

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/07/2023

DATE

PUBLIC SESSION: 11/07/2023

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 planned development at the subject property located at 7057 Shelby Drive, known as case number PD 23-020.

CASE NUMBER: PD 2023-020

DEVELOPMENT: The Villages of Bennington Planned Development, 1st Amendment

LOCATION: 7057 Shelby Drive

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

OWNER/APPLICANT: Focal Point Investment, LLC

REPRESENTATIVE: Dedrick Brittenum, Brittenum Law

REQUEST: Amendment to The Villages of Bennington PD to allow self-service storage

AREA: +/- 6.386 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**
Public hearing – November 7, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>10/12/2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT # _____
<u>\$</u>	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

<u> </u>	<u> </u>	<u> </u>
	<i>DATE</i>	<i>POSITION</i>
<u> </u>	<u> </u>	PRINCIPAL PLANNER
<u> </u>	<u> </u>	DEPUTY ADMINISTRATOR
<u> </u>	<u> </u>	ADMINISTRATOR
<u> </u>	<u> </u>	DIRECTOR (JOINT APPROVAL)
<u> </u>	<u> </u>	COMPTROLLER
<u> </u>	<u> </u>	FINANCE DIRECTOR
<u> </u>	<u> </u>	CITY ATTORNEY
<u> </u>	<u> </u>	<i>CHIEF ADMINISTRATIVE OFFICER</i>
<u> </u>	<u> </u>	<i>COMMITTEE CHAIRMAN</i>



Memphis City Council Summary Sheet

PD 23-020

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT THE SUBJECT PROPERTY LOCATED AT 7057 SHELBY DRIVE, KNOWN AS CASE NUMBER PD 23-20

- This item is a resolution with conditions to allow an amendment to The Villages of Bennington PD to allow self-service storage; 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, October 12, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 23-20 Corr. 84-385

DEVELOPMENT: The Villages of Bennington Planned Development

LOCATION: 7057 Shelby Drive

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

OWNER/APPLICANT: Focal Point Investment, LLC

REPRESENTATIVE: Dedrick Brittenum, Brittenum Law

REQUEST: Amendment to The Villages of Bennington PD to allow self-service storage

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

AREA: +/-6.386 acres

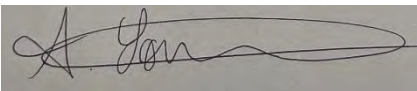
The following spoke in support of the application: None

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 unanimous vote of 8-0 heard on the regular agenda.**

Respectfully,



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

Cc: Committee Members
File

PD 23-20
CONDITIONS

Outline Plan Conditions

Outline Plan Conditions

I. Uses Permitted:

- a. Any use permitted by right or by administrative site plan review in the Commercial Mixed Use (CMU-3) District.
- i. Permitted Accessory Activities for the self-storage includes the sale of items by the self-storage operator that are accessory to the self-storage use (cardboard boxes, packing materials, tape are typical examples) shall be permitted.
- ii. Prohibited Activities include but are not limited to the following:
 1. No activities other than the rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
 2. Auctions except as required by state law.
 3. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 4. The operation by a lessee of power tools, spray painting equipment, table saws, laths, compressors, welding equipment, kilns, or other similar equipment.
 5. The establishment of a transfer and storage business.
 6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 7. The storage of hazardous chemicals or materials including filled gasoline and propane storage tanks.
 8. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.

II. Bulk Regulations

- a. The bulk regulations of the CMU-3 District shall apply.

III. Landscaping, Screening, and Building Design:

- a. A detailed landscaping and screening plan shall be submitted for the review and approval of the Office of Planning and Development with the Final Plat.
- b. A Class III Type C buffer shall be along the east property line that abuts residential zoning.
- c. A Type S-10 Streetscape shall be along East Shelby Drive and Gleneagles Road.

IV. Signs:

- a. Signs shall be regulated in accordance with the requirements of the CMU-1 District.
 - i. One detached ground mounted monument sign.
- b. All signs shall be set back a minimum of 15 feet from right of way.

V. Drainage

- a. Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Manual.
- b. 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 or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures

VI. A Final Plan shall be filed within five years of the approval of the Outline Plan.

VII. Site Plan Review by the Land Use Control Board:

- a. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to

approval of any final plan.

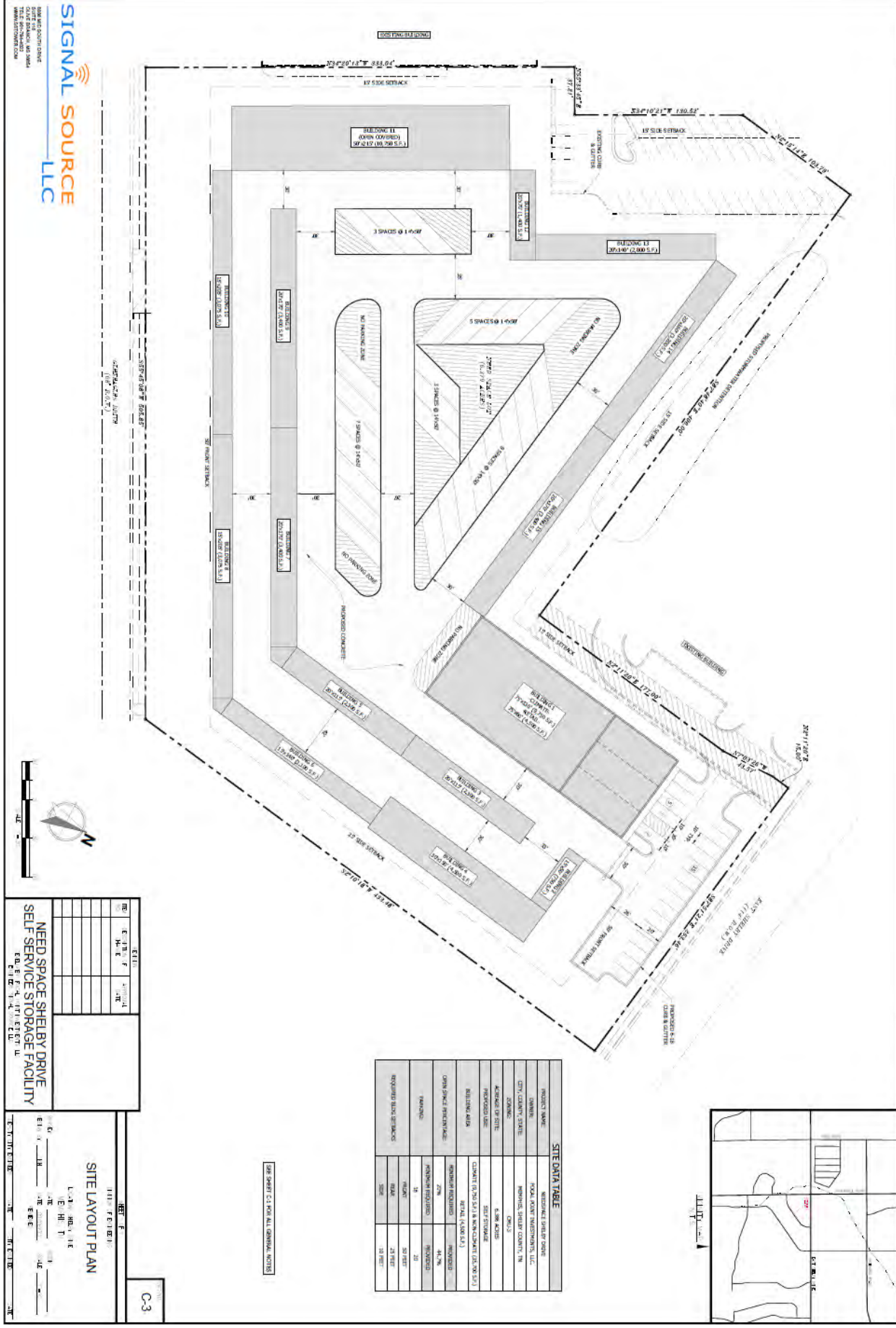
b. The site plan shall be submitted at least 35 days prior to a Land Use Control Board meeting and shall include the following information:

i. The location, dimensions, floor area and height of all buildings, structures, signs and parking areas.

ii. The proposed exterior appearance of buildings and signs.

iii. Proposed means of access and circulation of automobile and pedestrian traffic.

CONCEPT PLAN



SIGNAL SOURCE LLC

3000 W. SOUTH DRIVE
SUITE 200, P.O. BOX 100
TULSA, OKLAHOMA 74116
TEL: (918) 438-0000

**NEED SPACE SHELBY DRIVE
SELF SERVICE STORAGE FACILITY**

DATE: 11.14.2018
DRAWN BY: [Name]

SITE LAYOUT PLAN

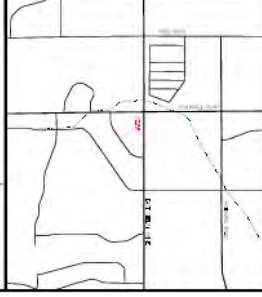
SCALE: 1/8" = 1'-0"

DATE: 11.14.2018

PROJECT: NEED SPACE SHELBY DRIVE SELF SERVICE STORAGE FACILITY

SITE DATA TABLE

PROJECT NAME:	NEED SPACE SHELBY DRIVE
OWNER:	FOCUS COMM DEVELOPMENT, LLC
CITY/COUNTY:	WAGON MOUNTAIN COUNTY, TN
ADDRESS:	00000
APPROVED BY SITE:	00000
APPROVED DATE:	00000
BUILDING AREA:	00000
OTHER SPACE REQUIREMENTS:	00000
FINANCING:	00000
REQUIRED BULK SERVICES:	00000
PHONE:	00000
FAX:	00000
CELL:	00000



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 7057 SHELBY DRIVE, KNOWN AS CASE NUMBER PD 23-020, CORRESPONDING TO PD 84-385

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, Focal Point Investment, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow an amendment to The Villages of Bennington PD to allow self-service storage; 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 October 12, 2023, 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.

ATTEST:

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

OUTLINE PLAN CONDITIONS

Outline Plan Conditions

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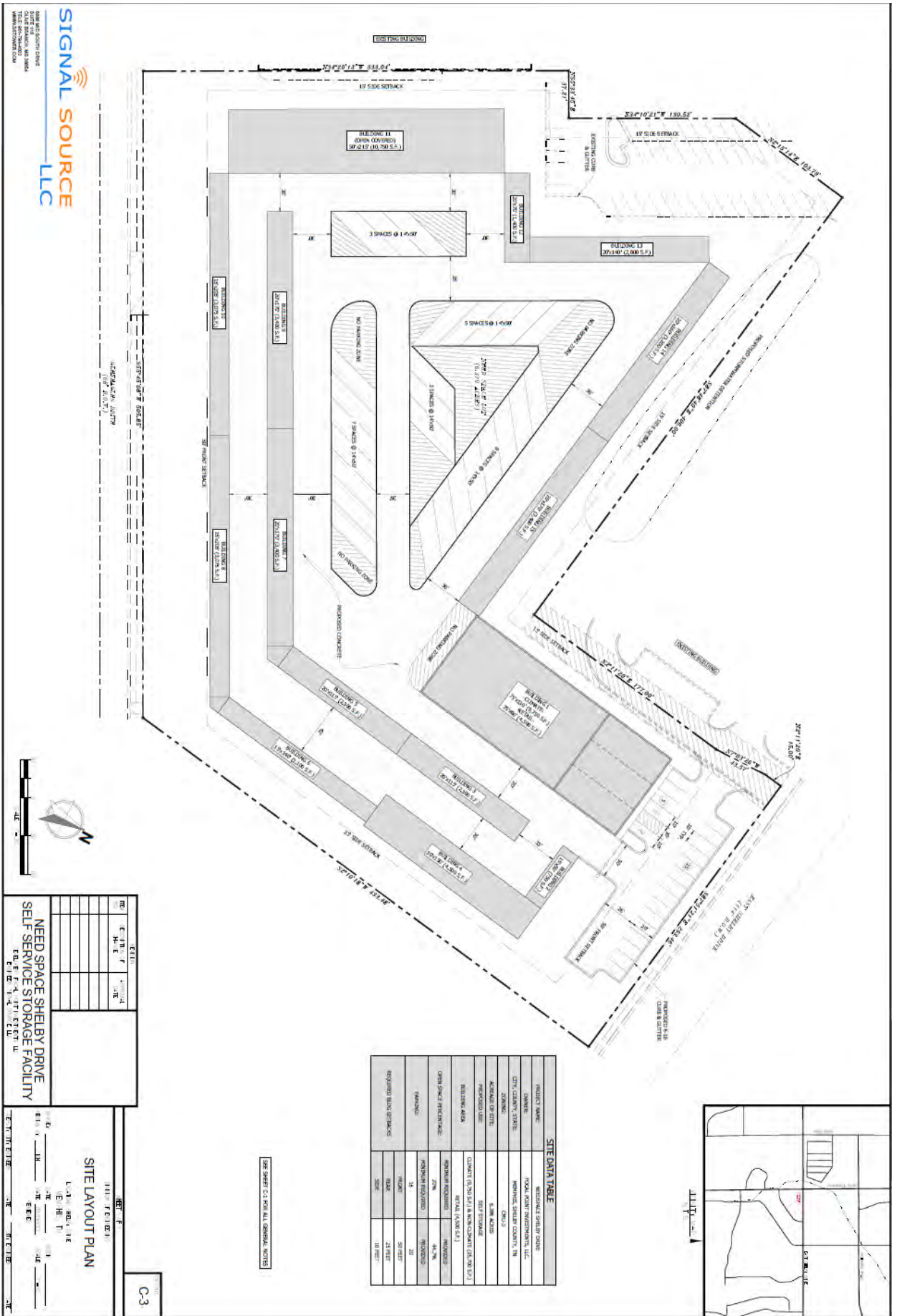
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 - ii. The proposed exterior appearance of buildings and signs.
 - iii. Proposed means of access and circulation of automobile and pedestrian traffic.

CONCEPT PLAN



SIGNAL SOURCE LLC
 1000 W. 10TH STREET, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 WWW.SIGNALSOURCE.COM

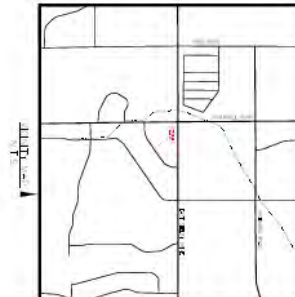
SITE DATA		
PROJECT NAME	NEED SPACE SHELBY DRIVE SELF-SERVICE STORAGE FACILITY	
CITY	DENVER	
COUNTY	DENVER	
ADDRESS	1000 W. 10TH STREET, SUITE 100	
OWNER	SIGNAL SOURCE LLC	
DESIGNER	ARCHITECTURE	
DATE	10/15/2014	

SITE DATA TABLE		
PROJECT NAME	NEED SPACE SHELBY DRIVE SELF-SERVICE STORAGE FACILITY	
CITY	DENVER	
COUNTY	DENVER	
ADDRESS	1000 W. 10TH STREET, SUITE 100	
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CITY	DENVER	
COUNTY	DENVER	
ADDRESS	1000 W. 10TH STREET, SUITE 100	
OWNER	SIGNAL SOURCE LLC	
DESIGNER	ARCHITECTURE	
DATE	10/15/2014	



C-3

AGENDA ITEM: 8

CASE NUMBER: PD 2023-020 (Corres. PD 84 – 385) **L.U.C.B. MEETING:** October 12, 2023

DEVELOPMENT: The Villages of Bennington

LOCATION: 7057 Shelby Drive

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

OWNER/APPLICANT: Focal Point Investment, LLC

REPRESENTATIVE: Dedrick Brittenum, Brittenum Law

REQUEST: Amendment to The Villages of Bennington PD to allow self-service storage

AREA: +/- 6.386 acres

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

CONCLUSIONS

1. The applicant is requesting an amendment to the existing PD to allow self-service storage.
2. This amendment is consistent with Memphis 3.0 and the Mid-South Regional Resilience Master Plan.
3. This application is subject to a final plan review.
4. There was a previous request in 2019 to allow a car wash on a portion of the site that was rejected. The proposed use was inconsistent with Memphis 3.0.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	East Shelby Drive	+/-245.8 linear feet
	Gleneagles Drive	+/-503.9 linear feet
Zoning Atlas Page:	44	
Parcel ID:	093700 00566	
Existing Zoning:	Commercial Mixed – Use (CMU-1)	

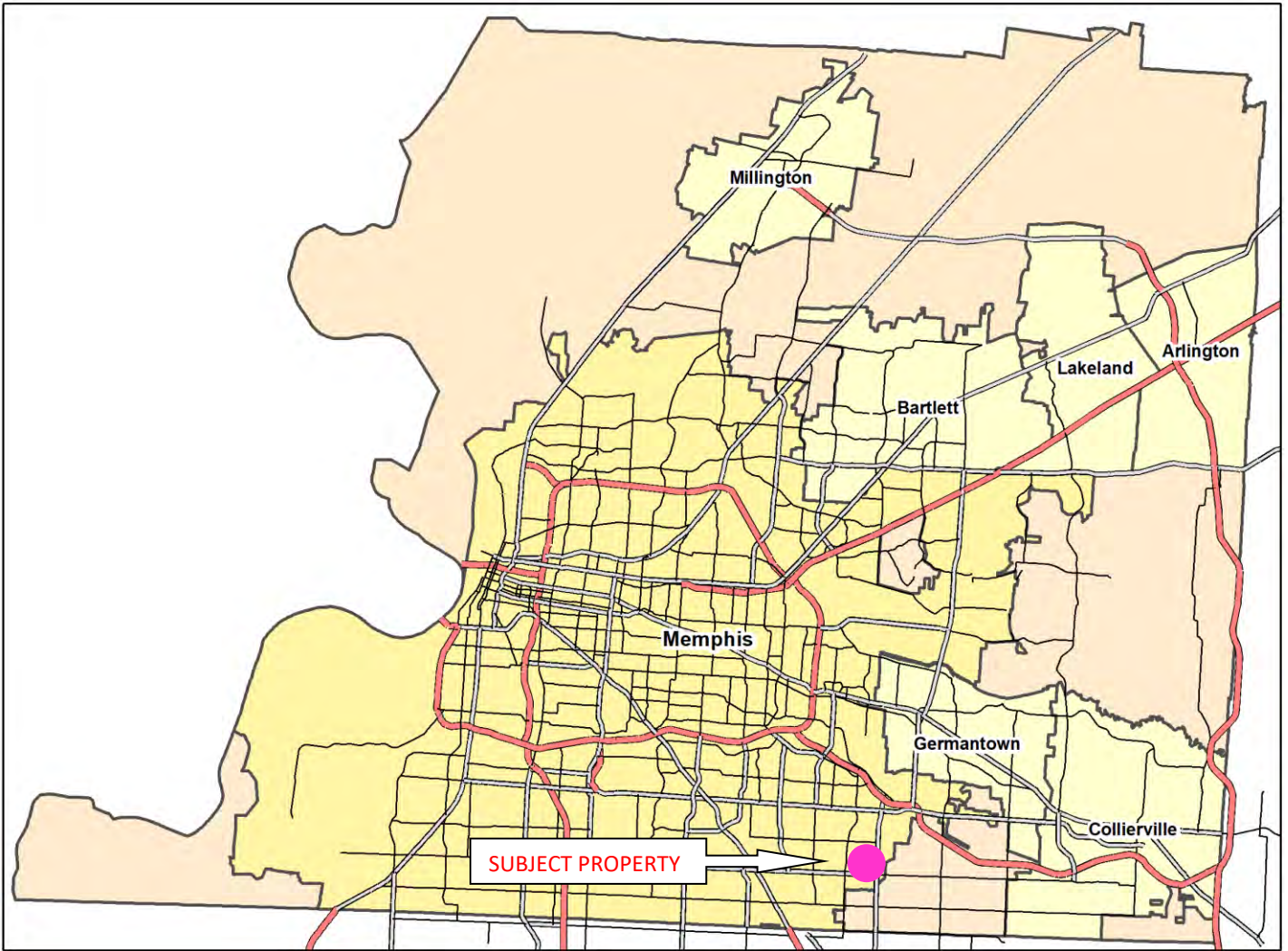
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Wednesday, September 27, 2023, at Hickory Hill Community Center, 3910 Ridegway Road.

PUBLIC NOTICE

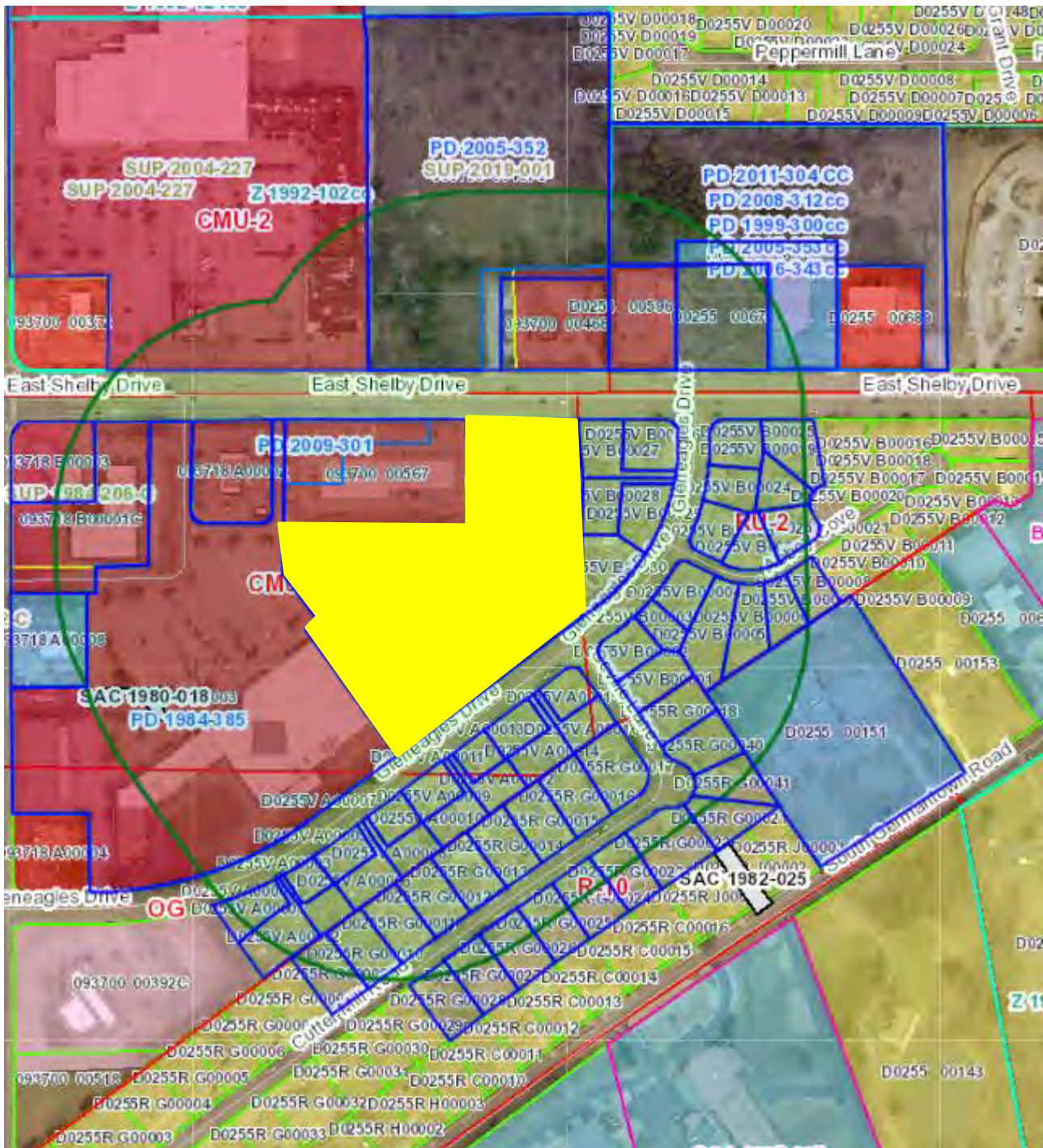
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 71 notices were mailed on September 27, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Burlington neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed – Use (CMU-1)

Surrounding Zoning

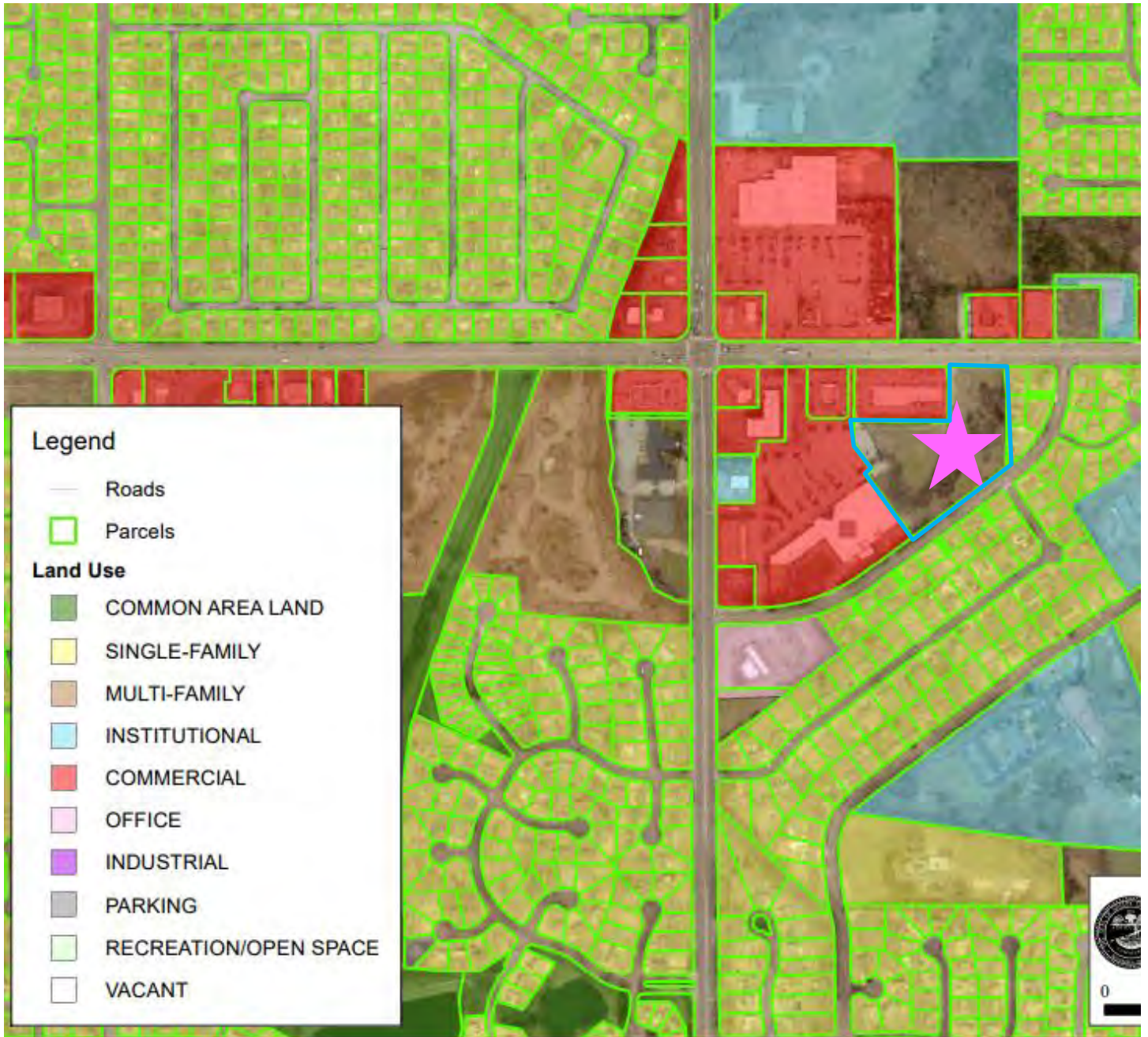
North: CMU-2

East: RU-2

South: OG

West: CMU-1

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS

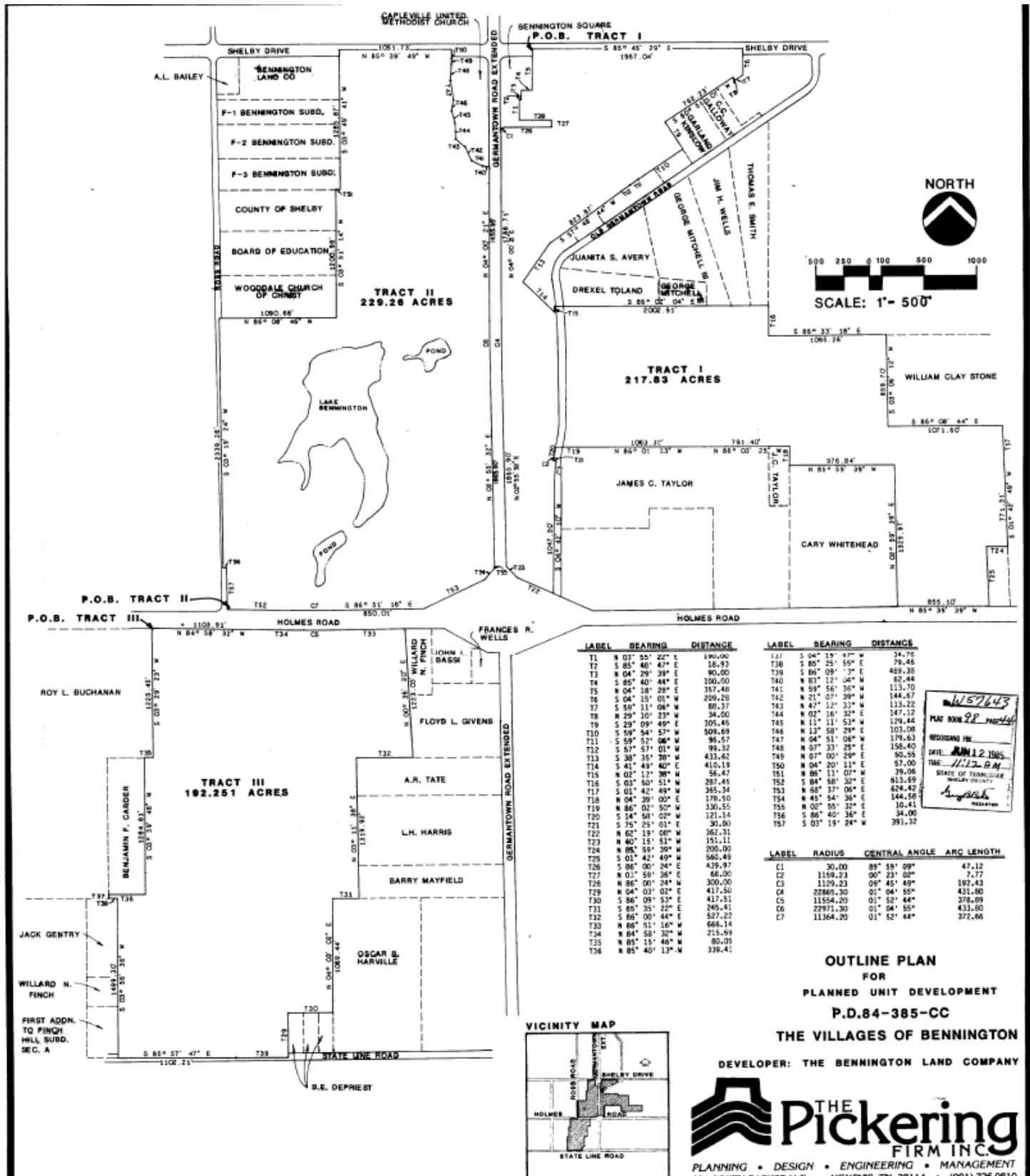


View of the subject property from East Shelby Drive

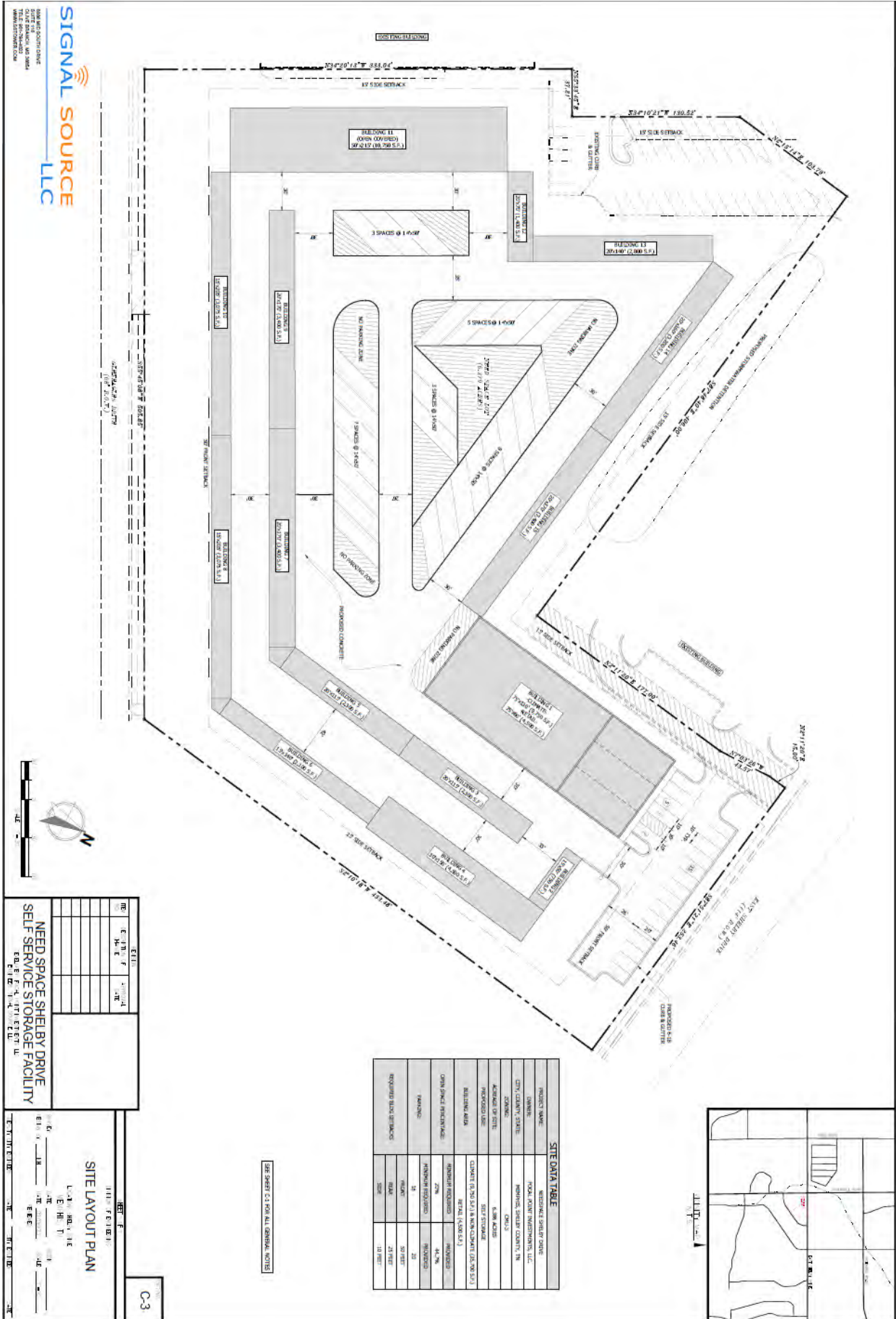


View of the subject property from Gleneagles Drive

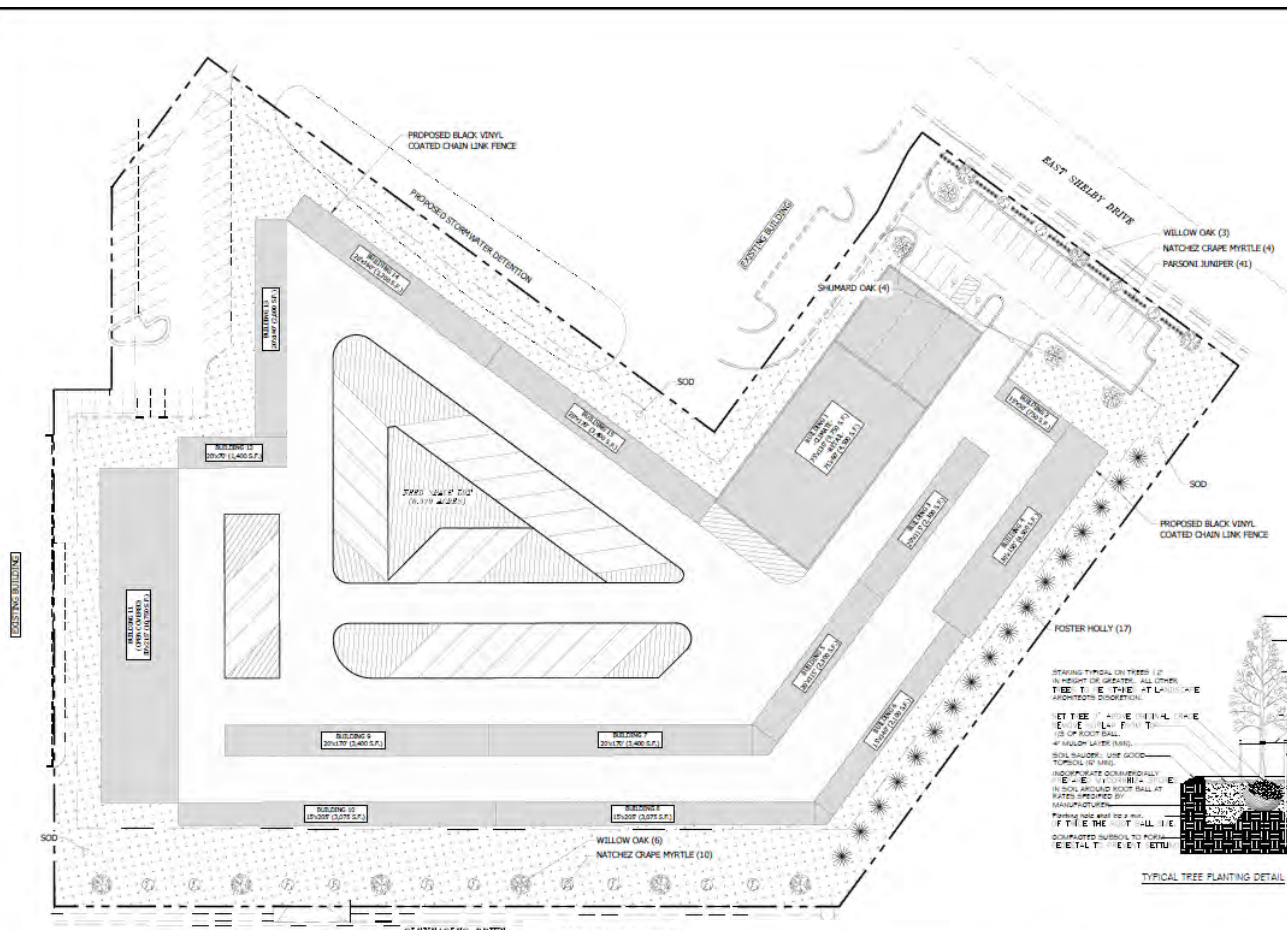
OUTLINE PLAN 1984 THE VILLAGES OF BENNINGTON



SITE PLAN 2023



LANDSCAPE PLAN



PLANT SCHEDULE

TREES	QTY	SIZE	SPACING
NATCHEZ CRAPE MYRTLE (LAGERSTRÆMIA INDICA X FAURIEL 'NATCHEZ')	14	8' HT. AS SHOWN	
WILLOW OAK (QUERCUS PHÆLOS)	9	3.5" CAL. AS SHOWN	
SHURDARD OAK (QUERCUS SHUMARDII)	4	3.5" CAL. AS SHOWN	
FOSTER HOLLY (ILEX OPACA 'FOSTERI' #2)	17	3.5" CAL. 25" O.C.	
SHRUBS	QTY	SIZE	SPACING
PARSONI JUNIPER (JUNIPERUS CHINENSIS 'PARSONI')	41	3 GAL. 36" O.C.	

LANDSCAPE NOTES:

- THE QUANTITIES OF PLANT MATERIAL SHOWN ON PLAN ARE TO SUPERCEDE THOSE LISTED IN THE PLANT MATERIAL SCHEDULE. THE LANDSCAPE CONTRACTOR SHALL CONFIRM QUANTITIES OF PLANT MATERIAL AS SHOWN PER PLAN.
- PLANTS, DESIGNATED "B&B" IN THE PLANT LIST, SHALL BE BALLED AND BURLAPPED THEY SHALL BE DUG WITH FIRM, NATURAL BALLS OF EARTH OF SUFFICIENT DIAMETER AND DEPTH TO ENCOMPASS THE FIBROUS AND FEEDING ROOT SYSTEM NECESSARY FOR FULL RECOVERY OF THE PLANT. BALLS SHALL BE FIRMLY WRAPPED WITH BURLAP OR SIMILAR MATERIAL AND BOUND WITH TWINE OR CORD.
- ONLY "HEMP" BURLAP AND TWINE SHALL BE USED. NO TREATED OR PRESERVED BURLAP OR TWINE IS ALLOWED. ALL HEMP TWINE ATTACHED TO THE TREE TRUNK IS TO BE REMOVED AFTER PLANTING. THE TOP ONE-THIRD OF THE ROOT BALL IS TO HAVE ALL BURLAP AND TWINE REMOVED.
- THE BALLS OF "B&B" PLANTS, WHICH CANNOT BE PLANTED IMMEDIATELY UPON DELIVERY, SHALL BE COVERED WITH MOIST SOIL, MULCH OR OTHER PROTECTION FROM DRYING WINDS AND SUN. ALL PLANTS SHALL BE WATERED BY THE LANDSCAPE CONTRACTOR AS NECESSARY UNTIL PLANTING.
- NO PLANT SHALL BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR DESFIGURE THE BRANCHES.
- TREE BALLS SHALL HAVE A DIAMETER IN FEET EQUAL TO 10" PER CALIPER INCH OF THE TREE TO BE TRANSPLANTED.
- ALL PLANTS SHALL BE HANDLED SO THAT ROOTS ARE ADEQUATELY PROTECTED AT ALL TIMES. DURING SHIPMENT, THE ENTIRE PLANT SHALL BE PROTECTED BY TARPAILLINS OR OTHER SUITABLE COVERING. PLANT MATERIAL SUFFERING FROM WIND BURN OR OTHER DAMAGE IS NOT ACCEPTABLE.
- NO MATERIAL, REQUIRED TO BE BALLED AND BURLAPPED, SHALL BE ACCEPTED IF THE BALL IS CRACKED OR BROKEN EITHER BEFORE OR DURING THE PROCESS OF PLANTING, OR WHEN BURLAP, STAVES, ROPES, OR PLATFORM HAVE BEEN REMOVED.
- PRIOR TO THE EXCAVATION OF PLANT PITS AND DRIVING OR PLACING OF STAKES OR DEADMEN, THE LANDSCAPE CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL ELECTRIC CABLES, CONDUITS, UTILITY LINES, ETC., AND SHALL TAKE PROPER PRECAUTIONS TO PREVENT DAMAGE TO SUCH SUBSURFACE IMPROVEMENTS. IN THE EVENT THEY ARE UNCOVERED, THE LANDSCAPE CONTRACTOR SHALL PROMPTLY NOTIFY THE PROJECT MANAGER.
- ANY SERIES OF TREES OR SHRUBS TO BE PLACED IN A PARTICULAR ARRANGEMENT WILL BE FIELD CHECKED BY LANDSCAPE ARCHITECT FOR ACCURACY. ANY PLANTS INCORRECTLY ARRANGED SHALL BE RELOCATED WITH THE LANDSCAPE ARCHITECTS APPROVAL.
- PREMERGENT HERBICIDE (TRIFLORAL OR APPROVED EQUAL) SHALL BE APPLIED (IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS) TO ALL PLANT BEDS PRIOR TO PLANTING FOR NOXIOUS WEED CONTROL.
- ALL PLANTING BEDS SHALL BE EXCAVATED TO RECEIVE A MINIMUM 4" DEEP LAYER OF MULCH EXCEPT FOR BOXWOOD WHICH SHALL HAVE A 1" LAYER OF MULCH.
- ALL PLANT MATERIAL IS TO BE GUARANTEED AND MAINTAINED FOR ONE (1) YEAR. GUARANTEE PERIOD SHALL START FROM DATE OF PROVISIONAL ACCEPTANCE BY OWNER.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WATERING AND MAINTENANCE OF ALL INSTALLED PLANT MATERIAL FOR THE ONE YEAR PERIOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ROTOTILLING ALL PLANTING BEDS TO A MINIMUM DEPTH OF 12". AMEND EXISTING SOIL WITH A COMPOSTED ORGANIC MATTER TO BRING THE ORGANIC CONTENT OF THE SOIL TO A 5% DRY WEIGHT.
- TREE PLANTING PITS: AMEND EXISTING SOIL WITH A COMPOSTED ORGANIC MATTER TO BRING THE ORGANIC CONTENT OF THE BACKFILL TO A 5% DRY WEIGHT.
- PLANTING AREAS ARE TO HAVE SOIL TESTS PERFORMED UPON THEM TO DETERMINE IF THE PROPER SOIL PH IS PRESENT. RESULTS OF THESE TESTS ARE TO BE SENT TO THE LANDSCAPE ARCHITECT. IF THE RESULTS OF THESE TESTS INDICATE AN IMPROPER PH, THE LANDSCAPE CONTRACTOR IS TO ADD LIME OR SULFUR, AS REQUIRED, TO BRING THE SOIL TO THE PROPER PH LEVEL.
- DIMENSIONS FOR HEIGHT, SPREAD AND TRUNK, AS SPECIFIED ON THE MATERIAL SCHEDULE IS A GENERAL GUIDE FOR THE MINIMUM DESIRED SIZE OF EACH PLANT.

STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is to amend the original Planned Development 1984-385 to allow low-impact self-service storage within CMU-1 zoning district.

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 in 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 Planning Director which shall be forwarded pursuant to provisions

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction

of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff 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 insure 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 Description

The subject property is +/-6.386 acres located on East Shelby Drive. The site is a part of PD 84-385 with the referenced underlying zoning of CMU-1 and it is vacant land. There is an existing curb cut around the center of the site's frontage along Gleneagles Drive that will be closed. The parcel was included in Tract I of PD 84-385 and in area outlined as Gleneagles Center.

Site Plan Review

- A detailed site plan review will be completed during the final plan review process.

Conclusions

1. The applicant is requesting an amendment to the existing PD to allow self-service storage.
2. This amendment is consistent with Memphis 3.0 and the Mid-South Regional Resilience Master Plan.
3. This application is subject to a final plan review.
4. There was a previous request in 2019 to allow a car wash on a portion of the site that was rejected. The proposed use was inconsistent with Memphis 3.0.

RECOMMENDATION

Staff recommends approval with site plan conditions:

1. The site plan submitted for final review should note the access point along East Shelby Drive.
2. The site plan submitted for final review should show the closure of the access point shown on Gleneagles Drive.

Site Conditions

Outline Plan Conditions

Outline Plan Conditions

I. Uses Permitted:

- a. Any use permitted by right or by administrative site plan review in the Commercial Mixed Use (CMU-3) District.
 - i. Permitted Accessory Activities for the self-storage includes the sale of items by the self-storage operator that are accessory to the self-storage use (cardboard boxes, packing materials, tape are typical examples) shall be permitted.
 - ii. Prohibited Activities include but are not limited to the following:
 1. No activities other than the rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
 2. Auctions except as required by state law.
 3. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 4. The operation by a lessee of power tools, spray painting equipment, table saws, laths, compressors, welding equipment, kilns, or other similar equipment.
 5. The establishment of a transfer and storage business.
 6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 7. The storage of hazardous chemicals or materials including filled gasoline and propane storage tanks.
 8. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.

II. Bulk Regulations

- a. The bulk regulations of the CMU-3 District shall apply.

III. Landscaping, Screening, and Building Design:

- a. A detailed landscaping and screening plan shall be submitted for the review and approval of the Office of Planning and Development with the Final Plat.
- b. A Class III Type C buffer shall be along the east property line that abuts residential zoning.
- c. A Type S-10 Streetscape shall be along East Shelby Drive and Gleneagles Road.

IV. Signs:

- a. Signs shall be regulated in accordance with the requirements of the CMU-1 District.

- i. One detached ground mounted monument sign.
- b. All signs shall be set back a minimum of 15 feet from right of way.

V. Drainage

- a. Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Manual.
- b. 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 or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures

VI. A Final Plan shall be filed within five years of the approval of the Outline Plan.

VII. Site Plan Review by the Land Use Control Board:

- a. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to approval of any final plan.
- b. The site plan shall be submitted at least 35 days prior to a Land Use Control Board meeting and shall include the following information:
 - i. The location, dimensions, floor area and height of all buildings, structures, signs and parking areas.
 - ii. The proposed exterior appearance of buildings and signs.
 - iii. Proposed means of access and circulation of automobile and pedestrian traffic.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

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

Traffic Control Provisions:

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

6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration

of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

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

Curb Cuts/Access:

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

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

10. Will require engineering ASPR.

Drainage:

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

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

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

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

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

General Notes:

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

17. Development is greater than 1 acre and will require detention.

18. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

19. All connections to the sewer shall be at manholes only.

20. 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.

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

City/County Fire Division:

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

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:

Located in Zone 1 of the Resilience Zone Framework:

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

According to aerial photography, the site currently has a moderate amount of tree cover. The submitted site plan shows that there will be some replanting as part of the final site design, particularly along the eastern and southern property lines.

The site is currently cleared and vacant, so any development on the site would increase the amount of impervious surfaces on the site.

The applicant has included plans for an area reserved for stormwater detention.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This application is generally consistent with the Mid-South Regional Resilience Master Plan. The site is located in Zone 1, where development is encouraged, which is consistent with Section 4.1 – Resilient Sites. However, the plan as proposed increases the amount of impervious surfaces, which would be in conflict with the recommendations of Section 2.3 – Low-Impact Development.

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

Recommendations: Staff recommends the incorporation of Low-Impact Development (LID) techniques in the design of the site, particularly in the central parking areas surrounded by the storage buildings.

Office of Comprehensive Planning: See page 20 – 22

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 23-20: Burlington](#)

Site Address/Location: 7057 Shelby Dr

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant is requesting a Planned Development Amendment to allow a low-impact, self-storage facility to serve the surrounding area.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height.

"CSL" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Single-family, Commercial and Vacant Land; CMU-1, RU-2, RU-2 and R-10

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

3. Degree of Change Map



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

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

Consistency Analysis Summary

The applicant is requesting a Planned Development Amendment to allow a low-impact, self-storage facility to serve the surrounding area.

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: September 8, 2023

Record Number: PD 2023-020

Expiration Date:

Record Name: The Villages of Bennington PD Amendment

Description of Work: A proposed Planned Development Amendment to allow a low-impact, self-storage facility to serve the surrounding area. We are requesting approval to add self-storage to the list of approved uses within the Gleneagles Center/Village of Red Maples section of the PD.

Parent Record Number:

Address:

7057 SHELBY DR, MEMPHIS 38125

Owner Information

Primary Owner Name

Y LWA LLC

Owner Address

7886 WINCHESTER RD, MEMPHIS, TN 38125

Owner Phone

Parcel Information

093700 00566

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Norman Saliba

Date of Meeting

07/29/2023

Pre-application Meeting Type

In Person

GENERAL PROJECT INFORMATION

Planned Development Type Amendment to Existing PD

Previous Docket / Case Number 84-383-CC

Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres? N/A

(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter 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 THE PROJECT WILL SERVE THE SURROUNDING AREA IN A BENEFICIAL WAY AND WILL NOT ADVERSELY AFFECT THE ALL OF THE ABOVE MENTIONED CRITERIA IN A NEGATIVE WAY.

UDC Sub-Section 9.6.9B THE PROJECT WILL BE CONSTRUCTED AND ARRANGED SO AS TO NO INTERFERE WITH THE DEVELOPMENT AND/OR USE OF ADJACENT PROPERTIES.

UDC Sub-Section 9.6.9C THE PROJECT IS ADEQUATELY SERVED BY AVAILABLE INFRASTRUCTURE.

UDC Sub-Section 9.6.9D THERE ARE NO KNOWN FEATURES THAT EXIST ON SITE.

UDC Sub-Section 9.6.9E THE PROJECT COMPLIES WITH ALL KNOWN PROVISIONS.

UDC Sub-Section 9.6.9F THE PROJECT WILL NOT VIOLATE THE CHARACTER OF THE EXISTING STANDARDS FOR DEVELOPMENT OF ADJACENT PROPERTIES.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A THE PROJECT WILL SERVE THE SURROUNDING AREA IN A BENEFICIAL WAY AND WILL NOT ADVERSELY AFFECT THE ALL OF THE ABOVE MENTIONED CRITERIA IN A NEGATIVE WAY.

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 REFER TO RESPONSE ABOVE (UDC 9.6.9.C)

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be UNDERSTOOD

GENERAL PROVISIONS

compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

THE PROJECT IS IN THE BEST INTEREST OF THE PUBLIC.

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

UNDERSTOOD

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

UNDERSTOOD

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
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

Contact Information

Name

LOCAL POINT INVESTMENTS, LLC.

Contact Type

APPLICANT

Address

Phone

LETTER OF INTENT

Brittenuum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
dbj@brittenuumlaw.com

8 September 2023

Mr. Brett Ragsdale
Administrator, Zoning / Urban Design
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 476
Memphis, TN 38103

Via Hand Delivery

RE: Planned Development Amendment Application
The Villages of Bennington Planned Development P.D. 84-385-CC
Memphis, Tennessee

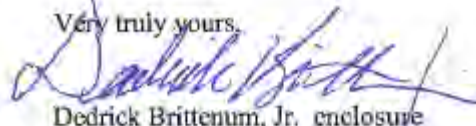
Dear Administrator Ragsdale:

I represent Focal Point Investments, Inc. of Olive Branch, Mississippi for a Planned Development Amendment application to develop a portion of the above tract for self-storage use. The request is to add self-storage to the list of approved uses within the Gleanegles Center/Village of Red Maples section of the PD. The subject site is 6.386 acres and was approved in the mid-1980's with C-L uses, now CMU-1. The property is vacant and a self-storage use requires CMU-3 zoning. It is in a vicinity that currently has residential zoning to the east with high density commercial to the west. The site sits on the south side of Shelby Drive east of Germantown Road Extended.

The application seeks approval for a low impact, self-storage facility to serve the surrounding area. The Memphis 3.0 Comprehensive Plan, Future Land Use Planning Map recommends low intensity commercial and services as a land use category for the area. The facility site is located within an existing designated commercial center and will have value-added improvements. Please find enclosed the Land Use Control Board Planned Development Application with supporting documents. Your favorable recommendations is requested for this case.

Thank you for your attention and should you have questions or comments, please advise. I remain,

Very truly yours,



Dedrick Brittenuum, Jr. enclosure

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, KYLE HAM, being duly sworn, depose and say that at 11:24 am/pm on the 15TH day of SEPTEMBER, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 23-020 at 7057 East Shelby Drive, providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

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

KYLE HAM
Owner, Applicant or Representative

09/15/2023
Date

Subscribed and sworn to before me this 15 day of September, 2023.

Shelli Thomas
Notary Public

My commission expires: 9/23/2026



LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

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Primary Owner Name

Y LWA LLC

Owner Address

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Owner Phone

Parcel Information

093700 00566

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Norman Saliba

Date of Meeting

07/29/2023

Pre-application Meeting Type

In Person

GENERAL PROJECT INFORMATION

Planned Development Type
Amendment to Existing PD
Previous Docket / Case Number
84-383-CC
Medical Overlay / Uptown
No
If this development is located in unincorporated
N/A
Shelby County, is the tract at least three acres?
(Note a tract of less than three acres is not
eligible for a planned development in
unincorporated Shelby County)

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
THE PROJECT WILL SERVE THE
SURROUNDING AREA IN A BENEFICIAL WAY
AND WILL NOT ADVERSELY AFFECT THE ALL
OF THE ABOVE MENTIONED CRITERIA IN A
NEGATIVE WAY.

UDC Sub-Section 9.6.9B
THE PROJECT WILL BE CONSTRUCTED AND
ARRANGED SO AS TO NO INTERFERE WITH
THE DEVELOPMENT AND/OR USE OF
ADJACENT PROPERTIES.

UDC Sub-Section 9.6.9C
THE PROJECT IS ADEQUATELY SERVED BY
AVAILABLE INFRASTRUCTURE.

UDC Sub-Section 9.6.9D
THERE ARE NO KNOWN FEATURES THAT
EXIST ON SITE.

UDC Sub-Section 9.6.9E
THE PROJECT COMPLIES WITH ALL KNOWN
PROVISIONS.

UDC Sub-Section 9.6.9F
THE PROJECT WILL NOT VIOLATE THE
CHARACTER OF THE EXISTING STANDARDS
FOR DEVELOPMENT OF ADJACENT
PROPERTIES.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A
THE PROJECT WILL SERVE THE
SURROUNDING AREA IN A BENEFICIAL WAY
AND WILL NOT ADVERSELY AFFECT THE ALL
OF THE ABOVE MENTIONED CRITERIA IN A
NEGATIVE WAY.

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
REFER TO RESPONSE ABOVE (UDC 9.6.9.C)

C) The location and arrangement of the
structures, parking and loading areas, walks,
lighting and other service facilities shall be
UNDERSTOOD

GENERAL PROVISIONS

compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

THE PROJECT IS IN THE BEST INTEREST OF THE PUBLIC.

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

UNDERSTOOD

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

UNDERSTOOD

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
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

Contact Information

Name
FOCAL POINT INVESTMENTS, LLC.

Contact Type
APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1500597	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	09/08/2023
1500597	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	09/08/2023

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

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

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

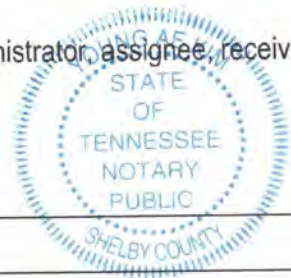
I, Dong Lee (Print Name) Dong Lee (Sign Name), state that I have read the definition of

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

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

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

of the property located at EAST SHELBY DRIVE & GLENEAGLES DRIVE
and further identified by Assessor's Parcel Number 093700 00566
for which an application is being made to the Division of Planning and Development.



Subscribed and sworn to (or affirmed) before me this 24th day of AUGUST in the year of 2023.

[Signature]
Signature of Notary Public

MY COMMISSION EXPIRES SEPTEMBER 23, 2026

My Commission Expires

Brittenum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

8 September 2023

Mr. Brett Ragsdale
Administrator, Zoning / Urban Design
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 476
Memphis, TN 38103

Via Hand Delivery

RE: Planned Development Amendment Application
The Villages of Bennington Planned Development P.D. 84-385-CC
Memphis, Tennessee

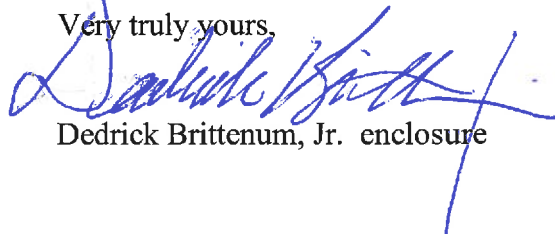
Dear Administrator Ragsdale:

I represent Focal Point Investments, Inc. of Olive Branch, Mississippi for a Planned Development Amendment application to develop a portion of the above tract for self-storage use. The request is to add self-storage to the list of approved uses within the Gleaneagles Center/ Village of Red Maples section of the PD. The subject site is 6.386 acres and was approved in the mid-1980's with C-L uses, now CMU-1. The property is vacant and a self-storage use requires CMU-3 zoning. It is in a vicinity that currently has residential zoning to the east with high density commercial to the west. The site sits on the south side of Shelby Drive east of Germantown Road Extended.

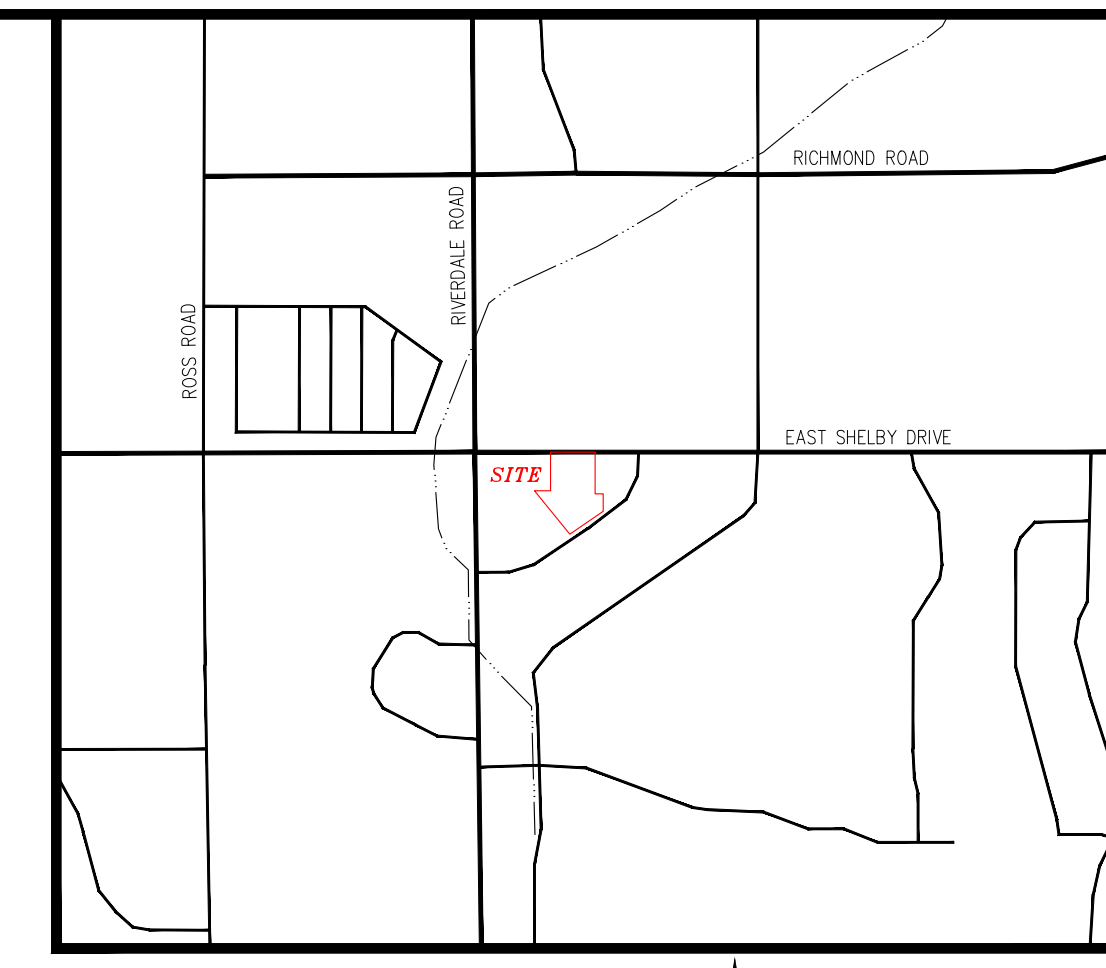
The application seeks approval for a low impact, self-storage facility to serve the surrounding area. The Memphis 3.0 Comprehensive Plan, Future Land Use Planning Map recommends low intensity commercial and services as a land use category for the area. The facility site is located within an existing designated commercial center and will have value-added improvements. Please find enclosed the Land Use Control Board Planned Development Application with supporting documents. Your favorable recommendations is requested for this case.

Thank you for your attention and should you have questions or comments, please advise. I remain,

Very truly yours,



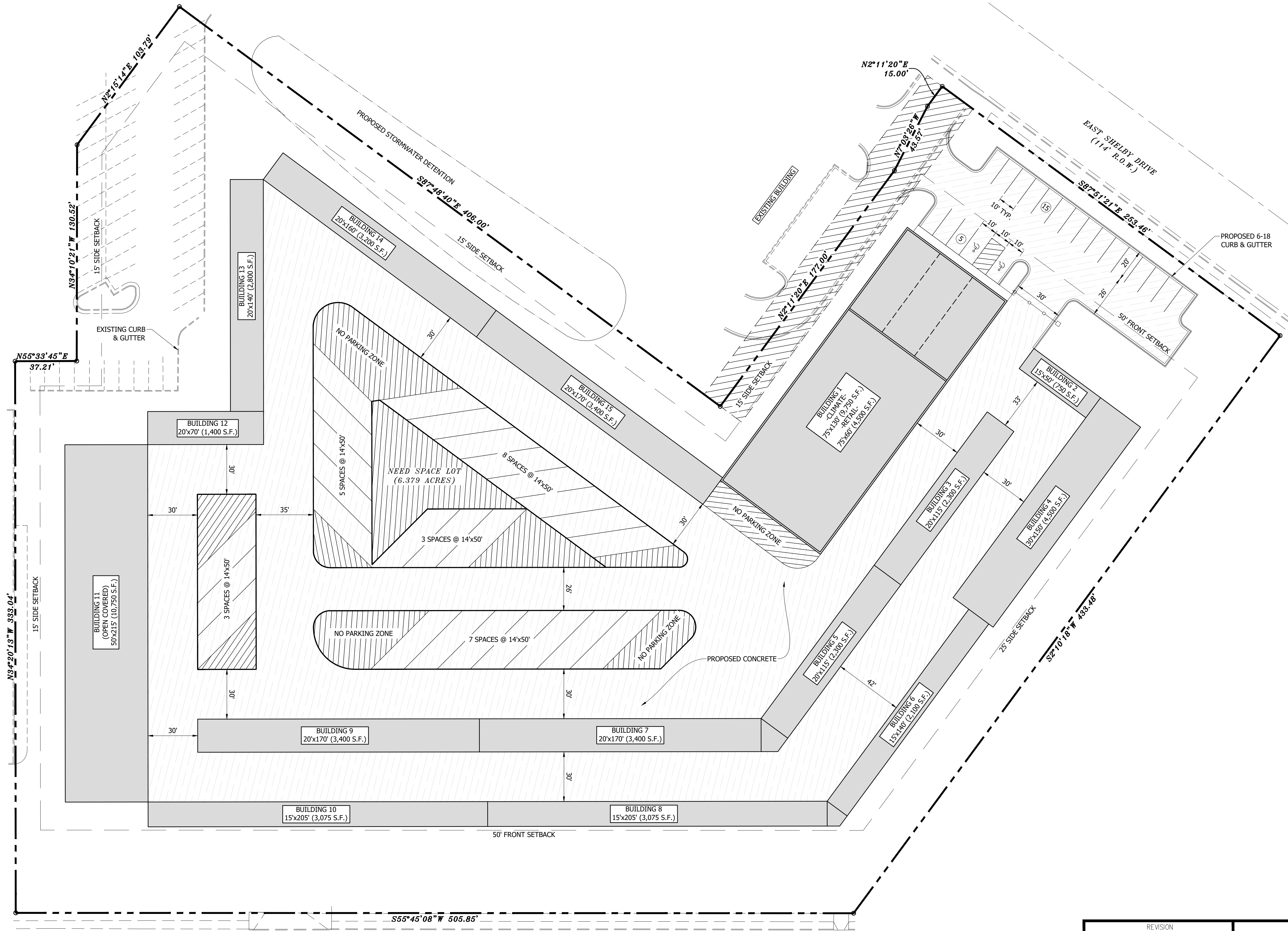
Dedrick Brittenum, Jr. enclosure



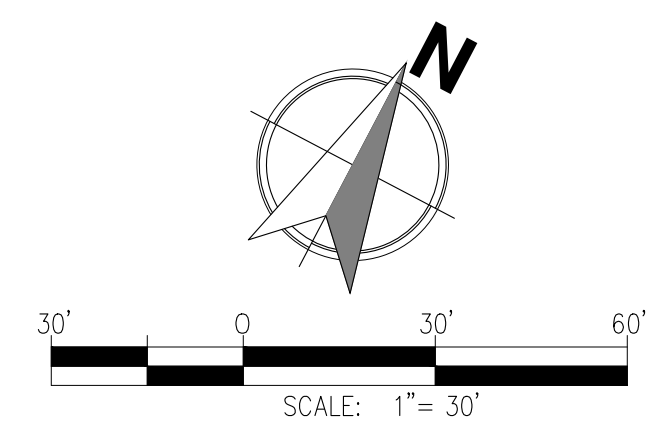
VICINITY MAP
N.T.S.

SITE DATA TABLE		
PROJECT NAME:	NEEDSPACE SHELBY DRIVE	
OWNER:	FOCAL POINT INVESTMENTS, LLC.	
CITY, COUNTY, STATE:	MEMPHIS, SHELBY COUNTY, TN	
ZONING:	CMU-3	
ACREAGE OF SITE:	6.386 ACRES	
PROPOSED USE:	SELF STORAGE	
BUILDING AREA:	CLIMATE (9,750 S.F.) & NON-CLIMATE (35,700 S.F.) RETAIL (4,500 S.F.)	
OPEN SPACE PERCENTAGE:	MINIMUM REQUIRED	PROVIDED
	20%	44.7%
PARKING:	MINIMUM REQUIRED	PROVIDED
	16	20
REQUIRED BLDG SETBACKS	FRONT	50 FEET
	REAR	25 FEET
	SIDE	10 FEET

SEE SHEET C-1 FOR ALL GENERAL NOTES



8888 MID SOUTH DRIVE
SUITE 116
OLIVE BRANCH, MS 38654
TELE: 901-794-4022
WWW.SSTOWER.COM



REVISION		
ITEM NO.	DESCRIPTION OF CHANGE	APPROVAL DATE

**NEED SPACE SHELBY DRIVE
SELF SERVICE STORAGE FACILITY**
DEVELOPER: FOCAL POINT INVESTMENTS, LLC.
ENGINEER: SIGNAL SOURCE, LLC.

DWG NO. **C-3**

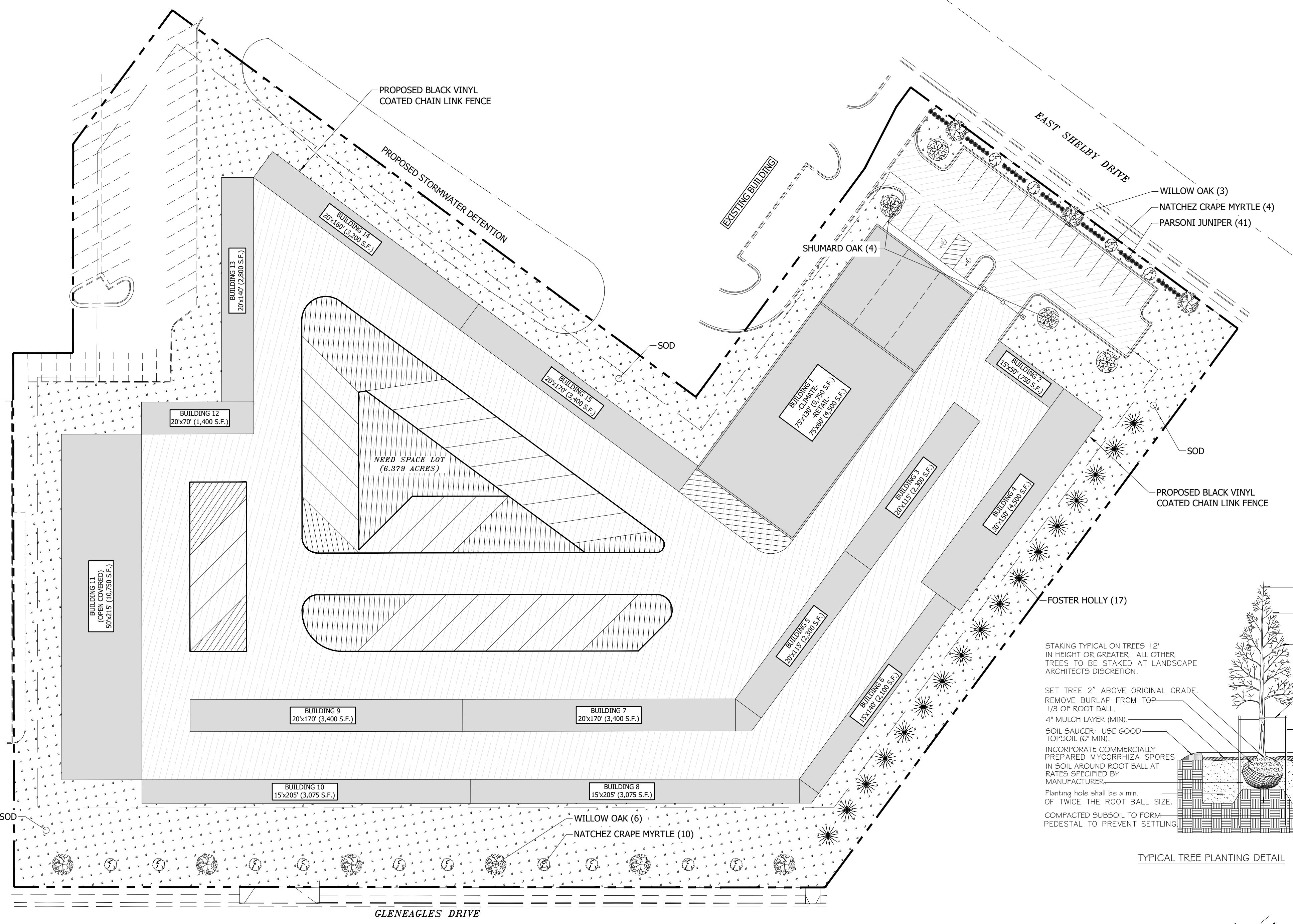
SHEET 1 OF 1
DIVISION OF ENGINEERING

SITE LAYOUT PLAN

LOCATION: SHELBY DRIVE
MEMPHIS, TN

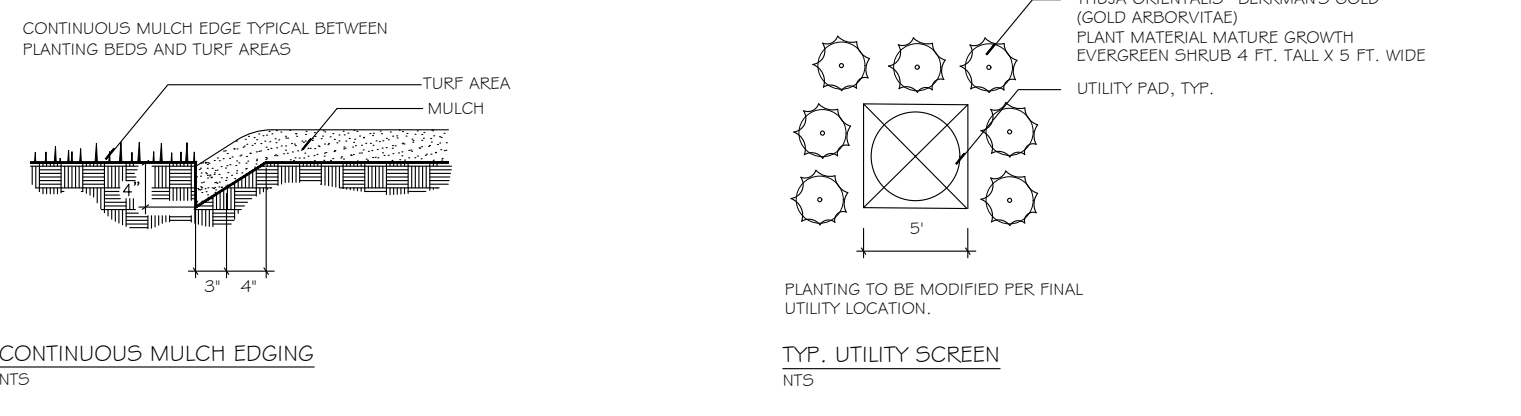
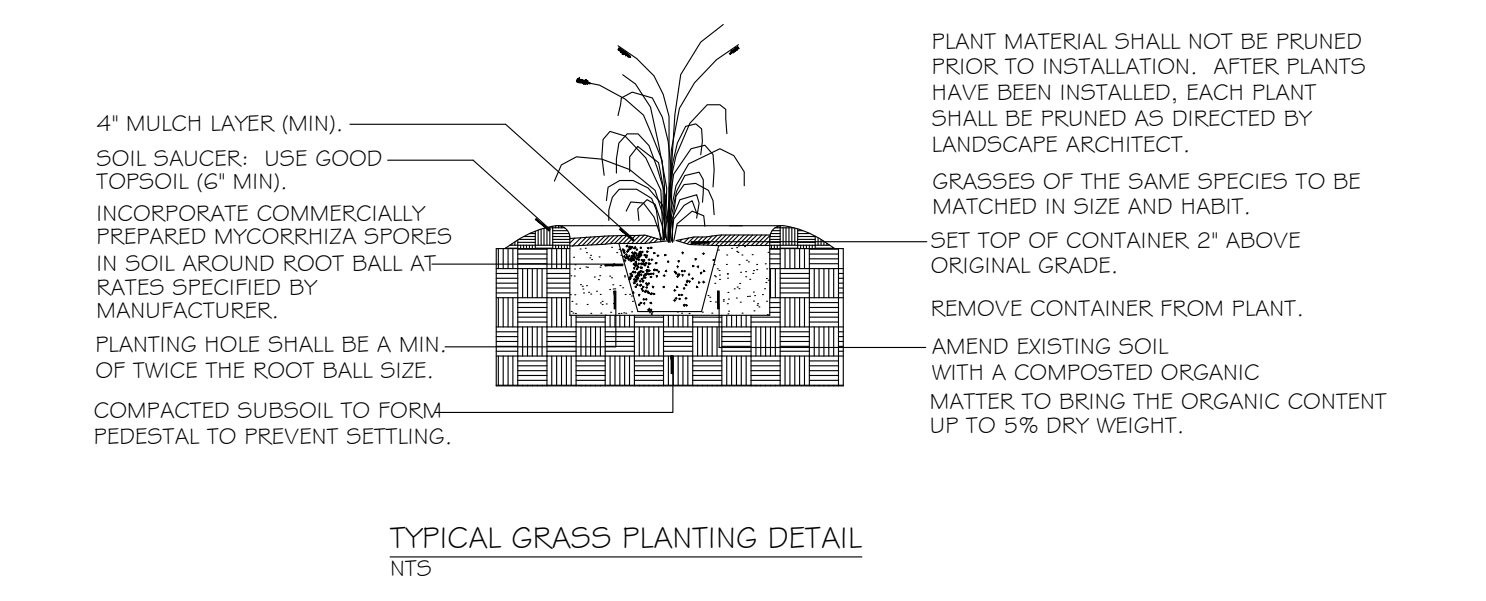
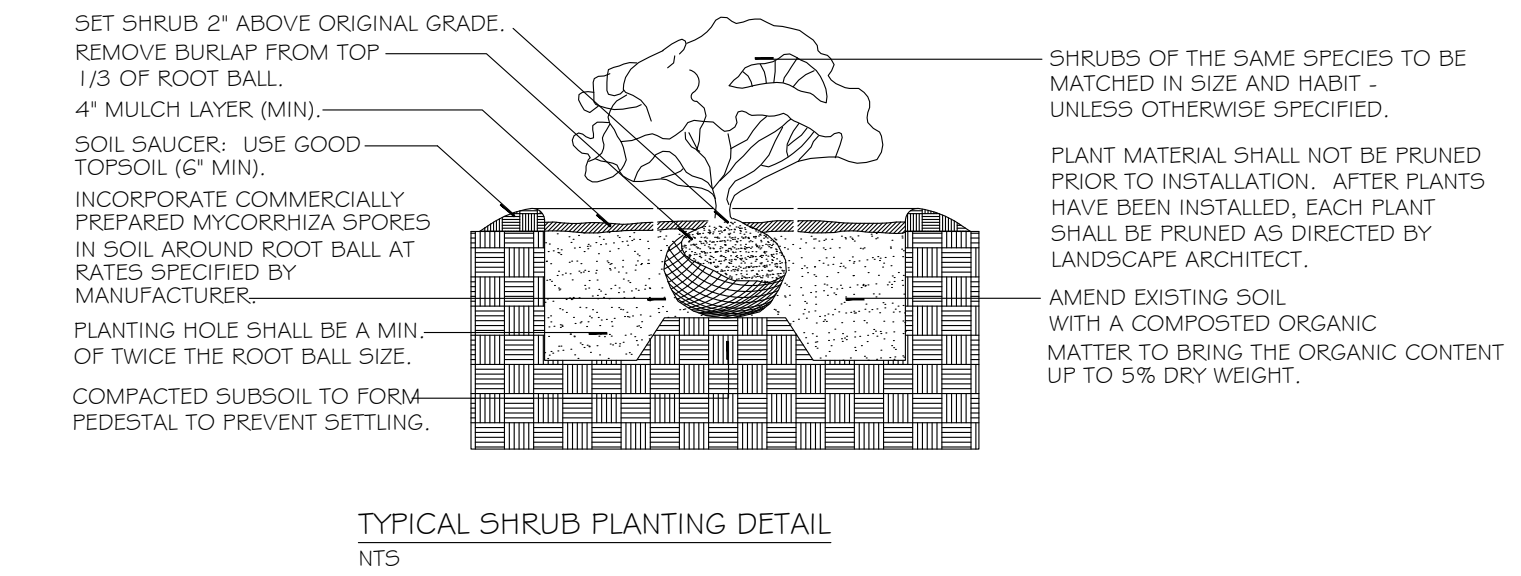
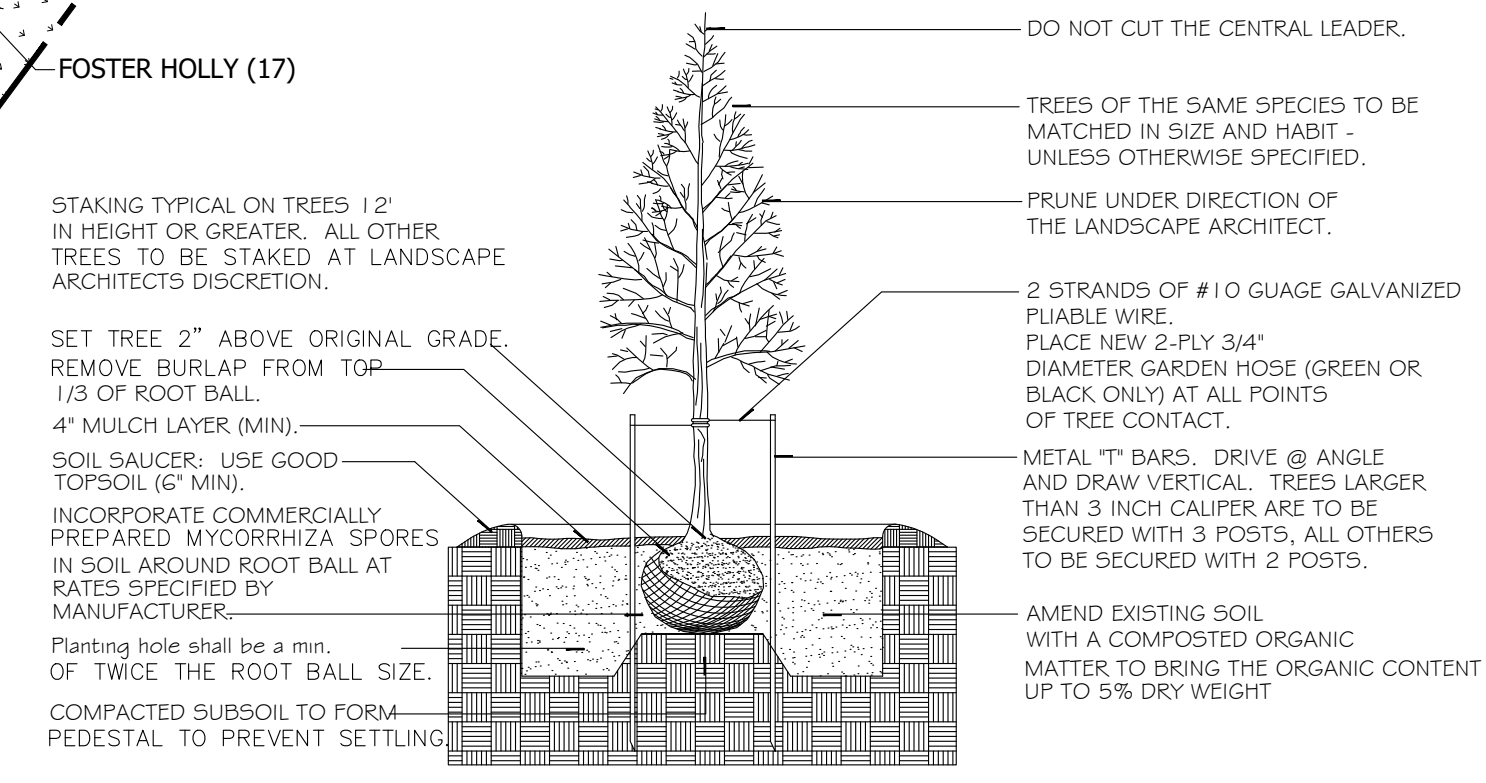
SURVEY: _____ DATE: _____ BOOK: _____
DESIGN BY: KH DATE: 09/06/23 SCALE: 1"=30'
REVIEWED: _____

DEPUTY CITY ENGINEER _____ DATE _____ CITY ENGINEER _____ DATE _____



LANDSCAPE NOTES:

- THE QUANTITIES OF PLANT MATERIAL SHOWN ON PLAN ARE TO SUPERCEDE THOSE LISTED IN THE PLANT MATERIAL SCHEDULE. THE LANDSCAPE CONTRACTOR SHALL CONFIRM QUANTITIES OF PLANT MATERIAL AS SHOWN PER PLAN.
- PLANTS, DESIGNATED "B&B" IN THE PLANT LIST, SHALL BE BALLED AND BURLAPPED. THEY SHALL BE DUG WITH FIRM, NATURAL BALLS OF EARTH OF SUFFICIENT DIAMETER AND DEPTH TO ENCOMPASS THE FIBROUS AND FEEDING ROOT SYSTEM NECESSARY FOR FULL RECOVERY OF THE PLANT. BALLS SHALL BE FIRMLY WRAPPED WITH BURLAP OR SIMILAR MATERIAL AND BOUND WITH TWINE OR CORD.
- ONLY "HEMP" BURLAP AND TWINE SHALL BE USED. NO TREATED OR PRESERVED BURLAP OR TWINE IS ALLOWED. ALL HEMP TWINE ATTACHED TO THE TREE TRUNK IS TO BE REMOVED AFTER PLANTING. THE TOP ONE-THIRD OF THE ROOT BALL IS TO HAVE ALL BURLAP AND TWINE REMOVED.
- THE BALLS OF "B&B" PLANTS, WHICH CANNOT BE PLANTED IMMEDIATELY UPON DELIVERY, SHALL BE COVERED WITH MOIST SOIL, MULCH OR OTHER PROTECTION FROM DRYING WINDS AND SUN. ALL PLANTS SHALL BE WATERED BY THE LANDSCAPE CONTRACTOR AS NECESSARY UNTIL PLANTING.
- NO PLANT SHALL BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR DISFIGURE THE BRANCHES.
- TREE BALLS SHALL HAVE A DIAMETER IN FEET EQUAL TO 10" PER CALIPER INCH OF THE TREE TO BE TRANSPLANTED.
- ALL PLANTS SHALL BE HANDLED SO THAT ROOTS ARE ADEQUATELY PROTECTED AT ALL TIMES. DURING SHIPMENT, THE ENTIRE PLANT SHALL BE PROTECTED BY TARPULINS OR OTHER SUITABLE COVERING. PLANT MATERIAL SUFFERING FROM WIND BURN OR OTHER DAMAGE IS NOT ACCEPTABLE.
- NO MATERIAL, REQUIRED TO BE BALLED AND BURLAPPED, SHALL BE ACCEPTED IF THE BALL IS CRACKED OR BROKEN EITHER BEFORE OR DURING THE PROCESS OF PLANTING, OR WHEN BURLAP, STAVES, ROPES, OR PLATFORM HAVE BEEN REMOVED.
- PRIOR TO THE EXCAVATION OF PLANT PITS AND DRIVING OR PLACING OF STAKES OR DEADMEN, THE LANDSCAPE CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL ELECTRIC CABLES, CONDUITS, UTILITY LINES, ETC., AND SHALL TAKE PROPER PRECAUTIONS TO PREVENT DAMAGE TO SUCH SUBSURFACE IMPROVEMENTS. IN THE EVENT THEY ARE UNCOVERED, THE LANDSCAPE CONTRACTOR SHALL PROMPTLY NOTIFY THE PROJECT MANAGER.
- ANY SERIES OF TREES OR SHRUBS TO BE PLACED IN A PARTICULAR ARRANGEMENT WILL BE FIELD CHECKED BY LANDSCAPE ARCHITECT FOR ACCURACY. ANY PLANTS INCORRECTLY ARRANGED SHALL BE RELOCATED WITH THE LANDSCAPE ARCHITECT'S APPROVAL.
- PREMERGENT HERBICIDE (TRIFLORAL OR APPROVED EQUAL) SHALL BE APPLIED (IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS) TO ALL PLANT BEDS PRIOR TO PLANTING FOR NOXIOUS WEED CONTROL.
- ALL PLANTING BEDS SHALL BE EXCAVATED TO RECEIVE A MINIMUM 4" DEEP LAYER OF MULCH EXCEPT FOR BOXWOOD WHICH SHALL HAVE A 1" LAYER OF MULCH.
- ALL PLANT MATERIAL IS TO BE GUARANTEED AND MAINTAINED FOR ONE (1) YEAR. GUARANTEE PERIOD SHALL START FROM DATE OF PROVISIONAL ACCEPTANCE BY OWNER.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WATERING AND MAINTENANCE OF ALL INSTALLED PLANT MATERIAL FOR THE ONE YEAR PERIOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ROTOTILLING ALL PLANTING BEDS TO A MINIMUM DEPTH OF 12". AMEND EXISTING SOIL WITH A COMPOSTED ORGANIC MATTER TO BRING THE ORGANIC CONTENT OF THE SOIL TO A 5% DRY WEIGHT.
- TREE PLANTING PITS: AMEND EXISTING SOIL WITH A COMPOSTED ORGANIC MATTER TO BRING THE ORGANIC CONTENT OF THE BACKFILL TO A 5% DRY WEIGHT.
- PLANTING AREAS ARE TO HAVE SOIL TESTS PERFORMED UPON THEM TO DETERMINE IF THE PROPER SOIL PH IS PRESENT. RESULTS OF THESE TESTS ARE TO BE SENT TO THE LANDSCAPE ARCHITECT. IF THE RESULTS OF THESE TESTS INDICATE AN IMPROPER PH, THE LANDSCAPE CONTRACTOR IS TO ADD LIME OR SULFUR, AS REQUIRED, TO BRING THE SOIL TO THE PROPER PH LEVEL.
- DIMENSIONS FOR HEIGHT, SPREAD AND TRUNK, AS SPECIFIED ON THE MATERIAL SCHEDULE IS A GENERAL GUIDE FOR THE MINIMUM DESIRED SIZE OF EACH PLANT.

