

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024
DATE
PUBLIC SESSION: 09/10/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 5050 Summer Avenue, known as case number SUP 2024 – 012

CASE NUMBER: SUP 2024 – 012

LOCATION: 5050 Summer Avenue

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

OWNER/APPLICANT: Cesar Flores, Flores Auto Sales and Repair, LLC

REPRESENTATIVE: Ray West, Ray West Designs

REQUEST: Special Use Permit to allow used vehicle sales

AREA: +/- 42, 253 Square Feet

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

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

PRIOR ACTION ON ITEM:

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

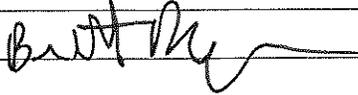
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 2024 – 012

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 5050 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2024 – 012

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024 – 012

LOCATION: 5050 Summer Avenue

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

OWNER/APPLICANT: Cesar Flores, Flores Auto Sales and Repair, LLC

REPRESENTATIVE: Ray West, Ray West Designs

REQUEST: Special use permit to allow vehicle sales (used)

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

AREA: +/- 42, 253 Square Feet

The following spoke in support of the application: Ray West

The following spoke in opposition the application: None

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

The motion passes by a vote of 9 – 0 on the regular agenda.

Respectfully,



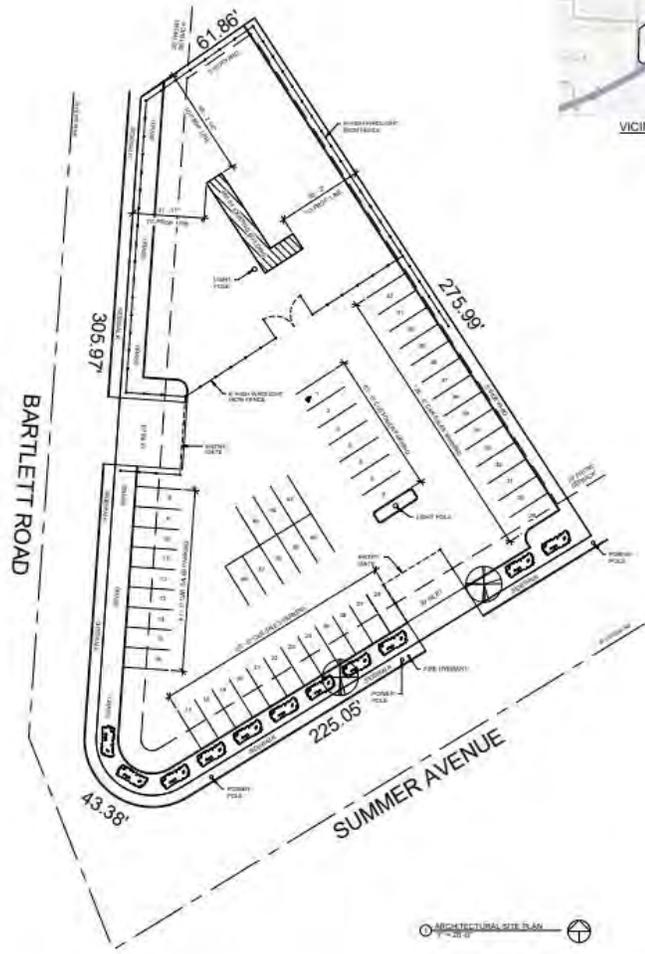
Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 2024 – 012
CONDITIONS

1. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with the UDC Section 4.6.9.
2. In compliance with Paragraph 2.6.3P(1), Class III landscaping buffers shall be implemented along the rear and side property lines along Bartlett Road.
3. The applicant shall identify the dimensions of all signage to the site and signage shall be in compliance with the CMU-3 Zoning District; however, detached signs shall be designed as monument signs only.
4. The applicant shall maintain the existing six (6) foot-height wrought iron fence at the perimeter of the site.
5. A building permit shall be filed and issued for the proposed +/- 480 square foot office space.
6. In compliance with Paragraph 2.6.3P(3), functioning restrooms, in accordance with Building Code, shall be provided.
7. The proposed office space shall be placed on a foundation of solid material.
8. Vehicles shall not be parked or stored in planting areas and storage of any material or item shall be prohibited in any outdoor parking stall.
9. Any road testing shall be restricted to nonresidential areas.
10. The repair and/or servicing of vehicles are prohibited onsite.
11. Outdoor speaker systems are a prohibited use for this property.
12. In compliance with Paragraph 2.6.3P(3)(e), all outdoor lighting shall be directed downward and not glare into residential properties and shall be in compliance with the UDC Chapter 4.7.
13. A "0" foot-candle rating shall be provided where the site is adjacent to single-family zoning.
14. The applicant shall submit a final plan for the site and building elevations, to include building material to DPD prior to case being heard at the Memphis City Council.

SITE PLAN



MEMPHIS, TN 38122

JOB NAME AND ADDRESS:
FLORES AUTO SALES & SERVICE LLC.
 5050 SUMMER AVENUE, MEMPHIS, TN 38122
 SUP 2024 - 012

SHEET TITLE:
ARCHITECTURAL SITE PLAN
 DATE:
 JUNE 28, 2024

A1
 SHEET NO.

02/28/2024 10:42:22 AM

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 5050 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2024 – 012

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

WHEREAS, Cesar Flores, Flores Auto Sales and Repair, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow used vehicle sales; and

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

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

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

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

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

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

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

CONDITIONS

1. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with the UDC Section 4.6.9.
2. In compliance with Paragraph 2.6.3P(1), Class III landscaping buffers shall be implemented along the rear and side property lines along Bartlett Road.
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14. The applicant shall submit a final plan for the site and building elevations, to include building material to DPD prior to case being heard at the Memphis City Council.

ATTEST:

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

AGENDA ITEM: 14 **L.U.C.B. MEETING:** August 8, 2024
CASE NUMBER: SUP 2024-012
LOCATION: 5050 Summer Avenue
COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Cesar Flores, Flores Auto Sales and Repair, LLC
REPRESENTATIVE: Ray West, Ray West Designs
REQUEST: Special use permit to allow vehicle sales (used)
EXISTING ZONING: Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

1. The subject property is currently vacant.
2. A Special Use Permit (SUP 2015 – 208) was previously approved at Land Use Control Board with conditions ‘to allow used auto sales within the CMU-3 zoning’.
3. SUP 2015 - 208 was approved by City Council July 07, 2015.
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.

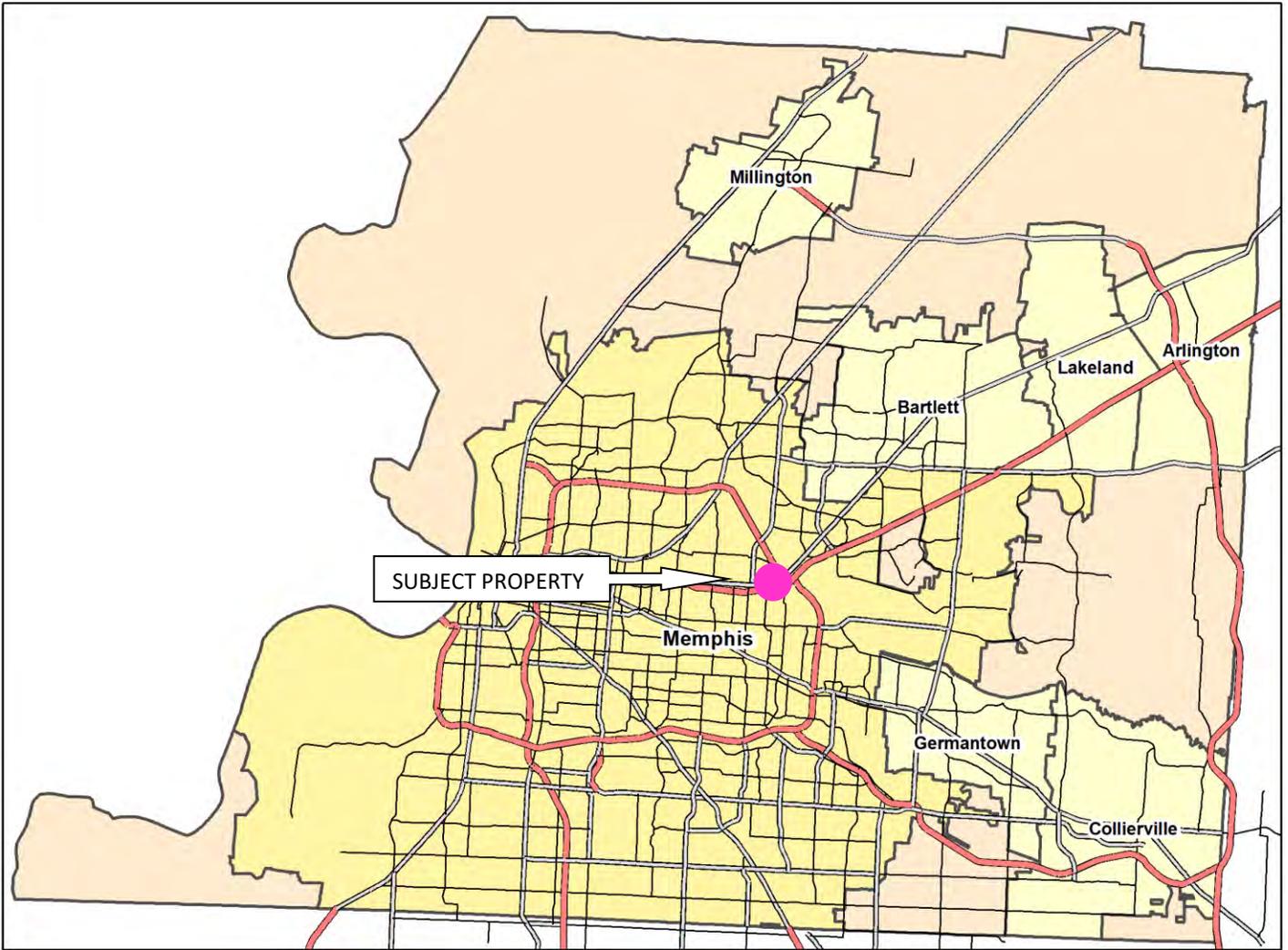
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 18 - 20 of this report.

RECOMMENDATION:

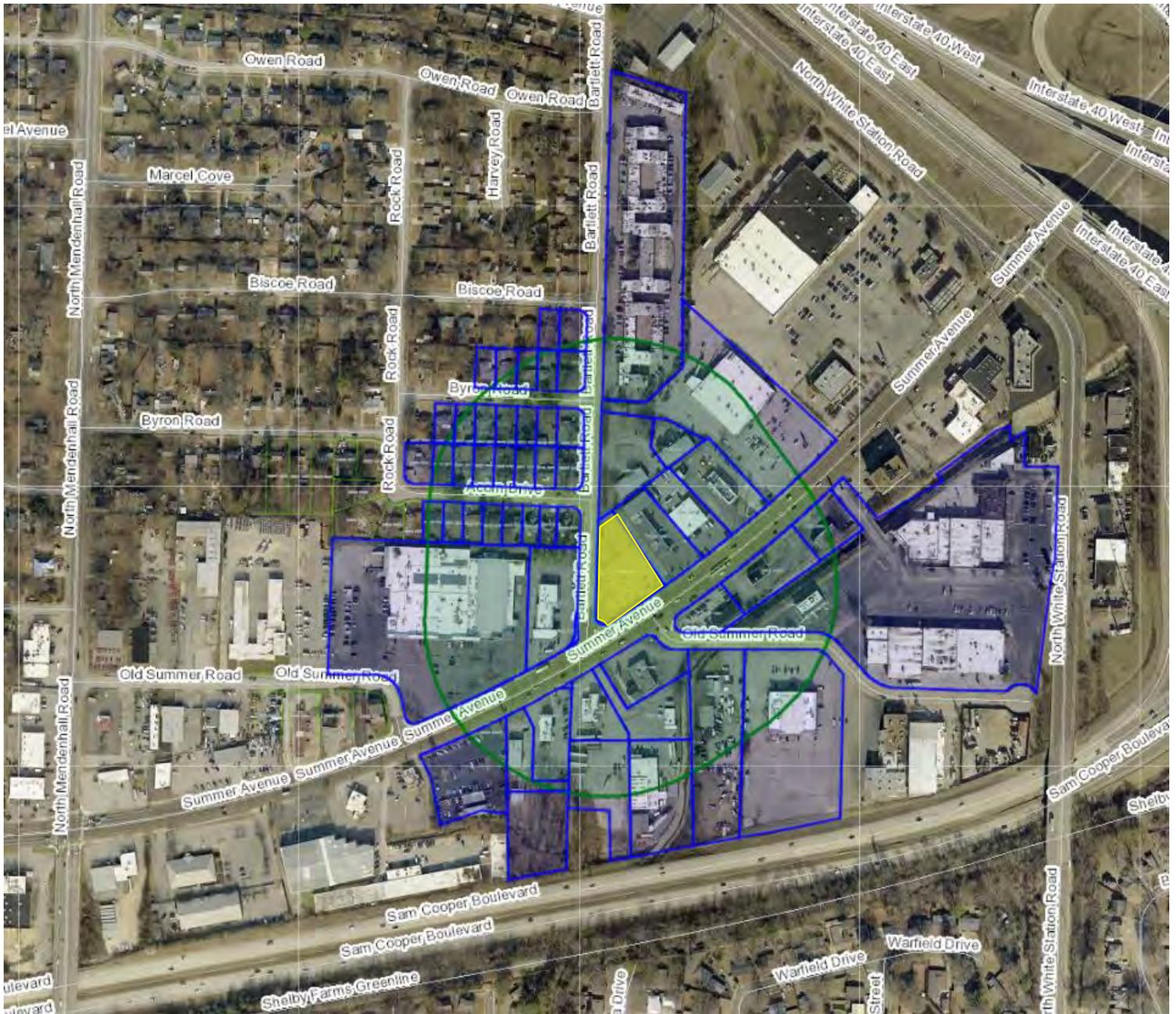
Rejection

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 57 notices were mailed on July 11, 2024, see pages 21 - 22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 12: 00 PM on Thursday, July 11, 2024, at La Guadalupana, 4818 Summer Avenue.

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Summer Avenue.



View of subject property from Summer Avenue looking South.

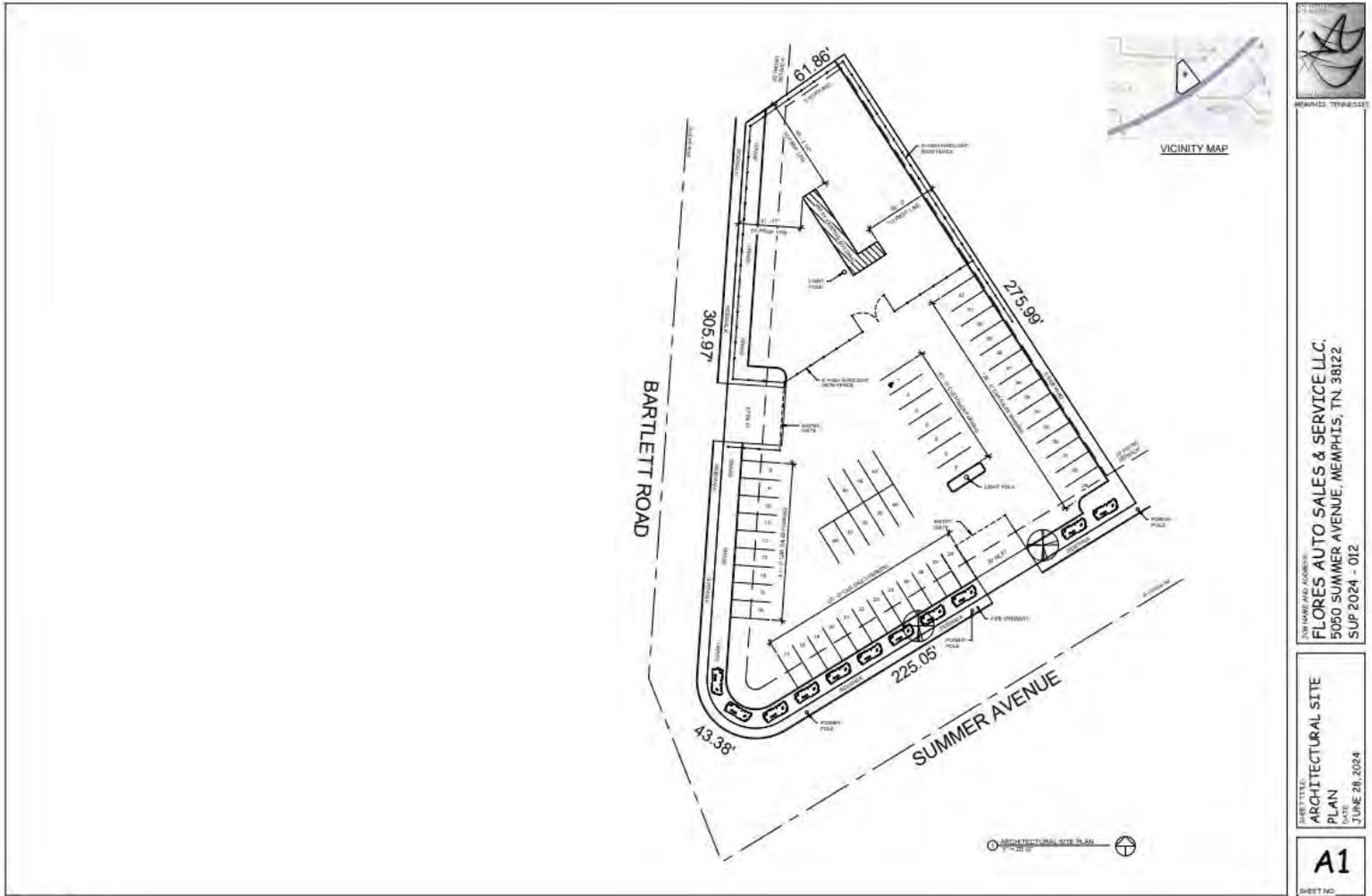


View of subject property from Bartlett Road.



View of subject property from corner of Bartlett Road.

SITE PLAN



EXISTING BUILDING ON PROPERTY TO REMAIN



CASE REVIEW

Request

The request is a special use permit to allow vehicle sales (used).

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:
5050 Summer Avenue

Parcel ID:
063071 00020

Area:
+/-42, 253 square feet

Description:

The subject property is zoned Commercial Mixed Use – 3 (CMU-3). The lot has two street frontages: one along Bartlett Road and the other along Summer Avenue. There is currently a 6-foot wrought iron fence along majority of Bartlett Road frontage starting at the beginning of the Bartlett Road curb cut that is set to remain. There is a +/- 480 square foot trailer pod type structure on the property that is intended for office space on the property, see page 12 for reference.

Site Plan Review

- The applicant is proposing to utilize a +/- 480 square foot building for office space that will be located +/- 48 feet from the rear property line and +/- 31 feet from side property line along Bartlett Road.
- The office space will be located within the boundaries of the existing wrought iron fence.
- There are no designated parking spaces shown to be located within the boundaries of the wrought iron fence.
- There are seven (7) designated parking spaces for customers and forty-three (43) parking spaces designated for car sales.
- Landscaping stops at the corner of Bartlett Road and needs to be implemented along Bartlett Road.
- There is proposed landscaping along the Summer Avenue frontage that shall be extended along the Bartlett Road frontage.
- The applicant is proposing to utilize the existing curb cuts having two points of access, a +/- 30-foot inlet along Summer Avenue and Bartlett Road.

Analysis

The subject property is located within the CMU-3 zoning district and abuts a residential zoning district to the north. There are residential zoned properties adjacent located to the west across Bartlett Road. The land use designation is identified as parking. The subject property is surrounded by a mix of commercial, office and single-family land designations. The proposed use for this property was deemed inconsistent with Memphis 3.0 given that the intended use does not meet the Low Intensity Commercial future land use designation. Staff's recommendation is to remain in keeping with anticipated future land use of the property regarding intensity and density of the proposed use. Therefore, staff will be recommending rejection.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following conditions:

Conditions

1. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with the UDC Section 4.6.9.
2. In compliance with Paragraph 2.6.3P(1), Class III landscaping buffers shall be implemented along the rear and side property lines along Bartlett Road.
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13. A "0" foot-candle rating shall be provided where the site is adjacent to single-family zoning.
14. The applicant shall submit a final plan for the site and building elevations, to include building material to DPD prior to case being heard at the Memphis City Council.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer will not be determined until the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept then, a determination can be made as to available sewer capacity.

3. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.

4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.

5. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

Roads:

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

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

Traffic Control Provisions:

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

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

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

Curb Cuts/Access:

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

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

13. Will require engineering ASPR.

General Notes:

14. Development is located within a sensitive drainage basin and detention is required.

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

crossings.

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

17. 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.

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

City Fire Division:

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

· Fire apparatus access shall comply with section 503.

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

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

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

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

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

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See pages 18 – 20.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-012: Jackson.

Site Address/Location: 5050 SUMMER 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 a Special Use Permit to build a used car dealership on Summer Ave.

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.

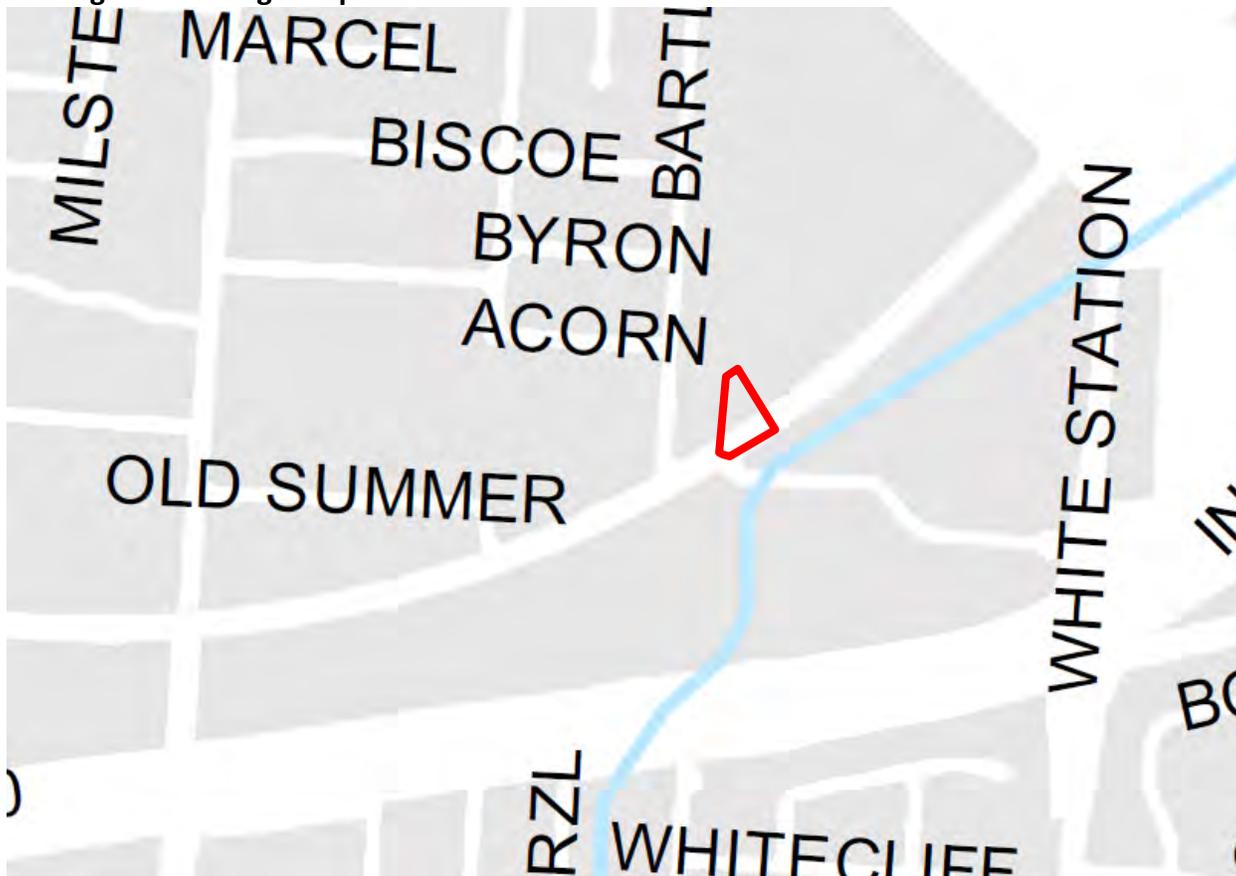
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Single-family and Vacant Land; R-6 and R-8

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed used car dealership is too intense for low-intensity commercial and is incompatible with the neighboring residential.*

3. Degree of Change Map



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

4. Degree of Change Description: N/A

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

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is requesting a Special Use Permit to build a used car dealership on Summer Ave.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed used car dealership is too intense for low-intensity commercial and is incompatible with the neighboring residential.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

57 Notices Mailed on 07/11/2024.



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024 – 012
LOCATION: 5050 Summer Avenue
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Cesar Flores
REQUEST: Special use permit to allow vehicle sales (used) in the Commercials Mixed Use – 3 (CMU-3) District.

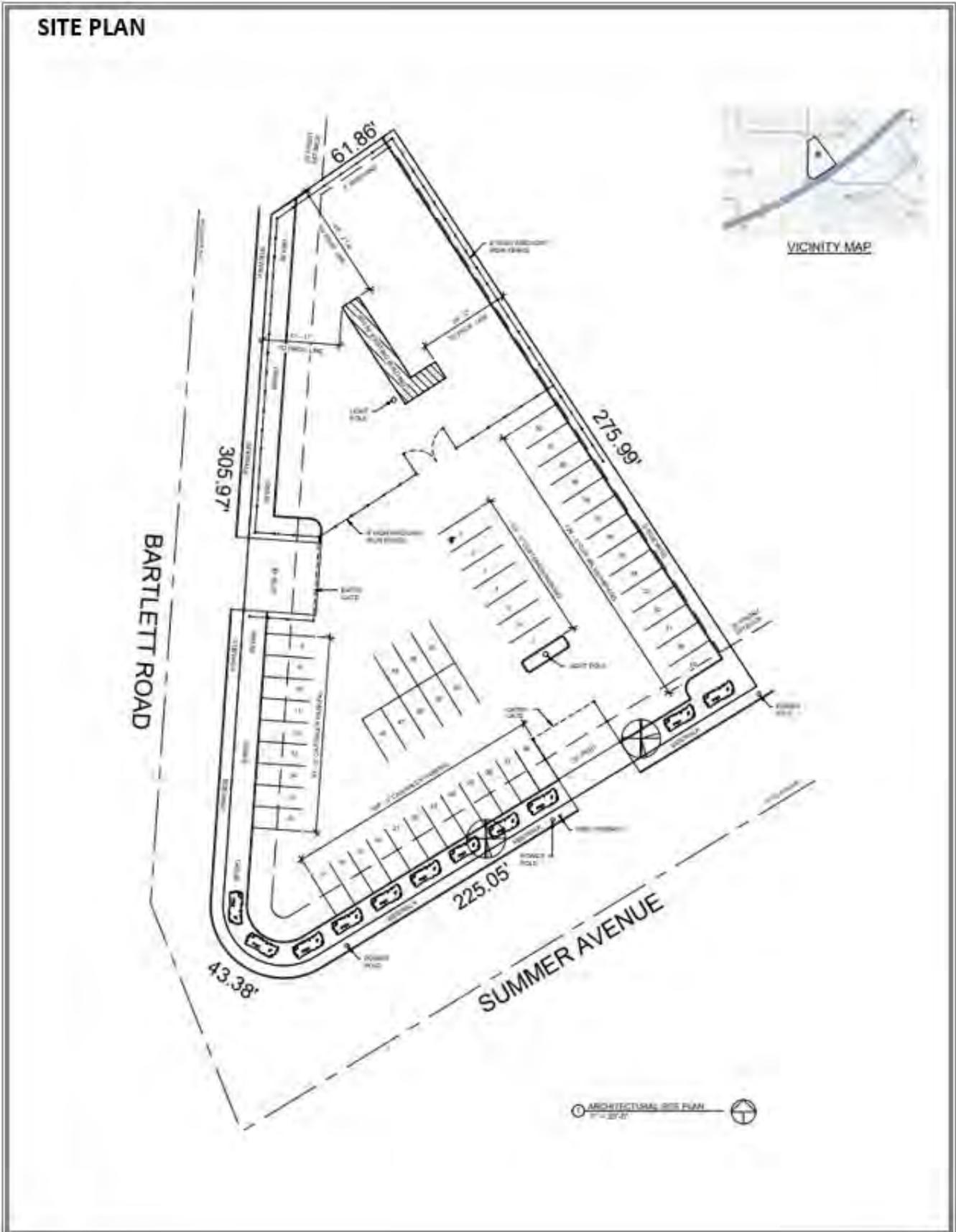
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

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

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

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

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



SIGN AFFIDAVIT

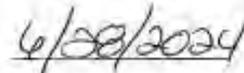
AFFIDAVIT

Shelby County
State of Tennessee

I, **Ray West**, being duly sworn, depose and say that at **12:35 pm** on the 15th day of June, 2024 I posted one Public Notice Sign pertaining to Case No. **SUP 2024-012** to the fence in front of the property located at 5050 Summer Avenue, Memphis, Tn. 38122, providing notice of a Public Hearing before the **JULY 17, 2024** Land Use Control Board for consideration of a proposed Land Use Action (Special Use Permit), a photograph of said sign being attached hereon and a copy of the sign purchase receipt is also attached with this affidavit.

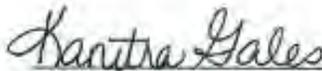


Owner, Applicant or Representative



Date

Subscribed and sworn to before me this 28 day of June, 2024



Notary Public

My Commission expires: February 7, 2027



APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: February 29, 2024

Record Number: SUP 2024-012

Expiration Date:

Record Name: FLORES AUTO SALES & REPAIR LLC

Description of Work: used car dealer

Parent Record Number:

Address:

5050 SUMMER AVE, MEMPHIS 38122

Owner Information

Primary Owner Name

Y KHMOUS RAFAT AND TALAAT KHMOUS

Owner Address

5050 SUMMER AVE, MEMPHIS, TN 38122

Owner Phone

Parcel Information

063071 00020

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner cesar flores

Date of Meeting -

Pre-application Meeting Type -

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

GENERAL PROJECT INFORMATION

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

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

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare no

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

UDC Sub-Section 9.6.9C yes

UDC Sub-Section 9.6.9D no

UDC Sub-Section 9.6.9E yes

UDC Sub-Section 9.6.9F no

GIS INFORMATION

Case Layer BOA1938-054-CO, SUP15-208, SUP2020-009

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3

State Route -

Lot -

Subdivision SUMMER-WHITE STATION

Planned Development District -

Wellhead Protection Overlay District No

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1542029	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/29/2024
1542029	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/29/2024
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, KHMOUS RAHAT
read the definition of
(Print Name)

[Signature], state that I have
(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
5050 Summer Ave.

and further identified by Assessor's Parcel Number
063071 00020

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

LETTER OF INTENT

Flores Auto Sales & Service LLC.
5050 Summer Ave
Memphis, Tn. 38122

02/27/2024

Dear all members of the board:

We are writing this letter with the intent to improve the commercial property and permission to gain a SUP for the location at 5050 Summer Ave Memphis TN. 38122 to be used as a Used car dealer. We will keep up the maintenance on the site. Also, we will have affordable vehicles for customers throughout the surrounding area.

Respectfully,


Flores Auto Sales & repair LLC.

LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: February 29, 2024

Record Number: SUP 2024-012

Expiration Date:

Record Name: FLORES AUTO SALES & REPAIR LLC

Description of Work: used car dealer

Parent Record Number:

Address:

5050 SUMMER AVE, MEMPHIS 38122

Owner Information

Primary Owner Name

Y KHMOUS RAFAT AND TALAAT KHMOUS

Owner Address

5050 SUMMER AVE, MEMPHIS, TN 38122

Owner Phone

Parcel Information

063071 00020

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner cesar flores

Date of Meeting -

Pre-application Meeting Type -

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UDC Sub-Section 9.6.9C yes

UDC Sub-Section 9.6.9D no

UDC Sub-Section 9.6.9E yes

UDC Sub-Section 9.6.9F no

GIS INFORMATION

Case Layer BOA1938-054-CO, SUP15-208, SUP2020-009

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3

State Route -

Lot -

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Flores Auto Sales & Service LLC.

5050 Summer Ave

Memphis, Tn. 38122

02/27/2024

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Respectfully,

Flores Auto Sales & repair LLC.

A handwritten signature in black ink, appearing to be 'Flores', written over the printed name of the company.

SITE PLAN

5050 Summer Ave

Memphis, TN 38122

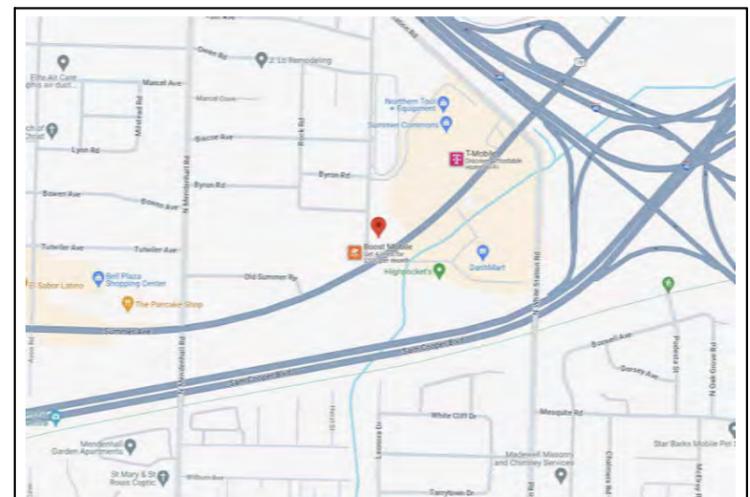
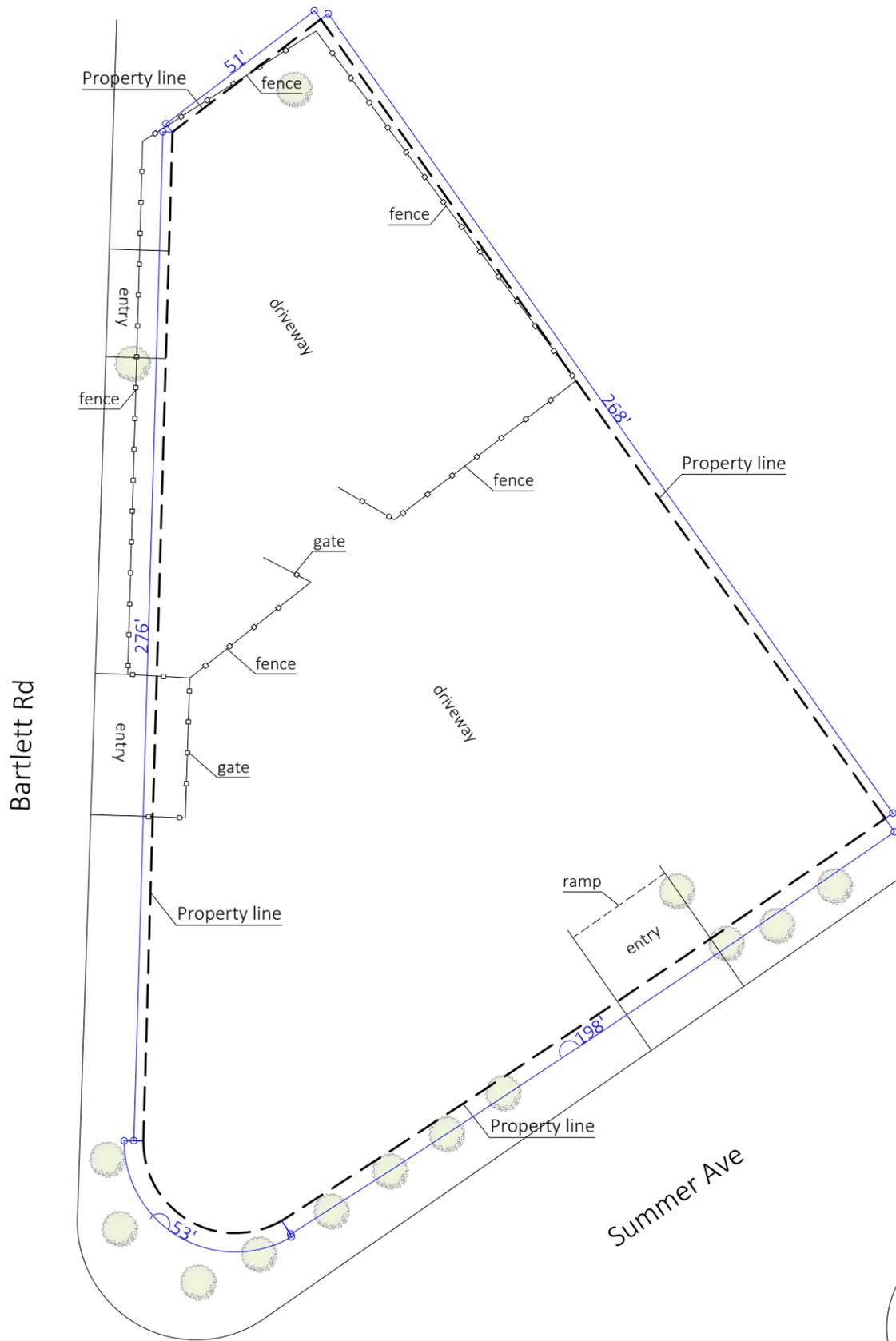
Parcel ID: 063-071- - -00020

Lot area: 0.98 Acres

Paper Size: 11"x17"



scale 1"=40'



VICINITY MAP

SITE PLAN

5050 Summer Ave

Memphis, TN 38122

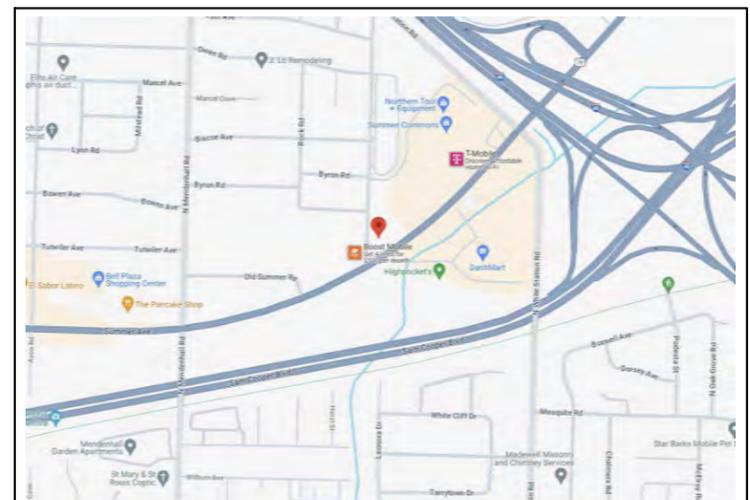
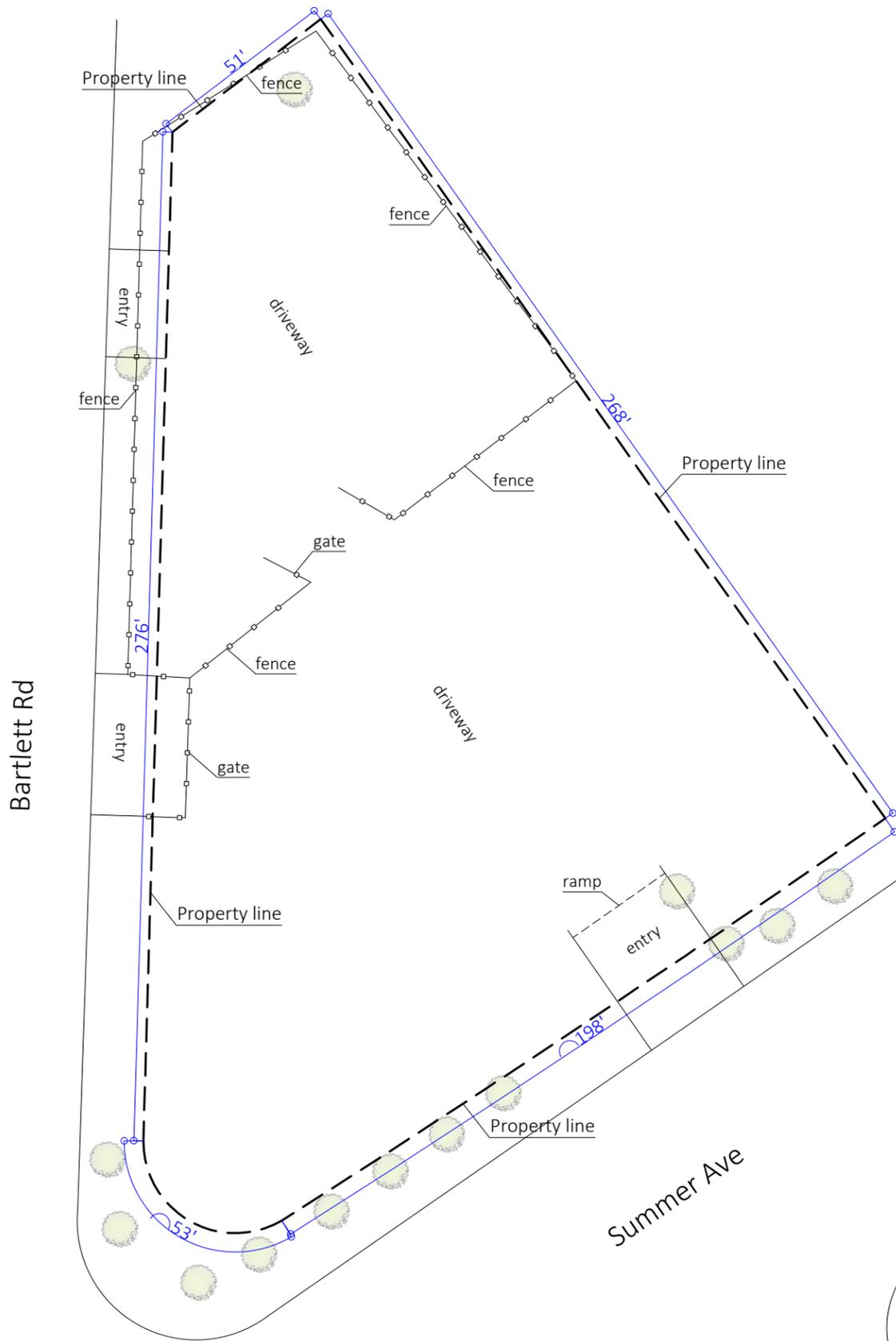
Parcel ID: 063-071- - -00020

Lot area: 0.98 Acres

Paper Size: 11"x17"



scale 1"=40'



VICINITY MAP



Legend

- polylineLayer**
- Override 1
- Overlay Districts**
- ▨ Central Business Improvement District
 - ▨ Downtown Fire District
 - ▨ Fletcher Creek Overlay
 - ▨ Medical District Overlay
 - ▨ Midtown Overlay
 - ▨ Transit Overlay District Overlay
 - ▨ University District Overlay
 - ▨ Residential Corridors
 - ▨ Moratorium Zones
 - ▨ Brown Field Properties
- Street Frontage Overlay District**
- Shopfront
 - Pedestrian
 - Urban
 - Transitional
 - Commercial
- Flood Zones**
- Area of Minimal Flood Hazard
 - Area with Reduced Flood Risk Due to Levee
 - 0.2 % Annual Chance Flood Hazard
 - Floodplain
 - Floodway
 - Parcels



Map prepared through Shelby County Government's online mapping Portal on 2/29/2024

0 0.015 0.03 0.045 0.06 mi





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

ZV 2024-002

January 4, 2024

Jorge Flores
maureenvaldez72@gmail.com

RE: Certificate of Zoning Parcel ID No.
5050 Summer Avenue 063071 00020

Dear Applicant,

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

We have examined the City of Memphis and Shelby County zoning atlas (Panel #2045) and the Unified Development Code (zoning ordinance) and make the following findings:

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

Commercial Mixed-Use – 3 (CMU-3) District.

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

No, it is not within an Overlay District.

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

There do not appear to be any special zoning dispensations that apply to the subject property.

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

Non-permitted use.

It appears there was a Special Use Permit applied for and obtained in 2015 (SUP 2015-208) for the sale of used motor vehicles. However, it does not appear this Special Use Permit was ever acted upon, and therefore has expired.

Therefore, the sale of motor vehicles requires a Special Use Permit at this location, subject to the approval of the Land Use Control Board and subsequently the Memphis City Council.

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

P. Vehicle Sales, Service, and Repair

1. General Provisions

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

2. CBD, Designated Frontage

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

3. Provisions Related Specifically to Vehicle Sales and Leasing

- a. Road testing of vehicles may be restricted to non-residential areas.
- b. New car display shall not be artificially elevated above the general topography of the site.
- c. If the automobile dealership ceases to operate, all attached and detached signs depicting the dealership shall be removed from the property.
- d. Any vehicle sales, rental or leasing facility located in the CMU-3 zoning established after February 10, 2015, or reactivated after one year of discontinuance, shall require the issuance of a Special Use Permit.
- e. A minimum of 288 square feet of office space shall be provided.
- f. Functioning restroom facilities, in accordance with the Building Code, shall be provided.

- g. For sites utilized for vehicle sales, there shall be room for 15 spaces for overnight service or repair storage, or on-going vehicle sales display and three dedicated spaces for customer parking. All spaces shall be clearly delineated.
- h. Any vehicle sales facility that both requires the issuance of a Special Use Permit under this Code and is primarily or solely engaged in the sales of used vehicles shall require a major modification if the controlling interest of its ownership changes. During its review of the major modification request, the Land Use Control Board shall review whether the original conditions of approval, as well as the use standards contained in this Code, are being met. Furthermore, the Land Use Control Board may amend the conditions to ensure the approval criteria for special use permits contained in Section 9.6.9 of this Code are met. For the purpose of this section, the term "primarily or solely engaged in the sales of used vehicles" shall be defined as any car sales facility where the sales of used vehicles constitute 50% or more of its annual sales, measured by the most recent calendar year available.

The above information contained herein was researched on January 4, 2024. It is believed to be accurate and is based upon, or relates to, the information supplied by the requestor. No guarantees as to the accuracy of the data and information provided above are expressed or implied. This office is not responsible for any loss of profit, indirect, incidental, special, or consequential damages arising out of the use of the information provided above and assumes no liability for error and/or omission associated with this determination. All of the information contained herein was obtained from public records, which may be inspected during regular business hours.

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

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

Respectfully,



Lucas Skinner
Planner III
Land Use & Development Services

Zoning Atlas



COMMERCIAL LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") made and entered into this 1st day of JAN, 2024, by and between KHMOUS RAFAT, whose address is 5050 SUMMER AVE MEMPHIS TN 38122 (hereinafter referred to as "Lessor") and JORGE FLORES AND CESAR FLORES (hereinafter referred to as "Lessee").

WITNESSETH:

WHEREAS, Lessor is the fee owner of certain real property being, lying and situate in SHELBY County, TN, such real property having a street address of 5050 SUMMER AVE MEMPHIS TN 38122.

WHEREAS, Lessor is desirous of leasing the Premises to Lessee upon the terms and conditions as contained herein; and

WHEREAS, Lessee is desirous of leasing the Premises from Lessor on the terms and conditions as contained herein;

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00), the covenants and obligations contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

- TERM.** Lessor leases to Lessee and Lessee leases from Lessor the above described Premises together with any and all appurtenances thereto, for a term of 1 year(s), such term beginning on 1/01/2024, and ending at 12 o'clock midnight on 1/01/2025.
- RENT.** The total rent for the term hereof is the sum of 24000.00 DOLLARS (\$2000.00) payable on the 1ST day of each month of the term, in equal installments of 2000.00 DOLLARS (\$2000.00) first installment to be paid upon the due execution of this Agreement, the second installment to be paid on 1ST JAN. All such payments shall be made to Lessor at Lessor's address as set forth in the preamble to this Agreement on or before the due date and without demand.
- USE OF PREMISES.** The Premises shall be used and occupied by Lessee JORGE FLORES AND CESAR FLORES

USED CAR SALES AND SERVICE

- CONDITION OF PREMISES.** Lessee stipulates, represents and warrants that Lessee has examined the Premises, and that they are at the time of this Lease in good order, repair, and in a safe, clean and tenantable condition.
- ASSIGNMENT AND SUB-LETTING.** Lessee shall not assign this Agreement, or sub-let or grant any license to use the Premises or any part thereof without the prior written consent of Lessor. A consent by Lessor to one such assignment, sub-letting or license shall not be deemed to be a consent to any subsequent assignment, sub-letting or license. An assignment, sub-letting or license without the prior written consent of Lessor or an assignment or sub-letting by operation of law shall be absolutely null and void and shall, at Lessor's option, terminate this Agreement.
- ALTERATIONS AND IMPROVEMENTS.** Lessee shall make no alterations to the buildings or improvements on the Premises or construct any building or make any other improvements on the Premises without the prior written consent of Lessor. Any and all alterations, changes, and/or improvements built, constructed or placed on the Premises by Lessee shall, unless otherwise provided by written agreement between Lessor and Lessee, be and become the property of Lessor and remain on the Premises at the expiration or earlier termination of this Agreement.
- NON-DELIVERY OF POSSESSION.** In the event Lessor cannot deliver possession of the Premises to Lessee upon the commencement of the Lease term, through no fault of Lessor or its agents, then Lessor or its agents shall have no liability, but the rental herein provided shall abate until possession is given. Lessor or its agents shall have thirty (30) days in which to

give possession, and if possession is tendered within such time, Lessee agrees to accept the demised Premises and pay the rental herein provided from that date. In the event possession cannot be delivered within such time, through no fault of Lessor or its agents, then this Agreement and all rights hereunder shall terminate.

8. **HAZARDOUS MATERIALS.** Lessee shall not keep on the Premises any item of a dangerous, flammable or explosive character that might unreasonably increase the danger of fire or explosion on the Premises or that might be considered hazardous or extra hazardous by any responsible insurance company.
9. **UTILITIES.** Lessee shall be responsible for arranging for and paying for all utility services required on the Premises.
10. **MAINTENANCE AND REPAIR; RULES AND REGULATIONS.** Lessee will, at its sole expense, keep and maintain the Premises and appurtenances in good and sanitary condition and repair during the term of this Agreement and any renewal thereof. Without limiting the generality of the foregoing, Lessee shall:
 - (a) Not obstruct the driveways, sidewalks, courts, entry ways, stairs and/or halls, which shall be used for the purposes of ingress and egress only;
 - (b) Keep all windows, glass, window coverings, doors, locks and hardware in good, clean order and repair;
 - (c) Not obstruct or cover the windows or doors;
 - (d) Not leave windows or doors in an open position during any inclement weather;
 - (e) Not hang any laundry, clothing, sheets, etc. from any window, rail, porch or balcony nor air or dry any of same within any yard area or space;
 - (f) Not cause or permit any locks or hooks to be placed upon any door or window without the prior written consent of Lessor;
 - (g) Keep all air conditioning filters clean and free from dirt;
 - (h) Keep all lavatories, sinks, toilets, and all other water and plumbing apparatus in good order and repair and shall use same only for the purposes for which they were constructed. Lessee shall not allow any sweepings, rubbish, sand, rags, ashes or other substances to be thrown or deposited therein. Any damage to any such apparatus and the cost of clearing stopped plumbing resulting from misuse shall be borne by Lessee;
 - (i) And Lessee's family and guests shall at all times maintain order in the Premises and at all places on the Premises, and shall not make or permit any loud or improper noises, or otherwise disturb other residents;
 - (j) Keep all radios, television sets, stereos, phonographs, etc., turned down to a level of sound that does not annoy or interfere with other residents;
 - (k) Deposit all trash, garbage, rubbish or refuse in the locations provided therefor and shall not allow any trash, garbage, rubbish or refuse to be deposited or permitted to stand on the exterior of any building or within the common elements;
 - (l) Lost keys shall be the full responsibility of the Lessee(s). Any cost incurred because of lost keys shall be borne by Lessee(s). All keys must be returned upon move-out or there will be a charge deducted from the security deposit to replace the key/lock.
 - (m) No furniture filled with a liquid or semi-liquid such as waterbeds shall be permitted on the premises without the Lessor's written consent.
 - (n) The Lessee agrees to get Lessor's written consent and approval before having cable, satellite or telecommunication cables or devices installed on the premises.
 - (o) The Lessee is prohibited from adding locks to, changing or in any way altering locks installed on the doors of the premises without written consent of the Lessor.
 - (p) No goods or materials of any kind which are combustible or would increase fire risk shall be taken or placed on the Premises. Storage shall be Tenants risk and Landlord or its agent shall not be responsible for any loss or damage.
 - (q) No nails, screws or adhesive hangers except standard picture hooks, shade brackets and curtain rod brackets may be placed in walls, woodwork or any part of Premises.
11. **DAMAGE TO PREMISES.** In the event the Premises are destroyed or rendered wholly untenable by fire, storm, earthquake, or other casualty not caused by the negligence of Lessee, this Agreement shall terminate from such time except for the purpose of enforcing rights that may have then accrued hereunder. The rental provided for herein shall then be accounted for by and between Lessor and Lessee up to the time of such injury or destruction of the Premises, Lessee paying rentals up to such date and Lessor refunding rentals collected beyond such date. Should a portion of the Premises thereby be rendered untenable, the Lessor shall have the option of either repairing such injured or damaged portion or terminating this Lease. In the event that Lessor exercises its right to repair such untenable portion, the rental shall abate in the proportion that the injured parts bears to the whole Premises, and such part so injured shall be restored by Lessor as speedily as practicable, after which the full rent shall recommence and the Agreement continue according to its terms.

12. **SECURITY DEPOSIT.** Lessee agrees that upon execution of this lease they shall pay 1 months security deposit in the amount of 2000.00 DOLLARS (\$ 2000.00) Lessor agrees that subject to conditions listed herein, the security deposit will be returned in full. The release of security deposit is subject to the following provisions:
- A. No damage to any part of apartment or fixtures.
 - B. Entire apartment, including but not limited to, range, oven, refrigerator, bathroom, closets and kitchen cabinets must be cleaned when Lessee vacates the apartment.
 - C. No indentations or scratches in wood or resilient floor caused by furniture or other objects. Carpet cleaned professionally. Floor is to be restored to its original condition if wall-to-wall carpeting is installed by Lessee(s).
 - D. No stickers, tapes, adhesives or other material affixed to walls, appliances, sink or bathtub.
 - E. No scratches or holes in walls, ceiling, woodwork, cabinets, appliances, etc.
 - F. No delinquent rents.
 - G. All debris, rubbish and discards to be placed in proper trash containers in designated area outside building.
 - H. Forwarding address left with Lessor.
 - I. The following charges against the security deposit will be made if the prerequisite conditions are not complied with:
 - I. All costs of labor and materials for cleaning, repairs, etc.
 - II. Re-rental fees, if apartment is vacated before the lease expires, including advertising and sublet fees.
 - III. Any unpaid rent during lease period.
 - IV. All collection fees and costs related to delinquent or unpaid rents.
 - J. Security deposit will be returned by a check mailed to the forwarding address left with Lessor. The check will be made payable jointly to all Lessee(s) regardless of who actually placed the money on deposit.
13. **INSPECTION OF PREMISES.** Lessor and Lessor's agents shall have the right at all reasonable times during the term of this Agreement and any renewal thereof to enter the Premises for the purpose of inspecting the Premises and all buildings and improvements thereon. And for the purposes of making any repairs, additions or alterations as may be deemed appropriate by Lessor for the preservation of the Premises or the building. Lessor and its agents shall further have the right to exhibit the Premises and to display the usual "for sale", "for rent" or "vacancy" signs on the Premises at any time within forty-five (45) days before the expiration of this Lease. The right of entry shall likewise exist for the purpose of removing placards, signs, fixtures, alterations or additions, but do not conform to this Agreement or to any restrictions, rules or regulations affecting the Premises.
14. **SUBORDINATION OF LEASE.** This Agreement and Lessee's interest hereunder are and shall be subordinate, junior and inferior to any and all mortgages, liens or encumbrances now or hereafter placed on the Premises by Lessor, all advances made under any such mortgages, liens or encumbrances (including, but not limited to, future advances), the interest payable on such mortgages, liens or encumbrances and any and all renewals, extensions or modifications of such mortgages, liens or encumbrances.
15. **LESSEE'S HOLD OVER.** If Lessee remains in possession of the Premises with the consent of Lessor after the natural expiration of this Agreement, a new tenancy from month-to-month shall be created between Lessor and Lessee which shall be subject to all of the terms and conditions hereof except that rent shall then be due and owing at 2000.00 DOLLARS (\$ 2000.00) per month and except that such tenancy shall be terminable upon fifteen (15) days written notice served by either party.
16. **SURRENDER OF PREMISES.** Upon the expiration of the term hereof, Lessee shall surrender the Premises in as good a state and condition as they were at the commencement of this Agreement, reasonable use and wear and tear thereof and damages by the elements excepted.
17. **ANIMALS.** At Lessor's discretion and depending upon size and type of animal, Lessee shall be entitled to keep no more than 0 (0) domestic dogs, cats or birds; however, at such time as Lessee shall actually keep any such animal on the Premises, Lessee shall pay to Lessor a pet deposit of 500.00 DOLLARS (\$ 500.00), 500.00 DOLLARS (\$ 500.00) of which shall be non-refundable and shall be used upon the termination or expiration of this Agreement for the purposes of cleaning the carpets of the building.
18. **QUIET ENJOYMENT.** Lessee, upon payment of all of the sums referred to herein as being payable by Lessee and Lessee's performance of all Lessee's agreements contained herein and Lessee's observance of all rules and regulations, shall and may peacefully and quietly have, hold and enjoy said Premises for the term hereof.

19. **INDEMNIFICATION.** Lessor shall not be liable for any damage or injury of or to the Lessee, Lessee's family, guests, invitees, agents or employees or to any person entering the Premises or the building of which the Premises are a part or to goods or equipment, or in the structure or equipment of the structure of which the Premises are a part, and Lessee hereby agrees to indemnify, defend and hold Lessor harmless from any and all claims or assertions of every kind and nature.
20. **DEFAULT.** If Lessee fails to comply with any of the material provisions of this Agreement, other than the covenant to pay rent, or of any present rules and regulations or any that may be hereafter prescribed by Lessor, or materially fails to comply with any duties imposed on Lessee by statute, within seven (7) days after delivery of written notice by Lessor specifying the non-compliance and indicating the intention of Lessor to terminate the Lease by reason thereof, Lessor may terminate this Agreement. If Lessee fails to pay rent when due and the default continues for seven (7) days thereafter, Lessor may, at Lessor's option, declare the entire balance of rent payable hereunder to be immediately due and payable and may exercise any and all rights and remedies available to Lessor at law or in equity or may immediately terminate this Agreement.
21. **LATE FEES, NSF CHECKS AND STOP PAYMENTS.** The monthly rent set forth shall be increased \$2.00 per day if paid the 1st of the month not to exceed \$10.00 per month for the first \$500 in monthly rent plus 5% per month for any amount in excess of \$500 in monthly rent for the late payment of rent. Rent mailed shall be deemed paid on the date of postmark. All late fees are to be paid by separate check. All late fees not paid shall be deducted from security deposit. Any rent money not received by the 5th day of any given month will result in the tenant receiving a 5 day notice. The cost of issuing each 5 day notice is \$22.50 per occurrence. All checks returned NSF or Stop Payment shall be charged a penalty of \$50.00 plus the appropriate late charge as stated above.
22. **ABANDONMENT.** If at any time during the term of this Agreement Lessee abandons the Premises or any part thereof, Lessor may, at Lessor's option, obtain possession of the Premises in the manner provided by law, and without becoming liable to Lessee for damages or for any payment of any kind whatever. Lessor may, at Lessor's discretion, as agent for Lessee, re-let the Premises, or any part thereof, for the whole or any part thereof, for the whole or any part of the then unexpired term, and may receive and collect all rent payable by virtue of such re-letting, and, at Lessor's option, hold Lessee liable for any difference between the rent that would have been payable under this Agreement during the balance of the unexpired term, if this Agreement had continued in force, and the net rent for such period realized by Lessor by means of such re-letting. If Lessor's right of reentry is exercised following abandonment of the Premises by Lessee, then Lessor shall consider any personal property belonging to Lessee and left on the Premises to also have been abandoned, in which case Lessor may dispose of all such personal property in any manner Lessor shall deem proper and Lessor is hereby relieved of all liability for doing so.
23. **ATTORNEYS' FEES.** Should it become necessary for Lessor to employ an attorney to enforce any of the conditions or covenants hereof, including the collection of rentals or gaining possession of the Premises, Lessee agrees to pay all expenses so incurred, including a reasonable attorneys' fee.
24. **RECORDING OF AGREEMENT.** Lessee shall not record this Agreement on the Public Records of any public office. In the event that Lessee shall record this Agreement, this Agreement shall, at Lessor's option, terminate immediately and Lessor shall be entitled to all rights and remedies that it has at law or in equity.
25. **GOVERNING LAW.** This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Illinois.
26. **SEVERABILITY.** If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.
27. **BINDING EFFECT.** The covenants, obligations and conditions herein contained shall be binding on and inure to the benefit of the heirs, legal representatives, and assigns of the parties hereto.
28. **DESCRIPTIVE HEADINGS.** The descriptive headings used herein are for convenience of reference only and they are not intended to have any effect whatsoever in determining the rights or obligations of the Lessor or Lessee.
29. **CONSTRUCTION.** The pronouns used herein shall include, where appropriate, either gender or both, singular and plural.
30. **NON-WAIVER.** No indulgence, waiver, election or non-election by Lessor under this Agreement shall affect Lessee's duties and liabilities hereunder.

