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ONE ORIGINAL ONLY STAPLED TO DOCUMENTS	COUNCIL AGENDA CHEC			Planning & Development DIVISION		
TO DOCUMENTS			C SESSION:	DATE 04/22/2025 DATE		
ITEM (CHECK ONE)ORDINANCE	X_RESOLUTIO)N	REQUEST FOR	PUBLIC HEA	RING	
ITEM DESCRIPTION:	PORTION OF S A STREET DEL	ANDBROOK DICATION FO VEBROOK A	STREET AT IT OR A PORTION VENUE, 314.01	S INTERSECT OF STONEBR	ON FOR PUBLIC RIGHT-OF-WAY FOR A TION WITH SPRINGBROOK AVENUE AND OOK AVENUE LOCATED ON THE NORTH OF THE CENTERLINE OF SANDBROOK	
CASE NUMBER:	SD 2023-002					
LOCATION:	1400 Springbroc	k Road and 14	420 Stonebrook A	Avenue		
COUNCIL DISTRICTS:	District 3 and Su	per District 8	– Positions 1, 2,	and 3		
OWNER/APPLICANT:	Smith and Neph	ew, Incorporat	ted and Michael	A. Rivalto Revo	cable Living Trust	
REQUEST:	Street dedication	for a portion	of Sandbrook St.	and a portion o	f Stonebrook Ave.	
AREA:	+/-5,796 square	feet				
RECOMMENDATION:			Development rec recommended Ap		proval with conditions aditions	
RECOMMENDED COUN		ublic Hearin Iearing – <u>Apri</u>	1 22, 2025			
PRIOR ACTION ON ITEM (1) 05/09/2024 (1) Land Use Control Board		DATE ORGAN	VAL - (1) APPR NIZATION - (1) V'T. ENTITY (3)	BOARD / COM	IMISSION	
<i>FUNDING:</i> (2) \$ \$		AMOU	RES CITY EXPE NT OF EXPEND IUE TO BE REC	ITURE) YES (2) NO	
SOURCE AND AMOUNT (<u>\$</u> <u>\$</u> \$ \$	OF FUNDS	CIP PR	TING BUDGET OJECT #			
ADMINISTRATIVE APPR	OVAL:		<u>DATE</u>	<u>POSITION</u>		
	11 0			PRINCIPAL	PLANNER	
Manne R. S.	This he		(B/26/202)	DEPUTY AL	DMINISTRATOR	
Bioth			3/26/2	ADMINISTR	RATOR	
				DIRECTOR	(JOINT APPROVAL)	
				COMPTROL	LER	
				FINANCE D		
				CITY ATTO		
					AINISTRATIVE OFFICER EE CHAIRMAN	



Memphis City Council Summary Sheet

SD 2023-002

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

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, May 9, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

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

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

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

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

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

Respectfully,

Vorman Saliba

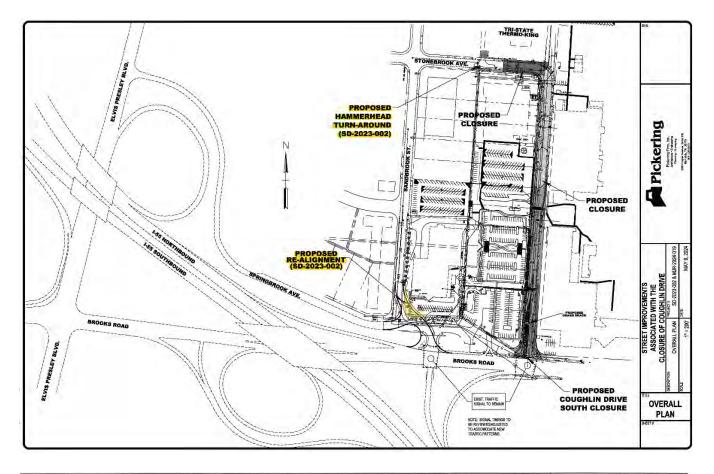
Norman Saliba Deputy Administrator Land Use and Development Services Division of Planning and Development

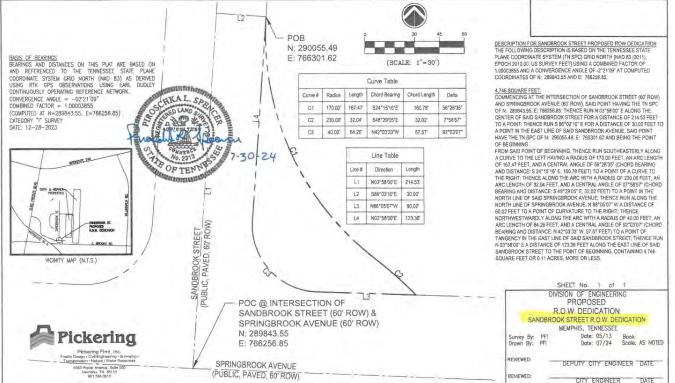
Cc: Committee Members File

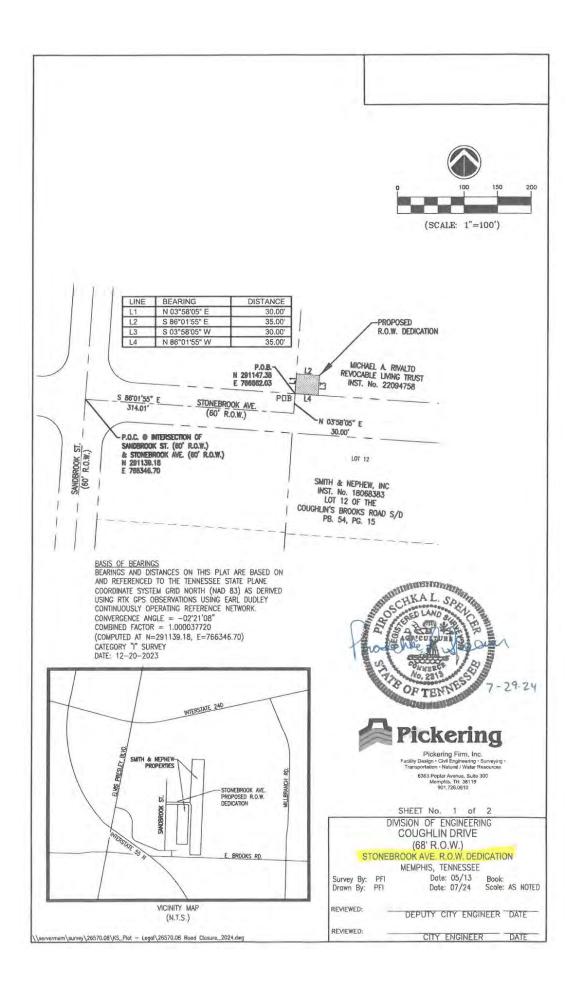
SD 2023-002 CONDITIONS

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

GRAPHICS









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

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

1400 Springbrook Road (Parcel #06022200350); and

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

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

described as follows and illustrated as part of this resolution:

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

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

be accepted, and dedicated to the public use; and

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

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

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

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

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

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

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

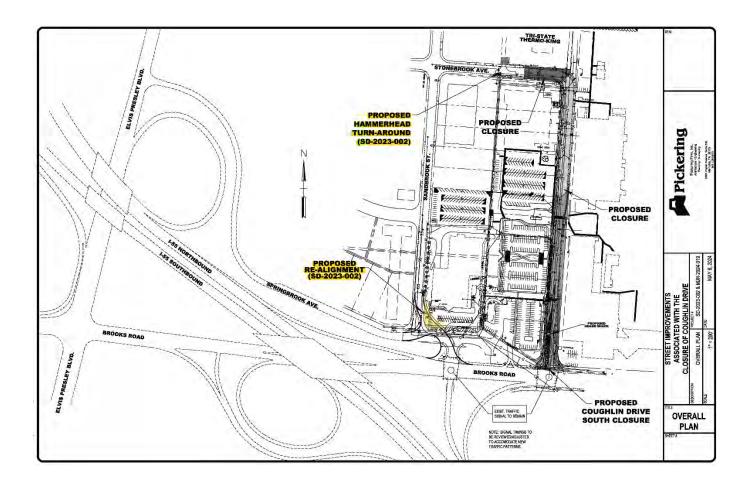
WHEREAS, the Memphis and Shelby County Land Use Control Board, in their regularly

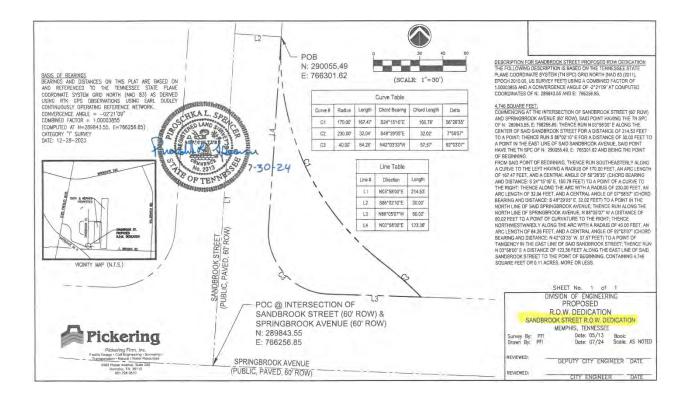
scheduled meeting on Thursday, May 9, 2024, recommended approval of these Street Dedication portions,

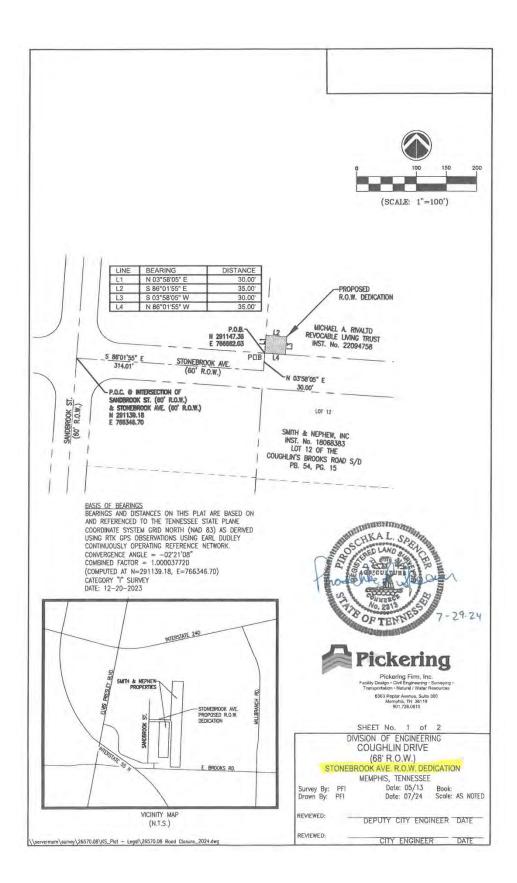
known as Case No. SD 2023-002, subject to the following conditions:

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

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







ATTEST:

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

SD 2023-002

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

CONCLUSIONS

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

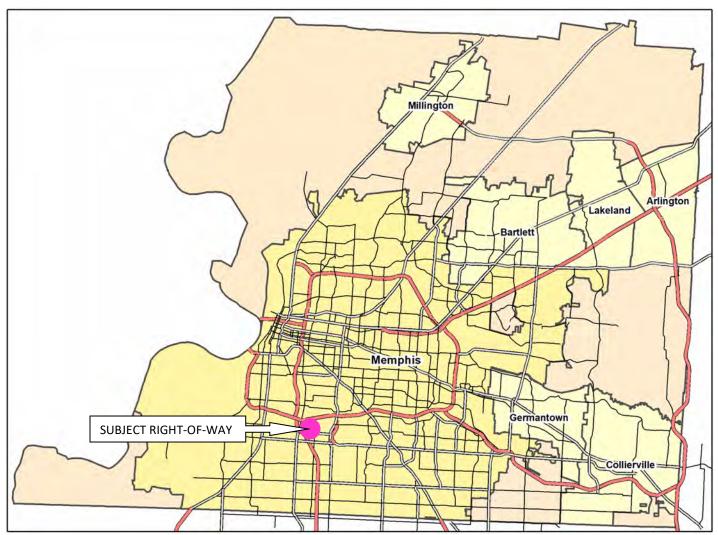
RECOMMENDATION

Approval with conditions

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

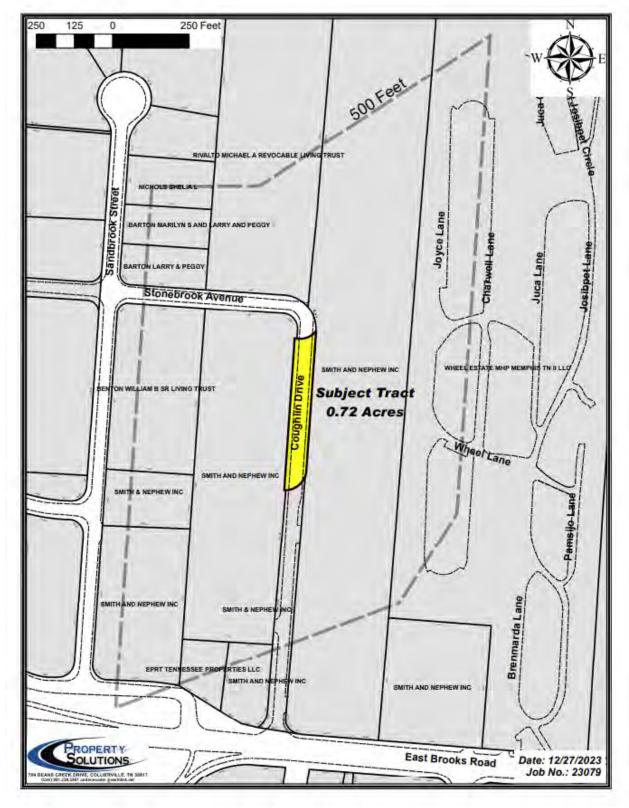
PUBLIC NOTICE

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



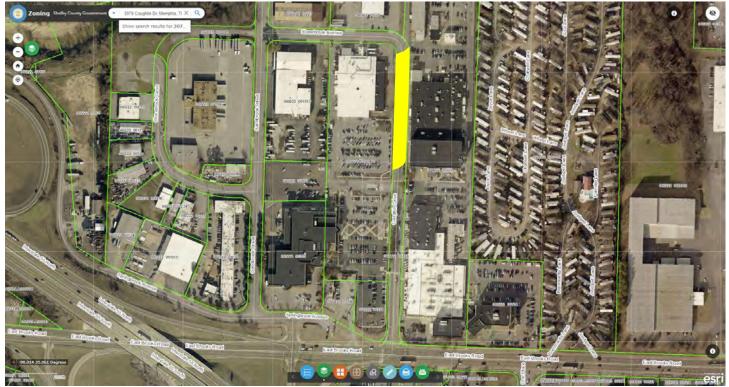
Subject property located within the pink circle, Whitehaven

VICINITY MAP



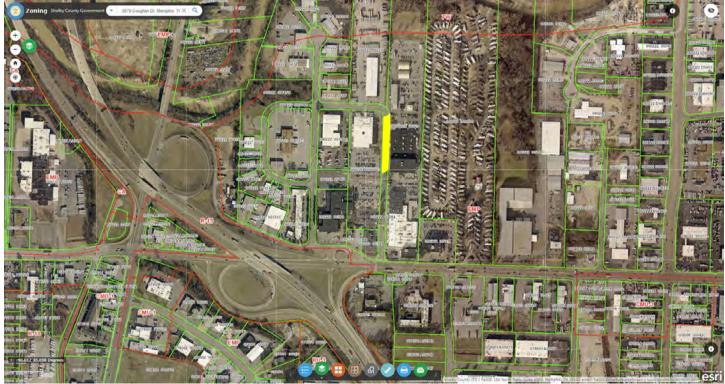
Subject street segment requesting to be closed per Case # MJR 2024-019 highlighted in yellow.

AERIAL



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

ZONING MAP



Subject street segment requesting to be closed highlighted in yellow

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

Surrounding Zoning

North: Floodway (FW)

East: Employment (EMP)

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

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

LAND USE MAP



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

SITE PHOTOS



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

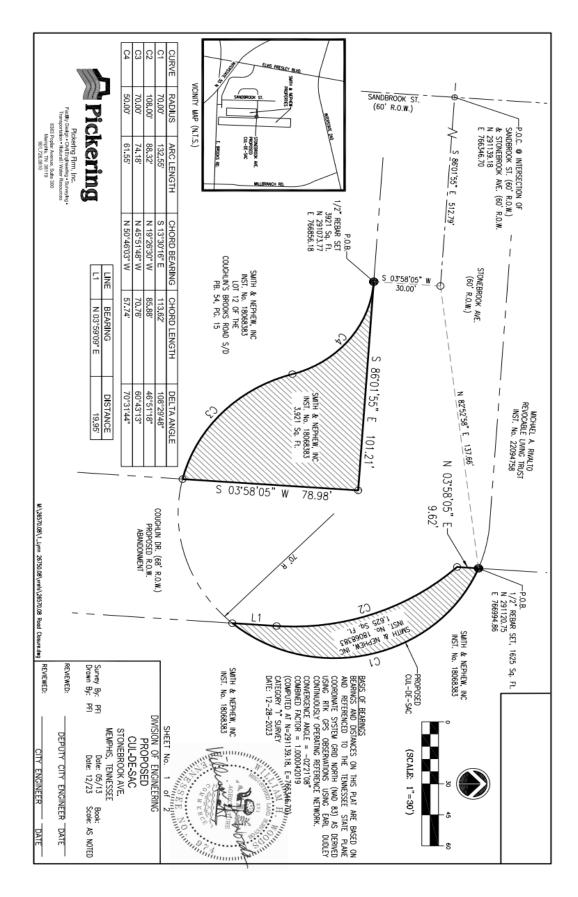


View of Coughlin Dr. looking north with one Crosswalk with LED Flashing Pedestrian Crossing Sign

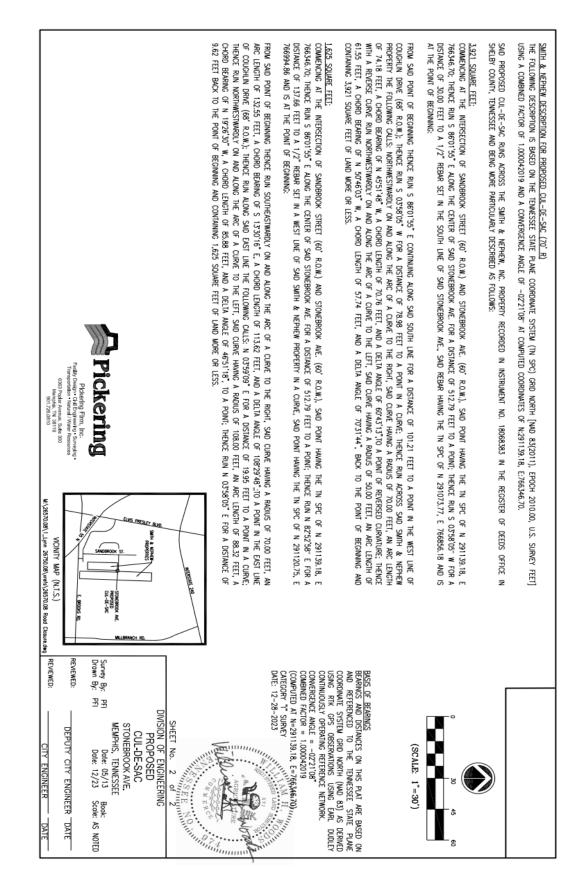


Subject property highlighted in yellow

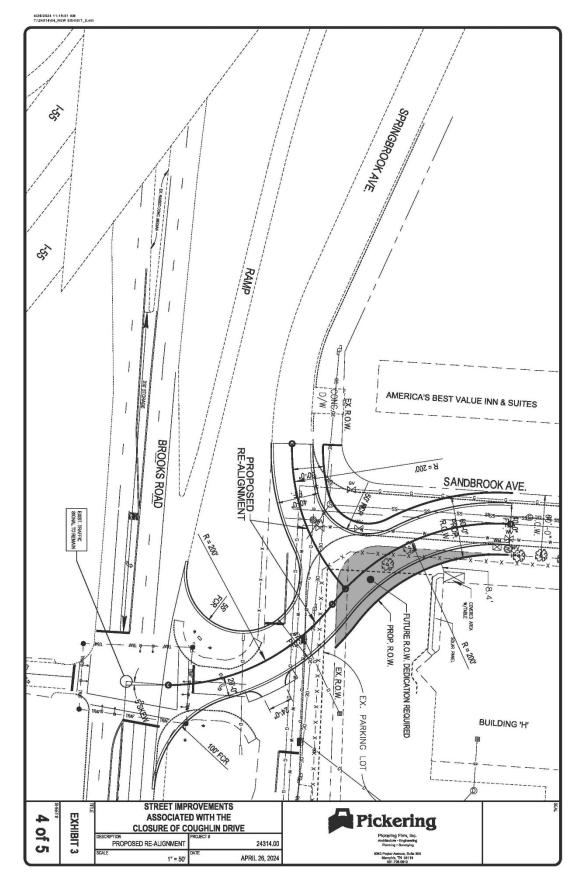
PROPOSED CUL-DE-SAC



PROPOSED CUL-DE-SAC (PG.2)



SANDBROOK STREET DEDICATION



STAFF ANALYSIS

Request and Reason

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

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

Site Details

Address: 3079 Coughlin Drive

Description:

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

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

Analysis

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

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

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

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

May 9, 2024 Page 13

May 9, 2024 Page 14

DEPARTMENTAL COMMENTS

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

City Engineer:	No comments received.
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City Fire Division:

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

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

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

APPLICATION

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

GENERAL INFORMATION					
Name of Street / Alley/ ROW		Stonebrook	& Coughlin		
Total Area		0.127			
Is this application in response to a citation, s work order, or zoning letter	stop M	No			
If yes, please provide additional information GIS INFORMATION Central Business Improvement District		-			
		No			
Case Layer					
Class Downtown Fire District		7			
		No			
Historic District	1.5				
Land Use					
Municipality Overlay/Special Purpose District					
Zoning					
Lot					
State Route					
Subdivision					
Planned Development District					
Wellhead Protection Overlay District	r	No			
Data Tables					
ADDRESS AND PARCEL LIST					
Property Address: 1450 E. Brook	s Road				
Property Parcel Number: 06022200002					
Property Address: 3079 Coughlin	1				
Property Parcel Number: 060222H0000					
Contact Information					
Name				Contact T	ype
SMITH & NEPHEW, INC.				APPLIC	CANT
Address					
1450 E. BROOKS ROAD, MEMPHIS, TN, 38	116				
Phone					
(901)336-0816					
Fee Information					
	ntity	Fees	Status		Date Assessed
1527628 Preliminary Plat	1	400.00	INVOICED	0.00	12/28/2023
1527628 Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/28/2023
Total F	ee Invoiced	1: \$410.40	Total Ba	alance: \$0.0	0
Page 2 of 3					SD 2023-00

May 9, 2024 Page 17

Payment Information

Payment Amount \$410.40 Method of Payment Credit Card

Page 3 of 3

SD 2023-002

LETTER OF INTENT

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

[Type here]

Smithalegrave

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

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

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

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

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

[Type here]

Smithelephele

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

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

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

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

Sincepely,

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

May 9, 2024 Page 21

LETTERS RECEIVED

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

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

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

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

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

Please include attachment with forwarded Opposition email.

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

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

Tricia Eleogram 901-497-8362

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

Sent from my iPhone

Begin forwarded message:

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

To whom it may concern,

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

my terminal a day.

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



April 18, 2024

Dear Mr. Saliba,

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

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

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

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

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

Much appreciation for your inquiry,

Tricia Eleogram 901-497-8362

Opposition to Closing Coughlin Drive

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

1 attachments (20 KB)

Alternate Solutions include.docx;

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

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

Dear Mr. Ragsdale and Mr. Saliba,

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

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

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

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

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

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

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

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

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

Very respectfully,

Tricia Eleogram 901-497-8362

Alternate Solutions include:

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

to address specific and changing needs

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

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

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

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

04/17/2024 · IN ORDOSITION

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



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RECEPTIONISTS ENGINEERS

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

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

SAFETY

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





CUSTOMER ACCESS

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

EMPLOYEE RIGHTS

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



PRINT NAME Sarah Murphy
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PLEASE CIRCLE ALL PERSONS AND ASSOCIATES WHO WILL BE NEGATIVELY
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TRUCK DRIVER PARENTS SELF-EMPLOYER SALES ASSOCIATE MECHANICS

Dear Land Use Board

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CLOSURE FROM COUGHLIN TO STONEBROOK

STOP THE ROAD

Dear Land Use Board. Molly Hudson opense the closure of Coughlin Drive to Stonebrook Avenue

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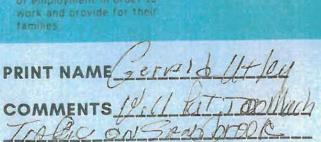


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Employees and citizens have the right of ingress, egress. and regress to their property of employment in order to work and provide for their families.



PRINT NAME Tricia Eleogram
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Dear Land Use Board. 1. Next Tomansend DPPOSE the closure of Coughlin Drive to Stonebrook Avenue

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EMPLOYEE RIGHTS

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

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, I OPPOSE the closure

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

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

SAFETY

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CUSTOMER

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PRINT NAME TREMAINE JONES

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

DearyLand Use Board, I. ALAN AND SPPOSE the closure of Conghlin Drive to Stonebrook Avenue.

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



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

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PRINT NAME Parker Jackson

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RECEPTIONISTS ENGINEERS

STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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

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PRINT NAME Kypen (bokson)

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

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

SAFETY

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PRINT NAME Cyrel Burton

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

SAFETY

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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

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EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN TRUCK DRIVER PARENTS SELF-EMPLOYER SALES ASSOCIATE MECHANICS RECEPTIONISTS ENGINEERS

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

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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

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PRINT NAME Mike MOORE

COMMENTS_____

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EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN

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

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

SAFETY

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PRINT NAME Philip Brotherton

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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, I. Step4c 4 . OPPOSE the closure of Coughlin Drive to Stonebrook Avenue.

SAFETY

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





CUSTOMER ACCESS

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

EMPLOYEE RIGHTS

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



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

Dear Land Use Board.

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PRINT NAME OSKER COUMS

COMMENTS_____

PLEASE CIRCLE AI			O WILL BE NE	GATIVELY
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STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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PRINT NAME Lode (erlen
COMMENTS	

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

MPLOYEES	COWORKERS	USTOMERS /	BUSINESS	OWNERS	SPOUSE	CHILDRE
			-			

TRUCK DRIVER PARENTS SELF-EMPLOYER SALES ASSOCIATE MECHANICS

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

SAFETY

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PRINT NAMEBRID Col

COMMENTS_____

PLEASE CIRCLE A	LL PERSONS AND ASSOC	TATES WHO WILL BE NEGATIVELY
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TRUCK DRIVER PA	ARENTS SELF EMPLOYER	SALES ASSOCIATE MECHANICS
RECEPTIONISTS	ENGINEERS	

STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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

SAFETY

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



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PRINT NAME Micho Man

COMMENTS_____

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

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TRUCK DRIVER	PARENTS	SELF EMPLO	YER SAL	ES ASSOCIA	TE MEC	HANICS
RECEPTIONIST	S ENGINEER	5				

Dear Land Use Board, 1. Defe OPPOSE the closure of Eoughlin Drive to Stonebrook Avenue.

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EMPLOYEE RIGHTS

RECEPTIONISTS ENGINEERS

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PRINT NAME Jose Castar COMMENTS This asil 151/500 Margans PO

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

TRUCK DRIVER PARENTS SELF EMPLOYER SALES ASSOCIATE MECHANICS

STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, Rabert Product Restriction of the closure of Coughlin Drive to Stonebrook Avenue

SAFETY

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PRINT NAME Lester Esosa COMMENTS TUSE this Street to get to work

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THUCK DRIVEN PARENTS SELF-EMPLOYER SALES ASSOCIATE MECHANICS

STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

Dear Land Use Board, I. David E lear the deprose the closure of Coughlin Drive to Stonebrook Avenue.

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EMPLOYEE RIGHTS

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

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

SAFETY

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

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

EMPLOYEES COWORKERS CUSTOMERS BUSINESS OWNERS SPOUSE CHILDREN

TRUCK DRIVER PARENTS SELF-EMPLOYER BALES ASSOCIATE MECHANICS

STOP THE ROAD CLOSURE FROM COUGHLIN TO STONEBROOK

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PRINT NAME COMMENTS DO NOT

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

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

PARENTS CHET IMPLOTES PRIES ASSOCIATE COMANICS

IMPLOYEE CONDERINES CUSTOMERS PUSHESS OWNERS

INCINEERS

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ECEPTIONIST



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

Date: April 16, 2024

To: Eric Howell

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

Mr. Howell and whomever else this may concern,

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

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

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

I oppose this closure 100%.

Sincerely,

Byron Russell Sr. Project Manager



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

Date: 4/16/24

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

Dear Mr. Howell,

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

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

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

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

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

Best Regards, Ashley Childs



April 15, 2024

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

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

To: Memphis and Shelby County Office of Planning and Development

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

Sincerely,

deco lito

Rebecca Klitz Facilities Project Manager

Saliba, Norman

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

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

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

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

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

Dear Land Use Board,

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

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

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

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

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

Very respectfully,

Tricia Eleogram 901-497-8362

January 31, 2024

Eric R. Howell Land Use and Control Board

Dear Land Use and Control Board,

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

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

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

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

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

January 31, 2024

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

Thank you,

Ashlee Hendry

901.233.0388



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

May 20, 2024

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

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

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

Dear Mr. Dugard:

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

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

CASE # SD 2023-002 CONDITIONS

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

CASE # MJR 2024-019 CONDITIONS

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

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

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

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

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

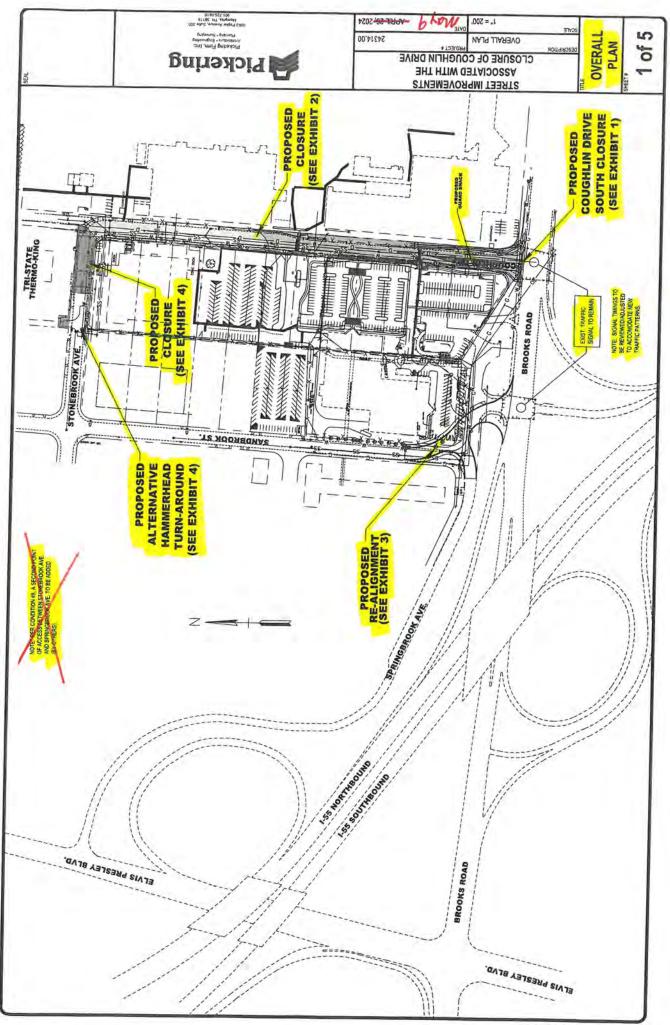
If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chip.saliba@memphistn.gov.

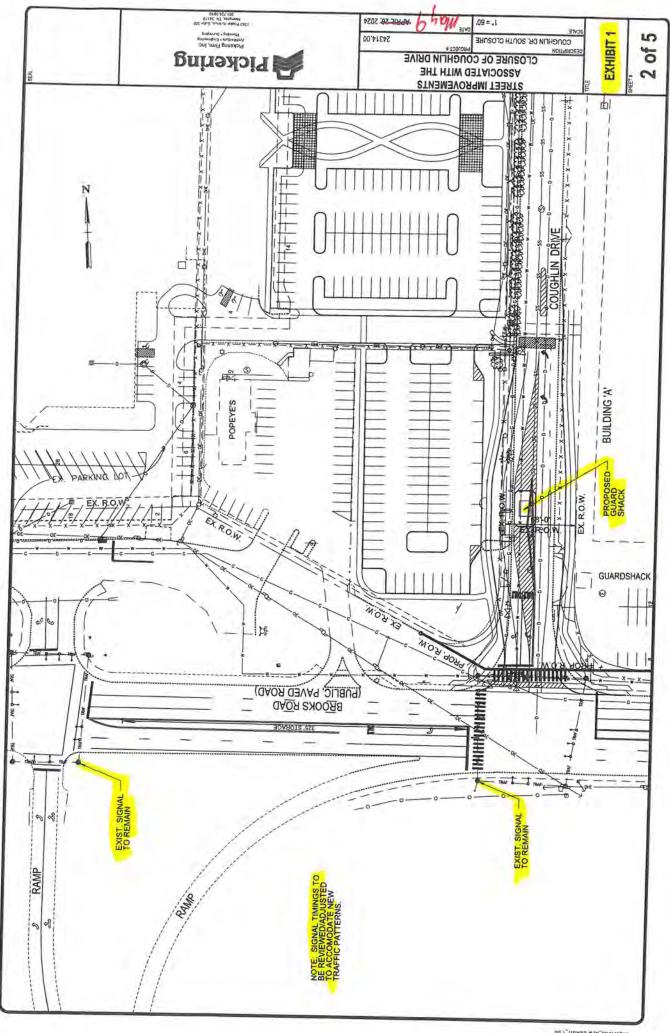
Respectfully,

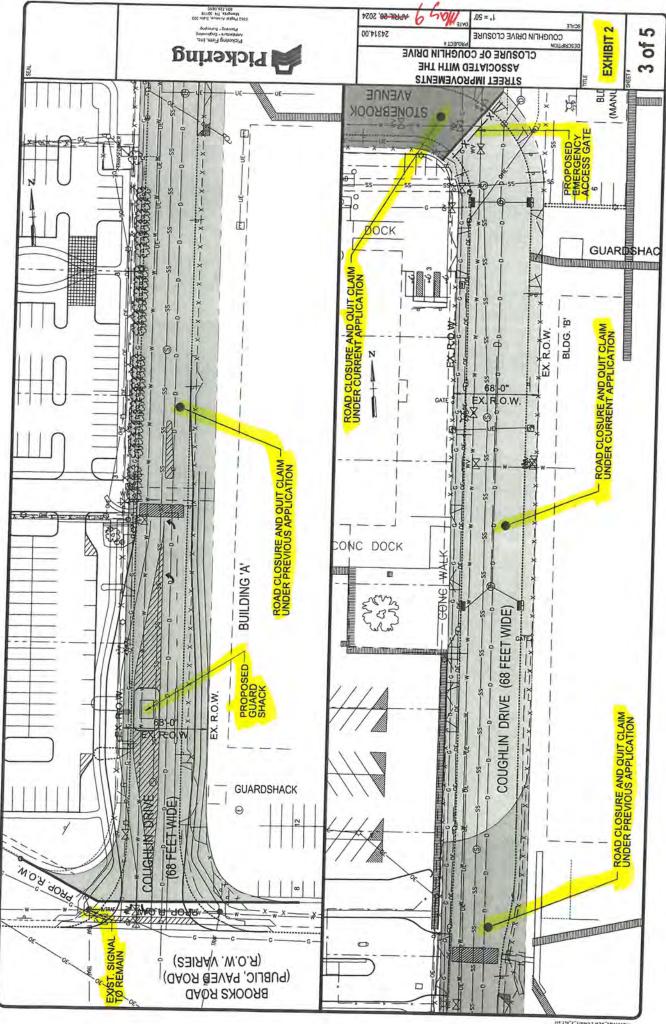
alter, fr

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

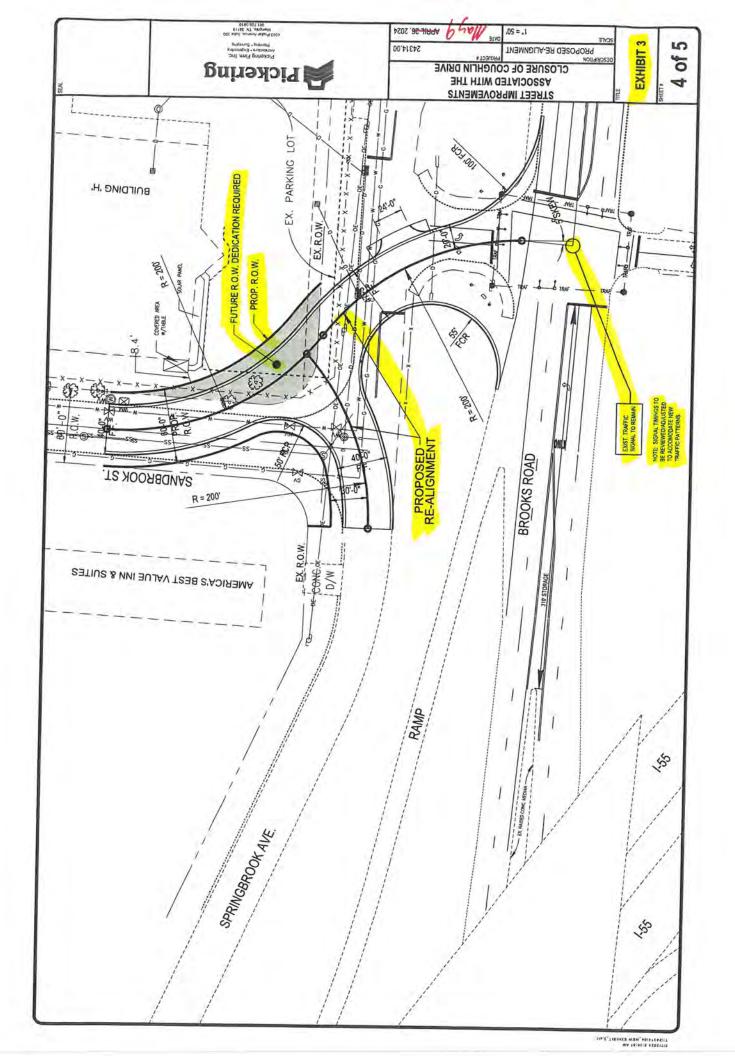
File

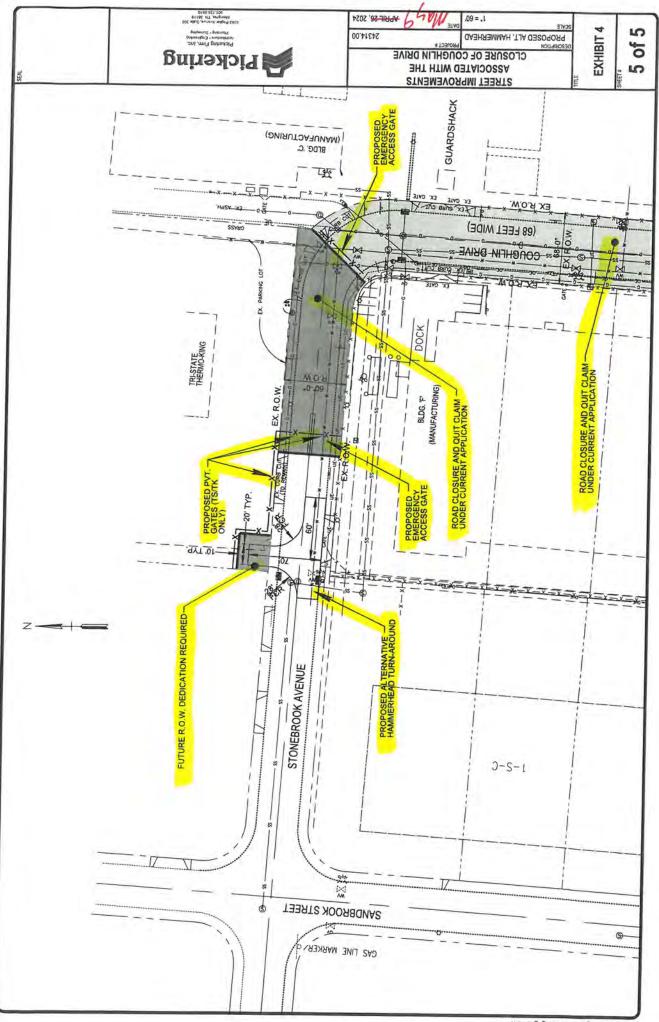






112+31+103_NEW EXHIBIT_2,ALT.AN





1:124314/02 NEW EXHIBIT 4 ALT. 4

interna.



