WHEREAS, when worthy circumstances arise, the Memphis City Council has seen fit to name certain public roads to honor citizens who have served this community and whose contributions to the City of Memphis are certainly worthy of recognition of **George Edward Falls**, Jr. representing one of these worthy occasions; and

WHEREAS, George Edward Falls, Jr. was a true Southern gentleman and one of Memphis and the Mid-South's premier restaurateurs, whose hospitality, graciousness, and entrepreneurial vision helped shape the city's culinary landscape; and

WHEREAS, after a distinguished 24-year career with Holiday Inns, Inc., during which he forged lifelong friendships and traveled the world, **Mr. Falls** pursued his dream of entrepreneurship, purchasing Paulette's Restaurant and later becoming a partner in the River Inn at Harbor Town, which includes Paulette's, The Terrace, and Tug's; and

WHEREAS, George Edward Falls, Jr. was a generous and devoted community servant whose leadership touched countless lives and institutions, having served as Treasurer, Vice-President, and President of the Memphis Symphony Orchestra Board, Chairman of the Board of the Boys and Girls Clubs of Greater Memphis, and Chair of its Steak & Burger Dinner; and

WHEREAS, George Edward Falls, Jr. also served with distinction as Past Chairman of the Baptist Memorial Health Care Foundation Board, the Memphis Convention and Visitors Bureau, and The Society of Entrepreneurs, and lent his time and expertise to the Memphis Restaurant Association, Tennessee Restaurant Association, City Beautiful Commission, the Kemmons Wilson School at the University of Memphis, and many other civic organizations; and

WHEREAS, George Edward Falls, Jr. was recognized for his exemplary contributions with numerous accolades including the Tennessee Restaurateur of the Year, induction into the Tennessee Restaurant Association Hall of Fame, the Hebe Award, the Boys and Girls Club National Medallion, and The Golden Eagle Award; and

WHEREAS, Mr. Falls was a man of deep faith, who loved the Lord and served as a longtime member of Church of the Holy Communion, where he found spiritual strength and a welcoming community before his passing on Wednesday, October 18, 2023, at the age of 87; and

WHEREAS, beyond his many professional and civic accomplishments, George Edward Falls, Jr. is most remembered for his warm smile, kind heart, polished charm, and deep devotion to his family—especially his beloved wife Jackie, son Harry, and extended family and friends whom he held close; and

WHEREAS, the Memphis City Council gladly celebrates George Edward Falls, Jr. and we applaud him for his invaluable contributions to the City of Memphis; we also entreat servants everywhere to emulate his dedication within their own lives.

NOW, THEREFORE, BE IT RESOLVED, that we honor **George Edward Falls, Jr.** for his unparalleled service and contribution to the City of Memphis, and Island Drive from A.W. Willis to Harbortown Circle North in the City of Memphis, be declared and designated

"George Edward Falls, Jr. Drive"

BE IT FURTHER RESOLVED, the City Engineer is requested to affix suitable signs designating this public road in honor of **George Edward Falls, Jr.** for his commitment and contributions to the City of Memphis.

Adopted: April 22, 2025

Chairman Ford Canale

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 03/25/25

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

	DATE
PUBLIC SESSION:	0 <u>4/08/25</u>
	DATE

ITEM (CHECK ONE)				DATE
	RESOLUTI	ON <u>X</u>	REQUEST FOR	PUBLIC HEARING
ITEM CAPTION:	on August 10, 2 authorize a zon Drive By takin Conservation A	2010, as amend ing use district g the land out griculture (CA	ded, known as th t reclassification t of the Residen) and Residential	57 of Code of Ordinance, City of Memphis, Tennessee, adopted the Memphis and Shelby County Unified Development code, to for land located on 0 Mt. Moriah Ext, north of Kirby Terrace tial Single-Family $- 8$ (R-8), Residential Urban $- 2$ (RU-2), Single-Family $- 15$ (R-15) Use Districts and including it in the rict, known as case number Z 2024-009
CASE NUMBER:	Z 2024-009			
LOCATION:	0 Mt. Moriah E	xt, north of Kir	by Terrace Drive	
COUNCIL DISTRICTS:	District 2 and S	uper District 9	– Positions 1, 2,	and 3
OWNER/APPLICANT:	Prentiss Mitche	11		
REPRESENTATIVES:	N/A			
REQUEST:				l Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), al Single-Family – 15 (R-15) to Commercial Mixed-Use – 3
RECOMMENDATION:			Development rec recommended Re	ommended <i>Rejection</i> <i>jection</i>
RECOMMENDED COUN		Set date for firs Second reading	g Required st reading – <u>Marc</u> g – <u>March 25, 202</u> - <u>April 8, 2025</u>	
(1) 02/13/2025 (1) Land Use Control Board FUNDING: (2) \$ \$ SOURCE AND AMOUNT (\$ \$ SOURCE AND AMOUNT (\$ SOURCE AND AMOUNT (\$ SOUR (\$ SOURCE AND AMOUNT (\$ SOURCE AND AMOUNT (\$	OF FUNDS	_ DATE ORGAN (2) GOV _ REQUII _ AMOUI _ REVEN _ OPERA _ CIP PRO	VIZATION - (1) V'T. ENTITY (3)	EIVED HER POSITION PLANNER II DEPUTY ADMINISTRATOR
				CITY ATTORNEY
				CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2024-009

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON 0 MT. MORIAH EXT, NORTH OF KIRBY TERRACE DRIVE. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8), RESIDENTIAL URBAN – 2 (RU-2), CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-009

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, February 13, 2025* the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	Z 2024-009
LOCATION:	0 Mt. Moriah Ext, north of Kirby Terrace Drive
COUNCIL DISTRICT(S):	District 2, Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Prentiss Mitchell
REPRESENTATIVE:	N/A
REQUEST:	Rezoning of +/-22.96 acres from Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) to Commercial Mixed-Use – 3 (CMU-3)

The following spoke in support of the application: Prentiss Mitchell

The following spoke in opposition of the application: None

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

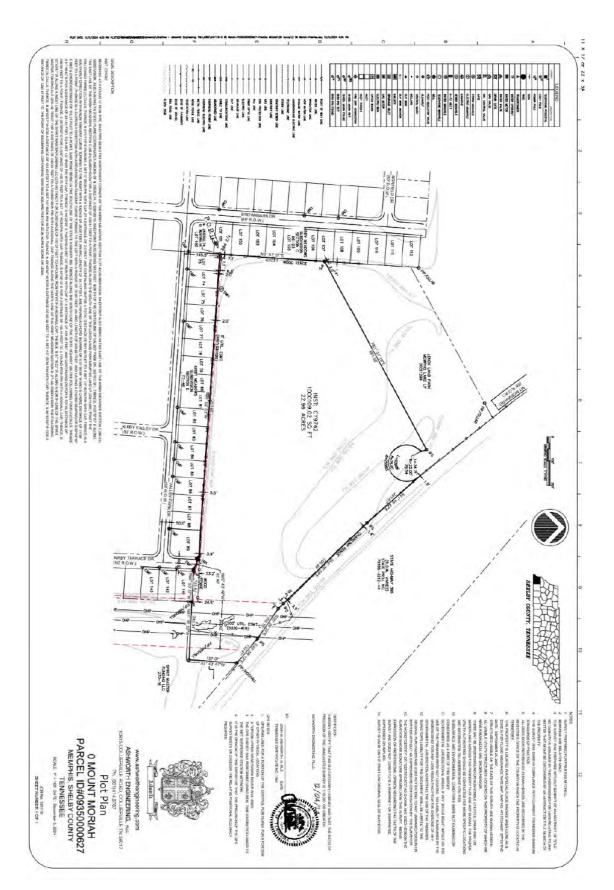
The motion failed by a unanimous vote of 0-9.

Respectfully,

Chloe Christion

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

Cc: Committee Members File



ORDINANCE NO:

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 0 MT. MORIAH EXT, NORTH OF KIRBY TERRACE DRIVE BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8), RESIDENTIAL URBAN – 2 (RU-2), CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-009.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-009**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8), RESIDENTIAL URBAN – 2 (RU-2), CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 3 (CMU-3) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

BEGINNING AT A FOUND ½" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY

MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT; THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°00'38" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, S 41°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 49°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'46" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.

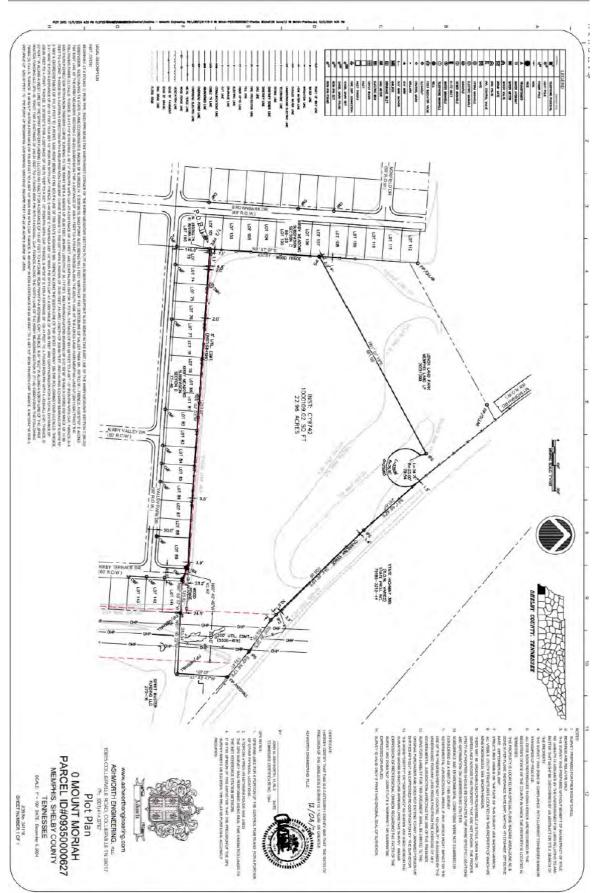
SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

PLOT PLAN



ATTEST:

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



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

February 14, 2025

Prentiss Mitchell, Delta Area Holdings LLC Horn Lake, Mississippi 38637

Sent via electronic mail to: mimllcmemphis@gmail.com

Case Number: Z 2024-009 LUCB Recommendation: Rejection

Dear applicant,

On Thursday, February 13, 2025, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your rezoning application located southeast of Mount Moriah Road Extension to be included in the Commercial Mixed-Use - 3 (CMU-3) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,

Chloe Christion

Chloe Christion Planner II Land Use and Development Services Division of Planning and Development Cc:

File

dod STAFF REPORT

L.U.C.B. MEETING: February 13, 2025

	0		1001001 y 10, 2020
CASE NUMBER:	Z 2024-009		
LOCATION:	0 Mt. Moriah Ext, north of Kirby Terrac	e Drive	
COUNCIL DISTRICT:	District 2 and Super District 9 – Position	ns 1, 2, and 3	
OWNER/APPLICANT:	Prentiss Mitchell		
REPRESENTATIVE:	N/A		
REQUEST:	Rezoning of +/-15.6 acres from Resider Residential Urban – 2 (RU-2), +/- 0.44 +/- 0.27 acres from Residential Single- 1 (CMU-1)	acres from Conservati	on Agriculture (CA) and

CONCLUSIONS

AGENDA ITEM:

6

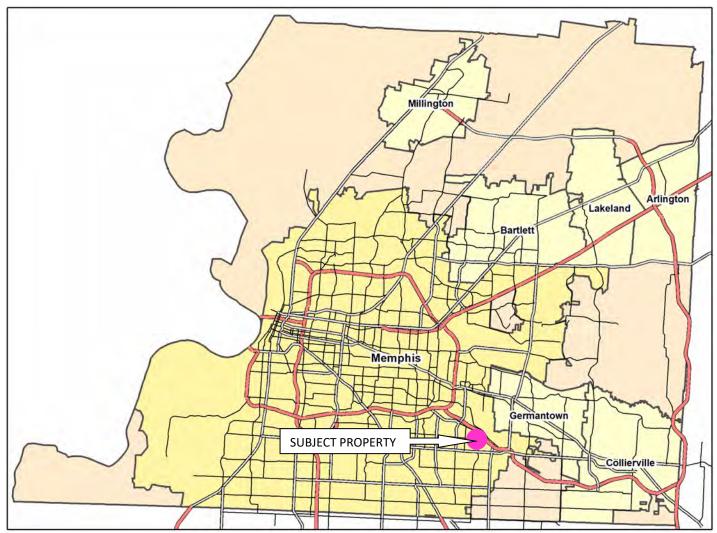
- The request is a rezoning from multiple residentially-oriented zoning districts to Commercial Mixed-se - 3 (CMU-3).
- 2. When asked what the purpose of this rezoning was, the applicant responded that he does not know what intended uses would occur if the rezoning were to be approved. With no direction as to what development may take place at the subject property, this rezoning to high-intensity commercial would permit a variety of undesirable uses such as a nightclub, tavern, or used tire shop.
- 3. The subject property is located within a floodplain in which development of any kind, especially largescale commercial development, is strongly discouraged.
- 4. The proposed rezoning to Commercial Mixed-Use 3 is not in keeping with the nature of the surrounding residential and office land uses of the subject property. Therefore, staff is recommending rejection of the rezoning.

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 14-16 of this report.

RECOMMENDATION:

Rejection



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property outlined in red.

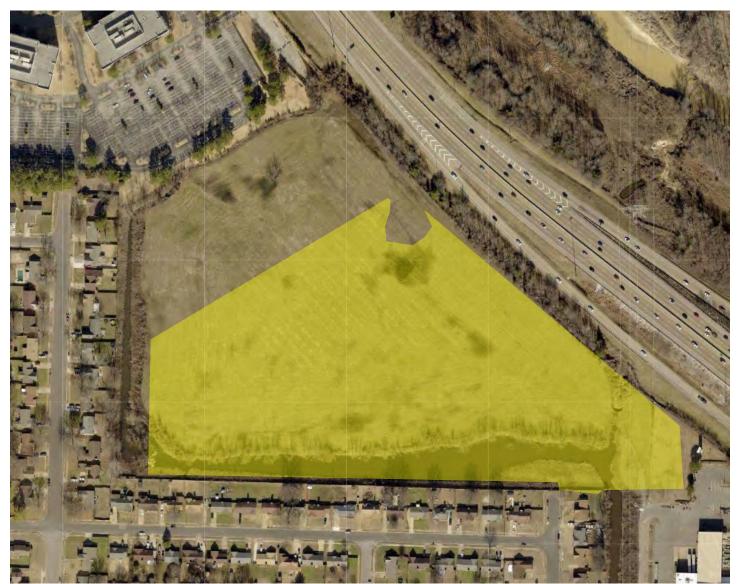
PUBLIC NOTICE DETAILS

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 190 notices were mailed on December 17, 2024, see page 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 8:05 AM on Saturday December 21, 2024, at the Home Depot at 3469 Riverdale Road.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow



Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

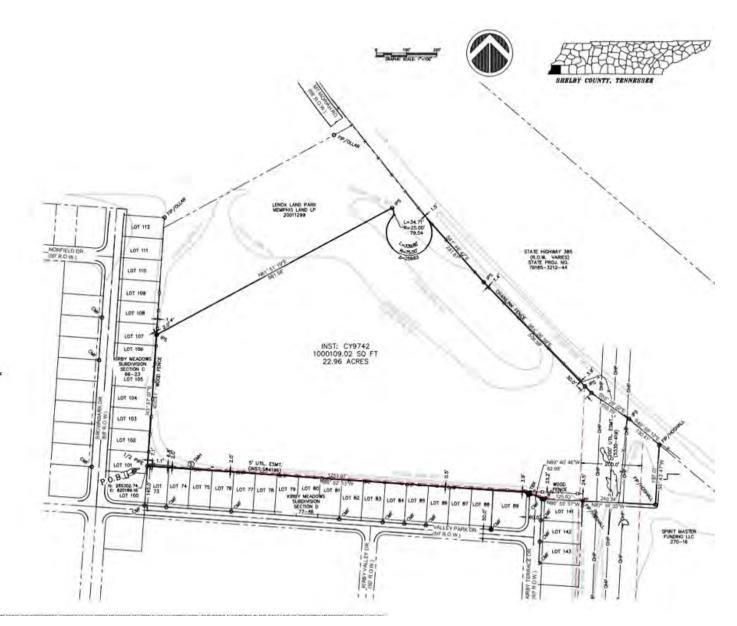
SITE PHOTOS



View of subject property from Kirby Terrace Drive looking north.



View of subject property from State Route 385 looking west.



LEGAL DESCRIPTION

February 13, 2025 Page 10

INST: CY9742

BEGINNING AT A FOUND 1/2" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT; THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°00'38" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, S 41°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 49°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'46" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.

CASE REVIEW

The request is a Rezoning of +/-15.6 acres from Residential Single-Family - 8 (R-8), +/- 6.97 acres from Residential Urban - 2 (RU-2), +/- 0.44 acres from Conservation Agriculture (CA) and +/- 0.27 acres from Residential Single-Family - 15 (R-15) to Commercial Mixed-use - 1 (CMU-1)

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Details

Address: 0 Mt. Moriah Ext.

Parcel ID: 093500 00627

Area: +/-22.96 acres

Description:

The subject property is a vacant lot with a zoning of Residential Single-Family – 8 (R-8), Urban Residential – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15). The lot has one street frontage along State Route 385. The surrounding land uses are a mixture of single-family, commercial and office lots.

<u>Analysis</u>

When asked what the purpose of this rezoning was, the applicant responded that he does not know what intended uses would occur if the rezoning were to be approved. With no direction as to what development may take place at the subject property, this rezoning from predominately residential classification to high-intensity commercial would permit a variety of undesirable uses such as a nightclub, tavern, or used tire shop.

The subject property is located within a floodplain in which development of any kind, especially large-scale commercial development, is strongly discouraged. The Future Land Use Planning Goals of the Office of Comprehensive Planning's Memphis 3.0 plan also discourage development on the subject property as it is designated Open Spaces & Natural Features (OSN).

February 13, 2025 Page 12

The site may also have a history of being used, at least in part, as a construction debris landfill. As of the release of this staff report, research to confirm this in ongoing. If confirmed, development of this site may be compromised if unstable soils are found. See below aerial photograph from 1996 which shows that this site was previously used as a borrow pit for fill dirt in the construction of Nonconnah Parkway and is believed to have been filled, in part, by construction debris.



It should also be mentioned that the site appears to be subject to development limitations in accordance with the Tennessee Scenic Highway System Act (TN Code 54-17-114(a)(I)(J) and 54-17-115(a)(I)(2)). These limitations restrict the height of a building to 35 feet. CMU-3 Zoning permits a maximum building height of 75 feet. This adds further validity that the subject property is not meant to be developed with the mass, height, and scale CMU-3 encourages.

Finally, the District Intent Statement for CMU-3 Zoning found in UDC Paragraph 2.2.3D(3) states the following: "The CMU-3 District is intended to accommodate a very broad range of high intensity commercial, office, and employment uses that require highly visible and highly accessible locations with direct access to arterials." The site has no direct access to an arterial street.

The proposed rezoning to Commercial Mixed-Use -3 is not in keeping with the nature of the surrounding residential and office land uses of the subject property. Therefore, staff is recommending rejection of the rezoning.

RECOMMENDATION

Staff recommends rejection.

DEPARTMENTAL COMMENTS

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

City Engineer:

Basin/Lot/CD: Kirby, 18-A/23.5ac/2

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

General Notes:

3. Development is greater than 1 acre and will require detention when developed.

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:

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Logan Landry Planner I Office of Sustainability and Resilience 125 N. Main St., Memphis, TN 38103 Logan.Landry@memphistn.gov

MEMORANDUM

To: Chloe Christion, Planner I

From: Logan Landry, Planner I

Date: December 31, 2024

Subject: OSR Comments on Z 24-09: SOUTHEAST

General Comments & Analysis:

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

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

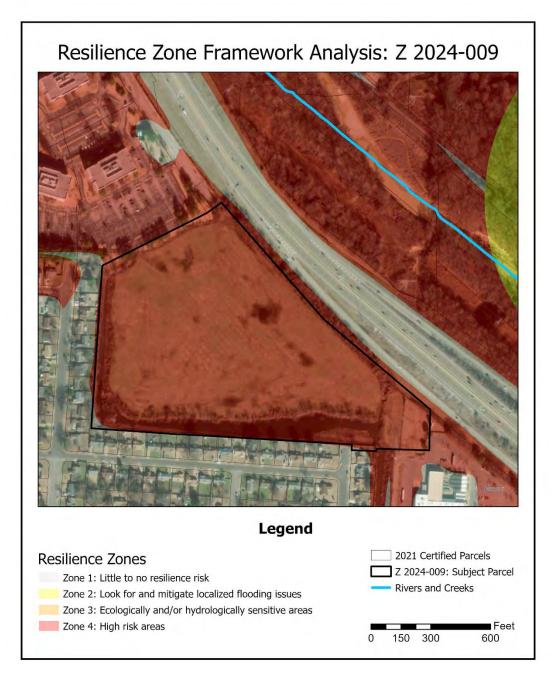
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure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

Nearly the entirety of the parcel is located in Zone 4 which is due to its location in both the 100-year floodplain (1% annual chance of flooding) and the 500-year floodplain (.2% annual chance of flooding) for nearby Nonconnah Creek.

The parcel is currently zoned Residential (R-8) and the Applicant would like to rezone to Commercial Mixed Use (CMU-3). The land is currently vacant and undeveloped.

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

This rezoning request is generally not consistent with the Mid-South Regional Resilience Master Plan. The Plan designates the floodplain as an area where development should be restricted due to exposure to environmental hazards like flooding (Section 4.1 -- Resilient Sites). Additionally, Section 4.3 – Flood Smart Development encourages preserving vacant parcels that are in the floodplain and avoiding development.



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

Recommendations: Staff does not recommend approval of this rezoning request.

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>Z 2024-009 Southeast</u>

Site Address/Location: 0 Mount Moriah (Parcel Number 093500 00627) Overlay District/Historic District/Flood Zone: In a Flood Zone but not in an Overlay Zone or Historic District Future Land Use Designation: Open Spaces & Natural Features (OSN) Street Type: NA

The applicant is seeking a Rezoning from R-8 to CMU-3

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

- Annual de la construcción de la
- 1. Future Land Use Planning Map

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

2. Land Use Description/Intent

February 13, 2025 Page 17

Wildlands, waterways, and natural features with a focus on preservation and occasional opportunities for passive recreation. Conservation Agriculture. Graphic portrayal of OSN to the right.



"OSN" Form & Location Characteristics

Conservation and recreational uses.

"OSN" Zoning Notes

Generally compatible with the following zone districts: OS, FW, CA in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan. Analysis to understand how uses like wind farms, solar farms, stormwater facilities, community gardens/CSAs, apiaries, timber harvesting, or other similar uses are integrated into these zones.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-family Residential, Office, Commercial and Vacant, R-8, CA and FW **Overall Compatibility:** This requested land use is not compatible with these adjacent land uses and zoning districts because there is no other CMU-3 district adjacent, and the creek serves as a natural barrier from the other commercial uses.

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

4. Degree of Change Description

N/A

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

The requested use is not consistent with Action 1.3.13. "Apply nature lots and flood lots as transitonal uses at community edges, particularly where communities border envioronmental hazards." This lot currently serves as a buffer lot in a large flood zone, the request if granted would be inconsistent with the Goal 1 Action. The requested use is also not consistent with Action 1.3.14. "Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues." Activating what is functioning as a floodlot for commercial use is inconsistent with the action.

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

The parcel is in the Open Space and Natural Features Future Land Use Category. The intent of this category is for areas that have been identified as wildlands, waterways, and natureal features with a focus on preservation. This requested rezoning is not consistent with the goals of this Future Land use Category cheifly the goal of flood control.

Consistency Analysis Summary

The applicant is seeking a Rezoning from R-8 to CMU-3

This requested land use is not compatible with these adjacent land uses and zoning districts because there is no other CMU-3 district adjacent, and the creek serves as a natural barrier from the other commercial uses. The requested use is not consistent with Action 1.3.13. "Apply nature lots and flood lots as transitonal uses at community edges, particularly where communities border envioronmental hazards." This lot currently serves as a buffer lot in a large flood zone, the request if granted would be inconsistent with the Goal 1 Action. The requested use is also not consistent with Action 1.3.14. "Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues." Activating what is functioning as a floodlot for commercial use is inconsistent with the action.

The parcel is in the Open Space and Natural Features Future Land Use Category. The intent of this category is for areas that have been identified as wildlands, waterways, and natureal features with a focus on preservation. This requested rezoning is not consistent with the goals of this Future Land use Category cheifly the goal of flood control.

This proposed rezoning is also not consistent with Memphis 3.0 Goal 3: Sustainable and Resilient Communities Objective 3.3 Expand use and protection of natural landscapes and green infrastructure or Objective 3.5 Protect life, Property, infrastructure and environment from disaster events.

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

MAILED PUBLIC NOTICE

You have recei	ved this notice l	because you own or reside on a	VICINITY MAP-SUBJECT PROPOERTY HIGHLIGHTED
		f a development application to be	IN BLUE
Shelby County attend this hea speak for or ag of comment to	Land Use Contro aring, but you ar gainst this applic	blic hearing of the Memphis and ol Board. You are not required to e invited to do so if you wish to ation. You may also submit a letter er listed below no later than 3 AM .	
CASE NUMBER: ADDRESS: REQUEST: APPLICANT:	Z 2024-009 0 Mt. Moriah Rezoning of ag CMU-3 Prentiss Mitch	oprox. 22.9 acres from RU-2 and R-6 to	
		Time: 9:00 AM Date: Thursday, Jan. 9, 2025	
Staff Planner (Chloe Christion ☑ chloe.chris ६ (901) 636-7	n tion@memphist	tn.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

being duly sworn, depose and say that at $\frac{330}{30}$ am(pm)on the 12_ day of December____, 20 24, I posted ____ Public Notice Sign(s) pertaining to Case No. 22024-009 at OMT Moriah, Memphis TN providing notice of a Public Hearing before the (check one):

Land Use Control Board

____Board of Adjustment

_____Memphis City Council

_____Shelby County Board of Commissioners

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

Owner, Applicant or Representative

2024

Date

9/17/2

Subscribed and sworn to before me this <u>18th</u> day of <u>December</u> achai 12-13-2 Notary Public My commission expires: May 17, 202

APPLICATION



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

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Number: Z 2024-009

Record Name: Riverdale & HWY 385 Description of Work: REZONING

Parent Record Number:

Record Status: Processing

Opened Date: September 12, 2024

Expiration Date:

Address: 38115

Owner Information

Primary Owner Name

Y. FARRELL PROPERTIES (PSO)

Owner Address

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

Data Fields

Chloe Christion 10/07/2024 Phone
No No
-

Page 1 of 3

Z 2024-009

Owner Phone

GIS INFOR	and the second se					
ala miron	MATION					
Case La	yer		-			
Central I	Business Improvement District		No			
Class	1 T		R			
Downtow	wn Fire District		No			
Historic	2.2.4.4 P. 4.4.		Sec. Sec.			
Land Us			VACANT			
Municipa			-			
	Special Purpose District		-			
Zoning			R-8			
State Ro	oute		1			
Lot			8			
Subdivis			-			
	Development District		5.5			
	d Protection Overlay District		Yes			
	Commission District		-			
	Incil District		-			
City Cou	Incil Super District		-			
Data Tabl	es					
ADDRESS AN	ND PARCEL LIST					
Propert	y Parcel Number: 093500	00627				
	15 C	125 12				
Propert	y Address; 0 Mount	Moriah				
-	y Address; 0 Mount	Moriah				
Contact li Name	nformation	Moriah				ct Type
Contact II <u>Name</u> PRENTISS N	nformation	Moriah			Contac APPLICA	
Contact li Name	nformation	Moriah				
Contact II <u>Name</u> PRENTISS N	nformation	Moriah				
Contact In <u>Name</u> PRENTISE N Address Phone	nformation	Moriah				
Contact II Name PRENTISE // Address Phone (901)905-500 Fee Inform Invoice #	nformation AITCHELL 30 nation Fee Item	Moriah	Fees	Status	APPLICA	Date Assessed
Contact In Name PRENTISS // Address Phone (601)905-500	nformation AITCHELL 30 mation		Fees 750.00	Status INVOICED	APPLICA	UNT
Contact In Name PRENTISS // Address Phone (601)905-500 Fee Inforr Invoice # 1597845	nformation AITCHELL IO mation Facilitem Residential Rezoning - 5 acres or less	Quantity			APPLICA	Date Assessed
Contact II Name PRENTISE // Address Phone (901)905-500 Fee Inform Invoice #	nformation AITCHELL 30 nation Fee Item Residential Rezoning - 5	Quantity	750.00	INVOICED	APPLICA Balance 0.00	Date Assessed 10/07/2024
Contact In Name PRENTISS // Address Phone (601)905-500 Fee Inforr Invoice # 1597845	nformation AITCHELL Mation Fee Item Residential Rezoning - 5 acres or less Credit Card Use Fee (.026 x fee)	Quantity 1 1	750.00	INVOICED	APPLICA Balance 0.00	Date Assessed 10/07/2024 10/07/2024
Contact In PRENTISE // Address Phone (901)905-500 Fee Inform Invoice # 1597845 1597845	nformation AITCHELL Mation Fee Item Residential Rezoning - 5 acres or less Credit Card Use Fee (.026 x fee)	Quantity 1 1	750.00 19.50	INVOICED	Balance 0.00 0.00	Date Assessed 10/07/2024 10/07/2024
Contact In PRENTISE // Address Phone (901)905-500 Fee Inform Invoice # 1597845 1597845	nformation AITCHELL 30 mation Fee Item Residential Rezoning - 5 acres or less Credit Card Use Fee (.026 x fee) Telliformation	Quantity 1 1 1 Dtal Fee Invo	750.00 19.50	INVOICED	Balance 0.00 0.00	Date Assessed 10/07/2024 10/07/2024

Z 2024-009

OWNER AFFIDAVIT

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.

Dwight Fennell Mtclll, 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 O Mount Moniah and further identified by Assessor's Parcel Number 09350 00627 for which an application is being made to the Division of Planning and Development.

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

My Commission Expires August 03, 2026

LETTER OF INTENT

Municipal Planner Land Use and Development Services Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

Delta Area Holdings LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 0 Mt Moriah, Memphis TN 38125

Department of Planning and Development,

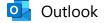
Delta Area Holdings LLC is applying for Rezoning at 0 Mt Moriah, Memphis TN 38125 (parcel # 093500 00627).

Best Regards,

Delta Area Holdings LLC

LETTERS RECEIVED

Two (2) letters of opposition have been received at the time of completion of this report and have subsequently been attached.



Case number Z 2024-009

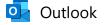
From Sharon Robinson <sharonrobinson047@gmail.com>

Date Wed 1/22/2025 7:17 PM

- To Christion, Chloe <Chloe.Christion@memphistn.gov>
- Cc Sharonrobinson047@gmail.com <sharonrobinson047@gmail.com>

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 evening Mrs Chloe Christion I contacting you because I received a notice in the mail concerning a request to rezoning I am AGAINST IT. I do not want this and I need for the city council to know it. Please keep me informed on what I need to do to keep this from happening or taking place. Thank you for your time I can be contacted at (901)493-6311 if I'm not in leave a message and I will return your call.



Case Z 2024-009 rezoning RU-2 and R-6 to CMU

From keresia jones <keresiajns@yahoo.com>

Date Sat 1/25/2025 2:11 PM

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

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

I don't agree with rezoning. The gas line runs through my back yard and I don't want additional connections to raise concerns. I feel it will bring unwanted traffic to an already crowded area and crime increase. The rezoning would not benefit us in anyway! Keresia Jones 6780 kiby arms drive



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

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Expiration Date:

Owner Phone

Parent Record Number:

Address:

38115

Owner Information

Primary Owner Name

Y FARRELL PROPERTIES (PSO)

Owner Address

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

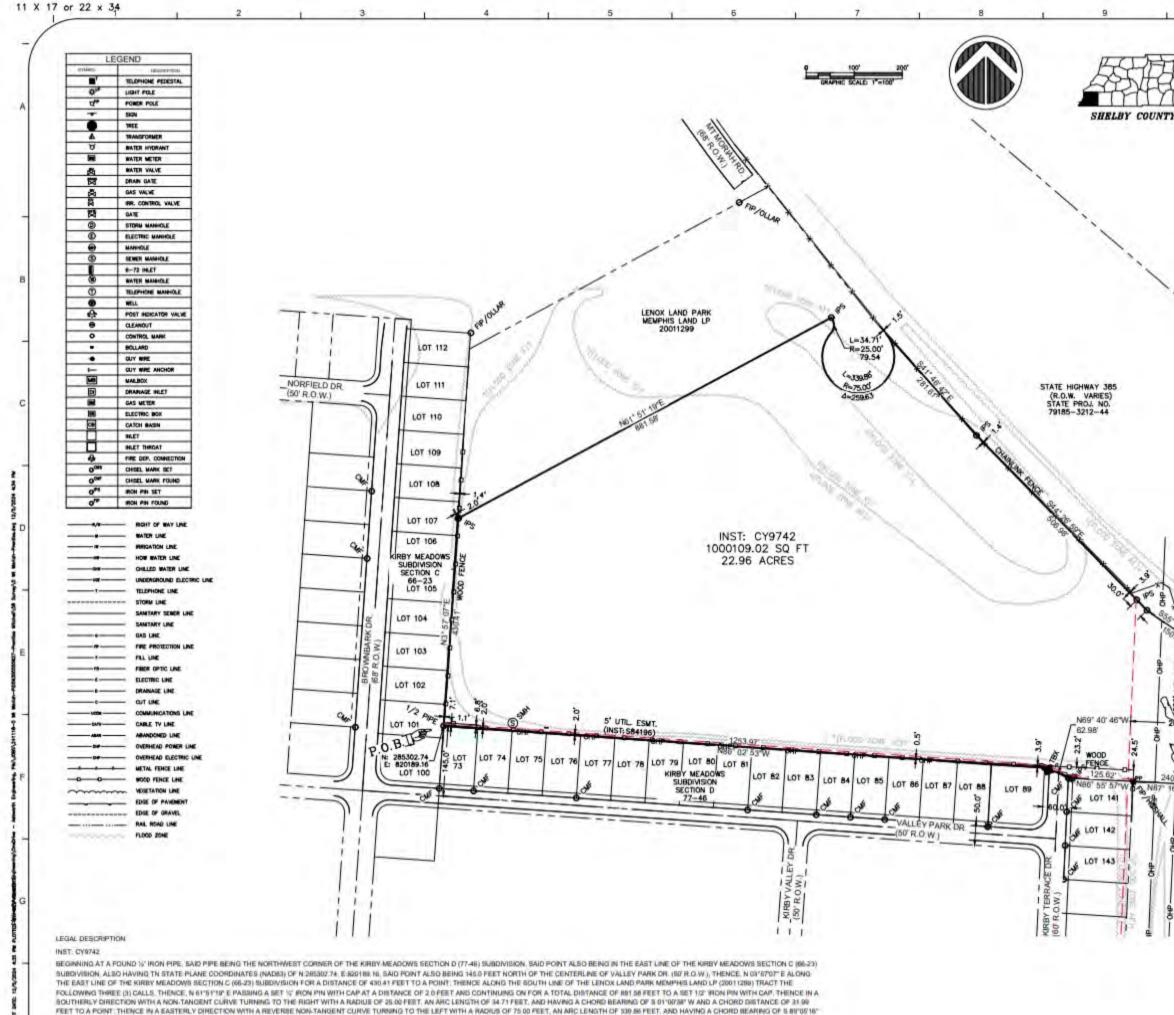
Data Fields PREAPPLICATION MEETING **Chloe Christion** Name of DPD Planner 10/07/2024 Date of Meeting Pre-application Meeting Type Phone **GENERAL INFORMATION** No Have you held a neighborhood meeting? Is this application in response to a citation from No Construction Code Enforcement or Zoning Letter? If yes, please provide additional information **GIS INFORMATION**

GIS INFORI	MATION						
Case La	yer			-			
Central Business Improvement District				No			
Class	·			R			
Downtow	n Fire District			No			
Historic [District			-			
Land Use	е			VACANT			
Municipa	llity			-			
	Special Purpose Dist	trict		-			
Zoning				R-8			
State Ro	ute			1			
Lot				-			
Subdivisi	ion			-			
	Development Distric	t		-			
	d Protection Overlay			Yes			
	Commission District	District		-			
-				-			
-	ncil District ncil Super District			-			
	ncii Super District			-			
Data Table	es						
ADDRESS AN	ID PARCEL LIST						
Property	Parcel Number:	093500	00627				
Property	Address:	0 Mount	Moriah				
Contact Ir	formation						
Name						Contac	<u>ct Type</u>
PRENTISS MITCHELL					APPLICA	NT	
Address							
Phone 901)305-500	0						
ee Inforn	nation						
nvoice #	Fee Item		Quantity	Fees	Status	Balance	Date Assessed
597845	Residential Rezoni acres or less	ng - 5	1	750.00	INVOICED	0.00	10/07/2024
1597845	Credit Card Use Fe x fee)	e (.026	1	19.50	INVOICED	0.00	10/07/2024
		Тс	otal Fee Invo	iced: \$769.50	Total Ba	lance: \$0.0	00
Payment I	nformation						
Payment Amo	ount N	lethod of Pa	yment				

LEGAL DESCRIPTION

INST: CY9742

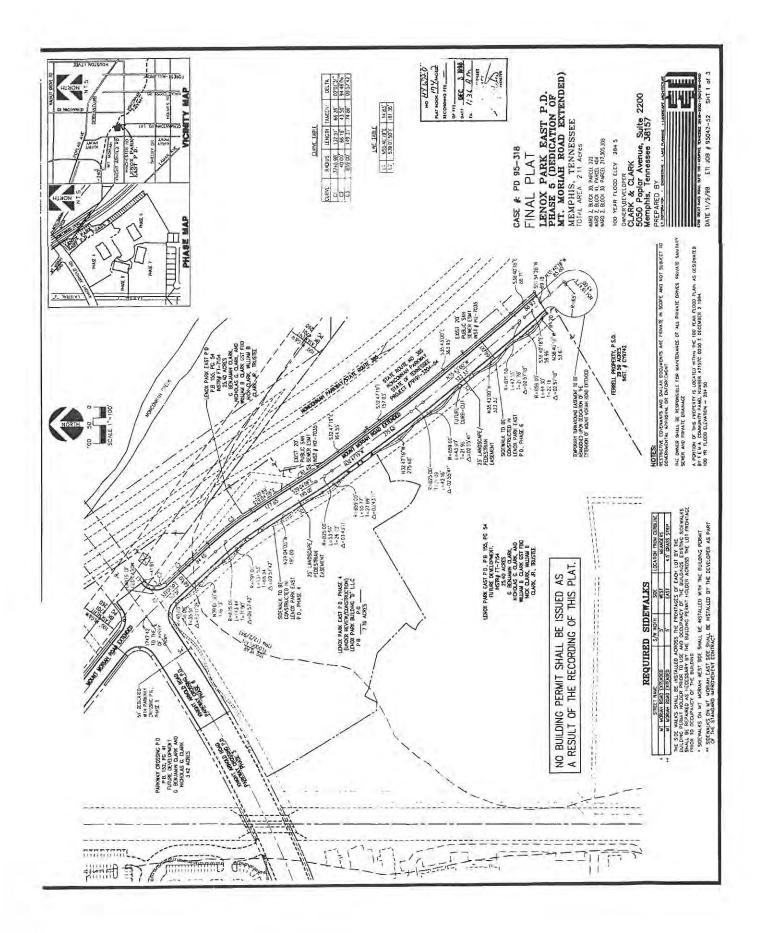
BEGINNING AT A FOUND 1/2" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT: THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK. MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°00'38" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, S 41°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 49°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'46" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.



