CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 04/22/2025

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

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

PRIOR ACTION ON ITEM:			
(1)		VAL - (1) API	PROVED (2) DENIED
01/09/2025	DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
(1) Land Use Control Board			
	(2) GOV	/ 1. EN III Y (5) COUNCIL COMMITTEE
FUNDING:			
(2)			PENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE		
SOURCE AND AMOUNT OF FUNDS	REVENUE TO BE RECEIVED		
SURCE AND AMOUNT OF FUNDS	OPERATING BUDGET CIP PROJECT #		
<u>s</u>			
\$	FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPROVAL:		<u>DATE</u>	<u>POSITION</u>
			STAFF PLANNER
			_ DEPUTY ADMINISTRATOR
		<u></u>	ADMINISTRATOR
			_ DIRECTOR (JOINT APPROVAL)
			_ COMPTROLLER
			FINANCE DIRECTOR
			_ CITY ATTORNEY
			CHIEF ADMINISTRATIVE OFFICER
•			_ COMMITTEE CHAIRMAN

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS



Memphis City Council Summary Sheet

SAC 2024-007 and SAC 2024-008

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

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



RESOLUTION

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

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

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

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

Closure Description - Mahannah Avenue

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

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

Closure Description – Minnie Street

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

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

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

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

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use

Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the

abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby

County Land Use Control Board on January 09, 2025, and said Board has submitted its findings

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

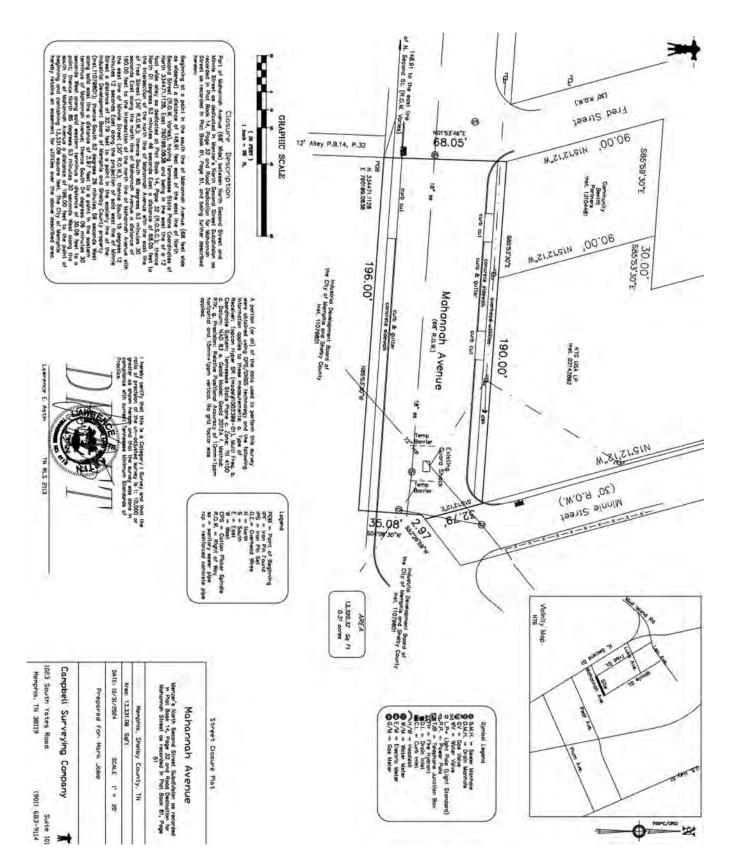
- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access,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

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

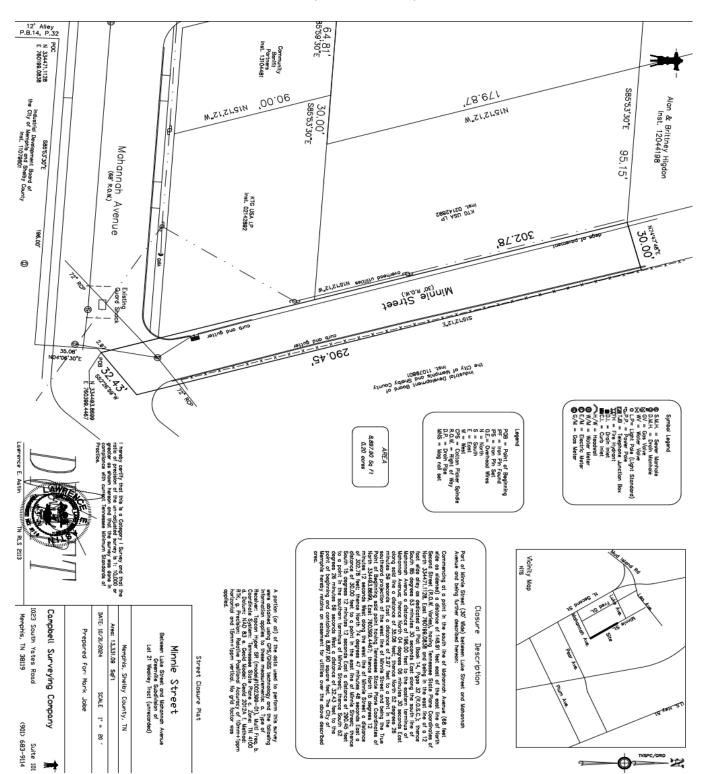
NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

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

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



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



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

ATTEST:

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

LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 8-0-1 on the consent agenda.

Respectfully,

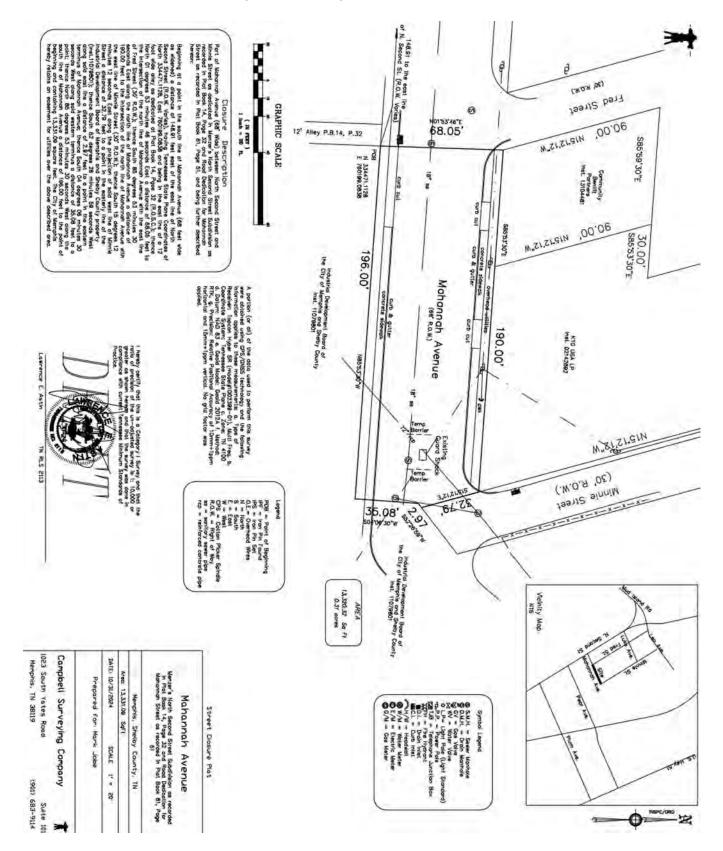
Mahsan Ostadnia

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

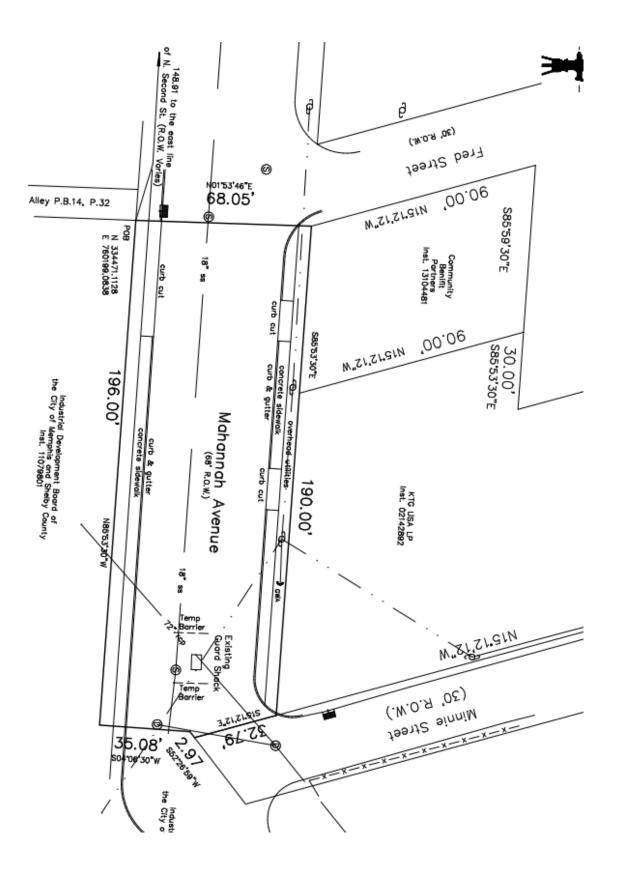
SAC 2024-007 and SAC 2024-008 CONDITIONS

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

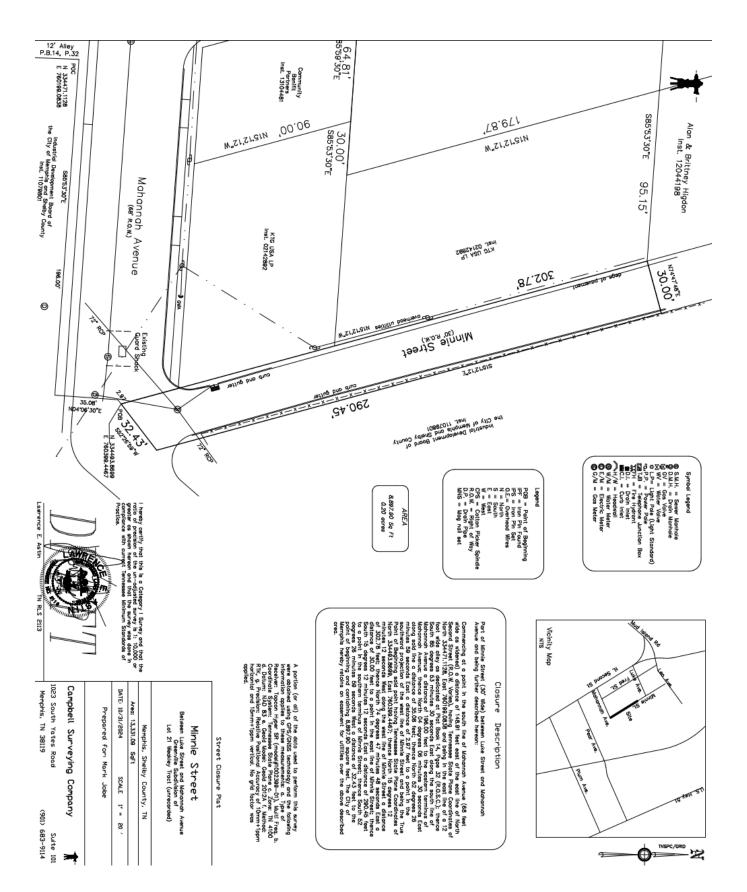
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



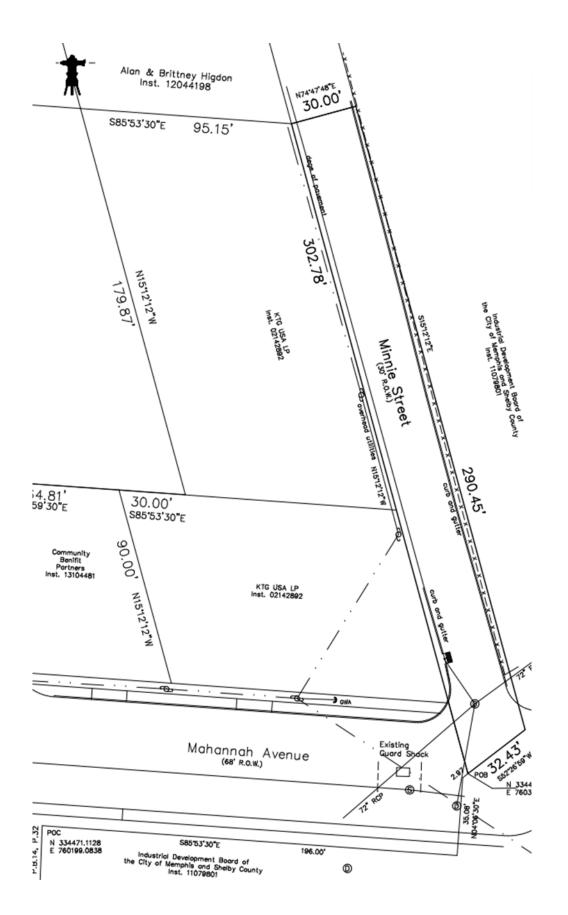
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RIGHT-OF-WAY VACATION PLAT (SAC 2024-008) - MAGNIFIED



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MEMPHIS AND SHELBY COUNT			

AGENDA ITEM:	9 and 10	L.U.C.B. MEETING:	January 09, 2025
CASE NUMBER:	SAC 2024-007 and SAC 2024-008		
LOCATION:	400 Mahannah Avenue		
COUNCIL DISTRICT:	District 7 and Super District 8 – Position	is 1, 2, and 3	
OWNER/APPLICANT:	Scott Young		
REPRESENTATIVE:	Mark Jobe/Charles Campbell		
REQUEST:	Close and vacate the public right-of-way of: SAC 2024-007 : 196 feet of Mahannah Ave, between Fred St and Minnie St, SAC 2024-008 : 302 feet of Minnie St, north of Mahannah Ave		
EXISTING ZONING:	Employment (EMP)		

CONCLUSIONS

- The proposed closure of Mahannah Avenue will vacate 13,331.09 square feet (0.31 acres) of public right-of-way between North Second Street and Minnie Street, transitioning it to private use while preserving utility easements for essential services. This closure supports the consolidation and potential redevelopment of adjacent properties, including land owned by the Industrial Development Board, aligning with broader goals to enhance land use and promote redevelopment in the industrial corridor. A detailed survey ensures clear documentation of boundaries and infrastructure, reducing conflicts with neighboring parcels.
- 2. The Minnie Street closure involves vacating 8,897.90 square feet (0.20 acres) of a 30-foot-wide rightof-way from Mahannah Avenue to Levee Street. With limited public use, the closure allows adjacent property owners, like KTG USA LP, to incorporate the land for expansion or development. Utility easements will be retained to ensure uninterrupted public services, and a detailed survey ensures a smooth transition to private use while addressing all property and infrastructure considerations.
- 3. The closures of Mahannah Avenue and Minnie Street together would remove approximately 22,229 square feet (0.51 acres) of public right-of-way from the city's network.
- 4. The closure of the subject right-of-way will not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

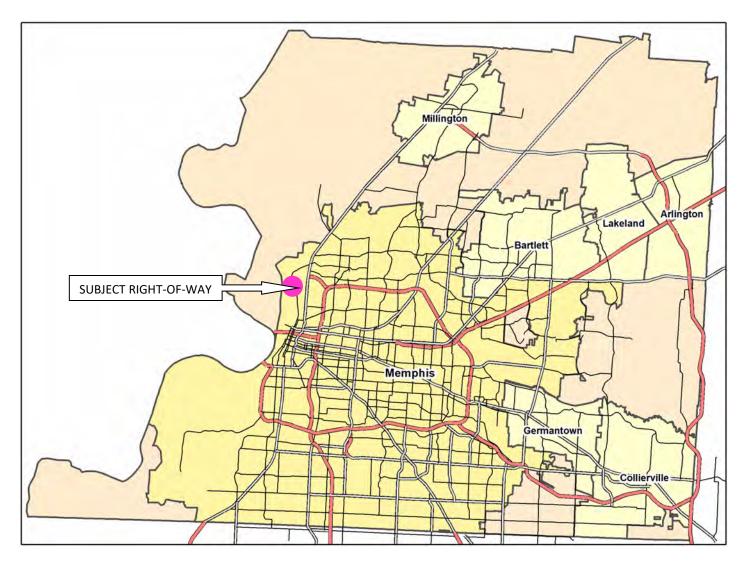
This proposal is inapplicable with the Memphis 3.0 General Plan per the land use decision criteria.

RECOMMENDATION:

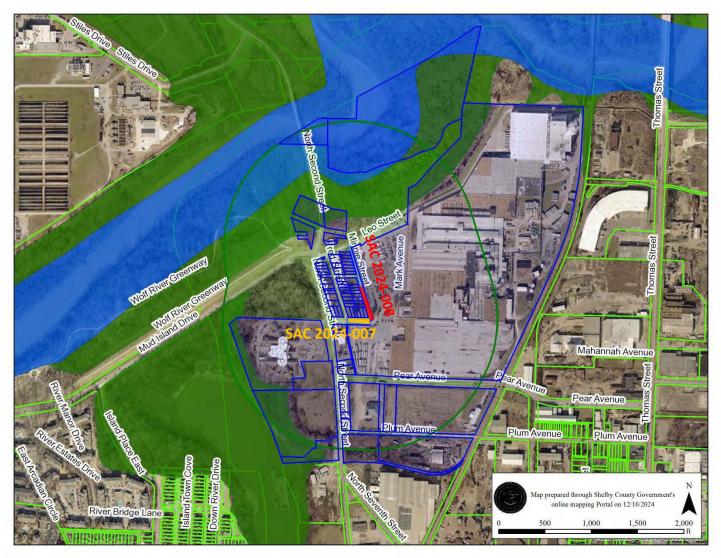
Approval with conditions

January 09, 2025 Page 2

LOCATION MAP



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

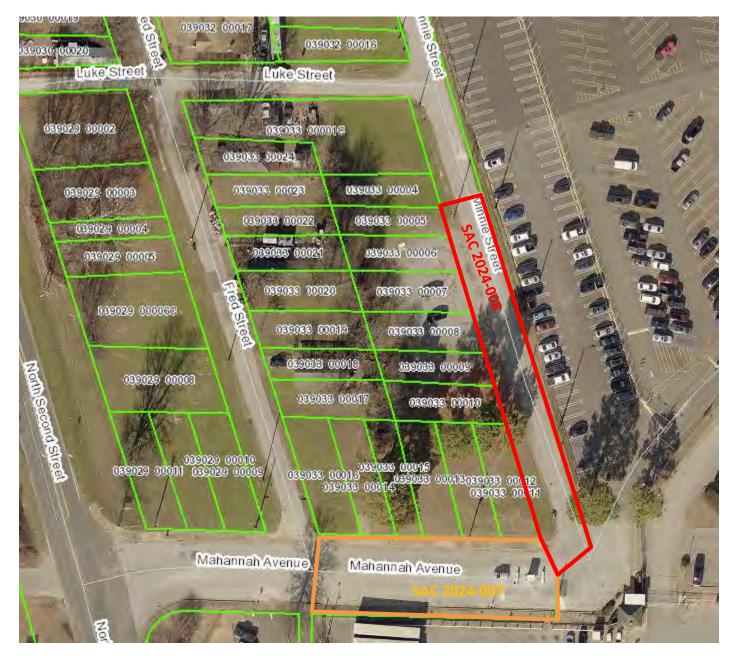


Subject right-of-way highlighted in orange and red.

PUBLIC NOTICE DETAILS

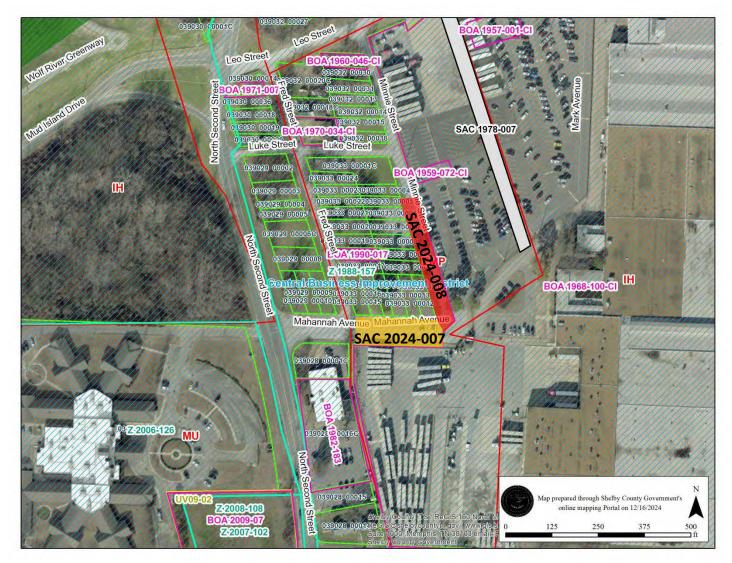
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 26 notices were mailed on December 17, 2024, see page 19 of this report for a copy of said notice. Additionally, a total of four signs were posted,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

AERIAL



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

ZONING MAP



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

LAND USE MAP



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

SITE PHOTOS



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



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



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

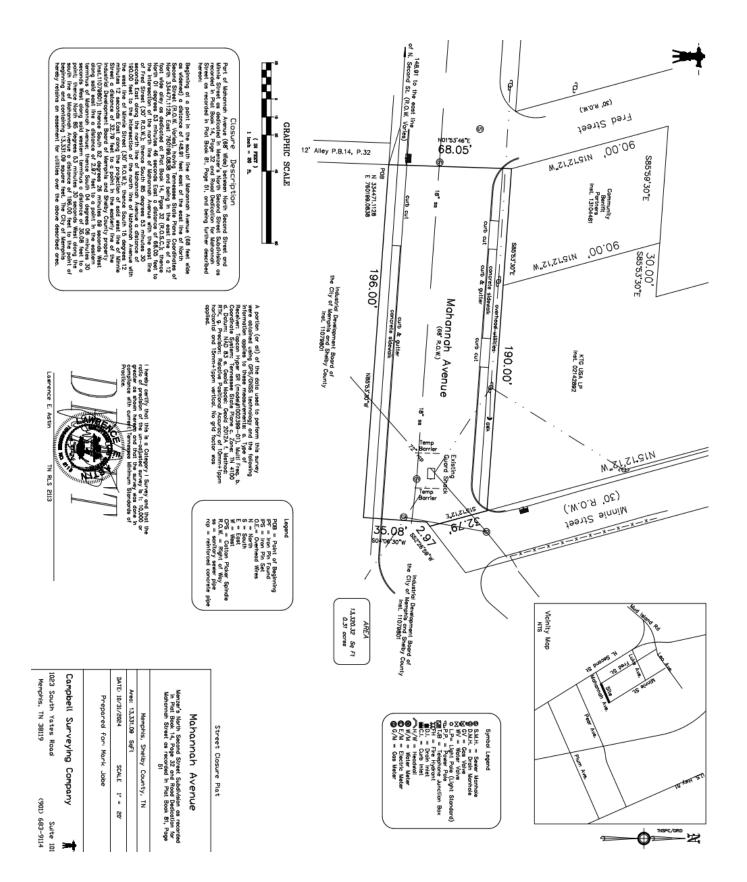


View of access point to the subject right-of-way from Minnie Street (south).

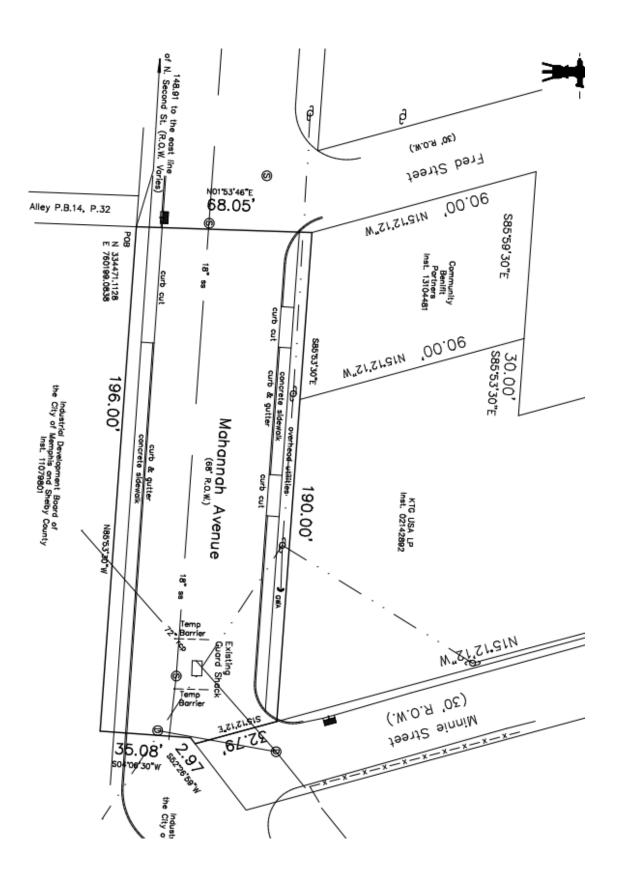


View of access point to the subject right-of-way from above.

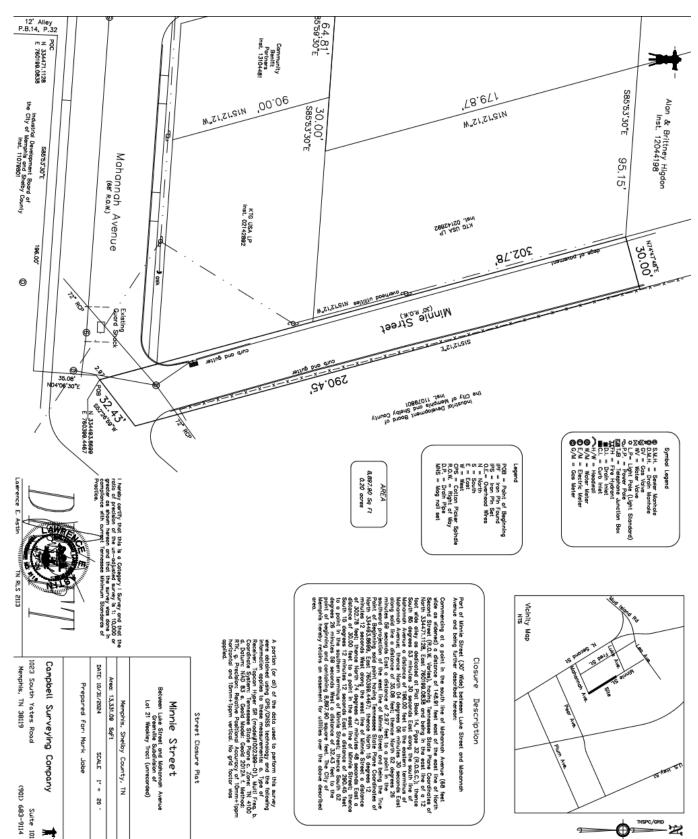
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



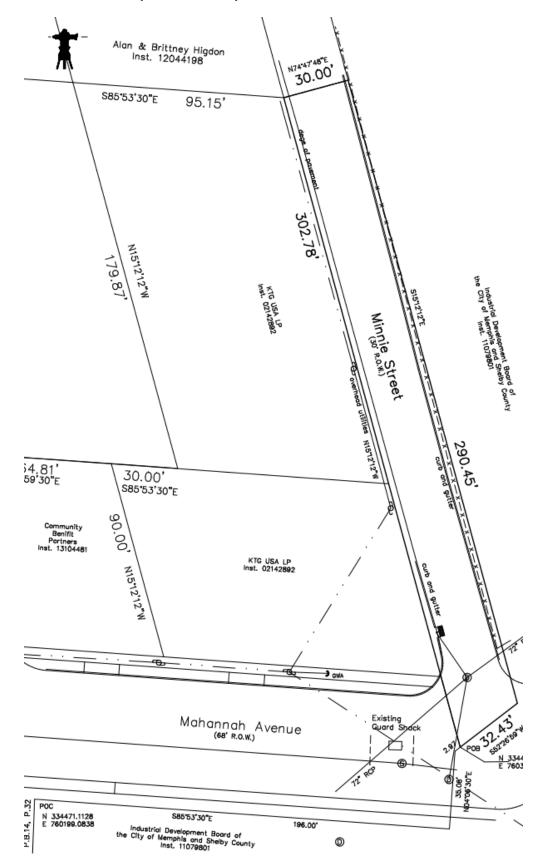
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007) – MAGNIFIED



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



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



LEGAL DESCRIPTION (SAC 2024-007)

Closure Description - Mahannah Avenue

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

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

LEGAL DESCRIPTION (SAC 2024-008)

Closure Description - Minnie Street

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

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

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

CASE REVIEW

<u>Request</u>

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

Site Details

Address: 400 Mahannah Avenue

Area:

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

Description:

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

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

<u>Analysis</u>

Mahannah Avenue Closure Analysis

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

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

Minnie Street Closure Analysis

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

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

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

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

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

DEPARTMENTAL COMMENTS

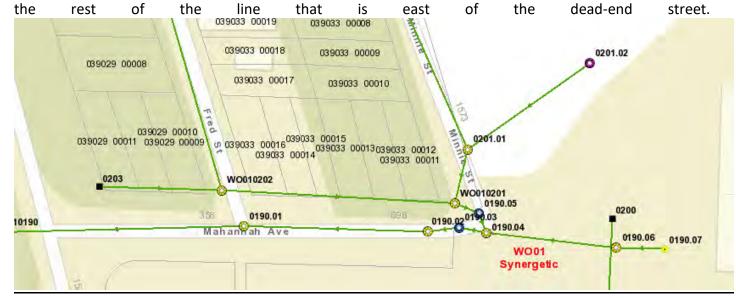
The following comments were provided by agencies to which this application was referred: **City Engineer:**

SAC 2024-007

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

Sewers:

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



Street Closures:

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

- 8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 9. Required landscaping shall not be placed on sewer or drainage easements.

SAC 2024-008:

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

Sewers:

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

Street Closures:

- 3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 4. City sanitary sewers/drainage facilities are located within the proposed closure area.
- 5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
- 7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 9. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

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

City Real Estate:

No comments received.

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

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING	MEMPHIS AND DIVISION OF PLANNING
You have received this notice because you own or reside on a	VICINITY MAP
property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Thursday, January 2, 2025 at 8 AM.	Cortili, Second Street
CASE NUMBER:SAC 2024-007/ SAC 2024-008ADDRESS:400 Mahannah AvenueREQUEST:Physical street closure of approx. 196 feet of Mahannah Ave, between Fred St and Minnie St, 302 feet of Minnie St, north ofMahannah AveScott Young	And a story plane attraction attr
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, January 9, 2025	26 Notices Mailed 12/17/2024
 Staff Planner Contact: Mahsan Ostadnia ☑ mahsan.ostadnia@memphistn.gov (901) 636-7181 	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

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

January 09, 2025 Page 23





APPLICATION

January 09, 2025 Page 25



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

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

Record Detail Information

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

Opened Date: October 31, 2024

Record Number: SAC 2024-007

Expiration Date:

Record Name: Closure of a Portion of Mahannah Avenue

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

Parent Record Number:

Address:

Owner Information

Primary Owner Name N Owner Aridress

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

Page 1 of 4

SAC 2024-007

LaTonya Hull

10/08/2024 Phone

Fred Street

12676.3

Mark Avenue (Private)

400 Mahannah Street.

Increased security for the manufacturing facility at

GENERAL INFORMATION

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

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

BOA 1968-100-CI

GIS INFORMATION

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

Data Tables

Property Owners

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

Page 2 of 4

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

Contact Information

Name scott you Address	NG				ADJACE	CT TYPE NT PROPERTY OF RECORD
Phone (249)288-259	12					
Name SCOTT YOU	NG				Contac	ct Type
Address					APPLICA	50 1
Phone						
Name CHARLES C	AMPBELL					ct Type
Address					SURVEY	ECT / ENGINEER /
Phone (901)683-911	4					
Name MARK JOBE	a for					ENTATIVE
Address						
Phone (901)857-833	14					
Fee Inform	nation					
Invoice #	Fee Item	Quantility	Fees	Status	Balance	Date Assessed
1609966	Right of Way	1	400.00	INVOICED	0.00	12/05/2024
	Vacation/Closure Fee					
1609966	Credit Card Use Fee (.026	1	10.40	INVOICED	0.00	12/05/2024
	x fee)					
	Т	otal Fee Invo	iced: \$410.40	Total Ba	lance: \$0.0	00
Payment	Information					
Payment Am	ount Method of Pa	yment				

Page 4 of 4

January 09, 2025 Page 29



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

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

Record Detail Information

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

Opened Date: November 19, 2024

Record Number: SAC 2024-008

Expiration Date:

Record Name: Closure of a Portion of Minnie Street.

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

Parent Record Number:

Address:

Owner Information

Primary Owner Name N Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

Page 1 of 4

LaTonya Hull 10/08/2024 Phone

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

GENERAL INFORMATION

closed?

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

Previous Case Numbers

290.45 Minnie Street No

No

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

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

10100	INCODIATION.	
1310	INFORMATION	

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

Data Tables

Property Owners

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

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

Page 3 of 4

OWNER AFFIDAVIT (SAC 2024-007)

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

Community Benefit Partners, LLC

MARY HAUK By: Name: The

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



Agendria A. Malane

21,2027 My Commission Expires

OWNER AFFIDAVIT (SAC 2024-008)

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER, includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code. full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12 3.1.

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box)

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

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

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

5th

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

MARK HADKE By: Name 711

Title: Authorized Officer

Subscribed and sworn to (or affirmed) before me this

Malone dra и Signature of Notary Public



day of December

march 21, 2027 My Commission Expires

LETTER OF INTENT

January 09, 2025 Page 34

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

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

December 5, 2024

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

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

Ladies & Gentlemen:

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

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

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

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

With best regards,

GLANKLER BROWN, PLLC

Heck Tilden Jobe Jr. 300838300460444

Mark T. Jobe, Jr.

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

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

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

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

Happy New Year Sincerely, Alan Higdon



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

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

Record Detail Information

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

Record Status: Pending

Opened Date: October 31, 2024

Record Number: SAC 2024-007

Expiration Date:

Record Name: Closure of a Portion of Mahannah Avenue

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

Parent Record Number:

Address:

Owner Information

Primary Owner Name

Ν

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

LaTonya Hull 10/08/2024 Phone

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

GENERAL INFORMATION

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

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

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

Contact Information

Name
SCOTT YOUNG

Address

Phone (249)288-2592

Name SCOTT YOUNG

Address

Phone

Name CHARLES CAMPBELL

Address

Phone (901)683-9114

Name

MARK JOBE

Address

Phone

(901)857-8324

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

Payment Information

Payment Amount	Method of Payment
\$410.40	Credit Card

Contact Type

ADJACENT PROPERTY OWNER OF RECORD

Contact Type

Contact Type

APPLICANT

ARCHITECT / ENGINEER / SURVEYOR

Contact Type

REPRESENTATIVE



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

Community Benefit Partners, LLC

MARK HAIDKE By: Name: 7/

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

A. Malane ra Signature of Notary Public

ANNI ORA A TENN. NOTAN PUBLIC WARE OF 2024.

