CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS	Planning &	Planning & Zoning COMMITTEE:		Planning & Development DIVISION		
		PUBLIC SESSION:	DATE <u>5/6/2025</u> DATE	FIRST READING:	<u>5/6/25</u> DATE	
ITEM (CHECK ONE) X ORDINANCE RESOLUTION OTHER:		TIONS GRANT LICATION REQUE	EST FOR PUBL			
ITEM DESCRIPTION:		ablishing the Memphis-Shell				
CASE NUMBER:	n/a					
LOCATION:	City of Memphis and unincorporated Shelby County					
APPLICANT:	Memphis and Shelby	County Division of Plannin	g and Developn	nent		
REPRESENTATIVE:	John Zeanah, Divisio	on Director				
REQUEST:	Adopt joint ordinance.					
AREA:	This ordinance affects all property within the City of Memphis and unincorporated Shelby County.					
RECOMMENDATION:	Division of Planning and Development: Approval					
		APPROVAL - (1) APPR DATE ORGANIZATION - (1) (2) GOV'T. ENTITY (3)	BOARD / COM COUNCIL CO	IMISSION MMITTEE		
\$ \$ SOURCE AND AMOUNT \$	OF FUNDS	AMOUNT OF EXPEND REVENUE TO BE REC	DITURE EIVED	, 125 (2) 116		
\$ \$		CIP PROJECT # FEDERAL/STATE/OTH				
ADMINISTRATIVE APPI	ROVAL:	<u>DATE</u>	POSITION PRINCIPAL DEPUTY DII DIRECTOR			
			COMPTROL FINANCE DI CITY ATTOI	IRECTOR		
			CHIEF ADM	IINISTRATIVE OFFICER		



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE OF THE SHELBY COUNTY BOARD OF COMMISSIONERS AND MEMPHIS CITY COUNCIL ESTABLISHING THE MEMPHIS-SHELBY COUNTY BUILDING HOME PROGRAM PURSUANT TO THE TENNESSEE HOMESTEAD ACT WITHIN CHAPTER 281 OF THE PUBLIC ACTS OF 1985.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance authorize the establishment of the BuildingHome Program in concert with Shelby County Government.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This ordinance does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This ordinance does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO.	
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JOINT ORDINANCE OF THE SHELBY COUNTY BOARD OF COMMISSIONERS AND MEMPHIS CITY COUNCIL ESTABLISHING THE MEMPHIS-SHELBY COUNTY BUILDING HOME PROGRAM PURSUANT TO THE TENNESSEE HOMESTEAD ACT WITHIN CHAPTER 281 OF THE PUBLIC ACTS OF 1985.

WHEREAS, There exists great need to address disparities in access to safe, quality housing choice and improve access to wealth-building opportunities for residents of Memphis and Shelby County; and

WHEREAS, The Shelby County Delegation introduced HB410/SB452, an Act to Enact the "Tennessee Homestead Act", in the 1985 Legislative Session; and

WHEREAS, The "Tennessee Homestead Act" was approved by the General Assembly on April 25, 1985 for the disposition of real properties owned by local governments, and signed by the Governor of Tennessee on April 30, 1985 and is now designated as Chapter 281 of the Public Acts of 1985 and codified as Tennessee Code Annotated § 7-66-101 et seq.; and

WHEREAS, The joint Memphis and Shelby County Division of Planning and Development through its Department of Housing desires to establish the "Building Home Program" to provide enhanced access to quality housing choice across Memphis and Shelby County; and

WHEREAS, Ordinance 345 of the Shelby County Board of Commissioners adopted September 24, 2007 established the Land Bank Department to maintain and manage properties obtained by Shelby County Government and in doing so transferred the formerly designated Homestead Program to the Land Bank Department; and

WHEREAS, Article III, Section 3.06 D. of the Shelby County Charter authorizes the Board of County Commissioners to establish the duties, powers, and functions of departments within divisions of the Shelby County Government by ordinance; and

WHEREAS, It is the desire of The Board of Commissioners of Shelby County that functions related to the formerly designated Homestead Program should be assumed by the Division of Planning and Development; and

WHEREAS, It is the desire of the Memphis City Council to jointly support the functions related to the formerly designated Shelby County Homestead Program through the joint Division of Planning and Development; and

WHEREAS, Tennessee Code Annotated § 7-66-105 requires the adoption of an implementation plan by the mayor, "which shall be subject to majority approval by the local [governing] body"; and

- **WHEREAS**, The Building Home Program Implementation Plan attached hereto as Exhibit A, and incorporated herein by reference, serves as a program component to activate underutilized parcels currently held by Shelby County Government and the City of Memphis; and
- **WHEREAS**, Tennessee Code Annotated § 13-23-301 establishes the ability for the "Tennessee housing development agency (THDA)" to administer "a homebuyers' revolving loan fund pool for participating... counties" and § 13-23-302 allows counties to use its respective local portion of the loan fund pool for homebuyers; and
- **WHEREAS**, Shelby County operates a loan program initially established as the Homebuyers Revolving Loan Program by resolution #9 adopted July 21, 1986; and
- **WHEREAS**, Expanded loan product offerings are an identified community need and can help address housing disparities.
- NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND THE CITY COUNCIL OF THE CITY OF MEMPHIS, That the "Building Home Program" is hereby established to address housing-related needs for the citizens of Memphis and Shelby County pursuant to the authorities of the Tennessee Homestead Act of 1985.
- **BE IT FURTHER ORDAINED**, That the "Building Home Program Implementation Plan", which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved and adopted and may be amended by joint resolution of the Shelby County Board of Commissioners and the Memphis City Council.
- **BE IT FURTHER ORDAINED**, That Ordinance No. 345 of the Shelby County Board of Commissioners adopted September 24, 2007 is hereby amended to assign all functions and duties related to the formerly designated Shelby County Homestead Program to the Division of Planning and Development with concurrence of the Memphis City Council.
- **BE IT FURTHER ORDAINED**, That the Division of Planning and Development shall establish policies and procedures including setting application fees and required deposit amounts necessary to administer the Building Home Program which may be amended from time to time by the administering agency.
- **BE IT FURTHER ORDAINED**, That the Homebuyers Revolving Loan Program established by resolution #9 adopted July 21, 1986 by the Shelby County Board of Commissioners may be utilized for expanded loan products for the Building Home Program subject to State of Tennessee requirements governing the use of Shelby County homebuyers revolving loan funds and its subsequent amendments.
- **BE IT FURTHER ORDAINED**, That for properties owned by Shelby County Government, the County Mayor is hereby authorized as the proper official to authorize and execute any and all contractual agreements, administrative forms, and documents as required and necessary for the successful completion of the Building Home Program.
- **BE IT FURTHER ORDAINED**, That for properties owned by the City of Memphis, the City of Memphis Mayor is hereby authorized as the proper official to authorize and execute any and all contractual agreements, administrative forms, and documents as required and necessary for the successful completion of the Building Home Program.

BE IT FURTHER ORDAINED, That the County Mayor is hereby authorized as the proper official to authorize and execute any and all contractual agreements, administrative forms, and documents as required and necessary for the successful completion of the Homebuyers Revolving Loan Program.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Joint Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent of the Shelby County Board of Commissioners and the City Council of the City of Memphis to have passed the remainder of this Ordinance notwithstanding the part so held unconstitutional and void, if any.

BE IT FURTHER ORDAINED, That this Joint Ordinance requires a simple majority vote of the membership of the Board of County Commissioners pursuant to the Shelby County Charter.

BE IT FURTHER ORDAINED, That this Joint Ordinance shall take effect in accordance with the Charter for the City of Memphis. This Ordinance shall take effect on July 1, 2025, after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the comptroller, becomes effective as otherwise provided by law and shall remain effective and operative unless and until the City Council alters, amends clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

BE IT FURTHER ORDAINED, That this ordinance amends the Official City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City's Ordinances in the Official City Code, as amended from time to time, for the convenience of the public. The Official City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City's Comptroller in the Office of Council Records.

BE IT FURTHER ORDAINED, That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on July 1, 2025, by virtue of the concurring and separate passage thereof by the Board of Commissioners of Shelby County and the Memphis City Council, or if not adopted by each legislative body by that date, then at the date of adoption by the last adopting body.

Sponsor(s):	J. Ford Canale
	CHAIRMAN

Building Home Program Structure and Function Implementation Plan 2025

Shelby County, TN

Background and Context:

Shelby County Delegation introduced HB-410, SB-452 to enact the Tennessee Homestead Act in the 1985 Legislative Session. The Tennessee Homestead Act is outlined in TCA § 7-66-101 and includes details to provide an Implementation Plan that will subsequently be approved by the legislative body. Shelby County Government authorized implementation of the Homestead Program on October 7, 1985. The following Implementation Plan serves as the guiding document to utilize the authorities granted in the Tennessee Homestead Act and reauthorize the program as the Building Home Program of 2025. The Building Home Program helps make recommendations in the Housing Policy Plan actionable and provides opportunities for improved access to quality housing choice.

Implementation Plan Design:

1) Administering Agency:

The Memphis and Shelby County Division of Planning and Development (DPD), Department of Housing shall serve as Administering Agency of the Program. All program information and application materials will be made available on develop901.com/housing.

2) Method of Selecting Properties:

The method of selection of the properties will include review by Division leadership representatives or their designees from the DPD and Shelby County Public Works.

Eligible properties are those owned by Shelby County Government or other participating units of local, state, and federal government pursuant to TCA § 7-66-103. Eligible properties will continue to be owned and maintained by the owner/agency until disposition is completed. Eligible properties owned by Shelby County Government will also remain within the Land Bank Inventory listed for sale until such time as a qualified participant applies for and is approved to move forward with the project. Properties meeting the following criteria will be deemed eligible for the program:

- Properties located in designated priority anchors or anchor neighborhoods identified by the Memphis 3.0 Comprehensive Plan or in approved Tax Increment Financing (TIF) districts shall be included in the Building Home Program following administrative review and approval.
 Designated priority areas are those identified through the Housing Task Force Land Activation Sub-Committee and approved by the administering agency.
- Properties located in other anchors or anchor neighborhoods identified by the Memphis 3.0
 Comprehensive Plan or in approved TIF districts are also eligible for inclusion in the Building Home Program following administrative review and approval.

Exhibit A

• Any other properties in residential zoning districts across Shelby County, TN may be moved into the Program following administrative review and approval.

Marketability standards will be incorporated into site selection to ensure project viability. Upon approval by the administering agency, a list of the recommended properties will be designated as "Building Homes Properties" and said properties will be made available to the public via online applications broadly solicited to the public. The administering agency retains and reserves the ability to reject any property deemed not viable for marketability and/or reuse.

Eligible properties may become exclusively owned and maintained under the authority of the administering agency only by resolution of the legislative body. Such a resolution shall identify all excluded properties and provide adequate funding to support a) a small area plan for future development of the excluded area, b) a marketing plan for future development of the excluded area, and c) ongoing maintenance of all properties in the excluded area.

Properties shall be made available with this program for a maximum of four (4) years.

3) Criteria for Property Selection - Multifamily

The conditions and criteria that shall be used to select participants (equivalent to "homesteaders" as defined in TCA § 7-66-102) includes the provision of a complete application and appropriate supporting documentation approved by the administering agency for participation in multi-family housing unit construction or rehabilitation.

Notice of approval or disapproval will be provided by the administering agency to the participant. If approved, Shelby County will execute an Option to Purchase with the participant, which will be valid for a period of 60 days or as determined by the administering agency. During such time, all conditions included in the Option to Purchase must be met. Once conditions of the Option have been met the property will be transferred via warranty deed and consistent with Section 5 of this Plan. In the event a participant application is disapproved, deficiencies will be provided and an opportunity for technical assistance may be provided if deemed appropriate by the administering agency.

For the purposes of the Building Home Program, multifamily is defined as three or more units per parcel. Applications will be submitted to DPD in a format approved by the administering agency. Application fees are nonrefundable. All properties will be assigned a deposit amount at time of conveyance. If terms and conditions are not met by the approved timeline deposit amounts will be forfeited at the rate established in the executed agreement.

To remain in good standing with the Building Home Program, participants must obtain a certificate of occupancy within two (2) years of acquiring site control and moved into construction within the first 180 days. Participants in possession of partially complete projects, at the discretion of the administering agency, may apply for new projects in this program.

Criteria that render an applicant ineligible to receive assistance includes but is not limited to: history of unsuccessful closings, history of losing properties to tax sale within the past five years, and/or any property tax delinquency on any property owned by the same entity. Applicants must satisfy all required application criteria in order to participate in the program.

Exhibit A

4) Criteria for Property Selection – Single Family

The conditions and criteria that shall be used to select participants includes the provision of a complete application and appropriate supporting documentation approved by the administering agency for participation in single-family housing unit construction or rehabilitation.

Notice of approval or disapproval will be provided by the administering agency to the participant. If approved, Shelby County will execute an Option to Purchase with the participant, which will be valid for a period of 60 days or as determined by the administering agency. During such time, all conditions included in the Option to Purchase must be met. Once conditions of the Option have been met, the property will be transferred via warranty deed and consistent with Section 5 of this Plan. In the event a participant application is disapproved, deficiencies will be provided and an opportunity for technical assistance may be provided if deemed appropriate by the administering agency.

For the purposes of the Building Home Program, single family is defined as one (1) to two (2) units as attached or detached structures. Application fees are nonrefundable. All properties will be assigned a deposit amount at time of conveyance. If terms and conditions are not met by the approved timeline deposit amounts will be forfeited at the rate established in the executed agreement.

To remain in good standing with the Building Home Program, participants must obtain a final inspection within one (1) year of acquiring site control and moved into construction within the first 120 days.

Criteria that render an applicant ineligible to receive assistance includes but is not limited to: history of unsuccessful closings, history of losing properties to tax sale within the past five years, and/or any property tax delinquency on any property owned by the same entity. Applicants must satisfy all required application criteria in order to participate in the program.

If program participants include a co-developer applying with an existing homeowner all parties must agree to the terms and conditions of the program.

5) Conveyance of Property

The conditions and criteria that shall be used for conveyance of property to homesteaders include both deed and lease provisions, as deemed appropriate by the administering agency.

Upon submission and subsequent approval of the application, and upon meeting the required conditions, the County will transfer title of the property to the applicant by fee simple title for the predetermined price and/or deposit amount. Upon transfer the property shall be subject to any and all taxes and assessments as prescribed by all other sections of the code. All property transfers from the County to approved participants are subject to approval by the Shelby County Board of Commissioners.

Prior to the vesting of such transfer and consistent with TCA § 7-66-108, any material failure by the applicant to carry out the terms of the agreement entered into nullifies such agreement and all rights, title, and interest in the property shall revert to the agency unless the agency deems an extension not to exceed two (2) years is permitted in order to come into compliance with all stated terms and conditions.

There shall be an Escrow Account established at the closing of the sale to hold the predetermined purchase price amount and/or deposit amount. The applicant shall present to the administering agency full payment in the amount established in the contractual agreement. This amount shall be no less than

all tax lien and fees assessed on the property, unless otherwise dictated by the administering agency. The Escrow Account shall be governed by a contract between the applicant and the County which will specify the conditions to be met in order to receive a refund of the Escrow Account in full or in part. If the development is completed in the time specified, the account will be refunded consistent with the terms established in the contractual agreement. In the event that the development is not completed within the time allotted, the Escrow amount will be forfeited by the participant and receipted as revenue to the Building Home Program. Funds collected in this manner will be utilized consistent with the terms outlined in Section 10 of this plan. This contract shall provide for one extension of time which may be requested by the applicant for just cause and evaluated by the administering agency.

Furthermore, consistent with TCA § 7-66-108 in the event of any material failure by the applicant to carry out the terms of the agreement all rights, title and interest in and to the property shall revert to the administering agency, pending any approved extensions to the project.

Any applicant that remains delinquent in developing an awarded property or has past due taxes will be excluded from consideration to move forward on additional properties and no further applications will be deemed approved by the administering agency.

Regardless of completion or failure to complete the development plan, the applicant will hold title to the subject property and shall owe property taxes from the date title is transferred.

6) Building Standards

Building standards and codes that shall apply to the designated properties include those currently adopted by the City of Memphis and Shelby County and administered by the Memphis and Shelby County Division of Planning and Development, including the Unified Development Code (UDC) and all technical building codes. Methods of monitoring these standards shall include monitoring of all permitted work through DPD's Construction Code Enforcement department.

Consistent with Sections 3 and 4 of this plan, multifamily properties shall be given 180 days to move into construction and a maximum of two (2) years to obtain a certificate of occupancy and single-family properties shall be given 120 days to move into construction and a maximum of one (1) year to obtain a final inspection. Extension requests will be evaluated and if approved granted by the administering agency.

7) Coordination Efforts

The Building Home Program shall coordinate with state and federal agencies through existing channels already in place through ongoing outreach efforts to meet community needs. DPD staff may also provide a wide variety of technical assistance services to applicants to support successful applications and project implementation to the greatest extent feasible. DPD shall make best efforts to ensure at least 30% of Building Home Program parcels and financial supports are prioritized for emerging developers and community-based rehabbers with less than five completed projects, with particular emphasis on recruiting and working with developers from historically underrepresented groups.

DPD is authorized to contract with diverse organizations and will make efforts to collaborate with local community partners including but not limited to nonprofit community development corporations

(CDCs), certified Community Development Financial Institutions (CDFIs), and workforce training providers to support implementation and outreach efforts.

8) Technical and Financial Assistance and Incentives

The technical assistance and referrals to other relevant and current programs offered by private and public agencies shall be coordinated or supported by the administering agency as appropriate. Ongoing coordination with relevant agencies will continue throughout the administration of this program. Any available incentives as existing or new programs are developed locally shall be included in referral materials provided to program participants.

As funding allows, the Building Home Program shall include a developer capacity-building component, offering technical assistance, training workshops, and mentorships to participating small-scale and community rehabbers to support successful project delivery and sustainability.

DPD shall make best efforts to ensure loan products offered under the Building Home Program shall include whenever feasible alternative underwriting criteria and down payment assistance to improve access for developers and rehabbers with limited credit history or traditional collateral, while maintaining risk mitigation standards.

9) Methods to Acquire and Dispose of Properties

All properties part of the Building Home Program shall be disposed of in the manner prescribed in Sections 5 to eligible and approved participants.

The administering agency shall acquire property through tax lien foreclosure or gift or contract from other private or public entities. When properties are secured, appropriate public notification will occur on the administering agency's website. Disposition of properties under this Program shall include simplified application processes, reduced acquisition costs, and scoring criteria that reward community-based impact, inclusive hiring, and developer equity participation.

10) Other Conditions

Other conditions and criteria that are deemed to be in the public interest include use of program revenue from defaulted escrow or other source as applicable. Such revenue may be utilized to improve or otherwise make more marketable properties held within the program or be utilized for other land activation strategy consistent with the Joint Memphis and Shelby County Housing Policy Plan or its subsequent updates or successor plans.

DPD shall produce, at minimum, an annual report including demographic and ownership profiles of participating developers, project outcomes, and recommendations to improve equity and participation across marginalized groups.

The Building Home Program may be amended by approval of the administration through capturing relevant changes in the applicable Policies and Procedures audit log.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

		COU	VCIL AG	ENDA CHECI	N OFF SHEE	
ONE ORIGINAL ONLY STAPLED	-	0.57			02/25/25	Planning & Development DIVISION
TO DOCUMENTS	Planning & Zoning		oning C	OMMITTEE:	0 <u>3/25/25</u> DATE	
			PUBLIC	SESSION:	0 <u>4/08/25</u> DATE	
ITEM (CHECK ONE) X ORDINANCE	RESOLUT	TION	XF	REQUEST FOR		
ITEM CAPTION:	Zoning ordina on August 10, authorize a zo Drive By taki Conservation	, 2010, oning u ing the Agricu	as amendose districted land out lture (CA)	ed, known as the reclassification of the Resident and Residential	e Memphis and for land locate ial Single-Fan Single-Family	Ordinance, City of Memphis, Tennessee, adopted d Shelby County Unified Development code, to d on 0 Mt. Moriah Ext, north of Kirby Terrace nily – 8 (R-8), Residential Urban – 2 (RU-2), – 15 (R-15) Use Districts and including it in the case number Z 2024-009
CASE NUMBER:	Z 2024-009					
LOCATION:	0 Mt. Moriah	Ext, no	orth of Kirb	y Terrace Drive		
COUNCIL DISTRICTS:	District 2 and	Super	District 9 -	- Positions 1, 2,	and 3	
OWNER/APPLICANT:	Prentiss Mitch	ell				
REPRESENTATIVES:	N/A					
REQUEST:						y - 8 (R-8), Residential Urban $- 2$ (RU-2), $ly - 15$ (R-15) to Commercial Mixed-Use $- 3$
RECOMMENDATION:				Development rece ecommended <i>Rej</i>		ection
RECOMMENDED COUNC		Set da Secor Third	ate for first nd reading	Required reading – <u>Marcl</u> – <u>March 25, 202</u> <u>April 8, 2025</u>		
PRIOR ACTION ON ITEM:						
(1) 02/13/2025			APPROV DATE	VAL - (1) APPR	OVED (2) DE	NIED
(1) Land Use Control Board		<u> </u>	ORGAN	IZATION - (1) l 'T. ENTITY (3)		
FUNDING: (2) \$ \$ SOURCE AND AMOUNT O \$ \$	F FUNDS		AMOUN REVENU OPERAT CIP PRO		ITURE EIVED	1) YES (2) NO
<u>\$</u>	========		FEDER <i>A</i> 	AL/STATE/OTH		
ADMINISTRATIVE APPRO	DVAL: tuon			<u>DATE</u>	<u>POSITION</u>	
Jan ciras				3/10/2025	PLANNER I	I
n ++ Pandala					DEPUTY AI	OMINISTRATOR
BYM I A				3/10/2025	ADMINISTI	RATOR
					DIRECTOR	(JOINT APPROVAL)
					COMPTROL	LLER
					FINANCE D	IRECTOR
					CITY ATTO	RNEY
						MINISTRATIVE 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

Planner II

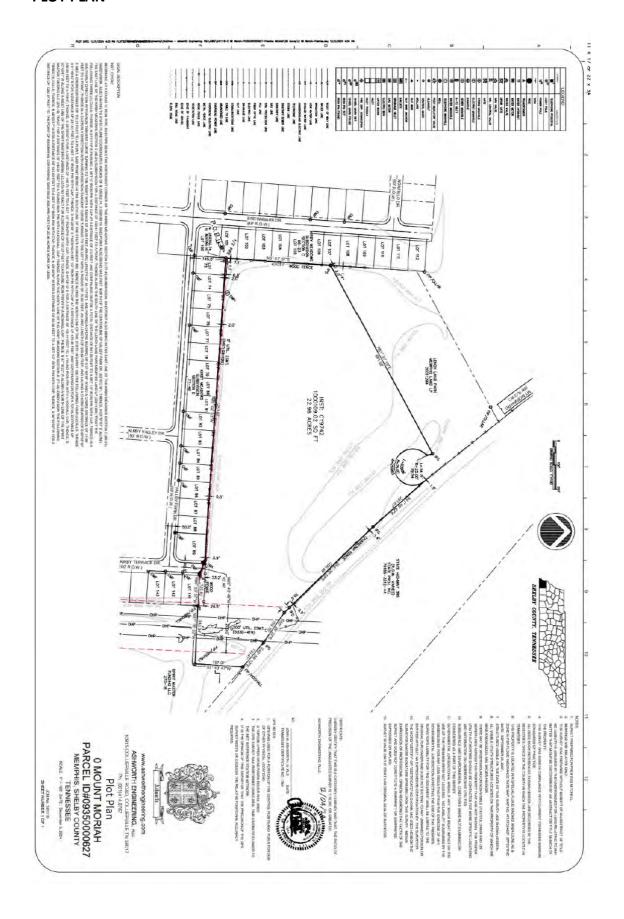
Land Use and Development Services
Division of Planning and Development

Chloe Christian

Cc: Committee Members

File

PLOT PLAN



ORDINANCE NO.	ORDINANCE NO:	
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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 $\frac{1}{2}$ " 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

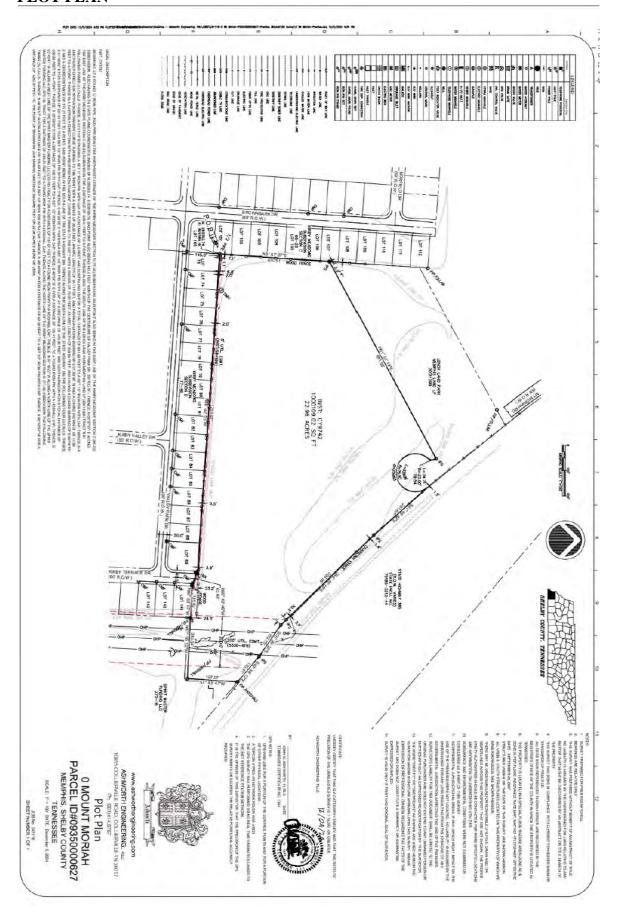
MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR 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.

SECTION 2:

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

SECTION 3:

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



ATTEST:

Division of Planning and Development

– Land Use and Development Services CC:

- 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

Planner II

Land Use and Development Services

Chloe Christian

Division of Planning and Development

Cc:

File



AGENDA ITEM: 6 L.U.C.B. MEETING: February 13, 2025

CASE NUMBER: Z 2024-009

LOCATION: 0 Mt. Moriah Ext, north of Kirby Terrace Drive

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

OWNER/APPLICANT: Prentiss Mitchell

REPRESENTATIVE: N/A

REQUEST: Rezoning of \pm 15.6 acres from Residential Single-Family \pm 8 (R-8), \pm 16.97 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)

CONCLUSIONS

- 1. 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 large-scale 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

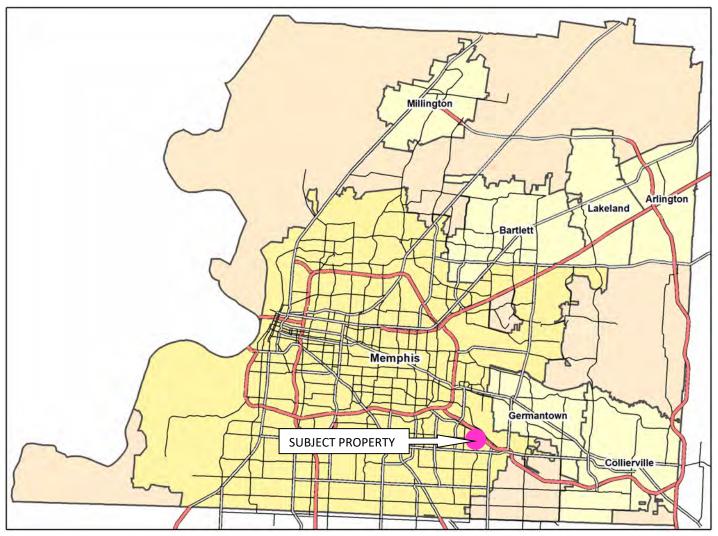
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 14-16 of this report.

RECOMMENDATION:

Rejection

Staff Writer: Chloe Christion E-mail: chloe.christion@memphistn.gov

LOCATION MAP



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

FEMA MAP



Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

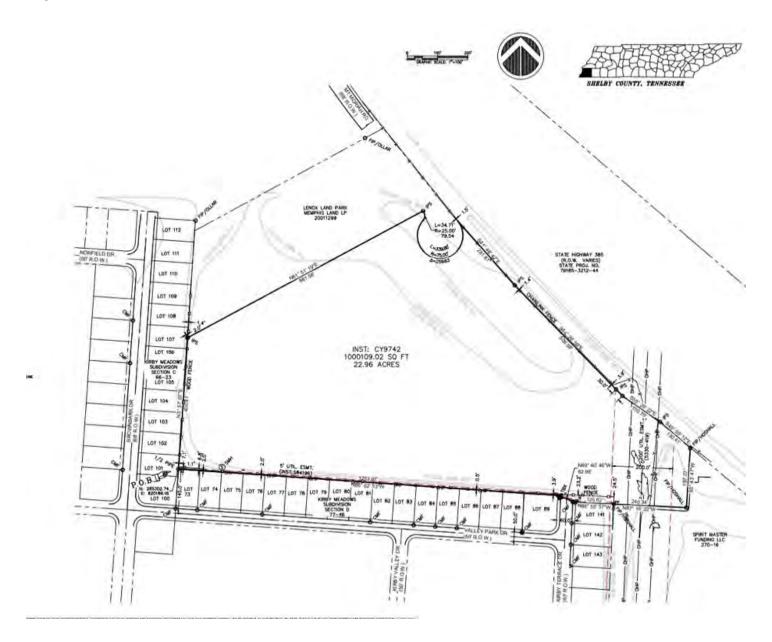


View of subject property from Kirby Terrace Drive looking north.



View of subject property from State Route 385 looking west.

PLOT PLAN



Staff Report Z 2024-009 February 13, 2025 Page 10

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.

CASE REVIEW

Request

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);	
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- 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.

Analysis

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).

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.

Staff Report Z 2024-009 February 13, 2025 Page 13

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:



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.

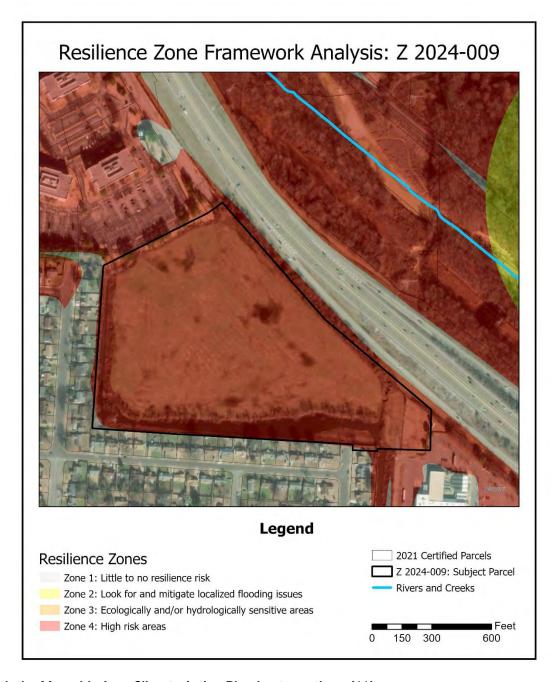
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure 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: Z 2024-009 Southeast

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:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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

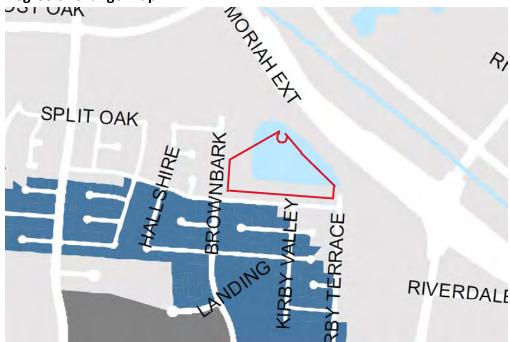
Generally compatible with the following zone districts: OS, FW, CA in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan. Analysis 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

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Thursday, January 2, 2025 at 8 AM.