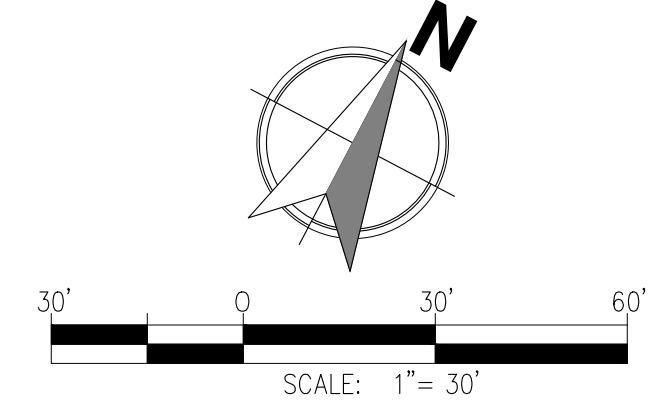


PLANT SCHEDULE

TREES	QTY	SIZE	SPACING	TYP.
NATCHEZ GRAPE MYRTLE (LAGERSTROEMIA INDICA X FAURIEL 'NATCHEZ')	14	8' HT.	AS SHOWN	B&B
WILLOW OAK (QUERCUS PHELLOS)	9	3.5" CAL.	AS SHOWN	B&B
SHUMARD OAK (QUERCUS SHUMARDII)	4	3.5" CAL.	AS SHOWN	B&B
FOSTER HOLLY (LLEX OPACA "FOSTERI #2)	17	3.5" CAL.	25' O.C.	B&B
SHRUBS	QTY	SIZE	SPACING	TYP.
PARSONI JUNIPER (JUNIPERUS CHINENSIS 'PARSONII')	41	3 GAL.	36" O.C.	POT
GROUND COVER	QTY	SIZE	SPACING	
BURMUDA GRASS (CYNODON DACTYLON '419 HYBRID')	74,469 S.F.			



8888 MID SOUTH DRIVE
SUITE 116
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TELE: 901-794-4022
WWW.SSTOWER.COM



REVISION		
ITEM NO.	DESCRIPTION OF CHANGE	APPROVAL DATE

NEED SPACE SHELBY DRIVE SELF SERVICE STORAGE FACILITY
DEVELOPER: FOCAL POINT INVESTMENTS, LLC.
ENGINEER: SIGNAL SOURCE, LLC.

DWG NO. **L-1**

SHEET 1 OF 1
DIVISION OF ENGINEERING

LANDSCAPE PLAN

LOCATION: SHELBY DRIVE
MEMPHIS, TN

SURVEY: _____ DATE: _____ BOOK: _____
DESIGN BY: KH DATE: 09/06/23 SCALE: 1"=40'
REVIEWED: _____

DEPUTY CITY ENGINEER DATE CITY ENGINEER DATE

C:\Users\Matthew Fischer\sttower.com\Project_Files - Documents\Shelby Drive\Development\DWG\1 - LANDSCAPE PLAN.dwg

Outline Plan Conditions

I. Uses Permitted:

- a. Any use permitted by right or by administrative site plan review in the Commercial Mixed Use (CMU-3) District.
 - i. Permitted Accessory Activities for the self-storage includes the sale of items by the self-storage operator that are accessory to the self-storage use (cardboard boxes, packing materials, tape are typical examples) shall be permitted.
 - ii. Prohibited Activities include but are not limited to the following:
 1. No activities other than the rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
 2. Auctions except as required by state law.
 3. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 4. The operation by a lessee of power tools, spray painting equipment, table saws, laths, compressors, welding equipment, kilns, or other similar equipment.
 5. The establishment of a transfer and storage business.
 6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 7. The storage of hazardous chemicals or materials including filled gasoline and propane storage tanks.
 8. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.

II. Bulk Regulations

- a. The bulk regulations of the CMU-3 District shall apply.

III. Landscaping, Screening, and Building Design:

- a. A detailed landscaping and screening plan shall be submitted for the review and approval of the Office of Planning and Development with the Final Plat.

- b. A Class III Type C buffer shall be along the east property line that abuts residential zoning.
- c. A Type S-10 Streetscape shall be along East Shelby Drive and Gleneagles Road.

IV. Signs:

- a. Signs shall be regulated in accordance with the requirements of the CMU-1 District.
 - i. One detached ground mounted monument sign.
- b. All signs shall be set back a minimum of 15 feet from right of way.

V. Drainage

- a. Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Manual.
- b. 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 or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures

VI. A Final Plan shall be filed within five years of the approval of the Outline Plan.

VII. Site Plan Review by the Land Use Control Board:

- a. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to approval of any final plan.
- b. The site plan shall be submitted at least 35 days prior to a Land Use Control Board meeting and shall include the following information:
 - i. The location, dimensions, floor area and height of all buildings, structures, signs and parking areas.

- ii. The proposed exterior appearance of buildings and signs.
- iii. Proposed means of access and circulation of automobile and pedestrian traffic.

- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning

Overlay Districts

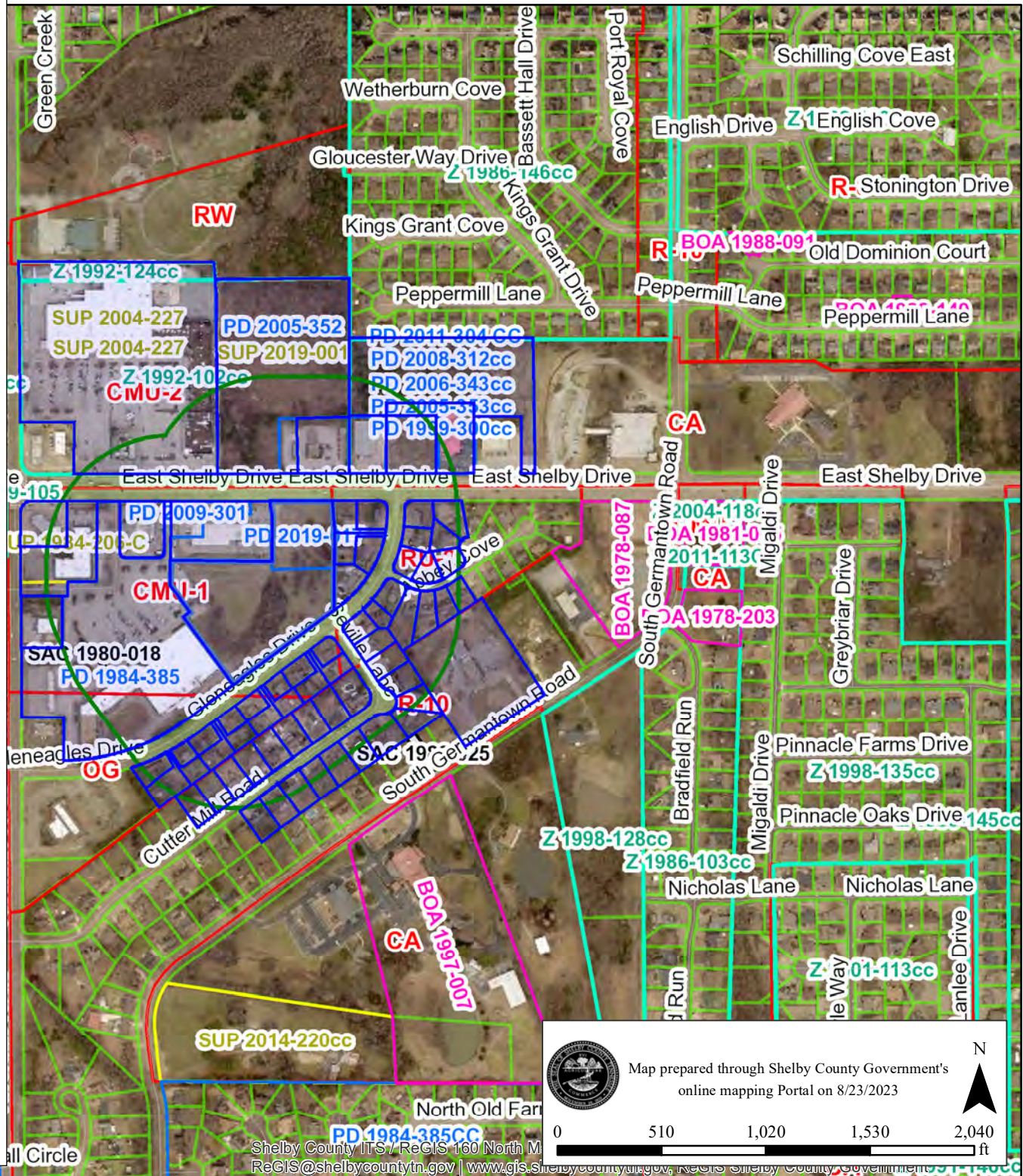
- Central Business Improvement District
- Fletcher Creek Overlay
- Medical District Overlay
- Midtown Overlay
- Transit Overlay District Overlay
- University District Overlay
- Residential Corridors
- Moratorium Zones
- Brown Field Properties

Street Frontage Overlay District

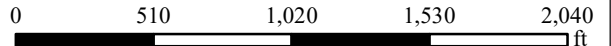
- Shopfront
- Pedestrian
- Urban
- Transitional
- Commercial
- Contextual Infill

Flood Zones

- Area of Minimal Flood Hazard
- Area with Reduced Flood Risk Due to Levee
- 0.2 % Annual Chance Flood Hazard
- Floodplain
- Floodway
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 8/23/2023



ABUBEKER MUNA AND NESROU HOUSSEIN (RS)
4695 MAPLE FOREST DR #
LAKELAND TN 38002

DUNBAR FRANK T AND WENDY L JOHNSON
5248 W GLADYS AVE #
CHICAGO IL 60644

COOK OUT-MEMPHIS INC
15 LAURA LN #300
THOMASVILLE NC 27360

FULLWILEY DIANE
7127 GLENEAGLES DR #
MEMPHIS TN 38141

LUVENE JAMES
602 ISAAC HAYES DR #
DYERSBURG TN 38024

MCDONALDS REAL ESTATE COMPANY
110 N CARPENTER ST #
CHICAGO IL 60607

MARTINEZ JUAN & MARIA A
4709 VALENE CIR #
MEMPHIS TN 38141

COLEY DEBORAH A
7021 GLENEAGLES DR #
MEMPHIS TN 38141

SIMON WILLIAM & DELORES R
7124 GLENEAGLES DR #
MEMPHIS TN 38141

COVINGTON JASON D
7123 GLENEAGLES DR #
MEMPHIS TN 38141

BENNETT GERALD & FRAZEL D
7079 CUTTER MILL RD #
MEMPHIS TN 38141

WHITE ATLANTIS N
7126 GLENEAGLES DR #
MEMPHIS TN 38141

BYNUM KATHY K
7116 GLENEAGLES DR #
MEMPHIS TN 38141

WILKINSON EDWARD T JR & DONNA D
7063 CUTTER MILL RD #
MEMPHIS TN 38141

JARRETT HOPE D
4705 VALENE CIR #
MEMPHIS TN 38141

HAWKINS KELSEA
7126 ABBEY CV #
MEMPHIS TN 38141

SOUTHWEST DEVELOPMENT GROUP LLC
1311 BRIGHTWATER AVE #17F
BROOKLYN NY 11235

KELLY DEMETRIUS
7117 GLENEAGLES DR #
MEMPHIS TN 38141

HAYES SEAN L
7137 ABBEY CV #
MEMPHIS TN 38141

GEBREMICHAEL ASSEFA
6553 COTTINGHAM PL #
MEMPHIS TN 38120

HOWELL TIMOTHY D & ANN W
14811 CINDYWOOD DR #
HOUSTON TX 77079

GANT-MITCHELL YVONNERESSE
7107 GLENEAGLES DR #
MEMPHIS TN 38141

HENRY SHEILA R
7064 CUTTER MILL RD #
MEMPHIS TN 38141

MOSS AMOS & MELISSA
7111 GLENEAGLES DR #
MEMPHIS TN 38141

UNITED KOREAN PRESBY CH
3099 RALEIGH MILLINGTON RD #
MEMPHIS TN 38128

JONES CARL & RACHAEL F
7108 GLENEAGLES DR #
MEMPHIS TN 38141

INTELVESTMENT LLC
5821 JONES AVE #
WESTMINSTER CA 92683

CHEN HE PING & BI FANG LIN
4772 SEVILLE LN #
MEMPHIS TN 38141

GATOR SHELBY PARTNERS LTD
7850 NW 146TH ST #4TH
MIAMI LAKES FL 33016

COVINGTON JAMES & TONYA
7121 ABBEY CV #
MEMPHIS TN 38141

CARMICHAEL ROBERT D
7133 ABBEY CV #
MEMPHIS TN 38141

WASHINGTON LATICIA
7067 GLENEAGLES DR #
MEMPHIS TN 38141

BAXTER TERRY R & DEBORAH L
7069 CUTTER MILL RD #
MEMPHIS TN 38141

BROWN SHERRY AND ERICA BROWN
7125 ABBEY CV #
MEMPHIS TN 38141

N'DAW MACODOU
9108 COPENHAVER DR #
POTOMAC MD 20854

FRUMDANORF LLC
4849 HICKORY HILL RD
MEMPHIS TN 38141

BOOKER THOMAS R & JANICE E
7099 GLENEAGLES DR #
MEMPHIS TN 38141

JONES TRINTA G
7057 GLENEAGLES #
MEMPHIS TN 38141

DOLGENCORP INC
100 MISSION RD #
GOODLETTSVILLE TN 37072

TORRES VICTOR
4754 SEVILLE LN #
MEMPHIS TN 38141

NELSON TOMOKO
3626 LOWER HONOAPIILANI RD #A209
LAHAINA HI 96761

BLOCKER-COLEMAN CECILY
7065 GLENEAGLES DR #
MEMPHIS TN 38141

BROWN RICHARD & LOLITA
7089 GLENEAGLES DR #
MEMPHIS TN 38141

MCCAMPBELL CRAIG G & VALERIE L
7086 CUTTER MILL RD #
MEMPHIS TN 38141

NEALY DORIS A
1680 S PARKWAY E #
MEMPHIS TN 38106

ORTIZ INVESTMENTS LLC
21740 SW 109TH TER #
TUALATIN OR 97062

WALKER VIVIAN D
6114 ABIGAIL BLUFFS DR #
BARTLETT TN 38135

ABUKTEISH EMAD M & TERESA
7041 GLENEAGLES DR #
MEMPHIS TN 38141

WARNER SUSAN M
7081 GLENEAGLES DR #
MEMPHIS TN 38141

BRYSON LAMAR
7037 GLENEAGLES DR #
MEMPHIS TN 38141

EASON RODNEY D
7070 CUTTER MILL RD #
MEMPHIS TN 38141

GIGGER ARCENE
7075 GLENEAGLES DR #
MEMPHIS TN 38141

MCDANIEL TILTON T SR
7095 CUTTER MILL RD #
MEMPHIS TN 38141

POWELL JERITA J
7023 GLENEAGLES DR #
MEMPHIS TN 38141

HUDSON VANESSA L
7100 CUTTER MILL RD #
MEMPHIS TN 38141

JOHNSON ANTHONY D & KASTANCEYI
7087 CUTTER MILL RD #
MEMPHIS TN 38141

COLEY ELIZABETH
7015 GLENEAGLES DR #
MEMPHIS TN 38141

HUMPHREY MARCUS AND DEBRA T HUMPHREY
7073 GLENEAGLES DR #
MEMPHIS TN 38141

BANKS TRACCI
7056 CUTTER MILL RD #
MEMPHIS TN 38141

MORRIS DARLENE
7048 CUTTER MILL RD #
MEMPHIS TN 38141

PETTIS CARTIOUS L & GLORIA
7042 CUTTER MILL RD #
MEMPHIS TN 38141

ELAM ASIA L
6406 MORIAH LN #208
MEMPHIS TN 38115

HERNANDEZ ATERA & GENORA
7120 GLENEAGLES DR #
MEMPHIS TN 38141

LULHAB LLC
6553 COTTINGHAM PL #
MEMPHIS TN 38120

ACACIA OUTREACH MINISTRIES
PO BOX 18317 #
MEMPHIS TN 38181

LWA LLC
7886 WINCHESTER RD #201
MEMPHIS TN 38125

LWA LLC
7886 WINCHESTER RD #201
MEMPHIS TN 38125

GLENEAGLES SHOPS LLC
27950 ORCHARD LAKE RD #117
FARMINGTON MI 48334

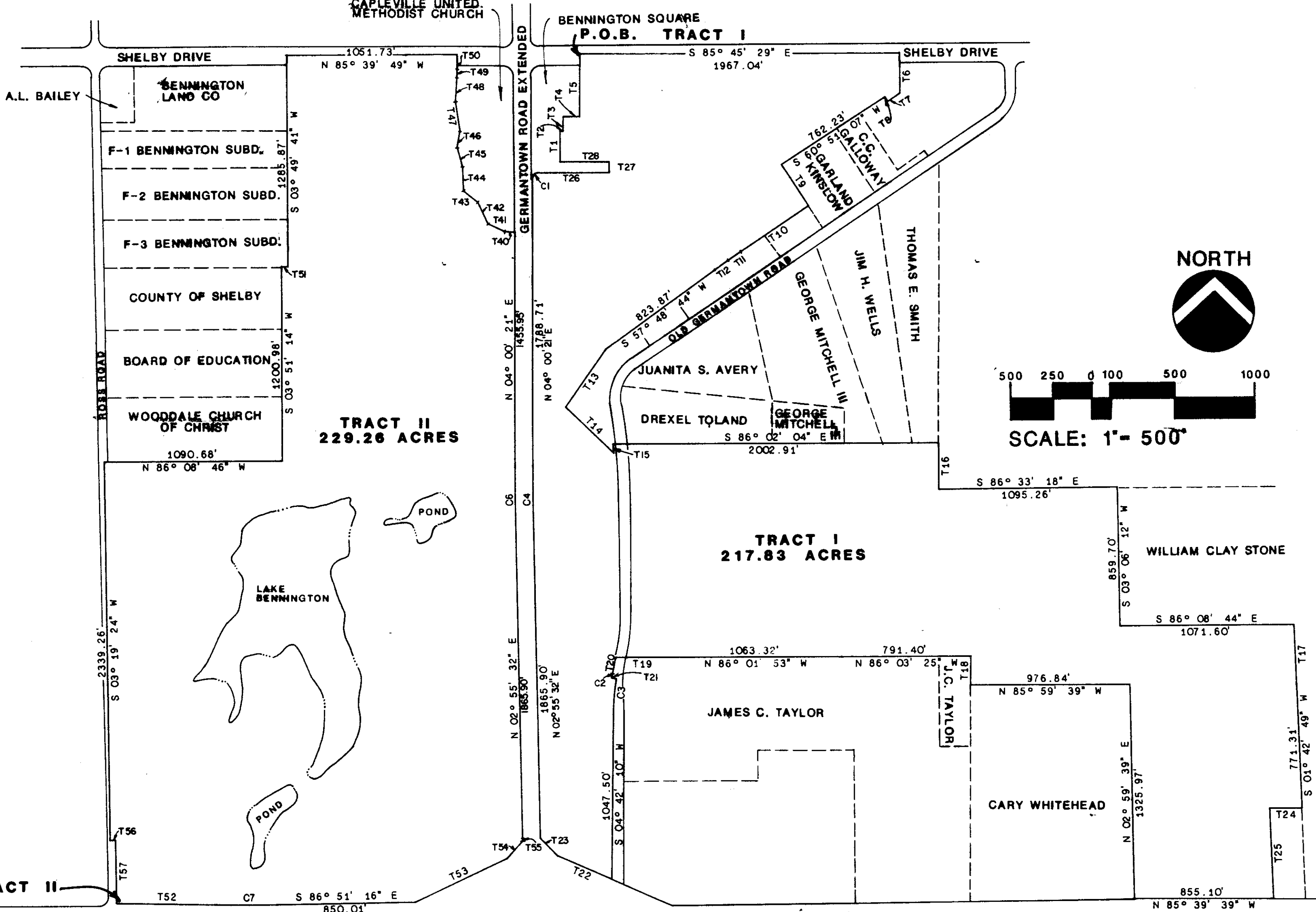
GLENEAGLES SHOPS LLC
27950 ORCHARD LAKE RD #117
FARMINGTON MI 48334

GLOBAL PROPERTY TRUST
803 MOUNT MORIAH RD #201
MEMPHIS TN 38117

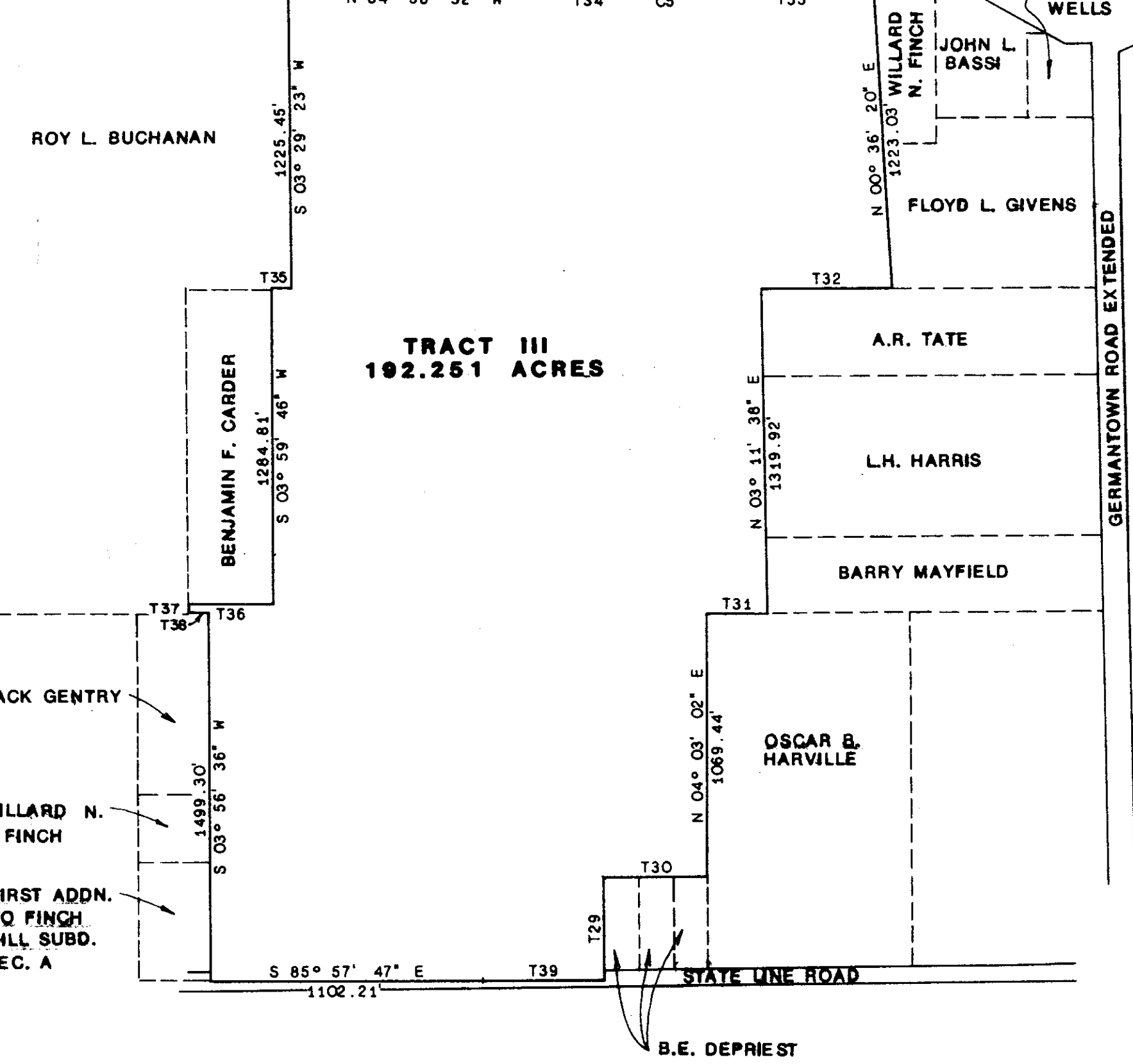
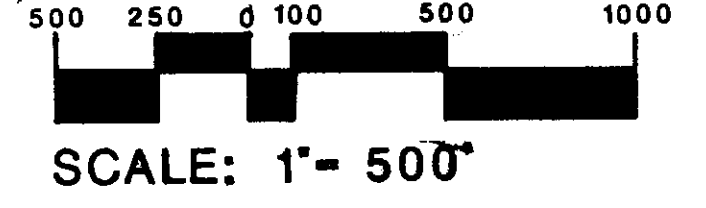
ARC RENTAL MSR I LLC
150 GREENWICH ST #51
NEW YORK NY 10007

CAPLEVILLE UNITED METHODIST CHURCH

BENNINGTON SQUARE
P.O.B. TRACT I



NORTH



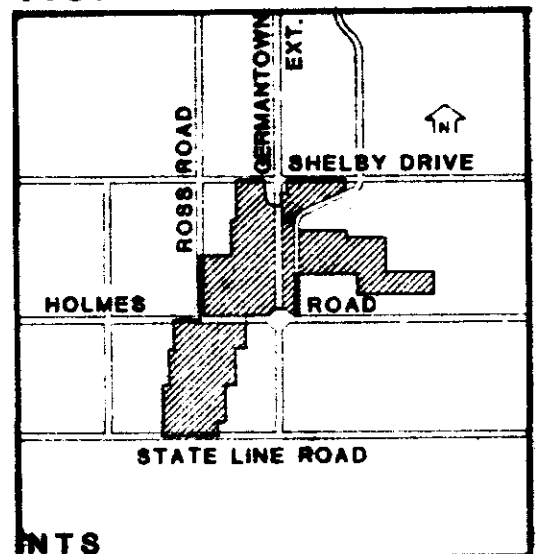
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T2	S 85° 48' 47" E	18.93
T3	N 04° 29' 39" E	90.00
T4	S 85° 40' 44" E	100.00
T5	N 04° 18' 28" E	357.48
T6	S 04° 15' 01" W	209.28
T7	S 59° 11' 06" W	88.37
T8	N 29° 10' 23" W	34.00
T9	S 29° 09' 49" E	305.45
T10	S 59° 54' 57" W	509.69
T11	S 59° 52' 06" W	96.57
T12	S 57° 57' 01" W	99.32
T13	S 38° 35' 38" W	433.62
T14	S 41° 49' 40" E	410.19
T15	N 02° 12' 38" W	56.47
T16	S 03° 50' 51" W	287.45
T17	S 01° 42' 49" W	365.34
T18	N 04° 39' 00" E	178.50
T19	N 86° 02' 50" W	330.55
T20	S 14° 58' 02" W	121.14
T21	S 75° 25' 01" E	30.00
T22	N 62° 19' 08" W	362.31
T23	N 40° 15' 51" W	151.11
T24	N 85° 59' 39" W	200.00
T25	S 01° 42' 49" W	560.49
T26	S 86° 00' 24" E	439.97
T27	N 03° 59' 36" E	68.00
T28	N 86° 00' 24" W	300.00
T29	N 04° 03' 02" E	417.50
T30	S 86° 09' 53" E	417.51
T31	S 85° 35' 22" E	245.41
T32	S 86° 00' 44" E	527.22
T33	N 86° 51' 16" W	666.14
T34	N 84° 58' 32" W	215.69
T35	N 85° 15' 46" W	80.05
T36	N 85° 40' 13" W	339.41

LABEL	BEARING	DISTANCE
T37	S 04° 19' 47" W	34.76
T38	S 85° 25' 55" E	79.46
T39	S 86° 09' 33" E	489.38
T40	N 83° 12' 04" W	62.44
T41	N 59° 56' 36" W	113.70
T42	N 21° 07' 39" W	144.67
T43	N 47° 12' 35" W	113.22
T44	N 02° 16' 32" E	147.12
T45	N 11° 11' 53" W	129.44
T46	N 13° 58' 29" E	103.08
T47	N 04° 51' 06" W	179.63
T48	N 07° 33' 25" E	158.40
T49	N 07° 00' 29" E	50.55
T50	N 04° 20' 11" E	57.00
T51	N 86° 11' 07" W	39.06
T52	S 84° 58' 32" E	613.69
T53	N 68° 37' 06" E	624.42
T54	N 45° 54' 36" E	144.58
T55	N 02° 55' 32" E	10.41
T56	S 86° 40' 36" E	34.00
T57	S 03° 19' 24" W	391.32

LABEL	RADIUS	CENTRAL ANGLE	ARC LENGTH
C1	30.00	89° 59' 09"	47.12
C2	1159.23	00° 23' 02"	7.77
C3	1129.23	09° 45' 49"	192.43
C4	22865.30	01° 04' 55"	431.80
C5	11554.20	01° 52' 44"	378.89
C6	22971.30	01° 04' 55"	433.80
C7	11364.20	01° 52' 44"	372.66

W57643
PLAT BOOK 98 PAGE 44
RECORDING FEE
DATE: JUN 12 1985
TIME: 11:12 A.M.
STATE OF TENNESSEE
SHELBY COUNTY
REGISTER

VICINITY MAP



**OUTLINE PLAN
FOR
PLANNED UNIT DEVELOPMENT
P.D.84-385-CC
THE VILLAGES OF BENNINGTON**

DEVELOPER: THE BENNINGTON LAND COMPANY
THE Pickering FIRM INC.
PLANNING • DESIGN • ENGINEERING • MANAGEMENT
821 SOUTH BARKSDALE • MEMPHIS, TN 38114 • (901) 726-0810

PROPERTY DESCRIPTION

TRACT I

Beginning at a point in the centerline of Shelby Drive 291.23 feet from the intersection of the centerline of Germantown Road Extended; thence S 85° 45' 29" E along the centerline of Shelby Drive a distance of 1967.04 feet; thence S 04° 15' 01" W - 209.28 feet; thence S 59° 11' 06" W - 88.37 feet; thence N 29° 10' 23" W - 34.00 feet; thence S 60° 51' 07" W - 762.23 feet; thence S 29° 09' 49" E - 305.45 feet; thence along the southern line of the Villages of Germantown Acres the following calls S 59° 54' 57" W - 509.69 feet; thence S 59° 52' 06" W - 96.57 feet; thence S 57° 57' 01" W - 99.32 feet; thence S 57° 48' 44" W - 823.87 feet; thence S 38° 35' 38" W - 433.62 feet; thence along the northern line of Section C the Village of Wildwoode S 41° 49' 40" E - 410.19 feet to a point in the west right-of-way line of Germantown Road 60 feet wide; thence along the west right-of-way line of Germantown Road N 02° 12' 38" W - 56.47 feet; thence leaving the west right-of-way line of Germantown Road along the south lines of the Drexel Toland property, the George Mitchell, III property, Jim H. Willis property, and the Thomas E. Smith property S 86° 02' 04" E a distance of 2002.91 feet; thence along the west line of the Eugene H. Adams property S 03° 50' 51" W - 287.45 feet; thence along the south lines of the Eugene H. Adams property and the William H. Jackson property S 86° 33' 18" E - 1095.26 feet; thence along the west line of the William Clay Stone, et al property S 03° 06' 12" W - 859.70 feet; thence along the south line of the William Clay Stone, et al property, S 86° 08' 44" E - 1071.60 feet; thence along the west line of Raymond Viscounti property S 01° 42' 49" W - 365.34 feet; thence continuing along the said west line S 01° 42' 49" W - 771.31 feet; thence along the north line of Jack A. Adams, Jr. property N 85° 59' 39" W - 200.00 feet; thence along the west line of Jack A. Adams, Jr. property S 01° 42' 49" W - 560.49 feet to a point in the north right-of-way line of Holmes Road 190 feet wide; thence along the north right-of-way line of Holmes Road N 85° 39' 39" W - 855.10 feet; thence leaving the north right-of-way line of Holmes Road N 02° 59' 39" E - 1325.97 feet; thence N 85° 59' 39" W - 976.84 feet; thence along the east line of the J. C. Taylor property N 04° 39' 00" E - 178.50 feet; thence along the north line of the James C. Taylor property N 86° 03' 25" W - 791.40 feet; thence N 86° 01' 53" W - 1063.32 feet; thence N 86° 02' 50" W - 330.55 feet to a point in the west right-of-way line of Old Germantown Road 60 feet wide; thence along the west right-of-way line of Old Germantown Road S 14° 58' 02" W - 121.14 feet to a point of curvature; thence along a curve to the left having a radius of 1159.23 feet an arc length of 7.77 feet; thence S 75° 25' 01" E a distance of 30.00 feet to the centerline of Old Germantown Road; thence along the centerline of Old Germantown Road and along a curve to the left having a radius of 1129.23 feet an arc length of 192.43 feet to the point of tangency; thence continuing along the centerline of Old Germantown Road S 04° 42' 10" W a distance of 1047.5 feet to a point in the north line of Holmes Road; thence along the north right-of-way line of Holmes Road N 62° 19' 08" W - 362.31 feet; thence N 40° 15' 51" W - 151.11 feet to a point in the east right-of-way line of Germantown Road Extended 106 feet wide; thence along the east right-of-way line of Germantown Road Extended N 02° 55' 32" E - 1865.90 feet to a point of curvature; thence along a curve to the right having a radius of 22,865.30 feet an arc length of 431.80 feet to the point of tangency; thence continuing along the east line of Germantown Road Extended N 04° 00' 21" E a distance of 1788.71 feet to a point of curvature; thence along a curve to the right having a radius of 30.00 feet an arc length of 47.12 feet to a point in the south right-of-way line of Bennington Way 68 feet wide; thence along the south right-of-way line of Bennington Way S 86° 00' 24" E - 439.97 feet; thence leaving the south line of Bennington Way N 03° 59' 36" E - 68.00 feet to a point in the north right-of-way line of Bennington Way; thence along the north right-of-way line of Bennington Way N 86° 00' 24" W - 300.00 feet; thence leaving the north line of Bennington Way N 03° 55' 22" E - 190.00 feet; thence S 85° 48' 47" E - 18.93 feet; thence N 04° 29' 39" E - 90.00 feet; thence S 85° 40' 44" E - 100.00 feet; thence N 04° 18' 28" E - 357.48 feet to a point in the centerline of Shelby Drive and the point of beginning.

Tract I contains 217.83 acres, more or less.

In addition to easements as recorded subdivision plat Tract I is subject to the following additional easements as recorded in the Register's Office of Shelby County, Tennessee.

Instruments M8-3558 and J3-8360, Book 4515, Page 506.

TRACT II

Beginning at a point in the north line of Holmes Road 190 feet wide at its intersection with the east line of Ross Road 68 feet wide; thence along the north line of Holmes Road S 84° 58' 32" E - 613.69 feet to a point of curvature; thence along a curve to the left having a radius of 11,364.20 feet a distance of 372.66 feet to the point of tangency; thence continuing along the north line of Holmes Road S 86° 51' 16" E a distance of 850.01 feet; thence N 68° 37' 06" E a distance of 624.42 feet; thence N 45° 54' 36" E a distance of 144.58 feet to a point in the west line of Germantown Road Extended 106 feet wide; thence along the west line of Germantown Road Extended N 02° 55' 32" E - 10.41 feet to a point; thence N 02° 55' 32" E - 1865.90 feet to a point of curvature; thence along a curve to the right having a radius of 22,971.30 feet a distance of 433.80 feet to the point of tangency; thence continuing along the west line of Germantown Road Extended N 04° 00' 21" E a distance of 1455.95 feet; thence along the south and west line of Capeville United Methodist Church the following courses: N 83° 12' 04" W - 62.44 feet; N 59° 56' 36" W - 113.70 feet; N 21° 07' 39" W - 144.67 feet; N 47° 12' 33" W - 113.22 feet; N 02° 16' 32" E - 147.12 feet; N 11° 11' 53" W - 129.44 feet; N 13° 58' 29" E - 103.08 feet; N 04° 51' 06" W - 179.63 feet; N 07° 33' 25" E - 158.40 feet; N 07° 00' 29" E - 50.55 feet to a point in the south right-of-way line of Shelby Drive 114 feet wide; thence N 04° 20' 11" E - 57.00 feet to the centerline of Shelby Drive; thence along the centerline of Shelby Drive N 85° 39' 49" W a distance of 1051.73 feet; S 03° 49' 41" W along the east line of Section F-1, F-2, and F-3, Bennington Subdivision 1,285.87 feet; thence along the south line of Section F-3, Bennington Subdivision N 86° 11' 07" W - 39.06 feet; thence along the east line of Shelby County Board of Education property and the Wooddale Church to Christ property S 03° 51' 14" W - 1200.98 feet; thence along the south line of the Wooddale Church of Christ property N 86° 08' 46" W - a distance of 1,090.68 feet to a point in the centerline of Ross Road 68 feet wide; thence along the centerline of Ross Road S 03° 19' 24" W a distance of 2,339.26 feet; thence S 86° 40' 36" E a distance of 34.00 feet to the east right-of-way of Ross Road; thence S 03° 19' 24" W a distance of 391.32 feet to the north right-of-way line of Holmes Road and the point of beginning.

Tract II contains 229.26 acres, more or less.

In addition to easements on recorded subdivision plats Tract II is subject to the following additional easements as recorded in the Register's Office of Shelby County, Tennessee.

Instrument M3-7447, M7-1088, J3-8360, T1-7744, S8-1629; Book 3633, Page 502; Book 4530, Page 582; Book 4345, Page 187; Book 4345, Page 189.

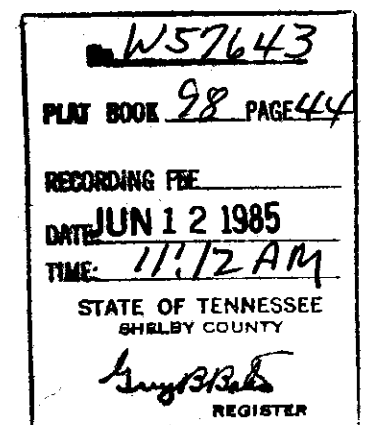
TRACT III

Beginning at a point in the south right-of-way of Holmes Road 677.54 feet west from the intersection of the south line of Holmes Road 190 feet wide with the centerline of Ross Road 68 feet wide; thence S 03° 29' 23" W along the east line of the Roy L. Buchanan tract a distance of 1225.45 feet to a point; thence N 85° 15' 46" W along the south line of the Roy L. Buchanan tract a distance of 80.05 feet; thence S 03° 59' 46" W along the east line of the Benjamin F. Carder tract a distance of 1284.81 feet; thence N 85° 40' 13" W along the south line of the Benjamin F. Carder tract a distance of 339.41 feet; thence S 04° 19' 47" W a distance of 34.76 feet; thence S 85° 25' 55" E along the north line of the Jack Gentry tract a distance of 79.46 feet; thence S 03° 56' 36" W along the east line of the Jack Gentry tract, Willard N. Finch tract and Lot 2 of the First Addition to Finch Hill Subdivision, Section A, a distance of 1499.30 feet to the centerline of State Line Road; thence along the centerline of State Line Road S 85° 57' 47" E 1102.21 feet to a point; thence S 86° 09' 53" E a distance of 489.38 feet; thence N 04° 03' 02" E along the west line of the B. E. Depriest tract a distance of 417.50 feet; thence S 86° 09' 53" E along the north line of B. E. Depriest and B. M. Depriest property a distance of 417.51 feet to the west line of the Oscar B. Harville tract; thence N 04° 03' 02" E along the west line of the Oscar B. Harville tract a distance of 1069.44 feet; thence S 85° 35' 22" E along the north line of the Oscar B. Harville tract a distance of 245.41 feet; thence N 03° 11' 38" E along the west line of the Barry Mayfield, L. H. Harris, and the A. R. Tate tracts a distance of 1319.92 feet; thence S 86° 00' 44" E along the north line of the A. R. Tate tract a distance of 527.22 feet to a point; thence N 00° 36' 20" E along the west line of the Floyd L. Givens tract and the Willard N. Finch tract a distance of 1223.03 feet to a point in the south right-of-way line of Holmes Road 190 feet wide; thence along the south right-of-way line of Holmes Road N 86° 51' 16" W a distance of 666.14 feet to a point of curvature; thence along a curve to the right having a radius of 11,554.20 feet a distance of 378.89 feet to a point of tangency; thence continuing along the south line of Holmes Road N 84° 58' 32" W a distance of 215.69 feet; thence N 84° 58' 32" W a distance of 1103.91 feet to the point of beginning.

Tract III contains 192.251 acres more or less.

In addition to the easements on recorded subdivision plats Tract III is subject to the following additional easements as recorded in the Register's Office of Shelby County, Tennessee.

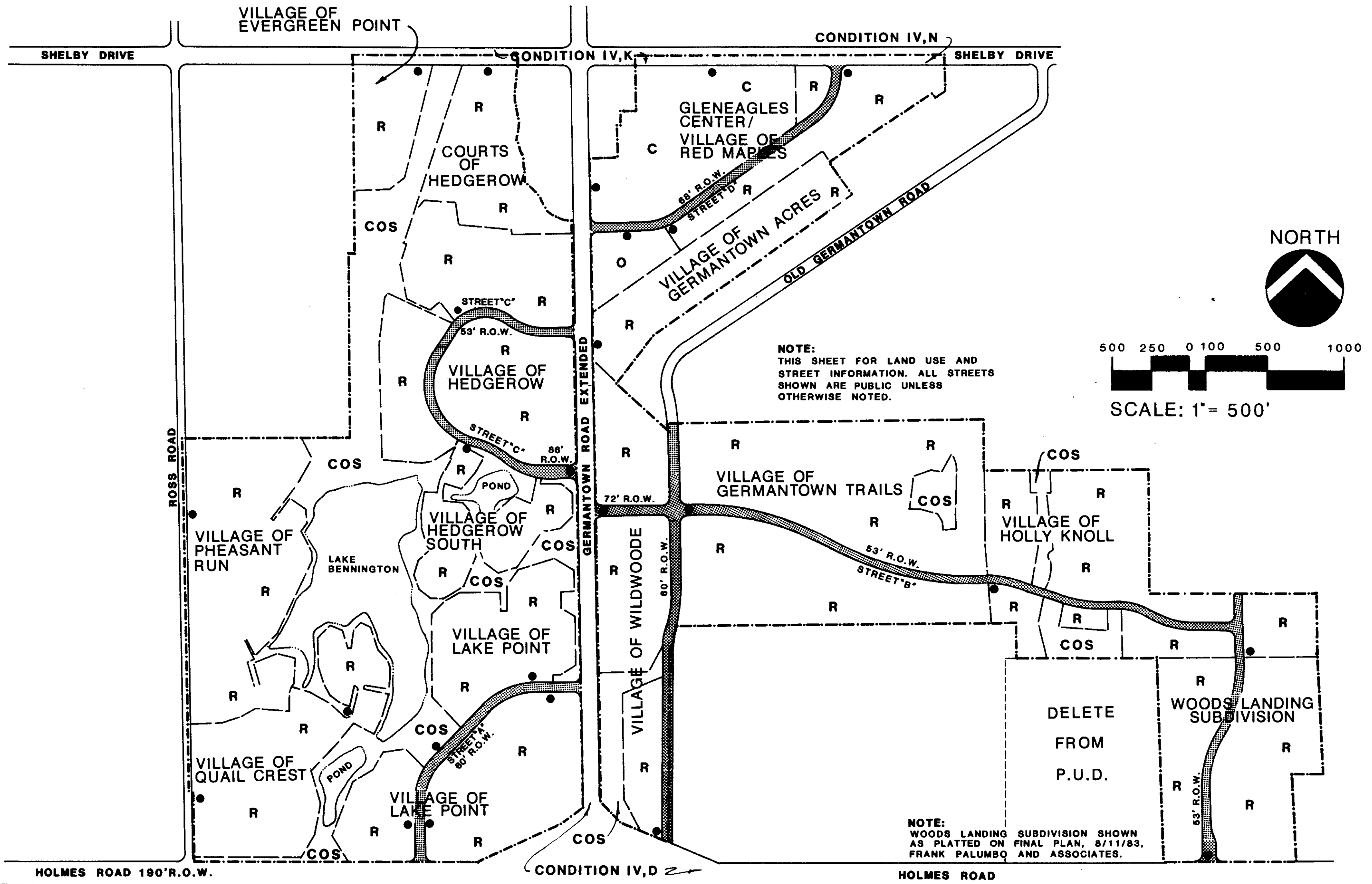
Book 1556, Page 63, Chattel Book 334, Page 506.



OUTLINE PLAN
FOR
PLANNED UNIT DEVELOPMENT
P.D.84-385-CC
THE VILLAGES OF BENNINGTON

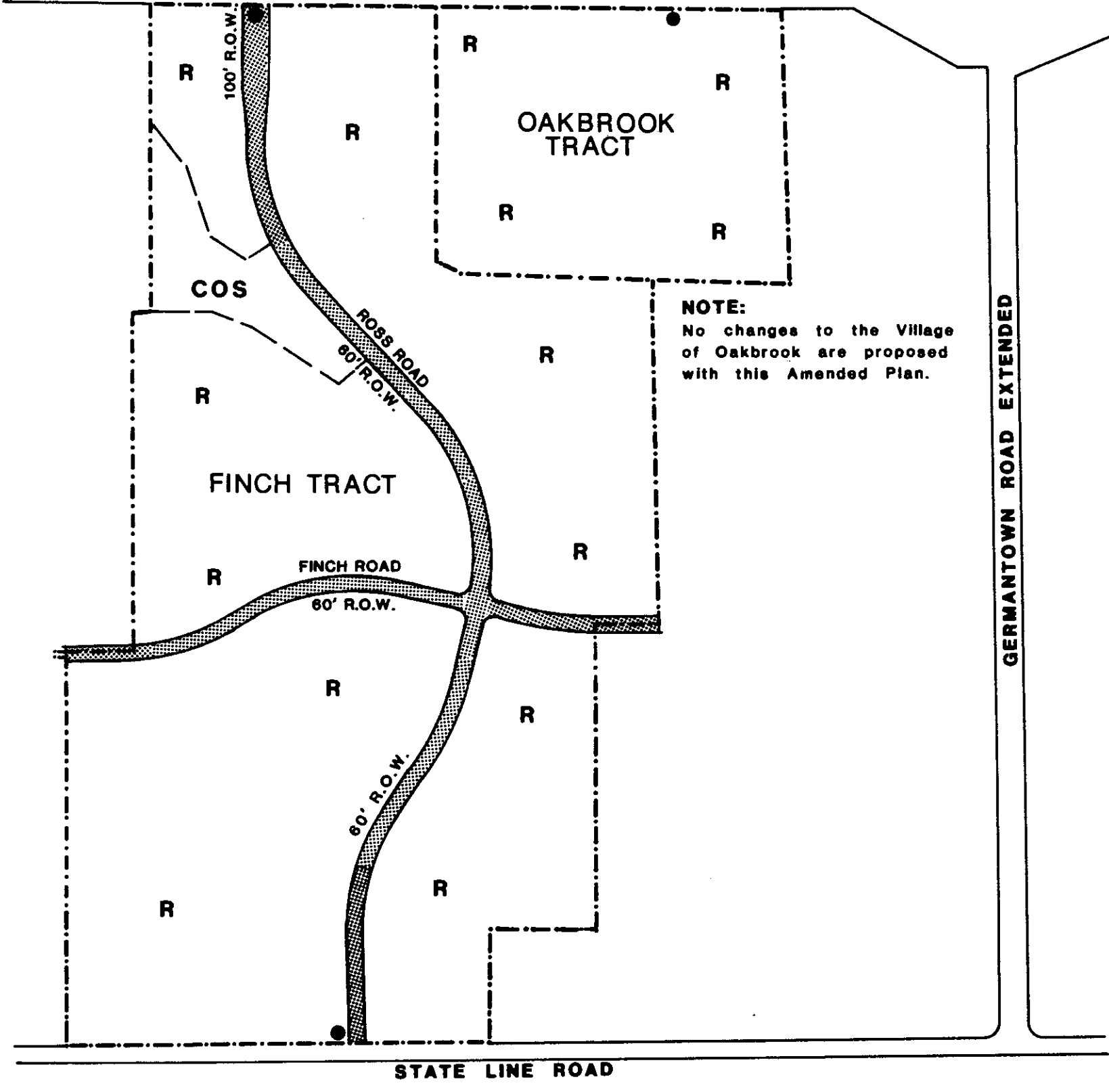
DEVELOPER: THE BENNINGTON LAND COMPANY





NOTE:
THIS SHEET FOR LAND USE AND
STREET INFORMATION. ALL STREETS
SHOWN ARE PUBLIC UNLESS
OTHERWISE NOTED.

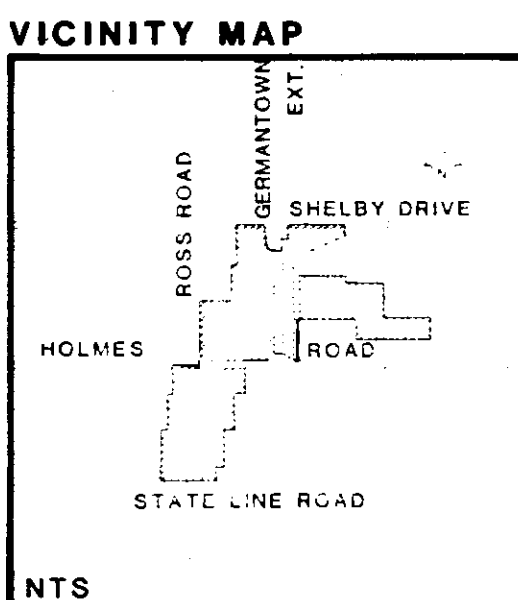
NOTE:
WOODS LANDING SUBDIVISION SHOWN
AS PLATTED ON FINAL PLAN, 8/11/83,
FRANK PALUMBO AND ASSOCIATES.



NOTE:
No changes to the Village
of Oakbrook are proposed
with this Amended Plan.

LEGEND	
LAND USE	AREA IN ACRES (Includes Street Right of Ways)
R RESIDENTIAL	549.96
O OFFICE	3.52
C COMMERICAL	24.28
COS COMMON OPEN SPACE	62.02
TOTAL: 639.78	

1157643
PLAT BOOK 98 PAGE 44
RECORDING FEE
DATE: JUN 12 1985
TIME: 11:12 AM
STATE OF TENNESSEE
SHELBY COUNTY
REGISTER



OUTLINE PLAN
FOR
PLANNED UNIT DEVELOPMENT
P.D.84-385-CC
THE VILLAGES OF BENNINGTON
DEVELOPER: THE BENNINGTON LAND COMPANY

THE Pickering FIRM INC.

PLANNING • DESIGN • ENGINEERING • MANAGEMENT
821 SOUTH BARKSDALE • MEMPHIS, TN 38114 • (901) 726-0810

DATE: MARCH, 1985

SHEET 3 OF 5

● PERMANENT SIGN LOCATIONS
NOTE:
SEE SHEET ONE FOR BOUNDRY INFORMATION

OUTLINE PLAN CONDITIONS

- I. Village Uses and Maximum Number of Units or Floor Areas:
- A. Gleneagles Centers:
 - 1. Any use permitted by right in the Local Commercial (C-L) District and department stores.
 - 2. A maximum of 175,000 square feet of commercial floor area.
 - 3. A maximum of 40,000 square feet of office floor area.
 - B. Red Maples: A maximum of 73 single family detached or attached dwellings.
 - C. Wildwoode: A maximum of 80 single family detached or attached dwellings.
 - D. Germantown Trails: A maximum of 169 single family detached dwellings.
 - E. Holly Knoll: A maximum of 96 single family detached or attached dwellings.
 - F. Woods Landing: A maximum of 12 single family detached dwellings.
 - G. Evergreen Point: A maximum of 85 single family detached, attached or townhouse dwellings.
 - H. Courts of Hedgerow: A maximum of 117 multiple family, townhouse, single family attached or single family detached dwellings.
 - I. Hedgerow South: A maximum of 64 single family detached or attached dwellings.
 - J. Pheasant Run: A maximum of 110 single family detached or attached dwellings.
 - K. Quail Crest: A maximum of 83 single family attached or detached dwellings.
 - L. Lake Point: A maximum of 397 multi-family, townhouse, single family attached or detached dwellings.
 - M. Oakbrook Tract: A maximum of 105 single family attached or detached dwellings.
 - N. Finch Tract: A maximum of 471 single detached or attached dwellings.
 - O. Germantown Acres: A maximum of 48 single family detached dwellings.
 - P. Hedgerow: A maximum of 135 single family detached or attached dwellings.

- II. Other Uses:
- A. Churches are permitted on any property with major road frontage subject to the approval of a site plan by the Land Use Control Board. The site plan shall depict the location of buildings, structures, activity areas, parking, access drives, landscaping, and buildings on adjacent parcels.
 - B. Common open space (COS) shall be provided as shown on the outline plan and shall include a swimming pool and two tennis courts.
 - C. A private club, whose membership may include property owners outside the planned development, shall be permitted in the COS areas.

- III. Bulk Regulations:
- A. Commercial and office buildings shall be set back a minimum of 25 feet from any street right-of-way, residential use area, or residential dwelling.
 - B. Residential Areas:
 - 1. Minimum lot size for areas designated on the site plans as:
 - a. Single family detached (SFD) areas: 10,000 square feet.
 - b. Single family attached (SFA) and single family zero lot line (SF-ZL) areas: 3,000 square feet.
 - c. Townhouse and multi-family areas shall comply with the minimum lot requirements of the R-TH and R-ME Districts, respectively.
 - 2. Minimum Building Setback:
 - a. Single family detached dwellings:
 - i. Front yard: 30 feet.
 - ii. Rear yard: 25 feet.
 - iii. Side yard: A minimum building separation of 10 feet.
 - b. Single family attached dwellings:
 - i. Front yard: 15 feet.
 - ii. Rear yard: 15 feet.
 - iii. Side yard: 10 feet separation between buildings.
 - iv. Single family attached dwellings that abut existing single family detached dwellings shall comply with the setback requirements of single family detached dwellings.
 - c. Townhouse and multi-family dwellings:
 - i. Front yard: 30 feet.
 - ii. Rear yard: 25 feet.
 - iii. Side yard: 5 feet.
 - 3. Any lot that abuts a lot within the planned development for which a final plan was approved prior to March 7, 1985 shall equal or exceed the area of the approved lot, except for that portion of Holly Knoll which abuts Woods Landing.
 - 4. Front or rear yards of dwellings in the area west of Germantown Road, north of Holmes Road, east of Germantown Parkway, and south of Street B shall not abut Germantown Road.
 - 5. The front or rear yards of dwelling units across a street from a commercial (CC) area shall not face the commercial area.

- 6. Single family detached buildings may be constructed within the minimum setbacks described above to preserve existing mature trees, adapt to unusual topographic conditions, or provide a varied building setback along a street subject to the approval of the Land Use Control Board after notification of abutting property owners. However, no setback shall be less than:
 - a. Front yard: 15 feet.
 - b. Rear yard: 15 feet.
 - c. Side yard: 10 feet separation between buildings.
 - C. Buildings in the COS area shall be set back a minimum of 60 feet from Street A and 50 feet from adjacent residential uses.
 - D. A maximum of 600 square feet of floor area shall be permitted in the sales/information pavilion building. The building shall be set back a minimum of 30 feet from all property lines.
- IV. Circulation and Access:
- A. The design and location of curb cuts shall be approved by the County Engineer.
 - B. All private drives shall be constructed to meet or exceed County Standards and provide a minimum pavement width of 22 feet excluding curb and gutter.
 - C. Street A shall be dedicated 30 feet from the centerline.
 - D. The right of access along Germantown Road Extended and Holmes Road shall be conveyed to Shelby County, except for one curb cut without a median opening to the cemetery off Germantown Road Extended.
 - E. All internal streets shall be dedicated and improved as required by the Subdivision Regulations for the number and density of dwellings served.
 - F. Any median modifications on Germantown Road Extended needed to accommodate Streets A and D shall be at the developer's expense.
 - G. Germantown Road shall be dedicated and improved to 30 feet from the centerline.
 - H. Woods Landing Drive shall be improved to a pavement width of 36 feet between curbs.
 - I. Holmes Road shall be dedicated and improved to 80 feet from the centerline.
 - J. Street D shall be dedicated as a major collector street with a minimum centerline radii subject to the approval of the County Public Works Division.
 - K. Shelby Drive shall be dedicated and improved to 57 feet from the centerline.
 - L. The street stub on the east side of Germantown Road approximately 450 feet north of Street D may be closed and the median in Germantown Road Extended shall be modified as required.
 - M. The Gleneagles office and commercial center (CC and O areas) shall be permitted the following maximum curb cuts:
 - 1. Commercial Area:
 - a. Three curb cuts on Shelby Drive.
 - b. One curb cut on Germantown Road Extended, without a median opening.
 - c. Four curb cuts to Street D.
 - 2. Office Area:
 - a. One curb cut to Germantown Road Extended, without a median opening.
 - b. Two curb cuts to Street D.

- N. The control of access along the Shelby Drive frontage of the residential area of Red Maples shall be conveyed to Shelby County.
- O. Germantown Trails shall be dedicated with a 53 foot right-of-way, 40 feet of pavement between curbs, and a five foot wide utility easement along each right-of-way line.
- P. Finch Road shall be extended and dedicated as an east-west collector street in accordance with the Subdivision Regulations.
- Q. At least one point of pedestrian access shall be provided from Street J to Ross Elementary.
- R. Alternative pedestrian systems may be provided in place of public sidewalks on one or both sides of a street, subject to the approval of the Office of Planning and Development.
- S. Ross Road south of Holmes Road shall be offset from Ross Road north of Holmes Road in conformance with the Subdivision Regulations.

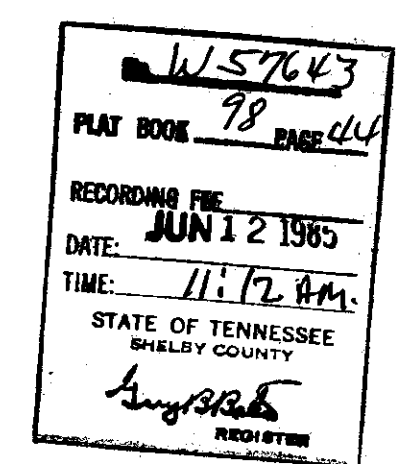
- V. Drainage:
- A. All drainage plans and improvements shall be subject to the approval of the County Engineer.
 - B. All lakes shall be privately owned and maintained.
 - C. A breach hydrograph shall be submitted to the City and County Engineers for review of development downstream from the lake in Holly Knoll.
- VI. Sanitary Sewers:
- A master sewer plan for the development shall be submitted to the City and County Engineers for review.
- VII. Signs:
- A. The CC area shall be permitted a maximum of two detached signs. The signs shall have a maximum surface area of 100 square feet each and shall be set back at least 15 feet.
 - B. The O area along the east side of Germantown Road Extended shall be permitted one detached sign with a maximum area of 60 square feet and a minimum setback of 15 feet.
 - C. Billboards shall not be permitted.

- D. One detached sign is permitted in each location indicated on the outline plan. Each sign shall identify the entire development and separate phases or segments of the development, or the sales information pavilion. Signs shall be a maximum of 7 feet high. Signs along Holmes Road, Ross Road, Germantown Road, Shelby Drive, and Germantown Road Extended are permitted up to 32 square feet and other locations are permitted up to 20 square feet per face.

- VIII. Landscaping:
- A. The road frontage of the commercial (CC) and office (O) areas shall be landscaped with Plate F.
 - B. A 15 foot wide landscape screen, as described on the Outline Plan of the Villages of Bennington (R-C-I-95-CC), shall be planted between all residential and non-residential areas. Existing vegetation shall be incorporated wherever feasible.
 - C. The rear property line of any reverse frontage lot shall be landscaped with a minimum 10 foot wide landscape area of low growing shrubbery planted three feet on center.
 - D. Equivalent landscaping may be substituted for that required above subject to the approval of the Office of Planning and Development.
 - E. Light standards shall be a maximum of 20 feet high. Lighting of non-residential uses shall be directed away from adjacent residential uses or areas.

- IX. Final Plan Review Process:
- A. A final plan that substantially conforms to the submitted "Site Plan" and the Subdivision Regulations shall be processed in accordance with Section 14.J of the Zoning Ordinance Regulations.
 - B. If a final plan does not substantially conform to the submitted "Site Plan", then a revised "Site Plan" shall be submitted to the Office of Planning and Development for a recommendation and shall be presented to the Land Use Control Board for approval. The Land Use Control Board may only approve site plan modifications consistent with Condition X.
 - C. The Bennington Property Owners Conservancy shall be sent a copy of any final plan when it is recorded.
- X. The Land Use Control Board may modify the minimum lot size, building orientation, type of dwelling permitted, collector street and minor street pattern, bulk requirements, recreation facilities, open space plan, signage, landscaping, access and curb cut and drainage requirements, after notification of the Property Owners' Association and abutting landowners, if equivalent alternatives are presented. The Land Use Control Board may not increase the density or intensity of development in each village.

- XI. Any final plan shall include the following:
- A. Reference to the outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations.
 - C. The exact location and dimensions, including height, of all buildings, buildable areas (whichever is appropriate), parking areas, streets, drives, required landscaping, signs, open space.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. A statement conveying all common facilities and areas to a Homeowners' and/or Property Owners' Association, or other entity, for ownership and maintenance purposes.
 - G. The number of lots and minimum lot size.
 - H. The size of each lot.
 - I. The floor area of each office, commercial, or multi-family building.



**OUTLINE PLAN
FOR
PLANNED UNIT DEVELOPMENT
P.D.84-385-CC
THE VILLAGES OF BENNINGTON**

DEVELOPER: THE BENNINGTON LAND COMPANY

THE Pickering FIRM INC.
PLANNING • DESIGN • ENGINEERING • MANAGEMENT
821 SOUTH BARKSDALE • MEMPHIS, TN 38114 • (901) 726-0810

Owner's Certificate

We, The Villages of Bennington Property Owners Conservancy, hereby adopt this plat as our plan of development.

We certify that we are the owners of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

Michael Krieger April 16, 1985
Villages of Bennington
Property Owners Conservancy
Michael Krieger Date

NOTARY'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared MICHAEL KRIGER, with whom I am personally acquainted, and who upon his/her oath acknowledged himself/herself to be the (vice-president, owner, etc.) the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in TN this 17th day of APRIL, 1985.

Michael E. Krieger
Notary Public
Expires: _____

Owner's Certificate

We, Bennington Land Company, the undersigned owners of the property, hereby adopt this plat as our plan of development, and dedicate the streets, rights-of-way, and grant the easements as shown and/or described to public use forever. We certify that we are the owners of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

Val P. Hawkins 4/9/85
Val P. Hawkins
Executive Vice-President
Bennington Land Company Date

NOTARY'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared Val P. Hawkins with whom I am personally acquainted, and who upon his/her oath acknowledged himself/herself to be the (vice-president, owner, etc.) the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in tn this 10th day of April, 1985.

Carolyn Snyder
Notary Public
Expires: Nov. 3, 1985

Surveyor's Certificate

It is hereby certified that this plat is true and correct, is in conformance with the survey requirements of the Subdivision Regulations, and was prepared from an actual survey of the property under my supervision.

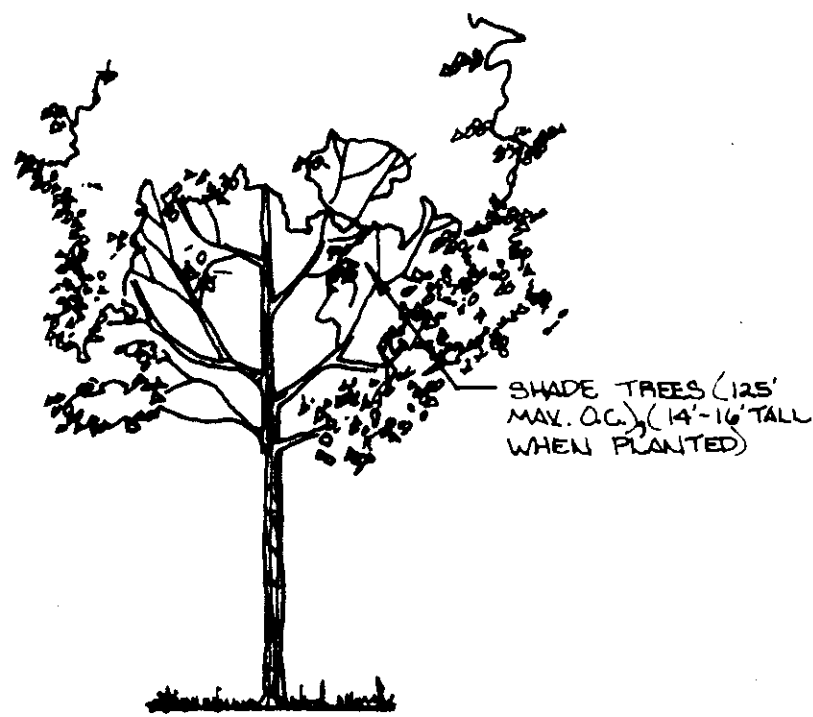
By [Signature]
Tennessee Certificate No. 1416

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

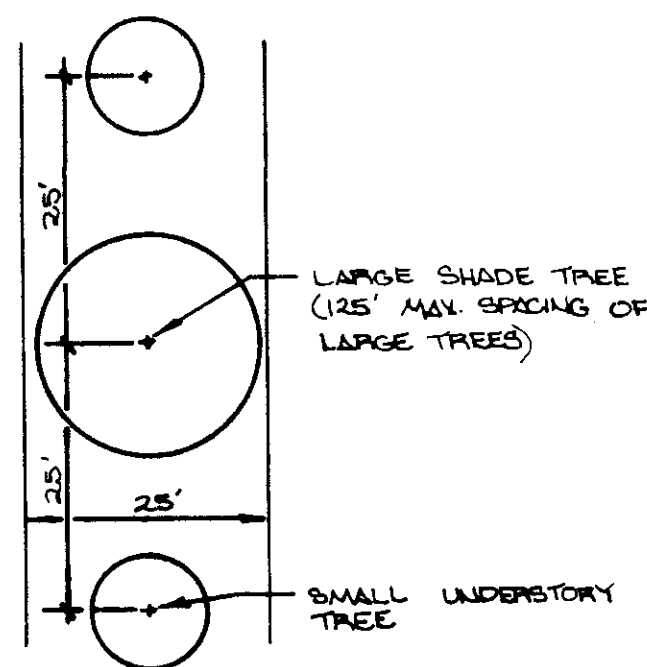
This plat was acted on by the Shelby County Land Use Control Board on March 7, 1985 and by the Memphis City Council on June 4, 1985 and by the Shelby County Board of Commissioners on May 13, 1985.

By [Signature] June 4, 1985
Director, Office of Planning and Development Date

OK
jm



SHADE TREES (125' MAX. O.C.) (14'-16' TALL WHEN PLANTED)



LANDSCAPE SCREEN PLATE 'F'

**OUTLINE PLAN
FOR
PLANNED UNIT DEVELOPMENT
P.D.84-385-CC
THE VILLAGES OF BENNINGTON**

DEVELOPER: THE BENNINGTON LAND COMPANY



PLANNING • DESIGN • ENGINEERING • MANAGEMENT
821 SOUTH BARKSDALE • MEMPHIS, TN 38114 • (901) 726-0810

087843
BK 98 Pg 44
COUNTY OF SHELBY
REGISTERED FOR THE
PLANNING AND DEVELOPMENT
COMMISSION
APR 16 1985

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 11/7/2023
DATE
PUBLIC SESSION: 11/7/2023
DATE

ITEM (CHECK ONE)
____ ORDINANCE RESOLUTION ____ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: 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 5111 Sanderlin Avenue, known as case number PD 2023-021

CASE NUMBER: PD 2023-021

DEVELOPMENT: Mid-City Memphis Planned Development

LOCATION: 5111 Sanderlin Avenue

COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: RCM DEVCO LLC/ David Lewis

REPRESENTATIVE: Josh Whitehead - Burch, Porter & Johnson, PLLC

REQUEST: New mixed-use planned development

AREA: +/-12.529 acres

RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions as amended*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – November 7, 2023

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
10/12/2023 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Kendra Cobley</u>	<u>10/31/23</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Brittlyn</u>	<u>10/31/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2023-021

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 5111 SANDERLIN AVENUE, KNOWN AS CASE NUMBER PD 2023-021

- This item is a resolution with conditions to allow a new mixed-use 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, October 12, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2023-021
DEVELOPMENT:	Mid-City Memphis Planned Development
LOCATION:	5111 Sanderlin Avenue
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	RCM DEVCO LLC/ David Lewis
REPRESENTATIVE:	Josh Whitehead - Burch, Porter & Johnson, PLLC
REQUEST:	New mixed-use planned development
EXISTING ZONING:	Residential Single-Family – 10 (R-10), Commercial Mixed Use – 1 (CMU-1) and Commercial Mixed Use – 3 (CMU-3)
AREA:	+/-12.529 acres

The following spoke in support of the application: Chance Carlisle and Josh Whitehead

The following spoke in opposition the application: Rick and Leslie O’Leary, Robert Dinkelspiel, and William Hagerman

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

The motion **passed by a vote of 8-0 on the regular agenda.**

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 2023-021
CONDITIONS**

I. PERMITTED USES

A. Area 1

1. Uses permitted by right in the Commercial Mixed Use – 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
 - a. Hotel
 - b. Multi-family residential
 - c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:
 - i. Pawnshop
 - ii. Payday loans, title loan establishments
 - iii. Vehicle parts and accessories
 - iv. Wholesale Club
 - v. Convenience store, with or without gas pumps
 - vi. Automatic one bay car wash facility
 - vii. Drive-thru facility
 - d. Retail Service-Oriented uses, excluding the following principal and accessory uses:
 - i. Animal hospital, animal shelter, kennel
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 - iii. Taxidermist
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 - e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
 - i. Appliance
 - f. Parking - structured or on grade
2. The following additional uses are excluded:
 - a. Vehicle sales, service and repair
 - b. Self-service storage

B. Area 2

1. Uses in Area 2 are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
 - a. Surface parking lot
 - b. Single-family detached
 - c. Single-family attached
 - d. Office
 - e. Tennis courts with lights

II. BULK REGULATIONS

A. Area 1

1. The bulk regulations shall be in conformance with the Commercial Mixed Use – 3 (CMU-3) district regulations, with the following exceptions:
 - a. There shall be no maximum density requirements.
 - b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
 - c. The maximum building height shall be 240'.

B. Area 2

1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban – 3 (RU-3) district regulations, with the following exceptions:
 - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The maximum building height shall be 40' and two (2) stories.
2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
 - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The minimum lot width shall be 50.'
 - c. The maximum building height shall be 40' and two (2) stories (for office uses only).

III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- C. All internal drives shall be private, owned and maintained by a property owner or a property owners association.
- D. Streets shall conform to the City of Memphis standards as modified herein.
- E. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- F. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.

IV. LANDSCAPING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- D. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- E. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- F. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- G. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- H. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.

I. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.

J. A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property.

V. DRAINAGE

A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.

B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.

C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.

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

VI. SANITY SEWER

A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.

B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.

C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

VII. WATER SERVICE / UTILITIES

A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.

B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.

C. Water service lines shall be installed with tracing wire at the top.

D. All utilities and services are to be installed underground, with the exception of three-phase electric.

VIII. SIGNS

A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.

B. Location and design of signs shall be shown on the final plan(s).

IX. DEVELOPMENT PHASING

A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.

B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

X. ARCHITECTURAL GUIDELINES

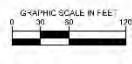
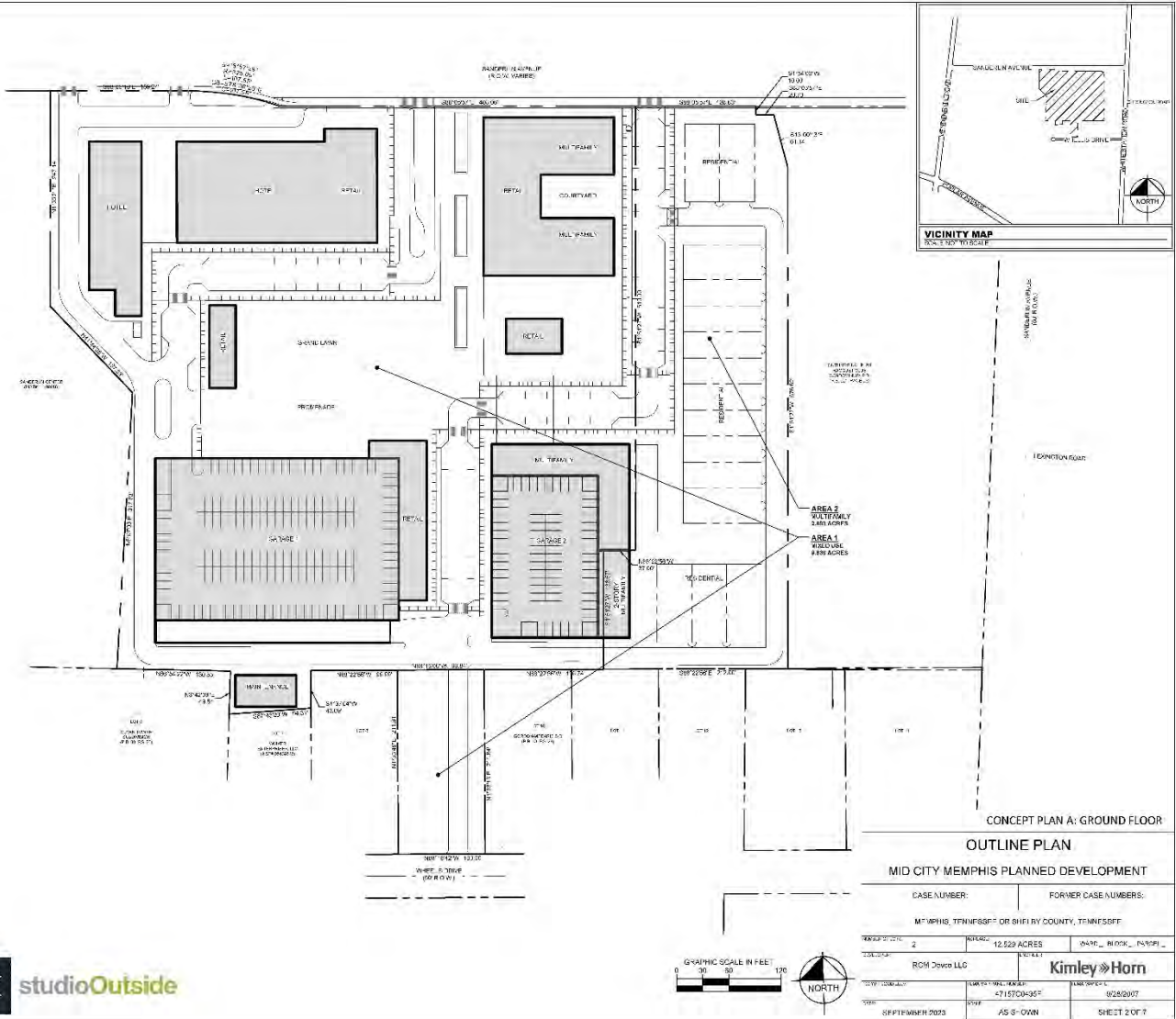
- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

XI. 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, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - 3. The location and ownership, whether public or private, of any easement.
 - 4. A landscape plan.
 - 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

CONCEPT PLAN

Concept Plan A (Ground Floors)

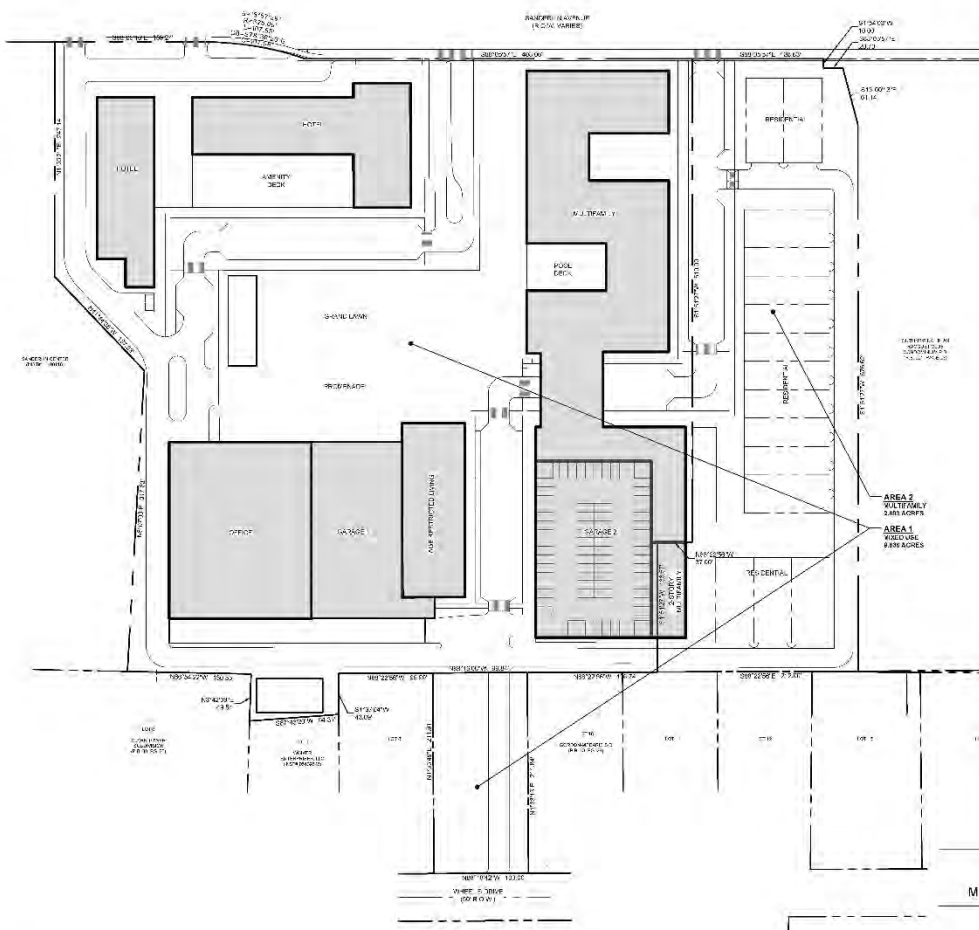


CONCEPT PLAN A: GROUND FLOOR
OUTLINE PLAN

MID CITY MEMPHIS PLANNED DEVELOPMENT

CASE NUMBER:	FORMER CASE NUMBERS:
MEMPHIS, TENNESSEE OR SHERRY COUNTY, TENNESSEE	
PROJECT NO. 2	ACRES 12.529 ACRES
OWNER RCM Develo LLC	ARCHITECT Kimley & Horn
DATE 09/20/2023	PROJECT NO. 4715704-05
DATE AS SHOWN	SHEET NO. 0282007
	SHEET 2 OF 7

Concept Plan A (Upper Floors)

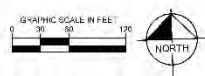


CONCEPT PLAN A: UPPER FLOORS

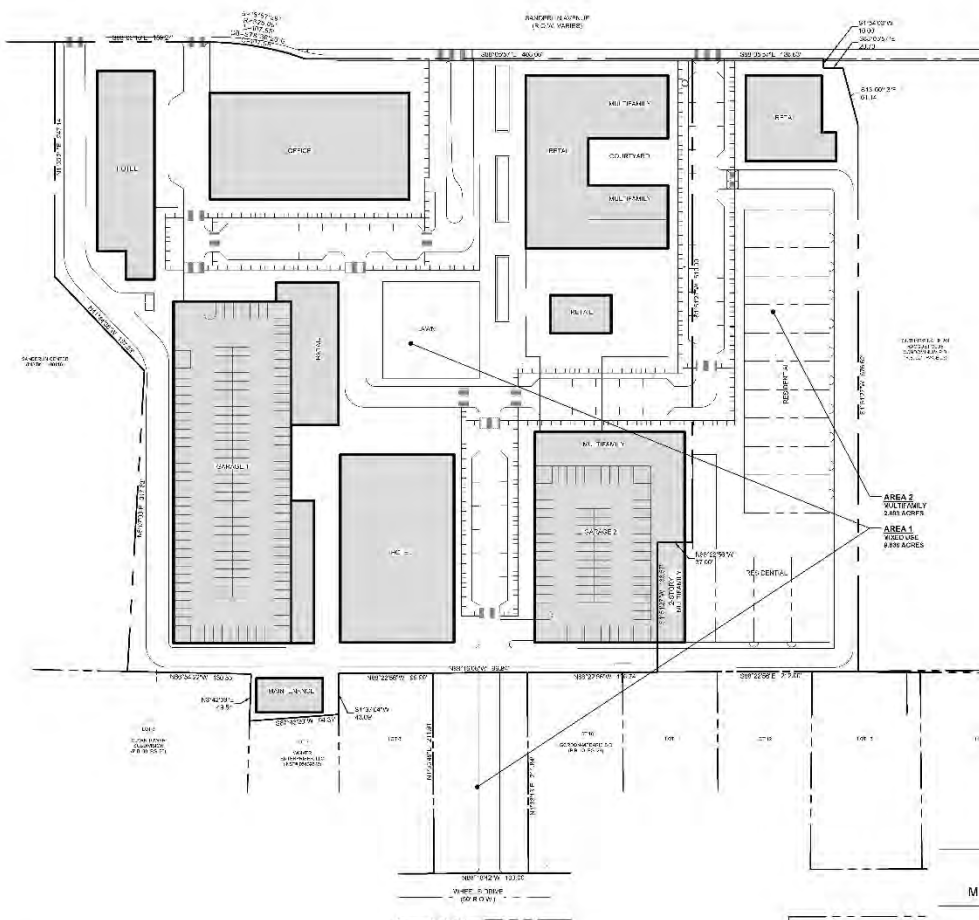
OUTLINE PLAN

MID CITY MEMPHIS PLANNED DEVELOPMENT

CASE NUMBER:	FORMER CASE NUMBERS:
MEMPHIS, TENNESSEE OR SHIPLEY COUNTY, TENNESSEE	
MAP NO. 2	ACRES: 12.529 ACRES
OWNER: RCM Devco LLC	PREPARED BY: Kimley & Horn
DATE: SEPTEMBER 2003	PROJECT NO.: 4715704-357
	DATE: AS SHOWN
	SHEET 3 OF 7

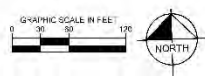


Concept Plan B (Ground Floors)

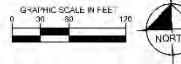
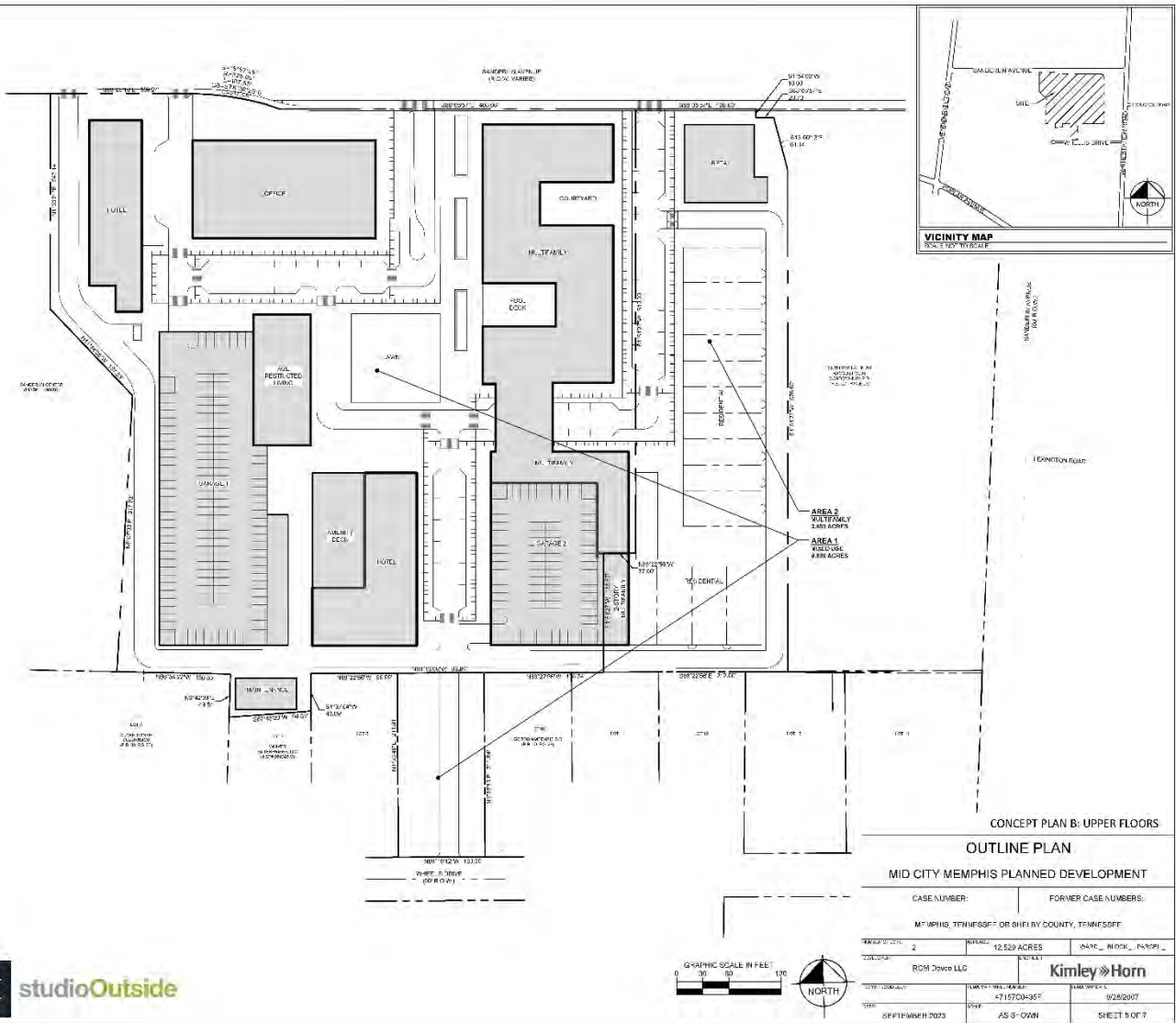


CONCEPT PLAN B: GROUND FLOOR

OUTLINE PLAN			
MID CITY MEMPHIS PLANNED DEVELOPMENT			
CASE NUMBER:		FORMER CASE NUMBERS:	
MEMPHIS, TENNESSEE OR SHREVEPORT, LOUISIANA			
MAP SHEET:	SCALE:	AREA:	DATE: BLOCK: (SHEET)
2	1"=100'	12,523 ACRES	
OWNER:		ARCHITECT:	
RCM Devco LLC		Kimley Horn	
DATE:	PROJECT NUMBER:	DATE SHEET:	
SEPTEMBER 2003	471570A-35F	02/28/2007	
	AS SHOWN	SHEET 4 OF 7	



Concept Plan B (Upper Floors)



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 5111 SANDERLIN AVENUE, KNOWN AS CASE NUMBER PD 2023-021

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 David Lewis filed an application with the Memphis and Shelby County Division of Planning and Development to allow a new mixed-use 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 October 12, 2023, 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.

ATTEST:

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

OUTLINE PLAN CONDITIONS

I. PERMITTED USES

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- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

X. ARCHITECTURAL GUIDELINES

A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.

B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).