March 21, 2027 Commission Expires



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

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

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

LAD 16 MARY_ Bv: Name: 71

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

nalone Signature of Notary Public



nch 21,2027 Commission Expires



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

December 5, 2024

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

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

Ladies & Gentlemen:

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

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

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

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

With best regards,

GLANKLER BROWN, PLLC -DocuSigned by:

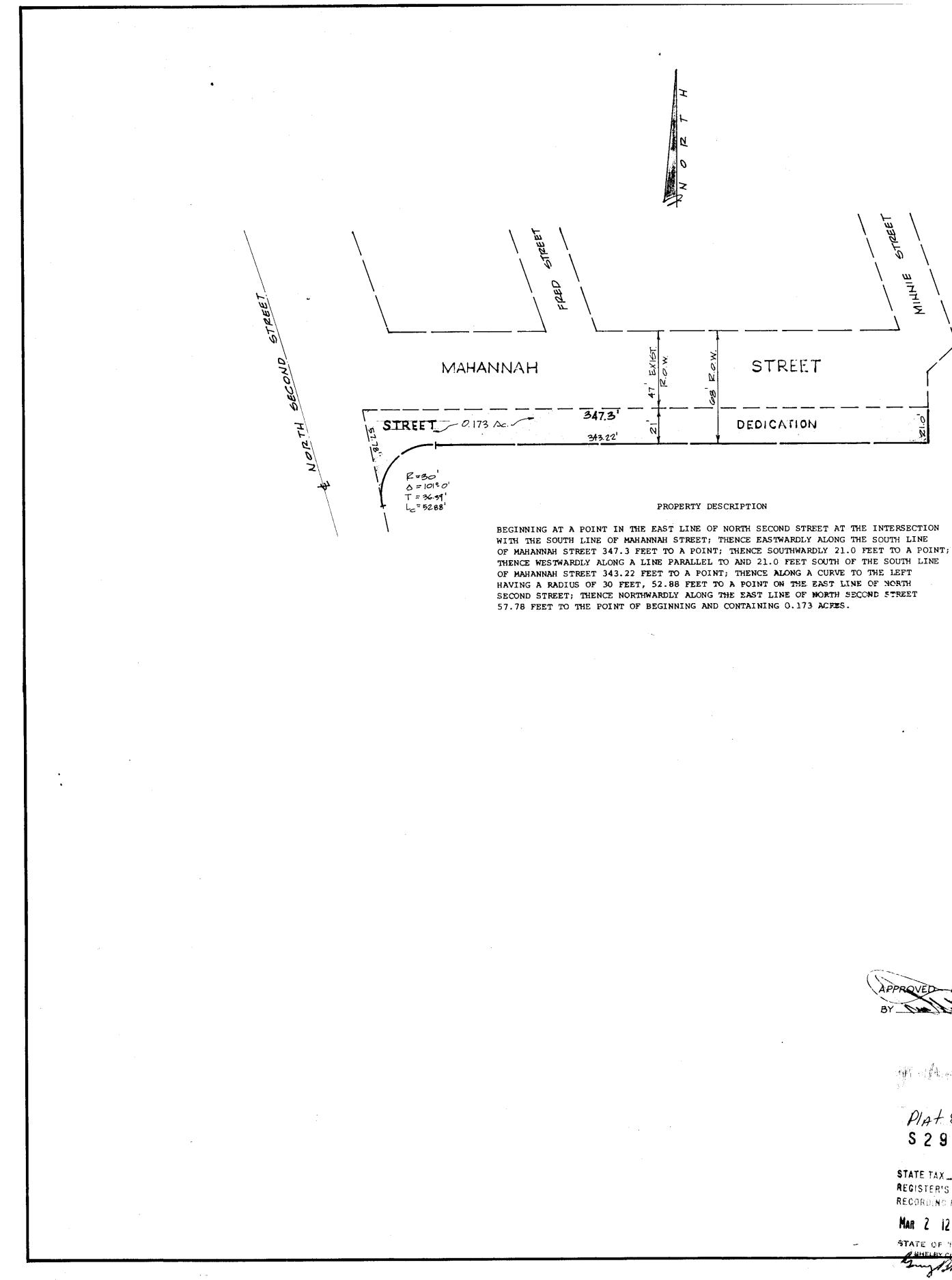
Mark Tilden Jobe fr.

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

Closure Description - Mahannah Avenue

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

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



OWNER'S CERTIFICATE

DIVISION VICE PRESIDENT an MANAGER OF OPERATIONS

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

NOTARY'S CERTIFICATE STATE OF WISCONSIN, COUNTY OF WINNEBAGO

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

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

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

HEALTH DEPARTMENT'S CERTIFICATE

BY Pr. Chales Konig

APPROVED BY THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT.

ENGINEER'S OR SURVEYOR'S CERTIFICATE

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

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

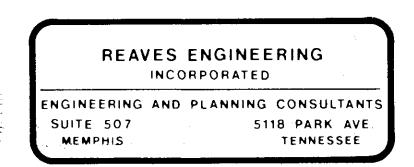
26,1980

DATE

TENNESSEE CERTIFICATE NO.

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

ROAD DEDICATION FOR MAHANNAH STREET Memphis, Tennessee November, 1979



PPROVED DIRECTOR OF PUBLIC WORKS DATE

PIAt 81 pg.51

STREET

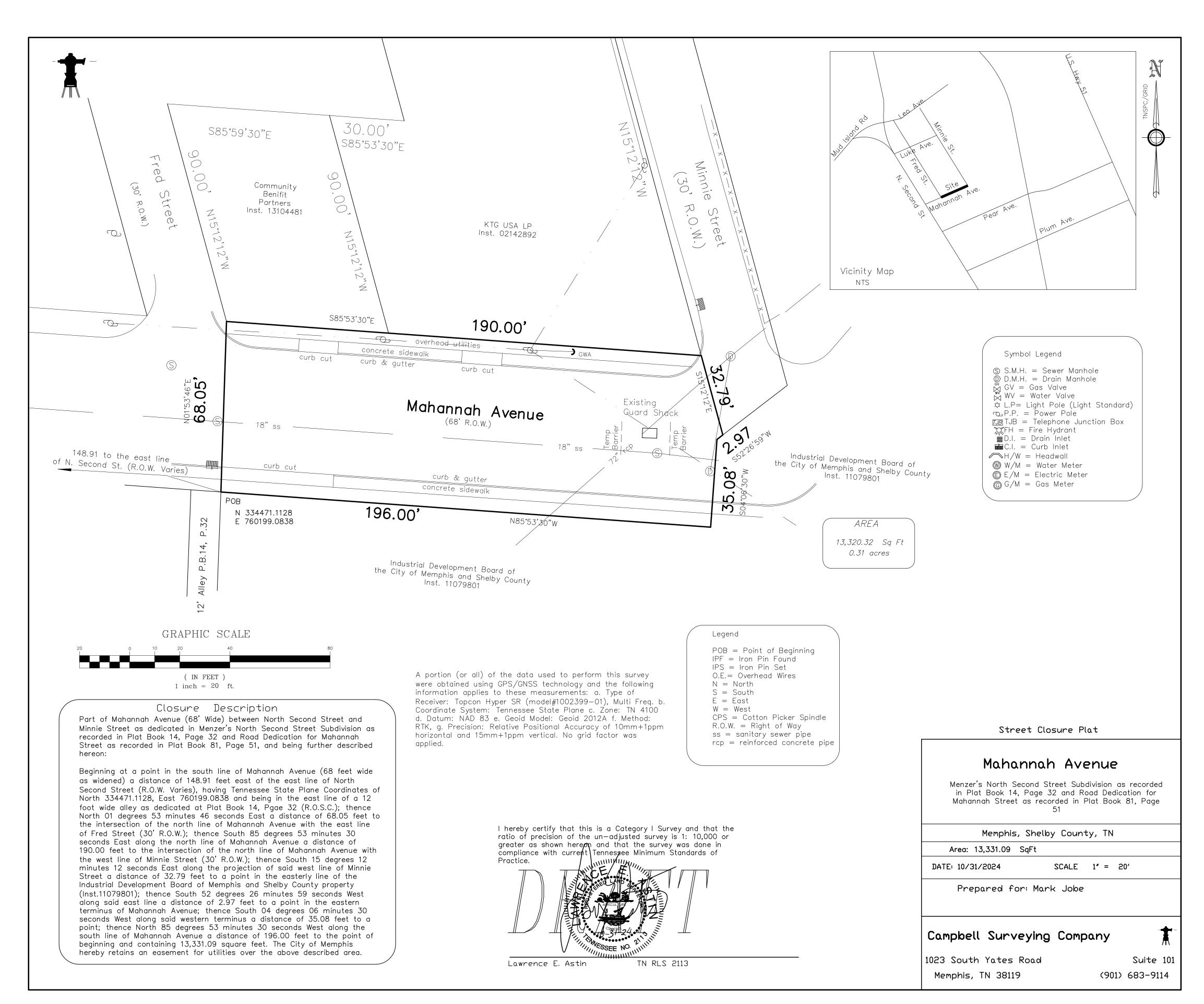
MIHHIE

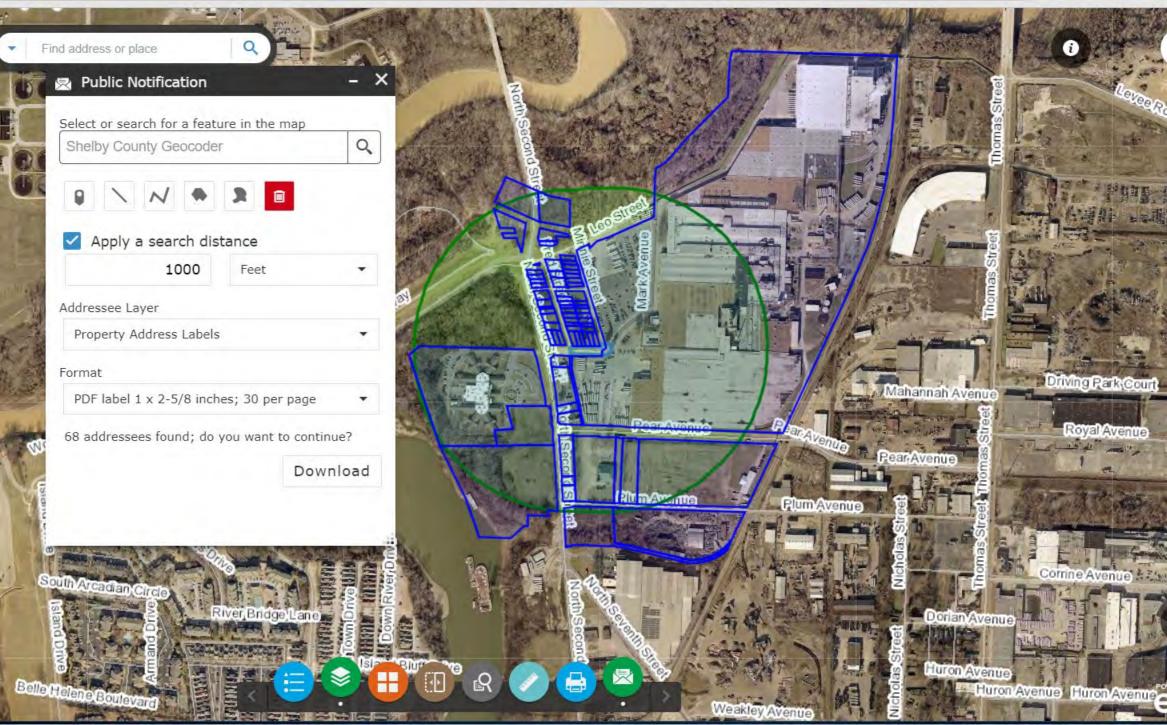
S 2 9 9 0 6 STATE TAX

RECORDING FEE

MAR 2 12 53 1 # BI STATE OF TENNEDSER

Ing Minks







Tom Leatherwood

Shelby County Register

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

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

TOM LEATHERWOOD



PAGE 1

The First State

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

"120802 DELAWARE INC.", A DELAWARE CORPORATION,

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



3581334 8100M

020708813

Darriet Smith Windson Harriet Smith Windson, Secretary of State

AUTHENTICATION: 2095331

DATE: 11-18-02

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

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

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

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

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

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

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

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

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

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

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

a.e Tame: George J Bunze

Title Director

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



Tom Leatherwood Shelby County Register

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



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

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

SPECIAL WARRANTY DEED

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

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

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

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

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

The property herein conveyed is subject to the following:

See Exhibit B attached hereto and incorporated by reference.

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

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

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

houran P Hagemeyer, Tustee

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

STATE OF TENNESSEE

COUNTY OF SHELBY

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

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

Notary Public

My commission expires: 2-26-03

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

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

PROPERTY ADDRESS:

400 Mahannah Memphis, Tennessee

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

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

 State Tax
 \$ 14,800.00

 Register's Fee
 3.00

 Recording Fee
 55.00

 TOTAL
 \$14,858.00

EXHIBIT A

Parcel 1

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

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

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

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

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

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

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

Parcel 2

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

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

Parcel 3

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

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

Parcel 4

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

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

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

Parcel 5

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

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

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

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

Parcel 6

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

Parcel 7

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

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

Parcel 8

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

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

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

EXHIBIT B

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

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

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

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

Record Detail Information

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

Record Status: Pending

Opened Date: November 19, 2024

Record Number: SAC 2024-008

Expiration Date:

Record Name: Closure of a Portion of Minnie Street

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

Parent Record Number:

Address:

Owner Information

Primary Owner Name

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

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

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

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

LaTonya Hull 10/08/2024 Phone

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

GENERAL INFORMATION

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

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

Data Tables

Property Owners

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

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

Contact Information

Name

SCOTT YOUNG

Address

Phone

(249)288-2592

Name

SCOTT YOUNG

Address

Phone

Name CHARLES T CAMPBELL

Address

Phone

(901)683-9114

Name

MARK JOBE

Address

Phone

(901)576-1853

Fee Information

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

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount	I
\$410.40	(

Method of Payment Credit Card Contact Type ADJACENT PROPERTY OWNER OF RECORD

Contact Type

Contact Type

ARCHITECT / ENGINEER / SURVEYOR

Contact Type

REPRESENTATIVE



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

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

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

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

RK HADKI By: Name:

 Title: Authorized Officer
 C

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

Malene. Signature of Notary Public



narch 21, 2027 My Commission Expires



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

December 5, 2024

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

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

Ladies & Gentlemen:

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

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

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

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

With best regards,

GLANKLER BROWN, PLLC -DocuSigned by:

Mark Tilden Jobe fr.

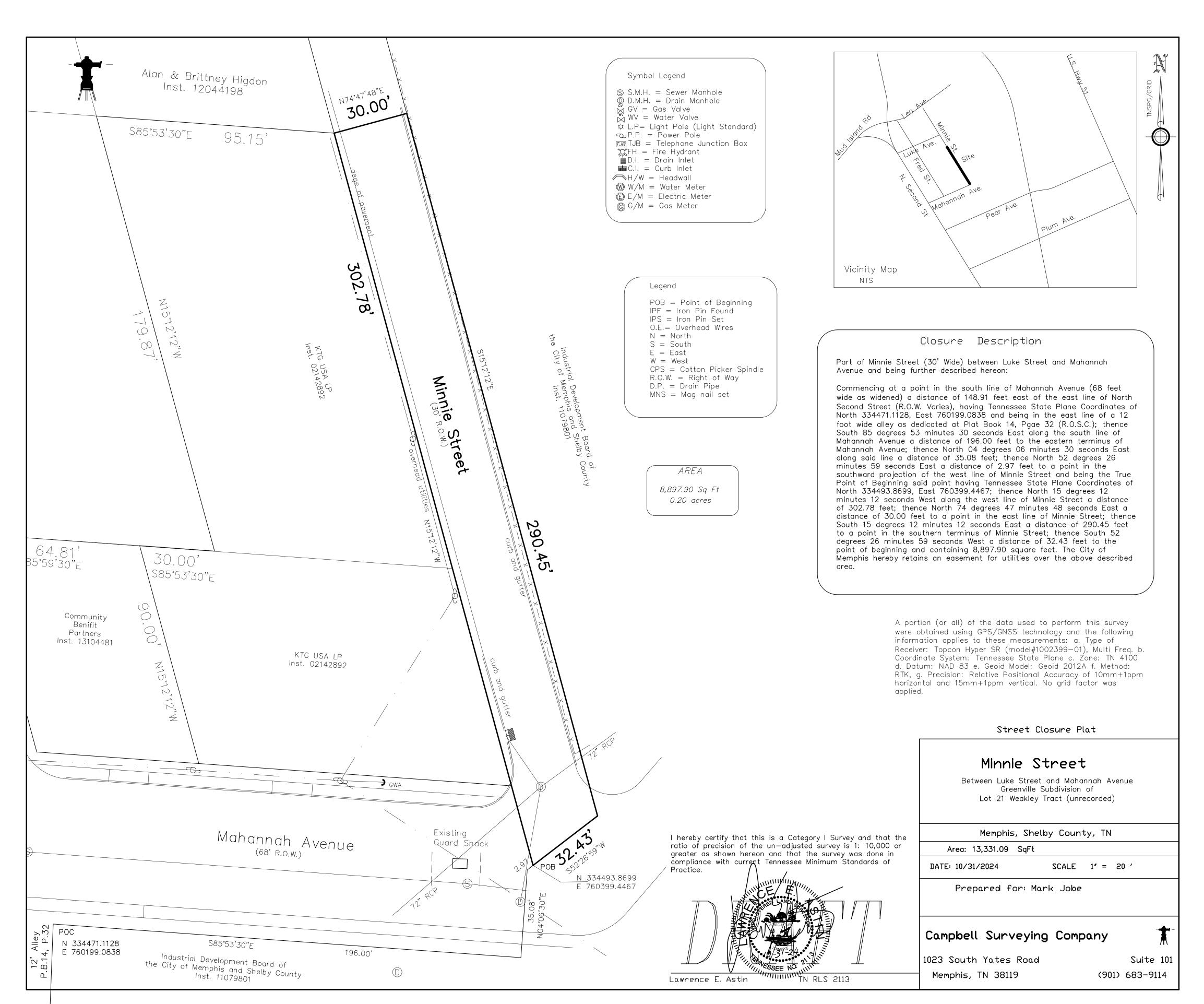
-3CDB080DDF6C44A... Mark T. Jobe, Jr.

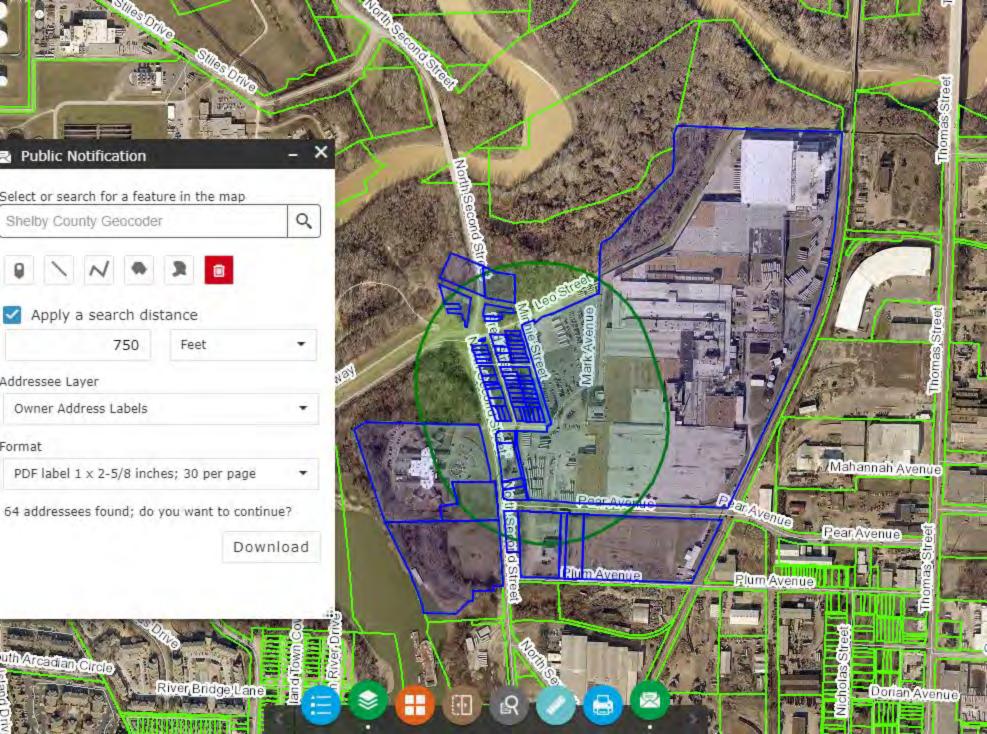
Closure Description – Minnie Street

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

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

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







Tom Leatherwood

Shelby County Register

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

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

TOM LEATHERWOOD



PAGE 1

The First State

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

"120802 DELAWARE INC.", A DELAWARE CORPORATION,

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



3581334 8100M

020708813

Darriet Smith Windson Harriet Smith Windson, Secretary of State

AUTHENTICATION: 2095331

DATE: 11-18-02

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

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

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

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

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

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

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

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

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

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

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

a.e Tame: George J Bunze

Title Director

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



Tom Leatherwood Shelby County Register

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



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

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

SPECIAL WARRANTY DEED

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

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

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

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

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

The property herein conveyed is subject to the following:

See Exhibit B attached hereto and incorporated by reference.

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

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

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

houran P Hagemeyer, Tustee

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

STATE OF TENNESSEE

COUNTY OF SHELBY

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

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

Notary Public

My commission expires: 2-26-03

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

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

PROPERTY ADDRESS:

400 Mahannah Memphis, Tennessee

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

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

 State Tax
 \$ 14,800.00

 Register's Fee
 3.00

 Recording Fee
 55.00

 TOTAL
 \$14,858.00

EXHIBIT A

Parcel 1

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

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

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

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

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

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

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

Parcel 2

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

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

Parcel 3

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

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

Parcel 4

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

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

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

Parcel 5

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

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

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

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

Parcel 6

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

Parcel 7

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

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

Parcel 8

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

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

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

EXHIBIT B

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

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

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

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

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

ONE ORIGINAL

ONLY STAPLED

TO DOCUMENTS

ITEM (CHECK ONE)	X_RESOLU	TION	REQUEST FOR	PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code app a special use permit at the subject property located at the southeast corner of S Mendenhall Road and Fox Drive known as case number SUP 2024-039					
CASE NUMBER:	SUP 2024-039					
LOCATION:	2730 S Mende	2730 S Mendenhall Road (SE corner of Mendenhall and Fox Plaza)				
COUNCIL DISTRICTS:	District 4 and	Super Distr	ict 8			
OWNER/APPLICANT:	Beruk Constru	uction				
REPRESENTATIVE:	N/A					
REQUEST:	Special Use P	ermit to allo	w a convenience sto	re with gas pumps		
AREA:	+/-1.005 acres	3				
RECOMMENDATION:			and Development re ard recommended R	commended <i>Rejection</i> ejection		
RECOMMENDED COUN	CIL ACTION:		aring Not Required March 25, 2025			
PRIOR ACTION ON ITEM: (2) 12/12/2024 (1) Land Use Control Board		DA OR	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T, ENTITY (3) COUNCIL COMMITTEE			
FUNDING: (2) \$ \$ \$ SOURCE AND AMOUNT \$ \$ \$		AM RE OP CIF	QUIRES CITY EXP IOUNT OF EXPEN VENUE TO BE REG ERATING BUDGE PROJECT # DERAL/STATE/OT	CEIVED		
ADMINISTRATIVE APPR	OVAL:		DATE	POSITION		
take 1	in		3-10-25	PLANNER II		
	0			DEPUTY ADMINISTRATOR		
Bitthe	1.0		3/10/20	> ADMINISTRATOR		
- Drug . a	/		-1-1	DIRECTOR (JOINT APPROVAL)		
				COMPTROLLER		
			-			
				FINANCE DIRECTOR		
				CITY ATTORNEY		
				CHIEF ADMINISTRATIVE OFFICER		
				COMMITTEE CHAIRMAN		



Memphis City Council Summary Sheet

SUP 2024-039

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

- This item is a resolution with conditions for a special use permit to allow a convenience store with gasoline sales.
- This item was heard at the December 2024 meeting of the Land Use Control Board. Between this meeting and the present (March 2025), the applicant has worked with DPD staff to improve the site design. The improved site design is included in the attached resolution.
- Nevertheless, DPD staff recommends *rejection* for three major reasons:
 - $\circ\,$ Inconsistency with the intent of the UDC's design standards for gas stations.
 - Ecological concerns related to the site's location in an aquifer recharge zone.
 - Inconsistency with the Memphis 3.0 Comprehensive Plan
- The Land Use Control Board also voted to recommend *rejection* at its December 2024 meeting.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SUP 2024-039
LOCATION:	2730 S Mendenhall Rd.
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Beruk Construction
REPRESENTATIVE:	N/A
REQUEST:	Special Use Permit to allow a convenience store with gasoline sales.
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)
AREA:	+/-1.005 acres

The following spoke in support of the application: Aaron Robinson

The following spoke in opposition the application: Asad Sojwani

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

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

Respectfully,

wholen h

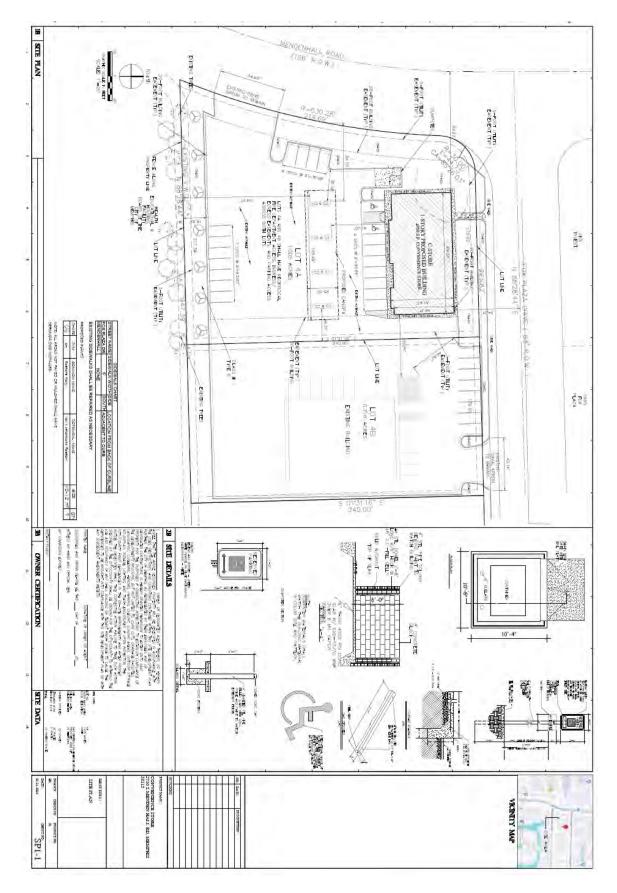
Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SUP 2024-039 CONDITIONS

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

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



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

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

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

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

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

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

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

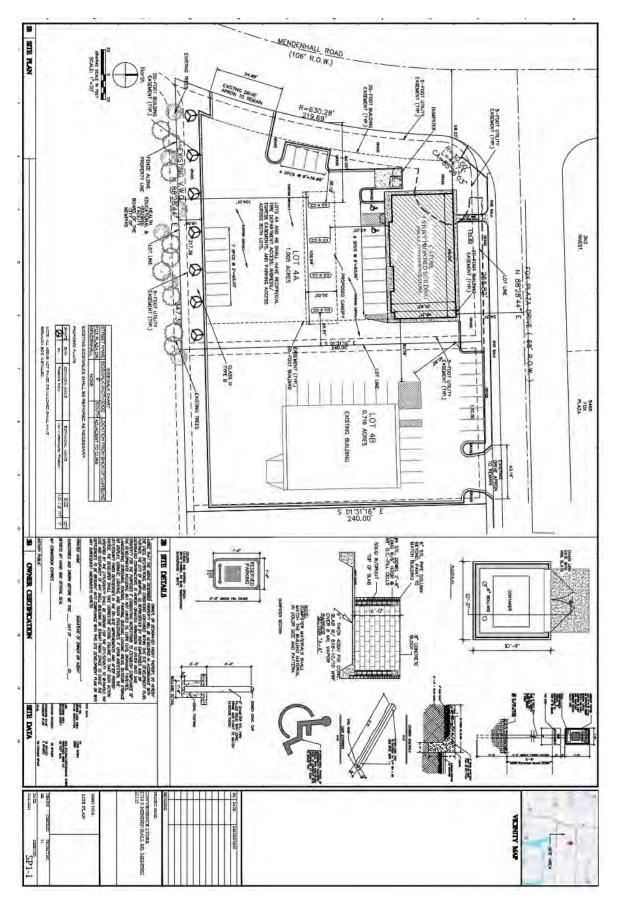
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

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

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

CONDITIONS

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



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

dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	14	L.U.C.B. MEETING:	December 12, 2024
CASE NUMBER:	SUP 2024-0039		
LOCATION:	2730 S. Mendenhall Road		
COUNCIL DISTRICT:	District 4 and Super District 8		
OWNER/APPLICANT:	Beruk Construction (Fasil Kabede)		

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

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

CONCLUSIONS

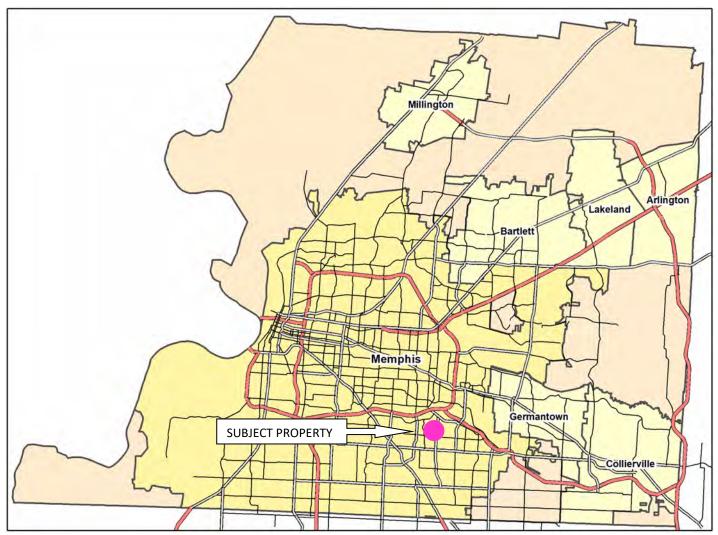
- 1. The applicant proposes to construct a new convenience store and associated 4-pump canopy on a property which served as a parking lot for a Hertz car rental until 2022.
- 2. Staff recommends *rejection* of the application for three major reasons:
 - a. Inconsistency with the UDC's design standards for gas stations, which are intended to encourage more urban and pedestrian-oriented site designs, particularly important on sites (such as the subject property) in close proximity to multifamily housing.
 - b. Ecological concerns related to the site's location in an aquifer recharge zone and subsequent inconsistency with the Mid-South Region Resilience Master plan.
 - c. Inconsistency with the Memphis 3.0 Comprehensive Plan.
- 3. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

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

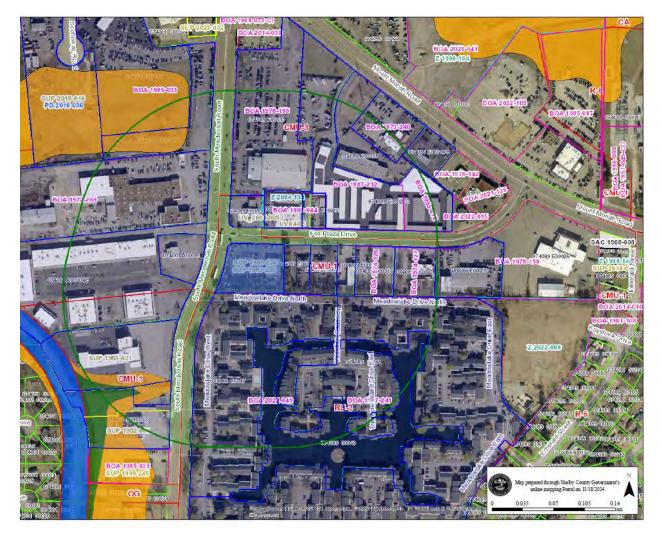
RECOMMENDATION:

Rejection



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



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

NEIGHBORHOOD MEETING

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

Causewa

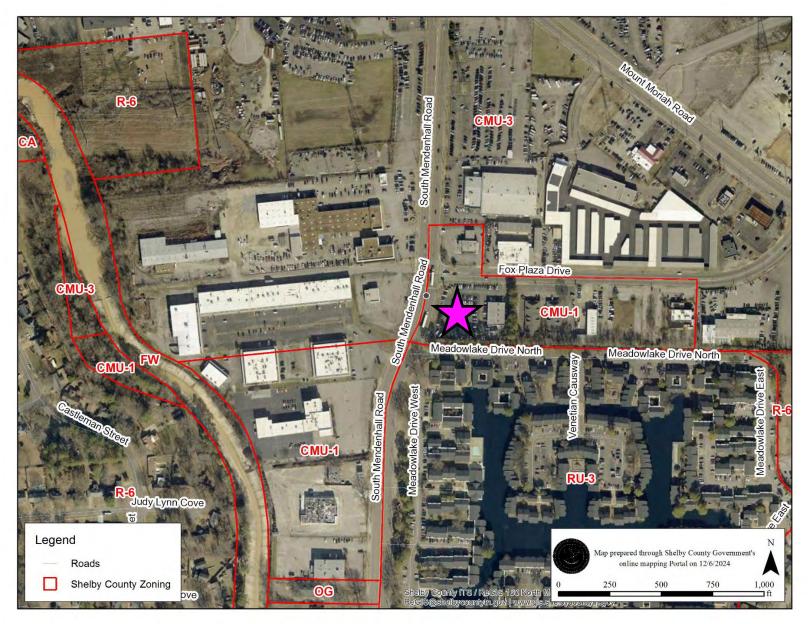
AERIAL Fox Plaza Dr 0.00 DI S Mendenhall Rd S Mendenhall Rd The Cathedral Of Prayer Cogic 22200200209-020 00 1 The Wax Lounge & Spa 💽 6 600 A BEE Next Level Studios 🙆 ANEY IS CALLOCELE Aspire Event Center Matthews 6:33 (1) Meadowlake Dr N Meadowlake Dr N Amarshay Beauty Bar (a) S Mandenhall Rd Meadowlake Dr N Lakeview Mendenhall Center Papa Johns Pizza enhall Rd je. 000

