, etc. is compatible with the surrounding land uses. No natural features of value exist.

The proposed planned development contains limited modifications to the district standards that are necessary to facilitate the high school campus format. The modifications have been drafted through collaboration with DPD staff and are warranted by the project's special considerations of the overall project design.

Upon approval, the project will be owned, operated, and maintained by Memphis/ Shelby County Schools.

Understood.

-No -No --Fletcher Creek Overlay ---

No

PD 2024-007

#### AREA INFORMATION

Payment Amo \$1,539.00		d of Payment t Card					
-	nformation Method	of Dumont					
		Total Fee I	nvoiced: \$1,5	39.00 Tot	Total Balance: \$0.00		
1563574	Planned Development acres or less	-5 1	1,500.0	INVOICE	D 0.00	05/10/2024	
1563574	Credit Card Use Fee (.( x fee)	026 1	39.0	J INVOICE	0.00	05/10/2024	
Invoice # 1562574	Fee Item	Quantity	Fees	Status NVOICE		Date Assessed 05/10/2024	
Fee Inform							
Phone (901)493-699	3						
Address					REFRES	ENTATIVE	
Name CORY BRAD	e e e e e e e e e e e e e e e e e e e					ct Type	
Phone (901)493-699	8						
Address					RECORI	0	
IGAL ELFEZO	UATY					Ct Type RTY OWNER OF	
Phone (901)332-553 Name	3				Conto	et Tupo	
Address					SURVEY	'OR	
Name SAL FERACI					ARCHIT	Contact Type ARCHITECT / ENGINEER /	
Phone -							
Address							
Name NAME NAME					Contact Type APPLICANT		
Contact In	formation						
Property	r:	School	πα Lighted R		>		
	eee en repeny.	ustrial/Vacant	al & Lighted P	ecreational Fields			
Size (Ad							
Name:	Ove	erall Site					

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PD 2024-007

#### **OWNER AFFIDAVIT**

June 13, 2024 Page 42



City Hall - 125 N. Main Street, Sulte 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.

1. AVIELEZOUATY (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 the Southeast Coever of Fischer Steel Road not Hezbert Road and further identified by Assessor's Parcel Number 25 of 1000 monte (Restrict) of 1000 monter, of 1000 monter, for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

ANNA LAURA SERRATO Notary Public, State of Texas Comm. Expires 09-28-2025 Notary ID 125429213

9-28-2025

state that I have read the definition of

My Commission Expires

## INTEGRATED LAND SOLUTIONS, plic

planning • design • landscape architecture

May 10, 2024

Brett Ragsdale Zoning Administrator Land Use and Development Services 125 N. Main St., Ste. 477 Memphis, TN 38103

Re: Planned Development Application Parcel #s 091030 00010 (Portion), 091030 00011, 091030 00012, and 091031 00001.

Mr. Ragsdale,

On behalf of the applicant, Memphis-Shelby County Schools (MSCS), I am requesting approval of a planned development application to facilitate the construction of the proposed New East Region High School (NERHS). The planned Cordova campus will serve as a replacement for students currently zoned to Germantown High School. The new school will provide a quality education and an engaging space to over 2,000 students; thereby, catalyzing sustained community revitalization efforts by providing long-term solutions to community challenges (ie. crime and unemployment). The subject property is located at the southeast corner of Fischer Steel Road and Herbert Road, approximately 830 feet west of North Germantown Parkway. The 46.42-acre tract is composed of multiple parcels under common ownership, presently zoned "IH" (Industrial-Heavy). The property is adequately served by all utility infrastructure.

Upon approval of this request, Memphis & Shelby County Schools intends to purchase the subject tract and construct a state-of-the-art public high school with lighted recreation fields and other accessory facilities as generally illustrated upon and regulated by the enclosed outline plan/final plat documents. Commensurate with the school's development, all adjacent public roadways will be improved following the city engineer's recommendations, and by a separate application, Herbert Road is planned to be extended south to Trinity Road. Sidewalks will be provided along all contiguous roadway frontages and along both sides of the Herbert Road extension south to Trinity. The planned development is intended to comply with the City's Unified Development Code provisions with limited modifications necessary to best accommodate the public high school in the IH zoning district.

Please find enclosed the documentation required to accompany the planned development application. If you should have any questions, please contact me at corybrady@gmail.com or (901) 493-6996. It is always my pleasure to work with the City of Memphis's staff, the Land Use Control Board, and City Councilpersons. We look forward to working with you.

Respectfully,

Cory Brady

Cory Brady, PLA, AICP Integrated Land Solutions, PLLC

9967 Bentwood Creek Cove • Collierville, TN 38017 901.493.6996 • corybrady@gmail.com

#### LETTERS RECEIVED

June 13, 2024 Page 44

Twenty-eight (28) letters of opposition and one (1) letter of support have been received at the time of completion of this report.

# Memphis Pride Cheer - Forcing Athlete Parents to Send E-mails to You

Katie Graves <katiegraves3@gmail.com>

Wed 6/5/2024 4:38 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Chloe. I wanted to share that Memphis Pride Cheer is attempting to force athletes' parents to send you e-mails concerning the upcoming development near their facility. They sent everyone a pre-typed e-mail and told us we had to copy/paste and send it to you this afternoon before 3:30pm with their attorney also on copy. The owners of Pride are known to retaliate against those who do not follow their instructions. It made me uncomfortable receiving the email from them, and I wanted to bring it to your attention. I have no concerns with the upcoming establishment being built.

I am unsure how many e-mails you will receive as Memphis Pride Cheer spelled your e-mail address incorrectly when they sent out their communication, and I had to look you up to verify your e-mail address.

Thank you for listening!

# LAMBERT LAW FIRM

RACHEL L. LAMBERT Email: RachelLambertEsq@gmail.com

λ.

7790 Fischer Steel Road, Suite 101 Cordova, Tennessee 38018

Tel: 901-382-0080 Fax: 901-386-2888

June 4, 2024

Ms. Chole Christion Land & Use Control Board

#### Re: Proposed North East Regional High School

Dear Ms. Christion:

I am writing this letter to state my formal objection to the proposed location of the North East Regional High School within the East Memphis Industrial District. While I understand the City and County is in need of another school, I am more concerned with the safety of children and the illogical decision to place a high school in a high industrial area.

The proposed location for this school is sandwiched in between all highly industrial businesses and warehouses. There are many 18 wheeler deliveries, many of which contain highly toxic chemicals, traveling the small roads all hours of the business day during the week. The roads are already failing and not up to code without a school, and now you are proposing having 16 year old drivers, their family members, and many buses added to the mix of traffic. Moreover, there are no residential areas immediately attached to this school. The residential areas are all across the most traveled street in the state, Germantown Parkway. These children will be running across Germantown Road, 7 lanes of highly congested traffic, which will inevitably lead to tragedy. There is only one main road with a traffic light, Fischer Steel Road, which runs directly into the industrial area where the 18 wheelers will be traveling, to allow traffic in and out of the school. This one main road is the only road with a traffic light, which does not even have a turn signal. Moriarity Road, which is the proposed alternative road to the school, has no traffic light, is unlined, and has no lighting. This road is likewise used by 18 wheelers for vehicle delivery, transportation of heavy industrial cranes and equipment, and various other industrial traffic that has no business being located across the street from the school.

The proposed plans only provide for 900 parking spots, yet gloats all the stadiums/fields/etc. to be used by the high school. Where are all the students, parents, fans, opposing team, opposing team fans, opposing team parents expected to park for all of these extra activities? Along side a road that has a drop off into ditches and gas lines? Encroach upon the current businesses already in place? The high school will require substantially more parking spaces than what is provided in the proposal, and without providing for adequate parking, visitors of the school will infringe upon the existing parking facilities that

June 4, 2024 Page 2

are already in short supply. Visitors of the school will inevitably block entrance ways and impede patrons that are attempting to travel to the already established businesses in the area.

Moreover, the noise and disruption that accompanies high school activities will disrupt business activities and the peaceful environment for the businesses already in the area. The concern is not just for "Friday night football," but there will be band practice, which takes place outside, scrimmages, all types of sporting practices, whistles constantly blowing, yelling, etc.; not to mention the constant coming and going of students heading to/from practice, being picked up at various times, etc.

The combined effects of increased traffic, inability to operate normal business functions, longer commute times, and general congestion on a non-stop basis will discourage patrons from visiting the established businesses in the area. This area has currently survived the Pandemic, and been able to maintain business during this poor economy and recession; however, if the school is placed in the middle of this industrial/business area, it would inevitably force the closure of some businesses and harm the economic vitality of this business district. Although it may be the goal of the developer and seller of this land for your project to run many of the businesses out of business, I would think it would be the City's overall goal to support businesses to generate revenue for the City.

The infrastructure in this area is already subpar. This area suffers frequent power outages, sewage/drainage issues, and roads that are less than adequate. With increasing the demand on the already dilapidated roads, poor water drainage, sewage usage, drain on the electrical power grid, public transport, and general increased internet and utility usage, the businesses surrounding this proposed school with definitely suffer.

Not to mention, the land that is to be used by the City for this school is currently under restrictions in the deed due to toxic chemicals being present from the previous Railroad owner. The deed expressly restricts the ability for a school to be built on the land. There has been no evidence the land conditions have been changed and/or modified to remedy the current land conditions to make it suitable for a school. The reason the land has been vacant for the period that it has is due to the inhabitable conditions of the land from its many years of industrial use. It seems the City should be more concerned about the potential hazards located on the land, and if the City is not, then maybe the federal government and EPA can ensure the City takes these concerns seriously. Businesses have repeatedly asked for proof that the land is even suitable for a school; however, upon each request, the questions have been evaded and the responsibility has been passed to someone else and no disclosure made to date.

I would urge the decision-makers to consider alternative locations for the high school that are more suitable for residential areas and for the safety of the children, rather than placing a school in the middle of a highly industrial area, which has been industrial for over 60 years. Thank you for your time and attention to this matter.

June 4, 2024 Page 3

Sincerely, Rachel L. Lambert Attorney at Law

RLL/ms

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#### **New Build**

Jeana Burrell <jeana.burrell@gmail.com> Tue 6/4/2024 6:00 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Jeana Burrell

## Urgent!!!

Briana Lockner < b.lockner0117@gmail.com> Tue 6/4/2024 5:49 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

4, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road, are writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

I personally myself, drive 45 - 1 hour (depending on traffic) for my child to do the sport she loves with her whole heart!! This gym is our family and our second home. I have to stay in the area, if not in the building in the parking lot because it is more cost efficient than driving home due to gas prices and other costs.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Briana Lockner

# Arms-Fair and/or Gun Transfer Portal 7845 Trinity Rd Ste 103 & Ste 101 Cordova, TN 38018 (901) 289-5681

To Whom It May Concern,

As the owner of Arms-Fair and Gun Transfer Portal at 7845 Trinity Rd Stes 103 and 101, I am writing to express my strong opposition to the proposed development of a new high school (North East Region High School) within my neighborhood.

My primary concerns include:

- 1.) Traffic congestion
- 2.) Parking Shortages
- 3.) Noise and Disruption
- 4.) Safety and Security Concerns
- 5.) Economic Impact
- 6.) Strain on the infrastructure
- 7.) Impact on Quality of Life

I urge the decision-makers to consider alternative locations for the high school that would not disrupt the delicate balance of our local economy and community.

Thank you for your attention to this matter.

Sincerely,

= Hill, A. William C. Hill, Jr.

President Adintellico, Inc. d/b/a Arms-Fair Adintellico, Inc. d/b/a Gun Transfer Portal

# Record #PD 2024-007 - Proposed New East Region High School Between Fischer Steel Rd and Trinity Rd

#### Lisa Kennedy <lisakenned@gmail.com>

Wed 6/5/2024 11:24 AM

To:jmckinnoncre@gmail.com <jmckinnoncre@gmail.com>;jenniferbethoconnell@gmail.com <jenniferbethoconnell@gmail.com>;dkthomas@gotci.com <dkthomas@gotci.com>;lisa@ethridgeenterprises.com <lisa@ethridgeenterprises.com>;mwsharp@bellsouth.net <mwsharp@bellsouth.net>;sfleming@flemingarchitects.com <sfleming@flemingarchitects.com>;brown@gillprop.com <brown@gillprop.com>;tolesassoc@aol.com <tolesassoc@aol.com>; develop901 <develop901@memphistn.gov>;Dlyleswallace@comcast.net <Dlyleswallace@comcast.net>;Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Record #PD 2024-007 - Proposed New East Region High School Between Fischer Steel Rd and Trinity Rd

To Whom It May Concern:

I am writing to express my concern about the proposed new development for a new east region high school north of Germantown Pkwy between Fischer Steel Rd and Trinity Rd and asking that you as decision makers consider alternate locations for this new school.

To me it appears that there has been little consideration given to the traffic congestion, parking shortages and safety concerns for the businesses in the area and the families that frequent those businesses/facilities.

My family has a child that has for years participated in competitive sports activities at a program located at 7790 Fischer Steel Rd. This program includes children ages 3 years old and up whose families commute from all over the city and surrounding counties as well as the states of Mississippi and Arkansas.

Regarding my concerns of <u>traffic congestion</u>, please realize that Fischer Steel Rd is a small 2 lane road and currently there is only 1 single streetlight at Fischer Steel Rd and Germantown Pkwy from which we exit the area. Building a new school in this area would increase the traffic immensely causing huge traffic backups and increase travel time for our athletes and their families traveling back and forth from their homes.

<u>Parking</u> is already in short supply, and my fear is this new school would create an even greater parking shortage and overflow parking issues for all businesses in the area.

Lastly, I am concerned about the <u>safety</u> of our athletes and their families from the added dangers of the increased traffic in this location and from the potential and very probable crime increase that occurs when you put significantly more people in a limited area.

I am urging you as citizens and decision makers not to locate this new school on the land between Fischer Steel Rd and Trinity Rd. Please look for alternative locations. Thank you for your consideration of this very urgent matter.

Sincerely,

Lisa Kennedy

Concerned Citizen and Family Member of Athlete at Memphis Pride Cheer

# Cordova Neighborhood Business Association re: MSCS NERHS PLANNED DEVELOPMENT

Marty Kiser <marty@kisers.com> Wed 6/5/2024 1:09 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

As a property owner of Kiser's Floor Fashions 7980 Fischer Steel Road Cordova, TN 38018, we Strongly oppose the addition of the proposed school in our industrial zoned property.

We have 40' tractor trailers picking up and delivering goods to us throughout the day and each and everyone of them has to pull on to Fischer Steel Road, block traffic and back end. We are one of numerous businesses that do the same thing all day long.

Traffic is already a nightmare on Germantown Parkway and placing the school here will exacerbate the problem. The proposed traffic flow is totally insufficient.

The fact that so many large trucks throughout the day are up and down Fischer Steel, Herbert, Moriarty, Trinity and Germantown Parkway is very frightening for the safety of the children.

The very thought of children that would walk to this Industrial area having to cross Germantown Parkway is terrifying.

We're asking you to oppose the proposed school location.

Sincerley,

Marty Kiser VP-Owner Kiser's Floor Fashions 7980 Fischer Steel Road Cordova, TN. 38018

#### Fwd: Fischer Steel development

#### Rachel Lambert <rachellambertesq@gmail.com>

Wed 6/5/2024 12:49 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Nikki Garces** <<u>ngarces@varsity.com</u>> Date: Wed, Jun 5, 2024 at 12:33 PM Subject: Fischer Steel development To: <u>Chole.christion@memphistn.gov</u> <<u>Chole.christion@memphistn.gov</u>>, <u>develop901@memphistn.gov</u> <<u>develop901@memphistn.gov</u>>, tolesassoc@aol.com <tolesassoc@aol.com>, brown@gillprop.com <<u>brown@gillprop.com</u>>, <u>sfleming@flemingarchitects.com</u> <<u>sfleming@flemingarchitects.com</u>>, <u>mwsharp@bellsouth.net</u> <<u>mwsharp@bellsouth.net</u>>, <u>lisa@ethridgeenterprises.com</u> <<u>lisa@ethridgeenterprises.com</u>>, <u>dkthomas@gotci.com</u>>, <u>jmckinnoncre@gmail.com</u> <<u>jmckinnoncre@gmail.com</u>>, jenniferbethoconnell@gmail.com <<u>jenniferbethoconnell@gmail.com</u>>, <u>dlyleswallace@comcast.net</u><<u>dlyleswallace@comcast.net</u>> Cc: <u>RachelLambertEsg@gmail.com</u> <<u>RachelLambertEsg@gmail.com</u>>

3394 Ballard Cv

Bartlett TN 38133

5, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road are writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a

definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Nikki Garces

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--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

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# (No subject)

Tiffany Wallace <twboxet2000@yahoo.com> Wed 6/5/2024 12:33 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

5 June 2024

To Whom it May Concern,

We as parents and par cipants of a highly compe ve sports program at 7790 Fischer Steel Road are wring to express our strong opposi on to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city as well as from the states of Mississippi and Arkansas, we are strongly concerned about traffic conges on, parking shortages, and most importantly safety.

There is only one access road from the facility we use- along with many other businesses in the development- with only one stop light to the main road. We are already experiencing very long wait mes and heavy traffic not only at our facility, but along Fischer Steel Road. The construction would exacerbate the existing conges on not only in the immediate area of our facility, but also for the proposed facility. Parking, which is already an issue for our families, will experience a definite shortage and overflow parking is very limited. The an cipated surge in heavy traffic on a daily basis also creates cause for concern for the safety of drivers and pedestrians in the area. Such conditions would place the significant number of children in the area at greater risk of harm. Furthermore, increasing the pedestrian traffic brings concerns over increasing rates of accidents as well as small crimes.

We strongly urge the decision makers to consider alternate loca ons for this school. Thank you for your a en on to this ma er.

Sincerely, Tiffany and Thomas Johnson

TO:	Chloe Christion, Memphis Land and Use Control Board
FROM:	Dan McCleary, Tennessee Shakespeare Company
RE:	Opposition to Board's Approval of Special Use Permit for Proposed North East
	Regional High School in Cordova; Formal Request for Board's "Denial
	Recommendation"
DATE:	June 5, 2024; and re-sent on June 12, 2024 for the purpose of being included in
	the packet for the postponed July meeting

I am the owner, founder, and Producing Artistic Director of Tennessee Shakespeare Company (TSC), located at 7950 Trinity Road in Cordova 38018-6297. TSC sits on Trinity Road to its north and sits on Moriarty Road to its south.

TSC is a 501c3 not-for-profit charitable organization founded in 2008 as the first and only professional classical theatre and education organization in Memphis and as the only such theatre with a permanent home in the state of Tennessee.

TSC is dedicated to live, diverse performances of William Shakespeare's plays, as well as works of social significance by classical, Southern, and modern writers; and to providing innovative educational and training programming year-round.

In 2017, we purchased our current home at 7950 Trinity Road, which was built for Ballet Memphis. We are in the process of renovating the working facility into the state's only permanent home for professional, year-round Shakespeare performance, education, and training. The company is in the midst of its Brave New World capital campaign with a goal of \$9.2 million, of which more than one-third has been raised.

TSC has engaged our community with 67 site-specific plays and events for 60,000 patrons. Our ground-breaking Education Program has reached 130 schools across nine states, totaling over 300,000 student interactions, including nearly every Memphis City and Memphis-Shelby County school. The Program has achieved a high regional and national profile, partners annually with most local school systems, and this year is a recipient of two National Endowment for the Arts/Arts Midwest's *Shakespeare in American Communities* grants: one for *The Macbeth Initiative* in underserved local schools, and the other for expanded residencies with local incarcerated youth titled *Juvenile Justice*. TSC is one of just a handful of U.S. theatres to be awarded this latter grant for the fifth consecutive year.

TSC's annual performance and education sponsors include FedEx, International Paper, Arts Midwest, ARTSmemphis, Tennessee Arts Commission, Independent Bank, Evans Petree PC, First Horizon Foundation, and AutoZone. Our season is funded under a Grant Contract with the State of Tennessee; and is being supported, in part, by federal award number SLFRP5534, awarded to the State of Tennessee by the U.S. Department of Treasury.

TSC's area outreach partners include Bartlett Performing Arts Center, Benjamin Hooks Public Library Friends, Cities of Bartlett and Collierville and Memphis, Davies Manor, Dixon Gallery & Gardens, Memphis Juvenile Justice System, Memphis V.A. Medical Center, Overton Park Shell, Overton Square, Shelby County Election Commission, Memphis-Shelby County Schools, St. George's Episcopal Church, University of Memphis' Department of Theatre & Dance, Wiseacre Brewery, WKNO Radio (91.1 FM Memphis), and Woodlawn.

On behalf of TSC's Board of Directors, I write in <u>OPPOSITION</u> to the proposals we have seen from City representatives for plans to construct the new North East Regional High School on the "Heavy Industrial" zone site located between Fischer Steele Road and Moriarty Road in Cordova.

# We request that the Land and Use Control Board make a <u>DENIAL RECOMMENDATION</u> to the City Council for a Special Use Permit to re-zone this property for this purpose, which will be formally requested of the Board at its next public meeting hearing on June 13, 2024, for at least the following reasons:

- Of 115 of your current public schools, fewer than 20 are sited on Non-Residential zoned properties. How many of those are zoned I-H (Heavy Industrial)? No one associated with the City has been able or willing to answer this question for us. There are multiple reasons why schools are not constructed in Heavy Industrial zones, and this proposed Cordova site is a textbook case for why that is fact;
- The CSX spur parcels of 6-7 acres on this property convey covenants that prohibit the construction of schools of any kind on it due to hazardous materials on and within the ground;
- This proposal creates a roadway loop of Moriarty/Herbert/Fischer Steele that will continue to serve at most hours of day/night, seven days per week, the necessary semi-truck and heavy industrial equipment to multiple service providers located within the loop;
- This proposal makes the sole outlet of the above roadway loop the busiest road in Shelby County and, arguably, in the state of Tennessee: Germantown Parkway. With the recent narrowing of Germantown Road/Trinity Road's intersection, we have witnessed a rise in traffic accidents and traffic congestion that also has doubled our drivetime in round-trips to work. We witness first-hand children and adults as pedestrians attempting to cross six lanes of Germantown Parkway in the mornings and evenings. We note that no provision has been made in the proposed budget for a traffic light at Germantown Parkway and Moriarty Road. Instead, we were told it would be a right-turn-only intersection. This has not, nor is there any reason to imagine that it will stop, teenagers in cars from making dangerous left turns. There are retail stores and restaurants and bars adjacent to and within walking distance of this proposed school site. Adding school pedestrian traffic to an already-congested road network where vehicles are traveling fast and ignoring traffic

signals will present life-threatening scenarios between children and vehicles unable to stop;

- The traffic study provided by the City shows this proposed high school will generate 5,665 new trips per day in this area. This will more than double the area's current trips per day, which the study reports as 4,749. To the current two-lane roads bounding this property, the plan proposed adding one lane. There has been no plan offered for what dangerous traffic and pedestrian issues or flow issues this will present on Germantown Parkway. You will be presented with an independent traffic study, based on the City's report, that shows the current Level of Service at Trinity Road/Germantown Parkway during AM Peak and PM Peak receiving failing grades of "F" and "F." The intersection of Moriarty Road/Germantown Parkway at Midday Peak is graded "E". The intersections of Macon/Germantown AM Peak, Mullins Station/Whitten AM Peak and PM Peak, and Mullins Station/Appling are graded "E." Using the City's population growth figures, without a new high school built in this area in 2025, the study downgrades the intersection of Moriarty Road/Germantown Parkway at Midday Peak and PM Peak to grades of "F." In 2025 and 2035 with the new school, with the exception of only one davpart at two intersections, all seven adjacent and nearby intersections receive grades of "F" and "E." Those grades are unacceptable by the City's standards. The roadway network around the proposed high school site is graded by the City as already heavily congested, and the proposed site traffic will dramatically add to congestion that will result in operational and child/adult safety issues;
- A high school with overflow parking, waiting parents in cars, prevention of safe traffic flow, and child pedestrian activity across TSC's property certainly will negatively impact TSC's safe and responsible daily business. <u>However, TSC will be put out of business</u> with the new school's public address system for multiple athletic fields across the street. There are no acoustic remediations to prevent those sounds from encroaching and obstructing our live-voice performances in our theatre, located just off Moriarty Road. This is not just football, baseball, softball, soccer, lacrosse, track and field, band, flag corp; but also all TSSAA and other athletic organizations' events held there. We have experienced this before. No theatre performances can occur concurrently with a P.A. speaker system. This proposed school at this location will bankrupt TSC and prevent us from achieving our mission. The area will lose TSC's \$2.4 million economic impact, and we will seek restitution.

## Please note:

I have made a documented, formal request for the city's Feasibility Study of all Cordova sites for this new school. To date, I have not received that.

At the time of this writing, the Phase I and Phase II environmental reports on this property, which I have been told were completed and have been requested, have not been provided for review – nor have dates of those studies been provided.

The discussed cut-through of a new road connecting Herbert Road to Trinity/Raleigh-LaGrange Road is not part of this proposal and would need to seek at least two approvals. However, City representatives have presented this future road as crucial as a second priority outlet to the school (along with Germantown Parkway). Who will pay for these installments? Who will pay for the surrounding traffic mitigation?

We have requested more detail regarding the bus-queing analysis. The plan does not appear to accommodate on its property the number of buses reported to be needed. Where will buses overflow?

We appreciate the legal requirement for a school to be constructed. City representatives reported last week that most of the current Germantown High School students come from homes in Cordova and that this new site was selected to accommodate those homes. Yesterday, those representatives stated that only one-half of the current GHS students are in Cordova. The other one-half travel from all over the county, we were told. This weakens the argument for this particular Heavy Industrial site in order to accommodate shorter bus trips for students. That impact is much less than was originally stated.

We have been made aware of the land-swap arrangement between the properties north and south of Fischer Steele Road and of the intent to build Section Eight housing on land on Fischer Steele.

## **Conclusion:**

This proposal greatly endangers the lives, the safety, and the economy of the families and children we wish to serve in Cordova.

There is a reason that the City of Memphis and Shelby County have not built public schools on land zoned as Heavy Industrial. This proposed Cordova property is a text book example for why that is the case: the likely existence of hazardous materials/chemicals in the land, daily heavy construction and delivery equipment on the roads, only two outlet roads to the busiest roadway in the county, more than doubling vehicle trips on a roadway network that is already receiving LOS grades of "E" and "F," and the bankrupting of Tennessee Shakespeare Company – a charitable organization that has served over 100,000 public high school students, military Veterans, and adjudicated youth in Memphis. The areas will also lose TSC's substantial economic impact in the area.

## **Request:**

The Board should make a "Denial Recommendation" to the City on this Special Permit Use request.

# **Contact:**

My phone number is 759-0604, and my email is <u>danmccleary@tnshakespeare.org</u>. Thank you.

#### Fwd: Case number PD 2024-007

#### Rachel Lambert <rachellambertesq@gmail.com>

Wed 6/5/2024 12:19 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

----- Forwarded message ------

From: **Ashley McCullough** <<u>mccullough7876@yahoo.com</u>> Date: Wed, Jun 5, 2024 at 12:07 PM Subject: Case number PD 2024-007 To: <<u>dlyleswallace@comcast.net</u>>, <<u>dkthomas@gotci.com</u>>, <<u>lisa@ethridgeenterprises.com</u>>, <<u>mwsharp@bellsouth.net</u>>, <<u>sfleming@flemingarchitects.com</u>>, <<u>brown@gillprop.com</u>>, <<u>tolesassoc@aol.com</u>>, <<u>develop901@memphistn.gov</u>> Cc: <<u>RachelLambertEsq@gmail.com</u>>

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Case number PD 2024-007

Sincerely,

Ashley McCullough

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

#### Fwd: Fischer Steel traffic

Rachel Lambert <rachellambertesq@gmail.com> Wed 6/5/2024 11:39 AM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Ronita Cole** <<u>hairbyronita@gmail.com</u>> Date: Tue, Jun 4, 2024 at 7:43 PM Subject: Fwd: Fischer Steel traffic To: Rachel Lambert <<u>rachellambertesq@gmail.com</u>>

Mrs. Ronita Cole

Begin forwarded message:

From: Ronita Cole <<u>hairbyronita@gmail.com</u>> Date: June 4, 2024 at 5:59:36 PM CDT To: <u>Chole.christion@memphistn.gov</u> Subject: Fischer Steel traffic

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely, Concerned parents of a new teen driver

Ronita1@msn.com Mrs. Ronita Cole

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

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# Fwd: The Proposed Development on Fischer Steel Road

Rachel Lambert <rachellambertesq@gmail.com> Wed 6/5/2024 11:39 AM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Wendy Belt** <<u>rn7622@icloud.com</u>> Date: Tue, Jun 4, 2024 at 9:03 PM Subject: The Proposed Development on Fischer Steel Road To: <<u>jmckinnoncre@gmail.com</u>>, <<u>jenniferbethoconnell@gmail.com</u>> Cc: <<u>RachelLambertEsq@gmail.com</u>>

4, June 2024

To Whom it May Concern,

We, as participants of a highly competitive sports program located at 7790 Fischer Steel Road, are writing to address our strong opposition to the proposed development within our neighborhood. Our facility serves children ranging from 3 years old and up who travel from various parts of the city, including Mississippi and Arkansas. We are particularly concerned about potential issues such as traffic congestion, limited parking, and overall safety.

The presence of only one streetlight at the exit of our road could lead to significant traffic delays for athletes and families traveling to and from our facility. A lack of adequate parking could create challenges for our families and result in overflow. Additionally, there are safety concerns related to increased traffic, congregation of people in a smaller area, jaywalking, and potential petty crimes.

We urge decision makers to explore alternative locations for the proposed development. Thank you for your attention to this matter.

Sincerely, Wendy Belt

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888 Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

Subject Proposed development

From	SHERRY GORDIN
	<sgordin@att.net></sgordin@att.net>
_	

To: <dkthomas@gotci.com>

Date Yesterday at 8:46 PM

4, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at <u>7790 Fischer Steel Road</u> is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Sherry Gordin

Sent from AT&T Yahoo Mail for iPhone

## Fwd: Safety

#### Rachel Lambert <rachellambertesq@gmail.com>

Wed 6/5/2024 11:36 AM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message ------

From: Suzanne Creedon < suzannecreedon901@gmail.com >

Date: Tue, Jun 4, 2024 at 9:05 PM

Subject: Safety

To: <<u>lisa@ethridgeenterprises.com</u>>, <<u>mwsharp@bellsouth.net</u>>, <<u>tolesassoc@aol.com</u>>,

<develop901@memphistn.gov>, <sfleming@flemingarchitects.com>, <brown@gillprop.com>,

<<u>dkthomas@gotci.com</u>>, <j<u>enniferbethoconnell@gmail.com</u>>, <<u>dlyleswallace@comcast.net</u>>,

<jmckinnoncre@gmail.com>, <RachelLambertEsq@gmail.com>

4, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes. We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely, Suzanne Creedon

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888 Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

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# Fwd: MPC parking and traffic

Rachel Lambert <rachellambertesq@gmail.com> Wed 6/5/2024 11:35 AM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Payton Weathers** <<u>pweathers@epc.k12.ar.us</u>> Date: Tue, Jun 4, 2024 at 8:02 PM Subject: MPC parking and traffic To: <<u>Chole.christion@memphistn.gov</u>>, <<u>RachelLambertEsq@gmail.com</u>>, <<u>develop901@memphistn.gov</u>>, <<u>dkthomas@gotci.com</u>>, <<u>dlyleswallace@comcast.net</u>>, <jmckinnoncre@gmail.comjenniferbethoconnell>, <<u>sfleming@flemingarchitects.com</u>>

To Whom it May Concern,

As a participant of a highly competitive sports program at 7790 Fischer Steel Road, I am writing to express my strong opposition to the proposed development within our neighborhood. As a parent, traveling multiple times a week from Arkansas, I am strongly concerned about traffic congestion, parking shortages, and most importantly safety. Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes. I urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely, Payton Weathers

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

#### Fwd: Cordova development plans

Rachel Lambert <rachellambertesq@gmail.com>

Wed 6/5/2024 11:35 AM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: Lauren Lunati <laurenlunati@gmail.com> Date: Wed, Jun 5, 2024 at 8:02 AM Subject: Cordova development plans To: <<u>dlyleswallace@comcast.net</u>>, <<u>dkthomas@gotci.com</u>>, <<u>lisa@ethridgeenterprises.com</u>>, <<u>mwsharp@bellsouth.net</u>>, <<u>sfleming@flemingarchitects.com</u>>, <<u>brown@gillprop.com</u>>, <<u>tolesassoc@aol.com</u>>, <<u>develop901@memphistn.gov</u>>, <<u>jmckinnoncre@gmail.com</u>>, <<u>jenniferbethoconnell@gmail.com</u>>, <<u>chole.christion@memphistn.gov</u>> Cc: <rachellambertesg@gmail.com>

To Whom it May Concern,

My daughter is a participant of a highly competitive sports program at 7790 Fischer Steel Road and I am writing to express opposition to the proposed development within the neighborhood. I am strongly concerned about traffic congestion and safety.

There is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. It is already a nightmare some days without the new development. If you carry through with your plans, something about the traffic in the area near Germantown parkway HAS to be done.

Safety regarding traffic is a huge concern especially since you're discussing a place there are already many kids and teens and potentially introducing a whole lot more.

With the addition, it also becomes less of a safe space due to more people gathered, jaywalking, and petty crime.

We urge the decision makers to consider alternate locations. If you do move forward, please remember the children and families who are already visiting this area daily. Thank you for your attention to this matter.

Sincerely,

Lauren Lunati

Sent from my iPhone

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

# Fwd: Opposition to Proposed High School Construction in Our Neighborhood

Rachel Lambert <rachellambertesq@gmail.com> Wed 6/5/2024 11:34 AM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Fridae Hammons** <<u>fahammons@yahoo.com</u>> Date: Wed, Jun 5, 2024 at 6:49 AM Subject: Opposition to Proposed High School Construction in Our Neighborhood To: <<u>dlyleswallace@comcast.net</u>>, <<u>dkthomas@gotci.com</u>>, <<u>lisa@ethridgeenterprises.com</u>>, <<u>mwsharp@bellsouth.net</u>>, <<u>sfleming@flemingarchitects.com</u>>, <<u>brown@gillprop.com</u>>, <<u>tolesassoc@aol.com</u>>, <<u>develop901@memphistn.gov</u>>, <<u>Jmckinnoncre@gmail.com</u>>, <<u>Jenniferbethoconnell@gmail.com</u>> Cc: <RachelLambertEsg@gmail.com>

#### Dear Concerned Parties,

We, members of a highly competitive sports program located at 7790 Fischer Steel Road, are writing to voice our firm opposition to the planned construction of a new high school in our vicinity. Our sports facility caters to children aged 3 years and above, who travel from various parts of the city, including neighboring states like Mississippi and Arkansas. We have significant apprehensions regarding the potential issues of traffic congestion, inadequate parking facilities, and above all, safety concerns.

The current lack of sufficient infrastructure, such as a solitary streetlight at the exit of our road, raises concerns about potential traffic jams and delays for our athletes and their families commuting to and from our facility. The anticipated parking shortages would pose a significant challenge for our families, leading to overflow and inconvenience. Moreover, the influx of additional traffic and people in the area could heighten safety risks, including issues like jaywalking and minor crimes.

We implore the decision-makers to explore alternative locations for the proposed high school in light of these pressing concerns. Your attention to this matter is greatly appreciated.

Sincerely, Fridae Hammons 901-387-7253 7628 Tapestry Loop N Apt 208 Cordova, Tn 38018

---

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

# Fwd: 7790 Fischer Steel Road Memphis, TN

#### Rachel Lambert <rachellambertesq@gmail.com>

Wed 6/5/2024 1:54 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: Amber Allison < amberdenise20@gmail.com</p>
Date: Wed, Jun 5, 2024 at 1:53 PM
Subject: 7790 Fischer Steel Road Memphis, TN
To: brown@gillprop.com < brown@gillprop.com>, develop901@memphistn.gov
<develop901@memphistn.gov>, dkthomas@gotci.com < dkthomas@gotci.com>,
<dlyleswallace@comcast.net>, jenniferbethoconnell@gmail.com < jenniferbethoconnell@gmail.com>,
imckinnoncre@gmail.com < jmckinnoncre@gmail.com>, <lisa@ethridgeenterprises.com>,
mwsharp@bellsouth.net < mwsharp@bellsouth.net>, sfleming@flemingarchitects.com
<c: <RachelLambertEsg@gmail.com>

To Whom it May Concern,

We, as a participant of a highly competitive sports program at 7790 Fischer Steel Road, are writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city, including the states of Mississippi and Arkansas, are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic - there is one streetlight exiting for our road which would cause a huge backup and time concern for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic- more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Amber Allison

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

# Fwd: Development Project- 7790 Fischer Steel Rd

Rachel Lambert <rachellambertesq@gmail.com> Wed 6/5/2024 1:59 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Gwen Castleton** <<u>gwencastleton@hotmail.com</u>> Date: Wed, Jun 5, 2024 at 1:55 PM Subject: Re: Development Project- 7790 Fischer Steel Rd To: <u>Rachellambertesq@gmail.com</u> <<u>Rachellambertesq@gmail.com</u>>

5 June 2024

To Whom it May Concern,

We as parents and par cipants of a highly compe ve sports program at 7790 Fischer Steel Road are wring to express our strong opposi on to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city as well as from the states of Mississippi and Arkansas, we are strongly concerned about traffic conges on, parking shortages, and most importantly safety.

There is only one access road from the facility we use- along with many other businesses in the development- with only one stop light to the main road. We are already experiencing long wait mes and heavy traffic not only at our facility, but along Fischer Steel Road. The construction of this project would exacerbate the exis ng conges on not only in the immediate area of our facility, but also for the proposed facility. Parking, which is already an issue for our families, will experience a definite shortage and overflow parking is very limited. The an cipated surge in heavy traffic on a daily basis also creates cause for concern for the safety of drivers and pedestrians in the area. Such conditions would place the significant number of children in the area at greater risk of harm. Furthermore, increasing the pedestrian traffic brings concerns over increasing rates of accidents as well as small crimes.

We urge the decision makers to consider alternate loca ons for this school. Thank you for your a en on to this ma er.

Sincerely,

Gwen and Vernon Castleton

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

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#### Safety concern

#### Amanda Rotenberry <arotenberry@gmail.com>

Wed 6/5/2024 2:01 PM

To:dlyleswallace@comcast.net <dlyleswallace@comcast.net>

Cc:jmckinnoncre@gmail.com <jmckinnoncre@gmail.com>;jenniferbethoconnell@gmail.com <jenniferbethoconnell@gmail.com>;dkthomas@gotci.com <dkthomas@gotci.com>;lisa@ethridgeenterprises.com <lisa@ethridgeenterprises.com>;mwsharp@bellsouth.net <mwsharp@bellsouth.net>;sfleming@flemingarchitects.com <sfleming@flemingarchitects.com>;brown@gillprop.com <brown@gillprop.com>;tolesassoc@aol.com <tolesassoc@aol.com>;

develop901 < develop901@memphistn.gov>

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June 5th 2024 Case #: PD2024-007

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Amanda Rotenberry

# Gym parking

Elizabeth Russell <egr0917@gmail.com> Wed 6/5/2024 2:02 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Address Lakeland TN 38002

4, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Elizabeth Russell

Sent from my iPhone

# The Proposed New Development on Fischer Steel Road

Wendy Belt <rn7622@icloud.com> Wed 6/5/2024 2:04 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov> Cc:RachelLambertEsq@gmail.com <RachelLambertEsq@gmail.com> CALITION: This email originated outside of the City of Memphis

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

5, June 2024

To Whom it May Concern,

We, as participants of a highly competitive sports program located at 7790 Fischer Steel Road, are writing to address our strong opposition to the proposed development within our neighborhood. Our facility serves children ranging from 3 years old and up who travel from various parts of the city, including Mississippi and Arkansas. We are particularly concerned about potential issues such as traffic congestion, limited parking, and overall safety.

The presence of only one streetlight at the exit of our road could lead to significant traffic delays for athletes and families traveling to and from our facility. A lack of adequate parking could create challenges for our families and result in overflow. Additionally, there are safety concerns related to increased traffic, congregation of people in a smaller area, jaywalking, and potential petty crimes.

We urge decision makers to explore alternative locations for the proposed development. Thank you for your attention to this matter.

Sincerely, Wendy Belt

#### Fwd: Concern

Rachel Lambert <rachellambertesq@gmail.com>

Wed 6/5/2024 2:06 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

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Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Marcie Mulhern** <<u>marcietebben@hotmail.com</u>> Date: Wed, Jun 5, 2024 at 2:04 PM Subject: Concern To: <<u>dlyleswallace@comcast.net</u>>, <<u>dkthomas@gotci.com</u>>, <<u>lisa@ethridgeenterprises.com</u>>, <<u>mwsharp@bellsouth.net</u>>, <<u>sfleming@flemingarchitects.com</u>>, <<u>brown@gillprop.com</u>>, <<u>tolesassoc@aol.com</u>>, <<u>develop901@memphistn.gov</u>> Cc: <<u>RachelLambertEsq@gmail.com</u>>

Lakeland TN 38002

5, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Marcie Mulhern Sent from my iPhone --

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

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#### Case# PD 2024-007

Jennifer Howse <jhowse42@yahoo.com> Wed 6/5/2024 2:07 PM

To:Christion, Chloe <Chloe.Christion@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

We, as a participant of a highly competitive sports program at 7790 Fischer Steel Road, are writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas we are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and crime.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely, Brandon and Jennifer Badgett

12230 Snyderwood Dr. Arlington, TN 38002

#### Potential new build Fischer steel rd case # PD 2024-007

jenny thomas <jennythomas0519@gmail.com> Wed 6/5/2024 2:08 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov> Cc:Chole.christion@memphistn.gov <Chole.christion@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

6, June 2024

To Whom it May Concern,

We as a participant of a highly competitive sports program at 7790 Fischer Steel Road is writing to express our strong opposition to the proposed development within our neighborhood. As a facility with children from ages 3 years old and up who commute from all over the city including the states of Mississippi and Arkansas are strongly concerned about traffic congestion, parking shortages, and most importantly safety.