C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

XI. 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, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

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

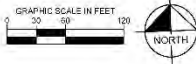
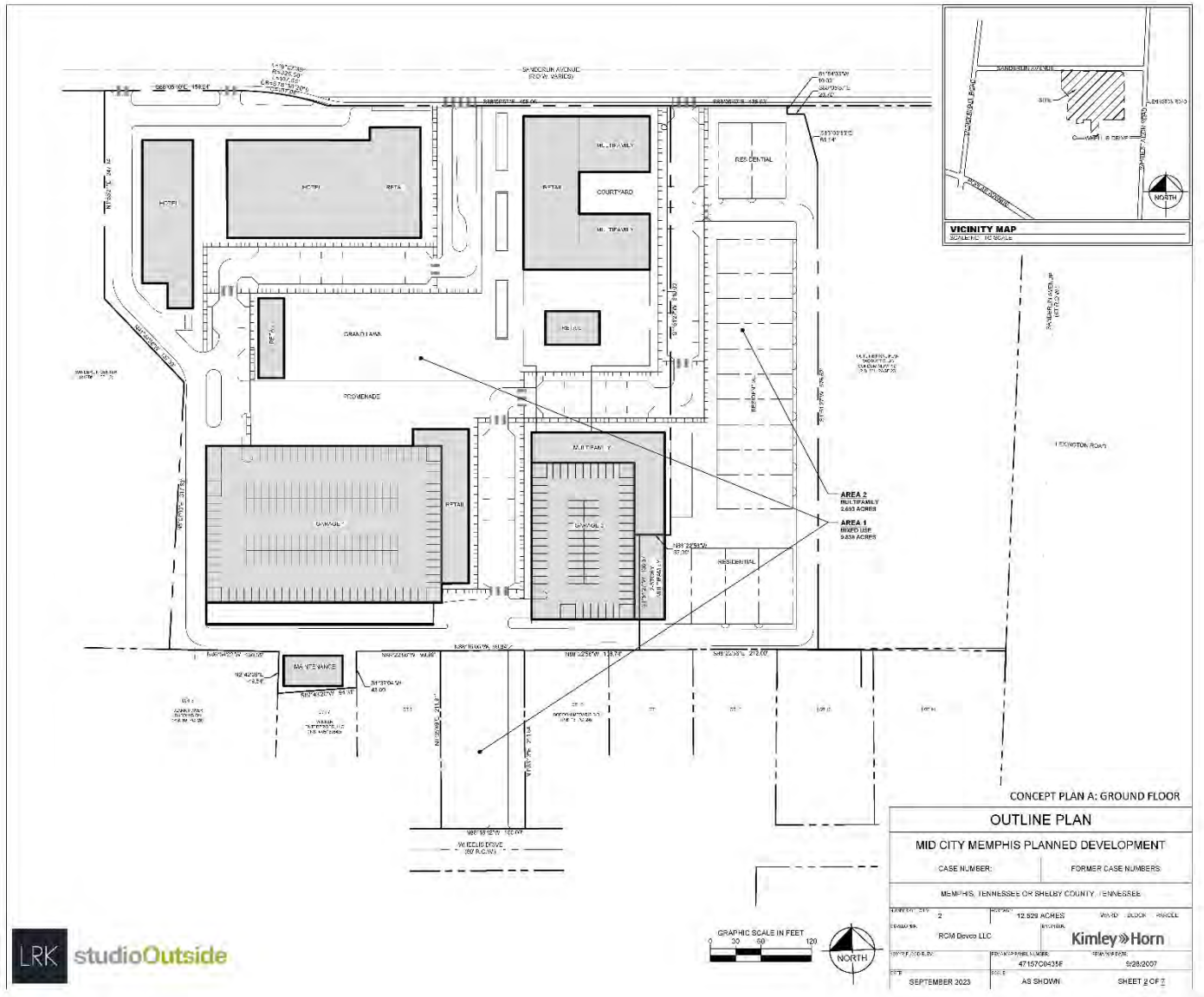
4. A landscape plan.

5. Building elevations with exterior finishes, including signage.

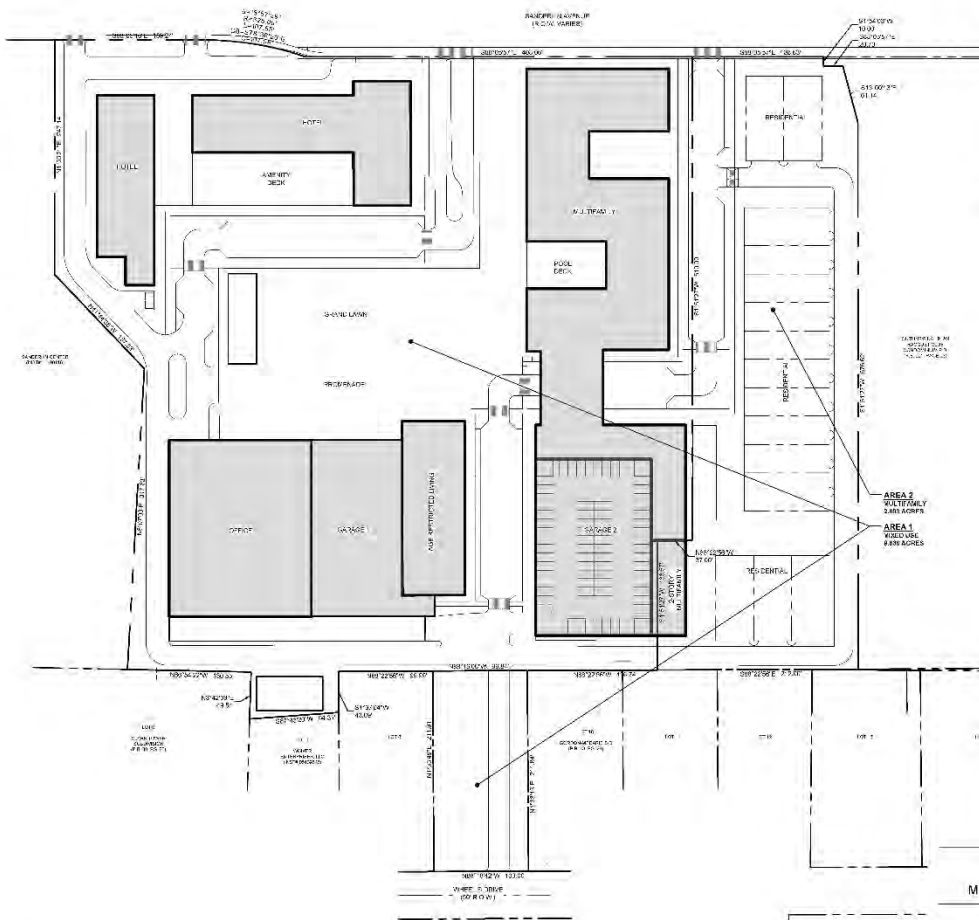
C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

CONCEPT PLAN

Concept Plan A (Ground Floors)



Concept Plan A (Upper Floors)



CONCEPT PLAN A: UPPER FLOORS

OUTLINE PLAN

MID CITY MEMPHIS PLANNED DEVELOPMENT

CASE NUMBER: FORMER CASE NUMBERS:

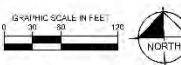
MEMPHIS, TENNESSEE OR SHIPLEY COUNTY, TENNESSEE

PARCEL: 2 TOTAL: 12.529 ACRES (PART, BLOCK, PARCEL)

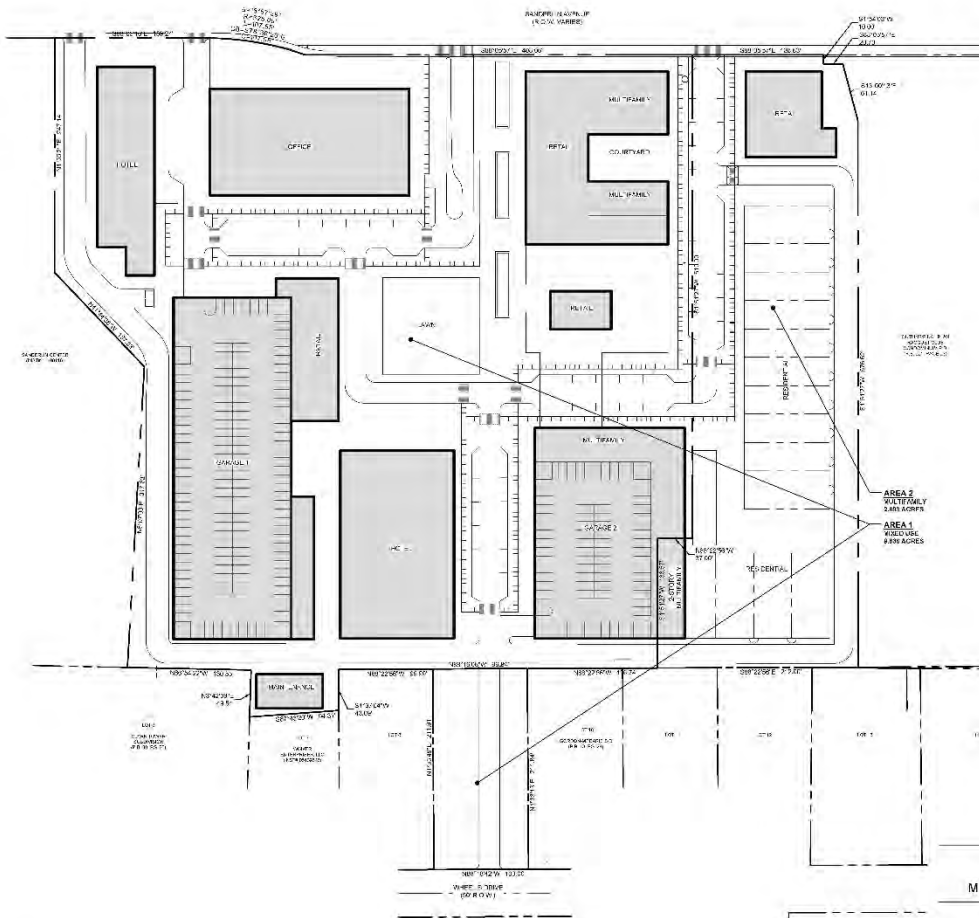
OWNER: RDM Devel LLC DEVELOPER: Kimley Horn

DATE: 10/26/2023 PROJECT: 4715704-357 DRAWING: 0282007

DATE: SEPTEMBER 2023 DATE: AS SHOWN SHEET: 3 OF 7



Concept Plan B (Ground Floors)



CONCEPT PLAN B: GROUND FLOOR

OUTLINE PLAN

MID CITY MEMPHIS PLANNED DEVELOPMENT

CASE NUMBER: FORMER CASE NUMBERS:

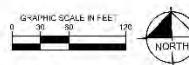
MEMPHIS, TENNESSEE OR SHELBY COUNTY, TENNESSEE

PROJECT NO. 2 TOTAL ACRES 12.529 ACRES SHARPE BLOCK, INDEPENDENT

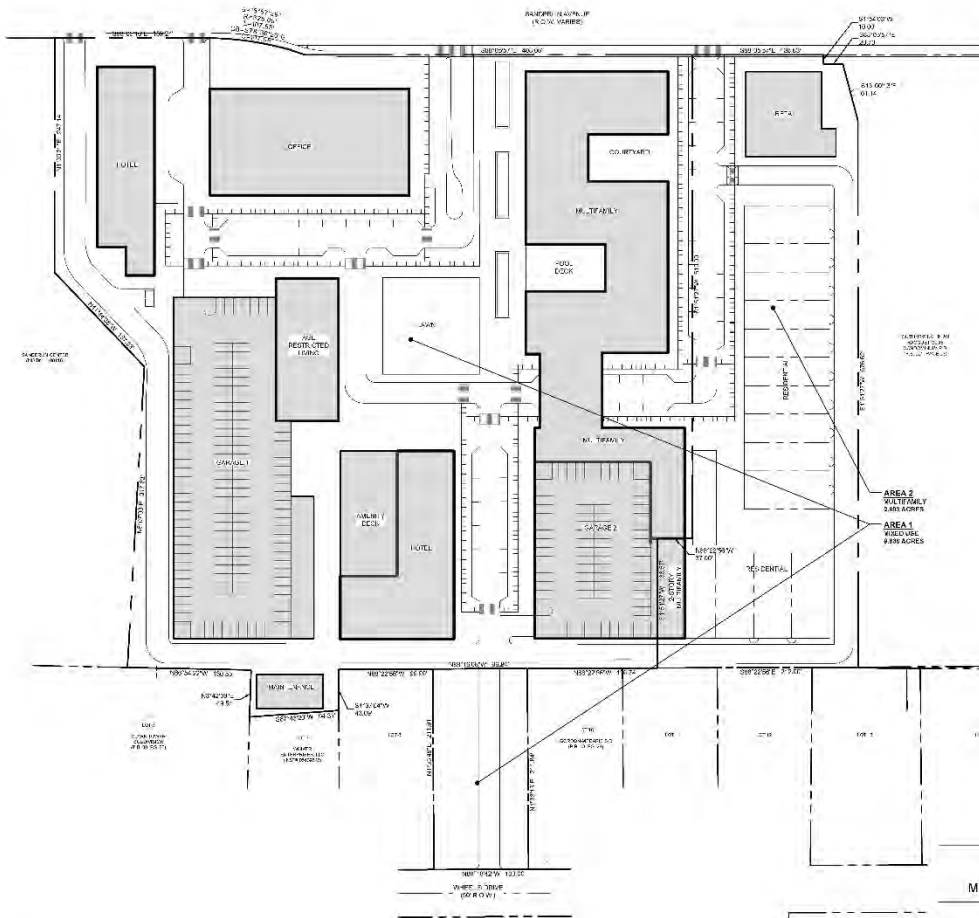
DEVELOPER RDM Devo LLC ARCHITECT Kimley-Horn

DATE: 09/28/2023 PROJECT NUMBER: 4715704-357 DRAWING NUMBER: 9/28/2023

DATE: SEPTEMBER 2023 OWNER: AS SHOWN SHEET: SHEET 4 OF 7



Concept Plan B (Upper Floors)



CONCEPT PLAN B: UPPER FLOORS

OUTLINE PLAN

MID CITY MEMPHIS PLANNED DEVELOPMENT

CASE NUMBER: FORMER CASE NUMBERS:

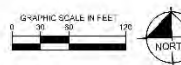
MEMPHIS, TENNESSEE OR SHIPLEY COUNTY, TENNESSEE

PROJECT NO. 2 TOTAL ACRES 12.529 ACRES SHARPE, BLOCK, PARCEL

OWNER RDM Devo LLC DEVELOPER Kimley & Horn

DATE 4/15/2015 SHEET NO. 9/28/2007

DATE SEPTEMBER 2015 DATE AS SHOWN SHEET 5 OF 7



AGENDA ITEM: 11

CASE NUMBER: PD 2023-021 **L.U.C.B. MEETING:** October 12, 2023

DEVELOPMENT: Mid-City Memphis Planned Development

LOCATION: 5111 Sanderlin Avenue

COUNCIL DISTRICT: District 5 and Super District 9

OWNER/APPLICANT: RCM DEVCO LLC/ David Lewis

REPRESENTATIVE: Josh Whitehead - Burch, Porter & Johnson, PLLC

REQUEST: New mixed-use planned development

AREA: +/-12.529 acres

EXISTING ZONING: Residential Single-Family – 10 (R-10), Commercial Mixed Use – 1 (CMU-1) and Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

1. The applicant is requesting approval for a mixed-use planned development consisting of multifamily, office, retail, hotel and structured parking uses located at the previous Racquet Club of Memphis site.
2. A Concept Plan A and Plan B were submitted with slight variations of the aforementioned uses. Also, Area 2 near the eastern property line of both plans is restricted by covenants that limit uses to single-family attached or detached, surface parking, office or lighted tennis courts.
3. The proposed concept is in conformance with Memphis 3.0, as this location is designated as an urban center future land use type with a degree of change noted as accelerate.
4. The proposed concept would further complement the range of development in the area and help revitalize a vacant eyesore.
5. Concerns about congestion stemming from the proposed concept plan, in an already developed area, are eased by the required Trip Generation Report to Engineering.

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 33 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Sanderlin Avenue +/-705.93 linear feet
Wheelis Drive +/-100 linear feet

Zoning Atlas Page: 2145

Parcel ID: 056033 00241, 056033 00242, 056033 00239, 056033 00075

Existing Zoning: Residential Single-Family – 10 (R-10), Commercial Mixed Use – 1 (CMU-1) and Commercial Mixed Use – 3 (CMU-3)

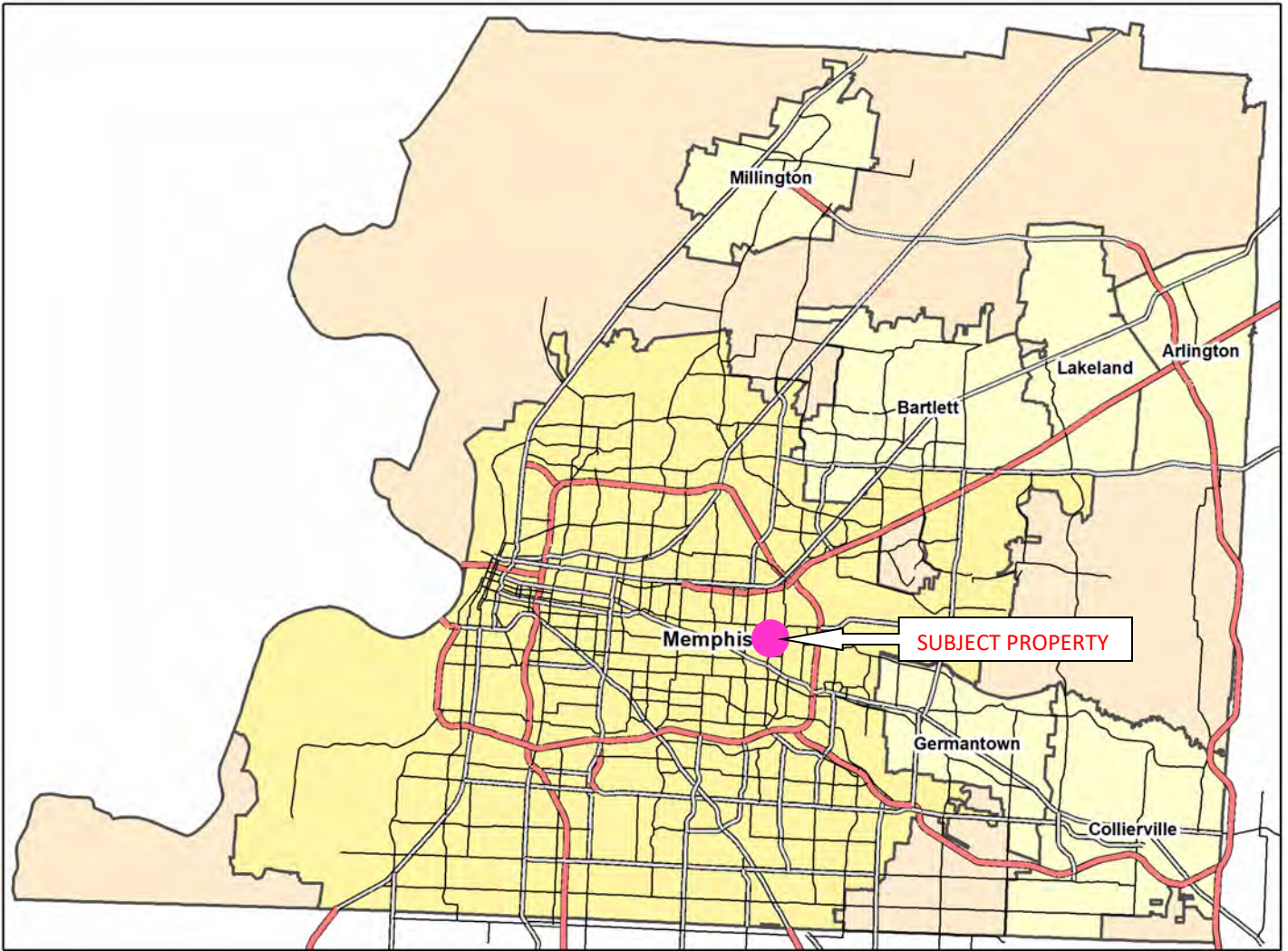
NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, September 28, 2023 at Officer Geoffrey Redd Library, 5094 Poplar Ave.

PUBLIC NOTICE

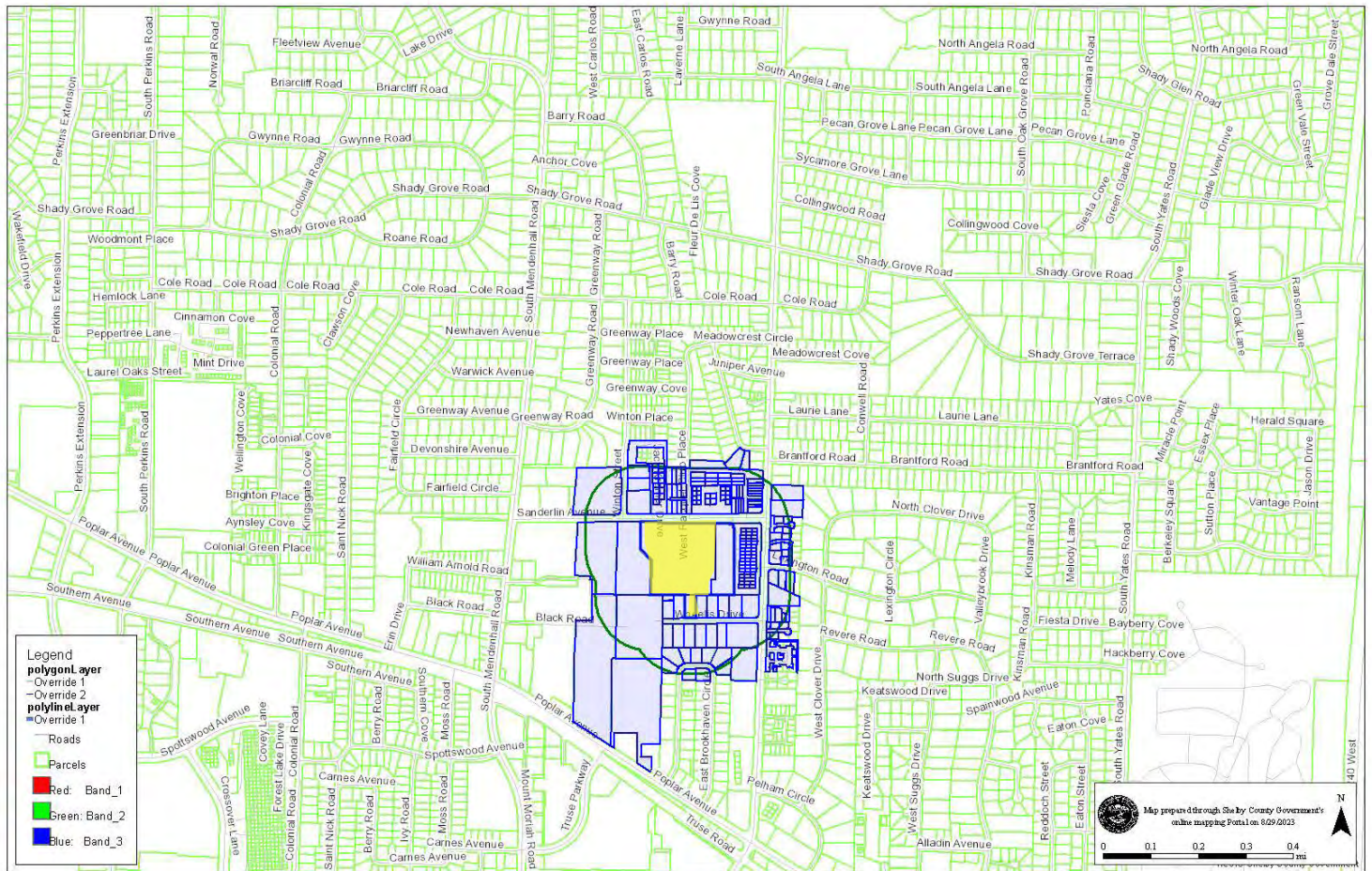
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 183 notices were mailed on September 28, 2023, and a total of 3 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



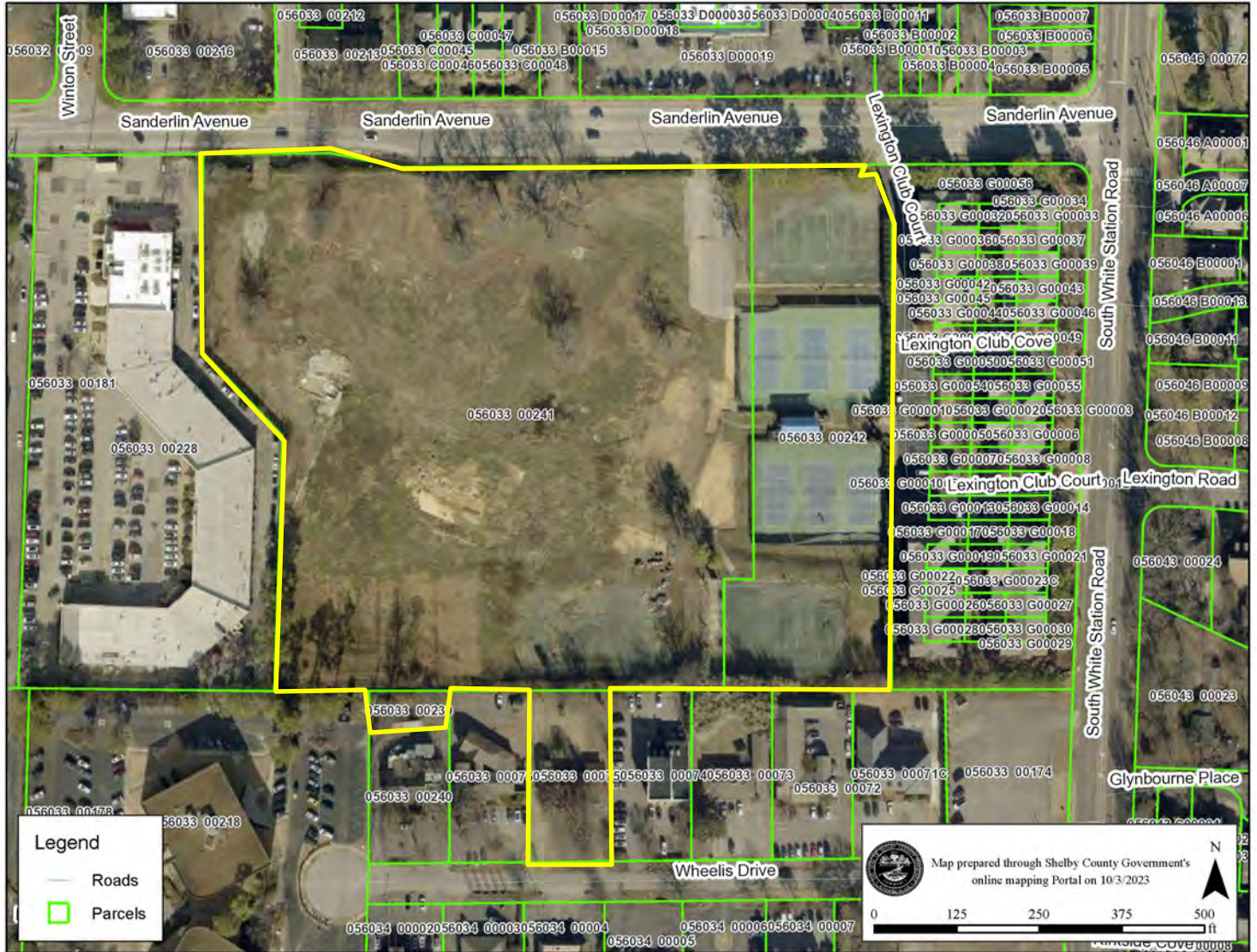
Subject property located within the pink circle, White Station

VICINITY MAP



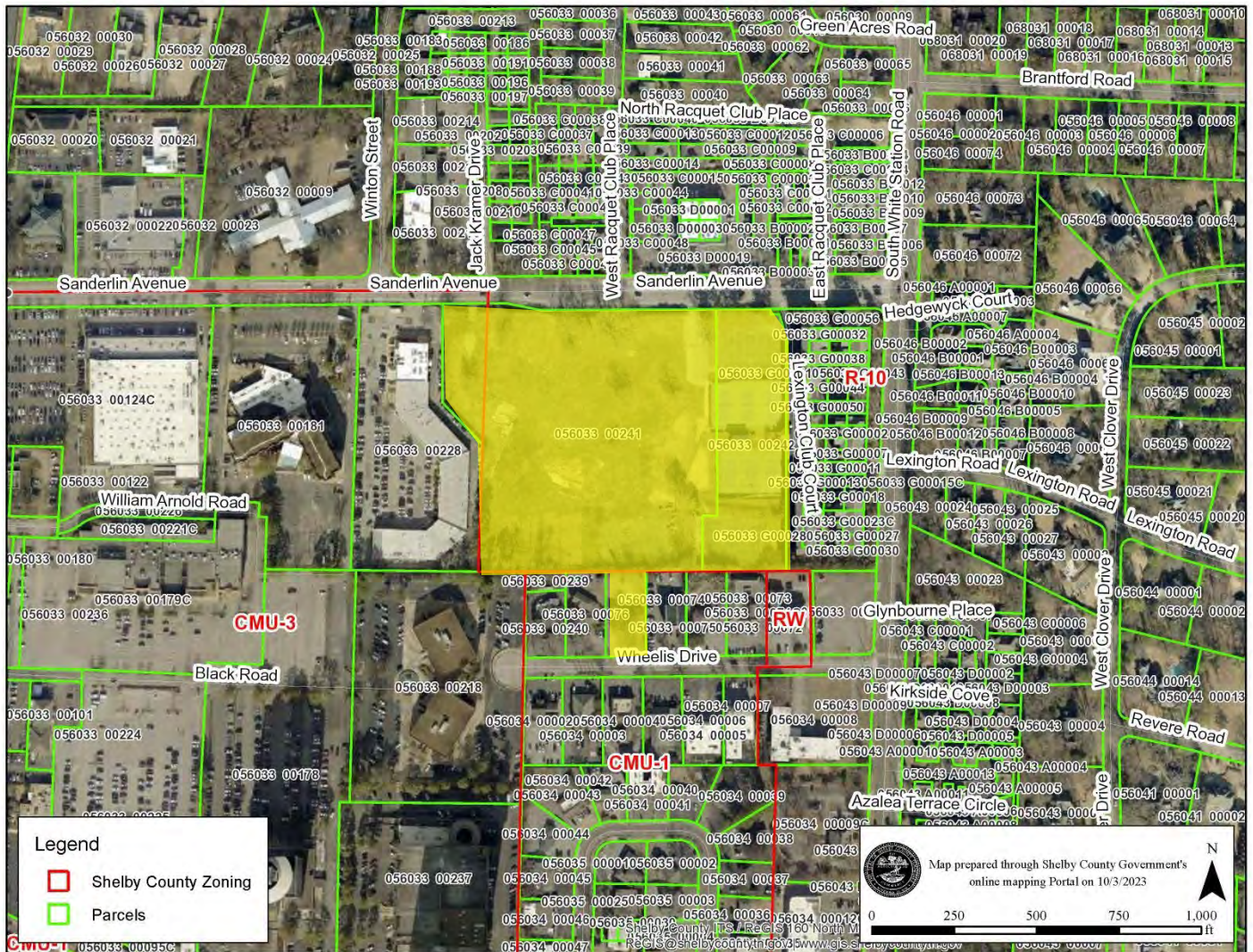
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 1 (CMU-1), Commercial Mixed Use – 3 (CMU-3) and Residential Single-Family – 10 (R-10)

Surrounding Zoning

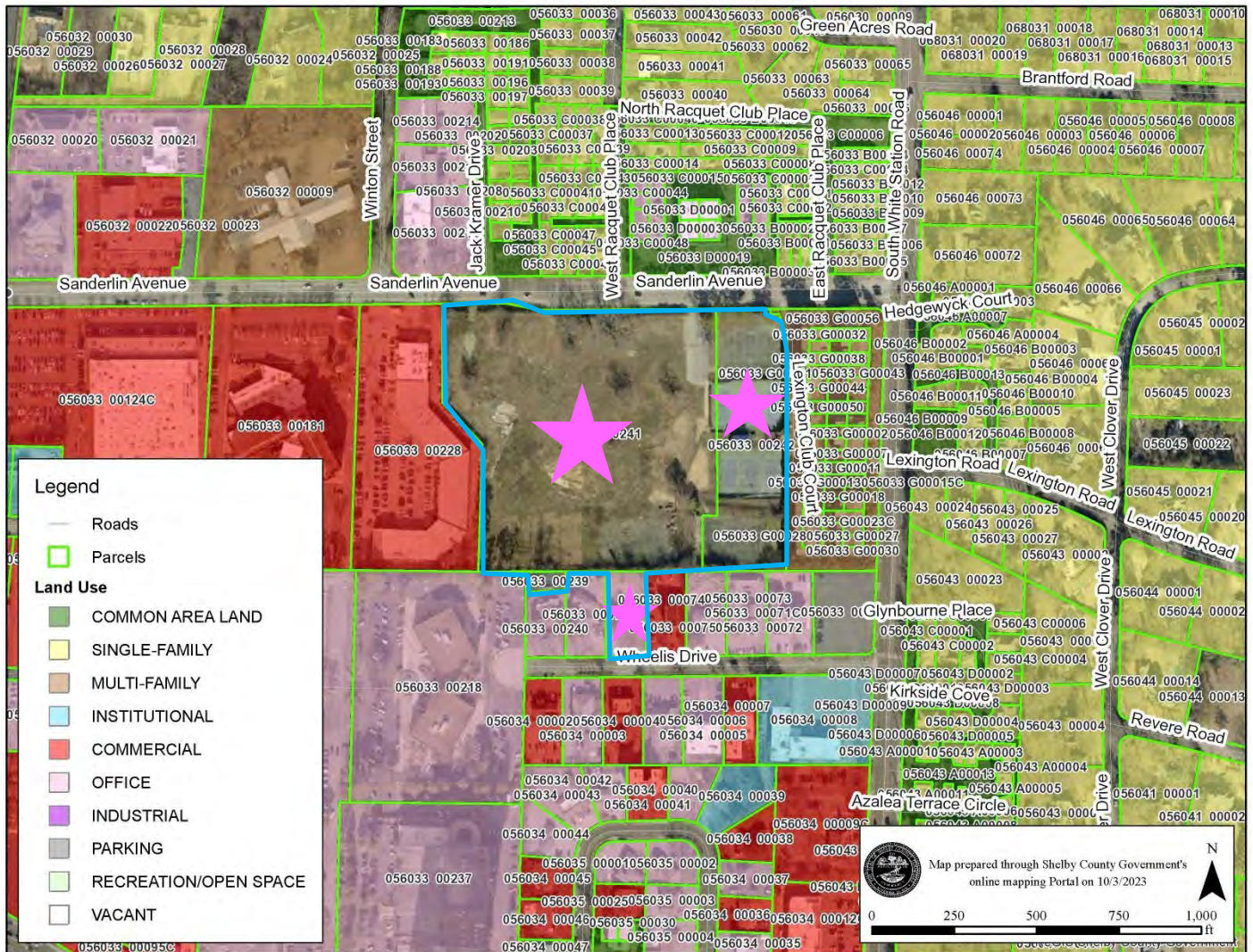
North: R-10

East: R-10

South: CMU-1

West: CMU-3

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of subject property from Sanderlin Avenue looking south



View of subject property from Sanderlin Avenue looking southeast



View of subject property from Sanderlin Avenue looking southwest



View of the subject property

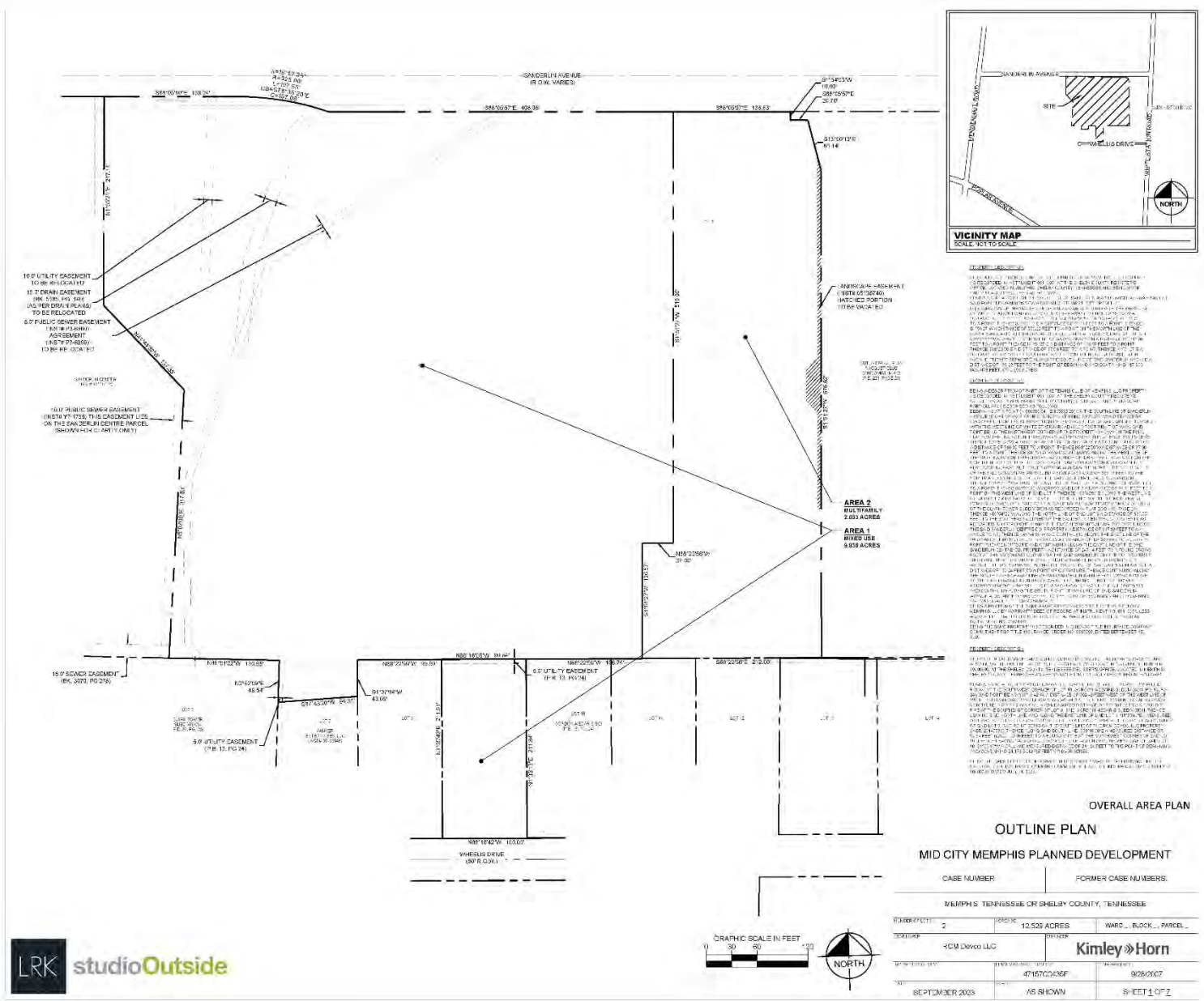


View of subject property from Sanderlin Avenue looking southwest

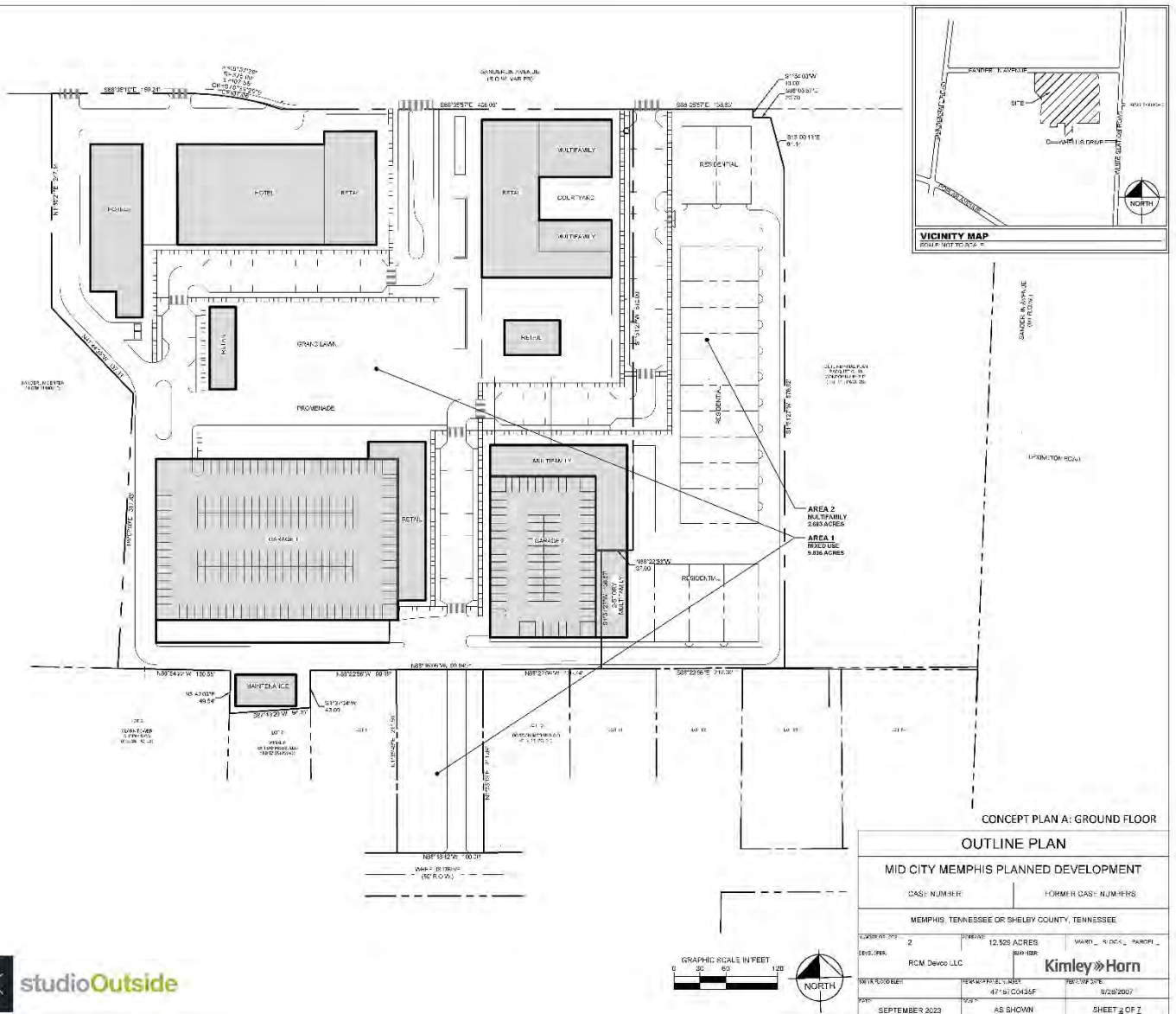


View of subject property from Wheelis Drive looking north

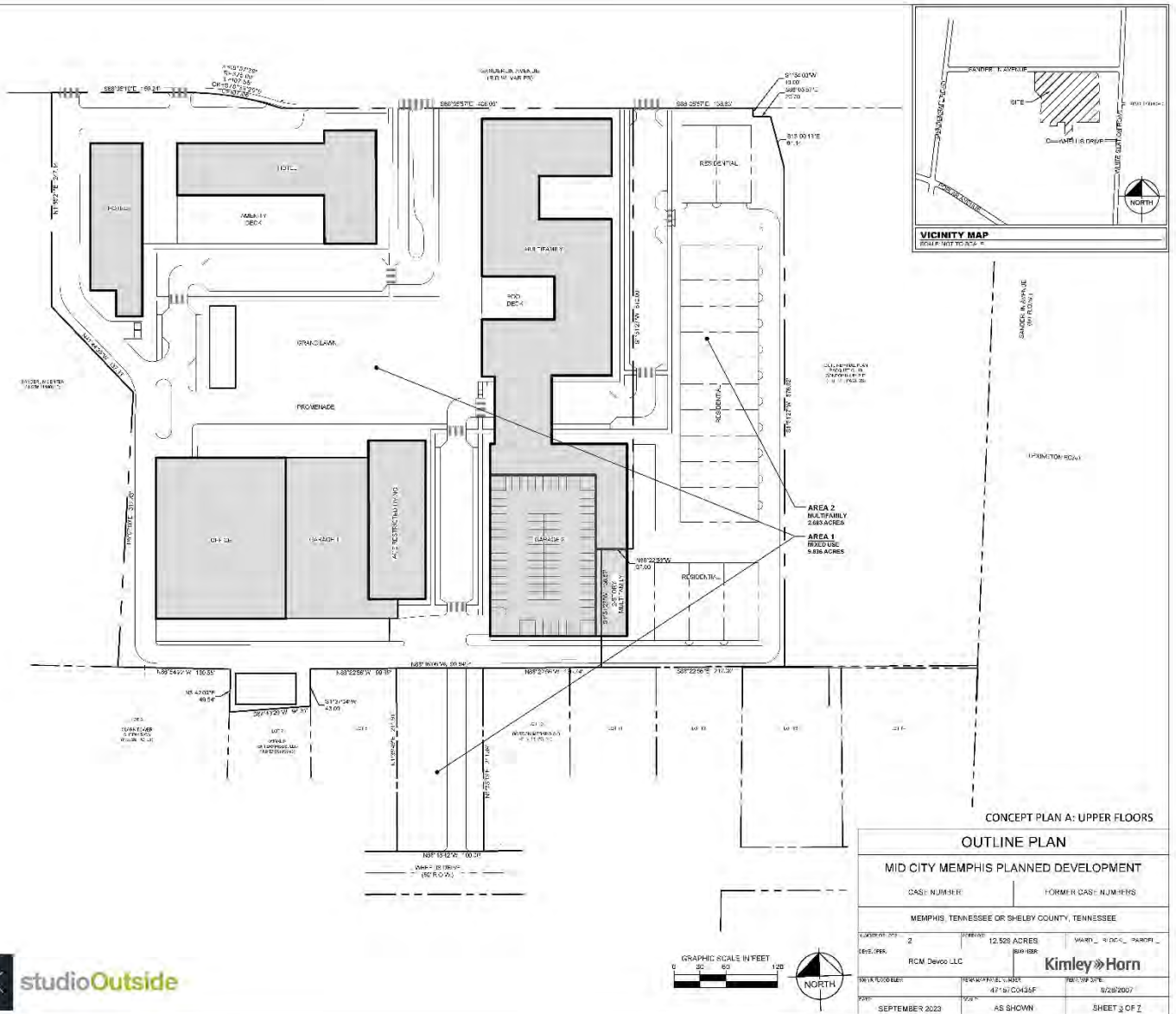
OUTLINE PLAN



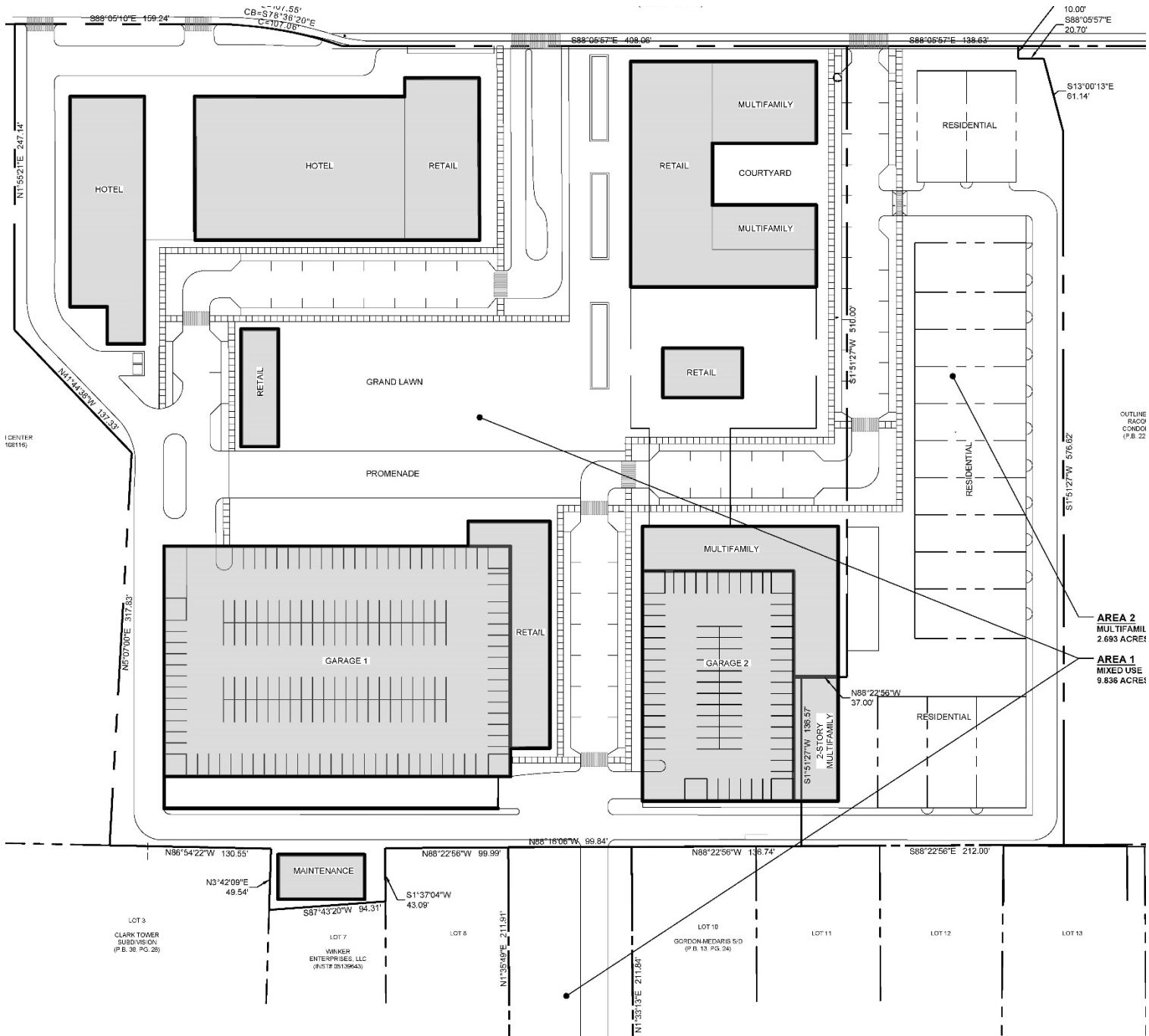
CONCEPT PLAN A



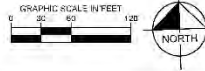
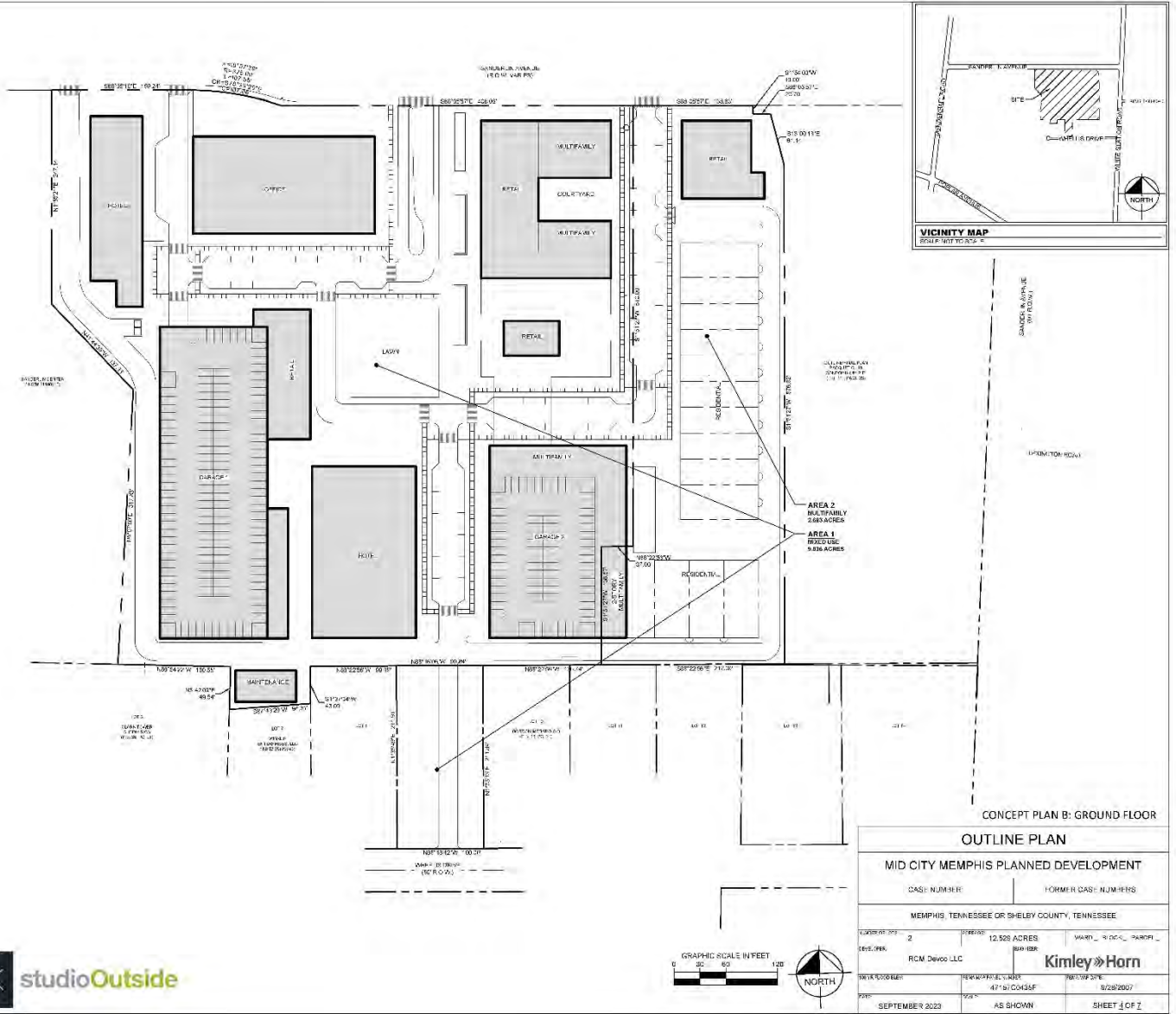
CONCEPT PLAN A



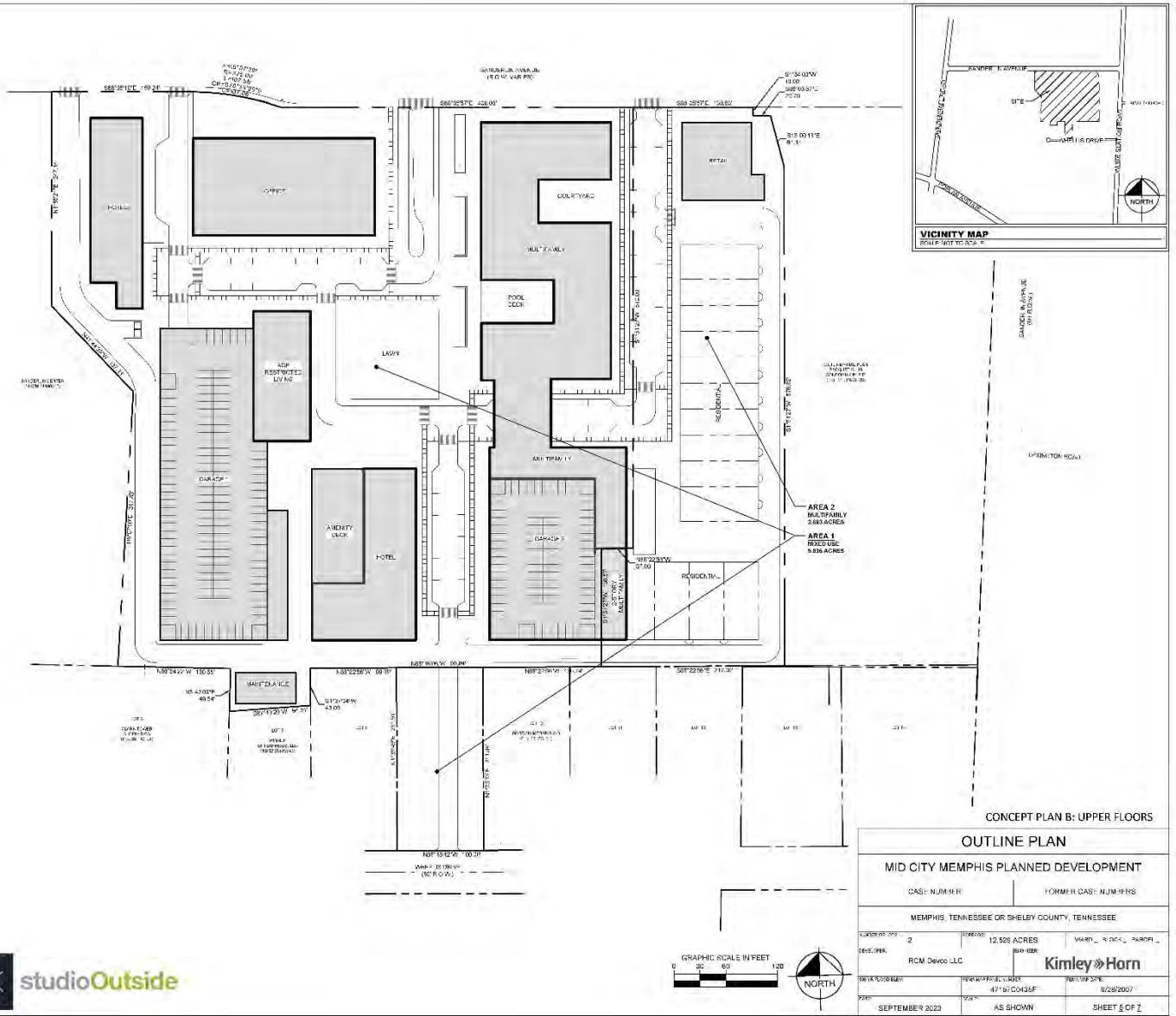
CONCEPT PLAN A - MAGNIFIED



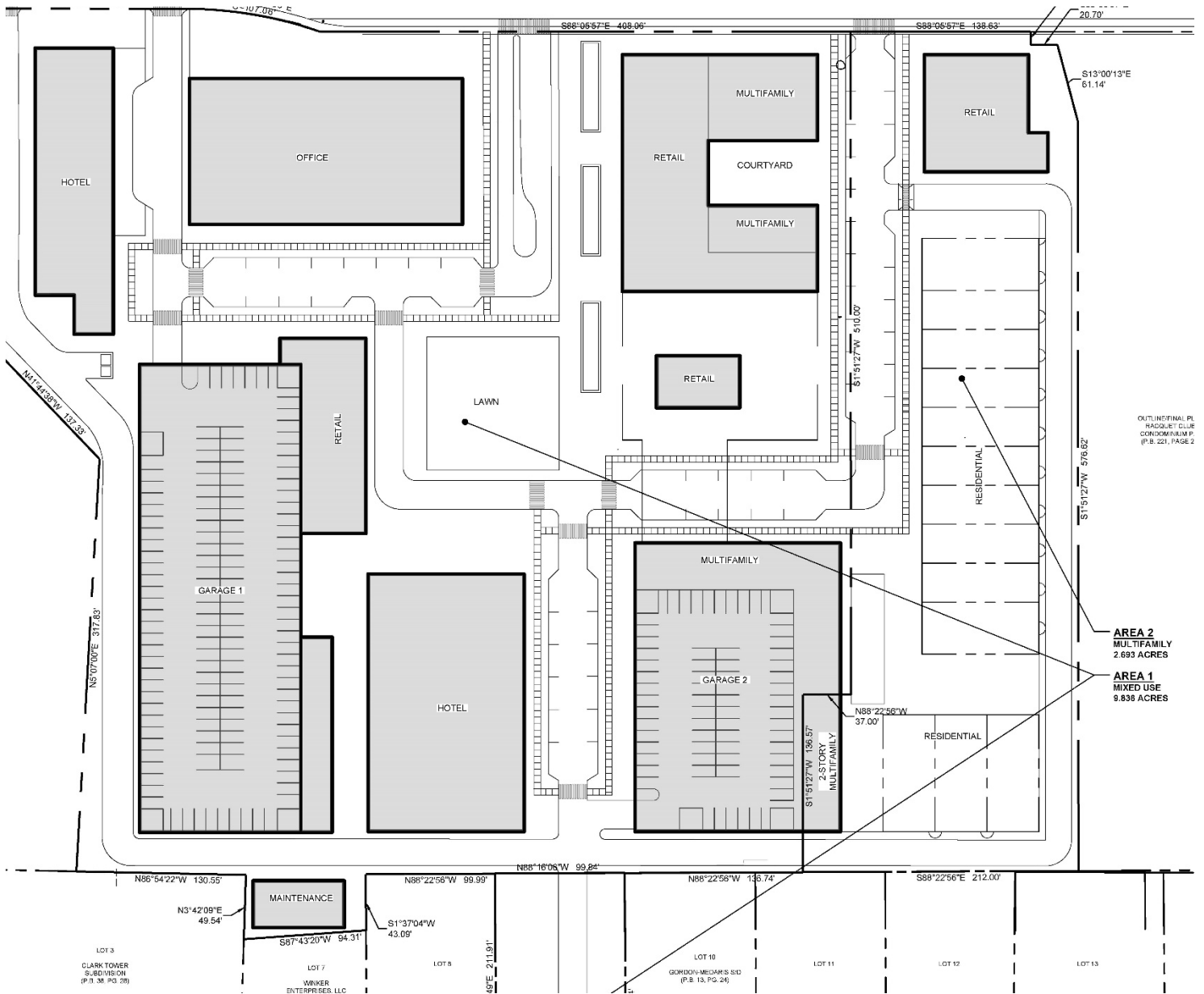
CONCEPT PLAN B



CONCEPT PLAN B



CONCEPT PLAN B – MAGNIFIED



STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is for a mixed-use planned development consisting of multifamily, office, retail, hotel and structured parking uses located at the previous Racquet Club of Memphis site.

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 in 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 Planning Director which shall be forwarded pursuant to provisions

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

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.

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

A. Screening

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

B. Display of Merchandise

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

C. Accessibility

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

D. Landscaping

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

Approval Criteria

Staff 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 insure 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 Description

The subject property is +/-12.529 acres consisting of three lots located along the south side of Sanderlin Avenue between Mendenhall Road and White Station Road. And an additional lot part of the request, Parcel ID 056033 00075, has frontage on the north side of Wheelis Drive. The two lots along the south side of Sanderlin (Parcels 056033 00241 and 056033 00242) previously made-up the campus site for the Racquet Club of Memphis. The tennis courts on Parcel 056033 00242 are all that remains of the Club. The adjacent lot is largely vacant other than some overbrush. Previous curb cuts along Sanderlin Avenue still remain.

The lot fronting Wheelis Drive contains a single-family structure converted to office space.

Site Zoning History

On February 21, 2012, the Council of the City of Memphis approved PD 2011-323 to allow additional tennis courts and associated restrooms and concession uses, as well as a reduction in the number of required parking spaces for the Racquet Club of Memphis. The approval was for a tract within one of the subject properties identified as Parcel 056033 00241. The Racquet Club had already been operating for numerous years prior to aforementioned approval. See page 23 of this report for said resolution.

On March 26, 2008, the Board of Adjustment approved Docket BOA 08-08 for a revised site plan, which removed approximately 3.5 acres from the site to accommodate development of the Lexington Condominiums, currently east of the subject property. The request also included setback reductions in relation to the condominiums' proximity to the Club.

On July 24, 1991, the Board of Adjustment approved Docket BOA 1991-044 to allow setback reductions for a stadium and a reduction in required parking spaces. See page 24 of this report for said notice of disposition.

RESOLUTION PD 2011-323

RESOLUTION

WHEREAS, Section 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, Application has been made for a planned development for property located on South side of Sanderlin Road, 262 feet west of White Station Road ; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Article 9.6.9 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 February 9, 2012, and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; 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 Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted in accordance with the Outline Plan incorporated in the application, and *subject to the attached conditions.*

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations 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 of development in accordance with said outline plan and the provisions of Section 9.6.11 of the Zoning Ordinance-Regulations.

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

FEB 21 2012

Date

Valerie C. Sipes

Deputy Comptroller-Council Records

cc: Office of Construction Code Enforcement
City Engineer
✓ OPD - LUC
OPD - LUC (East)

RESOLUTION PD 1991-044



MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

ROOM 1B-09 CITY HALL • 125 NORTH MID AMERICA MALL
MEMPHIS, TENNESSEE 38103

NOTICE OF DISPOSITION

DATE: July 25, 1991

TO: Pete Aviotti, Jr.
Racquet Club of Memphis
5111 Sanderlin Avenue
Memphis, TN 38118

RE: DOCKET 91-44 City

LOCATION: 5111 Sanderlin Avenue, (at the
southwest corner of Sanderlin
Avenue and White Station Road)

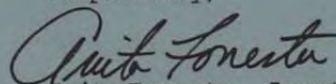
On July 24, 1991, the MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT approved your application, as submitted, requesting a variation from the Zoning Regulations to allow a reduction in the required side and rear yard setbacks for building expansion; with further variations to allow building height in excess of 35 feet, and to allow a reduction in the number of required parking spaces (64 additional spaces required); subject to the following condition:

1. The submitted plan is the approved plan and is to be so marked and made a part of the records of this case. Such approval is based in part upon the Board's evaluation and conclusion that the plan, as approved, eliminates or minimizes the potentially harmful characteristics or impact upon surrounding properties. Any change or deviation from this plan, including installation or placement of temporary and portable signs, is to be resubmitted to the Board for its review and reaffirmation of the approval hereby granted.

ALL APPEALS AND APPLICATIONS GRANTED ARE EXPRESSLY CONDITIONED UPON THE APPLICANT OBTAINING THE PERMIT REQUESTED OR OTHER ORDER WITHIN ONE (1) YEAR FROM THE DATE OF THE DECISION OF THE BOARD OF ADJUSTMENT.

The resolution of the Board is subject to your inspection at the office of the Board of Adjustment.

Respectfully,


Anita Forrester, Secretary
Board of Adjustment

Site Plan Review

- Detailed site plan review will occur during the final plan review process.

Conclusions

The applicant is requesting approval for a mixed-use planned development consisting of multifamily, office, retail, hotel and structured parking uses located at the previous Racquet Club of Memphis site.

A Concept Plan A and Plan B were submitted with slight variations of the aforementioned uses. Also, Area 2 near the eastern property line of both plans is restricted by covenants that limit uses to single-family attached or detached, surface parking, office or lighted tennis courts.

The proposed concept is in conformance with Memphis 3.0, as this location is designated as an urban center future land use type with a degree of change noted as accelerate.

The proposed concept would further complement the range of development in the area and help revitalize a vacant eyesore.

Concerns about congestion stemming from the proposed concept plan, in an already developed area, are eased by the required Trip Generation Report to Engineering.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Mid-City Memphis Planned Development Outline Plan Conditions PD 23-021

I. PERMITTED USES

A. Area 1

1. Uses permitted by right in the Commercial Mixed Use – 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:

- a. Hotel
- b. Multi-family residential
- c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:
 - i. Pawnshop
 - ii. Payday loans, title loan establishments
 - iii. Vehicle parts and accessories
 - iv. Wholesale Club
 - v. Convenience store, with or without gas pumps
 - vi. Automatic one bay car wash facility
 - vii. Drive-thru facility

- d. Retail Service-Oriented uses, excluding the following principal and accessory uses:
 - i. Animal hospital, animal shelter, kennel
 - ii. Laundromat, coin operated pickup station
 - iii. Taxidermist
 - iv. Truck stop, tractor-trailers (fueling of)
 - e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
 - i. Appliance
 - f. Parking - structured or on grade
2. The following additional uses are excluded:
- a. Vehicle sales, service and repair
 - b. Self-service storage

B. Area 2

1. Uses in Area 2 are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
- a. Surface parking lot
 - b. Single-family detached
 - c. Single-family attached
 - d. Office
 - e. Tennis courts with lights

II. BULK REGULATIONS

A. Area 1

1. The bulk regulations shall be in conformance with the Commercial Mixed Use – 3 (CMU-3) district regulations, with the following exceptions:
- a. There shall be no maximum density requirements.
 - b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
 - c. The maximum building height shall be 240'.

B. Area 2

1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban – 3 (RU-3) district regulations, with the following exceptions:
- a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The maximum building height shall be 40' and two (2) stories.
2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
- a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The minimum lot width shall be 50.'
 - c. The maximum building height shall be 40' and two (2) stories (for office uses only).

III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- C. All internal drives shall be private, owned and maintained by a property owner or a property owners association.

- D. Streets shall conform to the City of Memphis standards as modified herein.
- E. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- F. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.

IV. LANDSCAPING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- D. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- E. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- F. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- G. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- H. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- I. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.
- J. A buffer pursuant to UDC Section 4.6.5B shall not be required adjacent to the Lexington Condominium property to the east; an alternative landscaping screen along this common property line shall be permitted and approved during the review of any final plan(s) that applies to this area.**

V. DRAINAGE

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

VI. SANITY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.
- C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

VII. WATER SERVICE / UTILITIES

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

X. ARCHITECTURAL GUIDELINES

- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

XI. 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, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - 3. The location and ownership, whether public or private, of any easement.
 - 4. A landscape plan.
 - 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:

NAME: 5111 Sanderlin Avenue; WHITE STATION

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

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

Drainage:

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

General Notes:

16. The width of all existing off-street sewer easements shall be widened to meet current city standards.
17. Development is greater than 1 acre and is located within a sensitive drainage basin.
18. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
19. All connections to the sewer shall be at manholes only.
20. 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.
21. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division: See comments as follows:

Case Number: PD 2023 021

Date Reviewed: 9/25/23

Reviewed by: J. Stinson

Address or Site Reference: 5111Sanderlin

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

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

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: See comments as follows:

General Comments & Analysis:

Located in Zone 2 of the Resilience Zone Framework:

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

The site's Zone 2 designation is from noted flash flooding in the area, particularly at the intersection of Sanderlin Avenue and South White Station Road. The site is also located in the drainage basin for White Station Creek, which has been identified as a high sensitivity drainage basin.

The site is currently vacant with little tree cover according to aerial photography. Any development on the site will increase the amount of impervious surfaces on the site, as the majority of the site has been cleared.

Both potential versions of the site as submitted in the Outline Plans incorporate some green space elements in the form of a central lawn area. It is unclear at this time what landscaping will be used on the site.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This application is generally consistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites notes that development in Zone 2 can be risky, as it can exacerbate the risk of flooding if proper precautions are not taken. At this stage of development, it is unclear as to what, if any, flood mitigation measures will be incorporated as part of the plan for the site. Increasing density in the area would be consistent with the recommendations in Section 4.2 – Smart Growth, as it could promote walkability in the area.



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

Recommendations: Staff recommends the following:

- The incorporation of green or cool roofs for the site's buildings could help address the urban heat island effect generated by the increase in impervious surfaces and, in the case of green roofs, reduce the amount of stormwater runoff on the site. Additional information about the benefits of green roofs can be found in the Mid-South Regional Resilience Master Plan, Section 3.4 – Roof Design.
- Low-impact development (LID) techniques can be incorporated in common areas, which can also help mitigate the potential for flash flooding in the area. Some examples of LID techniques that could be helpful for the site include permeable pavement, bioretention, and rain gardens.

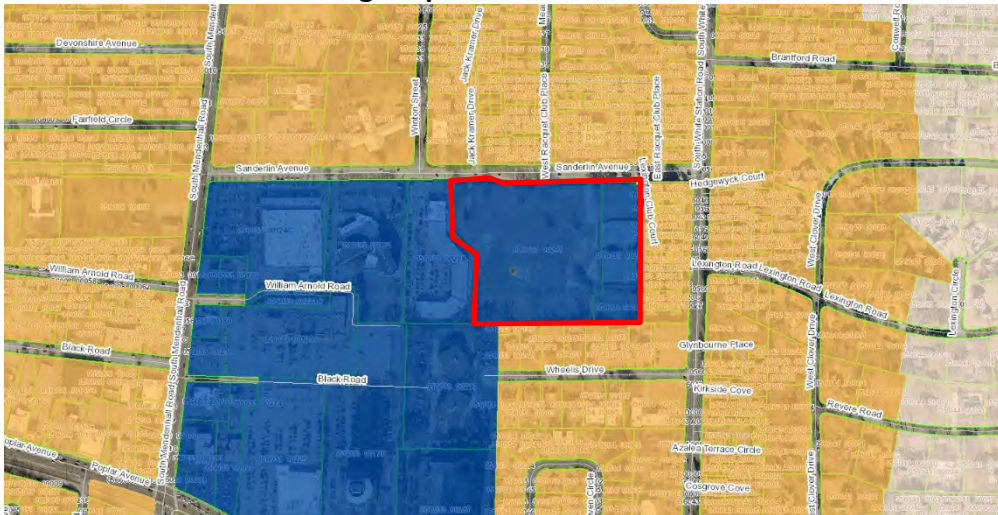
Office of Comprehensive Planning: See comments as follows:

Site Address/Location: 5111 Sanderlin Ave.
Overlay District/Historic District/Flood Zone: Not in an Overlay Zone, Historic District or Flood Zone
Future Land Use Designation: Urban Center (A-UC)
Street Type: Avenue

The applicant is requesting a planned development to allow mixed-use development.

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

Urban Center (A-UC) are walkable, mixed-use center comprised of multi-story block scale and some house-scale buildings, extending for several adjacent blocks and alongside streets to start to form a district. May be anchored by a destination that attracts people from across the city. Graphic portrayal of A-UC is to the right.

“A-UC” Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings primarily attached, Block-scale buildings, mix of uses, 1-12 stories height, Several blocks of extent

“A-UC” Zoning Notes

Generally compatible with the following zone districts: MU, CMU-3 and CMU-2 with frontage requirements (MO District), CMP-1, SE in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-10, CMU-3

Adjacent Land Use and Zoning: Commercial, Office, and Multi-Family, CMU-1 and RW

Overall Compatibility: *This requested use to allow the mixed-use development which will contain hotel, multifamily, and office buildings, with pedestrian promenade and ground-floor retail surrounding a Grand Lawn, and single-family townhouses is compatible with the land use description/intent, form & location characteristics and zoning notes of the future land use category. Additionally, the development will complement the adjacent land uses and zoning.*

3. Degree of Change Map



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

4. Degree of Change Description

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

The proposed application is a private investment and will allow greater mix of uses and increase density.

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

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.7 – Focus redevelopment efforts for vacant parcels within one-quarter mile of anchors (anchor neighborhoods). The proposed mixed use will reduce the vacancy by the redevelopment efforts.

Consistency Analysis Summary

The applicant is requesting a planned development to allow mixed-use development.

This requested use to allow the mixed-use development which will contain hotel, multifamily, and office buildings, with pedestrian promenade and ground-floor retail surrounding a Grand Lawn, and single-family townhouses is compatible with the land use description/intent, form & location characteristics and zoning notes of the future land use category. Additionally, the development will complement the adjacent land uses and zoning.

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

The proposed application is a private investment and will allow greater mix of uses and increase density.

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.7 – Focus redevelopment efforts for vacant parcels within one-quarter mile of anchors (anchor neighborhoods). The proposed mixed use will reduce the vacancy by the redevelopment efforts.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.
Summary Compiled by: Faria Urmy, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: September 8, 2023

Record Number: PD 2023-021

Expiration Date:

Record Name: Mid-City Memphis

Description of Work: Mid-City Memphis is a 12.5+ acre mixed-use development on the site of the former Racquet Club of Memphis. See Letter of Intent for further description.

Subject Parcels:

5111 Sanderlin Ave Parcel 056033 00241

5141 Sanderlin Ave Parcel 056033 00242

5148 Wheelis Dr Parcel 056033 00075

Parent Record Number:

Address:

5111 SANDERLIN AVE, MEMPHIS 38117

Owner Information

Primary Owner Name

Y RCM DEVCO LLC

Owner Address

1 Dr ML King Jr Ave Suite 130, MEMPHIS, TN 38103

Owner Phone

Parcel Information

056033 00241

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Brett Ragsdale
Date of Meeting 08/28/2023
Pre-application Meeting Type In Person

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)

Previous Docket / Case Number -

Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres? N/A
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter 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 Affirmed. Please see Letter of Intent for further description.

UDC Sub-Section 9.6.9B Affirmed.

UDC Sub-Section 9.6.9C Affirmed.

UDC Sub-Section 9.6.9D Affirmed.

UDC Sub-Section 9.6.9E Affirmed.

UDC Sub-Section 9.6.9F Affirmed.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A Affirmed.

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 Affirmed.

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 Affirmed.

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 Affirmed.

E) Homeowners' associations or some other responsible party shall be required to maintain Affirmed.

GENERAL PROVISIONS

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 **Affirmed.**

GIS INFORMATION

Central Business Improvement District Case Layer	No BOA1991-044, BOA2008-08, BOA1991-44, PD11-323, SAC_1974-016
Class	C
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-10
State Route	-
Lot	-
Subdivision	EPPY WHITE
Planned Development District	-
Wellhead Protection Overlay District	Yes

Data Tables

AREA INFORMATION

Name:	Area A
Size (Acres):	9.836
Existing Use of Property:	Vacant
Requested Use of Property:	Commercial Mixed Use

Name:	Area B
Size (Acres):	2.693
Existing Use of Property:	Tennis Courts
Requested Use of Property:	Multifamily

Contact Information

Name	Contact Type
DAVID LEWIS	APPLICANT
Address	
Phone	
(901)494-7154	

LETTER OF INTENT



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

September 8, 2023

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

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

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

On behalf of RCM Devco, LLC and Carlisle Development Company, I am pleased to submit this application for a planned development ("PD") for the property on the south side of Sanderlin Avenue that was formerly the home of the Racquet Club of Memphis. Known as the Mid-City Memphis PD as a recognition of the site's location in the geographic and population center of the Memphis metropolitan area, this mixed-use development will contain hotel, multifamily, and office buildings, with pedestrian promenade and ground-floor retail surrounding a Grand Lawn, and single-family townhouses. These will complement the existing land uses in this superblock and adjacent properties that contain the Clark Tower, the i-Bank Tower (formerly known as the White Station Tower), Brookhaven Circle, two grocery stores, a DoubleTree Hotel, Malco Paradiso and a number of other retail, office and residential uses, firmly meeting the approval criteria required for PDs under Section 9.6.9 of the Memphis and Shelby County Unified Development Code.

The conditions of approval for the Mid-City Memphis PD will effectively rezone the site to the CMU-3 zoning district to match the zoning of the adjacent property to its west. The project is anticipated to contain approximately two high-rise buildings and five mid-rise buildings in its western portion (styled in the PD conditions as "Area A") and approximately 16 townhouses in its eastern portion (styled as "Area B"). The following uses are anticipated: a hotel of +/- 260,000 square feet ("SF"), retail space of +/- 50,000 SF, age restricted housing of +/- 170,000 SF, office space of +/- 175,000 SF, multi-family housing of +/- 320,000 SF, parking garage space of +/- 500,000 SF and single-family townhouse comprising +/- 75,000 SF.

The Mid-City Memphis PD site is identified in the Memphis 3.0 General Plan as an Urban Center (please see Exhibits "A" and "B," attached). As such, we believe the proposed use mix and bulk of its buildings are consistent with Memphis 3.0.

Thank you for your consideration of this matter.

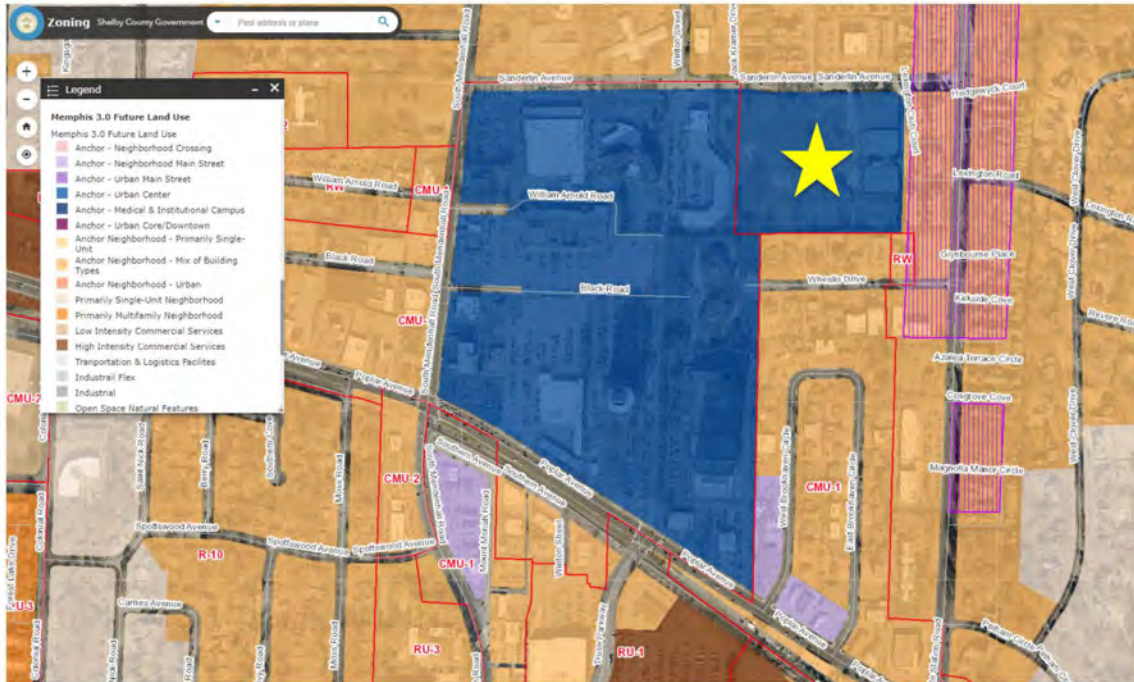
Very truly yours,

A handwritten signature in blue ink, appearing to read "Josh Whitehead".

Josh Whitehead

September 8, 2023
Page 2

EXHIBIT A



This excerpt from the Memphis and Shelby County Zoning Atlas shows the Memphis 3.0 Future Land Use and Planning map identifies the subject parcel (marked with a yellow “star”) as an Urban Center Anchor.

September 8, 2023
 Page 3

EXHIBIT B

Urban Center
 A-UC

Urban Center anchors are characterized by attached buildings that continue for multiple blocks along a street. An Urban Center includes a vertical mix of uses, featuring civic and cultural institutions that serve many neighborhoods or the entire city and which may anchor the center. An Urban Center is a destination for walkable retail, service, and leisure, but accessible from across the city by multiple modes of transportation. Green space may be interspersed to provide community common space.

Descriptive/Intent	Walkable, mixed-use center comprised of multi-story block-scale and some house-scale buildings, extending for several adjacent blocks and alongside streets to start to form a district. May be anchored by a destination that attracts people from across the City.
Applicability	Medium to large sized centers extending through a district where a vertical mix of uses and activities is present or appropriate as a higher-intensity anchor for a surrounding urban neighborhood.
Goals/Objectives	Support organization of services, amenities, opportunities, and housing choices in direct relationship to anchor neighborhoods, focusing investment toward areas that support plan goals and objectives.
Performance Metrics	Number of new businesses and services, housing infill, office, jobs locating within A-UC anchors, rents.
Zoning Notes	Generally compatible with the following zone districts: MU, CMU-3 and CMU-2 with frontage requirements (MO District), CMP-1, SE in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings within anchor neighborhood areas as appropriate, at the time of a small area plan. Analysis to check that minimum lot sizes and parking requirements are suitable to promote infill in all applicable zones. Recommend embedding private frontage standards into zones. Height calibration.
Form and Location Characteristics	NURTURE, SUSTAIN and ACCELERATE - Buildings primarily attached Block-scale buildings Mix of uses 1-12 stories height Several blocks of extent.



This description of an Urban Center Anchor is found in the Memphis 3.0 General Plan.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, David Lewis, being duly sworn, depose and say that at 5 am/pm
on the 2nd day of October, 2023, I posted 3 Public Notice Sign(s)
pertaining to Case No. PD 2023-21 at 5141 Sanderlin and 5148 Wheels,
providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

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

D. Lewis
Owner, Applicant or Representative

10/2/2023
Date

Subscribed and sworn to before me this 2nd day of October, 2023.

Kimberley Dobson
Notary Public

My commission expires: 10-5-2025



LETTERS RECEIVED

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

Cynthia Ross
506 Kinsman Rd
Memphis, TN 38120

September 17, 2023

Memphis and Shelby County Division of Planning and Development
Land Use Control Board
125 N Main St. #477
Memphis, TN 38103

Dear Board Members,

As a resident of a nearby neighborhood I was distressed to read recent news stories about the proposed new "Mid-City Memphis" development on the site of the former Racquet Club in East Memphis. I believe it to be far too large scale for the surrounding infrastructure and neighborhoods.

My concerns are:

- A) The adverse impact of increased traffic on Sanderlin, White Station, Mendenhall, and the already busy stretch of Poplar. Sanderlin already has problems with speeding and tailgating.
- B) The increased crowds at the two nearby supermarkets, Kroger and Whole Foods, especially on busy weekends. The Mendenhall Kroger parking lot is already frequently at or near capacity at busy times. And both stores seem to have chronic staffing issues which would be exacerbated by increased foot traffic.


Thank you for considering my concerns and those of other residents even closer to the proposed development.

Sincerely,



Cynthia Ross

From: leslie@leslieoleary.com
To: [Cobbs, Kendra](#)
Subject: Mid City Memphis Planned Development Application (PD2023-021)
Date: Thursday, September 28, 2023 2:44:44 PM
Importance: High

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

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

Kendra Cobbs

Owen Harris

Jennifer Peregoy

My husband and I own 5168 Wheelis Drive, it is the location of my husband's business, Rick O'Leary Sales & Marketing, LLC. Unfortunately, we have a previous commitment and will not be able to attend tonight's meeting at the Library.

Since the demolition of the old Racquet Club the Vacant Land has been a terrible eye sore and source of critter infestation to the entire area. So of course, we are excited for the possibility of new growth and mixed-use development to the area, however the space is tricky as it land locked and limited. It appears these developers are trying to use every inch of land space to develop retail and residential and vertical air space for parking garages to accommodate their parking needs. It also, appears they propose to make an access/outlet onto Wheelis Drive for their development. Currently Wheelis is a very narrow unmarked two-way street that takes on more traffic than it was intended to and does not have sidewalks to accommodate pedestrian traffic.

In my professional and personal opinion, portions of this development are not in the best interest of any Wheelis Drive property owners and especially those on the north side of Wheelis as that is where these developers intend to put the bulk of the parking garages, maintenance buildings and trash bins.

We fear this access to and or from Wheelis Drive will not only create another point of access for crime onto our street, and the entire area but most importantly will lower our property values.

We do plan to be at the meeting on October 12, 2023. But thought it best to let you know our thoughts on this development in advance.

We look forward to meeting.

Please reply to this email to confirm receipt. Thank you.

Sincerely,

Leslie

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Leslie O'Leary | REALTOR® | VP Crye-Leike Realtors | TN License # 296220

Accredited Buyer's Representative

Certified Residential Specialist

Graduate, REALTOR® Institute

Relocation Specialist

Crye-Leike Circle of Excellence

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Crye-Leike Realtors | 7700 Poplar Ave # 216 | Germantown TN | Firm License # 225047

Mobile: 901.240.8368 | Office: 901.754.0800

leslie@leslieoleary.com | www.LeslieOLEary.com

From: [bradley.](#)
To: [Cobbs, Kendra](#)
Subject: Re: Mid-City Memphis
Date: Thursday, October 5, 2023 11:13:19 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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

Hi Kendra,

My wife and I attended the meeting and have a lot of concerns about the Wheelis access. At this point they do not have a lot of information and are referring to the project as a Super Block. This indicates to me there is a much larger plan and will further create traffic problems and security problems for our street. Based on what we know, I am opposed to allowing them access to Wheelis Drive and for being allowed to build a maintenance shop in our back yard. We would like to have setbacks established before approving the project. We would also like to have traffic plans in place as well as concessions for business disruptions as a result of the project regardless of who is doing the work; ie: Carlisle or their contractors, MLGW, City of Memphis, etc. We can only expect for our business to be impacted in a negative way due to this project, especially if access is given to Wheelis and to our back yard.

Regards,

Bradley Williams

On Thursday, September 28, 2023 at 03:20:13 PM CDT, Cobbs, Kendra <kendra.cobbs@memphistn.gov> wrote:

Hi Mr. Williams,

Hopefully you'll be able to make the neighborhood meeting the applicants are hosting this evening, and your questions are answered. If after the meeting you'd like to send a letter of support or opposition, please feel free to forward to me.

Sincerely,



Kendra Cobbs, AICP, CNU-A
Planner III
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN
38103
Phone: 901-636-6619
Email: Kendra.Cobbs@memphistn.gov



Visit our [website](#)

From: bradley . <bradley@curbsidecasserole.com>
Sent: Tuesday, September 26, 2023 5:53 PM
To: Cobbs, Kendra <Kendra.Cobbs@memphistn.gov>
Subject: Mid-City Memphis



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

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

Hi Kendra, it was great speaking with you today. I have attached a list of items that I would like to be considered before this project is approved.