Record Summary for Street Dedication (Right of Way Dedication)

Record Detail Information

Record Type: Street Dedication (Right of Way Dedication)

Record Status: Assignment

Opened Date: December 28, 2023

Expiration Date:

Record Number: SD 2023-002

Record Name: Coughlin Street Closure

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

Parent Record Number:

Address:

Owner Information

Primary Owner Name
N
Owner Address

Owner Phone

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

GENERAL INFORMATION

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

Data Tables

ADDRESS AND PARCEL LIST

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

Contact Information

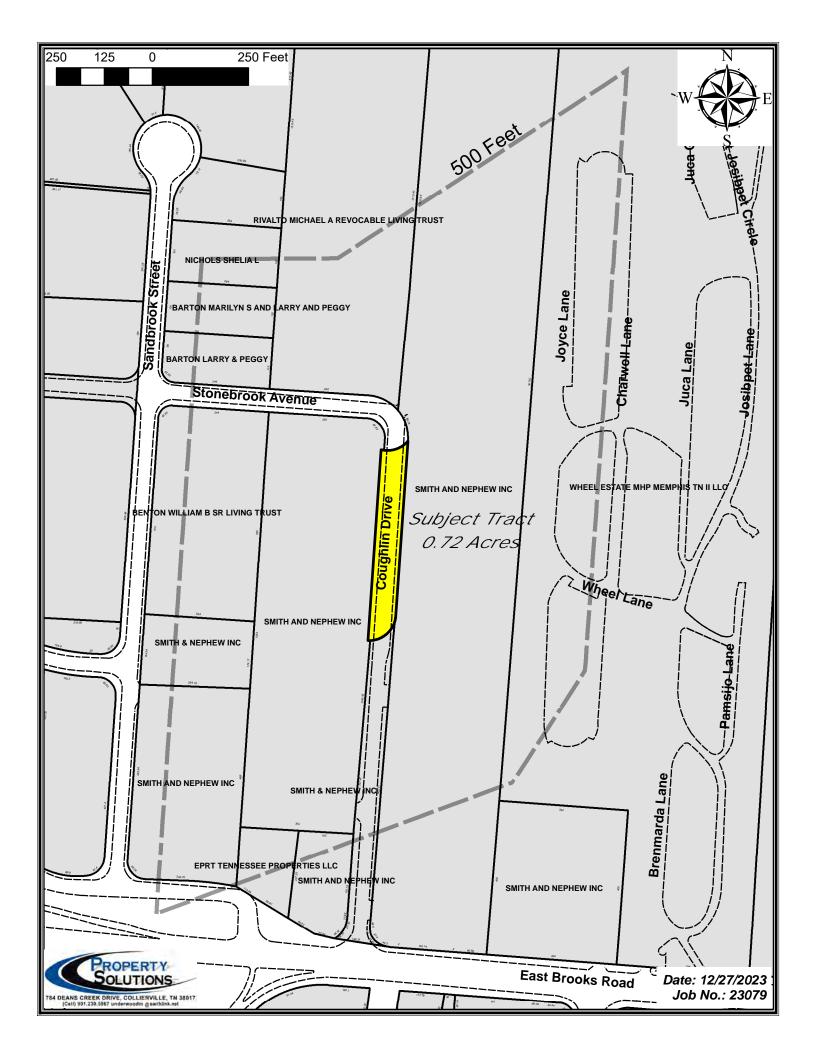
Address	NEPHEW. INC. ROOKS ROAD, MEMPHIS, T	N. 38116			Contact APPL	3 1
Phone (901)336-		.,				
Fee Inform						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1527628	Preliminary Plat	1	400.00	INVOICED	0.00	12/28/2023
1527628	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/28/2023

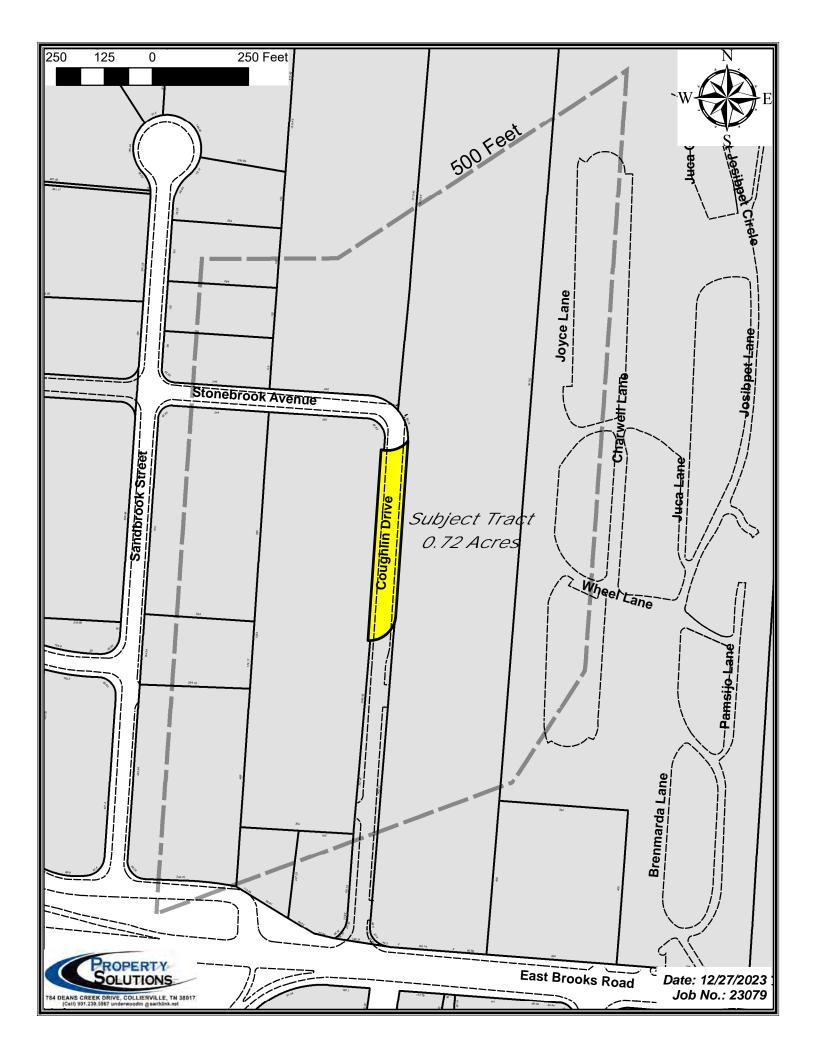
Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount \$410.40 Method of Payment Credit Card





MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

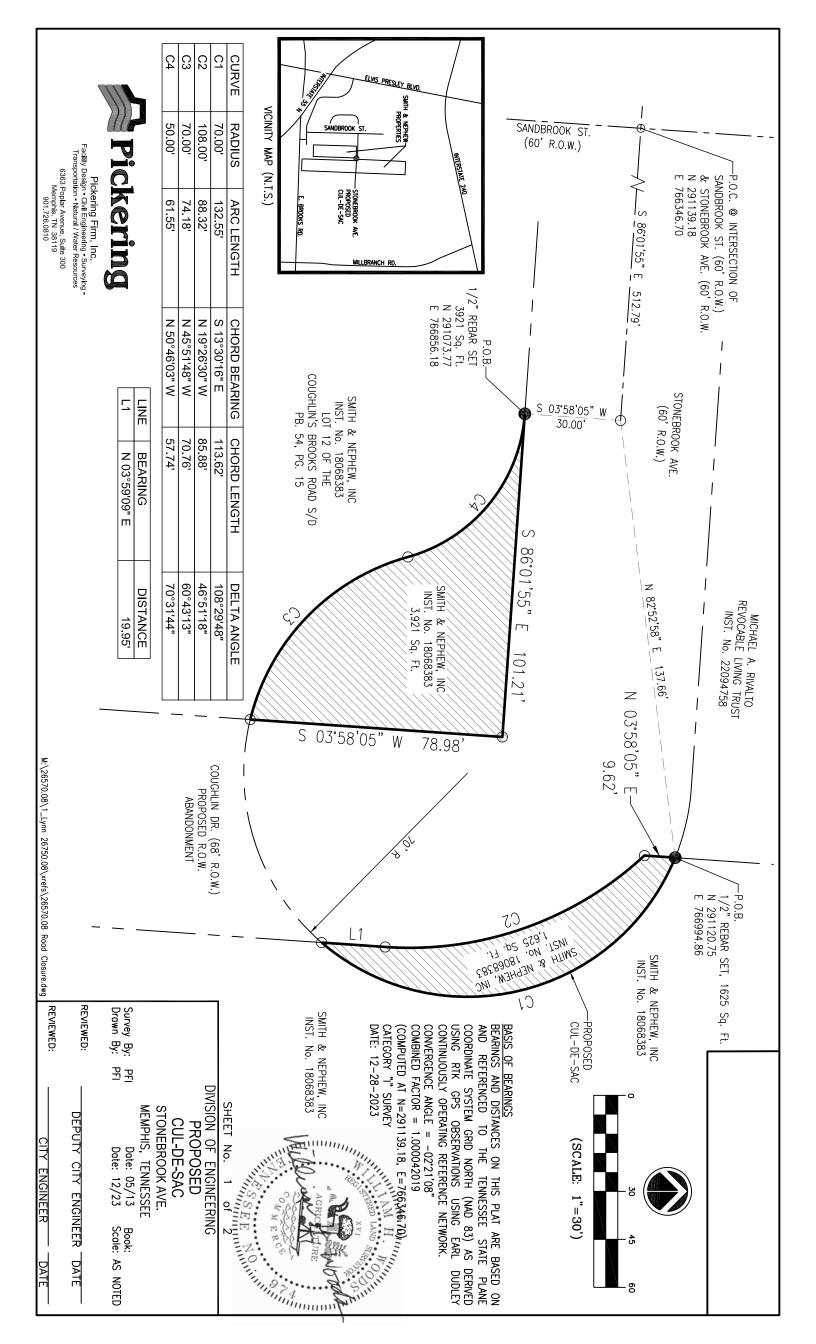
(Print Name) , state that I have read the definition of

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

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

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

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



SHEET NO. SHEET NO. SHEET NO. Pickering Firm, Inc. Fally Delay reads Transpondin - Valued / Vickering Firm, Inc. Fally Delay reads Stat Enderweing - Savrey By: PFI Dote: Stat Pickering Firm, Inc. Fally Delay reads Stat Pickering Firm, Inc. Firme Pickering Firm, I	FROM SAID POINT OF BEGINNING THENCE RUN SOUTHEASTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 132.55 FEET, A CHORD BEARING OF S 13"30"16" E, A CHORD LENGTH OF 113.62 FEET, AND A DELTA ANGLE OF 108"29"48",TO A POINT IN THE EAST LINE OF COUGHLIN DRIVE (68" R.O.W.); THENCE RUN ALONG SAID EAST LINE THE FOLLOWING CALLS: N 03"59"09" E FOR A DISTANCE OF 19.95 FEET TO A POINT IN THE EAST LINE THENCE RUN NORTHWESTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 108:00 FEET, AN ARC LENGTH OF 88.32 FEET, A CHORD BEARING OF N 19"26"30" W, A CHORD LENGTH OF 85.88 FEET, AND A DELTA ANGLE OF 46"51"18", TO A POINT; THENCE RUN N 03"58"05" E FOR A DISTANCE OF 9.62 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 1,625 SQUARE FEET OF LAND MORE OR LESS.	1.625 SQUARE FEET: COMMENCING AT THE INTERSECTION OF SANDBROOK STREET (60' R.O.W.) AND STONEBROOK AVE. (60' R.O.W.), SAID POINT HAVING THE TN SPC OF N 291139.18, E COMMENCING AT THE INTERSECTION OF SANDBROOK STREET (60' R.O.W.) AND STONEBROOK AVE. (60' R.O.W.), SAID POINT HAVING THE TN SPC OF N 291139.18, E CONTINUOUSLY OPERATING REFERENCE USING CONTINUOUSLY OPERATING REFERENCE NE CONVERGENCE ANGLE = -0221108 CONVERGENCE ANGLE = -0221108 CONVERGENCE ANGLE = -022108 CONVERGENCE ANGLE = -022108 CO	FROM SAID POINT OF BEGINNING THENCE RUN S 86'01'55" E CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 101.21 FEET TO A POINT IN THE WEST LINE OF COUGHLIN DRIVE (68' R.O.W.); THENCE RUN S 03'58'05" W FOR A DISTANCE OF 78.98 FEET TO A POINT IN A CURVE; THENCE RUN ACROSS SAID SMITH & NEPHEW PROPERTY THE FOLLOWING CALLS: NORTHWESTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 74.18 FEET, A CHORD BEARING OF N 45'51'48" W, A CHORD LENGTH OF 70.76 FEET, AND A DELTA ANGLE OF 60'43'13",TO A POINT OF REVERSED CURVATURE; THENCE WITH A REVERSE CURVE RUN NORTHWESTWARDLY ON AND ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 61.55 FEET, A CHORD BEARING OF N 50'46'03" W, A CHORD LENGTH OF 57.74 FEET, AND A DELTA ANGLE OF 70'31'44", BACK TO THE POINT OF BEGINNING AND CONTAINING 3,921 SQUARE FEET OF LAND MORE OR LESS.	3.921 SQUARE FEET: COMMENCING AT THE INTERSECTION OF SANDBROOK STREET (60' R.O.W.) AND STONEBROOK AVE. (60' R.O.W.), SAID POINT HAVING THE TN SPC OF N 291139.18, E 766346.70; THENCE RUN S 86'01'55" E ALONG THE CENTER OF SAID STONEBROOK AVE. FOR A DISTANCE OF 512.79 FEET TO A POINT; THENCE RUN S 03'58'05" W FOR A DISTANCE OF 30.00 FEET TO A 1/2" REBAR SET IN THE SOUTH LINE OF SAID STONEBROOK AVE., SAID REBAR HAVING THE TN SPC OF N 291073.77, E 766856.18 AND IS AT THE POINT OF BEGINNING:	SAID PROPOSED CUL-DE-SAC RUNS ACROSS THE SMITH & NEPHEW, INC. PROPERTY RECORDED IN INSTRUMENT NO. 18068383 IN THE REGISTER OF DEEDS OFFICE IN SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:	SMITH & NEPHEW DESCRIPTION FOR PROPOSED CUL-DE-SAC (70' R) THE FOLLOWING DESCRIPTION IS BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (TN SPC) GRID NORTH [NAD 83(2011), EPOCH 2010.00, U.S. SURVEY FEET] USING A COMBINED FACTOR OF 1.000042019 AND A CONVERGENCE ANGLE OF -02°21'08" AT COMPUTED COORDINATES OF N:291139.18, E:766346.70.
SHEET No. 2 of 2 DIVISION OF ENGINEERING PROPOSED CUL-DE-SAC STONEBROOK AVE. MEMPHIS, TENNESSEE Date: 05/13 Book: Date: 05/13 Book: Date: 12/23 Scale: AS NOTED DEPUTY CITY ENGINEER DATE	SSEE NOUTIN	M GRUD NUKTH (NAU 8:5) AS DERIVED OBSERVATIONS USING EARL DUDLEY ERATING REFERENCE NETWORK. LE = -02°21'08" = 1.000042019 = 1.000042019 291139.18, E=766346.70) FY	1"=30') S PLAT ARE B	30 45 60		



December 28, 2023

To Whom It May Concern

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

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

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

Sincerely,

PICKERING FIRM, INCORPORATED On behalf of Smith & Nephew

Works am

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



December 28, 2023

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SANDBROOK STREET OTONE B PLAT BOOK 54 R !! FEFT T ENV \overline{N} ζΫ ٩ -1 Ø \overline{O} 2 BROOKWAR c. BROOKWAY A BROOKS NOUN TRIAL PAU SURCE \$10M ROOK INC. S. 100.0 100.0 -100.0 00.0° 100.0 00.0 6. '9, 100.0 100.0 FUTURE HILL & FONTAILE'S BROOK 100 AVENUE (J Б 4 6 Q 0 0 4 ö ** 12 ğ ROAD N 00 AENT 2 COUGHLIN DRIVE 1560-51 U A SA DEPILATED BY RICHARDS MEA. COMPANY AVENUE SUBDIVISION RICHARD MANUFACTURING COMPANY LOT 35 934. 4 0 7Z -OUGHLINS 50 PICKERING SIZO SUMMER AVE. OCTOBER 10, 1972 CONTAINING NOULD OWNER & DEVELOPER 8 MEMPHIS, SHELBY ž M-I (light Industrial) rsigned, UNION PLANTERS NATIONAL BANK, mortg wn hereon, hereby adopt this plat as our pla s the streets, rights of way, easements and the public use forever). We hereby certify FEET 10.0 ACRES BROOKS WOOTEN ŗ Title Guid + (); COLLAN LIN , JT COUNTY, TENNESSEE Associates , Inc. Memphis , Tenn ROAD at SMITH . with his own free act seal this Inter day of Acris **m**ial SCALE: 1" = 100" SUBDIVISION WEISS votary It is hereby certified that this plat pered from an aptual survey of the per No an Astron ą NT AT Det amark 5, 1974 Approved by the Mamphis Wealth Department I hereby certify that the document was approved with regular session on Approved by Dung An age Public 1110 24 Nou pure pure An to Tet **b**11a the WLG. Ĩ 100 F . this property NEGISTER'S FEELC. DO This of Lundense 18 54 yrs 15 112 1 1 2 1 4 L 12 1 11 of the City ġ, OCLATES, 5

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



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Tom Leatherwood Shelby County Register

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



1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: Tom.Leatherwood@shelbycountytn.gov **IDB CASE NO.: 20010302**

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

And return to:

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

QUITCLAIM DEED

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

AS DESCRIBED ON EXHIBIT A

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

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

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

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE TO FOLLOW]

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

By **Reid Dulberger**

President

STATE OF TENNESSEE COUNTY OF SHELBY

__ *

Before me, the undersigned Notary Public of the State and County aforesaid, personally appeared REID DULBERGER, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President of THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, the within named bargainor, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself, as such President.

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



'PROPERTY ADDRESSES AND TAX PARCEL NUMBERS:

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

:

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

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

I, or we, hereby swear or affirm that to the best of
affiant's knowledge information and belief, the actual consideration for this transfer is \$10.00.
Y
Affiant
Subscribed and sworn to before me this $\frac{24}{100}$ day of
, 2018.
STATE OF B. HOUSTON
NOTARY NOTARY
NOTARY PUBLIC commission expises: // -/6 - 2020
SHOW EXPIRES

EXHIBIT A

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Legal Description See attachment

EXHIBIT A

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

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

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

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

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

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

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

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

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

ATTACHMENT I

1

The following described real estate, of Tennessee:

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

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

ATTACHMENT 2

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

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

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

ATTACHMENT 3

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

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

ATTACHMENT 4

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

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

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

ATTACHMENT 5

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

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

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ATTACHMENT 6

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

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

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

TTACHMENT 7

A portion of the northeast corner of the intersection of Couphin Drive and Stonebrook Avenue more particularly described as follows: Beylaning at the print of interaction of the morth line of Stonebrook Avenue (60 feet wide) and the east line of Coughlin Drive (60 feet wide), said point being also an interfor corner of the Richards Medical Company proparty; thence along said cast line of Coughlin Drive on a bearing of S 00°04'00" w a distance of 91.96 feet to a point of tangenry of a curve leading neck morthward and to the left and having a tadiws of 100 feet; thence morthwasterly along the art of said curve a distance of 83.99 feet to a point; thence on a bearing of M 00°04'00" 1 a distance of 13.15 feet also being the southern terainues of the Richards Avenue, said point denote house anoth line of maid Stonebrack Avenue, and point Stonebrook Avenue morth line on a bearing of 8 89°59'37" 2 a distance of Stonebrook Avenue morth line of methy of 8 89°59'37" 2 a distance of square fout or 0.0294 ectes.

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

ATTACHAEM 8

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

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

EXHIBIT B

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

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

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

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MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

 $[\mathcal{T}]$

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

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

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

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 04/22/2025

	DATE
PUBLIC SESSION:	<u>05/06/2025</u>
	DATE

	DATE			
ITEM (CHECK ONE)ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING			
ITEM DESCRIPTION:	Close and vacate the public right-of-way of: SAC 2024-007: 196 feet of Mahannah Ave, between Fred St and Minnie St, SAC 2024-008: 302 feet of Minnie St, north of Mahannah Ave			
CASE NUMBER:	SAC 2024-007 and SAC 2024-008			
LOCATION:	400 Mahannah Avenue			
COUNCIL DISTRICTS:	District 7 and Super District 8 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Scott Young			
REPRESENTATIVES:	Mark Jobe/Charles Campbell			
REQUEST:	Close and vacate public right-of-way			
AREA:	+/-13,331.09 square feet (SAC 2024-007) and +/- 8,897.90 square feet (SAC 2024-008)			
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board Recommended <i>Approval with conditions</i>			
RECOMMENDED COUNCIL ACTION: Public Hearing Not Required				

PRIOR ACTION ON ITEM:						
(1)	APPROVAL - (1) APPROVED (2) DENIED					
01/09/2025	DATE					
(1) Land Use Control Board) BOARD / COMMISSION				
	(2) GOV	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE				
FUNDING:						
(2)			PENDITURE - (1) YES (2) NO			
<u>\$</u>		NT OF EXPEN				
SOURCE AND AMOUNT OF FUNDS	REVEN	UE TO BE RE	CEIVED			
SURCE AND AMOUNT OF FUNDS	OPERA	TING BUDGE	3 T			
<u>s</u>	CIP PROJECT #					
\$		AL/STATE/O	THER			
ADMINISTRATIVE APPROVAL:		<u>DATE</u>	<u>POSITION</u>			
			STAFF PLANNER			
			_ DEPUTY ADMINISTRATOR			
		<u></u>	ADMINISTRATOR			
			_ DIRECTOR (JOINT APPROVAL)			
			_ COMPTROLLER			
			FINANCE DIRECTOR			
			_ CITY ATTORNEY			
			CHIEF ADMINISTRATIVE OFFICER			
•			_ COMMITTEE CHAIRMAN			

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS



Memphis City Council Summary Sheet

SAC 2024-007 and SAC 2024-008

RESOLUTION APPROVING RESIDENTIAL CORRIDOR DELETION AT 400 MAHANNAH AVENUE, KNOWN AS CASE NUMBER SAC 2024-007 AND SAC 2024-008

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



RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF 196 FEET OF MAHANNAH AVE, BETWEEN FRED ST AND MINNIE ST, AND 302 FEET OF MINNIE ST, NORTH OF MAHANNAH AVE, KNOWN AS CASE NUMBER SAC 2024-007 AND SAC 2024-008

WHEREAS, the City of Memphis is the owner of real property known as 196 feet of

Mahannah Ave, between Fred St and Minnie St and 302 feet of Minnie St, north of Mahannah Ave

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

Closure Description - Mahannah Avenue

Part of Mahannah Avenue (68' Wide) between North Second Street and Minnie Street as dedicated in Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51, and being further described hereon:

Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O. W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32. 79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 65 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

Closure Description – Minnie Street

Real property situated in the City of Memphis, County of Shelby, to wit:

Part of Minnie Street (30' Wide) between Luke Street and Mahannah Avenue and being further described hereon:

Commencing at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence South 85 degrees 53 minutes 30 seconds East along

the south line of Mahannah Avenue a distance of 196.00 feet to the eastern terminus of Mahannah Avenue; thence North 04 degrees 06 minutes 30 seconds East along said line a distance of 35.08 feet; thence North 52 degrees 26 minutes 59 seconds East a distance of 2.97 feet to a point in the southward projection of the west line of Minnie Street and being the True Point of Beginning said point having Tennessee State Plane Coordinates of North 334493.8699, East 760399.4467; thence North 15 degrees 12 minutes 12 seconds West along the west line of Minnie Street a distance of 302.78 feet; thence North 74 degrees 47 minutes 48 seconds East a distance of 290.45 feet to a point in the southern terminus of Minnie Street; thence South 52 degrees 26 minutes 59 seconds West a distance of 32.43 feet to the point of beginning and containing 8,897.90 square feet. The City of Memphis hereby retains an 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 January 09, 2025, and said Board has submitted its findings

and recommendation to the Council of the City of Memphis subject to the following conditions:

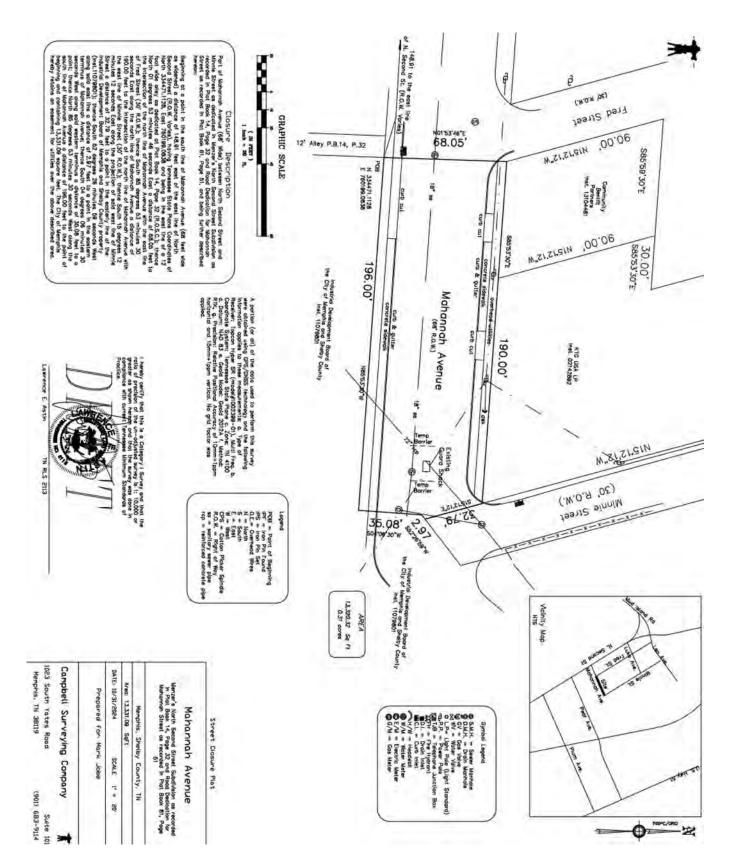
- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access,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

5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

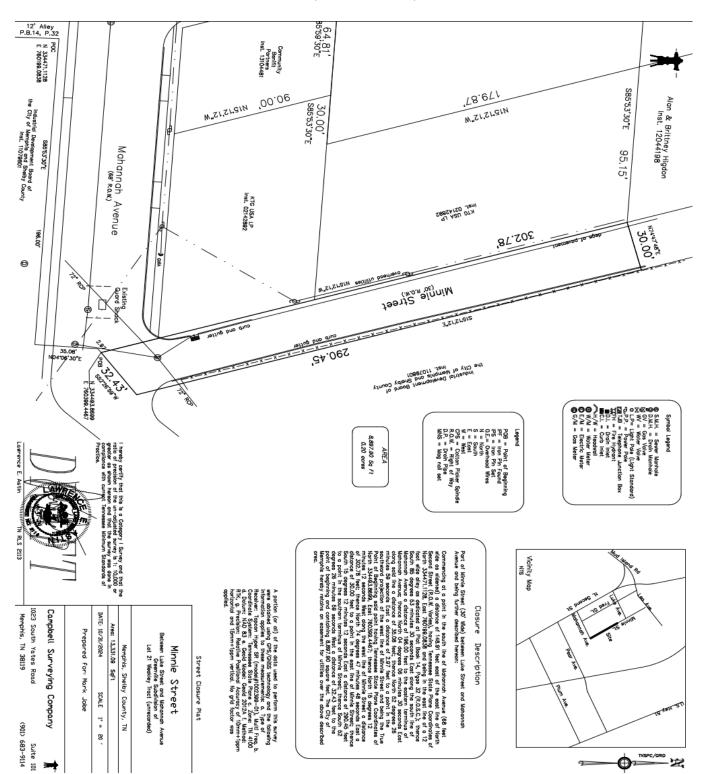
NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

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

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



RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008)

ATTEST:

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, January 09, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 2024-007 and SAC 2024-008
LOCATION:	400 Mahannah Avenue
COUNCIL DISTRICT(S):	District 7, Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Scott Young
REPRESENTATIVE:	Mark Jobe/Charles Campbell
REQUEST:	Right-of-way vacation
EXISTING ZONING:	Employment (EMP)
AREA:	+/-13,331.09 square feet (SAC 2024-007) and +/- 8,897.90 square feet (SAC 2024-008)

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 8-0-1 on the consent agenda.

Respectfully,

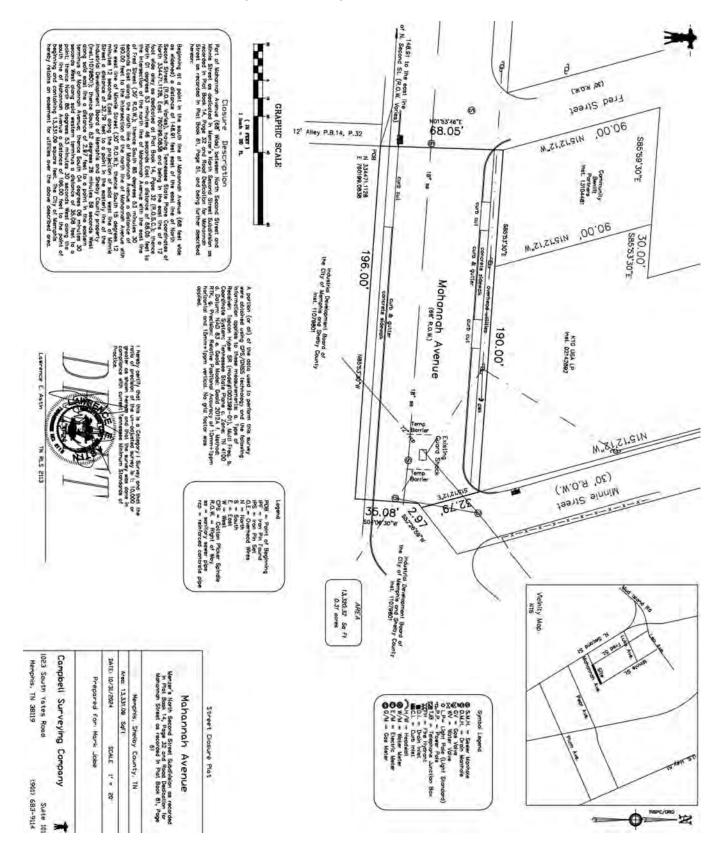
Mahsan Ostadnia

Planner II Land Use & Development Services Cc: Committee Members File

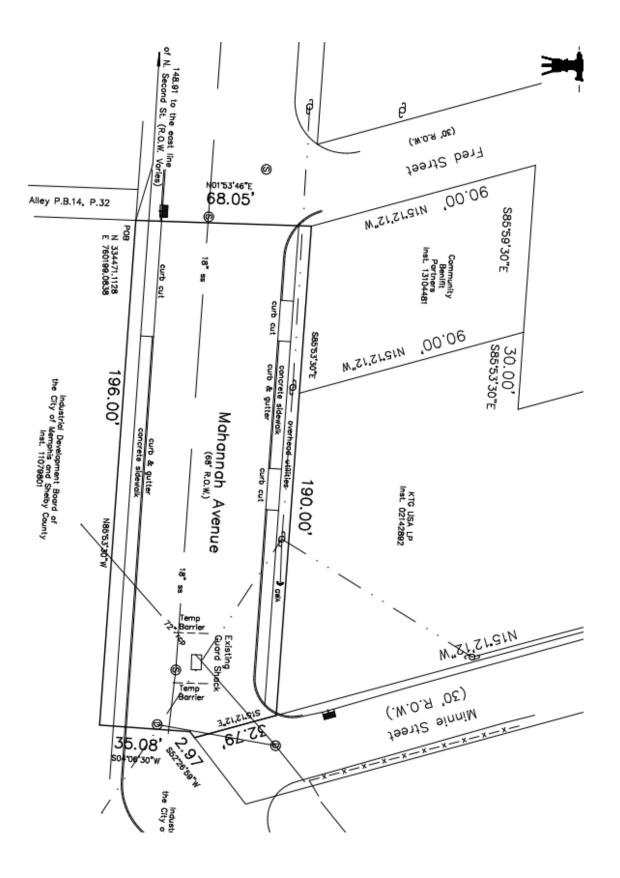
SAC 2024-007 and SAC 2024-008 CONDITIONS

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

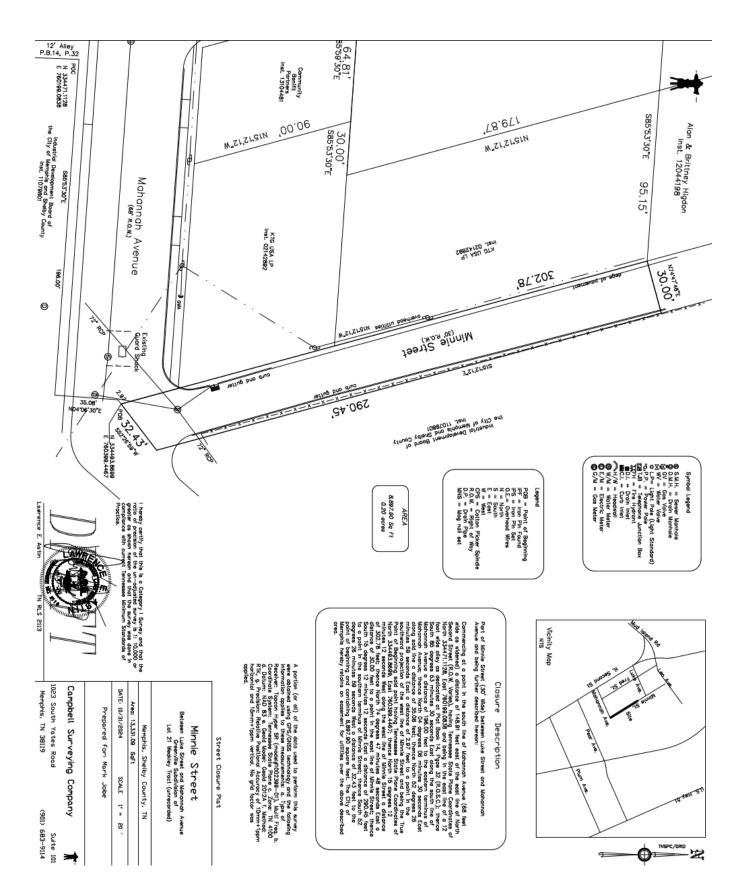
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



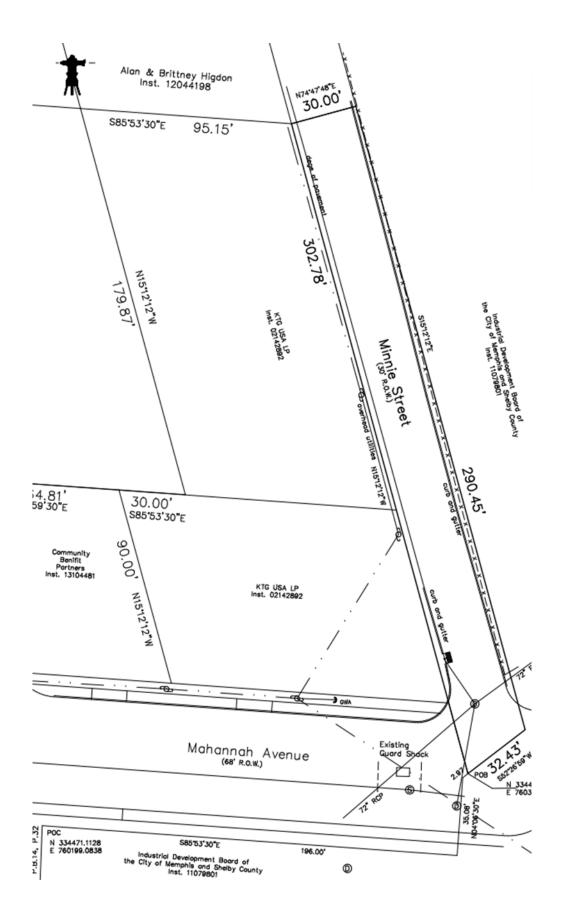
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4



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008) - MAGNIFIED



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MEMPHIS AND SHELBY COUNT			

AGENDA ITEM:	9 and 10	L.U.C.B. MEETING:	January 09, 2025
CASE NUMBER:	SAC 2024-007 and SAC 2024-008		
LOCATION:	400 Mahannah Avenue		
COUNCIL DISTRICT:	District 7 and Super District 8 – Position	is 1, 2, and 3	
OWNER/APPLICANT:	Scott Young		
REPRESENTATIVE:	Mark Jobe/Charles Campbell		
REQUEST:	Close and vacate the public right-of-way between Fred St and Minnie St, SAC Mahannah Ave		
EXISTING ZONING:	Employment (EMP)		

CONCLUSIONS

- The proposed closure of Mahannah Avenue will vacate 13,331.09 square feet (0.31 acres) of public right-of-way between North Second Street and Minnie Street, transitioning it to private use while preserving utility easements for essential services. This closure supports the consolidation and potential redevelopment of adjacent properties, including land owned by the Industrial Development Board, aligning with broader goals to enhance land use and promote redevelopment in the industrial corridor. A detailed survey ensures clear documentation of boundaries and infrastructure, reducing conflicts with neighboring parcels.
- 2. The Minnie Street closure involves vacating 8,897.90 square feet (0.20 acres) of a 30-foot-wide rightof-way from Mahannah Avenue to Levee Street. With limited public use, the closure allows adjacent property owners, like KTG USA LP, to incorporate the land for expansion or development. Utility easements will be retained to ensure uninterrupted public services, and a detailed survey ensures a smooth transition to private use while addressing all property and infrastructure considerations.
- 3. The closures of Mahannah Avenue and Minnie Street together would remove approximately 22,229 square feet (0.51 acres) of public right-of-way from the city's network.
- 4. 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

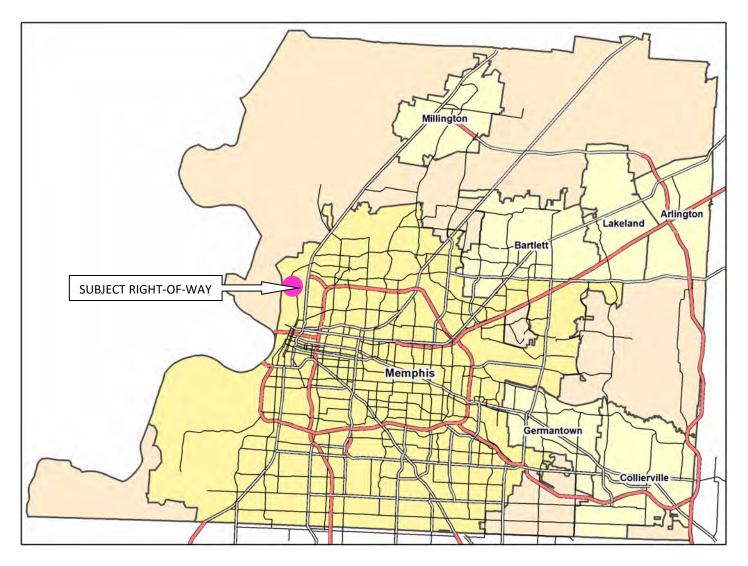
This proposal is inapplicable with the Memphis 3.0 General Plan per the land use decision criteria.