FOLLOWING THERE (1) CALLS, THENCE, N 41°51°10° E PASSING A BET 12° BON PIN WITH CAP, AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF BID FEET TO A SET 12° BON PIN WITH CAP, THENCE IN A BOUTHERE Y DIRECTION WITH A NON-TANDENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 2.0 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 2.0 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 2.0 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH CAP, THEINCE IN A BACTORY UNITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A REPERTER ON-TANDENT CURVE TURNING TO THE LIFT WITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT BENGE IS A DISTANCE OF 18.2 FEET TO A SOLTH LINE OF THE BOUTH LINE OF THE SUBJECT O A POINT. THENCE IS 55/2922 F FOR A DISTANCE OF 190.3 THE POLLOWING ON FOR A TOTAL DISTANCE OF 190.3 THE POLLOWING ON THE A HOSHALL CAP. THENCE, S 40° 5612′ E FOR A DISTANCE OF 190.4 FEET TO A FOUND INTH A HOSHALL CAP. THENCE, S 40° 5612′ E FEET TO A FOUND INTO A DISTANCE OF 190.3 THE POLLOWING ON THE A DISTANCE OF 190.4 THE AND CAN THE AND THE AND THE AND THE AND THE AND THE AND CAN THE AND

10	11 1 12 1
10 TENNESSEE	<text></text>
	 SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR CERTIFICATE: INBREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATID OF PRECISION OF THE UNADJUSTED SURVEY IS 110,000 OR GREATER. ASHWORTH ENGINEERING, PLIC: MANNER AND THE INADJUSTED SURVEY IS 110,000 OR GREATER. MOHN W. ASHWORTH, III, RLS DATE TENNESSEE CERTIFICATE NO. 1344 OPIS NOTES: OPIS WAS USED FOR A PORTION OF THE CONTROL POINTS AND POINTS AND
SPIRIT MASTER FUNDING LIC 270-16	SURVEY MEETS OR EXCEEDS THE RELATIVE POSITIONAL ADCURACY REQUIRED.
	Plot Plan 0 MOUNT MORIAH PARCEL ID#09350000627 MEMPHIS, SHELBY COUNTY TENNESSEE SCALE: 1° = 100' DATE: December 5, 2024

JOB No. 241118 SHEET NUMBER 1 OF 1



PD 45-318 CC LENDX PARK EAST PLANNED DEVELOPMENT Quilline Pion Conditions

- I Uses Permitted
- Any use permitted by right in the General Office (0-G) District except the following uses <
- Art or proto studio except within an Office Building Barber or Result Stope second within an Office Building Coenny Evablahment except within an Office Building Flower or Flowel Store except within an Office Building
- Duithour storage or outdoor sales shall be prohibited
- the following add lighted uses shall be permitted
- Whiterior calls, pervice, indexe and dependent on logical for business for whiterior callects and interaction and approximation and account of the fluctuation and account and account and account and account Servicing and account account area and account and account computer of the fluctuation of account account account and Annearing service. Annearing service and service account account

- Property include in Floodway (FW) District shall be governed by the Floodway (FW) District Regulations ä
 - But Requestions . The burk requiritions of the General Office (0- 6) District shall gover with the following exceptions
- Variment suiding mage teal at one (k) stary. The Land use Control Band to see the solution (to baspook on the receiver in here the non-memory of low (*) scrimes during the solide plan review provides in accedance with Specifical Specifical 4
- Werrum the diag selfacts from the south property line for any building quedies then are story in regist sholl be 200 feet on anown in the Dulmar Hon
- Windows autoring setback from the sould property line shall be 100 feet and from the west property line what be 70 feet -1
- Al burierly shell be constructed with a constructed interval uppediance, and all shell be constructed by buries to all the shell of the shell of the stations of the Other Al Banning and Development. ā
 - Access Parking and Crowblor
- Jennica o 54 feet from the centerine of Anghi Arnold Road and Improve in costreamnes with the Subdivision Regula ons 4
- m
- λ -momentary of the (2) cuts their the period of the second of the second se
- A volvessy singl' are provided of any the private as we finducly the site to power eventuous analysis from Kapit Amate Road Road to be surjengy and participal site proposed to be confidered on the site.
 - Ancess to Biownbork June shall be promoved
- Any loading doesn's vind pe onteried away from the research and located (a. 1912) any at the fire manumum region so exercised doors shall be teeling 1922 (ast) white one subject to step plon copriord by the cond Use Sumid Boyel in acceduate with Conditor X.
- Required internal walkways shore be shawn on any findi plans.
 - I and serem and serem and south a
- ${\cal U} \wedge m_w m$ 25 faot wide landscape strip. Plote A-3 modilied, shall be provoed barry Kingli Arneld Bood *
- Monrum 50 and 25 tool was planning succers, Plate B-4 modified, shall be been acceed away the sucht property true. Flact materials shall be a muture of plants such as Mixed Pha, Vagna Pha, Sowmach Holly and faster Holly or a muture writh with any provide on equivalent screen
- Initianal increasons and be prowed at a minimum ratio of 100 square feet the investigate one one one and and ther (free shift) minimum process Beaured indicators the indicators down one of the reserved process. Beaured indicators one and not be less them 200 square feet in one or any single locations U
- Equivalent londaccoing may be substituted for that required above, subject to the approval of the Diffue of Planumg and Development
 - All recurse landscoping and screening shall not conflict with ony easement-including overhead wires
- All relate dumpaters shall be completely screened from view fram all adjacent properties and from public roads
 - All loading focklines shall be screened from wew of the public roads and adjacent properties
- Lighting standards shall have a maximum height of 30 feel, except that within 200 feet of the south property in a coptact to easilying researchai development a maximum height of 12 feel shall be resured
- Lighting shall be directed so as not to glore into residential property

- v Signs
- A Signs shall be in accordance with the O-G District Regulations
- Minimum sign selback shall be 15 feet from street right-of-ways æ
- C Paricale and temporary signs and autaoar advertising signs shall be prohibited except for contruction signs
 - W Drainage
- A dramage plans and be submitted to the City/County Engineer(s) for review m
 - Drances moreovermatic relating possible on-site detection shall be proved under contract in accordence with the Sustains on Regulations and the City of Hemorits Divering Dasayn Meruch
 - This broact must be evoluted by the formersee Department of Health and evolution transform their prediction over the wolfcrounters on this site in accordance with the Water Quolity Cantral Mit of 1977 on anended (TCA 69-3-101 et Mq) 4
- VII The Long Jack Econor Board merch maddly the blank, econors, as investigating and environment and an environment and the second environment and an environment and the second environment and and an environment and an environment and an environment and the second environment and an environment and and a particular environment and an environment and an environment and an environment and and an environment and an environment and and an environment an environment an environment an environment an environment an environm
- The " "not plan shall be free within five years of the opproval of the ophilae gion " und use Control Bagin may grant extensions at the request of the coprisons ----5
- Any find, plan shell include the following ×
 - A The outline plan concilions
- A standard subdivision contract as delined by the Septimisian Regulations for any needed public improvements m
- The exact listation and dimensions including height of all bullengs or bullation trans, protestion and suffly ecsements, strange publied exest trans, receptedes, including features and required inotationing and accessing 4
 - 2000
 - The exterior appearance of proposed buildings and signs
- The content of all longscoping and screening to be provided
- The propusation means of access and preparation of automobile and bedelitrion traffic.
- "he location and ownership, whether public of any envertent
- A statement behavioring all common facilities and areas to properly owners' association or other whitly, for avenership and maintenance purpares 1

OFTIN M

- Per locarry rate should be paced on the first plat of ory development description of an effort efforts and distribute the draw and draw draw model of the strain efforts are drawn and draw are drawn and and able of a strain efforts are draw and draw draw model. The strain efforts are drawn and draw are drawn as applied the strain effort and plat of a drawn drawn are applied by the proving and are applied able of another and an antionative area applied and are are areas another are applied by the proving and are are areas an another and by the proving and are are applied and an another area and an area area and an area areas an another areas and the applied and are are are areas an another areas and an area areas and an area areas and an another areas areas and areas are are areas areas and areas and the approver and are are areas areas areas and areas and the approver and areas are are areas areas areas areas areas and an area areas are areas area

The LUCB on May 14, 1998 approved a correspondence dem far the Site Plan with the following conditions

- The Outrare Poin shot be re-recorded to omend the graphic depicting building boliphing and access. The amended outure film shall show for proposed buildings dang with the extension of ML Moreh Road Extended as a public street.
 - ~
- The proposed building elevations shall be provided os a part of the Final Pliet and subject to the approval of the Office of Planning and Development.

MEMPHIS, TENNESSEE

WARD 2 BLOCK 30, PAROTI 222 WARD 2 BLOCK 41, PAROTI 404 WARD 2 BLOCK 30, PAROTI 717, JOS, JOS 100 YEAR FLOOD ELEV 284 5

- Dedects 68 (w) of rept-of-way and improve with 48 feet of parement WI Variah Esti-refer Proved o timpporty functionals, subject to the approval of City/County Engineering, of the counteest conter of the projecty ~
 - The approved Landscope Plan shall be provided as a part of the "Final Plat" 4
- -0
- The Final Plat shall provide the finished floor elevation, the overal building height, und the alwellor of Nonconte provery opposition to the rate. The averatio building height shall not acceed 35 feet above the grade of Noncontal Parkway.

ETI JOB # 95042-52 SHT 2 of 3

DATE 11/5/98

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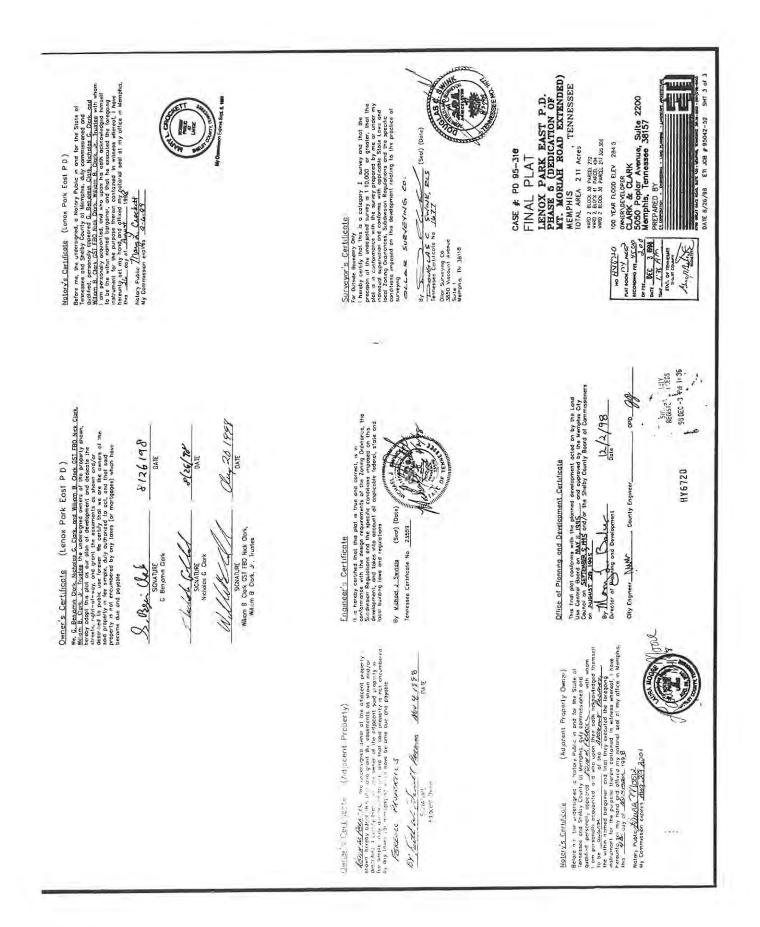
-U-U-

the "Search - not jury crost sind includ the

owerveropen CLARK & CLARK 5050 Poplar Avenue, Suite 2200 Memphils, Tennessee 38157

PREPARED BY





plat is in conformance with the survey prepared by me or under my individual supervision and conforms with applicable State Laws and local Zoning Ordinances, Subdivision Regulations and the specific conditions imposed on this development relating to the practice of surveying. OLLAR SURVEYING CO. (Seal) (Date) By. Tennessee Certificate No. 1677 Ollar Surveying Co. 3850 Viscount Avenue Suite 1 Memphis, TN 38118 NO.16 CASE #: PD 95-318 FINAL PLAT LENOX PARK EAST P.D. PHASE 5 (DEDICATION OF MT. MORIAH ROAD EXTENDED) , TENNESSEE MEMPHIS TOTAL AREA: 2.11 Acres WARD 2, BLOCK 30, PARCEL 222 WARD 2, BLOCK 41, PARCEL 404 WARD 2, BLOCK 30, PAPCEL 217,305.308 100 YEAR FLOOD ELEV .: 284.5 HO HYGJLO OWNER \DEVELOPER: MAT HOOK 114 MOR CLARK & CLARK 5050 Poplar Avenue, Suite 2200 Memphis, Tennessee 38157 45.00 LECORDING PEL 200 DP FEE 3 1998 DEC DATE: PREPARED BY: 1:36 AM DISHCOR ETT COMPORATION TIME . STAT. OF TENNESSEE HENAT COUNTY Ala AT OUR BAR SHITE 01 3 DATE: 8/26/98

and the state of the line of the

Municipal Planner Land Use and Development Services Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

Delta Area Holdings LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 0 Mt Moriah, Memphis TN 38125

Department of Planning and Development,

Delta Area Holdings LLC is applying for Rezoning at 0 Mt Moriah, Memphis TN 38125

(parcel # 093500 00627).

Best Regards,

Delta Area Holdings LLC

HS 6059

This Instrument Prepared by and Return to: LceAnne M. Cox Burch, Porter & Johnson, PLLC 50 North Front, Suite 800 Memphis, TN 38103

QUIT CLAIM DEED

Tom Leatherwood, Shelby County Register of Deeds: Instr #HS6059

KNOW ALL MEN BY THESE PRESENTS, that A. DWIGHT FERRELL, KEITH W. FERRELL, AND JOHN P. FERRELL (collectively, "Grantors"), in consideration of Ten and No/100 Dollars (\$10.00), hereby bargain, sell, remise, release, quit claim, and convey unto G. BENJAMIN CLARK, NICHOLAS G. CLARK, AND WILLIAM B. CLARK, JR., AS TRUSTEE OF THE TESTAMENTARY TRUST FOR THE BENEFIT OF NICHOLAS G. CLARK CREATED UNDER THE LAST WILL AND TESTAMENT OF WILLIAM B. CLARK, DECEASED, the following described real estate located in the city of Memphis, Shelby County, Tennessee, to-wit:

See Exhibit A attached hereto and made a part hereof.

This conveyance is made unto each grantee in the following percentages:

The Testamentary Trust for the benefit of Nicholas G. Clark created under the Last Will and Testament	
of William B. Clark, Deceased	31.63%
G. Benjamin Clark	50.00%
TOTAL	100.00%

This being part of the same property conveyed to Grantors by deed recorded as Instrument No. CY 9742 in the Register's Office of Shelby County, Tennessee.

IN TESTIMONY WHEREOF, the undersigned have executed this instrument this the 18^{m} day of August, 1998.

Keith W. Ferrelt John P. Ferrell

STATE OF TENNESSEE COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said county, A. Dwight Ferrell, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this ______ day of August, 1998.

NOTARY PUBLIC

Imal

My Commission Expires:

MISUST 29 2001

Page 1 of 2

HS 6059

STATE OF TENNESSEE COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said county, Keith W. Ferrell, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

Tom Leatherwood, Shelby County Register of Deeds: Instr #HS6059

WITNESS MY HAND, at office, thi	s day of August, 1998.
	NOTARY PUBLIC
My Commission Expires: <u>AUSUST 29</u> 2001	Laura More

18th day of August, 1998.

Kaura Mome

NOTARY PUBLIC

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said county, John P. Ferrell, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this ____

My Commission Expires:

August 29, 2001

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 $\frac{20}{0!0}$.

AFFIANT

NGTARY PUBLIC

Sono Bean Clabe

Mary L. Crockett

Subscribed and swom to before me this 24 day of August, 1998.

My Commission Expires:

9-6-99

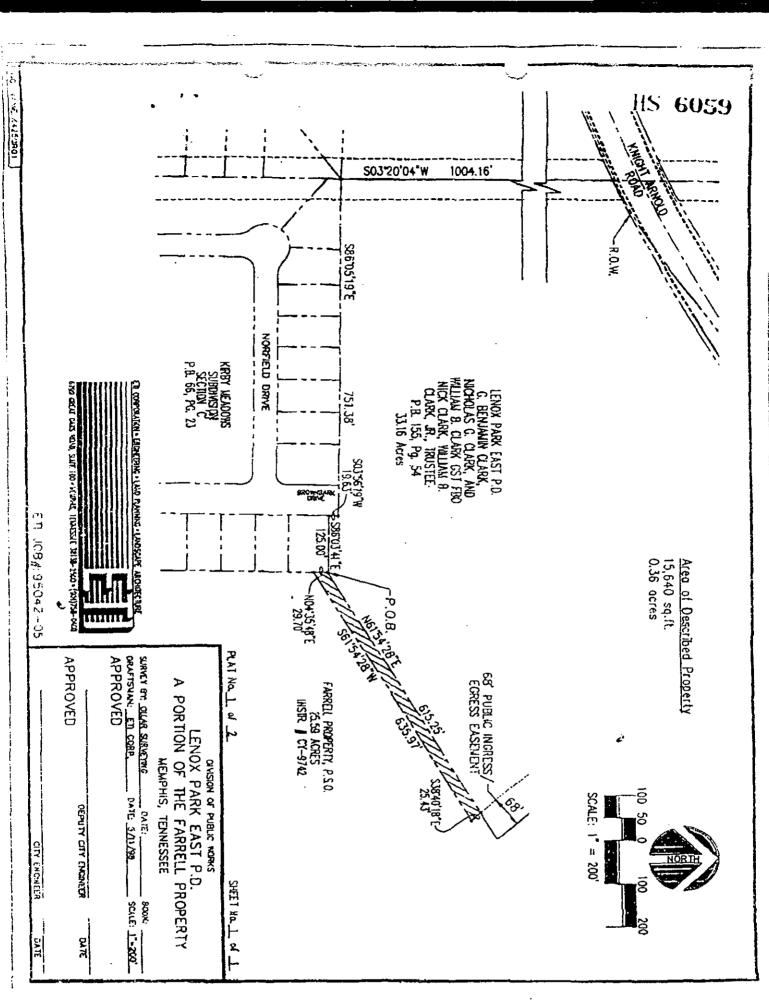
Property Address: vacant Person or entity responsible for payment of real property taxes: Clark and Clark 5050 Poplar Ave. #2200 Memphis TN 38157

Tax parcel I.D. No.: Part of D02-041-146

el Interchark spedi fer 16 18 % Tom Leatherwood, Shelby County Register of Deeds: Instr #HS6059

Commencing at the intersection of the south right-of-way line of Knight Arnold Road (108' right-of-way) and the common property line between Lenox Park East (P.B. 155, PC. 54) and Clark Realty (Instrument No. ET-3468); thence S 03° 20' 04" W along said common line, a distance of 1004.16' to a point, said point being the northwest corner of Kirby Meadows Subdivision, Section 'C' (P.B. 66, PG. 23); thence S 86° 05' 19" E along the north line of Kirby Meadows Subdivision, a distance of 751.38' to point in the east right-of-way line of Brownbark Drive; thence 5 03° 56' 19" W along said right-of-way, a distance of 19.63' to a point; thence S 86° 03' 41" E along the north line of Kirby Meadows Subdivision, a distance of 125.00' to THE POINT OF BECINNING; the N 61° 54' 28" E along the common line of said Lenox Park East and Farrell Property, P.S.O. (Instrument No. CY-9742), a distance of 615.25' to a point in the west right-of-way line of proposed road (68' right-of-way); thence S 38° 40' 18" E along proposed R.O.W., a distance of 25.43' to a point; thence S 61° 54' 28" W, a distance of 635.97' to a point on the east property line of Kirby Meadows Subdivision; thence N 04° 35' 48" E along said east line, a distance of 29.70' to THE POINT OF BEGINNING, containing 15,640 square feet of land, 0.36 acres, more or less.

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HS No DK P_{ES}. 00000 3 000 ۍ ۲ Yei _ 81776 i HS6059 PC35 15 ; d. ÷ 171 υr ł 10177 60 0 ١, 4 15 F - •**4**4.2 і. Э.

SHELDY COUNTY REGISTER OF DEEDS 98 AUG 26 PH 12: 22

Tom Leatherwood, Shelby County Register of Deeds: Instr #HS6059

Commencing at the intersection of the south right-of-way line of Knight Arnold Road (108' right-of-way) and the common property line between Lenox Park East (P.B. 155, PG. 54) and Clark Realty (Instrument No. ET-3468); thence S 03° 20' 04" W along said common line, a distance of 1004.16' to a point, said point being the northwest corner of Kirby Meadows Subdivision, Section 'C' (P.B. 66, PG. 23); thence S 86° 05' 19" E along the north line of Kirby Meadows Subdivision, a distance of 751.38' to point in the east right-of-way line of Brownbark Drive; thence 5 03° 56' 19" W along said right-of-way, a distance of 19.63' to a point; thence S 86° 03' 41" E along the north line of Kirby Meadows Subdivision, a distance of 125.00' to THE POINT OF BEGINNING; the N 61° 54' 28" E along the common line of said Lenox Park East and Farrell Property, P.S.O. (Instrument No. CY-9742), a distance of 615.25' to a point in the west right-of-way line of proposed road (68' right-of-way); thence S 38° 40' 18" E along proposed R.O.W., a distance of 25.43' to a point; thence S 61° 54' 28" W, a distance of 635.97' to a point on the east property line of Kirby Meadows Subdivision; thence N 04º 35' 48" E along said east line, a distance of 29.70' to THE POINT OF BECINNINC, containing 15,640 square feet of land, 0.36 acres, more or less.

K4205101.doc

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY MI 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.

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

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

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

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

of the property located at O Mount Moniah and further identified by Assessor's Parcel Number _____ 09350 00 (p37 for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this \underline{TH} day of \underline{Oct} in the year of $\underline{2034}$ to Marca My Commission Expires Signature of Notary Public Auaust 03. 2026

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, <u>April 8, 2025</u> at 4:00 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER:	Z 2024-009		
LOCATION:	0 Mt. Moriah Ext., north of Kirby Terrace Drive		
COUNCIL DISTRICTS:	District 2 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Prentiss Mitchell		
REPRESENTATIVE:	N/A		
REQUEST:	Rezoning of \pm -22.96 acres from Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) to Commercial Mixed-Use – 3 (CMU-3)		

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: Rejection

Memphis and Shelby County Land Use Control Board: Rejection

NOW, THEREFORE, you will take notice that on Tuesday, <u>April 8, 2025</u>, at 4:00 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

THIS THE _____, ____

FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103

RA OAK LIINE LLC 11 S ORLEANS ST # MEMPHIS TN 38103

HURLEY RONALD R 3385 BROWNBARK DR # MEMPHIS TN 38115

YOUNG MARCUS 6725 HALLSHIRE CV # MEMPHIS TN 38115

BLACKMON LEON JR 3400 BROWNBARK DR # MEMPHIS TN 38115

EQUITY TRUST CUST CO FBO BUFORD ANDRE D 865 S MAIN ST #2 PLYMOUTH MI 48170

FKH SFR PROPCO B-HLD LP 1850 PARKWAY PL #900 MARIETTA GA 30067

MORRIS TERRY 3415 BROWNBARK DR # MEMPHIS TN 38115

ANDERSON TERESA 6708 VALLEY PARK DR # MEMPHIS TN 38115

LOVE MARK 6790 VALLEY PARK DR # MEMPHIS TN 38115

FOREMAN DARRELL A AND STEPHANIE K WATSON 6868 VALLEY PARK DR # MEMPHIS TN 38115

TROTTER ORA 6882 VALLEY PARK DR # MEMPHIS TN 38115

SHAW STACEY 6723 VALLEY PARK DR # MEMPHIS TN 38115

FLOWERS BARON 6729 VALLEY PARK DR # MEMPHIS TN 38115

VILLALBA AURORA 3446 BROWNBARK DR # MEMPHIS TN 38115

3448 HALLSHIRE DR # MEMPHIS TN 38115

AMADOR JORGE & ROSA HERNANDEZ 6781 VALLEY PARK DR # MEMPHIS TN 38115

WINFREY JOHN T PO BOX 192 # EADS TN 38028

HARPER JACQUELINE 6817 VALLEY PARK DR # MEMPHIS TN 38115

AO PROPCO 1 LLC 32 MERCER ST #4 NEW YORK NY 10013

WILHITE KENNETH L & ANNA 6744 BROWNBARK CV # MEMPHIS TN 38115

GASSAMA ABRAHAM 6808 KIRBY ARMS DR # MEMPHIS TN 38115

GONZALEZ FELICITO 6816 KIRBY ARMS DR # MEMPHIS TN 38115

MORENO FRANCISO J & GUILLERMINA LEBE 6711 BROWNBARK CV # MEMPHIS TN 38115

DORNING EDYTH 3467 KIRBY TERRACE DR # MEMPHIS TN 38115

STEWART LAZE S JR 3468 KIRBY TERRACE DR # MEMPHIS TN 38115

BARUTT AZIZA S 6739 BROWNBARK CV # MEMPHIS TN 38115

SIMMONS KENNETH L & JUDITH L 3476 BROWNBARK DR # MEMPHIS TN 38115

HARRIS DAVID J & ELOISE R 6787 KIRBY ARMS DR # MEMPHIS TN 38115

PITTMAN ERIK L 6801 KIRBY ARMS DR # MEMPHIS TN 38115

COOPER TAMARA 6821 KIRBY ARMS DR # MEMPHIS TN 38115

ROBINSON SHARON D 6829 KIRBY ARMS DR # MEMPHIS TN 38115

JOHNSON WILLIE G 6855 KIRBY ARMS DR # MEMPHIS TN 38115

SANCHEZ SAMUEL H & MARIA MEJIA 3482 BROWNBARK DR # MEMPHIS TN 38115

ARMM ASSET CO 2 LLC 5001 PLAZA ON THE LAKE #200 AUSTIN TX 78746

CABAHUG NEIL A & SOPHORN 19730 CAMPAIGN DR # CARSON CA 90746

HULBERT MILLICENT C 1111 FALCON PARK DR #2102 KATY TX 77494

DREAM HIGHER INVESTMENTS LLC 101 JULIA LOOP # DANVILLE CA 94506 UNISON SOLUTION CAPITAL LLC 3611 CONNIE KAY WAY # BLOOMINGTON IL 61704

TURNER CHARLES D SR AND LOU A J TURNER 6786 GREENBARK DR # MEMPHIS TN 38115

WRIGHT SANDRA 3490 BROWNBARK DR # MEMPHIS TN 38115

SANCHEZ MARIA D 6794 GREENBARK DR # MEMPHIS TN 38115

JONES GIFTON H III & SANDRA D TURNER-6870 GREENBARK DR # MEMPHIS TN 38115

LOCKE JOHN N & kathryn d 1229 E 8220 # SANDY UT 84094

BEVERIDGE NANCY A 192 ATLANTIC AVE # NORTH HAMPTON NH 03862

MILLBROOKS LAVERNE P S 3490 KIRBY TERRACE DR # MEMPHIS TN 38115

TAN WEI-EN 610 W 42ND AVE # SAN MATEO CA 94403

LENOX PARK MEMPHIS REALTY LP 1 WORLD TRADE CTR #83G NEW YORK NY 10007 WHITTED WINDELL M 3403 HALLSHIRE DR # MEMPHIS TN 38115

STRICKMAN-LEVITAS BRIAN K 3235 ROSWELL RD #619 ATLANTA GA 30305

BONDOC EDWARD 3803 169TH ST # LYNNWOOD WA 98037

ARMM ASSET COMPANY 2 LLC 5001 PLAZA ON THE LK #200 AUSTIN TX 78746

ROBINSON YVONNE 3373 HALLSHIRE DR # MEMPHIS TN 38115

LAKE CHRISTINE B R 6824 VALLEY PARK DR # MEMPHIS TN 38115

DOYLE BRITANI A 6832 VALLEY PARK DR # MEMPHIS TN 38115

COLLINS CLINTON 6838 VALLEY PARK DR # MEMPHIS TN 38115

WILKERSON JERRY & CHERYL D 6846 VALLEY PARK DR # MEMPHIS TN 38115

CAMARILO CAROLYN AND REGINALDO 6854 VALLEY PARK DR # MEMPHIS TN 38115

MCGEE CINDY A 6721 NORFIELD DR # MEMPHIS TN 38115

PRATCHER RAY A 3373 BROWNBARK DR # MEMPHIS TN 38115

NOVEMBER ASSET MANAGEMENT LLC RS RENTAL III-A LLC 2315 TOMPIRO DR # ALBUQUERQUE NM 87120

SAAVEDRA EDGAR E & AMALIA B 6789 VALLEY PARK DR # MEMPHIS TN 38115

CLARK VIRGINIA 6731 BROWNBARK CV # MEMPHIS TN 38115

STERN TOM 1528 TRENTWOOD PL # ATLANTA GA 30319

VASQUEZ REINALDO O & ESPERANSA SUAREZ 3501 KIRBY TERRACE DR # MEMPHIS TN 38115

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

SHELBY COUNTY TAX SALE 89.2 EXH #11631 RANDOLPH DEBRA L 160 N MAIN ST # MEMPHIS TN 38103

CENTER HARBOR CHRISTIAN CHURCH PAYNE BRIAN PO BOX 361 # AMISSVILLE VA 20106

CANTU MARLENE 6750 NORFIELD DR # MEMPHIS TN 38115

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

3352 BROWNBARK DR # MEMPHIS TN 38115

HILL JOHN L JR 6715 NORFIELD DR # MEMPHIS TN 38115

RIVERA CIPRIANO R 3360 BROWNBARK DR # MEMPHIS TN 38115

BECKMAN FRED 6729 NORFIELD DR # MEMPHIS TN 38115

EVANS SHONTANIQUE 6735 NORFIELD DR # MEMPHIS TN 38115

BAILEY TIMOTHY 3365 BROWNBARK DR # MEMPHIS TN 38115

3366 BROWNBARK DR # MEMPHIS TN 38115

> P O BOX 1849 # OLIVE BRANCH MS 38654

ALARCON MAURO & ROSANNE 2789 FOURTHPLAIN ST # SAN JOSE CA 95121

HOLLY TINA V 6726 HALLSHIRE CV # MEMPHIS TN 38115

KONZELMAN DAVID E & MARY A AND MICHEAL A 3374 BROWNBARK # MEMPHIS TN 38115

WAKEFIELD TAURA M 6730 HALLSHIRE CV # MEMPHIS TN 38115

VM MASTER ISSUER LLC 5001 PLAZA ON THE LAKE #200 AUSTIN TX 78746

BRANCH JOYCE V 3381 HALLSHIRE DR # MEMPHIS TN 38115

BROWN LEIGHTON M 7662 BROOKBRIAR CV # MEMPHIS TN 38125

MARTINEZ JULIO 3386 BROWNBARK DR # MEMPHIS TN 38115

PALMER-WILLIAMS PAMELA 6731 HALLSHIRE CV # MEMPHIS TN 38115

R COLE REAL ESTATE HOLDINGS GP 9753 GREEN SPRUCE DR # LAKELAND TN 38002

LE ELVIS VAN & KATHY 6717 HALLSHIRE CV # MEMPHIS TN 38115

UPSHAW ALONDRIA 3393 BROWNBARK DR # MEMPHIS TN 38115

KRIDEL FAMILY TRUST 1019 PINE ST # SANTA MONICA CA 90405

VM PRONTO LLC 5001 PLAZA ON THE LAKE #200 AUSTIN TX 78746

BLANKS ASLEAN AND TRESSAN BLANKS (RS) 3399 BROWNBARK DR # MEMPHIS TN 38115

MARTINEZ JULIO 3415 VALLEY PARK CV # MEMPHIS TN 38115

FAMILY INVESTOR GROUP OF MEMPHIS 2524 OVERLOOK DR # GERMANTOWN TN 38138

WILLIAMS MAE H 3412 VALLEY PARK CV # MEMPHIS TN 38115

HERNANDEZ LUIS D 3854 GIVEN AVE # MEMPHIS TN 38122

PROVIDENT TRUST GROUP LLC FBO ROBERT ABE 8880 W SUNSET RD #250 LAS VEGAS NV 89148

GEORGE FLORENCE 3418 VALLEY PARK CV # MEMPHIS TN 38115

WILLIAMS MILDRED 3425 VALLEY PARK CV # MEMPHIS TN 38115

K & H REAL ESTATE LLC 3823 CUTTER CV # ARLINGTON TN 38002

CASTRO LEONARDO 3422 BROWNBARK DR # MEMPHIS TN 38115

RS RENTAL I LLC 1955 S VAL VISTA DR #126 MESA AZ 85204

YOUNG DINA 3429 BROWNBARK DR # MEMPHIS TN 38115

NOLASCO FULGENCIO AND EVARISTO SUAREZ 6774 VALLEY PARK DR # MEMPHIS TN 38115

HOOD CONNIE 6782 VALLEY PARK DR # MEMPHIS TN 38115

COOK JERRI S 6796 VALLEY PARK DR # MEMPHIS TN 38115

MEDINA IRIS V 6609 POLK ST # WEST NEW YORK NJ 07093 P FIN VII MEM LLC 3525 PIEDMONT BLDG 5 RD #900 ATLANTA GA 30305

GUPTA GYAN 14757 HOLLY TREE LN # FRISCO TX 75035

FKH SFR PROPCO B-HLD LP 1850 PARKWAY PL #900 MARIETTA GA 30067

KCM INVESTMENTS LLC PO BOX 280 # CORDOVA TN 38088

EMIGDIO RODRIGO C 6890 VALLEY PARK DR # MEMPHIS TN 38115

BANAH LLC 66 TIMBER RIDGE RD # NORTH BRUNSWICK NJ 08902

K & J INVESTMENTS USA LLC 11816 INWOOD RD #70506 DALLAS TX 75244

AT YOUR DOOR CAPITAL LLC 7303 BRISCOE LN # LOUISVILLE KY 40228

BANKS MINNISHA L 6745 VALLEY PARK DR # MEMPHIS TN 38115

AMOR ANTONIO 1904 CLINTONVILLE ST # WHITESTONE NY 11357

LUMPKIN DIANNA M 3440 KIRBY TERRACE DR # MEMPHIS TN 38115

WRIGHT SANDRA A 6795 VALLEY PARK DR # MEMPHIS TN 38115

COHRAN REGINALD AND SHERANDA GRANT AND 6809 VALLEY PARK DR # MEMPHIS TN 38115

GRACE SOL JR 6823 VALLEY PARK DR # MEMPHIS TN 38115

SULFRIDGE CLAYTON E & AIDA 6710 BROWNBARK CV # MEMPHIS TN 38115

LI JIAWEN 667 CONGRESS ST #201 PORTLAND ME 04101

DOBBINS SHERETTA L 6716 BROWNBARK CV # MEMPHIS TN 38115

FELTON DYNASTY A 3450 KIRBY VALLEY DR # MEMPHIS TN 38115

CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067

MIRAGLIA PROPERTY MANAGEMENT LLC LLC LEAVY ROBERT L & TERRESA 1 BROWN AVE #87 LAKEHURST NJ 08733

LBJ HOLDINGS LLC 990 VIA GANDALFI # HENDERSON NV 89011

GONZALEZ TOMAS R 1407 GREEN AVE #1 BROOKLYN NY 11237

FLEMING WALTER J FLEMING WALTER J 3448 KIRBY TERRACE DR # MEMPHIS TN 38115

WEBB SANDRA T 3453 BROWNBARK DR # MEMPHIS TN 38115

HAMPTON TARSHA C 3451 KIRBY TER # MEMPHIS TN 38115

HERRERA JESUS R 6722 BROWNBARK CV # MEMPHIS TN 38115

SMITH JANET L 6728 BROWNBARK CV # MEMPHIS TN 38115

COSBY CATHERINE O 6736 BROWNBARK CV # MEMPHIS TN 38115

ASEFUABA MAAME A 365 KNICKERBOCKER RD # ENGLEWOOD NJ 07631

6784 KIRBY ARMS DR # MEMPHIS TN 38115

HERNANDEZ ARIADNA 6788 KIRBY ARMS DR # MEMPHIS TN 38115

MURPHY JAMES H & LORETTA E 6796 KIRBY ARMS DR # MEMPHIS TN 38115

GOMEZ CELINA 3454 KIRBY TERRACE DR # MEMPHIS TN 38115

WALKER ANGELA R 6802 KIRBY ARMS DR # MEMPHIS TN 38115

AO PROPCO 1 LLC 32 MERCER ST #4 NEW YORK NY 10013

BROAD ST LLC 2595 BROAD ST # MEMPHIS TN 38112

SUE ALAN 1 KEAHOLE PL #3308 HONOLULU HI 96825

BOYD STELLA AND WENDY CURRY 3463 KIRBY VALLEY DR # MEMPHIS TN 38115

HAVENWOOD ALTI LLC 13217 JAMBOREE RD #215 TUSTIN CA 92782

SUMERALL KION AND TONYA SUMERALL 6862 KIRBY ARMS DR # MEMPHIS TN 38115

WASHINGTON COURTNEY T SR & ARROYO JOAQUIN 3459 KIRBY TERRACE DR # MEMPHIS TN 38115

JONES KERESIA L 6780 KIRBY ARMS DR # MEMPHIS TN 38115

KNIGHT CARLA 6870 KIRBY ARMS DR # MEMPHIS TN 38115

HENDERSON ELLA M 6874 KIRBY ARMS DR # MEMPHIS TN 38115

STEWART LAZE JR 3462 KIRBY TERRACE DR # MEMPHIS TN 38115

GAINES MELONEE 3468 BROWNBARK DR # MEMPHIS TN 38115

EMDL 401 K PLAN 867 38TH AVE # SAN FRANCISCO CA 94121

ISBY PATRICIA M 6725 BROWNBARK CV # MEMPHIS TN 38115

QUINONEZ ROSA M 3477 BROWNBARK DR # MEMPHIS TN 38115

PHILLIPS JOYCE A 6783 KIRBY ARMS DR # MEMPHIS TN 38115

472 CROFT RD # BYHALIA MS 38611

OUR HOME TO YOUR HOME REALTY LLC PO BOX 38252 # GERMANTOWN TN 38183

REI NATION LLC PO BOX 381887 # GERMANTOWN TN 38183

411 INVESTMENTS LLC 5524 RIVERDALE RD # MEMPHIS TN 38141

HERNANDEZ MIGUEL 6835 KIRBY ARMS DR # MEMPHIS TN 38115

OUSLEY ARNEDTHA L 3476 KIRBY TERRACE DR # MEMPHIS TN 38115

MORGAN WAURINE C 6875 KIRBY ARMS DR # MEMPHIS TN 38115

CASTILLO CANDELARIO 8090 CENTER HILL RD # OLIVE BRANCH MS 38654

SCHUMACHER FAMILY TRUST 26121 CALLE CRESTA # MISSION VIEJO CA 92692

DOTSON JAMES C & ROSE N 6724 GREENBARK DR # MEMPHIS TN 38115

MORENO GLADYS M H 6772 GREENBARK DR # MEMPHIS TN 38115

TEJEDA INGRIS N T 6780 GREENBARK DR # MEMPHIS TN 38115

THOMPSON CURTIS L 6800 GREENBARK DR # MEMPHIS TN 38115

MATTHEWS TERESA M 6808 GREENBARK # MEMPHIS TN 38115

6814 GREENBARK TRUST PO BOX 650715 # STERLING VA 20165

ORELLANA JOSE P 3489 KIRBY TERRACE DR # MEMPHIS TN 38115

WILLIAMS GLORIA 6822 GREENBARK DR # MEMPHIS TN 38115

HARDY EDWARD & FREDDIE 6854 GREENBARK DR # MEMPHIS TN 38115

HENDERSON CHARLES 6862 GREENBARK DR # MEMPHIS TN 38115

BRADSHAW NOEL 4701 SUMMER AVE # MEMPHIS TN 38122

ROSALES-LOPEZ JUAN O & LORENA BEVERIDGE NANCY 3502 KIBRY TERRACE DR # MEMPHIS TN 38115

192 ATLANTIC AVE # NORTH HAMPTON NH 03862

CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067

SPIRIT MASTER FUNDING X LLC PO BOX 105842 # ATLANTA GA 30348

CRAYTON JOSEPHINE 3416 BROWNBARK DR # MEMPHIS TN 38115

GARICA DERON R 3344 BROWNBARK DR # MEMPHIS TN 38115

LIU PEIXUAN & ALBERTINA WANG (RS) AND STEWART JESSICA D 20500 TOWN CENTER LN #270 3380 BROWNBARK DR # CUPERTINO CA 95014 MEMPHIS TN 38115