I would be glad to hear clarification on any of the points you see or need more clarification from me on.

Thanks

Bradley Williams
5130 Wheelis Drive
Memphis, TN 38117



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: September 8, 2023

Record Number: PD 2023-021

Expiration Date:

Record Name: Mid-City Memphis

Description of Work: Mid-City Memphis is a 12.5+ acre mixed-use development on the site of the former Racquet Club of Memphis. See Letter of Intent for further description.

Subject Parcels:

5111 Sanderlin Ave Parcel 056033 00241

5141 Sanderlin Ave Parcel 056033 00242

5148 Wheelis Dr Parcel 056033 00075

Parent Record Number:

Address:

5111 SANDERLIN AVE, MEMPHIS 38117

Owner Information

Primary Owner Name

Y RCM DEVCO LLC

Owner Address

1 Dr ML King Jr Ave Suite 130, MEMPHIS, TN 38103

Owner Phone

Parcel Information

056033 00241

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Brett Ragsdale
Date of Meeting 08/28/2023
Pre-application Meeting Type In Person

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)
Previous Docket / Case Number -
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? N/A
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
Is this application in response to a citation, stop work order, or zoning letter 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 Affirmed. Please see Letter of Intent for further description.
UDC Sub-Section 9.6.9B Affirmed.
UDC Sub-Section 9.6.9C Affirmed.
UDC Sub-Section 9.6.9D Affirmed.
UDC Sub-Section 9.6.9E Affirmed.
UDC Sub-Section 9.6.9F Affirmed.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A Affirmed.
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 Affirmed.
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 Affirmed.
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 Affirmed.
E) Homeowners' associations or some other responsible party shall be required to maintain Affirmed.

GENERAL PROVISIONS

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 Affirmed.

GIS INFORMATION

Central Business Improvement District	No
Case Layer	BOA1991-044, BOA2008-08, BOA1991-44, PD11-323, SAC_1974-016
Class	C
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-10
State Route	-
Lot	-
Subdivision	EPPY WHITE
Planned Development District	-
Wellhead Protection Overlay District	Yes

Data Tables

AREA INFORMATION

Name:	Area A
Size (Acres):	9.836
Existing Use of Property:	Vacant
Requested Use of Property:	Commercial Mixed Use

Name:	Area B
Size (Acres):	2.693
Existing Use of Property:	Tennis Courts
Requested Use of Property:	Multifamily

Contact Information

Name	Contact Type
DAVID LEWIS	APPLICANT
Address	
Phone	
(901)494-7154	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1500745	Planned Development - each additional or fractional acres above 5	8	800.00	INVOICED	0.00	09/08/2023
1500745	Credit Card Use Fee (.026 x fee)	1	59.80	INVOICED	0.00	09/08/2023
1500745	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	09/08/2023

Total Fee Invoiced: \$2,359.80

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$2,359.80	Credit Card

MEMPHIS AND SHELBY COUNTY  **DIVISION OF PLANNING AND DEVELOPMENT**

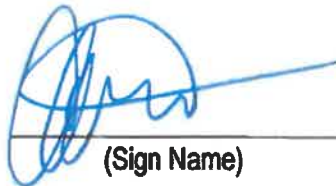
City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Chancellor Carlisle
(Print Name)


(Sign Name)

state that I have read the definition of

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

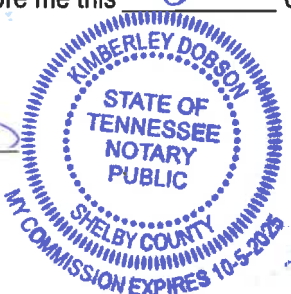
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in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

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

of the properties located at 5111 Sanderlin, 5141 Sanderlin, and 5148 Wheelis and further identified by Assessor's Parcel Numbers 056033 00241, 056033 00242, and 056033 00075, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 8th day of September in the year of 2023

Kimberley Dobson
Signature of Notary Public



10-5-2025
My Commission Expires



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

September 8, 2023

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

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

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

On behalf of RCM Devco, LLC and Carlisle Development Company, I am pleased to submit this application for a planned development (“PD”) for the property on the south side of Sanderlin Avenue that was formerly the home of the Racquet Club of Memphis. Known as the Mid-City Memphis PD as a recognition of the site’s location in the geographic and population center of the Memphis metropolitan area, this mixed-use development will contain hotel, multifamily, and office buildings, with pedestrian promenade and ground-floor retail surrounding a Grand Lawn, and single-family townhouses. These will complement the existing land uses in this superblock and adjacent properties that contain the Clark Tower, the i-Bank Tower (formerly known as the White Station Tower), Brookhaven Circle, two grocery stores, a DoubleTree Hotel, Malco Paradiso and a number of other retail, office and residential uses, firmly meeting the approval criteria required for PDs under Section 9.6.9 of the Memphis and Shelby County Unified Development Code.

The conditions of approval for the Mid-City Memphis PD will effectively rezone the site to the CMU-3 zoning district to match the zoning of the adjacent property to its west. The project is anticipated to contain approximately two high-rise buildings and five mid-rise buildings in its western portion (styled in the PD conditions as “Area A”) and approximately 16 townhouses in its eastern portion (styled as “Area B”). The following uses are anticipated: a hotel of +/- 260,000 square feet (“SF”), retail space of +/- 50,000 SF, age restricted housing of +/- 170,000 SF, office space of +/-175,000 SF, multi-family housing of +/- 320,000 SF, parking garage space of +/- 500,000 SF and single-family townhouse comprising +/- 75,000 SF.

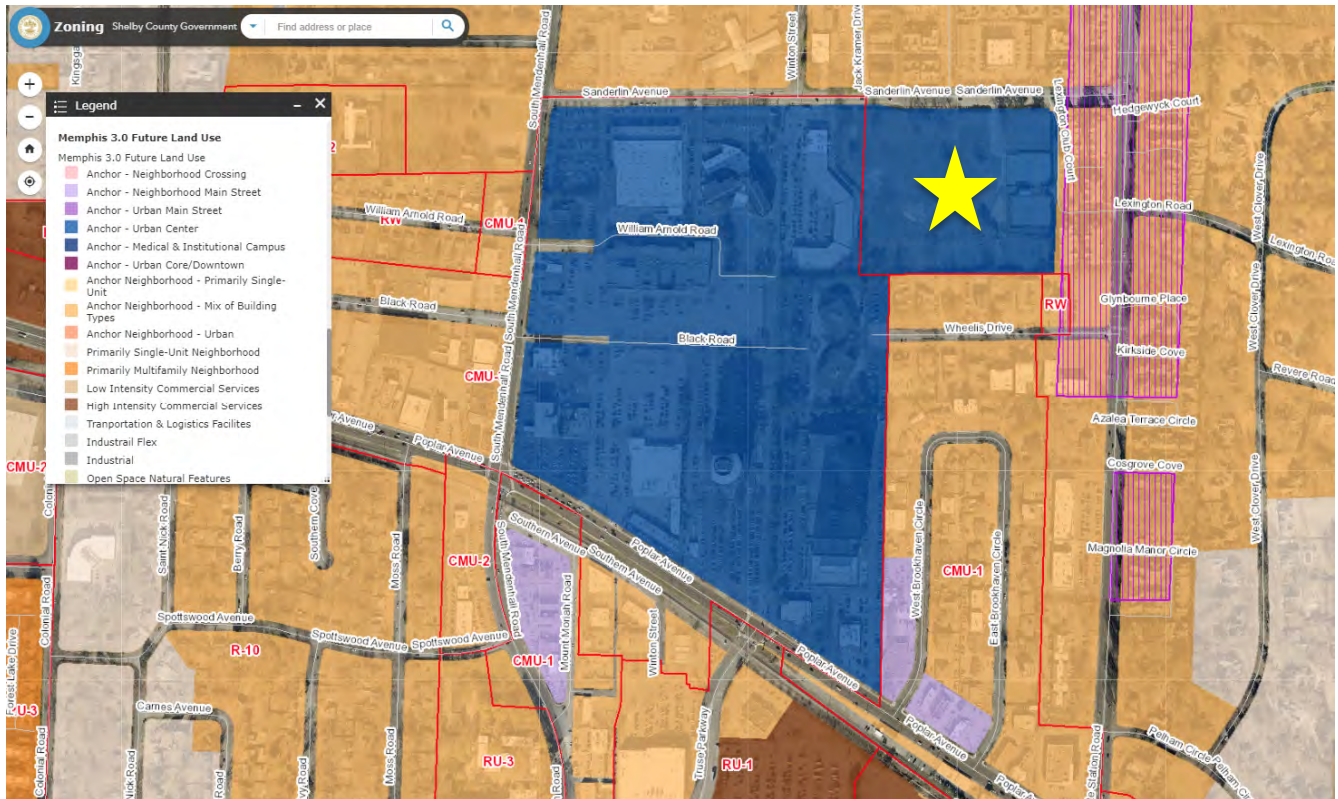
The Mid-City Memphis PD site is identified in the Memphis 3.0 General Plan as an Urban Center (please see Exhibits “A” and “B,” attached). As such, we believe the proposed use mix and bulk of its buildings are consistent with Memphis 3.0.

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

EXHIBIT A



This excerpt from the Memphis and Shelby County Zoning Atlas shows the Memphis 3.0 Future Land Use and Planning map identifies the subject parcel (marked with a yellow “star”) as an Urban Center Anchor.

EXHIBIT B

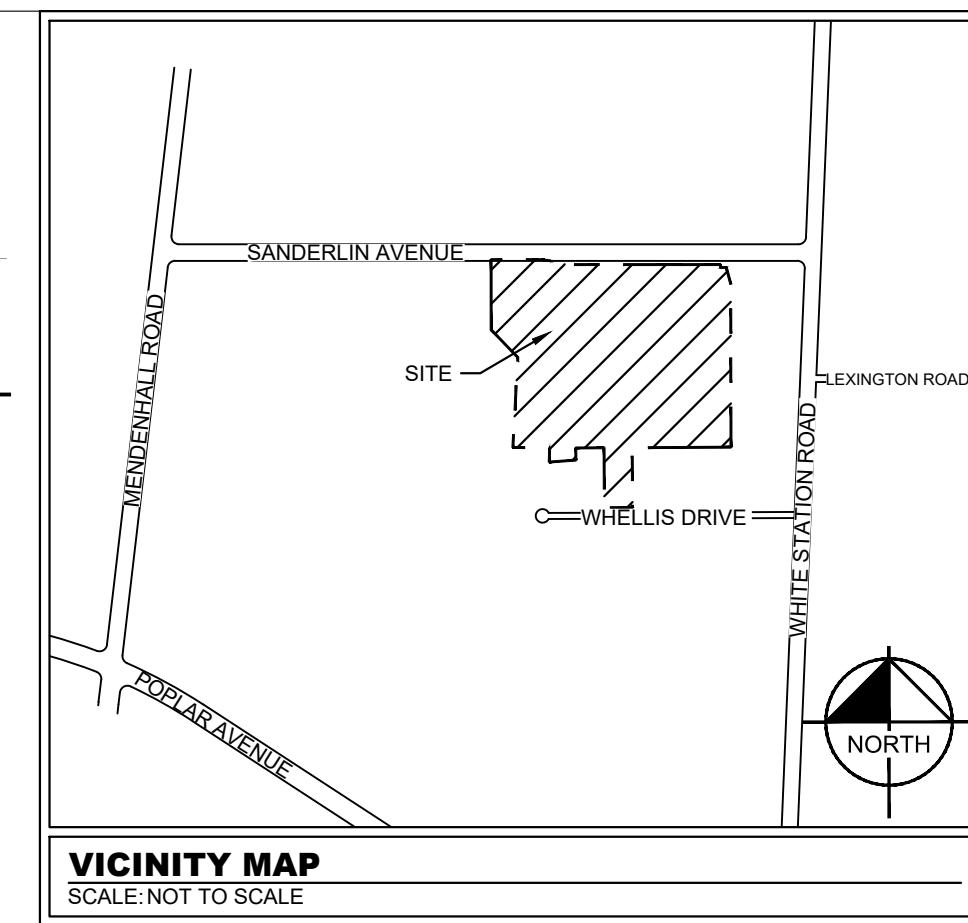
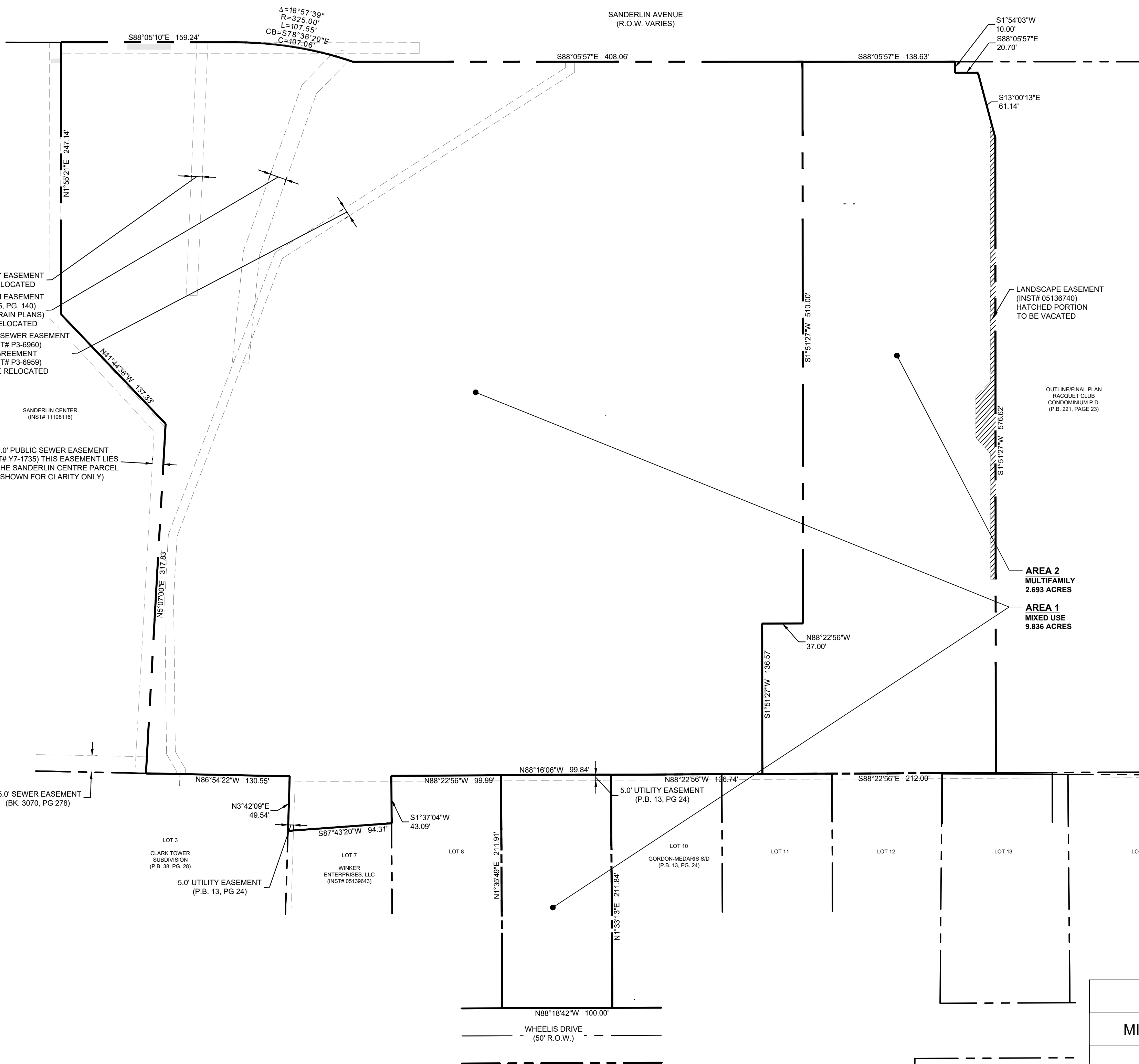
Urban Center
A-UC

Urban Center anchors are characterized by attached buildings that continue for multiple blocks along a street. An Urban Center includes a vertical mix of uses, featuring civic and cultural institutions that serve many neighborhoods or the entire city and which may anchor the center. An Urban Center is a destination for walkable retail, service, and leisure, but accessible from across the city by multiple modes of transportation. Green space may be interspersed to provide community common space.

Description/Intent	Walkable, mixed-use center comprised of multi-story block-scale and some house-scale buildings, extending for several adjacent blocks and alongside streets to start to form a district. May be anchored by a destination that attracts people from across the City.
Applicability	Medium to large sized centers extending through a district where a vertical mix of uses and activities is present or appropriate as a higher-intensity anchor for a surrounding urban neighborhood.
Goals/Objectives	Support organization of services, amenities, opportunities, and housing choices in direct relationship to anchor neighborhoods, focusing investment toward areas that support plan goals and objectives.
Performance Metrics	Number of new businesses and services, housing infill, office, jobs locating within A-UC anchors, rents.
Zoning Notes	Generally compatible with the following zone districts: MU, CMU-3 and CMU-2 with frontage requirements (MO District), CMP-1, SE in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings within anchor neighborhood areas as appropriate, at the time of a small area plan. Analysis to check that minimum lot sizes and parking requirements are suitable to promote infill in all applicable zones. Recommend embedding private frontage standards into zones. Height calibration.
Form and Location Characteristics	NURTURE, SUSTAIN and ACCELERATE - Buildings primarily attached Block-scale buildings Mix of uses 1/2 stories height Several blocks of extent



This description of an Urban Center Anchor is found in the Memphis 3.0 General Plan.



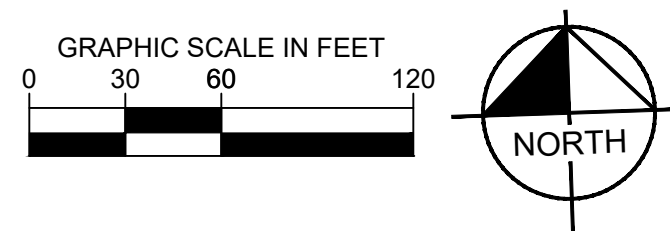
PROPERTY DESCRIPTION
 BEING A DESCRIPTION OF PART OF THE TENNIS CLUB OF MEMPHIS, LLC PROPERTY AS RECORDED IN INSTRUMENT 08116651 AT THE SHELBY COUNTY REGISTERS OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE SOUTH LINE OF SANDERLIN AVENUE (RIGHT-OF-WAY VARIES), SAID POINT BEING N88°05'57"W A DISTANCE OF 286.74 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF SAID SANDERLIN ROAD WITH THE WEST LINE OF WHITE STATION ROAD (80.00 FOOT RIGHT-OF-WAY), THENCE S01°54'03"W A DISTANCE OF 10.00 FEET TO A POINT; THENCE S88°05'57"E A DISTANCE OF 20.70 FEET TO A POINT; THENCE S13°00'13"E A DISTANCE OF 61.14 FEET TO A POINT; THENCE S1°51'27"W A DISTANCE OF 576.62 FEET TO A POINT ON THE NORTH LINE OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24; THENCE N88°22'56"W ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 212.00 FEET TO A POINT; THENCE N1°51'27"E A DISTANCE OF 136.57 FEET TO A POINT; THENCE S88°22'56"E A DISTANCE OF 37.00 FEET TO A POINT; THENCE N1°51'27"E A DISTANCE OF 510.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SANDERLIN AVENUE; THENCE S88°05'57"E ALONG THE SOUTH LINE OF SAID SANDERLIN AVENUE A DISTANCE OF 138.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 117,300 SQUARE FEET, OR 2.693 ACRES.

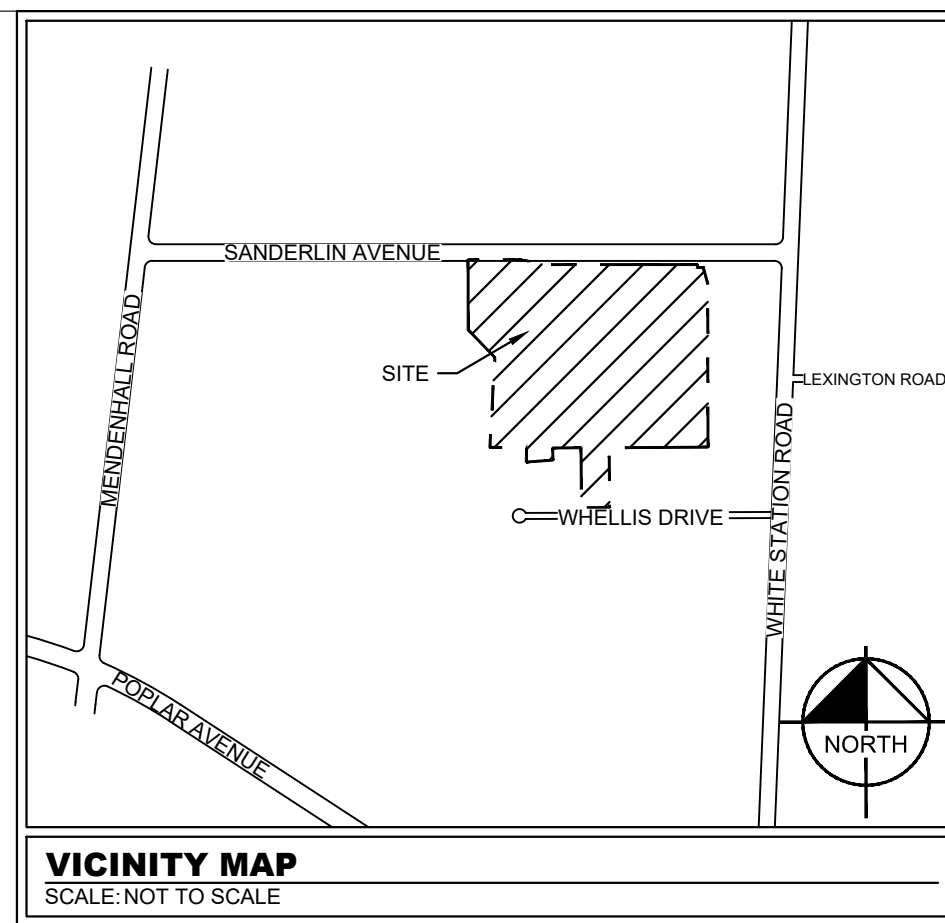
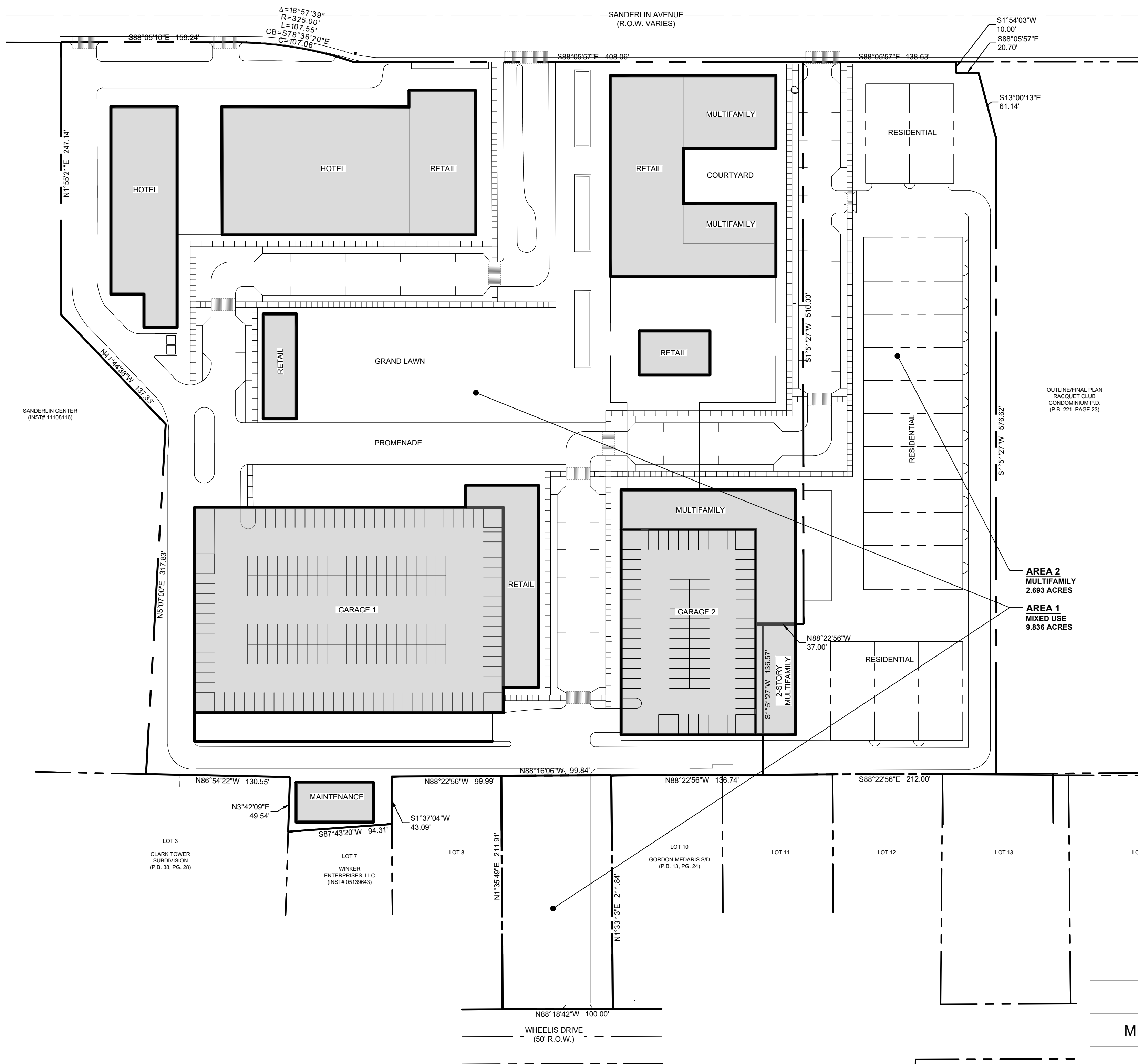
PROPERTY DESCRIPTION
 BEING A DESCRIPTION OF PART OF THE TENNIS CLUB OF MEMPHIS, LLC PROPERTY AS RECORDED IN INSTRUMENT 08116651 AT THE SHELBY COUNTY REGISTERS OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT (N 508399.94 - E 865539.29) ON THE SOUTH LINE OF SANDERLIN AVENUE (RIGHT-OF-WAY VARIES), SAID POINT BEING N88°05'57"W A DISTANCE OF 425.37 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF SAID SANDERLIN ROAD WITH THE WEST LINE OF WHITE STATION ROAD (80.00 FOOT RIGHT-OF-WAY), SAID POINT BEING THE NORTHWEST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAT FOR THE LEXINGTON II SUBDIVISION AS RECORDED IN PLAT BOOK 221, PAGE 23; THENCE S01°51'27"W ALONG THE WEST LINE OF SAID LEXINGTON II SUBDIVISION A DISTANCE OF 510.00 FEET TO A POINT; THENCE N88°22'56"E A DISTANCE OF 37.00 FEET TO A POINT; THENCE S01°51'27"W AND CONTINUING ALONG THE WEST LINE OF THE SAID LEXINGTON II SUBDIVISION A DISTANCE OF 136.57 FEET TO A POINT ON THE NORTH LINE OF LOT 11 OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24; THENCE N88°22'56"W ALONG THE NORTH LINE OF LOTS 11-8 OF THE SAID GORDON-MEDARIS SUBDIVISION A DISTANCE OF 336.73 FEET TO THE NORTHEAST CORNER OF LOT 7 OF THE SAID GORDON-MEDARIS SUBDIVISION; THENCE S01°51'27"W ALONG THE EAST LINE OF SAID LOT 7 A DISTANCE OF 43.09 FEET TO A POINT; THENCE S87°43'20"W ACROSS SAID LOT 7 A DISTANCE OF 94.31 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE N03°42'09"E ALONG THE WEST LINE OF SAID LOT 7 A DISTANCE OF 49.54 FEET TO A FOUND PIPE AT THE NORTHWEST CORNER OF SAID LOT 7; SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3 OF THE CLARK TOWER SUBDIVISION AS RECORDED IN PLAT BOOK 38, PAGE 28; THENCE N86°54'22"W ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 130.55 FEET TO THE SOUTHEAST CORNER OF THE SANDERLIN CENTRE CO. PROPERTY AS RECORDED IN INSTRUMENT 11108116; THENCE N05°07'00"E ALONG THE EAST LINE OF THE SAID SANDERLIN CENTRE CO. PROPERTY A DISTANCE OF 317.83 FEET TO AN ANGLE POINT; THENCE N4°44'38"W AND CONTINUING ALONG THE EAST LINE OF THE SAID SANDERLIN CENTRE CO. PROPERTY A DISTANCE OF 137.33 FEET TO AN ANGLE POINT; THENCE N01°55'21"E AND CONTINUING ALONG THE EAST LINE OF THE SAID SANDERLIN CENTRE CO. PROPERTY A DISTANCE OF 247.14 FEET TO A FOUND CROWS FOOT AT THE NORTHEAST CORNER OF THE SAID SANDERLIN CENTRE CO. PROPERTY; SAID POINT ALSO LIES ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SANDERLIN AVENUE; THENCE S88°05'10"E ALONG THE SOUTH LINE OF SAID SANDERLIN AVENUE A DISTANCE OF 159.24 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID SANDERLIN AVENUE FOLLOWING A CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET, AN ARC LENGTH OF 107.55 FEET (CHORD S78°36'20"E - 107.06 FEET) TO A NON-TANGENT POINT; THENCE S88°05'57"E AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID SANDERLIN AVENUE A DISTANCE OF 408.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 407,276 SQUARE FEET, OR 9.350 ACRES.
 BEING A PORTION OF THE SAME PROPERTY CONVEYED TO THE TENNIS CLUB OF MEMPHIS, LLC BY WARRANTY DEED OF RECORD AT INSTRUMENT NO. 08116651, LESS AND EXCEPT THAT PORTION SOLD IN SPECIAL WARRANTY DEED OF RECORD AT INSTRUMENT NO. 20074988
 BEING THE SAME PROPERTY AS DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, ORDER NO. 6895293, DATED SEPTEMBER 15, 2020.

PROPERTY DESCRIPTION
 BEING LOT 9, GORDON-MEDARIS SUBDIVISION OF RECORD IN PLAT BOOK 13, PAGE 24, AND ALSO BEING THE KML ENTERPRISES, LLC PROPERTY OF RECORD IN INSTRUMENT NUMBER 1909690, AT THE SHELBY COUNTY, TENNESSEE REGISTERS OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A FOUND 1" PINCH TOP ON THE NORTH LINE OF WHEELIS DRIVE (50' PUBLIC R.O.W.) AT THE SOUTHWEST CORNER OF LOT 10, GORDON-MEDARIS SUBDIVISION (P.B. 13, PG. 24), SAID POINT BEING N88°18'42"W, A DISTANCE OF 562.42 FEET WEST OF THE WEST LINE OF WHITE STATION ROAD (80' PUBLIC R.O.W.) (AS WIDENED); THENCE CONTINUING ALONG SAID NORTH LINE, N88°18'42"W A DISTANCE OF 100.00 FEET TO A FOUND 1" PIPE AT THE SOUTHEAST CORNER OF LOT 8, SAID GORDON-MEDARIS SUBDIVISION; THENCE LEAVING SAID NORTH LINE, AND ALONG THE EAST LINE OF SAID LOT 8, N1°35'49"E A MEASURED DISTANCE OF 211.84 FEET (CALL-211.84 FEET) TO A FOUND 1" PIPE AT THE NORTHEAST CORNER OF SAID LOT 8; SAID POINT BEING ON THE SOUTH LINE OF SAID DEVCO, LLC PROPERTY (INST. 20145536); THENCE ALONG SAID SOUTH LINE, S88°16'06"E A MEASURED DISTANCE OF 99.84 FEET (CALL-100.00 FEET) TO A FOUND 1" PIPE AT THE NORTHWEST CORNER OF SAID LOT 10; THENCE LEAVING SAID DEVCO, LLC SOUTH LINE, AND ALONG THE WEST LINE OF SAID LOT 10, S1°33'13"W A CALL AND MEASURED DISTANCE OF 211.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 21,171 SQUARE FEET OR 0.486 ACRES.
 BEING THE SAME PROPERTY DESCRIBED IN THIS SURVEY WAS PREPARED USING FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, ORDER NUMBER 16068723, DATED JULY 11, 2022.

OVERALL AREA PLAN

OUTLINE PLAN		
MID CITY MEMPHIS PLANNED DEVELOPMENT		
CASE NUMBER:	FORMER CASE NUMBERS:	
MEMPHIS, TENNESSEE OR SHELBY COUNTY, TENNESSEE		
NUMBER OF LOTS:	ACREAGE:	WARD, BLOCK, PARCEL
2	12.529 ACRES	
DEVELOPER:	ENGINEER:	
RCM Devco LLC	Kimley»Horn	
100 YR FLOOD ELEV.:	FEMA MAP PANEL NUMBER:	FEMA MAP DATE:
	47157C0435F	9/28/2007
DATE:	SCALE:	SHEET 1 OF 7
SEPTEMBER 2023	AS SHOWN	



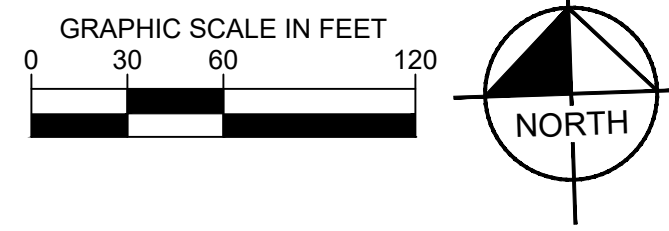


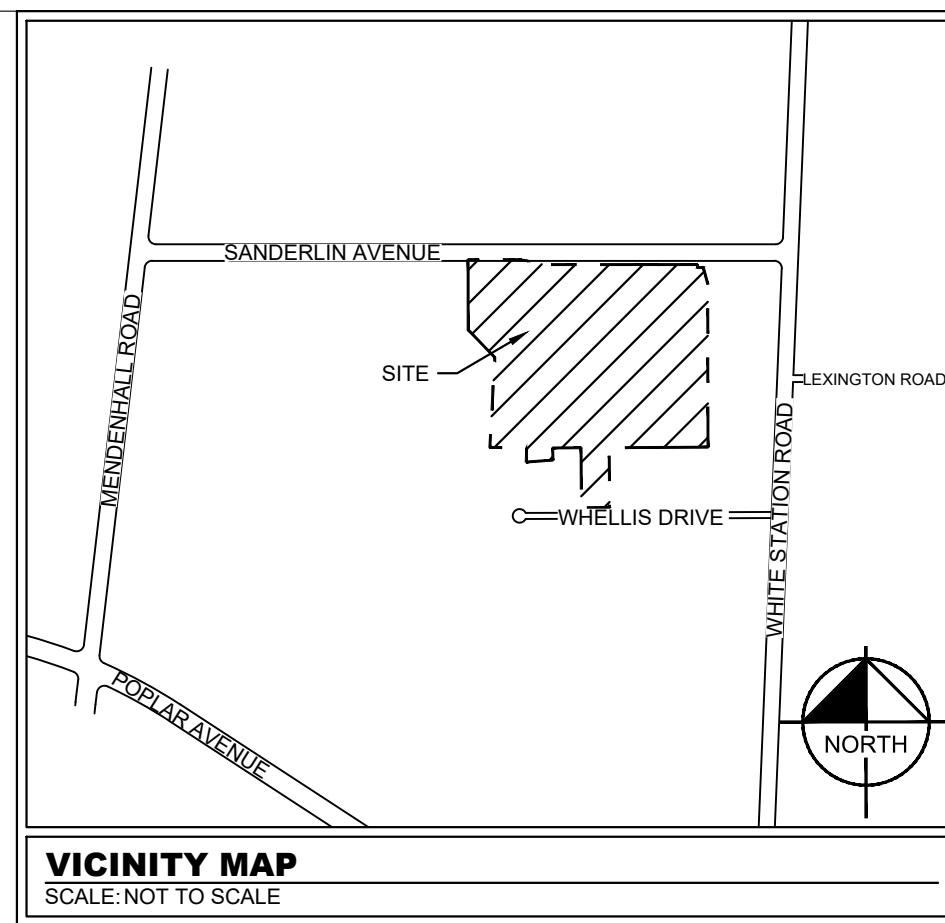
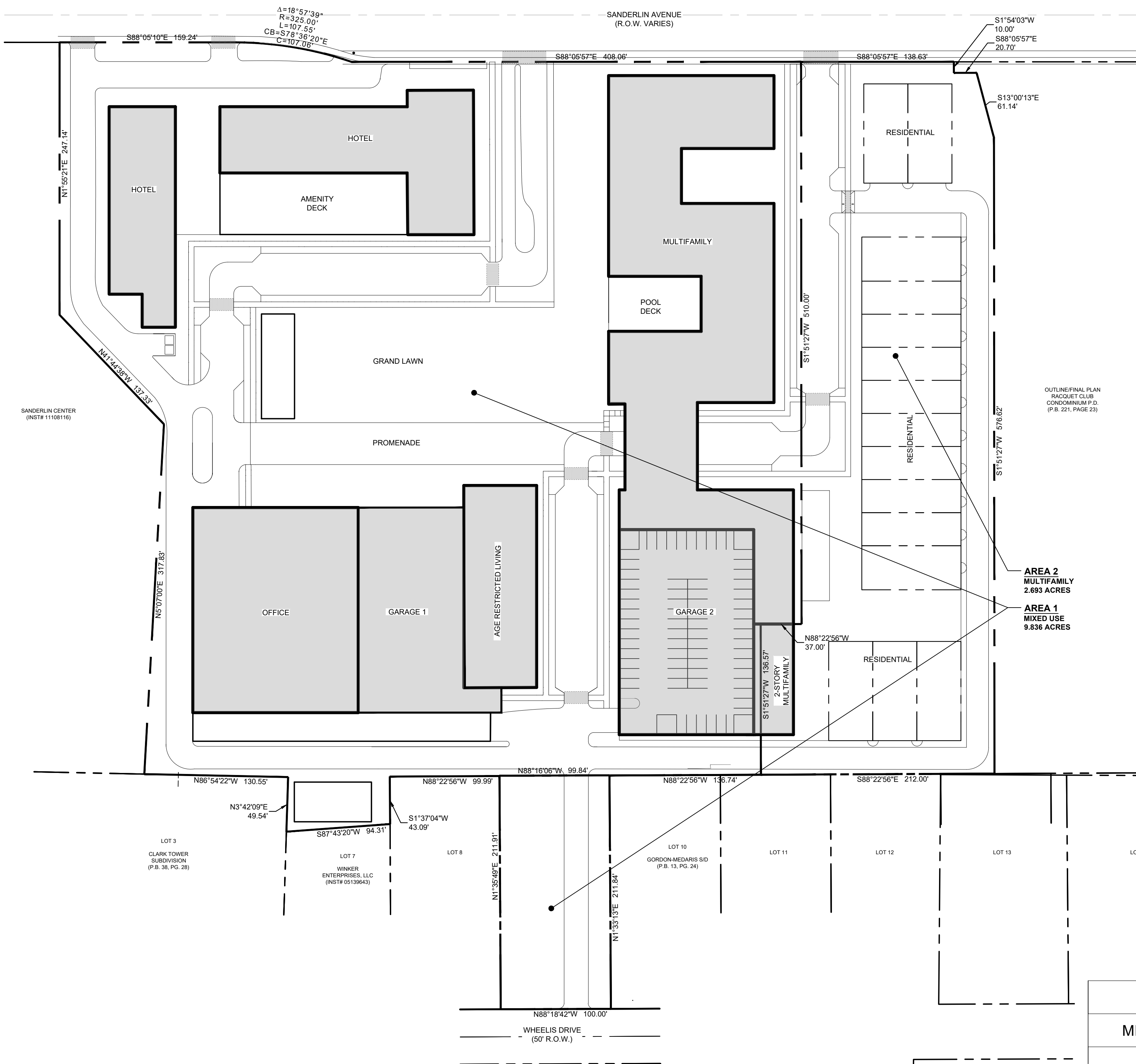
AREA 2
MULTIFAMILY
2.693 ACRES

AREA 1
MIXED USE
9.836 ACRES

CONCEPT PLAN A: GROUND FLOOR

OUTLINE PLAN		
MID CITY MEMPHIS PLANNED DEVELOPMENT		
CASE NUMBER:	FORMER CASE NUMBERS:	
MEMPHIS, TENNESSEE OR SHELBY COUNTY, TENNESSEE		
NUMBER OF LOTS: 2	ACREAGE: 12.529 ACRES	WARD __, BLOCK __, PARCEL __
DEVELOPER: RCM Devco LLC	ENGINEER: Kimley»Horn	
100 YR FLOOD ELEV:	FEMA MAP PANEL NUMBER: 47157C0435F	FEMA MAP DATE: 9/28/2007
DATE: SEPTEMBER 2023	SCALE: AS SHOWN	SHEET 2 OF 7





AREA 2
MULTIFAMILY
2.693 ACRES

AREA 1
MIXED USE
9.836 ACRES

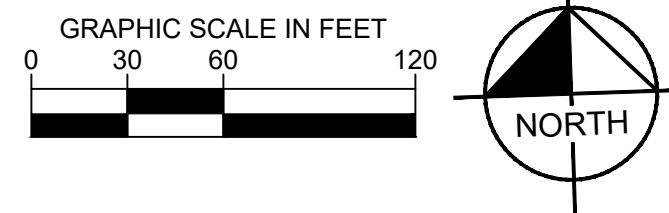
LOT 3
CLARK TOWER
SUBDIVISION
(P.B. 38, PG. 28)

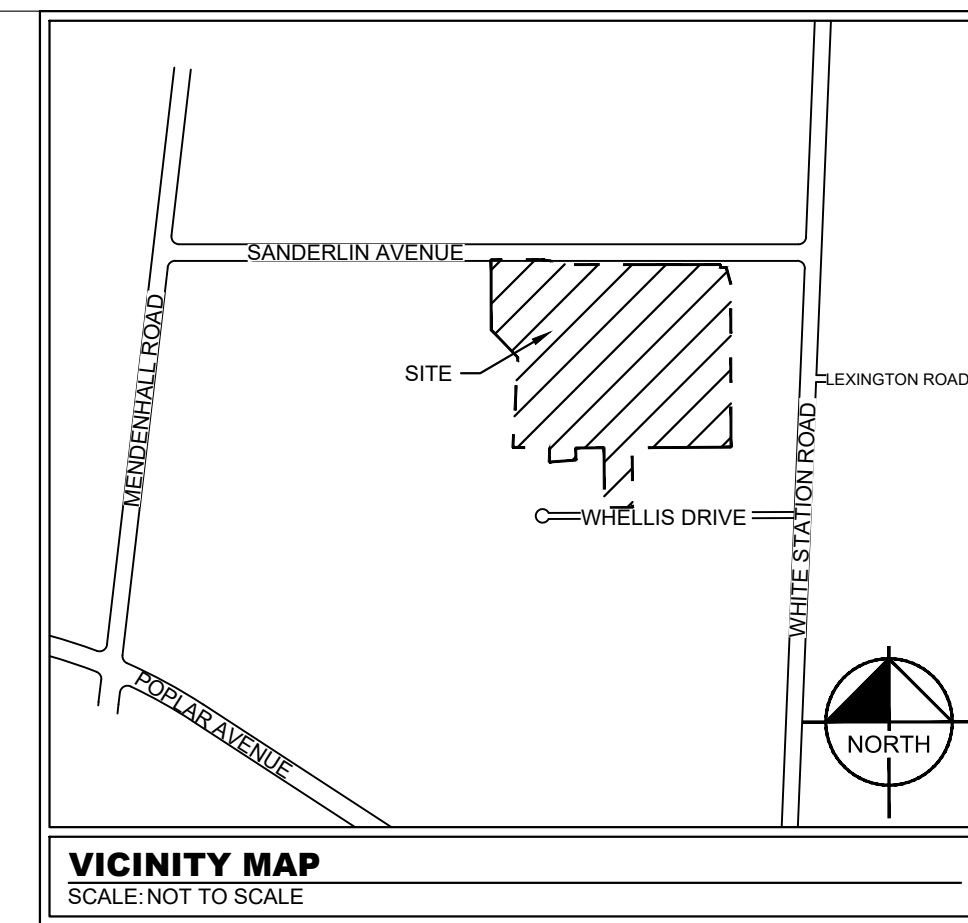
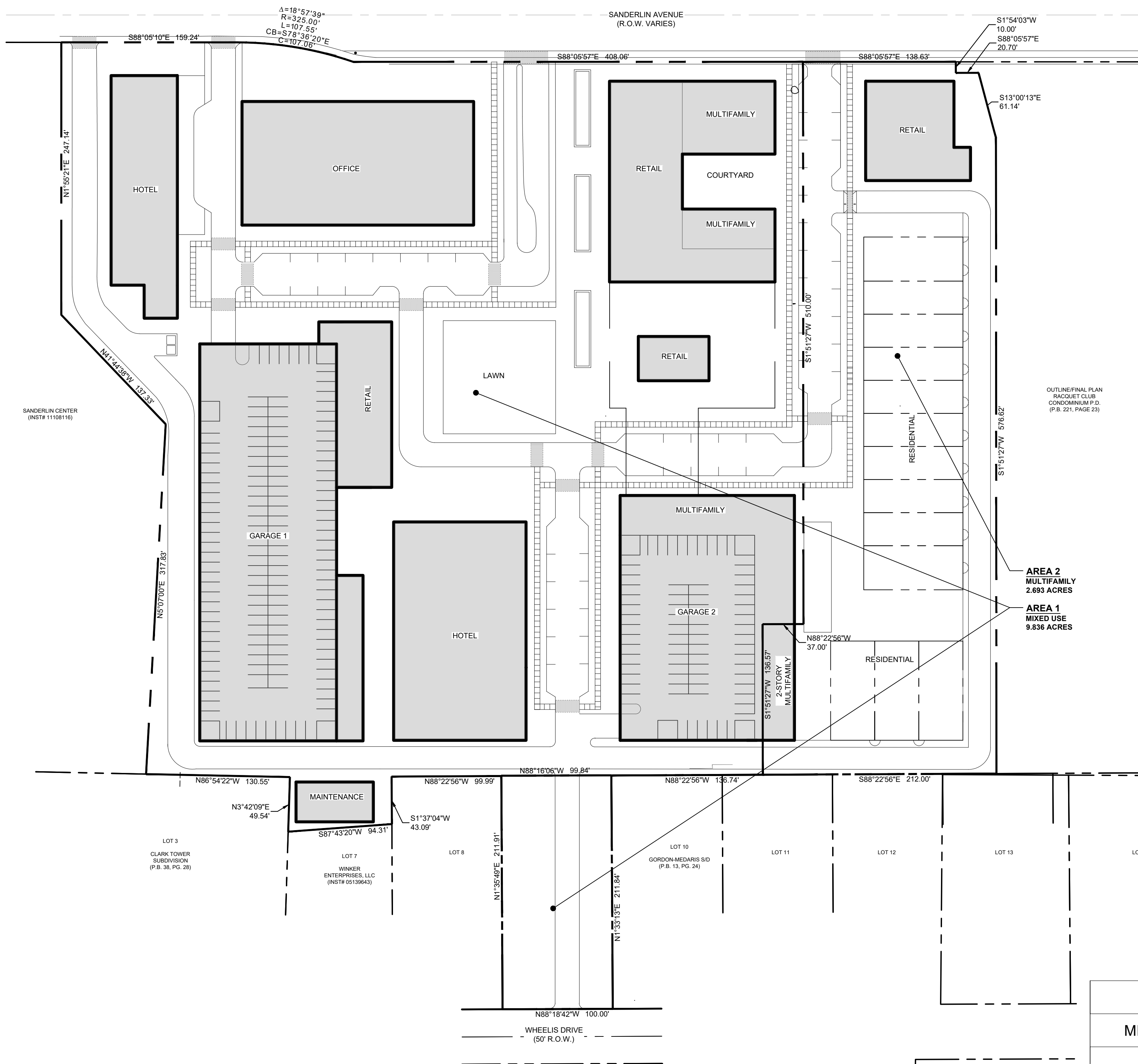
LOT 7
WINKER
ENTERPRISES, LLC
(INST# 05139643)

LOT 10
GORDON-MEDARIS S/D
(P.B. 13, PG. 24)

CONCEPT PLAN A: UPPER FLOORS

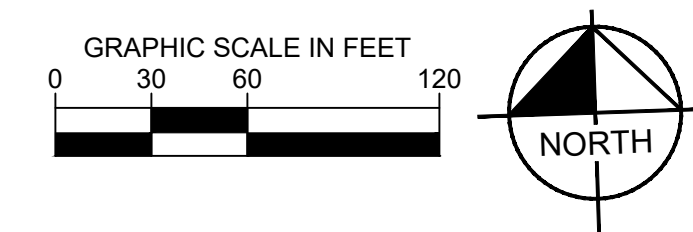
OUTLINE PLAN		
MID CITY MEMPHIS PLANNED DEVELOPMENT		
CASE NUMBER:	FORMER CASE NUMBERS:	
MEMPHIS, TENNESSEE OR SHELBY COUNTY, TENNESSEE		
NUMBER OF LOTS: 2	ACREAGE: 12.529 ACRES	WARD __, BLOCK __, PARCEL __
DEVELOPER: RCM Devco LLC	ENGINEER: Kimley»Horn	
100 YR FLOOD ELEV:	FEMA MAP PANEL NUMBER: 47157C0435F	FEMA MAP DATE: 9/28/2007
DATE: SEPTEMBER 2023	SCALE: AS SHOWN	SHEET 3 OF 7

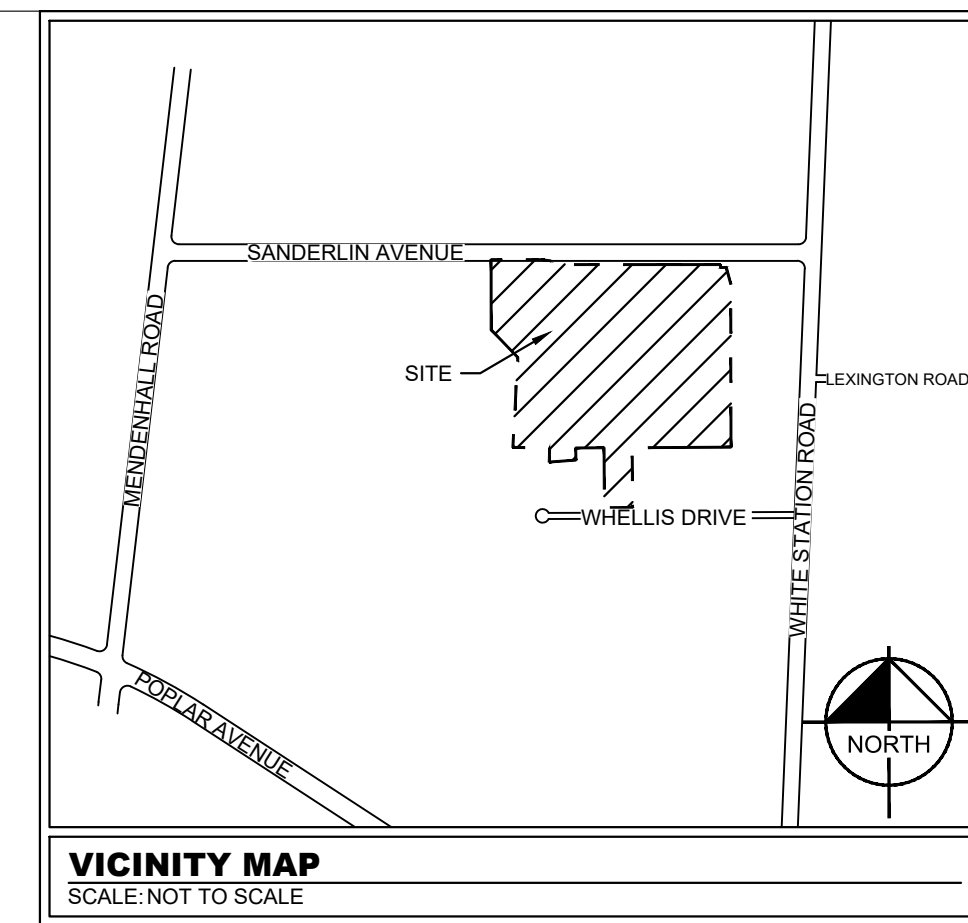
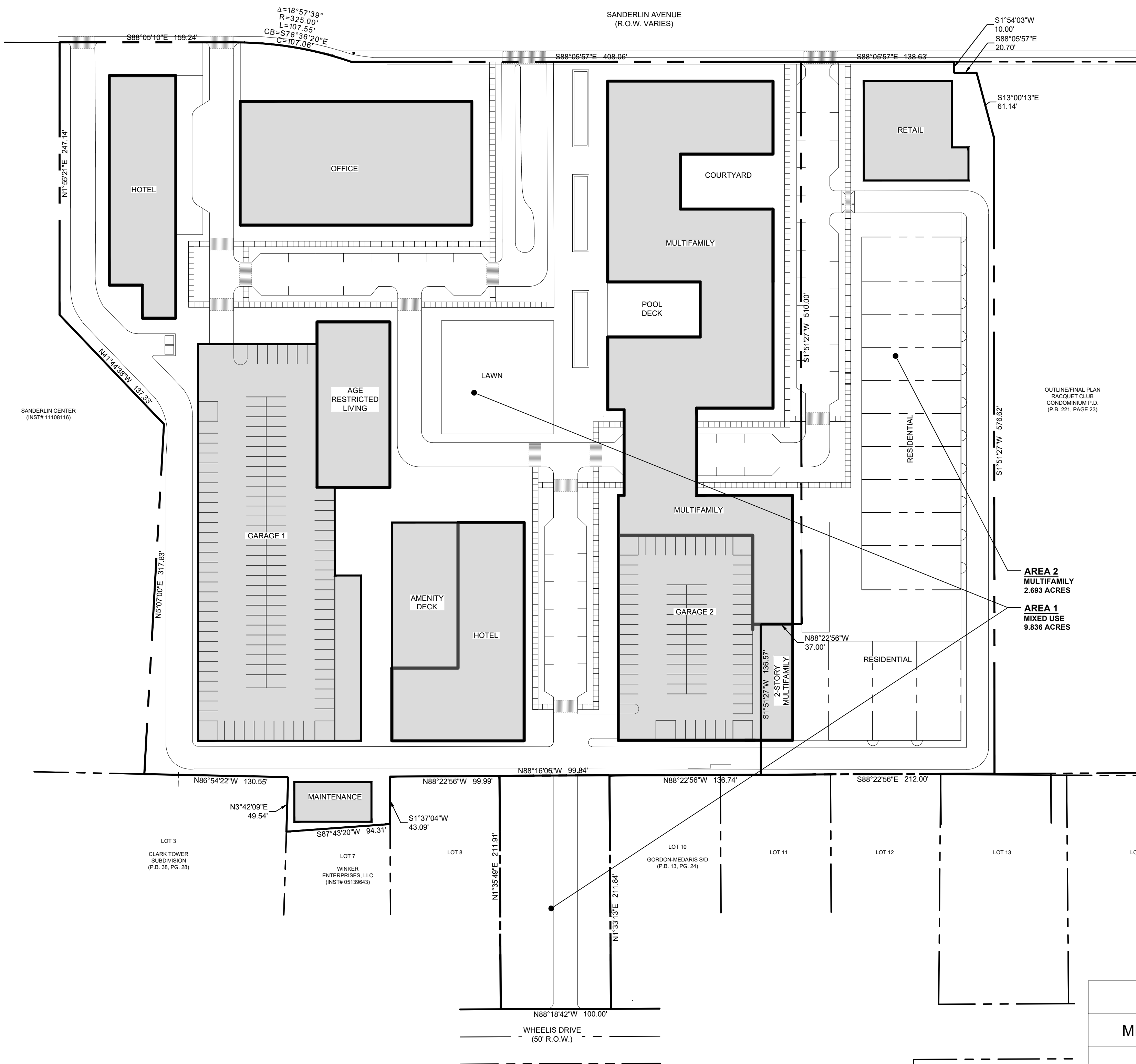




CONCEPT PLAN B: GROUND FLOOR

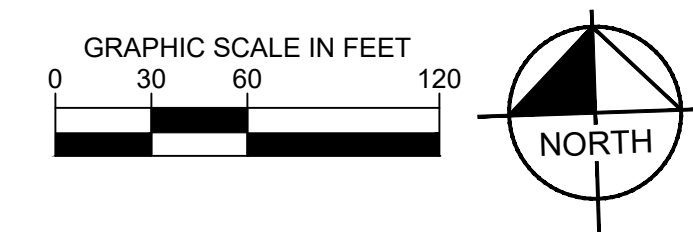
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100 YR FLOOD ELEV:	FEMA MAP PANEL NUMBER: 47157C0435F	FEMA MAP DATE: 9/28/2007
DATE: SEPTEMBER 2023	SCALE: AS SHOWN	SHEET 4 OF 7





CONCEPT PLAN B: UPPER FLOORS

OUTLINE PLAN		
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CASE NUMBER:	FORMER CASE NUMBERS:	
MEMPHIS, TENNESSEE OR SHELBY COUNTY, TENNESSEE		
NUMBER OF LOTS: 2	ACREAGE: 12.529 ACRES	WARD __, BLOCK __, PARCEL __
DEVELOPER: RCM Devco LLC	ENGINEER: Kimley»Horn	
100 YR FLOOD ELEV:	FEMA MAP PANEL NUMBER: 47157C0435F	FEMA MAP DATE: 9/28/2007
DATE: SEPTEMBER 2023	SCALE: AS SHOWN	SHEET 5 OF 7



I. PERMITTED USES

- A. Area 1
1. Uses permitted by right in the Commercial Mixed Use - 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:
 - a. Hotel
 - b. Multi-family residential
 - c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:
 - i. Pawnshop
 - ii. Payday loans, title loan establishments
 - iii. Vehicle parts and accessories
 - iv. Wholesale Club
 - v. Convenience store, with or without gas pumps
 - vi. Automatic one bay car wash facility
 - vii. Drive-thru facility
 - d. Retail Service-Oriented uses, excluding the following principal and accessory uses:
 - i. Animal hospital, animal shelter, kennel
 - ii. Laundromat, coin operated pickup station
 - iii. Taxidermist
 - iv. Truck stop, tractor-trailers (fueling of)
 - e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
 - i. Appliance
 - f. Parking - structured or on grade
 2. The following additional uses are excluded:
 - a. Vehicle sales, service and repair
 - b. Self-service storage
- B. Area 2
1. Uses in Area 2 are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:
 - a. Surface parking lot
 - b. Single-family detached
 - c. Single-family attached
 - d. Office
 - e. Tennis courts with lights

II. BULK REGULATIONS

- A. Area 1
1. The bulk regulations shall be in conformance with the Commercial Mixed Use - 3 (CMU-3) district regulations, with the following exceptions:
 - a. There shall be no maximum density requirements.
 - b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
 - c. The maximum building height shall be 240'.
- B. Area 2
1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban - 3 (RU-3) district regulations, with the following exceptions:
 - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The maximum building height shall be 40' and two (2) stories.
 2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
 - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The minimum lot width shall be 50.'
 - c. The maximum building height shall be 40' and two (2) stories (for office uses only).

III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- C. All internal drives shall be private, owned and maintained by a property owner or a property owners association.
- D. Streets shall conform to the City of Memphis standards as modified herein.
- E. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- F. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.

IV. LANDSCAPING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- D. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- E. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.

- F. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.
- G. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- H. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.
- I. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.

V. DRAINAGE

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.
- D. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

VI. SANITY SEWER

- A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.
- B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.
- C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

VII. WATER SERVICE / UTILITIES

- A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.
- B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.
- C. Water service lines shall be installed with tracing wire at the top.
- D. All utilities and services are to be installed underground, with the exception of three-phase electric.

VIII. SIGNS

- A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
- B. Location and design of signs shall be shown on the final plan(s).

IX. DEVELOPMENT PHASING

- A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.
- B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

X. ARCHITECTURAL GUIDELINES

- A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.
- B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).
- C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

XI. 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, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 3. The location and ownership, whether public or private, of any easement.
 4. A landscape plan.
 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

CONDITIONS

OUTLINE PLAN		
MID CITY MEMPHIS PLANNED DEVELOPMENT		
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DATE: SEPTEMBER 2023	SCALE: AS SHOWN	SHEET 6 OF 7



Owner's Certificate

I, _____, RCM Devco LLC, the undersigned owner of the property shown, hereby adopt this plat as our plan of development. We certify that we are the owner of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes which have become due and payable.

Chance Carlisle, Owner, RCM Devco LLC

Notary's Certificate

State of Tennessee
County of Shelby

Before me the undersigned, a Notary Public in and for the said State and County at MEMPHIS, duly commissioned and qualified, personally appeared, _____, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be _____ for _____, owner of the property, the within named bargainer, and that he/she executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in _____, this _____ day of _____ 20____.

Notary Public _____

My Commission Expires _____

Surveyor's Certificate

It is hereby certified that this is a category _____ survey and that the precision of the unadjusted survey is 1: _____ or greater, that this plat has been prepared by me or under my individual supervision and conforms with applicable State Laws, the Memphis and Shelby County Unified Development Code, and the specific conditions imposed on this development relating to the practice of surveying.

By _____ (Seal) Date _____

Tennessee Certificate No. _____

Engineer's Certificate

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Memphis and Shelby County Unified Development Code and the specific conditions imposed on this development, and takes into account all applicable federal, state and local building laws and regulations.

By _____ (Seal) Date _____

Tennessee Certificate No. _____

Land Use and Development Services Certificate

This outline plan is recorded in accordance with the planned development amendment acted on by the Land Use Control Board on February 9, 2023, and approved by the Memphis City Council on February 21, 2023.

By _____ Date _____
Zoning Administrator

LUDS _____ Date _____

SIGNATURES

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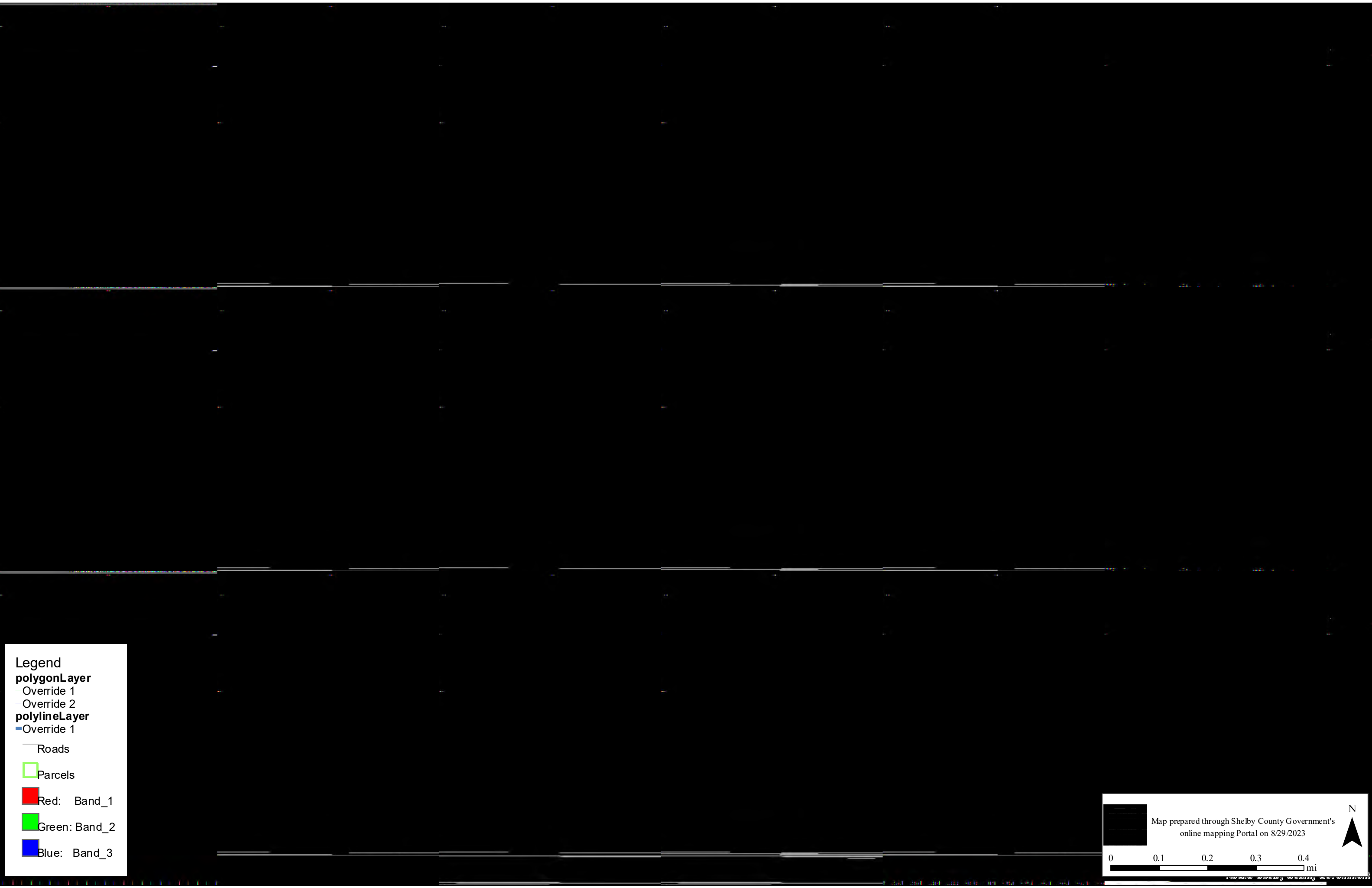
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Legend

polygonLayer

- Override 1
- Override 2

polylineLayer

- Override 1

— Roads

□ Parcels

■ Red: Band_1

■ Green: Band_2

■ Blue: Band_3

Map prepared through Shelby County Government's
online mapping Portal on 8/29/2023

0 0.1 0.2 0.3 0.4 mi

N

CHARLES STEVEN T LIVING TRUST
597 LEXINGTON CLUB CT ##203
MEMPHIS TN 38117

KELLER JODI R & JARROD S
821 HARBOR ISLE CIR W
MEMPHIS TN 38103

SANTIAGO TERESA
497 W RACQUET CLUB PL #
MEMPHIS TN 38117

CAFFREY MARGARET M AND RONDA CAMPBELL
464 MEADOWCREST CIR #
MEMPHIS TN 38117

WHITE CHARLES N AND JEANNINE H WHITE
5169 N RACQUET CLUB PL #
MEMPHIS TN 38117

HOWSE ZYNTHIA TYNICE
497 E RACQUET CLUB PL #
MEMPHIS TN 38117

HENDERSON BRIAN AND BRANDON HENDERSON
466 JACK KRAMER DR #
MEMPHIS TN 38117

BRANDON RAY & DANA
481 W RACQUET CLUB PL #
MEMPHIS TN 38117

WITT CRAIG H
500 E RACQUET CLUB PL #
MEMPHIS TN 38117

SLAPPEY GORDON B JR & GLADYS O
469 W RACQUET CLUB PL #
MEMPHIS TN 38117

WILSON HERBERT H JR
5191 N RACQUET CLUB PL #
MEMPHIS TN 38117

HEDGEWYCK HOMEOWNERS ASSOC INC
5230 HEDGEWYCK CT #
MEMPHIS TN 38117

WALTON REDELL & CATHY
468 JACK KRAMER DR #
MEMPHIS TN 38117

IGNAO CYNTHIA O & DANILO V
485 W RACQUET CLUB PL #
MEMPHIS TN 38117

GRISSOM SANDRA F (TR)
5237 LEXINGTON PARK CIR N
MEMPHIS TN 38120

WILSON STEVEN G & KATHLEEN M STEWART
465 W RACQUET CLUB PL #
MEMPHIS TN 38117

ANDERSON JILL AND JIMMIE K FINCH (RS)
12172 S SHADY TREE LN #
ARLINGTON TN 38002

GRIFFIN RONALD B & CLAUDIA P
5229 LEXINGTON RD #
MEMPHIS TN 38120

STRASBERG LOUIS J LIVING TRUST
477 W RACQUET CLUB PL #
MEMPHIS TN 38117

BELLOTT DOROTHY J W REVOCABLE TRUST
489 E RACQUET CLUB PL #
MEMPHIS TN 38117

HU ZHILLIANG & WEI LIU
5233 LEXINGTON RD #
MEMPHIS TN 38120

GOLDBERG JEFFREY A & LORI K
471 E RACQUET CLUB PL #
MEMPHIS TN 38117

DOOLEY PAUL J
5130 SANDERLIN AVE #
MEMPHIS TN 38117

GAUTHREUX SUE C REVOCABLE TRUST
5241 LEXINGTON RD #
MEMPHIS TN 38120

GRACE BRENDA P
1400 GROVE MEADOW CIR
GERMANTOWN TN 38138

COLES DONNA G
PO BOX 770307 #
MEMPHIS TN 38177

WILLIAMS BRADLEY & BRADFORD
450 COLONIAL RD #
MEMPHIS TN 38117

HOWELL JULIA E
475 E RACQUET CLUB PL #
MEMPHIS TN 38117

FISHMAN RANDALL J & JACQUELYN P
95 NORWAL RD #
MEMPHIS TN 38117

HECKLE H MANEY JR
5140 WHEELIS DR #
MEMPHIS TN 38117

PIACENTI PERRY & JANNA
2340 MONT ALBAN CV #
GERMANTOWN TN 38139

WADDELL DAVID S
5188 WHEELIS DR #
MEMPHIS TN 38117

COATS PROPERTIES LLC
204 HONEY CREEK RD
BOONEVILLE MS 38829

FRANKLIN HOMES INC
3800 NEW GETWELL RD #
MEMPHIS TN 38118

HATFIELD JACK & LINDA
591 LEXINGTON CLUB CT ## 204
MEMPHIS TN 38117

COUCH GLORIA M (98%) AND BRIAN K HARWELL
5161 N RACQUET CLUB PL #
MEMPHIS TN 38117

FRANKLIN HOMES INC
3800 NEW GETWELL RD #
MEMPHIS TN 38118

CHRISTIAN GEORGE M
455 GREEN ACRES RD #
MEMPHIS TN 38117

RADIN ELAINE D LIVING TRUST
5173 N RACQUET CLUB PL #
MEMPHIS TN 38117

OATES SHERRYL AND CHARLES OATES LIVING
546 THORN RIDGE CV #
MEMPHIS TN 38117

BOSIN SLAVA
PO BOX 771496 #
MEMPHIS TN 38117

PETTY J L FAMILY TRUST
710 OAKLEAF OFFICE LN
MEMPHIS TN 38117

THIS LAND IS OUR LAND LLC
743 E BROOKHAVEN CIR #
MEMPHIS TN 38117

MITCHELL CHERYL
464 JACK KRAMER DR #
MEMPHIS TN 38117

GATOR PARTNERS
488 S MENDENHALL RD #
MEMPHIS TN 38117

ELLIOTT JUDY T AND RUSSELL T RABINOWITZ
5204 LEXINGTON CLUB CV #303
MEMPHIS TN 38117

BRACHA PARTNERSHIP
331 S YATES RD #
MEMPHIS TN 38120

BROWN JEROME B & STEPHANIE T
480 JACK KRAMER DR #
MEMPHIS TN 38117

WILSON SHEILA Z
219 N ROSE #
MEMPHIS TN 38117

GOOD CHERYL A LIVING TRUST
473 W RACQUET CLUB PL #
MEMPHIS TN 38117

HERRING SUSANNAH J
476 W RACQUET CLUB PL #
MEMPHIS TN 38117

ROSS LINDA M TRUST
2303 RIDGELAND ST #
MEMPHIS TN 38119

ALSUP MARY K
472 JACK KRAMER DR #
MEMPHIS TN 38117

READ ROBERT & TUCKER T
5171 N RACQUET CLUB PL #
MEMPHIS TN 38117

CG AND T LLC
721 W BROOKHAVEN CIR #
MEMPHIS TN 38117

DUNAVANT ENTERPRISES INC
5101 WHEELIS DR #
MEMPHIS TN 38117

SIBCO PARTNERSHIP
331 S YATES RD #
MEMPHIS TN 38120

DUNAVANT ENTERPRISES INC
3797 NEW GETWELL RD #
MEMPHIS TN 38118

LIU ANLIN & LU WANG
474 JACK KRAMER DR #
MEMPHIS TN 38117

EASLEY WILLIAM C & HELEN G
482 JACK KRAMER DR #
MEMPHIS TN 38117

FISCHER KELLY T
478 W RACQUET CLUB PL #
MEMPHIS TN 38117

KING AUBREY & CAROL
480 E RACQUET CL PL #
MEMPHIS TN 38117

WHITE DARLENE H
494 E RACQUET CLUB PL #
MEMPHIS TN 38117

KAVANAUGH HOLLY
484 JACK KRAMER DR #
MEMPHIS TN 38117

HERRING SUSANNAH
421 AVOCA AVE #
NASHVILLE TN 37203

REYNOLDS BILLY W & RUTHELL M
500 S WHITE STATION RD #
MEMPHIS TN 38117

WANG JING & PO SEN HUANG
489 W RACQUET CLUB PL #
MEMPHIS TN 38117

THORNTON MELINDA P
5124 SANDERLIN AVE #
MEMPHIS TN 38117

SEALE JEFFREY S
496 E RACQUET CLUB PL #
MEMPHIS TN 38117

JOHNSTON STEPHEN E & GINA A
P O BOX 772007 #
MEMPHIS TN 38177

DEHART VIRGINIA J
5126 SANDERLIN AVE #
MEMPHIS TN 38117

ROBISON EVAN M AND LESLIE ROBISON (RS)
498 E RACQUET CLUB PL #
MEMPHIS TN 38117

BLUE STAR RANCH LLC
806 SWEETBRIER RD #
MEMPHIS TN 38120

BLUE STAR RANCH LLC
806 SWEETBRIER RD #
MEMPHIS TN 38120

CRONE PATRICIA H REVOCABLE LIVING TRUST
5230 HEDGEWYCK CT #
MEMPHIS TN 38117

LAURAIN GERALD W
486 JACK KRAMER DR #
MEMPHIS TN 38117

BLUE STAR RANCH LLC
806 SWEETBRIER RD #
MEMPHIS TN 38120

WALLER ROBERT R REVOCABLE TRUST
5201 LEXINGTON CLUB CV #401
MEMPHIS TN 38117

SAMUELS BARBARA F REVOCABLE LIVING TRUST
10035 MOOSE RD #
MILLINGTON TN 38053

GREGORY PHYLLIS S
505 W RACQUET CLUB PL #
MEMPHIS TN 38117

GATTAS GEORGE A & MARY Y
5240 HEDGEWYCK CT #
MEMPHIS TN 38117

JERK2 LLC
487 E RACQUET CLUB PL #101
MEMPHIS TN 38117

NEWKIRK MADELEINE S REVOCABLE TRUST
491 E RACQUET CLUB PL #
MEMPHIS TN 38117

KING MALCOLM J
5231 HEDGEWYCK CT #
MEMPHIS TN 38117

PICKLE CONNIE L
485 E RACQUET CLUB PL #
MEMPHIS TN 38117

NASDAHL CLIFFORD S
493 E RACQUET CLUB PL #
MEMPHIS TN 38117

FOLK GLORIA F REVOCABLE TRUST
5239 HEDGEWYCK CT #
MEMPHIS TN 38117

INFINITY REAL ESTATE LLC
6005 PARK AVE #
MEMPHIS TN 38119

OSTNER MAX B JR
891 DRAKE MANOR CV
MEMPHIS TN 38117

HAN ZHONGJI AND ALEXIN LI
5230 LEXINGTON PARK CIR N
MEMPHIS TN 38120

BOWEN ROBERT K & SANDRA C
109 E MAIN ST #
SEARSPORT ME 4974

CONTEMPORARY HOMES INC
4990 POPLAR AVE #
MEMPHIS TN 38117

FRANKLIN HOMES INC
3800 NEW GETWELL RD #
MEMPHIS TN 38118

LEXINGTON PARK ASSOCIATION INC
5229 LEXINGTON PARK CIR N
MEMPHIS TN 38120

CRUZ DINIA C LIVING TRUST
5225 GLYNBOURNE PL #
MEMPHIS TN 38117

STAFFORD MARGARET H
5221 KIRKSIDE CV #
MEMPHIS TN 38117

SCOTT SUSAN L
5229 N LEXINGTON PARK CIR #
MEMPHIS TN 38120

VICZOREK ROBERT E
5231 GLYNBOURNE PL #
MEMPHIS TN 38117

AZALEA TERRACE PARTNERS LTD
665 OAKLEAF OFFICE LN #
MEMPHIS TN 38117

KIRKLAND JOSEPH T III
539 LEXINGTON PARK CIR E
MEMPHIS TN 38120

MCDOWELL RHONDA G
5237 GLYNBOURNE PL #
MEMPHIS TN 38117

SNOW STEVEN M
4670 SUMMER AVE #
MEMPHIS TN 38122

LEXINGTON PARK ASSOC INC
5229 LEXINGTON PARK CIR N
MEMPHIS TN 38120

SWANCO HOLDINGS LLC
PO BOX 772479 #
MEMPHIS TN 38177

PRASAD M N RAMA & SUDHA R
PO BOX 17962 #
MEMPHIS TN 38187

CHENG DONGMEL & JUNMIN PENG
545 LEXINGTON PARK CIR E
MEMPHIS TN 38120

SNOW STEVEN M
4670 SUMMER AVE #
MEMPHIS TN 38122

ORION FEDERAL CREDIT UNION
400 MONROE AVE #
MEMPHIS TN 38103

SALTZ DAVID E
580 S WHITE STATION RD #
MEMPHIS TN 38117

KISH SARKIS V JR
5179 WHEELIS DR #
MEMPHIS TN 38117

OEGEL FAMILY L P
4091 VISCOUNT AVE #
MEMPHIS TN 38118

KML ENTERPRISES LLC
5302 S ANGELA RD #
MEMPHIS TN 38120

WHITE STATION BAPTIST CHURCH INC
621 S WHITE STATION RD #
MEMPHIS TN 38117

MULLIS ANN M REVOCABLE TRUST
P O BOX 770179 #
MEMPHIS TN 38177

LAWRENCE AND OLIVER HOLDINGS LLC
5178 WHEELIS DR #
MEMPHIS TN 38117

RUDNER HENRY G III TRUST
6240 POPLAR AVE #
MEMPHIS TN 38119

ROGERS ROBERT M & CAROLYN T
PO BOX 671 #
DYERSBURG TN 38025

WADDELL DAVID S
5188 WHEELIS DR #
MEMPHIS TN 38117

TALLAHABLUFF II LLC
116 COLONY WAY
BRANDON MS 39047

MERCER LUTHER T AND CRYSTAL EPPS (RS)
597 LEXINGTON CLUB CT ##303
MEMPHIS TN 38117

VASIREDDY SAILENDRA
3035 INSPIRATION DR #
GERMANTOWN TN 38138

PLAZA REALTY
PO BOX 241750 #
MEMPHIS TN 38124

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

DAVIDSON ORIN L III & MARY G
5194 LEXINGTON CLUB CV ## 304
MEMPHIS TN 38117

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

MCLVOR MICHAEL J LIVING TRUST AND
486 S WHITE STATION RD #
MEMPHIS TN 38117

NOELL ELIZABETH L TRUST
PO BOX 240176 #
MEMPHIS TN 38124

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

O'LEARY PATRICK H
1779 KIRBY PKWY #1 BOX 368
GERMANTOWN TN 38138

COUCH DAVID
9950 CENTER HILL RD #
COLLIERVILLE TN 38017

UPSHAW STEPHANIE & WALKER
4279 BELLE MEADE CV #
MEMPHIS TN 38117

LAZAROV RONALD J & DEBBIE B
597 LEXINGTON CLUB CT #201
MEMPHIS TN 38117

MOORE MILES
725 W BROOKHAVEN CIR #
MEMPHIS TN 38117

ECONOMIDES NICHOLAS & LINDA
4850 PARKSIDE AVE
MEMPHIS TN 38117

HARDAWAY ANFERNEE D AND FAE A HARDAWAY
PO BOX 271965
HOUSTON TX 77277

728 BROOKHAVEN PARTNERS
PO BOX 771076 #
MEMPHIS TN 38177

PLAZA REALTY
PO BOX 241750 #
MEMPHIS TN 38124

LIGHTMAN MICHAEL A & JOAN B
5100 POPLAR AVE #2602
MEMPHIS TN 38137

PEREZ DENNIS J & SONYA M
6505 BIRCH MILL RD #
BARTLETT TN 38135

PLAZA REALTY
PO BOX 241750 #
MEMPHIS TN 38124

LIGHTMAN MICHAEL A AND JOAN B LIGHTMAN
5100 POPLAR AVE #2602
MEMPHIS TN 38137

TAYLORWOOD LLC
5160 SANDERLIN AVE #7
MEMPHIS TN 38117

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

MARKS LAURA B
591 LEXINGTON CLUB CT #403
MEMPHIS TN 38117

TAYLORWOOD LLC
5160 SANDERLIN AVE #7
MEMPHIS TN 38117

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

WEINBERG VAN S & CAROLYN H
591 LEXINGTON CLUB CT #404
MEMPHIS TN 38117

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

UNIVERSITY OF TENNESSEE
301 ANDY HOLT TOWER #
KNOXVILLE TN 37996

HAGERMAN CATHERINE S
591 LEXINGTON CLUB CT #301
MEMPHIS TN 38117

SHAINBERG BARBARA H LIVING TRUST
591 LEXINGTON CLUB CT #302
MEMPHIS TN 38119

KNOTTS HENRY J
5204 LEXINGTON CLUB CV #302
MEMPHIS TN 38117

WHITE STATION BUILDING LLC
2328 10TH AVE N #401
LAKE WORTH FL 33461

BAER LARISA
591 LEXINGTON CLUB CT #303
MEMPHIS TN 38117

ELLIOTT JUDY T REVOCABLE TRUST
5204 LEXINGTON CLUB CV #301
MEMPHIS TN 38117

HOUSTON JANE M FAMILY TRUST
5201 LEXINGTON CLUB CV #301
MEMPHIS TN 38117

RYLEE KAY B REVOCABLE TRUST
591 LEXINGTON CLUB CT #304
MEMPHIS TN 38117

PACE CYNTHIA L REVOCABLE LIVING TRUST
5204 LEXINGTON CLUB CV #204
MEMPHIS TN 38117

GLASS MARYLON R RESIDENE TRUST II
5201 LEXINGTON CLUB CV #302
MEMPHIS TN 38117

PELTS JEFFREY D
591 LEXINGTON CLUB CT #201
MEMPHIS TN 38117

ZACHARY FRANCES M
5204 LEXINGTON CLUB CV #203
MEMPHIS TN 38117

PARKER JUDITH G LIVING TRUST
5201 LEXINGTON CLUB CV #201
MEMPHIS TN 38117

ROTH JEFF H LIVING TRUST
591 LEXINGTON CLUB CT #202
MEMPHIS TN 38117

HORN ANN W
5204 LEXINGTON CLUB DR #202
MEMPHIS TN 38117

SALKY SAMUEL & ELLEN Y
5201 LEXINGTON CLUB CV #202
MEMPHIS TN 38117

CLAYCOURT VILLAGE HOMEOWNERS ASSOC INC
6263 POPLAR AVE #440
MEMPHIS TN 38119

HORN ANN W
5204 LEXINGTON CLUB DR #202
MEMPHIS TN 38117

LAZAROV JOYCE B LIVING TRUST
597 LEXINGTON CLUB CT #401
MEMPHIS TN 38117

BARTUSCH JEFF
5204 LEXINGTON CLUB CV #403
MEMPHIS TN 38117

HENRY ELIZABETH
12 BEEKMAN PL #2C
NEW YORK NY 10022

FINE RICHARD E & MELANIE
597 LEXINGTON CLUB CT #403
MEMPHIS TN 38117

RASSI PATRICK
5204 LEXINGTON CLUB CV #402
MEMPHIS TN 38117

LAZAROV ROSELLE J REVOCABLE TRUST
5194 LEXINGTON CLUB CV #404
MEMPHIS TN 38117

CHAN SHIRLEY S
597 LEXINGTON CLUB CT #301
MEMPHIS TN 38117

MCFALL KATHERINE A
5204 LEXINGTON CLUB CT #401
MEMPHIS TN 38117

GARDEN PLAZA HOTEL CO III
1661 AARON BRENNER DR #200
MEMPHIS TN 38120

GAMBRELL CYNTHIA S
597 LEXINGTON CLUB CT #302
MEMPHIS TN 38117

RIFFE DARRELL AND COURTNEY LIVING TRUST
5204 LEXINGTON CLUB CV #4304
MEMPHIS TN 38117

SANDERLIN CENTRE PARTNERS (PSO)
5100 POPLAR #2602
MEMPHIS TN 38137

SCHWARTZ SUSAN K LIVING TRUST (2/3) AND
597 LEXINGTON CLUB CT #304
MEMPHIS TN 38117

RCM DEVCO LLC
119 S MAIN ST #800
MEMPHIS TN 38103

MARGER PARTNERSHIP
5170 SANDERLIN AVE #205
MEMPHIS TN 38117

FOGELMAN AVRON B LIFETIME TRUST AND
5194 LEXINGTON CLUB CV #401
MEMPHIS TN 38117

SANDERLIN PROPERTIES LLC
5160 SANDERLIN AVE #4
MEMPHIS TN 38117

SILVA ANTHONY JR
5194 LEXINGTON CLUB CV #303
MEMPHIS TN 38117

SMITH GWIN S & CHRISTINE R
5160 SANDERLIN AVE #1
MEMPHIS TN 38117

MCKNIGHT WILLIAM D & LAURA E
5194 LEXINGTON CLUB CV #302
MEMPHIS TN 38117

SMITH GWIN S & CHRISTINE R
5160 SANDERLIN AVE #1
MEMPHIS TN 38117

CANNON R HOWARD
5194 LEXINGTON CLUB CV #301
MEMPHIS TN 38117

SMITH GWIN S & CHRISTINE R
5160 SANDERLIN AVE #1
MEMPHIS TN 38117

WIENER EDWARD J & ROCHELLE G
5194 LEXINGTON CLUB CV #203
MEMPHIS TN 38117

CLARK TOWER OWNER LLC
5350 POPLAR AVE #205
MEMPHIS TN 38119

KRYPEL ROBERT S & CATHERINE L
5194 LEXINGTON CLUB CV #202
MEMPHIS TN 38117

BRIGHT GLADE PROPCO LLC
201 JORDAN RD
FRANKLIN TN 37067

ROSENBERG GARY
5194 LEXINGTON CLUB CV #201
MEMPHIS TN 38117

LEXINGTON CONDOMINIUM OWNERS ASSOCIATION
510 S MENDENHALL #100
MEMPHIS TN 38117

PELTS LINDA
5204 LEXINGTON CLUB CV #404
MEMPHIS TN 38117

RCM DEVCO LLC
119 S MAIN ST #800
MEMPHIS TN 38103

WHEELIS INVESTORS LLC
5100 WHEELIS DR #206
MEMPHIS TN 38117

RCM DEVCO LLC
1 DR ML KING JR AVE #130
MEMPHIS TN 38103



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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



20145536

12/31/2020 - 08:53:51 AM

4 PGS	
CHRISTINAM 2148409 - 20145536	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	22.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY:

T. Gaillard Uhlhorn
 Bass, Berry & Sims PLC
 100 Peabody Place, Suite 1300
 Memphis, TN 38103-3672
 Telephone (901) 543-5900

QUITCLAIM DEED

Address New Owner:	Send Tax Bills To:	Map/Parcel Number(s):
RCM Devco LLC 119 South Main Street, Suite 800 Memphis, TN 38103	RCM Devco LLC 119 South Main Street, Suite 800 Memphis, TN 38103	Part of 056-33-00233 and 056-033-00239

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, THE TENNIS CLUB OF MEMPHIS, LLC, a Tennessee limited liability company (the "Grantor"), hereby quitclaims and conveys to RCM DEVCO LLC, a Tennessee limited liability company (the "Grantee"), all of Grantor's right, title and interest in and to certain real property in Shelby County, Tennessee, more particularly described as follows:

See attached Exhibit A

Being a portion of the same property conveyed to Grantor by Warranty Deed of record at Instrument No. 08116651 in the Register's Office for Shelby County, Tennessee.

This is unimproved property known as 5111 Sanderlin Avenue, Memphis, Tennessee.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused the same to be executed this 30th day of December, 2020.

[Signature page follows.]

THE TENNIS CLUB OF MEMPHIS, LLC,
a Tennessee limited liability company

By: T. A. Uhlhorn, V

Name: T. Gaillard Uhlhorn, V

Title: Authorized Person

STATE OF TENNESSEE)

COUNTY OF SHELBY)

Personally appeared before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared T. Gaillard Uhlhorn, V, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Authorized Person of The Tennis Club of Memphis, LLC, the within bargainor, a Tennessee limited liability company, and that he as such Authorized Person executed the foregoing instrument for the purpose therein contained, by signing the name of the company by himself as its President.

WITNESS my hand, at office, this 22nd day of December, 2020.