Traffic there is one streetlight exiting our road which would cause a huge backup and time for our athletes and families traveling to and from. Parking would become an issue for our families with a definite shortage and overflow. Safety regarding traffic, more people gathered in a smaller area, jaywalking and small crimes.

We urge the decision makers to consider alternate locations. Thank you for your attention to this matter.

Sincerely,

Jenny Thomas

#### Fwd: Concerning case number PD 2024-007

Rachel Lambert <rachellambertesq@gmail.com> Wed 6/5/2024 2:10 PM To:Christion, Chloe <Chloe.Christion@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see objection to Record No. PD 2024-007

------ Forwarded message ------From: **Michele DeCremer** <<u>mrdecremer@yahoo.com</u>> Date: Wed, Jun 5, 2024 at 2:08 PM Subject: Concerning case number PD 2024-007 To: <<u>dlyleswallace@comcast.net</u>> Cc: <<u>RachelLambertEsq@gmail.com</u>>

To Whom It May Concern:

I am writing to you to express my strong opposition towards the proposed development plan on Fischer Steel Road. I am actively involved in the athletic programs housed at 7790 Fischer Steel Road. We have athletes as young as 3-years-old that commute from several nearby communities to participate in a variety of athletics in this building. I am strongly concerned about traffic congestion, parking shortages and most importantly the safety of our families and athletes in this area. There is currently one streetlight to enter and exit this road and the amount of traffic alone is gravely concerning. The area does not seem an appropriate choice for the proposed plans.

I am asking and urging you to consider alternate locations and I appreciate your attention to this matter.

Sincerely,

Michele R. DeCremer, LCSW

801-879-3390

--

Rachel L. Lambert, Attorney at Law Lambert Law Firm

P: (901) 382-0080 F: (901) 386-2888

Office Address: 7790 Fischer Steel Road, Cordova, TN 38018

\*\*\*\*PLEASE NOTE OFFICE HOURS ARE 8:30AM-4:30PM, MONDAY THRU FRIDAY. EMAILS RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY. VOICE MESSAGES RECEIVED OUTSIDE OF BUSINESS HOURS WILL BE RETURNED THE NEXT BUSINESS DAY.

This communication is from a law firm and may contain privileged and confidential information. Communications between attorneys and their clients are privileged and protected by law from unauthorized disclosure. This communication is intended only for the use of the above named person(s). Do not read, copy, or disseminate this communication unless you are the intended addressee. If this communication is received in error, please advise the sender by reply email and destroy all copies of the original message.

# Cordova Neighborhood Business Association

June 4, 2024

<u>Via Email: chloe.christion@memphistn.gov</u> Chloe Christion Staff Planner Memphis & Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103

#### **PROJECT INFORMATION**

DPD Case #:	PD 2024-007
Project Location:	The southeast corner of Fischer Steel Road and Herbert Road, approximately 830 feet west of North Germantown Parkway, Memphis-Shelby County Schools
Applicant:	Memphis-Shelby County Schools
Land Area:	46.42
Existing Zoning:	Industrial-Heavy (IH)
Request:	A Planned Development application in the facilitation of a proposed New East
	Regional High School (NERHS)

#### Dear Ms. Christion:

The Cordova Neighborhood Business Association (CNBA) is dedicated to fostering a thriving, inclusive, and sustainable business environment within the Cordova community. We support local businesses through advocacy, networking, and educational opportunities, promoting economic growth. By collaborating with community leaders and stakeholders, we strive to create a vibrant, welcoming neighborhood where businesses and families can flourish.

The Cordova Neighborhood Business Association (CNBA) is writing to express its strong opposition to the proposed development of a new high school (New East Regional High School) within our neighborhood. While we recognize the importance of education and the need for adequate facilities, we believe that the current plan for the New East Regional High School presents significant challenges and concerns for local businesses and the wider community.

Our primary concerns include:

- 1. **Traffic Congestion**: The additional volume of vehicles from students, staff, and parents can exacerbate existing traffic issues, leading to gridlock and longer commute times. This congestion can deter customers from visiting local businesses, impacting their revenue.
- 2. **Traffic Congestion on Nearby Roads**: In addition to the additional volume of traffic directed onto Fischer Steel, Herbert and Moriarity, surrounding streets and intersections already overloaded will additionally burdened as shown in the attached traffic summary. The traffic study submitted by the applicant shows that level of service at the intersection at Trinity Road and Germantown Parkway is already failing in the morning, midday and afternoon. This project will only make the traffic congestion there worse. The intersections of Walnut Grove & Germantown Parkway; Moriarity and Germantown Parkway; Macon Road and Germantown Parkway; Mullins Station and Whitten; and Mullins Station and Appling are all currently failing as to the level of service and will only get worse due to the additional traffic this school will generate. The additional traffic generated by this school will cause a substantial degradation of the ability of residents and customers to traverse this area.

Chloe Christion Staff Planner DPD Case #: PD 2024-0007 June 4, 2024 Page 2 of 3

- 3. **Parking Shortages**: The high school will require substantial parking space, which could infringe upon existing parking facilities used by local businesses. This will amplify the already limited parking situation, making it difficult for patrons to visit our establishments. The lack of parking can discourage patrons from frequenting the area.
- 4. **Safety and Security Concerns**: The influx of a large number of teenagers can lead to increased incidents of jaywalking, loitering, and petty crimes, raising safety concerns for both business owners and customers. This can create an environment that feels less secure and welcoming. Because of the school's location, students walking to school and leaving in the afternoon will attempt to cross two of the busiest and widest streets in the City (Germantown Parkway and Trinity Road) creating serious safety issues for these students and safety concerns for their parents.
- 5. **Noise and Disruption**: The construction phase, as well as the daily activities of a high school, will bring increased noise and disruption, negatively impacting the peaceful environment that is essential for businesses, especially those that rely on a quiet atmosphere.
- 6. **Economic Impact**: The combined effects of increased traffic, parking shortages, noise, and safety concerns can lead to a decrease in foot traffic to local businesses. This can result in reduced sales, lower customer retention, and potentially the closure of some businesses, ultimately harming the economic vitality of our neighborhood.
- 7. **Strain on Infrastructure:** The additional demand on local infrastructure, such as roads, water retention, sewage usage, public transport, and utilities, can strain existing resources and lead to further issues for businesses, county officials, and residents.
- 8. **Impact on the Quality of Life**: For business owners and employees, the overall quality of life can be negatively affected by increased noise, traffic, and security concerns. This can lead to higher stress levels and decreased job satisfaction, potentially affecting employee retention and productivity.
- 9. **Inappropriate Location of a School in an Industrial Area**: The location of the school at Fischer Steel and Herbert Road, near busy Germantown Road, is highly inappropriate location for a school. In addition to the traffic along Germantown Road and Trinity Road, there are large commercial trucks that move in and out multiple times a day in this industrial environment.

We urge the decision-makers to consider alternative locations for the high school that would not disrupt the delicate balance of our local economy and community.

Thank you for your attention to this matter. We look forward to engaging in a constructive dialogue to address our concerns and work toward a mutually beneficial alternative site resolution.

Sincerely,

Ernie Norcross Member, Cordova Neighborhood Business Association Owner Wenco Properties dba Volvo Cars Memphis & Norcross Mazda of Memphis 7910 Trinity Road Cordova, Tennessee 38018 (901)734-0218 ErnieNorcross@Gmail.com

Cc: Richard D. Bennett, Esq.

Chloe Christion Staff Planner DPD Case #: PD 2024-0007 June 4, 2024 Page 3 of 3

#### Summary of Traffic Study

#### LOS SUMMARY

				· · · · · · · · · · · · · · · · · · ·		MITIG	ATION
	Existing	2025	2035	2025	2035	2025	2035
				WITH	WITH	WITH	WITH
		NO SITE	NO SITE	SITE	SITE	SITE	SITE
Walnut Grove & Germantown Parkway							
AM Peak			E	E	P.		
PM Peak			E	E	F		
Trinity Road & Germantown Parkway							
AM Peak	. L. Ennor	F	E B	F	na Frida	F	E.
Midday Peak			E	F F			
PM Peak	R	F	F	F	E		E
Moriarity & Germantown Parkway							
Midday Peak	E	F	F	Е	F		
PM Peak		F	E ST	E	F		
Fischer Steel & Germantown Parkway							
PM Peak					E		
Macon Road & Germantown Parkway							
AM Peak	E	E	Е	F	F	E	E
PM Peak					E		
Mullins Station & Whitten							
AM Peak	Ε	Ε	F	F	F		
PM Peak	E	E	F	F	E		
Mullins Station & Appling	ь. 				<u></u>		
AM Peak				F	F.		
			1		the second s		
PM Peak	E	E	E	F	F	·	

\*Levels of Service E and F are both identified as failing and outside the City of Memphis' standards

EST. 1828

Memphis Planning Memphis City Schools Chloe Christion

Dear Chloe,

We are reaching out to you as the planner for the new Cordova School that will be located between Fischer Steel Rd. and Moriarity Rd bordered by Herbert Rd to the west. Our business is located at 835 Herbert Rd.

Upon doing some due diligence regarding the proposed location of the school we feel we must voice our concerns due to the interference that it will cause in our daily commerce amongst many other issues. On any given day during the week we can have as many as 40 18 wheelers traversing Fischer Steel at any given time between the hours of 8:00 am to roughly 4:30 pm. Many times these trucks need quick and accessible passage through Fischer Steel so they can make their interstate commerce runs in a timely manner. Introduction of a school proposes many concerns to that axis in a quick and accessible manner, especially during the school pick up and drop off hours. As we all know, school traffic is disastrous as it is and now let's introduce interstate trucking commerce through the middle of it. Some of our logistical personnel have suggested such nightmare conditions will definitely impede their ability to pick up and drop off goods and services if the plans for the school move forward.

Traffic alone should be enough to discourage the consideration for construction but let's introduce section 8 housing at the old ball fields that are on Fischer Steel. I, as a parent would totally reconsider my school choices once that element is introduced into the equation by itself. Now I have commercial trucking and section 8 housing bordering the school. As a school parent I would definitely think these 3 things through intensely before I sent my child to that school. On Fridays at 4pm the backups the normal traffic combined with school traffic on Germantown Rd will be blowback that the city will receive for years to come. Even if traffic is diverted out Herbert all the way to Trinity it will still be unbearable and unsafe for both students and parents. Please reconsider just on these elements alone.

Final thoughts are that the City of Memphis should take ALL things in to consideration before making a final decision. Once again just for quick reference and I will not take up any more time:

- Interstate Commerce trucking
- Section 8 housing
- Traffic concerns that are already in existence
- Housing of industrial liquids that have flammable and Hazardous labels.

There are more things that are probably worth mentioning but I will take that time up at the hearing. Thank you for your time and understanding. We look forward to the meeting on the 11<sup>th</sup>. Sincerely,

David Ford VP Sales and Marketing Stauf USA LLC

> 835 Herbert Road, Cordova, TN 38018 1-866-GLUE USA www.staufusa.com



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

## **Record Summary for Planned Development**

**Record Detail Information** 

Record Type: Planned Development

Record Status: Processing Opened Date: May 10, 2024

Record Number: PD 2024-007

Expiration Date:

#### Record Name: MSCS NERHS PLANNED DEVELOPMENT

**Description of Work:** Planned Development Application in the facilitation of a proposed North East Region High School planned upon 46.42 acres generally located at the southeast corner of Fischer Steel Road and Herbert Road.

Parent Record Number:

#### Address:

7801 FISCHER STEEL RD, CORDOVA 38018

#### **Owner Information**

Primary Owner Name

Y Aren Land Dev Co LLC

Owner Address

7707 Apache Plume Dr., Houston, TX 77071

#### Parcel Information

091031 00001

#### Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba & Jeffrey Penzes
Date of Meeting	04/26/2024
Pre-application Meeting Type	Virtual
GENERAL PROJECT INFORMATION	
Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	PD 2008-315
Medical Overlay / Uptown	No
If this development is located in unincorporated	N/A

Owner Phone

#### **GENERAL PROJECT INFORMATION**

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) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GENERAL PROVISIONS

No

The subject property is surrounded by commercial and industrial-zoned properties and is adequately served by all utility infrastructure and public street networks. Where inadequacies exist or improvements are necessary, those improvements are proposed concurrently with the project. The proposed school use will have no substantial or undue effect on any adjacent property. Conversely, the proposed school will improve the character of the property/neighborhood/district and offer improved public education facilities for the Memphis/Cordova community. The planned development has been designed to adhere to the community standard and applicable zoning district regulations as modified to facilitate the proposed high school campus format in the industrial zoning district. The construction and operation of the proposed high school will not interfere with the development and use of any adjacent property. The project is served by all utility infrastructure and public street networks with planned improvements as necessary to facilitate the proposed high school and accessory uses, subject to City Engineer approval. No features of natural, scenic, or historic importance exist upon the subject property. The planned development will comply with all standards and conditions upon approval by the

> Memphis City Council. The planned development is consistent with the recommendations of the Memphis 3.0. No further plans are to be considered and the use does not violate the character or standards for development of any surrounding property.

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

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

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

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

#### The proposed development will have no adverse effect upon the surrounding property nor will it hinder or prevent the development of surrounding properties in any way.

The project is adequately served by public water, sewer, and storm drainage services. Various improvements are proposed to be completed concurrently with the development, subject to engineering approval.

The arrangement of all structures, parking, loading, walks, lighting, landscaping, etc. is compatible with the surrounding land uses. No natural features of value exist.

The proposed planned development contains limited modifications to the district standards that are necessary to facilitate the high school campus format. The modifications have been drafted through collaboration with DPD staff and are warranted by the project's special considerations of the overall project design.

Upon approval, the project will be owned, operated, and maintained by Memphis/ Shelby County Schools.

Understood.

Fletcher Creek Overlay

No -No

No

Data Tables

#### **AREA INFORMATION**

Name:	Overall Site
Size (Acres):	46.42
Existing Use of Property:	Industrial/Vacant
Requested Use of	Public High School & Lighted Recreational Fields
Property:	

#### **Contact Information**

#### Name

NAME NAME

#### Address

#### Phone

Name SAL FERACI

#### Address

Phone (901)332-5533

Name IGAL ELFEZOUATY

#### Address

Phone (901)493-6996

### Name

CORY BRADY

#### Address

Phone

(901)493-6996

Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563574	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	05/10/2024
1563574	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	05/10/2024
	т	otal Fee Invo	biced: \$1,539.00	Total Ba	lance: \$0.	00

#### Payment Information

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

APPLICANT

Contact Type

SURVEYOR

ARCHITECT / ENGINEER /

Contact Type

Contact Type

PROPERTY OWNER OF RECORD

Contact Type

REPRESENTATIVE



# MEMPHIS AND DIVISION OF PLANNING

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

#### Property Owner's Affidavit

Mamphia and Skelley County Unified Development Code Section 12.1.1

OWNER: Includes the holder of legal title as well as holders of any expitable interest, such as trust beneficiaries; contract purchasers, option holders, leasans under losses having an morphical term of at least ten yoars, and the like. Whenever a statement of ownership is required by the Monphis and Shelley County Unified Devolopment Code, full disclorum of all legal and equitable interest in the property is required. Monphis and Shelley County Unified Development Code Section 12.3.1.

definition of

state that I have read the

(Print Name)

(Sign Namity-

"Owner" as outlined in the Momphis and Shelby County Unified Development Code Section 12.3.1 and broby state that (refert applicable loss)

1 The owner of record as shown as the current was rolls of the county American of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deede purchaser under a land contrast, a mortgages or various in possession; or I have a feerhold as isoar estate in the premises.

Up charge, care or control of the premises as trovice, agent, executor, administrator, amignoe, mentiver, guardian or inner (and have included docomountation with this affidavit)

of the property located at

and further identifiail by Assessor's Parcel Mandez

for which as application is being made to the Division of Planning and Dyvelopment.

Subscribed and swom in (or allience) before me thin 30<sup>m</sup> day of Apr 2024

ignature of Notary Public

in the year of SILVIA PIPITONE w Public, State of Texa Comm. Emires 06-29-2024 Motory 10 124371128

My Commission Expires

# INTEGRATED LAND SOLUTIONS, plic

planning - design - landscape architecture

May 10, 2024

Brett Ragsdale Zoning Administrator Land Use and Development Services 125 N. Main St., Ste. 477 Memphis, TN 38103

Re: Planned Development Application Parcel #s 091030 00010 (Portion), 091030 00011, 091030 00012, and 091031 00001.

Mr. Ragsdale,

On behalf of the applicant, Memphis-Shelby County Schools (MSCS), I am requesting approval of a planned development application to facilitate the construction of the proposed New East Region High School (NERHS). The planned Cordova campus will serve as a replacement for students currently zoned to Germantown High School. The new school will provide a quality education and an engaging space to over 2,000 students; thereby, catalyzing sustained community revitalization efforts by providing long-term solutions to community challenges (ie. crime and unemployment). The subject property is located at the southeast corner of Fischer Steel Road and Herbert Road, approximately 830 feet west of North Germantown Parkway. The 46.42-acre tract is composed of multiple parcels under common ownership, presently zoned "IH" (Industrial-Heavy). The property is adequately served by all utility infrastructure.

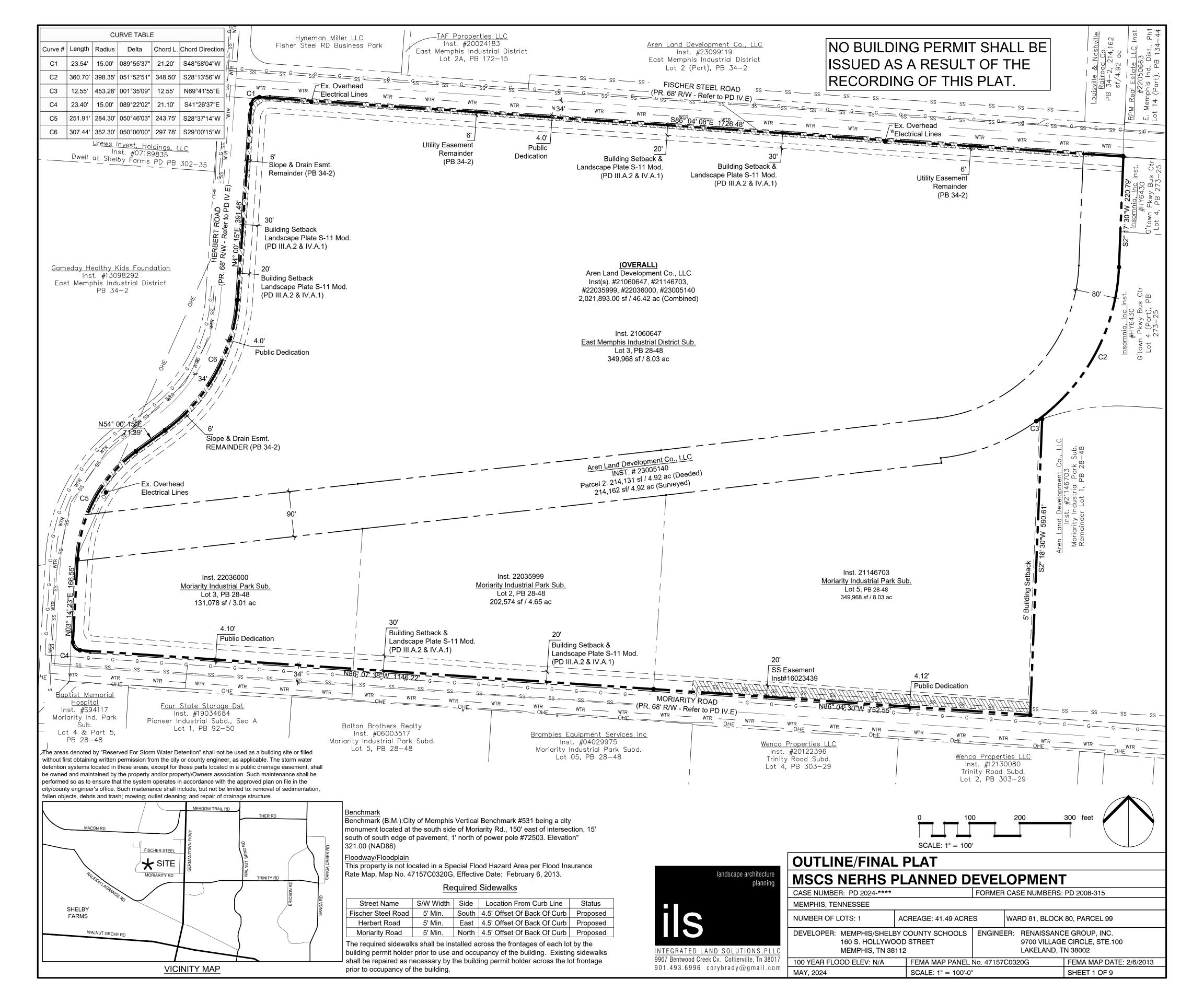
Upon approval of this request, Memphis & Shelby County Schools intends to purchase the subject tract and construct a state-of-the-art public high school with lighted recreation fields and other accessory facilities as generally illustrated upon and regulated by the enclosed outline plan/final plat documents. Commensurate with the school's development, all adjacent public roadways will be improved following the city engineer's recommendations, and by a separate application, Herbert Road is planned to be extended south to Trinity Road. Sidewalks will be provided along all contiguous roadway frontages and along both sides of the Herbert Road extension south to Trinity. The planned development is intended to comply with the City's Unified Development Code provisions with limited modifications necessary to best accommodate the public high school in the IH zoning district.

Please find enclosed the documentation required to accompany the planned development application. If you should have any questions, please contact me at corybrady@gmail.com\_or (901) 493-6996. It is always my pleasure to work with the City of Memphis's staff, the Land Use Control Board, and City Councilpersons. We look forward to working with you.

Respectfully,

Cory Brady

Cory Brady, PLA, AICP Integrated Land Solutions, PLLC



I.	USES PE	ERIMITTED		
	2.9.3.C	& E of the Unified Development C	ate (K-12), Park/Open Area - Recreation Field with and without lights, and all Accessory Uses per Sub-Sections Code shall be permitted.	
11.	USE STA	ANDARDS		C.
	A. The	e use standards outlined in Sub-Sec	ction 2.6.2.C of the Unified Development Code shall apply as modified herein.	D.
	1.	School, Public or Private, Seminar	ry:	
	i	a. Class II, Type C buffer shall not I	be required between any recreation field/associated structure (ie bleacher, dugout, etc.) and any public right-of-way.	E.
	I	b. All off-street parking lots shall n	neet the requirements of Section 4.5.5 of the Unified Development Code as modified herein.	VI. LIG
	(	c. Vehicular Access shall be permit Conceptual Master Plan.	tted along Fisher Steel Road, Moriarity Road, and Herbert Road as generally illustrated on the Outline Plan and	A.A
	(	d. Vehicular parking may be locate	ed between the principal school building and all adjacent public roadways.	B. A
		<i>i i</i>	ng requirements outlined in Sub-section 4.5.3.C of the Unified Development Code, all schools shall provide secure (bicycle to vehicle parking) within 200 feet of a functioning entrance to the principal building.	C. E D. <i>A</i>
	1	f. Lighted motor vehicle parking a	reas must meet the requirements of Chapter 4.7 of the Unified Development Code, as applicable.	E. A
	ł	g. This planned development is ex	empt from the designated frontage requirements of Section 3.10.3 of the Unified Development Code.	F. A
	I	h. All public streets immediately a Development Code for classifica	djacent to the school site shall comply with the dimensional standards outlined in Section 5.2.7 of the Unified ation as a Connector street.	VII. UN
	2.	Recreation Field, with Lights:		All indi
		Field lighting must meet the requ	irements of Chapter 4.7 of the Unified Development Code, Outdoor Site Lighting.	gro
111	BULK R	EGULATIONS		VIII. SIG
	A. The	e bulk regulations outlined in UDC	Sub-section 3.10.2(b) for the IH District shall apply as modified herein.	Α.
	-		20,000sf 50ft	B. ( IX. PER
		Building		А.
	-		75ft	В.
		i. Front (Primary Street):	30ft*	5.
		ii. Side (Side Street): iii. Side/Rear:	iated structures shall be setback a minimum 15ft from any perimeter public street. 20ft 5ft	X. FINA Any
	3.	Parking setback (min ft.) (Principa		А.
		<ul><li>a. On-street (public right-of-way)</li><li>b. Abutting Primary Street:</li><li>c. Abutting Side Street:</li></ul>	30ft 20ft	В С.
		d. Abutting nonresidential:	10ft	C.
	B. Acc	essory Building/Structures: The bu	ulk regulations outlined in UDC Chapter 2.7 shall apply as modified herein.	D.
	The	re shall be no limitation upon the	cumulative square footage of accessory structures.	E
IV	. ACCESS	S, PARKING AND CIRCULATION		F.
	A. The	e primary street shall be defined as	s the public street upon which the principal building's primary facade or main entrance is oriented.	
	B. The	side street shall be defined as any	y street that is not defined as a primary street.	
	C. The	access standards outlined in UDC	Chapter 4.4 directly pertaining to nonresidential uses shall apply as modified herein.	
		e design and location of curb cuts i jineer.	llustrated upon the master plan are conceptual. The final location of all curb cuts shall be approved by the City	G. Н.
	E. Roa	dway Right-Of-Way and Improven	nents:	
			d, and Herbert Road shall each be dedicated one-half of a 68' future right-of-way and improved to establish one-half Istrated upon the enclosed street section.	
	2.	Dedication and improvements sh	all be limited to the planned development's contiguous frontages.	
	F. Off	-street parking and loading shall b	e provided per UDC Chapter 4.5 as modified herein or as otherwise approved by the zoning administrator:	
	1.	Off-street parking shall be require	ed at a ratio of 1 space per 300sf of the education facility's net floor area used for academic and administrative purposes.	
	2.	All principal and accessory uses sl	hall share the off-street parking facilities required above.	
	2.	On street parking along any publi	c roadway shall be prohibited.	
	3.	Off-street loading shall be permit	ted to adequately serve the school and associated accessory uses.	
		The size and frequency of interior circumstances shall terminal islan	r islands shall be determined with the final site plan with the intent to maximize parking efficiency. Under no Ids be omitted.	
V.	LANDS	CAPING, SCREENING, AND FENCIN	IG REQUIREMENTS	
	A. The	e streetscape standards outlined ir	n UDC Chapter 4.3 shall apply as modified herein:	
		public right-of-way, Evergreen Shi	or an equivalent alternative, shall be installed along all public roadway frontages. Where off-street parking faces the rub Type A shall be installed to form a hedge along the curb line facing the public road. Tree Type "A, B, or C" shall be it to 40' o.c. No berm shall be required.	
		•	l within all front, side, and rear yards so long as the fencing does not impede the streetscape or buffer requirements located on the street side of any perimeter fencing.	
			fencing shall be permitted within the streetscape area. Chain link fencing must be galvanized, polyvinyl chloride (PVC) green or dark brown color coatings. Uncoated chain link fencing shall be prohibited.	
		The maximum length of a continu provided through the use of colur	uous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be mns, and landscaped areas.	

I. USES PERMITTED

- 3. The Zoning Administrator may permit additional fence material, alternate fence design, additional fence height, or reduced setback through the administrative deviation if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Zoning Administrator when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site and the proposed use of the subject site.
- C. Private streets and drives are exempt from the streetscape standards provided in Chapter 4.3.
- D. This planned development shall comply with the landscape and screening requirements outlined in Chapter 4.6 of the Unified Development Code unless otherwise approved by the The Zoning Administrator.
- No Perimeter landscape buffers shall be required where the planned development adjoins properties having established industrial land uses and/or zoning.
- IGHTING REQUIREMENTS
- A. All parking and general site lighting shall comply with Chapter 4.7 of the Unified Development Code unless modified herein.
- 3. All recreational sports field lighting shall comply with the TSSAA (Tennessee Secondary School Athletic Association standards.
- C. Equivalent alternatives shall be permitted by the Zoning Administrator.
- D. All pole-mounted site lighting fixtures shall be LED.
- E. All general area site lighting pole heights shall not exceed 30FT.
- F. All sports lighting pole heights shall not exceed 80FT.
- UNDERGROUND UTILITY LINES

All utility lines such as electric, telephone, cable television, or other similar lines shall be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines that service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

#### SIGNS

- A. All proposed signage shall comply with Chapter 4.9 of the Unified Development Code as modified herein.
- 3. One (1) Off-Premise Ground Sign shall be permitted in the general vicinity of Future Herbert Road and Future Trinity Road intersection.

#### PERIOD OF VALIDITY

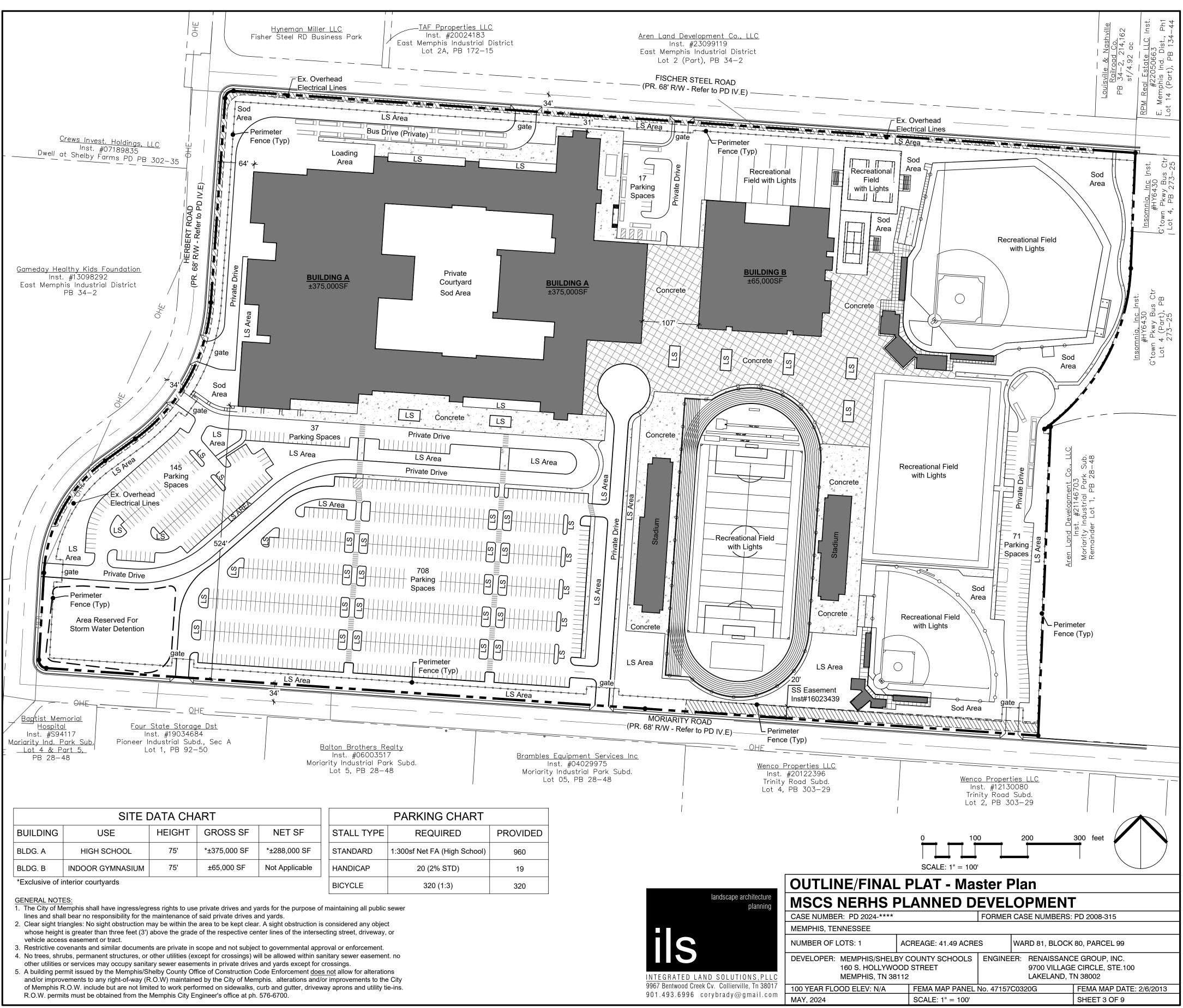
- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.

#### INAL PLAN REQUIREMENTS

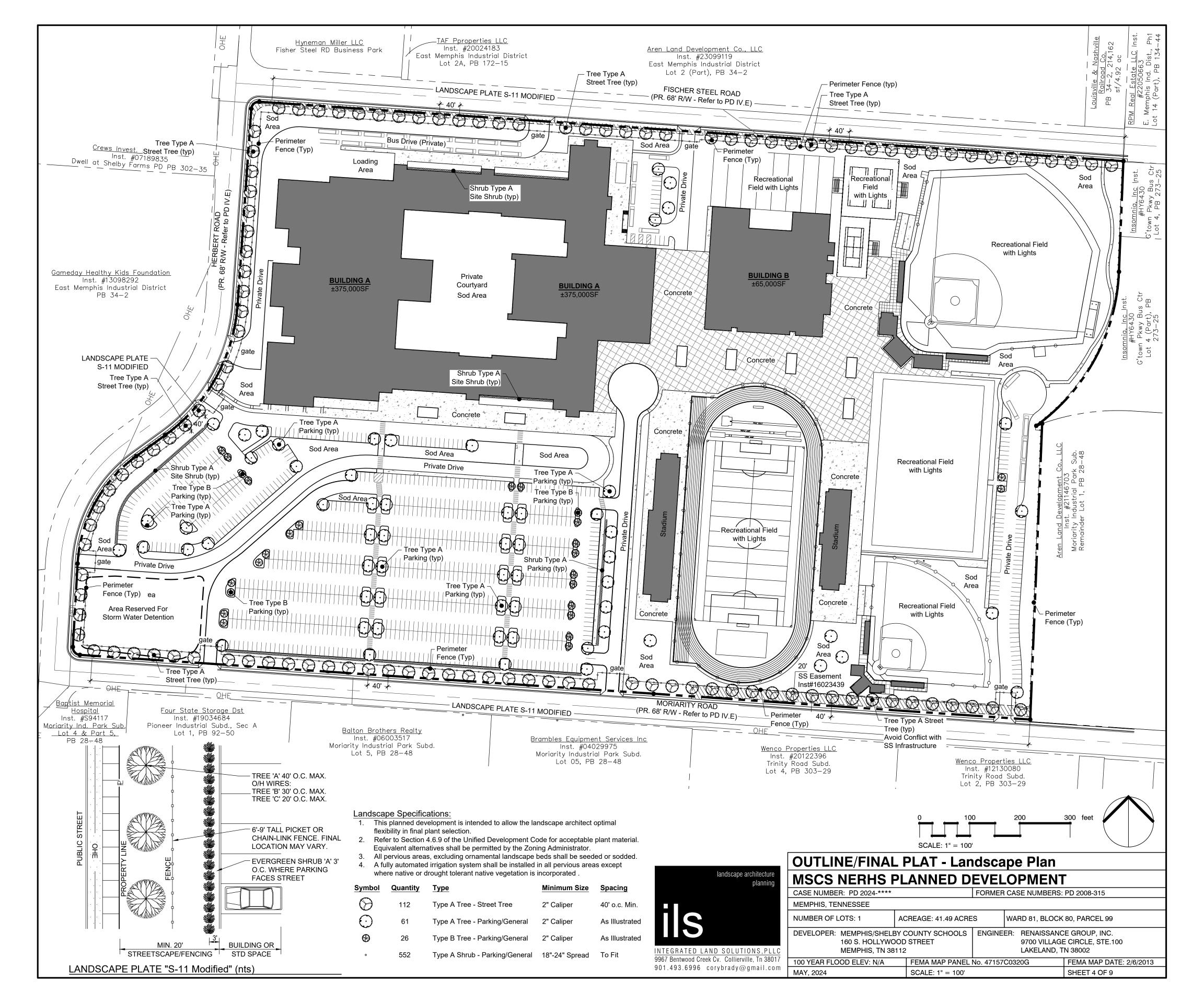
Any final plan shall include the following:

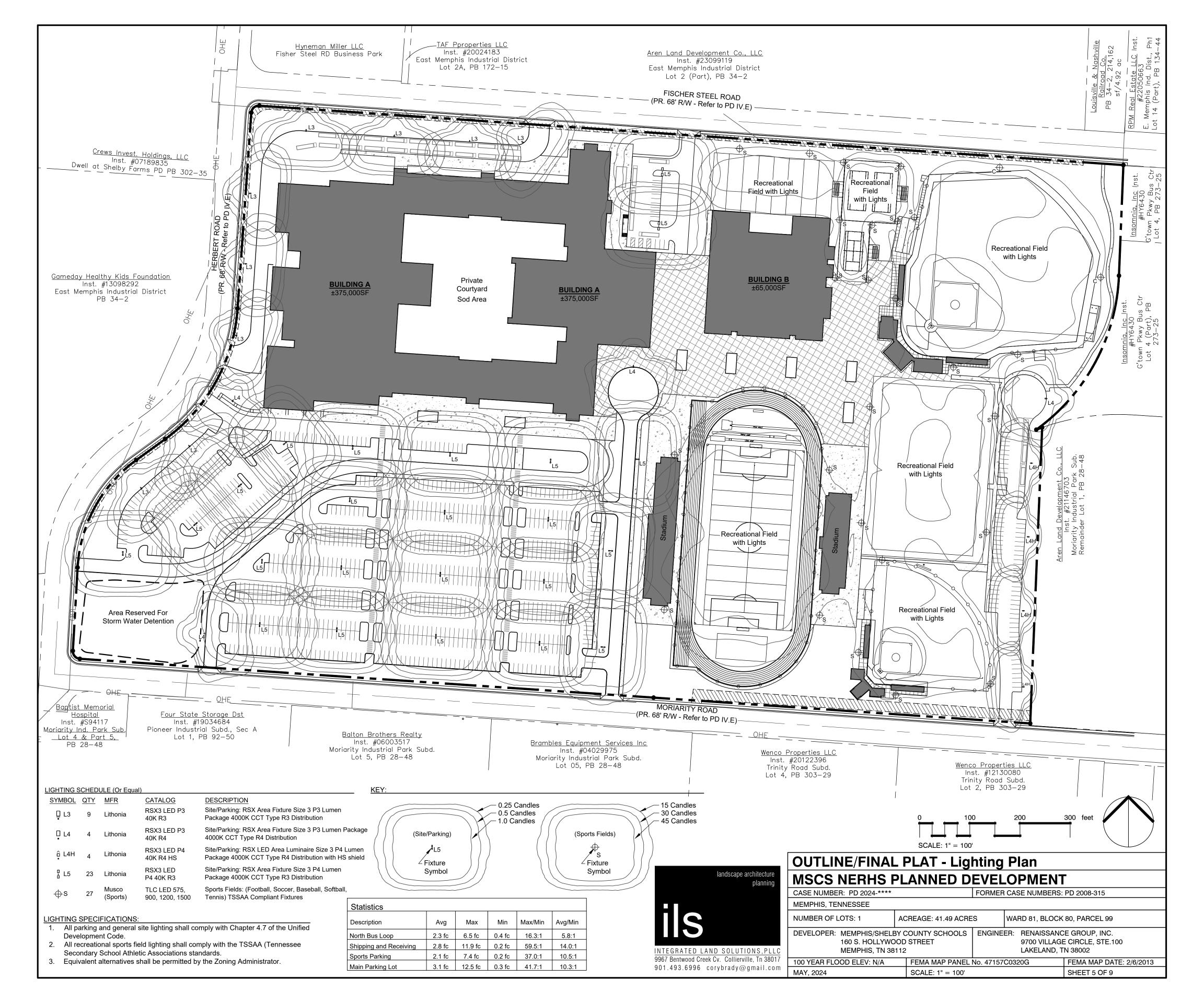
- A. The approved outline plan conditions.
- B. A standard subdivision contract for any needed public improvements.
- C. The exact location and dimension including height, of all buildings or buildable areas, parking areas and number of parking spaces, drives, required landscaping, and building elevations and building materials.
- D. A rendering, including plan view and elevations, of any proposed development identification signs showing the height, dimensions and design thereof.
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The area denoted by "Reserve for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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' associations. 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 be limited to: removal of sedimentation, fallen objects, debris and trash; moving; outlet cleaning; and repair of drainage structures.
- G. A photometric lighting plan.
- H. The enclosed master plan, associated plans, and building elevations are conceptual. The Zoning Administrator shall have the authority to approve modifications to the final site plan, associated plans, and building elevations without limitation, where the final site plan complies with these conditions.