RECOMMENDATION:

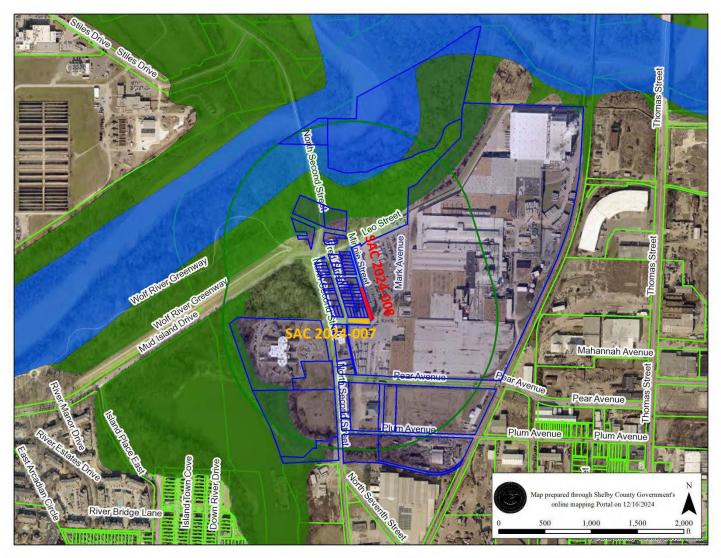
Approval with conditions

January 09, 2025 Page 2

LOCATION MAP



Subject right-of-way located within the pink circle.

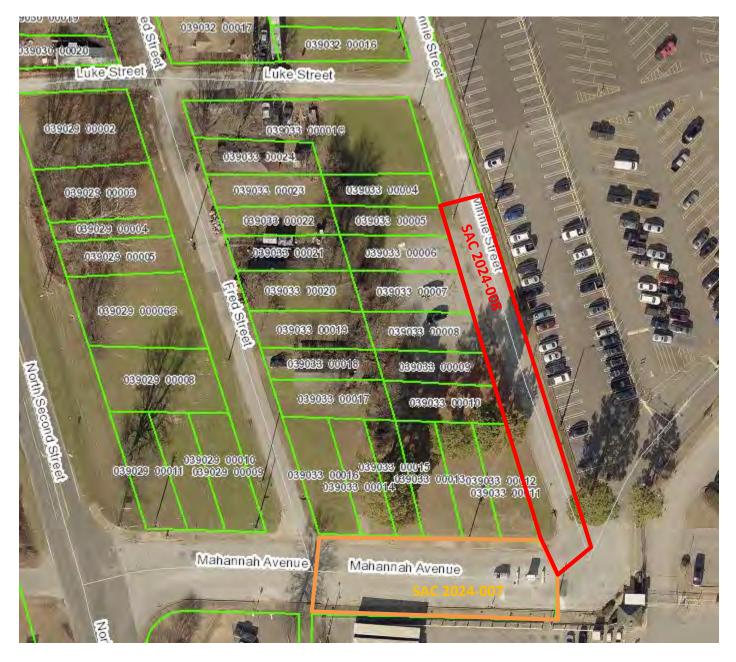


Subject right-of-way highlighted in orange and red.

PUBLIC NOTICE DETAILS

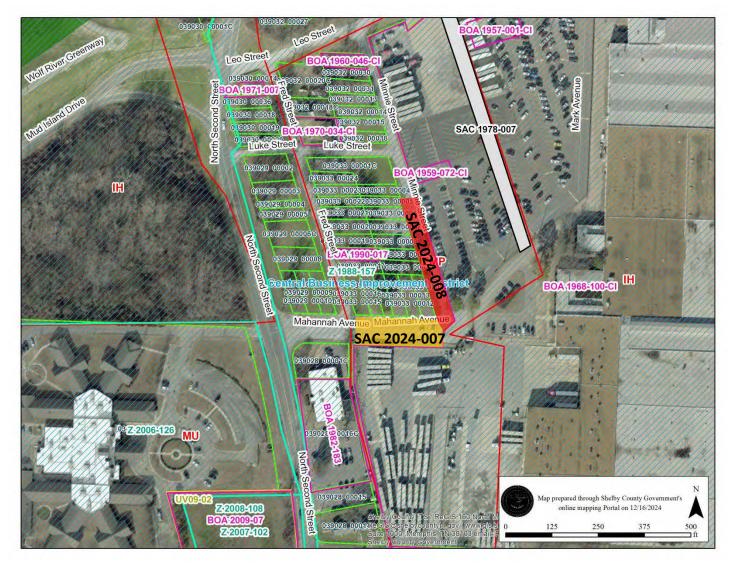
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 26 notices were mailed on December 17, 2024, see page 19 of this report for a copy of said notice. Additionally, a total of four signs were posted, one at each end of the subject right-of-way, see pages 22-24 of this report for a copy of the sign affidavit.

AERIAL



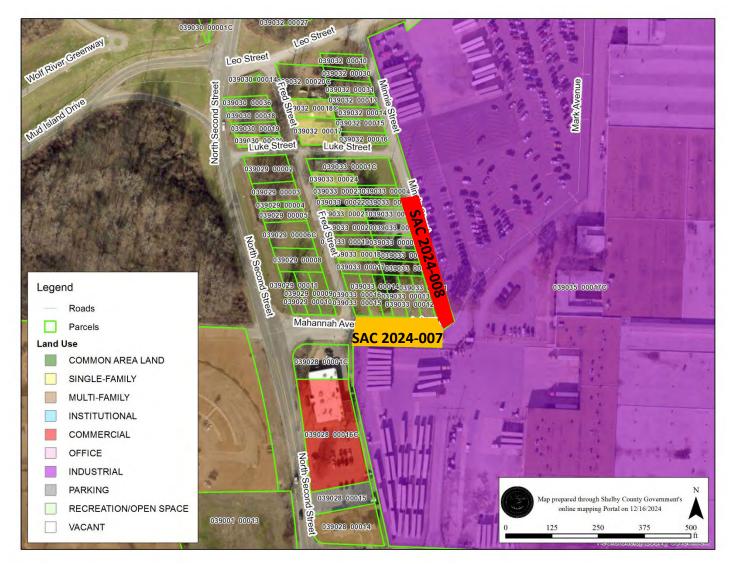
Subject right-of-way outlined in orange and red.

ZONING MAP



Subject right-of-way highlighted in orange and red.

LAND USE MAP



Subject right-of-way highlighted in orange and red.

SITE PHOTOS



View of access point to the subject right-of-way from Mahannah Avenue.



View of access point to the subject right-of-way from Mahannah Avenue and Minnie Street.



View of access point to the subject right-of-way from Minnie Street (south).

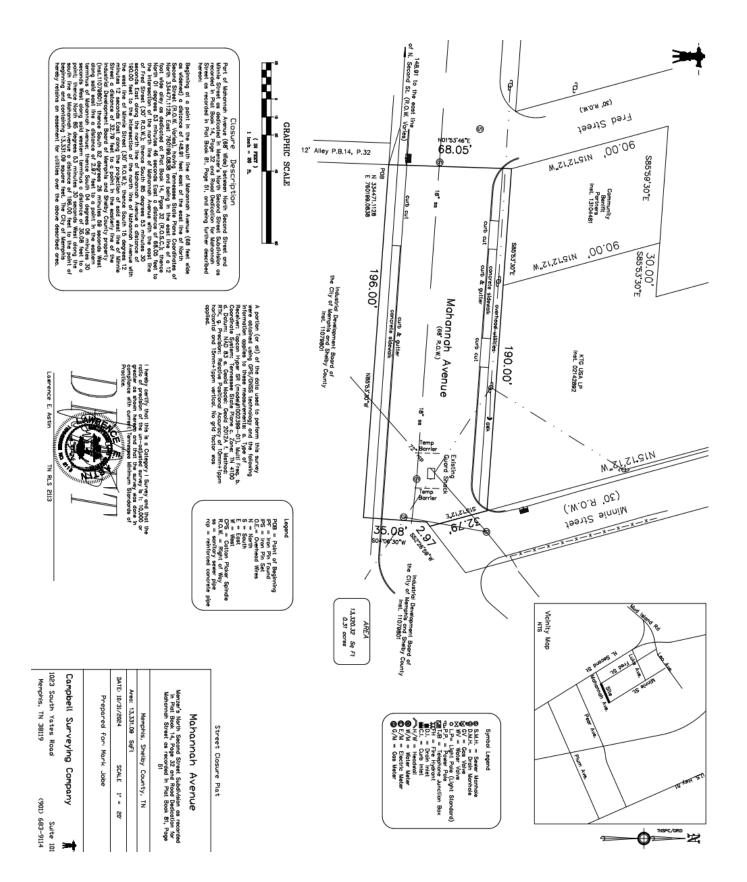


View of access point to the subject right-of-way from Minnie Street (south).

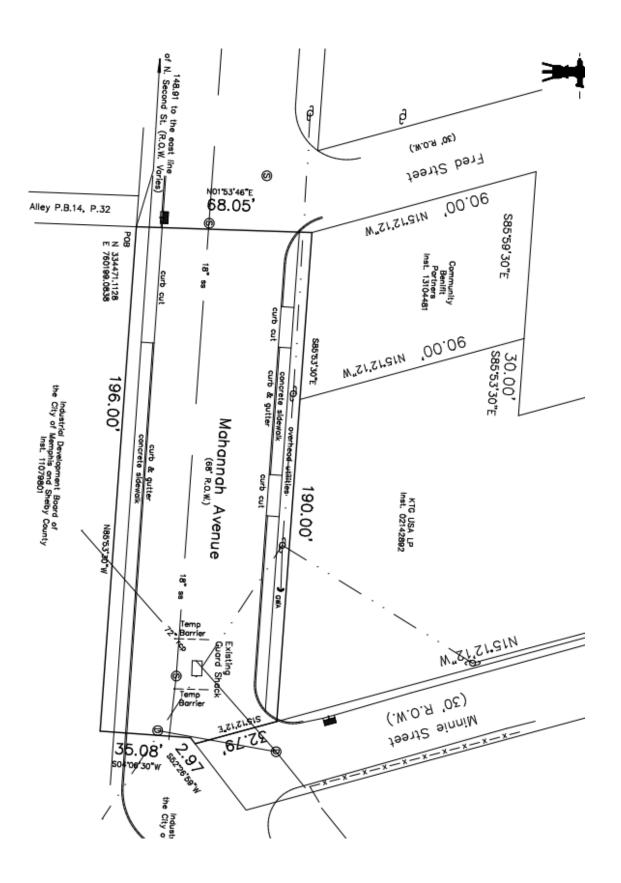


View of access point to the subject right-of-way from above.

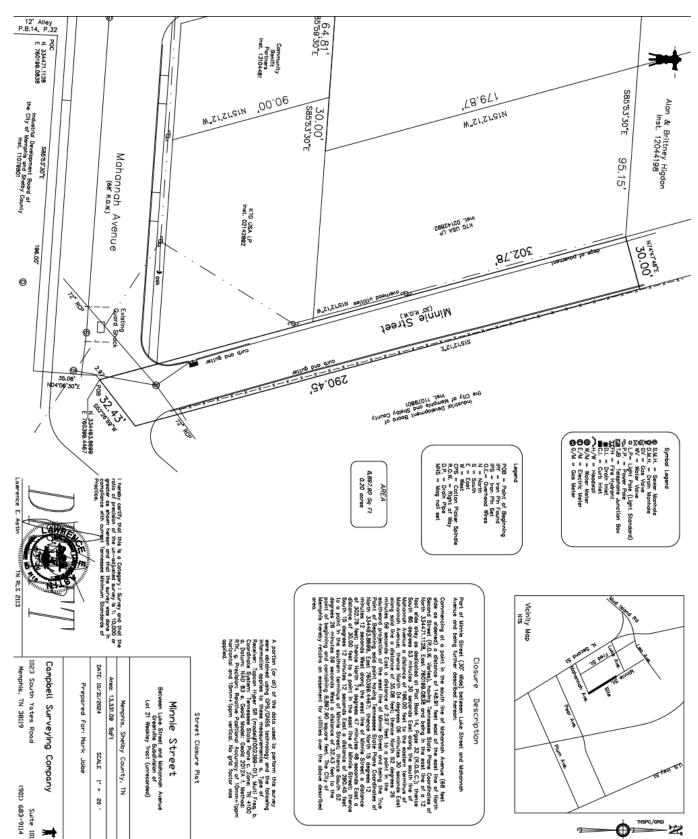
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



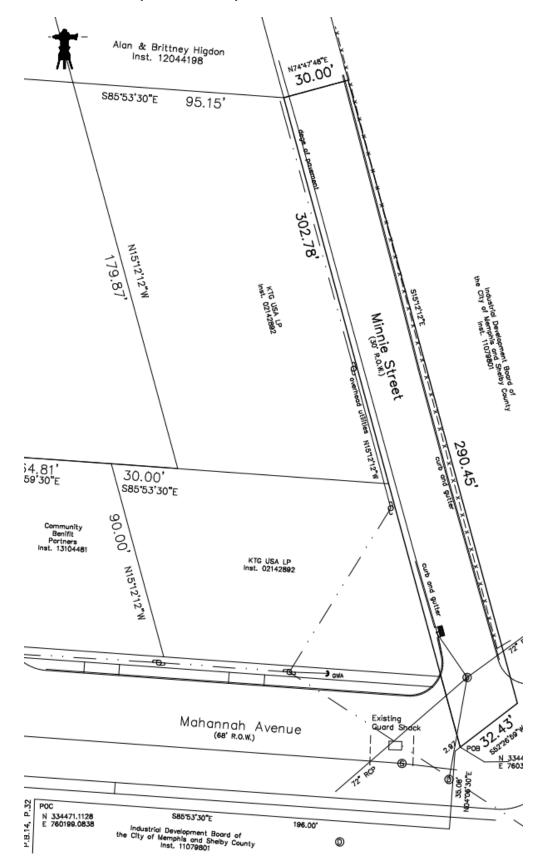
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007) – MAGNIFIED



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008)



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008) - MAGNIFIED



LEGAL DESCRIPTION (SAC 2024-007)

Closure Description - Mahannah Avenue

Part of Mahannah Avenue (68' Wide) between North Second Street and Minnie Street as dedicated in Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51, and being further described hereon:

Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O. W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32. 79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 06 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

LEGAL DESCRIPTION (SAC 2024-008)

Closure Description - Minnie Street

Real property situated in the City of Memphis, County of Shelby, to wit:

Part of Minnie Street (30' Wide) between Luke Street and Mahannah Avenue and being further described hereon:

Commencing at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence South 85 degrees 53 minutes 30 seconds East along the south line of Mahannah Avenue a distance of 196.00 feet to the eastern terminus of Mahannah Avenue; thence North 04 degrees 06 minutes 30 seconds East along said line a distance of 35.08 feet; thence North 52 degrees 26 minutes 59 seconds East a distance of 2.97 feet to a point in the southward projection of the west line of Minnie Street and being the True Point of Beginning said point having Tennessee State Plane Coordinates of North 334493.8699, East 760399.4467; thence North 15 degrees 12 minutes 12 seconds West along the west line of Minnie Street a distance of 302.78 feet; thence North 74 degrees 47 minutes 48 seconds East a distance of 30.00 feet to a point in the east line of Minnie Street; thence South 15 degrees 12 minutes 12 seconds East a distance of 290.45 feet to a point in the southern terminus of Minnie Street; thence South 52 degrees 26 minutes 59 seconds West a distance of 32.43 feet to the point of beginning and containing 8,897.90 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

CASE REVIEW

<u>Request</u>

The request is to close and vacate the public right-of-way of: **SAC 2024-007**: 196 feet of Mahannah Ave, between Fred St and Minnie St, **SAC 2024-008**: 302 feet of Minnie St, north of Mahannah Ave

Site Details

Address: 400 Mahannah Avenue

Area:

+/-13,331.09 square feet (SAC 2024-007) and +/- 8,897.90 square feet (SAC 2024-008)

Description:

SAC 2024-007: The subject property right-of-way is located in Memphis, Tennessee, beginning at a point along the south line of Mahannah Avenue, approximately 148.91 feet east of the intersection with North Second Street, based on Tennessee State Plane Coordinates. The boundaries are defined by precise bearings and distances, referencing adjacent streets and rights-of-way, including Fred Street, Minnie Street, and the property of the Industrial Development Board of Memphis and Shelby County. The total area encompasses 13,331.09 square feet, with the City of Memphis retaining a utility easement over the described area.

SAC 2024-008: The subject property right-of-way is located in Memphis, Tennessee, commencing at a point along the south line of Mahannah Avenue, approximately 148.91 feet east of the intersection with North Second Street, based on Tennessee State Plane Coordinates. The boundaries follow the south line of Mahannah Avenue, proceed to its eastern terminus, and continue along the west and east lines of Minnie Street. The area is defined by specific bearings and distances, with references to adjacent rights-of-way and property lines, and encompasses 8,897.90 square feet. The City of Memphis retains a utility easement over the described area.

<u>Analysis</u>

Mahannah Avenue Closure Analysis

The proposed closure of a portion of Mahannah Avenue focuses on vacating the public right-of-way between North Second Street and Minnie Street in Memphis, covering approximately 13,331.09 square feet (0.31 acres). This section includes infrastructure such as curb cuts, sidewalks, and overhead utilities, all of which are clearly documented in the survey. The request would officially close the eastern terminus of Mahannah Avenue, transitioning it from public to private use, while preserving utility easements for essential services like water, drainage, and power lines.

This closure would allow adjacent properties, including land owned by the Industrial Development Board of Memphis and Shelby County, to consolidate and potentially redevelop the area for commercial or industrial purposes. The detailed survey ensures all property boundaries and infrastructure are accounted for, minimizing potential conflicts with neighboring parcels. The closure aligns with the broader goals of improving land use and supporting redevelopment in this industrial corridor while maintaining access to critical utilities.

Minnie Street Closure Analysis

The request to close a portion of Minnie Street involves a 30-foot-wide right-of-way stretching from Mahannah Avenue to Levee Street, totaling 8,897.90 square feet (0.20 acres). This section serves as a secondary street with limited public use, making it a strong candidate for closure. Existing features include curb and gutter systems, overhead utilities, and a guard shack near Mahannah Avenue. The City of Memphis will retain utility easements in the area, ensuring no disruption to public services.

By vacating this right-of-way, the closure would allow adjacent property owners, such as KTG USA LP and other industrial stakeholders, to incorporate the land into their operations. This could support expansions, improve logistics, or open new opportunities for development. The detailed survey ensures all property lines and infrastructure considerations are addressed, allowing for a smooth transition from public to private use.

The closures of Mahannah Avenue and Minnie Street together would remove approximately 22,229 square feet (0.51 acres) of public right-of-way from the city's network.

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

DEPARTMENTAL COMMENTS

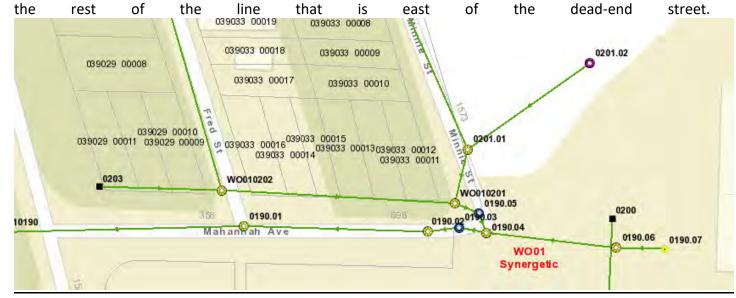
The following comments were provided by agencies to which this application was referred: **City Engineer:**

SAC 2024-007

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

Sewers:

2. See photo below. Dedicate the entire Mahannah Ave as a sewer easement and provide the easement for



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

SAC 2024-008:

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 the entire Minnie Street as a sewer easement and provide the easement for the rest of the line that is east of the dead-end street.

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

City Fire Division:

• The Fire Department does not object to the closure of portions of Minnie St and Mahannah Ave providing all points of Fire Department access to the facility are maintained in compliance with 2021 IFC Section 503.

City Real Estate:

No comments received.

SAC 2024-007 and SAC 2024-008	
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	No comments received.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING	MEMPHIS AND DIVISION OF PLANNING
You have received this notice because you own or reside on a	VICINITY MAP
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.	Cortili, Second Street
CASE NUMBER:SAC 2024-007/ SAC 2024-008ADDRESS:400 Mahannah AvenueREQUEST:Physical street closure of approx. 196 feet of Mahannah Ave, between Fred St and Minnie St, 302 feet of Minnie St, north ofMahannah AveScott Young	And a story page of the story and a story
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, January 9, 2025	26 Notices Mailed 12/17/2024
 Staff Planner Contact: Mahsan Ostadnia ☑ mahsan.ostadnia@memphistn.gov (901) 636-7181 	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

	duly sworn, depose and say that at 1015 ampm on
the 19th day of December	, 20 ²⁴ , I posted a Public Notice Sign(S) pertaining
· · · · · · · · · · · · · · · · · · ·	Mahannah and 0 Minnie Street
	the <u>×</u> Land Use Control Board, <u>×</u> Memphis
City Council,Shelby County Boar	d of Commissioners for consideration of a proposed
Land Use Action (Planned Deve	opment,Special Use Permit,Zoning
District Map Amendment, * Street ar	d/or Alley Closure), a photograph of said sign(s) being
attached hereon and a copy of the sign pur	chase receipt or rental contract attached hereto.
1. 1000	and the second se
Thank Gall	December 30, 2024
Owner, Applicant or Representative	Date
Subscribed and sworn to before me this 300	day of December , 2024
Datoto S. Bearly	
Notary Public	annan annan anna anna anna anna anna a
My commission expires: _ W/29/25	UN OTA BEACH
	STATE TO
	TENNESSEE
	NOTARY
	ZE US PUBLIC
	Chille Stab
	manuful COUL
	mission Expires 06-19
	- with as

January 09, 2025 Page 23





APPLICATION

January 09, 2025 Page 25



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: Pending

Opened Date: October 31, 2024

Record Number: SAC 2024-007

Expiration Date:

Record Name: Closure of a Portion of Mahannah Avenue

Description of Work: The Applicant and its affiliate, Community Benefit Partners, LLC, submit this request to close a portion of Mahannah Avenue at the western boundary of the property at 360 Mahannah (039033 00016). Applicant further requests authority to install a guard's shack/controlled entry closer to Fred Street at the point of closure.

Parent Record Number:

Address:

Owner Information

Primary Owner Name N Owner Aridress

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

Page 1 of 4

SAC 2024-007

LaTonya Hull

10/08/2024 Phone

Fred Street

12676.3

Mark Avenue (Private)

400 Mahannah Street.

Increased security for the manufacturing facility at

GENERAL INFORMATION

closed?	
What is the overall length of the street closure?	216.5
Name of Street/Alley/ROW	Mahannah Avenue
Is this application in response to a citation from	No
Construction Code Enforcement or Zoning	
Letter?	
If yes, please provide additional information	
Is this application a time extension?	No
RELATED CASE INFORMATION	
Previous Case Numbers	BOA 1959-072-CI
	SAC 1978-007

Applicant is submitting a corresponding application to close a portion of Minnie Street contemporaneously herewith.

BOA 1968-100-CI

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

Property Address:	360 Mahannah
Property Owner Name:	Community Benefit Partners, LLC
Mailing Address (if different than property address):	c/o Glankler Brown, 6000 Poplar Avenue, Suite 400, Memphis, TN 38119
Email Address:	scott.young@krugerproducts.ca
Note:	Community Benefit Partners is an entity affiliated with/subsidiary of the Applicant.
Property Address:	364 Mahannah

Page 2 of 4

SAC 2024-007

Property Owner Name:	Community Benefit Partners, LLC		
Mailing Address (if c/o Glankler Brown, 6000 Poplar Ave. Suite 400, Memphis, TN 38119 different than property address):			
Email Address:	scott.young@krugerproducts.ca		
Note:	Community Benefit Partners, LLC is an entity affiliated with/subsidiary of he Applicant.		
Property Address:	0 Mahannah		
Property Owner Name:	K.T.G. (USA) L.P.		
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107		
Email Address:	scott.young@krugerproducts.ca		
Property Address:	0 Mahannah Street		
Property Owner Name:	K.T.G. (USA) L.P.		
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107		
Email Address:	scott.young@krugerproducts.ca		
Property Address:	0 Mahannah Street		
Property Owner Name:	K.T.G. (USA) L.P.		
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107		
Email Address:	scott.young@krugerproducts.ca		
Property Address:	0 Minnie Street		
Property Owner Name:	K.T.G. (USA) L.P.		
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107		
Email Address:	scott.young@krugerproducts.ca		

Contact Information

SAC 2024-007

Name SCOTT YOUNG Address				ADJACE	Contact Type ADJACENT PROPERTY OWNER OF RECORD		
Phone (249)288-259	12						
Name SCOTT YOU	NG					t Type	
Address					APPLICANT		
Phone							
Name CHARLES C	AMPRELL					ct Type	
Address					SURVEY	ECT / ENGINEER /	
Phone (901)683-911	4						
Name MARK JOBE	L.Fr.					et Type	
Address							
Phone (901)857-833	14						
Fee Inform	nation						
Invoice #	Fee Item	Quantility	Fees	Status	Balance	Date Assessed	
1609966	Right of Way	1	400.00	INVOICED	0.00	12/05/2024	
	Vacation/Closure Fee						
1609966	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/05/2024	
To		otal Fee Invo	iced: \$410.40	Total Ba	lance: \$0.0	00	
Payment	Information	-					
, ayment							
Payment Am	ount Method of Pa	yment					

Page 4 of 4

SAC 2024-007

January 09, 2025 Page 29



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: Pending

Opened Date: November 19, 2024

Record Number: SAC 2024-008

Expiration Date:

Record Name: Closure of a Portion of Minnie Street.

Description of Work: The Applicant submits this request o close a portion of Minnie Street at the northern boundary line of 0 Minnie Street (Tax Parcel 039033 00005) as depicted on the survey attached hereto. The Applicant further requests approval to install a concrete barrier at this point to restrict traffic heading south on Minnie Avenue.

Parent Record Number:

Address:

Owner Information

Primary Owner Name N Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

Page 1 of 4

LaTonya Hull 10/08/2024 Phone

Luke Street (South of) Mahannah Avenue Increased security for the manufacturing facility at 400 Mahannah Street, in particular its parking area. 9419.29

SAC 2024-008

GENERAL INFORMATION

closed?

What is the overall length of the street closure? Name of Street/Alley/ROW Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? If yes, please provide additional information Is this application a time extension? RELATED CASE INFORMATION

Previous Case Numbers

290.45 Minnie Street No

No

BOA 1959-072-CI SAC 1978-007 BOA 1968-100-CI

Applicant is submitting a corresponding application related to the closure of a portion of Mahannah contemporaneously herewith.

C100	INCODIATION.	
1310	INFORMATION	

Case Layer	
Central Business Improvement District	No
Class	
Downtown Fire District	No
Historic District	
Land Use	
Municipality	2
Overlay/Special Purpose District	
Zoning	
State Route	,
Lot	-
Subdivision	
Planned Development District	
Wellhead Protection Overlay District	No
County Commission District	
City Council District	
City Council Super District	÷ .

Data Tables

Property Owners

Property Address:	0 Minnie Street
Property Owner Name:	K.T.G. (USA) LP
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107
Email Address:	scott.young@krugerproducts.ca

SAC 2024-008

Note:	Tax Pa					
		3 00005				
		3 00006				
		3 00007				
		3 00008				
		3 00009 3 00010				
		3 00010				
	03803	5 00011				
Contact In	nformation				2200	وعايدها
Name					Conta	ct Type
SCOTT YOUR	NG					NT PROPERTY
Address					OWNER	OF RECORD
Phone						
(249)288-259	2					
Name SCOTT YOU	NG				Conta APPLIC	ct Type
Address						
Phone						
-						
Name CHARLES T	CAMPBELL				1000	ct Type ECT / ENGINEER
Address					SURVEY	OR
Phone						
(901)683-911	4					
Name MARK JOBE					10 C C C C C C C C C C C C C C C C C C C	Ct Type SENTATIVE
Address						
Phone (901)576-185	3					
Fee Inform	nation	-			-	
invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1609970	Right of Way	1	400.00	INVOICED	0.00	12/05/2024
Contraction of	Vacation/Closure Fee			and the second		- Section -
1609970	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/05/2024
		Total Fee Invo	iced: \$410.40	Total Ba	lance: \$0.0	00
Payment I	Information					
Payment Amo		Payment				

Page 3 of 4

SAC 2024-008

OWNER AFFIDAVIT (SAC 2024-007)

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

 Mark A. Hauke, Authorized Officer of Community Benefit Partners, LLC., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box)

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

have charge, care or control of the premises as trustee, agent, executor, administrator, assignce, receiver,

of the property located at 360 Mahannah and 364 Mahannah, Mamphis. TN and further identified by Assessor's Parcel Numbers 039035 00016 and 039033 00015, for which an application is being made to the Division of Planning and Development.

Community Benefit Partners, LLC

MARY HAUK By: Name: The

Title: Authorized Officer Subscribed and sworn to (or affirmed) before me this _5th____ day of __December_



Agendria A. Malane

21,2027 My Commission Expires

OWNER AFFIDAVIT (SAC 2024-008)

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., 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 V 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

V I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, -114 guardian or lessee (and have included documentation with this affidavit)

of the property located at 400 Mahannah, 0 Mahannah, and 0 Minnie, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00017C, 039033 00005, 039033 00006, 039033 00007, 039033 00008, 039033 00009, 039033 00010, and 039033 00011, for which an application is being made to the Division of Planning and **Development**

5th

K.T.G. (USA), L.P.

MARK HADKE By: Name 711

Title: Authorized Officer

Subscribed and sworn to (or affirmed) before me this

Malone dra и Signature of Notary Public



day of December

march 21, 2027 My Commission Expires

LETTER OF INTENT

January 09, 2025 Page 34

GLANKLER BROWN. addo Finaldr Aynnua, Suna (dd), Maniphli, Tenriauada 36119 901 S25 (222, 190), S35 (329) www.graniuer.com

> Mark T. Jube, Jr. Box 576, 1/53 misbe@gander.com

December 5, 2024

Memphis & Shelby County Division of Planning & Development 125 North Main Street, 4th Floor Memphis, TN 38103

Re: K.T.G. (USA) LP – Partial Closure of Mahannah Avenue and Minnie Street

Ladies & Gentlemen:

This firm represents K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC with respect to the two (2) Street and Alleyway Closure Applications submitted simultaneously for the partial closures of Mahannah Avenue and Minnie Street (the "Applications").

K.T.G. (USA) LP owns large industrial property at 400 Mahannah and its affiliates operate the plant thereon. Over the years, K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC, have acquired distressed residential properties along Mahannah Avenue and Minnie Street, all of which are now vacant lots adjacent to the portions of Mahannah Avenue and Minnie Street which are subject to these Applications. This request is being made to better control traffic adjacent to the manufacturing facility and to increase security of its parking facilities serving the same.

Closing these portions of these streets will not have any negative impact on the citizens of Memphis or specifically the nearby community, but rather will help the K.T.G. (USA) LP deter criminal activity and better secure its manufacturing facility (specifically the parking areas). As part of these requests, the K.T.G. (USA) LP is requesting approval to move its guard's shack further west on Mahannah and to install movable concrete barriers at the north end of the closure on Minnie Street to better control access to the manufacturing facility.

Thank you for your consideration of the attached Applications. We appreciate the support and if there are any concerns, look forward to finding a mutually agreeable solution to resolve the same.

With best regards,

GLANKLER BROWN, PLLC

Heck Tilden Jobe Jr. 300838300460444

Mark T. Jobe, Jr.

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

Closure of Minnie Street						
salesunio@aol.com	٢	S Reply	S Reply All	-> Forward		1
To Ostadnia, Mahsan				Thu 12/26	/2024 10	0.23 AN
Cc rob@gcemlaw.com () If there are problems with how this message is displayed, click here to view it in a web browser.						
CAUTTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recogniz	e the sender and know the content is safe.					
To:Mahsan Ostadnia						
Cc:Rob Draughn Cc:Marvin Moore						
Cc:Brittney Kutz						
Mahsan,						
Good morning,						
We are own the property at 1565 Minnie.						
The parcel ID number is <u>039033-00004</u> This is your case number SAC 2024-007 - SAC 2024-008						
We are strongly opposed to closing the streets at this time, we have been concerned for quite some times around at all hours of the night.	about trailers being parked on res	idential lots	and disturbir	ng residences	, they	bang
The lot that we own is a residential lot and if you close the street will have no way to get a firetruck in exc	ept for One Direction or any other	emeraency	vehicle.			

This will create a much greater liability and hazard for anybody living at this address. Not sure what your intentions are but would like to remind you this is a residential neighborhood.

If you have any questions please contact me: 1-901-335-8342

Happy New Year Sincerely, Alan Higdon



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: Pending

Opened Date: October 31, 2024

Record Number: SAC 2024-007

Expiration Date:

Record Name: Closure of a Portion of Mahannah Avenue

Description of Work: The Applicant and its affiliate, Community Benefit Partners, LLC, submit this request to close a portion of Mahannah Avenue at the western boundary of the property at 360 Mahannah (039033 00016). Applicant further requests authority to install a guard's shack/controlled entry closer to Fred Street at the point of closure.

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 GENERAL INFORMATION

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

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

LaTonya Hull 10/08/2024 Phone

Fred Street Mark Avenue (Private) Increased security for the manufacturing facility at 400 Mahannah Street. 12676.3

GENERAL INFORMATION

closed?		
What is the overall length of t	he street closure?	216.5
Name of Street/Alley/ROW		Mahannah Avenue
Is this application in response	e to a citation from	No
Construction Code Enforcem	ent or Zoning	
Letter?		
If yes, please provide addition	nal information	-
Is this application a time exte	nsion?	No
RELATED CASE INFORMATION		
Previous Case Numbers		BOA 1959-072-CI
		SAC 1978-007
		BOA 1968-100-CI
		Applicant is submitting a corresponding application
		to close a portion of Minnie Street
GIS INFORMATION		contemporaneously herewith.
Case Layer		
Case Layer Central Business Improveme	nt District	- No
Class		-
Downtown Fire District		No
Historic District		-
Land Use		-
Municipality		-
Overlay/Special Purpose Dis	trict	-
Zoning		-
State Route		-
Lot		-
Subdivision		-
Planned Development Distric		-
Wellhead Protection Overlay	District	No
County Commission District		-
City Council District		-
City Council Super District		-
Data Tables		
Property Owners		
Property Address:	360 Mahannah	
Property Owner Name:	Community Benefit F	Partners, LLC

Note: Community Renefit Partners is an entity affiliated with (subsidiary of the	Note:	Community Benefit Partners is an entity affiliated with/subsidiary of the
	,	scott.young@krugerproducts.ca
different than property address):	Mailing Address (if	c/o Glankler Brown, 6000 Poplar Avenue, Suite 400, Memphis, TN 38119
different than property address):	Property Owner Name:	Community Benefit Partners, LLC
Mailing Address (if c/o Glankler Brown, 6000 Poplar Avenue, Suite 400, Memphis, TN 38119 different than property address):	r Toperty Address.	

Property Owner Name: Mailing Address (if different than property address):	Community Benefit Partners, LLC c/o Glankler Brown, 6000 Poplar Ave. Suite 400, Memphis, TN 38119
Email Address:	scott.young@krugerproducts.ca
Note:	Community Benefit Partners, LLC is an entity affiliated with/subsidiary of the Applicant.
Property Address:	0 Mahannah
Property Owner Name:	K.T.G. (USA) L.P.
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107
Email Address:	scott.young@krugerproducts.ca
Property Address:	0 Mahannah Street
Property Owner Name:	K.T.G. (USA) L.P.
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107
Email Address:	scott.young@krugerproducts.ca
Property Address:	0 Mahannah Street
Property Owner Name:	K.T.G. (USA) L.P.
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107
Email Address:	scott.young@krugerproducts.ca
Property Address:	0 Minnie Street
Property Owner Name:	K.T.G. (USA) L.P.
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107
Email Address:	scott.young@krugerproducts.ca

Contact Information

Name
SCOTT YOUNG

Address

Phone (249)288-2592

Name SCOTT YOUNG

Address

Phone

Name CHARLES CAMPBELL

Address

Phone (901)683-9114

Name

MARK JOBE

Address

Phone

(901)857-8324

Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1609966	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	12/05/2024
1609966	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/05/2024
	Тс	otal Fee Invo	iced: \$410.40	Total Ba	lance: \$0.0	00

-	
Payment Amount	Method of
A A A	

\$410.40

Method of Payment Credit Card

Contact Type

ADJACENT PROPERTY OWNER OF RECORD

Contact Type

Contact Type

APPLICANT

ARCHITECT / ENGINEER / SURVEYOR

Contact Type

REPRESENTATIVE



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Mark A. Hauke, Authorized Officer of Community Benefit Partners, LLC., 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,

of the property located at 360 Mahannah and 364 Mahannah, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00016 and 039033 00015, for which an application is being made to the Division of Planning and Development.

Community Benefit Partners, LLC

MARK HAIDKE By: Name: 7/

Title: Authorized Officer Subscribed and sworn to (or affirmed) before me this _5th____ day of __December_

A. Malane ra Signature of Notary Public

ANNI ORA A TENN. NOTAN PUBLIC WARE OF 2024.

March 21, 2027 Commission Expires



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, Development Code Section 12.3.1.

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., 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

J 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 400 Mahannah, 0 Mahannah, and 0 Minnie, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00017C, 039033 00014, 039033 00013, 039033 00012, and 039033 00011, for which an application is being made to the Division of Planning and Development. **K.T.G. (USA), L.P.**

LAD 16 MARY_ Bv: Name: 71

Title: Authorized Officer Subscribed and sworn to (or affirmed) before me this __5th____ day of __December_

nalone Signature of Notary Public



nch 21,2027 Commission Expires



Mark T. Jobe, Jr. 901.576.1853 mjobe@glankler.com

December 5, 2024

Memphis & Shelby County **Division of Planning & Development** 125 North Main Street, 4th Floor Memphis, TN 38103

> K.T.G. (USA) LP – Partial Closure of Mahannah Avenue and Minnie Street Re:

Ladies & Gentlemen:

This firm represents K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC with respect to the two (2) Street and Alleyway Closure Applications submitted simultaneously for the partial closures of Mahannah Avenue and Minnie Street (the "Applications").