CASE NUMBER: Z 2024-009

ADDRESS: 0 Mt. Moriah Road

REQUEST: Rezoning of approx. 22.9 acres from RU-2 and R-6 to

CMU-3

APPLICANT: Prentiss Mitchell

Meeting Details

Location: Council Chambers

City Hall 1st Floor

125 N Main St.

Time: 9:00 AM

Date: Thursday, Jan. 9, 2025

WEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT VICINITY MAP—SUBJECT PROPOERTY HIGHLIGHTED IN BLUE



Staff Planner Contact:

Chloe Christion

☐ chloe.christion@memphistn.gov

(901) 636-7494

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



190 Notices Mailed 12/17/2024

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County		
State of Tennessee		
1, Prentiss Mitchellbeing duly sworm	n, depose and say that at $\frac{330}{100}$ am/on	n)
on the 12 day of December 20	<u>∠⊬</u> , I postea <u> </u>	<i>i)</i> .
pertaining to Case No. 22024-009 at	O MT Moriah, Memphis TA	J
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 acti	ion, a photograph of said sign(s) bein	g
attached hereon and a copy of the sign purch	hase receipt or rental contract attached	d
hereto.		
resty Wilchell	12/13/2024	
Owner, Applicant or Representative	Date	
Subscribed and sworn to before me this 13th	day of December, 2024.	
Majorie Jackson	. 1	
Notary Public	200	
My commission expires: May 17, 2027	Why day	

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

wabsite: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: September 12, 2024.

Record Number: Z 2024-009

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

Parent Record Number:

Address:

38115

Owner Information

Primary

Owner Name

Y

FARRELL PROPERTIES (PSO)

Owner Address

Owner Phone

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting

Pre-application Meeting Type

GENERAL INFORMATION

Have you held a neighborhood meeting? Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

315 INFORMATION

Chioe Christion 10/07/2024 Phone

No

No

Page 1 of 3

Z 2024-009

GIS INFORMATION

Case Layer Central Business Improvement District

Downtown Fire District

Historic District

Land Use

Municipality

Overlay/Special Purpose District Zoning

State Route Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District County Commission District

City Council District

City Council Super District

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number.

093500 00627

Property Address:

0 Mount Moriah

Contact Information

Name PRENTISS MITCHELL

Contact Type APPLICANT

Address

Phone (901)905-5000

1597845

Fee Information

Invoice # Residential Rezoning - 5 1597845

acres or less Credit Card Use Fee (.026) Quantity

750.00

19.50

No R

No

R-8

Yes

1

VACANT

INVOICED

INVOICED

0.00

0.00

10/07/2024

10/07/2024

x fee)

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount

Method of Payment

\$769.50

Credit Card

Page 2 of I

Z 2024-009

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Determination occurrent (2.0.1.	
1. Dwight Ferrell Ma	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	
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, guardian or lessee (and have included documentation with	h this affidavit)
of the property located at O Mount Morrial	
and further identified by Assessor's Parcel Number 6 5	350 00627
for which an application is being made to the Division of Plannin	g and Development.
Subscribed and sworn to (or affirmed) before me this	day of OCH in the year of 2024

Commission

Expires August 03, 2026

LETTER OF INTENT

Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Stc. 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,

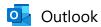
Delta Area Holdings LLC is applying for Rezoning at 0 Mt Moriah, Memphis TN 38125 (parcel # 093500 00627).

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

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning Record Status: Processing

Opened Date: September 12, 2024

Record Number: Z 2024-009 Expiration Date:

Record Name: Riverdale & HWY 385

Description of Work: REZONING

Parent Record Number:

Address:

38115

Owner Information

Primary Owner Name

Y FARRELL PROPERTIES (PSO)

Owner Address Owner Phone

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chloe Christion
Date of Meeting

10/07/2024

Pre-application Meeting Type

Phone

GENERAL INFORMATION

Have you held a neighborhood meeting? No Is this application in response to a citation from No

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

GIS INFORMATION

-

Page 1 of 3 Z 2024-009

GIS INFORMATION

Case Layer -

Central Business Improvement District No
Class R
Downtown Fire District No

Historic District -

Land Use VACANT

Municipality -

Overlay/Special Purpose District Zoning R-8
State Route 1
Lot Subdivision Planned Development District Wellhead Protection Overlay District Yes
County Commission District -

County Commission District City Council District City Council Super District -

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 093500 00627

Property Address: 0 Mount Moriah

Contact Information

Name
PRENTISS MITCHELL

ADDITIONAL TO THE PROPERTY OF THE PROP

APPLICANT

Address

Phone

(901)305-5000

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1597845	Residential Rezoning - 5	1	750.00	INVOICED	0.00	10/07/2024
1597845	acres or less Credit Card Use Fee (.026	1	19.50	INVOICED	0.00	10/07/2024

x fee)

Total Fee Invoiced: \$769.50 Total Balance: \$0.00

Payment Information

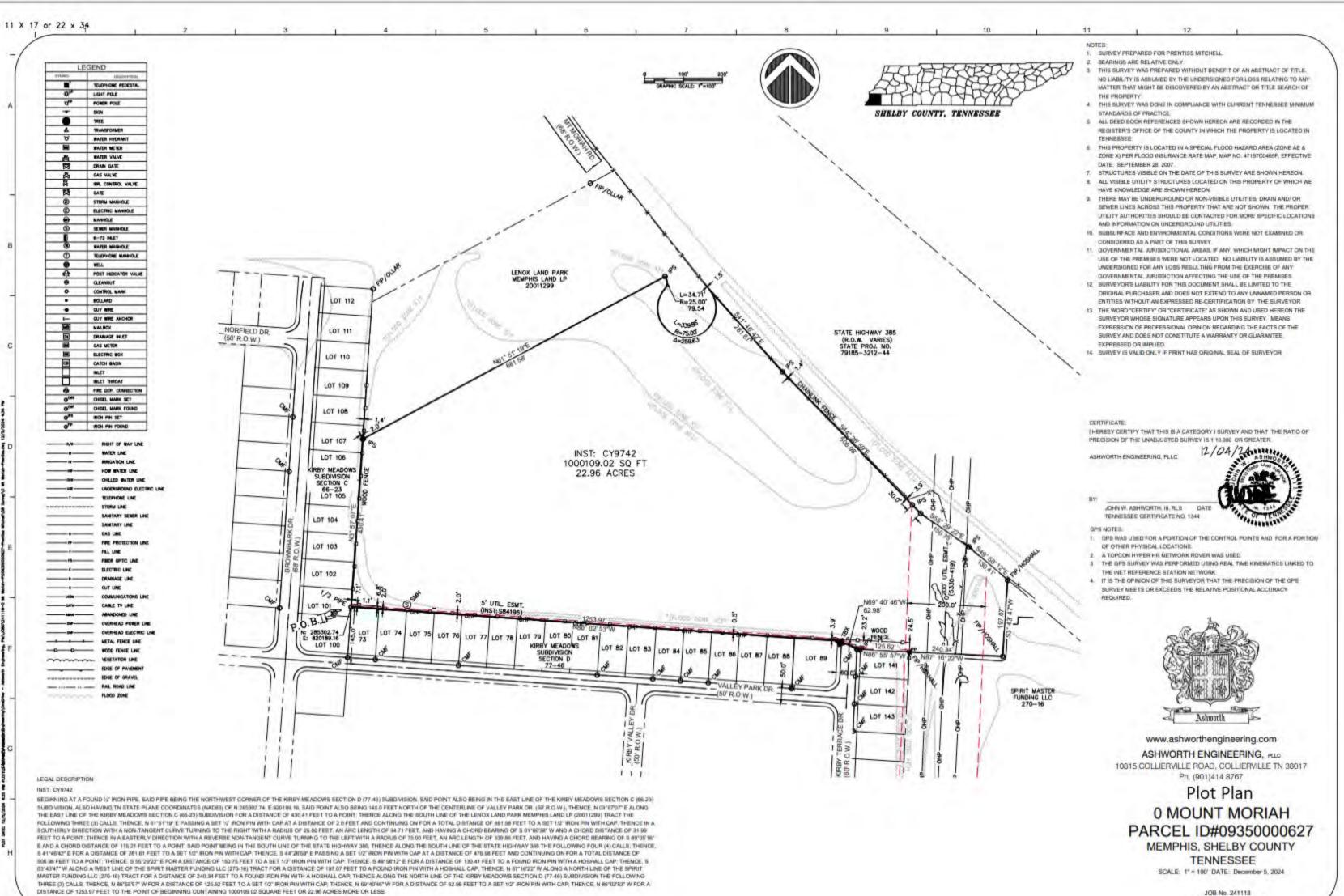
Payment Amount Method of Payment \$769.50 Credit Card

Page 2 of 3 Z 2024-009

LEGAL DESCRIPTION

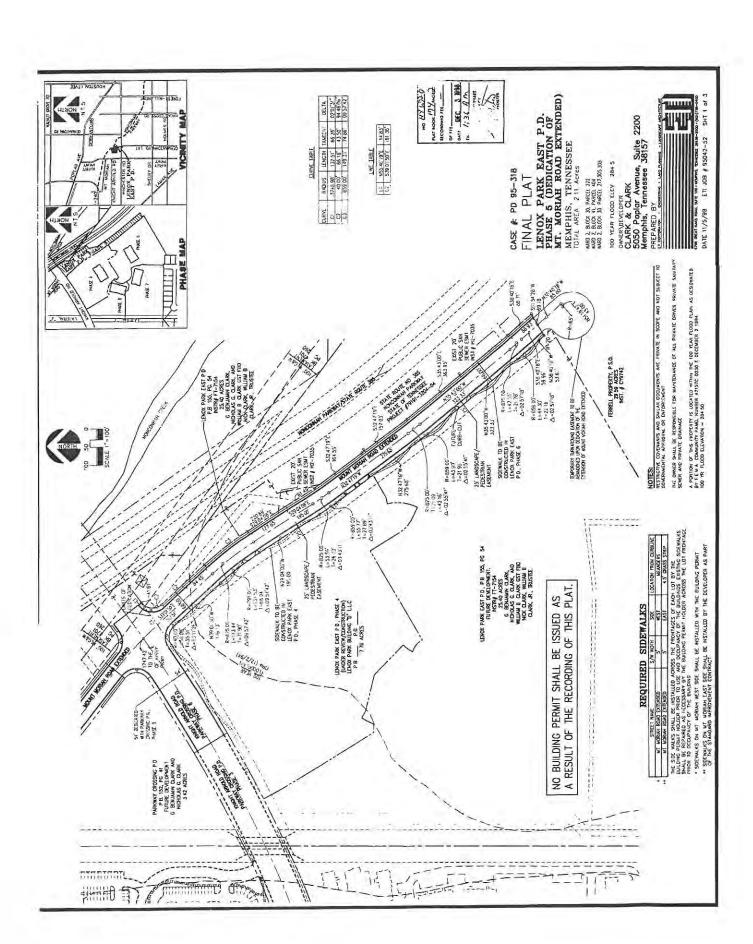
INST: CY9742

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.



JOB No. 241118 HEET NUMBER 1 OF 1

Page 3 of 3 Z 2024-009



P.D. 95-318 CC LENDX PARK EAST PLANNED DEV/LOPMENT Cutline Plan Conditions

Uses Permitted

- Any use permitted by right in the General Office (0-G) District except the following uses
- Act or pnoto sludio except within an Office Building Barber or Result Stop, except within an Office Building Coeying Evilophian except with an Office Building Flower of Plotal Store except with an Office Building Flower of Plotal Store except with an Office Building
 - Duttour storage or outdoor sales shall be prohibited
- the following additional uses show be permitted
- Whenever cells, Service, a principle and depose on realised to business for very a bifurce and depose on realised to business for very a bifurce and depose on restuments.

 Services of evertive in services on restuments.

 Services, other fundaments and persons or sestuments.

 Computer object and service.

 Administration prevents.

 Services and development derives:

 Services and development derives:

 Services and development derives:

 Services and development derives:

 Services and services.

- Property incrited in Floodway (FW) District shall be governed by the Ploodway (FW) District Regulations

924 Regulations The Suin regulations of the Genera Office (0-6) District shall govern with the following exceptions

- Vacamers solven grauph end to be per (4) stay. The Land size Central Board (5) stay the test can encount of four (5) stays submit to be approved on traceage or heapts just be a measurement of four (5) startes standing the side plant review process in exceedance with Operation 2.
- - Minimum bariang setback from the south property line shall be 100 feat and from the west property line shall be 70 feet.
- At buildings shall be constituted with a contributed natural uppealintee, and oil shall be constructed of both or other smaller malerial subject to the assertion of the constructed of both or other smaller malerial subject to the assertion of the assertion of the subject in the satisfact of the Stitler of behavior of our beautypment.

Access Parking and Crawation

- Search of 54 feet from the centerine of Knight Arnold Road and improve in
- A maximum of the (2) curs outs their be sentitled to knight Ande Rood, the period included in the Sity interpretation of the Sity
 - A volveyy mail on provides along the primate as we tribugh the site to provide previous manages from Kingal Amed Road to the buildings and proving forst proposed to be usefulped in the site.
 - Ancess to Blownbork Jone shall be prombried
- Any leading operations to enterted every from the residential ones located to a cause of the variety entertainment regit, at overhead deads shall be tweive (12) fest, where my whomere subject to see plan approved by the condition at leaves subject to the plan approved by the condition at leaves the formation of the conditions.
- Required internal wolkways snow be snown on any final plans
- Landsching Screening and Lightings
- Winner 75 tool wide landscape strip, Plote A-3 modified, shall be provided acres known Analy Sood
- Mannum 50 and 25 tool was planting sucers, Plats 8-4 modified, shall be because bond the sistin property trial Plant materials shall be a minute of plants suce as White Phot, Vigera Pine, Sovernan Holly and Faster Holly or a minute which with an provide on equivalent screen.
- Internal tendescoping shall be provided at a minimum ratio of 300 square field. The diseascoping ratio of only an analog the Cifes of from this proprised plant test the fandscope Universe; 30 priving spaces. Required indiscipes are and not be less than 200 square feet in order in any single facetion.
- Equivalent landscoping may be substituted for that required above, subject to the approval of the Office of Planuing and Development.
- All required landscaping and screening shall not conflict with any easement including overhead writes.
- All reluse dumpaters shall be completely screened from view fram all adjacent properties and from public roads.
- All loading facilities shall be screened from wew of the public roads and adjacent properties
- Lighting standards shall have a maximum height of 30 feet, except that within 200 feet of the south property Inn expect to existing respectual development a maximum height of 12 feet shall be required.
- 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
- C. Portable and temporary signs and outdoor advertising signs shall be prohibited except for construction signs.

W Drainoge

- A dranage plans and be submitted to the City/County Engineer(s) for review
 - Diomoge imployeements including passible on-site detection shall be provided under controct in accordance with the Supriews on Regulations and the City of Wempris Diomoge Design Marual. m
- This project must be evoluted by the fornessee Disportment of Health and accounter regarding their production own the volocourses on this site in accordance with the Wister Quotity Cantrol Art of 1977 or ownering (TCA 69—3-10) is led.) 4
- VIII he upon dest Cartino Bagen mon medity the blue, goestes, perindi, infordecente, or presente, droys aprope and ather site treatments if causardent olleratives or presente, provide, therefore, or of departs togethy elements in absoluted with the memorications on the cardinal Cartino Bagen hospital months within ten days of sets action if the value of the cardinal cartinos of fitted of being bagen to cartinos of fitting of being some good of the cardinal source.
 - a the option shall be thed within five years of the opproval of the options and use Control Bagra may grant extensions at the request of the applicant 5
- Any fine, plan shell include the following ×
- A The outline plan concitions
- A standard subdivision contract as defined by the Sabdivision Regulations for any needed bubble improvements
- The exist lication and dimensions evading helpyt of all bullengs or buildings or buildings to buildings to building the segment's service drives publish greez, building refers, proving facilities and required indistripting and screening
 - The exterior appearance of proposed buildings and signs
- The probability of access and presistion of automobility and padelitrian traffic. The content of all tonoucaping and screening to be provided
- A statement convoying all comman facilities and preas to properly owners' association or other entity, for ownership and maintenance purposes he location and ownership, whether public or private of any ensement
- The Loroung more through the placed on the Injury plat of any acretionness of agencies of a control of the cont

The LUCB on May 14, 1998 approved a corresponcence item for the Site Plan with the following conditions

- The Outere Plon shot for re-recarded to omend the graphic depicting building toutpents and access. The demended obtune flow shot show for proposal buildings doing, with Title extension of Mt. Movel Road Extended as a public street
- The proposed building elevations shall be provided as a part of the Final Pliet and subject to the approval of the Office of Planning and Development.
- Dedicate Bill letel of right-of-way and improve with 48 feet of povement Mill lands Extended Provide a temporary furmations, subject to the opproval of City/County Engineering, of the southeast corner of the property.
- The approved Landscape Plan shall be provided as a part of the "Final Plat"
- The Final Plot shall provide the finished floor elevation, the overall building height, und the alevated of Norroemon porwey orgetor it of the risk in the averall building hight, and not exceed 35 feet above the grade of Norroemah Parkway.



LENOX PARK EAST P.D. PHASE 5 (DEDICATION OF MT. MORIAH ROAD EXTENDED) CASE # PD 95-318 .. FINAL PLAT

MEMPHIS, TENNESSEE WARD 2 BLOCK NO PARCEL 222 WARD 2 BLOCK 41: PARCEL 404 WARD 2 BLOCK 30, PARCEL 177,305,508

DWARN & CLARK CLARK 5050 Poplar Avenue, Suite 2200 Memphis, Tennessee 38157 100 YEAR FLOOD ELEV 284 5

PREPARED BY

ETI JOB # 95042-52 SHT 2 of 3 DATE 11/5/98

Owner's Certificate (Lenox Park East P.D.)

We Q. Bacomon Oct. Michaelas G. Check, and Millions B. Chel Cost. Ind. Million B. Chel Cost. In the unstanging a man of head cost in his order permet not detected by about hereasy cooper has place as the nation of development on detective for streets, replicatively, and spring the assemblet as shown only or destroked to public user forces Me destriffy that we enter the owners of the cost property in fee among, duly outhorized to act, and that have become due and popule.

S. Ber. Oak

SIGNATURE C Benjamin Clark

81198138

Nicholas G Clark Lectol

SIGNATURE William B Clark GST FBO Nick Clark, William B Clark, Jr., Trustee

38192

Owier's Cell seat (Adjacent Property)

Actual Actual Control of the underlying among the ordices properly the control of the control of

Foresic Horagies

By Last in the Marie Mory 1598

Engineer's Certificate

of an breage central forth the plot of the and correct, is an extended central forth the design requesterable of the Zeong Defonce, the Statevision Regulations and the specific conditions imposed on this development, and takes into account all applicable regulations into busing loss of any ordinations.

(Seat) (Date) Tennessee Certificate No 23559 By Michael J. Swindle



Office of Planning and Development Certificate

(Adjacent Property Owner)

Notery's Certificole

has find plot conforms with the plonned development octed on by the Lond
Use Control Boord on MM II, 1995, and opported by the Veripbins City
Council on <u>SETMARS FINS</u> and/or the Sheby County Board of Commissioners
on <u>Nucuri 28 1995</u>. 86/7/21

By Mercy of Ballet City Engineer NAM

Noter, Public Kliulu WIOSIN ...

_ County Engineer

REGISTE 11:EGS 98:0EC -3 For 1:36

Notory's Certificate (Lenox Park East P D)

Before me, the undersapped, a Notory Public m and for the State of the thereses and Stately County is Minimpsis. My pommissed and the subject of the State of the

Notory Public Mary S. Creckett



Surveyor's Certificate
For bused bendered with
Frechy certify that this is a category I survey and that the
Processor of the unoupstated survey is 110,000 or gendere, that this
poil is in conformance with the survey propried by me or under my
poil can conformative with the survey propried by me or under my
conformative with the survey propried by me or under my
lead to conform who applied the state town and
lead for any propried on the development relating to the practice of
surveying

Touch LAS C SWINK BLS (Seal) (Dole) Dilor Surveying Co 3850 Viscount Avenue Suite 1 Memphis, TN 38118



CASE #: PD 95-318

FINAL PLAT
LENOX PARK EAST P.D.
PHASE 6 (DEDICATION OF
MT. MORIAH ROAD EXTENDED)
MEMPHIS
107AL AREA 2.11 Acres.

WARD 2 BLOCK NO PARCEL 272 WARD 2, BLOCK 41 PARCEL 404 WARD 2, BLOCK 50 PARCEL 217 JUS 508

100 YEAR FLOOD ELEV 2845

owith Devilorer CLARK & CLARK 5050 Poplar Avenue, Suite 2200 Memphis, Tennessee 38157 TAT BOOK 177 MAGES



ET JOB # 95042-52 SHT 3 of 3 DATE 8/26/98

HY6720

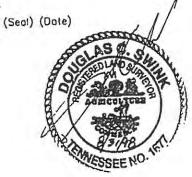
DATE 3 1998
DATE 1/36 APPL
THE STATE OF And Market

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

OLLAR SURVEYING CO.

Tennessee Certificate No. 1677

Ollar Surveying Co. 3850 Viscount Avenue Suite 1 Memphis, TN 38118



CASE #: PD 95-318 FINAL PLAT

LENOX PARK EAST P.D. PHASE 5 (DEDICATION OF MT. MORIAH ROAD EXTENDED)

MEMPHIS

, TENNESSEE

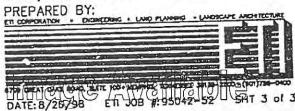
TOTAL AREA: 2.11 Acres

WARD 2, BLOCK 30, PARCEL 222 WARD 2, BLOCK 41, PARCEL 404 WARD 2, BLOCK 30, PAPCEL 217,305.308

HO HYDIO PLAT BOOK 174 MORE 2,00 3 1998 DEC 1:36 AM STATE OF TEHNISSEE HELDY COUNTY

to the same building a se

100 YEAR FLOOD ELEV .: 284.5 OWNER \DEVELOPER: CLARK & CLARK 5050 Poplar Avenue, Suite 2200 Memphis, Tennessee 38157



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

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

This Instrument Prepared by and Return to: LeeAnne M. Cox Burch, Porter & Johnson, PLLC 50 North Front, Suite 800 Memphis, TN 38103 HS 6059

4

QUIT CLAIM DEED

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 ma	de unto eacl	n grantee in the	following	percentages:
-----------------------	--------------	------------------	-----------	--------------

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 day of August, 1998.

Keith W. Ferrell

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

My Commission Expires:

Musust 29, 2001

Laura Morre

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.

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

NOTARY PUBLIC

My Commission Expires:

August 29201

Laura V



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 _______day of August, 1998.

NOTARY PUBLIC

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 \$\(\frac{30}{000} \).

AFFIANT

Sovo Bean Clake

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

My Commission Expires:

NQTARY PUBLIC

Mary L. Crocket

Property Address: vacant

Person or entity responsible for payment

of real property taxes:

Clark and Clark

5050 Poplar Ave. #2200

Memphis TN 38157

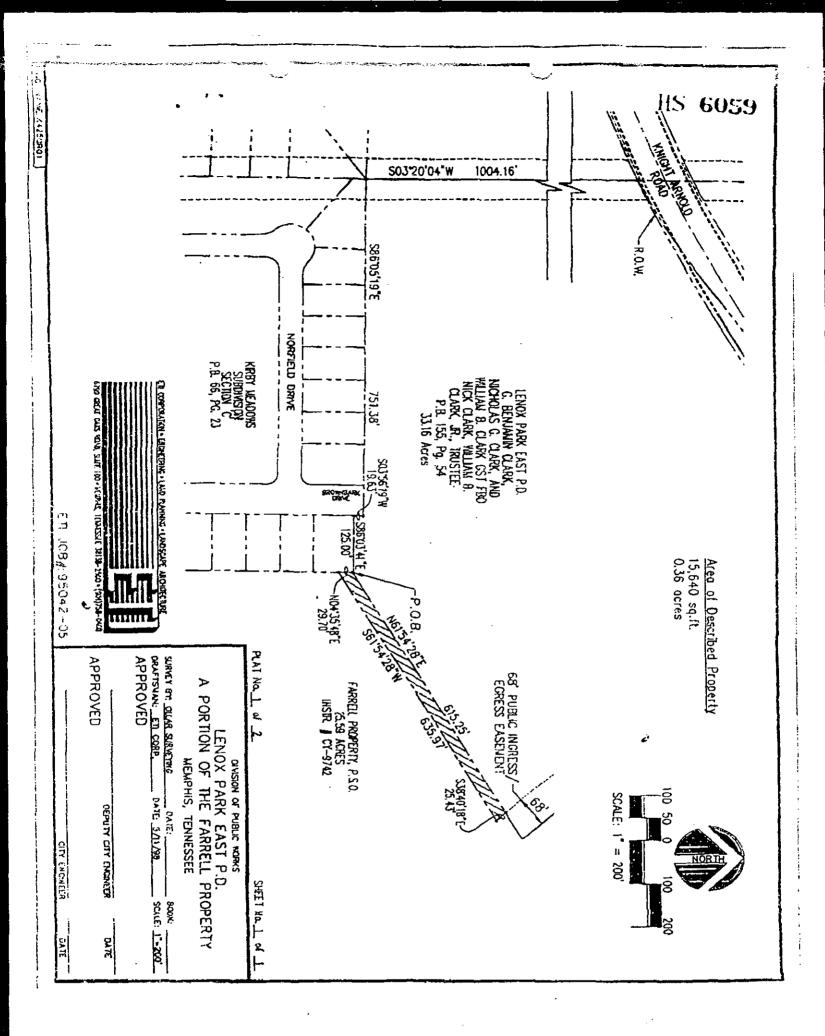
Tax parcel I.D. No.: Part of D02-041-146

el Imerchark god for 8 1898

EXHIBIT A

HS 6059

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



SHELDY COUNTY REGISTER OF DEEDS

98 AUG 26 PH 12: 22

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 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.

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. Print Name) (Size 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 0 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. Subscribed and sworn to (or affirmed) before me this _______ day of ______ in the year of ______ J

Signature of Notary Public

My Commission Expires
Expires Commission Expires
August 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:

	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 +/-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			
City Council of the City of Main Street, Memphis, Tenrouch remonstrance's or prote	April 8, 2025 , at 4:00 P.M. the Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North nessee 38103 to hear remonstrance's or protests against the making of such changes; ests must be by personal appearances, or by attorneys, or by petition, and then and there sh to remonstrate or protest against the same.			
THIS THE				
ATTEST:	FORD CANALE CHAIRMAN OF COUNCIL			

KAMETRIS WYATT
CITY COMPTROLLER

TO BE PUBLISHED:

ANDERSON TERESA MEMPHIS CITY OF HARPER JACQUELINE 6708 VALLEY PARK DR # 125 N MAIN ST # 6817 VALLEY PARK DR # MEMPHIS TN 38103 MEMPHIS TN 38115 MEMPHIS TN 38115 STATE OF TENNESSEE LOVE MARK AO PROPCO 1 LLC 170 N MAIN ST # 6790 VALLEY PARK DR # 32 MERCER ST #4 MEMPHIS TN 38103 MEMPHIS TN 38115 **NEW YORK NY 10013** SHELBY COUNTY FOREMAN DARRELL A AND STEPHANIE K WATSON WILHITE KENNETH L & ANNA 160 N MAIN ST # 6868 VALLEY PARK DR # 6744 BROWNBARK CV # MEMPHIS TN 38103 MEMPHIS TN 38115 MEMPHIS TN 38115 RA OAK LIINE LLC TROTTER ORA GASSAMA ABRAHAM 11 S ORLEANS ST # 6882 VALLEY PARK DR # 6808 KIRBY ARMS DR # MEMPHIS TN 38103 MEMPHIS TN 38115 MEMPHIS TN 38115 HURLEY RONALD R SHAW STACEY GONZALEZ FELICITO 6723 VALLEY PARK DR # 3385 BROWNBARK DR # 6816 KIRBY ARMS DR # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 YOUNG MARCUS FLOWERS BARON MORENO FRANCISO J & GUILLERMINA LEBE 6729 VALLEY PARK DR # 6725 HALLSHIRE CV # 6711 BROWNBARK CV # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 VILLALBA AURORA BLACKMON LEON JR DORNING EDYTH 3400 BROWNBARK DR # 3446 BROWNBARK DR # 3467 KIRBY TERRACE DR # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 EQUITY TRUST CUST CO FBO BUFORD ANDRE D STEWART LAZE S JR 865 S MAIN ST #2 3448 HALLSHIRE DR # 3468 KIRBY TERRACE DR # PLYMOUTH MI 48170 MEMPHIS TN 38115 MEMPHIS TN 38115 FKH SFR PROPCO B-HLD LP AMADOR JORGE & ROSA HERNANDEZ BARUTT AZIZA S 1850 PARKWAY PL #900 6739 BROWNBARK CV # 6781 VALLEY PARK DR # MARIETTA GA 30067 MEMPHIS TN 38115 MEMPHIS TN 38115 MORRIS TERRY WINFREY JOHN T SIMMONS KENNETH L & JUDITH L

PO BOX 192 #

EADS TN 38028

3476 BROWNBARK DR #

MEMPHIS TN 38115

3415 BROWNBARK DR #

MEMPHIS TN 38115

HARRIS DAVID J & ELOISE R 6787 KIRBY ARMS DR # MEMPHIS TN 38115	3611 CONNIE KAY WAY #	3403 HALLSHIRE DR #
PITTMAN ERIK L 6801 KIRBY ARMS DR # MEMPHIS TN 38115		STRICKMAN-LEVITAS BRIAN K 3235 ROSWELL RD #619 ATLANTA GA 30305
COOPER TAMARA	WRIGHT SANDRA	BONDOC EDWARD
6821 KIRBY ARMS DR #	3490 BROWNBARK DR #	3803 169TH ST #
MEMPHIS TN 38115	MEMPHIS TN 38115	LYNNWOOD WA 98037
ROBINSON SHARON D 6829 KIRBY ARMS DR # MEMPHIS TN 38115		ARMM ASSET COMPANY 2 LLC 5001 PLAZA ON THE LK #200 AUSTIN TX 78746
JOHNSON WILLIE G 6855 KIRBY ARMS DR # MEMPHIS TN 38115	JONES GIFTON H III & SANDRA D TURNER- 6870 GREENBARK DR # MEMPHIS TN 38115	3373 HALLSHIRE DR #
SANCHEZ SAMUEL H & MARIA MEJIA	LOCKE JOHN N & kathryn d	LAKE CHRISTINE B R
3482 BROWNBARK DR #	1229 E 8220 #	6824 VALLEY PARK DR #
MEMPHIS TN 38115	SANDY UT 84094	MEMPHIS TN 38115
ARMM ASSET CO 2 LLC	BEVERIDGE NANCY A	DOYLE BRITANI A
5001 PLAZA ON THE LAKE #200	192 ATLANTIC AVE #	6832 VALLEY PARK DR #
AUSTIN TX 78746	NORTH HAMPTON NH 03862	MEMPHIS TN 38115
CABAHUG NEIL A & SOPHORN	MILLBROOKS LAVERNE P S	COLLINS CLINTON
19730 CAMPAIGN DR #	3490 KIRBY TERRACE DR #	6838 VALLEY PARK DR #
CARSON CA 90746	MEMPHIS TN 38115	MEMPHIS TN 38115
HULBERT MILLICENT C	TAN WEI-EN	WILKERSON JERRY & CHERYL D
1111 FALCON PARK DR #2102	610 W 42ND AVE #	6846 VALLEY PARK DR #
KATY TX 77494	SAN MATEO CA 94403	MEMPHIS TN 38115
DREAM HIGHER INVESTMENTS LLC 101 JULIA LOOP #	LENOX PARK MEMPHIS REALTY LP 1 WORLD TRADE CTR #83G	CAMARILO CAROLYN AND REGINALDO 6854 VALLEY PARK DR #