	Indescape architecture planning OUTLINE/FINAL PLAT - Conditions MSCS NERHS PLANNED DEVELOPMENT						
	CASE NUMBER: PD 2024-****	CASE NUMBER: PD 2024-**** FORMER CASE NUMBERS: PD 2008-315					
	NUMBER OF LOTS: 1 ACREAGE: 41.49 ACRE		ES WARD 81, BLOCK 80, PARCEL 99		80, PARCEL 99		
INTEGRATED LAND SOLUTIONS, PLLC	160 S. HOLLYWO	DEVELOPER: MEMPHIS/SHELBY COUNTY SCHOOLS 160 S. HOLLYWOOD STREET MEMPHIS, TN 38112		S ENGINEER: RENAISSANCE GROUP, INC. 9700 VILLAGE CIRCLE, STE.100 LAKELAND, TN 38002			
9967 Bentwood Creek Cv. Collierville, Tn 38017	100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL	FEMA MAP PANEL No. 47157C0320G FEMA MAP DATE: 2		FEMA MAP DATE: 2/6/2013		
901.493.6996 corybrady@gmail.com	MAY, 2024	SCALE: 1" = NOT APPLICABLE		E	SHEET 2 OF 9		



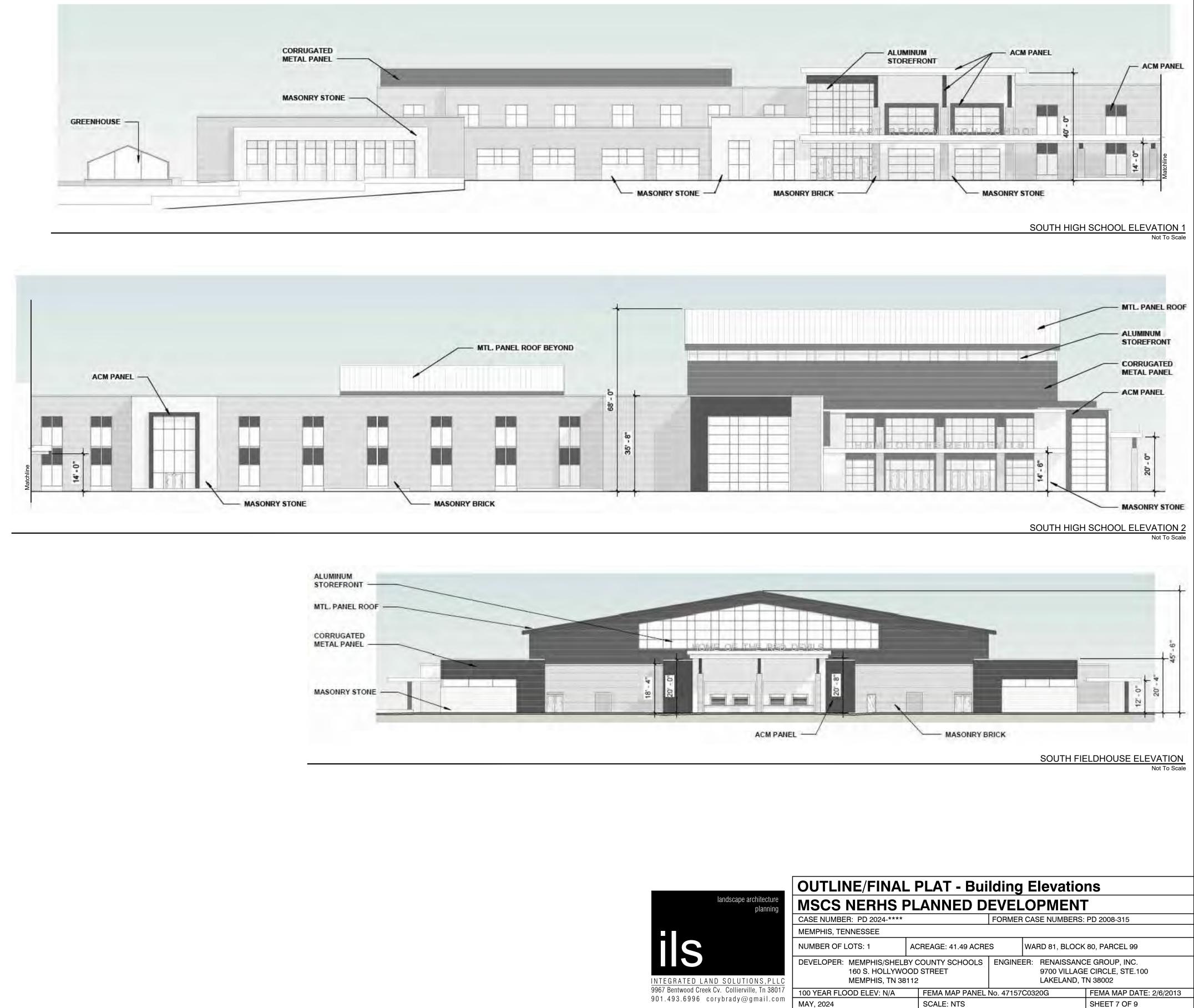
SITE DATA CHART					PARKING CHART			
BUILDING	USE	HEIGHT	GROSS SF	NET SF	STALL TYPE	REQUIRED	PROVIDED	
BLDG. A	HIGH SCHOOL	75'	*±375,000 SF	*±288,000 SF	STANDARD	1:300sf Net FA (High School)	960	
BLDG. B	INDOOR GYMNASIUM	75'	±65,000 SF	Not Applicable	HANDICAP	20 (2% STD)	19	
*Exclusive of i	nterior courtyards				BICYCI F	320 (1:3)	320	

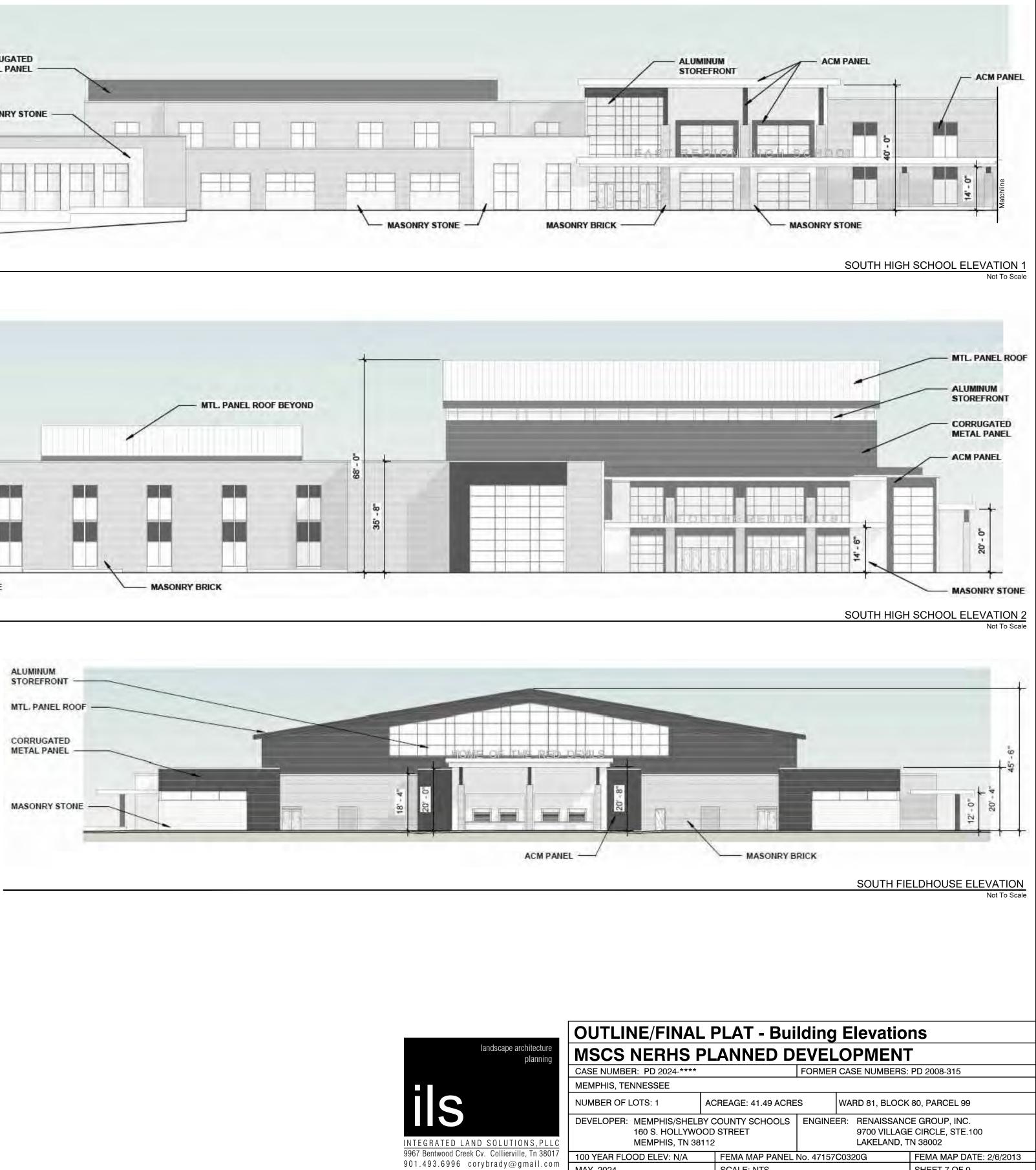




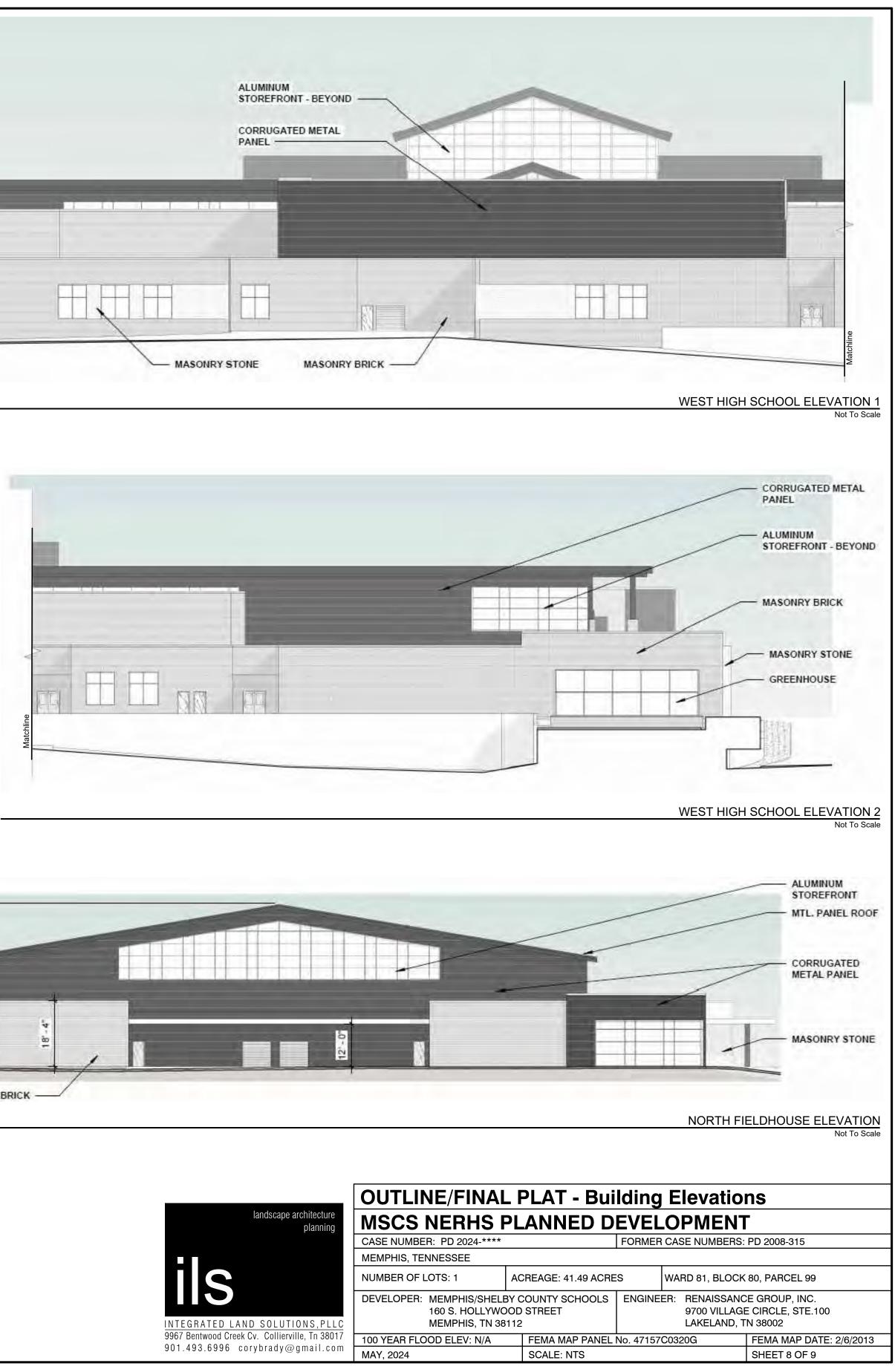


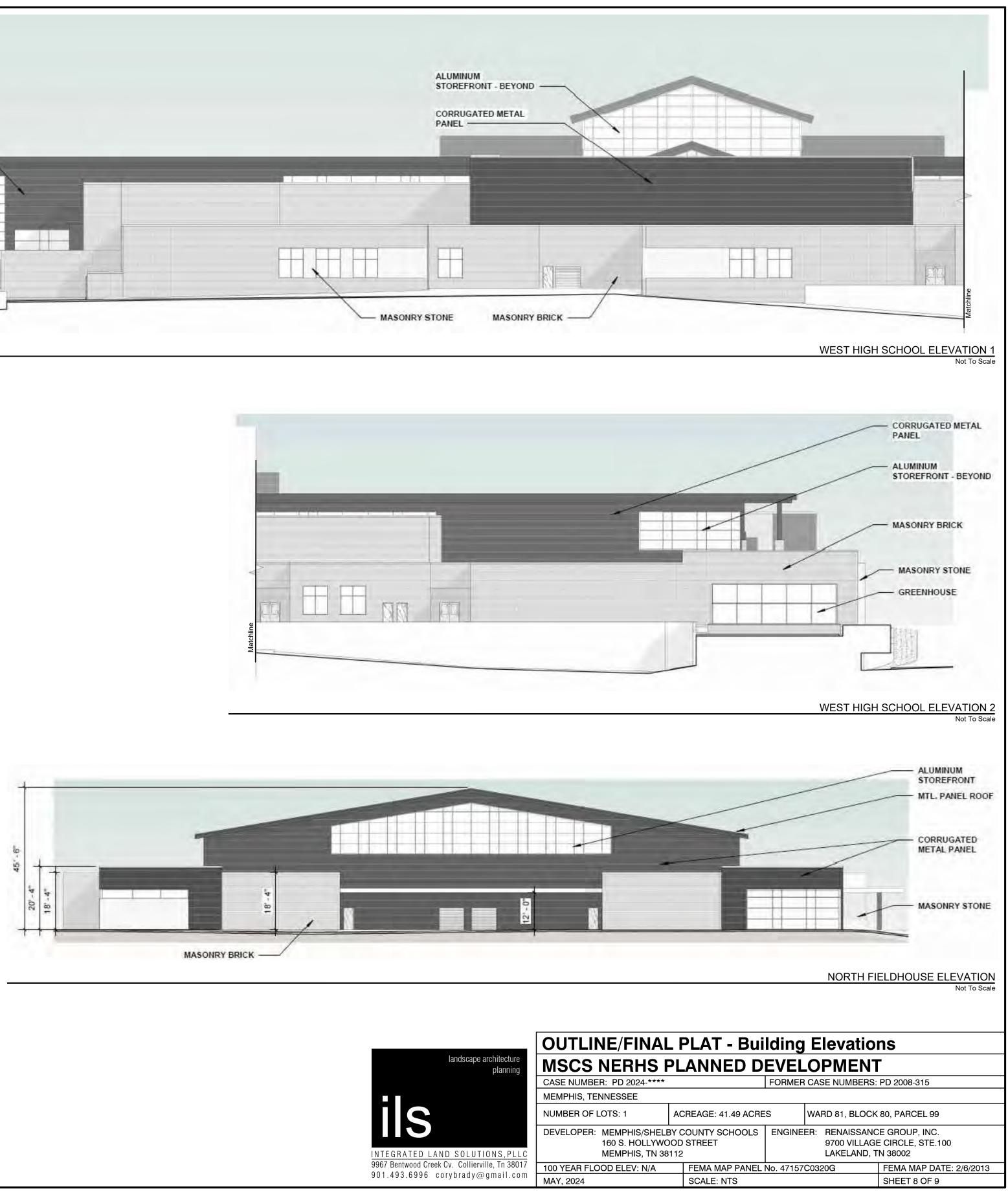












#### **OWNER'S CERTIFICATE**

\_\_, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY PLAN OF DEVELOPMENT. I CERTIFY THAT I AM THE OWNER OF 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.

OWNER

DATE

NOTARY CERTIFICATE STATE OF TENNESSEE COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED WITH WHO I AM PERSONALLY ACQUAINTED AND WHO, UPON OATH ACKNOWLEDGED HIMSELF TO BE THE OWNER OF , AND HE AS SUCH REPRESENTATIVE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET OUT BY HAND AND AFFIX MY SEAL THIS \_ DAY OF\_\_\_\_\_\_, 20\_\_\_\_.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

**OWNER'S CERTIFICATE** 

, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY PLAN OF DEVELOPMENT. I CERTIFY THAT I AM THE OWNER OF 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.

OWNER

DATE

NOTARY CERTIFICATE STATE OF TENNESSEE COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED WITH WHO I AM PERSONALLY ACQUAINTED AND WHO, UPON OATH ACKNOWLEDGED HIMSELF TO BE THE OWNER \_\_\_\_\_, AND HE AS SUCH REPRESENTATIVE EXECUTED OF\_\_\_\_\_

THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET OUT BY HAND AND AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF\_\_\_\_\_, 20\_\_\_\_.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

#### LANDSCAPE ARCHITECT CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING LAWS AND REGULATIONS.

BY: Cory Brady, PLA, AICP DATE: \_\_\_\_\_ TENNESSEE CERTIFICATE NO. 795

#### SURVEYOR'S CERTIFICATE

OF SURVEYING.

BY: \_\_\_\_\_

DATE: TENNESSEE CERTIFICATE NO.

ΒY ZONING ADMINISTRATOR



I HEREBY CERTIFY THAT THIS A CATEGORY \_\_\_\_\_ SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1: \_\_\_\_\_ OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS, THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATING TO THE PRACTICE

## LAND USE AND DEVELOPMENT SERVICES CERTIFICATE

THIS OUTLINE PLAN CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON \_\_\_\_\_\_ AND APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS ON

DATE

LUDS \_\_\_\_\_ DATE \_\_\_\_

landscape architecture planning	MSCS NERHS PLANNED DEVELOPMENT						
	CASE NUMBER: PD 2024-****	CASE NUMBER: PD 2024-**** FORMER CASE NUMBERS: PD 2008-315					
	MEMPHIS, TENNESSEE						
	NUMBER OF LOTS: 1	ACREAGE: 41.49 ACRES WARD 81, BLOCK		( 80, PARCEL 99			
INTEGRATED LAND SOLUTIONS, PLLC	DEVELOPER: MEMPHIS/SHELE 160 S. HOLLYWO MEMPHIS, TN 38	OD STREET	ENGINE	ER: RENAISSANC 9700 VILLAGI LAKELAND, T	E CIRCLE, STE.100		
9967 Bentwood Creek Cv. Collierville, Tn 38017	100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL	FEMA MAP PANEL No. 47157C0320G		FEMA MAP DATE: 2/6/2013		
901.493.6996	MAY, 2024	SCALE: 1" = NA			SHEET 9 OF 9		

#### <u>MSCS – NERHS PD</u> Outline/Final Plat Conditions

#### I. USES PERMITTED

Education Facility - School, Public or Private (K-12), Park/Open Area - Recreation Field with and without lights, and all Accessory Uses per Sub-Sections 2.9.3.C & E of the Unified Development Code shall be permitted.

#### II. USE STANDARDS

- A. The use standards outlined in Sub-Section 2.6.2.C of the Unified Development Code shall apply as modified herein.
  - 1. School, Public or Private, Seminary:
    - a. Class II, Type C buffer <u>shall not be</u> required between any recreation field/associated structure (ie bleacher, dugout, etc.) and any public right-of-way.
    - b. All off-street parking lots shall meet the requirements of Section 4.5.5 of the Unified Development Code as modified herein.
    - c. Vehicular Access shall be permitted along Fisher Steel Road, Moriarity Road, and Herbert Road as generally illustrated on the Outline Plan and Conceptual Master Plan.
    - d. Vehicular parking may be located between the principal school building and all adjacent public roadways.
    - e. In addition to the bicycle parking requirements outlined in Sub-section 4.5.3.C of the Unified Development Code, all schools shall provide secure bicycle parking at a ratio of 1:3 (bicycle to vehicle parking) within 200 feet of a functioning entrance to the principal building.
    - f. Lighted motor vehicle parking areas must meet the requirements of Chapter 4.7 of the Unified Development Code, as applicable.
    - g. This planned development is exempt from the designated frontage requirements of Section 3.10.3 of the Unified Development Code.
    - h. All public streets immediately adjacent to the school site shall comply with the dimensional standards outlined in Section 5.2.7 of the Unified Development Code for classification as a Connector street.

- 2. Recreation Field, with Lights:
  - a. Field lighting must meet the requirements of Chapter 4.7 of the Unified Development Code, Outdoor Site Lighting.

#### III. BULK REGULATIONS

- A. The bulk regulations outlined in UDC Sub-section 3.10.2(b) for the IH District shall apply as modified herein.
  - 1. Tract or Lot (min)

a.	Area (sq. ft.):	20,000sf
b.	Width (ft.):	50ft

- 2. Building
  - a. Height (max ft.): 75ft
  - b. Setback (min ft.)
    - i. Front (Primary Street): 30ft\*
       \*Recreation Fields and associated structures shall be setback a minimum 15ft from any perimeter public street.
    - ii. Side (Side Street):20ftiii. Side/Rear:5ft
- 3. Parking setback (min ft.) (Principal and Accessory)
  - a. On-street (public right-of-way): Not Permitted
  - b. Abutting Primary Street: 30ft
  - c. Abutting Side Street: 20ft
  - d. Abutting nonresidential: 10ft
- B. Accessory Building/Structures: The bulk regulations outlined in UDC Chapter 2.7 shall apply as modified herein.
  - 1. There shall be no limitation upon the cumulative square footage of accessory structures.
- IV. ACCESS, PARKING AND CIRCULATION
  - A. The primary street shall be defined as the public street upon which the principal building's primary façade or main entrance is oriented.
  - B. The side street shall be defined as any street that is not defined as a primary street.
  - C. The access standards outlined in UDC Chapter 4.4 directly pertaining to nonresidential uses shall apply as modified herein.

- D. The design and location of curb cuts illustrated upon the master plan are conceptual. The final location of all curb cuts shall be approved by the City Engineer.
- E. Roadway Right-Of-Way and Improvements:
  - 1. Fischer Steel Road, Moriarity Road, and Herbert Road shall each be dedicated onehalf of a 68' future right-of-way and improved to establish one-half of a 48' urban cross section as illustrated upon the enclosed street section.
  - 2. Dedication and improvements shall be limited to the planned development's contiguous frontages.
- F. Off-street parking and loading shall be provided per UDC Chapter 4.5 as modified herein or as otherwise approved by the zoning administrator:
  - 1. Off-street parking shall be required at a ratio of 1 space per 300sf of the education facility's net floor area used for academic and administrative purposes.
  - 2. All principal and accessory uses shall share the off-street parking facilities required above.
  - 3. On-street parking along any public roadway shall be prohibited.
  - 4. Off-street loading shall be permitted to adequately serve the school and associated accessory uses.
  - 5. The size and frequency of interior islands shall be determined with the final site plan with the intent to maximize parking efficiency. Under no circumstances shall terminal islands be omitted.
- V. LANDSCAPING, SCREENING, AND FENCING REQUIREMENTS
  - A. The streetscape standards outlined in UDC Chapter 4.3 shall apply as modified herein:
    - 1. Streetscape Plate S-11 Modified, or an equivalent alternative, shall be installed along all public roadway frontages. Where off-street parking faces the public right-of-way, Evergreen Shrub Type A shall be installed to form a hedge along the curb line facing the public road. Tree Type "A, B, or C" shall be installed at a frequency equivalent to 40' o.c. No berm shall be required.
  - B. Perimeter Fencing shall be permitted within all front, side, and rear yards so long as the fencing does not impede the streetscape or buffer requirements specified herein. Street trees shall be located on the streetside of any perimeter fencing.

- 1. A 6' 9' Chain link or picket-style fencing shall be permitted within the streetscape area. Chain link fencing must be galvanized, polyvinyl chloride (PVC) color coated in either black, dark green or dark brown color coatings. Uncoated chain link fencing shall be prohibited.
- 2. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, and landscaped areas.
- 3. The Zoning Administrator may permit additional fence material, alternate fence design, additional fence height, or reduced setback through the administrative deviation if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Zoning Administrator when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site, and the proposed use of the subject site.
- C. Private streets and drives are exempt from the streetscape standards provided in Chapter 4.3.
- D. This planned development shall comply with the landscape and screening requirements outlined in Chapter 4.6 of the Unified Development Code unless otherwise approved by the Zoning Administrator.
- E. No Perimeter landscape buffers shall be required where the planned development adjoins properties having established industrial land uses and/or zoning.

#### VI. LIGHTING REQUIREMENTS

- A. All parking and general site lighting shall comply with Chapter 4.7 of the Unified Development Code unless modified herein.
- B. All recreational sports field lighting shall comply with the TSSAA (Tennessee Secondary School Athletic Association standards.
- C. Equivalent alternatives shall be permitted by the Zoning Administrator.
- D. All pole-mounted site lighting fixtures shall be LED.
- E. All general area site lighting pole heights shall not exceed 30 feet.
- F. All sports lighting pole heights shall not exceed 80 feet.

#### VII. UNDERGROUND UTILITY LINES

All utility lines such as electric, telephone, cable television, or other similar lines shall be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines that service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

#### VIII. SIGNS

- A. All proposed signage shall comply with Chapter 4.9 of the Unified Development Code as modified herein.
- B. One (1) Off-Premise Ground Sign shall be permitted in the general vicinity of Future Herbert Road and Future Trinity Road intersection.

#### IX. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.

#### X. FINAL PLAN REQUIREMENTS Any final plan shall include the following:

- A. The approved outline plan conditions.
- B. A standard subdivision contract for any needed public improvements.
- C. The exact location and dimension including height, of all buildings or buildable areas, parking areas and number of parking spaces, drives, required landscaping, and building elevations and building materials.
- D. A rendering, including plan view and elevations, of any proposed development identification signs showing the height, dimensions, and design thereof.
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring onsite stormwater detention facilities: The area denoted by "Reserve for Stormwater

Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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' associations. 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 be limited to: removal of sedimentation, fallen objects, debris and trash; moving; outlet cleaning; and repair of drainage structures.

- G. A photometric lighting plan.
- H. The enclosed master plan, corresponding plans, and building elevations are conceptual. The Zoning Administrator shall have the authority to approve modifications to the final plan, associated plans, and building elevations without limitation, where the final plan complies with these conditions.



#### ANNA NACHMAN LP 720 LYNN ST # HERNDON VA 20170

AREN LAND DEV CO LLC 7707 APACHE PLUME DR # HOUSTON TX 77071

BAPTIST MEMORIAL HOSPITAL 350 N HUMPHREYS BLVD # MEMPHIS TN 38120

COLEMAN LARRY E MARITAL TRUST AND 6711 WILD BERRY LN # MEMPHIS TN 38119

EAST MEMPHIS INDUSTRIAL DISTRICT 820 HERBERT RD # CORDOVA TN 38018

GAMEDAY HEALTHY KIDS FOUNDATION 140 E MULBERRY ST # COLLIERVILLE TN 38017

HYNEMAN MILLER LLC 820 HERBERT RD # CORDOVA TN 38018

**IBB HOLDINGS GP** PO BOX 40642 #

JUSTICE JOHNNY AND CAROL TRUST 830 HERBERT RD # CORDOVA TN 38018

NATIONAL RETAIL PROPERTIES INC 450 S ORANGE AVE # ORLANDO FL 32801

ROSE MORSE W & MONICA W 7142 BLUE GRASS LN # **GERMANTOWN TN 38138** 

AREN LAND DEV CO LLC 7810 MORIARTY RD # MEMPHIS TN 38018

ARLINGTON MEMPHIS LLC 2 20TH ST # **BIRMINGHAM AL 35203** 

BRAMBLES EQUIPMENT SERVICES INC 8450 W BRYN MAWE AVE # CHICAGO IL 60631

CORDOVA PROPERTIES LLC 4701 GLACIER BAY # COLLIERVILLE TN 38017

FOCHT JOHN & KAREN 1579 LACEWING TRCE # CORDOVA TN 38016

GAMEDAY HOLDINGS LLC 140 E MULBERRY ST # COLLIERVILLE TN 38017

MEMPHIS TN 38174

KASHMIR EL 331 7989 FISCHER STEEL RD # CORDOVA TN 38018

PGP PATRIOT 1 LLC (43.991%) AND 141 S PROVIDENCE RD # CHAPEL HILL NC 27514

ROSE MORSE W & MONICA W 7142 BLUE GRASS LN # GERMANTOWN TN 38138

AREN LAND DEV CO LLC 11814 STALLION LN # HOUSTON TX 77071

BALTON BROTHERS REALTY 7801 MORIARTY RD # MEMPHIS TN 38018

CHOATE CHRISTOPHER K & CYNTHIA L 820 HERBERT RD # CORDOVA TN 38018

CREWS INVESTMENT HOLDINGS LLC 555 GREAT CIRCLE RD # NASHVILLE TN 37220

FOUR STATE STORAGE DST PO BOX 3666 # OAK BROOK IL 60523

H & M DEVELOPMENT LLC 7895 PLAYERS FOREST DR # MEMPHIS TN 38119

**INSOMNIA INC** 5050 POPLAR AVE # MEMPHIS TN 38157

**KISER'S FLOOR FASHIONS INC** 3050 WALNUT GROVE RD # MEMPHIS TN 38111

PGP PATRIOT 1 LLC (43.991%) AND 141 S PROVIDENCE RD # CHAPEL HILL NC 27514

**RPM REAL ESTATE LLC** 9411 SHADOW RIDGE CV # CORDOVA TN 38016

#### SEVEN INVESTMENTS LLC 9160 HIGHWAY 64 RD # ARLINGTON TN 38002

SEVEN INVESTMENTS LLC SERIES 11 9160 HIGHWAY 64 # LAKELAND TN 38002

TAF PROPERTIES LLC 7790 FISCHER STEEL RD # CORDOVA TN 38016 SMITH JARED C & ANNA E 6000 UPPER BRANDON PL # NORFOLK VA 23508

TENNESSEE SHAKESPEARE CO 7950 TRINITY RD # CORDOVA TN 38018

STAUF REALESTATE LLC 835 HERBERT RD # CORDOVA TN 38018

WENCO PROPERTIES LLC 7910 TRINITY RD # CORDOVA TN 38018



Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

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



21060647

05/19/2021 - 12:13:18 PM 3 PGS HERTHA 2229465 - 21060647 VALUE 3000000.00 MORTGAGE TAX 0.00 TRANSFER TAX 11100.00 **RECORDING FEE** 15.00 DP FEE 2.00 **REGISTER'S FEE** 1.00 TOTAL AMOUNT 11118.00

> SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

Instrument Prepared by: Apperson Crump, PLC 6000 Poplar Avenue – Suite 150 Memphis, TN 38119 File Number: AC21040300RB

After Recording Return To: Harris Shelton Hanover Walsh, PLLC 6060 Primacy Parkway Suite 100 Memphis, TN 38119 Property Address(es): 0 Herbert Road, Memphis, TN 38018

Tax Parcel ID #(s): 091031 00001

### Warranty Deed

THIS INDENTURE made and entered into as of this 14th day of May, 2021, by and between Marvin E. Orr and Irma Jean Orr, husband and wife, (henceforth referred to as "Grantor"), and Aren Land Dev Co LLC, a Limited Liability Company, (henceforth referred to as "Grantee"),

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and grant all of its interest in the following described real estate situated and being in Shelby County, Tennessee:

Property 1:

Being LOT 3 EAST MEMPHIS INDUSTRIAL DISTRICT SUBDIVISION as recorded in Plat Book 34, Page 2 in the Shelby County Register's office, and being the property of MARVIN E. ORR and wife, IRMA JEAN ORR, as recorded in Quit Claim Deed Instrument Number 16098539 in said Register's office, and being more particularly described as follows:

Beginning at the intersection of the South line of Fischer Steel Road (60' Right of Way) and the westerly line of an 80' Industrial Lead Track Right of Way, said point being the northeasterly corner of said Lot 3; thence with the west line of said Industrial Lead Track S 02°38'50" W a distance of 228.35' (Call 241.10') to a point of curvature; thence with a curve to the right having an arc length of 449.63' (Call 450.77'), and a radius of 319.26' (chord bearing S 42°59'33" W, chord length 413.38'), to a point which is 90 feet north of the northerly line of Quality Concrete Products Company, Inc as recorded in Book 4746, Page 256; thence S 83°20'16" W, 90 feet north of and parallel to the northerly line of said Quality Concrete Products Company, Inc. a distance of 554.16' (Call 554.59') to a point; thence S 83°36'01" W 90 feet north of and parallel to the northerly lines of Patricia Ann Brown Trusts as recorded in Instrument Number 06006081 and Brown/French Properties of Tennessee, LLC as recorded in Instrument Number 14065613, a distance of 1154.65' (Call 1153.82') to a point in the East line of Herbert Road (60' R.O.W.); thence with the East Line of said Herbert Road, along a curve to the right having an arc length of 164.49' (Call 161.86'), and a radius of 288.30' (chord bearing N 37°40'41" E, chord length 162.27'), to a point; thence N 54°01'24" E a distance of 71.81'(Call 72.6') to a point; thence with a curve to the left having an arc length of 303.95', and a radius of 348.30' (chord bearing N  $29^{\circ}01'24''$  E, chord length 294.40'), to a point; thence N  $04^{\circ}01'24''$  E a distance of 367.97' (Call 367.84') to a point; thence with a curve to the right having an arc length of 62.70' (Call 62.77'), and a radius of 40.00' (chord bearing N  $48^{\circ}55'47''$  E, chord length 56.48'), to a point; thence S  $86^{\circ}09'50''$  E a distance of 1625.42' (Call 1626.00') to the Point of Beginning, and having an area of 1,120,635 square feet, or 25.726 acres more or less.

Being the same property conveyed to Marvin E. Orr and Irma Jean Orr, husband and wife by Quitclaim Deed dated August 30, 2016 from Mid-South Management of Collierville, Inc., recorded September 26, 2016, in Instrument Number 16098539, in the Official Records of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto the said Grantee, his, her, its, successors and assigns in fee simple forever.

And the Grantor does hereby covenant with the said Grantee that he, she, they, it is lawfully seized in fee of the aforedescribed real estate; that Grantor has a good right to sell and convey the same; that the same is unencumbered except for the following: The lien of the following general and special taxes for the year or years specified and subsequent years: 2021 City of Memphis and Shelby County taxes, being liens not yet due and payable. Subdivision Restrictions, Building Lines and Easements of record in Plat Book 34, Page 2, in the Register's Office of Shelby County, TN. Subject to the Easement, recorded as Instrument #E3 8531 in the official records of the Shelby County Register. Subject to the Declaration of Covenants, Conditions, and Restrictions, recorded as Instrument #HD 6113 in the official records of the Shelby County Register.

#### **ADDITIONAL COVENANT AND RESTRICTION:**

By acceptance of this Deed, the Grantee agrees that the following Restrictive Covenant shall be binding on the Grantee and its assigns, and successors in interest and shall be a permanent restriction running with the land: "The property shall never be used as a commercial business which allows for the sale of alcoholic beverages."

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

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In Witness Whereof, the said, Grantor(s), has executed this instrument this 14th day of May, 2021.

Marvin E. Orr

Trima Jean Orr Irma Jean Orr

STATE OF TENNESSEE COUNTY OF SHELBY

On this 14th day of May, 2021, before me personally appeared Marvin E Orr and Irma J Orr, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, th f May, 2021. STATE OF ENNESSEE Notary Signature NOTARY My commission expires: PUBLIC \*\*\*\*\* 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 \$3,000,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this  $|\psi^{\dagger}|$  day of May, 2021. otary Public My Commission Expires June 19 202 Μ. STATE New Owner's Name & Address for Tax Bills to: Aren Land Dev Co LLC Apache June Dr. Houston TX 77071



Shelby County Tennessee

## Shelandra Y Ford

Shelby County Register

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



21146703

11/24/2021 - 10:55:54 AM	
3 PGS	
KRISTIN 2343083 - 21146703	
VALUE	1800000:00
MORTGAGE TAX	0.00
TRANSFER TAX	6660.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	6678.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

#### **Prepared By:**

17

Matt McDonald, Esq. Realty Title 6525 N Quail Hollow Rd, Suite 115 Memphis, TN 38120 File No. 01-MEM21-07509

#### **Owner Name and Address:**

Aren Land Dev Co LLC 11814 Stallion Ln Houston, TX 77071-2627

#### <u>Return To:</u>

Andy Cobb, Esq. Harris Shelton 6060 Primacy Pkwy, Suite 100 Memphis, TN 38119

#### <u>Send Tax Bills To:</u>

Aren Land Dev Co LLC 11814 Stallion Ln Houston, TX 77071-2627

#### WARRANTY DEED

FOR AND IN CONSIDERATION OF Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of all of which are hereby acknowledged, **QUALITY CONCRETE PRODUCTS CO., INC., a Tennessee corporation** ("Grantor"), has this day bargained and sold and by these presents does bargain, sell, transfer and convey unto **AREN LAND DEV CO LLC, a Tennessee limited liability company** ("Grantee") the property being situated in Shelby County, Tennessee, and being described more particularly as follows:

#### (See attached Exhibit A for description, which is incorporated herein by reference)

Street Address: 725 N Germantown Pkwy, Cordova, TN 38018 (Improved Property) Assessor Parcel No.: 091030 00010

Being part of the same property conveyed to Grantor by way of warranty deeds of record in Book 4746, Page 256 and at Instrument No. H4 8404 in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all appurtenances and hereditaments thereunto appertaining unto Grantee, its successors and assigns in fee simple forever. Grantor covenants that Grantor is lawfully seized and possessed of said real estate, has full power and lawful authority to sell and convey the same; that the title thereto is free, clear and unencumbered except for subdivision restrictions, building lines, and easements of record in Plat Book 28 Page 2, Plat Book 28 Page 48, Plat Book 34 Page 2, and Plat Book 267 Page 35; Easements of record in Book 4784 Page 197 and Instrument Nos. H6 0162, EG 3702, 15079488, and 16023439; Declaration of Easements with Covenants and Conditions of record at Instrument No. 15029323; Easement Agreement with Covenants, Conditions and Restrictions of record at Instrument Nos. 15038440 and 16079139; Deed restrictions of record at Instrument No. Z3 6465; State of Tennessee Dept of Transportation Planning Map of record at Instrument No. CU 5481, all of record in said Register's Office; and except for 2022 City of Memphis and Shelby County property taxes, and subsequent year taxes, which are not yet due and payable; and Grantor will forever warrant and defend the same against the claims of all persons whomsoever.

Grantor further covenants that the lease agreements of record in Book 73 Page 347 and Book 100 Page 105 in said Register's Office have been terminated and are of no further force or effect.

IN WITNESS WHEREOF, Grantor has executed this instrument to be effective the  $22^{10}$  day of November, 2021.

#### Quality Concrete Products Co., Inc.

Bv: larkwell, Vice President Chr

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE

Before me, the undersigned Notary Public, of the State and County aforementioned, personally appeared CHRIS MARKWELL, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be the Vice President of QUALITY CONCRETE PRODUCTS CO., INC., the within named bargainor, a corporation, and that such person, as such Vice President, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by such person as Vice President.

Witness my hand, at office, this 17 day of November, 2021.

Notary Public

My Commission Expires: <u>3/14/26</u>



#### Affidavit of Value

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for the transfer or the value of the property transferred, whichever is greater, is \$1,800,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

**Á f**fiant

Subscribed and sworn to before me this  $\Delta \mathfrak{I}^{\mathcal{U}}$  day of November, 2021.

Notary Public My Commission Expires:

Shelandra Y Ford Shelby County Register of Deeds: Instrument# 21146703 Page 3 of 3

1.7

#### **EXHIBIT A**

## DESCRIPTION OF THE PROPERTY DESCRIBED IN DEED BOOK 4746, PAGE 256 AND INSTRUMENT NO. H4 8404, LESS AND EXCEPT THE PROPERTY CONVEYED IN INSTRUMENT NO. 15038439, ALL BEING RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a found iron pin in the north right-of-way of Moriarty Road (60.00 feet), approximately 358.3 feet west of the centerline of Germantown Parkway, and being the southeast corner of the herein described property; thence N 86° 23' 55" W along the north rightof-way of Moriarty Road (60 feet) a distance of 412.47 feet to a set iron pin; thence continuing N 86° 04' 21" W along said right-of-way a distance of 1002.39 feet to a set iron pin; thence leaving said right-of-way N 03° 38' 49" E a distance of 391.67 feet to a found iron pipe; thence N 83° 20' 30" E a distance of 552.59 feet to a set iron pin; thence N 06° 17' 40" W a distance of 10.01 feet to a found iron pipe; thence 207.91 feet along a curve to the left having a radius of 399.26 feet, a delta of 29° 50' 10", a chord bearing of N 68° 47' 15" E, and chord distance of 205.57 feet to a found iron pin; thence 195.00 feet along a curve to the right having a radius of 453.34 feet, a delta of 24° 38' 42", a chord bearing of N 81° 28' 36" E, and chord distance of 193.50 feet to a point 2.85' west of a found concrete monument; thence S 85° 59' 05" E a distance of 501.74 feet to a found iron pin in the west side of a private access drive; thence S 04° 03' 27" W along the east side of said private access drive, a distance of 628.97 feet to the Point of Beginning, and containing 17.718 acres (771,803 s.f.), more or less, together with access easements appurtenant to the property pursuant to Instruments of record at No. 15029323 as amended at No. 16079139, and at Instrument No. 15038440, all in the aforesaid Register's Office.