Subject property outlined in yellow, imagery via Google, 2024

Google

ZONING MAP

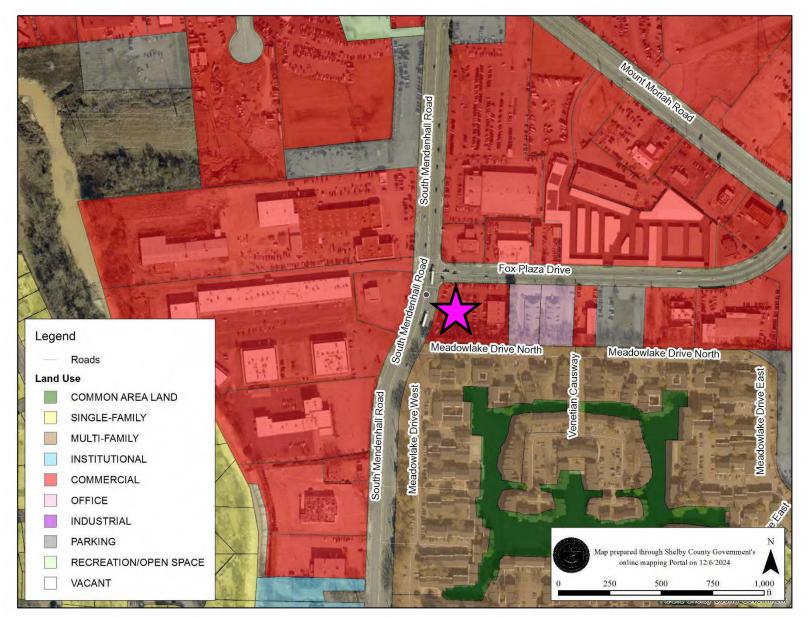
December 12, 2024 Page 5



Subject property indicated by pink star

LAND USE MAP

December 12, 2024 Page 6



Subject property indicated by a pink star

December 12, 2024 Page 7

SITE PHOTOS



View of subject property from Fox Plaza looking west



View of subject property from S Mendenhall and looking west

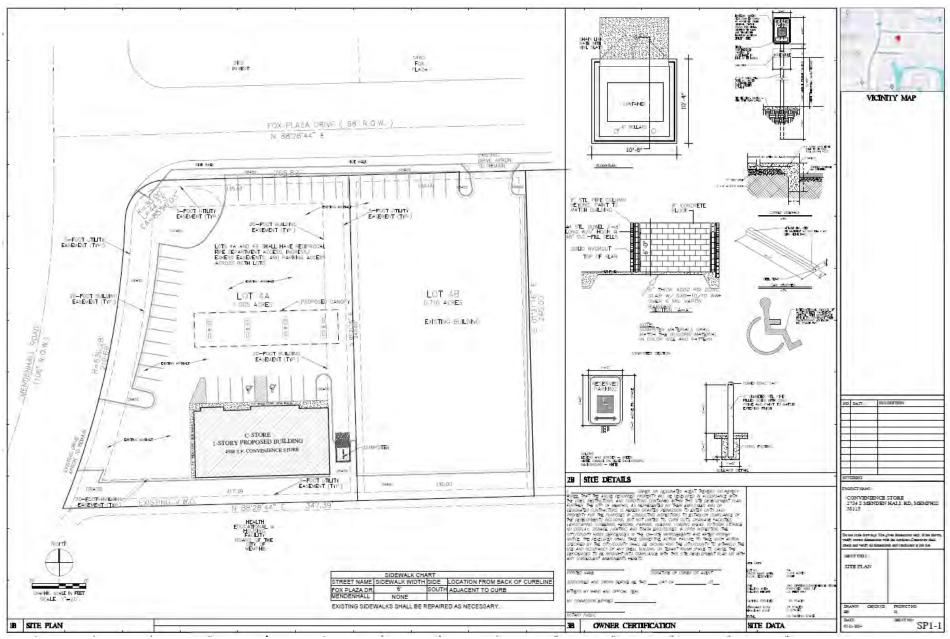


View of subject property from S Mendenhall looking North

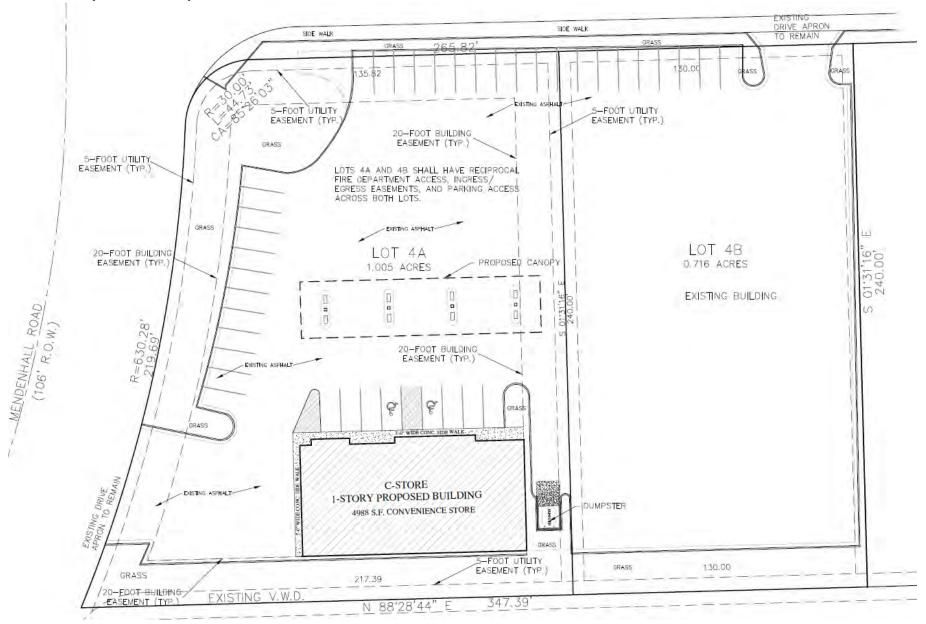


View of subject property from S Mendenhall looking Southeast

SITE PLAN

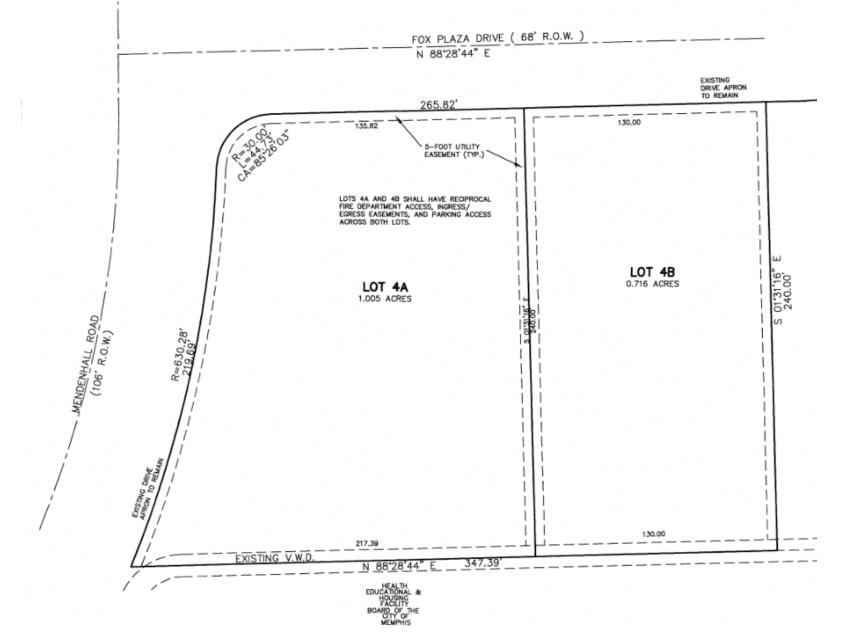


SITE PLAN (MAGNIFIED)



December 12, 2024 Page 11

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



CASE REVIEW

<u>Request</u>

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

<u>Site Details</u>

Address: 2730 S. Mendenhall

Parcel ID: 074089 E00006

Area: +/1.005 acres

Description:

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

Site Zoning History

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

Site Plan Review

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

Analysis

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

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

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

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

RECOMMENDATION

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

Conditions

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

DEPARTMENTAL COMMENTS

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

City Engineering:	See Next Page
City Fire:	See page 18.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	See pages 19-20.
Office of Comprehensive Planning:	See pages 21-23

CITY ENGINEERING COMMENTS

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

Sewers:

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

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

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

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

Roads:

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

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

Traffic Control Provisions:

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

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

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

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

Curb Cuts/Access:

December 12, 2024 Page 17

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

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

13. Will require engineering ASPR.

Drainage:

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

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

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

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

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



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

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

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

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

OFFICE OF SUSTAINABILITY AND RESILLIENCE COMMENTS

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

MEMORANDUM

To: Latonya Hull, Planner I

From: Logan Landry, Planner I

Date: November 4, 2024

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

General Comments & Analysis:

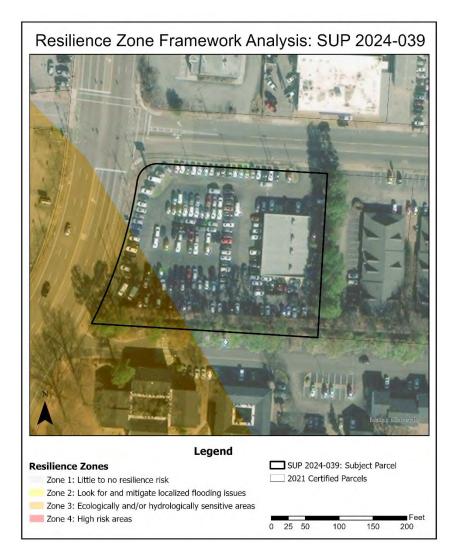
Located in Zones 1 and 3 of the Resilience Zone Framework:

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

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

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

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



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

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

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

Recommendations: Staff recommends rejection.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 2024-039</u>

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

The applicant is requesting a special use permit to create a convenience store with gas sales. The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

December 12, 2024 Page 22

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



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

"CSL" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial; CMU-1

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

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

Degree of Change Map



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

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

Consistency Analysis Summary

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

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

Summary Compiled by: Isaac Bacon, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING	MEMPHIS AND DIVISION OF PLANNIN SHELBY COUNTY AND DEVELOPMENT
You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, December 4, 2024 at 8 AM.	
CASE NUMBER: SUP 2024-039 ADDRESS: 2730 S. Mendenhall Road REQUEST: Special Use Permit to allow a connivence store with gas pumps APPLICANT: Beruk Properties, Inc	
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, Dec. 12, 2024	
Staff Planner Contact: LaTonya Hull ☑ latonya.hull@memphistn.gov ६ (901) 636-7179	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

December 12, 2024 Page 25

AFFIDAVIT

Shelby County State of Tennessee

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

COMMUSSION EXPRES

APPLICATION

	Memphis and Shelby County Division of Planning and Development				
	r ranning and Development				
	East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134 Downtown Service Center: 125 N. Main Street;				
	Memphis, Tennessee 38103				
	website: www.develop901.com				
Record Summa	ry for Special Use Permit				
Record Detail Information					
Record Type: Special Use Permit	Record Status: Pending				
	Opened Date: September 16, 2024				
Record Number: SUP 2024-039	Expiration Date:				
Record Name: 2730 S MENDENHALL RD, Memphis	38115				
Description of Work: C-Store with Gas sales					
Stor sector Monthly and the	Parent Record Number:				
2730 S MENDENHALL RD, Memphis 38115 Owner Information					
Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address	Owner Phone				
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125	Owner Phone				
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address	Owner Phone				
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2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting					
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner					
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type					
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION	Lucas Skinner -				
2730 S MENDENHALL RD, Memphis 38115 Owner Information Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125 Parcel Information 074089 E00006 Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION Application Type List any relevant former Docket / Case	Lucas Skinner -				
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age 2 of 3		SUP 2024-039
hone 01)327-5800		
ddress		
ASIL KEBEDE		Contact Type APPLICANT
Contact Information		
City Council District City Council Super District	2	
County Commission District		
Wellhead Protection Overlay District	No	
Planned Development District	No	
Subdivision	1	
Lot	3	
State Route		
Zoning	2	
Overlay/Special Purpose District	10 C	
Municipality	1	
Land Use	÷	
Historic District	-	
Downtown Fire District	No	
Class	÷	
Central Business Improvement District	No	
Case Layer	1. I I I I I I I I I I I I I I I I I I I	
GIS INFORMATION		
UDC Sub-Section 9.6.9F	yes	
UDC Sub-Section 9.6.9E	yes	
UDC Sub-Section 9.6.9D	yes	
UDC Sub-Section 9.6.9C	yes	
regulations		
accordance with the applicable district		
development and use of adjacent property in		
immediate vicinity and not interfere with the		
operated so as to be compatible with the		
B) The project will be constructed, arranged and	yes	
welfare		
affecting the public health, safety, and general		
parking, utility facilities and other matters		
character of the neighborhood, traffic conditions,		
undue adverse effect upon adjacent property, the	100	
A) The project will not have a substantial or	ves	
other relevant information		
work order, and/or zoning letter along with any		
If yes, please provide a copy of the citation, stop	17	

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

December 12, 2024 Page 29

Sign Postings





OWNER AFFIDAVIT

MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619 **Property Owner's Affidavit** Memphis and Shelby County Unified Development Code Section 12.3.1 OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1 KEBEN state that I have read the definition of (Print Name) "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, -1 guardian or lessee (and have included documentation with this affidavit) of the property located at 2730 S MENDEN HALL RD and further identified by Assessor's Parcel Number 074089 500006 for which an application is being made to the Division of Planning and Development. and the second second STATE OF Subscribed and swom to (or affirmed) before me this 20 C in the year of 2020 TENNESSEE NOTARY PUBLIC Commission Expires Signature of Notary Public ONEXPIRE

LETTER OF INTENT



LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Number: SUP 2024-039

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

Parent Record Number:

Record Status: Pending

Opened Date: September 16, 2024

Expiration Date:

Owner Phone

Address:

2730 S MENDENHALL RD, Memphis 38115

Owner Information

Primary Owner Name

Y BERUK PROPERTIES INC

Owner Address

3264 W SARAZENS CIR, MEMPHIS, TN 38125

Parcel Information

074089 E00006

Data Fields	
PREAPPLICATION MEETING	
Name of DPD Planner	Lucas Skinner
Date of Meeting	-
Pre-application Meeting Type	-
GENERAL PROJECT INFORMATION	
Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case	-
Number(s) related to previous applications on	
this site	
Is this application in response to a citation, stop	No
work order, or zoning letter	

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

welfare

B) The project will be constructed, arranged and yes operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations UDC Sub-Section 9.6.9C yes

yes

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

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

Contact Information

Name FASIL KEBEDE

Address

Phone (901)327-5800 APPLICANT

SUP 2024-039

Contact Type

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

Total Fee Invoiced: \$0.00

Total Balance: \$0.00

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Development Code Section 12.3.1.

diel & AS'L KEBED _____, state that I have read the definition of (Print Name)

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

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

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

of the property located at 2730 S MENDEN HALL RD and further identified by Assessor's Parcel Number 074089 E00006 for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this QU ende (in the year of 2024. Signature of Notary Public Commission Expires



Letter of Intent

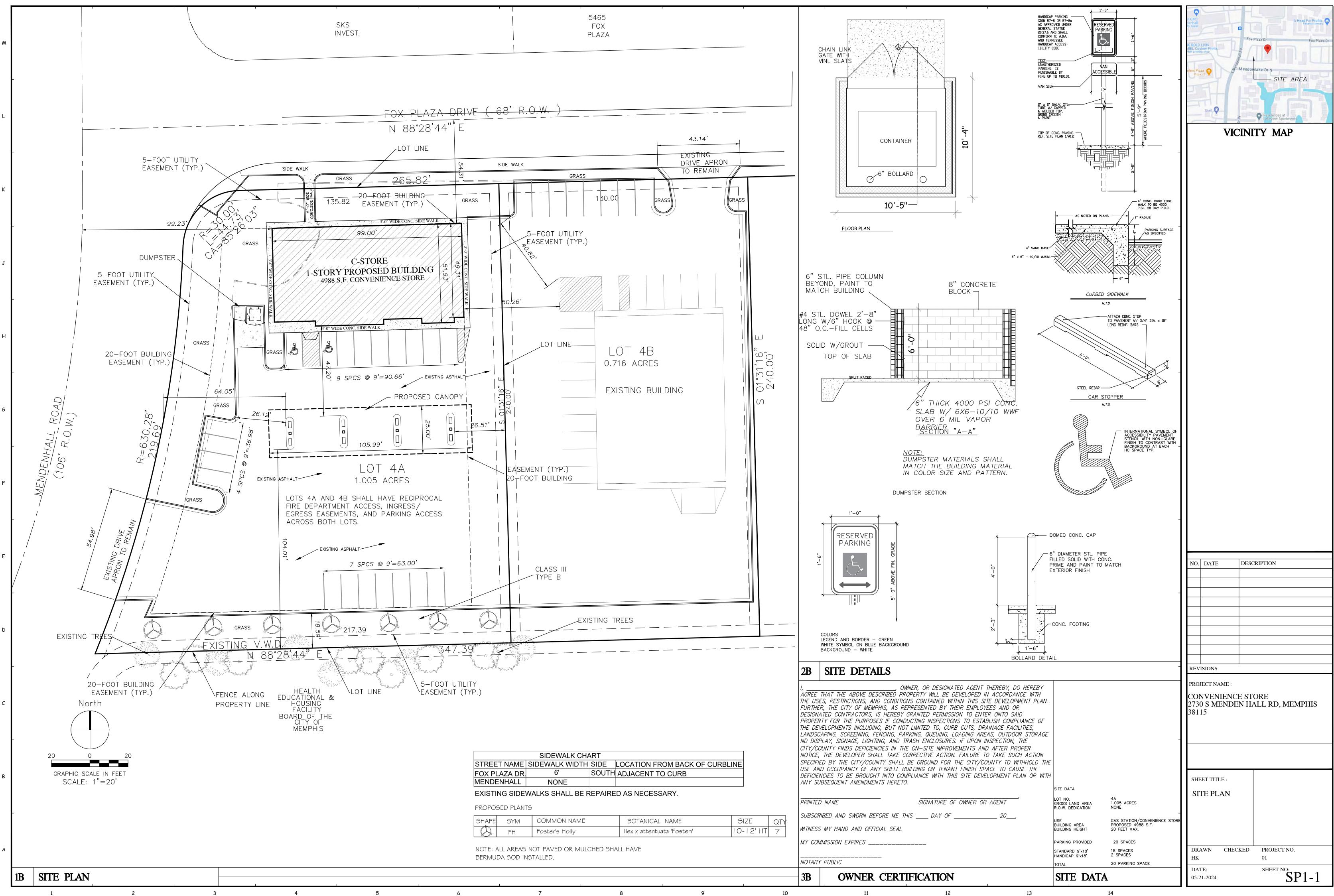
Re: 2730 S Mendenhall RD, Memphis 38115

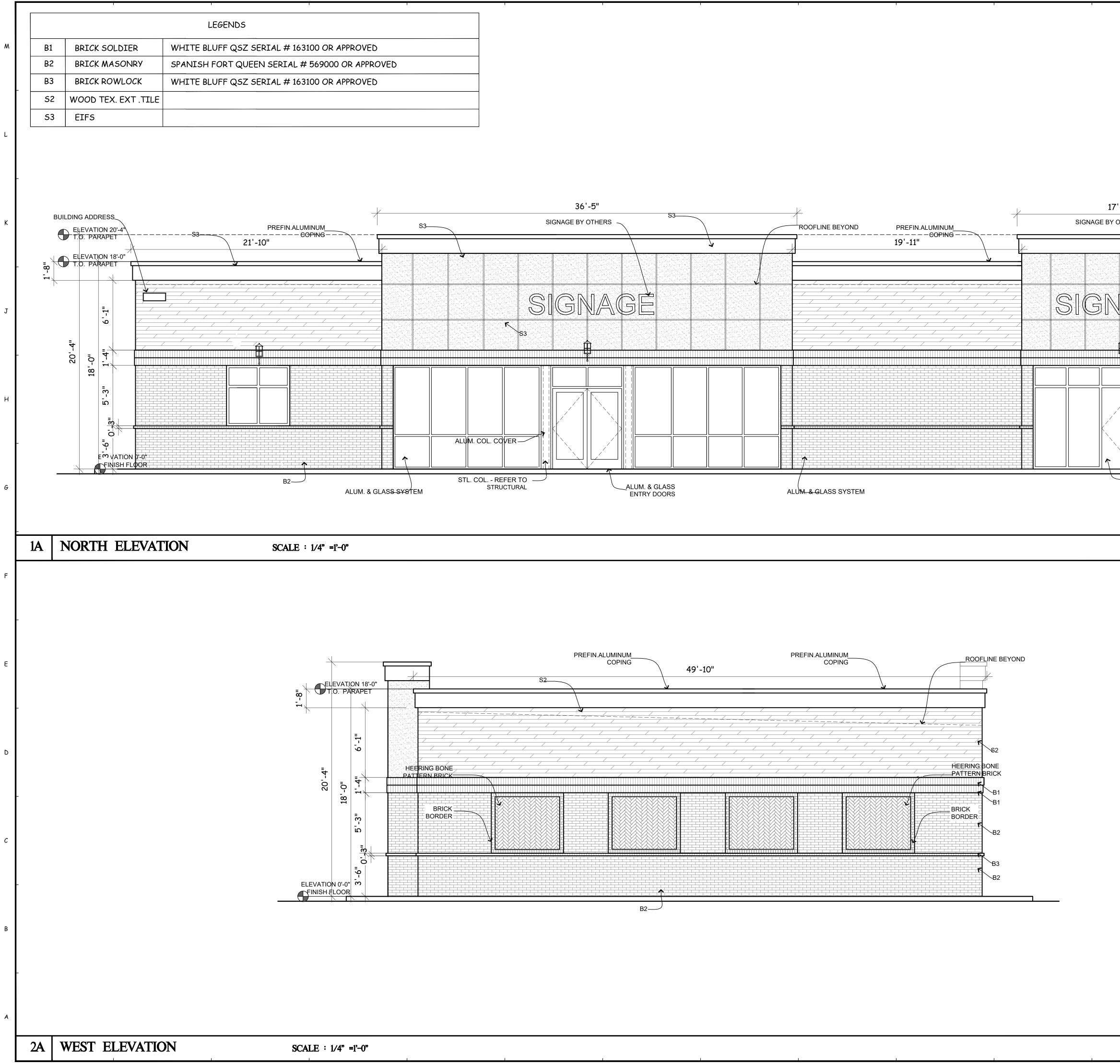
Beruk Construction Inc is intending to construct a 4,988 Sq.ft Convenience store with gas sales on 2730 S Mendenhall RD, Memphis 38115

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

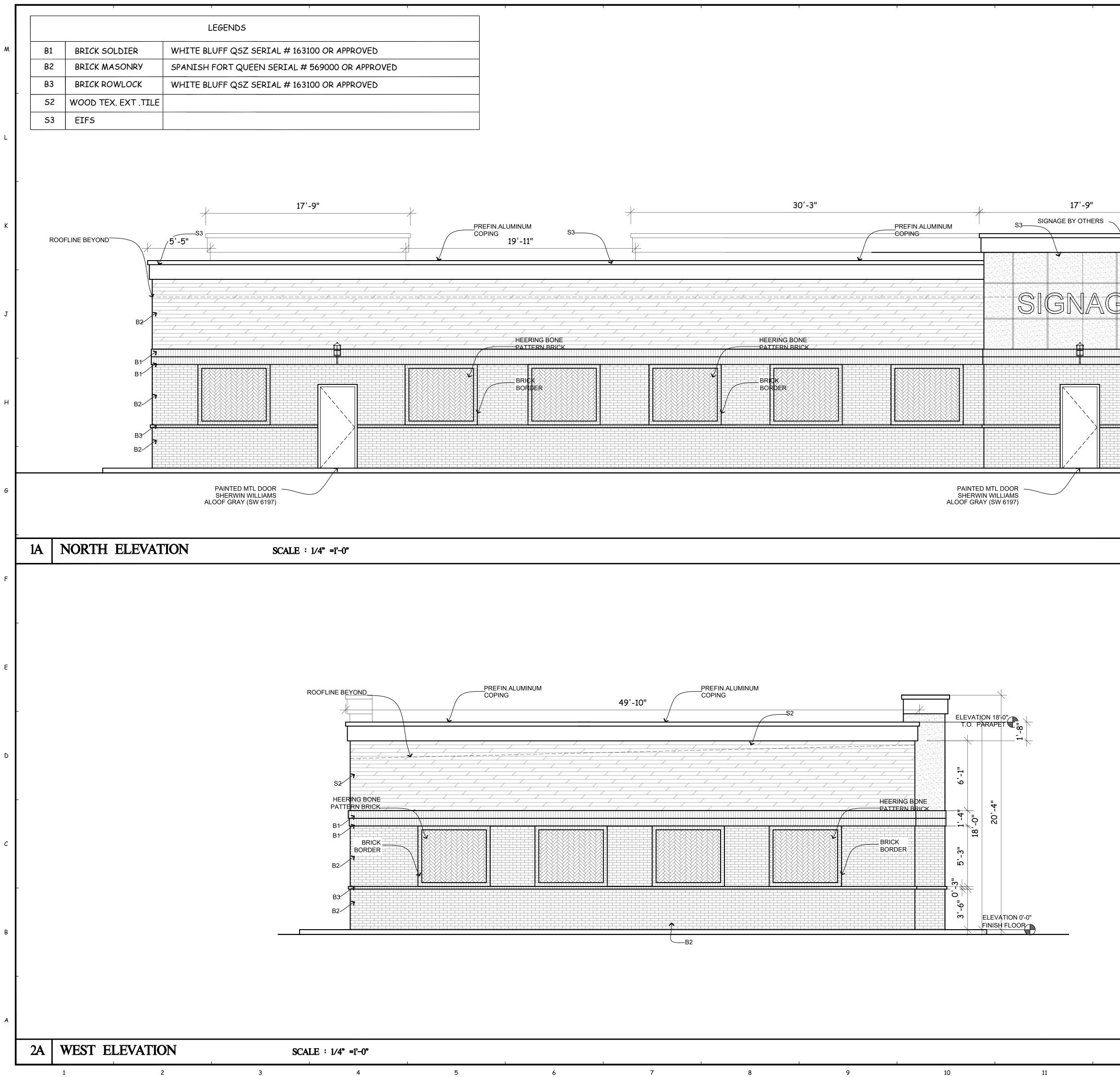
Sil Kelede Signed By

Fasil Kebede, President Beruk Construction Inc

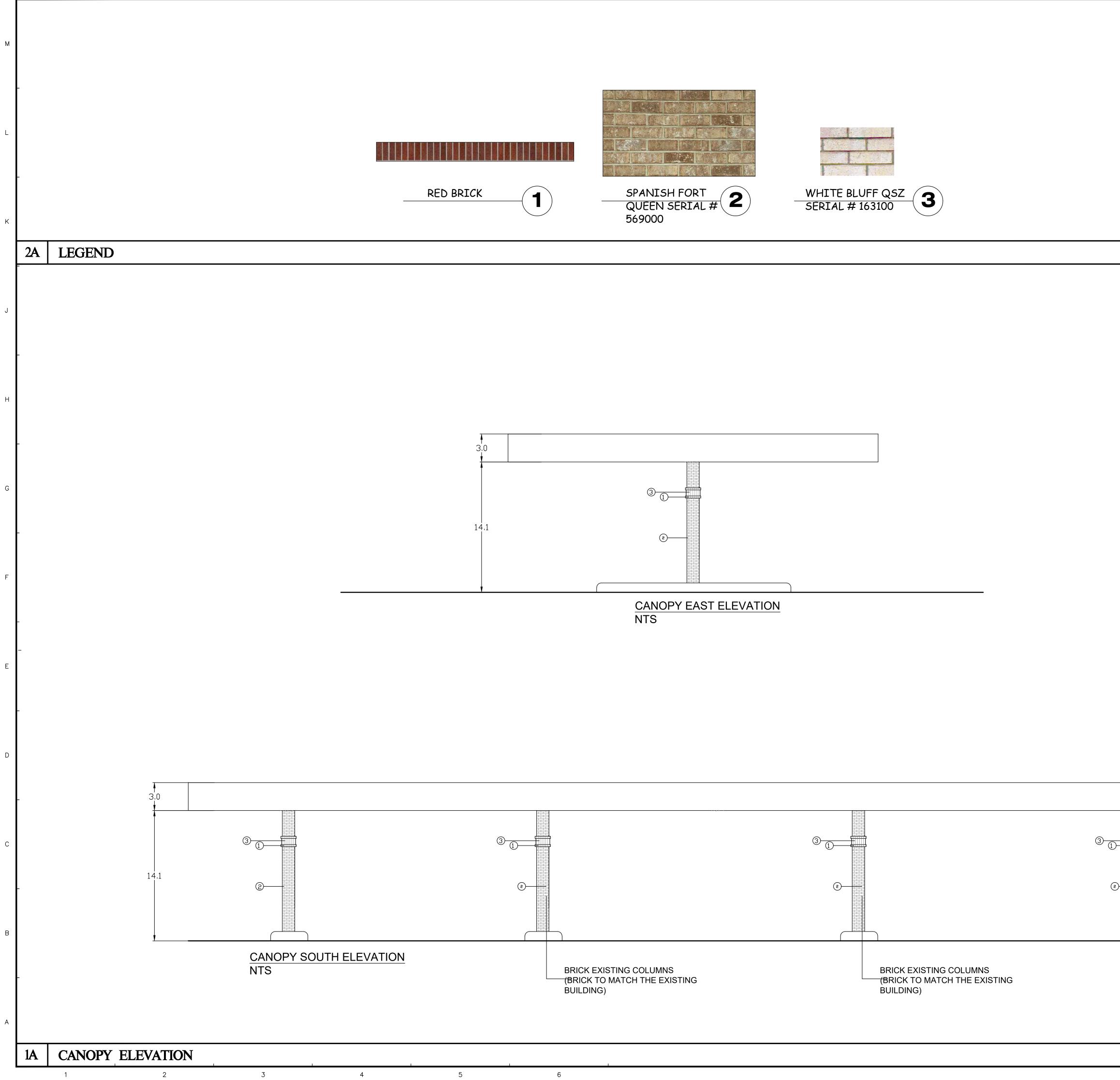




9" THERS	
ALUM. & GLASS ENTRY DOORS	
	NO. DATE DESCRIPTION
	REVISIONS PROJECT NAME : CONVENIENCE STORE 2730 S MENDEN HALL RD MEMPHIS 38115
	Do not scale drawings. Use given dimensions only. if not sho verify correct dimensions with the Architect.Contractor shall check and verify all dimensions and conditions at job site SHEET TITLE : ELEVATION
12 13 14	DRAWN CHECKED PROJECT NO. HK 01 DATE: SHEET NO: 08-28-2024 A-5



	ELEVATION 20;44" T.O. PARAPET ELEVATION 18:0" T.O. PARAPET T.O. PARA				
		REVI PROJ CC 27 38 Do no verify check	SIONS ECT NAME : ONVENIEN 730 S MEN 3115 ot scale drawings correct dimension and verify all di ET TITLE : EVATION	VCE S DEN I	RIPTION
12 13	14	DAT 08-28	'Е: 8-2024		sheet no: A-6



1

	NO. DATE DESCRIPTION
	REVISIONS PROJECT NAME : CONVENIENCE STORE 2730 S MENDENHALL RD, Memphis 38115
e 	-
	Do not scale drawings. Use given dimensions only. if not shown, verify correct dimensions with the Architect.Contractor shall check and verify all dimensions and conditions at job site SHEET TITLE :
BRICK EXISTING COLUMNS (BRICK TO MATCH THE EXISTING BUILDING)	CANOPY DESIGN
	DRAWN CHECKED PROJECT NO. HK 23011
	DATE: SHEET NO: SP-2



Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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



23101579

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

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

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

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

WARRANTY DEED

day of OCOGER

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

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

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

Parcel No. 074-089E-00006

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

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

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

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

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

Bart Thomas

General Manager

STATE OF TENNESSEE COUNTY OF SHELBY

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

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

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

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

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

Property Address:

2734 S. Mendenhall Road Memphis, TN 38115

New Owner and Mail Tax Bills to:

Beruk Properties, Inc.

<u>3264 W Sarazens Circle</u>

Memphis, TN 38125

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

		CITY OF MEMP		Sec. 1. 7	
ONE ORIGINAL		NCIL AGENDA CHEC	05/06/2025	T <u>Planning & Development</u> DIVISION	
	a second to	PUBLIC SESSION:	DATE 05/20/2025 DATE		
ITEM (CHECK ONE) ORDINANCE	X_RESOLUTION	REQUEST FOR P		NG	
ITEM DESCRIPTION:		ng the closure of an unimpro ear 610 TM Henderson Ave		approximately 120° public alley approximate number SAC 2024-010	
CASE NUMBER:	SAC 2024-010				
LOCATION:	Near 610 TM Hend	erson Ave.			
COUNCIL DISTRICTS:	District 7 and Super	District 8			
OWNER/APPLICANT:	James Love				
REPRESENTATIVES:	Smith Building Des	ign Delinor Smith			
REQUEST:		oved public alley approx. 12	107 in Isnoth		
AREA:		oved public aney approx. 1.	20 m lengui		
		+/-1,199 sq. ft.			
RECOMMENDATION:		nning and Development record rol Board recommended App			
RECOMMENDED COUN		lic Hearing Not Required ing – <u>May 20, 2025</u>			
PRIOR ACTION ON ITEM: (1) 04/10/2025 (1) Land Use Control Board FUNDING: (2) \$		APPROVAL - (1) APPRO DATE ORGANIZATION - (1) F (2) GOV'T. ENTITY (3) REQUIRES CITY EXPE AMOUNT OF EXPENDE REVENUE TO BE RECE	BOARD / COMM COUNCIL COM NDITURE - (1) ITURE	AISSION AMITTEE	
<u>s</u>		OPERATING BUDGET CIP PROJECT #			
\$		FEDERAL/STATE/OTH	ER		
ADMINISTRATIVE APPRI Method Vay Brett Ru	oval: B	<u>DATE</u> 4-23-25 4/23/2	SADMINISTRA	DINT APPROVAL) ER	
			CITY ATTORN		
			CHIEF ADMI COMMITTEE	NISTRATIVE OFFICER CHAIRMAN	



Memphis City Council Summary Sheet

SAC 2024-010

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

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SAC 2025-010
LOCATION:	Near 610 TM Henderson Ave.
COUNCIL DISTRICT(S):	District 7, Super District 8
OWNER/APPLICANT:	James Love
REPRESENTATIVE:	Smith Building Design, Delinor Smith
REQUEST:	Abandon an unimproved public alley approx. 120' in length
EXISTING ZONING:	Mixed Use (MU)
AREA:	+/- 1,119 sq. ft.