NEW YORK NY 10007

MEMPHIS TN 38115

DANVILLE CA 94506

MCGEE CINDY A CANTU MARLENE ALARCON MAURO & ROSANNE 6721 NORFIELD DR # 6750 NORFIELD DR # 2789 FOURTHPLAIN ST # MEMPHIS TN 38115 MEMPHIS TN 38115 SAN JOSE CA 95121 PRATCHER RAY A STATE OF TENNESSEE HOLLY TINA V 3373 BROWNBARK DR # 170 N MAIN ST # 6726 HALLSHIRE CV # MEMPHIS TN 38115 MEMPHIS TN 38103 MEMPHIS TN 38115 NOVEMBER ASSET MANAGEMENT LLC RS RENTAL III-A LLC KONZELMAN DAVID E & MARY A AND MICHEAL A 3352 BROWNBARK DR # 2315 TOMPIRO DR # 3374 BROWNBARK # ALBUQUERQUE NM 87120 MEMPHIS TN 38115 MEMPHIS TN 38115 SAAVEDRA EDGAR E & AMALIA B HILL JOHN L JR WAKEFIELD TAURA M 6715 NORFIELD DR # 6789 VALLEY PARK DR # 6730 HALLSHIRE CV # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 CLARK VIRGINIA RIVERA CIPRIANO R VM MASTER ISSUER LLC 6731 BROWNBARK CV # MEMPHIS TN 38115 3360 BROWNBARK DR # 5001 PLAZA ON THE LAKE #200 MEMPHIS TN 38115 AUSTIN TX 78746 STERN TOM BECKMAN FRED BRANCH JOYCE V 6729 NORFIELD DR # 1528 TRENTWOOD PL # 3381 HALLSHIRE DR # ATLANTA GA 30319 MEMPHIS TN 38115 MEMPHIS TN 38115 EVANS SHONTANIQUE BROWN LEIGHTON M VASQUEZ REINALDO O & ESPERANSA SUAREZ 3501 KIRBY TERRACE DR # 6735 NORFIELD DR # 7662 BROOKBRIAR CV # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38125 BAILEY TIMOTHY MEMPHIS CITY OF MARTINEZ JULIO 3365 BROWNBARK DR # 125 N MAIN ST # 3386 BROWNBARK DR # MEMPHIS TN 38103 MEMPHIS TN 38115 MEMPHIS TN 38115

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

3366 BROWNBARK DR # MEMPHIS TN 38115

PALMER-WILLIAMS PAMELA 6731 HALLSHIRE CV # MEMPHIS TN 38115

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

P O BOX 1849 # OLIVE BRANCH MS 38654

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

GEORGE FLORENCE LE ELVIS VAN & KATHY P FIN VII MEM LLC 3418 VALLEY PARK CV # 6717 HALLSHIRE CV # 3525 PIEDMONT BLDG 5 RD #900 MEMPHIS TN 38115 MEMPHIS TN 38115 ATLANTA GA 30305 UPSHAW ALONDRIA WILLIAMS MILDRED GUPTA GYAN 3393 BROWNBARK DR # 3425 VALLEY PARK CV # 14757 HOLLY TREE LN # MEMPHIS TN 38115 MEMPHIS TN 38115 FRISCO TX 75035 KRIDEL FAMILY TRUST K & H REAL ESTATE LLC FKH SFR PROPCO B-HLD LP 1019 PINE ST # 3823 CUTTER CV # 1850 PARKWAY PL #900 SANTA MONICA CA 90405 ARLINGTON TN 38002 MARIETTA GA 30067 VM PRONTO LLC CASTRO LEONARDO KCM INVESTMENTS LLC 5001 PLAZA ON THE LAKE #200 3422 BROWNBARK DR # PO BOX 280 # AUSTIN TX 78746 MEMPHIS TN 38115 CORDOVA TN 38088 BLANKS ASLEAN AND TRESSAN BLANKS (RS) RS RENTAL I LLC EMIGDIO RODRIGO C 3399 BROWNBARK DR # 1955 S VAL VISTA DR #126 6890 VALLEY PARK DR # MEMPHIS TN 38115 MESA AZ 85204 MEMPHIS TN 38115 MARTINEZ JULIO YOUNG DINA BANAH LLC 3415 VALLEY PARK CV # 3429 BROWNBARK DR # 66 TIMBER RIDGE RD # MEMPHIS TN 38115 MEMPHIS TN 38115 NORTH BRUNSWICK NJ 08902 FAMILY INVESTOR GROUP OF MEMPHIS K & J INVESTMENTS USA LLC NOLASCO FULGENCIO AND EVARISTO SUAREZ 2524 OVERLOOK DR # 6774 VALLEY PARK DR # 11816 INWOOD RD #70506 GERMANTOWN TN 38138 MEMPHIS TN 38115 DALLAS TX 75244 WILLIAMS MAE H HOOD CONNIE AT YOUR DOOR CAPITAL LLC 3412 VALLEY PARK CV # 6782 VALLEY PARK DR # 7303 BRISCOE LN # MEMPHIS TN 38115 MEMPHIS TN 38115 LOUISVILLE KY 40228 HERNANDEZ LUIS D COOK JERRI S BANKS MINNISHA L 3854 GIVEN AVE # 6796 VALLEY PARK DR # 6745 VALLEY PARK DR # MEMPHIS TN 38122 MEMPHIS TN 38115 MEMPHIS TN 38115 PROVIDENT TRUST GROUP LLC FBO ROBERT ABE MEDINA IRIS V AMOR ANTONIO

6609 POLK ST #

WEST NEW YORK NJ 07093

8880 W SUNSET RD #250

LAS VEGAS NV 89148

1904 CLINTONVILLE ST #

WHITESTONE NY 11357

LUMPKIN DIANNA M LBJ HOLDINGS LLC HERNANDEZ ARIADNA 3440 KIRBY TERRACE DR # 990 VIA GANDALFI # 6788 KIRBY ARMS DR # HENDERSON NV 89011 MEMPHIS TN 38115 MEMPHIS TN 38115 WRIGHT SANDRA A 6795 VALLEY PARK DR # GONZALEZ TOMAS R MURPHY JAMES H & LORETTA E 1407 GREEN AVE #1 6796 KIRBY ARMS DR # MEMPHIS TN 38115 BROOKLYN NY 11237 MEMPHIS TN 38115 FLEMING WALTER J 3448 KIRBY TERRACE DR # COHRAN REGINALD AND SHERANDA GRANT AND GOMEZ CELINA 6809 VALLEY PARK DR # 3454 KIRBY TERRACE DR # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 GRACE SOL JR 6823 VALLEY PARK DR # WEBB SANDRA T WALKER ANGELA R 3453 BROWNBARK DR # 6802 KIRBY ARMS DR # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 HAMPTON TARSHA C SULFRIDGE CLAYTON E & AIDA AO PROPCO 1 LLC 6710 BROWNBARK CV # 3451 KIRBY TER # 32 MERCER ST #4 MEMPHIS TN 38115 MEMPHIS TN 38115 **NEW YORK NY 10013** HERRERA JESUS R BROAD ST LLC LI JIAWEN 6722 BROWNBARK CV # 667 CONGRESS ST #201 2595 BROAD ST # PORTLAND ME 04101 MEMPHIS TN 38115 MEMPHIS TN 38112 SMITH JANET L DOBBINS SHERETTA L SUE ALAN 6716 BROWNBARK CV # 6728 BROWNBARK CV # 1 KEAHOLE PL #3308 MEMPHIS TN 38115 MEMPHIS TN 38115 HONOLULU HI 96825 COSBY CATHERINE O FELTON DYNASTY A BOYD STELLA AND WENDY CURRY 3450 KIRBY VALLEY DR # 6736 BROWNBARK CV # 3463 KIRBY VALLEY DR # MEMPHIS TN 38115 MEMPHIS TN 38115 MEMPHIS TN 38115 CSMA BLT LLC ASEFUABA MAAME A HAVENWOOD ALTI LLC 1850 PARKWAY PL #900 365 KNICKERBOCKER RD # 13217 JAMBOREE RD #215 ENGLEWOOD NJ 07631 MARIETTA GA 30067 TUSTIN CA 92782

6784 KIRBY ARMS DR #

MEMPHIS TN 38115

SUMERALL KION AND TONYA SUMERALL

6862 KIRBY ARMS DR #

MEMPHIS TN 38115

MIRAGLIA PROPERTY MANAGEMENT LLC LLC LEAVY ROBERT L & TERRESA

1 BROWN AVE #87

LAKEHURST NJ 08733

WASHINGTON COURTNEY T SR & 3459 KIRBY TERRACE DR # MEMPHIS TN 38115	472 CROFT RD #	MORENO GLADYS M H 6772 GREENBARK DR # MEMPHIS TN 38115
JONES KERESIA L	OUR HOME TO YOUR HOME REALTY LLC	TEJEDA INGRIS N T
6780 KIRBY ARMS DR #	PO BOX 38252 #	6780 GREENBARK DR #
MEMPHIS TN 38115	GERMANTOWN TN 38183	MEMPHIS TN 38115
KNIGHT CARLA 6870 KIRBY ARMS DR # MEMPHIS TN 38115		THOMPSON CURTIS L 6800 GREENBARK DR # MEMPHIS TN 38115
HENDERSON ELLA M 6874 KIRBY ARMS DR # MEMPHIS TN 38115		MATTHEWS TERESA M 6808 GREENBARK # MEMPHIS TN 38115
STEWART LAZE JR	HERNANDEZ MIGUEL	6814 GREENBARK TRUST
3462 KIRBY TERRACE DR #	6835 KIRBY ARMS DR #	PO BOX 650715 #
MEMPHIS TN 38115	MEMPHIS TN 38115	STERLING VA 20165
GAINES MELONEE	OUSLEY ARNEDTHA L	ORELLANA JOSE P
3468 BROWNBARK DR #	3476 KIRBY TERRACE DR #	3489 KIRBY TERRACE DR #
MEMPHIS TN 38115	MEMPHIS TN 38115	MEMPHIS TN 38115
EMDL 401 K PLAN	MORGAN WAURINE C	WILLIAMS GLORIA
867 38TH AVE #	6875 KIRBY ARMS DR #	6822 GREENBARK DR #
SAN FRANCISCO CA 94121	MEMPHIS TN 38115	MEMPHIS TN 38115
ISBY PATRICIA M	CASTILLO CANDELARIO	HARDY EDWARD & FREDDIE
6725 BROWNBARK CV #	8090 CENTER HILL RD #	6854 GREENBARK DR #
MEMPHIS TN 38115	OLIVE BRANCH MS 38654	MEMPHIS TN 38115
QUINONEZ ROSA M	SCHUMACHER FAMILY TRUST	HENDERSON CHARLES
3477 BROWNBARK DR #	26121 CALLE CRESTA #	6862 GREENBARK DR #
MEMPHIS TN 38115	MISSION VIEJO CA 92692	MEMPHIS TN 38115
PHILLIPS JOYCE A 6783 KIRBY ARMS DR #	DOTSON JAMES C & ROSE N 6724 GREENBARK DR #	BRADSHAW NOEL 4701 SUMMER AVE #

MEMPHIS TN 38115

MEMPHIS TN 38122

MEMPHIS TN 38115

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



CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 03/18/2025

DATE

		PUBLIC SESSION:	03/25/2025 DATE		
ITEM (CHECK ONE) ORDINANCE	X RESOLUTION	REQUEST FOR	PUBLIC HEARING		
ITEM DESCRIPTION:	a special use permit	tion pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code a al use permit at the subject property located at the southeast corner of S Mendenhall Road and F known as case number SUP 2024-039			
CASE NUMBER:	SUP 2024-039				
LOCATION:	2730 S Mendenhall	lenhall Road (SE corner of Mendenhall and Fox Plaza)			
COUNCIL DISTRICTS:	District 4 and Supe	d Super District 8			
OWNER/APPLICANT:	Beruk Construction	uction			
REPRESENTATIVE:	N/A				
REQUEST:	Special Use Permit	to allow a convenience sto	re with gas pumps		
AREA:	+/-1.005 acres				
RECOMMENDATION:		nning and Development re trol Board recommended R			
RECOMMENDED COUN		lic Hearing Not Required ring – <u>March 25, 2025</u>			
PRIOR ACTION ON ITEM (2) 12/12/2024 (1) Land Use Control Board			ROVED (2) DENIED BOARD / COMMISSION COUNCIL COMMITTEE		
FUNDING: (2) \$ \$ \$ SOURCE AND AMOUNT! \$ \$ \$	OF FUNDS	AMOUNT OF EXPENI REVENUE TO BE REC OPERATING BUDGE CIP PROJECT #_ FEDERAL/STATE/OT	CEIVED HER		
BANK M	Pun C	3/19/29	POSITION PLANNER II DEPUTY ADMINISTRATOR ADMINISTRATOR 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:
 - o 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.
 - o 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,

Nicholas Wardroup

Planner II

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

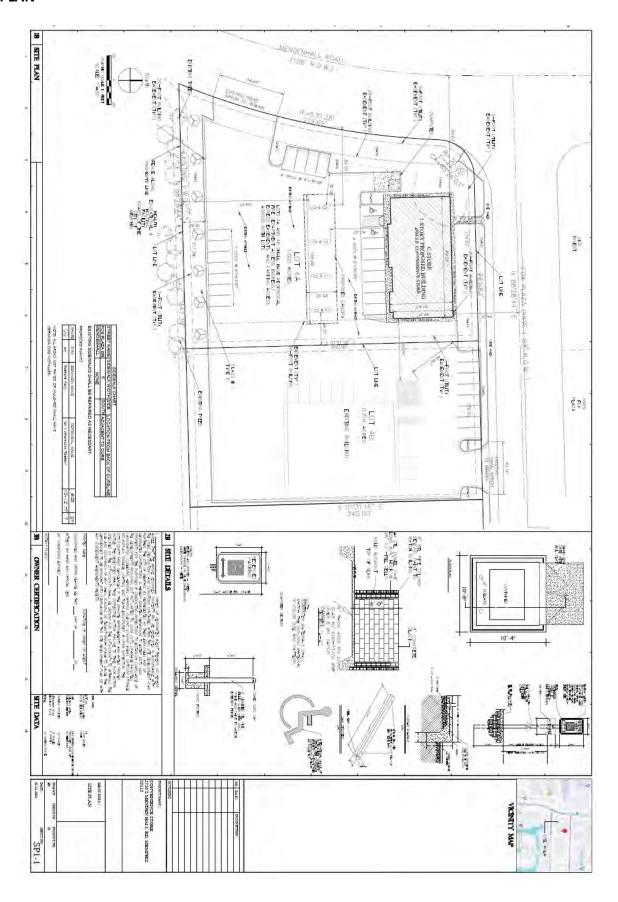
File

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.

SITE PLAN



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.

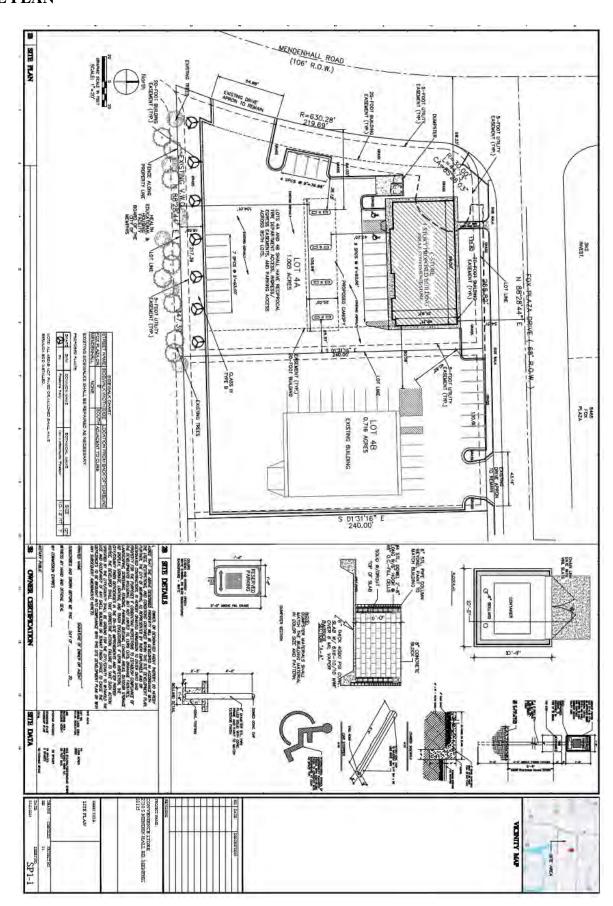
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

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.



ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement

dpd STAFF REPORT

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

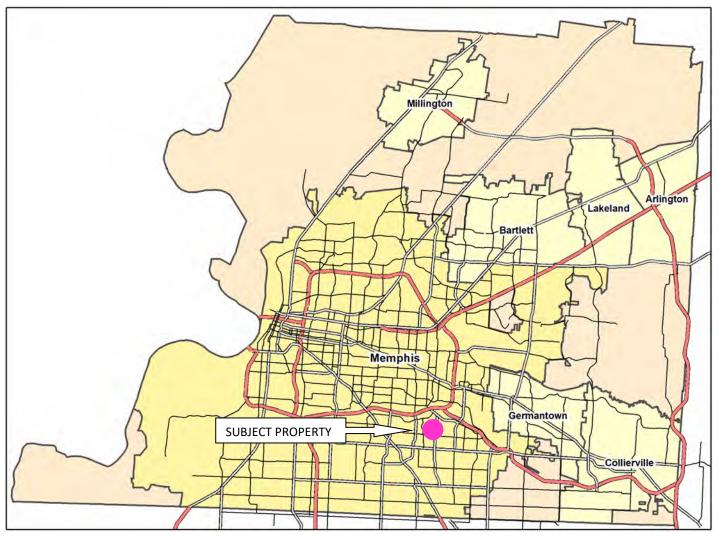
This proposal is *inconsistent* with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-23 of this report.

RECOMMENDATION:

Rejection

Staff Writer: LaTonya Hull and Nicholas Wardroup E-mail: LaTonya.hull@memphistn.gov

LOCATION MAP



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

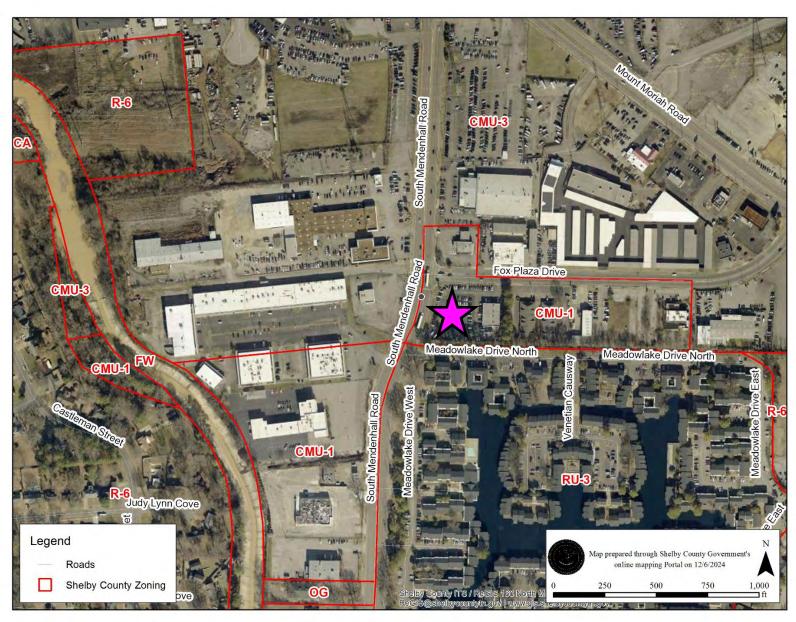
The meeting was held at 5:00 PM on Tuesday, November 26, 2024, at 2734 S Mendenhall Rd, Memphis, TN 38115.

AERIAL



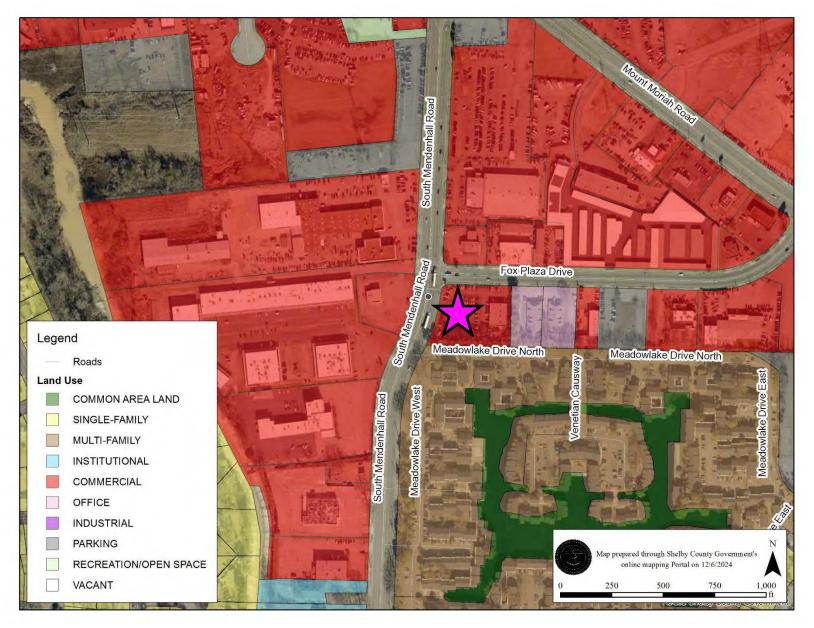
Subject property outlined in yellow, imagery via Google, 2024

ZONING MAP



Subject property indicated by pink star

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Fox Plaza looking west



View of subject property from S Mendenhall and looking west

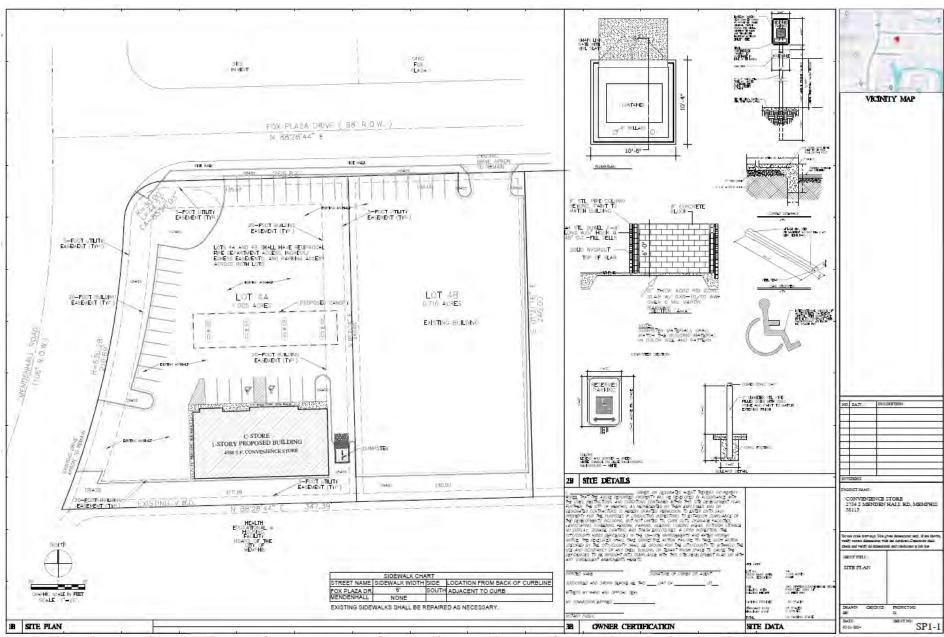


View of subject property from S Mendenhall looking North

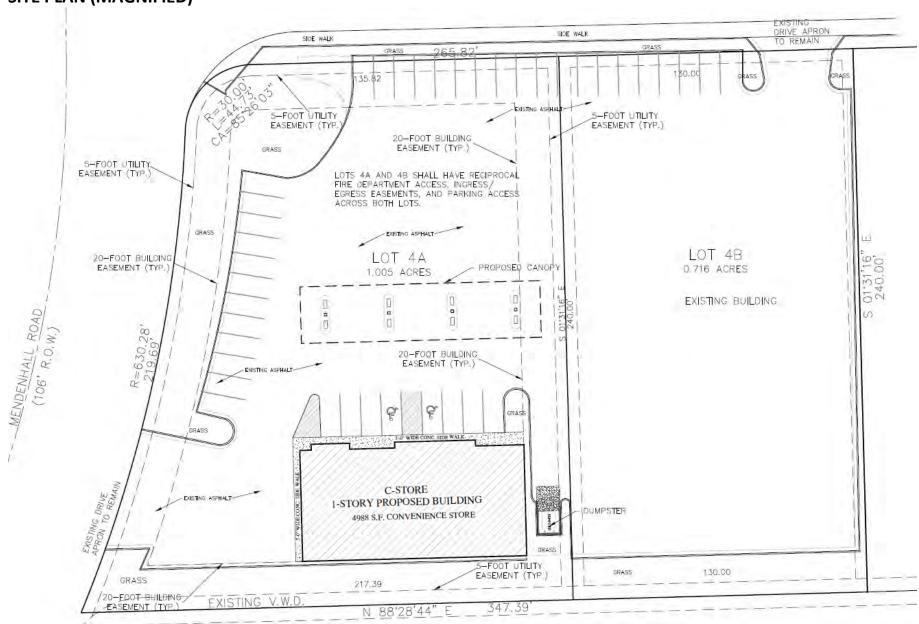


View of subject property from S Mendenhall looking Southeast

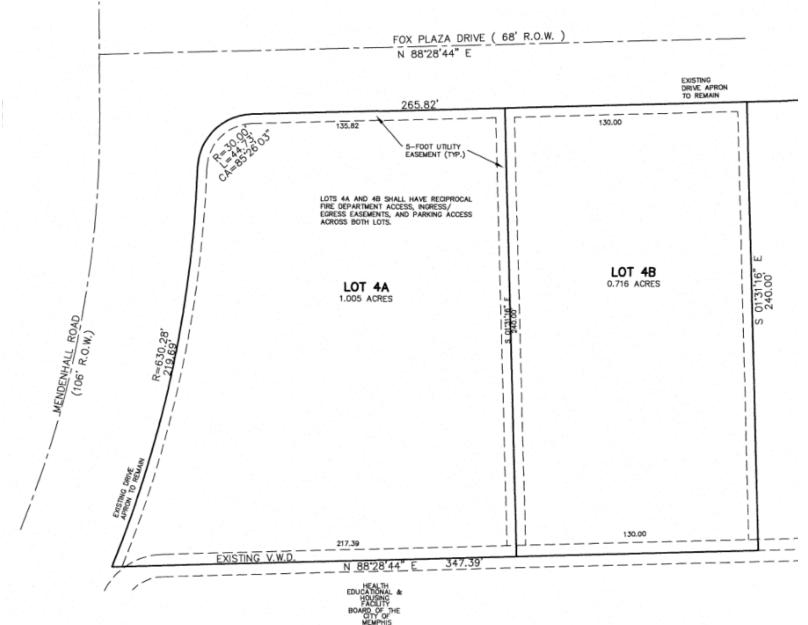
SITE PLAN



SITE PLAN (MAGNIFIED)



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.

Staff Report SUP 2024-039 December 12, 2024 Page 13

Site Details

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.

December 12, 2024 Page 15

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

December 12, 2024 Page 16

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:

- 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.

Staff Report SUP 2024-039



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



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:

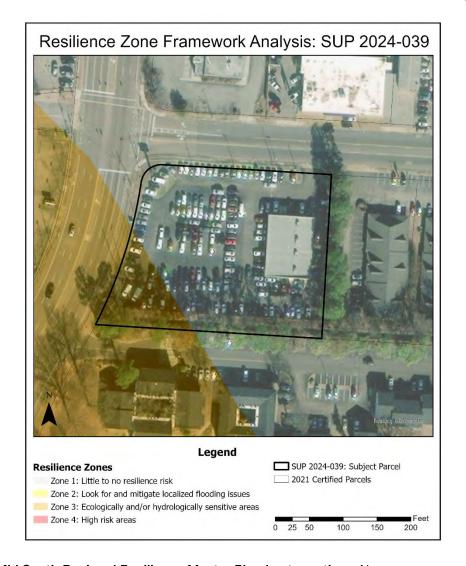
Located in Zones 1 and 3 of the Resilience Zone Framework:

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.

2. Land Use Description/Intent

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

Graphic portrayal of CSL is 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.

December 12, 2024 Page 23

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.

