CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 8/20/2024 DATE PUBLIC SESSION: 9/10/2024 DATE

ONE ORIGINAL

ONLY STAPLED

TO DOCUMENTS

TTEM (CHECK ONE)						
ITEM (CHECK ONE)ORDINANCE	X RESOLUT	IONRE	QUEST FOR PU	BLIC HEARING		
ITEM DESCRIPTION:	Resolution pur	suant to Chapter	r 9.6 of the Memp	ohis and Shelby County Unified Development Code approving cated at 2899 Lamar Avenue, known as case number PD 2024-		
CASE NUMBER:	PD 2024 – 004					
DEVELOPMENT:	Self-Storage Lamar Crossing Planned Development					
LOCATION:	2899 Lamar Avenue					
COUNCIL DISTRICTS:	District 4 and Super District 8 – Positions 1, 2, and 3					
OWNER/APPLICANT:	Lamar, Inc.					
REPRESENTATIVE:	Delinor Smith, Smith Building Design					
REQUEST:	Amendment to Lamar Crossing Planned Development to allow a mini storage					
AREA:	+/- 1.81 acres					
RECOMMENDATION:	The Division of Planning and Development recommended rejection The Land Use Control Board recommended rejection					
RECOMMENDED COUNC	CIL ACTION:	Public Hearing Hearing – <u>Sept</u>	g Not Required ember 10, 2024			
PRIOR ACTION ON ITEM: (1) 06/13/2024 (1) Land Use Control Board FUNDING: (2) \$ \$ SOURCE AND AMOUNT O \$ \$ ADMINISTRATIVE APPRO A. Butt Repade	F FUNDS	DATE ORGAN (2) GOV REQUII AMOU REVEN OPERA CIP PR(NIZATION - (1) H V'T. ENTITY (3)	EIVED		
				COMPTROLLER FINANCE DIRECTOR		
		44445555558###	****			
				CHIEF ADMINISTRATIVE OFFICER		
				COMMITTEE CHAIRMAN		



Memphis City Council Summary Sheet

PD 2024 - 004

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

- This item is a resolution with conditions to allow a planned development amendment to allow self-storage at the Lamar Crossing Planned Development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, June 13, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2024 – 004		
LOCATION:	2899 Lamar Avenue		
COUNCIL DISTRICT(S):	District 4, Super District 8 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Lamar, Inc.		
REPRESENTATIVE:	Delinor Smith, Smith Building Design		
REQUEST:	Amendment to Planned Development to allow a mini storage		
EXISTING ZONING:	Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses		
AREA:	1.81 acres		

The following spoke in support of the application: Delinor Smith

The following spoke in opposition of the application: None

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

The motion failed by a unanimous vote of 8-0-1 on the regular agenda.

Respectfully,

Alexis Longsteet

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

Cc: Committee Members File

PD 2024 – 004 CONDITIONS

Outline Plan Conditions – Revisions

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

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.

C. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2</u> (CMU-2) and the following use shall be permitted:

a. Mini storage

Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

11. Bulk Regulations:

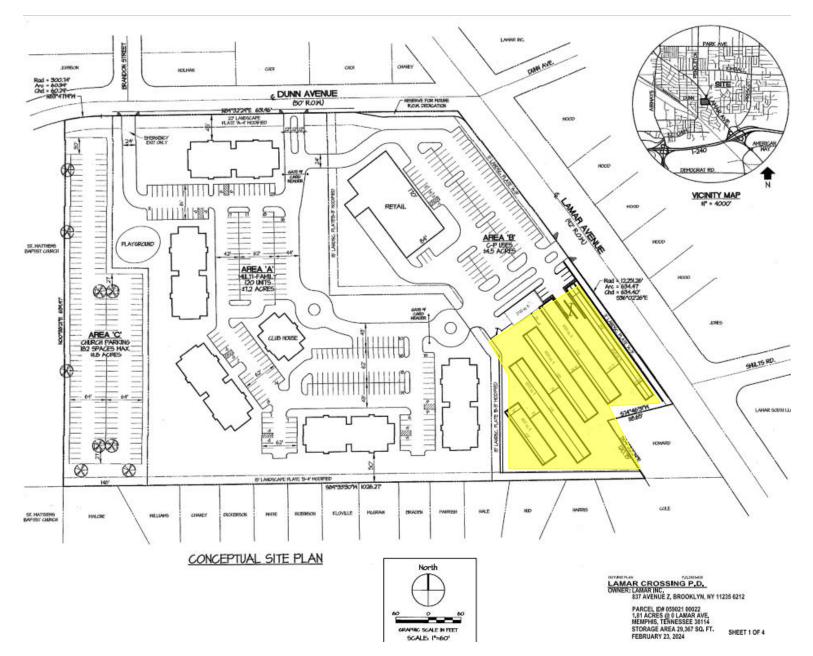
- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (I) tree for every twenty (20) parking spaces.
- D. <u>Area 'B-1': The bulk regulations of the CMU-2 District shall apply.</u>

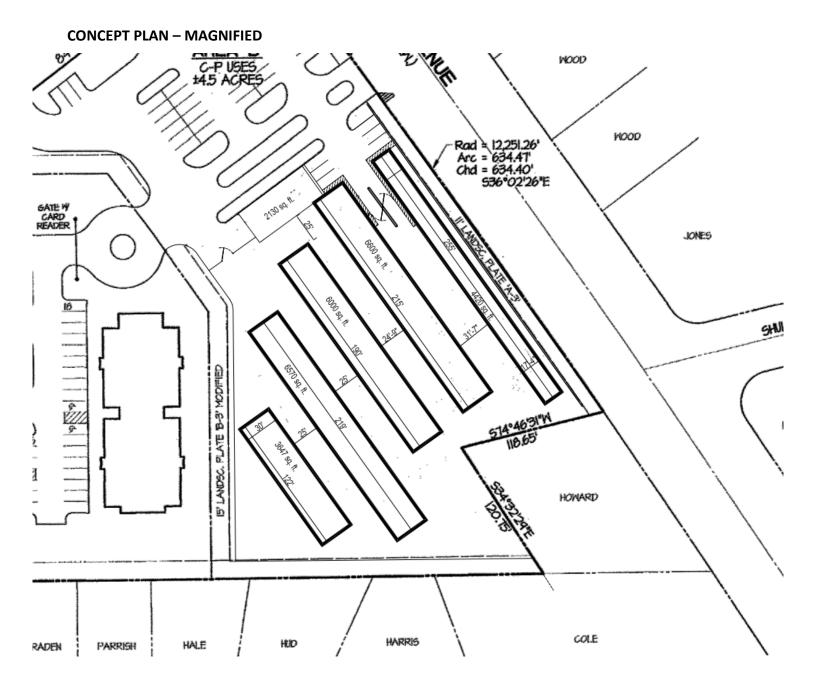
- III. Access, Circulation and Parking:
 - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
 - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 18) and improve in accordance with Subdivision Regulations.
 - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
 - D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
 - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Adequate maneuvering room shall be provided between the right-of-way and the aate/auardhouse/card reader for vehicles to exit bu forward
- IV. Landscaping:
 - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
 - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be Illustrated on the Concept/Landscape Plan.
 - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
 - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
 - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) shade tree per every twenty (20) parking spaces.
 - F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
 - G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
 - H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

- V. Signs:
 - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments. Area's 'B' and 'B-1'
 - B. Area B+ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
 - C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking. Area's 'B', 'B-1' and 'C'
 - D. Areas A, B, C: Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
 - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
 - C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
 - D. All drainage plans shall be submitted to the City Engineer for review.
 - E. All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
 - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
 - B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (IO) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - The one-hundred (100) year flood elevation.
 - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - 1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN





RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

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

WHEREAS, the Lamar, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development for an amendment to allow self-storage within the Lamar Crossing planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 13, 2024 and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS - REVISED

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

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use</u> <u>-2 (CMU-2) and the following use shall be permitted:</u> a. Mini storage
- <u>D</u>
- Area 'C': Church Parking Lot A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.
- Bulk Regulations:
 - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
 - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
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 - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

PARTY CONTRACTOR OF THE PARTY OF

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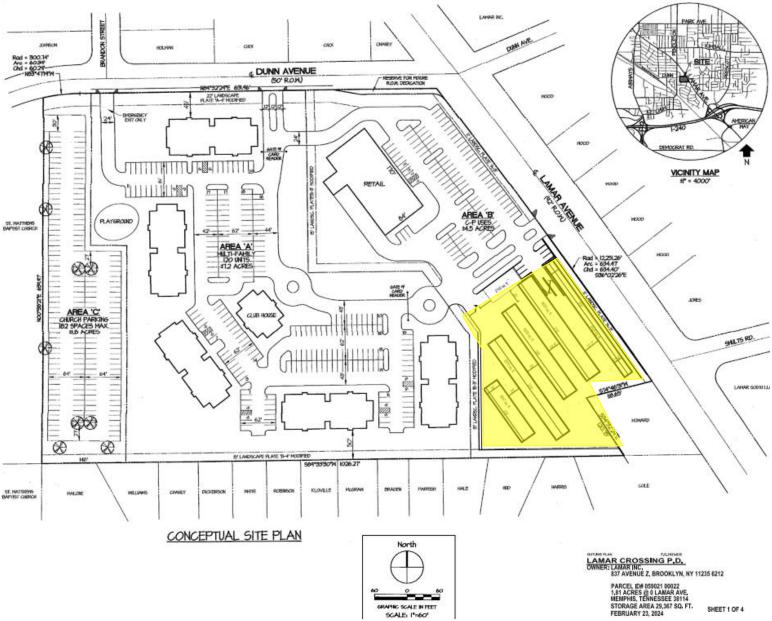
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 - B. Area B. Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
 - C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking. <u>Area's 'B', 'B-1' and 'C'</u>
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CONCEPT PLAN



SHEET 1 OF 4

ATTEST:

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

dpd MEMPHIS AND SHELEY COUNTY	TAFF	REP	ORT	
AGENDA ITEM:	16	L.U.C.B. MEETING:	June 13, 2024	
CASE NUMBER:	PD 2024 – 004			
DEVELOPMENT:	Self Storage at Lamar Crossing PD			
LOCATION:	2899 Lamar Avenue			
COUNCIL DISTRICT:	District 4 and Super District 8 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Lamar, Inc.			
REPRESENTATIVE:	Delinor Smith, Smith Building Desig	'n		

REQUEST: Amendment to Planned Development to allow a mini storage

EXISTING ZONING: Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses.

CONCLUSIONS

- 1. The subject property is located within the Lamar Crossing Planned Development (PD 06 313) and designated as "Area B" which permits any Commercial Mixed Use 2 uses.
- 2. The applicants proposed use of Mini-storage is allowed by the Special Use Permit (SUP) within the CMU 2 zoning districts.
- 3. The applicants proposed use of Mini-storage is a special permitted use within the CMU 2 zoning districts.
- 4. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

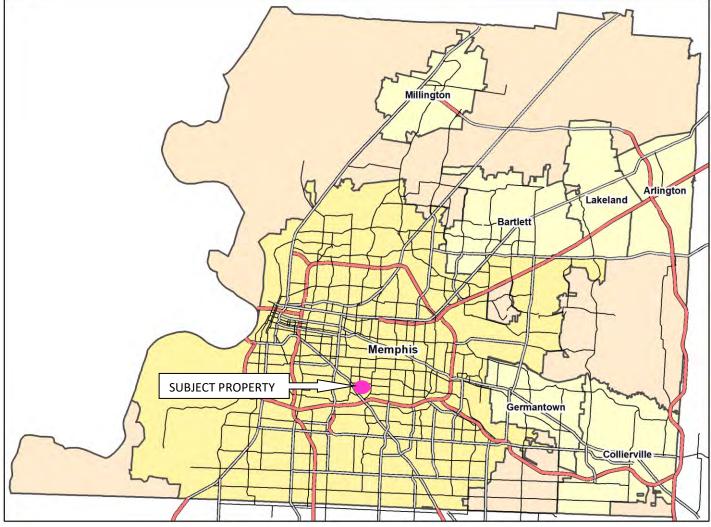
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 – 24 of this report.

RECOMMENDATION:

Rejection

June 13, 2024 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 57 notices were mailed on May 17, 2024, see pages 24 – 25 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 26 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 4:30 PM on Friday, May 31, 2024, at the Cherokee Library, 3300 Sharpe Avenue.

AERIAL



Subject property outlined in yellow, imagery from 2022

ZONING MAP

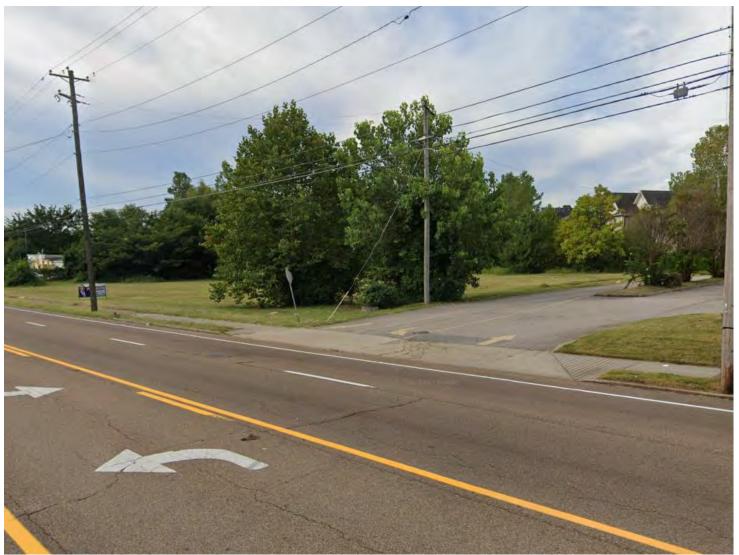


Subject property highlighted in yellow.



Subject property indicated by a pink star

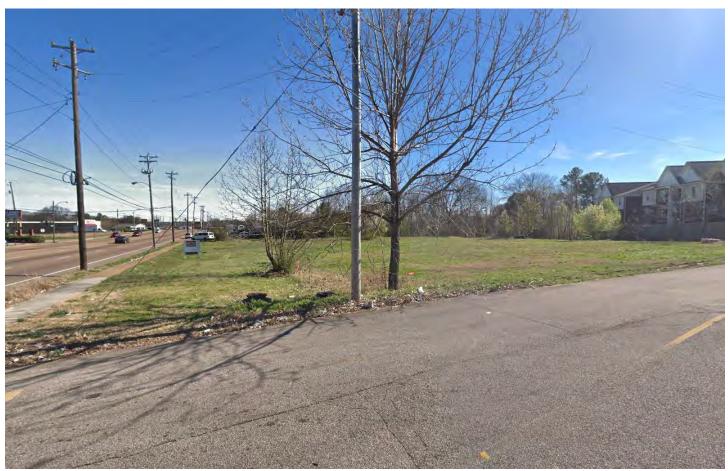
SITE PHOTOS



View of subject property from Lamar Avenue looking South.



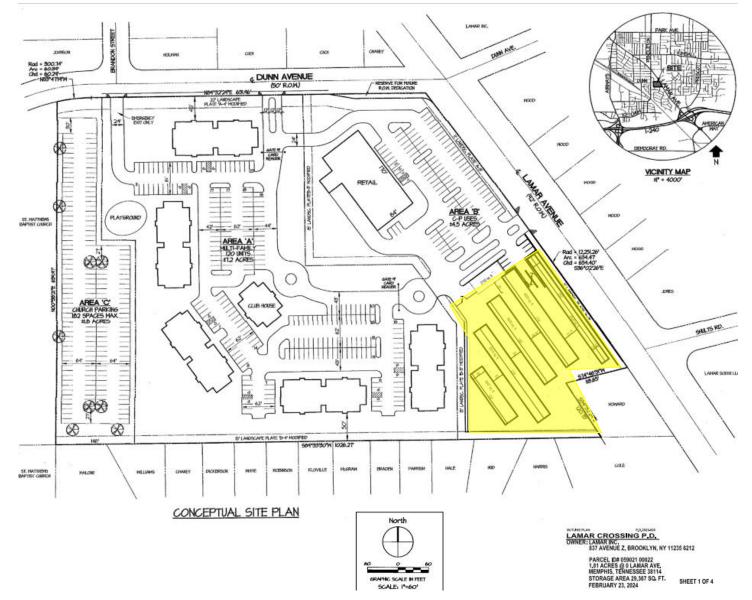
View of subject property from Lamar.

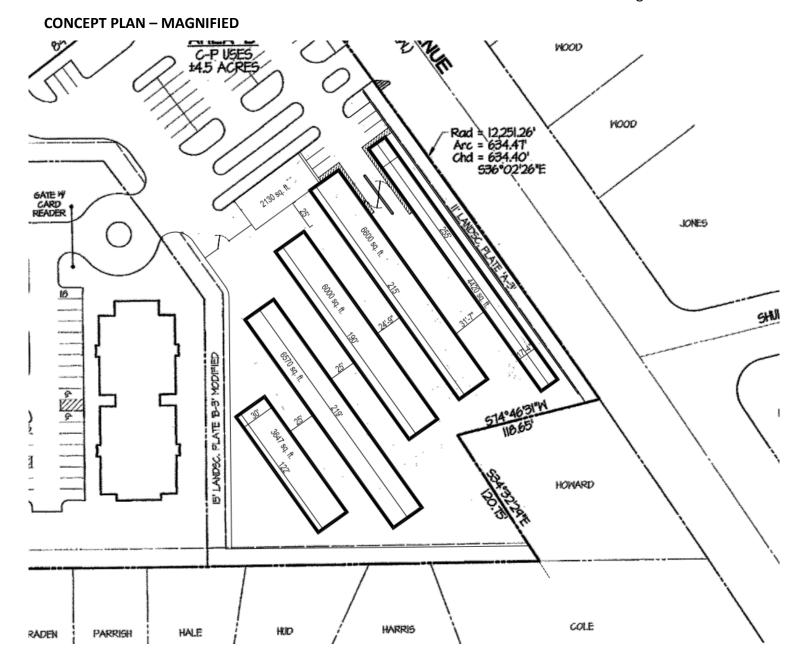


View of subject property from entrance point of abutting property.

June 13, 2024 Page 10

CONCEPT PLAN





CASE REVIEW

<u>Request</u>

The request is an amendment to the Lamar Crossing Planned Development to allow mini-storage.

Applicability

Staff does not agree the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

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

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

General Provisions

Staff does not agree the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

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

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

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

Commercial or Industrial Criteria

Staff does not agree the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

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

A. Screening

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

B. Display of Merchandise

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

C. Accessibility

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

D. Landscaping

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

Approval Criteria

Staff does not agree the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

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

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

<u>Site Details</u> Address: 2899 Lamar Avenue

Parcel ID: 059021 00051

Area: +/- 1.81 acres

Description:

The subject property is known as Area B of Lamar Crossing Planned Development (PD 06 - 313) with an underlying zoning of Commercial Mixed Use -1 (CMU-1) for any regulation not stated within the PD.

Site Zoning History

On October 03, 2006, the Council of the City of Memphis approved Planned Development to allow +/- 35,000 square feet of retail space and one-hundred twenty (120) multi-family apartments in accordance with the Outline Plan and Conditions.

On September 1, 2020, the Council of the City of Memphis adopted Ordinance Number 5757 which approved the downzoning of several properties including the subject property from Commercial Mixed Use -3 to Commercial Mixed Use -1. Since the subject property is a part of the Lamar Crossing Planned Development, this downzoning does not supersede the designating zoning outlined in the approved planned conditions. The subject property is governed by Area B Commercial Mixed Use -2 zoning uses.

Concept Plan Review

The applicant is proposing five (5) mini storage units ranging from +/- 3,647 square feet to +/- 6,570 square feet. The structure located along Lamar Avenue does not meet the CMU – 2 setback building requirements set out in subsection 3.10.2B of the Unified Development Code.

The development will utilize the existing curb cut along Lamar Avenue.

The development will have controlled access that will serve as main egress and ingress and one (1) proposed exit gate southwest of the main entrance.

The proposed landscaping plan is in keeping with the previously approved outline plan conditions.

<u>Analysis</u>

The proposed use of the subject property is in keeping with the previously projected use for Area B of the Lamar Crossing PD. The subject property currently has a vacant land use designation and Low Intensity Commercial future land use designation. The property is surrounded by commercial, institutional, and residential land use designations. The proposed amendment to allow mini storage density is not in keeping with the future land use designation as mini storage is not a permitted use in the CSL future land designation. Therefore, staff recommends rejection of the proposed amendment.

The proposed amendment was considered inconsistent with Memphis 3.0 based on the not being compatible with future land use and intensity. The Lamar Crossing Planned Development is near a proposed Safety Intersection Project boundary which encompasses Lamar/Kimball/Pendleton up to Dunn Avenue which is located at the beginning of the existing Planned Development.

June 13, 2024 Page 15

June 13, 2024 Page 16

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

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following revisions to the outline plan conditions:

Note: The subject property used for mini storage will be Area B – 1 and indicated on the outline plan and final plat.

Outline Plan Conditions – Revisions

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

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use 2 (CMU-2) and the following use shall be permitted:</u>
 - a. Mini-storage

D

Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided. С

- 11. Bulk Regulations:
 - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
 - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
 - C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (I) tree for every twenty (20) parking spaces.

D. Area 'B-1': The bulk regulations of the CMU-2 District shall apply.

- III. Access, Circulation and Parking:
 - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and Improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
 - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 18) and improve in accordance with Subdivision Regulations.
 - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
 - D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
 - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

June 13, 2024 Page 18

- IV. Landscaping:
 - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
 - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be Illustrated on the Concept/Landscape Plan.
 - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
 - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as Illustrated on the Concept/Landscape Plan.
 - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) shade tree per every twenty (20) parking spaces.
 - F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
 - G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
 - H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

- V. Signs:
 - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
 - Area's 'B' and 'B-1'
 - B. Area BL. Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
 - C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking. <u>Area's 'B', 'B-1' and 'C'</u>
 - D. Areas A, B, & C: Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
 - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
 - C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
 - D. All drainage plans shall be submitted to the City Engineer for review.
 - E. All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
 - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
 - B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (IO) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - G. The one-hundred (100) year flood elevation.
 - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - 1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

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

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

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

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

Curb Cuts/Access:

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.

10. Will require engineering ASPR.

Drainage:

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

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

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

14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water

detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

15. 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/County Fire Division:

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

· Fire apparatus access shall comply with section 503.

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

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

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

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

 \cdot 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: Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-004: Lamar</u>

Site Address/Location: 2899 LAMAR AVE

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone Future Land Use Designation: Low Intensity Commercial and Services (CSL) Street Type: Parkway

The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. The following information about the land use designation can be found on pages 76 - 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

"CSL" Zoning Notes

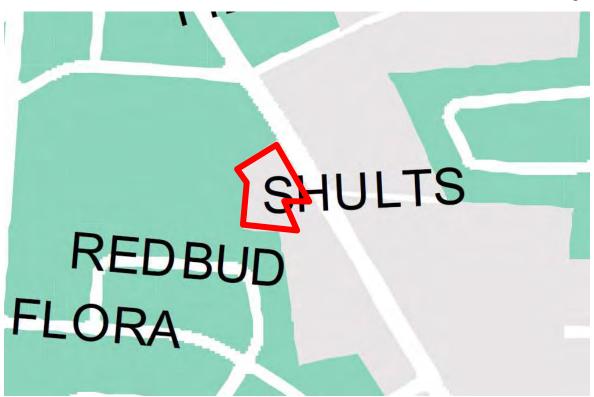
Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Single-family, Commercial, and Vacant Land; CMU-1, RU-3 and EMP **Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.*

3. Degree of Change Map



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

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

Consistency Analysis Summary

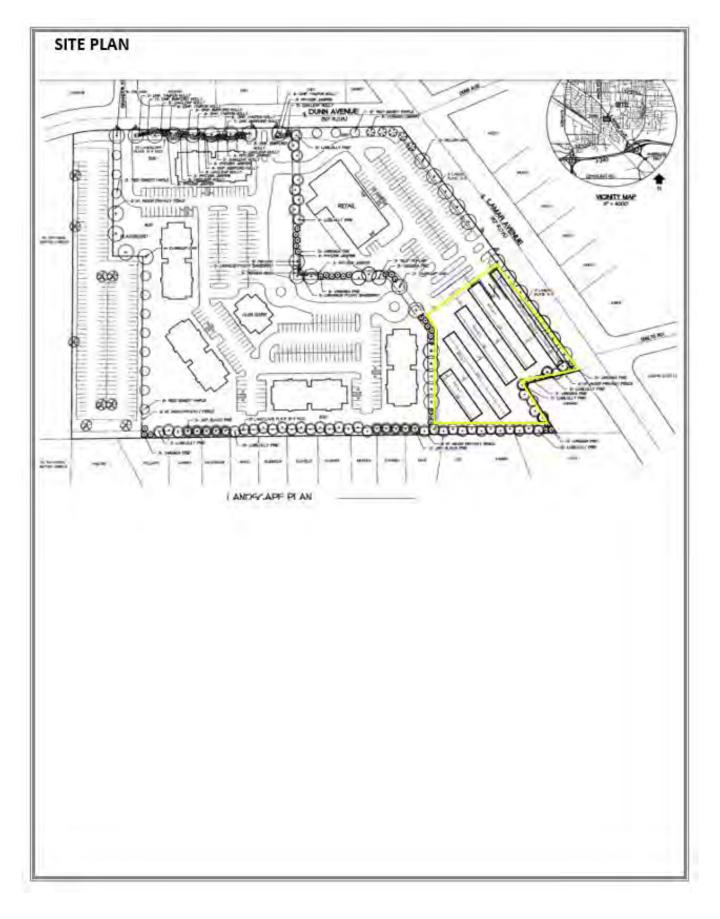
The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

		_
	57 Notices Mailed on 05/17/202	24_
ME	MPHIS AND DIVISION OF PLANNIN	JC
SHEL	MPHIS AND DIVISION OF PLANNIN BY COUNTY AND DEVELOPMENT	
SUFFE		
	City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103	
	NOTICE OF PUBLIC HEARING	
with the Division	d this notice because you own or reside on a property that is near the site of a land use application of Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will h n the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Ur de:	hold
CASE NUMBER:	PD 2024-004	
LOCATION:	2899 Lamar Avenue	
	(SEE SITE PLAN ON REVERSE SIDE)	
APPLICANT:	Delinor Smith	
REQUEST:	Amendment to the Lamar Crossing PD to allow mini-storage	
DATE: TIME:		
LOCAT		
During the public Board meeting.	hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsec	quer
meeting. No indiv	Board may place this item on the <u>Consent Agenda</u> , which is considered at the beginning of the B ridual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a me staff or Board requests that the item be removed from the Consent Agenda.	
application. You n	ired to attend this hearing, although you are welcome to do so if you wish to speak for or agains nay also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn al and/or to submit a letter of support or opposition no later than Wednesday, June 5, 2024, at 8 A	mor



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

 I. DELNOR SMITH
 being duly sworn, depose and say that at 2:00 PM am/pm on the 30 day of MAY
 being duly sworn, depose and say that at 2:00 PM am/pm pertaining to Case No. PD 2024-004

 Pertaining to Case No. PD 2024-004
 at 2899 LAMAR AVE.