SMITH RAY M & CAROLYN S 6810 VALLEY PARK DR # MEMPHIS TN 38115

LENOX PARK MEMPHIS REALTY LP 1 WORLD TRADE CTR #83G NEW YORK NY 10007

KAWAI MAKOTO #

FARRELL PROPERTIES (PSO) 2174 E PERSON AVE # MEMPHIS TN 38114

AO PROPCO 1 LLC 32 MERCER ST #4 NEW YORK NY 10013 ASPEN MEMPHIS LLC AND AR REALTY GROUP 83 SOUTH ST #101 FREEHOLD NJ 07728

BARNES LARRY & LILLIE 6728 NORFIELD DR # MEMPHIS TN 38115

LENOX LAND PARK MEMPHIS LAND LP ONE WORLD TRADE CENTER # NEW YORK NY 10007

ZAPATA VILMA M B 6734 NORFIELD DR # MEMPHIS TN 38115

GOLDSTAR HOMES LLC 3840 WINCHESTER RD # MEMPHIS TN 38118



	00	CITY OUNCIL AGEN	OF MEMP		T
ONE ORIGINAL ONLY STAPLED TO DOCUMENTS		& Zoning_COM		04/08/2025	Planning & Development DIVISION
10 DOCUMENTS		PUBLIC SE		DATE 04/22/2025 DATE	
ITEM (CHECK ONE)ORDINANCE	X_ RESOLUTIO	N REG	QUEST FOR	PUBLIC HEA	RING
ITEM DESCRIPTION:	A RESOLUTION TO APPROVE A STREET DEDICATION FOR PUBLIC RIGHT-OF-WAY FOR A PORTION OF SANDBROOK STREET AT ITS INTERSECTION WITH SPRINGBROOK AVENUE AND A STREET DEDICATION FOR A PORTION OF STONEBROOK AVENUE LOCATED ON THE NORTH SIDE OF STONEBROOK AVENUE, 314.01 FEET EAST OF THE CENTERLINE OF SANDBROOK STREET (CASE # SD 2023-002)				
CASE NUMBER:	SD 2023-002				
LOCATION:	1400 Springbrool	Road and 1420	Stonebrook A	Avenue	
COUNCIL DISTRICTS:	District 3 and Sup	per District 8 – Po	sitions 1, 2,	and 3	
OWNER/APPLICANT:	Smith and Nephe	w, Incorporated a	nd Michael	A. Rivalto Revo	cable Living Trust
REQUEST:	Street dedication	for a portion of S	andbrook St.	and a portion o	f Stonebrook Ave.
AREA:	+/-5,796 square f	eet			
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board recommended <i>Approval with conditions</i>				
RECOMMENDED COUN		iblic Hearing No earing – <u>April 22,</u>	2025		
PRIOR ACTION ON ITEM (1) 05/09/2024 (1) Land Use Control Board		DATE ORGANIZA	TION - (1)	OVED (2) DEN BOARD / COM COUNCIL CO	IMISSION
<i>FUNDING:</i> (2) \$ \$ \$		REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED			
SOURCE AND AMOUNT \$ \$ \$	OF FUNDS	OPERATIN CIP PROJE(FEDERAL/	CT #		
ADMINISTRATIVE APPR	OVAL:		<u>DATE</u>	<u>POSITION</u>	
	11 0			PRINCIPAL	PLANNER
Manne R. S.	aling the	(B)	26/2023	DEPUTY AD	DMINISTRATOR
Bioth		3	126/2	ADMINISTR	ATOR
				DIRECTOR	(JOINT APPROVAL)
				COMPTROL	
				FINANCE D	
				CITY ATTO	
					AINISTRATIVE OFFICER SE CHAIRMAN



Memphis City Council Summary Sheet

SD 2023-002

RESOLUTION APPROVING STREET DEDICATION FOR A PORTION OF THE EAST SIDE OF SANDBROOK STREET AT ITS INTERSECTION WITH SPRINGBROOK AVENUE AND STREET DEDICATION OF A PORTION OF THE NORTH SIDE STONEBROOK AVENUE 314.01 FEET EAST OF THE CENTERLINE OF SANDBROOK STREET, KNOWN AS CASE NUMBER SD 2023-002

- 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, May 9, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SD 2023-002
LOCATION:	1400 Springbrook Road and 1420 Stonebrook Avenue
COUNCIL DISTRICT(S):	District 3, Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Smith and Nephew, Incorporated and Michael A. Rivalto Revocable Living Trust
REQUEST:	Street dedication for a portion of Sandbrook St. and a portion of Stonebrook Ave.
AREA:	+/-5,796 square feet

The following spoke in support of the application: Doug Dugard and Craig Gaffin

The following spoke in opposition of the application: Charles White and Cindy Reaves

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, of the application.

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

Respectfully,

Vorman Saliba

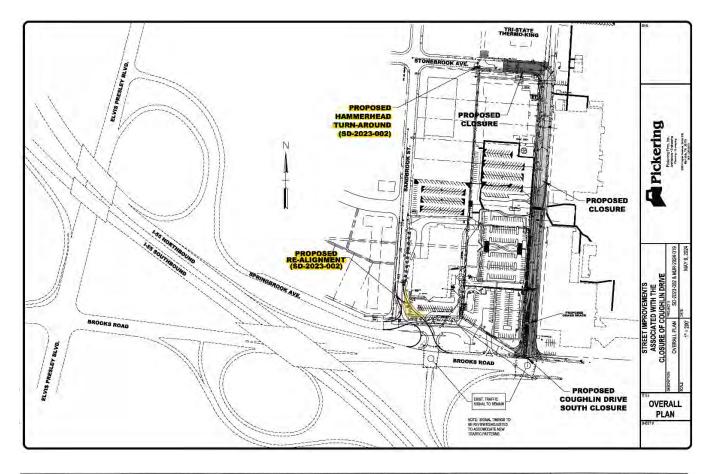
Norman Saliba Deputy Administrator Land Use and Development Services Division of Planning and Development

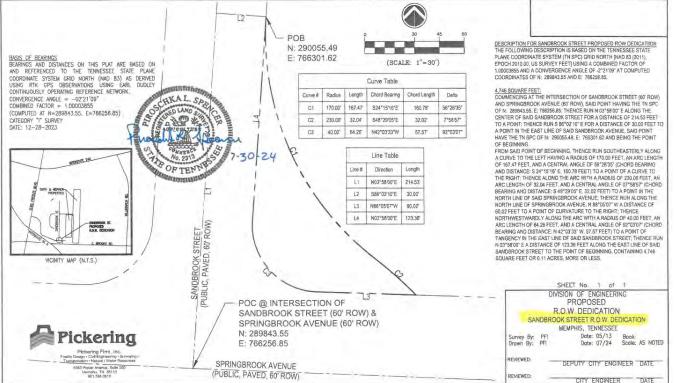
Cc: Committee Members File

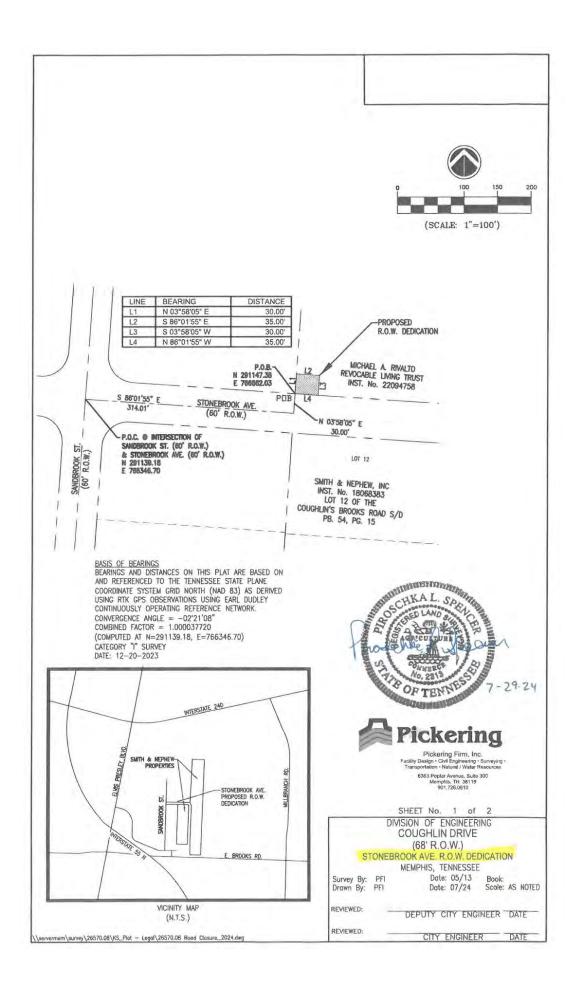
SD 2023-002 CONDITIONS

- The required improvements and recorded Street Dedication Plat(s) must be completed within five (5) years of the date of the approval of the City Council of Case # SD 2023-002. In terms of construction sequence, the dedication, improvement, and opening to the public of the Sandbrook Street realignment at the Springbrook Drive/Brooks Road intersection must occur first.
- 2. All conditions approved under Case #MJR 2024-019 are also applicable for a period of not to exceed five (5) years from the date of the approval of Case # SD 2023-002 by the City Council.

GRAPHICS









A RESOLUTION TO APPROVE A STREET DEDICATION FOR PUBLIC RIGHT-OF-WAY FOR A PORTION OF SANDBROOK STREET AT ITS INTERSECTION WITH SPRINGBROOK AVENUE AND A STREET DEDICATION FOR A PORTION OF STONEBROOK AVENUE LOCATED ON THE NORTH SIDE OF STONEBROOK AVENUE, 314.01 FEET EAST OF THE CENTERLINE OF SANDBROOK STREET (CASE # SD 2023-002)

WHEREAS, Smith and Nephew, Incorporated, is the owner a parcel of real property located at

1400 Springbrook Road (Parcel #06022200350); and

WHEREAS, Smith and Nephew, Incorporated desires to dedicate a portion of their property for

public right-of-way to be included as part of Sandbrook Street, the portion which is more particularly

described as follows and illustrated as part of this resolution:

COMMENCING AT THE INTERSECTION OF SANDBROOK STREET (60' ROW) AND SPRINGBROOK AVENUE (60' ROW), SAID POINT HAVING THE TN SPC OF N: 289843.55, E: 766256.85; THENCE RUN N 03°58'00" E ALONG THE CENTER OF SAID SANDBROOK STREET FOR A DISTANCE OF 214.53 FEET TO A POINT; THENCE RUN S 86°02'10" E FOR A DISTANCE OF 30.00 FEET TO A POINT IN THE EAST LINE OF SAID SANDBROOK STREET, SAID POINT HAVING THE TN SPC OF N: 290055.49, E: 766301.62 AND BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, THENCE RUN SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 167.47 FEET, AND A CENTRAL ANGLE OF 56°26'35" (CHORD BEARING AND DISTANCE: S 24°15'16" E, 160.78 FEET) TO A POINT OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC WITH A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 32.04 FEET, AND A CENTRAL ANGLE OF 07°58'57" (CHORD BEARING AND DISTANCE: S 48°29'05" E, 32.02 FEET) TO A POINT IN THE NORTH LINE OF SAID SPRINGBROOK AVENUE: THENCE RUN ALONG THE NORTH LINE OF SPRINGBROOK AVENUE, N 88°05'07" W A DISTANCE OF 60.02 FEET TO A POINT OF CURVATURE TO THE RIGHT; THENCE NORTHWESTWARDLY ALONG THE ARC WITH A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 64.26 FEET, AND A CENTRAL ANGLE OF 92°03'07" (CHORD BEARING AND DISTANCE: N 42°03'33" W, 57.57 FEET) TO A POINT OF TANGENCY IN THE EAST LINE OF SAID SANDBROOK STREET; THENCE RUN N 03°58'00" E A DISTANCE OF 123.36 FEET ALONG THE EAST LINE OF SAID SANDBROOK STREET TO THE POINT OF BEGINNING. CONTAINING 4,746 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

WHEREAS, it is deemed to be in the best interest of the City of Memphis that said thoroughfare

be accepted, and dedicated to the public use; and

WHEREAS, the Michael A. Rivalto Revocable Living Trust is the owner of a parcel of real

property located at 1420 Stonebrook Avenue (Parcel #06022200226); and

WHEREAS, the Michael A. Rivalto Revocable Living Trust desires to dedicate a portion of their

property for public right-of-way to be included as part of Stonebrook Avenue, the portion which is more

particularly described as follows and illustrated as part of this resolution:

COMMENCING AT THE INTERSECTION OF SANDBROOK STREET (60' R.O.W.) AND STONEBROOK AVE. (60' R.O.W.), SAID POINT HAVING THE TN SPC OF N 291139.18, E 766346.70; THENCE RUN S 86°01'55" E ALONG THE CENTER OF SAID STONEBROOK AVE. FOR A DISTANCE OF 314.01 FEET TO A POINT; THENCE RUN N 03°58'05" E FOR A DISTANCE OF 30.00 FEET TO A POINT IN THE NORTH LINE OF SAID STONEBROOK AVE., SAID POINT HAVING THE TN SPC OF N 291147.38, E 766662.03 AND IS AT THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING THENCE RUN N 03°58'05" E ALONG THE WEST LINE OF THE MICHAEL A. RIVALTO REVOCABLE LIVING TRUST PROPERTY FOR A DISTANCE OF 30.00 FEET TO A POINT IN THE WEST LINE OF SAID PROPERTY; THENCE ALONG THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STONEBROOK AVE. S 86°01'55" E FOR A DISTANCE OF 35.00 FEET TO A POINT; THENCE RUN ALONG THE EAST PROPOSED RIGHT-OF-WAY LINE OF STONEBROOK AVE. S 03°58'05" W FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF STONEBROOK AVE.; THENCE RUN ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF STONEBROOK AVE. N 86°01'55" W FOR A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,050 SQUARE FEET OF LAND MORE OR LESS.

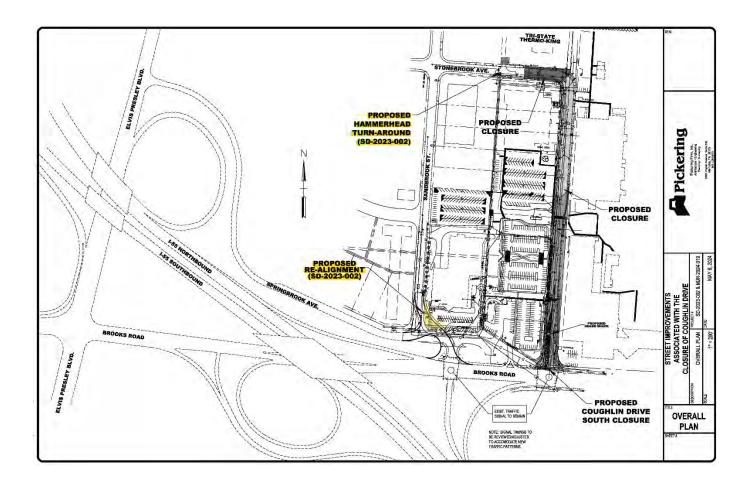
WHEREAS, the Memphis and Shelby County Land Use Control Board, in their regularly

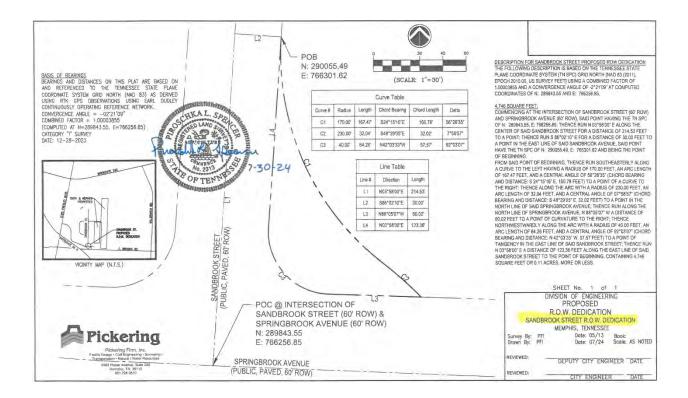
scheduled meeting on Thursday, May 9, 2024, recommended approval of these Street Dedication portions,

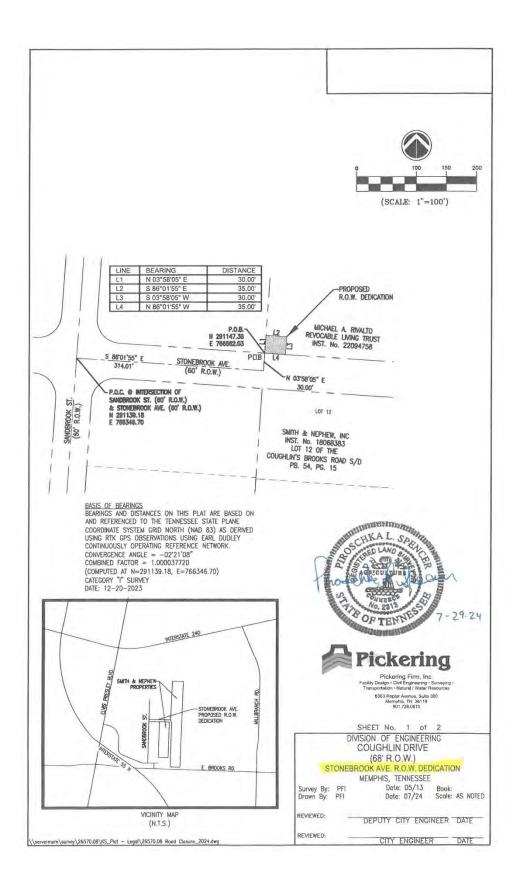
known as Case No. SD 2023-002, subject to the following conditions:

- The required improvements and recorded Street Dedication Plat(s) must be completed within five (5) years of the date of the approval of the City Council of Case # SD 2023-002. In terms of construction sequence, the dedication, improvement, and opening to the public of the Sandbrook Street realignment at the Springbrook Drive/Brooks Road intersection must occur first.
- 2. All conditions approved under Case #MJR 2024-019 are also applicable for a period of not to exceed five (5) years from the date of the approval of Case # SD 2023-002 by the City Council.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the above described thoroughfares be, and the same are hereby accepted for public use, subject to the above mentioned conditions, the approval of a Standard Improvement Contract, and the recording of a Final Street Dedication Plat.







ATTEST:

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

SD 2023-002

dpd MEMPHIS AND SHELBY COUNTY SHELBY COUNTY	'AFF	REPORT		
AGENDA ITEM:	2	L.U.C.B. MEETING: May 9, 2024		
CASE NUMBER:	SD 2023-002			
LOCATION:	3079 Coughlin Dr / 1450 E. Brooks Road			
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Doug Dugard - Smith & Nephew, Inc.			
REQUEST:	Dedication of a cul-de-sac at the eastern end of Stonebrook Avenue and a portion of the proposed realigned Sandbrook Avenue at Springbrook Avenue			
EXISTING ZONING:	Employment (EMP)			

CONCLUSIONS

- 1. This is a companion case to MJR 2024-019, which proposes to close Coughlin Drive.
- 2. The applicants' overall intent of this project is to enhance public safety, improve traffic flow through the industrial park and minimize impact to the neighbors of Smith and Nephew.
- 3. According to the applicant, closing Coughlin will be a major step forward in protecting employees and property by creating a campus style environment by limiting access to authorized employees/visitor and emergency personnel to the site.
- 4. The street improvements using the new dedications will support transportation accessibility throughout the industrial area.
- 5. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area. New public street improvements will mitigate losing Coughlin Drive access.
- 6. As of the release of this staff report on May 3rd, 2024, the applicant and opposition are actively negotiating for a compromise.

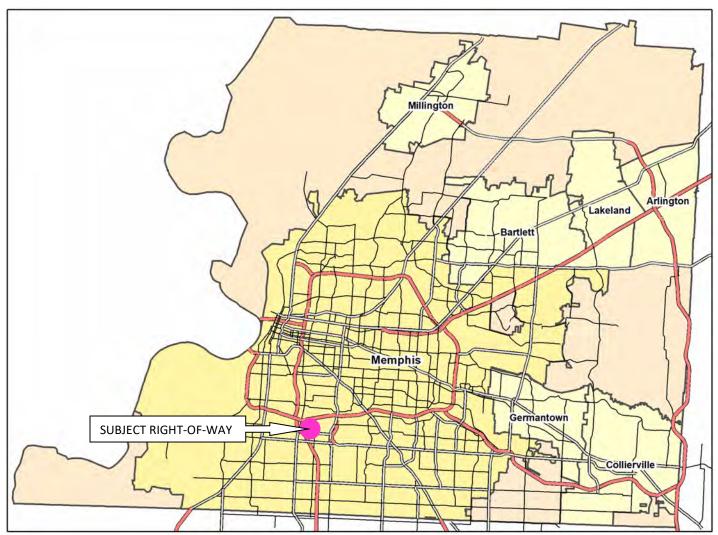
RECOMMENDATION

Approval with conditions

Staff Report SD 2023-002		May 9, 2024 Page 2
GENERAL INFORMATION		
Zoning Atlas Page:	2330	
Parcel ID:	060222 H00006C / 0602220 0002250	
Existing Zoning:	Employment (EMP) / SAC 2013-605 / SAC 2023-001 / SAC 604 / BOA 2004-024	2 1993-010 / SAC 2012-

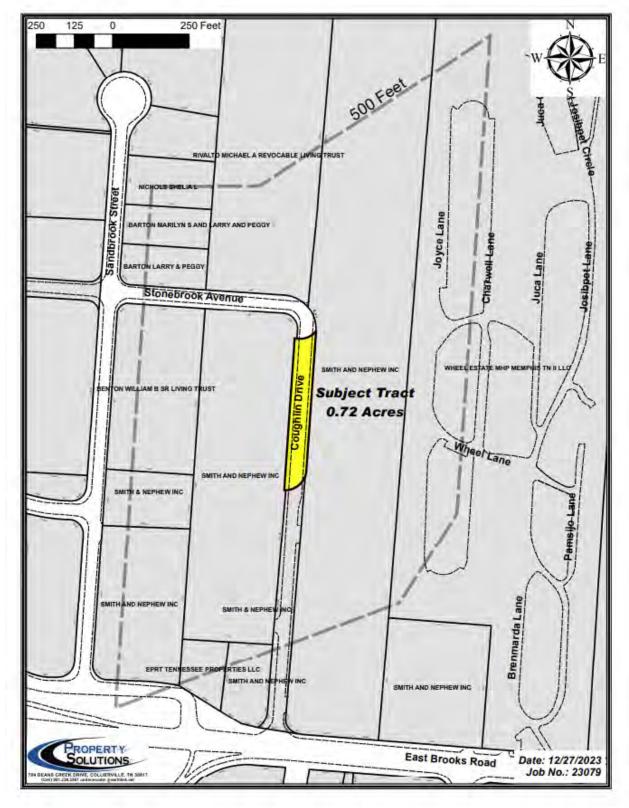
PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 29 notices were mailed on January 12, 2024.



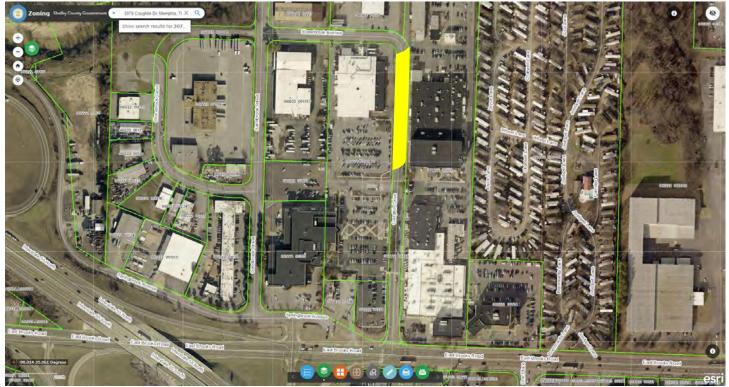
Subject property located within the pink circle, Whitehaven

VICINITY MAP



Subject street segment requesting to be closed per Case # MJR 2024-019 highlighted in yellow.

AERIAL



Subject street segment requesting to be closed outlined in yellow, imagery from December 27, 2023

ZONING MAP



Subject street segment requesting to be closed highlighted in yellow

Existing Zoning: Employment (EMP) / SAC 2013-605 / SAC 2023-001 / SAC 1993-010 / SAC 2012-604 / BOA 2004-024

Surrounding Zoning

North: Floodway (FW)

East: Employment (EMP)

South: Employment (EMP) / Residential Urban – 3 (RU-3)

West: Residential Single-Family – 15 (R-15) / Conservation Agriculture (CA)

LAND USE MAP



Subject street segment requesting to be closed indicated by an orange star

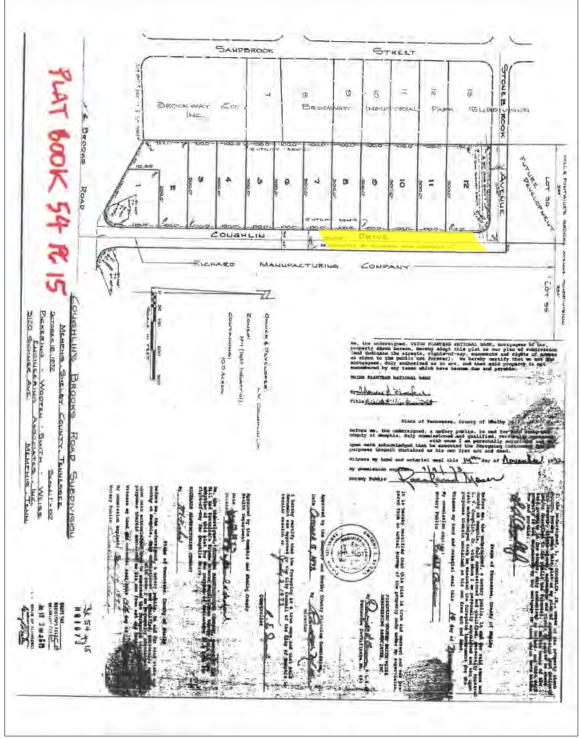
SITE PHOTOS



View of Coughlin Dr. looking south with one Crosswalk with LED Flashing Pedestrian Crossing Sign

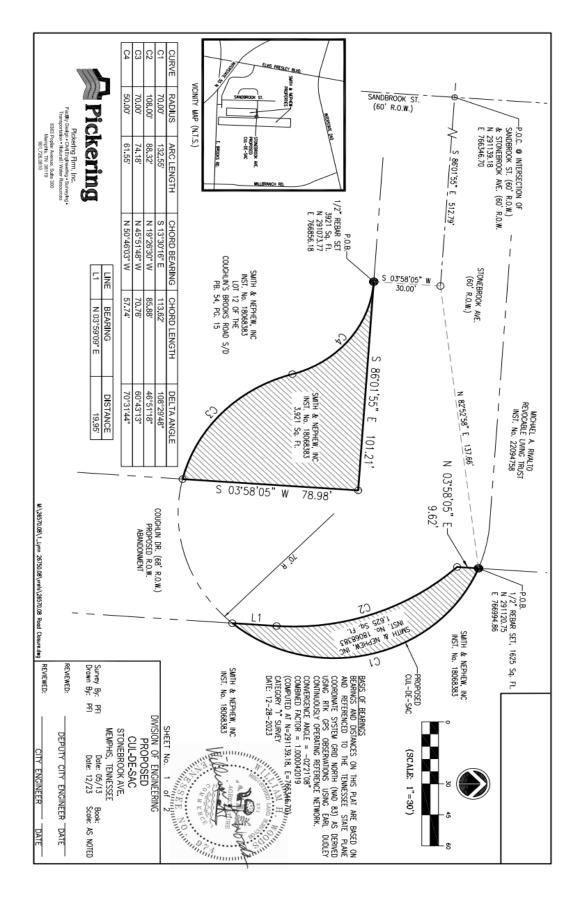


View of Coughlin Dr. looking north with one Crosswalk with LED Flashing Pedestrian Crossing Sign

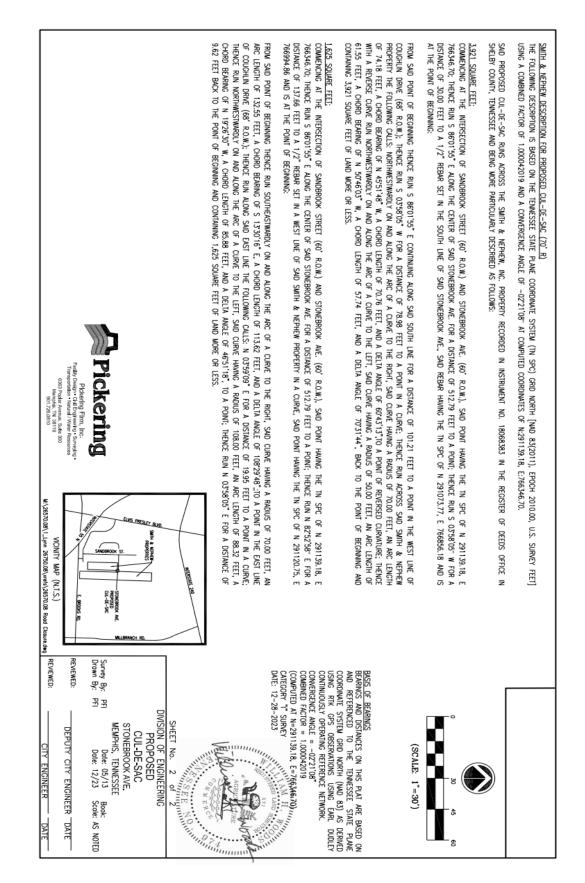


Subject property highlighted in yellow

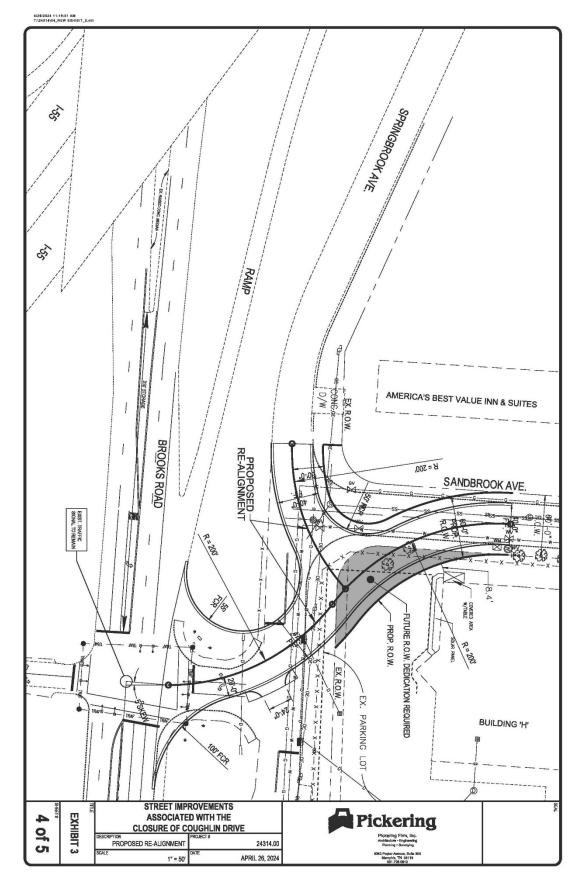
PROPOSED CUL-DE-SAC



PROPOSED CUL-DE-SAC (PG.2)



SANDBROOK STREET DEDICATION



STAFF ANALYSIS

Request and Reason

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

The request is a dedication of a cul-de-sac at the eastern end of Stonebrook Avenue. This is a companion case to the request for MJR 2024-019 to close Coughlin Drive.

Site Details

Address: 3079 Coughlin Drive

Description:

Stonebrook Avenue east of Sandbrook Street currently runs east-west, then taking a 90 degree turn south where the street becomes Coughlin Drive. Coughlin Drive then extends south to intersect with East Brooks Road.

Stonebrook Avenue provides direct access to at least four businesses. These businesses will still retain direct access to Stonebrook Avenue, but, instead of being a through street, Stonebrook Avenue will terminate in a culde-sac if the closing of Coughlin Drive is approved. This same request was previously made under Case # SD 13-701, but the cul-de-sac was never constructed.

Analysis

The proposed dedication and construction of the cul-de-sac is necessitated by the proposed closing of Coughlin Drive. With the approval of the original Coughlin Drive closing by City Council on August 9th, 2016, the termination of Stonebrook Avenue into a cul-de-sac was also required as well as a street dedication area where Sandbrook Drive would be realigned to provide an improved street connection to East Brooks Road to address concerns regarding truck movements in and out of the industrial park.

It should be noted that the previous street dedication application (Case # SD 13-701) has expired, so the currently-filed Case # SD 2023-002 includes the Sandbrook Street Dedication required in the previously-approved City Council conditions. Smith-Nephew owns the property that needs to be dedicated.

In summary, the cul-de-sac dedication and Sandbrook Drive S-curve dedication improvements will accomplish part of the improvements necessary to ensure adequate access will remain to this area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. A Street Dedication Plat cannot be recorded until both the Stonebrook Avenue and Sandbrook Roads construction is complete and open to the public.

May 9, 2024 Page 13

May 9, 2024 Page 14

DEPARTMENTAL COMMENTS

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

City Engineer:	No comments received.
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City Fire Division:

Case Number: SAC 2023 009 Date Reviewed: 1/29/24 Reviewed by: J. Stinson Address or Site Reference:

• Proposed closed portion of Coughlin Drive required to be maintained for Fire Department access.

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

APPLICATION

SHELBY COUNT	D DIVISION OF PLANNING AND DEVELOPMENT				
Record Summary for Street Dedication (Right of Way Dedication)					
Record Detail Information					
Record Type: Street Dedication (Right of Way Dedication)	Record Status: Assignment				
	Opened Date: December 28, 2023				
Record Number: SD 2023-002	Expiration Date:				
Record Name: Coughlin Street Closure					
	OW to the City of Memphis				
Description of Work: Quit Claim Excess Coughlin R					
Description of Work: Quit Claim Excess Coughlin R					
Record Name: Coughlin Street Closure Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address:	C Coughlin Drive				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA	C Coughlin Drive				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address:	C Coughlin Drive				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information	C Coughlin Drive				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name	C Coughlin Drive				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information	C Coughlin Drive				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N	C Coughlin Drive Parent Record Number:				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address	C Coughlin Drive Parent Record Number:				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address	C Coughlin Drive Parent Record Number:				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address Data Fields	C Coughlin Drive Parent Record Number:				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting	C Coughlin Drive Parent Record Number: Owner Phone Chip Saliba 12/21/2023				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type	C Coughlin Drive Parent Record Number: Owner Phone				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL INFORMATION	C Coughlin Drive Parent Record Number: Owner Phone Chip Saliba 12/21/2023 Email				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL INFORMATION Waiver - Article 5 or Chapter 4.3	C Coughlin Drive Parent Record Number: Owner Phone Chip Saliba 12/21/2023				
Description of Work: Quit Claim Excess Coughlin R This is a companion case to the request for SA Address: Owner Information Primary Owner Name N Owner Address Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL INFORMATION	C Coughlin Drive Parent Record Number: Owner Phone Chip Saliba 12/21/2023 Email				

	NFORMATION						
Name of Street / Alley/ ROW Total Area			Stonebrook & Coughlin 0.127 No				
Is this application in response to a citation, stop work order, or zoning letter If yes, please provide additional information							
			3				
GIS INFORMATION Central Business Improvement District Case Layer							
			No				
Class Downtown Fire District Historic District		120					
		No	No				
		1					
Land Use							
Municipality Overlay/Special Purpose District							
Zoning	opecial Fulpose DIS	u ict		1.2			
Lot				-			
State Route		-					
Subdivisi				1.1			
	Development Distric	ct		1.0			
Wellhead Protection Overlay District			No				
Data Table	es						
ADDRESS AN	ID PARCEL LIST						
Property	Address:	1450 E	Brooks Road	1			
Property Parcel Number: 06022200002250							
Property	Address:	3079 Co	ughlin				
Property Parcel Number: 060222H00006C							
Contact In	formation						
Name						Contact T	ype
SMITH & NEPHEW, INC.				APPLIC	CANT		
Address							
1450 E. BI	ROOKS ROAD, ME	MPHIS, T	N, 38116				
Phone							
(901)336-0	0816						
Fee Inform	nation				Sector A sector		
Invoice #	Fee Item		Quantity	Fees	Status		Date Assessed
1527628	Preliminary Plat		1	400.00	INVOICED	0.00	12/28/2023
1527628	Credit Card Use For x fee)	ee (.026	1	10.40	INVOICED	0.00	12/28/2023
		T	otal Fee Invo	iced: \$410.40	Total Ba	lance: \$0.0	0
Page 2 of 3							SD 2023-00

May 9, 2024 Page 17

Payment Information

Payment Amount \$410.40 Method of Payment Credit Card

Page 3 of 3

SD 2023-002

LETTER OF INTENT

[Type here] Sum helenides. April 8, 2024 Land Use and Development Services Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103 LOI for Closure of Coughlin Avenue The following LOI is submitted to the Land Use Control Board as our request to close Coughlin Avenue. This has been an ongoing project for more than 20 years and our hope is that the information provided with move this project forward for the betterment of public safety in the area. Need for Closure - Smith and Nephew is the largest manufacturer in Memphis and Shelby County employing 2,300 individuals across the County. Our largest manufacturing site is located a Brooks Road and I-55 employing approximately 1,900 workers. The manufacturing operation at Brooks consists of 9. buildings covering the equivalent of two city blocks which is divided by Coughlin Avenue. Our operation runs 24/7 and because of the shared operations in our buildings, employees must cross Coughlin all ours of the day and night. Safety and security of our employees is paramount to us and the major driver behind getting the road closed. Crime in Memphis has only increased over the years, and we have had several incidents at our site driving this need. Just in the past year, there has been a shooting at the Popeyes next to us, MPD has chased stolen cars on to Coughlin where occupant have exited the car and thrown weapons onto our property, and car break ins are a constant threat. Smith and Nephew has made a significant investment to provide site/area security with a combination of armed and unarmed officers, enhanced perimeter fencing, lighting, security cameras, Skycops, Ilcense plate readers, etc. in an attempt to protect our employees. We have met with the Memphis Chamber, Chief Davis and her executive team and Council Members in an effort to combat crime in the area. All these measures have been implemented to protect our employees and property however, our neighbors are receiving the extra benefit of our surveillance and monitoring of the site. An example of this is our security team stopping a theft of property at our west adjoining neighbor when robbers attempted to steal a welder and heavy equipment or their vehicle maintenance area during the early morning hours. Closing Coughlin will be a major step forward in protecting our employees and property by creating a campus style environment by limiting access to authorized employees/visitor and emergency personnel to the sile. If should be noted that. Smith and Nephew is fully committed to the project and it is our intent to fund the activity associated with this closure. This includes the two road improvements listed in the major mod as well as all the site improvements needed on Coughlin as part of our campus redesign once the road is closed.