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

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

City Hall 1st Floor

125 N Main St. Date: Thursday, D

ate: Thursday, Dec. 12, 2024

9:00 AM

Staff Planner Contact:

LaTonya Hull

☐ latonya.hull@memphistn.gov

(901) 636-7179

VICINITY MAP

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



27 Notices Mailed 11/19/202

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County	
State of Tennessee	
I, FASIL KEBEDE, being duly swom, depose and say that at 2: on the 15 day of NOVEMBER, 2024, I posted 2 Public Not pertaining to Case No. SUP 2024 - 031 2730 S MENDEN HALL	tice Sign(s)
providing notice of a Public Hearing before the (check one):	38115
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 sig	
attached hereon and a copy of the sign purchase receipt or rental contract	attached
hereto.	
11-18-2	024
Owner, Applicant or Representative Date	
Subscribed and sworn to before me this 18 day of the AFANE TO AFANE	, 20 <u>24</u> .
STATE OF	
Notary Public TENNESSEE NOTARY	
My commission expires: 1-3-2028	

APPLICATION



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street:

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: 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

Parent Record Number:

Address:

2730 S MENDENHALL RD, Memphis 38115

Owner Information

Primary

Owner Name

Y BERUK PROPERTIES INC

Owner Address

Owner Phone

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

* - W - W - T

Application Type

List any relevant former Docket / Case

this site

Is this application in response to a citation, stop

Number(s) related to previous applications on

work order, or zoning letter

Lucas Skinner

-

New Special Use Permit (SUP)

No

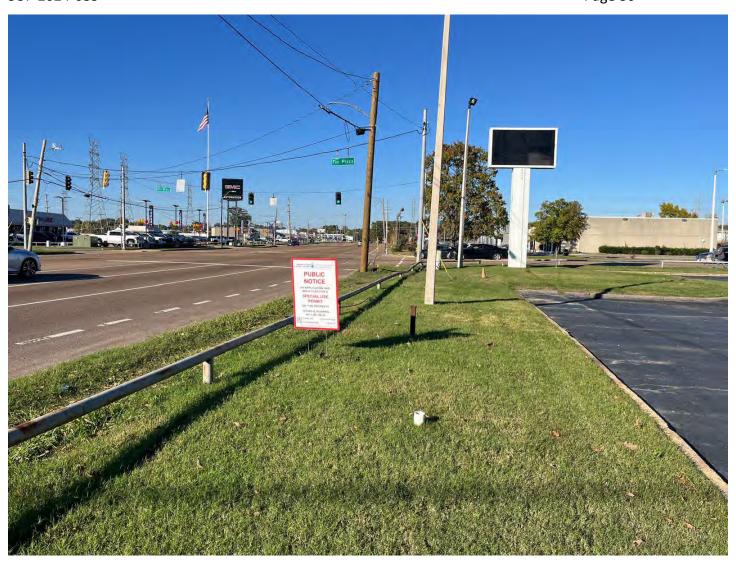
Page 1 of 3 SUP 2024-039

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	yes
B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district	yes
regulations UDC Sub-Section 9.6.9C	yes
UDC Sub-Section 9.6.9D	ves
UDC Sub-Section 9.6.9E	yes
UDC Sub-Section 9.6.9F GIS INFORMATION	yes
Case Layer	2
Central Business Improvement District	No
Class	(%)
Downtown Fire District	No
Historic District	-
Land Use	1.
Municipality	12
Overlay/Special Purpose District	15
Zoning	(Z
State Route	*
Lot Subdivision	7
Planned Development District	12
Wellhead Protection Overlay District	No
County Commission District	
City Council District	
City Council Super District	.4
Contact Information	
Name ASIL KEBEDE	Contact Type APPLICANT
Address	APPLICANT
Phone 901)327-5800	
	SUP 2024-039
Page 2 of 3	SUP 2024-039

Fee Information Invoice # Fee Item Quantity Status Balance Date Assessed 1594920 Credit Card Use Fee (.026 0.00 INVOICED 0.00 09/24/2024 x fee) Total Fee Invoiced: \$0.00 Total Balance: \$0.00 SUP 2024-039 Page 3 of 3

Sign Postings





OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries,
contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like.
Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full
disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1.
1, AS'L VEBED TO CO , 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):
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
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 E0006
for which an application is being made to the Division of Planning and Development.
Subscribed and sworn to (or affirmed) before me this QUE to the year of DODU. STATE OF TENNESSEE NOTARY PUBLIC
1 3 - 2028
Signature of Notary Public Signature of Notary P

LETTER OF INTENT



Staff Report SUP 2024-039 December 12, 2024 Page 33

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

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Description of Work: C-Store with Gas sales

Parent Record Number:

Address:

2730 S MENDENHALL RD, Memphis 38115

Owner Information

Primary Owner Name

Y BERUK PROPERTIES INC

Owner Address Owner Phone

3264 W SARAZENS CIR, MEMPHIS, TN 38125

Parcel Information

074089 E00006

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Lucas Skinner

Date of Meeting

Pre-application Meeting Type -

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case

Number(s) related to previous applications on

this site

Is this application in response to a citation, stop

work order, or zoning letter

No

Page 1 of 3 SUP 2024-039

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

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

UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F

GIS INFORMATION

regulations

Case Layer Central Business Improvement District Class

Downtown Fire District **Historic District** Land Use

Municipality Overlay/Special Purpose District Zoning

State Route Lot

Subdivision Planned Development District

Wellhead Protection Overlay District **County Commission District**

City Council District City Council Super District

Contact Information

Name

FASIL KEBEDE

Address

Phone (901)327-5800 yes

yes

yes

yes

yes

yes

No

No

No

Contact Type

APPLICANT

SUP 2024-039 Page 2 of 3

Fee Information						
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

Page 3 of 3 SUP 2024-039



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

Signature of Notary Public

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. ____, 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 Qualification day of embe in the year of 2024.

Beruk Construction Inc.

Letter of Intent

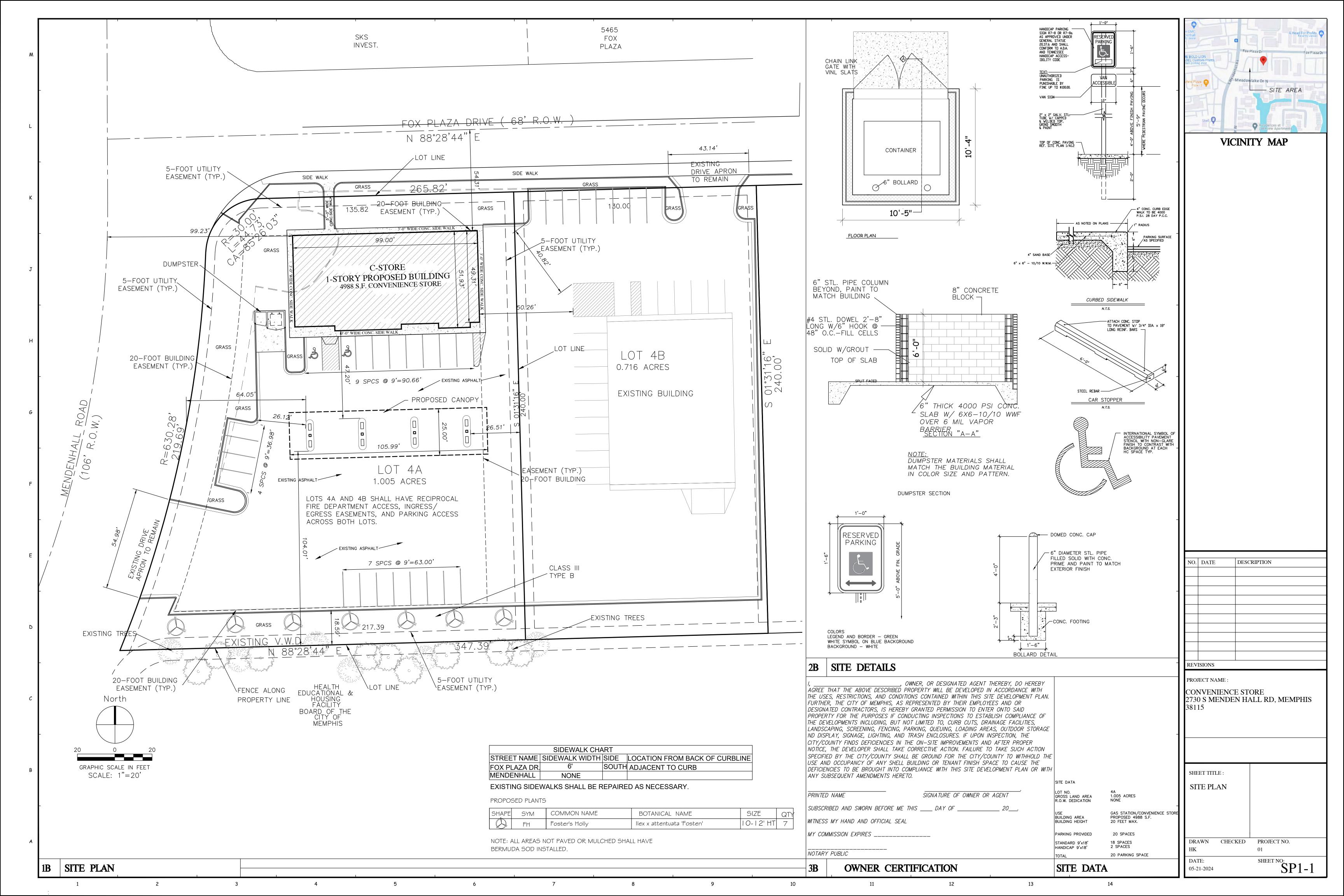
Re: 2730 S Mendenhall RD, Memphis 38115

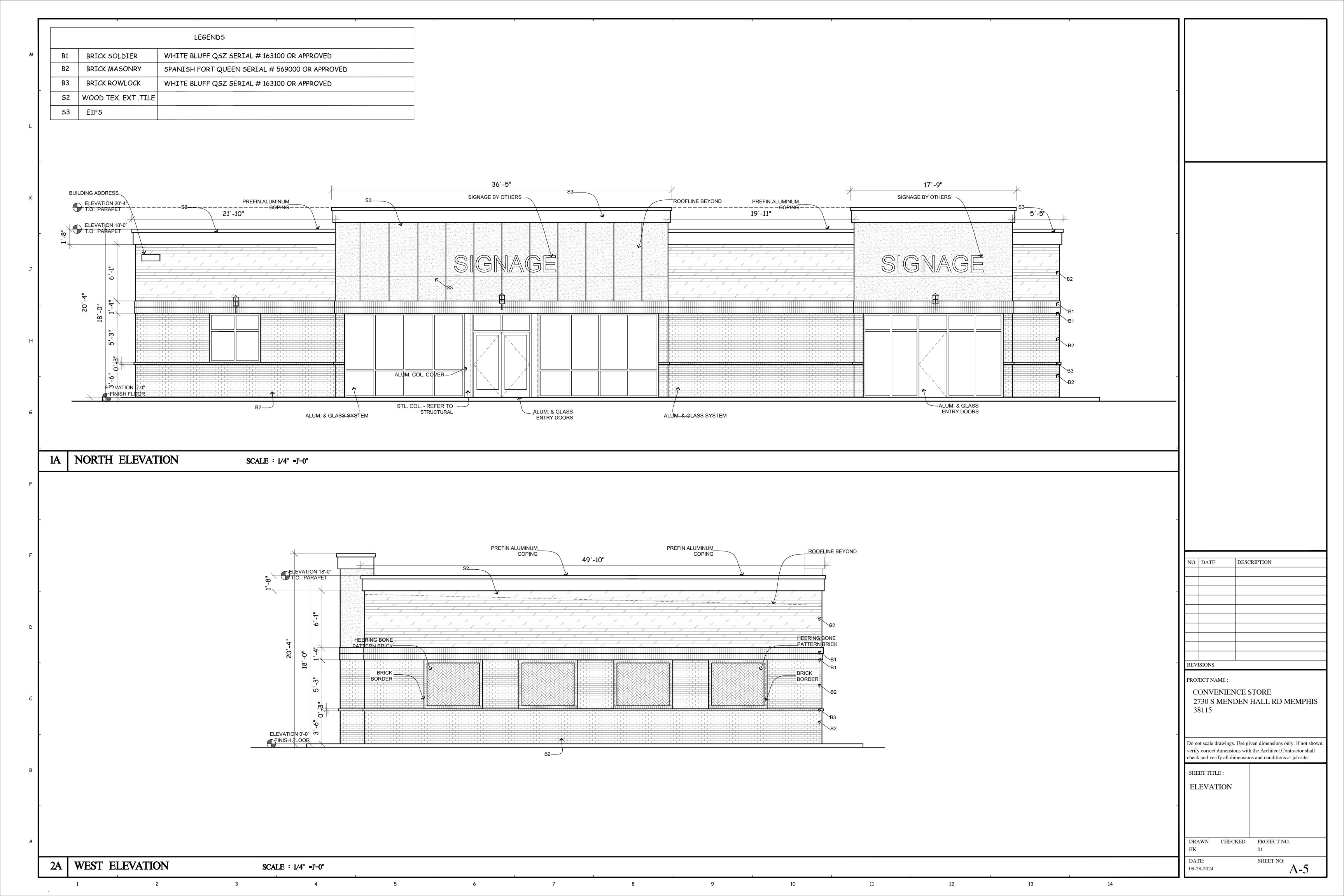
Beruk Construction Inc is intending to construct a 4,988 Sq.ft Convenience store with gas sales on 2730 S Mendenhall RD, Memphis 38115

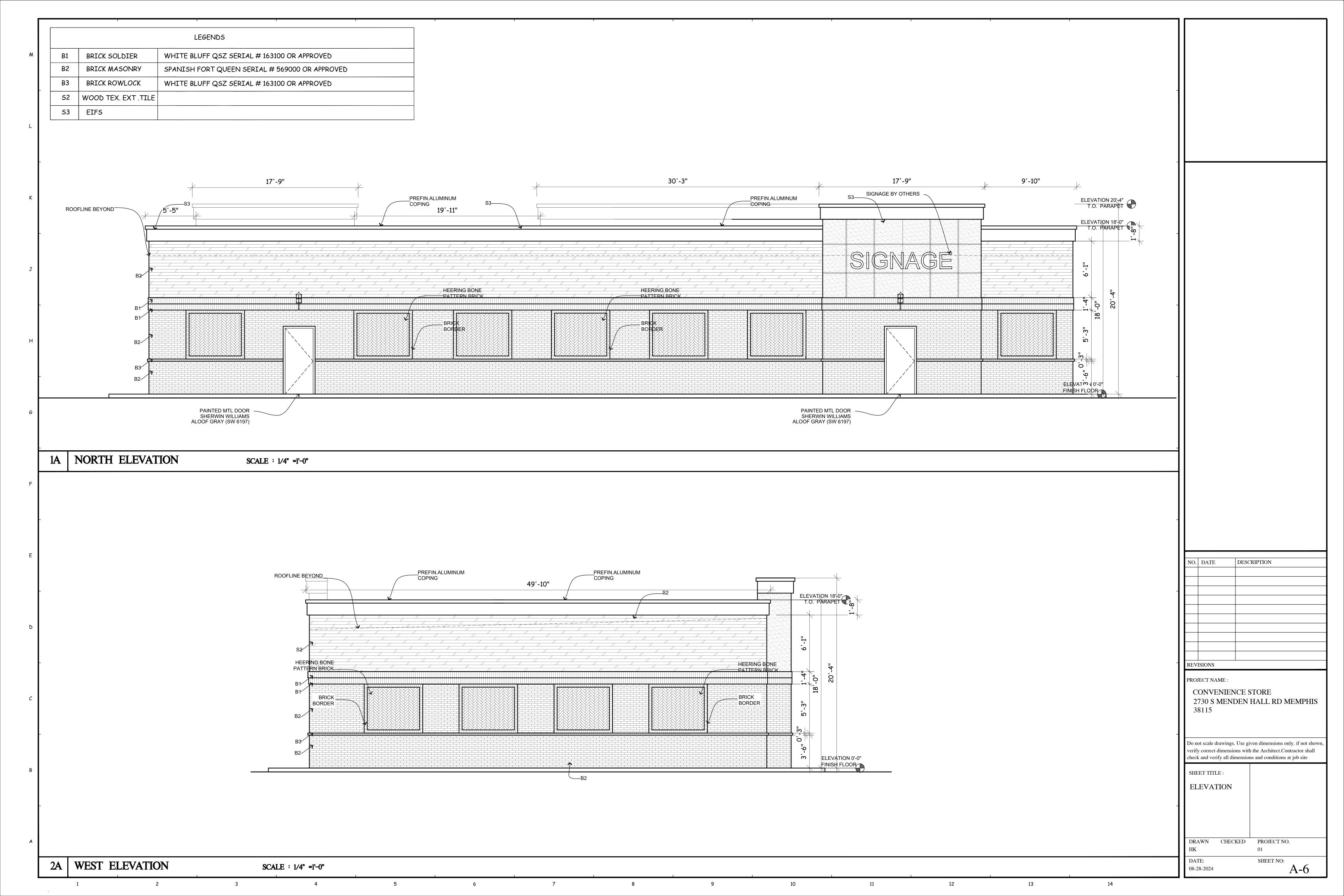
If you have additional questions, please feel free to contact us at 901-327-5800.

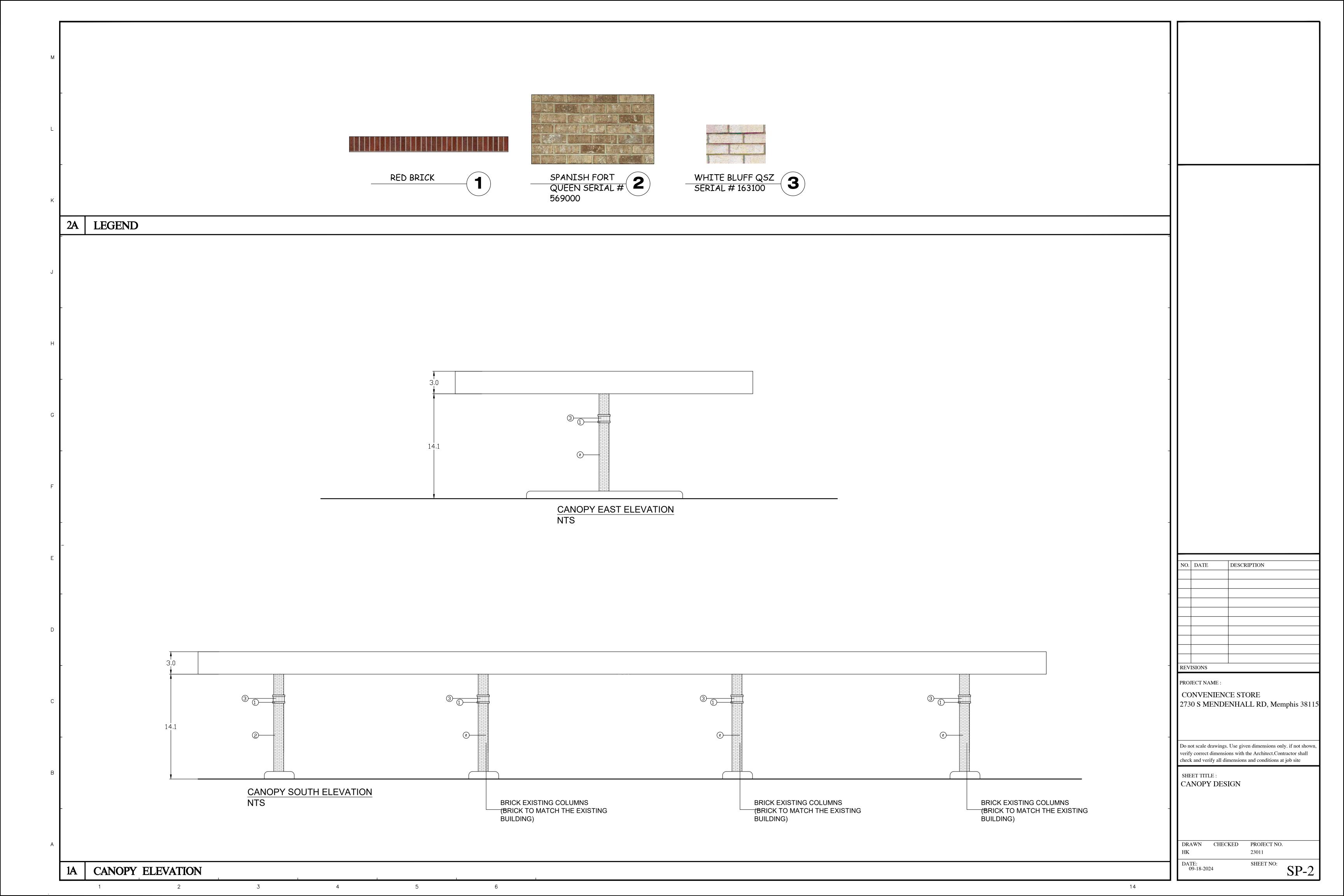
Signed By Die Kologo

Fasil Kebede, President Beruk Construction Inc











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 WARRANTY DEED

THIS INDENTURE made and entered into this ______ day of ______ 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.

SOUTHBAY PROPERTIES, LLC

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 Southbay 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.



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.

AFFIANT

Subscribed and sworp to before the this the

My Comm. Exp. 5-17-2026

_ day of

2023.

NOTARY PUBL

Property Address:

2734 S. Mendenhall Road Memphis, TN 38115

New Owner and Mail Tax Bills to:

Beruk Properties, Inc.

3264 W Sarazens Circle

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

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL Planning & Development | ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning** COMMITTEE: 5/20/2025 DATE **PUBLIC SESSION:** 6/10/2025 **DATE** ITEM (CHECK ONE) RESOLUTION X REQUEST FOR PUBLIC HEARING X ORDINANCE **ITEM CAPTION:** Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the west side of Malone Road +/-1,965 feet south of East Holmes Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 25-003 **CASE NUMBER:** Z 25-003 LOCATION: West side of Malone Road – 1,965 feet south of East Holmes Road District 3 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Malone Eat LLC **REPRESENTATIVES:** David Gean Bray, The Bray Firm **REQUEST:** Rezoning of +/-15.255 acres from Conservation Agriculture (CA) to Employment (EMP) **RECOMMENDATION:** The Division of Planning and Development recommended Approval The Land Use Control Board recommended Approval RECOMMENDED COUNCIL ACTION: Public Hearing Required Set date for first reading – May 6, 2025 Second reading - May 20, 2025 Third reading – June 10, 2025 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 04/10/2025 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT #_ FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** 04/25/2025 PLANNER II **DEPUTY ADMINISTRATOR** 04/25/25 ADMINISTRATOR DIRECTOR (JOINT APPROVAL) **COMPTROLLER** FINANCE DIRECTOR **CITY ATTORNEY** CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 25-003

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 WEST SIDE OF MALONE ROAD +/-1,965 FEET SOUTH OF EAST HOLMES ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 25-003

- 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, April 10, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 25-003

LOCATION: West side of Malone Road – 1,965 feet south of East Holmes Road

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

OWNER/APPLICANT: Malone Eat LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

REQUEST: Rezoning of +/-15.255 acres from Conservation Agriculture (CA) 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.

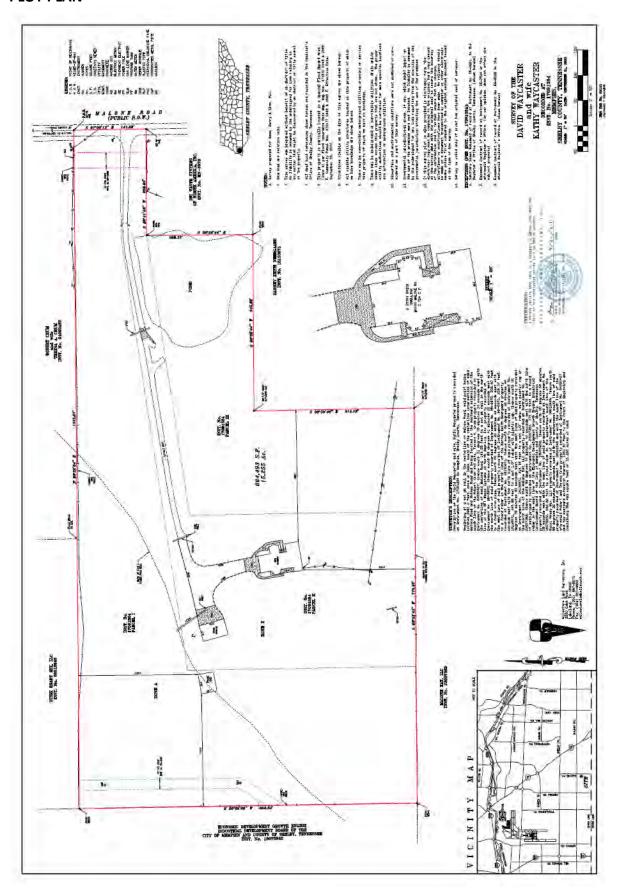
The motion passed by a unanimous vote of 7-0 on the consent agenda.

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

Cc: Committee Members

File

PLOT PLAN



ORDINANCE NO:	
----------------------	--

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5433 MALONE ROAD BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2025-003.

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 2025-03**; 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 CONSERVATION AGRICULTURE (CA) 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:

Beginning at a set pk nail in the centerline of Malone Rood, said point being located 1991.0 feet, more or less, south of the centerline intersection of said Malone Road and Holmes Road and being located in the eastward extension of the south line of the Robert Crum and wife, Teresa A. Crum property recorded at Instrument No. 04090427; thence south 01 degrees 00 minutes 13 seconds east with the centerline of said Malone Rood, 141. 58 feet to a set pk nail in the north line of the BFI Waste Systems of North America, Inc. property recorded at Instrument No. HN-6970; thence south 89 degrees 41 minutes 22 seconds west with the north line of said

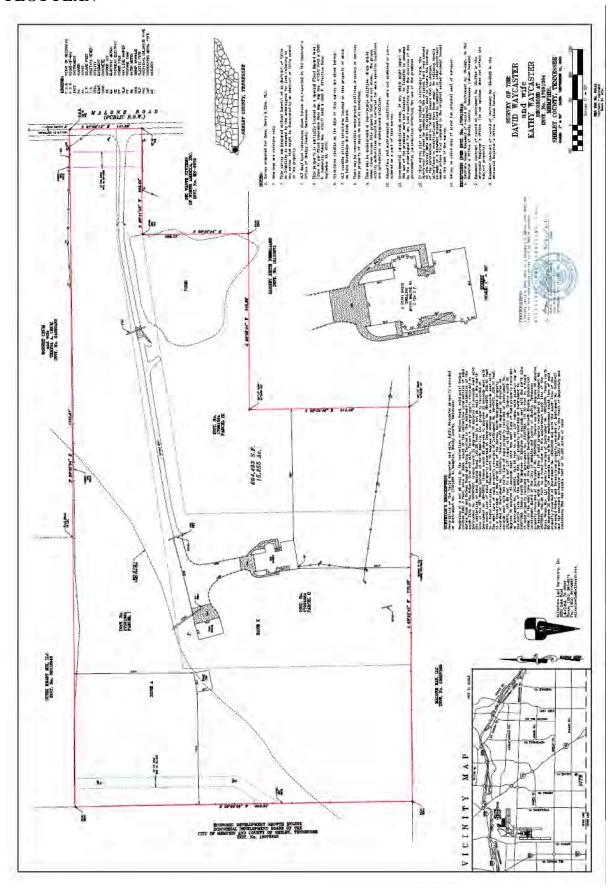
property recorded at Instrument No. HN-6970, 208. 60 feet to o found iron pipe; thence south 00 degrees 20 minutes 44 seconds east with the west line of said property recorded at Instrument No. HN-6970, 208. 37 feet to a found rebar in the north line of the Barney Keith Neergaard property recorded at Instrument No. 18130871; thence south 89 degrees 38 minutes 44 seconds west with the north line of said property recorded at Instrument No. 18130871, 345. 88 feet to a set 1/2" rebar with plastic cap; thence south 00 degrees 59 minutes 40 seconds east with the west line of said property recorded at Instrument No. 18130871, 314. 18 feet to a set 1/2" rebar with plastic cap in the north line of the Malone Eat, LLC property recorded at Instrument Na. 23007363; thence south 89 degrees 33 minutes 43 seconds west with the north line of said property recorded at Instrument No. 23007363, 775. 55 feet to a found rebar in the east line of the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee property recorded at Instrument No. 18075952; thence north 00 degrees 56 minutes 09 seconds west with the east line of said property recorded at Instrument No. 18075952, 662. 52 feet to a found rebar in the westernmost south line of the Buzzi Ready Mix, LLC property recorded at Instrument No. 08012648; thence north 89 degrees 32 minutes 04 seconds east with the westernmost south line of said property recorded at Instrument No. 08012648 and with the south line of the aforesaid Robert and Teresa Crum property recorded at Instrument No. 04090427 and the eastward extension thereof, 1331. 67 feet to the Point of Beginning and containing 664,493 square feet or 15. 255 acres of land.

SECTION 2:

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

SECTION 3:

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



ATTEST:

Division of Planning and Development

– Land Use and Development Services CC:

- Office of Construction Enforcement **Shelby County Assessor**

dpd STAFF REPORT

AGENDA ITEM: 12 L.U.C.B. MEETING: April 10, 2025

CASE NUMBER: Z 2025-003

LOCATION: West side of Malone Road – 1,965 feet south of East Holmes Road

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

OWNER/APPLICANT: Malone Eat LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

REQUEST: Rezoning of +/-15.255 acres from Conservation Agriculture (CA) District to

Employment (EMP) District

CONCLUSIONS

- 1. The applicant is requesting a rezoning of +/-15.255 acres from Conservation Agriculture (CA) District to Employment (EMP) District located at the west side of Malone Road, approximately 1,965 feet south of East Holmes Road.
- 2. The proposed Employment District (light industrial) rezoning of the subject property is compatible with the existing zoning and zoning entitlements of adjacent land to the north, west, south, and east.
- 3. The surrounding land uses are primarily warehouse/distribution related, additionally, there is a landfill (sanitary or construction debris landfill) to the east across Malone Road. The surrounding vicinity mostly developed as industrial because of the proximity of Lamar Avenue which has become a warehouse/distribution corridor.
- 4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans.

CONSISTENCY WITH MEMPHIS 3.0

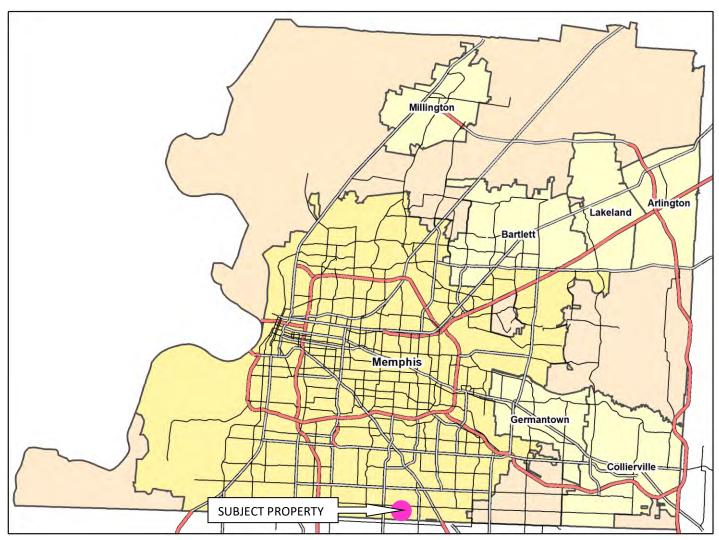
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 15-16 of this report.

RECOMMENDATION:

Approval

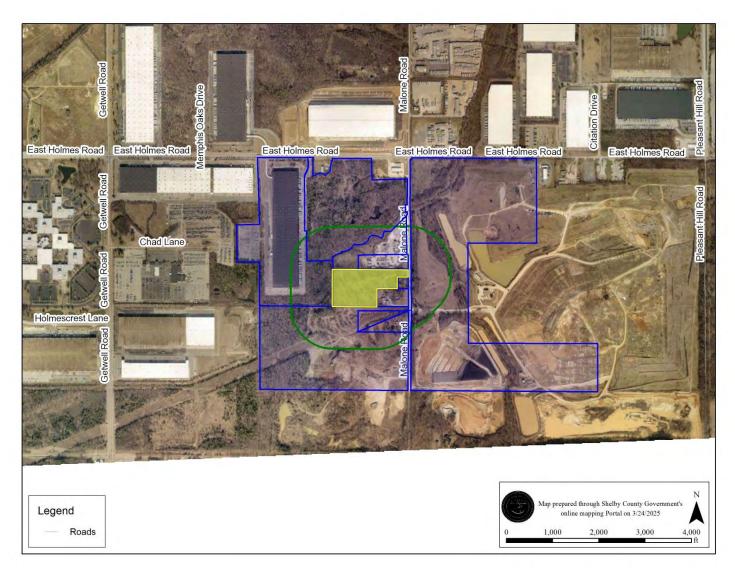
Staff Writer: Nabanita Nira E-mail: nabanita.nira@memphistn.gov

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 11 notices were mailed on March 17, 2025, see pages 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18-19 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, March 31, 2025, at MJ Contracting, 5623 Malone.