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,

ichden Walng

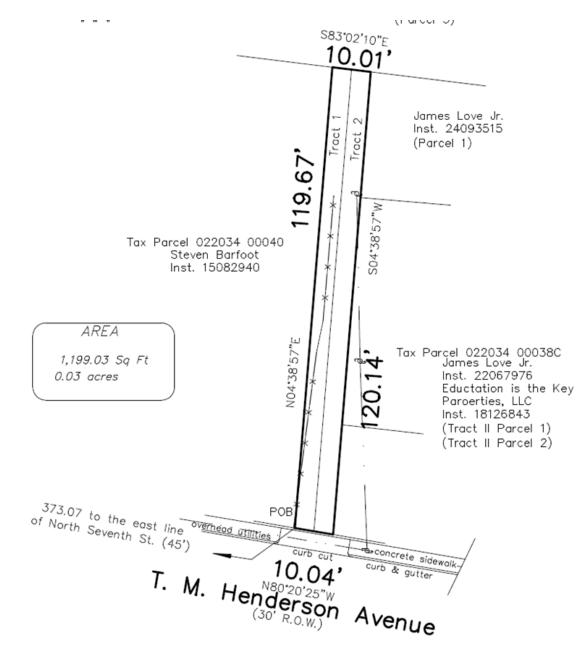
Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SAC 2024-010 CONDITIONS

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

CLOSURE PLAT





RESOLUTION

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

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

north-south public alley extending approximately 120' northward from its intersection with TM

Henderson Avenue near 610 TM Henderson Avenue

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

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

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

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use

Control Board and the report and recommendation of the Division of Planning and Development

and desires to close the hereinabove described public right-of-way and it is deemed to be in the

best interest of the City of Memphis that said public right-of-way be vacated, and revert to the

abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby

County Land Use Control Board on April 10, 2025, and said Board has submitted its findings and

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

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

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that

the above described public right-of-way be and is hereby closed for public use, subject to the

aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all

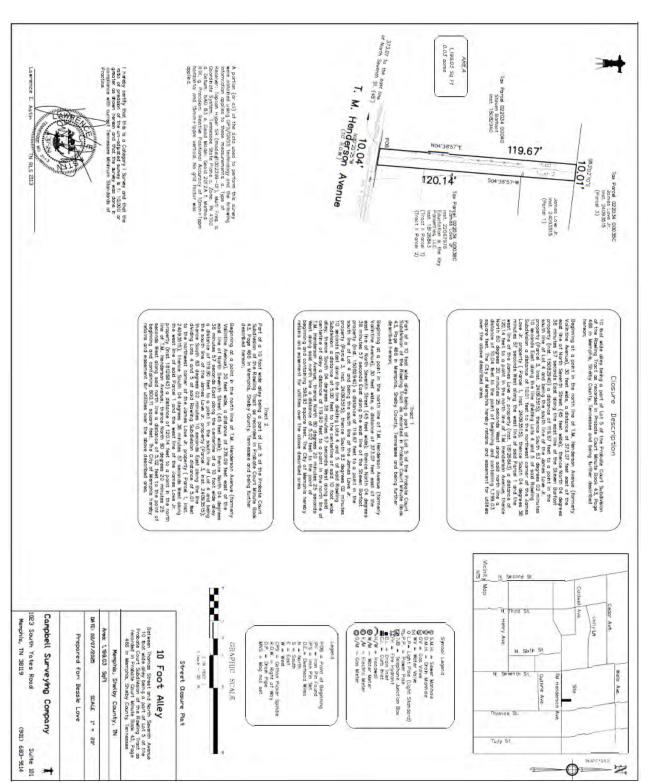
Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-

way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers

Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security

Title Company and the Shelby County Property Assessor's Office.



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

	TAFF	REP	ORT
AGENDA ITEM:	11	L.U.C.B. MEETING:	April 10, 2025
CASE NUMBER:	SAC 2024-010		
LOCATION:	Near 610 TM Henderson Ave.		
COUNCIL DISTRICT:	District 7, Super District 8		
OWNER/APPLICANT:	James Love		
REPRESENTATIVE:	Delinor Smith, Smith Building Des	ign	
REQUEST:	Abandon an unimproved public a	ley approx. 120' in length	
EXISTING ZONING:	Mixed Use (MU)		

CONCLUSIONS

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

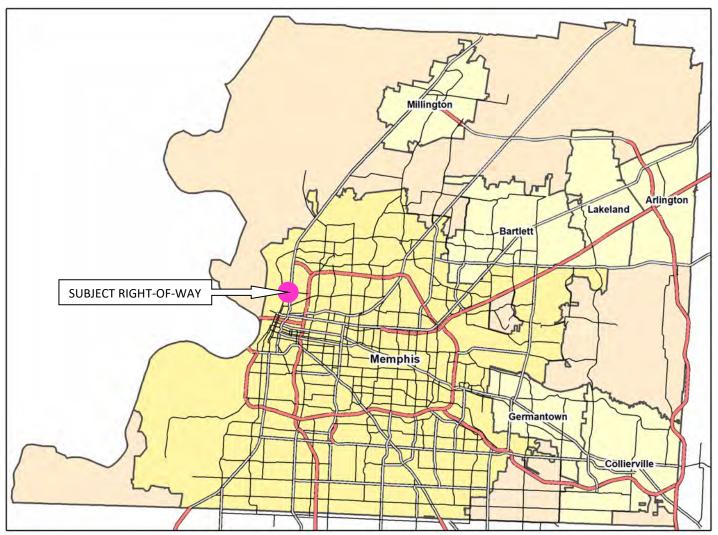
CONSISTENCY WITH MEMPHIS 3.0

This application is not subject to Memphis 3.0 consistency review.

RECOMMENDATION:

Approval with conditions

Staff Writer: Nicholas Wardroup



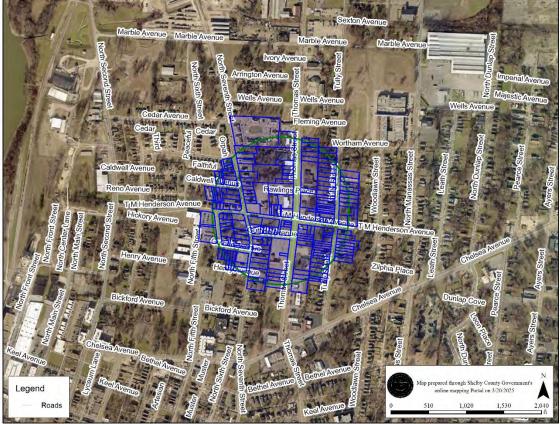
Subject right-of-way located within the pink circle

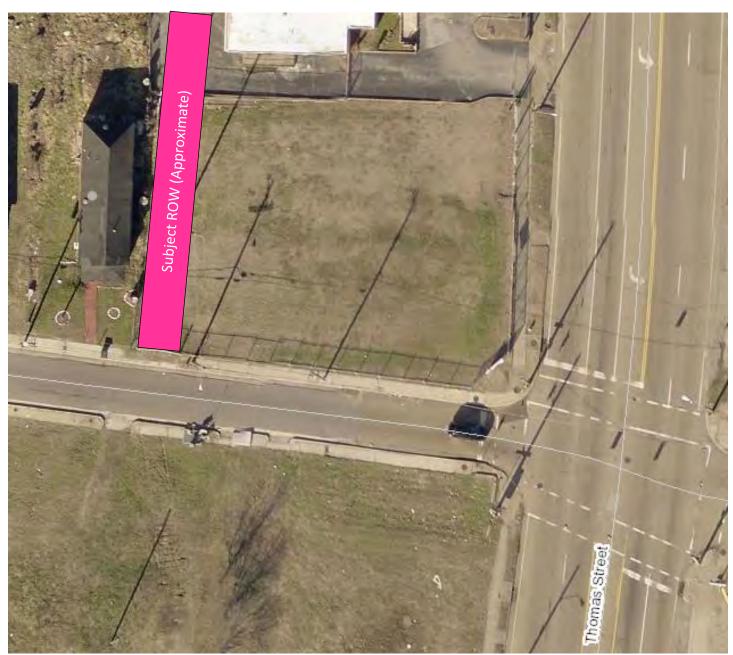
April 10, 2025 Page 3

MAILED NOTICE INFORMATION

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



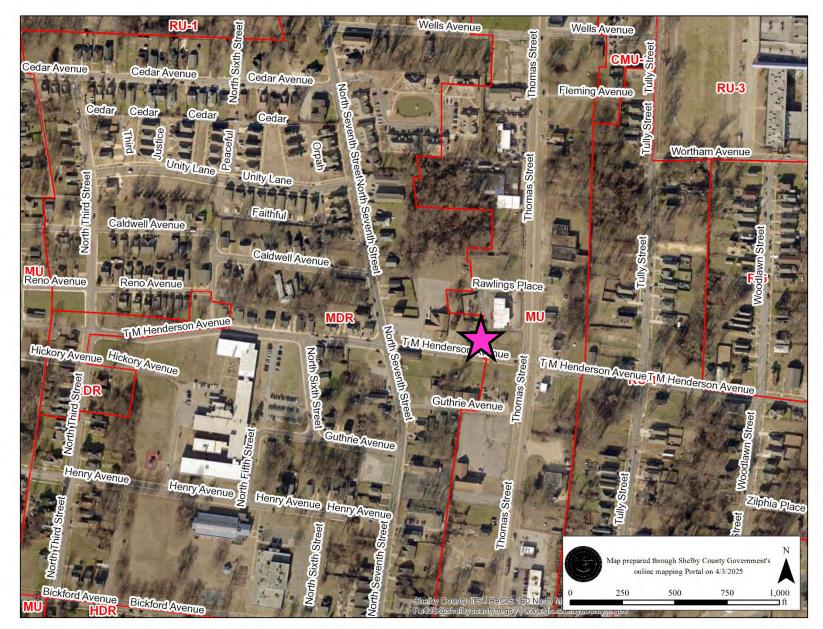




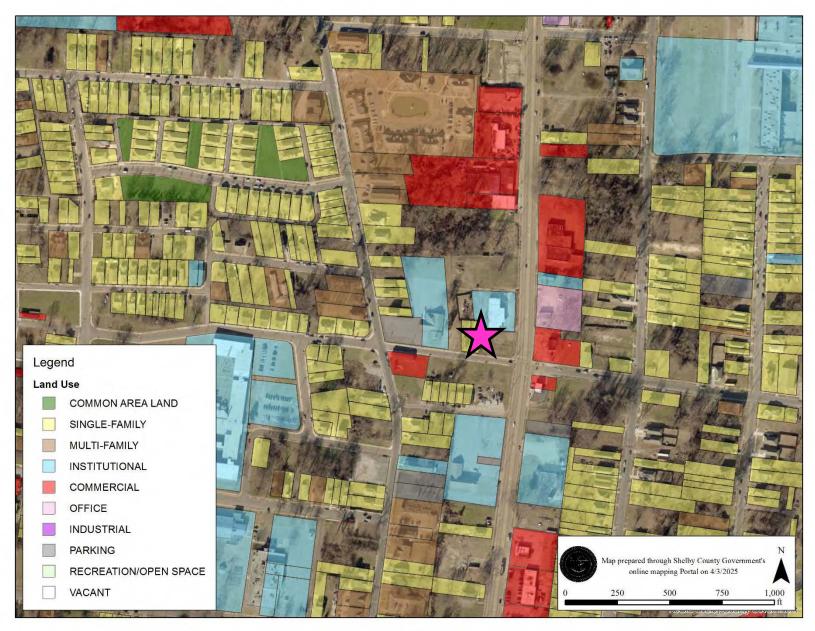
Right-of-way to be closed shown in pink (approximate).

April 10, 2025 Page 5

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

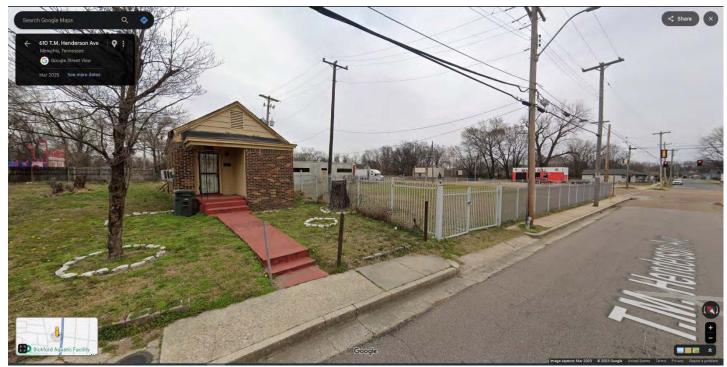


LAND USE MAP





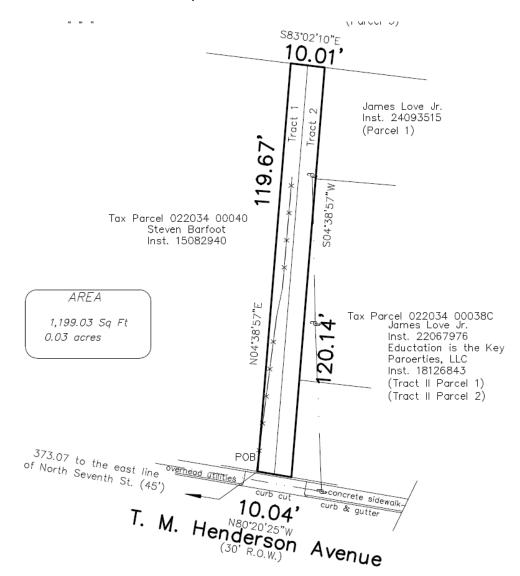
Subject ROW looking north from TM Henderson Ave.



Alternative angle looking northeast from TM Henderson Ave.

RIGHT-OF-WAY VACATION PLAT

Full resolution version attached to this report.



CASE REVIEW

Abandon an unimproved public alley approx. 120' in length

Site Details

Location: Near 610 TM Henderson Ave.

Area: +/-1,199 sq. ft.

Description:

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

Analysis

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

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

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

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

DEPARTMENTAL COMMENTS

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

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

CITY ENGINEERING COMMENTS

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

Street Closures:

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

ATTACHMENTS

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

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

12/29/2024

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

RE: 0 T.M. HEDERSON AVENUE, Memphis, TN 38107 Parcel Number: ALLEY Record Numbers: SAC 2024-010

Dear Brett:

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

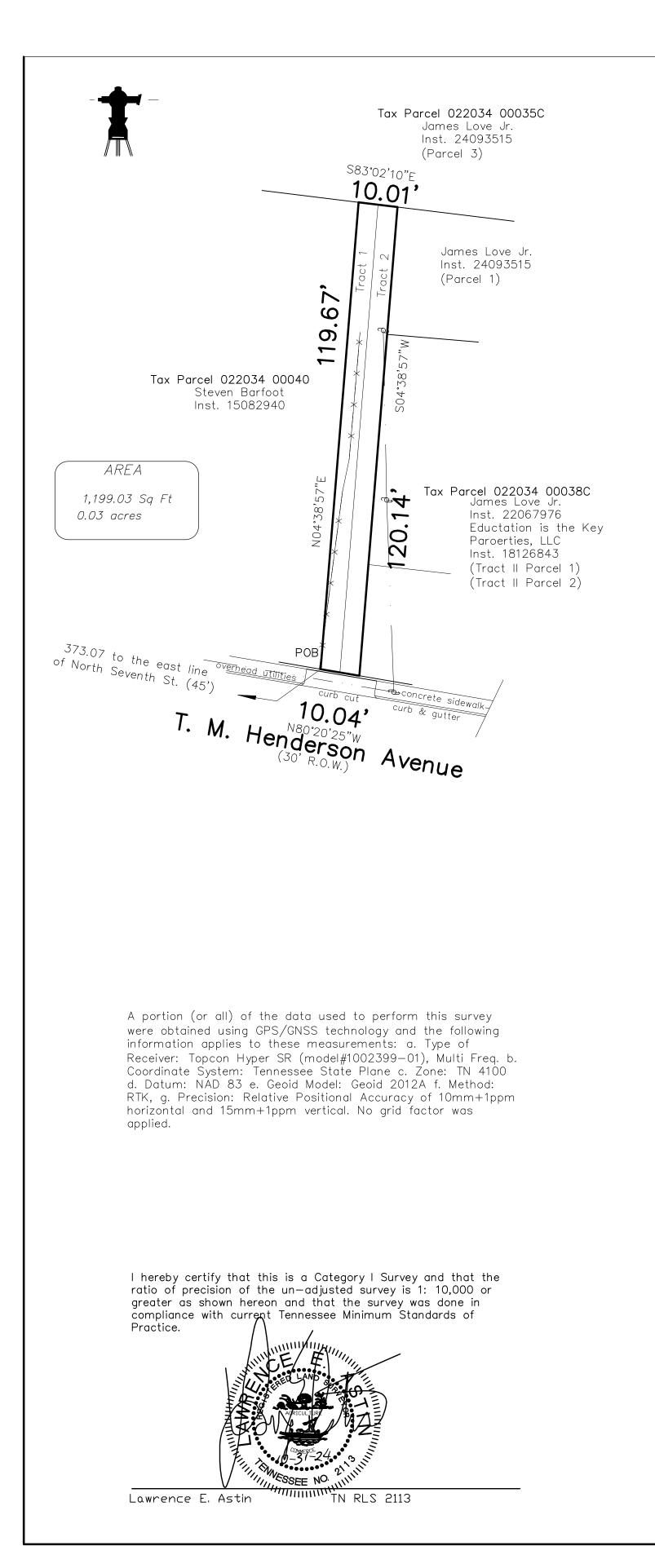
- James Love Jr.; Parcel # 0022034 00038C; 0 T.M. Henderson Ave.
- Dessie Love; Parcel # 022037 00035C; 975 Thomas Street
- Steven T. Barfoot; Parcel # 022034 00040; 610 T.M. Henderson Ave.

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

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

Thank you,

Delinor Smith, Smith Building Design and Associates



property (Inst. 15082940) a distance of 119.67 feet to a point in the south line of Lot 4 and being the south line of the James Love Jr. 10 seconds East along the line dividing Lots 4 and 5 of said Rawling over the above described area. Part of a 10 foot wide alley being a part of Lot 5 of the Probate Court described hereon;

hereon:

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

Tract 2

described hereon;

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

Closure Description

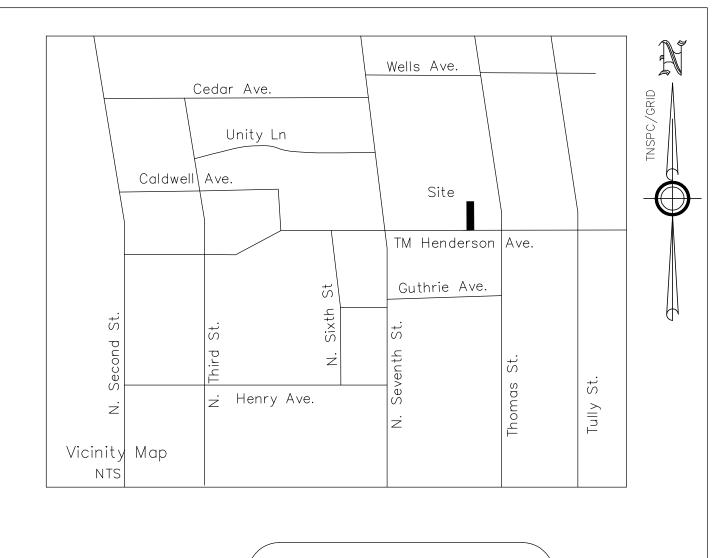
10 foot wide alley being a part of Lot 5 of the Probate Court Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further described

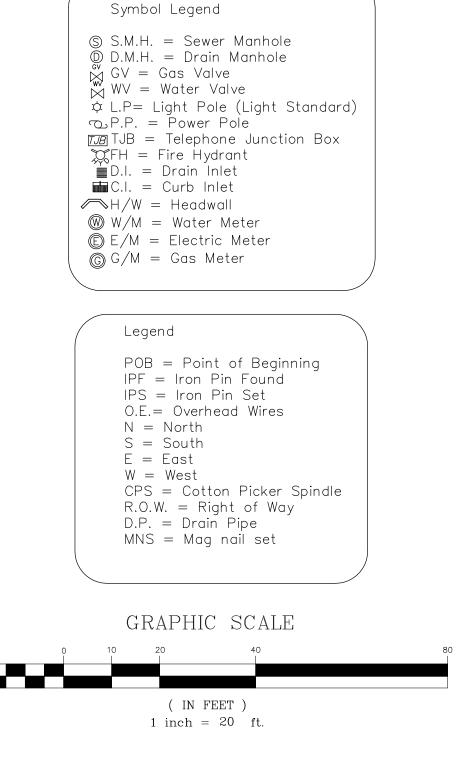
Beginning at a point in the north line of T.M. Henderson Avenue (formerly Vollintine Avenue), 30 feet wide, a distance of 373.07 feet east of the east line of North Seventh Street (45 feet wide); thence North 04 degrees 38 minutes 57 seconds East along the east line of the Steven Barfoot property (Parcel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

Tract 1

Subdivision of the Rawling Tract as recorded in Probate Court Minute Book 43, Page 466 in Memphis, Shelby County, Tennessee and being further

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





Street Closure Plat

10 Foot Alley

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

SCALE 1'' = 20'

Memphis, Shelby County, TN

Area: 1,199.03 SqFt

DATE: 02/07/2025

Prepared for: Bessie Love

Campbell Surveying Company

1023 South Yates Road Memphis, TN 38119

Suite 101 (901) 683-9114



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

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

Record Detail Information

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

Record Status: Processing

Opened Date: December 6, 2024

Record Number: SAC 2024-010

Expiration Date:

Record Name: O TM HENDERSON AVE. ALLEY CLOSURE

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

Parent Record Number:

Address:

610 TM HENDERSON AVE, MEMPHIS 38107

Owner Information

Primary Owner Name

Y BARFOOT STEVEN T

Owner Address

1620 CANADAVILLE LOOP, EADS, TN 38028

Parcel Information

022034 00040

Data Fields

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

Name of Street where closure will begin

NORMAN SALIBA 12/02/2024 In Person

T. M. HENDERSON AVE.

Owner Phone

GENERAL INFORMATION		
Name of Street where closur What is the reason for the st		N/A APPROVAL OF THE ALLEY CLOSURE WILL CREATE ADDITIONAL SPACE FOR A FRIVABLE PERIMETER AROUND THE EXISTING BUILDING. IT WILL ALSO ALLOW BOTH NEIGHBORS TO ACCESS AND MAINTIAN THE PROPERTY MORE EASILY, INCLUDING CLEANING AND LANDSCAPING.
What is the total area of the closed?	right-of-way being	1180
What is the overall length of Name of Street/Alley/ROW Is this application in response Construction Code Enforcem Letter?	e to a citation from	118 NO NAME No
If yes, please provide additio Is this application a time exte RELATED CASE INFORMATION		- No
Previous Case Numbers GIS INFORMATION		-
Case Layer Central Business Improvement Class Downtown Fire District Historic District Land Use Municipality Overlay/Special Purpose Dist Zoning State Route Lot Subdivision Planned Development District Wellhead Protection Overlay County Commission District City Council District	trict	PD08-301, SUP10-212, Z88-157 Yes R No - SINGLE-FAMILY MEMPHIS Central Business Improvement District MDR - E PT 2 KAUFMAN - No -
Data Tables		
Property Owners		
Property Address: Property Owner Name: Mailing Address (if different than property address):	610 T. M. HENDERSO STEVEN BARFOOT 1620 CANADAVILLE	DN AVE. LOOP, EADS TN 38028

stb1620@yahoo.com

Email Address:

Contact Information

Name JAMES LOVE

Address

Phone (901)301-7678

Name

JAMES LOVE

Address

Phone (901)301-7678

Name SMITH BUILDING DESIGN

Address

Phone

(901)690-3944

Fee Inforr		0	F	01-1	D	Data Association
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1610383	Right of Way	1	400.00	INVOICED	0.00	12/06/2024
	Vacation/Closure Fee					
1610383	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/06/2024

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$410.40 Credit Card

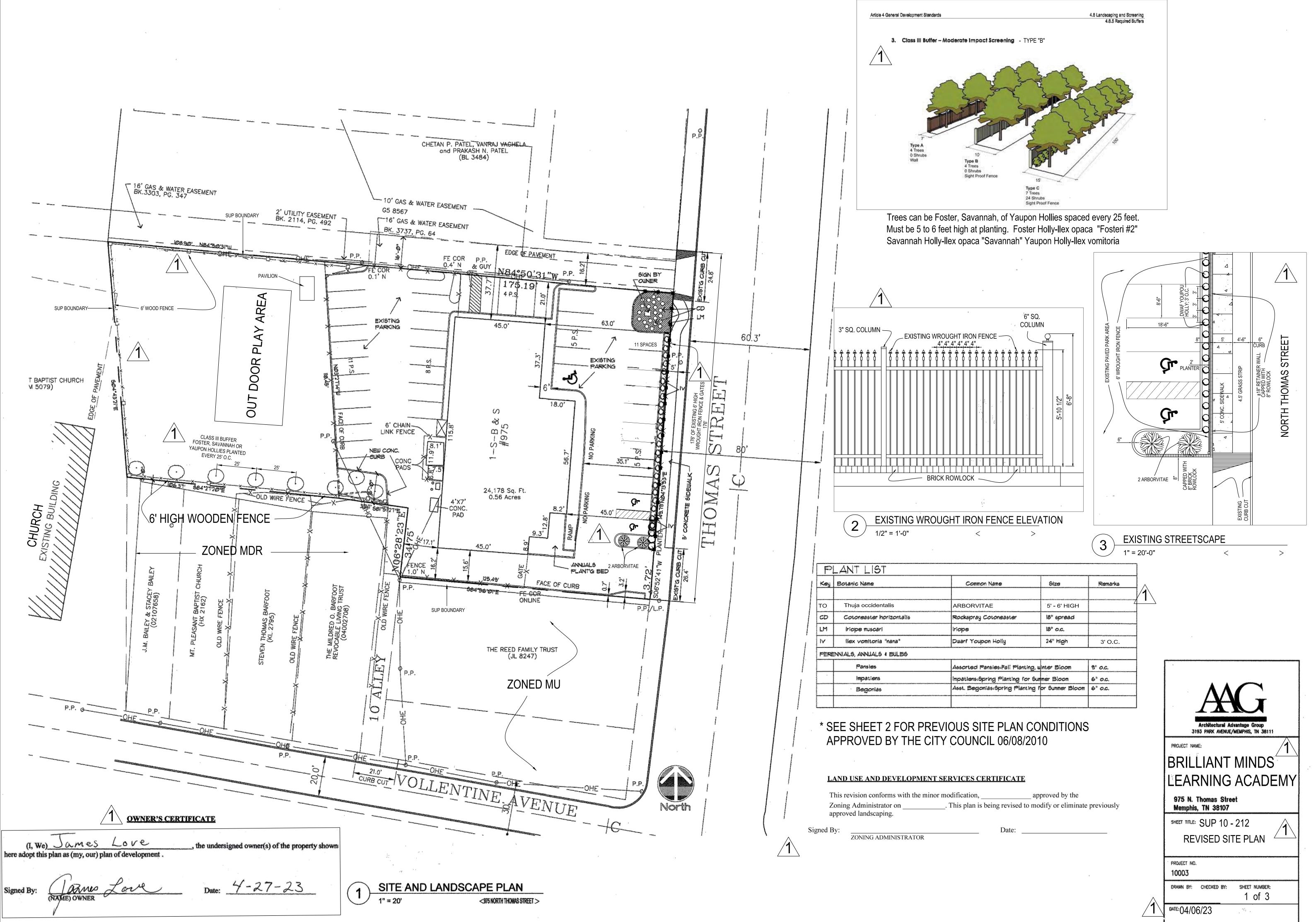
Page 3 of 3

ADJACENT PROPERTY OWNER OF RECORD

Contact Type APPLICANT

Contact Type

Contact Type REPRESENTATIVE



SITE PLAN CONDITIONS:

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

- Use Permitted:
- Bulk Regulations: Π.
 - A. shall be as illustrated on the Survey and Landscape Plan.
 - Β.
- Access & Circulation: III.
 - Α.
 - Β.
 - C. compliance or City of Memphis standards.
- Landscaping and Screening: IV.
 - maintained parallel to North Thomas Street.
 - Β.
 - C.
- Signs: V.
 - A.
 - No temporary or portable signs shall be permitted. Β.
- VI. and no zoning violations.

S.U.P 10-212 House of Knowledge Childcare, Inc. Special Permit

APPROVED ; BY CITY COUNCIL ON 06/08/2010 * CONDITIONS REMAIN APPLICABLE EXCEPT WHERE MODIFIED BY 1 ON SHEET 1 OF 2.

A day care center with a maximum of sixty(60) children.

A maximum building setback of forty-five(45) feet from North Thomas Street. All other setbacks

Any new addition shall be in accordance with the Mixed Use(MU) District regulations.

Any new curb cut shall be subject to review and approval by City Engineer.

Any new private drive shall be constructed to meet Subdivision Regulations, applicable City Standards and provide a minimum width of twenty-two(22) feet, exclusive of curb and gutter.

The developer shall be responsible for any reconstruction or repair necessary to meet ADA

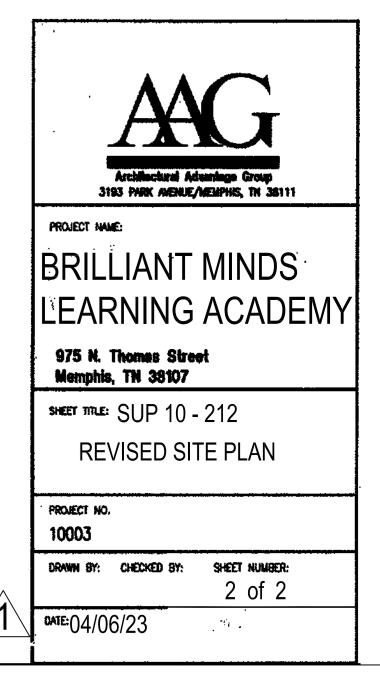
A. A Landscape Plate 'A' (modified) as illustrated on the Landscape Plan shall be provided and

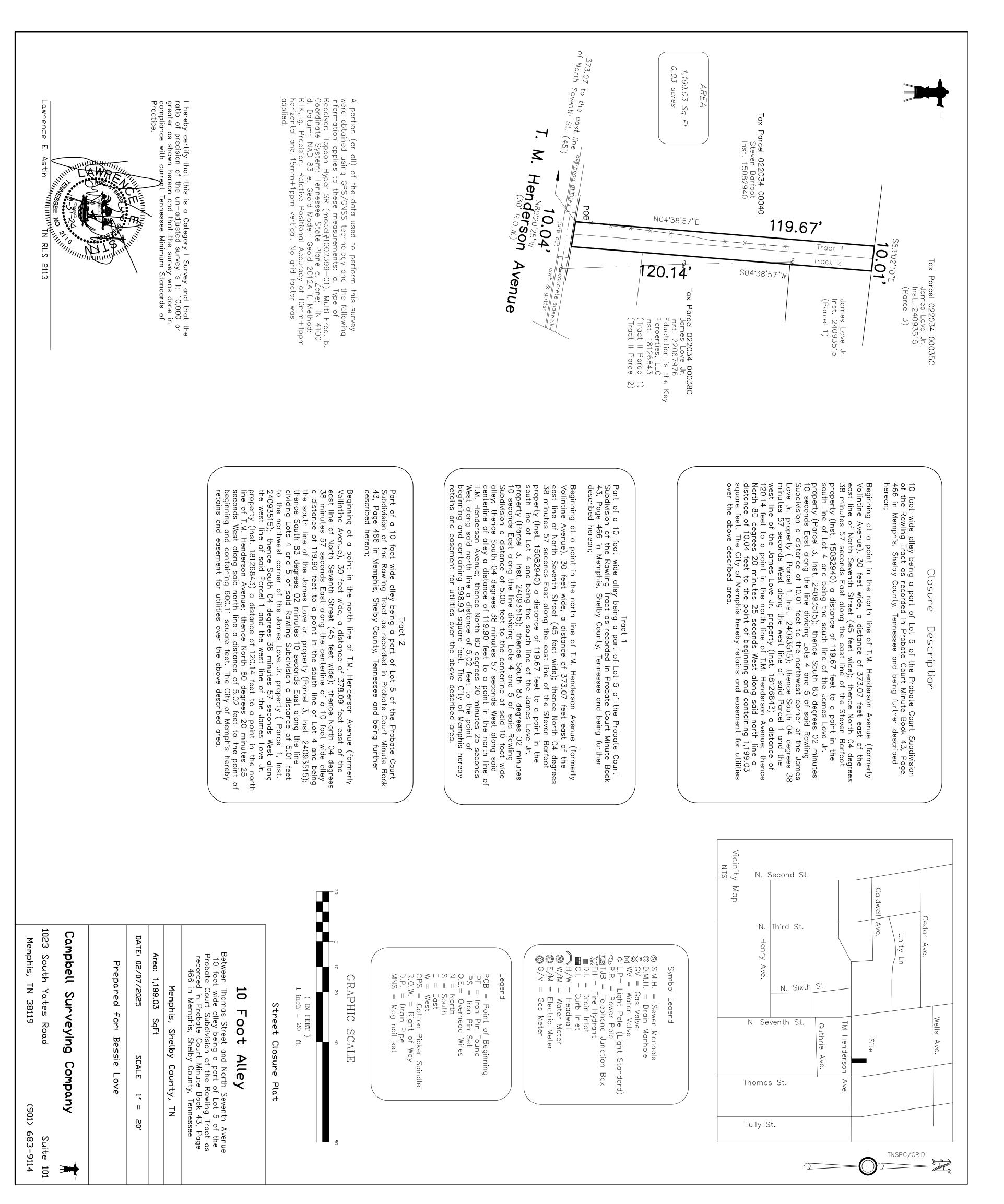
A Landscape Plate 'B-4' as illustrated on the Landscape Plan shall be provided and maintained to the rear abutting residential zoning to include a sight-proof wood fence six(6') feet in height.

All mature trees and shrubs on the subject property shall be preserved and maintained. Required landscaping shall not be placed on any sewer or drainage easements or under any utility easement.

A ground-mounted monument sign a maximum of thirty-five(35) square feet in area. The base of the sign shall be landscaped with similar plant materials as in the streetscape.

A day care center for a maximum of sixty(60) children shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval





12/29/2024

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

RE: 0 T.M. HEDERSON AVENUE, Memphis, TN 38107 Parcel Number: ALLEY Record Numbers: SAC 2024-010

Dear Brett:

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

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

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

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

Thank you,

Delinor Smith, Smith Building Design and Associates

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

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.