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

X Land Use Control Board

____Board of Adjustment

X Memphis City Council

____Shelby County Board of Commissioners

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

Date

Owner, Applicant of Representative

Subscribed and sworn to before me this 30th day of May , 20 34.

Notary Public

My Commission Explose June 28, 2027

My commission expires:



APPLICATION

June 13, 2024 Page 28



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date.

Record Name: SELF STORAGE - JUNE LUCB

Description of Work: THE CONSTRUCTION OF SELF STORAGE UNITES WITH AN ESTIMATED OF 29,367 SQ. FT. OF STORAGE AREAS AND A SMALL OFFICE.

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name Y LAMAR INC

Owner Address

837 AVENUE Z. BROOKLYN, NY 11235

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

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

Planned Development Type Previous Docket / Case Number Medical Overlay / Uptown ALEXIS LONGSTREET 11/01/2023 Phone

Amendment to Existing PD PD 06-313 No

28

Owner Phone

GENERAL PROJECT INFORMATION

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

 B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common SEE ATTACHED PDF FILE OF THE APPLICATION - THE TRACT IS NOT LOCATED IN UNINCORPORATED SHELBY COUNTY

No

SEE ATTACHED PDF FILE OF THE APPLICATION

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ff Report 2024 – 00)4					June 13, 20 Page 30
GENERAL	PROVISIONS					
	of record are created with the nned development final plan	recording	SEE ATTACI APPLICATIO	HED PDF FILE	OF THE	
Case La	iyer Business Improvement Distric		No			
Class	business improvement Distric	a,	NO			
1.000	wn Fire District		No			
Historic			100			
Land Us			124 I			
Municipa	ality		- é - 1			
Overlay/	Special Purpose District		8			
Zoning			~			
State Ro	oute		~			
Lot			- 2			
Subdivis			- 6			
the second se	Development District		÷			
	d Protection Overlay District		No			
Contact li	nformation					
Name DELINOR DE	ELINOR SMITH				Conta APPLIC	ct Type
Address					- CONTRACT	
Phone (190)169-039	14					
Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Baiance	Date Assessed
1653561	Credit Card Use Fee (.026 x fee)	=1)	39.00	INVOICED	0,00	04/07/2024
1553561	Planned Development - 5 acres or less	4	1,500.00	INVOICED	0.00	04/07/2024
		Total Fee Inv	oiced: \$1,539.00	Total Ba	alance: \$0.	00
Payment	Information					
Payment Am	ount Method of P					
\$1 530 00	Cradit Car	0				

\$1,539.00

Credit Card

PD 2024-004

OWNER AFFIDAVIT

June 13, 2024 Page 31

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

1. MUHPMMAD U. NAWID. , state that I have read the definition of LAMAR INC

(Print Name)

e) (Sign Name) the Mamphie and Shellow County Unified Development Code Section 12.3 Land

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

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

of the property located at

and further identified by Assessor's Parcel Number

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

Subscribed and sworn to (or affirmed) before me this <u>oBth</u> day of <u>April</u> in the year of <u>2024</u>

Janmer A. Cla

Signature of Notary Public

My Commission Expires 05/31/2027

TANWEER AHMED KHAN NOTARY PUBLIC-STATE OF NEW YORK No. 01KH6242057 Ouelflied in Kings County My Commission Expires 05-31-2027

LETTER OF INTENT

Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid

LETTERS RECEIVED

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

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment Opened Date: November 9, 2023

Record Number: PD 2023-028

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

Expiration Date:

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name Y LAMAR INC

Owner Address 837 AVENUE Z. BROOKLYN, NY 11235

Parcel Information

059021 00051

Data Fields

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

Planned Development Type

LUCAS SKINNER 09/08/2022 Phone

New Planned Development (PD)

Owner Phone

PD 2023-028

GENERAL PROJECT INFORMATION

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

GIS INFORMATION

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

Contact Information

Name

MUHAMMAD U NAWID

Address

Phone

(917)690-8686

Contact Type APPLICANT Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid



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.

l,				I have read the definition of
	(Print Name)	(Sign Name)		
"Own	er" as outlined in the Memphis ar	nd Shelby County Unified E	evelopment Code Section	12.3.1 and hereby state
that (select applicable box):			
	I am the owner of record as sho	wn on the current tax rolls	of the county Assessor of	Property; the mortgage
	holder of record as shown in the	mortgage records of the c	ounty Register of Deeds;	purchaser under a land
	contract; a mortgagee or vendee	e in possession; or I have a	rfreehold or lesser estate	in the premises
	I have charge, care or control of	the premises as trustee, a	gent, executor, administra	tor, assignee, receiver,
	guardian or lessee (and have in	cluded documentation with	this affidavit)	
of the	property located at			
and f	urther identified by Assessor's Pa	arcel Number		1
for w	nich an application is being made	to the Division of Planning	and Development.	
Subs	cribed and sworn to (or affirmed)	before me this	day of	in the year of

			35' Dri	ve										
25' Drive	65x840x10	25' Drive	65x870x10	25' Drive	65x870x10	25' Drive	65x810x10	25' Drive	65x740x10	25' Drive	65x680x10	25' Drive	65x620x10	25' Drive

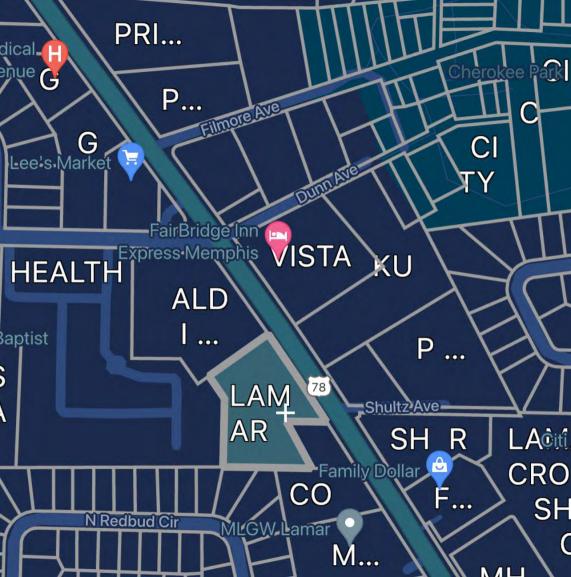
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			35' Dri	ve										
25' Drive	65x840x10	25' Drive	65x870x10	25' Drive	65x870x10	25' Drive	65x810x10	25' Drive	65x740x10	25' Drive	65x680x10	25' Drive	65x620x10	25' Drive

Dua: (002) 005 Yuu: (000) 000-Yuu: (000) 000-Mana Attin Dudd Johnson Sile Layout Propo

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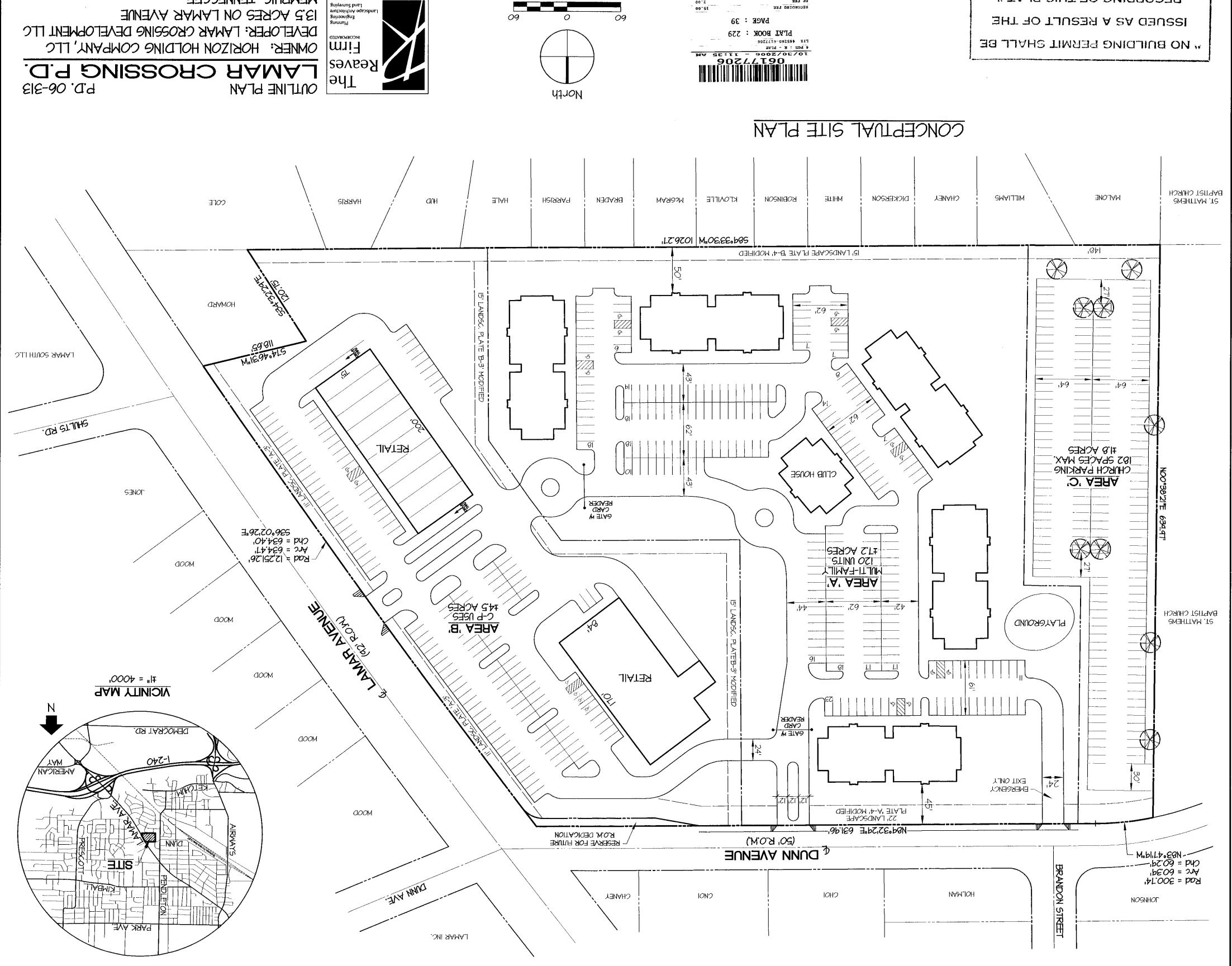
Tom Leatherwood

Shelby County Register

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0617	7	
10/30/2006	-	11:35 AM
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PLAT BOOK	:	229
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DP TEE		2.00
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160 N. Main St., Suite 519 ~ Memphis, Tennessee 38103 ~ (901) 545-4366 http://register.aneiby.thius



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GRAPHIC SCALE IN FEET

OCTOBER, 2006

AEMPHIS, TENNESSEE

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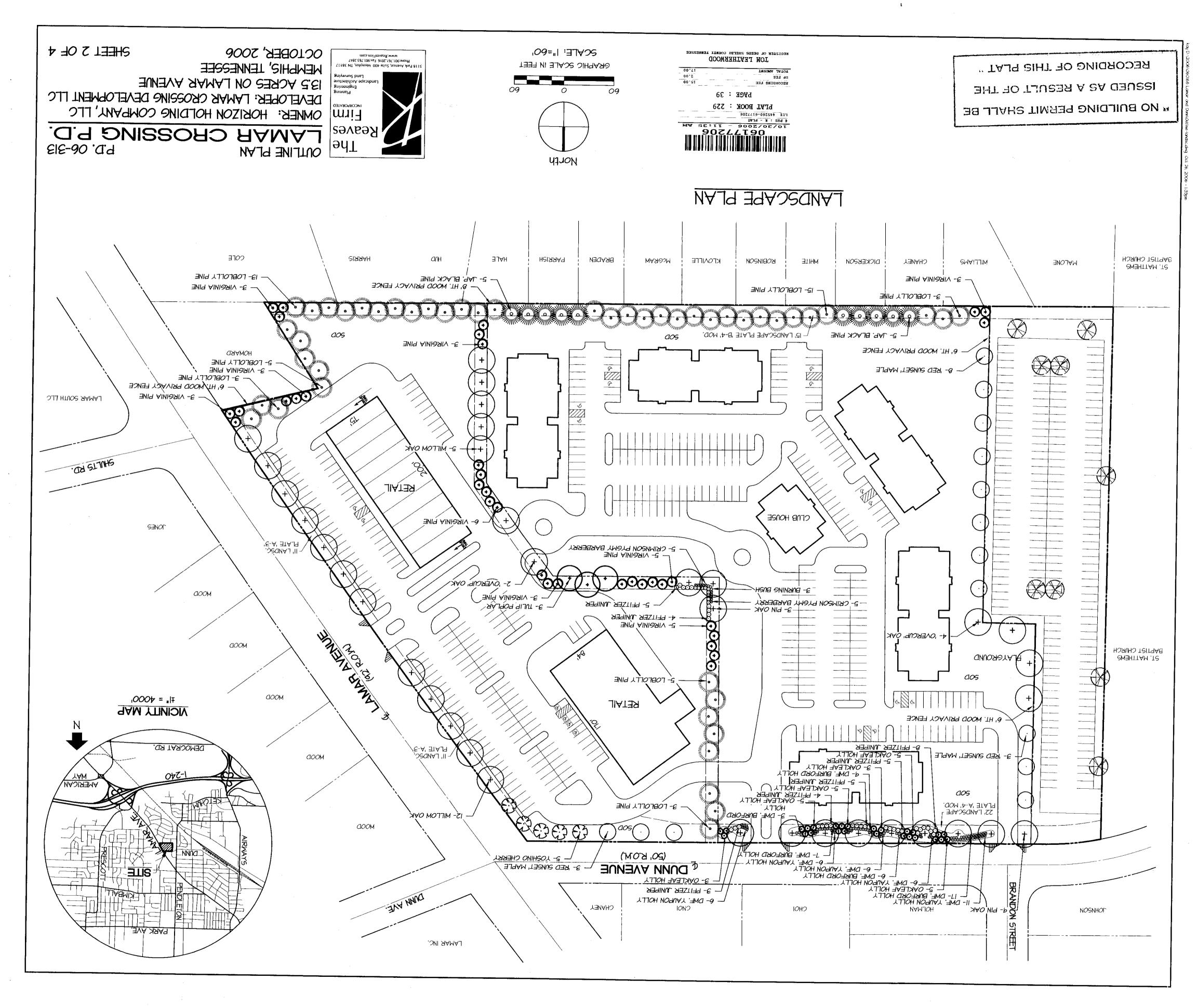
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TUBORA LATOT

aan qo

RECORDING OF THIS PLAT "



Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playarounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
 - Area 'C': Church Parking Lot A maximum of 182 parking spaces С. shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.
- II. Bulk Regulations:
 - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
 - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
 - C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.
- III. Access, Circulation and Parking:
 - Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a Α. distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
 - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
 - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - I. One (I) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
 - All private and rear service drives shall be constructed to meet pavement D. requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet, exclusive of curb and gutter.
 - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - Adequate maneuvering room shall be provided between the right-of-way F. and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- IV. Landscaping:
 - A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
 - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
 - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
 - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
 - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
 - Commercial developments shall provide perimeter landscaping and F. landscaping flowering beds as illustrated on the Concept/Landscape Plan.
 - Equivalent landscaping may be substituted for that required above, subject G. to review and approval by the Office of Planning and Development.
 - Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

" NO BUILDING PERMIT SHALL BE

ISSUED AS A RESULT OF THE

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- V. Signs:
 - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
 - B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
 - C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
 - D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
 - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
 - Drainage data for assessment of on-site detention requirements shall be В. submitted to and approved by the City Engineer.
 - Design of the storm water conveyance and management facilities for this С. project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
 - All drainage plans shall be submitted to the City Engineer for review. D.
 - All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
 - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
 - The Land Use Control Board may modify the bulk, access, parking, В. landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - The number of parking spaces. D.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - The one-hundred (100) year flood elevation. G.
 - The location, diameter and species name of all existing trees over eight (8) Н. inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities. The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be Ilmited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.



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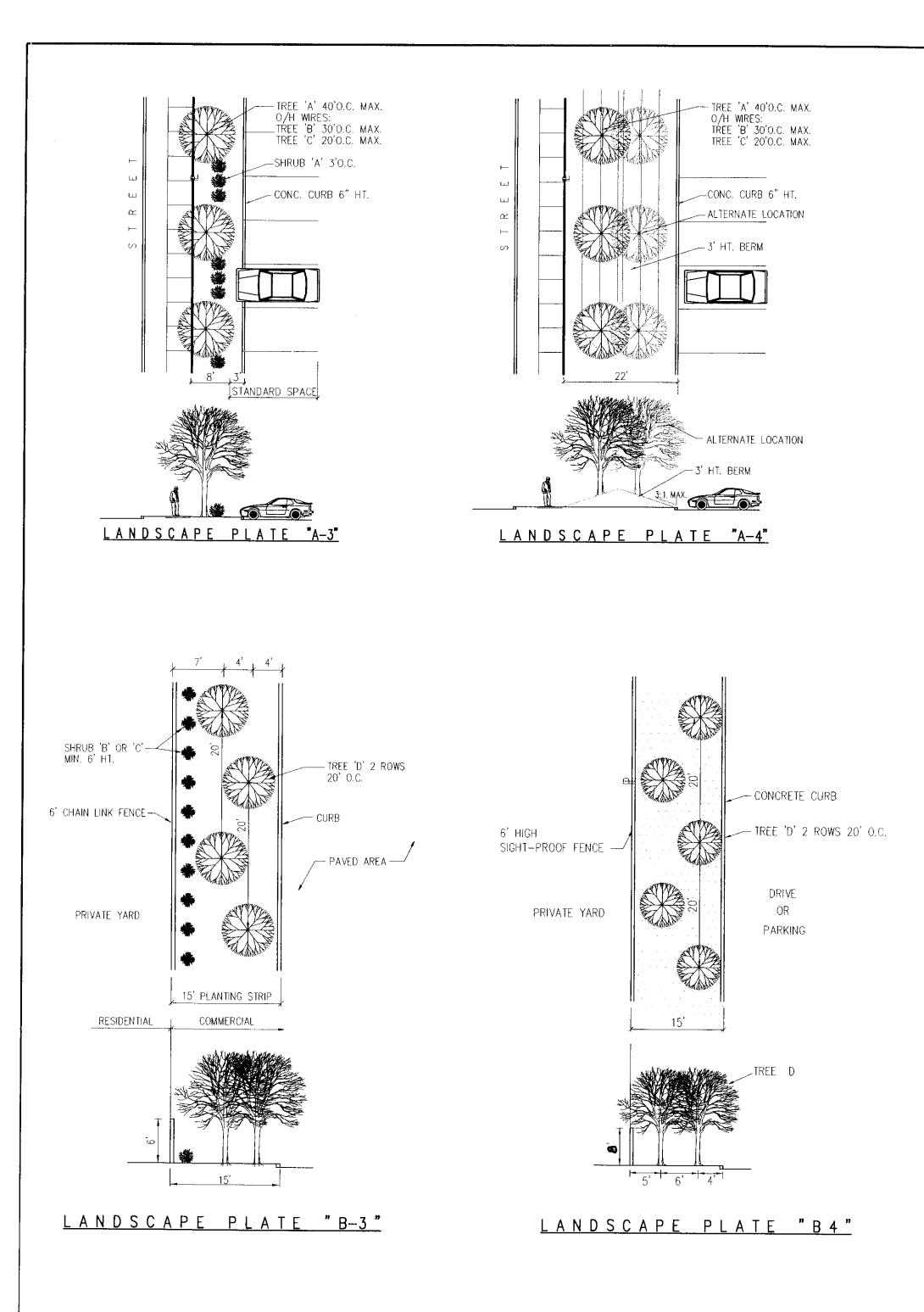
PLAT BOOK : 229 **PAGE : 39** 15.00

2.00 17.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TEXNESSE



LAMAR CROSSING P.D. OWNER: HORIZON HOLDING COMPANY, LLC DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 3 OF 4

P.D. 06-313



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This outline plan conforms with the planned development acted on by the Memphis and Shelby County Land Use Control Board on <u>August 10, 2006</u>. Approved by the Memphis City Council on <u>October 3, 2006</u>.



OWNER'S CERTIFICATE

#We, <u>Horizon Holding Company</u>, When undersigned owner [s] of the property shown, hereby adopt this plat as my/our plan of development. Whe certify that #We and are the owner [s] of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

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Signature

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NOTARY'S CERTIFICATE

State of Tennessee County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly commissioned and qualified, personally appeared **PRESTON BYRD** with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be <u>CHIEF MANAGER</u> of the HORIZON HOUNG COMPANY LLG the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and diffixed my notarial seal at my office in Memphis, this <u>301</u> day of <u>OCTOBER</u>

1 Ball Notary Public Harry Les Dad MY COMMISSION WERE WAN 20 2000 My Commission Expires

ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions Res into baccount all applicable federal, state and local imposed on this development, and building laws and regulations

606 By: _____ Tennessee Certificate No

0617 0/30/2006 4 PGS : R - PLAT LIZ 445260-6177206 PLAT BOOK : 229 PAGE : 39 RECORDING FEE DP FEE 15.00 TOTAL AMOUNT 2.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE 7.00

OUTLINE PLAN P.D. 06-313 The LAMAR CROSSING P.D. Reaves Firm OWNER: HORIZON HOLDING COMPANY, LLC INCORPORATE DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC Planning Engineering Landscape Architecture Land Surveying 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 4 OF 4

Date: 10/30/06





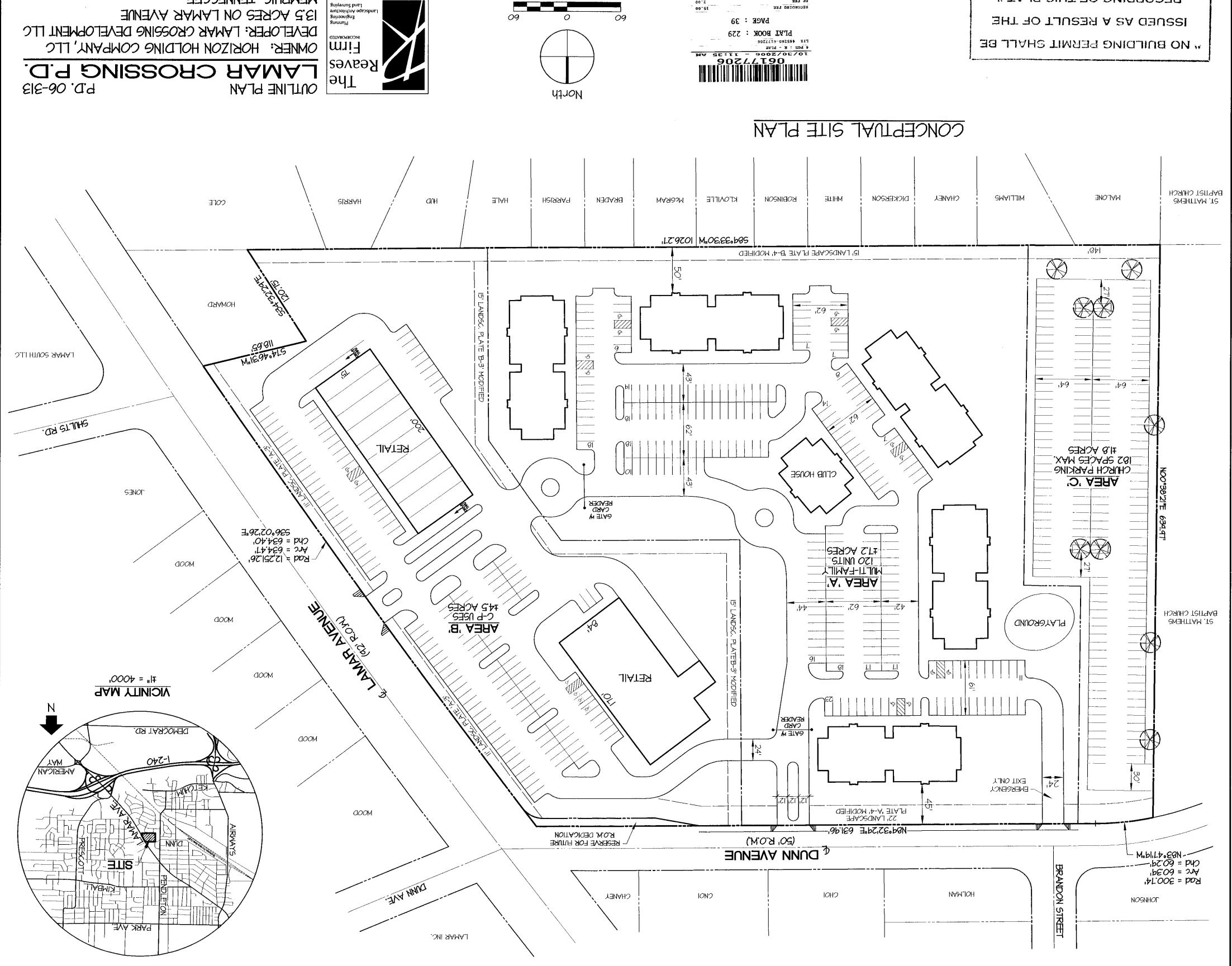
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OCTOBER, 2006