AERIAL



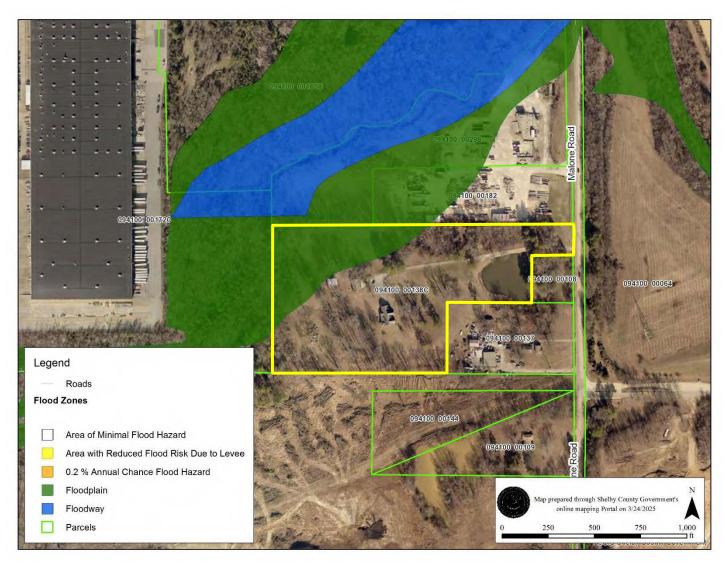
Subject property outlined in yellow, imagery from 2023

ZONING MAP



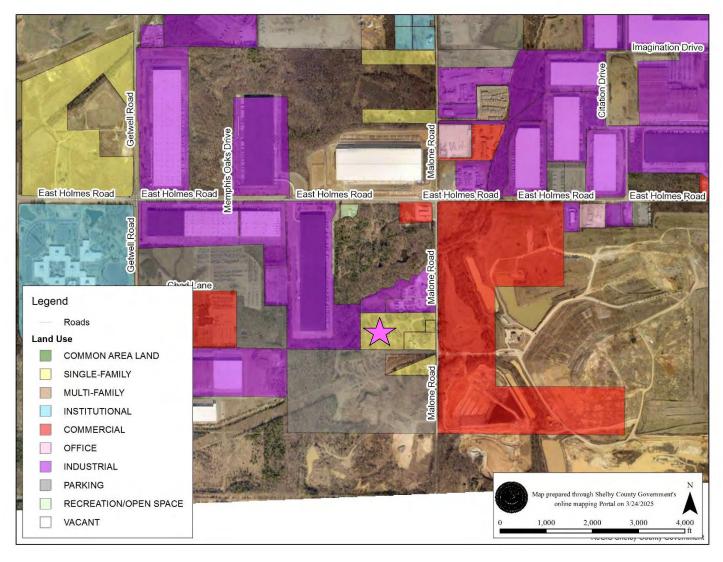
Subject property highlighted in yellow

FEMA MAP



Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

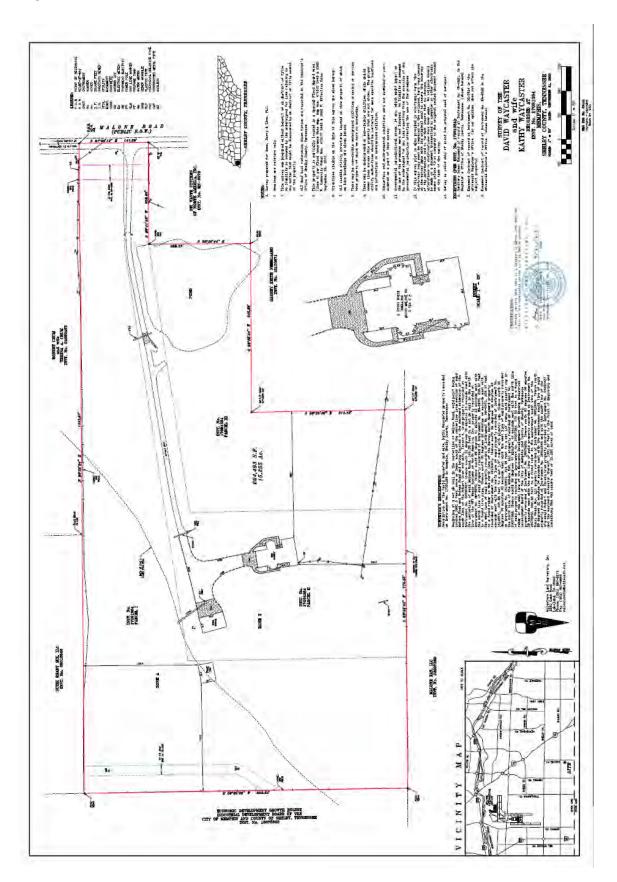


View of subject property from Malone Road looking southwest



View of subject property from Malone Road looking west

PLOT PLAN



Staff Report Z 2025-003 April 10, 2025 Page 10

LEGAL DESCRIPTION

Description of the David Waycaster and wife, Kathy Waycaster property recorded at Instrument No. 17091384 in Memphis, Shelby County, Tennessee:

Beginning at a set pk nail in the centerline of Malone Rood, said point being located 1991.0 feet, more or less, south of the centerline intersection of said Malone Road and Holmes Road and being located in the eastward extension of the south line of the Robert Crum and wife, Teresa A. Crum property recorded at Instrument No. 04090427; thence south 01 degrees 00 minutes 13 seconds east with the centerline of said Malone Rood, 141. 58 feet to a set pk nail in the north line of the BFI Waste Systems of North America, Inc. property recorded at Instrument No. HN-6970; thence south 89 degrees 41 minutes 22 seconds west with the north line of said property recorded at Instrument No. HN-6970, 208. 60 feet to o found iron pipe; thence south 00 degrees 20 minutes 44 seconds east with the west line of said property recorded at Instrument No. HN-6970, 208. 37 feet to a found rebar in the north line of the Barney Keith Neergaard property recorded at Instrument No. 18130871; thence south 89 degrees 38 minutes 44 seconds west with the north line of said property recorded at Instrument No. 18130871, 345. 88 feet to a set 1/2" rebar with plastic cap; thence south 00 degrees 59 minutes 40 seconds east with the west line of said property recorded at Instrument No. 18130871, 314. 18 feet to a set 1/2" rebar with plastic cap in the north line of the Malone Eat, LLC property recorded at Instrument Na. 23007363; thence south 89 degrees 33 minutes 43 seconds west with the north line of said property recorded at Instrument No. 23007363, 775. 55 feet to a found rebar in the east line of the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee property recorded at Instrument No. 18075952; thence north 00 degrees 56 minutes 09 seconds west with the east line of said property recorded at Instrument No. 18075952, 662. 52 feet to a found rebar in the westernmost south line of the Buzzi Ready Mix, LLC property recorded at Instrument No. 08012648; thence north 89 degrees 32 minutes 04 seconds east with the westernmost south line of said property recorded at Instrument No. 08012648 and with the south line of the aforesaid Robert and Teresa Crum property recorded at Instrument No. 04090427 and the eastward extension thereof, 1331. 67 feet to the Point of Beginning and containing 664,493 square feet or 15. 255 acres of land.

Page 11

CASE REVIEW

Request

The request is a Rezoning of +/-15.255 acres from Conservation Agriculture (CA) 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:

m maning ree	on mendadions, the Land Oce Control Dodra Shan Consider the John Wing 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
0 E 7D/E)	The qualifability of adequate police convices fire convices school road park wastewater

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:

5433 Malone Road

Parcel ID:

094100 00138C

Area:

+/-15.255 acres

Description:

The subject property is zoned Conservation Agriculture (CA) located on the west side of Malone Road. Per the Assessor's website, the site has a one and half story single-family principal dwelling structure with a ground floor area of 2,553 square feet and a one story detached accessory garage with a ground floor area of 1600 square feet, both constructed in 1986. The surrounding lad uses are mixture of industrial, commercial, single family residential and vacant lot.

Analysis

The applicant is requesting to rezone the property from CA district to EMP district. The proposed Employment District (light industrial) rezoning of the subject property is compatible with the existing zoning and zoning entitlements of adjacent land to the north, west, south, and east.

The surrounding land uses are primarily warehouse/distribution related, additionally, there is a landfill (sanitary or construction debris landfill) to the east across Malone Road. The surrounding vicinity mostly developed as industrial because of the proximity of Lamar Avenue which has become a warehouse/distribution corridor.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding

Staff Report April 10, 2025 Z 2025-003 Page 12

property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City Engineer: Comments received, see page 14 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: No comments received.

Office of Comprehensive Planning: comments received, see page 15-16 of this report.

CITY ENGINEER COMMENTS

CITY ENGINEERING COMMENTS TRC: 27Mar 25 & LUCB: 10Apr 25 DATE: 25 March 2025

CASE 8: Z-25-003

NAME: 5433 MALONE RD; 094100 00138C; Rezoning request from C-A to EMP Basin/Lot/CD: John's Creek 10-B/ 15.25AC/ 3

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

<u>Sewers:</u>
2. The availability of City sanitary sewer is unknown <u>at this time</u>. 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.

No Further Comments from City Engineering

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>LUCB Z 2025-003 Parkway Village</u>

Site Address/Location: 5433 Malone Rd. (Parcel No. 094100 00138C)

Overlay District/Historic District/Flood Zone: Not in an Overlay or Historic district; The Northwest

corner of the property is located within a floodplain.

Future Land Use Designation: Industrial (1)

Street Type: Avenue

Applicant is seeking a rezoning for roughly 15 acres of CA land to EMP.

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

Higher intensity industrial areas. Graphic portrayal of I is to the right.



"I" Form & Location Characteristics

Industrial, 1-10 stories.

"I" Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May

consider rezonings, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, CA

Adjacent Land Use and Zoning: Single-Family, Industrial, Commercial, Vacant, Parking; CA, EMP, FW.

Overall Compatibility: This requested rezoning is compatible with the land use description/Intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. The proposed rezoning is in line with surrounding uses and zones. The survey also delineates the floodplain.



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

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

Consistency Analysis Summary

Applicant is seeking a rezaning for roughly 15 acres of CA land to EMP.

This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. The proposed rezoning is in line with surrounding uses and zones. The survey also delineates the floodplain.

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

Summary Compiled by: Grayson Vincent, Graduate Intern, Comprehensive Planning

MAILED PUBLIC NOTICE



speak for or against this application. You may also submit a letter

of comment to the staff planner listed below no later than

Wednesday, March 26, 2025 at 8 AM.

Shelby County Land Use Control Board. You are not required to considered at an upcoming public hearing of the Memphis and

attend this hearing, but you are invited to do so if you wish to

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

Location: Council Chambers Meeting Details

Time: City Hall 1st Floor

9:00 AM

Rezoning of 15.25 acres of Conservation Agriculture

5433 Malone Rd.

Z 2025-003

CASE NUMBER:

(CA) to employment (EMP)

Malone Eat LLC

APPLICANT:

REQUEST: ADDRESS:

Thursday, April 10, 2025

Date:

125 N Main St.

Staff Planner Contact:

☑ Nabanita.nira@memphistn.gov

(901) 636-7406

Nabanita Nira

NOTICE OF PUBLIC HEARING

property that is near the site of a development application to be

You have received this notice because you own or reside on a

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee
on the <u>18th/ day of March</u> , being duly sworn, depose and say that at <u>10AM</u> am/pm pertaining to Case No. <u>Z 2025-003</u> at <u>5433 Malone</u>
providing notice of a Public Hearing before the (check one):
X Land Use Control Board
Board of Adjustment
X Memphis City Council
Shelby County Board of Commissioners
for consideration of a proposed land use action, a photograph of said sign(s) being
attached hereon and a copy of the sign purchase receipt or rental contract attached
hereto. 3.19.25
Owner, Applicant or Representative Date
Subscribed and sworm to before me this 19 th day of March , 20 <u>25</u> . Notary Public
My commission expires: 06 128 12027
STATE OF TENNESSEE NOTARY PUBLIC My Commission Expires on



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: February 28, 2025

Record Number: Z 2025-003 Expiration Date:

Record Name: 5433 Malone

Description of Work: Rezoning request from C-A to EMP

Parent Record Number:

Address:

5433 MALONE RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y MALONE EAT LLC

Owner Address Owner Phone

0 PO BOX 752542, MEMPHIS, TN 38175

Parcel Information

094100 00138C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Lucas Skinner
Date of Meeting 02/27/2025
Pre-application Meeting Type Email

GENERAL INFORMATION

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

n/a

Page 1 of 2 Z 2025-003

GIS INFORMATION

Case Layer Central Business Improvement District No 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

Contact Information

Contact Type Name MALONE EAT LLC APPLICANT

Address 0 PO BOX 752542, MEMPHIS, TN, MEMPHIS, TN, 38175

Phone (901)487-2425

Name Contact Type THE BRAY FIRM

ARCHITECT / ENGINEER / SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone (901)487-2425

Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1629034	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	1,000.00	03/05/2025
1629034	Non-Residential Rezoning - each additional acre or fraction above 5	10	1,025.00	INVOICED	1,025.00	03/05/2025
1629034	Credit Card Use Fee (.026 x fee)	1	52.65	INVOICED	52.65	03/05/2025

Total Fee Invoiced: \$2,077.65 Total Balance: \$2,077.65

Z 2025-003 Page 2 of 2

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

| Sign Name | Sign

Signature of Notary Public

My Commission Expire

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

February 28, 2025

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

RE: 5433 Malone Malone Eat, LLC. Inst. # 24003035 Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application to rezone the subject property from C-A to EMP. The property is bounded on two sides (north and west) by properties that are zoned EMP. The property to the east (across Malone Road) is zoned C-A but is approved for a Use Variance (BOA 2010-001). Over half of the southern boundary borders vacant land zoned C-A. The remainder borders two single family residences within the C-A zoning.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



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

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: February 28, 2025

Record Number: Z 2025-003 **Expiration Date:**

Record Name: 5433 Malone

Description of Work: Rezoning request from C-A to EMP

Parent Record Number:

Address:

5433 MALONE RD, MEMPHIS 38118

Owner Information

Primary **Owner Name**

Υ MALONE EAT LLC

Owner Phone Owner Address

0 PO BOX 752542, MEMPHIS, TN 38175

Parcel Information

094100 00138C

Data Fields

PREAPPLICATION MEETING

Lucas Skinner Name of DPD Planner 02/27/2025 Date of Meeting Pre-application Meeting Type **Email**

GENERAL INFORMATION

Have you held a neighborhood meeting? Is this application in response to a citation from No

Construction Code Enforcement or Zoning

If yes, please provide additional information

GIS INFORMATION

n/a

Z 2025-003 Page 1 of 2

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	-

Contact Information

Contact Type Name MALONE EAT LLC APPLICANT

Address

0 PO BOX 752542, MEMPHIS, TN, MEMPHIS, TN, 38175

Phone (901)487-2425

Name **Contact Type**

THE BRAY FIRM ARCHITECT / ENGINEER / SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone (901)487-2425

Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1629034	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	1,000.00	03/05/2025
1629034	Non-Residential Rezoning - each additional acre or fraction above 5	10	1,025.00	INVOICED	1,025.00	03/05/2025
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Total Fee Invoiced: \$2,077.65 Total Balance: \$2,077.65

Z 2025-003 Page 2 of 2



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

Memphis and Shelby County Chined 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, Jacqueline Jentins Jacqueline Jackus, state that I have read the definition of (Print Name) (Sign Name)
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state
that (select applicable box):
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)
of the property located at 5433 Malore RQ - Memphis TN 38118 and further identified by Assessor's Parcel Number 094100 00138C
for which an application is being made to the Division of Planning and Development.
Subscribed and sworn to (or affirmed) before me this In the year of
O O O

Signature of Notary Public

My Commission Expires



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

February 28, 2025

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

RE: 5433 Malone Malone Eat. LLC

Malone Eat, LLC. Inst. # 24003035 Memphis, Tennessee

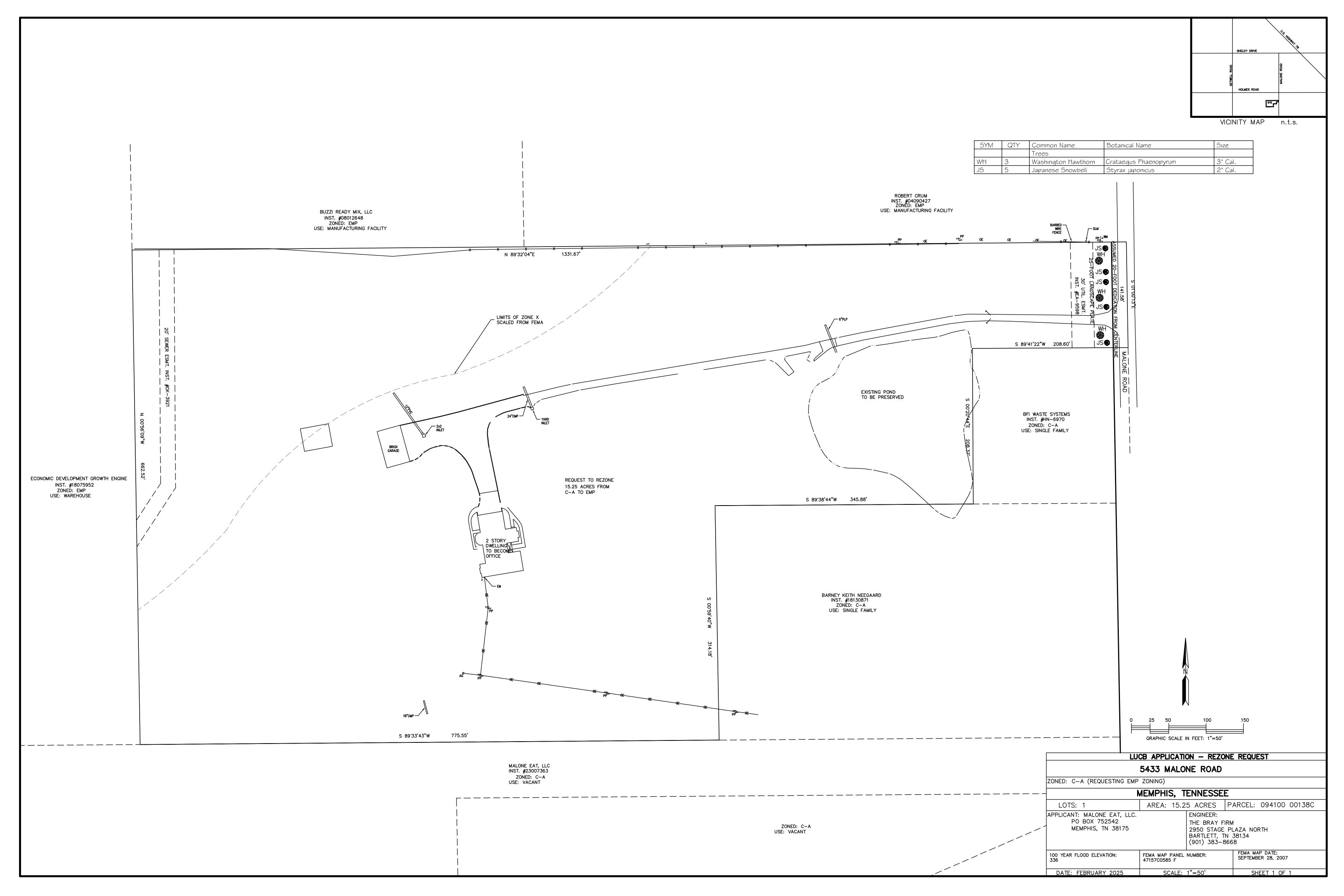
Mr. Ragsdale:

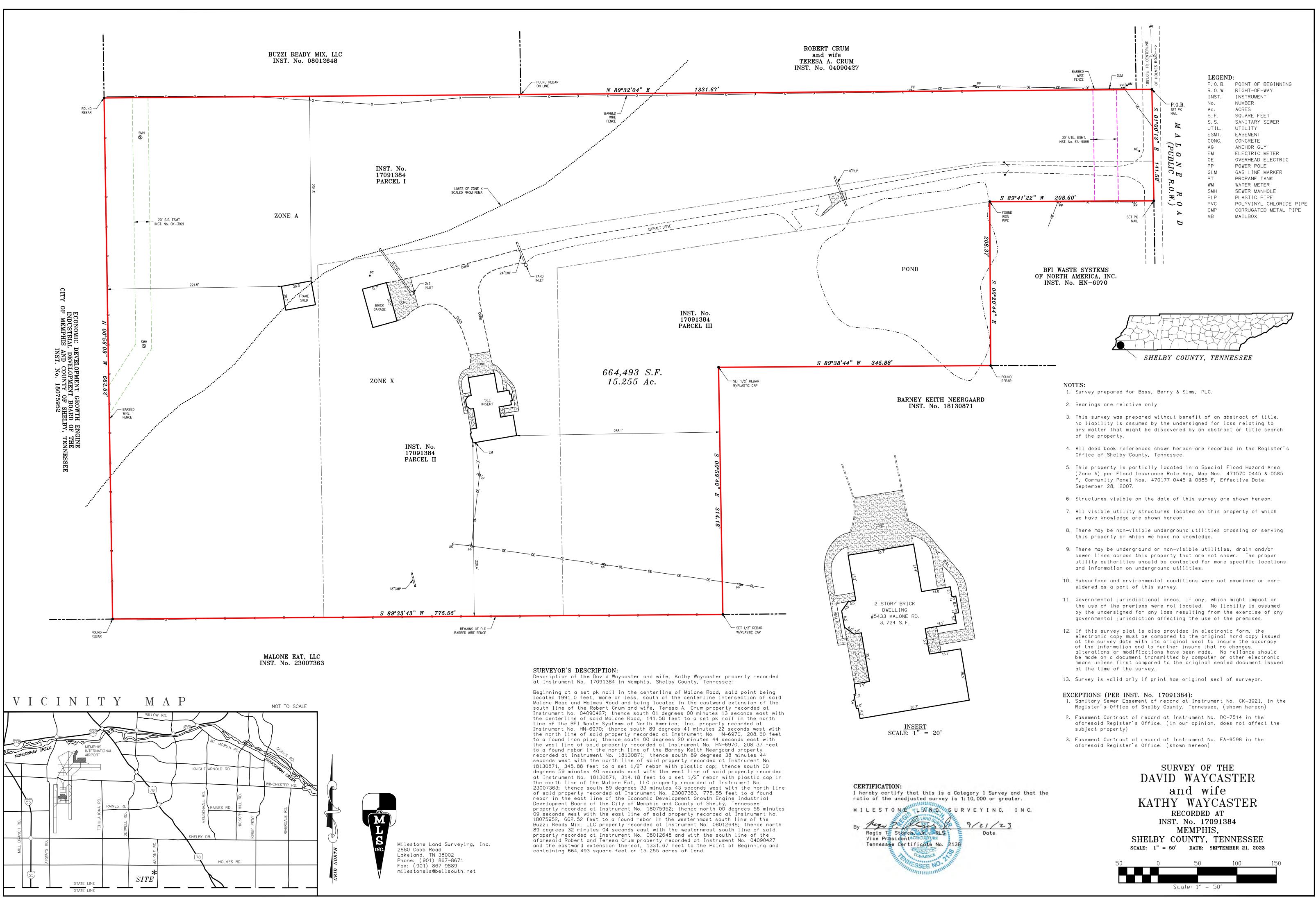
Please find attached an application to rezone the subject property from C-A to EMP. The property is bounded on two sides (north and west) by properties that are zoned EMP. The property to the east (across Malone Road) is zoned C-A but is approved for a Use Variance (BOA 2010-001). Over half of the southern boundary borders vacant land zoned C-A. The remainder borders two single family residences within the C-A zoning.

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

Sincerely,

David Gean Bray, P.E.







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.



24003035

01/11/2024 - 09:17:33 AM

4 PGS	
YASMINE 2661763 - 24003035	
VALUE	837500.00
MORTGAGE TAX	0.00
TRANSFER TAX	3098.75
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	3121.75

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

WARRANTY DEE	D	STATE OF TENN COUNTY OF SHE	
			INSIDERATION OR VALUE, GREATER, FOR THIS 137,500.00 LELLIN JUNKINS
;		SUBSCRIBED AN THIS 13 day of December (1/01 Notary Pul	hig M. Ba lement NTHA Man
		MY COMMISSION (AFF	N EXPIRES 20 22 NOTES SEE
THIS II Foundation Title & Escrow Serie	NSTRUMENT WAS F s, LLC, 51 Germanto		, Cordova, TN 388 COUNT
ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX	BILLS TO:	MAP-PARCEL NO(S): 20, 202
Malone EAT, LLC, a Minnesota Limited Liability Company,	JACQUELIC	re Teakins	094100 00138C
(NAME)	(NAI	ME)	
5433 Malone Rd.	P.O. BOX	752542	
(ADDRESS)	(ADDR	RESS)	
Memphis, TN 38118	Wennohis To	v 38175	
(CITY) (STATE) (ZIP)	(CITY) (STA	ATE) (ZIP)	
For and in consideration of the sum of named Grantees, and other good and I/WE, David Waycaster and Kathy bargained and sold, and by these pre Limited Liability Company,, hereinaft land in Shelby County, State of Tennes See Exhibit "A" attached hereto and management of the sum of the s	valuable consider. Waycaster, husb sents does transfe er called the Grant see, described as fo	ations, the receip eand and wife, I r and convey unt ees, their heirs an	t of which is hereby acknowledged, nereinafter called the Grantor, has o Malone EAT, LLC, a Minnesota
This conveyance is subject to (a) those an accurate survey or inspection of the regulations.			
unimproved □ This is improved ☑ property, known	as <u>5433 Malone R</u>	d., Memphis, TN 3	8118

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

Witness our hands this 12 had day of December,

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State David Waycaster and Kathy Waycaster, husband and wife, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained.

TENNE TENNE TO A TENNE Witness my hand and official seal, this the 12th day of December, 2023.

Commission Expires

Notary Public

My Commission Expires:

(SEAL)

EXHIBIT "A"

PARCEL I

Commencing at a point on the centerline of Malone Road, 1990.97' south of the centerline of Holmes Road, said point being on the south line of the Ditto property as described in Instrument T3-4182 in the Shelby County Register's Office; thence S89°33'10"W, along said line, 1331.67' to an iron pin set on the east line of Bevico, Inc. (F6-9738); thence S00°56'11"E, along said line, 662.50' to an iron pin set on the north line of Pasino (minute book 207, page 575); thence N89°33"09"E, along said line, 268.51' to a point on the west line of Parcel 2 of this survey; thence N01°00'W, along said line, 448.00' to a point on the north line of Parcel 2; thence N81°15'12"E, along said line, 859.97' to a point; thence N89°41'E, along said north line, 212.05' to a point on the centerline of Malone Road; thence N01°00'W, 90.85' to the point of beginning and containing 7.50 acres.

PARCEL II

Commencing at a point on the centerline of Malone Road, 2081.82' south of the centerline of Holmes Road, said point being on the south line of Parcel 1 of this survey; thence S 89°41'W, along said line, 212.05' to a point; thence S81°15'12"W, along said south line, 859.97' to a point on an east line of Parcel 1; thence S01°00' W, along said line, 448.00' to a point on the north line of the Pasino property as described in minute book 207, page 575 in the Shelby County Register's Office; thence N89°33'09"E, along said line, 304.20' to a point on the west line of Parcel 3; thence N01°00'W, along said line, 441.85' to a point on the north line of parcel 3; thence N81°15'12"E along said line, 556.10' to a point on the north line of the Millikin property (L29236); thence N89°41'E, along said line, 208.95' to a point on the centerline of Malone Road; thence N01°00'W, 50.00' to the point of beginning and containing 4.16 acres.

PARCEL III

Commencing at a point on the centerline of Malone Road, 2131.82' south of the centerline of Holmes Road, said point being on the north line of the Millikin property as described in Instrument L2-9236 in the Shelby County Registers Office, and also being on the south line of Parcel 2 of this survey; thence S89°41'W, along said line, 208.95' to a point on the west line of Millikin and being the point of beginning; thence S81°15'12"W, along the south line of Parcel 2, a distance of 556.10' to a point on the east line of parcel 2; thence S01°00'E, along said line, 441.85' to a point on the north line of the Pasino property (minute book 207, page 575); thence N89°33'09"E, along said line, 203.14' to a point on the west line of parcel 4; thence N01°00'W, along said line, 341.18' to a point on the north line of Parcel 4; thence N89°41'03"E, along said line, 556.87' to an iron pin found on the west line of Millikin; thence N00°22'31"W, along said line, 208.75' to the point of beginning and containing 3.59 acres.

The property is further described in the survey prepared by Milestone Land Surveying Inc., dated 9/21/2023:

Beginning at a set pk nail in the centerline of Malone Road, said point being located 1991.0 feet, more or less, south of the centerline intersection of said Malone Road and Holmes Road and being located in the eastward extension of the south line of the Robert Crum and wife, Teresa A. Crum property recorded at Instrument No. 04090427; thence south 01 degrees 00 minutes 13 seconds east with the centerline of said Malone Road, 141.58 feet to a set pk nail in the north line of the BFI Waste Systems of North America, Inc. property recorded at Instrument No. HN-6970; thence south 89 degrees 41 minutes 22 seconds west with the north line of said property recorded at Instrument No. HN-6970, 208.60 feet to a found iron pipe; thence south 00 degrees 20 minutes 44 seconds east with the west line of said property recorded at Instrument No. HN-6970, 208.37 feet to a found rebar in the north line of the Barney Keith Neergaard property recorded at Instrument No. 18130871; thence south 89 degrees 38 minutes 44 seconds west with the north line of said property recorded at Instrument No. 18130871, 345.88 feet to a set 1/2" rebar with plastic cap; thence south 00 degrees 59 minutes 40 seconds

east with the west line of said property recorded at Instrument No. 18130871, 314.18 feet to a set 1/2" rebar with plastic cap in the north line of the Malone Eat, LLC property recorded at Instrument No. 23007363; thence south 89 degrees 33 minutes 43 seconds west with the north line of said property recorded at Instrument No. 23007363, 775.55 feet to a found rebar in the east line of the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee property recorded at Instrument No. 18075952; thence north 00 degrees 56 minutes 09 seconds west with the east line of said property recorded at Instrument No. 18075952, 662.52 feet to a found rebar in the westernmost south line of the Buzzi Ready Mix, LLC property recorded at Instrument No. 08012648; thence north 89 degrees 32 minutes 04 seconds east with the westernmost south line of said property recorded at Instrument No. 08012648 and with the south line of the aforesaid Robert and Teresa Crum property recorded at Instrument No. 04090427 and the eastward extension thereof, 1331.67 feet to the Point of Beginning and containing 664,493 square feet or 15.255 acres of land.

Being the same property conveyed to David Waycaster and Kathy Waycaster, husband and wife, by Warranty Deed of record at Instrument No. 16093187, re-recorded at Warranty Deed of record at Instrument No. 17091384, in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to 2024 City and County Taxes, which are not yet due and payable; Easements of record at Instrument No. CD 3921, Instrument No. DC 7514 and Instrument No. EA 9598, in the Register's Office of Shelby County, Tennessee.