K.T.G. (USA) LP owns large industrial property at 400 Mahannah and its affiliates operate the plant thereon. Over the years, K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC, have acquired distressed residential properties along Mahannah Avenue and Minnie Street, all of which are now vacant lots adjacent to the portions of Mahannah Avenue and Minnie Street which are subject to these Applications. This request is being made to better control traffic adjacent to the manufacturing facility and to increase security of its parking facilities serving the same.

Closing these portions of these streets will not have any negative impact on the citizens of Memphis or specifically the nearby community, but rather will help the K.T.G. (USA) LP deter criminal activity and better secure its manufacturing facility (specifically the parking areas). As part of these requests, the K.T.G. (USA) LP is requesting approval to move its guard's shack further west on Mahannah and to install movable concrete barriers at the north end of the closure on Minnie Street to better control access to the manufacturing facility.

Thank you for your consideration of the attached Applications. We appreciate the support and if there are any concerns, look forward to finding a mutually agreeable solution to resolve the same.

With best regards,

GLANKLER BROWN, PLLC -DocuSigned by:

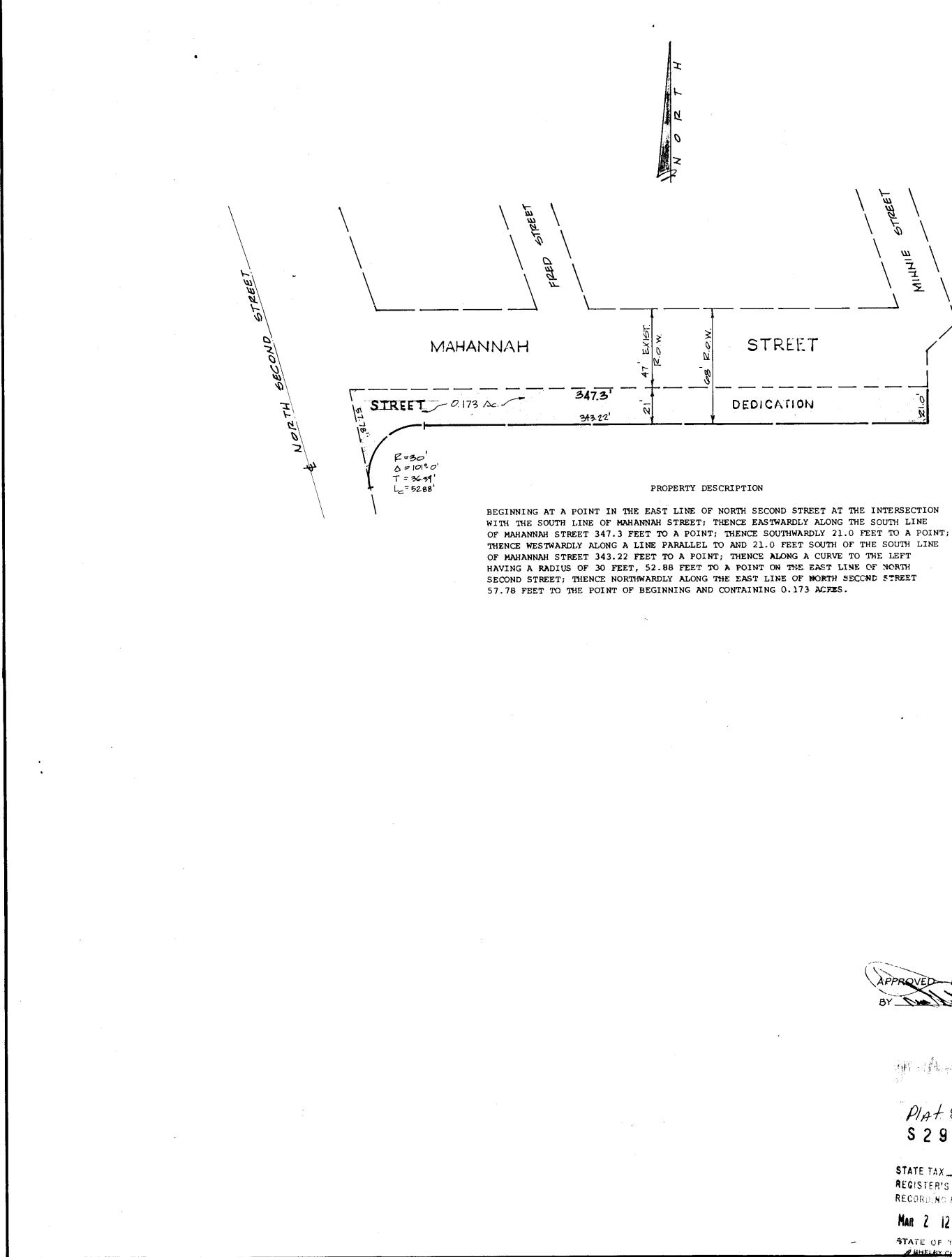
Mark Tilden Jobe fr.

-3CDB080DDF6C44A... Mark T. Jobe, Jr.

Closure Description - Mahannah Avenue

Part of Mahannah Avenue (68' Wide) between North Second Street and Minnie Street as dedicated in Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51, and being further described hereon:

Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O. W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32. 79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 06 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.



OWNER'S CERTIFICATE

DIVISION VICE PRESIDENT an MANAGER OF OPERATIONS

(I,WE), THE UNDERSIGNED, , OWNER(S) OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAT AS OUR PLAN OF SUBDIVISION (AND DEDICATE THE STREETS, RIGHTS-OF-WAY, EASEMENTS AND RIGHTS OF ACCESS AS SHOWN TO THE PUBLIC USE FOREVER). (I,WE) HEREBY CERTIFY THAT (I,WE) (AM,ARE) THE OWNER(S), DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

NOTARY'S CERTIFICATE STATE OF WISCONSIN, COUNTY OF WINNEBAGO

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY AT NEENAH, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED AS HIS OWN FREE ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THIS 25 DAY OF 2016 MY COMMISSION EXPIRES NOTARY PUBLIC

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT SAID DOCUMENT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS IN REGULAR SESSION ON March 25, 1980

HEALTH DEPARTMENT'S CERTIFICATE

BY Pr. Chales Konig

APPROVED BY THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT.

ENGINEER'S OR SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

BY Konald R. William 2 R.R.S.

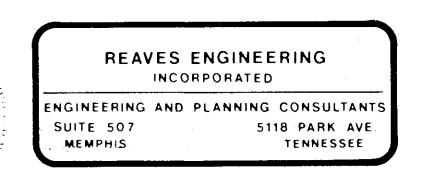
26,1980

DATE

TENNESSEE CERTIFICATE NO.

APPROVED DEPUTY DIRECTOR/CIVIL ENGINEER PUBLIC WARKS BY J. R. Jamer J. DATE 2-28-80

ROAD DEDICATION FOR MAHANNAH STREET Memphis, Tennessee November, 1979



PPROVED DIRECTOR OF PUBLIC WORKS DATE

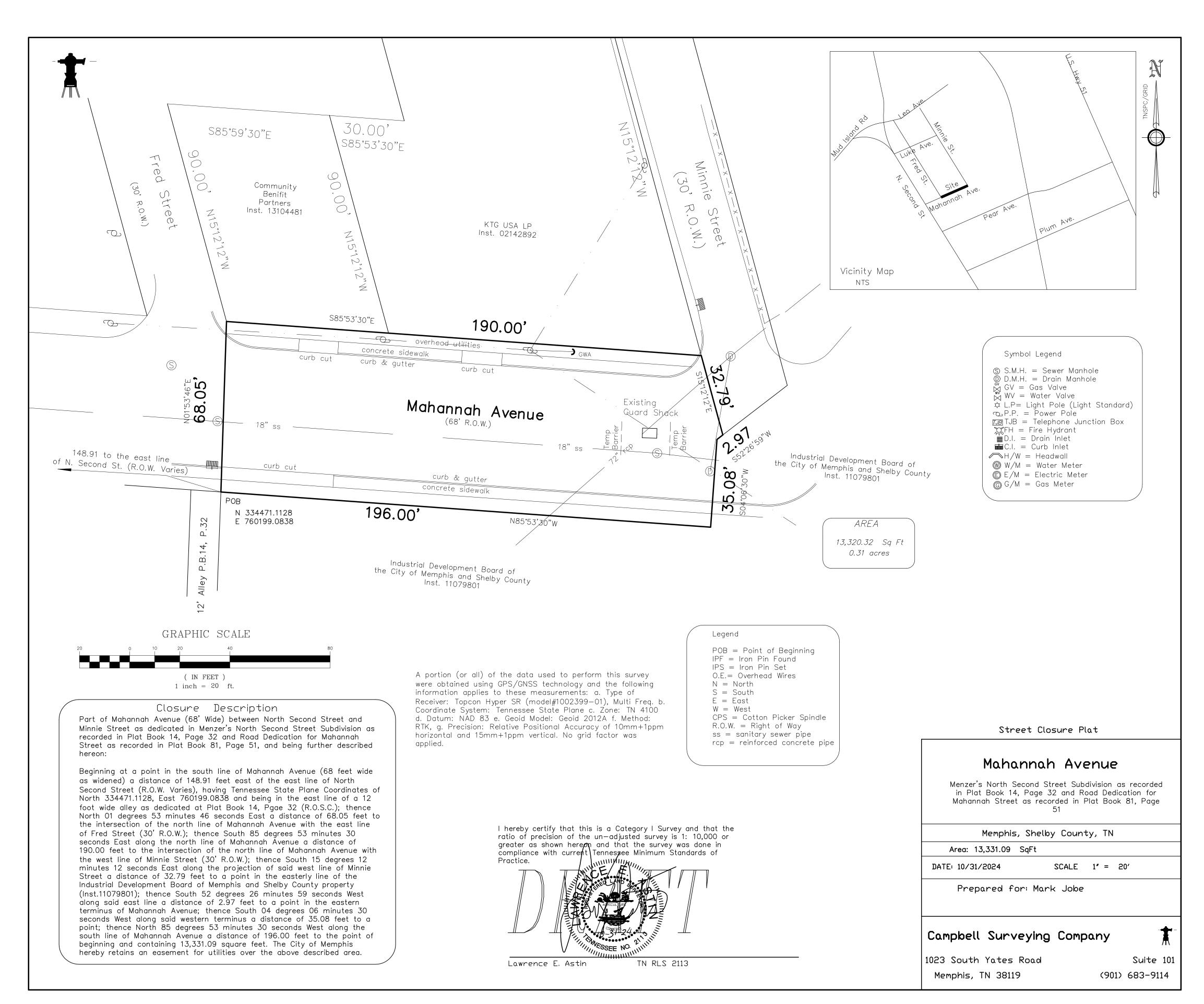
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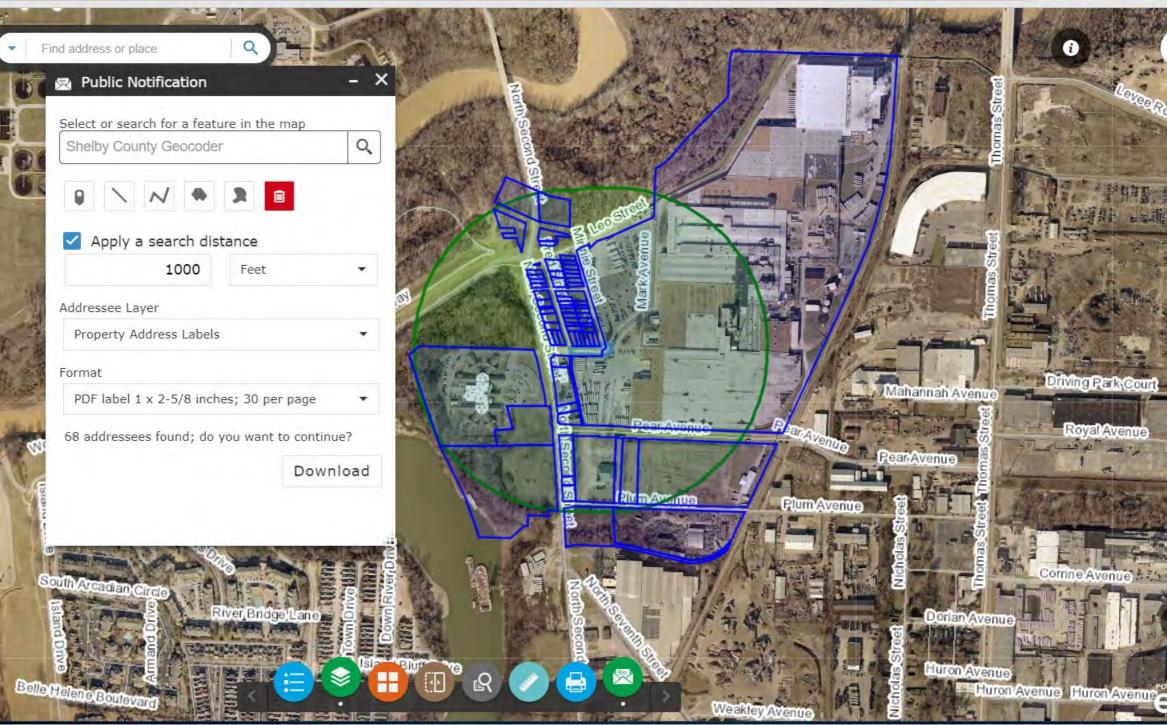
STATE TAX RECISTER'S FEE

MAR 2 12 53 1 # BI STATE OF TENNEDSER

Ing Minton

STREET MIHHIE







Tom Leatherwood

Shelby County Register

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

021976	31 3:33 PM
2 PGS : R - LTD PARTMERSHIP	
BUDDT 87405-2197631	
VALUE	0.00
NORTGAGE TAX	0.00
TRAISFER TAK	0.00
RECORDING FEE	10.00
DP FCE	2.00
REGISTER'S FEC	0.00
WALK THRO FED	8.00
TOTAL ANOUNT	20.00
TON TEATHERN	

TOM LEATHERWOOD



PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"120802 DELAWARE INC.", A DELAWARE CORPORATION,

WITH AND INTO "K.T.G. (USA) LP" UNDER THE NAME OF "K.T.G. (USA) LP", A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF OCTOBER, A.D. 2002, AT 11 O'CLOCK A.M.



3581334 8100M

020708813

Darriet Smith Windson Harriet Smith Windson, Secretary of State

AUTHENTICATION: 2095331

DATE: 11-18-02

CERTIFICATE OF MERGER OF 120802 DELAWARE INC. INTO K.T.G. (USA) LP

Pursuant to Title 8, Section 263 of the Delaware General Corporation Law and Title 6, Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, the undersigned limited partnership executed the following Certificate of Merger:

First: That the names and states of formation of each of the constituent entities of the merger are as follows:

<u>Name</u> 120802 Delaware Inc. K.T.G. (USA) LP State of Formation Delaware Delaware

Second: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with the requirements of Section 17-211 of the Delaware Revised Uniform Limited Partnership Act and Section 263 of the Delaware General Corporation Law.

Third: The name of the surviving limited partnership is K.T.G. (USA) LP.

Fourth: The merger is to become effective on October/2, 2002.

Fifth: The Agreement and Plan of Merger is on file at the place of business of the surviving limited partnership, the address of which is 400 Mahannah Avenue, Memphis TN, 38107.

Sirth: A copy of the Agreement and Plan of Merger will be furnished by the surviving limited partnership on request, without cost, to any partner of any constituent limited partnership or stockholder of any constituent corporation.

In Witness Whereof said limited partnership has caused this certificate to be signed by the general partner on October /9, 2002.

K.T.G. (USA) LP, a Delaware limited partnership By: K.T.G. (USA) INC., a Delaware corporation Its: General Partner

a.e Tame: George J Bunze

Title Director

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 11:00 AM 10/18/2002 020645089 - 3581334



Tom Leatherwood Shelby County Register

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



9 PGS : R - WARRANTI DEE	D
FRED 65969-2142892	
VALUE	4000000.00
NORTGAGE TAX	0.00
TRANSFER TAX	14800.00
RECORDING FEE	45.00
DP FEC	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	36.00
TOTAL ANOUNT	14884.00

TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUPTY TERMESSEE This Instrument Prepared by and Return to: Stewart G. Austin, Jr., Atty. GLANKLER BROWN, PLLC 6000 Poplar Avenue, Suite 100 Memphis, Tennessee 38119-3978

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into on this 28th day of August, 2002, by and between NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, party of the first part, and 120802 DELAWARE INC. a Delaware corporation, party of the second part.

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

See Exhibit "A" attached hereto and by reference, made a part hereof.

Being the same property conveyed to Super American Tissue Mills of Tennessee LLC, a Delaware limited liability company, by Deed of record at Instrument No. KM 9194 in the Register's Office of Shelby County, Tennessee. Party of the first part makes this conveyance as the Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

The undersigned Chapter 7 Trustee believes the title hereby conveyed to be good, but warrants same solely against the lawful claims of all persons claiming by, through or under a conveyance from the undersigned as Chapter 7 Trustee, but not further or otherwise.

The property herein conveyed is subject to the following:

See Exhibit B attached hereto and incorporated by reference.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its successors and assigns in fee simple forever. The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforedescribed real estate; that he has good right to sell and convey the same; that the same is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons claiming by, through or under him, but not further or otherwise.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

houran P Hagemeyer, Tustee

NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, <u>Stewart G. Austin, Tr.</u> a Notary Public in and for said State and County, NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand at office this $28^{\pm 5}_{\pm}$ day of August, 2002.

Notary Public

My commission expires: 2-26-03

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$4,000,000.00.

homan P Hagymin Tristee Affiant Subscribed and swom to before me this 28^{+h} day of August, 2002. AUS Notary Public My commission expires: 2-26-03 2 19 : tin (3 is a set of the set of the

PROPERTY ADDRESS:

400 Mahannah Memphis, Tennessee

<u>TAX PARCEL ID:</u> Ward 039 Blk 029 Parcels 08, 09, 10 and 11 Ward 039 Blk 032 Parcels 013 Ward 039 Blk 033 Parcels 05, 06, 07, 08, 09, 10, 12, 13, and 14 Ward 039 Blk 035 Parcels 01, 02C and 107 Ward 069 Blk 074 Parcels 09 Ward 069 Blk 078 Parcels 04 NAME AND ADDRESS OF PROPERTY OWNER(S): 120802 Delquose Inc. 6000 Poplas Ave. # 100 Memphis, TN 38119

MAIL TAX NOTICES TO: 120802 Delaware Inc. 40 Glankler Brown, PLLC 6000 Poplar Ave. #100 Memphis, TN 38119

 State Tax
 \$ 14,800.00

 Register's Fee
 3.00

 Recording Fee
 55.00

 TOTAL
 \$14,858.00

EXHIBIT A

Parcel 1

Being Parcels 1 through 4 of the Kimberly-Clark Corporation property of record in Book 1921, Page 121 at the Shelby County Register's Office, located in Memphis, Tennessee and being more particularly described as follows.

Beginning at the intersection of the north line of Pear Avenue (64 foot right-of-way) and the west line of the Illinois Central Railroad (50 foot right-of-way); thence north 87 degrees 34 minutes 24 seconds west along the said north line of Pear Avenue a distance of 992.22 feet to a point of transition in said Pear Avenue, from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 03 degrees 33 minutes 36 seconds east along the east line of Minnie Street (now closed) a distance of 488.00 feet to a point; thence north 87 degrees 25 minutes 44 seconds west a distance of 185.30 feet to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10 feet, survey) to a point; thence north 17 degrees 29 minutes 57 seconds west a distance of 26.73 feet (record, 26.26 feet, survey) to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 385.85 feet to a point; thence north 02 degrees 18 minutes 41 seconds east a distance of 870.09 feet to a point in the approximate centerline thread of the Old Wolf River; thence along said centerline the following calls and distances:

North 62 degrees 57 minutes 24 seconds East – 78.99 feet North 41 degrees 57 minutes 49 seconds East – 220.00 feet North 44 degrees 58 minutes 49 seconds East – 350.00 feet North 03 degrees 28 minutes 49 seconds East – 240.00 feet North 13 degrees 03 minutes 26 seconds East – 749.45 feet

to a point on the south line of the Wolf River Channel; thence along said south line the following calls and distances:

North 88 degrees 13 minutes 49 seconds East -207.75 feet South 35 degrees 40 minutes 11 seconds East -464.66 feet South 64 degrees 55 minutes 11 seconds East -171.00 feet South 66 degrees 39 minutes 11 seconds East -303.20 feet

to a point on the west line of the Illinois Central Railroad (50.00 foot right-of-way) thence south 03 degrees 32 minutes 49 seconds west along said west line a distance of 555.77 feet to a point of curvature; thence southwestwardly continuing along said west line and along a curve to the right, having a radius of 2839.93 feet, an arc distance of 1088.89 feet chord south 14 degrees 31 minutes 52 seconds west 1082.23 feet to a point of tangency; thence south 25 degrees 30 minutes 55 seconds west a distance of 1049.47 feet to the point of beginning and containing 3,466,434 square feet or 79.578 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed recorded in Instrument No. ER 9392, Register's Office, Shelby County, Tennessee.

Parcel 2

Being Lots 13, 14, 15, 16, 17, Block "D" of Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Fred Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 95.00 feet to a point; thence north 17 degrees 27 minutes 40 seconds west a distance of 150.01 feet to found iron pin at the southwest corner of Lot 18 of said Greenville Subdivision; thence south 88 degrees 08 minutes 20 seconds east along the south line of said Lot 18 a distance of 94.92 feet to a found iron pin on the west line of said Fred Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 149.96 feet to the point of beginning and containing 13,441 square feet or 0.309 acres.

Parcel 3

Being Lots 27 through 36, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Minnie Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 125.15 feet to the southeast corner of Lot 26 of said Greenville Subdivision; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 26 a distance of 90.00 feet to a point on the south line a distance of 30.00 feet to the southeast corner of said Lot 24; thence south 88 degrees 11 minutes 15 seconds east along the said south line a distance of 30.00 feet to the southeast corner of said Lot 24; thence north 27 degrees (record, 17 degrees, survey) 29 minutes 57 seconds west along the east line of Lot 32, 22, 21, 20 and 19 a distance of 179.87 to a point at the northeast corner of said Lot 19, also being the south west Corner of Lot 37; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 37 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 269.99 feet (record, 269.87 feet, survey) to the point of beginning and containing 26.781 square feet of 0.615 acres.

Parcel 4

Being Lot 44, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at a found iron pin on the west line of Minnie Street 89.69 feet north of the north line of Luke Street said iron pin also being the northeast corner of Lot 43 of said Greenville Subdivision; thence north 88 degrees 11 minutes 15 seconds west along the north line of said Lot 43 a distance of 95.15 feet to a point at the northeast (record, northwest, survey) corner of said Lot 43, said point also being the southeast (record,

northeast, survey) corner of Lot 11; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 11 a distance of 30.00 feet to point at the southwest corner of Lot 45; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 45 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 30.00 feet to the point of beginning and containing 2,681 square feet or 0.062 acres.

Parcel 5

Commencing at the intersection of the west line of the Illinois Central Railroad (50.00 foot right-of-way) and the north line of the Wolf River Channel; thence north 72 degrees 23 minutes 11 seconds west along said north line a distance of 276.01 feet to a point; thence continuing along said north line north 38 degrees 47 minutes 11 seconds west a distance of 394.84 feet to a point; thence continuing along said north line of 100.00 feet to a point on the approximate centerline thread of the old Wolf River Channel and the point of beginning; thence continuing along the said north line of the existing Wolf River Channel north 55 degrees 17 minutes 11 seconds west a distance of 413.42 feet to a point; thence continuing along said north line north 77 degrees 26 minutes 11 seconds west a distance of 174.27 feet to a point on the approximate centerline thread of the old wolf River Channel in the Old Wolf River Channel; thence northwardly and following the said centerline thread of the Old Wolf River Channel thread of the Old Wolf River Channel the following calls and distances:

North 14 degrees 16 minutes 11 seconds west – 138.90 feet North 05 degrees 13 minutes 49 seconds east – 165.00 feet North 23 degrees 28 minutes 49 seconds east – 320.00 feet North 41 degrees 13 minutes 49 seconds east – 170.00 feet North 69 degrees 58 minutes 49 seconds east – 180.00 feet South 71 degrees 01 minutes 11 seconds east – 180.00 feet South 15 degrees 36 minutes 11 seconds east – 175.00 feet South 08 degrees 13 minutes 49 seconds west – 550.00 feet South 03 degrees 38 minutes 49 seconds west – 284.39 feet

To the point of beginning and containing 452.773 square feet or 10.394 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Quitclaim Deed of record in Instrument No. ER 9393, Register's Office, Shelby County, Tennessee.

Parcel 6

Beginning at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot rightof-way) as measured along the north line of Pear Avenue, said point being on the east line of Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 82 degrees 09 minutes 06 seconds west continuing along the north line of Pear Avenue a distance of 54.57 feet to a point; thence north 87 degrees 13 minutes 18 seconds west a distance of 228.35 feet to a point in the east line of a 10 foot wide alley; thence north 12 degrees 11 minutes 47 seconds west along said east line a distance of 361.29 feet to a point; thence north 00 degrees 10 minutes 06 seconds distance of 89.06 feet to a point an the south line of Mahannah Street (68 foot right-of-way); thence south 88 degrees 11 minutes 15 seconds east along said south line a distance of 196.00 feet to point; thence north 01 degrees 48 minutes 45 seconds east a distance of 35.08 feet (record, 35.76 feet, survey) to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 9.01 feet (record, 8.03, survey) to a point on the north line of Mahannah Street (now closed); thence south 87 degrees 25 minutes 44 seconds east along said north line a distance of 185.30 feet to a point in the east line of said Minnie Street; thence south 03 degrees 33 minutes 36 seconds west along said east line distance of 488.00 feet to a point of beginning and containing 158.967 square feet or 3.649 acres.

Parcel 7

Commencing at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot rightof-way) as measured along the north line of Pear Avenue, said point being on the east line Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-at-way; thence north 03 degrees 33 minutes 36 seconds east a distance of 488.00 feet to a point on the north line of Mahannah Street (now closed); thence north 87 degrees 25 minutes 44 seconds west along said north line a distance of 185.30 feet to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10, survey) to point; thence north 17 degrees 29 minutes 57 seconds west distance of 26.73 feet (record, 26.26 feet, survey) to the point of beginning said point being in the east line of the southerly extension of Minnie Street (30 foot right-of-way); thence north 17 degrees 29 minutes 57 seconds west along said east line a distance of 650.43 feet to a point on the south line of the City of Memphis and Shelby County Flood Control Property; thence north 66 degrees 27 minutes 36 seconds east along said south line a distance of 88.28 feet to point; thence south 17 degrees 29 minutes 57 seconds east a distance of 21.10 feet to a point; thence north 50 degrees 02 minutes 30 seconds east a distance of 60.50 feet to a point; thence north 70 degrees 12 minutes 29 seconds east a distance of 77.97 feet to a point; thence north 65 degrees 46 minutes 23 seconds east a distance of 328.58 feet to a point; thence south 02 degrees 18 minutes 41 seconds west a distance of 563.74 feet to a point; thence south 50 degrees 09 minutes 14 seconds west a distance of 385.85 feet to the point of beginning and containing 249,510 square feet or 5.728 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed of record in Instrument No. ER 9394, Register's Office, Shelby County, Tennessee.

Parcel 8

Commencing at the southeast corner of Mahannah Street (68' R.O.W.); thence north 01 degrees 48 minutes 45 seconds east along the east line of Mahannah Street a distance of 35.76 feet; thence north 50 degrees 09 minutes 14 seconds east along an easterly line of Mahannah Street a distance of 8.03 feet; thence south 87 degrees 25 minutes 44 seconds east a distance of 186.02 feet to the point of beginning; thence south 87 degrees 25

. •

minutes 44 seconds east a distance of 1,189.29 feet to a point on the west line of Illinois Central Railroad (50 R.O.W.); thence south 25 degrees 30 minutes 55 seconds west along said Illinois Central Railroad line a distance of 21.72 feet; thence north 87 degrees 25 minutes 44 seconds west a distance of 1,181.2 feet; thence north 03 degrees 33 minutes 36 seconds east a distance of 20 feet to the point of beginning. Containing 23,705 square feet or 0.544 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by deed from City of Memphis of record as Instrument No. FK 0563, Register's Office, Shelby County, Tennessee.

EXHIBIT B

- 1) City of Memphis Taxes for 2002 and prior years plus any interest and penalties due.
- 2) Shelby County Taxes for 2001 and prior years plus any interest and penalties due.
- 3) Easement and restrictions of record:

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Plat Book 14, Page 32 Plat book 17, Page 77 Book 1676, Page 490 Book 1952, Page 8 Plat Book 3730, Page 95 Book 4126, Page505 Book 4660, Page 33 Book 5764, Page 360 Book 5928, Page 296 Book 3626, Page 451 Book 3553 Page 151 Book 2648, Page 497 Book 1693, Page 186 Book 2648, Page 495 Instrument No. F1 4066 Instrument No. F6 3909 Instrument No. J7 0134 Instrument No. L2 0134 Instrument No. L2 5236 Instrument No. X3 6421 Instrument No. CV 7749 Instrument No. R7 1099 Instrument No. R7 1098 Instrument No. R8 8978 Instrument No. FK 0563

- 4) Riparian rights in and to the waters of the Wolf River
- 5) Covenants, Restrictions, and Easements at Instrument No. R5 3301; Book 1921, Page 121; and Book 4126, Page 505
- 6) All valid statutory liens of record.



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: Pending

Opened Date: November 19, 2024

Record Number: SAC 2024-008

Expiration Date:

Record Name: Closure of a Portion of Minnie Street

Description of Work: The Applicant submits this request o close a portion of Minnie Street at the northern boundary line of 0 Minnie Street (Tax Parcel 039033 00005) as depicted on the survey attached hereto. The Applicant further requests approval to install a concrete barrier at this point to restrict traffic heading south on Minnie Avenue.

Parent Record Number:

Address:

Owner Information

Primary Owner Name N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

LaTonya Hull 10/08/2024 Phone

Luke Street (South of) Mahannah Avenue Increased security for the manufacturing facility at 400 Mahannah Street, in particular its parking area. 9419.29

GENERAL INFORMATION

closed?	
What is the overall length of the street closure?	290.45
Name of Street/Alley/ROW	Minnie Street
Is this application in response to a citation from	No
Construction Code Enforcement or Zoning	
Letter?	
If yes, please provide additional information	-
Is this application a time extension?	No
RELATED CASE INFORMATION	
Previous Case Numbers	BOA 1959-072-CI
	SAC 1978-007
	BOA 1968-100-CI
	Applicant is submitting a corresponding application
	related to the closure of a portion of Mahannah
	contemporaneously herewith.
GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No

Case Layer Central Business Improvement District Class	- 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	-

Data Tables

Property Owners

Property Address:	0 Minnie Street
Property Owner Name:	K.T.G. (USA) LP
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107
Email Address:	scott.young@krugerproducts.ca

Tax Parcels:
039033 00005
039033 00006
039033 00007
039033 00008
039033 00009
039033 00010
039033 00011

Contact Information

Name

SCOTT YOUNG

Address

Phone

(249)288-2592

Name

SCOTT YOUNG

Address

Phone

Name CHARLES T CAMPBELL

Address

Phone

(901)683-9114

Name

MARK JOBE

Address

Phone

(901)576-1853

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1609970	Right of Way	1	400.00	INVOICED	0.00	12/05/2024
	Vacation/Closure Fee					
1609970	Credit Card Use Fee (.026	1	10.40	INVOICED	0.00	12/05/2024
	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 4

Contact Type

ADJACENT PROPERTY OWNER OF RECORD

Contact Type

Contact Type

ARCHITECT / ENGINEER / SURVEYOR

Contact Type

REPRESENTATIVE



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., 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):

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 400 Mahannah, 0 Mahannah, and 0 Minnie, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00017C, 039033 00005, 039033 00006, 039033 00007, 039033 00008, 039033 00009, 039033 00010, and 039033 00011, for which an application is being made to the Division of Planning and Development.

K.T.G. (USA), L.P.

RK HADKI By: Name:

 Title: Authorized Officer
 C

 Subscribed and sworn to (or affirmed) before me this ___5th____ day of __December__

Malene. Signature of Notary Public



narch 21, 2027 My Commission Expires



Mark T. Jobe, Jr. 901.576.1853 mjobe@glankler.com

December 5, 2024

Memphis & Shelby County **Division of Planning & Development** 125 North Main Street, 4th Floor Memphis, TN 38103

> K.T.G. (USA) LP – Partial Closure of Mahannah Avenue and Minnie Street Re:

Ladies & Gentlemen:

This firm represents K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC with respect to the two (2) Street and Alleyway Closure Applications submitted simultaneously for the partial closures of Mahannah Avenue and Minnie Street (the "Applications").

K.T.G. (USA) LP owns large industrial property at 400 Mahannah and its affiliates operate the plant thereon. Over the years, K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC, have acquired distressed residential properties along Mahannah Avenue and Minnie Street, all of which are now vacant lots adjacent to the portions of Mahannah Avenue and Minnie Street which are subject to these Applications. This request is being made to better control traffic adjacent to the manufacturing facility and to increase security of its parking facilities serving the same.

Closing these portions of these streets will not have any negative impact on the citizens of Memphis or specifically the nearby community, but rather will help the K.T.G. (USA) LP deter criminal activity and better secure its manufacturing facility (specifically the parking areas). As part of these requests, the K.T.G. (USA) LP is requesting approval to move its guard's shack further west on Mahannah and to install movable concrete barriers at the north end of the closure on Minnie Street to better control access to the manufacturing facility.

Thank you for your consideration of the attached Applications. We appreciate the support and if there are any concerns, look forward to finding a mutually agreeable solution to resolve the same.

With best regards,

GLANKLER BROWN, PLLC -DocuSigned by:

Mark Tilden Jobe fr.

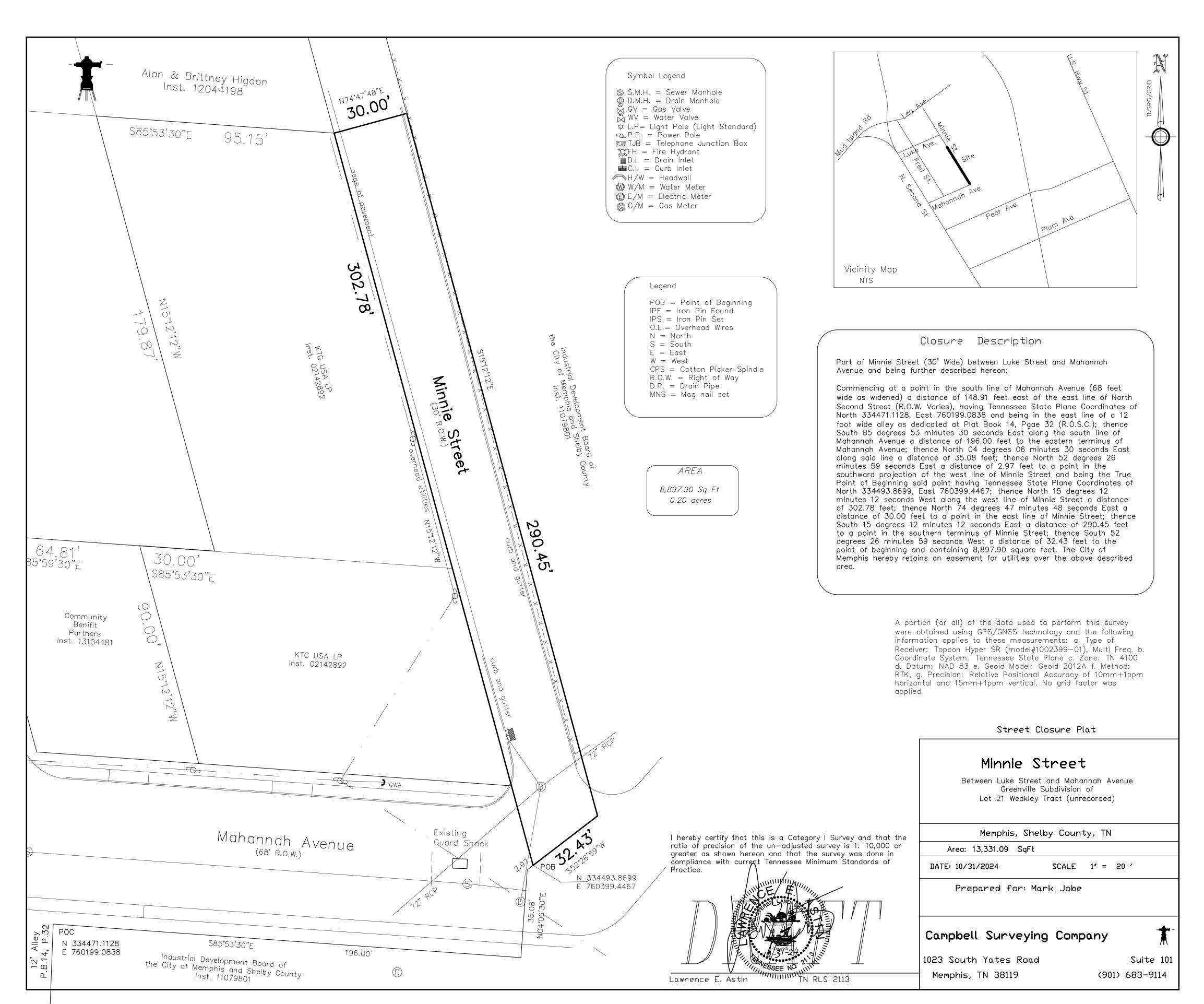
-3CDB080DDF6C44A... Mark T. Jobe, Jr.

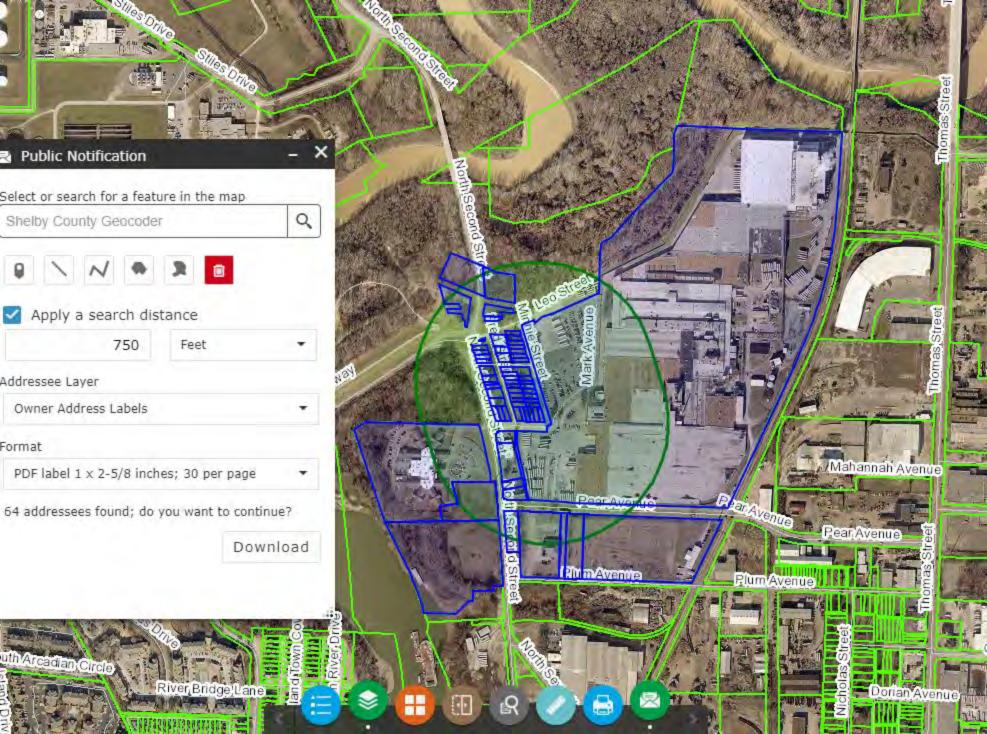
Closure Description – Minnie Street

Real property situated in the City of Memphis, County of Shelby, to wit:

Part of Minnie Street (30' Wide) between Luke Street and Mahannah Avenue and being further described hereon:

Commencing at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence South 85 degrees 53 minutes 30 seconds East along the south line of Mahannah Avenue a distance of 196.00 feet to the eastern terminus of Mahannah Avenue; thence North 04 degrees 06 minutes 30 seconds East along said line a distance of 35.08 feet; thence North 52 degrees 26 minutes 59 seconds East a distance of 2.97 feet to a point in the southward projection of the west line of Minnie Street and being the True Point of Beginning said point having Tennessee State Plane Coordinates of North 334493.8699, East 760399.4467; thence North 15 degrees 12 minutes 12 seconds West along the west line of Minnie Street a distance of 302.78 feet; thence North 74 degrees 47 minutes 48 seconds East a distance of 30.00 feet to a point in the east line of Minnie Street; thence South 15 degrees 12 minutes 12 seconds East a distance of 290.45 feet to a point in the southern terminus of Minnie Street; thence South 52 degrees 26 minutes 59 seconds West a distance of 32.43 feet to the point of beginning and containing 8,897.90 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.







Tom Leatherwood

Shelby County Register

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

021976	31 3:33 PM
2 PGS : R - LTD PARTNERSHIP	
BUDDT 87405-2197631	
VALUE	0.00
NORTGAGE TAX	0.00
TRAISFER TAK	0.00
RECORDING FEE	10.00
DP FCE	2.00
REGISTER'S FEC	0.00
WALK THRO FED	8.00
TOTAL ANOUNT	20.00
TON TEATHERN	

TOM LEATHERWOOD



PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"120802 DELAWARE INC.", A DELAWARE CORPORATION,

WITH AND INTO "K.T.G. (USA) LP" UNDER THE NAME OF "K.T.G. (USA) LP", A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF OCTOBER, A.D. 2002, AT 11 O'CLOCK A.M.



3581334 8100M

020708813

Darriet Smith Windson Harriet Smith Windson, Secretary of State

AUTHENTICATION: 2095331

DATE: 11-18-02

CERTIFICATE OF MERGER OF 120802 DELAWARE INC. INTO K.T.G. (USA) LP

Pursuant to Title 8, Section 263 of the Delaware General Corporation Law and Title 6, Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, the undersigned limited partnership executed the following Certificate of Merger:

First: That the names and states of formation of each of the constituent entities of the merger are as follows:

<u>Name</u> 120802 Delaware Inc. K.T.G. (USA) LP State of Formation Delaware Delaware

Second: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with the requirements of Section 17-211 of the Delaware Revised Uniform Limited Partnership Act and Section 263 of the Delaware General Corporation Law.

Third: The name of the surviving limited partnership is K.T.G. (USA) LP.

Fourth: The merger is to become effective on October/2, 2002.

Fifth: The Agreement and Plan of Merger is on file at the place of business of the surviving limited partnership, the address of which is 400 Mahannah Avenue, Memphis TN, 38107.

Sirth: A copy of the Agreement and Plan of Merger will be furnished by the surviving limited partnership on request, without cost, to any partner of any constituent limited partnership or stockholder of any constituent corporation.

In Witness Whereof said limited partnership has caused this certificate to be signed by the general partner on October /9, 2002.

K.T.G. (USA) LP, a Delaware limited partnership By: K.T.G. (USA) INC., a Delaware corporation Its: General Partner

a.e Tame: George J Bunze

Title Director

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 11:00 AM 10/18/2002 020645089 - 3581334



Tom Leatherwood Shelby County Register

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



9 PGS : R - WARRANTI DEE	D
FRED 65969-2142892	
VALUE	4000000.00
NORTGAGE TAX	0.00
TRANSFER TAX	14800.00
RECORDING FEE	45.00
DP FEC	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	36.00
TOTAL ANOUNT	14884.00

TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUPTY TERMESSEE This Instrument Prepared by and Return to: Stewart G. Austin, Jr., Atty. GLANKLER BROWN, PLLC 6000 Poplar Avenue, Suite 100 Memphis, Tennessee 38119-3978

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into on this 28th day of August, 2002, by and between NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, party of the first part, and 120802 DELAWARE INC. a Delaware corporation, party of the second part.

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

See Exhibit "A" attached hereto and by reference, made a part hereof.

Being the same property conveyed to Super American Tissue Mills of Tennessee LLC, a Delaware limited liability company, by Deed of record at Instrument No. KM 9194 in the Register's Office of Shelby County, Tennessee. Party of the first part makes this conveyance as the Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

The undersigned Chapter 7 Trustee believes the title hereby conveyed to be good, but warrants same solely against the lawful claims of all persons claiming by, through or under a conveyance from the undersigned as Chapter 7 Trustee, but not further or otherwise.

The property herein conveyed is subject to the following:

See Exhibit B attached hereto and incorporated by reference.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its successors and assigns in fee simple forever. The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforedescribed real estate; that he has good right to sell and convey the same; that the same is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons claiming by, through or under him, but not further or otherwise.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

houran P Hagemeyer, Tustee

NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, <u>Stewart G. Austin, Tr.</u> a Notary Public in and for said State and County, NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand at office this $28^{\pm 5}_{\pm}$ day of August, 2002.

Notary Public

My commission expires: 2-26-03

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$4,000,000.00.

homan P Hagymin Tristee Affiant Subscribed and swom to before me this 28^{+h} day of August, 2002. AUS Notary Public My commission expires: 2-26-03 2 19 : tin (3 is a set of the set of the

PROPERTY ADDRESS:

400 Mahannah Memphis, Tennessee

<u>TAX PARCEL ID:</u> Ward 039 Blk 029 Parcels 08, 09, 10 and 11 Ward 039 Blk 032 Parcels 013 Ward 039 Blk 033 Parcels 05, 06, 07, 08, 09, 10, 12, 13, and 14 Ward 039 Blk 035 Parcels 01, 02C and 107 Ward 069 Blk 074 Parcels 09 Ward 069 Blk 078 Parcels 04 NAME AND ADDRESS OF PROPERTY OWNER(S): 120802 Delquose Inc. 6000 Poplas Ave. # 100 Memphis, TN 38119

MAIL TAX NOTICES TO: 120802 Delaware Inc. 40 Glankler Brown, PLLC 6000 Poplar Ave. #100 Memphis, TN 38119

 State Tax
 \$ 14,800.00

 Register's Fee
 3.00

 Recording Fee
 55.00

 TOTAL
 \$14,858.00

EXHIBIT A

Parcel 1

Being Parcels 1 through 4 of the Kimberly-Clark Corporation property of record in Book 1921, Page 121 at the Shelby County Register's Office, located in Memphis, Tennessee and being more particularly described as follows.

Beginning at the intersection of the north line of Pear Avenue (64 foot right-of-way) and the west line of the Illinois Central Railroad (50 foot right-of-way); thence north 87 degrees 34 minutes 24 seconds west along the said north line of Pear Avenue a distance of 992.22 feet to a point of transition in said Pear Avenue, from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 03 degrees 33 minutes 36 seconds east along the east line of Minnie Street (now closed) a distance of 488.00 feet to a point; thence north 87 degrees 25 minutes 44 seconds west a distance of 185.30 feet to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10 feet, survey) to a point; thence north 17 degrees 29 minutes 57 seconds west a distance of 26.73 feet (record, 26.26 feet, survey) to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 385.85 feet to a point; thence north 02 degrees 18 minutes 41 seconds east a distance of 870.09 feet to a point in the approximate centerline thread of the Old Wolf River; thence along said centerline the following calls and distances:

North 62 degrees 57 minutes 24 seconds East – 78.99 feet North 41 degrees 57 minutes 49 seconds East – 220.00 feet North 44 degrees 58 minutes 49 seconds East – 350.00 feet North 03 degrees 28 minutes 49 seconds East – 240.00 feet North 13 degrees 03 minutes 26 seconds East – 749.45 feet

to a point on the south line of the Wolf River Channel; thence along said south line the following calls and distances:

North 88 degrees 13 minutes 49 seconds East -207.75 feet South 35 degrees 40 minutes 11 seconds East -464.66 feet South 64 degrees 55 minutes 11 seconds East -171.00 feet South 66 degrees 39 minutes 11 seconds East -303.20 feet

to a point on the west line of the Illinois Central Railroad (50.00 foot right-of-way) thence south 03 degrees 32 minutes 49 seconds west along said west line a distance of 555.77 feet to a point of curvature; thence southwestwardly continuing along said west line and along a curve to the right, having a radius of 2839.93 feet, an arc distance of 1088.89 feet chord south 14 degrees 31 minutes 52 seconds west 1082.23 feet to a point of tangency; thence south 25 degrees 30 minutes 55 seconds west a distance of 1049.47 feet to the point of beginning and containing 3,466,434 square feet or 79.578 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed recorded in Instrument No. ER 9392, Register's Office, Shelby County, Tennessee.

Parcel 2

Being Lots 13, 14, 15, 16, 17, Block "D" of Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Fred Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 95.00 feet to a point; thence north 17 degrees 27 minutes 40 seconds west a distance of 150.01 feet to found iron pin at the southwest corner of Lot 18 of said Greenville Subdivision; thence south 88 degrees 08 minutes 20 seconds east along the south line of said Lot 18 a distance of 94.92 feet to a found iron pin on the west line of said Fred Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 149.96 feet to the point of beginning and containing 13,441 square feet or 0.309 acres.

Parcel 3

Being Lots 27 through 36, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Minnie Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 125.15 feet to the southeast corner of Lot 26 of said Greenville Subdivision; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 26 a distance of 90.00 feet to a point on the south line a distance of 30.00 feet to the southeast corner of said Lot 24; thence south 88 degrees 11 minutes 15 seconds east along the said south line a distance of 30.00 feet to the southeast corner of said Lot 24; thence north 27 degrees (record, 17 degrees, survey) 29 minutes 57 seconds west along the east line of Lot 32, 22, 21, 20 and 19 a distance of 179.87 to a point at the northeast corner of said Lot 19, also being the south west Corner of Lot 37; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 37 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 269.99 feet (record, 269.87 feet, survey) to the point of beginning and containing 26.781 square feet of 0.615 acres.

Parcel 4

Being Lot 44, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at a found iron pin on the west line of Minnie Street 89.69 feet north of the north line of Luke Street said iron pin also being the northeast corner of Lot 43 of said Greenville Subdivision; thence north 88 degrees 11 minutes 15 seconds west along the north line of said Lot 43 a distance of 95.15 feet to a point at the northeast (record, northwest, survey) corner of said Lot 43, said point also being the southeast (record,

northeast, survey) corner of Lot 11; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 11 a distance of 30.00 feet to point at the southwest corner of Lot 45; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 45 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 30.00 feet to the point of beginning and containing 2,681 square feet or 0.062 acres.

Parcel 5

Commencing at the intersection of the west line of the Illinois Central Railroad (50.00 foot right-of-way) and the north line of the Wolf River Channel; thence north 72 degrees 23 minutes 11 seconds west along said north line a distance of 276.01 feet to a point; thence continuing along said north line north 38 degrees 47 minutes 11 seconds west a distance of 394.84 feet to a point; thence continuing along said north line of 100.00 feet to a point on the approximate centerline thread of the old Wolf River Channel and the point of beginning; thence continuing along the said north line of the existing Wolf River Channel north 55 degrees 17 minutes 11 seconds west a distance of 413.42 feet to a point; thence continuing along said north line north 77 degrees 26 minutes 11 seconds west a distance of 174.27 feet to a point on the approximate centerline thread of the old wolf River Channel in the Old Wolf River Channel; thence northwardly and following the said centerline thread of the Old Wolf River Channel thread of the Old Wolf River Channel the following calls and distances:

North 14 degrees 16 minutes 11 seconds west – 138.90 feet North 05 degrees 13 minutes 49 seconds east – 165.00 feet North 23 degrees 28 minutes 49 seconds east – 320.00 feet North 41 degrees 13 minutes 49 seconds east – 170.00 feet North 69 degrees 58 minutes 49 seconds east – 180.00 feet South 71 degrees 01 minutes 11 seconds east – 180.00 feet South 15 degrees 36 minutes 11 seconds east – 175.00 feet South 08 degrees 13 minutes 49 seconds west – 550.00 feet South 03 degrees 38 minutes 49 seconds west – 284.39 feet

To the point of beginning and containing 452.773 square feet or 10.394 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Quitclaim Deed of record in Instrument No. ER 9393, Register's Office, Shelby County, Tennessee.

Parcel 6

Beginning at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot rightof-way) as measured along the north line of Pear Avenue, said point being on the east line of Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 82 degrees 09 minutes 06 seconds west continuing along the north line of Pear Avenue a distance of 54.57 feet to a point; thence north 87 degrees 13 minutes 18 seconds west a distance of 228.35 feet to a point in the east line of a 10 foot wide alley; thence north 12 degrees 11 minutes 47 seconds west along said east line a distance of 361.29 feet to a point; thence north 00 degrees 10 minutes 06 seconds distance of 89.06 feet to a point an the south line of Mahannah Street (68 foot right-of-way); thence south 88 degrees 11 minutes 15 seconds east along said south line a distance of 196.00 feet to point; thence north 01 degrees 48 minutes 45 seconds east a distance of 35.08 feet (record, 35.76 feet, survey) to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 9.01 feet (record, 8.03, survey) to a point on the north line of Mahannah Street (now closed); thence south 87 degrees 25 minutes 44 seconds east along said north line a distance of 185.30 feet to a point in the east line of said Minnie Street; thence south 03 degrees 33 minutes 36 seconds west along said east line distance of 488.00 feet to a point of beginning and containing 158.967 square feet or 3.649 acres.

Parcel 7

Commencing at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot rightof-way) as measured along the north line of Pear Avenue, said point being on the east line Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-at-way; thence north 03 degrees 33 minutes 36 seconds east a distance of 488.00 feet to a point on the north line of Mahannah Street (now closed); thence north 87 degrees 25 minutes 44 seconds west along said north line a distance of 185.30 feet to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10, survey) to point; thence north 17 degrees 29 minutes 57 seconds west distance of 26.73 feet (record, 26.26 feet, survey) to the point of beginning said point being in the east line of the southerly extension of Minnie Street (30 foot right-of-way); thence north 17 degrees 29 minutes 57 seconds west along said east line a distance of 650.43 feet to a point on the south line of the City of Memphis and Shelby County Flood Control Property; thence north 66 degrees 27 minutes 36 seconds east along said south line a distance of 88.28 feet to point; thence south 17 degrees 29 minutes 57 seconds east a distance of 21.10 feet to a point; thence north 50 degrees 02 minutes 30 seconds east a distance of 60.50 feet to a point; thence north 70 degrees 12 minutes 29 seconds east a distance of 77.97 feet to a point; thence north 65 degrees 46 minutes 23 seconds east a distance of 328.58 feet to a point; thence south 02 degrees 18 minutes 41 seconds west a distance of 563.74 feet to a point; thence south 50 degrees 09 minutes 14 seconds west a distance of 385.85 feet to the point of beginning and containing 249,510 square feet or 5.728 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed of record in Instrument No. ER 9394, Register's Office, Shelby County, Tennessee.

Parcel 8

Commencing at the southeast corner of Mahannah Street (68' R.O.W.); thence north 01 degrees 48 minutes 45 seconds east along the east line of Mahannah Street a distance of 35.76 feet; thence north 50 degrees 09 minutes 14 seconds east along an easterly line of Mahannah Street a distance of 8.03 feet; thence south 87 degrees 25 minutes 44 seconds east a distance of 186.02 feet to the point of beginning; thence south 87 degrees 25

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minutes 44 seconds east a distance of 1,189.29 feet to a point on the west line of Illinois Central Railroad (50 R.O.W.); thence south 25 degrees 30 minutes 55 seconds west along said Illinois Central Railroad line a distance of 21.72 feet; thence north 87 degrees 25 minutes 44 seconds west a distance of 1,181.2 feet; thence north 03 degrees 33 minutes 36 seconds east a distance of 20 feet to the point of beginning. Containing 23,705 square feet or 0.544 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by deed from City of Memphis of record as Instrument No. FK 0563, Register's Office, Shelby County, Tennessee.

EXHIBIT B

- 1) City of Memphis Taxes for 2002 and prior years plus any interest and penalties due.
- 2) Shelby County Taxes for 2001 and prior years plus any interest and penalties due.
- 3) Easement and restrictions of record:

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Plat Book 14, Page 32 Plat book 17, Page 77 Book 1676, Page 490 Book 1952, Page 8 Plat Book 3730, Page 95 Book 4126, Page505 Book 4660, Page 33 Book 5764, Page 360 Book 5928, Page 296 Book 3626, Page 451 Book 3553 Page 151 Book 2648, Page 497 Book 1693, Page 186 Book 2648, Page 495 Instrument No. F1 4066 Instrument No. F6 3909 Instrument No. J7 0134 Instrument No. L2 0134 Instrument No. L2 5236 Instrument No. X3 6421 Instrument No. CV 7749 Instrument No. R7 1099 Instrument No. R7 1098 Instrument No. R8 8978 Instrument No. FK 0563

- 4) Riparian rights in and to the waters of the Wolf River
- 5) Covenants, Restrictions, and Easements at Instrument No. R5 3301; Book 1921, Page 121; and Book 4126, Page 505
- 6) All valid statutory liens of record.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 04/22/2025

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

	DATE
PUBLIC SESSION:	<u>05/06/2025</u>
	DATE

ITEM (CHECK ONE) ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 611 E Cadraca Dr, known as case number SUP 2025-002.		
CASE NUMBER:	SUP 2025-002		
LOCATION:	611 E Cadraca Dr		
COUNCIL DISTRICTS:	District 5 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Louis Bernard Katzerman		
REPRESENTATIVE:	Louis Bernard Katzerman		
REQUEST:	Special use permit to allow a communications tower		
AREA:	+/-30,927 square feet total area - 2,100 square feet ground lease area		
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board Recommended <i>Approval with conditions</i>		
RECOMMENDED COUN	CIL ACTION: Public Hearing Not Required		
PRIOR ACTION ON ITEM	<i>l:</i>		
<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED		
03/13/2025	DATE		

05/15/2025	DATE		
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
FUNDING:			
(2)	REQUIRES CITY	EXPENDITURE - (1) YES (2) NO	
\$	AMOUNT OF EXPENDITURE		
<u>\$</u>	REVENUE TO BE RECEIVED		
SOURCE AND AMOUNT OF FUNDS			
<u>\$</u>	OPERATING BUDGET		
<u>\$</u>	_ CIP PROJECT #		
<u>\$</u>	FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPROVAL:	DATE	<u>POSITION</u>	
		STAFF PLANNER	
		DEPUTY ADMINISTRATOR	
		ADMINISTRATOR	
		DIRECTOR (JOINT APPROVAL)	
		COMPTROLLER	
		FINANCE DIRECTOR	
		CITY ATTORNEY	
		CHIEF ADMINISTRATIVE OFFICER	
· · · · · · · · · · · · · · · · · · ·	<u> </u>		
		COMMITTEE CHAIRMAN	



Memphis City Council Summary Sheet

SUP 2025-002

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 611 E CADRACA DR, KNOWN AS CASE NUMBER SUP 2025-002.

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

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:	SUP 2025-002
LOCATION:	611 E Cadraca Dr
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Louis Bernard Katzerman
REPRESENTATIVE:	Louis Bernard Katzerman
REQUEST:	Special use permit to allow a communications tower
EXISTING ZONING:	Residential Urban-3 (RU-3)
AREA:	+/-30,927 square feet total area – 2,100 square feet ground lease area

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

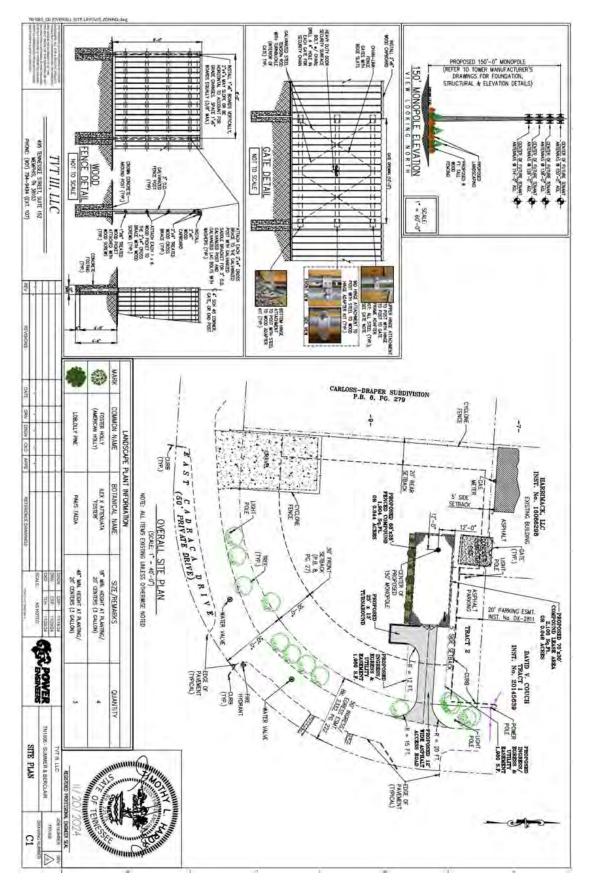
The motion passed by a vote of 7-0 on the consent agenda.

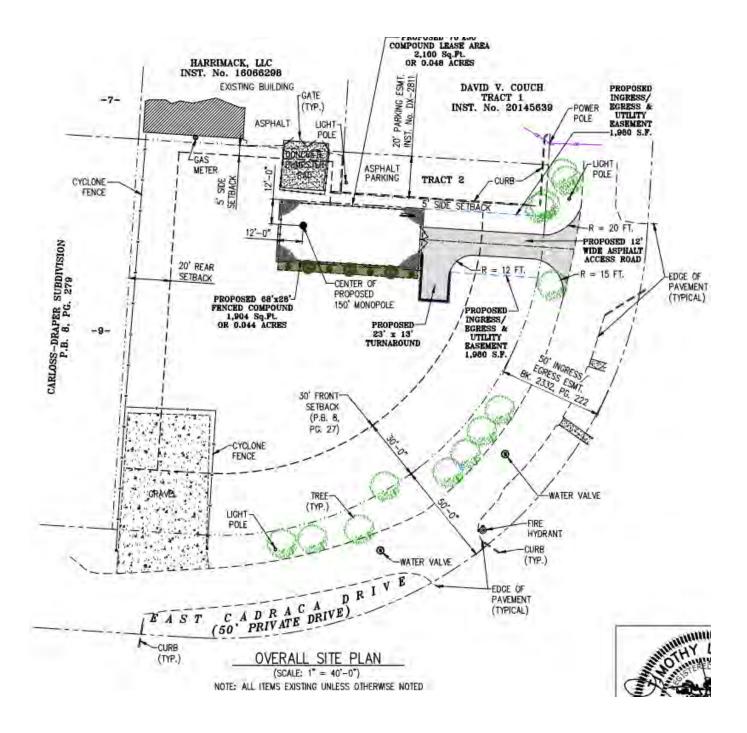
Respectfully,

Cc: Committee Members File

SUP 2025-002 CONDITIONS

- 1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to the launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
- 3. The maximum tower height shall be one-hundred fifty-five (155) feet CMCS tower.
- 4. The tower and related equipment shall be removed within one hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.





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 611 E CADRACA DR, KNOWN AS CASE NUMBER SUP 2025-002

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, Louis Bernard Katzerman filed an application with the Memphis and Shelby County Division of Planning and Development to allow a communications tower; 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 March 13, 2025, 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.

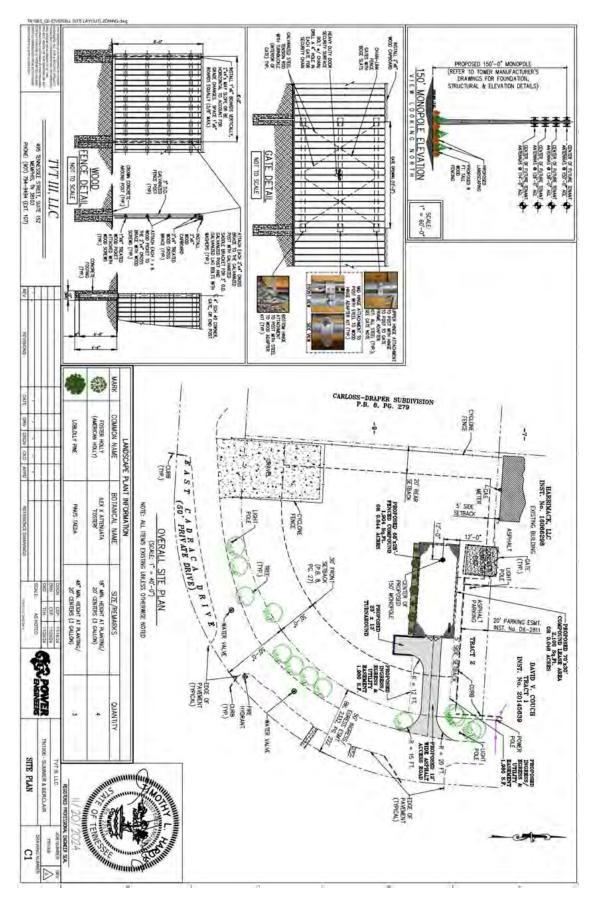
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

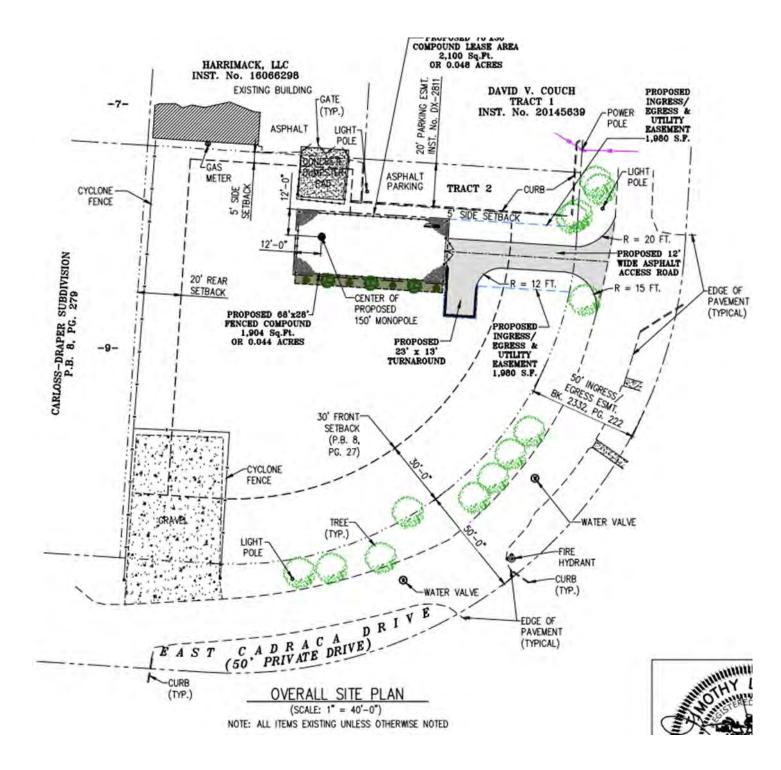
CONDITIONS

- 1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to the launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
- 3. The maximum tower height shall be one-hundred fifty-five (155) feet CMCS tower.
- 4. The tower and related equipment shall be removed within one hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

SITE PLAN



SITE PLAN – MAGNIFIED



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

dpd S	TAFF	REP	ORT
AGENDA ITEM:	15	L.U.C.B. MEETING:	March 13, 2025
CASE NUMBER:	SUP 2025-002	LO.C.D. WILLING.	Waren 13, 2023
LOCATION:	611 E Cadraca Dr		
COUNCIL DISTRICT:	District 5 and Super District 9 – F	Positions 1, 2, and 3	
OWNER/APPLICANT:	Louis Bernard Katzerman		
REPRESENTATIVE:	Louis Bernard Katzerman		
REQUEST:	Special use permit to allow a cor	nmunications tower	
EXISTING ZONING:	Residential Urban-3 (RU-3)		

CONCLUSIONS

- The applicant is seeking a special use permit to construct a 150-foot CMCS communications tower on Lot 10 of Carlos Draper, a vacant ±30,927 square foot site zoned Residential Urban-3. The tower will be built within a 2,100 square foot ground lease area, and the project is designed to enhance wireless connectivity and digital accessibility for an area surrounded by multi-family and commercial uses.
- This project is consistent with the Memphis 3.0 Comprehensive Plan, specifically aligning with Objective 4.4 to invest in smart city infrastructure. The new communications tower will help ensure residents remain interconnected through improved telecommunications, supporting local initiatives to expand wireless connectivity and broadband services.
- 3. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

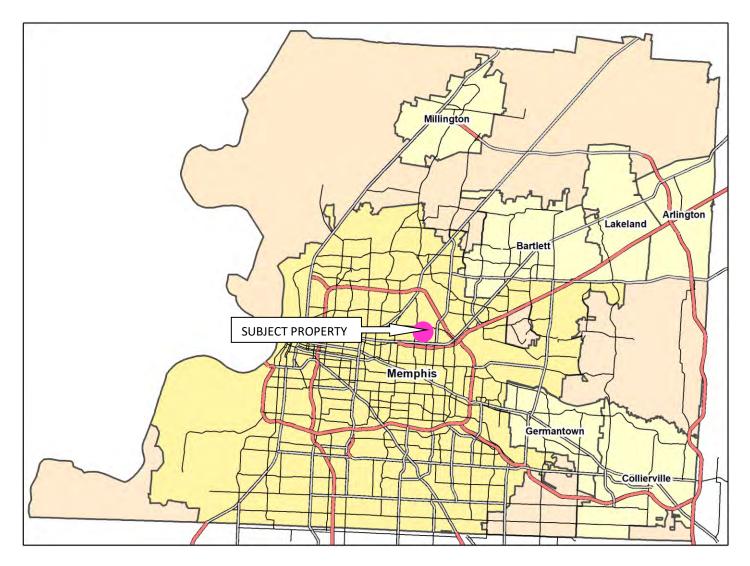
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

RECOMMENDATION:

Approval with conditions

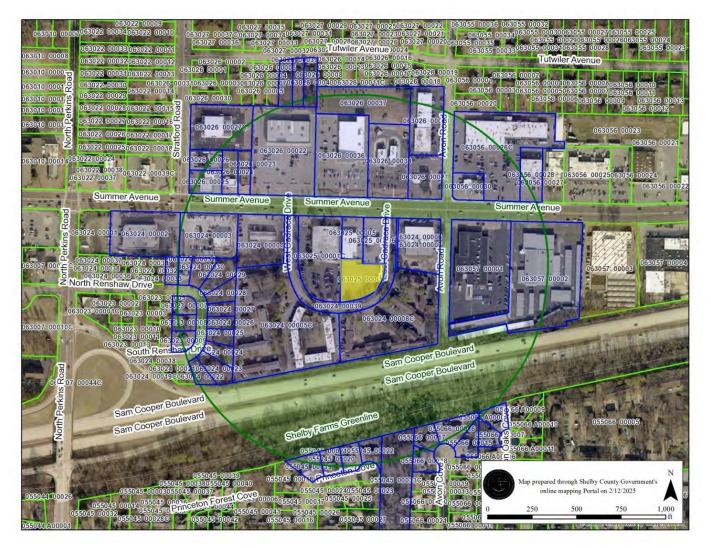
March 13, 2025 Page 2

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 51 notices were mailed on February 12, 2025, see page 20 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 21-23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Monday, March 03, 2025, at the Central BBQ Restaurant, 4375 Summer Avenue, Memphis, TN 38122.

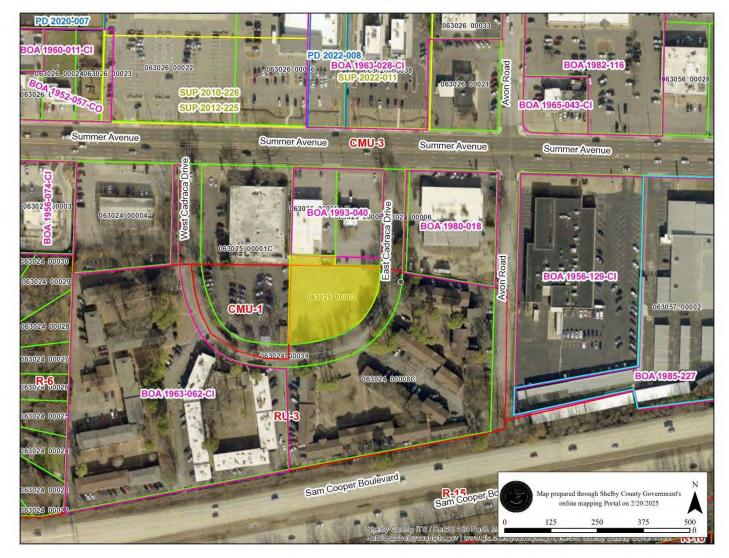
AERIAL



Subject property outlined in yellow.

March 13, 2025 Page 5

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star.

March 13, 2025 Page 7

SITE PHOTOS



View of subject property from Cadraca Drive.

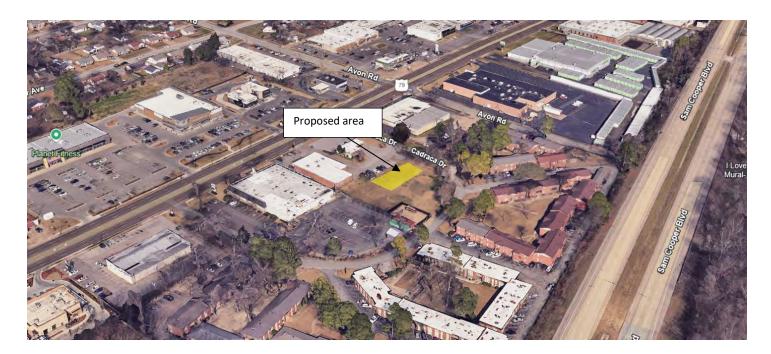


View of subject property from Cadraca Drive.

March 13, 2025 Page 8

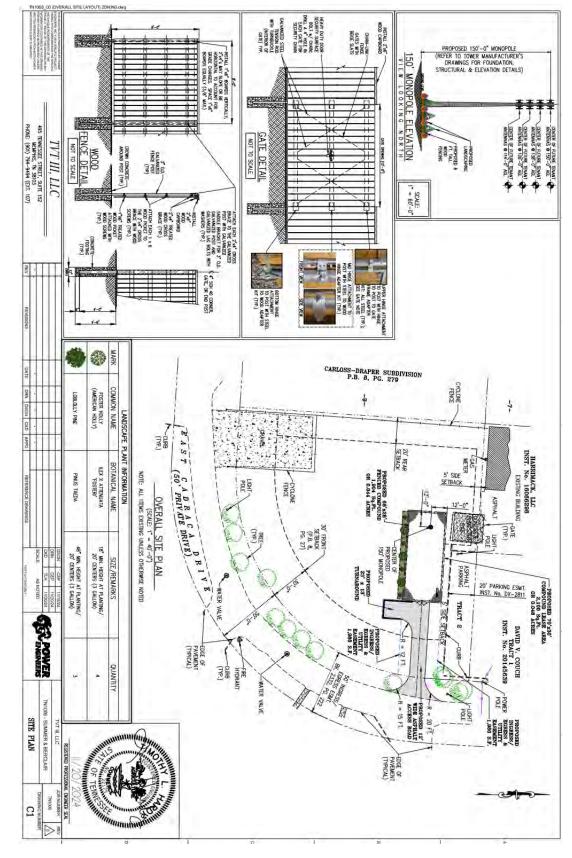


View of subject property from Cadraca Drive.

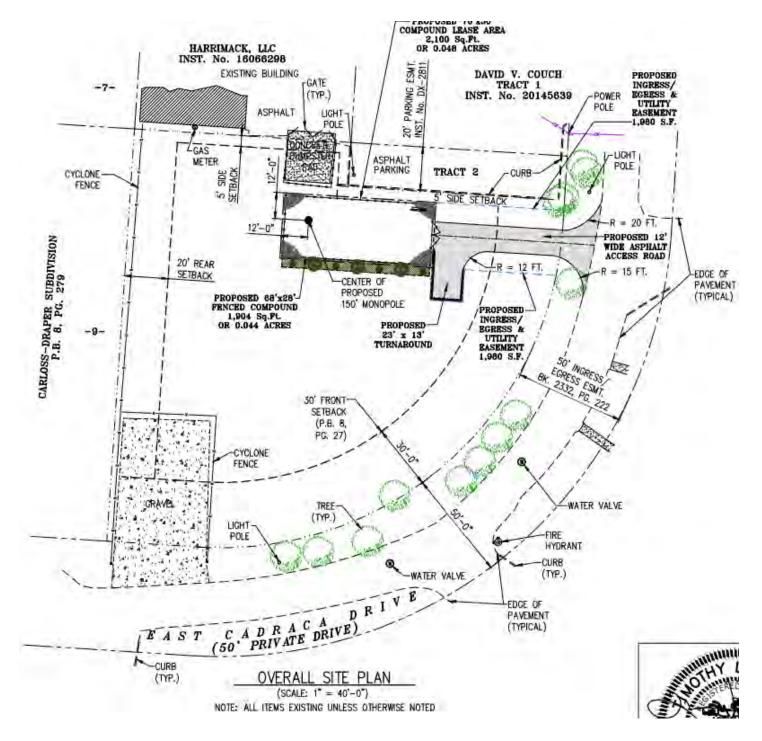


View of subject property from above.

SITE PLAN



SITE PLAN – MAGNIFIED



CASE REVIEW

<u>Request</u>

The request is a special use permit to allow a communications tower.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Additional Approval Criteria for CMCS Towers

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(2) are met.

Item 2.6.2I(2)(b) General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
- 2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
- 3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.
- 4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only

- Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
- 2. Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

Site Details

Address: 611 E Cadraca Dr

Parcel ID: 063025 00003

Area:

+/-30,927 square feet total area – 2,100 square feet ground lease area

Description:

The subject property is known as Lot 10 of Carlos Draper with a zoning of Residential Urban-3. Per the Assessor's website, this lot is currently vacant and the surrounding land uses are a mixture of multi-family and commercial.

Site Plan Review

Setbacks

- Front Setback: 30' (per P.B. 8, PG. 27).
- Side Setback: 12' from the property boundary.
- Rear Setback: 20'.
- **Turnaround Area:** Proposed 23' diameter turnaround area.

Screening & Landscaping

- The site includes a cyclone fence enclosing the tower compound.
- Wood fencing details are provided to enhance security and aesthetics.
- Landscaping includes:
 - Foster Holly (Ilex x attenuata 'Fosteri'): 4 trees planted at 20' centers (3-gallon containers).
 - Loblolly Pine (Pinus taeda): 3 trees planted at 40' centers (5-gallon containers).

Cell Tower Details

- Monopole Height: 150' (proposed).
- Antenna Mounting Heights:
 - Center of future tenant antennas at **150' AGL**.
 - Center of future tenant antennas at **140' AGL**.
 - Center of future tenant antennas at **130' AGL**.
 - Center of future tenant antennas at **120' AGL**.
- Fencing & Security:
 - 8' high wood fence for screening.
 - Chain-link fence with barbed wire to secure the compound.
 - **Heavy-duty security gate** with keypad entry for restricted access.
- A **12' wide asphalt access road** is proposed, ensuring adequate site entry.

Analysis

The applicant is seeking a special use permit to construct a 150-foot CMCS communications tower on Lot 10 of Carlos Draper, a vacant ±30,927 square foot site zoned Residential Urban-3. The tower will be built within a 2,100 square foot ground lease area, and the project is designed to enhance wireless connectivity and digital accessibility for an area surrounded by multi-family and commercial uses.

This project is consistent with the Memphis 3.0 Comprehensive Plan, specifically aligning with Objective 4.4 to invest in smart city infrastructure. The new communications tower will help ensure residents remain interconnected through improved telecommunications, supporting local initiatives to expand wireless connectivity and broadband services.

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to the launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
- 3. The maximum tower height shall be one-hundred fifty-five (155) feet CMCS tower.
- 4. The tower and related equipment shall be removed within one hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

<u>Roads:</u>

3. 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.

Drainage:

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

City Fire Division:

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except when
 approved alternate methods of protection are provided.

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

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

Office of Comprehensive Planning:

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 2025-002 UNIVERSITY</u>

Site Address/Location: 611 E Cadraca Drive, 38122 (Parcel no. 063025 00003) Overlay District/Historic District/Flood Zone: Not located in an overlay or historic district, or a flood zone Future Land Use Designation: Primarily Multifamily Neighborhood (NM) Street Type: N/A

Applicant requested to build a 150ft CMCS Tower and associated equipment in an RU-3 zoning district.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Primarily Multifamily Neighborhood (NM) are residential neighborhoods consisting primarily of multi-unit buildings that not near a Community Anchor. Graphic portrayal of NM is to the right.



are

"NM" Form & Location Characteristics

Attached, semi-detached, and detached House-scale and some block-scale buildings, primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-3+ stories height; Beyond 1/2 mile from a Community Anchor

"NM" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; RU-3

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

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



3. Degree of Change Map

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

4. Degree of Change Description

N/A

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

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

The request to construct a CMCS tower is consistent with **Objective 4.4** *Invest in smart city infrastructure, including wireless connectivity, broadband, and connected infrastructure* **<u>Action 4.4.2</u>** *Create and expand technology applications to allow employees and citizens to better access and improve City services.* A new cell tower will ensure that residents nearby can stay interconnected through telecommunications.

Consistency Analysis Summary

Applicant requested to build a 150ft CMCS Tower and associated equipment in an RU-3 zoning district.

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

The request to construct a CMCS tower is consistent with **Objective 4.4** *Invest in smart city infrastructure, including wireless connectivity, broadband, and connected infrastructure* **Action 4.4.2** *Create and expand technology applications to allow employees and citizens to better access and improve City services.* A new cell tower will ensure that residents nearby can stay interconnected through telecommunications.

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

MAILED PUBLIC NOTICE

Staff Planner Contact: Mahsan Ostadnia ☑ mahsan.ostadnia@memphistn.gov ᢏ (901) 636-7181	CASE NUMBER: SUP 2025-002 ADDRESS: 611 E Cadraca Dr REQUEST: Special use permit to allow a communications tower APPLICANT: Louis Katzerman Meeting Details Imme: City Hall 1st Floor 9:00 AM 125 N Main St. Date: Thursday, March 13, 2025	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.
To learn more about this proposal, contact the staff planner or use the QR code to view the full application.	wer 2025 , 2025	tter

SIGN AFFIDAVIT

Sign Affidavit for S.U.P. Case Number: 2025-002

County of Shelby State of Tennessee

I, Louis B. Katzerman, being duly sworn, depose and say that at approximately 01.30 pm on the 25th day of February 2025. I posted Two (2) Public Notice Signs pertaining to Case No. SUP 2025-002 at 611 E. Cadraca RD Memphis, TN 38122 (Parcel ID #063025 00003), providing notice of a Public Hearing before the Land Use Control Board (Hearing on March 13th, 2025) for consideration of a proposed SUP/CMCS Tower Request and two (2) photographs of said signs.

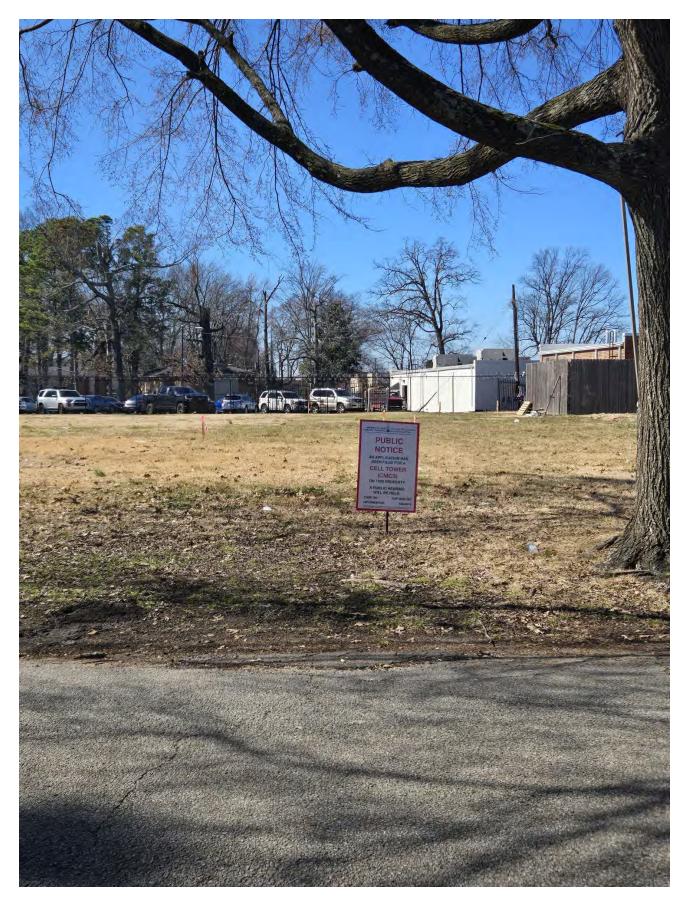
TVT III, LLC (Tower Ventures), Applicant Louis Katzerman, Sr. Zoning Manager

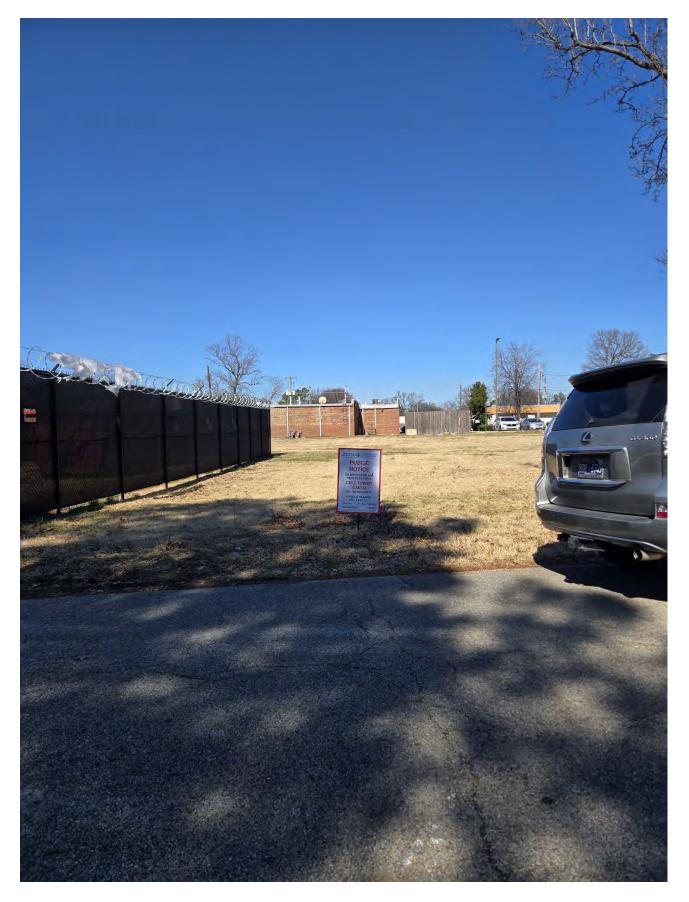
Subscribed and sworn to before me this 26th day of February 2025.

otary Public

My Commission Expires:







APPLICATION



Memphis and Shelby County Division of Planning and Development

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

Expiration Date:

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending Opened Date: January 24, 2025

Record Number: SUP 2025-002

Record Name: Berclair CMCS Tower

Description of Work: 150ft CMCS Tower. 70ft x 30ft lease area. To be built to accommodate all four current Metro Memphis Cell carriers. 6ft wooden fence, access RD, utility easements and and associated tower equipment. Landscaping screen on south side of tower compound.

Parent Record Number:

Address:

611 E CADRACA DR, Memphis 38122

Owner Information

Primary Owner Name

Y 4701 SUMMER AVENUE LLC

Owner Address 4701 SUMMER AVE, MEMPHIS, TN 38122

Parcel Information

063025 00003

Data Fields

PREAPPLICATION MEETING

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

Application Type List any relevant former Docket / Case Number(s) related to previous applications on this site Chip 11/21/2024

New Special Use Permit (SUP) na

Page 1 of 3

SUP 2025-002

March 13, 2025 Page 24

Owner Phone

GENERAL PROJECT INFORMATION

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

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

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

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

na

Proposed Site is located in an mostly Commercial area. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public heath and well being by providing reliable wireless coverage.

Site is surrounded by commercial properties. There are apartments near the site. Apartment residents benefit by this tower. Folks in apartments are least likely to have "wired" home phones. Very little impact to the neighborhood to the south east of the site. Nearest residence is +/- 605FT form the proposed tower.

In America, there are over 400,000 daily 911 calls coming form wireless users, the proposed site with function as public safety asset.

No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

No C No -VACANT MEMPHIS -RU-3 -10 CARLOS DRAPER -No

SUP 2025-002

	mation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee) Credit Card Use Fee (.026 x fee)	Quantity 1	Fees 500.00 13.00	Status INVOICED INVOICED	Balance 0.00 0.00	Date Assessed 01/24/2025 01/24/2025
(901)842-080 Fee Inform	Fee Item Special Use Permit Fee - 5 acres or less (Base Fee)		1000			
(901)842-080 Fee Inforr Invoice #	Fee Item		1000			
(901)842-080 Fee Inforr		Quantity	Fees	Status	Balance	Date Assessed
(901)842-080						
Phone	05					
Address 4701 SUMMI	ER AVE, MEMPHIS, TN, MEMPHIS, TN	, 38122			RECORI	5
JIM REEDY						RTY OWNER OF
Name				Conta	ct Type	
Phone (901)239-389	92					
Address						
Name OUIS BERNARD KATZERMAN				Contact Type APPLICANT		
Contact I	nformation					
	City Council Super District -					
	uncil District					
City Con	Commission District					

OWNER AFFIDAVIT

MEMPHIS AND DIVISION OF PLANNING

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.- <u>Owner of Record : 4701 Summer Ave LLC, Jim Reedy, President.</u>

(Print Name)

(Sign Name)

, state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12,3,1 and hereby state that (select applicable box):

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

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

of the property located at :TBD Cadraca Drive Memphis, TRN 38122 and further identified by Assessor's Parcel Number: 063024 00003 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before	me this 23 rd day of	January	_ in the year of_	2025,
Danielle Horland Signature of Notary Public	TENNECSEE NOTARY PUBLIC Q AY DOUND	Sep. 6, 7 y Commission Ex	2027 pires	-

LETTER OF INTENT

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

January 24th, 2025

Memphis and Shelby County Division of Planning and Development. Memphis City Hall C/O Mr. Norman "Chip" Saliba Suite # 468 125 North Mid-American Mall Memphis, TN 38103-2084

RE: Site Name: TN 1006; Berclair: Letter of Intent for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 611 E. Cadraca, Memphis, TN 381228 (Parcel ID # 063025 00003)

Dear Mr. Saliba:

TVT III, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred fifty Foot (150') CMCS tower at 611 E. Cadraca RD (Parcel ID #063025 00003) Memphis, TN 38122. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus. This application will present clear and concise evidence of the need for the proposed tower.

Site equipment will be placed in a Lease area of 70' x 40'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will also be wooden. We are proposing to build a landscape screen on the south side of the compound, to conceal the site from the street view.

There is a need for improved cellular coverage in this area of Memphis. This site is a huge need to improve network quality and reduce network congestion at the busy intersection of Summer Ave. and Stratford. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. The nearest tower is +/-3200 to the west. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve their E911 emergency services network. The citizens of Memphis and Shelby County benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT III, LLC - Tower Ventures, appreciates the Memphis and Shelby County Division of Planning and Development's consideration of this application. Please contact me on (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

Lou Katzerman Sr. Site Acquisition and Zoning Manager TVT III, LLC - Tower Ventures Office: 901-244-4017

March 13, 2025 Page 29

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

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Expiration Date:

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Parent Record Number:

Address:

611 E CADRACA DR, Memphis 38122

Owner Information

Primary Owner Name

Y 4701 SUMMER AVENUE LLC

Owner Address

4701 SUMMER AVE, MEMPHIS, TN 38122

Parcel Information

063025 00003

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Chip
Date of Meeting	11/21/2024
Pre-application Meeting Type GENERAL PROJECT INFORMATION	-
Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case	na
Number(s) related to previous applications on	
this site	

Owner Phone

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer No **Central Business Improvement District** С Class Downtown Fire District No **Historic District** VACANT Land Use **MEMPHIS** Municipality **Overlay/Special Purpose District** Zoning **RU-3** State Route I of 10 CARLOS DRAPER Subdivision **Planned Development District** Wellhead Protection Overlay District No

No

na

Proposed Site is located in an mostly Commercial area. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public heath and well being by providing reliable wireless coverage.

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No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

	MATION					
County (Commission District		-			
City Council District - City Council Super District -						
Contact Information						
Name LOUIS BERN	IARD KATZERMAN				<u>Contae</u> APPLICA	ot Type
Address						
Phone (901)239-389						
Name					Contac	ct Type
JIM REEDY						RTY OWNER OF
	ER AVE, MEMPHIS, TN, MEMPHIS, TN	l, 38122			RECORI)
4701 SUMME		I, 38122			RECOR)
4701 SUMME Phone (901)842-080)5	I, 38122			RECORI)
4701 SUMME Phone (901)842-080 Fee Inforr)5	l, 38122 Quantity	Fees	Status	Balance) Date Assessed
4701 SUMME (901)842-080 Fee Inforr Invoice #	nation Fee Item Special Use Permit Fee -		Fees 500.00	Status INVOICED		
4701 SUMME (901)842-080 Fee Inforr Invoice # 1620308	nation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee)	Quantity	500.00	INVOICED	Balance 0.00	Date Assessed 01/24/2025
4701 SUMME (901)842-080 Fee Inforr Invoice # 1620308	nation Fee Item Special Use Permit Fee -	Quantity			Balance	Date Assessed
Phone	nation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee) Credit Card Use Fee (.026 x fee)	Quantity 1 1	500.00	INVOICED	Balance 0.00	Date Assessed 01/24/2025 01/24/2025
4701 SUMME (901)842-080 Fee Inforr Invoice # 1620308 1620308	nation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee) Credit Card Use Fee (.026 x fee)	Quantity 1 1	500.00 13.00	INVOICED	Balance 0.00 0.00	Date Assessed 01/24/2025 01/24/2025
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City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

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|. Jim Reedy

(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):

state that I have read the definition of

X | 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 :TBD Cadraca Drive Memphis, TRN 38122 and further identified by Assessor's Parcel Number: 063024 00003 for which an application is being made to the Division of Planning and Development.

anuary in the year of 2025. Subscribed and sworn to (or affirmed) before me this Danielle Holland Signature of Notary Public My Commission Expires

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

January 24th, 2025

Memphis and Shelby County Division of Planning and Development Memphis City Hall C/O Mr. Norman "Chip" Saliba Suite # 468 125 North Mid-American Mall Memphis, TN 38103-2084

RE: Site Name: TN 1006; Berclair: <u>Letter of Intent</u> for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 611 E. Cadraca, Memphis, TN 381228 (Parcel ID # 063025 00003)

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There is a need for improved cellular coverage in this area of Memphis. This site is a huge need to improve network quality and reduce network congestion at the busy intersection of Summer Ave. and Stratford. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. The nearest tower is +/-3200 to the west. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve their E911 emergency services network. The citizens of Memphis and Shelby County benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT III, LLC - Tower Ventures, appreciates the Memphis and Shelby County Division of Planning and Development's consideration of this application. Please contact me on (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

Lou Katzerman Sr. Site Acquisition and Zoning Manager TVT III, LLC - Tower Ventures Office: 901-244-4017

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

January 24th, 2025

Memphis & Shelby County Division of Planning and Development Memphis City Hall C/O Mr. Norman "Chip" Saliba Suite # 468 125 North Main Street Memphis, TN 38103-2084

RE: Site Name: TN 1006; Berclair Letter <u>of Shared Use</u> for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 611 E. Cadraca RD, Memphis, TN 38122 (Parcel ID # 063025 00003)

Dear Mr. Saliba:

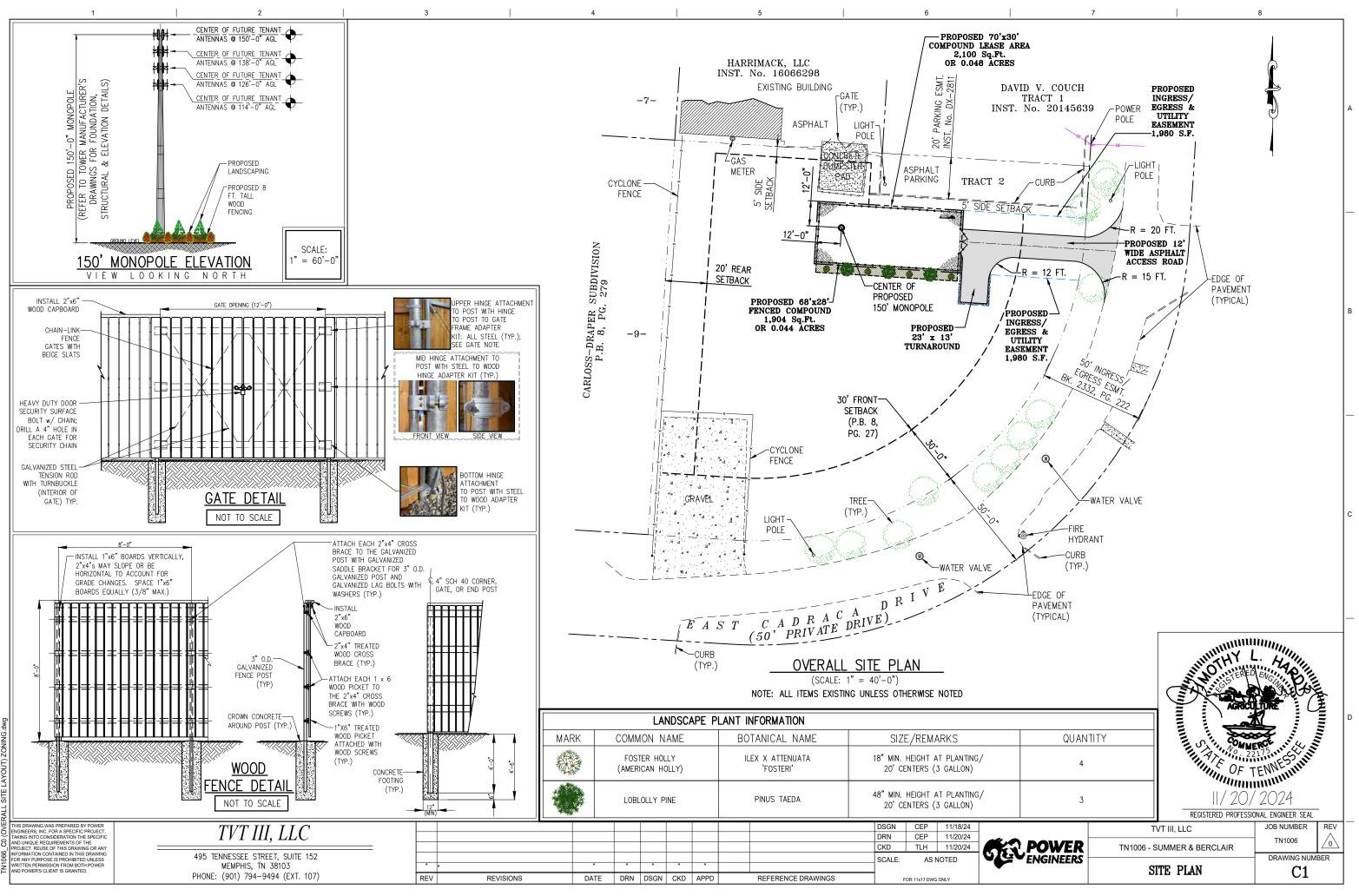
TVT III, LLC kindly commits to allow shared use of the proposed tower at 611 E. Cadraca RD (Parcel ID #063025 00003), Memphis, TN 38122 in capacities based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge for shared use, the potential use is technically compatible, and the future applicant is in good standing.

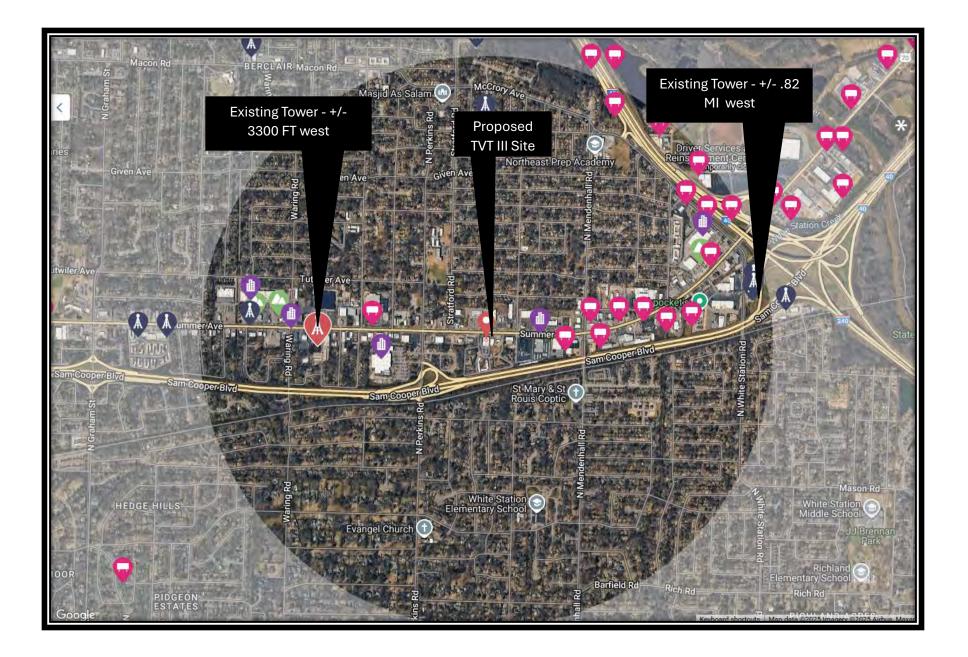
The tower will be built to accommodate a total of four tenants. A tower height for all four of the current cellular licensees in the Metro Memphis Area.

Sincerely,

C

Lou Katzerman Sr. Site Acquisition and Zoning Manager TVT III, LLC - Tower Ventures Office: 901-244-4017 lou@towerventures.com





MILESTONE LAND SURVEYING, INC.

2880 Cobb Road Lakeland, TN 38002 Phone: (901) 867-8671 Fax: (901) 867-9889

October 24, 2024

1

TVT II, LLC 495 Tennessee Street, Suite 152 Memphis, TN 38103

Re: Center of a Proposed Tower located on the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 in the Register's Office of Shelby County, Tennessee, located on the west side of East Cadraca Drive, 192 feet south of the south line of Summer Avenue, Memphis, Tennessee. (Tax Parcel # 063025 00003)

This letter is to certify that the following latitude, longitude and elevation (Latitude = 35 degrees 08 minutes 52.30 seconds North, Longitude = 89 degrees 54 minutes 12.26 seconds West, Elevation = 280.75) are accurate within the tolerances +-15 feet horizontal and +- 3 feet vertical as required by a "1-A" Survey. This information is based on NAD 83.

MILESTONE LAND SURVEYING, INC.

0/24/24 By:/e Regis T. Storch, Jr., RLS Date Vice President Tennessee Certificate No. 213 (HIGHING WIE

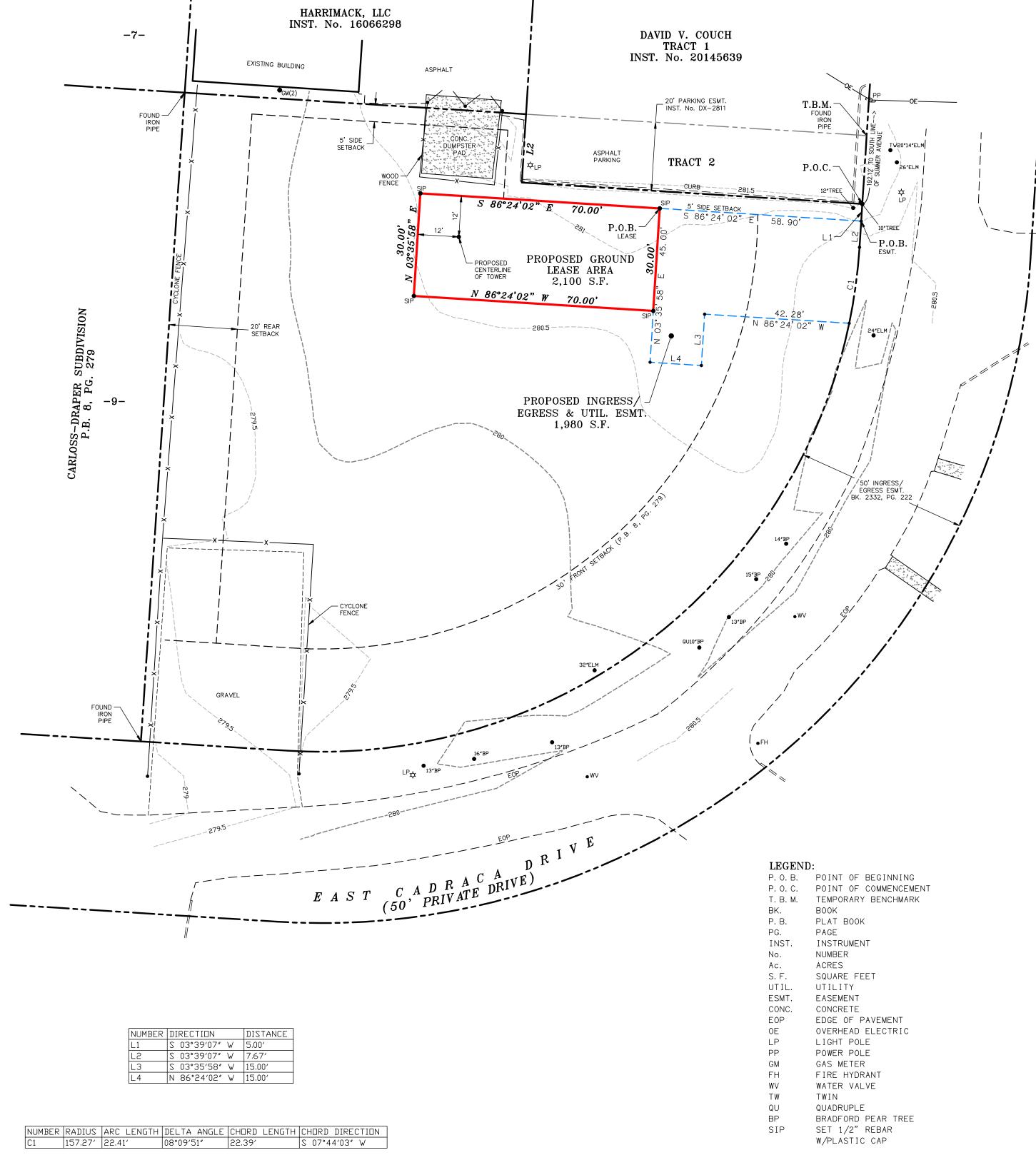
NOTES:

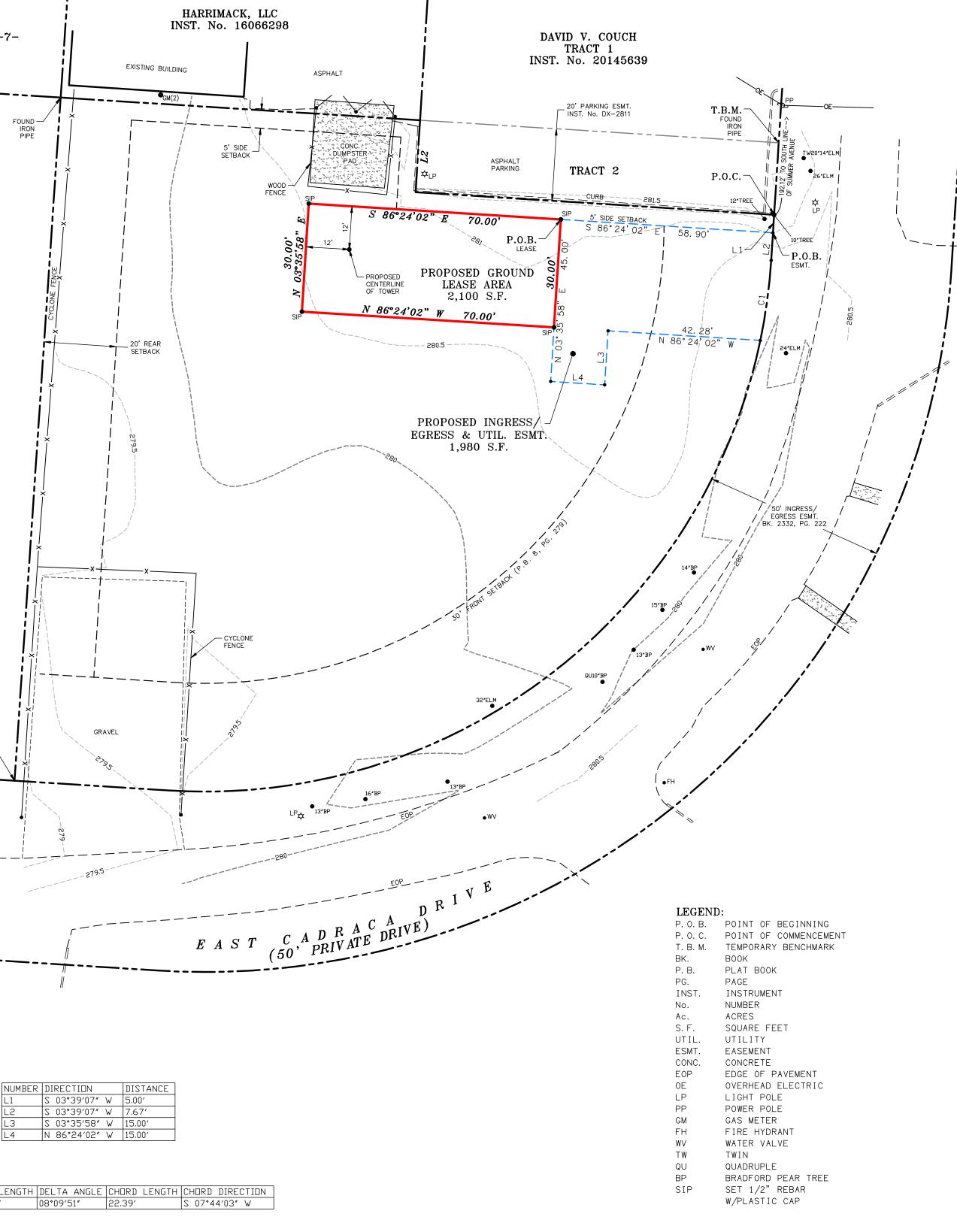
1. Survey prepared for TVT III, LLC.

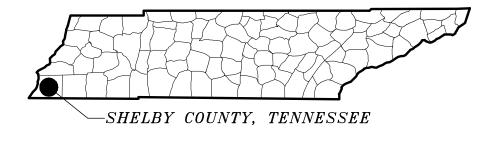
- 2. Bearings are relative to NAD '83.
- 3. This survey was prepared from information contained in Commitment No. 12071326, Effective Date: October 30, 2024 at 8:00 AM by Chicago Title Insurance Company.
- 4. All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.
- 5. This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C 0294 G, Community Panel No. 470177 0284 G, Effective Date: February 6, 2013.
- 6. Structures visible on the date of this survey are shown hereon.
- 7. All visible utility structures located on this property of which we have knowledge are shown hereon.
- 8. There may be non-visible underground utilities crossing or serving this property of which we have no knowledge.
- 9. There may be underground or non-visible utilities, drain and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
- 10. Subsurface and environmental conditions were not examined or considered as a part of this survey.
- 11. Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liabilty is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
- 12. If this survey plat is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
- 13. Elevations shown hereon were taken on the ground using T.B.M. noted hereon.
- 14. Contours were plotted at half foot intervals for convenience only.
- 15. Contours were derived from elevations taken on the ground by means of radial topo and are relative to T.B.M. noted hereon.
- 16. Temporary Benchmark (T.B.M.): Found iron pipe on the west side of East Cadraca Drive, at the southeast corner of Tract 1 of the David V. Couch property, shown hereon. Elevation: 280.28 (NAVD '88 Datum)

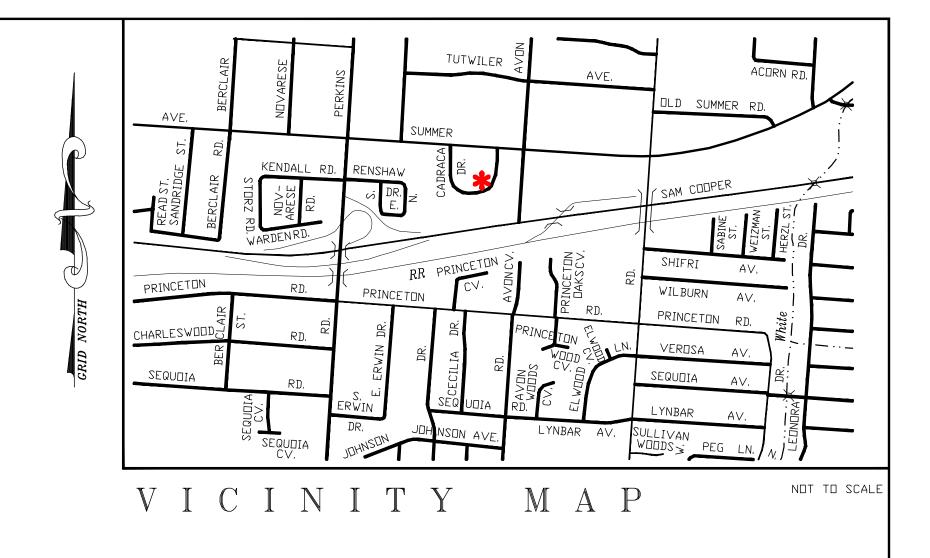
SCHEDULE B, PART II - EXCEPTIONS:

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by the form. (not a survey matter)
- 2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. (none of which we are aware)
- 3. Easements, or claims of easements, not shown by the public records. (none of which we are aware)
- 4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. (not a survey matter)
- 5. The rights or claims of parties in possession not shown by the public records. (not a survey matter)
- 6. Taxes or special assessments which are not shown as existing liens by the public records. (not a survey matter)
- 7. Any taxes or assessments not posted on the record of the taxing authority(ies) of which the Land described in Schedule A hereof is subject, including but not limited to: Supplemental, Revised, and/or Corrected Assessments pursuant to T.C.A. Section 67-5-509 and 67-5-603 et seq. dealing with any improvements completed after January 1 and before September 1 of any year; or Back Assessments pursuant to T.C.A. Section 67-1-1001 et. seq.; or taxes based on a change in the classification of the Insured Land (Roll Back Taxes) pursuant to T.C.A. Section 67-5-1001 et seq. (not a survey matter)
- 8. Subdivision restrictions, building lines and easements of record in Plat Book 8, Page 279, in the Register's Office of Shelby County, Tennessee. (shown hereon)
- 9. Easement(s) of record in Book 2332, Page 222 and at Instrument Nos. DX-2811 and DY-7085, in the aforesaid Register's Office. - Bk. 2332, Pg. 222 (shown hereon) - Inst. No. DX-2811 (shown hereon)
- Inst. No. DY-7085 (transfer deed, no easements that affect the subject property contained therein)
- 10. Rights of tenants in possession, as tenants only, under unrecorded leases, if any. (not a survey matter)









DESCRIPTION (PROPOSED GROUND LEASE AREA): Description of a Proposed Ground Lease Area on part of the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 in Memphis, Shelby County, Tennessee:

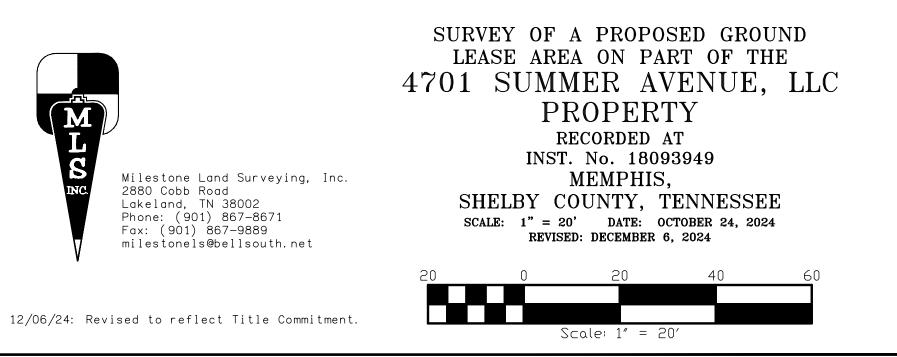
Commencing at a point in the west line of East Cadraca Drive (50' Private Drive), said point being located 192.12 feet south of the intersection of the west line of said East Cadraca Drive and the south line of Summer Avenue and being located in the south line of Tract 2 of the David V. Couch property recorded at Instrument No. 20145639; thence south 03 degrees 39 minutes 07 seconds west with the west line of said East Cadraca Drive 5.00 feet to a point in the north line of the Proposed Ingress/Egress and Utility Easement described hereon; thence north 86 degrees 24 minutes 02 seconds west with the north line of said easement and across the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949, 58.90 feet to a set 1/2" rebar with plastic cap and the Point of Beginning; thence continuing across said property recorded at Instrument No. 18093949 the following calls: south 03 degrees 35 minutes 58 seconds west, 30.00 feet to a set 1/2" rebar with plastic cap; north 86 degrees 24 minutes 02 seconds west, 70.00 feet to a set 1/2" rebar with plastic cap; north 03 degrees 35 minutes 58 seconds east, 30.00 feet to a set 1/2" rebar with plastic cap; south 86 degrees 24 minutes 02 seconds east, 70.00 feet to the Point of Beginning and containing 2,100 square feet of land.

DESCRIPTION (PROPOSED INGRESS/EGRESS & UTILITY EASEMENT): Description of a Proposed Ingress/Egress & Utility Easement on part of the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 in Memphis, Shelby County, Tennessee:

Commencing at a point in the west line of East Cadraca Drive (50' Private Drive), said point being located 192.12 feet south of the intersection of the west line of said East Cadraca Drive and the south line of Summer Avenue and being located in the south line of Tract 2 of the David V. Couch property recorded at Instrument No. 20145639; thence south 03 degrees 39 minutes 07 seconds west with the west line of said East Cadraca Drive 5.00 feet to a the Point of Beginning; thence in a southerly direction with the west line of said East Cadraca Drive the following calls: south 03 degrees 39 minutes 07 seconds west, 7.67 feet to a point of curvature; along a curve to the right having a radius of 157. 27 feet, delta angle of 08 degrees 09 minutes 51 seconds, chord = south 07 degrees 44 minutes 03 seconds west - 22.39 feet, an arc length of 22.41 feet to a point; thence across the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 the following calls: north 86 degrées 24 minutes 02 seconds west, 42.28 feet; south 03 degrees 35 minutes 58 seconds west, 15.00 feet; north 86 degrees 24 minutes 02 seconds west, 15.00 feet to a point in the southward extension of the east line of the Proposed Ground Lease Area described hereon; north 03 degrees 35 minutes 58 seconds east with the east line of said Ground Lease Area and the southward extension thereof, passing a set 1/2" rebar with plastic cap at 15.00 feet and on for a total distance of 45.00 feet to a set 1/2" rebar with plastic cap; south 86 degrees 24 minutes 02 seconds east, 58.90 feet to the Point of Beginning and containing 1,980 square feet of land.

CERTIFICATION: I hereby certify to TVT III, LLC, a Delaware limited liability company; Trustmark National Bank; Burch, Porter & Johnson, PLLC; and Chicago Title Insurance Company that this is a Category 1 Survey and that the ratio of precision of the unadjusted survey is 1:10,000 or greater. MILESTONE LAND SURVEYING, INC.

tords f. 10/24/24 By Kegis Regis L Storche Jr. RLS Date Vice President Tennessee Certificate No. 213



MLS JOB No. 24174 24174X.ASC - 24174LEASE.DWG DRAWN BY: R.T.S.



Tom Leatherwood

Shelby County Register

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

18066312	
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07/03/2018 - 02:06 PM	
6 PGS	
LAKECIA 1755085-18066312	
VALUE	27500.00
MORTGAGE TAX	0.00
TRANSFER TAX	101.75
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	134.75

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



WARRANTY DEED

THIS INDENTURE, made and entered into this <u>28th</u> day of <u>June</u>, 2018 by and between

Summer Avenue Real Estate Group #6, a Tennessee General Partnership, hereinafter called Grantor, and 4701 Summer Avenue, LLC, a Tennessee Limited Liability Company hereinafter called Grantee.

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

See attached Exhibit "A" for legal description

This conveyance is made subject to all subdivision restrictions, building lines, easements, zoning and planning ordinances, and other municipal regulations including those of record in Plat Book 8, Page 279, and Book 2322, Page 222; Easements of record at Instrument Number DX 2811 and Book 2322, Page 222, all in said Register's Office; and except 2019 City Property Taxes and 2018 County Property taxes that are not yet due and payable.

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 Grantee, Grantee's heirs, and assigns, in fee simple forever.

The Grantor does hereby covenant with the Grantee that Grantor is lawfully seized in fee of the aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except any taxes not yet due but constituting a lien which are assumed by Grantee, and

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

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

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

Summer Avenue Real Estate Group #6, a Tennessee **General Partnership** aces Am. Ptr By: Roy Leon May General Partner, by Audrey May, his Attorney-In-Fact R Mississippi STATE OF TENNESSEE COUNTY OF SHELBY Unionue Before me, the undersigned notary public of the State and County mentioned, personally appeared Audrey May, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, executed the foregoing instrument on behalf of Roy Leon May a General Partner of Summer Avenue Real Estate Group #6, the within named bargainor, a General Partnership, and acknowledged that she executed the same as the free act and deed of said Roy Leon May, by signing the name of the Company. ne 2018. WITNESS my hand and notarial seal at office this the dav of My commission expires: **Notary Public** ID No. 90489 Comm, Expired uly 30,

Summer Avenue Real Estate Group #6, a Tennessee General Partnership STATE OF TENNESSEE COUNTY OF SHELBY Before me, the undersigned notary public of the State and County mentioned, personally appeared Ronald B. Anglin, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be a General Partner of Summer Avenue Real Estate Group #6, the within named bargainor, a General Partnership, and that as such General Partner executed the foregoing instrument for the party of the pa foregoing instrument for the purposes therein contained, by signing the name of the Company by himself as a 100 HOGH 30. 2 MANISSION EXPIRES Summer Avenue Real Estate Group #6, a Tennessee General Partnership Anglin Drywall & Construction, Inc., a Tennessee Corporation Partner By: Ronald B. Anglin, President STATE OF TENNESSEE COUNTY OF SHELBY Before me, the undersigned notary public of the State and County mentioned, personally appeared Ronald B. Anglin, President of Anglin Drywall & Construction, Inc., which is General Partner of Summer Avenue Real Estate Group #6, who acknowledged that he executed the above and foregoing instrument in his Avenue Real Estate Group #6, who acknowledged that he executed the above and loregoing instrum said representative capacity Hiter having first been duly authorized to do so. OTT FERMINE For and not potarial seal at office this the 28th day of <u>June</u> 2018. OF My commission expires: NOTARY PUBLIC: ³CH 30, 2020

MMISSION EXPIRE

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater, is \$27,500.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this the $\frac{28}{28}$ TEN TEN dav of Public YELBY COU Millin BY COUNT Commission Expires

My Commission Expires:

Owner's Mailing Address: 4701 Summer Ave, LLC 4701 Summer Avenue Memphis, TN 38122

Property Address: 0 Cadraca Drive Memphis, TN 38122

Person responsible for the payment of taxes: 4701 Summer Ave, LLC 4701 Summer Avenue Memphis, TN 38122

File Number: 18-5310VK

Prepared By and Return To: CloseTrak, LLC 5860 Ridgeway Center Parkway, #101 Memphis, TN 38120

EXHIBIT "A"

Lot 10, Carloss-Draper Subdivision, as shown on plat of record in Plat Book 8, Page 279, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property recorded in the Register's Office of Shelby County, Tennessee, and being more particularly described as:

Beginning at a point in the wets line of Cadraca Drive (Private Drive), said point being 192.21 feet south of the south line of Summer Avenue, said point being the south line of Lot 8; thence southwardly with the west line of Cadraca Drive (Private Drive) a distance of 54.46 feet to a point of curve; thence along a curve to the right having a radius of 125.0 feet a distance of 160.49 feet to a point of compound curve; thence along a curve to the right having a radius of 390 feet a distance of 111.49 feet to a point in the east line of Lot 9; thence North 0 degrees 21 minutes 40 seconds East with the east line of Lot 9 a distance of 190.0 feet to a point in the south line of Lot 8; thence South 89 degrees 39 minutes 28 seconds East with the south line of Lot 8 a distance of 199.80 feet to the point of beginning.

LESS AND EXCEPT the part conveyed at Instrument Number DY7085;

A twenty (20) foot parcel located on the north side of Lot 10, carlos/Draper Subdivision, as recorded in Plat Book 8, Page 29, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Cadraca Drive of the south line of Lot 8, said subdivision; thence North 89 degrees 39 minutes 25 seconds West along the south line of said Lot 8, 99.80 feet; thence South 00 degrees 21 minutes 40 seconds West 20.00 feet; thence South 89 degrees 39 minutes 28 seconds East, along a line 20.00 feet south of and parallel to the south line of said Lot 8, 99.80 feet; thence North 00 degrees 26 minutes 37 seconds East along the west line of Cadraca Drive 20.00 feet to the point of beginning and containing 1,996.0 square feet.

Being the same property conveyed to Grantor herein by Quit Claim Deed of record at Instrument Number GY8467 in said Register's Office.

Tax Parcel Number: 06-3024-0-0005C

I, Greg A. Ziskind, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

A. Ziskind

State of Tennessee County of Shelby

Personally appeared before me, the undersigned a notary public for the county and state, Greg A. Ziskind, who acknowledged that this certification of an electronic document is true and correct and whose signature I have witnessed.

MY COMMISSION EXPIRES AUGUST 11, 2018

ON EXPIRES 1, 2018 UNITED TENNESSEE NOTARY PUBLIC NOTARY PUBLIC

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 04/22/2025

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

PUBLIC SESSION: DATE DATE DATE

	DATE		
ITEM (CHECK ONE)ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 5205 Winchester Road, known as case number SUP 2025-003		
CASE NUMBER:	SUP 2025-003		
LOCATION:	5205 Winchester Road		
COUNCIL DISTRICTS:	District 3 and Super District 8 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Josely Vasquez		
REPRESENTATIVE:	The Bray Firm		
REQUEST:	To allow vehicle sales		
AREA:	+/-37,353 square feet		
RECOMMENDATION:	The Division of Planning and Development recommended <i>Rejection</i> The Land Use Control Board Recommended <i>Approval with conditions</i>		
RECOMMENDED COUN	NCIL ACTION: Public Hearing Not Required		
PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 03/13/2025 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE			
FUNDING:			
<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE		
<u>\$</u>	AMOUNT OF EXPENDITORE REVENUE TO BE RECEIVED		
SOURCE AND AMOUNT §	OF FUNDS OPERATING BUDGET		

<u>\$</u>	CIP PROJECT # FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPROVAL:	<u>DATE</u>	<u>POSITION</u>	
		_ STAFF PLANNER	
		_ DEPUTY ADMINISTRATOR	
	<u></u>	_ ADMINISTRATOR	
		_ DIRECTOR (JOINT APPROVAL)	
		COMPTROLLER	
		_ FINANCE DIRECTOR	
		_ CITY ATTORNEY	
· · · · · · · · · · · · · · · · · · ·		_ CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN	

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 5205 WINCHESTER ROAD, KNOWN AS CASE NUMBER SUP 2025-003

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, Josely Vasquez filed an application with the Memphis and Shelby County Division of Planning and Development to allow vehicle sales; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 13, 2025, 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.

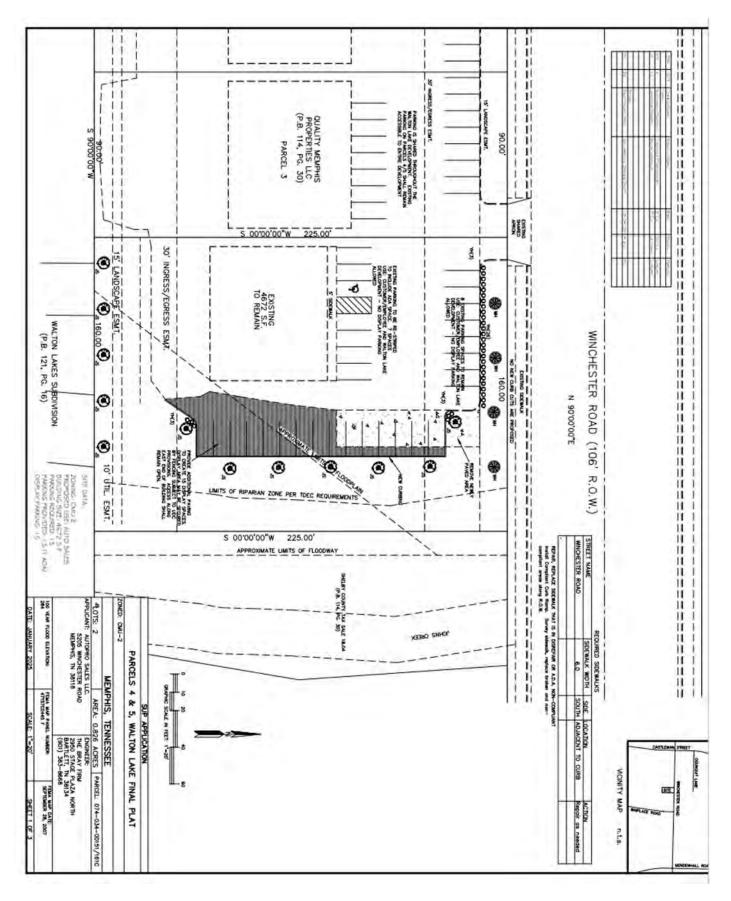
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

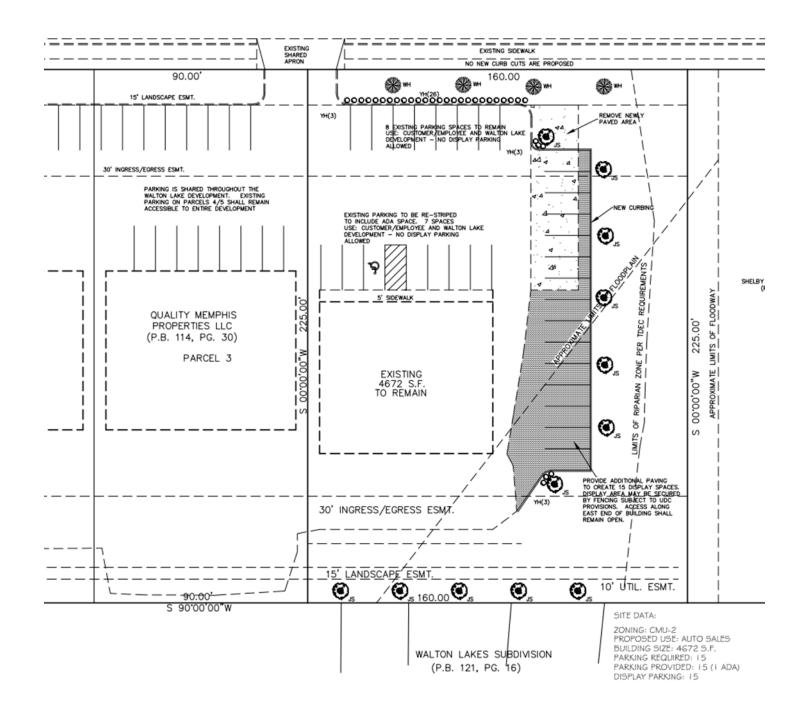
- Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Winchester Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 3. The existing detached pole sign along Winchester Road shall be upgraded to meet the current requirements for the Commercial Mixed-Use Districts (UDC Sub-Section 4.9.7D) or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
- 4. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- No fences or gates shall be placed along the west property line between the building and Winchester Road. The existing joint use ingress/egress easement serving the site and shopping center shall be retained.
- 6. The existing chain link fence with barbed wire along the east property line between the building and Winchester Road shall be removed.
- 7. All parking spaces shall be painted with striping.
- 8. The rear property line shall be screened with Plate C or a Class II buffer.
- 9. Fencing is permitted on the east side of the property around the used cars being offered for sale. The location and design of the fencing shall be shown on the final plat and shall comply with the fencing requirements in UDC Section 4.6.7.
- 10. No fencing of any type is permitted along Winchester Road.
- 11. All parking spaces facing into Winchester Road and facing into the building shall be for customers and employees of the used car sales facility and the other businesses within the shopping center. None of these spaces shall be used to display vehicles for sale or store vehicles.

The Walton Lake C-P Final Plat will be required to be re-recorded.



SITE PLAN

SITE PLAN – MAGNIFIED



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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SUP 2025-003
LOCATION:	5205 Winchester Road
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Josely Vasquez
REPRESENTATIVE:	The Bray Firm
REQUEST:	To allow vehicle sales
EXISTING ZONING:	Commercial Mixed-Use-2 (CMU-2), Governed by Walton Lake Planned Commercial (C-P) General Plan and Final Plat
AREA:	+/-37,353 square feet

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a vote of 4-3-0 on the regular agenda.

Respectfully,

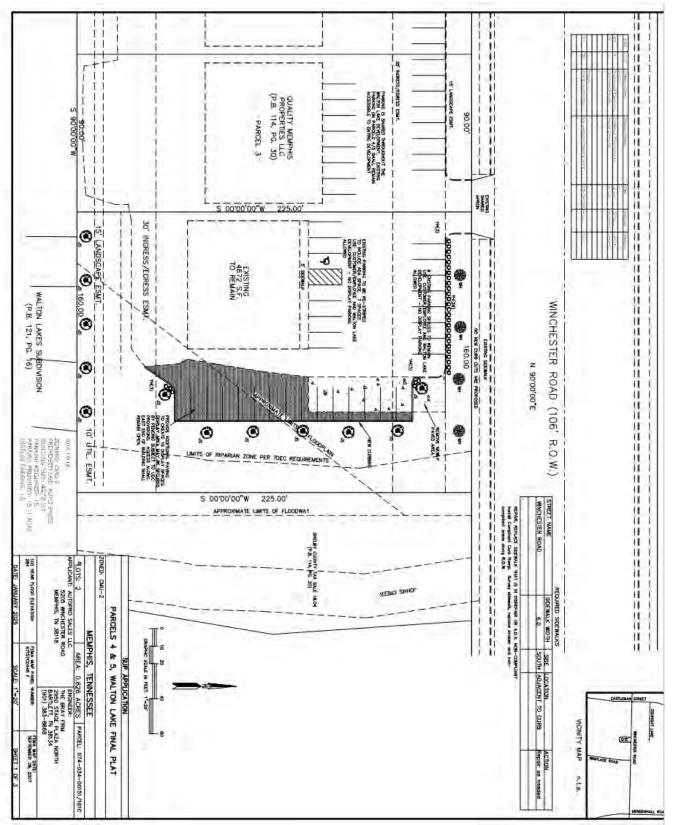
Mahsan Ostadnia

Planner II Land Use & Development Services Cc: Committee Members File

SUP 2025-003 CONDITIONS

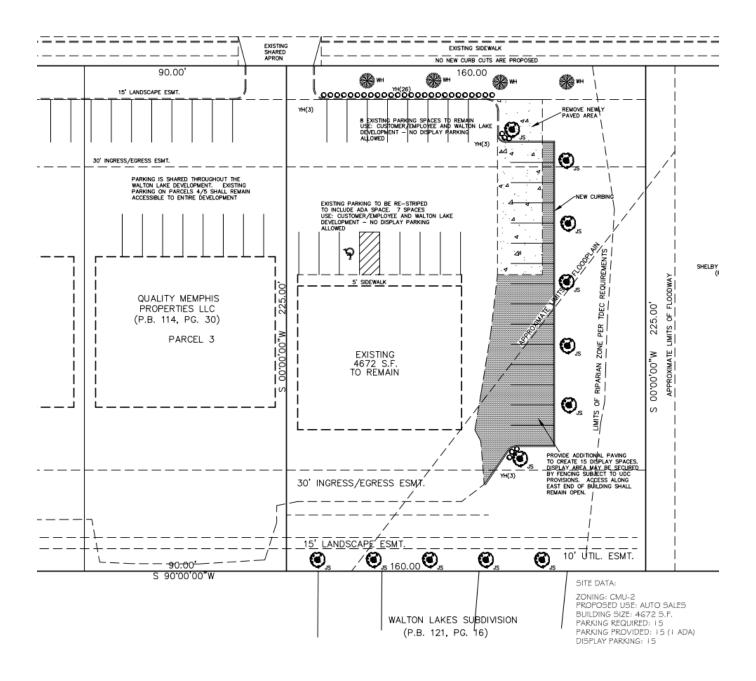
- 1. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Winchester Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 3. The existing detached pole sign along Winchester Road shall be upgraded to meet the current requirements for the Commercial Mixed-Use Districts (UDC Sub-Section 4.9.7D) or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
- 4. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- No fences or gates shall be placed along the west property line between the building and Winchester Road. The existing joint use ingress/egress easement serving the site and shopping center shall be retained.
- The existing chain link fence with barbed wire along the east property line between the building and Winchester Road shall be removed.
- 7. All parking spaces shall be painted with striping.
- 8. The rear property line shall be screened with Plate C or a Class II buffer.
- 9. Fencing is permitted on the east side of the property around the used cars being offered for sale. The location and design of the fencing shall be shown on the final plat and shall comply with the fencing requirements in UDC Section 4.6.7.
- 10. No fencing of any type is permitted along Winchester Road.
- 11. All parking spaces facing into Winchester Road and facing into the building shall be for customers and employees of the used car sales facility and the other businesses within the shopping center. None of these spaces shall be used to display vehicles for sale or store vehicles.
- 12. The Walton Lake C-P Final Plat will be required to be re-recorded.

SITE PLAN



3

SITE PLAN-MAGNIFIED



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 5205 WINCHESTER ROAD, KNOWN AS CASE NUMBER SUP 2025-003

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, Josely Vasquez filed an application with the Memphis and Shelby County Division of Planning and Development to allow vehicle sales; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 13, 2025, 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.

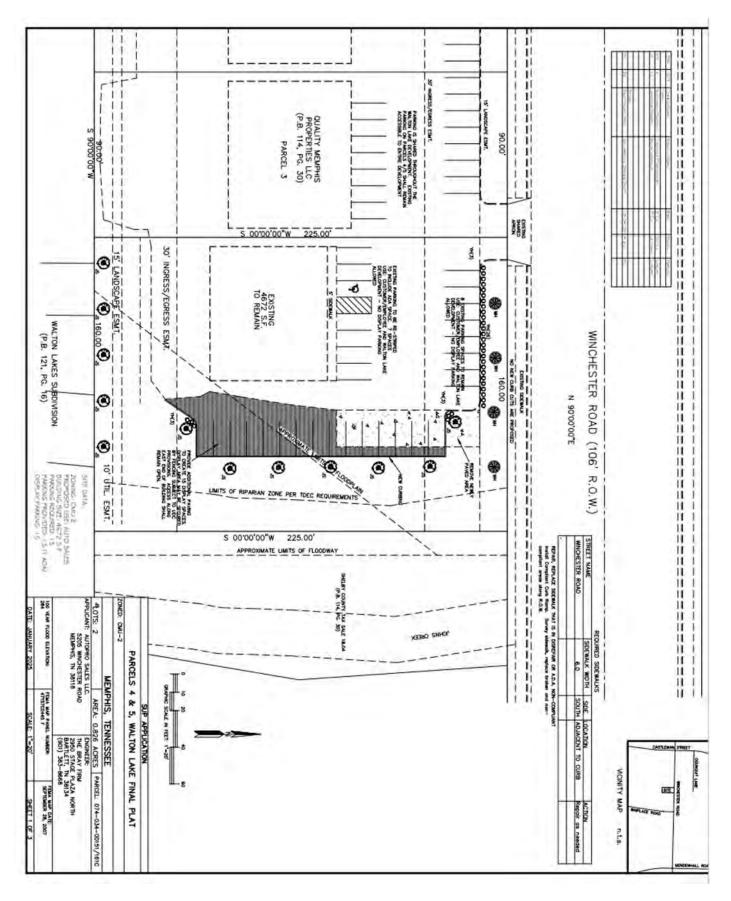
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

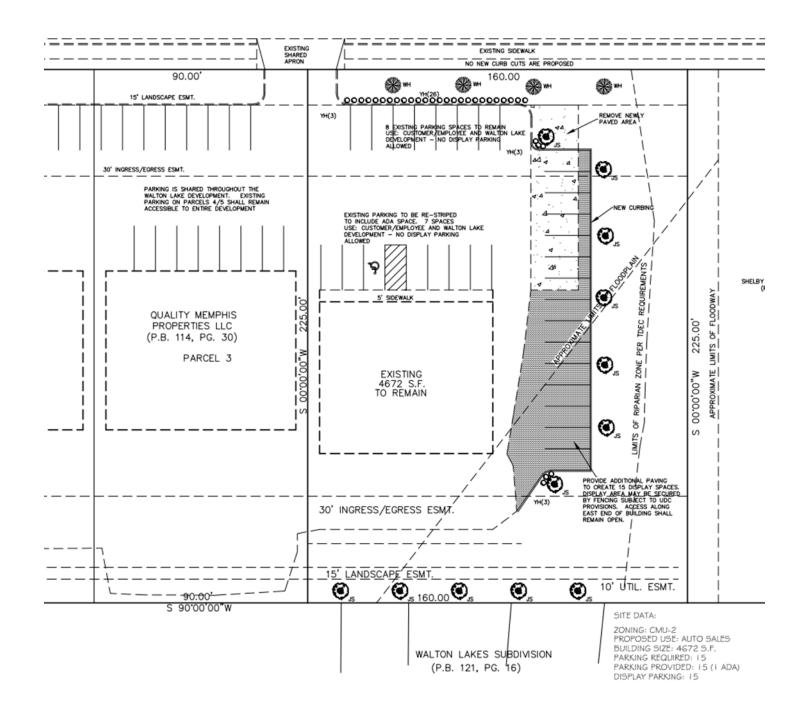
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- 6. The existing chain link fence with barbed wire along the east property line between the building and Winchester Road shall be removed.
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- 10. No fencing of any type is permitted along Winchester Road.
- 11. All parking spaces facing into Winchester Road and facing into the building shall be for customers and employees of the used car sales facility and the other businesses within the shopping center. None of these spaces shall be used to display vehicles for sale or store vehicles.

The Walton Lake C-P Final Plat will be required to be re-recorded.



SITE PLAN

SITE PLAN – MAGNIFIED



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

dod MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	16	L.U.C.B. MEETING:	March 13, 2025
CASE NUMBER:	SUP 2025-003		
LOCATION:	5205 Winchester Road		
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Josely Vasquez		
REPRESENTATIVE:	The Bray Firm		
REQUEST:	Special use permit to allow vehicle	sales	
EXISTING ZONING:	Commercial Mixed-Use-2 (CMU-2), P) General Plan and Final Plat	Governed by Walton Lake	Planned Commercial (C-

CONCLUSIONS

- 1. The applicant is requesting a special use permit to allow used auto sales in a Commercial Mixed-Used-2 (CMU-2) Zoning District.
- 2. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and zoning as provided in the Memphis 3.0 General Plan. The proposal is inconsistent with the surrounding neighborhood pattern that transitions from a large-scale commercial area east of Johns Creek to a more residential development pattern west of Johns Creek.
- 3. Commercial shopping centers such as the existing strip center the use is requested to be in are not conducive for an automobile sales facility. Such centers are designed to have internal circulation and shared parking among the businesses in the center. While the proposed site plan does retain internal circulation and shared parking as part of the shopping center, its approval would likely put pressure on the west end of the shopping center for such use where there is an ample depth between Castleman Street and the west end of the shopping center building to place cars for sale by paving this area, further intruding into the predominately single-family area.
- 4. 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

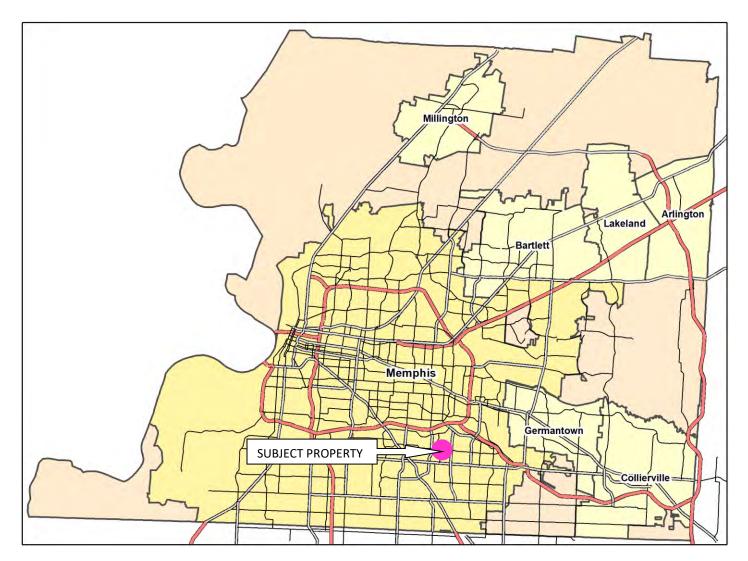
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-22 of this report.

RECOMMENDATION:

Rejection

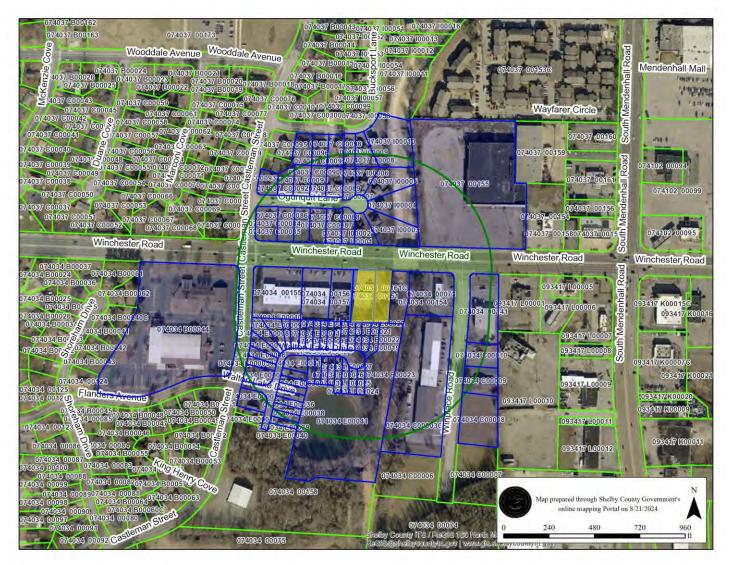
LOCATION MAP

March 13, 2025 Page 2



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 108 notices were mailed on February 12, 2025, see page 23 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 24-25 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, March 03, 2025, at 5434 Parkway Village Library at 4655 Knight Arnold Road, Memphis, TN 38118.

AERIAL



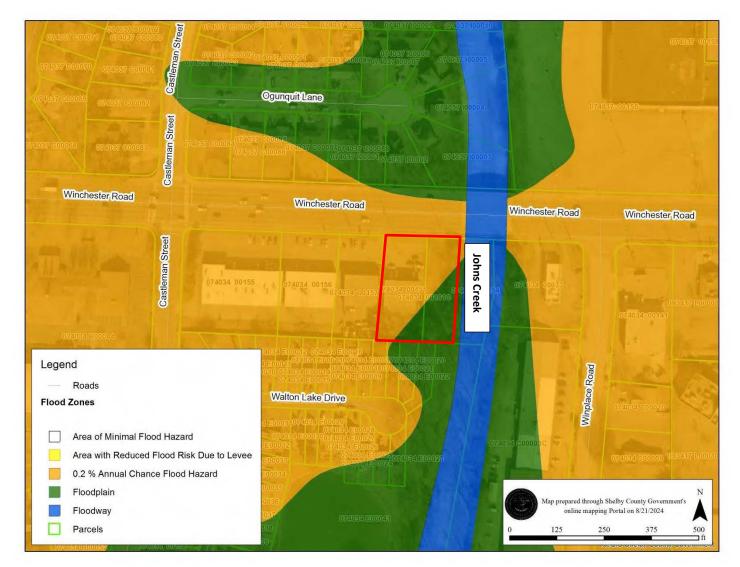
Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

FEMA MAP



Subject property outlined in red.

LAND USE MAP



Subject property indicated by a pink star.

SITE PHOTOS



View of subject property from Winchester Road.



View of subject property from above (west).

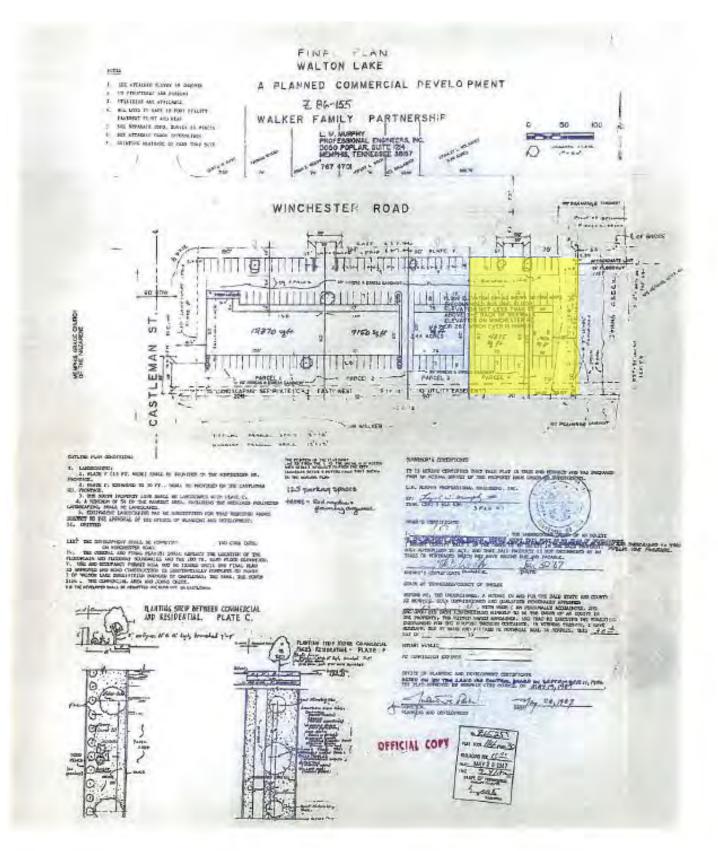


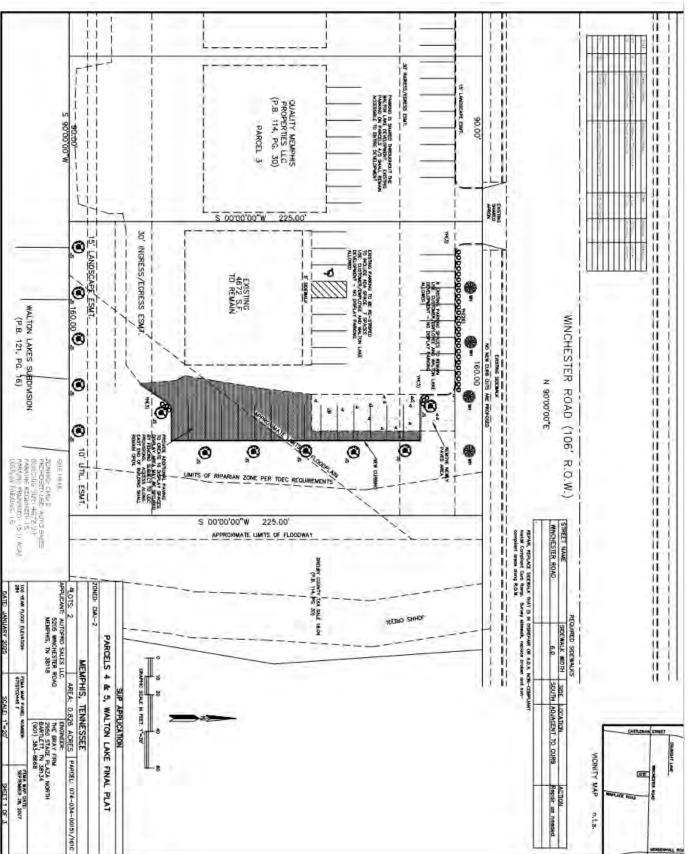
View of subject property from above.



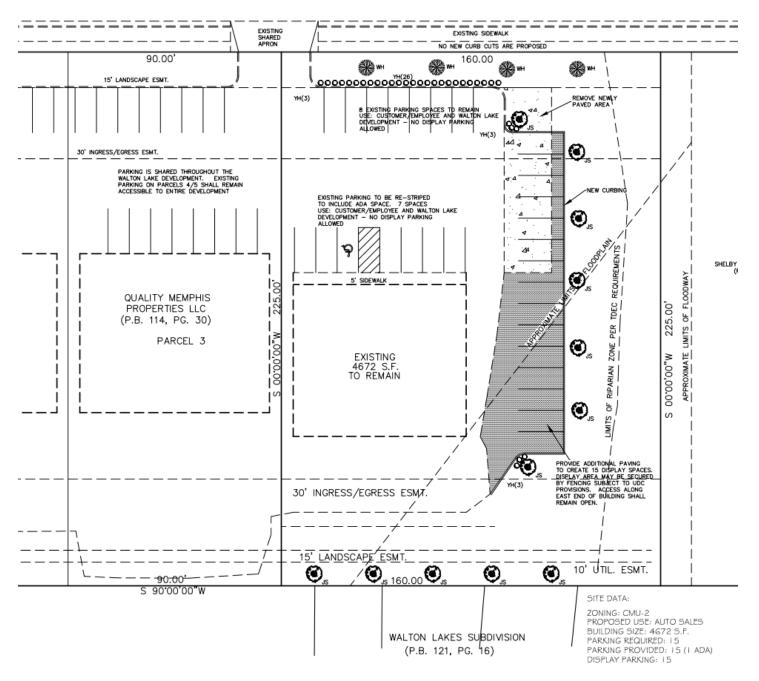
View of subject property from above (East).

EXISITING RECORDED FINAL PLAT





SITE PLAN – MAGNIFIED



CASE REVIEW

<u>Request</u>

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address: 5205 Winchester Road

Parcel ID: 074034 00151 and 07403400161C

Area: +/-37,353 square feet

March 13, 2025 Page 14

Description:

The subject property is known as Parcel 4 on the Final Plat of Walton Lake Commercial Planned Development. Per the Assessor's website, the principal structure on the site was built in 1987 and currently is a vacant-retail structure with 5175 square feet. The building was formerly occupied for several years by Car Quest Auto Parts. The applicant recently purchased the vacant land on the right side of the property making the total site now 36,000 square feet. The surrounding land uses are a mixture of commercial and residential lots. The subject property contains a portion of one of the two curb cuts serving the existing shopping center along Winchester Road.

Site Zoning History

On December 12, 2024, the Land Use Control Board dropped Case #SUP2024-029 after the applicant failed to submit documentation and revised plans reflecting the additional land purchase stated at the November 14, 2024, LUCB hearing. As the case had reached the maximum three-month hold period allowed under Sub-Section 9.6.7C of the Unified Development Code, it was deemed incomplete and subsequently dropped.

Site Plan Review

- The existing building (4,672 SF) is to remain on-site.
- Parking and ingress/egress are shared throughout the Walton Lake Development.
- The **display parking area** will be created by **adding paving** at the southeast part of the site, totaling **15 display spaces**. Thes spaces will not reduce the required parking for the shopping center.
- Ingress and egress will remain via a 30' easement, at the rear of the shopping center that crosses all parcels at their rear and across the front of the building.
- Parking meets the zoning requirements: Required: 15 spaces
 Provided: 15 spaces (including 1 ADA-compliant space)
 Display parking: 15 spaces
- Utility and landscape easements (10' and 15', respectively) are noted, restricting potential construction in those areas.
- Landscaping is proposed along Winchester Road and the east side of the property.

<u>Analysis</u>

The proposed used car sales facility is not conducive for the site for the reasons that follow below.

Existing Shopping Center Ingress/Egress Easement and Proposed Fencing Location:

As previously mentioned, the site is part of an existing shopping center comprised of five lots. These five lots are served by a joint ingress/egress easement along both the front and rear of the lots. This shopping center was not designed to be stand-alone sites in terms of access or parking, but rather share parking and access. Further, only a total of two curb cuts serve the shopping center on Winchester Road, not individual curb cuts for each lot. The subject property has no other access than these access easements.

As with most automobile sales facilities, this type of use is one in which the facility is typically characterized by fencing the entire site and gating any vehicular entrance and exit points. The applicant's representative has stated that only the area in which the vehicles for sale would be displayed along the east property line would be fenced.