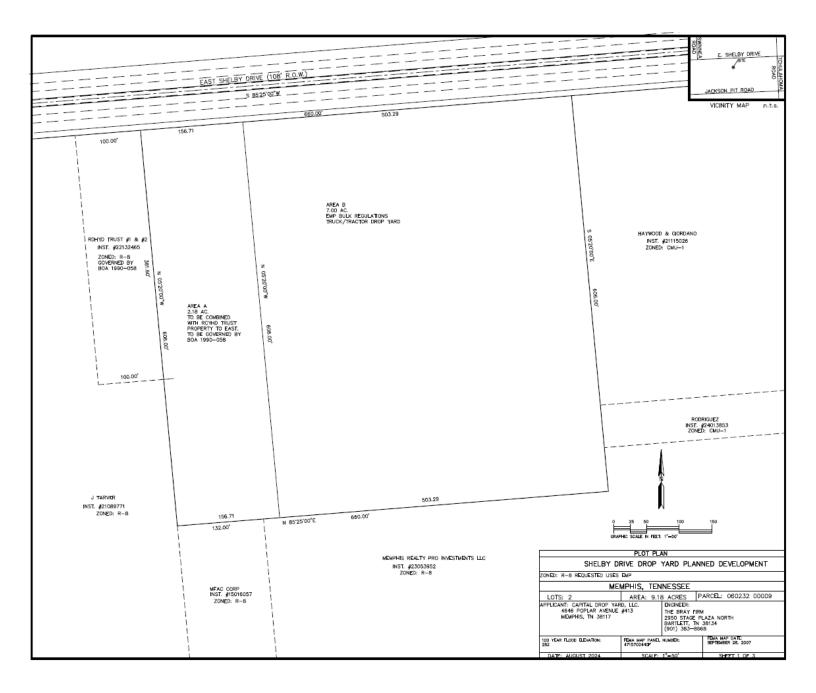
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

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.

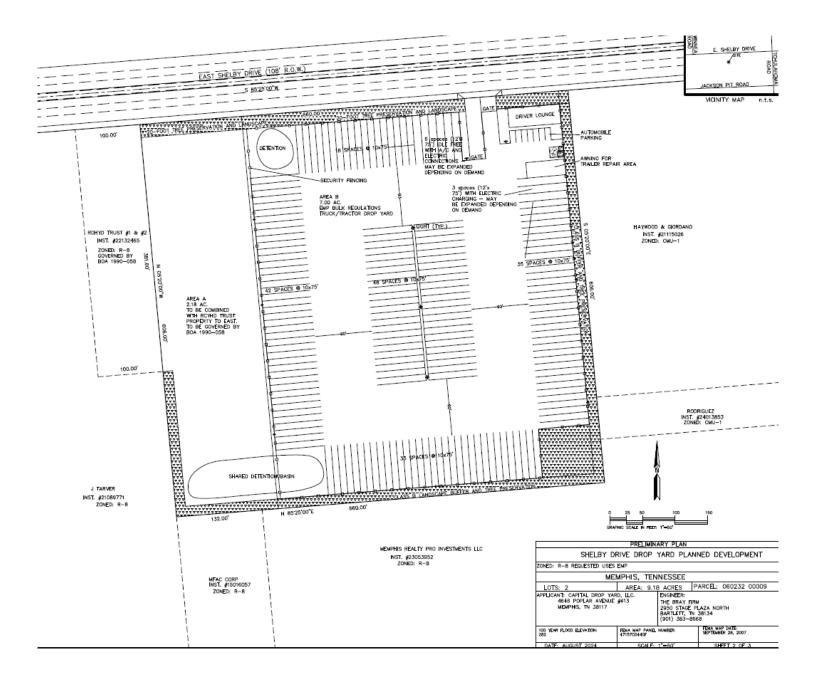
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

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

AGENDATIENI	
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.

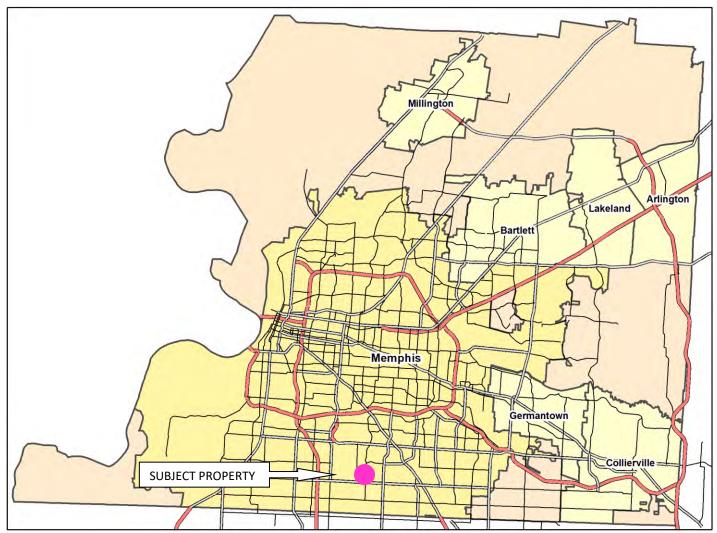
CONSISTENCY WITH MEMPHIS 3.0

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:

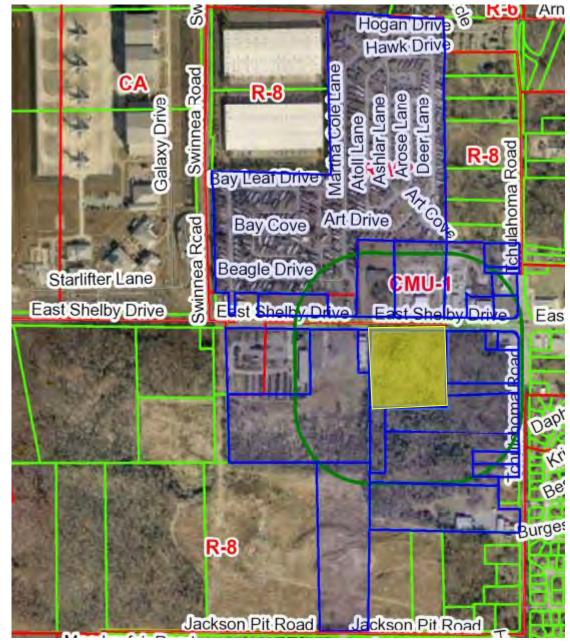
Rejection; however, if approved, staff recommends outline plan conditions

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

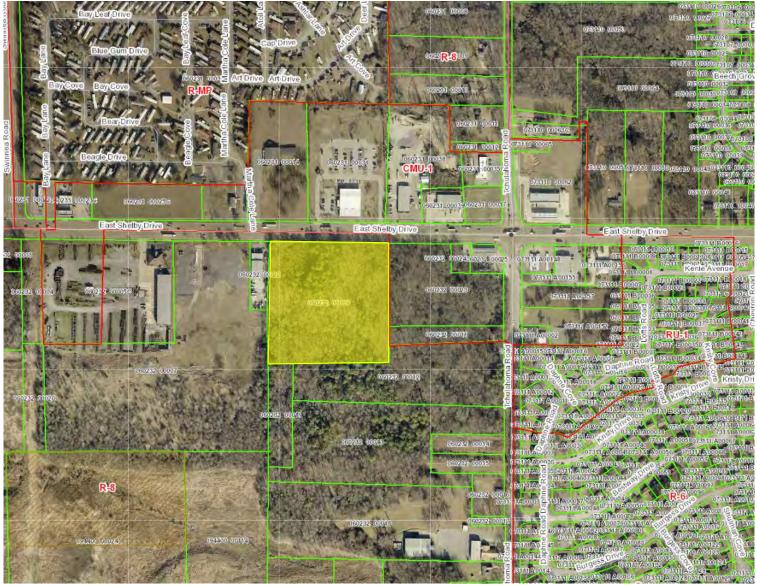
The meeting was held on Tuesday, August 27, 2024.

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

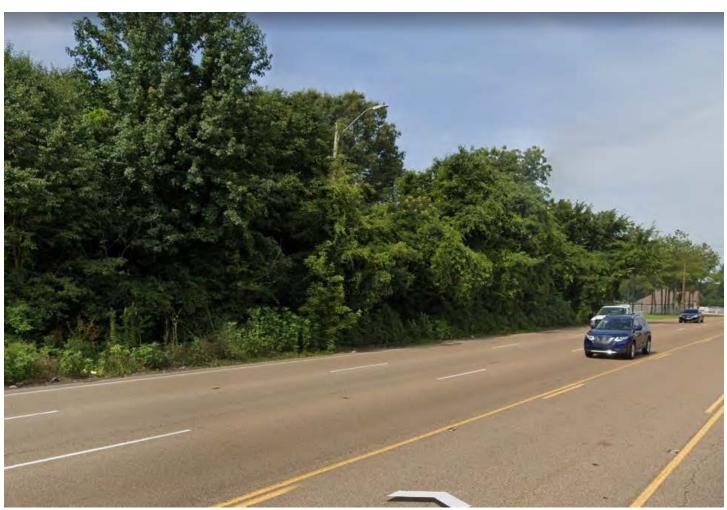


Subject property indicated by a pink star

SITE PHOTOS

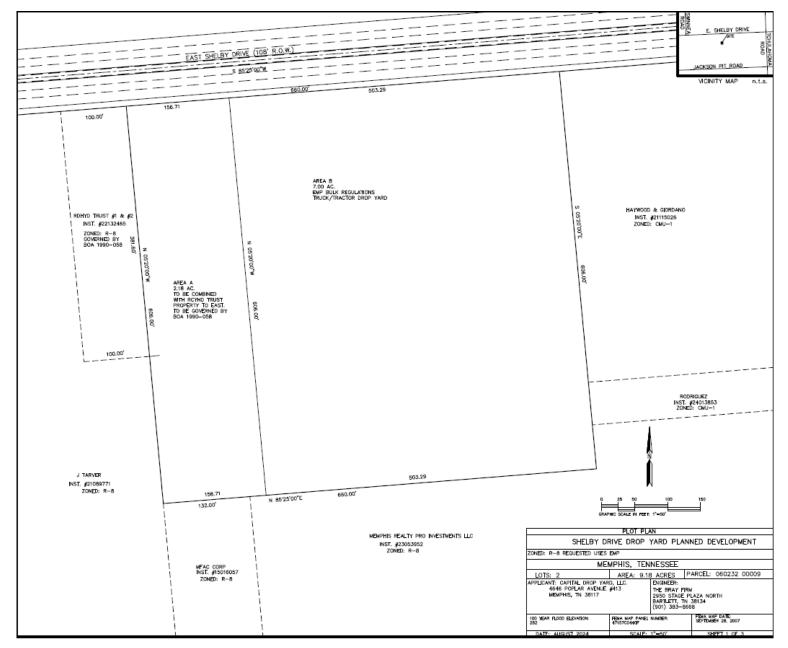


View of subject property from East Shelby Drive looking north.

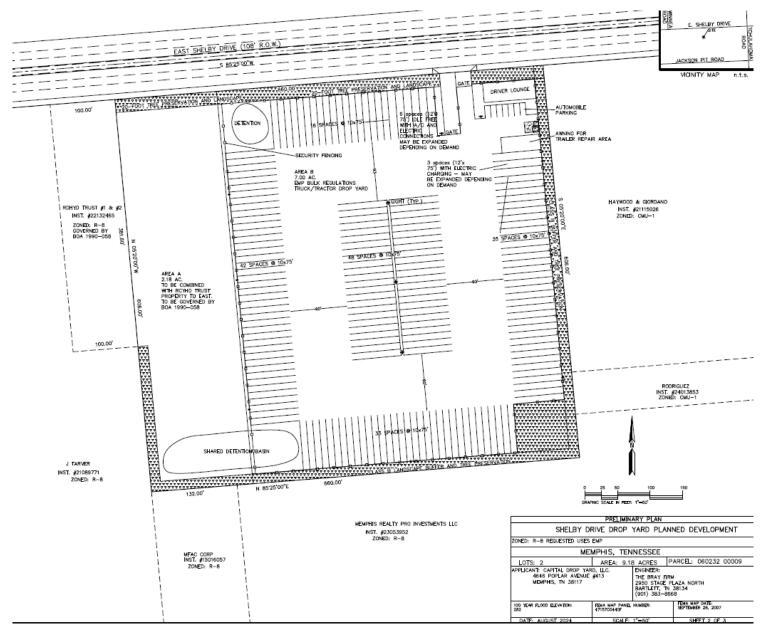


View of subject property from East Shelby Drive looking south.

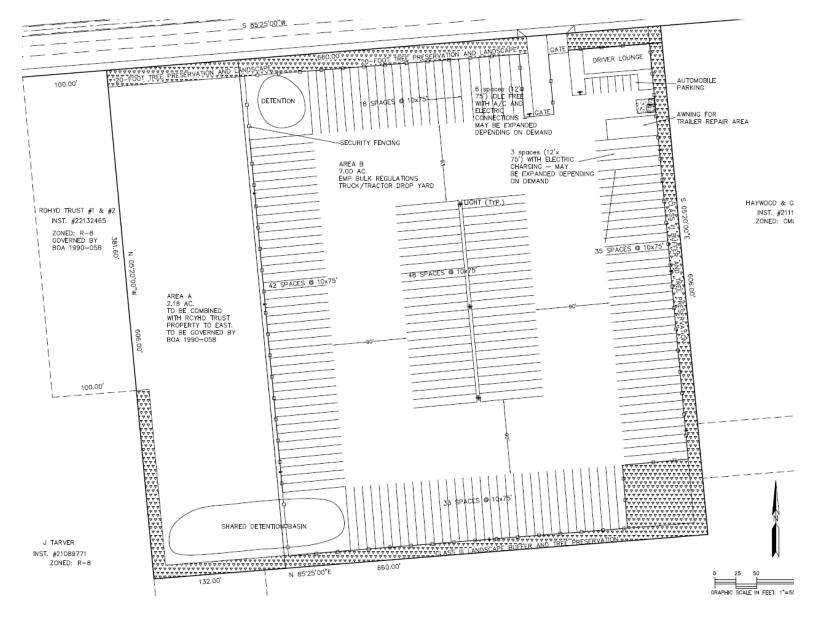
PLOT PLAN



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.

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 2024-013 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

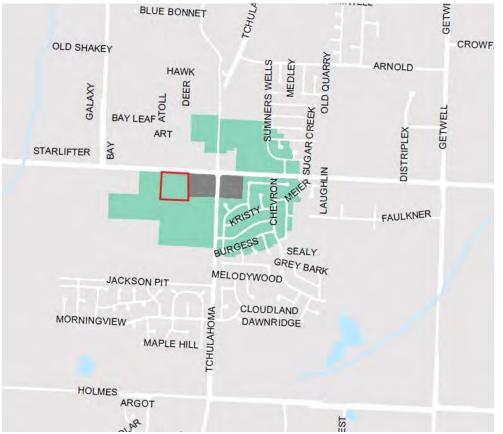
Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

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.*

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.



24

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

to Case No. PD 2.024-013 al PIECCL	CloC232C72722 Lond Use Control Board. Memphis missioners for consideration of a proposed Special Use Permit,Zoning y Closure), a photograph of said sign(s) being
	8-7.9-24
Stephen Christedes	Date
Subscribed and swom to before me this <u>29th</u> de Notary Public	y or Aliguist 2024
My commission expires 1012(24)	MISS Y PUGS 249593 RELLE THOMAS
Commissi Oct. 21	On Eanless

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

То		otal Fee Invo	biced: \$2,052.00	Total Ba	lance: \$0.0	00
1584854	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024
1584854	Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
	fractional acres above 5					
1584854		5	500.00	INVOICED	0.00	08/09/2024
-ee Intorn	Fee Item	Quantity	Fees	Status	Relance	Date Assessed
Fee Inform	nation					
Phone 901)487-242	5					
Address 2950 STAGE	PLAZA NORTH,				SURVEY	OR
Name THE BRAY FIRM					ARCHIT	ECT / ENGINEER)
Name					Conte	ct Type
Phone						
Address					APPLICA	
Name STEPHEN CI	HRISTIDES				Contac APPLIC	ct Type
Contact In	formation				_	
	Protection Overlay District		No			
	Development District					
Subdivis			- C			
Lot			1.0			
State Ro	ute		1			
Zoning	and south indirates		R-8			
	Special Purpose District		4.1			
Municipa	7	VACANT				
Land Us						
Downtown Fire District Historic District		NO				
Class	- Fire District		No			
Central Business Improvement Distric		R No				

\$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 (Oun 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 fronts 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.

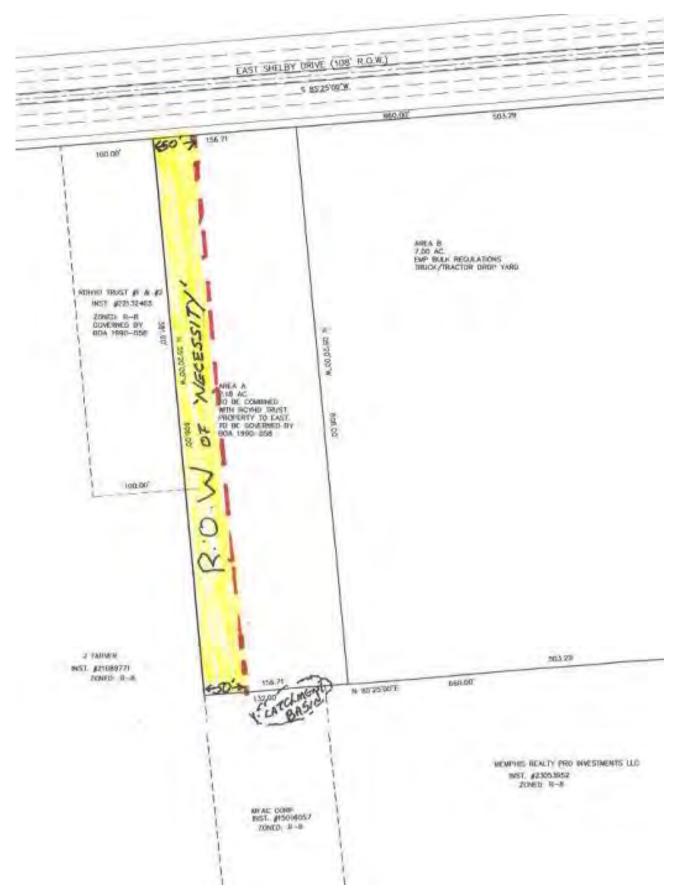
Specifically, I am asking your help in getting a proper (50') Right-of-Way of 'Necessity', incorporated, so that I may have ingress/egress to my Lot#19 property. To be sure, attached hereto is a sketch of the of hatched *ROW* being sought. The need for this ROW easement is absolutely <u>necessary</u>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

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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
	T	otal Fee Invo	biced: \$2,052.00	Total Bal	ance: \$0.0	00

Payment Information

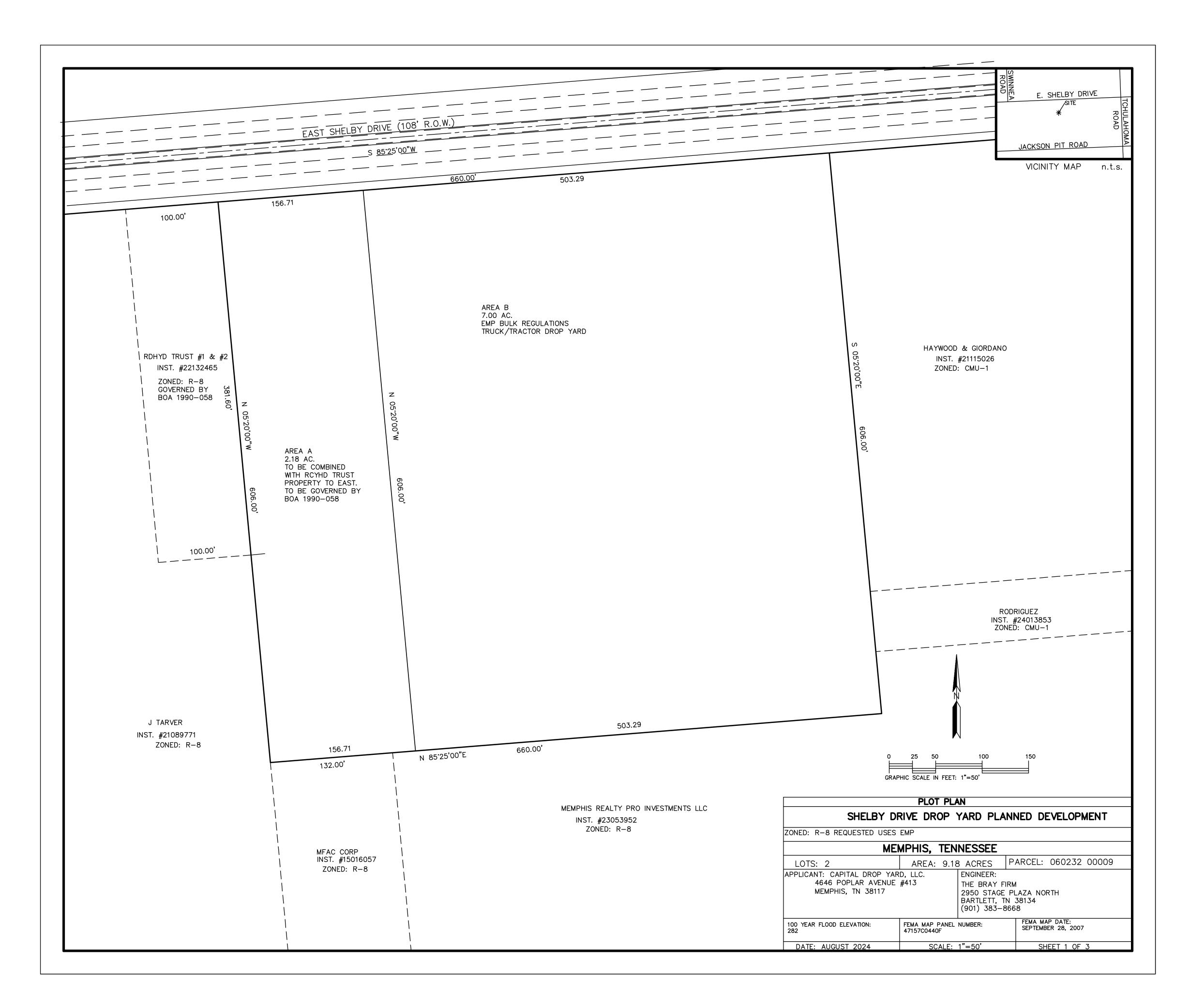
Payment Amount	Method of Payment
\$2,052.00	Credit Card

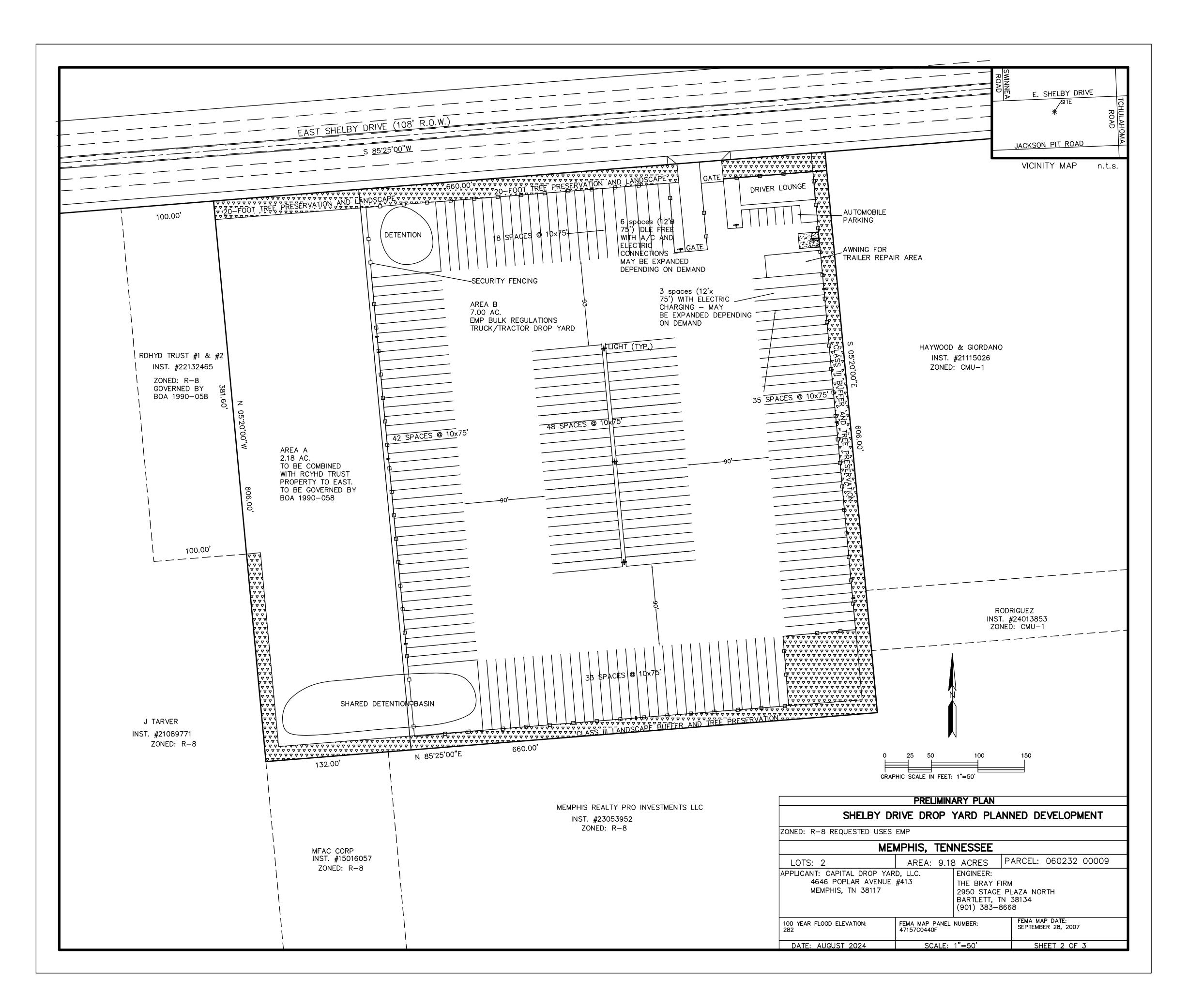
Contact Type ARCHITECT / ENGINEER /

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, TENNESS
LOTS: 2	AREA: 9.18 ACR
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					
DROP '	YARD PLAN	INED DEVELOPMENT			
IS, TEN	NESSEE				
REA: 9.18	B ACRES	PARCEL: 060232 00009			
C. ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668					
MAP PANEL 7C0440F	NUMBER:	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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- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
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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 mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at <u>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	
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

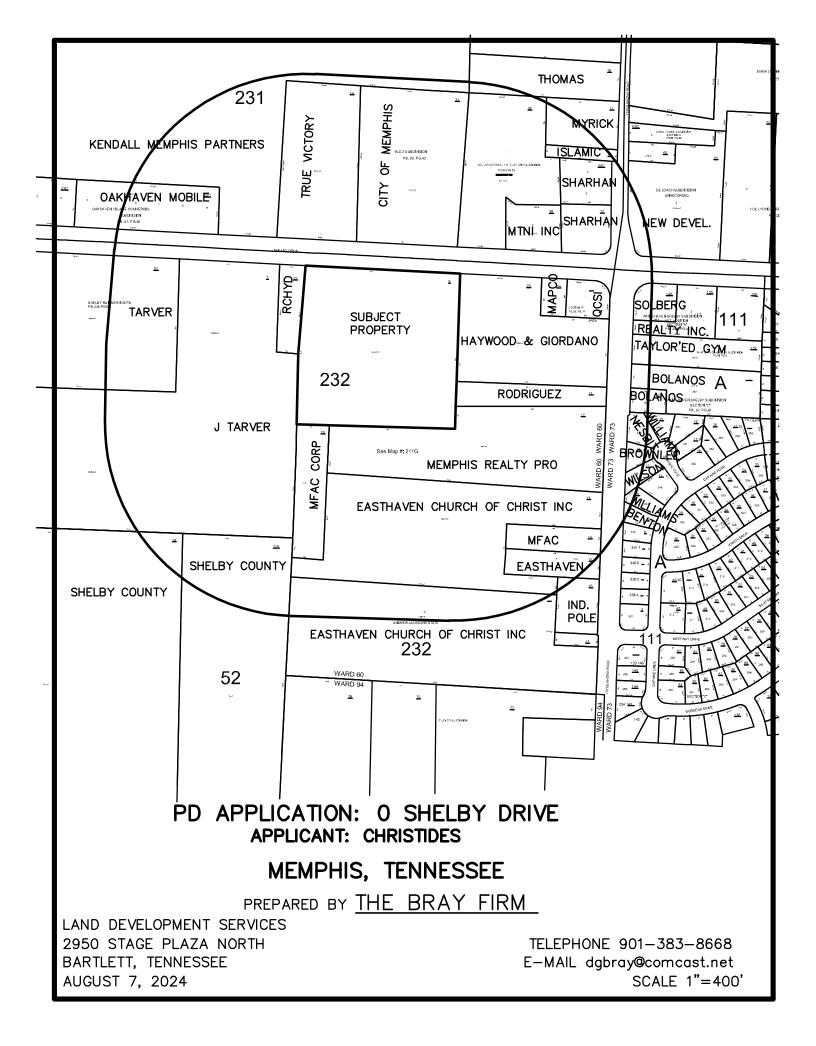
RESIDENT 3292 SHELBY DR MEMPHIS, TN 38118

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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A. The Site plan shall include:

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

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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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CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

04/08/2025 Planning & Zoning COMMITTEE:

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

DATE

		PUBLIC SESSION:	04/22/2025 DATE			
ITEM (CHECK ONE)						
ORDINANCE	X RESOLUTION	X REQUEST FOR	PUBLIC HEARING			
ITEM DESCRIPTION:	Resolution approvin residents along Gran Control Board appr	ng the appeal of David Wade on behalf of Charles B. Dudley, Frank Stallworth, and other ndview Avenue seeking to overturn the action of the Memphis and Shelby County Land Use roving a two-lot residential major subdivision at the subject property located at 4041 known as case number S 2024-041 correspondence				
CASE NUMBER:	S 2024-041 Corresp	ondence				
DEVELOPMENT:	Two-lot residential 1	najor subdivision				
LOCATION:	4014 Grandview Av	enue				
COUNCIL DISTRICTS:	District 5 and Super	District 9 – Positions 1, 2,	and 3			
APPELLANT:	Charles B. Dudley a	nd Frank Stallworth				
REPRESENTATIVE:	David Wade					
REQUEST:	Overturn a decision	of the Land Use Control B	oard			
AREA:	+/-1.55 acres					
RECOMMENDATION:			ommended Approval with conditions and waivers proval with conditions and waivers			
RECOMMENDED COUN	Add Publ		ng public hearing – <u>April 8, 2025</u>			
PRIOR ACTION ON ITEM: (1) 02/13/2025 (1) Land Use Control Board		APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T ENTITY (2) COUNCIL COMMITTEE				
FUNDING: (2) \$ \$ SOURCE AND AMOUNT (
<u>\$</u>		OPERATING BUDGET				
<u>\$</u> \$		CIP PROJECT # FEDERAL/STATE/OTHER				
ADMINISTRATIVE APPR	OVAL:	<u>DATE</u>	POSITION			
Chloe Christ	*	3/31/2025	PLANNER II			
0,000			DEPUTY ADMINISTRATOR			
Brett Regidere		3/31/2025	ADMINISTRATOR			
BARN 1		0/01/2020				
			DIRECTOR (JOINT APPROVAL)			
			COMPTROLLER			
			FINANCE DIRECTOR			
			CITY ATTORNEY			
·			CHIEF ADMINISTRATIVE OFFICER			
			COMMITTEE CHAIRMAN			



CHASE CARLISLE Memphis City Council Super District 9-1

Date: March 31, 2025

RE: Case S 2024-041

To: John Zeanah Director, Division of Planning & Development

Director Zeanah

In advance of case S 2024-041 that will come before the body on April 8th, I would like to recuse myself from all discussions, voting, and deliberations on this item as I have a personal interest in the matter.

In service,

Chase Carlisle Memphis City Councilman

CC:

J. Ford Canale – Chairman of the Memphis City Council Attorney Allan Wade – Council Attorney Attorney Brianna Owens – Assistant Council Attorney Brooke Hyman – Chief Administrative Officer Ashleigh Hayes – Deputy Chief Administrative Officer



Memphis City Council Summary Sheet

S 2024-041 Correspondence

RESOLUTION APPROVING THE APPEAL OF DAVID WADE ON BEHALF OF CHARLES B. DUDLEY, FRANK STALLWORTH, AND OTHER RESIDENTS ALONG GRANDVIEW AVENUE SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A MAJOR SUBDIVISION AT THE SUBJECT PROPERTY LOCATED AT 4014 GRANDVIEW AVENUE, KNOWN AS CASE NUMBER S 2024-041 CORRESPONDENCE

- This item is a resolution to appeal the Land Use Control Board's approval of a 2-lot residential major subdivision; and
- The Land Use Control Board held a public hearing on February 13, 2025, and approved the aformentioned request subject to eight (8) conditions and one (1) waiver; and
- David Wade of Martin, Tate, Morrow & Marston, P.C. appeared at the aforementioned public hearing on behalf of the appellant; and
- An appeal of the Land Use Control Board decision was filed on February 21, 2025, by David Wade on behalf of Charles B. Dudley, Frank Stallworth and other residents along Grandview Avenue requesting the Memphis City Council overturn the action of the Land Use Control Board; 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:	S 2024-041
LOCATION:	4014 Grandview Avenue
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Chaseton and Elizabeth Carlisle
REPRESENTATIVE:	Josh Whitehead
REQUEST:	Two-lot residential major subdivision
EXISTING ZONING:	Residential Single-Family – 10 (R-10)
AREA:	+/-1.55 acres

The following spoke in support of the application: Josh Whitehead

The following spoke in regards to the application: David Wade, Chip Dudley, and Frank Stallworth

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

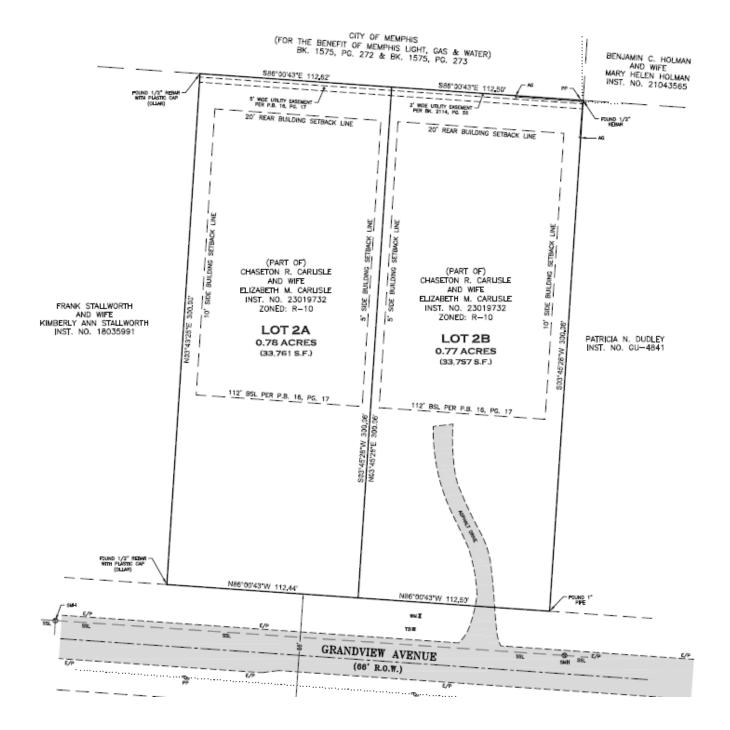
The motion passed by a vote of 5-3 on the regular agenda.

Respectfully,

Chloe Christion

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

Cc: Committee Members File



CONDITIONS & WAIVERS

Conditions:

- 1. The western side yard setback of Lot 2A and the eastern side yard setback for Lot 2B shall be 15 feet.
- 2. The minimum front yard setback shall be 112 feet; the maximum front setback shall be 122 feet. At least 30 feet of the front facade of the houses shall be placed within this front setback range.
- 3. The final plat shall be reviewed by the City Engineer to determine the size and location of a stormwater detention area based on a drainage design study that ensures post-construction runoff will be less than pre-construction runoff.
- 4. Front-loaded garages shall be prohibited.
- 5. The use of Exterior Insulation Finishing System (EIFS) shall be prohibited on the exterior of the houses.
- 6. Only single-family detached dwellings shall be permitted on the lots. Any other principal uses permitted by the Memphis and Shelby County Unified Development Code are prohibited.
- 7. The final plat shall reflect lots of roughly the same size that do not vary more than 1000 square feet from one another.
- 8. A shared driveway serving both lots is prohibited.

Waivers:

1. A waiver to Sub-Sections 5.2.2B and 5.2.21A is granted to relieve the developer and/or building permit holder of the installation of curb, gutter, or sidewalks along the Grandview Avenue frontage.

RESOLUTION APPROVING THE APPEAL OF DAVID WADE ON BEHALF OF CHARLES B. DUDLEY, FRANK STALLWORTH, AND OTHER RESIDENTS ALONG GRANDVIEW AVENUE SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A TWO-LOT RESIDENTIAL MAJOR SUBDIVISION AT THE SUBJECT PROPERTY LOCATED AT 4014 GRANDVIEW AVENUE, KNOWN AS CASE NUMBER S 2024-041 CORRESPONDENCE

WHEREAS, Chaseton and Elizabeth Carlisle filed an application with the Memphis and Shelby County Division of Planning and Development for a two-lot residential major subdivision; and

WHEREAS, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards and regulations of Memphis and Shelby County Unified Development Code and submitted its findings and recommendation 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 February 13, 2025, and said Board approved the request of the applicant subject to eight (8) conditions and one (1) waiver.

WHEREAS, David Wade, filed an appeal on February 21, 2025, on behalf of Charles B. Dudley, Frank Stallworth, and other residents along Grandview Avenue with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis overturn the action of the Memphis and Shelby County Land Use Control Board; and

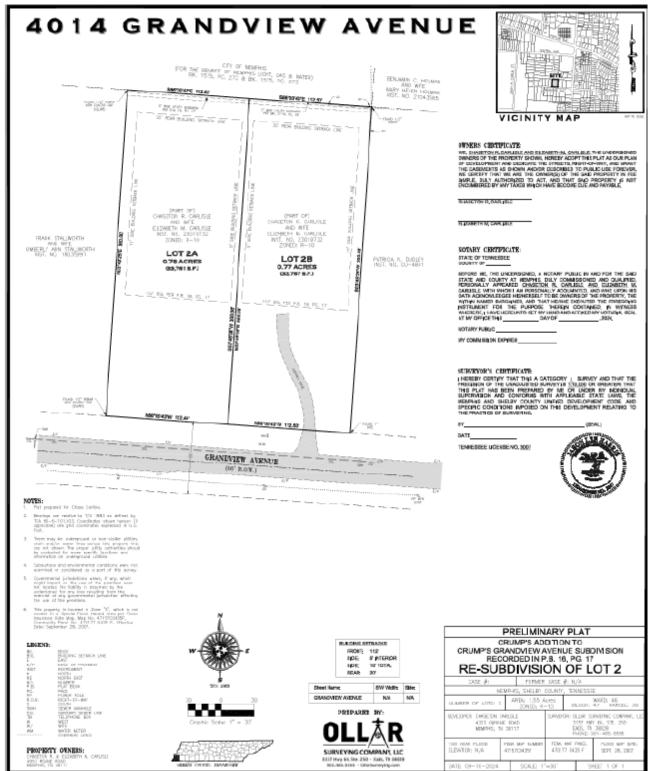
WHEREAS, the Council of the City of Memphis has reviewed the aforementioned appeal pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said appeal is consistent with the Memphis 3.0 General Plan; and

WHEREAS, upon evidence presented at this public hearing by the appellant, the City Council of the City of Memphis, concludes the appeal herein should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the appeal of the appellant, David Wade on behalf of Charles B. Dudley, Frank Stallworth, and other residents along Grandview Avenue, is granted and the action of the Memphis and Shelby County Land Use Control Board on February 13, 2025, is hereby overturned.

BE IT FURTHER RESOLVED, that this resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the Council of the City of Memphis.

SITE PLAN



CONDITIONS:

- 1. The western side yard setback of Lot 2A and the eastern side yard setback for Lot 2B shall be 15 feet.
- 2. The minimum front yard setback shall be 112 feet; the maximum front setback shall be 122 feet. At least 30 feet of the front facade of the houses shall be placed within this front setback range.
- 3. The final plat shall be reviewed by the City Engineer to determine the size and location of a stormwater detention area based on a drainage design study that ensures post-construction runoff will be less than pre-construction runoff.
- 4. Front-loaded garages shall be prohibited.
- 5. The use of Exterior Insulation Finishing System (EIFS) shall be prohibited on the exterior of the houses.
- 6. Only single-family detached dwellings shall be permitted on the lots. Any other principal uses permitted by the Memphis and Shelby County Unified Development Code are prohibited.
- 7. The final plat shall reflect lots of roughly the same size that do not vary more than 1000 square feet from one another.
- 8. A shared driveway serving both lots is prohibited.

WAIVERS

1. A waiver to Sub-Sections 5.2.2B and 5.2.21A is granted to relieve the developer and/or building permit holder of the installation of curb, gutter, or sidewalks along the Grandview Avenue frontage.

ATTEST:

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



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 Subdivision

Record Detail Information

Record Type: Subdivision

Record Status: Assignment Opened Date: September 26, 2024

Record Number: S 2024-041

Expiration Date:

Record Name: 4014 Grandview Ave.

Description of Work: Our project objective is to subdivide our 1.55 acre lot into 2 lots (0.78 acres and 0.77 acres). The property is currently in the R-10 zoning district with a minimum lot size of 10,000 s.f. and a minimum lot width of 60'. he proposed lots are a minimum of 112' wide and a minimum of 33,761 s.f.

	Parent	Record	Number:
--	--------	--------	---------

Address:

4014 GRANDVIEW AVE, MEMPHIS 38111

Owner Information

Primary Owner Name

Y CARLISLE CHASETON R & ELIZABETH M

Owner Address

4953 Roane Road, MEMPHIS, TN 38117

Parcel Information

046047 00030

Data Fields

PREAPPLICATION MEETING

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

Type of Subdivision Type of Preliminary Plan Norman Saliba 09/27/2024 Email

Major Standard

Page 1 of 3

Owner Phone 9013357069

GENERAL INFORMATION

Name of Subdivision	CRUMP'S ADDITION TO CRUMP'S GRANDVIEW AVENUE SUBDIVISION RECORDED IN P.B. 16, PG. 17
Number of lots	2
Acres	1.55
List any relevant former Docket / Case	-
Number(s) related to previous applications on	
this site	
Access to Public Water	Yes
Access to Public Sewer	Yes
Waiver	No
If yes, please cite the specific Article 5, Chapter	-
4.3, or Section 3.9.2 waiver(s) requested and	
provide the justification for the request	
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	
GIS INFORMATION	
Central Business Improvement District	No
Case Layer	-
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-10
State Route	-
Lot	2
Subdivision	CRUMPS ADDITION TO CRUMPS GRANDVIEW
	AVE
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-
Contact Information	

Address

4303 GWYNNE RD, MEMPHIS, TN, MEMPHIS, TN, 38117

Phone

(901)335-7069

Name

OLLAR SURVEYING COMPANY, LLC

Address

Phone (901)413-8081

Name CHASETON R CARLISLE

Address

Phone (901)335-7069

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1603003	Prelminary Plan Fee	1	400.00	INVOICED	0.00	10/30/2024
1603003	Per Lot Fee	2	60.00	INVOICED	0.00	10/30/2024
1603003	Credit Card Use Fee (.026 x fee)	1	11.96	INVOICED	0.00	10/30/2024
	Та	otal Fee Invo	iced: \$471.96	Total Ba	lance: \$0.0	00

Payment Information

Payment Amount	Method of Payment
\$471.96	Credit Card

Contact Type APPLICANT

Contact Type

ARCHITECT / ENGINEER / SURVEYOR

Contact Type

REPRESENTATIVE



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

of the property located at <u>4014 Grandview Avenue, Memphis, TN 38117</u> and further identified by Assessor's Parcel Number <u>046047 00030</u> for which an application is being made to the Division of Planning and Development. ABY AD ALWIDD ABY DITEND ABY LON ABY

Subscribed and sworn to (or affirmed) before me this 17 day of October in the year of 2024

Signature of Notary Public

My Commission Expires



September 26, 2024

Memphis & Shelby County Office of Planning & Development 125 North Main Street, Suite 468 Memphis, TN 38103

RE: CRUMP'S ADDITION TO CRUMP'S GRANDVIEW AVENUE SUBDIVISION – RESUBDIVISION OF LOT 2

Dear Sir or Madam:

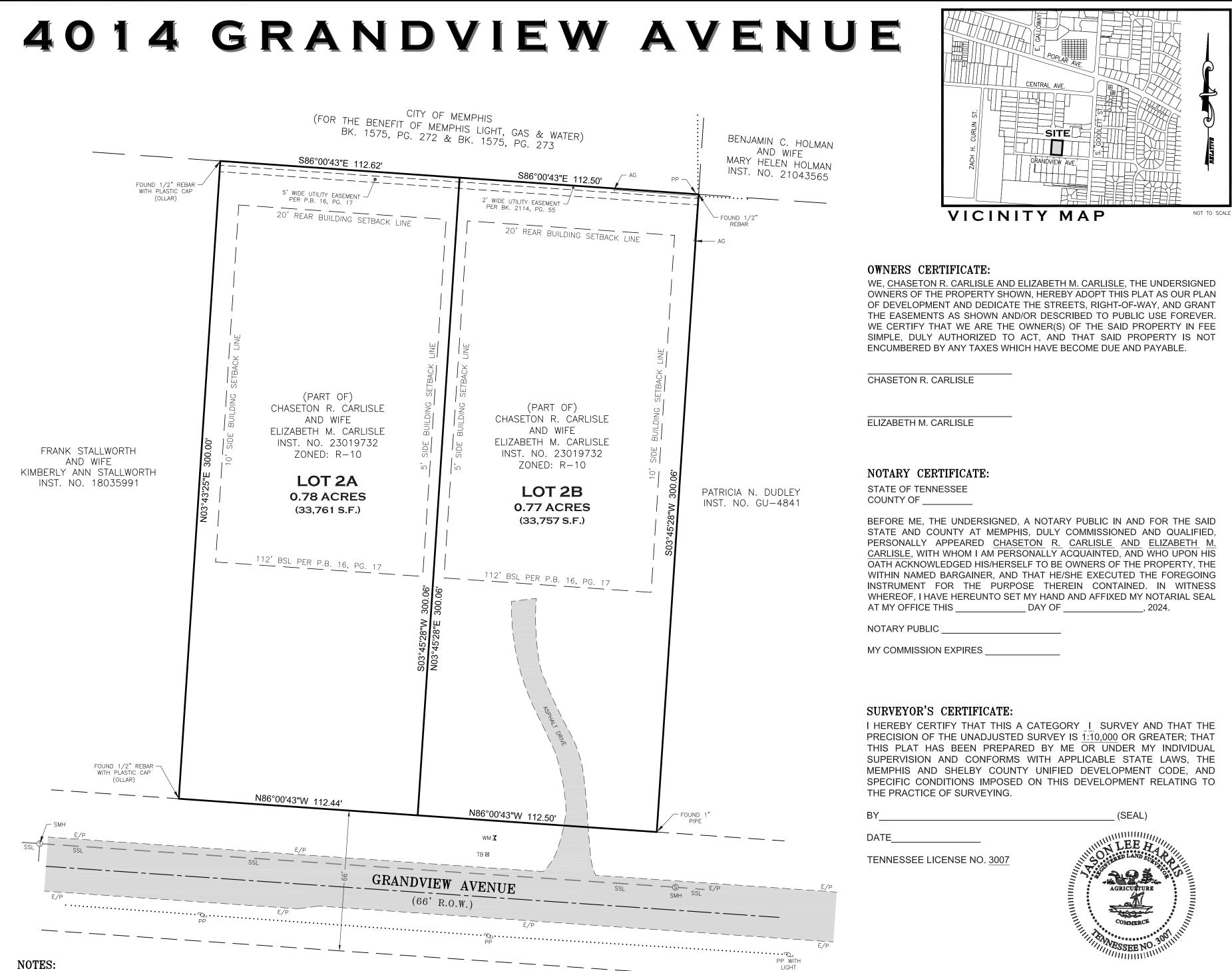
Please allow this correspondence to serve as my "Letter of Intent" to subdivide one (1) existing 1.55 acre lot located at 4014 Grandview Avenue, being on the north side of Grandview Avenue and 720' west of S. Goodlett Road into two (2) residential lots being 0.77 acres and 0.78 acres.

The property is currently in the R-10 zoning district with a minimum lot size of 10,000 s.f. and a minimum lot width of 60. The proposed lots are a minimum of 112' wide and a minimum of 33,761 square feet. Sewerage and water will be provided by Memphis, Light, Gas and Water.

Thank you in advance for your consideration of this request.

Sincerely,

Chaseton and Elizabeth Carlisle



- Plat prepared for Chase Carlisle 1.
- Bearings are relative to TCS 1983 as defined by 2. TCA 66-6-101,103. Coordinates shown hereon (if applicable) are grid coordinates expressed in U.S. foot
- 3. There may be underground or non-visible utilities, drain and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
- Subsurface and environmental conditions were not 4 examined or considered as a part of this survey.
- Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
- This property is located in Zone "X", which is not 6. located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C0435F, Community Panel No. 470177 0435 F, Effective Date: September 28, 2007.

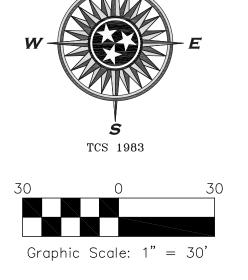
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	Ing nub.	
•	BK. BSL E E/P INST N NE NO. P.B. PG. PP R.O.W. S SMH SSL TB W W/ W/	BOOK BUILDING SETBACK LINE EAST EDGE OF PAVEMENT INSTRUMENT NORTH NORTH EAST NUMBER PLAT BOOK PAGE POWER POLE RIGHT-OF-WAY SOUTH SEWER MANHOLE SANITARY SEWER LINE TELEPHONE BOX WEST WITH WATER METER OVERHEAD LINES

PROPERTY OWNERS:

. . .

CHASETON R. & ELIZABETH M. CARLISLE 4953 ROANE ROAD MEMPHIS, TN 38117





	··	•		
	SIDE:	1(D' TOTAL	
	REAR:	20	ט'	
			,	
Street Nam	ne:		S/W Width:	Side:
GRANDVI	EW AVENUE		N/A	N/A
0	PREPARE	:D	^{BY:}	
SUR	VEYING CO	ŐN	IPANY, LLO	2
	lwy 64, Ste. 25		-	.8
901.	465.5555 - Ol	larS	urveying.com	

BUILDING SETBACKS FRONT: 112'

5' INTERIOR

SIDE:

PRELIMINARY PLAT						
CRUMP'S ADDITION TO CRUMP'S GRANDVIEW AVENUE SUBDIVISION RECORDED IN P.B. 16, PG. 17 RE-SUBDIVISION OF LOT 2						
CASE #:		FORMER	CASE	#: N,	/Α	
MEMPHIS, SHELBY COUNTY, TENNESSEE						
NUMBER OF LOTS: 2		AREA: 1.55 A ZONED: R-				
DEVELOPER: CHASETON (4303 GWYNI MEMPHIS, TI	NE F	ROAD) 3157 HWY 64, STE. 250			r 64, STE. 250 38028
100 YEAR FLOOD ELEVATION: N/A		MA MAP NUMBER 157C0435F			FLOOD MAP DATE: SEPT. 28, 2007	
DATE: 09-10-2024		SCALE: 1'	'=30'		SH	IEET 1 OF 1

OLLAR SURVEYING COMPANY, LLC – 3157 HIGHWAY NO. 64 – SUITE 250 – EADS, TENNESSEE 38028 – PHONE: 901.465.5555 – E-MAIL: JASON@OLLARSURVEYING.COM – OLLAR JOB No. 24148 – 24148X.DWG



Shelby County Tennessee Willie F. Brooks, Jr.

Shelby County Register

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

23019732

03/13/2023 - 03:06:	30 PM
3 PGS	
HERTHA 2554259-23019732	
VALUE	985000.00
MORTGAGE TAX	0.00
TRANSFER TAX	3644.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	3664.50

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by and Return to: Byme & Associates, PLLC-Midtown 51 N. Cooper St. Memphis, TN 38104 901-572-1419

PREPARED BY : Memphis Title Company 7518 Enterprise Avenue Germantown, TN 38138 File No. 2023-02-1977

WARRANTY DEED

THIS INDENTURE is made and entered into this 1st day of March, 2023 between Lee R. Wiener, Married, GRANTOR(s), and Chaseton R. Carlisle and Elizabeth M. Carlisle, Married, GRANTEE(s).

For and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, transfer and convey unto the Grantee, all of Grantor's right, title and interest in the following described property, located in the City of Memphis, County of Shelby, State of Tennessee, being more particularly described as follows:

Lot 2, Crump's Addition to Crump's Grandview Avenue Subdivision, as shown on plat of record in Plat Book 16, Page 17, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Lee R. Wiener by Quit Claim Deed of record at Instrument No. 04118284, dated 07/14/2004, and recorded 07/19/2004, in the Register's Office of Shelby County Tennessee.

The Grantor(s) does hereby covenant with the Grantee(s) that the Grantor(s) is lawfully seized in fee of the aforedescribed real estate; that Grantor(s) has good right to sell and convey the same; that the same is unencumbered, except for any and all Subdivision Restrictions, Building Lines and Easements of record in said Register's Office including without limitation, those in Plat Book 16, Page 17; Plat Book 15, Page 25; Easement of record at Book 2114, Page 55; Book 888, Page 431; Book 940, Page 349, all in the above referenced Register's Office, and except for 2023 Shelby County taxes and 2023 City of Memphis taxes, not yet due and payable.

TO HAVE AND TO HOLD said land with the appurtenances, hereditaments, estate, title and interest unto Grantee, Grantee's heirs, successors and assigns forever. The Grantor does covenant and agree with the said Grantee that Grantor is lawfully seized and possessed of the said real estate and that Grantor has a good and lawful right to sell the same. The Grantor further covenants that the same is unencumbered except as otherwise set forth herein, and that the title and quiet possession thereto Grantor will forever warrant and defend against the lawful claims of all persons whomsoever.

WITNESS my hand on the day and year first above written.

henn

Lee R. Wiener

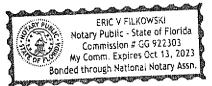
STATE OF COUNTY

On this <u>16</u> t day of March, 2023, before me personally appeared Lee R. Wiener, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 28 day of March, 2023.

Notary Signature My commission expires: /J. 13 73

AFFIDAVIT OF VALUE



HARRIS

STATE

OF

NNESSEE

UBLIC

NOTARY

SHELBY C

STATE OF TENNESSEE COUNTY OF SHELBY

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is \$985,000.00, which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.

Notar

Affiant

Sworn to and subscribed before me, a Notary Public, this March 1, 2023.

My Commission Expires:

Name and Address of Property Owner: Chaseton R. Carlisle and Elizabeth M. Carlisle

4014 Grandview Avenue Memphis, TN 38111

Property Address: 4014 Grandview Avenue Memphis, TN 38111

Person Responsible for Taxes:

Chaseton R. Carlisle & Elizabeth M.Carlisle 4104 Grandview Avenue Memphis, TN 38111

Tax Parcel ID: 046 047 00030

I, John B. Westmorland, III, 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 electronic document is a true and exact copy of the original document executed and authenticated according to law on \underline{ML} day of $\underline{MARC/W}$, 2023.

John B. Westmoreland, III, Attorney

Date March 121, 2023

State of TENNESSEE County of SHELBY

Sworn to and subscribed before me on this 1st day of March 2023 Votarly Public My Commission Expires: March 11, 2026 TENNESSEE NOTARY PUBLIC Notary's Seal

dod MEMPHIS AND SHELEY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	4	L.U.C.B. MEETING:	February 13, 2025
CASE NUMBER:	S 2024-041		
LOCATION:	4014 Grandview Avenue		
OWNER/APPLICANT:	Chaseton and Elizabeth Carlisle		
REPRESENTATIVE:	Josh Whitehead		
REQUEST:	Two-lot residential major resubdiv	ision	
EXISTING ZONING:	Residential Single-Family – 10 (R-1	0)	

CONCLUSIONS

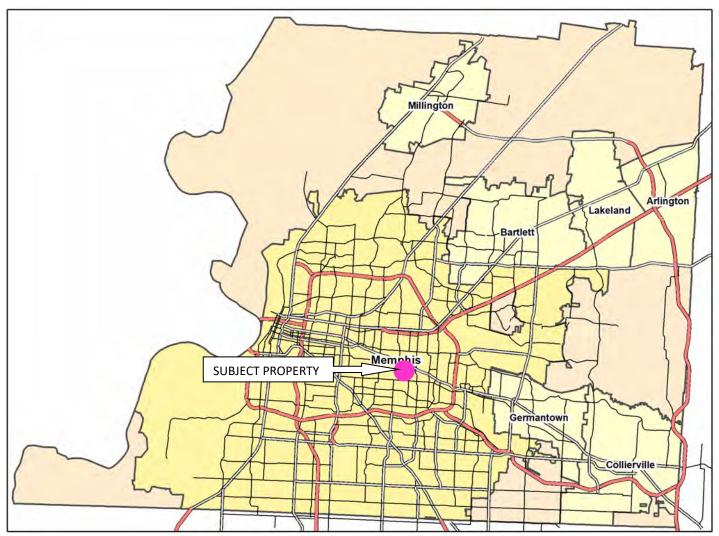
- 1. This case was held from the December 12, 2024, Land Use Control Board meeting in order for the applicant to satisfy the neighborhood meeting notice requirement per UDC Section 9.3.2. This case was also held at the January 9, 2025 LUCB meeting upon request from the applicant.
- The proposed preliminary plan subdivides the parcel into two lots of 33,541 and 33,976 square feet. Each lot is +/- 20,000 square feet over the required minimum for residential lots in the R-10 district. Each lot has a width of +/- 112 feet and the building setback line is 112 feet per the original recorded subdivision. The existing asphalt drive is proposed to remain.
- 3. The proposed lots are consistent with the rhythm of other residential lots within a 500-foot radius of the subject property. See pages 13-14 for lot size analysis.
- 4. The proposed preliminary plan is compatible with and in keeping with the character of development in the neighborhood and conforms with all applicable provision and requirements of the Unified Development Code.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Approval with conditions and waivers



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. A total of 73 notices were mailed on November 23, 2024, see page 23 of this report for a copy of said notice.

NEIGHBORHOOD MEETING

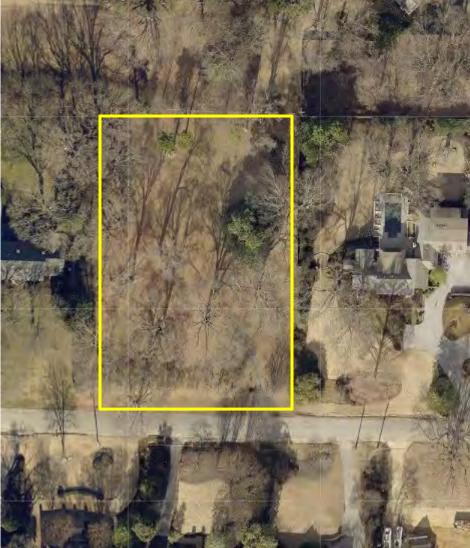
The meeting was held at 3:00 PM on Friday, December 20, 2024, at 4014 Grandview Avenue.

CRUMP'S ADDITION TO GRANDVIEW AVENUE SUBDIVISION (1951) (PLAT BOOK 16 PAGE 17)

GUSON. CIV surveyed the grove describe 15 Tennessee Cortificate No. 145. Givet Engines 188.85 22 8 15110 Builing Line 112 15 GRANDVIEW AVENUE Notory Public 610 City 615 lone

Subject property outlined in red, Lot 2

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

February 13, 2025 Page 8

SITE PHOTOS



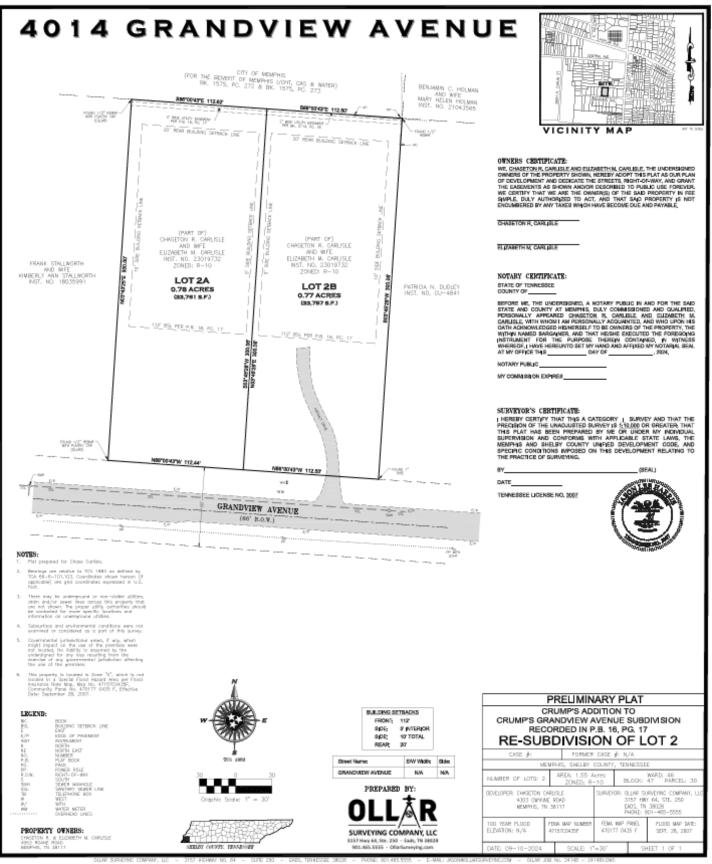
View of subject property from Grandview Avenue.



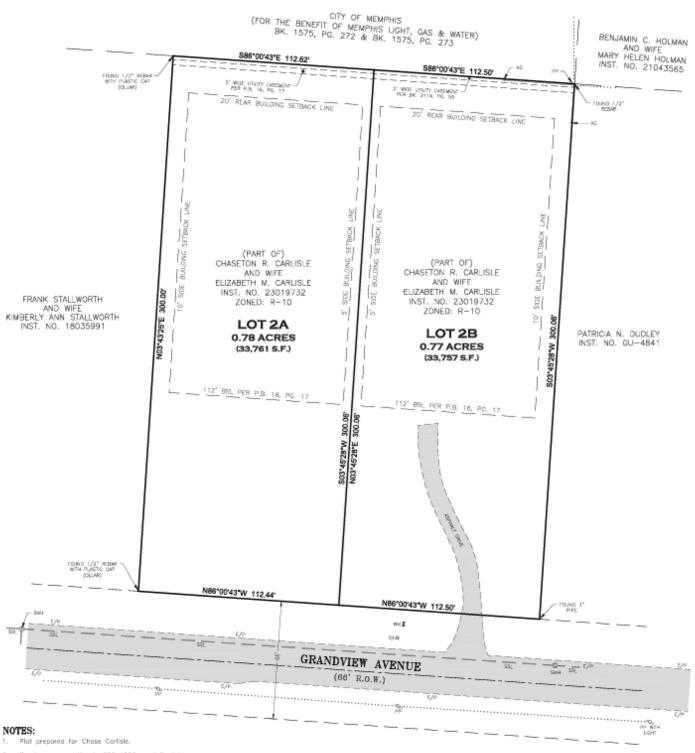
Additional view of subject property from Grandview Avenue.

PRELIMINARY PLAN

February 13, 2025 Page 9



PRELIMINARY PLAN – MAGNIFIED



- Bearings are relative to TCS 1983 as defined by TCA 66-6-101,103. Coordinates shown hereon (if applicable) are grid coordinates expressed in U.S. foot.
- There may be underground or non-visible utilities, drain and/or sever lines across this properly that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.

CASE REVIEW

The request is a two-lot residential major resubdivision.

Review Criteria

Staff agrees the major preliminary plan review approval criteria as set out in Sub-Section 9.7.7H of the Unified Development Code are met.

9.7.7H Approval Criteria

- 1. A major preliminary plan shall be approved by the Land Use Control Board if it meets the following criteria:
 - a. Conforms with all the provisions and requirements of any plans to be considered (see Chapter 1.9);
 - b. There are adequate public facilities available, to be provided by the applicant or programmed within the five-year capital improvements program of the governing bodies to accommodate the proposed development;
 - c. Conforms with all the applicable provisions and requirements of this development code; and
 - d. Conforms with all the provisions and requirements of other applicable codes and ordinances relating to land development not included in this development code.
- 2. The LUCB or governing body(s) may reject a preliminary plan if it is determined that the proposed subdivision is not in keeping with the character of development in the neighborhood. The LUCB or governing body(s) shall consider the following in the determination of the character of the development in the neighborhood.
 - a. Building setback lines of all principal structures that lie within 500 feet of the proposed subdivision.
 - b. Size and width of all lots within 500 feet of the proposed subdivision.
 - c. Proximity of arterial and connector streets within 500 feet of the proposed subdivision.
 - d. Diversity of land uses within 500 feet of the proposed subdivision.

<u>Site Details</u>

Address: 4014 Grandview Avenue

Parcel ID: 046047 00030

Area: +/-1.55 acres

Description:

The subject property is known as Lot 2 of Crump's Addition to Grandview Avenue Subdivision with a zoning of Residential Single-Family – 10. Subject property is currently vacant and surrounded by single-family residential uses. The lot has one street frontage on Grandview Avenue. Subject property is located within the Black Bayou Sensitive Drainage Basin (5-C).

Relevant Unified Development Code Clauses

Sub-Section 3.6.1A – Regulations for Permitted Housing Types

Housing Type R-10 District	Conventional (w/ public water & decentralized sewer)	Conventional (w/ public water & public sewer)
Tract or Lot (min)		
Area (sq. ft.)	10,000	10,000
Width (ft.)	60	60
Building setback (min ft.) Front (without alley access) Front (with alley access) Side (interior) Side (total) Side (street) Rear	20 15 5 10 10 20	20 15 5 10 10 20
Height (max ft.) Curb and Gutter required	40 Yes	40 Yes

Preliminary Plan Review

The proposed preliminary plan subdivides the parcel into two lots of 0.77 and 0.78 acres. Each lot has a width of 112 feet and the building setback line is 112 feet per the original recorded subdivision. The existing asphalt drive is proposed to remain with access to lot 12B. Lot 2A will obtain its own curb cut and driveway for access.

Analysis

Regarding the lot size, the lots created with this proposed subdivision are 33,541 and 33,976 square feet in the R-10 District in which the lot area minimum 10,000 square feet is required. The proposed lots are also consistent with the size of lots in the surrounding area. See below for an analysis of lots within a 500-foot radius of the subject property.

Both east and west side setbacks for the proposed lots should be marked as 5' and the rear setback should be marked as 20'. The front setback provided is 112' which is in keeping with the rhythm of the surrounding properties. Setbacks of the residences abutting the east and west property lines of the subject lot are +/- 113 feet and +/- 117 feet respectively.

The proposed preliminary plan is compatible with and in keeping with the character of development in the neighborhood and conforms with all applicable provision and requirements of the Unified Development Code.

RECOMMENDATION

Staff recommends approval with conditions and waivers.

Conditions:

Changes from the previous report are indicated in **bold, underline**; deletions are indicated **in bold strikethrough.**

1. The western side yard setback of Lot 2A and the eastern side yard setback for Lot 2B shall be 15 feet.

2. The minimum front yard setback shall be 112 feet; the maximum front setback shall be 122 feet. At least 30

feet of the front facade of the houses shall be placed within this front setback range.

3. <u>The final plat shall be reviewed by the City Engineer to determine the need, size and location of stormwater</u> <u>detention area.</u> <u>A non-buildable area of 20 feet in depth (north to south) by 30 feet in width (east to west) shall</u> apply to the northwest corner of Lot 2A for stormwater detention.

4. Front-loaded garages shall be prohibited.

5. The use of Exterior Insulation Finishing System (EIFS) shall be prohibited on the exterior of the houses.

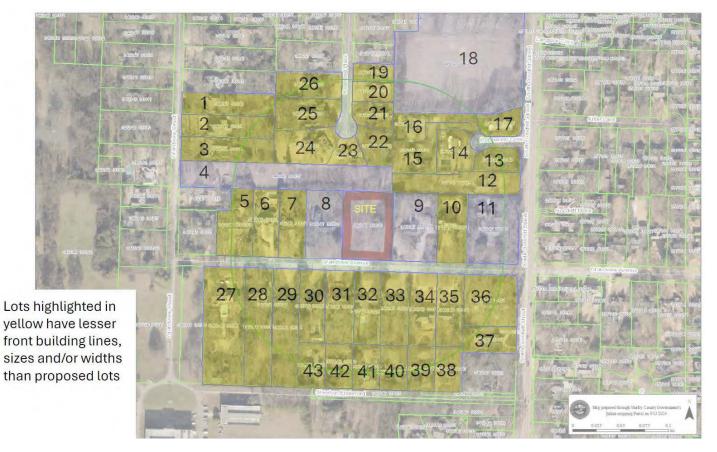
6. Only single-family detached dwellings shall be permitted on the lots. Any other principal uses permitted by the Memphis and Shelby County Unified Development Code are prohibited.

Waivers:

1. A waiver to Sub-Sections 5.2.2B and 5.2.21A is granted to relieve the developer and/or building permit holder of the installation of curb, gutter, or sidewalks along the Grandview Avenue frontage.