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

April 11, 2025

David Gean Bray 2950 Stage Plaza North Bartlett, TN 38134

Sent via electronic mail to: jjenkins18@comcast.net & dgbray@comcast.net

Case Number: Z 2025-003

LUCB Recommendation: Approval

Dear applicant,

On Thursday, April 10, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your rezoning application located on the West side of Malone Road – 1,965 feet south of East Holmes Road 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

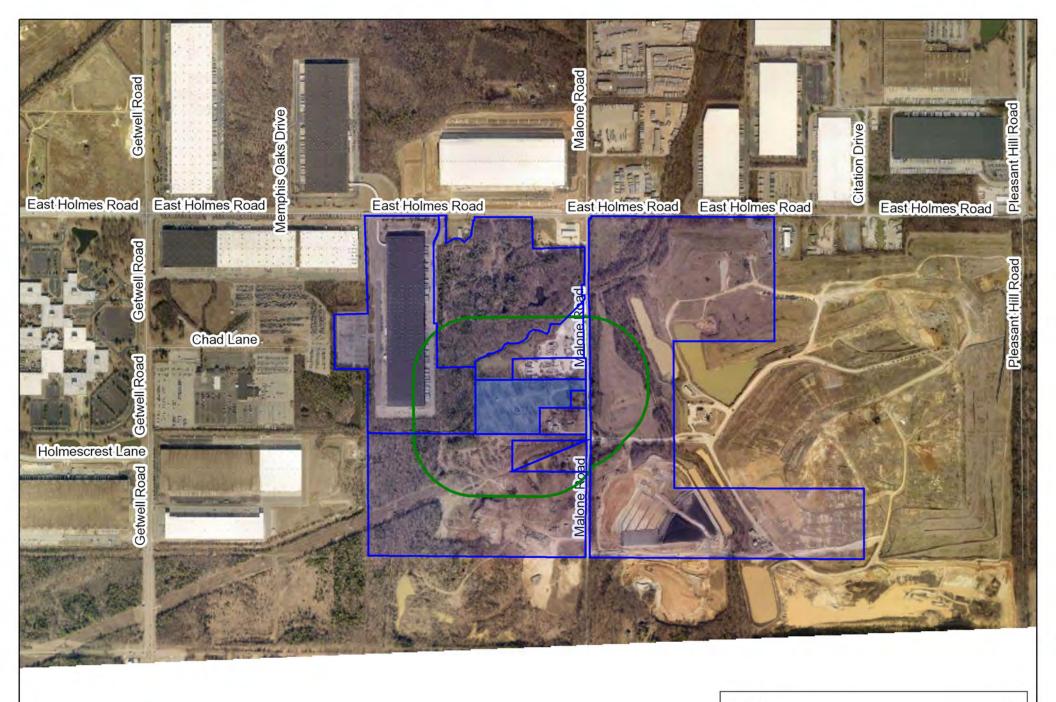
Cc: Malone Eat LLC

File

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

Chambers, First Floor, C	Public Hearing will be held by the City Council of the City of Memphis in the Council ity Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, 200 P.M., in the matter of amending the Zoning Map of the City of Memphis, being
	Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:
CASE NUMBER:	Z 25-003
LOCATION:	West side of Malone Road – 1,965 feet south of East Holmes Road
COUNCIL DISTRICTS:	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Malone Eat LLC
REPRESENTATIVE:	David Gean Bray, The Bray Firm
REQUEST:	Rezoning of +/-15.255 acres from Conservation Agriculture (CA) to Employment (EMP)
RECOMMENDATIONS:	
Memphis and Shelby County	Division of Planning and Development: Approval
Memphis and Shelby County	Land Use Control Board: Approval
P.M. the City Council of the North Main Street, Memphi changes; such remonstrance'	E, you will take notice that on Tuesday,
THIS THE	,
ATTEST:	FORD CANALE CHAIRMAN OF COUNCIL
KAMETRIS WYATT CITY COMPTROLLER	

TO BE PUBLISHED:



Legend

Roads



Map prepared through Shelby County Government's online mapping Portal on 3/24/2025

2,000

3,000

4,000

1,000

MALONE EAT LLC PO BOX 752542 # MEMPHIS TN 38175 NEW DEVELOPMENT LLC 3264 W SARAZENS CIR # COLLIERVILLE TN 38017

NEERGAARD BARNEY K 9480 FORESTWOOD RD # GERMANTOWN TN 38138

JENKINS JACQUELINE PO BOX 752542 # MEMPHIS TN 38175

JENKINS JACQUELINE PO BOX 752542 # MEMPHIS TN 38175

ECONOMIC DEVELOPMENT GROWTH INDUSTRIAL PO BOX 20197 # ATLANTA GA 30325

BFI WASTE SYSTEMS OF NORTH AMERICA IN PO BOX 29246 # PHOENIX AZ 85038

CRUM ROBERT & TERESA A 190 WOODLAND CV # BYHALIA MS 38611

BFI WASTE SYSTEMS PO BOX 29246 # PHOENIX AZ 85038

MALONE EAT LLC PO BOX 752542 # MEMPHIS TN 38175

BUZZI READY MIX LLC 1029 JOHN A DENIE DR # MEMPHIS TN 38134

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL Planning & Development ONLY STAPLED DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE: 05/06/2025 DATE PUBLIC SESSION: 05/20/2025 DATE ITEM (CHECK ONE) **ORDINANCE** X RESOLUTION REQUEST FOR PUBLIC HEARING ITEM DESCRIPTION: Resolution approving the closure of an unimproved public alley approximately 120' public alley approximately 120 feet in length near 610 TM Henderson Ave., known as case number SAC 2024-010 CASE NUMBER: SAC 2024-010 LOCATION: Near 610 TM Henderson Ave. COUNCIL DISTRICTS: District 7 and Super District 8 OWNER/APPLICANT: James Love REPRESENTATIVES: Smith Building Design, Delinor Smith REQUEST: Abandon an unimproved public alley approx. 120' in length AREA: +/-1,199 sq. ft. RECOMMENDATION: The Division of Planning and Development recommended Approval with conditions The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing - May 20, 2025 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 04/10/2025 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO (2) AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER **POSITION** PLANNER II DEPUTY ADMINISTRATOR DMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 2024-010

RESOLUTION APPROVING THE CLOSURE OF AN UNIMPROVED PUBLIC ALLEY APPROXIMATELY 120 FEET IN LENGTH NEAR 610 TM HENDERSON AVE., KNOWN AS CASE NUMBER SAC 2024-010

- This item is a resolution with conditions to abandon the unimproved north-south public alley approximately 120' in length near 610 TM Henderson Ave.
- The conditions recommended by both staff and the Land Use Control Board would require the applicant to close the existing curb cut at their expense.
- Both DPD staff and the Land Use Control Board recommend *approval with* conditions.
- This item may require a future public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, April 10, 2025,* the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 2025-010

LOCATION: Near 610 TM Henderson Ave.

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

OWNER/APPLICANT: James Love

REPRESENTATIVE: Smith Building Design, Delinor Smith

REQUEST: Abandon an unimproved public alley approx. 120' in length

EXISTING ZONING: Mixed Use (MU)

AREA: +/- 1,119 sq. ft.

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,

Nicholas Wardroup

Planner II

Land Use and Development Services
Division of Planning and Development

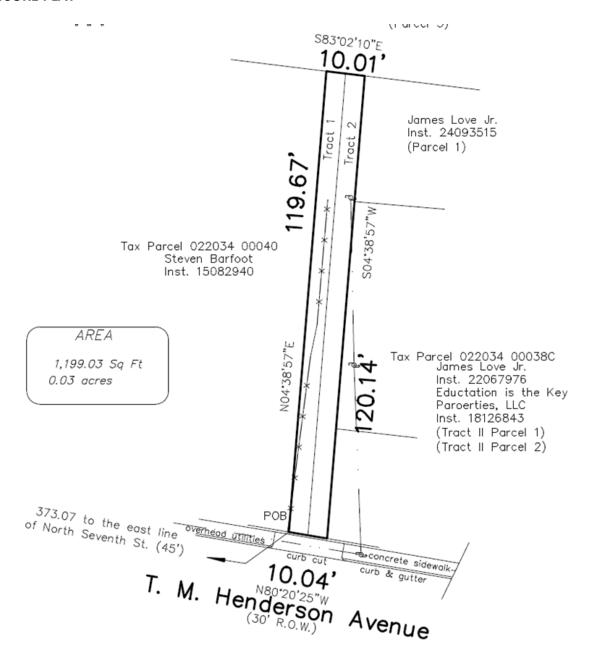
Cc: Committee Members

File

SAC 2024-010 CONDITIONS

- 1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure subject to review and approval by the City Engineer. If the City Engineer approves access, the applicant shall construct a city standard curb cut across the closure, to the satisfaction of the City Engineer.
- 2. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.
- 4. The abutting curb cut shall be closed to City standards at the applicant's expense.
- 5. The existing unpermitted fence shall be removed, or permit retroactively obtained, prior to the finalization of the closure.

CLOSURE PLAT



RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF AN UNIMPROVED PUBLIC ALLEY APPROXIMATELY 120 FEET IN LENGTH NEAR 610 TM HENDERSON AVE., KNOWN AS CASE NUMBER SAC 2024-010

WHEREAS, the City of Memphis is the owner of real property known as the unimproved north-south public alley extending approximately 120' northward from its intersection with TM Henderson Avenue near 610 TM Henderson Avenue

in Memphis, Tennessee and being more particularly described as follows:

10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further described hereon;

Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 373.07 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the east line of the Steven Barfoot property (Inst. 15082940) a distance of 119.67 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 10.01 feet to the northwest corner of the James Love Jr. property (Parcel 1, Inst. 24093515); thence South 04 degrees 38 minutes 57 seconds West along the west line of said Parcel 1 and the west line of the James Love Jr. property (Inst. 18126843) a distance of 120.14 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 10.04 feet to the point of beginning and containing 1,199.03 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 10, 2025, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

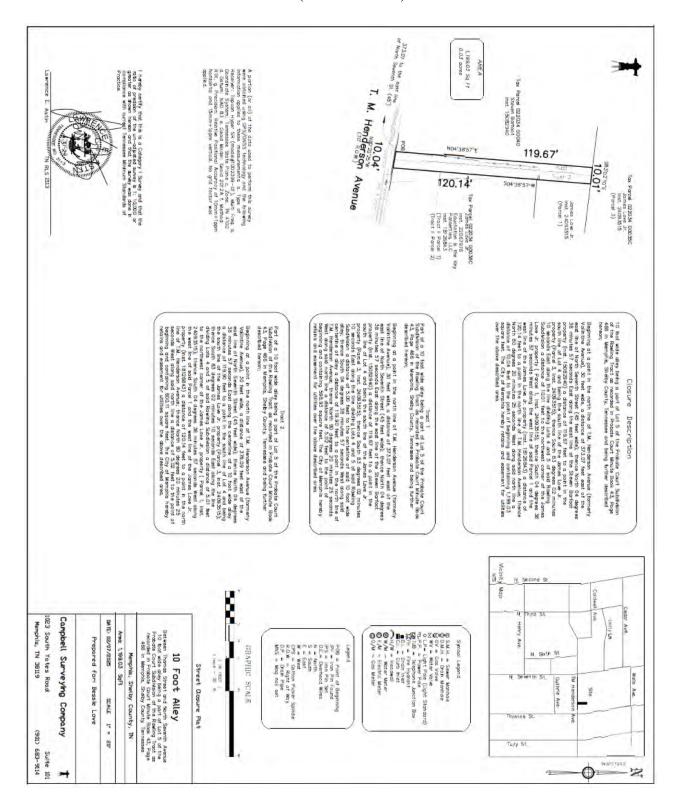
- 1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure subject to review and approval by the City Engineer. If the City Engineer approves access, the applicant shall construct a city standard curb cut across the closure, to the satisfaction of the City Engineer.
- 2. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.
- 4. The abutting curb cut shall be closed to City standards at the applicant's expense.
- 5. The existing unpermitted fence shall be removed, or permit retroactively obtained, prior to the finalization of the closure.

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

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

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

RIGHT-OF-WAY VACATION PLAT (SAC 2024-010)





AGENDA ITEM: 11 L.U.C.B. MEETING: April 10, 2025

CASE NUMBER: SAC 2024-010

LOCATION: Near 610 TM Henderson Ave.

COUNCIL DISTRICT: District 7, Super District 8

OWNER/APPLICANT: James Love

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Abandon an unimproved public alley approx. 120' in length

EXISTING ZONING: Mixed Use (MU)

CONCLUSIONS

- 1. The applicant requests the City abandon an unimproved public alley near the northwest corner of TM Henderson Ave. and Thomas St.
- 2. The subject right-of-way is unimproved and it is difficult to see a scenario in which its elimination would damage the long-term developability of the vicinity. In fact, doing so may eliminate a nonconformity on the abutting property to the west (side setback encroachment).
- 3. The closure of the subject right-of-way will not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

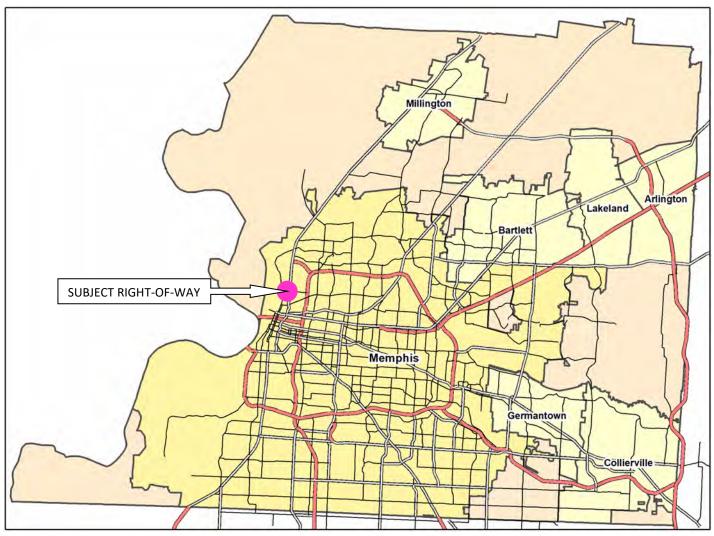
This application is not subject to Memphis 3.0 consistency review.

RECOMMENDATION:

Approval with conditions

Staff Writer: Nicholas Wardroup E-mail: nicholas.wardroup@memphistn.gov

LOCATION MAP



Subject right-of-way located within the pink circle

MEMPHIS AND DIVISION OF PLANNING
SHELBY COUNTY AND DEVELOPMENT

VICINITY MAP

MAILED NOTICE INFORMATION

In accordance with Sub-Section 9.3.4A of the Unified Development Code, staff mailed the below notice on March 29, 2025, to the owners of properties shown in blue (7 notices).

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, April 2, 2025 at 8 AM.

CASE NUMBER: SAC 2024-010

ADDRESS: Near 610 TM Henderson Ave.

REQUEST: Close unimproved public alley approx. 120' in length

(shown in pink on included map)

APPLICANT: James Love

Meeting Details

Location: Council Chambers City Hall 1st Floor

125 N Main St.

Thursday, April 10, 2025

9:00 AM

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

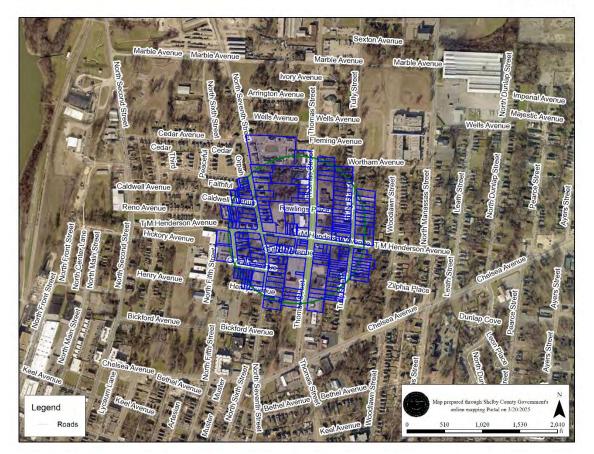




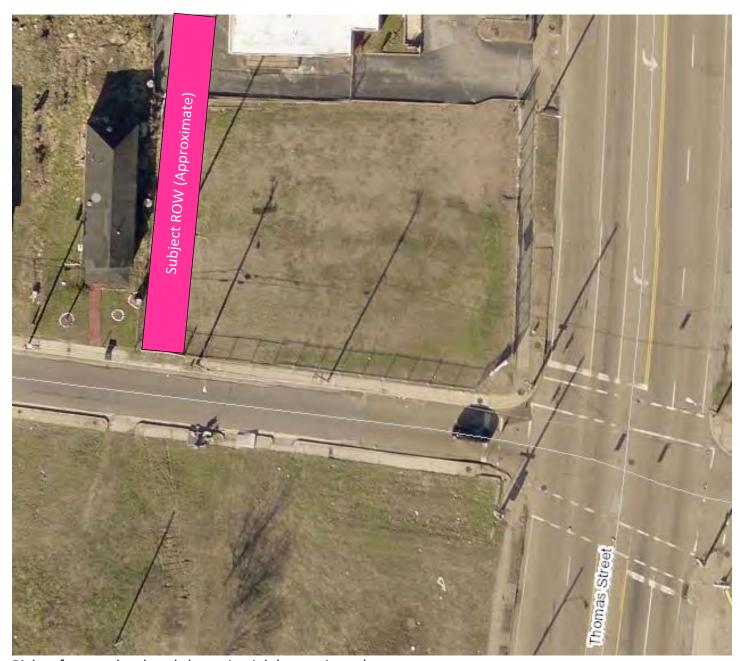
Nicholas Wardroup

☑ nicholas.wardroup@memphistn.gov

(901) 636-7398

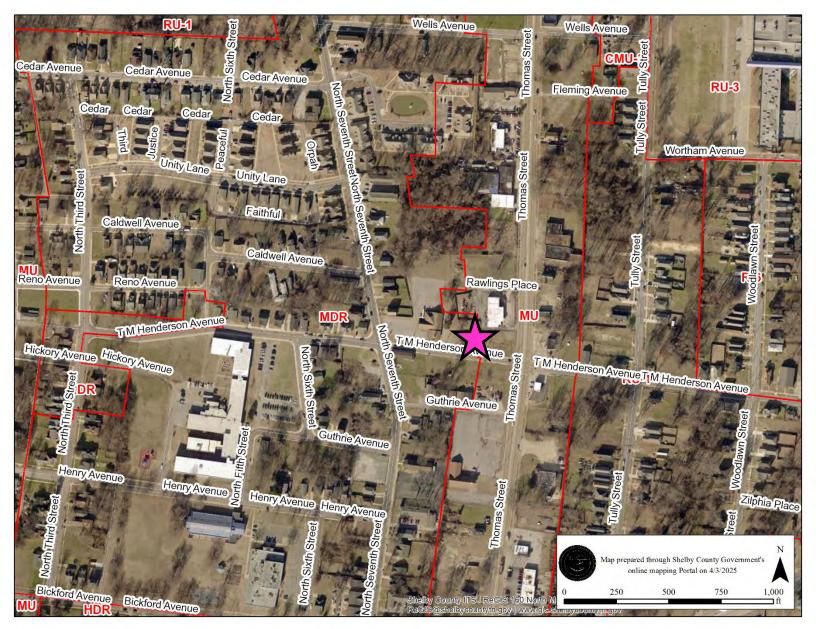


AERIAL

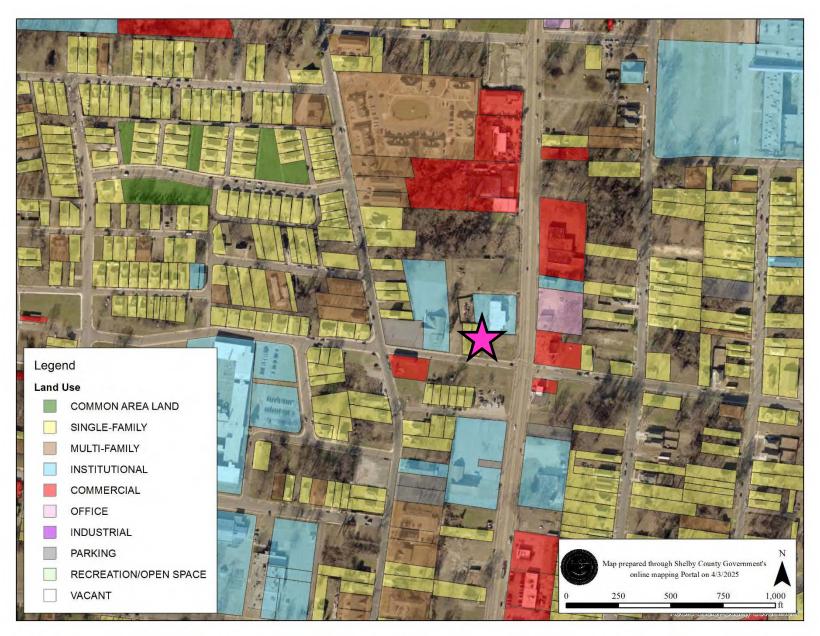


Right-of-way to be closed shown in pink (approximate).

ZONING MAP (Approximate location of Subject ROW indicated by pink star)



LAND USE MAP



SITE PHOTOS



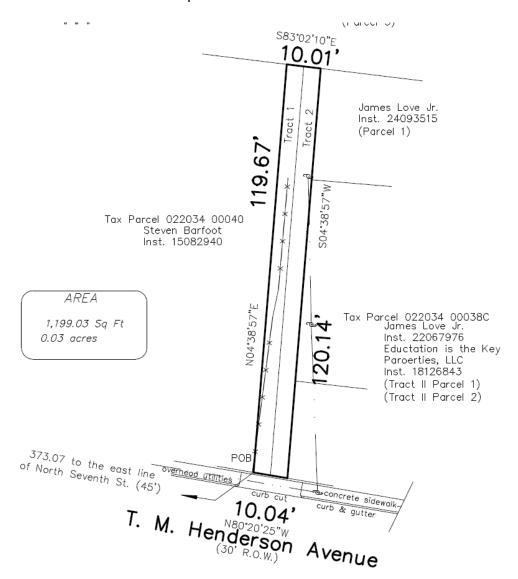
Subject ROW looking north from TM Henderson Ave.



Alternative angle looking northeast from TM Henderson Ave.

RIGHT-OF-WAY VACATION PLAT

Full resolution version attached to this report.



Staff Report SAC 2024-010 April 10, 2025 Page 9

CASE REVIEW

Request

Abandon an unimproved public alley approx. 120' in length

Site Details

Location:

Near 610 TM Henderson Ave.

Area:

+/-1,199 sq. ft.

Description:

The subject right-of-way is an unimproved public alley extending some 120' northward from TM Henderson Ave. near its intersection with Thomas St. It abuts a vacant property to the east and a single-family residence to the west. It is served by a single curb cut on TM Henderson Ave.

Analysis

First, staff notes that the alley has already been closed by an unpermitted fence. Our recommended conditions would require the fence to be either removed or permitted prior to the closure's finalization. They would also require the abutting curb cut be closed.

The alley, due to its unimproved nature, is not currently an accessibility benefit to the abutting properties. Additionally, it does not span the full block to Rawlings Pl., making it unlikely that its maintenance as a public alley would improve the vicinity's future developability. Additionally, it appears the home on the western abutting property may be encroaching into the required side yard setback. Should this be the case, the closure of the alley would have the additional benefit of eliminating a nonconformity.

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure subject to review and approval by the City Engineer. If the City Engineer approves access, the applicant shall construct a city standard curb cut across the closure, to the satisfaction of the City Engineer.
- 2. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.
- 4. The abutting curb cut shall be closed to City standards at the applicant's expense.
- 5. The existing unpermitted fence shall be removed, or permit retroactively obtained, prior to the finalization of the closure.

Staff Report SAC 2024-010 April 10, 2025 Page 11

DEPARTMENTAL COMMENTS

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

City/County Engineer: See next page.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

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.

Street Closures:

- 2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 3. City sanitary sewers/drainage facilities are located within the proposed closure area.
- 4. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 5. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
- 6. Adequate queuing spaces in accordance with UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 7. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

Staff Report SAC 2024-010 April 10, 2025 Page 13

ATTACHMENTS

Staff received no letters of support nor opposition prior to the completion of this report.

Attached to this document are the applicant's letter of intent as well as a full-resolution version of the vacation plat.

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

RE: 0 T.M. HEDERSON AVENUE, Memphis, TN 38107

Parcel Number: ALLEY

Record Numbers: SAC 2024-010

Dear Brett:

The three abutting property adjacent to the alley and corresponding owners are as follows:

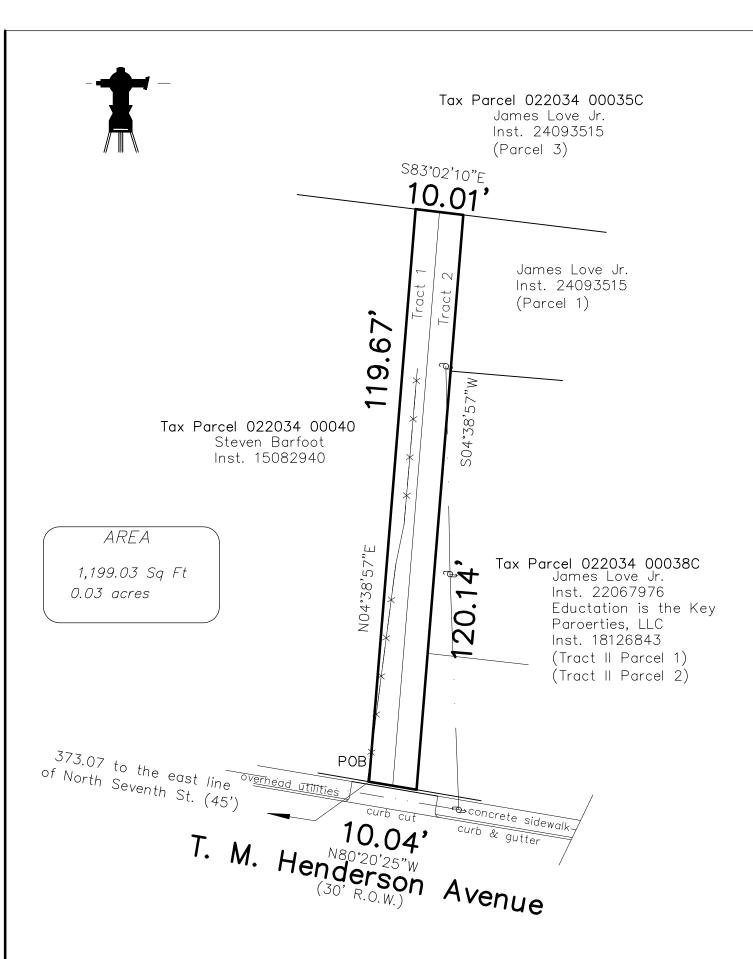
- James Love Jr.; Parcel # 0022034 00038C; 0 T.M. Henderson Ave.
- Dessie Love; Parcel # 022037 00035C; 975 Thomas Street
- Steven T. Barfoot; Parcel # 022034 00040; 610 T.M. Henderson Ave.

James Love Jr. and Dessie Love shall be responsibility for all fees required to process this application. Once the legal boundaries are established, each party will be responsible for the proper management of any green space created. Additionally, at the southwest corner of the existing structure, the drive must be wide enough to safely accommodate traffic. The extra 5 feet will suffice for this needs. therefore, approval of this use variance application is being processed.

We are asking that you please review and recommend approval of this use variance application.

Thank you,

Delinor Smith, Smith Building Design and Associates



A portion (or all) of the data used to perform this survey were obtained using GPS/GNSS technology and the following information applies to these measurements: a. Type of Receiver: Topcon Hyper SR (model#1002399-01), Multi Freq. b. Coordinate System: Tennessee State Plane c. Zone: TN 4100 d. Datum: NAD 83 e. Geoid Model: Geoid 2012A f. Method: RTK, g. Precision: Relative Positional Accuracy of 10mm+1ppm horizontal and 15mm+1ppm vertical. No grid factor was applied.

I hereby certify that this is a Category I Survey and that the ratio of precision of the un-adjusted survey is 1: 10,000 or greater as shown hereon and that the survey was done in compliance with current Tennessee Minimum Standards of

Practice. Lawrence E. Astin

Closure Description

10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further described

Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 373.07 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the east line of the Steven Barfoot property (Inst. 15082940) a distance of 119.67 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 10.01 feet to the northwest corner of the James Love Jr. property (Parcel 1, Inst. 24093515); thence South 04 degrees 38 minutes 57 seconds West along the west line of said Parcel 1 and the west line of the James Love Jr. property (Inst. 18126843) a distance of 120.14 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 10.04 feet to the point of beginning and containing 1,199.03 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.

Tract 1

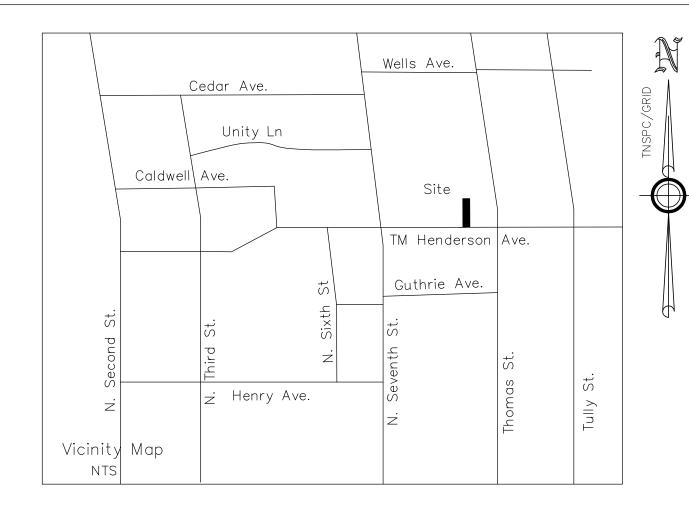
Part of a 10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further described hereon;

Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 373.07 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the east line of the Steven Barfoot property (Inst. 15082940) a distance of 119.67 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 5.00 feet to the centerline of said 10 foot wide alley; thence South 04 degrees 38 minutes 57 seconds West along said centerline of alley a distance of 119.90 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 5.02 feet to the point of beginning and containing 598.93 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.

Tract 2

Part of a 10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further described hereon;

Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 378.09 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the centerline of a 10 foot wide alley a distance of 119.90 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 5.01 feet to the northwest corner of the James Love Jr. property (Parcel 1, Inst. 24093515); thence South 04 degrees 38 minutes 57 seconds West along the west line of said Parcel 1 and the west line of the James Love Jr. property (Inst. 18126843) a distance of 120.14 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 5.02 feet to the point of beginning and containing 600.11 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.



Symbol Legend

(S) S.M.H. = Sewer Manhole

D.M.H. = Drain Manhole GV GV = Gas Valve

wv WV = Water Valve

☆ L.P= Light Pole (Light Standard) നംP.P. = Power Pole

TJB TJB = Telephone Junction Box

CFH = Fire Hydrant D.I. = Drain Inlet

C.I. = Curb Inlet \nearrow H/W = Headwall

© E/M = Electric Meter

 $\bigcirc G/M = Gas Meter$

Legend

POB = Point of Beginning

IPF = Iron Pin Found

IPS = Iron Pin Set O.E.= Overhead Wires

N = North

S = South

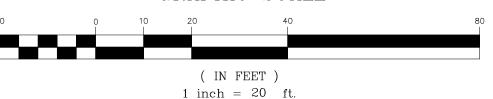
E = EastW = West

CPS = Cotton Picker Spindle

R.O.W. = Right of WayD.P. = Drain Pipe

MNS = Mag nail set

GRAPHIC SCALE



Street Closure Plat

10 Foot Alley

Between Thomas Street and North Seventh Avenue 10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee

Memphis, Shelby County, TN

Area: 1,199.03 SqFt

DATE: 02/07/2025

SCALE 1" = 20'

Prepared for: Bessie Love

Campbell Surveying Company



1023 South Yates Road Memphis, TN 38119

Suite 101 (901) 683-9114



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

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

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Processing

Opened Date: December 6, 2024

Record Number: SAC 2024-010 Expiration Date:

Record Name: O TM HENDERSON AVE. ALLEY CLOSURE

Description of Work: REQUESTING APPROVAL TO CLOSE AN ABANDONDED ALLEY LOCATED 125' WEST OF THE INTERSECTION OF THOMAS STREET AND TM HENDERSON AVE. AND AT THE NORTH PROPERTY LINE. THE ADJACENT NEIGHBOR (ADDRESS 610 TM HENDERSON) MR. STEVEN T. BARFOOT HAS AGREED TO PERTICIPATE IN THIS PROCESS. SUBJECT TRACK IS LOCATED BETWEEN PARCEL #022034 00040 AND PARCEL #022034 00038C.

Parent Record Number:

Address:

610 TM HENDERSON AVE, MEMPHIS 38107

Owner Information

Primary Owner Name

Y BARFOOT STEVEN T

Owner Address Owner Phone

1620 CANADAVILLE LOOP, EADS, TN 38028

Parcel Information

022034 00040

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner
Date of Meeting

Pre-application Meeting Type

GENERAL INFORMATION

Name of Street where closure will begin

NORMAN SALIBA 12/02/2024 In Person

T. M. HENDERSON AVE.

Page 1 of 3 SAC 2024-010

GENERAL INFORMATION

Name of Street where closure will end

What is the reason for the street closure?