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Application Background – The process to close Coughlin has been a long one covering more than 20+ years. The primary reason for the long timeline is getting alignment with other property owners on the conditions to close the road. Once we did get agreement, the property owners were not willing to contribute the property needed to extend Stonebrook Avenue west to connect to Springbrook Ave (ultimately giving access to Elvis Presley Blvd.)

Once the original SAC was approved by the City in 2016, the City began the preliminary design work for the road improvements that were required. At that point, the property owners we required to contribute property to extend Stonebrook, and that is where the project stalled. Additionally, COVID came into play which further delayed activity to move this forward. Once the City and SN began to reengage on the project, the time limit on the SAC had expired which required us to resubmit.

During the discussion on the resubmittal, it was agreed that we would submit a major mod to the SAC to remove the requirement to extend Stonebrook which was the major opposition to owners in the area and the hurdle to move this project forward. Additionally, the cul-de-sac that was required as part of the SAC was move further north on Coughlin to provide additional security to the site and protect workers crossing Coughlin on the north end of the street.

Summary of Major Mod Conditions - The original SAC was approved with the following conditions:

- Owner shall maintain a driveble corridor between Brooks Road and the new Coughlin Drive/Stonebrook cul-de-sac without obstructions to vehicular movements.
- Provide vehicular access between Brooks Road and the new Coughlin Drive/Stonebrook cul-de-sac whenever access to the industrial park is blocked access due to an accident or emergency. A sign shall be posted with a phone number, monitored 24 hours per day, and 7 days per week, to request the opening.
- The new entrance to Coughlin Drive from Brooks Road shall comply with the requirements of UDC/Section 4.4.8 (Guardhouses and Gates) with adequate room for queuing of vehicles.
- The City of Memphis shall retain an easement across the proposed street dosure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc.
- Coughlin Drive shall remain open to the public, without any construction, until the realigned Stonebrook/Sandbrook Roads construction is complete and open to the public, pursuant to Case SD 13-701.
- Gates on Coughlin Drive shall be activated by fire hom/stren activated or equivalent means to provide for fire and emergency vehicle access.
- Coughlin Drive shall be designated a 'no parking area' without any on-street parking with 'no parking' signs posted on both sides of the street.
- A second point of access to Springbrook Avenue shall be in place prior to the closure of Coughlin Drive. The conceptual alignment of this second point of access is graphically demonstrated in Exhibit A, attached hereto.

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The Major Mod will contain all of the above conditions with the exception of Condition 8. This condition has been removed to prevent any impact to the property owners required to contribute land to the road extension. Additionally, the cul-de-sac listed under term 1 will remain, but the location of the cul-de-sac has been moved further north to better protect SN employees crossing Coughtin. The proposed location for the cul-de-sac has been planned to not impact our adjacent neighbor (Thermo King) to the northwest of our property.

As part of this Major Mod, we performed an unscientific study by using Google Maps and the trip duration is 1 minute longer using the alternate route (1/3 mile vs 1/2 mile). The realignment of the intersection at Springbrook and Brooks will actually benefit other business if he park by allowing better access of 18 wheels from that entry.

Thank you in advance for taking the time to review and discuss this application with us. The overall intent of this project is to enhance public safety, improve traffic flow through the park and minimize impact to our neighbors. We would also like to emphasize our financial commitment to this project by us funding the work, so the City Memphis is not burdened with the cost.

Should you have any questions or need adional details on this project, please reach out to me directly at 901-336-0816.

Sincepely,

Doug Dugard, CHMM Senior Director Facilities Smith & Nephew Inc 1450 East Brooks Road Memphis, TN 38138

May 9, 2024 Page 21

LETTERS RECEIVED

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

Re: Email of opposition from Hercules Freight-RE Closure of Coughlin Drive

Miss Trish <triciaeleogram@gmail.com> Mon 4/22/2024 2:29 PM To:Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>;Saliba, Norman <Norman.Saliba@memphistn.gov>

1 attachments (645 KB) Hercules Regional Coverage-V3.png;

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

Please include attachment with forwarded Opposition email.

On Mon, Apr 22, 2024 at 2:24 PM Miss Trish <<u>triciaeleogram@gmail.com</u>> wrote: Good afternoon,

Please consider the email of opposition in this forwarded message from another essential supply chain stakeholder, Hercules Freight, in the Brookway Industrial Park. Location Location Location! Access Access Access! See the attachment as well.

Tricia Eleogram 901-497-8362

------ Forwarded message ------From: **Lynn long** <<u>lynn.long@comcast.net</u>> Date: Thu, Apr 18, 2024 at 4:11 PM Subject: Fwd: Letter of opposition from Hercules Freight To: Tricia Eleogram <<u>triciaeleogram@gmail.com</u>>

Sent from my iPhone

Begin forwarded message:

From: Lynn long <<u>lynn.long@comcast.net</u>> Date: April 18, 2024 at 3:56:49 PM CDT To: Jody Bailey <<u>jbailey@tstk.com</u>> Subject: Letter of opposition from Hercules Freight

To whom it may concern,

Hi, my name is Tommy Sykes I run the terminal at 3013 Sandbrook St. I want to voice my opinion on the closing of Coughlin St. have about 5 tractor trailer going in and out of

my terminal a day.

And the closing of Coughlin St will cause a bad bottleneck on Sandbrook St. for the traffic going in and out my terminal. I vote against the closer of Coughlin St. Sent from my iPhone



April 18, 2024

Dear Mr. Saliba,

Thank you for asking about my connection to the over 25 other business stakeholders in the Brookhaven Industrial Park. It provides me the opportunity the explain the negative impact and ripple effect of cutting off the flow of commerce to the area. Not only would the proposed road closure create a hardship on the truck drivers and customers, this would also put the employees at risk during regular and afterhours business practices.

My husband has been a Parts Manager in the Industrial Park for 32 years. He drives back and forth Coughlin Drive at least 10 times a day because it is the safest route. He is not a letter writer, so I would like to explain how the families of the employees would also be adversely impacted if Coughlin Drive is closed, and the police, fire, or EMT cannot quickly reach their destination in an emergency.

Smith and Nephew's employees are not the only people affected by the crime in Memphis. My husband gets calls from Parker Alarm in the middle of the night when there is a breech. He generally instructs the alarm company to send the police, especially if he knows there is a mechanic on call at the shop which is the case 24 hours a day. The fastest and quickest route is Coughlin Drive when seconds count. My husband also receives calls from the answering service in the middle of the night. In the busy months, he will drive at 3am or 4am to unlock the shop for a truck driver with a full load who is in dire need of an alternator, a fan belt, or a starter. I know the route he takes in the middle of the night is Coughlin. Of course, I worry until he returns home. When an employee must call 911 for a crime or medical emergency, families want to know that their loved one will receive the help they need in a timely manner. The quickest route for an ambulance or police cruiser to the rear of the Industrial Park is most definitely Coughlin Drive, not the proposed, complicated alternate route through the intersection at Brooks and Springbrook.

Furthermore, the families of the employees in this business neighborhood are reliant on their parents to earn a living and provide for their needs. These long-standing companies depend on the free flow of goods in and out, via both Coughlin Drive and Sandbrook Drive. To close Coughliin, will congest Sandbrook, restricting the commerce that supports these families.

As a lifelong Memphian, I am a concerned citizen and proponent of small business. After all, I believe small businesses are the backbone of our economy.

Much appreciation for your inquiry,

Tricia Eleogram 901-497-8362

Opposition to Closing Coughlin Drive

Miss Trish <triciaeleogram@gmail.com> Wed 4/17/2024 9:16 PM To:Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>;Saliba, Norman <Norman.Saliba@memphistn.gov>

1 attachments (20 KB)

Alternate Solutions include.docx;

The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender triciaeleogram@gmail.com

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.

Dear Mr. Ragsdale and Mr. Saliba,

After reviewing the Road Closure Plan and Dedication Plat Cul-de-Sac drawings, it is clear that the extreme measure of closing Coughlin Drive

will be detrimental to the businesses and the safety of the entire industrial park. The drawings do not include scale drawings of the dozens of

18 wheelers that navigate these roads at any given time. It is a ridiculous and dangerous proposal! The Cul-de-Sac" or "Turn Around" will only

cause congestion as multiple tractor trailers attempt to turn around and then go back out the same way they came in, as other large trucks, vehicles, and delivery

vans try to enter and exit the many transportation related businesses in this specific area.

What is the reason for the extreme measure of closing this road? Smith and Nephew has been attempting to have this road closed for years. It has twice been voted down. They say it is for safety reasons, but the road closure would raise many more safety concerns than it alleviates. Are there hundreds of incident reports, or documentation of injuries, or reports of hit and runs that have occured over the last 50 years on Coughlin Drive that would warrant the closing of the main artery into this industrial neighborhood? I believe the only reason Smith and Nephew want this road closed is so that they can create an "Enclosed Business Campus". This action would only benefit Smith and Nephew, their employees, and their property value at the expense of the livelihoods and safety of the surrounding industrial park.

Closing Coughlin Drive will put drivers, customers, and workers in danger. No matter how it is sketched or drawn out, closing the entrance and exit to the industrial park chokes off access to the other businesses, their customers, and their employees. Cutting off the main artery to the industrial park creates a hazard to all drivers, truckers, and emergency vehicles.

Please see the attached document for alternate solutions to the street closure proposal. These alternate solutions will address any safety concerns

Smith and Nephew may have. These are simple solutions that can be easily implemented, as opposed to the drastic measures proposed.

Very respectfully,

Tricia Eleogram 901-497-8362

Alternate Solutions include:

- Provide Safety Escorts (crosswalk attendants, crossing guards)
- Utilize Sky Cop Cameras/Increase Security
- Build a covered walking bridge
- Hold Personal Safety Training/ Self-defense Training for staff
- Update Signage
- Strategically move Safety Cones

to address specific and changing needs

These are the measures that could be taken to help ensure pedestrian safety for Smith Nephew employees without damaging the businesses and livelihood of others.

Choking off the main artery (Coughlin Drive) that customers use to reach important Supply Chain industries will be extremely detrimental to the surrounding industrial properties.

The proposed plan BLOCKS easy access to the on and off ramps to Interstate 55, Interstate 240, and Interstate 40. Any cul-de-sac or turn-around does not alleviate the impedance of egress, ingress, and regress to important Interstate access by large trucks.

The best use of the 57,622 Square Feet of land in question is a wide straight road that provides clear passage to ALL surrounding businesses in the Industrial Park. That is Coughlin Drive!

04/17/2024 · IN ORDOSITION

Dear Land Use Board, NiollaWilliusoppose the closure of Coughlin Drive to Stonebrook Avenue



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RECEPTIONISTS ENGINEERS

STOP THE ROAD **CLOSURE FROM** COUGHLIN TO STONEBROOK

Dear Land Use Board, Sarah Murphy OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

Emergency vehicles need quick and easy access to respond to fires, chemical spills, criminal activity, loaded 18-wheeler wrecks, or other accidents.





CUSTOMER ACCESS

Customers need access to numerous businesses in this area that keep the supply chain up and running.

EMPLOYEE RIGHTS

Employees and citizens have the right of ingress, egress, and regress to their property of employment in order to work and provide for their families



PRINT NAME Sarah Murphy
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RECEPTIONISTS ENGINEERS

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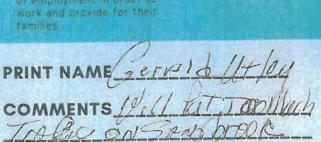


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RECEPTIONISTS ENGINEERS

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PRINT NAME <u>Neil Townsend</u> COMMENTS That Road is <u>The main Road Costomers</u> <u>us to get to my place of Employment</u>

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, I OPPOSE the closure

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Dear Land Use Board, I, TremAine Joints, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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Dear Land Use Board, I. Parker Jacks PPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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PRINT NAME Parker Jackson

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Dear Land Use Board, 1. ______, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED. EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN TRUCK DRIVER PARENTS SELF EMPLOYER SALES ASSOCIATE MECHANICS

Dear Land Use Board, 1. Carl Burton . OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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PRINT NAME Cyrel Burton

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Dear Land Use Board, I. PAT MCB-C, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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PRINT NAME A Methy

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, I, Patrick, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED.

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Dear Land Use Board. I. Keth Winn . OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

Emergency vehicles need quick and easy access to respond to fires, chemical spills, criminal activity, loaded 18-wheeler wrecks, or other accidents.



CUSTOMER ACCESS

Customers need access to numerous businesses in this area that keep the supply chain up and running.

EMPLOYEE RIGHTS

Employees and citizens have the right of ingress, egress, and regress to their property of employment in order to work and provide for their families

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dearl and Use Board, I. M.R. LOUL, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

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STOP THE ROAD **CLOSURE FROM COUGHLIN TO** STONEBROOK

Dear Land Use Board, 1. Philip Brotherton, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

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PRINT NAME Stephen Eleogram doing is unethical. PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED. EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN TRUCK DRIVER PARENTS SELF-EMPLOYER SALES ASSOCIATE MECHANICS

Dear Land Use Board.

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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Dear Land Use Board, Brad Cole MAN, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, <u>Michael Math</u>, OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

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PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED. EMPLOYTES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN

TRUCK DRIVER PARENTS SELF EMPLOYER SALES ASSOCIATE MECHANICS

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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PRINT NAME David Eleogram COMMENTS Please Keep this street open for public use. PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED. EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN SELF-EMPLOYER SALES ASSOCIATE MECHANICS TRUCK ORIVER PARENTS

Dear Land Use Board. 1. Kelly Lewis OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

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PRINT NAME Kelly Lewis COMMENTS Coughlin provides a Much needed entrance for tractors & trailers for service at multiple long Standing businesses.

PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED.

EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN

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Dear Land Use Board Judy Bricky OPPOSE the classice of Epughlin Drive to Stanebrook Avenue.

SAFETY

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PRINT NAME Jody Bailey COMMENTS Coughlin : s nerded for access to ISS, I40, I240 Sor our customers PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY AFFECTED IF COUGHLIN DRIVE IS CLOSED SPOUSE CHILDREN

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3121 Sandbrook • Memphis, Tennessee 38116 Phone: 901.398.9799 • Fax: 901.398.9820

Date: April 16, 2024

To: Eric Howell

Re: Coughlin Road Closure - Case #MJR-2024-019

Mr. Howell and whomever else this may concern,

We have been in this location since the late 1990s.

I oppose this planned closure. This is a selfish and restrictive plan. We receive 4 to 6 deliveries per day. We employ roughly 60 people. We receive material and goods from a variety of different truck types (18-wheelers, box trucks and vans). Our own vehicles are primarily pick-up trucks.

Closing Coughlin would overload the already busy Sandbrook Drive and the intersection of Springbrook and Brooks Road. This intersection is already dangerous enough. There are multiple accidents there each year. We lost a service truck to a hit and run accident recently. The driver fled the scene and was never brough to justice. We were forced to replace the vehicle out of our pocket. Closing Coughlin Rd would put greater pressure on this intersection. Smith and Nephew doesn't care because they would have sole use of the Coughlin Rd exit (which includes a traffic light). Each day they open a gate and empty half of their parking lot onto Springbrook. They also have a second gated entrance on Brooks Road. Closing Coughlin doesn't serve the business community around us, it would only serve Smith and Nephew. This is completely selfish and un-neighborly. Closing Coughlin Rd would be dangerous.

I oppose this closure 100%.

Sincerely,

Byron Russell Sr. Project Manager



3121 Sandbrook • Memphis, Tennessee 38116 Phone: 901.398.9799 • Fax: 901.398.9820

Date: 4/16/24

Subject: Opposition to Closure of Coughlin Road - Case #MJR-2024-019

Dear Mr. Howell,

I am writing to express my firm opposition to the proposed closure of Coughlin Road, as outlined in Case #MJR-2024-019. This decision affects not only our longstanding presence in the area since the late 1990s but also the operational dynamics crucial to our business.

The planned closure presents significant challenges and consequences for our daily operations. We currently receive an average of 4 to 6 deliveries per day, supporting a workforce of approximately 60 individuals. These deliveries encompass a diverse range of materials and goods transported by various types of trucks, including 18-wheelers, box trucks, and vans, alongside our fleet of primarily pick-up trucks.

Shutting down Coughlin Road would exacerbate the congestion already prevalent on Sandbrook Drive and at the intersection of Springbrook and Brooks Road. This intersection has a documented history of accidents, with several occurring annually. Recently, we experienced the unfortunate loss of a service truck due to a hit-and-run incident at this location, where the responsible party evaded justice. The financial burden of replacing the vehicle fell squarely on our shoulders. The closure of Coughlin Road would only compound the safety risks associated with this intersection, jeopardizing the well-being of commuters and local businesses alike.

It is evident that the proposed closure primarily serves the interests of Smith and Nephew, affording them exclusive access to the Coughlin Road exit equipped with a traffic light. Their current operational practices, including the daily release of vehicles onto Springbrook and the presence of a secondary gated entrance on Brooks Road, already contribute to traffic congestion and safety concerns in the area. This unilateral decision prioritizes the convenience of one entity over the collective needs of the surrounding business community, reflecting a concerning lack of consideration and cooperation.

In light of these compelling reasons, I wholeheartedly oppose the closure of Coughlin Road.

Best Regards, Ashley Childs



April 15, 2024

Memphis and Shelby County Office of Planning and Development 125 North Main Street, Room 468 Memphis, TN 38103

RE: Case Number SAC 13-605 Close and vacate street right of way – Coughlin Drive between Brooks Road and Stonebrook Ave

To: Memphis and Shelby County Office of Planning and Development

We are a tenant at the property located at 3100 Stone Brook Circle in Memphis, TN. It is improved with a cross dock freight terminal that is currently owned by our affiliate company, Crown Enterprises. We have an ongoing trucking operation at this location that depends heavily on free movement over the section of Coughlin Drive that is being considered for closure. Alternate routes impose timing and movement safety issues due to existing road design and signaling. It is requested that Coughlin Drive remain open so as not to impose undue operating difficulties and movement hazards upon our trucking business.

Sincerely,

deco lito

Rebecca Klitz Facilities Project Manager

Saliba, Norman

From:	Miss Trish Eleogram <eleogramta@gmail.com></eleogramta@gmail.com>			
Sent:	Monday, March 11, 2024 2:37 PM			
To:	Howell, Eric			
Cc:	lynn.long@comcast.net			
Subject:	Fwd: Coughlin Drive Road Closure			
Follow Up Flag:	Follow up			
Flag Status:	Flagged			

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

------ Forwarded message ------From: Miss Trish <<u>triciaeleogram@gmail.com</u>> Date: Mon, Mar 11, 2024 at 2:28 PM Subject: Fwd: Coughlin Drive Road Closure To: <<u>eleogramta@gmail.com</u>>

------Forwarded message ------From: Miss Trish <<u>triciaeleogram@gmail.com</u>> Date: Tue, Jan 30, 2024 at 7:16 PM Subject: Coughlin Drive Road Closure To: <<u>eric.howell@memphistn.gov</u>> Cc: Eleogram David <<u>deleogram@tstk.com</u>>, Eleogram, Amy L CDT. <<u>amy.eleogram@westpoint.edu</u>>

https://www.thermoking.com/na/en/why-thermo-king.html

Dear Land Use Board,

Thank you for taking time to consider this very important issue.

The best use of the 57,622 square feet of land in question is a wide and straight road that provides a clear passage to ALL surrounding businesses. That road is Coughlin Drive! If that road did not exist, it would be a good idea to cut through the property to build this road, but it already exists.

The link above provides information about the critical role Thermo King plays in the refrigerated transport industry nationwide. Tri-State Thermo King in Memphis, TN is located at the end of Coughlin Drive. In fact, customers in 18 wheeler trucks drive straight down Coughlin Drive and directly into the driveway of the Parts and Service Departments without taking a single turn... a straight shot. The Thermo King dealership in Memphis is at the crossroads of Interstate 40 and Interstate 55. The parts and service departments provide service, not only to the tri-state area, but to customers nationwide 24 hours a day, 365 days a year.

Perishable foods and goods that require a temperature controlled environment rely on the refrigerated transportation industry to distribute these products all across the nation. Memphis is the distribution capital of the world because of its strategic location. Easy access to the transportation industries at the end of Coughlin Drive are an essential part of the supply chain. Loads of perishable foods like eggs, milk, cheese, fruits, vegetables, meats, seafood, icecream, medical supplies, and other refrigerated or frozen items require refrigerated transportation. Tri-State Thermo King provides the important service to the refrigeration units that keep these loads up and running until they safely reach their destinations. Without proper refrigerated transportation, products could deteriorate, spoil, become rancid or contaminated, and unsafe for the public.

Please take the time to click on the link at the top to learn more about this important industry.

Very respectfully,

Tricia Eleogram 901-497-8362

January 31, 2024

Eric R. Howell Land Use and Control Board

Dear Land Use and Control Board,

I oppose the closure of Coughlin Drive to Stonebrook Avenue due to safety, customer access, employee rights, and the rights of small business owners. I oppose the closure of Coughlin Drive because it is a clear benefit of a private institution NOT the public. I oppose the closure of Coughlin Drive because it would be detrimental to our family-owned business that has been located at 1420 Stonebrook for 50 years. We were there first, Coughlin is our lifeline, as well as a lifeline to a vital piece of the supply chain. You cannot just close the street that leads to our business for private gain.

The closure of Coughlin would restrict access to our businesses, leaving one ingress and regress at Sandbrook and Brooks Road available. There is already a daily bottleneck at Sandbrook and Brooks due to normal traffic flow and industrial-sized vehicles. This intersection is extremely difficult to navigate in a large truck and nearly impossible for an 18-wheeler, depending on the angle. This is a dangerous intersection. It is in conjunction with an interstate offramp. It is frequently blocked by offramp traffic, accidents at Sandbrook and Brooks Road, as well as accidents at the next intersection at Brooks and Elvis Presley. It was noted as one of the most dangerous intersections in Shelby County with 59 accidents between Jan 1- August 7 according to the Daily Memphian.

To block off Coughlin Drive for private benefit would cause a safety issue for all other employees located in our cul-de-sac by blocking access for emergency vehicles to respond to fires, chemical spills, criminal activity, loaded 18-wheelers, wrecks and other emergencies. It blocks access for customers and could cause a loss in sales and property value for the 20+ small business owners who this is proposed to cut off. It blocks access for mail carriers and supplier deliveries. It also puts the employees of Smith and Nephew above the employees of every other small business located in this Brooks Rd. Industrial Circle to provide a safe working environment and the right to an ingress, egress, and regress to their property of employment in order to provide for their families.

Tri-State Thermo King is a dealer and service provider for refrigerated freight equipment. We service large trucks carrying perishable food, medications, and other refrigerated cargo. Our company was deemed an essential business during Covid. Our customers are carrying produce, seafood, dairy, vaccines, pharmaceuticals, medical supplies, and frozen goods. Our business literally puts food on tables, not only for our employees but for you and your family as well.

Our customers drive 18-wheelers. Time is of the essence. When a refrigerated trailer is in need of service due to a drop in temperature, they have 90 minutes or less to get into a facility for service. If they are unable to make it to a facility in time for service their entire load could be compromised and therefore money lost and a breakdown in the supply chain. Our customers are looking for the quickest and easiest route. This is why we chose our location at the intersection of 55, 240 and 40. This is why we have been there for 50 years and there is no better location for our business in the Memphis area. We were here before Smith and Nephew and our business has grown immensely over the last 50 years – we have more than doubled our business just in the last 10 years. We have about 30-40 trailers a day coming and going from our facility alone. It would be impossible for this number of tractor trailers to enter and exit from Sandbrook and Brooks Road – not even taking into account the other industrial companies located on Springbrook, Sandbrook, Stonebrook and Stonebrook Circle.

January 31, 2024

We've battled this with Smith and Nephew since the 1990s. As a small business, this type of interference has been costly, time consuming, and exhausting but we will not allow them to shut down our business! There is absolutely no common ground on closing Coughlin. No matter what the proposal may be – if Coughlin is closed it would be detrimental to our business and the safety of our employees and customers. And it would be for the private benefit of Smith & Nephew—this is not a public matter.

Thank you,

Ashlee Hendry

901.233.0388



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

May 20, 2024

Smith and Nephew, Incorporated ATTN: Doug Dugard 1450 East Brooks Road Memphis, TN 38116

Sent via electronic mail to: <u>doug.dugard@smith-nephew.com</u>; <u>ibailey@tstk.com</u>; <u>cindy@srce-memphis.com</u>; <u>tmcconnell@pickeringfirm.com</u>; <u>pneal@pickeringfirm.com</u>; <u>rick@thewinchesterlawfirm.com</u>; <u>dale.mitchell@smith-nephew.com</u>; jason.bagdigian@smith-nephew.com

Case Numbers: SD 2023-002 and MJR 2024-019 (SAC 2013-605 Correspondence) LUCB Decision: Approval with conditions

Dear Mr. Dugard:

On Thursday, May 9, 2024, the Memphis and Shelby County Land Use Control Board approved your street dedication application (Case # SD 2023-002) for additional public right-of-way to provide a hammerhead turn-around area on the north side of Stonebrook Avenue east of Sandbrook Street and additional public right-of-way on the east side of Sandbrook Street at its intersection with Springbrook Avenue subject to the two conditions below.

In addition, a companion time extension application (Case # MJR 2024-019) was approved to extend the previous approval of Case # SAC 2023-605 to close and vacate all of Coughlin Drive north of East Brooks Road and a portion of Stonebrook Avenue east of Sandbrook Street subject to the eleven conditions provided on pages 2-3 of this letter.

CASE # SD 2023-002 CONDITIONS

- The required improvements and recorded Street Dedication Plat(s) must be completed within five (5) years of the date of the approval of the City Council of Case # SD 2023-002. In terms of construction sequence, the dedication, improvement, and opening to the public of the Sandbrook Street realignment at the Springbrook Drive/East Brooks Road intersection must occur first.
- 2. All conditions approved under Case #MJR 2024-019 are also applicable for a period of not to exceed five (5) years from the date of the approval of Case # SD 2023-002 by the City Council.

CASE # MJR 2024-019 CONDITIONS

- Smith and Nephew and Tri-State Thermo King shall maintain a drivable corridor from Stonebrook Avenue east of Sandbrook Drive and Coughlin Avenue from East Brooks Road to Stonebrook Avenue by keeping these streets open to the public until the construction and opening to the public of the Sandbrook Street realignment at the Springbrook Drive/Brooks Road intersection per Case # SD 2023-002.
- 2. Provide vehicular access between East Brooks Road and the new Coughlin Drive/Stonebrook Avenue hammerhead whenever access to the industrial park is blocked access due to an accident or emergency. A sign shall be posted with a phone number, monitored 24 hours per day, and 7 days per week, to request the opening.
- 3. The new entrance to Coughlin Drive from East Brooks Road shall comply with the requirements of UDC Section 4.4.8 (Guardhouses and Gates) with adequate room for queuing of vehicles.
- 4. The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc.
- 5. Gates on Coughlin Drive and Stonebrook Avenue shall be activated by fire horn/siren or equivalent means to provide fire and emergency access with the design subject to Fire Department and City Engineering approval.
- 6. Coughlin Drive shall be designated a "no parking area" without any on-street parking with "no parking" signs posted on both sides of the street until the physical closing of the street is completed. This is also applicable to the portion of Stonebrook Avenue to be closed. The closed streets are subject to designation as a "Fire Lane" by the Fire Department which may preclude parking on the former street rights-of-way subject to the needs of the Fire Department.
- 7. No Smith-Nephew pedestrian or vehicular traffic shall use Stonebrook Avenue for access once Stonebrook Avenue is physically closed at which time all Smith Nephew traffic will be directed to the Coughlin Drive gate at East Brooks Road.
- 8. All gates and fencing shall be a minimum of 8' tall wrought iron and will be constructed at the expense of Smith and Nephew.
- 9. Smith and Nephew will coordinate with the city to install a left turn signal at Sandbrook Street and East Brooks Road and to adjust the timing to allow adequate tractor trailer traffic to enter and exit the industrial park with the first phase of construction.
- 10. The proposed Pickering Firm plans shall be included in the City Council resolution.

11. All conditions approved by Case # MJR 2024-019 are applicable for a period of five years from the date of approval of Case # SD 2023-002 by the City Council.

The conditions for both Case # SD 2023-002 and Case # MJR 2024-019 correspond with the graphics attached to this letter prepared by the Pickering Firm and dated May 9, 2024.

Since Case #MJR 2024-019 was processed as a Time Extension Application, UDC Sub-Section 9.8.6C gives the Land Use Control Board sole authority to approve the extension unless an individual with appeal standing files a written notice of appeal with the Zoning Administrator within 14 days after the date of the close of the Land Use Control Board public hearing which corresponds to May 23, 2024.

The Land Use Control Board is only a recommending body for the right-of-way dedication application (Case # SD 2023-002). This application will be required to be forwarded to the City Council for final action. The Division of Planning and Development will request that the attached graphics be modified to label by case number the specific proposed right-of-way dedication areas and the street rights-of-way to be closed under Case # MJR 2024-019.

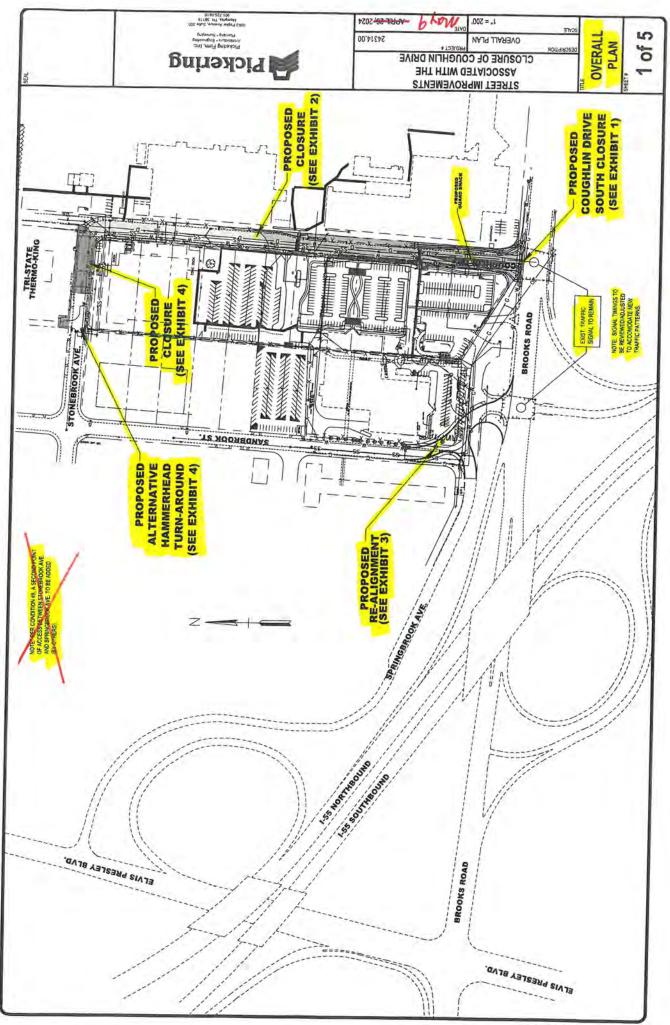
If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chip.saliba@memphistn.gov.

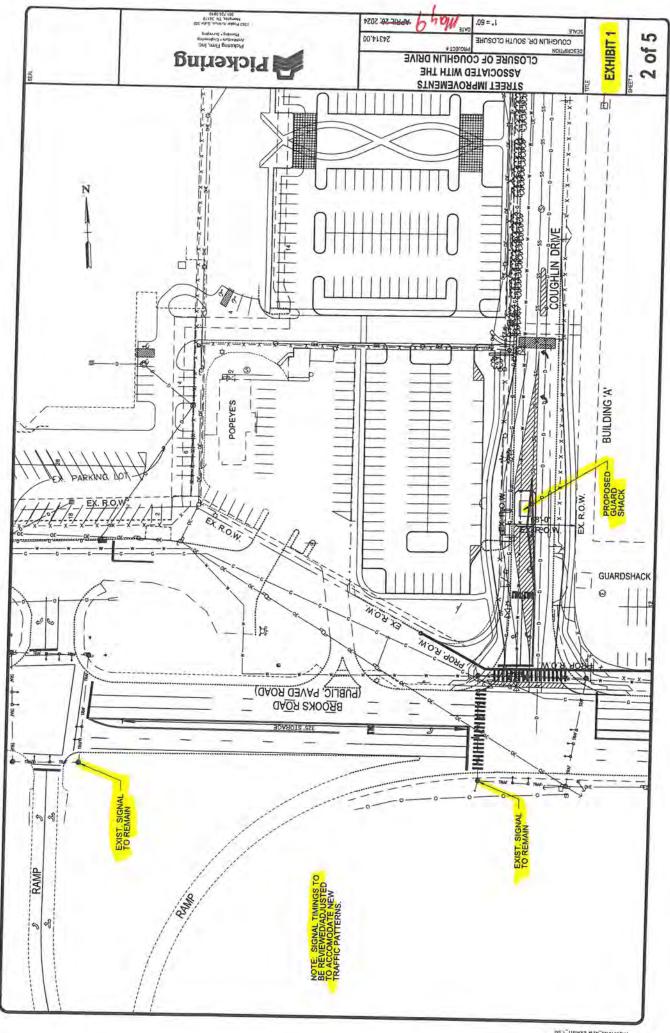
Respectfully,

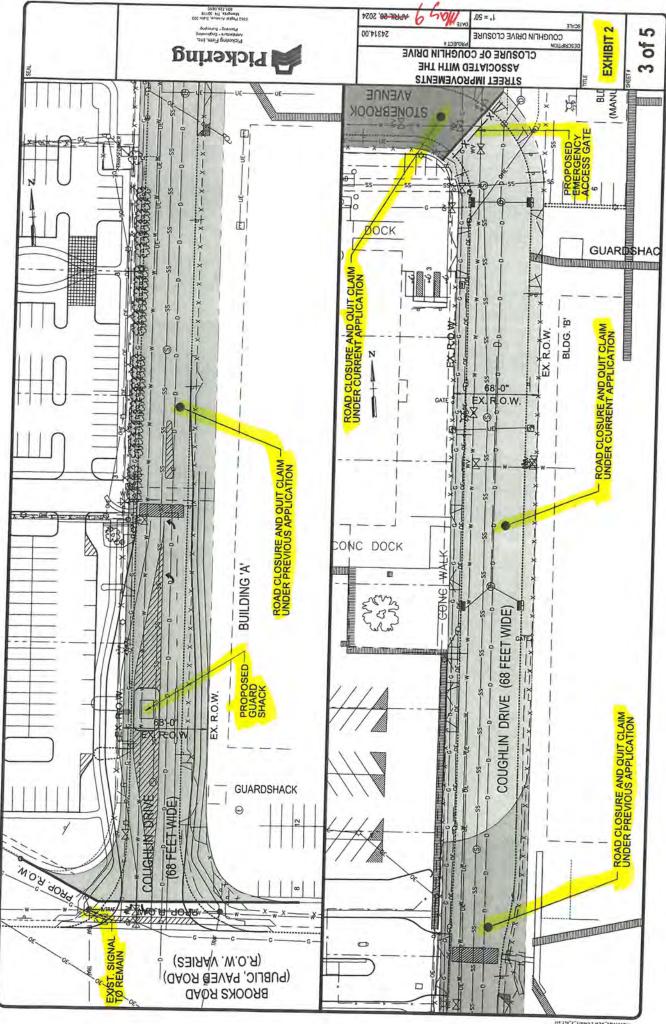
alter, fr

Norman R. "Chip" Saliba, Jr. Deputy Administrator Land Use and Development Services Division of Planning and Development

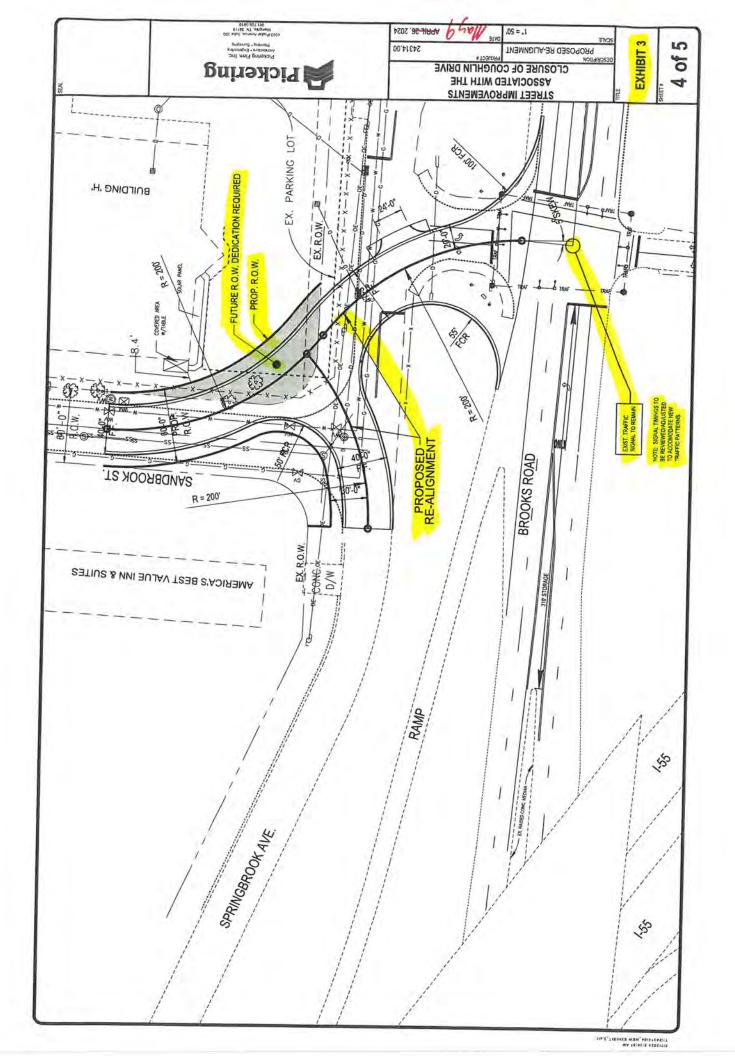
File

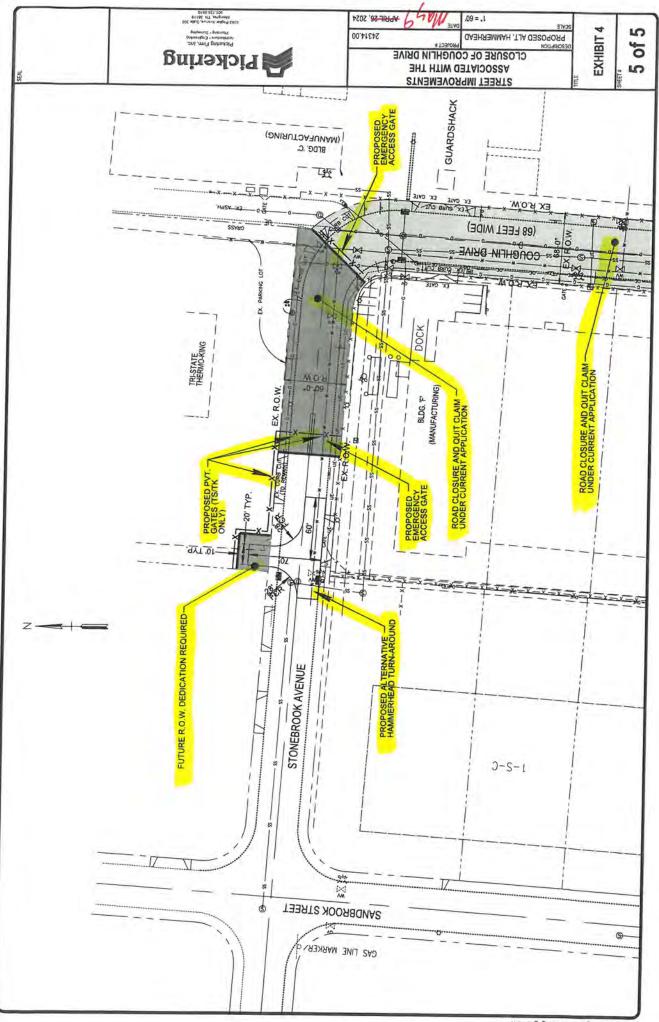






112+31+103_NEW EXHIBIT_2,ALT.AN





1:124314/02 NEW EXHIBIT 4 ALT. 4

interna.