LOT ANALYSIS MAP





1382 Grandview St.1000.92100approx. existing bldg setback2394 Grandview St.1000.92117approx. existing bldg setback3402 Grandview St.1101.0797approx. existing bldg setback40 Grandview St.1162.58N/Aempty lot owned by MLGW53956 Grandview Ave.1600.99100approx. existing bldg setback63970 Grandview Ave.1200.8397platted setback (Book 190, Paper)73972 Grandview Ave.1611.17112platted setback (Book 190, Paper)83996 Grandview Ave.2001.38119approx. existing bldg setback	re 58)
3 402 Grandview St.1101.0797approx. existing bldg setback4 0 Grandview St.1162.58N/Aempty lot owned by MLGW5 3956 Grandview Ave.1600.99100approx. existing bldg setback6 3970 Grandview Ave.1200.8397platted setback (Book 190, Paper)7 3972 Grandview Ave.1200.8397platted setback (Book 190, Paper)8 3996 Grandview Ave.1611.17112platted setback (Book 190, Paper)	re 58)
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	(e 58)
9 4034 Grandview Ave. 200 1.38 119 approx. existing bldg setback	(e 58)
10 4050 Grandview Ave. 135 0.93 105 approx. existing bldg setback	
11 4070 Grandview Ave.2431.67115approx. existing bldg setback	
12 419 S. Goodlett St. 103 1.27 114 approx. existing bldg setback	
13 4073 Robinwood Cv. 205 0.50 30 approx. existing bldg setback	
14 4060 Robinwood Cv.1840.7446approx. existing bldg setback	
15 4064 Robinwood Cv. 136 0.86 25 platted setback (Book 171, Pa	(e 8)
16 4068 Robinwood Cv. 136 0.70 48 platted setback (Book 171, Pa	(e 8)
17 4072 Robinwood Cv. 191 0.52 30 approx. existing bldg setback	
18 0 Central Ave. 480 7.46 N/A parking lot and athletic fields f	or Second Pres.
19 368 Roseland Pl. 80 0.33 30 platted setback (Book 12, Page	: 30)
20 374 Roseland Pl. 90 0.39 30 platted setback (Book 12, Page	: 30)
21 386 Roseland Pl. 111 0.49 30 platted setback (Book 12, Page	: 30)
22 394 Roseland Pl. 98 0.56 30 platted setback (Book 12, Page	: 30)
23 397 Roseland Pl. 115 0.38 30 platted setback (Book 12, Page	: 30)
24 393 Roseland Pl. 110 0.99 30 platted setback (Book 12, Page	: 30)
25 387 Roseland Pl. 125 0.90 30 platted setback (Book 12, Page	: 30)
26 373 Roseland Pl. 120 0.84 30 platted setback (Book 12, Page	: 30)
27 3945 Grandview Ave.1882.29102approx. existing bldg setback	
28 3965 Grandview Ave.1241.48100approx. existing bldg setback	
29 3981 Grandview Ave.1211.46100approx. existing bldg setback	
30 3999 Grandview Ave. 117 0.88 100 platted setback (Book 101, Pa	ge 17)
31 4005 Grandview Ave. 130 0.98 100 platted setback (Book 101, Pa	ge 17)
32 4015 Grandview Ave.1200.91107approx. existing bldg setback	
33 4025 Grandview Ave. 127 0.96 110 approx. existing bldg setback	
34 4035 Grandview Ave, 123 0.93 100 platted setback (Book 293, Page	31)
35 4049 Grandview Ave. 123 0.93 100 platted setback (Book 293, Page	31)
36 4065 Grandview Ave. 220 1.26 109 approx. existing bldg setback	
37 489 S. Goodlett St. 120 0.74 74 approx. existing bldg setback	
38 513 S. Goodlett St. 124 0.57 64 approx. existing bldg setback	
39 517 S. Goodlett St. 124 0.57 33 approx. existing bldg setback	
40 519 S. Goodlett St. 124 0.57 33 approx. existing bldg setback	
41 521 S. Goodlett St. 124 0.57 37 approx. existing bldg setback	
42 523 S. Goodlett St. 124 0.57 45 platted setback (Book 101, Page	17)
43 525 S. Goodlett St. 124 0.57 45 platted setback (Book 101, Page	17)

Average lot width: **142 feet (133 feet not inlcuding parking lot and athletic fields)** Average lot size: **1.08 acres** Average front setback: **71 feet**

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

- 2. City sanitary sewers are available to serve this development.
- 3. If the lot will be subdivided into two or more additional lots, each of the additional lots must have their own service connection.
- 4. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
- All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
- 6. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.
- 7. Payment of applicable sewer development fees per the City of Memphis Sewer Use Ordinance should be paid to the Land Development Office.

Roads:

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

Traffic Control Provisions:

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

the Engineering construction inspectors on the job.

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

Curb Cuts/Access:

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

Drainage:

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

General Notes:

20. The width of all existing off-street sewer easements shall be widened to meet current city standards.

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

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

No comments received.
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>S 2024-041 University</u>

Site Address/Location: 4041 Grandview Avenue Overlay District/Historic District/Flood Zone: Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) Street Type:

The applicant is seeking approval to subdivide one parcel into two.

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

ACCELERATE

Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection and along avenues, boulevards and parkways as identified in the Street Types Map. Height: 1-3 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: Single-Family, R-10

Adjacent Land Use and Zoning: Single-Family, RU-1, R-10

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

3. Degree of Change Map



denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed building is a private investment and infill development contextually compatible with the anchor neighborhood.

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

The requested use is consistent with Objective 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.

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

NA

Consistency Analysis Summary

The applicant is seeking approval to subdivide one parcel into two.

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

The proposed building is a private investment and infill development contextually compatible with the anchor neighborhood.

The requested use is consistent with Objective 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

MAILED PUBLIC NOTICE

	the second second data with the second of			
property that is near the site of considered at an upcoming pu Shelby County Land Use Cont attend this hearing, but you a				
	iew Avenue tial major subdivision d Elizabeth Carlisle	Grandhow Around		
<u>Meeting Details</u> Location: Council Chambers City Hall 1st Floor 125 N Main St.	Time: 9:00 AM Date: Thursday, Dec. 12 2024			
Staff Planner Contact: Chloe Christion I chloe.christion@memphis		To learn more about this proposal, contact the staff planner or use the QR code to view the full application.		

APPLICATION



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

East Service Center: 6465 Mullins Station Rd, Memphis, Tennessee 35134 Downtown Service Center, 125 N. Main Street, Memphis, Tennessee 38103

website' www.develop901.com

Record Summary for Subdivision

Record Detail Information

Record Type: Subdivision

Record Status: Assignment Opened Date: September 26, 2024

Record Number: S 2024-041

Record Name: 4014 Grandview Ave.

Description of Work: Our project objective is to subdivide our 1.55 acre lot into 2 lots (0.78 acres and 0.77 acres). The property is currently in the R-10 zoning district with a minimum lot size of 10,000 s.f. and a minimum lot width of 60', he proposed lots are a minimum of 112' wide and a minimum of 33,761 s.f.

Parent Record Number:

Address:

4014 GRANDVIEW AVE, MEMPHIS 38111

Owner Information

Owner Name Primary Y CARLISLE CHASETON R & ELIZABETH M Owner Address

4953 Roane Road, MEMPHIS, TN 38117

Parcel Information

046047 00030

Data Fields

PREAPPLICATION MEETING

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

Norman Saliba 09/27/2024 Email

Major Standard

S 2024-041

Owner Phone 9013357069

Expiration Date:

SEVERAL INFORMATION	
Name of Subdivision	CRUMP'S ADDITION TO CRUMP'S GRANDVIEW AVENUE SUBDIVISION RECORDED IN P.B. 16 PG. 17
Number of lots	2
Acres	1.55
List any relevant former Docket / Case Number(s) related to previous applications on this site	
Access to Public Water	Yes
Access to Public Sewer	Yes
Waiver	No
If yes, please cite the specific Article 5, Chapter 4.3, or Section 3.9.2 waiver(s) requested and provide the justification for the request	
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information as information	
Central Business Improvement District	No
Case Layer	
Class	B
Downtown Fire District	No
Historic District	
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	
Zoning	R-10
State Route	8
Lot	2
Subdivision	CRUMPS ADDITION TO CRUMPS GRANDVIEW AVE
Planned Development District	×
Wellhead Protection Overlay District	Yes
County Commission District	
City Council District	8
City Council Super District	
Contact Information	

S 2024-041

Name	and have a
CHASETEN	R CARLISLE

Address 4303 GWYNNE RD, MEMPHIS, TN, MEMPHIS, TN, 38117

Phone (901)035-7069

Name OLLAR SURVEYING COMPANY LLC

Address

Phone (901)413-8081

Name CHASETON & CARLISLE

Address

Phone (901)305-7069

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1603003	Prelminary Plan Fee	t .	400.00	INVOICED	0.00	10/30/2024	
1603003	Per Lot Fee	2	60.00	INVOICED	0.00	10/30/2024	
1603003	Credit Card Use Fee (.026 x fee)	1	11,96	INVOICED	0.00	10/30/2024	

Total Fee Invoiced: \$471.96

Total Balance \$0.00

Payment Information

Payment Amount \$471.96

Method of Payment **Diredit Card**

S 2024-041

Fage 1 of 1

Contact Type

APPLICANT

Contact Type ARCHITECT / ENGINEER / SURVEYOR

Contact Type REPRESENTATIVE

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 beneficianes. 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.

aseton 1

(Sign Name)

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

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage M 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 4014 Grandview Avenue, Memphis, TN 38117 and further identified by Assessor's Parcel Number 046047 00030 for which an application is being made to the Division of Planning and Development.



in the year of

state that I have read the definition of

Subscribed and sworn to (or affirmed) before me this

Signature of Notary Public

My Commission Expires

day of Cc

February 13, 2025 Page 28

LETTER OF INTENT



September 26, 2024

Memphis & Shelby County Office of Planning & Development 125 North Main Street, Suite 468 Memphis, TN 38103

RE: CRUMP'S ADDITION TO CRUMP'S GRANDVIEW AVENUE SUBDIVISION - RESUBDIVISION OF LOT 2

Dear Sir or Madam:

Please allow this correspondence to serve as my "Letter of Intent" to subdivide one (1) existing 1.55 acre lot located at 4014 Grandview Avenue, being on the north side of Grandview Avenue and 720' west of S. Goodlett Road into two (2) residential lots being 0.77 acres and 0.78 acres.

The property is currently in the R-10 zoning district with a minimum lot size of 10,000 s.f. and a minimum lot width of 60. The proposed lots are a minimum of 112' wide and a minimum of 33,761 square feet. Sewerage and water will be provided by Memphis, Light, Gas and Water.

Thank you in advance for your consideration of this request.

Sincerely,

Chaseton and Elizabeth Carlisle

3157 HIGHWAY 64 SUITE 250 . EADS, TN 38028 . (901) 465-5555 . Ollar Surveying.com

LETTERS RECEIVED

February 13, 2025 Page 29

One letter has been received at the time of completion of this report and has subsequently been attached.

MARTIN, TATE, MORROW & MARSTON, P.C.

ATTORNEYS AND COUNSELORS

INTERNATIONAL PLACE, TOWER II 6410 POPLAR AVENUE SUITE 900 MEMPHIS, TENNESSEE 38119-4839

DAVID WADE

DWADE@MARTINTATE.COM

TELEPHONE (901) 522-9000 FAX (901) 527-3746 NASHVILLE OFFICE

315 DEADERICK STREET, SUITE 1550 NASHVILLE, TN 37238

TELEPHONE (615) 627-0668 Fax (615) 627-0669

December 31, 2024

Chloe Christion Memphis and Shelby County Division of Planning and Development 125 N. Main Street Memphis, Tennessee 38103 Chloe.Christion@memphistn.gov

Re: S 2024-041

Dear Chloe:

Thank you for taking my call yesterday. As I explained, I have been asked to represent some of the neighbors whose homes surround the proposed subdivision. Unfortunately, because of the holidays, the neighbors have not been able to meet with each other or with the owner to discuss his proposal. The neighborhood meeting on December 20, 2024, was held outside in cold weather when most of the interested people could not attend due to holiday absence. Josh Whitehead was present and he and I agreed that the two of us would meet to discuss potential adjustments and additional conditions to the plan to see if a neighborhood consensus is possible before the meeting of the LUCB. Unfortunately, again, Josh also has been unavailable because of his holiday plans. The latest word I have is that he may not return until Friday, (Jan. 3) and potentially not until Monday (Jan. 6).

These impediments to an effective neighborhood consultation are such that I must ask that your office support a hold at the request of the neighbors until the February meeting of the Board. At the outdoor meeting, the owner was reticent to agree to a hold but did state that he might be willing to do so depending on how subsequent discussions proceeded. So far, we have not been able to engage in the discussions.

I do want to note that serious problems must be addressed regarding the proposed subdivision, including, among other things, lot sizes, front, side and rear setbacks, tree removal, side yard fencing, driveway access, and finishes. Just as an example, the two proposed lots on the north side would be the smallest on the street at 112 feet, compared with the 170-foot average width along Grandview. Also, serious drainage issues have plagued the north property lines of the adjacent lots. Crump's Grandview Avenue Subdivision has been a masterpiece for decades, well before the city limits extended to Goodlet Street. Compatibility with the surrounding neighborhood is a key consideration under UDC 9.7.7. and one the neighbors seek to preserve.

MARTIN, TATE, MORROW & MARSTON, P.C.

December 31, 2024 Page 2

In order for the entire neighborhood to fairly assess the impact of this subdivision, my clients request a one-month delay until the February hearing and ask the staff to support the request as reasonable under these unusual circumstances.

Very truly yours, Mutanti David Wade

DW/kmph Enclosure



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

February 14, 2025

Whitehead Law PLLC 275 Jefferson Avenue Memphis, TN 38103

Sent via electronic mail to: josh@joshwhiteheadlaw.com

Crump's Addition to Grandview Avenue Subdivision – Resubdivision of Lot 2 Case Number: S 2024-041 LUCB Decision: Approval with conditions

Dear applicant,

On Thursday, February 13, 2025, the Memphis and Shelby County Land Use Control Board *approved* your major subdivision application requesting a two-lot resubdivision of Lot 2 of Crump's Addition to Grandview Avenue Subdivision located at 4041 Grandview Avenue, subject to the following conditions and waivers:

Conditions:

- 1. The western side yard setback of Lot 2A and the eastern side yard setback for Lot 2B shall be 15 feet.
- 2. The minimum front yard setback shall be 112 feet; the maximum front setback shall be 122 feet. At least 30 feet of the front facade of the houses shall be placed within this front setback range.
- 3. The final plat shall be reviewed by the City Engineer to determine the size and location of a stormwater detention area based on a drainage design study that ensures post-construction runoff will be less than pre-construction runoff.
- 4. Front-loaded garages shall be prohibited.
- 5. The use of Exterior Insulation Finishing System (EIFS) shall be prohibited on the exterior of the houses.
- 6. Only single-family detached dwellings shall be permitted on the lots. Any other principal uses permitted by the Memphis and Shelby County Unified Development Code are prohibited.
- 7. The final plat shall reflect lots of roughly the same size that do not vary more than 1000 square feet from one another.
- 8. A shared driveway serving both lots is prohibited.

Letter to Applicant S 2024-041

Waivers:

1. A waiver to Sub-Sections 5.2.2B and 5.2.21A is granted to relieve the developer and/or building permit holder of the installation of curb, gutter, or sidewalks along the Grandview Avenue frontage.

Next Step: To initiate the final plat review process, a final plat review record must be submitted via the Develop 901 Citizen portal.

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

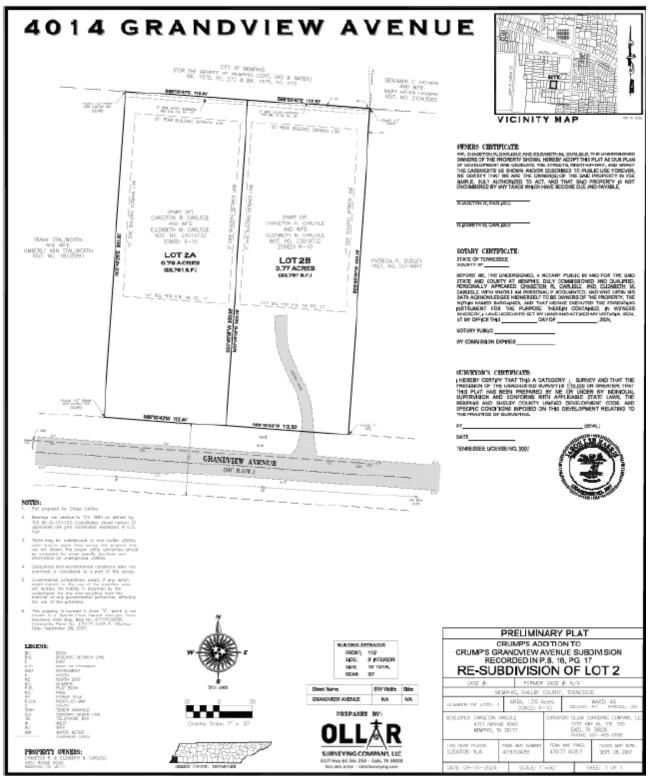
Respectfully,

Chloe Christion

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

Cc: Milos Mikic, Whitehead Law File

PRELIMINARY PLAN



MARTIN, TATE, MORROW & MARSTON, P.C.

ATTORNEYS AND COUNSELORS

INTERNATIONAL PLACE, TOWER II 6410 POPLAR AVENUE SUITE 900 MEMPHIS, TENNESSEE 38119-4839

DAVID WADE

DWADE@MARTINTATE.COM

TELEPHONE (901) 522-9000 FAX (901) 527-3746 NASHVILLE OFFICE

315 Deaderick Street, Suite 1550 Nashville, TN 37238

> TELEPHONE (615) 627-0668 FAX (615) 627-0669

February 21, 2025

Via U.S. Mail and Email

John Zeanah, AICP, Director Memphis and Shelby County Division of Planning and Development 125 N. Main St., Suite 477 Memphis, TN 38103 john.zeanah@memphistn.gov

Re: S 2024-041 – Appeal from Land Use Control Board.

Dear Mr. Zeanah:

This office represents Charles B. Dudley, Frank Stallworth and other residents along Grandview Avenue in Memphis who appeared at the Land Use Control Board hearing on February 13, 2025 opposing the application at Case No. S 2024-41. Our clients were present at the meeting and made vocal objection and submitted written petitions in opposition to the resubdivision.

Pursuant to the Unified Development Code § 9.7.7. J., please accept this as the appeal to the City of Memphis City Council of the determination of the Land Use Control Board.

In addition, please acknowledge this filing and advise me of further steps that are necessary to perfect this Appeal.

Very truly yours

ce: Norman Saliba (via email only) Chloe Christion (via email only) Josh Whitehead (via email only) Charles Dudley (via email only) Frank Stallworth (via email only) Hugh Stevens (via email only)

NOTICE TO INTERESTED OWNERS OF PROPERTY (APPEAL OF LAND USE CONTROL BOARD ACTION)

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, ______ at 3:30 P.M., in the matter of granting an application for an appeal of decision made by the Memphis and Shelby County Land Use Control Board, as follows:

CASE NUMBER:	S 2024-041 CORRESPONDENCE
LOCATION:	4014 Grandview Avenue
COUNCIL DISTRICTS:	District 5 and Super District 9 – Positions 1, 2, and 3
APPEALANT:	Charles B. Dudley and Frank Stallworth
REPRESENTATIVE:	David Wade
EXISTING ZONING:	Residential Single-Family – 10 (R-10)
REQUEST:	Overturn a decision of the Land Use Control Board (LUCB) (The LUCB approved a two-lot residential major subdivision)
AREA:	+/-1.55 acres

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: Approval with conditions and waivers

Memphis and Shelby County Land Use Control Board: Approval with conditions waivers

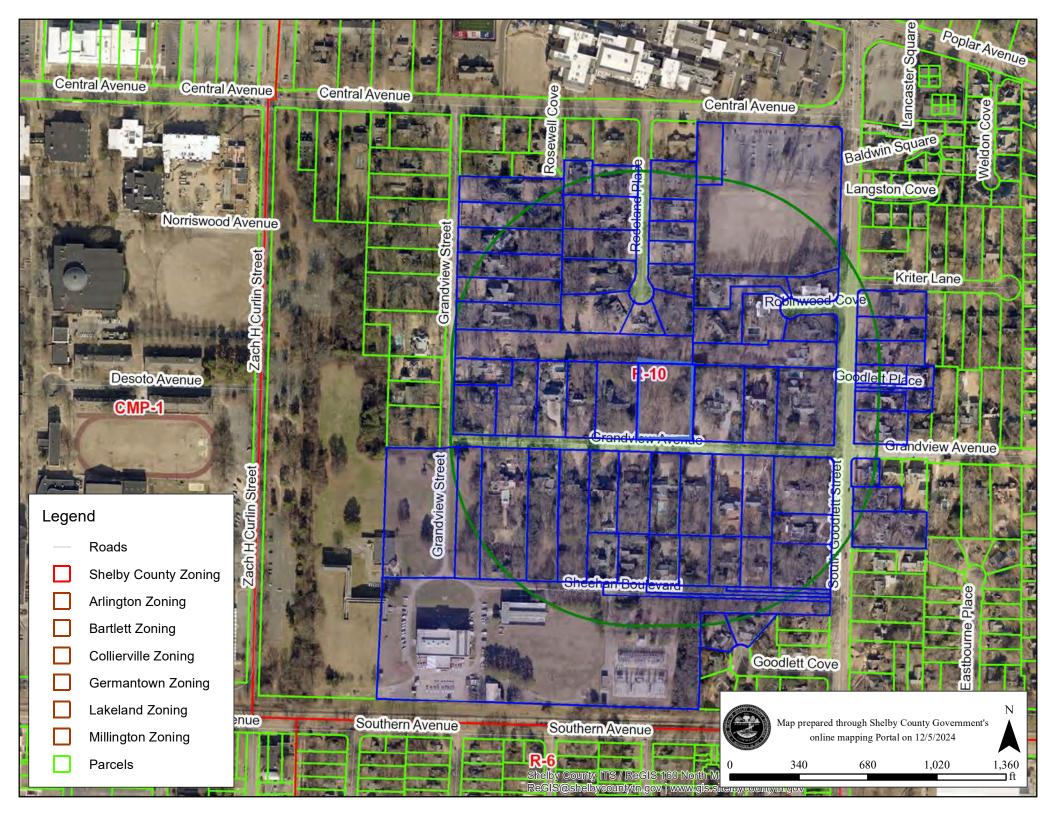
NOW, THEREFORE, you will take notice that on Tuesday, ______, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such 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:

KAMETRIS WYATT CITY COMPTROLLER TO BE PUBLISHED:



ALTMAN ROGER B & AIMEE BORROMEO-ALTMAN 342 ROSELAND PL # MEMPHIS TN 38111

KLEMIS JAMES E AND TIFFANY REED 362 GRANDVIEW ST # MEMPHIS TN 38111

BOBO L KIRKPATRICK & ANNE C A 372 GRANDVIEW ST # MEMPHIS TN 38111

PEATROSS SCOTT B & KATHERINE G 374 ROSELAND PL # MEMPHIS TN 38111

MCCLURE MARGARET L 387 ROSELAND PL # MEMPHIS TN 38111

EHRHART RYAN E 394 ROSELAND PL # MEMPHIS TN 38111

RABY RICHARD V & LYNN R M 402 GRANDVIEW ST # MEMPHIS TN 38111

COOK TAYLOR & SHELBY A 404 S GOODLETT ST # MEMPHIS TN 38117

HUNT HAYDEN & DADE 397 ROSELAND PL # MEMPHIS TN 38111

WITTE DEXTER H IV & ANNA E 4073 ROBINWOOD CV # MEMPHIS TN 38111 BLACKNEY ADRIAN C & KATHERINE W 426 GRANDVIEW ST # MEMPHIS TN 38111

PITTS JOHN R & KIMBERLY S 3970 GRANDVIEW AVE # MEMPHIS TN 38111

STALLWORTH FRANK & KIMBERLY A 3996 GRANDVIEW AVE # MEMPHIS TN 38111

JBNC LLC 4070 GRANDVIEW AVE # MEMPHIS TN 38111

CHILDERS ROBERT L & AMY J AMUNDSEN 4100 GOODLETT PL # MEMPHIS TN 38117

SOSSAMAN GREGORY W & MEGAN J 3946 GRANDVIEW AVE # MEMPHIS TN 38111

TAYLOR LORRAINE M 4101 GOODLETT PL # MEMPHIS TN 38117

CITY OF MEMPHIS LIGHT GAS & WA 220 S MAIN ST # MEMPHIS TN 38103

DORMAN JAMES P III AND KRISTY K DORMAN 345 ROSELAND PL # MEMPHIS TN 38111

HUGHES BRETT A & STEPHANIE P 352 GRANDVIEW ST # MEMPHIS TN 38111 SANDERS GEORGE J & KASSUNDRA E 359 ROSELAND PL # MEMPHIS TN 38111

CANEPARI SUZANNE D GRANTOR TRUST 360 ROSELAND PL # MEMPHIS TN 38111

DAVIS JACOB L & MARY H 368 ROSELAND PL # MEMPHIS TN 38111

HUMPHREYS JAMES R 373 ROSELAND PL # MEMPHIS TN 38111

GNUSCHKE JOHN E AND SUSAN H GNUSCHKE 382 GRANDVIEW ST # MEMPHIS TN 38111

BELENCHIA MARY L REVOCABLE TRUST 386 ROSELAND PL # MEMPHIS TN 38111

PLUMPTON BRENDON E & WHITNEY A 394 GRANDVIEW ST # MEMPHIS TN 38111

WARNER CHARLES M & MARNE M 4072 ROBINWOOD CV # MEMPHIS TN 38111

FIRST TENNESSEE BANK TRUSTEE OF ROBIN 4385 POPLAR AVE # MEMPHIS TN 38117

COOK PHILLIP W & RENEE W 393 ROSELAND PL # MEMPHIS TN 38111 HUGH STEPHENS JR AND WIFE MARGARET S 4064 ROBINWOOD CV # MEMPHIS TN 38111

HILL HUNTER G & KAYLEA B 4060 ROBINWOOD CV # MEMPHIS TN 38111

CITY OF MEMPHIS LIGHT GAS & WA 220 S MAIN ST # MEMPHIS TN 38103

JOHNSON CAROLINE H C 412 S GOODLETT ST # MEMPHIS TN 38117

HOLMAN BENJAMIN C & MARY H 419 S GOODLETT ST # MEMPHIS TN 38117

GARNER DAVID 418 S GOODLETT ST # MEMPHIS TN 38117

384 S GOODLETT ST # MEMPHIS TN 38117

4055 POPLAR AVE #

519 S GOODLETT ST #

LEMAY PAUL & AMANDA

507 S GOODLETT ST #

MUHLBAUER MICHAEL S

3981 GRANDVIEW AVE #

MEMPHIS TN 38111

MEMPHIS TN 38117

MEMPHIS TN 38117

MEMPHIS TN 38111

BRAGORGOS NICHOLAS E 3956 GRANDVIEW AVE # MEMPHIS TN 38111

HUGHES WILLIAN JR F AND KATHRINE W 3972 GRANDVIEW AVE # MEMPHIS TN 38111

CARLISLE CHASETON R & ELIZABETH M 4303 GWYNNE RD # MEMPHIS TN 38117

DUDLEY PATRICIA N 4034 GRANDVIEW AVE # MEMPHIS TN 38111

BAIRD VICTORIA S

CROONE CRAIG R & KRISTIN 4110 GOODLETT PL # MEMPHIS TN 38117

4111 GOODLETT PL # MEMPHIS TN 38117

MCCARTHY MICHAEL S & SUZANNE W 450 S GOODLETT ST # MEMPHIS TN 38117

344 ROSEWELL CV #

MURPHY JOHN M & SHERRY D

SECOND PRESBYTERIAN CHURCH

LUEBBERS LESLIE L & FREDRIC W KOEPPEL

MEMPHIS TN 38111

SILVERFIELD RYAN D & ANGELA M ADAMS HUNTER R & CARLY T 523 S GOODLETT ST # MEMPHIS TN 38117

> WELLS WARNER M IV & LIZABETH L 521 S GOODLETT ST # MEMPHIS TN 38117

FLAHERTY DAVID L & JENNA A 513 S GOODLETT ST # MEMPHIS TN 38117

GORDON BETTY H & MELVILLE M AND 523 S GOODLETT ST # MEMPHIS TN 38117

JONES WISE S JR & SHARON R 4065 GRANDVIEW AVE # MEMPHIS TN 38111

WORLEY ANNIE K S 3945 GRANDVIEW AVE # MEMPHIS TN 38111

4050 GRANDVIEW AVE # MEMPHIS TN 38111

WOOD JACEY

WILBOURN JOHN K & JEANNE B 3965 GRANDVIEW AVE # MEMPHIS TN 38111

FIELDS MATTHEW S & CAROL S 4005 GRANDVIEW AVE # MEMPHIS TN 38111

MONTAGUE ROSS M & RACHEL A 4025 GRANDVIEW AVE # MEMPHIS TN 38111

GREGORY JANNIRA L & MARTINEZ II 489 S GOODLETT ST # MEMPHIS TN 38117

EDWARDS GEORGE D & ANDREA W	CITY OF MEMPHIS LG&W DIV
3999 GRANDVIEW AVE #	220 S MAIN ST #
MEMPHIS TN 38111	MEMPHIS TN 38103

WHITMORE L MANNING & BARBARA M DAVIDSON WILLIAM V & SHARON S 4015 GRANDVIEW AVE # MEMPHIS TN 38111

476 S GOODLETT ST # MEMPHIS TN 38117

CITY OF MPHS LIGHT GAS & WATER AUTRY EDWARD T & HANNAH E BELAVINS 220 S MAIN ST # MEMPHIS TN 38103

4089 GRANDVIEW AVE # MEMPHIS TN 38117

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

VEST ROBERT & COURTNEY 488 S GOODLETT ST # MEMPHIS TN 38117

WILBOURN JOHN K & JEANNE B CARR CHRISTOPHER T & AUDSLEY D 3965 GRANDVIEW AVE # MEMPHIS TN 38111

517 S GOODLETT ST # MEMPHIS TN 38117

TAYLOE HOWARD JR & LOUISE R PARKER W MARK 985 REDDOCH CV # MEMPHIS TN 38119

4035 GRANDVIEW AVE # MEMPHIS TN 38111

WELLS WARNER M IV & LIZABETH L WELLS DEMOSS CRAIG R & SONIKA COLASO 505 LINDSEY WOOD CV # 521 S GOODLETT ST # MEMPHIS TN 38117 MEMPHIS TN 38117

FLAHERTY DAVID L & JENNA A 513 S GOODLETT ST # MEMPHIS TN 38117

LEMASTER EDWARD B JR & CAMILLE 4035 GOODLETT CV # MEMPHIS TN 38111

MCGEORGE HARRIET LOVE 4042 GOODLETT CV # MEMPHIS TN 38111

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)				DAIE	
<u>X</u> ORDINANCE	RESOLUTIO	N <u>X</u> R	EQUEST FOR	PUBLIC HEARING	
ITEM CAPTION:	Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adop on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, authorize a zoning use district reclassification for land located on 0 Mt. Moriah Ext, north of Kirby Terra Drive By taking the land out of the Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU- Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) Use Districts and including it in Commercial Mixed-Use – 3 (CMU-3) Use District, known as case number Z 2024-009				
CASE NUMBER:	Z 2024-009				
LOCATION:	0 Mt. Moriah Ext,	north of Kirby	y Terrace Drive		
COUNCIL DISTRICTS:	District 2 and Sup	er District 9 –	Positions 1, 2,	and 3	
OWNER/APPLICANT:	Prentiss Mitchell				
REPRESENTATIVES:	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 – (CMU-3)			
RECOMMENDATION:		he Division of Planning and Development recommended <i>Rejection</i> he Land Use Control Board recommended <i>Rejection</i>			
RECOMMENDED COUN	Se Se	t date for first	reading – <u>Marc</u> - <u>March 25, 202</u>		
(1) 02/13/2025 (1) Land Use Control Board FUNDING: (2) \$ \$ SOURCE AND AMOUNT (\$ \$ \$		DATE ORGANI (2) GOV' REQUIRI AMOUN' REVENU OPERAT CIP PROJ	ZATION - (1) T. ENTITY (3) ES CITY EXPE T OF EXPEND TE TO BE REC ING BUDGET JECT #	EIVED	
<u>\$</u>		FEDERA	L/STATE/OTH		
ADMINISTRATIVE APPRO			<u>DATE</u> 3/10/2025	<u>POSITION</u> PLANNER II	
Britt Ryadola				DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR 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.

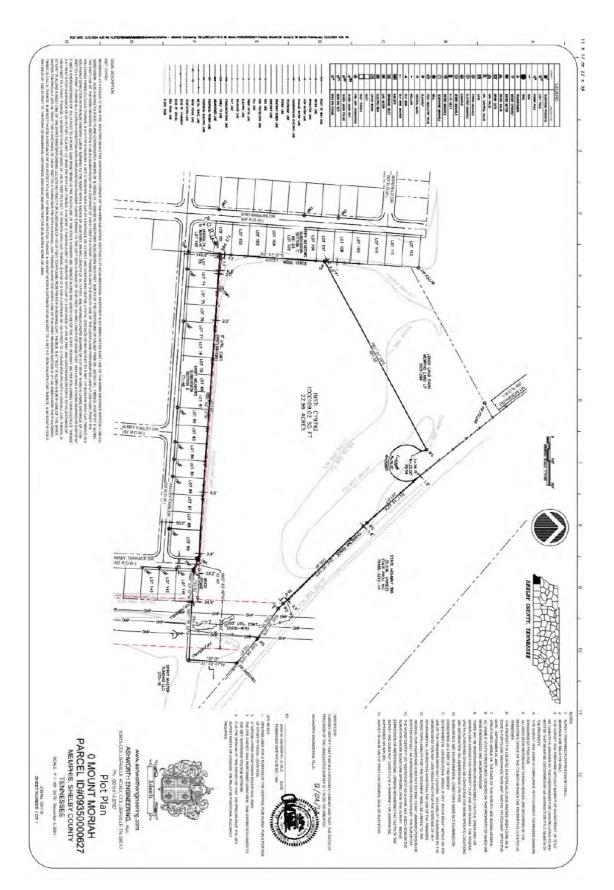
The motion failed by a unanimous vote of 0-9.

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.