APPROVAL OF THE ALLEY CLOSURE WILL

N/A

1180

No

No

CREATE ADDITIONAL SPACE FOR A FRIVABLE PERIMETER AROUND THE EXISTING BUILDING. IT WILL ALSO ALLOW BOTH NEIGHBORS TO ACCESS AND MAINTIAN THE PROPERTY MORE

EASILY, INCLUDING CLEANING AND

LANDSCAPING.

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

closed?

What is the overall length of the street closure?

Name of Street/Alley/ROW NO NAME

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers -

GIS INFORMATION

Case Layer PD08-301, SUP10-212, Z88-157

Land Use SINGLE-FAMILY Municipality MEMPHIS

Overlay/Special Purpose District Central Business Improvement District

Zoning MDR State Route -

Lot E PT 2
Subdivision KAUFMAN

Planned Development District Wellhead Protection Overlay District No
County Commission District City Council District City Council Super District -

Data Tables

Property Owners

Property Address: 610 T. M. HENDERSON AVE.

Property Owner Name: STEVEN BARFOOT

Mailing Address (if 1620 CANADAVILLE LOOP, EADS TN 38028

different than property

address):

Email Address: stb1620@yahoo.com

Page 2 of 3 SAC 2024-010

Contact Information

Name JAMES LOVE **Contact Type**

Address

ADJACENT PROPERTY OWNER OF RECORD

Phone

(901)301-7678

Name JAMES LOVE **Contact Type**

APPLICANT

Address

Phone

(901)301-7678

Name SMITH BUILDING DESIGN **Contact Type**

REPRESENTATIVE

Address

Phone

(901)690-3944

Foo Information

ree inform	nation						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1610383	Right of Way	1	400.00	INVOICED	0.00	12/06/2024	
	Vacation/Closure Fee						
1610383	Credit Card Use Fee (.026	1	10.40	INVOICED	0.00	12/06/2024	
	x fee)						

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

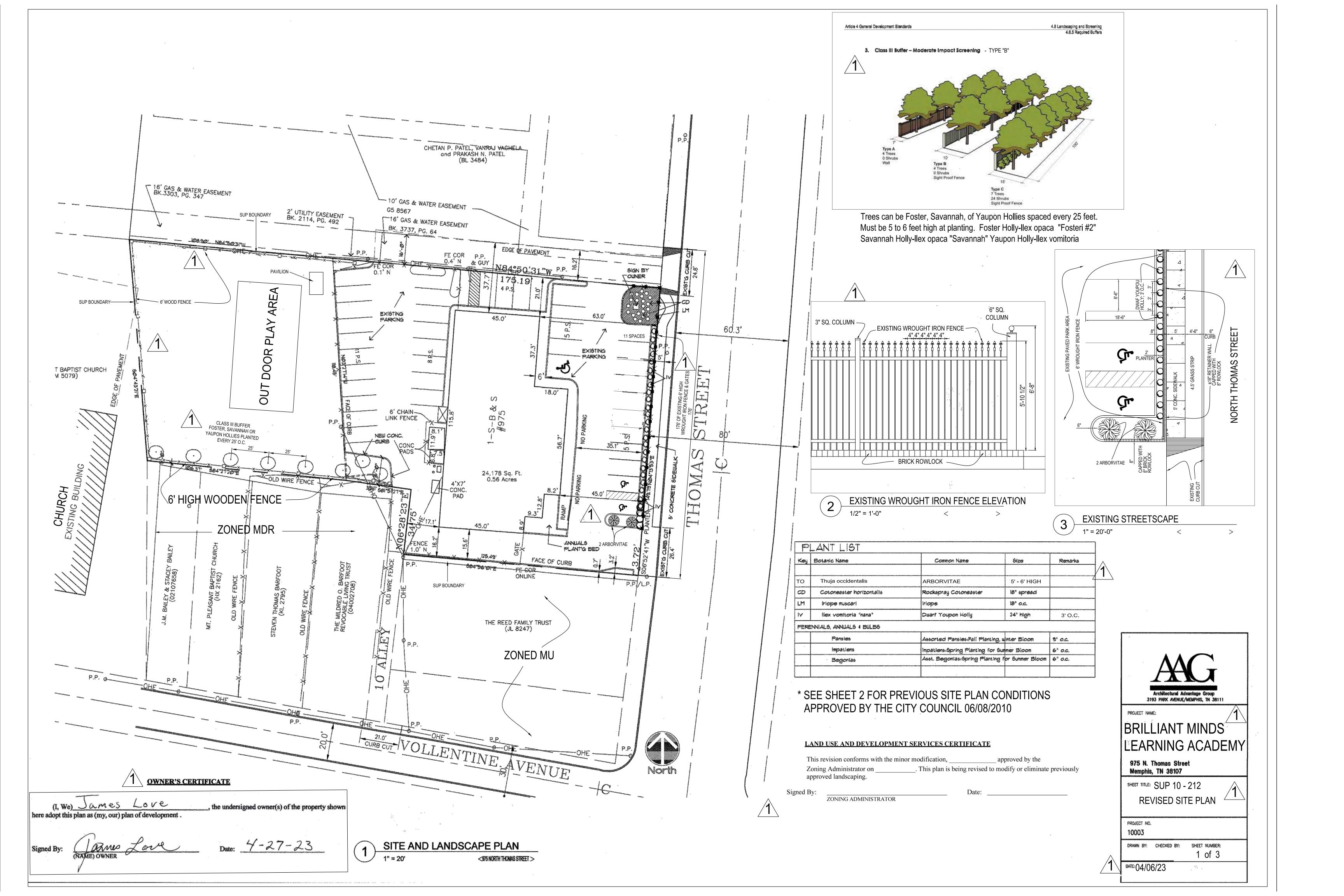
Payment Information

Payment Amount

Method of Payment

\$410.40 Credit Card

Page 3 of 3 SAC 2024-010



SITE PLAN CONDITIONS:

A Special Use Permit is hereby authorized to 'House of Knowledge Childcare, Inc.' to allow a 'Day Care Center' on property located at the 'west side of N. Thomas Street; +/-98 feet north of T.M. Henderson Avenue' in accordance with an approved 'site plan' and the following supplemental conditions:

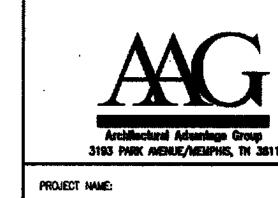
- Use Permitted:
- A day care center with a maximum of sixty(60) children.
- Bulk Regulations:
 - A maximum building setback of forty-five(45) feet from North Thomas Street. All other setbacks shall be as illustrated on the Survey and Landscape Plan.
 - Any new addition shall be in accordance with the Mixed Use(MU) District regulations.
- Access & Circulation:
 - Any new curb cut shall be subject to review and approval by City Engineer.
 - Any new private drive shall be constructed to meet Subdivision Regulations, applicable City Standards and provide a minimum width of twenty-two(22) feet, exclusive of curb and gutter.
 - The developer shall be responsible for any reconstruction or repair necessary to meet ADA compliance or City of Memphis standards.
- Landscaping and Screening:
 - A. A Landscape Plate 'A' (modified) as illustrated on the Landscape Plan shall be provided and maintained parallel to North Thomas Street.
 - A Landscape Plate 'B-4' as illustrated on the Landscape Plan shall be provided and maintained to the rear abutting residential zoning to include a sight-proof wood fence six(6') feet in height.
 - All mature trees and shrubs on the subject property shall be preserved and maintained. Required landscaping shall not be placed on any sewer or drainage easements or under any utility easement.
- Signs:
 - A ground-mounted monument sign a maximum of thirty-five (35) square feet in area. The base of the sign shall be landscaped with similar plant materials as in the streetscape.
 - No temporary or portable signs shall be permitted.
- A day care center for a maximum of sixty(60) children shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

S.U.P 10-212

House of Knowledge Childcare, Inc. Special Permit

APPROVED; BY CITY COUNCIL ON 06/08/2010

* CONDITIONS REMAIN APPLICABLE EXCEPT WHERE MODIFIED BY 1 ON SHEET 1 OF 2.



BRILLIANT MINDS LEARNING ACADEMY

975 N. Thomas Street Memphis, TN 38107

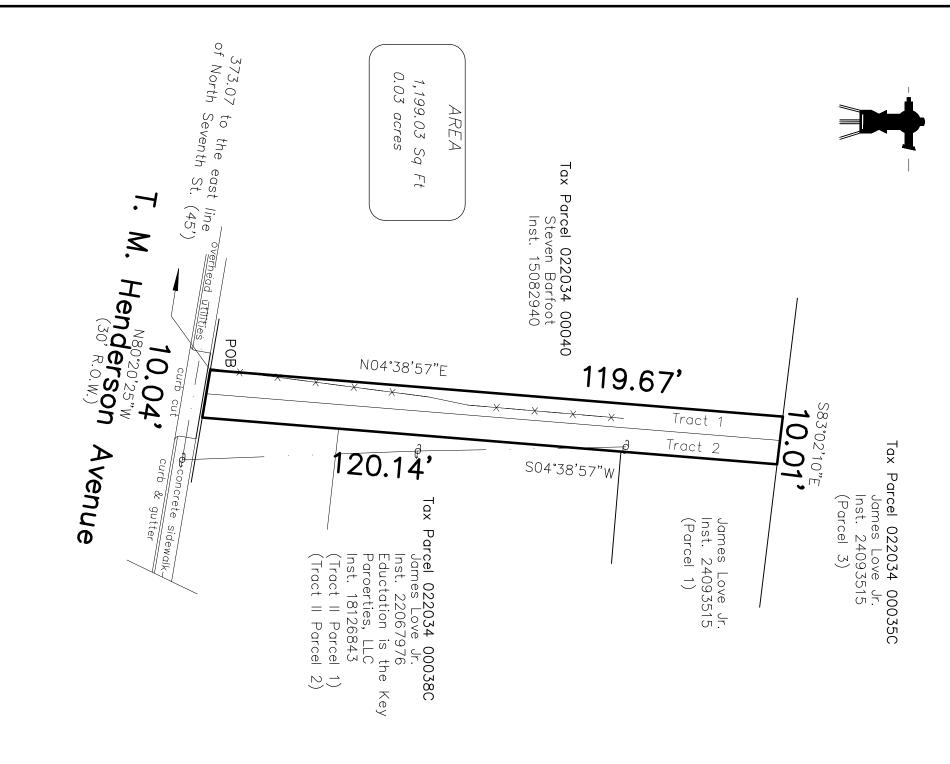
SHEET TITLE: SUP 10 - 212 REVISED SITE PLAN

PROJECT NO.

DRAWN BY: CHECKED BY: SHEET NUMBER:

2 of 2

DATE: 04/06/23



A portion (or all) of the data used to perform this survey were obtained using GPS/GNSS technology and the following information applies to these measurements: a. Type of Receiver: Topcon Hyper SR (model#1002399-01), Multi Freq. b. Coordinate System: Tennessee State Plane c. Zone: TN 4100 d. Datum: NAD 83 e. Geoid Model: Geoid 2012A f. Method: RTK, g. Precision: Relative Positional Accuracy of 10mm+1ppm horizontal and 15mm+1ppm vertical. No grid factor was applied.



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Astin

TN RLS

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I hereby certify that this is a Category I Survey and that the ratio of precision of the un—adjusted survey is 1: 10,000 or greater as shown hereon and that the survey was done in compliance with current Tennessee Minimum Standards of Practice.

Closure Description

10 foot of the F466 in Nhereon; t wide alley being a part of Lot 5 of the Probate Court Rawling Tract as recorded in Probate Court Minute Book Memphis, Shelby County, Tennessee and being further de rt Subdivision ook 43, Page described

Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 373.07 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the east line of the Steven Barfoot property (Inst. 15082940) a distance of 119.67 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 10.01 feet to the northwest corner of the James Love Jr. property (Parcel 1, Inst. 24093515); thence South 04 degrees 38 minutes 57 seconds West along the west line of said Parcel 1 and the west line of the James Love Jr. property (Inst. 18126843) a distance of 120.14 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 10.04 feet to the point of beginning and containing 1,199.03 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.

Tract 1 ng a par

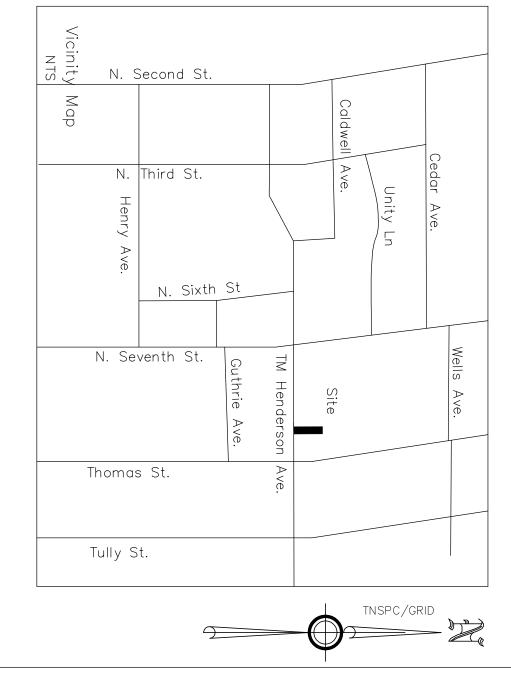
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Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 373.07 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the east line of the Steven Barfoot property (Inst. 15082940) a distance of 119.67 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 5.00 feet to the centerline of said 10 foot wide alley, thence South 04 degrees 38 minutes 57 seconds West along said centerline of alley a distance of 119.90 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 5.02 feet to the point of beginning and containing 598.93 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.

Tract 2

Part of a 10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further described hereon;

Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 378.09 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the centerline of a 10 foot wide alley a distance of 119.90 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. property (Parcel 3, Inst. 24093515); thence South 83 degrees 02 minutes 10 seconds East along the line dividing Lots 4 and 5 of said Rawling Subdivision a distance of 5.01 feet to the northwest corner of the James Love Jr. property (Parcel 1, Inst. 24093515); thence South 04 degrees 38 minutes 57 seconds West along the west line of said Parcel 1 and the west line of the James Love Jr. property (Inst. 18126843) a distance of 120.14 feet to a point in the north line of T.M. Henderson Avenue; thence North 80 degrees 20 minutes 25 seconds West along said north line a distance of 5.02 feet to the point of beginning and containing 600.11 square feet. The City of Memphis hereby retains and easement for utilities over the above described area.



Symbol Legend

S.M.H. = Sewer Manhole

D.M.H. = Drain Manhole

CV = Gas Valve

V WV = Water Valve

LP= Light Pole (Light Standard)

CP.P. = Power Pole

TBIJB = Telephone Junction Box

FH = Fire Hydrant

D.I. = Drain Inlet

CI. = Curb Inlet

MAN Western Manhole M/W = Headwall

W W/M = Water Meter

E/M = Electric Meter

G/M = Gas Meter

Legend

POB = Point of Beginning
IPF = Iron Pin Found
IPS = Iron Pin Set
O.E.= Overhead Wires
N = North
S = South
E = East
W = West
CPS = Cotton Picker Spindl
R.O.W. = Right of Way
D.P. = Drain Pipe
MNS = Mag nail set Spindle

GRAPHIC SCALE

(IN FEET) 1 inch = 20 ft.

Street Closure Plat

10 Foot Alley

Between Thomas Street and North Seventh Avenue 10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee

Area: 1,199.03 Memphis, Shelby County, SqFt $\overline{\mathsf{Z}}$

DATE: 02/07/2025 Prepared for: Bessie Love SCALE 1,

Campbell Surveying Company

1023 South Yates Road

Memphis, TN 38119

(901) 683-9114 Suite 101

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

RE: 0 T.M. HEDERSON AVENUE, Memphis, TN 38107

Parcel Number: ALLEY

Record Numbers: SAC 2024-010

Dear Brett:

The three abutting property adjacent to the alley and corresponding owners are as follows:

- James Love Jr.; Parcel # 0022034 00038C; 0 T.M. Henderson Ave.
- Dessie Love; Parcel # 022037 00035C; 975 Thomas Street
- Steven T. Barfoot; Parcel # 022034 00040; 610 T.M. Henderson Ave.

James Love Jr. and Dessie Love shall be responsibility for all fees required to process this application. Once the legal boundaries are established, each party will be responsible for the proper management of any green space created. Additionally, at the southwest corner of the existing structure, the drive must be wide enough to safely accommodate traffic. The extra 5 feet will suffice for this needs. therefore, approval of this use variance application is being processed.

We are asking that you please review and recommend approval of this use variance application.

Thank you,

Delinor Smith, Smith Building Design and Associates

CITY OF MEMPHIS

COUNCIL AGENDA CHECK OFF SHEET ONE ORIGINAL Planning & Development ONLY STAPLED **DIVISION** Planning & Zoning COMMITTEE: 05/06/2025 **ITO DOCUMENTS** DATE **PUBLIC SESSION:** 05/20/2025 DATE ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING **ORDINANCE** X RESOLUTION Resolution approving the closure of portions of Shasta Ave., Tupelo St., Houck Ave., and N Bingham St., ITEM DESCRIPTION: known as case number SAC 2025-001. CASE NUMBER: SAC 2025-001 LOCATION: Near existing MLGW North Service Center facility, 1130 and 1060 Tupelo St. **COUNCIL DISTRICTS:** Districts 5 and 7, Super Districts 8 and 9 **MLGW OWNER/APPLICANT: REPRESENTATIVES:** N/A **REQUEST:** Close and vacate portions of Shasta Ave., Tupelo St., Houck Ave., and N Bingham St. east of N Hollywood St. to facilitate future expansion of MLGW north service center. +/-2.69 acres AREA: The Division of Planning and Development recommended Approval with conditions **RECOMMENDATION:** The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing – May 20, 2025 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 03/13/2025 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO (2)AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER **POSITION** -25 PLANNER II DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) **COMPTROLLER**

> FINANCE DIRECTOR **CITY ATTORNEY**

COMMITTEE CHAIRMAN

CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

SAC 2025-001

RESOLUTION APPROVING THE CLOSURE OF PORTIONS OF SHASTA AVE., TUPELO ST., HOUCK AVE., AND N BINGHAM ST., KNOWN AS CASE NUMBER SAC 2025-001

- This item is a resolution with conditions to allow the physical closure of three public rights-of-way near the existing MLGW North Service Center.
- The applicant, MLGW, seeks to close these streets in order to facilitate the future expansion of the North Service Center. Note that the subject application is only the street closures, not the North Service Center expansion itself.
- MLGW has, between 2017 and the present, acquired all the property abutting the subject rights-of-way. As such, staff finds that the requested closure will not negatively affect pedestrian or vehicular circulation and access in the vicinity.
- Both DPD staff and the Land Use Control Board recommend approval with conditions.
- This item may require a future public improvement contract.

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: SAC 2025-001

LOCATION: Near existing MLGW North Service Center, 1130 and 1060 Tupelo St.

COUNCIL DISTRICT(S): Districts 5 and 7, Super Districts 8 and 9

OWNER/APPLICANT: MLGW

REPRESENTATIVE: N/A

REQUEST: Close and vacate portions of Shasta Ave., Tupelo St., Houck Ave., and

N Bingham St. east of N Hollywood St. to facilitate future expansion

of MLGW north service center.

EXISTING ZONING: Employment (EMP) and Residential Urban – 1 (RU-1)

AREA: +/- 2.69 Acres

The following spoke in support of the application: Angel Bailey, MLGW (for the applicant)

The following spoke in opposition to the application: Melvin McCoy, Randy Wade

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

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

Respectfully,

Nicholas Wardroup

Planner II

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

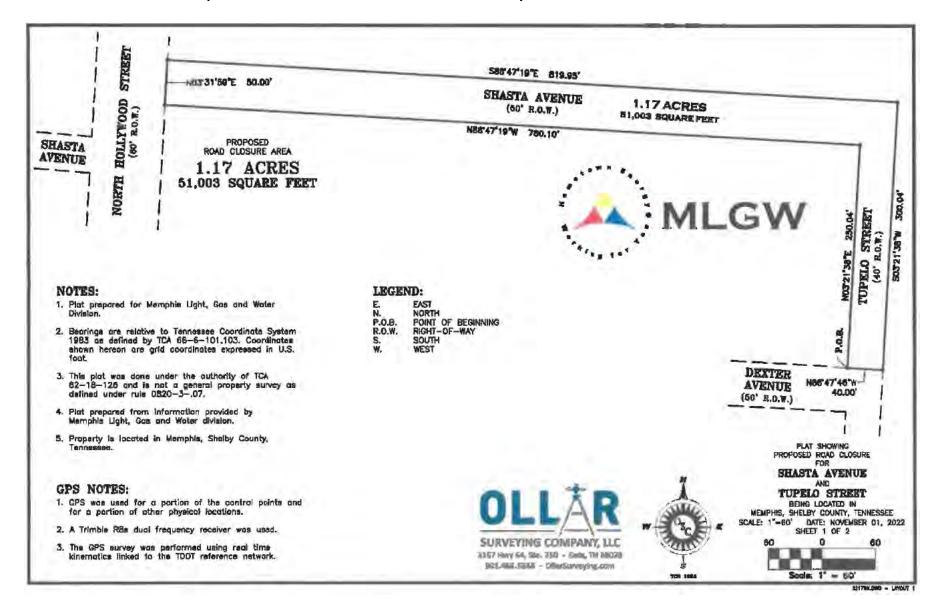
SAC 2025-001 CONDITIONS

- 1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure subject to review and approval by the City Engineer. If the City Engineer approves access, the applicant shall construct a city standard curb cut across the closure, to the satisfaction of the City Engineer.
- 2. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.

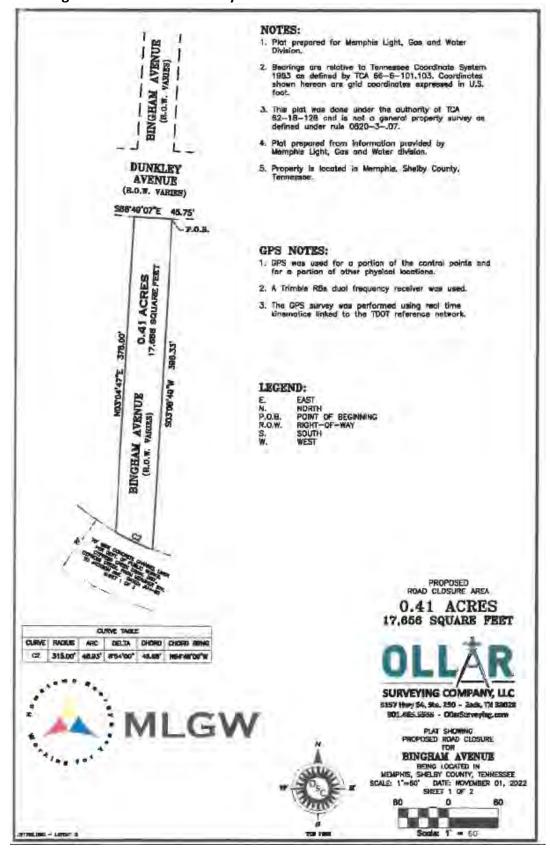
SAC 2025-001

Closure Plats

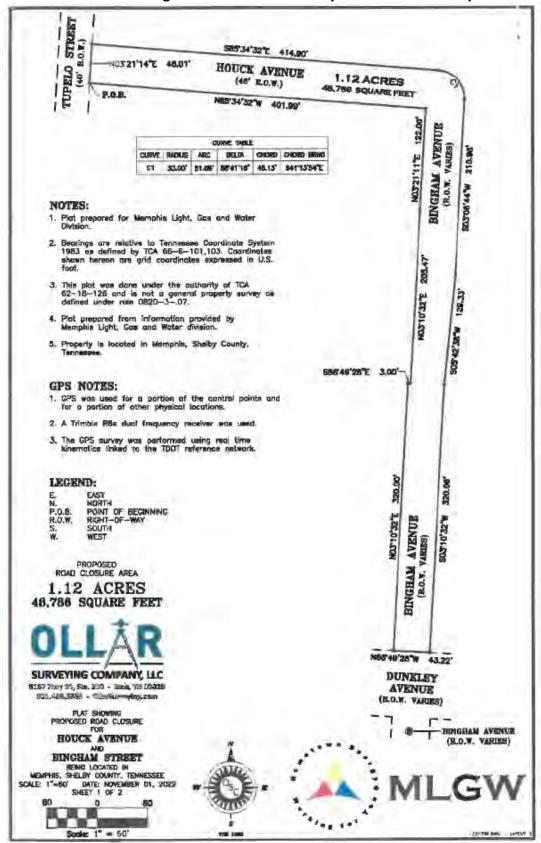
CLOSURE #1: Shasta Ave. and Tupelo St. north of Dexter Ave. and east of N Hollywood St.



CLOSURE #2: N Bingham St. south of Dunkley Ave.



CLOSURE #3: Houck Ave. and N Bingham St. north of Dunkley Ave. and east of Tupelo St.



RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF PORTIONS OF SHASTA AVE., TUPELO ST., HOUCK AVE., AND N BINGHAM ST., KNOWN AS CASE NUMBER SAC 2025-001

WHEREAS, the City of Memphis is the owner of three (3) pieces of real property known as 1) Shasta Ave. and Tupelo St. north of Dexter Ave. and east of N Hollywood St., 2) N Bingham St. south of Dunkley Ave., and 3) Houck Ave. and N Bingham St. north of Dunkley Ave. and east of Tupelo St.

in Memphis, Tennessee and being more particularly described as follows:

Closure Description – Location #1, Shasta Ave. and Tupelo St.

Beginning at a point at the intersection of the west line of Tupelo Street (40' R.O.W.) and the north line of Dexter Avenue (50' R.O.W.); thence North 03 degrees 21 minutes 38 seconds East along the west line of said Tupelo Street, 250.04 feet to a point in the south line of said Shasta Avenue; thence North 86 degrees 47 minutes 19 seconds West along the south line of said Shasta Avenue, 780.10 feet to a point in the east line of North Hollywood Street; thence North 03 degrees 31 minutes 59 seconds East along the east line of said North Hollywood. Street, 50.00 feet to a point in the north line of said Shasta Avenue; thence South 86 degrees 47 minutes 19 seconds East along the north line of said Shasta Avenue, 819.95 feet to a point in the east line of said Tupelo Street; thence South 03 degrees 21 minutes 38 seconds West along the east line of said Tupelo Street. 300.04 feet to a point in the north line of said Dexter Avenue; thence North 86 degrees 47 minutes 46 seconds West along the north line of said Dexter Avenue, 40.00 feet to the POINT OF BEGINNING and containing 51,003 square feet or 1.17 acres of land.

Closure Description – Location #2, N Bingham St.

Beginning at a point at the intersection of the east line of Bingham Avenue (R.O.W. Varies) and the south line of Dunkley Avenue (R.O.W. Varies); thence South 03 degrees 08 minutes 49 seconds West along the east line of said Bingham Avenue, 396.33 feet to a point in the northeast line of a 70' Wide Concrete Channel Liner per Department of Public Works, Cypress Creek Drainage District, Cypress Creek, from Meagher Street to Jackson Avenue, Dated: June 1960, Sheet 1 of 2; thence northwestwardly along the northwest line of said 70' Wide Concrete Channel Liner per Department of Public Works, Cypress Creek Drainage District, Cypress Creek, from Meagher Street to Jackson Avenue, Dated: June 1960, Sheet 1 of 2 and along a curve to the right having a radius of 315.00 feet, delta angle of 08 degrees 54 minutes 00 seconds, chord bearing of North 64 degrees 48 minutes 09 seconds West, chord distance of 48.88 feet and a curve distance of 48.93 feet to a point in the west line of said Bingham Avenue; thence North 03 degrees 04 minutes 47 seconds East along the west line of said Bingham Avenue, 378.00 feet to a point in the south

line of said Dunkley Avenue; thence South 86 degrees 49 minutes 07 seconds East along the south line of said Dunkley Avenue, 45.75 feet to the POINT OF BEGINNING and containing 17,656 square feet or 0.41 acres of land.

Closure Description – Location #3, Houck Ave. and N Bingham St.

Beginning at a point at the intersection of the south line of Houck Avenue (46' R.O.W.) and the east line of Tupelo Street (40' R.O.W.); thence North 03 degrees 21 minutes 14 seconds East along the east line of said Tupelo Street, 46.01 feet to a point in the north line of said Houck Avenue; thence southeastwardly along the north line of said Houck Avenue the following calls: South 85 degrees 34 minutes 32 seconds East, 414.90 feet to a point; southeastwardly along a curve to the right having a radius of 33.00 feet, delta angle of 88 degrees 41 minutes 16 seconds, chord bearing of South 41 degrees 13 minutes 54 seconds East, chord distance of 46.13 feet and a curve distance of 51.08 feet to a point in the east line of Bingham Avenue (R.O.W. Varies); thence southwestwardly along the east line of said Bingham Avenue the following calls: South 03 degrees 06 minutes 44 seconds West, 210.98 feet to a point; South 05 degrees 42 minutes 38 seconds West, 129.33 feet to a point; South 03 degrees 10 minutes 32 seconds West, 320.06 feet to a point in the north line of Dunkley Avenue (R.O.W. Varies); thence North 86 degrees 49 minutes 28 seconds West along the north line of said Dunkley Avenue; 43.22 feet to a point in the west line of said Bingham Avenue; thence northeastwardly and southeastwardly along the west line of said Bingham Avenue the following calls: North 03 degrees 10 minutes 32 seconds East, 320.00 feet to a point; South 86 degrees 49 minutes 28 seconds East, 3.00 feet to a point; North 03 degrees 10 minutes 32 seconds East, 205.47 feet to a point; North 03 degrees 21 minutes 11 seconds East, 122.00 feet to a point in the south line of said Houck Avenue; thence North 85 degrees 34 minutes 32 seconds West along the south line of said Houck Avenue, 401.99 feet to the POINT OF BEGINNING and containing 48,786 square feet or 1.12 acres of land.

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 13, 2025, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

- 1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure subject to review and approval by the City Engineer. If the City Engineer approves access, the applicant shall construct a city standard curb cut across the closure, to the satisfaction of the City Engineer.
- 2. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

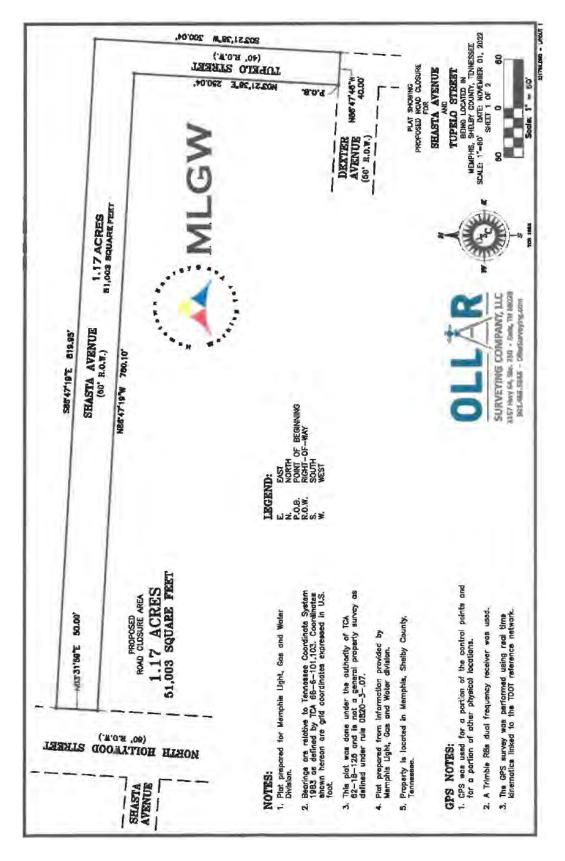
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.

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

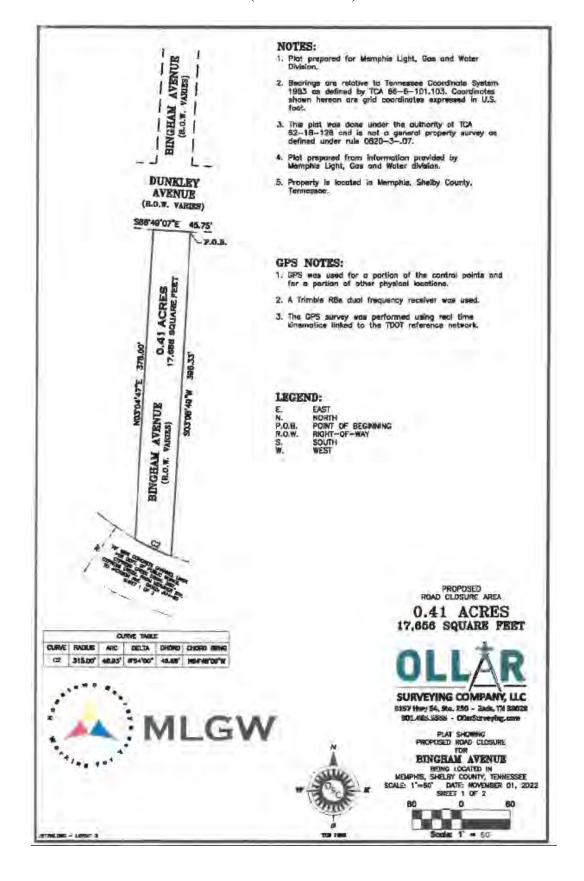
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-ofway, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

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

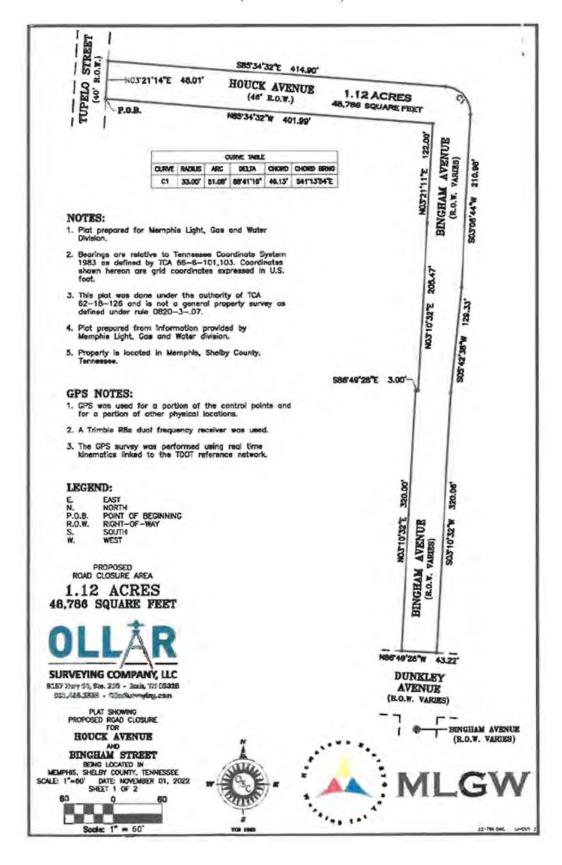
RIGHT-OF-WAY VACATION PLAT (CLOSURE #1)



RIGHT-OF-WAY VACATION PLAT (CLOSURE #2)



RIGHT-OF-WAY VACATION PLAT (CLOSURE #3)



dpd STAFF REPORT

AGENDA ITEM: 14 L.U.C.B. MEETING: March 13, 2025

CASE NUMBER: SAC 2025-001

LOCATION: Near existing MLGW North Service Center facility, 1130 and 1060 Tupelo St.

COUNCIL DISTRICT: Districts 5 and 7, Super Districts 8 and 9

OWNER/APPLICANT: MLGW

REPRESENTATIVE: N/A

REQUEST: Close and vacate portions of Shasta Ave., Tupelo St., Houck Ave., and N Bingham St.

east of N Hollywood St. to facilitate future expansion of MLGW north service center.

EXISTING ZONING: Employment (EMP) and Residential Urban – 1 (RU-1)

CONCLUSIONS

- 1. The future expansion itself will almost certainly require future governing body approval through a separate zoning entitlement. The subject application, therefore, concerns only the proposed street closures.
- 2. The only properties to which access will be negatively impacted have already been acquired by MLGW and their residential structures demolished. It is difficult to see, therefore, any way in which the closures of the subject streets would negatively impact pedestrian and vehicular circulation.
- 3. The closure of the subject right-of-way will not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

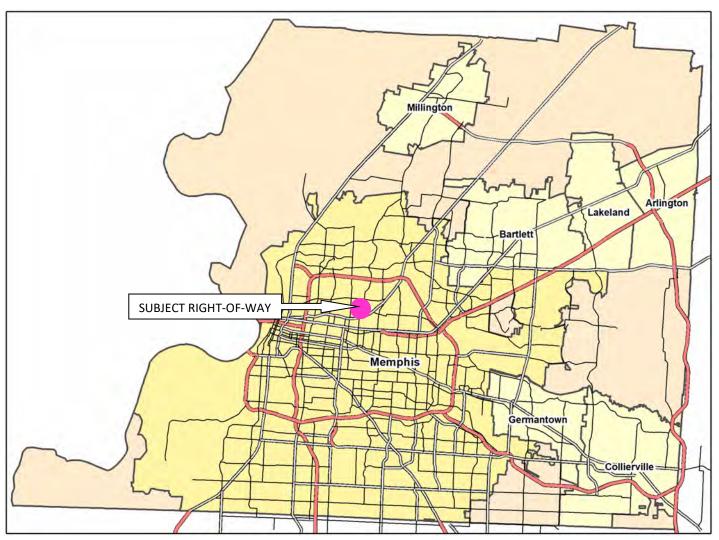
This application is not subject to Memphis 3.0 consistency review.

RECOMMENDATION:

Approval with conditions

Staff Writer: Nicholas Wardroup E-mail: nicholas.wardroup@memphistn.gov

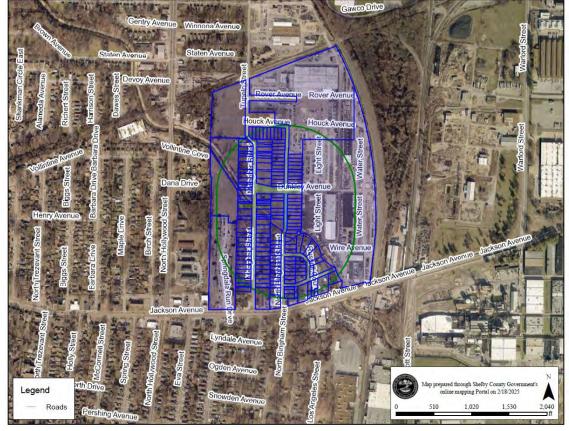
LOCATION MAP



Subject right-of-way located within the pink circle

PUBLIC NOTICE VICINITY MAPS





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 312 notices were mailed on February 18, 2025, see below for a copy of said notice. Additionally, a total of 6 signs were posted, one at each end of the subject right-of-way, see page 21 of this report for a copy of the sign affidavit.

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Thursday, March 6, 2025 at 8 AM.

CASE NUMBER: SAC 2025-001

LOCATIONS: Shasta Ave., Houck Ave., and N Bingham St. as shown

on attached map

REQUESTS: Close and Vacate the shown rights-of-way
APPLICANT: Memphis Light Gas and Water (MLGW)

Meeting Details

Location: Council Chambers Time: 9:00 AM

City Hall 1st Floor 125 N Main St. 2777

Date: Thursday, March 13, 2025

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT



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



312 Notices Mailed 02/18/2025

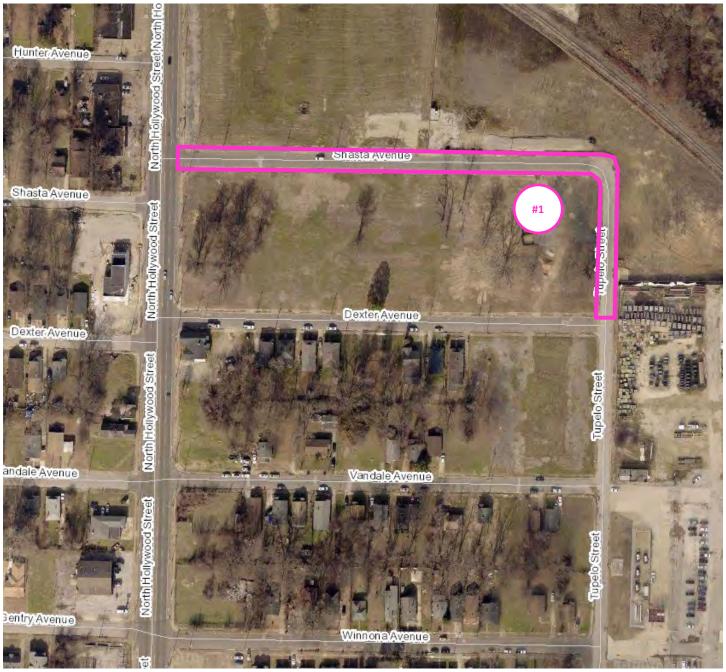
Staff Planner Contact:

Nicholas Wardroup

☑ nicholas.wardroup@memphistn.gov

(901) 636-7398

AERIAL (PROPOSED SHASTA AVE./TUPELO ST. CLOSURE, CLOSURE #1)



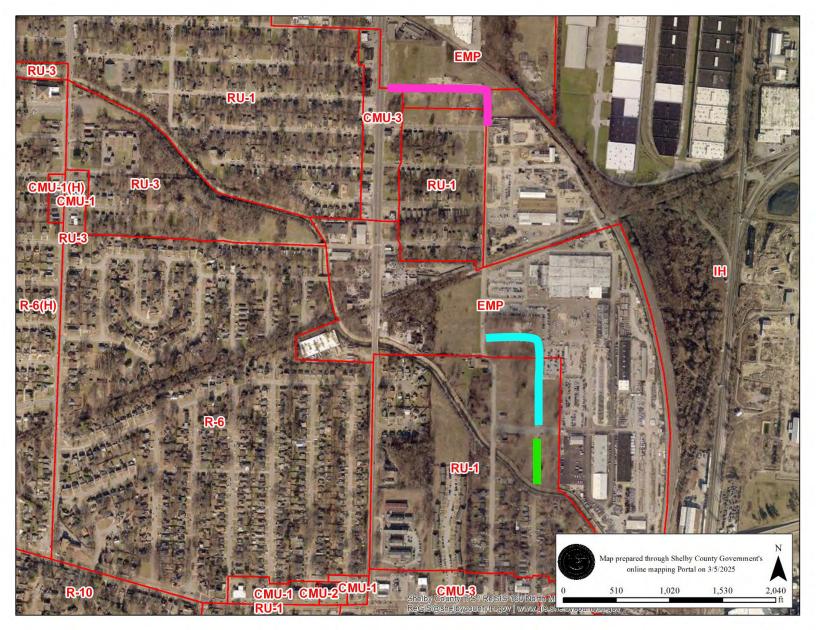
Right-of-way to be closed outlined in pink.

AERIAL (PROPOSED HOUCK AVE./N BINGHAM ST. CLOSURE, CLOSURES #2 and #3)

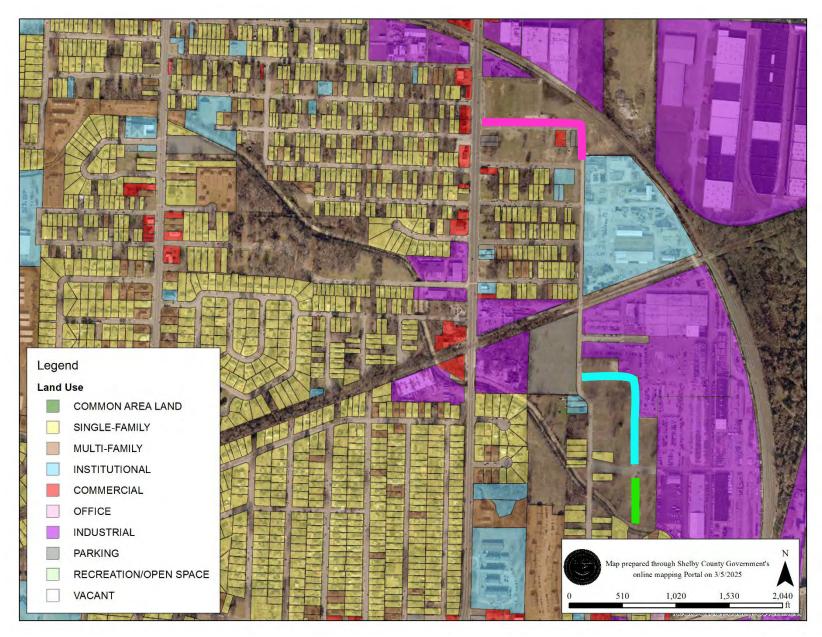


Right-of-way to be closed outlined, closure #2 in green and #3 in blue

ZONING MAP (Subject ROW indicated by color-coded lines)



LAND USE MAP



SITE PHOTOS (CLOSURE 1)



Subject section of Shasta Ave., looking east from its intersection with N Hollywood St.



Subject section of Tupelo St., looking north from its intersection with Dexter Ave.

SITE PHOTOS (CLOSURE 2)



Subject section of N Bingham St. south of Dunkley Ave., looking south.



Southern extreme of ROW to be closed looking north along N Bingham St.

SITE PHOTOS (CLOSURE 3)

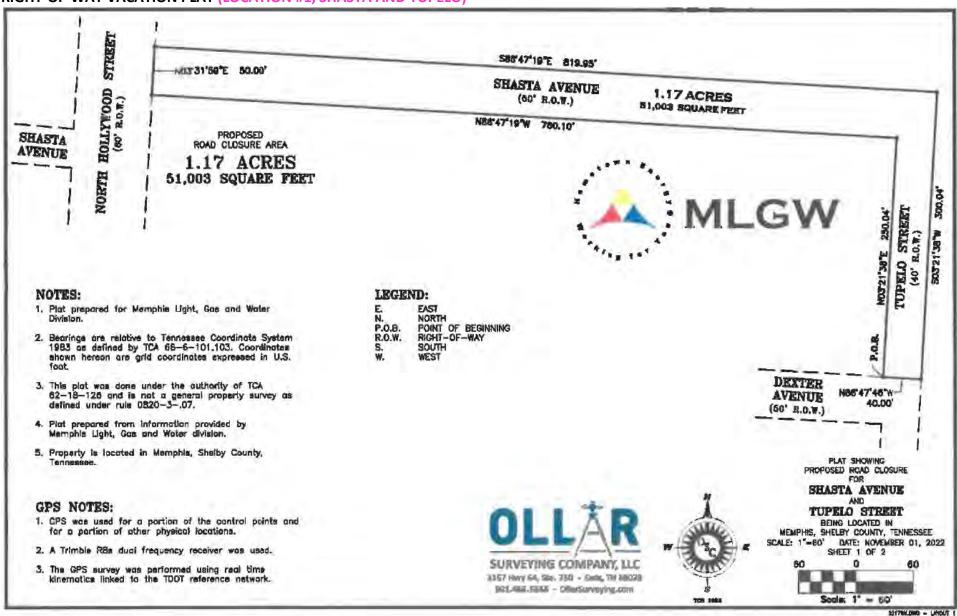


Subject section of Houck St., looking east from its intersection with Tupelo St.

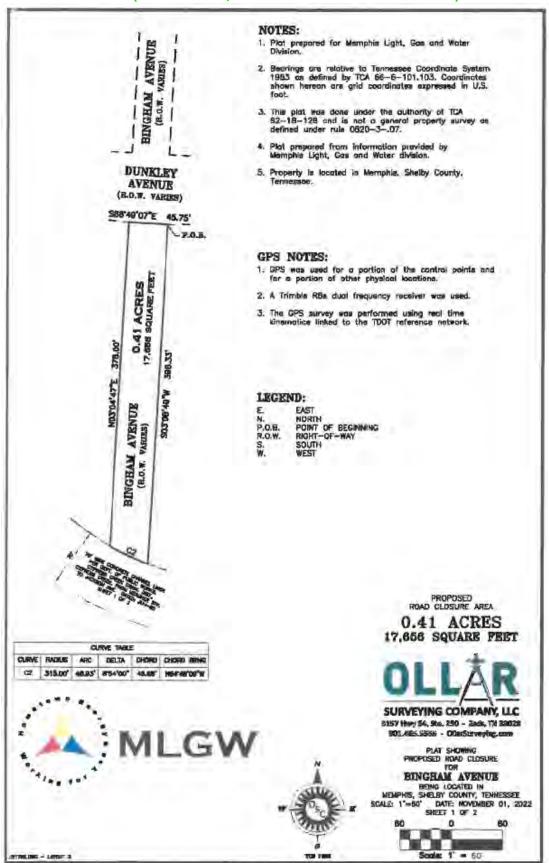


Subject section of N Bingham St. north of Dunkley Ave., looking north.

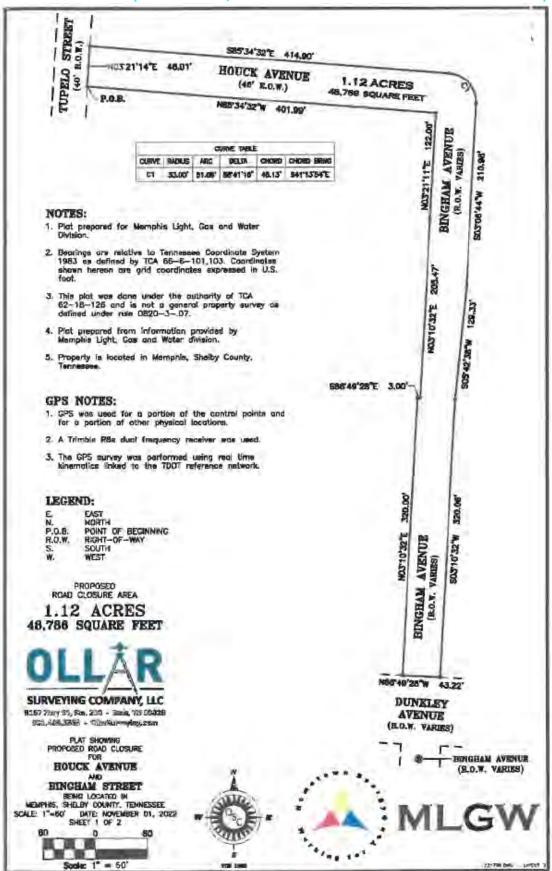
RIGHT-OF-WAY VACATION PLAT (LOCATION #1, SHASTA AND TUPELO)



RIGHT-OF-WAY VACATION PLAT (LOCATION #2, N BINGHAM SOUTH OF DUNKLEY)



RIGHT-OF-WAY VACATION PLAT (LOCATION #3, HOUCK AND N BINGHAM NORTH OF DUNKLEY)



Staff Report SAC 2025-001 March 13, 2025 Page 15

LEGAL DESCRIPTIONS

All bearings are based on the Tennessee Coordinate System of 1983.

LOCATION 1

Beginning at a point at the intersection of the west line of Tupelo Street (40' R.O.W.) and the north line of Dexter Avenue (50' R.O.W.); thence North 03 degrees 21 minutes 38 seconds East along the west line of said Tupelo Street, 250.04 feet to a point in the south line of said Shasta Avenue; thence North 86 degrees 47 minutes 19 seconds West along the south line of said Shasta Avenue, 780.10 feet to a point in the east line of North Hollywood Street; thence North 03 degrees 31 minutes 59 seconds East along the east line of said North Hollywood. Street, 50.00 feet to a point in the north line of said Shasta Avenue; thence South 86 degrees 47 minutes 19 seconds East along the north line of said Shasta Avenue, 819.95 feet to a point in the east line of said Tupelo Street; thence South 03 degrees 21 minutes 38 seconds West along the east line of said Tupelo Street. 300.04 feet to a point in the north line of said Dexter Avenue; thence North 86 degrees 47 minutes 46 seconds West along the north line of said Dexter Avenue, 40.00 feet to the POINT OF BEGINNING and containing 51,003 square feet or 1.17 acres of land.

LOCATION 2

Beginning at a point at the intersection of the east line of Bingham Avenue (R.O.W. Varies) and the south line of Dunkley Avenue (R.O.W. Varies); thence South 03 degrees 08 minutes 49 seconds West along the east line of said Bingham Avenue, 396.33 feet to a point in the northeast line of a 70' Wide Concrete Channel Liner per Department of Public Works, Cypress Creek Drainage District, Cypress Creek, from Meagher Street to Jackson Avenue, Dated: June 1960, Sheet 1 of 2; thence northwestwardly along the northwest line of said 70' Wide Concrete Channel Liner per Department of Public Works, Cypress Creek Drainage District, Cypress Creek, from Meagher Street to Jackson Avenue, Dated: June 1960, Sheet 1 of 2 and along a curve to the right having a radius of 315.00 feet, delta angle of 08 degrees 54 minutes 00 seconds, chord bearing of North 64 degrees 48 minutes 09 seconds West, chord distance of 48.88 feet and a curve distance of 48.93 feet to a point in the west line of said Bingham Avenue; thence North 03 degrees 04 minutes 47 seconds East along the west line of said Bingham Avenue, 378.00 feet to a point in the south line of said Dunkley Avenue; thence South 86 degrees 49 minutes 07 seconds East along the south line of said Dunkley Avenue, 45.75 feet to the POINT OF BEGINNING and containing 17,656 square feet or 0.41 acres of land.

LOCATION 3

Beginning at a point at the intersection of the south line of Houck Avenue (46' R.O.W.) and the east line of Tupelo Street (40' R.O.W.); thence North 03 degrees 21 minutes 14 seconds East along the east line of said Tupelo Street, 46.01 feet to a point in the north line of said Houck Avenue; thence southeastwardly along the north line of said Houck Avenue the following calls: South 85 degrees 34 minutes 32 seconds East, 414.90 feet to a point; southeastwardly along a curve to the right having a radius of 33.00 feet, delta angle of 88 degrees 41 minutes 16 seconds, chord bearing of South 41 degrees 13 minutes 54 seconds East, chord distance of 46.13 feet and a curve distance of 51.08 feet to a point in the east line of Bingham Avenue (R.O.W. Varies); thence southwestwardly along the east line of said Bingham Avenue the following calls: South 03 degrees 06 minutes 44 seconds West, 210.98 feet to a point; South 05 degrees 42 minutes 38 seconds West, 129.33 feet to a point; South 03 degrees 10 minutes 32 seconds West, 320.06 feet to a point in the north line of Dunkley Avenue (R.O.W. Varies); thence North 86 degrees 49 minutes 28 seconds West along the north line of said Dunkley Avenue; 43.22 feet to a point in the west line of said Bingham Avenue; thence northeastwardly and southeastwardly along the west line of said Bingham Avenue the following calls: North 03 degrees 10 minutes 32 seconds East, 320.00 feet to a point; South 86 degrees 49 minutes 28 seconds East, 3.00 feet to a point; North 03 degrees 10 minutes 32 seconds East, 205.47 feet to a point; North 03 degrees 21 minutes 11 seconds East, 122.00 feet to a point in the south line of said Houck Avenue; thence North 85 degrees 34 minutes 32 seconds West along the south line of said Houck Avenue, 401.99 feet to the POINT OF BEGINNING and containing 48,786 square feet or 1.12 acres of land.

March 13, 2025 Page 17

CASE REVIEW

Request

Close and vacate portions of Shasta Ave., Tupelo St., Houck Ave., and N Bingham St. east of N Hollywood St. to facilitate future expansion of MLGW north service center.

Site Details

Location:

Near existing MLGW North Service Center facility, 1130 and 1060 Tupelo St.

Area:

+/-2.69 acres (+/-117,245 sq. ft.)

Description:

The subject property consists of three distinct public rights-of-way: 1) Shasta Ave. and Tupelo St. north of Dexter Ave. (+/- 1030' in length), 2) N Bingham St. south of Dunkley Ave. (+/- 378'), and 3) Houck Ave. and N Bingham St. between Tupleo St. and Dunkley Ave. (+/- 1050'). In recent years, MLGW has acquired all of the abutting property and, where necessary, demolished the previous homes in preparation for their planned North Service Center expansion.

Analysis

First, staff would like to note that the planned expansion itself is not under review as part of this application. Due to the EMP/RU-1 split-zoned nature of the surrounding property, the expansion will almost certainly require governing body approval through a future zoning entitlement. Any planning concerns regarding the expansion, then, can be addressed as part of this future review.

Secondly, we note that MLGW has already acquired all the abutting properties and demolished their former residential structures. These properties, planned to be part of the future North Service Center footprint, are the only properties to which accessibility will be negatively impacted by the approval of the subject application. It is difficult to see, then, how the closure of the subject streets would negatively impact the remaining residential properties, which will continue to be accessible via the existing street system.

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure subject to review and approval by the City Engineer. If the City Engineer approves access, the applicant shall construct a city standard curb cut across the closure, to the satisfaction of the City Engineer.
- 2. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.

March 13, 2025 Page 19

DEPARTMENTAL COMMENTS

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

City/County Engineer: See next page.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

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. Dedicate 15' sewer easement for the existing sewer line in Alley.

Street Closures:

- 3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 4. City sanitary sewers/drainage facilities are located within the proposed closure area.
- 5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
- 7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

- 9. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 10. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
- 11. Required landscaping shall not be placed on sewer or drainage easements.

SIGN AFFIDAVIT

AFFIDAVIT

on the 28 day of February		r posted Fubil	c Notice 5
pertaining to Case No. SAC 2025-00			
providing notice of a Public Hearing	before the (chec	ck one):	
X Land Use Control Board			
Board of Adjustment			
X Memphis City Council	and the second		
Shelby County Board of Col for consideration of a proposed la			
Owner, Applicant of Representative Subscribed and sworn to before me Aultian Muth Notary Public	4.0	Date /	28/2
	V 500		

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

0.5	emphis Light, Gas & Water D Sign Name) Angel Baile	ivision, state that I have read the definition of
"Owner" as outlined in the Mem	phis and Shelby County Unif	ied Development Code Section 12.3.1 and hereby state
that (select applicable box):		
MLGW is		
Lam 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 ha	ave a freehold or lesser estate in the premises
	N. C.	
have charge, care or cor	ntrol of the premises as truste	ee, agent, executor, administrator, assignee, receiver,
guardian or lessee (and h	ave included documentation	with this affidavit)
***************************************		and the state of t
of the property located at	(See Attached List of Parc	cels
and further identified by Assess	or's Parcel Number	(See Attached List of Parcels)
for which an application is being	made to the Division of Plan	nning and Development.
Subscribed and sworn to (or aff	irmed) before me to	x of Sinuary in the year of 2025
	A ST	ATE E
11 m	TENN	ESSEE
fromes //last	PUI	NOV. 5. 2028
Signature of Notary Public	all all	My Commission Expires

LETTERS RECEIVED

Staff received no letters of support nor opposition prior to the completion of this report.

The applicant's letter of intent is attached to this document.



January 27, 2025

Mr. Lucus Skinner City of Memphis, Land Use and Development Services Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103

RE: Notice of Intent for Street Closure

Project Location: N. Hollywood St @ Shasta Ave

Bingham Ave @ Dunkley Ave

Tupelo S @ Houck Ave

City Tax Map #: 115P

Record #: 25TMP002803

Mr. Skinner:

The purpose of this letter is to notify the City of Memphis that Memphis Light, Gas and Water (MLGW) intends to permanently close the public roads at the above-mentioned locations. MLGW has taken possession of all parcels on either side of the proposed requested closure. The planned closure will be segmented within the expanding MLGW facility.

MLGW is a municipal utility operating as a Division of the City of Memphis, a municipal corporation organized under the laws of the State of Tennessee, and the County of Shelby, and provides utility services for Shelby County, Tennessee. MLGW is a self-insured, municipal utility governed by the provisions of the Tennessee Governmental Tort Liability Act (Tenn. Code Ann. § 29-20-101, et seq.), which establishes limits of liability under Tennessee Law.

Please provide me with site designation for additional forms necessary to request the closure of said roads.

After your review, if you have any questions, or if you would like to discuss this in more detail, you may reach me at 901.528.4186.

Respectfully Submitted,

MEMPHIS LIGHT, GAS & WATER DIVISION

Angel Bailey, Supervisor,

Property Management Department





N. Hollywood St @ Shasta Ave Location 1



Springdid win on Dunkley Are

Bingham Ave @ Dunkley Ave Location 2



Houck Avo

Houck Avo

Houck Avo

Dunkley Ave

Dunkley Ave

Dunkley Ave

Dunkley Ave

Dunkley Ave

Dunkley Ave

Tupelo S @ Houck Ave Location 3



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

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

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Assignment

Opened Date: January 16, 2025

Record Number: SAC 2025-001 Expiration Date:

Record Name: MLGW North Service Center

Description of Work: Street and excess right-of-way closure for Shasta Avenue, Bingham Avenue and Houck

Avenue to close for the expansion of MLGW's current North Service Center.

Parent Record Number:

Address:

Owner Information

Primary

Owner Name

Ν

Owner Address Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

Pre-application Meeting Type

Lucus Skinner

02/17/2025

Email

GENERAL INFORMATION

Name of Street where closure will begin

East line of Tupelo Street and Houck Avenue, and

east line of N. Hollywood Street northeast along

Shasta to Tupelo

Name of Street where closure will end Bingham at 70" wide concrete channel liner and

Tupelo ending at Dexter Avenue

Page 1 of 4 SAC 2025-001

GENERAL INFORMATION

What is the reason for the street closure? MLGW owns all parcels on both sides of Houck and

> Bingham Avenue. MLGW owns all parcels on both sides of Shasta Avenue, as well as the east line of

Tupelo Street

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

closed?

2591.59 What is the overall length of the street closure?

Name of Street/Alley/ROW Houck Avenue northeast to Bingham crossing

Dunkley

No

No

117445

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers N/A

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

Data Tables

Property Owners

address):

1060 Tupelo St Property Address:

MLGW Property Owner Name:

220 S. Main Street Mailing Address (if

different than property

Email Address: adabney@mlgw.org

Note: All parcels on both side of the road are owned by MLGW.

1130 Tupelo St **Property Address:**

SAC 2025-001 Page 2 of 4

Property Owner Name:

Mailing Address (if

different than property

address):

220 S. Main Street

Email Address:

adabney@mlgw.org

Note:

All parcels on both side of the road are owned by MLGW.

Property Address:

2666 Tupelo St

Property Owner Name:

MLGW

MLGW

Mailing Address (if

different than property

address):

Email Address:

adabney@mlgw.org

220 S. Main Street

Note:

All parcels on both side of the road are owned by MLGW.

Public Notification

Name: **MLGW**

Contact Type: Owner of Adjacent Properties

Mailing Address: 220 S. Main Street **Email Address:** adabney@mlgw.org

Note: All parcels on both side of the road are owned by MLGW.

Contact Information

Name

ANGEL BAILEY

Contact Type

Address

ADJACENT PROPERTY OWNER OF RECORD

Phone

(901)528-7713

Contact Type Name ANGEL BAILEY APPLICANT

Address

Phone

(901)528-7713

Contact Type Name ANGEL BAILEY REPRESENTATIVE

Address

Phone

(901)528-7713

SAC 2025-001 Page 3 of 4

Fee Information									
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed			
1621311	Right of Way Vacation/Closure Fee	3	1,200.00	INVOICED	0.00	01/30/2025			
1621311	Credit Card Use Fee (.026 x fee)	1	31.20	INVOICED	0.00	01/30/2025			

Total Fee Invoiced: \$1,231.20 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$1,231.20 Credit Card

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