CITY OF MEMPHIS

COUNCIL AGENDA CHECK OFF SHEET Planning & Development ONE ORIGINAL DIVISION | ONLY STAPLED | TO DOCUMENTS Planning & Zoning COMMITTEE: 5/20/2025 DATE **PUBLIC SESSION:** 6/10/2025 DATE ITEM (CHECK ONE) ORDINANCE __ REQUEST FOR PUBLIC HEARING 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 751 S. Willett St, known as case number PD 2025-005 CASE NUMBER: York Place Planned Development **DEVELOPMENT:** 751 South Willett Street LOCATION: District 6 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS:** 1251 Properties-East, LLC OWNER/APPLICANT: REPRESENTATIVE: Josh Whitehead 9-lot residential single-family planned development REQUEST: AREA: +/-1.095 acres The Division of Planning and Development recommended Approval with outline plan conditions RECOMMENDATION: The Land Use Control Board recommended Approval with outline plan conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing – June 10, 2025 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 05/08/2025 ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T, ENTITY (3) COUNCIL COMMITTEE FUNDING: REOUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER **POSITION** ADMINISTRATIVE APPROVAL: URBAN DESIGN & PRESERVATION PLANNER **DEPUTY ADMINISTRATOR**

ADMINISTRATOR

COMPTROLLER

FINANCE DIRECTOR CITY ATTORNEY

COMMITTEE CHAIRMAN

DIRECTOR (JOINT APPROVAL)

CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

PD 25-005

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 751 SOUTH WILLETT STREET, KNOWN AS CASE NUMBER PD 25-005

- This item is a resolution with conditions to allow a 9-lot residential single-family 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, May 8, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 25-005

DEVELOPMENT: York Place Planned Development

LOCATION: 751 South Willett Street

COUNCIL DISTRICT(S): District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: 1251 Properties-East, LLC

REPRESENTATIVE: Josh Whitehead

REQUEST: 9-lot residential single-family planned development

EXISTING ZONING: Residential Single-Family – 8 (R-8)H in the Central Gardens Historic

District

AREA: +/-1.095 acres

The following spoke in support: None

The following spoke in opposition: None

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

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,

Margot Payne

Preservation Outreach & Grant Coordinator

Land Use and Development Services

Division of Planning and Development

Cc: Committee Members

Hargot F Pagne

File

PD 25-005 CONDITIONS

Outline Plan Conditions

I. PERMITTED USES

- A. Uses permitted in the R-8 residential district, excluding the following:
 - 1. Manufactured, modular home
 - 2. Personal care home for the elderly
 - 3. Senior living facility
 - 4. Police, fire, EMS substation
 - 5. School, public or private (K-12)
 - 6. Reservoir, control structure, water supply, water well
 - 7. Places of worship

II. BULK REGULATIONS

- A. A maximum of nine (9) lots shall be permitted.
- B. The bulk regulations shall be in conformance with the R-8 residential district, with the following exceptions:
 - 1. The minimum lot size shall be 3500 square feet.
 - 2. The minimum front yard setback shall be five (5) feet, except for as follows:
 - a. Lot 9 shall have a minimum front yard setback along S. Willett St. of 30 feet.
 - 3. The minimum side and rear yard setbacks shall be three (3) feet, six (6) inches, except for as follows:
 - a. Lot 1 shall have a minimum eastern side yard setback along S. Willett St. of ten (10) feet.
 - b. Lot 9 shall have a minimum northern side yard setback along the private drive of three (3) feet, six (6) inches.
 - 4. All building setbacks along the private drive shall be measured from the edge of the private drive.

III. CIRCULATION, ACCESS AND PARKING

- A. Permit one (1) point of full movement vehicular access along S. Willett Street in the general location illustrated on the Outline/Final Plan.
- B. The internal drive shall be private, owned and maintained by a homeowners association.
- C. All lots shall contain at least two (2) parking spaces.
- D. Trash collection shall be private.

IV. ARCHITECTURAL, FENCING AND SIGN GUIDELINES

- A. Front-loaded garages shall be prohibited on Lots 3, 4, 5, 6, 7 and 9. On Lots 1, 2 and 8, front-loaded garages shall be recessed a minimum of five (5) feet from the primary front façade of the homes. The garage on Lot 4 may face south and the garage on Lot 5 may face north so long as the homes on those lots face east.
- B. No more than two (2) of the lots may contain houses with painted brick façades; these houses shall not be within view of any adjacent public right-of-way.
- C. A sight-proof fence with a maximum height of nine (9) feet shall be provided along the south property line of the site. A sight-proof fence with a maximum height of six (6) feet shall be

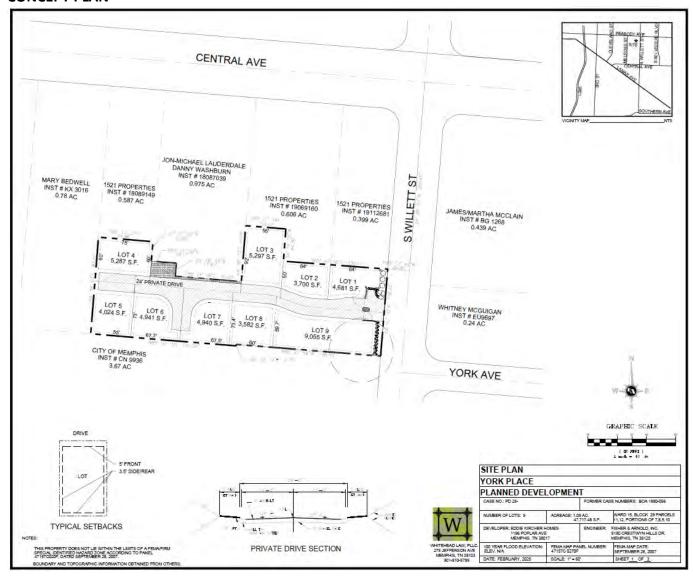
provided along the west and north property lines of the site, except along the northern property line of Lot 1. A decorative metal fence with a maximum height of six (6) feet may be provided along the S. Willett St. frontage of Lots 1 and 9. The decorative metal fence on Lot 1 shall be recessed a minimum of three (3) feet from the eastern façade of the home on Lot 1. The decorative metal fence on Lot 9 shall be set back a minimum of twenty (20) feet from the S. Willett St. right-of-way. The perimeter fencing shall not require masonry support columns.

- D. A minimum 3.5-foot landscaped buffer shall be provided where the private drive and guest parking areas abut adjacent single-family lots.
- E. One (1) subdivision entrance feature sign shall be permitted along Willett Street measuring 42 inches tall by 30 inches wide.
- F. The entrance gate to the development shall be constructed of decorative metal.
- G. A landscape plan shall be submitted showing all required buffers and landscaped areas.

V. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions of all drives, building setbacks, parking areas and any other common elements.
 - 3. The location and ownership, whether public or private, of any easement.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Zoning Administrator pursuant to UDC Para. 9.6.11D(3).

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 751 SOUTH WILLETT STREET, KNOWN AS CASE NUMBER PD 25-005

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 1251 Properties-East LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 9-lot residential single-family planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on May 8, 2025, 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. PERMITTED USES

- A. Uses permitted in the R-8 residential district, excluding the following:
 - 1. Manufactured, modular home
 - 2. Personal care home for the elderly
 - 3. Senior living facility
 - 4. Police, fire, EMS substation
 - 5. School, public or private (K-12)
 - 6. Reservoir, control structure, water supply, water well
 - 7. Places of worship

II. BULK REGULATIONS

- A. A maximum of nine (9) lots shall be permitted.
- B. The bulk regulations shall be in conformance with the R-8 residential district, with the following exceptions:
 - 1. The minimum lot size shall be 3500 square feet.
 - 2. The minimum front yard setback shall be five (5) feet, except for as follows:
 - a. Lot 9 shall have a minimum front yard setback along S. Willett St. of 30 feet.
 - 3. The minimum side and rear yard setbacks shall be three (3) feet, six (6) inches, except for as follows:
 - a. Lot 1 shall have a minimum eastern side yard setback along S. Willett St. of ten (10) feet.
 - b. Lot 9 shall have a minimum northern side yard setback along the private drive of three (3) feet, six (6) inches.
 - 4. All building setbacks along the private drive shall be measured from the edge of the private drive.

III. CIRCULATION, ACCESS AND PARKING

- A. Permit one (1) point of full movement vehicular access along S. Willett Street in the general location illustrated on the Outline/Final Plan.
- B. The internal drive shall be private, owned and maintained by a homeowners association.
- C. All lots shall contain at least two (2) parking spaces.
- D. Trash collection shall be private.

IV. ARCHITECTURAL, FENCING AND SIGN GUIDELINES

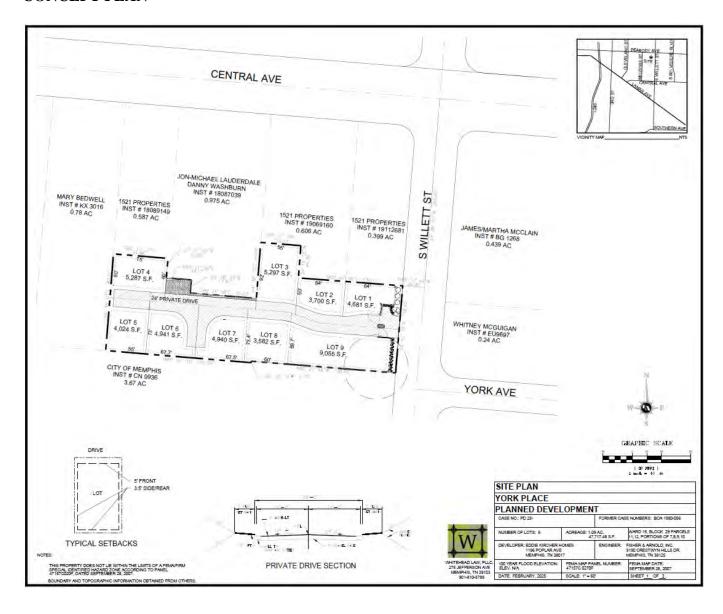
- A. Front-loaded garages shall be prohibited on Lots 3, 4, 5, 6, 7 and 9. On Lots 1, 2 and 8, front-loaded garages shall be recessed a minimum of five (5) feet from the primary front façade of the homes. The garage on Lot 4 may face south and the garage on Lot 5 may face north so long as the homes on those lots face east.
- B. No more than two (2) of the lots may contain houses with painted brick façades; these houses shall not be within view of any adjacent public right-of-way.
- C. A sight-proof fence with a maximum height of nine (9) feet shall be provided along the south property line of the site. A sight-proof fence with a maximum height of six (6) feet shall be provided along the west and north property lines of the site, except along the northern property line of Lot 1. A decorative metal fence with a maximum height of six (6) feet may be provided along the S. Willett St. frontage of Lots 1 and 9. The decorative metal fence on Lot 1 shall be recessed a minimum of three (3) feet from the eastern façade of the home on Lot 1. The decorative metal fence on Lot 9 shall be set back a minimum of twenty (20) feet from the S. Willett St. right-of-way. The perimeter fencing shall not require masonry support columns.

- D. A minimum 3.5-foot landscaped buffer shall be provided where the private drive and guest parking areas abut adjacent single-family lots.
- E. One (1) subdivision entrance feature sign shall be permitted along Willett Street measuring 42 inches tall by 30 inches wide.
- F. The entrance gate to the development shall be constructed of decorative metal.
- G. A landscape plan shall be submitted showing all required buffers and landscaped areas.

V. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions of all drives, building setbacks, parking areas and any other common elements.
 - 3. The location and ownership, whether public or private, of any easement.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Zoning Administrator pursuant to UDC Para. 9.6.11D(3).

CONCEPT PLAN



ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement CC:

AGENDA ITEM: 8 L.U.C.B. MEETING: May 8, 2025

CASE NUMBER: PD 2025-005

DEVELOPMENT: York Place

LOCATION: 751 South Willett Street

COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: 1251 Properties-East, LLC

REPRESENTATIVE: Josh Whitehead

REQUEST: Residential planned development to allow nine single-family lots

EXISTING ZONING: Residential Single-Family – 8 (R-8)H in the Central Gardens Historic District

CONCLUSIONS

- 1. The applicant is requesting a 9-lot infill residential development in the Central Gardens neighborhood in Midtown.
- 2. Access to the development is through one gated entrance to a private drive off South Willett Street. The proposed lots range from 3600 to 9100 square feet. The new development is largely invisible from the street and buffered by larger historic homes and lots along Central Avenue.
- 3. All new homes and site improvements visible from the public right of way must meet the Central Gardens Historic District design guidelines and be reviewed and approved by the Memphis Landmarks Commission. The demolition and replacement of the existing home at 751 South Willett (ca. 1955) and new entrance gate was reviewed and approved by the MLC on March 27, 2025 (COA 2025-025).
- 4. Staff supports the request subject to the outline plan conditions found on pages 19-20 of this report.
- 5. 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.

CONSISTENCY WITH MEMPHIS 3.0

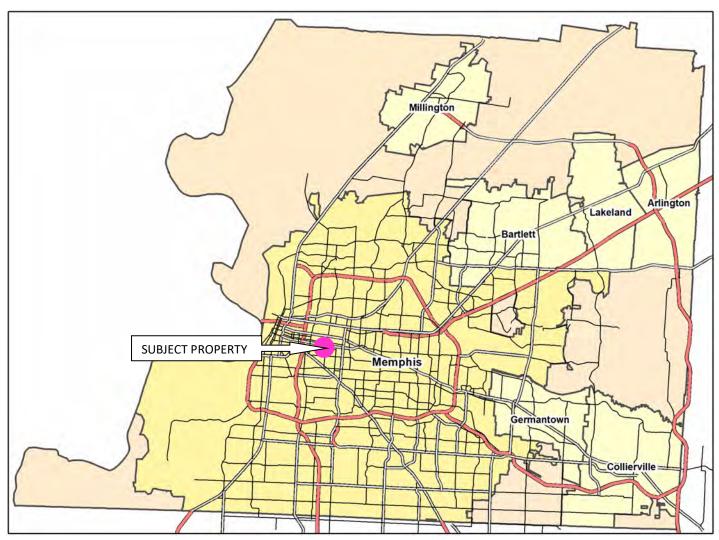
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 23-26 of this report.

RECOMMENDATION:

Approval with conditions

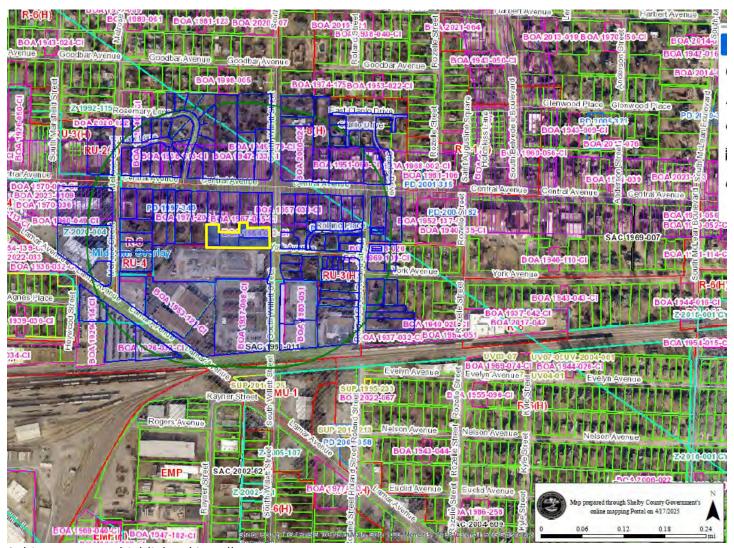
Staff Writer: Margot Payne E-mail: margot.payne@memphistn.gov

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

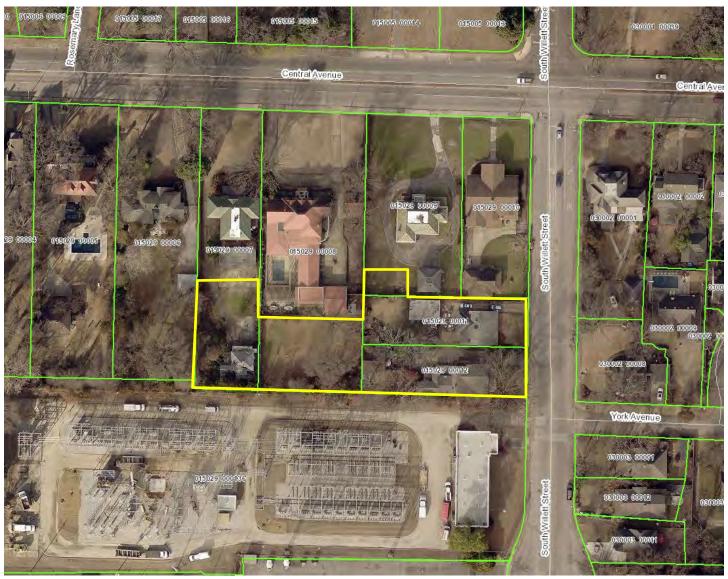
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 110 notices were mailed on April 17, 2025, see page 27 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 28 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

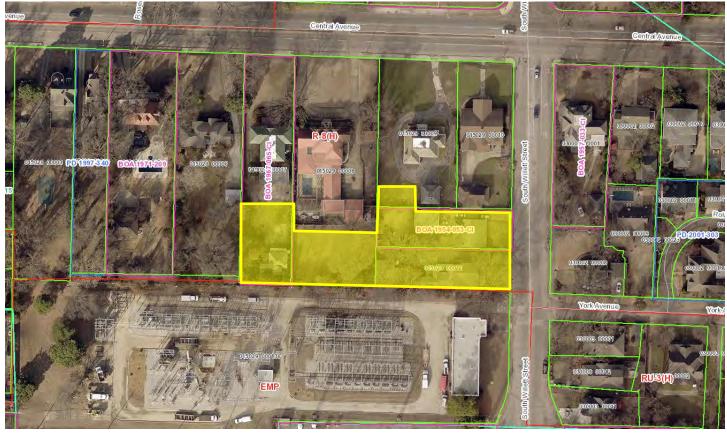
The meeting was held at 5:30 PM on Monday, February 3, 2025, at 1521 Central Avenue.

AERIAL



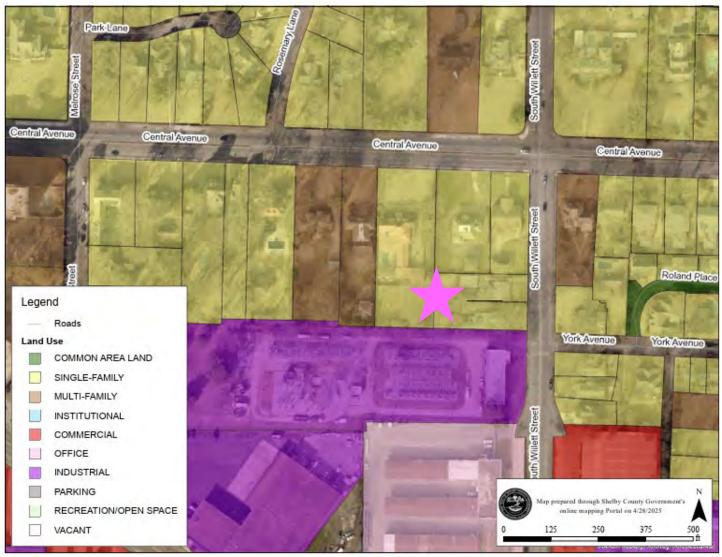
Subject property outlined in yellow, imagery from 2017

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from South Willett Street looking east

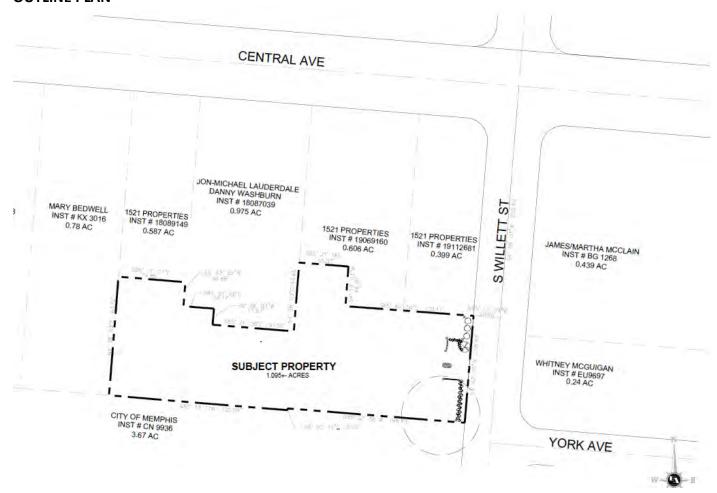


View of subject property from South Willett Street looking northeast

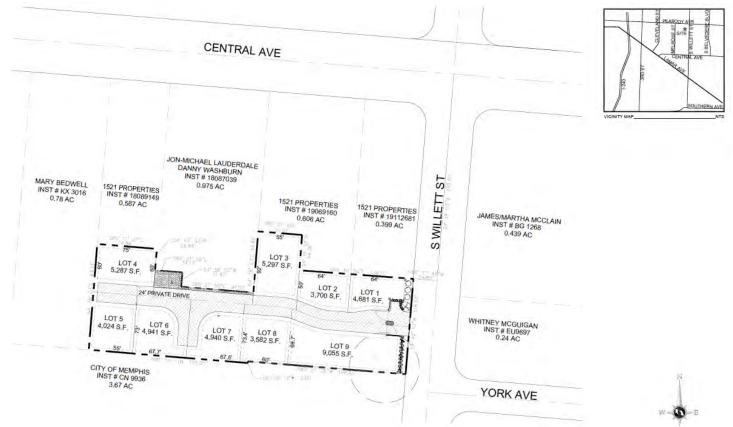


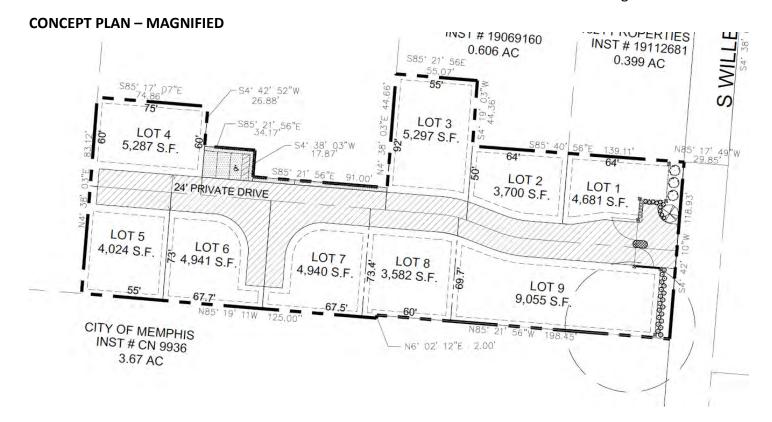
View of subject property from South Willett Street looking southeast

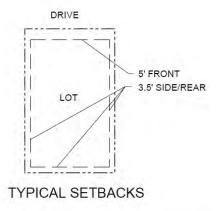
OUTLINE PLAN

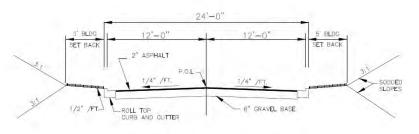


CONCEPT PLAN







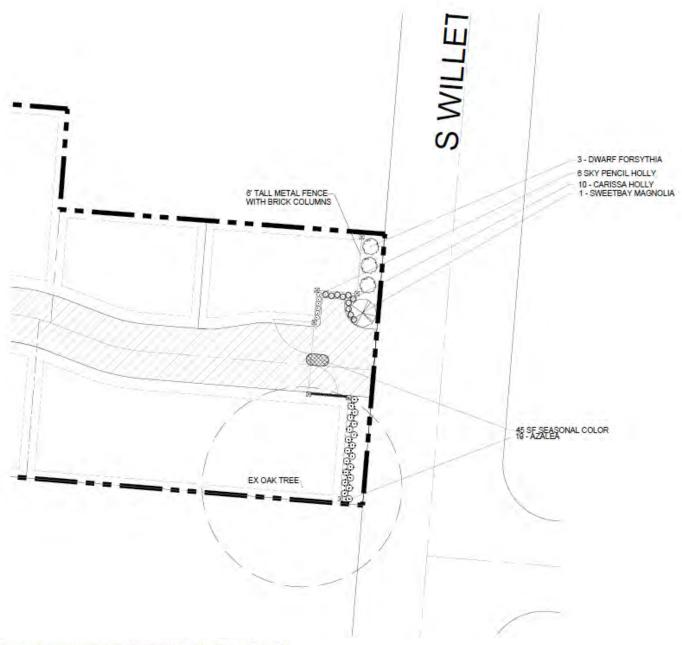


NOTES:

THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FEMA/FIRM SPECIAL IDENTIFIED HAZARD ZONE ACCORDING TO PANEL 47157C020F, DATED SEPTEMBER 28, 2007.

PRIVATE DRIVE SECTION

LANDSCAPE PLAN





BRICK COLUMN AND METAL FENCE

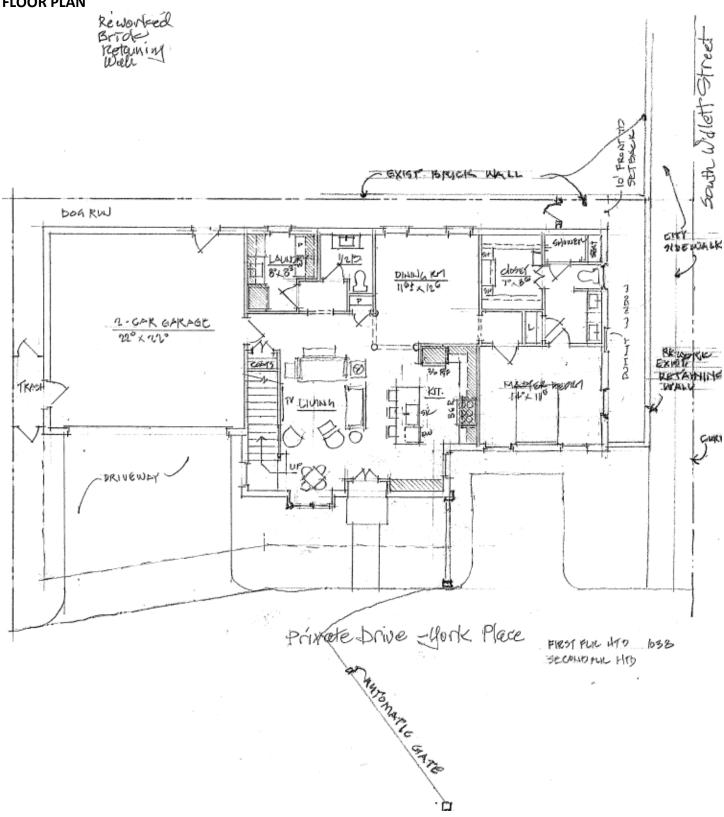
ELEVATIONS



SOUTH WILLETT STREET ELEVATION



FLOOR PLAN



CASE REVIEW

Request

The request is a residential planned development to allow nine single-family lots

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.

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

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

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

May 8, 2025 Page 16

current development policies and plans of the City and County.

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

Residential Criteria

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural

foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Approval Criteria

Staff agrees 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:

751 South Willett Street

Parcel ID:

015029 00011, 015029 00012, and portions of 015029 00008, 015029 00007, and 015029 00009

Area:

+/-1.095 acres

Staff Report PD 2025-005 May 8, 2025 Page 18

Description:

The subject property is known as portions of Lots 1-6 of the Central Heights Subdivision and zoned Residential Single-Family – 8 (R-8)H in the Central Gardens Historic District. Per the Assessor's website, the site has a one-story single-family principal dwelling structure constructed circa 1955 with a ground floor area of 1,682 square feet at 751 South Willett Street (to be demolished per COA 2025-025). There is also a one-story single-family principal dwelling structure constructed circa 1922 with a ground floor area of 2,312 square feet at 755 South Willett Street that will remain as Lot 9 of the development.

Concept Plan Review

This is a proposal for a 9-lot infill residential development in the Central Gardens Historic District in Midtown. The proposed lots range from 3600 to 9100 square feet. The typical setbacks are 5-ft front yard setbacks and 3.5-ft side and rear setbacks. Access to the development is through one gated entrance to a private drive off South Willett Street. All new homes and site improvements visible from the public right of way must meet the Central Gardens Historic District design guidelines and be reviewed and approved by the Memphis Landmarks Commission.

Analysis

The preliminary plan is in keeping with the intent of the Unified Development Code. Though the proposed lots are smaller than neighboring lots and the setbacks are narrower than the R-8 standards, the proposed infill development would provide high quality infill housing that is largely invisible from the street and buffered by larger historic homes and lots along Central Avenue. There are many nearby examples of similar developments in the neighborhood that have been developed behind historic homes on large lots. Demolition and design approval of Lot 1, as well as materials and design of the entrance gate, have already been reviewed and approved by the Memphis Landmarks Commission (COA 2025-025). Staff is recommending approval based on these attributes.

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.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

I. PERMITTED USES

- A. Uses permitted in the R-8 residential district, excluding the following:
 - 1. Manufactured, modular home
 - 2. Personal care home for the elderly
 - 3. Senior living facility
 - 4. Police, fire, EMS substation
 - 5. School, public or private (K-12)
 - 6. Reservoir, control structure, water supply, water well
 - 7. Places of worship

II. BULK REGULATIONS

- A. A maximum of nine (9) lots shall be permitted.
- B. The bulk regulations shall be in conformance with the R-8 residential district, with the following exceptions:
 - 1. The minimum lot size shall be 3500 square feet.
 - 2. The minimum front yard setback shall be five (5) feet, except for as follows:
 - a. Lot 9 shall have a minimum front yard setback along S. Willett St. of 30 feet.
 - 3. The minimum side and rear yard setbacks shall be three (3) feet, six (6) inches, except for as follows:
 - a. Lot 1 shall have a minimum eastern side yard setback along S. Willett St. of ten (10) feet.
 - b. Lot 9 shall have a minimum northern side yard setback along the private drive of three (3) feet, six (6) inches.
- 4. All building setbacks along the private drive shall be measured from the edge of the private drive.

III. CIRCULATION, ACCESS AND PARKING

- A. Permit one (1) point of full movement vehicular access along S. Willett Street in the general location illustrated on the Outline/Final Plan.
- B. The internal drive shall be private, owned and maintained by a homeowners association.
- C. All lots shall contain at least two (2) parking spaces.
- D. Trash collection shall be private.

IV. ARCHITECTURAL, FENCING AND SIGN GUIDELINES

- A. Front-loaded garages shall be prohibited on Lots 3, 4, 5, 6, 7 and 9. On Lots 1, 2 and 8, front-loaded garages shall be recessed a minimum of five (5) feet from the primary front façade of the homes. The garage on Lot 4 may face south and the garage on Lot 5 may face north so long as the homes on those lots face east.
- B. No more than two (2) of the lots may contain houses with painted brick façades; these houses shall not be within view of any adjacent public right-of-way.

- C. A sight-proof fence with a maximum height of nine (9) feet shall be provided along the south property line of the site. A sight-proof fence with a maximum height of six (6) feet shall be provided along the west and north property lines of the site, except along the northern property line of Lot 1. A decorative metal fence with a maximum height of six (6) feet may be provided along the S. Willett St. frontage of Lots 1 and 9. The decorative metal fence on Lot 1 shall be recessed a minimum of three (3) feet from the eastern façade of the home on Lot 1. The decorative metal fence on Lot 9 shall be set back a minimum of twenty (20) feet from the S. Willett St. right-of-way. The perimeter fencing shall not require masonry support columns.
- D. A minimum 3.5-foot landscaped buffer shall be provided where the private drive and guest parking areas abut adjacent single-family lots.
- E. One (1) subdivision entrance feature sign shall be permitted along Willett Street measuring 42 inches tall by 30 inches wide.
- F. The entrance gate to the development shall be constructed of decorative metal.
- G. A landscape plan shall be submitted showing all required buffers and landscaped areas.

V. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions of all drives, building setbacks, parking areas and any other common elements.
 - 3. The location and ownership, whether public or private, of any easement.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Zoning Administrator pursuant to UDC Para. 9.6.11D(3).

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, 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.
- 5. 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.

Roads:

- 7. 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.
- 8. 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:

- 9. 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.
- 10. 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.
- 11. 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:

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

- 13. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- 14. Will require engineering ASPR.

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

City Fire Division:

- Fire apparatus access shall comply with section 503.
- Ensure minimum 12' clear width on either side of the divided entry.
- 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.
- 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into
 or within the jurisdiction is more than 500 feet (122 m) from a hydrant on a fire apparatus access road,
 as measured by an approved route around the exterior of the facility or building, on-site fire hydrants
 and mains shall be provided where required by the fire code official.
- 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.

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: **PD 2025-005**

Site Address/Location: 0 Wilson (Parcel ID: 06176 00170)

Overlay District/Historic District/Flood Zone: Not in a Floodplain; Within the Central Gardens historic overlay district.

Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) and Primarily Single-Unit

Neighborhood (NS) Street Type: Avenue

Applicant is seeking approval for an infill development of 9 single-family residential lots.

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.

SUSTAIN

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor and along avenues, boulevards and parkways as identified in the Street Types Map. Height: 1-3 stories. Scale: house-scale.

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.

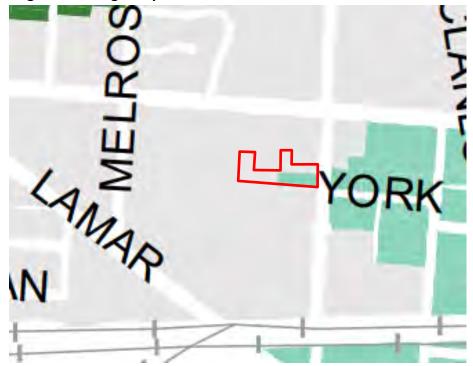
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-8(H)

Adjacent Land Use and Zoning: Single-Family, Multi-Family, Industrial, Office, Commercial; R-8(H), RU-3(H), EMP.

Overall Compatibility: The requested development is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. The AN-S use designation permits the house-scale type developments outlined in the application.

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. One parcel, which will remain unchanged according to the application, is NURTURE. The rest of the parcels have NO Degree of Change.

4. Degree of Change Description

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. The proposed development is a private investment and infill development contextually compatible with the anchor neighborhood (pp. 65-67).

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

The proposed development is consistent with <u>Objective 1.2</u> – Promote a high standard of design and build upon unique characteristics of communities when promoting new development <u>Action 1.2.5</u> – to study transitions in height, density, and massing between residential and mixed-use zones to ensure building forms promote more dense forms of infill in a manner that is compatible with existing development. The proposed infill development would be consistent with the characteristics of the neighborhood.

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

N/A

May 8, 2025 Page 26

Consistency Analysis Summary

Applicant is seeking approval for an infill development of 9 single-family residential lots.

The requested development is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. The AN-S use designation permits the house-scale type developments outlined in the application.

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. The proposed development is a private investment and infill development contextually compatible with the anchor neighborhood (pp. 65-67).

The proposed development is consistent with <u>Objective 1.2</u> – Promote a high standard of design and build upon unique characteristics of communities when promoting new development <u>Action 1.2.5</u> – to study transitions in height, density, and massing between residential and mixed-use zones to ensure building forms promote more dense forms of infill in a manner that is compatible with existing development. The proposed infill development would be consistent with the characteristics of the neighborhood.

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

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

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Thursday, May 1, 2025 at 8 AM.

CASE NUMBER: PD 2025-005
ADDRESS: 751 S Willet St

REQUEST: Residential planned development to allow nine single-

family lots located at 751 S Willett St

APPLICANT: 1521 Properties-East, LLC / Josh Whitehead

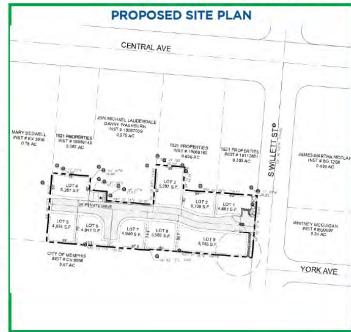
Meeting Details

Location: Council Chambers

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

Date: Thursday, May 8, 2025

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT



Staff Planner Contact:

Margot Payne

(901) 636-7184

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



110 Notices Mailed 04/17/2025

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County		
State of Tennessee		
I, Josh Whitehead , bein	g duly sworn, depose and say	that at 7:38 (am/pm
on the 9th day of April pertaining to Case No. PD 2025-05	, 20 ²⁵ , I posted 1	_ Public Notice Sign(s)
pertaining to Case No. PD 2025-05	at _751 S. Willett	
providing notice of a Public Hearing	before the (check one):	
X Land Use Control Board		
Board of Adjustment		
x Memphis City Council		
Shelby County Board of Co	mmissioners	
for consideration of a proposed la attached hereon and a copy of the		
hereto.		terran Paristers amusikatu
(hall)		11/0/2 20
1000		9/9/2025
Owner, Applicant or Representative	Date	9
	ath 100	
Subscribed and sworn to before me	this day of	16 .2005
Notary Public		
My commission expires.	2020	STATE OF TENNESSEE NOTARY PUBLIC SO Expires on Expires on
		07/10/2028. A 3

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 Planned Development

Record Detail Information

Record Type: Planned Development Record Status: Pending

Opened Date: March 28, 2025

Record Number: PD 2025-005 Expiration Date:

Record Name: York Place

Description of Work: 9-lot residential infill development south of the southwest corner of Central and Willett.

Parent Record Number:

Address:

751 S WILLETT ST, MEMPHIS 38104

Owner Information

Primary Owner Name

Y 1521 PROPERTIES-EAST LLC

Owner Address Owner Phone

1521 CENTRAL AVE, MEMPHIS, TN 38104

Parcel Information

015029 00011

Data Fields

PREAPPLICATION MEETING

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

GENERAL PROJECT INFORMATION

Planned Development Type Previous Docket / Case Number

Medical Overlay / Uptown
If this development is located in unincorporated
Shelby County, is the tract at least three acres?
(Note a tract of less than three acres is not

Margot Payne 11/14/2024 In Person

New Planned Development (PD)

N/A No N/A

Page 1 of 3 PD 2025-005

GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop No work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA UDC Sub-Section 9.6.9A Correct. UDC Sub-Section 9.6.9B Correct. UDC Sub-Section 9.6.9C Correct. Correct. UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E Yes. UDC Sub-Section 9.6.9F Correct. GENERAL PROVISIONS UDC Sub-Section 4.10.3A Correct. Yes. 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 Yes. 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 Correct. 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 Yes. responsible party shall be required to maintain any and all common open space and/or common elements Yes F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION Case Layer Na Central Business Improvement District Downtown Fire District No Historic District Land Use

Page 2 of 3 PD 2025-005

GIS INFORMATION

Municipality Overlay/Special Purpose District Zoning State Route Lot Subdivision Planned Development District -

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

Data Tables

AREA INFORMATION

Name: York Place Size (Acres): 1.1

Existing Use of Property: Single-family residential Requested Use of Single-family residential

Property:

Contact Information

Name JOSH WHITEHEAD APPLICANT

Address

Phone (901)810-5789

Fee Inform	mation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1636162	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	03/28/2025
1636162	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	03/28/2025

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$1,539.00 Credit Card

Page 3 of 3 PD 2025-005

OWNER AFFIDAVIT



Oty 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 fen 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.

A MALL (1) a Show it A 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 751 S. Willett St., 755 S. Willett St., 1531 Central Ave., 1521 Central Ave., and 1511 Central Exis_ and further identified by Assessor's Parcel Number 015029 00011, 015029 00012, 015029 00009, 015029 00008 and 015029 00007, for which an application is being made to the Division of Planning and Development.

Subscribed and swom to (or affirmed) before me this

On behalf of (if owned by a corporation)

My Commission Expires

November November November November 29, 2027

LETTER OF INTENT

Josh Whitehead Managing Fartner (901) 810-5789 josh@joshwhiteheadlaw.com



Miloš Mikić
Chief Operating Officer
(901) 810-5706
milos@jostwhiteheadlaw.com

March 18, 2025

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp Chair, and Members Memphis and Shelby County Land Use Control Board

RE: York Place Planned Development

Mr. Ragsdale, Madam Chair and Members of the Board,

Please find attached plans for a 9-lot infill residential development in the Central Gardens neighborhood we have coined "York Place." York Place will be built to the rear of the four existing homes at the southwest corner of Central Avenue and Willett Place (please see photographs of the project attached to this letter as Exhibit "A" and "B").

During its regular meeting on March 27, 2025, the Memphis Landmarks Commission is scheduled to take the first few steps on the realization of this project with the approval of the demolition of the non-contributing house addressed as 751 S. Willett Street, the design of the home to replace it and site improvements for York Place including the entrance features of the private drive into the development.

We have modeled York Place after other nearby infill developments, some of which were approved after the creation of the Central Gardens Historic Overlay (Landmarks) District, some before (see photographs of these developments attached as Exhibits "C," "D," "E," "F," "G," "H," "I," and "K," as well as a comparison between their lot sizes and those proposed within York Place attached as Exhibit "L"). As an example, the proposed lots with York Place will range in size from 3600 to 9100 square feet, similar to the Roland Place Planned Development approximately 215 feet to its east which features lot sizes between 3900 and 9200 square feet. Like York Place, Roland Place is buffered from Central Avenue by larger lots.

Interestingly, York Place will represent a return to the segment of York Avenue that appears to have once existed west of Willett Street (please see excerpt from 1907 city map attached as Exhibit "M").

Thank you for your consideration,

Josh Whitehead

EXHIBIT AAerial photograph of site



EXHIBIT BAerial photograph of site with dimensions of proposed York Place superimposed



EXHIBIT CAerial photograph of Roland Place Planned Development (looking south)



EXHIBIT DAerial photograph of Roland Place Planned Development (looking north)

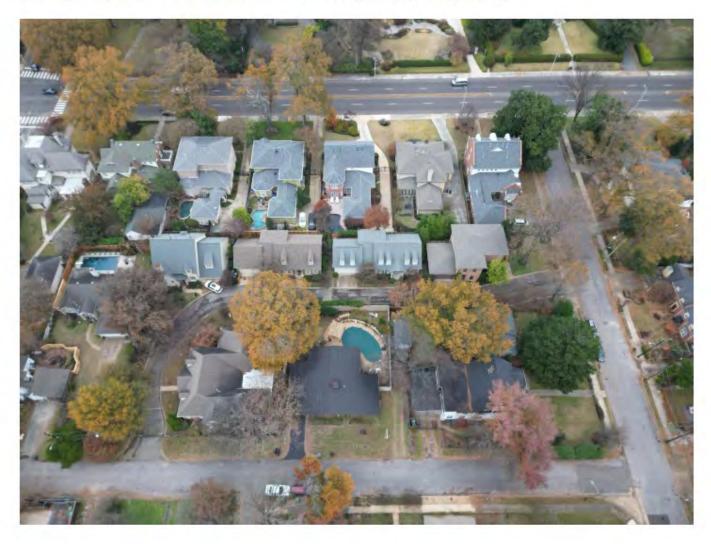


EXHIBIT EAerial photograph of Roland Place Planned Development (looking west)

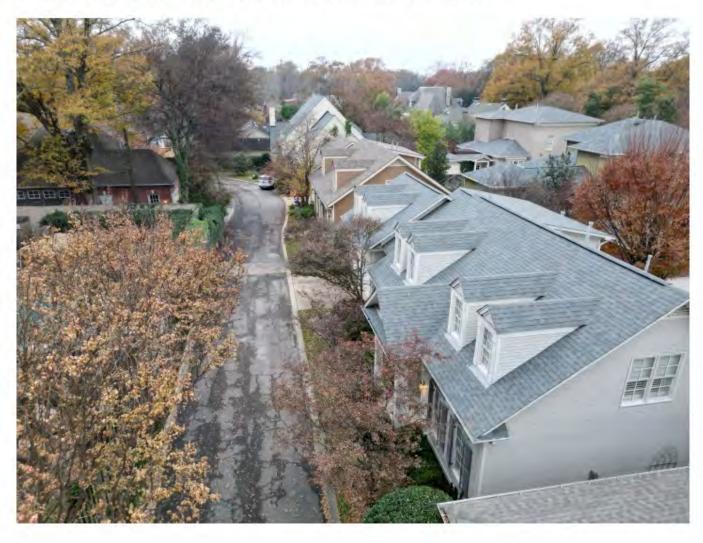


EXHIBIT FPhotograph of entrance of Roland Place Planned Development



EXHIBIT GAerial photograph of Roland Place Planned Development, reflecting proximity of subject site (in background)



EXHIBIT HPhotograph of Clanlo Planned Development

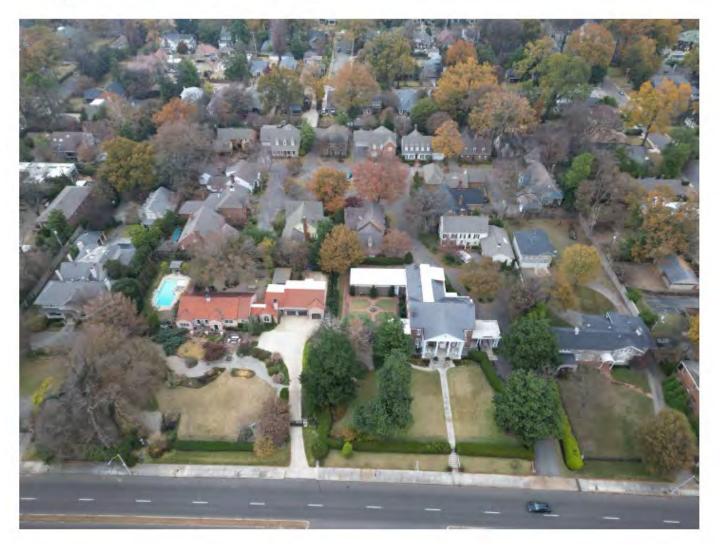


EXHIBIT IAerial photograph of Roland Place and Clanlo Planned Developments, as well proposed York Place in the background



EXHIBIT J

Aerial photograph of Roland Place and Clanlo Planned Developments, as well proposed York Place in the background (with labels of each)



EXHIBIT KPhotograph of subject site with light industrial land uses to its south



EXHIBIT L

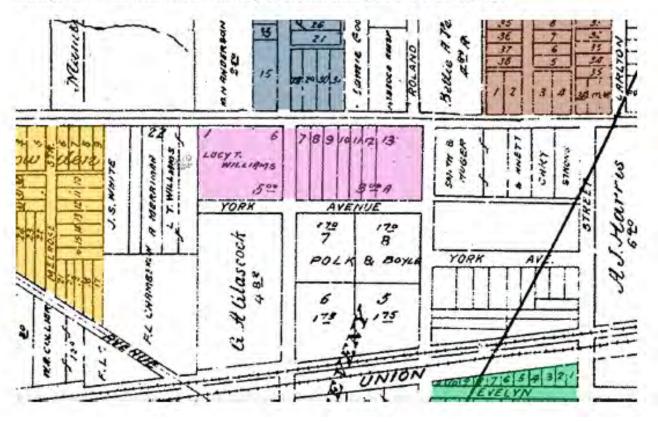
Lot size comparison



York Place: approx. 3600-9100 sq. ft. lots

EXHIBIT M

Excerpt from "The New Wiliamson Map of Greater Memphis and Suburbs," 1907



LETTERS RECEIVED

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



Central Gardens Association

April 17, 2025

Brett Ragsdale Margot Payne Land Use Control Board Memphis and Shelby County Division of Planning and Development

Re: PD 2025-005 York Place

To Brett Ragsdale and Margot Payne,

I am writing this letter to extend Central Gardens Association Landmarks Committee's support for the York Place PUD. Throughout the process the owners have reached out to our committee to make sure they are staying within the guidelines for this development. We have appreciated the openness of collaboration and their consistency to be aware of their neighbors and of the uniqueness of this project within a historical neighborhood.

We do have some questions that we would like answered and a few questions that also lead to some suggestions that we would appreciate the Technical Review Committee and the owners to consider.

- Lot 1: Is the fence positioned in front of the home facing Willett, or does the side façade of the home link two separate fences? If the fence is in front, what is its distance between the home and will it be 3' feet back from the sidewalk (SI 5 CGA Architural Guidelines)? Also is lot 9 behind the fence as well? CGA LM would like the developers to consider (if they are not already) installing the fence so that the side facades of the two homes are in front of the fence and that the fence is set back 6' from the street facing "front" wall of the home (not including porch) (SI 3.a).
- In a meeting with the owners we did discuss having rear or side garages. We
 realized in looking at the plat that some lots there would be no way to
 achieve that. Are they still trying to make an effort for side or rear garages
 on the lots that would be able to allow that easily?
- Are the homes going to be custom or spec houses?
- Is the side turn around at the front gate deep enough that a car in that space is not blocking the gate? Just wanted to make them aware in case it is not.
- What is the entrance gate going to look like? What material will it be made of? Will it match the fence and be open to see through or will it be solid?
- GCA LM would like to request that no houses that are brick be painted in the subdivision.



Central Gardens Association

Thank you for keeping these questions and suggestions in mind while going through the review process. We understand that since this is a gated community that each residence will not necessarily have to adhere to all the Central Gardens guidelines but we are hoping that with conscientious design that they will try to stick to the guidelines the best they can.

Thank you and please reach out to me if you have any questions.

Best Regards,

Lauren Wiuff CGA Landmarks Chair 901-859-3565



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

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Status: Pending Record Type: Planned Development

Opened Date: March 28, 2025

Expiration Date: Record Number: PD 2025-005

Record Name: York Place

Description of Work: 9-lot residential infill development south of the southwest corner of Central and Willett.

Parent Record Number:

Address:

751 S WILLETT ST, MEMPHIS 38104

Owner Information

Primary **Owner Name**

Υ 1521 PROPERTIES-EAST LLC

Owner Phone Owner Address

1521 CENTRAL AVE, MEMPHIS, TN 38104

Parcel Information

015029 00011

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Margot Payne 11/14/2024 Date of Meeting Pre-application Meeting Type In Person

Planned Development Type

GENERAL PROJECT INFORMATION

Previous Docket / Case Number N/A Medical Overlay / Uptown

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not

New Planned Development (PD)

Nο N/A

PD 2025-005 Page 1 of 3

GENERAL PROJECT INFORMATION

Land Use

GENERAL PROJECT INFORMATION	
eligible for a planned development in unincorporated Shelby County)	No
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	
APPROVAL CRITERIA	
UDC Sub-Section 9.6.9A	Correct
UDC Sub-Section 9.6.9B	Correct
UDC Sub-Section 9.6.9C	Correct
UDC Sub-Section 9.6.9D	Correct.
UDC Sub-Section 9.6.9E	Yes.
UDC Sub-Section 9.6.9F	Correct
GENERAL PROVISIONS	_
UDC Sub-Section 4.10.3A	Correct.
B) An approved water supply, community waste	Yes.
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	Yes.
C) The location and arrangement of the structures, parking and loading areas, walks,	168.
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	Correct
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	Yes.
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	Yes.
of a planned development final plan	
GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	- No
Downtown Fire District	INU
Historic District	-

Page 2 of 3 PD 2025-005

GIS INFORMATION

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

AREA INFORMATION

Name: York Place

Size (Acres): 1.1

Existing Use of Property: Single-family residential Requested Use of Single-family residential

Property:

Contact Information

Name
JOSH WHITEHEAD

Contact Type
APPLICANT

Address

Phone (901)810-5789

Fee Information							
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1636162	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	03/28/2025	
1636162	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	03/28/2025	

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$1,539.00 Credit Card

Page 3 of 3 PD 2025-005



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

DWNER: 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 Sheiby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Sheiby County Unified Development Code Section 12.3.1.

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 751 S. Willett St., 755 S. Willett St., 1531 Central Ave., 1521 Central Ave., and 1511 Central Ave., and further identified by Assessor's Parcel Number 015029 00011, 015029 00012, 015029 00009, 015029 00008 and 015029 00007, for which an application is being made to the Division of Planning and Development.