31. **MODIFICATION.** The parties hereby agree that this document contains the entire agreement between the parties and this Agreement shall not be modified, changed, altered or amended in any way except through a written amendment signed by all of the parties hereto.
32. **PERSONAL GUARANTY: FOR VALUE RECEIVED,** and in consideration of Landlord entering into the above Lease with Tenant, the undersigned hereby unconditionally guarantees the prompt and full payment of rent and other amounts due thereunder, and the performance by Tenant of all other obligations, terms and conditions of the Lease. The undersigned waives notice of acceptance of this Guaranty, demand, notice of Tenant's default, and suretyship defenses of all kinds. Landlord may extend the time of payment or performance, or release or grant any indulgence to Tenant without releasing the liability of the undersigned. Landlord need not proceed against Tenant prior to proceeding against the undersigned. The undersigned agrees to pay all costs, expenses and attorney's fees incurred by Landlord in enforcing the Lease and this Guaranty.

As to Lessor this 1 day of JAN, 2024.

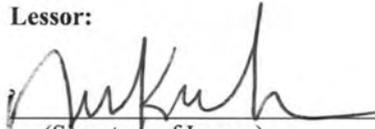
Executed in the presence of:

Witness:



(Signature of witness) _____ / /
(date)

Lessor:



(Signature of Lessor) _____ 1 / 01 / 2024
(date)

Witness:

(Signature of witness) _____ / /
(date)

Lessee:

(Signature of Lessee) _____ 1 / 01 / 2024
(date)

(Signature of witness) _____ / /
(date)

(Signature of Lessee) _____ / /
(date)



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

ZV 2024-002

January 4, 2024

Jorge Flores
maureenvaldez72@gmail.com

RE: Certificate of Zoning Parcel ID No.
5050 Summer Avenue 063071 00020

Dear Applicant,

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

We have examined the City of Memphis and Shelby County zoning atlas (Panel #2045) and the Unified Development Code (zoning ordinance) and make the following findings:

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

Commercial Mixed-Use – 3 (CMU-3) District.

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

No, it is not within an Overlay District.

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

There do not appear to be any special zoning dispensations that apply to the subject property.

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

Non-permitted use.

It appears there was a Special Use Permit applied for and obtained in 2015 (SUP 2015-208) for the sale of used motor vehicles. However, it does not appear this Special Use Permit was ever acted upon, and therefore has expired.

Therefore, the sale of motor vehicles requires a Special Use Permit at this location, subject to the approval of the Land Use Control Board and subsequently the Memphis City Council.

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

P. Vehicle Sales, Service, and Repair

1. General Provisions

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

2. CBD, Designated Frontage

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

3. Provisions Related Specifically to Vehicle Sales and Leasing

- a. Road testing of vehicles may be restricted to non-residential areas.
- b. New car display shall not be artificially elevated above the general topography of the site.
- c. If the automobile dealership ceases to operate, all attached and detached signs depicting the dealership shall be removed from the property.
- d. Any vehicle sales, rental or leasing facility located in the CMU-3 zoning established after February 10, 2015, or reactivated after one year of discontinuance, shall require the issuance of a Special Use Permit.
- e. A minimum of 288 square feet of office space shall be provided.
- f. Functioning restroom facilities, in accordance with the Building Code, shall be provided.

- g. For sites utilized for vehicle sales, there shall be room for 15 spaces for overnight service or repair storage, or on-going vehicle sales display and three dedicated spaces for customer parking. All spaces shall be clearly delineated.
- h. Any vehicle sales facility that both requires the issuance of a Special Use Permit under this Code and is primarily or solely engaged in the sales of used vehicles shall require a major modification if the controlling interest of its ownership changes. During its review of the major modification request, the Land Use Control Board shall review whether the original conditions of approval, as well as the use standards contained in this Code, are being met. Furthermore, the Land Use Control Board may amend the conditions to ensure the approval criteria for special use permits contained in Section 9.6.9 of this Code are met. For the purpose of this section, the term "primarily or solely engaged in the sales of used vehicles" shall be defined as any car sales facility where the sales of used vehicles constitute 50% or more of its annual sales, measured by the most recent calendar year available.

The above information contained herein was researched on January 4, 2024. It is believed to be accurate and is based upon, or relates to, the information supplied by the requestor. No guarantees as to the accuracy of the data and information provided above are expressed or implied. This office is not responsible for any loss of profit, indirect, incidental, special, or consequential damages arising out of the use of the information provided above and assumes no liability for error and/or omission associated with this determination. All of the information contained herein was obtained from public records, which may be inspected during regular business hours.

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

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

Respectfully,



Lucas Skinner
Planner III
Land Use & Development Services

Zoning Atlas



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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, KH MOUS RAHAT
read the definition of
(Print Name)

, state that I have
(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

5050 Summer Ave.

and further identified by Assessor's Parcel Number

063071 00020,

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

Subscribed and sworn to (or affirmed) before me this 4 day of Jan in
the year of 2024.

Maureen M. Valdez
Signature of Notary Public



My Commission Expires

063058 00006 - LANDSHOF ROBERT
063058 00008 - LEMONADE MM MEMPHIS CLOVERLEAF LLC
063058 00009 - TIMELY TRANSPORT LLC
063058 00019C - ABESI MEHDI
063058 00025 - WHITAKER REAL ESTATE HOLDINGS GP
063058 00030 - ROWLAND BETTY J AND C R ROBINSON
063058 00031 - ROWLAND BETTY J AND C R ROBINSON
063058 00033 - WINNY OSCAR LLC
063058 00034 - CIENEGA ALMA D
063058 00035 - CIENEGA ALMA D
063058 00036 - GIANG JENNY
063058 00037 - GIANG JENNY
063060 00016 - TUBBS JANICE W
063060 00017 - CRESTCORE III LLC
063060 00018 - MCCULLOUGH SANDRA F
063060 00019 - CARRANZA SANDRA
063060 00020 - ROM'AN GERARDO
063060 00038 - GCI PARTNERSHIP (PSO)
063060 00039 - LINDER PROPERTIES (DBA)
063060 00040 - GCI PARTNERSHIP (PSO)
063060 00049 - VANDALAY IMAGING PC DEFINED BENEFIT
063060 00050 - TADIKONDA LALITA
063060 00051 - PYLES JEREMY & BRITTNEY
063061 00002 - SPOON CHARLES B & SHIRLEY B
063061 00003 - STEWART EDDIE L & BETTY J

063061 00004 - BROOKS JOHNNIE E
063061 00005 - ACKER SANDRA
063061 00006 - BC REALTY
063061 00007 - WEAVER THOMAS A
063061 00008 - SPENCER GARRY P
063061 00009 - THREE GENERATIONS RE LLC
063061 00010 - BELL DANI C
063061 00011 - SAVERN TRUST
063061 00012 - MANLEY GOERGE W
063061 00013 - PORTER R ALLEN
063061 00014 - THOMAS MICHAEL A & SHERRY D
063061 00015 - CGW ENTERPRISES LLC
063062 00007 - WARREN JEDEDIAH AND KRISTINA WARREN (RS)
063062 00008 - PRIOLA MARVIN H FAMILY TRUST
063062 00009 - STRAIGHT LINE INVESTMENTS LLC
063062 00010 - BUTLER PROPERTIES LLC
063062 00011 - J & B RENTAL HOMES LLC
063062 00012 - DANIEL CHARLES L & RHONDA T
063062 00013 - CURRIN JUDITH B
063071 00017 - PRIVETTE RONNIE LIVING TRUST
063071 00018 - ALL RITE PLUMBING PARTS INC
063071 00019 - GOLDEN ARCH REALTY CORP
063071 00020 - KHMOUS RAFAT AND TALAAT KHMOUS
063071 00021 - SUMMEREAST APARTMENTS LLC
063071 00034 - ELISE ALLSTAR ACADEMY LLC

063071 00035 - HEAVENLY POOLS INC

063071 00039 - SUMMER COMMONS INVESTORS LLC

063072 00001 - WS SUMMER LLC

063072 00002C - WS SUMMER LLC

063072 00007C - WS SUMMER LLC

063072 00027C - WS SUMMER LLC

LINDER PROPERTIES (DBA)
6310 MASSEY WOOD CV #
MEMPHIS TN 38120

WEAVER THOMAS A
5023 BYRON RD #
MEMPHIS TN 38122

PRIOLA MARVIN H FAMILY TRUST
3879 MINDEN RD #
MEMPHIS TN 38111

GCI PARTNERSHIP (PSO)
5000 SUMMER AVE #
MEMPHIS TN 38122

SPENCER GARRY P
5027 BYRON RD #
MEMPHIS TN 38122

STRAIGHT LINE INVESTMENTS LLC
5865 RIDGEWAY CENTER PKWY #
MEMPHIS TN 38120

VANDALAY IMAGING PC DEFINED BENEFIT
8026 E DEL JOYA DR #
SCOTTSDALE AZ 85258

THREE GENERATIONS RE LLC
3265 WETHERBY CV #
GERMANTOWN TN 38139

BUTLER PROPERTIES LLC
1027 S YATES RD #
MEMPHIS TN 38119

TADIKONDA LALITA
4705 CHEENEY ST #
SANTA CLARA CA 95054

BELL DANI C
5022 ACORN DR #
MEMPHIS TN 38122

J & B RENTAL HOMES LLC
4501 PRINCETON RD #
MEMPHIS TN 38117

PYLES JEREMY & BRITTNEY
14249 W SIERRA ST #
SURPRISE AZ 85379

SAVERN TRUST
4220 WREN HILL CV #
ARLINGTON TN 38002

DANIEL CHARLES L & RHONDA T
5010 BYRON RD #
MEMPHIS TN 38122

SPOON CHARLES B & SHIRLEY B
4991 BYRON RD #
MEMPHIS TN 38122

MANLEY GOERGE W
5008 ACORN DR #
MEMPHIS TN 38122

CURRIN JUDITH B
5004 BYRON RD #
MEMPHIS TN 38122

STEWART EDDIE L & BETTY J
4997 BYRON RD #
MEMPHIS TN 38122

PORTER R ALLEN
73 S FENWICK ST #
MEMPHIS TN 38111

BROOKS JOHNNIE E
5003 BYRON RD #
MEMPHIS TN 38122

THOMAS MICHAEL A & SHERRY D
4996 ACORN DR #
MEMPHIS TN 38122

ACKER SANDRA
5009 BYRON RD #
MEMPHIS TN 38122

CGW ENTERPRISES LLC
3464 EVENING LIGHT DR #
MEMPHIS TN 38135

BC REALTY
9618 SPRING LOOP DR #
GERMANTOWN TN 38139

WARREN JEDEDIAH AND KRISTINA WARREN (RS)
5023 BISCOE AVE #
MEMPHIS TN 38122



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

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

August 08, 2024

Flores Auto Sales and Repair, LLC
Cesar Flores

Sent via electronic mail to: raywesthomes@aol.com

Case Number: SUP 2024 – 012
LUCB Recommendation: Approval

Dear applicant,

On Thursday, August 08, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow used vehicle sales located at 5050 Summer Avenue, subject to the following conditions:

1. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with the UDC Section 4.6.9.
2. In compliance with Paragraph 2.6.3P(1), Class III landscaping buffers shall be implemented along the rear and side property lines along Bartlett Road.
3. The applicant shall identify the dimensions of all signage to the site and signage shall be in compliance with the CMU-3 Zoning District; however, detached signs shall be designed as monument signs only.
4. The applicant shall maintain the existing six (6) foot-height wrought iron fence at the perimeter of the site.
5. A building permit shall be filed and issued for the proposed +/- 480 square foot office space.
6. In compliance with Paragraph 2.6.3P(3), functioning restrooms, in accordance with Building Code, shall be provided.
7. The proposed office space shall be placed on a foundation of solid material.
8. Vehicles shall not be parked or stored in planting areas and storage of any material or item shall be prohibited in any outdoor parking stall.
9. Any road testing shall be restricted to nonresidential areas.
10. The repair and/or servicing of vehicles are prohibited onsite.
11. Outdoor speaker systems are a prohibited use for this property.
12. In compliance with Paragraph 2.6.3P(3)(e), all outdoor lighting shall be directed downward and not glare into residential properties and shall be in compliance with the UDC Chapter 4.7.
13. A "0" foot-candle rating shall be provided where the site is adjacent to single-family zoning.

Letter to Applicant
SUP 2024 – 012

14. The applicant shall submit a final plan for the site and building elevations, to include building material to DPD prior to case being heard at the Memphis City Council.

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

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

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

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

Respectfully,



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

Cc: Ray West, Ray West Design
File

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

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 08/20/2024
DATE**

**PUBLIC SESSION: 09/10/2024
DATE**

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at the 4471 S Third Street, known as case number SUP 2024-015

CASE NUMBER: SUP 2024-015

LOCATION: 4471 S Third Street

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

OWNER/APPLICANT: Faye3 3rd Inc.

REPRESENTATIVE: The Bray Firm

REQUEST: Special Use Permit to allow a convenience store with gas pumps

AREA: +/- 22,084square feet

RECOMMENDATION: The Division of Planning and Development Recommended *Rejection*
The Land Use Control Board Recommended *Rejection*

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

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
07/11/2024 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u><i>mehar Cstater</i></u>	<u>8/19/24</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u><i>Brett Ryan</i></u>	<u>8/9/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-015

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 4471 S THIRD STREET, KNOWN AS CASE NUMBER SUP 2024-015

- This item is a resolution with conditions for a special use permit to allow a convenience store with gas pumps; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024-015

LOCATION: 4471 S Third Street

COUNCIL DISTRICT(S): District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Fayeze 3rd Inc.

REPRESENTATIVE: The Bray Firm

REQUEST: Special Use Permit to allow a convenience store with gas pumps

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

AREA: +/-22,084square feet

The following spoke in support of the application: David Bray and Peggy Robinson

The following spoke in opposition the application: None

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

The motion failed by a vote of 1-7-0 on the regular agenda.

Respectfully,

Mahsan Ostadnia

Planner II
Land Use & Development Services

Cc: Committee Members
File

SUP 2024-015
CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. One of the curb cuts to Ford Road and one of the curb cuts to South Third Street shall be closed and sidewalk with a streetscape added behind the sidewalk at least 8 feet in width such as a Type S-10 Streetscape Plate modified with no shrubs.
4. The convenience store building facing Ford Road and South Third Street shall be a minimum of 60% transparency.
5. The fuel canopy height shall not exceed 20 feet.
6. The fuel canopy shall be architecturally compatible with the c-store building and include brick and/or stone cladding of the canopy support columns matching the stone and/or brick used on the c-store elevations.
7. A minimum of three Level 3 DC fast charging stations shall be installed on site.
8. The applicant shall be required to file a Revised Final Plat that will include a site plan, building elevations, landscaping plan, a list of the SUP conditions, and graphic compliance with the conditions. This will include the Memo of Conformance Process to assure City Engineering review and approval of the Final Plat.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 4471 S THIRD STREET, KNOWN AS CASE NUMBER SUP 2024-015

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

WHEREAS, Fayez 3rd Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow a a convenience store with gas pumps; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 11, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. One of the curb cuts to Ford Road and one of the curb cuts to South Third Street shall be closed and sidewalk with a streetscape added behind the sidewalk at least 8 feet in width such as a Type S-10 Streetscape Plate modified with no shrubs.
4. The convenience store building facing Ford Road and South Third Street shall be a minimum of 60% transparency.
5. The fuel canopy height shall not exceed 20 feet.
6. The fuel canopy shall be architecturally compatible with the c-store building and include brick and/or stone cladding of the canopy support columns matching the stone and/or brick used on the c-store elevations.
7. A minimum of three Level 3 DC fast charging stations shall be installed on site.
8. The applicant shall be required to file a Revised Final Plat that will include a site plan, building elevations, landscaping plan, a list of the SUP conditions, and graphic compliance with the conditions. This will include the Memo of Conformance Process to assure City Engineering review and approval of the Final Plat.

SITE PLAN

1	ASPH/FLY
2	CONCRETE
3	GRAVEL
4	PAVING
5	LANDSCAPE
6	WOOD
7	STEEL
8	GLASS
9	BRICK
10	STONE
11	ROOF
12	WATER
13	SEWER
14	ELECTRICAL
15	TELEPHONE
16	POST
17	RAIL
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ATTEST:

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

AGENDA ITEM: 1 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: SUP 2024-0015
LOCATION: 4471 S Third Street
COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Fayez 3rd Inc.
REPRESENTATIVE: The Bray Firm
REQUEST: Special Use Permit to allow a convenience store with gas pumps
EXISTING ZONING: Commercial Mixed-Use-1 (CMU-1)

CONCLUSIONS

1. The applicant is requesting a special use permit to allow a convenience store with gas pumps in the CMU-1 zoning district where there was previously a self-service car wash, and the proposed use will utilize existing infrastructure in place for the current development.
2. This property would include a 3,500 square foot building as the convenience store and three pump islands and canopy.
3. It is recommended that the front elevation of the building contain at least 60% transparency. Ground floor transparency is measured at a point between 2 feet and 12 feet above the adjacent sidewalk. The goal here is to eliminate blank walls facing public streets.
4. The curb cuts closest to Ford Road and South Third Street needs to be closed with curb gutter, and sidewalk with a streetscape added behind the sidewalk at least 8 feet in width such as a Type S-10 Streetscape Plate modified with no shrubs.
5. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

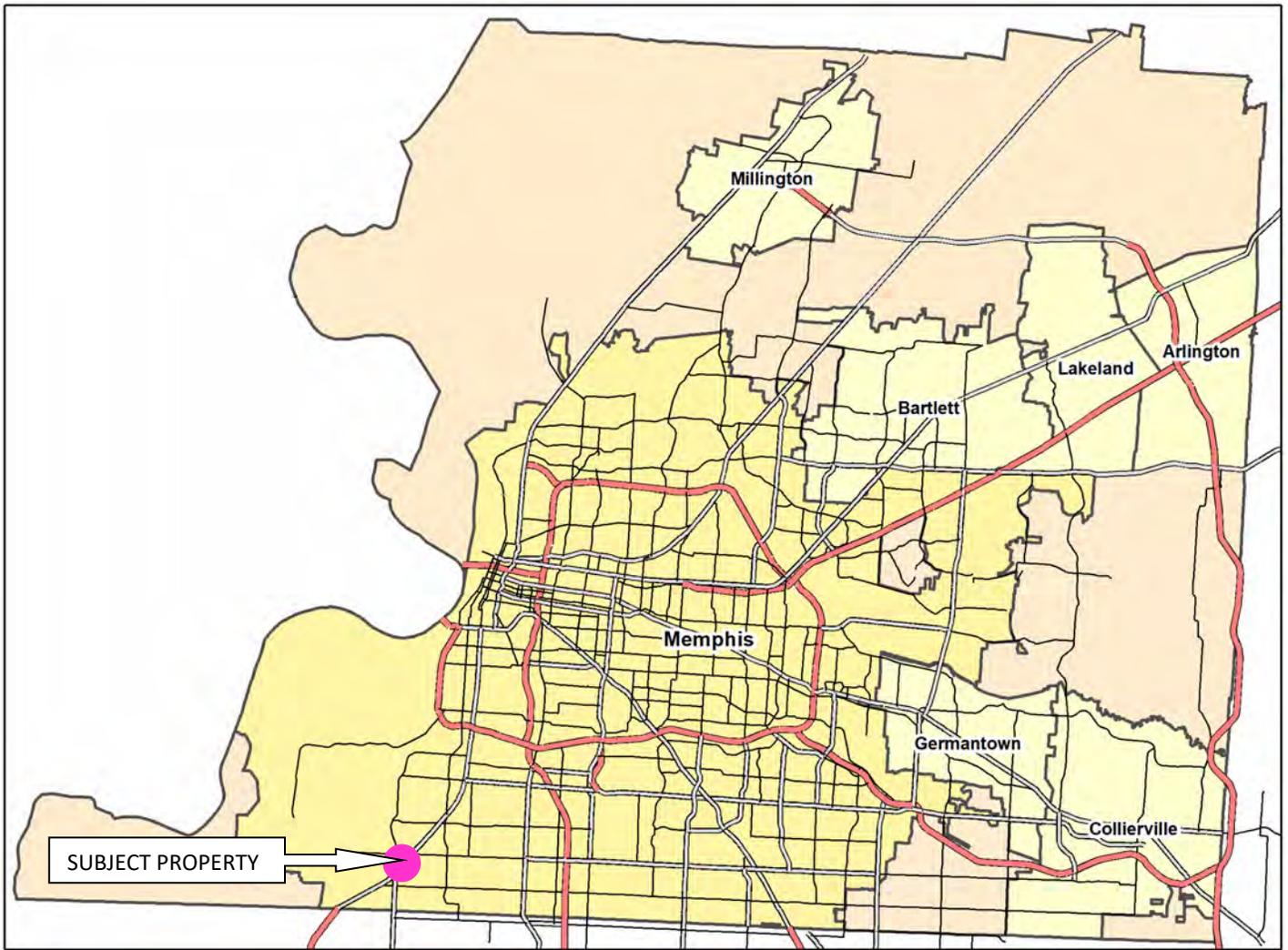
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-18 of this report.

RECOMMENDATION:

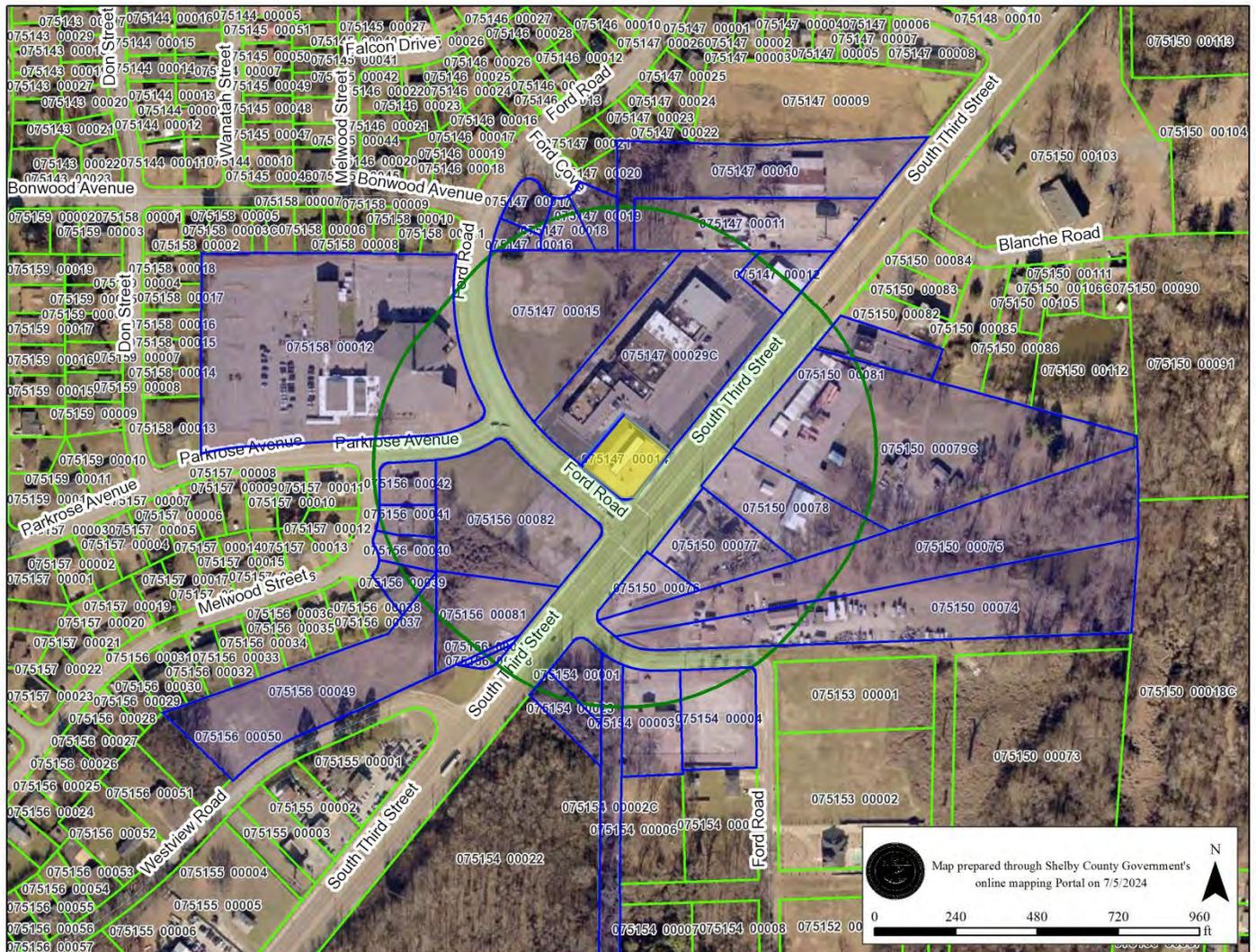
Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

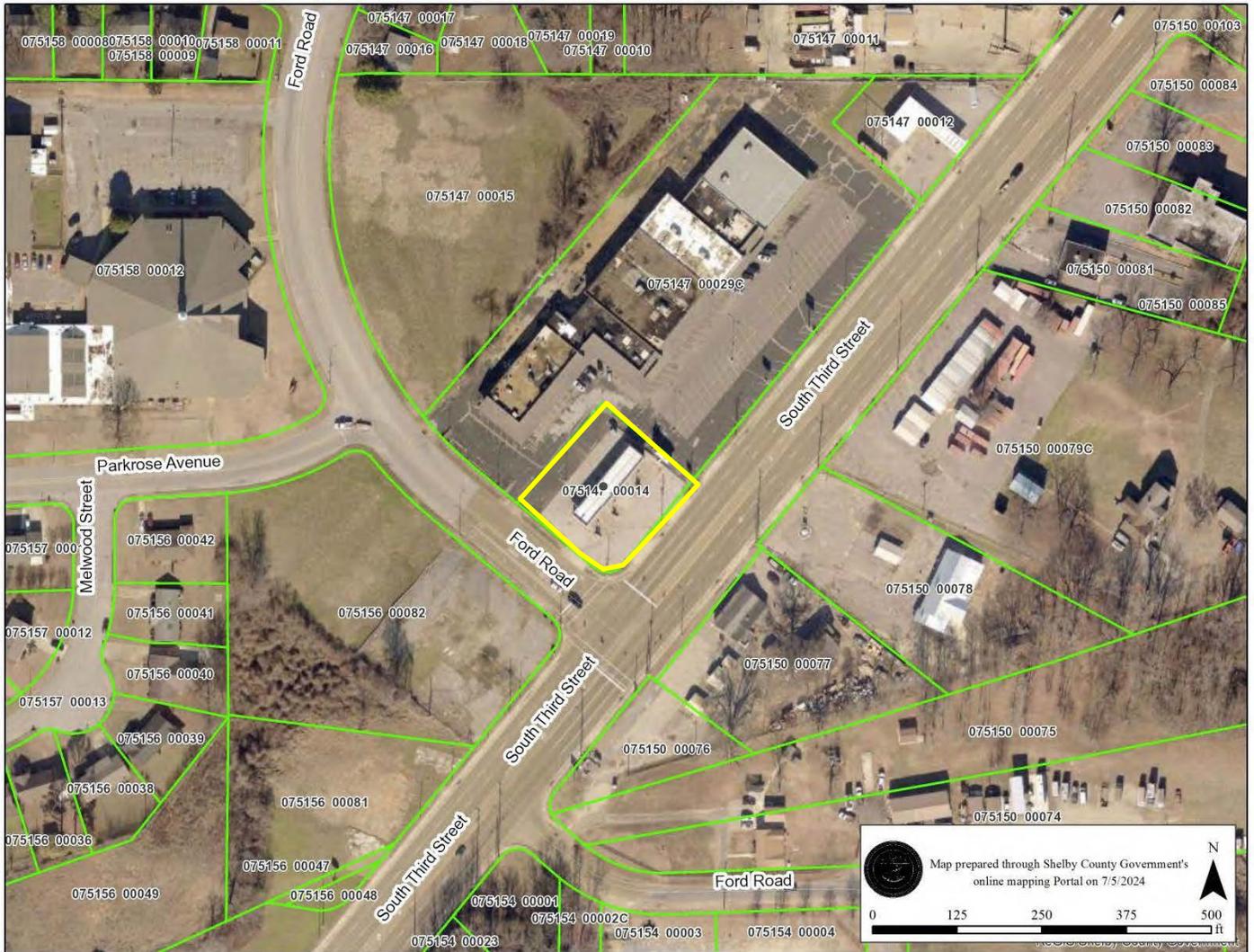
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 32 notices were mailed on March 14, 2024, see pages 19-20 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 21-22 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

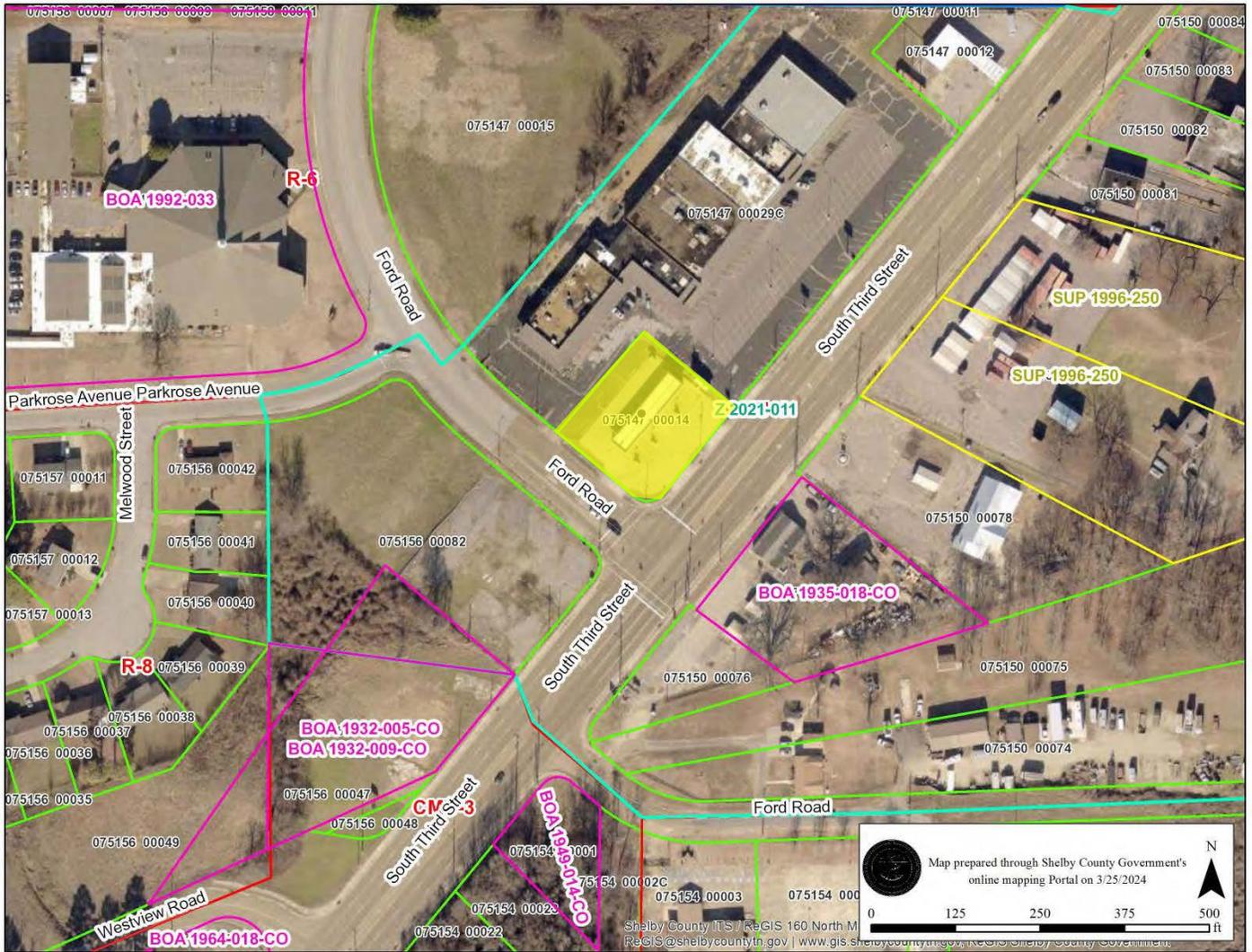
The meeting was held at 6:00 PM on Tuesday, April 02, 2024, at the Whitehaven Library, 4120 Mill Branch Road.

AERIAL



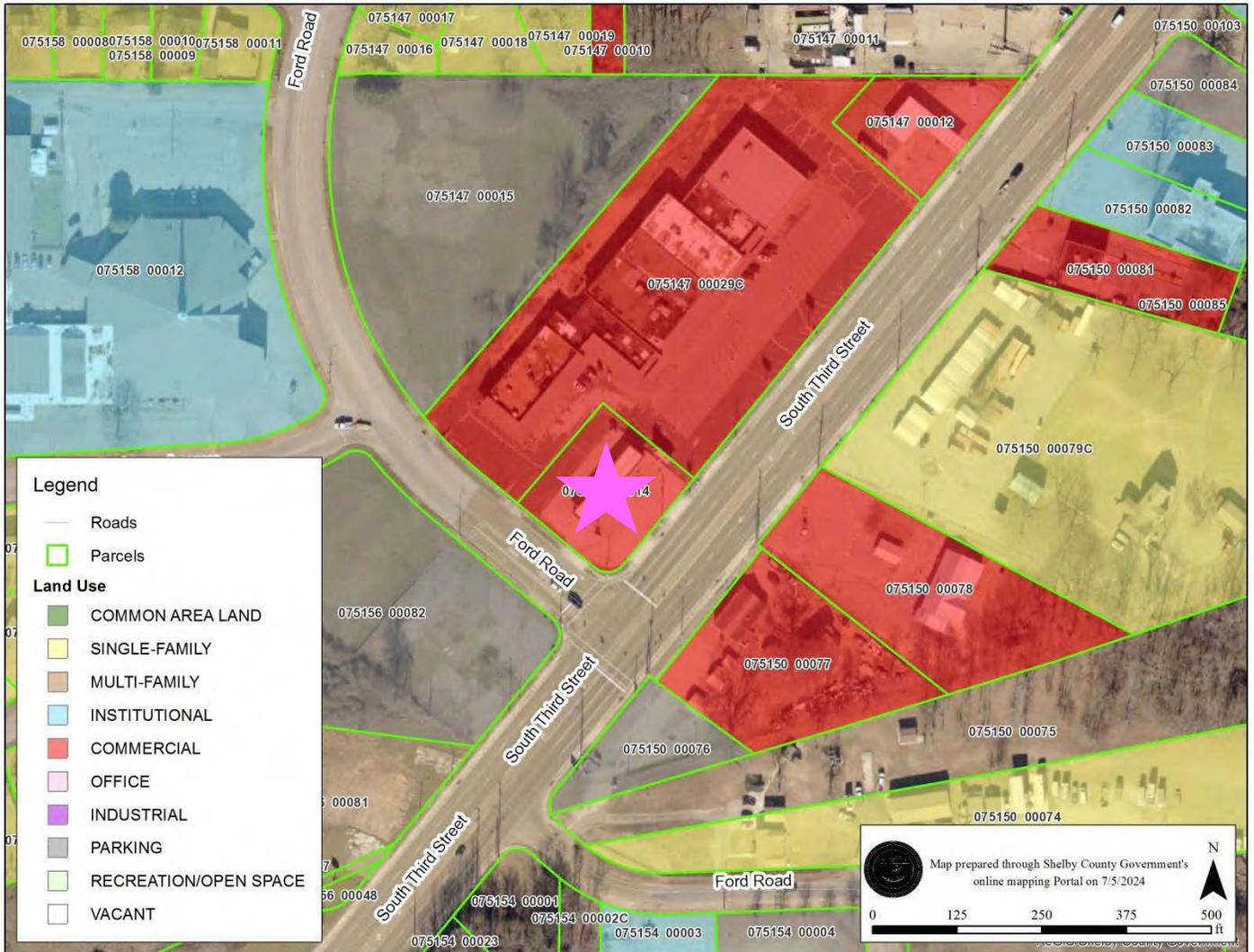
Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP

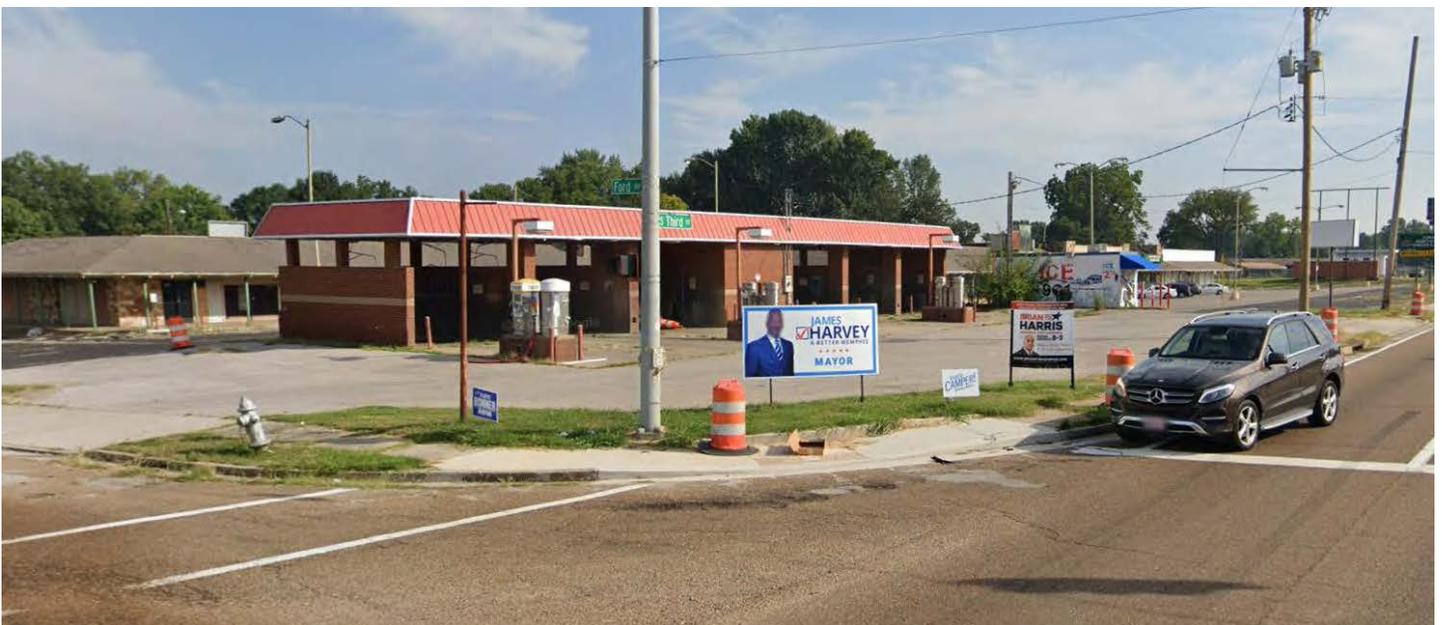


Subject property indicated by a pink star.

SITE PHOTOS



View of subject property from South Third Street.



View of subject property from the corner of South Third Street and Ford Road.



View of subject property from Ford Road.



View of subject property from Ford Road.



View of subject property from above.

CASE REVIEW

Request

The request is a special use permit to allow a convenience store with gas pumps.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

4471 s Third Street

Parcel ID:

075147 00014

Area:

+/-22,084square feet

Description:

The subject property is 22,084 square feet, located in 4471 S Third street with an underlying zoning of Commercial Mixed-Use-1 (CMU-1). This property is part of Westwood Downs Subdivision (Lot 5). The site is currently developed as a self-service car wash. All existing infrastructure is in place to serve this proposed development.

Site Zoning History

The current zoning is Commercial Mixed Use-1 (CMU-1).

On November 16, 2021, the Council of the City of Memphis approved the comprehensive rezoning of certain areas throughout Memphis, including this property that was downzoned from Commercial Mixed-Use-3 (CMU-3) to Commercial Mixed-Use-1 (CMU-1). See ordinance No. 5797 for verification.

Site Plan Review

Three canopy gas pumps have been proposed on the site where the car wash facility was located previously. A 22-foot set back has been applied to both of street frontages at South Third Street and Ford Road. The site currently has 3 curb cuts. There is an existing sidewalk both on Ford Road and South Third Street.

Analysis

The applicant is requesting a special use permit to allow a convenience store with gas pumps in the CMU-1 zoning district where there was previously a self-service car wash, and the proposed use will utilize existing infrastructure in place for the current development.

This property would include a 3,500 square foot building as the convenience store and three pump islands and canopy.

It is recommended that the front elevation of the building contain at least 60% transparency. Ground floor transparency is measured at a point between 2 feet and 12 feet above the adjacent sidewalk. The goal here is to eliminate blank walls facing public streets.

The curb cuts closest to Ford Road and South Third Street needs to be closed with curb gutter, and sidewalk with a streetscape added behind the sidewalk at least 8 feet in width such as a Type S-10 Streetscape Plate modified with no shrubs.

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following conditions:

Conditions

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. One of the curb cuts to Ford Road and one of the curb cuts to South Third Street shall be closed and sidewalk with a streetscape added behind the sidewalk at least 8 feet in width such as a Type S-10 Streetscape Plate modified with no shrubs.
4. The convenience store building facing Ford Road and South Third Street shall be a minimum of 60% transparency.
5. The fuel canopy height shall not exceed 20 feet.
6. The fuel canopy shall be architecturally compatible with the c-store building and include brick and/or stone cladding of the canopy support columns matching the stone and/or brick used on the c-store elevations.
7. A minimum of three Level 3 DC fast charging stations shall be installed on site.
8. The applicant shall be required to file a Revised Final Plat that will include a site plan, building elevations, landscaping plan, a list of the SUP conditions, and graphic compliance with the conditions. This will include the Memo of Conformance Process to assure City Engineering review and approval of the Final Plat.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [SUP 2024-015: Westwood](#)

Site Address/Location: 4471 S THIRD ST

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

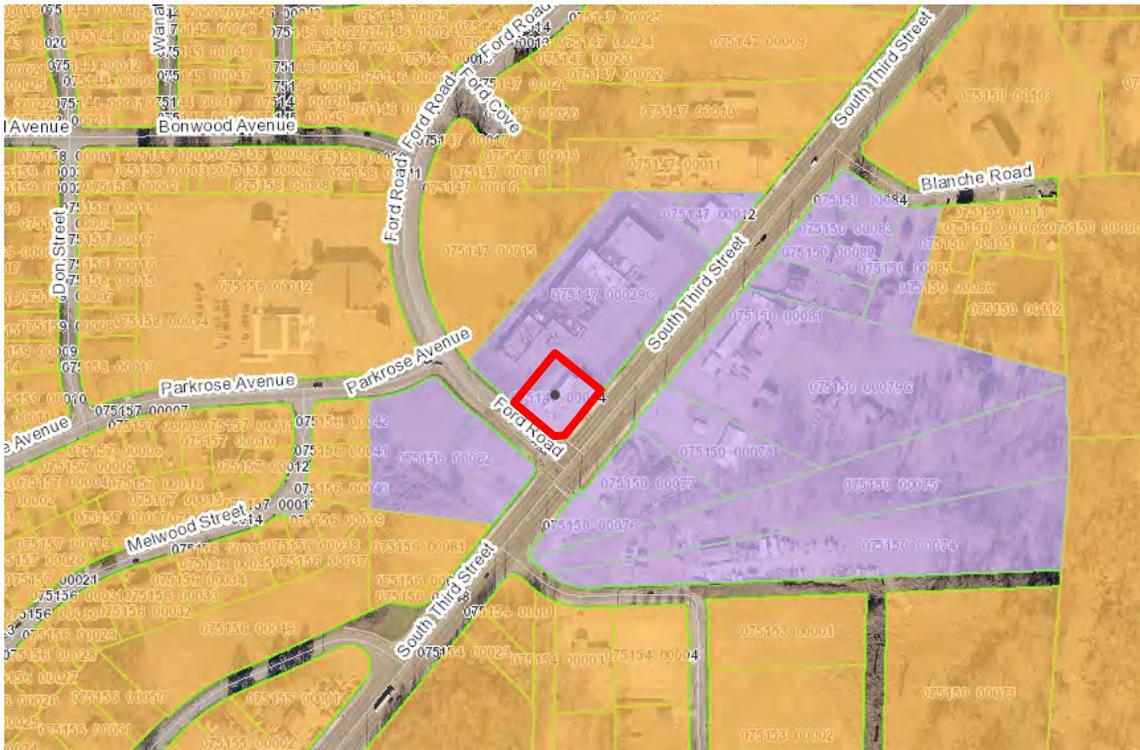
Future Land Use Designation: Anchor Neighborhood Main Street (A-NMS)

Street Type: Avenue & Parkway

The applicant is seeking a variance to allow convenience store with gas sales in CMU-1 zoning district.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“A-NMS” Form & Location Characteristics

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

“A-NMS” Zoning Notes

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

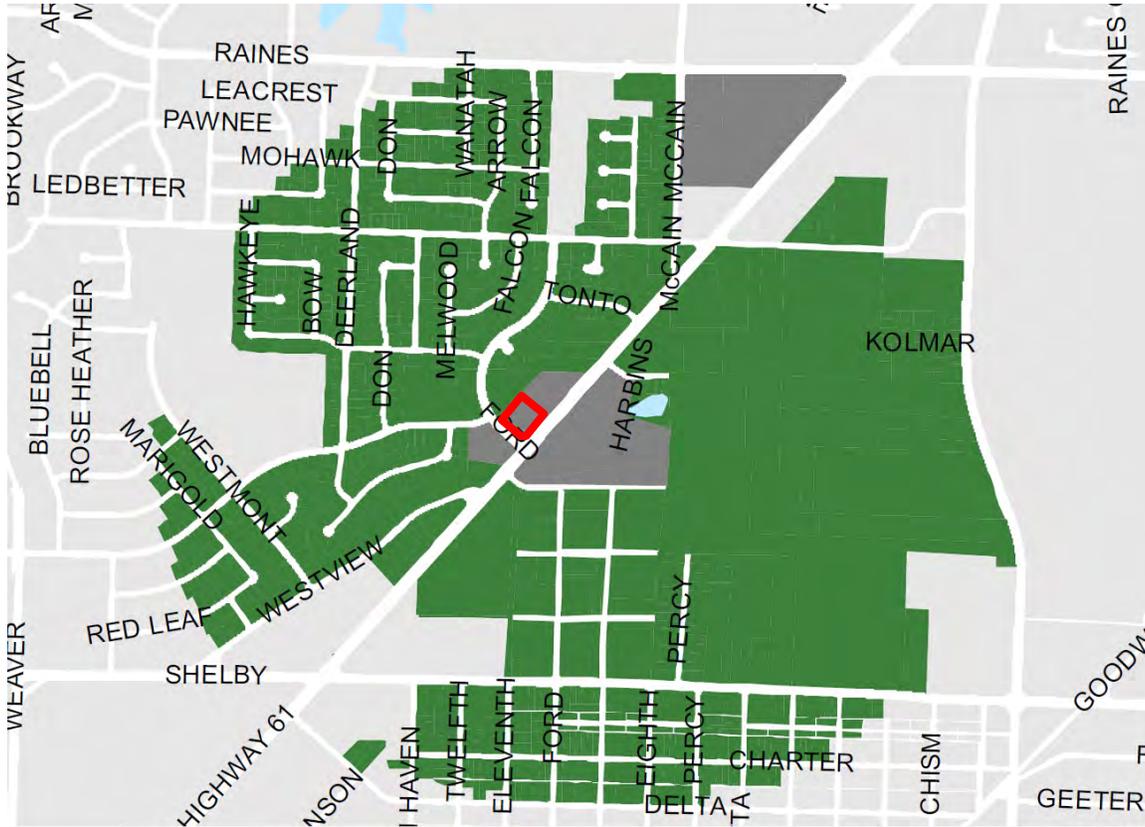
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial and Single-Family, CMU-3 and R-6

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

3. Degree of Change Map



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

4. Degree of Change Description

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

The proposed application is a private investment. The new development will be an impediment to promoting pedestrian-oriented infill development.

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

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is seeking a variance to allow convenience store with gas sales in CMU-1 zoning district.

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

The proposed application is a private investment. The new development will be an impediment to promoting pedestrian-oriented infill development.

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

MAILED PUBLIC NOTICE

32 Notices Mailed on 03/14/2024.



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024-015
LOCATION: 4471 s Third Street
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Fayez 3rd Inc.
REQUEST: Special Use Permit to allow a convenience store with gas pumps in the Commercial Mixed Used-1 (CMU-1) District.

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

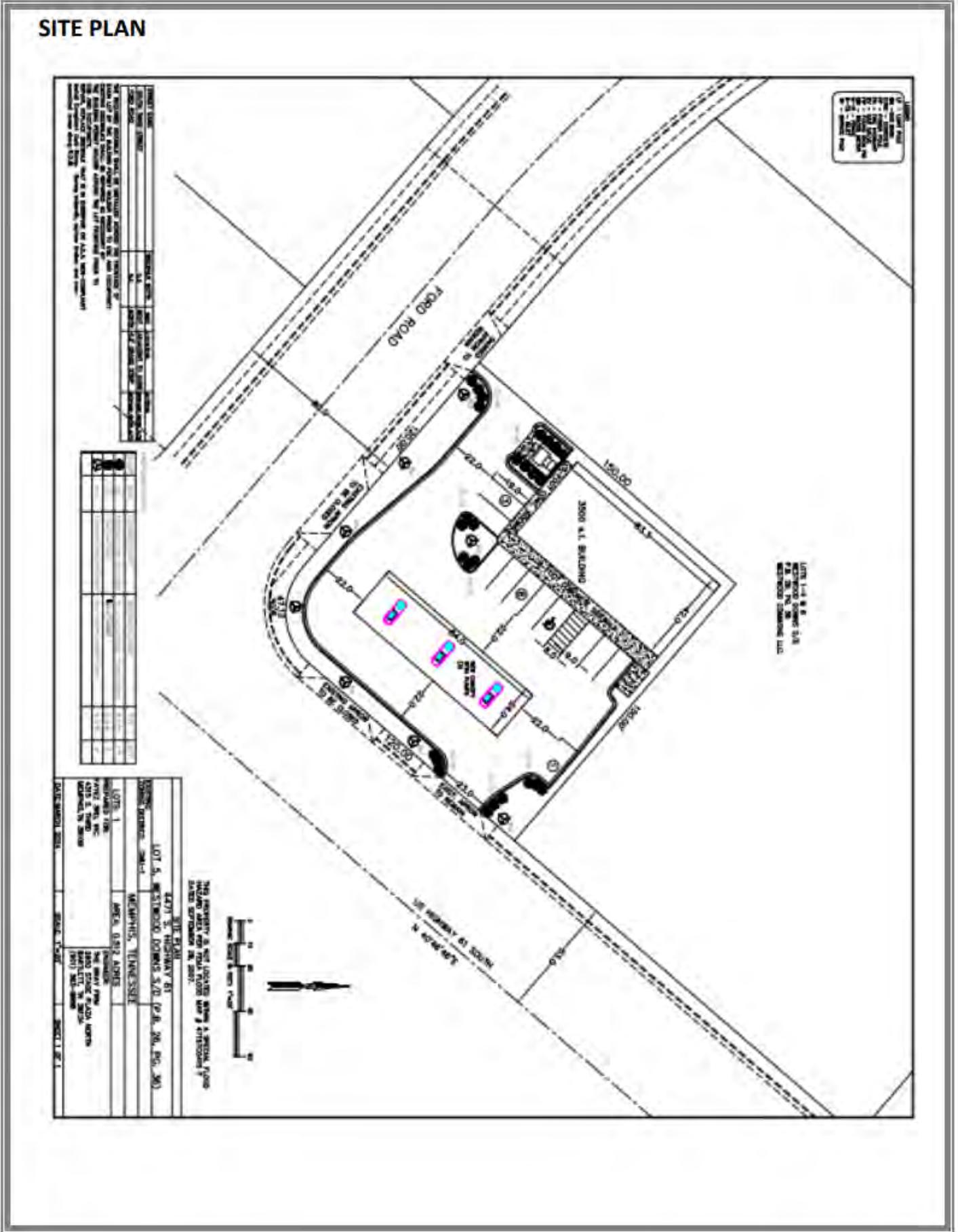
DATE: Thursday, April 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Mahsan Ostadnia at mahsan.ostadnia@memphistn.gov or (901) 636-7181 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, April 03, 2024, at 8 AM**.





GENERAL PROJECT INFORMATION

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

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

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare The site is currently developed as a self service car wash. The proposed use will utilize existing infrastructure in place for the current development.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations This corner location will be compatible with surrounding uses and represent a more appropriate use for the location than the current self service car wash.

UDC Sub-Section 9.6.9C All existing infrastructure is in place to serve this proposed development.

UDC Sub-Section 9.6.9D Agreed.

UDC Sub-Section 9.6.9E This project will be in conformance with all applicable UDC standards.

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

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

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1543464	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	03/06/2024
1543464	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	03/06/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 4471 53RD ST MEMPHIS TN 38107
and further identified by Assessor's Parcel Number _____,
for which an application is being made to the Division of Planning and Development.

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

[Signature]
Signature of Notary Public



26/24/2025
My Commission Expires

LETTER OF INTENT

The Bray Firm

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

March 6, 2024

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

**RE: Special Use Permit for C-store with gasoline sales in the CMU-1 zoning district
4471 S. Highway 61
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application to permit a C-store with gasoline sales in the CMU-1 zoning district on the above captioned property at the northwest corner of Highway 61 and Ford Road. The site is currently developed as a self service car wash but the owner will replace the existing improvement and develop the site per the attached site plan. The site will comply with all regulations of the current UDC. The two aprons closest to the intersection will be closed with curb, gutter, and sidewalk.

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.

LETTERS RECEIVED

Twelve letters of opposition were received at the time of completion of this report and have subsequently been attached.

4471 S Third-SUP 2024-015



B Hunt <bhunt159.bh@gmail.com>
To: Ostadnia, Mahsan

Reply Reply All Forward

Tue 4/2/2024 10:17 PM

If there are problems with how this message is displayed, click here to view it in a web browser.

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.

I am a resident of Westwood, and this is to inform you that I do not approve of the request for a permit, allowing a convenience store with gas pumps in the proposed site. There are at least 3 service stations with gas pumps, 2 grocery stores and 1 Convenience stores within a mile of the proposed site. We would like to keep this corner safe for residents trying to turn into the neighborhood, and we do not need an additional store with pumps in this area. I object and truly pray that you all decline the request for a convenience store with gas pumps. After all you all are not concerned with the drug passing, loitering or carjacking that occurs at these locations in our neighborhoods. ABSOLUTELY NO!!!!

CASE #SUP 2024-015 Fayez 3rd Inc.



L. Longstreet <lawandalongstreet@gmail.com>
To: Ostadnia, Mahsan

Reply Reply All Forward

Tue 4/2/2024 11:00 PM

If there are problems with how this message is displayed, click here to view it in a web browser.

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.

Greetings Mahsan Ostadnia,

I received a notice about the request for a Special Use Permit to allow a convenience store with gas pumps in the Commercial Mixed Used-1 District at 4471 S. Third Street.

I will not be able to attend the Land Use Control Board Public Meeting on Thursday, April 11th. However, I would like to express opposition to the request. Fayez 3rd Inc. currently owns a convenience store less than a mile from the requested location, thus eliminating the demand for this service. In addition, these services are met by the existing 5 gas stations and convenience stores, Walgreen's, Save-a-lot, Family Dollar, Dollar General, and other similar businesses within a 1-mile radius in both directions.

It is my belief that a convenience store at this location will decrease safety by increasing foot and vehicle traffic, providing another place for loitering and various types of solicitation.

In closing, I am opposed to this request for a Special Use Permit to allow a convenience store with gas pumps in the Commercial Mixed Used-1 District at 4471 S. Third Street.

Please acknowledge your receipt of this message.

Sincerely,

Lawanda Longstreet-Hart
Concerned Citizen, Educator, and Parent

4388 Ford Cove
Memphis, TN 38109

Neighborhood Opposition List to the special permit No. at the corner of FORD D And S THIRD ST



moe moe <king87lo@yahoo.com>
To Ostadnia, Mahsan

☺ Reply Reply All Forward 📧 ⋮

Wed 4/3/2024 7:55 AM



Good morning everyone

I have here a petition

From some of the residents

Showing a big concern and opposition against the special permit for the corner and ford d and third st for the new gas station to come And this is some that I was able to gather on short notice and I'm sure if I have more time I'll be able to prove more residents that will oppose this permit.

We have gas station all over the street more then 20 gas stations and we want a change something that would help the community In the long haul.

We don't want another gas station selling our kids vape products and alcohol. We are fed up with them making money on from selling our kids alcohol and cigarettes and thc products.

Also our church is right by the land

And we would like to be heard and we are not against that would improve our community not drag it down.

Thank you so much and we hope

You help keep our community safe and prosperous.

LUCB: Opposed to Approval of SUP 2024-014 AND SUP 2024-015



Charles Everett <ceverett@upliftwestwoo
To Ostadnia, Mahsan
Cc Charles Everett

☺ Reply Reply All Forward 📧 ⋮

Wed 4/10/2024 3:45 PM

[If there are problems with how this message is displayed, click here to view it in a web browser.](#)

is safe.

Good day Mahsan Ostadnia,

I am contacting you to express my opposition to two (2) proposed projects that are coming before the Land Use Control Board on Thursday April 11: SUP 2024-014 AND SUP 2024-015. Both projects, within blocks of each other on South Third Street in Westwood, 38109, would cause irreparable harm to the neighborhood if approved, because both projects propose installing and operating gas pumps.

These proposals, if approved, would overburden the Westwood community with gas stations within an extremely small 2 mile radius, and would join these gas stations: 1) 4041 S Third, 2) 4126 Horn Lake Road, 3) 4124 S Third, 4) 4355 S Third, 5) 4670 S. Third, 6) 4675 S. Third, 4691 Horn Lake Road. For a community with an aging demographic that is already wrestling with environmental, economic, and equity disparities, approving these projects with additional adverse levels of benzene and ozone damaging emissions would only benefit the proprietors and provide no health, safety or economic value to the community it is proposed to reside in, not to mention heightened possibilities of trespassing and loitering, noise, Cypress Creek groundwater runoff impact, loss of property value, and traffic concerns.

If needed, I welcome the opportunity to discuss these concerns and my opposition with you in greater detail.

Thank you for your attention,

OPPOSE SUP 2024-014 AND SUP 2024-015 TODAY!

 connoicater <connoicater@aol.com>
To: Ostadnia, Mahsan

  Reply  Reply All  Forward  

Sat 4/13/2024 8:33 AM

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.

I vote NO!
Randall Wordlaw

Thank you!
Sent from my iPhone

Gas Station Permits

 BETTY EVANS <bttb206@bellsouth.net>
To: Ostadnia, Mahsan

  Reply  Reply All  Forward  

Wed 4/10/2024 1:24 PM

 If there are problems with how this message is displayed, click here to view it in a web browser.

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.

I am a member of The Westwood Neighborhood Assn. I am sending this message to oppose permits SUP 2024-014 and SUP 2024-015 in our community! [from AT&T Yahoo Mail for iPhone](#)

Expansion of gas station in Westwood

 Marilyn Pointer <pmarilynn@rocketmail.com>
To: Ostadnia, Mahsan

  Reply  Reply All  Forward  

Wed 4/10/2024 1:12 PM

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.

I have been a resident in Westwood since 1971. I have seen Westwood go through many changes but a gas station we DO NOT NEED. How about putting a police sub station at the corner of Ford Road and Third Street or at the corner of Western Park and Third Street. Let our community know that help is just around the corner.

Concerned Westwood Resident



Ernest Patterson, II <ep2_1966@yahoo.com>
To: Ostadnia, Mahsan

Reply Reply All Forward

Tue 4/9/2024 12:24 PM

If there are problems with how this message is displayed, click here to view it in a web browser.

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.

I want to voice my opinion on NOT allowing proposed (2) new gas stations being built. We have enough convenience/gas stations in our area. *(1)The carwash current owner needs to sell it, to a potential buyer, if their not going to maintain it. (2) The 3rd/Western Park location shouldn't be populated with another corner store as well.*
My family have been a residents since 1972; I myself purchased a home in Westwood in 2003.
I asking YOU to not allow these locations to convert to gas stations and convenience stores.

Thanking you in advance,

Ernest M Patterson II
4455 Deerland St
Memphis TN 38109

[Yahoo Mail: Search, Organize, Conquer](#)

Gas Station In Westwood



Melvin Watkins <melvinwatkins40@icloud.com>
To: Ostadnia, Mahsan

Reply Reply All Forward

Mon 4/8/2024 9:02 PM

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.

My name is Melvin Watkins. I am the pastor of Mt. Vernon Baptist Church-Westwood, Board Chair of Uplift Westwood CDC, and President/CEO of Westwood Manor senior affordable apartments n Westwood.

I join my voice with the community and say NO to more gas stations/convenient stores in Westwood.

The current are not clean, they attract ongoing commotion, no community members are represented in the hiring practices, the restrooms are usually disgusting, vulgar music is often played over the speaker systems within these stores. In addition to this, my understanding is that these stores have made no contributions to any schools or positive activities in the community. We say NO!

Grateful,
Pastor Melvin Watkins

SUP 2024-014 2024 015

 OLOR W. HUGHES <owh@bellsouth.net>
To Ostadnia, Mahsan

  Reply  Reply All  Forward  

Wed 4/10/2024 1:23 PM

 If there are problems with how this message is displayed, click here to view it in a web browser.

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 afternoon,

Please let me know if I can pull up an agenda for the Land Use Control Board's meeting on tomorrow.

**Thank you,
Olor W. Hughes, President
Westwood Neighborhood Association, Inc.**

Oppose new Westwood gas station

 pammiejeanie <pammiejeanie@aol.com>
To Ostadnia, Mahsan

  Reply  Reply All  Forward  

Wed 4/10/2024 3:26 AM

 If there are problems with how this message is displayed, click here to view it in a web browser.

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 Ostadnia,

This is to inform you that I am in opposition to ANY and ALL permits to place additional service/gas stations in the Westwood area, most specifically along Third Street.

These stations have the potential to become areas of concern for illicit activity, loitering, and etc.

They do not add value to our community, nor do the owners of these businesses participate in any vital or substantial way in our community.

Please let the record show that I vehemently oppose the permit to add this or any other service/gas station in the Westwood area.

Thank you in advance for your time.

Kind regards,

PjLee

Westwood gas stations

 jody callahan <jodyacallahan@gmail.com>
To Ostadnia, Mahsan

  Reply  Reply All  Forward  

Tue 4/9/2024 6:49 PM

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.

Hello,

My name is Jody Callahan, and I'm working on a story for the Daily Memphis about the proposed gas stations in the Westwood area (SUP 2024-014 and 015). I understand these may be held for a month, but I wondered if I could give you a call Wednesday morning to chat about these? Many thanks...



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: March 6, 2024

Record Number: SUP 2024-015

Expiration Date:

Record Name: Lot 5, Westwood Downs Subdivision. 4471 S. Third

Description of Work: SUP for Convenience store with gas sales in CMU-1 zoning district

Parent Record Number:

Address:

4471 S THIRD ST, MEMPHIS 38109

Owner Information

Primary Owner Name

Y FAYEZ 3RD INC

Owner Address

4315 3RD ST, MEMPHIS, TN 38109

Owner Phone

Parcel Information

075147 00014

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

01/10/2024

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

GENERAL PROJECT INFORMATION

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

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

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare The site is currently developed as a self service car wash. The proposed use will utilize existing infrastructure in place for the current development.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations This corner location will be compatible with surrounding uses and represent a more appropriate use for the location than the current self service car wash.

UDC Sub-Section 9.6.9C All existing infrastructure is in place to serve this proposed development.

UDC Sub-Section 9.6.9D Agreed.

UDC Sub-Section 9.6.9E This project will be in conformance with all applicable UDC standards.

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

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

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1543464	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	03/06/2024
1543464	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	03/06/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 4471 53RD ST MEMPHIS TN 38109
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 26 day of March in the year of 2024

[Signature]
Signature of Notary Public



26/24/2025
My Commission Expires

The Bray Firm

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

March 6, 2024

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

**RE: Special Use Permit for C-store with gasoline sales in the CMU-1 zoning district
4471 S. Highway 61
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

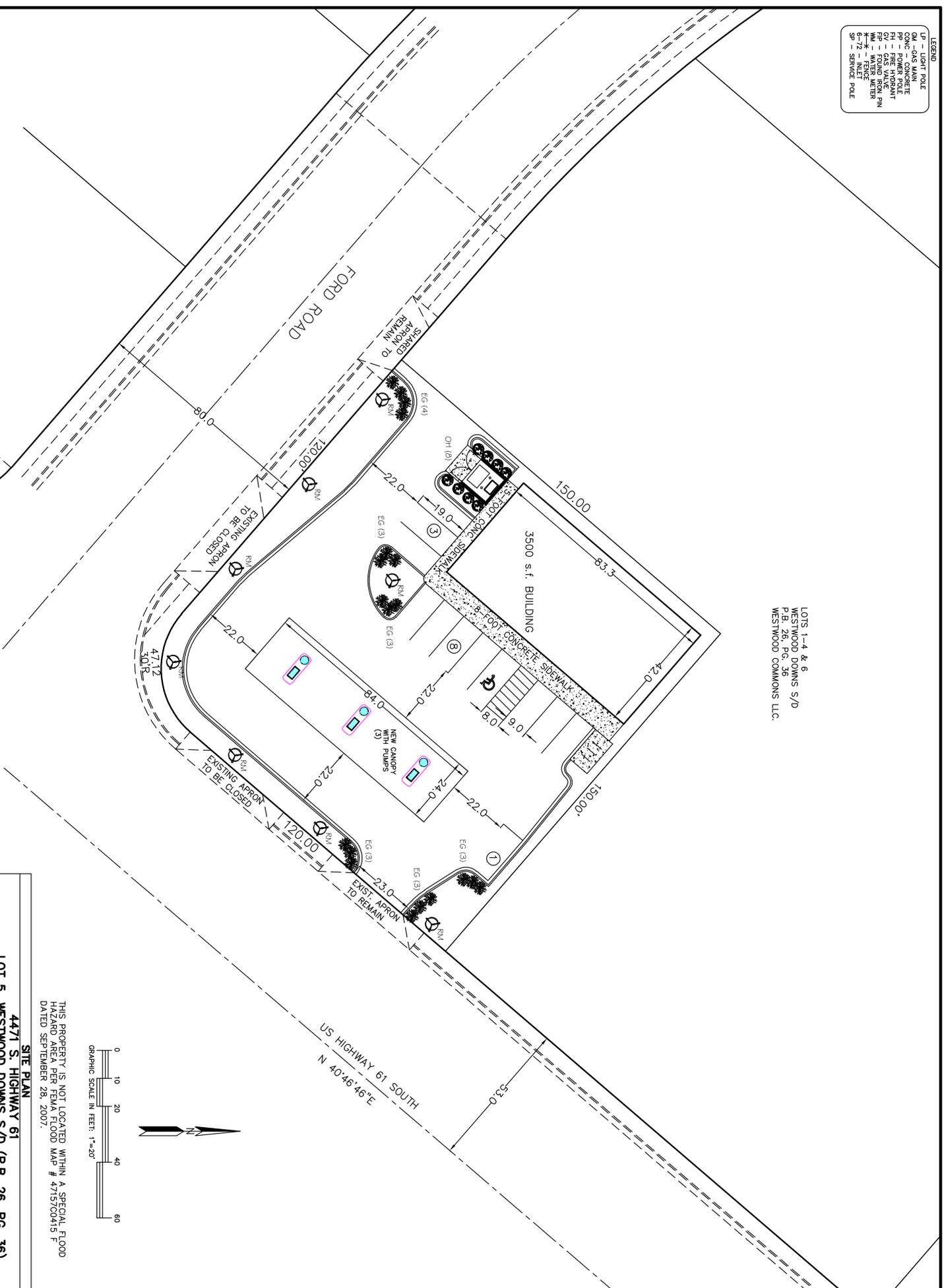
Please find attached an application to permit a C-store with gasoline sales in the CMU-1 zoning district on the above captioned property at the northwest corner of Highway 61 and Ford Road. The site is currently developed as a self service car wash but the owner will replace the existing improvement and develop the site per the attached site plan. The site will comply with all regulations of the current UDC. The two aprons closest to the intersection will be closed with curb, gutter, and sidewalk.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

- LEGEND**
- LP - LIGHT POLE
 - GM - GAS MAIN
 - CM - CONCRETE
 - FC - FIBER OPTIC
 - FH - FIRE HYDRANT
 - FW - GAS VALVE
 - GV - GAS VALVE
 - WM - WATER METER
 - WM - WATER METER
 - WV - WATER VALVE
 - RV - RAINFALL
 - SP - SERVICE POLE



LOTS 1-4, 6 &
WESTWOOD DOWNS S/D
P.B. 26, PG. 36
WESTWOOD COMMONS LLC.

US HIGHWAY 61 SOUTH
N 40°46'46"E

STREET NAME	SIDEWALK WIDTH	SIDE LOCATION	ACTION
SOUTH THIRD STREET	5.5	WEST ADJACENT TO CURB	REPAIR/REPLACE
FORD ROAD	5.0	NORTH 4.5' GRASS STRIP	REPAIR/REPLACE

PROPOSED PLANTS

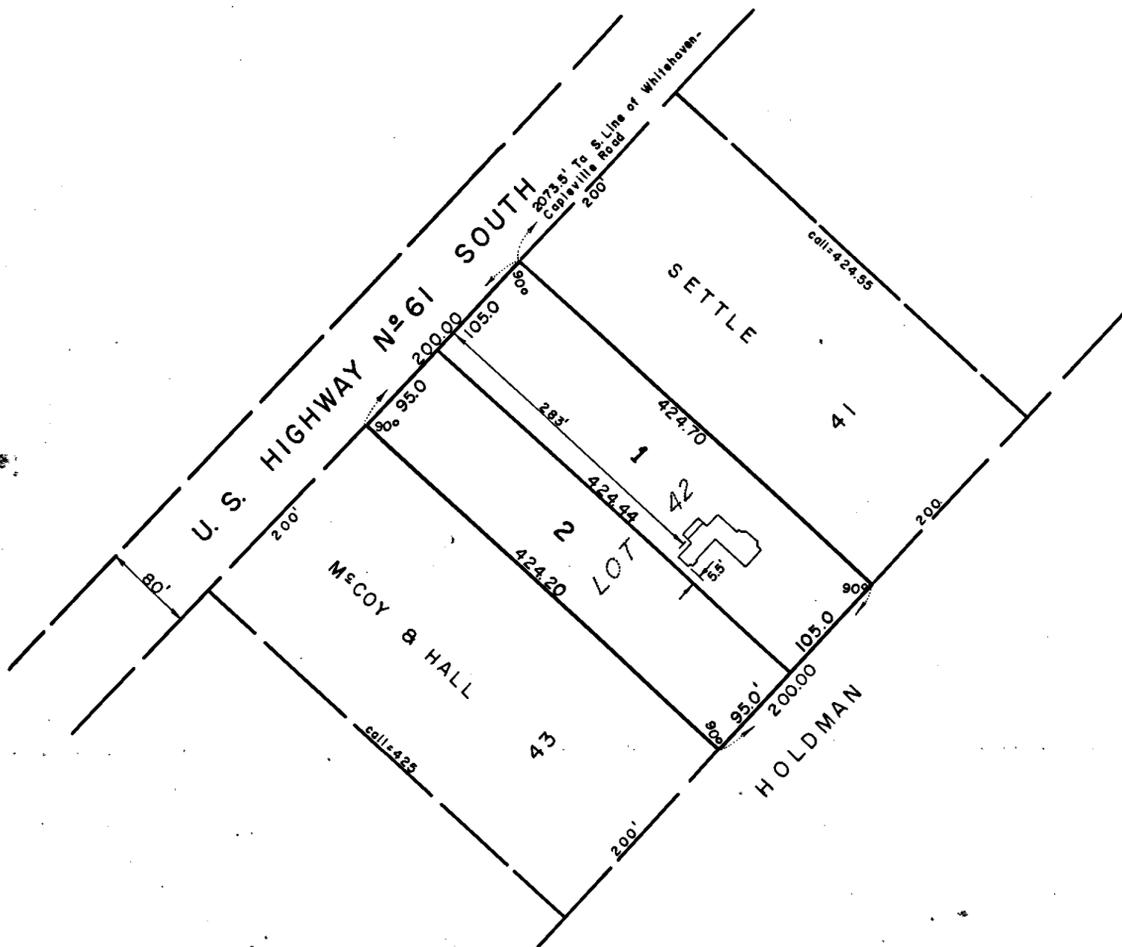
SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
EG	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL.	19
OH	OH	Oak Leaf Holly	Ilex x cornif	3-4 ft.	6
RM	RM	October Glory Red Maple	Acer rubrum 'October Glory'	4-5 ft.	3

EXISTING ZONING DISTRICT:	NEW ZONING DISTRICT:	AREA:	ENGINEER:
CMU-1	CMU-1	0.512 ACRES	THE BRAY FIRM
LOT 5, WESTWOOD DOWNS S/D (P.B. 26, PG. 36)			2950 STAGE PLAZA NORTH
4471 S. HIGHWAY 61			BARTLETT, TN 38134
MEMPHIS, TENNESSEE			(901) 383-8868

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 471570415 F DATED SEPTEMBER 28, 2007.



DATE: MARCH 2024 SCALE: 1"=20' SHEET 1 OF 1



STATE OF TENNESSEE
COUNTY OF SHELBY

We, the undersigned, Neal Holdman and wife, Mae Holdman, owners of the property shown hereon, hereby adopt this as our plan of subdivision and dedicate the streets as shown to the public use forever. We hereby certify that we are the owners, duly authorized so to act, and that said property is not encumbered by any taxes which have become due and payable.

Neal Holdman Owner. Mae Holdman Owner.

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 Neal Holdman and wife, Mae Holdman, the within named bargainors with whom I am personally acquainted and who upon their oaths acknowledged that they executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal at my office in Memphis, this the 6 day of July, 1962.

Mary C. Leonard Notary Public.

My commission expires 4-4-66

CERTIFICATE OF SURVEY:

This is to certify that we have surveyed the property shown hereon designated Brenda Kay Subdivision; that this plan correctly represents the survey thereof; and, that we have designed all storm water drainage therein to assure that neither said subdivision nor adjoining property will be damaged by flood water by reason of change in topography or character of land use affecting the velocity and volume of water entering or leaving same.

By Heber H. Carter, Jr. Engineer.
Tennessee Certificate No. 20267

The minimum setback from street to building line shall meet the approval of the Shelby County building department.

STATE OF TENNESSEE
COUNTY OF SHELBY

We, the undersigned, National Burial Insurance Company, mortgagee of the property shown hereon, hereby adopt this as our plan of subdivision and dedicate the streets as shown to the public use forever. We hereby certify that we are the mortgagee, duly authorized so to act, and that said property is not encumbered by any taxes which have become due and payable.

NATIONAL BURIAL INSURANCE COMPANY

By Paul B. Maxwell Mortgagee.

Attest McWunderlich

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 Paul B. Maxwell, with whom I am personally acquainted and who upon his oath acknowledged himself to be Vice President of National Burial Insurance Company, the within named bargainor, and that as such Vice President being authorized so to do, executed the foregoing instrument for the purpose therein contained by subscribing the name of National Burial Insurance Company by himself as Vice President. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal at my office in Memphis, this the 9 day of July, 1962.

J. L. Farnell Notary Public. My commission expires 3/24/1965

APPROVED BY MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION

Date JUNE 21, 1962 By Jerrold A. Moore Director.

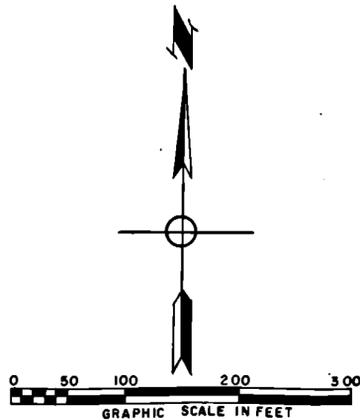
APPROVED BY SHELBY COUNTY COMMISSIONERS

By Doddie Jones Commissioner. Date 3 Aug 1962

STATE OF TENNESSEE
COUNTY OF SHELBY

Filed for registration _____, 1962, at _____ o'clock _____ M. and noted in Note Book No. _____, Page _____, and was recorded _____, 1962 in Record Book No. _____, Page _____, Fee _____ paid.

By _____, Register.



BRENDA KAY SUBDIVISION
(A RE-SUBDIVISION OF LOT 42 - ADDITION TO WESTWOOD SUBDIVISION)
SHELBY COUNTY, TENNESSEE
JULY, 1962
SCALE: 1"=100'
RICHARDSON ENGINEERING COMPANY

ZONED R-2 1.95 ACRES

6699

NOTED FOR REGISTRATION
RECORDED IN BOOK NO. 205
PAGE 100
FILE 3
AUG 22 2 14 PM '62
SHELBY COUNTY REGISTER

4471 SOUTH THIRD

Page 1 of 2

Fayez 3rd, Inc.
4315 S 3RD STREET
Memphis, TN 38109-5222

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Westwood Common LLC
PO Box 1509
Collierville, TN 38027

Resident
4465 US Highway 61
Memphis, TN 38109

Wilson Call
PO Box 2071
Southaven, MS 38671

Resident
4425 Highway 61
Memphis, TN 38109

Mount Vernon Baptist Church Westwood
620 Parkrose Rd
Memphis, TN 38109

Kirby Carter
796 Ledbetter Ave
Memphis, TN 38109

Resident
4405 Highway 61
Memphis, TN 38109

Shelby County Tax Sale 18.03
PO Box 2751
Memphis, TN 38101

Resident
4389 Highway 61
Memphis, TN 38109

Marzie, Sandra, & Anna Fayne & Cora
Rhynes
4408 Ford Rd
Memphis, TN 38109

Ardentria & Michael Richmond
4392 Ford Cv
Memphis, TN 38109

Lawanda Longstreet
4388 Ford Cv
Memphis, TN 38109

Commission Against Senseless Killing
LLC
PO Box 1894
Memphis, TN 38101

Belgravia Square LLC
11 S Orleans St
Memphis, TN 38103

Bobbie Brown
601 Parkrose Ave
Memphis, TN 38109

Voris Wilson
4474 Melwood St
Memphis, TN 38109

Annie Hall
4480 Melwood St
Memphis, TN 38109

Regina Tatum & Terris King
6739 Olivia Forest Rd
Memphis, TN 38141

Resident
4484 Melwood St
Memphis, TN 38109

Pratcher Property LLC
20165 N 67th Ave
122A
Glendale, AZ 85308

Lindsey Gordon
815 Rolling Brook Dr
Sommerville, TN 38068

4471 SOUTH THIRD

Page 2 of 2

Whitehaven Congregation of Jehovah's
Witnesses
4053 Spiegel Dr
Memphis, TN 38116

Resident
4545 Ford Rd
Memphis, TN 38109

Issac & Grace Braxton
4506 S 3rd St
Memphis, TN 38109

Resident
4506 Ford Rd
Memphis, TN 38109

Husam Mahomoud
5201 Brook Hollow Pkwy
Ste K
Norcross, GA 30071

Resident
4474 S highway 61
Memphis, TN 381409

Kathy & Stacy Richards
1274 Hickory Ridge Rd
Memphis, TN 38116

Resident
4460 Highway 61
Memphis, TN 38109

Rayford White & Vera Lewis
4311 Whisper Trail
Olive Branch, MS 38654

Resident
4444 S Highway 61
Memphis, TN 38109

Global Midsouth Corp
4432 S 3rd St
Memphis, TN 38109



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.

18095055

09/18/2018 - 09:09 AM

4 PGS	
TAMMY	1784735-18095055
VALUE	195000.00
MORTGAGE TAX	0.00
TRANSFER TAX	721.50
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	744.50

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

SPECIAL WARRANTY DEED

THIS INSTRUMENT WAS PREPARED BY
The Waddell Law Firm
9056 Stone Walk Place
Germantown, TN 38138

THIS INDENTURE, made and entered into as of the 17th day of September, 2018 by and between

John K. Walton,
hereinafter referred to as Grantor,

and

FAYEZ 3RD INC, a Tennessee corporation
hereinafter referred to as 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, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Lot 5, Section E-1, Westwood Downs Subdivision, as shown on plat of record in Plat Book 26, Page 36, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said Land.

Less and Except that portion conveyed to the State of Tennessee by deed of record at Instrument Number AK 1139 being more particularly described as follows:

Beginning at a point on the existing west right of way line of U.S. Highway 61 (53' CL-R.O.W.), said point being 150 feet north of the intersection of the west line of U.S. Highway 61 and the north line of Ford Road (40' CL-R.O.W.); thence S41°50'54" W, 120 feet to a point along the existing west right of way line to a point of curvature; thence along a curve to the right having a radius of 30 feet an arc distance of 47.12 feet to a point on the existing north right of way line of Ford Road; thence N 48°09'06" W, 1 foot to a point; thence N 41°50'54" E, 2 feet to a point of curvature; thence along a curve to the left having a radius of 30 feet an arc distance of 47.12 feet to a point of tangency; thence N 41°50'54" E, 118 feet to a point; thence S 48°09'06" E, 1 foot to the Point of Beginning.

Tax Parcel 075147 00014

Being part of the same property conveyed to John K. Walton by Warranty Deed of record at Instrument No. JX 7787, dated 12/20/1999 and recorded 12/28/1999, in the Register's Office of Shelby, Tennessee.

Grantor covenants and warrants this property is commercial in nature and is not part of Grantor's homestead.

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, its heirs, successors and assigns in fee simple forever.

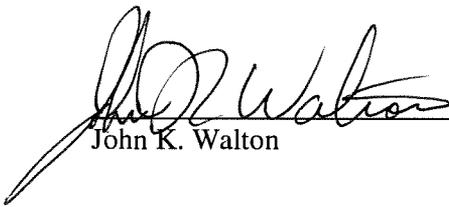
The said Grantor does hereby covenant with the Grantee that the Grantor is lawfully seized in fee of the aforescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except,

8. Shelby County Taxes for the year 2018, City of Memphis Taxes for the year 2019, Subdivision restrictions, building lines and easements of record in Plat Book 26, Page 36, Easements of record at Book 4869, Page 298; and Instrument Nos. M8 5359 and KW 5167, in the Register's Office of Shelby County, Tennessee

and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through, or under grantor, but against none other.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

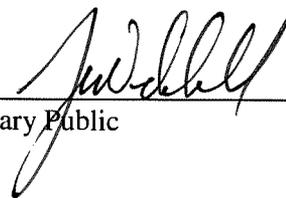
WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.


John K. Walton

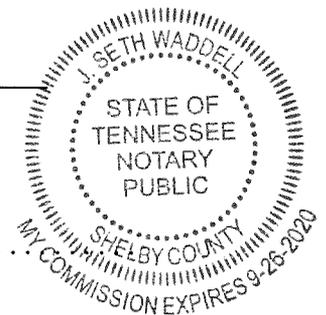
STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, the undersigned Notary Public of the aforesaid County and State, John K. Walton, 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/she executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 17th day of September, 2018.


Notary Public

Commission Expiration: _____



STATE OF TENNESSEE
COUNTY OF SHELBY

VALUATION AFFIDAVIT

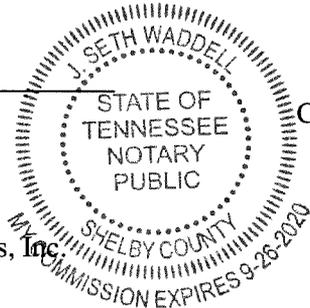
I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$195,000.00, which

amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Melody Asplund
Affiant

Subscribed and sworn to before me this 17th day of September, 2018.

J. S. Waddell
Notary Public



Commission Expiration: _____

RETURN TO:

Covenant Escrow Services, Inc.
9056 Stone Walk Place
Germantown, TN 38138
901-759-0409

SEND TAX BILLS TO:

FAYEZ 3RD INC
4315 Highway 61
Memphis, TN 38109

PROPERTY ADDRESS:

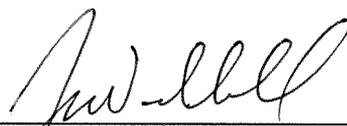
4471 Highway 61, Memphis, TN 38109

NAME AND ADDRESS OF PROPERTY OWNER:

FAYEZ 3RD INC ; 4315 Highway 61, Memphis, TN 38109

File No. 18-00357; Covenant Escrow Services, Inc. Title Co. T.G. No.

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.

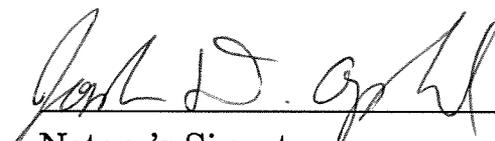


J. Seth Waddell

State of Tennessee

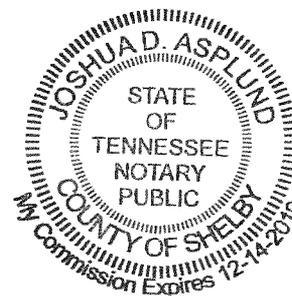
County of Shelby

Personally appeared before me, Joshua D. Asplund, a notary public for this county and state, (name of person making certification) who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.



Notary's Signature

MY COMMISSION EXPIRES: 12-14-19



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

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024

DATE

PUBLIC SESSION: 09/10/2024

DATE

ITEM (*CHECK ONE*)

 ORDINANCE X RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 3306 Overton Crossing Street, known as case number SUP 2024-016

CASE NUMBER: SUP 2024-016

LOCATION: 3306 Overton Crossing Street

COUNCIL DISTRICTS: District 7 and Super District 8

OWNER/APPLICANT: Memphis Business Academy

REPRESENTATIVE: Self + Tucker Architects

REQUEST: Special use permit to allow lighted athletic fields

AREA: +/-19.5

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
05/09/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Chloe Christian</u>	<u>8-12-24</u>	PLANNER I
<u>Burt K...</u>	<u>8/12/24</u>	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-016

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3306 OVERTON CROSSING, KNOWN AS CASE NUMBER SUP 2024-016

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

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: SUP 2024-016

LOCATION: 3306 Overton Crossing Street

COUNCIL DISTRICT(S): District 7 and Super District 8

OWNER/APPLICANT: Memphis Business Academy

REPRESENTATIVE: Self + Tucker Architects

REQUEST: Special use permit to allow lighted athletic fields

EXISTING ZONING: Single-Family Residential – 6 (R-6)

AREA: +/-19.5 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



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

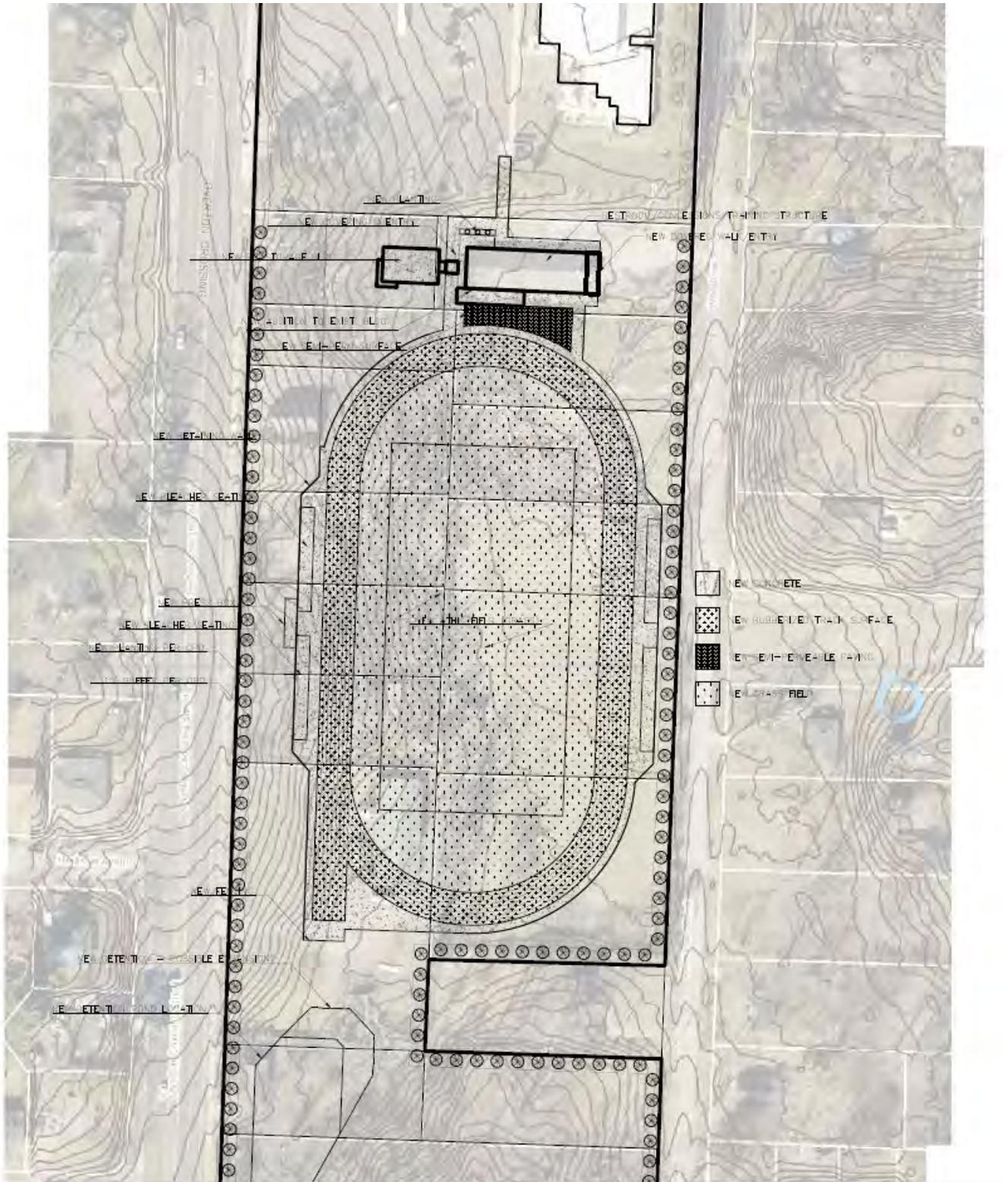
Cc: Committee Members
File

SUP 2024-016

CONDITIONS

1. The site lighting shall be turned off no later than 10PM.
2. Music should not be played, nor public address system announcements later than 9:30PM.
3. No athletic field lighting poles shall exceed 80 feet in height.
4. A detailed photometric lighting plan and landscaping plan shall be provided to the Division of Planning and Development as a part of the Administrative Site Plan Review process prior to permit issuance.

SITE PLAN – MAGNIFIED



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3306 OVERTON CROSSING, KNOWN AS CASE NUMBER SUP 2024-016

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

WHEREAS, Memphis Business Academy filed an application with the Memphis and Shelby County Division of Planning and Development to allow lighted athletic fields; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on May 9, 2018, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

CONDITIONS

- 1.** The site lighting shall be turned off no later than 10:00PM.
- 2.** Music should not be played, nor public address system announcements later than 9:30PM.
- 3.** No athletic field lighting poles shall exceed 80 feet in height.
- 4.** A detailed photometric lighting plan and landscaping plan shall be provided to the Division of Planning and Development as a part of the Administrative Site Plan Review process prior to permit issuance.

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** May 9, 2024
CASE NUMBER: SUP 2024-016
LOCATION: 3306 Overton Crossing Street
COUNCIL DISTRICT: District 7 and Super District 8
OWNER/APPLICANT: Memphis Business Academy
REPRESENTATIVE: Self + Tucker Architects
REQUEST: Special use permit to allow lighted athletic fields
EXISTING ZONING: Single-Family Residential – 6 (R-6)

CONCLUSIONS

1. The request is a Special Use Permit to allow a lighted football field at Memphis Business Academy.
2. The athletic field and associated facilities (concession area, restrooms, and training areas) are permitted by right as accessory uses to the Memphis Business Academy as a private school; however, the proposed athletic lighting necessitates the filing of a Special Use Permit.
3. The applicant has provided a preliminary site plan and a final site plan with a photometrics plan and landscaping plan is in progress. Staff is requesting a detailed photometrics plan and lighting shut-off time of no later than 10:00pm and landscaping plan with adequate landscaping buffer of along property lines abutting residential uses be submitted as a part of the Administrative Site Plan Review Process.
4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), not will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 18-21 of this report.

RECOMMENDATION:

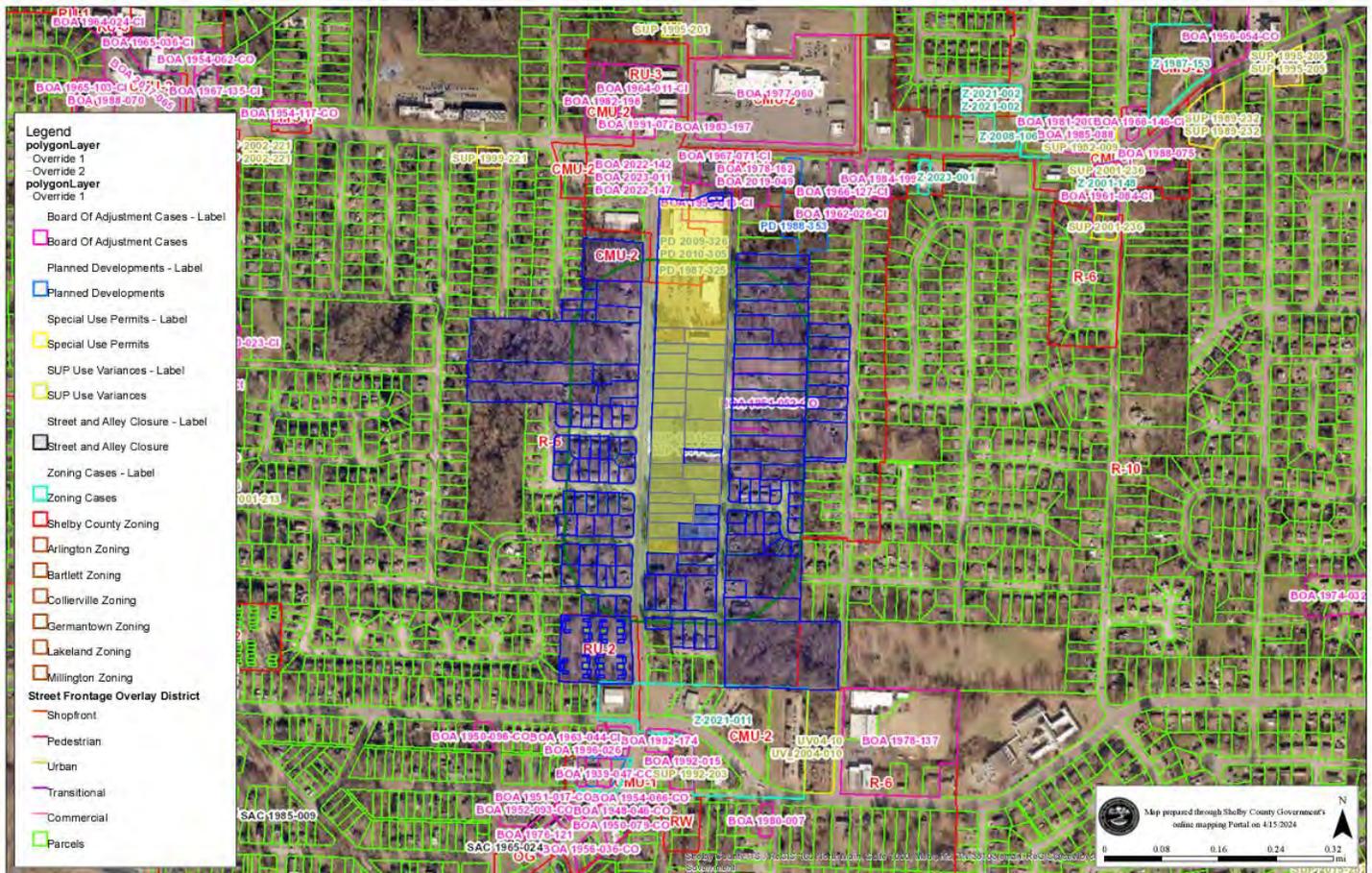
Approval with conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

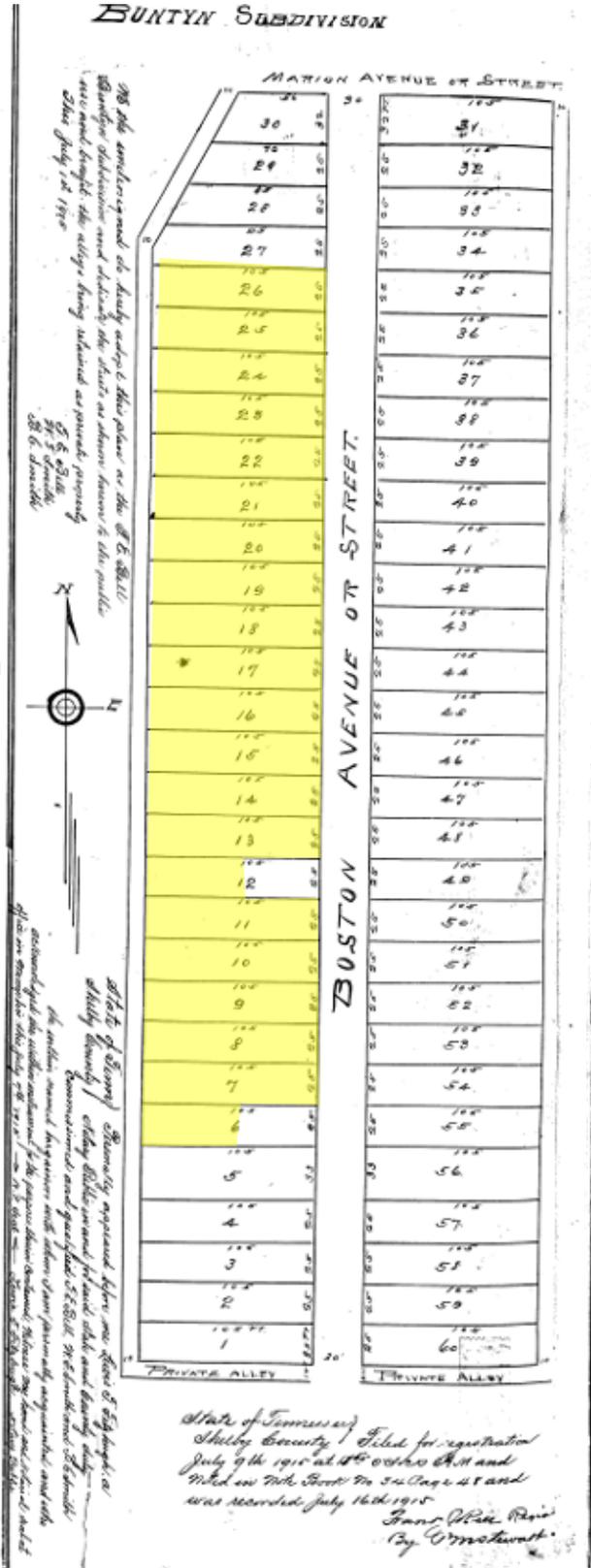
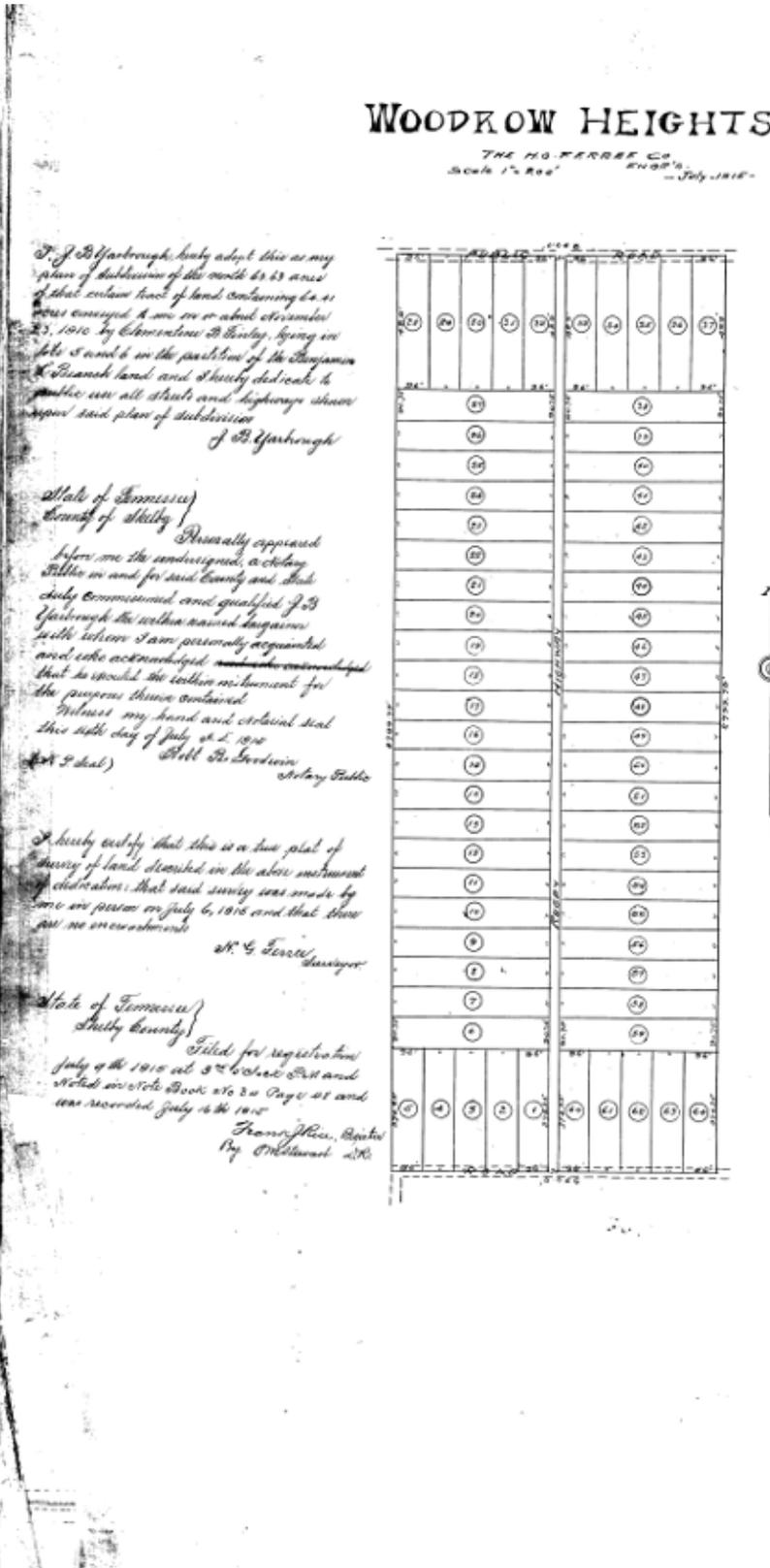
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 140 notices were mailed on April 10, 2024, see pages 21-22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 24 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

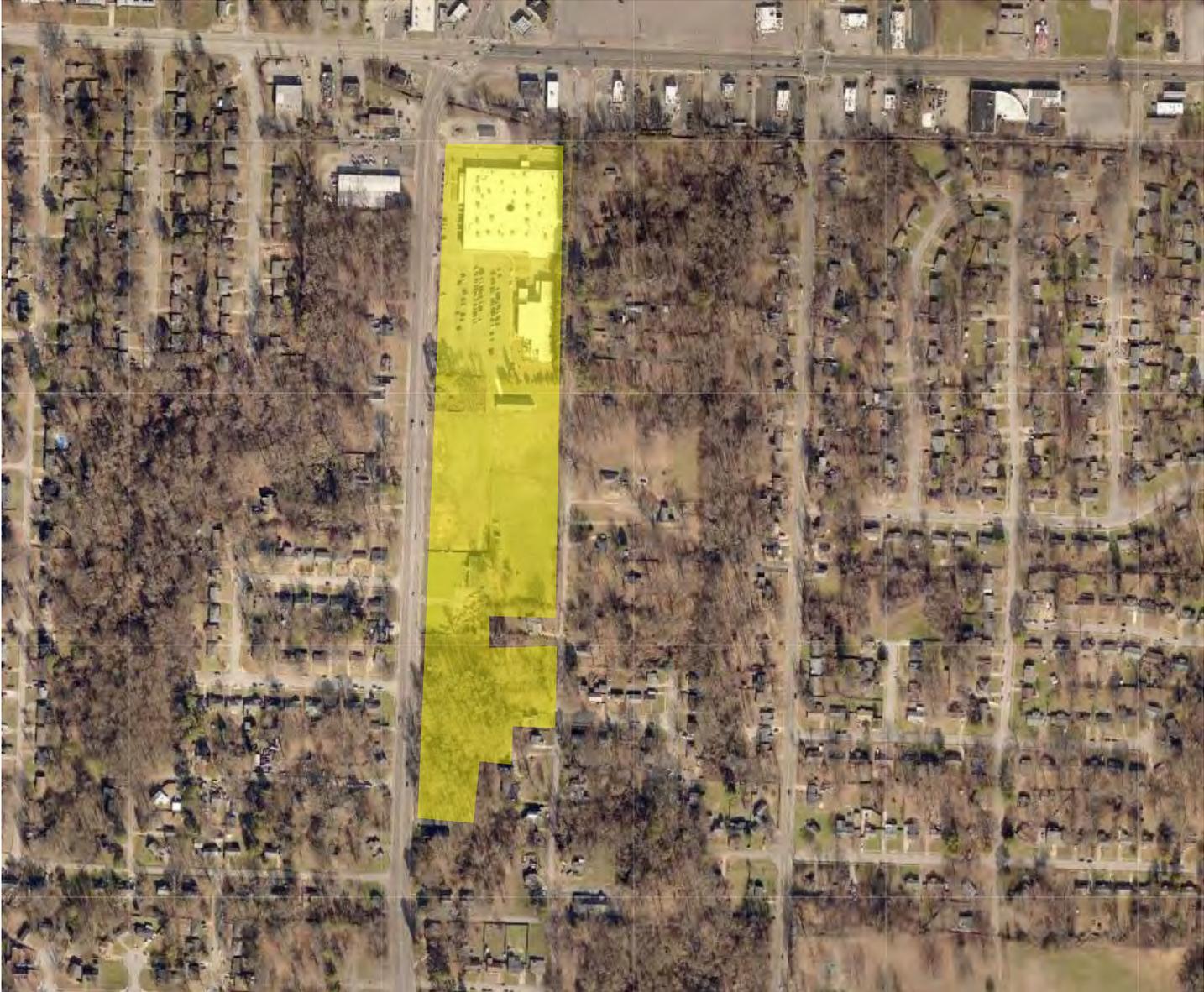
The meeting was held at 9:00 am on Monday, April 29, at Memphis Business Academy Auditorium at 3306 Overton Crossing Street.

WOODROW HEIGHTS SUBDIVISION (PLAT BOOK 7 PAGE 45)



Subject property highlighted in yellow, Lots 6 through 26

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP

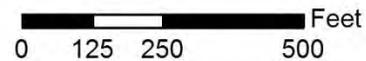


Subject property highlighted in yellow, imagery from 2023

LAND USE MAP



LandUse



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



Subject properties by a pink star

SITE PHOTOS



View of subject property from Overton Crossing Street looking east.



View of subject property from Overton Crossing Street looking east.



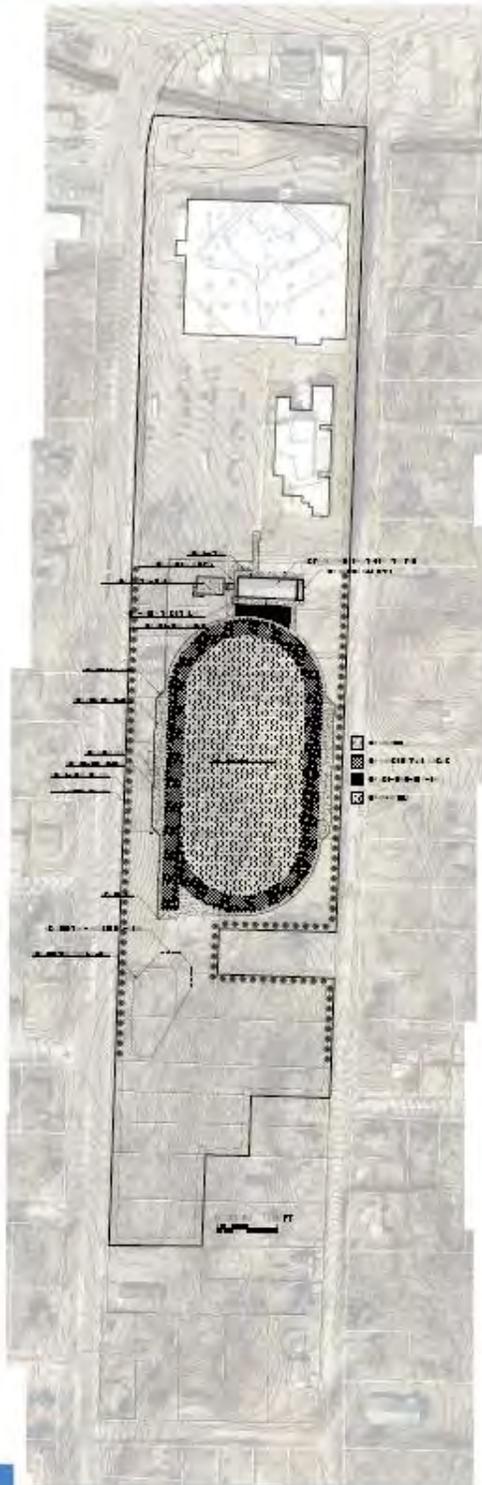
View of subject property from Woodrow Street looking west.



View of subject property from Woodrow Street looking west.

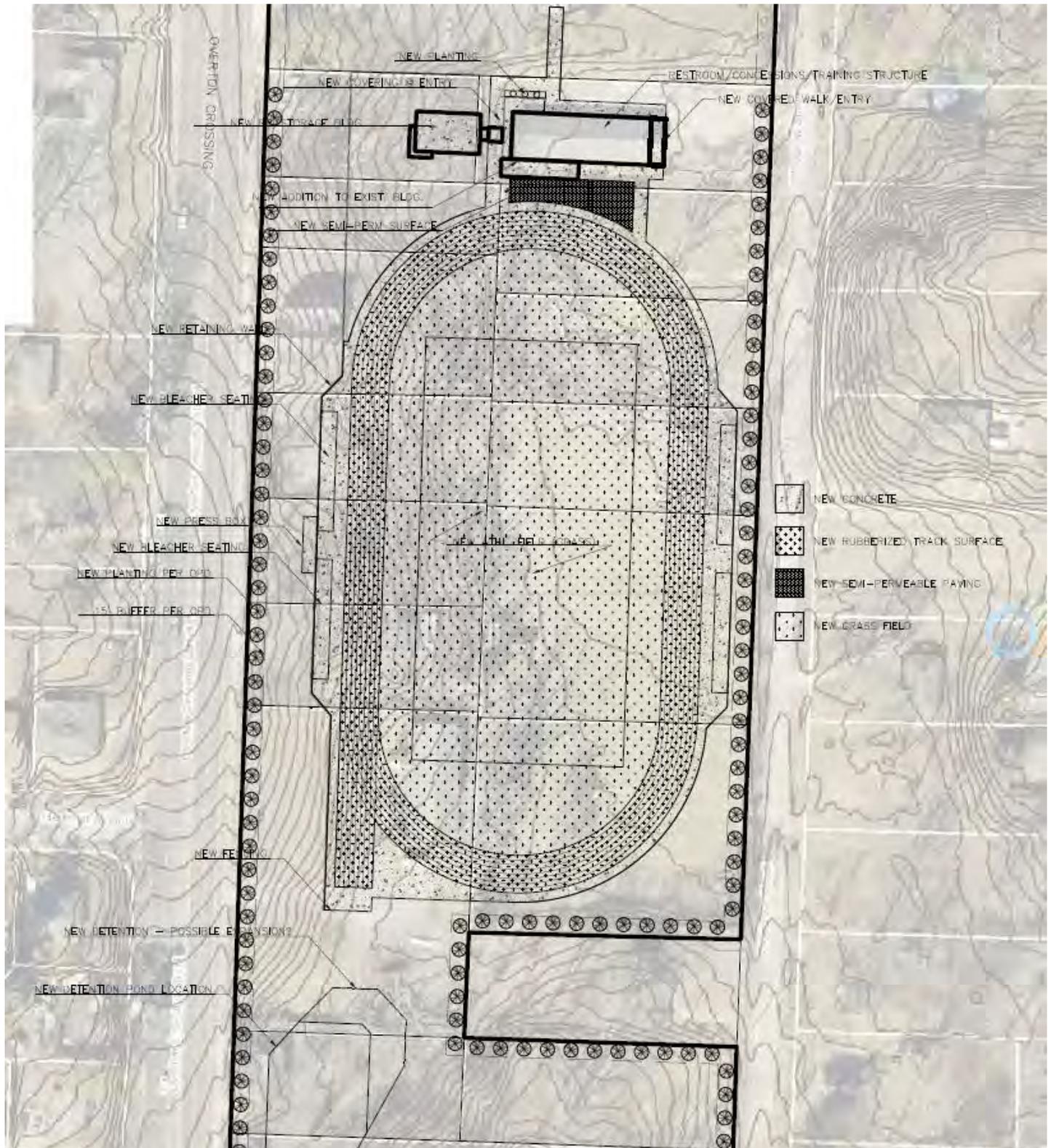
PRELIMINARY SITE PLAN

MBA Athletic Complex - Preliminary Site Plan - 2024.03.02



SELF+TUCKER ARCHITECTS

PRELIMINARY SITE PLAN – MAGNIFIED



CASE REVIEW

Request

The request is a special use permit to allow lighted athletic fields for Memphis Business Academy.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

3306 Overton Crossing Street

Parcel IDs:

072054 00048, 072054 00049, 072054 00050, 072054 00018C, 072054 00034, 072054 00017, 072054 00051, 072054 00043, 072054 00052, 072054 00042, 072054 00053, 072054 00015, 072054 00036, 072054 00013C, 072054 00037, 072054 00012, 072054 00038, 072054 00011, 072054 00039, 072054 00054

Area:

+/- 19.5 acres

Description:

The subject property is known as Lots 6 through 26 of Woodrow Heights subdivision and Memphis Business Academy Planned Development (PD 10-305). The lots are zoned Residential Single-Family – 6 (R-6). Lots are designated multifamily, single family, institutional and vacant with a sprinkling of mature trees along the southwestern portion. The total area of the subject properties is 11.5 acres. Memphis Business Academy Planned Development (PD 10-305) is located directly north of the lots. The properties have two street frontages along Overton Crossing Street and Woodrow Street.

Relevant Unified Development Code Clauses

UDC Sub-Section 2.5.2B: Special Use Review

Indicates a use may be permitted in the respective district only where approved by the governing bodies in accordance with Chapter 9.6, Special Use and Planned Development Review. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the governing bodies as part of the special use approval.

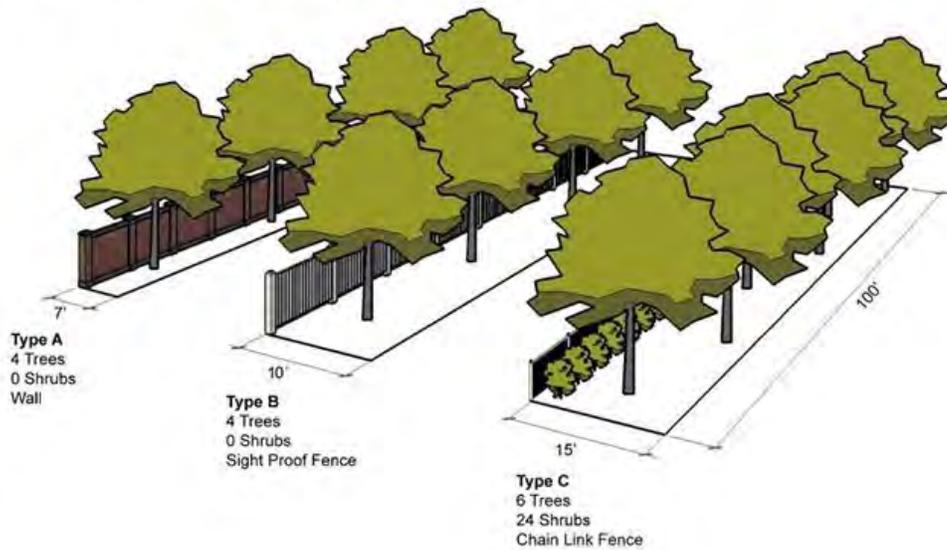
Analysis

The proposed athletic field and associated facilities are permitted by right as accessory uses to Memphis Business Academy per UDC Paragraph 2.9.1B(2), however the proposed site lighting necessitates the filing of a special use permit.

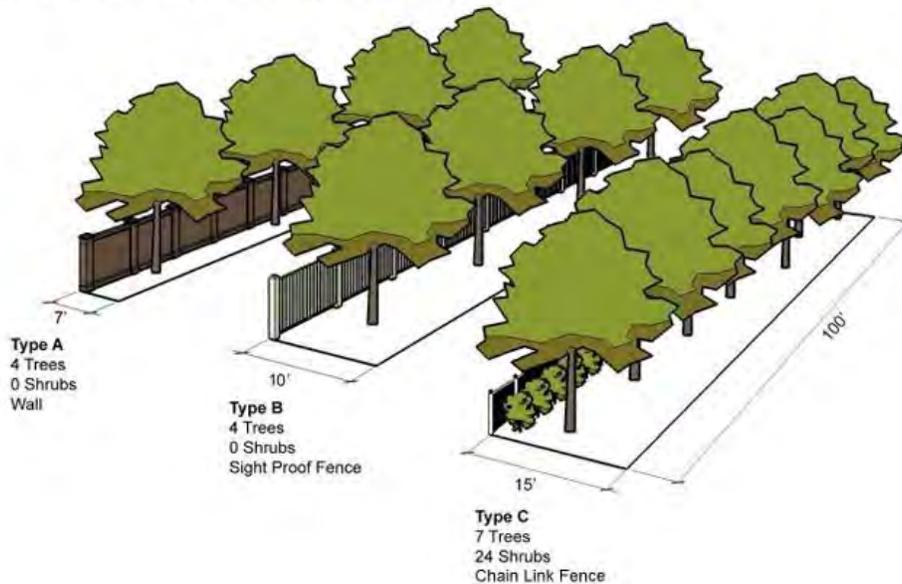
Site lighting will enhance the functionality of the proposed football field and increase safety. The applicant did not submit a detailed photometric lighting plan or landscaping plan for this special use permit. Staff has requested a photometric point-by-point lighting plan and landscaping plan be submitted as a part of the Administrative Site Plan Review (ASPR) process for review and approval by the Division of Planning and Development. As a part of the ASPR process, a Memorandum of Conformance (MOC) shall be issued to City Engineering for review of proposed grading and drainage plans and detention pond.

The landscaping plan should adhere to the requirements of UDC Paragraph 2.6.3E(1) and a Class III buffer shall be established along any side of the property within 400 feet of a residential use except as modified by UDC Paragraph 2.6.2C(1) which allows a minimum Class II, Type C landscaping buffer along the right-of-way since the proposed lighted field will be under the ownership of a school (see graphic below). The photometric plan shall indicate minimal foot candle spill light measurements along all property lines of the site and a lighting shut off time of no later than 10:00pm.

2. Class II Buffer – Low Impact Screening



3. Class III Buffer – Moderate Impact Screening



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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The site lighting shall be turned off no later than 10:00pm.
2. Music should not be played, nor any public address system announced later than 9:30pm.
3. No athletic field lighting poles shall exceed 80 feet in height.

4. A detailed photometric lighting plan and landscaping plan shall be provided to the Division of Planning and Development as a part of the Administrative Site Plan Review Process prior to permit issuance.

DEPARTMENTAL COMMENTS

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

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

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-016: FRAYSER.

Site Address/Location: 3306 Overton Crossing St.

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

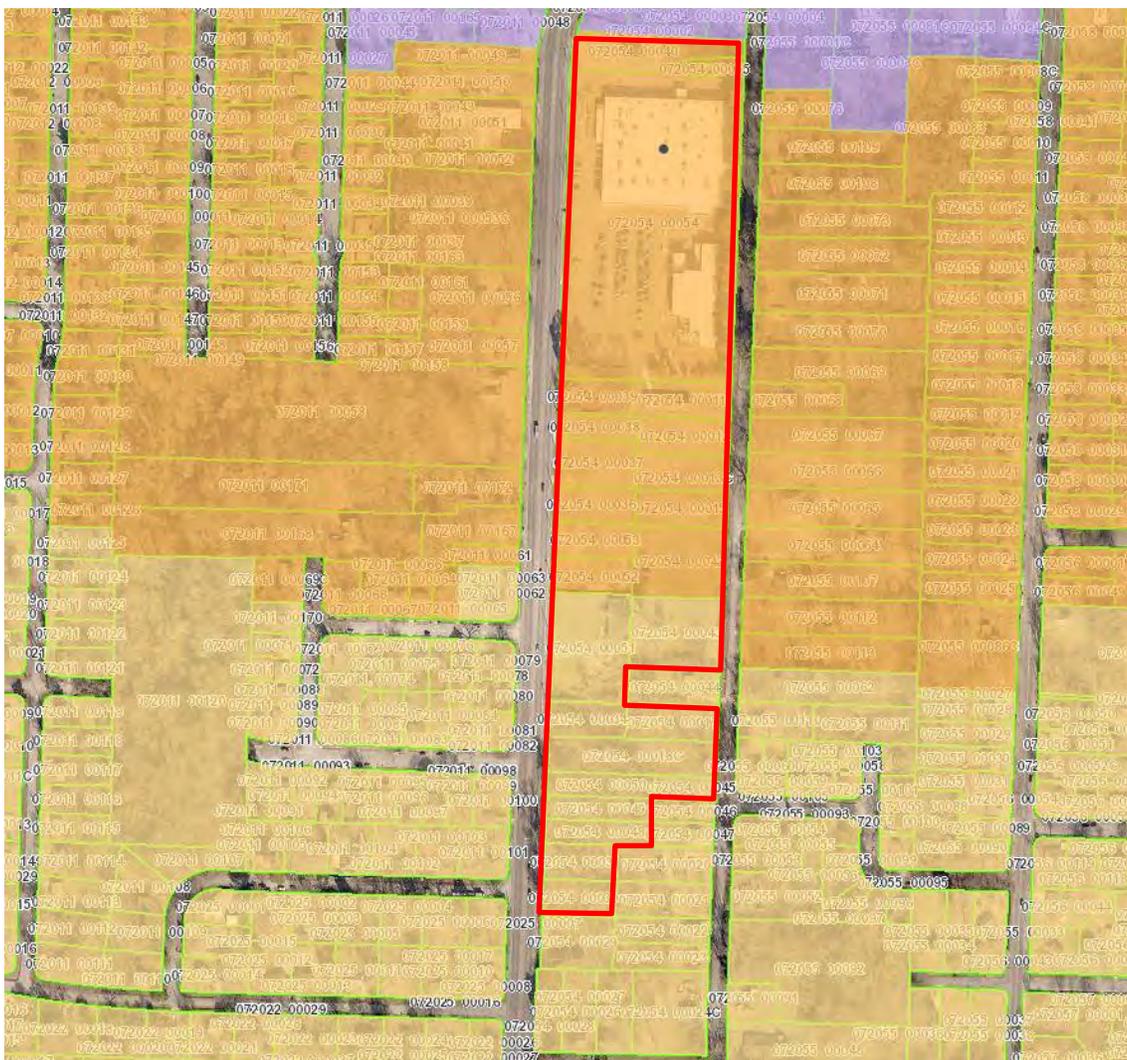
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Avenue

The applicant is seeking approval for a special use permit for installation of field and site-lighting.

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.

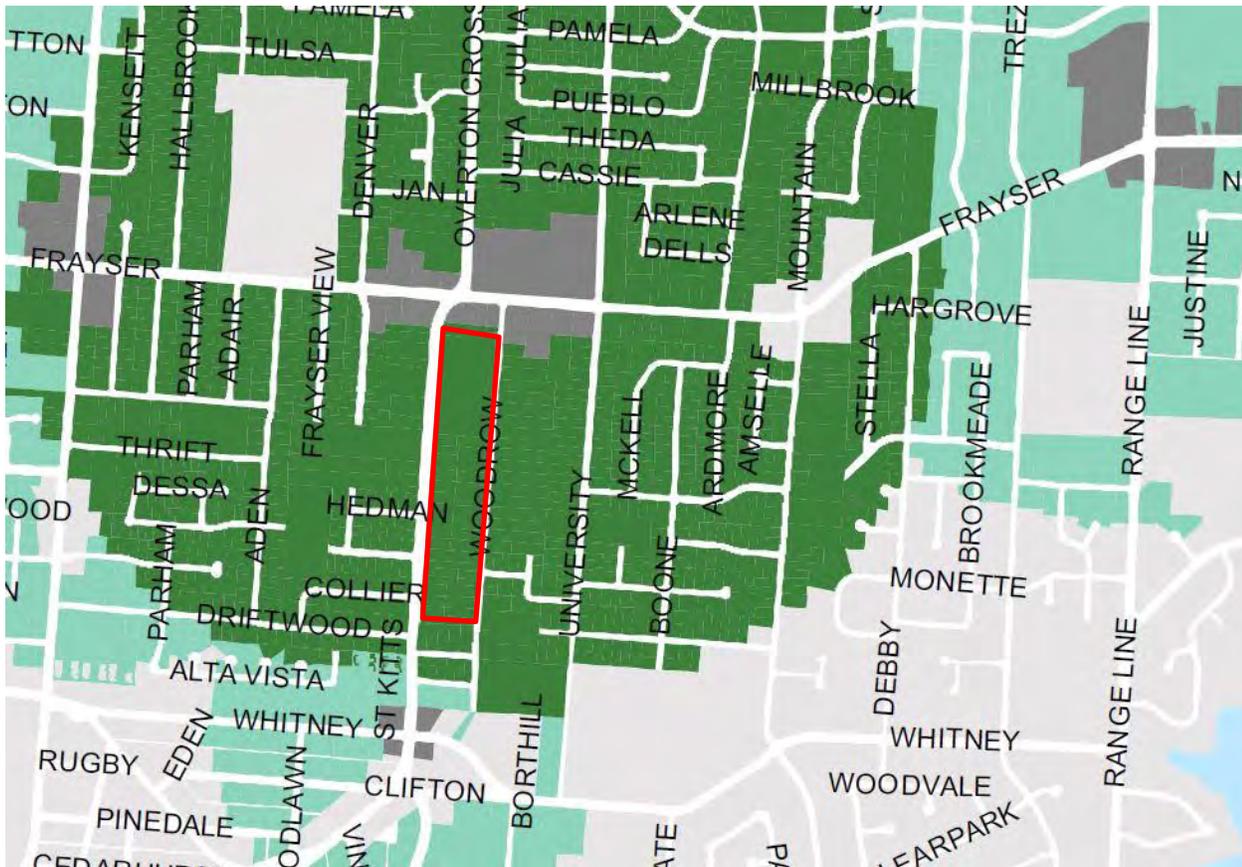
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Institutional, Parking, Single-Family, and Vacant

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

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

3. Degree of Change Map



Red polygon denotes the proposed site 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 athletic field 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 special use permit with installation of field and site-lighting.

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

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 athletic field 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

140 Notices Mailed on 4/30/2024



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

NOTICE OF PUBLIC HEARING

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

- CASE NUMBER:** SUP 2024-016
LOCATION: 3306 Overton Crossing Street
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Self+ Tucker Architects
REQUEST: Special use permit to allow lighted athletic fields for the Memphis Business Academy

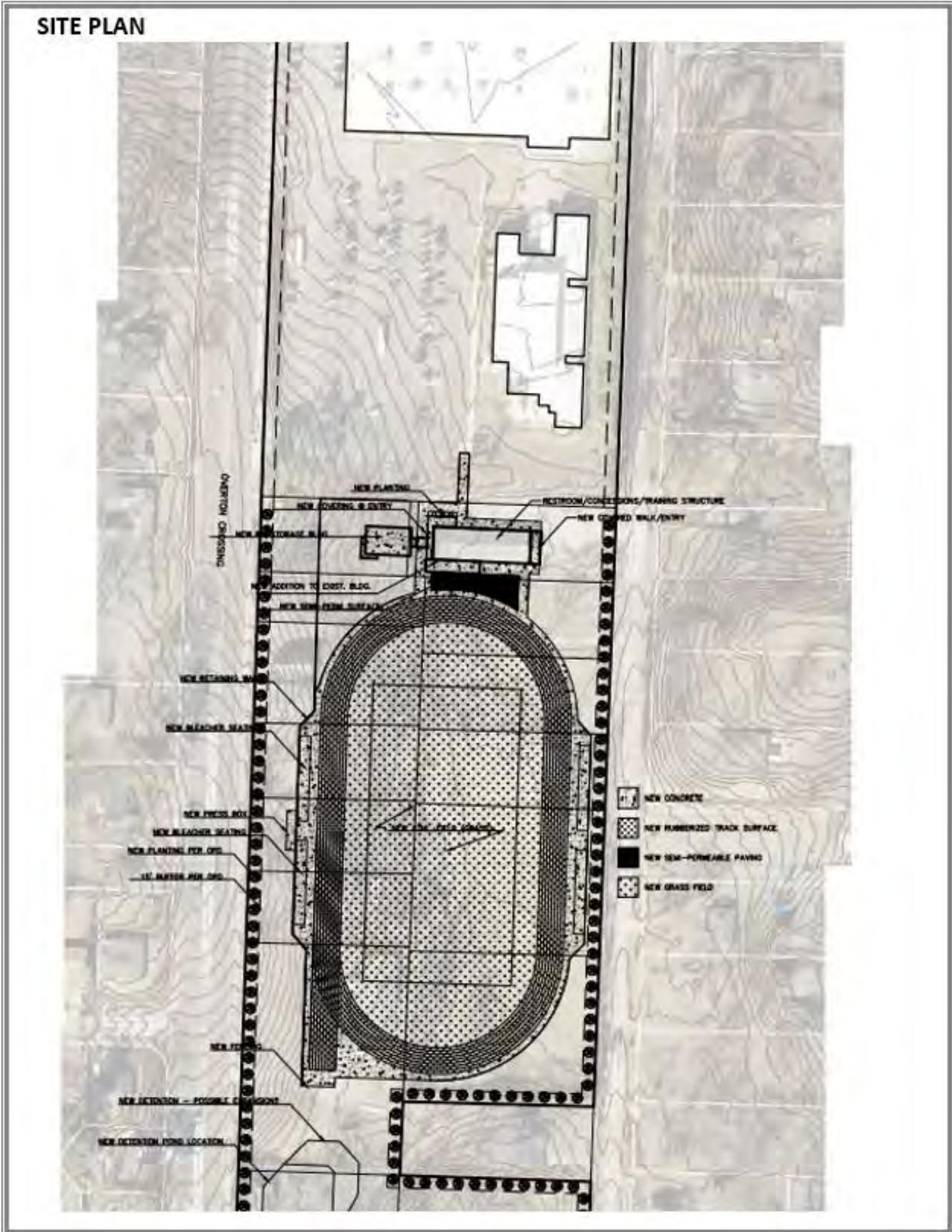
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

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

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christian at chloe.christion@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, May 1, 2024, at 8 AM**.



SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Steve Hallock, being duly sworn, depose and say that at 11:00AM am/pm on the 19th day of April, 2024, I posted 4 Public Notice Sign(s) pertaining to Case No. SUP 2024-016 at 3306 Overton Crossing St, Memphis, TN 38127, providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

09/19/2024
Date

Subscribed and sworn to before me this 19th day of APRIL, 2024.

Shavonne N. Flowers
Notary Public

My commission expires: 05.05.2027



APPLICATION



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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: April 5, 2024

Record Number: SUP 2024-016

Expiration Date:

Record Name: MEMPHIS BUSINESS ACADEMY ATHLETIC COMPLEX

Description of Work: ATHLETIC FIELD AND ASSOCIATED FACILITIES, INCLUDING CONCESSION AREA, RESTROOMS, TRAINING AREAS - SPECIAL USE PERMIT SOUGHT SPECIFICALLY AS A REQUIREMENT FOR NECESSARY SITE LIGHTING - ALL OTHER ASPECTS OF THIS PROJECT ARE ALREADY PERMITTED BY RIGHT

Parent Record Number:

Address:

3306 OVERTON CROSSING ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y MEMPHIS BUSINESS ACADEMY

Owner Address

2450 FRAYSER BLVD, MEMPHIS, TN 38127

Owner Phone

9013578680

Parcel Information

072054 00054

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

LATONYA HULL

Date of Meeting

02/27/2024

Pre-application Meeting Type

In Person

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

-

Number(s) related to previous applications on

GENERAL PROJECT INFORMATION

this site

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

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

APPROVAL CRITERIA

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

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 PROJECT IS IN ACCORDANCE WITH THIS STATEMENT

UDC Sub-Section 9.6.9C PROJECT IS IN ACCORDANCE WITH THIS STATEMENT

UDC Sub-Section 9.6.9D PROJECT IS IN ACCORDANCE WITH THIS STATEMENT

UDC Sub-Section 9.6.9E PROJECT IS IN ACCORDANCE WITH THIS STATEMENT

UDC Sub-Section 9.6.9F PROJECT IS IN ACCORDANCE WITH THIS STATEMENT

GIS INFORMATION

Case Layer BOA1959-013-CI, PD09-326, PD10-305, PD87-325

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
 SELF + TUCKER ARCHITECTS

Contact Type
 APPLICANT

Address

Phone
 (870)821-0589

Name
 STEVE M HALLOCK

Contact Type
 ARCHITECT / ENGINEER /
 SURVEYOR

Address

Phone
 (419)280-6223

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1553508	Special Use Permit Fee Per Acre (each acre or fraction thereof over 5 acre)	6	285.00	INVOICED	0.00	04/05/2024
1553508	Credit Card Use Fee (.026 x fee)	1	7.41	INVOICED	0.00	04/05/2024

Total Fee Invoiced: \$292.41

Total Balance: \$0.00

Payment Information

Payment Amount **Method of Payment**
 \$292.41 Credit Card

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, April Bobo _____, state that I have read the definition of
(Print Name) April M Bobo _____
(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 3306 OVERTON CROSSING STREET, MEMPHIS, TN 38127
and further identified by Assessor's Parcel Number 072054 00054
for which an application is being made to the Division of Planning and Development.

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

[Handwritten Signature]

Signature of Notary Public

August 21, 2027

My Commission Expires:



LETTER OF INTENT



SELF+TUCKER ARCHITECTS

Memphis Business Academy Athletic Complex – Special Use Permit | Letter of Intent

March 18, 2024

Memphis and Shelby County – Division of Planning and Development
125 N. Main Street
Suite 468
Memphis, TN 38103
901.636.6619

The Memphis Business Academy Middle & High School (MBA) is in the design and planning stages to develop a new Athletic Field and Track with associated facilities, including a concession area, restrooms, and training areas. This Athletic Complex will allow the school to hold and host games and events for both MBA, as well as other schools on-site. No such facilities currently exist on the MBA campus.

While this Athletic Complex is permitted by-right, given existing zoning, this Special Use Permit is required for the installation of field and site-lighting, which will increase safety and security for the Complex and surrounding area.

MBA is prepared to move ahead with final design and construction pending approval.

Please feel free to reach out to us here at:

Self+Tucker Architects
480 Dr. M. L. King, Jr. Ave
Suite 201
Memphis, TN 38126
C: 419.280.6223
O: 901.261.1505
F: 901.261.1515
E-Mail: steve.hallock@selftucker.com

Submitted by:

A handwritten signature in black ink, appearing to read 'Steve Hallock', written over a horizontal line.

Date: 2023.08.02

Steve Hallock, Project Manager

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd;
Memphis, Tennessee 38134
Downtown Service Center: 125 N. Main Street;
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website: www.develop901.com

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Parent Record Number:

Address:

3306 OVERTON CROSSING ST, MEMPHIS 38127

Owner Information

Primary	Owner Name
Y	MEMPHIS BUSINESS ACADEMY

Owner Address	Owner Phone
2450 FRAYSER BLVD, MEMPHIS, TN 38127	9013578680

Parcel Information

072054 00054

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	LATONYA HULL
Date of Meeting	02/27/2024
Pre-application Meeting Type	In Person

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on	-

GENERAL PROJECT INFORMATION

this site

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

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GIS INFORMATION

Case Layer BOA1959-013-CI, PD09-326, PD10-305, PD87-325

Central Business Improvement District No

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Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
SELF + TUCKER ARCHITECTS

Contact Type
APPLICANT

Address

Phone
(870)821-0569

Name
STEVE M HALLOCK

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone
(419)280-6223

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Payment Amount **Method of Payment**
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**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

Property Owner's Affidavit

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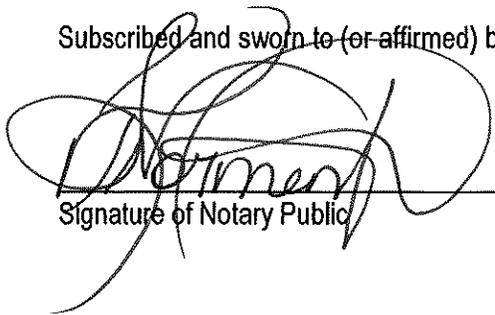
I, April Bobo , state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 3306 OVERTON CROSSING STREET, MEMPHIS, TN 38127
and further identified by Assessor's Parcel Number 072054 00054,
for which an application is being made to the Division of Planning and Development.

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


Signature of Notary Public

August 21, 2027

My Commission Expires:





Memphis Business Academy Athletic Complex – Special Use Permit | Letter of Intent

March 18, 2024

**Memphis and Shelby County – Division of Planning and Development
125 N. Main Street
Suite 468
Memphis, TN 38103
901.636.6619**

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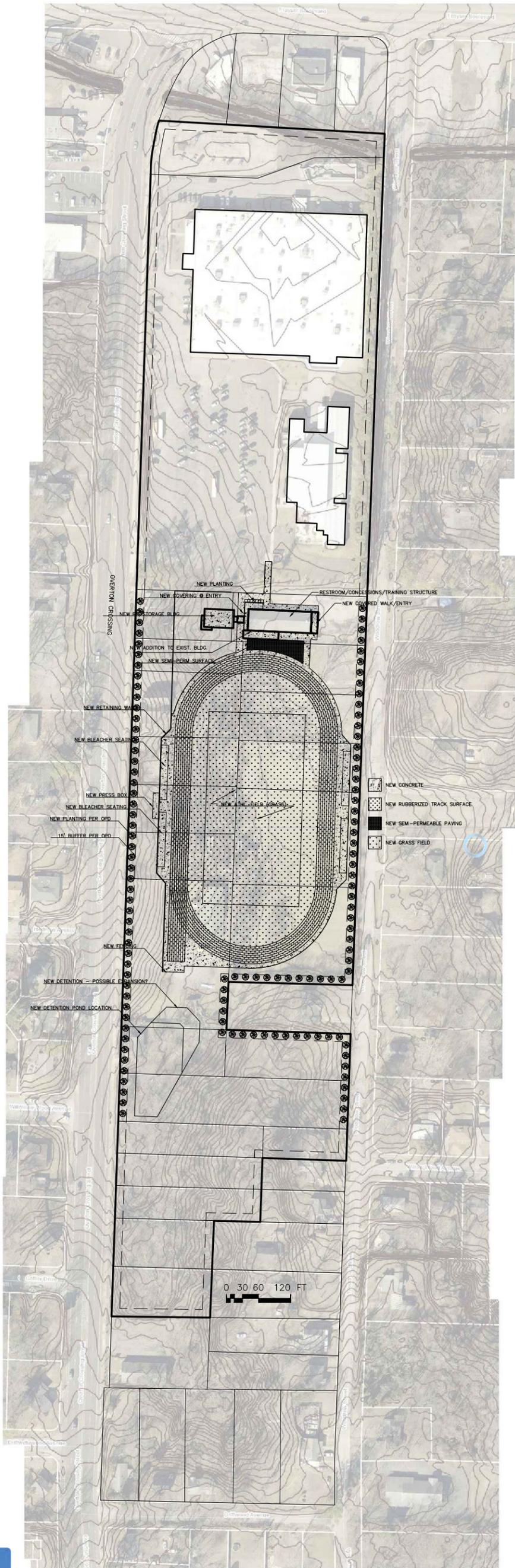
**Self+Tucker Architects
480 Dr. M. L. King, Jr. Ave
Suite 201
Memphis, TN 38126
C: 419.280.6223
O: 901.261.1505
F: 901.261.1515
E-Mail: steve.hallock@selftucker.com**

Submitted by:

Date: 2023.08.02

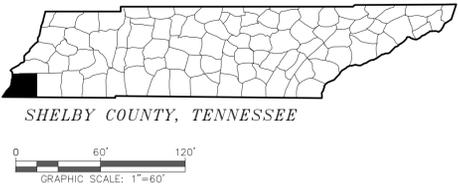
Steve Hallock, Project Manager

MBA Athletic Complex - Preliminary Site Plan - 2024.03.02



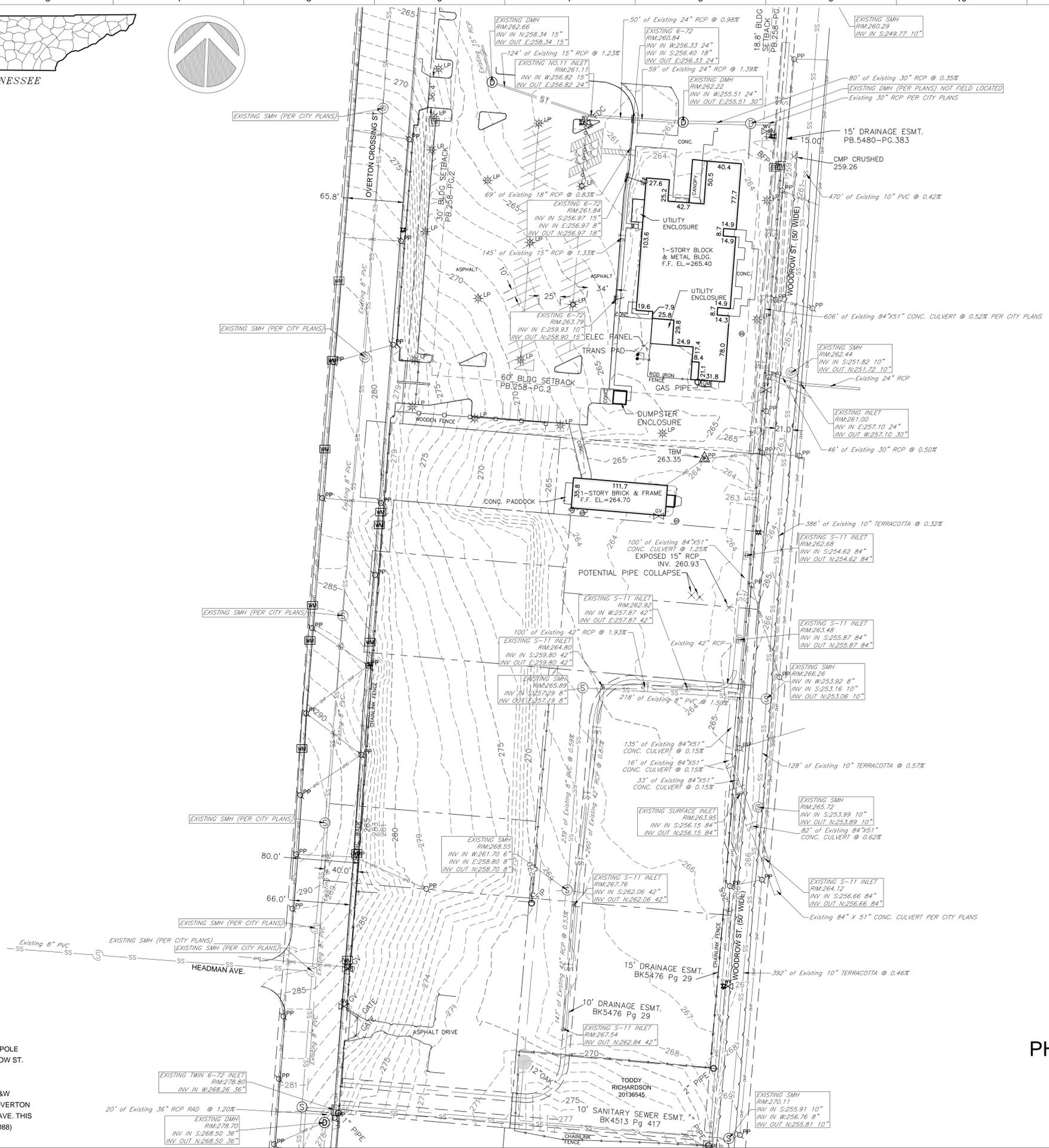
SELF+TUCKER ARCHITECTS

LEGEND	
SYMBOL	DESCRIPTION
LP	LIGHT POLE
PP	POWER POLE
SP	SIGN
T	TREE
TR	TRANSFORMER
WH	WATER HYDRANT
WM	WATER METER
WV	WATER VALVE
DG	DRAIN GATE
GV	GAS VALVE
G	GATE
SM	STORM MANHOLE
EM	ELECTRIC MANHOLE
M	MANHOLE
SM	SEWER MANHOLE
WM	WATER MANHOLE
TM	TELEPHONE MANHOLE
W	WELL
PV	PIV
C	CLEANOUT
CM	CONTROL MARK
B	BOLLARD
GW	GUY WIRE
M	MAILBOX
CP	CONTROL POINT
DI	DRAINAGE INLET
GM	GAS METER
EB	ELECTRIC BOX
AB	ACID BASIN
CB	CATCH BASIN
I	INLET
IT	INLET THROAT
CMF	CHISEL MARK SET
CMF	CHISEL MARK FOUND
IPF	IRON PIN SET
IPF	IRON PIN FOUND



R/W	RIGHT OF WAY LINE
W	WATER LINE
IW	IRRIGATION LINE
HW	HOW WATER LINE
CHW	CHILLED WATER LINE
UE	UNDERGROUND ELECTRIC LINE
T	TELEPHONE LINE
ST	STORM LINE
SS	SANITARY SEWER LINE
S	SANITARY LINE
G	GAS LINE
FP	FIRE PROTECTION LINE
F	FILL LINE
FO	FIBER OPTIC LINE
E	ELECTRIC LINE
D	DRAINAGE LINE
C	OUT LINE
UCOM	COMMUNICATIONS LINE
CATV	CABLE TV LINE
ABAN	ABANDONED LINE
OMP	OVERHEAD POWER LINE
OHE	OVERHEAD ELECTRIC LINE
X	METAL FENCE LINE
W	WOOD FENCE LINE
V	VEGETATION LINE
P	EDGE OF PAVEMENT
G	EDGE OF GRAVEL

E:\OneDrive - Ashworth Engineering, PLLC\085\11122-Memphis Business Academy-ABES Eng\08 Survey\MBM Boundary-Topo-PL2.dwg, 11/14/2023 4:08 PM
 PLOT DATE: 11/14/2023 4:11 PM PLOTTED BY: WES ASHWORTH



- NOTES:
1. SURVEY PREPARED FOR ABES.
 2. BEARINGS ARE RELATIVE ONLY.
 3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.
 4. ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE REGISTER'S OFFICE OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN TENNESSEE.
 5. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE AE) PER FLOOD INSURANCE RATE MAP, MAP NO. 47157C0280F, EFFECTIVE DATE: SEPTEMBER 28, 2007.
 6. STRUCTURES VISIBLE ON THE DATE OF THIS SURVEY ARE SHOWN HEREON.
 7. ALL VISIBLE UTILITY STRUCTURES LOCATED ON THIS PROPERTY OF WHICH WE HAVE KNOWLEDGE ARE SHOWN HEREON.
 8. THERE MAY BE UNDERGROUND OR NON-VISIBLE UTILITIES, DRAIN AND/OR SEWER LINES ACROSS THIS PROPERTY THAT ARE NOT SHOWN. THE PROPER UTILITY AUTHORITIES SHOULD BE CONTACTED FOR MORE SPECIFIC LOCATIONS AND INFORMATION ON UNDERGROUND UTILITIES.
 9. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.
 10. GOVERNMENTAL JURISDICTIONAL AREAS, IF ANY, WHICH MIGHT IMPACT ON THE USE OF THE PREMISES WERE NOT LOCATED. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THE PREMISES.
 11. SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR
 12. THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY. MEANS EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
 13. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR.
 14. ANY ELEVATIONS SHOWN HEREON WERE TAKEN ON THE GROUND USING B.M. NOTED HEREON.
 15. ANY CONTOURS WERE PLOTTED AT ONE FOOT INTERVALS FOR CONVENIENCE ONLY.
 16. ANY CONTOURS WERE DERIVED FROM ELEVATIONS TAKEN ON THE GROUND ON THE DATE THAT THE FIELD WORK WAS COMPLETED BY MEANS OF GPS AND/OR CONVENTIONAL TOPO AND ARE RELATIVE TO T.B.M. NOTED HEREON.

CERTIFICATE:
 I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER.

ASHWORTH ENGINEERING, PLLC.



BY: JOHN W. ASHWORTH, III, RLS DATE: 11/14/23
 TENNESSEE CERTIFICATE NO. 1344

- GPS NOTES:
1. GPS WAS USED FOR A PORTION OF THE CONTROL POINTS AND FOR A PORTION OF OTHER PHYSICAL LOCATIONS.
 2. A TOPCON TC-5000 NETWORK ROVER WAS USED.
 3. THE GPS SURVEY WAS PERFORMED USING REAL TIME KINEMATICS LINKED TO THE TDOT REFERENCE NETWORK.
 4. IT IS THE OPINION OF THIS SURVEYOR THAT THE PRECISION OF THE GPS SURVEY MEETS OR EXCEEDS THE RELATIVE POSITIONAL ACCURACY REQUIRED.



www.ashworthengineering.com
 ASHWORTH ENGINEERING, PLLC
 10815 COLLIERVILLE ROAD, COLLIERVILLE TN 38017
 Ph. (901)414.8767

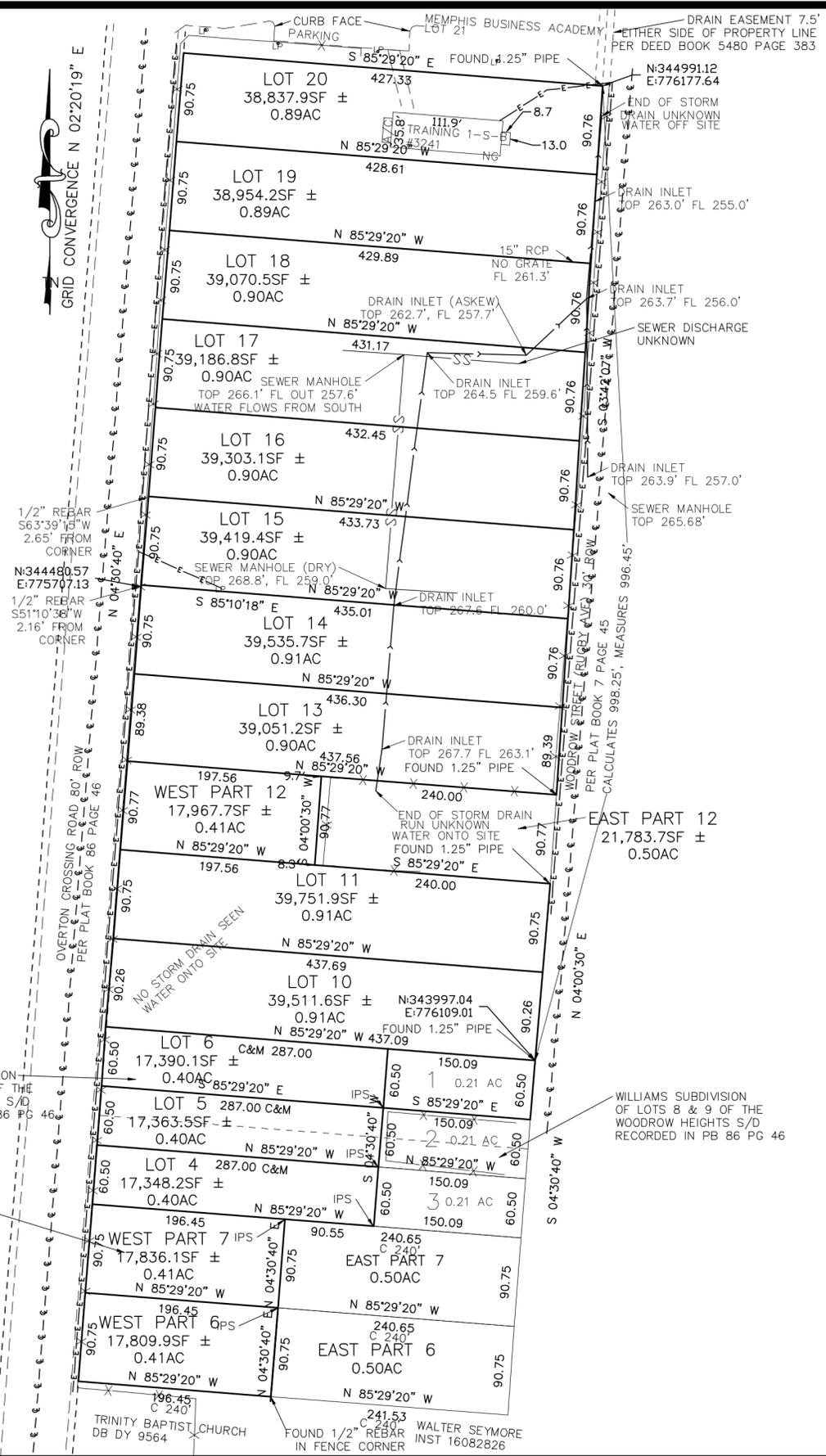
TOPOGRAPHICAL SURVEY OF
PH2. MEMPHIS BUSINESS ACADEMY
 MEMPHIS, SHELBY COUNTY
 TENNESSEE

SCALE: 1" = 60' DATE: November 14, 2023

JOB NO. 211122B
 SHEET NUMBER 1 OF 1

TEMPORARY BENCHMARK (T.B.M.) - PK NAIL SET IN THE SIDE OF A POWER POLE APPROXIMATELY 80' WEST OF THE WEST EDGE OF PAVEMENT OF WOODROW ST. AND APPROXIMATELY 90 FEET SOUTH OF THE SCHOOL BUILDING. ELEVATION=263.35' (NAVD88)
 BENCHMARK (B.M.) - 1444 - OVERTON CROSSING RD & WHITNEY AVE - MLG&W MONUMENT IS LOCATED ON THE SE COR. 154' E. OF THE E. CURBLINE OF OVERTON CROSSING RD., 2' E. OF A D/WAY, 1.0' S. OF THE S. CURBLINE OF WHITNEY AVE. THIS IS GPS CITYNET CONTROL POINT 77, PID AJ2602. ELEVATION=301.64' (NAVD88)

SURVEY OF LOTS 6 THROUGH 20 OF WOODROW HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 7 PAGE 45



NOTES TO SURVEY:

I CERTIFY THAT THIS SURVEY WAS DONE BY ME AND COMPLIES WITH THE TENNESSEE STANDARDS OF PRACTICE FOR A CATEGORY II SURVEY. THIS SURVEY DONE WITH A JAVAD TRIUMPH LS+ AND TR3 BASE GPS SYSTEM WITH A JAVAD DPOS SYSTEM SOLUTION FOR TENNESSEE STATE PLANE COORDINATES.

PREPARED FOR ODUM CONSTRUCTION
 SURVEYED IN FIELD 7/27/23, 7/28/23, 7/30/23, & 8/30/23

THIS SURVEY IS DONE OF LOTS 6 THROUGH 20 OF THE WOODROW HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 7 PAGE 45. THE WILLIAMS SUBDIVISION AS RECORDED IN PLAT BOOK 86 PAGE 46 IS A RESUBDIVISION OF LOTS 8 & 9 OF SAID WOODROW S/D INTO LOTS 1 THROUGH 6 SHOWN HEREON. PLEASE NOTE THAT OVERTON CROSSING ROAD IS NOT SHOWN ON THE WOODROW HEIGHTS PLAT, AND IS SET UP AT AN 80 FOOT RIGHT OF WAY PER THE WILLIAMS PLAT. WOODROW HEIGHTS PLAT ALSO SHOWS WOODROW STREET AS RUGBY AVENUE AND DEDICATES A 30 FOOT RIGHT OF WAY FOR IT. THE PLAT FOR THE MEMPHIS BUSINESS ACADEMY PLANNED DEVELOPMENT SHOWS OVERTON CROSSING ROAD TO HAVE A 106 FOOT RIGHT OF WAY, AND FOR WOODROW STREET TO HAVE A 50 FOOT RIGHT OF WAY. THERE WAS NO RECORDED RIGHT OF WAY ADDITIONS FOUND FOR THE SURVEYED PROPERTIES.

THERE WERE 1.25" PIPES FOUND ALONG WOODROW STREET THAT FIT THE WOODROW HEIGHTS PLAT AND THEY WERE USED TO SET UP THIS SURVEY. THERE WERE REBARS FOUND AROUND THE WEST PART OF LOT 15, BUT THEY WERE TOO FAR SOUTH AS SHOWN HEREON. THERE IS A DRAINAGE EASEMENT LYING 7.5 FEET EITHER SIDE OF THE PROPERTY LINE ALONG WOODROW STREET RECORDED IN DEED BOOK 5480 PAGE 383, THAT APPLIES TO LOT 21. THERE WERE NO EASEMENTS PROVIDED PERTAINING TO THE SURVEYED PROPERTIES, BUT IT IS ASSUMED THAT THIS EASEMENT RUNS DOWN ONTO LOTS 17, 18, & 19.

DEEDS REFERENCE TABLE, RELATIVE TO WOODROW HEIGHTS PLAT UNLESS DENOTED
 EAST HALF LOT 6, ADULFO PEREZ, INSTRUMENT #21074272
 WEST HALF LOT 6, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #16015438
 EAST HALF LOT 7, THOMAS & PHYLLIS SIMS, INSTRUMENT #22054506 NOTE THIS DEED CALLS FOR ALL OF LOT 7 AND CREATES AN OVERLAP ON THE WEST HALF OF LOT 7
 WEST HALF LOT 7, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #16015439
 THESE LOTS ARE RELATIVE TO THE WILLIAMS RESUBDIVISION PLAT
 LOT 1, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #15050606
 LOT 2, JAVIER BAILEY CAPITAL GROUP, INSTRUMENT #14035048
 LOT 3, WILLIANGAVA PROPERTIES, LLC INSTRUMENT #22060120
 LOT 4, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #16015437
 LOT 5, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #16015436
 LOT 6, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #TX-2014
 RESUME DEED REFERENCES TO WOODROW HEIGHTS SUBDIVISION
 LOT 10, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #18129231
 EAST HALF LOT 11, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21079464
 WEST HALF LOT 11, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #17072671
 EAST HALF LOT 12, TODDY RICHARDSON ESTATE, INSTRUMENT #20136545
 WEST HALF LOT 12, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21013508
 LOT 13, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21013508
 LOT 14, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21013508
 EAST HALF LOT 15, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21013508
 WEST HALF LOT 15, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #18115697
 EAST HALF LOT 16, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21013508
 WEST HALF LOT 16, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #17044110
 EAST HALF LOT 17, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #21013508
 WEST HALF LOT 17, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #17044110
 EAST PART LOT 18, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #19091283
 WEST PART LOT 18, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #17044110
 EAST PART LOT 19, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #15059886
 WEST PART LOT 19, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #17044110
 EAST PART LOT 20, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #19102225
 WEST PART LOT 20, MEMPHIS BUSINESS ACADEMY, INSTRUMENT #2303312



FARLEY SURVEYING, LLC
 ROBERT EDWARD FARLEY
 235 WEST CHULAHOMA AVENUE
 HOLLY SPRINGS, MS 38635
 Phone: (662) 544-2050
 bob@farleysurveying.com



Engineered By:	MEMPHIS BUSINESS ACADEMY		
	N/A		
Drawn By:	MEMPHIS BUSINESS ACADEMY		
	BF		
Checked By:	Date:	Scale:	Filename:
BF	9-11-2023	1"=100'	MEMPHISBUSINESS.DWG

THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICES IS THE PROPERTY OF FARLEY SURVEYING, LLC AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT EXPRESSED WRITTEN PERMISSION.	
Drawing No	Sheet No.:
2023-7-8	1

No.	Date	Revision	By



Legend

polygonLayer

- Override 1
- Override 2

polylineLayer

- Override 1

— Roads

▭ Parcels



Map prepared through Shelby County Government's
online mapping Portal on 3/26/2024

0 0.08 0.16 0.24 0.32
mi

N



FILSINGER ROLAND S & JACKIE K
3248 COLLIERVILLE ARLINGTON #
EADS TN 38028

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

SHELBY COUNTY TAX SALE 18.04
PO BOX 2751 #
MEMPHIS TN 38101

COLEMAN XAVIERA Y
2056 DRIFTWOOD AVE #
MEMPHIS TN 38127

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

EWERS ELAINE H
2057 DRIFTWOOD AVE #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 18.02
PO BOX 2751 #
MEMPHIS TN 38101

PHILLIPS CARL G & ROSIE B
2885 SPRING VIEW DR #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 19.02
PO BOX 2751 #
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 18.02
PO BOX 2751 #
MEMPHIS TN 38101

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

POPOV PROPERTIES II LLC
17920 SW 87TH CT #
MIAMI FL 33157

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

STAMPHER MATTHEW J
1500 HUDSON ST #
HOBOKEN NJ 7030

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

SHELBY COUNTY TAX SALE 18.02
PO BOX 2751 #
MEMPHIS TN 38101

OVERTON MANOR EAST COUNCIL OF CO-OWNERS
2555 WALNUT RD #
MEMPHIS TN 38128

WILKINS NICOLE
935 BRANDYWINE BLVD #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 18.02
PO BOX 2751 #
MEMPHIS TN 38101

HUNT ANDREE
2555 WALNUT #
MEMPHIS TN 38128

NELSON MINNIE M
3635 RALEIGH MILLINGTON RD #
MEMPHIS TN 38128

SANCHEZ DELFINA
2611 WHITNEY AVE #
MEMPHIS TN 38127

JOHNSON ERIC M & FELICIA C
4740 PELICAN BAY #
MEMPHIS TN 38125

HARRISON CARL E
3232 LAMMERMUIR RD #
MEMPHIS TN 38128

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

SHELBY COUNTY TAX SALE 18.02
PO BOX 2751 #
MEMPHIS TN 38101

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

EQUITY TRUST CO CUST FBO
602 E GREYSTONE AVE #
MONROVIA CA 91016

SHELBY COUNTY TAX SALE 18.01
PO BOX 2751 #
MEMPHIS TN 38101

MOORE ED N JR
1660 CASTLE ROCK DR #
LEWISVILLE TX 75077

CLARK DORIS M AND CHARLES E CLARK JR
3288 DENVER ST #
MEMPHIS TN 38127

REID MARK
PO BOX 1182 #
CORDOVA TN 38088

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

BRYCE & BROWN HOME BUILDERS LLC
5865 RIDGEWAY CENTER PKWY #
MEMPHIS TN 38120

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

SANCHEZ DELFINA
2611 WHITNEY AVE #
MEMPHIS TN 38127

JACKSON NESBY E
3298 DENVER ST #
MEMPHIS TN 38127

GILEAD ELITE GROUP LLC
PO BOX 251 #
NIAGARA FALLS NY 14302

SANCHEZ DELFINA
2611 WHITNEY AVE #
MEMPHIS TN 38127

VB ONE LLC
5550 HUBER RD #
HUBER HEIGHTS OH 45424

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

SANCHEZ DELFINA
2611 WHITNEY AVE #
MEMPHIS TN 38127

FRAYSER COMMUNITY DEVELOPMENT
3684 N WATKINS ST #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 18.02
PO BOX 2751 #
MEMPHIS TN 38101

J AND R LIBERI LLC
16192 COASTAL HWY #
LEWES DE 19958

DMJL CORP
4535 W SAHARA AVE #
LAS VEGAS NV 89102

GIORDANO JOSHUA
214 EDISON RD #
TRUMBULL CT 6611

SHELLY DEBORAH
5769 SPRINGLAKE RD #
BARTLETT TN 38135

ROYAL PALACE LLC
10449 VIA APOLINA #
MORENO VALLEY CA 92557

WILKINS NICOLE
935 BRANDYWINE BLVD #
MEMPHIS TN 38127

AUTOZONE INC
PO BOX 2198 #
MEMPHIS TN 38101

FULTHEIM GARY
PO BOX 06116 #
CHICAGO IL 60606

HUNT ANDREE
2555 WALNUT RD #
MEMPHIS TN 38128

BHA INVESTMENT GROUP LLC
518 WINOKA CV #
COLLIERVILLE TN 38017

JABER SAID A AND OSAMA ALHROUT A
9100 GROVELAWN CV #
GERMANTOWN TN 38139

CASH AMERICA CENTRAL INC
1600 W 7TH ST #
FORT WORTH TX 76102

BRADFORD BERTHA J
2082 HEDMAN AVE #
MEMPHIS TN 38127

GUY LEWIS B
2063 HEDMAN AVE #
MEMPHIS TN 38127

SIEGFRIED RUSSELL
5764 RAYBEN CIR #
MEMPHIS TN 38115

PERNELL WILLIAM III
8269 GLEN EDEN DR #
MEMPHIS TN 38125

SMITH BERTHA L
2069 HEDMAN AVE #
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

RIDINGS KERRY G
2070 HEDMAN AVE #
MEMPHIS TN 38127

WRIGHT LISA
2077 HEDMAN AVE #
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

GOTSILL DAVID M
4526 WINEWOOD VILLAGE DR #
COLORADO SPRINGS CO 80917

MOORE YOUVONIA
105 MAPLE WAY #
HENDERSONVILLE TN 37075

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

DAVIS DONNA M
2058 HEDMAN AVE #
MEMPHIS TN 38127

BROWN GLORIA J H
3165 OVERTON CROSSING ST #
MEMPHIS TN 38127

HUBBARD JANE
8607 LOXLEY FAIRWAY #
CORDOVA TN 38018

PARKS IDA S AND TAMARIO D SMITH (RS)
2052 HEDMAN AVE #
MEMPHIS TN 38127

SHAPIRO FINANCIAL GROUP LLC
3159 OVERTON CROSSING ST #
BOULDER CO 80302

BAILEY DOROTHY L
3265 OVERTON CROSSING ST #
MEMPHIS TN 38127

ELEVATION APARTMENTS LLC
4356 MOUNTAIN TERRACE ST #
MEMPHIS TN 38127

OLIVER BRANDON
2076 WILLOW WOOD AVE #
MEMPHIS TN 38127

BAILEY DOROTHY L AND DEREK L BAILEY AND
3265 OVERTON XING #
MEMPHIS TN 38127

ICEBERG PROPERTIES LLC
PO BOX 34368 #
MEMPHIS TN 38184

E & S FUND LLC
1447 BALI CT #
SAN JOSE CA 95122

TENNESSEE DISTRICT CHURCH OF THE
PO BOX 100873 #
NASHVILLE TN 37224

DAVIS IRENE
2053 HEDMAN AVE #
MEMPHIS TN 38127

GRAY ANNITA B
2064 WILLOW WOOD AVE #
MEMPHIS TN 38127

RECENDIZ KEILA AND CEILA RECENDIZ
3764 LUCY RD #
MILLINGTON TN 38053

MORTON ELMA A
2057 HEDMAN AVE #
MEMPHIS TN 38127

HARRIS DARNELL & SUNDRA
4198 DESTIN DR #
OLIVE BRANCH MS 38654

VISIONARY HOMEBUYERS LLC
8266 POST CREEK CV #
MEMPHIS TN 38125

BROTHERS INVESTORS LLC
47 PARKER AVE #
BROCKTON MA 2302

SHELBY COUNTY TAX SALE 18.04
PO BOX 2751 #
MEMPHIS TN 38101

MOORE MISTYE
3154 PERIWINKLE ST #
MEMPHIS TN 38127

PARKER DWAYNE
1677 WINSTON AVE #
MEMPHIS TN 38127

NATIONAL RETAIL PROPERTIES INC
450 S ORANGE AVE #
ORLANDO FL 32801

HAUG MATTHEW
1507 STANFORD ST #
SANTA MONICA CA 90404

WILSON DORIS
663 CREEKSTONE CIR #
MEMPHIS TN 38127

ABDIRASHID EDRIS M
8274 BARTLETT GAP #
BARTLETT TN 38133

STOKES SHIRLEY
2049 WILLOW WOOD AVE #
MEMPHIS TN 38127

LEJWA LLC
1585 TULANE RD #
NESBIT MS 38651

VERDYAN VADIM
6125 HORNER ST #
LOS ANGELES CA 90035

SORENSEN TARA
15620 WILDWIND TER #
COLORADO SPRINGS CO 80908

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

JARVIS JACK D & JANIE E
3204 PERIWINKLE ST #
MEMPHIS TN 38127

SANDERS LOUISE L AND LARRY BRANCH
2063 WILLOW WOOD AVE #
MEMPHIS TN 38127

COLEMAN CLARENCE E & GLORIA B
3264 DENVER ST #
MEMPHIS TN 38127

JARVIS JACK D & JANIE E
3204 PERIWINKLE ST #
MEMPHIS TN 38127

HICKMAN JOYCE A
2069 WILLOW WOOD AVE #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

TURNER G MONTRELL REVOCABLE TRUST
PO BOX 3205 #
MEMPHIS TN 38173

RODAMA GROUP LLC
2077 WILLOW WOOD AVE #
MEMPHIS TN 38127

JRC INVESTMENTS LLC
299 S WALNUT BEND RD #
CORDOVA TN 38018

COOPER TALLEY HOLDINGS LLC
2070 WHITNEY AVE #
MEMPHIS TN 38127

SUPERIOR CLEANERS INC
1783 LAMAR AVE #
MEMPHIS TN 38114

SHELBY COUNTY TAX SALE 17.01
PO BOX 2751 #
MEMPHIS TN 38101

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

CARPENTER CASSANDRA A
3607 ARSENAL ST #
MEMPHIS TN 38128

VB TWO LLC
3500 PARK CENTER DR #
DAYTON OH 45414

COLLIER TRUST
80 CORNELL ST #
CRANSTON RI 2920

10438 INDEPENDENCE CIRCLE TRUST
6000 POPLAR AVE #
MEMPHIS TN 38119

GLEN-TUTTON ADRIAN
3062 OVERTON CROSSING ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

SANTANA ANDREA G & CLOVIS A S
23257 STATE ROAD 7 #
BOCA RATON FL 33428

TILLIE CLETUS R & HAZEL R
2104 ALTA VISTA AVE #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

ESTATES AT BLUE MOUNTAIN LLC
147 176TH ST #
JAMAICA NY 11434

SUTTON DEVORAH N
2112 ALTA VISTA AVE #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

RANSOM FREDERICK SR
2118 ALTA VISTA AVE #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

LACKEY JOHN JR AND JACQUELYN L LACKEY
6900 AUTUMN HILL LN #
BARTLETT TN 38135

CONLEY VERNA M
2126 ALTA VISTA AVE #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

PERRY ODIE AND CRYSTAL G PERRY
1507 MERLIN AVE #
MEMPHIS TN 38106

S AND R OVERTON LLC
9375 OWL HILL DR #
ARLINGTON TN 38002

SIMS PHYLLIS & DAVIS THOMAS
3125 WOODROW #
MEMPHIS TN 38127

OSHIRO ROBERT
5321 EMERALD ST #
TORRANCE CA 90503

ALQIRM SALAH AND RAFAT M MASOUD
9375 OWL HILL DR #
LAKELAND TN 38002

PEREZ ADULFO G J
3117 WOODROW ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

AWWAD MAJDI
2125 FRAYSER BLVD #
MEMPHIS TN 38127

SEYMORE WALTER L
3109 WOODROW ST #
MEMPHIS TN 38127

MAPCO PETROLEUM INC
2424 RIDGE RD #
ROCKWALL TX 75087

TRAN HAI X
454 POLO CLUB DR #
GLENDALE HEIGHTS IL 60139

SHELBY COUNTY TAX SALE 18.03
PO BOX 2751 #
MEMPHIS TN 38101

WEBB JAMES E SR
1638 GEORGIAN DR #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3241 WOODROW ST #
MEMPHIS TN 38127

JONES LEWIS L
3087 WOODROW ST #
MEMPHIS TN 38127

FABRIZIO JOSH
2322 W 510 #
PROVO UT 84601

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

WEBBER CARSETT
10391 LOBLOLLY VIEW LN #
LAKELAND TN 38002

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

3082 OVERTON CROSSING STREET TRUST
2400 E CESAR CHAVEZ ST #
AUSTIN TX 78702

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3305 OVERTON CROSSING ST #
MEMPHIS TN 38127

TRINITY BIBLEWAY CHRISTIAN CHURCH (TRS)
3110 OVERTON CROSSING ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

RICHARDSON TODDY
3171 WOODROW #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
3143 WOODROW ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

JAVIER BAILEY CAPITAL GROUP INC
PO BOX 42031 #
MEMPHIS TN 38174

K AND L JOHNSONS LLC
775 CHESTNUT #
SAN CARLOS CA 94070

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

WILLANGAVA PROPERTIES LLC
6060 CASTLETON CV #
OLIVE BRANCH MS 38654

2177 FRAYSER BLVD LLC
45 OTTAWA AVE #
GRAND RAPIDS MI 49503

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

ABCD REALTY LLC
8255 MACON RD #
CORDOVA TN 38018

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

FRAYSER COMMUNITY DEVELOPMENT
3684 N WATKINS ST #
MEMPHIS TN 38127

MALLORY CURTISTINE
4100 HITCHCOCK DR #
MEMPHIS TN 38128

JONES CYNTHIA
2617 SANDPIPER #
MEMPHIS TN 38127

NEW COVENANT SOUTH CHURCH
3084 WOODROW ST #
MEMPHIS TN 38127

HERNANDEZ CRISTINO S
3267 UNIVERSITY ST #
MEMPHIS TN 38127

FRAYSER COMMUNITY DEVELOPMENT CORP INC
3684 N WATKINS ST #
MEMPHIS TN 38127

HAMILTON JOE
1115 W 57TH ST #
LOS ANGELES CA 90037

SAVREN TRUST
4220 WREN HILL CV #
LAKELAND TN 38002

SHELBY COUNTY TAX SALE #83.1 EXH#7057
160 N MAIN ST #
MEMPHIS TN 38103

RUPANI ERUM
4639 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

ICJ REALTY LLC
9160 HWY 64 #
LAKELAND TN 38002

NEW HOPE CHRISTIAN ACADEMY
3000 UNIVERSITY ST #
MEMPHIS TN 38127

HJB TRUST
2208 BERMUDA DR #
SAN MATEO CA 94403

G & M PROPERTIES OF TN LLC
3404 CLOVEN CT #
WAKE FOREST NC 27587

NAILOR CHRISTINE
3038 OVERTON CROSSING ST #
MEMPHIS TN 38127

CTK TENNESSEE I LLC
1589 HOPYARD RD #
PLEASANTON CA 94566

MID SOUTH HOME BUYERS GP
46 FLICKER ST #
MEMPHIS TN 38104

HUNTER MONA L
3048 OVERTON CROSSING ST #
MEMPHIS TN 38127

EL-TAYECH GHASSEN AND CURTIS DAMIEN
2145 LITTLEMORE PKWY #
CORDOVA TN 38016

GAMRA MOHAMED C
156 CHANNING ST #
REDLANDS CA 92373

CALDWELL INVESTMENT SERVICES TRUST
9005 GANDY CV #
MEMPHIS TN 38133

MOOREHEAD JAMES L & FRED A
2152 WILLOW WOOD AVE #
MEMPHIS TN 38127

STILLWATER LLC
1446 W JADE DR #
SAINT GEORGE UT 84770

ZUNIGA ALEX
2113 ALTA VISTA AVE #
MEMPHIS TN 38127

WILKINS JERMAINE
2146 WILLOW WOOD AVE #
MEMPHIS TN 38127

NIX GAIL A & WAYNE
3215 UNIVERSITY ST #
MEMPHIS TN 38127

PERRY ODIE AND CRYSTAL G PERRY
1507 MERLIN AVE #
MEMPHIS TN 38106

MONCRIEF ARTIMIS
4830 BROOKSBRANCH RD #
ARLINGTON TN 38002

FLEMING & HARDIN LLC
PO BOX 282217 #
NASHVILLE TN 37228

FORMICA TONY
4816 S TERRY LN #
TEMPE AZ 85282

VINSON INVESTMENTS LLC
830 WILLOW TREE CIR #
CORDOVA TN 38018

BROWN ROBERT L & ELAINE M
3206 WOODROW ST #
MEMPHIS TN 38127

YOLO USA LLC
5865 RIDGEWAY CENTER PKWY #
MEMPHIS TN 38120

SKOVIRA KRISTIN
403 ALLEGHENY DR #
MECHANICSBURG PA 17055

TYSON JEREMIAH H
3220 WOODROW ST #
MEMPHIS TN 38127

TACO BELL OF AMERICA INC
PO BOX 80615 #
INDIANAPOLIS IN 46280

GOBRO MEMPHIS TWO LLC
1440 VETERAN AVE #
LOS ANGELES CA 90024

TYSON JEREMIAH
3220 WOODROW ST #
MEMPHIS TN 38127

MACLIN PURVIS JR
3315 UNIVERSITY #
MEMPHIS TN 38127

WADE HENRY
3134 CHANDLER ST #
MEMPHIS TN 38127

TYSON JEREMIAH
3220 WOODROW ST #
MEMPHIS TN 38127

RICHARDSON MARY L
3185 UNIVERSITY ST #
MEMPHIS TN 38127

ROSE PHYLANISE
3140 CHANDLER ST #
MEMPHIS TN 38127

TAYLOR JAMES W AND LARRY R TAYLOR
3242 WOODROW ST #
MEMPHIS TN 38127

LOVE VICTOR
1248 NEPTUNE ST #
MEMPHIS TN 38106

DURHAM CHARLES E SR & ROSALIND L
3150 CHANDLER ST #
MEMPHIS TN 38127

MSK LLC
46 FLICKER ST #
MEMPHIS TN 38104

MERCER MARILYN L AND THOMAS E DAWSON AND
2977 RUSKIN RD #
BARTLETT TN 38134

SARIG IDO
3156 CHANDLER ST #
MEMPHIS TN 38127

WJD PROPERTIES LLC
1305 WEXFORD DOWNS LN #
NASHVILLE TN 37211

GOLDEN RICHARD AND DEBRA K GOLDEN
5760 BENJESTOWN RD #
MEMPHIS TN 38127

MLM MANAGEMENT LLC
4773 KENDALL PL #
MEMPHIS TN 38128

VILLATOROS RONAL AND MARIA M VILLATOROS
12015 COUNTRY VALLEY DR #
ARLINGTON TN 38002

CORTES ESTELA A
600 N FAIRBANKS CT #
CHICAGO IL 60611

SHINAULT REALTY
4368 ZACHARY ST #
MILLINGTON TN 38053

LEE WILLIAM H JR & MARSHA G
3280 WOODROW ST #
MEMPHIS TN 38127

BOWERMAN SCOTT E
3129 CHANDLER ST #
MEMPHIS TN 38127

WEAR JAMES E
2164 WILLOW WOOD AVE #
MEMPHIS TN 38127

PUGH EARNEST
9823 BRILLIANT LAKE DR #
HUMBLE TX 77396

SAG MIR WIE LLC
6000 POPLAR AVE #
MEMPHIS TN 38119

RHODERICK ANNETTE E
3196 WOODROW ST #
MEMPHIS TN 38127

FRAYSER COMMUNITY DEVELOPMENT CORP
3684 N WATKINS ST #
MEMPHIS TN 38127

SHELBY COUNTY TAX SALE 17.03
PO BOX 2751 #
MEMPHIS TN 38101

JUDD STEVEN
9117 23RD AVE #
SEATTLE WA 98117

SHELBY COUNTY TAX SALE 10.02 EXH #1589
PO BOX 2751 #
MEMPHIS TN 38101

JONES DANIEL C
3188 WOODROW ST #
MEMPHIS TN 38127

JONES DANIEL C
3188 WOODROW ST #
MEMPHIS TN 38127

FRAYSER-MILLINGTON NORTH SHELBY MENTAL
2150 WHITNEY AVE #
MEMPHIS TN 38127

FRAYSER-MILLINGTON NORTH SHELBY MENTAL
2150 WHITNEY AVE #
MEMPHIS TN 38127

FRAYSER-MILLINGTON-NORTH SHELBY MENTAL
2150 WHITNEY AVE #
MEMPHIS TN 38127

FRAYSER-MILLINGTON-NORTH SHELBY MENTAL
2150 WHITNEY AVE #
MEMPHIS TN 38127

For Current Resident
2070 WHITNEY AVE #
, TN 38127

For Current Resident
3375 OVERTON CROSSING ST #
, TN 38127

For Current Resident
3318 DENVER ST #
, TN 38127

For Current Resident
2045 COLLIER AVE #
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For Current Resident
2094 FRAYSER BLVD #
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For Current Resident
3324 DENVER ST #
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2057 COLLIER RD #
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2076 FRAYSER BLVD #
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For Current Resident
2049 FRAYSER BLVD #
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For Current Resident
2067 COLLIER RD #
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For Current Resident
2062 FRAYSER BLVD #
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For Current Resident
2083 FRAYSER BLVD #
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For Current Resident
3117 OVERTON CROSSING ST #
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For Current Resident
3282 DENVER ST #
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For Current Resident
3337 OVERTON CROSSING ST #
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For Current Resident
3097 OVERTON CROSSING ST #
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For Current Resident
3288 DENVER ST #
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3331 OVERTON CROSSING ST #
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For Current Resident
2056 DRIFTWOOD AVE #
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For Current Resident
3292 DENVER ST #
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For Current Resident
3323 OVERTON CROSSING ST #
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2046 DRIFTWOOD AVE #
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For Current Resident
3298 DENVER ST #
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For Current Resident
3315 OVERTON CROSSING ST #
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DRIFTWOOD AVE #
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For Current Resident
3304 DENVER ST #
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For Current Resident
OVERTON CROSSING RD #
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2068 DRIFTWOOD AVE #
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3312 DENVER ST #
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OVERTON CROSSING RD #
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3265 OVERTON CROSSING ST #
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For Current Resident
2044 HEDMAN AVE #
, TN 38127

For Current Resident
2076 WILLOW WOOD AVE #
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For Current Resident
3255 OVERTON CROSSING ST #
, TN 38127

For Current Resident
3174 PERIWINKLE ST #
, TN 38127

For Current Resident
2070 WILLOW WOOD AVE #
, TN 38127

For Current Resident
3239 OVERTON CROSSING ST #
, TN 38127

For Current Resident
2053 HEDMAN AVE #
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For Current Resident
2064 WILLOW WOOD AVE #
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For Current Resident
3203 OVERTON CROSSING ST #
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For Current Resident
2057 HEDMAN AVE #
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2058 WILLOW WOOD AVE #
, TN 38127

For Current Resident
2082 HEDMAN AVE #
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2063 HEDMAN AVE #
, TN 38127

For Current Resident
2052 WILLOW WOOD AVE #
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For Current Resident
2076 HEDMAN AVE #
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2069 HEDMAN AVE #
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3154 PERIWINKLE ST #
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2070 HEDMAN AVE #
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2077 HEDMAN AVE #
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3162 PERIWINKLE ST #
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2064 HEDMAN AVE #
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2083 HEDMAN AVE #
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2049 WILLOW WOOD AVE #
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2058 HEDMAN AVE #
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3165 OVERTON CROSSING ST #
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2057 WILLOW WOOD AVE #
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2052 HEDMAN AVE #
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For Current Resident
3159 OVERTON CROSSING ST #
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2063 WILLOW WOOD AVE #
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2069 WILLOW WOOD AVE #
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For Current Resident
DENVER RD #
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For Current Resident
3221 OVERTON CROSSING ST #
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2077 WILLOW WOOD AVE #
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3270 DENVER ST #
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3070 OVERTON CROSSING ST #
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2083 WILLOW WOOD AVE #
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For Current Resident
DENVER RD #
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3062 OVERTON CROSSING ST #
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3127 OVERTON CROSSING ST #
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3276 DENVER ST #
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For Current Resident
2104 ALTA VISTA AVE #
, TN 38127

For Current Resident
2064 COLLIER RD #
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For Current Resident
DENVER RD #
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For Current Resident
2112 ALTA VISTA AVE #
, TN 38127

For Current Resident
2054 COLLIER RD #
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For Current Resident
2055 FRAYSER BLVD #
, TN 38127

For Current Resident
2118 ALTA VISTA AVE #
, TN 38127

For Current Resident
2042 COLLIER RD #
, TN 38127

For Current Resident
2067 FRAYSER BLVD #
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For Current Resident
2126 ALTA VISTA AVE #
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For Current Resident
3256 DENVER ST #
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For Current Resident
3211 OVERTON CROSSING ST #
, TN 38127

For Current Resident
3346 OVERTON CROSSING ST #
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For Current Resident
DENVER RD #
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For Current Resident
3204 PERIWINKLE ST #
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For Current Resident
2117 FRAYSER BLVD #
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3264 DENVER ST #
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OVERTON CROSSING ST #
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2125 FRAYSER BLVD #
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2131 FRAYSER BLVD #
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3101 WOODROW ST #
, TN 38127

For Current Resident
3224 OVERTON CROSSING ST #
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3241 WOODROW ST #
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3087 WOODROW ST #
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3238 OVERTON CROSSING ST #
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3233 WOODROW ST #
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2108 DRIFTWOOD AVE #
, TN 38127

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3246 OVERTON CROSSING ST #
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3225 WOODROW ST #
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For Current Resident
2100 DRIFTWOOD AVE #
, TN 38127

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3332 OVERTON CROSSING ST #
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WOODROW ST #
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3135 WOODROW ST #
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3289 UNIVERSITY ST #
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3178 OVERTON CROSSING ST #
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3193 UNIVERSITY ST #
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3202 OVERTON CROSSING ST #
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3253 UNIVERSITY ST #
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OVERTON CROSSING ST #
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3245 UNIVERSITY ST #
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3237 UNIVERSITY ST #
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2153 FRAYSER BLVD #
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3223 UNIVERSITY ST #
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2113 ALTA VISTA AVE #
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2119 ALTA VISTA DR #
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3150 WOODROW ST #
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3280 WOODROW ST #
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2141 WILLOW WOOD AVE #
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3242 WOODROW ST #
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3092 WOODROW ST #
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WOODROW ST #
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2152 WILLOW WOOD AVE #
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3258 WOODROW ST #
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3137 CHANDLER ST #
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2146 WILLOW WOOD AVE #
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3270 WOODROW ST #
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3133 CHANDLER ST #
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3129 CHANDLER ST #
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For Current Resident
2164 WILLOW WOOD AVE #
, TN 38127

For Current Resident
WHITNEY AVE #
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For Current Resident
3127 CHANDLER ST #
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For Current Resident
3196 WOODROW ST #
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For Current Resident
2100 WHITNEY AVE #
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3125 CHANDLER ST #
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3296 WOODROW ST #
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For Current Resident
2200 FRAYSER BLVD #
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For Current Resident
3119 CHANDLER ST #
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For Current Resident
3304 WOODROW ST #
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2120 FRAYSER BLVD #
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3134 CHANDLER ST #
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3164 WOODROW ST #
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2035 DRIFTWOOD AVE #
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3140 CHANDLER ST #
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CHANDLER ST #
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2045 DRIFTWOOD AVE #
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3150 CHANDLER ST #
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3188 WOODROW ST #
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2057 DRIFTWOOD AVE #
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3156 CHANDLER ST #
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WOODROW ST #
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2067 DRIFTWOOD AVE #
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3157 CHANDLER ST #
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2150 WHITNEY AVE #
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3083 OVERTON CROSSING ST #
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2168 WILLOW WOOD AVE #
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2150 WHITNEY AVE #
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3070 COLLIER ST #
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OVERTON CROSSING ST #
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3058 ST DENNIS PL #
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3049 ST KITTS PL #
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3063 ST DENNIS PL #
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3051 ST KITTS PL #
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3059 ST KITTS PL #
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3073 ST DENNIS PL #
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3072 ST DENNIS PL #
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3067 ST KITTS PL #
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3044 ST KITTS PL #
, TN 38127

For Current Resident
3042 ST KITTS PL #
, TN 38127

For Current Resident
3036 ST KITTS PL #
, TN 38127



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.

	
09089671	
07/29/2009 - 10:26 AM	
3 PGS	
KATHY	671978-9089671
VALU	986314.66
MORTGAGE TAX	0.00
TRANSFER TAX	3649.36
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	7.50
TOTAL AMOUNT	3674.86
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

WARRANTY DEED

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN AND PAID BY THE HEREINAFTER GRANTEE, AND OTHER GOODS AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED **Hanaro, LLC, a limited liability company** BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO, **Memphis Business Academy, a Tennessee non-profit corporation**, ITS HEIRS AND/OR ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE HEREINAFTER CALLED THE GRANTEE, DESCRIBED AS FOLLOWS, TO- WIT:

Being part of Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of the Woodrow Heights Subdivision as shown in plat book 7, page 45, of record as recorded in the Register's Office of Shelby County, Tennessee, being more particularly described as follows:

BEGINNING at a point, said point being 222 feet south of the south line of Frasyer Boulevard (80 feet wide) and 25 feet west of the center line of Woodrow Street (30 feet wide right of way) and running thence South 00 degrees 13'8" West with a line parallel with the center line of Woodrow Street and 25 feet therefrom a distance of 810.18 feet to a point in the south line of lot 21; thence West with the south line of Lot 21 a distance of 417.00 feet to a point, said point being 13 feet east of the present east line of Overton Crossing (80 feet wide); thence North 00 degrees 13' 18" East with a line parallel with the east line of Overton Crossing, and 13 feet east of said east right-of-way line 768.18 feet to a point; thence East 191.30 feet to a point; thence North 68 degrees 34'50" East 115.01 feet to a point, thence East 118.80 feet to the point of beginning and containing 357,563 square feet more or less or 7.52 acres more or less.

Having the address of 3306 Overton Crossing, Memphis, Tennessee.

Being the same property conveyed to the Grantor by Warranty Deed 06076367, in said Register's Office of Shelby County, Tennessee and the legal description being the same as such in prior deed

The property herein described is unencumbered except for the and 2009 City of Memphis and the 2009 Shelby County Property Taxes; which the Grantee herein agrees and assumes to pay; also subject to subdivision restrictions, building lines and easements of record including but not limited to the following plat books and pages; 7-45; 71-54; 117-46; 133-73, Easements having the following book and page or instrument numbers 5476-19, 5476-23, 5476—27; 5480-383, 5484-21, ~~5484-21~~,
CN 4695

TAX PARCEL ID NO 072054 00041

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title, and interest thereto belonging to the GRANTEE, its heirs and assigns, forever; and we covenant with the said GRANTEE that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless herein otherwise set out; and further covenant and bind ourselves, heirs and representatives to warrant and forever defend title to the said land to, the said GRANTEE, its heirs and assigns, against the lawful claims of all persons whatsoever.

WITNESS hand this 24 day of July, 2009.

HANARO, LLC



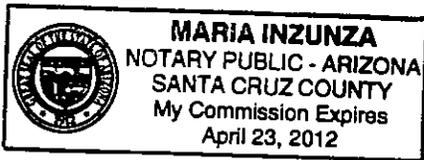
Hyung Tae Park, Managing Partner

STATE OF AZ

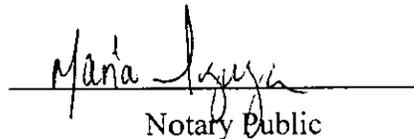
COUNTY OF Santa Cruz

On this day, before me personally appeared, Hyung Tae Park who proved to me on the basis of satisfactory evidence, and who being by me duly affirmed did say that such person is the acting managing partner on behalf of the majority of all of partners of Hanaro, LLC a limited liability company and that this deed was signed on behalf of the limited liability company and that he acknowledged that the signing of this instrument to be a free act and deed of himself and Hanaro, LLC. Hanaro, LLC a limited liability company no corporate seal.

WITNESS my hand and notarial seal at office this 24 day of July, 2009



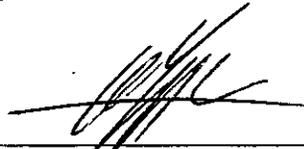
My Commission Expires
April 23, 2012



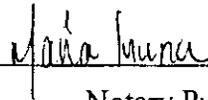
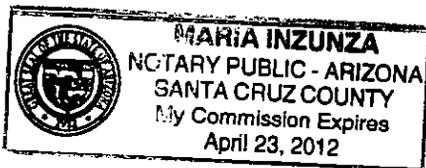
Notary Public

STATE OF AZ
COUNTY OF Santa Cruz

I hereby swear or affirm that, to the best of Affiant's knowledge, information and belief, the actual consideration or the fair market value for transfer, whichever is greater is \$986,314.66 which amount is equal to or greater than the amount the property transferred would command at a fair and voluntary sale.



Affiant



Notary Public

PROPERTY ADDRESS:

3306 Overton Commons
Memphis, Tennessee 38127

NAME & ADDRESS OF OWNERS

Memphis Business Academy
2450 Frayser Blvd.
Memphis, TN 38127

MAIL TAX BILLS TO:

Memphis Business Academy
2450 Frayser Blvd.
Memphis, TN 38127



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

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

May 10, 2024

Self+ Tucker Architects
480 Dr. M. L. King, Jr. Ave
Suite 201
Memphis, TN 38126

Sent via electronic mail to: mscce@selftucker.com

Case Number: SUP 2024-016
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 special use permit application to allow a lighted athletic field located at 3306 Overton Crossing Street subject to the following conditions:

1. The site lighting shall be turned off no later than 10:00pm.
2. Music should not be played, nor any public address system announced later than 9:30pm.
3. No athletic field lighting poles shall exceed 80 feet in height.
4. A detailed photometric lighting plan and landscaping plan shall be provided to the Division of Planning and Development as a part of the Administrative Site Plan Review Process prior to permit issuance.

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

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

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

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

Letter to Applicant
SUP 2024-016

Respectfully,

Chloe Christian

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

Cc: Steve Hallock, Self + Tucker Architects
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024
DATE

PUBLIC SESSION: 09/10/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 3230 Commercial Parkway, known as case number SUP 2024 – 019

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special Use Permit to allow a convenience store with gas pumps

AREA: +/- 3.78 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
07/11/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

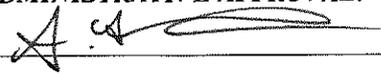
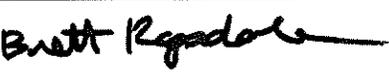
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 2024 – 019

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

- This item is a resolution with conditions for a special use permit to allow a convenience store with gas pumps; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special use permit to allow a convenience store with gas pumps

EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

AREA: +/- 3.78 acres

The following spoke in support of the application: David Bray and Aaron Robinson

The following spoke in opposition the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

SUP 2024 – 019

CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

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

WHEREAS, Yaaqob Al Shugaa filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gas pumps; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 11, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

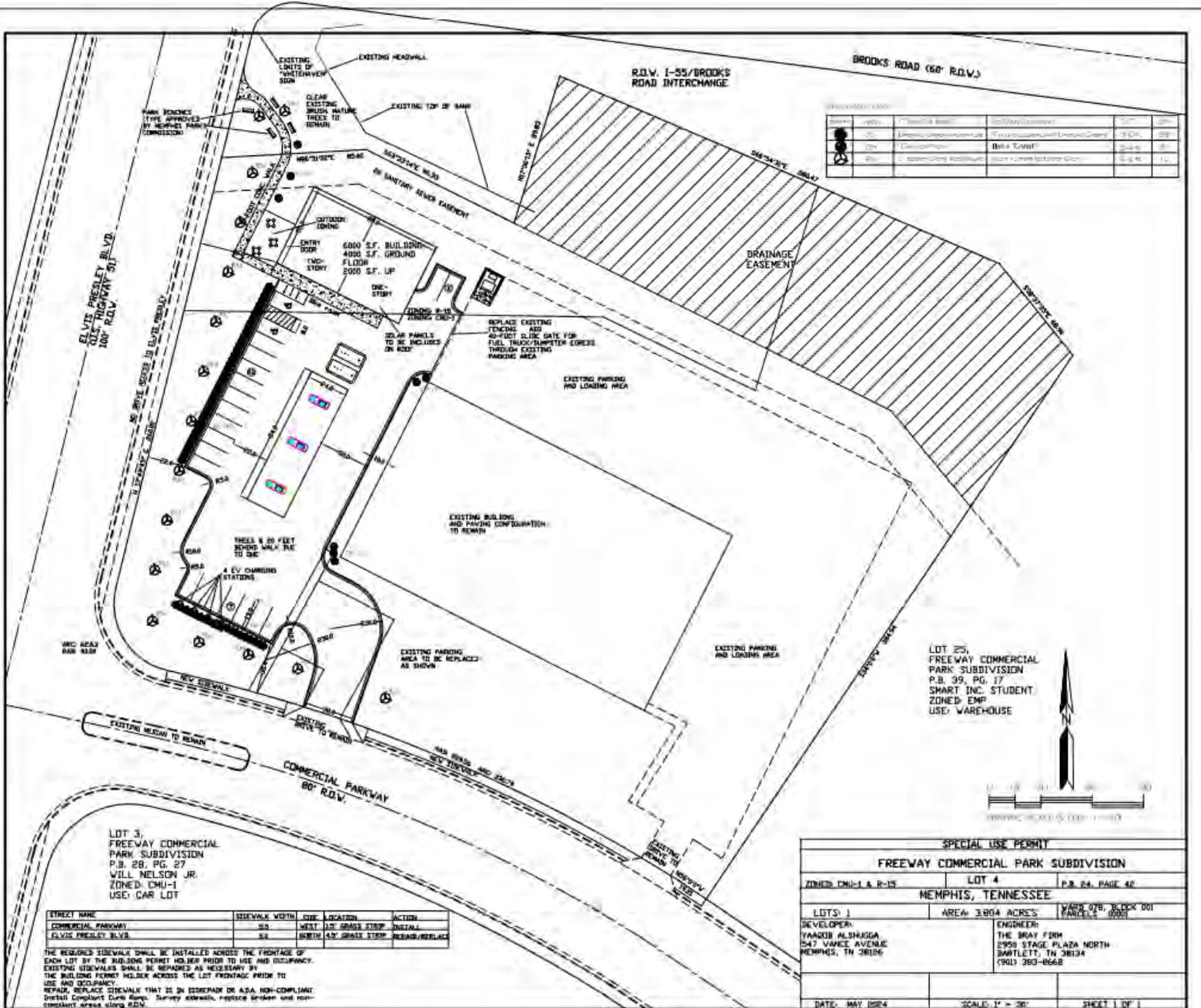
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

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

CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

SITE PLAN



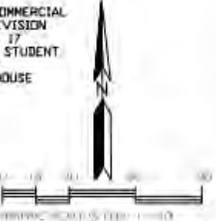
NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY	11/15/23	J. ALSHAGGA	J. ALSHAGGA
2	REVISED	11/15/23	J. ALSHAGGA	J. ALSHAGGA
3	REVISED	11/15/23	J. ALSHAGGA	J. ALSHAGGA
4	REVISED	11/15/23	J. ALSHAGGA	J. ALSHAGGA
5	REVISED	11/15/23	J. ALSHAGGA	J. ALSHAGGA

LOT 3,
FREEWAY COMMERCIAL
PARK SUBDIVISION
P.B. 28, PG. 27
WILL NELSON JR.
ZONED CMU-1
USE: CAR LOT

STREET NAME	SEWERAL WIDTH	SIDE	LOCATION	ACTION
COMMERCIAL PARKWAY	50'	WEST	NEW GRASS STRIP	INSTALL
ELVIS PRESLEY BLVD.	50'	WEST	NEW GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIRS: REPLACE SIDEWALK THAT IS IN DISREPAIR OR ALSO NON-COMPLIANT (INSTALL COMPLIANT CURB RAMP). Survey address, replace broken and non-compliant areas along R.O.V.

LOT 25,
FREEWAY COMMERCIAL
PARK SUBDIVISION
P.B. 28, PG. 17
SMART INC. STUDENT
ZONED EMP
USE: WAREHOUSE



SPECIAL USE PERMIT			
FREEWAY COMMERCIAL PARK SUBDIVISION			
ZONED CMU-1 & R-15	LOT 4	P.B. 28, PAGE 42	
MEMPHIS, TENNESSEE			
LOTS: 1	AREA: 3.804 ACRES	PARCELS: 078, BLOCK 001 (PARCELS 099)	
DEVELOPER: YASOUB ALSHAGGA 547 VANCE AVENUE MEMPHIS, TN 38126	ENGINEER: THE BRAY FIRM 2959 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 353-8668		
DATE: MAY 2024	SCALE: 1" = 30'	SHEET 1 OF 1	

ATTEST:

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

AGENDA ITEM: 12 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: SUP 2024 – 019
LOCATION: 3230 Commercial Parkway
COUNCIL DISTRICT: District 3
OWNER/APPLICANT: Yaaqob Al Shugaa
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Special use permit to allow a convenience store with gas pumps.
EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

CONCLUSIONS

1. The applicant is requesting a stand-alone convenience store with gas sales and a two-story structure with an outdoor dining area.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1 (see case # Z 2024 -006).
4. In May 2019, a variance (BOA 19-32) was granted by the Board of Adjustment to allow an established warehouse to continue operations at the same location as the proposed convenience store.
5. In May 2019, a special use permit (SUP 2019 – 06) was recommended for rejection by the Land Use Control Board to allow a convenience store with gasoline sales at the intersection of an arterial street and a local street. This application was subsequently withdrawn by the applicant.
6. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

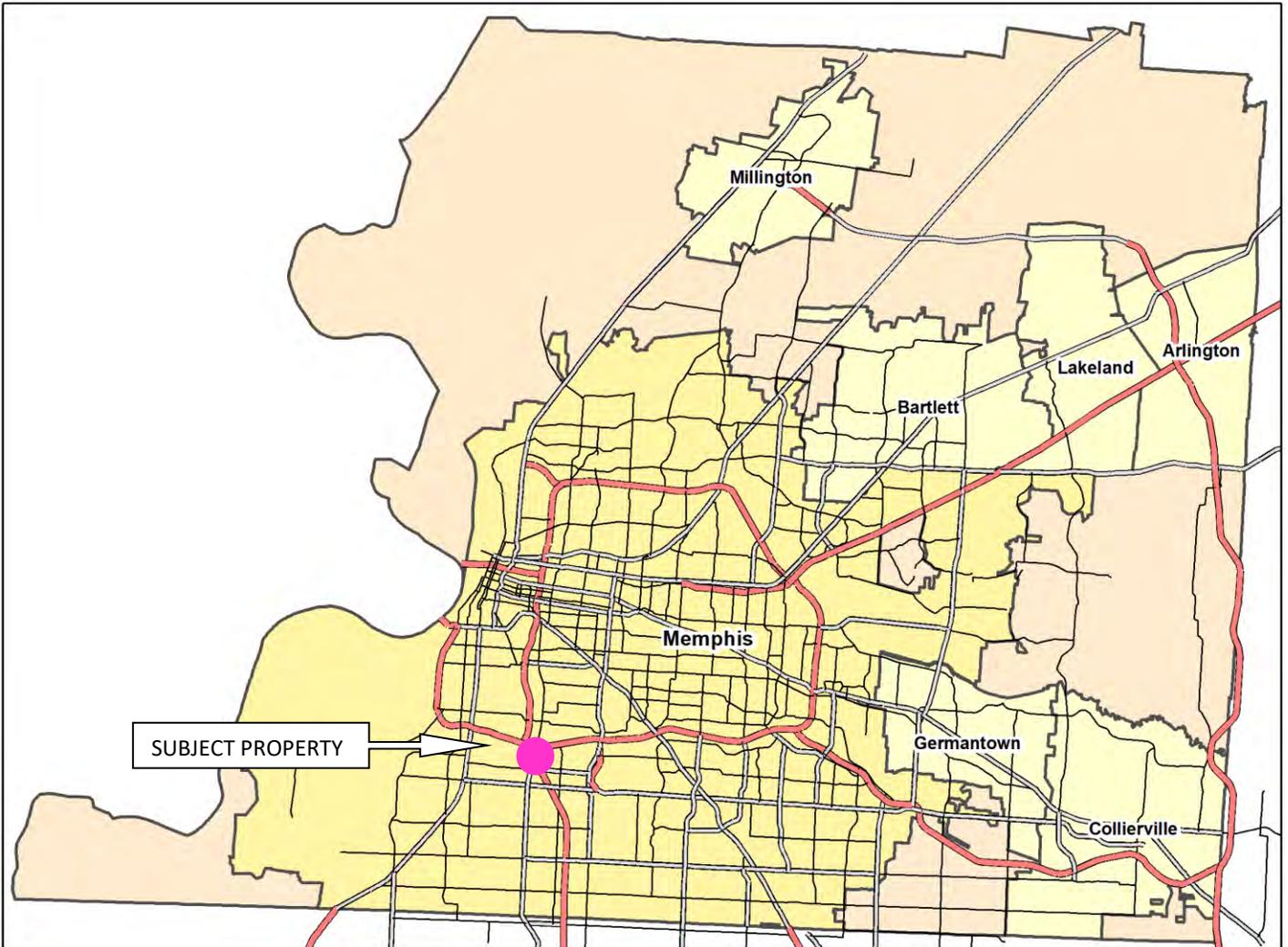
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

AERIAL



Subject property outlined in yellow

ZONING MAP



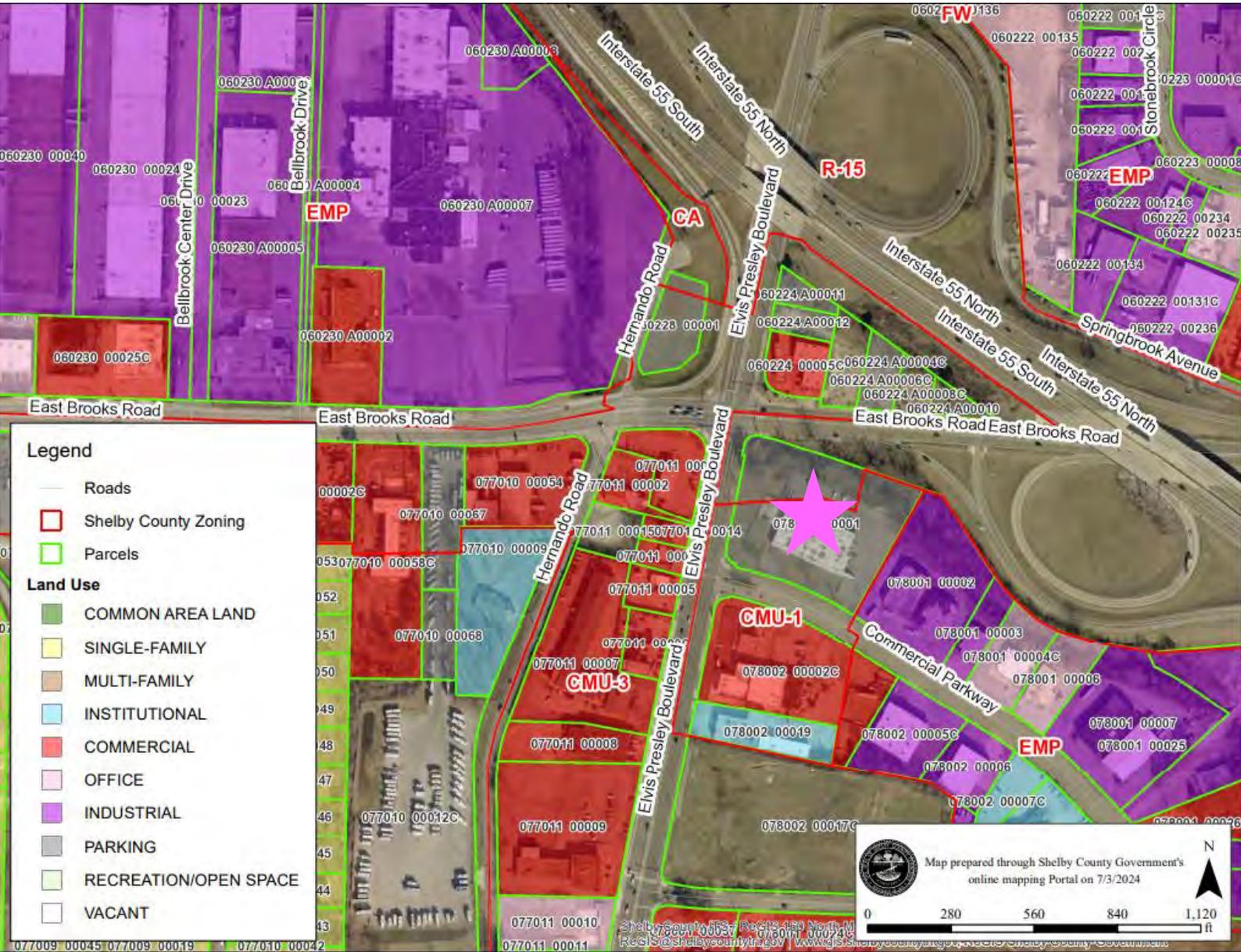
Subject property highlighted in yellow.

FEMA MAP



Subject property outlined in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



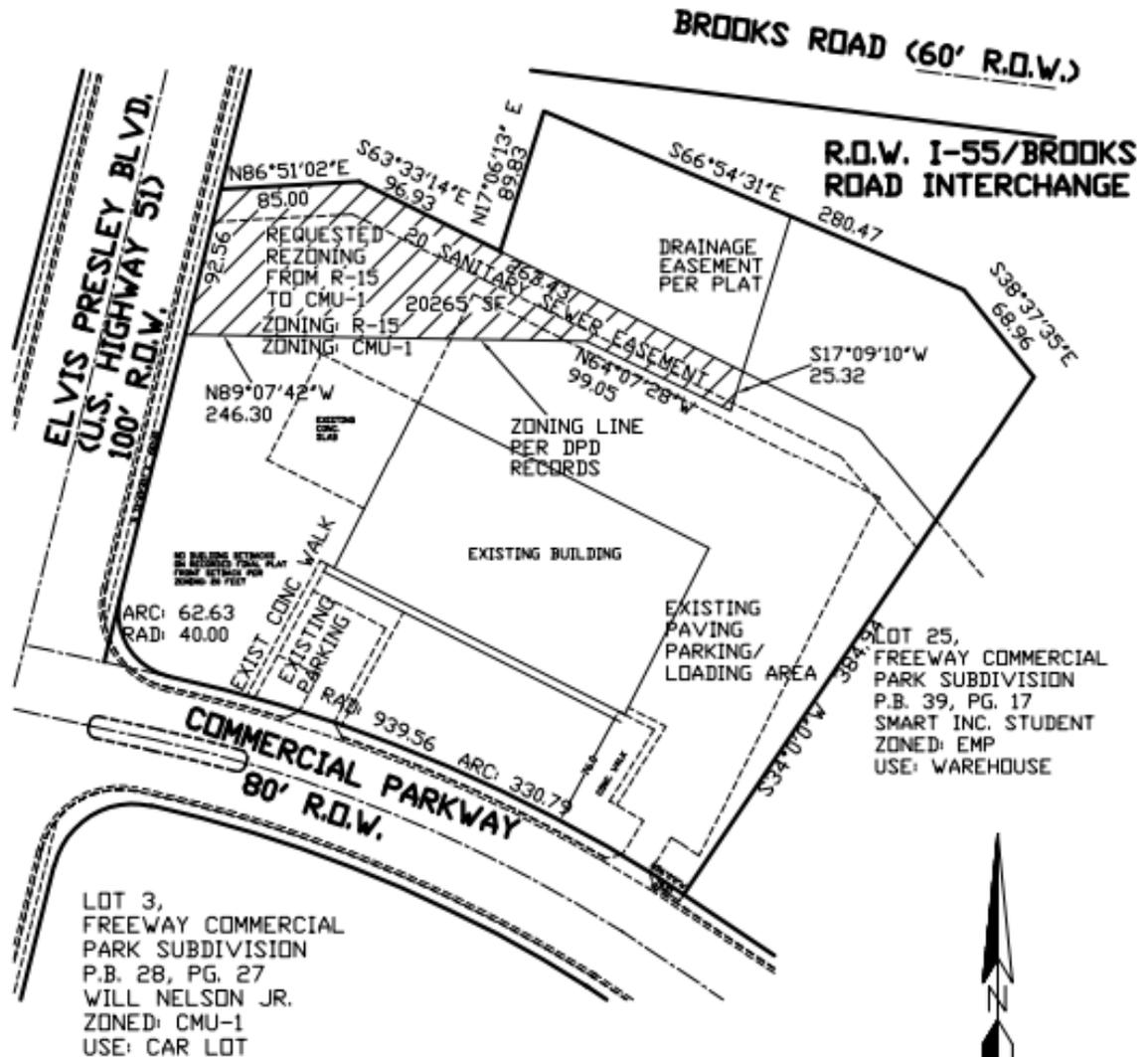
View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

SURVEY

**LOT SURVEY
LOT 4
FREEWAY COMMERCIAL
PARK SUBDIVISION
PB. 24, PG 42
MEMPHIS, TN**

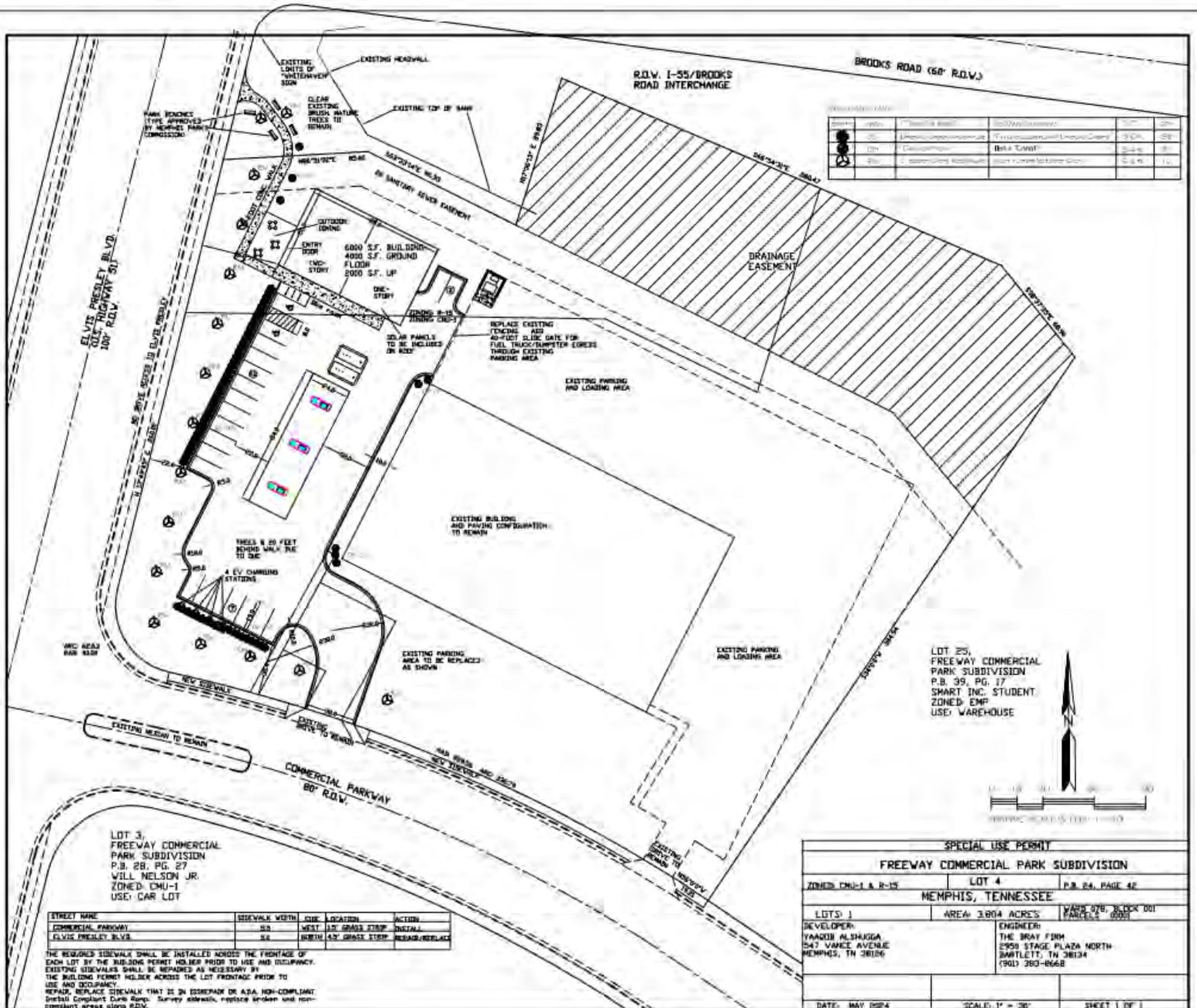


I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.
NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

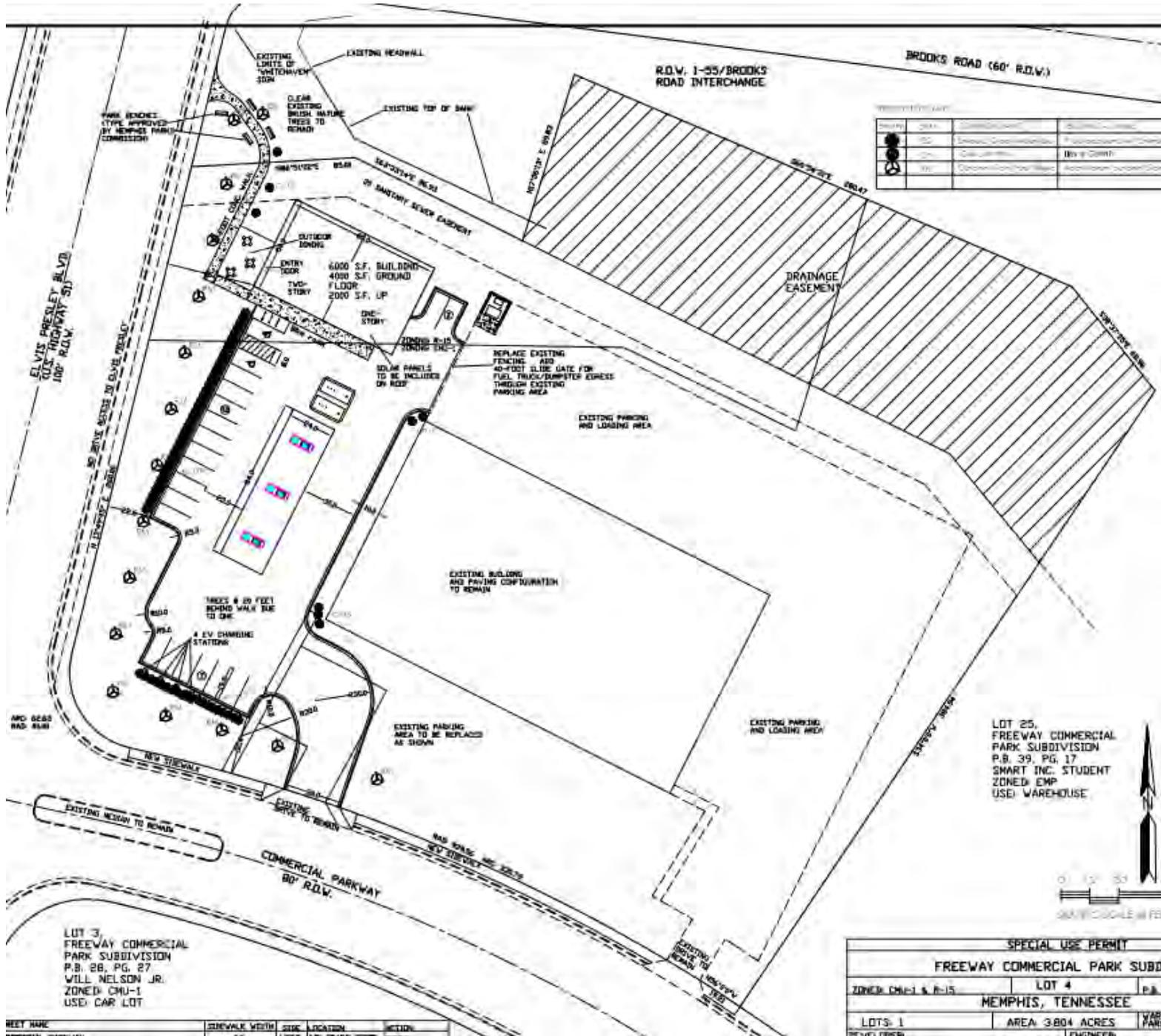
DATE: 05.09.2024
SCALE: 1"=100'

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

SITE PLAN



SITE PLAN – MAGNIFIED



NO.	DESCRIPTION	DATE	BY

LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED EMP
 USE: WAREHOUSE

LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED CHU-1
 USE: CAR LOT

SPECIAL USE PERMIT			
FREEWAY COMMERCIAL PARK SUBD			
ZONED CHU-1 & P-15	LOT 4	P.B.	
MEMPHIS, TENNESSEE			
LOTS: 1	AREA: 3.804 ACRES	VAR PARK	

RECY NAME	DRAWN	DATE	SCALE	SECTION

CASE REVIEW

Request

The request is a special use permit to allow a convenience store with gas pumps.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:
3230 Commercial Parkway

Parcel ID:
078001 00001

Area:
+/- 3.78 acres

Description:

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

Relevant Unified Development Code Clauses

Sub-Section 2.6.3J

J. Convenience Store with Gas Pumps, Gas Station, Commercial Electric Vehicle Charge Station

1. General Standards

a. The primary building shall conform to all building envelope standards. It shall be sheathed with some form of masonry material on all facades of the building.

b. Gasoline pumps, tanks, vents, EV chargers and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.

c. No sign of any type or any gasoline pump, tank, or EV charger shall be located within 20 feet of any residential district. Furthermore, no gasoline pump, tank or tank vent pipe located at gasoline stations constructed on or after August 21, 2012, or at those gasoline stations that have been vacant for more than 365 days, shall be located within 125 feet of any single-family residential district. This Item shall not apply to any portion of a residential district that lies within a state, city or county right-of-way.

d. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.

e. Freestanding vents shall not be permitted.

f. CMU-3 district. Any convenience store with gas pumps or gas stations constructed in the CMU-3 district after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the Functional Classification Map of the Long Range Transportation Plan, shall require the issuance of a Special Use Permit. Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

g. CMU-1 district. Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, reactivated after one year of discontinuance or whose convenience store is reconstructed or

relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-1 district prior to January 1, 2021, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

h. CMU-2 and CBD districts. Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2) or reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

i. Rope lighting subject to Paragraph 4.9.4A(10) is prohibited.

2. Fuel Canopies

a. Fuel canopies may be located within the required front yard of a lot. With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii), the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.

b. The canopy shall not exceed a height of 20 feet.

c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

d. Architectural compatibility of fuel canopies

i. Establishments permitted by right

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

ii. Establishments that require a Special Use Permit

In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h), shall also either:

a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or

b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way. See Sub-Item (vi) below for photographic

representations of structurally integrated fuel canopies.

iii. Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

iv. Examples of architecturally integrated and compatible fuel canopies.



v. Example of rear-loaded fuel canopy



vi. Examples of structural integrated fuel canopies



vii. Example of architecturally incompatible fuel canopy.



Site Plan Review

- The proposed development will utilize the existing access point along Commercial Parkway and there is no access point being proposed along Elvis Presley.
- The proposed canopy will be located with a 30-foot setback from the existing building.
- Three fuel pumps are being proposed.
- Three EV charging stations are being proposed along the southwest portion of the lot along Commercial Parkway.
- There is proper landscaping being proposed along Elvis Presley and Commercial Parkway providing proper screening to parking spaces.
- Any mature trees located near the existing 'Whitehaven' sign located on the corner of Elvis Presley and Brooks shall remain.
- The applicant is proposing to replace the existing fence on the property and add a 40-foot sliding gate for fuel truck and dumpster egress.
- The two-story structure housing the convenience store will have solar panels included on the roof.

Analysis

The proposal has been deemed inconsistent in accordance with the Memphis 3.0 Plan based on the land use intent of Low Intensity Commercial (CSL). The proposed use is also not in keeping with the land use designation noted as parking based on the Land Use Map. There is an existing warehouse facility that encompasses a

substantial portion of the parcel. The Office of Sustainability and Resilience (OSR) has deemed the proposal inconsistent with the Mid-South Regional Resilience Master Plan best practices as it discourages development within sensitive areas such as floodplains.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends rejection, however if approved, staff proposes the following conditions:

Conditions

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Drainage:

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

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

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

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

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

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

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

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

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

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

City Fire Division:

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

2. Fire apparatus access shall comply with section 503.

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

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

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

6. IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
7. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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

Office of Sustainability and Resilience:
MEMORANDUM

To: Alexis Longstreet, Planner I
From: Logan Landry, Planner I
Date: June 3, 2024
Subject: OSR Comments on SUP 24-019: WHITEHAVEN

General Comments & Analysis:

Located in Zones 1 and 4 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

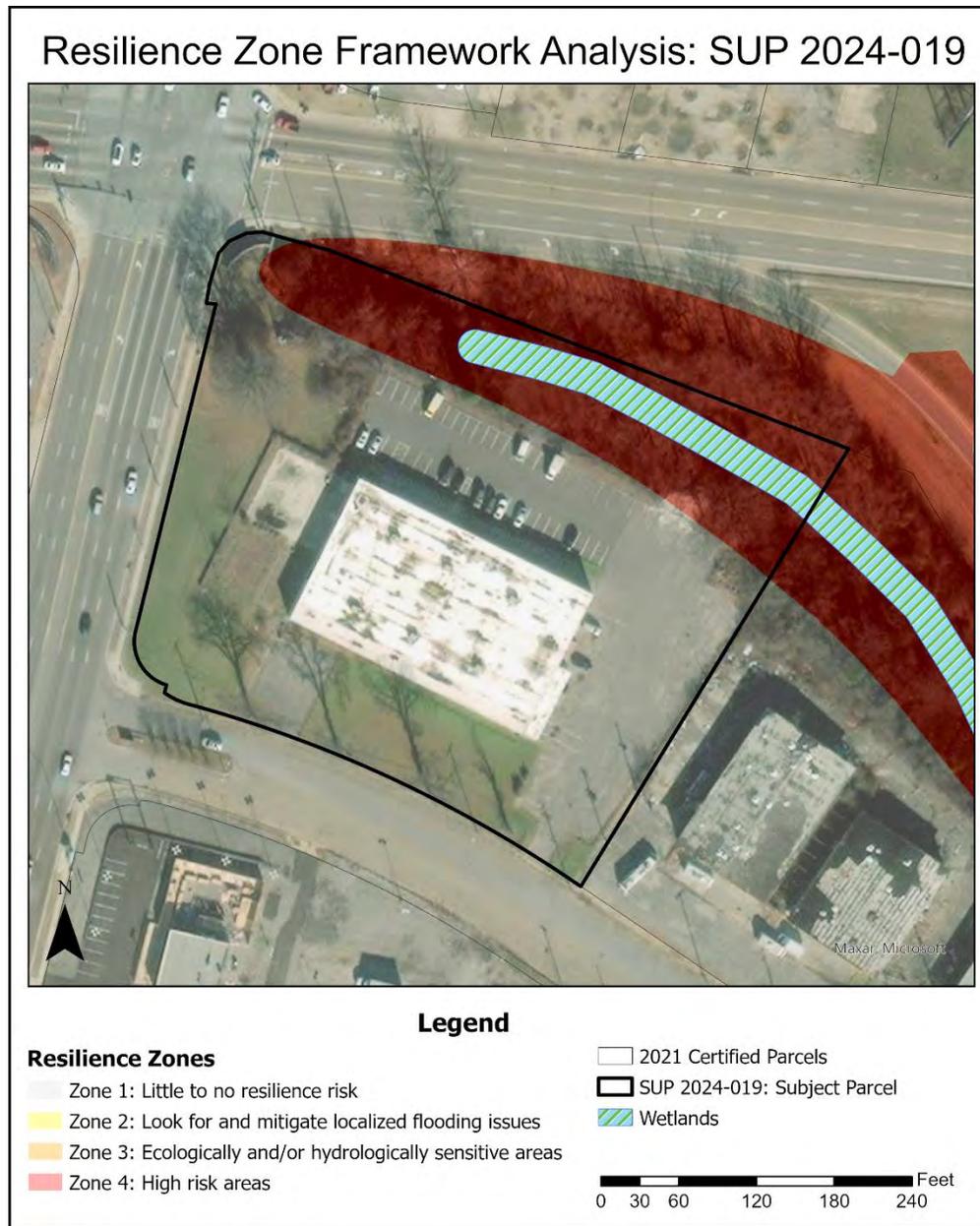
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The site's designation in Zone 4 is due to its location within the 500-year floodplain for a wetland located in the northeast portion of the parcel.

The applicant is requesting a special use permit to allow a convenience store with gasoline sales in a parcel currently zoned as Commercial Mixed Use – 1 (CMU-1). Additionally, the applicant is planning on constructing a two-story restaurant space which will include a patio, a new sidewalk, park benches, landscaping, and solar panels on the roof.

According to the submitted site plan, the applicant plans to increase the amount of impervious surface by expanding existing parking areas. The expanded parking area will host three new EV charging stations.

The applicant plans to clear the existing brush in the northwest corner of the parcel and leave the existing mature trees. The landscaping plans include the addition of eighty-three new plants, according to the submitted site plan.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within sensitive areas such as floodplains, so this request for a special use permit is generally inconsistent with the Plan.

The proposed installation of solar panels is encouraged in Section 3.5 – Green Building Retrofits as it increases the building’s energy performance and promotes sustainable energy use.

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

The proposed site plan is generally consistent with the Memphis Area Climate Action Plan. The proposed addition of three new electric vehicle charging stations aligns with Action T.5: Encourage Electric Vehicle Adoption and the Development of Charging Infrastructure.

Recommendations: None

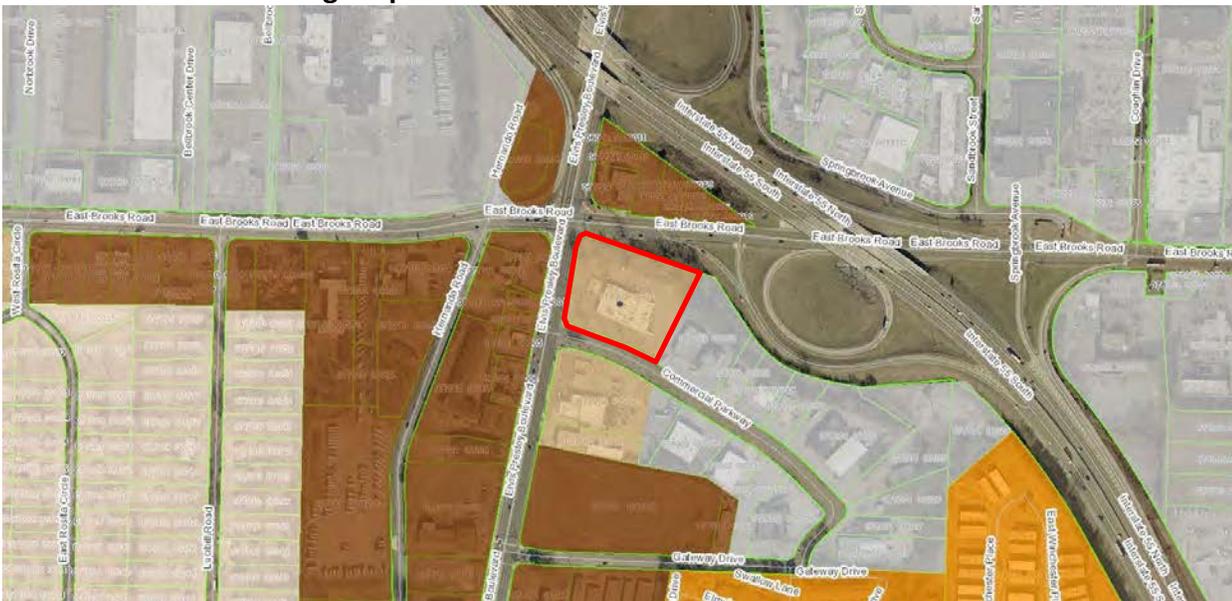
**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024 - 019 Whitehaven

Site Address/Location: 3230 Commercial Pkwy
Overlay District/Historic District/Flood Zone: Not in an Overlay District or Historic District
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

The applicant is requesting a special use permit to build a convenience store with gas pumps.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height.

“CSL” Zoning Notes

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

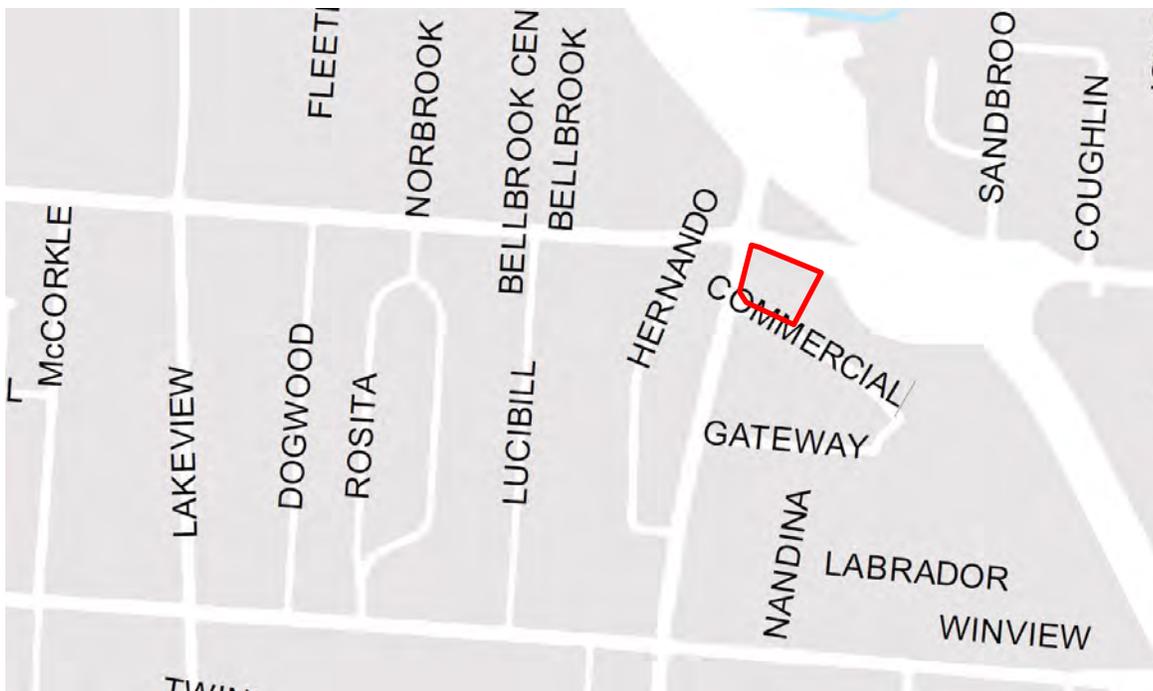
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Institution; CMU-1

Overall Compatibility: *This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

Consistency Analysis Summary

The applicant is requesting a special use permit to build a convenience store with gas pumps.

This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024 – 019 and Z 2024 – 006
LOCATION: 3230 Commercial Parkway
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Shugga Yaaqob
REQUEST: Special use permit to allow a convenience store with gas pumps

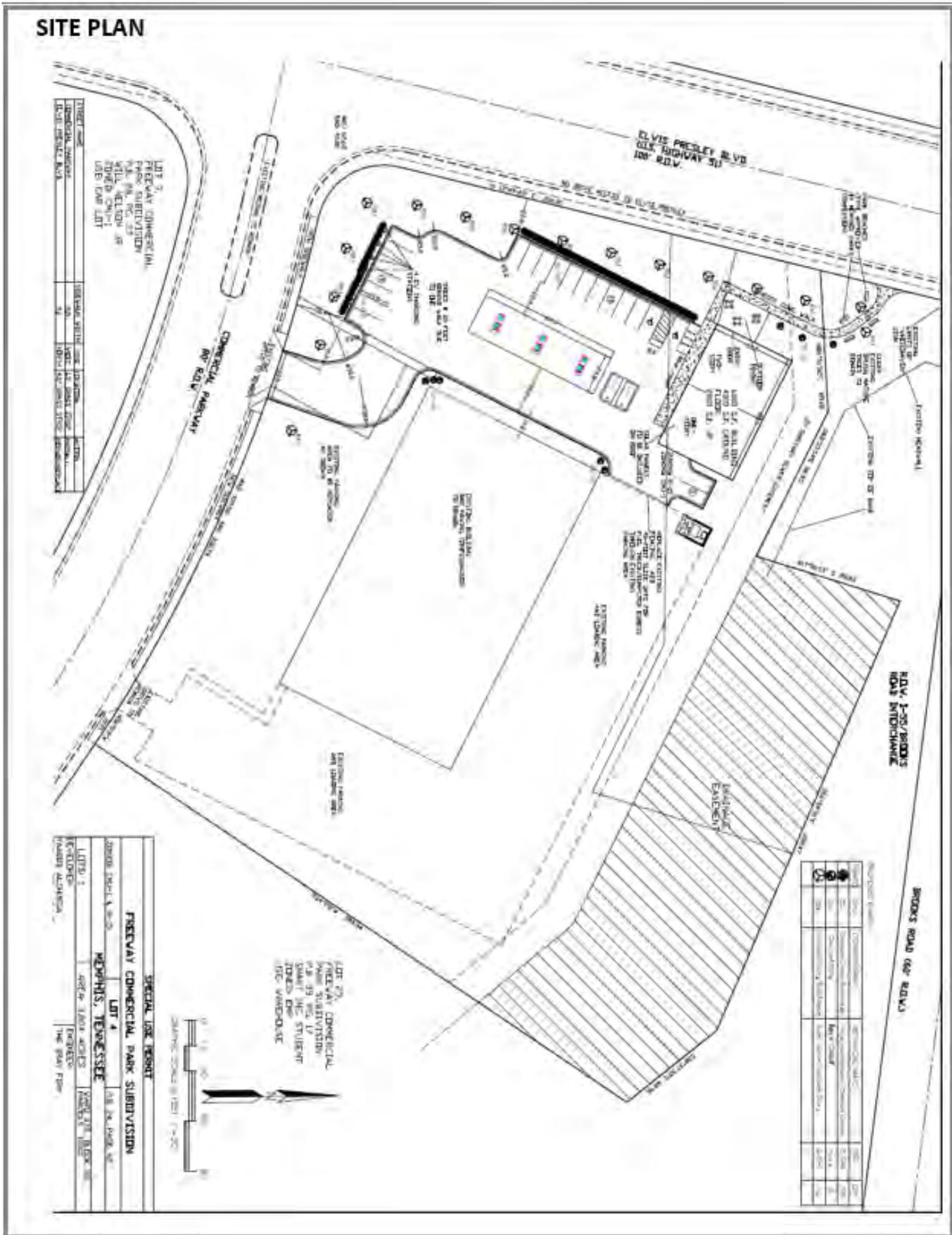
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**



APPLICATION



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

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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 10, 2024

Record Number: SUP 2024-019

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: SUP request for convenience store with gasoline sales.

Parent Record Number:

Address:

3230 COMMERCIAL PKWY, MEMPHIS 38116

Owner Information

Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

547 VANCE AVE, MEMPHIS, TN 38126

Owner Phone

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

02/27/2024

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

n/a

Number(s) related to previous applications on
this site

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

No

GENERAL PROJECT INFORMATION

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

n/a

APPROVAL CRITERIA

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

This project will be compatible with surrounding developments in the CMU-1 zoning district.

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

This project will not impact surrounding properties in a negative fashion.

UDC Sub-Section 9.6.9C

All existing facilities and utilities are currently in place.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed.

UDC Sub-Section 9.6.9F

Agreed.

GIS INFORMATION

Case Layer

SUP19-006

Central Business Improvement District

No

Class

-

Downtown Fire District

No

Historic District

-

Land Use

-

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

-

Lot

-

Subdivision

-

Planned Development District

-

Wellhead Protection Overlay District

No

Contact Information

Name
 SHUGAA YAAQOB A

Contact Type
 APPLICANT

Address
 547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

Phone
 -

Name
 THE BRAY FIRM

Contact Type
 ARCHITECT / ENGINEER /
 SURVEYOR

Address
 2950 STAGE PLAZA NORTH,

Phone
 (901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563617	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/10/2024
1563617	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/10/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 3220 Elvis Presley
and further identified by Assessor's Parcel Number 07806100001
for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached a Special Use Permit application for the above captioned property. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. This site was the subject of a previous application with a similar request in 2019 but the proposed configuration has changed significantly. After meeting with elected representatives from the area, the owners are proposing a two story structure located closer to Elvis Presley that will include a restaurant space. Additionally, a patio for outdoor dining will be added and a new sidewalk, park benches, and landscaping will be provided to provide pedestrian connectivity to Elvis Presley and the proposed business location. Finally, no drive access to Elvis Presley Boulevard is proposed.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

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website: www.develop901.com

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Name of DPD Planner Chip Saliba

Date of Meeting 02/27/2024

Pre-application Meeting Type Email

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case n/a

Number(s) related to previous applications on this site

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

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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UDC Sub-Section 9.6.9C All existing facilities and utilities are currently in place.

UDC Sub-Section 9.6.9D Agreed

UDC Sub-Section 9.6.9E Agreed.

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

Case Layer SUP19-006

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
SHUGAA YAAQOB A

Contact Type
APPLICANT

Address
547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

Phone
-

Name
THE BRAY FIRM

Contact Type
ARCHITECT / ENGINEER /
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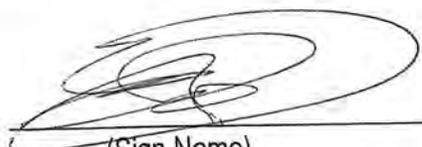
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I, Yaagob shugaa , state that I have read the definition of
 (Print Name) (Sign Name)

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

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

of the property located at 3230 Elvis Presley
 and further identified by Assessor's Parcel Number 07800100001
 for which an application is being made to the Division of Planning and Development.

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

 Signature of Notary Public

 My Commission Expires



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

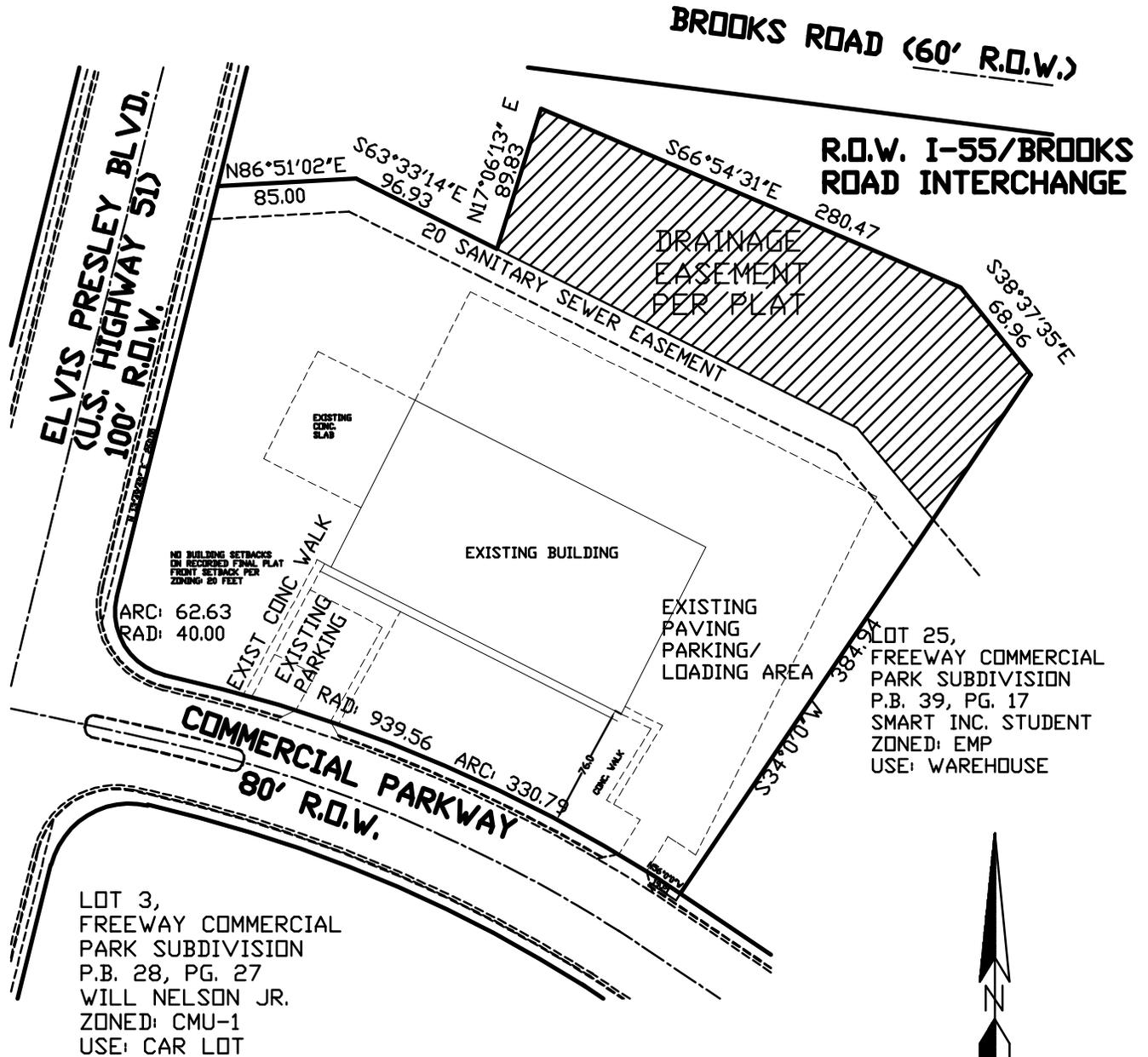
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Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

LOT SURVEY
 LOT 4
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 PB. 24, PG 42
 MEMPHIS, TN



LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED: EMP
 USE: WAREHOUSE

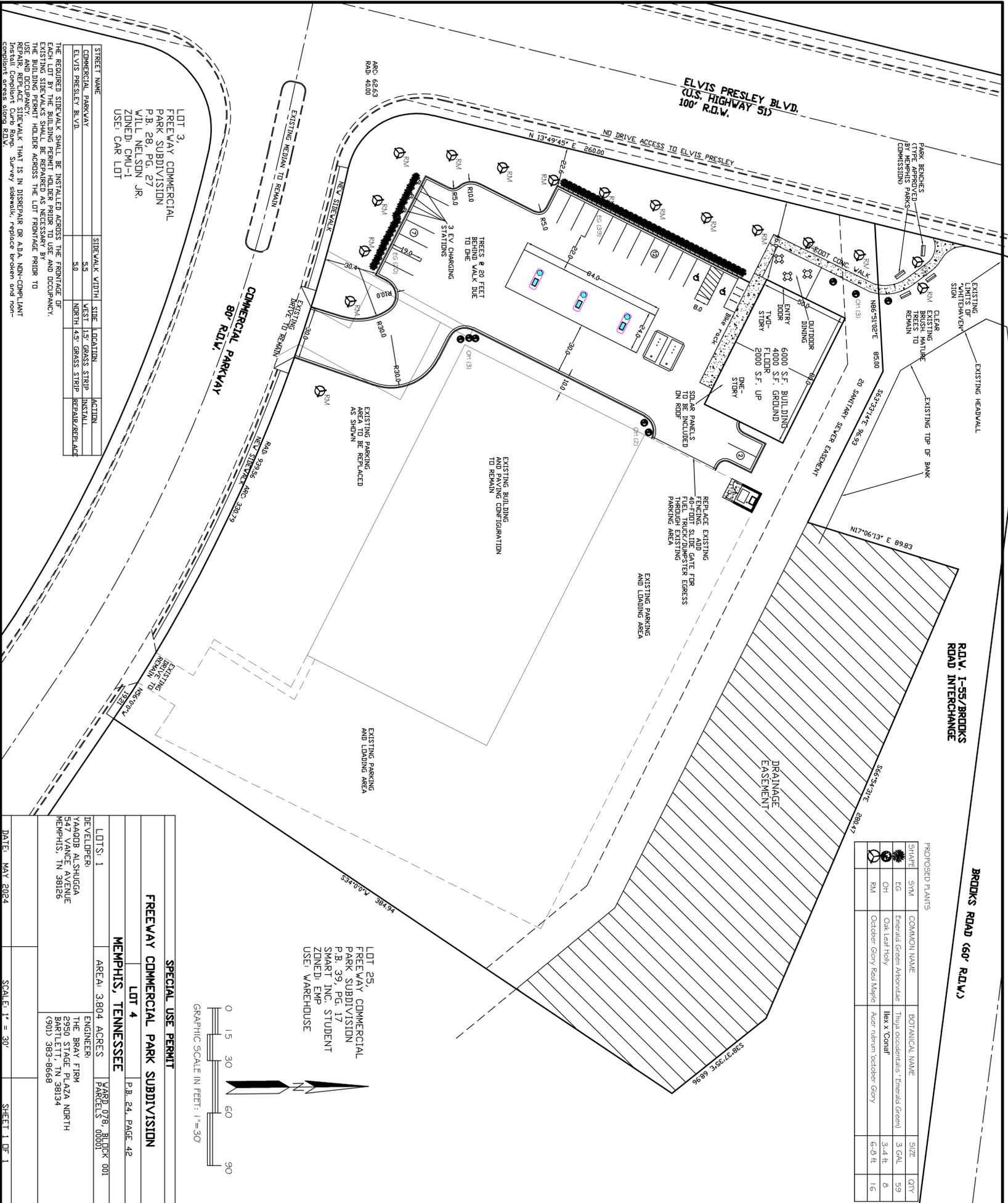
LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED: CMU-1
 USE: CAR LOT



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.
 THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.
 NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
 SCALE: 1"=100'

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



PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	39
	OH	Oak Leaf Holly	Ilex x Cornif	3-4 ft	6
	RM	October Glory Red Maple	Acer rubrum 'October Glory'	6-8 ft	16

LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED: CMU-1
 USE: CAR LOT

STREET NAME	SIDEWALK WIDTH	LOCATION	ACTION
COMMERCIAL PARKWAY	5.5	WEST	INSTALL
ELVIS PRESLEY BLVD.	5.0	NORTH	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR A PA NON-COMPLIANT CONDITION ALONG R.O.W. Survey sidewalk, reduce broken and non-

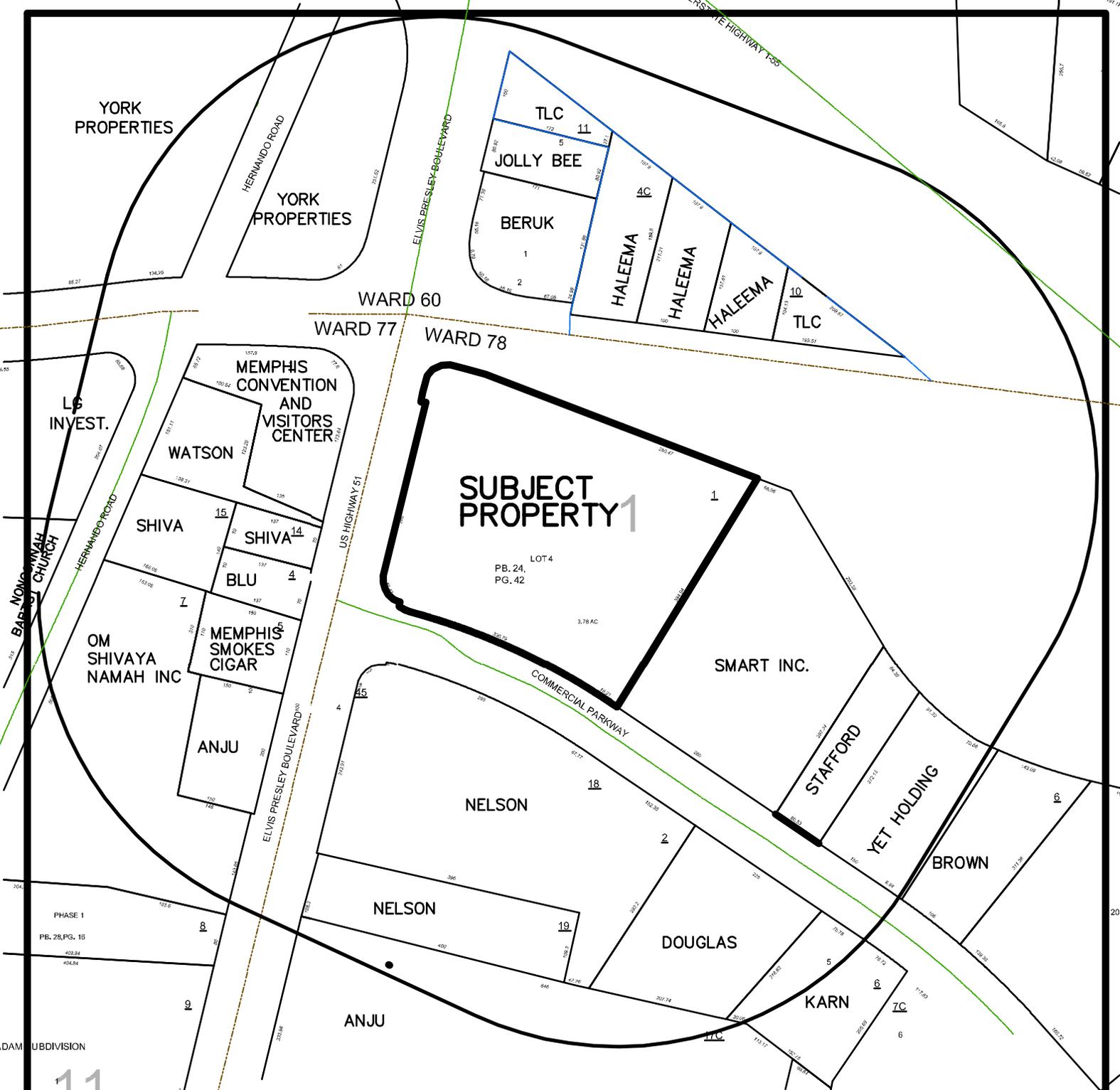
LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED: EMP
 USE: WAREHOUSE



SPECIAL USE PERMIT
FREEWAY COMMERCIAL PARK SUBDIVISION

MEMPHIS, TENNESSEE	
LOTS: 1	AREA: 3,804 ACRES
DEVELOPER: YAAGOB ALSHUGGA 547 VANCE AVENUE MEMPHIS, TN 38126	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668
DATE: MAY 2024	SCALE: 1" = 30'

LOT 4
 P.B. 24, PAGE 42



**LUCB APPLICATION – 3230 ELVIS PRESLEY
 LOT 4, FREEWAY COMMERCIAL PARK S/D
 APPLICANT: YAAQOB SHUGAA
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 MAY 9, 2024

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=200'

Applicant/Owner

Engineer/Surveyor

Yasqob El Shubba
547 Vance Ave.
Memphis, TN 38116

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Smart Inc. Student Making
A Rewarded
3242 Commerical Pkwy.
Memphis, TN 38116

Dell Stafford &
Edwin Stafford
3262 Commercial Pkwy.
Memphis, TN 38116

Yet Holding LLC
4920 Raleigh LaGrange
Ste. 9
Memphis, TN 38128

James Karn Jr.
3271 Commercial Parkway
Memphis, TN 38116

Paul Douglas &
George Douglas
3261 Commercial Pkwy.
Memphis, TN 38116

Will Nelson, Sr.
465 Tennesseeed
Memphis, TN 38103

Willie & Hattie Nelson
3360 Fontaine Rd.
Memphis, TN 38116

Anju Hotels LLC
8720 Somerset Ln.
Germantown, TN 38138

Om Shvaya Namah Inc.
3265 Elvis Presley
Memphis, TN 38116

Memphis Smokes Cigar Lounge
LLC
5341 Bradley Ridge Ln
Memphis, TN 38125-4141

BLU River LLC
119 So. Main
Ste. 500
Memphis, TN 38103

Kenneth Watson
8909 Georgia Dr.
Austin, TX 79753

Memphis Convention &
Visitors Bureau
47 Union Ave.
Memphis, TN 38103

LG Investmetns LLC
407 Saintt Tammany St.
Madisonville, LA 70447-9713

Nonconnah Baptist
Church Trust
3257 Hernando
Memphis, TN 38116

York Properties LLC
3100 Bellbrook Dr.
Memphis, TN 38116-1702

Artie Brown Revocable Living Trust
8585 Edenfield Cv.
Germantown, TN 38138

TLC Properties Inc.
1600 Century Center
Bartlett, TN 38134

Set No. 1
El Shugga
Page 2 of 2

Jolly Bee LLC
P.O. Box 400
Wheatley, AR 72392-0400

Beruk Properties
3264 W Sarazens CL
Memphis, TN 38125-0808

Cheryl Forbes
Whitehaven Development Corp.
P.O. Box 16005
Memphis, TN 38186

Shiva Properties
8720 Somerset Ln.
Germantown, TN 38138



Tom Leatherwood
Shelby County Register / Archives

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

	
17103589	
10/06/2017	03:21 PM
2 PGS	
CHRISTINAM	1857071-17103589
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Instrument prepared by: Ronny Porter -- Quick Refund 3258 Commercial Freeway
Memphis Tenn, 38116

QUIT CLAIM DEED David K. Kemp

KNOW ALL MEN BY THESE PRESENTS, that _____ on this the 5 day of OCTOBER, 2017, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto (Student Making (A) ReWarded Today) 3242 Commercial ParkWay Memphis TN. 38116 (County Of Shelby. For the amount of \$10.00 dollars and service perform by ICA/ Student Making A's Rewarded Today. _____ all _____ right, title and interest in and to the following described real estate, to wit: 3230 HWY. 51. SOUTH. Memphis TN. 38116 (County Of Shelby TN.) Property Details as following RE:

1. Office Building, Subdivision :Freeway Comm. Park SEC B (home size: 0.65 Acres, lot size: 3.78 Acres, built in 1961:Parcel number 07800100001:County Shelby:Census:3, Tract:22023, Lot:4,Zoning:C-L

Being the same property Conveyed to grantor by 06106565

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 5 day of October, 2017.

Neil Shreat
Mr. Shreat

STATE OF TENNESSEE

COUNTY OF Shelby

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

for _____ witness my hand and seal this 5 day of October, 2017.

Mable Louise Williams
Notary Public
STATE OF TENNESSEE
NOTARY PUBLIC
SHELBY COUNTY

My commission expires:

~~I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 425,000.00 four hundred twenty five thousand dollars Credit for service. Per David K. Kemp perform. (by ICA/ Student Making A'S Reward Today)~~

David K. Kemp
Affiant

STATE OF TENNESSEE
COUNTY OF SHELBY M L W

Subscribed and sworn before me this the 5 day of October, 2017

Mable Louise Williams
Notary Public
STATE OF TENNESSEE
NOTARY PUBLIC
MABLE LOUISE WILLIAMS

The following information is not a part of this Deed:

Property Address:

3230 Highway 51 South
Memphis Tenn 38116

Owner's Name and Address

Student Making A's Reward Today
3242 Commercial Parkway
Memphis Tenn 38116

Parcel Number

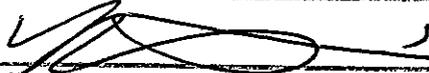
78-1-1

Mail Tax Bills to:

3242 Commercial Parkway
Memphis Tenn 38116

Student Making A's Reward Today

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



Affiant

Subscribed and sworn to before
me this the 6th day of October
20 17

TOM LEATHERWOOD, REGISTER

by  D.R.



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

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

July 24, 2024

Yaaqob Shugaa
547 Vance Avenue
Memphis, TN 38126

Sent via electronic mail to: dqbray@comcast.net, Mustafashujaa2003@yahoo.com

Case Number: SUP 2024 – 019
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your special use permit application to allow a convenience store with gas pumps, **however, if approved, the Board recommends the following conditions:**

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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

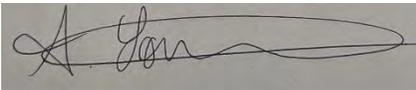
Letter to Applicant
SUP 2024 – 019

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

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

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

Respectfully,

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

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

Cc: David Bray, The Bray Firm
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024

DATE

PUBLIC SESSION: 09/10/2024

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 1656 Arkansas St., known as case number SUP 2024-024

CASE NUMBER: SUP 2024-024

LOCATION: 1656 Arkansas St.

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

OWNER/APPLICANT: Bertha Shipp

REPRESENTATIVE: N/A

REQUEST: To allow a group daycare home in the Residential Single-Family – 6 (R-6) zoning district.

AREA: +/-9,450 sq. ft.

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

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

PRIOR ACTION ON ITEM:

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

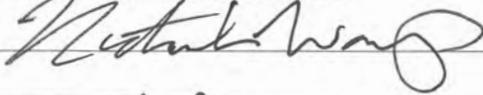
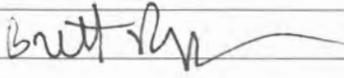
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	8-8-24	PLANNER II
		DEPUTY ADMINISTRATOR
	8/8/24	ZONING ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-024

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1656 ARKANSAS STREET KNOWN AS CASE NUMBER SUP 2024-024

- This item is a resolution with conditions for a special use permit to allow group daycare home in the R-6 zoning district; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024-024

LOCATION: 1656 Arkansas St.

COUNCIL DISTRICT(S): District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Bertha Shipp

REPRESENTATIVE: N/A

REQUEST: To allow a group day care home.

EXISTING ZONING: Residential Single-Family – 6 (R-6)

AREA: +/- 9,450 sq. ft.

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



Nicholas Wardroup
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 2024-024**CONDITIONS**

1. At no time shall more than seven (7) children younger than nine (9) years of age be located on the premises, regardless of their familial relation to the operator.
2. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway. No improvements shall be made to the property for the purposes of adding parking.
3. No signage related to the daycare shall be permitted.
4. No more than three individuals not residing on the property may be employed by the daycare.
5. Any future improvements to the property (including but not limited to the installation of playground equipment) shall be submitted to the Division of Planning and Development for administrative review and approval. The Zoning Administrator may, at their discretion, impose additional landscaping requirements necessary to appropriately screen such improvements.
6. Nothing in these conditions shall be construed as to prevent the future simultaneous use of the subject property as a group daycare home and a single-family residence.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 1656 ARKANSAS STREET, KNOWN AS CASE NUMBER SUP 2024-024

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

WHEREAS, Bertha Shipp filed an application with the Memphis and Shelby County Division of Planning and Development to allow a group daycare home; and

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

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

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

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

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

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

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

CONDITIONS

1. At no time shall more than seven (7) children younger than nine (9) years of age be located on the premises, regardless of their familial relation to the operator.
2. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway. No improvements shall be made to the property for the purposes of adding parking.
3. No signage related to the daycare shall be permitted.
4. No more than three individuals not residing on the property may be employed by the daycare.
5. Any future improvements to the property (including but not limited to the installation of playground equipment) shall be submitted to the Division of Planning and Development for administrative review and approval. The Zoning Administrator may, at their discretion, impose additional landscaping requirements necessary to appropriately screen such improvements.
6. Nothing in these conditions shall be construed as to prevent the future simultaneous use of the subject property as a group daycare home and a single-family residence.

ATTEST:

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

AGENDA ITEM: 17 L.U.C.B. MEETING: August 8, 2024
CASE NUMBER: SUP 2024-024
LOCATION: 1656 Arkansas St.
COUNCIL DISTRICT: District 6 and Super District 8
OWNER/APPLICANT: Bertha Shipp
REPRESENTATIVE: N/A
REQUEST: Special Use Permit to allow a group daycare home
EXISTING ZONING: Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is requesting a new special use permit to establish a group daycare home in the Residential Single-Family – 6 (R-6) district.
2. The Board of Adjustment granted a companion variance for this request at its July 24, 2024, meeting (BOA 2024-0066).
3. This request is consistent with the Memphis 3.0 comprehensive plan.
4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or general welfare, and it will be in harmony with the purpose and intent of the UDC.

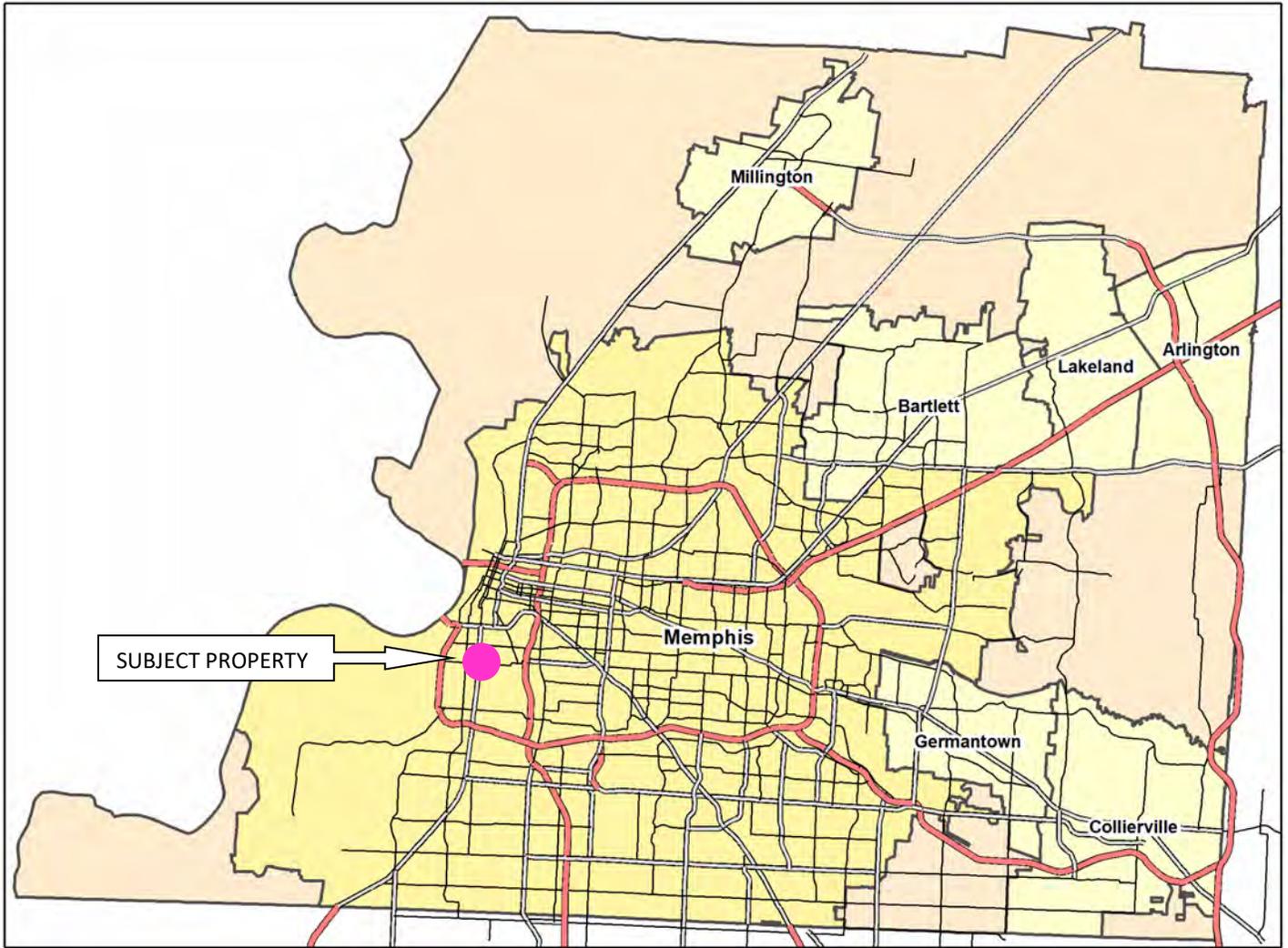
CONSISTENCY WITH MEMPHIS 3.0

This proposal is **consistent** with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 13-15.

RECOMMENDATION:

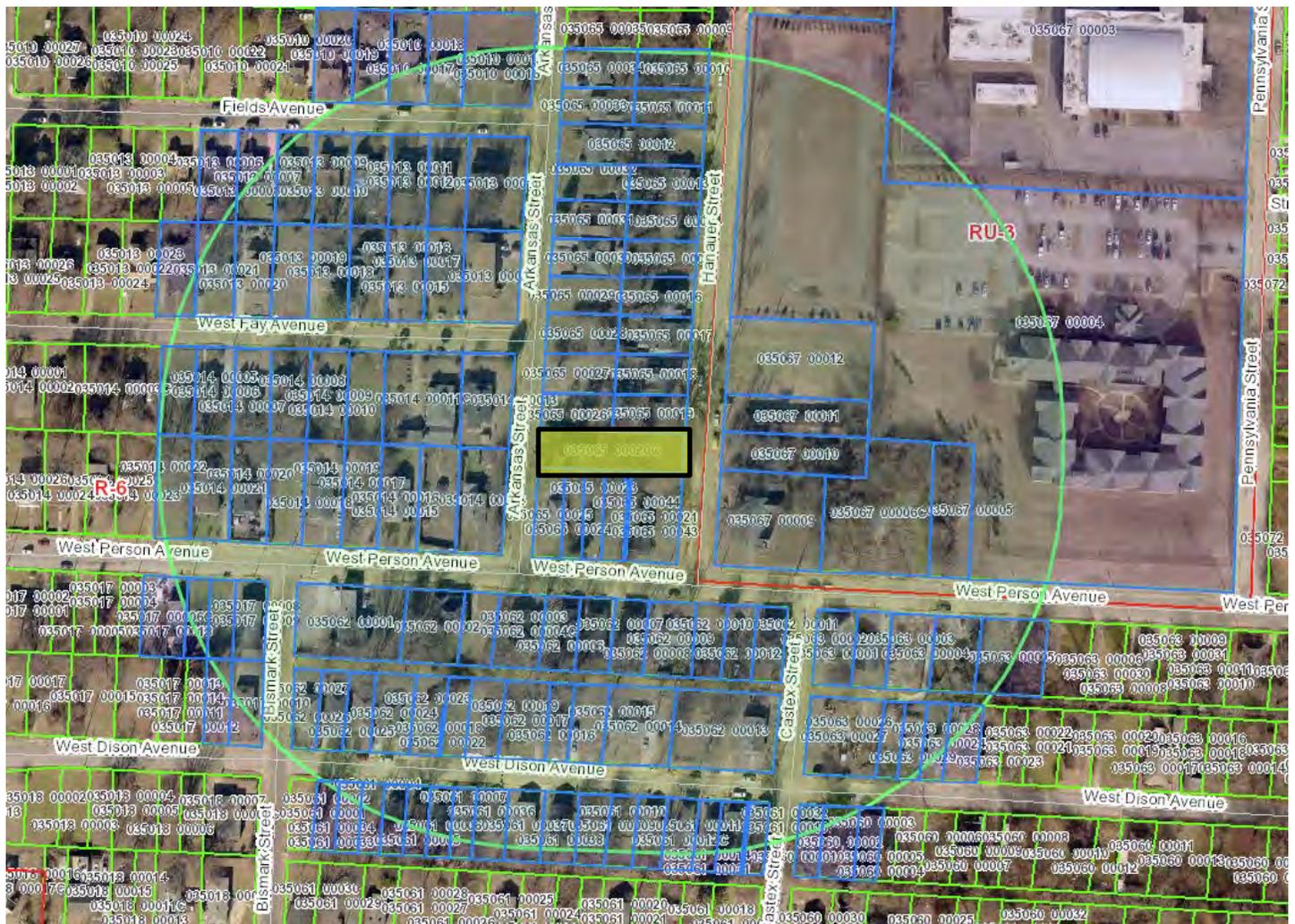
Approval with conditions

LOCATION MAP



Subject property located within the pink circle, South Memphis

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow, notice mailed to owners of properties outlined 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. A total of 137 notices were mailed on July 12, 2024, see pages 14-15 of this report for a copy of said notice.

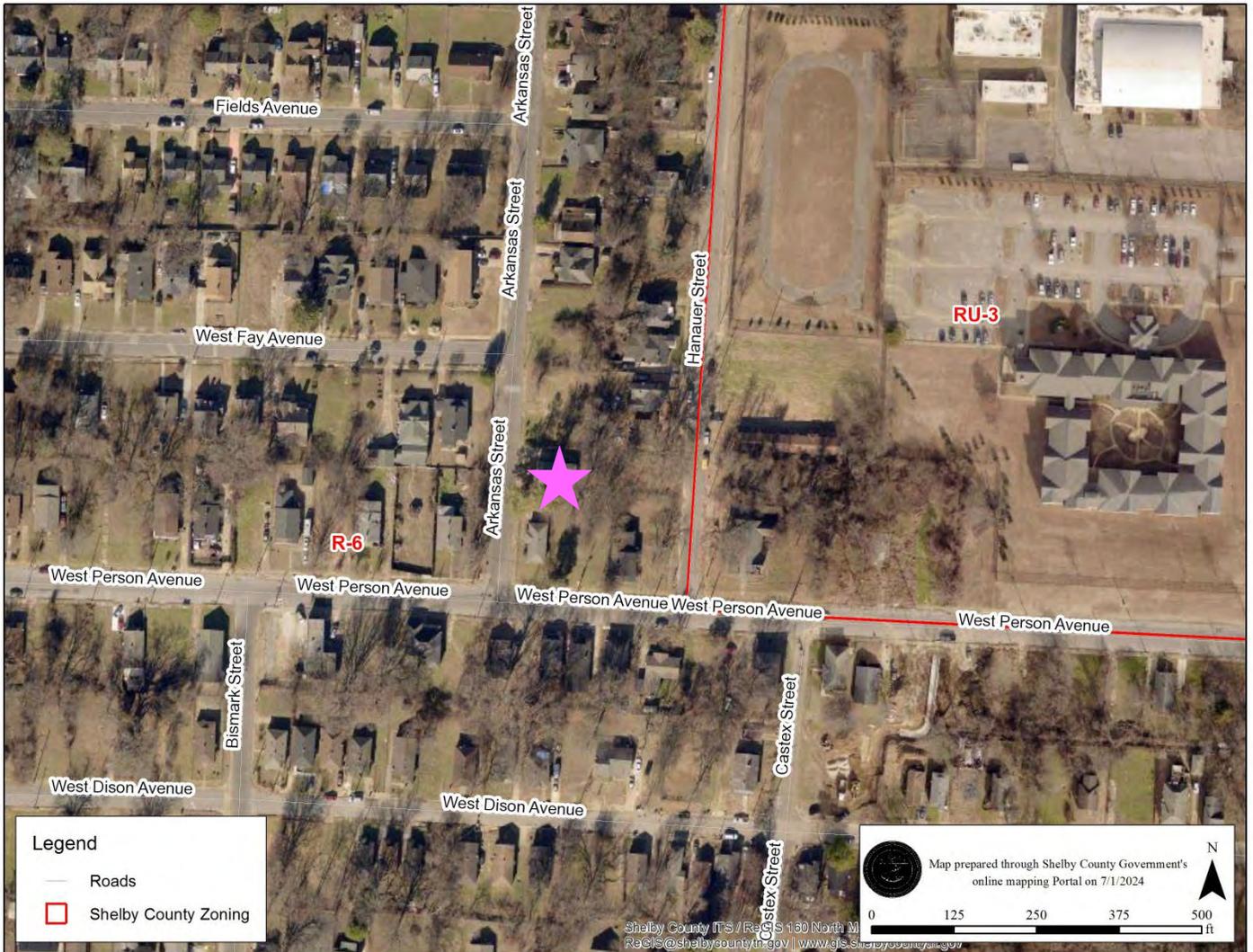
Additionally, the applicant hosted the required neighborhood meeting on July 23, 2024. See pages 21-22 for a copy of the mailed invitation and sign-in sheet. One sign was also posted on the property, see pages 23-24 for a copy of the sign affidavit and photos of the posted sign.

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property indicated by pink star

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Arkansas St. looking east



View of subject property from Arkansas St. looking northeast



View of subject property from Hanauer St. looking west



View of subject property from Hanauer St. looking southwest

STAFF ANALYSIS

Request

New Special Use Permit to establish a Group Day Care Home in the Residential Single-Family – 6 zoning district.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description and Staff Analysis

The subject property occupies the entire width of the block between Arkansas St. and Hanauer St. approximately 120' north of those streets' intersections with West Person Ave. It is 50' in width and 189' in length (+/- 9,450 sq. ft. in area). The property assessor's records further identify it as lot 39 of the unrecorded Hanauer Subdivision, but staff's attempts to find a map of this subdivision were unsuccessful.

State licensure rules permit home-based daycares to care for up to seven children simultaneously. However, the Unified Development Code treats any day care caring for 5-12 children as a "group day care home," a principal use. To establish a group day care home at the subject property, two zoning entitlements are required: 1) variance to waive the requirement that such uses be located within 150' of an intersecting arterial, granted by the Board of Adjustment at its July 2024 hearing (see BOA 2024-0066) and 2) the subject Special Use Permit,

as group day care homes are a SUP use in the R-6 district.

RECOMMENDATION

Staff recommends approval with six (6) conditions.

Note that the property is also subject to the conditions associated with BOA 2024-0066, see page 16.

Conditions

1. At no time shall more than seven (7) children younger than nine (9) years of age be located on the premises, regardless of their familial relation to the operator.
2. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway. No improvements shall be made to the property for the purposes of adding parking.
3. No signage related to the daycare shall be permitted.
4. No more than three individuals not residing on the property may be employed by the daycare.
5. Any future improvements to the property (including but not limited to the installation of playground equipment) shall be submitted to the Division of Planning and Development for administrative review and approval. The Zoning Administrator may, at their discretion, impose additional landscaping requirements necessary to appropriately screen such improvements.
6. Nothing in these conditions shall be construed as to prevent the future simultaneous use of the subject property as a group daycare home and a single-family residence.

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: | See next page for comments submitted for BOA 2024-0066. |
| City Real Estate: | No comments received. |
| County Health Department: | No comments received. |
| Shelby County Schools: | No comments received. |
| Construction Code Enforcement: | No comments received. |
| Memphis Light, Gas and Water: | No comments received. |
| Office of Sustainability and Resilience: | No comments received. |
| Office of Comprehensive Planning: | See pages 13-15. |

CITY FIRE PREVENTION COMMENTS



DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU

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

Case Number: BOA 2024-066

Date Reviewed: 8/2/24

Reviewed by: J. Stinson

Address or Site Reference: 1656 Arkansas

- 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.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 24-22: East

Site Address/Location: 5091 Quince Road

Overlay District/Historic District/Flood Zone: Not in a Historic District or in a Flood Zone

Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)

Street Type: Avenue

The applicant is seeking approval for a special use permit to allow a group day care.

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-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

SUSTAIN

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor and along avenues, boulevards and parkways as identified in the Street Types Map. Height: 1-3 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

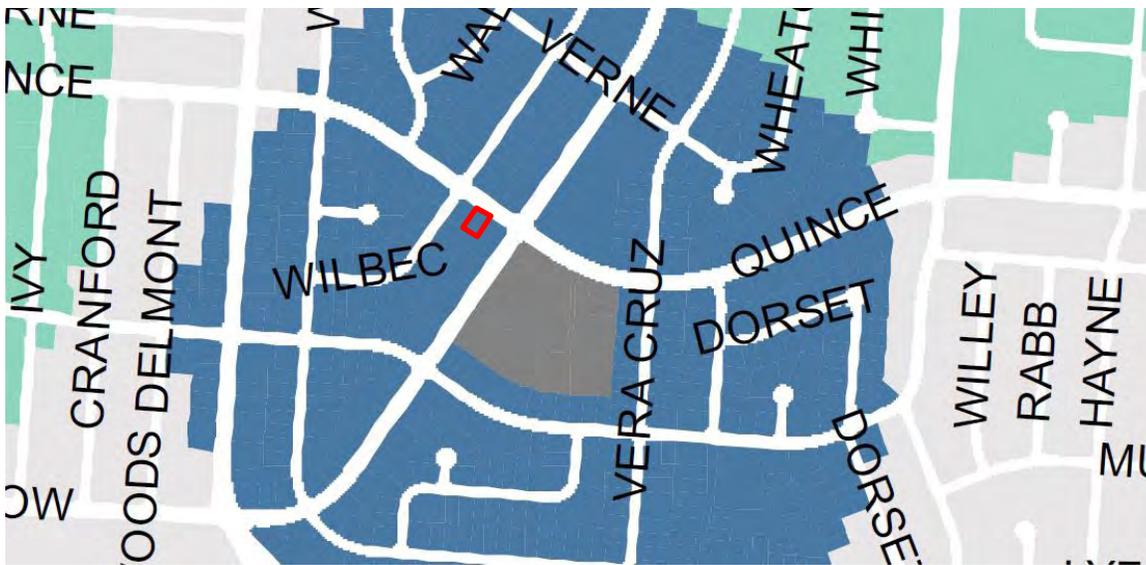
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-6

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

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics of the future land use category. However, the request is compatible with the adjacent land uses as other institutional and commercial uses are present near the proposed day care. Additionally, the request will not have a negative impact on the surrounding residential neighborhood.*

3. Degree of Change Map



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

4. Degree of Change Description

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place. *The proposal is a private investment and infill development contextually compatible with the anchor neighborhood.*

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

NA

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

NA

Consistency Analysis Summary

The applicant is seeking approval for a special use permit to allow a group day care.

This requested use is not compatible with the land use description/intent, form & location characteristics of the future land use category. However, the request is compatible with the adjacent land uses as other institutional and commercial uses are present near the proposed day care. Additionally, the request will not have a negative impact on the surrounding residential neighborhood.

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place.
The proposal is a private investment and infill development contextually compatible with the anchor neighborhood.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

NOTICE OF DISPOSITION: BOA 2024-0066



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

BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Bertha Shipp

DATE: July 24, 2024
DOCKET: BOA 2024-0066
1656 Arkansas St.

Sent via electronic mail to: berthabshipp@att.net

On July 24, 2024, the Memphis and Shelby County Board of Adjustment approved your application requesting a variance from Paragraph 2.6.2B(2) (locational requirements for group daycare homes) subject to the eight (8) conditions listed below. The granting of this variance will allow you to move forward with your Special Use Permit application known as SUP 2024-024.

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.
2. Nothing in these conditions shall be construed as to prohibit the future simultaneous use of the property as both a single-family residence and a group daycare home, so long as these conditions and any relevant provisions of the Unified Development Code continue to be met.
3. Variance is granted only from Paragraph 2.6.2B(2) (locational requirements for group daycare homes). All other relevant provisions of the UDC remain applicable to the subject property.
4. The granting of this variance does not authorize any particular site plan. Site design requirements, including landscaping requirements, shall be determined as part of the necessary special use review.
5. Should no Special Use Permit permitting a group day care home at the subject property be issued by July 24, 2025, this variance shall be rendered null and void. Should no Certificate of Occupancy for such a group day care home be issued by July 24, 2027, this variance shall likewise be rendered null and void.
6. At no time shall more than seven (7) children younger than nine (9) years of age be located on the premises, regardless of their familial relationship with the operator.
7. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway.
8. No signage related to the daycare shall be permitted, any existing shall be removed.

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

Respectfully,

Nicholas Wardroup
Land Use and Development Services
Division of Planning and Development

CC: Chris Simmons – Zoning Enforcement
Antwone Smith – Zoning Enforcement

MAILED PUBLIC NOTICE

ESTIMATED Mailed on 07/22/2024



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

CASE NUMBER: SUP 2024-024
LOCATION: 1656 Arkansas St.
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Bertha Shipp
REQUEST: Special Use Permit for a group daycare

THE PUBLIC MEETING WILL BE HELD:

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

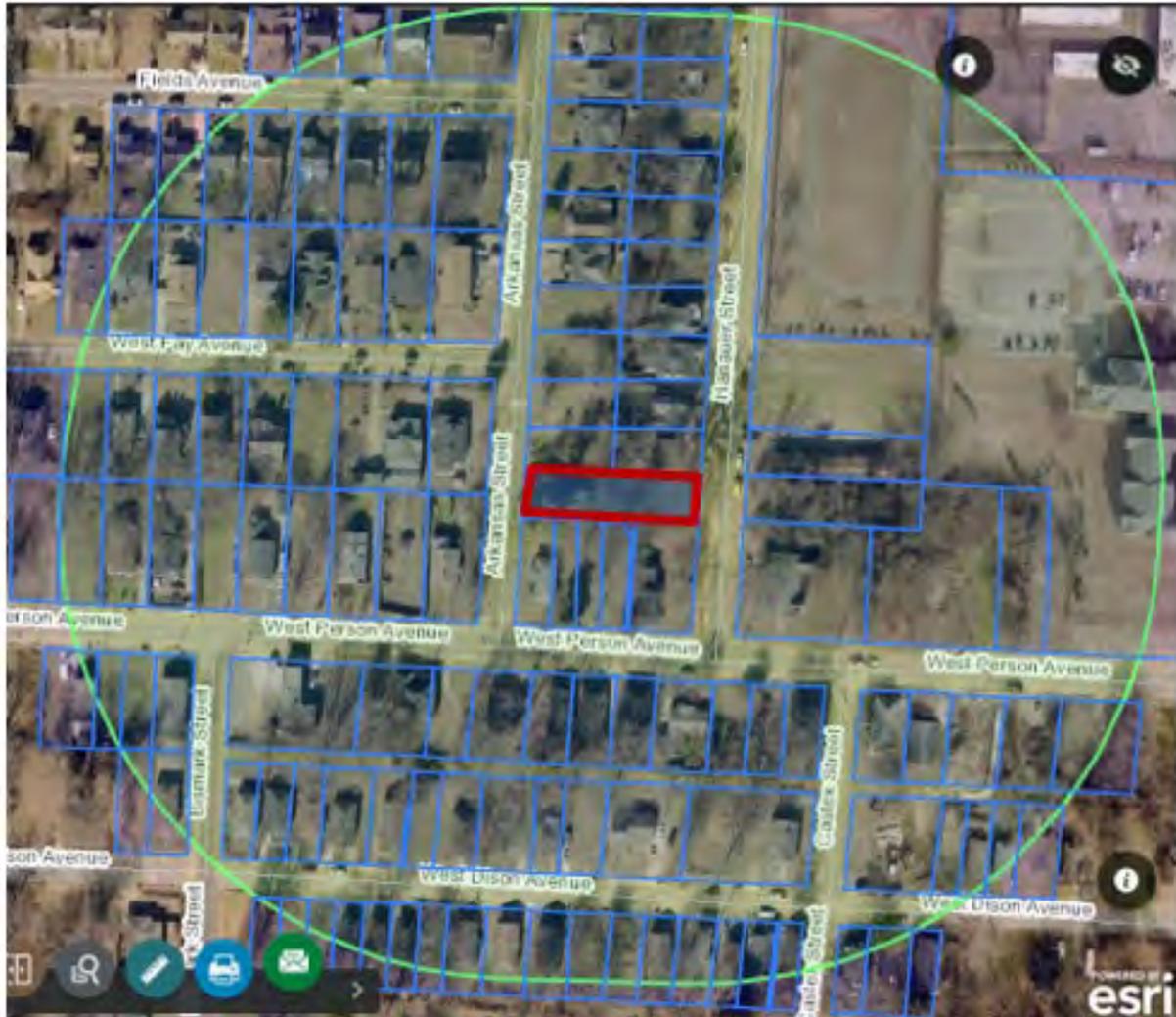
During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a *recommendation* to the legislative body; the legislative body will take final action at a later date.

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Nicholas Wardroup at nicholas.wardroup@memphistn.gov or (901) 636-7398 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, July 31, 2024, at 8 AM**. **Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.**

VICINITY MAP

Subject property outlined in **red**



OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

of the property located at 1656 Arkansas St Memphis, TN 38109
and further identified by Assessor's Parcel Number 095065 000200
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 4th day of June in the year of 2024

Myrtle B. Malone
Signature of Notary Public



May 4 - 2025
My Commission Expires

LETTER OF INTENT

Letter of Intent

235 Vaal Avenue
Memphis TN 38109

Bertha B. Shipp
Director/Owner
Beyond Edge Academy Day Care
1656 Arkansas Street
Memphis, TN 38109

To Whom It May Concern:

My intent is to open a Family Day Home for 2-4 year olds. This day home is located at 1656 Arkansas St. in South Memphis. The day care is up and ready to open from 7 am 5 pm M-F. The day care is equipped with all the tools necessary for children to start.

Want to serve children and parents in the community. I hope to obtain licensure from DHS for affordable child care service for the community.

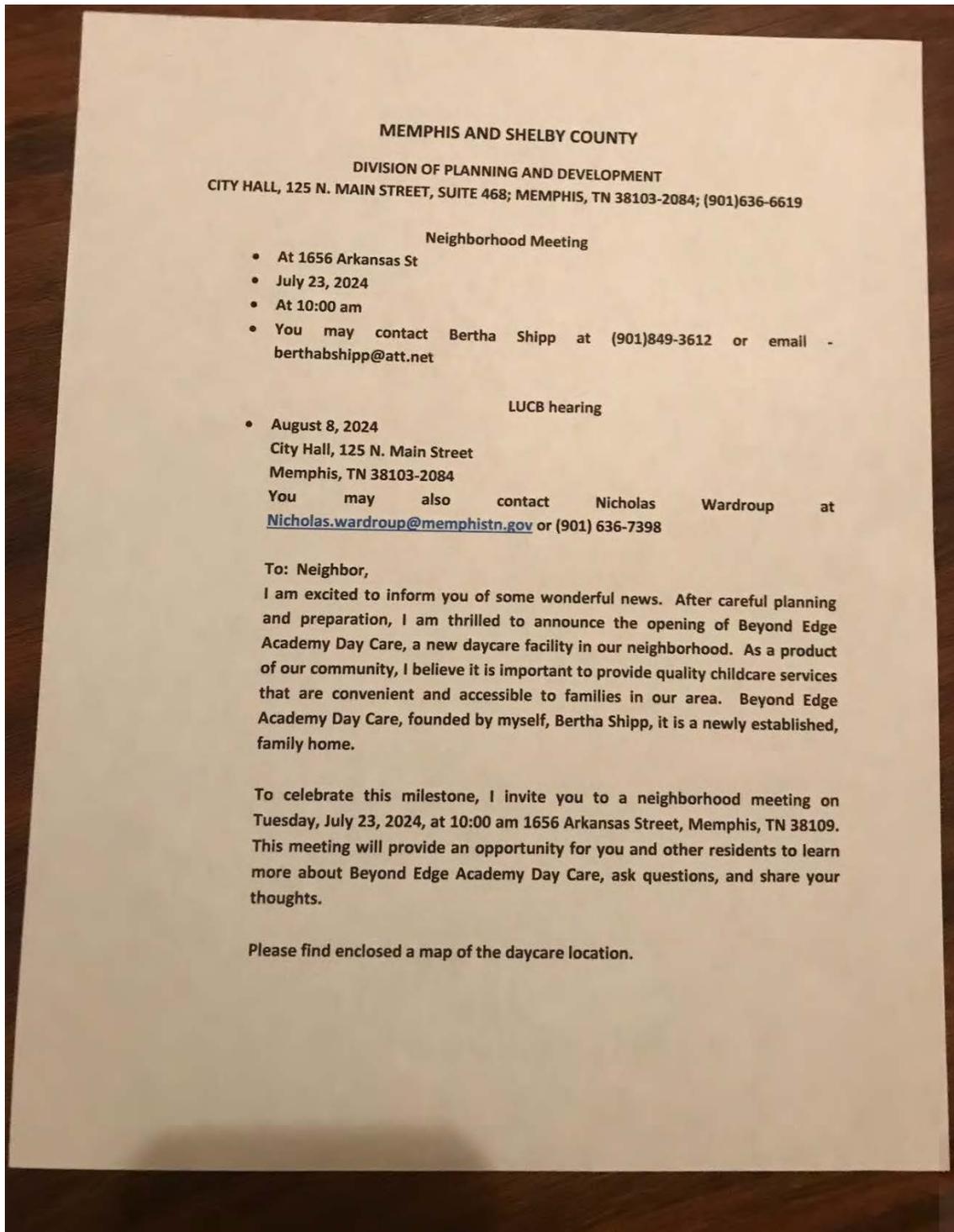
I am a product of the community. I am passionate about making available child care for the area.

Truly,



Bertha Shipp, Owner/Director

NEIGHBORHOOD MEETING: INVITATION



NEIGHBORHOOD MEETING ATTENDEES

Beyond Edge Academy Day Care
Neighborhood Meeting
Sign In Sheet -07-23-24

NAME	ADDRESS	PHONE#/E-MAIL
1. <i>CHRISTIE S. GHANEY</i>	<i>830 White Clover Ln. Memphis TN 38109</i>	<i>901-827-2474 - 901-785527</i>
2. <i>MARCELLUS BRYANT</i>	<i>231 Waldorf Ave Memphis TN 38109</i>	<i>901-921-6862 wrightsd@yaho.com</i>
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Bertha B. Shipp, being duly sworn, depose and say that at 2:30 am/pm on the 12 day of July, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. 2024-024 at 1656 Arkansas Street providing notice of a Public Hearing before the (check one):

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

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

Bertha B. Shipp
Owner, Applicant or Representative

7/12/2024
Date

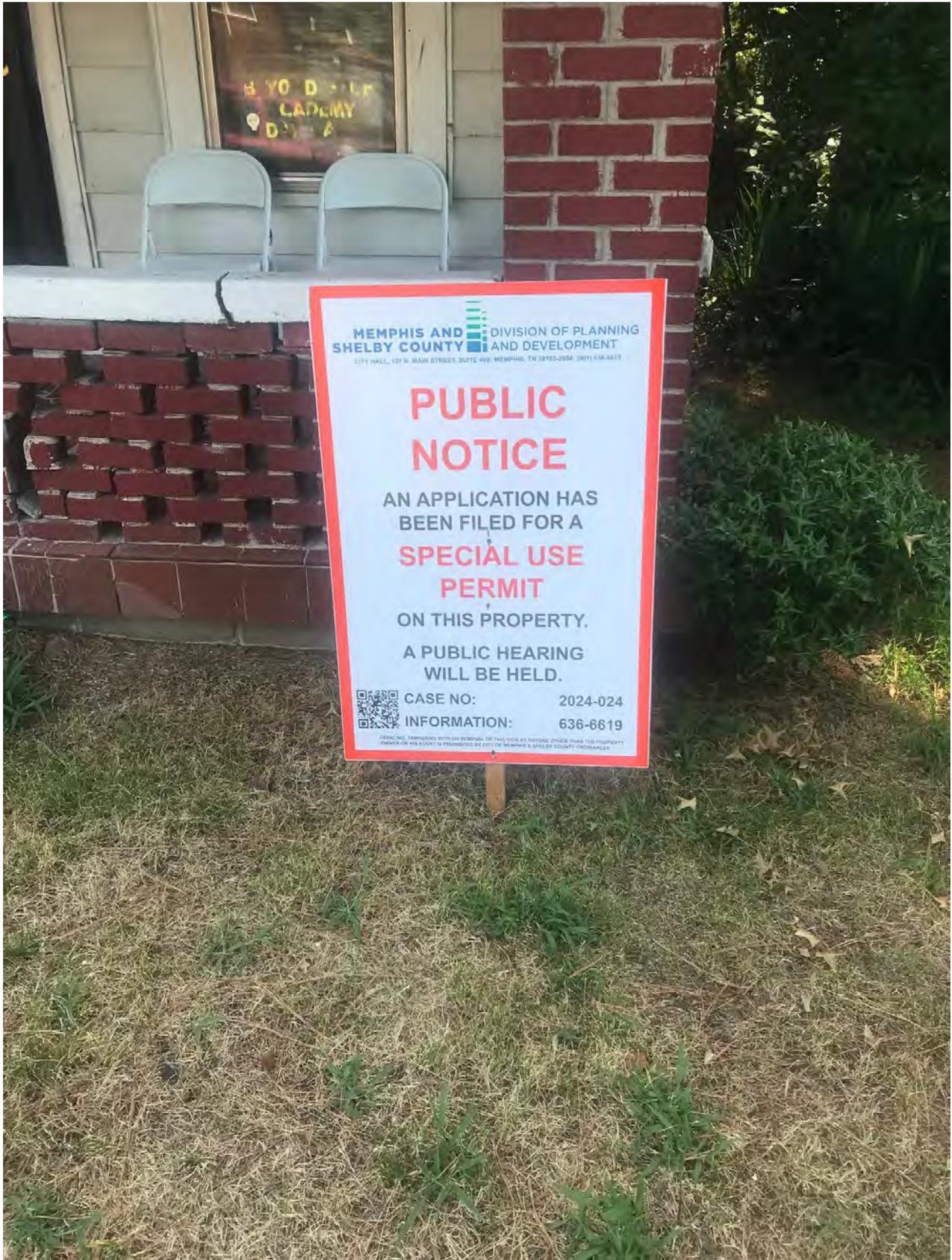
Subscribed and sworn to before me this 12 day of July, 2024.

Marcel R. Brigan
Notary Public

My commission expires: November 18, 2026



POSTED NOTICE PHOTO



LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Staff Report in Progress

Opened Date: June 21, 2024

Record Number: SUP 2024-024

Expiration Date:

Record Name: Beyond Edge Academy Day Care

Description of Work: Day Care in South Memphis on Arkansas Street

Parent Record Number:

Address:

1656 S ARKANSAS ST, MEMPHIS, TENNESSEE 38109

Owner Information

Primary	Owner Name
Y	SHIPP BERTHA B

Owner Address
, MEMPHIS, TN 38109

Owner Phone

Parcel Information

035065 00020C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Nicholas Wardroup
Date of Meeting	06/21/2024
Pre-application Meeting Type	Phone

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	2.6.2B(2)
Is this application in response to a citation, stop work order, or zoning letter	No

GENERAL PROJECT INFORMATION

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

-

APPROVAL CRITERIA

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

This project by no means would cause any negative effect of any kind, ALL services currently being done would continue without any interruption.

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

This project poses no threats of any kind and any and all constructions if needed will be conducted according to city policy and procedures.

UDC Sub-Section 9.6.9C

ALL services that is required to operate this facility will be adhere too.

UDC Sub-Section 9.6.9D

This project poses NO threats of any kind to any designated specific area.

UDC Sub-Section 9.6.9E

This project complies with all agencies in order to operate fully under its terms and conditions.

UDC Sub-Section 9.6.9F

This project DOES NOT affect any standards in accordance to Chapter 1.9

GIS INFORMATION

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

-
No
R
No
-
SINGLE-FAMILY
MEMPHIS
-
R-6
-
0 39
HANAUER
-
No

Contact Information

Name
BERTHA SHIPP

Contact Type
APPLICANT

Address

Phone
(901)849-3612

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1574576	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/27/2024
1574597	Child Care Center (8-12 Children)	1	100.00	INVOICED	0.00	06/28/2024
1574597	Credit Card Use Fee (.026 x fee)	1	2.60	INVOICED	0.00	06/28/2024

Total Fee Invoiced: \$102.60

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$102.60	Credit Card

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

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

BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Bertha Shipp

DATE: July 24, 2024

DOCKET: BOA 2024-0066

1656 Arkansas St.

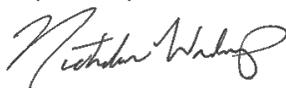
Sent via electronic mail to: berthabshipp@att.net

On July 24, 2024, the Memphis and Shelby County Board of Adjustment **approved** your application requesting a variance from Paragraph 2.6.2B(2) (locational requirements for group daycare homes) subject to the eight (8) conditions listed below. The granting of this variance will allow you to move forward with your Special Use Permit application known as SUP 2024-024.

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.
2. Nothing in these conditions shall be construed as to prohibit the future simultaneous use of the property as both a single-family residence and a group daycare home, so long as these conditions and any relevant provisions of the Unified Development Code continue to be met.
3. Variance is granted only from Paragraph 2.6.2B(2) (locational requirements for group daycare homes). All other relevant provisions of the UDC remain applicable to the subject property.
4. The granting of this variance does not authorize any particular site plan. Site design requirements, including landscaping requirements, shall be determined as part of the necessary special use review.
5. Should no Special Use Permit permitting a group day care home at the subject property be issued by July 24, 2025, this variance shall be rendered null and void. Should no Certificate of Occupancy for such a group day care home be issued by July 24, 2027, this variance shall likewise be rendered null and void.
6. At no time shall more than seven (7) children younger than nine (9) years of age be located on the premises, regardless of their familial relationship with the operator.
7. No parking shall be permitted in the front yard. All parking shall occur on the street or on the existing driveway.
8. No signage related to the daycare shall be permitted, any existing shall be removed.

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

Respectfully,



Nicholas Wardroup
Land Use and Development Services
Division of Planning and Development

CC: Chris Simmons – Zoning Enforcement
Antwone Smith – Zoning Enforcement

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024

DATE

PUBLIC SESSION: 09/10/2024

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 1351 Williams Avenue. By taking the land out of the Employment (EMP) Use District and including it in the Heavy Industrial (IH) Use District, known as case number Z 2024-004.

CASE NUMBER: Z 2024-004

LOCATION: 1352 Williams Avenue

COUNCIL DISTRICTS: District 6 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Richardson Oilseed Products

REPRESENTATIVES: Cindy Reaves, SRC Consulting

REQUEST: Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**

Set date for first reading – August 6, 2024

Second reading – August 20, 2024

Third reading – September 10, 2024

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
5/9/2024 _____ DATE

(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

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

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

Z 2024-004

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 1351 WILLIAMS AVENUE. BY TAKING THE LAND OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-004.

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, May 9, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2024-004

LOCATION: 1351 Williams Avenue

COUNCIL DISTRICT(S): District 6 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Richardson Oilseed Products US Limited

REPRESENTATIVE: Cindy Reaves, SRC Consulting

REQUEST: Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 1351 WILLIAMS AVENUE BY TAKING THE LAND OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-004.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-004**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Beginning at a point on the south line of Williams Avenue, approximately 248.09 feet southeast of the east line of S. Bellevue Boulevard; thence N37°35'42"E a distance of 75.46 feet to a point; thence N52°51'34"E a distance of 145.11 feet to a point; thence S85°29'52"E a distance of 861.36 feet to a point; thence S4°25'5"W a distance of 121.44 feet to a point; thence N84°57'55"W a distance of 437.27 feet to a point; thence S5°49'5"W a distance of 591.70 feet to a point; thence N41°36'52"W a

distance of 17.80 feet to a point; thence N41°3'24"W a distance of 766.86 feet to the point of beginning and containing 290,725 square feet or 6.674 acres of land more or less.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

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

AGENDA ITEM: 8 **L.U.C.B. MEETING:** May 9, 2024
CASE NUMBER: Z 2024-004
LOCATION: 1351 Williams
COUNCIL DISTRICT: District 6 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Richardson Oilseed Products US Limited
REPRESENTATIVE: Cindy Reaves, SRC Consulting
REQUEST: Rezoning of +/- 6.2 acres from Employment (EMP) to Heavy Industrial (IH)

CONCLUSIONS

1. The rezoning of the +/- 6.2-acre subject property to Heavy Industrial (IH) is consistent with the existing IH zoning that exists on the majority of the Richardson Oilseed Products +/- 30.8-acre campus.
2. The subject property is used as an accessory parking lot for Richardson Oilseed Products manufacturing mill in the northeastern adjacent property and has two street frontages on Williams Avenue and Mansfield Drive.
3. This rezoning will allow for the entirety of the Richardson Oilseed campus to have a consistent zoning of IH.
4. The proposed rezoning is compatible with the surrounding industrial land uses.

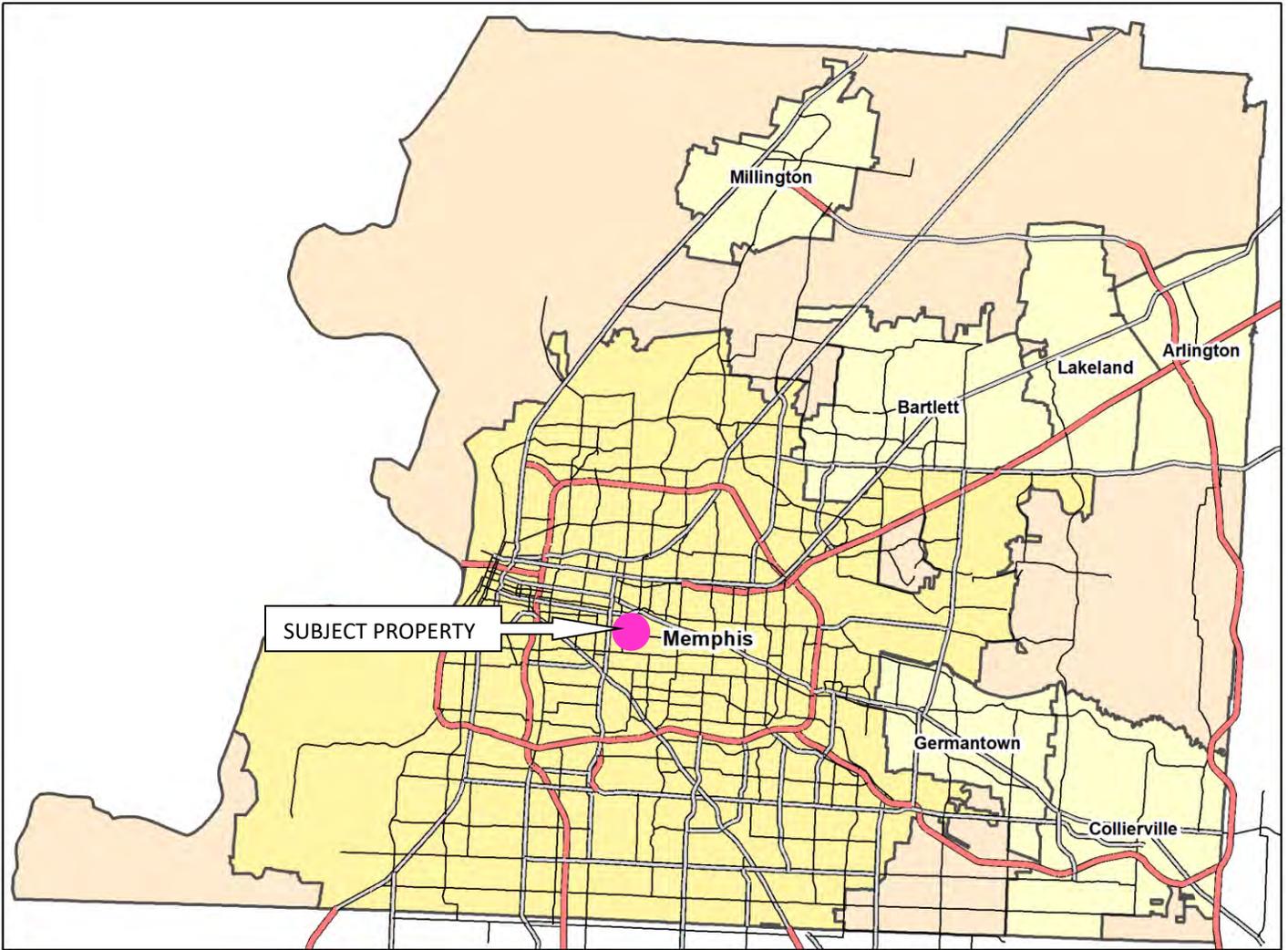
CONSISTENCY WITH MEMPHIS 3.0

This proposal CONSISTENT with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 14-16 of this report.

RECOMMENDATION:

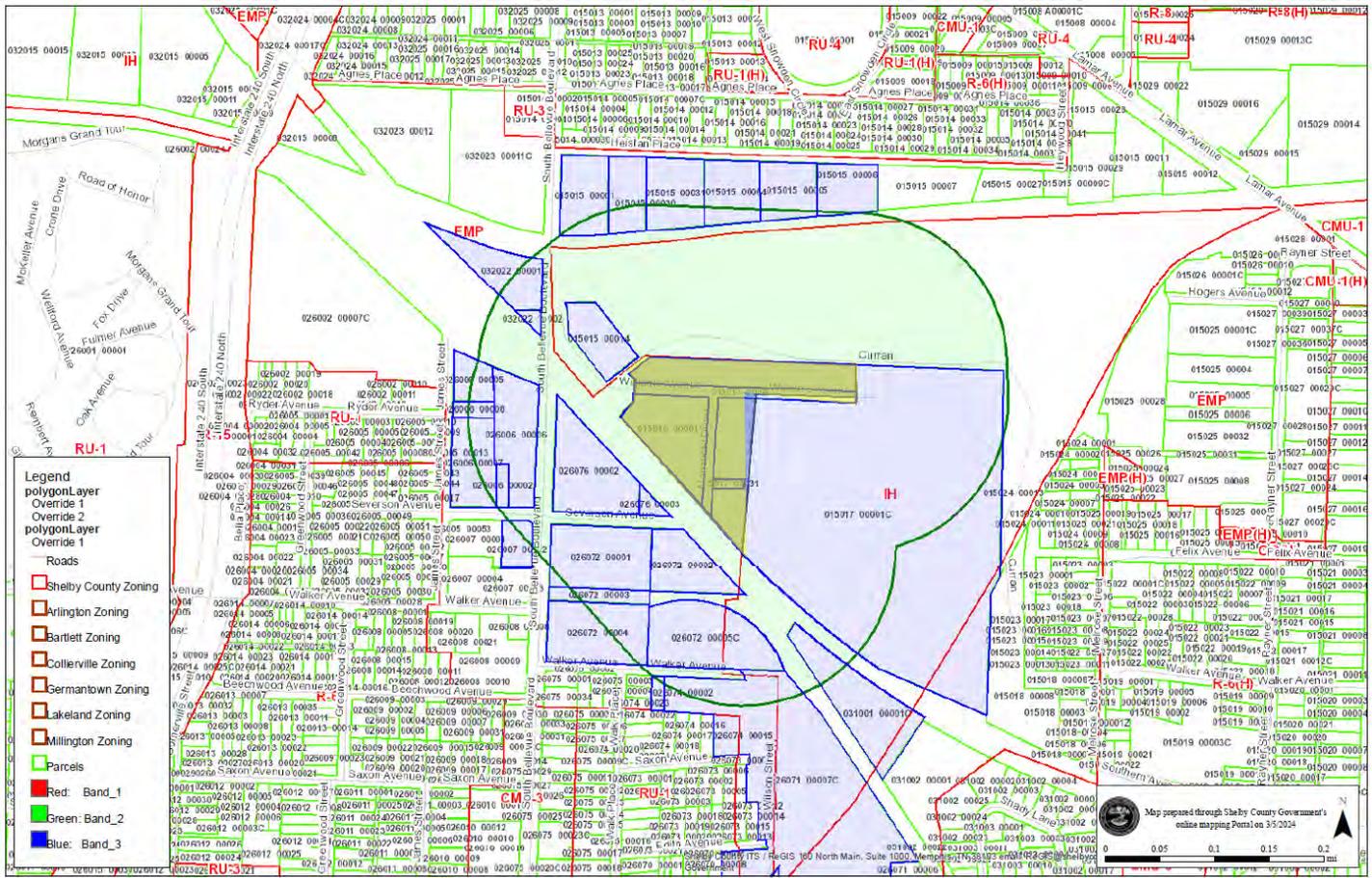
Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 33 notices were mailed on April 10, 2024, see pages 17-18 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 19 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

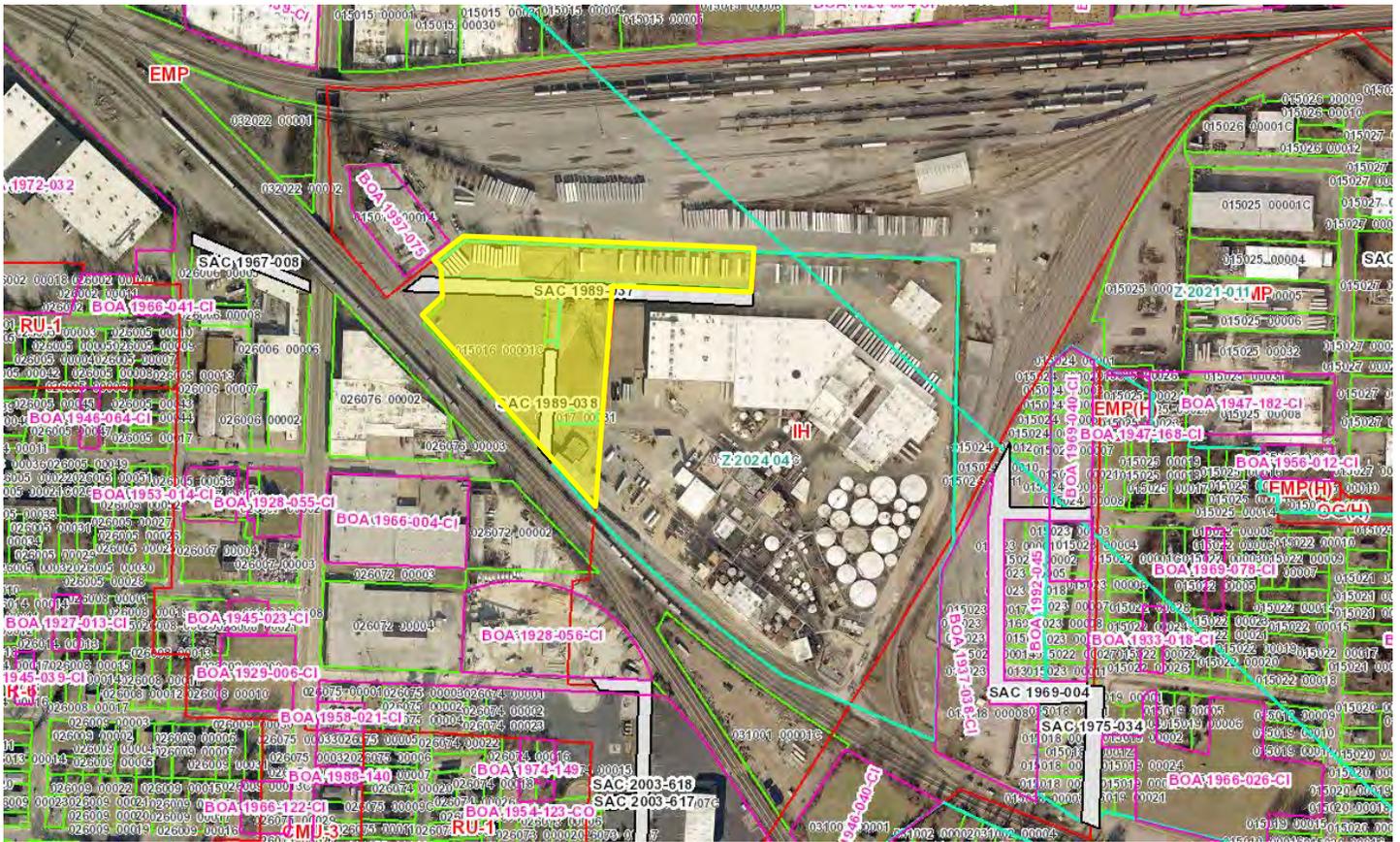
The meeting was held at 5:30 PM on Wednesday, April 17, 2024, at 1351 Williams Avenue.

AERIAL



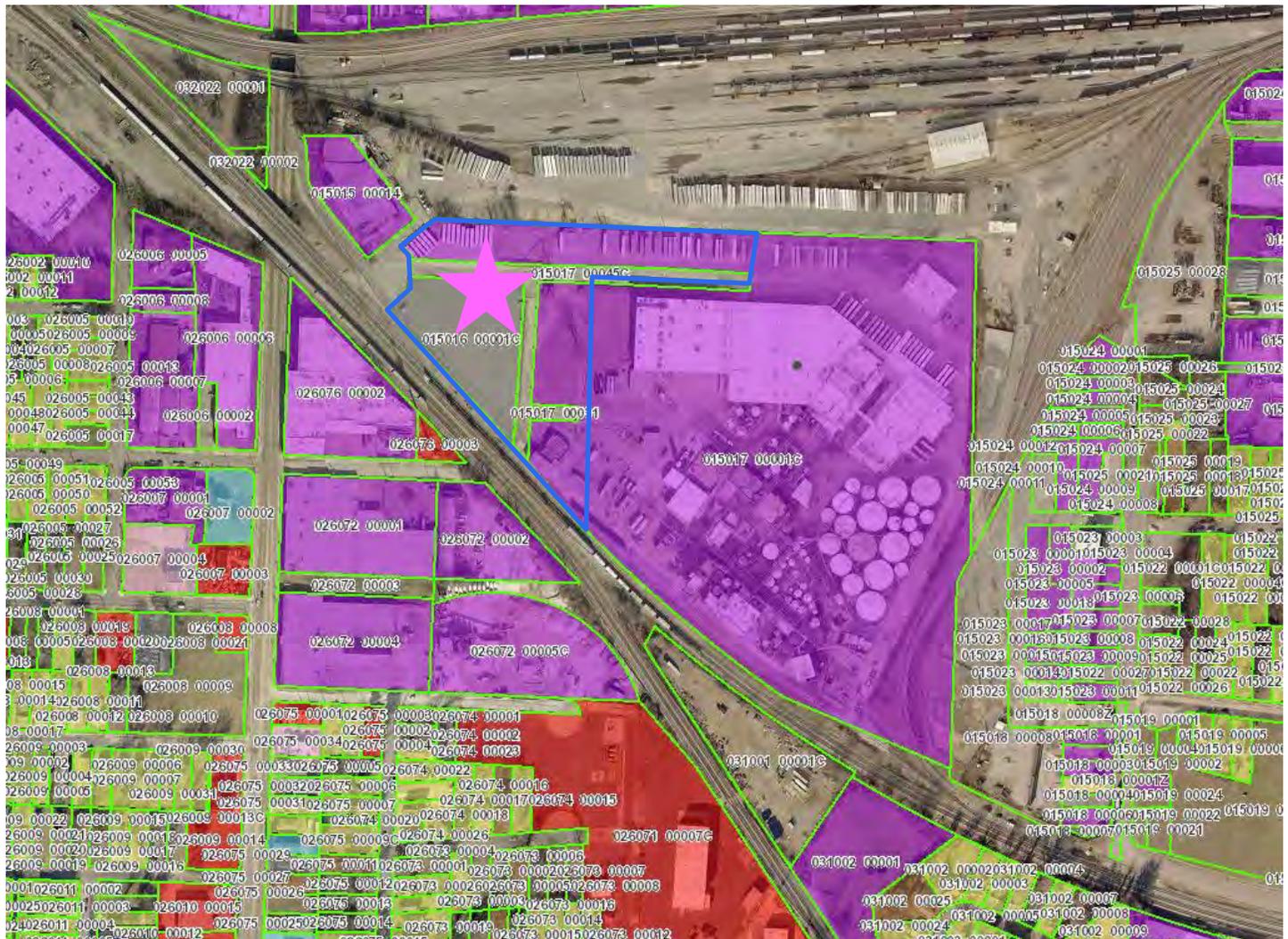
Subject property outlined in yellow, imagery from 2023

ZONING MAP



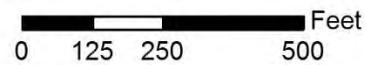
Subject property highlighted in yellow

LAND USE MAP



LandUse

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

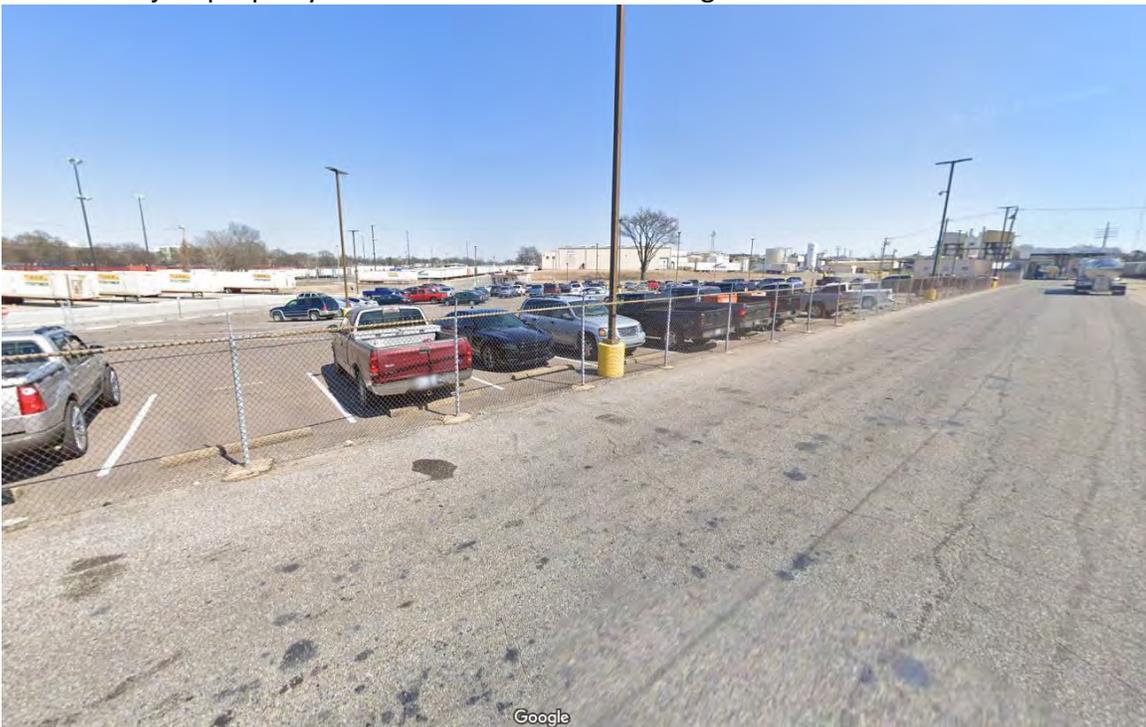


Subject property outlined in blue and indicated by a pink star

SITE PHOTOS



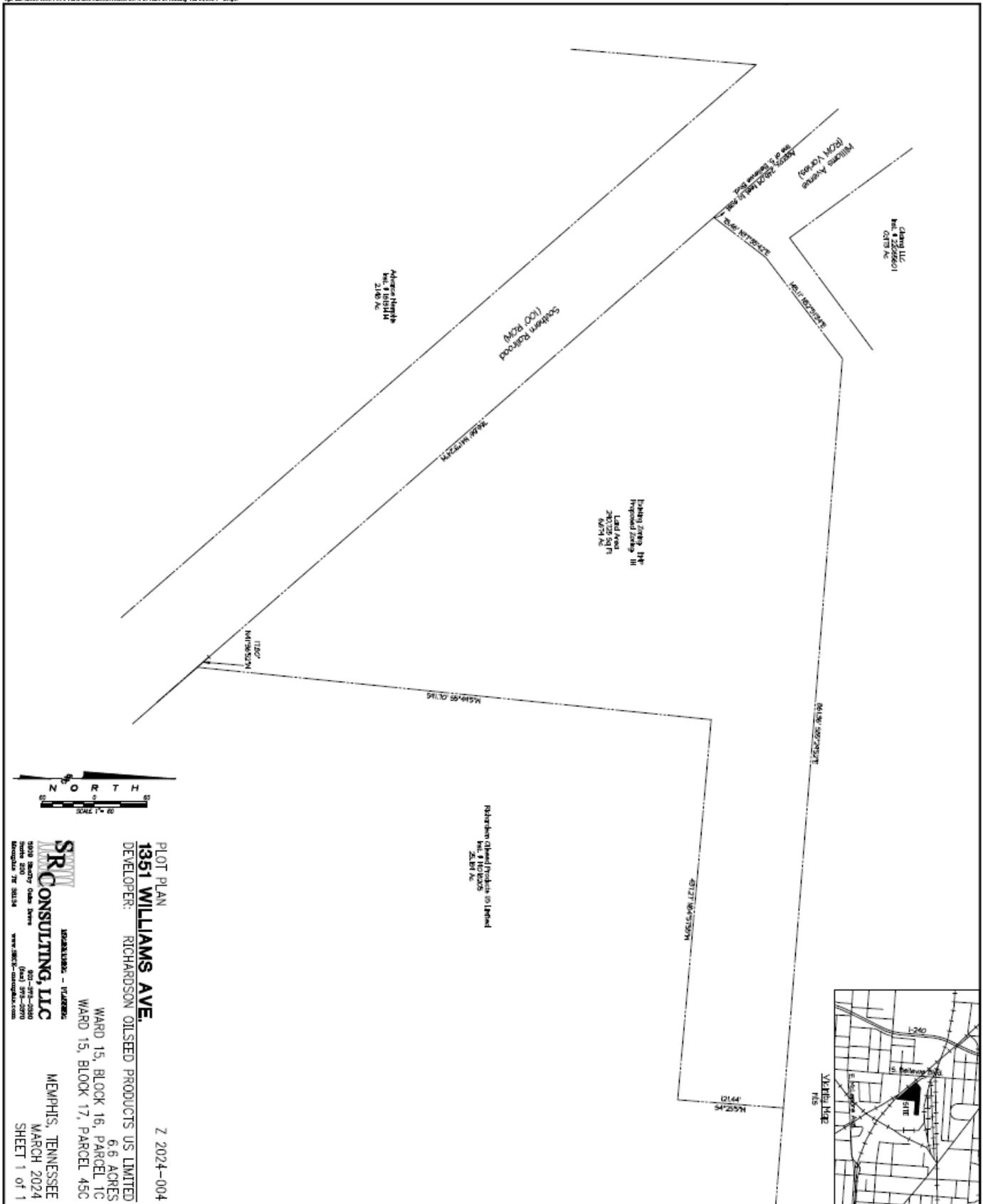
View of subject property from Williams Avenue looking southeast.



View of subject property from Williams Avenue looking east.

PLOT PLAN

File No: 2024-004-001 Richard Olsted Products ROPF 50 Year 50 Planning Use 21, 2024 - 40pp



PLOT PLAN
1351 WILLIAMS AVE.
DEVELOPER: RICHARDSON OLSTED PRODUCTS US LIMITED
WARD 15, BLOCK 16, PARCEL 1C
WARD 15, BLOCK 17, PARCEL 45C
6.6 ACRES
MARCH 2024
SHEET 1 of 1

SR CONSULTING, LLC
MEMPHIS, TENNESSEE
3000 N. GUYTON AVE.
MEMPHIS, TN 38114
www.srconsulting.com

LEGAL DESCRIPTION

Beginning at a point on the south line of Williams Avenue, approximately 248.09 feet southeast of the east line of S. Bellevue Boulevard; thence N37°35'42"E a distance of 75.46 feet to a point; thence N52°51'34"E a distance of 145.11 feet to a point; thence S85°29'52"E a distance of 861.36 feet to a point; thence S4°25'5"W a distance of 121.44 feet to a point; thence N84°57'55"W a distance of 437.27 feet to a point; thence S5°49'5"W a distance of 591.70 feet to a point; thence N41°36'52"W a distance of 17.80 feet to a point; thence N41°3'24"W a distance of 766.86 feet to the point of beginning and containing 290,725 square feet or 6.674 acres of land more or less.

CASE REVIEW

Request

The request is a Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH).

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

Review Criteria

Staff **agrees** the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Details

Address:

1351 Williams Avenue

Parcel ID:

015016 00001C, 015017 00045C, 015017 00031, and 015017 00001C

Area:

+/- 6.2 acres

Description:

The subject property is +/- 6.2 acres and is located at the corner of Williams Avenue and Mansfield Drive. The property is currently zoned Employment (EMP). The lots are designated as parking and industrial on the land use map and are used as accessory parking for Richardson Oilseed Products to the east of the parking lot. The site has one public street frontage on Williams Avenue and private drive access through Mansfield Drive.

Analysis

The rezoning of the +/- 6.2-acre subject property to Heavy Industrial (IH) is consistent with the existing IH zoning that exists on the majority of the Richardson Oilseed Products +/- 30.8-acre campus.

The subject property is used as an accessory parking lot for Richardson Oilseed Products manufacturing mill in the northeastern adjacent property and has two street frontages on Williams Avenue and Mansfield Drive.

This rezoning will allow for the entirety of the Richardson Oilseed campus to have a consistent zoning of IH.

The proposed rezoning is compatible with the surrounding industrial land uses.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer will not be determined until the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept then, a determination can be made as to available sewer capacity.
3. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
5. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 24-004: Core City

Site Address/Location: 1351 Williams St & 0 Williams St.

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

Future Land Use Designation: Industrial (I) and Industrial Flex (IF)

Street Type: NA

The applicant is seeking approval to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Industrial (I): Higher intensity industrial areas. Graphic portrayal of I is to the right.



“I” Form & Location Characteristics

Industrial, 1-10 stories.

“I” Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed

below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

Industrial Flex (IF): Lower intensity industrial areas with a mix of uses and building scales that are generally compatible with nearby neighborhoods. Graphic portrayal of IF is to the right.



“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories.

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed above.

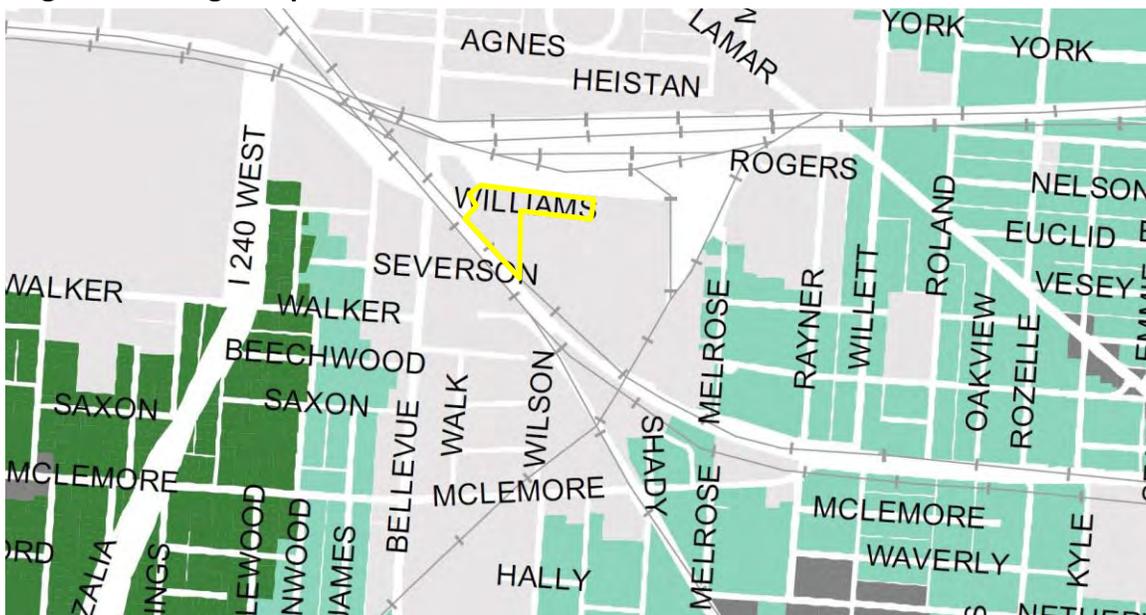
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Industrial and Parking, EMP

Adjacent Land Use and Zoning: Industrial, EMP and IH

Overall Compatibility: *This request to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District is compatible with the land uses description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as to make the campus of Richardson Oilseed a consistent zoning.*

3. Degree of Change Map



Yellow polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

4. Degree of Change Description

NA

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

NA

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

NA

Consistency Analysis Summary

The applicant is seeking approval to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District

This request to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District is compatible with the land uses description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as to make the campus of Richardson Oilseed a consistent zoning.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

33 Notices Mailed on 3/12/2024



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: Z 2024-004
LOCATION: 1351 Williams
(SEE PROPOSED ZONING MAP ON REVERSE SIDE)
APPLICANT: Richardson Oilseed Products U.S. Limited
REQUEST: Rezoning of +/- 6.2 acres from the Employment (EMP) District to the Heavy Industrial (IH) District

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, April 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christian at chloe.christion@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, April 3, 2024, at 8 AM. **Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.**

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:27 pm on the 17th day of April, 2024 I posted one Public Notice Sign pertaining to Case No. Z 2024-004 at the end of Williams Cove providing notice of a Public Hearing before the May 9, 2024 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves
Owner, Applicant or Representative

04/22/2024

Date

Subscribed and sworn to before me this 22 day of April, 2024

Cynthia J. Reaves
Notary Public
My commission expires: 9/26/27



APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: March 8, 2024

Record Number: Z 2024-004

Expiration Date:

Record Name: 1351 Williams

Description of Work: Rezoning from EMP to IH

Parent Record Number:

Address:

1351 WILLIAMS AVE, MEMPHIS 38104

Owner Information

Primary Owner Name

Y RICHARDSON OILSEED PRODUCTS US LIMITED

Owner Address

Owner Phone

2800 ONE LOMBARD PL, WINNIPEG, MB

Parcel Information

015017 00001C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Jeffrey Penzes

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Have you held a neighborhood meeting? No

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
If yes, please provide additional information -

GIS INFORMATION

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

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1544402	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/08/2024
1544402	Non-Residential Rezoning - each additional acre or fraction above 5	2	200.00	INVOICED	0.00	03/08/2024
1544402	Credit Card Use Fee (.026 x fee)	1	31.20	INVOICED	0.00	03/08/2024
			Total Fee Invoiced: \$1,231.20	Total Balance: \$0.00		

Payment Information

Payment Amount	Method of Payment
\$1,231.20	Credit Card

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

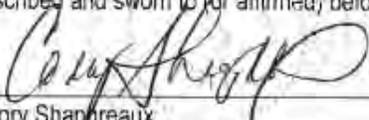
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

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

of the property located at 1351 Williams Ave, Memphis TN 38104 and further identified by Assessor's Parcel Number 015017 00001C, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23 day of January in the year of 2024


R. Cory Shangreux
Notary Public in and for the Province of Manitoba
My commission does not expire

LETTER OF INTENT



Date: March 5, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: Williams Ave. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 1351 Williams Avenue for Richardson Oilseed Products. We are requesting a rezoning from EMP to IH due to the split zoning on the property owned by Richadson Oilseed Products. They currently own over 25 acres and the IH zoning over the entire property will make the campus of Richardson Oilseed a consistent zoning for their uses.

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

LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: March 8, 2024

Record Number: Z 2024-004

Expiration Date:

Record Name: 1351 Williams

Description of Work: Rezoning from EMP to IH

Parent Record Number:

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1351 WILLIAMS AVE, MEMPHIS 38104

Owner Information

Primary Owner Name

Y RICHARDSON OILSEED PRODUCTS US LIMITED

Owner Address

2800 ONE LOMBARD PL, WINNIPEG, MB

Owner Phone

Parcel Information

015017 00001C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Jeffrey Penzes

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Have you held a neighborhood meeting? No

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer -

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

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Payment Information

Payment Amount	Method of Payment
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I, **Darwin Sobkow**, , state that I have read the definition of
(Print Name) (Sign Name)

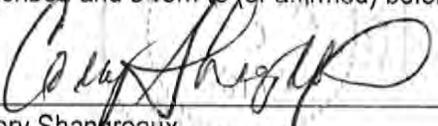
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I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at **1351 Williams Ave, Memphis TN 38104** and further identified by Assessor's Parcel Number **015017 00001C**, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this **23** day of **January** in the year of **2024**.


R. Cory Shangreaux
Notary Public in and for the Province of Manitoba
My commission does not expire



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: March 5, 2024

To: Division of Planning & Development

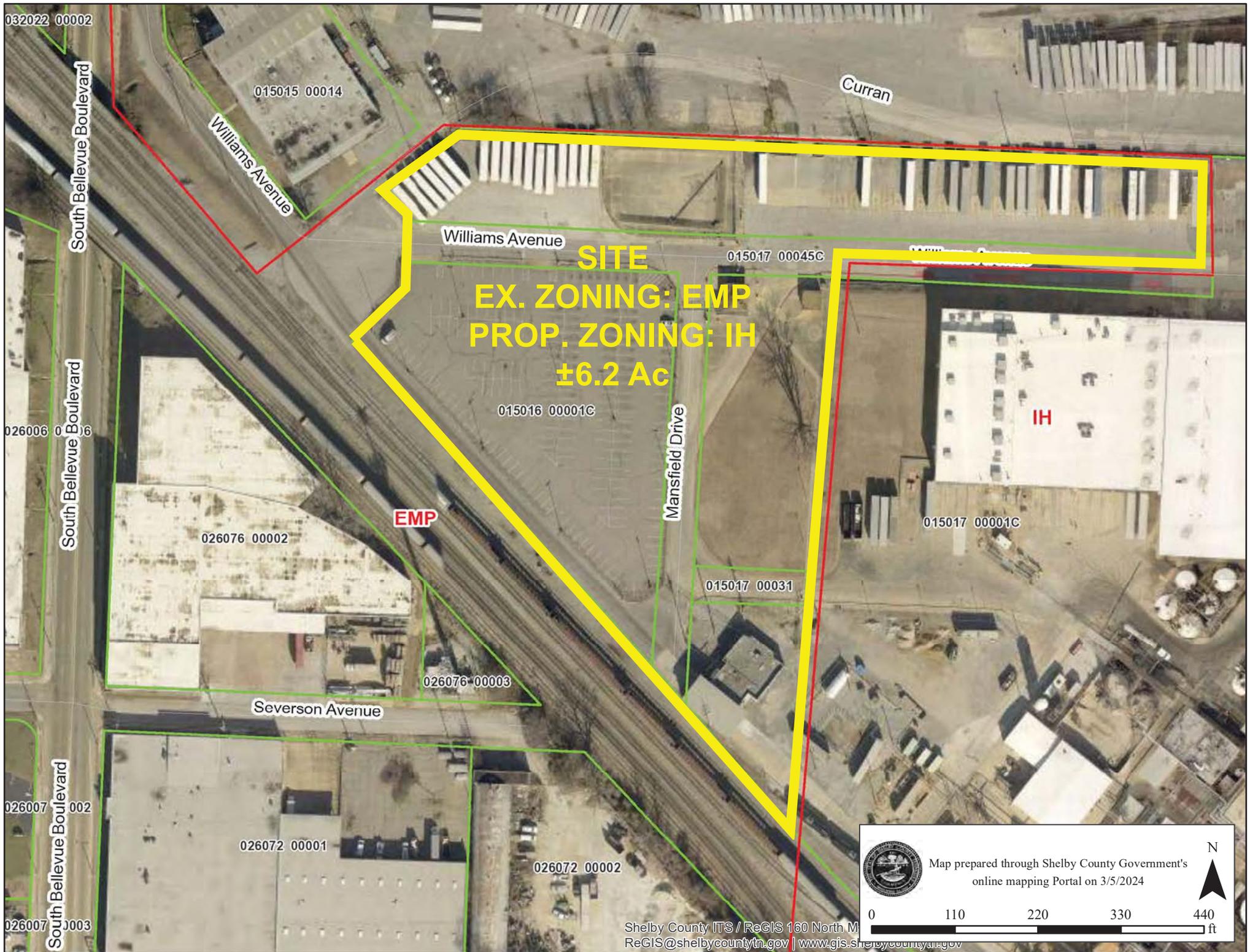
From: Cindy Reaves

Re: Williams Ave. Rezoning

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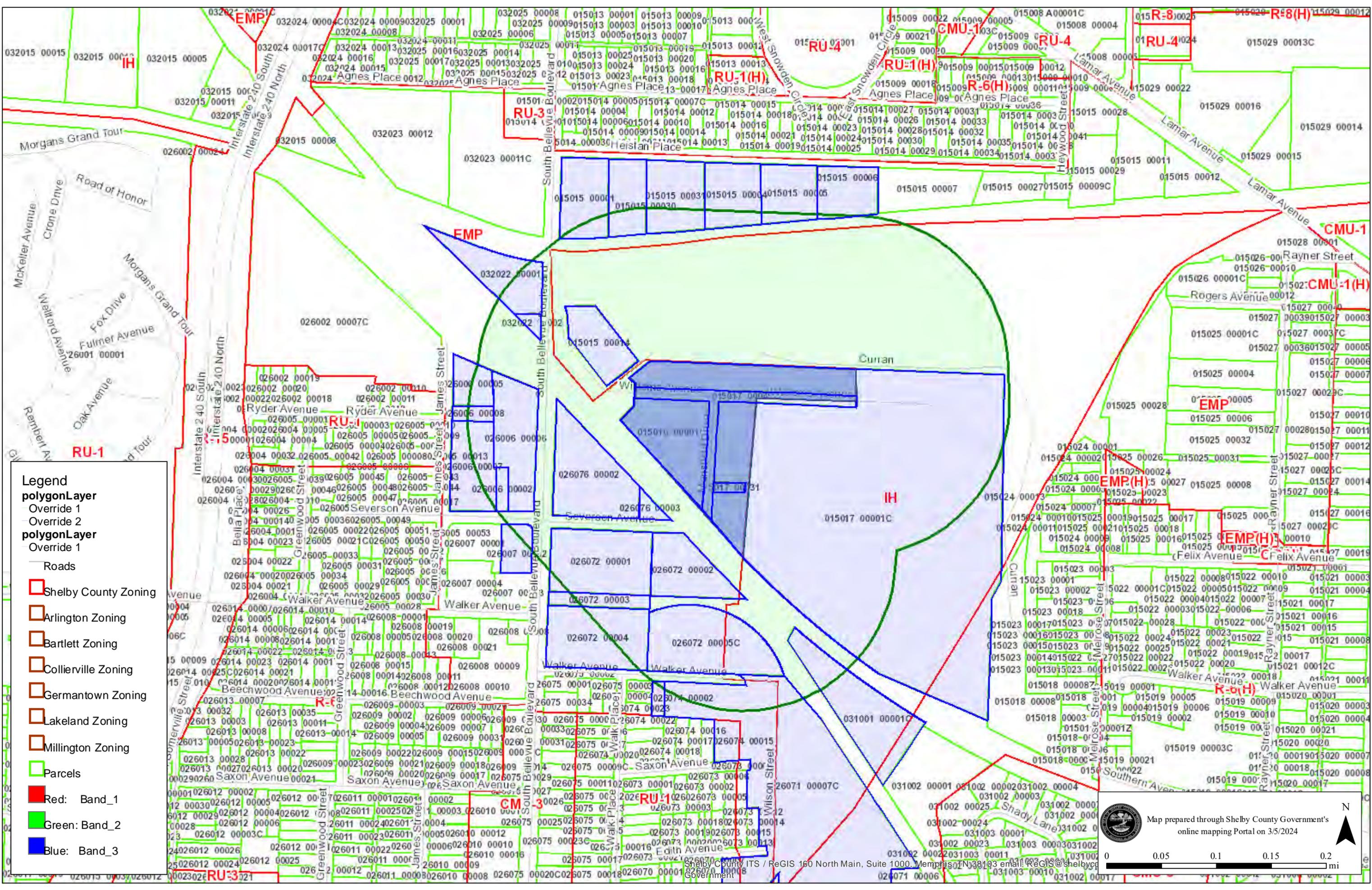


SITE
EX. ZONING: EMP
PROP. ZONING: IH
±6.2 Ac

 Map prepared through Shelby County Government's online mapping Portal on 3/5/2024

0 110 220 330 440 ft

N



Legend

polygonLayer
 - Override 1
 - Override 2

polygonLayer
 - Override 1

— Roads

- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 3/5/2024

0 0.05 0.1 0.15 0.2 mi

Shelby County Government

026071 00007C - ROBERTS FAMILY COMPANIES INC
026072 00001 - SHELBY COUNTY TENNESSEE
026072 00002 - SOUTHERN MAINTENANCE LLC
026072 00003 - BNSF RAILWAY COMPANY
026072 00004 - SOUTH MEMPHIS ALLIANCE INC
026072 00005C - BUZZI READY MIX LLC
026074 00002 - PLEASANT CHAPEL MB (TR)
026076 00002 - ADVANCE MEMPHIS
026076 00003 - PINNACLE TOWER ACQUISITION LLC
032022 00001 - UNION RAILWAY COMPANY
032022 00002 - CITY OF MEMPHIS
015015 00001 - HECHINGER RICHARD A
015015 00004 - SHERRILL EARL
015015 00005 - NEW WAY AQUAPONIC FARMS LLC
015015 00006 - NEW WAY AQUAPONIC FARMS LLC
015015 00014 - CHARNG LLC
015015 00030 - HECHINGER RICHARD A
015015 00031 - TERRY CLYDE
015016 00001C - RICHARDSON OILSEED PRODUCTS US LIMITED
015017 00001C - RICHARDSON OILSEED PRODUCTS US LIMITED
015017 00031 - RICHARDSON OILSEED PRODUCTS US LIMITED
015017 00045C - RICHARDSON OILSEED PRODUCTS US LIMITED
031001 00001C - WASTE CONNECTIONS OF TENNESSEE INC
026006 00002 - KNIGHT JACK G AND GENE E WILSON
026006 00005 - SHIBEROU ERMYIAS

026006 00006 - KNIGHT JACK G AND GENE E WILSON

026006 00007 - KNIGHT JACK AND GENE WILSON

026006 00008 - KNIGHT JACK AND GENE WILSON

026007 00002 - MEMPHIS BLACK ARTS ALLIANCE INC

UNION RAILWAY COMPANY
1400 DOUGLAS ST #
OMAHA NE 68179

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

SHELBY COUNTY TENNESSEE
584 ADAMS AVE #
MEMPHIS TN 38103

CITY OF MEMPHIS
GENERAL DELIVERY #
MEMPHIS TN 38101

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

SOUTHERN MAINTENANCE LLC
1267 SEVERSON AVE #
MEMPHIS TN 38106

HECHINGER RICHARD A
830 S BELLEVUE BLVD #
MEMPHIS TN 38104

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

BNSF RAILWAY COMPANY
P O BOX 961089 #
FORT WORTH TX 76161

SHERRILL EARL
1301 HEISTAN PL #
MEMPHIS TN 38104

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

SOUTH MEMPHIS ALLIANCE INC
1048 S BELLEVUE BLVD #
MEMPHIS TN 38103

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

SHIBEROU ERMAYAS
1788 MADISON AVE #
MEMPHIS TN 38104

BUZZI READY MIX LLC
1029 JOHN A DENIE DR #
MEMPHIS TN 38134

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

PLEASANT CHAPEL MB (TR)
4813 BENJESTOWN RD #
MEMPHIS TN 38127

CHARNG LLC
1979 FELIX AVE #
MEMPHIS TN 38104

KNIGHT JACK AND GENE WILSON
P O BOX 40406 #
MEMPHIS TN 38174

ADVANCE MEMPHIS
PO BOX 2201 #
MEMPHIS TN 38101

HECHINGER RICHARD A
830 S BELLEVUE BLVD #
MEMPHIS TN 38104

KNIGHT JACK AND GENE WILSON
PO BOX 40406 #
MEMPHIS TN 38174

PINNACLE TOWER ACQUISITION LLC
4017 WASHINGTON RD #
MCMURRAY PA 15317

TERRY CLYDE
8443 FREIDEN TRL #
MEMPHIS TN 38125

MEMPHIS BLACK ARTS ALLIANCE INC
PO BOX 40854 #
MEMPHIS TN 38174

WASTE CONNECTIONS OF TENNESSEE INC
3 WATERWAY SQUARE WAY #
THE WOODLANDS TX 77380

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

ROBERTS FAMILY COMPANIES INC
670 S COOPER ST #
MEMPHIS TN 38104

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

David Nuessler
1351 Williams Ave.
Memphis, TN 38104

David Nuessler
1351 Williams Ave.
Memphis, TN 38104

David Nuessler
1351 Williams Ave.
Memphis, TN 38104

Richardson Oilseed Products (US) Limited
2800 One Lombard Place
Winnipeg/MB R3B0X8

Richardson Oilseed Products (US) Limited
2800 One Lombard Place
Winnipeg/MB R3B0X8

Richardson Oilseed Products (US) Limited
2800 One Lombard Place
Winnipeg/MB R3B0X8

Shoemaker Haaland/ John Ostola
329 10th Ave. SE Suite 215
Cedar Rapids, IA 52401

Shoemaker Haaland/ John Ostola
329 10th Ave. SE Suite 215
Cedar Rapids, IA 52401

Shoemaker Haaland/ John Ostola
329 10th Ave. SE Suite 215
Cedar Rapids, IA 52401



Shelby County Tennessee
Shelandra Y. Ford
 Shelby County Register

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

19018205

02/26/2019 - 08:17 AM

23 PGS	
BRANDON	1839806-19018205
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	115.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	117.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Quitclaim Deed

Instrument Prepared by:

Andrew M. Hodgson, Esquire
Husch Blackwell LLP
736 Georgia Avenue, Suite 300
Chattanooga, Tennessee 37402

Grantor: Conagra Foods Packaged Foods, LLC, a Delaware limited liability company, One
ConAgra Drive, Omaha, Nebraska 68102-5003

Grantee: Richardson Oilseed Products (US)Limited, a Delaware corporation, 2800 One Lombard
Place, Winnipeg, MB, Canada R3B 0X8, Attn: Property Tax Department

Send Tax Bills To: Richardson Oilseed Products (US)Limited, a Delaware corporation, 2800 One
Lombard Place, Winnipeg, MB, Canada R3B 0X8, Attn: Property Tax
Department

Property Address: 1351 Williams Avenue, Memphis, Tennessee 38104

Legal Description: See Exhibit A

Tax Parcel No.: 015-017-00001C, 015-016-00001C, 015-017-00031, 015-017-00045C

THIS INSTRUMENT PREPARED BY:

Andrew M. Hodgson, Esquire
HUSCH BLACKWELL LLP
736 Georgia Avenue, Suite 300
Chattanooga, Tennessee 37402

New Owner's Address:

2800 One Lombard Place
Winnipeg, MB, Canada R3B 0X8

Send Tax Bills To:

2800 One Lombard Place
Winnipeg, MB, Canada R3B 0X8
ATTN: Property Tax Department

Tax Parcel No.

015-017-00001C

015-016-00001C

015-017-00031

015-017-00045C

QUITCLAIM DEED

IN CONSIDERATION of One Dollar (\$1.00) cash in hand paid and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONAGRA FOODS PACKAGED FOODS, LLC** a Delaware limited liability company ("Grantor"), does hereby transfer, convey, remise, release and forever quitclaim unto **RICHARDSON OILSEED PRODUCTS (US) LIMITED**, a Delaware corporation ("Grantee"), all of the Grantor's right, title and interest in and to that certain real property located in Shelby County, Tennessee, more particularly described on Exhibit "A" attached hereto and made a part hereof.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 14th day of February, 2019.

GRANTOR:

CONAGRA FOODS PACKAGED FOODS, LLC, a Delaware limited liability company,

By: *Rick Vosik*

Name: Rick Vosik

Title: Authorized Representative

STATE OF Nebraska)

COUNTY OF Douglas)

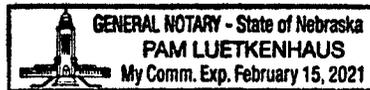
Before me, Pam Luotkenhaus, of the state and county aforesaid, personally appeared Rick Vosik, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Authorized Representative of CONAGRA FOODS PACKAGED FOODS, LLC, the within named bargainor, a limited liability company, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained by personally signing the name of said limited liability company.

14th WITNESS my hand and seal at office in Omaha, Nebraska, this day of February, 2019.

My commission expires:

February 15, 2021

Pam Luotkenhaus
Notary Public



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

GRANTEE:

Richardson Oilseed Products (US) Limited,
a Delaware corporation,

By: [Signature]

Name: Jean - Marc Ruest

Title: Secretary

By: [Signature]

Name: Darwin Sobkow

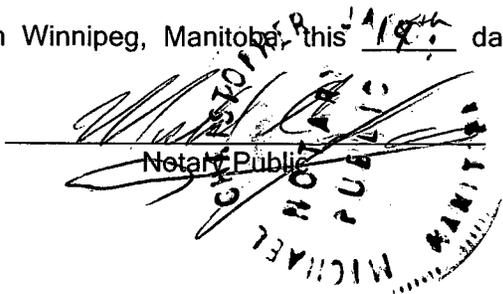
Title: Vice President

CITY OF WINNIPEG)

PROVINCE OF MANITOBA)

Before me, Michael Jason, of the city and province aforesaid, personally appeared Jean-Marc Ruest and Darwin Sobkow, each of which with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Secretary or vice president of Richardson Oilseed Products (US) Limited, the within named bargainor, a corporation, and that as such officer, being authorized so to do, each executed the foregoing instrument for the purpose therein contained by personally signing the name of said corporation.

WITNESS my hand and seal at office in Winnipeg, Manitoba, this 19th day of February, 2019.



My Commission Expires:

does not expire

EXHIBIT "A"

LEGAL DESCRIPTION

Real property located in Shelby County, Tennessee, more particularly described as follows:

PARCEL I

TRACT 1

BEGINNING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE (32 FEET WIDE) 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET SAID BEGINNING POINT BEING IN THE WEST LINE OF THAT PART OF THE FORMER SOUTHERN COTTON OIL COMPANY PROPERTY KNOWN AS LOT 10 OF THE A. B. CARR SUBDIVISION; AND RUNNING THENCE NORTHWARDLY ALONG SAID WEST LINE A DISTANCE OF 137.17 FEET TO A POINT IN THE SOUTH LINE OF THE TRACT CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 1108, PAGE 152; THENCE EASTWARDLY ALONG SAID SOUTH LINE BY AN INTERIOR ANGLE OF 89 DEGREES 39 MINUTES A DISTANCE OF 568.45 FEET TO AN OLD RAILROAD IRON AT THE NORTHWEST CORNER OF THE TRACT CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 364, PAGE 9; THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID UNION RAILWAY COMPANY TRACT BY AN INTERIOR ANGLE OF 90 DEGREES 15 MINUTES A DISTANCE OF 672.10 FEET TO AN INTERSECTION WITH THE NORTHWEST LINE OF THE 66 FT. WIDE STRIP OF LAND CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 318, PAGE 463; THENCE SOUTHWESTWARDLY ALONG THE NORTHWEST LINE OF SAID 66 FT. WIDE STRIP BY AN INTERIOR ANGLE OF 155 DEGREES 04 MINUTES A DISTANCE OF 642 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY (100 FEET WIDE); THENCE NORTHWESTWARDLY (BY AN INTERIOR ANGLE OF 80 DEGREES 43 MINUTES AS MEASURED TO THE CHORD) ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET A DISTANCE OF 524.61 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT; THENCE IN A NORTHEASTWARDLY DIRECTION (BY AN INTERIOR ANGLE OF 87 DEGREES 15 MINUTES AS MEASURED FROM THE CHORD) 171.90 FEET TO A POINT; THENCE NORTHWESTWARDLY BY A RIGHT ANGLE 73.08 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN EXTERIOR ANGLE OF 181 DEGREES 00 MINUTES A DISTANCE OF 70.38 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN EXTERIOR ANGLE OF 179 DEGREES 00 MINUTES A DISTANCE OF 62.25 FEET TO A POINT; THENCE NORTHEASTWARDLY BY AN EXTERIOR ANGLE OF 269 DEGREES 31 MINUTES A DISTANCE OF 102.18 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN EXTERIOR ANGLE OF 90 DEGREES 29 MINUTES A DISTANCE OF 41.97 FEET TO A POINT; THENCE NORTHEASTWARDLY BY A RIGHT ANGLE A DISTANCE OF 136.67 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY A RIGHT ANGLE 95.72 FEET TO A POINT; THENCE NORTHEASTWARDLY BY AN EXTERIOR ANGLE OF 91 DEGREES 49 MINUTES A DISTANCE OF 136.13 FEET TO A POINT; THENCE NORTHWESTWARDLY BY A RIGHT ANGLE 98.90 FEET TO A POINT; THENCE NORTHWARDLY BY AN EXTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 235.73 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHTS OF WAY TRANSFERRED BY THE SOUTHERN COTTON OIL COMPANY TO SOUTHERN RAILWAY COMPANY BY INDENTURE DATED JULY 8, 1902 AND RECORDED IN RECORD BOOK 208, PAGE 187, SHELBY COUNTY REGISTER'S OFFICE, CONTAINING THEREIN AN EXPRESS REVERSIONARY CLAUSE WHEREBY SAID RIGHTS OF WAY WILL REVERT TO OWNERS OF THE LAND AT SUCH TIME AS SAID RIGHTS OF WAY ARE NO LONGER USED OR OCCUPIED BY RAILROAD INDUSTRIAL TRACKS, SAID RIGHTS OF WAY DESCRIBED AS FOLLOWS:

ALL THOSE THREE (3) CERTAIN STRIPS, PIECES OF PARCELS OF LAND OF THE SOUTHERN COTTON OIL COMPANY, SITUATED, LYING AND BEING AT KANSAS CITY JUNCTION, NEAR MEMPHIS, IN THE COUNTY OF SHELBY, AND STATE OF TENNESSEE, PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

PARCEL 1: A STRIP OF LAND SIX (6) FEET IN WIDTH ON EITHER SIDE OF THE CENTER LINE OF A CERTAIN INDUSTRIAL TRACK, DESIGNATED FOR CONVENIENCE AS TRACK NO. 1, WHICH SPRINGS FROM THE MAIN TRACK OF THE RAILWAY COMPANY RUNNING BETWEEN MEMPHIS AND CHATTANOOGA, AT A POINT 1474 FEET WEST OF MILE POST NO. 594-A, AND EXTENDS THENCE IN A GENERAL NORTHWESTERLY DIRECTION, THROUGH THE LAND OF THE PARTY OF THE FIRST PART: BEGINNING AT THE NORTHERLY LIMIT OF THE RIGHT OF WAY OF THE RAILWAY COMPANY, 50 FEET DISTANT FROM THE CENTER LINE OF SAID MAIN TRACK, AND RUNNING THENCE NORTHWESTWARDLY, FOLLOWING THE ALIGNMENT OF SAID INDUSTRIAL TRACK, AS THE SAME IS LOCATED UPON THE SAID LANDS OF THE PARTY OF THE FIRST PART, AND HAVING A UNIFORM WIDTH OF TWELVE (12) FEET, FOR A DISTANCE OF 1076 FEET, BE THE SAME MORE OR LESS;

PARCEL 2: A STRIP OF LAND SIX (6) FEET IN WIDTH ON EITHER SIDE OF THE CENTER LINE OF A SIDE-TRACK, DESIGNATED HEREIN FOR CONVENIENCE AS NO. 2, WHICH, SPRINGS FROM SAID TRACK NO. 1, AT A POINT 800 FEET NORTHWESTERLY OF THE POINT OF CONNECTION OF SAID TRACT NO. 1 WITH THE SAID MAIN TRACK OF THE RAILWAY COMPANY, AND EXTENDS THENCE NORTHWESTWARDLY, THROUGH THE LANDS OF THE PARTY OF THE FIRST PART, THAT IS TO SAY: BEGINNING AT A POINT OF CONNECTION OF SAID TRACK NO. 2 WITH SAID TRACK NO. 1, AND RUNNING THENCE NORTHWESTWARDLY, FOLLOWING THE ALIGNMENT OF SAID TRACT NO. 2, AS THE SAME IS LOCATED UPON THE SAID LANDS OF THE PARTY OF THE FIRST PART, AND HAVING A UNIFORM WIDTH OF TWELVE (12) FEET, FOR A DISTANCE OF 493 FEET, BE THE SAME MORE OR LESS;

PARCEL 3: A STRIP OF LAND ABUTTING UPON THE NORTH SIDE OF SAID RIGHT OF WAY OF THE RAILWAY COMPANY, AND BEING ALL THE LAND INCLUDED WITHIN A LINE (THE NORTHERLY BOUNDARY LINE OF SAID STRIP) RUNNING PARALLEL WITH AND AT ALL POINTS SIX (6) FEET NORTHEAST OF THE CENTER LINE OF A SIDE-TRACK, DESIGNATED HEREIN FOR CONVENIENCE AS NO. 3, WHICH SPRINGS FROM SAID TRACK NO. 1 AT A POINT THEREON 305 FEET WEST OF THE POINT OF CONNECTION OF SAID TRACK NO. 1 WITH THE SAID MAIN TRACK, AND EXTENDS THENCE NORTHWESTWARDLY, THROUGH THE SOUTHERLY PORTION OF THE LANDS OF THE PARTY OF THE FIRST PART, AND 1888 FEET, TO A SECOND POINT OF CONNECTION WITH SAID MAIN TRACK, AND A LINE (BEING THE SOUTHERLY BOUNDARY LINE OF SAID STRIP) RUNNING PARALLEL WITH AND AT ALL POINTS 50 FEET NORTH OF THE CENTER LINE OF SAID MAIN TRACK; THE SAID STRIP OF LAND BEING TWENTY-EIGHT (28) FEET, MORE OR LESS, IN WIDTH, AT THE WIDEST POINT; BEING OCCUPIED BY SAID TRACT NO. 3 AND A SIDE TRACK LYING SOUTH OF AND PARALLEL THEREWITH DESIGNATED HEREIN FOR CONVENIENCE AS NO. 4; THE NORTHERLY AND SOUTHERLY BOUNDARY LINES OF SAID STRIP CONVERGING TOGETHER AT EITHER END THEREOF.

SUBJECT TO EASEMENT OR RIGHT OF WAY FOR A WATER MAIN, GRANTED TO THE CITY OF MEMPHIS ACTING THROUGH MEMPHIS LIGHT, GAS & WATER DIVISION BY INDENTURE ACKNOWLEDGE ON JUNE 2, 1941.

SUBJECT TO EASEMENTS FOR UTILITIES GRANTED TO THE CITY OF MEMPHIS ACTING THROUGH MEMPHIS LIGHT, GAS & WATER DIVISION AS RECORDED IN BOOK 4150, PAGE 571 AND BOOK 5423, PAGE 437, SHELBY COUNTY REGISTER'S OFFICE.

TRACT 2:

THE EAST 17 FEET OF LOT 3 AND WEST 23 FEET OF LOT 4, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

TRACT 3:

THE EAST 10 FEET OF LOT 6 AND THE WEST 30 FEET OF LOT 7, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAMS AVENUE 310 FEET EAST OF THE INTERSECTION OF SAID NORTH LINE WITH THE SOUTHEAST LINE OF A 20 FOOT ALLEY BOUNDING THIS SUBDIVISION ON THE WEST; THENCE EAST WITH SAID NORTH LINE OF WILLIAMS AVENUE 40 FEET TO A POINT 20 FEET WEST OF THE EAST LINE OF LOT 7; THENCE NORTH PARALLEL WITH SAID EAST LINE 99.53 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THENCE WESTWARDLY WITH SAID NORTH LINE 40 FEET TO A POINT; THENCE SOUTH 99.35 FEET TO THE POINT OF BEGINNING.