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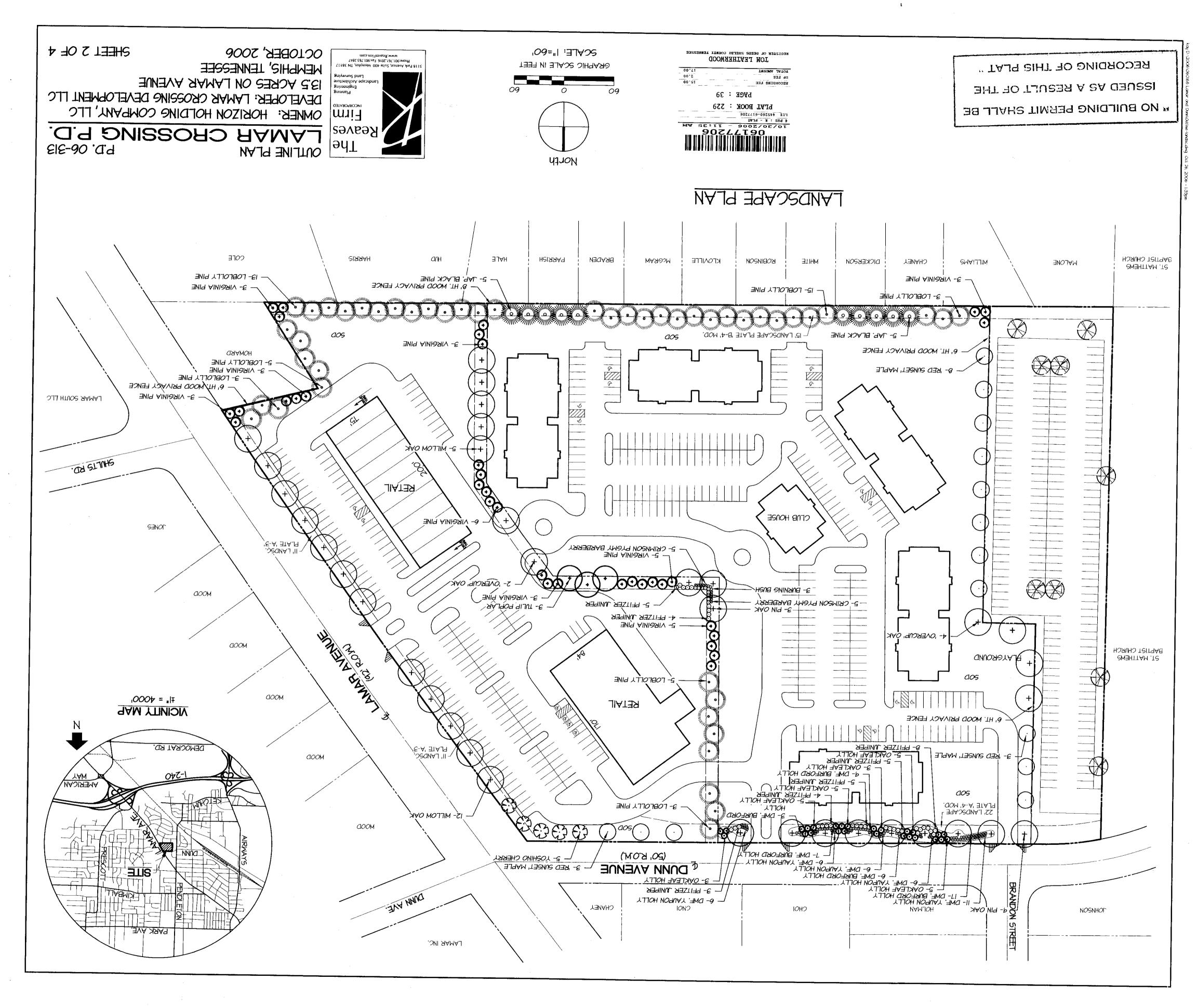
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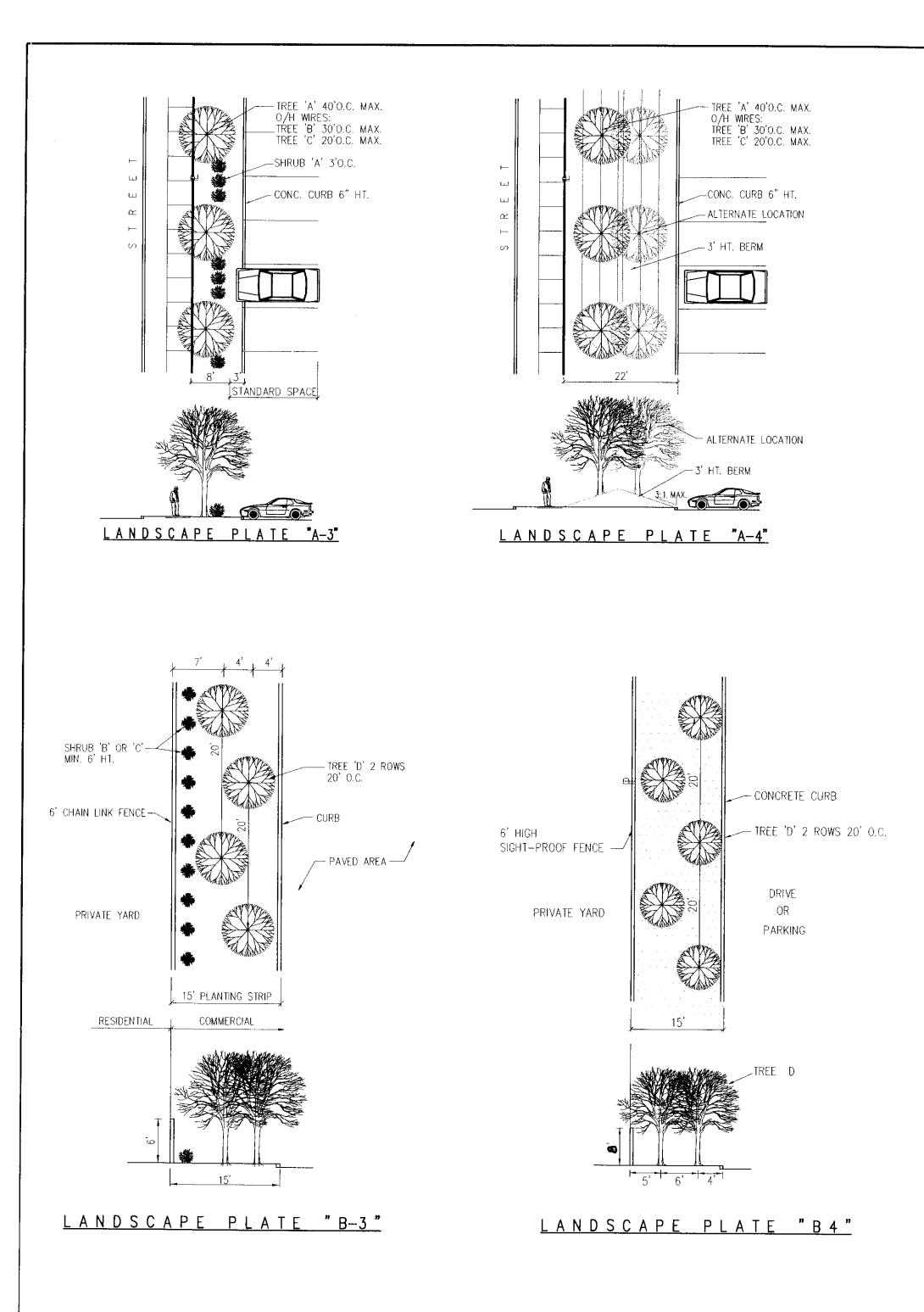
PLAT BOOK : 229 **PAGE : 39** 15.00

2.00 17.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TEXNESSE



LAMAR CROSSING P.D. OWNER: HORIZON HOLDING COMPANY, LLC DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 3 OF 4

P.D. 06-313



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

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Signature

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NOTARY'S CERTIFICATE

State of Tennessee County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly commissioned and qualified, personally appeared **PRESTON BYRD** with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be <u>CHIEF MANAGER</u> of the HORIZON HOUNG COMPANY LLG the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and diffixed my notarial seal at my office in Memphis, this <u>301</u> day of <u>OCTOBER</u>

1 Ball Notary Public Harry Les Dad MY COMMISSION WERE WAN 20 2000 My Commission Expires

ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions Res into baccount all applicable federal, state and local imposed on this development, and building laws and regulations

606 By: _____ Tennessee Certificate No

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Date: 10/30/06





Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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3 PGS	
LACY 1992319-20026259	
VALUE	140000.00
MORTGAGE TAX	0.00
TRANSFER TAX	518.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	538.00
SHELANDRA Y FOR	2D

20026259 03/11/2020 - 09:30:30 AM

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov PREPARED BY: Home Surety Title & Escrow, LLC, 5583 Murray Road, Suite 120, Memphis, TN 38119, (901) 737-2100, File No.: 201281

WARRANTY DEED

THIS INDENTURE, made and entered as of this the 28th day of February, 2020 by and between:

Sherman Cole and Thomas L. Cole, an undivided 1/2 interest each as tenants in common, party of the first part, and

Lamar Inc., a Tennessee corporation, party of the second part,

For and in consideration of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00), cash in hand paid by the party of the second part, hereinafter called GRANTEES, and other good and valuable considerations, the receipt of which is hereby acknowledged, the party of the first part, hereinafter called the GRANTORS, have bargained and sold, and by these presents do transfer and convey unto the GRANTEES, their heirs and assigns, a certain tract or parcel of land of Shelby County State of Tennessee, described as follows, to-wit:

COMMENCING AT A SET 1/2" REBAR (WITH ID CAP STAMPED "REAVES FIRM" AND TYPICAL OF ALL REBAR REFERRED TO HEREIN AS SET) AT INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DUNN AVENUE (50' PUBLIC R.O.W.) AND LAMAR AVENUE (US HIGHWAY 78) (92' PUBLIC R.O.W); THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 302.00 FEET (CHORD S36 DEGREES 49'04" E - 301.99 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 332.47 FEET (CHORD S35 DEGREES 20'03"E - 332.46 FEET) TO A FOUND CHISEL MARK AT THE NORTHEAST CORNER OF THE JAMES E. AND MARTHA HOWARD PROPERTY (INSTRUMENT NUMBER T9-1366); THENCE WITH THE NORTH LINE OF SAID HOWARD PROPERTY, S74 DEGREES 46'31" W A DISTANCE OF 118.65 FEET TO A FOUND IRON PIN; THENCE WITH THE WEST LINE OF SAID HOWARD PROPERTY, S34 DEGREES 32'29" E A DISTANCE OF 120.75 FEET TO A SET 1/2" REBAR IN THE NORTH LINE OF THE SHERMAN E. AND WILLIE JOE COLE PROPERTY (INSTRUMENT NUMBER JZ-7035); THENCE WITH THE NORTH LINE OF SAID COLE PROPERTY AND THE NORTH LINE OF SECTION "B" OF FAIRLAWN SUBDIVISION (PLAT BOOK 17, PAGE 15) S89 DEGREES 33'30"W A DISTANCE OF 271.10 FEET TO A POINT; THENCE N 0 DEGREES 27'31"W LEAVING SAID NORTH LINE A DISTANCE OF 212.59 FEET TO A POINT; THENCE N36 DEGREES 06'42"W A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTH LINE OF THE ALDI INC. (TENNESSEE) PROPERTY (INSTRUMENT 06177789); THENCE N53 DEGREES 53'18"E ALONG SAID SOUTH LINE A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING,

Being the same property conveyed to Sherman Cole and Thomas L Cole, an undivided one half interest each as tenants in common herein by Warranty Deed filed for record November 20, 2014 at Instrument Number 14118269 as shown in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to:

2020 City of Memphis and 2020 Shelby County taxes, liens, not yet due and payable.

Subdivision Restrictions, Building Lines and Easements of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 24; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

Easements recorded at Instruments E6 6980, T2 1290, 07010137, 12057432 and 15024820; and Book 2031, Page 191; Book 3027, Page 37; Book 3783, Page 633; Book 3799, Page 592; Book 3799, Page 594; and Book 5084, Page 100 as shown in the Register's Office of Shelby County, Tennessee.

Outline Plan of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 34; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

This document was prepared from information furnished by the parties herein for which the preparer assumes no responsibility.

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

Menn

Sherman Cole

Thomas L. Cole

State of Tennessee

County of Shelby

Personally appeared before me, the undersigned Notary Public in and for said State and County, Sherman Cole and Thomas L. Cole, the within bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

28th day of February, 2020. WITNESS my hand and seal-this DEFEVYL, Notary Public KEL, My Commission Expires: TENNESSEE NOTARY UBLIC YELBY CON Commission Expires State of: Tennessee County of: Shelby

I, or we, hereby swear or affirm that, to the best of Affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$140,000.00, which amount if equal to or greater than the amount which the property would command at a fair and voluntary sale.

n Δ Affiant

Subscribed and sworn to before me this the <u>3</u> day of February 2020. Muloly Qare Notary Public My Commission Expires: My Commission Expires: Mark State of Notary PUBLIC My Count in the state of State of Notary PUBLIC

> Property Owner & Address: & Mail Tax Bills To: Lamar Inc. 837 Avenue Z Brooklyn, NY 11235

Tax ID No.: 059021 00051 Property Address 0 Lamar Ave. AKA 2899 Lamar Memphis, TN 38114

After recording, return to:

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

J. Seth Waddell

State of Tennessee

County of Shelby

Personally appeared before me, Melody D. Asplund, a notary public for this county and state, J. Seth Waddell, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Vhiloly Qaplup Notary's Signature



GARCIA JOSE A 2903 MONTAGUE AVE # MEMPHIS TN 38114

ROBINSON LINDA 2832 N REDBUD CIR # MEMPHIS TN 38114

WILLIAMS JANICE 2826 N REDBUD CIR # MEMPHIS TN 38114

WHITE GWENDOLYN Y 2820 N REDBUD CIR # MEMPHIS TN 38114

HANEY JAMES C 3617 PHILSDALE AVE # MEMPHIS TN 38111

ALDI INC PO BOX 460049 # HOUSTON TX 77056

LAMAR INC 837 AVENUE Z # BROOKLYN NY 11235

HEALTH EDUCATIONAL AND HOUSING FACILITY WILLIAMS EVERLINA 65 UNION AVE # MEMPHIS TN 38103

THOMAS JUANDA J 2821 REDBUD CL # MEMPHIS TN 38114

MYERS MATTIE 5075 ROYSTON LN # MEMPHIS TN 38125

EVANS LILLIE G 2833 REDBUD CL # MEMPHIS TN 38114

FUNDERBURG WILLIAM B & ZOLA C TAO JENKANG 2839 REDBUD CL # MEMPHIS TN 38114

CLARK AND LANGE LLC 4745 POPLAR AVE #

THOMAS WILLIE E AND MARY THOMAS (RS) HIATT HAROLD & TAMMY 2851 N REDBUD CIR # MEMPHIS TN 38114

MAYS JOHNNIE (LE) AND SHEILA MAYS AND BROAD ST LLC 2857 N REDBUD CIR # MEMPHIS TN 38114

2865 REDBUD CIR # MEMPHIS TN 38114

REALTY INCOME PROPERTIES 30 LLC PRUITT DORIS H 11995 EL CAMINO REAL # 2067 REDBUD CIR # SAN DIEGO CA 92130

MEMPHIS CITY OF L G & W 220 S MAIN ST # MEMPHIS TN 38103

MEMPHIS TN 38114

MOSS HERBERT W & PATRICIA T 2073 REDBUD ST # MEMPHIS TN 38114

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

JAMERSON CLARA 2854 FLORA AVE # MEMPHIS TN 38114

PAYNE HORTON R & FLORA E 2718 KIMBALL AVE # MEMPHIS TN 38114

22 CHESTNUT PL # **BROOKLINE MA 2445**

HIATT HAROLD AND TAMMY HIATT 385 KNOCO CV # EADS TN 38028

385 KNOCO CV # EADS TN 38028

2595 BROAD AVE # MEMPHIS TN 38112



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

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: dsmith920@comcast.net

Lamar Crossing Planned Development Amendment – Self Storage Case Number: PD 2024-004 LUCB Recommendation: Rejection

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your planned development amendment application for the Lamar Crossing Planned Development.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-7120 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

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

Letter to Applicant PD 24-004

Cc:

File

Letter to Applicant PD 24-004

Outline Plan Conditions – Revisions

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

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.

C. Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted: a. Mini storage



Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

- 11. Bulk Regulations:
 - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
 - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
 - C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (I) tree for every twenty (20) parking spaces.
 - D. Area 'B-1': The bulk regulations of the CMU-2 District shall apply.

- III. Access, Circulation and Parking:
 - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and Improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
 - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
 - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
 - D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
 - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- IV. Landscaping:
 - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
 - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
 - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
 - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (B') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
 - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) shade tree per every twenty (20) parking spaces.
 - F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
 - G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
 - H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

- V. Signs:
 - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
 - B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
 - C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking.
 - D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
 - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
 - C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
 - D. All drainage plans shall be submitted to the City Engineer for review.
 - E. All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
 - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
 - B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (IO) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - G. The one-hundred (100) year flood elevation.
 - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - 1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development ONE ORIGINAL DIVISION ONLY STAPLED TO DOCUMENTS Planning & Zoning COMMITTEE: 12/17/2024 DATE **PUBLIC SESSION:** <u>01/07/2025</u> DATE ITEM (CHECK ONE) ____ REQUEST FOR PUBLIC HEARING **ORDINANCE** X RESOLUTION _____ Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a planned development at the subject property located at East Shelby Drive, +/- 700 feet west of Tchulahoma Road, known as case number PD 2024-013 PD 2024-013 CASE NUMBER: Shelby Drive Drop Yard Planned Development **DEVELOPMENT:** East Shelby Drive, +/- 700 feet west of Tchulahoma Road **LOCATION:** District 3 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS:** Stephen Christides, Capital Drop Yard, LLC **OWNER/APPLICANT:** David Bray, The Bray Firm **REPRESENTATIVE:** New Planned Development to allow a drop yard **REQUEST: AREA:** +/-9.18 acres The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board recommended Rejection **RECOMMENDED COUNCIL ACTION:** Public Hearing Not Required Hearing - January 07, 2025 **PRIOR ACTION ON ITEM:** (2) APPROVAL - (1) APPROVED (2) DENIED DATE 11/14/2024 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE _____ **FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO** (2)AMOUNT OF EXPENDITURE \$ **REVENUE TO BE RECEIVED** \$ SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** \$ **CIP PROJECT #** s FEDERAL/STATE/OTHER \$ _____ ADMINISTRATIVE APPROVAL: DATE **POSITION** 24 PLANNER DEPUTY ADMINISTRATOR DMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER **COMMITTEE CHAIRMAN**



PD 2024-013

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT EAST SHELBY DRIVE, +/- 700 FEET WEST OF TCHULAHOMA ROAD, KNOWN AS CASE NUMBER PD 2024-013

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	PD 2024-013
DEVELOPMENT:	Shelby Drive Drop Yard Planned Development
LOCATION:	East Shelby Drive, +/- 700 feet west of Tchulahoma Road
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Stephen Christides, Capital Drop Yard, LLC
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New Planned Development to allow a drop yard
EXISTING ZONING:	Residential Single-Family – 8 (R-8)
AREA:	+/-9.18 acres

The following spoke in support of the application: None

The following spoke in opposition the application: Mary Donald

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

The motion failed by a vote of 4-6-0 on the consent agenda.

Respectfully,

Alexis Longstreet

Planner Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

PD 2024-013 CONDITIONS

Outline/General Plan Conditions

I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.

B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened **through the use of** <u>using</u> fencing or landscaping. If roof mounted, the equipment shall be screened **through the use of** <u>using</u> an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

1. The exact location and dimensions including height of all buildings.

2. The number, location, and dimensions of parking spaces within proposed structures /

lots.

3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. Any final plan shall include the following:

A. The Outline Plan conditions.

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

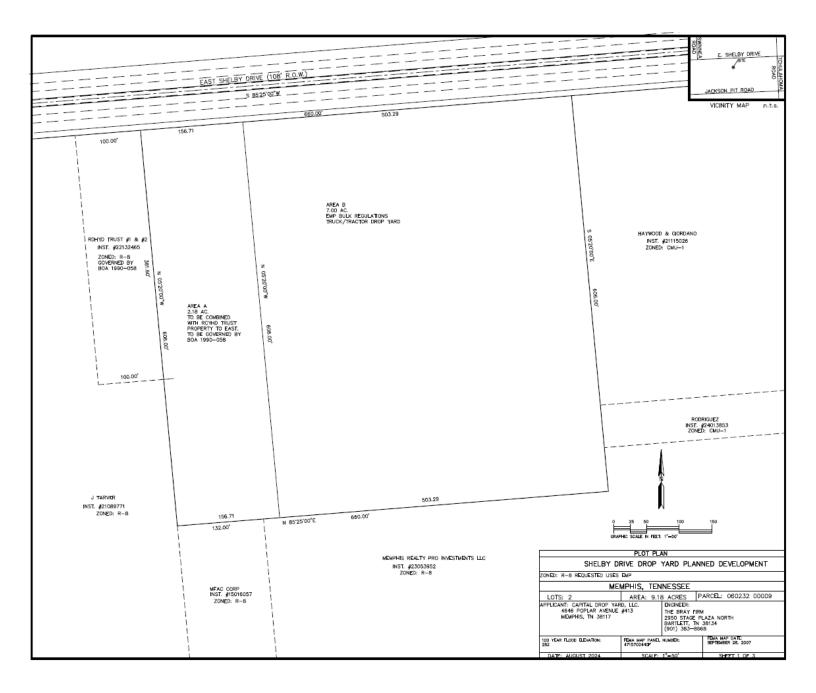
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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

CONCEPT PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT EAST SHELBY DRIVE, +/- 700 FEET WEST OF TCHULAHOMA ROAD, KNOWN AS CASE NUMBER PD 2024-013

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

WHEREAS, the Stephen Christides, Capital Drop Yard, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drop yard; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 14, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS

I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter. B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened through the use of using fencing or landscaping. If roof mounted, the equipment shall be screened through the use of using an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

- 1. Conformance with the Outline Plan Conditions.
- 2. Compatibility with existing properties surrounding the site as well as a compatible internal

arrangement of uses.

Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:

A. The Outline Plan conditions.

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

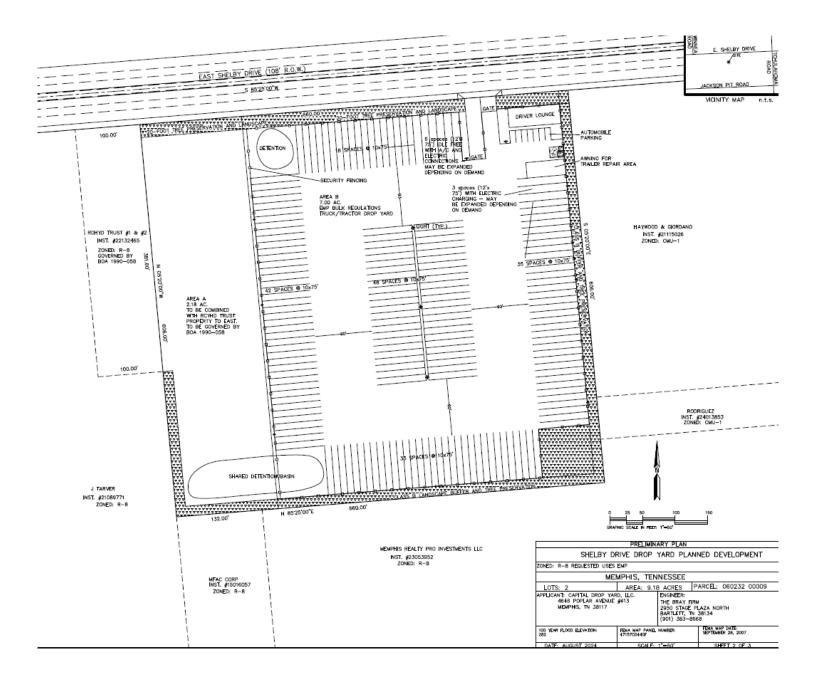
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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

CONCEPT PLAN



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

dod STAFF REPORT

L.U.C.B. MEETING: November 14, 2024

AGENDATIEN	
CASE NUMBER:	PD 2024 – 013
DEVELOPMENT:	Shelby Drive Drop Yard Planned Development
LOCATION:	East Shelby Drive, +/- 700 feet west of Tchulahoma Road (Parcel Tax ID: 060232 00009)
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Stephen Christides, Capital Drop Yard, LLC
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New Planned Development to allow a drop yard
EXISTING ZONING:	Residential Single – Family – 8 (R-8)

CONCLUSIONS

AGENDA ITEM:

- 1. On October 16, 1990, City Council approved a Planned Development (PD 1990-349) to allow uses permitted in the Light Industrial zoning district. Staff was unable to locate the original staff report to include further details.
- 2. On April 11, 2002, Memphis and Shelby County Land Use Control Board recommended approval of Zoning application (Z 2002-102) that proposal rezoning of the subject property to split zone the western portion light industrial and the eastern portion office general. Final disposition from City Council ruling was not found.
- 3. The applicant is proposing to subdivide the subject property into two areas, 'Area A' and 'Area B'. Proposed area 'B' will be regulated by Employment (EMP) zoning uses. Area 'A' will be governed by BOA 1990-058 along with the neighboring property located west.
- 4. The applicant is not proposing fueling services.

3

- 5. The proposed drop yard will be located within area 'B'.
- 6. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

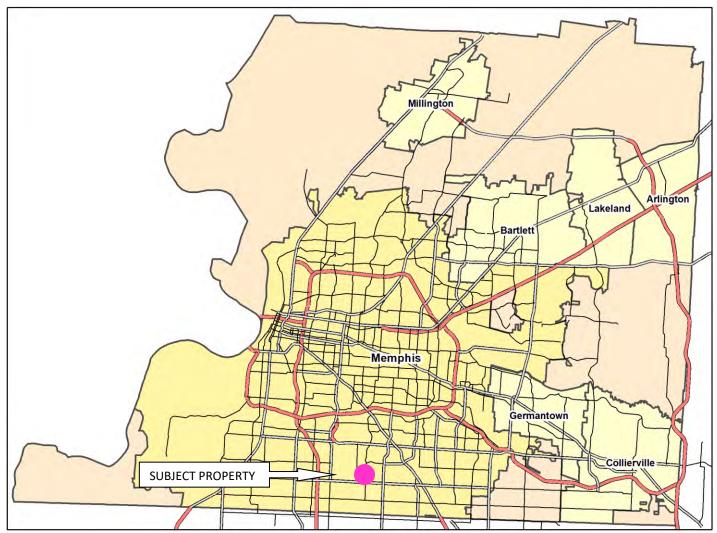
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 21 – 23 of this report.