This description is derived from the ALTA/NSPS Land Title Survey performed by Matthew W. Bingham, RLS # 2052, W.H. Porter Consultants, PLLC, 6055 Primacy Pkwy, Suite 115, Memphis, TN 38119, on November 2, 2021.

1



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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



22035999

03/29/2022 - 01:19:18 PM

3 PGS	
ABRIA 2405017 - 22035999	
VALUE	540000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1998.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	2016.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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



– Attorneys & Counselors –––

THIS INSTRUMENT PREPARED BY: Bryan K. Smith, Attorney Pietrangelo Smith PLC International Place - Tower II 6410 Poplar Avenue, Suite 710 Memphis, Tennessee 38119 File No. 22062

## WARRANTY DEED

THIS INDENTURE, made and entered into as of the 23rd day of March, 2022, by and between Patricia Ann Brown, Trustee of the Patricia Ann Brown Trust dated November 14, 1996, party of the first part, and Aren Land Dev Co LLC, a Tennessee limited liability company, party of the second part,

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

Lot 2, Revised Plat, Moriarty Industrial Park Subdivision, as shown on plat of record at Plat Book 28, Page 48, of the Register's Office of Shelby, Tennessee to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to the party of the first part by Warranty Deed of record at Instrument Number 06006081 in the Register's Office of **Shelby** County, **Tennessee**.

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

The said party of the first part does hereby covenant with the said party of the second part that she is lawfully seized in fee of the aforedescribed real estate; she has a good right to sell and convey the same; that the same is unencumbered, EXCEPT 2022 City of **Memphis** and 2022 **Shelby** County real estate taxes, which the party of the second part hereby assumes and agrees to pay; Subdivision Restrictions, Building Lines and Easements of record at Plat Book 28, Page 2, and Plat Book 28, Page 48; Easements of record at Instrument Numbers S4 8338, Z3 1707 and Z3 1723, in the Register's Office of Shelby County, Tennessee; and that the title and quiet possession thereto she will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according in their proper gender and number according to the context hereof. WITNESS the signature of the said party of the first part the day and year first above written.

The Patricia Ann Brown Trust dated November 14, 1996

BY Jattice and Brown, Trustee Patricia Ann Brown, Trustee

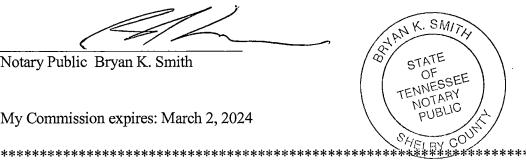
#### STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public in and for the aforesaid jurisdiction, personally appeared Patricia Ann Brown, Trustee of the Patricia Ann Brown Trust dated November 14, 1996 personally known to me or proven upon satisfactory evidence to be the persons described in the foregoing instrument, and who acknowledged herself to be the Trustee of the Patricia Ann Brown Trust dated November 14, 1996 and first being duly authorized, that she executed the foregoing instrument for the purpose therein contained by signing the name of Trust by herself as such Trustee.

WITNESS my hand and Notarial Seal at office this 22nd day of March, 2022.

Notary Public Bryan K. Smith

My Commission expires: March 2, 2024



(FOR RECORDING DATA ONLY)

Property Address: 7810 Moriarty Road Memphis, TN 38018

Property Owner: Aren Land Dev Co LLC 7810 Moriarty Road Memphis, TN 38018

Ward, Block & Parcel Number: 091030 00011

Mail tax bills to: Aren Land Dev Co LLC 7810 Moriarty Road Memphis, TN 38018

#### 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 \$540,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this the 23 day of March, 2022.

My Commission Exp **NTARY** 



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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



22036000

03/29/2022 - 01:19:18 PM

3 PGS	
ABRIA 2405017 - 22036000	
VALUE	296900.00
MORTGAGE TAX	0.00
TRANSFER TAX	1098.53
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	1116.53

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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



THIS INSTRUMENT PREPARED BY: Bryan K. Smith, Attorney Pietrangelo Smith PLC International Place - Tower II 6410 Poplar Avenue, Suite 710 Memphis, Tennessee 38119 File No. 22061

## WARRANTY DEED

THIS INDENTURE, made and entered into as of the 23rd day of March, 2022, by and between Brown/French Properties of Tennessee, LLC, a Tennessee limited liability company, party of the first part, and Aren Land Dev Co LLC, a Tennessee limited liability company, party of the second part,

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

Lot 3, Moriarty Industrial Park Subdivision, as shown on plat of record at Plat Book 28, Page 48, of the Register's Office of Shelby, Tennessee to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to the party of the first part by Quit Claim Deed of record at Instrument Numbers 14065609 and 14065613 in the Register's Office of Shelby County, Tennessee.

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

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT 2022 City of Memphis and 2022 County of Shelby real estate taxes which the party of the second part hereby assumes and agrees to pay; Subdivision Restrictions, Building Lines and Easements of record at Plat Book 28, Page 2, and Plat Book 28, Page 48; Easements of record at Book 5415, Page 431 and Instrument No. H9 8458, all in the Register's Office of Shelby County, Tennessee; Any matter which would be disclosed by a current, accurate survey of the property described herein; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

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

IN WITNESS WHEREOF the undersigned has caused this instrument to be executed by and through its duly authorized officers the day and year first written above.

Brown/French Properties of Tennessee, LLC a Tennessee limited liability company

BY:

Judy French, President

Before me, the undersigned Notary Public, of the State and County aforesaid personally appeared Judy French, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the President of Brown/French Properties of Tennessee, LLC, a Tennessee limited liability company, the within named bargainor, and who further acknowledged that, being duly authorized, she executed and delivered the fore instrument for the purposes therein contained, by signing the name of the company by herself as such President.

WITNESS my hand and seal at office this the 22nd day of March, 2022.

Notary Public Bryan K. Smith

My Commission expires: March 2, 2024



Property Address: 7788 Moriarty Road Memphis, TN 38018

Property Owner: Aren Land Dev Co LLC 11814 Stallion Lane Houston, TX 77071

Ward, Block & Parcel Number: 091030 00012

Mail tax bills to: Aren Land Dev Co LLC & 11814 Stallion Lane Houston, TX 77071

#### 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 \$296,900.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this the 25 day of March, 2022.

Notary Public

My Commission Expires:





Shelby County Tennessee Willie F. Brooks Jr

Shelby County Register

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



23005140

01/18/2023 - 02:39:50 PM

9 PGS	
LINDA 2536532 - 23005140	
VALUE	1200000.00
MORTGAGE TAX	0.00
TRANSFER TAX	4440.00
RECORDING FEE	45.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	4488.00

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov This instrument prepared by or under the direction of:

Kim R. Bongiovanni Assistant General Counsel Law Department 500 Water Street Jacksonville, Florida 32202

Send future tax bills to: Aren Land Dev Co LLC 11814 Stallion Lane Houston, TX 77071	<b>Map/Parcel:</b> No Tax Parcel ID Assigned	Return to: Harris Shelton Hanover Walsh, PLLC M. Anderson Cobb, Jr. 6060 Primacy Parkway, Suite 100 Memphis, TN 38119
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#### **QUIT CLAIM DEED**

THIS QUITCLAIM DEED, made this 18<sup>th</sup> day of January 2023, between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantor", and AREN LAND DEV CO LLC, a Tennessee limited liability company, whose mailing address is 11814 Stallion Lane, Houston, Texas 77071, hereinafter called "Grantee", WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors and assigns of corporations.)

THAT Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee, its successors and assigns, all right, title and interest of Grantor, if any, in and to that certain tract or parcel of land situate, lying and being at Memphis, County of Shelby, State of Tennessee, hereinafter designated "the Premises," more particularly described in Exhibit A, attached hereto and incorporated herein, and containing 6.91 acres, more or less.

EXCEPTING unto Grantor all mineral rights, if any, including but not limited to oil, gas and coal, and the constituents of each, underlying the Premises; and RESERVING the right for Grantor, its successors and assigns, to remove the same; HOWEVER, Grantor will not drill or permit drilling on the surface of the Premises without the prior written consent of Grantee, which consent shall not be unreasonably withheld.

EXCEPTING unto Grantor the ownership in and to all railroad tracks and other track material (including switches, signals and ballast), hereinafter "the Track", within and on the Premises. Grantee shall remove the Track, at its sole cost and expense, within 210 days after Closing and stockpile same (other than the ballast) for later retrieval by Grantor.

FURTHER RESERVING unto Grantor, its successors and assigns, a perpetual exclusive easement, hereinafter "the Signboard Easement", in, over, under and along the entirety of the Premises for future construction, maintenance, operation, use, replacement, relocation, renewal and removal of signboards, including but not limited to, the necessary utilities to operate such equipment in, over, under and along the Premises, and the rights to attach the same to existing bridges or poles on the Premises, and such surface rights as are reasonably necessary to accomplish the same, TOGETHER WITH the further right to assign the Signboard Easement, and/or the rights reserved pursuant thereto, in whole or in part, and to lease, license or permit third parties to use the Signboard Easement and/or the rights reserved pursuant thereto; PROVIDED that the exercise of such rights does not materially and unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee.

FURTHER RESERVING unto Grantor, its successors and assigns, a perpetual exclusive easement, hereinafter "the Tower Easement", in, over, under and along the entirety of the Premises for future construction, maintenance, operation, use, replacement, relocation, renewal and removal of communication towers, including but not limited to, the necessary utilities to operate such equipment in, over, under and along the Premises, and the rights to attach the same to existing bridges or poles on the Premises, and such surface rights as are reasonably necessary to accomplish the same, TOGETHER WITH the further right to assign the Tower Easement, and/or the rights reserved pursuant thereto, in whole or in part, and to lease, license or permit third parties to use the Tower Easement and/or the rights reserved pursuant thereto; PROVIDED that the exercise of such rights does not materially and unreasonably interfere with the safe and efficient use of the Premises, or any improvements thereon, by Grantee.

TO HAVE AND TO HOLD the Premises, and all the estate, right, title, lien, interest and claim whatsoever of Grantor therein, either in law or equity, and all improvements thereon and appurtenances thereto, unto the proper use, benefit and enjoyment of Grantee, Grantee's heirs and assigns or successors and assigns, forever; SUBJECT to reservations, easements, covenants, restrictions and limitations of record or platted, all existing public utilities and roadways, all taxes and assessments, both general and special, which accrue after the date hereof and which Grantee assumes and agrees to pay, and all existing encroachments, ways and servitudes, howsoever created.

Grantee acknowledges that the Premises conveyed hereunder has been historically used for railroad industrial operations and is being conveyed for use only as industrial or commercial property. Grantee, by acceptance of this deed, hereby covenants that it, its successors, heirs, legal representatives or assigns shall not use the Premises for any purpose other than industrial or commercial purposes and that the Premises will not be used for (a) any residential purpose of any kind or nature (residential use shall be defined broadly to include, without limitation, any use of the Premises by individuals or families for purposes of personal living, dwelling, or overnight accommodations, whether such uses are in single family residences, apartments, duplexes, or other multiple residential dwellings, trailers, trailer parks, camping sites, motels, hotels, or any other dwelling use of any kind), (b) any public or private school, day care, or any organized longterm or short term child care of any kind, (c) any recreational purpose (recreational use shall be defined broadly to include, without limitation, use as a public park, hiking or biking trail, athletic fields or courts, or public gathering place), (d) any agricultural purpose that results in, or could potentially result in, the human consumption of crops or livestock raised on the property (agricultural purpose shall be defined broadly to include, without limitation, activities such as food crop production, dairy farming, livestock breeding and keeping, and cultivation of grazing land that would ultimately produce, or lead to the production of, a product that could be consumed by a human) or (e) the establishment of a mitigation bank and/or the sale, lease, license, conveyance or in any way distribution of mitigation credits. By acceptance of this deed, Grantee further covenants that it, its successors, heirs, legal representatives or assigns shall not use the groundwater underneath the Premises for human consumption, irrigation, or other purposes.

Grantee, by acceptance of this deed, covenants and represents that Grantee owns property adjoining the Premises and has access to the Premises through Grantee's adjoining property or through other property not owned by Grantor. Grantee, on its behalf, its heirs, personal representatives, successors and assigns, releases Grantor, its successors and assigns, from any responsibility, obligation or liability to provide access to the Premises through land now owned or subsequently acquired by Grantor. Should Grantee ever convey the Premises, or any portion thereof, to a third party, Grantee will provide access to the Premises through Grantee's adjoining property or through other property not owned by Grantor.

Grantee acknowledges that this deed is made upon Grantee's solicitation and request, and was not in any way initiated by Grantor. Grantor does not represent or warrant to Grantee any ownership or estate in the Premises or any specific title or interest in the Premises, which constituted a strip of Grantor's former railroad operating property; and Grantee hereby releases Grantor, its officers and agents, from any claim or demand resulting from this deed, or from any failure of or defect in Grantee's title to the Premises.

Grantee hereby agrees, as additional consideration for the conveyance of the Premises, to defend, indemnify and hold Grantor harmless from and against any and all liability, loss, cost and/or expense, including reasonable attorney fees, arising out of or in connection with any and all suits or causes of actions instituted by third parties against Grantor or Grantee as a result of the conveyance of the Premises to Grantee or as a result of the failure of title to any portion of the Premises.

Grantee, its successors and assigns, by acceptance of this deed, hereby covenants and agrees with Grantor that Grantor shall not be required to erect or maintain any noise, light, fume or vibration abatement or reduction structure along any boundary lines between the Premises and the adjacent land(s) of Grantor or any other company affiliated with Grantor; or be liable for or required to pay any part of the cost or expense of erecting or maintaining such abatement or reduction structures or any part hereof; or be liable for any damage, loss or injury that may result by reason of the non-existence or the condition of any noise, light, fume or vibration abatement or reduction structures. Grantee assumes all liability and responsibility respecting noise, light, fume or vibration abatement or reduction structures and covenants not to sue Grantor, its successors or assigns for existence of the noise, light, fumes and vibrations from Grantor's operations. Grantee acknowledges that the Grantor's adjacent railroad operation is a 24-hour a day, seven day a week continuous operation that may create noise, vibration, light, smoke and other inconveniences.

Grantee and Grantor agree and acknowledge the covenants and easements contained in this Deed shall be covenants "in gross" and easements "in gross" which shall remain binding on Grantee, its successors, heirs, legal representatives and assigns regardless of whether Grantor continues to own property adjacent to the Premises. Grantee acknowledges Grantor will continue to have a substantial interest in enforcement of the said covenants and easements whether or not Grantor retains title to property adjacent to the Premises.

Said covenant(s) shall run with title to the Premises conveyed, and bind upon Grantee, Grantee's heirs, legal representatives and assigns, or corporate successors and assigns, and anyone claiming title to or holding Premises through Grantee.

## REMAINDER OF PAGE INTENTIONALLY LEFT BLANK SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.

By:

Signed, sealed and delivered in the presence of:

÷

Jessica A. Braig

CSX TRANSPORTATION, INC.:

Name: Christina W. Bottomley Title: Head of Real Estate

Luis Vazquez

Title: Head of Real Estate

(SEAL) Attest

Name: Michael S. Burns Title: Corporate Secretary

## STATE OF FLORIDA ) ) SS. COUNTY OF DUVAL )

I, Sarah A. Watson, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County came Christina W. Bottomley to me known to be the person whose name is subscribed to the above instrument, who, being by me by means of physical presence first duly sworn, did make oath, acknowledge and say that: she is Head of Real Estate of CSX Transportation, Inc., the corporation described in and which executed said instrument; she is fully informed of the contents of the instrument; she knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; she signed her name thereto for said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 13<sup>th</sup> day of January 2023.

My commission expires on: 02/02/2024

SARAH A WATSON Notary Public - State of Florida Commission # GG 945131 My Comm. Expires Feb 2, 2024 Bonded through National Notary Assn.

Notary Public Print Name: Sarah A. Watson (SEAL)

#### AFFIDAVIT

State of Tennessee County of Shelby

I hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$1.200,000.00.

Affiant

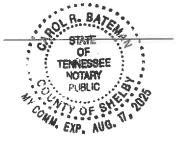
Amant Agent of Grantee

Subscribed and sworn to before me this  $18^{-1}$  day of January 2023.

imas

Notary Public

My Commission Expires:



#### EXHIBIT A

Description of property at: Memphis, Shelby Co, TN To: Aren Land Dev Co, LLC CSXT Deed File No.: 2022-7023

## PARCEL 1 - DESCRIPTION OF A PORTION OF THE PROPERTY SHOWN IN PLAT BOOK 34, PAGE 2 AS RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE, ALSO BEING THE INDUSTRIAL LEAD TRACT R.O.W. (80.00' WIDE) BETWEEN THE OLD MAIN TRACK (NOW SHELBY FARMS GREENLINE TRAIL) AND FISCHER STEEL ROAD; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the west line of the Industrial Lead Track right-of-way (80.00' ROW) and the north line of Fischer Steel Road (ROW Varies), 30.00' north of the centerline of said road and approximately 987.2 feet west of the centerline of Germantown Parkway and 0.9 feet north of a found iron pin; thence N 02° 21' 20" E a distance of 592.97 feet to a point of curvature; thence 548.71 feet along a curve to the left having a radius of 319.88 feet, a delta of 98° 16' 59", a 369.82 feet tangent, a chord bearing of N 46° 47' 09" W, and chord distance of 483.87 feet; thence N 05° 55' 39" W a distance of 7.74 feet to a found iron pin in the south line of the Main Track (100.00' R.O.W.); thence N 83° 31' 14" E along the said south line a distance of 226.14 feet to a found iron pipe; thence 445.59 feet along a curve to the right having a radius of 399.88 feet, a delta of 63° 50' 44", a 249.12 feet tangent, a chord bearing of S 29° 34' 02" E, and chord distance of 422.89 feet; thence S 02° 20' 51" W, passing found iron pins at 82.34 feet and 591.28 feet, a total distance of 595.13 feet to a point in the north line of Fischer Steel Road, also being 30.00 feet north of its centerline; thence N 86° 06' 19" W along said north line a distance of 80.11 feet to the Point of Beginning.

Containing 1.972 acres (85,923 s.f.).

## PARCEL 2 - DESCRIPTION OF A PORTION OF THE PROPERTY SHOWN IN PLAT BOOK 34, PAGE 2 AS RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE, ALSO BEING THE INDUSTRIAL LEAD TRACT R.O.W. BETWEEN FISCHER STEEL ROAD AND HERBERT ROAD; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the west line of the Industrial Lead Track right-of-way (80.00' ROW) and the south line of Fischer Steel Road (ROW Varies), 30.00' south of the centerline of said road and approximately 985.9 feet west of the centerline of Germantown Parkway; thence along said south line S 86° 06' 19" E a distance of 80.03 feet; thence S 02° 21' 20" W a distance of 224.55 feet; thence 566.88 feet along a curve to the right having a radius of 399.26 feet, a delta of 81° 21' 00", a 343.12 feet tangent a chord bearing of S 43° 01' 50" W, and chord distance of 520.45 feet; thence S 06° 17' 40" E a distance of 10.01 feet; thence S 83° 20' 30" W a distance of 552.59 feet; thence S 83° 39' 24" W a distance of 608.18 feet; thence S 83° 30' 25" W a

distance of 576.34 feet to a point in the east line of Herbert Road (60.00' R.O.W.); thence N  $03^{\circ}$  13' 46" E along said east line a distance of 5.44 feet; thence 89.68 feet along a curve to the right having a radius of 288.30 feet, a delta of 17° 49' 23", a 45.21 feet tangent a chord bearing of N 12° 08' 27" E, and chord distance of 89.32 feet; thence N 83° 30' 25" E a distance of 547.00 feet; thence N 83° 39' 24" E a distance of 608.08 feet; thence N 83° 20' 30" E a distance of 554.92 feet; thence 451.27 feet along a curve to the left having a radius of 319.26 feet, a delta of 80° 59' 10", a 272.61 feet tangent a chord bearing of N 42° 50' 55" E, and chord distance of 414.63 feet; thence N 02° 21' 20" E a distance of 226.70 feet; to the Point of Beginning.

Containing 4.916 acres (214,131 s.f.).

phelps

Phelps Dunbar LLP 999 S. Shady Grove Road Suite 500 Memphis, TN 38120 901 259 7100

July 18, 2024

Brooke Hyman Chief Administrative Officer Memphis City Council 125 N. Main, Room 514 Memphis, TN 38103 Brooke.Hyman@memphistn.gov

Brett Ragsdale Zoning Administrator City of Memphis Memphis & Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103 Brett.ragsdale@memphistn.gov

Chloe Christion Staff Planner Memphis & Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103 chloe.christion@memphistn.gov

#### PROJECT INFORMATION

DPD Case #:	PD 2024-007
Project Location:	The southeast corner of Fischer Steel Road and Herbert Road,
	approximately 830 feet west of North Germantown Parkway, Memphis-
	Shelby County Schools
Applicant:	Memphis-Shelby County Schools
Land Area:	46.42
<b>Existing Zoning:</b>	Industrial-Heavy (IH)
Request:	A Planned Development application in the facilitation of a proposed New
	East Regional High School (NERHS)
LUCB Housing Re	commendation Date: July 11, 2024

Dear Ms. Hyman, Mr. Ragsdale, and Ms. Christion:

I represent the Cordova Neighborhood Business Association ("CNBA"). Pursuant to the instructions of Ms. Christion and consistent with the UDC, this letter will serve as our notice of appeal and to formerly request the opportunity to speak in opposition of the above-case when it comes before the Memphis City Council. As was discussed with Ms. Christion, CNBA objects

to the Land Use Control Board's decision and wishes to appeal its recommendation. I have attached our letter of opposition that was submitted to the Land Use Control Board. I spoke against the matter and will be representing the CNBA before the City Council. Additionally, Mr. Norcross, who also spoke at the hearing before the LUCB, would like to speak against this case on behalf of his local businesses, Norcross Mazda of Memphis and Volvo Cars Memphis. Several representatives and owners of other local businesses submitted letters in opposition and/or attended the LUCB and were not allowed sufficient time to speak on this matter. I understand that they will provide their own letters to seek a speaking opportunity with the Memphis City Council.

Please confirm the receipt of this letter and that it will suffice to place our this matter on the agenda in opposition to this case. Please confirm when the matter will be heard by the Memphis City County (Committee and Full Council). If you have any questions, please let me know.

Sincerely,

AMI Potto

Richard D. Bennett

Cc:

Ernie Norcross Member, Cordova Neighborhood Business Association Owner WENCO Auto Group dba Volvo Cars Memphis & Norcross Mazda of Memphis 7910 Trinity Road Cordova, Tennessee 38018 (901) 373-3000 enorcross@volvoofmemphis.com

# Shakespeare co. neighboring Shelby Farms Park

## Board of Directors

July 24, 2024

Ernest G. Kelly, Jr. President Michael R. Marshall Vice President J. Walker Sims Treasurer Rhea Clift Secretary

Douglas Baldwin E. Frank Bluestein Nancy Copp Kyle Tabor Furr Kathryn K. Gilliland J. Fraser Humphreys, III Elise L. Jordan Anne Orgilll Keeney Pat Casserly Kelly Dorothy O. Kirsch Dan McCleary founder Melanie Stovall Murry Peter A. Pranica Milton T. Schaeffer Deborah Dunkin Tipton

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Our State's First Permanent Home for Professional Classical Theatre, Education, and Outreach.

7950 Trinity Road Memphis, TN 38018-6297

Business Office: 901.759.0620

Box Office; 901.759.0604

contact@tnshakespeare.org

www.tnshakespeare.org

## HAND-DELIVERED

Brooke Hyman Chief Administrative Officer Memphis City Council 125 N. Main Street, Room 514 Memphis, TN 38103

Brett Ragsdale Zoning Administrator City of Memphis Memphis and Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103

Chloe Christion Staff Planner Memphis and Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103

#### PROJECT INFORMATION

DPD Case #:	PD 2024-007
<b>Project Location:</b>	The southeast corner of Fischer Steele Road and Herbert Road,
	approximately 830 feet west of North Germantown Parkway, Memphis-
	Shelby County Schools
Applicant:	Memphis-Shelby County Schools
Land Area:	46.42
<b>Existing Zoning:</b>	Industrial-Heavy (IH)
Request:	Planned Development application in the facilitation of a proposed New
	East Regional High School (NERHS)
LUCB Housing	
• • • • • • • • • • • • • • • • • • •	

Recommendation Date: July 11, 2024

To: Ms. Hyman, Mr. Ragsdale, Ms. Christion,

I am the Owner, Founder, and Producing Artistic Director of Tennessee Shakespeare Company (TSC) and its property and facility located at 7950 Trinity Road in Cordova, and I represent TSC's Board of Directors. TSC is a 501(c)(3) charitable organization with FEIN #26-2113887, established in 2008 as the city's first and only professional classical theatre and education organization.

Pursuant to the instructions of Ms. Christion and consistent with the UDC, this letter will serve as our notice of appeal and to formally request the opportunity to speak in opposition to the abovecase when it comes before the Memphis City Council. As was discussed with Ms. Christion, TSC objects to the Land Use Control Board's decision and wishes to appeal its recommendation.

## Shakespeare co. neighboring Shelby Farms Park

## Board of Directors

Ernest G. Kelly, Jr. President Michael R. Marshall Vice President J. Walker Sims Treasurer Rhea Clift Secretary

Douglas Baldwin E. Frank Bluestein Nancy Copp Kyle Tabor Furr Kathryn K. Gilliland J. Fraser Humphreys, III Elise L. Jordan Anne Orgilll Keeney Pat Casserly Kelly Dorothy O. Kirsch Dan McCleary founder Melanie Stovall Murry Peter A. Pranica Milton T Schaeffer Deborah Dunkin Tipton

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Box Office: 901.759.0604

contact@tnshakespeare.org

www.tnshakespeare.org

I am attaching here our letter of opposition that was submitted to the Land Use Control Board. I attempted to speak at the LUCB hearing, but I was given 45 seconds to do so. Few others in opposition were given more than 45 seconds to speak.

After receiving no questions nor hearing zoning issues discussed by Board members at that time, we believe our position has not been examined responsibly regarding a decision that includes conveyance of a covenant in the property owner's deed that prohibits the property's use as a school, places a school and children in harm's way in an unprecedented decision regarding a heavy industrial site near heavy machinery/vehicles/failing roads, appears to have omitted due diligence in conducting a Property Feasibility Study of prospective Cordova properties (having formally requested this Study for weeks, we have yet to receive one), and will put TSC out of business with regard to our live theatre performances of Shakespeare plays across the street from the prospective high school's multiple outdoor Public Address systems for athletic fields.

I would like to speak against this case, and I hereby am seeking that opportunity with the Memphis City Council.

Please confirm the receipt of this letter and that it will suffice to place this matter on the agenda in opposition to this case. Please confirm when the matter will be heard by the Memphis City County (Committee and Full Council). If you have questions, please advise me.

Sincerely,

illy

Dan McCleary

cc: Mr. J. Walker Sims, Esq. Treasurer Tennessee Shakespeare Company 58 Grove Dale Street Memphis, TN 38120

TO:	Chloe Christion, Memphis Land and Use Control Board
FROM:	Dan McCleary, Tennessee Shakespeare Company (77M)
RE:	Opposition to Board's Approval of Special Use Permit for Proposed North East
	Regional High School in Cordova; Formal Request for Board's "Denial
	Recommendation"
DATE:	June 5, 2024; and re-sent on June 12, 2024 for the purpose of being included in
	the packet for the postponed July meeting; and re-submitted on this date of July 24, 2024, to the Memphis City Council as an attachment to our formal appeal of the decision

I am the owner, founder, and Producing Artistic Director of Tennessee Shakespeare Company (TSC), located at 7950 Trinity Road in Cordova 38018-6297. TSC sits on Trinity Road to its north and sits on Moriarty Road to its south.

TSC is a 501c3 not-for-profit charitable organization founded in 2008 as the first and only professional classical theatre and education organization in Memphis and as the only such theatre with a permanent home in the state of Tennessee.

TSC is dedicated to live, diverse performances of William Shakespeare's plays, as well as works of social significance by classical, Southern, and modern writers; and to providing innovative educational and training programming year-round.

In 2017, we purchased our current home at 7950 Trinity Road, which was built for Ballet Memphis. We are in the process of renovating the working facility into the state's only permanent home for professional, year-round Shakespeare performance, education, and training. The company is in the midst of its Brave New World capital campaign with a goal of \$9.2 million, of which more than one-third has been raised.

TSC has engaged our community with 67 site-specific plays and events for 60,000 patrons. Our ground-breaking Education Program has reached 130 schools across nine states, totaling over 300,000 student interactions, including nearly every Memphis City and Memphis-Shelby County school. The Program has achieved a high regional and national profile, partners annually with most local school systems, and this year is a recipient of two National Endowment for the Arts/Arts Midwest's *Shakespeare in American Communities* grants: one for *The Macbeth Initiative* in underserved local schools, and the other for expanded residencies with local incarcerated youth titled *Juvenile Justice*. TSC is one of just a handful of U.S. theatres to be awarded this latter grant for the fifth consecutive year.

TSC's annual performance and education sponsors include FedEx, International Paper, Arts Midwest, ARTSmemphis, Tennessee Arts Commission, Independent Bank, Evans Petree PC, First Horizon Foundation, and AutoZone. Our season is funded under a Grant Contract with the State of Tennessee; and is being supported, in part, by federal award number SLFRP5534, awarded to the State of Tennessee by the U.S. Department of Treasury.

TSC's area outreach partners include Bartlett Performing Arts Center, Benjamin Hooks Public Library Friends, Cities of Bartlett and Collierville and Memphis, Davies Manor, Dixon Gallery & Gardens, Memphis Juvenile Justice System, Memphis V.A. Medical Center, Overton Park Shell, Overton Square, Shelby County Election Commission, Memphis-Shelby County Schools, St. George's Episcopal Church, University of Memphis' Department of Theatre & Dance, Wiseacre Brewery, WKNO Radio (91.1 FM Memphis), and Woodlawn.

On behalf of TSC's Board of Directors, I write in <u>OPPOSITION</u> to the proposals we have seen from City representatives for plans to construct the new North East Regional High School on the "Heavy Industrial" zone site located between Fischer Steele Road and Moriarty Road in Cordova.

We request that the Land and Use Control Board make a <u>DENIAL RECOMMENDATION</u> to the City Council for a Special Use Permit to re-zone this property for this purpose, which will be formally requested of the Board at its next public meeting hearing on June 13, 2024, for at least the following reasons:

- Of 115 of your current public schools, fewer than 20 are sited on Non-Residential zoned properties. How many of those are zoned I-H (Heavy Industrial)? No one associated with the City has been able or willing to answer this question for us. There are multiple reasons why schools are not constructed in Heavy Industrial zones, and this proposed Cordova site is a textbook case for why that is fact;
- The CSX spur parcels of 6-7 acres on this property convey covenants that prohibit the construction of schools of any kind on it due to hazardous materials on and within the ground;
- This proposal creates a roadway loop of Moriarty/Herbert/Fischer Steele that will continue to serve at most hours of day/night, seven days per week, the necessary semitruck and heavy industrial equipment to multiple service providers located within the loop;
- This proposal makes the sole outlet of the above roadway loop the busiest road in Shelby County and, arguably, in the state of Tennessee: Germantown Parkway. With the recent narrowing of Germantown Road/Trinity Road's intersection, we have witnessed a rise in traffic accidents and traffic congestion that also has doubled our drivetime in round-trips to work. We witness first-hand children and adults as pedestrians attempting to cross six lanes of Germantown Parkway in the mornings and evenings. We note that no provision has been made in the proposed budget for a traffic light at Germantown Parkway and Moriarty Road. Instead, we were told it would be a right-turn-only intersection. This has not, nor is there any reason to imagine that it will stop, teenagers in cars from making dangerous left turns. There are retail stores and restaurants and bars adjacent to and within walking distance of this proposed school site. Adding school pedestrian traffic to an already-congested road network where vehicles are traveling fast and ignoring traffic signals will present life-threatening scenarios between children and vehicles unable to

stop;

- The traffic study provided by the City shows this proposed high school will generate 5,665 new trips per day in this area. This will more than double the area's current trips per day, which the study reports as 4,749. To the current two-lane roads bounding this property, the plan proposed adding one lane. There has been no plan offered for what dangerous traffic and pedestrian issues or flow issues this will present on Germantown Parkway. You will be presented with an independent traffic study, based on the City's report, that shows the current Level of Service at Trinity Road/Germantown Parkway during AM Peak and PM Peak receiving failing grades of "F" and "F." The intersection of Moriarty Road/Germantown Parkway at Midday Peak is graded "E". The intersections of Macon/Germantown AM Peak, Mullins Station/Whitten AM Peak and PM Peak, and Mullins Station/Appling are graded "E." Using the City's population growth figures, without a new high school built in this area in 2025, the study downgrades the intersection of Moriarty Road/Germantown Parkway at Midday Peak and PM Peak to grades of "F." In 2025 and 2035 with the new school, with the exception of only one daypart at two intersections, all seven adjacent and nearby intersections receive grades of "F" and "E." Those grades are unacceptable by the City's standards. The roadway network around the proposed high school site is graded by the City as already heavily congested, and the proposed site traffic will dramatically add to congestion that will result in operational and child/adult safety issues;
- A high school with overflow parking, waiting parents in cars, prevention of safe traffic flow, and child pedestrian activity across TSC's property certainly will negatively impact TSC's safe and responsible daily business. However, TSC will be put out of business with the new school's public address system for multiple athletic fields across the street. There are no acoustic remediations to prevent those sounds from encroaching and obstructing our live-voice performances in our theatre, located just off Moriarty Road. This is not just football, baseball, softball, soccer, lacrosse, track and field, band, flag corp; but also all TSSAA and other athletic organizations' events held there. We have experienced this before. No theatre performances can occur concurrently with a P.A. speaker system. This proposed school at this location will bankrupt TSC and prevent us from achieving our mission. The area will lose TSC's \$2.4 million economic impact, and we will seek restitution.

### Please note:

I have made a documented, formal request for the city's Feasibility Study of all Cordova sites for this new school. To date, I have not received that.

At the time of this writing, the Phase I and Phase II environmental reports on this property, which I have been told were completed and have been requested, have not been provided for review – nor have dates of those studies been provided.

The discussed cut-through of a new road connecting Herbert Road to Trinity/Raleigh-LaGrange Road is not part of this proposal and would need to seek at least two approvals. However, City representatives have presented this future road as crucial as a second priority outlet to the school (along with Germantown Parkway). Who will pay for these installments? Who will pay for the surrounding traffic mitigation?

We have requested more detail regarding the bus-queing analysis. The plan does not appear to accommodate on its property the number of buses reported to be needed. Where will buses overflow?

We appreciate the legal requirement for a school to be constructed. City representatives reported last week that most of the current Germantown High School students come from homes in Cordova and that this new site was selected to accommodate those homes. Yesterday, those representatives stated that only one-half of the current GHS students are in Cordova. The other one-half travel from all over the county, we were told. This weakens the argument for this particular Heavy Industrial site in order to accommodate shorter bus trips for students. That impact is much less than was originally stated.

We have been made aware of the land-swap arrangement between the properties north and south of Fischer Steele Road and of the intent to build Section Eight housing on land on Fischer Steele.

#### Conclusion:

This proposal greatly endangers the lives, the safety, and the economy of the families and children we wish to serve in Cordova.

There is a reason that the City of Memphis and Shelby County have not built public schools on land zoned as Heavy Industrial. This proposed Cordova property is a text book example for why that is the case: the likely existence of hazardous materials/chemicals in the land, daily heavy construction and delivery equipment on the roads, only two outlet roads to the busiest roadway in the county, more than doubling vehicle trips on a roadway network that is already receiving LOS grades of "E" and "F," and the bankrupting of Tennessee Shakespeare Company – a charitable organization that has served over 100,000 public high school students, military Veterans, and adjudicated youth in Memphis. The areas will also lose TSC's substantial economic impact in the area.

#### **Request:**

The Board should make a "Denial Recommendation" to the City on this Special Permit Use request.

#### Contact:

My phone number is 759-0604, and my email is <u>danmccleary@tnshakespeare.org</u>. Thank you.

γ.,

## 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, \_\_\_\_\_\_ 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:	PD 2024-007
LOCATION:	7801 Fischer Steel Road
<b>COUNCIL DISTRICTS:</b>	District 2 and Super District 9 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Memphis-Shelby County Schools
<b>REPRESENTATIVE:</b>	Cory Brady, Integrated Land Solutions
<b>EXISTING ZONING:</b>	Heavy Industrial (IH)
<b>REQUEST:</b>	New planned development to allow a new school
AREA:	+/-46.42 acres

## **RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: Approval with outline plan conditions

Memphis and Shelby County Land Use Control Board: Approval with outline plan conditions

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 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:** 



#### ANNA NACHMAN LP 720 LYNN ST # HERNDON VA 20170

AREN LAND DEV CO LLC 7707 APACHE PLUME DR # HOUSTON TX 77071

BAPTIST MEMORIAL HOSPITAL 350 N HUMPHREYS BLVD # MEMPHIS TN 38120

COLEMAN LARRY E MARITAL TRUST AND 6711 WILD BERRY LN # MEMPHIS TN 38119

EAST MEMPHIS INDUSTRIAL DISTRICT 820 HERBERT RD # CORDOVA TN 38018

GAMEDAY HEALTHY KIDS FOUNDATION 140 E MULBERRY ST # COLLIERVILLE TN 38017

HYNEMAN MILLER LLC 820 HERBERT RD # CORDOVA TN 38018

**IBB HOLDINGS GP** PO BOX 40642 #

JUSTICE JOHNNY AND CAROL TRUST 830 HERBERT RD # CORDOVA TN 38018

NATIONAL RETAIL PROPERTIES INC 450 S ORANGE AVE # ORLANDO FL 32801

ROSE MORSE W & MONICA W 7142 BLUE GRASS LN # **GERMANTOWN TN 38138** 

AREN LAND DEV CO LLC 7810 MORIARTY RD # MEMPHIS TN 38018

ARLINGTON MEMPHIS LLC 2 20TH ST # **BIRMINGHAM AL 35203** 

BRAMBLES EQUIPMENT SERVICES INC 8450 W BRYN MAWE AVE # CHICAGO IL 60631

CORDOVA PROPERTIES LLC 4701 GLACIER BAY # COLLIERVILLE TN 38017

FOCHT JOHN & KAREN 1579 LACEWING TRCE # CORDOVA TN 38016

GAMEDAY HOLDINGS LLC 140 E MULBERRY ST # COLLIERVILLE TN 38017

MEMPHIS TN 38174

KASHMIR EL 331 7989 FISCHER STEEL RD # CORDOVA TN 38018

PGP PATRIOT 1 LLC (43.991%) AND 141 S PROVIDENCE RD # CHAPEL HILL NC 27514

ROSE MORSE W & MONICA W 7142 BLUE GRASS LN # GERMANTOWN TN 38138

AREN LAND DEV CO LLC 11814 STALLION LN # HOUSTON TX 77071

BALTON BROTHERS REALTY 7801 MORIARTY RD # MEMPHIS TN 38018

CHOATE CHRISTOPHER K & CYNTHIA L 820 HERBERT RD # CORDOVA TN 38018

CREWS INVESTMENT HOLDINGS LLC 555 GREAT CIRCLE RD # NASHVILLE TN 37220

FOUR STATE STORAGE DST PO BOX 3666 # OAK BROOK IL 60523

H & M DEVELOPMENT LLC 7895 PLAYERS FOREST DR # MEMPHIS TN 38119

**INSOMNIA INC** 5050 POPLAR AVE # MEMPHIS TN 38157

**KISER'S FLOOR FASHIONS INC** 3050 WALNUT GROVE RD # MEMPHIS TN 38111

PGP PATRIOT 1 LLC (43.991%) AND 141 S PROVIDENCE RD # CHAPEL HILL NC 27514

**RPM REAL ESTATE LLC** 9411 SHADOW RIDGE CV # CORDOVA TN 38016

### SEVEN INVESTMENTS LLC 9160 HIGHWAY 64 RD # ARLINGTON TN 38002

SEVEN INVESTMENTS LLC SERIES 11 9160 HIGHWAY 64 # LAKELAND TN 38002

TAF PROPERTIES LLC 7790 FISCHER STEEL RD # CORDOVA TN 38016 SMITH JARED C & ANNA E 6000 UPPER BRANDON PL # NORFOLK VA 23508

TENNESSEE SHAKESPEARE CO 7950 TRINITY RD # CORDOVA TN 38018

STAUF REALESTATE LLC 835 HERBERT RD # CORDOVA TN 38018

WENCO PROPERTIES LLC 7910 TRINITY RD # CORDOVA TN 38018

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

**Planning & Development** DIVISION

ONLY STAPLED TO DOCUMENTS

ONE ORIGINAL

Planning & Zoning COMMITTEE: 08/20/2024 DATE **PUBLIC SESSION:** 

09/10/2024 DATE

ITEM (CHECK ONE)	DATE			
ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING			
ITEM DESCRIPTION:	RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST PUBLIC ALLEY LOCATE BETWEEN 3775 LONGFELLOW ROAD AND 3760 WHITTIER ROAD, KNOWN AS CASE NUMBE SAC 2024-0003			
CASE NUMBER:	SAC 2024-0003			
LOCATION:	Between 3775 Longfellow Road and 3760 Whittier Road			
COUNCIL DISTRICTS:	District 7 and Super District 9 - Positions 1, 2, and 3			
<b>OWNER/APPLICANT:</b>	Jose Carrera			
<b>REPRESENTATIVES:</b>	The Bray Firm – David Bray			
REQUEST:	Close and vacate alley between 3775 Longfellow Road and 3760 Whittier Road			
AREA:	+/-750 sq. ft.			
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board recommended <i>Approval with conditions</i>			
RECOMMENDED COUN	CIL ACTION: Public Hearing Not Required Hearing – 09/10/2024			
PRIOR ACTION ON ITEM (1) 05/09/2024 (1) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE			
FUNDING: (2) \$ \$ SOURCE AND AMOUNT ( \$ \$ \$ ADMINISTRATIVE APPR Medal BAUT	AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER			
	CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN			



## SUP 2024-003

RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST PUBLIC ALLEY LOCATED BETWEEN 3775 LONGFELLOW ROAD AND 3760 WHITTIER ROAD, KNOWN AS CASE NUMBER SAC 2024-003

- This item is a resolution with conditions to close and vacate a portion of the unimproved public alley that runs between Elliot Road and Addison Road; and
- This item may require a new public improvement contract.

## LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, May 9, 2024* the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 2024-003		
LOCATION:	Between 3775 Longfellow Road and 3760 Whittier Road		
COUNCIL DISTRICT(S):	District 7, Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Jose Carrera		
REPRESENTATIVE:	The Bray Firm – David Bray		
REQUEST:	Close and vacate alley between 3775 Longfellow Road and 3760 Whittier Road		
EXISTING ZONING:	Residential Single-Family – 6 (R-6)		
AREA:	+/- 750 sq. ft.		

The following spoke in support of the application: None

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

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

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

Respectfully,

ichden Wal

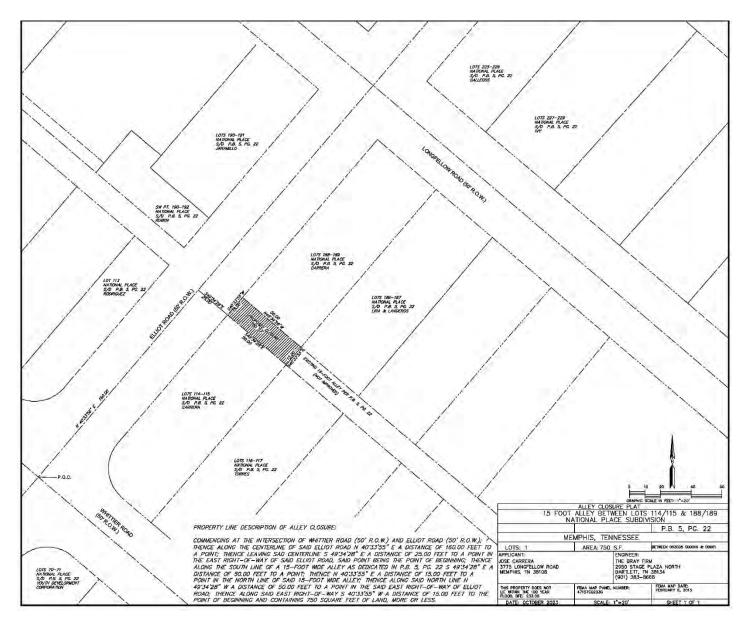
Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

## SAC 2024-003 CONDITIONS

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. If determined that the curb cut added on Elliot Road near the subject right-of-way is erroneous, it shall be corrected at the owner's expense.
- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 5. A building permit for the accessory structure must be obtained no more than six months after the closure deed has been recorded or the accessory must be removed.
- 6. The accessory structure shall not be located closer than five feet to any side or rear property lines.
- 7. The cumulative square footage of accessory structures on the lot shall not exceed 75% of the total square footage of the principal structure.
- 8. With the exception of wrought iron fencing, no fence or wall may exceed four feet in height between the front façade of any single-family residence and public right-of-way. Wrought iron or other decorative metal fencing may be up to eight feet in height provided the brick portion of the fence is along the bottom and does not exceed four feet in height.
- 9. A fence or wall not subject to placement in the front yard may not exceed nine feet in height.
- 10. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
- 11. Within 90 days of approval of closure, a fence permit meeting the requirements of Section 4.6.7 of the Unified Development Code (UDC) shall be obtained for lots addressed as 3775 Longfellow Road and 3760 Whittier Road, and the parking pad in the front yard (3775 Longfellow Rd) must be eliminated or meet the requirements of Item 4.5.2C(1)(d) of the UDC.
- 12. Administrative site plan review and approval is required to determine compliance with Section 2.7.2 and Item 4.5.2C(1)(d) of the UDC.

### **CLOSURE PLAT**





## RESOLUTION

## RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST PUBLIC ALLEY LOCATED BETWEEN 3775 LONGFELLOW ROAD AND 3760 WHITTIER ROAD, KNOWN AS CASE NUMBER SAC 2024-003

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

public alley right-of-way between 3775 Longfellow Road and 3760 Whittier Road in Memphis,

Tennessee and being more particularly described as follows:

COMMENCING AT THE INTERSECTION OF WHITTIER ROAD (50' R.O.W.) AND ELLIOT ROAD (50' R.O.W.); THENCE ALONG THE CENTERLINE OF SAID ELLIOT ROAD N 40°33'55" E A DISTANCE OF 160.00 FEET TO A POINT; THENCE LEAVING SAD CENTERLINE S 49°34'28" E A DISTANCE OF 25.00 FEET TO A POINT IN THE EAST RIGHT-OF-WAY OF SAID ELLIOT ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 15-FOOT WIDE ALLEY AS DEDICATED IN P.B. 5, PG. 22 S 49°34'28" E A DISTANCE OF 50.00 FEET TO A POINT; THENCE N 40°33'55" E A DISTANCE OF 15.00 FEET TO A POINT IN THE NORTH LINE OF SAID 15-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE N 49°34'28" W A DISTANCE OF 50.00 FEET TO A POINT IN THE SAID EAST RIGHT-OF-WAY OF ELLIOT ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY S 40°33'55" W A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 750 SQUARE FEET OF LAND, MORE OR LESS.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use

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

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

County Land Use Control Board on May 9, 2024, and said Board has submitted its findings and

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

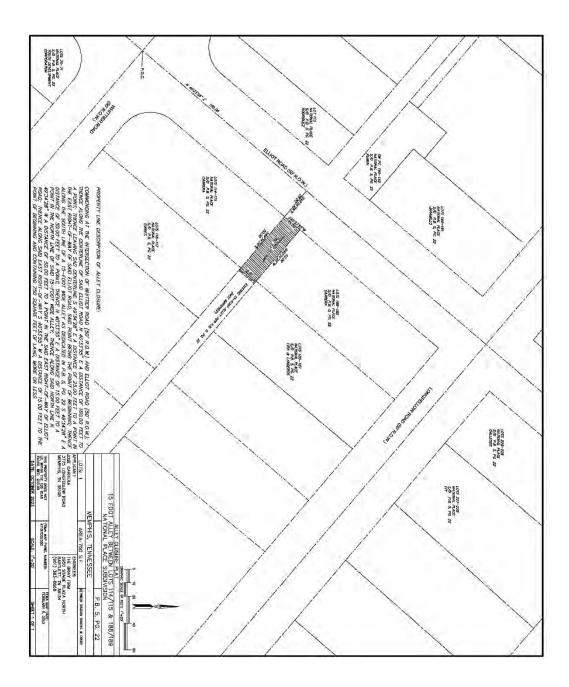
1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. If determined that the curb cut added on Elliot Road near the subject right-of-way is erroneous, it shall be corrected at the owner's expense.
- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 5. A building permit for the accessory structure must be obtained no more than six months after the closure deed has been recorded or the accessory must be removed.
- 6. The accessory structure shall not be located closer than five feet to any side or rear property lines.
- 7. The cumulative square footage of accessory structures on the lot shall not exceed 75% of the total square footage of the principal structure.
- 8. With the exception of wrought iron fencing, no fence or wall may exceed four feet in height between the front façade of any single-family residence and public right-of-way. Wrought iron or other decorative metal fencing may be up to eight feet in height provided the brick portion of the fence is along the bottom and does not exceed four feet in height.
- 9. A fence or wall not subject to placement in the front yard may not exceed nine feet in height.
- 10. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
- 11. Within 90 days of approval of closure, a fence permit meeting the requirements of Section 4.6.7 of the Unified Development Code (UDC) shall be obtained for lots addressed as 3775 Longfellow Road and 3760 Whittier Road, and the parking pad in the front yard (3775 Longfellow Rd) must be eliminated or meet the requirements of Item 4.5.2C(1)(d) of the UDC.
- 12. Administrative site plan review and approval is required to determine compliance with Section 2.7.2 and Item 4.5.2C(1)(d) of the UDC.

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

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

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



# STAFF REPORT

### AGENDA ITEM: 15

CASE NUMBER:	SAC 2024-0003	L.U.C.B. MEETING: May 9	), 2024	
LOCATION:	Between 3775 Longfellow Road and 3760 Whittier Road			
COUNCIL DISTRICT:	District 7 and Super District 9 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Jose Carrera			
REPRESENTATIVE:	The Bray Firm – David Bray			
REQUEST:	Close and vacate alley between 37	75 Longfellow Road and 37	'60 Whittier Road	
AREA:	+/-750 square feet			
EXISTING ZONING:	Residential Single-Family – 6 (R-6)			

## CONCLUSIONS

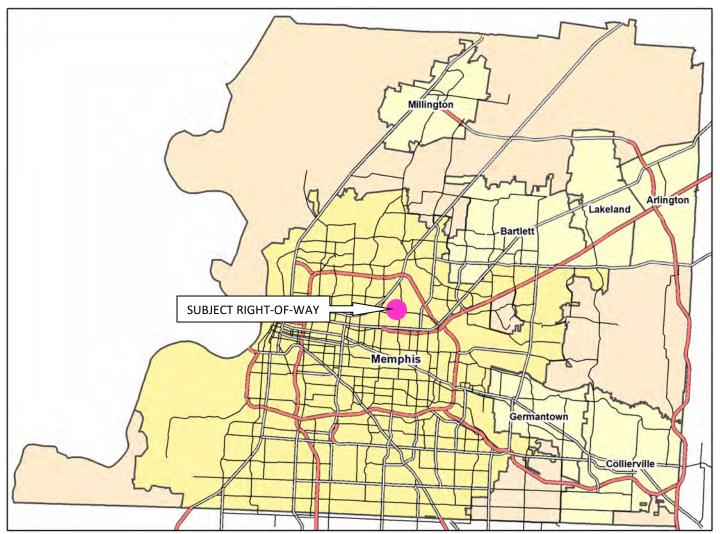
- 1. The owner and applicant, Mr. Jose Carrera, seeks to close and vacate the unnamed public alley between his properties located at 3775 Longfellow Road and 3760 Whittier Road.
- 2. The request to close a portion of the alley is due to the owner constructing a shed in this section of rightof-way. However, it does not appear that the alley has ever been improved, and Mr. Carrera owns both lots at either end of the closure request.
- 3. Closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

## **CONSISTENCY WITH MEMPHIS 3.0**

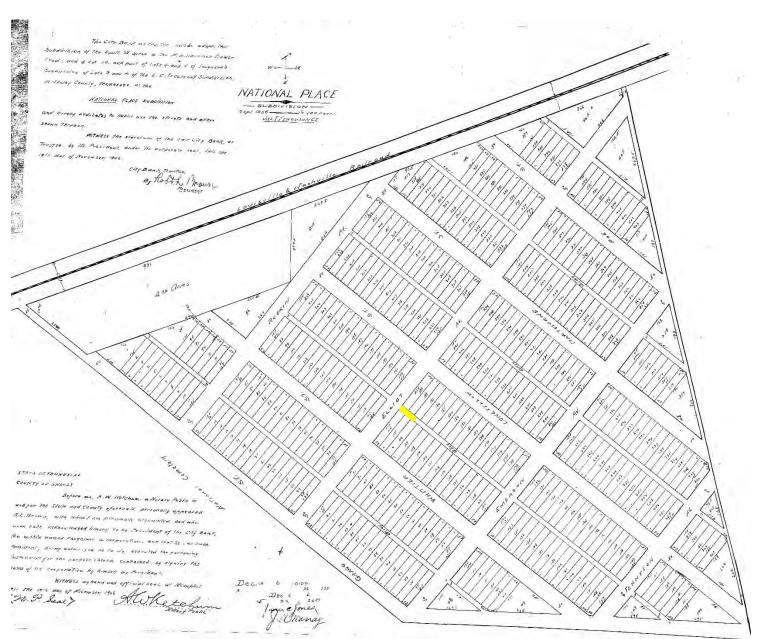
The Memphis 3.0 General Plan does not address right-of-way vacation requests.

## RECOMMENDATION

## Approval with conditions

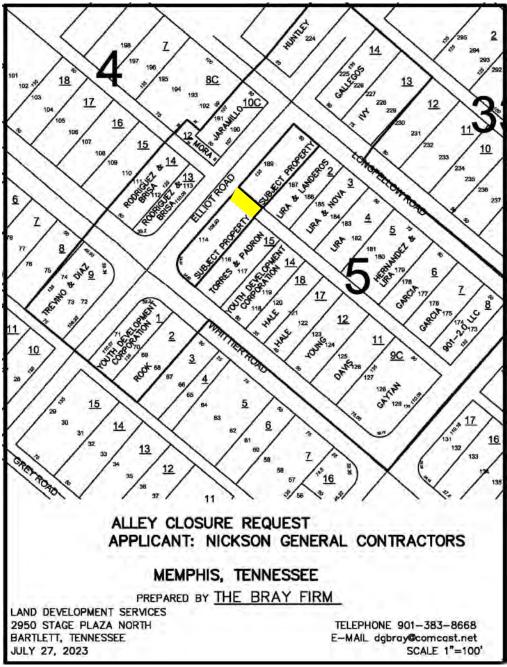


Subject right-of-way located within the pink circle, Nutbush neighborhood



Subject right-of-way highlighted in yellow

### 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 111 notices were mailed on April 12, 2024, see pages 17-18 of this report for a copy of said notice. Additionally, one sign was posted at the end of the subject right-of-way, see page 22 of this report for a copy of the sign affidavit.



Subject right-of-way outlined in yellow

### **ZONING MAP**



Subject right-of-way highlighted in yellow

**Existing Zoning:** Residential Single-Family – 6 (R-6)

## Surrounding Zoning

North:	R-6		
East:	R-6		
South:	R-6		
West:	R-6		

### LAND USE MAP



Subject right-of-way outlined in orange

## SITE PHOTOS



View of subject property from Longfellow Road looking southwest



View of subject property from Longfellow Road looking southwest

May 9, 2024 Page 9



View of access point to subject right-of-way from intersection of Longfellow and Elliot Roads

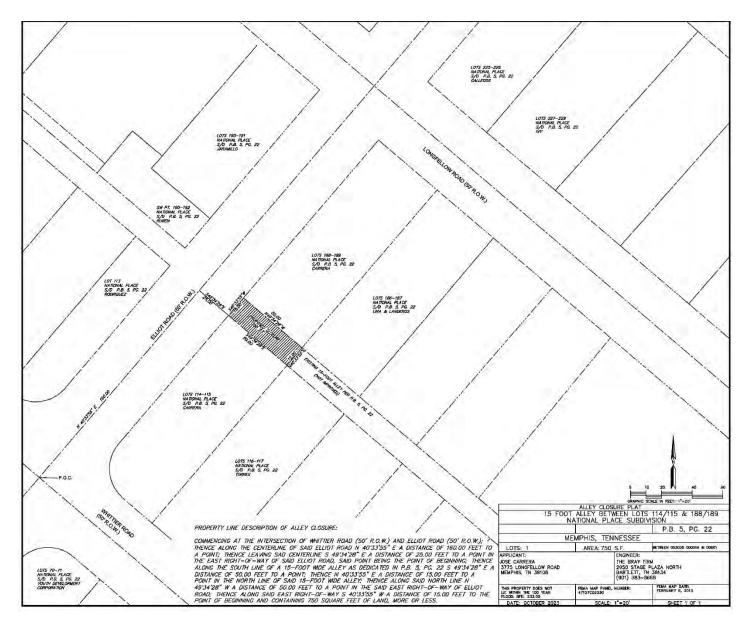


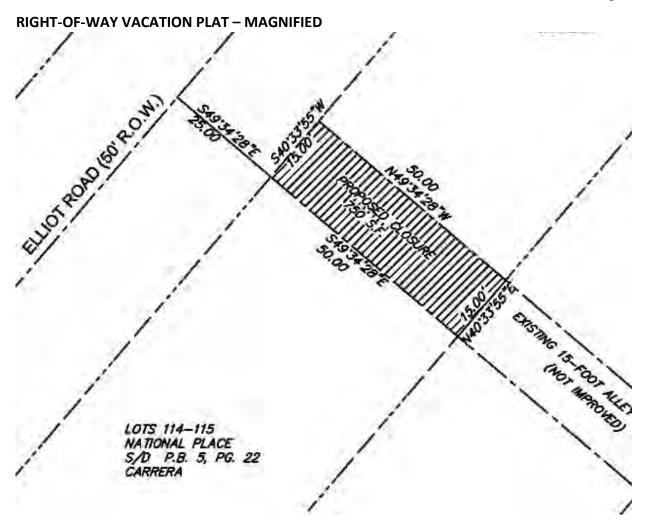
View of access point to subject right-of-way from intersection of Whittier and Elliot Roads looking northeast



View of access point to subject right-of-way and shed from Elliot Road looking east

### **RIGHT-OF-WAY VACATION PLAT**





### **LEGAL DESCRIPTION**

PROPERTY LINE DESCRIPTION OF ALLEY CLOSURE:

COMMENCING AT THE INTERSECTION OF WHITTIER ROAD (50' R.O.W.) AND ELLIOT ROAD (50' R.O.W.); THENCE ALONG THE CENTERLINE OF SAID ELLIOT ROAD N 40°33'55" E A DISTANCE OF 160.00 FEET TO A POINT; THENCE LEAVING SAD CENTERLINE S 49°34'28" E A DISTANCE OF 25.00 FEET TO A POINT IN THE EAST RIGHT-OF-WAY OF SAID ELLIOT ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 15-FOOT WIDE ALLEY AS DEDICATED IN P.B. 5, PG. 22 S 49°34'28" E A DISTANCE OF 50.00 FEET TO A POINT; THENCE N 40°33'55" E A DISTANCE OF 15.00 FEET TO A POINT IN THE NORTH LINE OF SAID 15-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE N 49°34'28" W A DISTANCE OF 50.00 FEET TO A POINT IN THE SAID EAST RIGHT-OF-WAY OF ELLIOT ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY S 40°33'55" W A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 750 SQUARE FEET OF LAND, MORE OR LESS.

### CASE REVIEW

### **Request**

The request is to close and vacate a 750-square-foot segment of a public alley between 3775 Longfellow Road and 3760 Whittier Road.

### Site Details

### Address:

Public alley between 3775 Longfellow Road and 3760 Whittier Road

### Area:

+/-750 square feet

## **Description:**

The subject right-of-way is a +/-15-foot wide and +/-50-foot-long segment of a public alley located between 3775 Longfellow Road (Parcel ID 053005 00001) and 3760 Whittier Road (Parcel ID 053005 00016). The total area of the segment is +/-750 square feet. The entirety of the alley that runs from Elliot Road to Addison Road is unimproved.

### **Analysis**

The applicant has applied for right-of-way vacation for 750 square feet of public right-of-way located between two lots that he owns. The application was triggered by a shed the applicant constructed within the segment requested for closure. The request is to legitimize this construction so that the shed is located on the owner's private property rather than in a public alley. The alley is unimproved, and therefore if the request is approved, closure will not impede traffic mobility or safety. However, further review of the shed will be required to determine that it meets building code regulations and Unified Development Code (UDC) standards for accessory structures.

In addition to the unpermitted shed being built in the alley, there are other violations on the 3775 Longfellow Road and 3760 Whittier Road properties that will have to be resolved. A 50-foot-long, six-foot high wrought iron fence was approved for the front yard at 3775 Longfellow Road. The RES-ACC-23-000563 permit was issued in September 2023. However, there appears to be fencing that extends from the wrought iron and within the front setback not meeting Code for which no permit was found; and there is no permit for the wood fence surrounding the properties along the Elliot side street and Whittier Road. Due to the privacy fencing surrounding the property and obscuring view of the lots, an application for administrative site plan review is necessary to determine if other accessory structures exist that do not meet UDC standards. Also, the front yard is completely covered as a parking pad, which violates Item 4.5.2C(1)(d) of the UDC.

Despite the evident violations, closing this segment of alley will not be injurious to the neighborhood nor negatively impact the area. The subject right-of-way lies within the Nutbush neighborhood that has experienced disinvestment and an excessive number of vacant lots. Within the Longfellow block where the property is located, of the eight residential properties, houses only exist on half of the lots. The Whittier block to the south is slightly better with five improved lots. Vacant lots are a repetitive concern in this area and obviously contribute to destabilization of the neighborhood. At least if the listed conditions for this right-of-way vacation are met, noticeable improvements in the vicinity of the subject property will be welcomed private investment.

### RECOMMENDATION

Staff recommends approval with conditions.

### **Conditions**

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. If determined that the curb cut added on Elliot Road near the subject right-of-way is erroneous, it shall be corrected at the owner's expense.
- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 5. A building permit for the accessory structure must be obtained no more than six months after the closure deed has been recorded or the accessory must be removed.
- 6. The accessory structure shall not be located closer than five feet to any side or rear property lines.
- 7. The cumulative square footage of accessory structures on the lot shall not exceed 75% of the total square footage of the principal structure.
- 8. With the exception of wrought iron fencing, no fence or wall may exceed four feet in height between the front façade of any single-family residence and public right-of-way. Wrought iron or other decorative metal fencing may be up to eight feet in height provided the brick portion of the fence is along the bottom and does not exceed four feet in height.
- 9. A fence or wall not subject to placement in the front yard may not exceed nine feet in height.
- 10. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
- 11. Within 90 days of approval of closure, a fence permit meeting the requirements of Section 4.6.7 of the Unified Development Code (UDC) shall be obtained for lots addressed as 3775 Longfellow Road and 3760 Whittier Road, and the parking pad in the front yard (3775 Longfellow Rd) must be eliminated or meet the requirements of Item 4.5.2C(1)(d) of the UDC.
- 12. Administrative site plan review and approval is required to determine compliance with Section 2.7.2 and Item 4.5.2C(1)(d) of the UDC.

### DEPARTMENTAL COMMENTS

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

### City Engineer:

See comments as follows:

CASE 9: \* SAC 2024-003

NAME: 3775 Longfellow Rd.

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

### Sewers:

2. There are no City sewers currently serving this site.

### **Street Closures:**

- 3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 4. City sanitary sewers/drainage facilities are located within the proposed closure area.
- 5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

City/County Fire Division:	No comments received.		
City Real Estate:	No comments received.		
City/County Health Department:	No comments received.		
Shelby County Schools:	No comments received.		
Construction Code Enforcement:	No comments received.		
Memphis Light, Gas and Water:	No comments received.		
Office of Sustainability and Resilience:	No comments received.		
Office of Comprehensive Planning: MAILED PUBLIC NOTICE	No comments received.		

111 Notices Mailed on 4/12/2024

## MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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:

SAC 2024-0003
Portion of alley behind 3775 Longfellow Road
(SEE SITE PLAN ON REVERSE SIDE)
Jose Carrera
Close and vacate the portion of the alley behind 3775 Longfellow Road

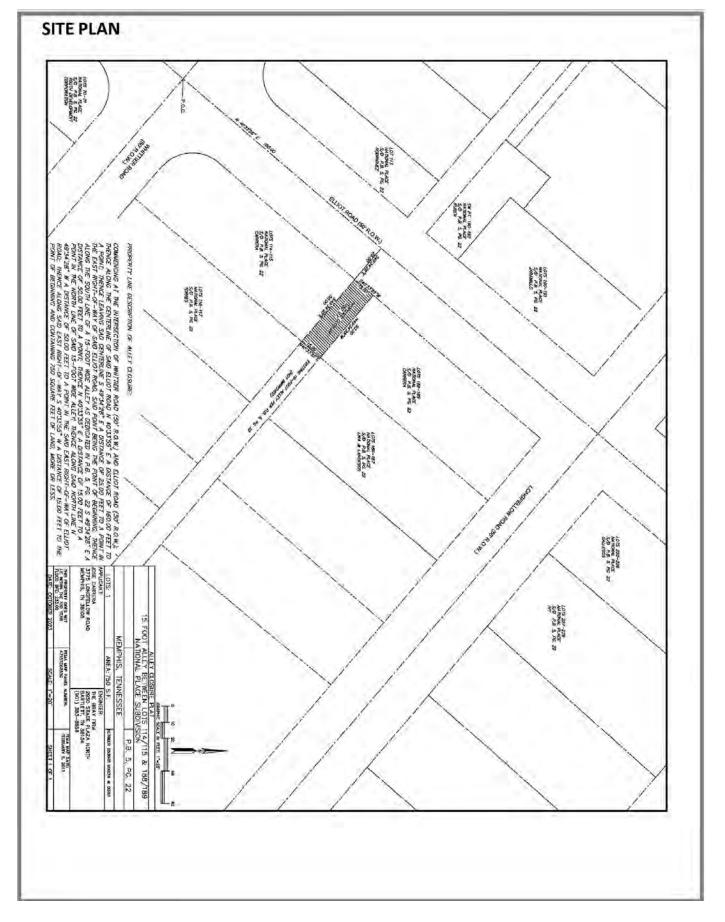
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE:Thursday, May 9, 2024TIME:9:00 AMLOCATION: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 <u>Consent Agenda</u>, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Kendra Cobbs at Kendra.Cobbs@memphistn.gov or (901) 636-6602 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, May 1, 2024, at 8 AM.



May 9, 2024 Page 19

### APPLICATION



## **Planning and Development**

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

website: www.develop901.com

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

Record Detail Information

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

Record Status: Processing

Expiration Date:

Opened Date: March 6, 2024

Record Number: SAC 2024-003

Record Name: 15 foot alley clousre @ 3775 Longfellow Description of Work: Closure of 50 feet of 15 foot wide alley between lots 114/115 and 188/189, National Place Subdivision

Parent Record Number:

### Address:

0 ELLIOTT RD, MEMPHIS, TN 38108

### Owner Information

Primary Owner Name N Owner Address

Owner Phone

### Data Fields

PREAPPLICATION MEETING

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

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

What is the total area of the right-of-way being closed?

Help Desk 09/06/2023 Phone

Elliot Road

50 feet east of east right-of-way of Elliot. This alley is a paper dedication only. It was never improved. The applicant owns on both sides of the alley and would like to include the area within his lot. 750

GENERAL INFORMATION	
What is the overall length of the street closure? Name of Street/Alley/ROW	50 unnamed alley
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	Yes
If yes, please provide additional information	Applicant has constructed a storage shed within the alley right-of-way.
Is this application a time extension? RELATED CASE INFORMATION	No
Previous Case Numbers GIS INFORMATION	SAC 2023-007
Case Layer	-
Central Business Improvement District	No
Class	
Downtown Fire District	No
Historic District	
Land Use	
Municipality	
Overlay/Special Purpose District	
Zoning	- TA
State Route	-
Lot	
Subdivision	-
Planned Development District	
Wellhead Protection Overlay District	No
Contact Information	

Name JOSE CARRERA

### Address

Phone (901)487-2425

Name JOSE CARRERA

### Address

### Phone

Name THE BRAY FIRM

Address 2950 STAGE PLAZA NORTH

Phone (901)487-2425

Contact Type

ADJACENT PROPERTY OWNER OF RECORD

Contact Type

APPLICANT

Contact Type

ARCHITECT / ENGINEER / SURVEYOR

### LETTER OF INTENT

## The Bray Firm

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

October 5, 2023

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

### RE: Alley Closure Request for 15-foot wide alley between 3775 Longfellow Road and 3760 Whittier Road Memphis, Shelby County, Tennessee

Mr. Ragsdale:

Please find attached an application for an alley closure for the above captioned property. Jose Carrera owns the parcels on both side of the alley. It does not appear that this alley was ever improved. Mr. Carrera would like to incorporate the alley area into his existing lots.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

### AFFIDAVIT

Shelby County State of Tennessee

I, Jose Luis Rodriguez, being duly sworn, depose and say that at 7:34 am/m) on the 12 day of <u>April</u>, 20<u>24</u>, I posted <u>I</u> Public Notice Sign(s) pertaining to Case No.<u>SAC 2024-003</u> at <u>3775 longfellow road</u>, providing notice of a Public Hearing before the (check one):

X Land Use Control Board

\_\_\_\_\_Board of Adjustment

\_\_\_\_\_Memphis City Council

\_\_\_\_\_Shelby County Board of Commissioners

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

Owner, Applicant or Representative

Subscribed and sworn to before me this 15 day of

Notary Public

My commission expires: 09/04/2026



04/15/24

Date

## LETTERS RECEIVED

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

May 9, 2024 Page 23

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

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

website: www.develop901.com

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

**Record Detail Information** 

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

Record Status: Processing

Opened Date: March 6, 2024

Record Number: SAC 2024-003

Record Name: 15 foot alley clousre @ 3775 Longfellow

Description of Work: Closure of 50 feet of 15 foot wide alley between lots 114/115 and 188/189, National Place Subdivision

## Parent Record Number:

### Address:

0 ELLIOTT RD, MEMPHIS, TN 38108

### **Owner Information**

Primarv **Owner Name** Ν

Owner Address

### **Data Fields**

### PREAPPLICATION MEETING

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

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

What is the total area of the right-of-way being closed?

Help Desk 09/06/2023 Phone

Elliot Road

50 feet east of east right-of-way of Elliot This alley is a paper dedication only. It was never improved. The applicant owns on both sides of the alley and would like to include the area within his lot. 750



**Expiration Date:** 

**Owner Phone** 

GENERAL INFORMATION	
What is the overall length of the street closure? Name of Street/Alley/ROW Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	50 unnamed alley Yes
If yes, please provide additional information	Applicant has constructed a storage shed within the alley right-of-way.
Is this application a time extension? RELATED CASE INFORMATION	No
Previous Case Numbers GIS INFORMATION	SAC 2023-007
Case Layer	- No
Central Business Improvement District 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

JOSE CARRERA

### Address

Phone

(901)487-2425

Name JOSE CARRERA

### Address

### Phone

Name THE BRAY FIRM

Address 2950 STAGE PLAZA NORTH,

Phone (901)487-2425

### Contact Type

ADJACENT PROPERTY OWNER OF RECORD

Contact Type

APPLICANT

## Contact Type

ARCHITECT / ENGINEER / SURVEYOR

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1543478	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/06/2024
1543494	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	03/06/2024
1543494	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	03/06/2024
	Т	Total Fee Invoiced: \$410.40		Total Balance: \$0.00		00
Payment	Information					
Payment Am	Payment Amount Method of Payment					
\$410.40 Credit Ca		d				

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

# Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Jose lois Rodriguez C And My Rodriguez C, state that I have read the definition of (Sign Name)

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

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

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

3775 LONGFELOU 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. in the year of  $\partial Q \partial^2$ day of Subscribed and sworn to (or affirmed) before me this 22 My Commission Expires Signature of Notary Public

# The Bray Firm

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

October 5, 2023

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

#### RE: Alley Closure Request for 15-foot wide alley between 3775 Longfellow Road and 3760 Whittier Road Memphis, Shelby County, Tennessee

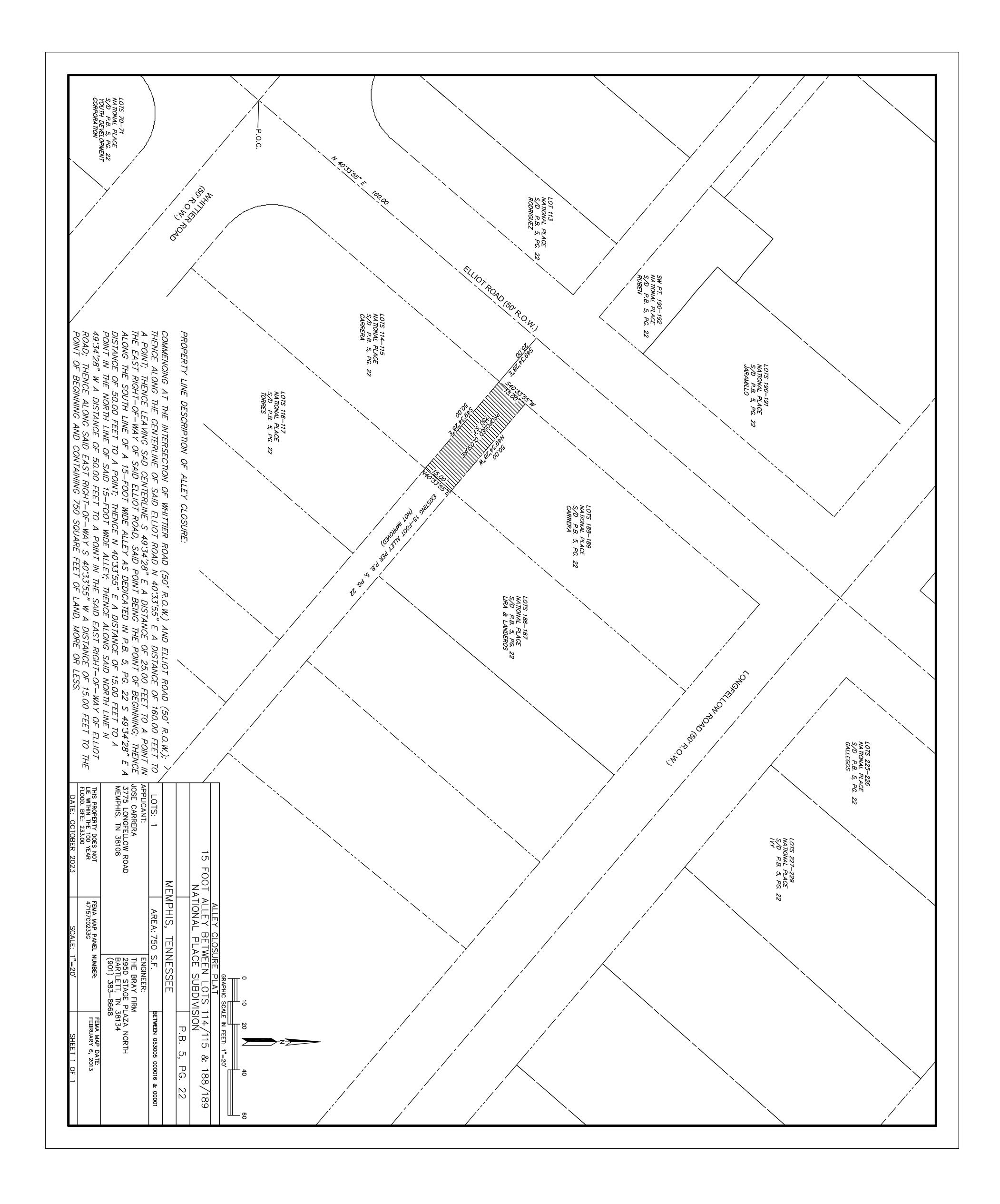
Mr. Ragsdale:

Please find attached an application for an alley closure for the above captioned property. Jose Carrera owns the parcels on both side of the alley. It does not appear that this alley was ever improved. Mr. Carrera would like to incorporate the alley area into his existing lots.

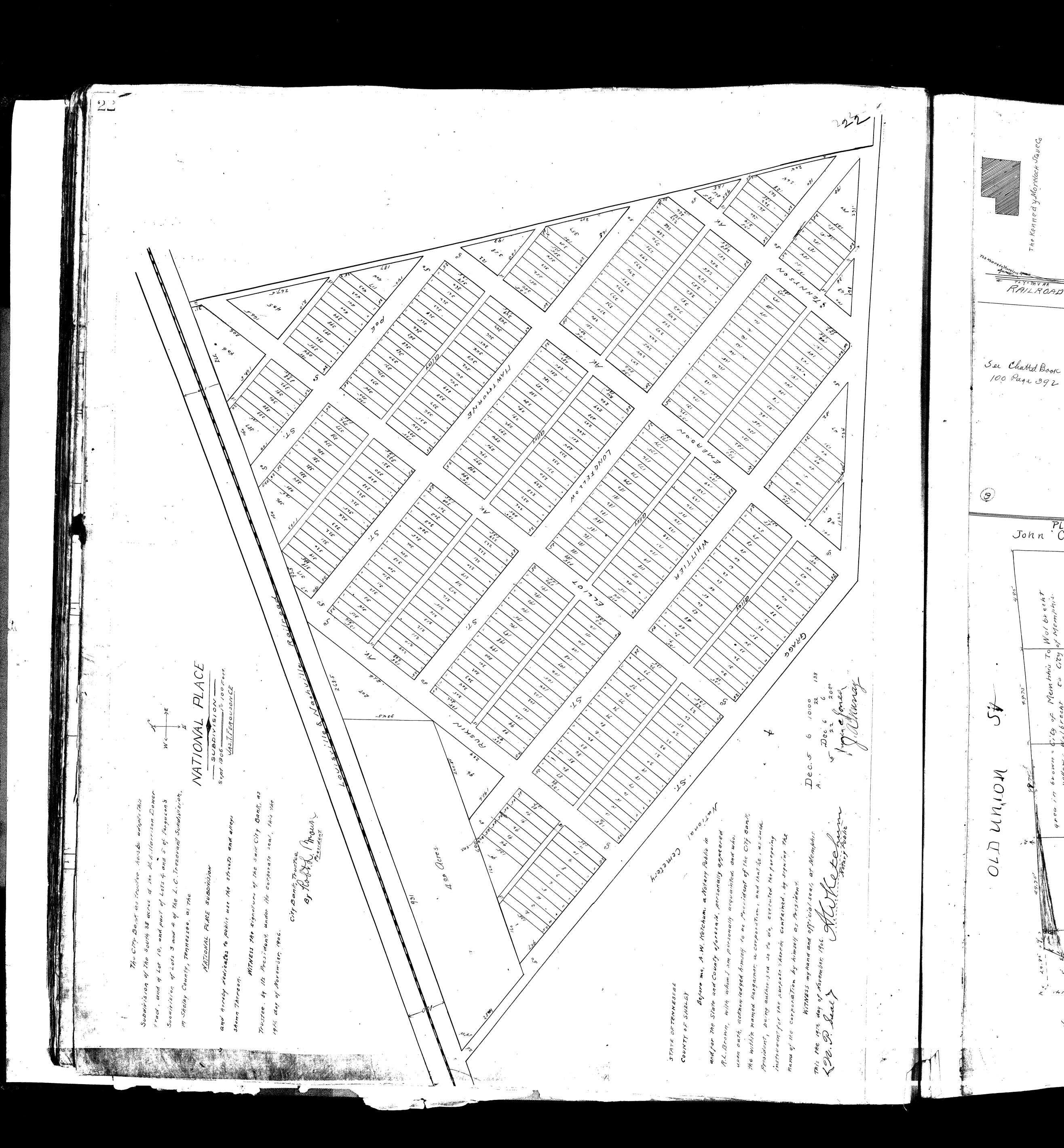
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

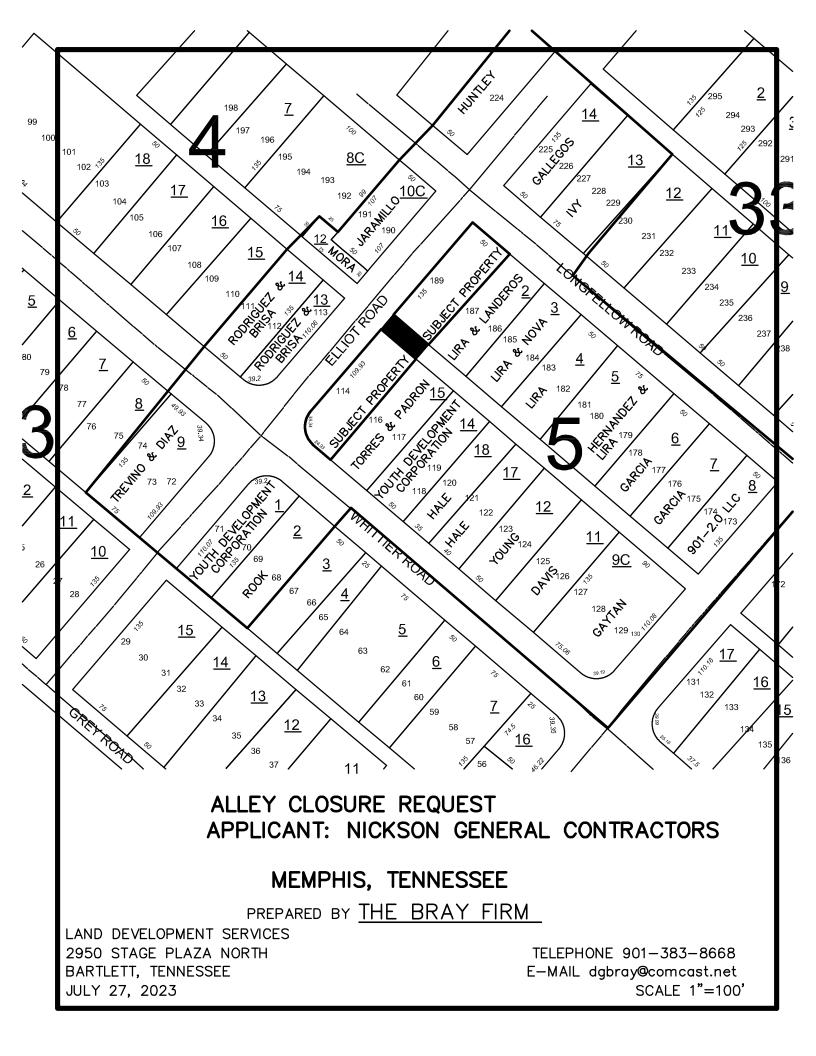
Sincerely,

David Gean Bray, P.E.



COMMENCING AT THE INTERSECTION OF WHITTIER ROAD (50' R.O.W.) AND ELLIOT ROAD (50' R.O.W.); THENCE ALONG THE CENTERLINE OF SAID ELLIOT ROAD N 40°33'55" E A DISTANCE OF 160.00 FEET TO A POINT; THENCE LEAVING SAD CENTERLINE S 49°34'28" E A DISTANCE OF 25.00 FEET TO A POINT IN THE EAST RIGHT-OF-WAY OF SAID ELLIOT ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 15-FOOT WIDE ALLEY AS DEDICATED IN P.B. 5, PG. 22 S 49°34'28" E A DISTANCE OF 50.00 FEET TO A POINT; THENCE N 40°33'55" E A DISTANCE OF 15.00 FEET TO A POINT IN THE NORTH LINE OF SAID 15-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE N 49°34'28" W A DISTANCE OF 50.00 FEET TO A POINT IN THE SAID EAST RIGHT-OF-WAY OF ELLIOT ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY S 40°33'55" W A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 750 SQUARE FEET OF LAND, MORE OR LESS.





3775 Longfellow Page 1 of 2

Jose Carrera 3775 Longfellow Rd. Memphis, TN 38108

Owner

Manuel Lira & Francisca Landeros 3834 Longfellow Rd. Memphis, TN 38108-2635

Resident 3787 Longfellow Rd. Memphis, TN 38108

Nohemi Garcia 3801 Longfellow Rd. Memphis, TN 38108-2633

Antonio Gaytan 3720 Whittier Rd. Memphis, TN 38108-2652

Angela Young 3776 Whittier Rd. Memphis, TN 38108-2654

Hugo Torres & Maria Padron 3794 Whittier Rd. Memphis, TN 38018-2667

Ruben Mora 4324 Raleigh-Millington Rd. Memphis, TN 38128-1923 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Engineer

Manuel Lira & Alma Nova 3783 Longfellow Rd. Memphis, TN 38108-2633

Manuel Hernandez & Manuel Lira 3817 Longfellow Rd. Memphis, TN 38108-2634

901-2.0 LLC 46 Flicker St. Memphis, TN 38104-5918

Resident 3788 Whittier Rd. Memphis, TN 38108

Blanchie Hale 3774 Whittier Rd. Memphis, TN 38108-2654

Resident 3764 Whittier Rd. Memphis, TN 38108

Rigoberto Jaramillo 4360 Winchester Rd. Apt. 3 Memphis, TN 38118 Manuel Lira 3821 Longfellow Rd. Memphis, TN 38108-2634

Nohemi Garcia 3797 Longfellow Rd. Memphis, TN 38108-2633

Resident 3805 Longfellow Rd. Memphis, TN 38108

Carrine Davis 3780 Whittier Rd. Memphis, TN 38108

Youth Development Corporation 3670 Democrat Rd. Memphis, TN 38118-2833

Hector Rodriguez & Brisa Garcia 3775 Longfellow Rd. Memphis, TN 38108-2633

Nina Huntley 3772 Longfellow Rd. Memphis, TN 38108-2630 3775 Longfellow Page 2 of 2

Resident 3772 Longfellow Rd. Memphis, TN 38108

Timothy Rook 3757 Whittier Rd. Memphis, TN 38108-2653 Roberto Gallegos 3782 Longfellow Rd. Memphis, TN 38108-2632

Maria Trevino & Alvaro Diaz 7753 Commodore Rd. Millington, TN 38053-3144 Jada Ivy 3786 S Longfellow Rd. Memphis, TN 381058-2632



Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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



21055502

05/10/2021 - 08:09:57 AM

2 PGS	
ALONZO 2222746 - 21055502	
VALUE	9500.00
MORTGAGE TAX	0.00
TRANSFER TAX	35.15
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	48.15

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

This Instrument prepared by: Rhonda Haynes 15 Divino Lane Hot Springs Village, AR 71909

#### QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **TENNVEST**, **LLC. a Tennessee Limited Liability Company**, on this the <u></u>day of **May**, 2021 for and in consideration of the sum of **Nine Thousand Five Hundred and no/100** Dollars, do hereby bargain, sell, release, remise, quit claim and convey unto Jose Luis Rodriguez Carrera all our right, title and interest in and to the following described real estate, to wit:

Lots 114 & 115, National Place Subdivision aa per plat recorded in Plat Book 5, Page 22, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property. The South 7.5 feet of the 15 foot strip in the rear of said Lots 114 an 115 of the National Place Subdivision as shown on Plat of Record in Plat book 5, Page 22, in the Shelby County Register's Office; said 15 foot strip is shown as an alley on said recorded Plat but is believed never to have been opened or used by the public.

LESS and EXCEPT Instrument No. BK-8034 in the Register's Office of Shelby County, Tennessee:

Beginning at a point in the intersection of the north right-of-way line of Whittier Road and the east right-of-way line of Elliot Road; said point also being the southwest corner of said property; thence northeastwardly along the east right-of-way line of Elliot Road a distance of 25.07 feet to a point; thence southeastwardly on a curve to the left having a radius of 25 feet an arc distance of 39.34 feet to a point in the north right-of-way line of Whittier Road; thence northwestwardly along said north right-of-way line of Whittier Road a distance of 25.07 feet to the point of beginning. Containing 135 square feet.

Being the same property as described in Instrument No. 10075375. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

Tax Parcel: 053005 00016

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this day of May 2021.

rentes

RALPH HAÝNES, Manager

**Ralph Haynes, Affiant** 

STATE OF TENNESSEE COUNTY OF Saline

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

Witness my hand and seal this <u>6</u> day of May 2021.

My commission expires:

2/5/2022

DIANE RHODES Notary Public - State of Arkansas Saline County Comm. # 12707018 Exp. March 5, 2029

nels

Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is 9,500.00

STATE OF TENR COUNTY OF Salino

Subscribed and sworn before me this the *S* day of May 2021.

My commission expires: Slavac

DIANE RHODES Notary Public - State of Arkansas Saline County Comm. # 12707018 Exp. March 5, 2029

Notary Public

LOCATION: 3760 WHITTIER ROAD

Shelandra Y Ford Shelby County Register of Deeds: Instrument# 21055502 Page 2 of 2

The following information is not a part of this Deed:

Property Address: Owner's Name and Address

Parcel Number Mail Tax Bills to: 3760 Whittier Road, Memphis, TN 38108
Jose Luis Rodriguez Carrera
3775 Longfellow Road, Memphis, TN 38108
053005 00016
Jose Luis Rodriguez Carrera
3775 Longfellow Road, Memphis, TN. 38108



Shelby County Tennessee Shelandra Y. Ford

Shelby County Register

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

18102569		
PGS	2:23 PM	
ISTIN 1791786-18102569		
LUE	7000.00	
RTGAGE TAX	0.00	
SFER TAX	25.90	
DRDING FEE	10.00	
FEC	2.00	
ISTER'S FEE	1.00	
K THRU FEE	0.00	
AL AMOUNT	38.90	

Shelandra Y. Ford, Shelby County Register of Deeds: Instr. # 18102569

4054 Mamierd Manphis to 38128 ase Molina. This Instrument prepared by: October 5 2018 QUIT CLAIM DEED se Nolina KNOW ALL MEN BY THESE PRESENTS, that this the day of October, 20 for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto \_\_\_\_\_\_\_\_ all \_\_\_\_\_\_ right, title and interest in and to the following described real estate, to wit: Lots 188 and 189, National Place Subdivision, reorded in Plat Book 5, Page 22, of the Register's Office of Shelby County, Tennessee. Said Lots fronting 25 Ret each on the Southwestern side of Longfellow Food and running back between Parallel lines 135 Feet to anotalley. LDOR-08122000 IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 5th day of October 2018 nuce lone STATE OF TENNESSEE COUNTY OF Shelby Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared with whom I am personally acquained (in the person(s)) within named and that set the set of the person(s) within named and that set of the person (s) within named and t with whom I am personally acquainted (or protectione on the basis of satisfactory evidence), and who acknowledged to be person(s) within named and that executed the foregoing instrument for the purpose therein contained 2 day of Deboter, 2018. Witness my hand and seal this 💆 My commission expires: I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 7.000. O UNO Affiant LOWA STATE OF TENNESSEE STATE Subscribed and sworn before me this the \_\_\_\_\_ day of \_\_\_\_\_20\_ My commission expires: April 10, 2022 The following information is not a part of this Deed: ongfellow Road. Property Address: 3775 38108 Memphis Tr Rodriguez Owner's Name and Address Wis 1092 Ceci 38108 Memphis Tn. 0530005-00001 Parcel Number 3775 Longfellow Road. Mail Tax Bills to: Memphis <u>Tn. 38108</u> 1011001 DRC



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

June 25, 2024

The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Sent via electronic mail to: dgbray@comcast.net

Case Number: SAC 2024-0003 LUCB Recommendation: Approval with conditions

Dear Applicant,

On Thursday, May 9, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your right-of-way vacation application to close and vacate a portion of the alley between 3775 Longfellow Road and 3760 Whittier Road, subject to the following conditions:

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. If determined that the curb cut added on Elliot Road near the subject right-of-way is erroneous, it shall be corrected at the owner's expense.
- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 5. A building permit for the accessory structure must be obtained no more than six months after the closure deed has been recorded or the accessory must be removed.
- 6. The accessory structure shall not be located closer than five feet to any side or rear property lines.
- 7. The cumulative square footage of accessory structures on the lot shall not exceed 75% of the total square footage of the principal structure.

## Letter to Applicant SAC 2024-0003

- 8. With the exception of wrought iron fencing, no fence or wall may exceed four feet in height between the front façade of any single-family residence and public right-of-way. Wrought iron or other decorative metal fencing may be up to eight feet in height provided the brick portion of the fence is along the bottom and does not exceed four feet in height.
- 9. A fence or wall not subject to placement in the front yard may not exceed nine feet in height.
- 10. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane abutting a public right-of-way shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
- 11. Within 90 days of approval of closure, a fence permit meeting the requirements of Section 4.6.7 of the Unified Development Code (UDC) shall be obtained for lots addressed as 3775 Longfellow Road and 3760 Whittier Road, and the parking pad in the front yard (3775 Longfellow Rd) must be eliminated or meet the requirements of Item 4.5.2C(1)(d) of the UDC.
- 12. Administrative site plan review and approval is required to determine compliance with Section 2.7.2 and Item 4.5.2C(1)(d) of the UDC.

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

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

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

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

Respectfully, Kendra Cobbs

Kendra Cobbs, AICP Planner III Land Use and Development Services Division of Planning and Development

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

Planning & Development DIVISION

#### Planning & Zoning COMMITTEE: 07/23/2024

# PUBLIC SESSION: DATE DATE

ITEM (CHECK ONE)					
ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING				
ITEM DESCRIPTION:	Resolution approving the closure of a portion of Jackson Avenue and Lauderdale Street between N. Third Street and Interstate 40, known as case number SAC 2024-004				
CASE NUMBER:	SAC 2024-004				
LOCATION:	A portion of Jackson Ave. and Lauderdale Street between N. Third Street and Interstate 40				
COUNCIL DISTRICTS:	District 7 and Super District 8 – Positions 1, 2, and 3				
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities (St. Jude)				
REPRESENTATIVES:	Josh Whitehead, Burch, Porter & Johnson				
REQUEST:	Request close and vacate a portion of Jackson Ave. and Lauderdale Street south of N. Third Street				
AREA:	+/- 1.55 acres				
<b>RECOMMENDATION:</b>	The Division of Planning and Development recommended Approval with conditions The Land Use Control Board Recommended Approval with conditions				

# RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

			=======================================
PRIOR ACTION ON ITEM:           (1)           04/11/2024           (I) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
FUNDING:         (2)         \$	AMOU REVEN OPERA CIP PRO	RES CITY EXPE NT OF EXPEND IUE TO BE REC TING BUDGET OJECT # AL/STATE/OTH	EIVED
ADMINISTRATIVE APPROVAL:	********	<u>DATE</u>	<u>POSITION</u>
LaTonya Hull Joseph Ar Butt Ny		<u>7/15/2024</u> <u>7/15/24</u>	PRINCIPAL PLANNER DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY
			CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS



Memphis City Council Summary Sheet

# SAC 2024-004

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

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

# LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: None

# The following spoke in opposition of the application: None

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

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

Respectfully,

Somy Hell

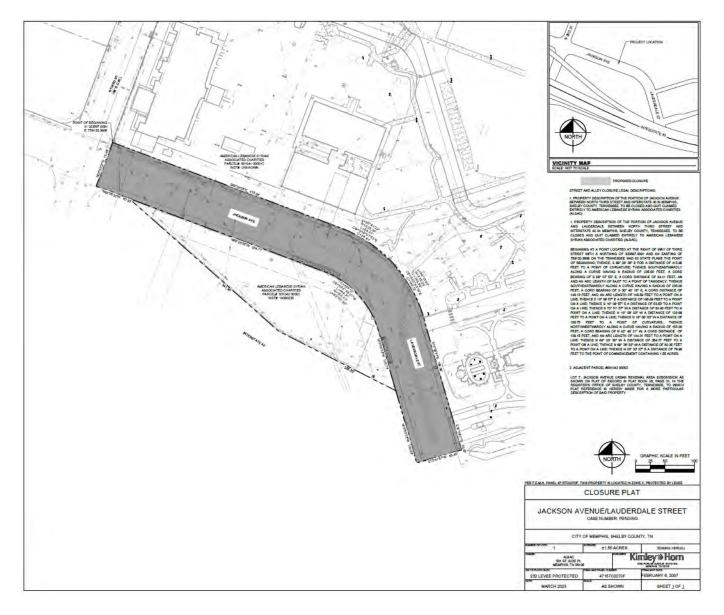
LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

# SAC 2024-004 CONDITIONS

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

# **CLOSURE PLAT**





# RESOLUTION

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

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

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

Tennessee and being more particularly described as follows:

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

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use

Control Board and the report and recommendation of the Division of Planning and Development

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

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

abutting property owner(s); and

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

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

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

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

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

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

aforementioned conditions.

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

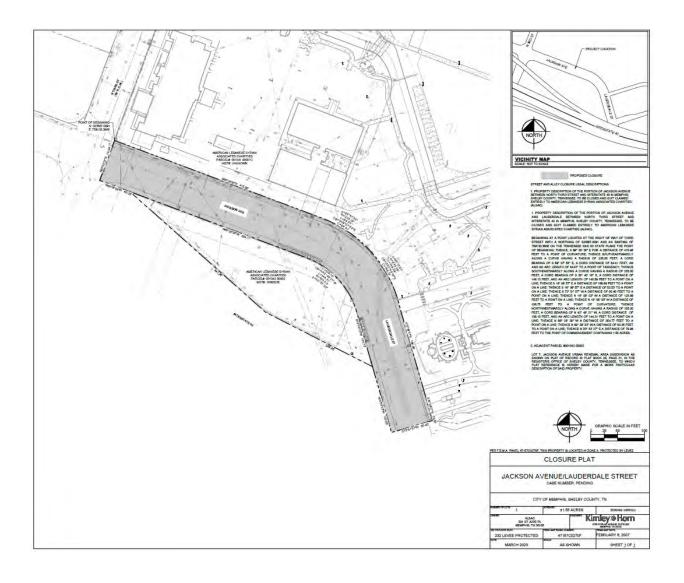
Quitclaim Deed(s) to the owners of the properties abutting on the above-described public right-of-

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

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

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

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



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

# CONCLUSIONS

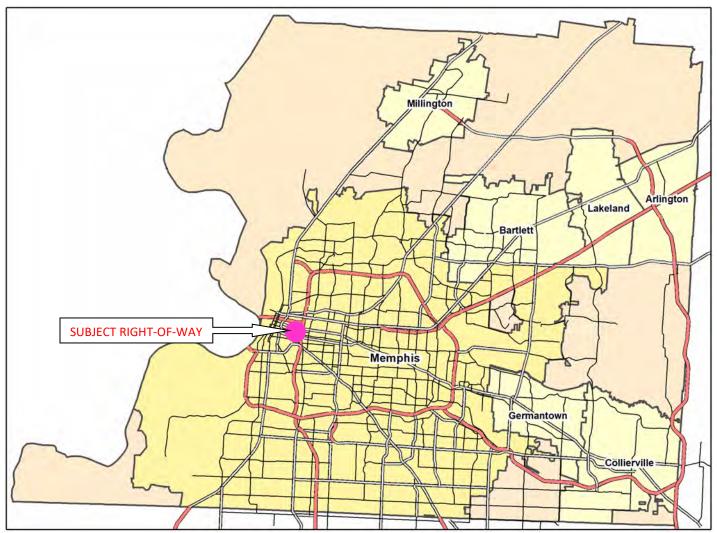
- 1. This applicant is requesting the closure of a portion of Jackson Avenue east of North Third Street and a portion of Lauderdale Street north of Alabama Avenue.
- 2. The closure will support the implementation of its campus master plan, which calls for developing several controlled access/exit points,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

# **CONSISTENCY WITH MEMPHIS 3.0**

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

# **RECOMMENDATION:**

Approval with conditions



Subject right-of-way located within the pink circle

#### PUBLIC NOTICE VICINITY MAP

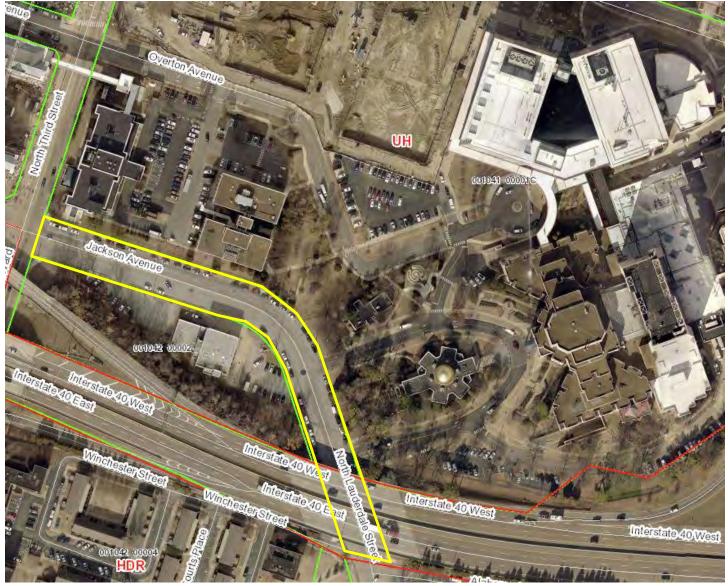


Subject right-of-way highlighted in yellow

## PUBLIC NOTICE DETAILS

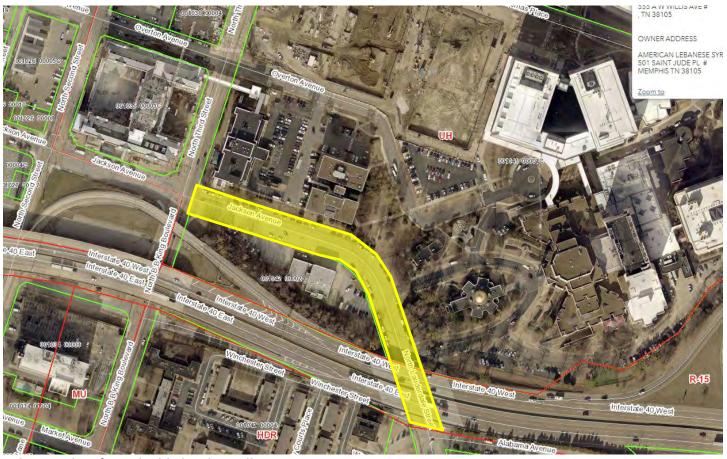
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 14 notices were mailed on March 15, 2024, see pages 15-16 of this report for a copy of said notice.

## AERIAL



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

# **ZONING MAP**



Subject right-of-way highlighted in yellow

# LAND USE MAP



Subject right-of-way indicated by a red star

# SITE PHOTOS



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



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

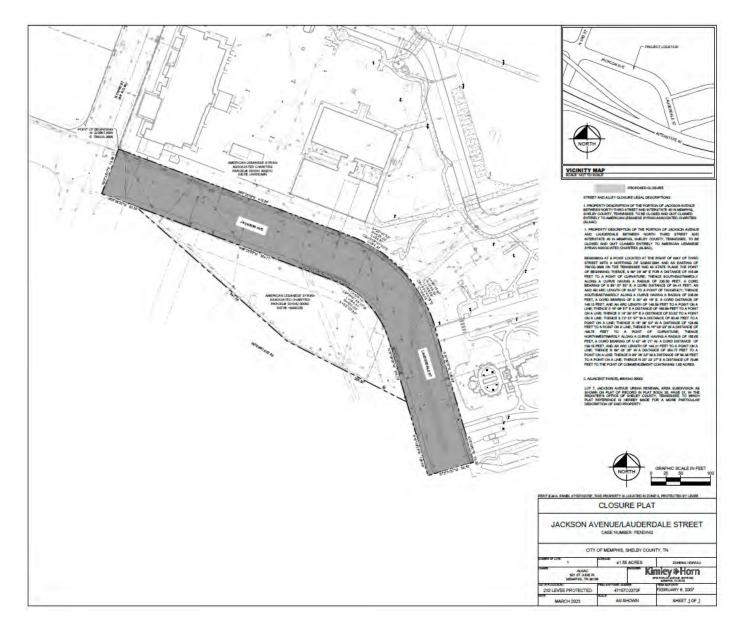


View of subject right-of-way, N. Lauderdale Street looking northwest towards Jackson Avenue



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

# **RIGHT-OF-WAY VACATION PLAT**



#### **LEGAL DESCRIPTION**

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

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

#### **CASE REVIEW**

#### **Request**

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

## Site Details

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

Area: +/-1.55 acres

#### Description:

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

#### **Analysis**

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

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

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

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

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

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

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

#### RECOMMENDATION

Staff recommends approval with conditions.

#### **Conditions**

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

## **DEPARTMENTAL COMMENTS**

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

# **City Engineer:**

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

Sewers:

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

3. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.

4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.

5. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

Street Closures:

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

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

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

Site Plan Notes:

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

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

**City Fire Division:** 

City Real Estate:

**County Health Department:** 

Shelby County Schools:

**Construction Code Enforcement:** 

Memphis Light, Gas and Water:

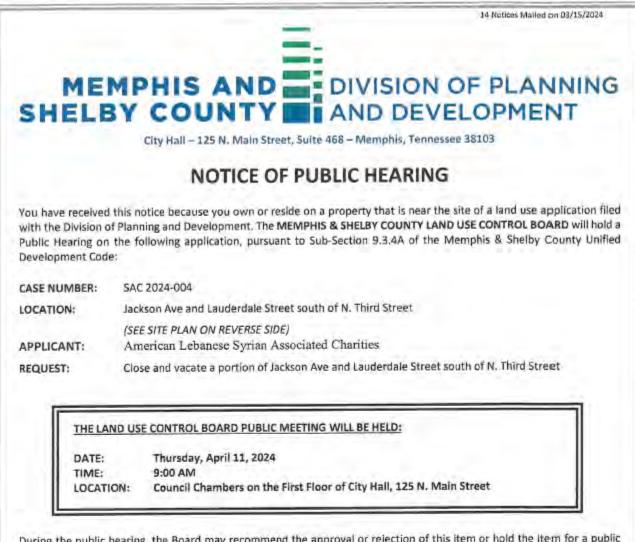
Office of Sustainability and Resilience:

**Office of Comprehensive Planning:** No comments received.

April 11, 2024 Page 14

No comments received.

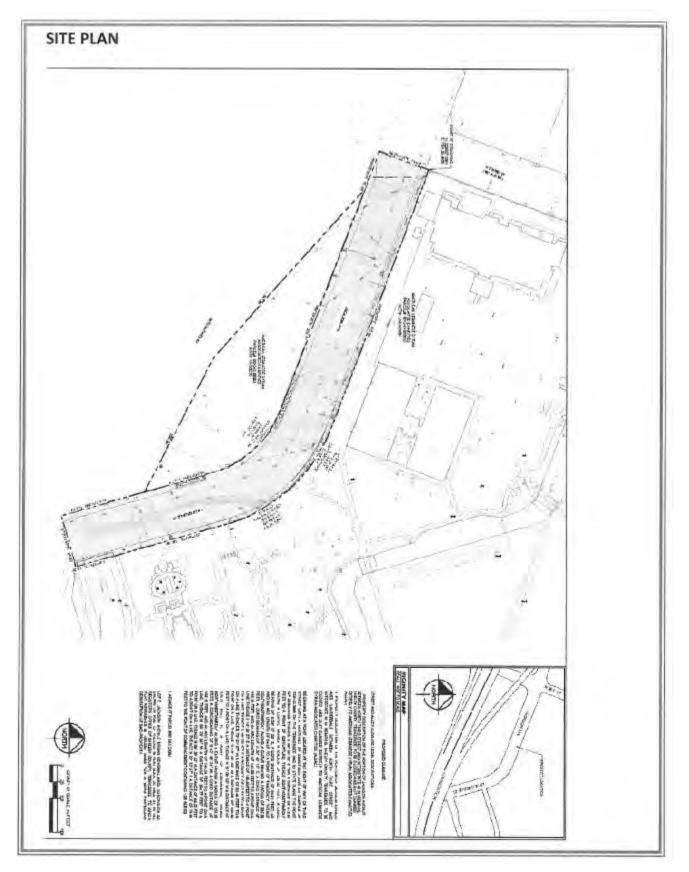
#### MAILED PUBLIC NOTICE



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 <u>Consent Agenda</u>, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact LaTonya Hull Latonya.hull@memphistn.gov or (901) 636-7179 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, April 3, 2024, at 8 AM. Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.



#### APPLICATION

1



### Memphis and Shelby County Office of Planning and Davelonm

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

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

Date:		Ca	se #:		-
	PLEASE TYPE	OR PRINT			
Name of/Street/Alley/ROW:Jac	ckson Ave/Lauderd	ale St			
Property Owner of Record: ALS	AC		Phone #:	901-57	8-2007
Mailing Address: 501 St Ju	ude Pl	City/State:			
Property Owner E-Mail Address:					-
Applicant: ALSAC				901-57	8-2007
Mailing Address: 501 St Juc	de Pl	City/State:	Memphis,	TN Zip	38105
Applicant E- Mail Address: sar					
Representative: Sara Hall			Phone #:	901-57	8-2007
Mailing Address: 501 St Ju	de Pl	City/State:			
Representative E-Mail Address:			1000 Bart	1000	-
Engineer/Surveyor: Kimley-Ho	orn and Associate	s	Phone #	901-334	-5319
Mailing Address: 6750 Popl	ar Ave Ste 600	City/State:	Memphis,	TN Zip	38138
Engineer/Surveyor E-Mail Addres	s jennifer.perego	y@kimley-h	norn.com		
Closure Street Address Location:	211 Jackson Ave	£	1.1		
Inside of Memphis Ci	ty Limits	X Yes No			
Unincorporated Shelb	y County	Yes X No	é i l		
City of	Reserve Area	Yes X No			
Distance to nearest intersecting str 3rd St	eet: 0 ft from the	intersect	ion of Ja	ackson A	ve and
Area of ROW: 1.55 a Closure starts at: 3rd St Proceeds to Interstate 40	acres_Square-Feet/Acre	s Length x W	Vidth of ROW:	870'x	80' Fee and
Reason for Closure: Jackson	Avenue between 3				
proposed to be closed on both sides of this					
campus expansion, a n					

location. Closure of this road will improve the patient and visitor experience by providing space to greet and direct visitors off of city streets. Closing the street is necessary to accommodate this growth and investment. .

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

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

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

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

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

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

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

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

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

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

#### LETTER OF INTENT

April 11, 2024 Page 19



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

March 8, 2024

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

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

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

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

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

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

#### **SIGN AFFIDAVIT**

#### AFFIDAVIT

Shelby County State of Tennessee

/ Josh Whitehead	being duly sworn, depose and say that at 3:00amon	1)
on the 19th day of March	, 2024 , I posted 1 Public Notice Sign(s	
pertaining to Case No. SAC 202	4-004 at the SE corner of B.B. King Blvd and Jackson Ave.	
providing notice of a Public He	aring before the (check one):	

x Land Use Control Board

\_\_\_\_Board of Adjustment

Memphis City Council

Shelby County Board of Commissioners

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

Owner, Applicant or Representative

1 2024 march

Date

Subscribed and sworn to before me this 201 day of March , 20 24.

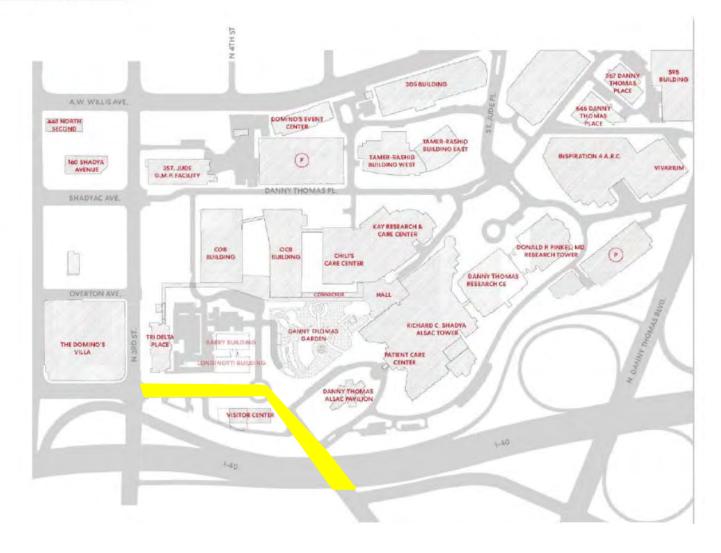
Notary Public

My commission expires: 2 2 20



April 11, 2024 Page 21

### CAMPUS PLAN



# Kimley »Horn

#### MEMORANDUM

 To:
 LaTonya Hull

 Date:
 April 5, 2024

 Subject:
 N. Lauderdale Street Closure Traffic Memo

#### 1. Introduction

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

#### 1.1 Project Location

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

kimley-horn.com

6750 Poplar Avenue, Suite 600, Memphis, TN 38138

# Kimley »Horn

Page 2



Figure 1: Vicinity Map

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# Kimley »Horn

Page 3

#### 1.2 Data Collection and Methodology

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

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

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

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

#### 2. Existing Conditions

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

#### 3. Future Conditions

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

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

# Kimley »Horn

Page 4

#### 4. Summary

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

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#### LETTERS RECEIVED

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



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

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

Date:	Case #:
PL	EASE TYPE OR PRINT
Name of/Street/Alley/ROW: Jackson Ave/I	Lauderdale St
Property Owner of Record:ALSAC	Phone #: 901-578-2007
Mailing Address: 501 St Jude Pl	City/State:Memphis, TN _Zip38105
Property Owner E-Mail Address:sara.hall	
	Phone # 901-578-2007
	City/State: Memphis, TN Zip 38105
Applicant E- Mail Address: sara.hall@alsa	
Representative: Sara Hall	Phone #: 901-578-2007
	City/State:Memphis, TN Zip38105
Representative E-Mail Address: _sara.hall@a	alsac.stjude.org
Engineer/Surveyor: Kimley-Horn and Ass	sociates Phone # 901-334-5319
Mailing Address: 6750 Poplar Ave Ste	e 600 <u>City/State:</u> Memphis, TN Zip 38138
Engineer/Surveyor E-Mail Address: jennifer.	peregoy@kimley-horn.com
Closure Street Address Location: 211 Jacks	son Ave
Inside of Memphis City Limits	X Yes No
Unincorporated Shelby County	Yes XNo
City of Reserve A	rea Yes XNo
Distance to nearest intersecting street: 0 ft fr 3rd St	com the intersection of Jackson Ave and
Area of ROW: <u>1.55 acres</u> Square- Closure starts at: <u>3rd</u> <u>St</u> Proceeds to Interstate 40	-Feet/Acres Length x Width of ROW: <u>870'x 80'</u> Feet and
Reason for Closure: Jackson Avenue bet	ween 3rd St and Interstate 40 is
	f the following: ALSAC owns the property
	f Jackson Ave. As part of the St. Jude e and visitor's center is planned at this
	will improve the patient and visitor
experience by providing space t	o greet and direct visitors off of city
streets. Closing the street is	necessary to accommodate this growth

and investment.

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

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

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

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

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

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

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

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

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

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

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

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

#### B METES AND BOUNDS DESCRIPTION

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

#### **CLOSURE PLAT**\*

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

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

#### VICINITY MAP

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

#### E LIST OF NAMES AND ADDRESSES

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

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

#### **DEDICATION INSTRUMENT**

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

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

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

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

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

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

#### **TYPES OF STREET CLOSURES**

Example 1: Oak Street Closure.

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

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

LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
t	1	T	1	1	1	Ī
¥	4	1	1	1	1	1
LOT 14	LOT 13	LOT 12	LOT 11	LOT 10	LOT 9	LOT 8

PLAT FOR OAK STREET SUBDIVISION

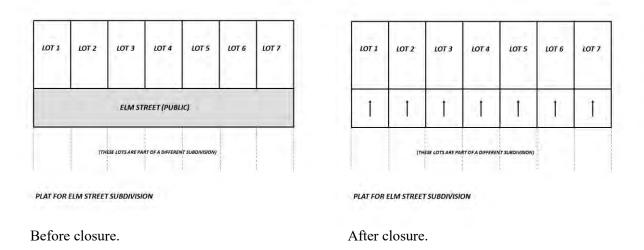
Before closure.

After closure.

PLAT FOR OAK STREET SUBDIVISION

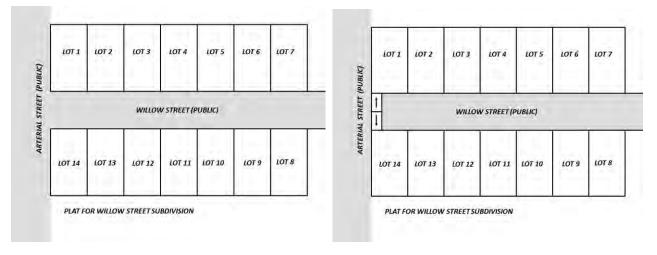
#### Example 2: Elm Street Closure.

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



#### Example 3: Willow Street Closure.

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

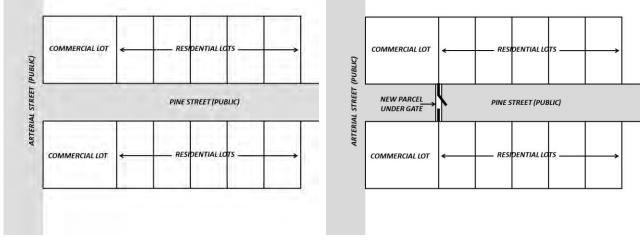


Before closure.

After closure.

#### Example 4: Pine Street Closure

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



Before closure.

After closure.

Example 5: Street Closures with active Homeowners Associations.

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

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

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

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

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

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

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

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

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

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

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

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



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

March 8, 2024

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

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

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

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

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

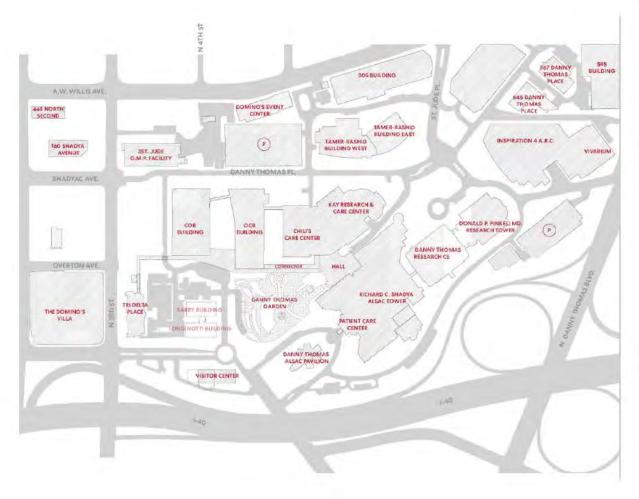
Thank you for your consideration of this matter.

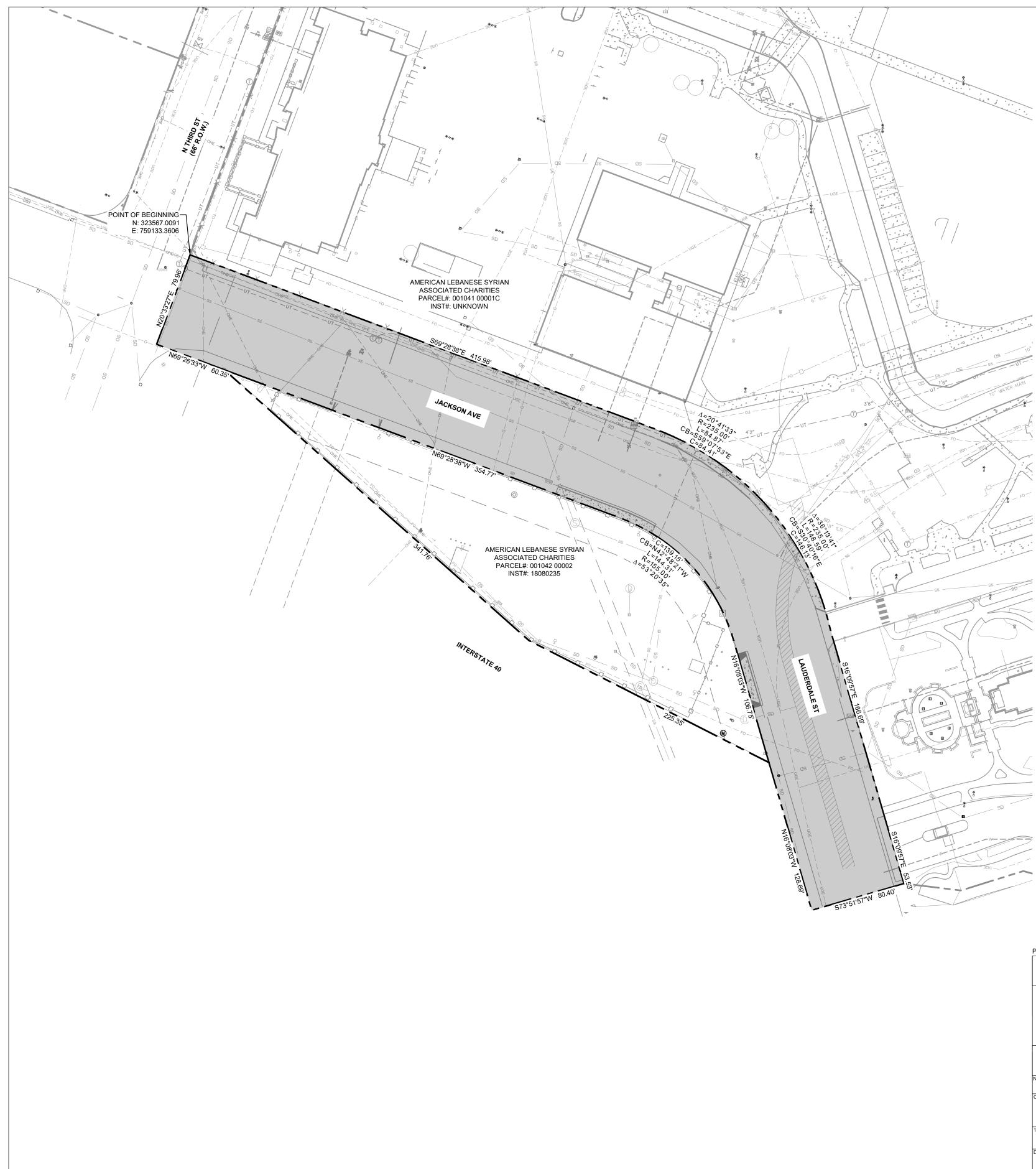
Very truly yours,

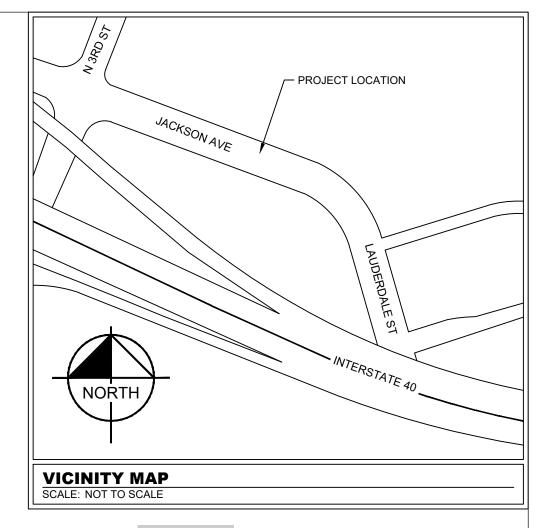
Josh Whitehead

March 8, 2024 Page 2

### **CAMPUS PLAN**







#### PROPOSED CLOSURE

STREET AND ALLEY CLOSURE LEGAL DESCRIPTIONS:

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

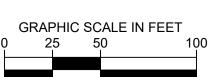
1. PROPERTY DESCRIPTION OF THE PORTION OF JACKSON AVENUE AND LAUDERDALE BETWEEN NORTH THIRD STREET AND INTERSTATE 40 IN MEMPHIS, SHELBY COUNTY, TENNESSEE. TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

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

#### 2. ADJACENT PARCEL #001042 00002

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





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

## CLOSURE PLAT

# JACKSON AVENUE/LAUDERDALE STREET

CASE NUMBER: PENDING

 CITY OF MEMPHIS, SHELBY COUNTY, TN

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

	1	±1.55 ACRES		ZONING: HDR/ULI	
OWNER:	ALSAC 501 ST JUDE PL MEMPHIS, TN 3810	5	ENGINEER:		D POPLAR AVENUE, SUITE 600 MEMPHIS, TN 38138
100 YR FL0	OOD ELEV:	FEMA MAP PANEL NUM	BER:		FEMA MAP DATE:
232	LEVEE PROTECTED	471570	C0270F		FEBRUARY 6, 2007
DATE:		SCALE:			
	MARCH 2023	AS SH	HOWN		SHEET <u>1</u> OF <u>1</u>



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

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

501 SAINT JUDE PL # MEMPHIS TN 38105

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

PINCH PARTNERS INVESTMENT CO 65 UNION AVE # MEMPHIS TN 38103

MEMPHIS HOUSING AUTHORITY 700 ADAMS AVE # MEMPHIS TN 38105

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

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

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

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

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

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

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

001042 00006 - MEMPHIS HOUSING AUTHORITY



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# *Tom Leatherwood* Shelby County Register

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

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

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

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

Real Estate Department Return to: RoomStal

#### SPECIAL WARRANTY DEED

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

#### WITNESSESTH:

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

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

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

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

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

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

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

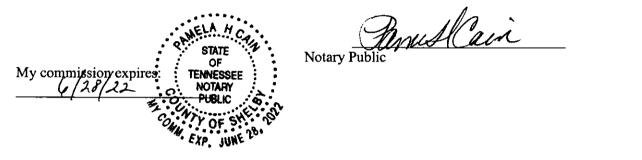
**Grantor:** £ Memphis APPROVED: Horney OW ficer Cit ∕egal ATTEST: City Comptroller City Engineer fector of General Services Real Estate Manager

STATE OF TENNESSEE

#### COUNTY OF SHELBY

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

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



#### VALUE AFFIDAVIT

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer, or the value of the property transferred, whichever is greater, is \$1,725,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

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

Property also known as 211 Jackson Avenue Memphis, Tennessee

501 St. Jude Place MEMPHIS, TN 38105

### **EXHIBIT A - LEGAL DESCRIPTION**

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

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#### **EXHIBIT B – EXCEPTIONS**

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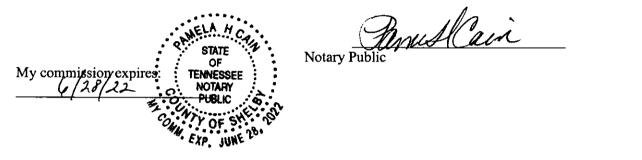
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City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

April 11, 2024

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

Sent via electronic mail to: jwhitehead@bpjlaw.com

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

Dear applicant,

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

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

#### Letter to Applicant SAC 2024-004

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

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

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

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

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

Respectfully,

Hen

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

Cc: File

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

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/23/2024

PUBLIC SESSION: DATE DATE

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

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

PRIOR ACTION ON ITEM: (1)	APPROVAL - (1) APP	ROVED (2) DENIED
04/11/2024	DATE	
(1) Land Use Control Board		BOARD / COMMISSION
(1) Land Use Control Board		3) COUNCIL COMMITTEE
****		
FUNDING:		
(2)		PENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPEN	
\$	REVENUE TO BE REC	CEIVED
SOURCE AND AMOUNT OF FUNDS		
<u>\$</u>	OPERATING BUDGE	Т
\$	CIP PROJECT #	
<u>\$</u>	FEDERAL/STATE/OT	HER
ADMINISTRATIVE APPROVAL:	<u>DATE</u>	<u>POSITION</u>
LaTonya Hull	7/15/2024	PRINCIPAL PLANNER
		PEPUTY ADMINISTRATOR
Butthe	_ 7/15/0	Administrator
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
***************************************	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS



Memphis City Council Summary Sheet

# SAC 2024-005

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

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

# LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: Sarah Hall

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

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

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

Respectfully,

atompo Hill

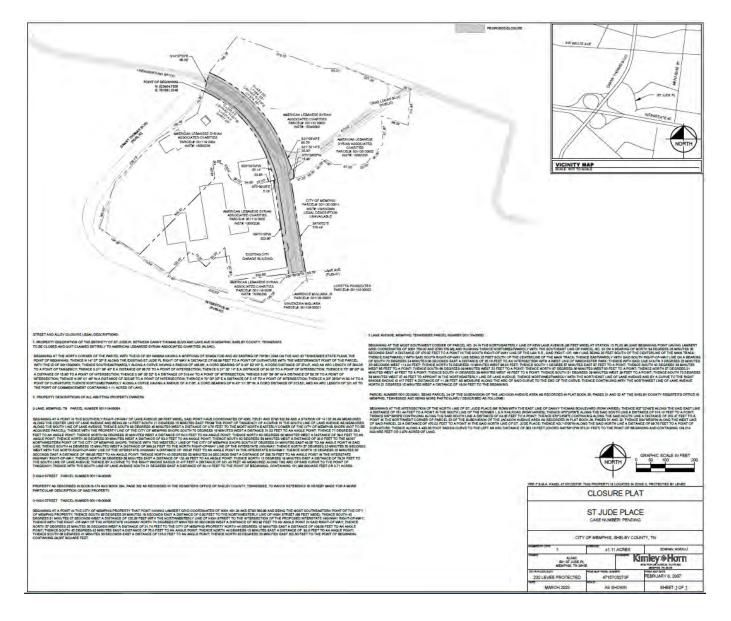
LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

#### SAC 2024-005 CONDITIONS

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

#### **CLOSURE PLAT**





# RESOLUTION

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

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

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

described as follows:

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

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use

Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the

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

abutting property owner(s); and

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

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

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

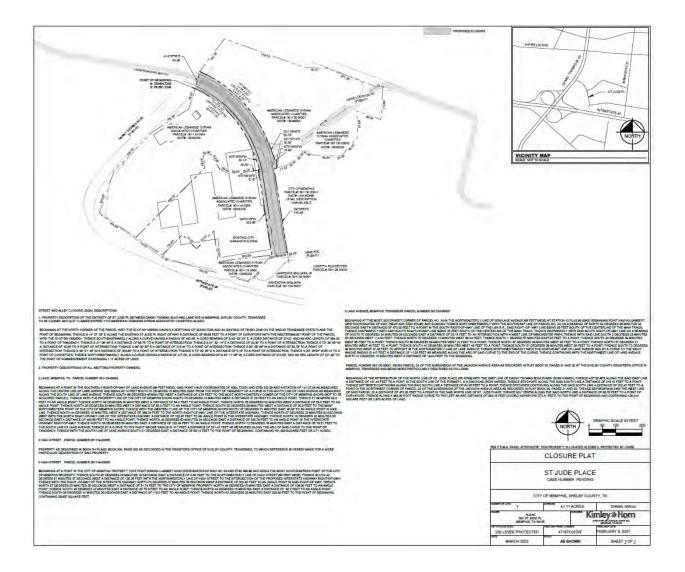
- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access,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

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

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

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

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



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

# CONCLUSIONS

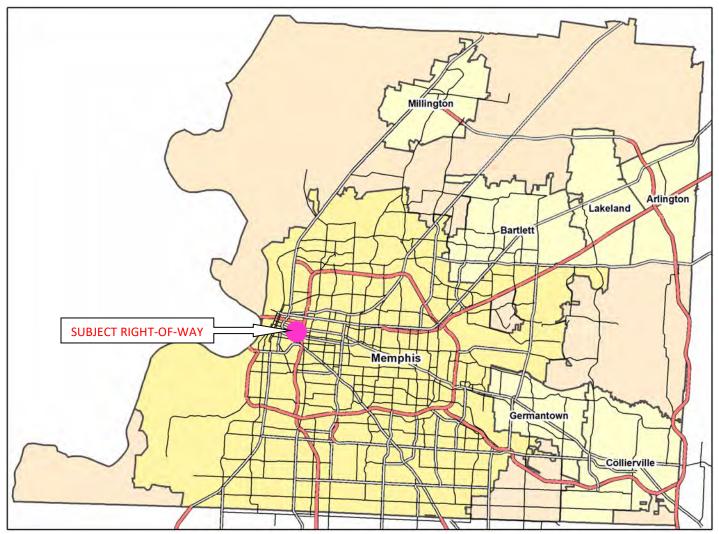
- 1. This applicant is requesting the closure of a portion of St. Jude Place that runs east of North Danny Thomas Boulevard and bends southeasterly to Lane Avenue.
- 2. The closure will support the implementation of its campus master plan, which calls for developing several controlled access/exit points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

# **CONSISTENCY WITH MEMPHIS 3.0**

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

# **RECOMMENDATION:**

Approval with conditions



Subject right-of-way located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



Subject right-of-way highlighted in yellow

#### PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 46 notices were mailed on March 15, 2024, see pages 16-17 of this report for a copy of said notice.

# AERIAL



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

# ZONING MAP



Subject right-of-way highlighted in yellow

#### LAND USE MAP



Subject right-of-way indicated by a red star

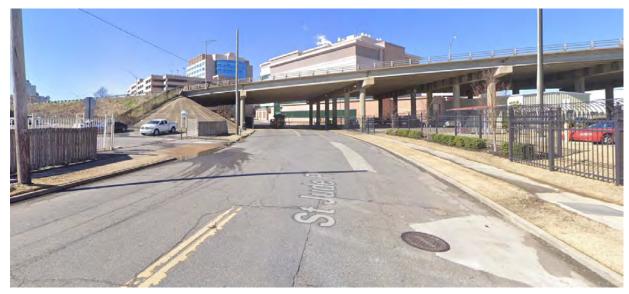
April 11, 2024 Page 7

# SITE PHOTOS

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





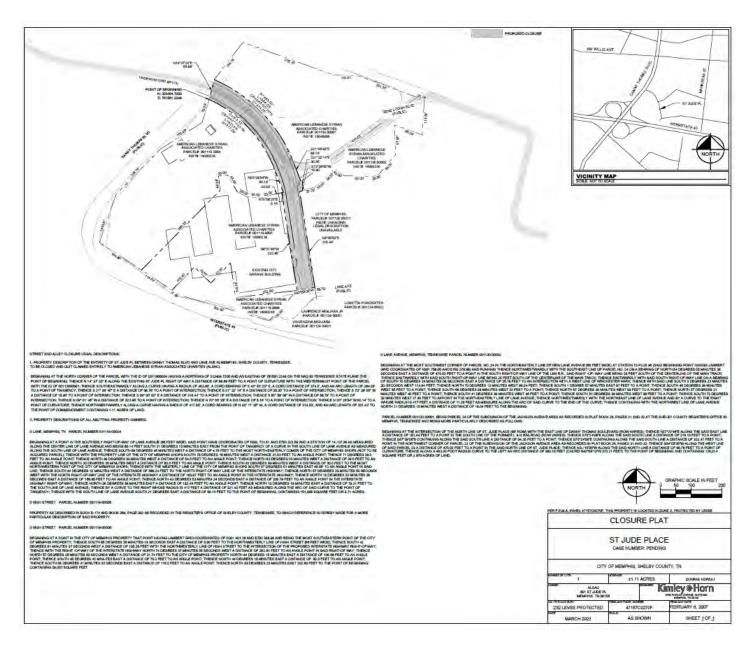


# Views of subject right-of-way looking southward toward Lane Avenue

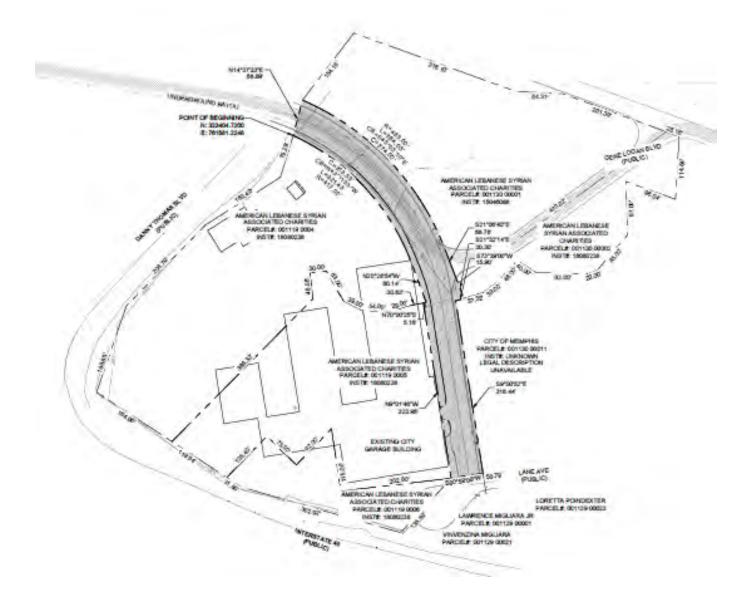




#### **RIGHT-OF-WAY VACATION PLAT**



#### **RIGHT-OF-WAY VACATION PLAT MAGNIFIED**



#### LEGAL DESCRIPTION

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

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

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

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

#### **CASE REVIEW**

#### **Request**

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

#### Site Details

Address: St. Jude Place east of Danny Thomas Boulevard

Area: +/-1.11 acres

#### Description:

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

#### **Analysis**

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

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

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

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

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

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

#### RECOMMENDATION

Staff recommends approval with conditions.

#### **Conditions**

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

#### **DEPARTMENTAL COMMENTS**

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

#### **City Engineer:**

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

Sewers:

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

Street Closures:

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

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

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

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

Site Plan Notes:

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

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

# **City Fire Division:**

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

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

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

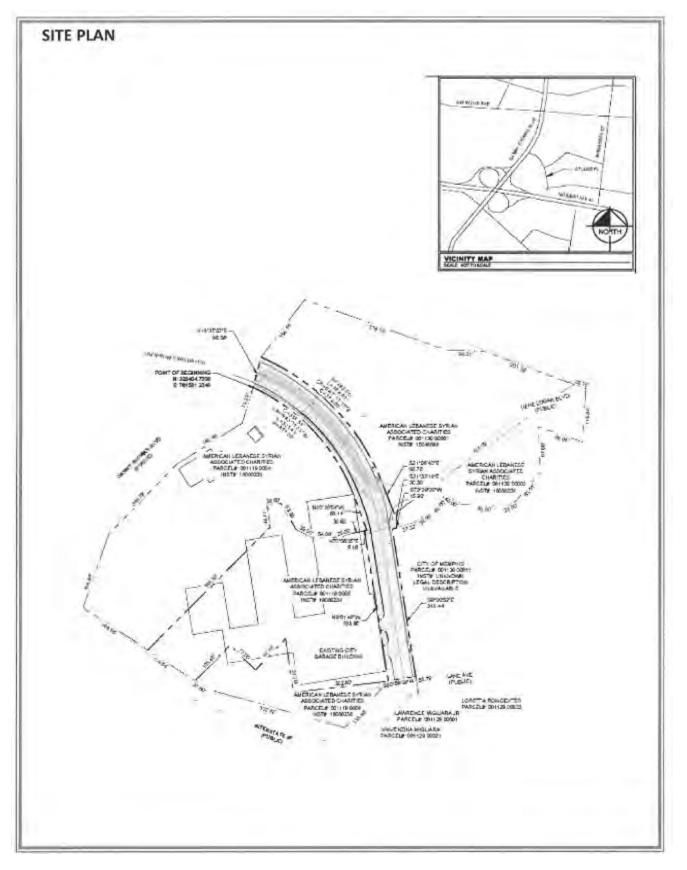
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

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

#### MAILED PUBLIC NOTICE

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103
NOTICE OF PUBLIC HEARING
this notice because you own or reside on a property that is near the site of a land use application f Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will he the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Un e:
SAC 2024-005
St. Jude Place
(SEE SITE PLAN ON REVERSE SIDE) American Lebanese Syrian Associated Charities
Close and vacate a portion of St, Jude Place east of Danny Thomas Blvd.
ND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:
Thursday, April 11, 2024
9:00 AM
DN: Council Chambers on the First Floor of City Hall, 125 N. Main Street
earing, the Board may recommend the approval or rejection of this item or hold the item for a p

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact LaTonya Hull Latonya.hull@memphistn.gov or (901) 636-7179 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, April 3, 2024, at 8 AM. Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.



#### APPLICATION

April 11, 2024 Page 18



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

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

Date:	Ca	se #:		
PLEASE TYPE OR	PRINT			
Name of/Street/Alley/ROW: St Jude Pl				
Property Owner of Record: ALSAC		Phone #:	901-57	8-2007
Mailing Address: 501 St Jude Pl	City/State:	Memphis,	TN Zip	38105
Property Owner E-Mail Address:sara.hall@alsac.s	stjude.or	rg		
Applicant: ALSAC		Phone #	901-5	578-2007
Mailing Address:				
Applicant E- Mail Address: sara.hall@alsac.stjud	e.org			
Representative: Sara Hall		Phone #:	901-5	78-2007
	City/State:	Memphis,	TN Zip	38105
Representative E-Mail Address: sara.hall@alsac.st	jude.org	1000		
Engineer/Surveyor: Kimley-Horn and Associates		Phone #	901-33	4-5319
Mailing Address: 6750 Poplar Ave Ste 600	City/State:	Memphis,	TN Zip	38138
Engineer/Surveyor E-Mail Address: jennifer.peregoy@	økimley-l	norn.com		
Closure Street Address Location: 671 St Jude Pl				
	X Yes No			
Unincorporated Shelby County	Yes X No			
City of Reserve Area	Yes X No			
Distance to nearest intersecting street: 0 ft from the i	intersect	ion of St	Jude	Pl and
Area of ROW: <u>1.11 acres</u> Square-Feet/Acres Closure starts at: Lane Ave Proceeds to Danny Thomas Blvd				and
Reason for Closure: St Jude Pl between Lane Av proposed to be closed because of the fo campus expansion and to route through-t St, a collector road designed to handle	llowing: raffic f	To accomm rom the g	nodate arage (	the St. Jud onto Manass
narrower roads. The only existing and p ALSAC property and therefore closure of	roposed	end desti	nation	s are to
impact nearby property owners.				

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

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

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

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

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

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

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

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

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

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

#### LETTER OF INTENT

April 11, 2024 Page 20

Burch Porter johnson

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

March 8, 2024

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

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

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

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

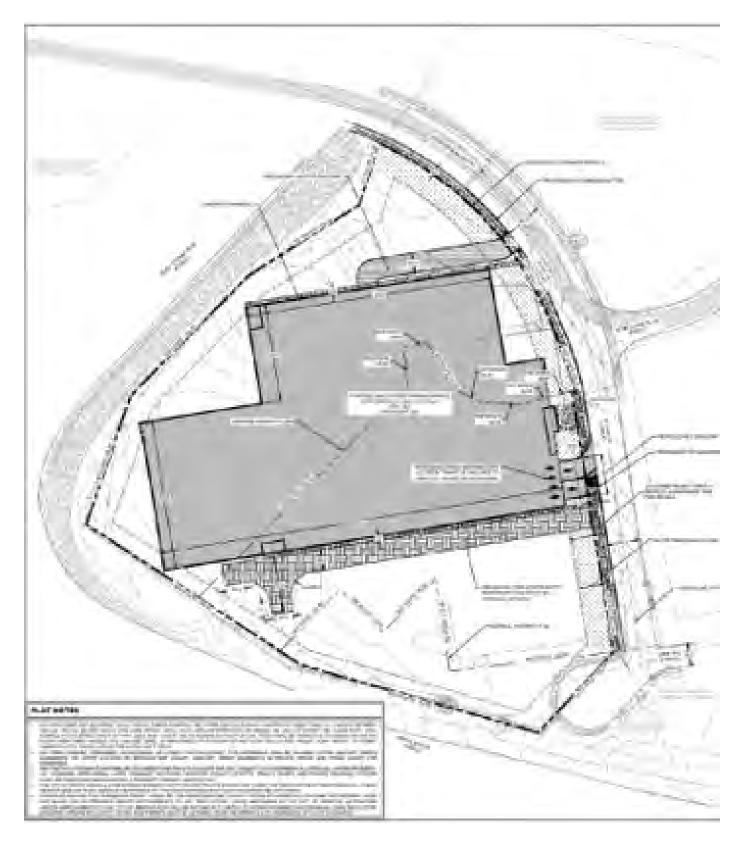
Closing St. Jude Place between Lane Avenue and Danny Thomas Blvd. will accommodate the St. Jude campus expansion and route through-traffic from the new parking garage to Manassas Street, a roadway designated by the Memphis Urban Area Metropolitan Planning Organization as a collector designed to handle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

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

April 11, 2024 Page 21



#### TRAFFIC STUDY MEMO

# **Kimley**»Horn

# MEMORANDUM

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

#### General Services Garage

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

#### Analysis

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

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

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

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

901 374 9109

# Kimley »Horn

Page 2

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

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

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

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



Figure 1: Projected PM Peak Hour Volumes

901 374 9109

# Kimley »Horn

Page 3

# **Results and Recommendations**

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

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

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

Staff Report SAC 2024-0005

# Kimley *Whorn*

Page 4



Figure 2: Proposed Access for Future General Services Garage

Staff Report SAC 2024-0005

# LETTERS RECEIVED

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



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

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

Date:	Case #:
PLEASE TYPE	C OR PRINT
Name of/Street/Alley/ROW: St Jude Pl	
D (D 1 ALSAC	Phone #: 901-578-2007
Mailing Address, 501 St Jude Pl	City/State:Memphis, TN_Zip38105
Property Owner E-Mail Address:sara.hall@alsac	c.stjude.org
	Phone #901-578-2007
Mailing Address:	
Applicant E- Mail Address: sara.hall@alsac.stj	ude.org
Representative: Sara Hall	Phone #:901-578-2007
Mailing Address: 501 St Jude Pl	City/State:Memphis, TN Zip38105
Representative E-Mail Address: _sara.hall@alsac.a	stjude.org
Engineer/Surveyor: Kimley-Horn and Associat	esPhone #901-334-5319
Mailing Address: 6750 Poplar Ave Ste 600	City/State:Memphis, TN Zip 38138
Engineer/Surveyor E-Mail Address: jennifer.perego	oy@kimley-horn.com
Closure Street Address Location: 671 St Jude Pl	
Inside of Memphis City Limits	X Yes No
Unincorporated Shelby County	Yes XNo
City of Reserve Area	Yes XNo
Distance to nearest intersecting street: 0 ft from the Lane Ave	e intersection of St Jude Pl and
Area of ROW: <u>1.11 acres Square-Feet/Acre</u> Closure starts at: Lane Ave Proceeds to Danny Thomas Blvd Reason for Closure: St Jude Pl between Lane proposed to be closed because of the campus expansion and to route through St, a collector road designed to hand narrower roads. The only existing and ALSAC property and therefore closure	following: To accommodate the St. Jud -traffic from the garage onto Manass le traffic, rather than through proposed end destinations are to

impact nearby property owners.

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

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

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

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

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

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

# B METES AND BOUNDS DESCRIPTION

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

# **CLOSURE PLAT**\*

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

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

# VICINITY MAP

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

# E LIST OF NAMES AND ADDRESSES

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

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

# **DEDICATION INSTRUMENT**

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

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

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

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

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

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

# **TYPES OF STREET CLOSURES**

Example 1: Oak Street Closure.

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

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

LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
t	1	T	1	1	1	Ī
¥	4	1	1	1	1	1
LOT 14	LOT 13	LOT 12	LOT 11	LOT 10	LOT 9	LOT 8

PLAT FOR OAK STREET SUBDIVISION

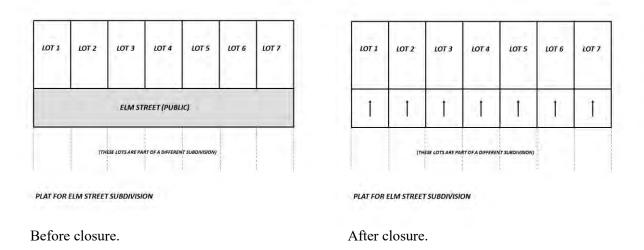
Before closure.

After closure.

PLAT FOR OAK STREET SUBDIVISION

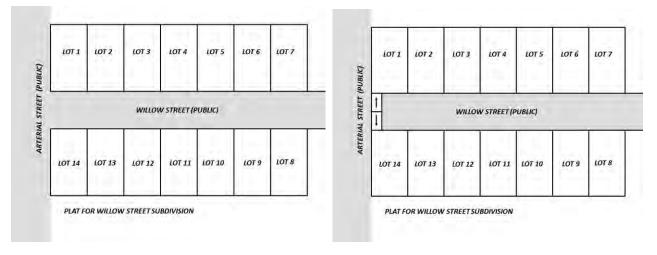
### Example 2: Elm Street Closure.

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



### Example 3: Willow Street Closure.

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

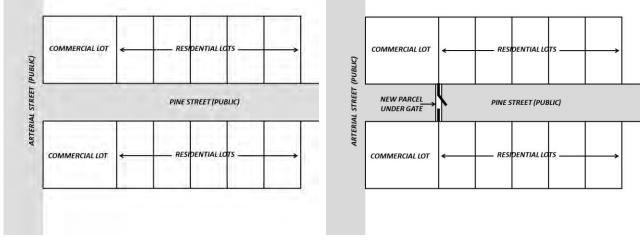


Before closure.

After closure.

### Example 4: Pine Street Closure

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



Before closure.

After closure.

Example 5: Street Closures with active Homeowners Associations.

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

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



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

March 8, 2024

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

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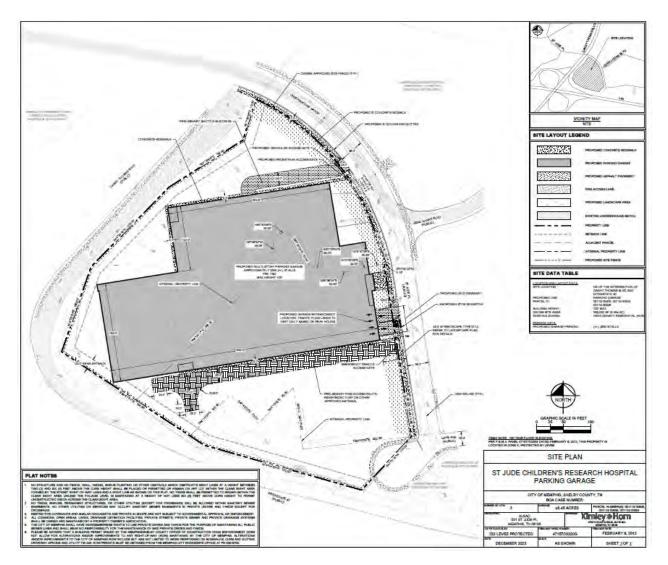
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Thank you for your consideration of this matter.

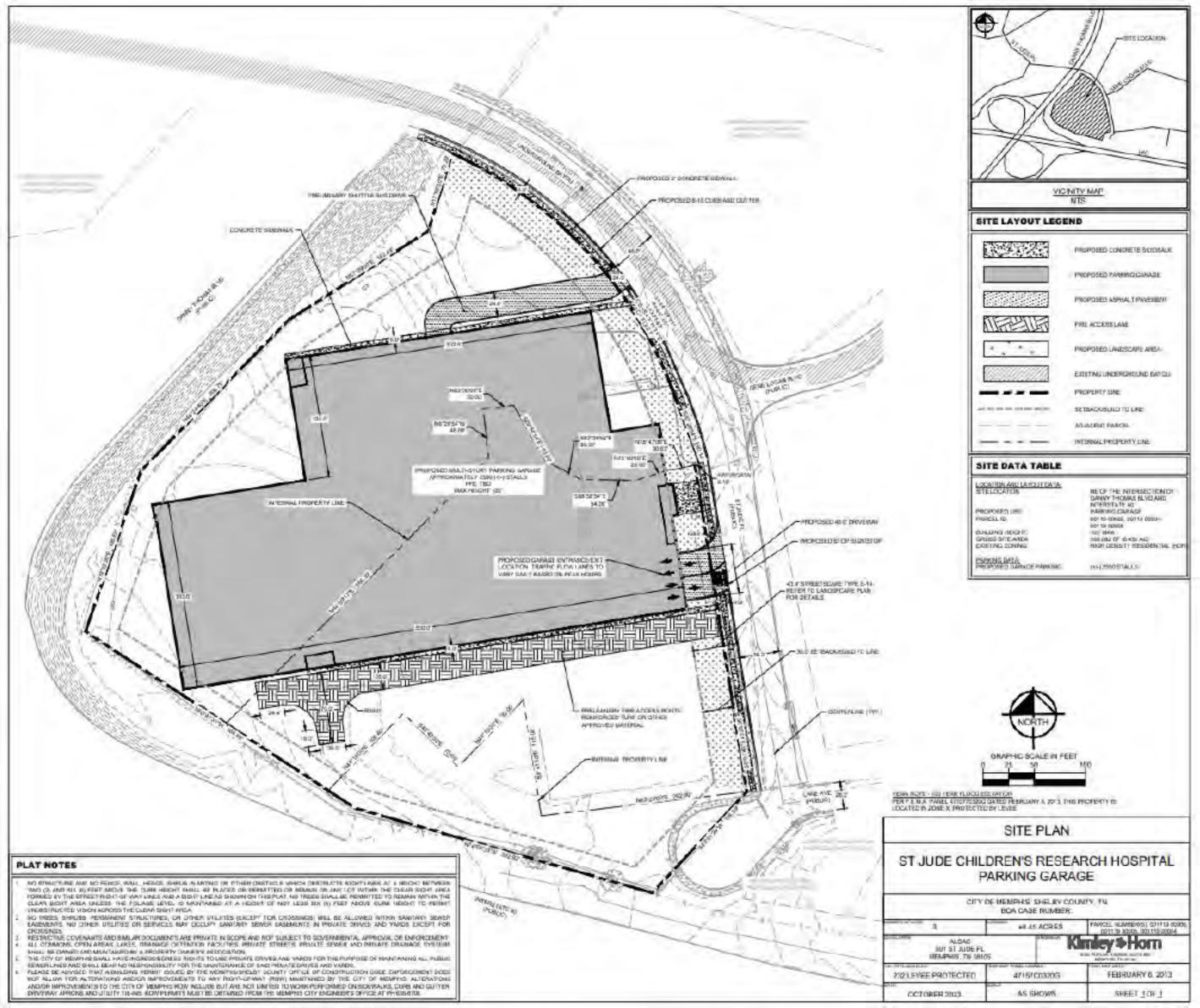
Very truly yours,

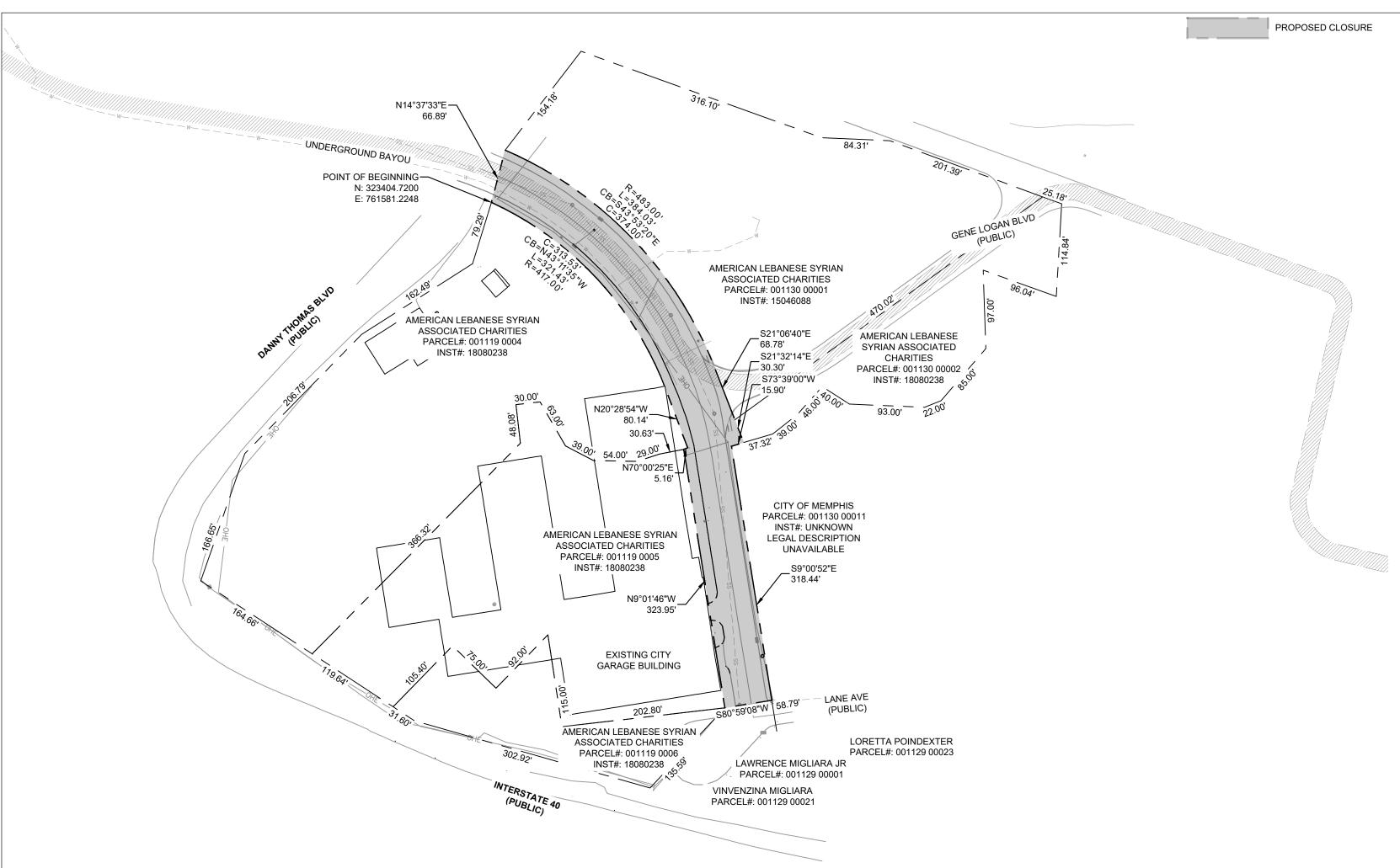
Josh Whitehead

March 8, 2024 Page 2



# SITE PLAN OF PROPOSED EMPLOYEE GARAGE





STREET AND ALLEY CLOSURE LEGAL DESCRIPTIONS:

1. PROPERTY DESCRIPTION OF THE ENTIRETY OF ST JUDE PL BETWEEN DANNY THOMAS BLVD AND LANE AVE IN MEMPHIS, SHELBY COUNTY, TENNESSEE TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

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

2. PROPERTY DESCRIPTIONS OF ALL ABUTTING PROPERTY OWNERS.

0 LANE, MEMPHIS, TN PARCEL NUMBER 001119-00004

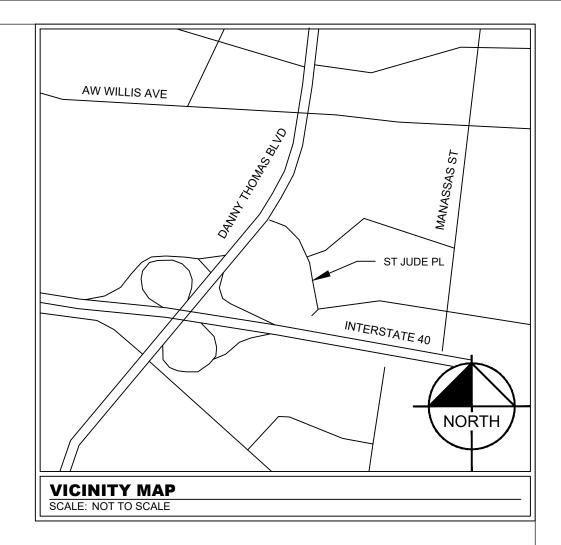
BEGINNING AT A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF LANE AVENUE (66 FEET WIDE), SAID POINT HAVE COORDINATES OF N30L 723.51 AND E793 322.59 AND A STATION OF 14 / 07.36 AS MEASURED ALONG THE CENTER LINE OF LANE AVENUE AND BEING 80.14 FEET SOUTH 21 DEGREES 15 MINUTES EAST FROM THE POINT OF TANGENCY OF A CURVE IN THE SOUTH LINE OF LANE AVENUE AS MEASURED ALONG THE SOUTH LINE OF LANE AVENUE; THENCE SOUTH 68 DEGREES 45 MINUTES WEST A DISTANCE OF 4.76 FEET TO THE MOST NORTH-EASTERLY COMER OF THE CITY OF MEMPHIS SHOPS (NOT TO BE ACQUIRED PARCEL); THENCE WITH THE PROPERTY LINE OF THE CITY OF MEMPHIS SHOPS SOUTH 78 DEGREES 16 MINUTES WEST A DISTANCE 31.03 FEET TO AN ANGLE POINT; THENCE 71 DEGREES 29.0 FEET TO AN ANGLE POINT; THENCE NORTH 89 DEGREES 30 MINUTES WEST A DISTANCE OF 54.0 FEET TO AN ANGLE POINT; THENCE NORTH 63 DEGREES 00 MINUTES WEST A DISTANCE OF 39.0 FEET TO AN ANGLE POINT; THENCE NORTH 30 DEGREES 30 MINUTES WEST A DISTANCE OF 63.0 FEET TO AN ANGLE POINT; THENCE SOUTH 82 DEGREES 59 MINUTES WEST A DISTANCE OF 30.0 FEET TO THE MOST NORTHWESTERN POINT OF THE CITY OF MEMPHIS SHOPS; THENCE WITH THE WESTERLY LINE OF THE CITY OF MEMPHIS SHOPS SOUTH 07 DEGREES 01 MINUTES EAST 48.08' TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 44 DEGREES 15 MINUTES WEST A DISTANCE OF 366.24 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE INTERSTATE HIGHWAY; THENCE NORTH 57 DEGREES 23 MINUTES 50 SECONDS WEST WITH THE NORTH RIGHT-OF-WAY LINE OF THE INTERSTATE HIGHWAY A DISTANCE OF 163.97 FEET TO AN ANGLE POINT IN THE INTERSTATE HIGHWAY; THENCE NORTH 18 DEGREES 32 MINUTES 30 SECONDS EAST A DISTANCE OF 166.65 FEET TO AN ANGLE POINT; THENCE NORTH 43 DEGREES 53 MINUTES 34 SECONDS EAST A DISTANCE OF 206.79 FEET TO AN ANGLE POINT IN THE INTERSTATE HIGHWAY RIGHT-OF-WAY; THENCE NORTH 36 DEGREES 58 MINUTES EAST A DISTANCE OF 132.49 FEET TO AN ANGLE POINT; THENCE NORTH 13 DEGREES 19 MINUTES EAST A DISTANCE OF 79.31 FEET TO THE SOUTH LINE OF LANE AVENUE: THENCE BY A CURVE TO THE RIGHT WHOSE RADIUS IS 417 FEET A DISTANCE OF 321.43 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO THE POINT OF TANGENCY; THENCE WITH THE SOUTH LINE OF LANE AVENUE SOUTH 21 DEGREES EAST A DISTANCE OF 80.14 FEET TO THE POINT OF BEGINNING. CONTAINING 151,098 SQUARE FEET OR 3.71 ACRES.

0 HIGH STREET PARCEL NUMBER 001119-00005

PROPERTY AS DESCRIBED IN BOOK B-174 AND BOOK 264, PAGE 302 AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

0 HIGH STREET PARCEL NUMBER 001119-00006

BEGINNING AT A POINT IN THE CITY OF MEMPHIS PROPERTY THAT POINT HAVING LAMBERT GRID COORDINATES OF N301 401.28 AND E793 368.98 AND BEING THE MOST SOUTHEASTERN POINT OF THE CITY OF MEMPHIS PROPERTY: THENCE SOUTH 85 DEGREES 26 MINUTES 19 SECONDS EAST A DISTANCE OF 0.60 FEET TO THE NORTHWESTERLY LINE OF HIGH STREET (66 FEET WIDE): THENCE SOUTH 42 DEGREES 51 MINUTES 07 SECONDS WEST A DISTANCE OF 135.26 FEET WITH THE NORTHWESTERLY LINE OF HIGH STREET TO THE INTERSECTION OF THE PROPOSED INTERSTATE HIGHWAY RIGHT-OF-WAY; THENCE WITH THE RIGHT -OF-WAY OF THE INTERSTATE HIGHWAY NORTH 74 DEGREES 07 MINUTES 55 SECONDS WEST A DISTANCE OF 302.92 FEET TO AN ANGLE POINT IN SAID RIGHT-OF WAY; THENCE NORTH 57 DEGREES 25 MINUTES 50 SECONDS WEST A DISTANCE OF 31.74 FEET TO THE CITY OF MEMPHIS PROPERTY NORTH 44 DEGREES 15 MINUTES EAST A DISTANCE OF 106.08 FEET TO AN ANGLE POINT: THENCE SOUTH 45 DEGREES 42 MINUTES EAST A DISTANCE OF 75.0 FEET TO AN ANGLE POINT: THENCE NORTH 44 DEGREES 15 MINUTES EAST A DISTANCE OF 92.0 FEET TO AN ANGLE POINT: THENCE SOUTH 08 DEGREES 41 MINUTES 30 SECONDS EAST A DISTANCE OF 115.0 FEET TO AN ANGLE POINT; THENCE NORTH 83 DEGREES 23 MINUTES EAST 202.80 FEET TO THE POINT OF BEGINNING. CONTAINING 29,007 SQUARE FEET.



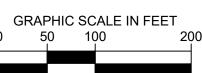
0 LANE AVENUE, MEMPHIS, TENNESSEE PARCEL NUMBER 001130-00002

BEGINNING AT THE MOST SOUTHWEST CORNER OF PARCEL NO. 24 IN THE NORTHEASTERLY LINE OF NEW LANE AVENUE (66 FEET WIDE) AT STATION 13 PLUS 96 (SAID BEGINNING POINT HAVING LAMBERT GRID COORDINATES OF N301 758.00 AND E793 379.98) AND RUNNING THENCE NORTHWESTWARDLY WITH THE SOUTHEAST LINE OF PARCEL NO. 24 ON A BEARING OF NORTH 54 DEGREES 05 MINUTES 38 SECONDS EAST A DISTANCE OF 470.02 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF THE L&N R.R., SAID RIGHT -OF- WAY LINE BEING 25 FEET SOUTH OF THE CENTERLINE OF THE MAIN TRACK; THENCE EASTWARDLY WITH SAID SOUTH RIGHT-OF-WAY LINE BEING 25 FEET SOUTH OF THE CENTERLINE OF THE MAIN TRACK: THENCE EASTWARDLY WITH SAID SOUTH RIGHT-OF-WAY LINE ON A BEARING OF SOUTH 70 DEGREES 24 MINUTES 08 SECONDS EAST A DISTANCE OF 25.18 FEET TO AN INTERSECTION WITH A WEST LINE OF WINCHESTER PARK; THENCE WITH SAID LINE SOUTH 3 DEGREES 23 MINUTES 3D SECONDS WEST 114.84 FEET: THENCE NORTH 70 DEGREES 13 MINUTES WEST 96.04 FEET: THENCE SOUTH 1 DEGREE 57 MINUTES EAST 97 FEET TO A POINT: THENCE SOUTH 40 DEGREES 39 MINUTES WEST 85 FEET TO A POINT: THENCE SOUTH 68 DEGREES 09 MINUTES WEST 22 FEET TO A POINT: THENCE NORTH 87 DEGREES 36 MINUTES WEST 93 FEET TO A POINT: THENCE NORTH 57 DEGREES 21 MINUTES WEST 40 FEET TO A POINT; THENCE SOUTH 41 DEGREES 39 MINUTES WEST 46 FEET TO A POINT; THENCE SOUTH 51 DEGREES 39 MINUTES WEST 39 FEET TO A POINT; THENCE SOUTH 73 DEGREES 39 MINUTES WEST 37.40 FEET TO APPOINT IN THE NORTHEASTERLY LINE OF LANE AVENUE; THENCE NORTHWESTWARDLY WITH THE NORTHEAST LINE OF LANE AVENUE AND BY A CURVE TO THE RIGHT WHOSE RADIUS IS 417 FEET A DISTANCE OF 11.26 FEET AS MEASURE ALONG THE ARC OF SAID CURVE TO THE END OF THE CURVE; THENCE CONTINUING WITH THE NORTHWEST LINE OF LANE AVENUE NORTH 21 DEGREES 15 MINUTES WEST A DISTANCE OF 19.04 FEET TO THE BEGINNING.

PARCEL NUMBER 001130 00001. BEING PARCEL 24 OF THE SUBDIVISION OF THE JACKSON AVENUE AREA AS RECORDED IN PLAT BOOK 26, PAGES 31 AND 32 AT THE SHELBY COUNTY REGISTER'S OFFICE IN MEMPHIS, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF ST. JUDE PLACE (66' ROW) WITH THE EAST LINE OF DANNY THOMAS BOULEVARD (ROW VARIES); THENCE N37°22'49"E ALONG THE SAID EAST LINE A DISTANCE OF 151.44 FEET TO A POINT IN THE SOUTH LINE OF THE FORMER L & N RAILROAD (ROW VARIES): THENCE \$70°24'08"E ALONG THE SAID SOUTH LINE A DISTANCE OF 316.10 FEET TO A POINT: THENCE S87°39'08"E CONTINUING ALONG THE SAID SOUTH LINE A DISTANCE OF 84.35 FEET TO A POINT; THENCE S70°24'08"E CONTINUING ALONG THE SAID SOUTH LINE A DISTANCE OF 202.47 FEET TO A POINT IN THE NORTHWEST CORNER OF PARCEL 23 OF THE SUBDIVISION OF THE JACKSON AVENUE AREA AS RECORDED IN PLAT BOOK 26, PAGES 31 AND 32; THENCE S54°05'38"W ALONG THE WEST LINE OF SAID PARCEL 23 A DISTANCE OF 470.02 FEET TO A POINT IN THE SAID NORTH LINE OF ST. JUDE PLACE; THENCE N2L°15'00"W ALONG THE SAID NORTH LINE A DISTANCE OF 68.78 FEET TO A POINT OF CURVATURE; THENCE ALONG A 483.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 383.18 FEET (CHORD N43°58'13"W 373.21 FEET) TO THE POINT OF BEGINNING AND CONTAINING 129,314 SQUARE FEET OR 2.970 ACRES OF LAND.





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

# CLOSURE PLAT

# ST JUDE PLACE

CASE NUMBER: PENDING

CITY OF MEMPHIS, SHELBY COUNTY, TN

NUMBER OF LOTS: 1	ACREAGE: ±1.11	ACRES	ZONING: HDR/ULI
OWNER: 501 ST JUDE PL MEMPHIS, TN 38105			D POPLAR AVENUE, SUITE 600 MEMPHIS, TN 38138
100 YR FLOOD ELEV:	FEMA MAP PANEL NUME	BER:	FEMA MAP DATE:
232 LEVEE PROTECTED	471570	C0270F	FEBRUARY 6, 2007
DATE:	SCALE:		
MARCH 2023	AS SF	IOWN	SHEET <u>1</u> OF <u>1</u>



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

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

AMERICAN LEBANESE SYRIAN ASSOCIATED STATE OF TENNESSEE 501 ST JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOC CHARITIES 501 ST JUDE PL # MEMPHIS TN 38105

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

AMERICAN LEBANESE SYRIAN ASSOCIATEDSTATE OF TENNESSEE501SAINT JUDE PL #170 N MAIN ST # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOC OF 501 SAINT JUDE PL # MEMPHIS TN 38103

AMERICAN LEBANESE SYRIAN ASSOCIATED CITY OF MEMPHIS 501 SAINT JUDE PALACE # MEMPHIS TN 38103

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

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

501 SAINT JUDE PL # MEMPHIS TN 38105

170 N MAIN ST # MEMPHIS TN 38103

170 N MAIN ST # MEMPHIS TN 38103

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

MEMPHIS TN 38103

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

125 N MAIN ST # MEMPHIS TN 38103

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

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TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

MIGLIARA LAWRENCE JR 673 CYPRESS DR # MEMPHIS TN 38112

TLC PROPERTIES INC 1600 CENTURY CENTER PKWY # MEMPHIS TN 38134

CENTER MEMPHIS PROPERTIES LLC 1910 MADISON AVE # MEMPHIS TN 38104

BUTLER PROPERTIES LLC 1027 S YATES RD # MEMPHIS TN 38119

HAYWOOD RUBY 381 JONES ST # MEMPHIS TN 38105

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

AMERICAN LEBANESE SYRIAN ASSOCIATED CHRISTIAN VICKI DOROTHEA 
 501
 SAINT JUDE PL #
 675
 LANE AVE #

 MEMPHIS TN 38105
 MEMPHIS TN 38105

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

671 LANE AVE # MEMPHIS TN 38105

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

MEMPHIS TN 38105

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

501 SAINT JUDE PL # MEMPHIS TN 38105

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

MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED CTY OF MEMPHIS WINCHESTER CMTY 501 SAINT JIDE PL # MEMPHIS TN 38105

125 N MAIN ST # MEMPHIS TN 38103

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

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

CENTER MEMPHIS PROPERTIES LLC 1755 KIRBY PKWY # MEMPHIS TN 38120

MIGLIARA VINCENZINA ETAL 673 CYPRESS DR # MEMPHIS TN 38112

001118 00002C - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00004 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00005 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00006 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00008 - STATE OF TENNESSEE 001126 00035 - STATE OF TENNESSEE 001128 00002 - TENNESSEE STATE OF 001128 00003 - TENNESSEE STATE OF 001128 00004 - STATE OF TENNESSEE 001128 00005 - STATE OF TENNESSEE 001128 00006 - CITY OF MEMPHIS 001128 00007 - TENNESSEE STATE OF 001128 00008 - TENNESSEE STATE OF 001128 00009 - TENNESSEE STATE OF 001128 00010 - TENNESSEE STATE OF 001128 00011 - TENNESSEE STATE OF 001128 00034 - TENNESSEE STATE OF 001129 00001 - MIGLIARA LAWRENCE JR 001129 00003 - TLC PROPERTIES INC 001129 00004 - CENTER MEMPHIS PROPERTIES LLC 001129 00005C - BUTLER PROPERTIES LLC 001129 00007C - HAYWOOD RUBY 001129 00009 - STATE OF TENNESSEE 001129 00010 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00011 - AMERICAN LEBANESE SYRIAN ASSOCIATED

001129 00012 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00013 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00014 - AMERICAN LEBABESE SYRIAN ASSOCIATED 001129 00015 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00016 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00018 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00019 - CENTER MEMPHIS PROPERTIES LLC 001129 00021 - MIGLIARA VINCENZINA ETAL 001129 00022 - CHRISTIAN VICKI DOROTHEA 001129 00023 - POINDEXTER LORETTA 001130 00001 - AMERICAN LEBANESE SYRIAN CHARITIES INC 001130 00002 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001130 00003 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001130 00011 - CTY OF MEMPHIS WINCHESTER CMTY 001095 00002C - AMERICAN LEBANESE SYRIAN ASSOCIATED 001095 00002Z - AMERICAN LEBANESE SYRIAN ASSOCIATED 001095 00003 - AMERICAN LEBANESE SYRIAN ASSOC CHARITIES 001095 00005C - AMERICAN LEBANESE SYRIAN ASSOCIATED 001108 00004 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001108 00005C - AMERICAN LEBANESE SYRIAN ASSOC OF 001041 00001C - AMERICAN LEBANESE SYRAIN ASSOCIATED



# *Tom Leatherwood* Shelby County Register

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

180802 08/08/2018	238 02:06 F
8 PGS	
TAMMY 1769367-18080238	
VALUE	332500
MORTGAGE TAX	
TRANSFER TAX	1230
RECORDING FEE	40
DP FEE	
REGISTER'S FEE	
WALK THRU FEE	
	1234

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

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

Memphis Real Estate Departm V. Main Street, Pm Stop Return to: { Memphis, Tennessee 38103

#### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the <u>3/</u> day of July, 2018, by the **CITY OF MEMPHIS**, a Tennessee Municipality, ("Grantor") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and **AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES, INC., aka ALSAC**, a Tennessee not for profit corporation ("Grantee") whose address is 501 St. Jude Place, Memphis, Tennessee 38105.

#### WITNESSESTH:

A. Grantor holds legal title to those certain real properties commonly known as 0 Lane (parcel number 001119-00004; 0 High Street (parcel number 001119-00005); 0 High Street (parcel number 001119-00006); 0 Lane (parcel number 00113-00002); 0 Railroad (parcel number 001130-00003); 435 N Manassas (parcel number 001130-00004); and 425 N Manassas (parcel number 001130-00005) (property addresses may vary) and are more particularly described in Exhibit A attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same properties conveyed to Grantor by Deeds of record at Book 4914, Page 251 dated September 13, 1962; Book 4914, Page 265 dated September 13, 1962; Instrument Number B-174; Book 264, Page 302 dated August 8, 1898; Book 4914, Page 257 dated September 13, 1962 and filed in the Register's Office of Shelby County, Tennessee.

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

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

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever.

Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

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

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

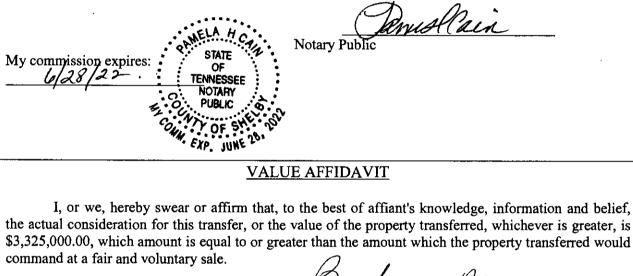
**Grantor:** f Membhi Jim Strickland 'Mavor APPROVED: **Sttornev** MEST: Comn VA N City Engineer ctor of General Service

Real Estate Manager

### STATE OF TENNESSEE COUNTY OF SHELBY

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

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



Affiant Subscribed and sworn to before me on this, the 2018. MANHAMMAN My commiss O A THIN SHELBY COUL COMMISSION EXPIRES

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Property Address (and Tax Parcel No.):	Name and Address of Grantor, and Mail Tax Bills To:
0 Lane (parcel number 001119-00004;	American Lebanese Syrian Associated Charities, Inc. 501 St. Jude Place
0 High Street (parcel number 001119- 00005);	MEMPHIS, TN 38105
0 High Street (parcel number 001119- 00006);	
0 Lane (parcel number 00113-00002);	
0 Railroad (parcel number 001130-00003);	
435 N Manassas (parcel number 001130- 00004);	
425 N Manassas (parcel number 001130- 00005) (STREET NAMES MAY VARY)	

# **EXHIBIT A – LEGAL DESCRIPTION**

# 0 Lane, Memphis, TN Parcel Number 001119-00004

BEGINNING at a point in the southerly right-of-way of Lane Avenue (66 feet wide), said point have coordinates of N301 723.51 and E793 322.59 and a station of 14 / 07.36 as measured along the center line of Lane Avenue and being 80.14 feet south 21 degrees 15 minutes East from the point of tangency of a curve in the south line of Lane Avenue As measured along the south line of Lane Avenue; thence South 68 degrees 45 minutes West a distance of 4.76 feet to the most north-easterly corner of the City of Memphis Shops (Not to be acquired parcel); thence with the property line of the City of Memphis Shops South 78 degrees 16 minutes West a distance 31.03 feet to an angle point; thence 71 degrees 29.0 feet to an angle point; thence North 89 degrees 30 minutes West a distance of 54.0 feet to an angle point; thence North 63 degrees 00 minutes West a distance of 39.0 feet to an angle point; thence North 30 degrees 30 minutes West a distance of 63.0 feet to an angle point; thence South 82 degrees 59 minutes West a distance of 30.0 feet to the most northwestern point of the City of Memphis Shops; thence with the westerly line of the City of Memphis Shops South 07 degrees 01 minutes East 48.08' to an angle point in said line: thence South 44 degrees 15 minutes West a distance of 366.24 feet to the north right-of-way line of the Interstate Highway; thence North 57 degrees 23 minutes 50 seconds West with the north right-of-way line of the Interstate Highway a distance of 163.97 feet to an angle point in the Interstate Highway; thence North 18 degrees 32 minutes 30 seconds East a distance of 166.65 feet to an angle point; thence North 43 degrees 53 minutes 34 seconds East a distance of 206.79 feet to an angle point in the Interstate Highway right-of-way; thence North 36 degrees 58 minutes East a distance of 132.49 feet to an angle point; thence North 13 degrees 19 minutes East a distance of 79.31 feet to the South line of Lane Avenue; thence by a curve to the right whose radius is 417 feet a distance of 321.43 feet as measured along the arc of said curve to the point of tangency; thence with the south line of Lane Avenue South 21 degrees East a distance of 80.14 feet to the point of beginning. Containing 151,098 square feet or 3.71 acres.

# 0 High Street Parcel Number 001119-00005

Property as described in Book B-174 and Book 264, Page 302 as recorded in the Register's Office of Shelby County, Tennessee, to which reference is hereby made for a more particular description of said property.

# 0 High Street Parcel Number 001119-00006

BEGINNING at a point in the City of Memphis property that point having Lambert Grid coordinates of N301 401.28 and E 793 368.98 and being the most southeastern point of the City of Memphis property; thence South 85 degrees 26 minutes 19 seconds East a distance of 0.60 feet to the northwesterly line of High Street (66 feet wide); thence South 42 degrees 51 minutes 07 seconds West a distance of 135.26 feet with the northwesterly line of High Street to the

intersection of the proposed Interstate Highway right-of-way; thence with the right -of-way of the Interstate Highway North 74 degrees 07 minutes 55 seconds West a distance of 302.92 feet to an angle point in said right-of way; thence North 57 degrees 25 minutes 50 seconds West a distance of 31.74 feet to the City of Memphis property North 44 degrees 15 minutes East a distance of 106.08 feet to an angle point; thence South 45 degrees 42 minutes East a distance of 75.0 feet to an angle point; thence North 44 degrees 15 minutes East a distance of 92.0 feet to an angle point; thence South 08 degrees 41 minutes 30 seconds east a distance of 115.0 feet to an angle point; thence North 83 degrees 23 minutes East 202.80 feet to the point of beginning. Containing 29,007 square feet.

### 0 Lane Avenue, Memphis, Tennessee

### Parcel Number 001130-00002

BEGINNING at the most southwest corner of Parcel No. 24 in the northeasterly line of New Lane Avenue (66 feet wide) at Station 13 plus 96 (said beginning point having Lambert Grid coordinates of N301 758.00 and E793 379.98) and running thence northwestwardly with the southeast line of Parcel No. 24 on a bearing of north 54 degrees 05 minutes 38 seconds east a distance of 470.02 feet to a point in the south right-of-way line of the L&N R.R., said right -ofway line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line on a bearing of south 70 degrees 24 minutes 08 seconds east a distance of 25.18 feet to an intersection with a west line of Winchester Park; thence with said line south 3 degrees 23 minutes 36 seconds west 114.84 feet; thence north 70 degrees 13 minutes west 96.04 feet; thence south 1 degree 57 minutes east 97 feet to a point; thence south 40 degrees 39 minutes west 85 feet to a point; thence south 68 degrees 09 minutes west 22 feet to a point; thence north 87 degrees 36 minutes west 93 feet to a point; thence north 57 degrees 21 minutes west 40 feet to a point; thence south 41 degrees 39 minutes west 46 feet to a point; thence south 51 degrees 39 minutes west 39 feet to a point; thence south 73 degrees 39 minutes west 37.40 feet to appoint in the northeasterly line of Lane Avenue; thence northwestwardly with the northeast line of Lane Avenue and by a curve to the right whose radius is 417 feet a distance of 11.26 feet as measure along the arc of said curve to the end of the curve; thence continuing with the northwest line of Lane Avenue north 21 degrees 15 minutes west a distance of 19.04 feet to the beginning.

A 30 ft. wide Drainage Easement for Quimby Bayou Culvert is reserved along and adjacent to the N.W. Line for a major portion of its length, curving eastwardly near the Northerly end of the parcel and curving westwardly into Parcel No. 24 and Lane Avenue near the southerly end of the parcel.

Containing 37,015 square feet.

### 0 Railroad, Memphis, Tennessee

### Parcel Number 001130-00003

Part of the Josiah Jackson 7 acres more or less in Country Lot 517, more particularly described as follows:

BEGINNING at a point in the north line of Louisville and Nashville Railroad Right-of-Way and the dividing line between Country Lots 516 and 517; thence in the southerly direction along the aforesaid dividing line 149.3 feet, more or less, to appoint in the north line of "Winchester Cemetery" property; thence in the westerly direction along the aforesaid north line 222 feet; more of less, to a point in the east line for the Saint Subdivision; thence in a northerly direction along the aforesaid east line to a point in the north line of the aforesaid Railroad Right-of-Way; thence in a southeasterly direction along the north line of the Railroad Right-Of-Way 235.5 feet more or less, to the point of beginning. Including herein but excluding therefrom any portion of the above description of land owned by aforesaid Railroad Company and being all of the property remaining in the name of the Tennessee Lumber & Building Material Company, Inc. and being the same property conveyed to the grantor herein by Warranty Deed of Record in Book 4514, Page 374, of the Register's Office of Shelby County, Tennessee. This conveyance is made subject to that part of the property in the Right-of-Way of the L & N Railroad.

435 N Manassas Street AND 425 N Manassas Street Parcel Number 001130-00004 Parcel Number 001130-00005

Two properties as described in Warranty Deed Book 4623, Page 96, as recorded in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

# **EXHIBIT B – EXCEPTIONS**

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All matters of record and all taxes and similar items not yet due and payable including those Easements found of record at Plat Book 26, Page 31 and 32; Plat Book 25, Pages 35 and 36; 16080125; 17023960; 17023961; Plat Book 25, Pages 35 and 36, filed in the Register's Office of Shelby County, Tennessee.

Declaration of Conditions, Covenants and Restrictions at 4808-57-67, filed in the Register's Office of Shelby County, Tennessee.

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Tom Leatherwood, Shelby County Register of Deeds: Instr. # 15046088



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*Tom Leatherwood* Shelby County Register / Archives

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

	046088
05/18/20 4 PGS	15 - 08:27 AM
	15046088
VALUE	660000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2442.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMDUNT	2465.00
TOM I	EATHERWOOD DS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: Tom.Leatherwood@shelbycountytn.gov Join us on Facebook

Instrument prepared by and Return To: **City of Memphis Real Estate Office** 125 N. Main Street Suite 568 Memphis, TN 38103

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# 664 ST. JUDE PLACE QUIT CLAIM DEED

THIS INDENTURE made and entered into this  $\underline{B}$  day of  $\underline{M}$  day of  $\underline{M}$ , 20<u>5</u> by and between the **City of Memphis**, a Municipal Corporation in the State of Tennessee, hereinafter referred to as Grantor; and **American Lebanese Syrian Charities**, Inc. ("ALSAC"), hereinafter referred to as Grantee;

# WITNESSETH:

Pursuant to Resolution adopted by the Council of the City of Memphis on February 3, 2015, for and in consideration of the sum of "Six Hundred Sixty Thousand dollars (\$660,000.00)", from the Grantee, receipt of which is hereby acknowledged, the Grantor hereby conveys and quitclaims unto the Grantee all of its right, title and interest, less and except as provided below, in and to all of the real property located in the County of Shelby, City of Memphis, State of Tennessee, known as <u>664 St. Jude Place</u>, Parcel ID#001130 00001, identified by the Shelby County Tax Assessor as Ward 001, Block 130, Parcel 0001, recorded in book # 4914 page # 261, containing 3.99 acres, more or less, together with all rights, privileges, and appurtenances belonging or appertaining to such land. Such real property being more particularly described to wit:

Being Parcel 24 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32 at the Shelby County Register's Office in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the north line of St. Jude Place (66' ROW) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 151.44 feet to a point in the south line of the former L & N Railroad (ROW Varies); thence S70°24'08"E along the said south line a distance of 316.10 feet to a point; thence S87°39'08"E continuing along the said south line a distance of 84.35 feet to a point; thence S70°24'08"E continuing along the said south line a distance of 202.47 feet to a point in the northwest corner of Parcel 23 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32; thence S54°05'38"W along the west line of said Parcel 23 a distance of 470.02 feet to a point in the said north line of St. Jude Place; thence N21°15'00"W along the said north line a distance of 68.78 feet to a point of curvature; thence along a 483.00 foot radius curve to the left an arc distance of 383.18 feet (chord N43°58'13"W 373.21 feet) to the point of beginning and containing 129,314 square feet or 2.970 acres of land.

The former L&N RR now abandoned and used as a private driveway known as Gene Logan Drive and further described in metes and bounds as being part of the former L & N Railroad property east of Danny Thomas Boulevard in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the south line of former L & N Railroad (ROW Varies) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 52.51 feet to a point; thence N28°10'00"E continuing along the said east line a distance of 50.56 feet to a point in the north line of the said former L & N Railroad, said point also being in the southwest corner of Lot 22A of the Re-subdivision of Lots 20, 21, & 22 of Jackson Avenue Area Subdivision as recorded in Plat Book 180, Page 17; thence along the said north line of former L & N Railroad the following courses: S70°24'08"E a distance of 280.31 feet; S10°24'08"E a distance of 28.87 feet; S70°24'08"E a distance of 241.98 feet; S70°45'23"E a distance of 38.52 feet to a point; thence S19°14'37"W leaving said north line a distance of 50.22 feet

to a point in the said south line of former L & N Railroad, said point also being in the northeast corner of Parcel 24 of the Jackson Avenue Area Subdivision as recorded in Plat Book 26, Page 32; thence along the said south line of former L & N Railroad the following courses: N70°24'08"W a distance of 202.47 feet; N87°39'08"W a distance of 84.35 feet; N70°24'08"W a distance of 316.10 feet to the point of beginning and containing 45,245 square feet or 1.039 acres of land.

The Grantor hereby retains easements for existing utilities, sanitary sewer and drainage facilities recorded and unrecorded located in the above described parcels of real property. Grantor makes no claim or warranty relative to the environmental condition of the above described properties.

It is hereby agreed and understood between the parties, Grantee and Grantor, hereto that if the Grantee seeks a change of zoning or use on the property described herein, notice will be given to the Land Use Control Board and the Memphis City Council.

Signatures on the next page

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by the affixing thereto of the signature of the City of Memphis Mayor, the Mayor being authorized to do so.

City of Memphis A C Wharton Jr., May NOS APPROVED: hirly fard Director of Public Works ity Engineer ot enera Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

14

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

Witness my hand and seal at office in Memphis, Shelby County, Tennessee, this the 13<sup>th</sup> day of March ,2015.

My Commission Expires: 16,2018

M 53

Property Address: 664 St. Jude Memphis, Tennessee, 38105 Property Owner's: ALSAC 501 St. Jude Memphis, TN 38105 Mail Tax Bills to: ALSAC 501 St. Jude Memphis, TN 38105

Ward: 001 Block: 130 Parcel: 001

# STATE OF TENNESSEE COUNTY OF SHELBY

\* ~•

I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater is 660,000.00 which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

SUBSCRIBED AND SWORN TO before me this Ashar

My Commission Expires: MY COMMISSION EXPIRES

an Affiant Lan ħf , 2015 lain Am Notary Public



# *Tom Leatherwood* Shelby County Register

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

180802 08/08/2018	238 02:06 F
8 PGS	
TAMMY 1769367-18080238	
VALUE	332500
MORTGAGE TAX	
TRANSFER TAX	1230
RECORDING FEE	40
DP FEE	
REGISTER'S FEE	
WALK THRU FEE	
	1234

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

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

Memphis Real Estate Departm V. Main Street, Pm Stop Return to: { Memphis, Tennessee 38103

#### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the <u>3/</u> day of July, 2018, by the **CITY OF MEMPHIS**, a Tennessee Municipality, ("Grantor") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and **AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES, INC., aka ALSAC**, a Tennessee not for profit corporation ("Grantee") whose address is 501 St. Jude Place, Memphis, Tennessee 38105.

#### WITNESSESTH:

A. Grantor holds legal title to those certain real properties commonly known as 0 Lane (parcel number 001119-00004; 0 High Street (parcel number 001119-00005); 0 High Street (parcel number 001119-00006); 0 Lane (parcel number 00113-00002); 0 Railroad (parcel number 001130-00003); 435 N Manassas (parcel number 001130-00004); and 425 N Manassas (parcel number 001130-00005) (property addresses may vary) and are more particularly described in Exhibit A attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same properties conveyed to Grantor by Deeds of record at Book 4914, Page 251 dated September 13, 1962; Book 4914, Page 265 dated September 13, 1962; Instrument Number B-174; Book 264, Page 302 dated August 8, 1898; Book 4914, Page 257 dated September 13, 1962 and filed in the Register's Office of Shelby County, Tennessee.

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

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

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever.

Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

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

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

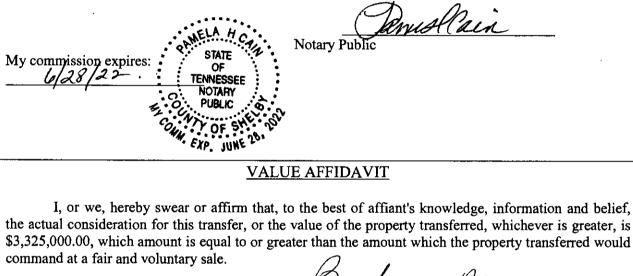
**Grantor:** f Membhi Jim Strickland 'Mavor APPROVED: **Sttornev** MEST: Comn VA N City Engineer ctor of General Service

Real Estate Manager

#### STATE OF TENNESSEE COUNTY OF SHELBY

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

WITNESS my hand and Notarial Seal at office on this, the 31 day of July, 2018.



Affiant Subscribed and sworn to before me on this, the 2018. MANHAMMAN My commiss O A THIN SHELBY COUL COMMISSION EXPIRES

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Property Address (and Tax Parcel No.):	Name and Address of Grantor, and Mail Tax Bills To:
0 Lane (parcel number 001119-00004;	American Lebanese Syrian Associated Charities, Inc. 501 St. Jude Place
0 High Street (parcel number 001119- 00005);	MEMPHIS, TN 38105
0 High Street (parcel number 001119- 00006);	
0 Lane (parcel number 00113-00002);	
0 Railroad (parcel number 001130-00003);	· · ·
435 N Manassas (parcel number 001130- 00004);	
425 N Manassas (parcel number 001130- 00005) (STREET NAMES MAY VARY)	
(STREET NAMES MAT VANT)	

# **EXHIBIT A – LEGAL DESCRIPTION**

# 0 Lane, Memphis, TN Parcel Number 001119-00004

BEGINNING at a point in the southerly right-of-way of Lane Avenue (66 feet wide), said point have coordinates of N301 723.51 and E793 322.59 and a station of 14 / 07.36 as measured along the center line of Lane Avenue and being 80.14 feet south 21 degrees 15 minutes East from the point of tangency of a curve in the south line of Lane Avenue As measured along the south line of Lane Avenue; thence South 68 degrees 45 minutes West a distance of 4.76 feet to the most north-easterly corner of the City of Memphis Shops (Not to be acquired parcel); thence with the property line of the City of Memphis Shops South 78 degrees 16 minutes West a distance 31.03 feet to an angle point; thence 71 degrees 29.0 feet to an angle point; thence North 89 degrees 30 minutes West a distance of 54.0 feet to an angle point; thence North 63 degrees 00 minutes West a distance of 39.0 feet to an angle point; thence North 30 degrees 30 minutes West a distance of 63.0 feet to an angle point; thence South 82 degrees 59 minutes West a distance of 30.0 feet to the most northwestern point of the City of Memphis Shops; thence with the westerly line of the City of Memphis Shops South 07 degrees 01 minutes East 48.08' to an angle point in said line: thence South 44 degrees 15 minutes West a distance of 366.24 feet to the north right-of-way line of the Interstate Highway; thence North 57 degrees 23 minutes 50 seconds West with the north right-of-way line of the Interstate Highway a distance of 163.97 feet to an angle point in the Interstate Highway; thence North 18 degrees 32 minutes 30 seconds East a distance of 166.65 feet to an angle point; thence North 43 degrees 53 minutes 34 seconds East a distance of 206.79 feet to an angle point in the Interstate Highway right-of-way; thence North 36 degrees 58 minutes East a distance of 132.49 feet to an angle point; thence North 13 degrees 19 minutes East a distance of 79.31 feet to the South line of Lane Avenue; thence by a curve to the right whose radius is 417 feet a distance of 321.43 feet as measured along the arc of said curve to the point of tangency; thence with the south line of Lane Avenue South 21 degrees East a distance of 80.14 feet to the point of beginning. Containing 151,098 square feet or 3.71 acres.

### 0 High Street Parcel Number 001119-00005

Property as described in Book B-174 and Book 264, Page 302 as recorded in the Register's Office of Shelby County, Tennessee, to which reference is hereby made for a more particular description of said property.

### 0 High Street Parcel Number 001119-00006

BEGINNING at a point in the City of Memphis property that point having Lambert Grid coordinates of N301 401.28 and E 793 368.98 and being the most southeastern point of the City of Memphis property; thence South 85 degrees 26 minutes 19 seconds East a distance of 0.60 feet to the northwesterly line of High Street (66 feet wide); thence South 42 degrees 51 minutes 07 seconds West a distance of 135.26 feet with the northwesterly line of High Street to the

intersection of the proposed Interstate Highway right-of-way; thence with the right -of-way of the Interstate Highway North 74 degrees 07 minutes 55 seconds West a distance of 302.92 feet to an angle point in said right-of way; thence North 57 degrees 25 minutes 50 seconds West a distance of 31.74 feet to the City of Memphis property North 44 degrees 15 minutes East a distance of 106.08 feet to an angle point; thence South 45 degrees 42 minutes East a distance of 75.0 feet to an angle point; thence North 44 degrees 15 minutes East a distance of 92.0 feet to an angle point; thence South 08 degrees 41 minutes 30 seconds east a distance of 115.0 feet to an angle point; thence North 83 degrees 23 minutes East 202.80 feet to the point of beginning. Containing 29,007 square feet.

#### 0 Lane Avenue, Memphis, Tennessee

#### Parcel Number 001130-00002

BEGINNING at the most southwest corner of Parcel No. 24 in the northeasterly line of New Lane Avenue (66 feet wide) at Station 13 plus 96 (said beginning point having Lambert Grid coordinates of N301 758.00 and E793 379.98) and running thence northwestwardly with the southeast line of Parcel No. 24 on a bearing of north 54 degrees 05 minutes 38 seconds east a distance of 470.02 feet to a point in the south right-of-way line of the L&N R.R., said right -ofway line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line on a bearing of south 70 degrees 24 minutes 08 seconds east a distance of 25.18 feet to an intersection with a west line of Winchester Park; thence with said line south 3 degrees 23 minutes 36 seconds west 114.84 feet; thence north 70 degrees 13 minutes west 96.04 feet; thence south 1 degree 57 minutes east 97 feet to a point; thence south 40 degrees 39 minutes west 85 feet to a point; thence south 68 degrees 09 minutes west 22 feet to a point; thence north 87 degrees 36 minutes west 93 feet to a point; thence north 57 degrees 21 minutes west 40 feet to a point; thence south 41 degrees 39 minutes west 46 feet to a point; thence south 51 degrees 39 minutes west 39 feet to a point; thence south 73 degrees 39 minutes west 37.40 feet to appoint in the northeasterly line of Lane Avenue; thence northwestwardly with the northeast line of Lane Avenue and by a curve to the right whose radius is 417 feet a distance of 11.26 feet as measure along the arc of said curve to the end of the curve; thence continuing with the northwest line of Lane Avenue north 21 degrees 15 minutes west a distance of 19.04 feet to the beginning.

A 30 ft. wide Drainage Easement for Quimby Bayou Culvert is reserved along and adjacent to the N.W. Line for a major portion of its length, curving eastwardly near the Northerly end of the parcel and curving westwardly into Parcel No. 24 and Lane Avenue near the southerly end of the parcel.

Containing 37,015 square feet.

#### 0 Railroad, Memphis, Tennessee

#### Parcel Number 001130-00003

Part of the Josiah Jackson 7 acres more or less in Country Lot 517, more particularly described as follows:

BEGINNING at a point in the north line of Louisville and Nashville Railroad Right-of-Way and the dividing line between Country Lots 516 and 517; thence in the southerly direction along the aforesaid dividing line 149.3 feet, more or less, to appoint in the north line of "Winchester Cemetery" property; thence in the westerly direction along the aforesaid north line 222 feet; more of less, to a point in the east line for the Saint Subdivision; thence in a northerly direction along the aforesaid east line to a point in the north line of the aforesaid Railroad Right-of-Way; thence in a southeasterly direction along the north line of the Railroad Right-Of-Way 235.5 feet more or less, to the point of beginning. Including herein but excluding therefrom any portion of the above description of land owned by aforesaid Railroad Company and being all of the property remaining in the name of the Tennessee Lumber & Building Material Company, Inc. and being the same property conveyed to the grantor herein by Warranty Deed of Record in Book 4514, Page 374, of the Register's Office of Shelby County, Tennessee. This conveyance is made subject to that part of the property in the Right-of-Way of the L & N Railroad.

435 N Manassas Street AND 425 N Manassas Street Parcel Number 001130-00004 Parcel Number 001130-00005

Two properties as described in Warranty Deed Book 4623, Page 96, as recorded in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

# **EXHIBIT B – EXCEPTIONS**

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All matters of record and all taxes and similar items not yet due and payable including those Easements found of record at Plat Book 26, Page 31 and 32; Plat Book 25, Pages 35 and 36; 16080125; 17023960; 17023961; Plat Book 25, Pages 35 and 36, filed in the Register's Office of Shelby County, Tennessee.

Declaration of Conditions, Covenants and Restrictions at 4808-57-67, filed in the Register's Office of Shelby County, Tennessee.

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Tom Leatherwood, Shelby County Register of Deeds: Instr. # 15046088



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*Tom Leatherwood* Shelby County Register / Archives

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

	046088
05/18/2 4 PGS	015 - 08:27 AM
	1-15046088
VALUE	660000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2442.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	2465.00
TOM	LEATHERWOOD EDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: Tom.Leatherwood@shelbycountytn.gov Join us on Facebook

Instrument prepared by and Return To: **City of Memphis Real Estate Office** 125 N. Main Street Suite 568 Memphis, TN 38103

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# 664 ST. JUDE PLACE QUIT CLAIM DEED

THIS INDENTURE made and entered into this  $\underline{B}$  day of  $\underline{M}$  day of  $\underline{M}$ , 20<u>5</u> by and between the **City of Memphis**, a Municipal Corporation in the State of Tennessee, hereinafter referred to as Grantor; and **American Lebanese Syrian Charities**, Inc. ("ALSAC"), hereinafter referred to as Grantee;

# WITNESSETH:

Pursuant to Resolution adopted by the Council of the City of Memphis on February 3, 2015, for and in consideration of the sum of "Six Hundred Sixty Thousand dollars (\$660,000.00)", from the Grantee, receipt of which is hereby acknowledged, the Grantor hereby conveys and quitclaims unto the Grantee all of its right, title and interest, less and except as provided below, in and to all of the real property located in the County of Shelby, City of Memphis, State of Tennessee, known as <u>664 St. Jude Place</u>, Parcel ID#001130 00001, identified by the Shelby County Tax Assessor as Ward 001, Block 130, Parcel 0001, recorded in book # 4914 page # 261, containing 3.99 acres, more or less, together with all rights, privileges, and appurtenances belonging or appertaining to such land. Such real property being more particularly described to wit:

Being Parcel 24 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32 at the Shelby County Register's Office in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the north line of St. Jude Place (66' ROW) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 151.44 feet to a point in the south line of the former L & N Railroad (ROW Varies); thence S70°24'08"E along the said south line a distance of 316.10 feet to a point; thence S87°39'08"E continuing along the said south line a distance of 84.35 feet to a point; thence S70°24'08"E continuing along the said south line a distance of 202.47 feet to a point in the northwest corner of Parcel 23 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32; thence S54°05'38"W along the west line of said Parcel 23 a distance of 470.02 feet to a point in the said north line of St. Jude Place; thence N21°15'00"W along the said north line a distance of 68.78 feet to a point of curvature; thence along a 483.00 foot radius curve to the left an arc distance of 383.18 feet (chord N43°58'13"W 373.21 feet) to the point of beginning and containing 129,314 square feet or 2.970 acres of land.

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to a point in the said south line of former L & N Railroad, said point also being in the northeast corner of Parcel 24 of the Jackson Avenue Area Subdivision as recorded in Plat Book 26, Page 32; thence along the said south line of former L & N Railroad the following courses: N70°24'08"W a distance of 202.47 feet; N87°39'08"W a distance of 84.35 feet; N70°24'08"W a distance of 316.10 feet to the point of beginning and containing 45,245 square feet or 1.039 acres of land.

The Grantor hereby retains easements for existing utilities, sanitary sewer and drainage facilities recorded and unrecorded located in the above described parcels of real property. Grantor makes no claim or warranty relative to the environmental condition of the above described properties.

It is hereby agreed and understood between the parties, Grantee and Grantor, hereto that if the Grantee seeks a change of zoning or use on the property described herein, notice will be given to the Land Use Control Board and the Memphis City Council.

Signatures on the next page

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by the affixing thereto of the signature of the City of Memphis Mayor, the Mayor being authorized to do so.

City of Memphis A C Wharton Jr., May NOS APPROVED: hirly fard Director of Public Works ity Engineer ot enera Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

14

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

Witness my hand and seal at office in Memphis, Shelby County, Tennessee, this the 13<sup>th</sup> day of March ,2015.

My Commission Expires: 16,2018

M 53

Property Address: 664 St. Jude Memphis, Tennessee, 38105 Property Owner's: ALSAC 501 St. Jude Memphis, TN 38105 Mail Tax Bills to: ALSAC 501 St. Jude Memphis, TN 38105

Ward: 001 Block: 130 Parcel: 001

# STATE OF TENNESSEE COUNTY OF SHELBY

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I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater is 660,000.00 which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

SUBSCRIBED AND SWORN TO before me this Ashar

My Commission Expires: MY COMMISSION EXPIRES

an Affiant Lan ħf , 2015 lain Am Notary Public

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

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

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

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



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

April 11, 2024

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

Sent via electronic mail to: jwhitehead@bpjlaw.com

Case Number: SAC 2024-005 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 11, 2024, the Memphis and Shelby County Land Use Control Board recommended approval with conditions of your right-of-way vacation application to close and vacate a portion of St. Jude Place east of Danny Thomas Blvd., subject to the following conditions:

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

# Letter to Applicant SAC 2024-005

requirements of IFC 503.2.5 Dead Ends(amended).

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

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

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

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

Respectfully,

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

Cc: File