Subscribed and swom to for affirmed) before me this 14th day of February in the year of 2025

Asked Liver of Owner Signature of Owner Signature of Owner Signature of Owner November 29, 2027

On behalf of (it owned by a compression)

ELBY CON

Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com



Miloš Mikić Chief Operating Officer (901) 810-5706 milos@ioshwhiteheadlaw.com

March 18, 2025

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp Chair, and Members Memphis and Shelby County Land Use Control Board

RE: York Place Planned Development

Mr. Ragsdale, Madam Chair and Members of the Board,

Please find attached plans for a 9-lot infill residential development in the Central Gardens neighborhood we have coined "York Place." York Place will be built to the rear of the four existing homes at the southwest corner of Central Avenue and Willett Place (please see photographs of the project attached to this letter as Exhibit "A" and "B").

During its regular meeting on March 27, 2025, the Memphis Landmarks Commission is scheduled to take the first few steps on the realization of this project with the approval of the demolition of the non-contributing house addressed as 751 S. Willett Street, the design of the home to replace it and site improvements for York Place including the entrance features of the private drive into the development.

We have modeled York Place after other nearby infill developments, some of which were approved after the creation of the Central Gardens Historic Overlay (Landmarks) District, some before (see photographs of these developments attached as Exhibits "C," "D," "E," "F," "G," "H," "I," and "K," as well as a comparison between their lot sizes and those proposed within York Place attached as Exhibit "L"). As an example, the proposed lots with York Place will range in size from 3600 to 9100 square feet, similar to the Roland Place Planned Development approximately 215 feet to its east which features lot sizes between 3900 and 9200 square feet. Like York Place, Roland Place is buffered from Central Avenue by larger lots.

Interestingly, York Place will represent a return to the segment of York Avenue that appears to have once existed west of Willett Street (please see excerpt from 1907 city map attached as Exhibit "M").

Thank you for your consideration,

Josh Whitehead

EXHIBIT AAerial photograph of site



EXHIBIT BAerial photograph of site with dimensions of proposed York Place superimposed



EXHIBIT CAerial photograph of Roland Place Planned Development (looking south)



EXHIBIT DAerial photograph of Roland Place Planned Development (looking north)

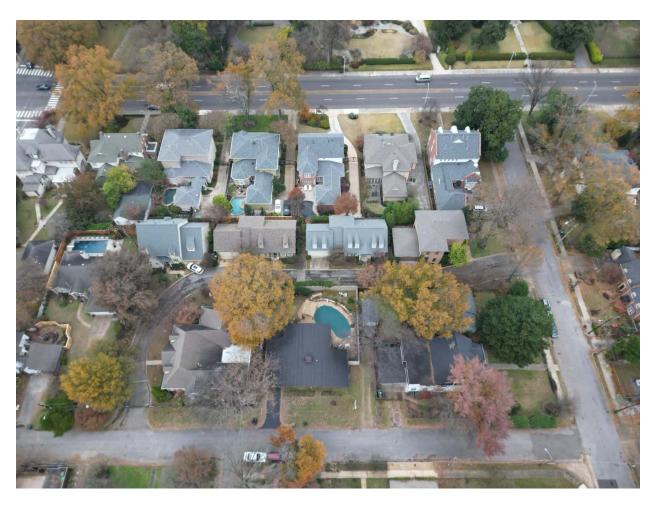


EXHIBIT EAerial photograph of Roland Place Planned Development (looking west)



EXHIBIT FPhotograph of entrance of Roland Place Planned Development



EXHIBIT GAerial photograph of Roland Place Planned Development, reflecting proximity of subject site (in background)



EXHIBIT H Photograph of Clanlo Planned Development

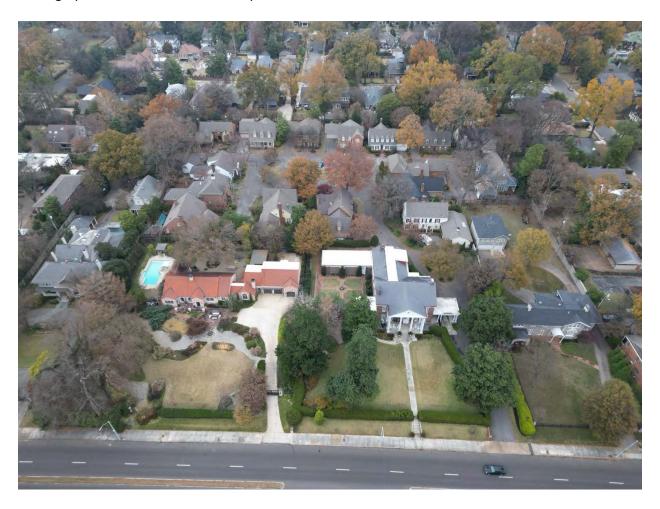


EXHIBIT IAerial photograph of Roland Place and Clanlo Planned Developments, as well proposed York Place in the background



EXHIBIT JAerial photograph of Roland Place and Clanlo Planned Developments, as well proposed York Place in the background (with labels of each)



EXHIBIT KPhotograph of subject site with light industrial land uses to its south



EXHIBIT L

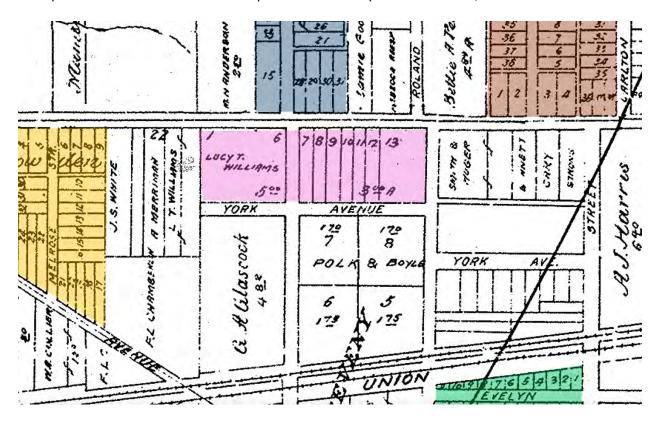
Lot size comparison

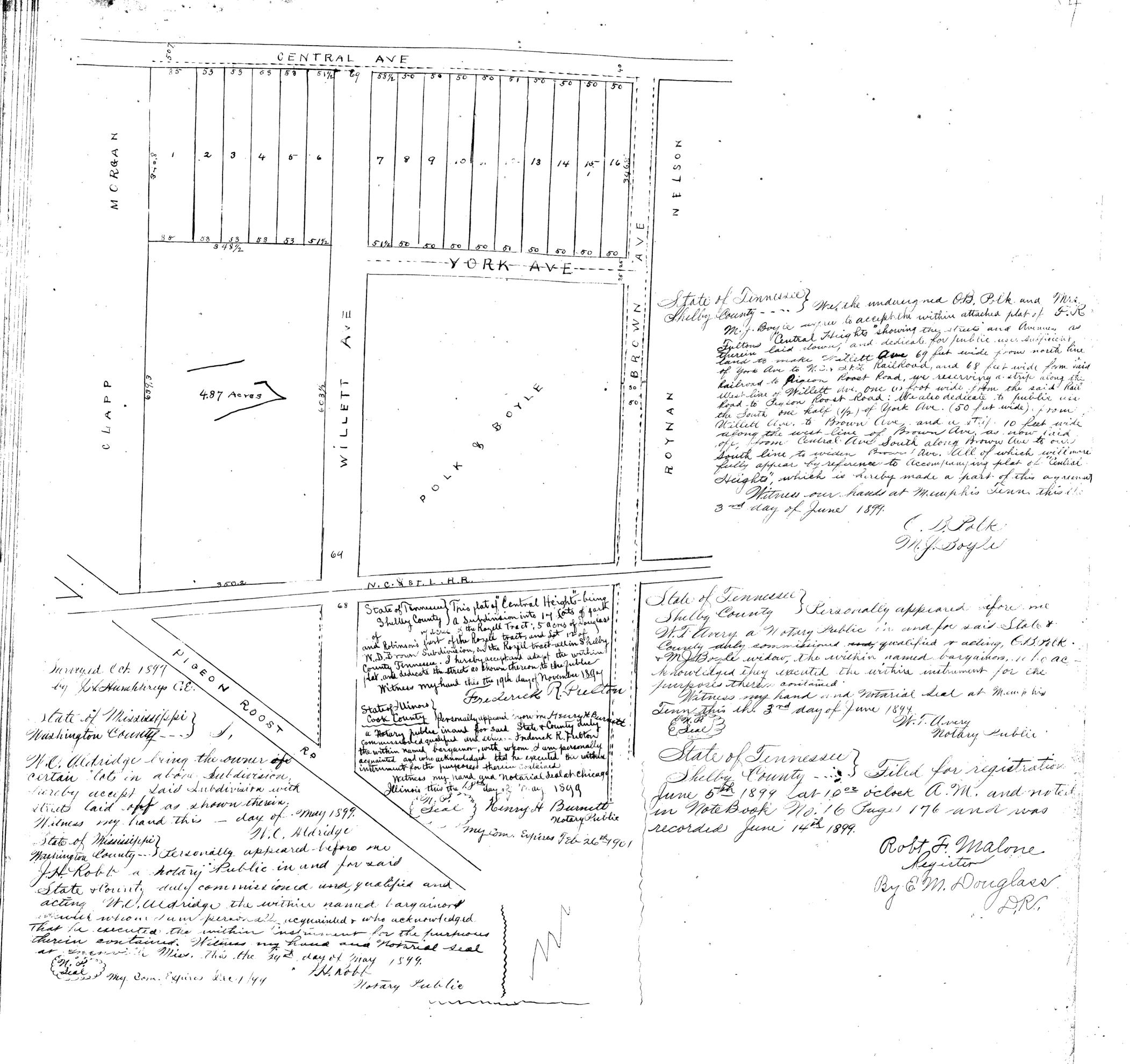


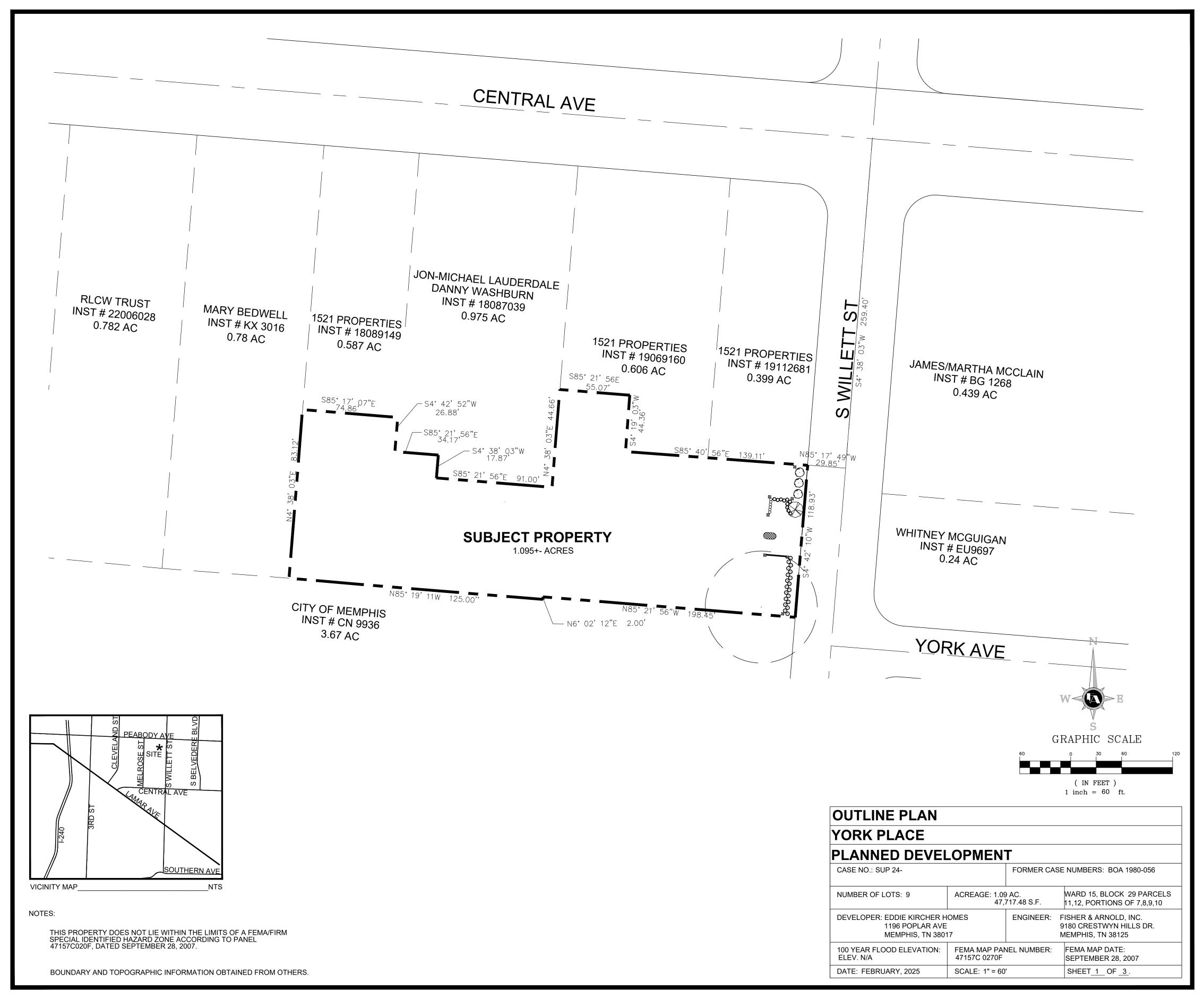
York Place: approx. 3600-9100 sq. ft. lots

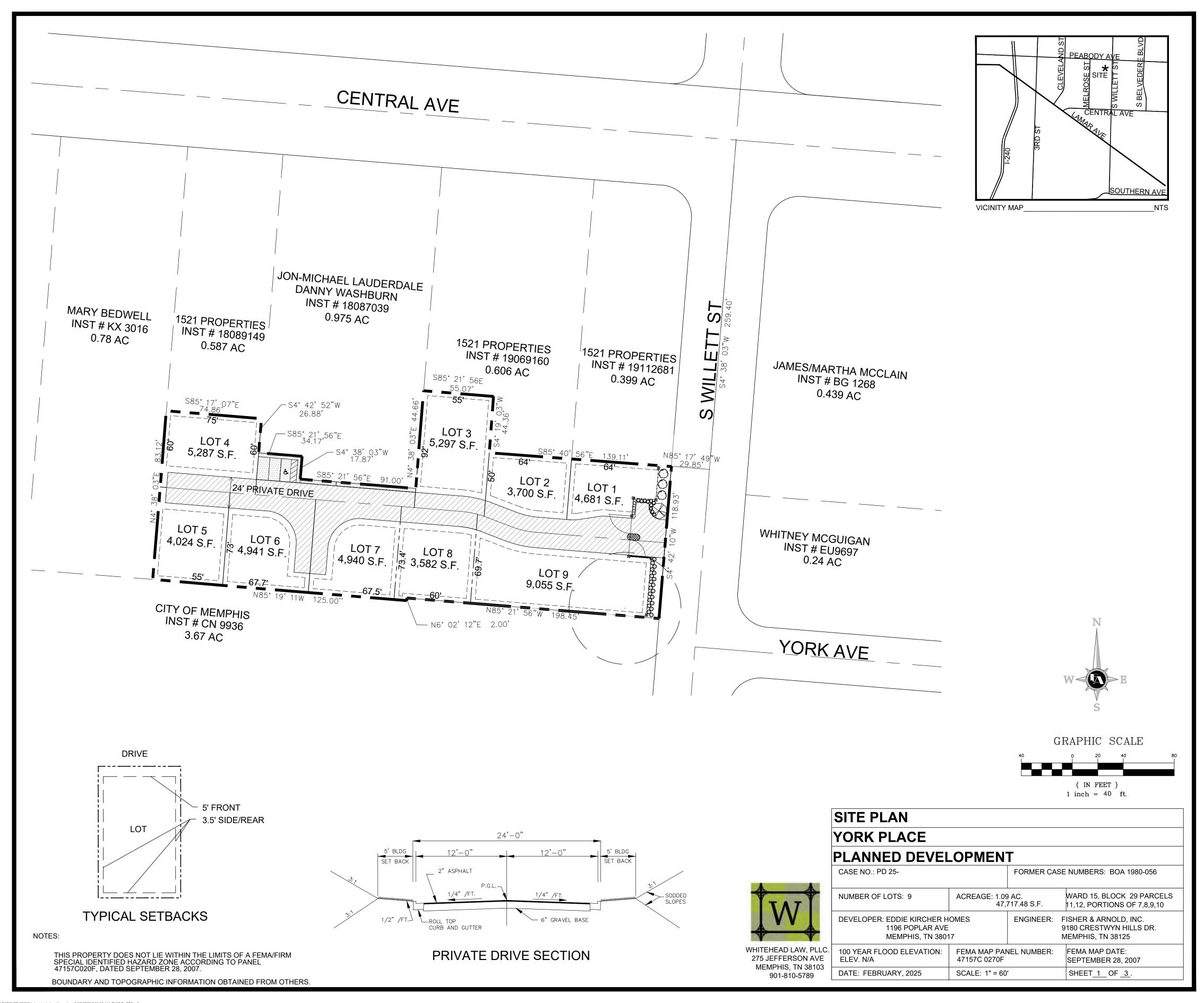
EXHIBIT M

Excerpt from "The New Wiliamson Map of Greater Memphis and Suburbs," 1907

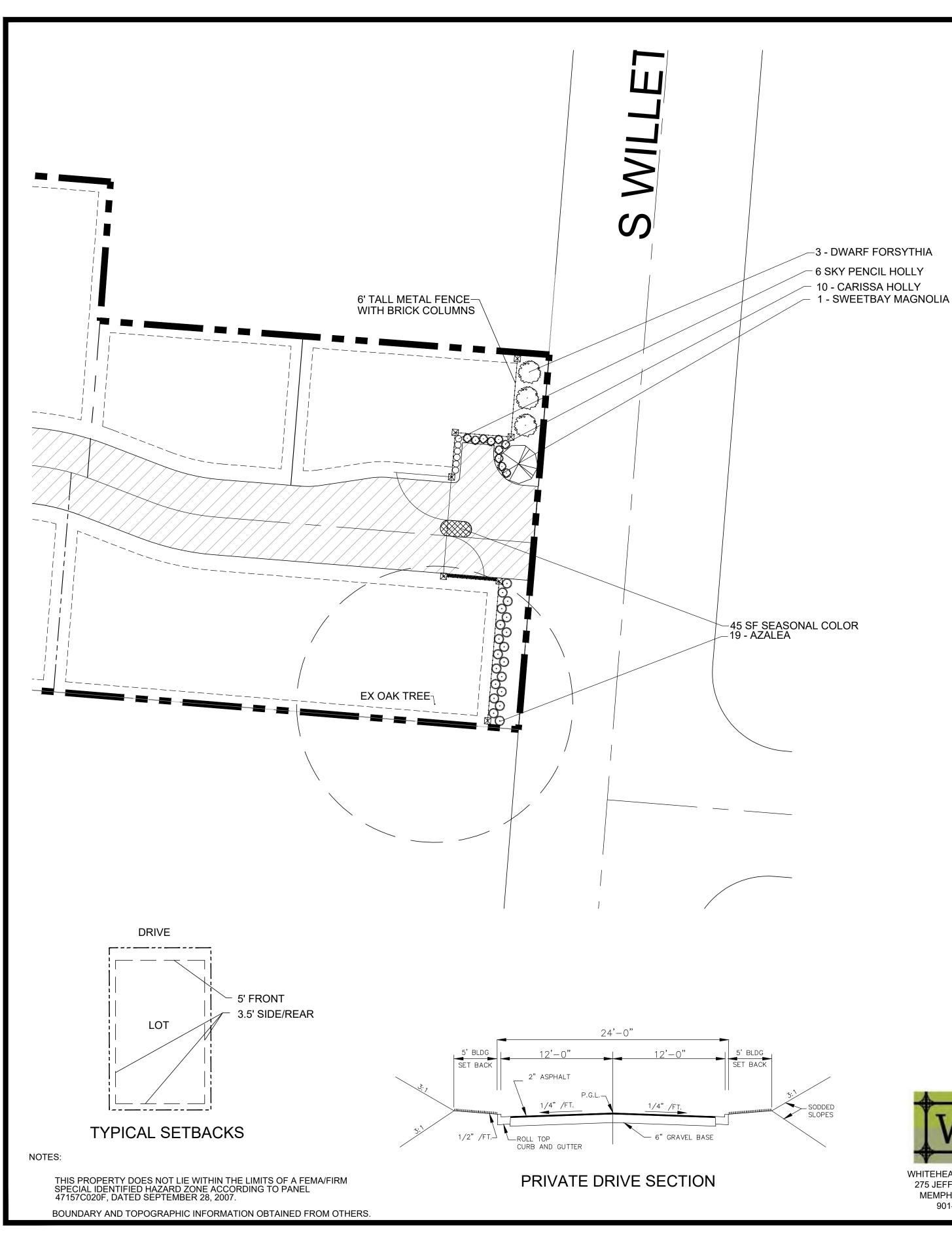


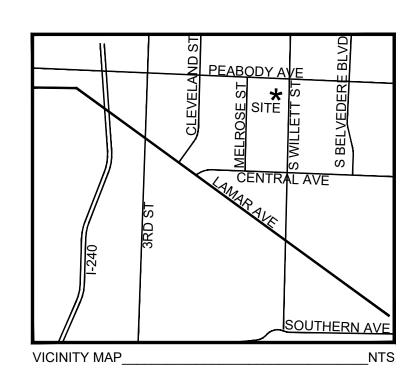






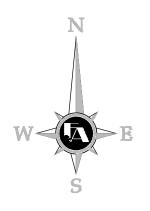
Z:\EKIRCHER\0001PL\planning\plans\base.dwg, 3/17/2025 8:31:19 AM, DWG To PDF.pc3



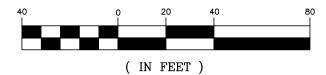




BRICK COLUMN AND METAL FENCE



GRAPHIC SCALE



1 inch = 40 ft.

LANDSCAPE PLAN

YORK PLACE

WHITEHEAD LAW, PLLC. 275 JEFFERSON AVE MEMPHIS, TN 38103 901-810-5789

PLANNED DEVELOPMENT				
	CASE NO.: PD 25-		FORMER CASE NUMBERS: BOA 1980-056	
	NUMBER OF LOTS: 9			WARD 15, BLOCK 29 PARCELS 11,12, PORTIONS OF 7,8,9,10
	DEVELOPER: EDDIE KIRCHER HOMES 1196 POPLAR AVE MEMPHIS, TN 38017		ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125	
	100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PAN 47157C 0270F	NEL NUMBER:	FEMA MAP DATE: SEPTEMBER 28, 2007
	DATE: FEBRUARY, 2025	SCALE: 1" = 60	•	SHEET 1 OF 3.

York Place Planned Development Outline Plan Conditions PD 2024-XX

I. PERMITTED USES

- A. Uses permitted in the R-8 residential district, excluding the following:
 - 1. Manufactured, modular home
 - 2. Personal care home for the elderly
 - 3. Senior living facility
 - 4. Police, fire, EMS substation
 - 5. School, public or private (K-12)
 - 6. Reservoir, control structure, water supply, water well
 - 7. Places of worship

II. BULK REGULATIONS

- A. A maximum of nine (9) lots shall be permitted.
- B. The bulk regulations shall be in conformance with the R-8 residential district, with the following exceptions:
 - 1. The minimum lot size shall be 3500 square feet.
 - 2. The minimum front yard setback shall five (5) feet, except for as follows:
 - a. Lot 9 shall have a minimum front yard setback along S. Willett St. of 30 feet.
 - 3. The minimum side and rear yard setbacks shall be three (3) feet, six (6) inches, except for as follows:
 - a. Lot 1 shall have a minimum eastern side yard setback along S. Willett St. of ten (10) feet.
 - b. Lot 9 shall have a minimum northern side yard setback along the private drive of three (3) feet, six (6) inches.
 - 4. All building setbacks along the private drive shall be measured from the edge of the private drive.

III. CIRCULATION, ACCESS AND PARKING

- A. Permit one (1) point of full movement vehicular access along S. Willett Street in the general location illustrated on the Outline/Final Plan.
- B. The internal drive shall be private, owned and maintained by a homeowners association.
- C. All lots shall contain at least two (2) parking spaces.
- D. Trash collection shall be private.

IV. ARCHITECTURAL, FENCING AND SIGN GUIDELINES

- A. Front-loaded garages shall be prohibited on Lots 6, 7 and 9. On all other lots, front-loaded garages shall be recessed a minimum of five (5) feet from the primary front façade of the homes.
- B. A sight-proof fence with a maximum height of nine (9) feet shall be provided along the south property line of the site. A sight-proof fence with a maximum height of six (6) feet shall be provided along the west and north property lines of the site, except along the northern property line of Lot 1. A decorative metal fence with a maximum height of six (6) feet may be provided along the S. Willett St. frontage of Lots 1 and 9. The perimeter fencing shall not require masonry support columns.
- C. A minimum 3.5-foot landscaped buffer shall be provided where the private drive and guest parking areas abut adjacent single-family lots.
- D. One (1) subdivision entrance feature sign shall be permitted along Willett Street measuring 42 inches tall by 30 inches wide.

V. SITE PLAN REVIEW PROCESS

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions of all drives, building setbacks, parking areas and any other common elements.
 - 3. The location and ownership, whether public or private, of any easement.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

COUNCIL AGENDA CHECK OFF SHEET

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

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 2025-001

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

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SAC 2025-001

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

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

OWNER/APPLICANT: MLGW

REPRESENTATIVE: N/A

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

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

of MLGW north service center.

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

AREA: +/- 2.69 Acres

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

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

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

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

Respectfully,

Nicholas Wardroup

Planner II

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

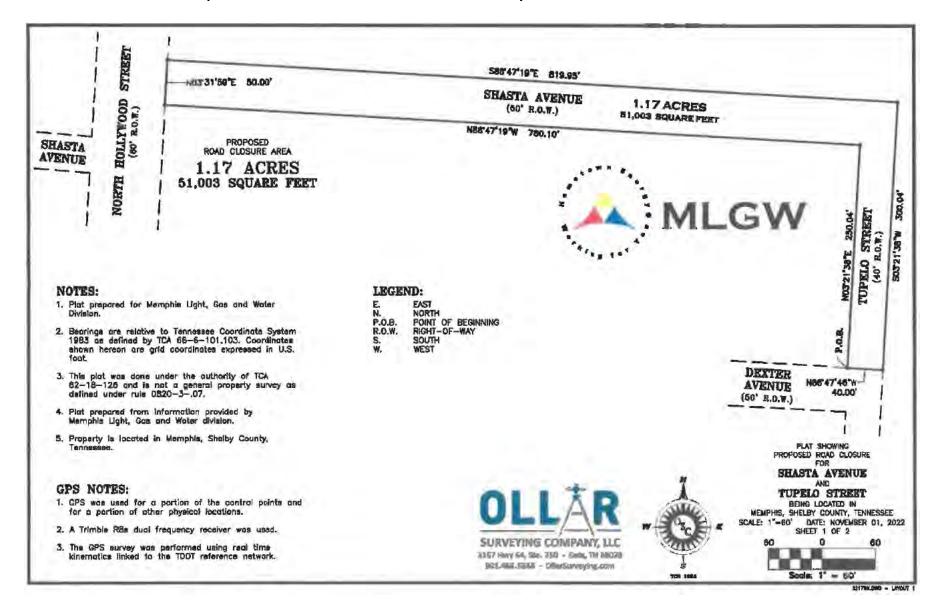
SAC 2025-001 CONDITIONS

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

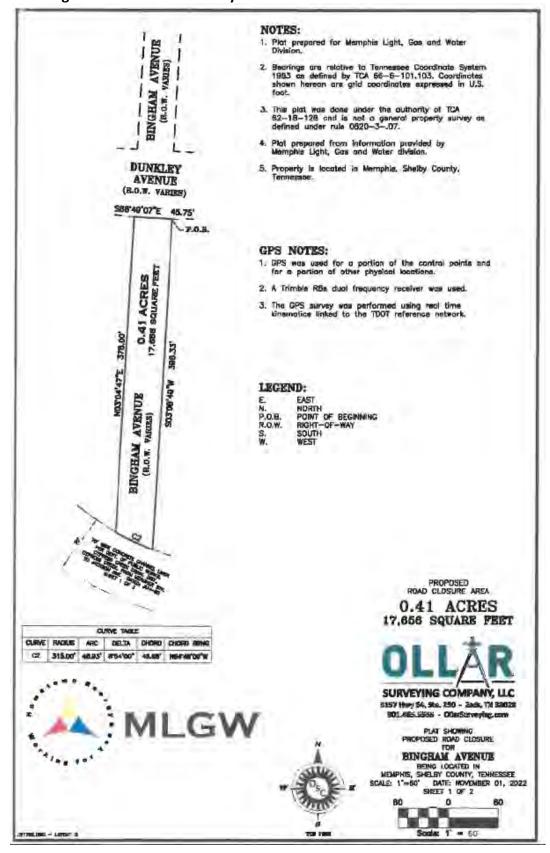
SAC 2025-001

Closure Plats

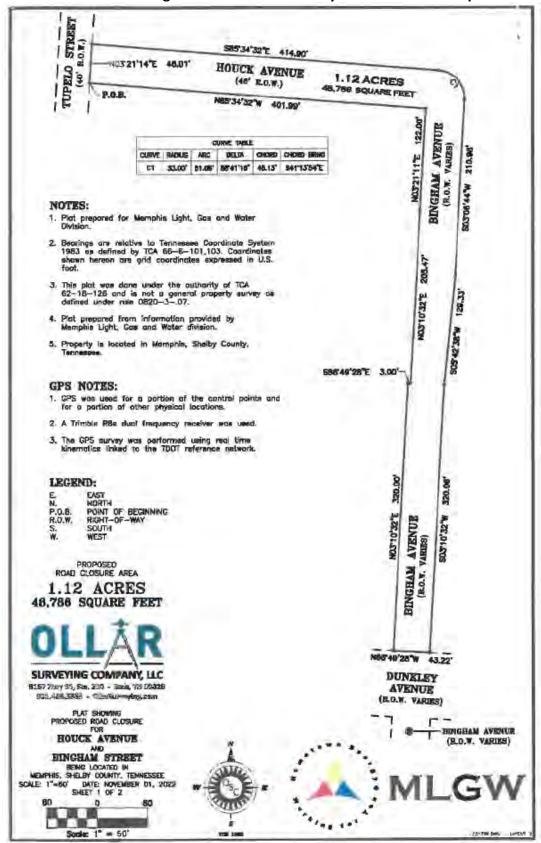
CLOSURE #1: Shasta Ave. and Tupelo St. north of Dexter Ave. and east of N Hollywood St.



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



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



RESOLUTION

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

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

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

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

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

Closure Description – Location #2, N Bingham St.

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

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

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

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

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

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

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

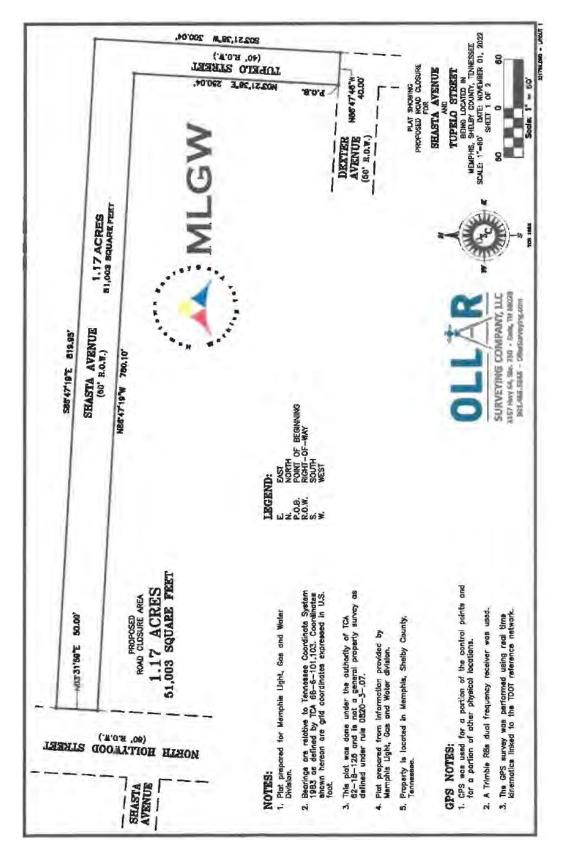
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis. The Land Use Control Board may grant extensions to this date as Major Modifications as outlined in Section 9.8.6 of the UDC.

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

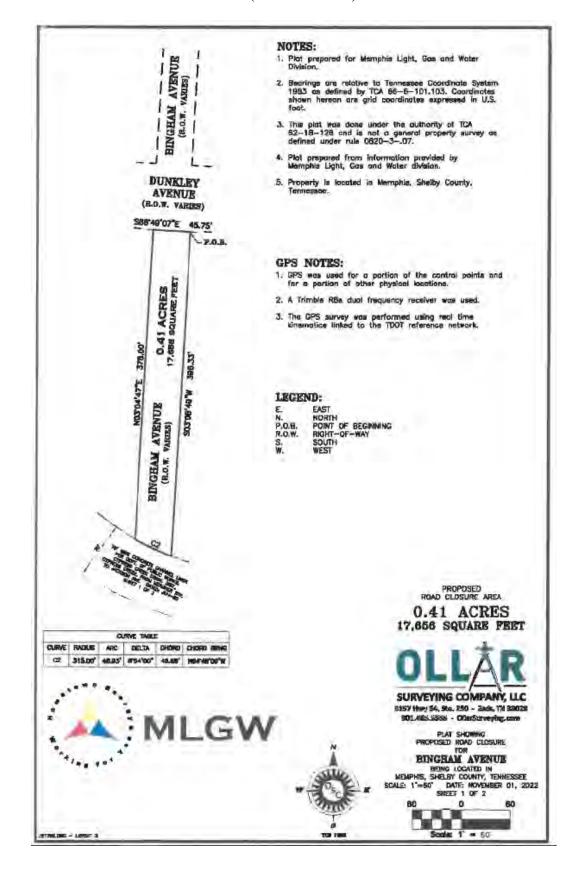
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-ofway, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

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

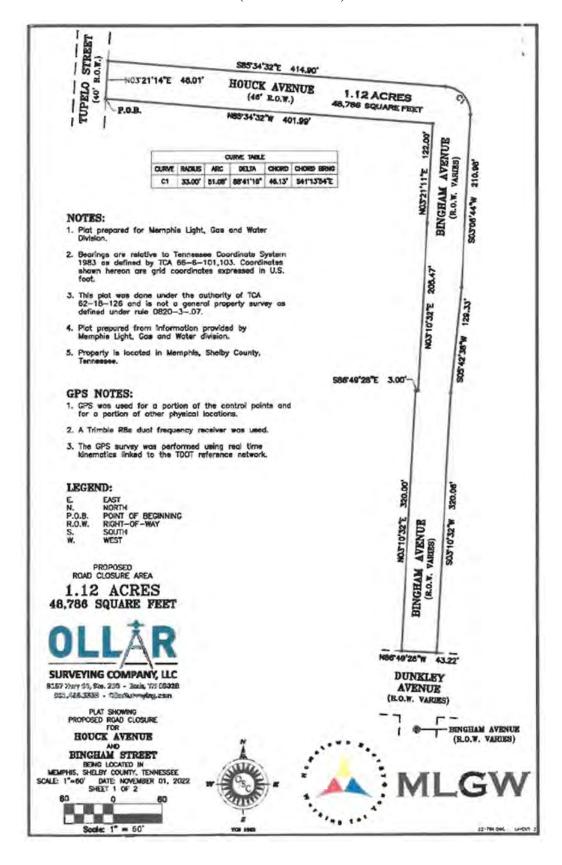
RIGHT-OF-WAY VACATION PLAT (CLOSURE #1)



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



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



dpd STAFF REPORT

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

CASE NUMBER: SAC 2025-001

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

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

OWNER/APPLICANT: MLGW

REPRESENTATIVE: N/A

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

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

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

CONCLUSIONS

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

CONSISTENCY WITH MEMPHIS 3.0

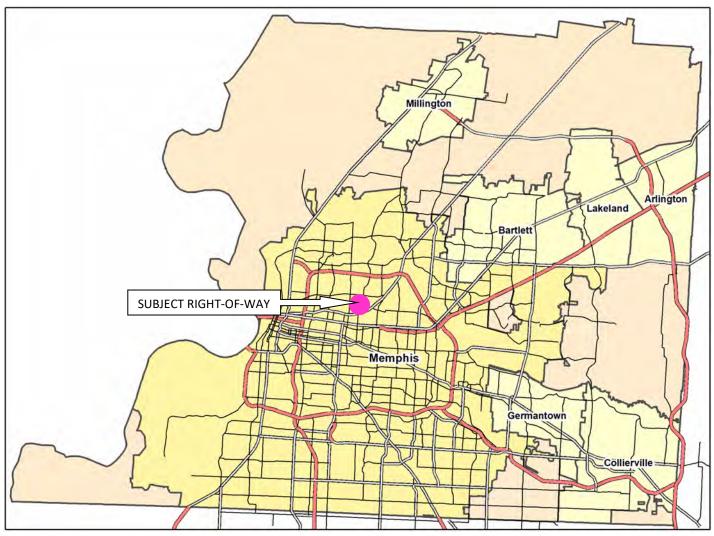
This application is not subject to Memphis 3.0 consistency review.

RECOMMENDATION:

Approval with conditions

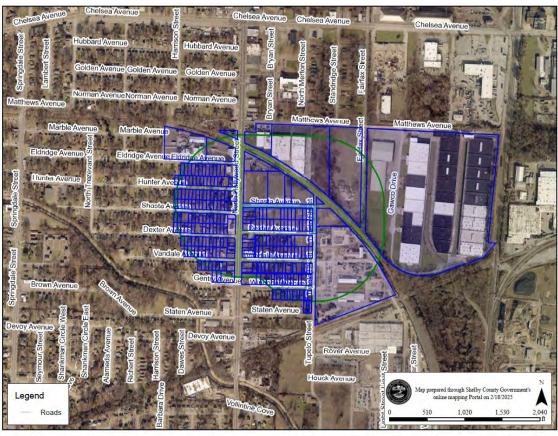
Staff Writer: Nicholas Wardroup E-mail: nicholas.wardroup@memphistn.gov

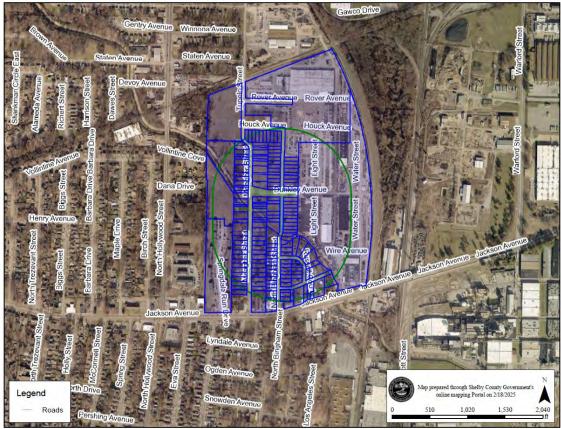
LOCATION MAP



Subject right-of-way located within the pink circle

PUBLIC NOTICE VICINITY MAPS





PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 312 notices were mailed on February 18, 2025, see below for a copy of said notice. Additionally, a total of 6 signs were posted, one at each end of the subject right-of-way, see page 21 of this report for a copy of the sign affidavit.

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SAC 2025-001

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

on attached map

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

Meeting Details

Time: 9:00 AM **Location: Council Chambers**

> City Hall 1st Floor 125 N Main St.

Thursday, March 13, 2025 Date:

MEMPHIS AND DIVISION OF PLANNING ELBY COUNTY AND DEVELOPMENT SHELBY COUNTY VICINITY MAP



Staff Planner Contact:

Nicholas Wardroup

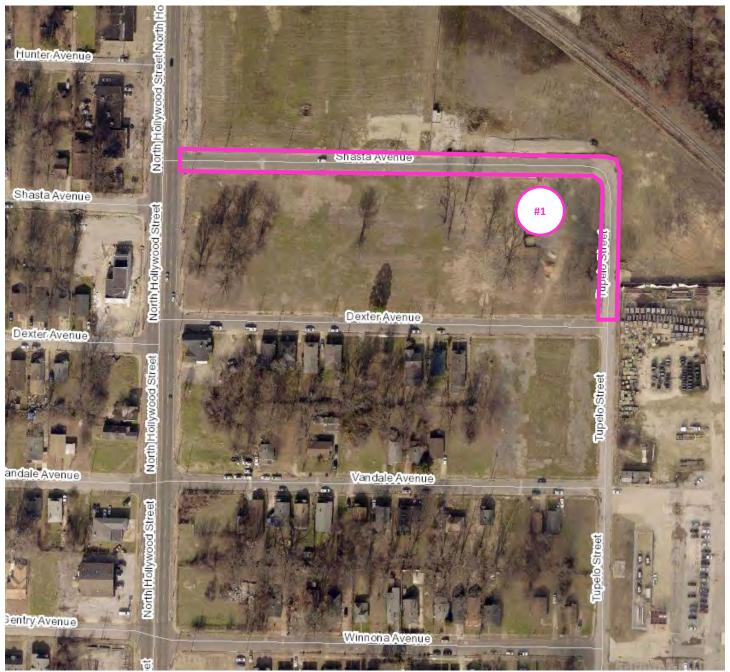
☑ nicholas.wardroup@memphistn.gov

(901) 636-7398

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

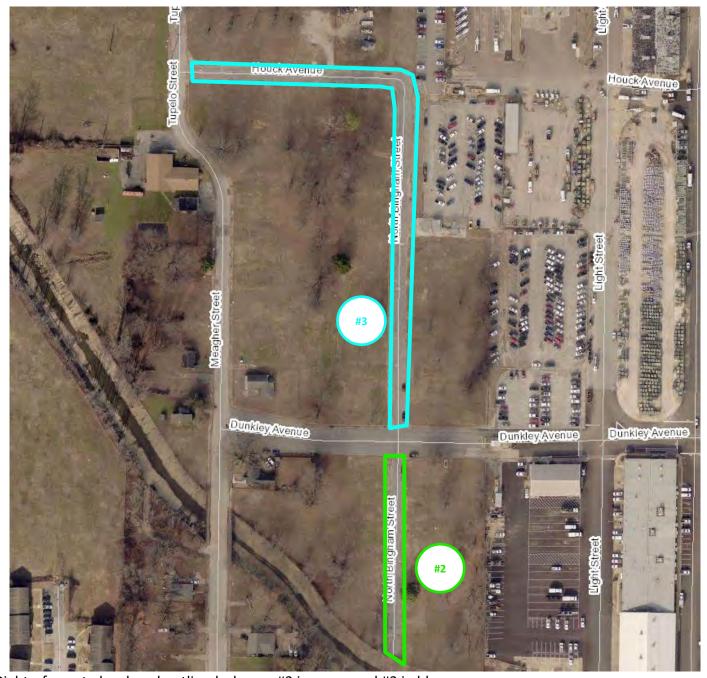


AERIAL (PROPOSED SHASTA AVE./TUPELO ST. CLOSURE, CLOSURE #1)



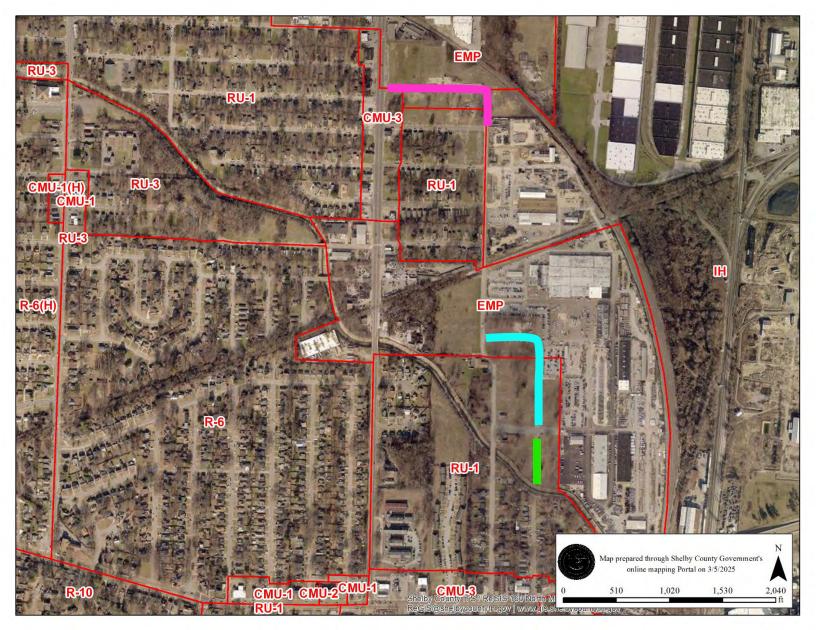
Right-of-way to be closed outlined in pink.

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

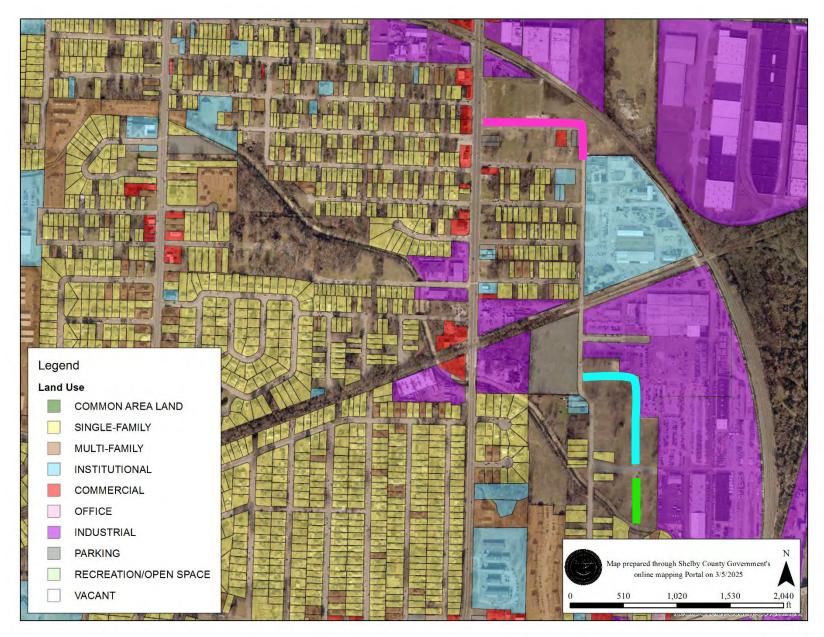


Right-of-way to be closed outlined, closure #2 in green and #3 in blue

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



LAND USE MAP



SITE PHOTOS (CLOSURE 1)



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

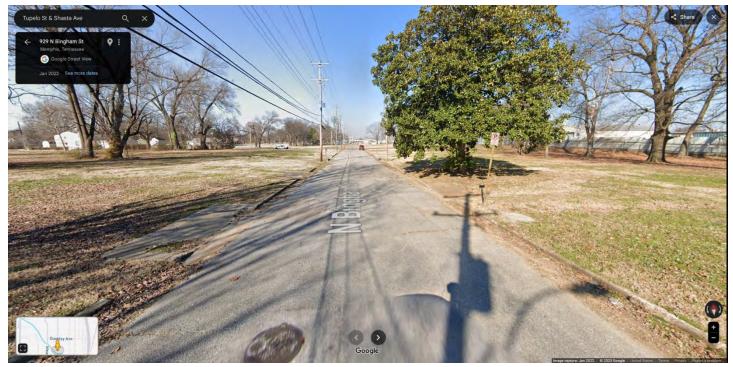


Subject section of Tupelo St., looking north from its intersection with Dexter Ave.

SITE PHOTOS (CLOSURE 2)



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



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

SITE PHOTOS (CLOSURE 3)

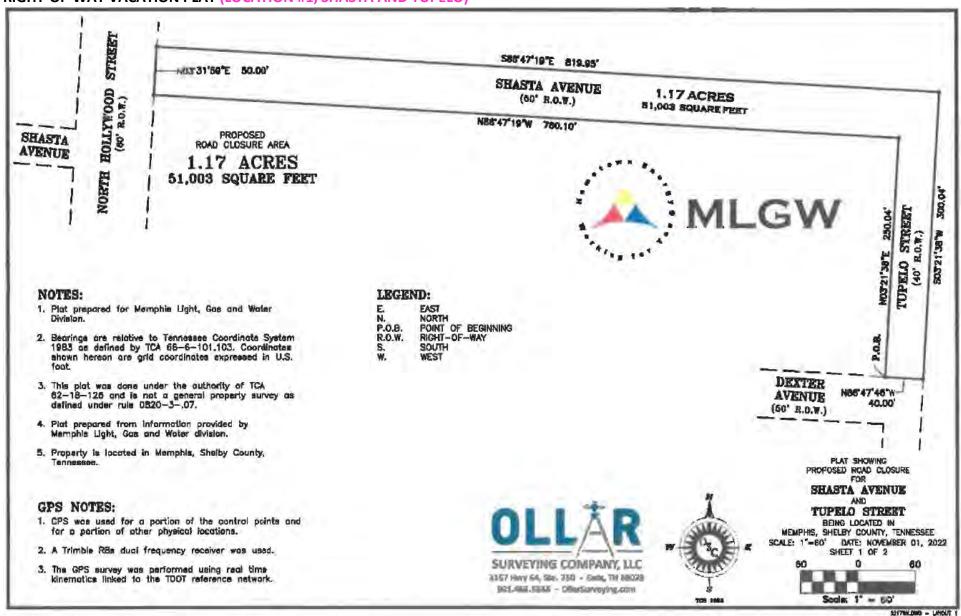


Subject section of Houck St., looking east from its intersection with Tupelo St.

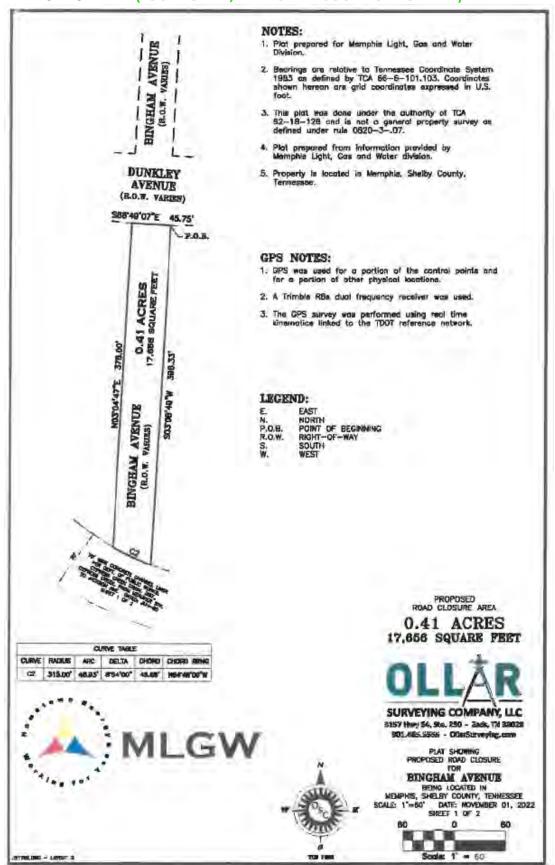


Subject section of N Bingham St. north of Dunkley Ave., looking north.

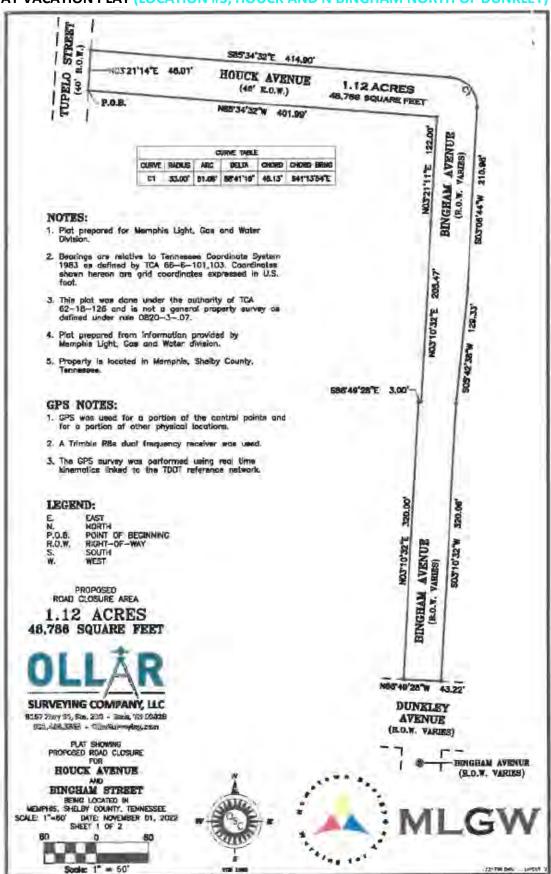
RIGHT-OF-WAY VACATION PLAT (LOCATION #1, SHASTA AND TUPELO)



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



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



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

LEGAL DESCRIPTIONS

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

LOCATION 1

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

LOCATION 2

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

LOCATION 3

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

March 13, 2025 Page 17

CASE REVIEW

Request

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

Site Details

Location:

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

Area:

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

Description:

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

Analysis

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

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

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

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

March 13, 2025 Page 19

DEPARTMENTAL COMMENTS

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

City/County Engineer: See next page.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

CITY ENGINEERING COMMENTS

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

Sewers:

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

Street Closures:

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

General Notes:

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

SIGN AFFIDAVIT

AFFIDAVIT

	day or	February	2025 , 1	posted 6 Publ	ic Notice S
		SAC 2025-001			
200		Public Hearing be	efore the (check	one):	
X	_Land Use Con				
	_Board of Adjus				
X	_Memphis City		Walter Str.		
		y Board of Comm		ohotograph of sa	
	Applicant of F ribed and swort	Representative In to before me th	is_28th_day.c	Date /	200
Notary	Public				

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

(Print Name) A/B/	Memphis Light, Gas & Water (Sign Name) Angel Bail	Division , state that I have read the definition of
"Owner" as outlined in the M	Memphis and Shelby County Un	fied Development Code Section 12.3.1 and hereby state
that (select applicable box):		
MLGW is		
Lam the owner of rec	ord as shown on the current tax	rolls of the county Assessor of Property; the mortgage
holder of record as sl	nown in the mortgage records of	the county Register of Deeds; purchaser under a land
contract; a mortgage	e or vendee in possession; or I h	have a freehold or lesser estate in the premises
have charge, care o	r control of the premises as trus	tee, agent, executor, administrator, assignee, receiver,
guardian or lessee (a	nd have included documentation	n with this affidavit)
of the property located at _	(See Attached List of Pa	rcels)
and further identified by Ass	sessor's Parcel Number	(See Attached List of Parcels)
for which an application is t	eing made to the Division of Pla	anning and Development.
		WAS
Subscribed and sworn to (c	r affirmed) before me to	To one of Sandary in the year of 2025.
	/E/ S	TATE OF
11 m	A A TEN	NESSEE
Planetus of Notes Dublis	slowsky Pl	MARY NOV. 5 2028
Signature of Notary Public	198	My Commission Expires

LETTERS RECEIVED

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

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



January 27, 2025

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

RE: Notice of Intent for Street Closure

Project Location: N. Hollywood St @ Shasta Ave

Bingham Ave @ Dunkley Ave

Tupelo S @ Houck Ave

City Tax Map #: 115P

Record #: 25TMP002803

Mr. Skinner:

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

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

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

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

Respectfully Submitted,

MEMPHIS LIGHT, GAS & WATER DIVISION

Angel Bailey, Supervisor,

Property Management Department





N. Hollywood St @ Shasta Ave Location 1



Springdid win on Dunkley Are

Bingham Ave @ Dunkley Ave Location 2



Houck Avo

Houck Avo

Houck Avo

Dunkley Ave

Dunkley Ave

Dunkley Ave

Dunkley Ave

Dunkley Ave

Dunkley Ave

Tupelo S @ Houck Ave Location 3



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

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

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Assignment

Opened Date: January 16, 2025

Record Number: SAC 2025-001 Expiration Date:

Record Name: MLGW North Service Center

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

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

Parent Record Number:

Address:

Owner Information

Primary

Owner Name

Ν

Owner Address Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

Pre-application Meeting Type

Lucus Skinner

02/17/2025

Email

GENERAL INFORMATION

Name of Street where closure will begin

East line of Tupelo Street and Houck Avenue, and

east line of N. Hollywood Street northeast along

Shasta to Tupelo

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

Tupelo ending at Dexter Avenue

Page 1 of 4 SAC 2025-001

GENERAL INFORMATION

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

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

Tupelo Street

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

closed?

2591.59 What is the overall length of the street closure?

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

Dunkley

No

No

117445

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers N/A

GIS INFORMATION

Case Layer

Central Business Improvement District No

Class

Downtown Fire District No **Historic District**

Land Use

Municipality

Overlay/Special Purpose District

Zoning

State Route

Lot Subdivision

Planned Development District

Wellhead Protection Overlay District No

County Commission District

City Council District

City Council Super District

Data Tables

Property Owners

address):

1060 Tupelo St Property Address:

MLGW Property Owner Name:

220 S. Main Street Mailing Address (if

different than property

Email Address: adabney@mlgw.org

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

1130 Tupelo St **Property Address:**

SAC 2025-001 Page 2 of 4

Property Owner Name:

Mailing Address (if

different than property

address):

220 S. Main Street

Email Address:

adabney@mlgw.org

Note:

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

Property Address:

2666 Tupelo St

Property Owner Name:

MLGW

MLGW

Mailing Address (if

different than property

address):

Email Address:

adabney@mlgw.org

220 S. Main Street

Note:

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

Public Notification

Name: **MLGW**

Contact Type: Owner of Adjacent Properties

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

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

Contact Information

Name

ANGEL BAILEY

Contact Type

Address

ADJACENT PROPERTY OWNER OF RECORD

Phone

(901)528-7713

Contact Type Name ANGEL BAILEY APPLICANT

Address

Phone

(901)528-7713

Contact Type Name ANGEL BAILEY REPRESENTATIVE

Address

Phone

(901)528-7713

SAC 2025-001 Page 3 of 4

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

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

Payment Information

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

Page 4 of 4 SAC 2025-001

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

COUNCIL AGENDA CHECK OFF SHEET ONE ORIGINAL Planning & Development ONLY STAPLED DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE: 05/20/2025 DATE PUBLIC SESSION: 06/10/2025 DATE ITEM (CHECK ONE) ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 4222 James Rd., known as case number SUP 2025-009 SUP 2025-009 CASE NUMBER: LOCATION: 4222 James Rd. COUNCIL DISTRICTS: District 1 and Super District 9 OWNER/APPLICANT: **Aguilar Construction** REPRESENTATIVE: REQUEST: To allow contractor's storage AREA: +/-26,136 sq. ft. (+/- 0.6 acres) RECOMMENDATION: The Division of Planning and Development recommended Approval with conditions The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing - June 10, 2025 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 05/08/2025 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: POSITION PLANNER II DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR

CITY ATTORNEY

COMMITTEE CHAIRMAN

CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

SUP 2025-009

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 4222 JAMES ROAD KNOWN AS CASE NUMBER SUP 2025-009

- This item is a resolution with conditions for a special use permit to allow contractor's storage.
- The applicants intend to renovate an existing structure, previously used for auto repair, for office and storage uses.
- If approved, activities on-site would include the storage of general materials (flooring, cabinets, etc.) and the dispatching of commercial vehicles to job sites.
- The UDC calls the proposed use "contractor's storage," which requires a special use permit in the CMU-3 zoning district.
- Staff finds that the approval of this request would not impede the envisioned "Neighborhood Main Street" along the nearby stretch of Old Austin Peay Hwy. As such, both staff and the Land Use Control Board recommend approval with conditions.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, May 8, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2025-009

LOCATION: 4222 James Rd.

COUNCIL DISTRICT(S): District 1 and Super District 9

OWNER/APPLICANT: Aguilar Construction

REPRESENTATIVE: N/A

REQUEST: To allow contractor's storage

EXISTING ZONING: Commercial Mixed-Use – 3 (CMU-3)

AREA: +/- 26,136 sq. ft. (+/- 0.6 acres)

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a vote of 10-0 on the consent agenda.

Respectfully,

Nicholas Wardroup

Planner II

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

SUP 2025-009 CONDITIONS

- 1. No commercial vehicles shall be stored on site overnight.
- 2. Any parking spaces between the principal facades and the right-of-way shall be oriented in a way to allow vehicles to exit the site in a forward motion onto James Rd. A final site plan showing this orientation shall be submitted for administrative review.
- 3. No storage shall be permitted in front of the principal structures.
- 4. An appropriate streetscape plate, or equivalent alternative, shall be installed along James Rd. subject to the approval of the Zoning Administrator. A final landscape plan shall be provided for administrative review and approval.
- 5. All fencing shall be removed from the public right-of-way.

Note that no site plan is included in this document as the recommended conditions would require the submission of final site and landscape plans for administrative review and approval.

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 4222 JAMES ROAD, KNOWN AS CASE NUMBER SUP 2025-009

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, Aguilar Construction filed an application with the Memphis and Shelby County Division of Planning and Development to allow contractor's storage; 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 May 8, 2025, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

CONDITIONS

- 1. No commercial vehicles shall be stored on site overnight.
- 2. Any parking spaces between the principal facades and the right-of-way shall be oriented in a way to allow vehicles to exit the site in a forward motion onto James Rd. A final site plan showing this orientation shall be submitted for administrative review.
- 3. No storage shall be permitted in front of the principal structures.
- 4. An appropriate streetscape plate, or equivalent alternative, shall be installed along James Rd. subject to the approval of the Zoning Administrator. A final landscape plan shall be provided for administrative review and approval.
- 5. All fencing shall be removed from the public right-of-way.

ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement



AGENDA ITEM: 15 L.U.C.B. MEETING: May 8, 2025

CASE NUMBER: SUP 2025-009

LOCATION: 4222 James Rd.

COUNCIL DISTRICT: District 1 and Super District 9

OWNER/APPLICANT: Aguilar Construction

REPRESENTATIVE: N/A

REQUEST: Special use permit to allow contractor storage

EXISTING ZONING: Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

- 1. The applicant proposes to reuse a former auto repair site for contractors' office and storage, storing general materials (flooring, cabinets, etc.) and dispatching commercial vehicles to job sites. The UDC classifies this use as "contractor's storage", necessitating the subject Special Use Permit request.
- 2. The proposed use is appropriate due to the site's location along Austin Peay Hwy, which separates it from residential uses to the west and north. Finding that the proposed use is consistent with the intent of the CMU-3 zoning district and compatible with the properties in the vicinity, staff recommends *approval with conditions*.
- 3. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

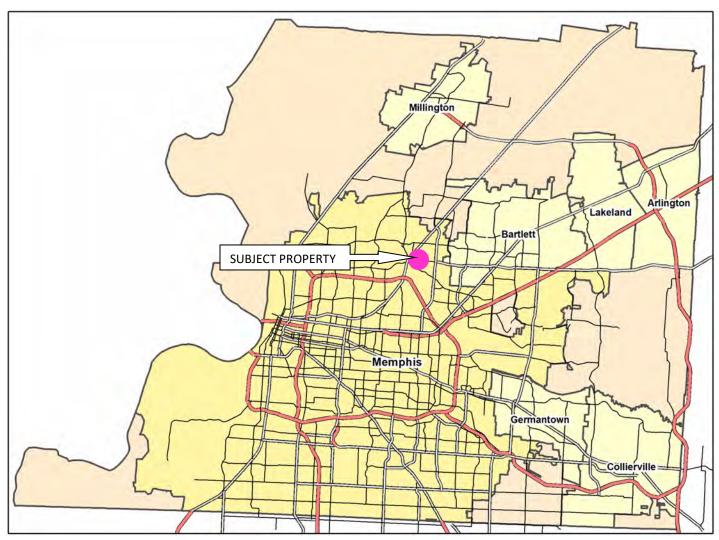
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. Specifically, it is consistent with the intent of the James Road/Old Raleigh anchor. See further analysis page 11.

RECOMMENDATION:

Approval with conditions

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

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Notice mailed to owners of properties outlined in blue.

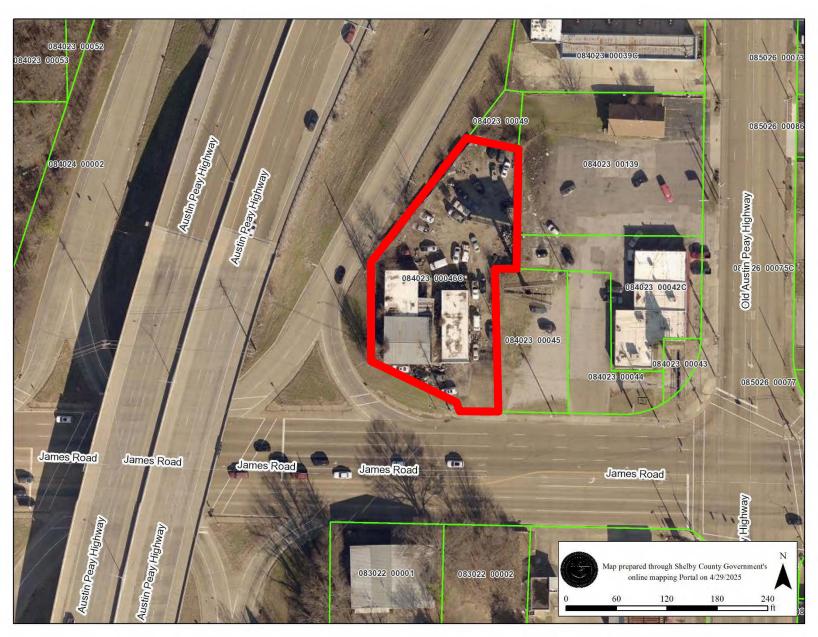
PUBLIC NOTICE DETAILS

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 40 notices were mailed on April 16, 2025, see page 14 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 15 of this report for a copy of the sign affidavit and page 16 for photos of the posted sign.

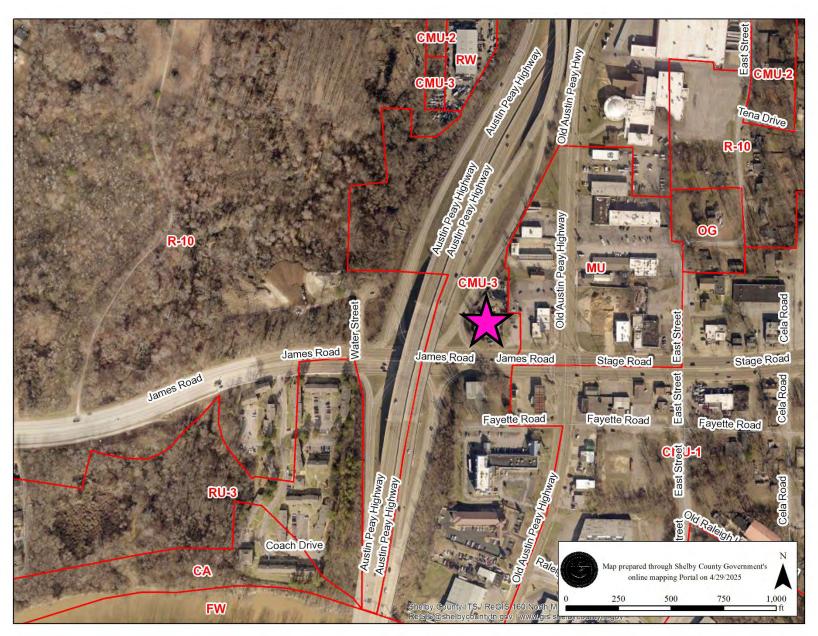
NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, April 28, 2025, at the subject property.

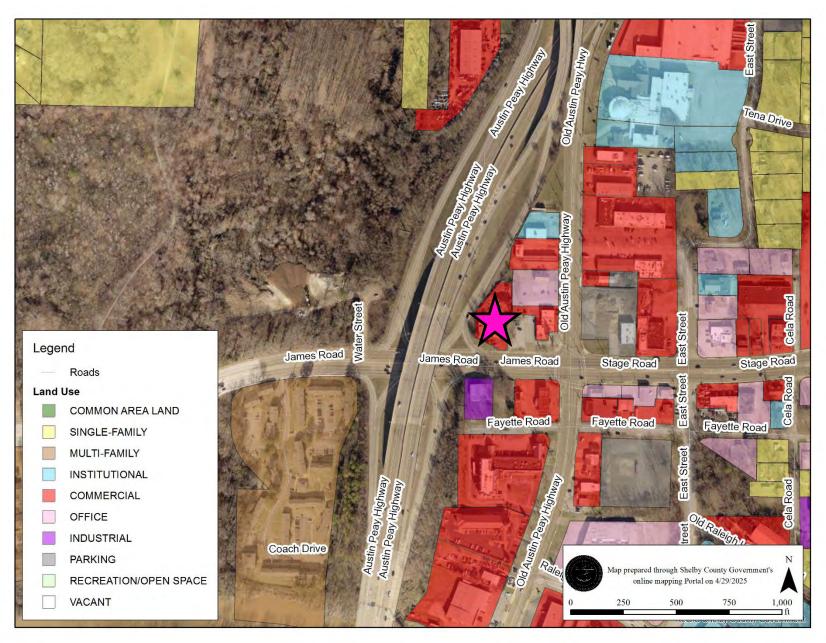
SITE AERIAL



ZONING MAP



LAND USE MAP



SITE PHOTOS (via Google Maps)



View of subject property looking north from James Rd.



View of subject property and metal panel fence looking east from ramp associated with Austin Peay Hwy.

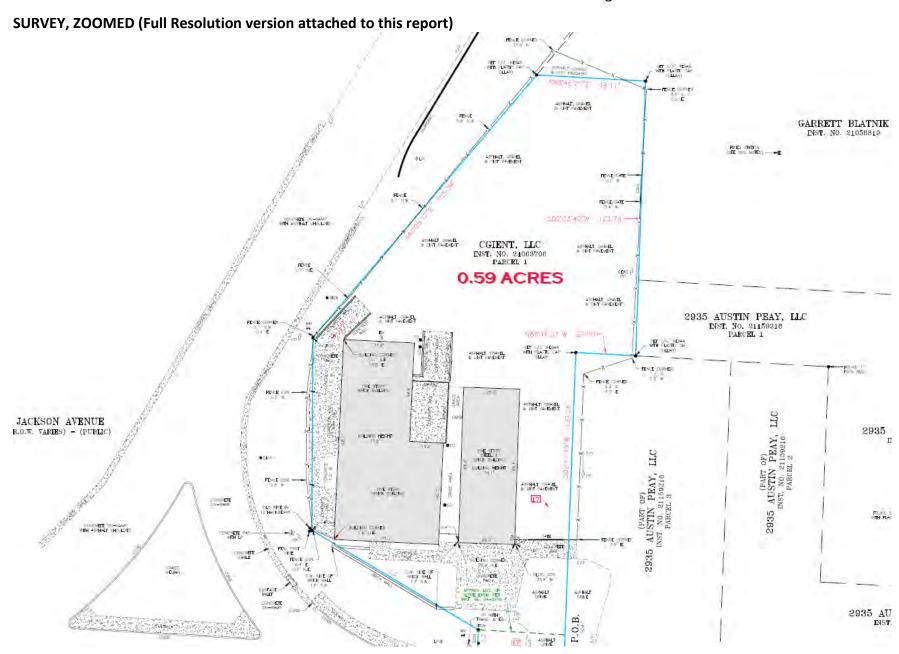
SITE PHOTOS (via Zoning Enforcement, ENF 2024-02669)



Front of site looking west along James Rd.



Eastern site boundary looking east from neighboring property.



CASE REVIEW

Request

The request is a special use permit to allow contractor storage

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Staff Report SUP 2025-009 May 8, 2025 Page 11

Site Details

Address:

4222 James Rd.

Parcel ID:

084023 00046C

Area:

+/-26,136 sq. ft. (+/- 0.59 acres)

Site Plan Review

The applicant proposes limited exterior modifications to the site, instead planning to renovate the existing structures to facilitate a contractor storage use, including office space. They have installed a metal panel fence, for which an Administrative Deviation is currently pending with our office (AD 2025-003). Our recommended conditions would ensure that adequate space is provided to exit the site on a forward motion, as well as that adequate landscaping is installed along James Rd.

Analysis

The subject property, due to its location along Austin Peay Hwy and subsequent separation from the residential uses in the vicinity, is appropriate to host the requested use. The CMU-3 zoning district is intended to accommodate more intense commercial uses than would be appropriate in the CMU-1 or -2 districts, particularly near and along major highways (as is the case here). The surrounding transportation infrastructure separates the site from the residential uses to the west of Austin Peay Hwy, thereby preventing injury to the surrounding neighborhood.

The proposed use, strictly speaking, is not consistent with the Memphis 3.0 future land use designation of Anchor Neighborhood – Mix of Building Types. However, the intent of this designation is to complement the James Road/Old Raleigh anchor, which envisions a more urban, walkable character for the properties along Old Austin Peay Hwy. The establishment of the proposed use on the subject property will not injure this intent. The subject property, unlike the those to the east, is wedged along the ramp associated with Austin Peay Hwy. Even if the goals of the James Road/Old Raleigh anchor are met, the subject property is unlikely to be integrated into the envisioned neighborhood main street. If development which supports the future neighborhood main street is to occur, it will likely do so to the east and south. The proposed project will not make this development less likely to occur, nor otherwise impede the intent of the future land use designation.

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. No commercial vehicles shall be stored on site overnight.
- 2. Any parking spaces between the principal facades and the right-of-way shall be oriented in a way to allow vehicles to exit the site in a forward motion onto James Rd. A final site plan showing this orientation shall be submitted for administrative review.
- 3. No storage shall be permitted in front of the principal structures.
- 4. An appropriate streetscape plate, or equivalent alternative, shall be installed along James Rd. subject to the approval of the Zoning Administrator. A final landscape plan shall be provided for administrative review and approval.
- 5. All fencing shall be removed from the public right-of-way.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See attachments.

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: See consistency analysis pg. 11.

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, April 30, 2025 at 8 AM.

CASE NUMBER: SUP 2025-009
ADDRESS: 4222 James Road

REQUEST: New Special Use Permit to allow contractor storage

Time:

APPLICANT: Samuel Aguilar

Meeting Details

Location: Council Chambers City Hall 1st Floor

125 N Main St.

Date: Thursday, May 8, 2025

9:00 AM

VICINITY MAP

Total and a state of the stat

Staff Planner Contact:

Nicholas Wardroup

☑ nicholas.wardroup@memphistn.gov

(901) 636-7398

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



40 Notices Mailed 04/16/2025

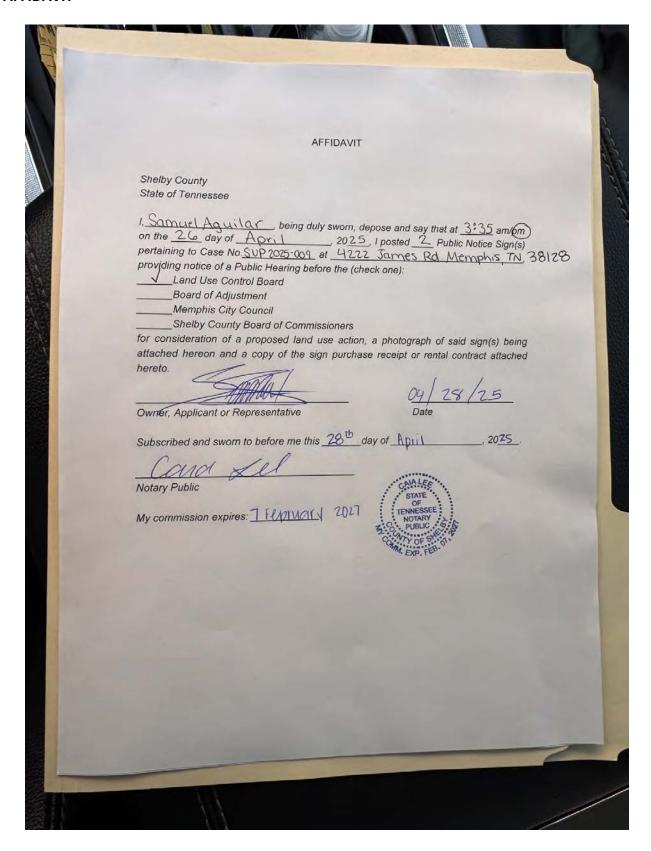


Return Service Requested

CITY OF MEMPHIS 125 N MAIN ST # MEMPHIS TN 38103

NOTICE OF PUBLIC HEARING

SIGN AFFIDAVIT



POSTED NOTICE SIGN





OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title	as well as holders of any equitable interest, such as trust beneficiaries,
contract purchasers, option holders, lessee	es under leases having an unexpired term of at least ten years, and the like.
Whenever a statement of ownership is req	uired by the Memphis and Shelby County Unified Development Code, full
disclosure of all legal and equitable interes	st in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1.	
1 1 O 1	
, Shoaib Qureshi	, state that I have read the definition of
(Print Name)	(Sign Name)
"Owner" as outlined in the Memphis and S	helby County Unified Development Code Section 12.3.1 and hereby state
that (select applicable box):	
1	
I am the owner of record as shown of	on the current tax rolls of the county Assessor of Property; the mortgage
holder of record as shown in the mo	rtgage 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
	Control of the contro
l have charge, care or control of the	premises as trustee, agent, executor, administrator, assignee, receiver,
guardian or lessee (and have include	이 살이 되는 것이다. 그렇게 모든 아이를 하는 것이 되었다. 그 아이들은 아이들은 아이들은 아이들은 아이들은 것이다.
()	
of the property located at 4222 3	ames Rd. Memphis, TN 38128
and further identified by Assessor's Parcel	00110 00
for which an application is being made to ti	
The state of the s	WARD!
Subscribed and sworn to (or affirmed) before	ore me this 6 day of December in the year of 2000 Z
200	SUL DE LA CONTROL DE LA CONTRO
A))\	THE PLANT OF THE PARTY OF THE P
	4 Comm. Exp. of
Signature of Notary Public	My Commission Expires

LETTERS RECEIVED

Staff received one letter of support prior to this report's completion, which is attached.

Additionally attached are a full-resolution survey and the completed application, which serves as a letter of intent.

Finally, comments provided by City Engineering are attached.



Special Permit for 4222 James Rd

From NORMA LESTER < lester 4139@bellsouth.net>

Date Wed 4/30/2025 1:30 PM

To Wardroup, Nicholas < Nicholas.Wardroup@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.

Mr. Nicholas Wardroup C/O Memphis/Shelby County Office of Planning and Development

Dear Mr. Wardroup,

Myself and several members of Lakewood Hills Neighborhood Association met with Mr. Sam Aguilar regarding a special permit to house an office for Aguilar Construction on the corner of James Road and Austin Peay in Raleigh.

Mr. Aguilar provided a thorough review of grounds and facility and assured us his company is strictly residential construction and as such there will not be any hideous heavy duty equipment on the property nor heavy trafficking.

We were overly impressed with efforts already undertaken including metal fencing. Absolutely more attractive than what previously existed! We stressed importance of esthetics and he shared a mutual concern.

As tenured residents of the largest adjacent neighborhood, it is without reservation that we support approval of the Aguilar Construction Special permit. Please share comments before full committee and subsequently City Council.

Feel free to contact me as warranted.

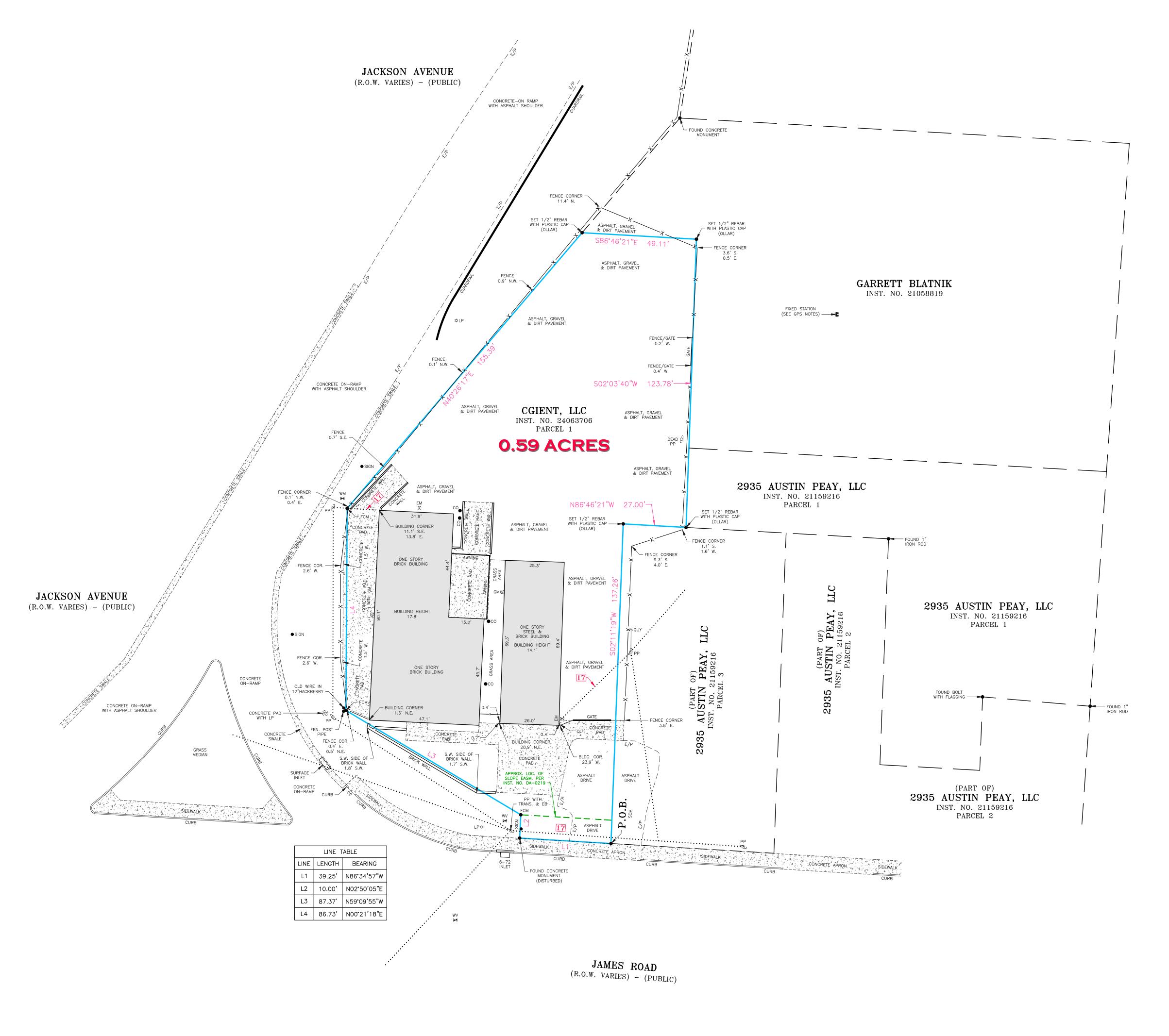
Respectfully, Norma Lester Member of Lakewood Hills Neighborhood Association

cc: Councilwoman Rhonda Logan Gary McNeal, LHPOA Pres. Jim Garts, Member Paul & Kathy Porter, Mbrs Sam Aguilar, Ops. Manager -----

(901)484-7767 cell Lester4139@bellsouth.net Sent from my iPhone

This email is intended only for intended recipient(s). Contents within are not to be shared or used for any purpose unless by consent of author. If received in error kindly return to sender.

4222 JAMES ROAD



SIDEWALK
SIDEWALK
SIDEWALK
CONCRETE APRON
SIDEWALK

NOTE

- 1. Survey prepared for Samuel Aguilar.
- 2. 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.
- This survey was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of this property.
- 4. No deeds, easements, etc. were provided to Ollar Surveying Company, LLC. We have provided our own research and do not guarantee same as to accuracy or completeness.
- Adjoining property owners' and deed references and street information were provided by Ollar Surveying Company, LLC. and are not guaranteed as to accuracy or completeness.
- 6. Adjoining property lines as shown were not surveyed at this time, unless noted by location of property corners. Adjoining property lines derived using deeds as shown.
- 7. There may be visible/non-visible structures located on this property that were obstructed or not visible on the date of the survey and are not
- shown.

 8. 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
- information on underground utilities.

 9. Subsurface and environmental conditions were not

be contacted for more specific locations and

examined or considered as a part of this survey.

10. 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.

- 11. If this survey plat is provided in electronic form (AutoCad Drawing file), said copy must be compared to the original survey issued (either sealed hard copy or digitally sealed Adobe PDF) to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on said AutoCad Drawing file transmitted unless first compared to the original sealed document issued at the time of the survey.
- 12. Ollar Surveying Company, LLC. will provide, if requested, printed versions of this survey and will have the original seal of surveyor. Additionally, a digitally sealed Adobe PDF version of this survey will be provided to the party(ies) listed in Note #1 as well as any party(ies) listed in the survey
- 13. This survey has been prepared for the party(ies) listed in Note #1 and/or the party(ies) listed in the survey certification. Said survey, either sealed hard copy or digitally sealed Adobe PDF is the property of Ollar Surveying Company, LLC. and those party(ies) listed in Note #1 and/or the party(ies) listed in the survey certification.
- Except for the party(ies) listed in Note #1 and/or the party(ies) listed in the survey certification, this survey may not be copied, reproduced or distributed, nor shall any alteration be made to this survey in whole or in part, without the expressed written permission of Ollar Surveying Company, LLC.
- Further, this survey, either digitally sealed Adobe PDF, photocopied replication or the like, may not be used by any person/company other than those listed in Note #1 and/or the party(ies) listed in the survey certification i.e. attorney(ies), real estate agent(s), surveying company(ies) or similar type company(ies) for the facilitation of future transactions involving this surveyed property without the expressed written permission of Ollar Surveying Company, LLC.
- 14. I/We have not reviewed nor do we express any opinion as to if this property lies within a Special Flood Hazard Area.
- 15. Reference is hereby made to Warranty Deed recorded in Instrument No. 24063706.
- 16. For the purpose of this survey, interior improvements (if shown) which have dimensions to the exterior boundary line(s) as shown hereon can be definitively relied upon. Non-dimensioned interior improvement locations (if shown) are graphic representations and should not be used
- for design purposes.

 There is a possibility that the existing overhead lines shown hereon lie within existing easements. A title search of this property may provide documentation for these apparent easements.

GPS NOTES

- 1. For boundary and topographic (if applicable) aspects of this survey, RTK GPS positional data was observed on the date of 12—31—2024.
- 2. A Trimble R8s dual frequency receiver was used.
- 3. The grid coordinates of the Fixed Station shown were derived using a VRS network of CORS stations referenced to NAD 83 (2011) (Epoch 2010), Geoid 18.
- 4. Positional accuracy of the GPS vectors does not exceed: Horizontal 0.05' Vertical 0.10'.
- 5. Combined Grid Factor: 1.0000024817 centered on Fixed Station as shown hereon.
- 6. It is the opinion of this surveyor that the precision of the GPS survey meets or exceeds the unadjusted survey minimum accuracy standards for a Category I Survey.

DESCRIPTION:

Description of the CGIENT, LLC property recorded in Instrument No. 24063706, Parcel 1 in Memphis, Shelby County, Tennessee:

Beginning at a set chisel mark in the north line of James Road (R.O.W. Varies) — (Public), said point being the southernmost southeast corner of said property recorded in Instrument No. 24063706, Parcel 1 and in the west line of the 2935 Austin Peay, LLC property recorded in Instrument No. 21159216, Parcel 3; thence North 86 degrees 34 minutes 57 seconds West along the north line of said James Road, 39.25 feet to a found concrete monument (Disturbed) in the east line of Jackson Avenue (R.O.W. Varies) — (Public); thence northwardly, northwestwardly and northeastwardly along the east line of said Jackson Avenue the following calls: North 02 degrees 50 minutes 05 seconds East 10.00 feet to a found concrete monument; North 59 degrees 09 minutes 55 seconds West, 87.37 feet to a found concrete monument; North 00 degrees 21 minutes 18 seconds East, 86.73 feet to a found concrete monument; North 40 degrees 26 minutes 17 seconds East, 155.39 feet to a set 1/2" rebar with plastic cap (OLLAR) at the northwest corner of said property recorded in Instrument No. 24063706, Parcel 1 and the northernmost southwest corner of the Garrett Blatnik property recorded in Instrument No. 21058819; thence South 86 degrees 46 minutes 21 seconds East along the north line of said property recorded in Instrument No. 24063706, Parcel 1 and along a south line of said property recorded in Instrument No. 21058819, 49.11 feet to a set 1/2" rebar with plastic cap (OLLAR) at the northeast corner of said property recorded in Instrument No. 24063706, Parcel 1 and an internal corner of said property recorded in Instrument No. 21058819; thence South 02 degrees 03 minutes 40 seconds West along the easternmost east line of said property recorded in Instrument No. 24063706, Parcel 1, along a west line of said property recorded in Instrument No. 21058819 and along the westernmost west line of Parcel 1 of said property recorded in Instrument No. 21159216, 123.78 feet to a set 1/2" rebar with plastic cap (OLLAR) at the northernmost southeast corner of said property recorded in Instrument No. 24063706, Parcel 1, the northernmost southwest corner of said property recorded in Instrument No. 21159216, Parcel 1 and in the north line of said property recorded in Instrument No. 21159216, Parcel 3; thence North 86 degrees 46 minutes 21 seconds West along the northern most south line of said property recorded in Instrument No. 24063706, Parcel 1 and along the north line of said property recorded in Instrument No. 21159216, Parcel 3, 27.00 feet to a set 1/2" rebar with plastic cap (OLLAR) at an internal corner of said property recorded in Instrument No. 24063706, Parcel 1 and the northwest corner of said property recorded in Instrument No. 21159216, Parcel 3; thence South 02 degrees 11 minutes 19 seconds West along an east line of said property recorded in Instrument No. 24063706, Parcel 1 and along the west line of said property recorded in Instrument No. 21159216, Parcel 3, 137.26 feet to the POINT OF BEGINNING and containing 0.59 acres of land.

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

LEGEND: APPROX. BLDG.

OG. BUILDING
CURB CUT
CLEANOUT
R. CORNER
EAST
P EDGE OF PAVEMENT
EASEMENT
ELECTRIC BOX
ELECTRIC METER
FOUND CONCRETE MONUMENT
I. FENCE
GAS METER
T. INSTRUMENT
C. LOCATION
LIGHT POLE
NORTH

LIGHT POLE
NORTH
NUMBER
D.B. POINT OF BEGINNING
POWER POLE
SOUTH
M SET CHISEL MARK
H TELEPHONE MANHOLE
TRANSFORMER

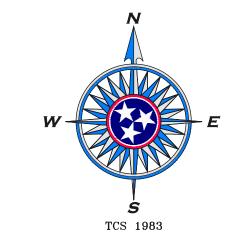
W. WEST
WM WATER METER
WV WATER VALVE
FENCE
OVERHEAD LINES

FENCE NOTE:

The fence that is located around the perimeter of the SUBJECT property is a 7' tall metal panel fence.

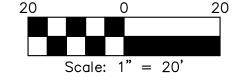
SHELBY COUNTY, TENNESSEE



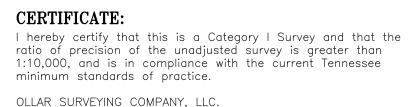


SURVEY OF THE
CGIENT, LLC

PROPERTY
RECORDED IN
INSTRUMENT NO. 24063706
PARCEL 1
MEMPHIS, SHELBY COUNTY, TENNESSEE
SHEET 1 OF 1



SCALE: 1"=20' DATE: DECEMBER 31, 2024







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

LAND USE CONTROL BOARD SPECIAL USE PERMIT APPLICATION TO FILE ONLINE USE THE <u>DEVELOP 901 CITIZEN PORTAL</u>

Date: <u>03-17-25</u> Previous Case/	Docket #:	
PLEASE TYPE OR PRINT		
Property Owner of Record: CGIENT LLC	Phone #: (901) 273-5340	
Mailing Address: 4222 JAMES RD. City/State: MEMPHIS	Zip: <u>38128</u>	
Property Owner Email Address: <u>aguilarconstruction901@gmail.com</u>		
Applicant: SAMUEL AGUILAR	Phone #: (901) 273-5340	
Mailing Address: 4222 JAMES RDCity/State: MEMPHIS	Zip: <u>38128</u>	
Applicant Email Address: aguilarconstruction901@gmail.com		
Representative: SAMUEL AND BRENDA AGUILAR Phone	<u>#: (901) 273-5340</u>	
Mailing Address: <u>4222 JAMES RD</u> City/State: <u>MEMPHIS</u>	Zip: <u>38128</u>	
Representative Email Address: aguilarconstruction901@gmail.com		
Architect/Engineer/Surveyor: OLLAR SURVEYING COMPANY Phone #: (901) 273-5340		
Mailing Address: 3157 HWY 64, STE 250 City/State: EADS, TN Zip: 38028		
Architect/Engineer/Surveyor Email Address:		
PREMISES LOCATION (Describe by street address & directional location descrip	otion, e.g. 200 Johnson Street, North side	
of Johnson Street, 100 feet east of Brown Street):		
Parcel ID: <u>08402300046c</u>		
Project Name: AGUILAR CONSTRUCTION		
Project Description: This building is being renovated to accommodate an office space in the interior front of the building		
and a warehouse for storage of jobsite materials in the interior back of the building (contractor storage). This building will		
also have a break room, meeting room, and bathroom. The exterior of the property will include parking for visitors and		
company vehicles. Company vehicles will not be parked here overnight. The jobsite materials stored inside of the building		
will be pre-ordered items that will be installed in our customer's house, such as tile, vanities, cabinets, flooring, and other		
general materials. Outdoor storage will be minimal and will be in the rear of the	e building.	
Did you have a pre-application meeting with the Division of Planning and Dev	elopment (DPD)?	
Planner: Date of Meetin	ng:	

Revised 10.09.2023 1

Type of Special Use Permit (SUP) (ch	eck one)? \boxtimes New SUP [Amendment to Exis	sting SUP	
	Area A	Area B	Area C	
Acres:				
Existing Use of Property:				
Requested Use of Property:				
Is this application in response to a ci	tation, stop work order, o	r zoning letter? <u>no</u>	(yes or no)	
If yes, please provide a copy of th	ne citation, stop work or	der, and/or zoning l	etter along with any other i	elevant
information: <u>na</u>				

APPROVAL CRITERIA (UDC Section 9.6.9)

No special use permit 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: The proposed contractor storage for the project has been carefully designed to ensure that it will not have a substantial or undue adverse effect on adjacent properties or the surrounding area. Key considerations have been taken into account, including:
 - Impact on Adjacent Property: The storage area will be adequately screened to minimize visibility and ensure it
 does not negatively impact the aesthetics or property values of nearby properties. Additionally, the proposed
 storage facility will be designed with appropriate setbacks to prevent interference with neighboring land uses.
 - 2. Character of the Neighborhood: The proposed storage is consistent with the intended land use of the area and aligns with the existing zoning regulations. Its design and function are compatible with the neighborhood's character, and the activity levels associated with the storage will not disrupt the peaceful enjoyment of nearby properties.
 - 3. Traffic Conditions: Traffic flow will be efficiently managed to prevent congestion or undue burden on local roadways. The storage facility will be accessed via designated routes that do not interfere with residential areas or high-traffic zones. The project will also include proper signage and possibly traffic control measures to ensure smooth ingress and egress.
 - 4. Parking: Adequate parking spaces will be provided for both contractors and any visitors or employees, ensuring that there will be no spillover onto adjacent streets. The parking plan is designed to keep traffic circulation orderly and prevent any parking-related disturbances in the area.
 - 5. <u>Utility Facilities: The project will make use of existing utility infrastructure, with no anticipated strain on water, sewer, or electricity services. Any required upgrades or adjustments will be coordinated with the local utility providers to ensure that there is no adverse impact on the public utility system.</u>
 - 6. <u>Public Health, Safety, and General Welfare: The storage facility will be designed with safety features, such as proper fencing, lighting, and security measures, to prevent unauthorized access and maintain a safe</u>

Revised 10.09.2023 2

environment. Additionally, the site will comply with all relevant building codes and regulations to ensure the safety of workers, nearby residents, and the public. The project has also been evaluated for environmental concerns, and necessary mitigation measures will be implemented to avoid any negative effects.

In conclusion, the proposed contractor storage facility will be a well-integrated part of the neighborhood, with minimal impact on surrounding properties, traffic, and public infrastructure, thus maintaining 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:

 The proposed contractor storage will be designed, organized, and operated in a manner that is compatible with the surrounding area and will not disrupt the development or use of adjacent properties, in compliance with the relevant 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: The proposed contractor storage will be properly supported by essential public facilities and services, including streets, parking, drainage, waste disposal, fire protection, emergency services, water, and sewer systems; or the applicant will ensure that adequate provisions are made for these 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: The proposed contractor storage and office building will be developed with careful consideration for the surrounding environment and in compliance with all relevant regulations. There will be no destruction, loss, or damage to any features of significant natural, scenic, or historic importance, ensuring that the project does not adversely impact the area's valuable resources.
- 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: The contractor storage and office use will not negatively impact any plans outlined in Chapter 1.9, nor will it conflict with the character or established development standards for adjacent properties.

LAND USE CONTROL BOARD SPECIAL USE PERMIT APPLICATION GUIDE

Revised 10.09.2023 3

CITY ENGINEERING COMMENTS TRC: 24 April & LUCB: 8 May 2025 DATE: 22 April 2025

CASE 21: SUP-25-009

NAME: 4222 JAMES RD, MEMPHIS 38128; 084023 00046C; Building Renovation Basin/Lot/CD: Raleigh, 8-L/.6AC/1

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 developer is upsizing the water meter size, a sewer development fee is required.

Roads:

- 4. 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.
- 5. 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:

- 6. 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.
- 7. 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.
- 8. 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:

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Processing

Opened Date: April 14, 2025

Record Number: SUP 2025-009 Expiration Date:

Record Name: CGIENT, LLC

Description of Work: THIS BUILDING IS BEING RENOVATED TO ACCOMMODATE AN OFFICE SPACE IN THE INTERIOR FRONT OF THE BUILDING. A WAREHOUSE FOR STORAGE OF JOBSITE MATERIALS IN THE REAR OF THE BUILDING. THIS BUILDING WILL CONTAIN A BREAK ROOM, MEETING ROOM, AND BATHROOM. EXTERIOR OF THE PROPERTY WILL INCLUDE PARKING FOR VISITORS AND COMPANY VEHICLES. COMPANY VEHICLES WILL NOT BE PARKING OVERNIGHT. CONTRACTOR MATERIALS WILL BE STORED INSIDE THE WAREHOUSE FOR CONTRACTOR USE. ANY OUTSIDE STORAGE WILL BE MINIMAL.

Parent Record Number:

Address:

4222 JAMES RD, MEMPHIS 38128

Owner Information

Primary Owner Name
Y CGIENT LLC

Owner Address Owner Phone

3433 FOREST HILL IRENE RD, GERMANTOWN, TN 38138

Parcel Information

084023 00046C

Data Fields

PREAPPLICATION MEETING

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

NICHOLAS WARDROUP 04/14/2025

-

Page 1 of 5 SUP 2025-009

GENERAL PROJECT INFORMATION

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

Is this application in response to a citation, stop 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

New Special Use Permit (SUP)

.

No

-

Page 2 of 5 SUP 2025-009

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

- 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: The proposed contractor storage for the project has been carefully designed to ensure that it will not have a substantial or undue adverse effect on adjacent properties or the surrounding area. Key considerations have been taken into account, including:
- 1.Impact on Adjacent Property: The storage area will be adequately screened to minimize visibility and ensure it does not negatively impact the aesthetics or property values of nearby properties. Additionally, the proposed storage facility will be designed with appropriate setbacks to prevent interference with neighboring land uses.
- 2.Character of the Neighborhood: The proposed storage is consistent with the intended land use of the area and aligns with the existing zoning regulations. Its design and function are compatible with the neighborhood's character, and the activity levels associated with the storage will not disrupt the peaceful enjoyment of nearby properties.
- 3.Traffic Conditions: Traffic flow will be efficiently managed to prevent congestion or undue burden on local roadways. The storage facility will be accessed via designated routes that do not interfere with residential areas or high-traffic zones. The project will also include proper signage and possibly traffic control measures to ensure smooth ingress and egress.
- 4.Parking: Adequate parking spaces will be provided for both contractors and any visitors or employees, ensuring that there will be no spillover onto adjacent streets. The parking plan is designed to keep traffic circulation orderly and prevent any parking-related disturbances in the area.

 5.Utility Facilities: The project will make use of existing utility infrastructure, with no anticipated strain on water, sewer, or electricity services. Any required upgrades or adjustments will be coordinated with the local utility providers to ensure that there is no adverse impact on the public utility system.
- 6.Public Health, Safety, and General Welfare: The storage facility will be designed with safety features, such as proper fencing, lighting, and security

Page 3 of 5 SUP 2025-009

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

Historic District

Land Use

Municipality

measures, to prevent unauthorized access and maintain a safe

environment. Additionally, the site will comply with all relevant building codes and regulations to ensure the

safety of workers, nearby residents, and the public. The project has also been evaluated for environmental concerns, and necessary mitigation measures will be implemented to avoid any negative effects.

In conclusion, the proposed contractor storage facility will be a well-integrated part of the neighborhood, with minimal impact on surrounding properties, traffic, and public infrastructure, thus maintaining the public health, safety, and general welfare.

The proposed contractor storage will be designed, organized, and operated in a manner that is compatible with the surrounding area and will not disrupt the development or use of adjacent properties, in compliance with the relevant district regulations.

The proposed contractor storage will be designed, organized, and operated in a manner that is compatible with the surrounding area and will not disrupt the development or use of adjacent properties, in compliance with the relevant district regulations.

The proposed contractor storage will be designed, organized, and operated in a manner that is compatible with the surrounding area and will not disrupt the development or use of adjacent properties, in compliance with the relevant district regulations.

NOT LISTED

The contractor storage and office use will not negatively impact any plans outlined in Chapter 1.9, nor will it conflict with the character or established development standards for adjacent properties.

BOA1971-009

No C

No

-

COMMERCIAL MEMPHIS

Page 4 of 5 SUP 2025-009

GIS INFORMATION

Overlay/Special Purpose District

Zoning CMU-3

State Route 1

Lot 2,4,& 5

Subdivision RALEIGH BLK C

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

Contact Information

Name
SAMUEL AGUILAR

Contact Type

APPLICANT

Address TN,

Phone

(901)273-5340

Name <u>Contact Type</u>

OLLAR SURVEYING COMPANY

ARCHITECT / ENGINEER /

Address

TN.

Phone (901)273-5340

Fee Information Invoice # Fee Item Status Quantity Fees Balance Date Assessed 1640065 Special Use Permit Fee -1 500.00 **INVOICED** 500.00 04/14/2025 5 acres or less (Base Fee) 1640065 Credit Card Use Fee (.026 1 13.00 **INVOICED** 13.00 04/14/2025

Total Fee Invoiced: \$513.00 Total Balance: \$513.00

Comments

Date Comment

x fee)

04/14/2025 SITE PLAN / SURVEY - SAME DOCUMENT

LETTER OF INTENT NOT PROVIDED - HANDWIRTTEN APPLICATION WAS

SUBSTITUTED FOR THE LETTER OF INTENT.

Page 5 of 5 SUP 2025-009

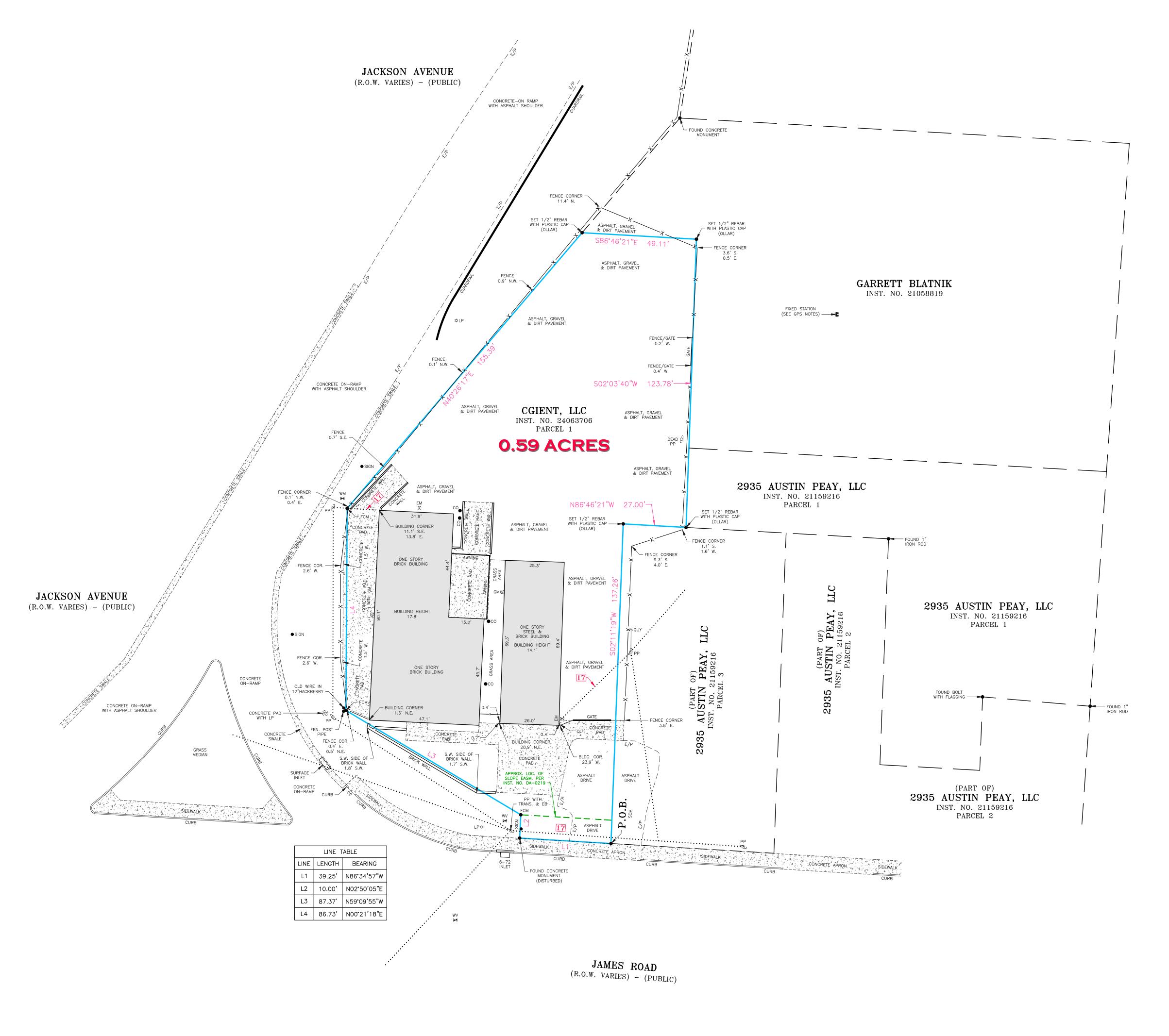
City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

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 equit	able interest, such as trust b	peneficiaries,
contract purchasers, option holders, lesse	es under leases having an une	expired term of at least ten ye	ears, and the like.
Whenever a statement of ownership is rec	uired by the Memphis and She	elby County Unified Develop	ment Code, full
disclosure of all legal and equitable interes	st in the property is required. M	Memphis and Shelby County	Unified
Development Code Section 12.3.1.	0		
1, Shoaib Qureshi (Print Name)	lin	, state that I have re	ead the definition of
(Print Name)	(Sign Name)		
"Owner" as outlined in the Memphis and S	helby County Unified Develop	ment Code Section 12.3.1 a	and hereby state
that (select applicable box):			
I am the owner of record as shown of	on the current tax rolls of the c	ounty Assessor of Property;	the mortgage
holder of record as shown in the mo			
contract; a mortgagee or vendee in			
l have charge, care or control of the	premises as trustee, agent, ex	xecutor, administrator, assig	nee, receiver,
guardian or lessee (and have includ	ed documentation with this aff	idavit)	
of the property located at 4272	Tames Rd. Me	mphis, TN 38	128
and further identified by Assessor's Parcel	Number <u>084023</u>	300046C	
for which an application is being made to t	he Division of Planning and Do	evelopment.	MINIMUM MARCHINE
	, th	0	STATE OZI
Subscribed and sworn to (or affirmed) before	ore me this day	of <u>becember</u> in the	year of 2 85 7 Z
M.			NOUBLIC AT THE BY COUNTY
			WILL BY COMING
Signature of Notary Public	- .	My Commission Expires	Comm. Exv
- J. Carlot of Motor		My Commission Expires	

4222 JAMES ROAD



SIDEWALK
SIDEWALK
SIDEWALK
CONCRETE APRON
SIDEWALK

NOTE

- 1. Survey prepared for Samuel Aguilar.
- 2. 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.
- This survey was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of this property.
- 4. No deeds, easements, etc. were provided to Ollar Surveying Company, LLC. We have provided our own research and do not guarantee same as to accuracy or completeness.
- Adjoining property owners' and deed references and street information were provided by Ollar Surveying Company, LLC. and are not guaranteed as to accuracy or completeness.
- 6. Adjoining property lines as shown were not surveyed at this time, unless noted by location of property corners. Adjoining property lines derived using deeds as shown.
- 7. There may be visible/non-visible structures located on this property that were obstructed or not visible on the date of the survey and are not
- shown.

 8. 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
- information on underground utilities.

 9. Subsurface and environmental conditions were not

be contacted for more specific locations and

examined or considered as a part of this survey.

10. 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.

- 11. If this survey plat is provided in electronic form (AutoCad Drawing file), said copy must be compared to the original survey issued (either sealed hard copy or digitally sealed Adobe PDF) to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on said AutoCad Drawing file transmitted unless first compared to the original sealed document issued at the time of the survey.
- 12. Ollar Surveying Company, LLC. will provide, if requested, printed versions of this survey and will have the original seal of surveyor. Additionally, a digitally sealed Adobe PDF version of this survey will be provided to the party(ies) listed in Note #1 as well as any party(ies) listed in the survey
- 13. This survey has been prepared for the party(ies) listed in Note #1 and/or the party(ies) listed in the survey certification. Said survey, either sealed hard copy or digitally sealed Adobe PDF is the property of Ollar Surveying Company, LLC. and those party(ies) listed in Note #1 and/or the party(ies) listed in the survey certification.
- Except for the party(ies) listed in Note #1 and/or the party(ies) listed in the survey certification, this survey may not be copied, reproduced or distributed, nor shall any alteration be made to this survey in whole or in part, without the expressed written permission of Ollar Surveying Company, LLC.
- Further, this survey, either digitally sealed Adobe PDF, photocopied replication or the like, may not be used by any person/company other than those listed in Note #1 and/or the party(ies) listed in the survey certification i.e. attorney(ies), real estate agent(s), surveying company(ies) or similar type company(ies) for the facilitation of future transactions involving this surveyed property without the expressed written permission of Ollar Surveying Company, LLC.
- 14. I/We have not reviewed nor do we express any opinion as to if this property lies within a Special Flood Hazard Area.
- 15. Reference is hereby made to Warranty Deed recorded in Instrument No. 24063706.
- 16. For the purpose of this survey, interior improvements (if shown) which have dimensions to the exterior boundary line(s) as shown hereon can be definitively relied upon. Non-dimensioned interior improvement locations (if shown) are graphic representations and should not be used
- for design purposes.

 There is a possibility that the existing overhead lines shown hereon lie within existing easements. A title search of this property may provide documentation for these apparent easements.

GPS NOTES

- 1. For boundary and topographic (if applicable) aspects of this survey, RTK GPS positional data was observed on the date of 12—31—2024.
- 2. A Trimble R8s dual frequency receiver was used.
- 3. The grid coordinates of the Fixed Station shown were derived using a VRS network of CORS stations referenced to NAD 83 (2011) (Epoch 2010), Geoid 18.
- 4. Positional accuracy of the GPS vectors does not exceed: Horizontal 0.05' Vertical 0.10'.
- 5. Combined Grid Factor: 1.0000024817 centered on Fixed Station as shown hereon.
- 6. It is the opinion of this surveyor that the precision of the GPS survey meets or exceeds the unadjusted survey minimum accuracy standards for a Category I Survey.

DESCRIPTION:

Description of the CGIENT, LLC property recorded in Instrument No. 24063706, Parcel 1 in Memphis, Shelby County, Tennessee:

Beginning at a set chisel mark in the north line of James Road (R.O.W. Varies) — (Public), said point being the southernmost southeast corner of said property recorded in Instrument No. 24063706, Parcel 1 and in the west line of the 2935 Austin Peay, LLC property recorded in Instrument No. 21159216, Parcel 3; thence North 86 degrees 34 minutes 57 seconds West along the north line of said James Road, 39.25 feet to a found concrete monument (Disturbed) in the east line of Jackson Avenue (R.O.W. Varies) — (Public); thence northwardly, northwestwardly and northeastwardly along the east line of said Jackson Avenue the following calls: North 02 degrees 50 minutes 05 seconds East 10.00 feet to a found concrete monument; North 59 degrees 09 minutes 55 seconds West, 87.37 feet to a found concrete monument; North 00 degrees 21 minutes 18 seconds East, 86.73 feet to a found concrete monument; North 40 degrees 26 minutes 17 seconds East, 155.39 feet to a set 1/2" rebar with plastic cap (OLLAR) at the northwest corner of said property recorded in Instrument No. 24063706, Parcel 1 and the northernmost southwest corner of the Garrett Blatnik property recorded in Instrument No. 21058819; thence South 86 degrees 46 minutes 21 seconds East along the north line of said property recorded in Instrument No. 24063706, Parcel 1 and along a south line of said property recorded in Instrument No. 21058819, 49.11 feet to a set 1/2" rebar with plastic cap (OLLAR) at the northeast corner of said property recorded in Instrument No. 24063706, Parcel 1 and an internal corner of said property recorded in Instrument No. 21058819; thence South 02 degrees 03 minutes 40 seconds West along the easternmost east line of said property recorded in Instrument No. 24063706, Parcel 1, along a west line of said property recorded in Instrument No. 21058819 and along the westernmost west line of Parcel 1 of said property recorded in Instrument No. 21159216, 123.78 feet to a set 1/2" rebar with plastic cap (OLLAR) at the northernmost southeast corner of said property recorded in Instrument No. 24063706, Parcel 1, the northernmost southwest corner of said property recorded in Instrument No. 21159216, Parcel 1 and in the north line of said property recorded in Instrument No. 21159216, Parcel 3; thence North 86 degrees 46 minutes 21 seconds West along the northern most south line of said property recorded in Instrument No. 24063706, Parcel 1 and along the north line of said property recorded in Instrument No. 21159216, Parcel 3, 27.00 feet to a set 1/2" rebar with plastic cap (OLLAR) at an internal corner of said property recorded in Instrument No. 24063706, Parcel 1 and the northwest corner of said property recorded in Instrument No. 21159216, Parcel 3; thence South 02 degrees 11 minutes 19 seconds West along an east line of said property recorded in Instrument No. 24063706, Parcel 1 and along the west line of said property recorded in Instrument No. 21159216, Parcel 3, 137.26 feet to the POINT OF BEGINNING and containing 0.59 acres of land.

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

LEGEND: APPROX. BLDG.

OG. BUILDING
CURB CUT
CLEANOUT
R. CORNER
EAST
P EDGE OF PAVEMENT
EASEMENT
ELECTRIC BOX
ELECTRIC METER
FOUND CONCRETE MONUMENT
I. FENCE
GAS METER
T. INSTRUMENT
C. LOCATION
LIGHT POLE
NORTH

LIGHT POLE
NORTH
NUMBER
D.B. POINT OF BEGINNING
POWER POLE
SOUTH
M SET CHISEL MARK
H TELEPHONE MANHOLE
TRANSFORMER

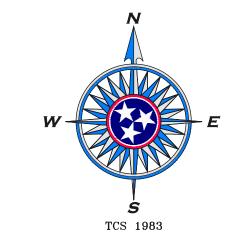
W. WEST
WM WATER METER
WV WATER VALVE
FENCE
OVERHEAD LINES

FENCE NOTE:

The fence that is located around the perimeter of the SUBJECT property is a 7' tall metal panel fence.

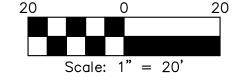
SHELBY COUNTY, TENNESSEE



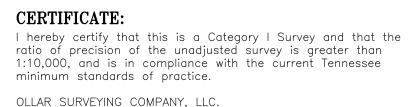


SURVEY OF THE
CGIENT, LLC

PROPERTY
RECORDED IN
INSTRUMENT NO. 24063706
PARCEL 1
MEMPHIS, SHELBY COUNTY, TENNESSEE
SHEET 1 OF 1



SCALE: 1"=20' DATE: DECEMBER 31, 2024







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.

24063706 07/26/2024 - 11:27:30 AM

07/20/202	.4 II.27.30 AM
4 PGS	
ALLYSON 2731997-	24063706
VALUE	200000.00
MORTGAGE TAX	0.00
TRANSFER TAX	740.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	765.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

WARRANTY DEED

THIS INDENTURE, made and entered into this 23rd day of July, 2024, by and between

TERESA L. JONES BRITT AND ROBERT BRYON JONES, TRUSTEES OF THE VIRGINIA A. JONES FAMILY TRUST, DATED NOVEMBER 17, 2019, party of the first part, and CGIENT, LLC, A Tennessee Limited Liability Company, 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 **Memphis**, County of **Shelby**, State of **Tennessee**, to wit:

Parcel 1

South 100 feet of Lot 4, Block C, Town of Raleigh, in Shelby County, Tennessee: Beginning at a point, the intersection of the north line of James Road or North Street with the east line of High Street; thence eastwardly with said north line of James Road or North Street 87 feet to a point; thence northwardly parallel with High Street 100 feet to a point; thence westwardly parallel with James Road or North Street 87 feet to a point in the east line of High Street; thence southwardly with said east line of High Street 100 feet to the point of beginning.

The south 122 feet of Lot 2, Block C, of the Plat of the Town of Raleigh (unrecorded) more described as follows: Beginning at a point in the east line of High Street (90) feet wide at the corner of Lot 4 of said Block C, which point is 150 feet north of the north line of James Road as measured along the said east line of High Street, and which said point of beginning is the southwest corner of said Lot 2 of said Block C, and which point of beginning is the northwest corner of the parcel conveyed to Robert H. Jones et ux by the Warranty Deed of record in Book 5797, Page 1 of the Shelby County Register's Office, and from said point of beginning running thence north 122 feet along the east line of High Street to a point; thence turning and running westwardly and parallel to James Road a distance of 174 feet to a point in the east line of said Lot 2; thence turning and running southwardly and parallel to the east line of High Street a distance of 122 feet to a point in the southeast corner of said Lot 2 of said Block C, which said point is also the northeast corner of Lot 5 of said Block C, which said point is also the northeast corner of Lot 5, Block C, thence turning and running westwardly along the north lines of said Lots 5 and 4 of said Block C, a distance of 174 feet to a point in the east line of High Street, the point of beginning.

The west 60 feet of Lot 5, Block C, of the Town Plan of Raleigh, Tennessee, more particularly described as follows: Beginning at a point in the North line of James Road (North Street) 87 feet eastwardly from the east line of High Street, said point being the southwest corner of Lot 5; thence eastwardly with the north line of James Road 60 feet; thence northwardly parallel to the east line of High Street 150 feet; thence westwardly parallel to the north line of James Road 60 feet; thence southwardly 150 feet to the point of beginning. LESS AND EXCEPT: part of the property as described in Deed recorded as Instrument Number F5 4867 in the Register's Office of Shelby County, Tennessee, being more particularly described as follows: Beginning at a point of intersection of the present north right-of-way line of James Road with the present east right-of-way line of High Street; running thence northwardly along the said east right-of-way line a distance of 6.15 feet to a point; thence southeastwardly on a curve to the left having a radius of 34 feet a distance of 20.77 feet to a point of tangency in the present north right-of-way line of James Road; thence westwardly along the said present north right-of-way line a distance of 19.5 feet to the point of beginning.

ALL OF PARCEL 1 LESS AND EXCEPT THE PORTIONS CONVEYED UNDER REGISTER'S NO. DA 0219, in said Register's Office.

'and N8 6612

Being part of the same property conveyed to the party of the first part by Quit Claim Deed of record under Register's No. 20046892 and Corrected Quit Claim Deed recorded under Register's No. 24062558, in the Register's Office of Shelby County, Tennessee, as to Parcel 1.

Parcel 2 & 3:

Being a part of Lots I and 2 of the Town of Raleigh Subdivision as recorded by Plat Bk. F, Page 63 in the Register's Office of Shelby County, said property located in Memphis, Shelby County, Tennessee and more particularly described as follows:

Beginning at a point in the west R.O.W. of Austin Peay Highway (R.O.W. varies) 300.79' northwardly from a concrete R.O.W. marker in the north line R.O.W. of James Road (R.O.W. varies) as measured along said west R.O.W., said point also lying in the line south line of said Virginia Jones property and the north line of the City of Memphis property (inst.# P2 7965); thence N16°23'40"E along said west R.O.W. a distance of 368.85' to a R.O.W. marker; thence continuing along said west R.O.W. N35 degrees 25 minutes 23 seconds W a distance of 109.88' to a R.O.W. marker; thence N01 degrees 17 minutes 05 seconds W along said west R.O.W. and along the west line of the Roberts/Simmons P.O. (Bk. 196, Pg.89) a distance of 175.35' to a point in the south line of the Fred R. and Myra H. Key property (inst.# 19 6494); thence S88 degrees 50 minutes 52 seconds W along said south line and the south line of Billie Frances Roberts Jones Tract (inst.# LF 0622) a distance of 95.42' to a found iron pin, said iron pin also being a Northwest corner of said Virginia Jones tract and a northeast corner of the Georgia Fulenwider tract (W.D. 1741-118); thence S10 degrees 37 minutes 42 seconds E along the divisional line of said Virginia Jones and Georgia Fulenwider tracts a distance of 289.69' to an angle point; thence S85 degrees 14 minutes 46 seconds W along said

divisional line a distance of 168.19' to a found iron pin; thence S00 degrees 09 minutes 32 seconds W along said divisional line a distance of 320.00' to an angle point; thence N89 degrees 23 minutes 28 seconds E along said divisional line and along the north line of the said City of Memphis property a distance of 173.89' to the point of Beginning.

Being the same property conveyed to the party of the first part by Quit Claim Deed of record under Register's No. 24042081, as corrected in Correction Quit Claim Deed of record under Register's No. 24062557 , in the Register's Office of Shelby County, Tennessee, as to Parcels 2 & 3.

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 party of the second part, his heirs, 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 a good right to sell and convey the same; that the same is unencumbered, except for 2024 City of Memphis taxes and 2024 Shelby County taxes, both not yet due and payable, and except for any and all subdivision restrictions, covenants, building lines and easements of record, if any, including, but not limited to subdivision restrictions, building lines and easements of record in Plat Book F, Page 463, and Easements of record under Register's Nos. DA 0219 and 08139301, as to Parcel 1 and R4 1435, 09072904 and DA 0218, as to Parcels 2 & 3, all references to recording being made to the Register's Office of Shelby County, Tennessee;

and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, 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.

TERESA L. JONES BRITT, TRUSTEE OF THE VIRGINIA A. JONES FAMILY TRUST, DATED NOVEMBER 17, 2019

ROBERT BRYON JONES, TRUSTEE OF THE VIRGINIA A. JONES FAMILY TRUST, DATED NOVEMBER 17, 2019

Maria Maria

STATE

WESSER

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared TERESA L. JONES BRITT AND ROBERT BRYON JONES, TRUSTEES OF THE VIRGINIA A. JONES FAMILY TRUST, DATED NOVEMBER 17, 2019, to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and notarial seal at office this 18th day of July, 2024.

Notary Public

My Commission Expires: 09/26/2027

TAX PARCEL NUMBER: 084023 00046C,

084023 00052 & 084023 00053

M

PROPERTY ADDRESS:

4228 James Rd, 0 Spring St., 0 Spring St.

Memphis, TN 38128

Mail Tax Bills and owner's name and mailing address:

CGIENT, LLC, A Tennessee Limited Liability

Company

3433 Forest Hill Irene Germantown TN 38138

TG File #: 11824550 MD&W File #: 240252 MAIL TAX BILLS TO:

CGIENT, LLC, A Fennessee Limited Liability

Company

THIS INSTRUMENT PREPARED BY:

J. Michael Murphy, Attorney Murphy, DeZonia & Webb 6389 N. Quail Hollow Road, Ste. 102 Memphis, TN 38120

RETURN TO:

Michael M. Wardlow, Attorney Titan Title Company, LLC. 7500 Capital Dr., Germantown, TN 38138

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 *****\$200,000.00*****, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

AFFIANT

Subscribed and sworn to before me this 244 day of July, 2024

TENNESSEE NOTARY .. PUBLIC ..

Comm. Exp. of

Notary Public

My Commission Expires:

Certification of Electronic Document

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

Michael Wardlow

STATE OF TENNESSEE COUNTY OF SHELBY

Sworn and subscribed before me, David A. Rucker, a notary public for this county and state, Michael Wardlow, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Notary Public

My Commission Expires:

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS	Planning & Z	Loning COMMITTEE:	<u>5/6/2025</u>	Planning & Developme DIVISION	<u>ent</u>
		PUBLIC SESSION:	DATE 5/6/2025 DATE	FIRST READING:	<u>5/6/25</u> DATE
OTHED:		ONS GRANT			
ITEM DESCRIPTION:		blishing the Memphis-Shelb			
CASE NUMBER:	n/a				
LOCATION:	City of Memphis and unincorporated Shelby County				
APPLICANT:	Memphis and Shelby County Division of Planning and Development				
REPRESENTATIVE:	John Zeanah, Division Director				
REQUEST:	Adopt joint ordinance.				
AREA:	This ordinance affects all property within the City of Memphis and unincorporated Shelby County.			ounty.	
RECOMMENDATION:	: Division of Planning and Development: Approval				
PRIOR ACTION ON ITEM	M:	APPROVAL - (1) APPR DATE ORGANIZATION - (1) I (2) GOV'T. ENTITY (3)	OVED (2) DEM BOARD / COM COUNCIL CO 	IMISSION DMMITTEE	
\$ SOURCE AND AMOUNT \$ \$ \$	OF FUNDS	REVENUE TO BE RECEIVED OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER			
ADMINISTRATIVE APPI	ROVAL:	<u>DATE</u> 	POSITION PRINCIPAL DEPUTY DI		
18		4/30/2025	COMPTROL FINANCE D CITY ATTO	IRECTOR	
			CHIEF ADM	MINISTRATIVE OFFICER	



Memphis City Council Summary Sheet

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

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

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

Division of Planning and Development

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

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

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

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

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

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



JOINT ORDINANCE NO.	
---------------------	--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sponsor(s):	J. Ford Canale
	CHAIRMAN

Building Home Program Structure and Function Implementation Plan 2025

Shelby County, TN

Background and Context:

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

Implementation Plan Design:

1) Administering Agency:

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

2) Method of Selecting Properties:

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

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

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

Exhibit A

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

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

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

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

3) Criteria for Property Selection - Multifamily

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

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

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

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

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

Exhibit A

4) Criteria for Property Selection – Single Family

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

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

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

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

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

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

5) Conveyance of Property

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

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

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

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

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

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

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

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

6) Building Standards

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

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

7) Coordination Efforts

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

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

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

8) Technical and Financial Assistance and Incentives

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

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

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

9) Methods to Acquire and Dispose of Properties

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

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

10) Other Conditions

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

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

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

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

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

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 25-003

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE WEST SIDE OF MALONE ROAD +/-1,965 FEET SOUTH OF EAST HOLMES ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 25-003

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: Z 25-003

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

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

OWNER/APPLICANT: Malone Eat LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

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

Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

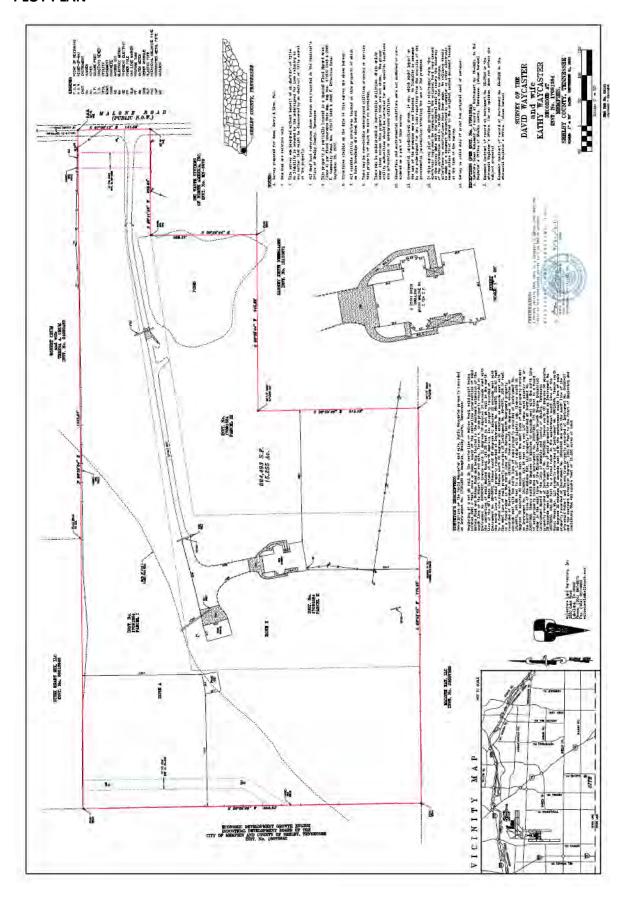
The motion passed by a unanimous vote of 7-0 on the consent agenda.

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

Cc: Committee Members

File

PLOT PLAN



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

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

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2025-03**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

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

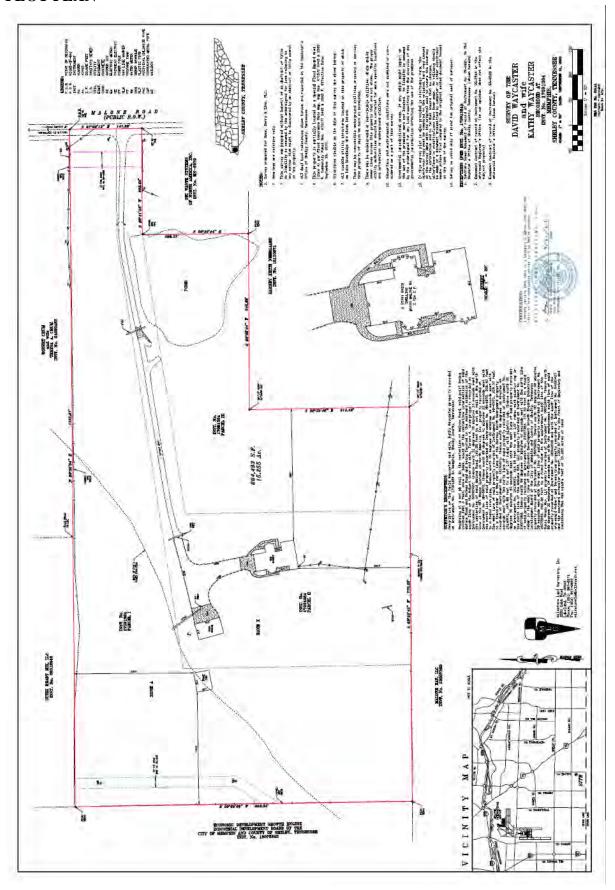
property recorded at Instrument No. HN-6970, 208. 60 feet to o found iron pipe; thence south 00 degrees 20 minutes 44 seconds east with the west line of said property recorded at Instrument No. HN-6970, 208. 37 feet to a found rebar in the north line of the Barney Keith Neergaard property recorded at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

SECTION 2:

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

SECTION 3:

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



ATTEST:

Division of Planning and Development

– Land Use and Development Services CC:

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

dpd STAFF REPORT

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

CASE NUMBER: Z 2025-003

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

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

OWNER/APPLICANT: Malone Eat LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

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

Employment (EMP) District

CONCLUSIONS

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

CONSISTENCY WITH MEMPHIS 3.0

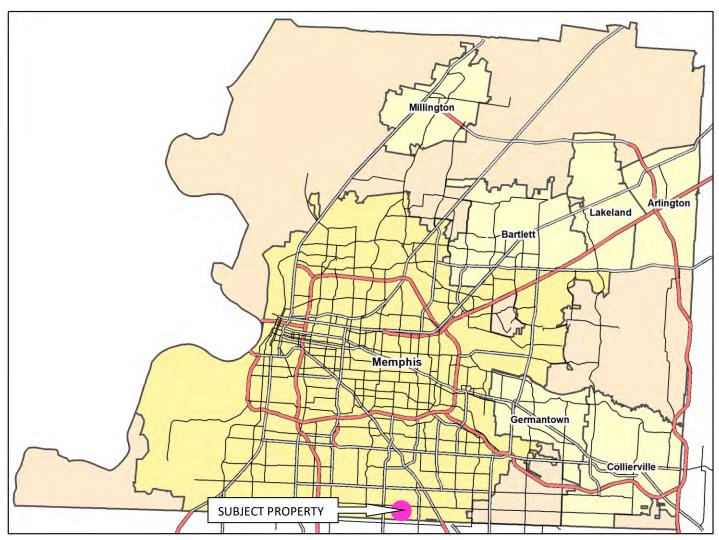
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 15-16 of this report.

RECOMMENDATION:

Approval

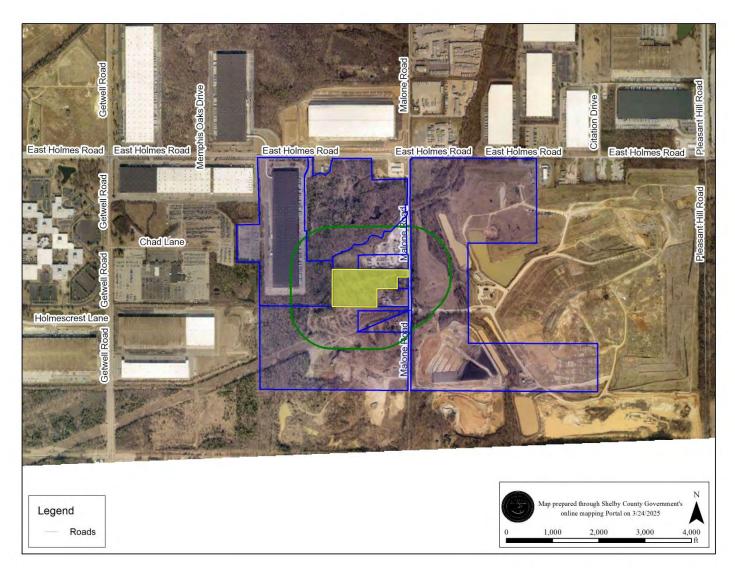
Staff Writer: Nabanita Nira E-mail: nabanita.nira@memphistn.gov

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 11 notices were mailed on March 17, 2025, see pages 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18-19 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

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

AERIAL



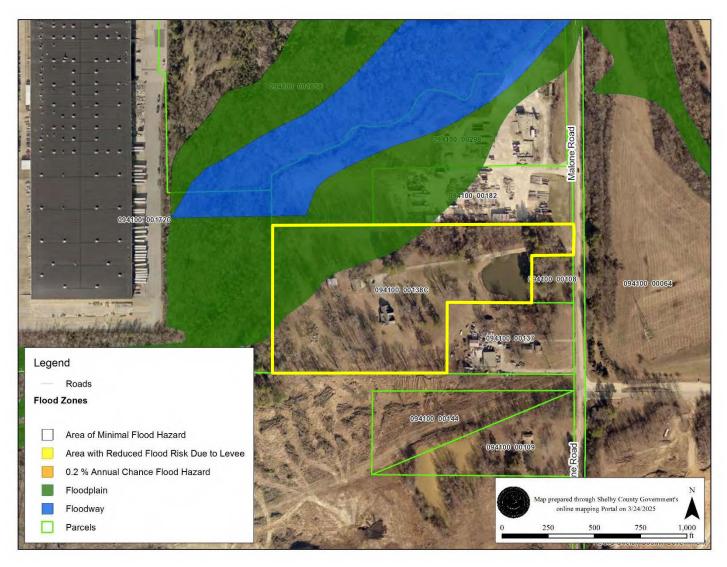
Subject property outlined in yellow, imagery from 2023

ZONING MAP



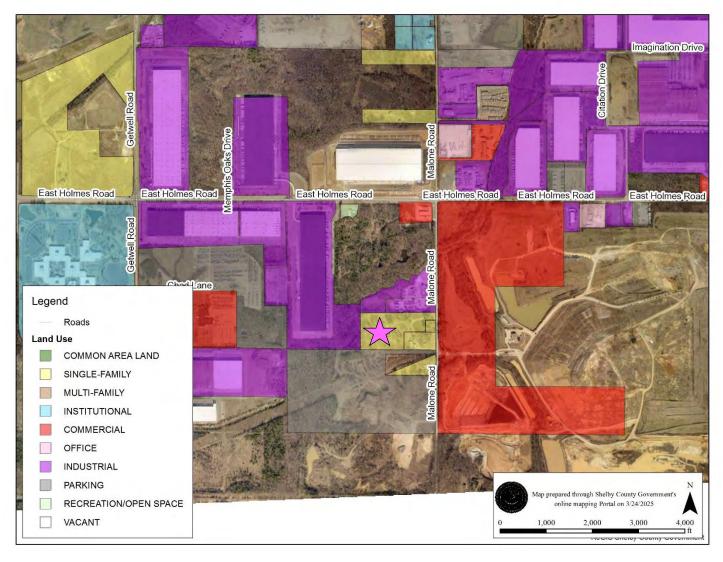
Subject property highlighted in yellow

FEMA MAP



Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

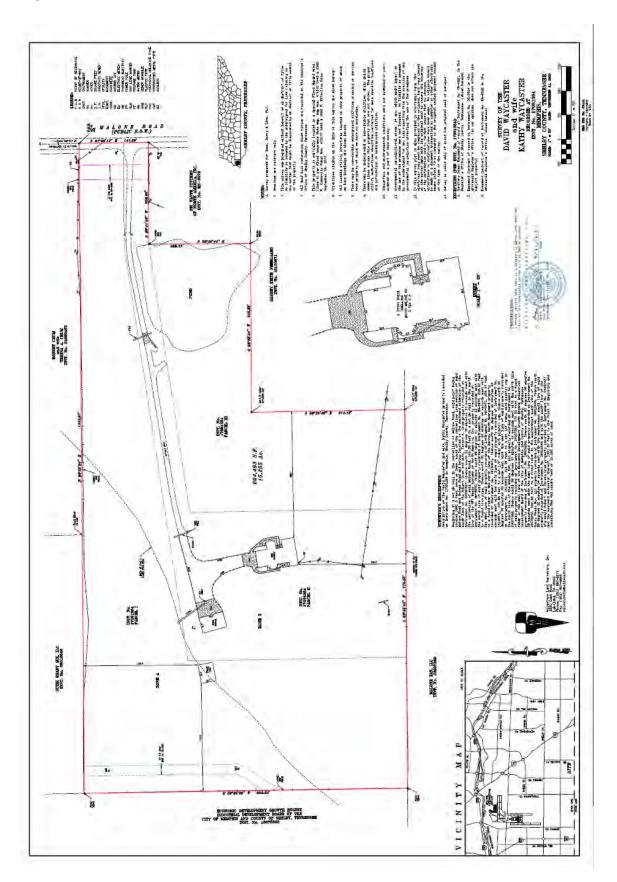


View of subject property from Malone Road looking southwest



View of subject property from Malone Road looking west

PLOT PLAN



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

LEGAL DESCRIPTION

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

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

April 10, 2025 Page 11

CASE REVIEW

Request

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

Review Criteria

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

9.5.7B Review Criteria

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

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:

5433 Malone Road

Parcel ID:

094100 00138C

Area:

+/-15.255 acres

Description:

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

Analysis

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

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

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

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

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

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City Engineer: Comments received, see page 14 of this report.

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

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

CITY ENGINEER COMMENTS

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

CASE 8: Z-25-003

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

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

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

No Further Comments from City Engineering

OFFICE OF COMPREHENSIVE PLANNING COMMENTS

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: <u>LUCB Z 2025-003 Parkway Village</u>

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

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

corner of the property is located within a floodplain.

Future Land Use Designation: Industrial (1)

Street Type: Avenue

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



"I" Form & Location Characteristics

Industrial, 1-10 stories.

"I" Zoning Notes

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

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, CA

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

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



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

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

Consistency Analysis Summary

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

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

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

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

MAILED PUBLIC NOTICE



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

of comment to the staff planner listed below no later than

Wednesday, March 26, 2025 at 8 AM.

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

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

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

Location: Council Chambers Meeting Details

Time: City Hall 1st Floor

9:00 AM

Rezoning of 15.25 acres of Conservation Agriculture

5433 Malone Rd.

Z 2025-003

CASE NUMBER:

(CA) to employment (EMP)

Malone Eat LLC

APPLICANT:

REQUEST: ADDRESS:

Thursday, April 10, 2025

Date:

125 N Main St.

Staff Planner Contact:

☑ Nabanita.nira@memphistn.gov

(901) 636-7406

Nabanita Nira

NOTICE OF PUBLIC HEARING

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

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee
I, Brian Hatley, being duly sworn, depose and say that at 10AM _ am/pm on the 18th 12day of March, 2025, I posted 1 Public Notice Sign(s) pertaining to Case No. Z 2025-003 at 5433 Malone
providing notice of a Public Hearing before the (check one):
X Land Use Control Board
Board of Adjustment
X Memphis City Council
Shelby County Board of Commissioners
for consideration of a proposed land use action, a photograph of said sign(s) being
attached hereon and a copy of the sign purchase receipt or rental contract attached
hereto. 3.19.25
Owner, Applicant or Representative Date
Subscribed and swom to before me this 19 th day of March , 20 <u>25</u> . Notary Public
My commission expires: 06 128 12027
STATE OF TENNESSEE NOTARY PUBLIC My Commission Expires on



APPLICATION



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning Record Status: Pending

Opened Date: February 28, 2025

Record Number: Z 2025-003 Expiration Date:

Record Name: 5433 Malone

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

Parent Record Number:

Address:

5433 MALONE RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y MALONE EAT LLC

Owner Address Owner Phone

0 PO BOX 752542, MEMPHIS, TN 38175

Parcel Information

094100 00138C

Data Fields

PREAPPLICATION MEETING

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

GENERAL INFORMATION

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

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

GIS INFORMATION

n/a

Page 1 of 2 Z 2025-003

GIS INFORMATION

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

Contact Information

Contact Type Name MALONE EAT LLC APPLICANT

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

Phone (901)487-2425

Name Contact Type THE BRAY FIRM

ARCHITECT / ENGINEER / SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone (901)487-2425

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

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

Z 2025-003 Page 2 of 2

OWNER AFFIDAVIT



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

| Sign Name | Sign

Signature of Notary Public

My Commission Expire

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

February 28, 2025

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning Record Status: Pending

Opened Date: February 28, 2025

Record Number: Z 2025-003 Expiration Date:

Record Name: 5433 Malone

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

Parent Record Number:

Address:

5433 MALONE RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y MALONE EAT LLC

Owner Address Owner Phone

0 PO BOX 752542, MEMPHIS, TN 38175

Parcel Information

094100 00138C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

Pre-application Meeting Type

Lucas Skinner

02/27/2025

Email

GENERAL INFORMATION

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

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information n/a

GIS INFORMATION

11/6

No

Page 1 of 2 Z 2025-003

GIS INFORMATION

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

Contact Information

Name
MALONE EAT LLC

Contact Type
APPLICANT

Address

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

Phone (901)487-2425

Name
THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone (901)487-2425

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

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

Page 2 of 2 Z 2025-003



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

Memphis and Shelby County Offined Development Code Section 12.3.1
OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries,
contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like.
Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full
disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1.
1, Jacqueline Jentins Jacqueline Jackus, state that I have read the definition of (Sign Name)
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state
that (select applicable box):
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)
of the property located at 5433 Malore RQ - Memphis TN 38118 and further identified by Assessor's Parcel Number 094100 00138C
for which an application is being made to the Division of Planning and Development.
Subscribed and sworn to (or affirmed) before me this Hay of in the year of
O O O

Signature of Notary Public

My Commission Expires



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

February 28, 2025

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

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

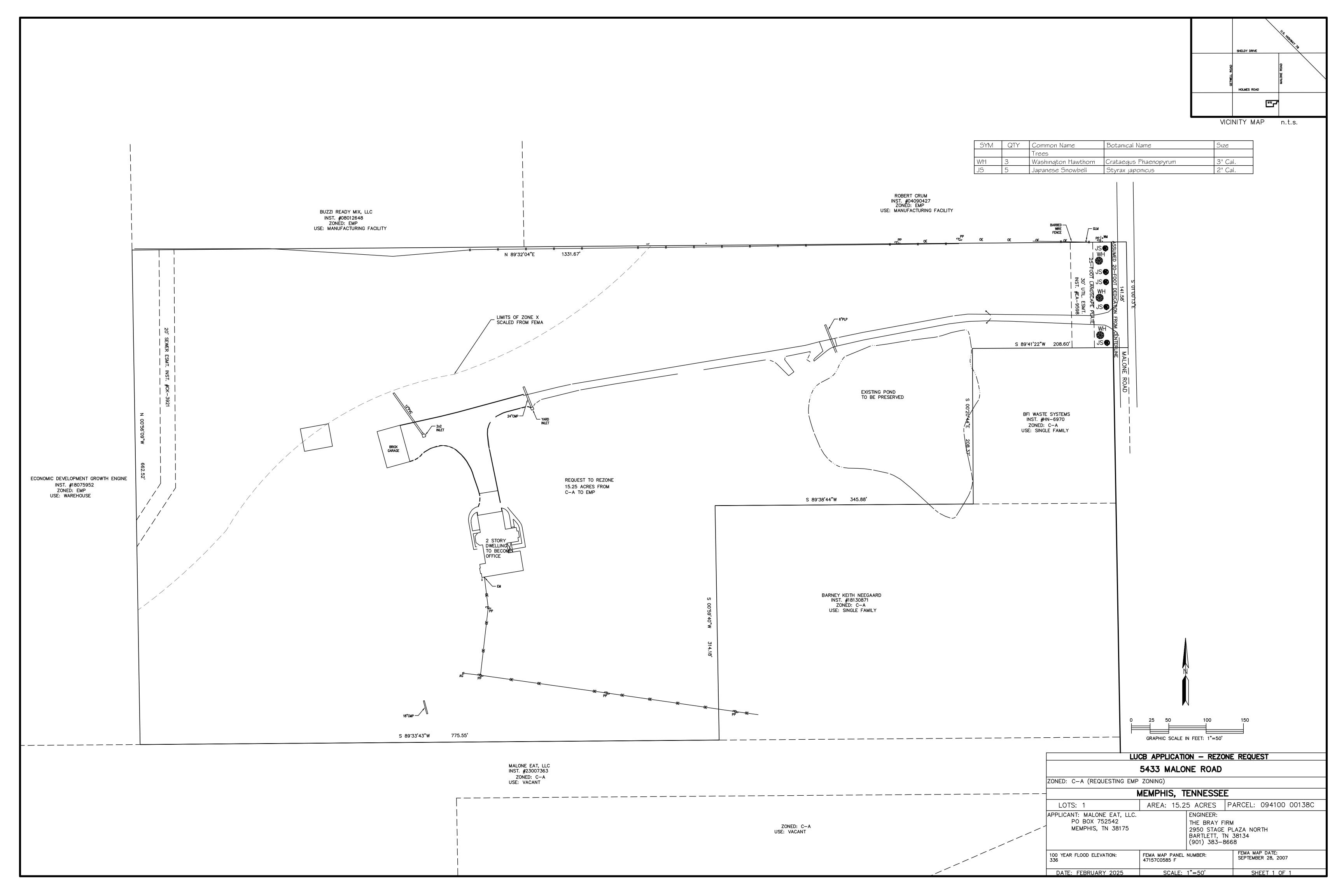
Mr. Ragsdale:

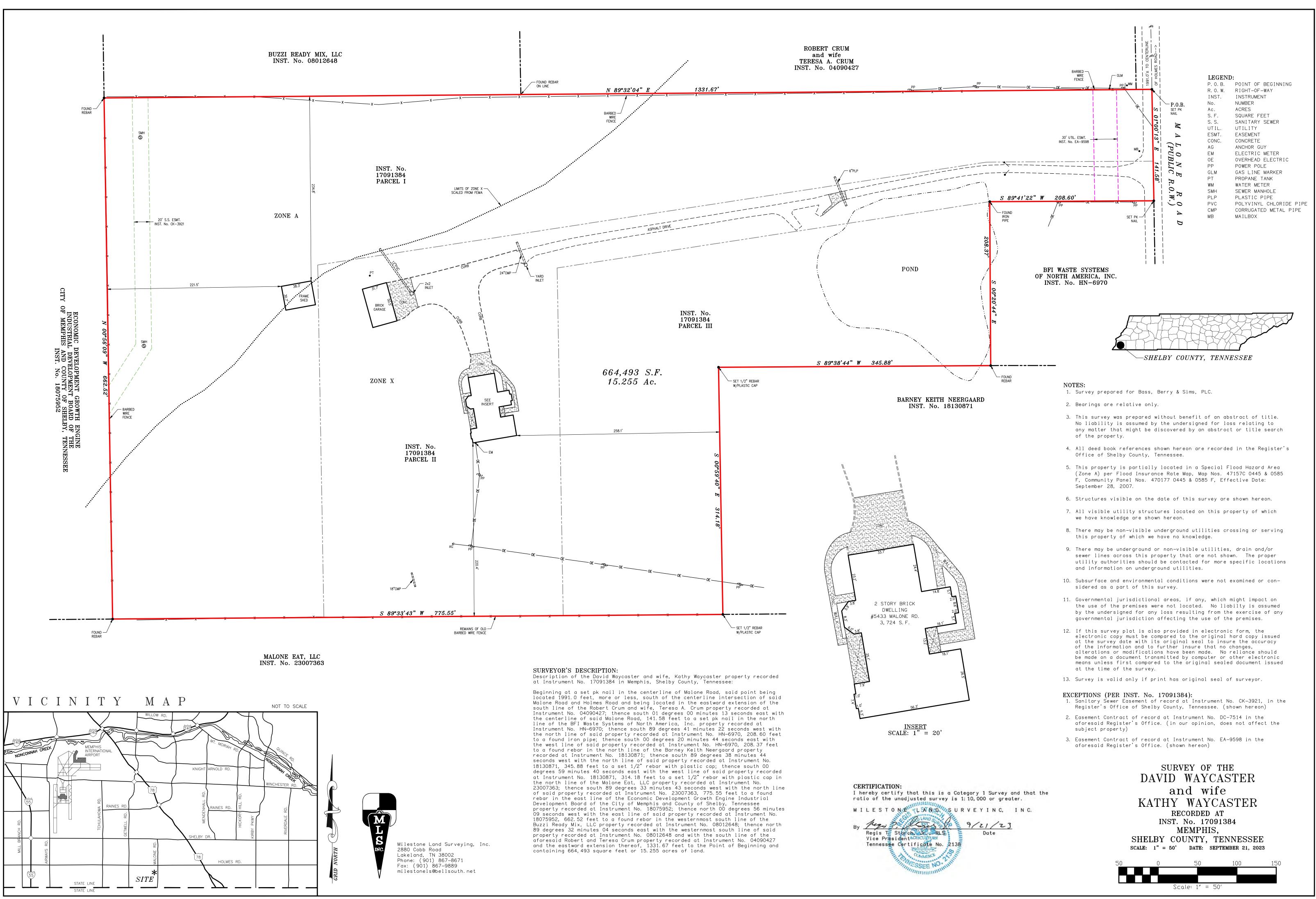
Please find attached an application to rezone the subject property from C-A to EMP. The property is bounded on two sides (north and west) by properties that are zoned EMP. The property to the east (across Malone Road) is zoned C-A but is approved for a Use Variance (BOA 2010-001). Over half of the southern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

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

Sincerely,

David Gean Bray, P.E.







Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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



24003035

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

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

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

Witness our hands this 12 had day of December,

STATE OF TENNESSEE

COUNTY OF SHELBY

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

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

Commission Expires

Notary Public

My Commission Expires:

(SEAL)

EXHIBIT "A"

PARCEL I

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

PARCEL II

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

PARCEL III

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

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

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

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

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

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



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

April 11, 2025

David Gean Bray 2950 Stage Plaza North Bartlett, TN 38134

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

Case Number: Z 2025-003

LUCB Recommendation: Approval

Dear applicant,

On Thursday, April 10, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your rezoning application located on the West side of Malone Road – 1,965 feet south of East Holmes Road to be included in the Employment (EMP) Zoning District.

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

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

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

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

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

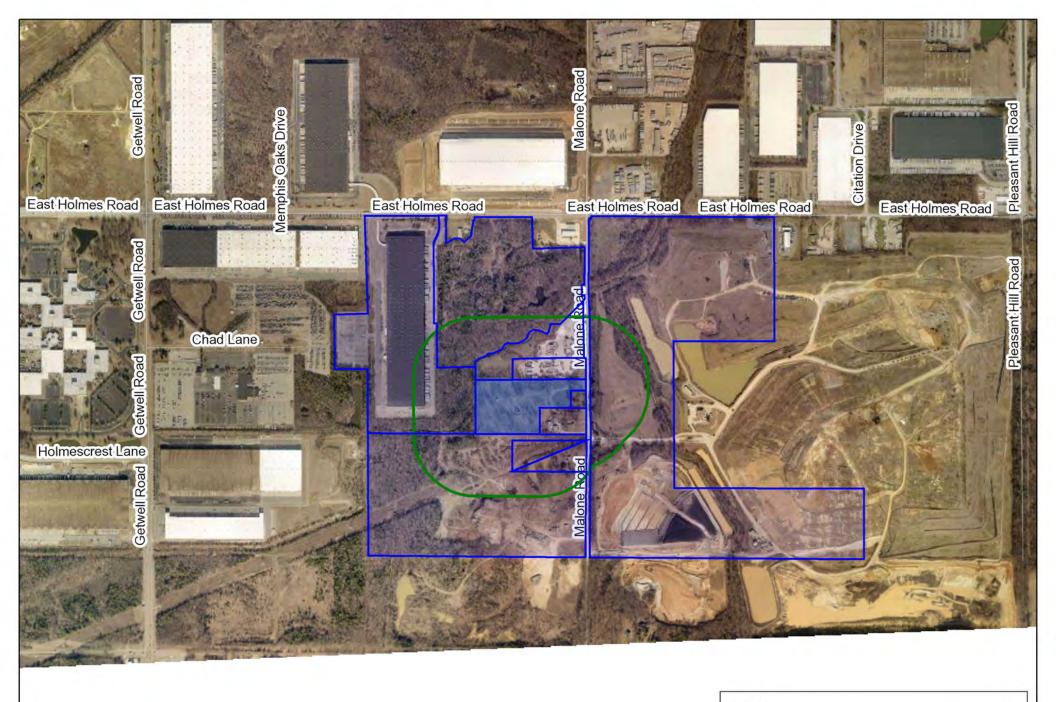
Cc: Malone Eat LLC

File

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

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

TO BE PUBLISHED:



Legend

Roads



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

2,000

3,000

4,000

1,000

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

NEERGAARD BARNEY K 9480 FORESTWOOD RD # GERMANTOWN TN 38138

JENKINS JACQUELINE PO BOX 752542 # MEMPHIS TN 38175

JENKINS JACQUELINE PO BOX 752542 # MEMPHIS TN 38175

ECONOMIC DEVELOPMENT GROWTH INDUSTRIAL PO BOX 20197 # ATLANTA GA 30325

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

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

BFI WASTE SYSTEMS PO BOX 29246 # PHOENIX AZ 85038

MALONE EAT LLC PO BOX 752542 # MEMPHIS TN 38175

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