Record Summary for Street Dedication (Right of Way Dedication)

Record Detail Information

Record Type: Street Dedication (Right of Way Dedication)

Record Status: Assignment

Opened Date: December 28, 2023

Expiration Date:

Record Number: SD 2023-002

Record Name: Coughlin Street Closure

Description of Work: Quit Claim Excess Coughlin ROW to the City of Memphis This is a companion case to the request for SAC Coughlin Drive

Parent Record Number:

Address:

Owner Information

Primary Owner Name N Owner Address

Owner Phone

Data Fields	
PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba
Date of Meeting	12/21/2023
Pre-application Meeting Type GENERAL INFORMATION	Email
Waiver - Article 5 or Chapter 4.3	No
Reason for Waiver	-

GENERAL INFORMATION

Name of Street / Alley/ ROW Total Area Is this application in response to a citation, stop work order, or zoning letter If yes, please provide additional information GIS INFORMATION	Stonebrook & Coughlin 0.127 No -
Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
Lot	-
State Route	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Data Tables

ADDRESS AND PARCEL LIST

Property Address:	1450 E. Brooks Road
Property Parcel Number:	06022200002250
Property Address:	3079 Coughlin
Property Parcel Number:	060222H00006C

Contact Information

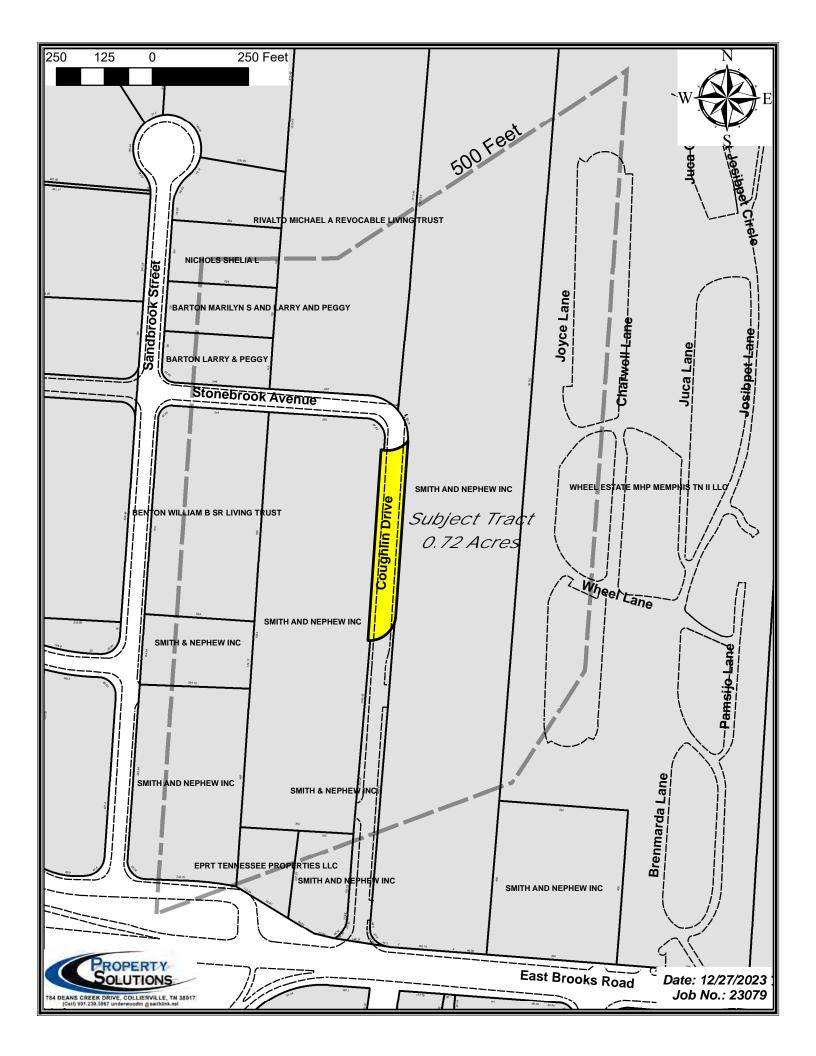
Address	NEPHEW. INC. ROOKS ROAD, MEMPHIS, T	N. 38116			Contact APPL	<i>.</i>
Phone (901)336-		.,				
Fee Inform						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1527628	Preliminary Plat	1	400.00	INVOICED	0.00	12/28/2023
1527628	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/28/2023

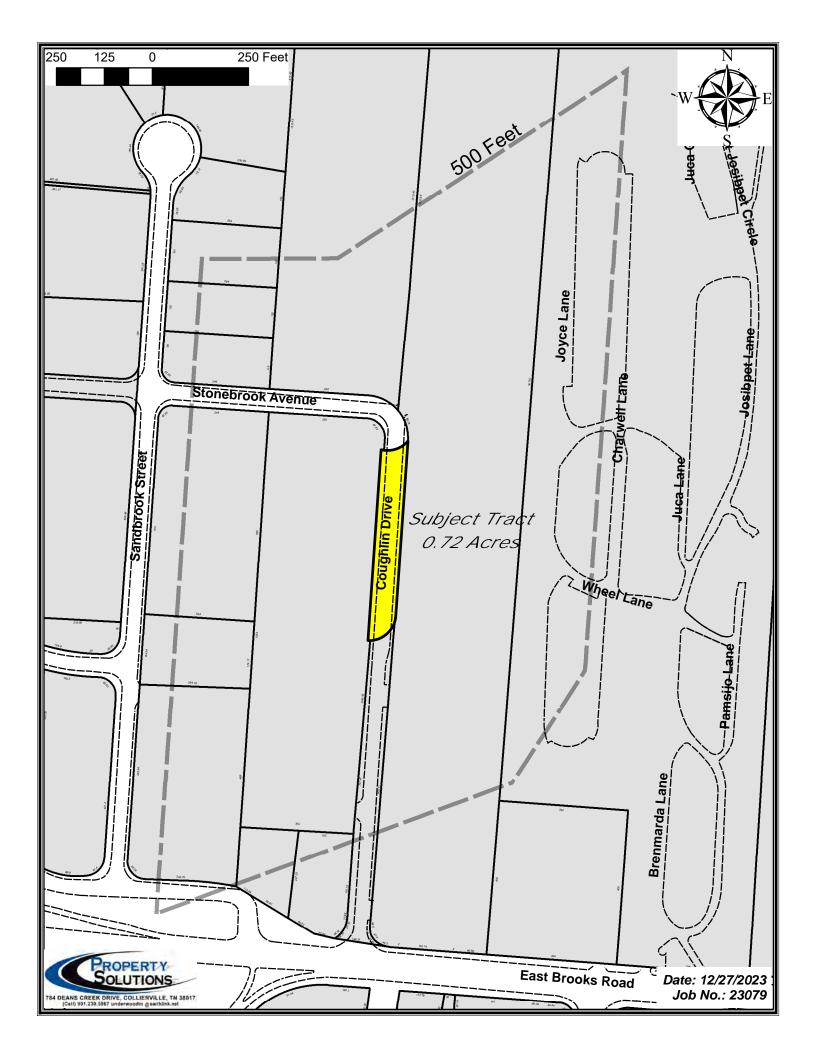
Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount \$410.40 Method of Payment Credit Card





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.

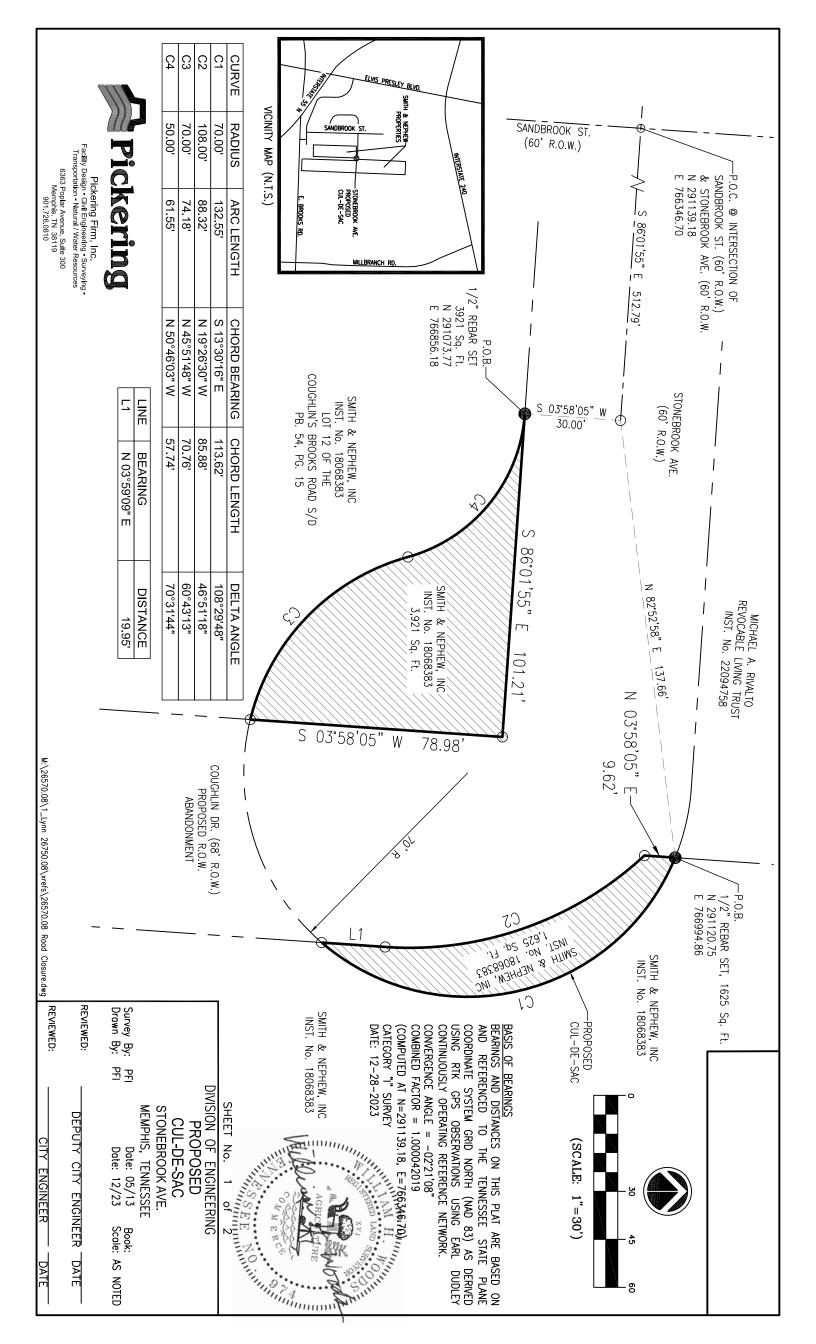
(Print Name) , state that I have read the definition of

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

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

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

of the property located at F. Br	CONS ROAD
and further identified by Assessor's Parcel Number	000222 00225
for which an application is being made to the Division	of Planning and Development.
Subscribed and sworn to (or affirmed) before me this	28 day of Decl. STATE of 1023 Here was of 1023 NOTARY PUBLIC STATE OF 1023
Signature/of Notary Public	My Commission Expiresp. 6-28-2027



Tirm, Inc. investing - Surveying - Surveying - Surveying - Surveying - UCINITY MAP (N.T.S.) REVIEWED: Nash19 VICINITY MAP (N.T.S.) REVIEWED: Nash19 Mi:\26570.08\1_Lynn 26750.08\xrefs\26570.08 Road Closure.dwg REVIEWED:	SANDBROOK ST. SANDBROOK ST. ST. SINUEBROOK ME. MILLBRANCH RD. MILLBRANCH RD. SURVey By: PFI Drown Rv: DFI	FROM SAID POINT OF BEGINNING THENCE RUN SOUTHEASTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 132.55 FEET, A CHORD BEARING OF S 13'30'16" E, A CHORD LENGTH OF 113.62 FEET, AND A DELTA ANGLE OF 108'29'48",:TO A POINT IN THE EAST LINE OF COUGHLIN DRIVE (68' R.O.W.); THENCE RUN ALONG SAID EAST LINE THE FOLLOWING CALLS: N 03'59'09" E FOR A DISTANCE OF 19.95 FEET TO A POINT IN THE EAST LINE THENCE RUN NORTHWESTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 108:00 FEET, AN ARC LENGTH OF 88.32 FEET, A CHORD BEARING OF N 19'26'30" W, A CHORD LENGTH OF 85.88 FEET, AND A DELTA ANGLE OF 46'51'18", TO A POINT; THENCE RUN N 03'58'05" E FOR A DISTANCE OF 9.62 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 1,625 SQUARE FEET OF LAND MORE OR LESS.	1.625 SQUARE FEET: 1.625 SQUARE	FROM SAID POINT OF BEGINNING THENCE RUN S 86'01'55" E CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 101.21 FEET TO A POINT IN THE WEST LINE OF COUGHLIN DRIVE (68' R.O.W.); THENCE RUN S 03'58'05" W FOR A DISTANCE OF 78.98 FEET TO A POINT IN A CURVE; THENCE RUN ACROSS SAID SMITH & NEPHEW PROPERTY THE FOLLOWING CALLS: NORTHWESTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 74.18 FEET, A CHORD BEARING OF N 45'51'48" W, A CHORD LENGTH OF 70.76 FEET, AND A DELTA ANGLE OF 60'43'13",TO A POINT OF REVERSED CURVATURE; THENCE WITH A REVERSE CURVE RUN NORTHWESTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 61.55 FEET, A CHORD BEARING OF N 50'46'03" W, A CHORD LENGTH OF 57.74 FEET, AND A DELTA ANGLE OF 70'31'44", BACK TO THE POINT OF BEGINNING AND 61.55 FEET, A CHORD BEARING OF N 50'46'03" W, A CHORD LENGTH OF 57.74 FEET, AND A DELTA ANGLE OF 70'31'44", BACK TO THE POINT OF BEGINNING AND BEARINGS AND DISTA CONTAINING 3,921 SQUARE FEET OF LAND MORE OR LESS.	3.921 SQUARE FEET: COMMENCING AT THE INTERSECTION OF SANDBROOK STREET (60' R.O.W.) AND STONEBROOK AVE. (60' R.O.W.), SAID POINT HAVING THE TN SPC OF N 291139.18, E 766346.70; THENCE RUN S 86°01'55" E ALONG THE CENTER OF SAID STONEBROOK AVE. FOR A DISTANCE OF 512.79 FEET TO A POINT; THENCE RUN S 03'58'05" W FOR A DISTANCE OF 30.00 FEET TO A 1/2" REBAR SET IN THE SOUTH LINE OF SAID STONEBROOK AVE., SAID REBAR HAVING THE TN SPC OF N 291073.77, E 766856.18 AND IS AT THE POINT OF BEGINNING:	SAID PROPOSED CUL-DE-SAC RUNS ACROSS THE SMITH & NEPHEW, INC. PROPERTY RECORDED IN INSTRUMENT NO. 18068383 IN THE REGISTER OF DEEDS OFFICE IN SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:	<u>SMITH & NEPHEW DESCRIPTION FOR PROPOSED CUL-DE-SAC (70' R)</u> THE FOLLOWING DESCRIPTION IS BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (TN SPC) GRID NORTH [NAD 83(2011), EPOCH 2010.00, U.S. SURVEY FEET] USING A COMBINED FACTOR OF 1.000042019 AND A CONVERGENCE ANGLE OF -02'21'08" AT COMPUTED COORDINATES OF N:291139.18, E:766346.70.
DEPUTY CITY ENGINEER	SHEET I DIVISION O PRC CUL- STONEE MEMPHIS	DAIE: 12-28-2023	USING RTK GPS OBSERVATIONS USING EARL DUDLEY CONTINUOUSLY OPERATING REFERENCE NETWORK. CONVERGENCE ANGLE = -02'21'08" COMBINED FACTOR = 1.000042019 (COMPUTED AT N=291139.18, E=766346.70) (COMPUTED AT N=291139.18, E=766346.70)	1"=30") S PLAT ARE B INESSEE STATE			



December 28, 2023

To Whom It May Concern

Re: Closure of Coughlin Drive from Stonebrook Avenue southward approximately 473 feet to the northern terminus of the abandoned right-of-way of Coughlin per Quit Claim Deed Instrument No. 19009065, Shelby County Register's Office under City of Memphis Engineering Project No. PW01260.

Please consider this the Letter of Intent for the closure application for Coughlin Drive.

Reasons for closure: Smith-Nephew runs a 24/7 operation at this campus with approximately 1,800 employees. Smith-Nephew feels obligated to make the campus as safe as possible for their employees and this closure will help accomplish this mission. The closure is sought for safety/and security reasons. Coughlin divides the campus and employees have to cross the street during their shift for both personal and production purposes. Vehicular traffic has increased and one of the reasons is due to criminals cruising the area looking for easy targets for theft and robbery. Over the years there have been numerous incidents that place the employees in danger and the number of incidents are rising. Closing the street will allow Smith-Nephew will help create a more secure environment for the employees.

Sincerely,

PICKERING FIRM, INCORPORATED On behalf of Smith & Nephew

Works am

William H. Woods, RLS, PLS Associate Principal /Survey Manager



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Sincerely,

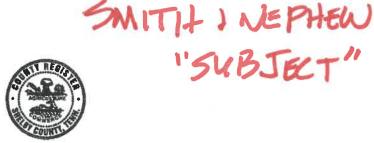
PICKERING FIRM, INCORPORATED On behalf of Smith & Nephew

Works am

William H. Woods, RLS, PLS Associate Principal /Survey Manager

SANDBROOK STREET OTONE B PLAT BOOK 54 R !! FEFT T ENV \overline{N} ζΫ ٩ -1 Ø \overline{O} 2 BROOKWAR c. BROOKWAY A BROOKS NOUN TRIAL PAU SURCE \$10M ROOK INC. 5°. 100.0 100.0 -100.0 00.0° 100.0 00.0 6. '9, 100.0 100.0 FUTURE HILL & FONTAILE'S BROOK 100 AVENUE (J Б 4 6 Q 0 0 4 ö ** 12 ğ ROAD N 0 0 AENT 2 COUGHLIN DRIVE 1560-51 U A SA DEPILATED BY RICHARDS MEA. COMPANY AVENUE SUBDIVISION RICHARD MANUFACTURING COMPANY LOT 35 934. 4 0 7Z -OUGHLINS 50 PICKERING SIZO SUMMER AVE. OCTOBER 10, 1972 CONTAINING NOULD OWNER & DEVELOPER 8 MEMPHIS, SHELBY ž M-I (light Industrial) rsigned, UNION PLANTERS NATIONAL BANK, mortg wn hereon, hereby adopt this plat as our pla s the streets, rights of way, easements and the public use forever). We hereby certify FEET 10.0 ACRES BROOKS WOOTEN ŗ Title Guid + (); COLLAN LIN , JT COUNTY, TENNESSEE Associates , Inc. Memphis , Tenn ROAD at SMITH . with his own free act seal this Inter day of Acris **m**ial SCALE: 1" = 100" SUBDIVISION WEISS votary It is hereby certified that this plat pered from an aptual survey of the per No an Astron ą NT AT Det amark 5, 1974 Approved by the Mamphis Wealth Department I hereby certify that the document was approved to the regular session on Approved by Dung An age Public 1110 24 Nou pure pure An to Tet **b**11a the WLG. Ĩ 100 F . this property NEGISTER'S FEELC. DO This of Lundense 18 54 yrs 15 112 1 1 2 1 4 L 12 1 11 of the City ġ, OCLATES, 5

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18068383



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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.



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

IDB CASE NO.: 20010302

This instrument prepared by: BRUCE TURNER, PLLC 2650 Thousand Oaks Boulevard, Suite 2140A Memphis, Tennessee 38118

And return to:

Barry F. White Farris Bobango PLC 999 Shady Grove Road South Memphis TN 38120

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that effective as of the 31st day of December, 2017, THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE ("Grantor"), a public not-for-profit corporation of the State of Tennessee, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), does hereby bargain, sell, remise, release, quit claim and convey unto SMITH & NEPHEW, INC., a Delaware corporation ("Grantee"), all its right, title and interest in and to the following described real estate located in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

AS DESCRIBED ON EXHIBIT A

Being the same property described in Special Warranty Deed of record as Instrument No. 03182542, and that certain Amended and Restated Real Property Lease Agreement (the "Lease") of record as Instrument No. 05190322, all in the office of the Shelby County Register. Notwithstanding the foregoing, this conveyance is subject to all easements, restrictions and encumbrances of record, if any, set forth on Exhibit B to the Lease or as thereafter created by or for the account of Lessee, as permitted or provided for in the Lease. The provisions of Section 11.03 (Conveyance of Title) of the Lease survive and apply to this transfer.

This deed was prepared without the benefit of a title search, title opinion, abstract of title,

title examination or survey; it was prepared from information supplied by the Grantor and Grantee. Grantor, by its signature, and Grantee, by acceptance of this quit claim deed, acknowledge that neither of them have relied upon any warranties or covenants made by the preparer of this instrument with respect to the validity of this quit claim deed, the accuracy of the names and dates pertaining to the predecessors in title, nor the accuracy of the legal description.

This deed is being recorded to evidence termination of this real property's participation in the PILOT Program, benefitting PILOT Applicant SMITH & NEPHEW, INC., a Delaware corporation, effective as of December 31, 2017.

IN TESTIMONY WHEREOF, the Grantor has caused its name to be signed hereto by and through its proper officers duly authorized so to do effective as of the 31st day of December, 2017.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE TO FOLLOW]

THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE

By **Reid Dulberger**

President

STATE OF TENNESSEE COUNTY OF SHELBY

__ *

Before me, the undersigned Notary Public of the State and County aforesaid, personally appeared REID DULBERGER, 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 President of THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, the within named bargainor, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself, as such President.

WITNESS my hand and official seal at office this Mau day of 2018. Notary My commission expires:



'PROPERTY ADDRESSES AND TAX PARCEL NUMBERS:

Attachment 1: 1400 Springbrook Tax Parcel Number 060-222-00350 Attachment 2: 1450 E. Brooks Rd. Tax Parcel Number 060-222-00225 Attachments 3-5: 3079 Coughlin Tax Parcel Number 060-222-H-00006C Attachment 6: 0 East Brooks Tax Parcel Number 060-222-00224 Attachment 7: 1400 Springbrook Tax Parcel Number 060-222-00350 Attachment 8: 1432 Brooks Tax Parcel Number 060-222-00365 (formerly part of 060-222-H-000011C)

:

PROPERTY OWNER'S NAME AND ADDRESS AND MAIL TAX NOTICES TO:

Smith & Nephew, Inc. D. Gangi, Mgr., Indirect Taxes 150 Minuteman Road Andover MA 01810-1031

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 \$10.00.					
Y					
Affiant					
Subscribed and sworn to before me this $\frac{24'}{100}$ day of M_{i} and M_{i					
, 2018.					
STATE OF A. B. HOUSDOW					
NOTARY					
NOTARY PUBLIC commission connecs: // -/6 - 2020					
SHOW EXPIRES					

EXHIBIT A

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Legal Description See attachment

EXHIBIT A

The following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

That real estate described in the following deeds recorded in the Shelby County Register's office as follows:

- 1. DL 6283 Parcel Number 060-222-00350 described more fully on Attachment 1
- 2. E6 3919 Parcel Number 060-222-00225 described more fully on Attachment 2

3. BK 0603 - Part of Parcel 060-222-H-00006C- described more fully on Attachment 3

4. BH 2391 - Part of Parcel 060-222-H-00006C- described more fully on Attachment 4

5. Z1 9104 - Part of Parcel 060-222-H-00006C- described more fully on Attachment 5

6. CG 5872 - Parcel Number 060-222-00224 - described more fully on Attachment 6

7. AA 4406 - Part of Parcel Number 060-222-00350- described more fully on Attachment 7

 Instrument Number 02197975 - Part of Parcel Number 060-222-H-000011C- described more fully on Attachment 8

ATTACHMENT I

1

The following described real estate, of Tennessee:

> Lot 7 of the Brookway Industrial Park Subdivision as shown on plat recorded in Plat Book 31. Page 21 in the Shelby County Register's Office, Iccated in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point, said point being 41.39 feet north of the intersection of the north right-of-way line of Springbrook Avenue (54 feet from the conterline) and the east rightof-way line of Sandbrook Street (60 foot right-of-way); then N 00 degree 00 minutes 00 seconds E along the east line of said Sandbrock Street a distance of 443.37 feet to the southwest corner of Lot 8 of said Brookway Subdivision: thence N 87 degrees 59 minutes 45 seconds E along the south line of said Lot 8 a distance of 284.07 feet to a point on the west line of Coughlins Brook Road Subdivision as recorded in Plat Book 54, Page 15 at said Register's Office: thence S 00 degrees 00 minutes 08 seconds W along the west line of Lots 2, 1, 4, 5, and 6 of said Coughlins Subdivision a distance of 485.00 feet to a found iron pin at the southwest corner of said Lot 2; thence \$ 88 degrees 02 minutes 42 seconds W alony the north line of said Springbrook Avenue a distance of 242.65 feet to a point of curvature; thence along a curve to the right naving a radius of 45 feet, an are length of \$4.20 fast (chord # 45 degrees SH minutes 33 seconds $X \sim 57.53$ feet; to the point of beginning, and cont ining 137,281 square feet or 3.152 screp.

ATTACHMENT 2

The following described real estate situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Part of Lot 35 of Hill and Fontaine Brooks Avenue Subdivision per plat of record in Plat Book 8, Page 117, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at the point of intersaction of the West line of Lot 34, Hill & Fontaine Stooks Avenue Subdivision and the proposed north line of Brooks Avenue as described in deed from Randt Curporation to the Commissioners of Shelby County, Tennessee, dated 2/15/65 and decorded in Book 5578, Page 364, in the Register's Office, Shelby County, Tennessee; thence South 85 degrees 39 minutes West along the said proposed north line of Brooks Avenue a distance of 66.86 feet to a point in the east line of the land conveyed to the State of Tennessee for controlled access highway, by Warranty Deed recorded in Book 4135, Page 336, said Register's Office; thence North 4 degrees 26 minutes East along the East line of the land conveyed to said State of Tennessee a distance of 2 feet to a point; thence North 85 degrees 34 minutes West along the North line of said land conveyed to the State of Tennessee a distance of 267.14 feet to a point in the line dividing Lots 36 and 35 of said Subdivision; thence north along the cast line of said Lot B6 a distance of 2585 feet, more or less, to a point in the North line of said Subdivision; thence east along said North line a distance of 334 feet, more or less, to a point, the northwest corner of Lot 34 of said Subdivision; thence south along the West line of said Lor 34 a distance of 2612 feet, more or less, to the point of beginning, and being the same property conveyed to said Parties of the First Part by warrancy deed of record under Register's Number 2 3 3119 in said Register's Office.

ATTACHMENT 3

Lots 8, 9, 10, 11 and 12 of Coughlin's Brooks Road Subdivision, as recorded in Plat Book 54, Page 15, Shelby County Register's Office and more particularly described as follows:

Beginning at a point in the west line of Coughlin Drive (68 feet wide) 40 feet southwardly from the tangent intersection at the southwest corner of Coughlin Drive and Stonebrook Avenue (60 feet wide), and running thence southwardly along the west line of Coughlin Drive 512.0 feet to the northeast corner of Lot 7; thence westwardly along the north line of Lot 7 and perpendicular to Coughlin Drive 300 feet to a point in the east line of Brookway Industrial Park Subdivision; thence northwardly along the east line of said subdivision parallel with Coughlin Drive 552.0 feet to a point on the south line of Stonebrook Avenue; thence eastwardly along the south line of Stonebrook Avenue 260.0 feet to the beginning of a curve; thence by a curve to the right having a radius of 40 feet an arc distance of 62.83 feet to the point of beginning.

ATTACHMENT 4

The following described real estate, situated and being in Sneaby County, Tennessee, to-vit:

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BEING Lots 3. 4 and 5 of Coughlin's Brooks Road Subdivision, as recorded in Plat Book 54, Page 15 in said Register's Office, and more particularly described as follows:

Beginning at a point in the vest line of Coughlin Orive 757 feet southwardly from the tangent intersection of the vest line of Coughlin Drive with the south line of Stonebrook Avenue, and running thence southwardly along the vest line of Coughlin Drive JOD feet to the northeast corner of Lot 2; thence vestwardly along the north line of Lot 2 perpendicular to Coughlin Drive JOB feet to a point in th east line of Brookway Industrial Park Subdivision; thence northwardly along the east 1.ne of the Brookway Industrial Park Subdivision JOD feet to the southwest corner of Lot 6; thence eastwardly along the south line of Lot 6 perpendicular to Coughlin Drive JOD feet to the point of beginning.

ATTACHMENT 5

The real estate located in Memphis, County of Shelby, State of Tennessee. To-wit:

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Lots 6 and 7 of Coughlin's Brooks Road Subdivision, as recorded in Plat Book 54, Page 15, Shelby County Register's Office.

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ATTACHMENT 6

The following described real estate, situated and reing in the County of Shelby, State of Tennessee, to-wit:

Part of Lot 14, Hill and Fontaine Company's Brooks Avenue Subdivision, as recorded in Plat Book 8, page 117, in the Register's Office of Shelby County, Tennessee, and more particularly described as follows:

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Beginning at a point in the line dividing Lots 33 and 34 of said subdivision in the north line of Brooks Avenue as described in dead of record in Book 5588. page 101, in said Register's Office, thence west along said north line of Brooks Avenue as described in said Dead of Record in Book 5588, Page 101, said Register's Office, a distance of 334 feet to a point in the east line of Lot 35 of said subdivision; thence north along said east line of Lot 35 of said subdivision, 400 feet to a point; thence east parallel with the said north line of Brooks Avenue a distance of 334 feet to a point in the west line of Lot 33 of said subdivision; thence south along said west line a distance of 400 feet to the point of beginning.

TTACHMENT 7

A portion of the northeast corner of the intersection of Couphin Drive and Stonebrook Avenue more particularly described as follows: Beylaning at the print of interaction of the morth line of Stonebrook Avenue (60 feet wide) and the east line of Coughlin Drive (60 feet wide), said point being also an interfor corner of the Richards Medical Company proparty; thence along said cast line of Coughlin Drive on a bearing of S 00°04'00" w a distance of 91.96 feet to a point of tangenry of a curve leading neck morthward and to the left and having a tadiws of 100 feet; thence morthwasterly along the art of said curve a distance of 83.99 feet to a point; thence on a bearing of M 00°04'00" 1 a distance of 13.15 feet also being the southern terainues of the Richards Avenue, said point denote house anoth line of maid Stonebrack Avenue, and point Stonebrook Avenue morth line on a bearing of 8 89°59'37" 2 a distance of Stonebrook Avenue morth line of maid percel. Containing 7.279.68

The City of Resplit horeby rateins control of access slong the closed

ATTACHAEM 8

Part of the GPD, LLC property recorded in Warranty Deed at Instrument No. GU 2603, in the Shelby County Register's Office (SCRO) said GPD, LLC property being part of Lot 1 and part of Lot 2, Coughlin's Brooks Road Subdivision recorded in Plat Book 54, Page 15 (SCRO), said part of the GPD, LLC property to be known for the purposes of this description as the "subject property", said subject property being situated in Memphis, Shelby County, Tennessee and said subject property being more particularly described as follows:

BEGINNING at a set iron pin in the present northerly right of way line of Brooks Road (public paved road-width varies, as widened), said point of beginning being 90.00 feet northwestwardly of the tangent intersection of said northwesterly line of Brooks Road and the westerly right of way of Coughlin Drive (public, paved road 68 fect wide), as measured along said tangent; thence north 61 degrees 28 minutes 39 seconds west along said northwesterly line of Brooks Road 80.23 feet to a set iron pin; thence north 00 degrees 18 minutes 21 seconds cast (leaving said northwesterly line and parallel to said westerly line of Coughlin Drive) 237.33 feet to a set iron pin in the south line of Lot 3 of said Coughlin's Brooks Road Subdivision; thence south 89 degrees 41 minutes 39 seconds east along said south line of Lot 3 a distance of 150.00 feet to a set iron pin in the said westerly right of way line of Coughlin Drive; thence along said westerly line the following metes and bounds: thence south 00 degrees 18 minutes 21 seconds west 228.14 feet to a point of curve to the right having a radius of 140.00 feet; thence southwestwardly along said curve an arc distance of 27.94 feet (central angle of 11 degrees 26 minutes 05 seconds chord of south 06 degrees 01 minute 23 seconds west 27.89 feet) to a point of curve of compound curve to the right having a radius of 40.00 feet; thence southwestwardly, southwardly and northwestwardly along said curve an arc distance of 66.32 feet (central angle of 94 degrees 59 minutes 34 seconds chord of South 59 degrees 41 minutes 02 seconds west 58.98 feet) to a point of curve of compound curve to the right having a radius of 140.00 feet; thence porthwestwardly along said curve to the right an arc distance of 27.94 feet (central angle of 11 degrees 26 minutes 05 seconds chord of north 67 degrees 11 minutes 41 seconds west 27.89 feet) to the point of beginning.

EXHIBIT B

- Easement(s) of record in Instrument DL 2784; Book 4627, Fage 15; Book 4948, Page 226 as
 partially abandoned at Instrument DL 2785; Book 4280, Page 63; Book 4288, Page 340;
 Chattel Book 299, Page 30 transferred by Instrument of record in Book 2204, Page 1 and
 transferred by Instrument of record in Book 3892, Page 531; Book 4077, Page 451;
 Instrument MS 3579; Instrument R4 3920 and Instrument W5 5621, all in the Register's
 Office, Shelby County, Teanessee ("Register's Office).
- 2. Subdivision restrictions, building lines and easements of record in Plat Book 9, Page 132, in the Register's Office.
- Street Right Of Way Encroachment Agreement of record in Instrument CR 6991 renewed at Instrument GK1198, in the Register's Office.
- 4. Encroschment Agreement of record in Instrument DM 2448 in the Register's Office.
- 5. Controlled Access of record in Instrument AA 4106, in the Register's Office.
- Easement(s) of record in Book 4750, Page 142; Book 5588, page 101; Book 5620, Page 120; Instrument F2 0159 and Instrument DT1016, an in the Register's Office.
- Easement(s) of record in Book 5876, Page 44; instrument P3 5455; instrument J1 5864; Instrument J7 2088; Instrument K7 3664 and Book 4281, Page 103, all in the Register's Office.
- 8 Five foot utility easement on the south and west lot lines as shown in Plat Book 31, page 21 in the Register's Office.
- 9. Easement of record in Book 4280, Pages 61 and 67 in the Register's Office.
- 10. Five foot utility easement on the cast and west lot lines as shown in Plat Book 54, Page 15, in the Register's Office.
- 11. Easement(s) of record in Instrument 17 2089, in the Register's Office.
- Easement of record in Chattel Book 293, Page 397; Book 2204, Page 1; Book 4280, Page 65 and Book 4281, Page 105, in the Register's Office.
- 13. Five foot whility casement on north line of Lot 12 as shown on said plat.
- 14. Ten foot sanitary sewer essement across north part of Lot 12 as shown on said plat.
- 15. Subdivision covenants, conditions and restrictions imposed by City of Memphis and/or Shelby County, with regard to "Coughlia's Brooks Road Subdivision" together with easements, right-of-ways and building lines shown on Instrument No. H9 1073 of record in Plat Book 54, Page 15, in the Register's Office.
- 16. Controlled access for ingress and egress to Brooks Road as condemned and taken by the State of Tennessee in Circuit Court Cause No. 81302 R.D., evidenced by "Order Divesting and Vesting Title" of record in Book 4279, Page 211, in the Register's Office.
- 17. Easements, right-of-ways and other provisions of "Uniform Gas and Water Easement" in favor of the City of Memphis, acting through Memphis Light, Gas and Water Division, of record in Book 4281, Page 105, in the Register's Office recorded in Warranty Deed at Book GU-2603 (SCRO), Being Part of Lot 1 and Part of Lot 2 Comphlin's Brooks Road Subdivision, Plat Book 54 Page 15 (SCRO), Memphis, Shelby County, Tennessee.
- 18. Those matters disclosed by survey dated September 6, 2002, last revised October 2, 2002, being Project #19365.00 by Pickering Firm (William H. Woods, TN RLS #974), entitled "ALTA/ACSM Land Title Survey of Part of the GPD, LLC, Property Recorded in Warranty Deed at Book GU-2603 (SCRO), Being Part of Lot 1 and Part of Lot 2 Coughlin's Brooks Road Subtivision, Plat Book 54 Page 15 (SCRO),

Memphis, Shelby County, Tennessee", to-wit:

- a. 30-foot front yard setback along the East and South property lines;
- b. 15-foot rear yard setback along the North property line;
- c. no setback required on the side yard along the West property line (as-built);
- d. lack of curb-cuts for direct access along Brooks Road, and location of driveway openings along Coughlin Drive;
- c. location of rights of way of Brooks Road along the South, and Coughlin Drive along the East, containing easements for sanitary sewer, water, gas and presumption of storm drains;
- f location of drain flumes along the East property line;
- g. location of two 6" pvc pipes near the Northeast property corner;
- h. location of overhead electric lines along the North property line;
- i. location of easements for maintenance of telephone, electric, gas and other utilities;
- j. location of asphalt surfaces;
- k. location of concrete surfaces, curbs, gutters, walks, planters and bases;
- 1. protrusion of building overhang, concrete walk, planter and sign base encroaching onto other property adjoining the West property line;
- 19. Any discrepancies or conflicts in boundary lines, any shortages in area, or any encroachment or overlapping of improvements.
- 20. Any facts, rights, interest or claims which are not shown by the public record but which could be ascertained by an accurate survey of the land or by making inquiry of persons in possession thereof.
- 21. Easements, liens or encumbrances or claims thereof, which are not shown by the public record.
- 22. Any lien, or right to lien for services, labor or material imposed by law and not shown by the public record.