Kristy S. Tyler
Notary Public

My Commission Expires:


1/30/2021



MY COMMISSION EXPIRES:
JANUARY 30, 2021

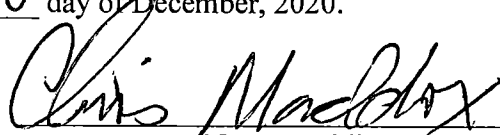
STATE OF Tennessee)
COUNTY OF Shelby)

The actual consideration for this transfer is \$0.00.



Affiant

Sworn to and subscribed before me this 28TH day of December, 2020.



Notary Public

My Commission Expires:
11-21-2021



Exhibit A

Legal Description

BEING A DESCRIPTION OF PART OF THE TENNIS CLUB OF MEMPHIS, LLC PROPERTY AS RECORDED IN INSTRUMENT 08116651 AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (N 308399.94 - E 805539.29) ON THE SOUTH LINE OF SANDERLIN AVENUE (RIGHT-OF-WAY VARIES), SAID POINT BEING N88°05' 57" W A DISTANCE OF 425.37 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF SAID SANDERLIN ROAD WITH THE WEST LINE OF WHITE STATION ROAD (80.00 FOOT RIGHT-OF-WAY), SAID POINT BEING THE NORTHWEST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAT FOR THE LEXINGTON II SUBDIVISION AS RECORDED IN PLAT BOOK 221, PAGE 23; THENCE S01°51' 27" W ALONG THE WEST LINE OF THE SAID LEXINGTON II SUBDIVISION A DISTANCE OF 510.00 FEET TO A POINT; THENCE N88°22' 56" W A DISTANCE OF 37.00 FEET TO A POINT; THENCE S01°51' 27" W AND CONTINUING ALONG THE WEST LINE OF THE SAID LEXINGTON II SUBDIVISION A DISTANCE OF 136.57 FEET TO A POINT ON THE NORTH LINE OF LOT 11 OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24; THENCE N88°22' 56" W ALONG THE NORTH LINE OF LOTS 11-8 OF THE SAID GORDON-MEDARIS SUBDIVISION A DISTANCE OF 336.73 FEET TO THE NORTHEAST CORNER OF LOT 7 OF THE SAID GORDON-MEDARIS SUBDIVISION; THENCE S01°37' 04" W ALONG THE EAST LINE OF SAID LOT 7 A DISTANCE OF 43.09 FEET TO A POINT; THENCE S87°43' 20" W ACROSS SAID LOT 7 A DISTANCE OF 94.31 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE N03°42' 09" E ALONG THE WEST LINE OF SAID LOT 7 A DISTANCE OF 49.54 FEET TO A FOUND PIPE AT THE NORTHWEST CORNER OF SAID LOT 7, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 3 OF THE CLARK TOWER SUBDIVISION AS RECORDED IN PLAT BOOK 38, PAGE 28; THENCE N86°54'22" W ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 130.55 FEET TO THE SOUTHEAST CORNER OF THE SANDERLIN CENTRE CO. PROPERTY AS RECORDED IN INSTRUMENT 11108116; THENCE N05°07' 00" E ALONG THE EAST LINE OF THE SAID SANDERLIN CENTRE CO. PROPERTY A DISTANCE OF 317.83 FEET TO AN ANGLE POINT; THENCE N41°44' 38" W AND CONTINUING ALONG THE EAST LINE OF THE SAID SANDERLIN CENTRE CO. PROPERTY A DISTANCE OF 137.33 FEET TO AN ANGLE POINT; THENCE N01°55' 21" E AND CONTINUING ALONG THE EAST LINE OF THE SAID SANDERLIN CENTRE CO. PROPERTY A DISTANCE OF 247.14 FEET TO A FOUND CROWS FOOT AT THE NORTHEAST CORNER OF THE SAID SANDERLIN CENTRE CO. PROPERTY, SAID POINT ALSO LIES ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SANDERLIN AVENUE; THENCE S88°05'10" E ALONG THE SOUTH LINE OF SAID SANDERLIN AVENUE A DISTANCE OF 159.24 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID SANDERLIN AVENUE FOLLOWING A CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET, AN ARC LENGTH OF 107.55 FEET (CHORD S78°36' 20" E - 107.06 FEET) TO A NON-TANGENT POINT; THENCE S88°05' 57" E AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID SANDERLIN AVENUE A DISTANCE OF 408.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 407,276 SQUARE FEET, OR 9.350 ACRES.

BEING A PORTION OF THE SAME PROPERTY CONVEYED TO THE TENNIS CLUB OF MEMPHIS, LLC BY WARRANTY DEED OF RECORD AT INSTRUMENT NO. 08116651, LESS AND EXCEPT THAT PORTION SOLD IN SPECIAL WARRANTY DEED OF RECORD AT INSTRUMENT NO. 20074988.



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

21032620

03/23/2021 - 09:04:30 AM

6 PGS

TAMMY 2192504-21032620

VALUE	2300000.00
MORTGAGE TAX	0.00
TRANSFER TAX	8510.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	8545.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY:

Butler Snow LLP
 6075 Poplar Avenue, Suite 500
 Memphis, TN 38119

SPECIAL WARRANTY DEED

Address of New Owner:	Send Tax Bills To:	Map/Parcel Numbers:
RCM Devco LLC 1 Dr. ML King Jr. Avenue, Suite 130 Memphis, TN 38103	RCM Devco LLC 1 Dr. ML King Jr. Avenue, Suite 130 Memphis, TN 38103	Part of 056-33-00233

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, THE LEXINGTON PARTNERS, LLC, a Tennessee limited liability company (the "Grantor"), has bargained and sold, and hereby transfers and conveys, to RCM DEVCO LLC, a Tennessee limited liability company (the "Grantee"), certain real property in Shelby County, Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee, forever.

This is unimproved property known as part of 5111 Sanderlin Avenue, Memphis, Tennessee.

Said property is conveyed subject to those matters more particularly described on Exhibit B attached hereto and incorporated herein by reference.

Grantor covenants and binds itself and its successors to warrant specially and defend to Grantee forever the title to said property against the lawful claims of all persons claiming by, through or under Grantor (excluding claims arising out of the matters set forth on Exhibit B), but not further or otherwise.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed as of the 17 day of March, 2021.

GRANTOR:

THE LEXINGTON PARTNERS, LLC,
a Tennessee limited liability company

By: [Signature]
Name: George W. Bryan, Sr.
Title: Chief Manager

STATE OF MS
COUNTY OF LOWNDES

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, George W. Bryan, Sr., 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, and who further acknowledged that such person is the Chief Manager of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS MY HAND, at office, this 17 day of March, 2021.

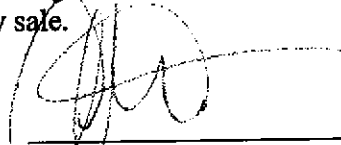
[Signature]
Notary Public



My Commission Expires:
May 20, 2022

STATE OF TENNESSEE
COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$2,300,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



Affiant

Sworn to and subscribed before me this 16 day of March, 2021.



Notary Public

My Commission Expires:
01-19-2025

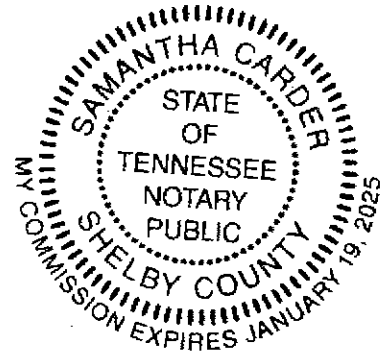


EXHIBIT A

Lot 1, Final Plat, Lexington II Subdivision, as shown on Plat of record in Plat Book 286, Page 16, in the Register's Office of Shelby County, Tennessee, to which Plat reference is hereby made for a more particular description of said property.

BEING THE SAME property conveyed to Grantor by deed of record at Instrument No. 20074988 in the Register's Office for Shelby County, Tennessee.

EXHIBIT B

1. City of Memphis and Shelby County taxes for the year 2021, not yet liens, not yet due and payable.
2. Subdivision restrictions, building lines and easements of record in Plat Book 1, Page 117, in the Register's Office of Shelby County, Tennessee (the "Register's Office") and Plat Book 286, Page 16, in the Register's Office and shown by survey made by The Reaves Firm Incorporated, dated February 8, 2021 as Job No. 19-0010-1 (the "Survey").
3. Easement of record at Instrument No. 05136740, in the Register's Office and shown on the Survey.
4. Restrictive Covenant of record at Instrument No. 05136735, in the Register's Office and shown on the Survey.

Certificate of Authenticity

I, Rena Lu, do hereby make oath that I am 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.

Rena Lu

State of Tennessee

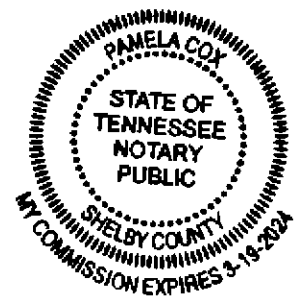
County of Shelby

Personally appeared before me, a notary public for this county and state, Rena Lu who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Pamela Cox

Signature

MY COMMISSION EXPIRES: 3-19-2024





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.



22124498

11/14/2022 - 12:42:54 PM

5 PGS	
BRANDON 2514331 - 22124498	
VALUE	800000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2960.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	2988.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**THIS INSTRUMENT PREPARED BY
AND RETURN TO:**

Geoffrey Morris
Butler Snow LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119

SPECIAL WARRANTY DEED

Address of New Owner:	Send Tax Bills To:	Map/Parcel Numbers:
RCM Devco LLC c/o Carlisle LLC Attn: Chancellor G. Carlisle and L. Don Campbell, Jr. 1 Dr. ML King Jr. Ave., Suite 130 Memphis, TN 38103	RCM Devco LLC c/o Carlisle LLC Attn: Chancellor G. Carlisle and L. Don Campbell, Jr. 1 Dr. ML King Jr. Ave., Suite 130 Memphis, TN 38103	056033 00075

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, KML ENTERPRISES, LLC, a Tennessee limited liability company (the "Grantor"), has bargained and sold, and hereby transfers and conveys, to RCM DEVCO LLC, a Tennessee limited liability company, and its successors and assigns (the "Grantee"), certain real property in Shelby County, Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee, forever.

This is improved property known as 5148 Wheelis Drive, Memphis, Tennessee 38117.

Said property is conveyed subject to those matters more particularly described on Exhibit B attached hereto and incorporated herein by reference.

Grantor covenants and binds itself and its successors to warrant specially and defend to Grantee forever the title to said property against the lawful claims of all persons claiming by, through or under Grantor (excluding claims arising out of the matters set forth on Exhibit B), but not further or otherwise.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed as of the 31st day of October, 2022.

GRANTOR:

KML ENTERPRISES, LLC,
a Tennessee limited liability company

By: [Signature]
Name: James K. Fleck
Title: Member

By: [Signature]
Name: Sonya Fleck
Title: Member

STATE OF TENNESSEE

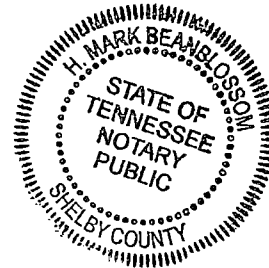
COUNTY OF SHELBY

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, James K. Fleck and Sonya Fleck, 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, and who further acknowledged that such persons are the Members of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS MY HAND, at office, this 31st day of October, 2022.

[Signature]
Notary Public

My Commission Expires:
9-6-26



STATE OF TENNESSEE

COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$800,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Sonya Fleck
Affiant

Sworn to and subscribed before me this 31st day of October, 2022.

[Signature]
Notary Public

My Commission Expires:
9-6-26



EXHIBIT A

Land situated in Shelby County, Tennessee:

Lot 9, Gordon-Medaris Subdivision, as shown on plat of record in Plat Book 13, Page 24, in the Register's Office of Shelby County, Tennessee, to which reference is hereby made for a more particular description thereof.

This being the same property conveyed to KML ENTERPRISES, LLC, from FAMCOT, L.P., by Warranty Deed dated September 12, 2019, of record as Instrument Number 19096890, in the Register's Office of Shelby County, Tennessee.

EXHIBIT B

1. City of Memphis taxes for the year 2023, not yet a lien, not yet due and payable and Shelby County taxes for the year 2022, a lien, not yet due and payable.
2. Subdivision restrictions, building lines and easements of record in Plat Book 13, Page 24, in the Register's Office of Shelby County, Tennessee.
3. Declaration of Covenants, Conditions and Restrictions of record at Book 2770, Page 501, in the Register's Office of Shelby County, Tennessee.
4. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a *et seq.*, the Packers and Stockyard Act of 1921, as amended, 7 USC 181 *et seq.*, or any similar state laws.



**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

October 17, 2023

Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103

Sent via electronic mail to: jwhitehead@BPJLAW.COM

Mid-City Memphis Planned Development
Case Number: PD 2023-021
LUCB Recommendation: Approval with outline plan conditions as amended

Dear Applicant,

On Thursday, October 12, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Mid-City Memphis Planned Development, subject to the attached outline plan conditions, which include the friendly amendment to Landscaping Section IV.J.

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

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

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

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

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Letter to Applicant
PD 2023-021

Cc: David Lewis, Carlisle Development Company
File

Outline Plan Conditions

Mid-City Memphis Planned Development

Outline Plan Conditions

PD 23-021

I. PERMITTED USES

A. Area 1

1. Uses permitted by right in the Commercial Mixed Use – 3 district, including the additional following uses which shall be allowed without a Special Use Permit and approved as a part of this Planned Development:

- a. Hotel
- b. Multi-family residential
- c. Retail Sales-Oriented uses, excluding the following principal and accessory uses:
 - i. Pawnshop
 - ii. Payday loans, title loan establishments
 - iii. Vehicle parts and accessories
 - iv. Wholesale Club
 - v. Convenience store, with or without gas pumps
 - vi. Automatic one bay car wash facility
 - vii. Drive-thru facility
- d. Retail Service-Oriented uses, excluding the following principal and accessory uses:
 - i. Animal hospital, animal shelter, kennel
 - ii. Laundromat, coin operated pickup station
 - iii. Taxidermist
 - iv. Truck stop, tractor-trailers (fueling of)
- e. Retail Repair-Oriented uses, excluding the following principal and accessory uses:
 - i. Appliance
- f. Parking - structured or on grade

2. The following additional uses are excluded:

- a. Vehicle sales, service and repair
- b. Self-service storage

B. Area 2

1. Uses in Area 2 are limited by a restrictive covenant, per Instrument No. 05136735 recorded with the Shelby County Register of Deeds, which permits the following uses:

- a. Surface parking lot
- b. Single-family detached
- c. Single-family attached
- d. Office
- e. Tennis courts with lights

II. BULK REGULATIONS

A. Area 1

1. The bulk regulations shall be in conformance with the Commercial Mixed Use – 3 (CMU-3) district regulations, with the following exceptions:

- a. There shall be no maximum density requirements.

Letter to Applicant
PD 2023-021

- b. Building setbacks shall be 25' feet along public street frontages except where encroachments are permitted.
- c. The maximum building height shall be 240'.

B. Area 2

- 1. For single-family uses, the bulk regulations shall be in conformance with the Residential Urban – 3 (RU-3) district regulations, with the following exceptions:
 - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The maximum building height shall be 40' and two (2) stories.
- 2. For parking and office uses, the bulk regulations shall be in conformance with the Office General (OG) district regulations, with the following exceptions:
 - a. Building setbacks shall be 25' along public street frontages and 5' along private street frontages.
 - b. The minimum lot width shall be 50.'
 - c. The maximum building height shall be 40' and two (2) stories (for office uses only).

III. CIRCULATION, ACCESS AND PARKING

- A. Permit four (4) points of full movement vehicular access along Sanderlin Avenue in the general location illustrated on the Outline Plan / Final Plan.
- B. Provide internal circulation between adjacent Areas, phases, lots, and sections. Common ingress/egress easements shall be shown on the final plans.
- C. All internal drives shall be private, owned and maintained by a property owner or a property owners association.
- D. Streets shall conform to the City of Memphis standards as modified herein.
- E. Shared Parking shall be permitted for all uses as part of this PD without necessitating the approval of an Alternative Parking Plan pursuant to UDC Sec. 4.5.4.
- F. Parking garages with facades along a public street shall not be required to have ground floor office, retail, commercial, or public amenity space. However, in these instances, parking garages shall have architectural character cohesive with the overall development.

IV. LANDSCAPING

- A. A landscape plan shall be submitted as part of each final plan.
- B. All required landscaping shall be irrigated.
- C. All common open areas outside of public rights-of-way including plazas, private/shared streets, and promenades shall be maintained by the Developer or a Private Property Owners Association.
- D. A Property Owners Association shall be established at the time of recording of any final plan. Any buffer areas, retention basins, landscape areas open areas, street medians, entrance signs, and any other common elements proposed to be dedicated to the Property Owners Association in that phase shall be deeded over to the Property Owners Association with the recording of the final plan of that respective phase. A copy of the finalized incorporation papers and any deeds transferring common elements to the Property Owners Association shall be submitted to the City of Memphis for inclusion in the file.
- E. The minimum proposed Street Tree size shall be 2.5" caliper, measured at 4.5' above finished grade.
- F. All required landscaping shall be located on the property such that it shall not interfere with any utility easement.

Letter to Applicant

PD 2023-021

G. All construction improvements within the development shall be compliant with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.

H. All Service Areas shall be properly screened from view with materials that complement the architectural character of the development.

I. Brick columns, as prescribed by Unified Development Code (UDC) Item 4.6.5J(3)(b) shall not be required along fencing within buffer areas.

J. A UDC Sec. 4.6.5D Class III buffer of a minimum width of 7 feet containing a masonry wall of a minimum height of 6 feet shall be installed along the east property line adjacent to the Lexington Condominium property.

V. DRAINAGE

A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Memphis stormwater management program.

B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.

C. Grading, drainage, and engineering construction plans shall be approved by the City Engineer.

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

VI. SANITY SEWER

A. A Master Sanitary Sewer Concept Plan shall be submitted t at the time a Phase One final plan is submitted for review and approval. The City of Memphis will provide sanitary sewer service.

B. Sizes of sanitary sewer lines internal to the subject property shall be determined at the time a final plan is submitted to the City Engineer.

C. Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Conservation (TDEC) for written approval.

VII. WATER SERVICE / UTILITIES

A. A Master Water Service Concept Plan shall be submitted at the time Phase One Preliminary Plan is submitted for review and approval. The City of Memphis will provide public potable water service.

B. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the city of Memphis and the State of Tennessee.

C. Water service lines shall be installed with tracing wire at the top.

D. All utilities and services are to be installed underground, with the exception of three-phase electric.

VIII. SIGNS

A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.

B. Location and design of signs shall be shown on the final plan(s).

IX. DEVELOPMENT PHASING

A. An Overall Anticipated Phasing Plan for Mid-City Memphis Outline Plan shall be submitted to the City of Memphis at the time a final plan is submitted.

B. Temporary parking lots may be constructed and utilized during the phased construction of Mid-City Memphis.

X. ARCHITECTURAL GUIDELINES

A. All buildings, regardless of the architectural style, will adhere to the basic principles of proper scale, street transparency, massing, and proportion. Individual architectural elements and facades will be varied in their design with a range of architectural styles and materials appropriate to an urban mixed-use district. High quality and durable exterior materials will be used such as brick, stone, stucco, metal, fiber cement panels, glass, cast stone, wood accents, and precast depending on the individual building style and character.

B. Architectural elevations and materials will be subject to administrative review and approval by the Division of Planning and Development (DPD).

C. EIFS may be used as an exterior finish up to an average of twenty-five percent (25%) per building.

XI. 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, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
3. The location and ownership, whether public or private, of any easement.
4. A landscape plan.
5. Building elevations with exterior finishes, including signage.

C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).

October 1, 2023

Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 North Main Street
Memphis, TN 38103

Dear Mr. Ragsdale:

I am excited to hear about RCM Devco and Carlisle Development Company's proposal for the former Racquet Club site at 5111 Sanderlin Drive (styled as PD 2023-21). I am a business owner on nearby Brookhaven Circle, V2 Media.

The Mid-City Memphis Planned Development will provide not only provide additional potential customers to V2 Media, which has developed a history of partnering with East Memphis businesses and organizations along and near Brookhaven Circle, but also much needed additional hotel and meeting space to the area.

I support this development and would like to take this opportunity to encourage the Land Use Control Board and Memphis City Council to approve it as it will be a positive addition to the neighborhood.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Mark Thompson". The signature is fluid and cursive, written in a professional style.

Mark Thompson
Partner
V2 Media
Studio/Offices
771 E. Brookhaven Circle
Memphis, TN 38117

October 5, 2023

Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 North Main Street, Ste. 468
Memphis, TN 38103

Mr. Ragsdale:

This letter in reference to the proposed redevelopment of the Racquet Club site, known as the Mid-City Planned Development.

I believe this project will have a significant positive impact on the large block that is bordered by Poplar on the south, Mendenhall on the west, Sanderlin on the north and White Station on the east. As a co-owner of one of the businesses within that block, Tops Bar-B-Q, I find the infusion of capital and customers into the area a very positive development.

Sincerely,



Tiger Bryant
Tops Bar-B-Q, Inc.
5720 Mt. Moriah
Memphis, TN 38115

October 8, 2023

Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 North Main Street
Memphis, TN 38103

Dear Mr. Ragsdale:

My name is Mary Van Dyke and I am the Artistic Director of the Children's Ballet Theater, and Co-Director of our non-profit program *Clara & the Nutcracker at the Cannon Center*. We are located at 621 S White Station Rd, 38117. I furthermore am a resident of East Memphis at 5345 Panda Lane, 38120.

I am writing to you today to express my support for RCM Devco and Carlisle Development Company's application to the Land Use Control Board for PD 2023-21 for Mid-City Memphis Racquet Club site development located at 5111 Sanderlin Drive.

This development will transform a blighted site into a vibrant location full of new housing options, commercial space and add an upscale hotel in East Memphis; providing residents in the surrounding neighborhoods with new options and increased connectivity within the immediate area.

As a business owner I am very enthusiast to have this opportunity for new commercial space and brand-new customers coming into the area. The design I have seen from the Carlisle company shows beautiful landscaping and family friendly walking areas, making it an ideal location for us to have our dance school as well as our to show case our non profit performance work. We are also excited to see that there are plans to build a small amphitheater where our non profit could perform famous ballets such as *Cinderella* for the neighborhood and visitors!

Lastly, my friends and I that live in East Memphis could not be more thrilled for this all to come to our area! We have always felt there is a big gap in entertainment, activities and dining in East Memphis. We welcome RCM Devco and Carlisle Development Company's proposed development to the neighborhood!

Thank you for your consideration,

Mary Van Dyke
Artistic Director
Children's Ballet Theater

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 11/07/2023
DATE
PUBLIC SESSION: 11/07/2023
DATE**

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving the closure of section of alley west of Bellevue Boulevard between Madison Avenue and Monroe Avenue, known as case number SAC 2023-003

CASE NUMBER: SAC 2023-003

LOCATION: 220 feet west of S. Bellevue Blvd. between Madison Ave. and Monroe Ave

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

OWNER/APPLICANT: Tim McCaskill

REPRESENTATIVE: Marty Regan

REQUEST: Close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue.

AREA: +/- 4,821 SQFT

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 – **September 14, 2023**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 09/14/2023 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE


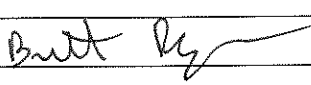
FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	10/30/23	PRINCIPAL PLANNER
		DEPUTY ADMINISTRATOR
	10/30/23	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 23-03

RESOLUTION APPROVING 15 FOOT CLOSURE OF SECTION OF ALLEY WEST OF BELLEVUE BOULEVARD BETWEEN MADISON AVENUE AND MONROE AVENUE, KNOWN AS CASE NUMBER SAC 23-03

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 23-03

LOCATION: 220 feet west of S. Bellevue Blvd. between Madison Ave. and Monroe Ave

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

OWNER/APPLICANT: Tim McCaskill

REPRESENTATIVE: Marty Regan

REQUEST: Close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue.

EXISTING ZONING: CMU-1, Medical District Overlay

AREA: 4,281 sqft

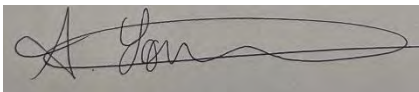
The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,



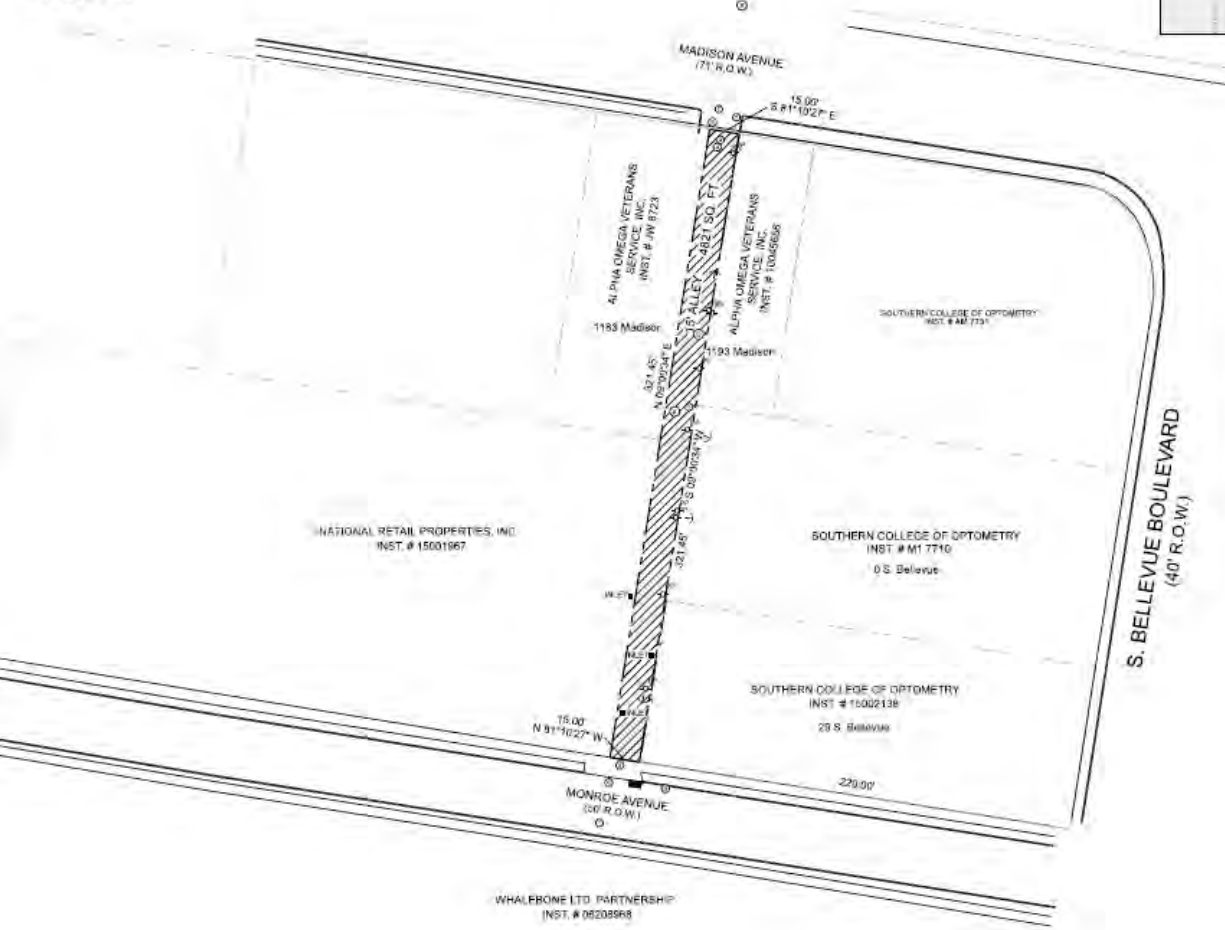
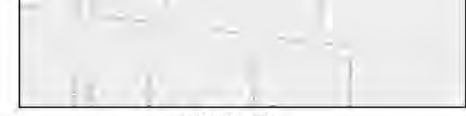
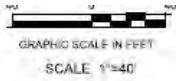
Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SAC 23-03
CONDITIONS

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
4. Dedicate 15' sewer easement for the public sewer lines and add the three notes below for the final plat and plan:
 - a. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES, FENCE, AND YARDS.
 - b. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.
 - c. ANY IMPROVEMENTS ENCROACHING SANITARY SEWER EASEMENTS WHICH ARE NOT AUTHORIZED BY THE CITY OF MEMPHIS MAY BE REMOVED BY THE CITY AT ANY TIME AND THE CITY SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID IMPROVEMENTS. sewers are available to serve this development.

CLOSURE PLAT



DESCRIPTION OF 15' ALLEY TO BE CLOSED

Beginning at a point in the South line of Madison Avenue (71' R.O.W.) a distance of 220.00' westward from the West line of S. Bellevue Boulevard (40' R.O.W.); said point being the northwest corner of the Alpha Omega Veterans Service Inc. property (Inst. # 10045856) and the northeast corner of a 15' Alley; thence along the East line of said alley S 09°00'34" W a distance of 321.45' to a point in the North line of Monroe Avenue (50' R.O.W.); thence along said North line N 81°10'27" W a distance of 15.00' to a point; thence N 09°00'34" E a distance of 321.45' to a point in the South line of Madison Avenue; thence along said South line S 81°10'27" E a distance of 15.00' to the point of beginning, containing 4821 square feet, more or less.



CLOSURE PLAT		
15' ALLEY BETWEEN MADISON AVE. & MONROE AVE.		
CASE NUMBER:		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: N/A	0.11 ACRES	PARCEL: N/A
APPLICANT: SOUTHERN COLLEGE OF OPTOMETRY	ENGINEER: THE REAVES FIRM	
AUGUST 2023	SCALE 1"=40'	SHEET 1 OF 1



RESOLUTION

RESOLUTION APPROVING ALLEY CLOSURE WEST OF BELLEVUE BOULEVARD BETWEEN MADISON AVENUE AND SOUTH TO MONROE AVENUE., KNOWN AS CASE NUMBER SAC 23-003

WHEREAS, the City of Memphis is the owner of real property known as the north-south public alley right-of-way west of Bellevue Boulevard between Madison and south to Monroe Avenue in Memphis, Tennessee and being more particularly described as follows:

Beginning a point in the south line of Madison Avenue, 235 feet westwardly from the intersection of the south line of Madison Avenue with the west line of Bellevue Boulevard as shown on said plat, said point being in the west line of 15-foot alley; thence westwardly along the south line of Madison Avenue a distance of 58.0 feet to the northeast corner of Lot 9 of said subdivision; thence southwardly along the east line of said Lot 9 a distance of 149.0 feet to a point in the north line of an alley; thence eastwardly along said north line a distance of 39.27 feet to a point in the northwest line of an alley; thence northeastwardly along said northwest line a distance of 124.0 feet to the point of beginning.

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 September 14, 2023 and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
4. Dedicate 15' sewer easement for the public sewer lines and add the three notes below for the final plat and plan:
 - a. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES, FENCE, AND YARDS.
 - b. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.
 - c. ANY IMPROVEMENTS ENCROACHING SANITARY SEWER EASEMENTS WHICH ARE NOT AUTHORIZED BY THE CITY OF MEMPHIS MAY BE REMOVED BY THE CITY AT ANY TIME AND THE CITY SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID IMPROVEMENTS. sewers are available to serve this development.

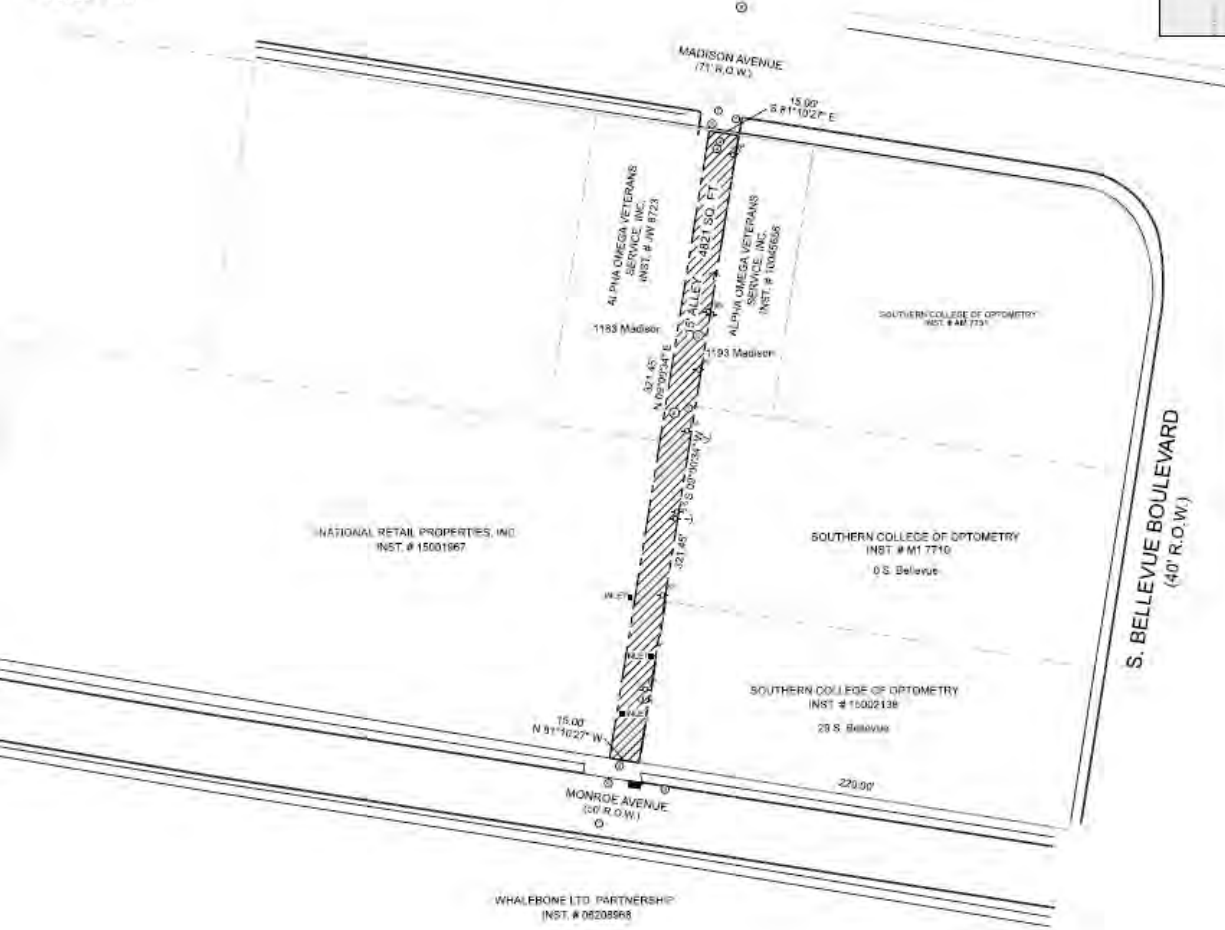
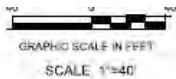
NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

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

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

ATTEST:

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



DESCRIPTION OF 15' ALLEY TO BE CLOSED

Beginning at a point in the South line of Madison Avenue (71' R.O.W.) a distance of 220.00' westwardly from the West line of S. Bellevue Boulevard (40' R.O.W.), said point being the northwest corner of the Alpha Omega Veterans Service Inc property (Inst. # 10045656) and the northeast corner of a 15' Alley, thence along the East line of said alley S 09°00'34" W a distance of 321.45' to a point in the North line of Monroe Avenue (50' R.O.W.), thence along said North line N 81°10'27" W a distance of 15.00' to a point, thence N 09°00'34" E a distance of 321.45' to a point in the South line of Madison Avenue, thence along said South line S 81°10'27" E a distance of 15.00' to the point of beginning, containing 4821 square feet, more or less.



CLOSURE PLAT		
15' ALLEY BETWEEN MADISON AVE. & MONROE AVE.		
CASE NUMBER:		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: N/A	0.11 ACRES	PARCEL: N/A
APPLICANT: SOUTHERN COLLEGE OF OPTOMETRY		ENGINEER: THE REAVES FIRM
AUGUST 2023	SCALE 1"=40'	SHEET 1 OF 1

AGENDA ITEM: 20

CASE NUMBER: SAC 2023-003 **L.U.C.B. MEETING:** September 14, 2023

LOCATION: Alley adjacent to 1193 Madison Avenue

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

OWNER/APPLICANT: Tim McCaskill (Applicant)

REPRESENTATIVE: Marty Regan

REQUEST: Close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue.

AREA: +/- 4, 821 SQF

EXISTING ZONING: CMU-1, Medical District Overlay

CONCLUSIONS

1. The applicant is seeking to close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue.
2. The alley closure is +/- 4,821 Square Foot in total.
3. The adjacent property owners, Southern College of Optometry, plans to purchase the two properties surrounding the alley.
4. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

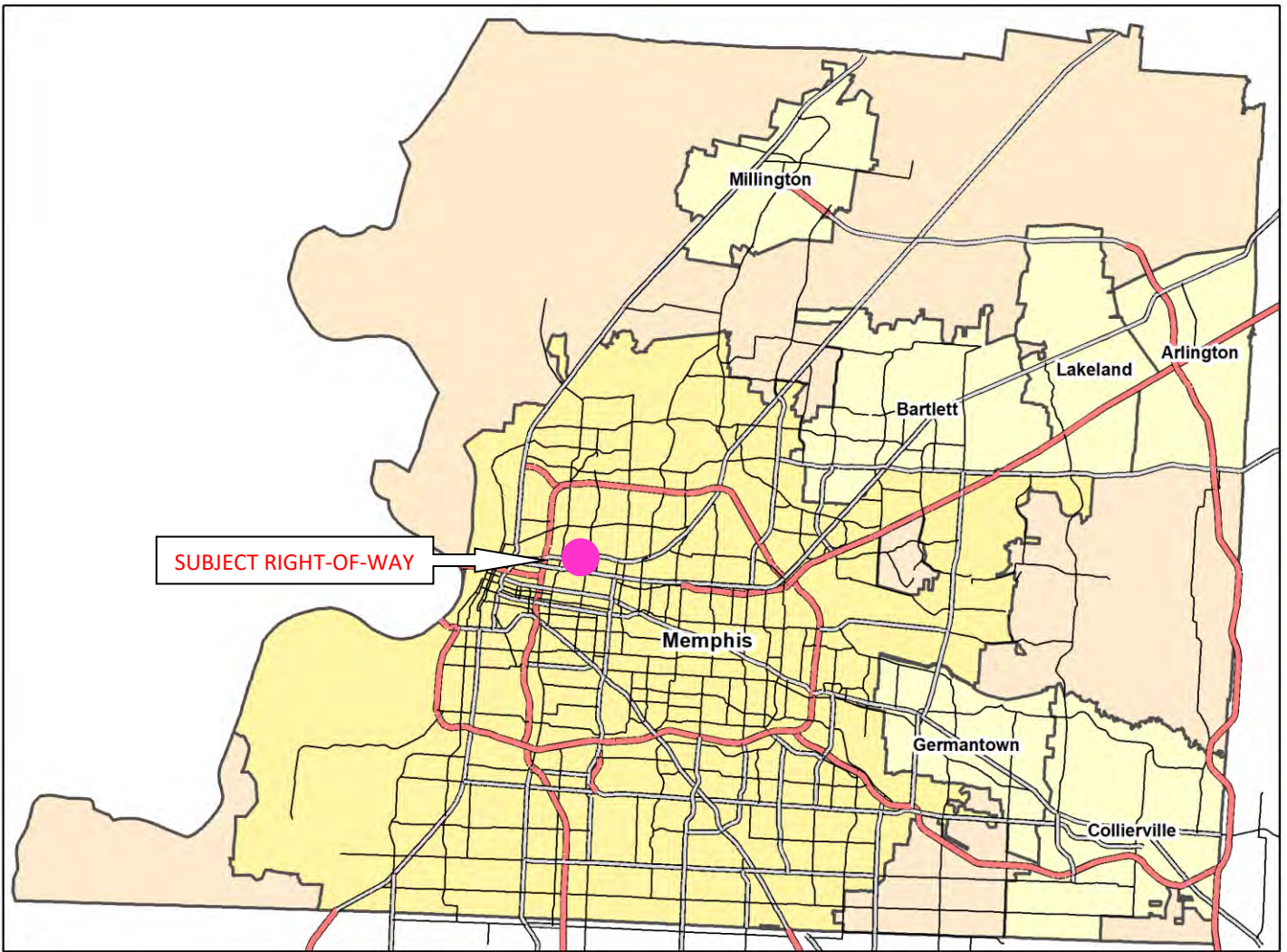
Zoning Atlas Page: 1930/2030

Existing Zoning: Commercial Mixed Use (CMU), Medical Overlay District

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 25, 2023, and a total of 2 signs was posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



Subject right-of-way located within the pink circle

VICINITY MAP



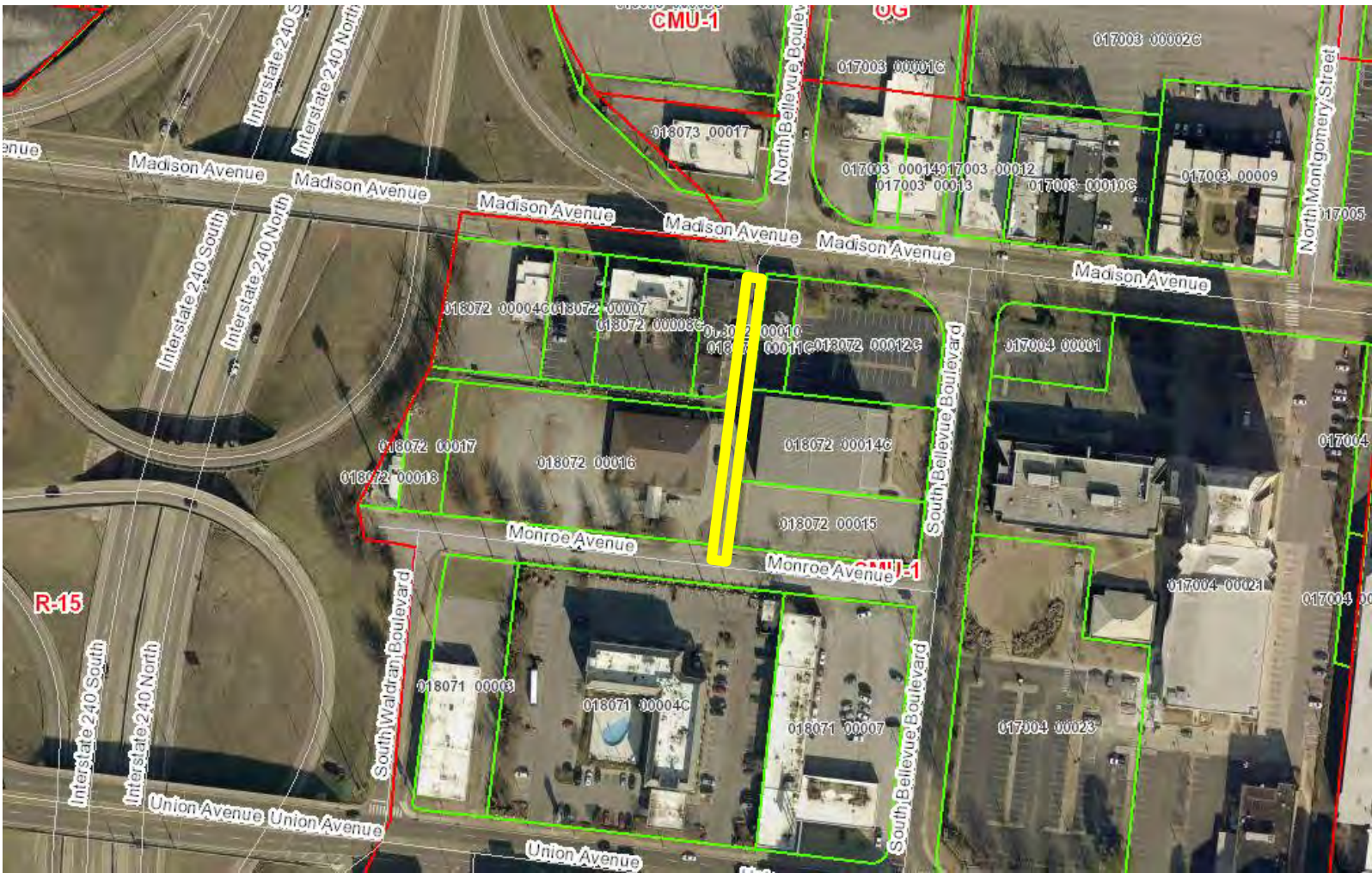
Subject right-of-way highlighted in yellow

AERIAL



Subject right-of-way outlined in yellow

ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: CMU-1

Surrounding Zoning

North: CMU-1

East: CMU-1

South: CMU-1

West: CMU-1

LAND USE MAP



Subject right-of-way outlined in yellow

SITE PHOTOS

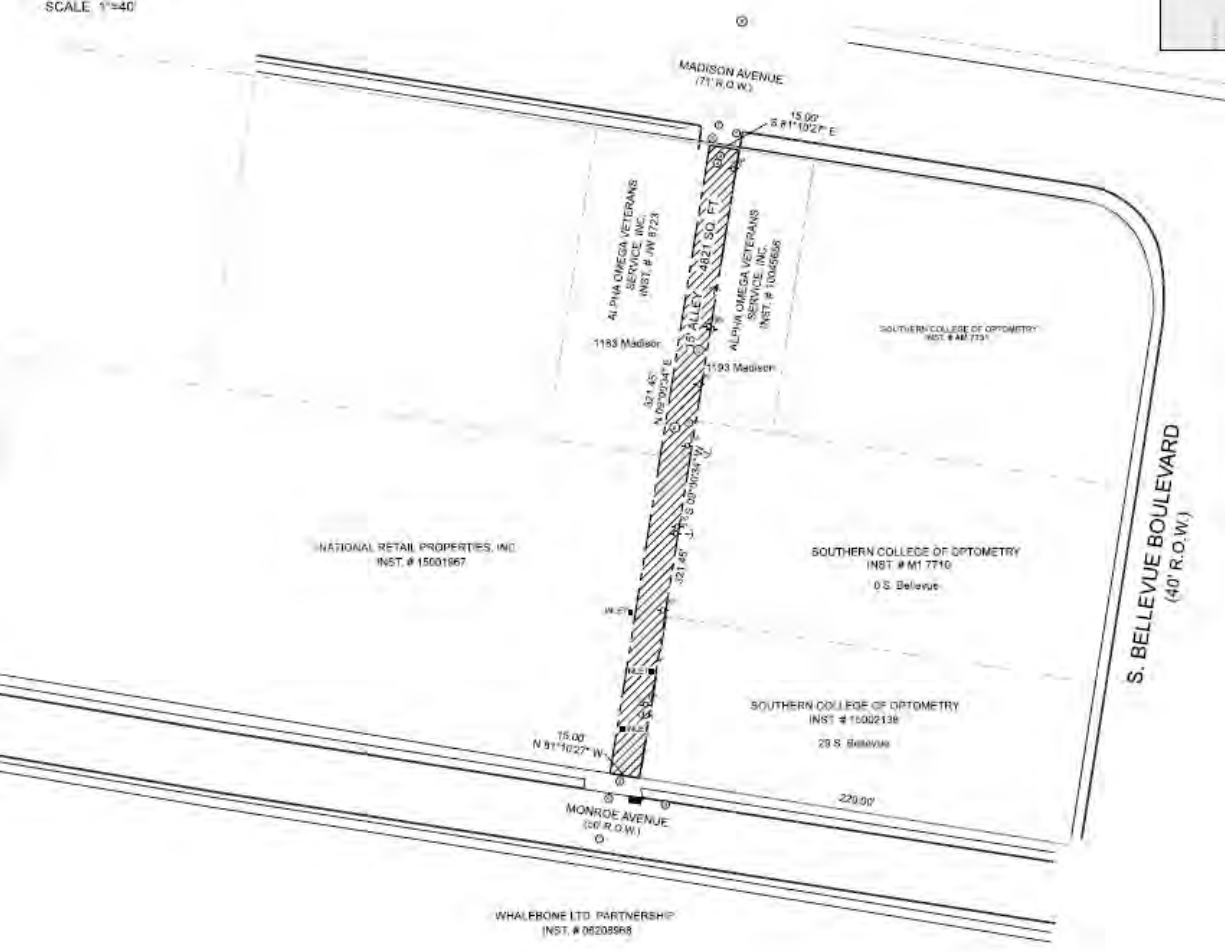
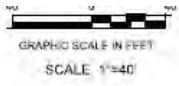


View of access point from Madison Avenue looking south



View of access point from Monroe Avenue looking north

RIGHT-OF-WAY VACATION PLAT



DESCRIPTION OF 15' ALLEY TO BE CLOSED

Beginning at a point in the South line of Madison Avenue (71' R.O.W.) a distance of 230.00' westward from the West line of S. Bellevue Boulevard (40' R.O.W.), said point being the northwest corner of the Alpha Omega Veterans Service Inc. property (Inst. # 10045656) and the northeast corner of a 15' Alley, thence along the East line of said alley S 03°00'34" W a distance of 321.45' to a point in the North line of Monroe Avenue (50' R.O.W.), thence along said North line N 81°10'27" W a distance of 15.00' to a point in the South line of Madison Avenue, thence along said South line S 81°10'27" E a distance of 15.00' to the point of beginning, containing 4821 square feet, more or less.



CLOSURE PLAT		
15' ALLEY BETWEEN MADISON AVE. & MONROE AVE.		
CASE NUMBER:		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: N/A	0.11 ACRES	PARCEL: N/A
APPLICANT: SOUTHERN COLLEGE OF OPTOMETRY	ENGINEER: THE REAVES FIRM	
AUGUST 2023	SCALE 1"=40'	SHEET 1 OF 1

STAFF ANALYSIS

Request and Reason

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

The request is to close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue. The alley closure is to

Site Description

The subject right-of-way is a +/-15-foot wide and +/-321.45-foot-long north-south public alley for a total area of +/-4,821 between Madison Avenue and Monroe Avenue. The subject right-of-way is located in-between two parcels (018072 00010 and 018072 00010).

Conclusions

1. The applicant is seeking to close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue.
2. The alley closure is +/- 4,821 Square Foot in total.
3. The adjacent property owners, Southern College of Optometry, plans to purchase the two properties surrounding the alley.
4. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
1. Dedicate 15' sewer easement for the public sewer lines and add the three notes below for the final plat and plan:

- a. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES, FENCE, AND YARDS.
- b. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.
- c. ANY IMPROVEMENTS ENCROACHING SANITARY SEWER EASEMENTS WHICH ARE NOT AUTHORIZED BY THE CITY OF MEMPHIS MAY BE REMOVED BY THE CITY AT ANY TIME AND THE CITY SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID IMPROVEMENTS. sewers are available to serve this development.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

3. Dedicate 15' sewer easement for the public sewer lines and add the three notes below for the final plat and plan:
 - a. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES, FENCE, AND YARDS.
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Street Closures:

4. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
5. City sanitary sewers/drainage facilities are located within the proposed closure area.
6. 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.
7. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
8. 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.
9. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

City/County Fire Division:

1. All future design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
2. Once closed, the ally shall continue to be accessible for Fire Department access.
3. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



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

Record Detail Information

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

Record Status: Pending

Opened Date: August 4, 2023

Record Number: SAC 2023-003

Expiration Date:

Record Name: Alley Closure Between Madison Ave. & Monroe Ave.

Description of Work: 15' Alley closure - 220' West of Bellevue Blvd. - Madison Ave. south to Monroe Ave.

Parent Record Number:

Address:

Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

05/22/2023

Pre-application Meeting Type

Phone

GENERAL INFORMATION

Name of Street where closure will begin

Madison Ave.

Name of Street where closure will end

Monroe Ave.

GENERAL INFORMATION

What is the reason for the street closure?	Southern College of Optometry plans to purchase two properties from Alpha Omega located at 1193 & 1183 Madison. They will be vacated in early August and mid September respectively. For campus security purposes SCO requests to close the alley that connects Madison Ave. and Monroe Ave. as it serves no population other than the 1183 and 1193 properties being acquired by SCO.
What is the total area of the right-of-way being closed?	4821
What is the overall length of the street closure?	321.45
Name of Street/Alley/ROW	N/A
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-
Is this application a time extension?	No

RELATED CASE INFORMATION

Previous Case Numbers -

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
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

Data Tables

Property Owners

Property Address:	1183 Madison
Property Owner Name:	Alpha Omega Veterans Service
Mailing Address (if different than property address):	same

Property Address:	1193 Madison
Property Owner Name:	Alpha Omega Veterans Services
Mailing Address (if different than property address):	1183 Madison

LETTER OF INTENT



From the Desk of:
Tim McCaskill
Direct Dial: 901.821.4974
E-Mail: TimMcCaskill@ReavesFirm.com

August 4, 2023

Mr. Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main Street
Memphis, TN 38103

**LETTER OF INTENT
SOUTHERN COLLEGE OF OPTOMETRY
ALLEY CLOSURE**

This application is for the closure of a 15' wide alley between Madison Avenue and Union Avenue West of Bellevue Boulevard. The alley terminates at both Madison and Union and doesn't serve anyone besides the adjoining property owners. The Southern College of Optometry owns or is purchasing all of the property on the East side of the alley and the North half of the property West of the alley. National Retail Properties, Inc. owns the remainder of the adjacent property. The closure will enhance security for the students and staff of the college.

Owners:

Southern College of Optometry
1245 Madison Avenue

Alpha Omega Veterans Service, Inc.
1183 Madison Avenue

National Retail Properties, Inc.
1166 Monroe Avenue

Consultants:

Marty Regan – Lewis Thomason Law Firm
mregan@lewisthomason.com
901-577-6143

Tim McCaskill – The Reaves Firm
timmccaskill@reavesfirm.com
901-761-2016

*6800 Poplar Avenue, Suite 101 • Memphis, TN 38138
901.761.2016 • Fax: 901.763.2847
www.ReavesFirm.com*

SIGN AFFIDAVIT



AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCoskill, being duly sworn, depose and say that at 11:45 am on the 31st day of August, 2023, I posted a Public Notice Sign(s) pertaining to Case No. SAC 23-03 at (1) Monroe and (1) Madison

providing notice of a Public Hearing before the:

- Land Use Control Board,
- Memphis City Council,
- Shelby County Board of Commissioners

for consideration of a proposed:

- Land Use Action (Planned Development),
- Street /Alley Closure
- Special Use Permit,
- Use Variance,
- Zoning District Map Amendment.

A photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] 8-31-2023
Owner, Applicant or Representative Date



Subscribed and sworn to before me this 31 day of August, 2023.
[Signature]
Notary Public
My commission expires: NOV. 9 2025

LETTERS RECEIVED

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



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

Record Detail Information

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

Record Status: Pending

Opened Date: August 4, 2023

Record Number: SAC 2023-003

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Description of Work: 15' Alley closure - 220' West of Bellevue Blvd. - Madison Ave. south to Monroe Ave.

Parent Record Number:

Address:

Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 05/22/2023

Pre-application Meeting Type Phone

GENERAL INFORMATION

Name of Street where closure will begin Madison Ave.

Name of Street where closure will end Monroe Ave.

GENERAL INFORMATION

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What is the total area of the right-of-way being closed? 4821

What is the overall length of the street closure? 321.45

Name of Street/Alley/ROW N/A

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

If yes, please provide additional information -

Is this application a time extension? No

RELATED CASE INFORMATION

Previous Case Numbers -

GIS INFORMATION

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Case Layer -

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

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Property Owner Name: Alpha Omega Veterans Service

Mailing Address (if different than property address): same

Property Address: 1193 Madison

Property Owner Name: Alpha Omega Veterans Services

Mailing Address (if different than property address): 1183 Madison

address):

Property Address: 1166 E. Monroe Ave.
Property Owner Name: National Retail Properties Inc.
Mailing Address (if different than property address): 450 S. Orange Ave. Ste. 900, Orlando, FL 32801
Email Address: kristin.furniss@NNNReit.com

Contact Information

Name TIM MCCASKILL **Contact Type** APPLICANT
Address

Phone (901)761-2016

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491705	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	08/04/2023
1491705	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	08/04/2023
			Total Fee Invoiced: \$410.40	Total Balance: \$0.00		

Payment Information

Payment Amount \$410.40 **Method of Payment** Credit Card



The
Reaves
Firm
INCORPORATED

Planning
Engineering
Landscape Architecture
Land Surveying

From the Desk of:

Tim McCaskill

Direct Dial: 901.821.4974

E-Mail: TimMcCaskill@ReavesFirm.com

August 4, 2023

Mr. Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main Street
Memphis, TN 38103

LETTER OF INTENT SOUTHERN COLLEGE OF OPTOMETRY ALLEY CLOSURE

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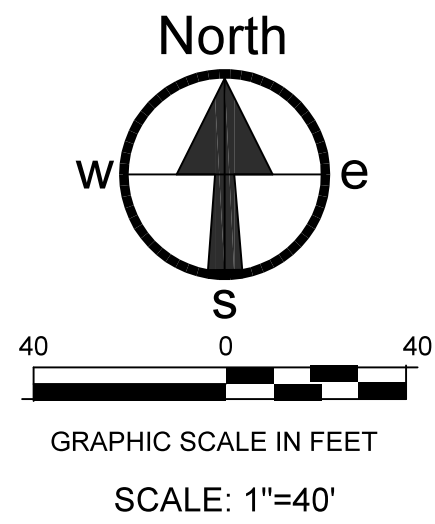
National Retail Properties, Inc.
1166 Monroe Avenue

Consultants:

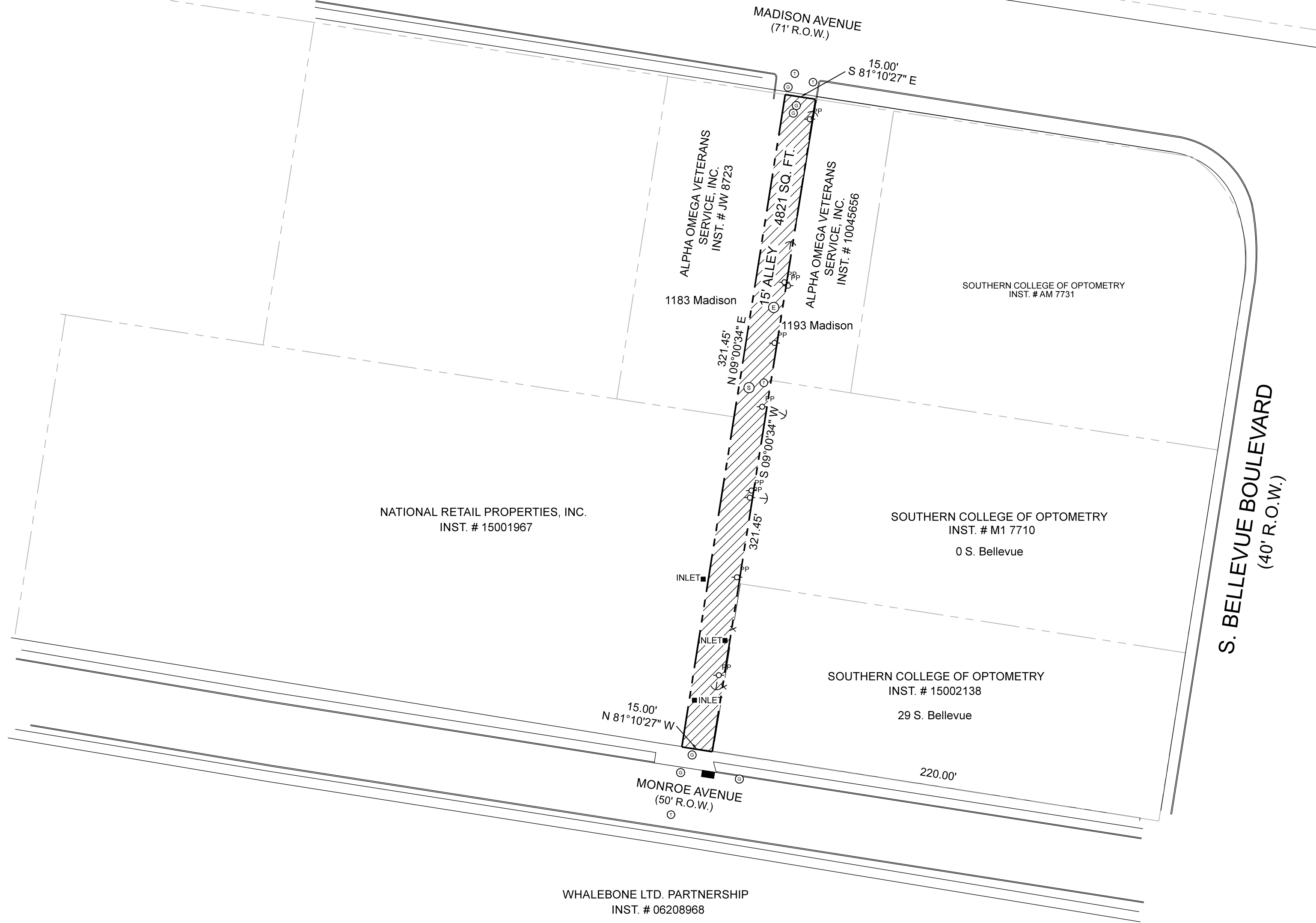
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VICINITY MAP



DESCRIPTION OF 15' ALLEY TO BE CLOSED:

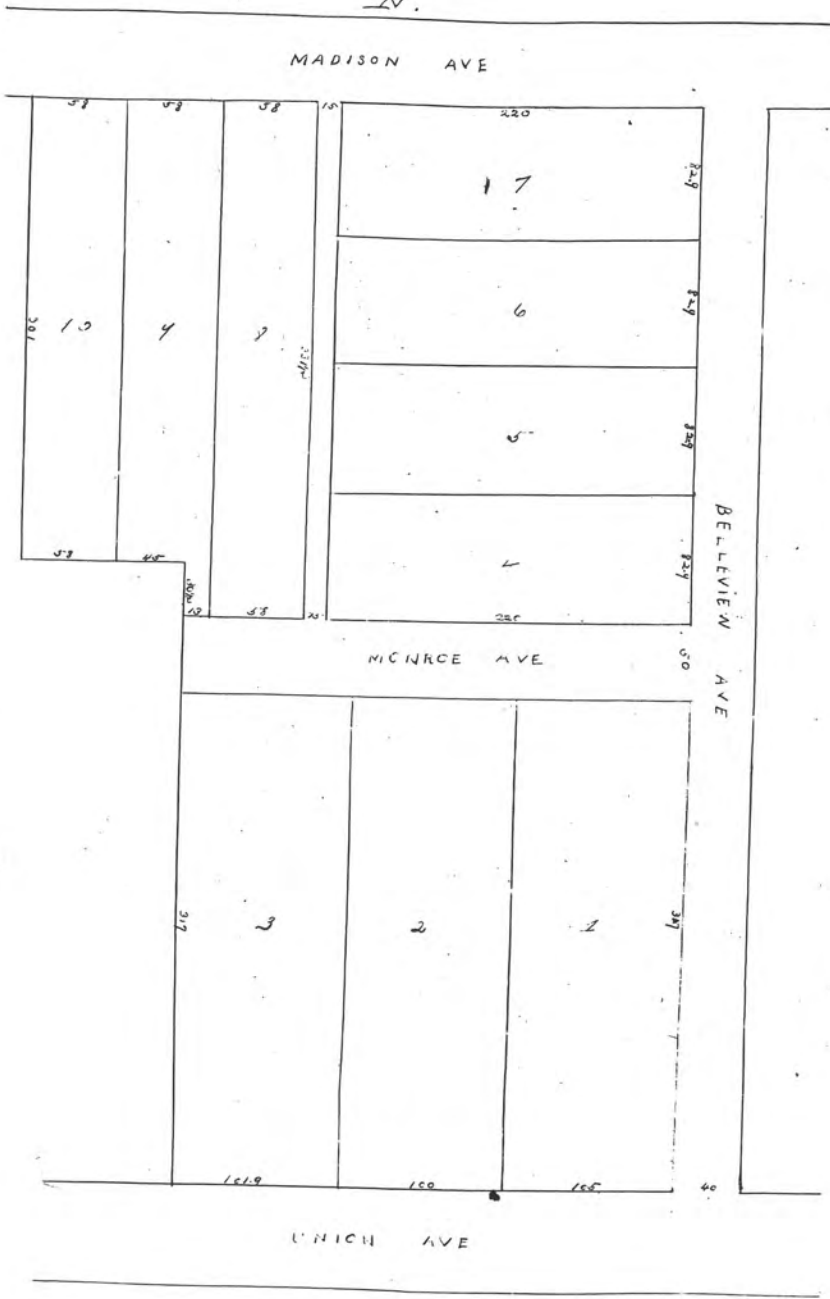
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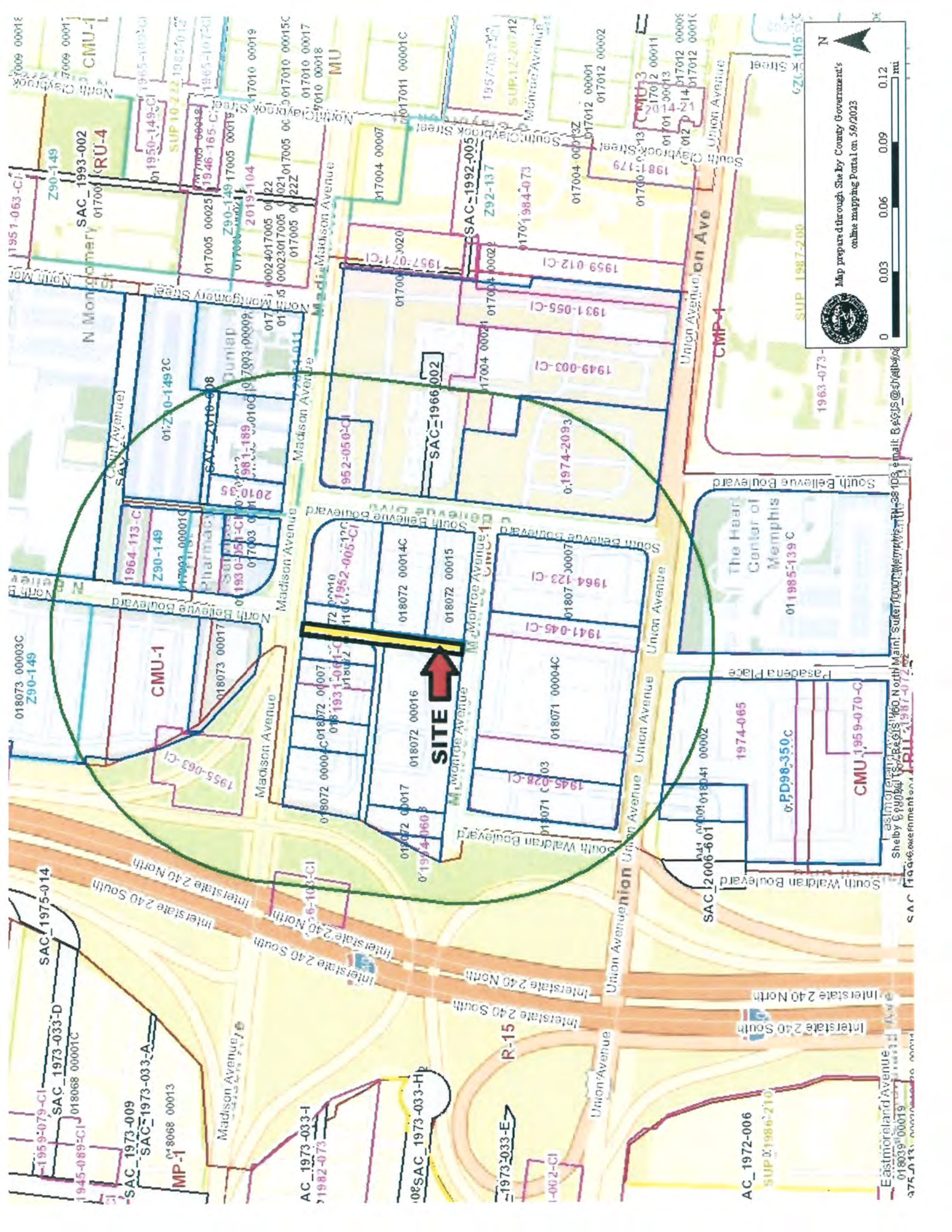


JOB # 23-0101

CLOSURE PLAT		
15' ALLEY BETWEEN MADISON AVE. & MONROE AVE.		
CASE NUMBER:		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: N/A	0.11 ACRES	PARCEL: N/A
APPLICANT: SOUTHERN COLLEGE OF OPTOMETRY		ENGINEER: THE REAVES FIRM
AUGUST 2023		
SCALE: 1" = 40'		SHEET 1 OF 1


IV.





SITE

Map prepared through the City of Memphis's online mapping portal on 5/9/2023



0 0.03 0.06 0.09 0.12 mi

Shelby County GIS/Mapping Department | 3101 Poplar Avenue | Memphis, TN 38102 | Phone: 901-313-3000 | Email: GIS@shelbycountytexas.gov

017002 00010C - MISSISSIPPI BOULEVARD CHRISTIAN CHURCH
017003 00012 - EZE CAPITAL LLC
017003 00014 - EZE CAPITAL LLC
018041 00002 - LONG MARK P & JUDY H
017003 00010C - JOHNSON WINFRED
018072 00014C - SOUTHERN COLLEGE OF OPTOMETRY
018072 00011C - ALPHA OMEGA VETERANS SERVICE INC
017003 00001C - MISSISSIPPI BOULEVARD CHRISTIAN CHURCH
017003 00002C - MISSISSIPPI BOULEVARD CHRISTIAN CHURCH
017003 00009 - JOHNSON ALDRED K
017003 00013 - TOTAL FOOTCARE INC OF TENNESSEE
018072 00004C - CLAY JAMES N IV & JENNIFER S
018072 00007 - PATEL MINESH
018072 00008C - PATEL MINESH
018072 00010 - ALPHA OMEGA VETERANS SERVICES INC
017004 00001 - SOUTHERN COLLEGE OF OPTOMETRY
017004 00021 - SOUTHERN COLLEGE OF OPTOMETRY
018072 00015 - SOUTHERN COLLEGE OF OPTOMETRY
017004 00023 - SOUTHERN COLLEGE OF OPTOMETRY
018041 00003C - MEMPHIS CENTER CITY REVENUE FINANCE CORP
018073 00003C - MISSISSIPPI BOULEVARD CHRISTIAN CHURCH
018072 00012C - SOUTHERN COLLEGE OF OPTOMETRY
018071 00007 - BHW UNION LLC
018072 00017 - 1160 UNION LLC
018042 00001C - MEDICAL CENTER ASSOCIATES LTD

018072 00016 - NATIONAL RETAIL PROPERTIES INC

018072 00018 - TVT I LLC

018073 00017 - HANGER PROSTHETICS & ORTHOTICS INC

018071 00004C - WHALEBONE LIMITED PARTNERSHIP

018071 00003 - 1160 UNION LLC

MEMPHIS AND SHELBY COUNTY  **DIVISION OF PLANNING AND DEVELOPMENT**

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Lewis N. Reich, OD, PhD (Print Name)  (Sign Name), state that I have read the definition of

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

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

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

of the property located at 29 S. Bellevue & 0 S. Bellevue
and further identified by Assessor’s Parcel Number 018072 00015 & 018072 00014C,
for which an application is being made to the Division of Planning and Development.



Subscribed and sworn to (or affirmed) before me this 24th day of May in the year of 2023.


Signature of Notary Public

August 16, 2026
My Commission Expires

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, CORDELL WALKER *Cordell Walker*, state that I have read the definition of
(Print Name) (Sign Name)

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

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

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

of the property located at 1183 Madison Avenue and 1193 Madison Avenue

and further identified by Assessor's Parcel Number 018072 00010 & 018072 00011C,

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



Subscribed and sworn to (or affirmed) before me this 26th day of May in the year of 2023.

Gabriel Gates
Signature of Notary Public

August 3, 2025
My Commission Expires

JW 8723

4

THIS INSTRUMENT PREPARED BY:

**E. WOODS WEATHERSBY
EVANS & PETREE
81 MONROE AVENUE
MEMPHIS, TENNESSEE 38103**

WARRANTY DEED

THIS INDENTURE made and entered into this 16 day of November, 1999, by and between **Roberta Barbara Weinberger and Jeffrey Clark Weinberger**, party of the first part, and **Alpha Omega Veterans Services, Inc.**, 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 consideration, 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 Shelby County, Tennessee:

That certain real property described on Exhibit "A" attached hereto and incorporated herein by reference as if set forth verbatim.

Being all or a part of the property conveyed to party of the first part by Warranty Deed of record in Book 4048, page 55 in the aforesaid Register's Office.

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

And the said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate, that it has a good right to sell and convey the same: that the same is unencumbered except for restrictions and easements of record in Plat Book 3, Page 21 in the Register's Office of Shelby County, Tennessee, 2000 City of Memphis and Shelby County real property taxes which party of the second part assumes and agrees to pay, and all other restrictions and easements of record in the aforesaid Register's Office; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

It is the intent of Roberta Barbara Weinberger to convey her life estate interest in the real property described above and Jeffrey Clark Weinberger to convey his remainder interest in the real property described above to the party of the second part.

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.

JW 8723

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

Roberta Barbara Weinberger
Roberta Barbara Weinberger

Jeffrey Clark Weinberger
Jeffrey Clark Weinberger

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 15th day of November, 1999, personally appeared before me **Roberta Barbara Weinberger**, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and seal, at office, this 15th day of November, 1999.

Wendy J. Kinder
Notary Public

My Commission expires:

March 15, 2003

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 15th day of November, 1999, personally appeared before me **Jeffrey Clark Weinberger**, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and seal, at office, this 15th day of November, 1999.

Wendy J. Kinder
Notary Public

My Commission expires:

March 15, 2003

EXHIBIT "A"

JW 8723

Legal Description

That certain real property lying and being situated in the City of Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Part of Lot 8, Bacigalupo Subdivision of Lots 64 and 65, Claybrook Subdivision, Plat Book 3, Page 197, in the Shelby County Register's Office, and being more particularly described as follows:

Beginning at a point in the south line of Madison Avenue, 235 feet westwardly from the intersection of the south line of Madison Avenue with the west line of Bellevue Boulevard as shown on said plat, said point being in the west line of a 15-foot alley; thence westwardly along the south line of Madison Avenue a distance of 58.0 feet to the northeast corner of Lot 9 of said subdivision; thence southwardly along the east line of said Lot 9 a distance of 149.0 feet to a point in the north line of an alley; thence eastwardly along said north line a distance of 33.0 feet to a point of curvature; thence on a curve to the left having a radius of 25 feet a distance of 39.27 feet to a point in the northwest line of an alley; thence northeastwardly along said northwest line a distance of 124.0 feet to the point of beginning.

Title Transfer	
Warranty Deed	
D/C: 10 - NAZEL BILLS	JW 8723 11
TRANSFER VALUATION	215,000.00
TN MORTGAGE TAX	N/A
TN TRANSFER TAX	795.50
RECORDING FEE	15.00
OP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	N/A
TOTAL AMOUNT	814.50
PAGE COUNTY: 4 PAGE ADDED: No SEGN ID: 1	
STATE of TENNESSEE, COUNTY of SHELBY	
Guy B. Bates, REGISTER	

JW8723

SHELBY COUNTY
REGISTER OF DEEDS
99 DEC -7 AM 9:42

JW 8723

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 \$215,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

New Property Owner:

Alpha Omega Veterans Services
1183 Madison
Memphis, Tn 38104

Bonifacio Medina
Affiant

Property Address:

Subscribed and sworn to before me this 16th day of
December, 19 99

1183 Madison Avenue
Memphis, TN

[Signature]
Notary Public



Tax Parcel No. 180-072-00010

Send Tax Bills to:
Alpha Omega Veterans Services
1183 Madison
Memphis, TN, 38104

My Commission expires:

After Recording, Return To:

William T. Maxwell Jr.
Bethea, Maxwell & Waddell
1789 Kirby Parkway, Suite 2
Memphis, Tennessee 38138


State Tax:\$
Register's Fee:\$
Recording Fee:\$
Total:\$



Tom Leatherwood

Shelby County Register

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

	
10045656	
05/05/2010 - 11:38 AM	
2 PGS	
DEBBIES 741164-10045656	
VALUE	117500.00
MORTGAGE TAX	0.00
TRANSFER TAX	434.75
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	447.75
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Instrument Prepared by & returned to:
L. Christian Harrell, III, Attorney
1193 Madison Avenue
Memphis, TN 38104

WARRANTY DEED

THIS INDENTURE, made and entered into this the 30th day of April, 2010, by and between Herschel L. Rosenberg and wife, Frances A. Rosenberg, party of the first part, and Alpha Omega Veterans Service, Inc., a corporation, duly established under the laws of the State of Tennessee, 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 consideration, the receipt of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Part of Lots 6 and 7, Bacigalupo and Montedonico Subdivision of Lots 64 and 65 of Claybrook Subdivision as recorded in Plat Book 3, Page 21 in the Register's Office of Shelby County, and being more particularly described as follows:

Beginning at a point in the south line of Madison Avenue, said point being 181.20 feet west of the west line of Bellevue Boulevard; thence South 00 degrees 16 minutes 12 seconds West a distance of 71.98 feet to an iron pin found; thence South 00 degrees 06 minutes 36 seconds West a distance of 65.80 feet to the north edge of a building; thence North 89 degrees 29 minutes 05 seconds West a distance of 38.80 feet to the east line of an alley; thence North 00 degrees 06 minutes 36 seconds East along said east line a distance of 137.50 feet to the south line of Madison Avenue; thence South 89 degrees 53 minutes 28 seconds East along said south line a distance of 39.00 feet to the point of beginning.

This being the same property conveyed to the parties of the first part by Warranty Deed of record as Instrument Number 08049741 as recorded in the Register's Office of Shelby County, Tennessee.


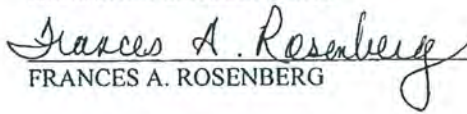
Tax ID # 018072-00011

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

And the said parties of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate that parties of the first part has a good right to sell and convey the same. The parties of the first part further covenants that the same is unencumbered, except for 2010 property taxes, not yet due and payable, of which the Grantee assumes and agrees to pay and Land Use Restrictions as set forth in instrument number 04184401 and subject to Subdivision Restrictions, Building Lines and Easements of record if any, and that the title and quiet possession thereto they 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.


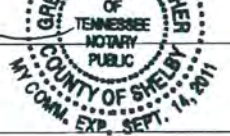
WITNESS the signature of the said parties of the first part the day and year first above written.


HERSCHEL L. ROSENBERG

FRANCES A. ROSENBERG

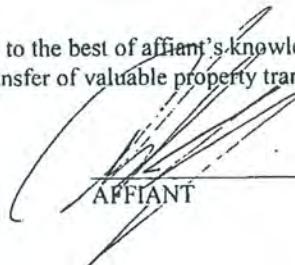
**STATE OF TENNESSEE
COUNTY OF SHELBY:**

Before me, a Notary Public in and for said state and county, duly commissioned and qualified, personally appeared **Herschel L. Rosenberg and Frances A. Rosenberg** to me known to be the persons described in and who executed the foregoing Instrument and acknowledged that they executed the same for the purposes therein contained.

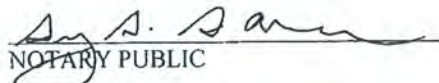
WITNESS my hand and Notarial Seal this 30 day of April, 2010.


NOTARY PUBLIC
My commission expires: _____


I, or we hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actually consideration for this transfer of valuable property transferred, whichever is greater is \$117,500.00.


AFFIANT

SUBSCRIBED AND SWORN BEFORE, me this the 30th day of April, 2010.


NOTARY PUBLIC
COMMISSION EXPIRES: _____

Property Address:
1193 Madison Avenue
Memphis, TN 38104

Mail Tax Bills to: ALPHA OMEGA VETERANS SERVICES, INC.
1183 MADISON AVE. MEMPHIS TN 38104

Owner's Name and Address:
SAME AS ABOVE
alpha Omega Veterans Services, Inc.
1183 madison avenue memphis, TN 38104





Tom Leatherwood
Shelby County Register / Archives

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.

	
15002138	
01/08/2015 - 08:55 AM	
5 PGS	
MELISA 1286735-15002138	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	27.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Warranty Deed is being re-record to include Exhibit A/

WARRANTY DEED

THIS INDENTURE, made and entered into this 15th day of October, 2014, by and between **Thomas H. Turner, an unmarried man, Nancy Drummond Cook and George Albert Cook, Trustees of the Nancy Drummond Cook Revocable Living Trust, dated September 30, 2003, and Robert Michael Shreve, a married man**, party of the first part, and **Southern College of Optometry, a Tennessee Nonprofit Corporation**, party of the second part.

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

Lot 4, Bacigalupo Subdivision (unrecorded) in Memphis, Shelby County, Tennessee and being more further described hereon:

Beginning at a found iron pin at the intersection of the west line of South Bellevue Boulevard with the north line of Monroe Avenue; thence North 89 degrees 07 minutes 24 seconds West along said north line of Monroe Avenue a distance of 219.77 feet (called 220) to a found chisel mark in the east line of an alley; thence North 00 degrees 59 minutes 13 seconds East along said east line a distance of 82.90 feet to a found iron pin (bent); thence South 89 degrees 07 minutes 24 seconds East a distance of 219.77 feet (called 220) to a found iron pin in the west line of South Bellevue Boulevard; thence South 00 degrees 59 minutes 13 seconds West along said west line a distance of 82.90 feet to the point of beginning. As shown on survey completed by Campbell Surveying Co. Inc. dated 09/23/2013, attached as Exhibit A.

Being the same property conveyed to Gilbert N. Drummond and Thomas H. Turner by Warranty Deed of record in Instrument No. P4-1369, corrected in P4-8538 in said Register's Office. Gilbert N. Drummond subsequently conveyed an undivided $\frac{1}{4}$ interest to his former spouse, Nancy N. Drummond (now known as Nancy Drummond Cook), retaining an undivided $\frac{1}{4}$ interest by Quit Claim Deed of record in Instrument No. Z8-6272. Nancy Drummond Cook subsequently conveyed her entire $\frac{1}{4}$ interest to Nancy Drummond Cook and George Albert Cook, Trustees of the Nancy Drummond Cook Revocable Living Trust, dated September 30, 2003 by Warranty Deed of record in Instrument No. 03209658. Gilbert N. Drummond died testate on November 29, 2012, devising his entire estate to Robert Michael Shreve pursuant to his Last Will and Testament admitted to probate in the Chancery Court of Hardin County, Tennessee, under Cause No. PR 140.

Robert Michael Shreve herein further warrants and covenants that the above-described property is not the principal residence of either himself or his present spouse.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto or in any wise unto the said party of the second part, her 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 they are lawfully seized in fee of the aforescribed real estate; that they have good right to sell and convey the same; that the same is unencumbered except for subdivision restrictions, building lines and easements of record in Plat Book 3, Page 21; amended and restated charter of record in Instrument No. 02168492; and 2015 City of Memphis and 2015 Shelby County taxes, not yet due and payable, which the party of the second part hereby assumes and agrees to pay, and that the title and quiet possession thereto they 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 thereof.

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

Thomas H. Turner
Thomas H. Turner

Nancy Drummond Cook
Nancy Drummond Cook, Trustee of the
Nancy Drummond Cook Revocable
Living Trust, dated September 30, 2003

George Albert Cook
George Albert Cook, Trustee of the
Nancy Drummond Cook Revocable
Living Trust, dated September 30, 2003

Robert Michael Shreve
Robert Michael Shreve

STATE OF Tennessee
COUNTY OF Shelby

On this 15th day of October, 2014, before the undersigned, a Notary Public within and for said state and county, duly commissioned and qualified, personally appeared, **Thomas H. Turner**, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

2014. WITNESS my hand and Notarial Seal at office this 15th day of October

My Commission Expires: 1-31-16

Lincoln Hodges
NOTARY PUBLIC



STATE OF Tennessee
COUNTY OF Shelby

On this 15th day of October, 2014, before the undersigned, a Notary Public within and for said state and county, duly commissioned and qualified, personally appeared, **Nancy Drummond Cook and George Albert Cook, Trustees of the Nancy Drummond Cook Revocable Living Trust, dated September 30, 2003**, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

2014. WITNESS my hand and Notarial Seal at office this 15th day of October

My Commission Expires: 1-31-16

Lincoln Hodges
NOTARY PUBLIC



STATE OF Tennessee
COUNTY OF Shelby

On this 15th day of October, 2014, before the undersigned, a Notary Public within and for said state and county, duly commissioned and qualified, personally appeared, **Robert Michael Shreve**, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

2014. WITNESS my hand and Notarial Seal at office this 15th day of October

My Commission Expires: 1-31-16

Lincoln Hodges
NOTARY PUBLIC



(FOR RECORDING DATA ONLY)

I hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$225,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Handwritten Signature]
Affiant

Subscribed and sworn to before me this 15th day of October, 2014.

My Commission Expires: 3/23/16 *[Handwritten Signature]* NOTARY PUBLIC



My Commission Expires 03/23/2016

Property Address: 29 S. Bellevue Blvd.
 Memphis, TN 38104

Tax Parcel ID#: 018-072-00015

Owner's Name and Address: Southern College of Optometry
1245 Madison Avenue
Memphis, TN 38104

Mail Tax Bills to: Southern College of Optometry
1245 Madison Avenue
Memphis, TN 38104

THIS INSTRUMENT PREPARED BY:

Lincoln Hodges, Attorney, 2294 Germantown Rd. S., Germantown, TN 38138, 901-754-6440

After recording, return to:
J. Martin Regan, Jr.
One Commerce Square, 29th Floor
40 South Main
Memphis, TN 38103

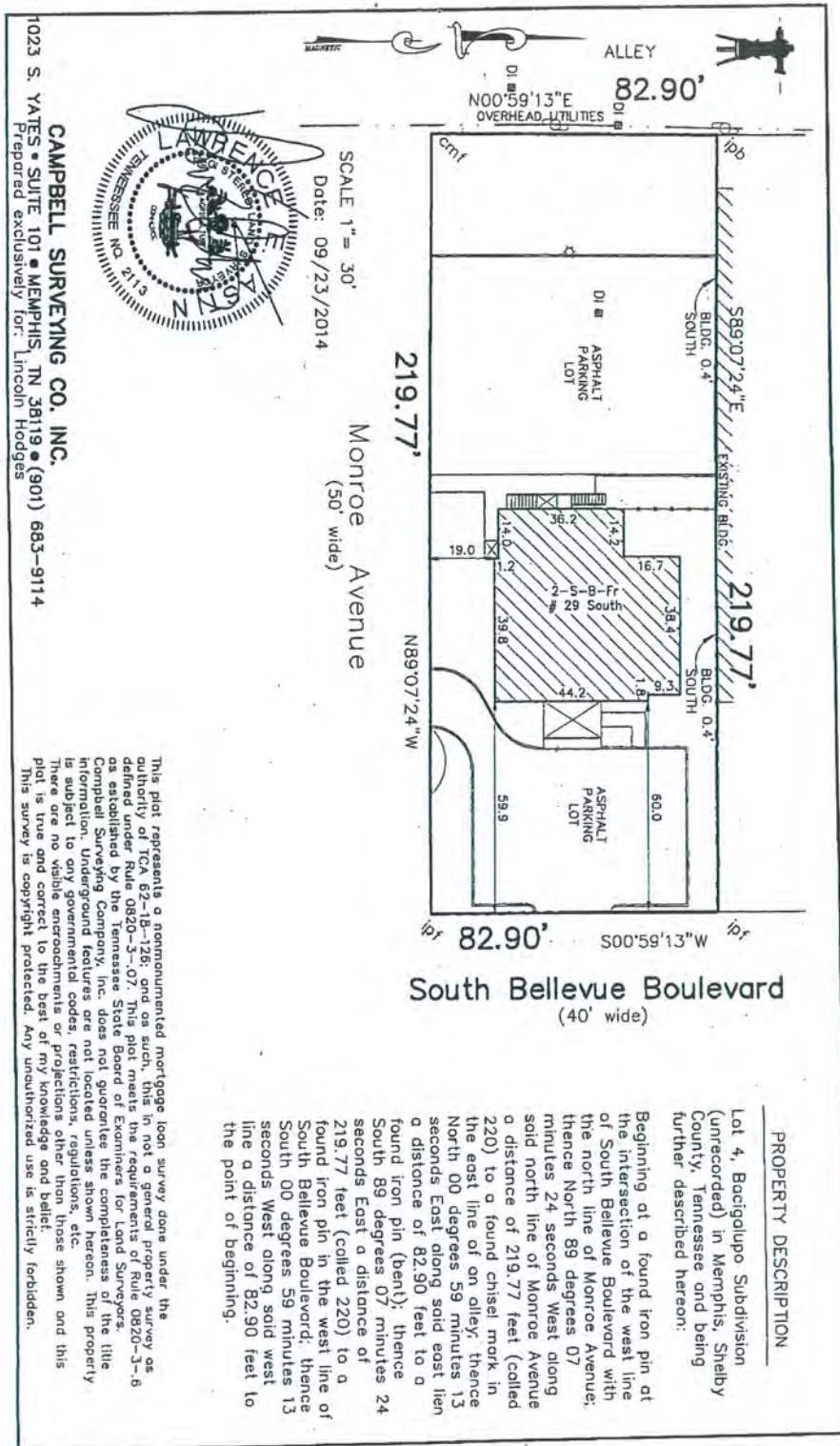


EXHIBIT A

1023 S. YATES • SUITE 101 • MEMPHIS, TN 38119 • (901) 663-9114
 Prepared exclusively for: Lincoln Hodges
CAMPBELL SURVEYING CO. INC.