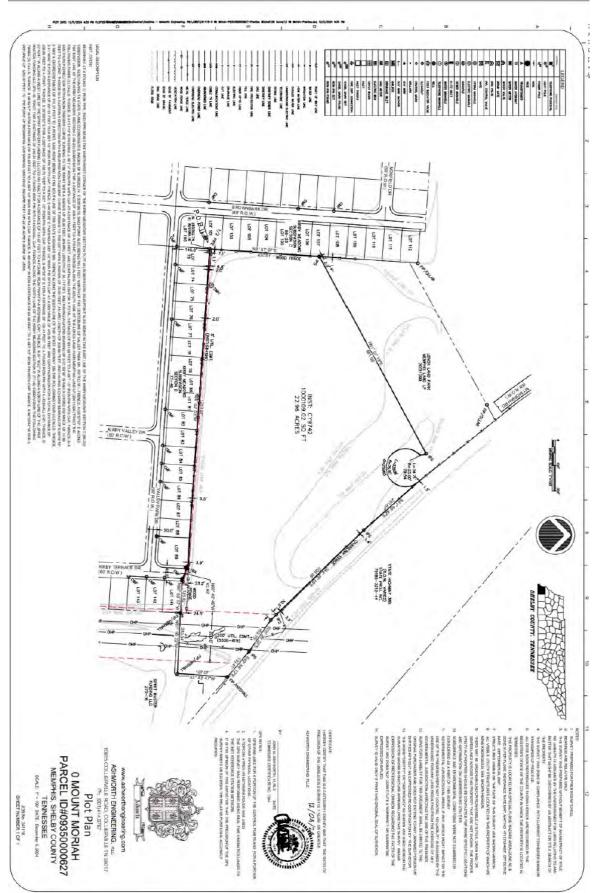
SECTION 2:

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

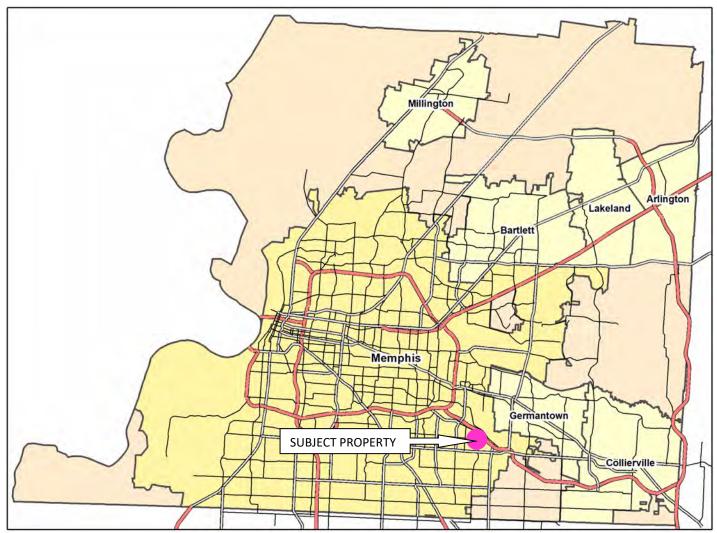
- The request is a rezoning from multiple residentially-oriented zoning districts to Commercial Mixed-se - 3 (CMU-3).
- 2. When asked what the purpose of this rezoning was, the applicant responded that he does not know what intended uses would occur if the rezoning were to be approved. With no direction 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.

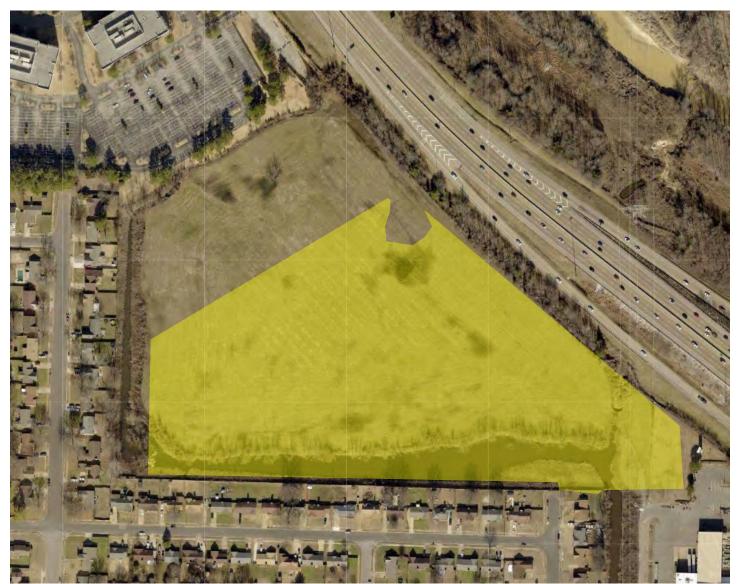
PUBLIC NOTICE DETAILS

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

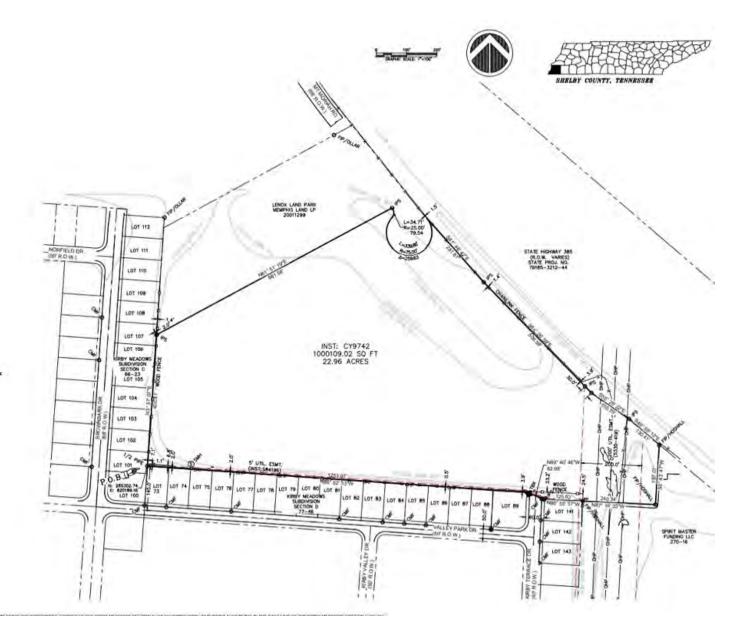
SITE PHOTOS



View of subject property from Kirby Terrace Drive looking north.



View of subject property from State Route 385 looking west.



Staff Report Z 2024-009

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).

Staff Report Z 2024-009

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.

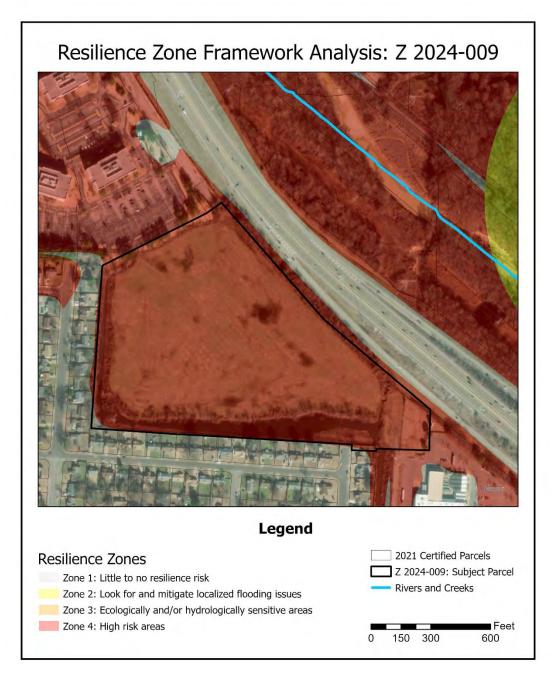
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure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

Staff Report Z 2024-009 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

Staff Report Z 2024-009

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

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

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

Consistency Analysis Summary

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

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

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

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

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

MAILED PUBLIC NOTICE

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

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

Land Use Control Board

____Board of Adjustment

_____Memphis City Council

_____Shelby County Board of Commissioners

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

Owner, Applicant or Representative

2024

Date

9/17/2

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

Staff Report Z 2024-009

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 Layer Central Business Improvement District Class Downtown Fire District			-				
			No				
			R				
			No				
Historic	2.200 000 000						
Land Use Municipality Overlay/Special Purpose District			VACANT				
			-				
			-				
Zoning			R-8				
State Ro	oute		1				
Lot			8				
Subdivis			-				
	Development District		5.5				
Wellhead Protection Overlay District County Commission District			Yes				
			-				
	Incil District		-				
City Council Super District Data Tables			-				
ADDRESS AN	ND PARCEL LIST						
Property 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 IN Mation Facilitism 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	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	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

Staff Report Z 2024-009

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).

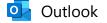
Best Regards,

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

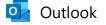
From Sharon Robinson <sharonrobinson047@gmail.com>

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

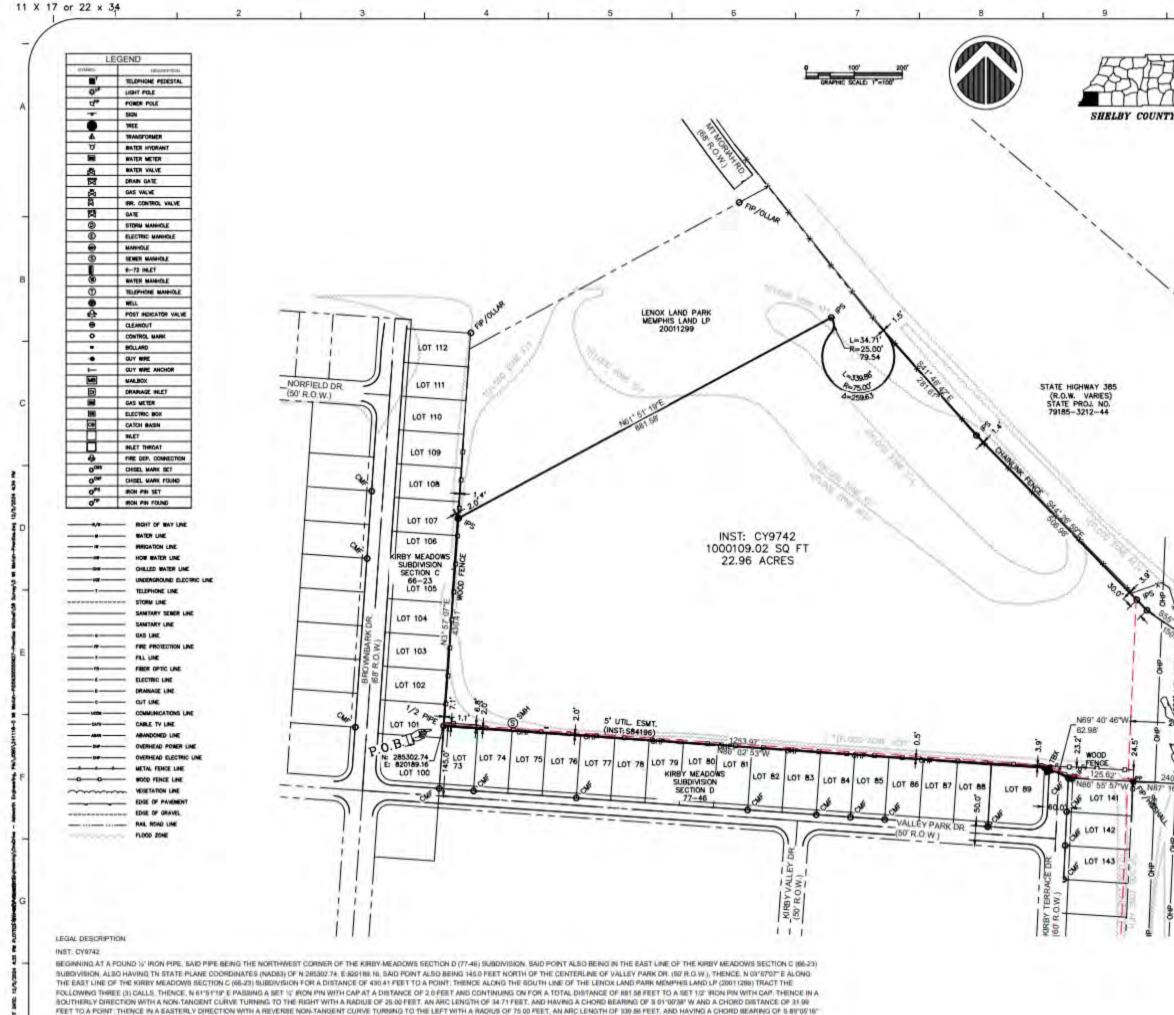
Data Fields PREAPPLICATION MEETING **Chloe Christion** Name of DPD Planner 10/07/2024 Date of Meeting Pre-application Meeting Type Phone **GENERAL INFORMATION** No Have you held a neighborhood meeting? Is this application in response to a citation from No Construction Code Enforcement or Zoning Letter?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

GIS INFOR	MATION						
Case La	yer			-			
Central Business Improvement District Class Downtown Fire District Historic District				No			
				R			
				No			
				-			
Land Us	e			VACANT			
Municipality Overlay/Special Purpose District Zoning				-			
				-			
				R-8			
State Ro	ute			1			
Lot				_			
Subdivis	ion						
		. +		-			
	Development Distric			-			
	d Protection Overlay	DISTRICT		Yes			
-	Commission District			-			
-	ncil District			-			
City Cou	ncil Super District			-			
Data Table	es						
ADDRESS AN	ID PARCEL LIST						
Property	y Parcel Number:	093500	00627				
Property	y Address:	0 Mount	Moriah				
Contact Ir	formation						
Name						Contac	<u>ct Type</u>
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 Rezoni acres or less	ing - 5	1	750.00	INVOICED	0.00	10/07/2024
1597845	Credit Card Use Fe x fee)	ee (.026	1	19.50	INVOICED	0.00	10/07/2024
		То	otal Fee Invo	iced: \$769.50	Total Ba	llance: \$0.0	00
Payment I	nformation						
		Method of Pa	vment				
Payment Amo	ount M	Method of Fa	yment				

LEGAL DESCRIPTION

INST: CY9742

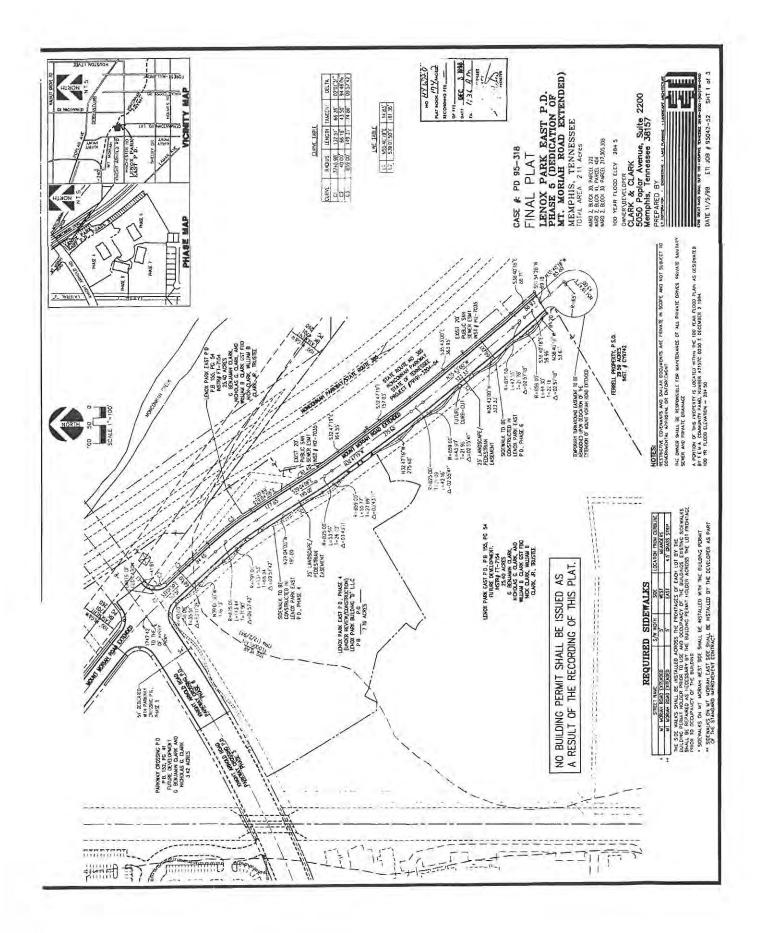
BEGINNING AT A FOUND 1/2" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT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



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

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- do - or	14. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR INTERPOSE
SPIRIT MASTER FUNDING LLC 270-16	SURVEY MEETS OR EXCEEDS THE RELATIVE POSITIONAL ADCURACY REQUIRED.
	Ph. (901)414.8767 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 Permilled
- 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 lightly 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 the fluctuation of account and account and account computer of the fluctuation of account account account Annearing service. Annearing service and service account ac

- 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 baspook on the receise in here (to bar (s) scrime, during the share provide provide and set of controls. A 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 term of the flow, the testing the flow of the chip of the
- A volvessy singl' are provided of any the private as we finducly the site to power eventuous analysis from Kapit Amate Road Road to be surjengy and participal site proposed to be confidered on the site.
- Ancess to Biownbork June shall be promoved
- Any loading doesn's vindi pe onteried away from the research and located (a. 1991) and the line free manumum regional and and and the verview 1992 (easily in the ony variance subject to stee plon copriord by the cond Use 2014) doesn's regioned with Constern 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
- U
- Equivalent londaccoing may be substituted for that required above, subject to the approval of the Diffue of Planumg and Development
 - All recurse landscoping and screening shall not conflict with ony easement-including overhead wires
- All relate dumpaters shall be completely screened from view fram all adjacent properties and from public roads
- All loading focklines shall be screened from wew of the public roads and adjacent properties
- Lighting standards shall have a maximum height of 30 feel, except that within 200 feet of the south property in a coptact to easilying researchai development a maximum height of 12 feel shall be resured
 - Lighting shall be directed so as not to glore into residential property

- v Signs
- A Signs shall be in accordance with the O-G District Regulations
- Minimum sign selback shall be 15 feet from street right-of-ways æ
- C Paricale and temporary signs and autaoar advertising signs shall be prohibited except for contruction signs
 - W Drainage
- A dramage plans and be submitted to the City/County Engineer(s) for review m
 - Drances moreovermatic relating possible on-site detection shall be proved under contract in accordence with the Sustains on Regulations and the City of Hemorits Divering Dasayn Meruch
 - This broact must be evoluted by the formersee Department of Health and evolution transform their prediction over the wolfcrounters on this site in accordance with the Water Quolity Carter Mit of 1977 on enemied (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 concitions
- 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, survice protection access trans, receptations, andarg features and required instanting 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

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PLAT NOON TAT

Per locarry rate should be paced on the first plat of ory development devices the provided state of the first state data and by devices that and address the stream devices the state data stream. This balancing stream stream stream stored address of these most stream stream stream stream stream stored address of these streams and address the stream stream stored address of these streams and address of the stream stream stored address of these streams and another the stream stream stored address of these streams and another the stream stream stored address of these streams and another the stream stream stored address of the stream streams and another the stream stream stored address address of another stream stream stream stored address address of another stream stream stored and an at the stream streams at streamster and the streamster and and the stream streamster and stream stream stream stream stream streamster and stream streamster and the streamster and at the stream streamster and stream stream streamster and the stream streamster and stream streamster and at the stream streamster and stream streamster and streamster and another and streamster and stream streamster and streamster and at the stream streamster and stream streamster and streamster and at the stream streamster and streamster and streamster and at the stream stream streamster and streamster and streamster and at the stream streamster and streamster and streamster and at the streamster a

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.
- Dedects 68 (w) of rept-of-way and improve with 48 feet of parement WI Variah Exterded Proved o timpolory functionals, subject to the approval of City/County Engineering, of the coutineaut conter of the projecty ~

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

- 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 dividual of Nonconte proversy 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

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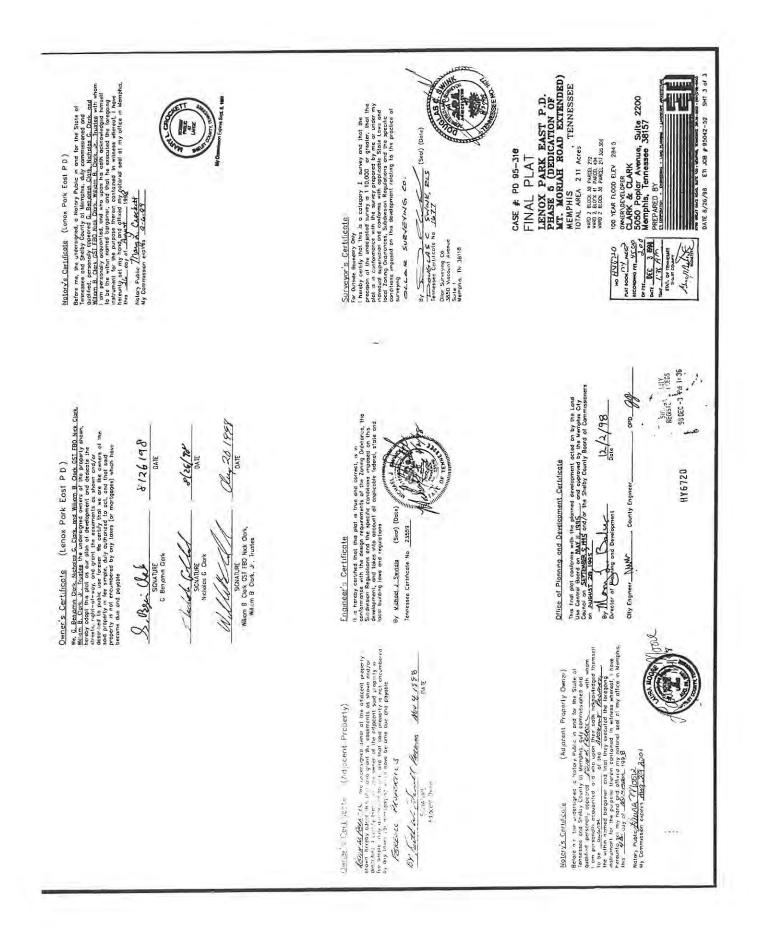
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owerveropen CLARK & CLARK 5050 Poplar Avenue, Suite 2200 Memphils, Tennessee 38157

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

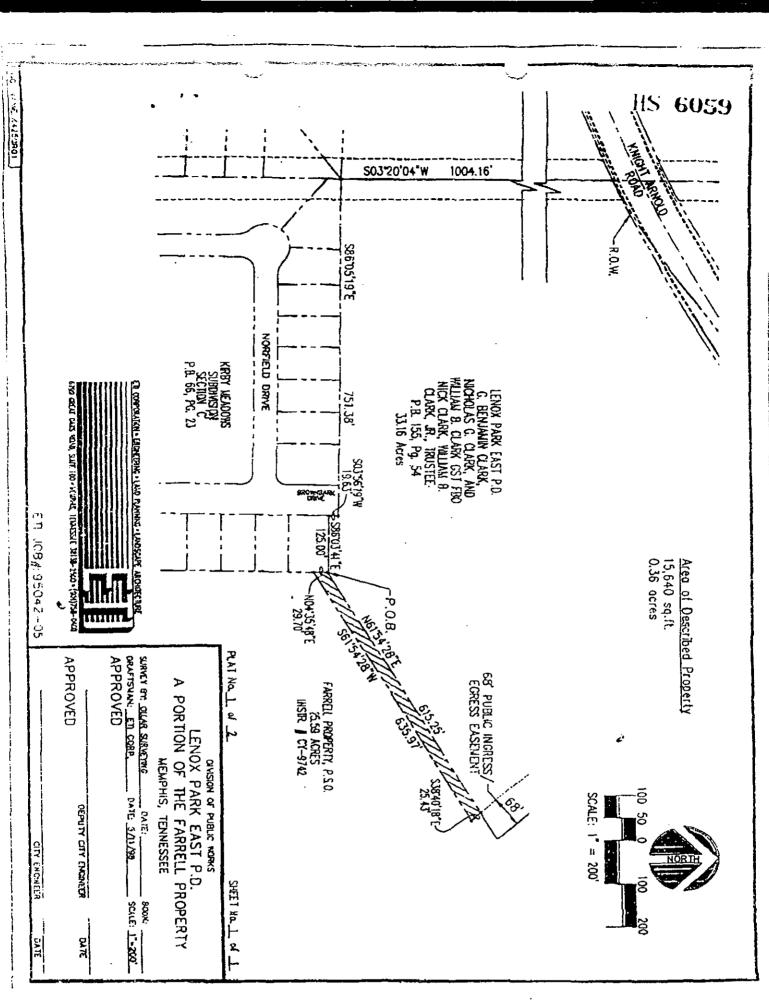
Property Address: vacant Person or entity responsible for payment of real property taxes: Clark and Clark 5050 Poplar Ave. #2200 Memphis TN 38157

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 С С Yei _ 81776 i HS6059 PC35 15 ; d. ÷ 171 υr ł 10177 60 0 ١, 4 150 C - •**4**4.2 і. Э.

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

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

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

K4205101.doc

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY MI AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

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

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

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

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

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: Rejection

Memphis and Shelby County Land Use Control Board: Rejection

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

THIS THE _____, ____

FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103

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

HURLEY RONALD R 3385 BROWNBARK DR # MEMPHIS TN 38115

YOUNG MARCUS 6725 HALLSHIRE CV # MEMPHIS TN 38115

BLACKMON LEON JR 3400 BROWNBARK DR # MEMPHIS TN 38115

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

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

MORRIS TERRY 3415 BROWNBARK DR # MEMPHIS TN 38115

ANDERSON TERESA 6708 VALLEY PARK DR # MEMPHIS TN 38115

LOVE MARK 6790 VALLEY PARK DR # MEMPHIS TN 38115

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

TROTTER ORA 6882 VALLEY PARK DR # MEMPHIS TN 38115

SHAW STACEY 6723 VALLEY PARK DR # MEMPHIS TN 38115

FLOWERS BARON 6729 VALLEY PARK DR # MEMPHIS TN 38115

VILLALBA AURORA 3446 BROWNBARK DR # MEMPHIS TN 38115

3448 HALLSHIRE DR # MEMPHIS TN 38115

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

WINFREY JOHN T PO BOX 192 # EADS TN 38028

HARPER JACQUELINE 6817 VALLEY PARK DR # MEMPHIS TN 38115

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

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

GASSAMA ABRAHAM 6808 KIRBY ARMS DR # MEMPHIS TN 38115

GONZALEZ FELICITO 6816 KIRBY ARMS DR # MEMPHIS TN 38115

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

DORNING EDYTH 3467 KIRBY TERRACE DR # MEMPHIS TN 38115

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

BARUTT AZIZA S 6739 BROWNBARK CV # MEMPHIS TN 38115

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

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

PITTMAN ERIK L 6801 KIRBY ARMS DR # MEMPHIS TN 38115

COOPER TAMARA 6821 KIRBY ARMS DR # MEMPHIS TN 38115

ROBINSON SHARON D 6829 KIRBY ARMS DR # MEMPHIS TN 38115

JOHNSON WILLIE G 6855 KIRBY ARMS DR # MEMPHIS TN 38115

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

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

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

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

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

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

WRIGHT SANDRA 3490 BROWNBARK DR # MEMPHIS TN 38115

SANCHEZ MARIA D 6794 GREENBARK DR # MEMPHIS TN 38115

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

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

BEVERIDGE NANCY A 192 ATLANTIC AVE # NORTH HAMPTON NH 03862

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

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

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

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

BONDOC EDWARD 3803 169TH ST # LYNNWOOD WA 98037

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

ROBINSON YVONNE 3373 HALLSHIRE DR # MEMPHIS TN 38115

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

DOYLE BRITANI A 6832 VALLEY PARK DR # MEMPHIS TN 38115

COLLINS CLINTON 6838 VALLEY PARK DR # MEMPHIS TN 38115

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

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

MCGEE CINDY A 6721 NORFIELD DR # MEMPHIS TN 38115

PRATCHER RAY A 3373 BROWNBARK DR # MEMPHIS TN 38115

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

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

CLARK VIRGINIA 6731 BROWNBARK CV # MEMPHIS TN 38115

STERN TOM 1528 TRENTWOOD PL # ATLANTA GA 30319

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

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

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

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

CANTU MARLENE 6750 NORFIELD DR # MEMPHIS TN 38115

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

3352 BROWNBARK DR # MEMPHIS TN 38115

HILL JOHN L JR 6715 NORFIELD DR # MEMPHIS TN 38115

RIVERA CIPRIANO R 3360 BROWNBARK DR # MEMPHIS TN 38115

BECKMAN FRED 6729 NORFIELD DR # MEMPHIS TN 38115

EVANS SHONTANIQUE 6735 NORFIELD DR # MEMPHIS TN 38115

BAILEY TIMOTHY 3365 BROWNBARK DR # MEMPHIS TN 38115

3366 BROWNBARK DR # MEMPHIS TN 38115

> P O BOX 1849 # OLIVE BRANCH MS 38654

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

HOLLY TINA V 6726 HALLSHIRE CV # MEMPHIS TN 38115

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

WAKEFIELD TAURA M 6730 HALLSHIRE CV # MEMPHIS TN 38115

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

BRANCH JOYCE V 3381 HALLSHIRE DR # MEMPHIS TN 38115

BROWN LEIGHTON M 7662 BROOKBRIAR CV # MEMPHIS TN 38125

MARTINEZ JULIO 3386 BROWNBARK DR # MEMPHIS TN 38115

PALMER-WILLIAMS PAMELA 6731 HALLSHIRE CV # MEMPHIS TN 38115

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

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

UPSHAW ALONDRIA 3393 BROWNBARK DR # MEMPHIS TN 38115

KRIDEL FAMILY TRUST 1019 PINE ST # SANTA MONICA CA 90405

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

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

MARTINEZ JULIO 3415 VALLEY PARK CV # MEMPHIS TN 38115

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

WILLIAMS MAE H 3412 VALLEY PARK CV # MEMPHIS TN 38115

HERNANDEZ LUIS D 3854 GIVEN AVE # MEMPHIS TN 38122

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

GEORGE FLORENCE 3418 VALLEY PARK CV # MEMPHIS TN 38115

WILLIAMS MILDRED 3425 VALLEY PARK CV # MEMPHIS TN 38115

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

CASTRO LEONARDO 3422 BROWNBARK DR # MEMPHIS TN 38115

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

YOUNG DINA 3429 BROWNBARK DR # MEMPHIS TN 38115

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

HOOD CONNIE 6782 VALLEY PARK DR # MEMPHIS TN 38115

COOK JERRI S 6796 VALLEY PARK DR # MEMPHIS TN 38115

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

GUPTA GYAN 14757 HOLLY TREE LN # FRISCO TX 75035

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

KCM INVESTMENTS LLC PO BOX 280 # CORDOVA TN 38088

EMIGDIO RODRIGO C 6890 VALLEY PARK DR # MEMPHIS TN 38115

BANAH LLC 66 TIMBER RIDGE RD # NORTH BRUNSWICK NJ 08902

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

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

BANKS MINNISHA L 6745 VALLEY PARK DR # MEMPHIS TN 38115

AMOR ANTONIO 1904 CLINTONVILLE ST # WHITESTONE NY 11357

LUMPKIN DIANNA M 3440 KIRBY TERRACE DR # MEMPHIS TN 38115

WRIGHT SANDRA A 6795 VALLEY PARK DR # MEMPHIS TN 38115

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

GRACE SOL JR 6823 VALLEY PARK DR # MEMPHIS TN 38115

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

LI JIAWEN 667 CONGRESS ST #201 PORTLAND ME 04101

DOBBINS SHERETTA L 6716 BROWNBARK CV # MEMPHIS TN 38115

FELTON DYNASTY A 3450 KIRBY VALLEY DR # MEMPHIS TN 38115

CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067

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

LBJ HOLDINGS LLC 990 VIA GANDALFI # HENDERSON NV 89011

GONZALEZ TOMAS R 1407 GREEN AVE #1 BROOKLYN NY 11237

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

WEBB SANDRA T 3453 BROWNBARK DR # MEMPHIS TN 38115

HAMPTON TARSHA C 3451 KIRBY TER # MEMPHIS TN 38115

HERRERA JESUS R 6722 BROWNBARK CV # MEMPHIS TN 38115

SMITH JANET L 6728 BROWNBARK CV # MEMPHIS TN 38115

COSBY CATHERINE O 6736 BROWNBARK CV # MEMPHIS TN 38115

ASEFUABA MAAME A 365 KNICKERBOCKER RD # ENGLEWOOD NJ 07631

6784 KIRBY ARMS DR # MEMPHIS TN 38115

HERNANDEZ ARIADNA 6788 KIRBY ARMS DR # MEMPHIS TN 38115

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

GOMEZ CELINA 3454 KIRBY TERRACE DR # MEMPHIS TN 38115

WALKER ANGELA R 6802 KIRBY ARMS DR # MEMPHIS TN 38115

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

BROAD ST LLC 2595 BROAD ST # MEMPHIS TN 38112

SUE ALAN 1 KEAHOLE PL #3308 HONOLULU HI 96825

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

HAVENWOOD ALTI LLC 13217 JAMBOREE RD #215 TUSTIN CA 92782

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

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

JONES KERESIA L 6780 KIRBY ARMS DR # MEMPHIS TN 38115

KNIGHT CARLA 6870 KIRBY ARMS DR # MEMPHIS TN 38115

HENDERSON ELLA M 6874 KIRBY ARMS DR # MEMPHIS TN 38115

STEWART LAZE JR 3462 KIRBY TERRACE DR # MEMPHIS TN 38115

GAINES MELONEE 3468 BROWNBARK DR # MEMPHIS TN 38115

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

ISBY PATRICIA M 6725 BROWNBARK CV # MEMPHIS TN 38115

QUINONEZ ROSA M 3477 BROWNBARK DR # MEMPHIS TN 38115

PHILLIPS JOYCE A 6783 KIRBY ARMS DR # MEMPHIS TN 38115

472 CROFT RD # BYHALIA MS 38611

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

REI NATION LLC PO BOX 381887 # GERMANTOWN TN 38183

411 INVESTMENTS LLC 5524 RIVERDALE RD # MEMPHIS TN 38141

HERNANDEZ MIGUEL 6835 KIRBY ARMS DR # MEMPHIS TN 38115

OUSLEY ARNEDTHA L 3476 KIRBY TERRACE DR # MEMPHIS TN 38115

MORGAN WAURINE C 6875 KIRBY ARMS DR # MEMPHIS TN 38115

CASTILLO CANDELARIO 8090 CENTER HILL RD # OLIVE BRANCH MS 38654

SCHUMACHER FAMILY TRUST 26121 CALLE CRESTA # MISSION VIEJO CA 92692

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

MORENO GLADYS M H 6772 GREENBARK DR # MEMPHIS TN 38115

TEJEDA INGRIS N T 6780 GREENBARK DR # MEMPHIS TN 38115

THOMPSON CURTIS L 6800 GREENBARK DR # MEMPHIS TN 38115

MATTHEWS TERESA M 6808 GREENBARK # MEMPHIS TN 38115

6814 GREENBARK TRUST PO BOX 650715 # STERLING VA 20165

ORELLANA JOSE P 3489 KIRBY TERRACE DR # MEMPHIS TN 38115

WILLIAMS GLORIA 6822 GREENBARK DR # MEMPHIS TN 38115

HARDY EDWARD & FREDDIE 6854 GREENBARK DR # MEMPHIS TN 38115

HENDERSON CHARLES 6862 GREENBARK DR # MEMPHIS TN 38115

BRADSHAW NOEL 4701 SUMMER AVE # MEMPHIS TN 38122

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

192 ATLANTIC AVE # NORTH HAMPTON NH 03862

CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067

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

CRAYTON JOSEPHINE 3416 BROWNBARK DR # MEMPHIS TN 38115

GARICA DERON R 3344 BROWNBARK DR # MEMPHIS TN 38115

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

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

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

KAWAI MAKOTO #

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

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

BARNES LARRY & LILLIE 6728 NORFIELD DR # MEMPHIS TN 38115

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

ZAPATA VILMA M B 6734 NORFIELD DR # MEMPHIS TN 38115

GOLDSTAR HOMES LLC 3840 WINCHESTER RD # MEMPHIS TN 38118