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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.

(Sign Name), state that I have read the definition of 1, Michael Kivalt (Print Name)

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

 $[\mathcal{T}]$

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 1420 Storebook Ave Memph's, TN 38116 and further identified by Assessor's Parcel Number for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this 24 th day of teb. in the year of 2025

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET								
ONE ORIGINAL				Planning & Dev				
ONLY STAPLED TO DOCUMENTS	Planning & Zon		COMMITTEE:	DIVISION 04/22/2025				
		PUBL	IC SESSION:	DATE 05/06/2025 DATE				
ITEM (CHECK ONE)	RESOLUTION	х	REQUEST FOR					
ITEM CAPTION:	RESOLUTION X REQUEST FOR PUBLIC HEARING Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the north side of East Shelby Drive – approximate 300 feet west of Lamar Avenue. By taking the land out of the Commercial Mixed Use – 3 (CMU- 3) Use District and including it in the Employment (EMP) Use District, known as case number Z 25-002							
CASE NUMBER:	Z 25-002							
LOCATION:	North side of East Shelby Drive – approximate 300 feet west of Lamar Avenue							
COUNCIL DISTRICTS:	District 3 and Super District 8							
OWNER/APPLICANT:	Moheeb Nasser							
REPRESENTATIVES:	David Gean Bray, The Bray Firm							
REQUEST:	Rezoning of +/-1.70	2 acres fi	om Commercial N	ixed Use - 3 (CMU-3) to Employme	ent (EMP)			
RECOMMENDATION:	The Division of Pla The Land Use Cont			mmended <i>Approval</i> vroval				
PRIOR ACTION ON ITEM:	Secc Thir	nd readin	rst reading – <u>April</u> g – <u>April 22, 2025</u> – <u>May 6, 2025</u>	3, 202 <u>5</u>				
(1)		APPR	OVAL - (1) APPR	OVED (2) DENIED				
03/13/2025DATE(1) Land Use Control BoardORGAN			ATE RGANIZATION - (1) BOARD / COMMISSION					
				COUNCIL COMMITTEE				
FUNDING: (2) \$ \$		REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED						
SOURCE AND AMOUNT O	F FUNDS	OPFR	ATING BUDGET					
\$		CIP PR	COJECT # RAL/STATE/OTH	ER				
ADMINISTRATIVE APPRO	VAL:		<u>DATE</u>	POSITION				
Nabanita Ni	ra		3/25/25	PLANNER II				
				DEPUTY ADMINISTRATOR				
But 1/11 3/25/25 ADMINISTRATOR								
• 0				DIRECTOR (JOINT APPROVAL)				
				COMPTROLLER				
5 · · · ·				FINANCE DIRECTOR				
				CITY ATTORNEY				
				CHIEF ADMINISTRATIVE OFF COMMITTEE CHAIRMAN	FICER			



Memphis City Council Summary Sheet

Z 25-002

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED NORTH SIDE OF EAST SHELBY DRIVE – APPROXIMATE 300 FEET WEST OF LAMAR AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE – 3 (CMU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 25-002

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, March 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	Z 25-002	
LOCATION:	North side of East Shelby Drive – approximate 300 feet west of Lamar Avenue	
COUNCIL DISTRICT(S):	District 3, Super District 8	
OWNER/APPLICANT:	Moheeb Nasser	
REPRESENTATIVE:	David Gean Bray, The Bray Firm	
REQUEST:	Rezoning of +/-1.702 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP)	

The following spoke in support of the application: None

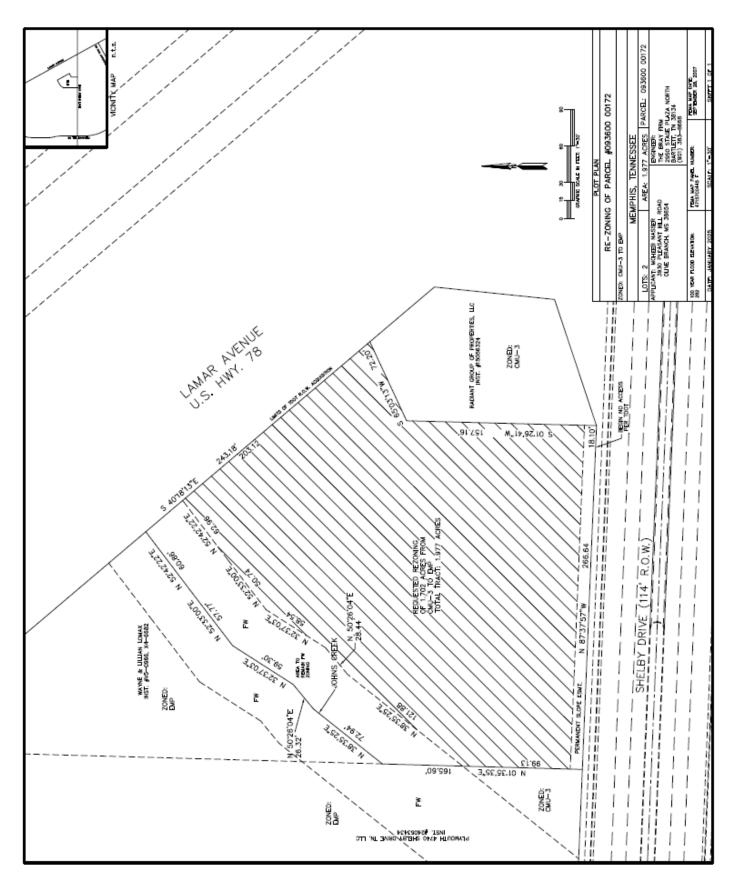
The following spoke in opposition of the application: None

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

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

Respectfully, Nabanita Nira Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File



ORDINANCE NO:

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 4890 EAST SHELBY DRIVE BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE – 3 (CMU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2025-002.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as Case Number: Z 2025-002; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE COMMERCIAL MIXED USE – 3 (CMU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Commencing and beginning at a concrete right of way marker to be set per said TDOT project plans at Station 24+50.07 68 Left (set 60p) in the North Right of Way line of Shelby Drive (NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) and, said point having a Tennessee Department of Transportation coordinate of North 273,476.28, East 800,917.73 and being the true point of beginning; thence N87°37'57"W along said North Right of Way line of said Shelby Drive as established by Instrument 20056387 a distance of 18.10' to a point at station 24+31.97 68 Left (End of No Access); thence

continuing N87°37'57"W along said Shelby Drive ROW a distance of 266.64' to a ½ rebar (FOUND) at station 21+65.33 68 Left; thence N01°35'35"E departing said Shelby Drive along the East line of the Plymouth 4740 Shelby Drive TN, LLC property as recorded by Instrument 24063434 a distance of 99.13' to a point at the limits of the floodway along Johns Creek; thence Northeastwardly along said floodway of Johns Creek the following courses: N38°35'25"E a distance of 121.88', N50°26'014"E a distance of 28.44', N32°37'03"E a distance of 58.54', N52°33'00"E a distance of 50.74' to a point; thence N52°42'22 E a distance of 62.96' to a point in the South Right of Way line of Lamar Avenue (State Route 4, NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) as determined by Instrument 20039691; thence S40°18'13"E along said Lamar Ave. Right of Way line a distance of 203.12' to a concrete right of way marker to be set per said TDOT project plans at Station 432+20.2 2442.17 Left, said point being in the North line of the Radiant Group of Properties, LLC tract as recorded by Instrument 21108855; thence S65°03'13"W along said Radiant Group of Properties tract a distance of 72.20' to a ¹/₂" rebar (FOUND) at station 24+47.53 225.14 Left; thence S01°26'41"W along said Radiant Group of Properties tract a distance of 72.16' to the point of beginning, having an area of 74156 square feet, 1.702 acres.

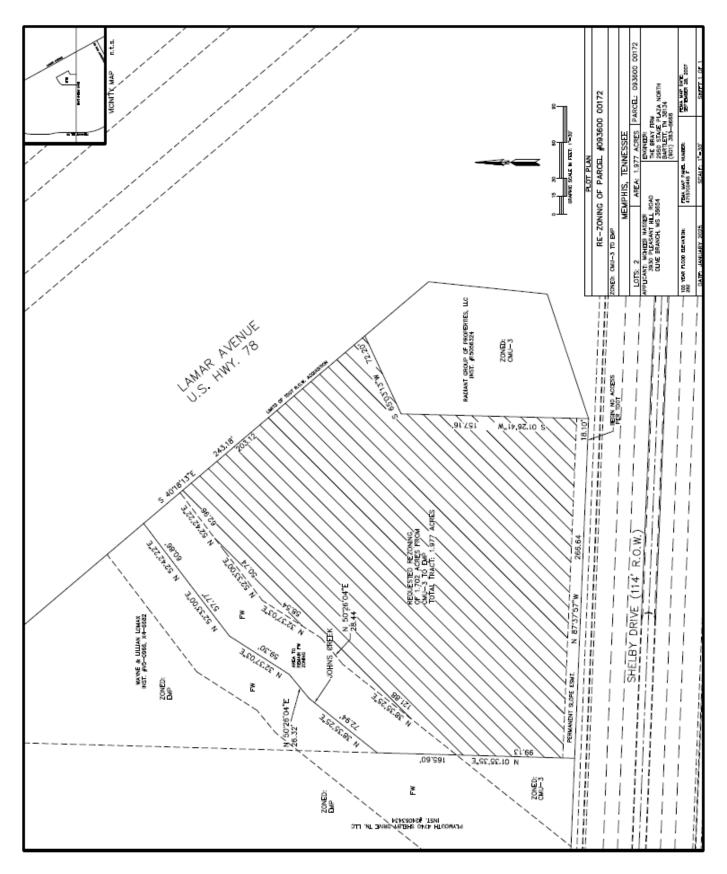
SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

PLOT PLAN



ATTEST:

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

	TAFF	REP	ORT
AGENDA ITEM:	17	L.U.C.B. MEETING:	March 13, 2025
CASE NUMBER:	Z 2025-002		
LOCATION:	4890 East Shelby Drive		
COUNCIL DISTRICT:	District 3 and Super District 8		
APPLICANT:	Moheeb Nasser		
REPRESENTATIVE:	David Gean Bray, The Bray Firm		
REQUEST:	Rezoning of +/-1.702 acres from	Commercial Mixed Use -	- 3 (CMU-3) District to

Employment (EMP) District

CONCLUSIONS

- 1. The subject parcel is zoned Commercial Mixed Use 3 (CMU-3) and Floodway (FW). The applicant is requesting a rezoning of +/-1.702 acres from Commercial Mixed Used 3 (CMU-3) to Employment (EMP) which is south of the Johns Creek Floodway along East Shelby Drive.
- 2. The zoning of the subject property currently matches the zoning of the properties directly adjacent to its east and northeast boundary lines. If approved, the EMP would be consistent with the properties to the west and south of subject property facing East Shelby Drive.
- 3. The surrounding land uses are primarily warehouse/distribution related including truck and trailer parking to the west and south. Lamar Avenue itself and its intersection with Shelby Drive are currently undergoing substantial improvements to address the fact that both roadways have become warehouse/distribution corridors with substantial truck traffic. Further, Lamar Avenue provides a direct link between Interstate 240 and Interstate 22 making it a roadway of regional significance.
- 4. The applicant has indicated the purpose of the rezoning of +/-1.702 acres from CMU-3 to EMP is to develop a truck stop. The proposed use is compatible with the Memphis 3.0 future land use.

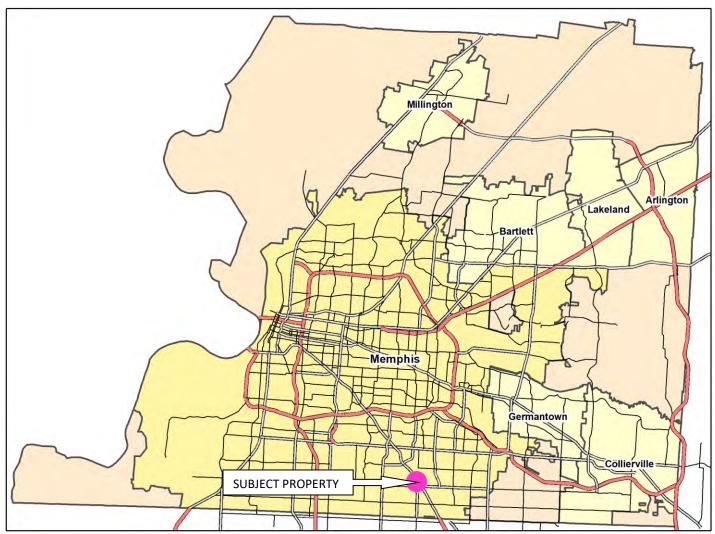
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

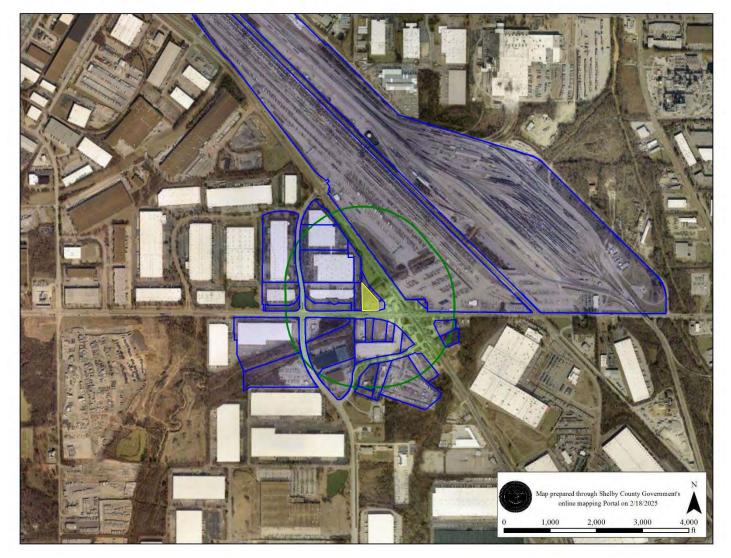
Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 26 notices were mailed on February 18, 2025, see page 21 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 22-23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Friday, February 28, 2025, at East Shelby Library, 7200 E. Shelby.



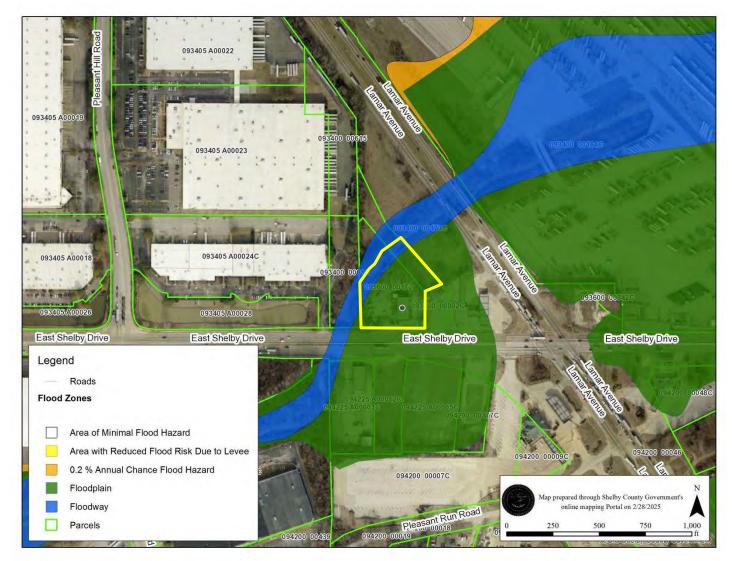
Subject property outlined in yellow, imagery from 2023. The portion of the property zoned FW is excluded from request

ZONING MAP



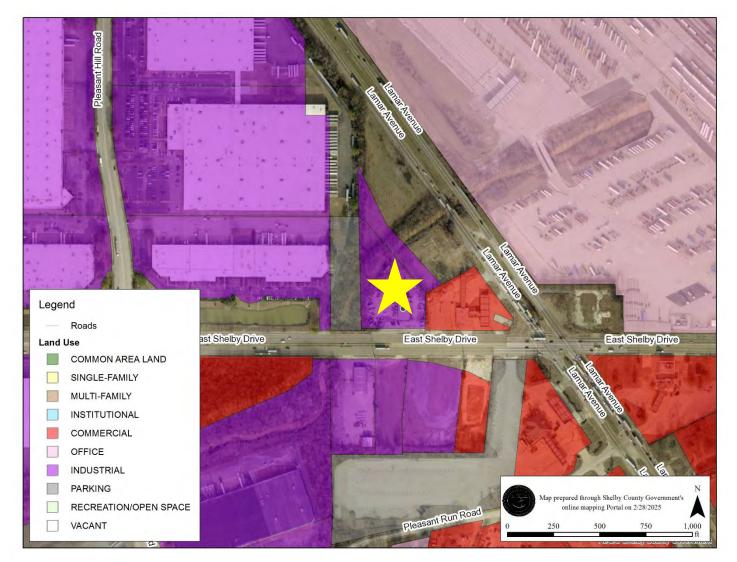
Subject property highlighted in yellow. The portion of the property zoned FW is excluded from the request.

FEMA MAP



Subject property outlined in yellow. The portion of the property zoned FW is excluded from the request.

LAND USE MAP



Subject property indicated by a yellow star



View of subject property from East Shelby Drive looking northwest

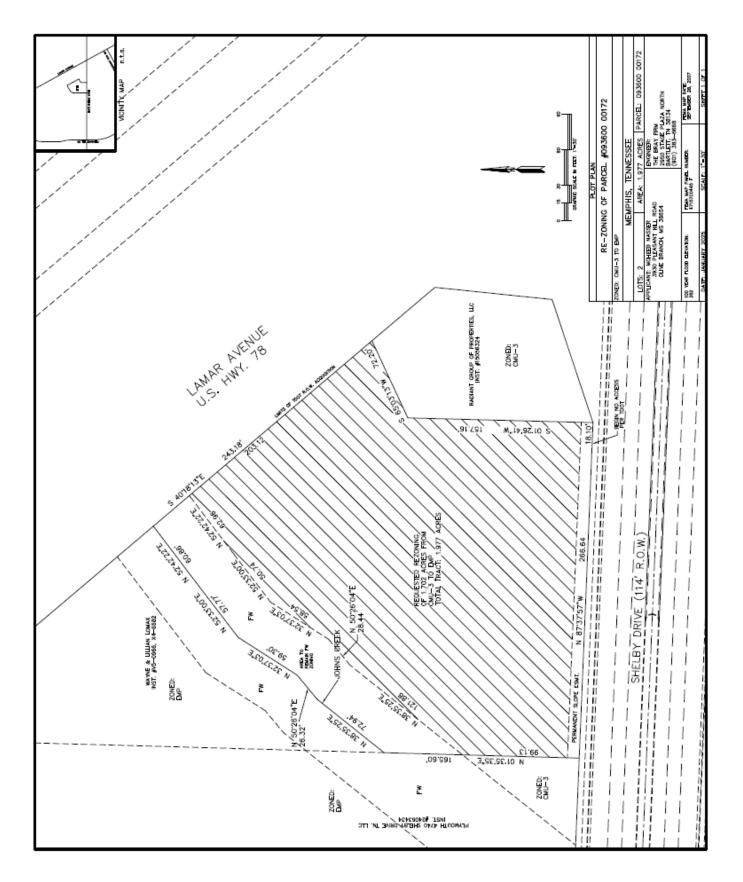


View of subject property from East Shelby Drive looking northeast

Staff Report 2025-002 March 13, 2025 Page 9

View of subject property from East Shelby Drive looking north

PLOT PLAN (THE PORTION OF THE PROPERT ZONED FW IS EXCLUDED FROM THE REQUEST)



LEGAL DESCRIPTION

Property line description of Parcel 093600 - 00172 as recorded by Instrument Number 21131498 in the Shelby County Registers' Office and being more particularly described as follows:

Commencing and beginning at a concrete right of way marker to be set per said TDOT project plans at Station 24+50.07 68 Left (set 60p) in the North Right of Way line of Shelby Drive (NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) and, said point having a Tennessee Department of Transportation coordinate of North 273,476.28, East 800,917.73 and being the true point of beginning; thence N87°37'57"W along said North Right of Way line of said Shelby Drive as established by Instrument 20056387 a distance of 18.10' to a point at station 24+31.97 68 Left (End of No Access); thence continuing N87º37'57"W along said Shelby Drive ROW a distance of 266.64' to a 1/2 rebar (FOUND) at station 21+65.33 68 Left; thence N01°35'35"E departing said Shelby Drive along the East line of the Plymouth 4740 Shelby Drive TN, LLC property as recorded by Instrument 24063434 a distance of 99.13' to a point at the limits of the floodway along Johns Creek; thence Northeastwardly along said floodway of Johns Creek the following courses: N38°35'25"E a distance of 121.88'. N50°26'014"E a distance of 28.44'. N32°37'03"E a distance of 58.54', N52°33'00"E a distance of 50.74' to a point; thence N52º42'22 E a distance of 62.96' to a point in the South Right of Way line of Lamar Avenue (State Route 4, NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) as determined by Instrument 20039691; thence S40°18'13"E along said Lamar Ave. Right of Way line a distance of 203.12' to a concrete right of way marker to be set per said TDOT project plans at Station 432+20.2 2442.17 Left, said point being in the North line of the Radiant Group of Properties, LLC tract as recorded by Instrument 21108855; thence S65°03'13"W along said Radiant Group of Properties tract a distance of 72.20' to a 1/2" rebar (FOUND) at station 24+47.53 225.14 Left; thence S01°26'41"W along said Radiant Group of Properties tract a distance of 157.16' to the point of beginning, having an area of 74156 square feet, 1.702 acres.

CASE REVIEW

The request is a Rezoning of +/- 1.702 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Details

Address: 4890 E Shelby Dr.

Parcel ID: 093600 00172

Total Area: +/-1.9711 acres (area to be rezoned is 1.702 acres)

Description:

The subject property is located on the north side of East Shelby Drive – approximate 300 feet west of Lamar Avenue. It is zoned Commercial Mixed Use – 3 (CMU-3) and Floodway (FW). Per the Assessor's website, the principal structure on the site was built in 1985 and currently is a one-story structure containing 5,000 square feet. The surrounding land uses are a mixture of commercial, industrial, and vacant lots.

<u>Analysis</u>

The applicant is requesting to rezone the CMU-3 zoned portion of the parcel which is south of the Johns Creek floodway. The zoning of the subject property currently matches the zoning of the properties directly adjacent to its east and northeast boundary lines. If approved, the EMP would be consistent with the properties to the west and south of the subject property facing East Shelby Drive.

The surrounding land uses are primarily warehouse/distribution related including truck and trailer parking to the west and south. Lamar Avenue itself and its intersection with Shelby Drive are currently undergoing substantial improvements to address the fact that both roadways have become warehouse/distribution corridors with substantial truck traffic. Further, Lamar Avenue provides a direct link between Interstate 240 and Interstate 22 making it a roadway of regional significance.

The applicant has indicated the purpose of the rezoning of +/-1.702 acres from CMU-3 to EMP is to develop a truck stop. The proposed use is compatible with the Memphis 3.0 future land use.

RECOMMENDATION

Staff recommends approval.

Editor's Note: Please note that the outline of the subject property as illustrated on pages 17-19 and page 21 illustrate the subject property being larger than it actually is. The accurate property boundary can be found on the Plot Plan on page 10 of this report.

DEPARTMENTAL COMMENTS

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

City Engineer:	Comments received, see page 15 of this report.
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:	Comments received, see page 16-17 of this report.
Office of Comprehensive Planning:	Comments received, see page 18-20 of this report.

CITY ENGINEER COMMENTS

CITY ENGINEERING COMMENTS TRC: 27 Feb 25 & LUCB:13 Mar 25 DATE:25 Feb 2025 CASE 13: Z-25-002

NAME: 4890 Shelby; Request to rezone 1.977 acres from CMU-3 to EMP Basin/Lot/CD: JOHN'S CREEK; 10-B/1.9711AC/3

 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.

<u>Drainage:</u>

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

OFFICE OF SUSTAINABILITY AND RESILIENCE COMMENTS

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Lows 600051 Sustainability and Resilience Intern Office of Sustainability and Resilience 125 NL Main St., Memphis, TN 88105 Thus Acutosiamemphistr. dov

MEMORANDUM

To: Nabanita Nira, Planner II

From: Truus Abuosi, Sustainability and Resilience Intern

Date: February 25, 2025

Subject: OSR Comments on Z 2025-002: OAKHAVEN/PARKWAY VILLAGE

General Comments & Analysis:

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

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

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

The applicant is seeking a rezoning of 1.977 acres from CMU-3 to EMP. A portion of the property falls within Zone 4 as outlined in Section 4.1 of the Mid-South Regional Resilience Master Plan. Additionally, the property is located within several environmentally sensitive areas, including the earthquake vulnerability zone, the 500-year floodplains, the floodway, and a wetland area. The requested rezone area is also bounded by Johns Creek.

	mework Analysis: Z 2025-002
	Service Contraction
	PALE
	A DESCRIPTION OF THE OWNER AND
1 Sec	
Legend	
Legend Resilience Zones Zone 1: Little to no resilience ris	
Resilience Zones Zone 1: Little to no resilience ris	
Resilience Zones	calized flooding issues
Resilience Zones Zone 1: Little to no resilience ris Zone 2: Look for and mitigate lo Zone 3: Ecologically and/or hydr	calized flooding issues
Resilience Zones Zone 1: Little to no resilience ris Zone 2: Look for and mitigate lo Zone 3: Ecologically and/or hydr areas	calized flooding issues

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

The rezoning request from CMU-3 to EMP raises concerns due to the property being in Zone 4 (highrisk areas such as floodplains). The site's location in a floodway, wetlands, and a 500-year floodplain further exacerbates the environmental risks associated with development. While the adjacent property to the west is zoned EMP and development is encouraged in Zone 1, the environmental sensitivities of the subject property, particularly its proximity to flood-prone areas, pose significant challenges to ensuring safe, sustainable development.

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

Recommendation: Staff recommends denial of this rezoning request.

OFFICE OF COMPREHENSIVE PLANNING COMMENTS

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>Z 2025-002 OAKHAVEN</u>

Site Address/Location: 4890 E Shelby Dr. Overlay District/Historic District/Flood Zone: It is in flood zone but not in overlay district or historic district. Future Land Use Designation: High Intensity Commercial & Services (CSH) Street Type: N/A

The applicant is seeking a rezoning of approx. 1.97 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP) to develop a truck stop.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.

"CSH" Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

"CSH" Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

QUALITY

Existing Land Use and Zoning: Commercial, CMU-3

Adjacent Land Use and Zoning: Commercial, Industrial, Office, Vacant; CMU-3, EMP, CA, FW.

Overall Compatibility: Considering the proposed use is a rezoning from CMU-3 to EMP, which allows for a new truck stop in this zone, the proposed use is compatible with the land use description/intent, form & location characteristics, and zoning notes.

Degree of Change Map

SOUTHPOINT

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



- Degree of Change Description N/A
- 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 a rezoning of approx. 1.97 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP) to develop a truck stop.

Considering the proposed use is a rezoning from CMU-3 to EMP, which allows for a new truck stop in this zone, the proposed use is compatible with the land use description/intent, form & location characteristics, and zoning notes.

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

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 Thursday, March 6, 2025 at 8 AM.	
CASE NUMBER: Z 2025-002 ADDRESS: 4890 E Shelby Dr REQUEST: Rezoning of approx. 1.97 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP) APPLICANT: Moheeb Nasser	E Shelty Or
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, March 13, 2025	
Staff Planner Contact: Nabanita Nira ☑ nabanita.nira@memphistn.gov ✔ (901) 636-7406	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

Shelby County State of Tennessee

being duly sworn, depose and say that at 10 AM am/pm I. Brian Hatley , 20²⁵, I posted 1 Public Notice Sign(s) on the 20th day of February pertaining to Case No. Z 2025-002 at 4890 Shelby

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

Land Use Control Board х

Board of Adjustment

- Х Memphis City Council
- Shelby County Board of Commissioners

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

hereto.

Owner, Applicant or Representative

Subscribed and sworn to before me this 27th day of February

Notary Public

My commission expires: 00





APPLICATION



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: January 31, 2025

Record Number: Z 2025-002

172

Expiration Date:

Owner Phone

Record Name: 4890 Shelby - Rezoning of Parcel 093600 00172

Description of work: Request to rezone 1.977 acres from CMU-3 to EMP.

Parent Record Number:

Address:

4890 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary Owner Name

Y ROBINSON WILLIAM C JR AND CYNTHIA R COLE

Owner Address

4890 E SHELBY DR, MEMPHIS, TN 38118

Parcel Information

093600 00172

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba
Date of Meeting	12/03/2024
Pre-application Meeting Type GENERAL INFORMATION	Phone
Have you held a neighborhood meeting?	No
Is this application in response to a citation from	No
Construction Code Enforcement or Zoning Letter?	
If yes, please provide additional information GIS INFORMATION	n/a

Page 1 of 2

Z 2025-002

GIS INFORMATION

No
No
INDUSTRIAL
MEMPHIS
-
CMU-3
1
No
-

Name MOHEEB NASSER

Address

Contact Type APPLICANT

Phone

IRM					ct Type ECT / ENGINEER /
Address 2950 STAGE PLAZA NORTH,					
5					
	Quantity	Feee	Status	Balance	Date Assessed
Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	01/31/2025
Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	01/31/2025
	PLAZA NORTH, 5 nation Fee Item Non-Residential Rezoning - 5 acres or less Credit Card Use Fee (.026	PLAZA NORTH, 5 nation Fee Item Quantity Non-Residential Rezoning 1 - 5 acres or less Credit Card Use Fee (.026 1	PLAZA NORTH, 5 nation Fee Item Quantity Fees Non-Residential Rezoning 1 1,000.00 - 5 acres or less Credit Card Use Fee (.026 1 26.00	PLAZA NORTH, 5 nation Fee Item Quantity Fees Status Non-Residential Rezoning 1 1,000.00 INVOICED - 5 acres or less Credit Card Use Fee (.026 1 26.00 INVOICED	RM ARCHITE SURVEY PLAZA NORTH, 5 5 hation Fee Item Quantity Fees Status Balance Non-Residential Rezoning 1 1,000.00 INVOICED 0.00 - 5 acres or less Credit Card Use Fee (.026 1 26.00 INVOICED 0.00

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00

Method of Payment Credit Card

Page 2 of 2

Z 2025-002

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.

Moheeb Nasson (Print Name)

(Sign Name)

state that I have read the definition of

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

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

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

of the property located at

and further identified by Assessor's Parcel Number

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

in the year of 2025 Subscribed and sworn to (or affirmed) before me this OF MISSIS ETHR STA uphot NOTARY PUBLIC Signature of Notary Public My Commission Expires July 10, 2025 ara cau

LETTER OF INTENT

THE BRAY FIRM

Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 30, 2025

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

RE: 4890 Shelby, Parcel 093600-00172 Requested Re-Zoning from CMU-3 to EMP Memphis, Shelby County, Tennessee

Mr. Ragsdale:

Please find attached an application to rezone 1.977 acres from CMU-3 to EMP. This property is bounded by Lamar Avenue, Shelby Drive and John's Creek. Adjacent properties to the west are currently zoned EMP.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending Opened Date: January 31, 2025

Record Number: Z 2025-002

Expiration Date:

Owner Phone

Record Name: 4890 Shelby - Rezoning of Parcel 093600 00172 Description of Work: Request to rezone 1.977 acres from CMU-3 to EMP.

Parent Record Number:

Address:

4890 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary Owner Name

Y ROBINSON WILLIAM C JR AND CYNTHIA R COLE

Owner Address

4890 E SHELBY DR, MEMPHIS, TN 38118

Parcel Information

093600 00172

Data Fields PREAPPLICATION MEETING Name of DPD Planner Chip Saliba 12/03/2024 Date of Meeting Pre-application Meeting Type Phone **GENERAL INFORMATION** No Have you held a neighborhood meeting? Is this application in response to a citation from No Construction Code Enforcement or Zoning Letter? If yes, please provide additional information n/a **GIS INFORMATION**

Page 1 of 2

GIS INFORMATION	
Case Layer	BOA1947-091-CO
Central Business Improvement District	No
Class	I
Downtown Fire District	No
Historic District	-
Land Use	INDUSTRIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name MOHEEB NASSER

. . .

Address

Phone

Name THE BRAY F	IRM					<mark>ct Type</mark> ECT / ENGINEER /	
Address 2950 STAGE PLAZA NORTH.					SURVEY	SURVEYOR	
Phone (901)487-242	25						
Fee Inforr	nation						
nvoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1621622	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	01/31/2025	
1621622	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	01/31/2025	
	,						

Payment Information

Payment Amount	Method of Payment
\$1,026.00	Credit Card

Contact Type

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Development Code Section 12.3.1.

1, Moheeb Nassor (Print Name)

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

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

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

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

of the property located at

and further identified by Assessor's Parcel Number

for which an application is being made to the Division of Planning and Development. anual in the year of 2025. Subscribed and sworn to (or affirmed) before me this OF MISS ID No 120900 NOTARY PUBLIC Signature of Notary Public **Comm Expires** Commission Expires My July 18, 2025 SOTO COU



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 30, 2025

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

RE: 4890 Shelby, Parcel 093600-00172 Requested Re-Zoning from CMU-3 to EMP Memphis, Shelby County, Tennessee

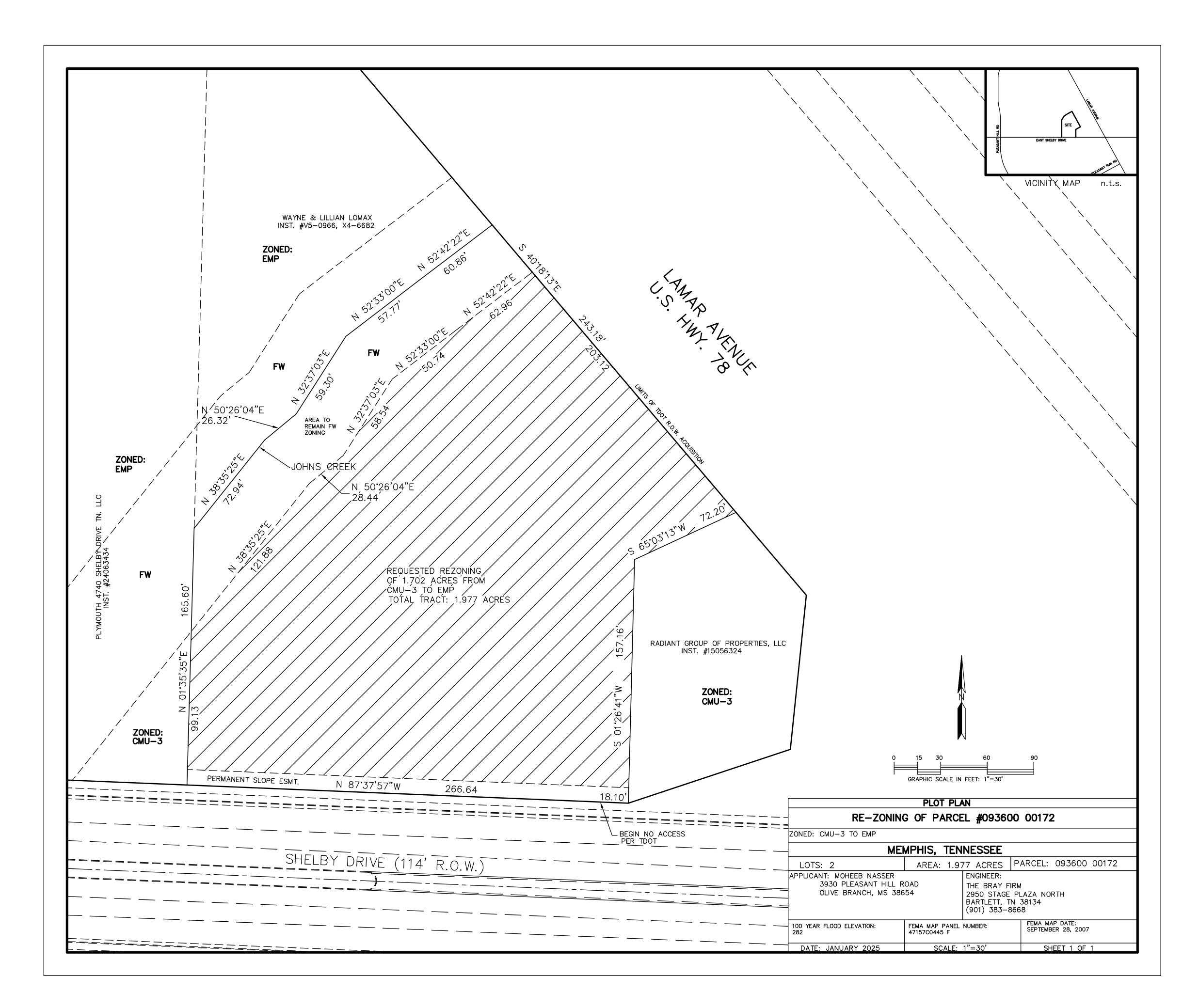
Mr. Ragsdale:

Please find attached an application to rezone 1.977 acres from CMU-3 to EMP. This property is bounded by Lamar Avenue, Shelby Drive and John's Creek. Adjacent properties to the west are currently zoned EMP.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

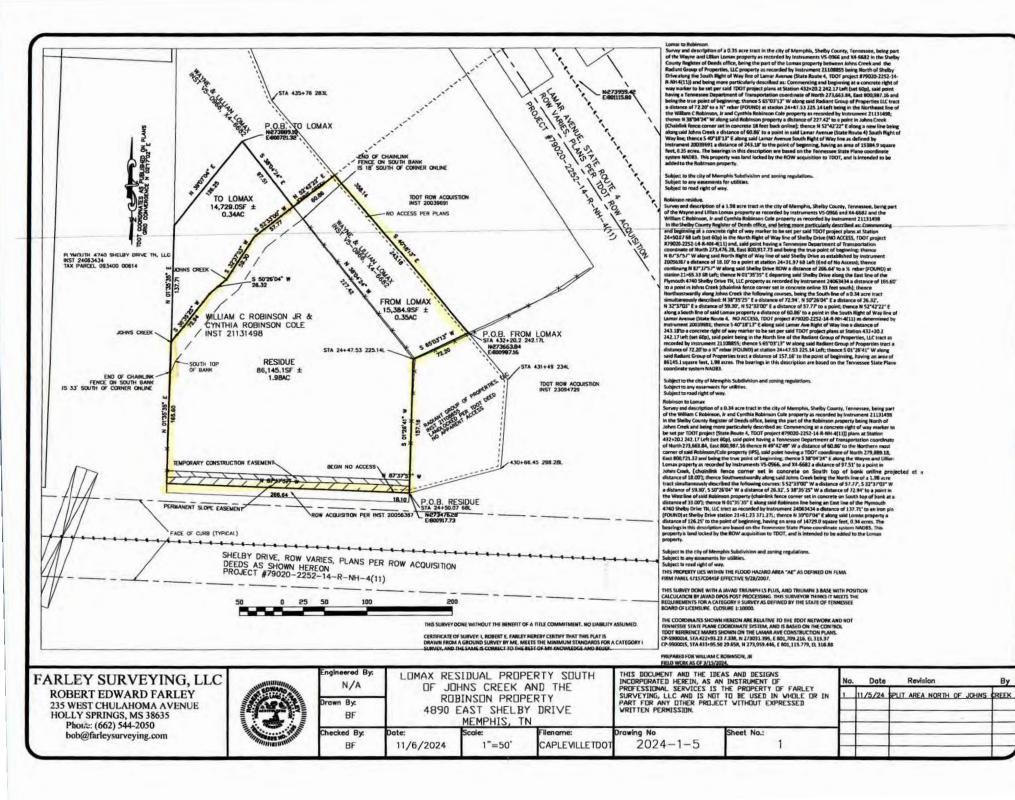
Sincerely,

David Gean Bray, P.E.



Property line description of Parcel 093600 - 00172 as recorded by Instrument Number 21131498 in the Shelby County Registers' Office and being more particularly described as follows:

Commencing and beginning at a concrete right of way marker to be set per said TDOT project plans at Station 24+50.07 68 Left (set 60p) in the North Right of Way line of Shelby Drive (NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) and, said point having a Tennessee Department of Transportation coordinate of North 273,476.28, East 800,917.73 and being the true point of beginning; thence N87°37'57"W along said North Right of Way line of said Shelby Drive as established by Instrument 20056387 a distance of 18.10' to a point at station 24+31.97 68 Left (End of No Access); thence continuing N87º37'57"W along said Shelby Drive ROW a distance of 266.64' to a 1/2 rebar (FOUND) at station 21+65.33 68 Left; thence N01°35'35"E departing said Shelby Drive along the East line of the Plymouth 4740 Shelby Drive TN, LLC property as recorded by Instrument 24063434 a distance of 99.13' to a point at the limits of the floodway along Johns Creek; thence Northeastwardly along said floodway of Johns Creek the following courses: N38°35'25"E a distance of 121.88', N50°26'014"E a distance of 28.44', N32º37'03"E a distance of 58.54', N52º33'00"E a distance of 50.74' to a point; thence N52°42'22 E a distance of 62.96' to a point in the South Right of Way line of Lamar Avenue (State Route 4, NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) as determined by Instrument 20039691; thence S40º18'13"E along said Lamar Ave. Right of Way line a distance of 203.12' to a concrete right of way marker to be set per said TDOT project plans at Station 432+20.2 2442.17 Left, said point being in the North line of the Radiant Group of Properties, LLC tract as recorded by Instrument 21108855; thence S65°03'13"W along said Radiant Group of Properties tract a distance of 72.20' to a ¹/2" rebar (FOUND) at station 24+47.53 225.14 Left; thence S01°26'41"W along said Radiant Group of Properties tract a distance of 157.16' to the point of beginning, having an area of 74156 square feet, 1.702 acres.



Robinson residue.

Survey and description of a 1.98 acre tract in the city of Memphis, Shelby County, Tennessee, being part of the Wayne and Lillian Lomax property as recorded by Instruments V5-0966 and X4-6682 and the William C Robinson, Jr and Cynthia Robinson Cole property as recorded by Instrument 21131498 in the Shelby County Register of Deeds office, and being more particularly described as: Commencing and beginning at a concrete right of way marker to be set per said TDOT project plans at Station 24+50.07 68 Left (set 60p) in the North Right of Way line of Shelby Drive (NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) and, said point having a Tennessee Department of Transportation coordinate of North 273,476.28, East 800,917.73 and being the true point of beginning; thence N 87°37'57" W along said North Right of Way line of said Shelby Drive as established by Instrument 20056387 a distance of 18.10' to a point at station 24+31.97 68 Left (End of No Access); thence continuing N 87°37'57" W along said Shelby Drive ROW a distance of 266.64' to a ½ rebar (FOUND) at station 21+65.33 68 Left; thence N 01°35'35" E departing said Shelby Drive along the East line of the Plymouth 4740 Shelby Drive TN, LLC property as recorded by Instrument 24063434 a distance of 165.60' to a point in Johns Creek (chainlink fence corner set in concrete online 33 feet south); thence Northeastwardly along Johns Creek the following courses, being the South line of a 0.34 acre tract simultaneously described: N 38°35'25" E a distance of 72.94', N 50°26'04" E a distance of 26.32', N 32°37'03" E a distance of 59.30', N 52°33'00" E a distance of 57.77' to a point, thence N 52°42'22" E along a South line of said Lomax property a distance of 60.86' to a point in the South Right of Way line of Lamar Avenue (State Route 4, NO ACCESS, TDOT project #79020-2252-14-R-NH-4(11) as determined by Instrument 20039691; thence S 40°18'13" E along said Lamar Ave Right of Way line a distance of 243.18'to a concrete right of way marker to be set per said TDOT project plans at Station 432+20.2 242.17 Left (set 60p), said point being in the North line of the Radiant Group of Properties, LLC tract as recorded by Instrument 21108855; thence S 65°03'13" W along said Radiant Group of Properties tract a distance of 72.20'to a ½" rebar (FOUND) at station 24+47.53 225.14 Left; thence S 01°26'41" W along said Radiant Group of Properties tract a distance of 157.16' to the point of beginning, having an area of 86145.1 square feet, 1.98 acres. The bearings in this description are based on the Tennessee State Plane coordinate system NAD83.

Subject to the city of Memphis Subdivision and zoning regulations. Subject to any easements for utilities. Subject to road right of way.

Lomax to Robinson.

Survey and description of a 0.35 acre tract in the city of Memphis, Shelby County, Tennessee, being part of the Wayne and Lillian Lomax property as recorded by Instruments V5-0966 and X4-6682 in the Shelby County Register of Deeds office, being the part of the Lomax property between Johns Creek and the Radiant Group of Properties, LLC property as recorded by Instrument 21108855 being North of Shelby Drive along the South Right of Way line of Lamar Avenue (State Route 4, TDOT project #79020-2252-14-R-NH-4(11)) and being more particularly described as: Commencing and beginning at a concrete right of way marker to be set per said TDOT project plans at Station 432+20.2 242.17 Left (set 60p), said point having a Tennessee Department of Transportation coordinate of North 273,663 84, East 800,987.16 and being the true point of beginning; thence S 65°03'13" W along said Radiant Group of Properties LLC tract a distance of 72.20' to a ½" rebar (FOUND) at station 24+47.53 225.14 Left being in the Northeast line of the William C Robinson, Jr and Cynthia Robinson Cole property as recorded by Instrument 21131498; thence N 38°04'24" W along said Robinson property a distance of 227.42' to a point in Johns Creek (Chainlink fence corner set in concrete 18 feet back online); thence N 52°42'22" E along a new line being along said Johns Creek a distance of 60.86' to a point in said Lamar Avenue (State Route 4) South Right of Way line; thence S 40°18'13" E along said Lamar Avenue South Right of Way line as defined by Instrument 20039691 a distance of 243.18' to the point of beginning, having an area of 15384.9 square feet, 0.35 acres. The bearings in this description are based on the Tennessee State Plane coordinate system NAD83. This property was land locked by the ROW acquisition to TDOT, and is intended to be added to the Robinson property.

Subject to the city of Memphis Subdivision and zoning regulations. Subject to any easements for utilities. Subject to road right of way.

Robinson to Lomax

Survey and description of a 0.34 acre tract in the city of Memphis, Shelby County, Tennessee, being part of the William C Robinson, Jr and Cynthia Robinson Cole property as recorded by Instrument 21131498 in the Shelby County Register of Deeds office, being the part of the Robinson property being North of Johns Creek and being more particularly described as: Commencing at a concrete right of way marker to be set per TDOT project (State Route 4, TDOT project #79020-2252-14-R-NH-4(11)) plans at Station 432+20.2 242.17 Left (set 60p), said point having a Tennessee Department of Transportation coordinate of North 273,663.84, East 800,987.16 thence N 49°42'49" W a distance of 60.86' to the Northern most corner of said Robinson/Cole property (IPS), said point having a TDOT coordinate of North 279,889.18, East 800,721.32 and being the true point of beginning; thence S 38°04'24" E along the Wayne and Lillian Lomax property as recorded by Instruments V5-0966, and X4-6682 a distance of 97.51' to a point in Johns Creek, (chainlink fence corner set in concrete on South top of bank online projected at a distance of 18.00'); thence Southwestwardly along said Johns Creek being the North line of a 1.98 acre tract simultaneously described the following courses: S 52°33'00" W a distance of 57.77', S 32°37'03" W a distance of 59.30', S 50°26'04" W a distance of 26.32', S 38°35'25" W a distance of 72.94' to a point in the West line of said Robinson property (chainlink fence corner set in concrete on South top of bank at a distance of 33.00'); thence N 01°35'35" E along said Robinson line being an East line of the Plymouth 4740 Shelby Drive TN, LLC tract as recorded by Instrument 24063434 a distance of 137.71' to an iron pin (FOUND) at Shelby Drive station 21+61.23 371.27L; thence N 39°07'04" E along said Lomax property a distance of 126.25' to the point of beginning, having an area of 14729.0 square feet, 0.34 acres. The bearings in this description are based on the Tennessee State Plane coordinate system NAD83. This property is land locked by the ROW acquisition to TDOT, and is intended to be added to the Lomax property.

Subject to the city of Memphis Subdivision and zoning regulations. Subject to any easements for utilities. Subject to road right of way.



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.

	TOLET	10.20.30 11	<u> </u>
4 PGS			
ALONZO	2323139-2113	1498	
VALUE			0.00
MORTGAGE	TAX		0.00
TRANSFER	TAX		0.00
RECORDING	G FEE		20.00
DP FEE			2.00
REGISTER	'S FEE		0.00
EFILE FER	C		2.00
TOTAL AMO	DUNT		24.00

21131498 10/19/2021 - 10:20:30 AM

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov Prepared by and Return to: Hugh H. Armistead, Attorney Armistead Law, PLLC 8925 Goodman Road Olive Branch, MS 38654 662-895-4844

<u>New Property Owner/Send Tax Bills:</u> William Clifford Robinson, Jr. and Cynthia Robinson Cole 4890 East Shelby Drive, Memphis, TN 38118 901-366-4995

<u>Property Address and Tax Parcel Number:</u> 4890 East Shelby Drive, Memphis, TN 38118 093-6000-0-00172-0

QUITCLAIM DEED

THIS INSTRUMENT, made and entered into this the <u>14</u>th day of October, 2021, by and between WILLIAM C. ROBINSON and wife, PEGGIE M. ROBINSON, of the first part,

and

WILLIAM CLIFFORD ROBINSON, JR. and CYNTHIA ROBINSON COLE,

as Tenants in Common, of the second part,

WITNESSETH: That for and in consideration of ONE and 00/100 DOLLAR (\$1.00), the

said party of the first part does hereby bargain, sell, remise, release, quit claim and convey unto the said party of the second part all of its right, title and interest in and to the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

Parts of the property conveyed to L. H. Poppenheimer, Trustee, by Warranty Deed of record in Book 3331, Page 171, Shelby County Register's Office, being more particularly described as follows:

BEGINNING at a point in the present North line of Whitehaven-Capleville Road (Shelby Drive; 57 feet northwardly from the center line, as measured perpendicular thereto); said Point of Beginning being in the West line of the property of James O. Strickland, as described in Warranty Deed of record as Instrument J2 8293, Shelby County Register's Office; thence South 84 degrees, 47 minutes West along the present North line of Whitehaven-Capleville

I

Road 284.40 feet to a point in the East line of the property of James F. Kyle, described in Warranty Deed of record in Book 4530, Page 239, Shelby County Register's Office; thence North 6 degrees, 10 minutes West along the line dividing said property of James F. Kyle and the aforesaid property of L. H. Poppenheimer, Trustee, 315.00 feet to the most southerly corner of the property of Regina Merlo described in Warranty Deed of record as Instrument K2 4565, Shelby County Register's Office; thence 31 degrees, 23 minutes East along the line dividing said property of Regina Merlo and said property of L. H. Poppenheimer, Trustee, a distance of 126.25 feet to a point; thence South 45 degrees, 40 minutes East to an angle point in the westerly line of the aforesaid property of James O. Strickland; thence South 6 degrees, 10 minutes East along the line dividing said property of James O. Strickland and the aforesaid property of L. H. Poppenheimer, Trustee, a distance of 168.31 feet to the Point of Beginning; containing an area of 2.043 acres, and being a vacant parcel of land. John's Creek crosses the above-described property as shown on the accompanying plat.

Being the same property conveyed to William C. Robinson and wife, Peggie M. Robinson, in Warranty Deed dated March 18, 1986, and recorded as Instrument Number X6 3698, in said Register's Office.

Municipally known as: 4890 East Shelby Drive, Memphis, TN 38118. Tax Parcel No.: 093-6000-0-00172-0.

Taxes for the current year and thereafter shall be paid by the Grantees, and possession shall take place with delivery of this deed.

IN TESTIMONY WHEREOF, the Grantors have executed this instrument this the $\underline{\mu}$ day of October, 2021.

William & Robinson

WILLIAM C. ROBINSON

Robinson

PEGGIE/M. ROBINSON

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Before me, the undersigned, a Notary Public of the State and County aforesaid, duly commissioned and qualified, personally appeared WILLIAM C. ROBINSON and PEGGIE M. ROBINSON, with whom I am personally acquainted, and who upon oath acknowledged that they executed the foregoing instrument for the purposes therein contained.

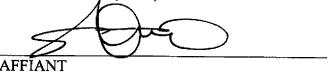
WITNESS my hand and Notarial Seal at office this 14^{++} day of October, 2021.

My Commission Expires: VOTARY PUBLIC ID No. 249551 Commission Expires oher 18, 2024 TOCO

STATE OF MISSISSIPPI

COUNTY OF DESOTO

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is One and 00/100 Dollar (\$1.00).



Subscribed and sworn to before me this the 14^{rh} day of October, 2021.

My Commission Expires:

Tennessee Certification of Electronic Document

I, <u>Hugh</u> <u>H</u>. <u>Armistead</u>, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 10.14 - 2021 (date of document).

Affiant Signature

10 · 18 · 707 Date

State of <u>Mississippi</u> County of <u>Desoto</u>

Sworn to and subscribed before me this 18th day of 0	ctohur, 2021.
	\land

(Ishle Wellew) Notary's Signature

MY COMMISSION EXPIRES: 10.18.202

NOTARY'S SEAL





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

March 13, 2025

David Gean Bray 2950 Stage Plaza North Bartlett, TN 38134

Sent via electronic mail to: moheeb.nasser32@gmail.com & dgbray@comcast.net

Case Number: Z 2025-002 LUCB Recommendation: Approval

Dear applicant,

On Thursday, March 13, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your rezoning application located on the north side of East Shelby Drive – approximate 300 feet west of Lamar Avenue to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-7406 or via email at nabanita.nira@memphistn.gov.

Respectfully, Nabanita Nira Planner II Land Use and Development Services Division of Planning and Development

Cc: Moheeb Nasser File

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP OF THE CITY OF MEMPHIS

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, at 4:00 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER:	Z 25-002
LOCATION:	North side of East Shelby Drive – approximate 300 feet west of Lamar Avenue
COUNCIL DISTRICTS:	District 3 and Super District 8
OWNER/APPLICANT:	Moheeb Nasser
REPRESENTATIVE:	David Gean Bray, The Bray Firm
REQUEST:	Rezoning of +/-1.702 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: Approval

Memphis and Shelby County Land Use Control Board: Approval

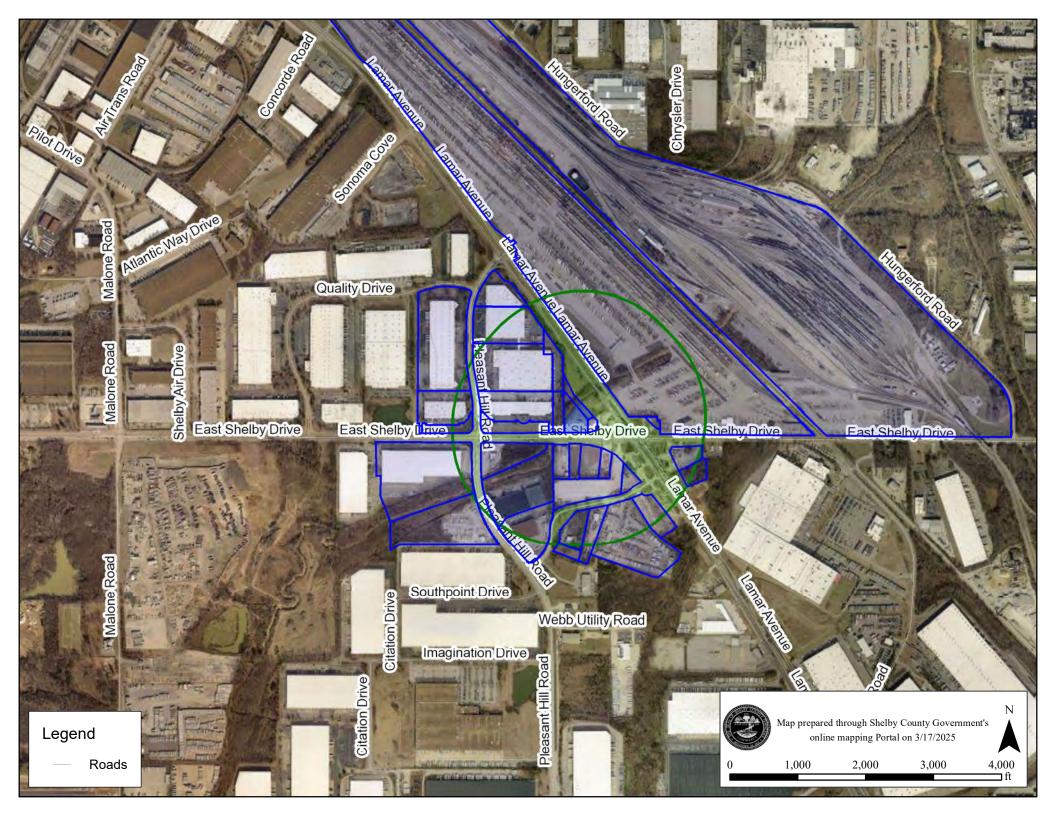
NOW, THEREFORE, you will take notice that on Tuesday, ______, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such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

THIS THE _____, ____

FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:





RANGER TN LLC 220 E 42ND ST # NEW YORK NY 10021

DREAM INDUSTRIAL MEMPHIS 1 LLC 30 ADELAIDE ST #301 TORONTO ON

MEMPHIS INDUSTRIAL LL LLC 280 PARK AVE #36 NEW YORK NY 10017

CHRIS-HILL CONSTRUCTION COMPANY LLC 4749 PLEASANT RUN RD # MEMPHIS TN 38118

STATE OF TENNESSEE 312 8TH AVE #22 NASHVILLE TN 37243

MEMPHIS BAX L P (60.0%) AND JES MEMPHIS 100 S WACKER DR #950 CHICAGO IL 60606 ROBINSON WILLIAM C JR AND CYNTHIA R COLE 4890 E SHELBY DR # MEMPHIS TN 38118

PLYMOUTH SOUTHPARK LLC

20 CUSTOM HOUSE ST #11

PLYMOUTH SOUTHPARK LLC

20 CUSTOM HOUSE ST #11

LOMAX WAYNE E & LILLIAN P

SOUTHPARK PROPERTIES ASSOCIATION INC

3763 HATCHER CIR #

6070 POPLAR AVE #500

BOSTON MA 02110

BOSTON MA 02110

MEMPHIS TN 38118

MEMPHIS TN 38119

7475 LUSK BLVD #

SAN DIEGO CA 92121

NUVASIVE INC

STATE OF TENNESSEE 505 DEADERICK ST #700 NASHVILLE TN 37243

SE INDUSTRIAL INVESTMENTS LLC 6363 POPLAR AVE #220 MEMPHIS TN 38119

BNSF RAILWAY COMPANY P O BOX 961089 # FORT WORTH TX 76161

PLYMOUTH SOUTHPARK LLC 20 CUSTOM HOUSE ST #11 BOSTON MA 02110 BALLENTINE HUBERT & BETTY PO BOX 18567 # MEMPHIS TN 38181

WPT SOUTHPOINT IV LP 150 S 5TH ST #2675 MINNEAPOLIS MN 55402

CHRIS-HILL CONSTRUCTION CO LLC 4749 PLEASANT RUN RD # MEMPHIS TN 38118

> STATE OF TENNESSEE 300 BENCHMARK PL # JACKSON TN 38301

STATE OF TENNESSEE 300 BENCHMARK PL # JACKSON TN 38301

STATE OF TENNESSEE 312 8TH AVE #22 NASHVILLE TN 37243

PLYMOUTH SOUTHPARK LLC 20 CUSTOM HOUSE ST #11 BOSTON MA 02110

RMRM INC 1121 POPLAR VIEW LN #1 COLLIERVILLE TN 38017

MEMPHIS INDUSTRIAL LL LLC 280 PARK AVE #36 NEW YORK NY 10017

MEMPHIS INDUSTRIAL LL LLC 280 PARK AVE #36 NEW YORK NY 10017

SOUTHPARK PROPERTIES ASSOC INC 6070 POPLAR AVE #500 MEMPHIS TN 38119

RADIANT GROUP OF PROPERTIES LLC 384 DISTRIBUTION PKWY # COLLIERVILLE TN 38017

PERRY HILL PLESANT RUN LLC 222 E WISCONSIN AVE #LL2 LAKE FOREST IL 60045

PERRY-HILL PLEASANT RUN LLC 222 E WISCONSIN AVE #LL2 LAKE FOREST IL 60045 REAL PROPERTY RESERVE LLC 800 HIGHWAT 98 BYP # COLUMBIA MS 39429

TRANSPORT PROPERTIES LLC 800 HIGHWAY 98 BYP # COLUMBIA MS 39429

RADIANT GROUP OF PROPERTIES LLC 384 DISTRIBUTION # COLLIERVILLE TN 38017

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 03/18/2025 DATE 03/25/2025 PUBLIC SESSION: DATE

ONE ORIGINAL

ONLY STAPLED

TO DOCUMENTS

ITEM (CHECK ONE)ORDINANCE	X_RESOLU	TION	REQUEST FOR	PUBLIC HEARING			
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at the southeast corner of S Mendenhall Road and Fox Plaza Drive known as case number SUP 2024-039						
CASE NUMBER:	SUP 2024-039						
LOCATION:	2730 S Mendenhall Road (SE corner of Mendenhall and Fox Plaza)						
COUNCIL DISTRICTS:	District 4 and Super District 8						
OWNER/APPLICANT:	Beruk Constru	Beruk Construction					
REPRESENTATIVE:	N/A	N/A					
REQUEST:	Special Use Permit to allow a convenience store with gas pumps						
AREA:	+/-1.005 acres	+/-1.005 acres					
RECOMMENDATION:	The Division of Planning and Development recommended <i>Rejection</i> The Land Use Control Board recommended <i>Rejection</i>						
RECOMMENDED COUN	CIL ACTION:		aring Not Required March 25, 2025				
PRIOR ACTION ON ITEM: (2) 12/12/2024 (1) Land Use Control Board		DA OR	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE				
FUNDING: (2) \$ \$ SOURCE AND AMOUNT OF FUNDS \$ \$ \$		AM RE OP CIF	REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER				
ADMINISTRATIVE APPROVAL:		areititet	DATE	POSITION			
take 1	in		3-10-25	PLANNER II			
	0			DEPUTY ADMINISTRATOR			
Bitthe	1.0		3/10/20	> ADMINISTRATOR			
- DAM M			-1-1	DIRECTOR (JOINT APPROVAL)			
			_	COMPTROLLER			
			-				
				FINANCE DIRECTOR			
				CITY ATTORNEY			
				CHIEF ADMINISTRATIVE OFFICER			
				COMMITTEE CHAIRMAN			



Memphis City Council Summary Sheet

SUP 2024-039

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S MENDENHALL ROAD AND FOX PLAZA DRIVE, KNOWN AS CASE NUMBER SUP 2024-039

- This item is a resolution with conditions for a special use permit to allow a convenience store with gasoline sales.
- This item was heard at the December 2024 meeting of the Land Use Control Board. Between this meeting and the present (March 2025), the applicant has worked with DPD staff to improve the site design. The improved site design is included in the attached resolution.
- Nevertheless, DPD staff recommends *rejection* for three major reasons:
 - $\circ\,$ Inconsistency with the intent of the UDC's design standards for gas stations.
 - Ecological concerns related to the site's location in an aquifer recharge zone.
 - Inconsistency with the Memphis 3.0 Comprehensive Plan
- The Land Use Control Board also voted to recommend *rejection* at its December 2024 meeting.
- 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 2024-039
LOCATION:	2730 S Mendenhall Rd.
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Beruk Construction
REPRESENTATIVE:	N/A
REQUEST:	Special Use Permit to allow a convenience store with gasoline sales.
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)
AREA:	+/-1.005 acres

The following spoke in support of the application: Aaron Robinson

The following spoke in opposition the application: Asad Sojwani

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

The motion failed by a vote of 0-9 on the regular agenda.

Respectfully,

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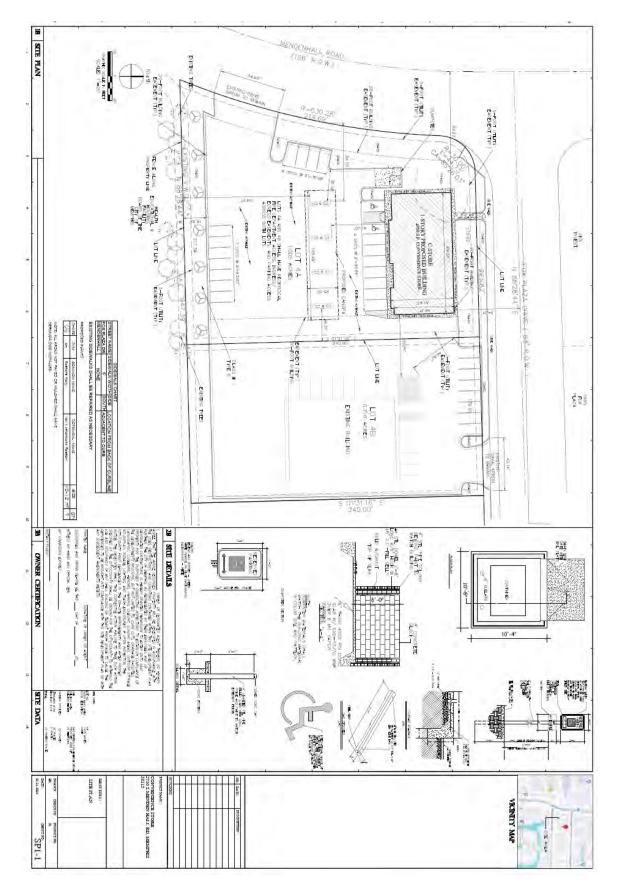
Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SUP 2024-039 CONDITIONS

While the Board recommends *rejection*, it recommends the following conditions if approved:

- 1. The applicant shall submit a revised site plan and elevations to the Zoning Administrator for administrative review and approval prior to the granting of any building permits. The granting of this Special Use Permit shall not be construed to waive any requirements of the UDC related to landscaping, bicycle or vehicular parking, or any other standard.
- 2. At least 3 electric vehicle (EV) charging stations shall be provided. The applicant may eliminate vehicular parking spaces as necessary to meet this requirement.
- 3. The principal structure shall feature at least 30% transparency on its western façade. The Zoning Administrator may, at their discretion, reduce this requirement after the submission of elevations. No window graphics or window signs shall be permitted on the western façade.



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S MENDENHALL ROAD AND FOX PLAZA DRIVE, KNOWN AS CASE NUMBER SUP 2024-039

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, Beruk Construction filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gasoline 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.

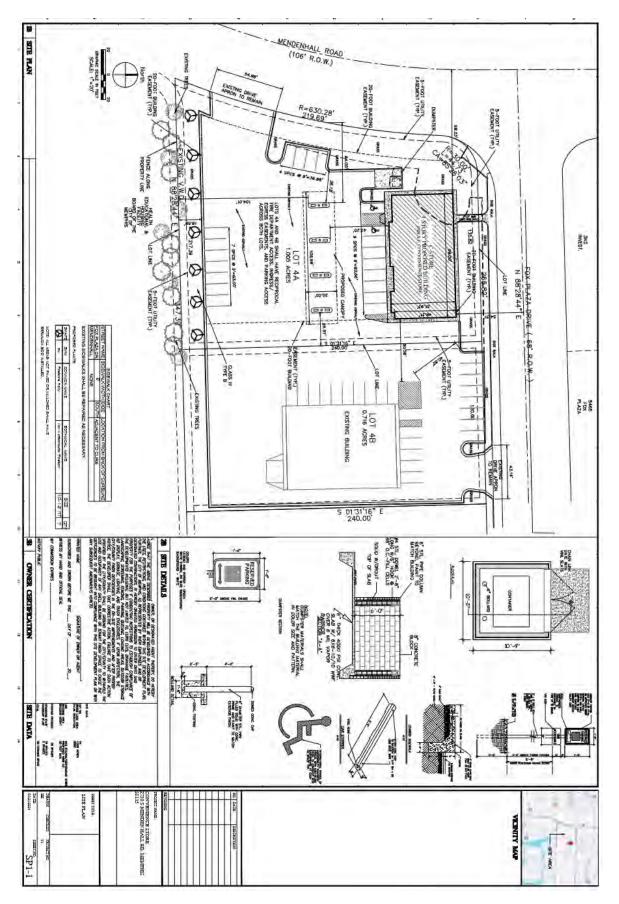
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

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. The applicant shall submit a revised site plan and elevations to the Zoning Administrator for administrative review and approval prior to the granting of any building permits. The granting of this Special Use Permit shall not be construed to waive any requirements of the UDC related to landscaping, bicycle or vehicular parking, or any other standard.
- 2. At least 3 electric vehicle (EV) charging stations shall be provided. The applicant may eliminate vehicular parking spaces as necessary to meet this requirement.
- 3. The principal structure shall feature at least 30% transparency on its western façade. The Zoning Administrator may, at their discretion, reduce this requirement after the submission of elevations. No window graphics or window signs shall be permitted on the western façade.



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:	14	L.U.C.B. MEETING:	December 12, 2024
CASE NUMBER:	SUP 2024-0039		
LOCATION:	2730 S. Mendenhall Road		
COUNCIL DISTRICT:	District 4 and Super District 8		
OWNER/APPLICANT:	Beruk Construction (Fasil Kabede)		

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

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

CONCLUSIONS

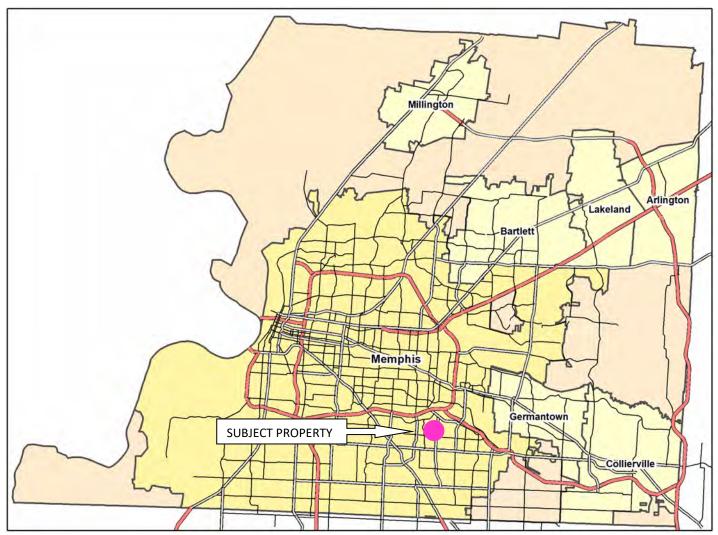
- 1. The applicant proposes to construct a new convenience store and associated 4-pump canopy on a property which served as a parking lot for a Hertz car rental until 2022.
- 2. Staff recommends *rejection* of the application for three major reasons:
 - a. Inconsistency with the UDC's design standards for gas stations, which are intended to encourage more urban and pedestrian-oriented site designs, particularly important on sites (such as the subject property) in close proximity to multifamily housing.
 - b. Ecological concerns related to the site's location in an aquifer recharge zone and subsequent inconsistency with the Mid-South Region Resilience Master plan.
 - c. Inconsistency with the Memphis 3.0 Comprehensive Plan.
- 3. 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 20-23 of this report.

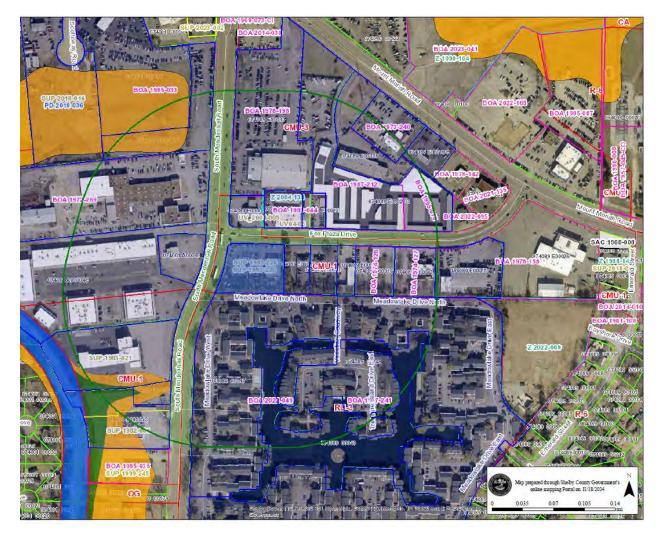
RECOMMENDATION:

Rejection



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 27 notices were mailed on November 19, 2024, see page 24 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 25 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Tuesday, November 26, 2024, at 2734 S Mendenhall Rd, Memphis, TN 38115.

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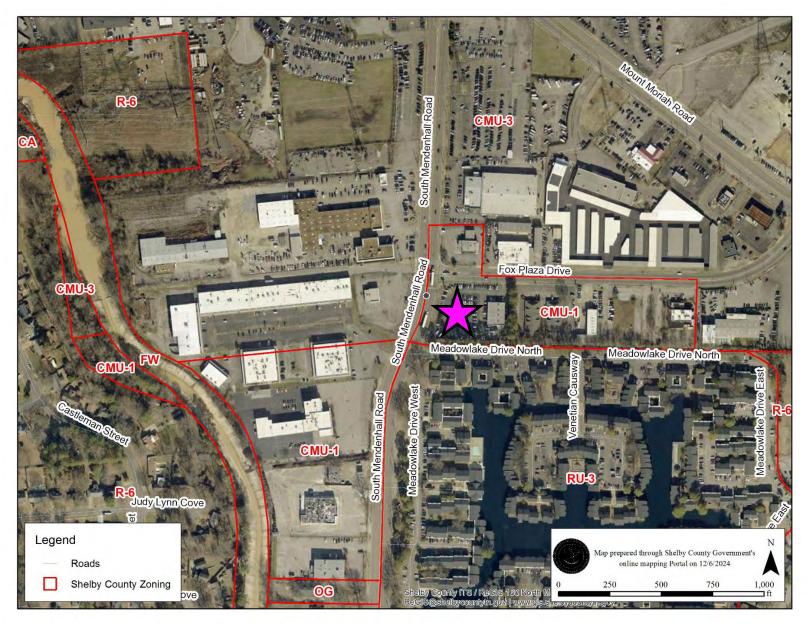
AERIAL Fox Plaza Dr 0.00 DI S Mendenhall Rd S Mendenhall Rd The Cathedral Of Prayer Cogic 222002002090209 00 1 The Wax Lounge & Spa 💽 6 600 A BEE Next Level Studios 🙆 ANEY IS CALLOCELE Aspire Event Center Matthews 6:33 (1) Meadowlake Dr N Meadowlake Dr N Amarshay Beauty Bar (a) S Mandenhall Rd Meadowlake Dr N Lakeview Mendenhall Center Papa Johns Pizza enhall Rd je. 000

Subject property outlined in yellow, imagery via Google, 2024

Google

ZONING MAP

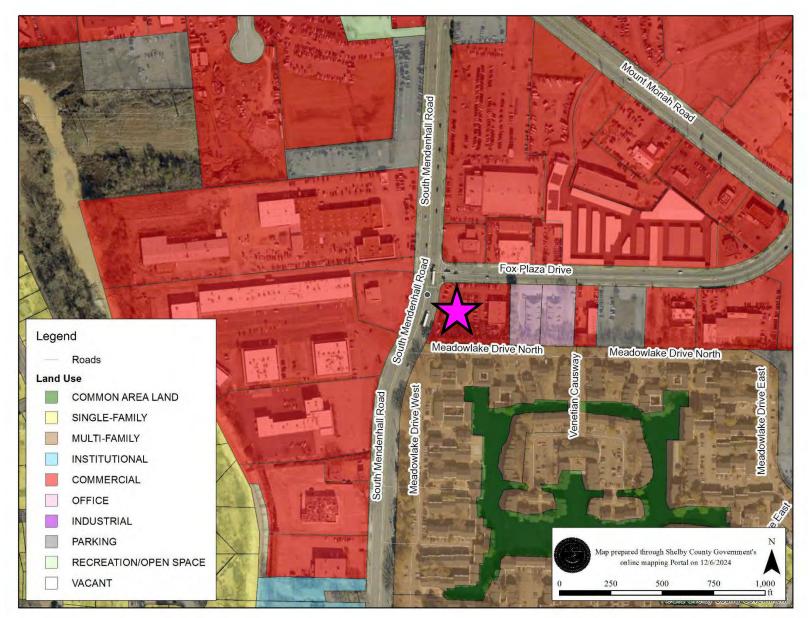
December 12, 2024 Page 5



Subject property indicated by pink star

LAND USE MAP

December 12, 2024 Page 6



Subject property indicated by a pink star

December 12, 2024 Page 7

SITE PHOTOS



View of subject property from Fox Plaza looking west



View of subject property from S Mendenhall and looking west

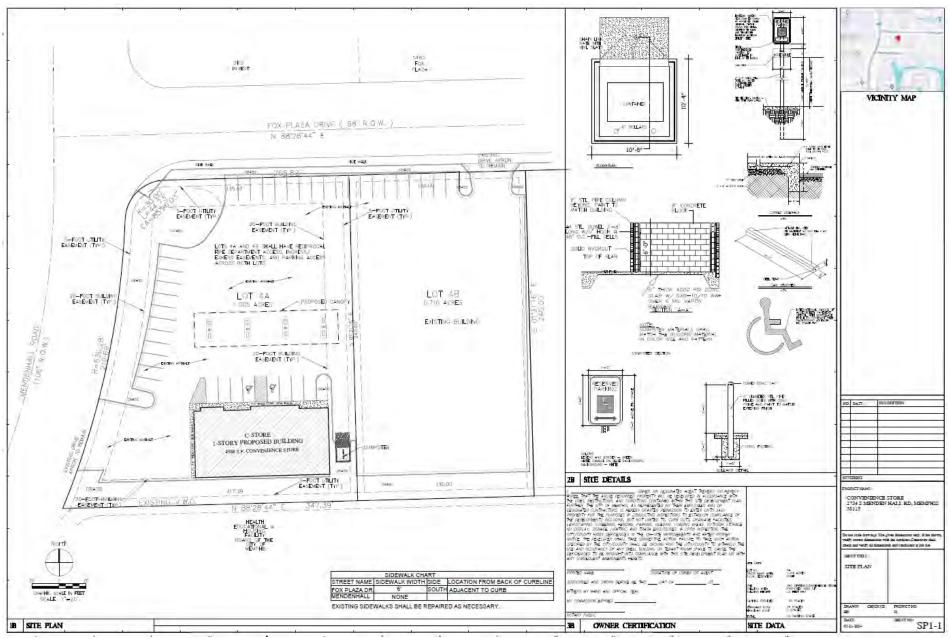


View of subject property from S Mendenhall looking North

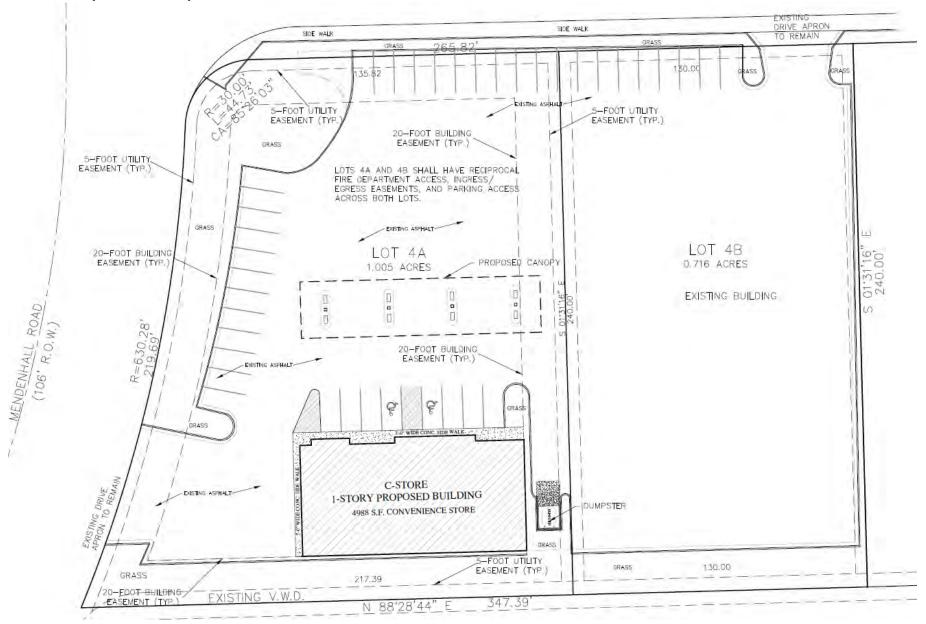


View of subject property from S Mendenhall looking Southeast

SITE PLAN

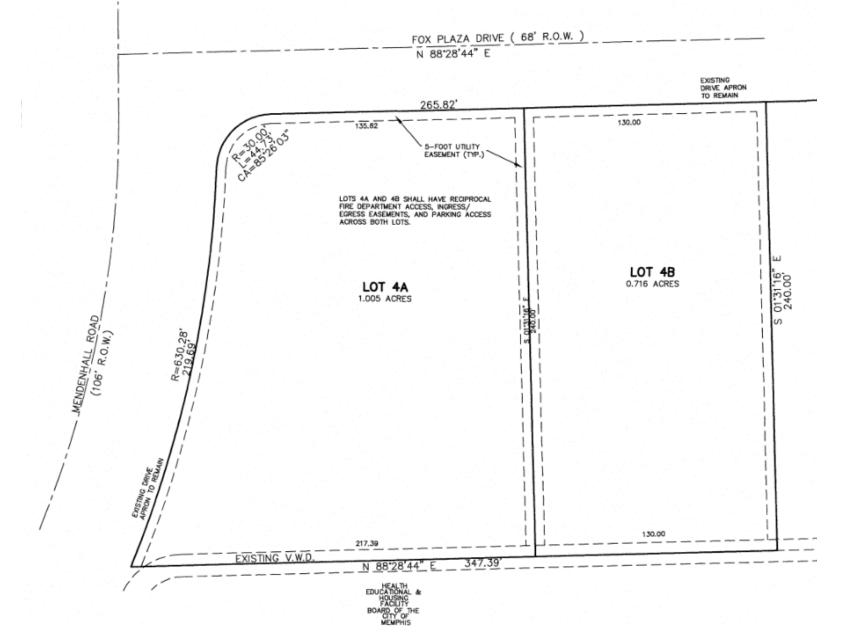


SITE PLAN (MAGNIFIED)



December 12, 2024 Page 11

FOX GATE PLAZA SUBDIVISION (2024, Plat Book 306, Pg. 34)



CASE REVIEW

Request

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

<u>Site Details</u>

Address: 2730 S. Mendenhall

Parcel ID: 074089 E00006

Area: +/1.005 acres

Description:

The subject property is known as Lot 4A of the 2024 Fox Gate Plaza subdivision and hosts a vacant parking lot. It is a distinct lot from that of the commercial structure to the east (Lot 4B). The site occupies the entire block width between Fox Plaza Dr. and Meadowlake Dr. at their intersection with S Mendenhall Rd. It is served by one curb cut on S Mendenhall at the southern extreme of the property. The recorded plat also grants shared use of the curb cut on lot 4B along Fox Plaza Dr.

Site Zoning History

A 1993 special use permit (SUP 1993-220) approved vehicle sales at this site, which has hosted a Hertz car rental facility as recently as 2022 (the UDC considers vehicle sales and rental to be the same use). Documents from that SUP application indicate that the site had been used as a restaurant prior to the vehicle sales approval. In 2023, the site was subdivided, with the principal structure and the parking lot being separated into distinct lots (see plat page 11). The subject property is lot 4A, the former Hertz parking lot.

Site Plan Review

The applicant proposes to construct a +/- 4,988 sq. ft. convenience store along the southern edge of the property, as well as a canopy with four gasoline pumps to the north. The proposed site design does not meet the standards for an SUP waiver under UDC Sub-Item 2.6.3J(2)(d)(ii), necessitating the subject SUP application.

Analysis

Staff recommends *rejection* of this application for three major reasons: 1) its inconsistency with the intent of the UDC's design standards for gas stations, 2) ecological concerns related to the site's location in an aquifer recharge zone, and 3) its inconsistency with the Memphis 3.0 comprehensive plan.

Sub-section 2.6.3J of the UDC establishes design standards for gas stations intended to encourage more pedestrian-friendly urban design. In short, these standards exempt proposed gas stations from the SUP requirement if they place the pumps to the rear or side of the building and provide an architecturally compatible or physically integrated canopy. Given the site's proximity to a multifamily neighborhood, staff finds it appropriate to strictly enforce these standards in this case.

We also note the proposal's inconsistency with the Mid-South Regional Resilience Master Plan and the Memphis 3.0 Comprehensive Plan. More information regarding these determinations can be found on pages 19-20 and 21-23, respectively.

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

RECOMMENDATION

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

Conditions

- 1. The applicant shall submit a revised site plan and elevations to the Zoning Administrator for administrative review and approval prior to the granting of any building permits. The granting of this Special Use Permit shall not be construed to waive any requirements of the UDC related to landscaping, bicycle or vehicular parking, or any other standard.
- 2. At least 3 electric vehicle (EV) charging stations shall be provided. The applicant may eliminate vehicular parking spaces as necessary to meet this requirement.
- 3. The principal structure shall feature at least 30% transparency on its western façade. The Zoning Administrator may, at their discretion, reduce this requirement after the submission of elevations. No window graphics or window signs shall be permitted on the western façade.

DEPARTMENTAL COMMENTS

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

City Engineering:	See Next Page
City Fire:	See page 18.
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:	See pages 19-20.
Office of Comprehensive Planning:	See pages 21-23

CITY ENGINEERING COMMENTS

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

Sewers:

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

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

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

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

Roads:

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

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

Traffic Control Provisions:

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

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

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

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

Curb Cuts/Access:

December 12, 2024 Page 17

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

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

13. Will require engineering ASPR.

Drainage:

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

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

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

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

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



DIVISION OF FIRE SERVICES ***** FIRE PREVENTION BUREAU

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

Case Number: SUP 2024-039 Date Reviewed: 12/6/24 Reviewed by: J. Stinson Address or Site Reference: 2730 S Mendenhall

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

OFFICE OF SUSTAINABILITY AND RESILLIENCE COMMENTS

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Logan Landry Planner I Office of Sustainability and Resilience 125 N. Main St., Memphis, TN 38103 Logan.Landry@memphistn.gov

MEMORANDUM

To: Latonya Hull, Planner I

From: Logan Landry, Planner I

Date: November 4, 2024

Subject: OSR Comments on SUP 24-039: PARKWAY VILLAGE

General Comments & Analysis:

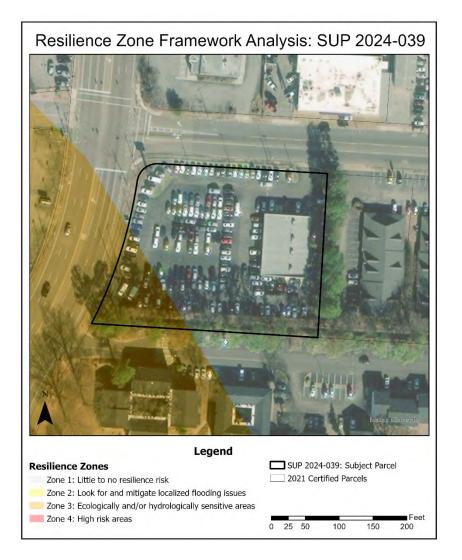
Located in Zones 1 and 3 of the Resilience Zone Framework:

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

Zone 3 areas contain resilience assets that could be compromised by certain kinds of development. These assets include wetlands, forests, meadows, and aquifer recharge areas. The loss of these assets makes the entire region less resilient. Context sensitive development could still occur in these areas to minimize its impact. Consider strategic investment in ecological assets through revitalization and preservation as well as the impacts on local and regional hydrology and methods to mitigate drainage impacts.

The Zone 3 designation is due to the aquifer recharge zone located in the southwest portion of the parcel.

The applicant is requesting a special use permit to construct a convenience store with gas sales on the subject parcel.



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

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within ecologically sensitive areas, making this application inconsistent with the goals of the Plan. Additionally, the proposed development in the aquifer recharge zone contradicts section 2.2.2 – Aquifer Conservation and Recharge. The nature of the proposed development would increase the hazard of contaminants generated at gas stations to seep into and contaminate the aquifer's water supply.

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

Recommendations: Staff recommends rejection.

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>SUP 2024-039</u>

Site Address/Location: 2730 S Mendenhall Rd, Memphis 38155 Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone Future Land Use Designation: Low Intensity Commercial and Services (CSL) Street Type: Avenue & Parkway

The applicant is requesting a special use permit to create a convenience store with gas sales. 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.

December 12, 2024 Page 22

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



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

"CSL" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial; CMU-1

Adjacent Land Use and Zoning: Commercial, Multi-Family; CMU-1, CMU-3, RU-3

Overall Compatibility: The requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. While a convenience store is compatible with land use intent, the expectation of gas pumps will lead to a more intense usage that is more appropriate for CSH. The requested use is not compatible with existing, adjacent land use and zoning. The intended use of gas pumps is too intense for adjacent multi-family homes zoned as RU-3.

Degree of Change Map



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

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

Consistency Analysis Summary

The applicant is requesting a special use permit to create a convenience store with gas sales. The requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. While a convenience store is compatible with land use intent, the expectation of gas pumps will lead to a more intense usage that is more appropriate for CSH. The requested use is not compatible with existing, adjacent land use and zoning. The intended use of gas pumps is too intense for adjacent multi-family homes zoned as RU-3.

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

Summary Compiled by: Isaac Bacon, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING	MEMPHIS AND DIVISION OF PLANNIN SHELBY COUNTY AND DEVELOPMENT
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, December 4, 2024 at 8 AM.	
CASE NUMBER: SUP 2024-039 ADDRESS: 2730 S. Mendenhall Road REQUEST: Special Use Permit to allow a connivence store with gas pumps APPLICANT: Beruk Properties, Inc	
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, Dec. 12, 2024	
Staff Planner Contact: LaTonya Hull ☑ latonya.hull@memphistn.gov ✔ (901) 636-7179	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

December 12, 2024 Page 25

AFFIDAVIT

Shelby County State of Tennessee

I, FASIL KEBEDE , being duly sworn, depose and say that at 2:30 am/pm 2024, I posted 2 Public Notice Sign(s) on the 15_ day of NOVEMBER 2730 S MENDEN HALL RD MEMPH pertaining to Case No. SUP 202 38115 providing notice of a Public Hearing before the (check one): Land Use Control Board Board of Adjustment Memphis City Council Shelby County Board of Commissioners for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto. Owner, Applicant or Representative day of here Subscribed and sworn to before me this STATE AND THEFT TENNESSEE Notary Public NOTARY My commission expires:

COMMUSSION EXPRES

APPLICATION

	Memphis and Shelby County Division of Planning and Development
	Training 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 Summa	ry for Special Use Permit
Record Detail Information	
Record Type: Special Use Permit	Record Status: Pending
	Opened Date: September 16, 2024
Record Number: SUP 2024-039	Expiration Date:
Record Name: 2730 S MENDENHALL RD, Memphis	38115
Description of Work: C-Store with Gas sales	
Stor sector Monthly and the	Parent Record Number:
2730 S MENDENHALL RD, Memphis 38115 Owner Information	
Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address	Owner Phone
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125	Owner Phone
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address	Owner Phone.
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006	Owner Phone.
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2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner	Owner Phone
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting	
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner	
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2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 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	Lucas Skinner -
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 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	Lucas Skinner - - New Special Use Permit (SUP) -
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 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	Lucas Skinner - - New Special Use Permit (SUP) -

age 2 of 3		SUP 2024-039
hone 01)327-5800		
ddress		
ASIL KEBEDE		Contact Type APPLICANT
Contact Information		
City Council District City Council Super District	2	
County Commission District		
Wellhead Protection Overlay District	No	
Planned Development District	No	
Subdivision	2	
Lot	2	
State Route		
Zoning	2	
Overlay/Special Purpose District	(f)	
Municipality	19 I.	
Land Use		
Historic District	-	
Downtown Fire District	No	
Class	10 A	
Central Business Improvement District	No	
Case Layer	201	
GIS INFORMATION		
UDC Sub-Section 9.6.9F	yes	
UDC Sub-Section 9.6.9E	yes	
UDC Sub-Section 9.6.9D	yes	
UDC Sub-Section 9.6.9C	yes	
regulations		
accordance with the applicable district		
development and use of adjacent property in		
immediate vicinity and not interfere with the		
operated so as to be compatible with the		
B) The project will be constructed, arranged and	yes	
welfare		
affecting the public health, safety, and general		
parking, utility facilities and other matters		
character of the neighborhood, traffic conditions,		
undue adverse effect upon adjacent property, the		
A) The project will not have a substantial or	ves	
APPROVAL CRITERIA		
work order, and/or zoning letter along with any other relevant information		
If yes, please provide a copy of the citation, stop		

Fee Inform						
Invoice # 1594920	Fee Item Credit Card Use Fee (.026 x fee)	Quantity 1	Fees 0.00	Status INVOICED	Balance Date Assessed 0.00 09/24/202	
		Total Fee Invo	iced: \$0.00	Total Ba	lance: \$0.00	
Page 3 of 3					SUP 2024	1.03

December 12, 2024 Page 29

Sign Postings





OWNER AFFIDAVIT

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 KEBEN state that I have read the definition of (Print 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, -1 guardian or lessee (and have included documentation with this affidavit) of the property located at 2730 S MENDEN HALL RD and further identified by Assessor's Parcel Number 074089 500006 for which an application is being made to the Division of Planning and Development. and the second second STATE OF Subscribed and swom to (or affirmed) before me this 20 C in the year of 2020 TENNESSEE NOTARY PUBLIC Commission Expires Signature of Notary Public ONEXPIRE

LETTER OF INTENT



LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Number: SUP 2024-039

Record Name: 2730 S MENDENHALL RD, Memphis 38115 Description of Work: C-Store with Gas sales

Parent Record Number:

Record Status: Pending

Opened Date: September 16, 2024

Expiration Date:

Owner Phone

Address:

2730 S MENDENHALL RD, Memphis 38115

Owner Information

Primary Owner Name

Y BERUK PROPERTIES INC

Owner Address

3264 W SARAZENS CIR, MEMPHIS, TN 38125

Parcel Information

074089 E00006

Lucas Skinner
-
-
New Special Use Permit (SUP)
-
No

GENERAL PROJECT INFORMATION
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general

welfare

B) The project will be constructed, arranged and yes 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 yes

yes

UDC Sub-Section 9.6.9D yes UDC Sub-Section 9.6.9E yes UDC Sub-Section 9.6.9F yes GIS INFORMATION

GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-
Contract Information	

Contact Information

Name FASIL KEBEDE

Address

Phone (901)327-5800 APPLICANT

SUP 2024-039

Contact Type

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1594920	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	09/24/2024

Total Fee Invoiced: \$0.00

Total Balance: \$0.00

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.

diel & AS'L KEBED ____, state that I have read the definition of (Print 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 2730 S MENDEN HALL RD and further identified by Assessor's Parcel Number 074089 E00006 for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this QU embe (in the year of 2024. Signature of Notary Public Commission Expires



Letter of Intent

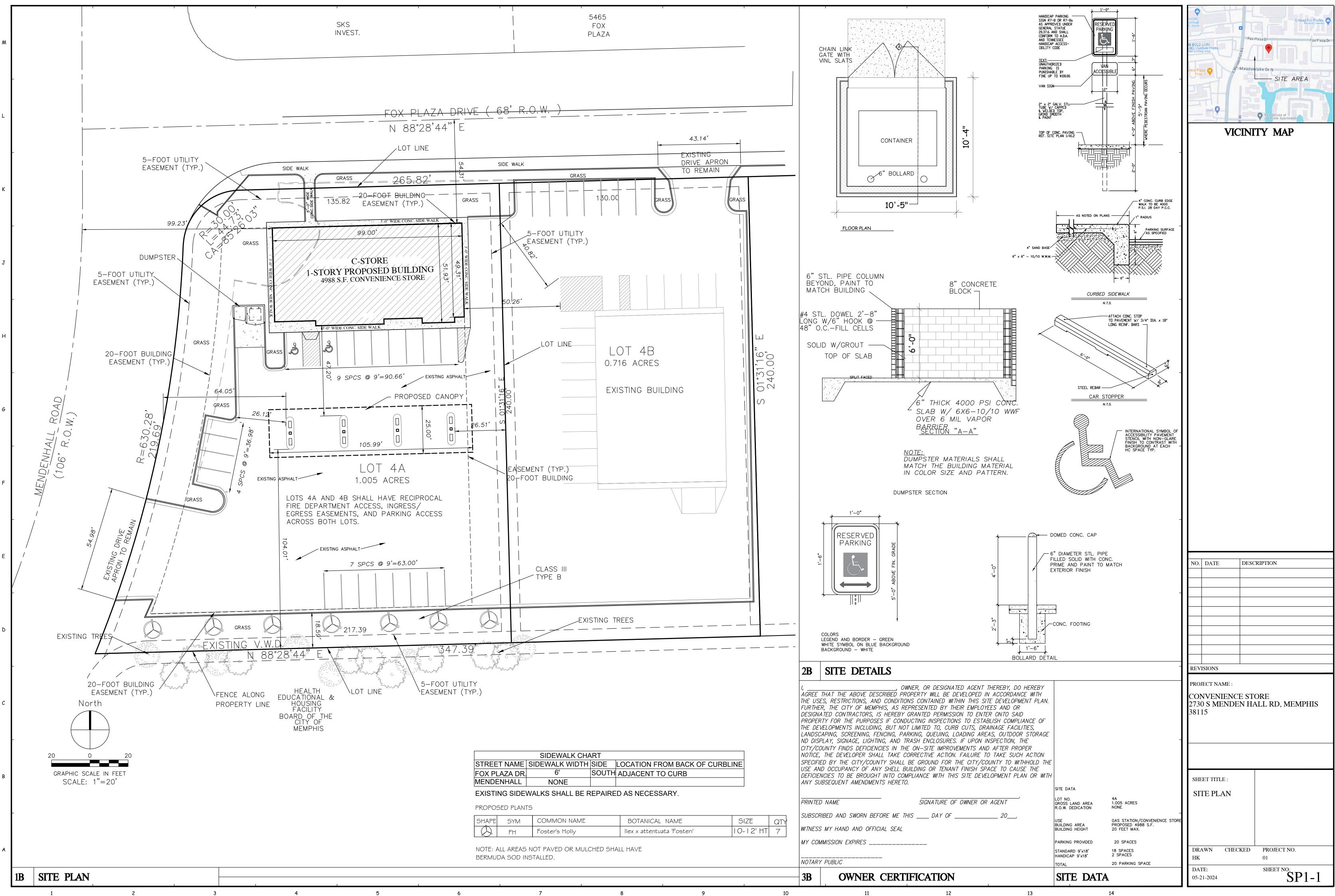
Re: 2730 S Mendenhall RD, Memphis 38115

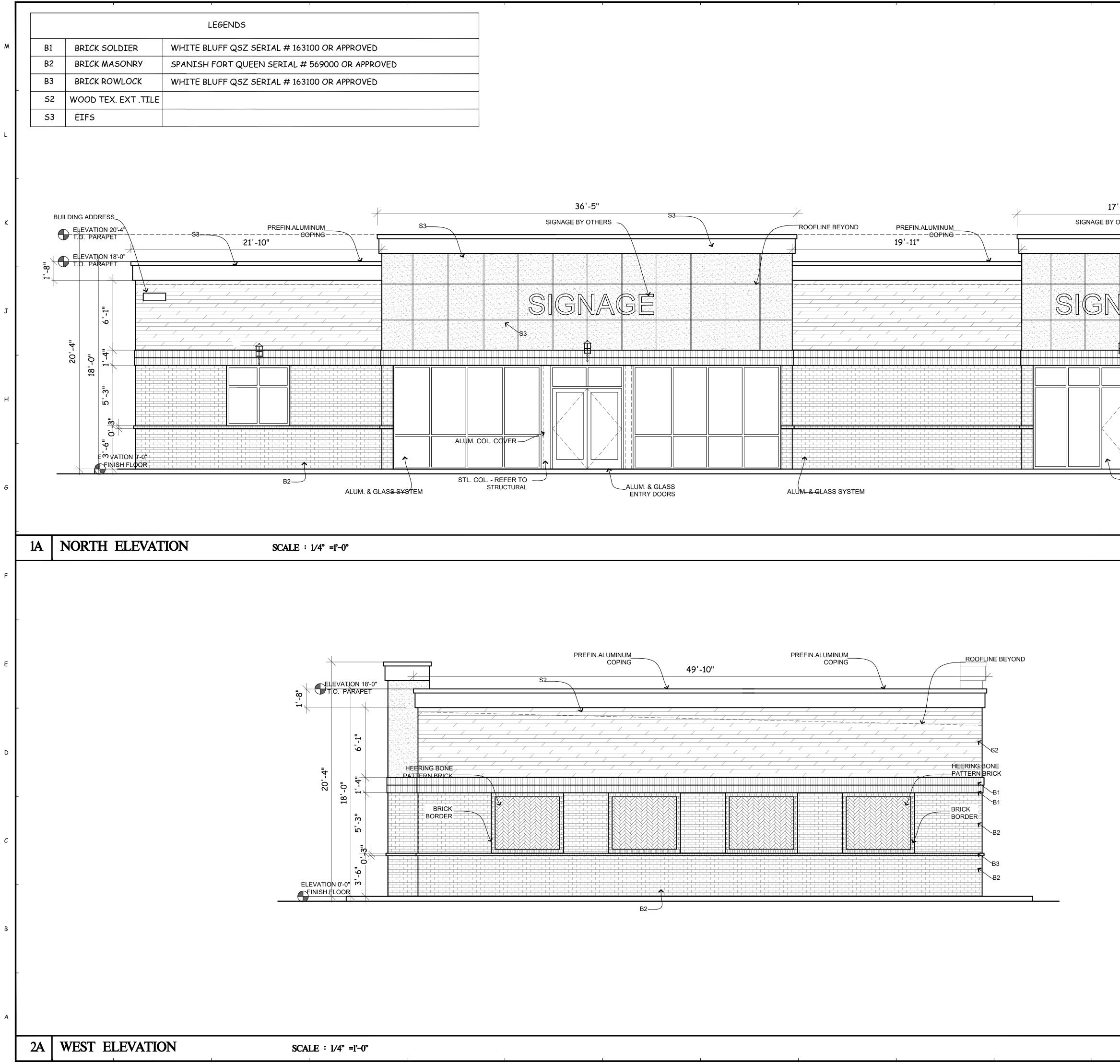
Beruk Construction Inc is intending to construct a 4,988 Sq.ft Convenience store with gas sales on 2730 S Mendenhall RD, Memphis 38115

If you have additional questions, please feel free to contact us at 901-327-5800.

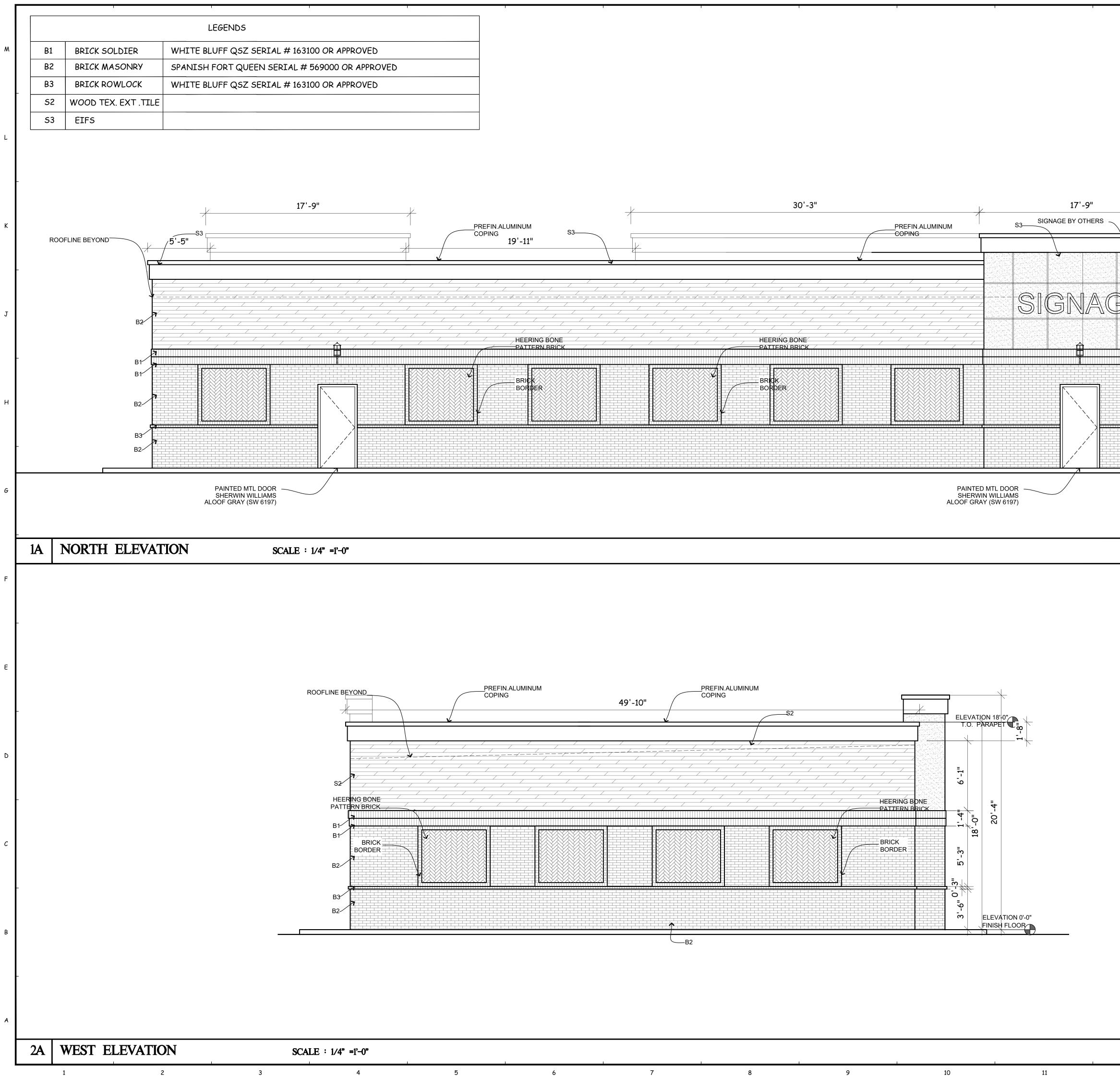
Sil Kelede Signed By

Fasil Kebede, President Beruk Construction Inc

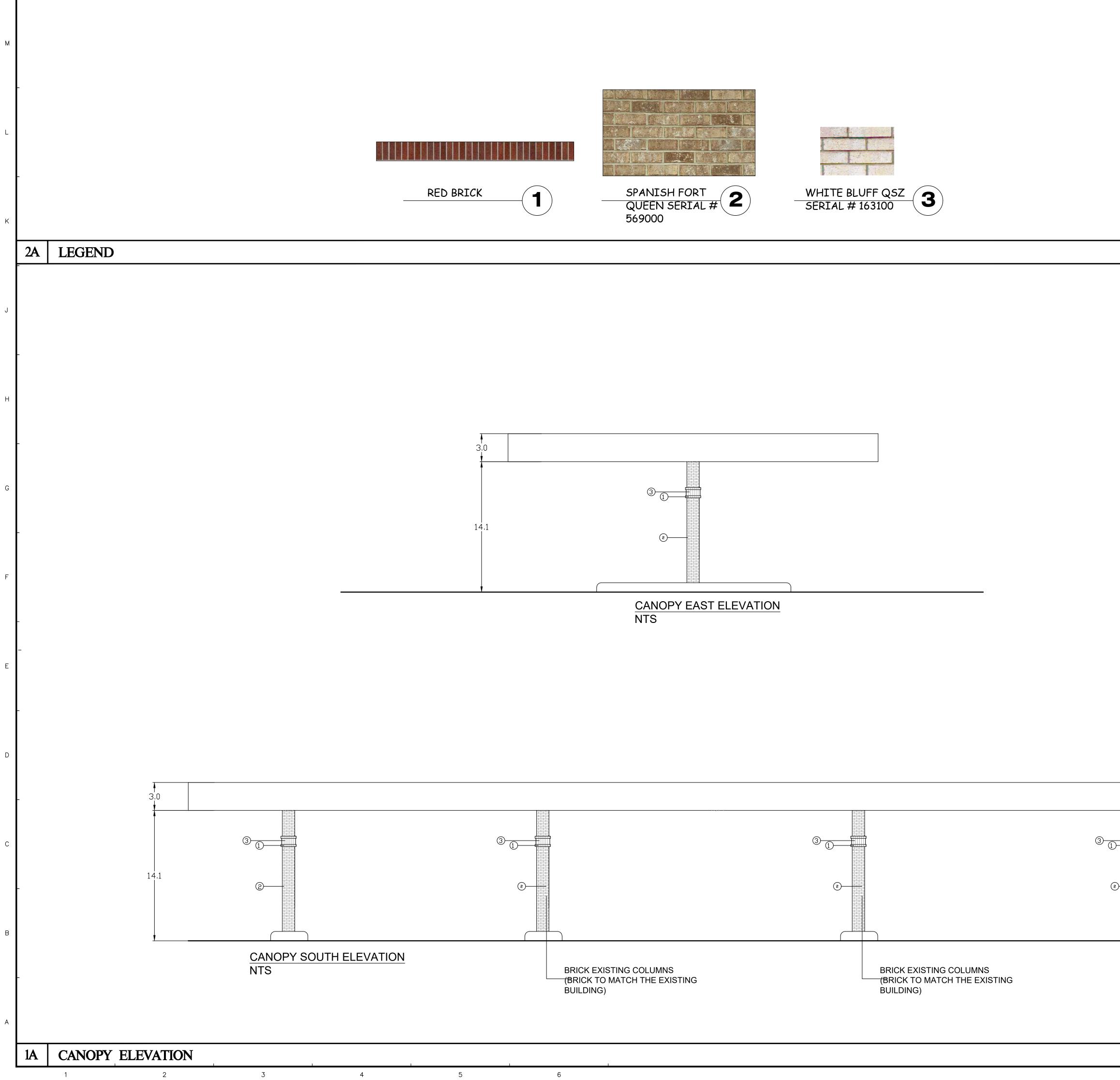




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DTHERS					
ALUM. & GLASS					
ENTRY DOORS					
	NO.	DATE	DESCR	RIPTION	
	REVI	ISIONS			
	CC 27 38 Do no verify	B115 ot scale drawings v correct dimensi	DEN E	ΓORE HALL RD M en dimensions onl the Architect.Cont s and conditions at	y. if not shown, ractor shall
	SHE	ET TITLE : EVATION		PROJECT NO.	-
	HK DAT			01 SHEET NO:	A- 5



9'-10"	
	NO. DATE DESCRIPTION I I IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
12 13 14	DRAWN CHECKED PROJECT NO. HK 01 DATE: SHEET NO: 08-28-2024 A-6



1

]
	NO. DATE DESCRIPTION	
	REVISIONS PROJECT NAME : CONVENIENCE STORE 2730 S MENDENHALL RD, Memphis 381	15
	Do not scale drawings. Use given dimensions only. if not show verify correct dimensions with the Architect.Contractor shall check and verify all dimensions and conditions at job site	n,
BRICK EXISTING COLUMNS (BRICK TO MATCH THE EXISTING BUILDING)	SHEET TITLE : CANOPY DESIGN	
	DRAWN CHECKED PROJECT NO. HK 23011 DATE: 09-18-2024 SHEET NO: SP-2	



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.



23101579

12/01/2023 - 02:47:04 PM

2 PGS	
CEPEDRA 2646193 - 23101579	
VALUE	585000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2164.50
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	2177.50

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

Willie F. Brooks Jr Shelby County Register of Deeds: Instrument# 23101579 Page 1 of 2

WARRANTY DEED

day of OCOGER

THIS INDENTURE made and entered into this <u>M</u> day of <u>COMPA</u> 2023 by and between SOUTHBAY PROPERTIES LLC, a Tennessee limited liability company, party of the first part, and BERUK PROPERTIES, INC., a Tennessee corporation, party(ies) of the second part.

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

LOT 4, FOX GATE PLAZA SUBDIVISION, as shown on plat of record in Plat Book 56, Page 50, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Parcel No. 074-089E-00006

Property known as: 2734 S. Mendenhall Road, Memphis, TN 38115

Being the same property conveyed in Quit Claim Deed to Southbay Properties, LLC, a Tennessee limited liability company, from Andrews Properties, LLC, a Tennessee limited liability company recorded in the Shelby County, Tennessee Register's Office in Instrument No. 04107679.

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, their heirs and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said parties of the second part that it is lawfully seized in fee of the above described real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for Plat Book 56, page 50,; Plat Book 54, Page 38; Book 5769, Page 338; Instrument Nos. HZ 7994 and E2 6893 and all other subdivision restrictions, covenants, conditions, restrictions, building lines, and easements and all other matters of record in the Register's Office of Shelby County Tennessee, and 2024 City of Memphis and Shelby County real estate taxes not yet due and payable; and that the title and quiet possession thereto it will warrant and defend against the lawful claims of all persons.

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

Bart Thomas

General Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public of the state and county aforesaid, personally appeared BART THOMAS, with whom I am personally acquainted. and who. upon oath. acknowledged himself to be the General Manager of Southbav Properties.

LLC, the within named bargainor, and that he as such General Manager, being authorized so to do, executed the foregoing for the purpose therein contained, by signing the name of Southbay Properties, LLC by himself as its General Manager.

WITNESS my hand an Official Seal this day of 2023. ΡΰΒLΙC OF ENNESSEE NOTARY STATE OF TENNESSEE COUNTY OF SHELBY

I hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$585,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

st New Merel AFFIANT MARK 2023. Subscribed and sworr his the to be Ô۵ 0 ଏନ My Comm. Exp. 5-17-2026 NOTARY

Property Address:

2734 S. Mendenhall Road Memphis, TN 38115

New Owner and Mail Tax Bills to:

Beruk Properties, Inc.

<u>3264 W Sarazens Circle</u>

Memphis, TN 38125

This instrument prepared by: CRISLIP, PHILIP & ROYAL James A. Crislip, Jr. 5170 Sanderlin Ave., Ste. 201 Memphis, TN 38117 (901) 525-2427