Tom Leatherwood
Shelby County Register / Archives

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.

	
14111502	
10/31/2014 - 09:57 AM	
3 PGS	
SAMUEL	1267176-14111502
VALUE	225000.00
MORTGAGE TAX	0.00
TRANSFER TAX	832.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	850.50
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	



Tom Leatherwood
Shelby County Register / Archives

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.

15001967

01/07/2015 - 02:52 PM

5 PGS

TAMMY	1286525 - 15001967
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	27.00

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**This Instrument was prepared
by and should be returned to:**

Send Tax Bills To:

Parcel No.:

Christopher P. Tessitore, Esquire
National Retail Properties, Inc.
450 S. Orange Avenue, Suite 900
Orlando, Florida 32801

National Retail Properties, Inc.
Attn.: Senior VP-Asset
Management
450 S. Orange Avenue, Suite 900
Orlando, Florida 32801

018072 00016

QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 30th day of December, 2014, by NATIONAL RETAIL PROPERTIES, LP, a Delaware limited partnership, whose address is 450 S. Orange Ave., Suite 900, Orlando, Florida 32801, first party, to NATIONAL RETAIL PROPERTIES, INC., a Maryland corporation, whose address is 450 S. Orange Ave., Suite 900, Orlando, Florida 32801, second party;

WITNESSETH:

THAT the said first party, for and in consideration of the sum of ZERO AND NO/100 DOLLARS (\$0.00) cash, and other good and valuable consideration in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Shelby, State of Tennessee, to wit:

See Exhibit "A" attached hereto and made a part hereof,
and being the same property conveyed by deed recorded at Inst. No. 11126576.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the said first party has hereunto set its hand and seal on the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Printed Name: Debra Dabrowski

[Signature]
Printed Name: Kella Schaible

¹⁵
NATIONAL RETAIL PROPERTIES, LP,
a Delaware limited partnership

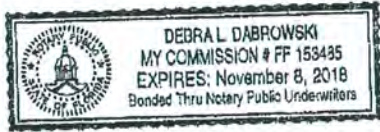
By: NNN GP Corp., a Delaware corporation
as general partner

[Signature]
By: _____
Name: Christopher P. Tessitore
Title: Executive Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of December, 2014,
by Christopher P. Tessitore as Executive Vice President of NNN GP Corp., a
Delaware corporation, as general partner of NATIONAL RETAIL PROPERTIES, LP, a Delaware
limited partnership, on behalf of said limited partnership. He is personally known to me.

(NOTARY SEAL)



[Signature]
Notary Public-State of Florida
Print Name: Debra Dabrowski
Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA
COUNTY OF ORANGE

I hereby swear or affirm that the actual consideration for this transfer is ZERO AND NO/100 DOLLARS (\$0.00).

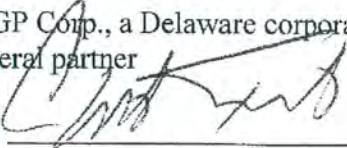
Signed, sealed and delivered in the presence of:


Printed Name: Debra Dabrowski


Printed Name: Kella Schauble

¹⁵
NATIONAL RETAIL PROPERTIES, LP,
a Delaware limited partnership

By: NNN GP Corp., a Delaware corporation
as general partner


By: _____
Name: Christopher P. Tessitore
Title: Executive Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of December, 2014,
by Christopher P. Tessitore as Executive Vice President of NNN GP Corp., a
Delaware corporation, as general partner of NATIONAL RETAIL PROPERTIES, LP, a Delaware
limited partnership, on behalf of said limited partnership. He is personally known to me.

(NOTARY SEAL)



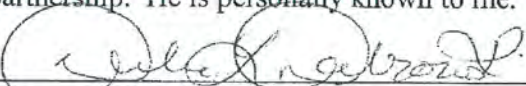

Notary Public-State of Florida
Print Name: Debra Dabrowski
Commission No.: _____
Commission Expires: _____

EXHIBIT "A"

BEING PART OF LOTS 8, 9 AND 10 OF BACIGALUPO SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 21 AND LOTS 14, 15, AND 16 OF SNEED'S WOODLAND PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 203, PAGE 76, ALL IN THE SHELBY COUNTY REGISTER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF MONROE AVENUE (50 FOOT R/W), SAID POINT BEING 101.00 FEET EAST OF THE EAST LINE OF INTERSTATE HIGHWAY 240 AND IN THE LINE DIVIDING LOTS 13 AND 14; THENCE NORTH 00 DEGREES 19 MINUTES 00 SECONDS EAST ALONG THE LINE DIVIDING LOTS 13 AND 14 A DISTANCE OF 162.60 FEET TO A POINT IN THE SOUTH OF AN ALLEY (10 FEET WIDE); THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 332.00 FEET TO A POINT (COTTON PICKER SPINDLE SET) IN THE WEST LINE OF AN ALLEY (15 FEET WIDE); THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 162.60 FEET TO A POINT IN THE NORTH LINE OF MONROE AVENUE (COTTON PICKER SPINDLE SET); THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 332.00 FEET TO THE POINT OF BEGINNING.

Certificate of Authenticity

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

[Handwritten Signature]
Signature

State of Arizona
County of Maricopa

Personally appeared before me, M. Burton, a notary public for this county and state, Mary Garcia who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

[Handwritten Signature]

Notary's Signature

My Commission Expires: 7-15-16

Notary's Seal (if on paper)



M. BURTON
Notary Public—Arizona
Maricopa County
Expires 09/15/2016

DESCRIPTION OF 15' ALLEY TO BE CLOSED:

Beginning at a point in the South line of Madison Avenue (71' R.O.W.) a distance of 220.00' westwardly from the West line of S. Bellevue Boulevard (40' R.O.W.), said point being the northwest corner of the Alpha Omega Veterans Service Inc. property (Inst. # 10045656) and the northeast corner of a 15' Alley; thence along the East line of said alley S 09°00'34" W a distance of 321.45' to a point in the North line of Monroe Avenue (50' R.O.W.); thence along said North line N 81°10'27" W a distance of 15.00' to a point; thence N 09°00'34" E a distance of 321.45' to a point in the South line of Madison Avenue; thence along said South line S 81°10'27" E a distance of 15.00' to the point of beginning, containing 4821 square feet, more or less

MISSISSIPPI BOULEVARD
CHRISTIAN CHURCH
PO BOX 3005
MEMPHIS TN 38173

EZE CAPITAL LLC
1210 MADISON AVE
MEMPHIS TN 38104

EZE CAPITAL LLC
1210 MADISON AVE
MEMPHIS TN 38104

LONG MARK P & JUDY H
2316 S GERMANTOWN RD
GERMANTOWN TN 38138

JOHNSON WINFRED
1220 MADISON AVE
MEMPHIS TN 38104

SOUTHERN COLLEGE OF OPTOMETRY
1245 MADISON AVE
MEMPHIS TN 38104

ALPHA OMEGA VETERANS SERVICE
1183 MADISON AVE
MEMPHIS TN 38104

MISSISSIPPI BOULEVARD
CHRISTIAN CHURCH
PO BOX 3005
MEMPHIS TN 38173

MISSISSIPPI BOULEVARD
CHRISTIAN CHURCH
PO BOX 3005
MEMPHIS TN 38173

JOHNSON ALDRED K
1005 JARRELL RD
MC KENZIE TN 38201

TOTAL FOOTCARE INC OF TENNESSEE
PO BOX 770385
MEMPHIS TN 38177

CLAY JAMES N IV & JENNIFER S
1157 MADISON AVE
MEMPHIS TN 38104

PATEL MINESH
1541 SYCAMORE VIEW
MEMPHIS TN 38134

PATEL MINESH
1177 MADISON AVE
MEMPHIS TN 38104

ALPHA OMEGA VETERANS SERVICES
1183 MADISON AVE
MEMPHIS TN 38104

SOUTHERN COLLEGE OF OPTOMETRY
1245 MADISON AVE
MEMPHIS TN 38104

SOUTHERN COLLEGE OF OPTOMETRY
GENERAL DELIVERY
MEMPHIS TN 38101

SOUTHERN COLLEGE OF OPTOMETRY
1245 MADISON AVE
MEMPHIS TN 38104

SOUTHERN COLLEGE OF OPTOMETRY
1245 MADISON AVE
MEMPHIS TN 38104

MEMPHIS CENTER CITY
REVENUE FINANCE CORP
220 E 42ND ST 27TH
NEW YORK NY 10017

MISSISSIPPI BOULEVARD
CHRISTIAN CHURCH
PO BOX 3005
MEMPHIS TN 38173

SOUTHERN COLLEGE OF OPTOMETRY
1245 MADISON AVE
MEMPHIS TN 38104

BHW UNION LLC
PO BOX 150262
NASHVILLE TN 37215

1160 UNION LLC
2400 POPLAR AVE 220
MEMPHIS TN 38112

MEDICAL CENTER ASSOCIATES LTD
100 PEABODY PL 1400
MEMPHIS TN 38103

NATIONAL RETAIL PROPERTIES INC
450 S ORANGE AVE 900
ORLANDO FL 32801

TVT I LLC
495 TENNESSE ST 152
MEMPHIS TN 38103

HANGER PROSTHETICS & ORTHOTICS
10910 DOMAIN DR 300
AUSTIN TX 78758

WHALEBONE LIMITED PARTNERSHIP
1 PAGE AVE 215
ASHEVILLE NC 28801

1160 UNION LLC
2400 POPLAR AVE 220
MEMPHIS TN 38112

Tim McCaskill
The Reaves Firm, Inc.
6800 Poplar Ave. Suite 101
Memphis, TN 38138

MARTY REGAN
29th FLOOR, ONE COMMERCE SQUARE
40 SOUTH MAIN ST.
MEMPHIS, TN 38103

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 7/11/2023

DATE

PUBLIC SESSION: 7/11/2023

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 planned development at the subject property located at 3337 Overton Crossing St., known as case PD 23-09

CASE NUMBER: PD 23-09

LOCATION: 3337 Overton Crossing St.

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cash America Central, Inc.

REPRESENTATIVE: SR Consulting

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

REQUEST: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

AREA: +/-0.543 acres

RECOMMENDATION: The Division of Planning and Development recommended *Rejection*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – July 11, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>06/8/2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT # _____
<u>\$</u>	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PLANNER III
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 23-09

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 3337 OVERTON CROSSING STREET, KNOWN AS CASE PD 23-09

- This item is a resolution with conditions to allow a new planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing Street; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, June 8, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 23-09

LOCATION: 3337 Overton Crossing St.

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cash America Central, Inc.

REPRESENTATIVE: SR Consulting

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

REQUEST: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

AREA: +/-0.543 acres

The following spoke in support of the application: Cindy Reaves

The following spoke in opposition the application: Anthony Anderson

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

The motion passed by a vote of 4-2 with one member abstaining on the regular agenda.

Respectfully,



Seth Thomas
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

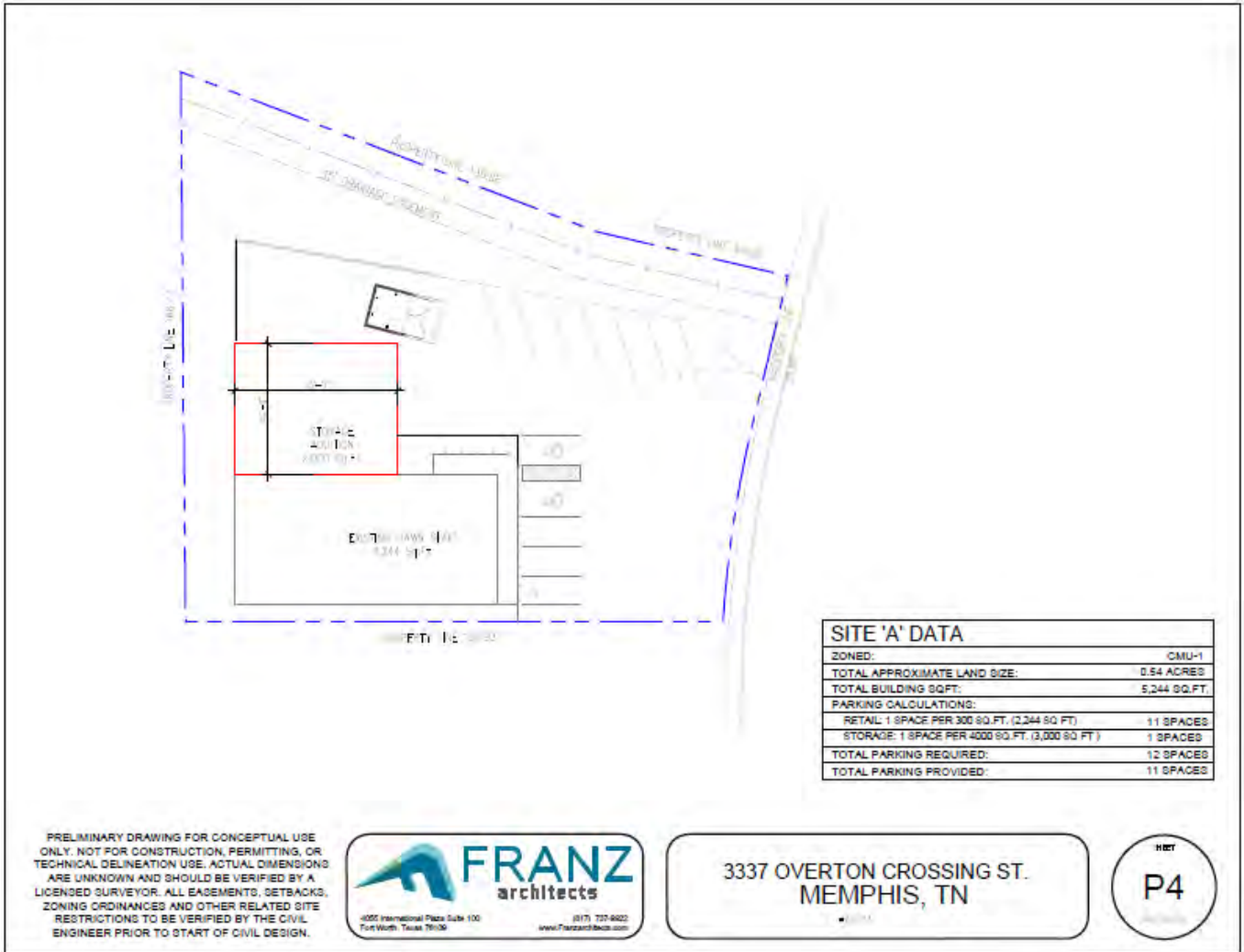
**PD 23-09
CONDITIONS**

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
 - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
 - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.

- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
 - A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. 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 plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

CONCEPT PLAN



PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.



3337 OVERTON CROSSING ST.
MEMPHIS, TN



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 3337 OVERTON CROSSING STREET, KNOWN AS CASE NUMBER PD 23-09

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 Cash America Central Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow a new planned development and outline plan conditions to allow the expansion of an existing pawn shop and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 8, 2023, 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.

ATTEST:

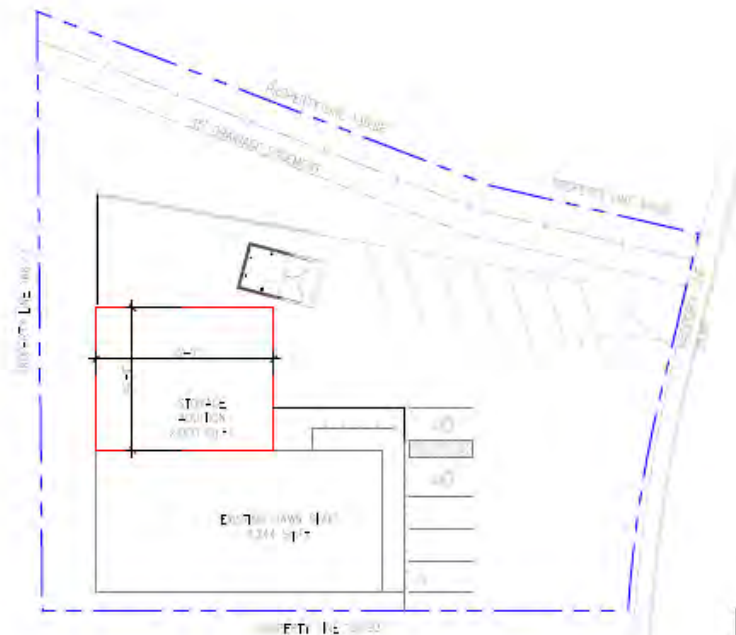
**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
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- V. Signs:
 - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.

- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
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 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. 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 plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

CONCEPT PLAN



SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQFT:	5,244 SQ. FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ. FT. (2,244 SQ. FT.)	11 SPACES
STORAGE: 1 SPACE PER 4,000 SQ. FT. (2,000 SQ. FT.)	1 SPACES
TOTAL PARKING REQUIRED:	12 SPACES
TOTAL PARKING PROVIDED:	11 SPACES

PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.



3337 OVERTON CROSSING ST.
MEMPHIS, TN



AGENDA ITEM: 9

CASE NUMBER: PD 2023-09 **L.U.C.B. MEETING:** June 8, 2023

DEVELOPMENT: Cash America Planned Development

LOCATION: 3337 Overton Crossing

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cash America Central, Inc.

REPRESENTATIVE: SR Consulting

REQUEST: New planned development and outline plan conditions to allow the expansion of an existing pawn shop

AREA: +/-0.543 acres

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

CONCLUSIONS

1. The applicant is requesting a new planned development to allow for the expansion of a legal nonconforming pawn shop.
2. The applicant intends to convert the site into a new prototype building. The proposed outline plan condition will remove the buildings legal nonconforming status and bring other aspects of the site into conformity with the Unified Development Code.
3. In staff's opinion, the proposed development will unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 19-21 of this report.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Overton Crossing Street +/-103.2 curvilinear feet
Zoning Atlas Page: 1735
Parcel ID: 072011 00048
Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

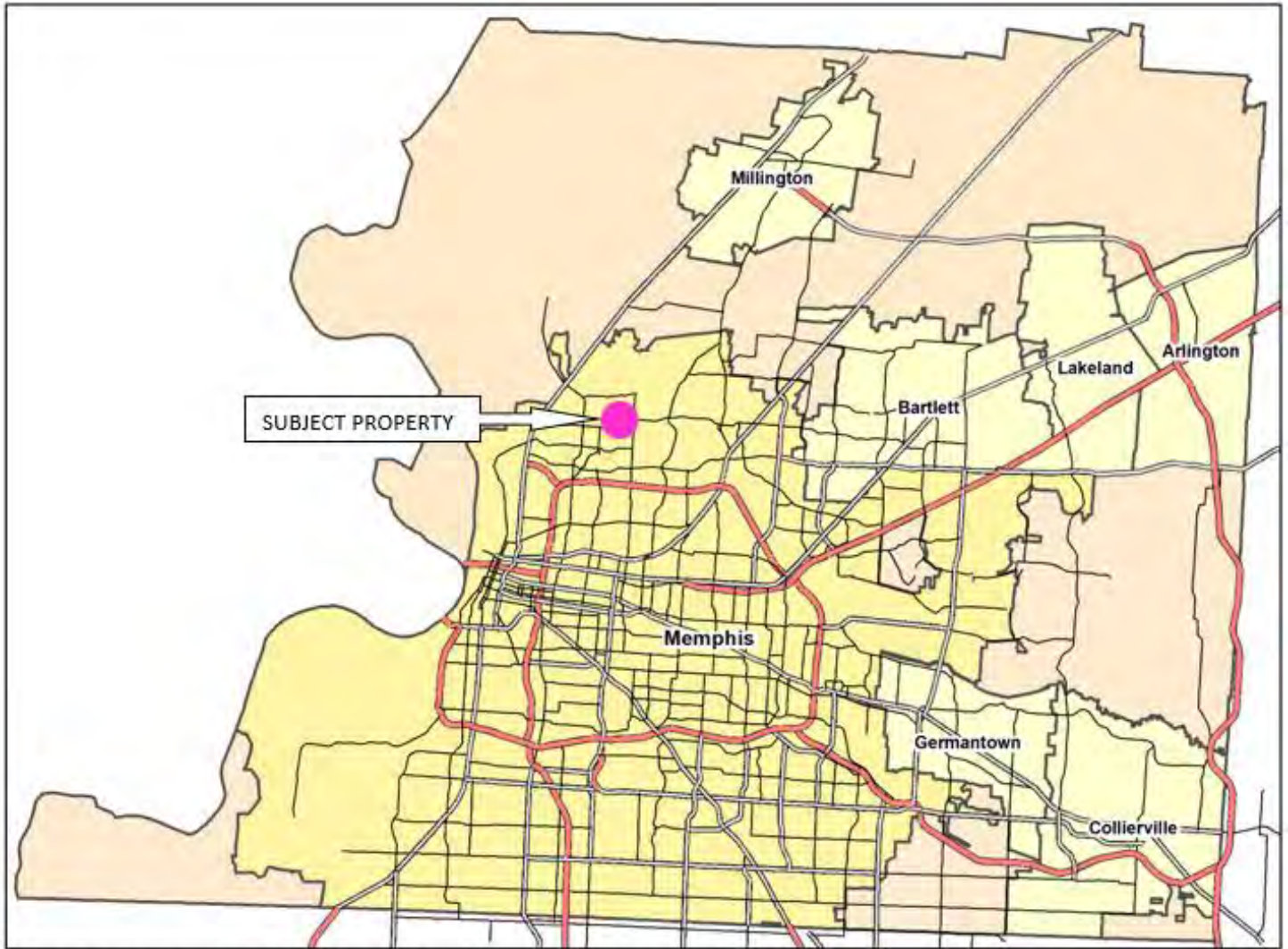
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Wednesday, June 25, 2023, at 3337 Overton Crossing.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 50 notices were mailed on May 22, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Frayser neighborhood

VICINITY MAP



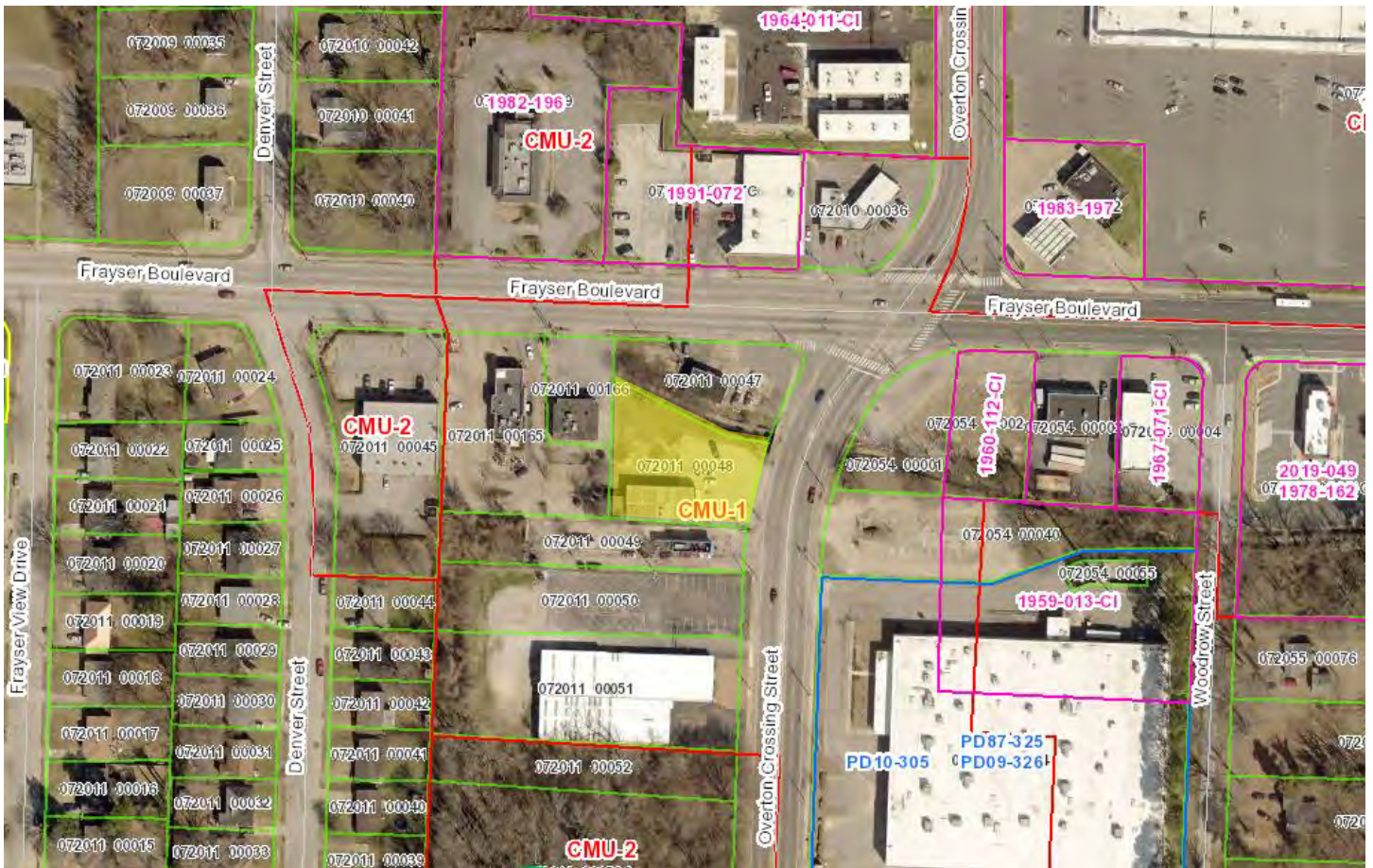
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

Surrounding Zoning

North: CMU-1, CMU-2, Office General, BOA 91-072, BOA 82-196

East: CMU-1, PD 10-305, BOA 60-112, BOA 58-013

South: CMU-1 and CMU-2

West: CMU-2 and R-6

LAND USE MAP

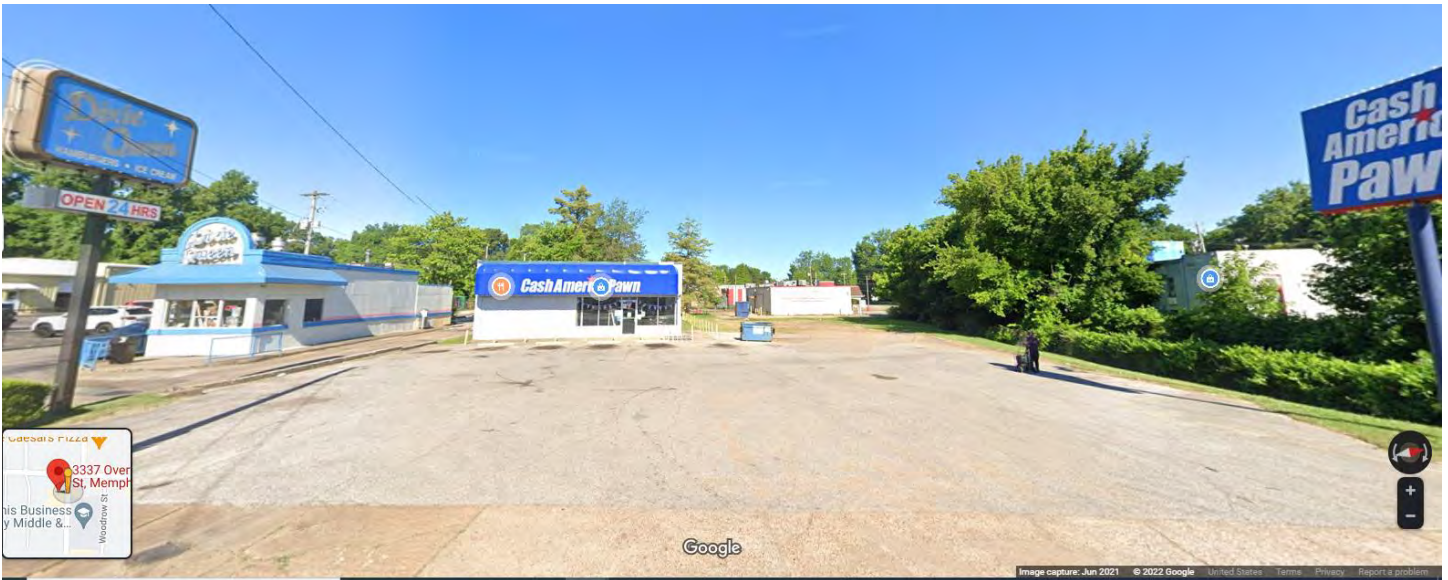


LandUse

- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |

Subject property indicated by a pink star

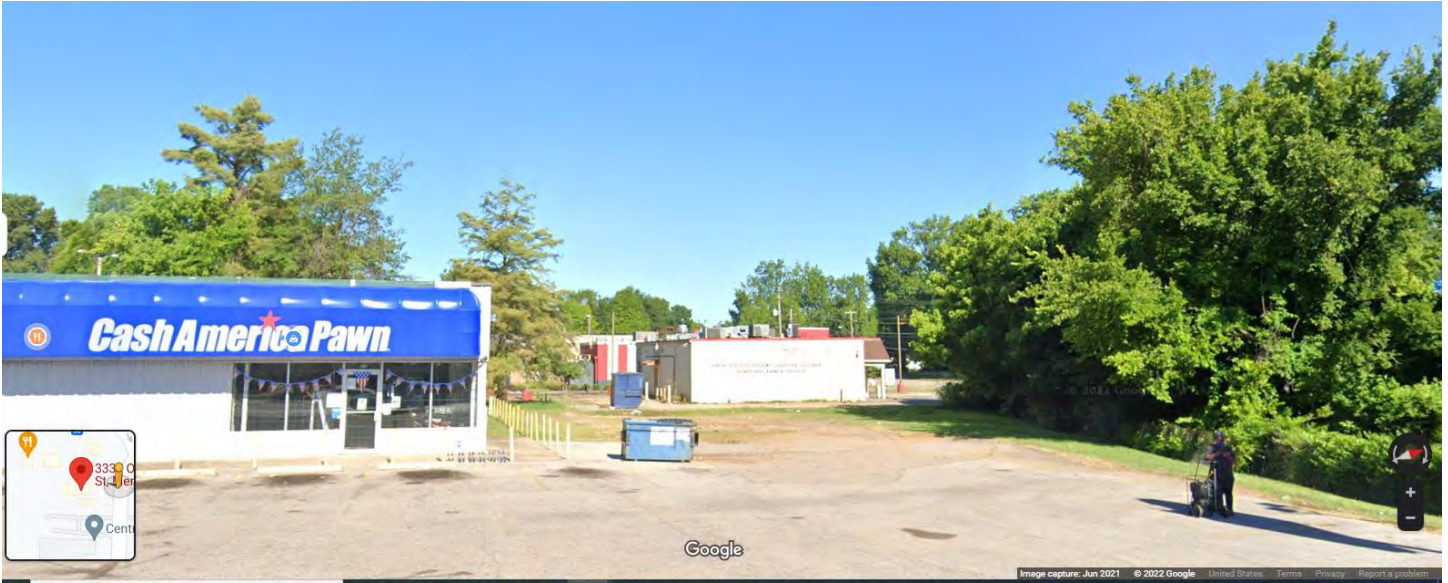
SITE PHOTOS



View of subject property from Overton Crossing Street looking west.



View of subject property from Overton Crossing Street looking southwest.



View of proposed expansion area from Overton Crossing Street looking west.

SURVEY



CONCEPT PLAN



① PROPOSED ELEVATION



② EXISTING ELEVATION

EXTERIOR FINISH SCHEDULE			
ITEM	LOCATION	MANUFACTURER	FINISH
SP. 001	CONCRETE CURB	Y	CONCRETE
SP. 002	CONCRETE DRIVE	Y	CONCRETE
SP. 003	CONCRETE SIDEWALK	Y	CONCRETE
SP. 004	CONCRETE WALKWAY	Y	CONCRETE
SP. 005	CONCRETE DRIVE	Y	CONCRETE
SP. 006	CONCRETE DRIVE	Y	CONCRETE
SP. 007	CONCRETE DRIVE	Y	CONCRETE
SP. 008	CONCRETE DRIVE	Y	CONCRETE
SP. 009	CONCRETE DRIVE	Y	CONCRETE
SP. 010	CONCRETE DRIVE	Y	CONCRETE
SP. 011	CONCRETE DRIVE	Y	CONCRETE
SP. 012	CONCRETE DRIVE	Y	CONCRETE
SP. 013	CONCRETE DRIVE	Y	CONCRETE
SP. 014	CONCRETE DRIVE	Y	CONCRETE
SP. 015	CONCRETE DRIVE	Y	CONCRETE
SP. 016	CONCRETE DRIVE	Y	CONCRETE
SP. 017	CONCRETE DRIVE	Y	CONCRETE
SP. 018	CONCRETE DRIVE	Y	CONCRETE
SP. 019	CONCRETE DRIVE	Y	CONCRETE
SP. 020	CONCRETE DRIVE	Y	CONCRETE

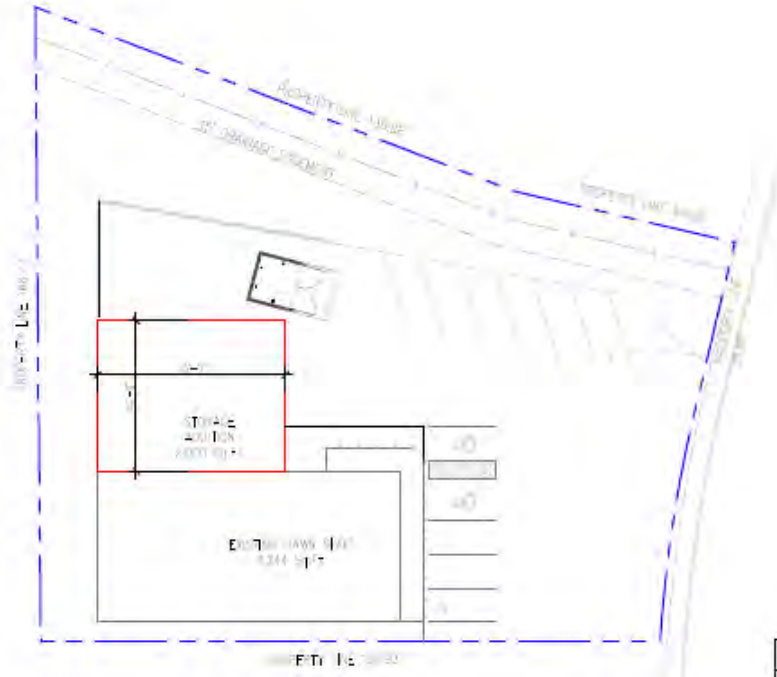


1 PROPOSED ELEVATION



2 EXISTING ELEVATION

SITE PLAN



SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQFT:	5,244 SQ.FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ.FT.)	11 SPACES
STORAGE: 1 SPACE PER 4000 SQ.FT. (3,000 SQ.FT.)	1 SPACES
TOTAL PARKING REQUIRED:	12 SPACES
TOTAL PARKING PROVIDED:	11 SPACES

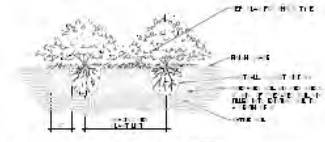
PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.



3337 OVERTON CROSSING ST.
 MEMPHIS, TN



LANDSCAPE PLAN

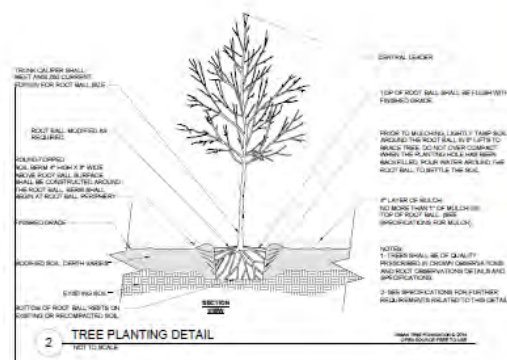


3 SHRUB/GROUND COVER DETAIL

MAINTENANCE NOTE
 THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS IN A HEALTHY AND VIGOROUS STATE THROUGHOUT THE CONSTRUCTION AND POST-CONSTRUCTION PERIODS. THE CONTRACTOR SHALL PROTECT ALL EXISTING PLANTING MATERIALS AND SHALL REPAIR OR REPLACE ANY PLANTING MATERIALS DAMAGED BY THE CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS IN A HEALTHY AND VIGOROUS STATE THROUGHOUT THE CONSTRUCTION AND POST-CONSTRUCTION PERIODS. THE CONTRACTOR SHALL PROTECT ALL EXISTING PLANTING MATERIALS AND SHALL REPAIR OR REPLACE ANY PLANTING MATERIALS DAMAGED BY THE CONSTRUCTION ACTIVITIES.

PLANTING SPECIFICATIONS

THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS IN A HEALTHY AND VIGOROUS STATE THROUGHOUT THE CONSTRUCTION AND POST-CONSTRUCTION PERIODS. THE CONTRACTOR SHALL PROTECT ALL EXISTING PLANTING MATERIALS AND SHALL REPAIR OR REPLACE ANY PLANTING MATERIALS DAMAGED BY THE CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS IN A HEALTHY AND VIGOROUS STATE THROUGHOUT THE CONSTRUCTION AND POST-CONSTRUCTION PERIODS. THE CONTRACTOR SHALL PROTECT ALL EXISTING PLANTING MATERIALS AND SHALL REPAIR OR REPLACE ANY PLANTING MATERIALS DAMAGED BY THE CONSTRUCTION ACTIVITIES.



2 TREE PLANTING DETAIL

ITEM	DESCRIPTION	QUANTITY	UNIT
1
2
3
4
5
6
7
8
9
10



1 LANDSCAPE PLANTING PLAN

STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is a new planned development and outline plan conditions to allow the expansion of an existing pawn shop

Applicability

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

4.10.3 General Provisions

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

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction

of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure 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 Description

The subject property is located at 3337 Overton Crossing, zoning Commercial Mixed Use - 1 (CMU-1), in the Frayser Neighborhood. The site is +/-0.543 acres with an existing 3,280 square foot commercial structure. The property has an existing drainage easement that runs along the north property line.

Conclusions

The applicant is requesting a new planned development to allow for the expansion of a legal nonconforming pawn shop.

The applicant intends to convert the site into a new prototype building. The proposed outline plan condition will removing the buildings legal nonconforming status and bring other aspects of the site into conformity with the Unified Development Code.

In staff's opinion, the proposed development will unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

RECOMMENDATION

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

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and

shall not glare into public rights-of-way or onto adjacent properties.

- C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
- A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
- A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. 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 plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

Roads:

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

Traffic Control Provisions:

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

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

Drainage:

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

General Notes:

15. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
16. All connections to the sewer shall be at manholes only.
17. 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.
18. Required landscaping shall not be placed on sewer or drainage easements.

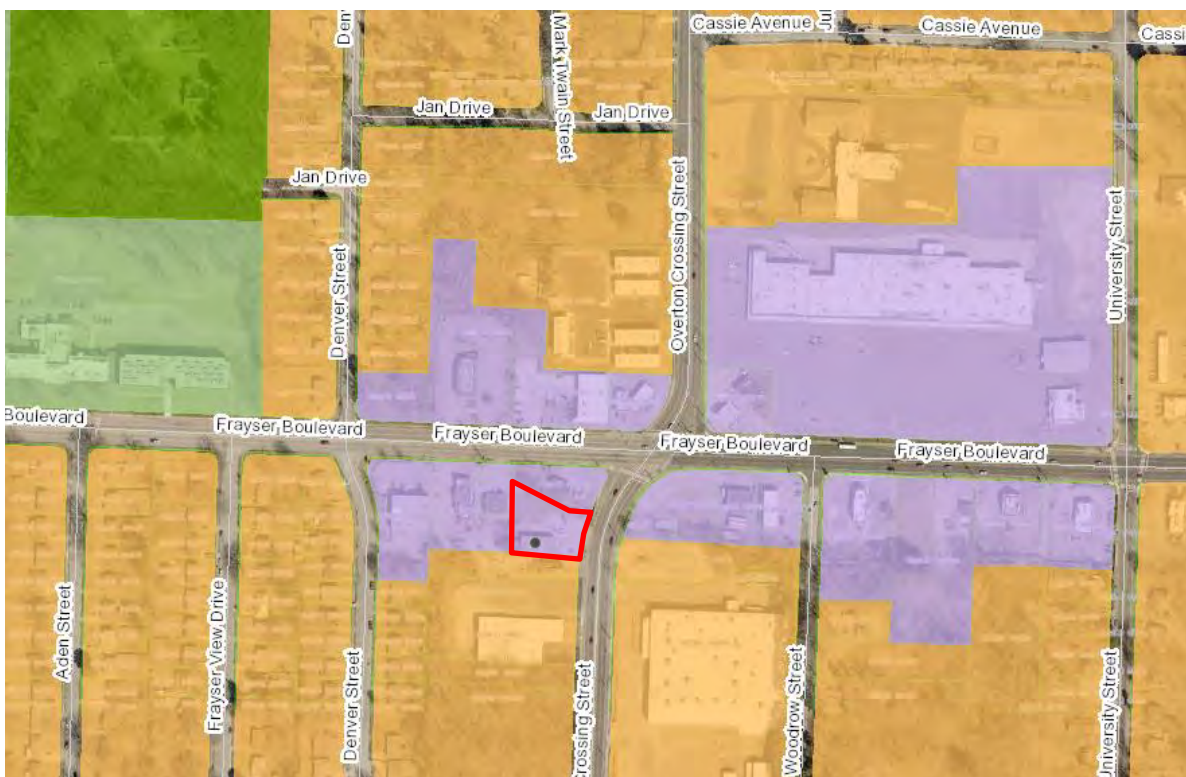
City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

- Shelby County Schools:** No comments received.
- Construction Code Enforcement:** No comments received.
- Memphis Light, Gas and Water:** No comments received.
- Office of Sustainability and Resilience:** No comments received.
- Office of Comprehensive Planning:**

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 Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.



“A-NMS” Form & Location Characteristics

ACCELERATE - Detached and attached single family, duplexes, triplexes, quadplexes, large homes and apartments, including those with active ground floor commercial uses (including live/work) along sidewalk, as

well as commercial and institutional uses. Height: 1-5 stories. Scales: house-scale and block-scale.

“A-NMS” Zoning Notes

Generally compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

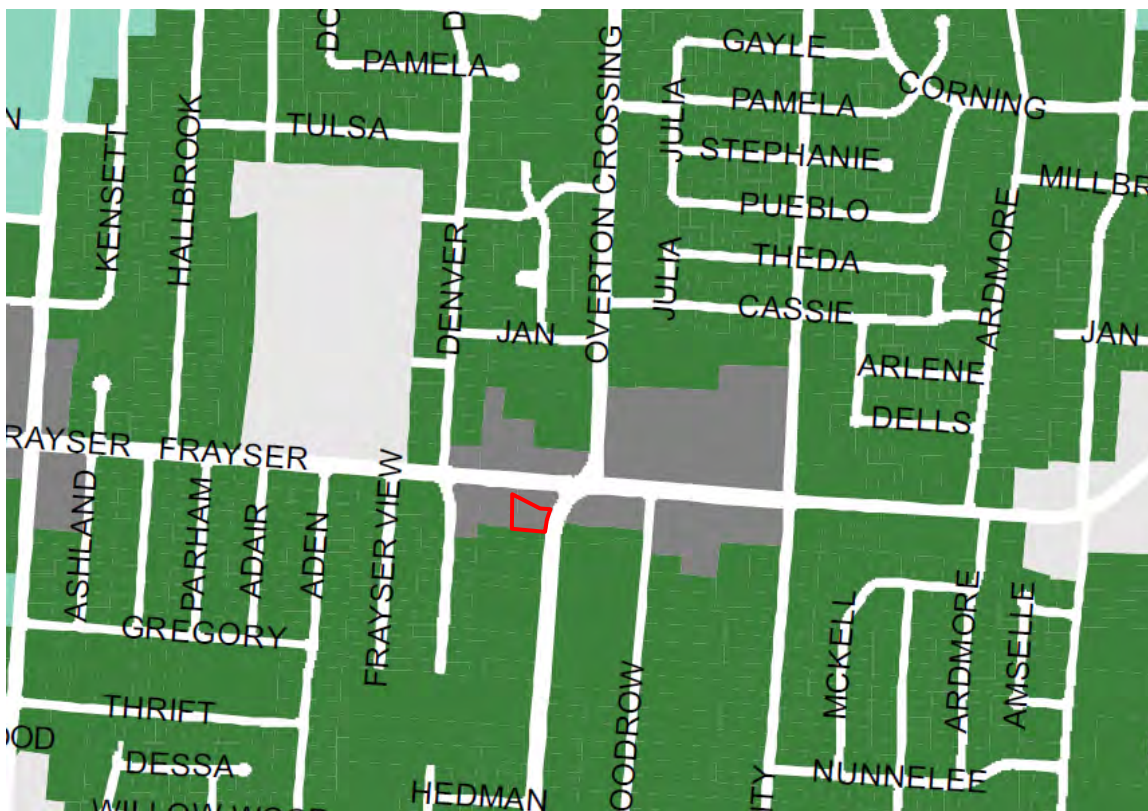
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional and Single-Family, CMU-1, CMU-2 and R-6

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning. However, it is not compatible with the zoning notes as a pawn shop is not allowed in the CMU-1.*

3. Degree of Change Map



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

4. Degree of Change Description

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

The proposed application is a private investment. However the proposed development does not promote pedestrian-oriented infill development or attract retail and service uses that cater to large-scale markets.

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

N/A

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

The parcel is located in the Frayser Planning District and the requested use is not consistent with Frayser Planning District Priority – *Improve the quality of commercial, retail, and restaurant options. Additionally, the proposed use does not align with the vision and desired actions for the Frayser Plaza anchor, which focuses on pedestrian friendly commercial development.*

Consistency Analysis Summary

The applicant is seeking a variance to allow expansion and renovation to the existing pawnshop building and site within the CMU-1 zoning district. This analysis will address the consistency of the expansion of the existing building.

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

The proposed application is a private investment. However the proposed development does not promote pedestrian-oriented infill development or attract retail and service uses that cater to large-scale markets.

*The parcel is located in the Frayser Planning District and the requested use is not consistent with Frayser Planning District Priority – *Improve the quality of commercial, retail, and restaurant options.**

Additionally, the proposed use does not align with the vision and desired actions for the Frayser Plaza anchor, which focuses on pedestrian friendly commercial development.

Overall the proposed development is not consistent with the future land use in many aspects.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: April 26, 2023

Record Number: PD 2023-009

Expiration Date:

Record Name: First Cash 3337 Overton Crossing

Description of Work: Use variance to allow expansion of the existing pawn shop.

Parent Record Number: BOA 2023-0011

Address:

3337 OVERTON CROSSING ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y CASH AMERICA CENTRAL INC

Owner Address:

1800 W 7TH ST, FORT WORTH, TX 76102

Owner Phone

Parcel Information

072011 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Seth Thomas

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number	-
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	0.543 ACRES
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	SEE APPLICATION
UDC Sub-Section 9.6.9B	SEE APPLICATION
UDC Sub-Section 9.6.9C	SEE APPLICATION
UDC Sub-Section 9.6.9D	SEE APPLICATION
UDC Sub-Section 9.6.9E	SEE APPLICATION
UDC Sub-Section 9.6.9F	SEE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	SEE APPLICATION
B) An approved water supply, community waste 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	SEE APPLICATION
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	SEE APPLICATION
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest	SEE APPLICATION
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements	SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan	SEE APPLICATION

GIS INFORMATION

Central Business Improvement District	No
---------------------------------------	----

GIS INFORMATION

Case Layer -
 Class C
 Downtown Fire District No
 Historic District -
 Land Use COMMERCIAL
 Municipality MEMPHIS
 Overlay/Special Purpose District -
 Zoning CMU-1
 State Route -
 Lot 0 20
 Subdivision KNIGHT & GUY
 Planned Development District -
 Wellhead Protection Overlay District -

Contact Information

Name FIRST CASH **Contact Type** APPLICANT
Address
Phone

Fee Information

Invoice #	Fee Item	Quantity	Fee	Status	Balance	Date Assessed
1484787	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	04/28/2023
1484787	Adjustment Fee	500	500.00	INVOICED	0.00	04/28/2023
Total Fee Invoiced: \$513.00			Total Balance: \$0.00			

Payment Information

Payment Amount \$513.00 **Method of Payment** Credit Card

LETTER OF INTENT



Date: June 1, 2023
To: Division of Planning & Development
From: Cindy Reaves
Re: 3337 Overton Crossing Street

LETTER OF INTENT

We are submitting a Planned Development application for property at 3337 Overton Crossing Street. The property is within the CMU-1 zoning district and the existing pawn shop was previously an approved use in the zoning district. We originally filed a Board of Adjustment case to expand a nonconforming use because they were closing a shop across the street at 2198 Frayser Blvd. but it was converted to a use variance instead of an expansion. A Planned Development will be a better fit for a use variance since it is more restrictive and our proposed enlargement of the building will be a more aesthetically pleasing site for the area than the current site. Section 10.3.2. Enlargement, Repair, Alterations of the UDC seems to allow "Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure." The enlargement of the building to add storage will not increase the degree of the existing nonconformity.

The proposed improvements to the existing building are only cosmetic improvements. They propose to raise the existing parapets to help hide the roof, paint the building and add a thin stone wainscot. These improvements and the expansion will not extend the eventual elimination of the building. The existing building is a very solid structure that was built in 1971. The addition will not extend the life of this building and no structural repairs will be done to the existing building. This will allow us to convert the site to their new prototype building and allow expansion for storage instead of continuing to operate in the current building that needs more storage area. This will not increase the business by adding storage. It will allow for a more orderly way to display their merchandise with storage in the rear expansion area and allow customers a more comfortable environment.

First Cash/Cash America Pawn has been in business since 1988 and has been in the Memphis area for over 25 years with 49 stores in Tennessee with 16 stores in Memphis. First Cash is a leading international operator of pawn stores with over 2,800 locations and 16,000 employees.

The Company's primary business line continues to be the operation of retail pawn stores, also known as "pawnshops," which focus on serving cash and credit-constrained consumers. Pawn stores are neighborhood based retail stores that help customers meet small short-term cash needs by providing

non-recourse pawn loans and buying merchandise directly from customers. Personal property, such as jewelry, electronics, tools, appliances, sporting goods and musical instruments, is pledged and held as collateral for the pawn loans over the typical 30-day term of the loan. Pawn stores also generate retail sales primarily from the merchandise acquired through collateral forfeitures and over-the-counter purchases from customers.

Pawn stores also provide a quick and convenient source of small, secured consumer loans, also known as pawn loans, to unbanked, under-banked and credit-constrained customers. Pawn loans are safe and affordable non-recourse loans for which the customer has no legal obligation to repay. The Company does not engage in post-default collection efforts, does not take legal actions against its customers for defaulted loans, does not ban its customers for nonpayment, nor does it report any negative credit information to credit reporting agencies, but rather, relies only on the resale of the pawn collateral for recovery. Cash America Pawn/First Cash is not a high interest payday loan shop and they do not sell guns or ammunition at this location. Their hours of operation are 9:00 to 6:00 and closed on Sundays.

I have included a document that gives you the background of their corporation along with before and after photos of a few of their renovated locations including the interior look they are looking for the Cash America Site.

The nearby location at 2198 Frayser Blvd., within 1300 feet of the subject tract, will be closed at the same time and the inventory will go to this store that First Cash owns. The nearest pawnshop from the Overton Park site is 5.2 miles at 3305 Austin Peay or 3202 Jackson Ave. is 6.8 miles. This area is not saturated with Pawn shops and the expansion will allow for storage space; it is not to add more retail space. The requested improvements are needed to improve safety, security and accessibility of the site. Improvements to the building, parking, landscaping and irrigation will be made and a masonry dumpster enclosure will be added. This will create a much more appealing site than the existing store and making the improvements of the new prototype building is much more desirable for the area.

We would appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:32 pm on the 24th day of May, 2023 I posted one Public Notice Sign pertaining to Case No. PD 23-009 on the property located at 3337 Overton Crossing providing notice of a Public Hearing before the June 8, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

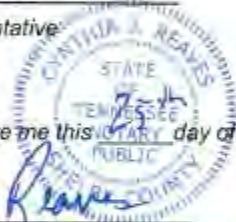
Kristin Reaves
Owner, Applicant or Representative

05/25/2023

Date

Subscribed and sworn to before me this 24th day of May, 2023

Cynthia J. Reaves
Notary Public
My commission expires: 9/29/23





LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: April 26, 2023

Record Number: PD 2023-009

Expiration Date:

Record Name: First Cash 3337 Overton Crossing

Description of Work: Use variance to allow expansion of the existing pawn shop.

Parent Record Number: BOA 2023-0011

Address:

3337 OVERTON CROSSING ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y CASH AMERICA CENTRAL INC

Owner Address

1600 W 7TH ST, FORT WORTH, TX 76102

Owner Phone

Parcel Information

072011 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Seth Thomas

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number -
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? 0.543 ACRES
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
Is this application in response to a citation, stop work order, or zoning letter 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 SEE APPLICATION
UDC Sub-Section 9.6.9B SEE APPLICATION
UDC Sub-Section 9.6.9C SEE APPLICATION
UDC Sub-Section 9.6.9D SEE APPLICATION
UDC Sub-Section 9.6.9E SEE APPLICATION
UDC Sub-Section 9.6.9F SEE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A SEE APPLICATION
B) An approved water supply, community waste 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 SEE APPLICATION
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E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan SEE APPLICATION

GIS INFORMATION

Central Business Improvement District No

GIS INFORMATION

Case Layer -
Class C
Downtown Fire District No
Historic District -
Land Use COMMERCIAL
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning CMU-1
State Route -
Lot 0 20
Subdivision KNIGHT & GUY
Planned Development District -
Wellhead Protection Overlay District -

Contact Information

Name FIRST CASH Contact Type APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1464787	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	04/26/2023
1464787	Adjustment Fee	500	500.00	INVOICED	0.00	04/26/2023
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

Payment Information

Payment Amount \$513.00 Method of Payment Credit Card

#2720

MEMPHIS AND SHELBY COUNTY  **DIVISION OF PLANNING AND DEVELOPMENT**

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, R. Douglas Orr (Print Name)  (Sign Name), state that I have read the definition of

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

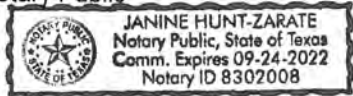
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

of the property located at 3337 Overton Crossing St.
 and further identified by Assessor's Parcel Number 072-011-00048
 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23rd day of September in the year of 2022


 Signature of Notary Public

9/24/2022
 My Commission Expires



Date: April 28, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 3337 Overton Crossing Street

LETTER OF INTENT

We are submitting a Planned Development application for property at 3337 Overton Crossing Street. The property is within the CMU-1 zoning district and the existing use was previously an approved use in the zoning district. We originally filed a Board of Adjustment case to expand a nonconforming use but it was converted to a use variance. We feel a Planned Development would be a better fit for a use variance since it is more restrictive and our proposed improvements with the addition will be a major improvement. This will allow us to convert this site to their new prototype building and allow expansion and renovation instead of continuing to operate in the current building.

The existing building is constructed of split block and is a very solid structure that was built in 1971. The addition will not extend the life of this building and no structural repairs will be done to the existing building. First Cash has been in business since 1988 and has been in the Memphis area for over 25 years with 49 stores in Tennessee with 16 stores in Memphis. First Cash is a leading international operator of pawn stores with over 2,800 locations and 16,000 employees. The Company's primary business line continues to be the operation of retail pawn stores, also known as "pawnshops," which focus on serving cash and credit-constrained consumers. Pawn stores are neighborhood based retail stores that help customers meet small short-term cash needs by providing non-recourse pawn loans and buying merchandise directly from customers. Personal property, such as jewelry, electronics, tools, appliances, sporting goods and musical instruments, is pledged and held as collateral for the pawn loans over the typical 30-day term of the loan. Pawn stores also generate retail sales primarily from the merchandise acquired through collateral forfeitures and over-the-counter purchases from customers.

Pawn stores also provide a quick and convenient source of small, secured consumer loans, also known as pawn loans, to unbanked, under-banked and credit-constrained customers. Pawn loans are safe and affordable non-recourse loans for which the customer has no legal obligation to repay. The Company does not engage in post-default collection efforts, does not take legal actions against its customers for defaulted loans, does not ban its customers for nonpayment, nor does it report any negative credit information to credit reporting agencies, but rather, relies only on the resale of the

pawn collateral for recovery. Cash America Pawn/First Cash is not a high interest payday loan shop and they do not sell guns or ammunition at this location.

I have included a document that gives you the background of their corporation along with before and after photos of a few of their renovated locations including the interior look they are looking for the Cash America Site.

A nearby location at 2198 Frayser Blvd., within 1300 feet of the subject tract, will be closed at the same time and the inventory will go to this store that First Cash owns. The expansion is needed to improve safety, security and accessibility of the site. Improvements to the building, parking, landscaping and irrigation will be made and a masonry dumpster enclosure will be added. This will create a much more appealing site than the existing store and making the improvements of the new prototype building is much more desirable for the area.

We would appreciate your support with this request. Please contact me if you have any questions.



WHO WE ARE AND THE NEIGHBORHOOD SERVICES WE PROVIDE



FIRSTCASH AT A GLANCE

FIRSTCASH IS A LEADING INTERNATIONAL OPERATOR OF PAWN STORES WITH OVER 2,800 RETAIL PAWN LOCATIONS AND 16,000 EMPLOYEES IN 25 U.S. STATES, THE DISTRICT OF COLUMBIA AND FOUR COUNTRIES IN LATIN AMERICA INCLUDING MEXICO, GUATEMALA, COLOMBIA AND EL SALVADOR

PAWN INDUSTRY



PAWN STORES ARE NEIGHBORHOOD-BASED RETAIL LOCATIONS THAT BUY AND SELL PRE-OWNED CONSUMER PRODUCTS SUCH AS JEWELRY, ELECTRONICS, TOOLS, APPLIANCES, SPORTING GOODS AND MUSICAL INSTRUMENTS, AND MAKE SMALL CONSUMER PAWN LOANS

MISSION



PROVIDE A QUICK AND CONVENIENT LOCATION TO BUY AND SELL VALUE-PRICED MERCHANDISE AND OBTAIN SMALL SECURED CONSUMER LOANS, ALSO KNOWN AS PAWN LOANS, TO UNBANKED, UNDER-BANKED AND CREDIT-CHALLENGED CUSTOMERS

BUSINESS STRATEGY



GROW REVENUES AND INCOME BY OPENING NEW RETAIL PAWN LOCATIONS, ACQUIRING EXISTING PAWN STORES IN STRATEGIC MARKETS AND INCREASING REVENUE AND OPERATING PROFITS IN EXISTING STORES

"ABOUT 53 MILLION U.S. ADULTS DON'T HAVE CREDIT SCORES. ANOTHER ROUGHLY 56 MILLION HAVE SUBPRIME SCORES. SOME HAVE A CHECKERED BORROWING HISTORY OR HIGH DEBT LOADS. BUT OTHERS, BANKS POINT OUT, JUST DON'T HAVE TRADITIONAL BORROWING BACKGROUNDS, OFTEN BECAUSE THEY ARE NEW TO THE U.S. OR PAY FOR MOST EXPENSES WITH CASH"

— THE WALL STREET JOURNAL

FIRSTCASH HISTORY

LONG-TERM BUSINESS PLAN IS TO GROW REVENUES AND INCOME BY OPENING NEW (“DE NOVO”) RETAIL PAWN LOCATIONS, ACQUIRING EXISTING PAWN STORES IN STRATEGIC MARKETS, DRIVING SAME-STORE SALES, AND STRATEGIC ACQUISITIONS

American First Finance
 AMERICAN FIRST FINANCE ACQUISITION:
 (ENTRANCE INTO POS PAYMENTS MARKET)

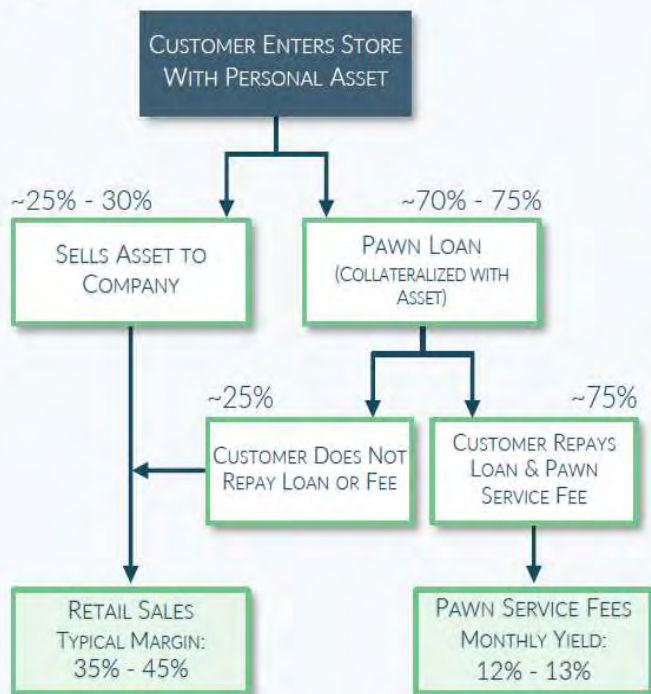


PAWN LOAN OVERVIEW

NON-RECOURSE LOANS FULLY COLLATERALIZED WITH PERSONAL PROPERTY

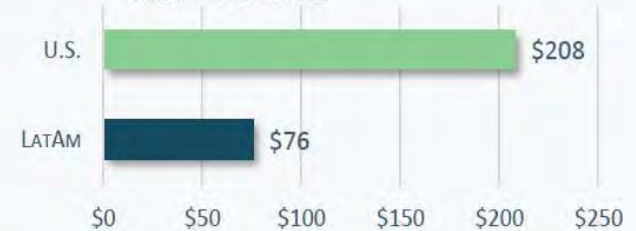
TYPICAL PAWN TRANSACTION CYCLE

TOTAL TRANSACTION TIME LESS THAN 15 MINUTES



PAWN LOANS ARE SMALL AND AFFORDABLE WITH A SHORT DURATION

- TYPICALLY 30-TO-60-DAY TERM
- AVERAGE LOAN SIZE:



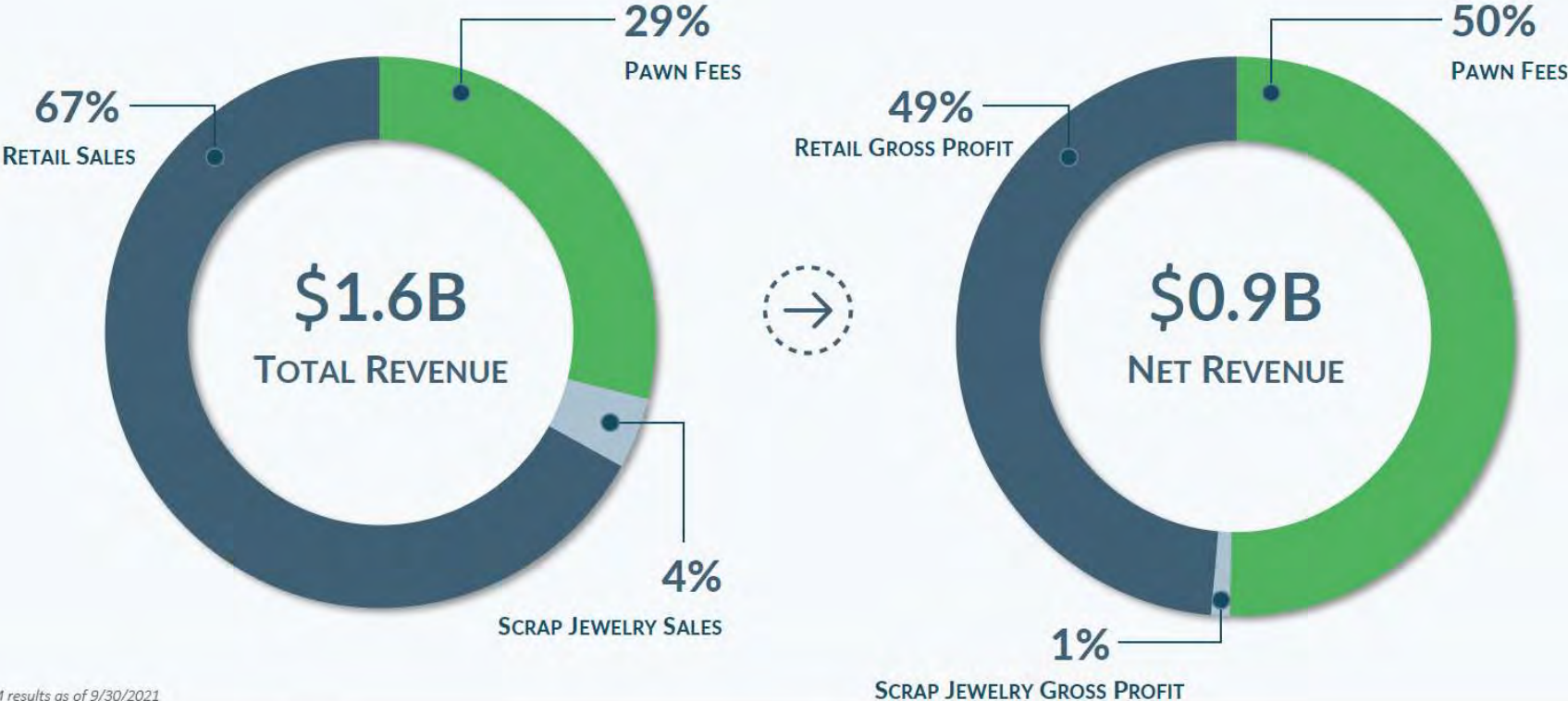
As of 9/30/2021

FIRSTCASH SERVES UNDERBANKED AND CASH CONSTRAINED CONSUMERS

- DESIGNATED ESSENTIAL BUSINESS IN MOST JURISDICTIONS
- COLLATERAL HELD IN SECURE BACKROOM OF STORE
- RAPID LIQUIDATION OF FORFEITED COLLATERAL THROUGH PAWNSHOP RETAIL OPERATIONS

DIVERSIFIED REVENUE STREAM

RETAIL SALES AND PAWN LENDING



ESG: COMMITMENT TO SOCIAL RESPONSIBILITY



EMPLOYEE EMPOWERMENT

- EMPLOYEE-TRAINING PROGRAMS THAT PROMOTE CUSTOMER SERVICE AND PROFESSIONALISM
- SPECIALIZED SKILL TRAINING PROGRAMS IN LENDING PRACTICES, MERCHANDISE VALUATION AND REGULATORY COMPLIANCE
- PROFIT SHARING, INCENTIVE AND BONUS PROGRAMS WHICH PAY ON AVERAGE 4-5% OF GROSS PROFIT DIRECTLY TO EMPLOYEES

CUSTOMER AND EMPLOYEE PROTECTIONS

- STRICT COVID-19 SAFETY PROTOCOLS
- ROBUST CONSUMER AND CORPORATE COMPLIANCE PROGRAMS
- PRIVACY AND DATA PROTECTION POLICIES

DIVERSE WORKPLACE



All Demographics as of 12/31/2020

ESG: SUSTAINABILITY IS CORE TO FIRSTCASH

REPLACING TAKE → MAKE → DISPOSE WITH BUY → USE → RETURN

PAWNSHOPS PIONEERED CIRCULAR ECONOMY

NEIGHBORHOOD-BASED STORES CONTRIBUTE TO THE MODERN "CIRCULAR ECONOMY"

EXTENDING LIFE CYCLE OF CONSUMER PRODUCTS

INVENTORY IS PRE-OWNED MERCHANDISE WHICH IS SOURCED AND THEN RECYCLED WITHIN EACH STORE'S GEOGRAPHIC NEIGHBORHOOD

SAVING WATER AND CARBON EMISSIONS WITH NO PACKAGING OR HAZARDOUS WASTE

LOCAL SOURCING OF PRE-OWNED GOODS ELIMINATES CARBON FOOTPRINT OF MANUFACTURING FACILITIES, DISTRIBUTION CENTERS AND TRANSPORTATION SERVICES

SAFE ENVIRONMENT

BUY AND RESELL POPULAR CONSUMER PRODUCTS IN A SAFE AND SECURE ENVIRONMENT FOR EMPLOYEES AND CUSTOMERS



Proposed Conversion Enhancements For 3337 Overton Crossing



Site

- Address any overgrown or neglected plants and deliver a green scape consistent with the city of Memphis requirements. Assure that proper irrigation is in good working order and meets the needs of any new and existing landscaping,
- Assure that drainage meets or exceeds any retention associated with the impervious conditions that currently exist. Make any repairs to the parking lot to assure the personal and automobile safety.
- Dedicate handicapped parking that allows the simplest and safest access to the building.
- Retrofit the existing site lighting to LED for nighttime safety.
- Build masonry dumpster enclosure that meets city requirements.

Building

- Redesign the exterior to add a retail presence.
- Remove any fixed security bars added on the windows and doors. Interior roll down grills added for afterhours protection.
- Environmentally friendly interior design using polished concrete floors and LED lighting with sensor and motion controls.

Signage

- Remove the existing fabric awning. Install turnbuckle awning and new LED Channel letters to the entrance side of the fascia. Copy would be Cash America Pawn.

Before and After



Aransas Pass, TX

SWC of Hwy 361 and Harrison Blvd

Former 4,000 SF Vacant Boat Restoration Industrial Building converted to new 6,500 SF Cash America retail center. New Parking Lot, Façade of Stone and Stucco, new landscape and trees added.

Completed 2013



Cash America
Cash America International, Inc.



Charlotte, NC

NEC of Albemarle and N Sharon Amity Rd

Former 6,000 SF Vacant Restaurant/Retail Building converted to new 8,000 SF Cash America retail center. New Parking Lot, Façade of Stone and Stucco, new landscape and trees added.

Completed 2012/2013



Cash America
Cash America International, Inc.



Midland, TX

2613 W. Wall St.

*Former used car lot Converted
Into Cash America Pawn*





Jacksonville, FL

4460 Blanding Blvd

Former Liquor Store Converted
Into Cash America Pawn

Cash America
Cash America International, Inc.



Retail Sales









Untitled Map

Write a description for your map.

Legend

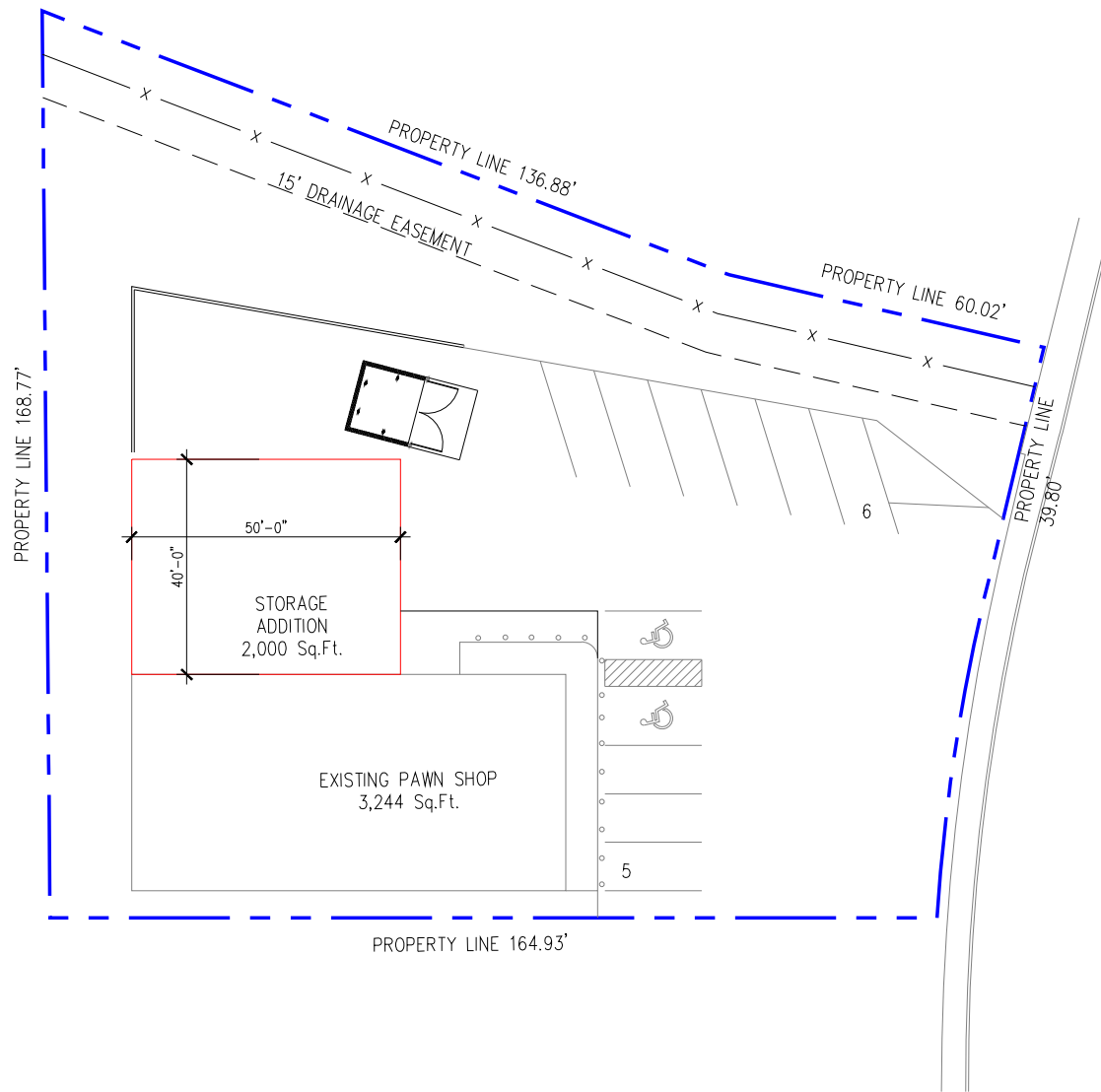
-  3337 Overton Crossing St
-  O'Reilly Auto Parts





Codes Chart 1

Footnotes	AG	RSE	RS15	RS10	RS8	RS6	RD	RTII	RML	RMI	RMI	RMO	OL	OG	CP	CL	CH	CBD	IL	III	II	CU	FW	P	SMSD	CBID	
Tire Motor vehicle sales & Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P*	X	X	X	X	-	-	-	-	-	X	
Transmission	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	X	X	X	X	-	-	-	-	-	X	
Truck service exceeds 3/4 ton	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	X	X	X	X	-	-	-	-	-	X	
Tune up	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	J*	X	X	X	X	-	-	-	-	-	X	
Upholstery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	X	X	X	X	-	-	-	-	-	X	
Motor vehicle wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	X	
Music or dancing academy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Night club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	X	X	X	X	-	-	-	-	X	
<i>NOTE! Night Club provides entertainment in addition to or without alcoholic beverages (on premises)</i>																											
Offices	-	-	-	-	-	-	-	-	S	S	S	-	P	P	P	X	X	X	X	X	P	P	-	P	X	X	
Pawn shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Personal service establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Palmist(TDN)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Tattoo (\$10.00)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Massage parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
<i>Shall be in compliance with Code Codes Chapter 19</i>																											
Photo finishing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X	X	-	-	-	-	-	X	
Photo finishing pickup station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Photo finishing by computer & Retail sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Plumbing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X	X	-	-	-	-	-	X	
<i>Page 130</i>																											
Private sales (D & E)14	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	



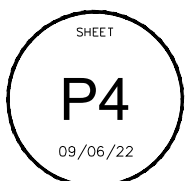
SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQFT:	5,244 SQ.FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ FT)	11 SPACES
STORAGE: 1 SPACE PER 4000 SQ.FT. (3,000 SQ FT)	1 SPACES
TOTAL PARKING REQUIRED:	12 SPACES
TOTAL PARKING PROVIDED:	11 SPACES

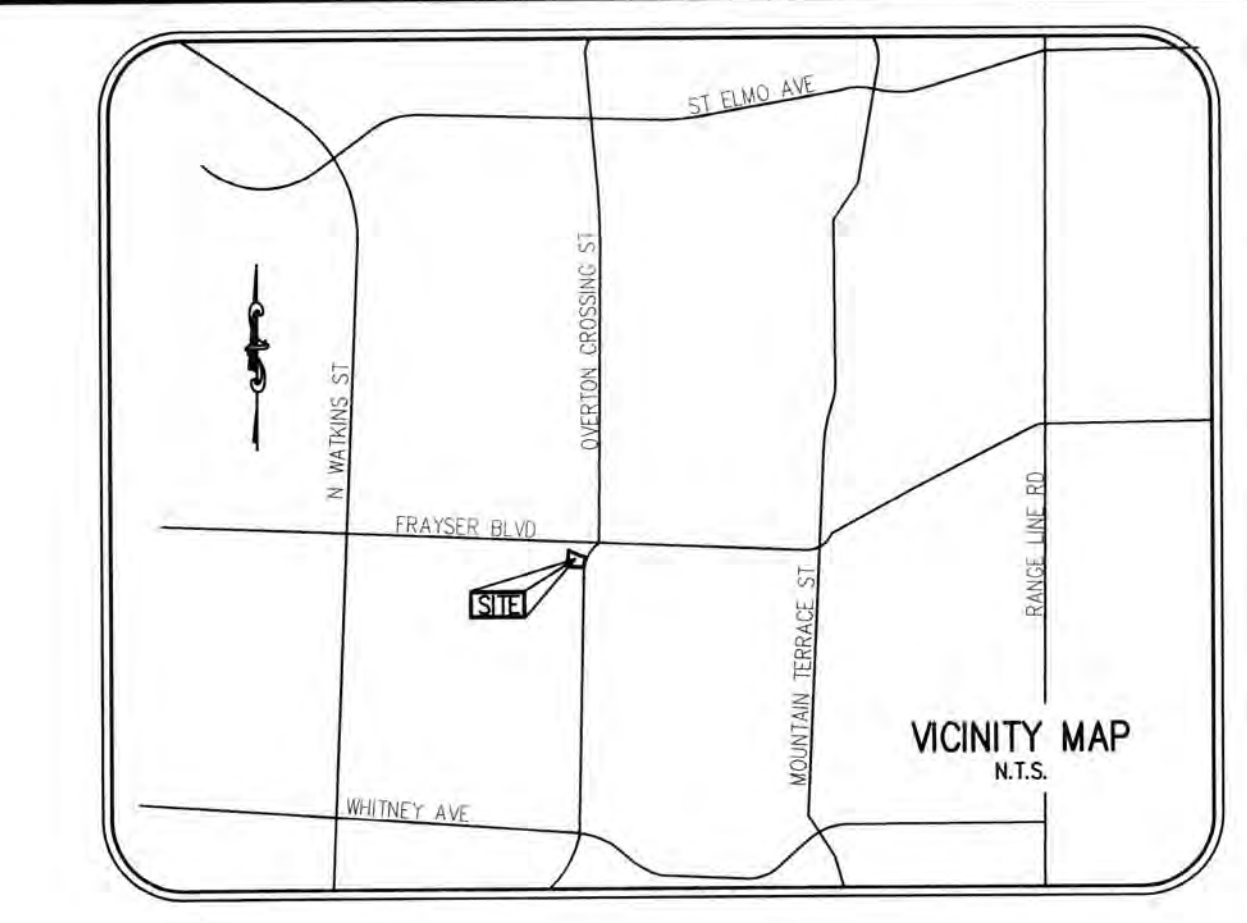
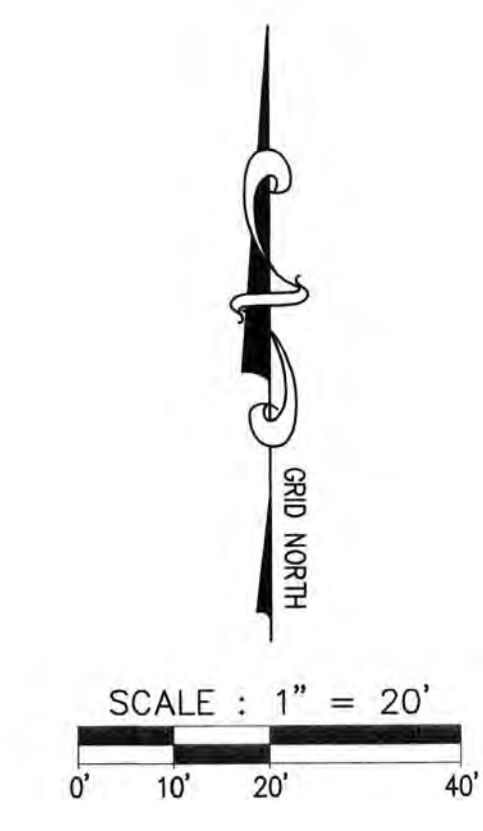
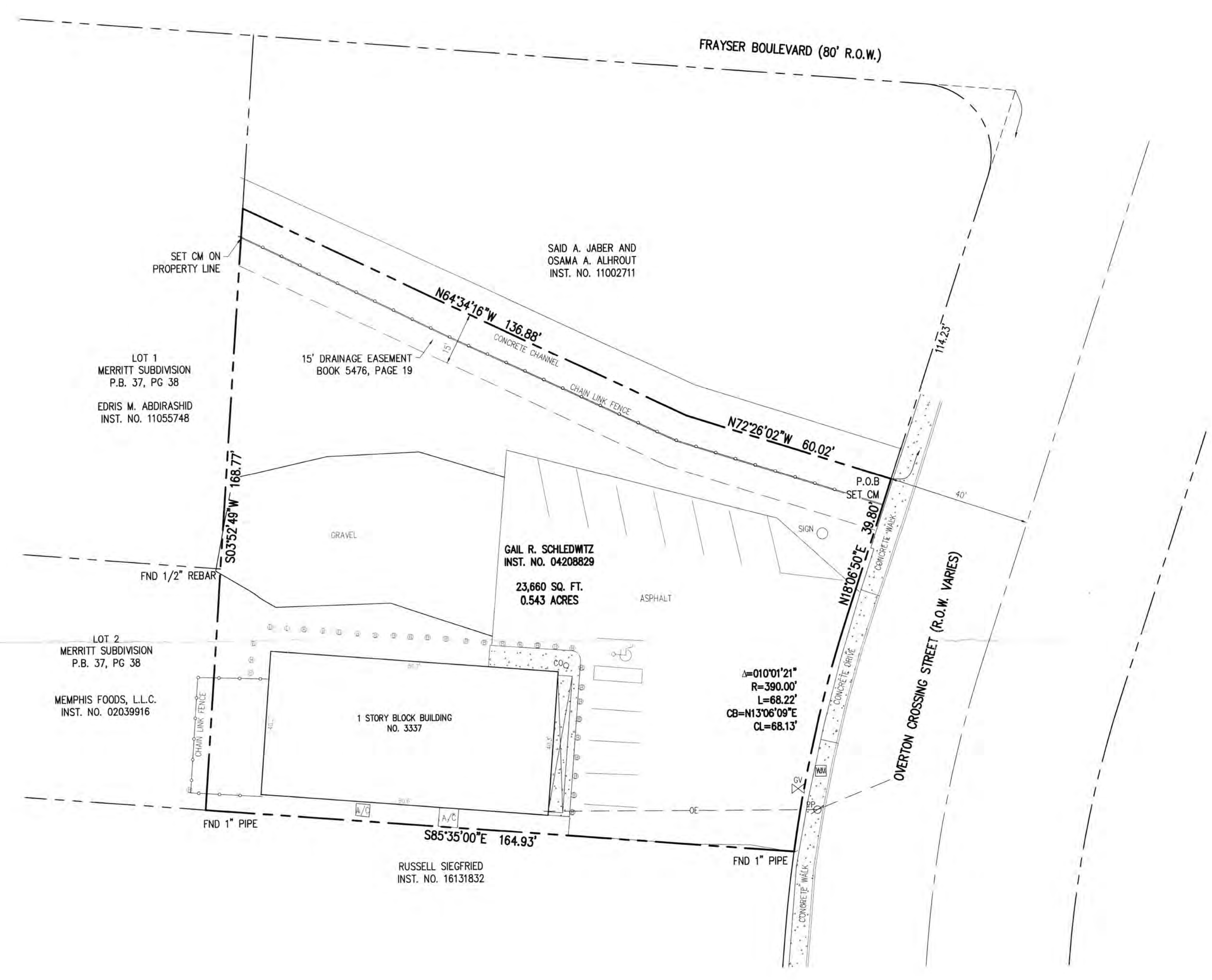
PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.



3337 OVERTON CROSSING ST.
MEMPHIS, TN

#22243





LEGEND

- A/C AIR CONDITIONER
- CM CHISEL MARK
- OE OVERHEAD ELECTRIC
- INST. INSTRUMENT
- NO. NUMBER
- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- PP POWER POLE
- GV GAS VALVE
- WM WATER METER
- BOLLARD
- PROPERTY LINE
- AWNING
- CONCRETE

SURVEYOR'S DESCRIPTION

A tract of land situated in Memphis, Shelby County, Tennessee being the Gail R. Schledwitz property of record in Instrument Number 04208829 in the Shelby County Register's Office and being more particularly described as follows:

BEGINNING at a set chisel mark in the west line of Overton Crossing Street (40' from centerline) being the southeast corner of the Said A. Jaber and Osama A. Alhrouf property of record in Instrument Number 11002711 in said Register's Office, said point being 114.23 feet southwardly from the tangent intersection of said west line and the south line of Frayser Boulevard (80' R.O.W.); thence South 18 degrees 06 minutes 50 seconds West along said west line a distance of 39.80 feet to a point of curvature; thence southwardly along said west line and along a curve to the left having a radius of 390.00 feet, a central angle of 10 degrees 01 minutes 21 seconds, a chord bearing of South 13 degrees 06 minutes 09 seconds West, a chord distance of 68.13 feet, a distance along its arc of 68.22 feet to a found 1 inch pipe being the northeast corner of the Russell Siegfried property of record in Instrument Number 16131832 in said Register's Office; thence North 85 degrees 35 minutes 00 seconds West along the north line of said Siegfried property a distance of 164.93 feet to a found 1 inch pipe being the southeast corner of Lot 2 of Merritt Subdivision of record in Plat Book 37, Page 38 in said Register's Office; thence North 03 degrees 52 minutes 49 seconds East along the east line of Lots 2 and 1 of said Merritt Subdivision a distance of 168.77 feet to a point in the center of a concrete drainage channel; thence South 64 degrees 34 minutes 16 seconds East along the center of said channel a distance of 136.88 feet to an angle point; thence South 72 degrees 26 minutes 02 seconds East along the center of said channel a distance of 60.02 feet to the POINT OF BEGINNING and containing 23,660 square feet or 0.543 acres of land, more or less.

SURVEYOR'S CERTIFICATE

I hereby certify that this survey meets the requirements of an urban land survey (Category 1), with a ratio of precision of the unadjusted survey of greater than 1:10,000 as per the Standards of Practice adopted by the Board of Examiners for Land Surveyors in the State of Tennessee; that this plat of survey represents an actual survey performed on the ground under my supervision.



Kenneth E. Francis, Jr., R.L.S.
Tennessee Certificate Number 1567
Barge Waggoner Sumner & Cannon, Inc.