March 13, 2025 Page 15

Proposed Use is Inconsistent:

The subject property was rezoned to Planned Commercial (C-P) IN 1987 by the City Council. The Division of Planning and Development did not support this zoning change. It was felt by staff at that time that introducing commercial zoning here west of Johns Creek was inconsistent with the existing residential development pattern. Though the rezoning was approved, some 37 years later the predominant residential pattern remains west of Johns Creek. Introducing used auto sales here is not only inconsistent with the development pattern and zoning west of Johns Creek but also introduces a use that is characterized by outdoor display and storage on a continuing basis. Auto sales facilities are more suited for a single-use site that can be secured with controlled access. Further, east of Johns Creek and in the area of the intersection of Mendenhall Road and Winchester Road offers more opportunities for this type of use without penetrating into an area that is predominately residential as is west of Johns Creek.

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. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Winchester Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 3. The existing detached pole sign along Winchester Road shall be upgraded to meet the current requirements for the Commercial Mixed-Use Districts (UDC Sub-Section 4.9.7D) or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
- 4. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- No fences or gates shall be placed along the west property line between the building and Winchester Road. The existing joint use ingress/egress easement serving the site and shopping center shall be retained.
- 6. The existing chain link fence with barbed wire along the east property line between the building and Winchester Road shall be removed.
- 7. All parking spaces shall be painted with striping.
- 8. The rear property line shall be screened with Plate C or a Class II buffer.

- 9. Fencing is permitted on the east side of the property around the used cars being offered for sale. The location and design of the fencing shall be shown on the final plat and shall comply with the fencing requirements in UDC Section 4.6.7.
- 10. No fencing of any type is permitted along Winchester Road.
- 11. All parking spaces facing into Winchester Road and facing into the building shall be for customers and employees of the used car sales facility and the other businesses within the shopping center. None of these spaces shall be used to display vehicles for sale or store vehicles.
- 12. The Walton Lake C-P Final Plat will be required to be re-recorded.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

Drainage:

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

water associated with the clearing and grading activity on this site.

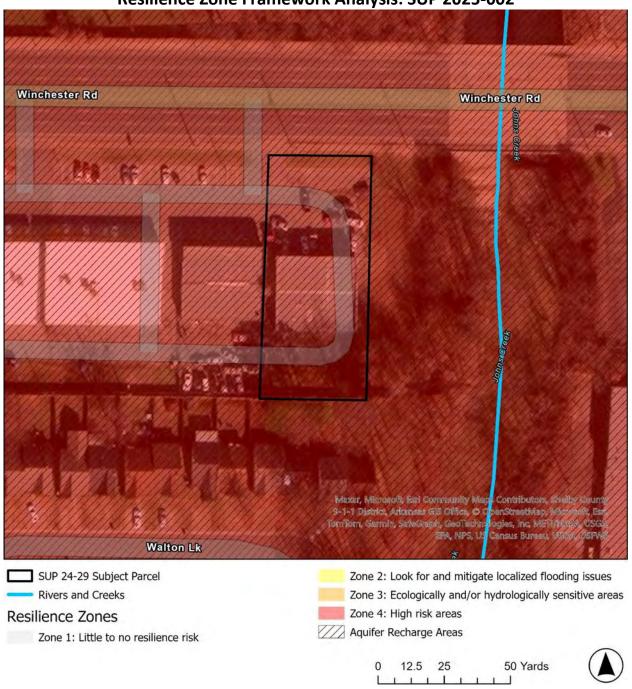
City Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.

Office of Sustainability and Resilience:

Located in Zone 4 of the Resilience Zone Framework:

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

The Zone 4 designation is due to the site's location in the 100-year and 500-year floodplain for nearby John's Creek, as well as its location in the aquifer recharge zone. The applicant is requesting a special use permit to allow used vehicle sales in the CMU-2 district.



Resilience Zone Framework Analysis: SUP 2025-002

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. Harmful contaminants found in and produced by vehicles pose a significant threat to John's Creek considering the site's proximity. During times of flooding, contaminants could be introduced to the creek – polluting the water way and reducing its overall health. Additionally, the site of the application being in the aquifer recharge zone contradicts section 2.2.2 – Aquifer Conservation and Recharge. Increasing the amount of impervious surface on the lot would increase the amount of stormwater runoff and water diverted from recharging the aquifer.

Additionally, aquifer recharge zones are more susceptible to contaminated water which renders the aquifer vulnerable to contaminants found at sites such as these.

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

Recommendations: Staff recommends rejection. If development proceeds, staff urges the incorporation of bioretention elements into the site plan to allow adequate filtration and groundwater recharge. Recommended techniques include small, vegetated areas like bioswales and rain gardens that collect runoff to divert from waterways like John's Creek and increase infiltration. Staff also recommends using native vegetation for landscaping purposes to further improve stormwater management on the site.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 2025-003 PARKWAY VILLAGE</u>

Site Address/Location: 5205 Winchester Road, 38118 (Parcel no. 074034 00151) Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, a portion of the property is in a Flood Zone. Future Land Use Designation: Low Intensity Commercial and Services (CSL) Street Type: Parkway

Applicant is requesting a Special Use Permit for auto sales in a CMU-2 zoning district. The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

"CSL" Zoning Notes

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

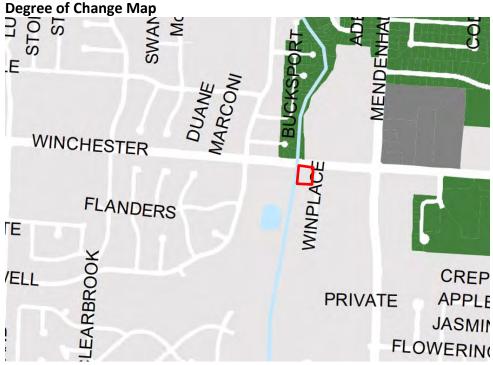
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial Vacant; CMU-2

Adjacent Land Use and Zoning: Commercial, Single-Family, Common Area Land, Industrial, Institutional; CMU-2, FW, RU-3, R-6, CMU-1

Overall Compatibility: This requested use is compatible with the land use description/intent, form & location

characteristics, and existing, adjacent land use and zoning; but is not compatible with the zoning notes without an SUP. The development within the floodplain is not consistent with Memphis 3.0.



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

3. Degree of Change Description

N/A

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

5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations $\ensuremath{\mathsf{N/A}}$

Consistency Analysis Summary

Applicant is requesting a Special Use Permit for auto sales in a CMU-2 zoning district.

This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning; but is not compatible with the zoning notes without an SUP. The development within the floodplain is not consistent with Memphis 3.0.

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

MAILED PUBLIC NOTICE

Staff Report

SUP 2025-003

Staff Planner Contact: Mahsan Ostadnia ⊠ mahsan.ostadnia@memphistn.gov ✔ (901) 636-7181	Meeting Details Time: 9:00 AM Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, March 13, 2025	CASE NUMBER:SUP 2025-003ADDRESS:5205 Winchester RdREQUEST:special use permit to allow vehicle salesAPPLICANT:Josely Vasquez	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.	NOTICE OF PUBLIC HEARING
To learn more about this proposal, contact the staff planner or use the QR code to view the full application.	108 Notices Mailed 02/12/2025	i i i i i i i i i i i i i i i i i i i		MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

AFFIDAVIT

Shelby County State of Tennessee

	I,, being duly se on the day of, being duly se pertaining to Case No at providing notice of a Public Hearing before Land Use Control Board Board of Adjustment Memphis City Council Shelby County Board of Commission for consideration of a proposed land use attached hereon and a copy of the sign p hereto.	20 <u>25</u> , I pos <u>5205 Wind</u> the (check one ners action, a pho	<u>victer (2d</u> e): otograph of said s	ign(s) being
	Josely Vasquez Owner, Applicant or Representative		<u>2-28-25</u> Date	
	Subscribed and sworn to before me this	28_day of _	Feb	, 20 _25_
C	Maule Motary Public Notary Public My commission expires: <u>9-23-26</u>	M ENERGES	VAXOFEELCC	



APPLICATION

March 13, 2025 Page 26



Memphis and Shelby County Division of Planning and Development

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

Expiration Date:

Owner Phone

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: January 31, 2025

Record Number: SUP 2025-003

Record Name: 5205 Winchester Road

Description of Work: Special Use Permit to allow autosales in the CMU-2 District for parcels 4 and 5 of Walton Lake Planned Commercial General Plan

Parent Record Number:

Address:

5205 WINCHESTER RD, MEMPHIS 38118

Owner Information

Primary Owner Name Y GOLDSTAR HOMES LLC

Owner Address 3840 WINCHESTER RD, MEMPHIS, TN 38118

Parcel Information

074034 00151

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Mahsan Ostadnia
Date of Meeting	01/06/2025
Pre-application Meeting Type GENERAL PROJECT INFORMATION	Phone
Application Type List any relevant former Docket / Case Number(s) related to previous applications on this site	New Special Use Permit (SUP) SUP 2024-029
Is this application in response to a citation, stop	Yes

SUP 2025-003

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

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

Case Layer 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

Additional paving was done on the site during the previous application for SUP approval. Subsequently a stop work order was issued on the site. The revised site plan reflects the needed remediation that needs to be done to the unauthorized improvements.

This site plan has been modified to retain the cross easements for drive and parking in the Walton Lake development and will add the proposed display parking independent of those areas. With these changes the site will be compatible with surrounding developments.

The display parking will be independent of existing parking/drive easements on the overall development. Display parking will be arranged so as to be in a currently undeveloped area and will not impact surrounding areas. No new drive aprons are proposed with this development

All utilities are existing and no new buildings are being proposed. This site will utilize the existing commercial development with additional parking for display vehicles.

The proposed improvements are outside the TDEC required riparian zone along John's creek and will not impact the natural resources. Agreed.

Agreed.

Z86-155 No C No -COMMERCIAL MEMPHIS -CMU-2 -PARCEL 4 WALTON LAKE FINAL PLAN

Yes

SUP 2025-003

Name JOSELY VASQUEZ				Contact Type			
Address				AFPLICANT			
Phone							
Name THE BRAY FIRM					100 C	Contact Type ARCHITECT / ENGINEER /	
Address 2950 STAGE PLAZA NORTH,				SURVEYOR			
Phone (901)487-242	25						
Fee Inform	mation						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1621610	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	01/31/2025	
1621868	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/03/2025	
1621868	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/03/2025	
	Total Fee Invoiced: \$513.0		iced: \$513.00	Total Ba	lance: \$0.0	00	

Payment Amount \$513.00 Method of Payment Credit Card

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

bgve2_, state that I have read the definition of (Sign Name)

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

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

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

hoster Rd Manchis Th of the property located at and further identified by Assessor's Parcel Number for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me the in the year of My Commission Expires onature of Notary



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 31, 2025

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

RE: 5205 Winchester – SUP to allow auto sales in the CMU-2 district Formerly Case # SUP 2024-029 Memphis, Shelby County, Tennessee

Mr. Ragsdale:

Please find attached an amended application for the case previously identified as SUP 2024-029. This plan seeks to incorporate the conditions of approval that were included in the previous case had it been approved. The parking for the existing retail center (Walton Lake) will be preserved and connectivity will be provided to the rear of the building to allow for site circulation. All display spaces for vehicle sales will be located east of the drive on the east of the building. It is proposed that the display spaces can be fenced/secured with fencing permissible per the UDC.

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

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Mahsan Ostadnia

01/06/2025

Phone

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Owner Information

Primary **Owner Name**

Y GOLDSTAR HOMES LLC

Owner Address

3840 WINCHESTER RD, MEMPHIS, TN 38118

Parcel Information

074034 00151

Data Fields

PREAPPLICATION	MEETING
FILAFFLICATION	

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

Application Type New Special Use Permit (SUP) SUP 2024-029 List any relevant former Docket / Case Number(s) related to previous applications on Yes Is this application in response to a citation, stop

Owner Phone

this site

GENERAL PROJECT INFORMATION

work order, or zoning letter

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

APPROVAL CRITERIA

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UDC Sub-Section 9.6.9D

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

Case Layer **Central Business Improvement District** Class Downtown Fire District **Historic District** Land Use Municipality **Overlay/Special Purpose District** Zoning State Route Lot Subdivision **Planned Development District** Wellhead Protection Overlay District **County Commission District City Council District City Council Super District**

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Agreed.

Z86-155 No C No -COMMERCIAL MEMPHIS -CMU-2 -PARCEL 4 WALTON LAKE FINAL PLAN -Yes -

Contact Information

Name JOSELY VASQUEZ

Address

Phone

Contact Type Name THE BRAY FIRM ARCHITECT / ENGINEER / SURVEYOR Address 2950 STAGE PLAZA NORTH, Phone (901)487-2425 **Fee Information** Invoice # Fee Item Quantity Fees Balance Date Assessed Status 1621610 Credit Card Use Fee (.026 1 0.00 INVOICED 0.00 01/31/2025 x fee) 1621868 Special Use Permit Fee -1 500.00 INVOICED 0.00 02/03/2025 5 acres or less (Base Fee) Credit Card Use Fee (.026 INVOICED 0.00 02/03/2025 1621868 1 13.00 x fee) Total Fee Invoiced: \$513.00 Total Balance: \$0.00

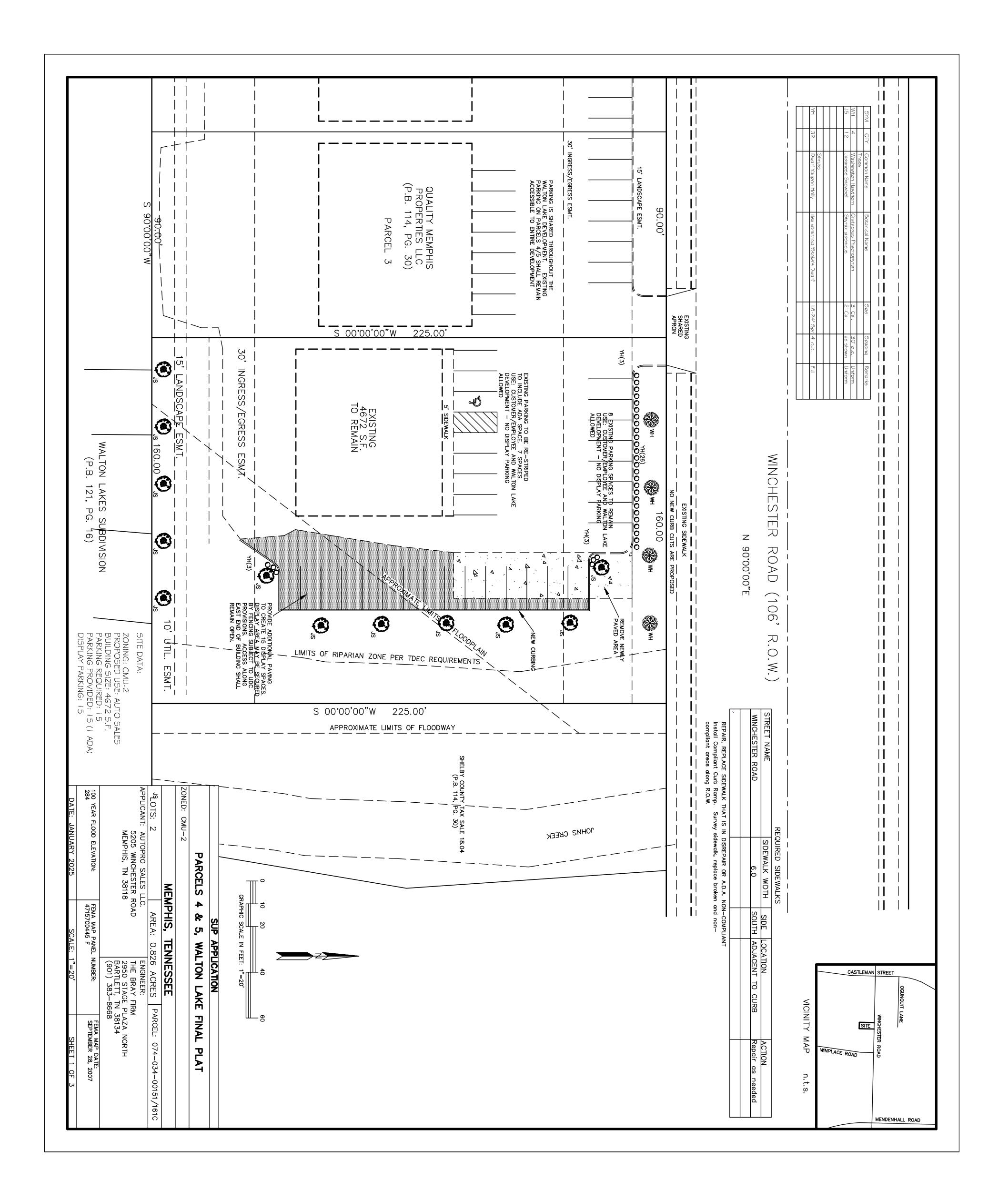
Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

Contact Type

APPLICANT

τοταί Dalance. φ



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 31, 2025

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

THE BRAY FIRM

RE: 5205 Winchester – SUP to allow auto sales in the CMU-2 district Formerly Case # SUP 2024-029 Memphis, Shelby County, Tennessee

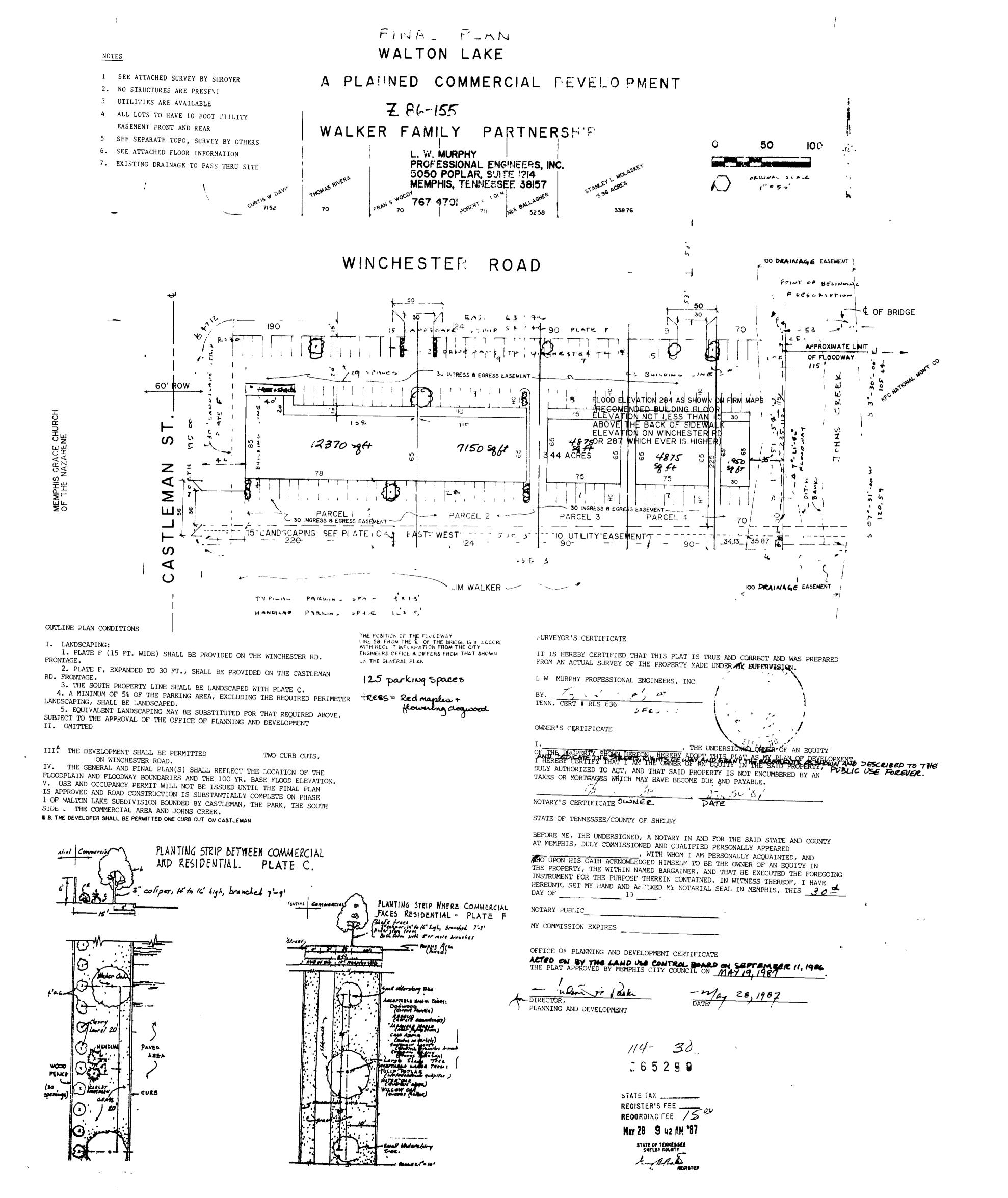
Mr. Ragsdale:

Please find attached an amended application for the case previously identified as SUP 2024-029. This plan seeks to incorporate the conditions of approval that were included in the previous case had it been approved. The parking for the existing retail center (Walton Lake) will be preserved and connectivity will be provided to the rear of the building to allow for site circulation. All display spaces for vehicle sales will be located east of the drive on the east of the building. It is proposed that the display spaces can be fenced/secured with fencing permissible per the UDC.

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.

	04/09/2024 - 11:4	7:30 AM
3 PGS		
LACY	2687551-24028800	
VALUE		230000.00
MORTGA	AGE TAX	0.00
TRANSE	FER TAX	851.00
RECORI	DING FEE	15.00
DP FEE	2	2.00
REGIST	TER'S FEE	1.00
EFILE	FEE	2.00
TOTAL	AMOUNT	871.00

24028800 04/09/2024 - 11:47:30 AM

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

WARRANTY DEED		STATE OF TENNESSEE COUNTY OF Shelby THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$_230,000.00 Affiant SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE Ist_DAY OF _April_, 2024. Notary Rubio STATE OF TENNESSEE My Commission Expires:		
H. MARK BEANBLOSSOM, P.C., 1661 Aaron Brenner Drive, Suite 301, Memphre, JN 38120				
ADDRESS NEW OWNER AS FOLLOWS:	SEND TAX BILLS TO:		MAP-PARCEL NUMBERS:	
oldstar Homes, LLC GOLDSTAR HOMES I		ES LLC	074-034-00151	
3840 Winchester Road 3840 WINCHEST		ER ROAD		
Memphis, TN 38118	MEMPHIS, TN 3	8118		

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **Milad Gatur**

HEREINAFTER CALLED THE GRANTOR, HAS BARGAINED AND SOLD, AND BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO **Goldstar Homes**, **LLC** A TENNESSEE LIMITED LIABILITY COMPANY

HEREINAFTER CALLED THE GRANTEE, ITS HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Shelby COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Land in Shelby County, Tennessee, being Lot No. 4, General Plat of Walton Lake Subdivision as shown on plat of record in Plat Book 11, Page 22, nd Plat Book 114, Page 30, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Also being described as follows:

Beginning at a point on the South right of way line of Winchester Road (a 106 foot right of way) at a point 434 feet East of the projected East right of way line of Castleman Street (a 60 foot right of way); thence, Eastwardly along the South right of way line of Winchester Road a distance of 90 feet to a point; thence, Southwardly at an internal angle of 90 degrees a distance of 225 feet to a point; thence Westwardly with an internal angle of 90 degrees a distance of 90 feet to a point; thence Northwardly at an internal angle of 99 degrees a distance of 225 feet to the point of beginning.

Being the same property conveyed to Grantor herein by Special Warranty Deed of record at Instrument No. $\frac{240000498}{24000498}$, in the Register's Office of Shelby County, Tennessee.

This conveyance is subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 114, Page 30; Easements of record in Book 1751, Page 633; Book 5853, Page 29; Book 5853, Page 31; and Instrument Nos. AD-7765, E2-8897, and AD-7763; Declaration of Covenants, Conditions and Restrictions of record at Instrument No. AA-9366, amended at Instrument Nos. AB-7557, AR-1481, and AR-7149, all in the Register's Office of Shelby County, Tennessee; and also subject to 2024 City of Memphis taxes and 2024 Shelby County taxes, not now due or payable, which Grantee herein assumes and agrees to pay.

Property Address: 5205 Winchester Road, Memphis, TN 38118

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

WITNESS <u>my</u> hand(s) this <u>1st</u> day of <u>April</u>, <u>2024</u>.

Milad Gatur/

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Milad Gatur to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 1st day of April, 2024.

9-4-26

Notary Public

My Commission Expires:



Return to: Apperson Crump PLC 6000 Poplar Avenue - Suite 150 Memphis, TN 38119 File #: <u>AC240202000</u> I, Robert E. Tribble, Jr., do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 4-01-3034.

Signature Affiant 2024 April

Date

State of Tennessee County of Shelby

Sworn to and subscribed before me this 2024.

day of April,

minnin

No s \$ignature tary MY COMMISSION EXPIRES: 4/06/2025

5205 Winchester Page 1 of 6

Autopro Sales, LLC. 5205 Winchester Memphis, TN 38118 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Applicant

Engineer

SHELBY COUNTY TAX SALES 18.04 PO BOX 2751 MEMPHIS, TN 38101

CHAMPION AWARDS INC 3694 WINPLACE RD MEMPHIS, TN 38118

JERMAINE POTTER PO BOX SUGAR LAND, TX 77496

RESIDENT 5251 WINCHESTER RD MEMPHIS, TN 38118

RK FOOD MART INC 5295 WINCHESTER RD MEMPHIS, TN 38118

BK MEMPHIS CARROLS LLC PO BOX 6969 SYRACUSE, NY 13217

3659 S MENDENHALL INC 5050 POPLAR AVE STE 1510 MEMPHIS, TN 38157 NNN REIT INC 450 ORANGE AVE STE 900 ORLANDO, FL 32801

RESIDENT 3661 WINPLACE RD MEMPHIS, TN 38118CO

RESIDENT 3640 WINPLACE RD MEMPHIS, TN 38118

LENGTHS LLC 4112 SUMMER AVE MEMPHIS, TN 38122

MCHANN & ANGLIN PROPERTIES LLC 4039 OLD GETWELL RD MEMPHIS, TN 38118

RESIDENT 5305 WINCHESTER RD MEMPHIS, TN 38118

RESIDENT 3659 S MENDENHALL RD MEMPHIS, TN 38118 RESIDENT 5231 WINCHESTER RD MEMPHIS, TN 38118

FAITH BAPTIST CHURCH EAST 3648 WINPLACE RD MEMPHIS, TN 38118

FALKENBACH INTERVIVOS TRUST 28848 MICHELLE DR AGOURA HILLS, CA 91301

RESIDENT 5281 WINCHESTER RD MEMPHIS, TN 38118

RESIDENT 5287 WINCHESTER RD MEMPHIS, TN 38118

STERO ONE OF MENDENHALL LLC 3631 MENDENHALL RD MEMPHIS, TN 38118

WALTON LAKE HOMEOWNERS ASSOCIATION 5101 WHEELIS DR STE 100 MEMPHIS, TN 38117 5205 Winchester Page 2 of 6

GWENDOLYN HICKS 5200 WALTON LK MEMPHIS, TN 38118

LEWIS JONES 5196 WALTON LK MEMPHIS, TN 38118

RESIDENT 5190 WALTON LAKE DR MEMPHIS, TN 38118

CARLOTTA BUFORD & SAHARA GLASS 5184 WALTON LAKE DR MEMPHIS, TN 38118

MARTHA VAUGHAN 3500 TRAYLOR DR RICHMOND, VA 23235

EUSTIS-LY TRUST 4025 COOGAN CIR CULVER CITY, CA 90232

JOHN & LINDA RUDD 5166 WALTON LAKE DR MEMPHIS, TN 38118

DANIEL CHRISTIE 7757 SW 86[™] ST C409 MIAMI, FL 33143

MAXIMO GREEN 7 MARVA AVEN 1829 JAMES RD MEMPHIS, TN 38127 MSK LLC 46 FLICKER ST MEMPHIS, TN 38104

MARY NOEL 5194 WALTON LK MEMPHIS, TN 38118

ANGELETA POTTS 434 N WALNUT BEND RS CORDOVA, TN 38018

JERALD CRAFT 5182 WALTON LAKE DR MEMPHIS, TN 38118

RESIDENT 5176 WALTON LAKE DR MEMPHIS, TN 38118

RESIDENT 5170 WALTON LAKE DR MEMPHIS, TN 38118

SONIA BARROSO 504 4TH ST IMPERIAL BEACH, CA 91932

RESIDENT 5162 WALTON LAKE DR MEMPHIS,TN 38118

RESIDENT MEMPHIS, TN 38118 RESIDENT 5198 WALTON LAKE DR MEMPHIS, TN 38118

ZHAN'E INVESTMENTS LLC PO BOX 18970 MEMPHIS, TN 38181

RESIDENT 5188 WALTON LAKE DR MEMPHIS, TN 38118

LANITA SANDERS 5178 WALTON LAKE DR MEMPHIS, TN 38118

GEORGE HEBRON 5172 WALTON LAKE DR MEMPHIS, TN 38118

GAYLON JOYNER 5168 WALTON LK MEMPHIS, TN 38118

RESIDENT 5164 WALTON LAKE DR MEMPHIS, TN 38118

DWAYNE BENJAMIN 5158 WALTON LAKE DR MEMPHIS, TN 38118

CANDELARIO CASTILLO 8090 CENTER HILL RD OLIVE BRANCH, MS 38654 5205 Winchester Page 3 of 6

RESIDENT 5152 WALTON LAKE DR MEMPHIS, TN 38118

STELLA TURNER LIVING TRUST 655 S RIVERSIDE DR APT 1208 MEMPHIS, TN 38118

PAMELA MAYES 5135 WALTON LAKE DR MEMPHIS, TN 38118

BARBARA TUBB 5143 WALTON LAKE MEMPHIS, TN 38118

RESIDENT 3147 WALTON LAKE DR MEMPHIS, TN 38118

RESIDENT 5151 WALTON LAKE DR MEMPHIS, TN 38118

RITA RODGERS 5155 WALTON LAKE DR MEMPHIS, TN 38118

ROBIN STARK 4816 MONTEGA DR WOODBRIDGE, VA 22192

LISA PYE 5183 WALTON LAKE DR MEMPHIS, TN 38118 JACOB LEPLEY 5518 KENDRICK LN BURKE, VA 22015

RESIDENT 5142 WALTON LAKE DR MEMPHIS, TN 38118

NORKA CARON 7460 DELMONICO CV BARTLETT, TN 38135

SYLVESTER WILLIAMS 5145 WALTON LAKE ST MEMPHIS, TN 381128

MERIO KIMMONS 5149 WALTON LK MEMPHIS, TN 38118

DIRECTED TRUST CO FBO BENJAMIN JAMES REAM IRA 3033 N CENTRAL AVE STE 415 PHOENIX, AZ 85012

HOMETOWN INVESTMENT GROUP LLC PO BOX 241 MILLINGTON, TN 38053

RESIDENT 5177 WALTON LAKE DR MEMPHIS, TN 38118

FRANK GILMORE 5185 WALTON LAKE DR MEMPHIS, TN 38118 RESIDENT 5146 WALTON LAKE DR MEMPHIS, TN 38118

YADIRA HERNANDEZ 5136 WALTON LAKE DR MEMPHIS, TN 38118

RESIDENT 5141 WALTON LAKE DR MEMPHIS, TN 38118

PARMA CUNNINGHAM 4960 GRAND PINES DR MEMPHIS, TN 38125

JILL AND HANS HANSEN FAMILY TRUST 3255 E SARAZEN CIR STE 200 MEMPHIS, TN 38125

RESIDENT 5153 WALTON LAKE DR MEMPHIS, TN 38118

RESIDENT 5167 WALTON LAKE DR MEMPHIS, TN 38118

MICHELLE GREGORY 5179 WALTON LAKE DR MEMPHIS, TN 38118

DEBORAH JONES 5189 WALTON LAKE DR MEMPHIS, TN 38118 5205 Winchester Page 4 of 6

DEBORAH JONES 5191 WALTON LAKE DR MEMPHIS, TN 38118

DAVID JACKSON 5149 FLANDERS AVE MEMPHIS, TN 38118

GREATER COMMUNITY TEMPLE CHURCH OF GOD IN CHRIST 924 DUNLAP ST MEMPHIS, TN 38107

RESIDENT 5163 WINCHESTER RD MEMPHIS, TN 38118

QUALTIY MEMPHIS PROP LLC 7100 NORTHLAND CL STE 410 BROOKLYN PARK, MN 55428

AREC 4 LLC PO BOX 29046 PHOENIX, AZ 85038

CEDAR MILL LLC 3505 S MENDENHALL RD MEMPHIS, TN 38118

WILLIE & SHIRLEY BALFOUR 5187 OGUNQUIT LN MEMPHIS, TN 38118

PATRICK & MARY MANNION 42 PERKINS DR PRESCOTT, AZ 86301 LINDA CONLEY LIVING TRUST 5195 WALTON LAKE DR MEMPHIS, TN 38118

RANDY CARTER 5139 FLANDERS AVE MEMPHIS, TN 38118

RESIDENT 5151 WINCHESTER RD MEMPHIS, TN 38118

MILLBRANCH PROP LLC 4646 POPLAR AVE STE 245 MEMPHIS, TN 38118

RESIDENT 5260 WINCHESTER RD MEMPHIS, TN 38118

CJL CAPITAL INVESTMENTS LLC 1200 STEEPLE CHASE CT ALEDO, TN 76008

JOSE RODRIGUEZ & BERTA GOVEA 3576 CASTLEMAN ST MEMPHIS, TN 38118

WILBERT & CHARLOTTE STEPHENS 5191 OGUNQUIT LN MEMPHIS, TN 38118

RESIDENT 5205 OGUNQUIT LN MEMPHIS, TN 38118 JACOBIE THOMAS 5197 WALTON LAKE MEMPHIS, TN 38118

MIKKEL BRANCH 3675 CASTLEMAN ST MEMPHIS, TN 38118

BANES FAMILY TRUST 205 S YATES RD MEMPHIS, TN 38120

RESIDENT 5185 WINCHESTER RD MEMPHIS, TN 38118

RESIDENT 3551 MENDENHALL RD MEMPHIS, TN 38118

RESIDENT 5286 WINCHESTER RD MEMPHIS, TN 38118

DARNELL JACKSON 5179 OGUNQUIT LN MEMPHIS, TN 38118

ELISE CLARK & CANADY TERRY 5199 OGUNQUIT MEMPHIS, TN 38118

PROVISION FAMILY TRUST 10224 CHAMBORD KNL FORT WAYNE, IN 46835 5205 Winchester Page 5 of 6

RESIDENT 5211 OGUNQUIT MEMPHIS, TN 3118

BRYAN & NATASHA WESTERFELD 19 QUEENS WREATH WAT IRVINE, CA 92612

ARULIA REALTY LLC 1883 W ROYAL HUNTE DR STE 200A CEDAR CITY, UT 84720

RESIDENT 5206 OGUNQUIT LN MEMPHIS, TN 38118

TSENG YANG 2235 WHITTEN RD STE 101 BARTLETT, TN 38133

FRANCISCO AGZARIAN 3560 CASTLEMAN ST MEMPHIS, TN 38118

WILLIAM & ALBERTA PHILLIPS 3542 CASTLEMAN ST MEMPHIS, TN 38118

MCKENNA MARKS 5199 BUCKSPORT LN MEMPHIS, TN 38118

TUYEN LAM & BAO NGUYEN 4965 DEMETER CV MEMPHIS, TN 38118 PENSUL HARDIN & BRENDA WILLIAMS 4975 LOCH LOMOND RD MEMPHIS, TN 38116

RESIDENT 5218 OGUNQUIT LN MEMPHIS, TN 38118

RESIDENT 5210 OGUNQUIT MEMPHIS, TN 38118

LUIS MARTINEZ-AGUILAR & BRENDA IBANEZ PERDOMO 5200 OGUNQUIT LN MEMPHIS, TN 38118

RESIDENT 5186 OGUNQUIT LN MEMPHIS, TN 38118

ELLIS CONFER 6064 VERA LN OLIVE BRANCH, MS 38654

DAESHA POPE 5185 BUCKSPORT LN MEMPHIS, TN 38118

MOVITA GURULE 2804 PERSHING AVE SAN BERNARDINO, CA 92405

RESIDENT 5207 BUCKSPORT LN MEMPHIS, TN 38118 RESIDENT 5217 OGUNQUIT LN MEMPHIS, TN 38118

RONALD DAWSON 5214 OGUNQUIT LN MEMPHIS, TN 38118

HUMPHREY SOLO 401K TRUST 26715 WAVERLY CT LEESBURG, FL 34748

PARTHENIA THOMPSON 5190 OGUNQUIT LN MEMPHIS, TN 38118

KATHERINE ANDERTON 5178 OGUNQUIT LN MEMPHI, TN 38118

RESIDENT 3550 CASTLEMAN ST MEMPHIS, TN 38118

LISA HOLDEN 5191 BUCKSPORT LN MEMPHIS, TN 38118

RESIDENT 5203 BUCKSPORT LN MEMPHIS, TN 38118

BUTLER PROP LLC 4728 SPOTTSWOOD AVE 279 MEMPHIS, TN 38117 5205 Winchester Page 6 of 6

RESIDENT 5215 BUCKSPORT LN MEMPHIS, TN 38118

JENNIFER & OVILSON MARTINEZ 7388 LEE ANN DR HORN LAKE, MS 38637

PAUL & JANET RICHARDSON 7784 HUNTERS RUN DR GERMANTOWN, TN 38138

ROWLING TN LLC 853 BROADWAY FLOOR 5 NEW YORK, NY 10003

RESIDENT 3571 CASTLEMAN ST MEMPHIS, TN 38118

AN NGUYEN & MY TRAN 3549 CASTLEMAN ST MEMPHIS, TN 38118

RESIDENT 3533 CASTLEMAN ST MEMPHIS, TN 38118

JORGE GARCIA 4248 COCHESE RD MEMPHIS, TN 38118

DINAH CHERRY 3544 MARCONI MEMPHIS, TN 38118 RESIDENT 5235 BUCKSPORT LN MEMPHIS, TN 38118

RESIDENT 5224 BUCKSPORT LN MEMPHIS, TN 38118

RESIDENT 5188 BUCKSPORT LN MEMPHIS, TN 38118

RESIDENT 3577 CASTLEMAN ST MEMPHIS, TN 38118

ARTHUR OWENS 3563 CASTLEMAN ST MEMPHIS, TN 38118

PETRA GONZALEZ 3541 CASTLEMAN ST MEMPHIS, TN 38118

GOLDSTAR HOMES LLC 3840 WINCHESTER RD MEMPHIS, TN 38118

RESIDENT 3558 MARCONI CV MEMPHIS, TN 38118 BRIA BOYLAND 5210 BUCKSPORTS LN MEMHIS, TN 38118

TERRY & PHELICIA STUCKEY 5200 BUCKSPORT LN MEMPHIS, TN 38118

JOHNNY TRAN 3524 CASTLEMAN ST MEMPHIS, TN 38118

MERMAID BOORROWER LLC 401 CONGRESS AVE FLOOR 33 AUSTIN, TX 78701

NOE & BRENDA DURAN 3557 CASTLEMAN ST MEMPHIS, TN 38118

OLIVER WHITE TRUST 1850 POPLAR CREST CV STE 201 MEMPHIS, TN 38119

RESIDENT 3562 MARCONI MEMPHIS, TN 38118

BENJAMIN REYES 355 MARCONI CV MEMPHIS, TN 38118

MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

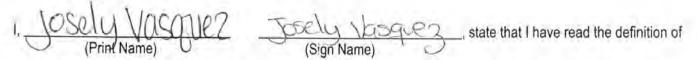
City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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, full Development Code Section 12.3.1.



"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)

Jinchester Rd of the property located at and further identified by Assessor's Parcel Number for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me to in the year of

My Commission Expires