TRACT 4:

THE EAST 25 FEET OF THE WEST 30 FEET OF LOT 8, WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, DESCRIBED AS:

BEGINNING IN THE NORTH LINE OF WILLIAMS AVENUE 5 FEET EAST FROM THE SOUTHEAST CORNER OF LOT 7 OF SAID SUBDIVISION; THENCE EAST WITH THE NORTH LINE OF WILLIAMS AVENUE 25 FEET; THENCE NORTHWARDLY AND PARALLEL WITH THE DIVISION LINE BETWEEN LOTS 7 AND 8, 99 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID LOT 8; THENCE WEST PARALLEL WITH WILLIAMS AVENUE 25 FEET; THENCE SOUTH PARALLEL WITH THE DIVISION LINE BETWEEN LOTS 7 AND 8, 99 FEET MORE OR LESS, TO THE NORTH LINE OF WILLIAMS AVENUE, THE BEGINNING.

TRACT 5:

PART OF LOT 9 OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAMS AVENUE 5 FEET EAST OF THE EAST LINE OF LOT #6 (SHOULD BE LOT #8) OF SAID SUBDIVISION; THENCE NORTH 100.32 FEET, MORE OR LESS; THENCE EAST 40 FEET; THENCE SOUTH 100.78 FEET, MORE OR LESS, TO SAID NORTH LINE OF WILLIAMS AVENUE; THENCE WEST ALONG SAID NORTH LINE OF WILLIAMS AVENUE 40 FEET TO THE POINT OF BEGINNING.

TRACT 6:

THE EAST FIVE FEET OF LOT 9 AND WEST 25 FEET OF LOT 10, WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

TRACT 7:

THE EAST 25 FEET OF LOT 10, OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT RECORDED IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TRACT 8:

THE WEST 25 FEET OF LOT 12, OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

TRACT 9:

THE EAST ONE HALF (1/2) OF LOT 12 OF WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING 25 X 102 FEET, MORE OR LESS, ON THE NORTH SIDE OF WILLIAMS STREET.

TRACT 10:

THE WEST 25 FEET OF LOT 13, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TRACT 11:

THE EAST 35 FEET OF LOT 17 IN WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, REFERENCE BEING HEREBY MADE TO SAID PLAT FOR A MORE PARTICULAR DESCRIPTION.

TRACT 12:

THE EAST 10 FEET OF LOT NO. 18 AND WEST 25 FEET OF LOT NO. 19 OF THE WILLIAMS AVENUE SUBDIVISION AS SHOWN BY PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT E7 8190, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL II

THE EAST 25 FEET OF LOT 5 AND THE WEST 40 FEET OF LOT 6 OF WILLIAMS AVENUE COLORED SUBDIVISION, A PLAT OF SAID SUBDIVISION BEING OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAM AVENUE 245 FEET EAST OF THE EAST LINE OF THE 20 FOOT WIDE ALLEY RUNNING ALONG THE WEST LINE OF THE SUBDIVISION; THENCE EAST WITH SAID NORTH LINE OF WILLIAM AVENUE 65 FEET TO A POINT, THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO HUNT FOOD & INDUSTRIES, INC., AND DESCRIBED IN DEED OF RECORD IN BOOK 5868, PAGE 152, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; THENCE NORTH WITH THE WEST LINE OF THE HUNT FOODS & INDUSTRIES, INC. TRACT 98.35 TO A PONT IN THE NORTH LINE OF SAID SUBDIVISION; THENCE WESTWARDLY WITH SAID NORTH LINE 65 FEET TO A POINT; THENCE SOUTH 98.7 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT G9 9727, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL III

THE EAST ONE HALF (25 FEET) OF LOT 13 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H1 1529, IN

THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL IV

PART OF LOT 7 AND 8 OF WILLIAMS AVENUE SUBDIVISION AS SHOWN AND DESCRIBED IN PLAT OF SUBDIVISION OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EAST 20 FEET OF SAID LOT 7 AND WEST 5 FEET OF SAID LOT 8 OF WILLIAMS AVENUE SUBDIVISION; SAID PROPERTY FRONTS 25 FEET ON THE NORTH SIDE OF WILLIAMS AVENUE AND EXTENDS NORTHWARDLY BETWEEN PARALLEL LINES 100 FEET.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H1 6631, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL V

THE EAST 8 FEET OF LOT 2 AND THE WEST 33 FEET OF LOT 3, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H2 8305, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL VI

THE EAST 20 FEET OF LOT 8 AND THE WEST 5 FEET OF LOT 9, OF THE WILLIAMS AVENUE COLORED SUBDIVISION, A MAP OR PLAT OF WHICH IS OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAMS AVENUE 30 FEET EAST OF THE EAST LINE OF LOT 7 OF SAID SUBDIVISION; RUNNING THENCE EAST ALONG THE NORTH LINE OF WILLIAMS AVENUE 25 FEET; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF SAID LOT 8, 100.38 FEET; THENCE WEST ALONG THE NORTH LINE OF SAID LOTS 9 AND 8, 25 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H3 5002, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL VII

THE EAST 25 FEET OF LOT 15, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H4 2401, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL VIII

EAST PART OF LOT 20 AND WEST PART OF LOT 21 OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE 380 FEET WEST OF THE WEST LINE OF SOUTH MANSFIELD STREET; THENCE SOUTH 96 FEET, MORE OR LESS, TO A POINT IN THE NORTHEASTWARDLY LINE OF SOUTHERN R.R. RIGHT OF WAY; THENCE SOUTHEASTWARDLY WITH SAID LINE OF SOUTHERN R. R. RIGHT OF WAY 45.2 FEET; THENCE NORTH 125 FEET, MORE OR LESS, TO THE SOUTH LINE OF WILLIAMS AVENUE; THENCE WEST ALONG SAID SOUTH LINE OF WILLIAMS AVENUE 35 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H8 6693, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL IX

THE EAST 40 FEET OF LOT 24 OF WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H8 9476, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL X

THE WEST 25 FEET OF LOT 23 OF WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN BY PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H8 9477, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XI

THE NORTH 25 FEET OF LOT 27, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J2 0504, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XII

THE SOUTH 15 FEET OF LOT 29 AND THE NORTH 10 FEET OF LOT 30, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J3 0081, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XIII

PART OF LOT 30 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF MANSFIELD STREET, 160 FEET SOUTH OF THE SOUTH

LINE OF WILLIAMS AVENUE; RUNNING THENCE NORTHWESTWARDLY 125 FEET, MORE OR LESS, TO A POINT 10 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 30; THENCE SOUTHWARDLY 25 FEET; THENCE SOUTHEASTWARDLY 125 FEET, MORE OR LESS, TO A POINT 15 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 30; THENCE NORTHWARDLY WITH THE WEST LINE OF MANSFIELD STREET 25 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J8 0192 AND CORRECTED BY FINAL ORDER QUIETING TITLE AND REFORMING DEED OF RECORD IN INSTRUMENT 18090795, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XIV

THE SOUTH 15 FEET OF LOT 30 AND THE NORTH 25 FEET OF LOT 31, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J8 8901, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XV

THE SOUTH 35 FEET OF LOT 28, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT K5 8939, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XVI

THE WEST 35 FEET OF LOT 14, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT K7 9792, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XVII

THE EAST 15 FEET OF LOT 14 AND THE WEST 25 FEET OF LOT 15, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT K7 9794, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XVIII

THE WEST 35 FEET OF LOT 16, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT M1 8017, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XIX

COMMENCING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE AT THE NORTHEAST CORNER OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT, SAID POINT BEING 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT 235.73 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 85.85 FEET TO THE BEGINNING POINT OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE CONTINUING SOUTHEASTWARDLY ON THE LAST DESCRIBED BEARING 13.05 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE AND CONTINUING ALONG THE LINE OF THE SOUTHERN COTTON OIL CO., INC. TRACT 136.13 FEET TO A CORNER OF SAID TRACT; THENCE NORTHWESTWARDLY BY AN INTERIOR ANGLE OF 91 DEGREES 49 MINUTES AND CONTINUING ALONG THE LINE OF SAID TRACT 95.72 FEET TO A CORNER OF SAID TRACT; THENCE LEAVING THE LINE OF SAID TRACT AND RUNNING NORTHEASTWARDLY BY A RIGHT ANGLE 92.14 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 117 DEGREES 00 MINUTES A DISTANCE OF 97.64 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT M3 5405, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XX

THE EAST 15 FEET OF LOT 16 AND THE WEST 15 FEET OF LOT 17, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT M3 8693, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXI

THE WEST 40 FEET OF LOT 18, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT M8 5377, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXII

THE NORTH 35 FEET OF LOT 29, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO

WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT N3 7934, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXIII

THE EAST 25 FEET OF LOT 23 AND THE WEST 10 FEET OF LOT 24 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT N9 7581, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXIV

THE SOUTH 25 FEET OF LOT 27 AND THE NORTH 15 FEET OF LOT 28, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT R3 0858, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXV

THE EAST 27 FEET OF LOT 4 AND THE WEST 25 FEET OF LOT 5, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT R9 1262, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXVI

TRACT 1

THE SOUTH 10 FEET OF LOT 34 AND THE NORTH 25 FEET OF LOT 35, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TRACT 2

THE SOUTH 40 FEET OF LOT 39, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

TRACT 3

THAT PROPERTY IDENTIFIED AS LOT NO. 2 AND THAT PART OF LOT NO. 3 OF THE WETHERED SUBDIVISION OF LOT ELEVEN (11), A. B. CARR TRACT, AND STRIP TWENTY (20) FEET WIDE LYING WEST THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE IN THE SOUTH LINE OF WILLIAMS AVENUE (32 FEET WIDE), EIGHT (8) FEET NORTH OF THE NORTHEAST CORNER OF LOT THIRTY-FOUR (34), WILLIAMS AVENUE COLORED SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF WILLIAMS AVENUE, FOUR HUNDRED THIRTEEN FEET (413) TO A STAKE IN THE WEST LINE OF THE SOUTHERN COTTON OIL COMPANY'S PROPERTY; THENCE SOUTH WITH SAID WEST LINE 255.2 FEET TO A STAKE; THENCE WEST ALONG THE NORTH LINE OF PROPERTY OF SOUTHERN COTTON OIL COMPANY 417.9 FEET TO A STAKE; THENCE NORTH 252.3 FEET TO THE POINT OF BEGINNING.

TRACT 4

PART OF LOTS 25 AND 26 OF WILLIAMS AVENUE COLORED SUBDIVISION: BEGINNING AT A STAKE AT THE NORTHWEST CORNER OF LOT 25, SAID POINT BEING IN THE NORTH RIGHT OF WAY LINE OF SOUTHERN RAILWAY 149.2 FEET IN A SOUTHEASTERLY DIRECTION FROM THE EAST OR SOUTH LINE OF WILLIAMS AVENUE, AS MEASURED ALONG SAID RIGHT OF WAY LINE; THENCE IN A SOUTHEASTERLY DIRECTION WITH SAID RIGHT OF WAY LINE 92 FEET TO A STAKE; THENCE IN A NORTHEASTWARDLY DIRECTION 86 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF LOT 25, 124.6 FEET EAST OF THE NORTHWEST CORNER OF SAME, AS MEASURED ALONG SAID LOT LINE, SAID POINT ALSO BEING 125 FEET SOUTH OF THE SOUTH LINE OF WILLIAMS AVENUE; THENCE WEST AND PARALLEL TO WILLIAMS AVENUE 124.6 FEET TO THE POINT OF BEGINNING.

TRACT 5

THE NORTH 31 FEET OF LOT 33, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE. BEGINNING AT A POINT IN THE WEST LINE OF SOUTH MANSFIELD STREET, 300 FEET SOUTH OF THE SOUTH LINE OF WILLIAMS AVENUE; THENCE SOUTHWARDLY WITH THE WEST LINE OF SOUTH MANSFIELD STREET 31 FEET TO A POINT; THENCE WESTWARDLY PARALLEL WITH WILLIAMS AVENUE 78.37 FEET TO THE EAST LINE OF SOUTHERN RAILWAY RIGHT OF WAY; THENCE NORTHWARDLY WITH SAID EAST LINE 45.15 FEET TO A POINT; THENCE EASTWARDLY 111.2 FEET TO THE POINT OF BEGINNING.

TRACT 6

THE SOUTH PART OF LOT 33 OF WILLIAMS AVENUE COLORED SUBDIVISION, AS RECORDED IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, AND DESCRIBED AS:

BEGINNING AT A POINT IN THE WEST LINE OF SOUTH MANSFIELD STREET, 74 FEET NORTH OF THE INTERSECTION OF THE WEST LINE OF SOUTH MANSFIELD STREET WITH THE NORTHEAST LINE OF SOUTHERN AVENUE; THENCE WEST 82 FEET MORE OR LESS TO A POINT IN THE NORTHEAST LINE OF SOUTHERN AVENUE; THENCE SOUTHEASTWARDLY ALONG SAID NORTHEAST LINE OF SOUTHERN AVENUE 113 FEET MORE OR LESS, TO THE POINT OF INTERSECTION OF THE NORTHEAST LINE OF SOUTHERN AVENUE WITH THE WEST LINE OF SOUTH MANSFIELD STREET, THENCE NORTH ALONG SAID WEST LINE OF SOUTH MANSFIELD STREET, 74 FEET TO THE POINT OF BEGINNING.

TRACT 7

THE NORTH 34 FEET OF LOT 36, WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

TRACT 8

THE SOUTH SIXTEEN (16) FEET OF LOT 36 AND THE NORTH TEN (10) FEET OF LOT 37 OF WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38 OF SHELBY COUNTY REGISTER'S OFFICE.

BEGINNING AT A POINT IN THE EASTERLY LINE OF MANSFIELD STREET 134.0 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF WILLIAMS AVENUE AS MEASURED ALONG THE SAID EASTERLY LINE OF MANSFIELD STREET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF WILLIAMS AVENUE 121.0 FEET TO A POINT; THENCE SOUTHERLY PARALLEL WITH THE EASTERLY LINE OF MANSFIELD STREET 26.0 FEET TO A POINT; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF WILLIAMS AVENUE 121.0 FEET TO A POINT IN THE EASTERLY LINE OF MANSFIELD STREET; THENCE NORTHERLY ALONG THE EASTERLY LINE OF MANSFIELD STREET 26.0 FEET TO POINT OF BEGINNING.

TRACT 9

THE SOUTH 40 FEET OF LOT 37 WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE.

TRACT 10

THE SOUTH 31 1/2 FEET OF LOT 41 AND THE NORTH 2.5 FEET OF LOT 42 OF WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 OF SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE.

TRACT 11

PART OF LOT 42 OF WILLIAMS AVENUE COLORED SUBDIVISION, AS RECORDED IN PLAT BOOK 7, PAGE 38, OF SHELBY COUNTY REGISTER'S OFFICE. BEGINNING AT A POINT IN THE EAST LINE OF SOUTH MANSFIELD STREET 16.2 FEET NORTH OF THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY, WITH SAID EAST LINE OF SOUTH MANSFIELD STREET; THENCE EAST 108 FEET, MORE OR LESS; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SOUTH MANSFIELD STREET 34 FEET; THENCE WEST 108 FEET MORE OR LESS; THENCE SOUTH 33.5 FEET ALONG SAID EAST LINE OF SOUTH MANSFIELD STREET TO POINT OF BEGINNING.

TRACT 12

THE SOUTH PART OF LOT 43 OF WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38 OF SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE. BEGINNING AT A POINT IN THE NORTHEAST LINE OF SOUTHERN RAILWAY RIGHT OF WAY, 27 FEET SOUTHEAST OF THE INTERSECTION OF THE EAST LINE OF SOUTH MANSFIELD STREET WITH THE NORTHEAST LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY; THENCE SOUTHEASTWARDLY 121.5 FEET, MORE OR LESS, WITH SAID NORTHEAST LINE OF SOUTHERN RAILWAY RIGHT OF WAY; THENCE NORTH 82 FEET, MORE OR LESS; THENCE WEST 89 FEET, MORE OR LESS, TO POINT OF BEGINNING.

TRACT 13

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF MANSFIELD STREET AND THE NORTH LINE OF SOUTHERN RAILWAY RIGHT OF WAY; THENCE IN A SOUTHEAST DIRECTION WITH THE SAID SOUTHERN RAILWAY RIGHT OF WAY 27 FEET; THENCE EAST PARALLEL WITH WILLIAMS AVENUE 89 FEET MORE OR LESS; THENCE NORTH PARALLEL WITH MANSFIELD STREET 35 FEET; THENCE WEST

108 FEET, MORE OR LESS, TO THE EAST LINE OF MANSFIELD STREET; THENCE SOUTH 16.2 FEET TO THE POINT OF BEGINNING, BEING PART OF LOTS 42 AND 43 OF WILLIAMS AVENUE COLORED SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 38, OF SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE.

TRACT 14

LOT 38 AND THE NORTH 10 FEET OF LOT 39, WILLIAMS COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

TRACT 15

THE SOUTH 15 FEET OF LOT 40 AND THE NORTH 18.5 FEET OF LOT 41, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT S5 1873, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

PARCEL XXVII

TRACT 1

BEGINNING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE (32 FEET WIDE) 8 FEET NORTH OF THE NORTHEAST CORNER OF LOT 34 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, SAID BEGINNING POINT BEING 121 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, AND RUNNING THENCE EASTWARDLY ALONG THE SOUTH LINE OF WILLIAMS AVENUE 413 FEET TO A POINT IN THE WEST LINE OF THAT PART OF THE FORMER SOUTHERN COTTON OIL COMPANY PROPERTY KNOWN AS LOT 10 OF THE A. B. CARR SUBDIVISION; THENCE SOUTHWARDLY BY A RIGHT ANGLE 235.73 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 98.90 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE 136.13 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN INTERIOR ANGLE OF 91 DEGREES 49 MINUTES A DISTANCE OF 95.72 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE 136.67 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY A RIGHT ANGLE 41.97 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY AN INTERIOR ANGLE OF 90 DEGREES 29 MINUTES A DISTANCE OF 102.18 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 269 DEGREES 31 MINUTES A DISTANCE OF 62.25 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 179 DEGREES 00 MINUTES A DISTANCE OF 70.38 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 181 DEGREES 00 MINUTES A DISTANCE OF 73.08 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE OF 171.90 FEET TO A POINT IN THE NORTHERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY (100 FEET WIDE); THENCE NORTHWESTWARDLY (BY AN INTERIOR ANGLE OF 85 DEGREES 28 MINUTES AS MEASURED TO THE CHORD) ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET A DISTANCE OF 434.80 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT OF TANGENCY; THENCE CONTINUING NORTHWESTWARDLY (BY AN INTERIOR ANGLE OF 177 DEGREES 07 MINUTES AS MEASURED FROM THE CHORD) ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY 116 FEET TO AN INTERSECTION WITH THE EAST LINE OF MANSFIELD STREET; THENCE NORTHWARDLY ALONG THE EAST LINE OF MANSFIELD STREET BY AN INTERIOR ANGLE OF 133 DEGREES 06 MINUTES A DISTANCE OF 50.23 FEET TO A POINT THAT IS 2.5 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 42 OF THE

WILLIAMS AVENUE COLORED SUBDIVISION; THENCE EASTWARDLY ON A LINE 2.5 FEET SOUTHWARDLY FROM AND PARALLEL WITH THE NORTH LINE OF LOT 42 BY AN INTERIOR ANGLE OF 90 DEGREES 46 MINUTES A DISTANCE OF 121 FEET TO A POINT IN THE EAST LINE OF THE WILLIAMS AVENUE COLORED SUBDIVISION; THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID SUBDIVISION BY AN INTERIOR ANGLE OF 269 DEGREES 14 MINUTES AND RUNNING PARALLEL WITH MANSFIELD STREET 410.5 FEET TO THE POINT OF BEGINNING.

EXCEPTED FROM THE CONVEYANCE OF THE ABOVE IDENTIFIED PROPERTY IS THE FOLLOWING PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE AT THE NORTHEAST CORNER OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT, SAID POINT BEING 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT 235.73 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 85.85 FEET TO THE BEGINNING POINT OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE CONTINUING SOUTHEASTWARDLY ON THE LAST DESCRIBED BEARING 13.05 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE AND CONTINUING ALONG THE LINE OF THE SOUTHERN COTTON OIL CO., INC. TRACT 136.13 FEET TO A CORNER OF SAID TRACT; THENCE NORTHWESTWARDLY BY AN INTERIOR ANGLE OF 91 DEGREES 49 MINUTES AND CONTINUING ALONG THE LINE OF SAID TRACT 95.72 FEET TO A CORNER OF SAID TRACT; THENCE LEAVING THE LINE OF SAID TRACT AND RUNNING NORTHEASTWARDLY BY A RIGHT ANGLE 92.14 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 117 DEGREES 00 MINUTES A DISTANCE OF 97.64 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THAT PROPERTY ALREADY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT S5 1873 LABELED AS PARCELS 3, 11, 12 AND 13, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

TRACT 2

COMMENCING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE AT THE NORTHEAST CORNER OF THE 6.36 ACRE TRACT CONVEYED TO THE SOUTHERN COTTON OIL CO., INC., PER DEED OF RECORD IN INSTRUMENT E7 8189, SAID POINT BEING 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID THE SOUTHERN COTTON OIL CO., INC., A TRACT 21.90 FEET TO THE BEGINNING POINT OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE SOUTHWARDLY ALONG THE EAST LINE OF THE SOUTHERN COTTON OIL CO., INC., 213.83 FEET TO A CORNER OF SAID TRACT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 128 DEGREES 16 MINUTES CONTINUING ALONG THE EASTERLY LINE OF SAID TRACT, 85.85 FEET TO A POINT; THENCE LEAVING SAID EASTERLY LINE AND RUNNING EASTWARDLY BY AN INTERIOR ANGLE OF 151 DEGREES 11 MINUTES A DISTANCE OF 44.52 FEET TO A POINT; THENCE NORTHEASTWARDLY BY AN INTERIOR ANGLE OF 116 DEGREES 35 MINUTES A DISTANCE OF 144.16 FEET TO A POINT; THENCE NORTHWARDLY BY AN INTERIOR ANGLE OF 153 DEGREES 29 MINUTES A DISTANCE OF 144 FEET TO A POINT; THENCE WESTWARDLY BY AN INTERIOR ANGLE OF 84 DEGREES 37 MINUTES A DISTANCE OF 220.20 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT S5 1874, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXVIII

LOT 1 AND THE WEST 42 FEET OF LOT 2, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF WILLIAMS AVENUE WITH THE EAST LINE OF A CERTAIN ALLEY SHOWN ON SAID PLAT, AND RUNNING THENCE EAST WITH THE NORTH LINE OF WILLIAMS AVENUE 112 FEET TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT 2, 97 ½ FEET TO THE SOUTH LINE OF AFORESAID ALLEY; THENCE SOUTHWESTWARDLY WITH SAID SOUTH LINE 146.9 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT T1 3660, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXIX

THE NORTH 40 FEET OT LOT 34, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF THE INTERSECTION OF EAST LINE OF SOUTH MANSFIELD STREET, WITH THE SOUTH LINE OF WILLIAMS AVENUE; THENCE SOUTH WITH THE EAST LINE OF SAID S. MANSFIELD STREET 40 FEET TO A POINT; THENCE EAST PARALLEL WITH WILLIAMS AVENUE 121 FEET; THENCE NORTH PARALLEL WITH S. MANSFIELD STREET 40 FEET; THENCE WEST WITH THE SAID SOUTH LINE OF WILLIAMS AVENUE 121 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U1 5850, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXX

LOT 11, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U3 1310, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXI

PARTS OF LOTS 31 AND 32, WILLIAMS AVENUE COLORED SUBDIVISION, IN THE CITY OF MEMPHIS AS PER PLAT RECORDED IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE SHELBY COUNTY, TENNESSEE: BEGINNING AT A POINT IN THE WEST LINE OF SOUTH MANSFIELD STREET 153 FEET NORTHWARDLY FROM THE NORTH LINE OF THE SOUTHERN RAILWAY 100 FOOT RIGHT OF WAY; THENCE NORTHWARDLY ALONG THE WEST LINE OF SOUTH MANSFIELD STREET 27 FEET TO A POINT IN THE SOUTH LINE OF THE BARTHOLOMEW LOT AS PER BOOK 1255 PAGE 613, IN THE REGISTER'S OFFICE SHELBY COUNTY, TENNESSEE, SAID POINT BEING 225 FEET SOUTHWARDLY FROM THE SOUTH LINE OF WILLIAMS AVENUE; THENCE WESTWARDLY ALONG SAID SOUTH LINE OF THE BARTHOLOMEW LOT AND PARALLEL TO WILLIAMS AVENUE 125 FEET TO A POINT IN THE EAST LINE OF LOT 26; THENCE SOUTHWARDLY ALONG SAID EAST LINE OF LOT 26 AND PARALLEL TO SOUTH MANSFIELD STREET 22.2 FEET TO A POINT IN THE NORTH LINE OF THE BUTLER LOT AS PER BOOK 1275, PAGE 609, IN THE SAID REGISTER'S OFFICE; THENCE EASTWARDLY ALONG SAID NORTH LINE OF THE BUTLER LOT 125.09 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U8 4655, IN

THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXII

PART OF LOTS 31 AND 32 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF MANSFIELD STREET 153 FEET NORTH OF THE INTERSECTION OF THE WEST LINE OF MANSFIELD STREET AND THE NORTHERLY LINE OF SOUTHERN RAILWAY 100 FOOT RIGHT OF WAY; THENCE WESTWARDLY 125 FEET, MORE OR LESS, TO A POINT 2.8 FEET NORTH OF THE INTERSECTION OF THE NORTH LINE OF LOT 32 WITH THE EAST LINE OF LOT 26 OF SAID SUBDIVISION; THENCE SOUTH 39.3 FEET TO THE SOUTHERN RAILWAY RIGHT OF WAY; THENCE SOUTHEASTWARDLY ALONG SAID RIGHT OF WAY 18.5 FEET; THENCE EASTWARDLY 111.2 FEET; THENCE ALONG SAID WEST LINE OF MANSFIELD STREET 48 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U9 2854, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXIII

THE WEST 76.7 FEET OF LOT 20, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT V3 8818, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXIV

PART OF LOTS 25 AND 26 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE IN THE NORTH LINE OF THE RIGHT OF WAY OF THE SOUTHERN RAILWAY COMPANY, 241.2 FEET EASTWARDLY FROM THE INTERSECTION OF THE SOUTH LINE OF WILLIAMS AVENUE WITH THE NORTH RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY COMPANY; THENCE NORTHEASTWARDLY WITH THE FENCE AT RIGHT ANGLES TO THE SOUTHERN RAILWAY COMPANY RIGHT OF WAY, 86 FEET TO A POINT IN THE SOUTH LINE OF LOT 24, SAID SUBDIVISION; THENCE EASTWARDLY WITH SAID SOUTH LINE 45 FEET TO A POINT WHICH IS THE NORTHEAST CORNER OF LOT 25, SAID SUBDIVISION; THENCE SOUTHWESTWARDLY WITH A FENCE 118 FEET TO A POINT IN THE NORTH LINE OF THE SOUTHERN RAILWAY COMPANY RIGHT OF WAY; THENCE WESTWARDLY ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT V9 2307, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE

PARCEL XXXV

THE SOUTH 25 FEET OF LOT 35, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF

RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR OF SAID PROPERTY. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT V9 9808, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXVI

PART OF LOTS 25 AND 26 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF THE RIGHT OF WAY OF THE SOUTHERN RAILROAD, SAID POINT BEING 291.2 FEET SOUTHEASTWARDLY FROM THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTHERN RAILROAD RIGHT OF WAY AND THE SOUTH LINE OF WILLIAMS AVENUE, AND BEING THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED TO ROBINSON BY WARRANTY DEED OF RECORD IN BOOK 810, PAGE 373, SAID REGISTER'S OFFICE; THENCE SOUTHEASTWARDLY ALONG THE NORTH LINE OF THE SOUTHERN RAILROAD RIGHT OF WAY 90.7 FEET TO THE SOUTHEAST CORNER OF LOT 26 OF SAID SUBDIVISION; THENCE NORTHWARDLY ALONG THE EAST LINE OF LOTS 26 AND 25 A DISTANCE OF 165 FEET TO THE NORTHEAST CORNER OF LOT 25; THENCE SOUTHWESTWARDLY 118 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT W4 4935, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXVII

THE NORTH 35 FEET OF LOT 40 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN BY PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE EAST LINE OF MANSFIELD STREET 300 FEET SOUTH OF THE SOUTH LINE OF WILLIAMS AVENUE; THENCE SOUTHWARDLY WITH THE EAST LINE OF MANSFIELD STREET 35 FEET; THENCE EASTWARDLY PARALLEL WITH THE SOUTH LINE OF WILLIAMS AVENUE 108 FEET, MORE OR LESS; THENCE NORTHWARDLY PARALLEL WITH MANSFIELD STREET 35 FEET; THENCE WESTWARDLY 108 FEET MORE OR LESS TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT Z3 4557, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXVIII

THE EAST 20 FEET OF LOT 21 AND THE WEST 15 FEET OF LOT 22 OF THE WILLIAMS AVENUE SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, IN THE OFFICE OF THE REGISTER OF SHELBY COUNTY, TENNESSEE. FRONTING 35 FEET ON THE SOUTH SIDE OF WILLIAMS AVENUE BY A DEPTH BETWEEN PARALLEL LINES OF 125 FEET MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT Z4 3183, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXIX

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF MANSFIELD STREET (50' WIDE) AND THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE (40' WIDE); THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE N 89 DEG. 59 MIN. 19 SEC. E A DISTANCE OF 50

FEET TO THE EAST RIGHT OF WAY LINE OF MANSFIELD STREET; THENCE ALONG SAID EAST RIGHT OF WAY LINE S 00 DEG. 46 MIN. 19 SEC. W A DISTANCE OF 452.73 FEET TO THE INTERSECTIONS OF SAID EAST RIGHT OF WAY LINE AND THE NORTHEAST RIGHT OF WAY LINE OF THE SOUTHERN RAILROAD (100' WIDE); THENCE ALONG SAID NORTHEAST RIGHT OF WAY LINE N 46 DEG. 07 MIN. 07 SEC. W A DISTANCE OF 68.49 FEET TO THE INTERSECTION OF THE SAID NORTHEAST RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF MANSFIELD STREET; THENCE ALONG SAID WEST RIGHT OF WAY LINE N 00 DEG. 46 MIN. 19 SEC. E A DISTANCE OF 405.24 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT BV 7234, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XL

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF WILLIAMS AVENUE (40' WIDE) AND THE NORTHEAST RIGHT OF WAY LINE OF THE SOUTHERN RAILROAD (100' WIDE); THENCE N 32 DEG. 33 MIN. 14 SEC. E A DISTANCE OF 75.46 FEET TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WILLIAMS AVENUE AND THE EAST RIGHT OF WAY LINE OF AN ALLEY (CURRAN STREET) (20' WIDE); THENCE ALONG SAID NORTH RIGHT OF WAY LINE N 89 DEG. 59 MIN. 19 SEC. E A DISTANCE OF 970 FEET TO THE EAST LINE OF THE WILLIAMS AVENUE SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38 (SCRO); THENCE S 00 DEG. 37 MIN. 41 SEC. E A DISTANCE OF 32 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE (32' WIDE); THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE S 89 DEG. 59 MIN. 19 SEC. W A DISTANCE OF 437.66 FEET; THENCE S 00 DEG. 46 MIN. 19 SEC. W A DISTANCE OF 8 FEET TO THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE (40' WIDE); THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE S 89 DEG. 59 MIN. 19 SEC. W A DISTANCE OF 529.73 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 45 FEET AN ARC DISTANCE OF 33.04 FEET TO A POINT; THENCE CONTINUING S 47 DEG. 55 MIN. 21 SEC. W A DISTANCE OF 17.92 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT CD 4980, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XLI

THE EAST 35 FEET OF LOT 22 OF THE WILLIAMS AVENUE COLORED SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF WILLIAMS AVENUE 225 FEET WEST OF THE WEST LINE OF MANSFIELD STREET; THENCE RUNNING WEST WITH THE SAID SOUTH LINE OF WILLIAMS AVENUE 35 FEET; THENCE SOUTH AND PARALLEL WITH MANSFIELD STREET 125 FEET; THENCE EAST AND PARALLEL WITH WILLIAMS AVENUE 35 FEET; THENCE NORTH AND PARALLEL WITH MANSFIELD STREET 125 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY VESTED TO CONAGRA FOODS PACKAGED FOOD, LLC, BY FINAL ORDER QUIETING TITLE AND REFORMING DEED OF RECORD IN INSTRUMENT 18090795, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

Also described according to a survey prepared by Commercial Due Diligence Services dated February 16, 2017, last revised December 20, 2018, project No. 17-01-0222 as follows:

A PARCEL OF LAND SITUATED AT KANSAS CITY JUNCTION, NEAR THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND AT THE MOST NORTHERLY, NORTHWEST CORNER OF LOT 2, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, SAID CORNER BEING LOCATED ON THE SOUTHEASTERLY LINE OF A 20 FOOT WIDE ALLEY AS SHOWN ON SAID PLAT; THENCE S85°29'52"E WITH THE NORTH LINE OF SAID SUBDIVISION AND EXTENDING FOR A TOTAL DISTANCE OF 1404.50 FEET TO AN OLD RAILROAD IRON SET IN CONCRETE AT THE NORTHWEST CORNER OF THE TRACT CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 364, PAGE 9; THENCE S04°15'08"W ALONG THE WEST LINE OF SAID UNION RAILWAY COMPANY TRACT FOR A DISTANCE OF 672.10 FEET TO AN INTERSECTION WITH THE NORTHWEST LINE OF THE 66 FT. WIDE STRIP OF LAND CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 318, PAGE 463; THENCE S29°11'08"W ALONG THE NORTHWEST LINE OF SAID 66 FT. WIDE STRIP FOR A DISTANCE OF 642.00 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY (100 FEET WIDE); THENCE NORTHWESTWARDLY WITH THE NORTHEASTERLY LINE OF SAID RAILWAY RIGHT OF WAY, 524.61 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET AND A CHORD BEARING AND DISTANCE OF N51°31'52"W, 524.19 FEET; THENCE CONTINUING NORTHWESTWARDLY WITH SAID RAILWAY RIGHT OF WAY, 406.18 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET AND A CHORD BEARING AND DISTANCE OF N44°33'57"W, 405.98 FEET; THENCE CONTINUING WITH SAID RAILWAY RIGHT OF WAY N41°04'43"W A DISTANCE OF 767.17 FEET TO THE INTERSECTION OF THE SOUTHERLY LINE OF WILLIAMS AVENUE (40 FEET WIDE) AND THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID SOUTHERN RAILROAD (100 FEET WIDE); THENCE N37°36'05"E A DISTANCE OF 75.46 FEET TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WILLIAMS AVENUE AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF AN ALLEY (CURRAN STREET-20 FEET WIDE); THENCE WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID ALLEY, N52°58'11"E A DISTANCE OF 145.42 FEET TO THE POINT OF BEGINNING.

True Copy Certification

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

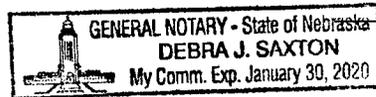
James R. O'Donnell
Signature

State of Nebraska

County of Douglas

Personally appeared before me, [Name of Notary], a notary public for this county and state, [name of person making certification] who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Debra J. Saxton



Notary's Signature

My Commission Expires: _____
Notary' Seal (if on paper)



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

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

May 10, 2024

SR Consulting, LLC
5909 Shelby Oaks Drive, Suite 200
Memphis, TN 38134

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

Case Number: Z 2024-004
LUCB Recommendation: Approval

Dear applicant,

On Thursday, May 9, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 1351 Williams Ave to be included in the Heavy Industrial (IH) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Chloe Christion

Letter to Applicant
Z 2024-004

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

Cc: Melanie Jones, SR Consulting LLC
Erik Bute, FWS Industrial Projects USA
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 2024-004
LOCATION: 1351 Williams Avenue
COUNCIL DISTRICTS: District 6 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Richardson Oilseed Products US Limited
REPRESENTATIVE: Cindy Reaves, SRC Consulting
REQUEST: Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH)
RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*
Memphis and Shelby County Land Use Control Board: *Approval*

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

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

THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

polygonLayer

- Override 1
- Override 2

polygonLayer

- Override 1

— Roads

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



Map prepared through Shelby County Government's online mapping Portal on 7/29/2024




CHARNG LLC
1979 FELIX AVE #
MEMPHIS TN 38104

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

BUZZI READY MIX LLC
1029 JOHN A DENIE DR #
MEMPHIS TN 38134

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

PINNACLE TOWER ACQUISITION LLC
4017 WASHINGTON RD #353
MCMURRAY PA 15317

HECHINGER RICHARD A
830 S BELLEVUE BLVD #
MEMPHIS TN 38104

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

KNIGHT JACK AND GENE WILSON
P O BOX 40406 #
MEMPHIS TN 38174

KNIGHT JACK AND GENE WILSON
PO BOX 40406 #
MEMPHIS TN 38174

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

ROBERTS FAMILY COMPANIES INC
P.O BOX 771385 #
MEMPHIS TN 38177

SHELBY COUNTY TENNESSEE
584 ADAMS AVE #
MEMPHIS TN 38103

ADVANCE MEMPHIS
PO BOX 2201 #
MEMPHIS TN 38101

SOUTHERN MAINTENANCE LLC
1267 SEVERSON AVE #
MEMPHIS TN 38106

UNION RAILWAY COMPANY
1400 DOUGLAS ST #
OMAHA NE 68179

BNSF RAILWAY COMPANY
P O BOX 961089 #
FORT WORTH TX 76161

CITY OF MEMPHIS
GENERAL DELIVERY #
MEMPHIS TN 38101

SOUTH MEMPHIS ALLIANCE INC
1048 S BELLEVUE BLVD #
MEMPHIS TN 38103

SHIBEROU ERMYIAS
1788 MADISON AVE #
MEMPHIS TN 38104

WASTE CONNECTIONS OF TENNESSEE INC
3 WATERWAY SQUARE WAY #110
THE WOODLANDS TX 77380



Memphis City Council Summary Sheet

Z 2024 - 006

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY ON THE EAST SIDE OF ELVIS PRESLEY BOULEVARD, +/- 208 FEET NORTH OF COMMERCIAL PARKWAY ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 (CMU-1) DISTRICT, KNOWN AS CASE NUMBER Z 2024 – 006

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: Z 2024 – 006

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugga

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

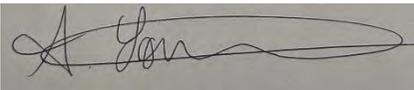
The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,

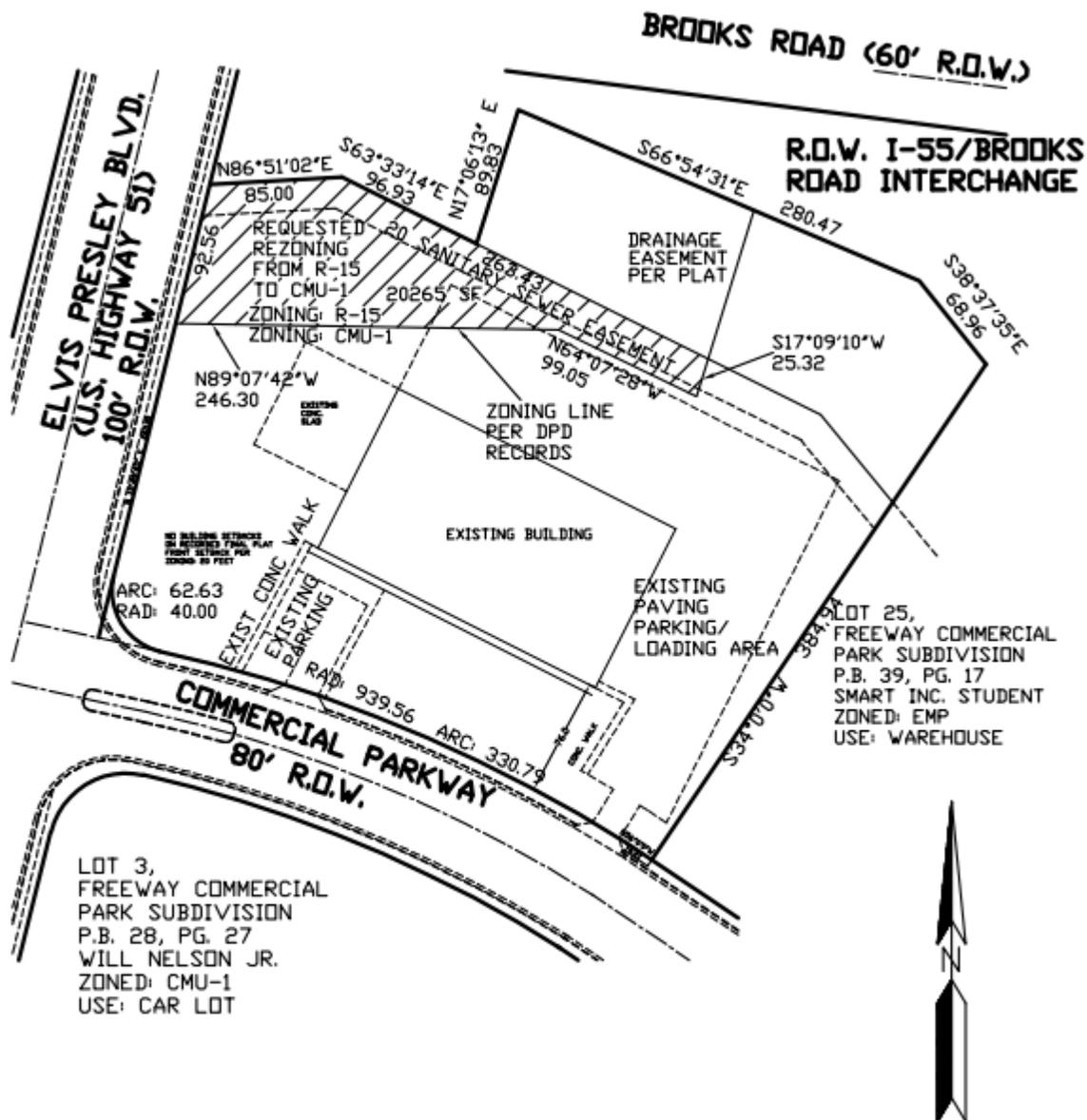


Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN

LOT SURVEY
 LOT 4
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 PB. 24, PG 42
 MEMPHIS, TN



LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED: CMU-1
 USE: CAR LOT

LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED: EMP
 USE: WAREHOUSE

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.
 THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.
 NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
 SCALE: 1"=100'

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

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-006.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-006**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Commencing at the intersection of the north line of Commercial Parkway (80-foot right of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right of-way); then along the

said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: Z 2024 – 006
LOCATION: 3230 Commercial Parkway
COUNCIL DISTRICT: District 3
OWNER/APPLICANT: Yaaqob Al Shugaa
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.
EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

CONCLUSIONS

1. The applicant is requesting rezoning of a +/- 20, 265 square feet portion of the +/- 3.78-acre lot.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1.

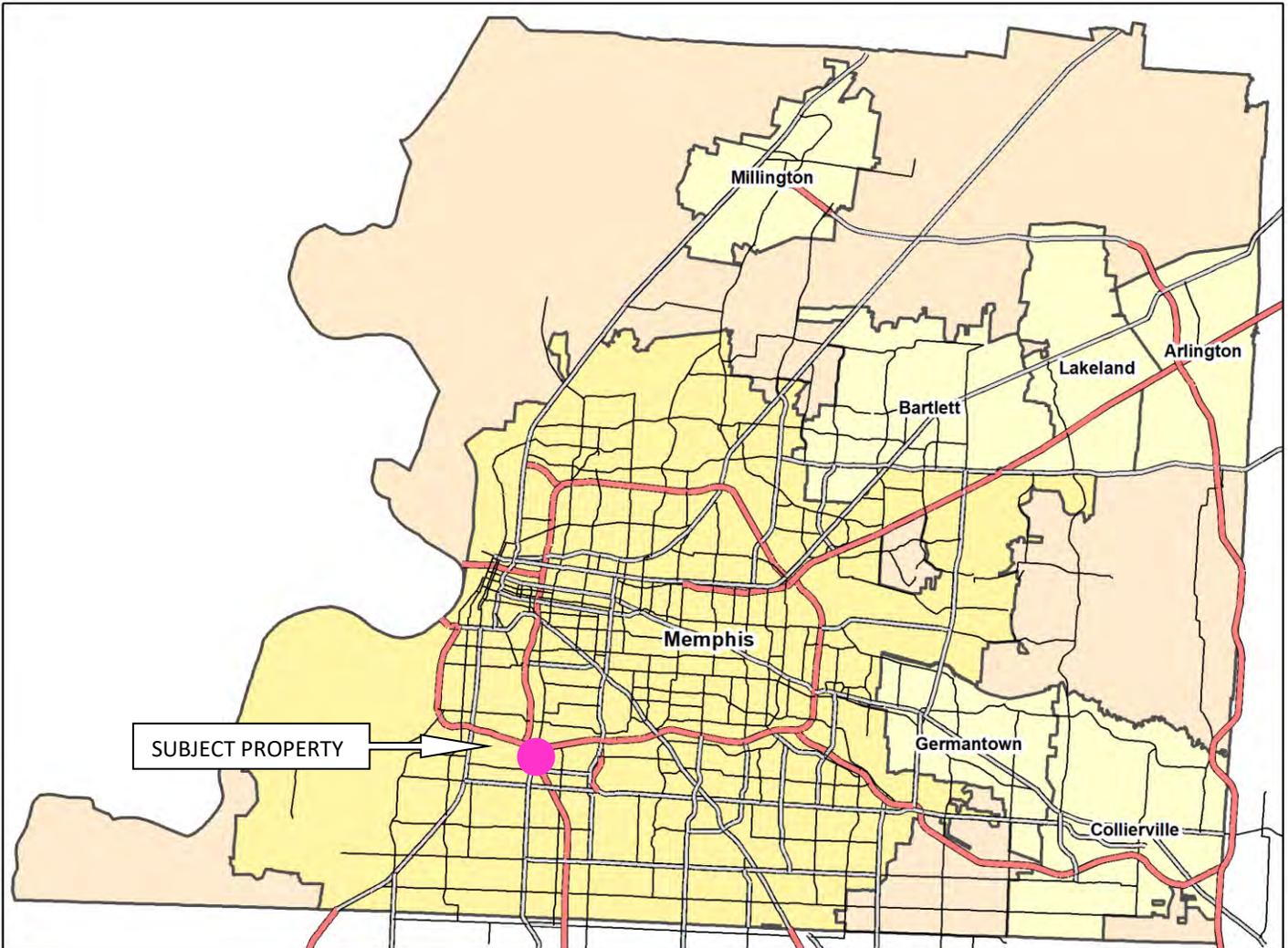
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 15 – 16 of this report.

RECOMMENDATION:

Approval

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

AERIAL



Subject property outlined in yellow. The northwest portion of this site is currently zoned R-15.

ZONING MAP



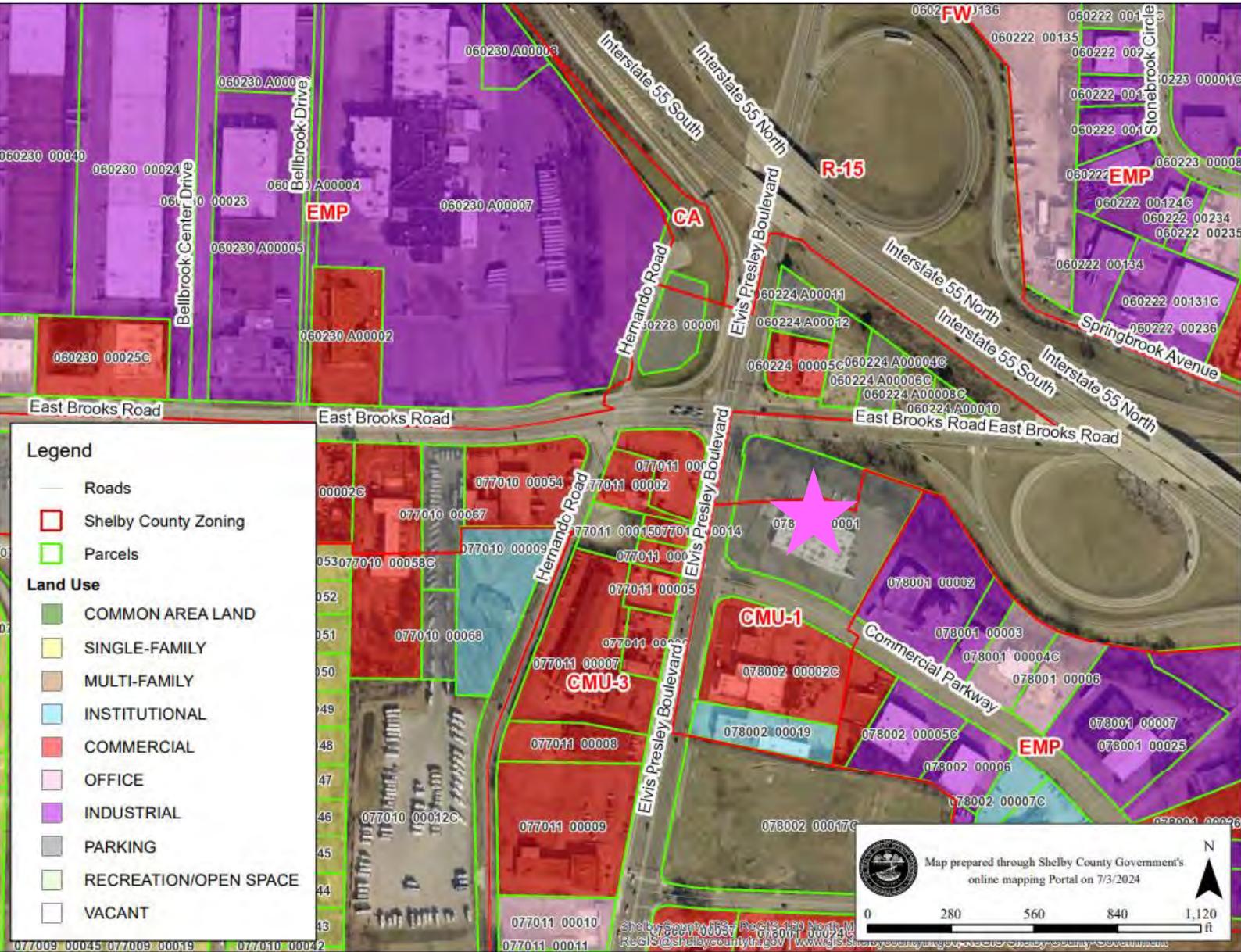
Subject area of proposed rezoning highlighted in yellow.

FEMA MAP



Subject area of proposed rezoning highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



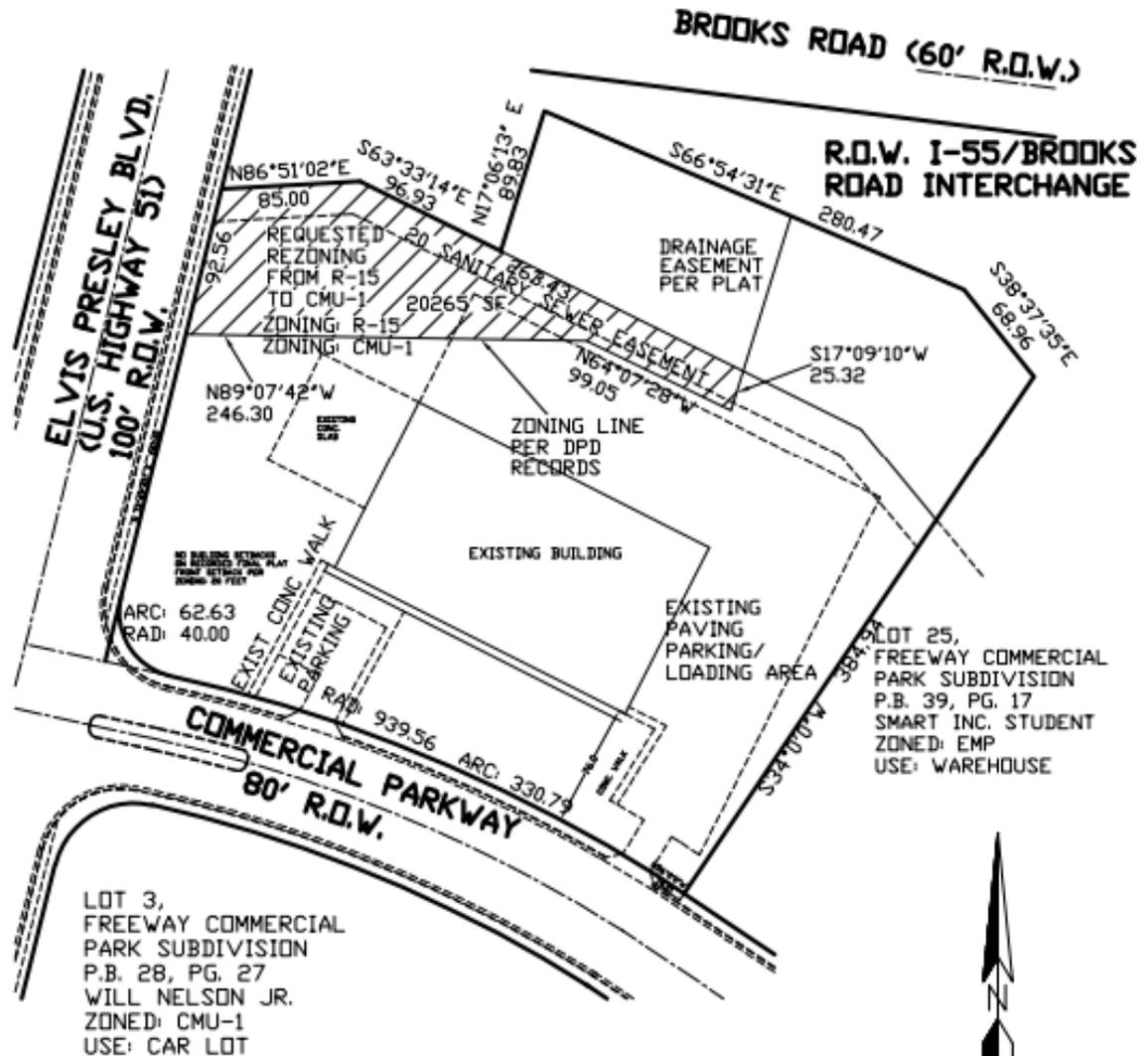
View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

SURVEY

**LOT SURVEY
LOT 4
FREEWAY COMMERCIAL
PARK SUBDIVISION
PB. 24, PG 42
MEMPHIS, TN**



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.
NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
SCALE: 1"=100'

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

LOT DESCRIPTION

*Property Line Description
of
Part of Lot 4,
Freeway Commercial Park Subdivision
as recorded by
Plat Book 24, Page 42
in the
Shelby County Registers Office;
Property located in Memphis, Shelby County, Tennessee
and being more particularly described as follows:*

Commencing at the intersection of the north line of Commercial Parkway (80-foot right-of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right-of-way); then along the said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

CASE REVIEW

Request

The request is a rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.

Approval Criteria

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

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Details

Address:
3230 Commercial Parkway

Parcel ID:
078001 00001

Area:
+/- 3.78 acres

Description:

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

Analysis

The applicant is proposing a rezoning of +/- 20,265 square feet of the subject property that is included in the Residential Single – Family – 15 zoning district to Commercial Mixed Use – 1. The surrounding areas support the rezoning proposal as majority of the surrounding areas have land designations of similar intensities.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Drainage:

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

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

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

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

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

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

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

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

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

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

City Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	See pages 15 – 16.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 2024-006 Whitehaven

Site Address/Location: 3230 highway 51

Overlay District/Historic District/Flood Zone: Located in a 0.2% Annual Flood Hazard Zone, but not in an Overlay District or Historic District

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

Street Type: Parkway

The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1 and R-15

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional, Office and Vacant; R-15, CMU-1 and EMP

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

3. Degree of Change Map



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

4. Degree of Change Description: N/A

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

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024 – 019 and Z 2024 – 006
LOCATION: 3230 Commercial Parkway
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Shugga Yaaqob
REQUEST: Special use permit to allow a convenience store with gas pumps

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**

ZONING APPLICATION



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

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: June 7, 2024

Record Number: Z 2024-006

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: Rezone request of a portion of the lot from R-15 to CMU-1

Parent Record Number:

Address:

3230 highway 51 38116

Owner Information

Primary	Owner Name
Y	SHUGAA YAAQOB A

Owner Address
, MEMPHIS, TN 38126

Owner Phone

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Alexis Longstreet
Date of Meeting	06/03/2024
Pre-application Meeting Type	Email

GENERAL INFORMATION

Have you held a neighborhood meeting?	Yes
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	n/a

GIS INFORMATION

GIS INFORMATION

Central Business Improvement District No
 Case Layer SUP19-006
 Class -
 Downtown Fire District No
 Historic District -
 Land Use -
 Municipality -
 Overlay/Special Purpose District -
 Zoning CMU-1
 State Route -
 Lot 0 4
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District No

Contact Information

Name

SHUGAA YAAQOB A

Contact Type

APPLICANT

Address

MEMPHIS, TN, 38126

Phone

-

Name

THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569821	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/07/2024
1569925	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	06/07/2024
1569925	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	06/07/2024

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$1,026.00

Method of Payment

Credit Card

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 3220 Elvis Presley
and further identified by Assessor's Parcel Number 07806100001
for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

June 7, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application to rezone a portion of the above captioned property from R-15 to CMU-1. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. A Special Use Permit is currently under consideration for this property. It does not appear from the 1980 comprehensive rezoning that the intention was for a portion of this property (currently used as commercial) to have an area designated R-15 but the zoning map as currently drawn reflect the split zoning.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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

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

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

July 24, 2024

Yaaqob Shugaa
547 Vance Avenue
Memphis, TN 38126

Sent via electronic mail to: dqbray@comcast.net, Mustafashujaa2003@yahoo.com

Case Number: Z 24-006
LUCB Recommendation: Approval

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application for a portion of property located on 3230 Commercial Parkway to be included in the Commercial Mixed Use – 1 Zoning District.

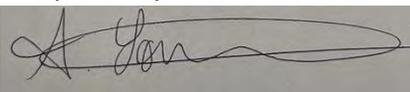
This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development
Cc: David Bray, The Bray Firm
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 2024 – 006
- LOCATION:** 3230 Commercial Parkway
- COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Yaaqob Al Shugga
- REPRESENTATIVE:** David Bray, The Bray Firm
- REQUEST:** Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

RECOMMENDATIONS:

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

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

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

THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

- Roads
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 7/29/2024



TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

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

MEMPHIS SMOKES CIGAR LOUNGE LLC
5341 BRADLEY RIDGE LN #
MEMPHIS TN 38125

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

STAFFORD W DELL AND EDWIN W STAFFORD
3262 COMMERCIAL PKWY #
MEMPHIS TN 38116

SHIVA PROPERTIES
8720 SOMERSET LN #
GERMANTOWN TN 38138

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

YET HOLDING LLC
4970 RALEIGH LAGRANGE RD #9
MEMPHIS TN 38128

SHUGAA YAAQOB A
547 VANCE AVE #
MEMPHIS TN 38126

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

NELSON WILL J SR
465 TENNESSEE ST #
MEMPHIS TN 38103

BERUK PROPERTIES INC
3264 W SARAZENS CL #
MEMPHIS TN 38125

ANJU HOTELS LLC
8720 SOMERSET LN #
GERMANTOWN TN 38138

DOUGLAS PAUL M AND GEORGE R DOUGLAS V
3261 COMMERCIAL PKWY #
MEMPHIS TN 38116

NONCONNAH BAPTIST CHURCH TR
3257 HERNANDO RD #
MEMPHIS TN 38116

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

NELSON WILLIE J & HATTIE
3360 FONTAINE RD #
MEMPHIS TN 38116

ANJU PROPERTIES LLC
8720 SOMERSET LN #
GERMANTOWN TN 38138

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

KARN JAMES JR
3271 COMMERCIAL PKWY #
MEMPHIS TN 38116

YORK PROPERTIES LLC
3100 BELLBROOK DR #
MEMPHIS TN 38116

LG INVESTMENTS LLC
407 SAINTT TAMMANY ST #
MADISONVILLE LA 70447

WATSON KENNETH D
8909 GEORGIAN DR #
AUSTIN TX 78753

YORK PROPERTIES LLC
3100 BELLBROOK DR #
MEMPHIS TN 38116

SMART INC STUDENT MAKING A REWARDED
3242 COMMERCIAL PKWY #
MEMPHIS TN 38116

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

BLU RIVER LLC
119 S MAIN ST #500
MEMPHIS TN 38103

SHIVA PROPERTIES
8720 SOMERSET LN #
GERMANTOWN TN 38138