UTILITY NOTES

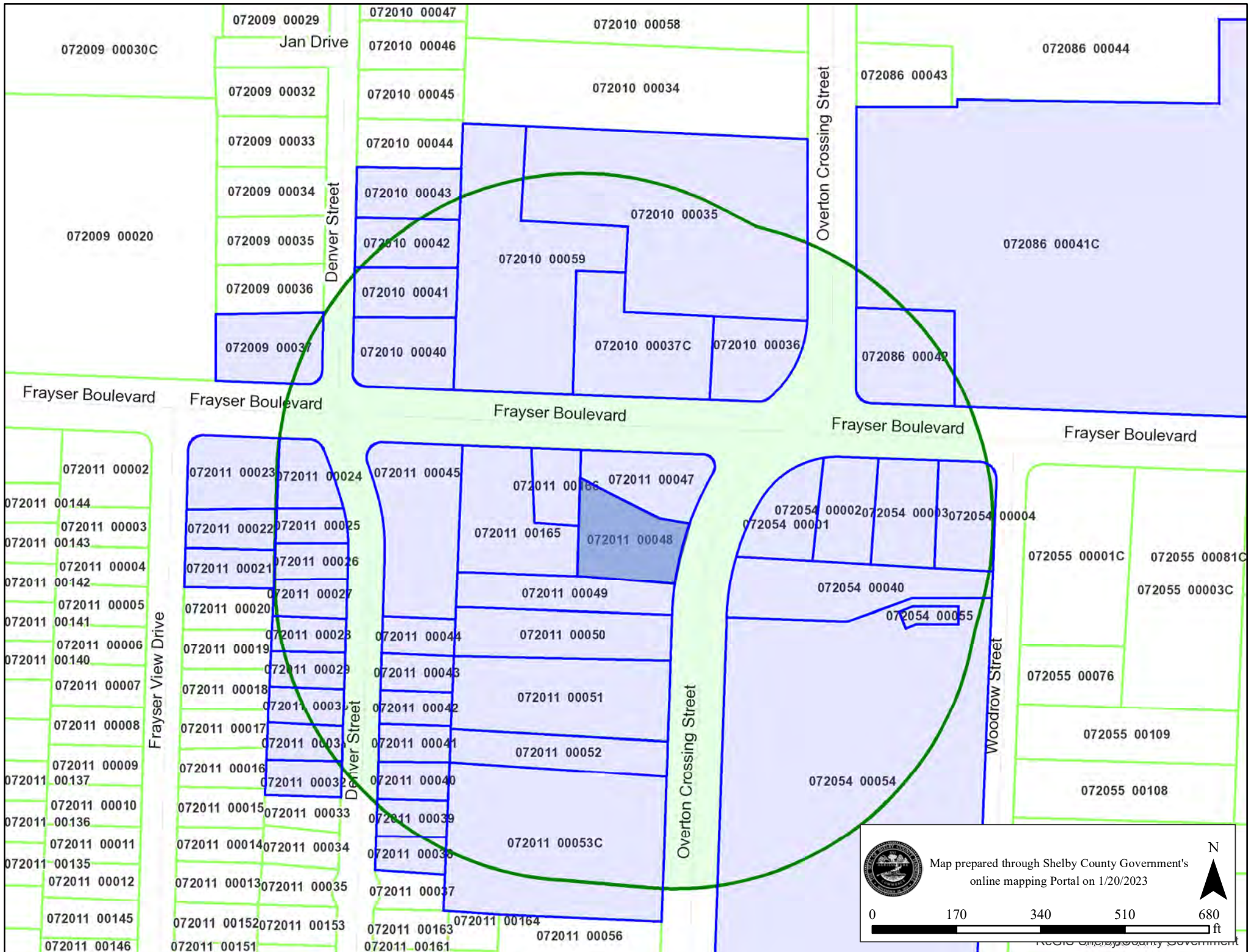
There are utilities, drain lines or sewer lines across this property that are not shown. The appropriate utility companies should be contacted for more specific locations and information on underground utilities.
Before digging in this area, call Tennessee One Call @ 1-800-351-1111 for field locations (request for ground markings) of underground utility lines.


MISCELLANEOUS NOTES

1. Survey prepared for Cash America Central, Inc.
2. This survey was prepared in accordance with the laws of the State of Tennessee.
3. Property is in the name of the Gail R. Schledwitz per Instrument Number 04208829 in the Shelby County Register's Office, Shelby County, Tennessee.
4. Bearings are relative to state plane coordinates (Tennessee NAD83).
5. This survey was prepared without the benefit of 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 the property. This survey is based on the deeds of record as shown.
6. The property shown hereon is subject to any existing easements, zoning restrictions, right-of-ways, restrictions and setback lines recorded or unrecorded in public records. No liability is assumed by the undersigned for loss relating to the existence of any such easements or restrictions.
7. Some features shown on this plat may be shown out of scale for clarity.
8. Visible address is 3337 Overton Crossing Street.
9. The subject property has access to a public road.
10. Subsurface and environmental conditions were not examined or considered as part of this survey.
11. By map scaling and graphic plotting only, the subject property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 47157C0280F, with an effective date of September 28, 2007.

BOUNDARY SURVEY
GAIL R. SCHLEDWITZ PROPERTY
3337 OVERTON CROSSING STREET
MEMPHIS, SHELBY COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION
KF		10/23/18	STAMPED ISSUE




 Map prepared through Shelby County Government's
 online mapping Portal on 1/20/2023

0 170 340 510 680 ft

N

REGIS - Emergency Security Government

072086 00041C - MEMPHIS BUSINESS ACADEMY
072010 00035 - J AND R LIBERI LLC
072010 00043 - WARE ELIZABETH J
072010 00041 - MITCHELL HERBERT L & PARTHENIA
072009 00037 - MITCHELL HERBERT & PARTHENIA
072011 00024 - HATCHETT CASSANDRA
072011 00045 - FULTHEIM GARY
072011 00165 - MEMPHIS FOODS LLC
072011 00047 - JABER SAID A AND OSAMA ALHROUT A
072054 00001 - S AND R OVERTON LLC
072054 00004 - TRAN HAI X
072011 00025 - CAPLES CASSIE W
072011 00026 - SLAYDEN AARON
072011 00050 - GALLAGHER FAMILY LEASING CO LLC
072011 00028 - DE JESUS AUBREY N
072011 00044 - LOPEZ PAUL JR & TERESA J
072011 00051 - GALLAGHER FAMILY LEASING CO LLC
072011 00030 - CLAYBORNE CHENELL
072011 00042 - FRAYSER COMMUNITY DEVELOPMENT
072011 00031 - COTTON JARVIOUS C & SABRINA SMITH
072011 00041 - VB ONE LLC
072011 00052 - GALLAGHER FAMILY LEASING CO LLC
072011 00032 - COLLINS JAMES E
072011 00053C - HUBBARD JANE
072011 00039 - SHELBY COUNTY TAX SALE 17.01

072011 00038 - CLARK DORIS M AND CHARLES E CLARK JR
072010 00059 - BHA INVESTMENT GROUP LLC
072010 00040 - GAMBLE FLORA J
072086 00042 - MAPCO PETROLEUM INC
072010 00036 - SHELLY DEBORAH
072011 00023 - HUGHES ERIC
072011 00166 - ABDIRASHID EDRIS M
072054 00002 - ALQIRM SALAH AND RAFAT M MASOUD
072054 00003 - AWWAD MAJDI
072011 00048 - CASH AMERICA CENTRAL INC
072011 00022 - PATTERSON BEVERLY AND DARYL L JOHNSON
072054 00040 - MEMPHIS BUSINESS ACADEMY
072011 00049 - SIEGFRIED RUSSELL
072011 00027 - MOORE DEMETRIUS R
072011 00029 - WILLIAMS ESTER
072011 00040 - JACKSON NESBY E
072010 00042 - BATTLE JOHN AND SHEILA BATTLE REVOCABLE
072054 00055 - MEMPHIS BUSINESS ACADEMY
072054 00054 - MEMPHIS BUSINESS ACADEMY
072011 00021 - BAF 1 LLC
072011 00043 - DMJL CORP
072010 00037C - AUTOZONE INC

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

TRAN HAI X
454 POLO CLUB DR #
GLENDALE HEIGHTS IL 60139

VB ONE LLC
5550 HUBER RD #
HUBER HEIGHTS OH 45424

J AND R LIBERI LLC
16192 COASTAL HWY #
LEWES DE 19958

CAPLES CASSIE W
3339 DENVER ST #
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

WARE ELIZABETH J
3398 DENVER ST #
MEMPHIS TN 38127

SLAYDEN AARON
3333 DENVER ST #
MEMPHIS TN 38127

COLLINS JAMES E
815 NE 123 ST #
SEATTLE WA 98125

MITCHELL HERBERT L & PARTHENIA
3371 DENVER ST #
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

HUBBARD JANE
8607 LOXLEY FAIRWAY #
CORDOVA TN 38018

MITCHELL HERBERT & PARTHENIA
3371 DENVER ST #
MEMPHIS TN 38127

DE JESUS AUBREY N
2912 WHEELER ST #
HOUSTON TX 77004

SHELBY COUNTY TAX SALE 17.01
PO BOX 2751
MEMPHIS TN 38101

HATCHETT CASSANDRA
3351 DENVER ST #
MEMPHIS TN 38127

LOPEZ PAUL JR & TERESA J
22265 DELTA CT #
TEHACHAPI CA 93561

CLARK DORIS M AND CHARLES E CLARK JR
3288 DENVER ST #
MEMPHIS TN 38127

FULTHEIM GARY
PO BOX 06116 #
CHICAGO IL 60606

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

BHA INVESTMENT GROUP LLC
518 WINOKA CV E
COLLIERVILLE TN 38017

MEMPHIS FOODS LLC
139 SOUTHWEST DR #
JONESBORO AR 72401

CLAYBORNE CHENELL
3311 DENVER ST #
MEMPHIS TN 38127

GAMBLE FLORA J
4393 BRIGHT RD #
HERNANDO MS 38632

JABER SAID A AND OSAMA ALHROUT A
9100 GROVELAWN CV #
GERMANTOWN TN 38139

FRAYSER COMMUNITY DEVELOPMENT
3684 N WATKINS ST #
MEMPHIS TN 38127

MAPCO PETROLEUM INC
2424 RIDGE RD
ROCKWALL TX 75087

S AND R OVERTON LLC
9375 OWL HILL DR #
ARLINGTON TN 38002

COTTON JARVIOUS C & SABRINA SMITH
3303 DENVER ST
MEMPHIS TN 38127

SHELLY DEBORAH
5769 SPRINGLAKE RD #
BARTLETT TN 38135

HUGHES ERIC
555 W 23RD ST #S-6D
NEW YORK NY 10011

JACKSON NESBY E
3298 DENVER ST #
MEMPHIS TN 38127

ABDIRASHID EDRIS M
2067 FRAYSER BLVD #
MEMPHIS TN 38127

BATTLE JOHN AND SHEILA BATTLE REVOCABLE
4938 KIMBALL AVE #
MEMPHIS TN 38117

ALQIRM SALAH AND RAFAT M MASOUD
9375 OWL HILL DR #
LAKELAND TN 38002

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

AWWAD MAJDI
2125 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

CASH AMERICA CENTRAL INC
1600 W 7TH ST #
FORT WORTH TX 76102

BAF 1 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

PATTERSON BEVERLY AND DARYL L JOHNSON
3340 FRAYSER VIEW DR #
MEMPHIS TN 38127

DMJL CORP
4535 W SAHARA AVE #200
LAS VEGAS NV 89102

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING #
MEMPHIS TN 38127

AUTOZONE INC
PO BOX 2198 #8088
MEMPHIS TN 38101

SIEGFRIED RUSSELL
5764 RAYBEN CIR #
MEMPHIS TN 38115

MOORE DEMETRIUS R
2841 RUSSELL BOND RD #
MILLINGTON TN 38053

WILLIAMS ESTER
3317 DEVER ST #
MEMPHIS TN 38127

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

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Cash America Central, Inc.
1600 West 7th Street
Fort Worth, Texas 76102

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1600 West 7th Street
Fort Worth, Texas 76102



Shelby County Tennessee
Shelandra Y. Ford
 Shelby County Register

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

18124276

12/05/2018 - 02:04 PM

6 PGS	
LAKECIA	1813379-18124276
VALUE	1230000.00
MORTGAGE TAX	0.00
TRANSFER TAX	4551.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	4584.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**PREPARED BY AND AFTER
RECORDING RETURN TO:**

Cash America Central, Inc.
1600 West 7th Street
Fort Worth, Texas 76102
ATTN: Chris Lee

GENERAL WARRANTY DEED

STATE OF TENNESSEE §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF SHELBY §

That **Gail R. Schledwitz** (“Grantor”) and spouse, **Karl Schledwitz**, for and in consideration of the sum of ten and no/100 dollars (\$10.00) and other good and valuable consideration to Grantor paid by **Cash America Central, Inc., a Tennessee corporation** (“Grantee”), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee all of the real property in Shelby County, Tennessee, described in Exhibit “A” attached hereto and made a part hereof, together with all improvements attached thereto (collectively, the “Property”), subject to the items in Exhibit “B” attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee’s successors and assigns forever; and Grantor does hereby bind Grantor and Grantor’s successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee’s successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Title to the above described property is vested in Gail R. Schledwitz. Karl Schledwitz, husband of Gail R. Schledwitz, joins herein to grant, sell and convey, and does hereby grant, sell and convey, all right, title and interest he may have in said property by virtue of his marriage to the said Gail R. Schledwitz, but does not join in the covenants or warranties of this indenture.

Executed and effective as of the 3rd day of December, 2018.

THOMAS TITLE & ESCROW
6 FF# 1089N7L

Gail R. Schledwitz
Gail R. Schledwitz

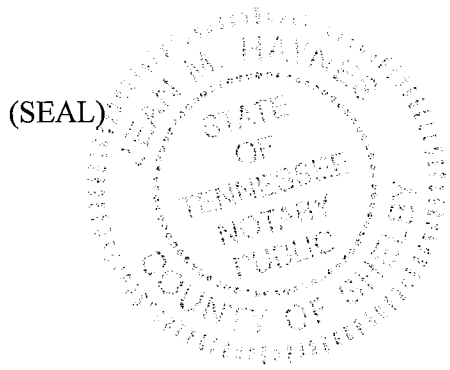
Karl Schledwitz
Karl Schledwitz

STATE OF TENNESSEE §
 §
COUNTY OF SHELBY §

This instrument was acknowledged before me this 3 day of December, 2018, by **Gail R. Schledwitz and Karl Schledwitz**, known to me personally or proved to me to be the persons stated in the herein described instrument, and acknowledged before me on this day that, being informed of the contents of the conveyance, they executed same voluntarily as a free act and deed.

Jason M. Haines
Notary Public in and for the State of Tennessee

My Commission Expires October 19, 2022



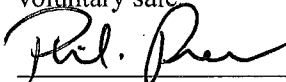
Property Address:
**3337 Overton Crossing Street,
Memphis, TN 38127
And
1302 Poplar Avenue
Memphis, TN 38104**

Name and Address of the Property Owner:
**Cash America Central, Inc. a Texas corporation
1600 West 7th Street
Fort Worth, TX 76102**

Name & Address of the Person or Entity Responsible
for Payment of Real Property Taxes:
**Cash America Central, Inc. a Texas corporation
1600 West 7th Street
Fort Worth, TX 76102**

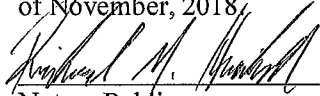
Tax Parcel ID Number.:
072011 0048 & 020025 00009

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 \$1,230,000.00, 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 4th day
of November, 2018,



Notary Public

My commission expires:

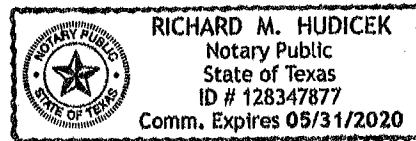


EXHIBIT "A"

Tract 1:

Part of Lot 20, Knight & Guy Subdivision, in Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in Overton Crossing Road 135 feet south of the south line of Raleigh-Frayser Road, as measure in a straight line; thence southwardly with Overton Crossing Road 103 feet to a point;

thence westwardly parallel with Raleigh Frayser Road 200 feet to a stake; thence northwardly parallel to the east line of Lot 20, 174 feet to a point;

thence southeastwardly 212.3 feet to the point of beginning.

Being the same property conveyed to Gail R. Schledwitz in Quit Claim Deed filed for record 12-15-2004 at Instrument Number 04208829 as shown in the Register's Office of Shelby County, Tennessee.

Tract 2:

Parts of Lots 7 and 8 and 1/2 of Alley to North, JOHN BROWN Subdivision, of Lots 4 and 5, WILLIAM LAWRENCE Subdivision, City of Memphis, Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the present north line of Poplar Avenue 23 feet eastwardly from the intersection of said present north line of Poplar Avenue with the east line of North Claybrook Street;

thence eastwardly along the present north line of Poplar Avenue 77 feet to a P.K. Nail in the line dividing Lots 6 and 7;

thence northwardly with said dividing line and continuing in a straight line and parallel to North Claybrook Street 152.07 feet to a stake;

thence westwardly parallel to Poplar Avenue 100 feet to a chisel mark in the east line of North Claybrook Street;

thence southwardly along said east line of North Claybrook Street 129.07 feet to a point of curve; thence southeastwardly along a curve to the left having a radius of 23 feet 36.13 feet to the point of beginning.

Being the same property conveyed to Gail R. Schledwitz in Warranty Deed filed for record 12-31-1991 at Instrument Number CP 2737 as shown in the Register's Office of Shelby County, Tennessee.

EXHIBIT "B"

1. Taxes for the year 2019, a lien, not yet due and payable.
2. Deed restrictions recorded at Warranty Deed of record in Book 5091, Page 35 as recorded in the Register's Office of Shelby County, Tennessee. (TRACT 2)
3. Todd Creek Drainage District Easement recorded at Book 5476, Page 19 as shown in the Register's Office of Shelby County, Tennessee. (TRACT 1)
4. Reservation of Easement granted for establishing maintenance of public utilities, service for sewers, light, telephone and telegraph pole lines, underground conduits, etc. of record in Quit Claim Deed recorded in Book 1823, Page 506, in the Register's Office of Shelby County, Tennessee. (TRACT 2)

Tennessee Certification of Electronic Document

I, Philip Prentice, do hereby make oath that I am a licensed attorney and/or the
Signer's Name
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.

Philip Prentice
Signature

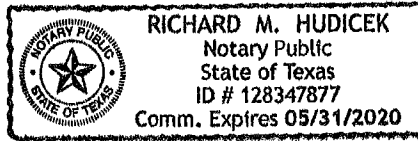
State of Texas
County of Dallas

Personally appeared before me, Richard M. Hudicek, a notary public for this county and
Notary's Name
state, Philip Prentice, who acknowledges that this certification of an electronic
Signer's Name
document is true and correct and whose signature I have witnessed.

Richard M. Hudicek
Notary Signature

MY COMMISSION EXPIRES: _____

NOTARY'S SEAL





**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

June 20, 2023

Cash America Central Inc.
1600 W 7th Street
Fort Worth, TX 76102

Sent via electronic mail to: jeff.cullum@firstcash.com

Cash America Planned Development
Case Number: PD 23-09
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, June 8, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Cash America Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Seth Thomas

Letter to Applicant
PD 23-09

Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC
File

Letter to Applicant

PD 23-09

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
 - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
 - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.

Letter to Applicant
PD 23-09

- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
- A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. 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 plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/07/2023

DATE

PUBLIC SESSION: 11/07/2023

DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

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 south side of Cornell St. between Felts Station Rd. and Thomas St. By taking the land out of the Residential Urban – 3 (RU-3) Use District and including it in the Heavy Industrial (IH) Use District, known as case number Z 23-11

CASE NUMBER: Z 23-11

LOCATION: South side of Cornell St. between Felts Station Rd. and Thomas St.

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Marcino Pigram

REPRESENTATIVES: The Bray Firm, David Bray

REQUEST: Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)

RECOMMENDATION: The Division of Planning and Development recommended *Rejection*
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**

Set date for first reading – October 10, 2023

Second reading – October 24, 2023

Third reading – November 7, 2023

PRIOR ACTION ON ITEM:

(1) _____
09/14/2023
(1) Land Use Control Board

APPROVAL - (1) APPROVED (2) DENIED
DATE
ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____
\$ _____
\$ _____

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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	LUDS STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-11

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 SOUTH SIDE OF CORNELL ST. BETWEEN FELTS STATION RD. AND THOMAS ST. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-11

- 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, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-11

LOCATION: South side of Cornell St. between Felts Station Rd. and Thomas St.

COUNCIL DISTRICT(S): District 7, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Marcino Pigram

REPRESENTATIVE: The Bray Firm, David Bray

REQUEST: Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)

The following spoke in support of the application: David Bray, Marcino Pigram

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 8-0

Respectfully,

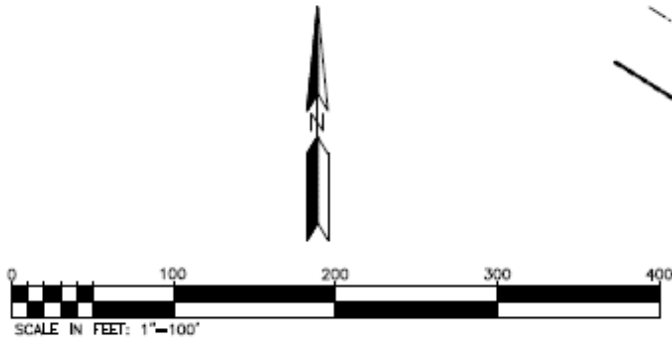


Nicholas Wardroup
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN

PLOT PLAN
PART OF LOT 1, OVERTON S/D
O CORNELL
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
21114498
MEMPHIS, SHELBY COUNTY, TN



JPR INC.
 LOTS 3 & 7
 OVERTON S/D
 INST. EJ 9654
 ZONED: CMU-3

CORNELL ROAD
 635.0' TO EAST
 LINE OF HIGHWAY 51
 S58°02'26\"E

SWAIN/SWAIN
 VILLAGE
 ZONED: RU-3

Lots 1-7
 Overton S/D
 Inst. # 20072987
 Mateo LLC.

Zoned: RU-3

AREA TO
 BE RE-
 ZONED
 TO IH

RU-3

HAMILTON
 LOT 1
 OVERTON S/D
 INST. # 06181066
 ZONED: RU-3

Zoned: IH

IH

approx. limits of zoning

N 44°40'00\"E 707.04'

ur s

IH

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF 635.0 FEET SOUTHWARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51; THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90.0 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

129.05'
 S 86°30'00\"W

CITY OF MEMPHIS
 LOT 1, OVERTON S/D
 ZONED: RU-3

MEMPHIS
 BLUES PD
 P.B. 298,
 PG. 036
 ZONED: R-MP

PREPARED FOR:
 MARCINO PIGRAM

PREPARED BY:
 THE BRAY FIRM
 2950 STAGE PLAZA N.
 BARTLETT, TN 38134
 (901) 383-8668

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F DATED SEPTEMBER 28, 2007. BFE: 234

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 ON THE SOUTH SIDE OF CORNELL ST. BETWEEN FELTS STATION RD. AND THOMAS ST. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL USE DISTRICT, KNOWN AS CASE NUMBER Z 23-11

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 23-11**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL USE DISTRICT.

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

PARCEL 1

PART OF THE R.L. PHELPS 27.6 ACRE TRACT, UNRECORDED, IN MEMPHIS, SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF

635 FEET SOUTHWESTARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51; THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT, THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

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.

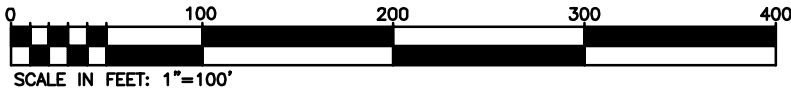
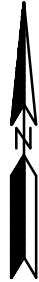
ATTEST:

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

**//: ATTACHMENTS
Plot Plan**

**PLOT PLAN
PART OF LOT 1, OVERTON S/D
O CORNELL
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
21114498
MEMPHIS, SHELBY COUNTY, TN**

JPR INC.
LOTS 3 & 7
OVERTON S/D
INST. EJ 9654
ZONED: CMU-3



SWAIM & SWAIM
GEORGETOWN
VILLAGE
ZONED: RU-3

CORNELL ROAD
635.0' TO EAST
LINE OF HIGHWAY 51
S58°02'26"E

Lots 1-7
Overton S/D
Inst. #
20072987
Mateo LLC.

AREA TO
BE RE-
ZONED
TO IH

Zoned: RU-3

RU-3

HAMILTON
LOT 1
OVERTON S/D
INST. # 06161066
ZONED: RU-3

Zoned: IH

IH

approx. limits of zoning

N 44°40'00"E 707.04'

S 45°03'00"W 630.06'

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF 635.0 FEET SOUTHWARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51: THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90.0 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

129.05'
S 86°30'00"W

MEMPHIS
BLUES PD
P.B. 298,
PG. 036
ZONED: R-MP

CITY OF MEMPHIS
LOT 1, OVERTON S/D
ZONED: RU-3

PREPARED FOR:
MARCINO PIGRAM

PREPARED BY:
THE BRAY FIRM
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F DATED SEPTEMBER 28, 2007. BFE: 234

AGENDA ITEM: 10

CASE NUMBER: Z 2023-011 **L.U.C.B. MEETING:** September 14, 2023

LOCATION: 0 Cornell St, Frayser

COUNCIL DISTRICT: District 7 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Marcino Pigram

REPRESENTATIVE: David G. Bray, P.E., The Bray Firm

REQUEST: Rezone +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)

AREA: +/-0.5 acres

EXISTING ZONING: Residential Urban – 3 (RU-3)

CONCLUSIONS

1. The request is to rezone +/- 0.5 Acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH).
2. Staff recommends **rejection** of this request due to its inconsistency with the Memphis 3.0 Comprehensive Plan.
3. Even if comprehensive plan consistency were not considered, staff would find the allowance of additional industrial uses in the proximity of nearby residences inappropriate.
4. This request is also inconsistent with the Mid-South Resiliency Plan, see Office of Sustainability and Resilience comments pg. 14.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Cornell Street +/- 90 linear feet
Zoning Atlas Page: 1630
Parcel ID: 069065 00005
Existing Zoning: Residential Urban – 3 (RU-3)
Requested Zoning: Heavy Industrial (IH)

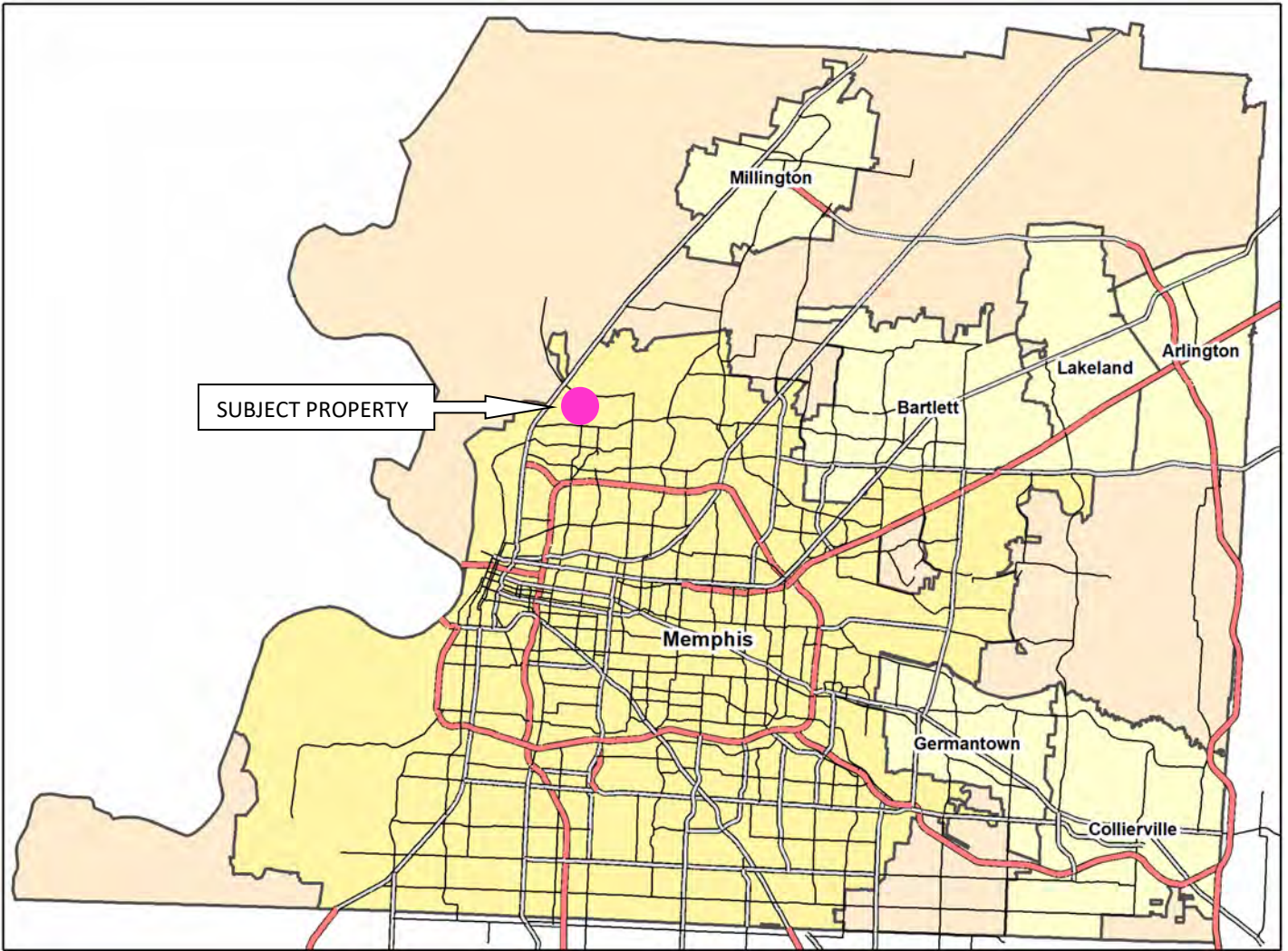
NEIGHBORHOOD MEETING

The meeting was held on Monday, July 24, 2023.

PUBLIC NOTICE

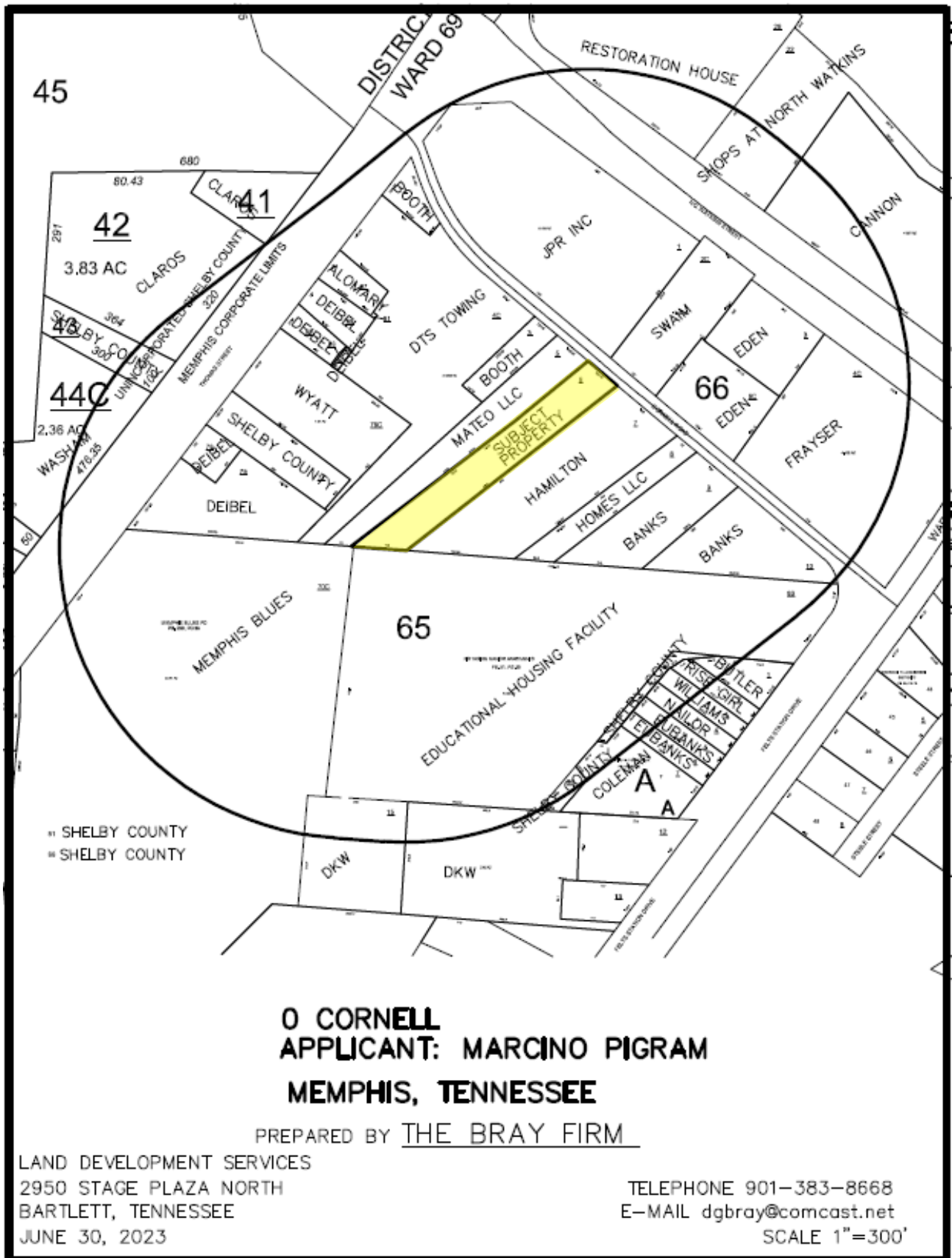
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 24, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



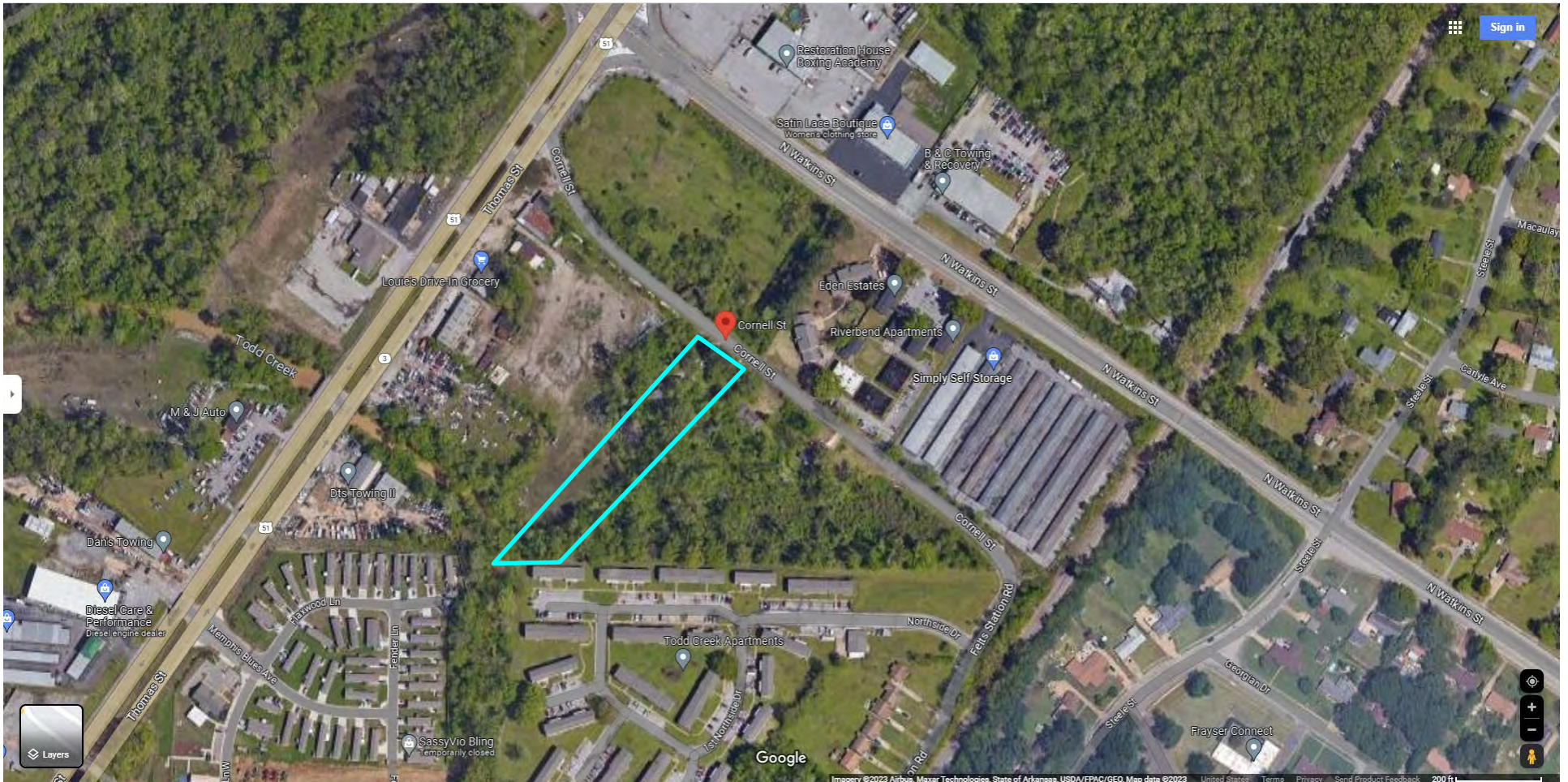
Subject property located within the pink circle, Frayser

VICINITY MAP



In the following maps, the subject property is outlined in cyan.

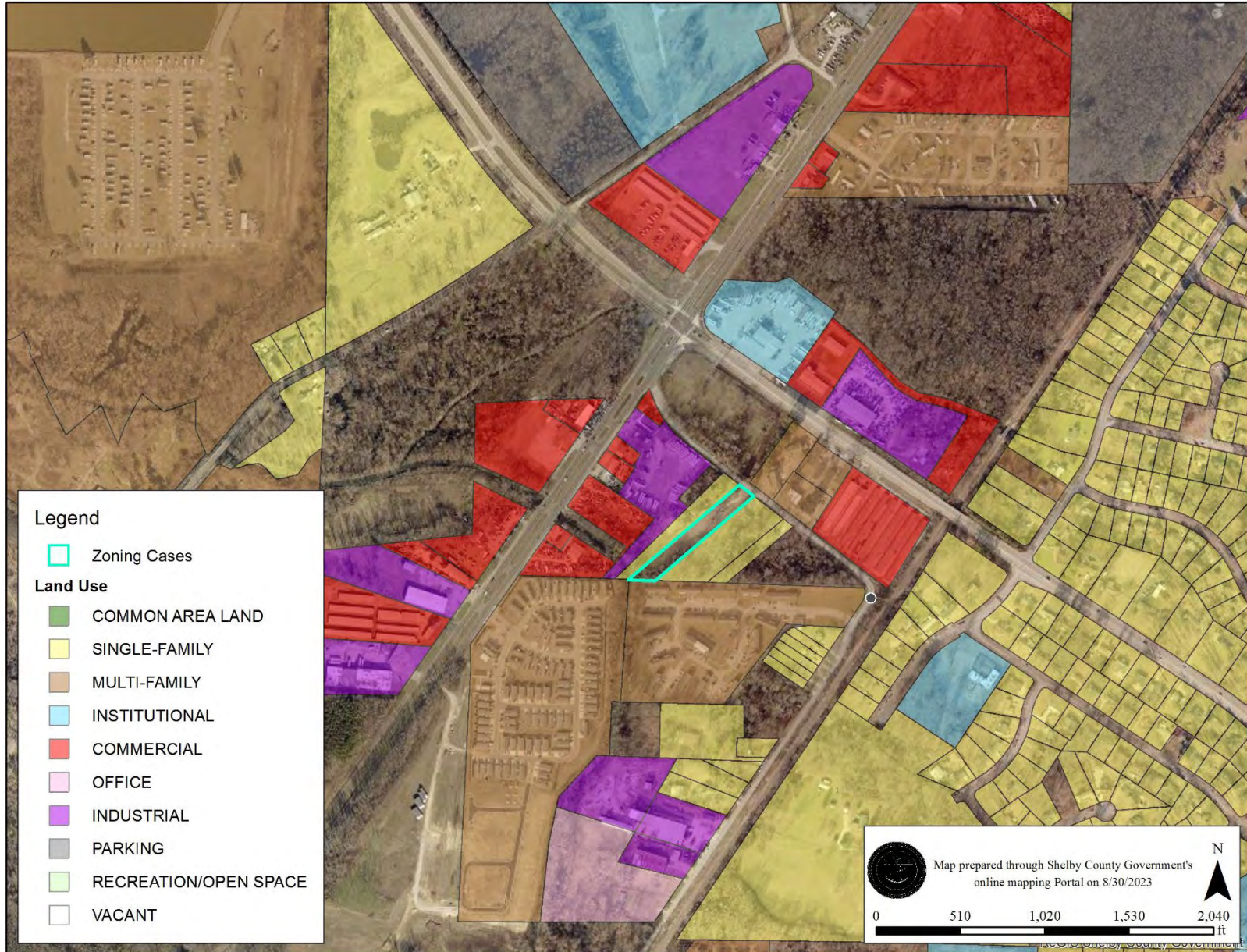
AERIAL



ZONING MAP



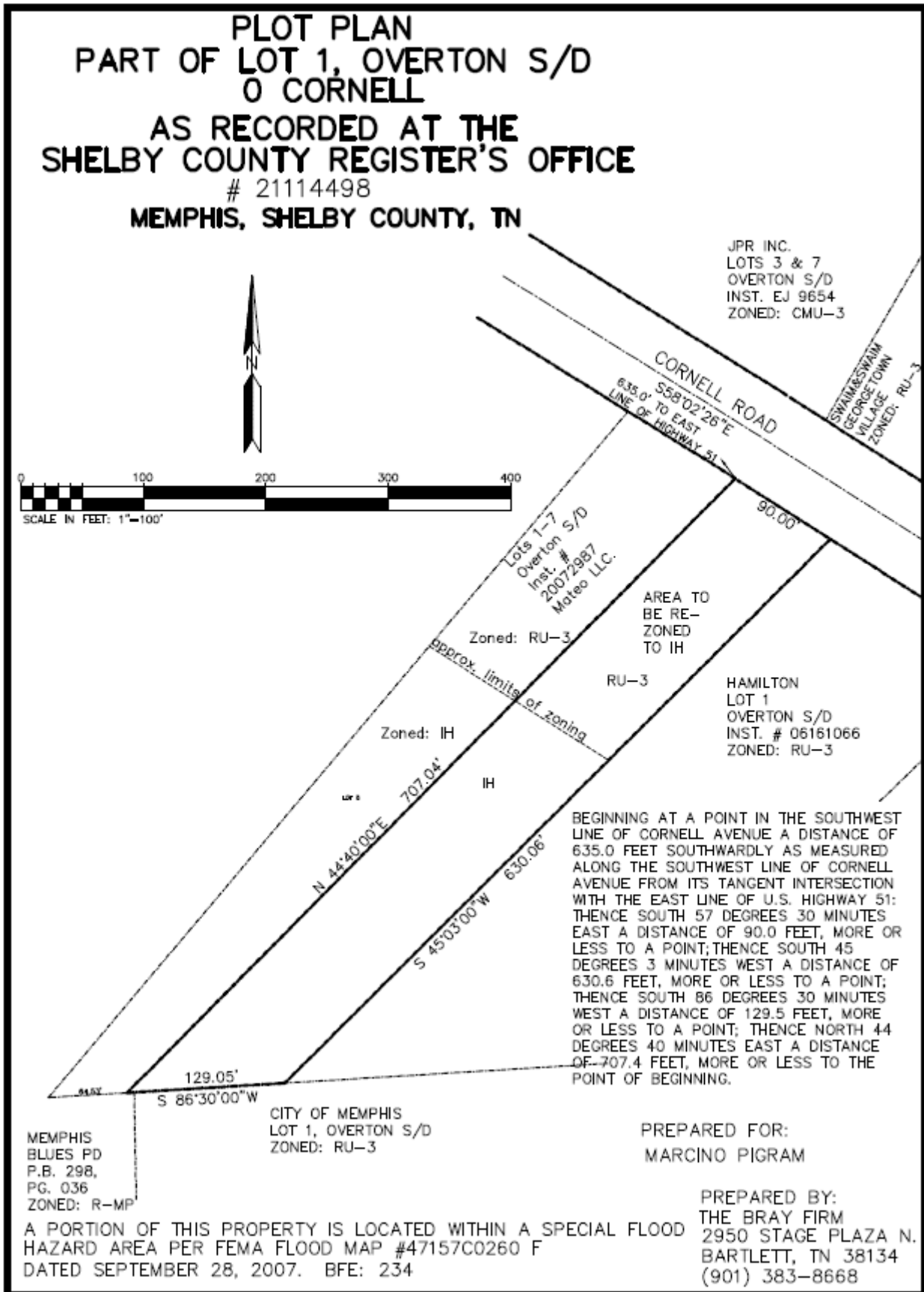
LAND USE MAP



MEMPHIS 3.0 FUTURE LAND USE



PLOT PLAN



SITE PHOTOS



View of subject property from Cornell St. looking southeast.



View of subject property from Cornell St. looking southwest.

STAFF ANALYSIS

Request

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

The request is to rezone +/- 0.5 acres from Residential Urban – 3 (RU-10) to Heavy Industrial (IH) zoning district.

Review Criteria

Staff **disagrees** the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met. The exact language of these criteria is listed below and followed by more detailed staff analysis.

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.*

Criteria Analysis

1. The requested rezoning is inconsistent with the Memphis 3.0 comprehensive plan. This site is designated as a primarily multifamily neighborhood by the future land use map. Memphis 3.0's land use decision criteria, in combination with Tennessee state law's requirement that zoning changes be consistent with the approved comprehensive plan (if one exists), are sufficient to recommend rejection of this request. The exact language of the Memphis 3.0 land use decision criteria is included on pages 19-20.

Staff recognizes that the site's proximity to future industrial uses may lead the Board to reasonably disagree with our consistency determination. We find however, that this request also falls short several of the other UDC 9.5.7B criteria (see below). Our recommendation, therefore, would stand even if comprehensive planning consistency were not to be considered.

2. Staff has determined that the allowance of additional IH uses would be incompatible with the existing multifamily land uses in the immediate vicinity, potentially damaging property owners and residents.
3. Staff cites the Memphis 3.0 future land use map, sewer availability, and proximity to existing multifamily developments in determining that this site is suitable for RU-3 uses. Our analysis of criterion #3 therefore supports our general recommendation of rejection.
4. Staff does not find that the proposed change would improve the balance of uses in the City. We are concerned that it would further undermine the potential for future residential development of the nearby vacant parcels zoned RU-3.

5. This site is adequately served by the necessary public services for both the existing and requested permissible uses.

Site Description

The subject site roughly the northeastern third of a lot known as parcel 069065 00006 located near the City of Memphis's northwestern boundary. The remainder of the lot already zoned IH and the applicant is seeking to rezone the subject portion to facilitate the use of the entire lot for similar uses. The site is currently vacant.

As shown by the land use map (pg. 7), the site primarily abuts single-family residential uses. Commercial, industrial, and auto-oriented uses exist to the west along Thomas St and to the north along N Watkins St. Three large multifamily complexes surround the site to the south and northeast.

Conclusions

1. The request is to rezone +/- 0.5 Acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH).
2. Staff recommends **rejection** of this request due to its inconsistency with the Memphis 3.0 Comprehensive Plan.
3. Even if comprehensive plan consistency were not considered, staff would find the allowance of additional industrial uses in the proximity of nearby residences undesirable.
4. This request is also inconsistent with the Mid-South Resiliency Plan, see Office of Sustainability and Resilience comments pg. 14.

RECOMMENDATION

Staff recommends rejection.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:



MEMORANDUM

To: Nicholas Wardroup, LUDS Intern
From: Robin Richardson, Planner
Date: August 28, 2023
Subject: OSR Comments on Z 23-011: FRAYSER

General Comments & Analysis:

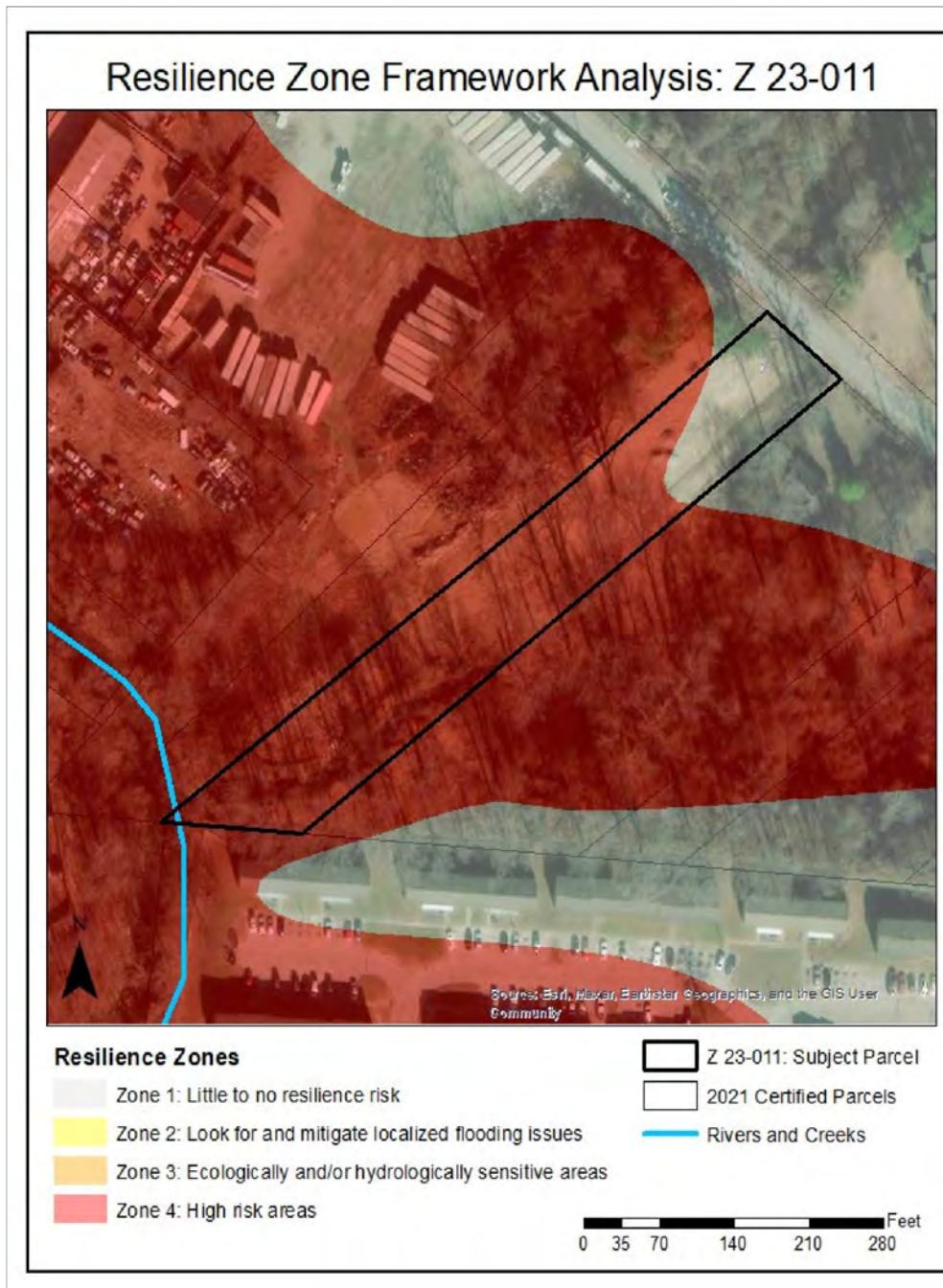
Located in Zones 1 and 4 of the Resilience Zone Framework:

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

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

The site's designation in Zone 4 is due to its location within the 100-year and 500-year floodplains for Todd Creek. This creek is a tributary of the Loosahatchie River, which is located just over a mile west of the site. The Tennessee Department of Environmental Conservation (TDEC) has determined that neither body of water is currently supporting its classified uses due to poor water quality.

The applicant is requesting a rezoning of this parcel to IH in order for the parcel to be located in only one zone as opposed to two. According to the Shelby County Zoning Atlas, this parcel is currently zoned in both Residential Urban-3 (RU-3) and Industrial-Heavy (IH).



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

This rezoning request is generally inconsistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites discourages development within sensitive areas such as floodplains, and increasing the intensity of zoning for a parcel within the floodplain would be in conflict with that part of the plan.

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

Recommendations: Staff recommends denial of this rezoning request.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Z 23-11: Frayser

Site Address/Location: 0 Cornell Avenue (Parcel 069065 00006)

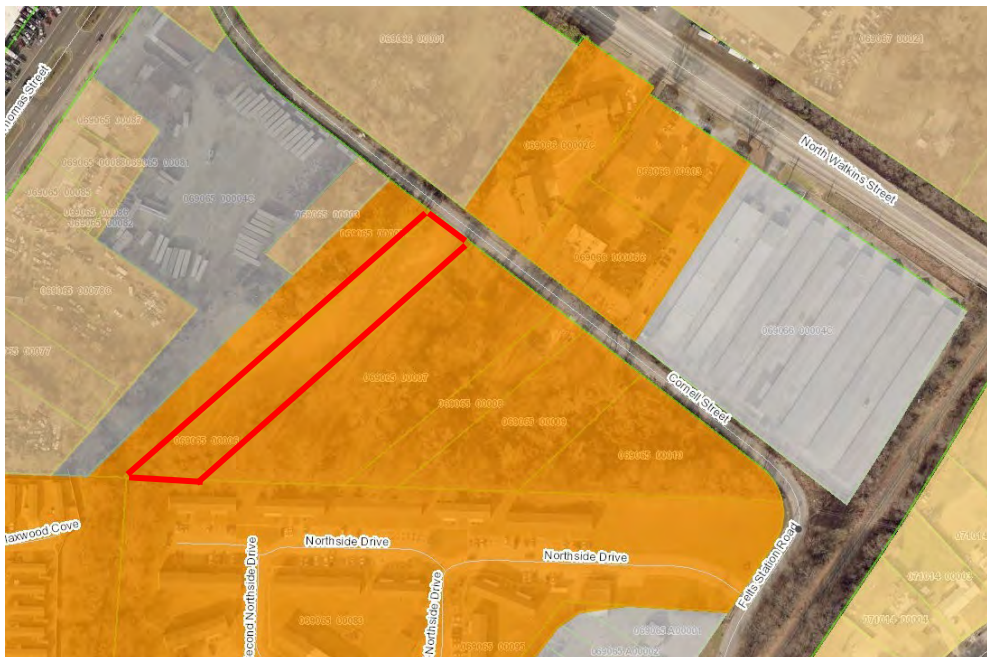
Overlay District/Historic District/Flood Zone: Not located in an overlay or historic district, Located in a floodplain and flood zone with a 0.2% Annual Chance Flood Hazard Future Land Use Designation: Primarily Multifamily Neighborhood (NM)

Street Type: N/A

The applicant is seeking to rezone a parcel with RU-3 zoning to EMP zoning.

The following information about the land use designation can be found on pages 76 – 122: **1. Future**

Land Use Planning Map



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

2. Land Use Description/Intent

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



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

“NM” Zoning Notes

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

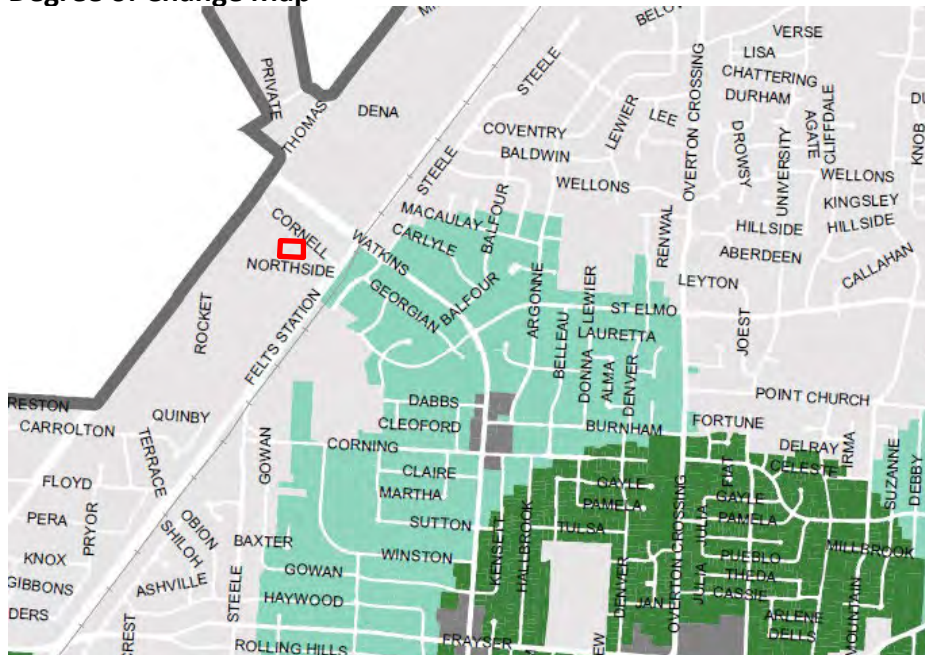
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant lot, RU-3

Adjacent Land Use and Zoning: Multifamily, Industrial, Vacant; IH, CMU-3

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics. Additionally, it is not compatible with zoning notes, and existing, adjacent land use and zoning.*

3. Degree of Change Map



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

4. Degree of Change Description N/A

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

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

Consistency Analysis Summary

The applicant is seeking to rezone a parcel with RU-3 zoning to EMP zoning. This requested use is not compatible with the land use description/intent, form & location characteristics. Additionally, it is not compatible with zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

MEMPHIS 3.0 LAND USE DECISION CRITERIA

Using The Plan

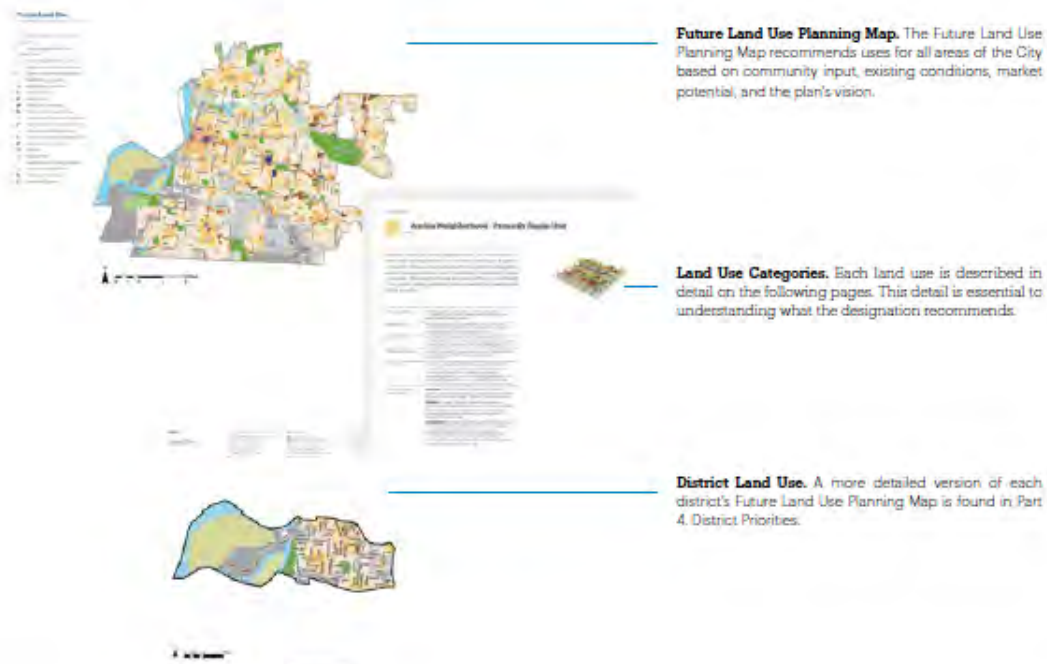
Legal Basis

Tennessee Code Annotated Section 13-4-202 provides for the manner in which a general plan is adopted by the Board and the City Council. TCA Section 13-4-202(B)(2)(B)(iii) states once the general plan is adopted by the Council, all land use decisions in the City shall thereafter be consistent with the plan. For the purposes of defining "consistency," only those elements of the plan related to land use decisions become effective pursuant to the guidance on the following pages. **All other sections of the plan are intended as a guide and only for planning purposes.**

Future Land Use Planning Map Purpose

The heart of the Memphis 3.0 Comprehensive Plan is the Future Land Use Planning Map. The Future Land Use Planning Map helps guide the City on land use decisions, streets, transportation, transit, public investments in infrastructure and civic spaces, and investments and incentives in housing, neighborhoods, and job centers. The value of the Future Land Use Planning Map is its clarity and predictability in how these resources can be invested in Memphis.

Between November, 2017, through August, 2018, the planning team combined its efforts with various organizations, artists, and architects/designers to engage Memphians in all 14 districts in a series of three



USING THE PLAN

workshops conducted to envision the future of the neighborhoods that shaped the Future Land Use Planning Map. Each set of district workshops culminated in a draft map for the area.

It is important to understand what the Future Land Use Planning Map is not. The Future Land Use Planning Map does not replace or change zoning. The Future Land Use Planning Map does not have the authority to allow the uses shown to be built by-right; it guides. Only the zoning code (the Unified Development Code or UDC) and decision-making bodies such as the Memphis City Council, Memphis and Shelby County Land Use Control Board, and Memphis and Shelby County Board of Adjustment can allow uses to be built. In those instances where a request goes before one of these bodies, the Future land use planning map is a guide for the decisions made. The guidelines, review, and process for applications subject to historic zoning through the Memphis Landmarks Commission do not change as a result of the Comprehensive Plan.

Zoning and Overlays

Adopted land use does not alter, circumvent, or supersede established zoning or overlays in the Unified Development Code (UDC). The zoning map in the UDC is not changed as a result of the adoption of the Comprehensive Plan, nor does the effect of zoning change. Proposed developments that meet zoning standards are still by-right. And proposed developments requiring a variance from zoning standards still require approval from City Council, Land Use Control Board, Board of Adjustment, even if they conform to recommended land use.

Likewise, areas of the City that are zoned with an overlay (such as the Midtown Overlay) or historic overlay (or local Landmarks district) are not changed as a result of plan adoption. If anything, these areas are strengthened by the recommended land use, degree of change, and recommended actions of the plan. Any changes to zoning as a result of recommended land use will be addressed in a Small Area Plan, which is described in more detail in a later section of the plan.

In order to reinforce this point, the following language shall be added to the UDC: "The Memphis 3.0 General Plan shall be used to guide land use decisions but not in any way supplant the regulations of this Code [the UDC], including but not limited to its Zoning Map or Overlay Districts. A determination of consistency with Memphis 3.0 shall not supersede the approval criteria and findings of fact required for individual land use decisions, as provided in this Code."

Decision Criteria

Pursuant to the legal basis of the plan, the test of "consistency" with the plan is only applied to land use decisions, or when an application is made to change or deviate from zoning. The steps below describe the decision process that will be used to determine consistency, and that will be added to the UDC. This criteria is to be used by staff from Office of Planning and Development (OPD) and Office of Comprehensive Planning (OCP) to review development proposal applications submitted to OPD in order to make an interpretation of consistency in their staff recommendations. This criteria is intended to guide the various bodies in position of making decisions on applications in their interpretations of consistency, as well. In instances where a determination is made that consistency is met, this does not constitute or require approval of a proposal. A determination of consistency shall not supercede the approval criteria and findings of fact for individual land use decisions as provided in the Unified Development Code (UDC).

When making land use decisions, the Land Use Control Board, Memphis City Council and Board of Adjustment shall consider all of the following elements of the Memphis 3.0 General Plan in its determination of consistency:

1. The Future Land Use Planning Map;
2. The land use category descriptions and graphic portrayals, including whether the proposed use would be compatible with the zone districts listed in the zoning notes, the proposed building(s) fit the listed form and location characteristics, and existing, adjacent land uses and zoning;
3. The degree of change map;
4. The degree of change descriptions;
5. The objectives and actions articulated in Goal 1, Complete, Cohesive Communities; and
6. Any other pertinent sections of the Memphis 3.0 General Plan that address land use recommendations.
7. When making recommendations to the Land Use Control Board, Memphis City Council and Board of Adjustment and when consulting with applicants on the appropriateness of a particular land use application, the Office of Planning and Development shall consider all of the sections of the Memphis 3.0 General Plan cited in Paragraphs 1 through 6 of this Sub-Section in its determination of consistency.

LETTER OF INTENT



Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

June 30, 2023

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

RE: Re-zoning application for 0 Cornell (Parcel ID 069065 00006)
Existing zoning: RU-3 on front ½ of property
Proposed zoning: IH to match rear of property

Mr. Ragsdale:

Please find attached the above referenced application for a rezoning of the front portion (approximately 250 feet deep) of the subject property, a 1.685 acre tract, from RU-3 to IH. The subject property has frontage on Cornell. The rear of the property is zoned IH but the property cannot be utilized in this manner as the front portion is zoned RU-3. Rezoning of the front portion of this tract would allow this property to be utilized in a similar fashion as the other parcels west of this site towards Thomas Street.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

MARCINO PIGRAM, being duly sworn, depose and say that at 5:00 PM on the 9th day of August, 2023, I posted a Public Notice Sign(s) pertaining to Case No. Z 2023-11 at _____ providing notice of a Public Hearing before the X Land Use Control Board X Memphis City Council, X Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development X Special Use Permit, X Zoning District Map Amendment, X Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Marcino Pigran
Owner, Applicant or Representative

8/10/2023
Date

Subscribed and sworn to before me this 10th day of August, 2023.

Lisa Nash
Notary Public

My commission expires: 08/08/24



LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: June 30, 2023

Record Number: Z 2023-011

Expiration Date:

Record Name: 0 Cornell Rezoning

Description of Work: Reznoning request for 0 Cornell from RU-3 to EMP

Parent Record Number:

Address:

0 cornell 38105

Owner Information

Primary Owner Name

Y PIGRAM MARCINO

Owner Address

21 NEELY ST, MEMPHIS, TN 38105

Owner Phone

Parcel Information

069065 00006

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

06/07/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 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

Contact Information

Name PIGRAM MARCINO **Contact Type** APPLICANT
Address

Phone
 (901)288-6437

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1482796	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	06/30/2023
1482796	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	06/30/2023

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 **Method of Payment** Credit Card

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, MARCINO FIGRAM Marcino Figram, state that I have read the definition of (Print Name) (Sign Name)

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

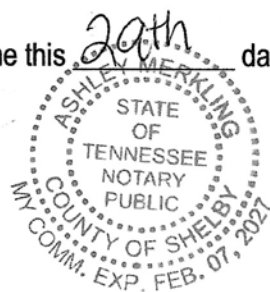
6/29/2023

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

of the property located at 0 Cornell st and further identified by Assessor's Parcel Number 0690650000060 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of June in the year of 2023.

Ashley Merkling
Signature of Notary Public



02/07/2027
My Commission Expires



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: June 30, 2023

Record Number: Z 2023-011

Expiration Date:

Record Name: 0 Cornell Rezoning

Description of Work: Reznoning request for 0 Cornell from RU-3 to EMP

Parent Record Number:

Address:

0 cornell 38105

Owner Information

Primary Owner Name

Y PIGRAM MARCINO

Owner Address

21 NEELY ST, MEMPHIS, TN 38105

Owner Phone

Parcel Information

069065 00006

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

06/07/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 Class -
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 Land Use -
 Municipality -
 Overlay/Special Purpose District -
 Zoning -
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
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Address

Phone
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Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Payment Information

Payment Amount \$1,026.00 **Method of Payment** Credit Card

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

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I, MARCINO FIGRAM Marcino Figram, state that I have read the definition of (Print Name) (Sign Name)

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

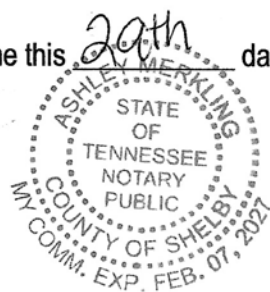
6/29/2023

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

of the property located at 0 Cornell st and further identified by Assessor's Parcel Number 0690650000060 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of June in the year of 2023.

Ashley Merkling
Signature of Notary Public



02/07/2027
My Commission Expires



Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

June 30, 2023

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

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Proposed zoning: IH to match rear of property

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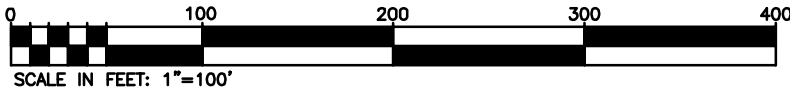
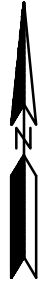
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

PLOT PLAN
PART OF LOT 1, OVERTON S/D
O CORNELL
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
21114498
MEMPHIS, SHELBY COUNTY, TN

JPR INC.
 LOTS 3 & 7
 OVERTON S/D
 INST. EJ 9654
 ZONED: CMU-3



SWAIM & SWAIM
 GEORGETOWN
 VILLAGE
 ZONED: RU-3

CORNELL ROAD
 S58°02'26"E
 635.0' TO EAST
 LINE OF HIGHWAY 51

Lots 1-7
 Overton S/D
 Inst. # 20072987
 Mateo LLC.

Zoned: RU-3

AREA TO
 BE RE-
 ZONED
 TO IH

HAMILTON
 LOT 1
 OVERTON S/D
 INST. # 06161066
 ZONED: RU-3

Zoned: IH

approx. limits of zoning

RU-3

IH

N 44°40'00"E 707.04'

S 45°03'00"W 630.06'

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF 635.0 FEET SOUTHWARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51: THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90.0 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

129.05'
 S 86°30'00"W

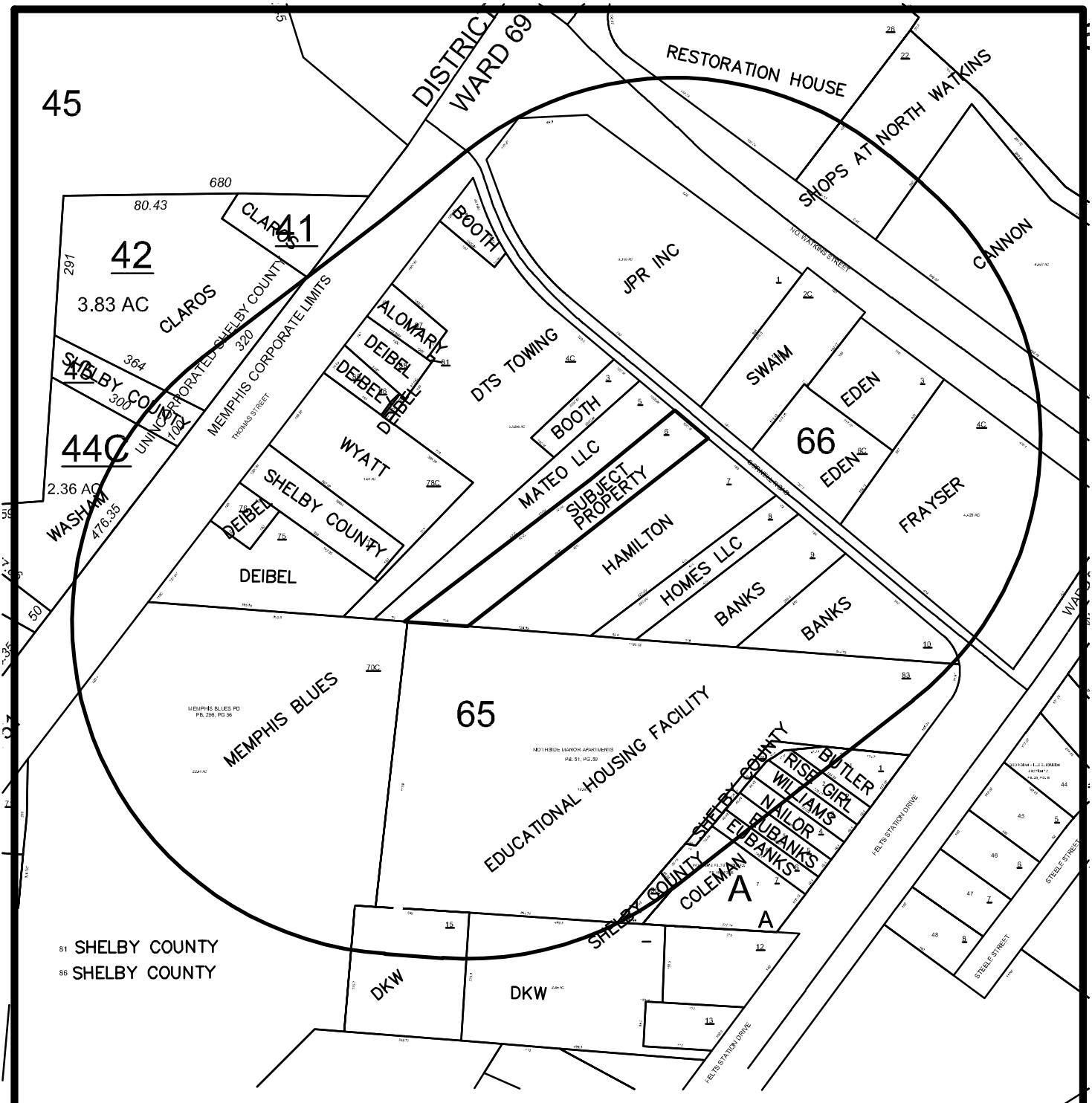
MEMPHIS
 BLUES PD
 P.B. 298,
 PG. 036
 ZONED: R-MP

CITY OF MEMPHIS
 LOT 1, OVERTON S/D
 ZONED: RU-3

PREPARED FOR:
 MARCINO PIGRAM

PREPARED BY:
 THE BRAY FIRM
 2950 STAGE PLAZA N.
 BARTLETT, TN 38134
 (901) 383-8668

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F DATED SEPTEMBER 28, 2007. BFE: 234



**O CORNELL
 APPLICANT: MARCINO PIGRAM
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JUNE 30, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=300'

Marcino Pigram
21 Neely Street
Memphis, TN 38105

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Mateo LLC
1735 SWANSEA CV
CORDOVA TN 38016 3541

Roy F Booth
6719 HOLSTON RD
SARDIS MS 38666 3384

DTS Towing LLC
3930 THOMAS ST
MEMPHIS TN 38127 3732

Ismail A Alomary
3990 THOMAS ST
MEMPHIS TN 38127 3732

Robert E Deibel III
1255 FITE RD
MILLINGTON TN 38053 6963

Shelby County
165 N MAIN ST
MEMPHIS TN 38103 1802

Connon D Wyatt
9330 NEW BETHEL RD
MILLINGTON TN 38053 8829

Memphis Blues
1401 MEMPHIS BLUES AVE N
MEMPHIS TN 38127

Health Educational and Housing Facility
Board of the City of Memphis
35 UNION AVE STE 200
MEMPHIS TN 38103

Vennie B Butler
3899 FELTS STATION RD
MEMPHIS TN 38127 3808

Rise Girl Walk Woman LLC
3737 OUTLAND RD
MEMPHIS TN 38118 6475

Resident
3893 Felts Station PD
MEMPHIS TN 38127

Canzater Williams
3887 FELTS STATION RD
MEMPHIS TN 38127 3808

Gloria Nailor
3881 FELTS STATION RD
MEMPHIS TN 38127 3808

Joyce Eubanks
3869 FELTS STATION RD
MEMPHIS TN 38127 3808

Resident
3875 FELTS STATION DR
MEMPHIS TN 38127

Coleman Enterprises and Holding
41 CALLOWAY CV
MEDINA TN 38355 8928

DKW Professional Removal Services
2262 SANTA FE AVE
TORRANCE CA 90501 4314

Joe Hamilton
1115 W 57TH ST
LOS ANGELES CA 90037

Ashley Homes LLC
924 DOLAN DR
DRUMMONDS TN 38023 6416

Dion M Banks
1735 SWANSEA CV
CORDOVA TN 38016

0 Cornell
Page 2 of 2

SS North Watkins Frayser LLC
PO BOX 800729
DALLAS TX 75380 0729

Eden Estates
3171 SIGNAL ST
MEMPHIS TN 38127 7273

Swaim and Swaim West LLC
PO BOX 33
MARTIN TN 38237

JPR INC
1208 FOXWOOD DR
MIDLAND MI 48642 7106

Shops at North Watkins LLC
4485 RAINFORD CV
MEMPHIS TN 38128 1919

Darren & Vealer L Cannon
4000 N WATKINS AVE
MEMPHIS TN 38127 4336

Erick Claros & Kriscia L P De Alas
8915 GERMANTOWN RD
OLIVE BRANCH MS 38654 8533

|

|



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

21114498

09/14/2021 - 03:56:30 PM

4 PGS

LINDA 2299638-21114498

VALUE	3080.00
MORTGAGE TAX	0.00
TRANSFER TAX	11.40
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	34.40

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

THREE THOUSAND EIGHTY DOLLARS & NO/100 **\$3,080.00 Dollars,**
does hereby bargain, sell, remise, quit claim and convey unto the said:

MARCINO PIGRAM

the following described real estate located in Shelby County, Tennessee, to-wit:

(SEE ATTACHED EXHIBIT "A")

Being the same property conveyed to Shelby County Government in Tax Sale 1502 on 10/23/2018 which sale was confirmed in Docket # 2017-1

Property Address: 0 CORNELL Parcel # 06906500000060

Conveyance of the above described property is made without warranties of any sort.

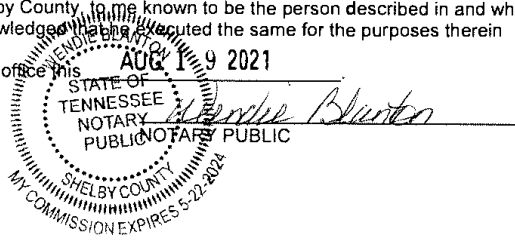
IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this Aug 17, 2021

BY [Signature]
REGINA MORRISON NEWMAN, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Regina Morrison Newman, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this AUG 17 2021



My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 12 day of AUGUST, 2021.

BY [Signature]
LEE HARRIS, SHELBY COUNTY MAYOR

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Lee Harris as Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 12 day of AUGUST, 2021.

[Signature]
NOTARY PUBLIC

My Commission Expires:



APPROVED AS TO FORM:

BY [Signature]
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY

RECORDING DATA ONLY

Return Address:

Office of the Shelby County Trustee
157 Poplar Avenue - Third Floor
Memphis, TN 38103

ATTENTION: LESLIE BLESSIKE

Property Address:

0 CORNELL
0690650000060

Mail Tax Bills To:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

Property Owner:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

I/We hereby swear/affirm that to the best of
affiant's knowledge, information, and belief,
the actual consideration for this transfer
is \$3,080.00

Leslie Blessike

AFFIANT

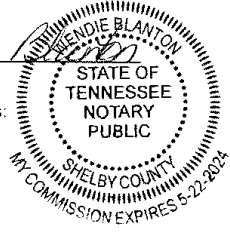
This instrument prepared by:
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY
157 POPLAR AVENUE, 2ND FLOOR
MEMPHIS, TN 38103

Subscribed and sworn to before me

this AUG 19 2021

STATE TAX _____
REGISTER'S FEE _____
RECORDING FEE _____
TOTAL _____

Wendie Blanton

NOTARY
My Commission expires: _____


“Exhibit A”

Part of the R. L. Phelps 27.6 Acre Tract, Unrecorded, in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the southwest line of Cornell Avenue a distance of 635.0 feet southwardly as measured along the southwest line of Cornell Avenue from its tangent intersection with the east line of U.S. Highway 51; thence south 57 degrees 30 minutes east a distance of 90.0 feet, more or less to a point; thence south 45 degrees 3 minutes west a distance of 630.6 feet, more or less to a point; thence south 86 degrees 30 minutes west a distance of 129.5 feet, more or less to a point; thence north 44 degrees 40 minutes east a distance of 707.4 feet, more or less to the point of beginning.

Being part of the same property as described in Instrument No. M8 7253. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

PARCEL ID: 06906500000060

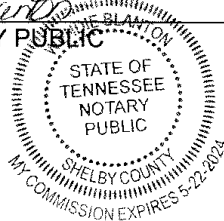
I, Thomas Koelbl, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

Thomas Koelbl
Signature

STATE OF TENNESSEE)
COUNTY OF SHELBY)

On this AUG 05 2021 before me personally appeared Thomas Koelbl, to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.

Wendie Blanton
NOTARY PUBLIC



My Commission Expires: _____



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

21114498

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LINDA 2299638-21114498

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REGISTER'S FEE	1.00
TOTAL AMOUNT	34.40

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

THREE THOUSAND EIGHTY DOLLARS & NO/100 **\$3,080.00 Dollars,**
does hereby bargain, sell, remise, quit claim and convey unto the said:

MARCINO PIGRAM

the following described real estate located in Shelby County, Tennessee, to-wit:

(SEE ATTACHED EXHIBIT "A")

Being the same property conveyed to Shelby County Government in Tax Sale **1502** on **10/23/2018**
which sale was confirmed in Docket # **2017-1**

Property Address: **0 CORNELL** Parcel # **06906500000060**

Conveyance of the above described property is made without warranties of any sort.

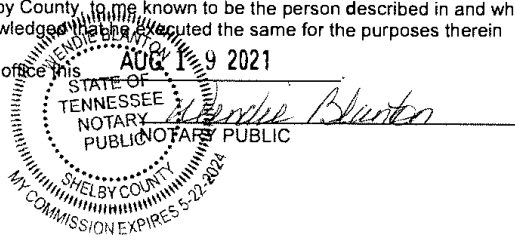
IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this Aug 19, 2021

BY [Signature]
REGINA MORRISON NEWMAN, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Regina Morrison Newman, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this AUG 19 2021



My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 12 day of AUGUST, 2021.

BY [Signature]
LEE HARRIS, SHELBY COUNTY MAYOR

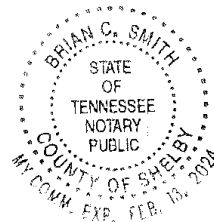
STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Lee Harris as Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 12 day of AUGUST, 2021.

[Signature]
NOTARY PUBLIC

My Commission Expires:



APPROVED AS TO FORM:

BY Thomas Koelbl
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY

RECORDING DATA ONLY

Return Address:

Office of the Shelby County Trustee
157 Poplar Avenue - Third Floor
Memphis, TN 38103

ATTENTION: LESLIE BLESSIKE

Property Address:

0 CORNELL
0690650000060

Mail Tax Bills To:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

Property Owner:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

I/We hereby swear/affirm that to the best of
affiant's knowledge, information, and belief,
the actual consideration for this transfer
is \$3,080.00

Leslie Blessike

AFFIANT

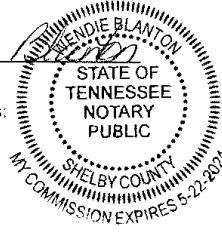
This instrument prepared by:
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY
157 POPLAR AVENUE, 2ND FLOOR
MEMPHIS, TN 38103

Subscribed and sworn to before me

this AUG 19 2021

STATE TAX _____
REGISTER'S FEE _____
RECORDING FEE _____
TOTAL _____

Wendie Blanton

NOTARY
My Commission expires: _____


“Exhibit A”

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Being part of the same property as described in Instrument No. M8 7253. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

PARCEL ID: 06906500000060

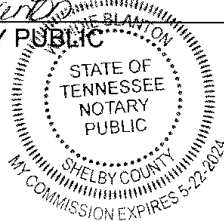
I, Thomas Koelbl, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

Thomas Koelbl
Signature

STATE OF TENNESSEE)
COUNTY OF SHELBY)

On this AUG 05 2021 before me personally appeared Thomas Koelbl, to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.

Wendie Blanton
NOTARY PUBLIC



My Commission Expires: _____

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, November 27, 2023 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-11
- LOCATION:** South side of Cornell St. between Felts Station Rd. and Thomas St.
- COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Marcino Pigram
- REPRESENTATIVE:** The Bray Firm, David Bray
- REQUEST:** Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)
- RECOMMENDATIONS:**

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

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, November 27, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

MARTAVIUS JONES
CHAIRMAN OF COUNCIL


ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:



Legend
polygonLayer
-Override 1
-Override 2
polygonLayer
-Override 1
■ Parcels

 Map prepared through Shelby County Government's online mapping Portal on 10/2/2023

0 0.06 0.12 0.18 0.24 mi

N

CLAROS ERICK & KRISCIA PARADA
4182 BRIGHTON DR #
HORN LAKE MS 38637

ASHLEY HOMES LLC
924 DOLAN DR #
DRUMMONDS TN 38023

SHELBY COUNTY TAX SALE #83.1 EXH #6841
160 N MAIN ST #
MEMPHIS TN 38103

CLAROS ERICK & KRISCIA L P DE ALAS
8915 GERMANTOWN RD #
OLIVE BRANCH MS 38654

BANKS DION M
1735 SWANSEA CV #
CORDOVA TN 38016

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

BANKS DION M
1735 SWANSEA CV #
CORDOVA TN 38016

HEALTH EDUCATIONAL AND HOUSING FACILITY
35 UNION AVE #
MEMPHIS TN 38103

WASHAM SHIRLEY
6930 HEDGEWOOD LN #
BARTLETT TN 38135

DKW PROFESSIONAL REMOVAL SERVICES
2262 SANTA FE AVE #
TORRANCE CA 90501

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

BOOTH ROY F
6719 HOLSTON RD #
SARDIS MS 38666

DKW PROFESSIONAL REMOVAL SERVICES
2262 SANTA FE AVE #
TORRANCE CA 90501

SHELBY COUNTY TAX SALE 15.02
PO BOX 2751 #
MEMPHIS TN 38101

BOOTH ROY F
6719 HOLSTON RD #
SARDIS MS 38666

MEMPHIS BLUES
1401 MEMPHIS BLUES AVE #
MEMPHIS TN 38127

ALOMARY ISMAIL A A
3990 THOMAS ST #
MEMPHIS TN 38127

DTS TOWING LLC
3930 THOMAS ST #
MEMPHIS TN 38127

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

MATEO LLC
1735 SWANSEA CV #
CORDOVA TN 38016

DEIBEL ROBERT
1255 FITE RD #
MILLINGTON TN 38053

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751 #
MEMPHIS TN 38101

PIGRAM MARCINO
21 NEELY ST #
MEMPHIS TN 38105

SHELBY COUNTY
165 N MAIN ST #
MEMPHIS TN 38103

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751 #
MEMPHIS TN 38101

HAMILTON JOE
1115 W 57TH ST #
LOS ANGELES CA 90037

WYATT CONNON D IRREVOCABLE TRUST
9330 NEW BETHEL RD #
MILLINGTON TN 38053

BUTLER VENNIE B
3899 FELTS STATION RD #
MEMPHIS TN 38127

RISE GIRL WALK WOMAN INC
3737 OUTLAND RD #
MEMPHIS TN 38118

EDEN ESTATES INC
3171 SIGNAL ST #
MEMPHIS TN 38127

WILLIAMS CANZATER
3887 FELTS STATION RD #
MEMPHIS TN 38127

CANNON DARREN & VEALER L
4000 N WATKINS AVE #
MEMPHIS TN 38127

NAILOR GLORIA
3881 FELTS STATION RD #
MEMPHIS TN 38127

SHOPS AT NORTH WATKINS LLC
4485 RAINFORD CV #
MEMPHIS TN 38128

EUBANKS JOYCE
3869 FELTS STATION RD #
MEMPHIS TN 38127

RESTORATION HOUSE
4050 THOMAS ST #
MEMPHIS TN 38127

EUBANKS JOYCE
3869 FELTS STATION RD #
MEMPHIS TN 38127

COLEMAN ENTERPRISES AND HOLDING
41 CALLOWAY CV #
MEDINA TN 38355

JPR INC
1208 FOXWOOD DR #
MIDLAND MI 48642

SWAIM AND SWAIM WEST LLC
PO BOX 33 #
MARTIN TN 38237

EDEN ESTATES INC
3171 SIGNAL ST #
MEMPHIS TN 38127

SS NORTH WATKINS FRAYSER LLC
PO BOX 800729 #
DALLAS TX 75380

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 12/05/2023
DATE
PUBLIC SESSION: 12/05/2023
DATE**

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

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 1106 Colonial Road. By taking the land out of the Residential – 10 (R-10) Use District and including it in the Residential – 8 (R-8) Use District, known as case number Z 23-009

CASE NUMBER: Z 23-009

LOCATION: 1106 Colonial Road

COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Church of Christ at White Stations, Inc.

REPRESENTATIVES: David G. Bray / The Bray Firm

REQUEST: Rezoning of +/-11.604 acres from Residential Single Family – 10 (R-10) to Residential Single Family – 8 (R-8)

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 – November 7, 2023
Second reading – November 21, 2023
Third reading – December 5, 2023

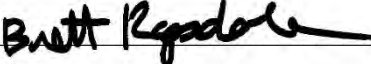
PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
08/10/2023 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS
\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>10/30/2023</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-009

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON **1106 COLONIAL ROAD**. BY TAKING THE LAND OUT OF THE **RESIDENTIAL SINGLE FAMILY – 10 (R-10)** USE DISTRICT AND INCLUDING IT IN THE **RESIDENTIAL SINGLE FAMILY – 8 (R-8)** USE DISTRICT, KNOWN AS CASE NUMBER Z 23-009

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, August 10, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-009

LOCATION: 1106 Colonial Road

COUNCIL DISTRICT(S): District 5 and Super District 9 – Precinct 1311

OWNER/APPLICANT: Church of Christ at White Stations, Inc.