RECOMMENDATION:

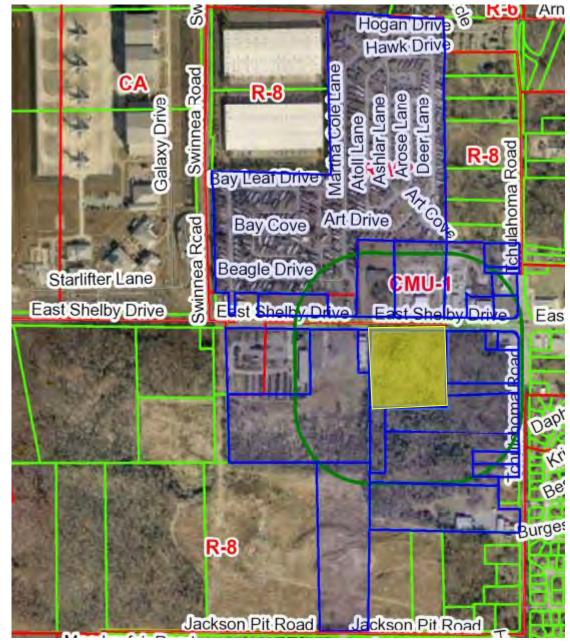
Rejection; however, if approved, staff recommends outline plan conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 25 notices were mailed on August 16, 2024, see page 22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

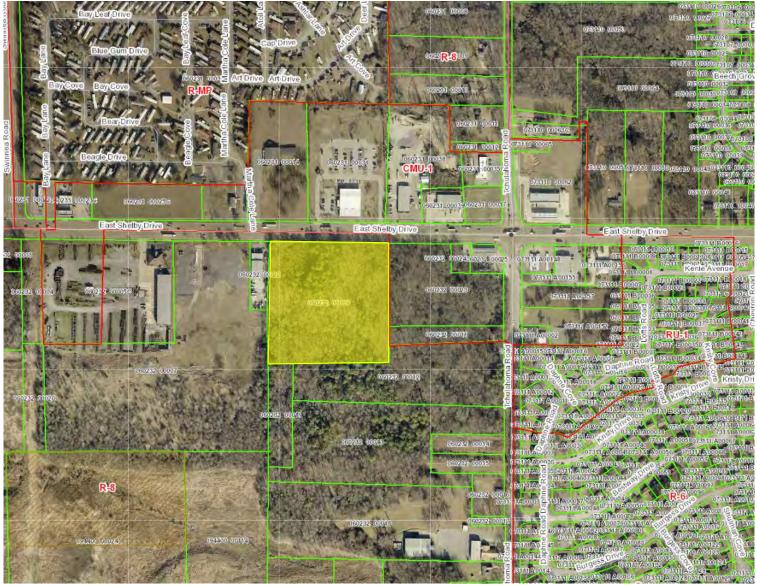
The meeting was held on Tuesday, August 27, 2024.

AERIAL



Subject property outlined in yellow

ZONING MAP



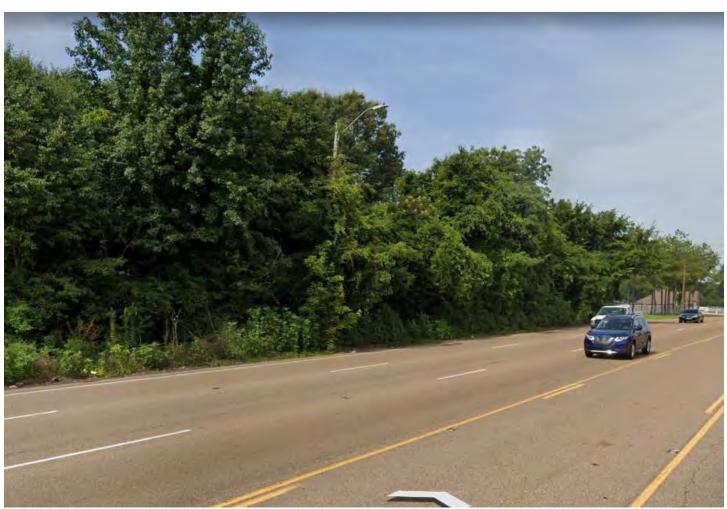
Subject property highlighted in yellow



Subject property indicated by a pink star

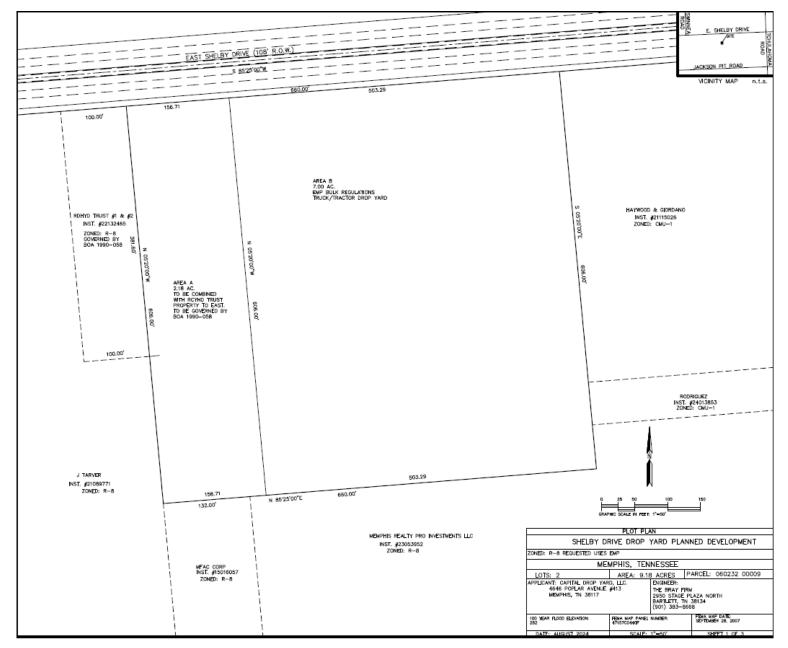


View of subject property from East Shelby Drive looking north.

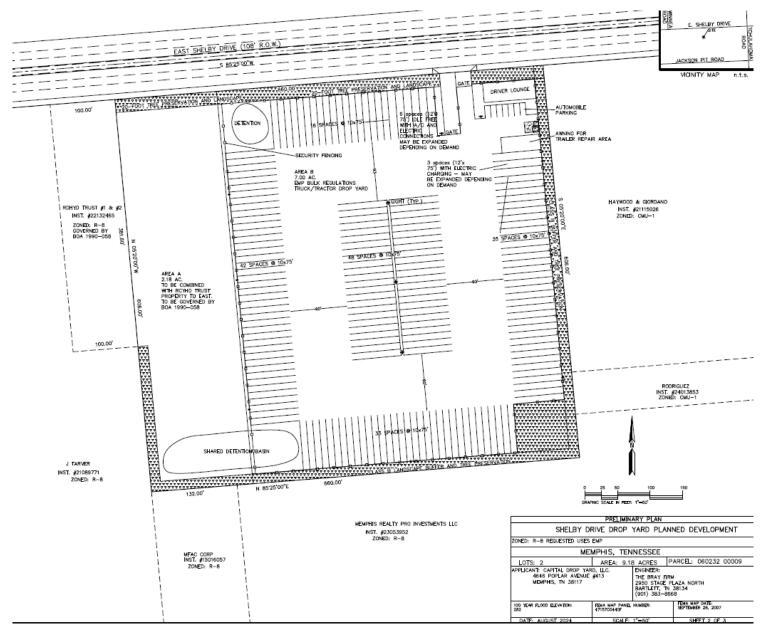


View of subject property from East Shelby Drive looking south.

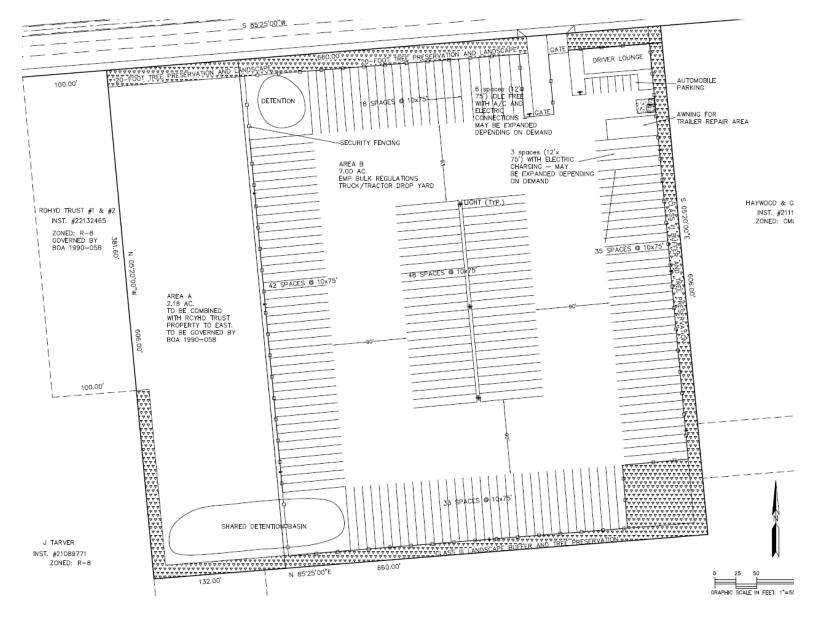
PLOT PLAN



CONCEPT PLAN



CONCEPT PLAN – MAGNIFIED



CASE REVIEW

The request is a new planned development to allow a drop yard.

Applicability

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

4.10.2 Applicability

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

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

A. Screening

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

B. Display of Merchandise

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

C. Accessibility

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

D. Landscaping

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Details

Address: East Shelby Drive, +/- 700 feet west of Tchulahoma Road

Parcel ID: 060232 00009

Area: +/-9.18 acres

Description:

The subject property is located on the south side of East Shelby Drive, +/- 700 feet west of Tchulahoma Road. The property is currently vacant and encompassed with matured landscaping. The lot has +/- 645.8 feet of frontage along East Shelby Drive. This property is currently zoned Residential Single – Family – 8 with a vacant designated land use. The surrounding properties are a mix of residential (single-family and multi-family), industrial, institutional (place of worship) and vacant designated land uses.

Site Zoning History

On October 16, 1990, City Council approved a Planned Development (PD 1990-349) to allow uses permitted in the Light Industrial zoning district. Staff was unable to locate the original staff report to include further details.

On April 11, 2002, Memphis and Shelby County Land Use Control Board recommended approval of Zoning application (Z 2002-102) that proposal rezoning of the subject property to split zone the western portion light industrial and the eastern portion office general.

On September 03, 2002, City Council rejected approval of Z 2002-102.

Concept Plan Review

- There will be a total of 200 spaces on the lot.
 - 6 spaces (12' x 75') idle free with A/C and electric connections. (May be expanded based on demand)
 - 7 spaces will be for automobile parking.
 - 3 spaces (12' x 75') electric charging. (May be expanded based on demand)
- There is a proposed curb cut located north east of the lot along East Shelby Drive.
 - Proposed entrance gate
- There is designated 20-foot tree preservation and landscaping buffering along East Shelby Drive.
- Class III buffers and tree preservation along the eastern and southern property lines.
- Security fencing along the western property line separating proposed Area 'A' and Area 'B'.
- Designated detention located at the northwest portion of the proposed boundary of Area 'B'.
- Designated shared detention basin located in the southwest portion of proposed of Area 'B' that will encompasses majority of the southern portion of Area 'A' stretching from east to west.
- Awning provided for trailer repair area along the northeast area of area 'B'.

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<u>Analysis</u>

East Shelby Drive is a prominent area for a lot of freight traffic. The applicant is proposing to utilize +/-7.00 acres for the idle-free drop yard development in which truckers will be able to park, rest and utilize the driver lounge. The applicant has identified three (3) major infrastructure challenges that the proposed development will address, see page 31 - 36 for their findings. The remaining +/-2.18 acres will be combined with the neighboring property located west and governed by BOA 1990-058. Unlike the previously proposed and approved planned development, the current plan proposes adequate space to accomplish the goal of alleviating traffic and congestion of the other truck stops within the area.

This proposal was deemed inconsistent with Memphis 3.0. The proposed use does not align with the Oakhaven/Parkway Village Planning District priority to "preserve and protect residential neighborhoods from industrial uses with natural barriers. See page 21 – 23 for said analysis.

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

RECOMMENDATION

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

Outline Plan Conditions – Revisions

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

I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

A. AREA A - To be governed by approval conditions of BOA 1990-058 B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.

B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened **through the use of using** fencing or landscaping. If roof mounted, the equipment shall be screened **through the use of using** an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. Any final plan shall include the following:

A. The Outline Plan conditions.

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be

owned and maintained by the property owner and/or owners' association. Such maintenance shall be performed **so as to to** ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

- 7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 9. The developer's engineer shall submit a <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:

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

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Drainage:

- 13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 17. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

- 18. Development is greater than 1 acre and requires detention.
- 19. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 20. All connections to the sewer shall be at manholes only.
- 21. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
- 22. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division:

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

Staff Report PD 2024 - 013

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:	

Staff Report PD 2024 - 013

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-013 Parkway Village</u>

Site Address/Location: 0 Shelby Drive Overlay District/Historic District/Flood Zone: N/A Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) Street Type: N/A

Applicant is seeking a Planned Development to develop an industrial truck drop yard.

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



1. Future Land Use Planning Map

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

2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 - 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



"AN-S" Form & Location Characteristics NURTURE

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor. Height: 1-2 stories. Scale: house-scale.

"AN-S" Zoning Notes

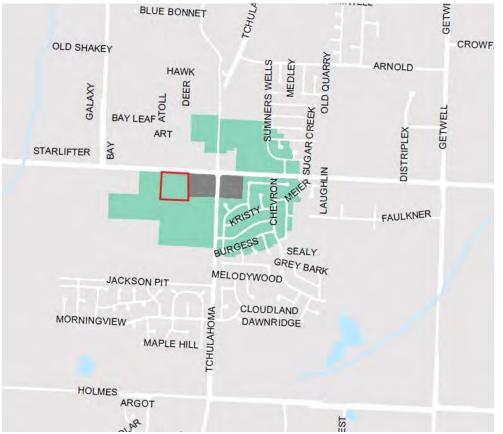
Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-Family, Multi-Family, Commercial; RU-1, R-MP, CMU-1 **Overall Compatibility:** This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not compatible with future land use designation. This area is designated Anchor Neighborhood – Primarily Single Unit.

3. Degree of Change Map



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

4. Degree of Change Description

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed use is a private investment and not compatible with stabilization of existing land use patterns.*

Staff Report PD 2024 - 013

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

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

The parcel is located in the Oakhaven/Parkway Village Planning District and the requested use is not consistent with Oakhaven/Parkway Village Planning District Priority – "Preserve and protect residential neighborhoods from industrial uses with natural barriers."

Consistency Analysis Summary

Applicant is seeking a Planned Development to develop an industrial truck drop yard. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not compatible with future land use designation. This area is designated Anchor Neighborhood – Primarily Single Unit. The proposed use is a private investment and not compatible with stabilization of existing land use patterns. The parcel is located in the Oakhaven/Parkway Village Planning District and the requested use is not consistent with Oakhaven/Parkway Village Planning District Priority – "Preserve and protect residential neighborhoods from industrial uses with natural barriers."

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

September 12, 2024 Page 24

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, September 4, 2024 at 8 AM.**

CASE NUMBER:	PD 2024-013
ADDRESS:	South side of East Shelby Drive, +/- 700 feet west of Tchulahoma
REQUEST:	Planned Development: Allow a drop yard
APPLICANT:	Stephen Christides, Capital Drop Yard, LLC

Meeting Details

Location: Council Chambers City Hall 1st Floor 125 N Main St. Time: 9:00 AM

Date: Thursday, Sept. 12

Staff Planner Contact:

Alexis Longstreet ☑ alexis.longstreet@memphistn.gov ᢏ (901) 636-7120 MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

VICINITY MAP

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



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SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

to Case No. PD 2.024-013 al PINCCUL	CloC232C727229 Lond Use Control Board. Memphis mmissioners for consideration of a proposed
	8-29-24
Stephen Christides	Date
Subscribed and swom to before me this <u>29th</u> de Notary Public	vor August 2024
DATRISHA MIC	MISS Y PUELC 2 249593 TO RELLE THOMAS
Commission Oct. 21	2024

Staff Report PD 2024 - 013

APPLICATION

September 12, 2024 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 Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: August 9, 2024

Record Number: PD 2024-013

Record Name: Shelby Drive Drop Yard Planned Development

Description of Work: New planned development on the south side of Shelby Drive

Parent Record Number:

Address:

38118

Owner Information

Primary **Owner Name** Y WILLIAMS STEVIE AND NATHANIEL PARTEE Owner Address

4651 SUNSET RD, NESBITT, MS 38651

Parcel Information

060232 00009

Data Fields PREAPPLICATION MEETING

Name of DPD Planner	Lucas Skinner
Date of Meeting	06/10/2024
Pre-application Meeting Type GENERAL PROJECT INFORMATION	Email
Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	n/a
Medical Overlay / Uptown	No
If this development is located in unincorporated	n/a
Shelby County, is the tract at least three acres?	
(Note a tract of less than three acres is not	

Page 1 of 3

PD 2024-013

GENERAL PROJECT INFORMATION

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

n/a

No

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION

Case Layer

Page 2 of 3

This project is consistent with development patterns along this portion of Shelby Drive Type III landscape buffers are included along adjacent residentially zoned property. All public utilities and services are available to this site. Shelby Drive is fully developed along the subject property. agreed agreed agreed

This project will be compatible with existing uses along this portion of Shelby Drive. All public utilities are available to this site. Detention will be installed at the southwest corner of the site and along the north property line at the connection to existing storm sewer.

Proposed landscaping meets the UDC standards along street frontage and perimeter property lines. Lighting will be directed inward and will meet the foot candle standards of the UDC.

agreed

A property owners association will maintain the common detention basin.

Agreed

Z02-102, Z05-122, Z07-107

PD 2024-013

Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024
Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
fractional acres above 5			110101050		0.0 10 0 10 0 0
Planned Development -	5	500.00	INVOICED	0.00	08/09/2024
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\$2,052.00

Credit Card

Page 3 of 3

PD 2024-013

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

1. STEPHEN CHRISTIDES Stephen Christel, state that I have read the definition of (Print Name) (Sign Name)

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

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

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

of the property located at 0 SHELBY DRIVE MEMPHIS, TN

and further identified by Assessor's Parcel Number 060232022229,

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

in the year of 2024 Subscribed and swom to (or affirmed) before m day of ELANGSTON (Man Signature of Notary Public My Commission Expires

LETTER OF INTENT

THE BRAY FIRM

Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

August 9, 2024

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

RE: Shelby Drive Drop Yard Planned Development Parcel 060232 00009 Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development on the south side of Shelby Drive between Airways and Tchulahoma. The site is immediately adjacent to the River City Hydraulics facility located at 3135 E. Shelby Drive. That site operates under a BOA approval from 1990. At this time, RCH is seeking to expand their facilities and will be utilizing the western 2.18 acres (Area A) of the planned development. Expansion of their operations would be governed by the existing BOA conditions of approval. The remaining 7 acres of the parent tract (Area B) would be utilized for a truck/trailer drop yard. As you are aware, truck parking is underserved in our metro area creating an ongoing problem of illegal parking from shopping centers to residential streets to vacant properties. The developers are seeking to bring a high quality drop yard with amenities not found at similar facilities. The site is conveniently located along a major corridor and is less than one mile form the airport and less than 2.5 miles to the interstate. In addition to traditional parking facilities the site will include the following: driver lounge, at least six (6) spaces with air conditioning and electrical connections to allow occupied trucks to not be in idle mode (thus reducing pollution), at least three spaces for EV charging as new electric trucks enter our market, and an area for trailer repair by an independent contractor. Both the non-idle spaces and EV charging stations may be expanded depending on demand. The site will be well lit internally with LED lighting but will be designed to not impact surrounding properties. Security fencing will be installed around the site but will be internal to the landscaping (20 foot landscape plate along Shelby Drive frontage and 15 foot Class III buffer along east and south property lines). Existing trees within the landscape areas will be preserved where possible.

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.



Memphis is North America's Logistics Capital because of its access to runway, rail, road, and port. We are one of the few inland ports in the country with 5 Class I railroads (BNSF, CN, CSX, NS and UP). A few miles away, the Memphis International Airport (MEM) is the busiest cargo airport in North America and the second-

busiest in the world. The vast majority of this logistics is in district 3 in or near the Lamar Avenue Corridor.

Our market analysis underscores a critical shortfall in the availability of environmentally sustainable truck parking in the Memphis area. The U.S. Department of Transportation reported last year [2023] that for the roughly 3.5 million truck drivers in the U.S., there are only about 313,000 truck parking spaces (that's one spot for every 11 trucks). Until this year Memphis had just two major truck stops (Pilot Travel Center & Loves on Lamar Ave) to service driver's needs for things like diesel fuel, food, showers and overnight parking. Last year one of those 2 truck stops (Pilot Travel Center) was demolished leaving just one major truck stop to serve 20,000 truckers that come to or through Memphis on a daily basis. Drivers are legally required to rest 10 hours for every 11 on the road, so they rotate in and out of the parking spaces at different times as spots come available. However, due to the parking shortage you often see these trucks parked along Interstate exit and entry ramps, in vacant lots and other unsafe locations, particularly at night.

Capital Drop Yard LLC has applied for rezoning and approval from the City of Memphis to develop 7 acres of land on East Shelby Drive - Parcel ID: 060232022229 (4 miles west of the Lamar Corridor) into an environmentally friendly, highly secured, completely fenced and gated, lighted and monitored, full service semi truck parking facility. This 200-space facility will be the only facility in the country to offer truckers truly idle-free solutions enabling them to turn their trucks off and still have the comforts of electric and HVAC in their sleeper cabs. We have identified 3 critical areas of Memphis' logistics infrastructure that we feel that our parking facility can significantly improve.

Challenge #1: Idling Trucks create Harmful Emissions & Noise Pollution in our Communities

Drive through any truck stop with your window down and you will hear almost every truck engine is idling. On any given day thousands of truckers that deliver to Memphis shippers and receivers are parked and idling their engines as they take their 10-hour break, await appointment times or their next dispatch. In addition to the noise pollution, each idling truck consumes about 1 gallon of diesel fuel per hour which emits 18 - 25 pounds of carbon dioxide (CO2) and countless cancer causing air pollutants into the air. Diesel truck idling is among the worst sources of pollution for our community and the atmosphere. The EPA estimates that a typical 100-space travel plaza, with an average 66% occupancy rate, generates over 2,500 tons of emissions at that location each year from idling, burning over 240,000 gallons of diesel fuel.

At this time there is no truck parking facility that offers drivers of diesel powered trucks idle free parking solutions; not in Memphis and not in the country! Some truck stops offer electric hookups for trucks (TSE) however electricity alone does not provide essential air conditioning or heating to the driver's cab since virtually all diesel powered semi trucks on the road today require that their engines be running in order to provide air or heat to the driver's cab.

Studies show that people are disproportionately impacted by air pollution, including those who live in low-income communities. The EPA has reported that people living near sources of air pollution including major roadways, ports, rail yards, and industrial facilities [such as those facilities concentrated in District 3] are at higher risk of falling victim to health effects like asthma, reduced lung function, cardiovascular disease, and premature death.

<u>Our Solution:</u> Capital Drop Yard will provide diesel powered truckers with the only truly idle-free truck parking facility in the country. Our easy to use proprietary HVAC & Power stations will allow truck drivers to park in our safe and secure yard, turn off their diesel engines and connect the window mounted control module to the passenger window. The control module provides the driver with 120-volt electrical outlets, a thermostat, carbon monoxide / smoke detector and a fresh air vent. The driver simply sets the desired temperature on the control module and the system pumps fresh / filtered air conditioning or heat through the hose so that the driver can remain comfortable with their engine turned off.

Our HVAC system is a 15,000 BTU closed filtered system that draws air from inside the cab and filters it about once a minute. The filtered air is then cooled or heated and treated with ultraviolet light to kill bacteria, viruses, and spores. Use of the system will greatly diminish both air and noise pollution and increase fuel conservation and will therefore have beneficial effects not only for the environment, but also for neighborhood residents and drivers. Truck drivers save money and get better sleep without the engine noise, vibration, and exhaust fumes from idling. Better rest for drivers will make for safer drivers. Electric hookups for refrigerated trailers will be phased in as well.

Together, we can save millions of tons of dangerous emissions from polluting our environment and contributing to climate change.

Challenge #2: Cargo Theft and Crime in the Lamar Avenue Corridor

Truck stops such as Loves and Pilot provide a lifeline of essential resources for hard working truckers, particularly for long haul truckers that live in their cabs while over the road. Due to the severe shortage of overnight parking in the Memphis area many of these truckers are forced to park illegally and in unsecured areas that are not designated for trucks. The very few truckers that are fortunate to find an overnight parking spot at the Loves Truck Stop on Lamar Ave often find themselves victims of cargo theft and crimes against drivers due to the unsecured nature of these truck stops.

While filling a valuable void, truck stops lack the fencing / gates, electric fencing, adequate lighting necessary to safely secure the valuable cargo that is parked on their lots. Data Hub reports that in the past year Love's Truck Stop on Lamar was the site of 137 police reports, dozens of which were related to semi trailer break-ins. These thefts are often tied to highly sophisticated organized crime operations, some even located in other countries. Memphis is in the top 10 cities in the country for cargo theft according to FBI statistics. Countless shooting deaths and serious injuries take place at the Lamar Ave Loves on a regular basis. This year alone shooting deaths were reported at the truck stop on March 17 and July 2.



<u>Our Solution</u>: Our plan is to provide truckers with a safer and more secure alternative to parking at truck stops which lack necessary deterrents and barriers to keep thieves out. Capital Drop Yard will have 8ft high chain link fencing with razor wire, 7,000 volt electric fencing, gated entrance and exits, bright LED lighting, perimeter motion sensors and state-of-the-art CCTV camera systems which feature AI for intruder detection and 60 day backup footage. About half of the parking spots will have backup bumpers that prevent thieves from opening the doors on loaded trailers.

Challenge #3: Congestion in Lamar Avenue Corridor & Lack of Semi Truck Parking

Congestion in and around the I-55 at I-40 connection ranked No. 42 on the American Transportation Research Institute's list of top 100 worst bottlenecks in the country for 2022. The congestion and parking shortage is particularly acute along the heavily trafficked 5 mile stretch of Lamar Ave in the Lamar Avenue Corridor. To address the severe congestion in the area, The Lamar Avenue Corridor project was recently funded in part by a \$71.1 million grant from The U.S. Department of Transportation to alleviate congestion and improve the flow of commerce through our "logistics corridor." The U.S. Department of Transportation reported in 2023 that for the roughly 3.5 million truck drivers in the U.S., there are only about 313,000 truck parking spaces (that's one spot for every 11 trucks). For this reason truck drivers give up an average of 56 minutes of their available 11 hour drive time per day parking early rather than risking not being able to find parking down the road. The time spent looking for available truck parking costs the average driver about \$5,500 annually in lost compensation and thousands of dollars in overnight parking fees charged by truck stops, according to American Trucking Associations. The shortage of safe and environmentally sustainable idle-free parking and resources for these drivers is occurring in the context of a burgeoning freight transportation sector which is set to intensify the demand for additional parking solutions. Last year [2023] the Arkansas Department of Transportation opened an 84-space commercial truck park in West Memphis. The \$6 million facility provides a rest area for the more than 20,000 commercial trucks that pass through West Memphis each day.

On any given day there can be hundreds of truckers that are contracted to provide time sensitive ad hoc freight services to Fedex or UPS. These drivers are required to be in close proximity to the Memphis Airport to provide immediate service for shipments that cannot be shipped by air. Due to the time sensitive nature of these shipments truckers generally sit at or around the Loves on Lamar idling their engines awaiting dispatch from FedEx / UPS, further exacerbating the congestion in the area.

<u>Our Solution:</u> Capital Drop Yard, if approved by the City of Memphis, will be conveniently located 4 miles west of the congested Lamar Corridor yet in close proximity to the Memphis Airport. We will provide a full-service drop yard facility that leverages many years of relationships with local vendors to provide on-site services to truckers. The full service nature(see below) of the parking facility means drivers will be on local roads less, resulting in greater driver efficiencies and considerably less congestion in and around the Lamar Corridor. The site location sits less than 1/8 of a mile from the Memphis International Airport, this will serve as a perfect location for Fedex and UPS ad hoc drivers.

Drop Yard Services Available to Truckers (onsite):

- DOT Inspections -- Rescue Repair Service
- Tire Pressure Management
- Truck and Trailer Wash -- Rescue Repair Service
- On-site Cross Dock & Freight Storage (in rental trailers)
- Windshield Repair / Replacement -- Universal Glass Repair
- Brake & Tire Service for trucks and trailers -- Rescue Repair Service
- Full Service Trailer Shop (partner / vendor on site) -- Rescue Repair Service
- Pre & Post-Trip Inspections (trucks and trailers) Rescue Repair Service
- Safety & Compliance Services Thompson DOT Safety & Compliance
- Permitting / Tag / Fuel Tax Services available to carriers -- Perfect Choice Permitting
- Insurance -- MidSouth Truckers Group / Lipscomb & Pitts Insurance
- Dispatch / Load Planning Services to maximize driver efficiencies
- Regular peer group meetings with guest experts / leaders from the industry to discuss best
 practices for small trucking business 90% of small trucking companies fail
- Partnership with The Transformation Doctor to help educate drivers on diet & fitness

I-55 RAMP	2.4 miles
BNSF RAILROAD	1.8 miles
FEDEX WORLD HUB	2.8 miles
UPS AIR HUB	1.6 miles
DHL EXPRESS HUB	2.6 miles
MEMPHIS AIRPORT	0.2 mile

Our onsite Driver lounge will be available to all drivers that pay to park with us:

- Free Private Showers
- Free Laundry
- Restrooms
- Conference Room / Business Center / Free Wifi
- Fitness / workout room
- Kitchen meal prep recipes and healthy eating classes for drivers

Almost all of our partner vendors are local business that we have developed relationships with over many years. All except for one below are located in District 3.

Partner Vendors:

Rescue Repair Service 3441 Knight Arnold Rd Memphis, TN 38118

Perfect Choice Permitting 3865 Viscount Ave Memphis, TN 38118

Thompson DOT Safety & Compliance 3131 Farrisview Road Memphis, TN 38118

Universal Glass 3695 Lamar Ave Memphis, TN 38118

Lipscomb & Pitts Insurance 2670 Union Ave Ste 100 Memphis, TN 38112



If you have any questions or would like to discuss this with me further I can be reached on my cell phone at 901-305-1456 or by email at capitallogisticsgroup@yahoo.com

Stephen Christides

Capital Drop Yard LLC / Capital Logistics LLC

Online at www.capitaldropyard.com



Staff Report PD 2024 - 013

LETTERS RECEIVED

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

TCHULAHOMA CORRIDOR COMMENTS

August 23, 2024 Re: Case PD 2024-013

Memphis and Shelby County Division of Planning and Development

Attn: Alexis Longstreet, Staff Planner

Howdy and good day to you!

I hope all is well with you today.

I am Mary Donald; my address 3183 Blue Bonnet Rd., 38118. The purpose of this writing is to submit my comments in reference to the aforementioned case.

After reviewing the application, the following comments will apply:

- Location 700 ft. West of Tchulahoma Rd. (East side of Shelby Dr.)
 - The nearby intersection (Shelby Dr. and Tchulahoma Rd.) is currently being reconfigured under the Memphis 3.0 plan.
 - The location will be too close to the Oakhaven residential area.
 - The location could be used for commercial entities that are sorely needed and would better serve the Oakhaven community (groceries, clothing, etc.).
 - Adding a drop yard in an area with an overabundance of 18-wheeler/tractor trailer vehicles would create more unneeded traffic and create additional safety issues.

I appreciate the opportunity to submit these comments.

Have a good week. Blessings!

M. Dould

September 12, 2024 Page 37

1MFAC CORP., INC.

97678 NEW GETWELL ROAD + MEMPHIS TN 38119 + 1-901/796-9110

August 28, 2024

Mrs. Pearl Walker, City Council Member, Dist. 3. Memphis City Council, 125 North Main Street, Room 514, Memphis, TN 38103. RE: PD 2024-013-Drop Yard --- LOT#060-232-00019 LANDLOCKED... Request for help... Council Member Walker:

As City Council Member representing District 3, I hereby request your assistance.

I am the owner of property. Ward/Parcel No 060-232-00019, (Lot #19 hereafter) located in the SW Quadrant of Shelby Drive and Tchulahoma Road, at the south corner of the subject (PD) property Ward/Parcel/ID #060-232-00009 (Lot#9 hereafter) which froms on to Shelby Drive. My property, Lot #19, is Landlocked. Allowing the Planned Development (PD hereafter) will reinforce landlocked status of Lot #19. There will be no ingress/egress for Lot#19.

By letter dated August 23, 2024 addressed to Messrs Brett Ragsdale and John Zeanah. Memphis and Shelby County, Division of Planning and Development, Attention Ms. Alexis Longstreet: I gave Notice of the Landlocked status of my property. Lot #19, and that therefor the PD is OBJECTED to; that if it is to be approved, a Right-of-Way (R.O.W) [of *necessity*] to eliminate the Landlocked status of my Lot #19 be incorporated, *or* condition of Approval.

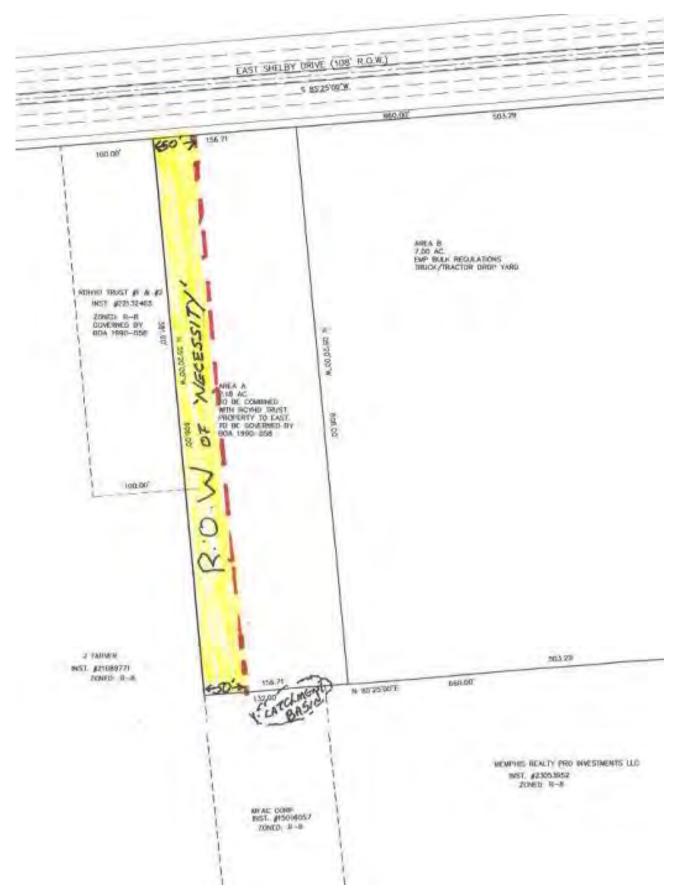
Specifically, I am asking your help in getting a proper (50') Right-of-Way of 'Necessity', incorporated, so that I may have ingress/egress to my Lot#19 property. To be sure, attached hereto is a sketch of the of hatched *ROW* being sought. The need for this ROW easement is absolutely <u>necessary</u> to have access to ingress/egress to the only City Street, Shelby Drive.

The PD 2024-013 will come before the City Council on Thursday, September 12, 2024 (a) 0900 hours; with a September 4, 2024 (a) 0800 hours Comment cut-off date. Your assistance is much appreciated. I can be reached at 901/795-4405. Thanks.

Respectfully Rane M. Cornish.

Property Owner.

Attach: Sketch





Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: August 9, 2024

Record Number: PD 2024-013

Expiration Date:

Record Name: Shelby Drive Drop Yard Planned Development

Description of Work: New planned development on the south side of Shelby Drive

Parent Record Number:

Lucas Skinner

06/10/2024

Email

Address:

38118

Owner Information

Primary Owner Name

Y WILLIAMS STEVIE AND NATHANIEL PARTEE

Owner Address 4651 SUNSET RD, NESBITT, MS 38651

Parcel Information

060232 00009

Data Fields

PREAPPLICATION MEETING

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

Planned Development TypeNew Planned Development (PD)Previous Docket / Case Numbern/aMedical Overlay / UptownNoIf this development is located in unincorporatedn/aShelby County, is the tract at least three acres?n/a

Owner Phone

GENERAL PROJECT INFORMATION

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

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other

responsible party shall be required to maintain any and all common open space and/or common elements

F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION

Case Layer

This project is consistent with development patterns along this portion of Shelby Drive Type III landscape buffers are included along adjacent residentially zoned property. All public utilities and services are available to this site. Shelby Drive is fully developed along the subject property. agreed agreed agreed

This project will be compatible with existing uses along this portion of Shelby Drive. All public utilities are available to this site. Detention will be installed at the southwest corner of the site and along the north property line at the connection to existing storm sewer.

Proposed landscaping meets the UDC standards along street frontage and perimeter property lines. Lighting will be directed inward and will meet the foot candle standards of the UDC.

agreed

No

n/a

A property owners association will maintain the common detention basin.

Agreed

Z02-102, Z05-122, Z07-107

GIS INFORMATION	
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-8
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name

STEPHEN CHRISTIDES

Address

Phone

Name THE BRAY FIRM

Address 2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1584854	Planned Development - each additional or fractional acres above 5	5	500.00	INVOICED	0.00	08/09/2024
1584854	Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
1584854	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024
	Т	otal Fee Invo	biced: \$2,052.00	Total Bal	ance: \$0.	00

Payment Information

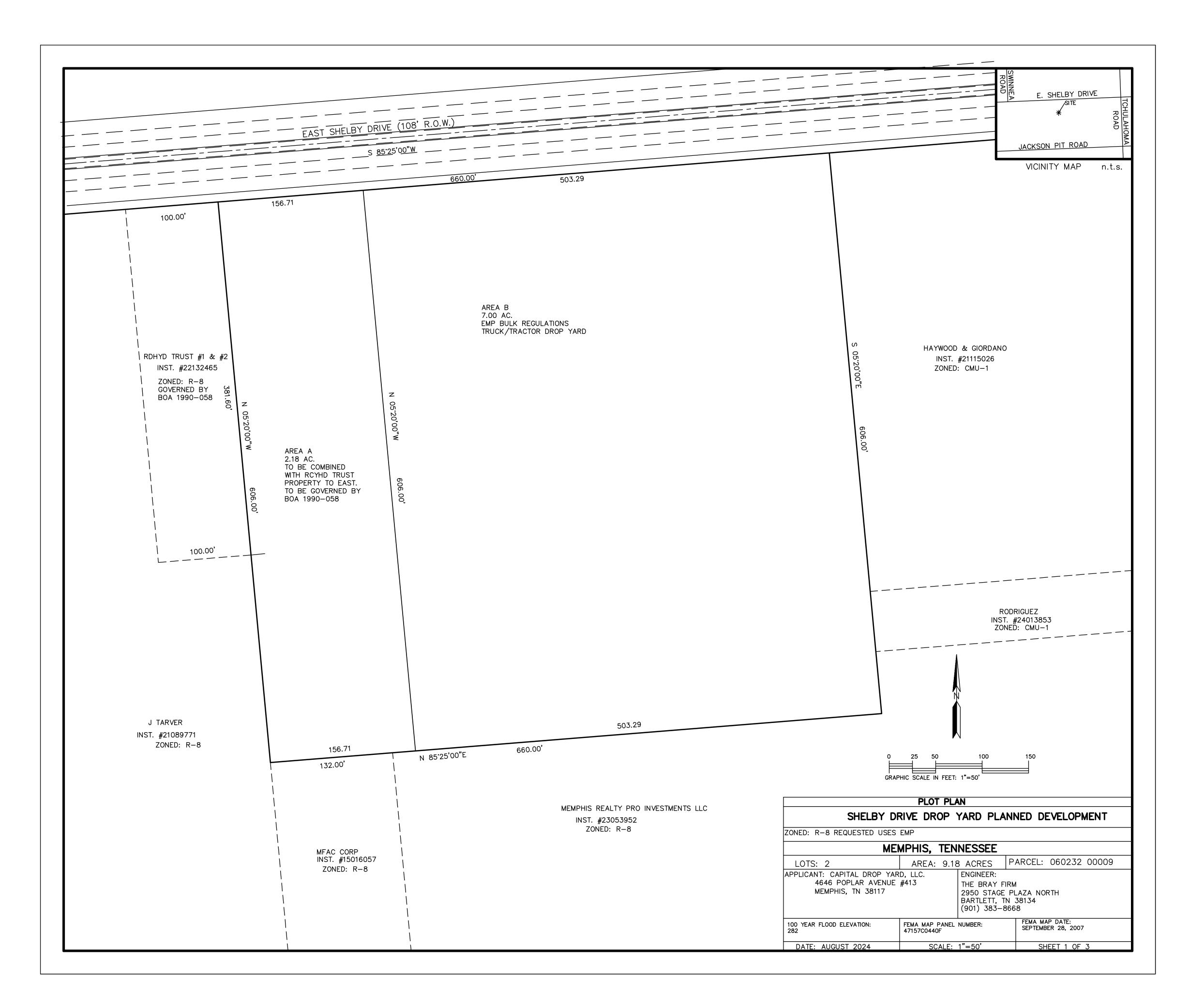
Payment Amount	Method of Payment
\$2,052.00	Credit Card

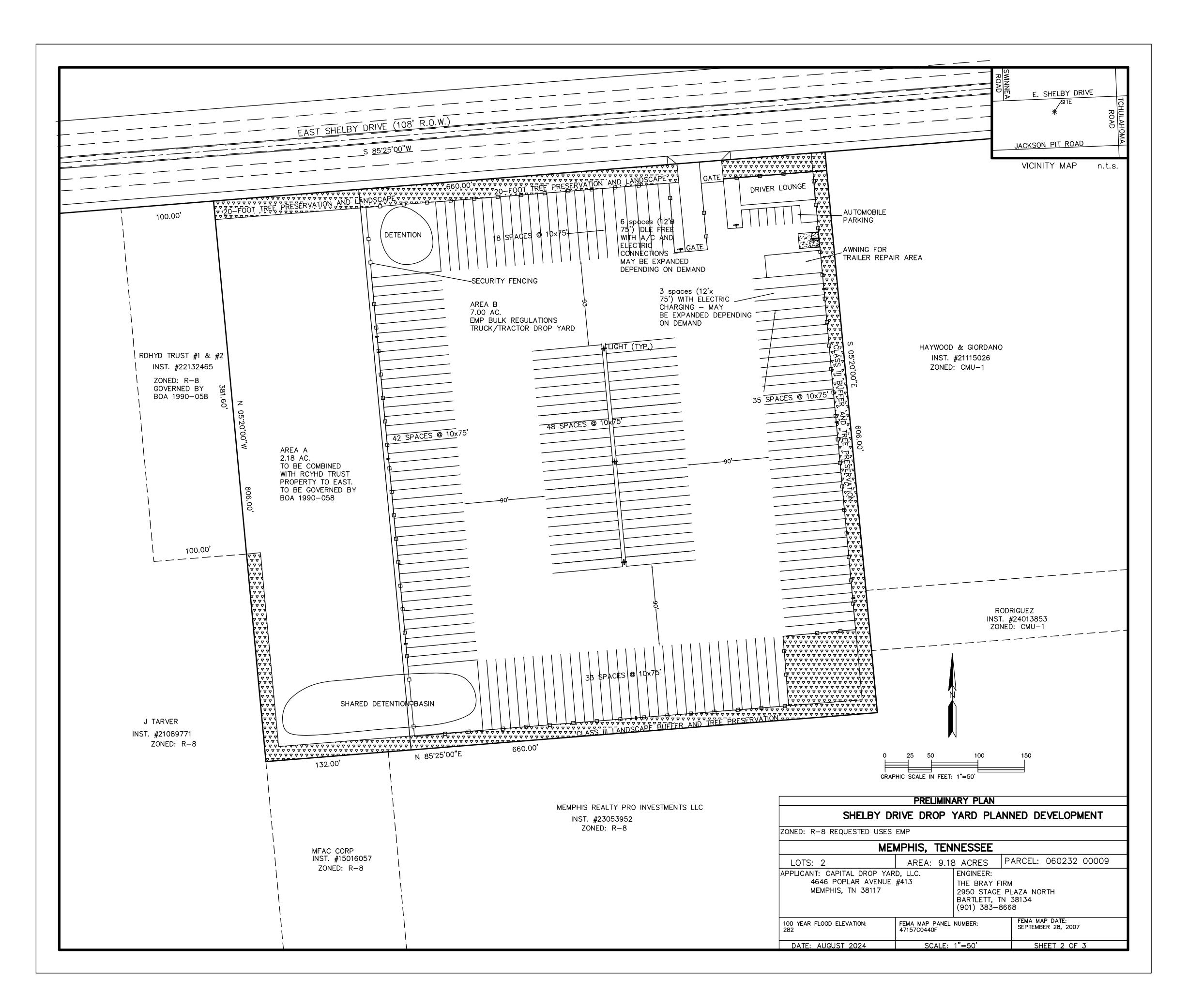
Contact Type ARCHITECT / ENGINEER /

Contact Type

APPLICANT

SURVEYOR





OUTLINE PLAN CONDITIONS SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT

- I. USES PERMITTED:
- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B Truck/tractor drop yard and accessory uses
- II. BULK REGULATIONS:
- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements. E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of
- Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD. F. All light poles shall be limited to a maximum of 35 feet in height.
- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

- A. The Site plan shall include:
- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.
- 4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

- B. The site plan shall be reviewed based on the following criteria:
- 1. Conformance with the Outline Plan Conditions.
- 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
- 3. Elements of design such as building orientation, building mass and height, building materials,
- setback, access, parking and internal circulation, landscaping, and lighting.
- 4. Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

SHELBY D	RIVE DROP YARD
ZONED: R-8 REQUESTED USES	5 EMP
ME	MPHIS, TENNES
LOTS: 2	AREA: 9.18 ACF
APPLICANT: CAPITAL DROP YA 4646 POPLAR AVENUE MEMPHIS, TN 38117	· ·
100 YEAR FLOOD ELEVATION: 282	FEMA MAP PANEL NUMBER 47157C0440F
DATE: AUGUST 2024	SCALE: NONE

PRELIMINARY PLAN				
PRELIMINA	ART PLAN			
DROP 1	ARD PLAN	NED DEVELOPMENT		
IS, TEN	NESSEE			
REA: 9.18	ACRES	PARCEL: 060232 00009		
C.	ENGINEER: THE BRAY FIF 2950 STAGE BARTLETT, TN (901) 383-86	PLAZA NORTH 38134		
MAP PANEL NUMBER: 7C0440F		FEMA MAP DATE: SEPTEMBER 28, 2007		

SHEET 3 OF 3

I. USES PERMITTED:

- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- An NOI as required by the Tree Ordinance shall be filed with the Office of
 Planning and Development at least 10 days prior to the removal of any tree that
 is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
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- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.

- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.
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- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

Telephone 901-383-8668

THE BRAY FIRM

2950 Stage Plaza North Bartlett, Tennessee 38134

August 9, 2024

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

RE: Shelby Drive Drop Yard Planned Development Parcel 060232 00009 Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development on the south side of Shelby Drive between Airways and Tchulahoma. The site is immediately adjacent to the River City Hydraulics facility located at 3135 E. Shelby Drive. That site operates under a BOA approval from 1990. At this time, RCH is seeking to expand their facilities and will be utilizing the western 2.18 acres (Area A) of the planned development. Expansion of their operations would be governed by the existing BOA conditions of approval. The remaining 7 acres of the parent tract (Area B) would be utilized for a truck/trailer drop yard. As you are aware, truck parking is underserved in our metro area creating an ongoing problem of illegal parking from shopping centers to residential streets to vacant properties. The developers are seeking to bring a high quality drop yard with amenities not found at similar facilities. The site is conveniently located along a major corridor and is less than one mile form the airport and less than 2.5 miles to the interstate. In addition to traditional parking facilities the site will include the following: driver lounge, at least six (6) spaces with air conditioning and electrical connections to allow occupied trucks to not be in idle mode (thus reducing pollution), at least three spaces for EV charging as new electric trucks enter our market, and an area for trailer repair by an independent contractor. Both the non-idle spaces and EV charging stations may be expanded depending on demand. The site will be well lit internally with LED lighting but will be designed to not impact surrounding properties. Security fencing will be installed around the site but will be internal to the landscaping (20 foot landscape plate along Shelby Drive frontage and 15 foot Class III buffer along east and south property lines). Existing trees within the landscape areas will be preserved where possible.

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

Sincerely,

David Gean Bray, P.E.

Property 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.

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

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

of the property located at <u>0 SHELBY DRIVE MEMPHIS</u>, TN and further identified by Assessor's Parcel Number <u>060232022229</u>, for which an application is being made to the Division of Planning and Development.

_ in the year of 2024. Subscribed and sworn to (or affirmed) before a

ature of Notary

My Commission Expires



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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



22069418

06/22/2022 - 04:12:39 PM

1 PGS	
BRIAN 2448940 - 22069418	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov This instrument prepared by and return to: **Thomas Branch, Attorney at Law** 22 North Front Street, Suite 790 Memphis, Tennessee 38103 (901) 525-3450

PARCEL ID NUMBER: 06002320009

QUIT CLAIM DEED

-THIS DEED PREPARED WITHOUT BENEFIT OF TITLE SEARCH-

Know all men by these presents, that MATTHEW WILLIAMS, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, do hereby bargain, sell, remise, release, quit claim and convey unto NATHANIEL PARTEE, all 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:

A PART of the Charley Jackson Estate in Section B, Township one (1), Range 7 in the Second Civil District of Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point in Whitehaven- Capleville Road, said point being the north line of said Section 8 and 660 feet westwardly from the northeast corner of said Section 8; thence south 5 degrees 25 minutes west and parallel with the north line of said Section 660 feet to an iron pin; thence north 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence south 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence north 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence north 85 degrees 25 minutes east along said road 660 feet to the point of beginning, containing 10.0 acres of land, more or less, LESS AND EXCEPT that portion taken by City of Memphis in Circuit Court Judgment of record as instrument No. W-9 7973, in the Register's Office of Shelby County, Tennessee, and being the same property described in and conveyed by Warranty Deed of record as Instrument No. 01002676, in said Register's Office, LESS AND EXCEPT that portion taken by City of Memphis of record as instrument No. W9-7973, in said Register's Office.

Grantor Matthew Williams was determined to be the legal heir of R. D. Williams, a/k/a Ricky D. Williams by decree discharging Administrator and closing estate and other relief, dated December 20, 2012 in Cause No. 16-CV-1782 in the Chancery Court of DeSoto County, Mississippi

I do hereby quit claim the title herein conveyed against the lawful claims of all persons claiming the same by, through or under me, but not further or otherwise.

In Testimony Whereof, I have executed the instrument this 2022. GMS MATTHEW WILLIAMS State of County of 4 Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally STATE OF MISSISS appeared MATTHEW WILLIAMS to me known to be the person described herein and who WILLIE POWER executed the same as HIS free act and deed. Witness my hand and Notarial Seal at office this dav o NOTARY PUBLIC ID No. 291644 n Commission Expires Notary Public - My Commission Expires: June 24, 2025 Property known as: VACANT LOT, WHITEVILLE- CAPLEVILLE RD., MEMPHIS, TN / (PARCEL ID NUMBER:06002320009) SOTOCOUN NØD Mail tax notice to: (OWNERS) NATHANIEL PARTEE 4651 SUNSET RD., NESBIT, MISSISSIPPI OF MISSISSIA TATE I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this POWERS MILLE transfer is ZERO Dollars (\$0). NOTARY PUBLIC ID No. 291644 Affiant Subscribed and Commission Expires 20 2 sworn to before me this the June 24, 2025 Notary Public - My Commission Expires: OE SOTO CO

0 SHELBY DR Page 1 of 2

STEVIE WILLIAMS & NATHANIEL PARTEE 4651 SUNSET RD NESBIT, MS 38651

OWNER

HAYWOOD & GIORDANO 7731 HWY 301 WALLS, MS 38680

RESIDENT 3271 SHELBY DR MEMPHIS, TN 38118

MFAC CORP 4791 TCHULAHOMA RD MEMPHIS, TN 38118

RESIDENT 4833 TCHULAHOMA RD MEMPHIS, TN 38118

RESIDENT 1376 JACKSON PIT RD MEMPHIS, TN 38118

RESIDENT 3135 SHELBY DR MEMPHIS, TN 38118

OAKHAVEN MOBILE HOME PARK 3080 SHELBY DR MEMPHIS, TN 38118 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Engineer

MAPCO PETROLEUM INC 2424 RIDGE RD ROCKWALL, TX 75087

PEDRO & MAGDELENA RODRIGUEZ 4757 TCHULAHOMA RD MEMPHIS, TN 38118

EASTHAVEN CHURCH OF CHRIST 4833 TCHULAHOMA RD MEMPHIS, TN 38118

INDEPENDENT POLE BEARERS 4819 TCHULAHOMA RD MEMPHIS, TN 38118

J. TARVER 3021 SHELBY DR MEMPIS, TN 38118

JOHN & KIRK TARVER 2100 WOODCREEK DR GERMANTOWN, TN 38138

KENDALL MEMPHIS PARTNERS 17300 RED HILL AVE STE 280 IRVINE, CA 92614 CAPITAL DROP YARD, LLC. 4646 Poplar Avenue #413 Memphis, TN 38117

APPLICANT

QCSI FOUR LLC 2424 RIDGE RD ROCKWALL, TX 75087

MEMPHIS REALTY PRO INVESTMENTS LLC 3746 BONNER DR OLIVE BRANH, MS 38654

MFAC CORP 3767 NEW GETWELL RD MEMPHIS, TN 38118

SHELBY COUNTY 160 N. MAIN ST MEMPHIS, TN 38103

RCHYD TRUST #1 & #2 2025 MADISON LAYNE CT SHERWOOD, AR 72120

RESIDENT 3021 SHELBY DR MEMPHIS, TN 38118

TRUE VICTORY CHURCH 3150 SHELBY DR MEMPHIS, TN 3818 0 SHELBY DR Page 2 of 2

CITY OF MEMPHIS 125 N. MAIN ST MEMPHIS, TN 38103

MTNI INC 4505 WASATCH BLVD #350 SALT LAKE CITY, UT 84124

RESIDENT 4635 TCHULAHOMA RD MEMPHIS, TN 38118

DARRELL THOMAS 4597 TCHULAHOMA RD MEMPHIS, TN 38118

RONALD & PATRICIA SOLBERG PO BOX 751510 MEMPHIS, TN 38175

RESIDENT 3315 SHELBY DR MEMPHIS, TN 38118

RESIDENT 4730 TCHULAHOMA RD MEMPHIS, TN 38118

STANLEY & SCOTTY BROWNLEE 3305 DAPHNE CV MEMPHIS, TN 38118

RICHARD & ROBYN BENTON 4793 DAPHNE RD MEMPHIS, TN 38118 RESIDENT 3200 SHELBY DR MEMPHIS, TN 38118

RESIDENT 3250 SHELBY DR MEMPHIS, TN 38118

ASSOC. OF ISLAMIC CHARITABLE PROJECTS 4609 TCHULAHOMA RD MEMPHIS, TN 38118

NEW DEVELOPMENT LLC 3264 W. SARAZENS CIR MEMPHIS, TN 38125

RESIDENT 3285 SHELBY DR MEMPHIS, TN 38118

TAYLOR'ED GYMNASTICS 4906 STIRRUP DR MEMPHIS, TN 38125

MICHAEL WILLIAMS 3300 DAPHNE CV MEMPHIS, TN 38118

PAULA WILSON 3309 DAPHNE CV MEMPHIS, TN 38118 ENLIGHTMENT INC 3220 SHELBY DR MEMPHIS, TN 38118

SHARHAN MUTAHAR 2271 KHUSH BOO CV SOUTHAVEN, MS 38671

MELISSA & LORENZO MYRICK 4609 TCHULAHOMA RD MEMPHIS, TN 38118

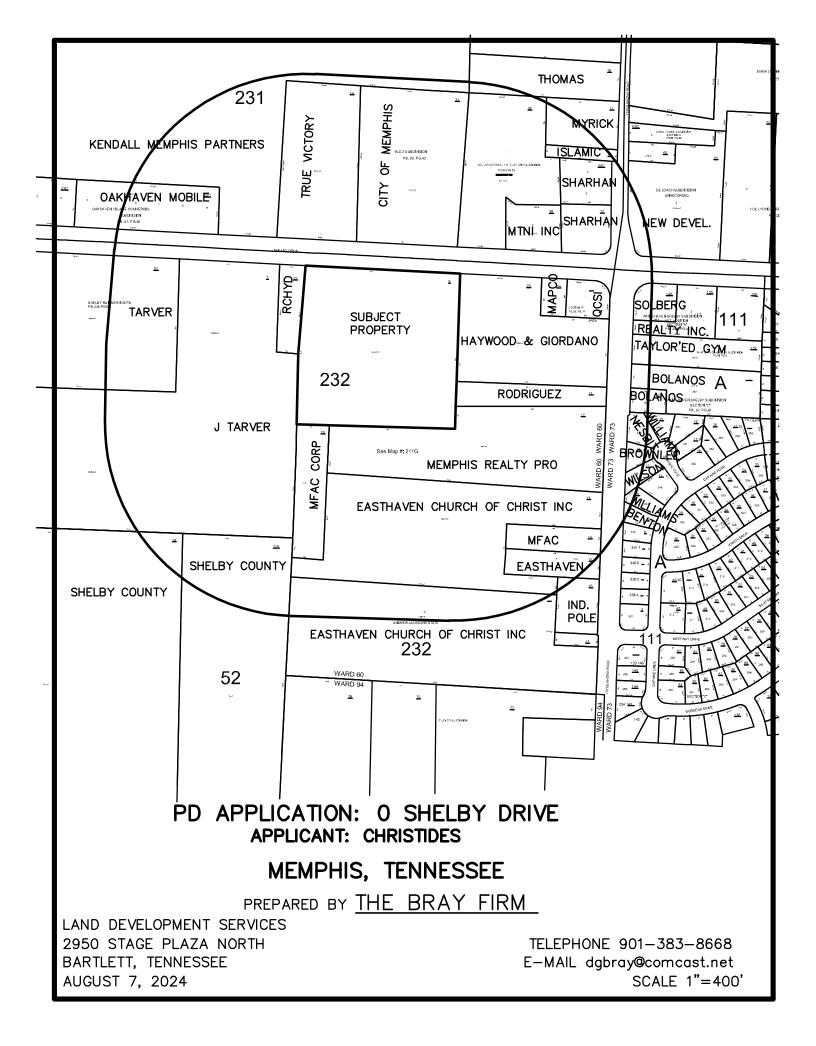
RESIDENT 3292 SHELBY DR MEMPHIS, TN 38118

REALTY INCOME PROPERTIES 17 LLC 500 VOLVO PKWY CHESAPEAKE, VA 23320

JOSE BOLANOS 3003 SUMMER AVE MEMPHIS, TN 38112

SANDRA NESBIT 3301 DAPHNE CV MEMPHIS, TN 38118

CAROLYN WILLIAMS 4787 DAPHNE RD MEMPHIS, TN 38118





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

November 14, 2024

Stephen Christides, Capital Drop Yard, LLC

Sent via electronic mail to: capitallogisticsgroup@yahoo.com, dqbray@comcast.net

Shelby Drive Drop Yard Planned Development Case Number: PD 2024-013 LUCB Recommendation: Rejection

Dear applicant,

On Thursday, November 14, 2024, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your planned development application for the Shelby Drive Drop Yard Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,

Alexis Longstreet

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

Letter to Applicant PD 2024-013

Cc: David Bray, The Bray Firm File

Letter to Applicant PD 2024-013

Outline Plan Conditions

I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.

B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened **through the use of <u>using</u>** fencing or landscaping. If roof mounted, the equipment shall be screened **through the use of <u>using</u>** an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements. E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

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4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

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A. The Outline Plan conditions.

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C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 03/25/25

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

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

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



Memphis City Council Summary Sheet

Z 2024-009

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

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

LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: Prentiss Mitchell

The following spoke in opposition of the application: None

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

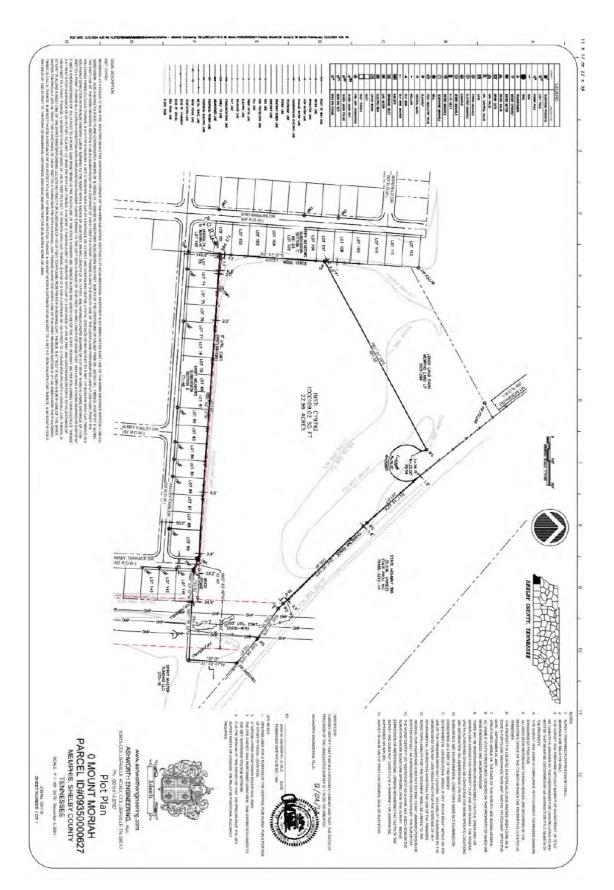
The motion failed by a unanimous vote of 0-9.

Respectfully,

Chloe Christion

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

Cc: Committee Members File



ORDINANCE NO:

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

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

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

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

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

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

SECTION 1:

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

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

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

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

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

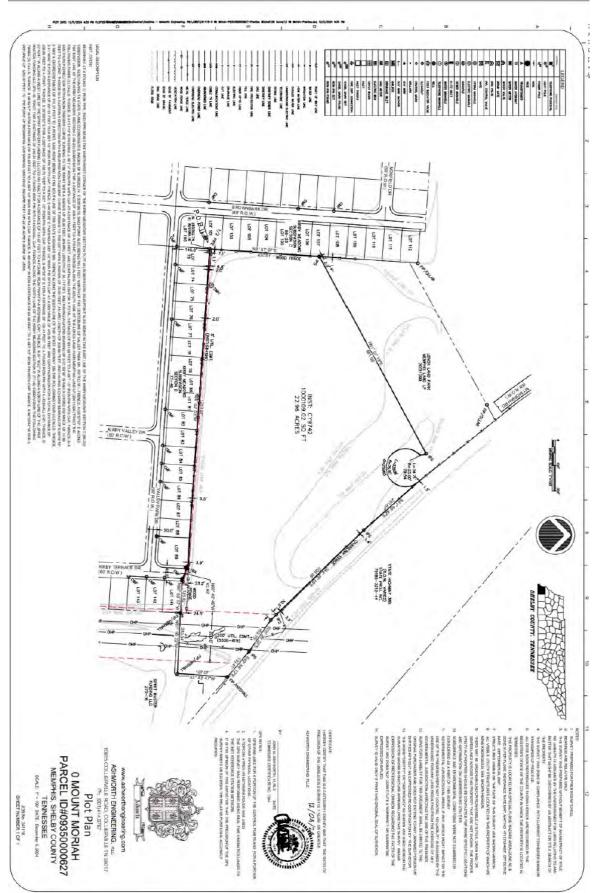
SECTION 2:

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

SECTION 3:

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

PLOT PLAN



ATTEST:

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



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

February 14, 2025

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

Sent via electronic mail to: mimllcmemphis@gmail.com

Case Number: Z 2024-009 LUCB Recommendation: Rejection

Dear applicant,

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

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

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

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

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

Respectfully,

Chloe Christion

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

File

dod STAFF REPORT

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

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

CONCLUSIONS

AGENDA ITEM:

6

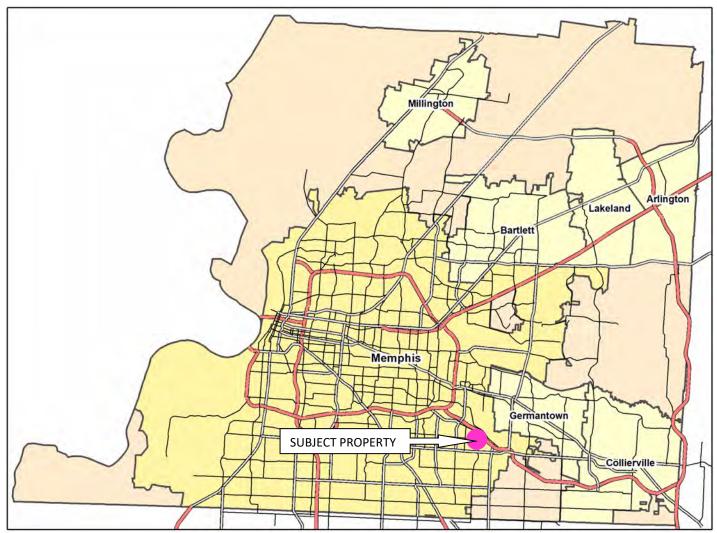
- The request is a rezoning from multiple residentially-oriented zoning districts to Commercial Mixed-se - 3 (CMU-3).
- 2. When asked what the purpose of this rezoning was, the applicant responded that he does not know what intended uses would occur if the rezoning were to be approved. With no direction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

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Rejection



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property outlined in red.

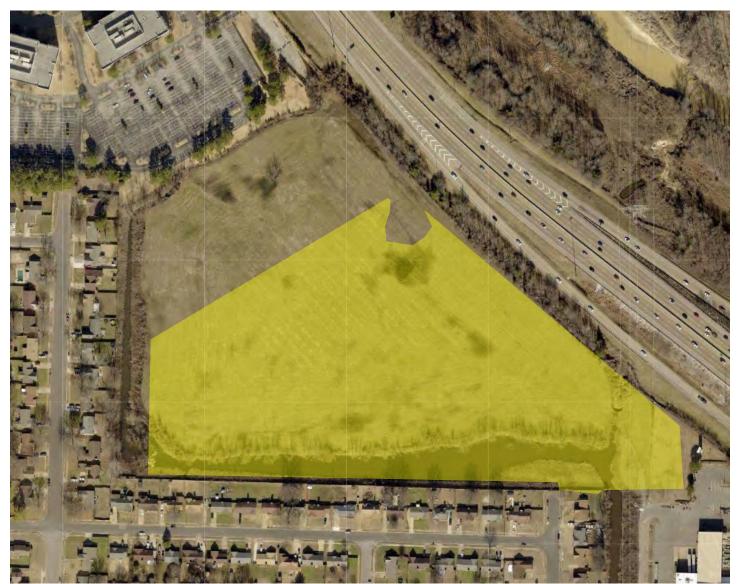
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 190 notices were mailed on December 17, 2024, see page 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

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

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow



Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

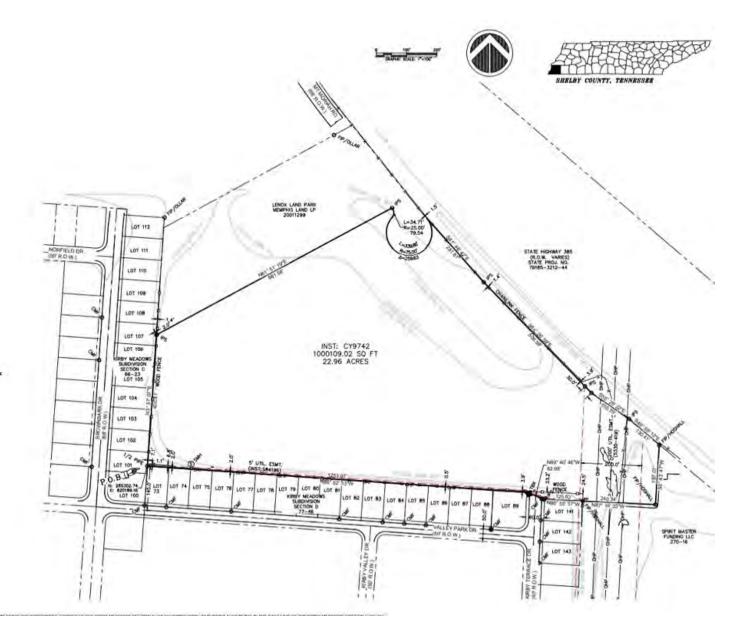
SITE PHOTOS



View of subject property from Kirby Terrace Drive looking north.



View of subject property from State Route 385 looking west.



LEGAL DESCRIPTION

February 13, 2025 Page 10

INST: CY9742

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

CASE REVIEW

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

Review Criteria

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

9.5.7B Review Criteria

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

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

Site Details

Address: 0 Mt. Moriah Ext.

Parcel ID: 093500 00627

Area: +/-22.96 acres

Description:

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

<u>Analysis</u>

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

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

February 13, 2025 Page 12

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



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

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

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

RECOMMENDATION

Staff recommends rejection.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

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

Sewers:

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

General Notes:

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

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

Office of Sustainability and Resilience:

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

MEMORANDUM

To: Chloe Christion, Planner I

From: Logan Landry, Planner I

Date: December 31, 2024

Subject: OSR Comments on Z 24-09: SOUTHEAST

General Comments & Analysis:

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

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

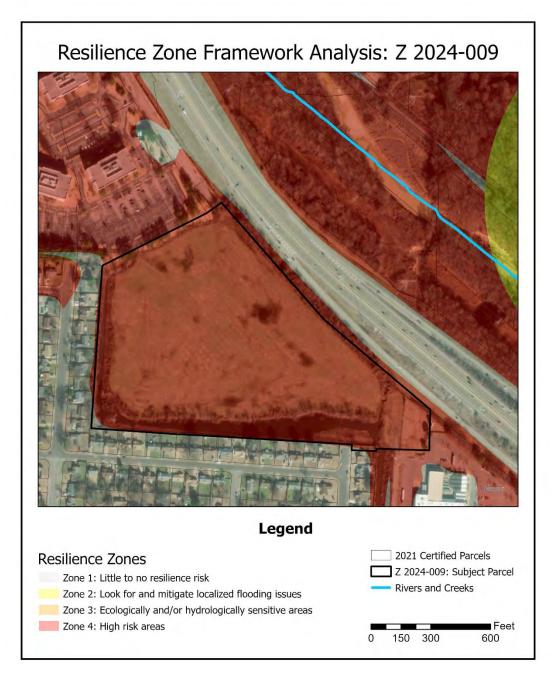
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure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

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

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

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

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



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

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

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

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

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

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

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

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

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

2. Land Use Description/Intent

February 13, 2025 Page 17

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



"OSN" Form & Location Characteristics

Conservation and recreational uses.

"OSN" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

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

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

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

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

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

Consistency Analysis Summary

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

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

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

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

MAILED PUBLIC NOTICE

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

being duly sworn, depose and say that at 330 am 100 m on the 12_ day of December____, 20 24, I posted ____ Public Notice Sign(s) pertaining to Case No. 22024-009 at OMT Moriah, Memphis TN providing notice of a Public Hearing before the (check one):

Land Use Control Board

____Board of Adjustment

_____Memphis City Council

_____Shelby County Board of Commissioners

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

Owner, Applicant or Representative

2024

Date

9/17/2

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

APPLICATION



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

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Number: Z 2024-009

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

Parent Record Number:

Record Status: Processing

Opened Date: September 12, 2024

Expiration Date:

Address: 38115

Owner Information

Primary Owner Name

Y. FARRELL PROPERTIES (PSO)

Owner Address

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

Data Fields

Chloe Christion 10/07/2024 Phone
No No
-

Page 1 of 3

Z 2024-009

Owner Phone

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

Z 2024-009

OWNER AFFIDAVIT

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Dwight Fennell Mtclll, state that I have read the definition of

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

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

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

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

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

My Commission Expires August 03, 2026

LETTER OF INTENT

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

Delta Area Holdings LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 0 Mt Moriah, Memphis TN 38125

Department of Planning and Development,

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

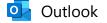
Best Regards,

Delta Area Holdings LLC

Staff Report Z 2024-009

LETTERS RECEIVED

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



Case number Z 2024-009

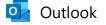
From Sharon Robinson <sharonrobinson047@gmail.com>

Date Wed 1/22/2025 7:17 PM

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

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

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



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

From keresia jones <keresiajns@yahoo.com>

Date Sat 1/25/2025 2:11 PM

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

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

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Number: Z 2024-009

Record Name: Riverdale & HWY 385

Description of Work: REZONING

Record Status: Processing Opened Date: September 12, 2024

Expiration Date:

Owner Phone

Parent Record Number:

Address:

38115

Owner Information

Primary Owner Name

Y FARRELL PROPERTIES (PSO)

Owner Address

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

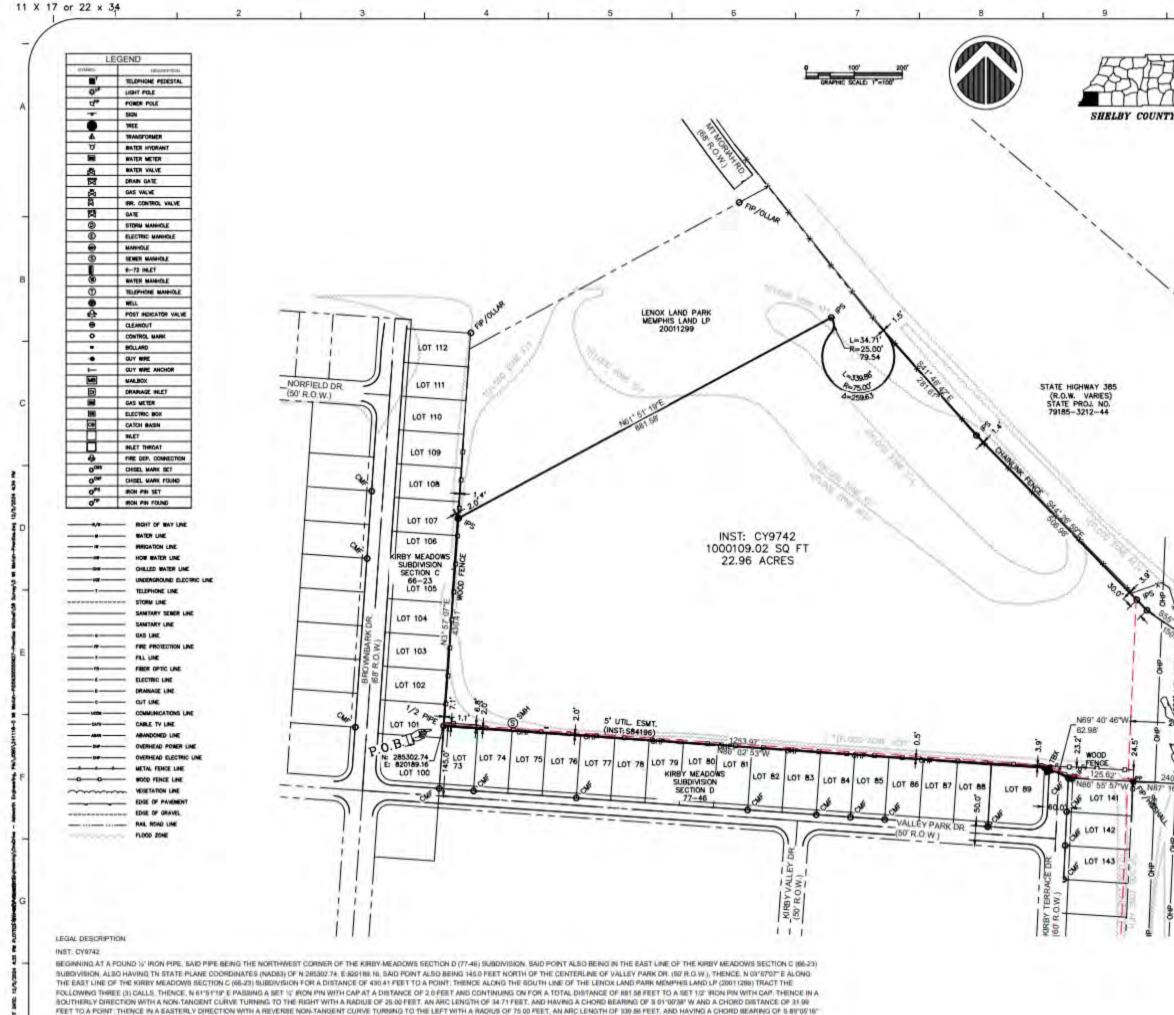
Data Fields PREAPPLICATION MEETING **Chloe Christion** Name of DPD Planner 10/07/2024 Date of Meeting Pre-application Meeting Type Phone **GENERAL INFORMATION** No Have you held a neighborhood meeting? Is this application in response to a citation from No Construction Code Enforcement or Zoning Letter?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

GIS INFORI	MATION						
Case La	yer			-			
Central Business Improvement District				No			
Class	-			R			
Downtow	vn Fire District			No			
Historic [District			-			
Land Use	e			VACANT			
Municipa	ality			-			
	Special Purpose Distric	ct		-			
Zoning				R-8			
State Ro	oute			1			
Lot				-			
Subdivisi	ion			-			
	Development District			_			
	d Protection Overlay Di	istrict		Yes			
	-	Strict		-			
County Commission District City Council District City Council Super District				-			
				-			
				-			
Data Table	es						
ADDRESS AN	ND PARCEL LIST						
Property	y Parcel Number: 0	93500 0	0627				
Property	y Address: 0	Mount N	<i>l</i> loriah				
Contact Ir	nformation						
Name						Contac	t Type
PRENTISS M	IITCHELL					APPLICA	NT
Address							
Phone (901)305-500	0						
ee Inforn	nation						
nvoice #	Fee Item		Quantity	Fees	Status	Balance	Date Assessed
1597845	Residential Rezoning	- 5	1	750.00	INVOICED	0.00	10/07/2024
	acres or less						
1507045	Credit Card Use Fee x fee)	(.026	1	19.50	INVOICED	0.00	10/07/2024
1597845							0
1597845		Tot	al Fee Invo	iced: \$769.50	Total Ba	lance: \$0.0	10
	nformation	Tot	al Fee Invo	iced: \$769.50	Total Ba	llance: \$0.0	
		Tot hod of Payı		iced: \$769.50	Total Ba	llance: \$0.0	

LEGAL DESCRIPTION

INST: CY9742

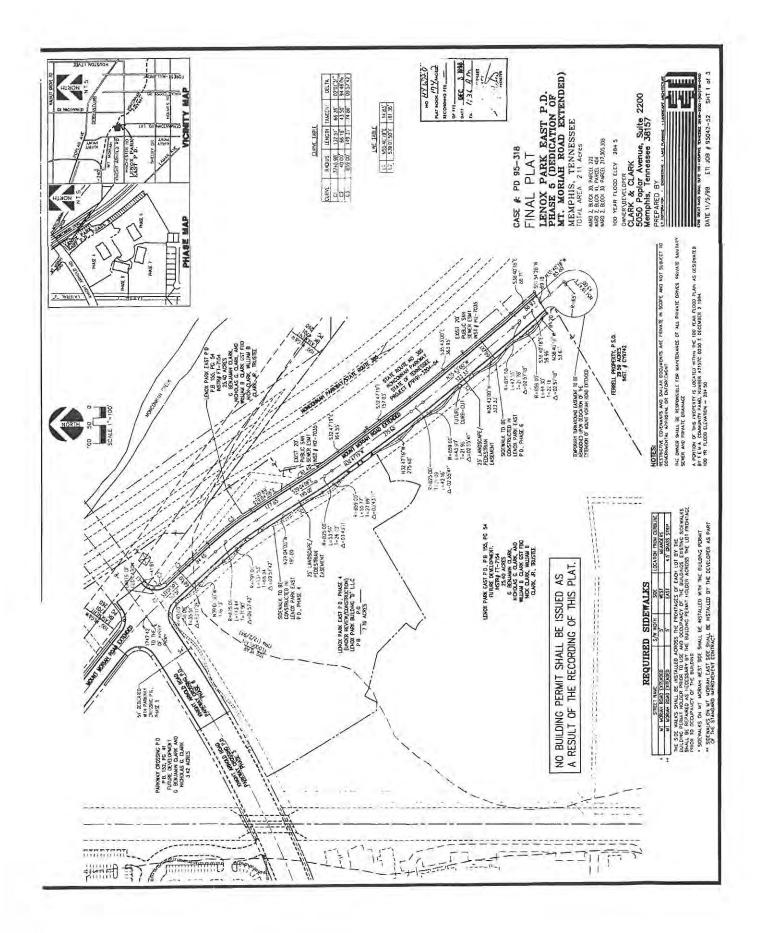
BEGINNING AT A FOUND 1/2" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT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



FOLLOWING THERE (1) CALLS, THENCE, N 41°51°10° E PASSING A BET 12° BON PIN WITH CAP, AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF BID FEET TO A SET 12° BON PIN WITH CAP, THENCE IN A BOUTHERE Y DIRECTION WITH A NON-TANDENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 2.0 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 2.0 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 2.0 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH CAP, THEINCE IN A BACTORY UNITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT WITH A REPERTER ON-TANDENT CURVE TURNING TO THE LIFT WITH A RADIUS OF 7.00 FEET, AND HAVING A CHORD BEARING OF 8.0 1° B01007BIT BENGE IS A DISTANCE OF 18.2 FEET TO A SOLTH LINE OF THE BOUTH LINE OF THE SUBJECT OS A DISTANCE OF 190.2 TOTAL DISTANCE OF 190.2 TOTAL DISTANCE OF 190.2 TOTAL DISTANCE OF 190.2 TOTAL DISTANCE OF 470.20 FEET TO A FOUND IN WITH A HOSHALL CAP. THENCE, S 40°5812°E FOR A DISTANCE OF 470.20 FEET TO A FOUND IN WITH A HOSHALL CAP. THENCE, S 40°5812°E FOR A DISTANCE OF 190.2 TOTAL DISTANCE OF

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

JOB No. 241118 SHEET NUMBER 1 OF 1



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

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

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

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

OFTIN M

- Per locarry rate should be paced on the first plat of ory development description of an effort efforts and distribute the draw and draw draw model of the strain efforts are drawn and draw are drawn and and able of a strain efforts are draw and draw draw model. The strain efforts are drawn and draw are drawn as applied the strain efforts are drawn and draw are are are applied to the strain effort and the are drawn as applied by the product on the draw drawn and model and the strain effort and the areas an arothenic and by the product on the drawn areas and model and the strain effort and are drawn and areas and model by the product prover drawn and the strain operator are drawn and are drawn and are drawn and drawn areas are drawn areas and areas and the drawn areas are drawn areas and the approved areas areas areas and areas and the approved and are drawn and areas areas are drawn areas areas and the areas areas areas areas and the approved areas areas areas areas areas areas are areas areas are areas are

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

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

MEMPHIS, TENNESSEE

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

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

ETI JOB # 95042-52 SHT 2 of 3

DATE 11/5/98

IIIIIII

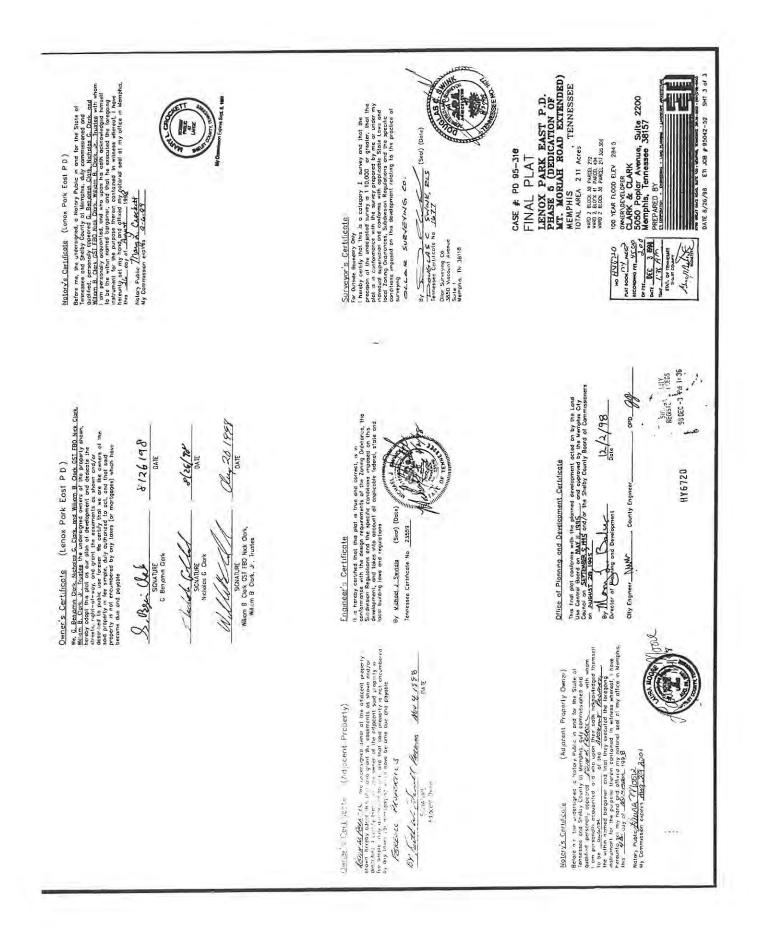
-U-U-

the "Search - not jury crost sind includ the

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

PREPARED BY





plat is in conformance with the survey prepared by me or under my individual supervision and conforms with applicable State Laws and local Zoning Ordinances, Subdivision Regulations and the specific conditions imposed on this development relating to the practice of surveying. OLLAR SURVEYING CO. (Seal) (Date) By. Tennessee Certificate No. 1677 Ollar Surveying Co. 3850 Viscount Avenue Suite 1 Memphis, TN 38118 NO.16 CASE #: PD 95-318 FINAL PLAT LENOX PARK EAST P.D. PHASE 5 (DEDICATION OF MT. MORIAH ROAD EXTENDED) , TENNESSEE MEMPHIS TOTAL AREA: 2.11 Acres WARD 2, BLOCK 30, PARCEL 222 WARD 2, BLOCK 41, PARCEL 404 WARD 2, BLOCK 30, PAPCEL 217,305,308 100 YEAR FLOOD ELEV .: 284.5 HO HYGJLO OWNER \DEVELOPER: MAT HOOK 114 MOR CLARK & CLARK 5050 Poplar Avenue, Suite 2200 Memphis, Tennessee 38157 45.00 LECORDING PEL 200 DP FEE 3 1998 DEC DATE: PREPARED BY: 1:36 AM DISHCOR ETT COMPORATION TIME . STAT. OF TENNESSEE HENAT COUNTY Ala AT OUR BAR SHITE 01 3 DATE: 8/26/98

and the state of the line of the

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

Delta Area Holdings LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 0 Mt Moriah, Memphis TN 38125

Department of Planning and Development,

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

(parcel # 093500 00627).

Best Regards,

Delta Area Holdings LLC

HS 6059

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

QUIT CLAIM DEED

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

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

See Exhibit A attached hereto and made a part hereof.

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

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

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

IN TESTIMONY WHEREOF, the undersigned have executed this instrument this the 18^{-10} day of August, 1998.

Keith W. Ferrelt John P. Ferrell

STATE OF TENNESSEE COUNTY OF SHELBY

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

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

NOTARY PUBLIC

Imal

My Commission Expires:

MISUST 29 2001

Page 1 of 2

HS 6059

STATE OF TENNESSEE COUNTY OF SHELBY

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

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

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

18th day of August, 1998.

Kaura Mome

NOTARY PUBLIC

STATE OF TENNESSEE

COUNTY OF SHELBY

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

WITNESS MY HAND, at office, this ____

My Commission Expires:

August 29, 2001

I, or we, hereby swear or affirm, that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $\frac{20}{0!0}$.

AFFIANT

NGTARY PUBLIC

Sono Bean Clabe

Mary L. Crockett

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

My Commission Expires:

9-6-99

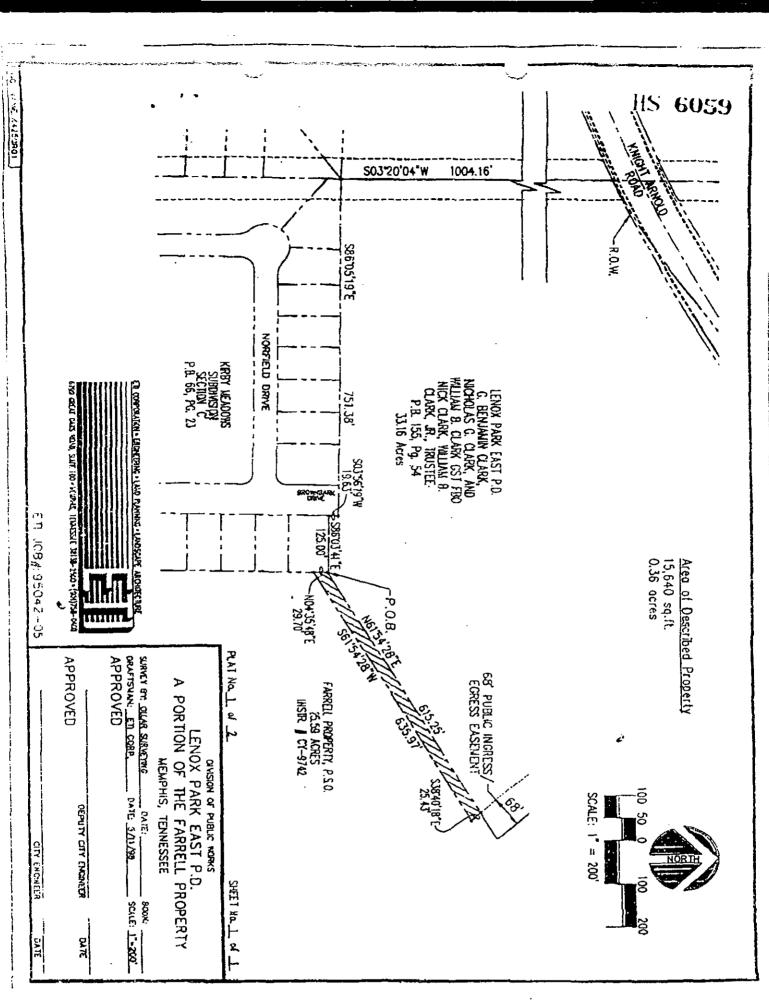
Property Address: vacant Person or entity responsible for payment of real property taxes: Clark and Clark 5050 Poplar Ave. #2200 Memphis TN 38157

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

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

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

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HS No DK P_{ES}. 00000 3 000 ۍ ۲ Yei _ 81776 i HS6059 PC35 15 ; d. ÷ 171 υr ł 10177 60 0 ١, 4 150 C - •**4**4.2

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

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

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

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MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY MI AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

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

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, <u>April 8, 2025</u> at 4:00 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

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

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: Rejection

Memphis and Shelby County Land Use Control Board: Rejection

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

THIS THE _____, ____

FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103

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

HURLEY RONALD R 3385 BROWNBARK DR # MEMPHIS TN 38115

YOUNG MARCUS 6725 HALLSHIRE CV # MEMPHIS TN 38115

BLACKMON LEON JR 3400 BROWNBARK DR # MEMPHIS TN 38115

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

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

MORRIS TERRY 3415 BROWNBARK DR # MEMPHIS TN 38115

ANDERSON TERESA 6708 VALLEY PARK DR # MEMPHIS TN 38115

LOVE MARK 6790 VALLEY PARK DR # MEMPHIS TN 38115

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

TROTTER ORA 6882 VALLEY PARK DR # MEMPHIS TN 38115

SHAW STACEY 6723 VALLEY PARK DR # MEMPHIS TN 38115

FLOWERS BARON 6729 VALLEY PARK DR # MEMPHIS TN 38115

VILLALBA AURORA 3446 BROWNBARK DR # MEMPHIS TN 38115

3448 HALLSHIRE DR # MEMPHIS TN 38115

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

WINFREY JOHN T PO BOX 192 # EADS TN 38028

HARPER JACQUELINE 6817 VALLEY PARK DR # MEMPHIS TN 38115

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

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

GASSAMA ABRAHAM 6808 KIRBY ARMS DR # MEMPHIS TN 38115

GONZALEZ FELICITO 6816 KIRBY ARMS DR # MEMPHIS TN 38115

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

DORNING EDYTH 3467 KIRBY TERRACE DR # MEMPHIS TN 38115

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

BARUTT AZIZA S 6739 BROWNBARK CV # MEMPHIS TN 38115

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

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

PITTMAN ERIK L 6801 KIRBY ARMS DR # MEMPHIS TN 38115

COOPER TAMARA 6821 KIRBY ARMS DR # MEMPHIS TN 38115

ROBINSON SHARON D 6829 KIRBY ARMS DR # MEMPHIS TN 38115

JOHNSON WILLIE G 6855 KIRBY ARMS DR # MEMPHIS TN 38115

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

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

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

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

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

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

WRIGHT SANDRA 3490 BROWNBARK DR # MEMPHIS TN 38115

SANCHEZ MARIA D 6794 GREENBARK DR # MEMPHIS TN 38115

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

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

BEVERIDGE NANCY A 192 ATLANTIC AVE # NORTH HAMPTON NH 03862

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

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

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

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

BONDOC EDWARD 3803 169TH ST # LYNNWOOD WA 98037

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

ROBINSON YVONNE 3373 HALLSHIRE DR # MEMPHIS TN 38115

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

DOYLE BRITANI A 6832 VALLEY PARK DR # MEMPHIS TN 38115

COLLINS CLINTON 6838 VALLEY PARK DR # MEMPHIS TN 38115

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

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

MCGEE CINDY A 6721 NORFIELD DR # MEMPHIS TN 38115

PRATCHER RAY A 3373 BROWNBARK DR # MEMPHIS TN 38115

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

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

CLARK VIRGINIA 6731 BROWNBARK CV # MEMPHIS TN 38115

STERN TOM 1528 TRENTWOOD PL # ATLANTA GA 30319

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

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

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

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

CANTU MARLENE 6750 NORFIELD DR # MEMPHIS TN 38115

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

3352 BROWNBARK DR # MEMPHIS TN 38115

HILL JOHN L JR 6715 NORFIELD DR # MEMPHIS TN 38115

RIVERA CIPRIANO R 3360 BROWNBARK DR # MEMPHIS TN 38115

BECKMAN FRED 6729 NORFIELD DR # MEMPHIS TN 38115

EVANS SHONTANIQUE 6735 NORFIELD DR # MEMPHIS TN 38115

BAILEY TIMOTHY 3365 BROWNBARK DR # MEMPHIS TN 38115

3366 BROWNBARK DR # MEMPHIS TN 38115

> P O BOX 1849 # OLIVE BRANCH MS 38654

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

HOLLY TINA V 6726 HALLSHIRE CV # MEMPHIS TN 38115

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

WAKEFIELD TAURA M 6730 HALLSHIRE CV # MEMPHIS TN 38115

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

BRANCH JOYCE V 3381 HALLSHIRE DR # MEMPHIS TN 38115

BROWN LEIGHTON M 7662 BROOKBRIAR CV # MEMPHIS TN 38125

MARTINEZ JULIO 3386 BROWNBARK DR # MEMPHIS TN 38115

PALMER-WILLIAMS PAMELA 6731 HALLSHIRE CV # MEMPHIS TN 38115

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

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

UPSHAW ALONDRIA 3393 BROWNBARK DR # MEMPHIS TN 38115

KRIDEL FAMILY TRUST 1019 PINE ST # SANTA MONICA CA 90405

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

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

MARTINEZ JULIO 3415 VALLEY PARK CV # MEMPHIS TN 38115

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

WILLIAMS MAE H 3412 VALLEY PARK CV # MEMPHIS TN 38115

HERNANDEZ LUIS D 3854 GIVEN AVE # MEMPHIS TN 38122

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

GEORGE FLORENCE 3418 VALLEY PARK CV # MEMPHIS TN 38115

WILLIAMS MILDRED 3425 VALLEY PARK CV # MEMPHIS TN 38115

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

CASTRO LEONARDO 3422 BROWNBARK DR # MEMPHIS TN 38115

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

YOUNG DINA 3429 BROWNBARK DR # MEMPHIS TN 38115

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

HOOD CONNIE 6782 VALLEY PARK DR # MEMPHIS TN 38115

COOK JERRI S 6796 VALLEY PARK DR # MEMPHIS TN 38115

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

GUPTA GYAN 14757 HOLLY TREE LN # FRISCO TX 75035

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

KCM INVESTMENTS LLC PO BOX 280 # CORDOVA TN 38088

EMIGDIO RODRIGO C 6890 VALLEY PARK DR # MEMPHIS TN 38115

BANAH LLC 66 TIMBER RIDGE RD # NORTH BRUNSWICK NJ 08902

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

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

BANKS MINNISHA L 6745 VALLEY PARK DR # MEMPHIS TN 38115

AMOR ANTONIO 1904 CLINTONVILLE ST # WHITESTONE NY 11357

LUMPKIN DIANNA M 3440 KIRBY TERRACE DR # MEMPHIS TN 38115

WRIGHT SANDRA A 6795 VALLEY PARK DR # MEMPHIS TN 38115

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

GRACE SOL JR 6823 VALLEY PARK DR # MEMPHIS TN 38115

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

LI JIAWEN 667 CONGRESS ST #201 PORTLAND ME 04101

DOBBINS SHERETTA L 6716 BROWNBARK CV # MEMPHIS TN 38115

FELTON DYNASTY A 3450 KIRBY VALLEY DR # MEMPHIS TN 38115

CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067

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

LBJ HOLDINGS LLC 990 VIA GANDALFI # HENDERSON NV 89011

GONZALEZ TOMAS R 1407 GREEN AVE #1 BROOKLYN NY 11237

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

WEBB SANDRA T 3453 BROWNBARK DR # MEMPHIS TN 38115

HAMPTON TARSHA C 3451 KIRBY TER # MEMPHIS TN 38115

HERRERA JESUS R 6722 BROWNBARK CV # MEMPHIS TN 38115

SMITH JANET L 6728 BROWNBARK CV # MEMPHIS TN 38115

COSBY CATHERINE O 6736 BROWNBARK CV # MEMPHIS TN 38115

ASEFUABA MAAME A 365 KNICKERBOCKER RD # ENGLEWOOD NJ 07631

6784 KIRBY ARMS DR # MEMPHIS TN 38115

HERNANDEZ ARIADNA 6788 KIRBY ARMS DR # MEMPHIS TN 38115

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

GOMEZ CELINA 3454 KIRBY TERRACE DR # MEMPHIS TN 38115

WALKER ANGELA R 6802 KIRBY ARMS DR # MEMPHIS TN 38115

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

BROAD ST LLC 2595 BROAD ST # MEMPHIS TN 38112

SUE ALAN 1 KEAHOLE PL #3308 HONOLULU HI 96825

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

HAVENWOOD ALTI LLC 13217 JAMBOREE RD #215 TUSTIN CA 92782

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

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

JONES KERESIA L 6780 KIRBY ARMS DR # MEMPHIS TN 38115

KNIGHT CARLA 6870 KIRBY ARMS DR # MEMPHIS TN 38115

HENDERSON ELLA M 6874 KIRBY ARMS DR # MEMPHIS TN 38115

STEWART LAZE JR 3462 KIRBY TERRACE DR # MEMPHIS TN 38115

GAINES MELONEE 3468 BROWNBARK DR # MEMPHIS TN 38115

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

ISBY PATRICIA M 6725 BROWNBARK CV # MEMPHIS TN 38115

QUINONEZ ROSA M 3477 BROWNBARK DR # MEMPHIS TN 38115

PHILLIPS JOYCE A 6783 KIRBY ARMS DR # MEMPHIS TN 38115

472 CROFT RD # BYHALIA MS 38611

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

REI NATION LLC PO BOX 381887 # GERMANTOWN TN 38183

411 INVESTMENTS LLC 5524 RIVERDALE RD # MEMPHIS TN 38141

HERNANDEZ MIGUEL 6835 KIRBY ARMS DR # MEMPHIS TN 38115

OUSLEY ARNEDTHA L 3476 KIRBY TERRACE DR # MEMPHIS TN 38115

MORGAN WAURINE C 6875 KIRBY ARMS DR # MEMPHIS TN 38115

CASTILLO CANDELARIO 8090 CENTER HILL RD # OLIVE BRANCH MS 38654

SCHUMACHER FAMILY TRUST 26121 CALLE CRESTA # MISSION VIEJO CA 92692

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

MORENO GLADYS M H 6772 GREENBARK DR # MEMPHIS TN 38115

TEJEDA INGRIS N T 6780 GREENBARK DR # MEMPHIS TN 38115

THOMPSON CURTIS L 6800 GREENBARK DR # MEMPHIS TN 38115

MATTHEWS TERESA M 6808 GREENBARK # MEMPHIS TN 38115

6814 GREENBARK TRUST PO BOX 650715 # STERLING VA 20165

ORELLANA JOSE P 3489 KIRBY TERRACE DR # MEMPHIS TN 38115

WILLIAMS GLORIA 6822 GREENBARK DR # MEMPHIS TN 38115

HARDY EDWARD & FREDDIE 6854 GREENBARK DR # MEMPHIS TN 38115

HENDERSON CHARLES 6862 GREENBARK DR # MEMPHIS TN 38115

BRADSHAW NOEL 4701 SUMMER AVE # MEMPHIS TN 38122

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

192 ATLANTIC AVE # NORTH HAMPTON NH 03862

CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067

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

CRAYTON JOSEPHINE 3416 BROWNBARK DR # MEMPHIS TN 38115

GARICA DERON R 3344 BROWNBARK DR # MEMPHIS TN 38115

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

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

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

KAWAI MAKOTO #

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

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

BARNES LARRY & LILLIE 6728 NORFIELD DR # MEMPHIS TN 38115

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

ZAPATA VILMA M B 6734 NORFIELD DR # MEMPHIS TN 38115

GOLDSTAR HOMES LLC 3840 WINCHESTER RD # MEMPHIS TN 38118



	COL	•	ITY OF MEMP GENDA CHEC			
ONE ORIGINAL				Planning & Dev		
ONLY STAPLED TO DOCUMENTS	Planning & 1	Zoning	COMMITTEE:	04/22/2025	0N	
		PUBL	IC SESSION:	DATE 05/06/2025 DATE		
ITEM (CHECK ONE)	RESOLUTION	х	REQUEST FOR			
ITEM CAPTION:	Zoning ordinance a on August 10, 2010 authorize a zoning approximate 300 fe	mending (), as amen use distr et west of	Ordinance No. 536 nded, known as th ict reclassification Lamar Avenue. B	7 of Code of Ordinance, City of Mer Memphis and Shelby County Unif for land located on the north side taking the land out of the Commercent (EMP) Use District, known as ca	ied Development code, to e of East Shelby Drive – tial Mixed Use – 3 (CMU-	
CASE NUMBER:	Z 25-002					
LOCATION:	North side of East S	helby Dr	ive – approximate	300 feet west of Lamar Avenue		
COUNCIL DISTRICTS:	District 3 and Super	District 8	8	9.		
OWNER/APPLICANT:	Moheeb Nasser					
REPRESENTATIVES:	David Gean Bray, 7	he Bray l	Firm			
REQUEST:	Rezoning of +/-1.70	2 acres fi	om Commercial N	ixed Use - 3 (CMU-3) to Employme	ent (EMP)	
RECOMMENDATION:	The Division of Pla The Land Use Cont			mmended <i>Approval</i> vroval		
PRIOR ACTION ON ITEM:	Secc Thir	nd readin	rst reading – <u>April</u> g – <u>April 22, 2025</u> – <u>May 6, 2025</u>	3, 202 <u>5</u>		
(1)		APPR	OVAL - (1) APPR	OVED (2) DENIED		
03/13/2025 (1) Land Use Control Board			DATE ORGANIZATION - (1) BOARD / COMMISSION			
				COUNCIL COMMITTEE		
FUNDING: (2) \$ \$		AMOL	IRES CITY EXPE JNT OF EXPEND NUE TO BE REC			
SOURCE AND AMOUNT O	F FUNDS	OPFR	ATING BUDGET			
\$ \$		CIP PR	COJECT # RAL/STATE/OTH	ER		
ADMINISTRATIVE APPRO	VAL:		<u>DATE</u>	POSITION		
Nabanita Ni	ra		3/25/25	PLANNER II		
				DEPUTY ADMINISTRATOR		
But My			3/25/2	ADMINISTRATOR		
• 0				DIRECTOR (JOINT APPROVAL)		
				COMPTROLLER		
N				FINANCE DIRECTOR		
				CITY ATTORNEY		
				CHIEF ADMINISTRATIVE OFF COMMITTEE CHAIRMAN	FICER	



Memphis City Council Summary Sheet

Z 25-002

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

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

LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: None

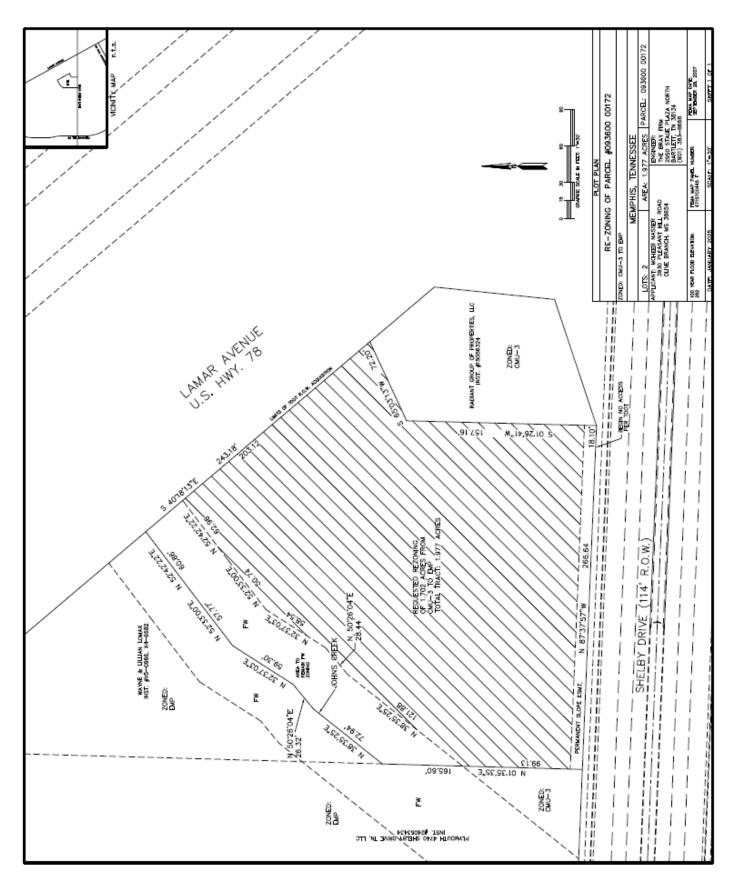
The following spoke in opposition of the application: None

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

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

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

Cc: Committee Members File



ORDINANCE NO:

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

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

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

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

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

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

SECTION 1:

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

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

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

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

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

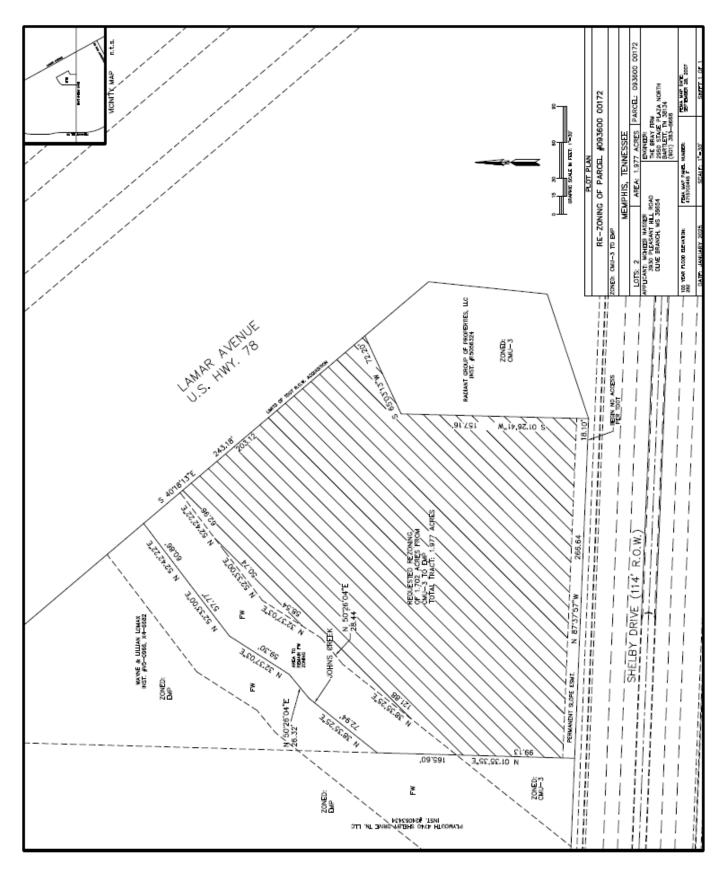
SECTION 2:

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

SECTION 3:

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

PLOT PLAN



ATTEST:

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

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

Employment (EMP) District

CONCLUSIONS

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

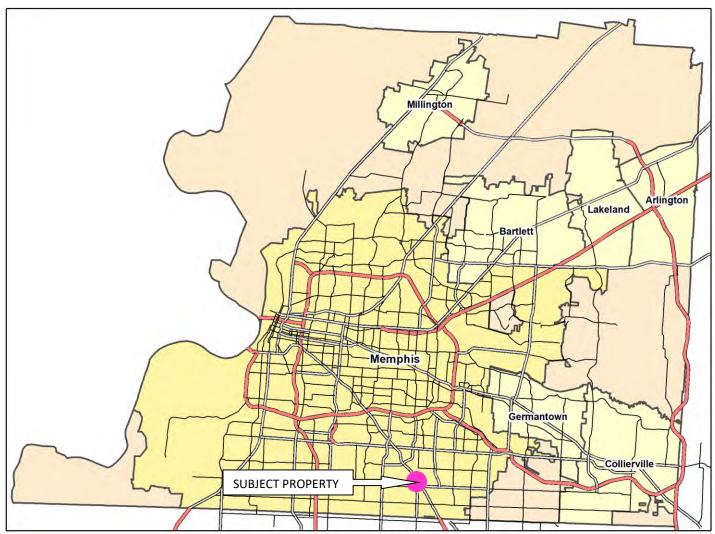
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

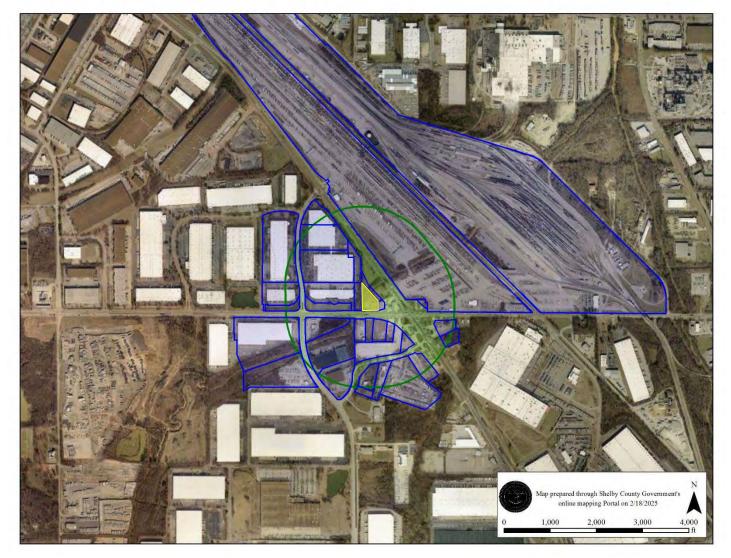
Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

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

NEIGHBORHOOD MEETING

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



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

ZONING MAP



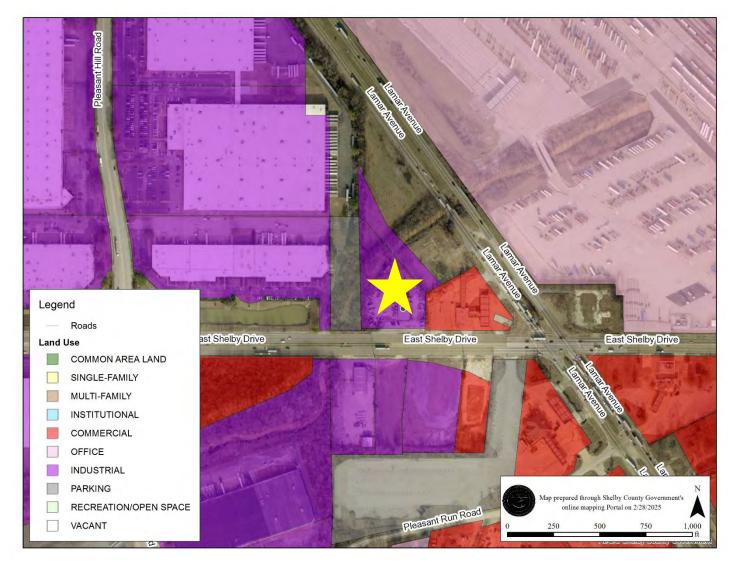
Subject property highlighted in yellow. The portion of the property zoned FW is excluded from the request.

FEMA MAP



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

LAND USE MAP



Subject property indicated by a yellow star



View of subject property from East Shelby Drive looking northwest

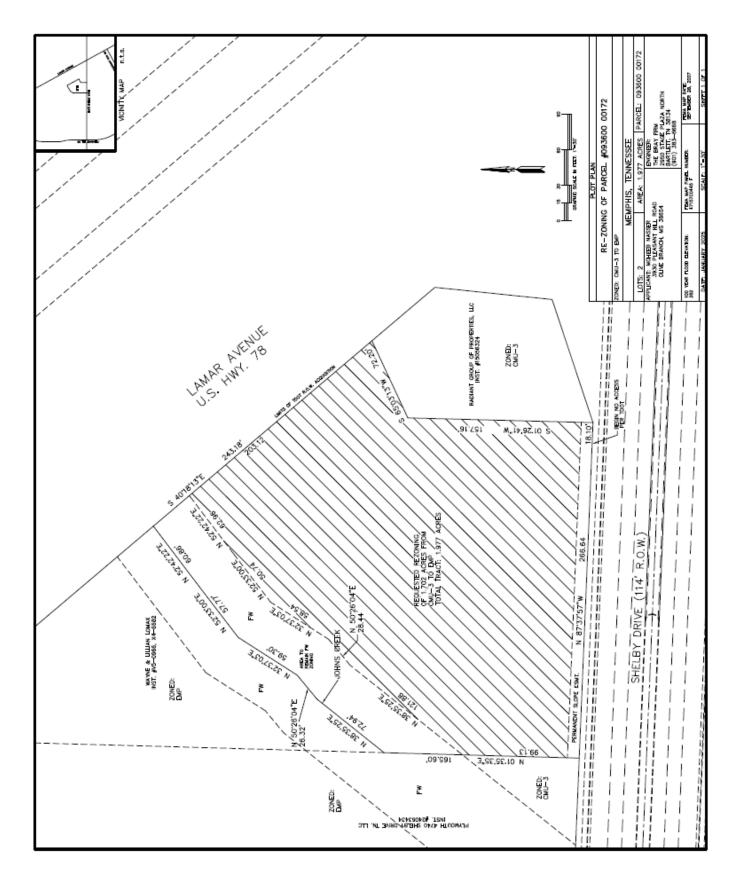


View of subject property from East Shelby Drive looking northeast

Staff Report 2025-002 March 13, 2025 Page 9

View of subject property from East Shelby Drive looking north

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



LEGAL DESCRIPTION

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

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

CASE REVIEW

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

Review Criteria

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

9.5.7B Review Criteria

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

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

Site Details

Address: 4890 E Shelby Dr.

Parcel ID: 093600 00172

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

Description:

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

<u>Analysis</u>

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

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

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

RECOMMENDATION

Staff recommends approval.

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

DEPARTMENTAL COMMENTS

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

City Engineer:	Comments received, see page 15 of this report.		
City Fire Division:	No comments received.		
City Real Estate:	No comments received.		
County Health Department:	No comments received.		
Shelby County Schools:	No comments received.		
Construction Code Enforcement:	No comments received.		
Memphis Light, Gas and Water:	No comments received.		
Office of Sustainability and Resilience:	Comments received, see page 16-17 of this report.		
Office of Comprehensive Planning:	Comments received, see page 18-20 of this report.		

CITY ENGINEER COMMENTS

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

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

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

Sewers:

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

<u>Drainage:</u>

- Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 5. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101
 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to
 address the discharge of storm water associated with the clearing and grading activity on this site.

OFFICE OF SUSTAINABILITY AND RESILIENCE COMMENTS

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

MEMORANDUM

To: Nabanita Nira, Planner II

From: Truus Abuosi, Sustainability and Resilience Intern

Date: February 25, 2025

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

General Comments & Analysis:

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

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

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

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

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

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

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

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

Recommendation: Staff recommends denial of this rezoning request.

OFFICE OF COMPREHENSIVE PLANNING COMMENTS

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>Z 2025-002 OAKHAVEN</u>

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

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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

"CSH" Form & Location Characteristics

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

"CSH" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

QUALITY

Existing Land Use and Zoning: Commercial, CMU-3

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

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

Degree of Change Map

SOUTHPOINT

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



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

Consistency Analysis Summary

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

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

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Thursday, March 6, 2025 at 8 AM.	
CASE NUMBER: Z 2025-002 ADDRESS: 4890 E Shelby Dr REQUEST: Rezoning of approx. 1.97 acres from Commercial Mixed Use – 3 (CMU-3) to Employment (EMP) APPLICANT: Moheeb Nasser	E Shelty tr
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, March 13, 2025	
Staff Planner Contact: Nabanita Nira ☑ nabanita.nira@memphistn.gov ✔ (901) 636-7406	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

Shelby County State of Tennessee

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

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

Land Use Control Board х

Board of Adjustment

- Х Memphis City Council
- Shelby County Board of Commissioners

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

hereto.

Owner, Applicant or Representative

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

Notary Public

My commission expires: 00





APPLICATION



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: January 31, 2025

Record Number: Z 2025-002

170

Expiration Date:

Owner Phone

Record Name: 4890 Shelby - Rezoning of Parcel 093600 00172

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

Parent Record Number:

Address:

4890 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary Owner Name

Y ROBINSON WILLIAM C JR AND CYNTHIA R COLE

Owner Address

4890 E SHELBY DR, MEMPHIS, TN 38118

Parcel Information

093600 00172

Data Fields

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

Page 1 of 2

Z 2025-002

GIS INFORMATION

No
No
INDUSTRIAL
MEMPHIS
-
CMU-3
1
No
-

Name MOHEEB NASSER

Address

Contact Type APPLICANT

Phone

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

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00

Method of Payment Credit Card

Page 2 of 2

Z 2025-002

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Moheeb Nasson (Print Name)

(Sign Name)

state that I have read the definition of

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

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

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

of the property located at

and further identified by Assessor's Parcel Number

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

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

LETTER OF INTENT

THE BRAY FIRM

Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 30, 2025

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending Opened Date: January 31, 2025

Record Number: Z 2025-002

Expiration Date:

Owner Phone

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

Parent Record Number:

Address:

4890 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary Owner Name

Y ROBINSON WILLIAM C JR AND CYNTHIA R COLE

Owner Address

4890 E SHELBY DR, MEMPHIS, TN 38118

Parcel Information

093600 00172

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

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

Contact Information

Name MOHEEB NASSER

-

Address

Phone

Name THE BRAY FIRM					<u>Contact Type</u> ARCHITECT / ENGINEER / SURVEYOR	
Address 2950 STAGE PLAZA NORTH,						
Phone (901)487-242	5					
Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1621622	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	01/31/2025
1621622	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	01/31/2025
	-	otal Fee Invo	biced: \$1,026.00	Total Ba	lance: \$0.0	00

Payment Information

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

Contact Type

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Development Code Section 12.3.1.

1, Moheeb Nassor (Print Name)

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

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

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

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

of the property located at

and further identified by Assessor's Parcel Number

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



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 30, 2025

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

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

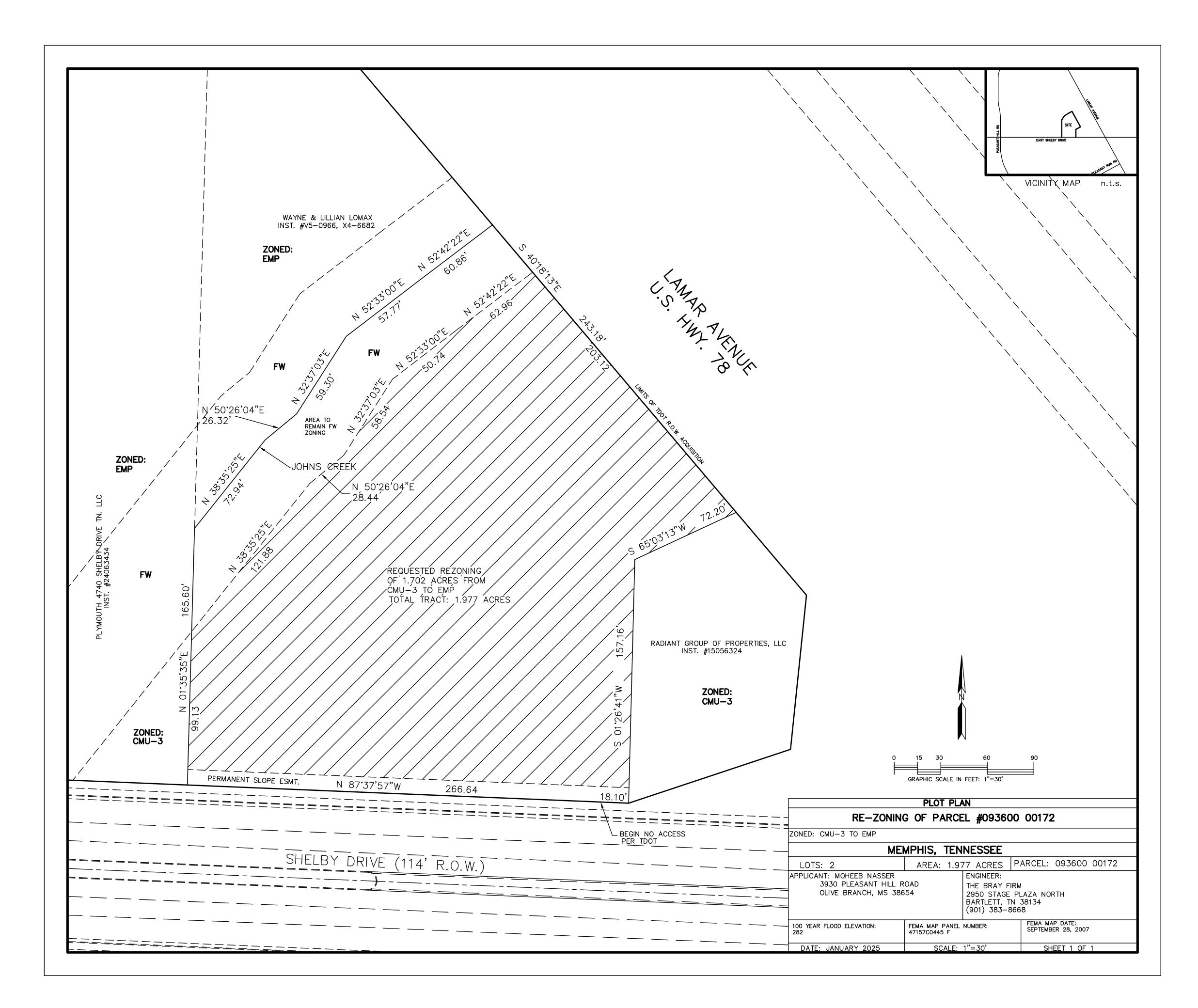
Mr. Ragsdale:

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

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

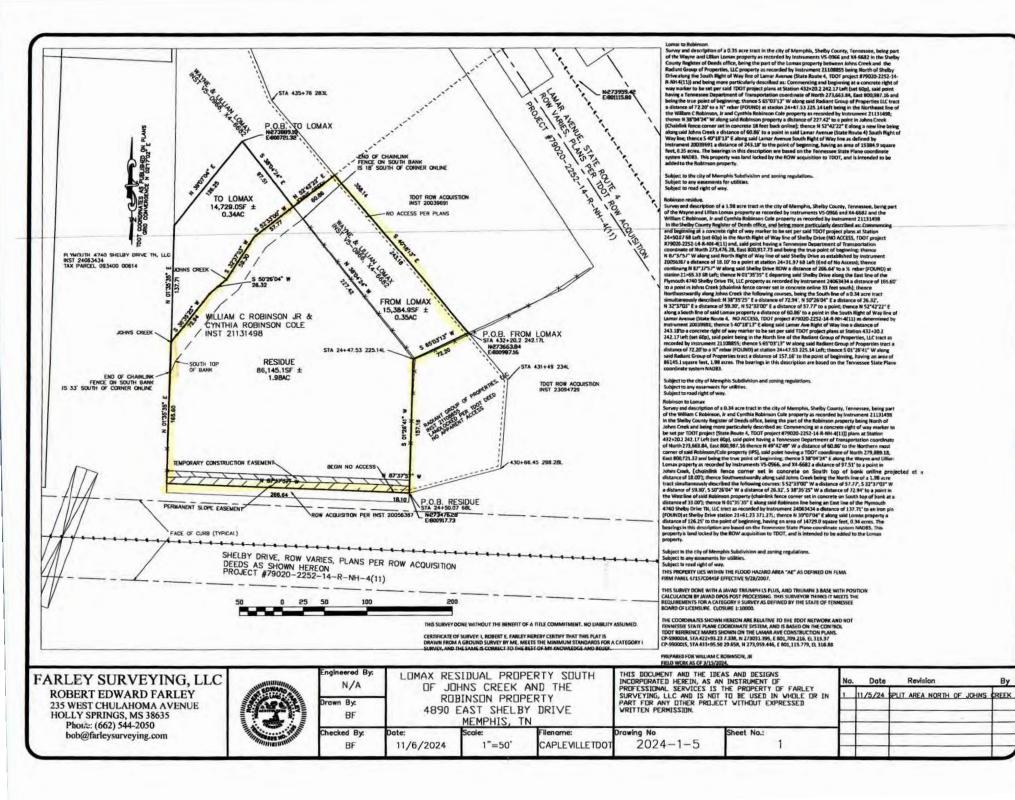
Sincerely,

David Gean Bray, P.E.



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

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



Robinson residue.

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

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

Lomax to Robinson.

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

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

Robinson to Lomax

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

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



Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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

	ICTISTECET	10.20.30 11	
4 PGS			
ALONZO	2323139-2113	1498	
VALUE			0.00
MORTGAGE	ТАХ		0.00
TRANSFER	ТАХ		0.00
RECORDING	FEE		20.00
DP FEE			2.00
REGISTER '	S FEE		0.00
EFILE FEE			2.00
TOTAL AMO	UNT		24.00

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

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

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

QUITCLAIM DEED

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

and

WILLIAM CLIFFORD ROBINSON, JR. and CYNTHIA ROBINSON COLE,

as Tenants in Common, of the second part,

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

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

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

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

I

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

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

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

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

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

William & Robinson

WILLIAM C. ROBINSON

Robinson

PEGGIE/M. ROBINSON

STATE OF MISSISSIPPI

COUNTY OF DESOTO

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

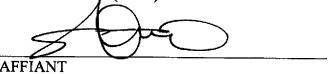
WITNESS my hand and Notarial Seal at office this 14^{++} day of October, 2021.

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

STATE OF MISSISSIPPI

COUNTY OF DESOTO

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



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

My Commission Expires:

Tennessee Certification of Electronic Document

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

Affiant Signature

10 · 18 · 707 Date

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

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

(Ishle Waller) Notary's Signature

MY COMMISSION EXPIRES: 10.18.202

NOTARY'S SEAL





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

March 13, 2025

David Gean Bray 2950 Stage Plaza North Bartlett, TN 38134

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

Case Number: Z 2025-002 LUCB Recommendation: Approval

Dear applicant,

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

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

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

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

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

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

Cc: Moheeb Nasser File

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

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

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

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: Approval

Memphis and Shelby County Land Use Control Board: Approval

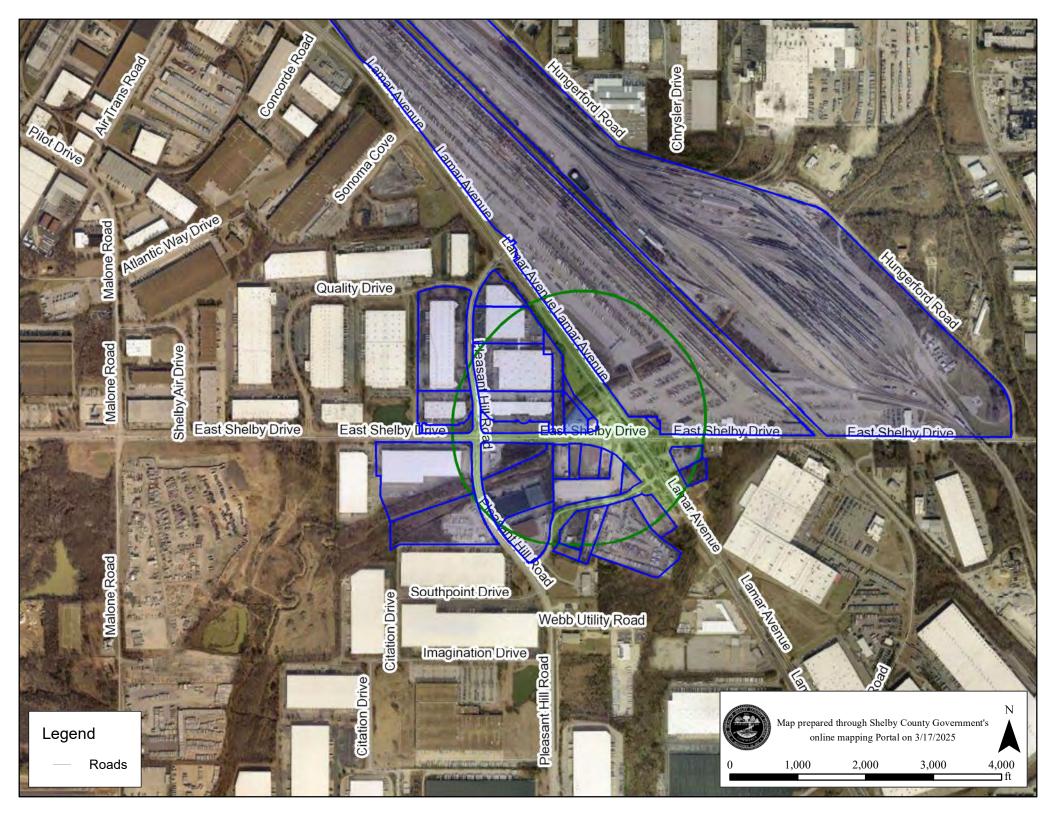
NOW, THEREFORE, you will take notice that on Tuesday, ______, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such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

THIS THE _____, ____

FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:





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

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

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

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

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

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

PLYMOUTH SOUTHPARK LLC

20 CUSTOM HOUSE ST #11

PLYMOUTH SOUTHPARK LLC

20 CUSTOM HOUSE ST #11

LOMAX WAYNE E & LILLIAN P

SOUTHPARK PROPERTIES ASSOCIATION INC

3763 HATCHER CIR #

6070 POPLAR AVE #500

BOSTON MA 02110

BOSTON MA 02110

MEMPHIS TN 38118

MEMPHIS TN 38119

7475 LUSK BLVD #

SAN DIEGO CA 92121

NUVASIVE INC

STATE OF TENNESSEE 505 DEADERICK ST #700 NASHVILLE TN 37243

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

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

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

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

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

> STATE OF TENNESSEE 300 BENCHMARK PL # JACKSON TN 38301

STATE OF TENNESSEE 300 BENCHMARK PL # JACKSON TN 38301

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

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

RMRM INC 1121 POPLAR VIEW LN #1 COLLIERVILLE TN 38017

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

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

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

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

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

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

TRANSPORT PROPERTIES LLC 800 HIGHWAY 98 BYP # COLUMBIA MS 39429

RADIANT GROUP OF PROPERTIES LLC 384 DISTRIBUTION # COLLIERVILLE TN 38017