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

Planning & Development DIVISION

#### Planning & Zoning COMMITTEE: 01/21/2025

| ONE ORIGINAL |

| ONLY STAPLED |

TO DOCUMENTS

<b>10 DOCUMENTS</b>	Planning & Z	<u>coning</u> COMMITTEE:		
		PUBLIC SESSION:	DATE <u>02/04/2025</u> DATE	
ITEM (CHECK ONE)	X RESOLUTION	REQUEST FOR PL	JBLIC HEARING	
ITEM DESCRIPTION:	Resolution pursuant a Planned Developm	to Chapter 9.6 of the Mem ent at the subject propertie	phis and Shelby County Unified Development Code approving es located on the south side of Sanderlin Avenue, the north side White Station Road and Wheelis Drive, known as case number	
CASE NUMBER:	PD 2024-014			
<b>DEVELOPMENT:</b>	Mid-City Memphis Planned Development			
LOCATION:	5111 Sanderlin Avenue			
<b>COUNCIL DISTRICTS:</b>	District 5 and Super District 9			
<b>OWNER/APPLICANT:</b>	David Lewis, RCM DEVCO LLC			
<b>REPRESENTATIVE:</b>	Josh Whitehead, Whitehead Law			
<b>REQUEST:</b>	Amend PD 2023-021 to expand land area and change permitted uses.			
AREA:	+/-15.73 acres			
<b>RECOMMENDATION:</b>	The Division of Planning and Development recommended <i>Approval with outline plan conditions</i> The Land Use Control Board recommended <i>Approval with outline plan conditions</i>			
<b>RECOMMENDED COUNCIL ACTION:</b> Public Hearing Not Required Hearing – <u>February 4, 2025</u>				
<i>PRIOR ACTION ON ITEM</i> (1) <u>09/12/2024</u> (1) Land Use Control Board		APPROVAL - (1) APPR DATE ORGANIZATION - (1)		
FUNDING: (2) \$ \$ SOURCE AND AMOUNT ( \$		REQUIRES CITY EXPE AMOUNT OF EXPEND REVENUE TO BE REC OPERATING BUDGET	ENDITURE - (1) YES (2) NO DITURE EEIVED	
<u>\$</u> \$		CIP PROJECT # FEDERAL/STATE/OTH	IER	
ADMINISTRATIVE APPR	<i>OVAL:</i>	 <u>DATE</u>	<u>POSITION</u>	
Mither	Walne	1/9/2025	PLANNER II	
	0		DEPUTY ADMINISTRATOR	
Broth Rege	dol	1/9/2025	ADMINISTRATOR	
			DIRECTOR (JOINT APPROVAL)	
			COMPTROLLER	
			FINANCE DIRECTOR	
			CITY ATTORNEY	
			CHIEF ADMINISTRATIVE OFFICER	

**COMMITTEE CHAIRMAN** 



Memphis City Council Summary Sheet

### PD 2024-014

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTIES LOCATED ON THE SOUTH SIDE OF SANDERLIN AVENUE, THE NORTH SIDE OF WHEELIS DRIVE AND THE SOUTHWEST CORNER OF WHITE STATION ROAD AND WHEELIS DRIVE, KNOWN AS CASE NUMBER PD 2024-014

- This item is a resolution with conditions to amend the existing Mid-City Memphis Planned Development (PD 2023-021) at the subject property, the former Raquet Club of Memphis site.
- If approved, this amendment would eliminate some of the originally approved multifamily housing in favor of retail and commercial uses.
- Since the Land Use Control Board's review of this application in September 2024, the applicant has revised their proposal. The enclosed resolution reflects these revisions, details of which can be found in the attached letter dated December 5, 2024. See the Land Use Control Board transmittal document for the conditions and concept plans recommended by the Board at its September meeting.
- Both Division of Planning and Development staff and the Land Use Control Board recommend *approval with outline plan conditions* for this item.
- This resolution, if approved with conditions, will supersede the existing zoning for this property
- This item may require future public improvement contracts.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, September 12, 2024,* the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2024-014		
DEVELOPMENT:	Mid-City Memphis Planned Development		
LOCATION:	5111 Sanderlin Ave.		
COUNCIL DISTRICT(S):	District 5 and Super District 9		
OWNER/APPLICANT:	David Lewis, RCM DEVCO LLC		
REPRESENTATIVE:	Josh Whitehead, Whitehead Law		
REQUEST:	Amend PD 2023-021 to expand land area and change permitted uses.		
EXISTING ZONING:	PD 2023-021 outline plan conditions, Residential Single-Family – 10 (R-10), Commercial Mixed Use – 1 (CMU-1), and Residential Work (RW)		
AREA:	+/-15.73 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, as amended.

### The motion passed by a unanimous vote of 10-0 on the regular agenda

Respectfully,

white Walng

Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

### PD 2024-014 CONDITIONS

#### **Outline Plan Conditions**

#### I. PERMITTED USES

- A. Area A
  - 1. Uses permitted by right in the Commercial Mixed Use 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
    - a) Hotel
    - b) Multi-family residential
    - c) Retail Sales-Oriented uses, excluding the following principal and accessory uses:
      - i. Pawnshop
      - ii. Payday loans, title loan establishments
      - iii. Vehicle parts and accessories
      - iv. Wholesale Club
      - v. Convenience store, with or without gas pumps
      - vi. Automatic one bay car wash facility
      - vii. Drive-thru facility
    - d) Retail Service-Oriented uses, excluding the following principal and accessory uses:
      - i. Animal hospital, animal shelter, kennel
      - ii. Laundromat, coin operated pickup station
      - iii. Taxidermist
      - iv. Truck stop, tractor-trailers (fueling of)
    - e) Retail Repair-Oriented uses, excluding the following principal and accessory uses:
      - i. Appliance
    - f) Parking structured or on grade
  - 2. The following additional uses are excluded:
    - a) Vehicle sales, service and repair
    - b) Self-service storage
- B. Area B
  - 1. Uses in Area B are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
    - a) Surface parking lot
    - b) Single-family detached
    - c) Single-family attached
    - d) Office
    - e) Tennis courts with lights
- C. Area C

- 1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:
  - a) Residential:
    - i. Single-family detached
    - ii. Single family attached
    - iii. Other residential uses excluding:
      - (1) Manufactured, modular home
      - (2) Mobile home
      - (3) Container home
      - (4) Manufactured home park
      - (5) Group living uses
  - b) Civic:
    - i. Community services uses excluding neighborhood arts center or similar community facility (public)
    - ii. Day care facilities
    - iii. Education facilities excluding:
      - (1) School, trade, vocational, business
      - (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
    - iv. Medical facilities excluding:
      - Blood plasma donation center

Hospital

- v. Park/Open areas excluding:
  - Cemetery, mausoleum, columbarium, memorial park
  - Gamer preserve, wildlife management area, refuge, animal sanctuary
  - Recreation field, with lights
- vi. Places of worship excluding off-site parking for places of worship
- vii. Utilities excluding:
  - All major utilities
    - Communication towers
    - Solar farm
  - Wind farm

#### Commercial: i.

- Funeral services excluding:
  - (3) Funeral homes, funeral directing
  - (4) All other funeral establishments, including crematorium and pet crematorium
- ii. Indoor recreation excluding:

Adult-oriented establishment

- (5) Bar, tavern, cocktail lounge, nightclub
- (6) Convention center
- (7) Lodge, private club
- (8) Indoor shooting range
- iii. Office
- iv. Restaurant excluding:

Restaurant, drive-thru or drive-in

v. Retail Sales & Service excluding:

Convenience store with gas pumps, gas station, commercial electric vehicle charge station

- (9) Greenhouse or nursery, commercial
- (10) Payday loans, title loan, and flexible loan plan establishments
- (11) Pawnshop
- (12) Retail sales outdoor (vendor), flea markets
- (13) Tattoo, palmist, psychic or medium
- (14) Truck stop, tractor-trailer (fueling of)
- c) Industrial: microbrewery and microdistillery
- d) Agriculture: neighborhood garden
- 2. The following additional uses are excluded:
  - a) Self-Service Storage including:
    - i. Mini-storage
  - b) Vehicle sales service & repair including:
    - i. Vehicle wash establishment
    - ii. All vehicle repair
    - iii. All vehicle sales, rental, leasing

#### D. Area D

- 1. Uses permitted by right in the Residential Work district including the following:
  - a) Residential:
    - i. Single-family detached
    - ii. Single-family attached
    - iii. Multifamily excluding apartments
    - iv. Other residential uses excluding:
      - (1) Manufactured, modular home
      - (2) Mobile Home
      - (3) Container home
      - (4) Manufactured home park
    - v. Group living uses excluding:

Boarding house, single room occupancy

- (5) Rooming house
- (6) Fraternity, sorority, dormitory
- (7) Monastery, convent
- (8) Personal care home for the elderly
- (9) Supportive living facility
- b) Civic:
  - i. Police, fire, EMS substation
  - ii. School, public or private (K-12)
  - iii. Medical, dental, or chiropractic clinic/office, massage therapy, or outpatient surgery center
  - iv. All parks and open areas, excluding:
    - (1) Cemetery, mausoleum, columbarium, memorial park
    - (2) Gamer preserve, wildlife management area, refuge, animal sanctuary
    - (3) Recreation field, with lights
  - v. Places of worship excluding off-site parking for places of worship
  - vi. Utilities excluding:
  - All major utilities
    - (4) Communication towers
    - (5) CMCS tower and facilities
    - (6) Wind farm
    - (7) Solar farm
- c) Commercial:
  - i. Office
  - ii. Retail sales and service excluding:

- (1) Animal hospital, veterinary clinic, pet clinic
- (2) Animal boarding, animal shelter, kennel, doggy day care
- (3) Baker, retail
- (4) Convenience store with gas pumps, gas station, commercial electric vehicle charge station
- (5) Convenience store without gas pumps
- (6) Catering establishment, small-scale
- (7) Cleaning establishment, pickup station
- (8) Farmers market
- (9) Greenhouse or nursery, commercial
- (10) Payday loans, title loan and flexible loan plan establishments
- (11) Post office
- (12) Pawnshop
- (13) Retail sales outdoor (vendor), flea markets
- (14) Tattoo, palmist, psychic or medium
- (15) Truck stop, tractor-trailer (fueling of)
- (16) Smoke shop
- (17) Vehicle parts and accessories
- d) Agriculture: neighborhood garden
- e) Surface Parking Lot
- E. Area E
  - 1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:
    - a) Residential:
      - i. Single-family detached
      - ii. Single family attached
      - iii. Other residential uses excluding:
        - (1) Manufactured, modular home
        - (2) Mobile home
        - (3) Container home
        - (4) Manufactured home park
        - (5) Group living uses
    - b) Civic:
      - i. Community services uses excluding neighborhood arts center or similar community facility (public)
      - ii. Day care facilities
      - iii. Education facilities excluding:

- (1) School, trade, vocational, business
- (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
- iv. Medical facilities excluding:Blood plasma donation centerHospital
- v. Park/Open areas excluding: Cemetery, mausoleum, columbarium, memorial park Gamer preserve, wildlife management area, refuge, animal sanctuary
  - Recreation field, with lights
- vi. Places of worship excluding off-site parking for places of worship
- vii. Utilities excluding:
  - All major utilities
  - Communication towers
  - Solar farm
  - Wind farm
- c) Commercial:
  - i. Hotel
  - ii. Funeral services excluding:
    - (1) Funeral homes, funeral directing
    - (2) All other funeral establishments, including crematorium and pet crematorium
  - iii. Indoor recreation excluding:
    - Adult-oriented establishment
    - (3) Bar, tavern, cocktail lounge, nightclub
    - (4) Convention center
    - (5) Lodge, private club
    - (6) Indoor shooting range
  - iv. Office
  - v. Restaurant excluding:
    - Restaurant, drive-thru or drive-in
  - vi. Retail Sales & Service excluding:

- (7) Convenience store with gas pumps, gas station, commercial electric vehicle charge station
- (8) Greenhouse or nursery, commercial
- (9) Payday loans, title loan, and flexible loan plan establishments
- (10) Pawnshop
- (11) Retail sales outdoor (vendor), flea markets
- (12) Tattoo, palmist, psychic or medium
- (13) Truck stop, tractor-trailer (fueling of)
- d) Industrial: microbrewery and microdistillery
- e) Agriculture: neighborhood garden
- 2. The following additional uses are excluded:
  - a) Self-Service Storage including:
    - i. Mini-storage
  - b) Vehicle sales service & repair including:
    - i. Vehicle wash establishment
    - ii. All vehicle repair
    - iii. All vehicle sales, rental, leasing
- F. Area F
  - 1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:
    - a) Residential:
      - iv. Single-family detached
      - v. Single family attached
      - vi. Other residential uses excluding:
        - (1) Manufactured, modular home
        - (2) Mobile home
        - (3) Container home
        - (4) Manufactured home park
        - (5) Group living uses
    - b) Civic:
      - i. Community services uses excluding neighborhood arts center or similar community facility (public)
      - ii. Day care facilities
      - iii. Education facilities excluding:
        - (1) School, trade, vocational, business
        - (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
      - iv. Medical facilities excluding:

Blood plasma donation center Hospital

 v. Park/Open areas excluding: Cemetery, mausoleum, columbarium, memorial park Gamer preserve, wildlife management area, refuge, animal sanctuary

Recreation field, with lights

- vi. Places of worship excluding off-site parking for places of worship
- vii. Utilities excluding:
  - All major utilities

Communication towers

Solar farm

Wind farm

- c) Commercial:
  - i. Funeral services excluding:

Funeral homes, funeral directing

- (1) All other funeral establishments, including crematorium and pet crematorium
- ii. Indoor recreation excluding:

Adult-oriented establishment

Bar, tavern, cocktail lounge, nightclub

- (2) Convention center
- (3) Lodge, private club
- (4) Indoor shooting range
- iii. Office
- iv. Restaurant excluding:

Restaurant, drive-thru or drive-in

v. Retail Sales & Service excluding:

Convenience store with gas pumps, gas station, commercial electric vehicle charge station

- (5) Greenhouse or nursery, commercial
- (6) Payday loans, title loan, and flexible loan plan establishments
- (7) Pawnshop
- (8) Retail sales outdoor (vendor), flea markets
- (9) Tattoo, palmist, psychic or medium
- (10) Truck stop, tractor-trailer (fueling of)
- vi. Industrial: microbrewery and microdistillery
- vii. Agriculture: neighborhood garden
- d) Surface parking serving the hotel in Area E and/or the businesses along Brookhaven Circle
- 2. The following additional uses are excluded:

- a) Self-Service Storage including:
  - i. Mini-storage
- b) Vehicle sales service & repair including:
  - i. Vehicle wash establishment
  - ii. All vehicle repair
  - iii. All vehicle sales, rental, leasing

### **II. BULK REGULATIONS**

- A. Area A
  - The bulk regulations shall be in conformance with the Commercial Mixed Use 3 (CMU-3) district regulations, with the following exceptions:
    - a) There shall be no maximum density requirements.
    - b) Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
    - c) The maximum building height shall be 240'.
- B. Area B
  - 1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban 3 (RU-3) district regulations, with the following exceptions:
    - a) Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
    - b) The maximum building height shall be 40' and two (2) stories.
  - 2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
    - a) Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
    - b) The minimum lot width shall be 50'.
    - c) The maximum building height shall be 40' and two (2) stories (for office uses only).
- C. Area C
  - 1. The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1) district regulations with the following exceptions:
    - a) There shall be no maximum density requirements.
    - b) Building setbacks shall be 10' feet along public street frontages except where encroachments are permitted.
- D. Area D
  - 1. The bulk regulations shall be in conformance with Residential Work (R-W) district regulations, with the following exceptions:
    - a) There shall be no maximum density requirements.
    - b) Building setbacks shall be 10' feet along public street frontages except where encroachments are permitted.
- E. Area E
  - 1. The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1) district regulations with the following exceptions:

- a) There shall be no maximum density requirements.
- b) Building setbacks shall be 10' feet along public street frontages except where encroachments are permitted.
- c) The maximum building height shall be 90'.
- F. Area F
  - 1. The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1) district regulations with the following exceptions:
    - 2. There shall be no maximum density requirements.
    - 3. Building setbacks shall be 40' feet along public street frontages except where encroachments are permitted.

### III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. The gates and/or barriers reflected at the access points along Sanderlin Avenue shall remain open during regular business hours and may shall be closed to through traffic outside of regular business hours. No access, other than emergency access, shall be permitted when the gates and/or barriers are closed.
- C. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- D. All internal drives shall be private, owned and maintained by a property owner or a property owners association.
- E. Streets shall conform to the City of Memphis standards as modified herein.
- F. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- G. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.
- H. Access to White Station Road is prohibited from Area D.
- I. Pedestrian access from Area A may be provided to the property to the west along the northernmost 100 feet of the common property line.
- J. A walking path shall be provided along and within the existing right-of-way of Wheelis Drive between Areas A and E.

### IV. LANDSCAPING AND LIGHTING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. The parking area within Area B shall contain landscaped interior islands. The maximum height of light poles within Area B shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.

- D. If utilized as surface parking, the Wheelis and White Station frontages of Area D shall be bordered by decorative metal fencing of at least four (4) feet in height and the northern seven (7) feet shall contain Foster Hollies, Savannah Hollies or a similar cultivar, planted 10 (ten) feet on-center. The maximum height of light poles within Area D shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.
- E. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- F. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- G. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- H. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- I. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- J. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- K. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.
- L. A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property. This buffer shall be designed as follows:
  - For the northernmost +/- 73-foot section of the common property line that generally runs in a northwest-southeast direction, the existing wall and landscaping shall constitute the buffer, but an additional 5-foot access easement shall be provided on the subject property in the area immediately to the south and north of the Lexington Condominium vehicular gate to facilitate pedestrian access around the existing gate.
  - 2. For the remainder of the common property line, the existing landscaping shall be retained with the footings of the brick wall located at least 5.5 feet west of the property line.

## V. DRAINAGE

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.

- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

### VI. SANITARY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.
- C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

## VII. WATER SERVICE / UTILITIES

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

## VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

## IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.
- C. Areas C and D may be removed from the Planned Development through the recording or rerecording of this Outline Plan.

## X. ARCHITECTURAL GUIDELINES

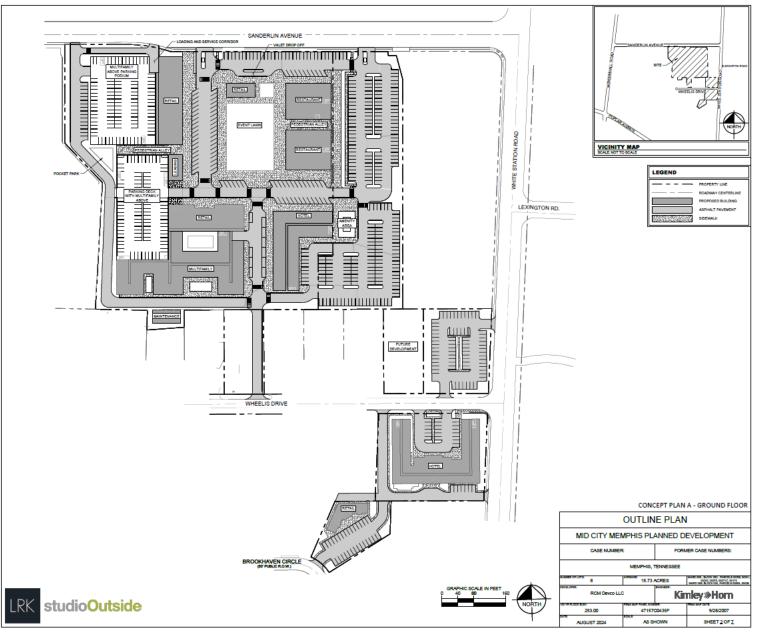
A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.

- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

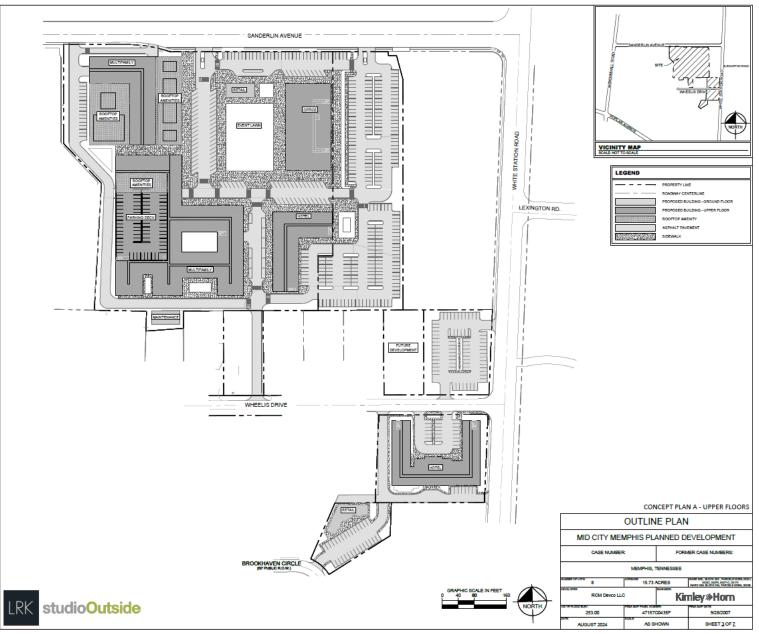
### XI. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
  - 1. The Outline Plan Conditions
  - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - 3. The location and ownership, whether public or private, of any easement.
  - 4. A landscape plan.
  - 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3)

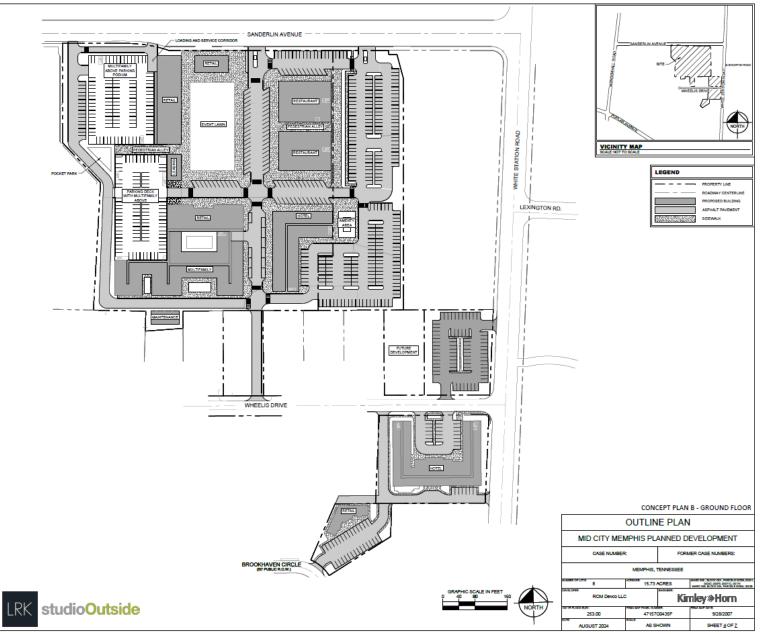
#### **CONCEPT PLAN A – GROUND FLOOR**



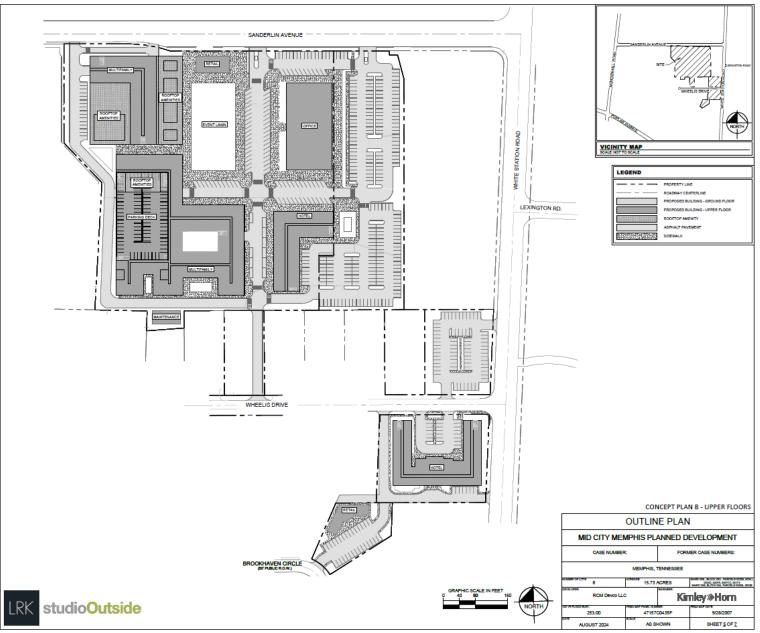
#### **CONCEPT PLAN A – UPPER FLOORS**



#### **CONCEPT PLAN B – GROUND FLOOR**



#### **CONCEPT PLAN B – UPPER FLOORS**



#### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTIES LOCATED ON THE SOUTH SIDE OF SANDERLIN AVENUE, THE NORTH SIDE OF WHEELIS DRIVE AND THE SOUTHWEST CORNER OF WHITE STATION ROAD AND WHEELIS DRIVE, KNOWN AS CASE NUMBER PD 2024-14

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

WHEREAS, RCM Devco, LLC, and Carlisle Development Group filed an application with the Memphis and Shelby County Division of Planning and Development to allow a mixed use planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 12, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

### **OUTLINE PLAN CONDITIONS**

#### I. PERMITTED USES

- A. Area A
  - 1. Uses permitted by right in the Commercial Mixed Use 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
    - a. Hotels
    - b. Multi-family residential
    - c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:
      - i. Pawnshop
      - ii. Payday loans, title loan establishments
      - iii. Vehicle parts and accessories
      - iv. Wholesale Club
      - v. Convenience store, with or without gas pumps
      - vi. Automatic one bay car wash facility
      - vii. Drive-thru facility
    - d. Retail Service-Oriented uses, excluding the following principal and accessory uses:
      - i. Animal hospital, animal shelter, kennel
      - ii. Laundromat, coin operated pickup station
      - iii. Taxidermist
      - iv. Truck stop, tractor-trailers (fueling of)
    - e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
      - i. Appliance
    - f. Parking structured or on grade
  - 2. The following additional uses are excluded:
    - a. Vehicle sales, service and repair
    - b. Self-service storage
- B. Area B
  - 1. Uses in Area B are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
    - a. Surface parking lot
    - b. Single-family detached
    - c. Single-family attached
    - d. Office
    - e. Tennis courts with lights
- C. Area C
  - 1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:
    - a. Residential:
      - i. Single-family detached
      - ii. Single-family attached
      - iii. Multi-family
      - iv. Other residential uses excluding:

- (1) Manufactured, modular home
- (2) Mobile home
- (3) Container home
- (4) Manufactured home park
- (5) Group living uses
- b. Civic:
  - i. Community services uses excluding neighborhood arts center or similar community facility (public)
  - ii. Day care facilities
  - iii. Education facilities excluding:
    - (1) School, trade, vocational, business
    - (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
  - iv. Medical facilities excluding:
    - Blood plasma donation center Hospital
  - v. Park/Open areas excluding: Cemetery, mausoleum, columbarium, memorial park
     Gamer preserve, wildlife management area, refuge, animal sanctuary
     Recreation field, with lights
  - vi. Places of worship excluding off-site parking for places of worship
  - vii. Utilities excluding:
    - All major utilities
      - Communication towers
      - Solar farm
    - Wind farm
- c. Commercial:
  - i. Hotel
  - ii. Funeral services excluding:
    - (1) Funeral homes, funeral directing
    - (2) All other funeral establishments, including crematorium and pet crematorium
  - iii. Indoor recreation excluding:
    - (1) Adult-oriented establishment
    - (2) Bar, tavern, cocktail lounge, nightclub
    - (3) Convention center
    - (4) Lodge, private club
    - (5) Indoor shooting range
  - iv. Office
  - v. Restaurant excluding:

Restaurant, drive-thru or drive-in

vi. Retail Sales & Service excluding:

- (1) Convenience store with gas pumps, gas station, commercial electric vehicle charge station
- (2) Greenhouse or nursery, commercial
- (3) Payday loans, title loan, and flexible loan plan establishments
- (4) Pawnshop
- (5) Retail sales outdoor (vendor), flea markets
- (6) Tattoo, palmist, psychic or medium
- (7) Truck stop, tractor-trailer (fueling of)
- d. Industrial: microbrewery and microdistillery
- e. Agriculture: neighborhood garden
- 2. The following additional uses are excluded:
  - a. Self-Service Storage including:
    - i. Mini-storage
  - b. Vehicle sales service & repair including:
    - i. Vehicle wash establishment
    - ii. All vehicle repair
    - iii. All vehicle sales, rental, leasing
- D. Area D
  - 1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:
    - a. Residential:
      - i. Single-family detached
      - ii. Single family attached
      - iii. Other residential uses excluding:
        - (1) Manufactured, modular home
        - (2) Mobile home
        - (3) Container home
        - (4) Manufactured home park
        - (5) Group living uses
    - b. Civic:
      - i. Community services uses excluding neighborhood arts center or similar community facility (public)
      - ii. Day care facilities
      - iii. Education facilities excluding:
        - (1) School, trade, vocational, business
        - (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
      - iv. Medical facilities excluding: Blood plasma donation center Hospital
      - v. Park/Open areas excluding:

Cemetery, mausoleum, columbarium, memorial park

Gamer preserve, wildlife management area, refuge, animal sanctuary Recreation field, with lights

- vi. Places of worship excluding off-site parking for places of worship
- vii. Utilities excluding:
  - All major utilities
    - Communication towers
    - Solar farm
    - Wind farm
- c. Commercial:
  - i. Funeral services excluding:
    - (1) Funeral homes, funeral directing
    - (2) All other funeral establishments, including crematorium and pet crematorium
  - ii. Indoor recreation excluding:
    - (1) Adult-oriented establishment
    - (2) Bar, tavern, cocktail lounge, nightclub
    - (3) Convention center
    - (4) Lodge, private club
    - (5) Indoor shooting range
  - iii. Office

v.

vi.

- iv. Restaurant excluding:
  - (1) Restaurant, drive-thru or drive-in
  - Retail Sales & Service excluding:
    - (1) Convenience store with gas pumps, gas station, commercial electric vehicle charge station
    - (2) Greenhouse or nursery, commercial
    - (3) Payday loans, title loan, and flexible loan plan establishments
    - (4) Pawnshop
    - (5) Retail sales outdoor (vendor), flea markets
    - (6) Tattoo, palmist, psychic or medium
    - (7) Truck stop, tractor-trailer (fueling of)
  - Industrial: microbrewery and microdistillery
- vii. Agriculture: neighborhood garden
- d. Surface parking serving the uses within Area C and/or the businesses along Brookhaven Circle
- 2. The following additional uses are excluded:
  - a. Self-Service Storage including:
    - i. Mini-storage
  - b. Vehicle sales service & repair including:
    - i. Vehicle wash establishment
    - ii. All vehicle repair
    - iii. All vehicle sales, rental, leasing

## II. BULK REGULATIONS

- A. Area A
  - 1. The bulk regulations shall be in conformance with the Commercial Mixed Use 3 (CMU-3) district regulations, with the following exceptions:
    - a. There shall be no maximum density requirements.
    - b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
    - c. The maximum building height shall be 240'.
- B. Area B
  - 1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban 3 (RU-3) district regulations, with the following exceptions:
    - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
    - b. The maximum building height shall be 40' and two (2) stories.
  - 2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
    - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
    - b. The minimum lot width shall be 50'.
    - c. The maximum building height shall be 40' and two (2) stories (for office uses only).
- C. Area C
  - 1. The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1) district regulations with the following exceptions:
    - a. There shall be no maximum density requirements.
    - b. Building setbacks shall be 10' feet along public street frontages except where encroachments are permitted.
    - c. The maximum building height shall be 90'.
- D. Area D
  - 1. The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1) district regulations with the following exceptions:
    - a. There shall be no maximum density requirements.
    - b. Building setbacks shall be 40' feet along public street frontages except where encroachments are permitted.

## III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. The gates and/or barriers reflected at the access points along Sanderlin Avenue shall remain open during regular business hours and may be closed to through traffic outside of regular business hours. No access, other than emergency access, shall be permitted when the gates and/or barriers are closed.
- C. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- D. All internal drives shall be private, owned and maintained by a property owner or a property owners association.

- E. Streets shall conform to the City of Memphis standards as modified herein.
- F. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- G. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.
- H. Pedestrian access from Area A may be provided to the property to the west along the northernmost 100 feet of the common property line.
- I. A walking path shall be provided along and within the existing right-of-way of Wheelis Drive between Areas A and C.

### IV. LANDSCAPING AND LIGHTING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. The parking area within Area B shall contain landscaped interior islands. The maximum height of light poles within Area B shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.
- D. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- E. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- F. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- G. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- H. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- I. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- J. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.
- K. A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property. This buffer shall be designed as follows:
  - For the northernmost +/- 73-foot section of the common property line that generally
    runs in a northwest-southeast direction, the existing wall and landscaping shall
    constitute the buffer, but an additional 5-foot access easement shall be provided on the
    subject property in the area immediately to the south and north of the Lexington
    Condominium vehicular gate to facilitate pedestrian access around the existing gate.

2. For the remainder of the common property line, the existing landscaping shall be retained with the footings of the brick wall located at least 5.5 feet west of the property line.

## V. DRAINAGE

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

### VI. SANITARY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.
- C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

### VII. WATER SERVICE / UTILITIES

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

### VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

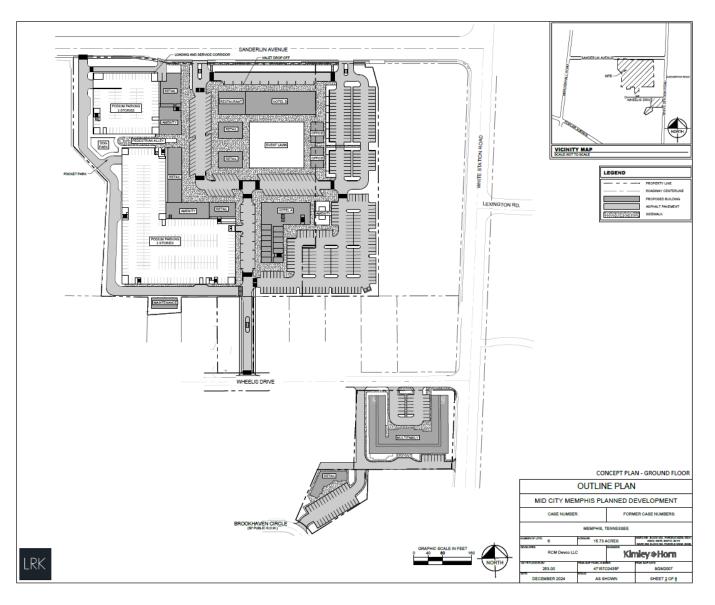
## IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

## X. ARCHITECTURAL GUIDELINES

- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.
- XI. SITE PLAN REVIEW PROCESS
  - A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
  - B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
    - 1. The Outline Plan Conditions
    - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
    - 3. The location and ownership, whether public or private, of any easement.
    - 4. A landscape plan.
    - 5. Building elevations with exterior finishes, including signage.
  - C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

### **CONCEPT PLAN**



## ATTEST:

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

#### STAFF REPORT 17 AGENDA ITEM: L.U.C.B. MEETING: September 12, 2024 CASE NUMBER: PD 2024-014 **DEVELOPMENT:** Mid-City Memphis Planned Development LOCATION: 5111 Sanderlin Avenue COUNCIL DISTRICT: District 5 and Super District 9 **OWNER/APPLICANT:** David Lewis, RCM DEVCO LLC

**REPRESENTATIVE:** Josh Whitehead, Whitehead Law To amend PD 2023-021 to include more land and changes in uses **REQUEST: EXISTING ZONING:** Residential Single-Family – 10 (R-10), Commercial Mixed Use – 1 (CMU-1), and Residential Work (RW)

# CONCLUSIONS

- 1. The applicant is requesting an amendment to PD 2023-021, a new mixed-use planned development consisting of multifamily, office, retail, hotel and structured parking uses located at the previous Racquet Club of Memphis site on Sanderlin Avenue, which was approved by the Land Use Development Board in 2023.
- 2. The amendment reduces the intensity of the development in the original PD (Areas A and B) by removing some multifamily in favor of more retail and restaurants and reconfigures buildings on the site. It also adds properties to the development (Areas C-F), on the north and south side of Wheelis Drive west of S. White Station Road, and on the north side of Brookhaven Circle.
- 3. Staff agrees that the proposed planned development as amended is appropriate for the site. The proposed concept would further complement the range of development in the area and help revitalize a vacant eyesore. However, staff believes that the excessive parking between the buildings and the street is not the most desirable design for the area and recommends prohibiting all parking between the public rights-of-way and buildings.
- 4. The applicant has added gates and barriers at two access points in Areas A, and proposed fencing along the perimeter of the site. Staff has recommended prohibiting fencing except fencing included in buffers along the property line between abutting uses. Additional recommendations have been made to address connectivity between the uses, as well as to address flooding risks on the site, which is in a sensitive drainage area.
- 5. Concerns were received from the public regarding traffic flow and congestion on Wheelis Drive and Brookhaven Circle, which shall be addressed in the required traffic study.
- 6. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

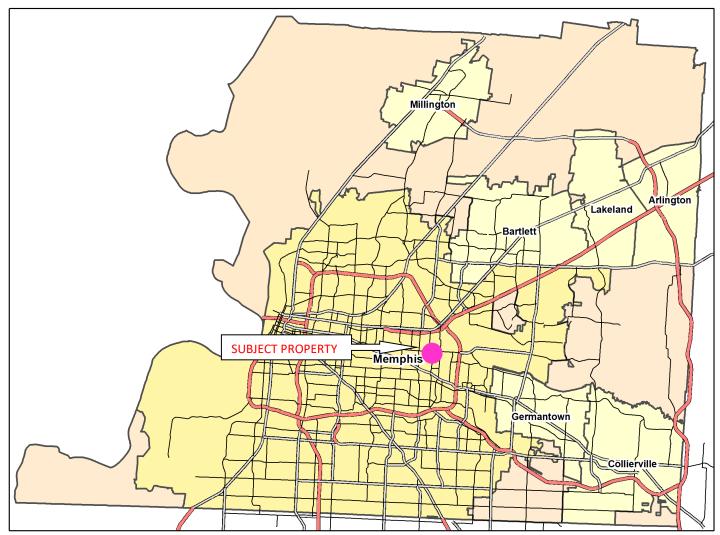
# **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 42-45 of this report.

# **RECOMMENDATION:**

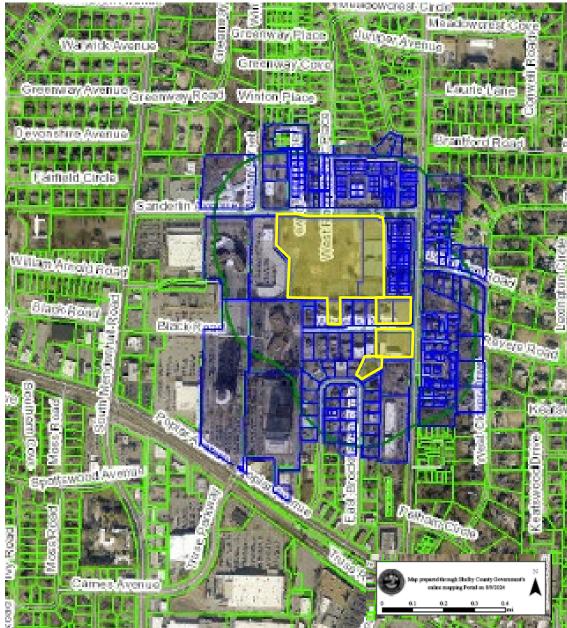
## Approval with conditions

### Staff Report PD 2024-0014



Subject property located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

### **PUBLIC NOTICE DETAILS**

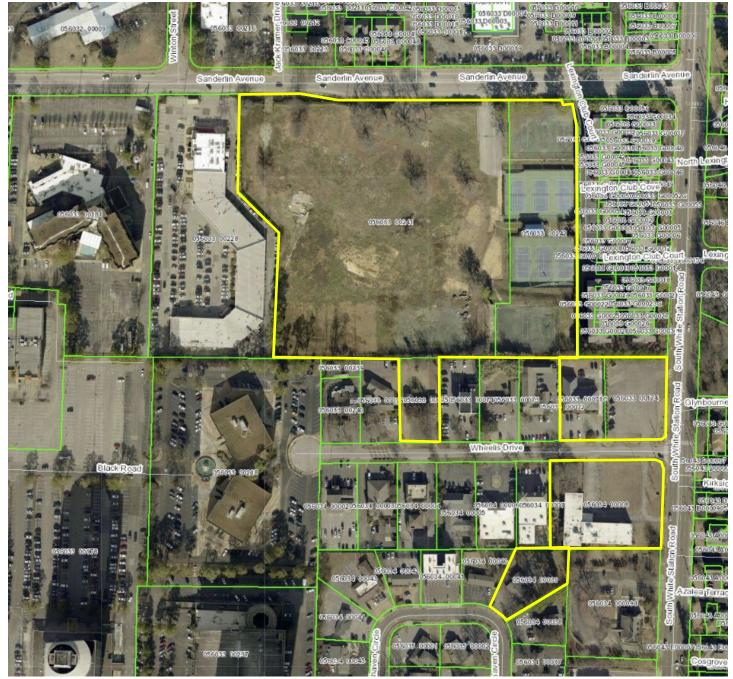
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 262 notices were mailed on August 19, 2024, see page XX of this report for a copy of said notice. Additionally, three signs were posted at the subject property, see page 46 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Tuesday, August 27, 2024, at the DoubleTree by Hilton at 5069 Sanderlin Avenue.

Staff Report PD 2024-0014

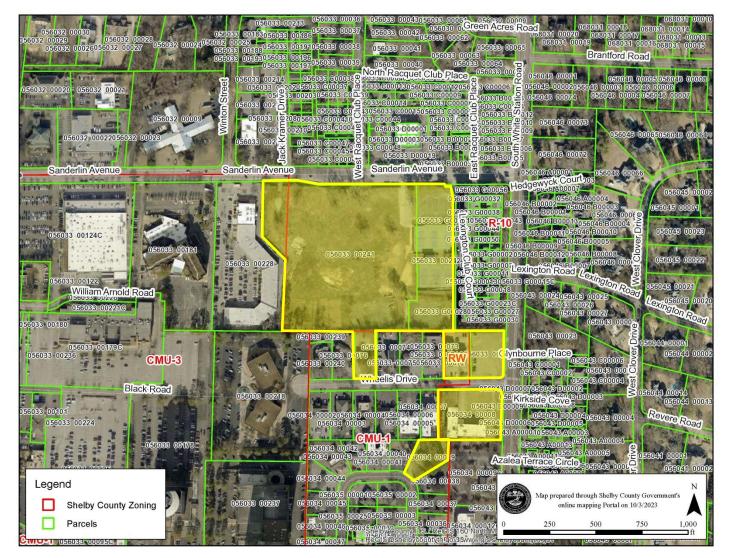
## AERIAL



Subject property outlined in yellow

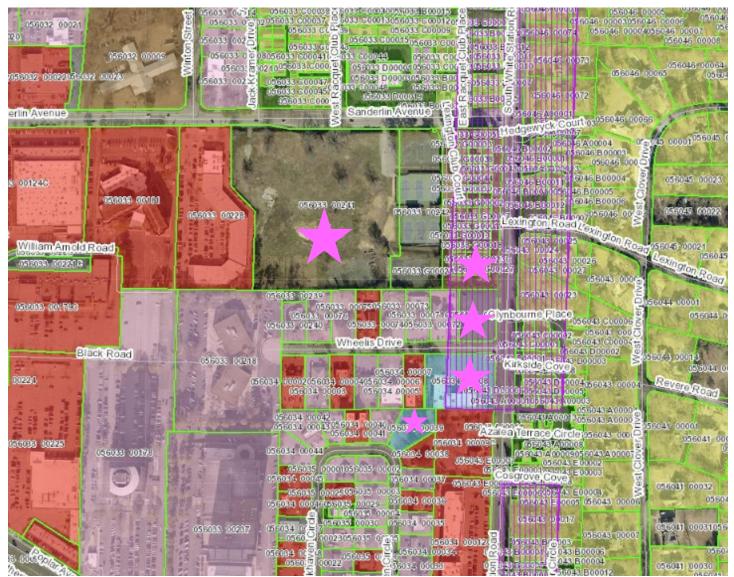
### Staff Report PD 2024-0014

#### **ZONING MAP**



Subject property highlighted in yellow

## LAND USE MAP



Subject properties indicated by pink stars

## SITE PHOTOS



View of subject property (Areas A and B) from Sanderlin Ave. looking southeast.



View of subject property Areas (A and B) from Sanderlin Ave. looking southwest



View of subject property (Areas C and D) from S. White Station Road looking east



View of subject property (Areas C and D) from Wheelis Drive looking north



View of subject property (Area E) from Wheelis Drive looking southwestwardly

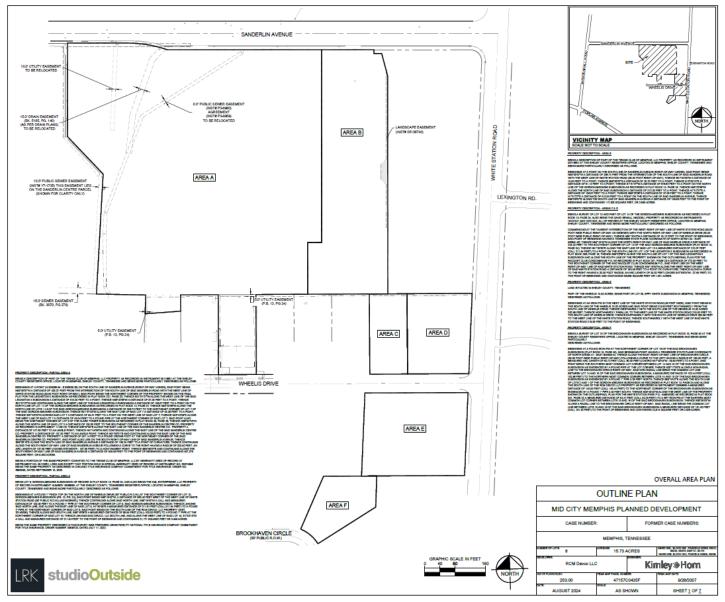


View of subject property (Area E) from the corner of S. White Station Road and Wheelis Drive looking Southeast

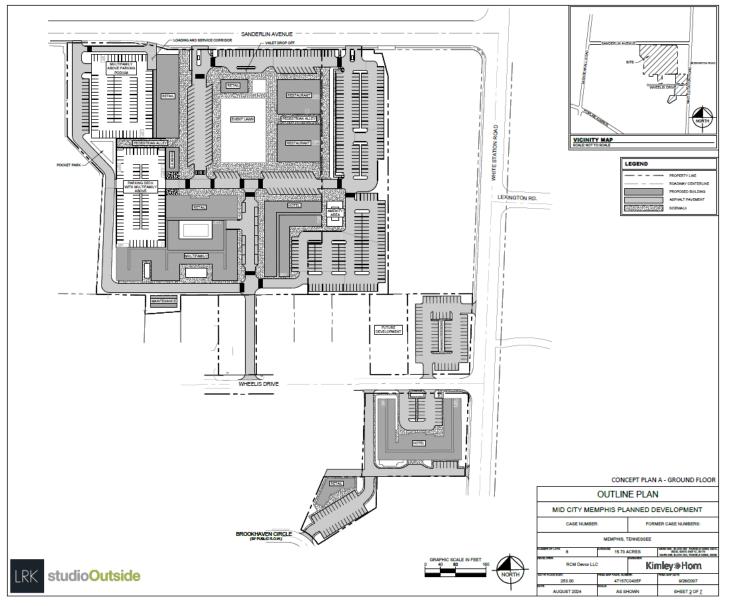


View of subject property (Area F) from E. Brookhaven Circle looking northwest

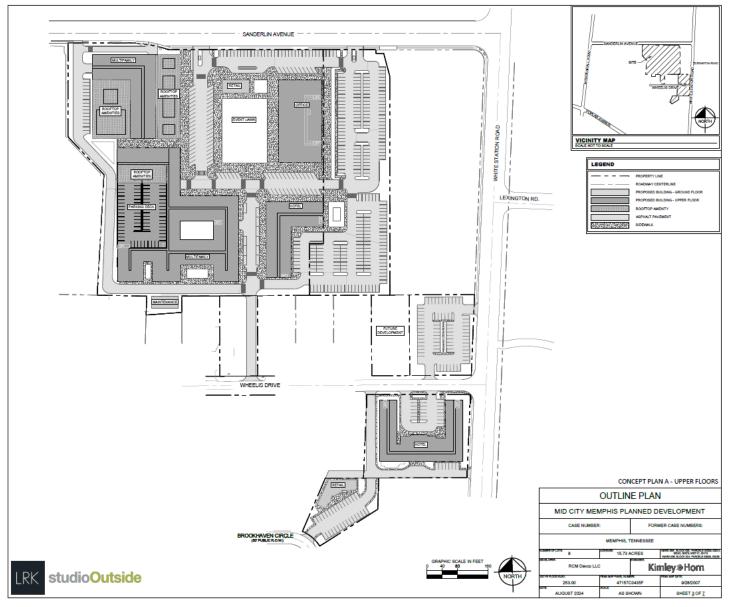
#### **OUTLINE PLAN**



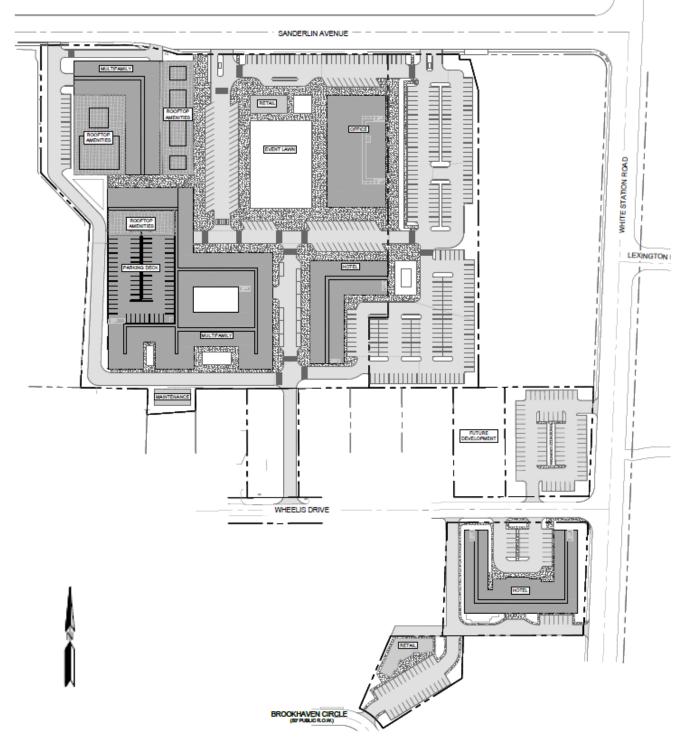
### **CONCEPT PLAN A (Ground Floor)**



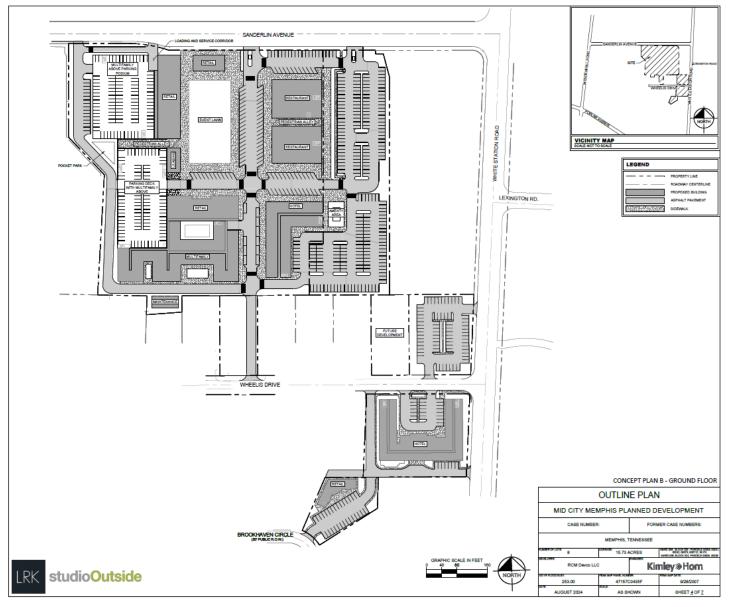
# **CONCEPT PLAN A (Upper Floors)**



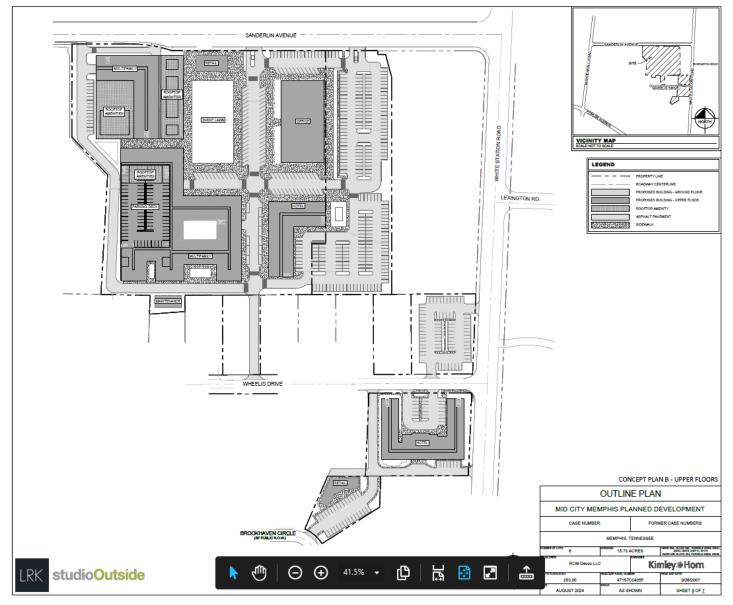
## **CONCEPT PLAN A (Magnified)**



# **CONCEPT PLAN B (Ground Floor)**

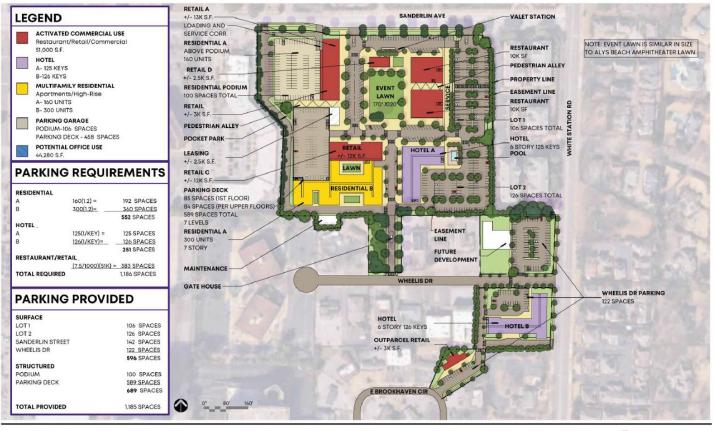


# **CONCEPT PLAN B (Upper Floors)**



**CONCEPT PLAN B (Magnified)** 

## SANDERLIN AVENUE þ RETAL ľ li EVENT LAWN OFFICE WHITE STATION ROAD LEXINGTON RD. Sec.02 () IIIII HOTEL 11111111 MAINTENANCE L U 1111 1 I. I. WHEELIS DRIVE 122.000 RETAIL BROOKHAVEN CIRCLE



LRK

#### Mid-City Memphis

Memphis, TN | 01.23045.00 | 08/23/24 ©2023 LRK Inc. All Rights Reserved. MASTER PLAN OPTION A Scale: As indicated

arligle

#### LANDSCAPE PLAN (Magnified)



#### **CASE REVIEW**

### **Request**

The request is amendment to PD 2023-021 to include more land and changes in uses

## **Applicability**

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

## 4.10.2 Applicability

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

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

## **General Provisions**

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

## 4.10.3 General Provisions

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

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

September 12, 2024 Page 20

current development policies and plans of the City and County.

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

#### **Residential Criteria**

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

#### 4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

### **Commercial or Industrial Criteria**

Staff agrees Unified Development Code are or will be met.

## 4.10.5 Planned Commercial or Industrial Developments

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

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

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

D. Landscaping

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

#### Approval Criteria

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

#### 9.6.9 Approval Criteria

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

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

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health, safety, and general welfare.

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

#### Site Details

Address:

5111 Sanderlin Ave, 5141 Sanderlin Ave, 5148 Wheelis Drive, 5188 Wheelis Drive, 0 Wheelis Drive, 621 S. White Station, 736 E Brookhaven Circle

Parcel ID:

056033 00241, 056033 00242, 056033 00075 (Areas A and B), 056033 00071C (Area C), 056033 00174 (Area D), 056034 0008 (Area E), 056034 00039 (Area F)

Area:

+/-15.73 acres

#### Site Description

The subject property is +/-15.73 acres consisting of six lots identified on the concept plan as Areas A-F. Areas A and B are located along the south side of Sanderlin Avenue between Mendenhall Road and White Station Road. Parcel ID 056033 00075 of that portion of the plan, has frontage on the north side of Wheelis Drive. Areas C and D are located on the northwest corner of S. White Station Road and Wheelis Drive, with frontage on Wheelis Drive. Area E is located on the southwest corner of S. White Station Road and Wheelis Drive with frontage on Wheelis Drive. Lastly, Area F is located and fronted on Brookhaven Circle.

Areas A and B previously made-up the campus site for the Racquet Club of Memphis. Area A is vacant, and Area B has tennis courts with is all that remains of the Club. The adjacent lot is largely vacant other than some overbrush. Previous curb cuts and fencing along Sanderlin Avenue still remain. Area C contains an Office Building, Area D has a parking lot serving the place of worship on Area E. Lastly, Area F contains a commercial use.

Parcels 056033 00174 and 056034 00008 in their entirety, and a portion of parcel 056033 00071C are in a Residential Corridor Overlay. A companion case RC 2024-002 has been filed to delete a portion of the Residential Corridor Overlay to accommodate this request. The surrounding land uses include commercial, multi-family residential, and institutional uses.

#### Site Zoning History

#### Areas A and B:

On November 7, 2023, the Council of the City of Memphis approved PD 2023-021 to allow a new mixed-use planned development. The approval covered Areas A and B outline on the site plan for PD 2024-014. See pages 58-67 of this report for the approved resolution.

On February 21, 2012, the Council of the City of Memphis approved PD 2011-323 to allow additional tennis courts and associated restrooms and concession uses, as well as a reduction in the number of required parking spaces for the Racquet Club of Memphis. The approval was for a tract within one of the subject properties identified as Parcel 056033 00241. The Racquet Club had already been operating for numerous years prior to aforementioned approval. See page 68 of this report for said resolution.

On March 26, 2008, the Board of Adjustment approved Docket BOA 08-08 for a revised site plan, which removed approximately 3.5 acres from the site to accommodate development of the Lexington Condominiums, currently east of the subject property. The request also included setback reductions in relation to the condominiums' proximity to the Club.

On July 24, 1991, the Board of Adjustment approved Docket BOA 1991-044 to allow setback reductions for a stadium and a reduction in required parking spaces.

#### Area D:

On November 29, 2012, an application for PD 2012-324, the Berclair Animal Hospital PD, to allow a veterinarian clinic at the northwest corner of White Station Road and Wheelis Drive was filed but later withdrawn.

On November 25, 2013, an application for the PD 2013-332, the Galleries Planned Development, to allow a gallery and other commercial uses at the northwest corner of White Station Road and Wheelis Drive was filed but later withdrawn.

On December 23, 1964, the Board of Adjustment approved Docket BOA 1964-129-CI to allow the construction of a church parking with a variation of the required front yard setback at the northwest corner of White Station Road and Wheelis Drive.

#### **Concept Plan Review**

A Concept Plan A and Plan B were submitted with slight variations in the location of uses on the site. The most notable difference is placement and direction of the access drive from Sanderlin Avenue to Wheelis Drive. The amendment adds properties to the development (Areas C-F), on the north and south side of Wheelis Drive west of S. White Station Road, and on the north side of Brookhaven Circle. These areas include proposed hotel and retail uses. Area B near the eastern property line of both plans is restricted by covenants that limit uses to single-family attached or detached, surface parking, office or lighted tennis courts.

Changes to Areas A and B, which were approved in PD 2023-021, reduces the intensity of the development by removing some multi-family in favor of more retail and restaurants and reconfigures buildings on the site. Most notably, it removes multifamily from the east side of the development along Sanderlin Ave, replacing it with two facilities with restaurants, a retail space, and event lawn. The retail on the west side of the development was replaced with multi-family uses. Additionally, a mix of hotels, multi-family and retail now make up the rear of section A and B.

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

The request is an amendment to PD 2023-021, approved by the Land Use Development Board in 2023 which was a new mixed-use planned development consisting of multifamily, office, retail, hotel and structured parking uses located at the previous Racquet Club of Memphis site on Sanderlin Avenue. The amendment adds properties to the development (Areas C-F), on the north and south side of Wheelis Drive west of S. White Station Road, and on the north side of Brookhaven Circle. Additionally, the amendment reduces the intensity of the development by removing some multi-family in favor of more retail and restaurants and reconfigures buildings on the site.

Staff agrees that the proposed planned development as amended is appropriate for the site. The proposed concept would further complement the range of development in the area and help revitalize a vacant eyesore. It is consistent with the development trends in the area which have and continues to be commercial and mixed uses. However, staff does have concerns regarding the excessive parking between the buildings and the street as they are not the most desirable design for the area.

Regarding parking, there is a total of 1,185 parking spaces provided. Half (596 spaces) is surface level parking on various lots throughout the development. Nearly all the surface level parking is located between the public right-of-way and buildings on the site. Staff believes this proposal should be modified to eliminate all parking between the public rights of way and buildings.

The proposed concept is in conformance with Memphis 3.0, as this location is designated as an urban center future land use type with a degree of change noted as accelerate. However, it was recommended that additional pedestrian connection between the various areas be installed, specifically connecting Areas A/B to C/D along Wheelis Drive, and the north areas to connect to the south properties. This will promote more walkability between each section. The applicant has addressed some of these concerns in the revised outline plan conditions submitted.

Also, the PD is in a sensitive drainage basin, which is further impacted by the increase in impervious surfaces. The Office of Sustainability and Resiliency recommended the incorporation of green or cool roofs to address the urban heat island affect and reduce stormwater runoff on the site. Additionally, low-impact development techniques have been recommended in the common areas to help mitigate the potential for flash flooding in the area.

Two letters were received from the public. One was generally in support of the project, but communicated concerns regarding traffic flow, congestion, and parking issues on Brookhaven Circle. The other asked various questions and expressed concerns regarding the operation and maintenance of the development and potential traffic issues along Wheelis Drive. Concerns regarding traffic stemming from the development will be considered in the Trip Generation Report to Engineering.

Staff agrees that this planned development is appropriate for the area, as it is consistent with similar developments in the area and Memphis 3.0 future development plans. The additional recommendations and conditions should be considered.

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

#### RECOMMENDATION

Staff recommends approval with revisions to the outline plan conditions.

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

The applicant's changes from PD 20-15 are reflected in **bold**, **underline** for new language and strikethrough for deleted language. Changes recommended by Staff are reflected in **red bold**, **underline** for new language.

#### I. PERMITTED USES

- A. Area A
  - Uses permitted by right in the Commercial Mixed Use 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
    - a) Hotel
    - b) Multi-family residential
    - c) Retail Sales-Oriented uses, excluding the following principal and accessory uses:
      - i. Pawnshop
      - ii. Payday loans, title loan establishments
      - iii. Vehicle parts and accessories
      - iv. Wholesale Club
      - v. Convenience store, with or without gas pumps
      - vi. Automatic one bay car wash facility
      - vii. Drive-thru facility
    - d) Retail Service-Oriented uses, excluding the following principal and accessory uses:
      - i. Animal hospital, animal shelter, kennel
      - ii. Laundromat, coin operated pickup station
      - iii. Taxidermist
      - iv. Truck stop, tractor-trailers (fueling of)
    - e) Retail Repair-Oriented uses, excluding the following principal and accessory uses:
      - i. Appliance
    - f) Parking structured or on grade
  - 2. The following additional uses are excluded:
    - a) Vehicle sales, service and repair
    - b) Self-service storage
- B. Area B

- 1. Uses in Area B are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
  - a) Surface parking lot
  - b) Single-family detached
  - c) Single-family attached
  - d) Office
  - e) Tennis courts with lights

## C. <u>Area C</u>

- 1. <u>Uses permitted by right in the Commercial Mixed Use-1 district including the following:</u>
  - a) <u>Residential:</u>
    - i. <u>Single-family detached</u>
    - ii. <u>Single family attached</u>
    - iii. Other residential uses excluding:
      - (1) Manufactured, modular home
      - (2) <u>Mobile home</u>
      - (3) <u>Container home</u>
      - (4) Manufactured home park
      - (5) Group living uses
  - b) <u>Civic:</u>
    - i. <u>Community services uses excluding neighborhood arts center or similar</u> <u>community facility (public)</u>
    - ii. <u>Day care facilities</u>
    - iii. Education facilities excluding:
      - (1) <u>School, trade, vocational, business</u>
      - (2) <u>Dormitory, housing for students of faculty accessory to</u> <u>educational facilities not classified as colleges, community</u> <u>colleges or universities</u>
    - iv. <u>Medical facilities excluding:</u>
      - **Blood plasma donation center**

<u>Hospital</u>

- v. <u>Park/Open areas excluding:</u> Cemetery, mausoleum, columbarium, memorial park
  - Gamer preserve, wildlife management area, refuge, animal sanctuary Recreation field, with lights
- vi. <u>Places of worship excluding off-site parking for places of worship</u>
- vii. <u>Utilities excluding:</u>
  - All major utilities

**Communication towers** 

<u>Solar farm</u>

Wind farm

**Commercial:** 

- i. <u>Funeral services excluding:</u>
  - (3) <u>Funeral homes, funeral directing</u>
  - (4) <u>All other funeral establishments, including crematorium and pet</u> <u>crematorium</u>
- ii. <u>Indoor recreation excluding:</u>
  - **Adult-oriented establishment** 
    - (5) <u>Bar, tavern, cocktail lounge, nightclub</u>
    - (6) <u>Convention center</u>
    - (7) <u>Lodge, private club</u>
    - (8) Indoor shooting range
- iii. <u>Office</u>
- iv. <u>Restaurant excluding:</u>
  - <u>Restaurant, drive-thru or drive-in</u>
- v. <u>Retail Sales & Service excluding:</u>
  - <u>Convenience store with gas pumps, gas station, commercial electric</u> <u>vehicle charge station</u>
    - (9) <u>Greenhouse or nursery, commercial</u>
    - (10) Payday loans, title loan, and flexible loan plan establishments
    - (11) <u>Pawnshop</u>
    - (12) <u>Retail sales outdoor (vendor), flea markets</u>
    - (13) <u>Tattoo, palmist, psychic or medium</u>
    - (14) <u>Truck stop, tractor-trailer (fueling of)</u>
- c) Industrial: microbrewery and microdistillery
- d) <u>Agriculture: neighborhood garden</u>
- 2. The following additional uses are excluded:
  - a) <u>Self-Service Storage including:</u>
    - i. <u>Mini-storage</u>
  - b) <u>Vehicle sales service & repair including:</u>
    - i. <u>Vehicle wash establishment</u>
    - ii. <u>All vehicle repair</u>
    - iii. All vehicle sales, rental, leasing
- D. <u>Area D</u>
  - 1. <u>Uses permitted by right in the Residential Work district including the following:</u>
    - a) <u>Residential:</u>
      - i. <u>Single-family detached</u>
      - ii. <u>Single-family attached</u>
      - iii. <u>Multifamily excluding apartments</u>
      - iv. Other residential uses excluding:

- (1) Manufactured, modular home
- (2) <u>Mobile Home</u>
- (3) <u>Container home</u>
- (4) <u>Manufactured home park</u>
- v. <u>Group living uses excluding:</u>

#### Boarding house, single room occupancy

- (5) <u>Rooming house</u>
- (6) <u>Fraternity, sorority, dormitory</u>
- (7) <u>Monastery, convent</u>
- (8) <u>Personal care home for the elderly</u>
- (9) <u>Supportive living facility</u>
- b) <u>Civic:</u>
  - i. <u>Police, fire, EMS substation</u>
  - ii. <u>School, public or private (K-12)</u>
  - iii. <u>Medical, dental, or chiropractic clinic/office, massage therapy, or</u> <u>outpatient surgery center</u>
  - iv. <u>All parks and open areas, excluding:</u>
    - (1) <u>Cemetery, mausoleum, columbarium, memorial park</u>
    - (2) <u>Gamer preserve, wildlife management area, refuge, animal</u> <u>sanctuary</u>
    - (3) <u>Recreation field, with lights</u>
  - v. Places of worship excluding off-site parking for places of worship
  - vi. <u>Utilities excluding:</u>

#### All major utilities

- (4) <u>Communication towers</u>
- (5) <u>CMCS tower and facilities</u>
- (6) <u>Wind farm</u>
- (7) <u>Solar farm</u>
- c) <u>Commercial:</u>
  - i. <u>Office</u>
  - ii. <u>Retail sales and service excluding:</u>

- (1) <u>Animal hospital, veterinary clinic, pet clinic</u>
- (2) Animal boarding, animal shelter, kennel, doggy day care
- (3) <u>Baker, retail</u>
- (4) <u>Convenience store with gas pumps, gas station, commercial</u> <u>electric vehicle charge station</u>
- (5) <u>Convenience store without gas pumps</u>
- (6) <u>Catering establishment, small-scale</u>
- (7) <u>Cleaning establishment, pickup station</u>
- (8) <u>Farmers market</u>
- (9) <u>Greenhouse or nursery, commercial</u>
- (10) Payday loans, title loan and flexible loan plan establishments
- (11) <u>Post office</u>
- (12) <u>Pawnshop</u>
- (13) <u>Retail sales outdoor (vendor), flea markets</u>
- (14) <u>Tattoo, palmist, psychic or medium</u>
- (15) <u>Truck stop, tractor-trailer (fueling of)</u>
- (16) <u>Smoke shop</u>
- (17) <u>Vehicle parts and accessories</u>
- d) Agriculture: neighborhood garden
- e) Surface Parking Lot
- E. <u>Area E</u>
  - 1. <u>Uses permitted by right in the Commercial Mixed Use-1 district including the following:</u>
    - a) <u>Residential:</u>
      - i. <u>Single-family detached</u>
      - ii. <u>Single family attached</u>
      - iii. Other residential uses excluding:
        - (1) Manufactured, modular home
        - (2) <u>Mobile home</u>
        - (3) <u>Container home</u>
        - (4) <u>Manufactured home park</u>
        - (5) <u>Group living uses</u>
    - b) <u>Civic:</u>
      - i. <u>Community services uses excluding neighborhood arts center or similar</u> <u>community facility (public)</u>
      - ii. Day care facilities
      - iii. Education facilities excluding:
        - (1) <u>School, trade, vocational, business</u>
        - (2) <u>Dormitory, housing for students of faculty accessory to</u> <u>educational facilities not classified as colleges, community</u> <u>colleges or universities</u>
      - iv. <u>Medical facilities excluding:</u>

## **Blood plasma donation center**

<u>Hospital</u>

- v. <u>Park/Open areas excluding:</u> <u>Cemetery, mausoleum, columbarium, memorial park</u> <u>Gamer preserve, wildlife management area, refuge, animal sanctuary</u> <u>Recreation field, with lights</u>
- vi. <u>Places of worship excluding off-site parking for places of worship</u>
- vii. <u>Utilities excluding:</u>
  - All major utilities

Communication towers

<u>Solar farm</u>

<u>Wind farm</u>

- c) <u>Commercial:</u>
  - i. <u>Hotel</u>
  - ii. <u>Funeral services excluding:</u>
    - (1) <u>Funeral homes, funeral directing</u>
    - (2) <u>All other funeral establishments, including crematorium and pet</u> <u>crematorium</u>
  - iii. <u>Indoor recreation excluding:</u>

## Adult-oriented establishment

- (3) Bar, tavern, cocktail lounge, nightclub
- (4) <u>Convention center</u>
- (5) Lodge, private club
- (6) Indoor shooting range
- iv. <u>Office</u>
- v. <u>Restaurant excluding:</u>
  - <u>Restaurant, drive-thru or drive-in</u>
- vi. <u>Retail Sales & Service excluding:</u>
  - (7) <u>Convenience store with gas pumps, gas station, commercial</u> <u>electric vehicle charge station</u>
  - (8) <u>Greenhouse or nursery, commercial</u>
  - (9) Payday loans, title loan, and flexible loan plan establishments
  - (10) <u>Pawnshop</u>
  - (11) <u>Retail sales outdoor (vendor), flea markets</u>
  - (12) <u>Tattoo, palmist, psychic or medium</u>
  - (13) <u>Truck stop, tractor-trailer (fueling of)</u>
- d) Industrial: microbrewery and microdistillery
- e) <u>Agriculture: neighborhood garden</u>
- 2. The following additional uses are excluded:
  - a) <u>Self-Service Storage including:</u>

- i. <u>Mini-storage</u>
- b) Vehicle sales service & repair including:
  - i. Vehicle wash establishment
  - ii. <u>All vehicle repair</u>
  - iii. All vehicle sales, rental, leasing

## F. <u>Area F</u>

- 1. <u>Uses permitted by right in the Commercial Mixed Use-1 district including the following:</u>
  - a) <u>Residential:</u>
    - iv. <u>Single-family detached</u>
    - v. <u>Single family attached</u>
    - vi. Other residential uses excluding:
      - (1) Manufactured, modular home
      - (2) <u>Mobile home</u>
      - (3) <u>Container home</u>
      - (4) Manufactured home park
      - (5) Group living uses
  - b) <u>Civic:</u>
    - i. <u>Community services uses excluding neighborhood arts center or similar</u> <u>community facility (public)</u>
    - ii. <u>Day care facilities</u>
    - iii. Education facilities excluding:
      - (1) <u>School, trade, vocational, business</u>
      - (2) <u>Dormitory, housing for students of faculty accessory to</u> <u>educational facilities not classified as colleges, community</u> <u>colleges or universities</u>
    - iv. <u>Medical facilities excluding:</u> <u>Blood plasma donation center</u>

<u>Hospital</u>

- v. <u>Park/Open areas excluding:</u> <u>Cemetery, mausoleum, columbarium, memorial park</u> <u>Gamer preserve, wildlife management area, refuge, animal sanctuary</u> Recreation field, with lights
- vi. <u>Places of worship excluding off-site parking for places of worship</u>
- vii. <u>Utilities excluding:</u>
  - All major utilities
    - **Communication towers**
    - Solar farm
    - Wind farm
- c) <u>Commercial:</u>
  - i. <u>Funeral services excluding:</u>

## Funeral homes, funeral directing

- (1) <u>All other funeral establishments, including crematorium and pet</u> <u>crematorium</u>
- ii. <u>Indoor recreation excluding:</u>

Adult-oriented establishment

Bar, tavern, cocktail lounge, nightclub

- (2) <u>Convention center</u>
- (3) Lodge, private club
- (4) Indoor shooting range
- iii. <u>Office</u>
- iv. <u>Restaurant excluding:</u>
  - <u>Restaurant, drive-thru or drive-in</u>
- v. <u>Retail Sales & Service excluding:</u>

<u>Convenience store with gas pumps, gas station, commercial electric</u> <u>vehicle charge station</u>

- (5) <u>Greenhouse or nursery, commercial</u>
- (6) Payday loans, title loan, and flexible loan plan establishments
- (7) <u>Pawnshop</u>
- (8) <u>Retail sales outdoor (vendor), flea markets</u>
- (9) <u>Tattoo, palmist, psychic or medium</u>
- (10) <u>Truck stop, tractor-trailer (fueling of)</u>
- vi. Industrial: microbrewery and microdistillery
- vii. <u>Agriculture: neighborhood garden</u>
- d) <u>Surface parking serving the hotel in Area E and/or the businesses along</u> <u>Brookhaven Circle</u>
- 2. The following additional uses are excluded:
  - a) <u>Self-Service Storage including:</u>
    - i. <u>Mini-storage</u>
  - b) <u>Vehicle sales service & repair including:</u>
    - i. <u>Vehicle wash establishment</u>
    - ii. <u>All vehicle repair</u>
    - iii. <u>All vehicle sales, rental, leasing</u>

## **II. BULK REGULATIONS**

- A. Area A
  - 1. The bulk regulations shall be in conformance with the Commercial Mixed Use 3 (CMU-3) district regulations, with the following exceptions:
    - a) There shall be no maximum density requirements.
    - b) Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
    - c) The maximum building height shall be 240'.
- B. Area B

- 1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban 3 (RU-3) district regulations, with the following exceptions:
  - a) Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
  - b) The maximum building height shall be 40' and two (2) stories.
- 2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
  - a) Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
  - b) The minimum lot width shall be 50'.
  - c) The maximum building height shall be 40' and two (2) stories (for office uses only).
- C. <u>Area C</u>
  - 1. <u>The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1)</u> <u>district regulations with the following exceptions:</u>
    - a) There shall be no maximum density requirements.
    - b) <u>Building setbacks shall be 10' feet along public street frontages except where</u> <u>encroachments are permitted.</u>
- D. <u>Area D</u>
  - 1. <u>The bulk regulations shall be in conformance with Residential Work (R-W) district</u> regulations, with the following exceptions:
    - a) There shall be no maximum density requirements.
    - b) <u>Building setbacks shall be 10' feet along public street frontages except where</u> <u>encroachments are permitted.</u>
- E. <u>Area E</u>
  - 1. <u>The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1)</u> <u>district regulations with the following exceptions:</u>
    - a) There shall be no maximum density requirements.
    - b) <u>Building setbacks shall be 10' feet along public street frontages except where</u> <u>encroachments are permitted.</u>
    - c) The maximum building height shall be 90'.
- F. <u>Area F</u>
  - 1. <u>The bulk regulations shall be in conformance with Commercial Mixed Use 1 (CMU-1)</u> <u>district regulations with the following exceptions:</u>
    - 2. <u>There shall be no maximum density requirements.</u>
    - 3. <u>Building setbacks shall be 40' feet along public street frontages except where encroachments are permitted.</u>

## III. CIRCULATION, ACCESS AND PARKING

A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.

- B. <u>The gates and/or barriers reflected at the access points along Sanderlin Avenue shall remain</u> open during regular business hours and may shall be closed to through traffic outside of regular business hours. No access, other than emergency access, shall be permitted when the gates and/or barriers are closed.
- C. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- D. All internal drives shall be private, owned and maintained by a property owner or a property owners association.
- E. Streets shall conform to the City of Memphis standards as modified herein.
- F. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- G. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.
- H. Access to White Station Road is prohibited from Area D.
- I. <u>Pedestrian access from Area A may be provided to the property to the west along the</u> <u>northernmost 100 feet of the common property line.</u>
- J. <u>A walking path shall be provided along and within the existing right-of-way of Wheelis Drive</u> <u>between Areas A and E.</u>
- K. Parking is prohibited between the public rights-of-way and buildings in Areas A, B, C, D, and E.

## IV. LANDSCAPING AND LIGHTING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. <u>The parking area within Area B shall contain landscaped interior islands. The maximum height of light poles within Area B shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.</u>
- D. If utilized as surface parking, the Wheelis and White Station frontages of Area D shall be bordered by decorative metal fencing of at least four (4) feet in height and the northern seven (7) feet shall contain Foster Hollies, Savannah Hollies or a similar cultivar, planted 10 (ten) feet on-center. The maximum height of light poles within Area D shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.

Areas C and D shall not be utilized as surface parking only. Surface parking in Areas C and D cannot be located between the public rights-of-way and the buildings.

E. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.

- F. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- G. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- H. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- I. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- J. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- K. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.
- L. <u>A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property. This buffer shall be designed as follows:</u>
  - 1. For the northernmost +/- 73-foot section of the common property line that generally runs in a northwest-southeast direction, the existing wall and landscaping shall constitute the buffer, but an additional 5-foot access easement shall be provided on the subject property in the area immediately to the south and north of the Lexington Condominium vehicular gate to facilitate pedestrian access around the existing gate.
  - 2. For the remainder of the common property line, the existing landscaping shall be retained with the footings of the brick wall located at least 5.5 feet west of the property line.
- M. No fencing is allowed except fencing within required buffer areas between adjacent properties. No gates and/or barriers are allowed on the rights-of-way.

## V. DRAINAGE

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

## VI. SANITARY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.

C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

## **VII. WATER SERVICE / UTILITIES**

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

## VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

## **IX. DEVELOPMENT PHASING**

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.
- C. Areas C and D may be removed from the Planned Development through the recording or rerecording of this Outline Plan.

## X. ARCHITECTURAL GUIDELINES

- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

## XI. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
  - 1. The Outline Plan Conditions
  - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

- 3. The location and ownership, whether public or private, of any easement.
- 4. A landscape plan.
- 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

#### **DEPARTMENTAL COMMENTS**

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

#### **City Engineer:**

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time.

3. The developer's engineer needs to submit a sewer availability request to the Sewer Design Dept. for sewer system capacity.

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

Roads:

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

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

Traffic Control Provisions:

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

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

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

Curb Cuts/Access:

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

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

12. Will require engineering ASPR.

Street Closures:

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

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

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

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

Drainage:

17. 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.

18. 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.

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

20. 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.

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

General Notes:

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

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

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

25. 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.

26. 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:

#### **General Comments & Analysis:**

Located in Zone 2 of the Resilience Zone Framework:

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

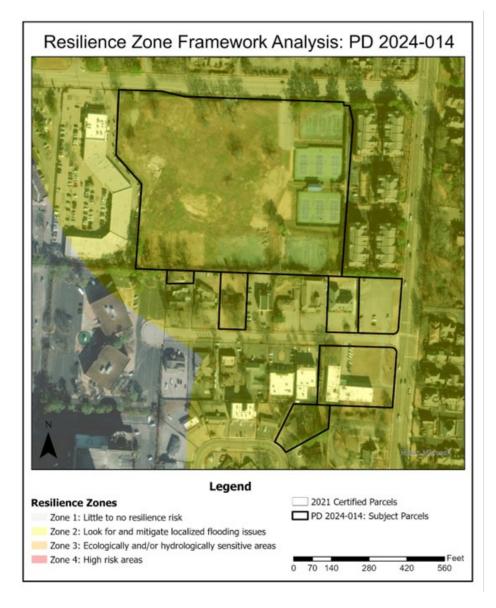
The site's Zone 2 designation is from noted flash flooding in the area, particularly at the intersection of Sanderlin Avenue and South White Station Road. The site is also located in the drainage basin for White Station Creek, which has been identified as a high sensitivity drainage basin.

The most recent site plans submitted for this area call for the vast majority of the site to become impermeable surfaces, such as sidewalk, asphalt pavement, and buildings.

Both potential versions of the site as submitted in the Concept Plans incorporate some green space elements in the form of a central lawn area. It is unclear at this time what landscaping will be used on the site. There are, additionally, areas noted in the plans for the upper floors designated for "Rooftop Amenities." It is unclear at this time what this will entail.

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

This application is generally consistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites notes that development in Zone 2 can be risky, as it can exacerbate the risk of flooding if proper precautions are not taken. At this stage of development, it is unclear as to what flood mitigation measures will be incorporated as part of the plan for the site, though the applicant has included a section addressing drainage in their Outline Plan Conditions. Increasing density in the area would be consistent with the recommendations in Section 4.2 – Smart Growth, as it could promote walkability in the area.



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

**Recommendations:** Staff recommends the following:

- The incorporation of green or cool roofs for the site's buildings could help address the urban heat island effect generated by the increase in impervious surfaces and, in the case of green roofs, reduce the amount of stormwater runoff on the site. Additional information about the benefits of green roofs can be found in the Mid-South Regional Resilience Master Plan, Section 3.4 Roof Design.
- Low-impact development (LID) techniques can be incorporated in common areas, which can also help mitigate the potential for flash flooding in the area. Some examples of LID techniques that could be helpful for the site include permeable pavement, bioretention, and rain gardens.

• The large volume of parking spots shown as a part of this plan presents an opportunity to install electric vehicle charging infrastructure. Installation costs of charging stations can be lower if the stations are incorporated into the design of a building on the front end, rather than retrofitting the building at a later date. Adding electric vehicle charging stations to the site would help further the goals of the Memphis Area Climate Action Plan, specifically Priority Action T.5 – Encourage Electric Vehicle Adoption and the Development of Charging Infrastructure.

## **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: <u>PD 2024-014: EAST</u>

Site Address/Location: 5111 Sanderlin Ave

Overlay District/Historic District/Flood Zone: Not in an Overlay Zone, Historic District or Flood Zone Future Land Use Designation: Urban Center (A-UC), and Anchor Neighborhood-Mix of Building Types (AN-M). Street Type: Avenue

The applicant is requesting an amendment to a planned development to redevelop the former home of the Racquet Club of Memphis and adjacent properties.

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

## 1. Future Land Use Planning Map



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

## 2. Land Use Description/Intent



Urban Center (A-UC) are walkable, mixed-use center comprised of multi-story block scale and some house-scale buildings, extending for several adjacent blocks and alongside streets to start to form a district. May be anchored by a destination that attracts people from across the City. Graphic portrayal of A-UC is to the right.

September 12, 2024 Page 43



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.

### "A-UC" Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings primarily attached, Block-scale buildings, Mix of uses, 1-12 stories height, Several blocks of extent.

#### "AN-M" Form & Location Characteristics

NURTURE/SUSTAIN - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

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.

### "A-UC" Zoning Notes

Generally compatible with the following zone districts: MU, CMU-3 and CMU-2 with frontage requirements (MO District), CMP-1, SE in accordance with Form and characteristics listed above.

### "AN-M" Zoning Notes

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

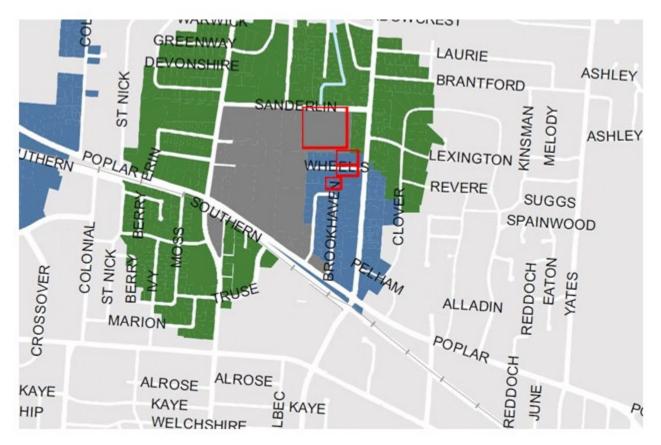
#### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant and Institutional, R-10 and CMU-1.

Adjacent Land Use and Zoning: Commercial and Office and Multifamily, R-10 and RW and CMU-3.

**Overall Compatibility:** This requested use to develop a mixed-use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. Staff recommends providing a pedestrian connection from the north of the property to access the south of the property, i.e. the proposed retail structure. Staff also recommends connecting the abutting Brookhaven Circle to the retail store for maintaining direct and pedestrian connection. Additionally, staff recommends placing the parking in front of the proposed retail store at the rear in area F, so that continuous pedestrian connection can be maintained throughout the whole requested area.

#### 3. Degree of Change Map



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

## 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.

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place. This application is a mixed-use private investment aimed at increasing connectivity within large sites that can benefit the community through the construction of new streets or pathways.

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

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.7 – Focus redevelopment efforts for vacant parcels within one-quarter mile of anchors (anchor neighborhoods).

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

It is located in the East Planning District, which prioritizes building connections between neighborhoods, including collaboration among neighborhood associations and government entities.

## **Consistency Analysis Summary**

The applicant is requesting an amendment to a planned development to redevelopment of the former home of the Racquet Club of Memphis and adjacent properties.

This requested use to develop a mixed-use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. Staff recommends providing a pedestrian connection from the north of the property to access the south of the property, i.e. the proposed retail structure. Staff also recommends connecting the abutting Brookhaven Circle to the retail store for maintaining direct and pedestrian connection. Additionally, staff recommends placing the parking in front of the proposed retail store at the rear in area F, so that continuous pedestrian connection can be maintained throughout the whole requested area.

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.

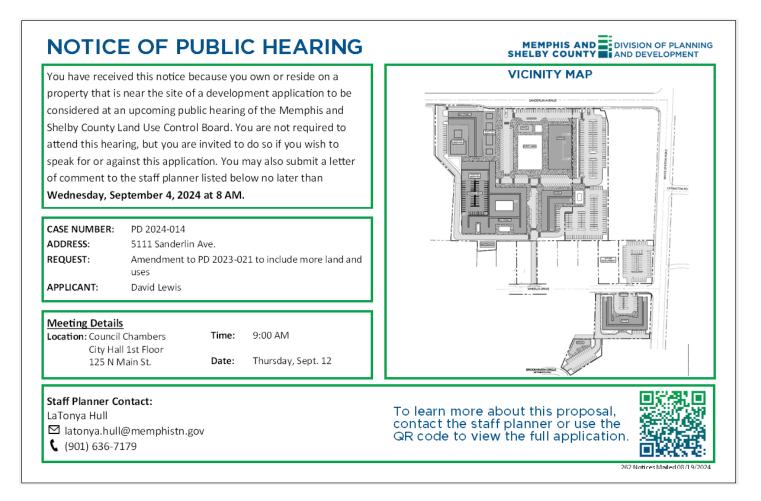
Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place. This application is a mixed-use private investment aimed at increasing connectivity within large sites that can benefit the community through the construction of new streets or pathways.

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.7 – Focus redevelopment efforts for vacant parcels within one-quarter mile of anchors (anchor neighborhoods).

It is located in the East Planning District, which prioritizes building connections between neighborhoods, including collaboration among neighborhood associations and government entities.

Based on the information provided, the proposal is <u>CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

### MAILED PUBLIC NOTICE



SIGN AFFIDAVIT

## AFFIDAVIT

Shelby County State of Tennessee

/ David Lewis \_\_\_, being duly sworn, depose and say that at \_\_\_\_\_ am/pm) , 20<sup>24</sup>, I posted 3 Public Notice Sign(s) on the <sup>15th</sup> day of August at 5111 Sanderlin and Wheelis at White Station pertaining to Case No. PD 2024-014

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

х Land Use Control Board

Board of Adjustment

Memphis City Council

Shelby County Board of Commissioners

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

 Owner, Applicant or Representative
 Date

 Subscribed and sworn to before me this 15<sup>th</sup> day of August

Notary Public

My commission expires:



#### **APPLICATION**



# Memphis and Shelby County Division of Planning and Development

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

Expiration Date:

website: www.develop901.com

## **Record Summary for Planned Development**

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: August 9, 2024

Record Number: PD 2024-014

Record Name: Mid-City Memphis

Description of Work: Mid-City Memphis is a 15.5+ acre mixed-use development on the site of the former Racquet Club of Memphis. This application is an amendment to PD 23-21. See Letter of Intent for further description.

Parent Record Number:

#### Address:

5111 SANDERLIN AVE, MEMPHIS 38117

#### Owner Information

Primary Owner Name Y RCM DEVCO LLC

#### Owner Address

1 Dr MLK Jr Ave Suite 130, Memphis, TN 38103

Owner Phone 9014947154

#### Parcel Information

056033 00241

#### Data Fields

PREAPPLICATION MEETING

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

 Planned Development Type
 Ameno

 Previous Docket / Case Number
 PD 23

 Medical Overlay / Uptown
 No

 If this development is located in unincorporated
 N/A

In Person Amendment to Existing PD PD 23-21 No

PD 2024-014

Brett Ragsdale

08/06/2024

GENERAL PROJECT INFORMATION	
Shelby County, is the tract at least three acres?	
(Note a tract of less than three acres is not	
eligible for a planned development in	
unincorporated Shelby County)	
Is this application in response to a citation, stop	No
work order, or zoning letter	
If yes, please provide a copy of the citation, stop	-
work order, and/or zoning letter along with any	
other relevant information	
	A firms and
UDC Sub-Section 9.6.9A	Affirmed.
UDC Sub-Section 9.6.9B	Affirmed.
UDC Sub-Section 9.6.9C	Affirmed.
UDC Sub-Section 9.6.9D	Affirmed.
UDC Sub-Section 9.6.9E	Affirmed. Affirmed.
UDC Sub-Section 9.6.9F GENERAL PROVISIONS	Allimed.
UDC Sub-Section 4.10.3A	Affirmed.
B) An approved water supply, community waste	Affirmed.
water treatment and disposal, and storm water	Ammed.
drainage facilities that are adequate to serve the	
proposed development have been or will be	
provided concurrent with the development	
C) The location and arrangement of the	Affirmed.
structures, parking and loading areas, walks,	
lighting and other service facilities shall be	
compatible with the surrounding land uses, and	
any part of the proposed development not used	
for such facilities shall be landscaped or	
otherwise improved except where natural	
features are such as to justify preservation	
D) Any modification of the district standards that	Affirmed.
would otherwise be applicable to the site are	
warranted by the design of the outline plan and	
the amenities incorporated therein, and are not	
inconsistent with the public interest	
E) Homeowners' associations or some other	Affirmed.
responsible party shall be required to maintain	
any and all common open space and/or common	
elements	
F) Lots of record are created with the recording	Affirmed.
of a planned development final plan	
GIS INFORMATION	
Case Layer	BOA1991-044, BOA2008-08, BOA1991-44,
Oracles   Duraine as International District	PD11-323, SAC_1974-016
Central Business Improvement District	No C
Class	0
Page 2 of 4	PD 2024-014

PD 2024-014

CIE	INFORMATION	
015	INFORMATION	

Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-10
State Route	-
Lot	-
Subdivision	EPPY WHITE
Planned Development District	-
Wellhead Protection Overlay District	Yes

#### Data Tables

## AREA INFORMATION

REA INFORMATION	
Name:	Area A
Size (Acres):	9.8
Existing Use of Property:	Vacant
Requested Use of Property:	Mixed-Use
Name:	Area B
Size (Acres):	2.7
Existing Use of Property:	Vacant
Requested Use of Property:	Parking & Amenities
Name:	Area C
Size (Acres):	0.5
Existing Use of Property:	Office
Requested Use of Property:	Office
Name:	Area D
Size (Acres):	0.8
Existing Use of Property:	Parking
Requested Use of Property:	Parking
Name:	Area E
Size (Acres):	1.4
Existing Use of Property:	Church
Requested Use of Property:	Hotel
Name:	Area F

Page 3 of 4

PD 2024-014

Size (A	cres): 0.5						
Existing	Use of Property: Vac	ant					
Reques Propert		ail/Parking	9				
Contact I	nformation						
Name DAVID LEWI	s					Conta APPLIC	c <u>t Type</u> ANT
Address							
Phone (901)494-715	i4						
Fee Inform	nation						
Invoice #	Fee Item		antity	Fees	Status	Balance	Date Assessed
1584887	Planned Development - each additional or		11	1,070.00	INVOICED	0.00	08/09/2024
	fractional acres above 5						
1584887	Credit Card Use Fee (.0 x fee)	)26	1	66.82	INVOICED	0.00	08/09/2024
1584887	Planned Development - acres or less	5	1	1,500.00	INVOICED	0.00	08/09/2024
		Total Fee Invoiced: \$2,636.82		Total Balance: \$0.00			
Payment	Information						
Payment Am	ount Method	l of Payment	t				

Method of Paymer Credit Card

\$2,636.82





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.

havely Ca (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 properties located at <u>5188 Wheelis Dr. 0 Wheelis Dr. 621 S White Station Rd, and 736 E Brookhaven Circle</u> and further identified by Assessor's Parcel Numbers <u>056033 00071C, 056033 00174, 056034 00008, and 056034</u> <u>00039</u>,

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

Subscribed and sworn to (or and day of August in the year of 2024

### LETTER OF INTENT

September 12, 2024 Page 53



Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

August 9, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Memphis City Hall 125 N. Main St. Ste. 468 Memphis, TN 38103

RE: Application for a Planned Development Amendment

Mr. Ragsdale,

On behalf of RCM Devco, LLC and Carlisle Development Group, I am pleased to submit this application for a Planned Development ("PD") Amendment that would allow for the redevelopment of the former home of the Racquet Club of Memphis and adjacent properties.

This application seeks to amend the Mid-City Memphis PD approved last year, Case No. PD 2023-21, by adding properties to the development and reducing the overall intensity of the project. The additional properties are located on the west side of White Station Road at Wheelis Cove and on the north side of Brookhaven Circle. The proposed uses for these parcels are as follows:

- 736 East Brookhaven Circle (new "Area F" in the PD). The requested use of this
  property includes those uses permitted in the CMU-1, Commercial Mixed Use,
  zoning district, consistent with how the property is currently zoned. It will also serve
  as a connecting point to Brookhaven Circle from the main portion of the project.
- 621 South White Station Road, at the southwest corner of White Station and Wheel, former home of the White Station Baptist Church (new "Area E" in the PD). The requested use of this property includes those uses permitted in the CMU-1 district, as well as a hotel.
- 5188 Wheelis Cove, current home of the offices of Waddell and Associates (new "Area C" in the PD). The requested use of this property includes those uses permitted in the CMU-1 district.

 Northwest corner of Wheelis and White Station, currently a parking lot serving the former White Station Baptist Church site (new "Area D" in the PD). The requested use of this property includes those uses permitted in the RW district.

We believe the addition of these properties will ensure that the Mid-City Memphis PD is a successful development by providing it access to the Brookhaven Circle entertainment district. Please note that, by adding these properties to the development, a companion case was necessary that will delete a portion of the White Station Residential Corridor.

Although this amendment represents an expansion of the geographic area of the PD, it also involves a slightly smaller project overall. While the project was originally anticipated to contain 16 townhouses in its eastern portion adjacent to the Lexington Condominiums, these townhouses have been removed with this amendment. In addition, the earlier PD called for two high-rise buildings; the current request involves just one high-rise: an age-restricted apartment building in the site's northwest corner.

The Mid-City Memphis PD site is identified in the Memphis 3.0 General Plan as an Urban Center (please see Exhibits "A" and "B," attached). As such, we believe the proposed use mix and bulk of its buildings are consistent with Memphis 3.0 and will be a positive addition to East Memphis.

Thank you for your time and consideration of this request.

Sincerely,

Josh Whitehead

## LETTERS RECEIVED

September 12, 2024 Page 55

One letter of support and one letter of inquiry were received at the time of completion of this report.

#### Case Number PD 2024-014

#### John Howard <john@jmhowardcompany.com>

Wed 8/28/2024 4:17 PM

To:Hull, LaTonya <LaTonya.Hull@memphistn.gov>;midcitymemphis@carlisledevco.com <midcitymemphis@carlisledevco.com> Cc:John M Howard, Jr <john@jmhowardcompany.com>

#### 4 attachments (12 MB)

PD 2024-014\_Binder-1.pdf; One Way Graphic Brookhaven.pdf; Brookhaven Notice.pdf; Brookhaven Notice of Public Hearing.pdf;

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!

Let me introduce myself I am the owner of 728 E Brookhaven Circle [Brookhaven Lofts]. I have been out to town and just received the Notice of Public Hearing on Thursday September 12<sup>th</sup> and the Notice of Neighborhood Meeting August 27<sup>th</sup>. First let me say the overall master plan looks great and should be an asset to the city. My only concern is the connectivity onto Brookhaven Circle. While I think this is a good idea, I also believe a traffic study should be required as the congestion on Brookhaven [Two Way] is already strained. Back in 2021 the city looked into converting Brookhaven into a One Way as outline on the attached graphic. I believe the city felt this would be good and allow for better flow and additional street parking to reduce the overall congestion. I would kindly request staff look into this as part of the overall approval process. Feel free to reach out to me if you have any questions. My best,

#### John

Judroward Company, 44C 5865 Ridgeway Center Phw Suite 300 Memphis, 7N 38180 2411 S. Launar Oxford, MS 38655 901-763-0009 901-412-3406

Confidentiality Notice: This transmission is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material or information. Any review, retransmission, dissemination or other wise use of, or taking any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this transmission in error, please contact the sender immediately and disregard this transmission. Notice is hereby given to the recipient that this transmission is not intended to be an offer, acceptance or in any manner deemed to be an agreement or binding upon sender pursuant to any state or federal law relating to electronic signatures.

case number PD 2024-014/PD 2023-021

bradley. < bradley@curbsidecasseroles.com> Mon 8/26/2024 8:22 AM

To:Hull, LaTonya <LaTonya.Hull@memphistn.gov>

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

#### Hi LaTonya,

We are neighbors of the proposed Mid City Memphis project. I have a list of concerns that I would like to get answers to. Could you assist with having the questions answered?

Concerns: 8/26/2024

Wheelis Traffic

 Do you have Statistics for this size road, traffic, average requirements for traffic?

o Plans to increase the size of the road?

 Allowing them to have an access road from their project on Sanderlin to Wheelis will cause many issues. Opening up this development to Wheelis will likely increase crime due to increased traffic. What will the security protocol be? Also, the traffic volume will likely increase significantly.

 What are the Setback requirements? Most city zoning codes have requirements for setbacks, step-backs, screens, and buffers to mitigate the impacts of larger scale development adjacent to single-family homes,

- They have a building labeled as "MAINTENANCE"; please define what maintenance means.
- Where will their trash be collected and managed?

• Who do we contact when there is an issue, we lost power at our building, or they are blocking the street, or they turned our water off, etc?

Who bears the responsibility to assist neighbors that have issues as a result of this project? An issue would be a business disruption as a result of this project.

Can we get clear definitions for the management on the following:

<u>Building Services</u> – Services such as security, trash removal, loading docks, common entrances, snow removal and landscaping may be shared among the owners. Responsibility for the operation of these facilities and services must be clearly defined.

Do you have minutes from the last public hearing meeting and answers to my last questions?

Thanks,

Bradley Williams 5130 Wheelis Drive Memphis, TN 38117

### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 5111 SANDERLIN AVENUE, KNOWN AS CASE NUMBER PD 2023-021

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

WHEREAS, the David Lewis filed an application with the Memphis and Shelby County Division of Planning and Development to allow a new mixed-use planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 12, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

Date \_\_\_\_\_ NOV 0 7 2023 Valurie C. Sripes Deputy Comptroller-Council Records

£.

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

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### OUTLINE PLAN CONDITIONS

#### I. PERMITTED USES

A. Area 1

 Uses permitted by right in the Commercial Mixed Use – 3 <u>district</u>, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:

a. Hotel

b. Multi-family residential

c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:

Pawnshop

ii. Payday loans, title loan establishments

iii. Vehicle parts and accessories

iv. Wholesale Club

v. Convenience store, with or without gas pumps

vi. Automatic one bay car wash facility

vii. Drive-thru facility

d. Retail Service-Oriented uses, excluding the following principal and accessory uses:

i. Animal hospital, animal shelter, kennel

ii. Laundromat, coin operated pickup station

iii. Taxidermist

iv. Truck stop, tractor-trailers (fueling of)

e. Retail Repair-Oriented uses, excluding the following principal and accessory

uses:

#### Appliance

f. Parking - structured or on grade

2. The following additional uses are excluded:

Vehicle sales, service and repair

b. Self-service storage

#### B. Area 2

 Uses in Area 2 are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:

- a. Surface parking lot
- b. Single-family detached
- c. Single-family attached
- d. Office
- e. Tennis courts with lights

#### II. BULK REGULATIONS

A. Area 1

 The bulk regulations shall be in conformance with the Commercial Mixed Use – 3 (CMU-3) district regulations, with the following exceptions:

a. There shall be no maximum density requirements.

b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.

c. The maximum building height shall be 240'.

## B. Area 2

 For single-family uses, the bulk regulations shall be in conformance with the Residential Urban – 3 (RU-3) district regulations, with the following exceptions:

a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.

b. The maximum building height shall be 40' and two (2) stories.

For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:

a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.

b. The minimum lot width shall be 50.'

c. The maximum building height shall be 40' and two (2) stories (for office uses only).

## III. CIRCULATION, ACCESS AND PARKING

A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.

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

C. All internal drives shall be private, owned and maintained by a property owner or a property owners association.

D. Streets shall conform to the City of Memphis standards as modified herein.

E. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.

F. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.

### IV. LANDSCAPING

A. A landscape plan shall be submitted as part of each final plan.

B. All required landscaping shall be irrigated.

C. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.

D. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.

E. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.

F. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.

G. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.

H. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.

 Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.

- J. <u>A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a</u> <u>masonry wall of a minimum height of 6 feet shall be installed along the east</u> <u>property line adjacent to the Lexington Condominium property. This buffer shall be</u> <u>designed as follows:</u>
  - For the northernmost +/- 73-foot section of the common property line that generally runs in a northwest-southeast direction, the existing wall and landscaping shall constitute the buffer, but an additional 5-foot access easement shall be provided on the subject property in the area immediately to the south and north of the Lexington Condominium vehicular gate to facilitate pedestrian access around the existing gate.
  - For the remainder of the common property line, the existing landscaping shall be retained with the footings of the brick wall located at least 5.5 feet west of the property line.

#### V. DRAINAGE

A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.

B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.

C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.

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

#### VI. SANITY SEWER

A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.

B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.

C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

#### VII. WATER SERVICE / UTILITIES

A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.

B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.

C. Water service lines shall be installed with tracing wire at the top.

D. All utilities and services are to be installed underground, with the exception of three-phase electric.

#### VIII. SIGNS

A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.

B. Location and design of signs shall be shown on the final plan(s).

### IX. DEVELOPMENT PHASING

A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted. B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

### X. ARCHITECTURAL GUIDELINES

A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.

B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).

C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

### XI. SITE PLAN REVIEW PROCESS

A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
B. Any Final Plan is subject to the administrative approval of DPD and shall include the

following:

1. The Outline Plan Conditions

The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

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

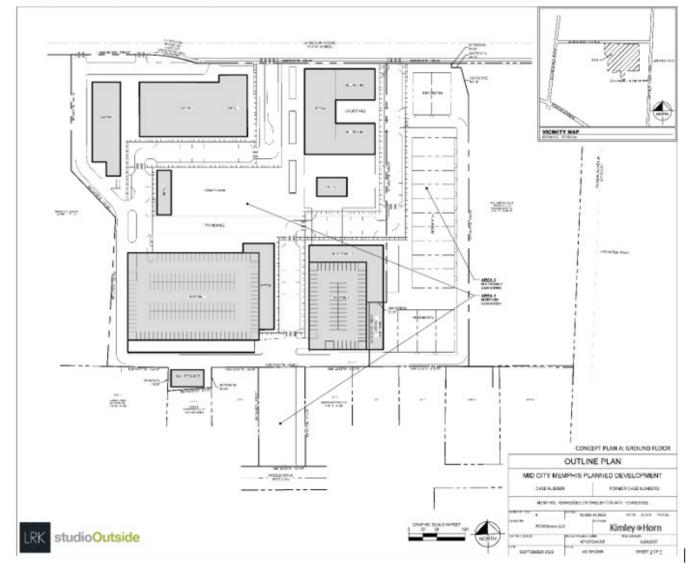
4. A landscape plan.

5. Building elevations with exterior finishes, including signage.

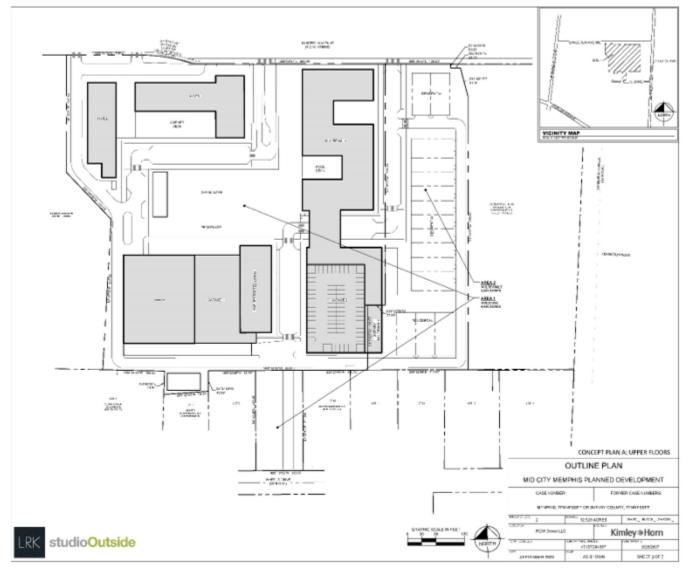
C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

## CONCEPT PLAN

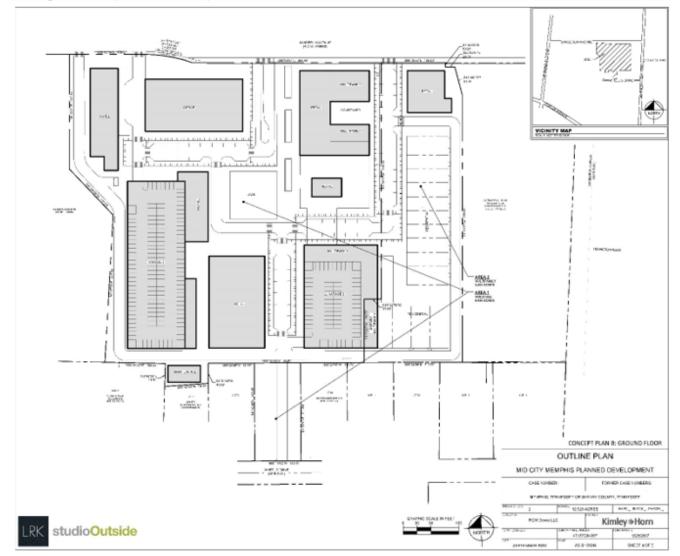
# Concept Plan A (Ground Floors)



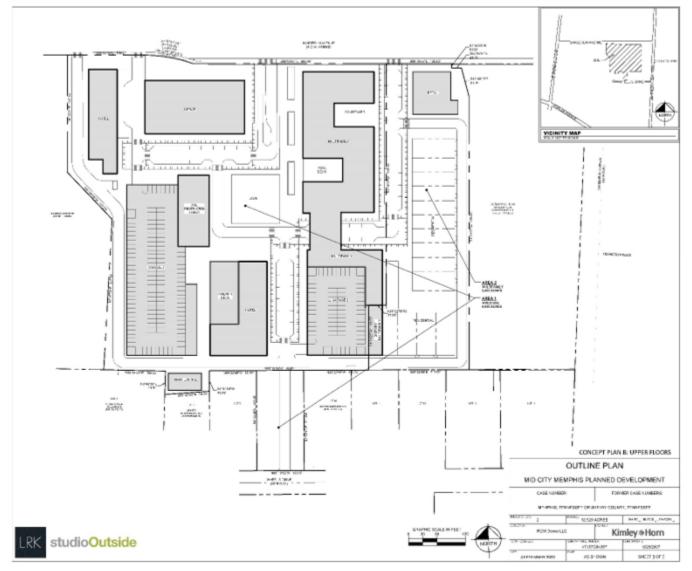
# Concept Plan A (Upper Floors)



## Concept Plan B (Ground Floors)



# Concept Plan B (Upper Floors)



#### RESOLUTION PD 2011-323

#### RESOLUTION

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

WHEREAS, Application has been made for a planned development for property located on South side of Sanderlin Road, 262 feet west of White Station Road; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Article 9.6.9 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 9, 2012, and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; 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 Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted in accordance with the Outline Plan incorporated in the application, and subject to the attached conditions.

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

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

FEB 2 1 2012

Valerie C. Sriped Date

Deputy Comptroller-Council Records

cc:

Office of Construction Code Enforcement City-Engineer OPD - LUC OPD - LUC (East)



Josh Whitehead

Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

August 9, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Memphis City Hall 125 N. Main St. Ste. 468 Memphis, TN 38103

RE: Application for a Planned Development Amendment

Mr. Ragsdale,

On behalf of RCM Devco, LLC and Carlisle Development Group, I am pleased to submit this application for a Planned Development ("PD") Amendment that would allow for the redevelopment of the former home of the Racquet Club of Memphis and adjacent properties.

This application seeks to amend the Mid-City Memphis PD approved last year, Case No. PD 2023-21, by adding properties to the development and reducing the overall intensity of the project. The additional properties are located on the west side of White Station Road at Wheelis Cove and on the north side of Brookhaven Circle. The proposed uses for these parcels are as follows:

- 1. **736 East Brookhaven Circle** (new "Area F" in the PD). The requested use of this property includes those uses permitted in the CMU-1, Commercial Mixed Use, zoning district, consistent with how the property is currently zoned. It will also serve as a connecting point to Brookhaven Circle from the main portion of the project.
- 2. **621 South White Station Road**, at the southwest corner of White Station and Wheel, former home of the White Station Baptist Church (new "Area E" in the PD). The requested use of this property includes those uses permitted in the CMU-1 district, as well as a hotel.
- 3. **5188 Wheelis Cove**, current home of the offices of Waddell and Associates (new "Area C" in the PD). The requested use of this property includes those uses permitted in the CMU-1 district.

4. Northwest corner of Wheelis and White Station, currently a parking lot serving the former White Station Baptist Church site (new "Area D" in the PD). The requested use of this property includes those uses permitted in the RW district.

We believe the addition of these properties will ensure that the Mid-City Memphis PD is a successful development by providing it access to the Brookhaven Circle entertainment district. Please note that, by adding these properties to the development, a companion case was necessary that will delete a portion of the White Station Residential Corridor.

Although this amendment represents an expansion of the geographic area of the PD, it also involves a slightly smaller project overall. While the project was originally anticipated to contain 16 townhouses in its eastern portion adjacent to the Lexington Condominiums, these townhouses have been removed with this amendment. In addition, the earlier PD called for two high-rise buildings; the current request involves just one high-rise: an age-restricted apartment building in the site's northwest corner.

The Mid-City Memphis PD site is identified in the Memphis 3.0 General Plan as an Urban Center (please see Exhibits "A" and "B," attached). As such, we believe the proposed use mix and bulk of its buildings are consistent with Memphis 3.0 and will be a positive addition to East Memphis.

Thank you for your time and consideration of this request.

Sincerely,

Josh Whitehead

## EXHIBIT A



Excerpt from the Memphis and Shelby County Zoning Atlas which shows the Memphis 3.0 Future Land Use and Planning map identifying the Mid-City Memphis PD as located within or adjacent to an Urban Center Anchor (indicated in blue).

### **EXHIBIT B**



Urban Center anchors are characterized by attached buildings that continue for multiple blocks along a street. An Urban Center includes a vertical mix of uses, featuring civic and cultural institutions that serve many neighborhoods or the entire city and which may anchor the center. An Urban Center is a destination for walkable retail, service, and leisure, but accessible from across the city by multiple modes of transportation. Green space may be interspersed to provide community common space.

Description/Intent	Walkable, mixed-use center comprised of multi-story block- scale and some house-scale buildings, extending for several adjacent blocks and alongside streets to start to form a district. May be anchored by a destination that attracts people from across the City.			
Applicability	Medium to large sized centers extending through a district where a vertical mix of uses and activities is present or appropriate as a higher-intensity anchor for a surrounding urban neighborhood.			
Goals/Objectives	Support organization of services, amenities, opportunities, and housing choices in direct relationship to anchor reighborhoods, focusing investment toward areas that support plan goals and objectives.			
Performance Metrics	Number of new businesses and services, housing infill, office, jobs locating within A-UC anchors, rents.			
Zoning Notes	Generally compatible with the following zone districts: MU, CMU-3 and CMU-2 with frontage requirements (MO District), CMP-1, SE in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings within anchor neighborhood areas as appropriate, at the time of a small area plan.			
	Analysis to check that minimum lot sizes and parking requirements are suitable to promote infill in all applicable zones. Recommend embedding private frontage standards into zones. Height calibration.			
Form and Location	NURTURE, SUSTAIN, and ACCELERATE -			
Characteristics	Buildings primarily attached			
	Block-scale buildings			
	Mix of uses			
	1-12 stories height			
	Several blocks of extent			



This description of an Urban Center Anchor is found in the Memphis 3.0 General Plan.



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

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

(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 properties located at <u>5188 Wheelis Dr</u>, <u>0 Wheelis Dr</u>, <u>621 S White Station Rd</u>, and <u>736 E Brookhaven Circle</u> and further identified by Assessor's Parcel Numbers <u>056033 00071C</u>, <u>056033 00174</u>, <u>056034 00008</u>, and <u>056034</u> <u>00039</u>,

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

Subscribed and sworn to (or a figured) before mothes \_\_\_\_\_ day of August\_\_\_\_ in the year of \_\_\_\_\_\_



Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com



Miloš Mikić Chief Operating Officer (901) 810-5706 milos@joshwhiteheadlaw.com

December 5, 2024

Councilman J. Ford Canale Chairman Planning and Zoning Committee Memphis City Council City Hall 125 N. Main St., Fifth Floor Memphis, TN 38103 c/o Brett Ragsdale, Zoning Administrator

## Sent via electronic mail to Brett Ragsdale at <a href="mailto:brett.ragsdale@memphistn.gov">brett.ragsdale@memphistn.gov</a>

RE: revisions to Mid-City Planned Development, Case Nos. PD 2024-014 and RC 2024-002

Mr. Chairman,

Since the Mid-City Planned Development was reviewed and recommended for approval by the Land Use Control Board on September 12, 2024, changing circumstances have necessitated the following changes to the plan:

- The removal of the two parcels at the northwest corner of Wheelis and White Station, which were identified as Areas "C" and "D" in the Planned Development. This will not only affect the Planned Development (the "PD") application filed pursuant to this project, but also the Residential Corridor deletion application. Note the deletion of those conditions that referred to the old Areas "C" and "D" highlighted in yellow on the attached list of conditions. What had been Areas "E" and "F" are now referred to as new Areas "C" and "D."
- 2. The allowance to place residential condominiums in new Area "C." With the removal of old Area "D" and its parking lot at the northwest corner of White Station and Wheelis, it is no longer viable to place a hotel across the street on the parcel at the southwest corner of Wheelis and White Station. The allowance to use this parcel, now identified as Area "C," for condominiums is reflected in the revised conditions, namely in the yellow-highlighted language found in Conditions I.E (now C).1.a.iii. and I.F(now D).1.d.
- 3. The relocation of the hotel from Area "C" to Area "A." With the southwest corner of Wheelis and White Station proposed for condominiums, the hotel originally planned on that parcel will be relocated to the former Racquet Club site in Area "A." This is reflected

in the yellow-highlighted change to Condition 1.A.1.a., as well as in the new concept plan being submitted with these updates. Please note that this single concept plan replaces the two earlier concept plans submitted with this application. It reduces the parking that was located between the buildings in Area "A" and Sanderlin Avenue, placing the plan in greater compliance with comments made by the Division of Planning and Development during its site plan review of the project.

Thank you for your consideration,

Josh Whitehead

C: LaTonya Hull, Division of Planning and Development

# Mid-City Memphis Planned Development Outline Plan Conditions PD 2024-14

Language approved by the Memphis City Council in Case No. PD 2023-21 indicated in regular typeface; amendments approved by the Land Use Control Board during its September 12, 2024, meeting associated with Case No. PD 2024-14 indicated in **bold**, **underline**; amendments requested since the September 12, 2024, Land Use Control Board indicated in **yellow highlights**.

# I. PERMITTED USES

- A. Area A
  - Uses permitted by right in the Commercial Mixed Use 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
    - a. Hotel<mark>s</mark>
    - b. Multi-family residential
    - c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:
      - i. Pawnshop
      - ii. Payday loans, title loan establishments
      - iii. Vehicle parts and accessories
      - iv. Wholesale Club
      - v. Convenience store, with or without gas pumps
      - vi. Automatic one bay car wash facility
      - vii. Drive-thru facility
    - d. Retail Service-Oriented uses, excluding the following principal and accessory uses:
      - i. Animal hospital, animal shelter, kennel
      - ii. Laundromat, coin operated pickup station
      - iii. Taxidermist
      - iv. Truck stop, tractor-trailers (fueling of)
    - e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
      - i. Appliance
    - f. Parking structured or on grade
  - 2. The following additional uses are excluded:
    - a. Vehicle sales, service and repair
    - b. Self-service storage
- B. Area B
  - Uses in Area B are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:

- a. Surface parking lot
- b. Single-family detached
- c. Single-family attached
- d. Office
- e. Tennis courts with lights

#### C. <u>Area C</u>

 Uses permitted by right in the Commercial Mixed Use-1 district including the following:

a. <u>Residential:</u>

- i. <u>Single-family detached</u>
- ii. <u>Single family attached</u>
- iii. Other residential uses excluding:
  - (1) Manufactured, modular home
    - <mark>(2) <u>Mobile home</u></mark>
  - (3) <u>Container home</u>
  - (4) Manufactured home park
  - (5) <u>Group living uses</u>

#### <del>b. <u>Civic:</u></del>

i	Community services uses excluding					
	neighborhood arts center or similar community					
	facility (public)					
<del>ii.</del>	Day care facilities					
iii.	Education facilities excluding:					
	(1) School, trade, vocational, business					
	(2) Dormitory, housing for students of faculty					
	accessory to educational facilities not					
	<u>classified as colleges, community colleges</u>					
	<del>or universities</del>					
iv.	Medical facilities excluding:					
	(1) Blood plasma donation center					
	<mark>(2) <u>Hospital</u></mark>					
<mark>۷.</mark>	Park/Open areas excluding:					
	(1) <u>Cemetery, mausoleum, columbarium,</u>					
	memorial park					
	(2) Gamer preserve, wildlife management area,					
	refuge, animal sanctuary					
	(3) Recreation field, with lights					
<mark>vi.</mark>	Places of worship excluding off-site parking for					
	places of worship					
vii.	Utilities excluding:					

(1) All major utilities Communication towers <del>(2)</del> Solar farm (3) Wind farm (4) c. Commercial: **Funeral services excluding:** Funeral homes, funeral directing (1) (2) All other funeral establishments, including crematorium and pet crematorium Indoor recreation excluding: <del>ii.</del>\_\_\_\_\_ (1) Adult-oriented establishment (2) Bar, tavern, cocktail lounge, nightclub (3) Convention center (4) <u>Lodge, private club</u> (5) Indoor shooting range **Office** iii.-**Restaurant excluding:** iv. (1) Restaurant. drive-thru or drive-in Retail Sales & Service excluding: (1) Convenience store with gas pumps, gas station, commercial electric vehicle charge station (2) Greenhouse or nursery, commercial (3) Pavday loans, title loan, and flexible loan plan establishments (4) Pawnshop (5) Retail sales outdoor (vendor), flea markets (6) Tattoo, palmist, psychic or medium (7) Truck stop, tractor-trailer (fueling of) d. Industrial: microbrewery and microdistillery e. Agriculture: neighborhood garden 2. The following additional uses are excluded: a. Self-Service Storage including: i. Mini-storage b. Vehicle sales service & repair including: i. Vehicle wash establishment ii. All vehicle repair iii. All vehicle sales, rental, leasing D. Area D Uses permitted by right in the Residential Work district including the following:

a. <u>Residential:</u>

i. <u>Single-family detached</u>

- ii. <u>Single-family attached</u>
- iii. <u>Multifamily excluding apartments</u>
- iv. Other residential uses excluding:
  - (1) Manufactured, modular home
  - <del>(2) <u>Mobile Home</u></del>
  - (3) <u>Container home</u>
  - (4) Manufactured home park
- v. <u>Group living uses excluding:</u>
  - (1) Boarding house, single room occupancy
    - (2) Rooming house
    - (3) Fraternity, sorority, dormitory
    - (4) Monastery, convent
  - (5) Personal care home for the elderly
  - (6) <u>Supportive living facility</u>

#### b. <u>Civic:</u>

- . Police, fire, EMS substation
- ii. School, public or private (K-12)
- iii. Medical, dental, or chiropractic clinic/office,
  - massage therapy, or outpatient surgery center
- i<mark>v. <u>All parks and open areas, excluding:</u></mark>
  - (1) <u>Cemetery, mausoleum, columbarium,</u> memorial park
    - (2) <u>Gamer preserve, wildlife management area,</u> refuge, animal sanctuary
    - (3) <u>Recreation field, with lights</u>
- v. Places of worship excluding off-site parking for places of worship
- vi. Utilities excluding:
  - (1) All major utilities
  - (2) Communication towers
  - (3) CMCS tower and facilities
  - (4) Wind farm
  - (5) Solar farm

<mark>c. <u>Commercial:</u></mark>

- i.<u>Office</u>
- ii. <u>Retail sales and service excluding:</u>

- (1) Animal hospital, veterinary clinic, pet clinic
- (2) Animal boarding, animal shelter, kennel, doggy day care
- <mark>(3) <u>Baker, retail</u></mark>
- (4) <u>Convenience store with gas pumps, gas</u> station, commercial electric vehicle charge station
- (5) <u>Convenience store without gas pumps</u>
- (6) <u>Catering establishment, small-scale</u>
- (7) <u>Cleaning establishment, pickup station</u>
- <mark>(8) <u>Farmers market</u></mark>
- <del>(9) <u>Greenhouse or nursery, commercial</u></del>
- (10) Payday loans, title loan and flexible loan plan establishments
- (11) Post office
- <mark>(12) <u>Pawnshop</u></mark>
- (13) <u>Retail sales outdoor (vendor), flea markets</u>
- (14) <u>Tattoo, palmist, psychic or medium</u>
- (15) Truck stop, tractor-trailer (fueling of)
- <del>(16) <u>Smoke shop</u></del>
- (17) <u>Vehicle parts and accessories</u>
- d. <u>Agriculture: neighborhood garden</u>
- e. <u>Surface Parking Lot</u>
- E. <u>Area <mark>C E</mark></u>
  - 1. <u>Uses permitted by right in the Commercial Mixed Use-1 district</u> <u>including the following:</u>
    - a. Residential:
      - i. <u>Single-family detached</u>
      - ii. <u>Single-family attached</u>
      - iii. <u>Multi-family</u>
      - iv. Other residential uses excluding:
        - (1) <u>Manufactured, modular home</u>
        - (2) <u>Mobile home</u>
        - (3) <u>Container home</u>
        - (4) <u>Manufactured home park</u>
        - (5) <u>Group living uses</u>
    - b. <u>Civic:</u>
      - i. <u>Community services uses excluding</u> <u>neighborhood arts center or similar community</u> <u>facility (public)</u>
      - ii. <u>Day care facilities</u>
      - iii. Education facilities excluding:

- (1) <u>School, trade, vocational, business</u>
- (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
- iv. <u>Medical facilities excluding:</u> Blood plasma donation center Hospital
  - v. <u>Park/Open areas excluding:</u> <u>Cemetery, mausoleum, columbarium, memorial</u> <u>park</u> <u>Gamer preserve, wildlife management area,</u>

refuge, animal sanctuary

- Recreation field, with lights
- vi. <u>Places of worship excluding off-site parking for</u> places of worship
- vii. <u>Utilities excluding:</u> <u>All major utilities</u> <u>Communication towers</u> <u>Solar farm</u> <u>Wind farm</u>
- c. <u>Commercial:</u>
  - i. <u>Hotel</u>
  - ii. Funeral services excluding:
    - (1) <u>Funeral homes, funeral directing</u>
    - (2) <u>All other funeral establishments, including</u> <u>crematorium and pet crematorium</u>
  - iii. Indoor recreation excluding:
    - (1) <u>Adult-oriented establishment</u>
    - (2) Bar, tavern, cocktail lounge, nightclub
    - (3) <u>Convention center</u>
    - (4) Lodge, private club
    - (5) Indoor shooting range
  - iv. <u>Office</u>
  - v. <u>Restaurant excluding:</u>
    - Restaurant, drive-thru or drive-in
  - vi. <u>Retail Sales & Service excluding:</u>

- (1) <u>Convenience store with gas pumps, gas</u> <u>station, commercial electric vehicle charge</u> <u>station</u>
- (2) <u>Greenhouse or nursery, commercial</u>
- (3) <u>Payday loans, title loan, and flexible loan</u> plan establishments
- (4) <u>Pawnshop</u>
- (5) <u>Retail sales outdoor (vendor), flea markets</u>
- (6) <u>Tattoo, palmist, psychic or medium</u>
- (7) <u>Truck stop, tractor-trailer (fueling of)</u>
- d. Industrial: microbrewery and microdistillery
- e. Agriculture: neighborhood garden
- 2. The following additional uses are excluded:
  - a. Self-Service Storage including:
    - i. <u>Mini-storage</u>
  - b. Vehicle sales service & repair including:
    - i. Vehicle wash establishment
    - ii. <u>All vehicle repair</u>
    - iii. All vehicle sales, rental, leasing
- F. <u>Area <mark>D F</mark></u>
  - 1. <u>Uses permitted by right in the Commercial Mixed Use-1 district</u> <u>including the following:</u>
    - a. <u>Residential:</u>
      - i. Single-family detached
      - ii. Single family attached
      - iii. Other residential uses excluding:
        - (1) <u>Manufactured, modular home</u>
          - (2) <u>Mobile home</u>
          - (3) <u>Container home</u>
          - (4) <u>Manufactured home park</u>
          - (5) <u>Group living uses</u>
    - b. <u>Civic:</u>
      - i. <u>Community services uses excluding</u> neighborhood arts center or similar community facility (public)
      - ii. <u>Day care facilities</u>
      - iii. Education facilities excluding:

- (1) <u>School, trade, vocational, business</u>
- (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
- iv. <u>Medical facilities excluding:</u> Blood plasma donation center Hospital
  - v. <u>Park/Open areas excluding:</u> <u>Cemetery, mausoleum, columbarium, memorial</u> <u>park</u> <u>Gamer preserve, wildlife management area,</u>

refuge, animal sanctuary

- Recreation field, with lights
- vi. <u>Places of worship excluding off-site parking for</u> places of worship
- vii. <u>Utilities excluding:</u> <u>All major utilities</u> <u>Communication towers</u> <u>Solar farm</u> <u>Wind farm</u>
- c. <u>Commercial:</u>
  - i. <u>Funeral services excluding:</u>
    - (1) <u>Funeral homes, funeral directing</u>
    - (2) <u>All other funeral establishments, including</u> <u>crematorium and pet crematorium</u>
  - ii. Indoor recreation excluding:
    - (1) Adult-oriented establishment
    - (2) Bar, tavern, cocktail lounge, nightclub
    - (3) <u>Convention center</u>
    - (4) Lodge, private club
    - (5) Indoor shooting range
  - iii. <u>Office</u>
  - iv. <u>Restaurant excluding:</u>
    - (1) <u>Restaurant, drive-thru or drive-in</u>
  - v. <u>Retail Sales & Service excluding:</u>

- (1) <u>Convenience store with gas pumps, gas</u> <u>station, commercial electric vehicle charge</u> <u>station</u>
- (2) <u>Greenhouse or nursery, commercial</u>
- (3) <u>Payday loans, title loan, and flexible loan</u> plan establishments
- (4) <u>Pawnshop</u>
- (5) <u>Retail sales outdoor (vendor), flea markets</u>
- (6) <u>Tattoo, palmist, psychic or medium</u>
- (7) <u>Truck stop, tractor-trailer (fueling of)</u>
- vi. Industrial: microbrewery and microdistillery
- vii. <u>Agriculture: neighborhood garden</u>
- d. <u>Surface parking serving the uses within hotel in Area C E</u> and/or the businesses along Brookhaven Circle
- 2. The following additional uses are excluded:
  - a. <u>Self-Service Storage including:</u>
    - i. <u>Mini-storage</u>
  - b. <u>Vehicle sales service & repair including:</u>
    - i. Vehicle wash establishment
    - ii. All vehicle repair
    - iii. All vehicle sales, rental, leasing

# II. BULK REGULATIONS

- A. Area A
  - The bulk regulations shall be in conformance with the Commercial Mixed Use – 3 (CMU-3) district regulations, with the following exceptions:
    - a. There shall be no maximum density requirements.
    - b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
    - c. The maximum building height shall be 240'.
- B. Area B
  - For single-family uses, the bulk regulations shall be in conformance with the Residential Urban – 3 (RU-3) district regulations, with the following exceptions:
    - Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
    - b. The maximum building height shall be 40' and two (2) stories.
  - 2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
    - Building setbacks shall be 25' along public street frontages and 5' along private street frontages.

- b. The minimum lot width shall be 50'.
- c. The maximum building height shall be 40' and two (2) stories (for office uses only).

C. <u>Area C</u>

- The bulk regulations shall be in conformance with Commercial Mixed Use – 1 (CMU-1) district regulations with the following exceptions:
  - a. <u>There shall be no maximum density requirements.</u>
  - b. Building setbacks shall be 10' feet along public street frontages except where encroachments are permitted.

# <del>D. <u>Area D</u></del>

- The bulk regulations shall be in conformance with Residential Work (R-W) district regulations, with the following exceptions:
  - a. <u>There shall be no maximum density requirements.</u>
  - b. <u>Building setbacks shall be 10' feet along public street</u> frontages except where encroachments are permitted.

# E. <u>Area C E</u>

- 1. <u>The bulk regulations shall be in conformance with Commercial</u> <u>Mixed Use – 1 (CMU-1) district regulations with the following</u> <u>exceptions:</u>
  - a. There shall be no maximum density requirements.
  - b. <u>Building setbacks shall be 10' feet along public street</u> <u>frontages except where encroachments are permitted.</u>
  - c. The maximum building height shall be 90'.

# F. Area D F

- 1. <u>The bulk regulations shall be in conformance with Commercial</u> <u>Mixed Use – 1 (CMU-1) district regulations with the following</u> <u>exceptions:</u>
  - a. There shall be no maximum density requirements.
  - b. <u>Building setbacks shall be 40' feet along public street</u> <u>frontages except where encroachments are permitted.</u>

# III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. <u>The gates and/or barriers reflected at the access points along Sanderlin</u> <u>Avenue shall remain open during regular business hours and may be</u> <u>closed to through traffic outside of regular business hours. No access,</u> <u>other than emergency access, shall be permitted when the gates and/or</u> <u>barriers are closed.</u>
- C. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.

- D. All internal drives shall be private, owned and maintained by a property owner or a property owners association.
- E. Streets shall conform to the City of Memphis standards as modified herein.
- F. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- G. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.

H. Access to White Station Road is prohibited from Area D.

- I. <u>Pedestrian access from Area A may be provided to the property to the</u> <u>west along the northernmost 100 feet of the common property line.</u>
- J. <u>A walking path shall be provided along and within the existing right-of-</u> way of Wheelis Drive between Areas A and <u>C E</u>.

# IV. LANDSCAPING AND LIGHTING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. <u>The parking area within Area B shall contain landscaped interior</u> <u>islands. The maximum height of light poles within Area B shall be</u> <u>twenty (20) feet and shall be designed in such a way that produce zero</u> <u>(0) footcandles along the common property line with the Lexington</u> <u>Condominiums.</u>
- D. If utilized as surface parking, the Wheelis and White Station frontages of Area D shall be bordered by decorative metal fencing of at least four (4) feet in height and the northern seven (7) feet shall contain Foster Hollies, Savannah Hollies or a similar cultivar, planted 10 (ten) feet oncenter. The maximum height of light poles within Area D shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.
- E. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- F. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.

- G. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- H. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- I. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- J. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- K. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.
- L. <u>A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet</u> containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property. This buffer shall be designed as follows:
  - For the northernmost +/- 73-foot section of the common property line that generally runs in a northwest-southeast direction, the existing wall and landscaping shall constitute the buffer, but an additional 5-foot access easement shall be provided on the subject property in the area immediately to the south and north of the Lexington Condominium vehicular gate to facilitate pedestrian access around the existing gate.
  - 2. For the remainder of the common property line, the existing landscaping shall be retained with the footings of the brick wall located at least 5.5 feet west of the property line.

# V. DRAINAGE

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

# VI. SANITARY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.
- C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

# VII. WATER SERVICE / UTILITIES

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

# VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

# IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

# C. Areas C and D may be removed from the Planned Development through the recording or re-recording of this Outline Plan.

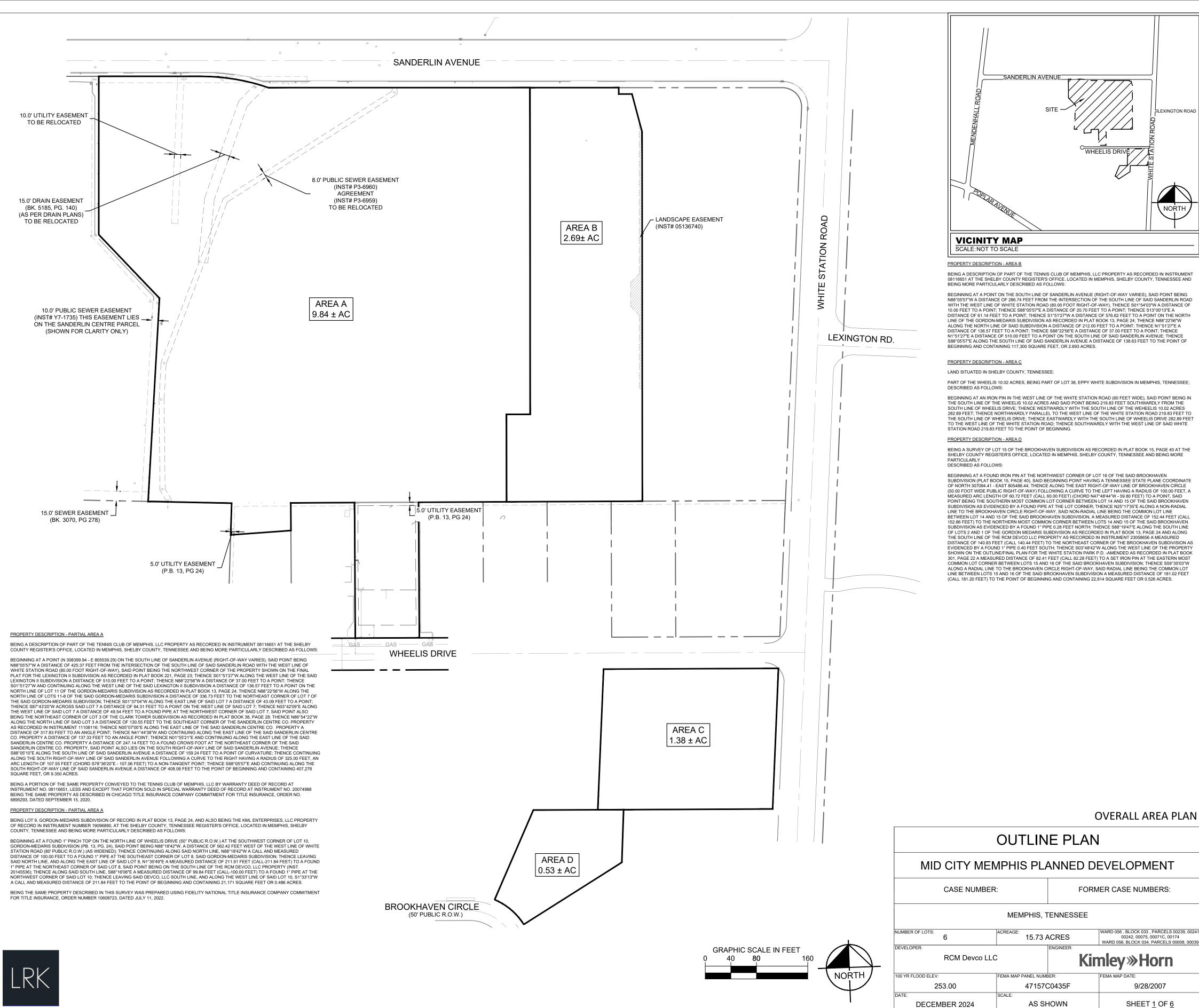
# X. ARCHITECTURAL GUIDELINES

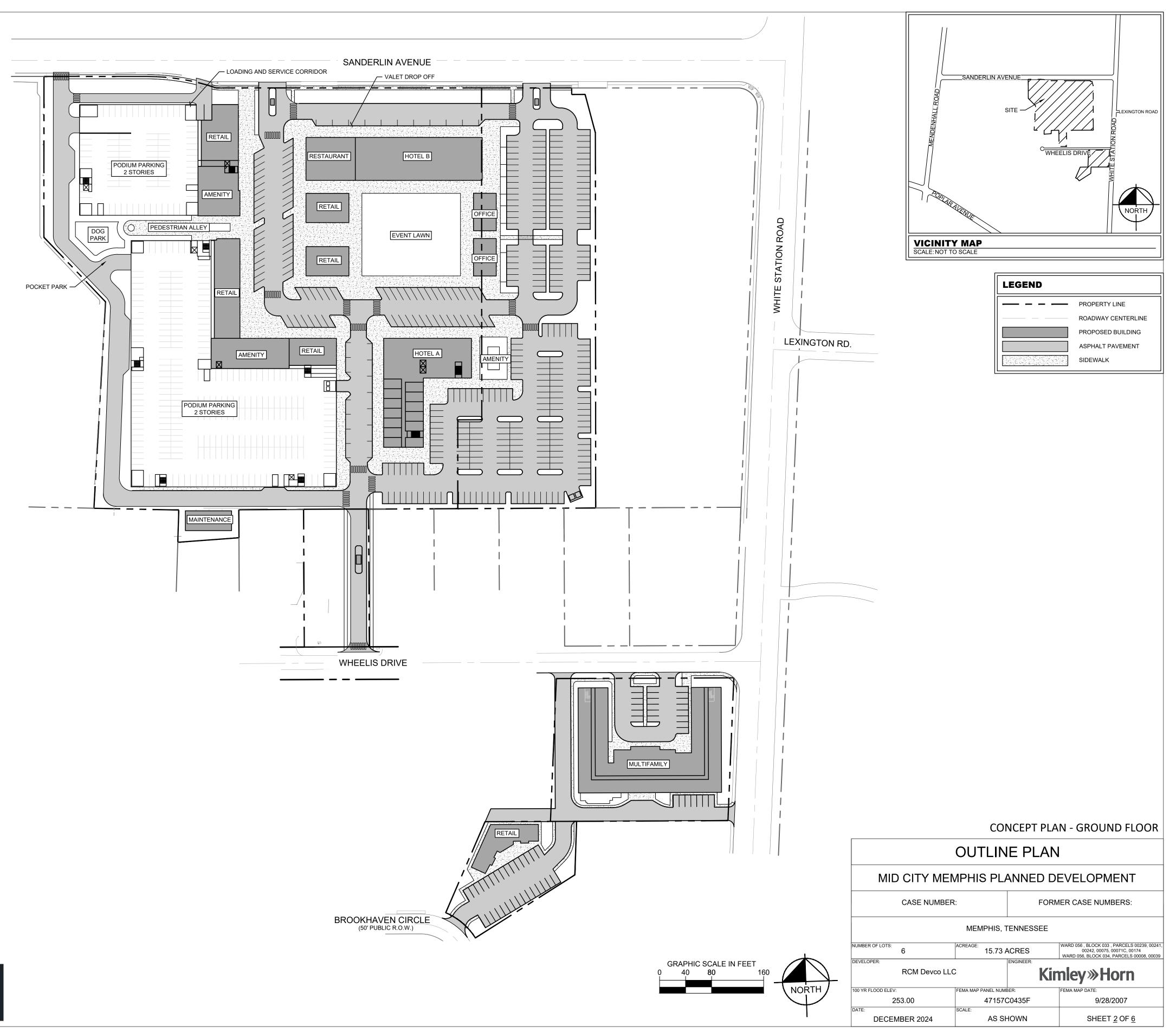
- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

# XI. SITE PLAN REVIEW PROCESS

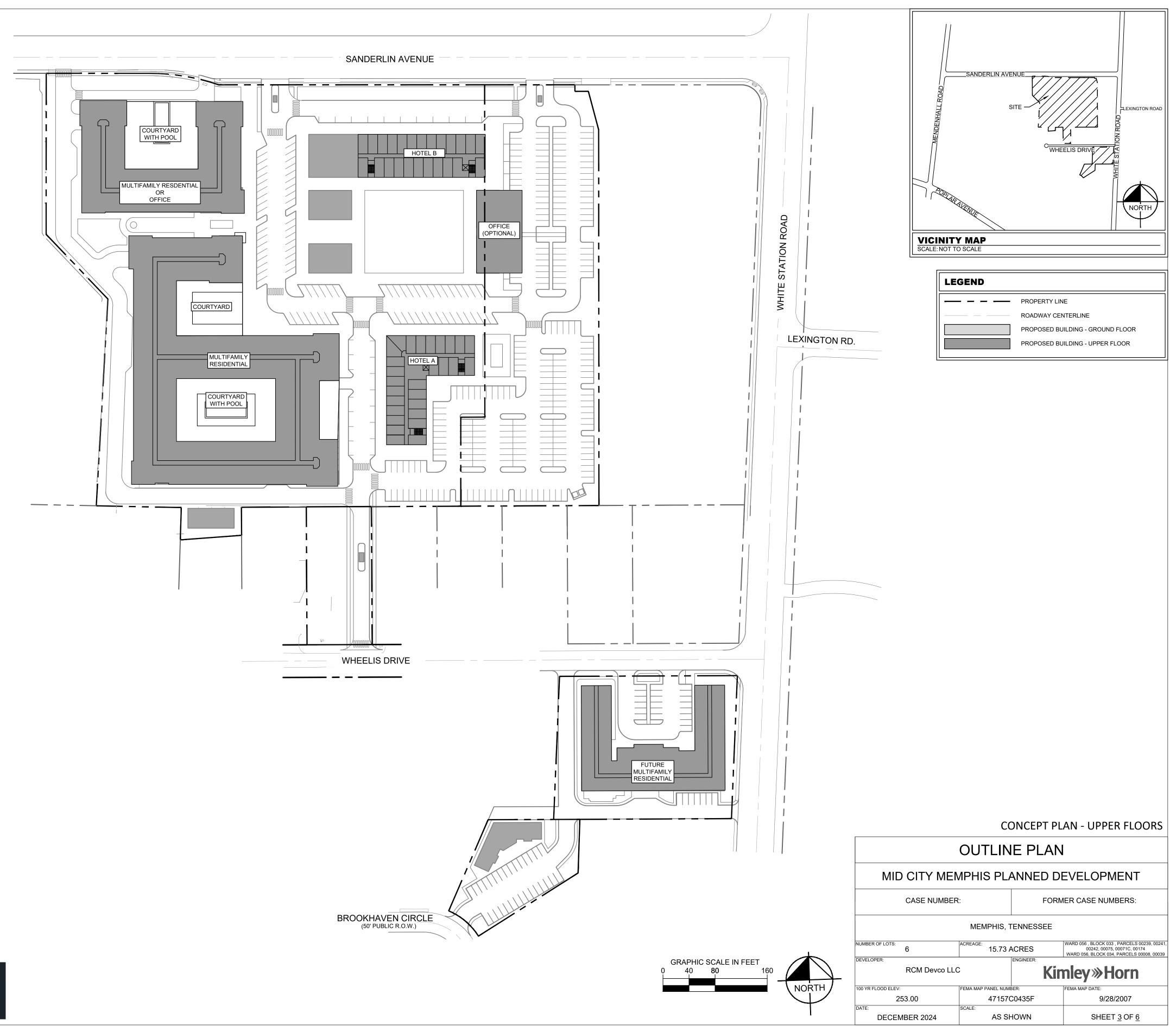
- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
  - 1. The Outline Plan Conditions

- 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- 3. The location and ownership, whether public or private, of any easement.
- 4. A landscape plan.
- 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

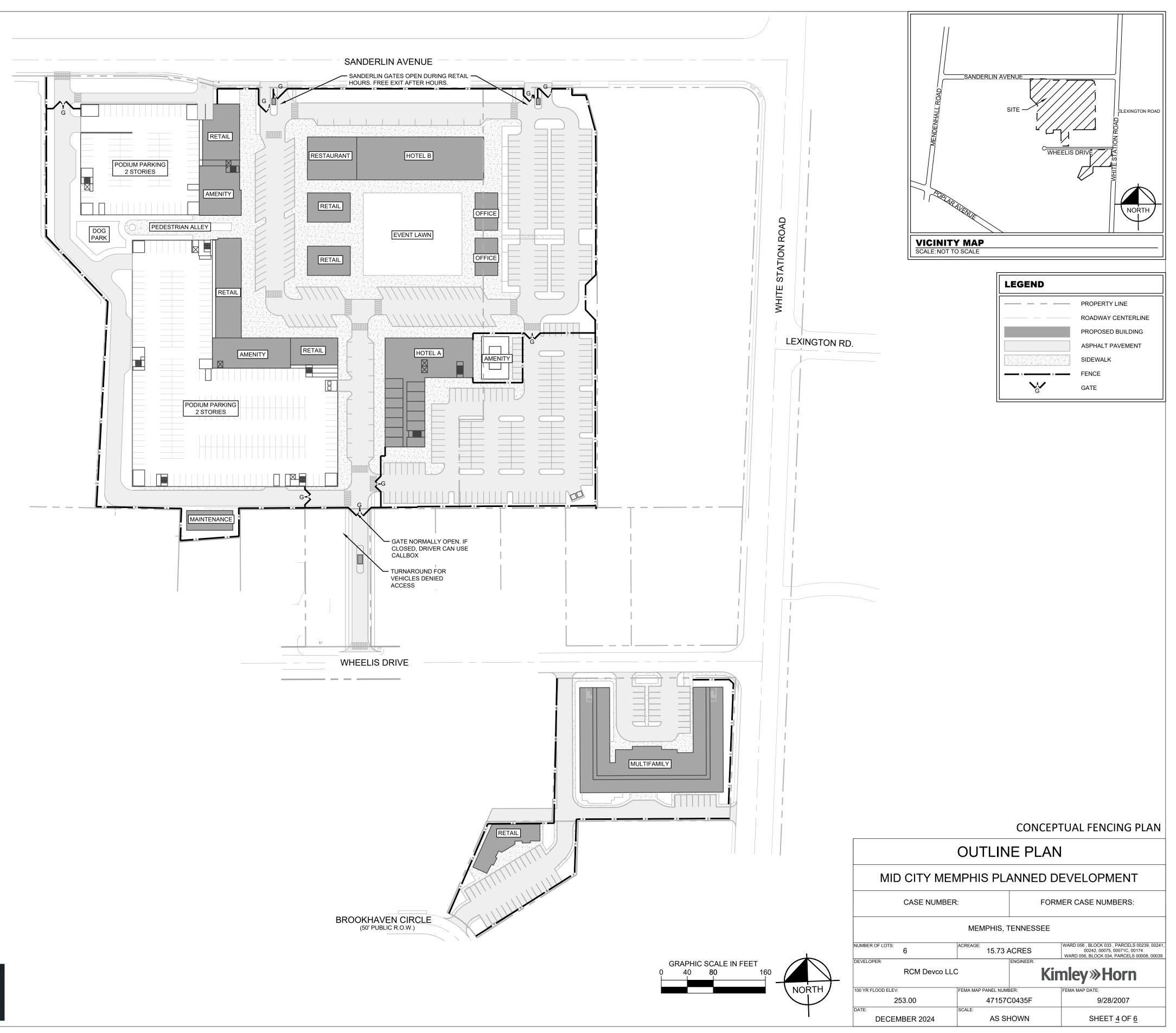




LRK



LRK



LRK

#### Mid-City Memphis Planned Development **Outline Plan Conditions** PD 24-14

PERMITTED USES 1.

#### A. Area A

- Uses permitted by right in the Commercial Mixed Use 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
  - a. Hotels
  - b. Multi-family residential
  - c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:

- i. Pawnshop
- ii. Payday loans, title loan establishments
- iii. Vehicle parts and accessories
- iv. Wholesale Club
- v. Convenience store, with or without gas pumps
- vi. Automatic one bay car wash facility
- vii. Drive-thru facility d. Retail Service-Oriented uses, excluding the following principal and
- accessory uses:
- i. Animal hospital, animal shelter, kennel ii. Laundromat, coin operated pickup station
- iii. Taxidermist
- iv. Truck stop, tractor-trailers (fueling of)
- e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
- i. Appliance
- f. Office
- g. Parking structured or on grade
- 2. The following additional uses are excluded:
  - a. Vehicle sales, service and repair
- Self-service storage b.

B. Area B

- 1. Uses in Area B are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
  - a. Surface parking lot
  - b. Single-family detached
  - c. Single-family attached
  - d. Office
  - e. Tennis courts with lights
- C. Area C
  - 1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:
    - a. Residential:
    - Single-family detached
    - ii. Single-family attached
    - iii. Multi-family
    - iv. Other residential uses excluding:
      - (1) Manufactured, modular home
      - (2) Mobile home
      - (3) Container home
      - (4) Manufactured home park (5) Group living uses
    - b. Civic:
    - Community services uses excluding neighborhood arts center or similar community facility (public)
    - ii. Day care facilities
    - iii. Education facilities excluding:
      - School, trade, vocational, business
      - (2) Dormitory, housing for students of faculty accessory to educational facilities not classified as colleges, community colleges or universities
    - iv. Medical facilities excluding:
      - (1) Blood plasma donation center
      - (2) Hospital
    - v. Park/Open areas excluding:
      - (1) Cemetery, mausoleum, columbarium, memorial park
      - (2) Game preserve, wildlife management area, refuge, animal sanctuary
      - (3) Recreation field, with lights
    - vi. Places of worship excluding off-site parking for places of worship vii. Utilities excluding:
      - (1) All major utilities

      - (2) Communication towers
      - (3) Solar farm
      - (4) Wind farm
    - c. Commercial:
    - i. Hotel
    - ii. Funeral services excluding:
    - (1) Funeral homes, funeral directing
      - (2) All other funeral establishments, including crematorium and pet crematorium
    - iii. Indoor recreation excluding:
      - (1) Adult-oriented establishment
      - (2) Bar, tavern, cocktail lounge, nightclub
      - (3) Convention center
      - (4) Lodge, private club (5) Indoor shooting range
    - iv. Office

	v. Restaurant excluding:	11.	BULK F
	(1) Restaurant, drive-thru or drive-in	Α.	Area A
	vi. Retail Sales & Service excluding:		1. Th
	(1) Convenience store with gas pumps, gas station, commercial		Us
	electric vehicle charge station		a
	(2) Greenhouse or nursery, commercial		b
	<ul><li>(3) Payday loans, title loan, and flexible loan plan establishments</li></ul>		С
	(4) Pawnshop	В.	
	(5) Retail sales outdoor (vendor), flea markets		1. Fo
	(6) Tattoo, palmist, psychic or medium		the
	(7) Truck stop, tractor-trailer (fueling of)		ex
	d. Industrial: microbrewery and microdistillery		a
	e. Agriculture: neighborhood garden		b
	2. The following additional uses are excluded:		2. Fc
	a. Self-Service Storage including:		Z. FC Wi
	i. Mini-storage		ex
	<li>b. Vehicle sales service &amp; repair including:</li>		а
	i. Vehicle wash establishment		
	ii. All vehicle repair		b
	iii. All vehicle sales, rental, leasing		С
D.	Area D		
	1. Uses permitted by right in the Commercial Mixed Use-1 district including the following:	C.	
	following: a. Residential:		1. Th 1 (
	i. Single-family detached		a
	ii. Single family attached		b
	iii. Other residential uses excluding:		с
	(1) Manufactured, modular home		D. Ar
	(2) Mobile home		1. Th
	<ul> <li>(3) Container home</li> <li>(4) Manufactured home parts</li> </ul>		1. 1
	(4) Manufactured home park		a
	(5) Group living uses		b
	b. Civic:		
	<ul> <li>Community services uses excluding neighborhood arts center or similar community facility (public)</li> </ul>		
	ii. Day care facilities	III.	CIRCU
	iii. Education facilities excluding:	Α.	Permit
	(1) School, trade, vocational, business		in the
	(1) School, trade, vocational, business (2) Dormitory, housing for students of faculty accessory to	В.	The ga
	educational facilities not classified as colleges, community		open o
	colleges or universities		of regu permit
	iv. Medical facilities excluding:	C.	Provid
	(1) Blood plasma donation center	0.	Comm
	(2) Hospital	D.	All inte
	v. Park/Open areas excluding:	υ.	a prop
	(1) Cemetery, mausoleum, columbarium, memorial park	E.	Street
	(2) Game preserve, wildlife management area, refuge, animal	F.	Share
	sanctuary		neces
	(3) Recreation field, with lights		4.5.4.
	vi. Places of worship excluding off-site parking for places of worship	G.	Parkin
	vii. Utilities excluding:		ground
	(1) All major utilities		these

(3) Convention center (4) Lodge, private club (5) Indoor shooting range iii. Office iv. Restaurant excluding: (1) Restaurant, drive-thru or drive-in v. Retail Sales & Service excluding: (1) Convenience store with gas pumps, gas station, commercial electric vehicle charge station (2) Greenhouse or nursery, commercial (3) Payday loans, title loan, and flexible loan plan establishments (4) Pawnshop (5) Retail sales outdoor (vendor), flea markets (6) Tattoo, palmist, psychic or medium (7) Truck stop, tractor-trailer (fueling of) vi. Industrial: microbrewery and microdistillery vii. Agriculture: neighborhood garden Surface parking serving the uses in Area C and/or the businesses d. along Brookhaven Circle 2. The following additional uses are excluded: a. Self-Service Storage including: Mini-storage

(2) Communication towers

pet crematorium

(1) Funeral homes, funeral directing

(1) Adult-oriented establishment

(2) Bar, tavern, cocktail lounge, nightclub

(2) All other funeral establishments, including crematorium and

(3) Solar farm

(4) Wind farm

i. Funeral services excluding:

ii. Indoor recreation excluding:

c. Commercial:

- b. Vehicle sales service & repair including:
- i. Vehicle wash establishment
- ii. All vehicle repair
- iii. All vehicle sales, rental, leasing

# REGULATIONS

ne bulk regulations shall be in conformance with the Commercial Mixed se – 3 (CMU-3) district regulations, with the following exceptions:

- There shall be no maximum density requirements.
- Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
- The maximum building height shall be 240'.

- or single-family uses, the bulk regulations shall be in conformance with e Residential Urban – 3 (RU-3) district regulations, with the following
- ceptions: Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
- The maximum building height shall be 40' and two (2) stories.
- or parking and office uses, the bulk regulations shall be in conformance
- th the Office General (OG) district regulations, with the following ceptions:
- Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
- The minimum lot width shall be 50'.
- The maximum building height shall be 40' and two (2) stories (for office uses only).

# ne bulk regulations shall be in conformance with Commercial Mixed Use -(CMU-1) district regulations with the following exceptions:

- There shall be no maximum density requirements.
- Building setbacks shall be 10' feet along public street frontages except where encroachments are permitted.
- The maximum building height shall be 90'.
- rea D ne bulk regulations shall be in conformance with Commercial Mixed Use -
- (CMU-1) district regulations with the following exceptions:
- There shall be no maximum density requirements.
- Building setbacks shall be 40' feet along public street frontages except where encroachments are permitted.

## LATION, ACCESS AND PARKING

- t four (4) points of full movement vehicular access along Sanderlin Avenue general location illustrated on the Outline Plan / Final Plan
- ates reflected at the access points along Sanderlin Avenue shall remain during regular business hours and shall be closed to through traffic outside X. ular business hours. No access, other than emergency access, shall be
- tted when the gates are closed. le internal circulation between adjacent Areas, phases, lots, and sections. non ingress/egress easements shall be shown on the final plans.
- ernal drives shall be private, owned and maintained by a property owner or perty owners association.
- ts shall conform to the City of Memphis standards as modified herein. ed Parking shall be permitted for all uses as part of this PD without sitating the approval of an Alternative Parking Plan pursuant to UDC Sec.
- ng garages with facades along a public street shall not be required to have d floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.
- H. Pedestrian access from Area A may be provided to the property to the west along the northernmost 100 feet of the common property line.
- A walking path shall be provided along and within the existing right-of-way of Wheelis Drive between Areas A and C.

## LANDSCAPING

IV.

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. The parking area within Area B shall contain landscaped interior islands. The maximum height of light poles within Area B shall be twenty (20) feet and shall be designed in such a way that produce zero (0) footcandles along the common property line with the Lexington Condominiums.
- D. All common open areas outside of public rights-of-way including plazas, private/ shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- E. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- F. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- G. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- H. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
  - All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- J. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3) (b) shall not be required along fencing within buffer areas
- K. A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property. This buffer shall be designed as follows:
  - 1. For the northernmost +/- 73-foot section of the common property line that generally runs in a northwest-southeast direction, the existing wall and landscaping shall constitute the buffer, but an additional 5-foot access easement shall be provided on the subject property in the area immediately to the south and north of the Lexington Condominium vehicular gate to facilitate pedestrian access around the existing gate
  - 2. For the remainder of the common property line, the existing landscaping shall be retained with the footings of the brick wall located at least 5.5 feet west of the property line.

#### DRAINAGE V.

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

#### VI. SANITARY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.
- C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

#### VII. WATER SERVICE / UTILITIES

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

#### VIII. SIGNS

- Signage shall be in conformance with regulations established for Mixed Use Α. Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

#### IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- Temporary parking lots may be constructed and utilized during the phased Β. construction of Mid-City Memphis.

#### ARCHITECTURAL GUIDELINES

- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- Architectural elevations and materials will be subject to administrative review and Β. approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

## XI. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
  - 1. The Outline Plan Conditions
  - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas
- 3. The location and ownership, whether public or private, of any easement.
- 4. A landscape plan.
- 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

# **OUTLINE PLAN CONDITIONS**

# **OUTLINE PLAN**

# MID CITY MEMPHIS PLANNED DEVELOPMENT

CASE NUMBER:		FORM	ER CASE NUMBERS:	
MEMPHIS, TENNESSEE				
IUMBER OF LOTS: 6	ACREAGE: 15.73 ACRES		WARD 056 , BLOCK 033 , PARCELS 00239, 00241, 00242, 00075, 00071C, 00174 WARD 056, BLOCK 034, PARCELS 00008, 00039	
DEVELOPER:		ENGINEER:		
RCM Devco LLC	C	Kin	nley»Horn	
00 YR FLOOD ELEV:	FEMA MAP PANEL NUMBER:		FEMA MAP DATE:	
253.00	47157C0435F		9/28/2007	
DATE:	SCALE:			
DECEMBER 2024	AS SH	IOWN	SHEET 5 OF 6	

#### Owner's Certificate

I,\_\_\_\_\_, RCM Devco LLC, the undersigned owner of the property shown, hereby adopt this plat as our plan of development. We certify that we are the owner of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes which have become due and payable.

Chance Carlisle, Owner, RCM Devco LLC

Notary's Certificate

State of Tennessee County of Shelby

Before me the undersigned, a Notary Public in and for the said State and County at MEMPHIS, duly commissioned and qualified, personally appeared, \_\_\_\_\_\_, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be \_\_\_\_\_\_\_for \_\_\_\_\_\_, owner of the property, the within named bargainer, and that he/she executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in \_\_\_\_\_\_, this \_\_\_\_\_\_day of \_\_\_\_\_\_ 20\_\_\_\_.

Notary Public \_\_\_\_\_

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

#### Surveyor's Certificate

It is hereby certified that this is a category \_\_\_\_\_\_ survey and that the precision of the unadjusted survey is 1: \_\_\_\_\_\_ or greater, that this plat has been prepared by me or under my individual supervision and conforms with applicable State Laws, the Memphis and Shelby County Unified Development Code, and the specific conditions imposed on this development relating to the practice of surveying.

By\_\_\_\_\_(Seal) Date \_\_\_\_\_

Tennessee Certificate No.

#### Engineer's Certificate

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Memphis and Shelby County Unified Development Code and the specific conditions imposed on this development, and takes into account all applicable federal, state and local building laws and regulations.

By \_\_\_\_\_ (Seal) Date \_\_\_\_\_

Tennessee Certificate No.

#### Land Use and Development Services Certificate

This outline plan is recorded in accordance with the planned development amendment acted on by the Land Use Control Board on February 9, 2023, and approved by the Memphis City Council on February 21, 2023.

By \_\_\_\_\_ Date \_\_\_\_\_ Zoning Administrator

LUDS \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATES

OUTLINE PLAN			
MID CITY MEMPHIS PLANNED DEVELOPMENT			
CASE NUMBER	:	FORM	IER CASE NUMBERS:
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 6	ACREAGE: 15.73 ACRES		WARD 056, BLOCK 033, PARCELS 00239, 00241, 00242, 00075, 00071C, 00174 WARD 056, BLOCK 034, PARCELS 00008, 00039
DEVELOPER: RCM Devco LLC	2	engineer: Kin	nley»Horn
100 YR FLOOD ELEV:			FEMA MAP DATE:
253.00	47157C0435F		9/28/2007
DECEMBER 2024	SCALE: AS SHOWN		SHEET <u>6</u> OF <u>6</u>

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

**Planning & Development** DIVISION

#### Planning & Zoning COMMITTEE: 01/21/2025 DATE

| ONE ORIGINAL |

| ONLY STAPLED |

TO DOCUMENTS

		PUBLIC SESSION:	DATE 02/04/2025 DATE		
ITEM (CHECK ONE)ORDINANCE	X RESOLUTION	REQUEST FOR PI	JBLIC HEARING		
ITEM DESCRIPTION:	Resolution pursuant	to Chapter 9.6 of the Mer	nphis and Shelby County Unified Development Code approving y located at 3763 Jackson Avenue, known as case number PD		
CASE NUMBER:	PD 2024-017				
<b>DEVELOPMENT:</b>	Charles T Rowland I	Planned Development			
LOCATION:	3763 Jackson Aver	nue			
COUNCIL DISTRICTS:	District 7 and Super	District 9 – Positions 1, 2	, and 3		
OWNER/APPLICANT:	Charles & Mary Rov	vland			
<b>REPRESENTATIVE:</b>	Mike Davis, The Rea	aves Firm, Inc.			
<b>REQUEST:</b>	New planned develo	pment to allow a wholesa	le retail business		
AREA:	+/-1.6 acres				
<b>RECOMMENDATION:</b>		ning and Development re ol Board Recommended A			
RECOMMENDED COUN	Heari	ing – February 04, 2025			
PRIOR ACTION ON ITEM					
<u>(1)</u> 12/12/2024		APPROVAL - (1) APP DATE	ROVED (2) DENIED		
(1) Land Use Control Board		ORGANIZATION - (1) BOARD / COMMISSION			
		(2) GOV'T. ENTITY (3	3) COUNCIL COMMITTEE		
FUNDING:		DECLUDES CITY EVE	ENDITUDE $(1)$ VES $(2)$ NO		
<u>(2)</u> \$		AMOUNT OF EXPEN	ENDITURE - (1) YES (2) NO DITURE		
<u>\$</u> SOURCE AND AMOUNT (	OF FUNDS	REVENUE TO BE REC	CEIVED		
SOURCE AND AMOUNT ( §	OF FUNDS	OPERATING BUDGE	Г		
\$		CIP PROJECT #			
<u>\$</u>		FEDERAL/STATE/OT			
ADMINISTRATIVE APPR	OVAL:	<u>DATE</u>	POSITION		
_ Alexis Longstre	et	1/13/2025	PLANNER		
			DEPUTY ADMINISTRATOR		
Brett Register		1/13/2025	ADMINISTRATOR		
			DIRECTOR (JOINT APPROVAL)		
			COMPTROLLER		
			FINANCE DIRECTOR		
			CITY ATTORNEY		
			CHIEF ADMINISTRATIVE OFFICER		

**COMMITTEE CHAIRMAN** 



Memphis City Council Summary Sheet

# PD 2024-017

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3763 JACKSON AVENUE, KNOWN AS CASE NUMBER PD 2024-017

- This item is a resolution with conditions to allow a wholesale retail business planned development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 12, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2024-017
DEVELOPMENT:	Charles T Rowland Planned Development
LOCATION:	3763 Jackson Avenue
COUNCIL DISTRICT(S):	District 7 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Charles & Mary Rowland
REPRESENTATIVE:	Mike Davis, The Reaves Firm, Inc.
REQUEST:	New planned development to allow a wholesale retail business
EXISTING ZONING:	Commercial Mixed – Use 3 (CMU-3)
AREA:	+/-1.6 acres

The following spoke in support of the application: David Harris and Josh Lawhead

### 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 passed by a vote of 5-4-0 on the regular agenda.

Respectfully,

Alexis Longstreet

Planner Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

# PD 2024-017

CONDITIONS

### **Outline/General Plan Conditions**

# I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use 3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

# II. Bulk Regulations:

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

# III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

# IV. Landscaping and Screening:

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

# VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

# VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this

manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

# VIII. Building Design

- A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.
- **IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

# X. Site Plan Review

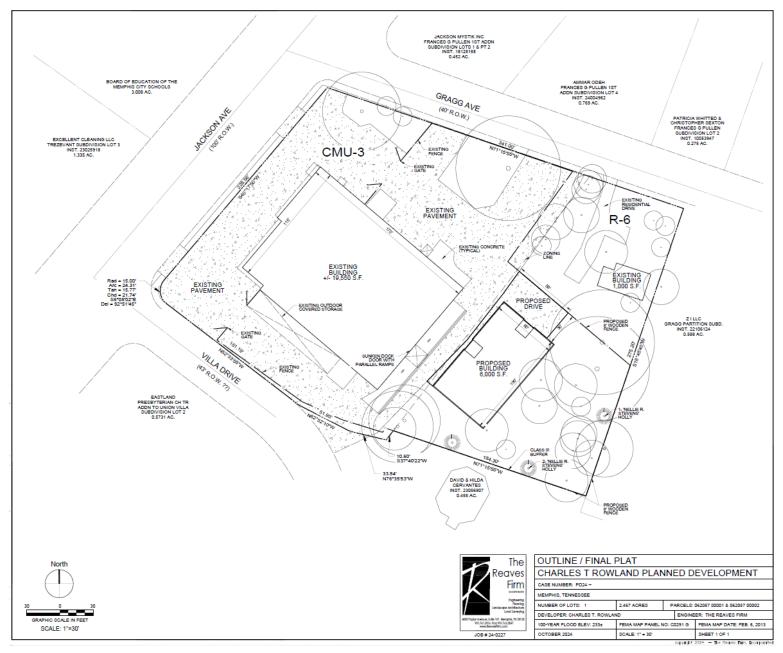
- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

# **XII.** Any final plan shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. 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.

#### **CONCEPT PLAN**



#### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3763 JACKSON AVENUE, KNOWN AS CASE NUMBER PD 2024-017

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

**WHEREAS**, the Charles and Mary Rowland filed an application with the Memphis and Shelby County Division of Planning and Development to allow a wholesale retail business planned development; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 12, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

# **OUTLINE PLAN CONDITIONS**

### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use 3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

## **II. Bulk Regulations:**

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

# III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

# **IV. Landscaping and Screening:**

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

# VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

# VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

# VIII. Building Design

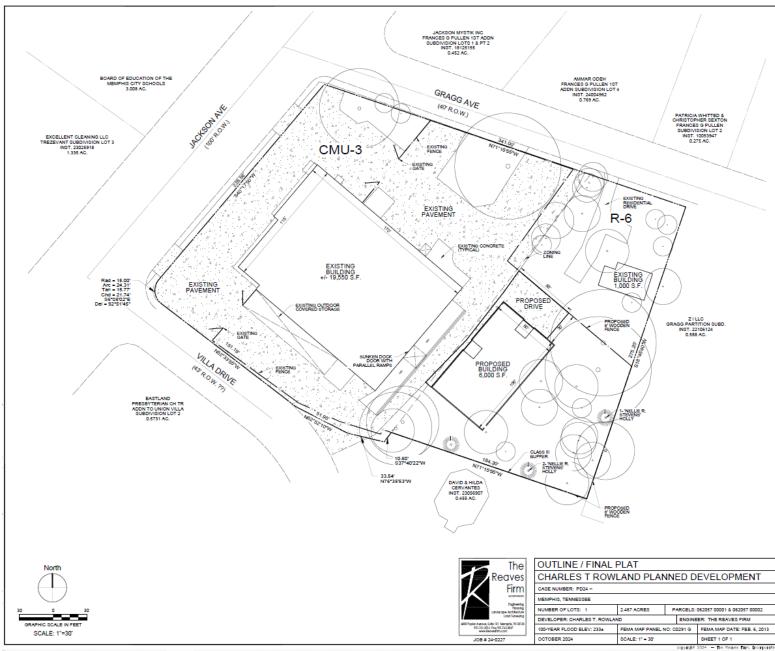
A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.

**IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

# X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- **XII.** Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
  - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - H. The 100-year flood elevation.
  - I. 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.

**CONCEPT PLAN** 



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

# STAFF REPOR

AGENDA ITEM:	4	L.U.C.B. MEETING: December 12, 2024	
CASE NUMBER:	PD 2024-017		
DEVELOPMENT:	Charles T Rowland Planned Development		
LOCATION:	3763 Jackson Avenue		
COUNCIL DISTRICT:	District 7 and Super District 9 – Positio	ns 1, 2, and 3	
OWNER/APPLICANT:	Charles & Mary Rowland		
REPRESENTATIVE:	Mike Davis, The Reaves Firm, Inc.		
REQUEST:	New planned development to allow a wholesale retail business		
EXISTING ZONING:	Commercial Mixed – Use 3 (CMU-3)		

# CONCLUSIONS

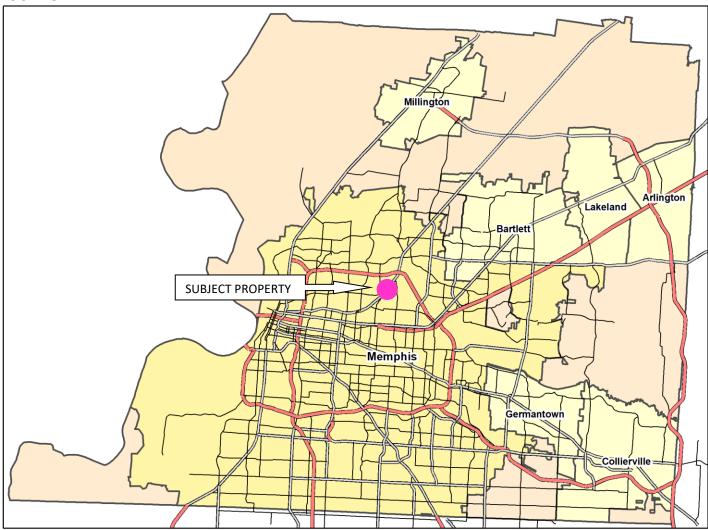
- 1. The property owner of the subject property has operated his existing business within the area since 1972 and has been at the subject property since 2015.
- 2. The proposed property addition to be included in the planned development is currently owned by the subject property owner.
- 3. The applicant is proposing to construct a one-story 6,000 square foot storage facility that will strictly serve the existing commercial business.
- 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 24-25 of this report.

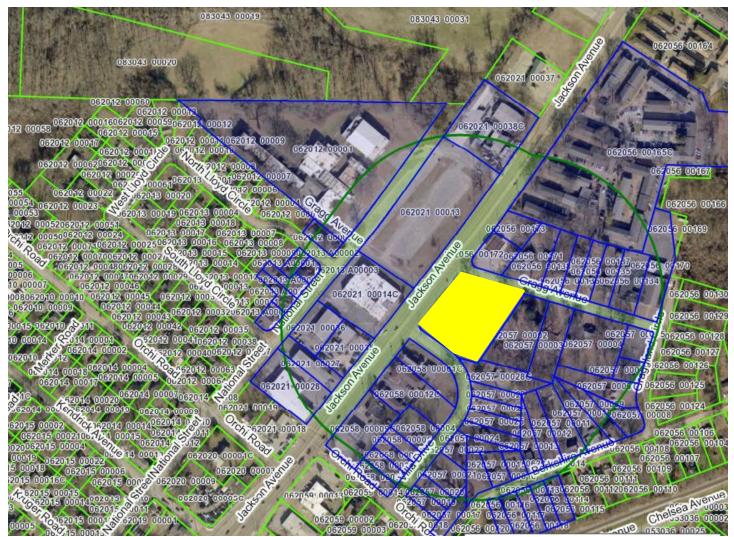
# **RECOMMENDATION:**

Rejection



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 60 notices were mailed on October 22, 2024, see page 26 of this report for a copy of said notice. Additionally, three signs were posted at the subject property, see page 27 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Thursday, October 24, 2024, at 3763 Jackson Avenue.

# AERIAL



Subject property outlined in yellow, imagery from 2024

#### **ZONING MAP**



Subject property highlighted in yellow

## LAND USE MAP



Subject property indicated by a pink star

# SITE PHOTOS



View of subject property from Jackson Avenue looking northeast

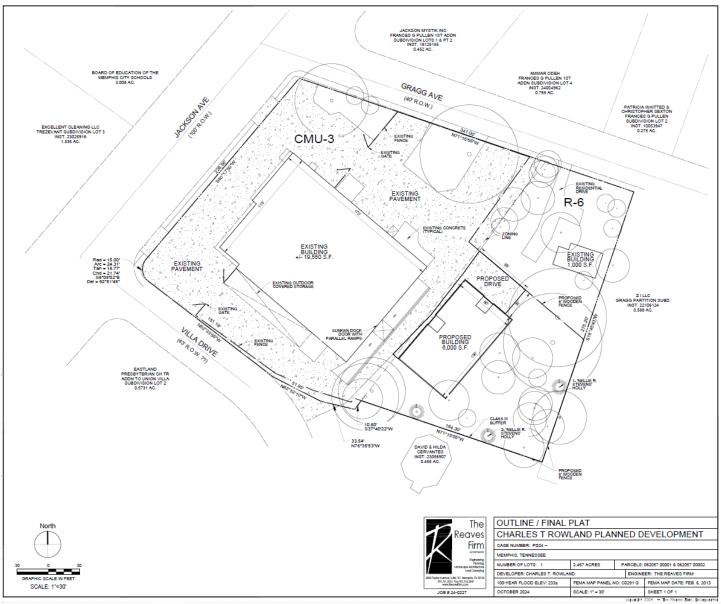


View of subject property from Jackson Avenue looking south



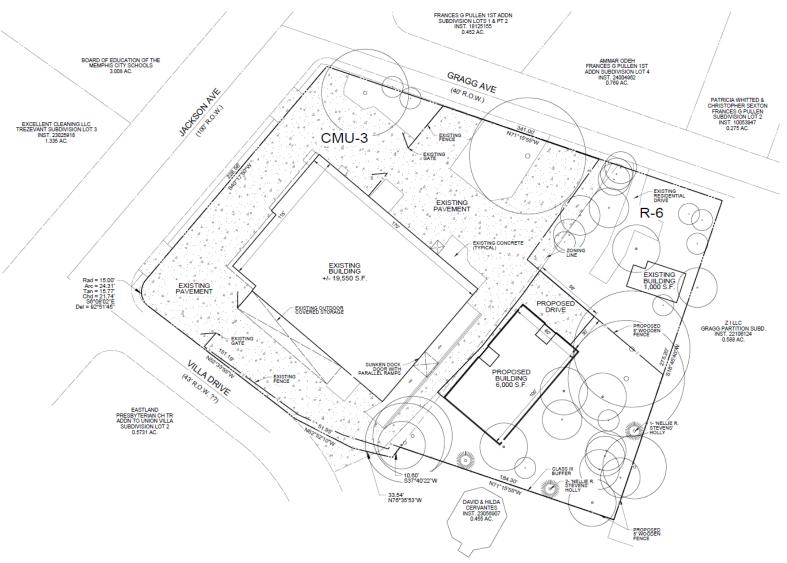
View of subject property from Gragg Avenue looking southwest.

# **PROPOSED OUTLINE PLAN**



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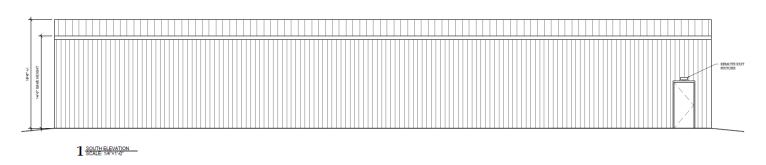
**PROPOSED OUTLINE PLAN – MAGNIFIED** 

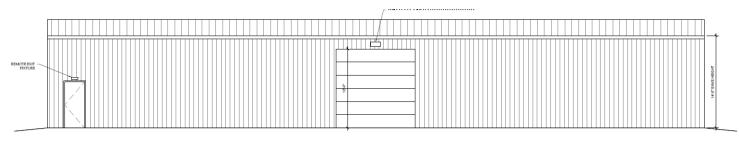


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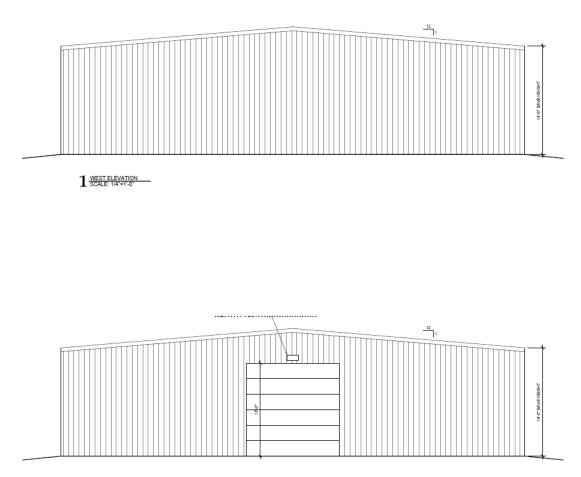
#### **PROPOSED LANDSCAPE PLAN**







2 NORTH ELEVATION SCALE: 1/4"=1'-0"



2 EAST ELEVATION SCALE: 1/4"=1'-0"

# **CASE REVIEW**

# <u>Request</u>

The request is a planned development to allow a wholesale retail business.

# Applicability

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

# 4.10.2 Applicability

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

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

# **General Provisions**

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

# 4.10.3 General Provisions

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

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

December 12, 2024 Page 16

current development policies and plans of the City and County.

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

# **Commercial or Industrial Criteria**

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

# 4.10.5 Planned Commercial or Industrial Developments

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

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

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

D. Landscaping

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

# Approval Criteria

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

# 9.6.9 Approval Criteria

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

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

# Site Details

Address: 3763 Jackson Avenue

Parcel ID: 062057 00001

Area: +/-1.6 acres

# Description:

The subject property is governed by Commercial Mixed Use – 3 (CMU-3) and Single-Family Residential (R-6). Per the Assessor's website, the commercial classified principal structure on the site was built in 1968 and currently is one-story structure with a ground floor area of 20,205 square feet and the surrounding land uses are a mixture of commercial, industrial, institutional and single-family lots. Additionally, this lot has three street frontages: Jackson Avenue, Gragg Avenue and Villa Drive.

An existing single-family home located at 3767 Gragg Avenue is adjacent to the subject property. It is currently being rented by a tenant.

# **Concept Plan Review**

- The applicant is proposing to utilize the southern portion of the abutting property located at 3767 Gragg Avenue.
- The proposed area in which the 6,000 square foot structure will be located only has access from Jackson Avenue.
- The structure will be set back 30 feet from the proposed fencing to the north.
- The existing 1,000 square foot single-family residential property located at 3767 Gragg Avenue will remain.
- There is proposed 8' wooden fencing to be added to serve as a buffer between the single-family property located on Gragg Avenue and Villa Drive.
- Class III buffers will be implemented south to the abutting single-family residents located on Villa Drive.
- There will be some matured landscaping preserved and some additional 'Nellie R. Stevens'' Hollies will also be installed.

# <u>Analysis</u>

Properties within the vicinity located along Jackson Avenue currently have commercial land use designations and are being operated as such. The surrounding land use outside of commercial designations is single-family residential. The applicant has owned and operated his commercial business within this area for 20+ years. The property in which the 6,000 square foot storage building would be located is owned by the subject property owner. The subject property abuts residential zoning, and the expansion of the commercial use will encroach into the residential zoning district.

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

# RECOMMENDATION

Staff recommends rejection; however, if approved with the outline plan conditions as follows:

# **Outline Plan Conditions**

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

# I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use 3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

# II. Bulk Regulations:

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall

wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

# III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

# IV. Landscaping and Screening:

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

# V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

# VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

# VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

# VIII. Building Design

- A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.
- **IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

# X. Site Plan Review

A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land

Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.

- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- **XII.** Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
  - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - H. The 100-year flood elevation.
  - 1. 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.

# **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. If the lot will be subdivided into two or more additional lots or buildings within the lot, the additions must have their own service connection.
- 4. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
- 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.
- 6. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.
- 7. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

# Roads:

- 8. 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.
- 9. 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:**

- 10. 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.
- 11. 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.
- 12. The developer's engineer shall submit a <u>Trip Generation Report</u> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

# Curb Cuts/Access:

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

December 12, 2024 Page 22

# Drainage:

- 15. 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.
- 16. 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.
- 17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 18. 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.
- 19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

# **General Notes:**

- 20. Development is greater than 1 acre and is located within a sensitive drainage basin.
- 21. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 22. All connections to the sewer shall be at manholes only.
- 23. 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.
- 24. 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.

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

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

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

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

• 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: County Health Department: Shelby County Schools: Construction Code Enforcement: Memphis Light, Gas and Water: Office of Sustainability and Resilience: Office of Comprehensive Planning:
- No comments received. See pages 25-24.

December 12, 2024 Page 24

# **Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-017: Jackson/North</u>

# Site Address/Location: 3763 JACKSON AVE

Overlay District/Historic District/Flood Zone: Not in any Overlay District, Flood Zone or Historic District Future Land Use Designation: Primarily Single-Unit Neighborhood (NS) Street Type: N/A

The applicant is seeking approval for a PD in an R-6 zone to build a storage facility. The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

# 2. Land Use Description/Intent

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



"NS" Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1 - 3 stories: Beyond  $\frac{1}{2}$  mile from a Community Anchor

# "NS" Zoning Notes

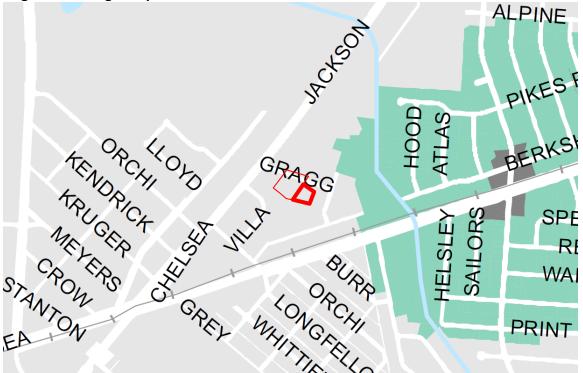
Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and

December 12, 2024 Page 25

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, Commercial, Institutional, and Office, CMU-1, CMU-2, R-10, RU-3 and RW

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.

Degree of Change Map



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

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

**Consistency Analysis Summary** 

The applicant is seeking approval for a PD in an R-6 zone to build a storage facility.

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.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

December 12, 2024 Page 26

# NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, November 6, 2024 at 8 AM.** 

CASE NUMBER:	PD 2024-017
ADDRESS:	3763 Jackson Avenue
REQUEST:	Planned Development: Wholesale retail business
APPLICANT:	Charles Terry Rowland,

#### **Meeting Details**

Location: Council Chambers City Hall 1st Floor 125 N Main St. Time: 9:00 AM
Date: Thursday, Nov. 14, 2024

#### Staff Planner Contact:

Alexis Longstreet ☐ alexis.longstreet@memphistn.gov \$\$ (901) 636-7120



#### VICINITY MAP



#### To learn more about this proposal, contact the staff planner or use the QR code to view the full application.



69 Notices Mailed 10/22/2024

#### **SIGN AFFIDAVIT**

December 12, 2024 Page 27

# AFFIDAVIT

Shelby County State of Tennessee

I, CHARLES T ROWLAND being duly sworn, depose and say that at 8:30 am/pm on the 31<sup>ST</sup> day of OcTOBER , 20 24 , I posted 3 Public Notice Sign(s) pertaining to Case No. PD 2024-0017 at 3763 Jackson Ave (2) and 3767 Gragg Ave (1)

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

Subscribed and sworn to before me this 31 day of bCtobu

X Land Use Control Board

Board of Adjustment

Memphis City Council

Shelby County Board of Commissioners

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

Owner, Applicant or Representative

Date

Notary Public

My commission expires: FUMMA 7 301



#### APPLICATION

December 12, 2024 Page 28



# Memphis and Shelby County Division of Planning and Development

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

Expiration Date:

website: www.develop901.com

# **Record Summary for Planned Development**

Record Status: Pending

Opened Date: October 9, 2024

Record Detail Information

Record Type: Planned Development

Record Number: PD 2024-017

Record Name: Charles T Rowland Planned Development

Description of Work: On behalf of Charles Terry Rowland, owner of Building Materials on Jackson, a wholesale/retail business, we are pleased to submit the attached planned development application. Mr. Rowland owns several properties on both sides of Jackson Avenue and wishes to consolidate his inventory of windows, cabinets, flooring and other materials into his primary business at 3763 Jackson, currently zoned CMU-3. He has been in business in this neighborhood since 1969, across the street since 1972, and at this location since 2015.

Parent Record Number:

Address: 3763 JACKSON AVE, MEMPHIS 38108

Owner In	formation			
Primary	Owner Name			
Y	ROWLAND CHARLES & MARY E			
Owner Address		Owner Phone		
9044 FR	EEMAN OAKS CV, CORDOVA, TN 38018			
Parcel In	formation			
062057	062057 00001			
Data Fiel	ds			
PREAPPL	ICATION MEETING			
Name of DPD Planner		Alexis Longstreet		
Date of	Date of Meeting 10/07/2024			
	Dication Meeting Type PROJECT INFORMATION	In Person		
Planned	Planned Development Type New Planned Development (PD)			

PD 2024-017

GENERAL PROJECT INFORMATION	
Previous Docket / Case Number Medical Overlay / Uptown If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	BOA_1968-012-CI No N/A
Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA	No -
UDC Sub-Section 9.6.9A	The proposed storage building and associated loading area will be accessed from the existing commercial property, so it will not impact traffic flow or parking on Gragg and Villa. As a storage facility, the proposed structure will have minimal impact on existing utilities and will create no health and safety issues for the surrounding properties.
UDC Sub-Section 9.6.9B	The proposed plan will retain the single-family home currently facing Gragg Avenue on the R-6 zoned portion of the PD. The proposed storage building will be placed behind the existing residential structure, will be situated to allow numerous mature trees to remain and will be surrounded by a site-proof wooden fence, so it will have a low visual impact on adjacent properties. The vacant parcel to the east of the planned development is a dilapidated single-family structure. North of the Building Materials on Jackson is a vacant gas station and to the south is vacant property. The existing facility faces Jackson Avenue, an intense commercial corridor.
UDC Sub-Section 9.6.9C	The proposed plan development is surrounded by fully improved public streets and has immediate access to all public utilities.
UDC Sub-Section 9.6.9D	There are no significant natural, scenic or historical features within the proposed planned development. Most of the mature vegetation on the property will remain.
UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS	The project complies with code. Correct.
UDC Sub-Section 4.10.3A	Correct.

PD 2024-017

#### GENERAL PROVISIONS

B) An approved water supply, community waste MLGW water. City of Memphis public sewer and water treatment and disposal, and storm water City of Memphis public drainage facilities are drainage facilities that are adequate to serve the immediately available to the site. proposed development have been or will be provided concurrent with the development All proposed site elements have been carefully C) The location and arrangement of the structures, parking and loading areas, walks, located to minimize impacts to adjacent properties. lighting and other service facilities shall be Outdoor lighting associates with the proposed site compatible with the surrounding land uses, and improvements will not spill over to adjacent any part of the proposed development not used properties. Most of the existing mature trees within for such facilities shall be landscaped or the PD will be preserved and additional fencing/landscape buffering will be implemented. otherwise improved except where natural features are such as to justify preservation Correct. D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest Correct E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements F) Lots of record are created with the recording Correct. of a planned development final plan GIS INFORMATION Case Layer Central Business Improvement District No Class Downtown Fire District No Historic District Land Use Municipality Overlay/Special Purpose District Zoning State Route l ot Subdivision Planned Development District Wellhead Protection Overlay District No County Commission District City Council District City Council Super District Contact Information

PD 2024-017

UNARLES IE	RRY ROWLAND				Contac APPLICA	
Address 9044 FREEM	AN OAKS CV, CORDOVA, TN, CORD	OOVA, TN, 38018				
Phone						
Name GREG BARTI	LETT					t Type
Address	R AVE,				SURVEY	OR
Phone (901)761-201	6					
Name CHARLES TERRY ROWLAND				Contac PROPER	t Type	
Address 9044 FREEM	AN OAKS CV, CORDOVA, TN, CORD	DOVA, TN, 38018			RECORD	)
Phone (901)761-201	6					
Name MIKE DAVIS						<u>t Type</u> Entative
Address						
Phone (901)761-201	6					
Fee Inform	nation					
invoice #	Fee Item	Quantity	Fees	Status		Date Assessed
1599083	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	10/11/2024
1599083	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	10/11/2024
			biced: \$1,539.00		lance: \$0.0	

\$1,539.00

Method of Paymer Credit Card

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

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

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, CHARLES T ROWLAND Charles Fruity, 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 <u>3763 Jackson Ave & 3767 Gragg Ave</u> and further identified by Assessor's Parcel Number <u>062057 00001 & 062057 00002</u> for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before methods TINE 10 day of October in the year of 202.4 SHARD 9-8-27 My Commission Expires Signature of Notary Public

#### LETTER OF INTENT



Reaves Firm

October 11, 2024

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

#### RE: 3763 Jackson Planned Development-2.47 Acres

Dear Brett,

On behalf of Charles Terry Rowland, owner of Building Materials on Jackson, a wholesale/retail business, we are pleased to submit the attached planned development application. Mr. Rowland owns several properties on both sides of Jackson Avenue and wishes to consolidate his inventory of windows, cabinets, flooring and other materials into his primary business at 3763 Jackson, currently zoned CMU-3. He has been in business in this neighborhood since 1969, across the street since 1972, and at this location since 2015.

To accomplish his goal, we propose to create the Charles T Rowland Planned Development that will combine his primary business location with an adjacent residential (R-6) lot at 3767 Gragg Avenue, also owned by Mr. Rowland. A 6,000-sf single-story storage facility will be constructed on the R-6 lot immediately behind the current business. The existing home and tenant will remain on the R-6 lot facing Gragg and separated from the proposed storage facility by a site-proof wooden fence. Proposed paving to serve the new building will be an extension of the existing paving around the Building Material of Jackson facility, so no new curb cuts will be constructed on Gragg Avenue or Villa Road. Most of the mature trees on the R-6 lot will be preserved. We believe the proposed improvements will have minimal impact on the surrounding neighborhood.

Building Materials on Jackson is considered a neighborhood anchor. Mr. Rowland sells to small contractors and do-it-yourselfers in an economically depressed neighborhood. He has seven employees, generates \$135,000 in city and county taxes per year and is intent on growing his business.

We would appreciate a staff recommendation for approval. Please do not hesitate to contact our design team if there are questions or if you need additional information.

Sincerely,

What and

Mike Davis, R.L.A. Principal

6800 Poplar Avenue, Suite 101 Memphis, TN 38138 T. 901.761.2016 / F. 901.763.2847

# 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 Planned Development**

**Record Detail Information** 

Record Type: Planned Development

Record Status: Pending Opened Date: October 9, 2024

Record Number: PD 2024-017

Expiration Date:

Record Name: Charles T Rowland Planned Development

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Parent Record Number:

# Address:

3763 JACKSON AVE, MEMPHIS 38108

#### **Owner Information**

 Primary
 Owner Name

 Y
 ROWLAND CHARLES & MARY E

 Owner Address

 9044 FREEMAN OAKS CV, CORDOVA, TN 38018

# Parcel Information

062057 00001

#### Data Fields

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

Planned Development Type

Alexis Longstreet 10/07/2024 In Person

New Planned Development (PD)

Owner Phone

#### **GENERAL PROJECT INFORMATION**

Previous Docket / Case Number
Medical Overlay / Uptown
If this development is located in unincorporated
Shelby County, is the tract at least three acres?
(Note a tract of less than three acres is not
eligible for a planned development in
unincorporated Shelby County)
Is this application in response to a citation, stop
work order, or zoning letter
If yes, please provide a copy of the citation, stop
work order, and/or zoning letter along with any
other relevant information
APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS UDC Sub-Section 4.10.3A BOA\_1968-012-CI No N/A

No

The proposed storage building and associated loading area will be accessed from the existing commercial property, so it will not impact traffic flow or parking on Gragg and Villa. As a storage facility, the proposed structure will have minimal impact on existing utilities and will create no health and safety issues for the surrounding properties. The proposed plan will retain the single-family home currently facing Gragg Avenue on the R-6 zoned portion of the PD. The proposed storage building will be placed behind the existing residential structure, will be situated to allow numerous mature trees to remain and will be surrounded by a site-proof wooden fence, so it will have a low visual impact on adjacent properties. The vacant parcel to the east of the planned development is a dilapidated single-family structure. North of the Building Materials on Jackson is a vacant gas station and to the south is vacant property. The existing facility faces Jackson Avenue, an intense commercial corridor.

The proposed plan development is surrounded by fully improved public streets and has immediate access to all public utilities.

There are no significant natural, scenic or historical features within the proposed planned development. Most of the mature vegetation on the property will remain.

The project complies with code. Correct.

Correct.

#### **GENERAL PROVISIONS**

B) An approved water supply, community waste MLGW water, City of Memphis public sewer and water treatment and disposal, and storm water City of Memphis public drainage facilities are drainage facilities that are adequate to serve the immediately available to the site. proposed development have been or will be provided concurrent with the development C) The location and arrangement of the All proposed site elements have been carefully structures, parking and loading areas, walks, located to minimize impacts to adjacent properties. lighting and other service facilities shall be Outdoor lighting associates with the proposed site compatible with the surrounding land uses, and improvements will not spill over to adjacent any part of the proposed development not used properties. Most of the existing mature trees within for such facilities shall be landscaped or the PD will be preserved and additional fencing/landscape buffering will be implemented. otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that Correct. would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other Correct. responsible party shall be required to maintain any and all common open space and/or common elements F) Lots of record are created with the recording Correct. of a planned development final plan **GIS INFORMATION** Case Layer Central Business Improvement District No Class **Downtown Fire District** No Historic District Land Use Municipality **Overlay/Special Purpose District** Zonina State Route Lot Subdivision **Planned Development District** Wellhead Protection Overlay District No **County Commission District City Council District City Council Super District Contact Information** 

#### Name CHARLES TERRY ROWLAND

#### Address

9044 FREEMAN OAKS CV, CORDOVA, TN, CORDOVA, TN, 38018

#### Phone

# Name

GREG BARTLETT

#### Address

6800 POPLAR AVE,

#### Phone

(901)761-2016

Name CHARLES TERRY ROWLAND

#### Address

9044 FREEMAN OAKS CV, CORDOVA, TN, CORDOVA, TN, 38018

#### Phone

(901)761-2016

#### Name

MIKE DAVIS

### Address

## Phone

(901)761-2016

#### **Fee Information** Invoice # Fee Item Quantity Fees Status Balance Date Assessed 1599083 Credit Card Use Fee (.026 1 39.00 INVOICED 0.00 10/11/2024 x fee) 1599083 Planned Development - 5 1 1,500.00 INVOICED 0.00 10/11/2024 acres or less

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

# **Payment Information**

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

#### Contact Type

ARCHITECT / ENGINEER / SURVEYOR

# Contact Type

PROPERTY OWNER OF RECORD

Contact Type

REPRESENTATIVE



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

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

1. CHARLES T ROWLAND	Charles T Rould	, 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 <u>3763 Jackson Ave & 3767 Gragg Ave</u> and further identified by Assessor's Parcel Number <u>062057 00001 & 062057 00002</u> for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before	MELINISTINE O day c	of October	_ in the year of $202.4$
Subscribed and sworn to (or affirmed) before	TEN OFF	• • • •	

Signature of Notary Public

 $\frac{9-8-2}{\text{My Commission Expires}}$ 



October 11, 2024

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

#### RE: 3763 Jackson Planned Development-2.47 Acres

Dear Brett,

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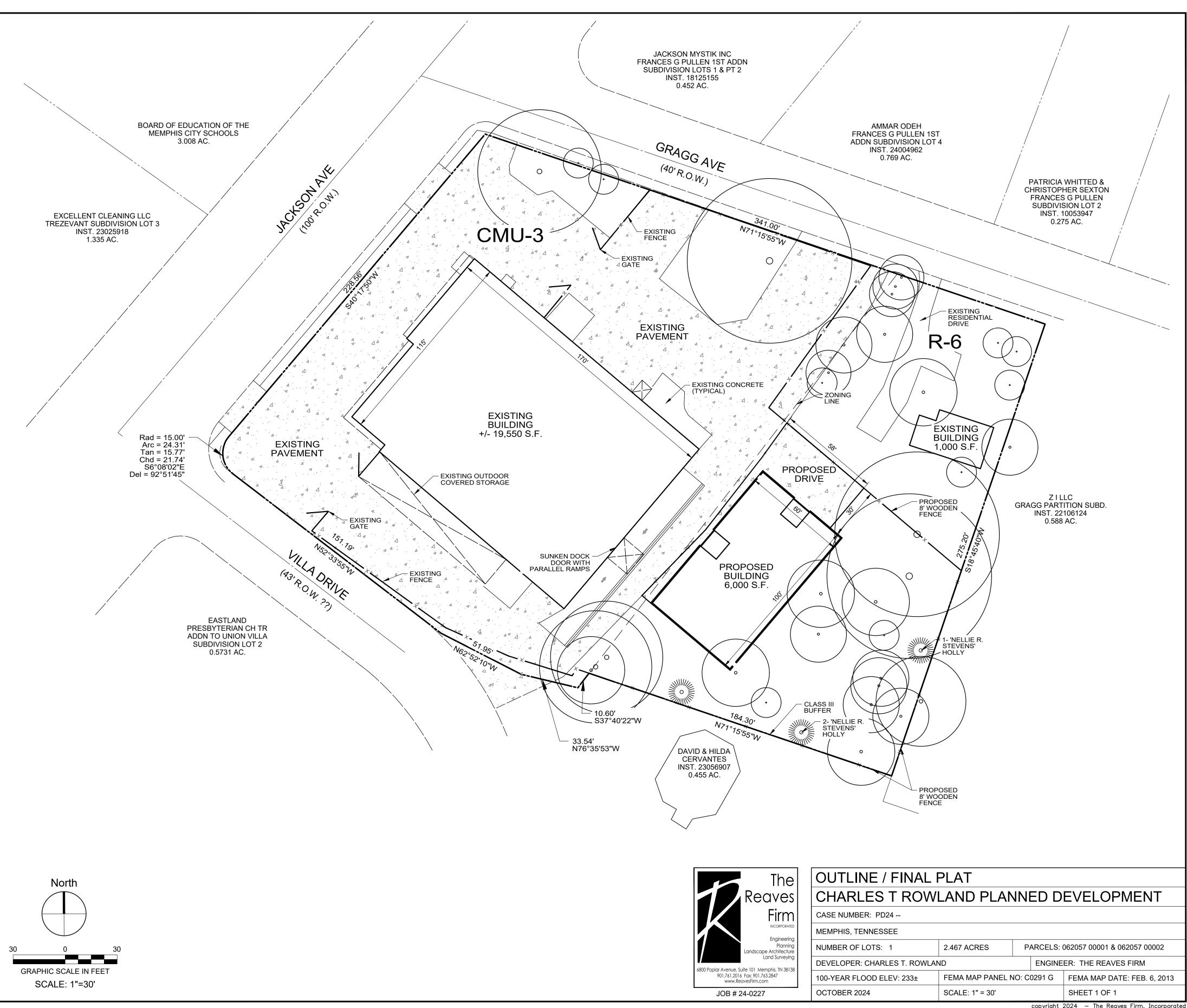
To accomplish his goal, we propose to create the Charles T Rowland Planned Development that will combine his primary business location with an adjacent residential (R-6) lot at 3767 Gragg Avenue, also owned by Mr. Rowland. A 6,000-sf single-story storage facility will be constructed on the R-6 lot immediately behind the current business. The existing home and tenant will remain on the R-6 lot facing Gragg and separated from the proposed storage facility by a site-proof wooden fence. Proposed paving to serve the new building will be an extension of the existing paving around the Building Material of Jackson facility, so no new curb cuts will be constructed on Gragg Avenue or Villa Road. Most of the mature trees on the R-6 lot will be preserved. We believe the proposed improvements will have minimal impact on the surrounding neighborhood.

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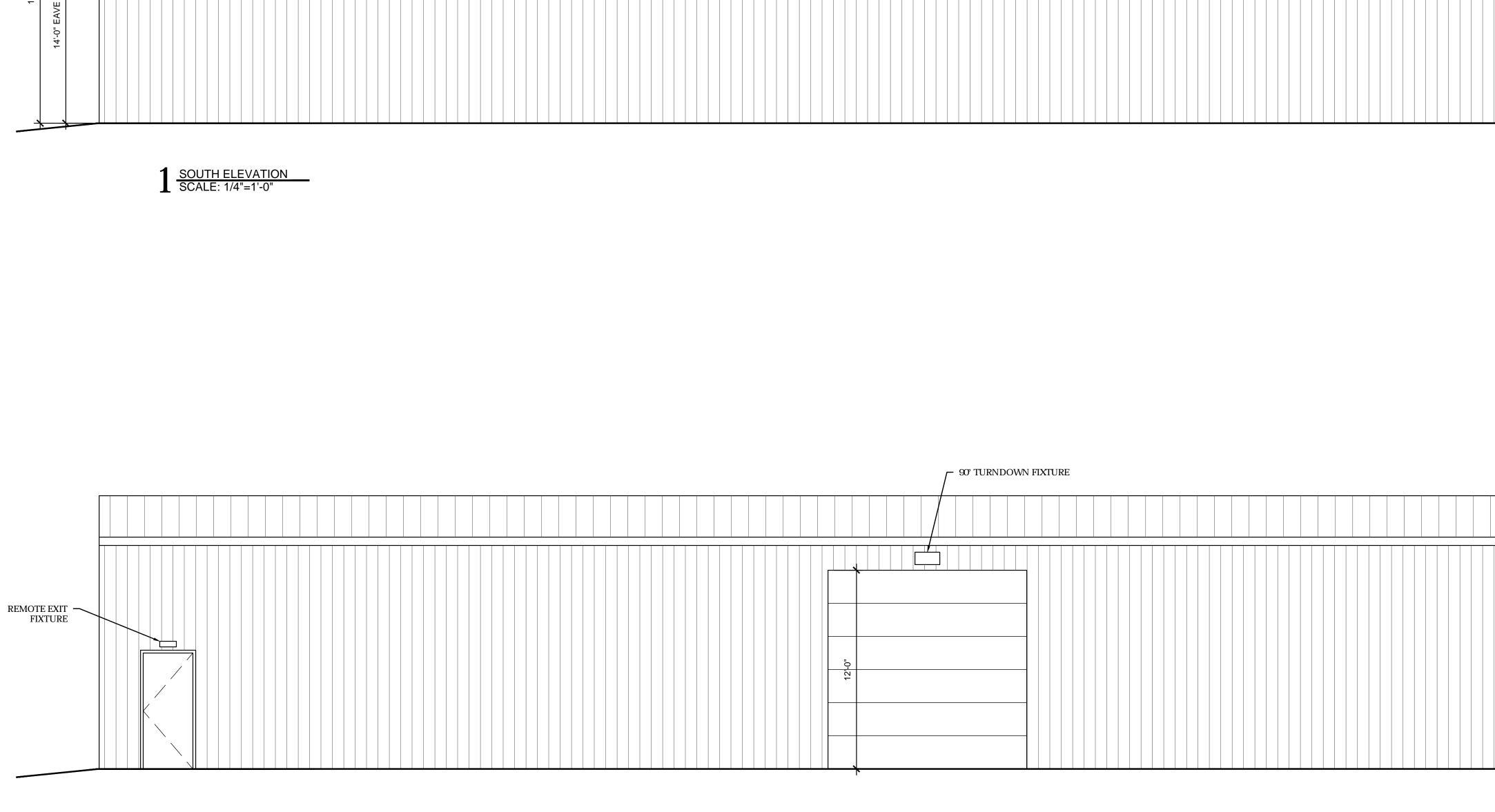
We would appreciate a staff recommendation for approval. Please do not hesitate to contact our design team if there are questions or if you need additional information.

Sincerely,

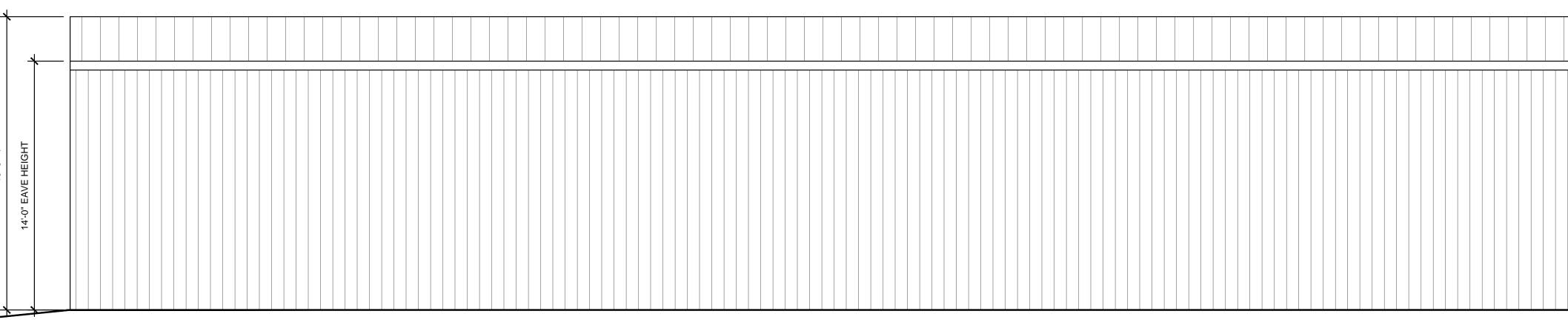
Mike Davis, R.L.A. Principal

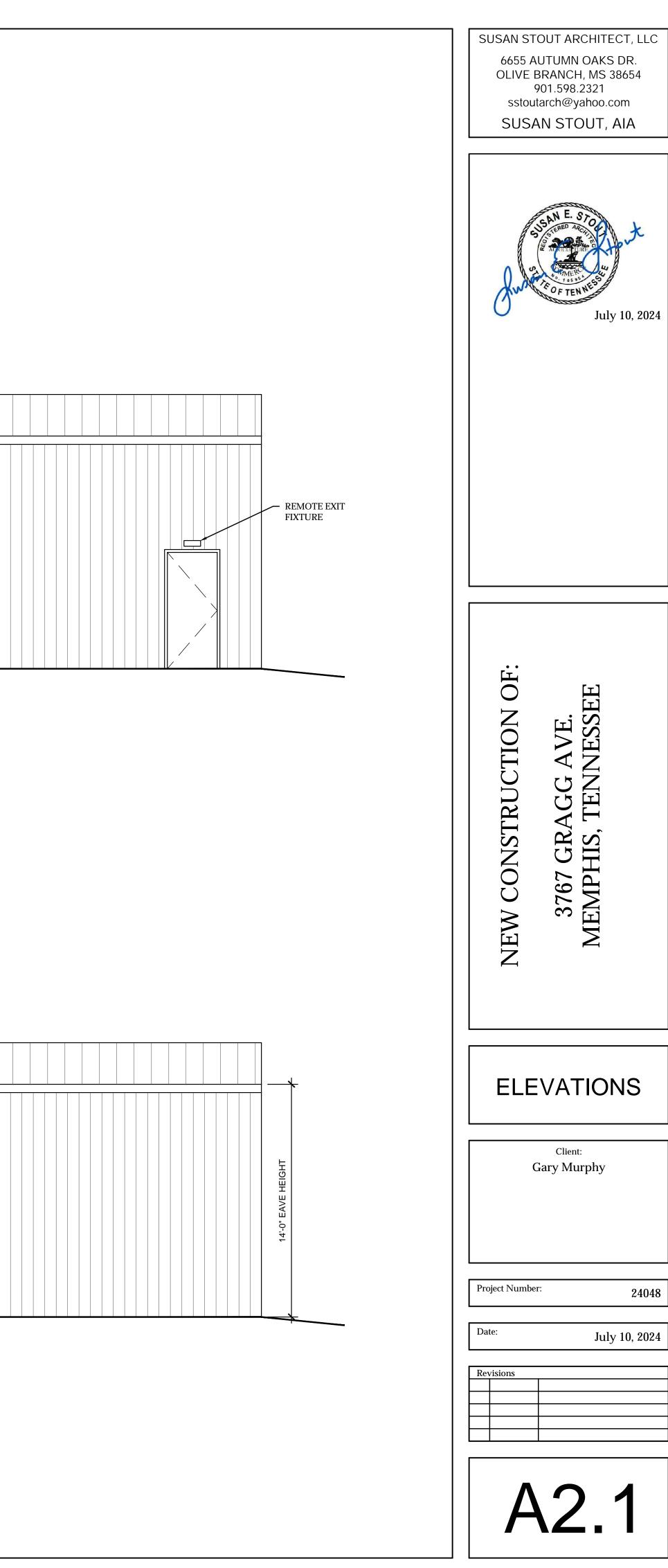


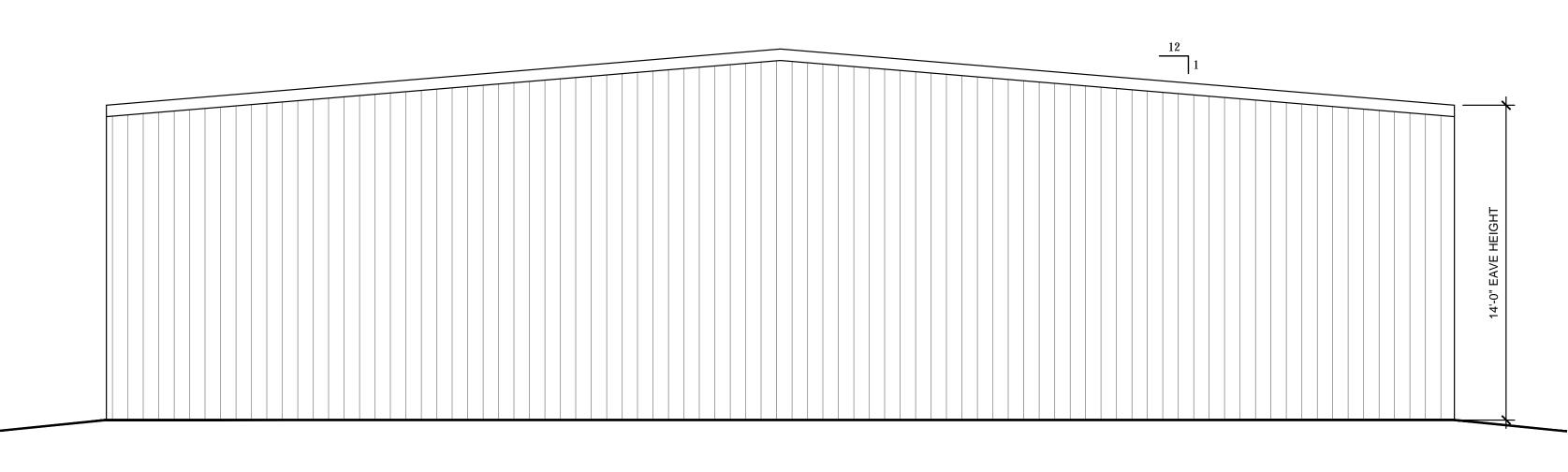
copyright 2024 — The Reaves Firm, Incorporated

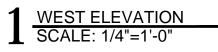


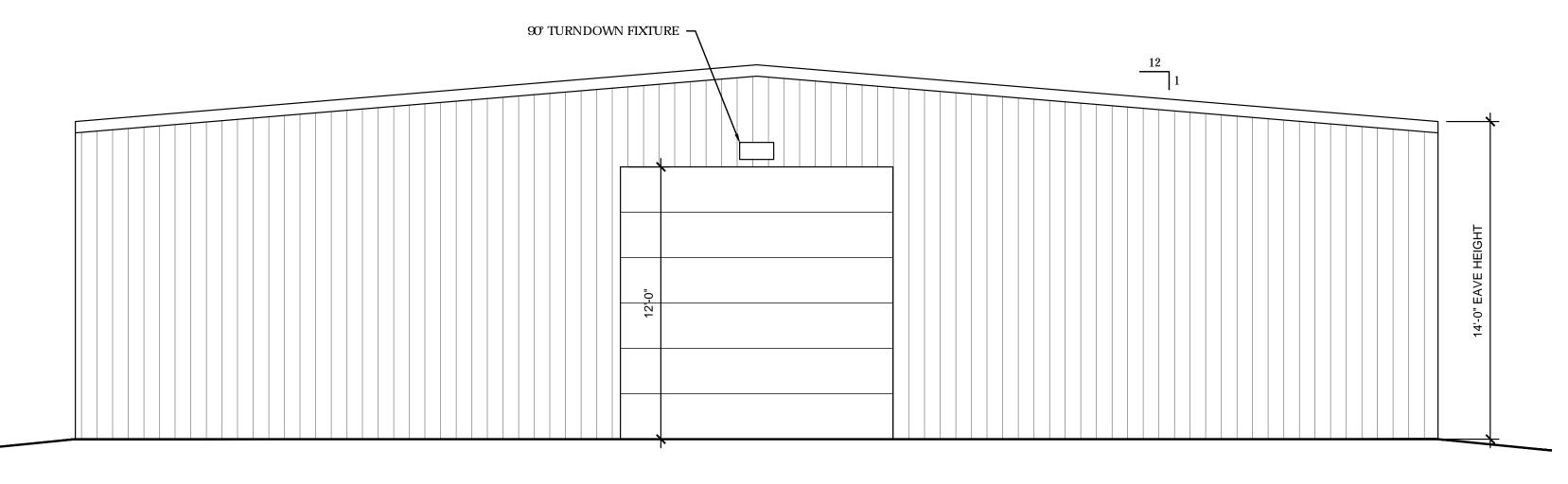
2 NORTH ELEVATION SCALE: 1/4"=1'-0"











2 EAST ELEVATION SCALE: 1/4"=1'-0"

SUSAN STOUT ARCHITECT, LLC 6655 AUTUMN OAKS DR. OLIVE BRANCH, MS 38654 901.598.2321 sstoutarch@yahoo.com SUSAN STOUT, AIA		
The second secon		
NEW CONSTRUCTION OF: 3767 GRAGG AVE. MEMPHIS, TENNESSEE		
ELEVATIONS		
Client: Gary Murphy		
Project Number: 24048		
Date: July 10, 2024		
Revisions		
A2.2		



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.

#### 14129359 00.10 7.4

12/24/2014	- 09:19 AM
7 PGS	
CHRIS	1283266 - 14129359
VALUE	175000.00
MORTGAGE TAX	0.00
TRANSFER TAX	647.50
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	685.50

## TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Document Was Prepared By: Orrick, Herrington & Sutcliffe, LLP 777 South Figueroa Street, Suite 3200 Los Angeles, California 90017

Olive Branch, Mississippi 38654 Attention: Mr. Charles Rowland

Olive Branch, Mississippi 38654 Attention: Mr. Charles Rowland

Attention: Dennis Martin, Esq. NAME + ADDRESS NEW OWNER: Charles Kowland and After Recording, Mail To: MARY E. ROWLAND

Send Subsequent Tax Bills To: Charles Rowland and Mary E. Rowland Map 062-057-00001

#### SPECIAL WARRANTY DEED

As of this 19th day of December, 2014, NATIONAL BAKERY INDUSTRIAL OWNER, LLC, a Delaware limited liability company, GRANTOR, whose address is 11111 Santa Monica Boulevard, Suite 1100, Los Angeles, California 90025, hereby GRANTS, BARGAINS, SELLS, CONVEYS and WARRANTS to Charles Rowland and Mary E Rowland, as tenants by the entirety, GRANTEE, whose address is 8115 Cedar Hill Lane, Olive Ranch, Mississippi 38654, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described tract of improved land in Shelby County, State of Tennessee (the "Property"):

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO all defects, exceptions, restrictions, easements, rights of way and encumbrances set forth on Exhibit B attached hereto (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, unto Grantee and Grantee's successors and assigns, forever; Grantor hereby covenanting that (i) the Property is free and clear from any encumbrance done or suffered by Grantor, except for the Permitted Exceptions, and (ii) Grantor will warrant and defend the title to the Property unto Grantee and Grantee's successors and assigns forever against the lawful claims and demands of all persons claiming or to claim the same by, through or under Grantor, except for the Permitted Exceptions.

#### **ISIGNATURE APPEARS ON FOLLOWING PAGE**]

**RECORDING REQUESTED BY** FIRST AMERICAN TITLE CO. NATIONAL COMMERCIAL SERVICES NC3-628518-54

[Memphis, TN]

OHSUSA:759620023.2

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed the day and year first above written.

. .

. . .

#### **GRANTOR:**

NATIONAL BAKERY INDUSTRIAL OWNER, LLC,

a Delaware limited liability company

By:  $t \wedge 1/L$ Theresa Jones Vice President

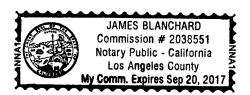
PROPERTY Address: 3763 gadeson Ave Memphis, Tov

State of California County of LOSANGELES DECEMBER 15, 2017 before me, JAMES On , Notary Public. JONES personally appeared - THERESA who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his(her)their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument, after first having been duly authorized so to do.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. Signature

Printed Name AMES BLANCHARD



(Seal)

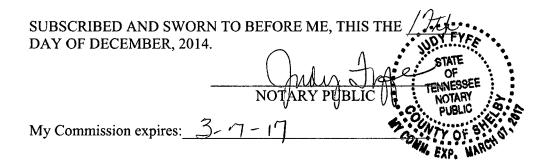
STATE OF NOALOR COUNTY OF

THE ACTUAL CONSIDERATION FOR THIS TRANSFER OR THE VALUE OF THE PROPERTY, WHICHEVER IS GREATER, IS \$175,000.00.

**AFFIANT:** 

**CHARLES ROW** 

MAR⁄Y E ROV



#### EXHIBIT A TO DEED

#### **Legal Description**

LAND LYING AND BEING IN SHELBY COUNTY, TENNESSEE, AND FURTHER DESCRIBED AS FOLLOWS:

LENA W. BAKER OF A W. B. GREGG TRACT AT THE SOUTHEAST CORNER OF JACKSON AVENUE AND GREGG AVENUE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE IN THE INTERSECTION OF THE SOUTH LINE OF GREGG ROAD WITH THE EAST LINE OF AUSTIN PEAY HIGHWAY (FORMERLY RALEIGH ROAD); THENCE SOUTH 74 DEGREES 27 MINUTES EAST ALONG THE SOUTH LINE OF GREGG ROAD 251 FEET TO A STAKE; THENCE SOUTH 34 DEGREES 27 MINUTES WEST 301.55 FEET TO A STAKE; THENCE NORTH 74 DEGREES 27 MINUTES WEST 38.5 FEET TO A STAKE AT THE TURN OF VILLA ROAD; THENCE NORTH 66 DEGREES 18 MINUTES WEST ALONG THE NORTH LINE OF VILLA ROAD 223.2 FEET TO A STAKE IN THE EAST LINE OF AUSTIN PEAY HIGHWAY; THENCE NORTH 38 DEGREES 15 MINUTES EAST ALONG THE EAST LINE OF SAID AUSTIN PEAY HIGHWAY 275 FEET TO THE POINT OF BEGINNING, LESS THAT PART USED TO WIDEN AUSTIN PEAY HIGHWAY, AS DESCRIBED BY DEED RECORDED IN BOOK 1952, PAGE 336, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

INCLUDED IN THE FOREGOING DESCRIPTION BUT EXPRESSLY EXCLUDED THEREFROM IS CERTAIN LAND CONVEYED TO THE CITY OF MEMPHIS IN J8 1183, SAID REGISTER'S OFFICE, DESCRIBED AS FOLLOWS:

PART OF THAT PROPERTY AS DESCRIBED IN DEED OF RECORD IN BOOK 6277, PAGE 508, IN THE OFFICE OF THE REGISTER OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWESTERN CORNER OF SAID PROPERTY, SAID POINT BEING THE INTERSECTION OF THE EASTERN RIGHT OF WAY LINE OF JACKSON AVENUE AND THE PRESENT NORTH RIGHT OF WAY LINE OF VILLA DRIVE; RUNNING THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PROPERTY A DISTANCE OF 51.04 FEET TO A POINT; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 15 FEET A DISTANCE OF 24.34 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG THE PROPOSED NORTH RIGHT OF WAY LINE OF VILLA DRIVE A DISTANCE OF 151.19 FEET TO A POINT IN THE SOUTHERN LINE OF SAID PROPERTY; THENCE WESTERLY ALONG THE PRESENT NORTH RIGHT OF WAY LINE OF VILLA DRIVE A DISTANCE OF 172.45 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO IBC SALES CORPORATION, A DELAWARE CORPORATION BY QUIT CLAIM DEED OF RECORD IN INSTRUMENT 09017246, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

OHSUSA:759620023.2

Being the same property conveyed unto National Bakery Industrial Owner, LLC, by Special Warranty Deed of record in Instrument No. 13110057, Register's Office for Shelby County, TN.

#### EXHIBIT B TO DEED

#### **Permitted Exceptions**

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- 6. Any lien or right to a lien for services, labor or material not shown by the public records.
- 7. Easements and restrictions of record, if any, to the extent now in force and applicable.

## **True Copy Certification**

I, William L. Rosenberg, 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 therewith and that this is a true and correct copy of the original documents executed and authenticated according to law.

Willen Rout

State of Tennessee

County of Davidson

Personally appeared before me, Jodean M. King, a notary public for this county and state, William L. Rosenberg 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: 6/20/2017

Notary Seal:





Shelby County Tennessee Willie F. Brooks, Jr.

Shelby County Register

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

	11/17/202	2 -	08:21:30	AM	
4 PGS					
HERTHA	2515097-2	212!	5616		
VALUE					63000.00
MORTGAGE	TAX				0.00
TRANSFER	TAX				233.10
RECORDING	FEE				20.00
DP FEE					2.00
REGISTER	S FEE				1.00
EFILE FEE					2.00
TOTAL AMO	UNT				258.10

22125616 (17/2022 - 08.21.20)

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

## WARRANTY DEED

Property address: <u>3767 Gragg Avenue</u> Memphis, TN 38108	I, or we, hereby swear and affirm that, to the best of the affiant's knowledge, information, and belief, the actual consideration for this transfer is or value of the property transferred, whichever is greater, is \$63,000.00, which amount is equal to or greater than the amount which the property			
Owner's name: <u>Charles Terry Rowland and Mary E. Rowland</u> 9044 Freeman Oaks Cove Cordova, TN 38018 Mail tax bills to: <u>Charles Terry Rowland and Mary E. Rowland</u> 9044 Freeman Oaks Cove Cordova, TN 38018 Return To: Mid-South Title Services, LLC	would command at fair and voluntary sale. Affiant Subscribed and sworn to before me this <u>H</u> day of November, 2022 Notary Public Notary Public My Commission Expires: OF			
This instrument prepared by: LOCAL TITLE LLC 2657 APPLING RD #103 MEMPHIS, TN 38133				

THIS INDENTURE, made and entered into this 3rd day of November, 2022 by and between

#### Eugene Tibbs and Martha Katherine Tibbs, hereinafter called Grantor, and

#### Charles Terry Rowland, and Mary E. Rowland, hereinafter called Grantee.

WITNESSETH: That for and in consideration of ten dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in the County of Shelby State of Tennessee, to wit:

That I. B. Gilmore et ux part of the north 35 acres of the Dower 73.47 Acres of the Harrison 284 Acres in the David Beatty 640 Acre Survey 90/184.3 x 290.95/275.3 feet on the south side of the south side of Gragg Road 251 feet east of Austin Peay Highway, as measured along the south side of Gragg Road:

Beginning at a stake in the south side of Gragg Road, said stake being south 74 degrees 27 minutes east and 251 feet from intersection of south line of Gragg Road with the east side of Austin Peay Highway; thence continuing along the south side of Gragg Road south 74 degrees 27 minutes east 90 feet to a point in the south side of Gragg Road; thence south 15 degrees 35 minutes west 275.3 feet to a point; thence north 74 degrees 27 minutes west 184.3 feet to a point; thence north 33 degrees 27 minutes east 290.95 feet to the point of beginning.

Being the same property conveyed to Grantor(s) herein by Warranty Deed of record in Instrument No. EV9907, in the Register's Office of Shelby County, Tennessee. Martha Pullen Tibbs died testate in this county on October 15, 2021. The grantors herein are the devisees und the Last Will and Testament of record in Shelby County Probate Court at PR-20841

Tax Parcel Number: 06-2057-0-0002

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

The said Grantor of the first part does hereby covenant with the said part Grantee of the second part that Grantor lawfully seized in fee of the aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for:

Subdivision restrictions, building lines and easements of record in 2023 City and 2023 County taxes, are not yet due and payable; all in said Register's Office.

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

The words "Grantor" and "Grantee" shall include the plural where appropriate and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the Grantor the day and year first above written.

ne

DistrictoFColumbia

COUNTY OF-

Before me, <u>JASMIN</u><u>H9</u>, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Eugene Tibbs** to me known (or proved to me on the basis of satisfactory evidence) to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he, she or they executed the same as his, her or their free act and deed.

WITNESS my hand and notarial seal at office this the 2nd day of 1

day of November, 2022 Notary Public



JASMIN HALL NOTARY PUBLIC DISTRICT OF COLUMBIA My Commission Expires January 1, 2027

nautial & Zels

Martha Katherine Tibbs

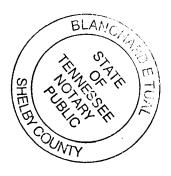
STATE OF COUNTY OF

Blanchard El Va Before me,

, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Martha Katherine Tibbs to me known (or proved to me on the basis of satisfactory evidence) to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he, she or they executed the same as his, her or their free act and deed. 3 A\_\_\_\_\_day of November, 2022.

WITNESS my hand and notarial seal at office this the \_\_\_\_\_

Notary Public ,



## **True Copy Certification**

I, Kelly Rametta, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on  $\underline{NOVEWBCC3}, \underline{SOOO},$ (date of document).

Signature

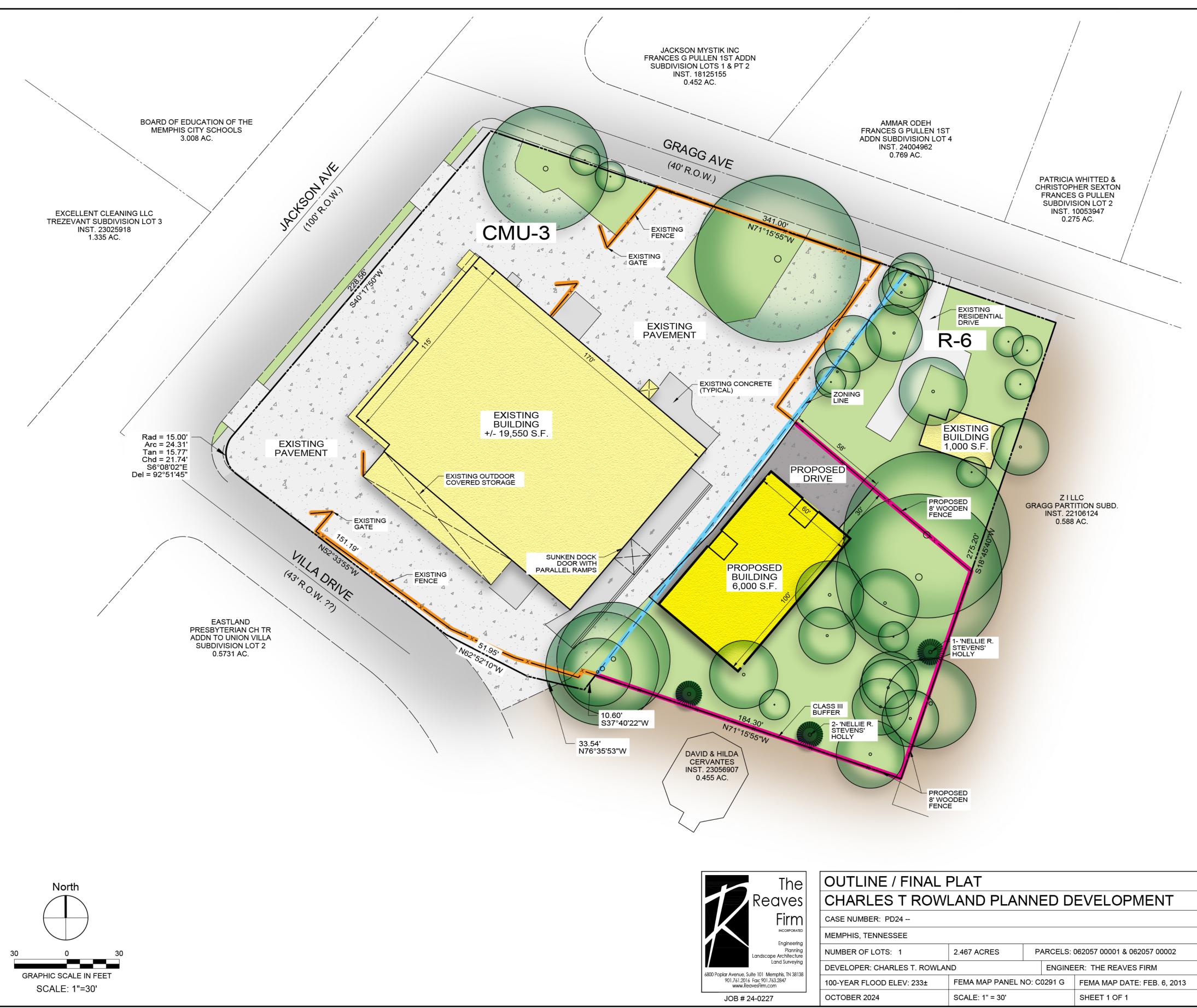
State of Tennessee County of Shelby

Sworn to and subscribed before me this  $\frac{300}{2000}$  day of <u>NOVANDER</u>, 2000

Notary's Signature

My Commission Expires:

Notary Seal:





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

December 23, 2024

Charles & Mary Rowland 9044 Freeman Oaks Cove

Sent via electronic mail to: cdonhardt@reavesfirm.com

Charles T Rowland Planned Development Case Number: PD 2024-0017 LUCB Recommendation: Approval

Dear applicant,

On Thursday, December 12, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your planned development application for the Charles T Rowland Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,

Alexis Longstreet

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

Cc: Christine Donhardt, The Reaves Firm, Inc. File

#### **Outline Plan Conditions**

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

#### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use 3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

#### II. Bulk Regulations:

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

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

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

#### **IV. Landscaping and Screening:**

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

#### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

#### VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

#### VII. Drainage:

A. 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.

B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

#### VIII. Building Design

- A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.
- **IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

### X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- **XII.** Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.

- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. 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.

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

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 01/21/2025

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

# PUBLIC SESSION:DATE02/04/2025DATE

		DATE		
X RESOLUTION REQUEST FOR PUBLIC HEARING				
Resolution approving the closure of an east-west and north south paper alley located approximately 126.8 fee east of the intersection of the north line of Central Avenue with the east line of S. Cooper Street, known as cas number SAC 2024-006				
SAC 2024-006				
East-west and north south paper alley located approximately 126.8 feet east of the intersection of the north lir of Central Avenue with the east line of S. Cooper Street				
District 4 and	Super District 9 – Positions 1, 2,	and 3		
Sparky Memp	his, LLC, Central Cooper Gatew	ay, Inc. and Cooper York Development Company		
Josh Whitehea	ad, Whitehead Law			
Abandon an e	ast-west and north-south public a	lley		
+/-2,904 squar	re feet			
The Division of Planning and Development recommended <i>Approval</i> The Land Use Control Board recommended <i>Approval</i>				
	ORGANIZATION - (1) (2) GOV'T. ENTITY (3)	BOARD / COMMISSION ) COUNCIL COMMITTEE		
OF FUNDS	AMOUNT OF EXPEND REVENUE TO BE REC OPERATING BUDGET	DITURE EEIVED		
		IER		
ADMINISTRATIVE APPROVAL:		POSITION		
	1/13/2025	PLANNER I		
		DEPUTY ADMINISTRATOR		
Britt Rysdol		ADMINISTRATOR		
		DIRECTOR (JOINT APPROVAL)		
		COMPTROLLER		
		FINANCE DIRECTOR		
		CITY ATTORNEY		
		CHIEF ADMINISTRATIVE OFFICER		
		COMMITTEE CHAIRMAN		
	Resolution appeast of the intenumber SAC 2 SAC 2024-000 East-west and of Central Avo District 4 and Sparky Memp Josh Whitehea Abandon an ea +/-2,904 squar The Division of The Land Use CIL ACTION:	Resolution approving the closure of an east-wee east of the intersection of the north line of Central number SAC 2024-006         SAC 2024-006         East-west and north south paper alley located a of Central Avenue with the east line of S. Coop District 4 and Super District 9 – Positions 1, 2, Sparky Memphis, LLC, Central Cooper Gatew. Josh Whitehead, Whitehead Law         Abandon an east-west and north-south public a +/-2,904 square feet         The Division of Planning and Development record the Land Use Control Board recommended Ap CIL ACTION:         Public Hearing Not Required Hearing – February 4, 2025         APPROVAL - (1) APPR DATE         ORGANIZATION - (1) (2) GOV'T. ENTITY (3)         REQUIRES CITY EXPLANCE         OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTH         OVAL:       DATE		



Memphis City Council Summary Sheet

#### SAC 2024-006

RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST AND NORTH SOUTH PAPER ALLEY LOCATED APPROXIMATELY 126.8 FEET EAST OF THE INTERSECTION OF THE NORTH LINE OF CENTRAL AVENUE WITH THE EAST LINE OF S. COOPER STREET, KNOWN AS CASE NUMBER SAC 2024-006

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

## LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SAC 2024-006
LOCATION:	East-west and north south paper alley located approximately 126.8 feet east of the intersection of the north line of Central Avenue with the east line of S. Cooper Street
COUNCIL DISTRICT(S):	District 4, Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Sparky Memphis, LLC, Central Cooper Gateway, Inc. and Cooper York Development Company
REPRESENTATIVE:	Josh Whitehead, Whitehead Law
REQUEST:	Abandon an east-west and north-south public alley
EXISTING ZONING:	Employment (EMP), Commercial Mixed-Use – 1 (CMU-1), Midtown Overlay (MO), and Cooper Young Historic District Overlay [H]
AREA:	+/-2,904 square feet

#### 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 10-0 on the consent agenda.

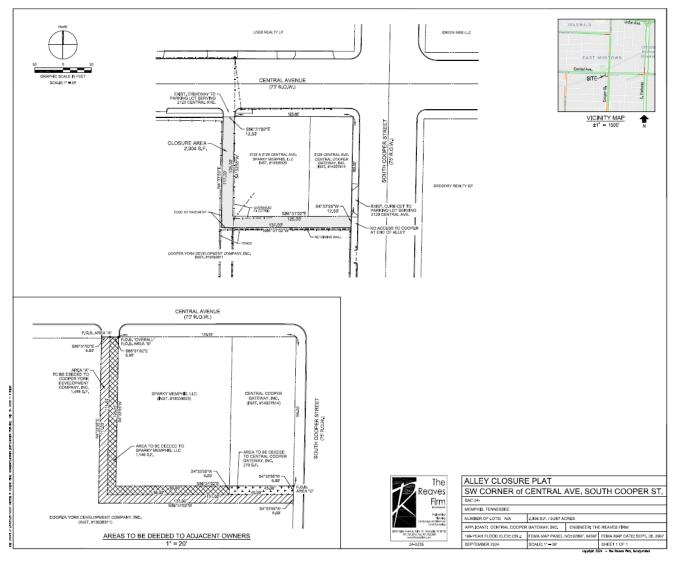
Respectfully,

Chloe Christion

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

Cc: Committee Members File

#### **CLOSURE PLAT**





## RESOLUTION

#### RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST AND NORTH-SOUTH PAPER ALLEY LOCATED APPROXIMATELY 126.8 FEET EAST OF THE INTERSECTION OF THE NORTH LINE OF CENTRAL AVENUE WITH THE EAST LINE OF SOUTH COOPER STREET, KNOWN AS CASE NUMBER SAC 2024-006

**WHEREAS**, the City of Memphis is the owner of real property known as the East-west and north south paper alley located approximately 126.8 feet east of the intersection of the north line of Central Avenue with the east line of S. Cooper Street in Memphis, Tennessee and being more particularly described as follows:

#### OVERALL LEGAL DESCIRPTION

BEING A 12 FOOT WIDE NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125.00 FEET WEST OF SOUTH COOPER STREET AND A 12 FOOT WIDE EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 125.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING THE NORTHWEST CORNER OF THE SPARKY MEMPHIS, LLC PROPERTY (INST. #18039823); THENCE S4°33'55"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 105.00 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF THE SPARKY MEMPHIS, LLC PROPERTY AND THE SOUTH LINE OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY (INST. #14027614) A DISTANCE OF 125.00 FEET TO A POINT ON THE WEST LINE OF SOUTH COOPER STREET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID CENTRAL COOPER GATEWAY, INC. PROPERTY; THENCE S4°33'55"W ALONG SAID WEST LINE A DISTANCE OF 12.00 FEET TO THE NORTHEAST CORNER OF THE COOPER YORK DEVELOPMENT COMPANY, INC. PROPERTY (INST. #19098911); THENCE N86°31'02"W ALONG THE NORTH LINE OF SAID COOPER YORK DEVELOPMENT COMPANY, INC PROPERTY A DISTANCE OF 137.00 FEET TO AN INTERIOR CORNER OF SAID PROPERTY; THENCE N4°33'55"E ALONG AN EAST LINE OF SAID PROPERTY A DISTANCE OF 117.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E ALONG SAID SOUTH LINE A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,904 SQUARE FEET OR 0.0667 ACRES.

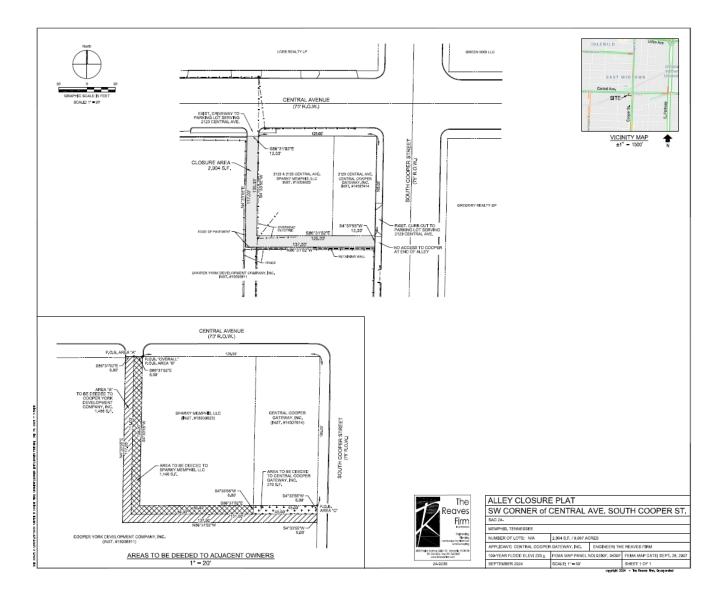
WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 14, 2024, and said Board has submitted its findings and recommendation to the Council of the City of Memphis.

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

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

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



ATTEST:

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

d pd MEMPHIS AND SHELEY COUNTY	TAFF	REP	ORT	
AGENDA ITEM:	17	L.U.C.B. MEETING:	November 14, 2024	
CASE NUMBER:	SAC 2024-006			
LOCATION:	Southwest corner of Central Avenue and Cooper Street			
COUNCIL DISTRICT:	District 4 and Super District 9 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Cooper Holdings Properties, LLC			
<b>REPRESENTATIVE:</b>	Josh Whitehead			
REQUEST:	Abandonment of a paper alley			
EXISTING ZONING:	Employment (EMP), Commercial N Cooper Young Historic District Ove	· · · ·	town Overlay (MO), and	

## CONCLUSIONS

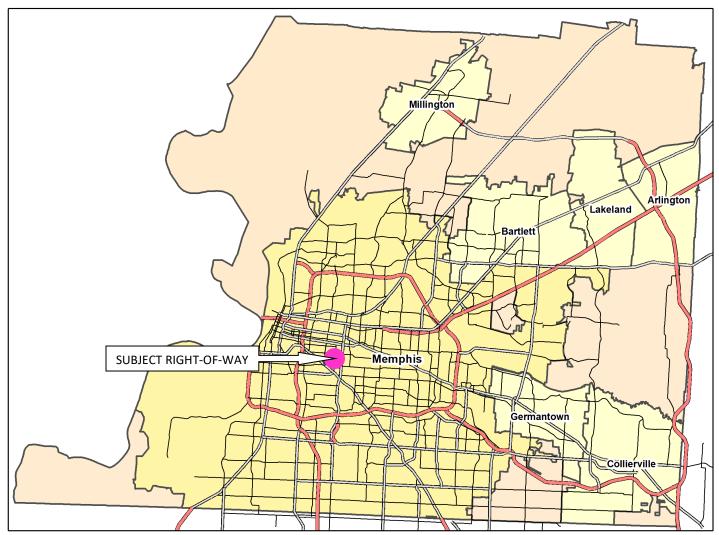
- The request is to abandon a 12-foot-wide paper alley located at the southwest corner of Central and Cooper Street. The alley is adjacent to five parcels, three to the southwest under ownership by Cooper Holdings Properties, one to the east under ownership by Sparky Memphis, LLC, and one to the north under ownership by Central Cooper Gateway, Inc.
- 2. If approved, Cooper Holdings Properties will grant an exclusive perpetual easement to the adjacent property owners to the east and north of the alley, Sparky Memphis, LLC and Central Cooper Gateway, Inc, respectively.
- 3. The abandonment of the subject right-of-way will not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

## CONSISTENCY WITH MEMPHIS 3.0

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

## **RECOMMENDATION:**

Approval



Subject right-of-way located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



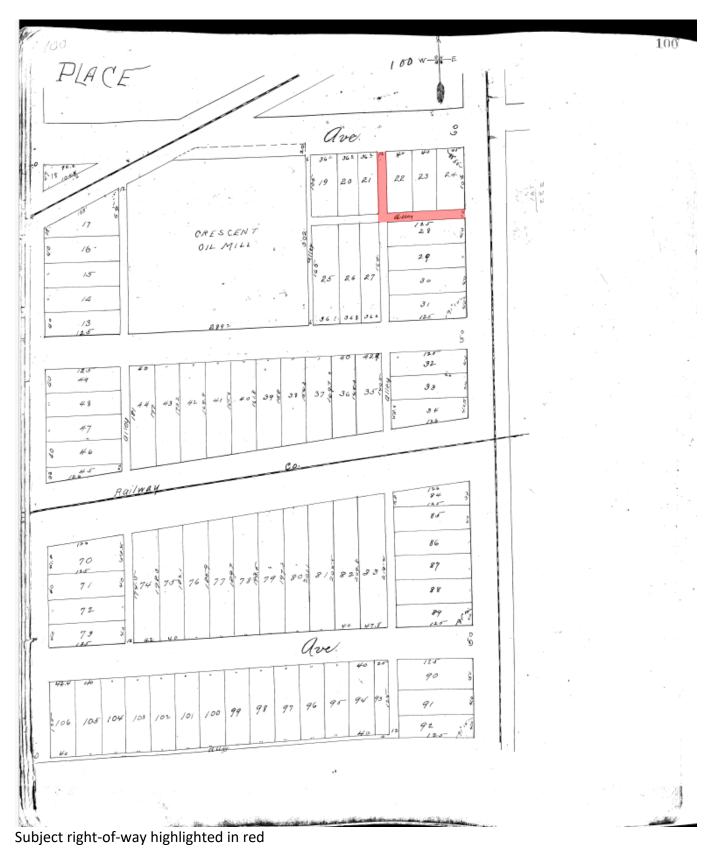
Subject right-of-way outlined in yellow

#### PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 5 notices were mailed on October 22, 2024, see page 19 of this report for a copy of said notice.

No public notice sign posting is required since this application is for the abandonment of a paper alley.

## ELZEY MEACHAM'S COOPER & CENTRAL AVENUE SUBDIVISION (1905) (PLAT BOOK 4 PAGES 99-100)



## AERIAL



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

## ZONING MAP



Subject right-of-way highlighted in yellow

#### LAND USE MAP



Subject right-of-way indicated by a red star

November 14, 2024 Page 8

#### SITE PHOTOS

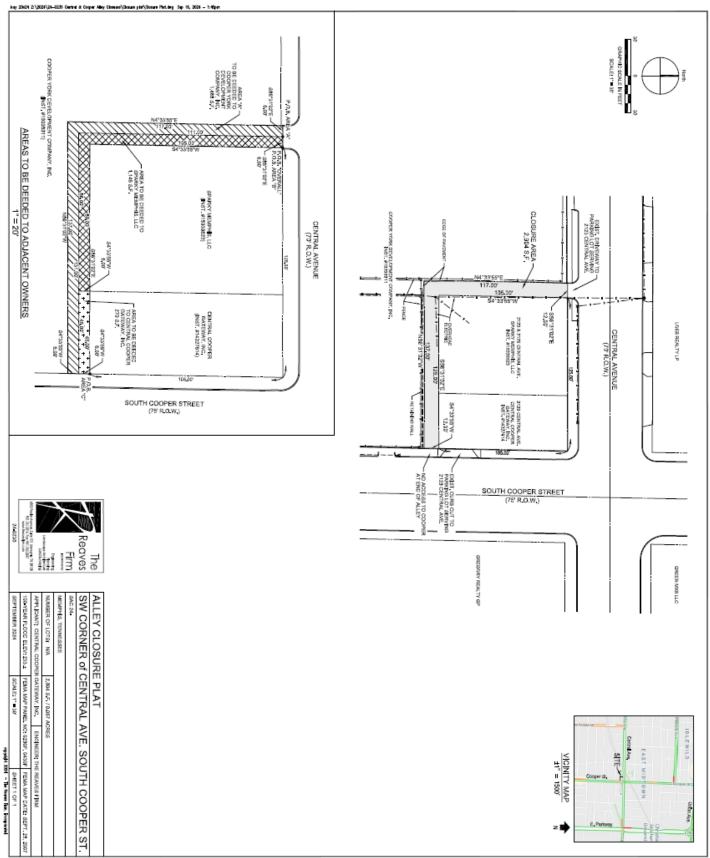


View of subject right-of-way from Central Avenue looking south.



View of subject right-of-way from Cooper Street looking west.

#### ALLEY CLOSURE PLAT



#### LEGAL DESCRIPTION - GENERAL DESCRIPTION OF ALLEYS TO BE CLOSED

BEING A 12 FOOT WIDE NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125.00 FEET WEST OF SOUTH COOPER STREET AND A 12 FOOT WIDE EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 125.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING THE NORTHWEST CORNER OF THE SPARKY MEMPHIS, LLC PROPERTY (INST. #18039823); THENCE S4°33'55"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 105.00 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF THE SPARKY MEMPHIS, LLC PROPERTY AND THE SOUTH LINE OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY (INST. #14027614) A DISTANCE OF 125.00 FEET TO A POINT ON THE WEST LINE OF SOUTH COOPER STREET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID CENTRAL COOPER GATEWAY, INC. PROPERTY; THENCE S4°33'55"W ALONG SAID WEST LINE A DISTANCE OF 12.00 FEET TO THE NORTHEAST CORNER OF THE COOPER YORK DEVELOPMENT COMPANY, INC. PROPERTY (INST. #19098911); THENCE N86°31'02"W ALONG THE NORTH LINE OF SAID COOPER YORK DEVELOPMENT COMPANY, INC PROPERTY A DISTANCE OF 137.00 FEET TO AN INTERIOR CORNER OF SAID PROPERTY; THENCE N4°33'55"E ALONG AN EAST LINE OF SAID PROPERTY A DISTANCE OF 117.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E ALONG SAID SOUTH LINE A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,904 SQUARE FEET OR 0.0667 ACRES.

#### LEGAL DESCRIPTION – AREA A

#### November 14, 2024 Page 11

#### <u>AREA "A"</u>

PROPERTY TO BE DEEDED TO COOPER YORK DEVELOPMENT COMPANY, INC.

BEING THE WESTERN HALF OF A NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125.00 FEET WEST OF SOUTH COOPER STREET AND THE SOUTHERN HALF OF AN EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 131.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING ON THE CENTERLINE OF THE NORTH-SOUTH ALLEY; THENCE S4°33'55"W ALONG SAID CENTERLINE A DISTANCE OF 111.00 FEET TO A POINT ON THE CENTERLINE OF THE EAST-WEST ALLEY; THENCE S86°31'02"E ALONG THE CENTERLINE OF THE SAID ALLEY A DISTANCE OF 131.00 FEET TO A POINT ON THE WEST LINE OF SOUTH COOPER STREET; THENCE S4°33'55"W ALONG SAID WEST LINE A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER OF THE COOPER YORK DEVELOPMENT COMPANY, INC. PROPERTY (INST. #19098911); THENCE N86°31'02"W ALONG THE NORTH LINE OF SAID COOPER YORK DEVELOPMENT COMPANY, INC PROPERTY A DISTANCE OF 137.00 FEET TO AN INTERIOR CORNER OF SAID PROPERTY; THENCE N4°33'55"E ALONG AN EAST LINE OF SAID PROPERTY A DISTANCE OF 117.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E ALONG SAID SOUTH LINE A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,488 SQUARE FEET OR 0.0342 ACRES.

#### LEGAL DESCRIPTION – AREA B

#### <u>AREA "B"</u> PROPERTY TO BE DEEDED TO SPARKY MEMPHIS, LLC

BEING THE EASTERN HALF OF A NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125 FEET WEST OF SOUTH COOPER STREET AND A PORTION OF THE NORTHERN HALF OF AN EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 125.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING THE NORTHWEST CORNER OF THE SPARKY MEMPHIS, LLC PROPERTY (INST. #18039823); THENCE S4°33'55"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 105.00 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF THE SPARKY MEMPHIS, LLC PROPERTY A DISTANCE OF 80.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE S4°33'55"W LEAVING SAID SOUTH LINE A DISTANCE OF 6.00 FEET TO A POINT ON THE CENTERLINE OF THE EAST-WEST ALLEY; THENCE N86°31'02"W ALONG SAID CENTERLINE A DISTANCE OF 86.00 FEET TO THE CENTERLINE OF THE NORTH-SOUTH ALLEY; THENCE N4°33'55"E A DISTANCE OF 111.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,146 SQUARE FEET OR 0.0263 ACRES.

#### LEGAL DESCRIPTION – AREA C

#### <u>AREA "C"</u> <u>PROPERTY TO BE DEEDED TO CENTRAL COOPER GATEWAY, INC.</u>

BEING THE NORTHERN HALF OF AN EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) A DISTANCE OF 105.00 FEET SOUTH OF THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) AS MEASURED ALONG SAID WEST LINE, SAID POINT BEING THE SOUTHEAST CORNER OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY (INST. #14027614); THENCE S4°33'55"W ALONG THE WEST LINE OF SOUTH COOPER STREET A DISTANCE OF 6.00 FEET TO A POINT; THENCE N86°31'02"W ALONG THE CENTERLINE OF THE EAST-WEST ALLEY A DISTANCE OF 45.00 FEET TO A POINT; THENCE N4°33'55"E LEAVING SAID CENTERLINE A DISTANCE OF 6.00 FEET TO THE SOUTHWEST CORNER OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF SAID CENTRAL COOPER GATEWAY, INC. PROPERTY A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 270 SQUARE FEET OR 0.0062 ACRES.

#### **CASE REVIEW**

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

The request is for the abandonment of a paper alley.

#### Site Details

Address: Southwest corner of Central Avenue and Cooper Street

Area: +/-2,904 square feet

#### Description:

The subject right-of-way is a +/-12-foot wide alley consisting of a +/- 117-foot long north-south portion which intersects Central Avenue and a +/- 137 east-west portion which intersects Cooper Street. The subject right-of-way is located between five parcels owned by Cooper Holdings Properties, Sparky Memphis LLC, and Central Cooper Gateway Incorporated. There is an apron along where the alley intersects Central Avenue used for access. The surrounding land uses are currently industrial and commercial.

#### Site Zoning History

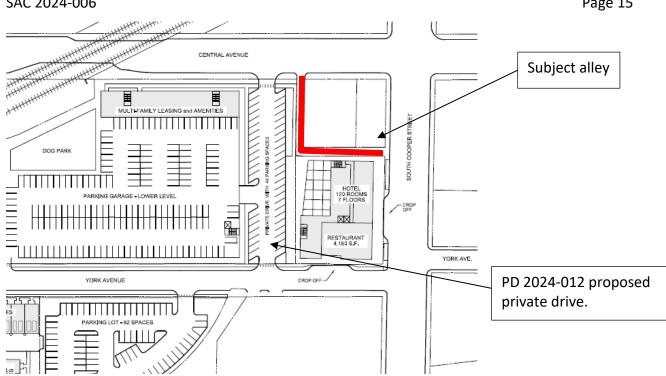
On September 17, 1968, the Council of the City of Memphis approved SAC 1968-005 for a closure of a 6-foot paper alley in E.E. Meacham's Cooper and Central Avenue Subdivision. See pages 17-18 for said Resolution.

As of the release of this staff report, the Council of the City of Memphis will consider on November 12, 2024 Docket PD 2024-012 for the Cooper Planned Development. This Planned Development is an amendment to the previously approved Central Yards Planned Development (PD 2020-15) to include more land and changes in use. The application includes a private drive connecting Central Avenue and York Street located west of the northsouth portion of the subject right of way.

#### **Analysis**

The request is to abandon a 12-foot paper alley located at the southwest corner of Central and Cooper Street. The alley is adjacent to five parcels, three to the southwest under ownership by Cooper Holdings Properties, one to the east under ownership by Sparky Memphis, LLC, and one to the north under ownership by Central Cooper Gateway, Inc.

If approved, the alley will be deeded to the three property owners abutting the abandoned right of way. Cooper Holdings Properties will grant an exclusive perpetual easement to the adjacent property owners to the east and north of the alley, Sparky Memphis, LLC and Central Cooper Gateway, Inc, respectively. A portion of the subject alley is located within a proposed Planned Development (PD 2024-012). The Planned Development will not utilize the area for access to the site, rather it proposes to install a private drive connecting Cooper to York Street to the west of the existing alley. See below concept plan.



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

#### RECOMMENDATION

Staff recommends approval.

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:	No comments received.

#### SAC 1968-005 RESOLUTION

#### RESOLUTION

ally Closing

WHEREAS, all of the owners of the property abutting on the hereinafter described thoroughfares have petitioned the Council of the City of Memphis to officially close same, and

WHEREAS, said portions of said thoroughfares are no longer needed for public use;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the following described thoroughfares lying and being situated in Memphis, Shelby County, Tennessee, more particularly described as follows, be and the same are hereby closed for public use;

Parcel I. A six foot alley and a twelve foot alley in E. E. Meacham's Cooper and Central Avenue Place Subdivision in Memphis, Tennessee, and more particularly described by metes and bounds as follows:

Beginning at a point in the south line of Central Avenue and in the northwest line of Lot 19 of said subdivision, said beginning point being in the east line of a 6 foot alley; thence southwardly along the west line of Lot 19 of said subdivision and along the east line of said 6 foot alley a distance of 105 feet to the southwest corner of Lot 19 of said subdivision, said point being the north line of a 12 foot alley; thence eastwardly along the north line of said 12 foot alley and along the south line of Lot 19, 20, and 21 of said subdivision a distance of 108.5 feet to the southeast corner of Lot 21; thence southwardly 12 feet to the northeast corner of Lot 27 of said subdivision, said point being in the south line of a 12 foot alley; thence westwardly along the south line of said 12 foot alley and along the north line of Lots 27, 26, and 25 a distance of 108.5 feet to the northwest corner of Lot 25 of said subdivision, said point being in the east line of a 6 foot alley; thence southwardly along the west line of Lot 25 and along the east line of said 6 foot alley a distance of 165 feet to a point in the north line of York Avenue; thence westwardly along said north line 6 feet to a point in the west line of a 6 foot alley; thence north-wardly along said west line a distance of 282 feet to a point in the south line of Central Avenue; thence eastwardly along said south line a distance of 6 feet to the point of beginning.

PROVIDED, HOWEVER, that a 15 foot wide permanent drainage easement is hereby reserved to the City of Memphis for a 54 inch diameter concrete drainage pipe located in the 12 foot alley in Parcel I, said easement being more particularly described as follows:

Beginning at a point in the north line of the 12 foot east-west alley south of Central Avenue, said point being a 180 feet west of the west line of Cooper Street and 105 feet south of the south line of Central Avenue, thence westerly along the north line of said 12 foot alley a distance of 15 feet to a point; thence southerly

Chardler

November 14, 2024 Page 18

at an angle of  $90^{\circ}$  to said north line a distance of 12 feet to a point in the south line of said alley; thence easterly along said south line a distance of 15 feet to a point; thence northerly at an angle of  $90^{\circ}$ to said south line a distance of 12 feet to the point of beginning.

ALSO PROVIDED, that an easement is hereby reserved to the Light, Gas & Water Division of 'the City of Memphis in, on and above the 6 foot alley in Parcel I for the installation, repair, maintenance and removal of any and all existing electric facilities.

> Parcel II. A strip of land Nineteen (19) feet wide off the west side of Lot No. 25 of said subdivision extending through the whole length of said Lot from York Avenue to the 12 foot alley lying North of said Lot No. 25.

BR IF FURTHER RESOLVED that the Mayer of the City of Momphip be and he is hereby authorized on its behalf to execute quitclaim deeds to the owner or owners of the property abutting on the above described thoroughfares, reserving the hereinabove described easements.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Memphis Abstract Company. the Security Title Company. the Memphis Title Company and the City and County Tax Assessors.

I hereby certify that the foregoing is a true copy and said document was adjusted approved by the council for the City of Memphas in regular sporal session on the SEI 17 1962

( Comptroller

### MAILED PUBLIC NOTICE

You have receiv	ed this notice	because you own or reside on a	VICINITY MAP — Alley is indicated by the Red Line
property that is considered at a Shelby County L attend this hear speak for or aga	near the site on n upcoming pu and Use Contri ing, but you a inst this applie the staff plann	of a development application to be ablic hearing of the Memphis and rol Board. You are not required to re invited to do so if you wish to cation. You may also submit a letter er listed below no later than	
CASE NUMBER: LOCATION: REQUEST: APPLICANT:	SAC 2024-006 Southwest co Closure of a p Josh Whitehe	mer of Central Ave. and Cooper St. aper alley	
Meeting Details Location: Council City Hal 125 N M	Chambers I 1st Floor	<b>Time:</b> 9:00 AM <b>Date:</b> Thursday, Nov. 14, 2024	
Staff Planner Co Chloe Christion ☑ chloe.christi ✔ (901) 636-74	on@memphis	tn.gov	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

#### 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

Expiration Date:

website: www.develop901.com

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

Record Detail Information

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

Record Status: Processing

Opened Date: October 1, 2024

Record Number: SAC 2024-006

Record Name: Cooper-Central alley closure

Description of Work: Closure of alley near SW corner of Central Avenue and Cooper Street.

Parent Record Number:

Address:

#### Owner Information

Primary Owner Name N Owner Address

Owner Phone

#### Data Fields

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

Name of Street where closure will begin Name of Street where closure will end What is the reason for the street closure? Jeffrey Penzes 09/16/2024 Email

Central Avenue Cooper Street The alley in question is a paper alley and is currently being utilized as drive aisles and parking for the properties at the SW corner of Central Ave. and Cooper St. 0.0667

What is the total area of the right-of-way being closed?

Page 1 of 3

SAC 2024-006

GENERAL INFORMATION	the stored stresson 0	269		
What is the overall length of Name of Street/Alley/ROW	the street closure?	269 N/A		
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?		No		
If yes, please provide addition	onal information	-		
Is this application a time extension RELATED CASE INFORMATION	ension?	No		
Previous Case Numbers		SAC 2017-10.		
Case Layer		-		
Central Business Improvem	ent District	No		
Class Downtown Fire District		- No		
Historic District		-		
Land Use		-		
Municipality		-		
Overlay/Special Purpose Dis	strict	-		
Zoning State Route		-		
Lot		-		
Subdivision		-		
Planned Development Distri		-		
Wellhead Protection Overlay County Commission District		No		
City Council District		-		
City Council Super District		-		
Data Tables				
Property Owners				
Property Address:	2123 Central Ave.			
Property Owner Name:	Sparky Memphis, LL	c		
Mailing Address (if different than property address):	2724 CENTRAL AVE, MEMPHIS TN 38111-1811			
Property Address:	0 Central Ave.			
Property Owner Name:	Cooper York Development Co., Inc.			
Mailing Address (if different than property address):	232 SOUTHMILL DR., EADS TN 38028-6970			

SAC 2024-006

Name CHARLES R	YAN					ct Type NT PROPERTY
Address					OWNER OF RECORD	
Phone (901)810-578	19					
Name Josh White	EHEAD				Contac APPLICA	ct Type
Address						
Phone (901)810-578	19					
Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1599108	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	10/11/2024
1599108	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	10/11/2024
	1	Total Fee Invo	iced: \$410.40	Total Ba	lance: \$0.(	00
Payment	Information					
Payment Am	ount Method of P	ayment				
\$410.40	Credit Car	ed.				

SAC 2024-006

X

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

#### Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Charles S. Ryan, the President of Central Cooper Gateway, Inc, 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 mortgage or vendee in possession; or I have a freehold or lesser estate in the premises

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

of the property located at <u>2129 Central Ave.</u> and further identified by Assessor's Parcel Number <u>031136 00007</u>, for which an application is being made to the Division of Planning and Development.

of OC in the year of 2024 Dubly Down Signature of Notary Public day of OC Subscribed and sworn to (or affirmed) before me this Signature of Owner DUSTIN JOHNSON Feb 26,2028 Central Cooper Gates av Inc NOTARY PUBLIC for the State of Montana My Commission Expires On behalf of (if owned by a con ORking at BIGFORK, MONTANA My Commission Expires February 26, 2028

# MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

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

#### Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, <u>Chance Mor Carlisbestate</u> 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 mortgage 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 properties located on the <u>south side of Central Ave. west Cooper St. and on the west side of Cooper St. south of</u> <u>Central Ave.</u> and further identified by Assessor's Parcel Numbers <u>031136 00005C</u>, <u>031136 00010Z and 031136</u> <u>00008</u>, for which an application is being made to the Division of Planning and Development.

day of October in the year of 2024 Subscribed and sworn to (or affirmed) before me this St Jogelin NEG Signature of Owner Signature of Notan Cooper Holdings Properties, LLC On behalf of (if owned by a corporation) My Commission Expires

#### LETTER OF INTENT

November 14, 2024 Page 25

Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

October 11, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development



Whitehead Law 275 Jefferson Avenue

Miloš Mikić Chief Operating Officer (901) 810-5706 milos@joshwhiteheadlaw.com

Mary W. Sharp Chair, and Members Memphis and Shelby County Land Use Control Board

RE: Closure of paper alley to the southwest of Central and Cooper

Mr. Ragsdale, Chair Sharp and Members of the Land Use Control Board,

On behalf of Sparky Memphis, LLC; Central Cooper Gateway, Inc. and Cooper Holding Properties, LLC; I am pleased to submit this Street and Alley Closure ("SAC") application for a 12-foot paper alley located behind the historic commercial structures at the southwest corner of Central Avenue and Cooper Street (see photograph attached to this letter as Exhibit "A").

Elzey Meacham, most famous today for laying out the Orange Mound Subdivision, dedicated the subject alley to the City in 1905 with the recording of his Cooper and Central Avenue Subdivision. The plat for this subdivision, which is recorded in the Shelby County Office of the Register' of Deeds as Plat Book 4, Pages 99-100 and included as part of this application, indicates several alleys in the land southwest of the intersection of Central and Cooper; however, it does not appear these alleys were ever constructed, either by Mr. Meacham when he developed the subdivision or by the City at any subsequent time (see, for example, Exhibit "B," a 1959 aerial photograph of the area). The other alleys in this block have already been vacated by the Memphis City Council with Case Nos. SAC 1968-005 and SAC 1988-001.

All three adjacent property owners, listed above, have joined in this application. Upon transfer by the City, Carlisle Development Co., doing business as Cooper Holding Properties, LLC, which owns the property to the west and south of the alley, will grant an exclusive perpetual easement to the owners to the east and north of the alley (Sparky Memphis, LLC, and Central Cooper Gateway, Inc.). As a recent aerial reflects (attached as Exhibit "C"), this paper alley is now being used, as it has in the past, as parking spaces and drive aisles by the owners to the east and north of the alley.

There is no apron, or curb cut, where the alley intersects with Cooper (see Exhibit "D"). However, there is an apron along Central (see Exhibit "E"). This apron was constructed by a previous property owner as a private driveway inlet and has operated as such for several decades. It represents a strong demarcation between public and private infrastructure and we respectfully request that it continue to serve in its present form as its intended purpose as a driveway apron.

Thank you for your consideration,

Josh Whitehead

#### EXHIBIT A

Image of historic properties adjacent to subject alley



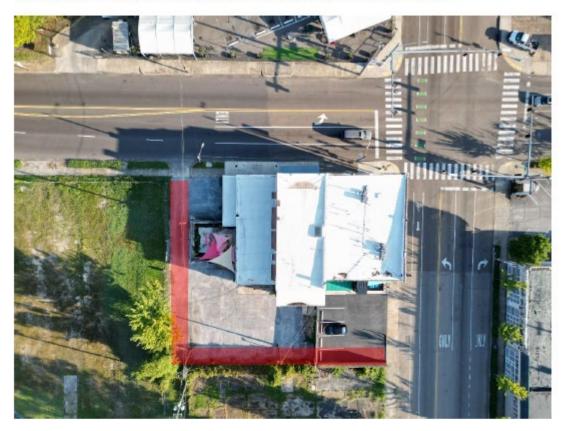
#### EXHIBIT B

1959 aerial photograph; approximate location of alley highlighted in red



#### EXHIBIT C

Drone image, taken October 4, 2024; approximate location of alley highlighted in red

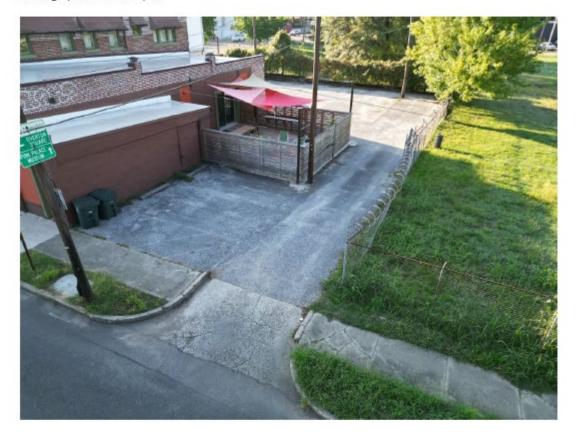


## EXHIBIT D

Photograph of location where alley intersects with Cooper



#### EXHIBIT E Photograph of Central apron



## LETTERS RECEIVED

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

November 14, 2024 Page 31



## Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

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

**Record Detail Information** 

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

Record Status: Processing

Opened Date: October 1, 2024

Record Number: SAC 2024-006

Expiration Date:

Record Name: Cooper-Central alley closure

Description of Work: Closure of alley near SW corner of Central Avenue and Cooper Street.

Parent Record Number:

Address:

#### Owner Information

Primary Owner Name N Owner Address

**Owner Phone** 

#### Data Fields

PREAPPLICATION MEETING

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

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

What is the total area of the right-of-way being closed?

Jeffrey Penzes 09/16/2024 Email

Central Avenue Cooper Street The alley in question is a paper alley and is currently being utilized as drive aisles and parking for the properties at the SW corner of Central Ave. and Cooper St. 0.0667

#### GENERAL INFORMATION

What is the overall length of the street closure? Name of Street/Alley/ROW Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	269 N/A No
If yes, please provide additional information	-
Is this application a time extension? RELATED CASE INFORMATION	No
Previous Case Numbers GIS INFORMATION	SAC 2017-10.
Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

#### **Data Tables**

#### **Property Owners**

Property Address: Property Owner Name: Mailing Address (if different than property address):	2123 Central Ave. Sparky Memphis, LLC 2724 CENTRAL AVE, MEMPHIS TN 38111-1811
Property Address:	0 Central Ave.
Property Owner Name:	Cooper York Development Co., Inc.
Mailing Address (if different than property address):	232 SOUTHMILL DR., EADS TN 38028-6970
Contact Information	

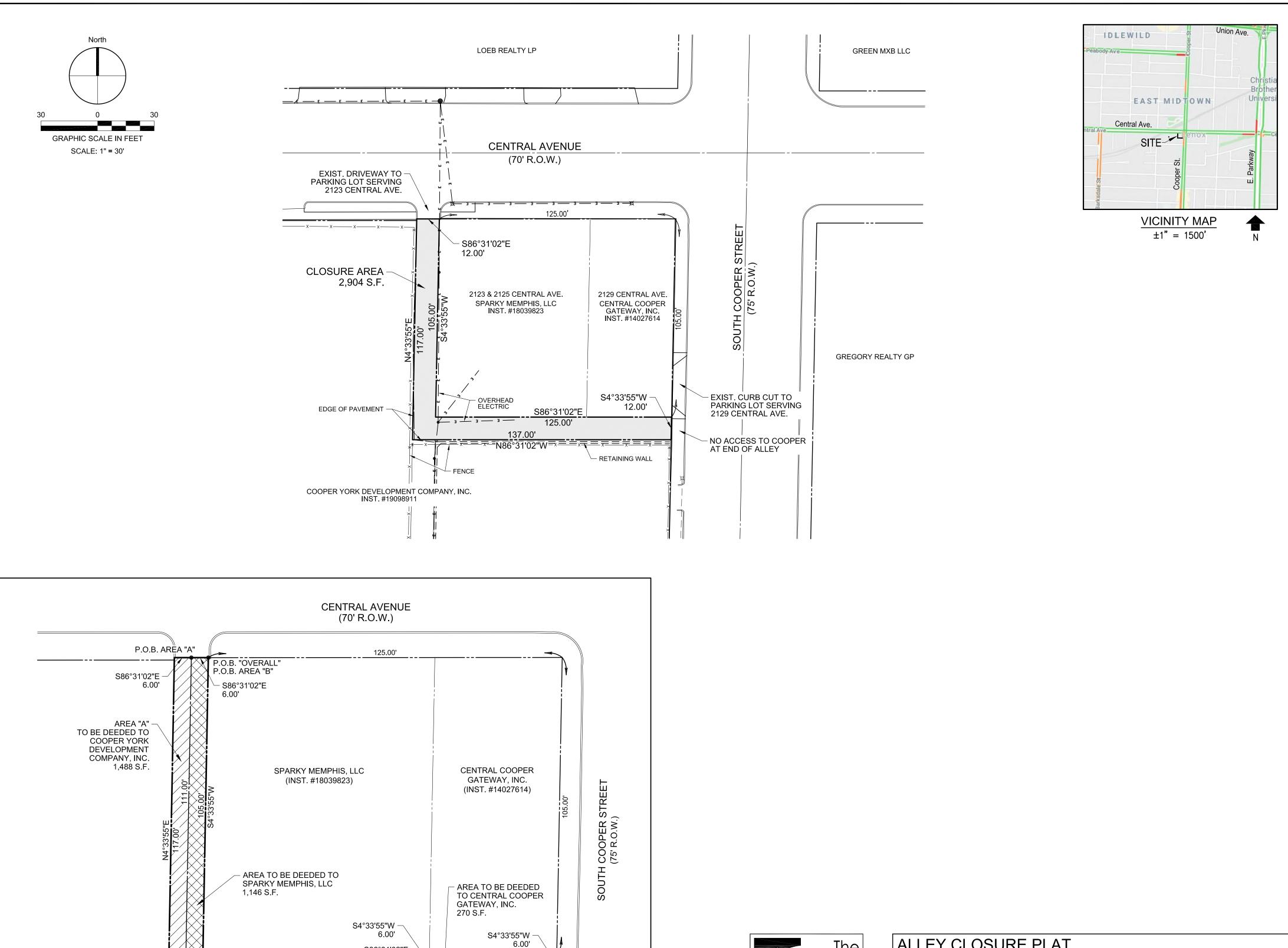
#### Address

	9				_	
Name JOSH WHITE	HEAD				Contac APPLICA	<u>ct Type</u> ANT
Address						
<b>Phone</b> (901)810-578	9					
Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1599108	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	10/11/2024
1599108	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	10/11/2024
	Т	Total Fee Invoiced: \$410.40		Total Balance: \$0.00		00
Payment	nformation					
Payment Am	ount Method of Pa	avment				

\$410.40

Credit Card

ADJACENT PROPERTY OWNER OF RECORD



P.O.B. AREA "C"

S4°33'55"W -6.00'

+ +45.00'+

COOPER YORK DEVELOPMENT COMPANY, INC. (INST. #19098911)

## AREAS TO BE DEEDED TO ADJACENT OWNERS

<u>137.00'</u> N86°31'02"W S86°31'02"E

<u>,131,00'</u>

1" = 20'

∕∑80.00'∑

· 20x24 Z:\2024\24-0235 Central & Cooper Allev Closures\Closure plat\Closure Plat.dwa Sep 16. 2024 - 1:45pm

ħ	The Reaves			
K	Firm			
	Engineering Planning Landscape Architecture Land Surveying			
6800 Poplar Avenue, Suite 101 Memphis, TN 38138 901.761.2016 Fax: 901.763.2847 www.ReavesFirm.com				
24-0235				

# ALLEY CLOSURE PLAT SW CORNER of CENTRAL AVE. SOUTH COOPER ST.

SAC 24-					
MEMPHIS, TENNESSEE					
NUMBER OF LOTS: N/A	2,904 S.F. / 0.067 AC	RES			
APPLICANT: CENTRAL COOPER GATEWAY, INC. ENGINEER: THE REAVES FIRM					
100-YEAR FLOOD ELEV: 233 ±	FEMA MAP PANEL N	NO: 0290F, 0430F	FEMA MAP DATE: SEPT. 28, 2007		
SEPTEMBER 2024	SCALE: 1" = 30'		SHEET 1 OF 1		
copyright 2024 — The Reaves Firm, Incorporated					

Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com



Miloš Mikić Chief Operating Officer (901) 810-5706 milos@joshwhiteheadlaw.com

October 11, 2024

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

RE: Closure of paper alley to the southwest of Central and Cooper

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Thank you for your consideration,

Josh Whitehead

## EXHIBIT A

Image of historic properties adjacent to subject alley



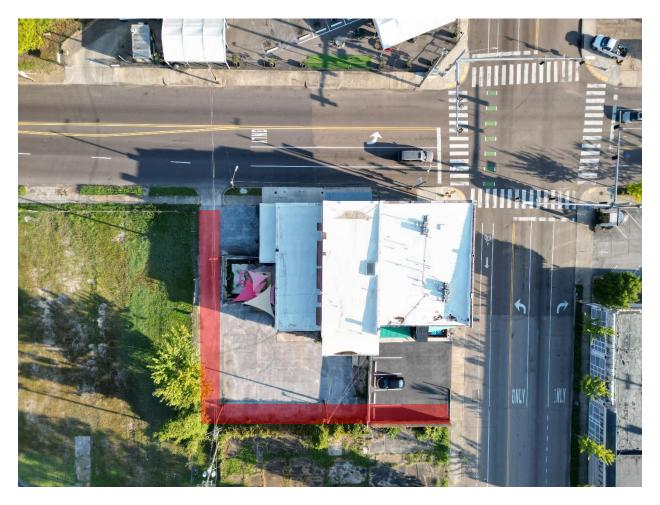
## EXHIBIT B

1959 aerial photograph; approximate location of alley highlighted in red



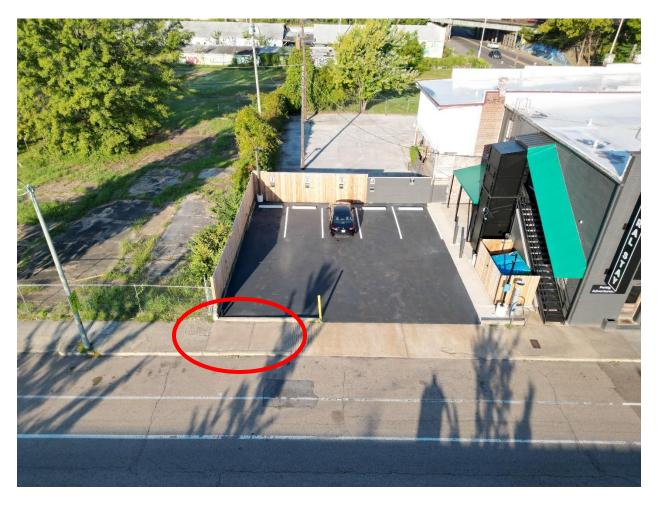
## EXHIBIT C

Drone image, taken October 4, 2024; approximate location of alley highlighted in red



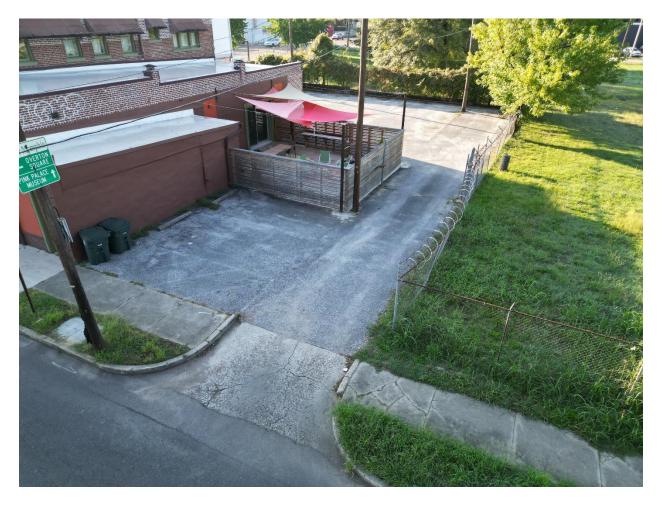
## EXHIBIT D

Photograph of location where alley intersects with Cooper

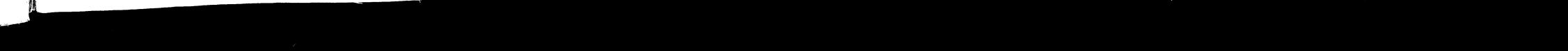


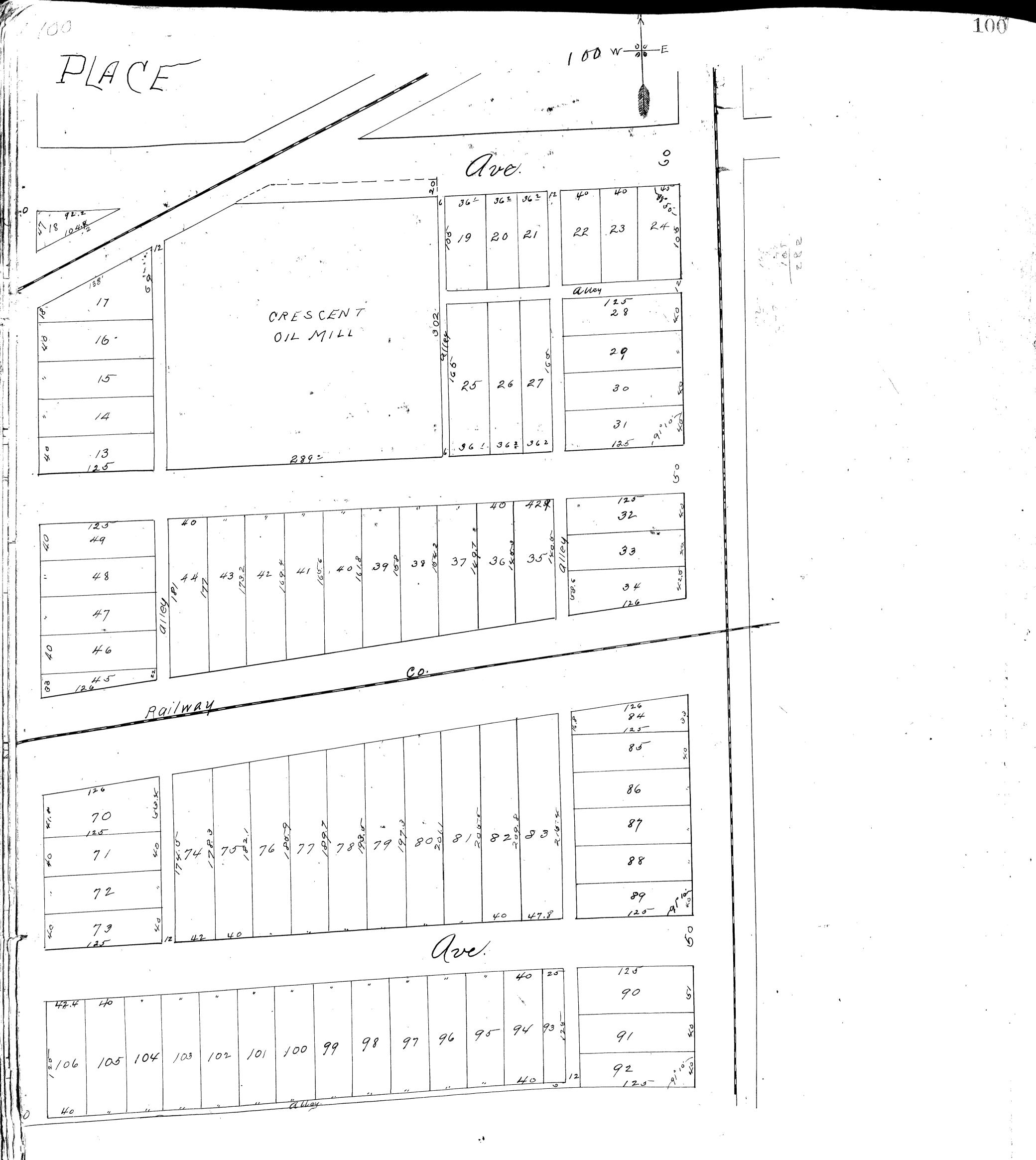
## EXHIBIT E

Photograph of Central apron



E.E. MEACHAM'S COOPER & CENTRAL AVENUE Subdivision of Lots 25 and 26 COOPERTRACT. NOTE This mapis the same as original map on recod with Exception of change of Union Railways 5.G. Richardson C.E. Traced by Given & Richardson Jan 16 1905 approved by the Legeslative Council CENTRAL atits meetingheld Feb 9 1905 approved 1/20/05 I B Grmour Ja. Omberg J. City Engr 40 City Secretary 2 P 8 6 🕅 5 A. 3 2 I hereby adopt this plan as my subdivision of Cooper & Central ave Place and dedicate the streets and alleys shown therein to the public use . This 13 th day of Teby. 1905. E.E. Meacham Nic Cand ST. L. R. 10 State of New york? 147.1 Hewyork County Sersonally appeared before 11 me Martha Andrews Griffind, a notary 228.5 Sublic in and for said State and County, and new york city, duly commissioned and qual-12 ifiel E.E. Macham the within named bargain or, with whom cam personally acquainted 310 and who acknowledged that he executed the YORK within instrument for the purposes therein contained, and for the purposes therein expressed. 125 880,000 441 R Witness my hand and notarial seal, at 40 40 50 newyork City aforesaid, this 13th day of February 1905. m. P. Sealt, martha Undrews Griffin 51 notary Public State of Jacania D Shelley County ) Filed for registration Feb 1905 all 330 oclock P. M. and noted in Note Book no. 20 Page 151 and was recorded Filed for registration Feb 21 \$ 59 % 58 x 57 % 50 % 55 2 52 Feling 24th 1905. 53 James Jones Register a. Murray 54 726 65 GG 63 G2 K 60 6 б/ ŝ7 68 12 4 37 40 ELZEY 125 36.6 40 40 109 110 2 108 11Ĩ 112 113 N/14 107 `**~~~** 125 35







E5 WARRANTY DEED

Tom Leatherwood, Shelby County Register of Deeds: Instr #E51046

E5 1046 Page

THIS INDENTURE made and entered into this 25th day of September, 1968, by and between CARMELA MONTESI, a widow, party of the first part, and ALBERT COOK DEVELOPMENT COMPANY, INC., party of the second part;

#### WITNESSETH:

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

Parcel 1: Lots Nos. 19,20 and 21 of the Cooper and Central Avenue Place Subdivision, as shown and designated on plat of said subdivision of record in Plat Book 4, Page 49, in the Register's Office of said Shelby County, said lots together being particularly described as follows:

Beginning at a point in the south line of Central Avenue 137 feet west of the west line of Cooper Street, said point of beginning being the northeast corner of said Lot 21; thence westwardly along the south line of Central Avenue 108.5 feet to the east line of a 6-foot alley; thence southwardly with the east line of said alley and along the west line of said Lot 19, 105 feet to the north line of a 12 foot alley running east and west as shown on said subdivision plat which has never been opened or used as a public alley; thence eastwardly along the north line of said alley 108.5 feet to the westline of an alley running north and south; thence northwardly with the west line of said alley and along the east line of said Lot 21, 105 feet to the point of beginning.

Parcel 2: Lots 25, 26 and 27, of said Cooper & Central Avenue Place Subdivision, particularly described as follows:

Beginning at a point in the north line of York Avenue 137 feet westwardly from the west line of Cooper Street, said point of beginning being the southeast corner of said Lot 27; thence northwardly with the east line of said Lot 27, being also the west line of a 12-foot alley running north and south 165 feet to the south line of a 12-foot alley running east and west as shown on said subdivision plat, but which has never been opened or used as a public alley; thence westwardly along the south line of the last mentioned alley 108.5 feet to the east line of a 6-foot alley running north and south, said point being also the northwest corner Tom Leatherwood, Shelby County Register of Deeds: Instr #E51046

-2-

E5 1046

of said Lot 25; thence southwardly with the west line of said Lot 25 and also the east line of said 6-foot alley, 165 feet to the north line of York Avenue; thence eastwardly along the north line of York Avenue, 108.5 feet to the point of beginning.

All of the above described lots are the same as those described in and conveyed by warranty deed from Liberty Cash Grocers, Inc. to Carmela Montesi of record in Book 3743, Page 370, Register's Office of Shelby County, Tennessee.

The party of the first part does hereby also remise, release, quitclaim, and convey unto the said party of the second part, all of their interest in the alley west of Lots 19 and 25 and the alley between Lots 19, 20, and 21 to the North and Lots 25, 26 and 27 to the South, and to the strip formerly known as Crescent Place Alley.

To Have and To Hold the aforesaid real estate, together with all of the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns infee sim ple forever. And the said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforedescribed real estate; that he has a good right to sell and convey the same; that the same i s unencumbered, except for 1968 county real estate taxes, which are hereby assumed by party of the second part and a drainage easement conveyed to the City of Memphis of record in Book 4526, Page 99, said Register's Office and that the title and quiet possession the reto he will warrant and forever defend against the lawful claims of all persons.

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

I hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of property transferred, whichever is greater is \$42,500.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

, Ermela Man Ton

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

Mas 101 uzmelle

STATE OF TENNESSEE COUNTY OF SHELBY

September, 1968.

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Var h Notary Pu TVIAN 

My Commission Expires: 3-14.71

#### Tom Leatherwood, Shelby County Register of Deeds: Instr #E51046

-3-

Property Address: Mail tax bills to:

Return to:

110.50

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State Tax Register's fee Recording fee Total vacant lots Albert Cook 2101 Central Avenue Memphis, Tennessee Shainberg and Kriger 81 Madison Building Memphis, Tennessee \$110.50 .50 <u>4.50</u> \$115.50

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STATE TAY .... RECISTERIS F RECOMENTS

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SEP 30 10 35 A

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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.



19098911

09/24/2019 - 10:00:17 AM

1 PGS	
ALONZO 1923038 - 19098911	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	5.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	7.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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



Liability Company Act, Tennessee Revised Limited Liability Company Act, or the Tennessee Revised Uniform Partnership Act, this application for registration of an assumed name is submitted to the Tennessee Secretary of State.

1. The Secretary of State Control Number is: 000007516 and the true name of the business entity is:

ALBERT COOK DEVELOPMENT COMPANY, INCORPORATED

2. The state or country of organization is:

TENNESSEE

3. The business entity intends to transact business under an assumed name.

4. The assumed name the business entity proposes to use is:

COOPER YORK DEVELOPMENT COMPANY, INC.

The assumed name must satisfy the statutory requirements for that type of entity.

09/09/2019	Electronic
Signature Date	Signature
ATTORNEY	J. MICHAEL MURPHY
Signer's Capacity	Name (typed or printed)

Note: Pursuant to T.C.A. § 10-7-503 all information on this form is public record.

RETURN TO: Murphy, DeZonia & Webb 6389 Quail Hollow Rd, Memphis, TN 38120

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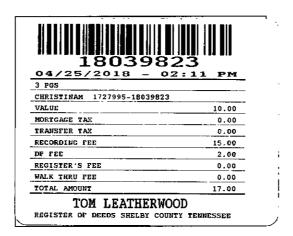
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# Tom Leatherwood

Shelby County Register

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



Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18039823

THIS INSTRUMENT PREPARED BY AND RETURN TO: J. Philip Jones, Esq. 2620 Thousand Oaks Boulevard, Suite 4000 Memphis, TN 38118

#### **QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, **Squirrel**, **LLC**, a Tennessee limited liability company, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), does hereby quit claim unto **Sparky Memphis**, **LLC**, a Tennessee limited liability company, Grantee, all of its right, title and interest in and to the following described real estate located in the County of Shelby, State of Tennessee, to-wit:

#### SEE ATTACHED EXHIBIT A.

Being the same property conveyed to Grantor by that certain deed of record under Instrument Number 03192696, in the Register's Office of Shelby County, Tennessee.

WITNESS the signature of Grantor this the 24 day of April, 2018.

**GRANTOR:** SQUIRREL, LL By: Selden P. Haizlin nief Mahager

STATE OF TENDESSEE NC COUNTY OF SHEEPY Buncombe

Before me, a Notary Public, of the State and County aforesaid, personally appeared Selden P. Haizlip, 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 Chief Manager of Squirrel, LLC, a Tennessee limited liability company, the within named bargainor, and that he executed the foregoing instrument for the purpose therein contained by signing the name of the company as such officer.

WITNESS my hand	and seal this <u>24</u> day of Apr NOTARY PL	n K. Clarv
My commission expires:	5-25-20	BRIAN K. CLARK NOTARY PUBLIC MY COMMISSION EXPIRES 5/25/2020 COUNTY, NORTHCOM

I, or we, hereby swear or affirm that to the best of affiant' knowledge, information and belief, the actual consideration for this transfer is \$10.00. BRIAN K. CLARK NOTARY PUBLIC MY COMMISSION OF IN TO AND SUBSCRIBED before me, this 24 day of April, 2018. EXPRESS 5/25/2020 Arounry, Nowledge ADTARY PUBLIC

MY COMMISSION EXPIRES:

5-25-20

**TAX PARCEL NUMBER:** 031 136 00006

**PROPERTY ADDRESS:** 2123 Central Ave, Memphis, TN, 38104

MAIL TAX NOTICES TO:

Sparky Memphis, LLC 2724 Central Avenue Memphis, TN 38111

#### NAME AND ADDRESS OF PROPERTY OWNER:

Sparky Memphis, LLC 2724 Central Avenue Memphis, TN 38111

#### EXHIBIT A

Description of the Squirrel, LLC property recorded in Instrument No. 03192696, being Lot 22 and part of Lot 23, E. E. Meacham's, Cooper & Central Avenue Place Subdivision recorded in Plat Book 4 Pages 99 & 100 in Memphis, Shelby County, Tennessee:

Beginning at a set pk nail at the intersection of the south line of Central Avenue (72' R.O.W.) -(Public) and the east line of a north and south alley (12' Wide per said Plat Book 4, Page 99 & 100) -(Public), said point being the northwest corner of said property recorded in Instrument No. 03192696 and being on TCS 1983 (N-312850.02, E-775241.29); thence south 86 degrees 28 minutes 25 seconds east along the south line of said Central Avenue, 79.63 feet to a point on the centerline of an old brick wall – "partition wall" (as referenced in said Instrument No. 03192696 and Instrument No. 14027614), said point being the northeast corner of said property recorded in Instrument No. 03192696 and the northwest corner of the Central Cooper Gateway, Inc. property recorded in Instrument No. 14027614; thence south 04 degrees 21 minutes 18 seconds west along the east line of said property recorded in Instrument No. 03192696, along the west line of said property recorded in Instrument No. 14027614 and along the centerline of said old brick wall - "partition wall" (as referenced in said Instrument No. 03192696 and Instrument No. 14027614), 104.36 feet to a set pk nail in the north line of an east and west alley (12' wide per said Plat Book 4, Page 99 & 100) - (Public), said point being the southeast corner of said property recorded in Instrument No. 03192696 and the southwest corner of said property recorded in Instrument No. 14027614; thence north 86 degrees 28 minutes 25 seconds west along the north line of said east and west alley (12' wide per said Plat Book 4, Page 99 & 100) - (Public), 80.04 feet to a found pk nail at the intersection of the north line of said east and west alley (12' wide per said Plat Book 4, Page 99 & 100) – (Public), and the east line of said north and south alley (12' wide per said Plat Book 4, Page 99 & 100) – (Public), said point being the southwest corner of said property recorded in Instrument No. 03192696; thence north 04 degrees 34 minutes 42 seconds east along the east line of said north and south alley (12' wide per said Plat Book 4, Page 99 & 100) - (Public), 104.37 feet to the POINT OF BEGINNING and containing 0.19 acres of land.



*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.

14027 3/14/2014	7614
03/14/2014 -	M1
ONALD 1193588-1402761	4
ALUE	460000.00
SORTGAGE TAX	0.00
RAMSFER TAK	1702.00
CORDING FEE	15.00
OP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1720.00

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: Tom.Leatherwood@shelbycountytn.gov Join us on Facebook



#### SPECIAL WARRANTY DEED

**THIS INDENTURE**, made and entered into on this 12th day of March, 2014, by and between DANA McBRIDE f/k/a DANA WHITEHEAD, party of the first part, and CENTRAL COOPER GATEWAY, INC., a Tennessee corporation, party of the second part.

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

Part of Lots 23 and 24, E. E. Meacham's Cooper and Central Avenue Place Subdivision, as shown on plat of record in Plat Book 4, pages 99 and 100, in the Register's Office of Shelby County, Tennessee, and described as follows: Beginning at a point of intersection of the South line of Central Avenue and the West line of Cooper Street running thence West with the South line of Central Avenue 45 feet more or less to the center of the partition wall between the property hereby conveyed and the property adjoining same on the West; thence South following the center line of said partition wall 105 feet more or less to an alley; thence East with the North line of said alley 45 feet more or less to the West line of Cooper Street; thence North with the said West line 105 feet to beginning being Lot 24 of said subdivision less that part thereof conveyed to Mary E. Miller by deed of record in Book 565, page 513, in said Register's Office and that part of Lot 23 conveyed by said Mary E. Miller to the said C. L. Andrews by said deed. There is also conveyed hereby all rights of the grantor in said partition wall referred to. [THIS DESCRIPTION TAKEN FROM PRIOR DEED OF RECORD AS INSTRUMENT NO. 02147451 IN SAID REGISTER'S OFFICE.]

Being the same property conveyed to party of the first part herein by Warranty Deed of record as Instrument No. 02147451 in the Register's Office of Shelby County, Tennessee, party of the first part being one and the person formerly known as DANA WHITEHEAD.

The property herein conveyed is subject to the following: 2014 City of Memphis and 2014 Shelby County taxes, not yet due and payable, which party of the second part assumes and agrees to pay, and subject to subdivision restrictions, building lines and easements of record in Plat Book 4, page 49-50 and 99-100, in the Register's Office of Shelby County, Tennessee; and subject to rights of owners and adjoining owners in and to use of the partition wall situated partly on the subject land and partly on the land adjoining on the west as established by Agreement of record in Book 565, page 513; and subject to Lease as evidenced by Abstract of Lease of record as Instrument No. FM 2504, assigned in Instrument No. FM 3376; all in said Register's Office.

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

The said party of the first part does hereby covenant with the said party of the second part that she is lawfully seized in fee of the aforedescribed real estate; that she has a good right to sell and convey the same; that the same



is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto she will warrant and forever defend against the lawful claims of all persons claiming by, through or under her, but not further or otherwise.

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

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

Monde CBRIDE f/k/a DANA WHITEHEAD

STATE OF TENNESSEE COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, DANA McBRIDE f/k/a DANA WHITEHEAD, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained as her free act and deed.

WITNESS my hand at office this 12th day of March 2014.

Notary Public

COUNTY OF SITE My Commission Expines My Commission 15, 2015.

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



PROPERTY ADDRESS: 2129 Central Avenue Memphis, Tennessee 38104

NAME AND ADDRESS OF PROPERTY OWNER(S): CENTRAL COOPER GATEWAY, INC. 2167 North Drive Memphis, TN 38112

MAIL TAX NOTICES TO: Central Cooper Gateway, Inc. 2167 North Drive Memphis, TN 38112

THIS INSTRUMENT PREPARED BY: ALLEN C. DUNSTAN HARKAVY SHAINBERG KAPLAN & DUNSTAN PLC 6060 Poplar Avenue, Suite 140 Memphis, Tennessee 38119

#### **RETURN TO:**

Stewart G. Austin, Jr. Glankler Brown, PLLC 6000 Poplar Ave. Suite 400 Memphis, TN 38119 T.G. NO. Tax Parcel No.: 031136 00007 File No. 14027409

State Tax	
Register's Fee	
Recording Fee	
TOTAL	

\$_	
\$_	
\$_	
\$_	

(FOR RECORDING DATA ONLY)

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 \$460,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

adies X/Dax

Sworm to and subscribed before me this  $\underline{3}$  day of March, 2014.

My commission expires:



Tom Leatherwood, Shelby County Register of Deeds: Instr # FF0402

Prepared by and return to: TM Griffin, Clift, Everton & Thornton 965 Ridge Lake Blvd., Suite 100 Memphis, Tennessee 38120

FF 0402

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#### QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that ANN BUGBEE, TRUSTEE, "Grantor", for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby bargain, sell, remise, release, quit claim and convey unto ALBERT COOK DEVELOPMENT COMPANY, INC. "Grantee", all right, title and interest in and to that certain real estate located in the City of Memphis, County of Shelby, State of Tennessee, which is more particularly described as follows, to wit: described as follows, to-wit:

Lots 28 and 29, E. E. Meacham's Cooper and Central Avenue Place Subdivision, as shown on revised plat of record in Plat Book 4, Pages 99 and 100, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

This being the same property conveyed to Ann Bugbee, Trustee, by Warranty Deed of record at Instrument No. H8 1666 in said Register's Office of Shelby County, Tennessee.

THIS DEED PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION.

IN TESTIMONY WHEREOF, I have executed this instrument this the \_, 1995.  $\underline{/7}$  day of \_ uly\_

ann Bug 1 Drustee bu ANN BUGBEE, FRUSTEE

STATE OF TENNESSEE) COUNTY OF SHELBY

On this 17 day of <u>July</u>, 1995, before me the undersigned Notary Public of the aforementioned County and State personally appeared Ann Bugbee, Trustee, with whom I am personally acquainted and who, upon oath acknowledged that she executed the er soon and the foregoing instrument for the purposes therein contained, as her N. WHUNG free act and deed.

WITNESS my hand and Notarial Seal at office the day and wear above written.

see Notary Public

MY COMMMISSION EXPIRES DEC. 8, 1997

My Commission expires:

STATE OF TENNESSEE: COUNTY OF SHELBY

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ -0-.

<u>AFFIANT</u>

day of SWORN TO AND SUBSCRIBED before me this the (j(j)) Ruin <u>`</u>, 1995. Ale Contraction NOTARY PUBLIC ROTARY MY COMMINISTION EXPRES DEC. 8, 1997 PREFIC

My Commission Expires:

My Commission Express. Property Address: 739 South Cooper, Memphis, TN 38104 

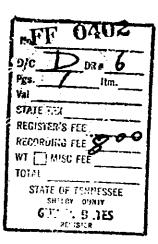
Mail Tax Bills To: Albert Cook Development Company A VRofunt's Owners Allors; Memphis, Tennessee 38104

Tom Leatherwood, Shelby County Register of Deeds: Instr # FF0402

# FF 0402

FF0402

SHELBY COUNTY REGISTER OF DEEDS 95 AUG -2 Am II: 13



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#### DESCRIPTION OF ALLEYS TO BE CLOSED

BEING A 12 FOOT WIDE NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125.00 FEET WEST OF SOUTH COOPER STREET AND A 12 FOOT WIDE EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 125.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING THE NORTHWEST CORNER OF THE SPARKY MEMPHIS, LLC PROPERTY (INST. #18039823); THENCE S4°33'55"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 105.00 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF THE SPARKY MEMPHIS, LLC PROPERTY AND THE SOUTH LINE OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY (INST. #14027614) A DISTANCE OF 125.00 FEET TO A POINT ON THE WEST LINE OF SOUTH COOPER STREET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID CENTRAL COOPER GATEWAY, INC. PROPERTY; THENCE S4°33'55"W ALONG SAID WEST LINE A DISTANCE OF 12.00 FEET TO THE NORTHEAST CORNER OF THE COOPER YORK DEVELOPMENT COMPANY, INC. PROPERTY (INST. #19098911); THENCE N86°31'02"W ALONG THE NORTH LINE OF SAID COOPER YORK DEVELOPMENT COMPANY, INC PROPERTY A DISTANCE OF 137.00 FEET TO AN INTERIOR CORNER OF SAID PROPERTY; THENCE N4°33'55"E ALONG AN EAST LINE OF SAID PROPERTY A DISTANCE OF 117.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E ALONG SAID SOUTH LINE A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,904 SQUARE FEET OR 0.0667 ACRES.

#### AREA "A" PROPERTY TO BE DEEDED TO COOPER YORK DEVELOPMENT COMPANY, INC.

BEING THE WESTERN HALF OF A NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125.00 FEET WEST OF SOUTH COOPER STREET AND THE SOUTHERN HALF OF AN EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 131.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING ON THE CENTERLINE OF THE NORTH-SOUTH ALLEY; THENCE S4°33'55"W ALONG SAID CENTERLINE A DISTANCE OF 111.00 FEET TO A POINT ON THE CENTERLINE OF THE EAST-WEST ALLEY; THENCE S86°31'02"E ALONG THE CENTERLINE OF THE SAID ALLEY A DISTANCE OF 131.00 FEET TO A POINT ON THE WEST LINE OF SOUTH COOPER STREET; THENCE S4°33'55"W ALONG SAID WEST LINE A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER OF THE COOPER YORK DEVELOPMENT COMPANY, INC. PROPERTY (INST. #19098911); THENCE N86°31'02"W ALONG THE NORTH LINE OF SAID COOPER YORK DEVELOPMENT COMPANY, INC PROPERTY A DISTANCE OF 137.00 FEET TO AN INTERIOR CORNER OF SAID PROPERTY; THENCE N4°33'55"E ALONG AN EAST LINE OF SAID PROPERTY A DISTANCE OF 117.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E ALONG SAID SOUTH LINE A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,488 SQUARE FEET OR 0.0342 ACRES.

#### AREA "B" PROPERTY TO BE DEEDED TO SPARKY MEMPHIS, LLC

BEING THE EASTERN HALF OF A NORTH-SOUTH ALLEY THAT RUNS PARALLEL TO AND 125 FEET WEST OF SOUTH COOPER STREET AND A PORTION OF THE NORTHERN HALF OF AN EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) A DISTANCE OF 125.00 FEET WEST OF THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) AS MEASURED ALONG SAID SOUTH LINE, SAID POINT BEING THE NORTHWEST CORNER OF THE SPARKY MEMPHIS, LLC PROPERTY (INST. #18039823); THENCE S4°33'55"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 105.00 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF THE SPARKY MEMPHIS, LLC PROPERTY A DISTANCE OF 80.00 FEET TO THE SOUTH EAST CORNER OF SAID PROPERTY; THENCE S4°33'55"W LEAVING SAID SOUTH LINE A DISTANCE OF 6.00 FEET TO A POINT ON THE CENTERLINE OF THE EAST-WEST ALLEY; THENCE N86°31'02"W ALONG SAID CENTERLINE A DISTANCE OF 86.00 FEET TO THE CENTERLINE OF THE NORTH-SOUTH ALLEY; THENCE N4°33'55"E A DISTANCE OF 111.00 FEET TO A POINT ON THE SOUTH LINE OF CENTRAL AVENUE; THENCE S86°31'02"E A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,146 SQUARE FEET OR 0.0263 ACRES.

#### AREA "C" PROPERTY TO BE DEEDED TO CENTRAL COOPER GATEWAY, INC.

BEING THE NORTHERN HALF OF AN EAST-WEST ALLEY THAT RUNS PARALLEL TO AND 105.00 FEET SOUTH OF CENTRAL AVENUE.

BEGINNING AT A POINT ON THE WEST LINE OF SOUTH COOPER STREET (75' R.O.W.) A DISTANCE OF 105.00 FEET SOUTH OF THE SOUTH LINE OF CENTRAL AVENUE (70' R.O.W.) AS MEASURED ALONG SAID WEST LINE, SAID POINT BEING THE SOUTHEAST CORNER OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY (INST. #14027614); THENCE S4°33'55"W ALONG THE WEST LINE OF SOUTH COOPER STREET A DISTANCE OF 6.00 FEET TO A POINT; THENCE N86°31'02"W ALONG THE CENTERLINE OF THE EAST-WEST ALLEY A DISTANCE OF 45.00 FEET TO A POINT; THENCE N4°33'55"E LEAVING SAID CENTERLINE A DISTANCE OF 6.00 FEET TO THE SOUTHWEST CORNER OF THE CENTRAL COOPER GATEWAY, INC. PROPERTY; THENCE S86°31'02"E ALONG THE SOUTH LINE OF SAID CENTRAL COOPER GATEWAY, INC. PROPERTY A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 270 SQUARE FEET OR 0.0062 ACRES.

# MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

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

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Charles S. Ryan, the President of Central Cooper Gateway, Inc, 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 <u>2129 Central Ave.</u> and further identified by Assessor's Parcel Number <u>031136 00007</u>, for which an application is being made to the Division of Planning and Development.

1 in the year of 2029day of OC Subscribed and sworn to (or affirmed) before me this Signature of Owner Signature of Notary Public DUSTIN JOHNSON NOTARY PUBLIC for the Feb 26,2028 Central Cooper Gate availat State of Montana On behalf of (if owned by a corporationaling at BIGFORK, MONTANA My Commission Expires My Commission Expires February 26, 2028

# MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

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

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I, <u>Chance Mor Carlisles</u>tate 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 properties located on the <u>south side of Central Ave. west Cooper St. and on the west side of Cooper St. south of</u> <u>Central Ave.</u> and further identified by Assessor's Parcel Numbers <u>031136 00005C, 031136 00010Z and 031136</u> <u>00008,</u> 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 \_\_\_\_\_\_ day of \_\_\_\_\_\_ in the year of \_\_\_\_\_\_ Magelain ary Public Signature of Owner Cooper Holdings Properties, LLC On behalf of (if owned by a corporation)



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. JKan Anns, 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 2123 Central Ave. and further identified by Assessor's Parcel Number 031136 00006, for which an application is being made to the Division of Planning and Development.

- TEP Subscribed and sworp to for affirmed) before me this 10 n the year of 2024 day of nature of Owner Signature of Notary Public

Sparky Memphis, LLC On behalf of (if owned by a corporation)



My Commission Expires



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

November 18, 2024

Whitehead Law PLLC 275 Jefferson Avenue Memphis, TN 38103

Sent via electronic mail to: josh@joshwhiteheadlaw.com

Case Number: SAC 2024-006 LUCB Recommendation: Approval

Dear applicant,

On Thursday, November 14, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your right-of-way vacation application to abandon the paper alley located at the southwest corner of Central Avenue and Cooper Street.

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

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

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

#### Letter to Applicant SAC 2024-006

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

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

Cc:

File

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

**Planning & Development** DIVISION

# Planning & Zoning COMMITTEE: **PUBLIC SESSION:**

DATE 01/21/2025 DATE

01/07/2025

ITEM	(CHECK ONE)	

ONE ORIGINAL

**ONLY STAPLED** 

**TO DOCUMENTS** 

X RESOLUTION \_\_\_\_\_ REQUEST FOR PUBLIC HEARING ORDINANCE Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a special use permit at the subject property located at 1344 E Shelby Drive, known as case number SUP 2024-044. SUP 2024-044 **CASE NUMBER:** LOCATION: 1344 E Shelby Drive District 3 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Bassam Ginem/ Kaylon Johnson David Baker **REPRESENTATIVE:** Special use permit to allow vehicle sales **REQUEST:** +/-1.04 acres **AREA:** The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board Recommended Rejection RECOMMENDED COUNCIL ACTION: Public Hearing Not Required **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED (2)12/12/2024 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO (2)AMOUNT OF EXPENDITURE \$ **REVENUE TO BE RECEIVED** S SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** \$ CIP PROJECT # \$ FED \$ ADMINISTRATIVE APPROVAL:

DERAL/STATE/OTH	ER
<u>DATE</u>	POSITION
12/19/2.24	- STAFF PLANNER
	DEPUTY ADMINISTRATOR
12/20/24	ADMINISTRATOR
· ·	DIRECTOR (JOINT APPROVAL)
	COMPTROLLER
	FINANCE DIRECTOR
	CITY ATTORNEY
	CHIEF ADMINISTRATIVE OFFICER
	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

### SUP 2024-044

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 1344 E Shelby Drive, KNOWN AS CASE NUMBER SUP 2024-044.

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

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 12, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2024-044
LOCATION:	1344 E Shelby Drive
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Bassam Ginem/ Kaylon Johnson
REPRESENTATIVE:	David Baker
REQUEST:	Special use permit to allow vehicle sales
EXISTING ZONING:	Commercial Mixed Use-1 (CMU-1)
AREA:	+/-1.04 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 Rejection.

#### The motion failed by a vote of 8-2-0 on the regular agenda.

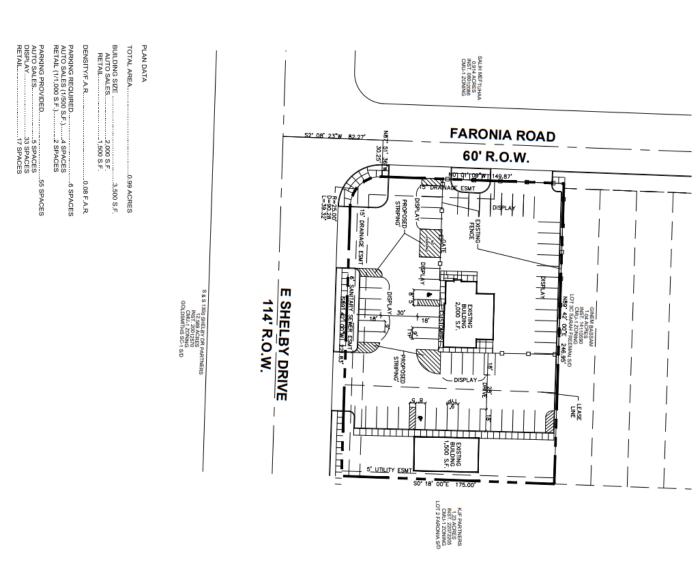
Respectfully,

Mahsan Ostadnia

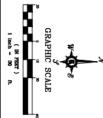
Planner II Land Use & Development Services Cc: Committee Members File

#### SUP 2024-044 CONDITIONS

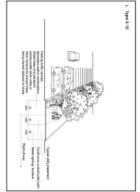
- 1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.
- 2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
- 3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 4. No vehicle repair is permitted.
- 5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
- 6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
- 7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
- 8. Any fencing to be provided must comply with UDC Section 4.6.7.



		( IN PRET ) 1 inch = 30 ft.
SPECIAL USE PERMIT	RMIT	
LOT 1 SARAH P FREEMAN SUBDIVISION	REEMAN	SUBDIVISION
CAR SENSE AUTO SALES, INC.	O SALES, I	NC.
CASE NO .: SUP 24-	FO	FORMER CASE NUMBERS: BOA 1980-056
NUMBER OF LOTS: 1	ACREAGE: 0.99 AC.	DISTRICT: WARD 79 , BLOCK 59 PARCEL 51
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMIPHIS, TN 38125	RD, SUITE 201	ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PANEL NUMBER: 47157C 0420F	NUMBER: FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: NOVEMBER, 2024	SCALE: 1" = 30'	SHEET 1 OF 1.





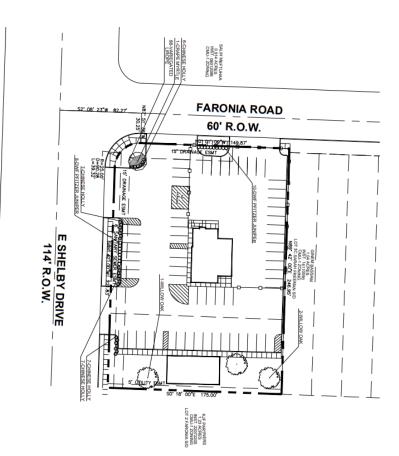




#### SITE PLAN

#### LANDSCAPE PLAN

PLANT LIST	IST					
TREES						
YTO	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	COND	REMARKS
						1000 0000
-	CRAPE MYRTLE	LAGERSTROEMIA INDICA 'CHEROKEE'	6-8		B&B	TREE FORM
ω	WILLOW OAK	QUERCUS PHELLOS	2 PCAL	10"	B&B	FULL BRANCHING
SHRUBS						
27	CHINESE HOLLY	ILEX CORNUTA 'ROTUNDA'	3 GAL		CONT.	
18	DWF PFITZER JUNIPER	JUNIPERUS X PFITZERIANA	3 GAL.		CONT.	
		WALLAY'S COMPACT				
GROUN	GROUND COVER					
8	LIRIOPE	LIRIOPE MUSCARI	1 GAL			



LOT 1 SARAH P	LOT 1 SARAH P FREEMAN SUBDIVISION	IVISION
CAR SENSE AUTO SALES, INC.	TO SALES, INC.	
CASE NO .: SUP 24-	FORMER CAS	FORMER CASE NUMBERS: BOA 1980-056
NUMBER OF LOTS: 1	ACREAGE: 0.99 AC.	DISTRICT: WARD 79, BLOCK 50 PARCEL 51
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	26 ENGINEER:	FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
	FEMA MAP PANEL NUMBER	FEMA MAP DATE: SEPTEMBER 28, 2007
100 YEAR FLOOD ELEVATION: ELEV. N/A	47157C 0420F	

GRAPHIC SCALE

4 S 1300 SHELBY DR PART 12,589 ACRES INST. 20012570 CMU-1 ZONING GOLDSMITHS SC-1 SID

#### 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 1344 E SHELBY DRIVE, KNOWN AS CASE NUMBER SUP 2024-044

**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**, Kaylon Johnson filed an application with the Memphis and Shelby County Division of Planning and Development to allow 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 December 12, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

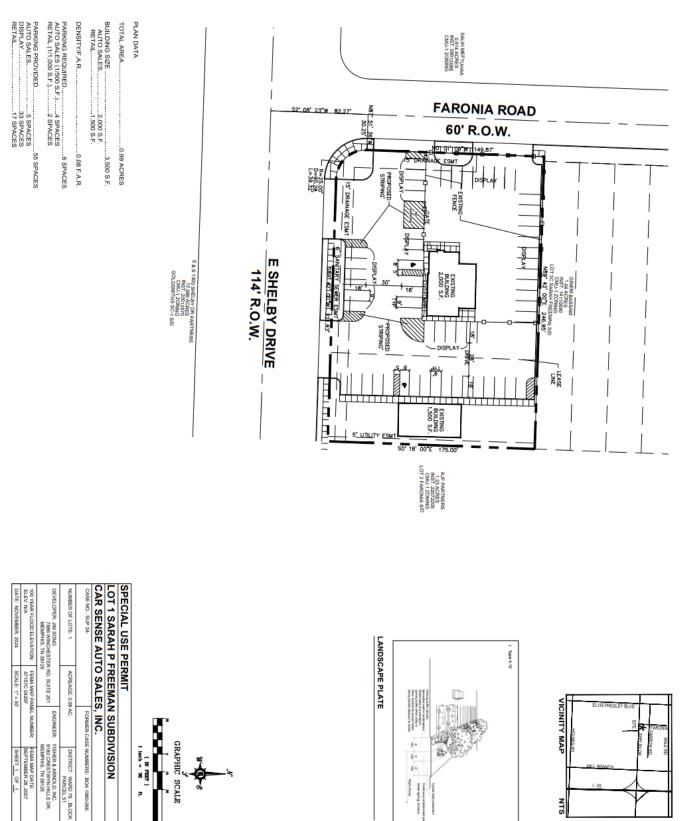
**BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

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

#### CONDITIONS

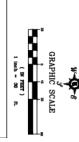
- 1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.
- 2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
- 3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 4. No vehicle repair is permitted.
- 5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
- 6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
- 7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
- 8. Any fencing to be provided must comply with UDC Section 4.6.7.

### SITE PLAN



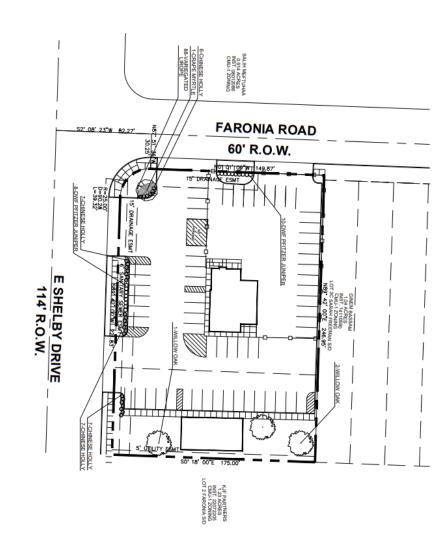
Longe a

MAN SUBDI	VISION
CAR SENSE AUTO SALES, INC.	
FORMER CASE	FORMER CASE NUMBERS: BOA 1980-056
ACREAGE: 0.99 AC.	DISTRICT: WARD 79 , BLOCK 50 PARCEL 51
JIM SONG 7895 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
FEMA MAP PANEL NUMBER: 47157C 0420F	FEMA MAP DATE: SEPTEMBER 28, 2007
SCALE: 1" = 30'	SHEET 1 OF 1.
	LANDSCAPE PLAN LOT 1 SARAH P FREEMAN SUBDIVISION CAR SENSE AUTO SALES, INC. OGENO: SUP 24 OGENOES IN CONSTANT ACREAGE OF ACCOPT ON ACCOP











#### LANDSCAPE PLAN

**ATTEST:** 

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

dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	15	L.U.C.B. MEETING:	December 12, 2024
CASE NUMBER:	SUP 2024-044		
LOCATION:	1344 E Shelby Drive		
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Bassam Ginem/ Kaylon Johnson		
<b>REPRESENTATIVE:</b>	David Baker		
REQUEST:	Special use permit to allow vehicle	sales	

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

# CONCLUSIONS

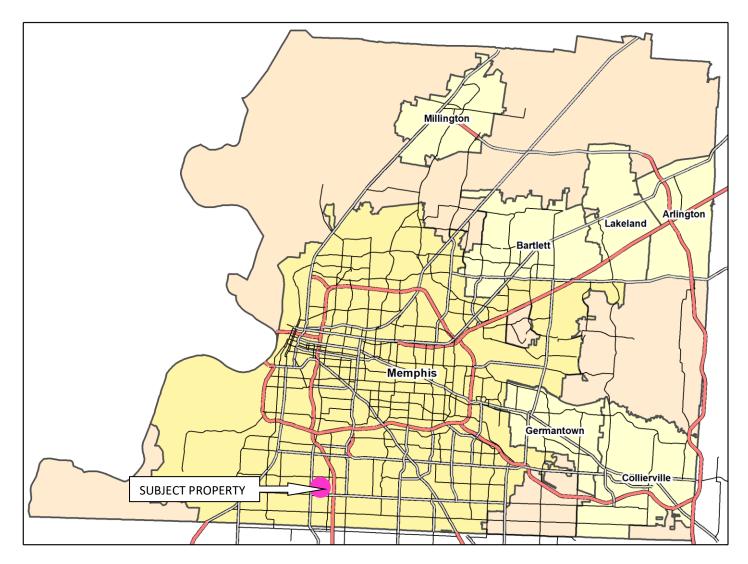
- 1. The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone. This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning. It is located in an area that the Memphis 3.0 Comprehensive Plan designates for future development types to promote pedestrian-oriented infill development.
- 2. 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 16-18 of this report.

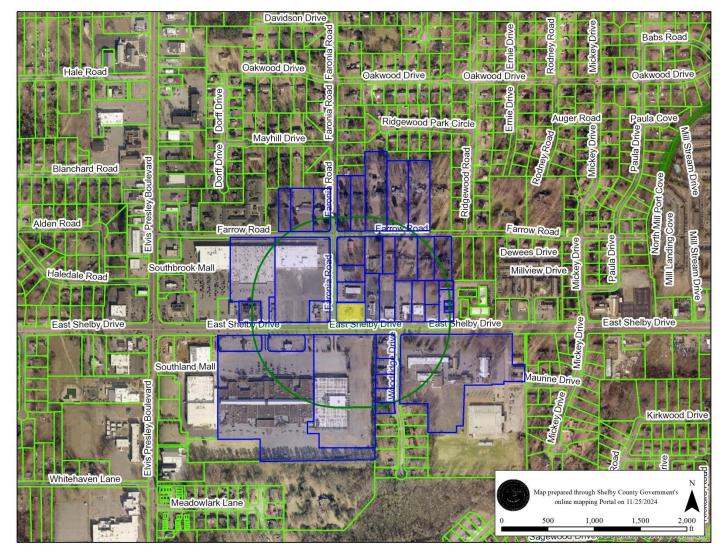
## **RECOMMENDATION:**

Rejection



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 35 notices were mailed on November 20, 2024, see page 19 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 22 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

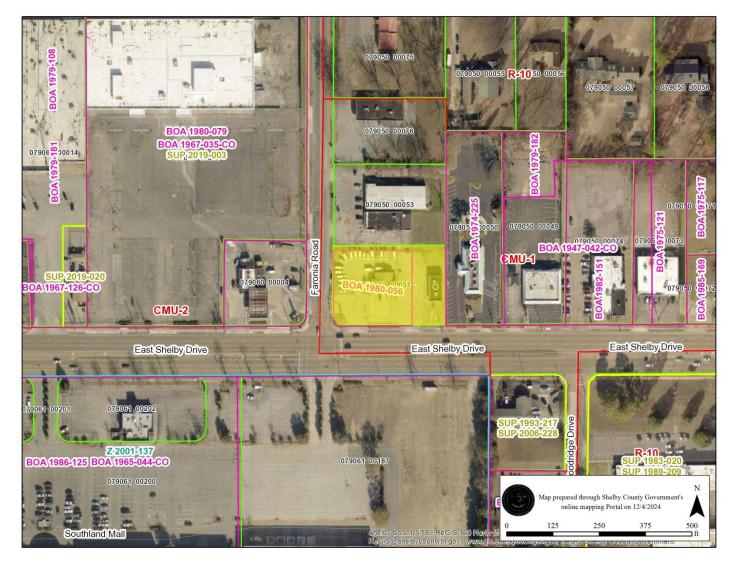
The meeting was held at 5:30 PM on Wednesday, November 20, 2024, at the car sense auto sales, inc. 1344 e Shelby Drive, suite a101, Memphis, TN 38116.

# 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



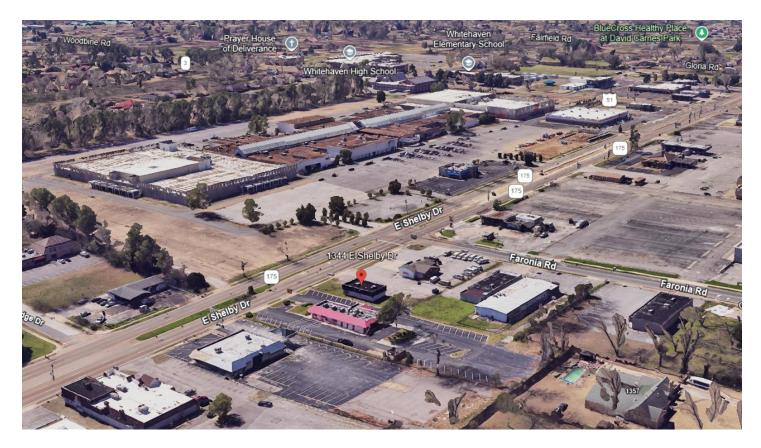
View of subject property from East Shelby Drive.



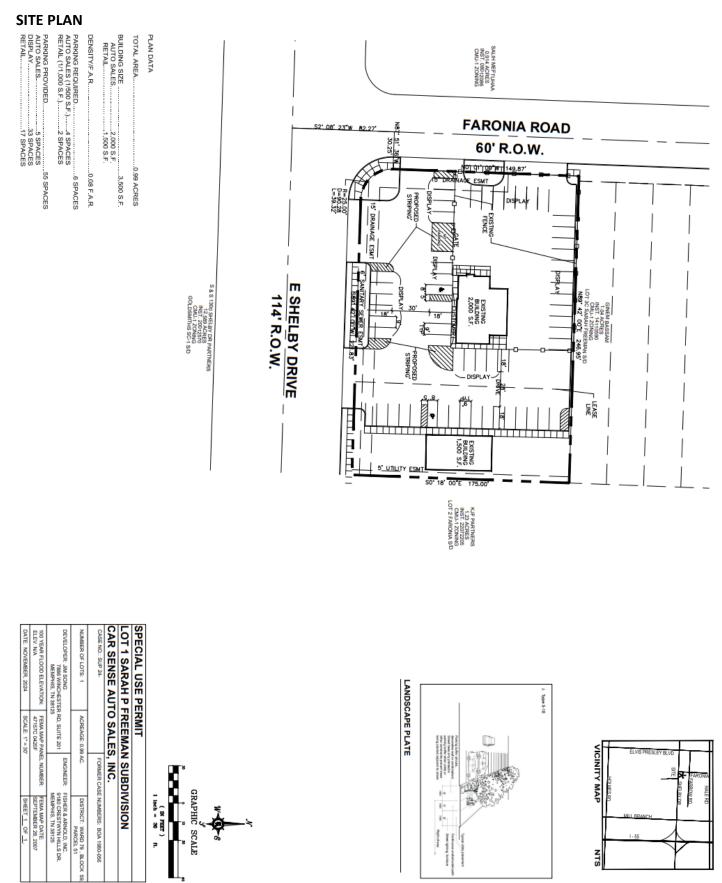
View of subject property from East Shelby Drive (east).



View of subject property from above.



View of subject property from above.

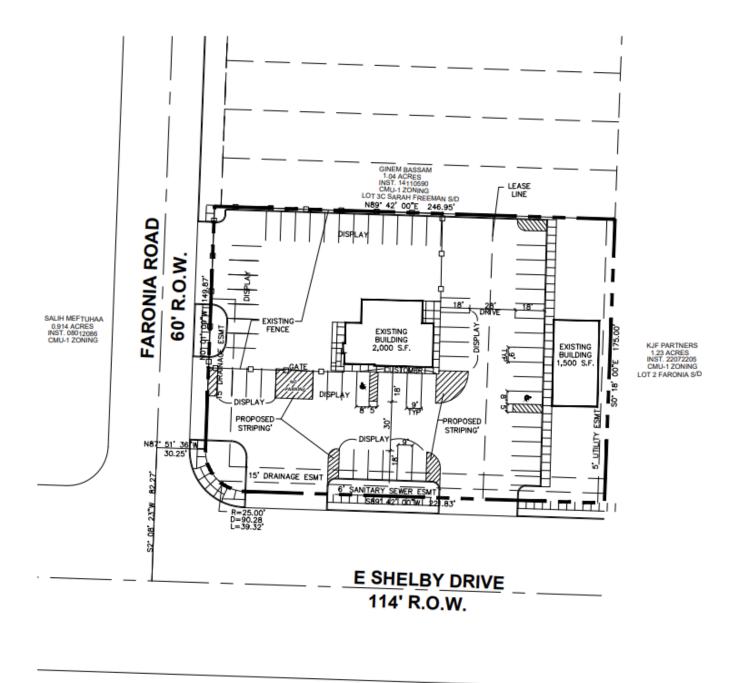


Street Lipton Reptodivery

Post.

NTS

#### SITE PLAN – MAGNIFIED

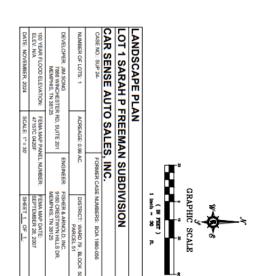


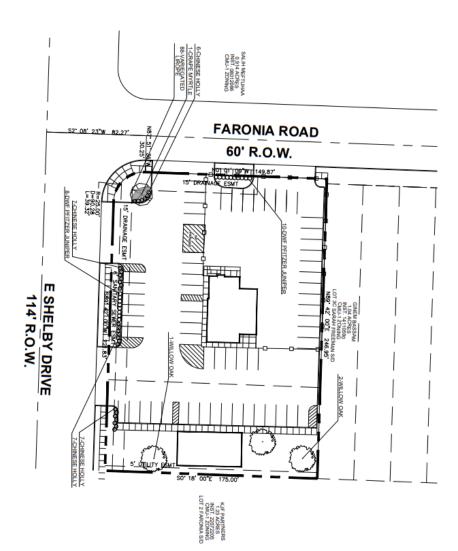
S & S 1300 SHELBY DR PARTNERS 12,559 ACRES INST. 20012570 CMU-1 ZONING GOLDSMITHS SC-1 S/D

# LANDSCAPE PLAN

PLANT LIST	JIST					
TREES						
QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	COND	REMARKS
	CRAPE MYRTLE	LAGERSTROEMIA INDICA 'CHEROKEE'	6-8		B&B	TREE FORM
3	WILLOW OAK	QUERCUS PHELLOS	2 <sup>‡</sup> CAL	10'	888	FULL BRANCHING
SHRUBS	2					
27	CHINESE HOLLY	ILEX CORNUTA 'ROTUNDA'	3 GAL		CONT.	
18	DWF PFITZER JUNIPER	JUNIPERUS X PFITZERIANA	3 GAL.		CONT.	
		KALLAY'S COMPACT				
GROUN	GROUND COVER					
88	LIRIOPE	LIRIOPE MUSCARI	1 GAL			

S & 100 SHELBY DR PARTNERS 12 SIG ACRES INST. 20012370 CML-1 ZONING GOLDSWITHS SC-1 SID







# **CASE REVIEW**

# <u>Request</u>

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

# 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: 1344 E Shelby Drive

Parcel ID: 079050 00051C

Area: +/-1.04 acres

December 12, 2024 Page 13

# Description:

The subject property is known as Sarah P Freeman Subdivision. Per the Assessor's website, the principal structure on the site was built in 1996 with a building area of 7,665 square feet. The surrounding land uses are a mixture of single-family and commercial lots. Additionally, this lot has two street frontages.

# Site Zoning History

On March 31, 1980, the Board of Adjustment approved Docket BOA 1980-056 for variations to allow the use of a retail truck and automobile leasing service in C-1 District, see pages 20-21 of this report for said notice of disposition.

# Site Plan Review

The applicant is providing 60 parking spaces in total (5 customer parking spaces, 38 display spaces, and 17 spaces unidentified for use).

The subject property has two street frontages: one facing E Shelby Drive and one facing Faronia Road.

The applicant is providing a plate S-10 streetscaping plan along both streets.

A 15-foot drainage easement setback is provided fronting E Shelby Drive and Faronia Road.

# **Analysis**

The applicant is seeking a Special Use Permit to allow vehicle sales in the CMU-1 zone. This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning. The area within the vicinity of the site is noted by the Memphis 3.0 plan for future development that promotes pedestrian-oriented infill development.

The proposed site plan is inadequate. It proposes no closing of existing non-conforming curb cuts. Namely, the curb cuts on Shelby Drive and Faronia Road closest to the intersection of Shelby Drive and Faronia Road are too close to the intersection. It appears the applicant intends to leave all curb cuts on the site "as is". Of particular note, the applicant shows the northernmost curb cut on Faronia Road gated off and not closed with curb, gutter and sidewalk. Display spaces for cars are used in this space. At a minimum, the site plan needs to be re-worked to close the aforementioned curb cuts, only use the northernmost curb cut on Faronia Drive and the easternmost curb cut on Shelby Drive and provide landscaping along both street frontages immediately behind the sidewalk. Further, any proposed fencing would be placed behind the landscaping, not in front of it.

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. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.

- 2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
- 3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 4. No vehicle repair is permitted.
- 5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
- 6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
- 7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
- 8. Any fencing to be provided must comply with UDC Section 4.6.7.

# DEPARTMENTAL COMMENTS

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

# **City/County Engineer:**

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

# Sewers:

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

# Roads:

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

# **Traffic Control Provisions:**

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

# Curb Cuts/Access:

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

# **General Notes:**

No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings. Required landscaping <u>shall not</u> be placed on sewer or drainage easements.

City/County 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:**

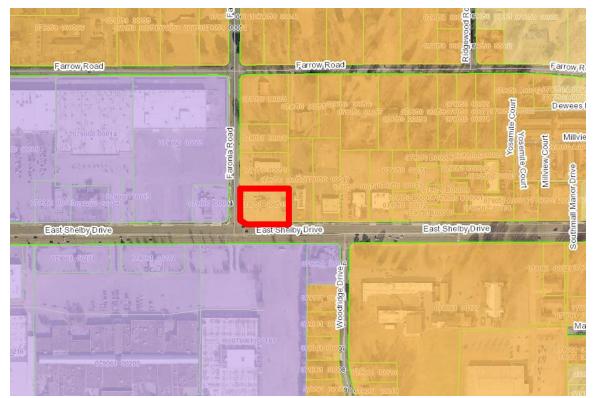
This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 2024-044</u>: Whitehaven

Site Address/Location: 1344 E SHELBY DR

Overlay District/Historic District/Flood Zone: Not in any Overlay District, Historic District or Flood Zone Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M) Street Type: Avenue & Parkway

*The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone.* 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 neighborhoods within a 5 - 10-minute walk of a Community These neighborhoods are made up of a mix of single-unit and housing. Graphic portrayal of AN-M is to the right.



walkable Anchor. multi-unit

# "AN-M" Form & Location Characteristics

NURTURE - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

# "AN-M" Zoning Notes

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

# Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Institutional and Single-Family; CMU-1, CMU-2, and R-10 **Overall Compatibility:** This requested use is not compatible with the future land use description/intent, form & location characteristics, 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 Nurture.

# 4. Degree of Change Description

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. The proposed application is a private investment. However, it will impede future development activity and be a barrier to promoting pedestrian-oriented infill development.

- 5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities: NA
- 6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: NA

# **Consistency Analysis Summary**

The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone.

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

The proposed application is a private investment. However, it will impede future development activity and be a barrier to promoting pedestrian-oriented infill development.

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

# MAILED PUBLIC NOTICE

Staff Report

SUP 2024-044

Staff Planner Contact: Mahsan Ostadnia ☐ mahsan.ostadnia@memphistn.gov (901) 636-7181	Meeting Details Location: Council Chambers City Hall 1st Floor 125 N Main St.Time: 9:00 AM Date:9:00 AM Discription Date:Date:Thursday, Dec. 12, 2024	CASE NUMBER:SUP 2024-044ADDRESS:1344 E SHELBY DRREQUEST:Special use permit to allow vehicle salesAPPLICANT:Bassam Ginem	property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than <b>Wednesday, December 4, 2024 at 8 AM.</b>	You have received this notice because you own or reside on a	NOTICE OF PUBLIC HEARING
To learn more about this proposal, contact the staff planner or use the QR code to view the full application.	35 Notices Mailed 11/20/2024			VICINITY MAP	MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

# NOTICE OF DISPOSITION

				Docket No. 80-56
DATE FILED	LICHDURG	S SHELBY COL	INTY -	Docketivo.
A time withink of Land		& SHELBY COU OF ADJUSTME		Notices
MAR 31'80	125 Nort	h Main St., Room 5	17	
CAN DI CO	MEMPHIS.	TENNESSEE 38	3103	Disposition
Office Use Only			each within a fail	Office Use Only
accompani A	N must be TYPEWRITTEN, and ed by necessary data on sheets 8 APPLICATION FOR SPECIA M THE REQUIREMENTS O	B½ by 11 inches in size L PERMIT / VARI.	ze. (See reverse side ATION OR EXC	e of this sheet.)
	NAMES	AND ADDRESSES	Sinth and the second second	
527-85	7/ (Including Ru	ral Route or P.O. Bo	xNo.)	
			1935, 100	North Main Building
Applicant: Herschel	L. Feibelman	Address:	Memphis, T	ennessee 38103 North Main Building
Owner: Sara P. I	Freeman, c/o	Address:	Memphis. T	ennessee 38103
Herschel	L. Feibelman		1935, 100	North Main Building
Lessee: Budget Re	ent a Car Corp., c	/o_Address:	Memphis, T	ennessee 38103
Herschel To the Chairman, Board of Adju	L. Feibelman			
Application is hereby		from the requirement	nts of section 28	-91 Zone Ordinance/Regulations
	Exception )			, use
AN CONCISCON EXON IS	1 12 N 11 12 12		101/11 /11	Motional Action
inder the discretionary power v	ested in your Board by Section .		(2) (1) ; (h) (	amaintest armor
. I and the		Hersonel	L. Feibdim	XINIXIX
in accordance with the plans file	ed under application for Buildin	g or use and occupar	ncy permit dated	
and the second se			1200	The second second
Describe Request:Toper	rmit the use of a	retail truch	and autom	obile leasing service
Describe Request		Susan In Still Months	Designed the second	
in C-1 District				to main the withcast
	on the north side of	of Shelby	Drive	PRESENT THE TREAT OF THE SEA
PREMISES AFFECTED located	I on the <u>HOL CII</u> side of	or	DITAG	(STHERY REPORTER X ROCK
X MARK X X MARKAGING	at xx the corner for	ormed by the interse	ction of Shelb	y Drive
Homohite	Shell	1330 ch	elby Drive	Nation of Tonnessee
and Faronia	and known as Num	South Build of the	New York Concerns of the second	xStorstxtxterestxtxterestxtxterest
Attached hereto is copy of the c		ctor of Public Servic	on March	31, 19 80
DE	SCRIPTION OF EXISTING O		LDING OR STRU	CTURE
Met Construction Exclusion				
Size of Building or Structure:	10	Horschel	L. Foilshis	70
At street level: 52	feet across front:40	feet deep.	Height:	1 Stories 14 feet high
(b) Number of	of Families: (If any part is used of Persons Employed: (If Indust of Automobile Parking Spaces: _		Three to	Five
(c) Number (	Ji Automobile Farking Spaces.	Intee co		which many and many store has been
Use District:C-1		Date of I	rection: On pe	rmit
Character of Construction:	Frame 🔲 Mason	iry 🗆	Solid Masonry	Sheet Metal
Reinforced Concrete or P	rotected Steel Frame	Other (Spe	ecify) Masor	ry Veneer
Has Any Application or Appeal	Been Heretofore Filed With Th	is Board on These Pr	emises? Yes	No X
(If yes give date and o	docket no. of prior application)	Date	103	Docket No.
BOA.1 (10-70)				

a the Approxime a Approx Second realized to the Sinchold and we have the " a second of the Second of
I inquired on March 31 19 80 from the Secretary of the Board of Adjustment whether there was any
petition pending to change the district regulations affecting the block on which these premises are located.
I was informed there was no such petition pending.
I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.
Sworn to before me this <u>31st</u>
day of March 19 80 1207:
Not of the Jelh
Notary Sign Here Siles Christian Herschel L. Feibelman
illo
AFFIDAVIT OF OWNERSHIP
COUNTY OF SHELBY { SS. Herschel L. Feldelman being duty sworth, deposes
and says that he resides at ) 1935, 100 North Main Building , in the City of
Memphis , in the County of Shelby , in the State of Tennessee ,
that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the City of Memphis County of Shelby aforesaid and
known and designated as Number 1330 Shelby Drive and that he hereby
authorizesto make the annexed
application in his behalf and that the statements of fact contained in said application are true.
Sworn to before me this 31st
day of March 19 80 HPT
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Notary Sign Here Sides (Sign Nere)
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Notary Sign Here <u>Mars</u> <u>Mars</u> My Commission Expires <u>4/9</u> 1980 ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING:
Notary Sign Here <u>Mars</u> <u>Mars</u> My Commission Expires <u>4/9</u> 1980 ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING:
Notary Sign Here <u>Files</u> <u>Actor</u> <u>My Commission Expires</u> <u>FIVE (5) COPIES OF EACH OF THE FOLLOWING:</u> (All must be 8½ x 11 inches in size).
Notary Sign Here <u>Marce 1986</u> My Commission Expires <u>4/9</u> 19 <del>80</del> ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING: FIVE (5) COPIES OF EACH OF THE FOLLOWING: (All must be 8½ x 11 inches in size). 1. COPY OF DECISION OR ORDER OF DEPARTMENT, (Rejection Slip), on which application is based.
Notary Sign Here <u>Files</u> <u>Market Market Market States and States a</u>
Notary Sign Here <u>Marg</u> <u>Marg</u> <u>Marg</u> <u>Marg</u> <u>Margare</u> <u>Margare</u> <u>Margare</u> <u>My Commission Expires</u> <u>4/9</u> <u>19</u> <u>80</u> ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING: FIVE (5) COPIES OF EACH OF THE FOLLOWING: (All must be 8½ x 11 inches in size). 1. COPY OF DECISION OR ORDER OF DEPARTMENT, (Rejection Slip), on which application is based. 2. A TYPEWRITTEN STATEMENT of the principal points on which application is based. 3. ENGINEER'S SURVEY: Five copies of a survey of recent origin, of the subject property, drawn to scale by a registered engineer, showing dimensions and the location of the existing or proposed structures and off-street parking facilities, and the
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NOTE: All drawings and photographs submitted herewith must be 8½ inches by 11 inches in size.

December 12, 2024 Page 22

#### **SIGN AFFIDAVIT**

# PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT Shelby County State of Tennessee

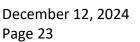
I, <u>David Baker</u>, being duly sworn, deposes and says that at <u>5:10 pm</u> on the <u>20th day of November</u> <u>2024</u>, he posted Public Notice Signs pertaining to <u>SUP 2024-44</u> at the following address: <u>1344 E</u> <u>Shelby Drive</u> providing notice of a Public Hearing before the 🛛 Land Use Control Board, 🖾 Memphis City Council, 🗋 Shelby County Board of Commissioners for consideration of a proposed Land Use Action ( ] Planned Development, 🖾 Special Use Permit, ] Use Variance, ] Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative Subscribed and sworn to before me this 215+ day of November , 2024. ROGE STATE OF TENNESSEE NOTARY PUBLIC My commission expires: 11/29/2027 LBY CON PUBLIC PUBLI OTICE

Shelby Drive Frontage

Faronia Road Frontage

#### 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: Pending Opened Date: October 24, 2024 Record Number: SUP 2024-044 Expiration Date: Record Name: -Description of Work: -Parent Record Number: Address: 1344 E SHELBY DR, MEMPHIS 38116 **Owner Information** Primary Owner Name Υ GINEM BASSAM **Owner Address Owner Phone** 2484 WASHANGER CV, MEMPHIS, TN 39139 **Parcel Information** 079050 00051C Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION Application Type 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

SUP 2024-044

GENERAL PROJECT INFORMATION	
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA	-
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	-
B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations	-
UDC Sub-Section 9.6.9C	-
UDC Sub-Section 9.6.9D	-
UDC Sub-Section 9.6.9E	-
UDC Sub-Section 9.6.9F	-
GIS INFORMATION	
Case Layer	BOA1980-056
Central Business Improvement District	No
Class	С
Downtown Fire District	No
Historic District	-
Land Use	COMMERCIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	1
Lot	1C
Subdivision	SARAH P FREEMAN
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

#### **Contact Information**

Name KAYLON JOHNSON

#### Address

Phone

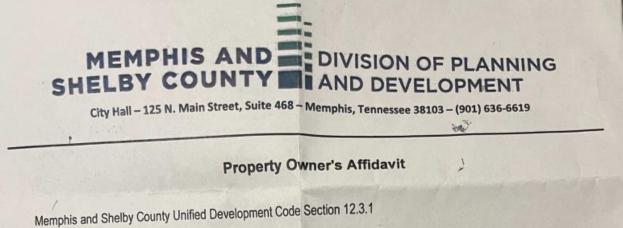
SUP 2024-044

Contact Type APPLICANT

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1603893	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	11/04/2024
	т	otal Fee Invo	iced: \$0.00	Total Ba	lance: \$0.0	00

Page 3 of 3

#### **OWNER AFFIDAVIT**



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, <u>BASSAM GINEM</u> <u>Burn</u>, 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 N 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)

operty-located at 1344 E. shulby DR Mamthis IN 38116 Deridentified by Assessor's Parcel Number 0790500000 51C appretition is being made to the Division of Planning and Development.

worn to (or affirmed) before me this 18 day of October in the year of 2024

Aug. 26,2028 My Commission Exercise

#### LETTER OF INTENT

December 12, 2024 Page 27



November 8, 2024

Mr. Chip Saliba, Deputy Administrator Memphis and Shelby County Division of Planning and Development Land Use and Development Services 125 N Main Street, Suite 468 Memphis, TN 38104

#### RE: SPECIAL USE PERMIT 1344 E SHELBY DRIVE LOT 1C SARAH P FREEMAN SUBDIVISION MEMPHIS, TENNESSEE

Dear Chip:

On behalf of Mr. Kaylon Johnson, I am pleased to submit this Application for a Special Use Permit to allow automobile sales at 1344 E Shelby Drive. The subject property is located at the northeast corner of E Shelby Drive and Faronia Road. The property is in the CMU-1 Zoning District and contains 0.99 acres. A previous BOA case 1980-056 has been associated with this property.

Attached to our application is a proposed site plan that illustrates the building location, proposed landscape and screening treatments and vehicular circulation.

As always, we look forward to working with the Division of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our application, please do not hesitate to contact me.

Sincerely

FISHER & ARNOLD, INC.

David Baker Department Head – Planning/Landscape Architecture

Cc: Mr. Kaylon Johnson

9180 Crestwyn Hills Drive Memphis, TN 38125

901.748.1811 Fax: 901.748.3115 Toll Free: 1.888.583.9724

www.fisherarnold.com

# LETTERS RECEIVED

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

December 12, 2024 Page 28

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

Planning & Development DIVISION

<u>Planning & Zoning</u> COMMITTEE: 01/07/2025 DATE **PUBLIC SESSION:** 

ONE ORIGINAL

ONLY STAPLED

**TO DOCUMENTS** 

01/21/2025 DATE

ITEM (CHECK ONE)	RESOLUTION REQUEST FOR PUBLIC HEARING
<b>ITEM DESCRIPTION:</b>	An ordinance approving a residential corridor overlay deletion
CASE NUMBER:	RC 2024-002
LOCATION:	At and around 621 S. White Station Road
<b>COUNCIL DISTRICTS:</b>	District 5 and Super District 9
<b>OWNER/APPLICANT:</b>	David Lewis, RCM DEVCO, LLC
<b>REPRESENTATIVE:</b>	Josh Whitehead, Whitehead Law
<b>REQUEST:</b>	Residential corridor deletion at Parcel ID 056033 00174, 056033 00071C, and 056034 00008
AREA:	+/-2.15 acres
<b>RECOMMENDATION:</b>	The Division of Planning and Development recommended <i>Approval</i> The Land Use Control Board recommended <i>Approval</i>
RECOMMENDED COUNC	<b>CIL ACTION:</b> Public Hearing Required First reading and add to consent agenda requesting public hearing – <u>December 17, 2024</u> Second reading – <u>January 7, 2025</u> Third reading / Public hearing – <u>January 21, 2025</u>
PRIOR ACTION ON ITEM: (1) 09/12/2024 (1) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE
FUNDING:         (2)         \$	REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED FFUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER
ADMINISTRATIVE APPRO	VAL: <u>DATE POSITION</u>
Tuthoh	12-9-24 PLANNER II
	DEPUTY ADMINISTRATOR
Buit Vin	- $12/2/24$ ADMINISTRATOR
	DIRECTOR (JOINT APPROVAL)
	COMPTROLLER
	FINANCE DIRECTOR
****	CITY ATTORNEY
	CHIEF ADMINISTRATIVE OFFICER
	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

# RC 2024-002

AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO DELETE A SECTION OF THE WHITE STATION RESIDENTIAL CORRIDOR OVERLAY, KNOWN AS CASE NUMBER RC 2024-02

- Approval of this residential corridor revocation will be reflected on the Memphis and Shelby County Zoning Atlas.
- No contracts are affected by this item.
- No expenditure of funds/budget amendments are required by this item.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, September 12, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	RC 2024-002
LOCATION:	At and around 621 S. White Station Road
COUNCIL DISTRICT(S):	District 5 and Super District 9
OWNER/APPLICANT:	David Lewis, RCM DEVCO, LLC
REPRESENTATIVE:	Josh Whitehead, Whitehead Law
REQUEST:	Residential corridor deletion at Parcel ID 056033 00174, 056033 00071C, and 056034 00008
EXISTING ZONING: AREA:	Residential Single Family-10 (R-10), Residential Corridor Overlay +/-2.15 acres

The following spoke in support of the application: None

# The following spoke in opposition of the application: None

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

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

Respectfully,

ichden Walnut

Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

# ORDINANCE NO:

# AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO DELETE A SECTION OF THE WHITE STATION RESIDENTIAL CORRIDOR OVERLAY, KNOWN AS CASE NUMBER RC 2024-02

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: RC 2024-02; 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 Residential Corridors, as follows:

# BY TAKING THE FOLLOWING PROPERTY OUT OF THE WHITE STATION RESIDENTIAL CORRIDOR DESIGNATION

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Part of the Wheelis 10.02 Acres, being part of Lot 38, Eppy White Subdivision in Memphis, Tennessee; described as follows:

Beginning at an iron pin in the west line of the White Station Road (60 feet wide), said point being in the south line of the Wheelis 10.02 Acres and said point being 219.83 feet southwardly from the south line of Wheelis Drive; thence westwardly with the south line of the Wheelis 10.02 Acres 282.89 feet; thence northwardly parallel to the west line of the White Station Road 219.83 feet to the south line of Wheelis Drive; thence eastwardly with the south line of

Wheelis Drive 282.89 feet to the west line of the White Station Road; thence southwardly with the west line of said White Station Road 219.83 feet to the point of beginning.

The approximate location of this Residential Corridor Overlay Deletion is reflected in the shaded area of the map attached below as Exhibit "A."

# **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 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.

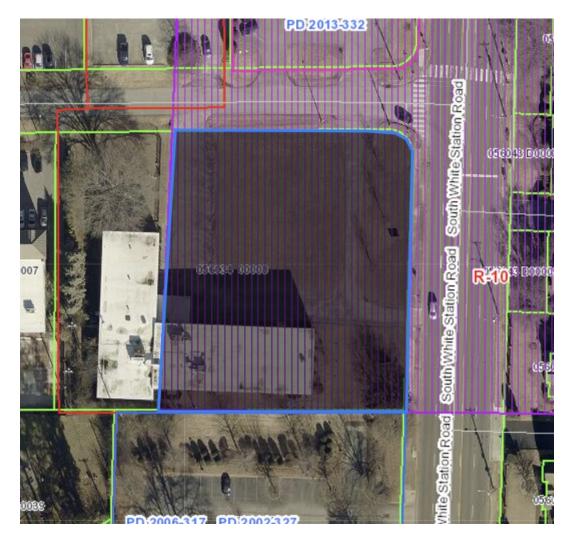
# **ATTEST:**

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

//: ATTACHMENTS

# Exhibit A

Map of approximate location of deleted section of the White Station Residential Corridor Overlay, indicated as the shaded area



# AGENDA ITEM: 18 L.U.C.B. MEETING: September 12, 2024 CASE NUMBER: RC 2024-002 LOCATION: At and around 621 S. White Station Road COUNCIL DISTRICT: District 5 and Super District 9 OWNER/APPLICANT: David Lewis, RCM DEVCO, LLC REPRESENTATIVE: Josh Whitehead, Whitehead Law

**REQUEST:**Residential corridor deletion at Parcel ID 056033 00174, 056033 00071C, and<br/>056034 00008

**EXISTING ZONING:** Residential Single Family-10 (R-10), Residential Corridor Overlay

# CONCLUSIONS

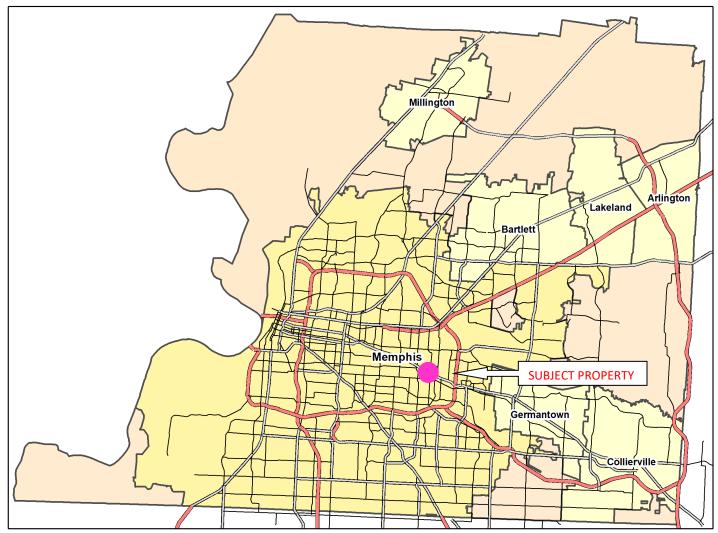
- 1. The applicant if requesting the deletion of a portion of the residential corridor along South White Station Road that covers parcels 056033 00174 and 056034 00008 in their entirety, and a portion of parcel 056033 00071C.
- 2. The applicant had filed a companion case known as PD 2024-014 which requests revisions to PD 2023-021 approved by the Land Use Control Board in 2023, which includes commercial mixed uses. The revisions requested to expand the land area of the PD to include the subject properties of this case, which are covered by the residential corridor overlay being deleted. Note: The PD case must be deferred until the residential corridor deletion has been approved by City Council.
- 3. The residential corridor serves as an additional layer of land use control which prohibits the approval of nonresidential developments within 200 feet on either side of a designated residential roadway.
- 4. Ordinance No. 3077 was adopted on October 28, 1980, by the Council of the City of Memphis to establish the Residential Corridor Overlay on twenty-three specific segments of certain major roads within city limits. This overlay repealed, deleted, and replaced Ordinance No. 2070, adopted in July of 1974, which had established scenic drive designations on the same twenty-three specific segments of certain major roads within city limits.
- 5. Staff finds that this residential corridor overlay deletion request is consistent with Sub-Section 8.5.5B of the Unified Development Code.

# RECOMMENDATION

Approval

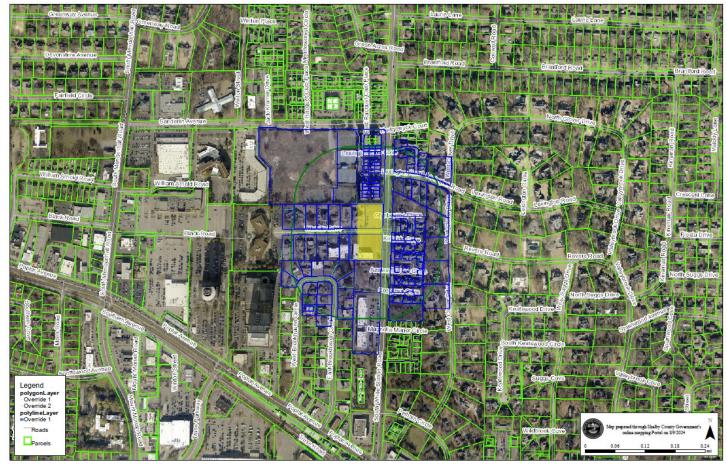
Staff Writer: LaTonya Hull

# Staff Report RC 2024-002



Subject property located within the pink circle

#### **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 128 notices were mailed on August 19, 2024, see page 14 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 15 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Tuesday, August 27, 2024, at the DoubleTree by Hilton at 5069 Sanderlin Avenue.

# **OVERLAY MAP**



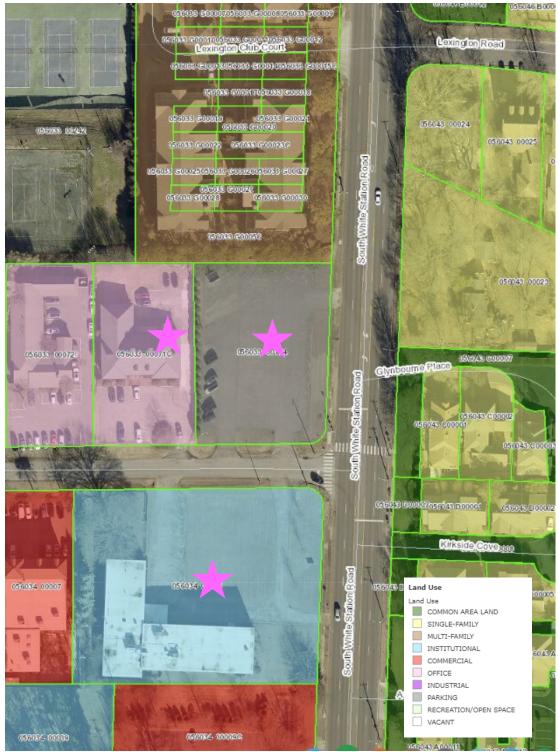
Subject property outlined in orange

# **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 White Station Road looking north



View of subject property looking west from the intersection of S. White Station Road and Wheelis Road



View of subject property from South White Station Road looking southeastwardly

#### **LEGAL DESCRIPTION**

September 12, 2024 Page 9

BEING A SURVEY OF LOT 13 AND PART OF LOT 14 OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24, ALSO BEING THE DAVID SEWALL WADDELL PROPERTY AS RECORDED IN INSTRUMENTS 19101241 AND 19101242, ALL OF RECORD AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE TANGENT INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF WHITE STATION ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS WIDENED) WITH THE NORTH RIGHTOF-WAY LINE OF WHEELIS DRIVE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N88°18'42"W A DISTANCE OF 19.12 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 307531.00 - EAST 805881.62; THENCE N88°18'42"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WHEELIS DRIVE A DISTANCE OF 243.22 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF THE SAID GORDON-MEDARIS SUBDIVISION (PLAT BOOK 13, PAGE 24); THENCE N01°30'50"E ALONG THE EAST LINE OF SAID LOT 12 A MEASURED DISTANCE OF 212.07 FEET (CALL 211.84 FEET) TO A POINT ON THE SOUTH LINE OF LOT 1 OF THE LEXINGTON II SUBDIVISION AS RECORDED IN PLAT BOOK 286, PAGE 16; THENCE S88°22'56" E ALONG THE SOUTH LINE OF LOT 1 OF THE SAID LEXINGTON II SUBDIVISION AND ALONG THE SOUTH LINE OF THE PROPERTY SHOWN ON THE OUTLINE/FINAL PLAN FOR THE RACQUET CLUB CONDOMINIUM P.D. AS RECORDED IN PLAT BOOK 221, PAGE 23 A DISTANCE OF 272.52 FEET TO THE SOUTHEAST CORNER OF THE SAID RACQUET CLUB CONDOMINIUM P.D., SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD; THENCE S04°15'30"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD A DISTANCE OF 193.49 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A 20.00 FOOT RADIUS, AN ARC LENGTH OF 30.52 FEET (CHORD S47°58'24"W – 27.64 FEET) TO THE POINT OF BEGINNING AND CONTAINING 56,680 SQUARE FEET OR 1.301 ACRES.

# **CASE REVIEW**

#### Request

Residential corridor deletion located at Parcel ID 056033 00174, 056033 00071C, and 056034 00008.

# Site Details

Address: At and around 621 S. White Station Road

Parcel ID: 056033 00174, 056033 00071C, and 056034 00008

Area: +/-2.15 acres

# **Description**

The subject property consists of three parcels, two of which are lots 14 and part of lot 13 of the Gordon-Medaris Subdivision. Parcel 056033 00174 is a .73 acre. Parcel 056034 00008 has a religious institution built in 1980 with a building square foot of 24,800, while parcel 056033 00071C is 24,128 square feet with a 5243 square foot office building built in 1999. The subject property is bordered to the north by multifamily, south by commercial, and to the east by single-family residential uses.

# <u>Analysis</u>

The applicant is requesting the deletion of a portion of the residential corridor along South White Station Road that covers parcels 056033 00174 and 056034 00008 in their entirety, and a portion of parcel 056033 00071C.

The applicant has filed a companion case known as PD 2024-014 which requests an amendment to PD 2023-021 approved by the Land Use Control Board in 2023. The revisions requested expand the land area of the PD to include the subject properties of this case, which are covered by the residential corridor overlay.

Ordinance No. 3077 was adopted on October 28, 1980, by the Council of the City of Memphis to establish the Residential Corridor Overlay on twenty-three specific segments of certain major roads within city limits. This overlay repealed, deleted, and replaced Ordinance No. 2070, adopted in July of 1974, which had established scenic drive designations on the same twenty-three specific segments of certain major roads within city limits.

The residential corridor serves as an additional layer of land use control which prohibits the approval of nonresidential developments within 200 feet on either side of a designated residential roadway, thus necessitating this request as the revised PD includes commercial mixed-use development. Sections of the White Station Residential Corridor south of the current request have previously been deleted, but not followed with incremental rezoning changes but rather by planned development applications as is this one with companion case # PD 2024-014.

Staff finds that this residential corridor overlay deletion request is consistent with Sub-Section 8.5.5B of the Unified Development Code.

# 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 developer's engineer needs to submit a sewer availability request to the Sewer Design Dept. for sewer system capacity.

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

4. If approved, needed changes to existing sanitary sewers, drainage facilities, sidewalk repairs, and other utilities will be relocated/removed at developer's expense.

Roads:

1. 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.

2. 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 construction, reconstruction, or repair necessary to meet City standards.

Traffic Control Provisions:

3. 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.

# September 12, 2024 Page 12

4. 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.

5. 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:

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

7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed

with curb, gutter, and sidewalk.

8. Will require engineering ASPR.

Drainage:

9. 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.

10. 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.

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

12. 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.

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

General Notes:

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

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

You have receiv	red this notice because you own or reside on a	MEMPHIS AND DIVISION OF PLANNIN SHELBY COUNTY AND DEVELOPMENT
property that is considered at a Shelby County L attend this hear speak for or aga of comment to	near the site of a development application to be n upcoming public hearing of the Memphis and and Use Control Board. You are not required to ring, but you are invited to do so if you wish to ainst this application. You may also submit a letter the staff planner listed below no later than <b>ptember 4, 2024 at 8 AM.</b>	
CASE NUMBER: ADDRESS: REQUEST: APPLICANT:	RC 2024-002 621 S. White Station Road Deletion of Residential Corridor Overlay David Lewis	
Meeting Details Location: Council City Hal 125 N N	Chambers <b>Time:</b> 9:00 AM Il 1st Floor	
Staff Planner Co LaTonya Hull ☑ latonya.hull € (901) 636-7:	@memphistn.gov	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

#### **SIGN AFFIDAVIT**

# AFFIDAVIT

Shelby County State of Tennessee

I, David Lewis	_, being d	uly s	sworn,	depose	and s	say t	that at 2	2	am/om
on the 15th day of August				, I pos		_			Sign(s)
pertaining to Case No. RC 2	024-002	_at	Wheelis	at White S	Station				

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

X Land Use Control Board

\_\_\_\_\_Board of Adjustment

\_\_\_\_\_Memphis City Council

\_\_\_\_\_Shelby County Board of Commissioners

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

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 500 day of A

Notary Public

My commission expires: D-5-2025



#### APPLICATION



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

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

Expiration Date:

website: www.develop901.com

# **Record Summary for Residential Corridor Revocation**

Record Detail Information

Record Type: Residential Corridor Revocation

Record Status: Processing Opened Date: August 9, 2024

Record Number: RC 2024-002

Record Name: Mid-City Memphis

Description of Work: This application for residential corridor deletion will facilitate the development of the Mid-City Memphis PD. See attached Letter of Intent.

Parent Record Number:

#### Address:

621 S WHITE STATION RD, MEMPHIS 38117

#### **Owner Information**

Primary Owner Name

Υ RCM DEVCO LLC

Owner Address

1 Dr MLK Jr Ave Suite 130, Memphis, TN 38103

Parcel Information

056034 00008

#### Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL INFORMATION	Brett Ragsdale 08/06/2024 In Person
What is the name of the Street, Alley or Right-of-Way?	South White Station Rd
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	-

Page 1 of 3

RC 2024-002

Owner Phone

9014947154

#### GENERAL INFORMATION

work order, and/or zoning letter along with any other relevant information GIS INFORMATION	
Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

# Data Tables

#### ADDRESS AND PARCEL LIST

Property Address: Property Parcel Number:	621 S White Station Rd 056034 00008
Property Address:	599 S White Station Rd
Property Parcel Number:	056033 00174
Property Address:	5188 Wheelis Dr
Property Parcel Number:	056033 00071C
AREA INFORMATION	
Name:	Area C
Size (Acres):	0.5
Existing Use of Property:	Office
Requested Use of Property:	Office
Name:	Area D
Size (Acres):	0.8
Existing Use of Property:	Parking
Requested Use of Property:	Parking
Name:	Area E

1.4 Church

RC 2024-002

Contact I	nformation					
Name DAVID LEWI Address	S				Conta APPLIC/	<u>ct Type</u> ant
Phone (901)494-718	54					
Fee Infor	nation					
	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
Invoice #		4	400.00	INVOICED	0.00	08/09/2024
	Plat of Record Revocation	1	400.00	INVOICED	0.00	
1584891	Plat of Record Revocation Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	08/09/2024
Invoice # 1584891 1584891	Credit Card Use Fee (.026 x fee)	1		INVOICED		
1584891 1584891	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	
1584891 1584891	Credit Card Use Fee (.026 x fee) Tr Information	1 otal Fee Invoi	10.40	INVOICED	0.00	

#### **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, full Development Code Section 12.3.1.

havely (w (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 mortgage 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 properties located at <u>5188 Wheelis Dr. 0 Wheelis Dr. 621 S White Station Rd, and 736 E Brookhaven Circle</u> and further identified by Assessor's Parcel Numbers <u>056033 00071C</u>, <u>056033 00174</u>, <u>056034 00008</u>, and <u>056034</u> <u>00039</u>,

for which an application is being made to the Division of Planning and Development. NEGA Subscribed and sworn to (or af day of Hugust in the year of 2024 My Commission Ex

# LETTER OF INTENT

September 12, 2024 Page 20



Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

August 9, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Memphis City Hall 125 N. Main St. Ste. 468 Memphis, TN 38103

RE: Application for a Residential Corridor Deletion

Mr. Ragsdale,

On behalf of RCM Devco, LLC and Carlisle Development Group, I am pleased to submit this application for a residential corridor deletion for the properties at the northwest and southwest corners of White Station Road and Wheelis Cove.

This application will facilitate the development of the Mid-City Memphis PD, which has been filed as a companion application to this request. As seen in Exhibit A, attached to this letter, the White Station Residential Corridor has, over time, been removed from all properties on the west side of White Station Road south of the subject sites. When the Residential Corridor was originally established, it occupied both sides of White Station Road from Pelham Circle north to Interstate 240.

We believe the Mid-City Memphis PD will not only be in keeping with this development trend but that those portions of the development fronting White Station Road will be compatible with land uses on both sides of the roadway.

Thank you for your time and consideration of this request.

Sincerely,

Josh Whitehead

# LETTERS RECEIVED

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

September 12, 2024 Page 21



# 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 Residential Corridor Revocation**

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Record Number: RC 2024-002

**Expiration Date:** 

Record Name: Mid-City Memphis

Description of Work: This application for residential corridor deletion will facilitate the development of the Mid-City Memphis PD. See attached Letter of Intent.

Parent Record Number:

#### Address:

621 S WHITE STATION RD, MEMPHIS 38117

#### **Owner Information**

Primary **Owner Name** 

Y RCM DEVCO LLC

#### Owner Address

1 Dr MLK Jr Ave Suite 130, Memphis, TN 38103

#### **Parcel Information**

056034 00008

# **Data Fields**

PREAPPLICATION MEETING	
Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL INFORMATION	Brett Ragsdale 08/06/2024 In Person
What is the name of the Street, Alley or Right-of-Way?	South White Station Rd
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	-

**Owner Phone** 

9014947154

#### GENERAL INFORMATION

work order, and/or zoning letter along with any other relevant information GIS INFORMATION Central Business Improvement District

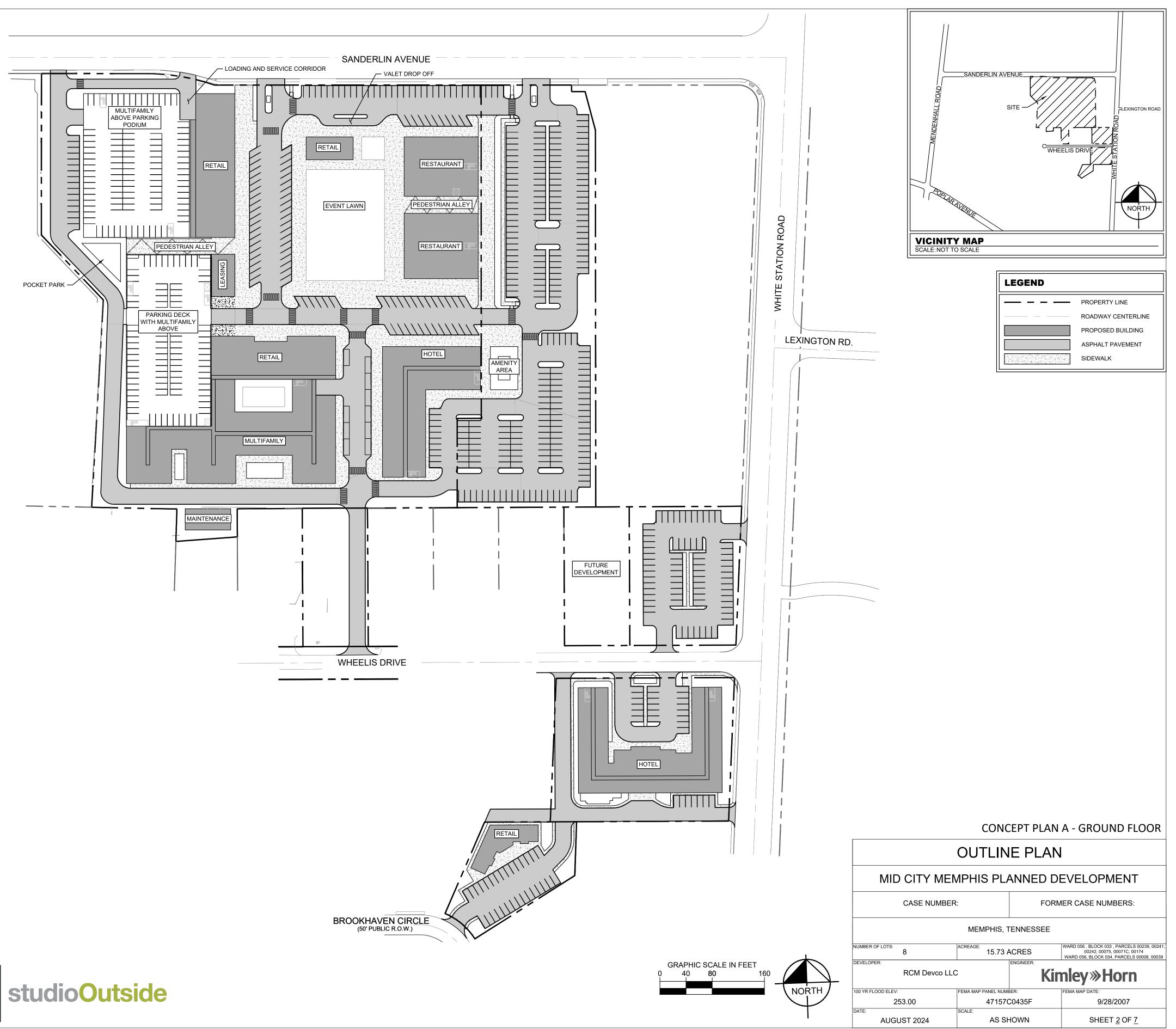
Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

# Data Tables

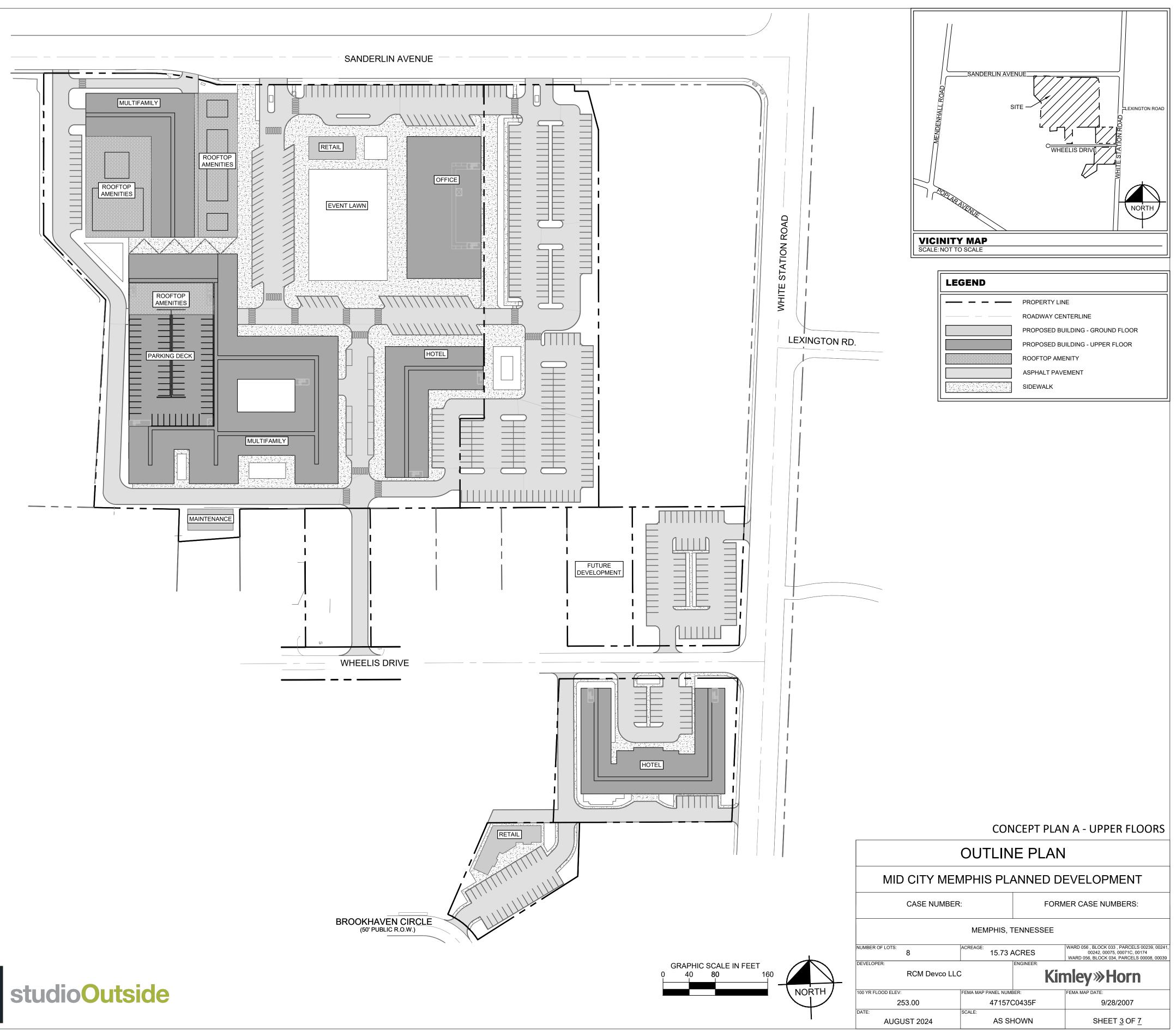
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Property Address:	599 S White Station Rd
Property Parcel Number:	056033 00174
Property Address:	5188 Wheelis Dr
Property Parcel Number:	056033 00071C
AREA INFORMATION	
Name:	Area C
Size (Acres):	0.5
Existing Use of Property:	Office
Requested Use of Property:	Office
Name:	Area D
Size (Acres):	0.8
Existing Use of Property:	Parking
Requested Use of Property:	Parking
Name:	Area E
Size (Acres):	1.4
Existing Use of Property:	Church

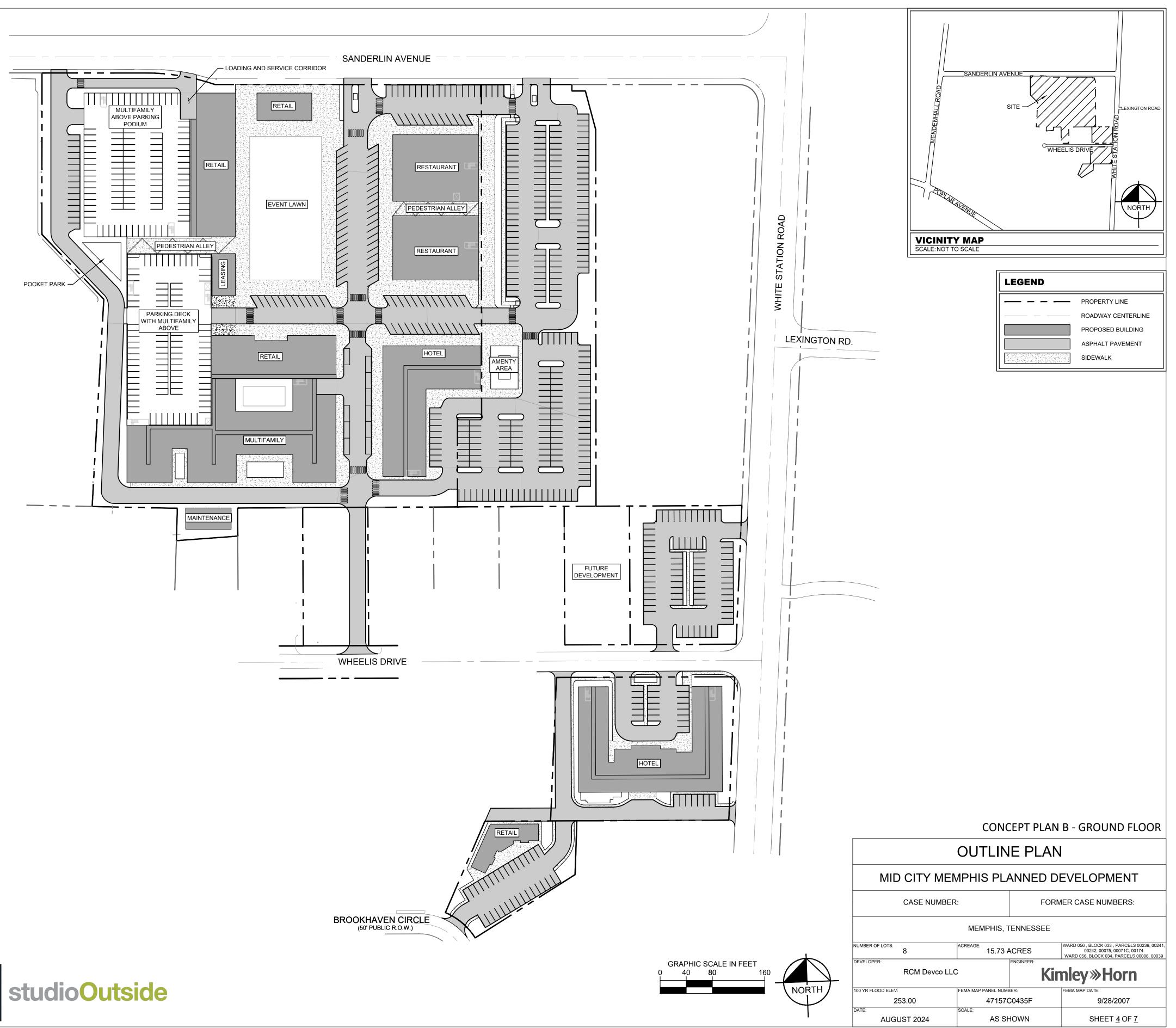
Reques Propert	sted Use of y:	Hotel						
Contact li	nformation							
Name DAVID LEWIS							Contact Type	
Address						APPLICANT		
<b>Phone</b> (901)494-715	54							
Fee Inforr	nation							
nvoice #	Fee Item		Quantity	Fees	Status	Balance	Date Assessed	
1584891	Plat of Record F	Revocation	1	400.00	INVOICED	0.00	08/09/2024	
1584891	Credit Card Use x fee)	e Fee (.026	1	10.40	INVOICED	0.00	08/09/2024	
		To	tal Fee Invo	iced: \$410.40	Total Ba	llance: \$0.0	00	
Payment	Information							
Payment Am	ount	Method of Pay	ment					
\$410.40 Credit		Cradit Card						



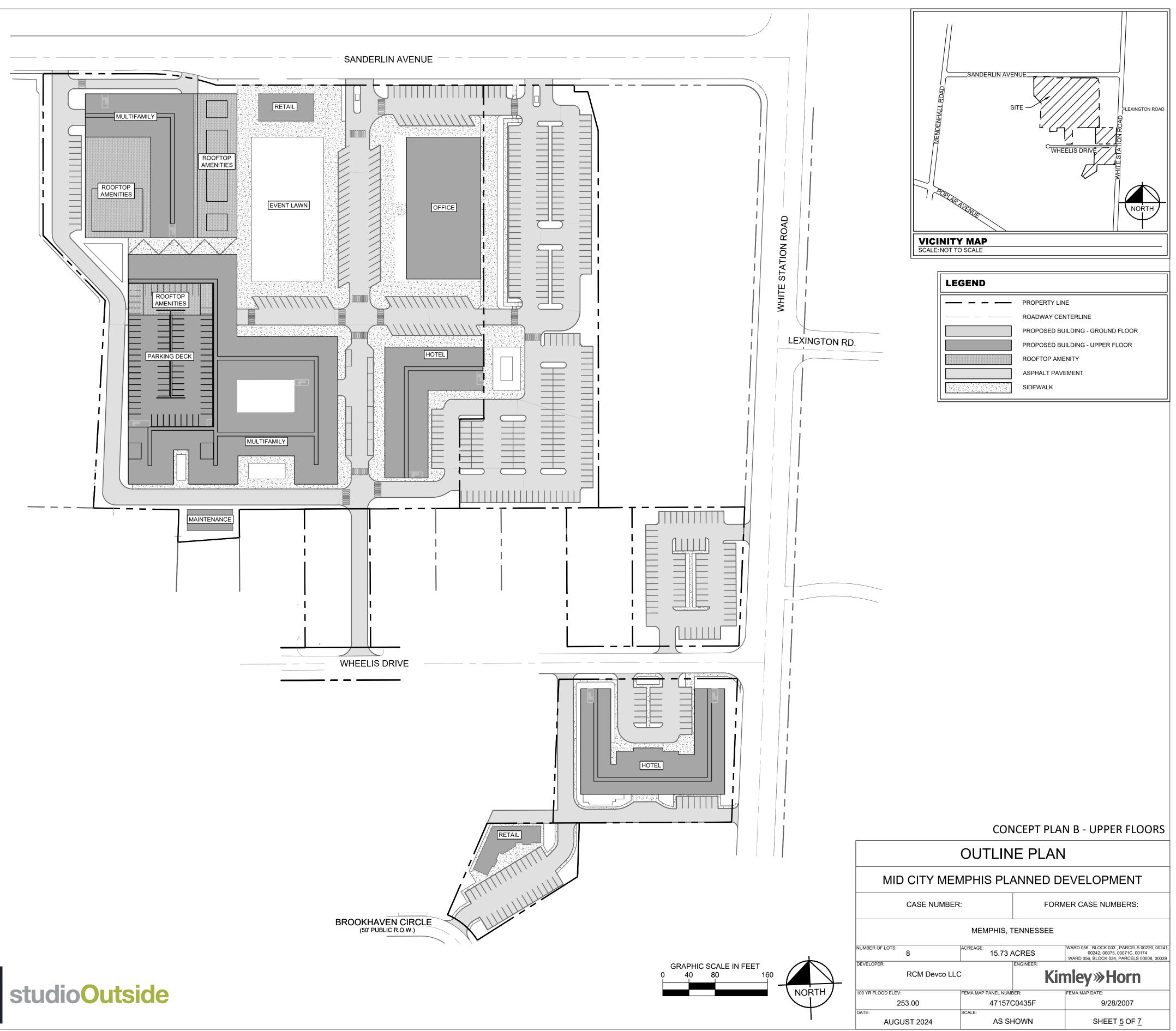
LRK



LRK studioOutside



LRK



LRK studioOutside



Josh Whitehead

Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

August 9, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Memphis City Hall 125 N. Main St. Ste. 468 Memphis, TN 38103

RE: Application for a Residential Corridor Deletion

Mr. Ragsdale,

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This application will facilitate the development of the Mid-City Memphis PD, which has been filed as a companion application to this request. As seen in Exhibit A, attached to this letter, the White Station Residential Corridor has, over time, been removed from all properties on the west side of White Station Road south of the subject sites. When the Residential Corridor was originally established, it occupied both sides of White Station Road from Pelham Circle north to Interstate 240.

We believe the Mid-City Memphis PD will not only be in keeping with this development trend but that those portions of the development fronting White Station Road will be compatible with land uses on both sides of the roadway.

Thank you for your time and consideration of this request.

Sincerely,

Josh Whitehead

# Exhibit A

Excerpt from the Memphis and Shelby County Zoning Atlas reflecting the deletion of the White Station Residential Corridor, indicated in purple, from properties south of the subject sites, indicated with yellow "stars."





Shelby County Tennessee

# Willie F. Brooks Jr

Shelby County Register

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



23058656

07/17/2023 - 10:55:44 AM

5 PGS	
ABRIA 2599242 - 23058656	
VALUE	190000.00
MORTGAGE TAX	0.00
TRANSFER TAX	7030.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	7058.00

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

#### THIS INSTRUMENT PREPARED BY:

Butler Snow LLP Reed T. Nunnelee, Esq. 1020 Highland Colony Parkway; Suite 1400 Ridgeland, Mississippi 39157 (601) 948-5711

# **SPECIAL WARRANTY DEED**

Address of New Owner:	Send Tax Bills To:	Map/Parcel Number:
RCM Devco LLC	RCM Devco LLC	Shelby County Parcel ID
c/o Carlisle LLC	c/o Carlisle LLC	056034 00008
1 Dr. ML King Jr. Ave. Suite 130	1 Dr. ML King Jr. Ave. Suite 130	
Memphis, TN 38103	Memphis, TN 38103	

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **MISSIO DEI CHURCH MEMPHIS, INC.**, a Tennessee non-profit corporation, formerly known as White Station Baptist Church, Inc., a Tennessee non-profit corporation, (the "<u>Grantor</u>"), has bargained and sold, and hereby transfers and conveys, to **RCM DEVCO LLC**, a Tennessee limited liability company (the "<u>Grantee</u>"), certain real property in Shelby County, Tennessee, more particularly described on <u>Exhibit A</u> attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee, forever.

This is improved property known as 621 South White Station Road, Memphis, TN 38117.

Said property is conveyed subject to those matters more particularly described on <u>Exhibit</u> <u>B</u> attached hereto and incorporated herein by reference (the "<u>Permitted Encumbrances</u>").

Grantor covenants and binds itself and its successors to warrant specially and defend to Grantee forever the title to said property against the lawful claims of all persons claiming by, through or under Grantor (excluding claims arising out of the Permitted Encumbrances), but not further or otherwise.

[Signature Page Follows]

**.** .

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed as of the  $14^{11}$  day of July, 2023.

#### GRANTOR:

Missio Dei Church Memphis, Inc. a Tennessee non-profit corporation

Name: Shaun Payne Title: Pastor

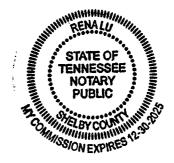
#### STATE OF TENNESSEE

#### COUNTY OF SHELBY

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Shaun Payne, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained, and who further acknowledged that such person is the Pastor of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS MY HAND, at office, this  $14^{T^{*}}$  day of July, 2023.

Notary Public



My Commission Expires:

# STATE OF TENNESSEE

#### COUNTY OF SHELBY

80792998.v1

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$1,900,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

> Missio Dei Church Memphis, Inc. a Tennessee non-profit corporation

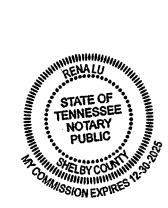
By:

Name: Shaun Payne Title: Pastor 14<sup>th</sup> day of July, 2023.

Sworn to and subscribed before me this

<u>Notary Public</u>

My Commission Expires:



# EXHIBIT A

# Legal Description of Property

Land situated in Shelby County, Tennessee:

Part of the Wheelis 10.02 Acres, being part of Lot 38, Eppy White Subdivision in Memphis, Tennessee; described as follows:

Beginning at an iron pin in the west line of the White Station Road (60 feet wide), said point being in the south line of the Wheelis 10.02 Acres and said point being 219.83 feet southwardly from the south line of Wheelis Drive; thence westwardly with the south line of the Wheelis 10.02 Acres 282.89 feet; thence northwardly parallel to the west line of the White Station Road 219.83 feet to the south line of Wheelis Drive; thence eastwardly with the south line of Wheelis Drive 282.89 feet to the west line of the White Station Road; thence southwardly with the west line of said White Station Road 219.83 feet to the point of beginning.

# EXHIBIT B

# Permitted Encumbrances

- 1. City of Memphis and Shelby County taxes for the year 2023, liens not yet due or payable
- 2. Easement Contract of record in Book 2501, Page 395, in the Register's Office of Shelby County, Tennessee
- 3. Easement Contract of record in Book 4092, Page 119, in the aforesaid Register's Office

,



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.



19101241

09/30/2019 - 10:47:07 AM

\_\_\_\_

3 PGS	
BRANDON 1925830 - 19101241	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

This Instrument Prepared By: Amy J. Amundsen, Attorney RICE AMUNDSEN CAPERTON, PLLC 275 Jefferson Ave. Memphis, TN, 38103

1

#### **QUIT CLAIM DEED**

# KNOW ALL MEN BY THESE PRESENTS, that STACIE NICOLE MARTIN

WADDELL, for and in consideration of the FINAL DECREE OF DIVORCE entered into

between the parties, does hereby bargain, sell, release, remise, quit claim, and convey unto DAVID

**SEWALL WADDELL**, title and interest in and to the following described real estate, to wit:

Part of Lot 14 of Gordon-Medaris Subdivision located in Memphis, Tennessee, being more particularly described as follows:

Beginning at a point in the northerly line of Wheelis Avenue 147.98 feet westwardly from the tangent intersection of the northerly line of Wheelis Avenue with the westerly line of White Station Road, as measured along said northerly line of Wheelis Avenue; said point being 15.0 feet eastwardly from the southeasterly corner of Lot 13; thence northwardly parallel with the easterly line of Lot 13 - 211.84 feet to a point in the northerly line of said subdivision; then eastwardly along the northerly line of said subdivision 157.52 feet to a point in the westerly line of White Station Road; thence southwardly along the westerly line of White Station Road 192.93 feet to a point, the beginning of a curve of 20 foot radius; thence southwardly and westwardly along said curve; thence westwardly along the northerly line of Wheelis Avenue, end of said curve; thence westwardly along the northerly line of Wheelis Avenue 128.87 feet to the point of beginning.

This being the same property transferred to David Waddell by Warranty Deed as recorded by instrument number 14030844 as recorded in the office of the Shelby County Register.

NO OPINION S TO TITLE REQUESTED OR GIVEN.

IN TESTIMONY	WHEREOF I have hereun	o set my hand a	and seal this _	//	_ day of
<u>Sep.</u> ,20	19.			·	
				1	$\sim$
	Ć	STACIE-N	ICOLE MART	IN WADE	DELL

4 7

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

Witness my hand and seal, this

My commission expires: ZQ 71

Parcel No: 056033 00174

#### **Property Owners**

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

#### **Property Known as:**

594-599 S. White Station Road Memphis, Tn 38117

#### Mail Tax Notice to:

David Sewall Waddell 5188 Wheelis Drive Memphis, Tn 38117

#### **New Property Owner**

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

day of NO' AMUNO STAT PUB ٩Q "Addamanhanhalina

I hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce, and is therefore exempt under Tenn. Code Ann. 67-4-409(a)(3)(E).

SWORN TO AND SUBSCRIBED before me this the  $\underline{n^{\mu}}$  day of <u>Suptember</u>, 2019.

Reurs L. NOTARY PUBLIC

My commission expires: 8 14 2022





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.



19101242

09/30/2019 - 10:47:07 AM

0.000

3 PGS	
BRANDON 1925830 - 19101242	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

Shelandra Y Ford Shelby County Register of Deeds: Instrument# 19101242 Page 1 of 3

This Instrument Prepared By: Amy J. Amundsen, Attorney RICE AMUNDSEN CAPERTON, PLLC 275 Jefferson Ave. Memphis, TN, 38103

#### **QUIT CLAIM DEED**

# KNOW ALL MEN BY THESE PRESENTS, that STACIE NICOLE MARTIN

WADDELL, for and in consideration of the FINAL DECREE OF DIVORCE entered into

between the parties, does hereby bargain, sell, release, remise, quit claim, and convey unto **DAVID** 

SEWALL WADDELL, title and interest in and to the following described real estate, to wit:

Lot 13 and the West 15 feet of Lot 14, Gordon-Medaris Subdivision, as shown in plat of record in Plat Book 13, Page 24 and being more particularly described as follows:

Beginning at a point in the north line of Wheelis Drive a distance of 147.5 feet westwardly from the west line of South White Station Road, said point being 15 feet east of the southwest corner of Lot 14 and the southeast corner of Lot 13 and being in the west line of the Trustees for the White Station Baptist Church Property as described in Instrument PI 3931; thence, westwardly with the north line of Wheelis Drive a distance of 115.0 feet to the southeast corner of Lot 12; thence northwardly with the east line of Lot 12 a distance of 211.84 feet to a point in the north line of said subdivision; thence, eastwardly and parallel to the north line of Wheelis Drive a distance of 115.0 feet to a point 15 feet east of the north west corner of Lot 14; thence, southwardly parallel to and 15 feet eastwardly from the west line of Lot 14 a distance of 211.84 feet to the point of beginning.

This being the same property transferred to David S. Waddell by Warranty Deed as recorded by instrument number 15040055 as recorded in the office of the Shelby County Register.

NO OPINION AS TO TITLE REQUESTED OR GIVEN.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this dav of <u>Зер.</u>, 2019.

STACIE NICOLE MARTIN WADDELL

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

2019.

Witness my hand and seal, this

My commission expires: Z0 Z0

Parcel No:

056033 00071C

#### **Property Owners**

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

# **Property Known as:**

5188 Wheelis Drive Memphis, TN 38117

#### Mail Tax Notice to:

David Sewall Waddell 5188 Wheelis Drive Memphis, Tn 38117

## New Property Owner

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

STATE THUMANIA OF TENNESSEE NOTARY PURI IC 

.

I hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to the Final Decree of Divorce, and is therefore exempt under Tenn. Code Ann. 67-4-409(a)(3)(E).

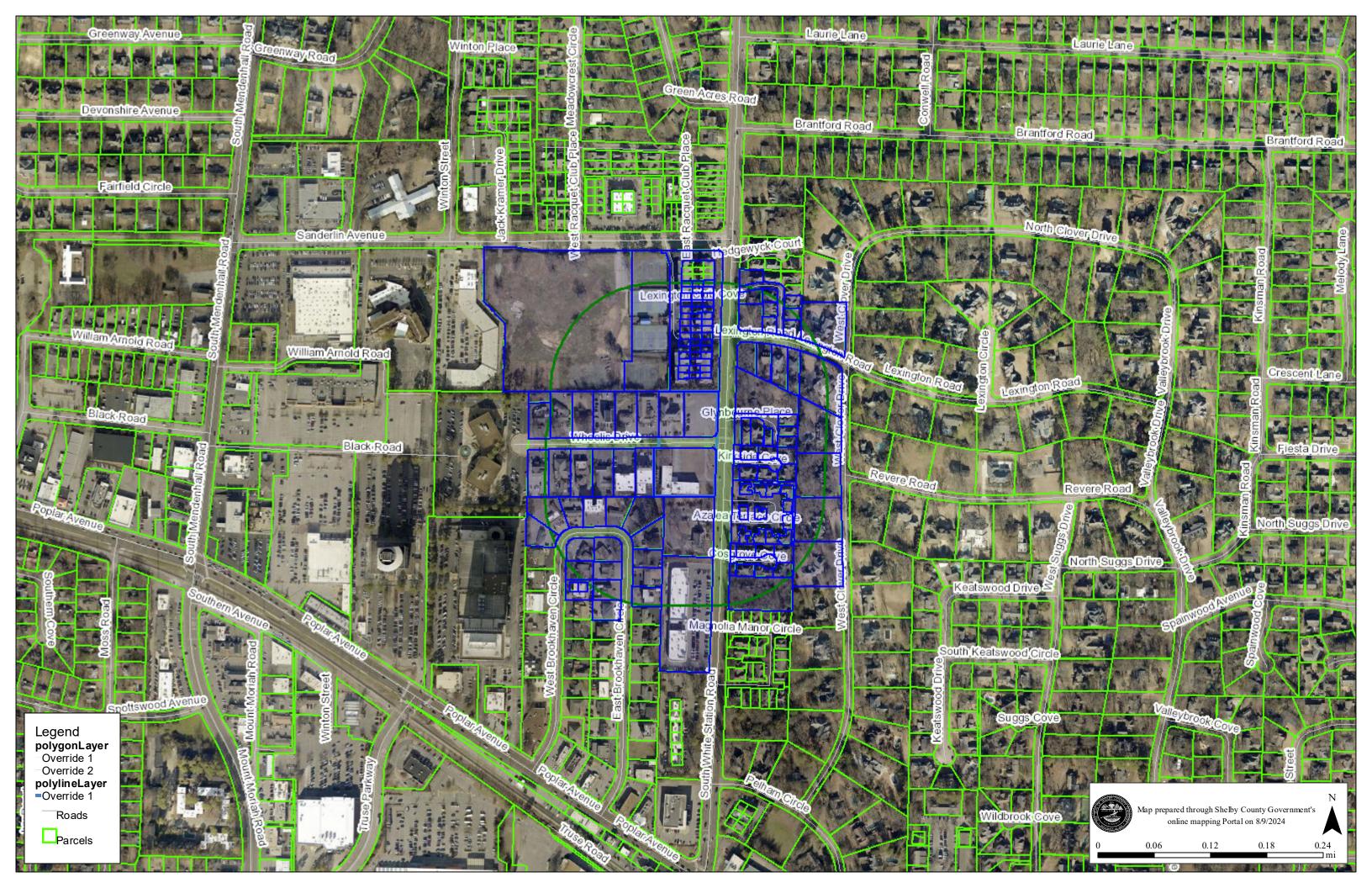
AFFIANT

SWORN TO AND SUBSCRIBED before me this the  $1^{4}$  day of <u>September</u>, 2019.

Datrie K NOTARY PUBLIC S

My commission expires: 8/14/2022







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

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

(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 properties located at <u>5188 Wheelis Dr</u>, <u>0 Wheelis Dr</u>, <u>621 S White Station Rd</u>, and <u>736 E Brookhaven Circle</u> and further identified by Assessor's Parcel Numbers <u>056033 00071C</u>, <u>056033 00174</u>, <u>056034 00008</u>, and <u>056034</u> <u>00039</u>,

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

Subscribed and sworn to (or a figured) before mothes \_\_\_\_\_ day of August\_\_\_\_ in the year of \_\_\_\_\_\_

#### PROPERTY DESCRIPTION

LAND SITUATED IN SHELBY COUNTY, TENNESSEE:

PART OF THE WHEELIS 10.02 ACRES, BEING PART OF LOT 38, EPPY WHITE SUBDIVISION IN MEMPHIS, TENNESSEE; DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE WEST LINE OF THE WHITE STATION ROAD (60 FEET WIDE), SAID POINT BEING IN THE SOUTH LINE OF THE WHEELIS 10.02 ACRES AND SAID POINT BEING 219.83 FEET SOUTHWARDLY FROM THE SOUTH LINE OF WHEELIS DRIVE; THENCE WESTWARDLY WITH THE SOUTH LINE OF THE WHEELIS 10.02 ACRES 282.89 FEET; THENCE NORTHWARDLY PARALLEL TO THE WEST LINE OF THE WHITE STATION ROAD 219.83 FEET TO THE SOUTH LINE OF WHEELIS DRIVE; THENCE EASTWARDLY WITH THE SOUTH LINE OF WHEELIS DRIVE 282.89 FEET TO THE WEST LINE OF THE WHITE STATION ROAD; THENCE SOUTHWARDLY WITH THE WEST LINE OF SAID WHITE STATION ROAD 219.83 FEET TO THE POINT OF BEGINNING.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT ORDER NO. 11103004 WITH AN EFFECTIVE DATE OF 04/25/2023.

#### PROPERTY DESCRIPTION

BEING A SURVEY OF LOT 13 AND PART OF LOT 14 OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24, ALSO BEING THE DAVID SEWALL WADDELL PROPERTY AS RECORDED IN INSTRUMENTS 19101241 AND 19101242, ALL OF RECORD AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE TANGENT INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF WHITE STATION ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS WIDENED) WITH THE NORTH RIGHT-OF-WAY LINE OF WHEELIS DRIVE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N88°18'42"W A DISTANCE OF 19.12 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 307531.00 – EAST 805881.62; THENCE N88°18'42"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WHEELIS DRIVE A DISTANCE OF 243.22 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF THE SAID GORDON-MEDARIS SUBDIVISION (PLAT BOOK 13, PAGE 24); THENCE N01°30'50"E ALONG THE EAST LINE OF SAID LOT 12 A MEASURED DISTANCE OF 212.07 FEET (CALL 211.84 FEET) TO A POINT ON THE SOUTH LINE OF LOT 1 OF THE LEXINGTON II SUBDIVISION AS RECORDED IN PLAT BOOK 286, PAGE 16; THENCE S88°22'56"E ALONG THE SOUTH LINE OF LOT 1 OF THE SAID LEXINGTON II SUBDIVISION AND ALONG THE SOUTH LINE OF THE PROPERTY SHOWN ON THE OUTLINE/FINAL PLAN FOR THE RACQUET CLUB CONDOMINIUM P.D. AS RECORDED IN PLAT BOOK 221, PAGE 23 A DISTANCE OF 272.52 FEET TO THE SOUTHEAST CORNER OF THE SAID RACQUET CLUB CONDOMINIUM P.D., SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD; THENCE S04°15'30"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD A DISTANCE OF 193.49 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A 20.00 FOOT RADIUS. AN ARC LENGTH OF 30.52 FEET (CHORD S47°58'24"W – 27.64 FEET) TO THE POINT OF BEGINNING AND CONTAINING 56,680 SOUARE FEET OR 1.301 ACRES.

# 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, January 21, 2025 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:	RC 2024-002
LOCATION:	At and around 621 S. White Station Road
<b>COUNCIL DISTRICTS:</b>	District 5 and Super District 9
<b>OWNER/APPLICANT:</b>	Residential Single Family-10 (R-10), Residential Corridor Overlay
<b>REPRESENTATIVE:</b>	Josh Whitehead, Whitehead Law
<b>REQUEST:</b>	Residential corridor overlay deletion
AREA:	+/-2.15 acres

# **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, <u>January 21, 2024</u>, 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 at an earlier meeting, with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

# THIS THE FIRST DAY OF JANUARY, 2025

J. FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:

# KAMETRIS WYATT CITY COMPTROLLER

TO BE PUBLISHED: Friday January 10, 2025

#### H M HECKLE & CO INC 5140 WHEELIS DR # MEMPHIS TN 38117

PIACENTI PERRY & JANNA 2340 MONT ALBAN CV # GERMANTOWN TN 38139

CRUMBY SUSAN M LIVING TRUST 5242 GLYNBOURNE PL # MEMPHIS TN 38117

FRANKLIN HOMES INC 3800 NEW GETWELL RD # MEMPHIS TN 38118

FRITZ KAREN E 371 CARAWAY CV # MEMPHIS TN 38117

FRANKLIN HOMES INC 3800 NEW GETWELL RD # MEMPHIS TN 38118

PARKER KEITH D & ALLISON AND 5241 KIRKSIDE CV # MEMPHIS TN 38117

KATZ DANIEL 5231 KIRKSIDE CV # MEMPHIS TN 38117

MARIENCHECK WILLIAM I & ANNETTE 626 AZALEA TERRACE CIR # MEMPHIS TN 38117

DETRAZ NICOLE A AND DURSUN PEKSEN (RS) 630 AZALEA TERRACE CIR # MEMPHIS TN 38117 WATTS DONALD P LIVING TRUST 634 AZALEA TERRACE CIR # MEMPHIS TN 38117

SCHEINFELD JOAN L REVOCABLE LIVING TRUST 651 AZALEA TERRACE CIR # MEMPHIS TN 38117

OATES SHERRYL AND CHARLES OATES LIVING 546 THORN RIDGE CV # MEMPHIS TN 38117

KING ROBERT S & BARBARA C 650 AZALEA TERRACE CIR # MEMPHIS TN 38117

MOORE TRACY R & RUTH A 646 AZALEA TERRACE CIR # MEMPHIS TN 38117

THIS LAND IS OUR LAND LLC 743 E BROOKHAVEN CIR # MEMPHIS TN 38117

SCOTT ALAN J 5238 COSGROVE CV # MEMPHIS TN 38117

WILSON SHEILA Z 219 N ROSE # MEMPHIS TN 38117

ROLL ON DOWN LLC 500 S GOODLETT ST # MEMPHIS TN 38117

721 HOLDINGS LLC 2780 KEASLER CIR # GERMANTOWN TN 38139 PASCHAL DANA H 670 S WHITE STATION RD # MEMPHIS TN 38117

WADDELL DAVID S 5188 WHEELIS DR # MEMPHIS TN 38117

WALLER ROBERT R REVOCABLE TRUST 5201 LEXINGTON CLUB CV #401 MEMPHIS TN 38117

SALTZ DAVID E 580 S WHITE STATION RD # MEMPHIS TN 38117

RCM DEVCO LLC 1 DR ML KING JR #130 MEMPHIS TN 38103

LAWRENCE AND OLIVER HOLDINGS LLC 5178 WHEELIS DR # MEMPHIS TN 38117

WADDELL DAVID S 5188 WHEELIS DR # MEMPHIS TN 38117

CONTEMPORARY HOMES INC 4990 POPLAR AVE # MEMPHIS TN 38117

CRUZ DINIA C LIVING TRUST 5225 GLYNBOURNE PL # MEMPHIS TN 38117

VICZOREK ROBERT E 5231 GLYNBOURNE PL # MEMPHIS TN 38117 MCDOWELL RHONDA G 5237 GLYNBOURNE PL # MEMPHIS TN 38117

LYNCH CLIFFORD F AND ANNETTE LYNCH 5246 GLYNBOURNE PL # MEMPHIS TN 38117

SNOW STEVEN M 4670 SUMMER AVE # MEMPHIS TN 38122

KISH SARKIS V JR 5179 WHEELIS DR # MEMPHIS TN 38117

RCM DEVCO LLC 1 DR ML KING JR AVE #130 MEMPHIS TN 38103

MCDONALD CARLA R 5220 KIRKSIDE CV # MEMPHIS TN 38117

TALLAHABLUFF II LLC 116 COLONY WAY # BRANDON MS 39047

FRANKLIN HOMES INC 3800 NEW GETWELL RD # MEMPHIS TN 38118

STAFFORD MARGARET H 5221 KIRKSIDE CV # MEMPHIS TN 38117

AZALEA TERRACE PARTNERS LTD 665 OAKLEAF OFFICE LN # MEMPHIS TN 38117 PHAM LANG V AND LOAN MY PHAM 620 AZALEA TERRACE CIR # MEMPHIS TN 38117

SOWELL MICHAEL L & CATHY 624 AZALEA TERRACE CIR # MEMPHIS TN 38117

SNOW STEVEN M 4670 SUMMER AVE # MEMPHIS TN 38122

PRASAD M N RAMA & SUDHA R PO BOX 17962 # MEMPHIS TN 38187

KENNEDY JENNIFER G REVOCABLE TRUST 625 AZALEA TERRACE CIR # MEMPHIS TN 38117

SAMAHA HICKMAT AND ROBERT & JOANNE 638 AZALEA TERRACE CIR # MEMPHIS TN 38117

MORGAN LINDA A LIVING TRUST 648 AZALEA TERRACE CIR # MEMPHIS TN 38117

MACAULAY CYNTHIA J 642 AZALEA TERRACE CIR # MEMPHIS TN 38117

OEGEL FAMILY L P 4091 VISCOUNT AVE # MEMPHIS TN 38118

TWIN OAKS ASSOCIATION INC 5237 COSGROVE CV # MEMPHIS TN 38117 DULBERGER REID E REVOCABLE TRUST AND 5230 COSGROVE CV # MEMPHIS TN 38117

HUA JUNWEI & PEILI CHEN 5246 COSGROVE CV # MEMPHIS TN 38117

FIRST NAME LAST NAME LLC 747 E BROOKHAVEN CIR # MEMPHIS TN 38117

TWIN OAKS ASSOCIATION INC 5230 COSGROVE CV # MEMPHIS TN 38117

ARGO BOYD W 748 E BROOKHAVEN CIR # MEMPHIS TN 38117

TWIN OAKS ASSOCIATION INC 5230 COSGROVE CV # MEMPHIS TN 38117

WEST JAMES AND ANNE WEST JOINT LIVING 5229 COSGROVE CV # MEMPHIS TN 38117

SCHIFANI PAUL J AND D CATRINA SCHIFANI 5237 COSGROVE CV # MEMPHIS TN 38117

MULLIS ANN M REVOCABLE TRUST P O BOX 770179 # MEMPHIS TN 38177

HOUSTON JANE M FAMILY TRUST 5201 LEXINGTON CLUB CV #301 MEMPHIS TN 38117 GLASS MARYLON R RESIDENE TRUST II 5201 LEXINGTON CLUB CV #302 MEMPHIS TN 38117

0'LEARY PATRICK H 1779 KIRBY PKWY #1 BOX 368 **GERMANTOWN TN 38138** 

PARKER JUDITH G LIVING TRUST 5201 LEXINGTON CLUB CV #201 MEMPHIS TN 38117

DR ROB LLC 744 BROOKHAVEN CIR # MEMPHIS TN 38117

SALKY SAMUEL & ELLEN Y 5201 LEXINGTON CLUB CV #202 MEMPHIS TN 38117

GILL WHITE STATION GP 8130 MACON STATION DR # CORDOVA TN 38018

LAZAROV JOYCE B LIVING TRUST LEXINGTON CONDOMINIUM OWNERS ASSOCIATION 597 LEXINGTON CLUB CT #401 MEMPHIS TN 38117

510 S MENDENHALL #100 MEMPHIS TN 38117

FINE RICHARD E & MELANIE 597 LEXINGTON CLUB CT #403 MEMPHIS TN 38117

RCM DEVCO LLC 119 S MAIN ST #800 MEMPHIS TN 38103

GAMBRELL CYNTHIA S 597 LEXINGTON CLUB CT #302 MEMPHIS TN 38117

RCM DEVCO LLC 1 DR ML KING JR AVE #130 MEMPHIS TN 38103

CLAWSON KAREN K LIVING TRUST ORION FEDERAL CREDIT UNION 5250 GLYNBOURNE PL # 400 MONROE AVE # MEMPHIS TN 38117 MEMPHIS TN 38103

COUCH DAVID 9950 CENTER HILL RD # COLLIERVILLE TN 38017

MOORE MILES 725 W BROOKHAVEN CIR # MEMPHIS TN 38117

728 BROOKHAVEN PARTNERS PO BOX 771076 # MEMPHIS TN 38177