REPRESENTATIVE: David G. Bray / The Bray Firm

REQUEST: Rezoning of +/-11.604 acres from Residential Single Family – 10 (R-10) to Residential Single Family – 8 (R-8)

The following spoke in support of the application:

David Bray, Pastor Bob Turner, Virginia Roberts and Kendrick Simpson

The following spoke in opposition of the application:

Barbara Orr

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

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

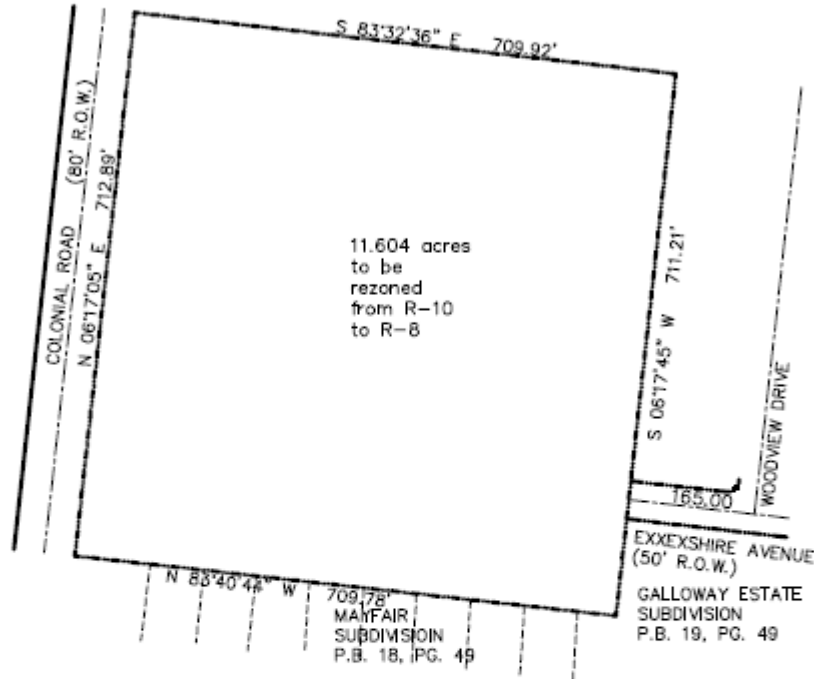
Respectfully,



Brett Ragsdale
Zoning Administrator
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



**PLOT PLAN FOR 1.93 ACRES TO
BE REZONED FROM R-10 TO R-8**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
MAY 25, 2023

TELEPHONE 901-383-8668
E-MAIL dgbray@comcast.net
SCALE 1"=200'

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 ON 1106 COLONIAL ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE FAMILY – 10 (R-10) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL SINGLE FAMILY – 8 (R-8) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-009

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-009**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL – 10 (R-10) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL – 8 (R-8) USE DISTRICT.

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

Beginning at a point in the east line of the said Church of Christ at White Station, Inc. property (Instrument # 08135908), said point also being on the centerline of Essexshire Avenue (50-foot right-of-way) at its western terminus at the said Church of Christ property, said point also being 165.00 feet west of the point of intersection of Essexshire Avenue and Woodview Drive as measured along said Essexshire centerline; thence along the east line of said Church of Christ

property and along the west line of Lot 60, Galloway Estates Subdivision S 6°17'45" W a distance of 152.22 feet to a point, said point being the southeast corner of said Church of Christ property; thence along the south line of said Church of Christ property and the north line of Mayfair Park Subdivision N 83°40'44" W a distance of 709.78 feet to a point in the east line of Colonial Road (80-foot right-of-way); thence along said east line of Colonial N 06°17'05" E a distance of 712.89 feet to a point in the south line of Colonial Woodland Village Subdivision (P.B. 22, Pg. 24); thence along the south line of said Colonial Woodland Village Subdivision S 83°32'36" E a distance of 709.92 feet to a point in the west line of said Galloway Estate Subdivision (P.B. 19, Pages 17 & 49) S 06°17'45" W a distance of 558.99 feet to the Point of Beginning and containing 11.604 acres of land, more or less.

SECTION 2:

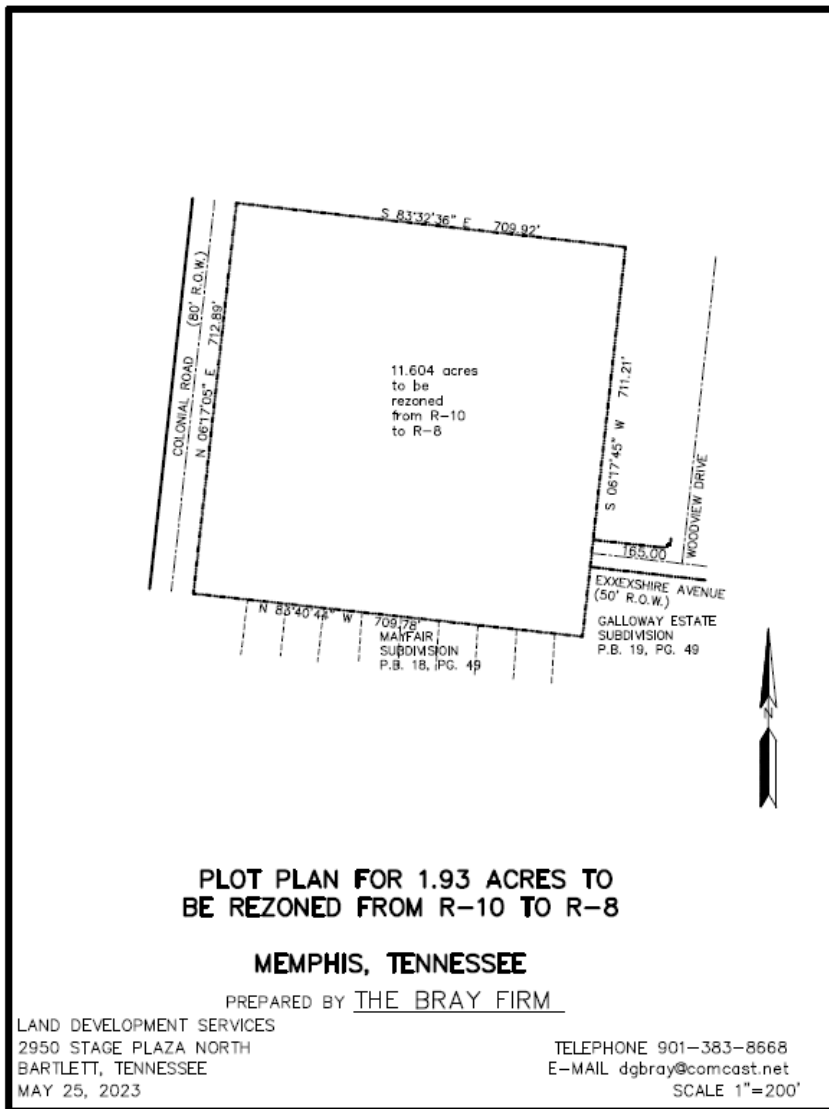
THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the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

SECTION 3:

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

ATTEST:

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



AGENDA ITEM: 8

CASE NUMBER: Z 2023-009 **L.U.C.B. MEETING:** August 10, 2023

LOCATION: 1106 Colonial Rd.

COUNCIL DISTRICT: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Church of Christ at White Station, Inc.

REPRESENTATIVE: David G. Bray, P.E., The Bray Firm

REQUEST: Request to rezone 11.604 acres from Residential – 10 (R-10) to Residential – 8 (R-8) zoning district.

AREA: +/-11.604 acres

EXISTING ZONING: Residential Single-Family – 10 (R-10)

CONCLUSIONS

1. The request to rezone 11.604 acres from Residential – 10 (R-10) to Residential – 8 (R-8) zoning district.
2. The underlying purpose of this request is a reclassification of 1.93 acres at the southeast corner of the subject property from R-10 to R-8 zoning district.
3. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

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 12-14 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Colonial Road +/-716.1 curvilinear feet
Zoning Atlas Page: 2140
Parcel ID: 065029 00039
Existing Zoning: Residential Single-Family – 10 (R-10)
Requested Zoning: Residential Single-Family – 8 (R-8)

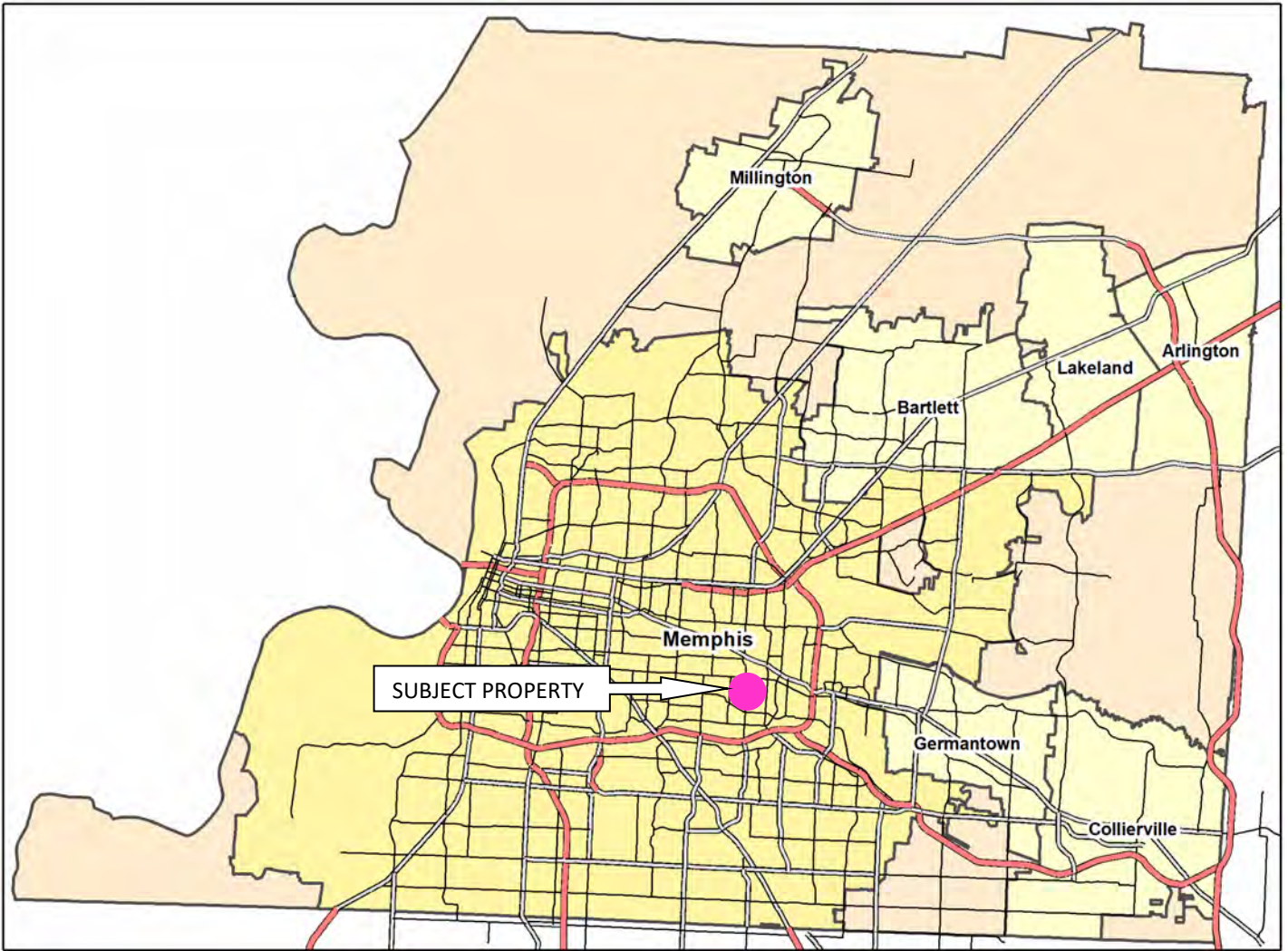
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Monday, June 26, 2023, at White Station Church of Christ, 1106 Colonial Road, Memphis, TN 38117.

PUBLIC NOTICE

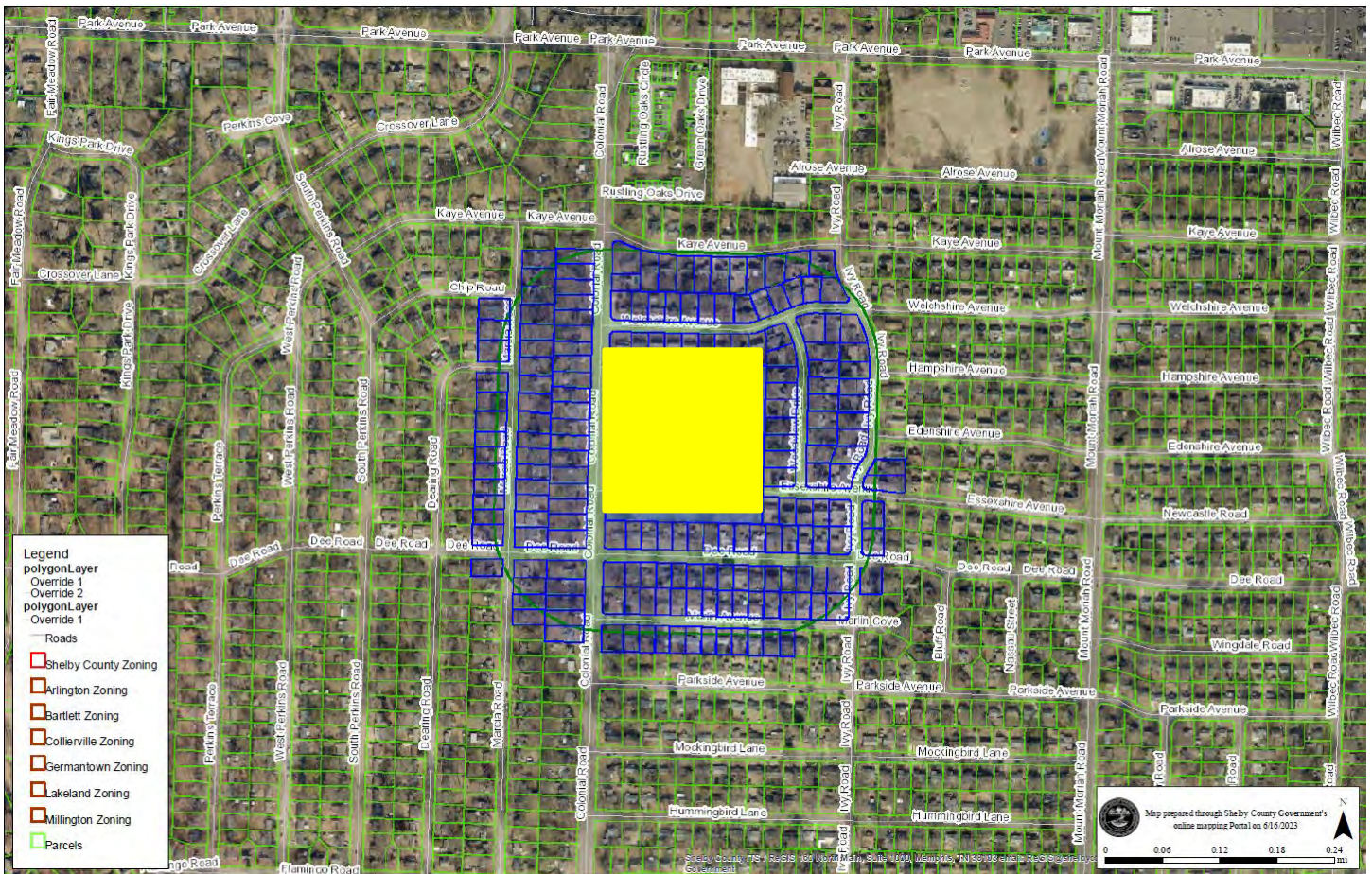
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 150 notices were mailed on July 25, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



Subject property highlighted in yellow



**CITY COUNCIL
MEETING AGENDA
November 7, 2023
3:30 p.m.**

**Council Chambers, Lobby Floor
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017**

*If You Are In Need Of A Special Accommodation While
Attending The Meeting, Please Alert The Council Staff.*

Super District 8-3. Chairman Martavius Jones
Super District 8-1. Vice Chairman JB Smiley, Jr.
District 1. Rhonda Logan
District 2. Frank Colvett, Jr.
District 3. Patrice J. Robinson
District 4. Jana Swearengen-Washington
District 5. Worth Morgan
District 6. Edmund Ford, Sr.
District 7. Michalyn Easter-Thomas
Super District 8-2. Cheyenne Johnson
Super District 9-1. Chase Carlisle
Super District 9-2. J. Ford Canale
Super District 9-3. Dr. Jeff Warren

ORDER OF BUSINESS

I. CALL TO ORDER by the Sergeant-at-Arms

II. INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Chief of Staff of the Memphis City Council.

III. PLEDGE OF ALLEGIANCE

IV. CALL OF ROLL by the Comptroller

V. APPROVAL OF PREVIOUS MEETING MINUTES (October 24, 2023)

VI. ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

VII. ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an Honorary Street Name Change on Marechalneil Street between Park Avenue and Spottswood Avenue for Bishop E. Lynn Brown. District 4, Super District 8. This Resolution is sponsored by Councilwoman Johnson.
2. RESOLUTION declaring November 13th through 19th as National Apprenticeship Week in the City of Memphis. This Resolution is sponsored by Councilman Canale.

PUBLIC HEARING (None)

DIVISION OF PLANNING AND DEVELOPMENT

3. 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 7057 Shelby Drive. This Resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 23-20

Applicant: Focal Point Investment, LLC
Dedrick Brittenum, Brittenum Law (Representative)

Request: Amendment to The Villages of Bennington PD to allow self-service storage

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No opposition at LUCB; No Public Hearing Required

4. 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 5111 Sanderlin Avenue. This Resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 23-21

Applicant: RCM DEVCO LLC/ David Lewis
Josh Whitehead - Burch, Porter & Johnson, PLLC (Representative)

Request: New mixed-use planned development

DPD recommendation: APPROVAL, with conditions

LUCB recommendation: APPROVAL, with conditions, as amended

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving an alley closure west of Bellevue Boulevard between Madison Avenue and Monroe Avenue. This Resolution is sponsored by the

Johnson
Chairman,
Planning
& Zoning
Committee

Division of Planning and Development.

Case No. SAC 23-03

Applicant: Tim McCaskill
Marty Regan (Representative)

Request: Close and vacate the alley west of S. Bellevue Boulevard between Madison Avenue and Monroe Avenue.

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No opposition at LUCB; No Public Hearing Required

6. 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 3337 Overton Crossing St. This Resolution is sponsored by the Division of Planning and Development. (Held from 7/11; 8/8; 8/22; 9/12; 10/24)

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 23-09

Applicant: Cash America Central, Inc.
SR Consulting, LLC (Representative)

Request: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

LUCB recommendation: APPROVAL, with conditions

DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING

7. **ZONING ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, 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 south side of Cornell St. between Felts Station Rd. and Thomas St. by taking the land out of the Residential Urban – 3 (RU-3) Use District and including it in the Heavy Industrial (IH) Use District, up for T H I R D and F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 23-11
Ordinance No. 5886

Applicant: Marcino Pigram
David Bray of the Bray Firm (Representative)

Request: Rezoning of +/- 0.5 acres from Residential Urban – 3
(RU-3) to Heavy Industrial (IH)

DPD recommendation: REJECTION

LUCB recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

8. **ORDINANCE** amending Ordinance 5551 and Ordinance 5734 relative to Smart City Fiber Access Systems, establishing criteria for qualification as Smart City Fiber Access Systems, defining Smart City Fiber Access Systems, and authorizing for qualifying Smart City Fiber Access Systems alternative requirements, terms, conditions, limitations, and provisions for recovery of the City’s cost incurred, for the construction, maintenance, policing, management or repair of the streets, alleys, thoroughfares, and rights-of-way of the city, up for S E C O N D reading. Ordinance No. 5887 is sponsored by the Administration.

Jones
Chairman,
Executive
Session

ACTION REQUESTED: No recommendation

ZONING ORDINANCE - FIRST READING

9. **ZONING ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, 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 1106 Colonial Road by taking the land out of the Residential Single Family – 10 (R-10) Use District and including it in the Residential Single Family – 8 (R-8) Use District, up for F I R S T reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 23-09
Ordinance No. 5889

Applicant: Church of Christ at White Station, Inc.
David G. Bray of the Bray Firm (Representative)

Request: Rezoning of +/-11.604 acres from Residential Single Family – 10 (R-10)
to Residential Single Family – 8 (R-8)

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on First Reading

ZONING ORDINANCE - SECOND READING

10. **ZONING ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, City of Johnson Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis Chairman, and Shelby County Unified Development Code, to delete a section of the South Parkway Planning East Residential Corridor Overlay, up for S E C O N D reading. This Ordinance is sponsored & Zoning by the Division of Planning and Development. Committee

Case No. RC 23-01
Ordinance No. 5888

Applicant: Alhrouh Osama and Jaber Said
David Bray of the Bray Firm (Representative)

Request: Residential corridor overlay deletion at 1560 South Parkway East

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the Ordinance on Second Reading

NOTATION FROM DPD

11. **NOTATION** from the Land Use Control Board that the following case was heard and recommendations made requesting a date of public hearing:

A. **Case No. PD 23-14 – ROCKY POINT ROAD PLANNED DEVELOPMENT**

Located at 8851 Rocky Point Road

Applicant: Patrick Ardis
David Bray of the Bray Firm (Representative)

Request: 128-lot single-family residential planned development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 21, 2023

ENGINEERING DIVISION

12. RESOLUTION accepting public improvements for MURRAY FARMS BUSINESS PARK PHASE I [CR#5422] and releasing bond held as security. (Request for Same Night Minutes)

(Contract No. CR-5422)

Resolution accepts public improvements in the present limits of the City of Memphis, as reflected on the plat and located at the extension of Murray Farms Road, west of Applying City Cove in Memphis, Tennessee. Resolution also accepts the release of the BancorpSouth Letter of Credit No. 316001105610 in the amount of \$208,400.00 as security.

ACTION REQUESTED: Adopt the Resolution

GENERAL ITEMS (None)

FISCAL CONSENT AGENDA

13. RESOLUTION accepting grant funds in the amount of (\$40,000.00) from Tennessee Commission on Aging and Disability. All Council Districts. This Resolution is sponsored by Memphis Parks. **(Request for Same Night Minutes)**

14. RESOLUTION authorizing and providing for the financing of the construction of a Wastewater Facilities project, in the amount of (\$39,636,000.00) including authorizing the execution of applications, contractual agreements, and other necessary documents, and making certain representations, certifications, and pledges of certain revenue in connection with such financing. Project Number SW05001. All Council Districts. This Resolution is sponsored by Public Works Division. **(Request for Same Night Minutes)**

MLGW FISCAL CONSENT

Chair: Patrice Robinson, Vice Chair: Worth Morgan

15. RESOLUTION approving the execution, delivery and performance of an Amendment to the Natural Gas Supply Agreement with the Municipal Gas Authority of Georgia, for the sale and purchase of natural gas, and other documents respecting the natural gas prepayment transaction.
16. RESOLUTION approving Change No. 5 to Contract No. 12013, MLGW Water Engineering & Operations Generator Maintenance and Repair with Cummins, Incorporated (This change is to extend the current contract for one year in the funded amount of \$24,760.00, which reflects a 5% increase from the previous renewal due to increases in material costs.) in the funded amount of \$50,000.00.
17. RESOLUTION approving Change No. 1 to Contract No. 12385 (solicited under Contract No. 12302), Substation Engineering Services (Transmission) with Allen & Hoshall, Incorporated (This change is to renew the current contract for the first of four annual renewal terms for the period covering December 14, 2023 through December 13, 2024) in the funded not-to-exceed amount of \$300,000.00.
18. RESOLUTION approving Change No. 1 to Contract No. 12386 (solicited under Contract No. 12302), Substation Engineering Services (Substation) with Allen & Hoshall, Incorporated (This change is to renew the current contract for the first of four annual renewal terms for the period covering December 5, 2023 through December 4, 2024) in the funded not-to-exceed amount of \$300,000.00.
19. RESOLUTION approving Change No. 1 to Contract No. 12302, Substation Engineering Services (Protection) with Fisher & Arnold, Incorporated (This change is to renew the current contract for the first of four annual renewal terms for the period covering November 21, 2023 through November 20, 2024) in the funded not-to-exceed amount of \$500,000.00.
20. RESOLUTION awarding a purchase order to Automotive Tool Group for connectors in the amount of \$264,220.00
21. RESOLUTION awarding a twenty-four month blanket purchase order to Mueller Company LLC., for fire hydrants in the amount of \$2,055,725.28.

REGULAR AGENDA

APPOINTMENTS (None)

GENERAL ORDINANCES THIRD AND FINAL READING

22. **REFERENDUM ORDINANCE** to amend, pursuant to Article XI, § 9 of the Constitution of the State of Tennessee (Home Rule Amendment), provisions of the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, relative to partisan elections for the Offices of the Mayor and City Council Members and to repeal all provisions of the City’s Charter inconsistent with this Amendment, up for T H I R D and F I N A L reading. Ordinance No. 5883 is sponsored by Chairman Jones.

Easter-Thomas
Chairman,
Personnel & Governmental
Affairs
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

23. **REFERENDUM ORDINANCE** to amend, pursuant to Article XI, § 9 of the Constitution of the State of Tennessee (Home Rule Amendment), provisions of the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, relative to application of City Charter Referendum Ordinance No. 1794 to city municipal elections, up for T H I R D and F I N A L reading. Ordinance No. 5884 is sponsored by Councilmembers Smiley, Johnson, Logan, and Warren.

Easter-Thomas
Chairman,
Personnel & Governmental
Affairs
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to create a Police Advisory and Review Committee, up for T H I R D and F I N A L reading. Ordinance No. 5885 is sponsored by the Administration.

Logan
Chairman,
Public Safety & Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Chapter 41 - Wreckers or Towing Operators of the Code of Ordinances of Memphis, Tennessee, so as to update fees prescribed, up for T H I R D and F I N A L reading. Ordinance No. 5876 is sponsored by Councilman Canale. (Held from 7/11; 7/25; 8/8; 8/22; 9/12; 9/26; 10/10; 10/24)

Logan
Chairman,
Public Safety & Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION TECHNOLOGY (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MLGW DIVISION (None)

MEMPHIS PARKS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

DIVISION OF SOLID WASTE (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

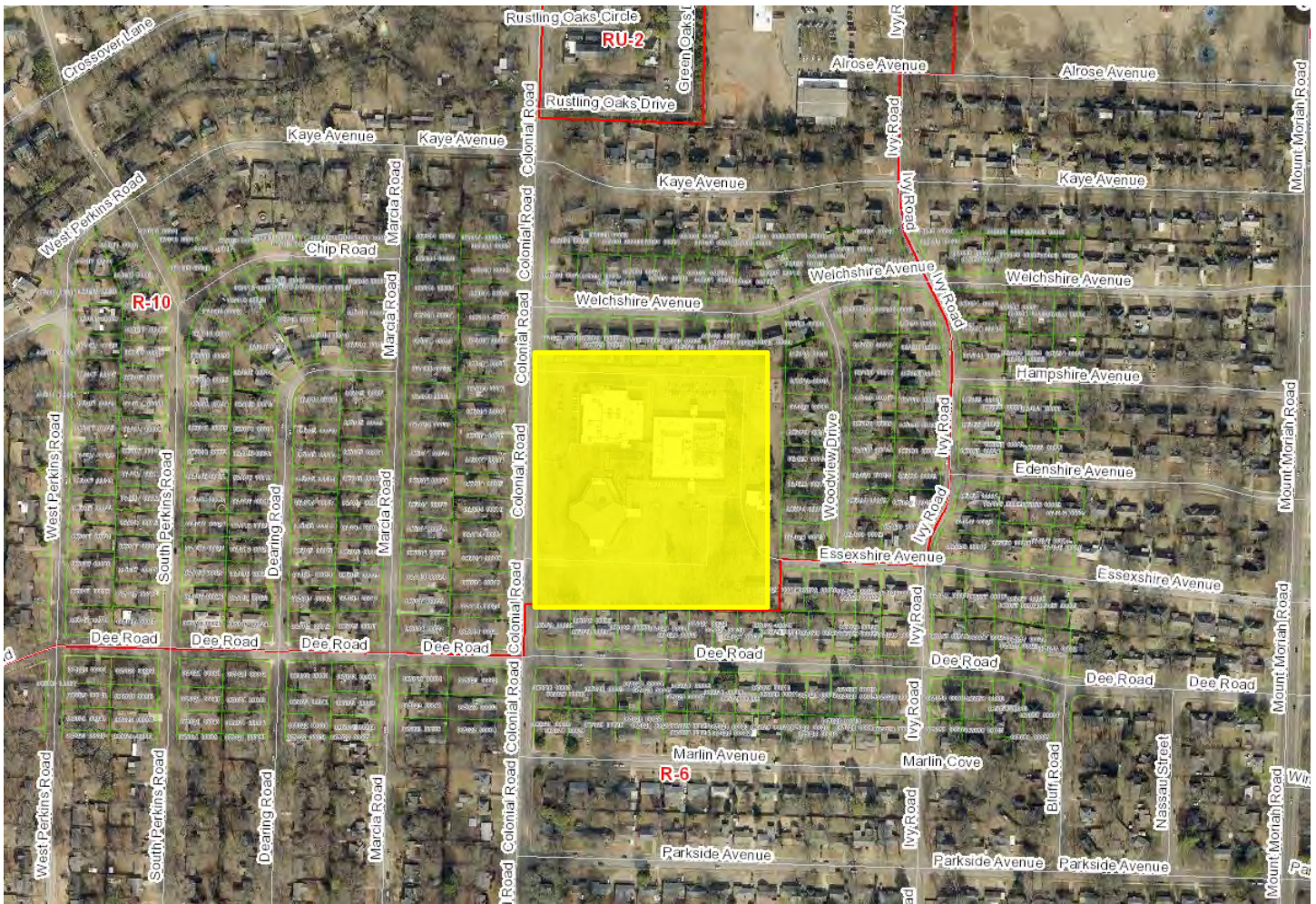
ADJOURNMENT

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Single-Family – 10 (R-10)

Surrounding Zoning

North: RU-2

East: R-10



South: R-6

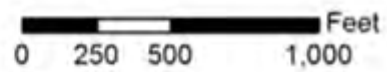
West: R-10

LAND USE MAP



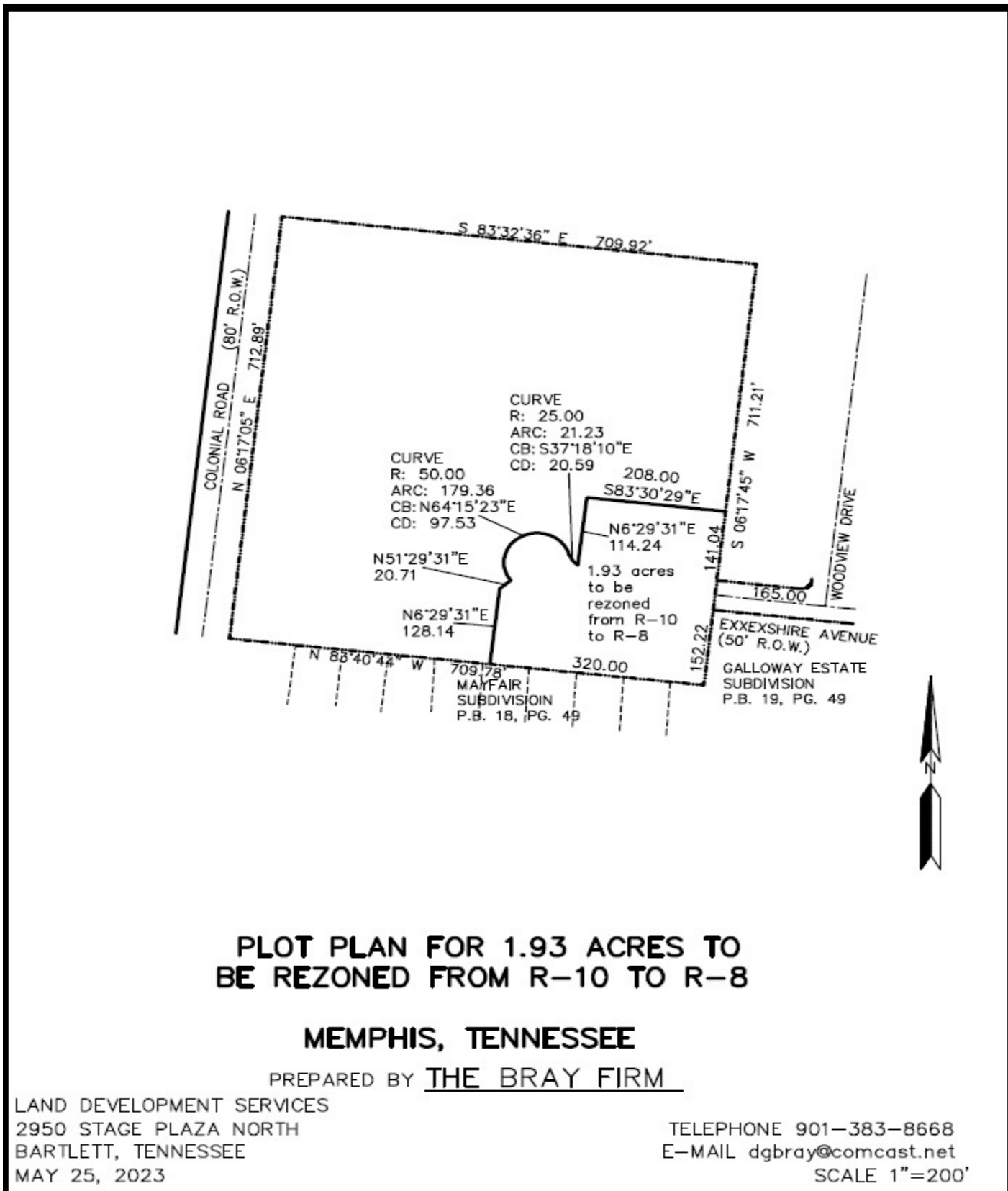
LandUse

- | | |
|--|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property outlined in electric blue and indicated by pink stars

PLOT PLAN



SITE PHOTOS



View of subject property from Colonial Rd looking north



View of subject property from Colonial Rd looking northwest

STAFF ANALYSIS

Request

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

The request to rezone 11.604 acres from Residential – 10 (R-10) to Residential – 8 (R-8) zoning district.

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 Description

The subject property is +/-11.604 acres and located at the southeast corner of the subject property, zoned Residential Single-Family – 10. The site is comprised of one lot and is part of a sister subdivision case #S 2023-027 for a ten-lot major subdivision.

Conclusions

The request to rezone 11.604 acres from Residential – 10 (R-10) to Residential – 8 (R-8) zoning district.

The underlying purpose of this request is a reclassification of 1.93 acres at the southeast corner of the subject property from R-10 to R-8 zoning district.

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

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: NAME: 1106 Colonial Rd.; COLONIAL ACRES

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

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 2023-009: Colonial Acres

Site Address/Location: 1106 Colonial Rd

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone

Future Land Use Designation: Public & Quasi-Public Buildings & Uses (PQP)

Street Type: Avenue

The applicant is requesting to rezone 1.93 acres of an existing parcel to R-8 from R-10. The intent is to create eight (8) new single family lots in the R-8 zoning district.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Civic buildings, schools, religious institutions, community facilities, plazas, and other gathering spaces. Graphic portrayal of PQP is to the right.



“PQP” Form & Location Characteristics

Recreational and Institutional uses. Redevelopment where PQP is applied on the Future Land Use Map should consider initially development consistent with the surrounding land use type.

“PQP” Zoning Notes

Generally compatible with the following zone districts: CIV, CBD (compatible only in the greater downtown area) in accordance with Form and characteristics listed above. Consult zoning map and applicable overlays for current and effective regulations.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Institutional, R-10

Adjacent Land Use and Zoning: Single-Family, R-6

Overall Compatibility: *This requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing land use, however the proposed development is compatible with adjacent land use and existing and adjacent zoning as the proposed use will be residential in a primarily residential neighborhood.*

3. Degree of Change Map



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

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

Consistency Analysis Summary

The applicant is requesting to rezone 1.93 acres of an existing parcel to R-8 from R-10. The intent is to create eight (8) new single family lots in the R-8 zoning district.

This requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing land use, however the proposed development is compatible with adjacent land use and existing and adjacent zoning as the proposed use will be residential in a primarily residential neighborhood.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: June 2, 2023

Record Number: Z 2023-009

Expiration Date:

Record Name: White Station Church of Christ Rezoning application

Description of Work: Request to rezone 1.93 acres from R-10 to R-8

Parent Record Number:

Address:

1106 COLONIAL RD, MEMPHIS 38117

Owner Information

Primary Owner Name

Y CHURCH OF CHRIST AT WHITE STATION INC

Owner Address

1106 COLONIAL RD, MEMPHIS, TN 38117

Owner Phone

Parcel Information

065029 00039

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

03/01/2023

Pre-application Meeting Type

Email

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
Have you held a neighborhood meeting? No
If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
Case Layer -
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 -

Contact Information

Name CHURCH OF CHRIST AT WHITE STATION INC Contact Type APPLICANT
Address
Phone -

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1474393	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	06/02/2023
1474393	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	06/02/2023

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount \$769.50 Method of Payment Credit Card

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

May 31, 2023

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

**RE: White Station Church of Christ Subdivision and Re-Zoning
1106 Colonial Road
Memphis, Tennessee**

Mr. Ragsdale;

Please find attached the above referenced applications for the White Station Church of Christ property identified as 1106 Colonial Road. A rezoning application is to rezone the 1.9 acres at the southeast corner of the subject property from R-10 to R-8 zoning. The lots immediately south of the parent tract are zoned R-6 along with the lots on the south side of Essexshire. The remaining surrounding properties are zoned R-10. The area of the rezoning application will be phase two of the proposed plan of subdivision to create eight (8) new single family lots in the R-8 zoning district that will be accessed through an extension of Essexshire west into the parent property. The proposed phase one will consist of Lot 1 which will house the existing church and accessory buildings and parking and a newly created Lot 2 on the southwest corner of the property with frontage on Colonial Road. The parsonage located on a part of Phase 2 will remain until such time that Phase 2 is developed.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Jerry R. Collins, being duly sworn, depose and say that at 9:00 (am) pm on the 29th day of June, 2023, I posted a Public Notice Sign(s) pertaining to Case No. Z 23-09 at 1106 Colonial Rd, Memphis, TN, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Jerry R. Collins
Owner, Applicant or Representative

August 1, 2023
Date

Subscribed and sworn to before me this 1 day of August, 2023.

Daphne A Logan
Notary Public

My commission expires: 11/18/2024



LETTERS RECEIVED

Five letters of support and a nine-page petition of opposition were received at the time of completion of this report and have subsequently been attached.

From: [Don and Vicki](#)
To: [Shelton, Teresa](#)
Subject: Case #5 2023-027
Date: Monday, July 31, 2023 10:25:38 PM

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.


To whom it may concern,

I received a letter regarding the notice of public hearing on case # 2023-027. I am writing in support of Case # S 2023-027. I fully support the changes requested by the applicants.

I attended our Colonial Acres Neighborhood Association meeting last week where a vote was taken on the issue. The vote resulted in a majority of those in attendance voting to support this case also.

Let Mercy Lead,
Vicki Kinder

From: [Mike Cochran](#)
To: [Shelton, Teresa](#)
Subject: White Station Church of Christ
Date: Tuesday, August 01, 2023 6:12:48 PM

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


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

Hi Ms. Shelton,

I'm a neighbor of White Station Church of Christ, living at 4915 Kaye Rd right around the corner. And I wanted to express my great support of their project and application to rezone and sell off a portion of land for development and to open the Isaiah 117 House to support foster children while they wait to be placed in a home. This project would bring a tremendous amount of good to the city and I believe it will do even more for these children during an incredibly difficult time in their lives.

Mike Cochran
mcochran@linux.com

From: [Sydney Schreckenqost](#)
To: [Shelton, Teresa](#)
Subject: White Station Church of Christ youth support project
Date: Tuesday, August 01, 2023 6:40:52 PM

 **The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender sydney@sydneythe.dev**

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.

Hello!


I am writing in support of the youth support project at White Station Church of Christ. I no longer live in Shelby County, but I have a love for the city and its people, and I cannot see a reasonable argument against such a project.

There are those who say, without thought or evidence, that this project will invite the problems of the most vulnerable; to that, I must point out that helping to prevent the problems of the most vulnerable, as this project aims to do, means that they don't become problems for all of us.

The kinds of people who are pushing against these projects form a huge part of why I left Shelby County. I could not stand the selfish, entitled beliefs of those who would wield the power they have to harm others.

Thank you for your time.
SAS

From: [Haile Meregillano](#)
To: [Shelton, Teresa](#)
Subject: White Station Church of Christ - Support
Date: Tuesday, August 01, 2023 7:44:59 PM

 **The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender hhiatt15@gmail.com**

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

Good evening Ms. Shelton.


I am a Memphis resident and recently heard about the Isaiah 117 House project. I would like to send my support. I am a former foster child myself and can't express how much this would have helped me and my siblings. We were foster children in Arkansas many, many moons ago. But I still remember so clearly all the emotions of that time. If I had had something similar to this project, it would have changed everything for me at that time. This is such an important project and deserves a chance to help others.

Please let me know how I can help make sure voices like mine are heard.

Thank you so much.

Haile Meregillano

From: [Brianna](#)
To: [Shelton, Teresa](#)
Subject: Isaiah 117 House Support
Date: Tuesday, August 01, 2023 9:13:19 PM

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

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

Greetings,

I'm not directly a resident of the proposed area, but I live nearby and regularly commute through the area in question. I wanted to voice my support for the youth shelter project. I've seen some very vocal opposition to it, but I feel that doesn't represent the views on it in my circles.

Particularly upsetting to me are the implications that the shelter will bring crime and gangs. I believe this comes from people not looking up the organization and seeing what they do. Even without the "return value" of reduced crime (which it may well bring), a children's shelter is a vital resource and I wholeheartedly support any initiative to provide support to our young Memphians navigating the foster care system.

You can see the negative social media posts forever, but you can't see the positive face-to-face conversations that people have had about it, so I just wanted to make sure my views go on the record too.

Thanks for your time,
Brianna Frye

Petition

We, the undersigned living in Colonial Acres Area, **OPPOSE:**

1. Z 2023-009 rezoning of 11.604 acres at 1106 Colonial Rd. from R-10 to R-8
2. S 2023-027 creation of a 10 lot Major Subdivision at 1106 Colonial Rd.

These 2 proposals submitted by the Church of Christ at White Station, 1106 Colonial Rd., Memphis, TN

Exhibit A Letter Sent to Immediate Homeowners

Exhibit B Proposed Plot

	Printed Name	Signature	Address	Phone #
1	Mark W Parrish		1101 Woodview Dr	901-461-6244
2	Phyllis Teagarden		1114 Colonial	
3	BROB WYATT		1097 COLONIAL	901-482-4911
4	Penwin Hinkle		1147 Maple	469-901-4188
5	Ashley Fisher		4807 Welchshire	901-311-1219
6	Carolyn Walling		1042 Woodview Dr	901-412-7098
7	James Leongro		4973 Welchshire	901-335-0352
8	Benjamin Rhea		4860 Welchshire	901-292-7396
9	MARK HARTHUN		4808 WELCHSHIRE	901-413-9249
10	PAULA WITEK		4777 MARLIN AVE	901-378-4222
11	Cynthia Eschbach		1422 Deering Rd	901-582-4736
12	Anastasia Dylan DiGregorio		4840 Marlin Ave	901-687-1492
13	Mayle Concora		104834 Marlin	619-5162
14	Jordan Teeler		4820 Marlin Ave	901-849-6182
15	Dennis Mayfield		4814 Marlin Ave	901-766-1922
16	DEBBIE EDWARDS		4839 Essexshire Ave	901-281-1208
17	Caroline Kelly		4816 Welchshire Ave	404-229-8216
18	Margie Armour		4784 Welchshire	901-731-3622
19	MARABELLE FATE		1041 COLONIAL	901-685-7322
20	Minor Pipes		1105 Colonial Rd	901-335-3423
21	JAMES HURST		1057 Ivy Rd	901-569-7425
22	Angela Short		4778 Parkside	901-730-2747
23	Brendan Bonner		4815 Dec Run	205-657-7799
24	Aubree Shuffea		4815 Dec Run	662-251-3599
25	Joshua James		4601 Reg Rd	417-621-6263

Petition

We, the undersigned living in Colonial Acres Area, **OPPOSE:**

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2. S 2023-027 creation of a 10 lot Major Subdivision at 1106 Colonial Rd.

These 2 proposals submitted by the Church of Christ at White Station, 1106 Colonial Rd., Memphis, TN

Exhibit A Letter Sent to Immediate Homeowners
Exhibit B Proposed Plot

	Printed Name	Signature	Address	Phone #
1.	Karen Kallaha	<i>[Signature]</i>	4927 Essexshire	901-292-4501
2.	Susan Scott	<i>[Signature]</i>	4928 Essexshire	901-482-6077
3.	Dan El Balle	<i>[Signature]</i>	4904 Essexshire	901-525-6077
4.	Ronda Buck	<i>[Signature]</i>	4912 Essexshire	901-682-6825
5.	Holly Tavern	<i>[Signature]</i>	4930 Essexshire	470-230-2417
6.	Patricia Dwyer	<i>[Signature]</i>	4947 Essexshire	901-233-4697
7.	Paul Barrett	<i>[Signature]</i>	4950 Essexshire	901-351-1338
8.	Don Hugg	<i>[Signature]</i>	4976 Essexshire	901-239-3913
9.	William Jhs	<i>[Signature]</i>	4965 Essexshire	511-6826855
10.	Hannah Magill	<i>[Signature]</i>	4955 Essexshire	865 567 3495
11.	Clark Tillman	<i>[Signature]</i>	4949 Essexshire	901-299-6041
12.	KARE STEVEN	<i>[Signature]</i>	4941 ESSEXSHIRE	901-619-5460
13.	Mary Ann Stevens	<i>[Signature]</i>	4941 Essexshire	901-210-8348
14.	Jon Myrdale	<i>[Signature]</i>	4919 Essexshire	901 233 4199
15.	TONY SCOTT	<i>[Signature]</i>	4928 ESSEXSHIRE	901 494-5644
16.	Steve Turpin	<i>[Signature]</i>	4911 Essexshire	901-502-1243
17.	Leah Phares	<i>[Signature]</i>	4925 Essexshire	761-4025
18.	ERIC HEURY	<i>[Signature]</i>	4885 ESSEXSHIRE	901-505-1559
19.	Amanda Helton-Clark	<i>[Signature]</i>	4855 Essexshire	(901) 833-6109
20.	James L Goodson	<i>[Signature]</i>	4849 Essexshire	901-340-3462
21.	Aileen Daiber	<i>[Signature]</i>	4800 Essexshire	499-857-3824
22.	JESSICA Daiber	<i>[Signature]</i>	4869 Essexshire	214-463-0714
23.	Josua Day	<i>[Signature]</i>	4920 Essexshire Ave	731-275-1622
24.	Josua Day	<i>[Signature]</i>	4970 Essexshire Ave	870-530-5335

PETITION

We, the undersigned living in the Colonial Acres Area, **OPPOSE:**

1.) **Z 2023-009** rezoning of 11.604 acres at 1106 Colonial Rd. from R-10 to R-8

2.) **S 2023-027** creation of a 10 lot Major Subdivision on 11.604 acres at 1106 Colonial Rd.

These 2 proposals submitted by the Church of Christ at White Station, 1106 Colonial Rd, Memphis, TN

	Printed Name	Signature	Address	Phone #
1	Amy Lawrence	Amy Lawrence	4786 Dee Rd.	901.530.8986
2	Sandra McDevitt	Sandra McDevitt	4792 Dee Rd	901-355-3233
3	Vicki Hagedorn	Vicki Hagedorn	4841 Dee Rd	901 356-2184
4	Sara Reed	Sara Reed	4863 Dee Rd	901-691-5808
5	Carol McGarley	Carol McGarley	4827 Dee Rd	901-355-0218
6	Martha Williams	Martha Williams	4870 Dee Rd.	901-761-0168
7	Brittany Henry	Brittany Henry	4885 Essex Lane Ave.	901-258-4097
8	Michael Moore	Michael Moore	4814 Dee Rd	901-590-8116
9	Jeff Owings	Jeff Owings	4828 Dee Rd.	901-626-1337
10	Paul Hall	Paul Hall	4961 Marlin Ave	901 682 6500
11	Doris L. Langston	Doris L. Langston	4888 Dee Rd	901-682-2112
12	Brenda R. Orr	Brenda R. Orr	4805 Dee Rd	681217
13	Art Bitzer	Art Bitzer	4805 Dee Rd	901-378-0152
14	Annabelle Butler	Annabelle Butler	1157 Colonial Rd	661 594 711
15	Jami Selby	Jami Selby	1403 Dearing Rd	901-668-6866
16	Ann Schiller	Ann Schiller	4859 Hummingbird Ln	901-832-9488
17	Lisa Pallante	Lisa Pallante	4911 Dee Rd	901-849-6673
18	Ken Cunningham	Ken Cunningham	4850 Hummingbird Ln	901.518.3647
19	Denise Hitty	Denise Hitty	4993 Ambury Rd	901-251-2395
20	Wes Wright	Wes Wright	4801 Dee Rd	901-734-4333
21	Thomas Madum	Thomas Madum	4820 Dee Rd	901-481-4092
22	Jordan Williams	Jordan Williams	4639 Monaca Rd	901-258-4368
23	Joi Johnson	Joi Johnson	4639 Monaca Rd	901-258-4365
24	GENE TICHENDOR	Gene Tichendor	4950 Dee Rd	901 319 2930
25	Lou BAINE	Mary Lou Baine	1185 Nassau St	901-636-0133
26	Rebecca France	Rebecca France	4905 Dee Rd	901-618-4634
27	Alex Keeler	Alex Keeler	1229 Dearing	731-499-1211
28	Arvon Crowder	Arvon Crowder	4791 Dee Rd	901-569-7859
29	Erich Bitzer	Erich Bitzer	4806 Dee Rd	901 685 1267

Petition

We, the undersigned living in Colonial Acres Area, **OPPOSE**:

1. Z 2023-009 rezoning of 11.604 acres at 1106 Colonial Rd. from R-10 to R-8
2. S 2023-027 creation of a 10 lot Major Subdivision at 1106 Colonial Rd.

These 2 proposals submitted by the Church of Christ at White Station, 1106 Colonial Rd., Memphis, TN

Exhibit A Letter Sent to Immediate Homeowners
 Exhibit B Proposed Plot

	Printed Name	Signature	Address	Phone #
1	Margaret T Williams		4958 Dae	901-239-3149
2	Marcy C. Crews		4867 Kaye	912-441-2414
3	Samuel H. Crews		4867 Kaye	901-560-3983
4	Cordina Moll		4916 Kaye	229 715 4910
5	Alissa Abercrombie		967 Green Oaks	901-340-0243
6	Alissa Abercrombie		4863 Essexshire	901-302-8831
7	Connie Diffe		939 Green Oaks N	901-242-2707
8	Jane T. Smith		4881 Kaye Rd	901-857-5263
9	Tom Fitzhugh		4892 Kaye Rd	731-345-4493
10	Adam Williams		4958 Dae Rd	901-238-9309 238-4309
11	Cathy Dice		4884 Parkside	901-682-6925
12	Lisa Johnson		4982 Edenshire	901-277-5668
13	Jason Ellis		4897 Hampshire	901-849-7908

Petition

We, the undersigned living in Colonial Acres Area, **OPPOSE:**

1. Z 2023-009 rezoning of 11.604 acres at 1106 Colonial Rd. from R-10 to R-8
2. S 2023-027 creation of a 10 lot Major Subdivision at 1106 Colonial Rd.

These 2 proposals submitted by the Church of Christ at White Station, 1106 Colonial Rd., Memphis, TN

Exhibit A Letter Sent to Immediate Homeowners

Exhibit B Proposed Plot

1.
2.

Printed Name	Signature	Address	Phone #
Amanda Young	<i>Amanda Young</i>	4833 Martin	901 484 2671
Elton Young	<i>Elton Young</i>	4855 Martin	901-204-5747

7

AMENDMENT TO PETITION
REGARDING CASE/RECORD NUMBER Z 2023-009 AND
CASE/RECORD NUMBER S 2023-027

This Amendment is to the Petition submitted by neighbors living in the Colonial Acres area who are opposed to the two (2) Case/Record Numbers referenced above that have been submitted by Church of Christ at White Station, Inc./David G. Bray, The Bray Firm.

This Amendment is to correct a typographical error as follows:

- 1) Z 2023-009: The acreage noted on the Petition is hereby revised to be +/- 1.93 acres in place of 11.604 acres (Rezoning from R-10 to R-8)
- 2) S 2023-027: The acreage noted on the Petition is hereby revised to be +/- 1.93 acres in place of 11.604 acres (10 lot Major Subdivision)



Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

RE: S 23-27 and Z 23-09
White Station Church of Christ Subdivision
1106 Colonial Road
Memphis, TN

Dear Sir or Madam:

Applications for a new residential subdivision and rezoning of a portion of the property at the above referenced address has been filed with the Land Use Control Board. The specific request is to allow a 10 lot residential subdivision via an extension of Essexshire into the church property and a rezoning request to rezone the southeast corner of the site from R-10 zoning to R-8 zoning.

This application will be heard by the Memphis and Shelby County Land Use Control Board at 9:00 a.m. on July 13th. You will receive another notice regarding that meeting time and place.

This notice is to invite you to attend a neighborhood meeting to discuss this application prior to the public hearing. Your attendance is not required but if you have questions, comments, or concerns you are welcome to attend. This meeting is intended to provide answers to any question you or your neighbors may have regarding this project.

Time: 6:00 p.m. To 7:00 p.m.
Date: Monday, June 26, 2023
Location: White Station Church of Christ
1106 Colonial Road
Memphis, TN 38117

If you have any questions about the application or the meeting, please feel free to call me at 901.383.8668.

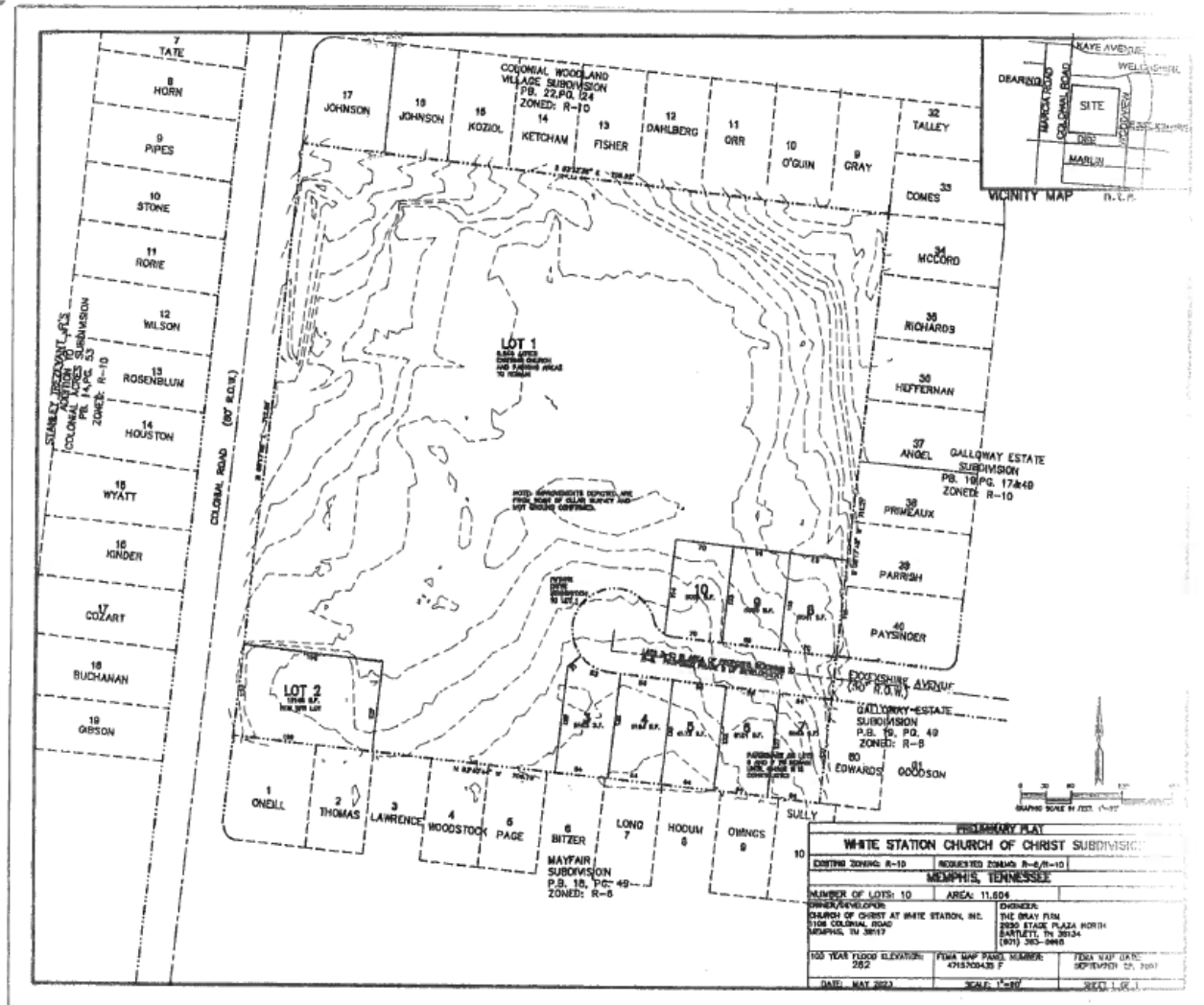
Thanks,

A handwritten signature in black ink, appearing to read "David Gean Bray".

David Gean Bray

Exhibit B

9





Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: June 2, 2023

Record Number: Z 2023-009

Expiration Date:

Record Name: White Station Church of Christ Rezoning application

Description of Work: Request to rezone 1.93 acres from R-10 to R-8

Parent Record Number:

Address:

1106 COLONIAL RD, MEMPHIS 38117

Owner Information

Primary Owner Name

Y CHURCH OF CHRIST AT WHITE STATION INC

Owner Address

1106 COLONIAL RD, MEMPHIS, TN 38117

Owner Phone

Parcel Information

065029 00039

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

03/01/2023

Pre-application Meeting Type

Email

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 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 -

Contact Information

Name CHURCH OF CHRIST AT WHITE STATION INC **Contact Type** APPLICANT
Address

Phone
 -

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1474393	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	06/02/2023
1474393	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	06/02/2023

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

Payment Information

Payment Amount \$769.50 **Method of Payment** Credit Card

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 1106 Colonial Rd, Memphis, TN 38117
and further identified by Assessor's Parcel Number 06502900039
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 1 day of June in the year of 2023

Daphne A Logan
Signature of Notary Public



Nov. 18, 2024
My Commission Expires

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

May 31, 2023

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

**RE: White Station Church of Christ Subdivision and Re-Zoning
1106 Colonial Road
Memphis, Tennessee**

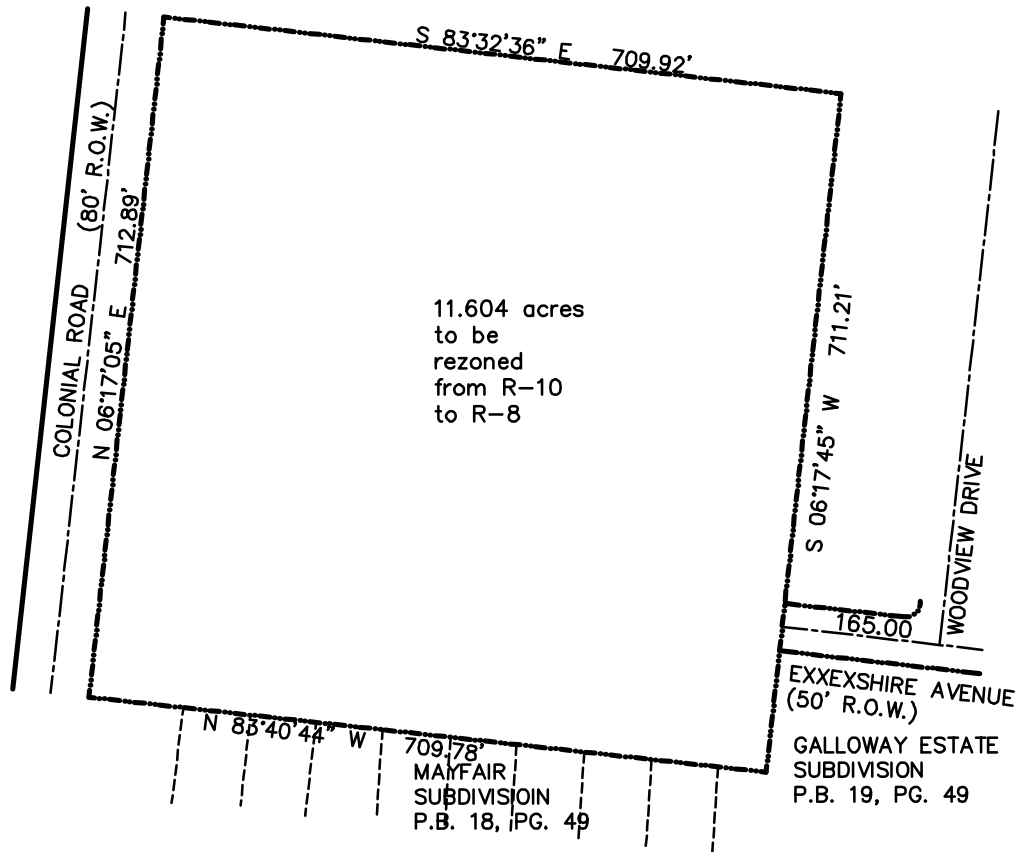
Mr. Ragsdale;

Please find attached the above referenced applications for the White Station Church of Christ property identified as 1106 Colonial Road. A rezoning application is to rezone the 1.9 acres at the southeast corner of the subject property from R-10 to R-8 zoning. The lots immediately south of the parent tract are zoned R-6 along with the lots on the south side of Essexshire. The remaining surrounding properties are zoned R-10. The area of the rezoning application will be phase two of the proposed plan of subdivision to create eight (8) new single family lots in the R-8 zoning district that will be accessed through an extension of Essexshire west into the parent property. The proposed phase one will consist of Lot 1 which will house the existing church and accessory buildings and parking and a newly created Lot 2 on the southwest corner of the property with frontage on Colonial Road. The parsonage located on a part of Phase 2 will remain until such time that Phase 2 is developed.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.



**PLOT PLAN FOR 1.93 ACRES TO
BE REZONED FROM R-10 TO R-8**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
MAY 25, 2023

TELEPHONE 901-383-8668
E-MAIL dgbray@comcast.net
SCALE 1"=200'

Legal Description
of
The Church of Christ at White Station, Inc. Property
as recoded in
Quit claim deed #08135908
in the
Shelby County Registers Office
in
Memphis, Shelby County, Tennessee
and being more particularly described as follows:

Beginning at a point in the east line of the said Church of Christ at White Station, Inc. property (Instrument # 08135908), said point also being on the centerline of Essexshire Avenue (50-foot right-of-way) at its western terminus at the said Church of Christ property, said point also being 165.00 feet west of the point of intersection of Essexshire Avenue and Woodview Drive as measured along said Essexshire centerline; thence along the east line of said Church of Christ property and along the west line of Lot 60, Galloway Estates Subdivision S 6°17'45" W a distance of 152.22 feet to a point, said point being the southeast corner of said Church of Christ property; thence along the south line of said Church of Christ property and the north line of Mayfair Park Subdivision N 83°40'44" W a distance of 709.78 feet to a point in the east line of Colonial Road (80-foot right-of-way); thence along said east line of Colonial N 06°17'05" E a distance of 712.89 feet to a point in the south line of Colonial Woodland Village Subdivision (P.B. 22, Pg. 24); thence along the south line of said Colonial Woodland Village Subdivision S 83°32'36" E a distance of 709.92 feet to a point in the west line of said Galloway Estate Subdivision (P.B. 19, Pages 17 & 49) S 06°17'45" W a distance of 558.99 feet to the Point of Beginning and containing 11.604 acres of land, more or less.



**PRELIMINARY PLAN/REZONING 1106 COLONIAL
 APPLICANT: CHURCH OF CHRIST @ WHITE STATION INC.**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 MAY 25, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=300'

Church of Christ at White Station, Inc.
1106 Colonial Road
Memphis, TN 38117

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Scott M Elsholz & Angela B Oneill
4770 DEE RD
MEMPHIS TN 38117-6230

Resident
4780 Dee RD
Memphis, TN 38117-6230

Thomas Realty LLC
9820 SOUTHERN OAK WAY
OLIVE BRANCH MS 38654 1929

Amy L Lawrence
4786 DEE RD
MEMPHIS TN 38117-6230

Woodstock69 LLC
PO BOX 381501
GERMANTOWN TN 38183-1501

Resident
4792 DEE RD
MEMPHIS TN 38117-6230

Vincent H Page
4800 DEE RD
MEMPHIS TN 38117

Arthur Bitzer & Brenda Bitzer
4805 DEE RD
MEMPHIS TN 38117-6258

Sharon A Long
8530 FARLEY AVE
CORDOVA MS 38016-1462

Resident
4814 DEE RD
Memphis, TN 38117-6320

Thomas S Hodum
4820 DEE RD
MEMPHIS TN 38117

Jeffery L Owings
4828 DEE RD
MEMPHIS TN 38117-6258

Jinger L Sully
4834 DEE RD
MEMPHIS TN 38117

Abigail C Ellis
4840 DEE RD
MEMPHIS TN 38117-6258

Thomas J Botto
4850 DEE RD
MEMPHIS TN 38117-6258

Zachary Kurtzman & Jaemi A Guieb
4856 DEE RD
MEMPHIS TN 38117-6258

Richard M Butterick
4864 DEE RD
MEMPHIS TN 38117 6258

Martha R Williams & Adam R William
4870 DEE RD
MEMPHIS TN 38117-6258

Robert L Scherwin III
4871 DEE RD
MEMPHIS TN 38117-6257

Sara Reed
4863 DEE RD
MEMPHIS TN 38117-6257

Andrea W Solomon
4855 DEE RD
MEMPHIS TN 38117-6257

John M & Shirley Williams
8684 SOUTHWIND DR
MEMPHIS TN 38125 0749

Resident
4849 Dee Rd
Memphis, TN 38117

Vicki L Hardesty
4841 DEE RD
MEMPHIS TN 38117

William E & Jane B Milton
4833 DEE RD
MEMPHIS TN 38117-6257

Carol A & Laura G Mccarley
4827 DEE RD
MEMPHIS TN 38117-6257

Zachary O & Caurie M Carter
4821 DEE RD
MEMPHIS TN 38117 6257

Brandon Bonner & Amber Shoffner
4815 DEE RD
MEMPHIS TN 38117 6257

Arthur Bitzer & Brenda Bitzer
4805 DEE RD
MEMPHIS TN 38117 6257

Daniel W Wright
4801 DEE RD
MEMPHIS TN 38117 6257

Aaron Crowder
4791 DEE RD
MEMPHIS TN 38117 6229

Ruth D Ivy
4785 DEE RD
MEMPHIS TN 38117 6229

Lauren K Gimotty & Samuel H Farmer
4779 DEE RD
MEMPHIS TN 38117 6229

Ryan & Shane Young and Grace
Thibodeaux
4771 DEE RD
MEMPHIS TN 38117 6229

James A & Betty A Blaylock
4770 MARLIN AVE
MEMPHIS TN 38117 6212

Justin M Hall
1609 GRAFTON CV
COLLIERVILLE TN 38017 7313

Resident
4778 MARLIN AVE
MEMPHIS TN 38117

Evan S Schmidt
4784 MARLIN AVE
MEMPHIS TN 38117 6212

Stephen Chism
4202 DUNN RD
MEMPHIS TN 38111 7914

Resident
4792 MARLIN AVE
Memphis, TN 38117

Joseph T & Christine M Mullen
4798 MARLIN AVE
MEMPHIS TN 38117 6212

Garrick Ealy
4806 MARLIN AVE
MEMPHIS TN 38117 6205

Dennis Mayfield
4814 MARLIN AVE
MEMPHIS TN 38117 6205

Jordan R Peeler
4820 MARLIN AVE
MEMPHIS TN 38117 6205

Richard E Livesay
4828 MARLIN AVE
MEMPHIS TN 38117 6205

Patrick A & Gayle S Corcoran
4834 MARLIN AVE
MEMPHIS TN 38117 6205

Anastasio D Digregorio
4840 MARLIN AVE
MEMPHIS TN 38117 6205

Cousar Revocable Living Trust
4850 MARLIN AVE
MEMPHIS TN 38117 6205

990 Faxon
Page 3 of 8

James H & Jensen R Sample
4856 MARLIN AVE
MEMPHIS TN 38117 6205

Bennett S O'Bryan
4862 MARLIN AVE
MEMPHIS TN 38117 6205

Ronald C Watkins
4870 MARLIN AVE
MEMPHIS TN 38117 6205

Ellen F Doyle
4855 MARLIN AVE
MEMPHIS TN 38117 6211

Anna E Studdard
4849 MARLIN AVE
MEMPHIS TN 38117 6211

Joyce A Quintrell
4839 MARLIN AVE
MEMPHIS TN 38117 6211

Amanda J Young
4833 MARLIN AVE
MEMPHIS TN 38117 6211

Anne M Freeland
4827 MARLIN AVE
MEMPHIS TN 38117 6211

Sandra B Moore
4819 MARLIN AVE
MEMPHIS TN 38117 6211

Larry & Sherry Matthews
4815 MARLIN AVE
MEMPHIS TN 38117 6211

Stephen E Mcdaniel
4807 MARLIN AVE
MEMPHIS TN 38117

Gracie M Ausburn
4797 MARLIN AVE
MEMPHIS TN 38117 6211

Michael Letts & Hanan Daoudi
4791 MARLIN AVE
MEMPHIS TN 38117 6211

MJ32 Real Estate Holdings GP
5099 OLD SUMMER RD
MEMPHIS TN 38122 4429

Paula B Witek
4777 MARLIN AVE
MEMPHIS TN 38117 6211

Teresa Bertasi & Diana Marie
1270 CHERRY RD
EADS TN 38028

Resident
4771 Marlin Ave
Memphis TN 38117

Anna R Kaegi & Samuel T Riker JR.
1177 COLONIAL RD
MEMPHIS TN 38117 6145

Fatemeh B Yazdi
8504 MYSEN CV
CORDOVA TN 38018 7391

Resident
1171 Colonial RD
Memphis, TN 38117

Derrick L McClure & Julie C Perkins
1163 COLONIAL RD
MEMPHIS TN 38117 6143

Bailey E Butler
1157 COLONIAL RD
MEMPHIS TN 38117 6143

Gid & Mitzi Johnson
2455 DOGWOOD TRL
GERMANTOWN TN 38139 6434

Resident
1149 Colonial Rd
Memphis, TN 38117

Lawson Investments LLC
275 S WALNUT BEND RD STE 100
CORDOVA TN 38018 7279

Resident
1133 Colonial Rd
Memphis, TN 38117

Jeffery C Gibson
1125 COLONIAL RD
MEMPHIS TN 38117 5539

Brian E & Amy C Buchanan
1119 COLONIAL RD
MEMPHIS TN 38117 5539

Lynn A Cozart
1113 COLONIAL RD
MEMPHIS TN 38117 5539

990 Faxon
Page 4 of 8

Donald M & Vicki L Kinder
1105 COLONIAL RD
MEMPHIS TN 38117 5539

Bradley & Janice R Wyatt
1097 COLONIAL RD
MEMPHIS TN 38117 5539

Jared L & Rachel Houston
9995 BENTWOOD TREE CV
COLLIERVILLE TN 38017 9013

Resident
1091 Colonial Rd
Memphis, TN 38117

Eric F Rosenblum
1083 COLONIAL RD
MEMPHIS TN 38117 5539

Robert & Roxanna Wilson
1077 COLONIAL RD
MEMPHIS TN 38117 5539

Robert L & Melba R Rorie
1069 COLONIAL RD
MEMPHIS TN 38117 5539

Tyler R Stone & Moreau M Delaini
1063 COLONIAL RD
MEMPHIS TN 38117 5539

Sally M Pipes
1055 COLONIAL RD
MEMPHIS TN 38117 5539

Laura B & Bryan S Horn
1049 COLONIAL RD
MEMPHIS TN 38117 5539

Mary H Tate
1041 COLONIAL RD
MEMPHIS TN 38117 5539

BIOS LLC
1689 CEDARCREST CV
GERMANTOWN TN 38138 2703

Resident
1033 Colonial Rd
Memphis, TN 38117

Christy M Lenczowski
6976 WESLEY CT
MEMPHIS TN 38119

Resident
1027 Colonial Rd
Memphis, TN 38117

Timothy P Freese
1021 COLONIAL RD
MEMPHIS TN 38117 5536

Micah J & Rachel Lies
1015 COLONIAL RD
MEMPHIS TN 38117 5536

Colby T Mcbride & Jenna A Montgomery
1007 COLONIAL RD
MEMPHIS TN 38117 5536

Jeffrey M & Leslie S Potter
1008 MARCIA RD
MEMPHIS TN 38117 5512

Judith L Hall
1016 MARCIA RD
MEMPHIS TN 38117 5512

James W & Alison F Hollis
1024 MARCIA RD
MEMPHIS TN 38117 5512

Daniel P Johnson
1032 MARCIA RD
MEMPHIS TN 38117 5512

Jimmy R & Kimberly Adkins
8948 KEIGHLIY CV
CORDOVA TN 38016

Resident
1042 Marcia Rd
Memphis TN 38117

Suzanne Brewer
1050 MARCIA RD
MEMPHIS TN 38117 5512

Matthew R & Natalie E Coss
1058 MARCIA RD
MEMPHIS TN 38117 5516

Joseph C White
1066 MARCIA RD
MEMPHIS TN 38117 5516

Lin and Kang Revocable Living Trust
3476 WINDGARDEN CV
MEMPHIS TN 38125 1732

Resident
1074 Marcia Rd
Memphis, TN 38117

990 Faxon
Page 5 of 8

Nancy Deal
1082 MARCIA RD
MEMPHIS TN 38117

Patricia V Podzorski
1090 MARCIA RD
MEMPHIS TN 38117

Lollipop Holdings LLC
5465 SHADY GROVE RD
MEMPHIS TN 38120 2407

Resident
1096 Marcia Rd
Memphis, TN 38117

David A Moore
1104 MARCIA RD
MEMPHIS TN 38117 5516

Jazmin L Sanchez & Daniel Tapia
1112 MARCIA RD
MEMPHIS TN 38117 5516

Jennifer & Morgan E Richard
201 SW 17TH RD PH 811
MIAMI FL 33129 1365

Philip A & Mary L Lowe
1126 MARCIA RD
MEMPHIS TN 38117 5516

John S Schuerman
1132 MARICA RD
MEMPHIS TN 38117

John E & Catherine C Storms
1148 MARCIA RD
MEMPHIS TN 38117 6150

Ashley E & Nicholas A Brashier
1156 MARCIA RD
MEMPHIS TN 38117 6150

John J & Doris E Noone
1164 MARCIA RD
MEMPHIS TN 38117 6150

Caroline B Reid
1170 MARCIA RD
MEMPHIS TN 38117

Thomas H & Joanna Goebel
1031 MARCIA RD
MEMPHIS TN 38117 5513

Margaret A Fraser
1041 MARCIA RD
MEMPHIS TN 38117 5513

Karen D Jones & Pamela L Drew
1051 MARCIA RD
MEMPHIS TN 38117 5513

Luke Gatling & Ashley Moody
1619 EVELYN AVE
MEMPHIS TN 38114 1610

Micheal G & Kyra K Mansour
1075 MARCIA RD
MEMPHIS TN 38117 5515

Investment Properties Management
Group LLC
1271 BRAYSTORE DR
COLLIERVILLE TN 38017 3923

Resident
1083 MARCIA RD
MEMPHIS TN 38117

Mary K Henderson & Cody O Costa
1089 MARCIA RD
MEMPHIS TN 38117 5515

Stephanie M Vaughn
1097 MARCIA RD
MEMPHIS TN 38117 5515

Fred A Akil
PO BOX 381501
GERMANTOWN TN 38183 1501

Resident
1103 Marcia Rd
Memphis TN 38117

Margaret Drew
1111 MARCIA RD
MEMPHIS TN 38117 5515

David Madison
1117 MARCIA RD
MEMPHIS TN 38117 5515

990 Faxon
Page 6 of 8

Adriana E Loya
1125 MARCIA RD
MEMPHIS TN 38117 5515

Dan & Meghan Lawler
1131 MARCIA RD
MEMPHIS TN 38117 5515

Ashley K Crawford
1149 MARCIA RD
MEMPHIS TN 38117

Jack R Hagan
4775 KAYE RD
MEMPHIS TN 38117 5610

James T & Liesl G Beck
4789 KAYE RD
MEMPHIS TN 38117 5610

Drew L Austell
4797 KAYE RD
MEMPHIS TN 38117 5610

Stephen J & Michael E Manzo and
Roxanne Sanford
3015 WOODLAND PINE DR
LAKELAND TN 38002 3808

Stephen & Margaret A Murphy
4813 KAYE RD
MEMPHIS TN 38117

David K & Renne E Appleman
4821 KAYE RD
MEMPHIS TN 38117 5610

Alicia V Bennett
4829 KAYE RD
MEMPHIS TN 38117 5610

William D & Lottie N Wade
4837 KAYE RD
MEMPHIS TN 38117 5610

Haley N Gilmore
4847 KAYE RD
MEMPHIS TN 38117 5610

Wesley & Melissa Gray
4857 KAYE RD
MEMPHIS TN 38117 5610

Samuel L & Marcy C Crews
4867 KAYE RD
MEMPHIS TN 38117 5610

Thomas & Darla Marchbanks
520 CHERRY RD
MEMPHIS TN 38117 3641

Resident
4868 Welchshire Ave
MEMPHIS TN 38117

Benjamin C Rhea
4860 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Joseph T Couch
4852 WELCHSHIRE AVE
MEMPHIS TN 38117

Victoria L Alexander
4844 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Michael C & Barbara W Jones
4838 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Matthew T Warren & Kimberly M
Kirkland
4834 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Edward O & Shannon N Gavin
4824 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Caroline H Kelly
8112 CAIRN DR
CORDOVA TN 38018 6717

Resident
4816 Welchshire Ave
Memphis TN 38117

Mark T Harthun
4808 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Thomas W Turan JR.
4800 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Gerardo Castaneda & Irma S Banuelos
4792 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Maggie L Armour
4784 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

Melissa & Ling Cardwell
4776 WELCHSHIRE AVE
MEMPHIS TN 38117 5643

990 Faxon
Page 7 of 8

Hugh C & Suzanna P Johnson
4775 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Johnson Properties of Memphis LLC
1910 MADISON AVE #92
MEMPHIS TN 38104 2620

Resident
4783 Welchshire Ave
Memphis TN 38117

Craig & James Koziol
4791 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Mark T Ketcham
4799 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Tammy D Fisher
4807 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Christopher H & Kelly W Dahlberg
4815 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Barbara L Orr
4823 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Sally B O'guin & Jacquelyn B Gardener
& Stephen L Belote
4829 WELCHSHIRE AVE
MEMPHIS TN 38117 5642

Emily A Gray
1467 TUSCANY WAY
GERMANTOWN TN 38138 1823

Timothy & Hillary Talley
1045 WOODVIEW DR
MEMPHIS TN 38117 5648

Resident
4837 Welchshire Ave
Memphis TN 38117

Laura C Comes
1055 WOODVIEW DR
MEMPHIS TN 38117 5648

Forrest C & Ann A Mccord
1063 WOODVIEW DR
MEMPHIS TN 38117 5648

Andrew Richards
1071 WOODVIEW DR
MEMPHIS TN 38117 5648

Randy L & Maryelaine C Angel
1087 WOODVIEW DR
MEMPHIS TN 38117 5648

William W Primeaux
P O BOX 771295
MEMPHIS TN 38177 1295

Resident
1093 Woodview Dr.
MEMPHIS TN 38117

Mark W Parrish
1101 WOODVIEW DR
MEMPHIS TN 38117 5648

Deborah Edwards
4839 ESSEXSHIRE AVE
MEMPHIS TN 38117 5626

James C Goodson
4849 ESSEXSHIRE AVE
MEMPHIS TN 38117 5626

Lee H Sim
4855 ESSEXSHIRE AVE
MEMPHIS TN 38117 5626

Alissa G Abercrombie
4863 ESSEXSHIRE AVE
MEMPHIS TN 38117 5626

Phillip J & Nicole S O'Malley
4869 ESSEXSHIRE AVE
MEMPHIS TN 38117 5626

Ann P Cameron
1106 WOODVIEW DR
MEMPHIS TN 38117 5649

James A & Pamela White-Stevens
1096 WOODVIEW DR
MEMPHIS TN 38117

John T & Elizabeth H Kutten
1088 WOODVIEW DR
MEMPHIS TN 38117 5649

Bennan & Lydia Wilbanks
1080 WOODVIEW DR
MEMPHIS TN 38117 5649

Kenneth A & Wanda B Griffin
1072 WOODVIEW DR
MEMPHIS TN 38117 5649

990 Faxon
Page 8 of 8

Dave M & Jennifer R Bernal
1064 WOODVIEW DR
MEMPHIS TN 38117 5649

Susan L Davis
1056 WOODVIEW DR
MEMPHIS TN 38117 5649

Steven D & Danetta M Townsdin
1050 WOODVIEW DR
MEMPHIS TN 38117 5649

Carolyn E Welling
1042 WOODVIEW DR
MEMPHIS TN 38117 5649

Debra P Clayton
4867 WELCHSHIRE AVE
MEMPHIS TN 38117 5644

J D C Properties LLC
55 RALPOP LN E
ROSSVILLE TN 38066 2504

Resident
1041 Ivy Rd
MEMPHIS TN 38117

Hermes & Katrina L Rosa
1049 IVY RD
MEMPHIS TN 38117 5638

James E Hurst
1057 IVY RD
MEMPHIS TN 38117 5638

William Perrine & Megan Palik
1065 IVY RD
MEMPHIS TN 38117 5638

Jungle Tiger Enterprises LLC
441 PARKWAY DR NE
ATLANTA GA 30308 2609

Resident
1073 Ivy Rd
Memphis TN 38117

Osby B & Martha M Riley
1081 IVY RD
MEMPHIS TN 38117 5638

Nash C Lanigan
1089 IVY RD
MEMPHIS TN 38117 5638

Christopher M & Sarah P Williams
1097 IVY RD
MEMPHIS TN 38117 5638

William A Jones IV & Bailey E Petrey
1107 IVY RD
MEMPHIS TN 38117 5638

Nora L West
1098 IVY RD
MEMPHIS TN 38117 5653

Michael Dutoit & Jamie Walker
4890 ESSEXSHIRE AVE
MEMPHIS TN 38117 5629

Eric & Brittany Henry
4885 ESSEXSHIRE AVE
MEMPHIS TN 38117 5628


Langston LLC
4888 DEE RD
MEMPHIS TN 38117 6232

Shirley Lipman
4887 DEE RD
MEMPHIS TN 38117



Tom Leatherwood
Shelby County Register

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

	
08135908	
10/16/2008 - 10:43 AM	
3 PGS : R - QUIT CLAIM	
LAKECIA 604388-8135908	
VALUE	1.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

THIS INSTRUMENT PREPARED BY AND RETURN TO:
H. LEE SHAW, P.C.
6075 POPLAR AVENUE, SUITE 420
MEMPHIS, TN 38119

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that LYLE B. HENDRIX, JAMES W. HUBBARD, JR., C. E. MANNING, AND R. GORDON LAWRENCE II, AS TRUSTEES OF THE CHURCH OF CHRIST OF WHITE STATION (MEMPHIS, TENNESSEE), for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, the receipt of which is hereby acknowledged, does hereby convey and quit claim unto CHURCH OF CHRIST AT WHITE STATION, INC., a Tennessee nonprofit corporation, all their right, title and interest in and to the following described real estate located in Shelby County, Tennessee, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

Being all or part of the same property conveyed to Party of the First Part by Warranty Deed of record in Book 3395, Page 628, in said Register's Office.

IN TESTIMONY WHEREOF, the undersigned have hereunto executed this instrument this 10th day of October, 2008. ^{2 BML}

X Lyle B. Hendrix
Lyle B. Hendrix, Trustee

X James W. Hubbard, Jr.
James W. Hubbard, Jr., Trustee

X C. E. Manning
C. E. Manning, Trustee

X R. Gordon Lawrence II
R. Gordon Lawrence II, Trustee

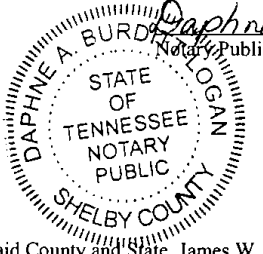
STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public for said County and State, Lyle B. Hendrix, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 10 day of Oct, 2008.

BML 2

My Commission Expires:
MY COMMISSION EXPIRES:
MAY 31, 2010



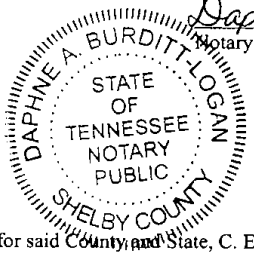
Daphne A. Burditt Logan
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public for said County and State, James W. Hubbard, Jr., the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 2 day of Oct, 2008.

My Commission Expires:
MY COMMISSION EXPIRES:
MAY 31, 2010



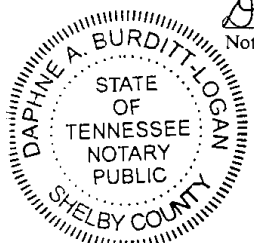
Daphne A. Burditt Logan
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public for said County and State, C. E. Manning, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 2 day of Oct, 2008.

My Commission Expires:
MY COMMISSION EXPIRES:
MAY 31, 2010



Daphne A. Burditt Logan
Notary Public

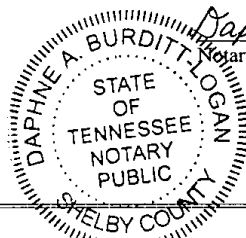
STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public for said County and State, R. Gordon Lawrence II, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 2 day of Oct, 2008.

My Commission Expires:

MY COMMISSION EXPIRES:
MAY 31, 2010



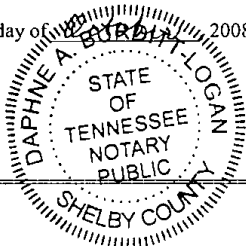
Daphne A Burditt Logan
Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$1.00.

x Belinda M. Lynn
Affiant

Subscribed and sworn to before me this 2 day of Oct, 2008.

MY COMMISSION EXPIRES:
MAY 31, 2010



Daphne A Burditt Logan
Notary Public

Tax Parcel ID No. 065029 00039
Property Known As:
1106 Colonial Road
Memphis, TN 38117
Mail Tax Notices to:
Church of Christ At White Station, Inc.
1106 Colonial Road
Memphis, TN 38117
Name & Address of Property Owner:
Church of Christ At White Station, Inc.
1106 Colonial Road
Memphis, TN 38117

EXHIBIT "A"
TO
QUIT CLAIM DEED
BY AND BETWEEN
LYLE B. HENDRIX, JAMES W. HUBBARD, JR., C. E. MANNING, AND R. GORDON LAWRENCE II,
AS TRUSTEES OF THE CHURCH OF CHRIST OF WHITE STATION (MEMPHIS, TENNESSEE)
AND
CHURCH OF CHRIST AT WHITE STATION, INC.

EXHIBIT A

Legal Description

Description of part of the Board of Trustees of Church of Christ of White Station property recorded in Book 3395, Page 628 in Memphis, Shelby County, Tennessee:

Beginning at a set 1/2" rebar with plastic cap in the east line of Colonial Road (80' R.O.W.), said point being the southwest corner of Jack Erb's, Colonial Woodland Village Subdivision recorded in Plat Book 22, Page 24; thence south 83 degrees 32 minutes 36 seconds east along the south line of said Subdivision recorded in Plat Book 22, Page 24, 709.92 feet to a found iron pin at the southeast corner of said Subdivision recorded in Plat Book 22, Page 24, said point being in the east line of said property recorded in Book 3395, Page 628 and in a west line of Galloway Estate Subdivision recorded in Plat Book 19, Page 49; thence south 06 degrees 17 minutes 45 seconds west along the east line of said property recorded in Book 3395, Page 628, a west line of said Subdivision recorded in Plat Book 19, Page 49 and along the west terminus of Essexshire Avenue (50' R.O.W.), 711.21 feet to a found pinched top pipe at the southeast corner of said property recorded in Book 3395, Page 628, a southwest corner of said Subdivision recorded in Plat Book 19, Page 49 and in the north line of Mayfair Park Subdivision recorded in Plat Book 18, Page 49; thence north 83 degrees 40 minutes 44 seconds west along the south line of said property recorded in Book 3395, Page 628 and the north line of said Subdivision recorded in Book 18, Page 49, 709.78 feet to a set 1/2" rebar with plastic cap in the east line of said Colonial Road; thence north 06 degrees 17 minutes 05 seconds east along the east line of said Colonial Road, 712.89 feet to the POINT OF BEGINNING and containing 505,452 square feet or 11.604 acres of land.

Handwritten initials and notes:
JW
C.E.M.
R.G.L.
INITIALS
(TUES)

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, December 5, 2023, at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-09
- LOCATION:** 1106 Colonial Road
- COUNCIL DISTRICTS:** District 5 and Super District 9 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Church of Christ at White Stations, Inc.
- REPRESENTATIVE:** David G. Bray / The Bray Firm
- REQUEST:** Rezoning of +/-11.604 acres from Residential Single Family – 10 (R-10) to Residential Single Family – 8 (R-8)

RECOMMENDATIONS:

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

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, December 5, 2023, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

THIS THE _____, _____

MARTAVIUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

JOEL PHILHOURS
CITY COMPTROLLER

TO BE PUBLISHED: