

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/21/2023
DATE
PUBLIC SESSION: 11/21/2023
DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving a 128-lot single-family residential planned development at the subject property located at 8851 Rocky Point Road, known as case PD 2023-014.

CASE NUMBER: PD 2023-014

LOCATION: 8851 Rocky Point

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

OWNER/APPLICANT: Patrick Ardis

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: 128-lot single-family residential planned development

AREA: +/- 50.251 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 Required**
Add to consent agenda requesting public hearing – November 7, 2023
Public hearing – November 21, 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


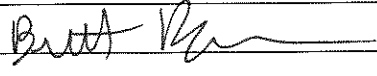
FUNDING:

(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>
	10/31/23	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	10/31/23	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

PD 23-014

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 8815 ROCKY POINT ROAD, KNOWN AS CASE NUMBER PD 23-014

- This item is a resolution with conditions to allow a 128-lot residential single-family planned development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, October 12, 2023** the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 23-14

DEVELOPMENT: Ardis Farm at Rocky Point Planned Development

LOCATION: 8851 Rocky Point Road

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

OWNER/APPLICANT: Patrick Ardis

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: 128-lot residential single-family planned development

EXISTING ZONING: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

AREA: +/- 50.251 acres

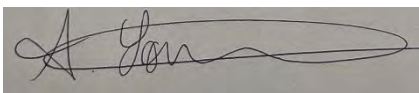
The following spoke in support of the application:

The following spoke in opposition the application: Charlie Winfield and Cathy Winfield,

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 23-14
CONDITIONS**

Outline/General Plan Conditions
OUTLINE PLAN CONDITIONS

I. BULK REGULATIONS:

- a) The bulk regulations of the R-8 zoning district shall apply with the following exceptions:
- b) Minimum lot width of all lots shall be 64 feet.
- c) The front building setback on Rocky Point shall be 60 feet from the right-of-way.
- d) The front building setback on Sanga Road and Rocky Hills Road shall be 30 feet from the right of-way.

II. ACCESS AND CIRCULATION:

- a) All streets in the development unless labelled as a private drive shall be constructed to meet City Standards.
- b) All proposed corner lots with frontage on Rocky Point, Sanga, or Rocky Hills shall have drive connections on the interior street.

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 8851 ROCKY POINT, KNOWN AS CASE NUMBER PD 23-014

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, Patrick Ardis filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 128-lot residential single-family planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 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. BULK REGULATIONS:

- a) The bulk regulations of the R-8 zoning district shall apply with the following exceptions:
- b) Minimum lot width of all lots shall be 64 feet.
- c) The front building setback on Rocky Point shall be 60 feet from the right-of-way.
- d) The front building setback on Sanga Road and Rocky Hills Road shall be 30 feet from the right of-way.

II. ACCESS AND CIRCULATION:

- a) All streets in the development unless labelled as a private drive shall be constructed to meet City Standards.
- b) All proposed corner lots with frontage on Rocky Point, Sanga, or Rocky Hills shall have drive connections on the interior street.

AGENDA ITEM: 4

CASE NUMBER: PD 2023-014 **L.U.C.B. MEETING:** October 12, 2023

DEVELOPMENT: Ardis Farm at Rocky Point Planned Development

LOCATION: 8851 Rocky Point

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

OWNER/APPLICANT: Patrick Ardis

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: 128 lot single-family residential planned development

AREA: +/-50.251 acres

EXISTING ZONING: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is seeking approval of preliminary plat for a 128-lot subdivision the be composed of zoning districts CA, R-15, and R-6.
2. The future land use in this area is as follows: Primarily Single-Unit Neighborhood and Anchor Neighborhood – Primarily Single – Unit.
3. The proposed planned development will be completed in seven phases.
4. There were concerns regarding traffic volumes in the area due to the development in addition to existing traffic generated by local education institutions.
5. Current lots are vacant. Parcels, as designed in the preliminary plat, meet lot regulations for residential development.
6. The submitted site plan was revised by staff to reflect the movement of the Rocky Hills Drive West of its proposed location placing it further from the Sanga Creek Curve.
7. 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 18 – 21 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	North Sanga Road	+/-1,497.5 linear feet
	Rocky Point Road	+/-2,216.50 linear feet
	Rocky Hills Drive	+/-1,046.70 linear feet

Zoning Atlas Page: 2055

Parcel ID: 091021 00004, 5, 6, 7, 8, 12, & Part of 9C

Existing Zoning: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

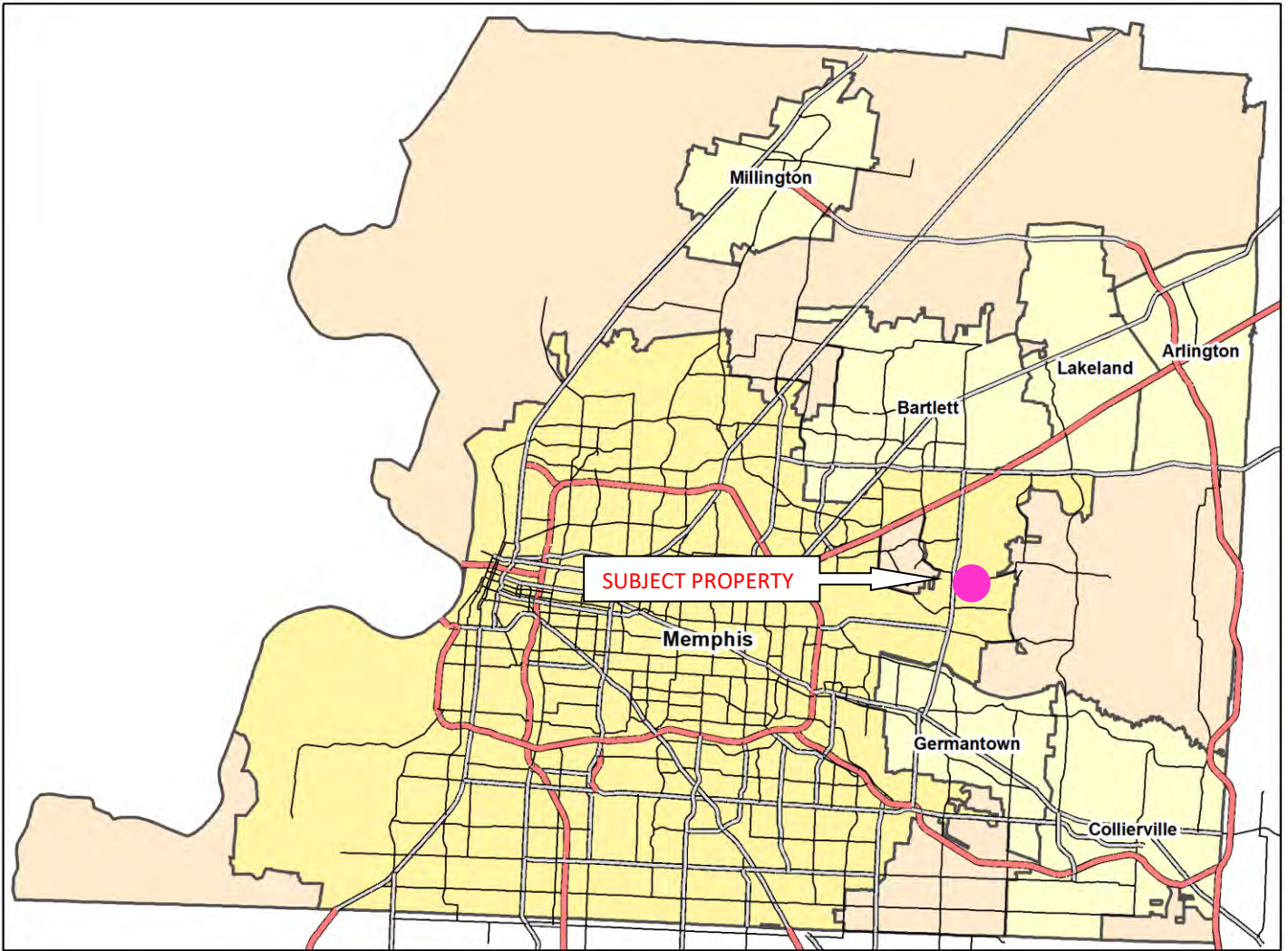
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, July 27, 2023.

PUBLIC NOTICE

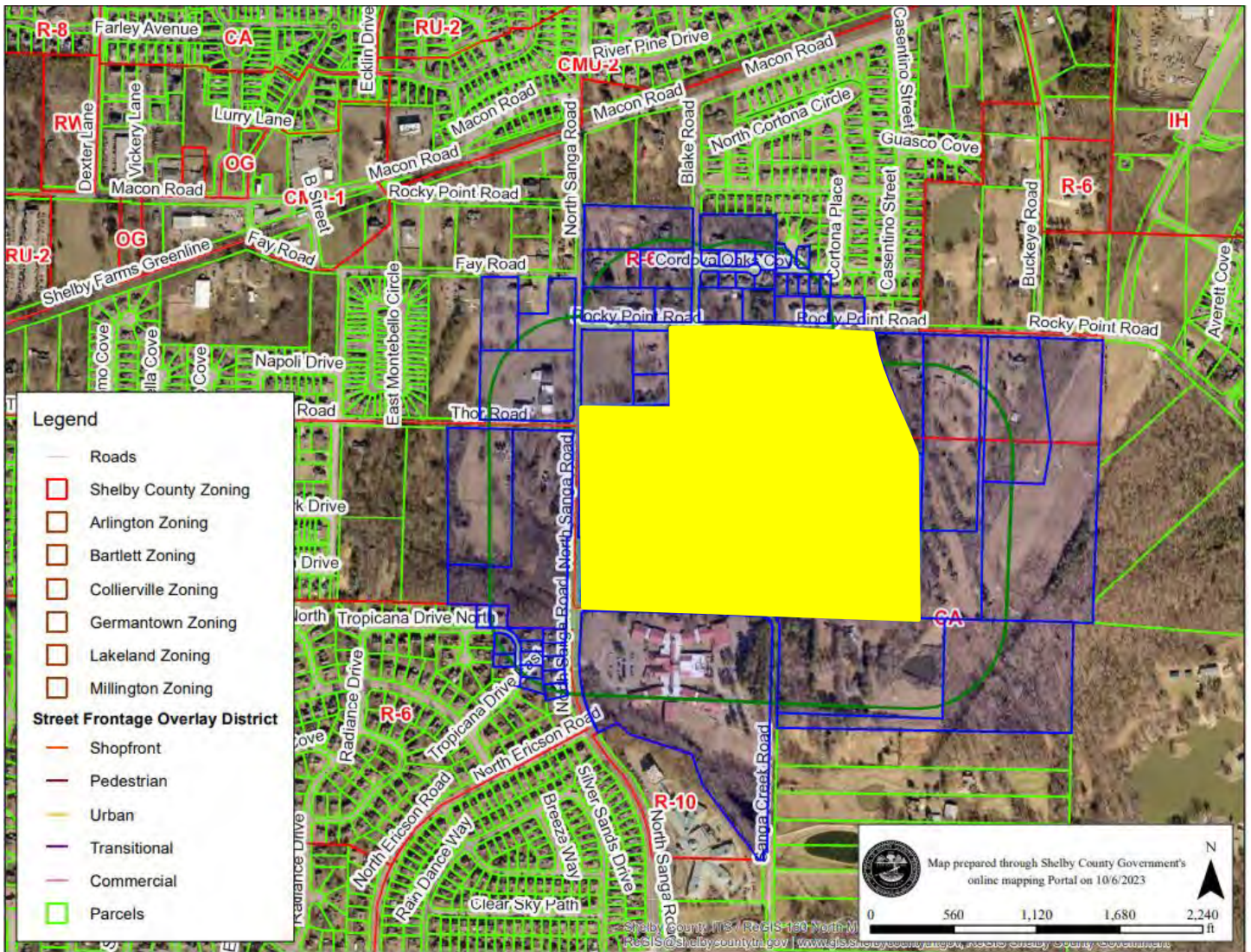
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 68 notices were mailed on July 19, 2023, and a total of 5 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



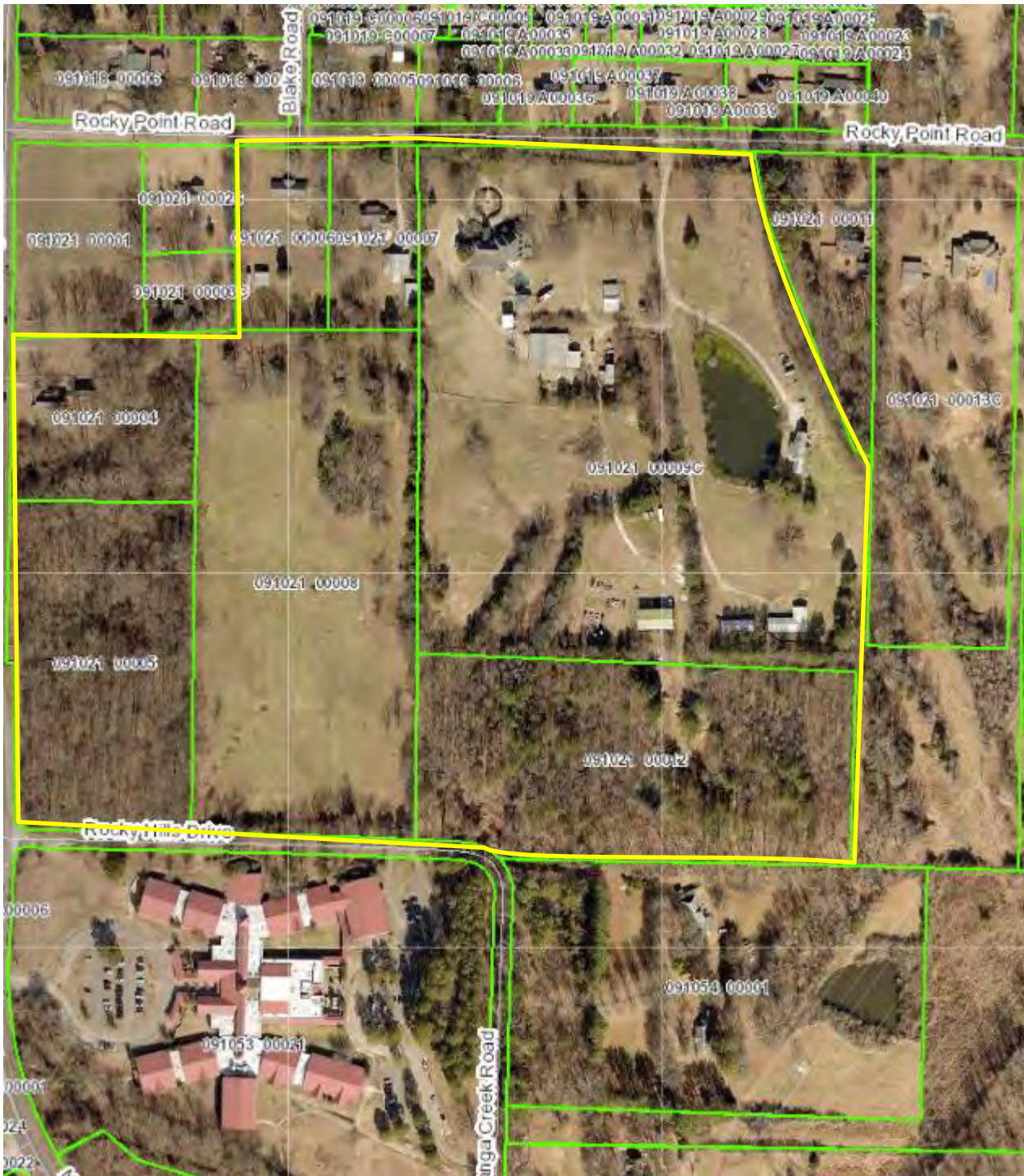
Subject property located within the pink circle, Cordova neighborhood

VICINITY MAP



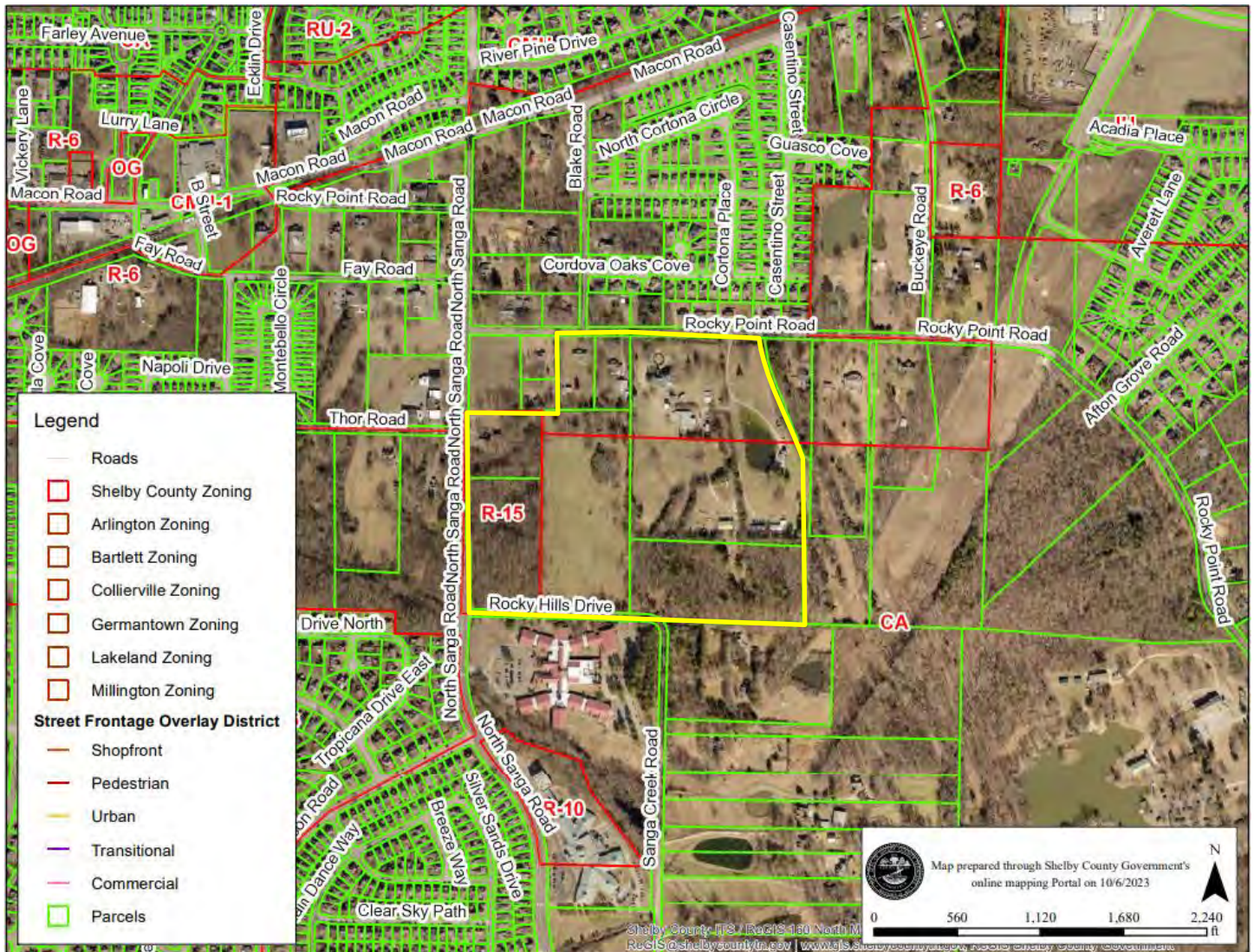
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

Surrounding Zoning

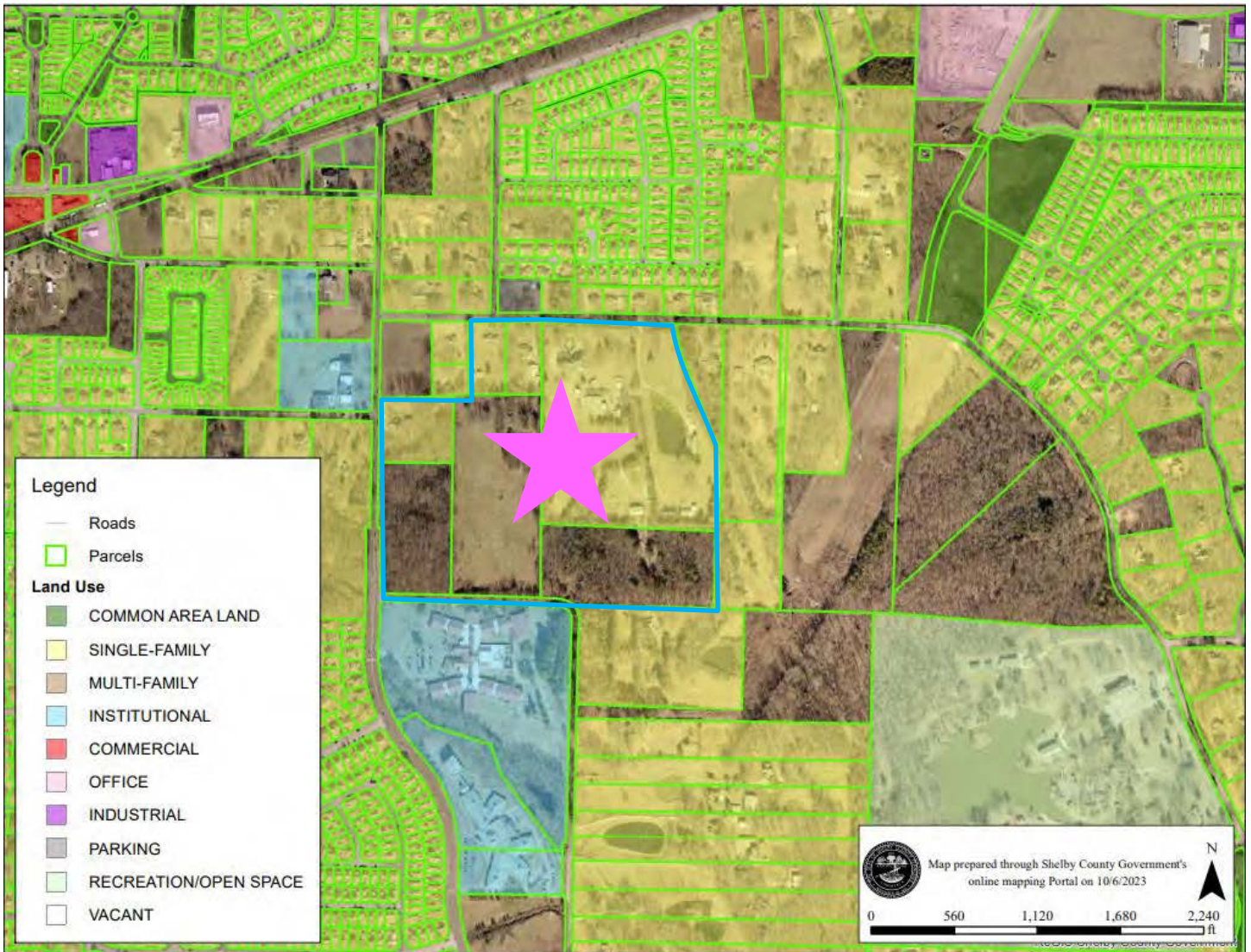
North: R-6

East: CA

South: CA

West: CA

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of existing house to remain from New Sanga Road, Feb. 2023

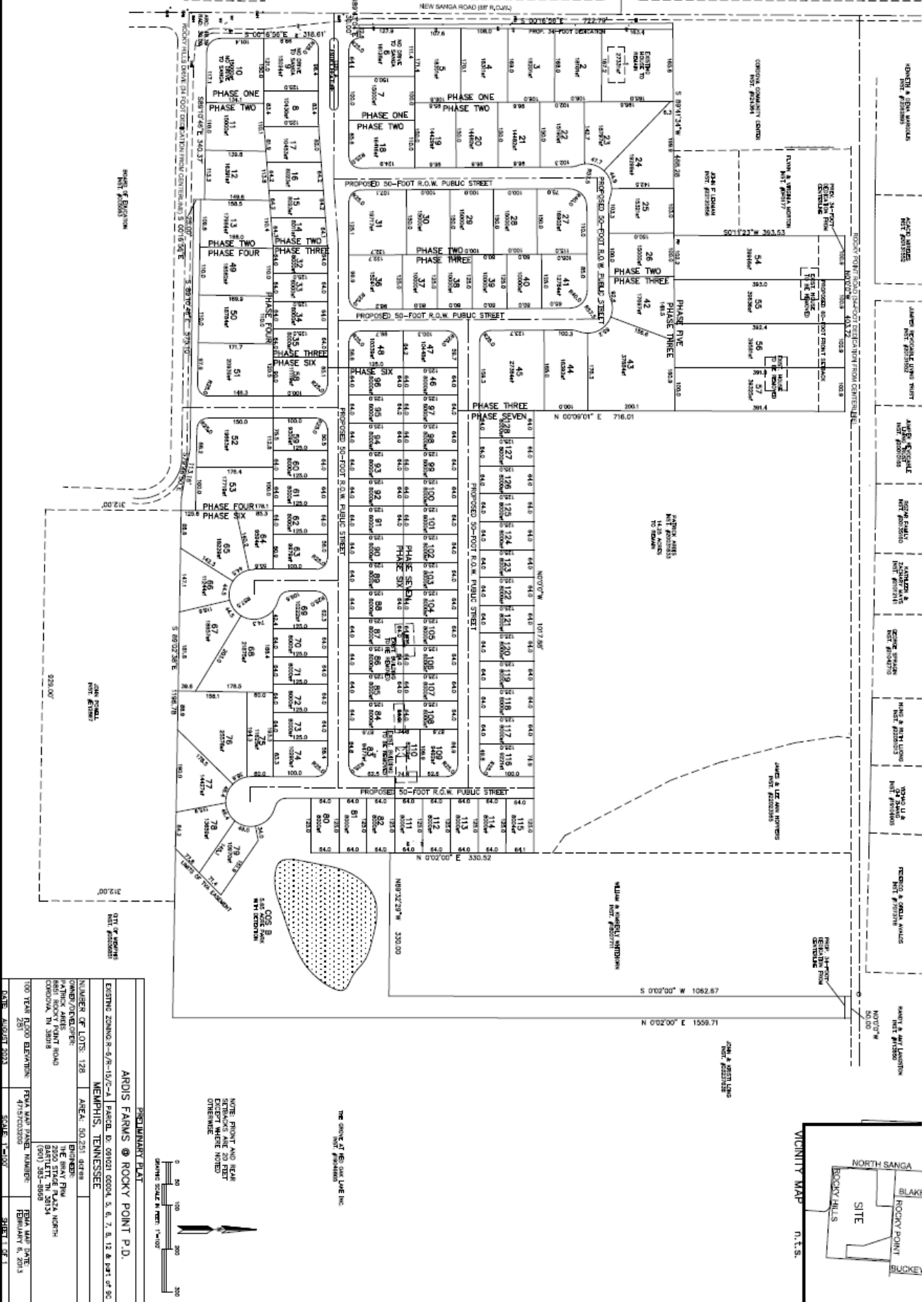


View of the Northwest corner New Sanga Road and Rocky Hills Drive, Feb. 2023



View of subject property looking Northeast from Rocky Hills Drive turning into Sanga Creek Curve

OUTLINE PLAN



STAFF ANALYSIS

Request

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

The request is a planned development to allow 128-lot single-family residential development located on 50.25 acres southeast of Rocky Point Road and Sanga Road.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the 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 wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

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

4.10.4 Planned Residential Developments

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

- A. Formal Open Space*

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

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

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and

lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

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

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/-50.251 acres and will be composed of 128 lots. The proposed development will be composed of three zoning districts (R-6, R-15, C-A) in which residential development is a permitted use. There is an existing residential structure located northwest of New Sanga Road that will remain and be included in Phase one. There are two existing structures along Rocky Point Road located North that will be removed as a part of Phase four.

Site Plan Review

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

Conclusions

1. The applicant is seeking approval of preliminary plat for a 128-lot subdivision the be composed of zoning districts CA, R-15, and R-6.
2. The future land use in this area is as follows: Primarily Single-Unit Neighborhood and Anchor Neighborhood – Primarily Single – Unit.
3. The proposed planned development will be completed in seven phases.
4. There were concerns regarding traffic volumes in the area due to the development in addition to existing traffic generated by local education institutions.
5. Current lots are vacant. Parcels, as designed in the preliminary plat, meet lot regulations for residential development.
6. The submitted site plan was revised by staff to reflect the movement of the Rocky Hills Drive access point west of its proposed location placing it further from the Sanga Creek Curve.
7. 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 with site plan conditions.

Site Plan Conditions

1. Relocating the proposed access on Rocky Hills Drive west of the proposed location placing it further from the Sanga Creek Road Curve, subject based on approval from City Engineering.

Outline Plan Conditions

I. BULK REGULATIONS:

- a) The bulk regulations of the R-8 zoning district shall apply with the following exceptions:
- b) Minimum lot width of all lots shall be 64 feet.
- c) The front building setback on Rocky Point shall be 60 feet from the right-of-way.
- d) The front building setback on Sanga Road and Rocky Hills Road shall be 30 feet from the right of-way.

II. ACCESS AND CIRCULATION:

- a) All streets in the development unless labelled as a private drive shall be constructed to meet City Standards.

- b) All proposed corner lots with frontage on Rocky Point, Sanga, or Rocky Hills shall have drive connections on the interior street.

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.

3. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

4. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

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.

7. Show dedication of a traffic easement.

Traffic Control Provisions:

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

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

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

Curb Cuts/Access:

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

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

13. Will require engineering ASPR.

Drainage:

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

to recording of the final plat.

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

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

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

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

General Notes:

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

20. Development is greater than 1 acre.

21. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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

City/County Fire Division:

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

City Real Estate: No comments received.

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: See pages 18 – 21.

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 PD 23-14

Site Address/Location: Parcels 091021 00009C, 091021 00012, 091021 00008, 091021 00004, 091021 00005, 091021 00006, 091021 00007

Overlay District/Historic District/Flood Zone: N/A

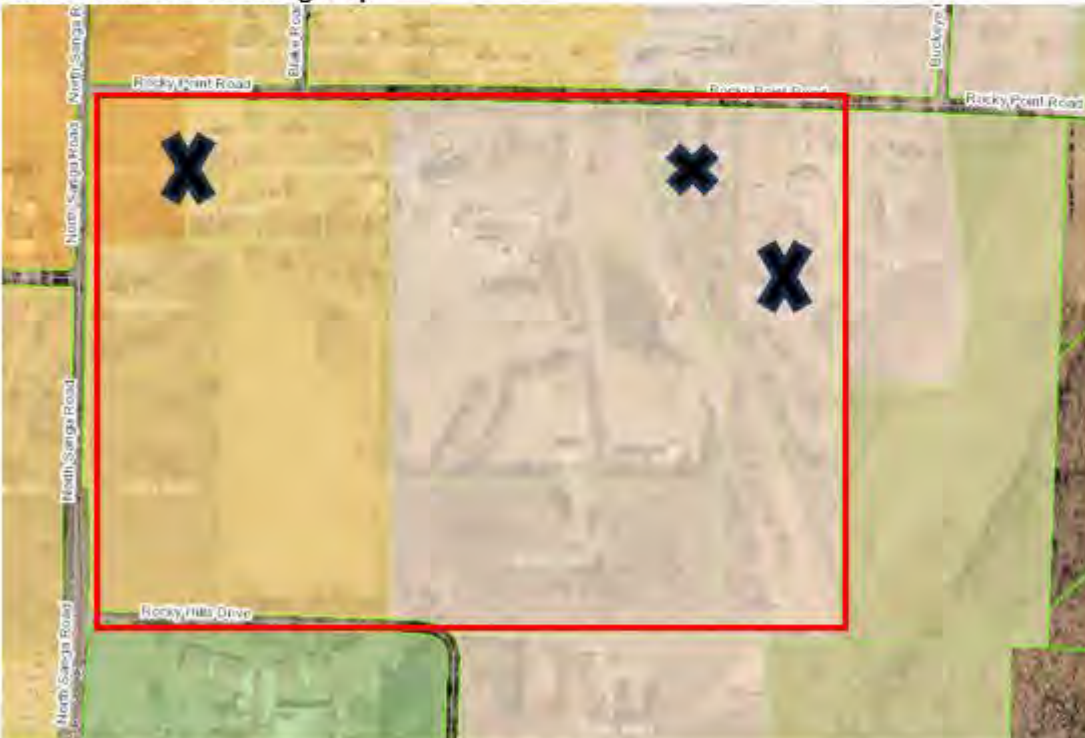
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) & Primarily Single-Unit (NS)

Street Type: Avenue

The applicant is seeking approval to construct a large single-family residential 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. Parcels denoted with a black "X" are not part of the application.

2. Land Use Description/Intent (AN-S) - Applies to Parcels 091021 00008, 091021 00004, 091021 00005, 091021 00006, 091021 00007

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



“AN-S” Form & Location Characteristics

NURTURE

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

“AN-S” Zoning Notes

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

Land Use Description/Intent (NS) – Applies to Parcels 091021 00009C, 091021 00012

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



“NS” Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

“NS” 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: Single-Family, Vacant; R-15, R-6, CA

Adjacent Land Use and Zoning: Single-Family, Vacant; RU-2, 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 as the proposed development are single-family homes.*

3. Degree of Change Map

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: July 5, 2023

Record Number: PD 2023-014

Expiration Date:

Record Name: Ardis Farms @ Rocky Point Planned Development

Description of Work: Single family residential planned development in the C-A, R-15, and R-6 zoning districts. Proposed 128 lots on 50.251 acres.

Parent Record Number:

Address:

8851 ROCKY POINT RD, CORDOVA 38018

Owner Information

Primary Owner Name

Y ARDIS PATRICK M

Owner Address

8851 ROCKY POINT RD, CORDOVA, TN 38018

Owner Phone

Parcel Information

091021 00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

04/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	none
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)	n/a
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	n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The proposed development is consistent with development patterns in the area and the underlying zoning districts.
UDC Sub-Section 9.6.9B	This area is largely developed as single family residential. The proposed development will consist of single family homes with compatible lot sizes and provide an extension of existing street networks.
UDC Sub-Section 9.6.9C	The area is served by City of Memphis sewer. There is adequate capacity in the existing utilities for this proposed development.
UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	No additional standards are applicable for this planning area.
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	The project is compatible with surrounding developments
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	The site will be served by an extension of the City of Memphis sanitary sewer system. Storm drainage including on-site detention will be installed with infrastructure improvements.
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	The expansion of existing street networks will mirror existing street patterns in the area.
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	Not applicable

GENERAL PROVISIONS

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

A homeowners association will be formed to provide for ownership of COS lots.

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

Agreed

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	Contact Type
ARDIS PATRICK M	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1483466	Planned Development - each additional or fractional acres above 5	46	4,600.00	INVOICED	0.00	07/05/2023
1483466	Credit Card Use Fee (.026 x fee)	1	158.60	INVOICED	0.00	07/05/2023
1483466	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/05/2023

Total Fee Invoiced: \$6,258.60 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$6,258.60	Credit Card

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

July 5, 2023

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

**RE: Ardis Farms @ Rocky Point Planned Development
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application for a residential planned development located at Sanga Road and Rocky Point Road. The subject property is a 50.251 acre tract consisting of several different parcels under the same ownership. The owner/proposed developer of the property is a long time resident of the area and is excited to bring a large scale residential development to the area. This is proposed as a multi-phase development that will be developed primarily from west (along Sanga Road) to the east. The existing zoning on the site is a mixture of C-A, R-15, and R-6. The proposed lot sizes vary from 8000 square feet to 0.9 acres in size.

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, Patrick M. Ardis, being duly sworn, depose and say that at 10:30 (am/pm) on the 27th day of July, 2023, I posted 5 Public Notice Sign(s) pertaining to Case No. PD2023-014 at Sanga Road, Rocky Hills, Rocky Point 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 heron and a copy of the sign purchase receipt or rental contract attached hereto.

Patrick M. Ardis
Owner, Applicant or Representative

07/27/2023
Date

Subscribed and sworn to before me this 27th day of July, 2023

Sheila J. Hall
Notary Public

My commission expires: 11-13-23



LETTERS RECEIVED

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

Revised plan for Ardis Farms@ Rocky Point Planned Development

Joan Powell <joanrodgerspowell@gmail.com>

Thu 9/7/2023 4:59 PM

To: Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

Cc: Neighbors Charlie & Cathy Winfield <catwinfield@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.

John & Joan Powell
868 Sanga Creek Road
Cordova TN 38018

Dear Ms. Longstreet,

Thank you for your work and participation in the above mentioned project. As residents of Cordova we are extremely concerned about the safety and well being of our beloved community.

After studying the Revised plan for Ardis Farms we feel the need to express our grave concerns over the changes being proposed.

We do object strongly to the access road and 9 driveways that are proposed to empty out on Rocky Hills Road.

The entrance/exit road to the development is directly across from the bus entrance to the middle school, and is now about 200ft from the 90 degree curve that already proposes problems navigating. Parents line that street morning and afternoon in car pool lines not to mention the school buses trying to navigate the traffic and curve. It is inconceivable that 9 new driveways with a probable minimum of 2-3 cars per household will now be using this road; with two proposed driveways directly in the 90 degree curve.

The access road proposed on Sanga which is about 150 feet from where it connects to Rocky Hills will only add to the bottleneck traffic.

Please consider our objections and know that our concerns are not to prohibit or restrain someones use of their personal property. We are concerned for the safety and well being of our children, our neighbors and our community. It is our desire to see growth, safety and well being for all.

Thank you for your time and consideration,

John and Joan Powell

Sent from my iPhone



THE SHELBY COUNTY BOARD OF EDUCATION
MEMPHIS-SHELBY COUNTY SCHOOLS

160 S. Hollywood Street • Memphis, TN 38112 • www.scsd12.org

September 8, 2023

Alexis Longstreet
Planner I
Land Use Development Services
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Dear Alexis Longstreet,

As a member of the Shelby County Board of Education, representing the Cordova area known as District 5, I am writing to express my concerns regarding the creation of an access road that connects Rocky Hills Drive to the proposed residential development across from Cordova Elementary and Middle Schools.

While I do not oppose the development itself, and welcome anyone moving into Cordova, I am plagued with concerns for student safety and fear that students and families were not considered when choosing to create a development within the immediate vicinity of the two schools. The Rocky Hills Dr. and Sanga Creek intersection is a sharp, blind curve, and school buses cannot always make the corner without crossing the yellow line. We have already, tragically, lost a life because of this problem. Additional traffic would only exacerbate this already dangerous situation. Cordova Middle's bus entrance and exit are only 150 feet from the blind curve, preventing a clear view of oncoming traffic for the school buses transporting our young students. The revised plan adds road access to Ardis Farms, directly across the street from the bus exit, and nine additional driveways onto Rocky Hills Dr., adding more drivers to the area and creating more potential crashes with the school buses.

The planned development would also increase traffic that Rocky Hills Dr. and Sanga Creek could not support. Rocky Hills Dr. is only 1,000 feet long, creating a gridlock that would be worsened by additional traffic from the potential development. Parents of the two schools park their vehicles along Rocky Hills Dr. as they wait to pick up or drop off their children, creating a daily choke point that forces buses and cars to cross the yellow line. A pedestrian option for our students is not feasible, as these streets are not equipped with sidewalks and are lined by deep ditches. Additionally, Rocky Hills Dr. and Sanga Creek are not salted by the city before ice and snowstorms, so they can become impassible, while North Sanga Road is treated with salt.

While I support the general development of Cordova, the safety of students throughout Memphis and Shelby County is tantamount to the welfare and future of our community. I join Shelby County

Memphis Shelby County Schools offers educational and employment opportunities without regard to race, color, religion, sex, creed, age, disability, national origin, or genetic information.



Commissioner Shante K. Avant and Memphis City Councilman Frank Colvett in opposing the creation of an access road that connects the planned development to Rocky Hills Dr. I believe that my objection is reasonable, based on my insight and experience of living in and representing the Cordova area. I am glad to provide any supporting documentation and meet with you to discuss better options for the safety and welfare of Cordova area students and families.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mauricio Calvo".

Mauricio Calvo
Board Member, District V
Shelby County Board of Education

concerns for new proposal - Ardis Farms

DANIEL & LEA FLATT <lalaneblatt@bellsouth.net>

Fri 9/8/2023 10:25 AM

To: Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

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

Lea Ann Flatt
810 Sanga Creek Rd.
Cordova, TN. 38018
901 216 2884
lalaneblatt@bellsouth.net

09-08-2023

Dear Ms. Longstreet,

I recently wrote to you concerning my concerns about the proposed Ardis Farms development. At that time, I shared my concerns for the safety of children attending Cordova Elementary and Middle Schools. I hope you received that letter (e-mail) and the information and opinions shared helped you understand our neighborhood's fear of what the entrance/exits position would cause.

The revised plan was recently shared and, to be honest, appears worse than the first one. The new plan has both entrances/exits connecting to two lane roads, plus driveways for houses facing Rocky Hills connecting to Rocky Hills.

*The one on Rocky Hills is directly across from the side entrance to Cordova Middle School. (When the school was originally built as a KK-8th grade school, this was known as the KK entrance.). The KK entrance has always created a problem as it is extremely close to the sharp blind curve where Rocky Hills joins Sanga Creek Rd. The traffic will be even more congested and safety issues will increase with another street directly across from the KK entrance.

*The other entrance/exit from the development is projected to be on Sanga Road directly north of the Middle School's property. When the school was built, Sanga Road was widened in front with turn lanes to prevent congestion. This new proposed entrance/exit appears where Sanga Road converts back to a two lane road. As residents on this area, we are all concerned with the placements of these two streets.

*To add driveway entrances/exits of multiple houses connect to Rocky Hills seems extremely foolhardy and shows no concern for traffic flow nor safety of students, in my opinion.

Please consider these genuine concerns! Our attorney and neighbors have tried to be understanding and have made multiple suggestions for alternate entrances/exits. I believe those suggestions have already been shared with you. One also joins a two lane street, but that street has no blind curves, nor school traffic for two schools including buses.

I appreciate your time and the opportunity to express my fears and concerns.

Thank you,
Lea Ann Flatt

Ardis Farms Development

Mackenzie Baker <mckenzielynn@gmail.com>

Thu 9/7/2023 6:13 PM

To: Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

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

Mrs. Longstreet,

My name is Mackenzie Baker and I recently moved to Sanga Creek Rd in Cordova. I am a part of a small neighborhood that exists on Sanga Creek/Rocky Hills Dr. I'm writing to let you know that my family strongly opposes the current proposed development of the Ardis Farms subdivision. While we do not oppose the development as a whole, we do oppose any and all entrance/exit points and driveways on Rocky Hills. We, as well as many others, believe that this would be a major cause for public safety issues for a variety of reasons. One being Rocky Hills is a very small service road that runs behind Cordova Middle & Elementary schools. The road is not designed for heavy traffic flow, it's poorly maintained by the city, having no sidewalks and being a full 6 feet narrower than Sanga proper, it also has two blind 90 degree turns on either end where numerous accidents have occurred. The second major reason for concern is the proximity of the proposed drive/driveways to the school access point for parents. It's dangerously close and too great a risk in our opinion- especially when one recognizes that there are numerous other options for the proposed Ardis Farms access point to be moved, i.e. Sanga Rd at Thor and Rocky Point at Buckeye being two good alternative options.

I would appreciate your consideration of our concerns as you move forward in the approval process for Ardis Farms. We appreciate all of your efforts thus far.

Sincerely,

Mackenzie Baker

Hello again, Ms. Longstreet.

Thank you so much for the opportunity to meet with you on Tuesday. We really enjoyed meeting you as well as our conversation. We really appreciated your genuine interest in our neighborhood's opposition to the street access to this proposed development onto Rocky Hills. We do not oppose the development itself; we do oppose even a single access road on Rocky Hills or Sanga Creek, based on our bullet points below. We also discussed viable, alternate access roads that we consider less risky for the school children and most beneficial to our new neighbors and the community. We felt heard and were encouraged.

Here are the bullet points that we discussed and illustrated with pictures. We've added a couple of bullets for completeness:

<https://outlook.office365.com/mail/inbox/1dAAQkADVmjdmN2Q0LVVIMzYINDNIZS04MJLLTg3YmUyODQ2M2FJMAAQAL6ypmJwSFdCh7yhuOTowq...> 2/4

9/6/23, 10:02 AM

Mail - Longstreet, Alexis - Outlook

Risk to the safety of the school children/ pedestrians based on the additional traffic:

- The intersection of Rocky Hill and Sanga Creek is a sharp, blind curve and School Buses can't always make the corner without crossing the yellow line. Additional traffic would only exacerbate this already dangerous situation.
- School buses can't always navigate either school's exits without crossing the yellow line, which is a risk that the additional traffic would elevate.
- The bus entrance/exit for Cordova Middle is only 150 feet from the blind curve which prevents them from seeing upcoming traffic.
- Parents park along Rocky Hills to pick up or drop off their children which creates a choke point that forces buses and cars to cross the yellow line.
- Neither Rocky Hills nor Sanga Creek can support the additional traffic this subdivision would bring. Both Rocky Hills and Sanga Creek are defined as local or limited access roads on the Memphis 3.0 Street Network Map. They have no sidewalks or curbs and contain deep ditches that wouldn't allow school children to traverse safely on foot.
- Rocky Hills is only one thousand feet in length which constrains additional traffic load, without expanding the gridlock that already exists.
- Neither Rocky Hills nor Sanga Creek are salted by the City prior to ice/ snowstorms so they can become impassible, while N. Sanga is treated with salt.

Alternate Access Points that would benefit this development and the Cordova Community:

- Per Memphis 3.0 Street Network Map, N. Sanga Rd is defined as an avenue, and serves as a main connector road between Walnut Grove and Macon Rd. It's also wider than Rocky Hills or Sanga Creek. It meets all the criteria for a large development's road access and would eliminate eight curb cuts onto N. Sanga. If the Board mandates an exception to add an additional lane of traffic along the property bordering N. Sanga, it will provide a much-needed sidewalk and possibly a crosswalk for the safety of the school children who walk home along this road. Per Memphis 3.0, adding a bike lane would add bike connectivity to the Greenline to this neighborhood and the subdivisions south of Rocky Hills.
- Rocky Point also serves as a connector road between N. Sanga and Walnut Grove as well as a connection to Macon Rd through Blake Rd which is across the street from this development. It could also be considered a viable solution for a second access road, if needed.
- Access to one or both streets could be accomplished with minor changes to the plan, and we've provided four access options for consideration.

Important Comments from our neighbors:

"What about the children"? by Leigh Ann Flatt, who taught at Memphis City Schools for 40 years and whose family resides at 810 Sanga Creek.

Regarding the home that sits across Sanga from the end of Thor Rd, another neighbor, McKenzie Baker, said "I have no sentimental attachment to my grandmother's house. I'm fine if it's demolished to provide access to Thor Rd. Her family resides at 744 Sanga Creek.



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: July 5, 2023

Record Number: PD 2023-014

Expiration Date:

Record Name: Ardis Farms @ Rocky Point Planned Development

Description of Work: Single family residential planned development in the C-A, R-15, and R-6 zoning districts. Proposed 128 lots on 50.251 acres.

Parent Record Number:

Address:

8851 ROCKY POINT RD, CORDOVA 38018

Owner Information

Primary Owner Name

Y ARDIS PATRICK M

Owner Address

8851 ROCKY POINT RD, CORDOVA, TN 38018

Owner Phone

Parcel Information

091021 00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

04/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	none
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)	n/a
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	n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The proposed development is consistent with development patterns in the area and the underlying zoning districts.
UDC Sub-Section 9.6.9B	This area is largely developed as single family residential. The proposed development will consist of single family homes with compatible lot sizes and provide an extension of existing street networks.
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UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	No additional standards are applicable for this planning area.
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	The project is compatible with surrounding developments
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	The site will be served by an extension of the City of Memphis sanitary sewer system. Storm drainage including on-site detention will be installed with infrastructure improvements.
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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	Not applicable

GENERAL PROVISIONS

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

A homeowners association will be formed to provide for ownership of COS lots.

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

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	Contact Type
ARDIS PATRICK M	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$6,258.60

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$6,258.60	Credit Card

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

July 5, 2023

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

**RE: Ardis Farms @ Rocky Point Planned Development
Memphis, Tennessee**

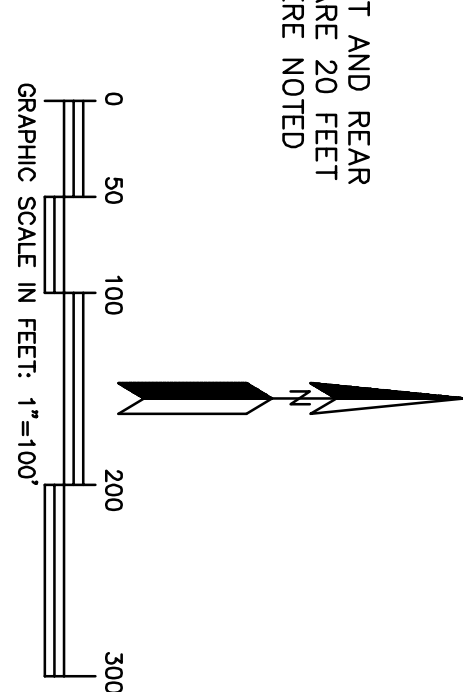
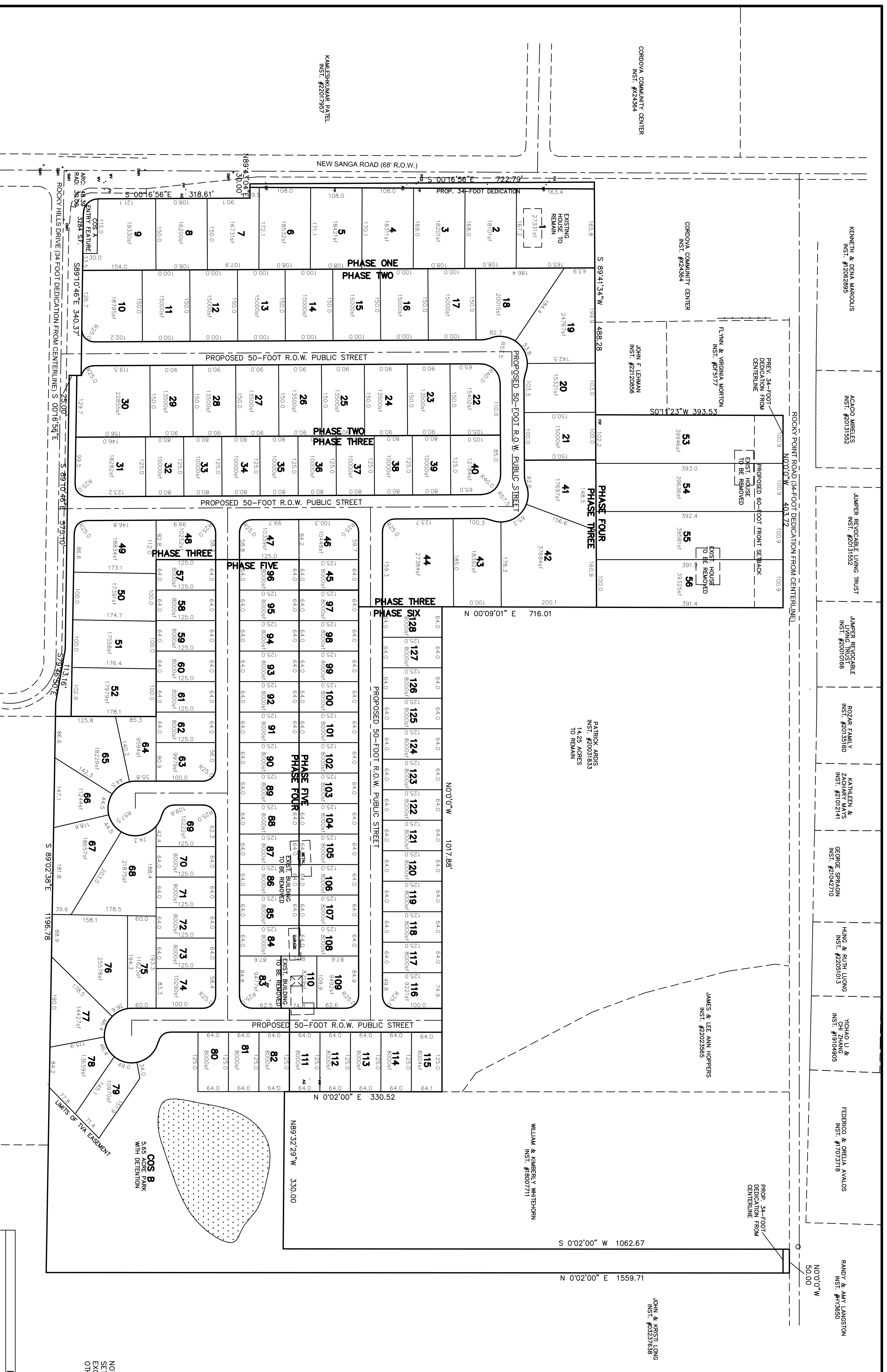
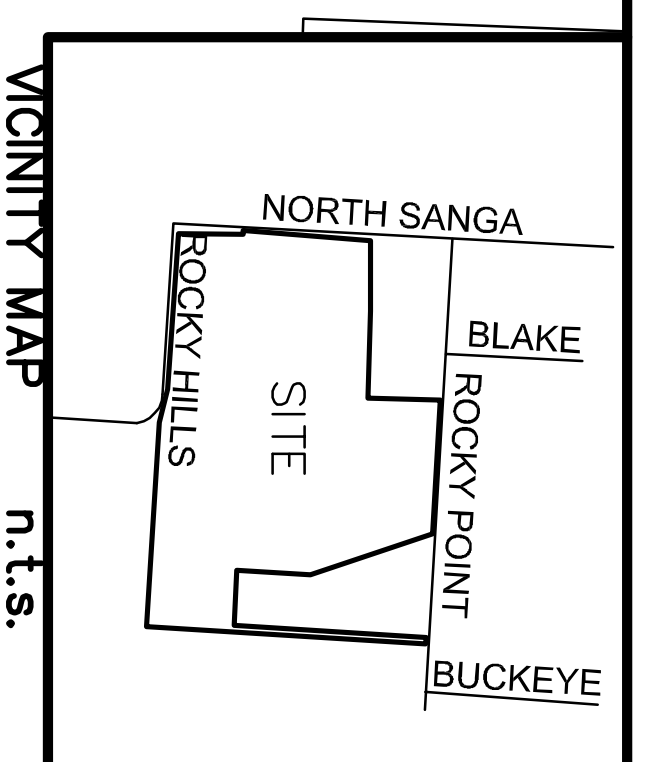
Mr. Ragsdale:

Please find attached an application for a residential planned development located at Sanga Road and Rocky Point Road. The subject property is a 50.251 acre tract consisting of several different parcels under the same ownership. The owner/proposed developer of the property is a long time resident of the area and is excited to bring a large scale residential development to the area. This is proposed as a multi-phase development that will be developed primarily from west (along Sanga Road) to the east. The existing zoning on the site is a mixture of C-A, R-15, and R-6. The proposed lot sizes vary from 8000 square feet to 0.9 acres in size.

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.



NOTE: FRONT AND REAR SETBACKS ARE 20 FEET EXCEPT WHERE NOTED OTHERWISE

THE GROVE AT RED OAK LAKE INC.
INST. #1906585

PRELIMINARY PLAT
ARDIS FARMS @ ROCKY POINT P.D.

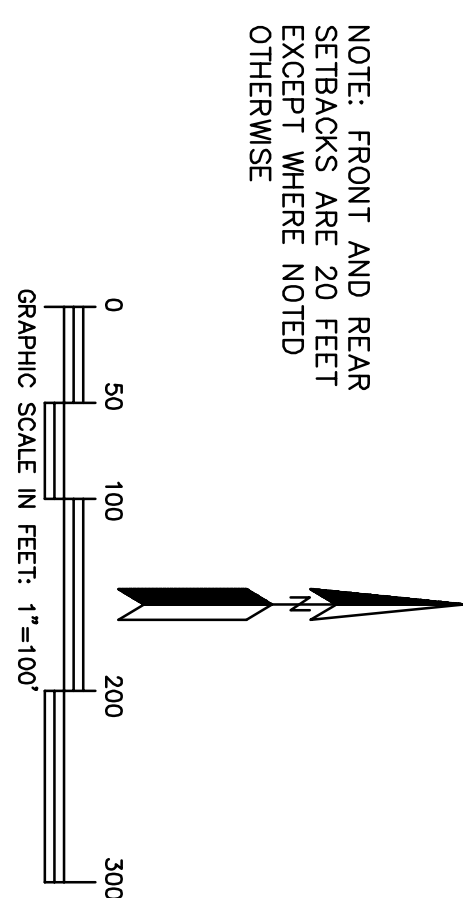
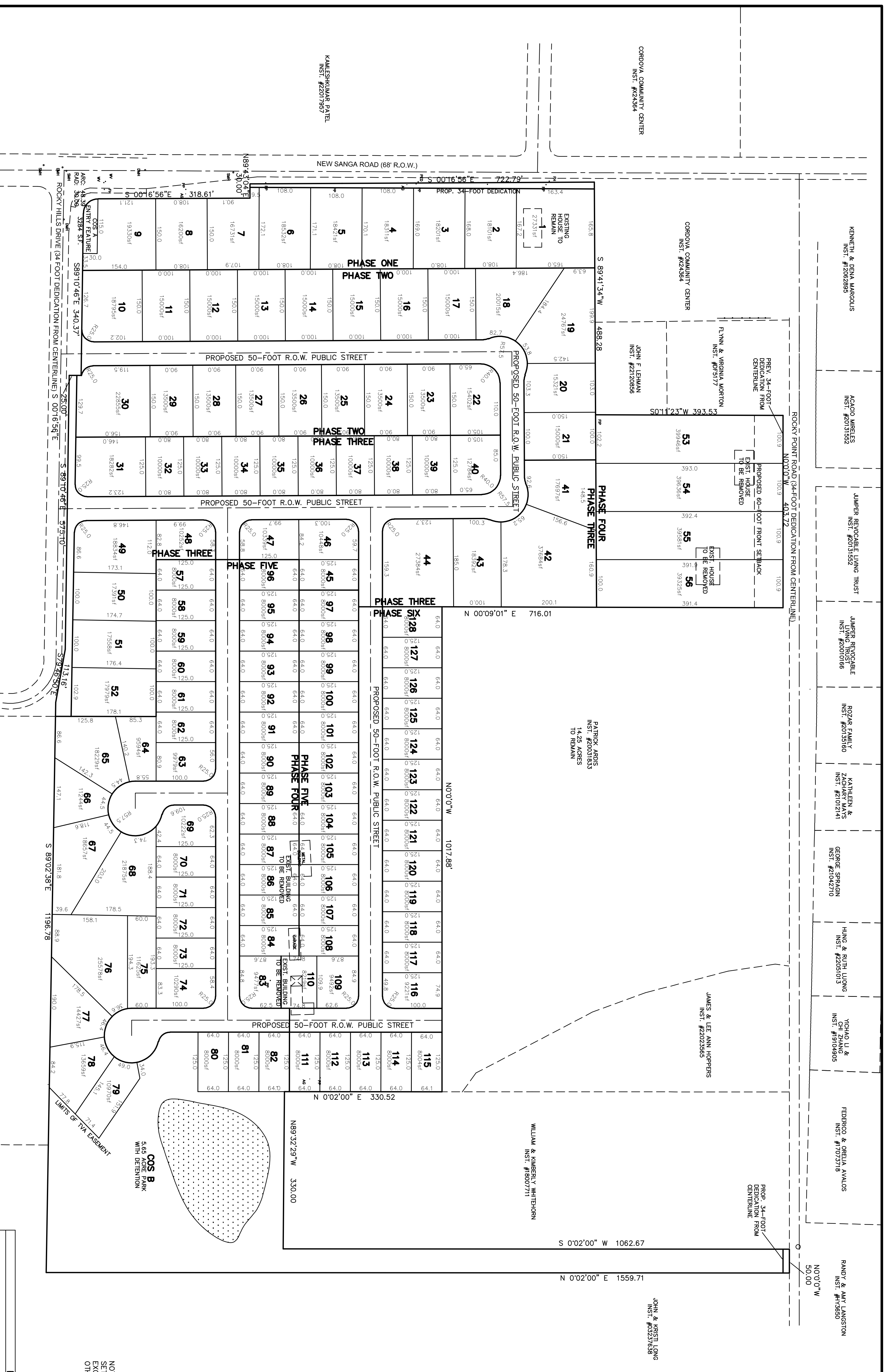
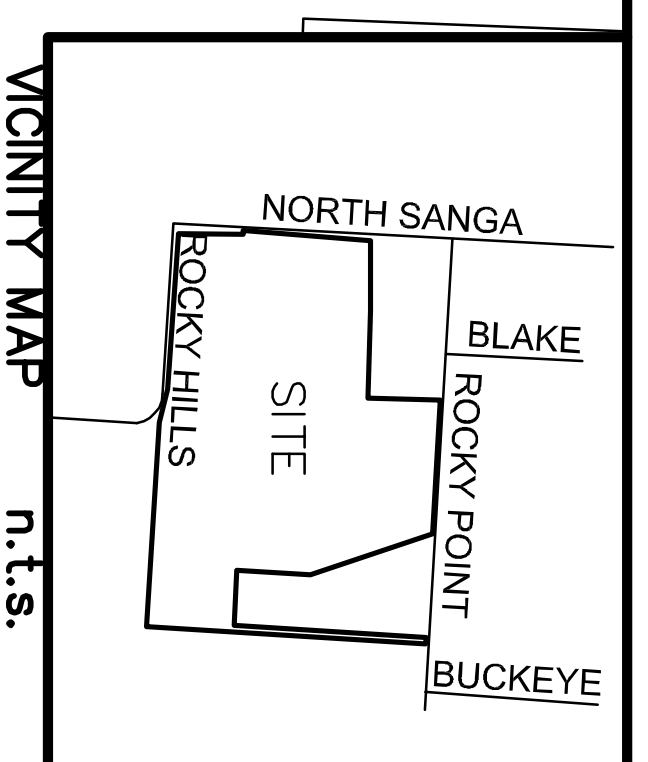
EXISTING ZONING: R-6/-15/C-A | PARCEL ID: 091021 00004, 5, 6, 7, 8, 12 & part of 9C
MEMPHIS, TENNESSEE

NUMBER OF LOTS: 128 | AREA: 50.251 acres

OWNER/DEVELOPER: PATRICK ARDIS
ENGINEER: THE BRAVE FIRM
2950 STAGE PLAZA NORTH
BARTLETT, TN 38134
(901) 383-8888

100 YEAR FLOOD ELEVATION: FEMA MAP PANEL NUMBER: 4715703020C | FEMA MAP DATE: FEBRUARY 6, 2013

DATE: JULY 2023 | SCALE: 1"=100' | SHEET 1 OF 1



PRELIMINARY PLAT
ARDIS FARMS @ ROCKY POINT P.D.

EXISTING ZONING: R-6/-15/C-A | PARCEL ID: 091021 00004, 5, 6, 7, 8, 12 & part of 9C
MEMPHIS, TENNESSEE

NUMBER OF LOTS: 128
AREA: 50.251 acres
ENGINEER: THE BRAY FIRM
OWNER/DEVELOPER: PATRICK ARDIS
2950 STAGE PLAZA NORTH
BARTLETT, TN 38134
(901) 383-8888

100 YEAR FLOOD ELEVATION: FEMA MAP PANEL NUMBER: 4715703020C
FEMA MAP DATE: FEBRUARY 6, 2013

DATE: JULY 2023 | SCALE: 1"=100' | SHEET 1 OF 1

THE GROVE AT RED OAK LAKE INC.
INST. #1936585

NOTE: FRONT AND REAR
SETBACKS ARE 20 FEET
EXCEPT WHERE NOTED
OTHERWISE

JOHN POWELL
INST. #172887

CITY OF MEMPHIS
INST. #03038551

BOARD OF EDUCATION
INST. #0535653

CORDOVA COMMUNITY CENTER
INST. #424384

CORNOVA COMMUNITY CENTER
INST. #074364

PATRICK ARDIS
INST. #20031833
14.25 ACRES
TO REMAIN

WILLIAM & KIMBERLY WHITEHORN
INST. #18007711

JAMES & LEE ANN HOPPERS
INST. #22023585

RANDY & AMY LANGSTON
INST. #173650

FEDERICO & ORIELA AYALOS
INST. #17073718

YICHAO LI &
INST. #19104905

HUNG & RUTH LUONG
INST. #22091013

GEORGE SPRADIN
INST. #21027210

KATHERINE &
ZACHARY MATS
INST. #21012141

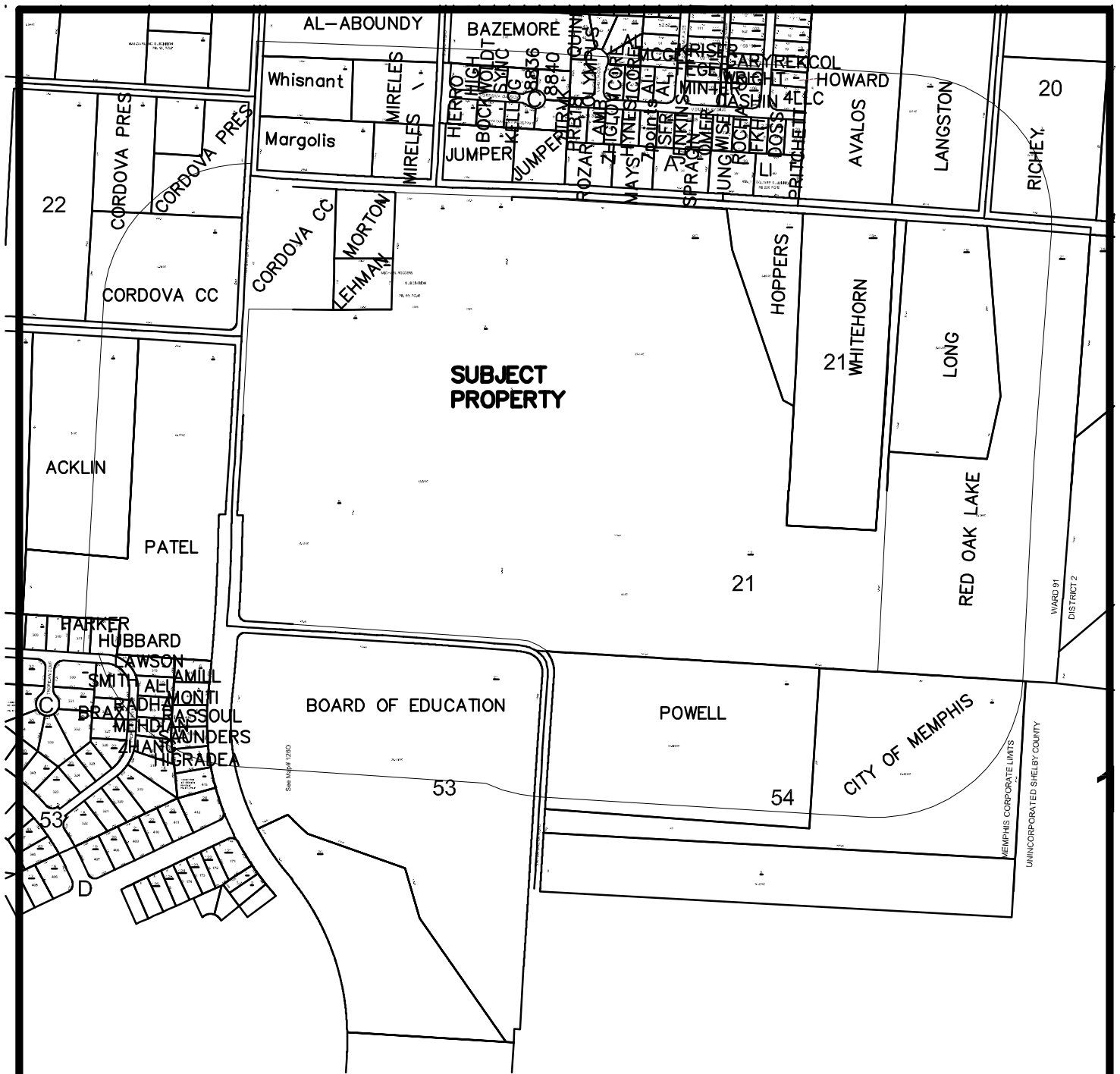
ROZAR FAMILY
INST. #0135160

JUMPER REVOCABLE
LIVING TRUST
INST. #20101166

JUMPER REVOCABLE
LIVING TRUST
INST. #20131922

ACAOJ WIRELESS
INST. #20131922

KENNETH & DENA MARGOLIS
INST. #20628995



**ARDIS FARMS © ROCKY POINT PLANNED DEVELOPMENT
 APPLICANT: PATRICK ARDIS**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JULY 5, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=200'

**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, Patrick M. Adonis , state that I have read the definition of
(Print Name) (Sign Name)

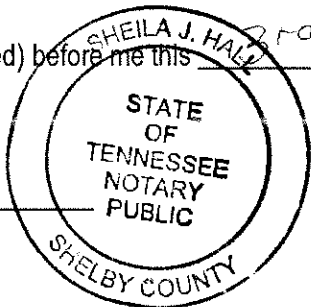
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- 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 _____
and further identified by Assessor's Parcel Number _____
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 27th day of July in the year of 2023.

Sheila J. Hall
Signature of Notary Public



11-13-23
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.



20031833

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031833	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

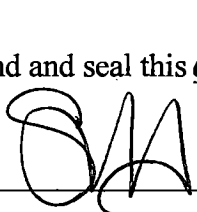
KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Beginning at the northwest corner of the Harris tract in Rocky Point Road, said point being 910.76 ft (call 914.7 ft.) east of the centerline of Sanga Road; thence south 88 degrees 10' 30" east along the north line of the Harris tract a distance of 478.93 ft. to the northwest corner of the Patrick M. Ardis and wife, Mary Lee Wolff, tract in Rocky Point Road; thence south 5 degrees 46' 24" east along the west line of the Ardis and Wolff tract, a distance of 1128.98 ft. (call 1120.86 ft.) to a point in the north lline of the George Wallace Jeffries 10 acres (R1 3627); thence north 87 degrees 54' 53" west along the north line of the Jefferies tract a distance of 631.36 ft. to the northwest corner of the Jefferies tract in the west line of the Harris tract; thence north 1 degree 59' 09" east along the west line of the Harris tract a distance of 1116.20 ft. to the point of the beginning.

Being the same property conveyed to the parties herein by Mary Lee Wolff as recorded by instrument number JD 9466 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of

March A.D., 2020.



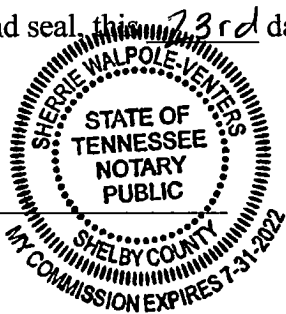
SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-Venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 091-021-009C
Property Known as: 8851 Rocky Point Road, Cordova, Tennessee 38108
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

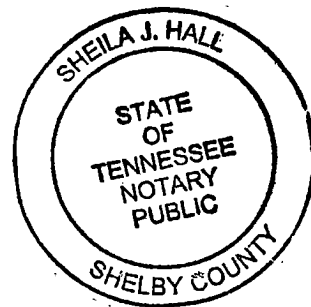
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



20031843

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031843	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Beginning at a point in the south line of Rocky Point Road (68 feet wide), said point being a common corner of Lots 1 and 2; thence eastwardly along said south line a distance of 202.27 feet to a point in the east boundary line of the subdivision; thence southwardly along said east line a distance of 398.32 feet to a point in the south boundary line of the subdivision; thence westwardly along said south line a distance of 201.14 feet to the southeast corner of Lot 1; thence northwardly along the line dividing Lots 1 and 2 a distance of 395.44 feet to the point of beginning.

Being the same property conveyed to the parties herein by Dempsey McCanless and wife, Sue McCanless, as recorded by instrument number 06111655 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of

March A.D., 2020.



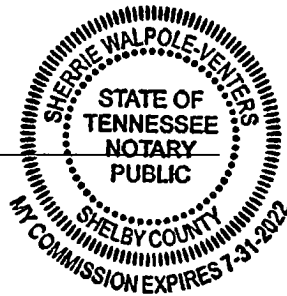
SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-Venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 91 21 7
Property Known as: 8827 Rocky Point Road, Memphis, Tennessee 38018
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

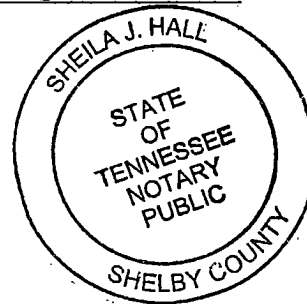
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



20031834

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031834	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Lot 1, Michael W. Rogers Subdivision, as shown on plat of record in Plat Book 85, Page 46, in the Register's Office of Shelby, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Albert Floyd Kinkade and wife, Gloria J. Kinkade, by Warranty Deed of record at Instrument No. GF 9707 in the Register's Office of Shelby County, Tennessee. Albert Floyd Kinkade died a resident of Shelby County, Tennessee on December 1, 1998, and he had been continuously married to Gloria J. Kinkade until the date of his death. Gloria J. Kinkade, a single person, conveys as the surviving tenant by the entirety.

Being the same property conveyed to the parties herein by Gloria J. Kinkade as recorded by instrument number 12146917 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23 day of March A.D., 20 20.

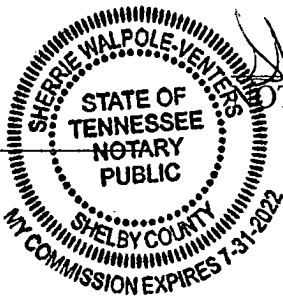


SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23 day of March, 2020.



Sherrie Walpole-Venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 91 21 6
Property Known as: 8815 Rocky Point, Cordova, Tennessee 38018
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

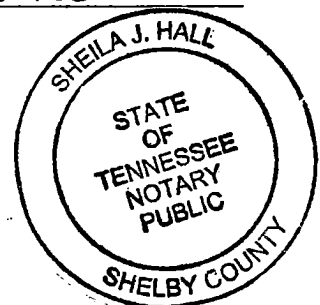
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



20031840

03/26/2020 - 11:09:01 AM

<hr/>	
2 PGS	
<hr/>	
CHRISTINAM 1998741 - 20031840	
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VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00
<hr/>	

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

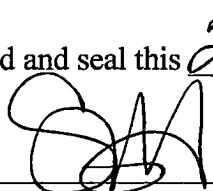
QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Beginning at a point in the center of the Cordova and Sangy Road (running east and west) 6.37 chains east of the east line of said road (running north and south) said beginning point being in the southeast corner of the 10.75 acre tract conveyed by W.G. Mullins and wife, to Lela Ward Ramsey by warranty deed of record in Book 1092, Page 304, in the Register's Office of said Shelby County; thence north along the east line of said Ramsey 10.75 acre tract, 16.87 chains to the south line of the 2 acre tract hereinabove described as tract No. 1; thence east along the south line of said 2 acre tract and continuing along the south line of a 4 acre tract conveyed by W.G. Mullins and wife to Mrs. W.S. Ellis by warranty deed recorded in Book 1235, Page 259, a distance of 494.28 feet to the southeast corner of the said Ellis 4 acres; thence south along the west line of the 35.61 acre tract conveyed by Mullins and wife to G.Y. Jones, 16.87 chains to the center of said Cordova and Sangy Road; thence west along the center line of said road 494.28 feet to the beginning, containing 12.65 acres, more or less.

Being the same property conveyed to Husband herein by Flynn J. Morton, Nannelle Morton Rendall, and Carolyn H. Morton as recorded by instrument number 03247925 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of March A.D., 2020.

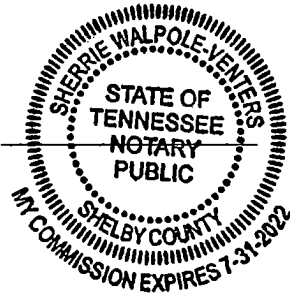


SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-Venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 56-14-35
Property Known as: 12.63 Acres on Old Sanga Road
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

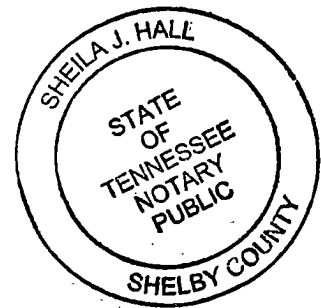
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



21040839

04/08/2021 - 01:49:06 PM

2 PGS	
GENIE 2201960 - 21040839	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared
Herschel L. Rosenberg, Attorney
5810 Shelby Oaks Drive
Memphis, TN 38134

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENCE, that Belle Rose, LLC, a Tennessee Limited Liability Corporation, for and in consideration of Ten and 00/100 (\$10.00) Dollars and other good and valuable considerations, do hereby bargain, sell, remise, quit claim and convey to Patrick M. Ardis the following described Real Estate located at 996 Sanga Road, Memphis, Shelby County, Tennessee, to-wit:

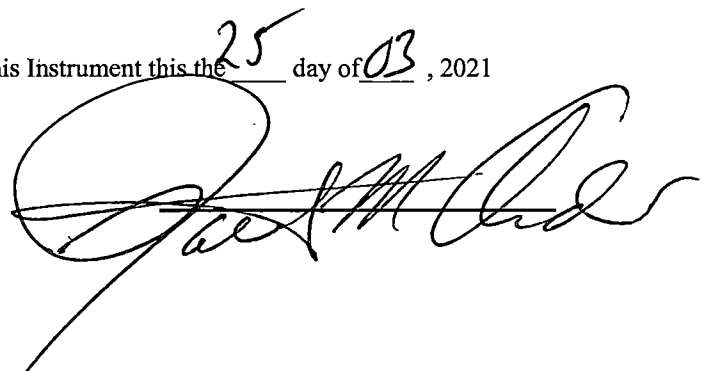
Beginning at a point in the R.O.W. line of Sanga Road (50' from the centerline) 30.03' northward from its tangent intersection with the North line of Rocky Hills Road; thence N 0°31'39" W a distance of 318.61'; thence S 89°28'21" W a distance of 30.00'; thence N 0°31'39" W a distance of 739.76' to the Northwest property corner; then N89°25'29" W a distance of 400.42' to a found iron pin; then S°31'39" E a distance of 1088.42' to the North line of Rocky Hills Road; thence along said North line S°89'25'29" E a distance of 340.37' to a point; thence along a curve to the right (Rad.=30') a distance of 47.15' to the point of beginning.

Which description was corrected by Affidavit of Scrivener's Error in Instrument No.20067024.

Being the same property conveyed to the party herein by Patrick M. Ardis, as recorded by instrument number 20145312 as recorded in the Shelby County Register of Deeds.

Tax Parcel ID#: 091021 00004

IN TESTIMONY WHEREOF, I or we, have executed this Instrument this the 25 day of 03, 2021

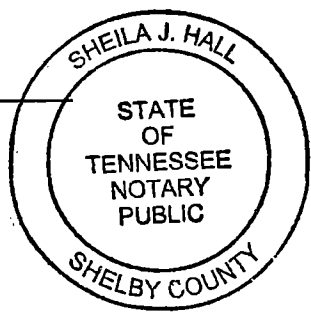


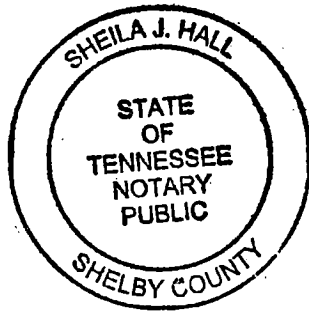
State of Tennessee)
) SS.
County of Shelby)

BEFORE ME, THE UNDERSIGNED Notary Public in and for the state and county aforesaid, personally appeared, Patrick M. Ardis as sole member and representative of Belle Rose, LLC, a Tennessee Limited Liability Corporation, to me known to be the person described in and who executed the forgoing instrument and acknowledged that he, Patrick M. Ardis executed the same as his free act and deed.

WITNESS MY HAND AND OFFICIAL SEAL AT OFFICE THIS THE 25th
DAY OF March, 2021.

Sheila J. Hall
NOTARY PUBLIC





Property Address:

996 Sanga Road
Memphis, Tennessee

Mail Tax Bill to:
5810 Shelby Oaks Drive
Memphis, TN 38134

My commission Expires: 11-13-23

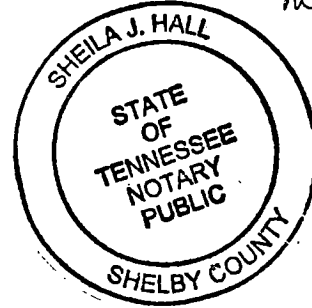
I, or we hereby swear or affirm that to the best of the affiants knowledge, information and belief, actual consideration for this transfer is Ten and 00/100 (\$10.00).

Affiant.

Subscribed and sworn to before me this the 4th day of April, ~~2020~~ 2021 SA

Sheila J. Hall
Notary Republic

my commission expires 11-13-23





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.

02018563	
01/29/2002 - 03:15 PM	
1 PGS : R - QUIT CLAIM	
BDDDY 14183-2018563	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
STATE of TENNESSEE, COUNTY of SHELBY	
TOM LEATHERWOOD	
REGISTER OF DEEDS	

THIS INSTRUMENT PREPARED BY: Harold G. Walter, Atty., 100 N. Main, Suite 405

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that MARY LEE WOLFF of the County of Shelby and State of Tennessee, for and in consideration of the sum of Ten Dollars (\$10.00), does hereby bargain, sell, release, remise, quit claim and convey unto PATRICK M. ARDIS all her right, title and interest in and to the following described real estate, located in Shelby County, Tennessee, to-wit:

Beginning at a point in the R.O.W. line of Sanga Road (50' from the centerline) 30.03' northward from its tangent intersection with the North line of Rocky Hills Road; thence N 0°31'39" W a distance of 318.61'; thence S 89°28'21" W a distance of 30.00'; thence N 0°31'39" W a distance of 739.76' to the Northwest property corner; then N 89°25'29" W a distance of 400.42' to a found iron pin; then S 0°31'39" E a distance of 1088.42' to the North line of Rocky Hills Road; thence along said North line S 89°25'29" W a distance of 340.37' to a point; thence along a curve to the right (Rad.=30') a distance of 47.15' to the point of beginning.

This being the same property transferred to the parties by Warranty Deed as recorded by instrument number GD 2556 in the Register's Office of Shelby County, Tennessee.

This conveyance is an adjustment of the property rights of divorcing parties pursuant to Court decree and is not subject to transfer tax. [T.C.A., Section 67-4-409(a)(3)].

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of January 2002.

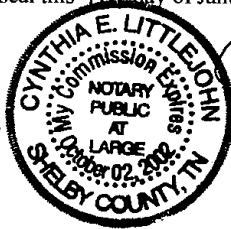
Mary Lee Wolff
Mary Lee Wolff

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mary Lee Wolff, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that she executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal this 4th day of January 2002.

My Commission Expires: 10/02/02



Cynthia E. Littlejohn
Notary Public

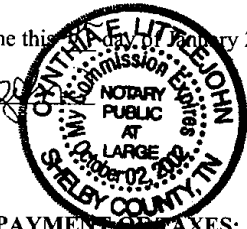
STATE OF TENNESSEE
COUNTY OF SHELBY

To the best of affiant's knowledge, information and belief, the actual consideration for this transfer is \$10.00.

Mary Lee Wolff
Affiant

Subscribed and sworn to before me this 4th day of January 2002.

Cynthia E. Littlejohn
Notary Public
My Commission Expires: 10/02/02



PARTY RESPONSIBLE FOR PAYMENT OF TAXES:

Patrick M. Ardis, 6055 Primacy Parkway, Suite 360, Memphis, TN 38119.
Property Address: 996 Sanga Rd
Assessors Parcel # 091-021-0005



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.



20031836

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031836	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

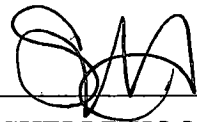
KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

The south 10 acres of the J.T. Harris 35.62 acre tract of part of the southeast 103 acres of the James R. Love 825 acres in the Strother and Gooch 5000 Acre Grant in Shelby County, Tennessee, and more particularly described by metes and bounds as follows:

Beginning at a point in Sanga Road and at the southwest corner of the J.T. Harris 35.62 acre tract, said beginning point being in the south line of the Jennie Lee Lamb 103 acre 914.17 feet east of the southwest corner thereof; thence east along the south line of the J.T. Harris 35.62 acre tract a 35.05 acre tract; thence north 0 degrees 12 minutes 48 seconds east along said thence west parallel to the south line of the J.T. Harris 35.62 acre tract a acre tract; thence south along said west line 431.86 feet to the point of beginning, and containing 10 acres of land.

Being the same property conveyed to Husband herein by Mary Lee Wolff as recorded by instrument number JD 9466 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of March A.D., 2020.

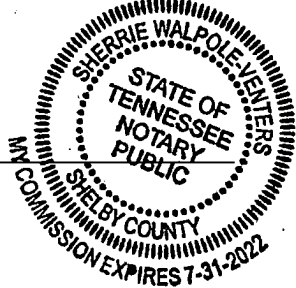


SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 091021-00012
Property Known as: Vacant Lot Sanga Creed
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

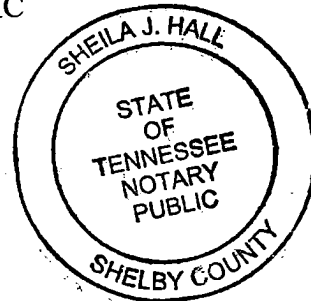
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23



Patrick Ardis
8851 Rocky Point
Cordova, TN 38018

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Cordova Community Center
1017 N SANGA RD
CORDOVA TN 38018 6537

John F Lehman
8785 ROCKY POINT RD
CORDOVA TN 38018 6556

Flynn J & Virginia E Morton
8781 ROCKY POINT RD
CORDOVA TN 38018 6556

Patrick M Ardis
8851 ROCKY POINT RD
CORDOVA TN 38018 6557

Jumper Revocable Living Trust
8848 ROCKY POINT RD
CORDOVA TN 38018 6560

Progress Residential Borrower 18 LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
8855 Versilia
Cordova TN 38018

Tressa Lamb
8861 VERSILLIA AVE
CORDOVA TN 38018 6971

Maxim Zhiglov
8867 VERSILIA AVE
CORDOVA TN 38018 6971

Christine Hynes
283 CABRILLO ST C
COSTA MESA CA 92627 9378

Seven Points Borrower LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
8879 Versilia Ave
Cordova TN 38018

SFR Investments V Borrower 1 LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
8885 Versilia Ave
Cordova TN 38018

Gerald T Jenkins
8891 VERSILIA AVE
CORDOVA TN 38018 6971

Biruk Gebrehiwot & Amira Omer
8897 VERSILIA AVE
CORDOVA TN 38018

Sonya Wise
8905 VERSILIA AVE
CORDOVA TN 38018 6925

Fernando Rocha & Elizabeth Orta
8911 VERSILIA AVE
CORDOVA TN 38018 6925

FKH SFR LP
1850 PARKWAY PL SE STE 900
MARIETTA GA 30067 8261

Donna Doss
8923 VERSILIA AVE
MEMPHIS TN 38018 6925

Yichao Li & Chi Zhang
8920 ROCKY POINT RD
CORDOVA TN 38018 6560

Ardis Farms @ Rocky Point
Page 2 of 3

Ruth S & Hung Luong
8910 ROCKY POINT RD
CORDOVA TN 38018 6560

Avalos M & Orelia Avalos
8946 ROCKY POINT RD
CORDOVA TN 38018 6560

Progress Residential Borrower 4 LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
1090 Casentino St
CORDOVA TN 38018

Jeremy Howard
1098 CASENTINO ST
CORDOVA TN 38018 6924

Rekol D Williams
1104 CASENTINO ST
CORDOVA TN 38018

Gary L & Jennifer J Turnage
2165 BEEBRUSH RD
FRISCO TX 75033 7001

Tony J Wright
1097 CASENTINO ST
CORDOVA TN 38018

John B & Victoria L Cashin
390 GOLFVIEW CLUB DR
NEWMAN GA 30263 3367

Anthony Merkenson II and
Amber Minter
1092 CORTONA PL
CORDOVA TN 38018 6976

Joyce Feger
1098 E CORTONA CIR
CORDOVA TN 38018 6976

Al-Mueed Enterprises LLC
4795 SHADY GROVE RD
MEMPHIS TN 38117 3325

Mile High TL Borrower 1 Core LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Lashunda Quinn-Metcalf
1109 VERSILIA CV
CORDOVA TN 38018 3629

John H Mcgee
1101 CORTONA PL
CORDOVA TN 38018

TRVK Investments LLC
1134 WILSHIRE LN
LAKE VILLA IL 60046 6470

Timothy L & Juliana J Kellogg
30 N GOULD ST STE R
SHERIDAN WY 82801 6317

Cynthia K High & Robert P Fischmann
12655 OLIVE BLVD STE 250
SAINT LOUIS MO 63141 6343

Sync In To Inc
2709 JACKSON PIKE
BIDWELL OH 45614 9361

8836 Cordova Oaks Cv Trust
6106 HARVARD AVE UNIT 216
GLEN ECHO MD 20812 7504

8840 Cordova Oaks CV Trust
6106 HARVARD AVE UNIT 216
GLEN ECHO MD 20812 7504

Linda B Richey
9014 ROCKY POINT RD
CORDOVA TN 38018 6508

Acacio Mireles
5610 CHESTER ST
ARLINGTON TN 38002 3804

James W III & Lee Ann C Hoppers
8929 ROCKY POINT RD
CORDOVA TN 38018 6557

William & Kimberly Whitehorn
8953 ROCKY POINT RD
CORDOVA TN 38018 6557

John S & Kristi k Long
8991 ROCKY POINT RD
CORDOVA TN 38018 6557

Grove at Red Oak Lake INC
849 ROCKY POINT RD
CORDOVA TN 38018 6503

City of Memphis
125 N MAIN RM 568
MEMPHIS TN 38103

John R Powell
868 SANGA CREEK RD N
CORDOVA TN 38018 6573

Board Of Education Of Memphis
2597 AVERY AVE
MEMPHIS TN 38112 4818

Kamleshkumar A Patel
8196 WINDERSVILLE DR
BARTLETT TN 38133 2870

David J & Gena L Acklin
8703 THOR RD
CORDOVA TN 38018 6403

Cordova Presbyterian Church USA
8707 FAY RD
CORDOVA TN 38016 6407

Isaura I Amill
3265 WETHERBY CV S
GERMANTOWN TN 38139 8050

Rassoul Real Estate Investments LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Luis M & Imelda Higreda
845 N SANGA RD
CORDOVA TN 38018 6553

Zhang-Ouyang Family Living Trust
1761 JOHN RIDGE DR
COLLIERVILLE TN 38017 7607

Lila Mehdian
1769 DICKENS CV
GERMANTOWN TN 38139 3600

Kannan & Radha Ramachandran
1415 ASBURY DR
COLLIERVILLE TN 38017

Basel Abdullah Ali & Muneera M AL
Hajjaji
872 TROPICANA DR
CORDOVA TN 38018 3571

Tracy L Lawson
880 TROPICANA DR E
CORDOVA TN 38018 3571

Michael C Smith
737 W WASHINGTON BLVD APT 3404
CHICAGO IL 60661 2781

BRAX2000 LLC
10542 CROCKETT ST
SUN VALLEY CA 91352 4120

Flora Hubbard
8706 TROPICANA DR N
CORDOVA TN 38018 1493

Rose M Parker & Nathaniel Daniel JR
8698 TROPICANA DR N
CORDOVA TN 38018 3563

Hadi & Chonour Al-Aboundy
1105 Blake Road
Cordova, TN 38018

Sarah Bazemore
1100 Blake Road
Cordova, TN 38018

Danny & Cheri Whisnant
1086 N. Sanga
Cordova, TN 38018

Kenneth and Dena Margolis
8768 Rocky Point
Cordova, TN 38018

**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 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 2000 Sycamore View Road, known as case number PD 2023-018.

CASE NUMBER: PD 2023-018

LOCATION: 2000 Sycamore View Road

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

OWNER/APPLICANT: WD General Partnership

REPRESENTATIVE: Cindy Reaves, SR Consulting LLC

REQUEST: Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear

AREA: +/-1.3 acres

RECOMMENDATION: The Division of Planning and Development recommended *Approval*
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>09/14/2023</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>
_____	<u>11/27/2023</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2023-018

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 2000 SYCAMORE VIEW ROAD, KNOWN AS CASE NUMBER PD 2023-018.

- This item is a resolution with conditions to allow a Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear; 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, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2023-018
LOCATION:	2000 Sycamore View Road
COUNCIL DISTRICT(S):	District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	WD General Partnership
REPRESENTATIVE:	Cindy Reaves, SR Consulting LLC
REQUEST:	Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear.
EXISTING ZONING:	Commercial Mixed-use-2 (CMU-2)
AREA:	+/-1.3 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.

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

Respectfully,



Planner II
Land Use & Development Services

Cc: Committee Members
File

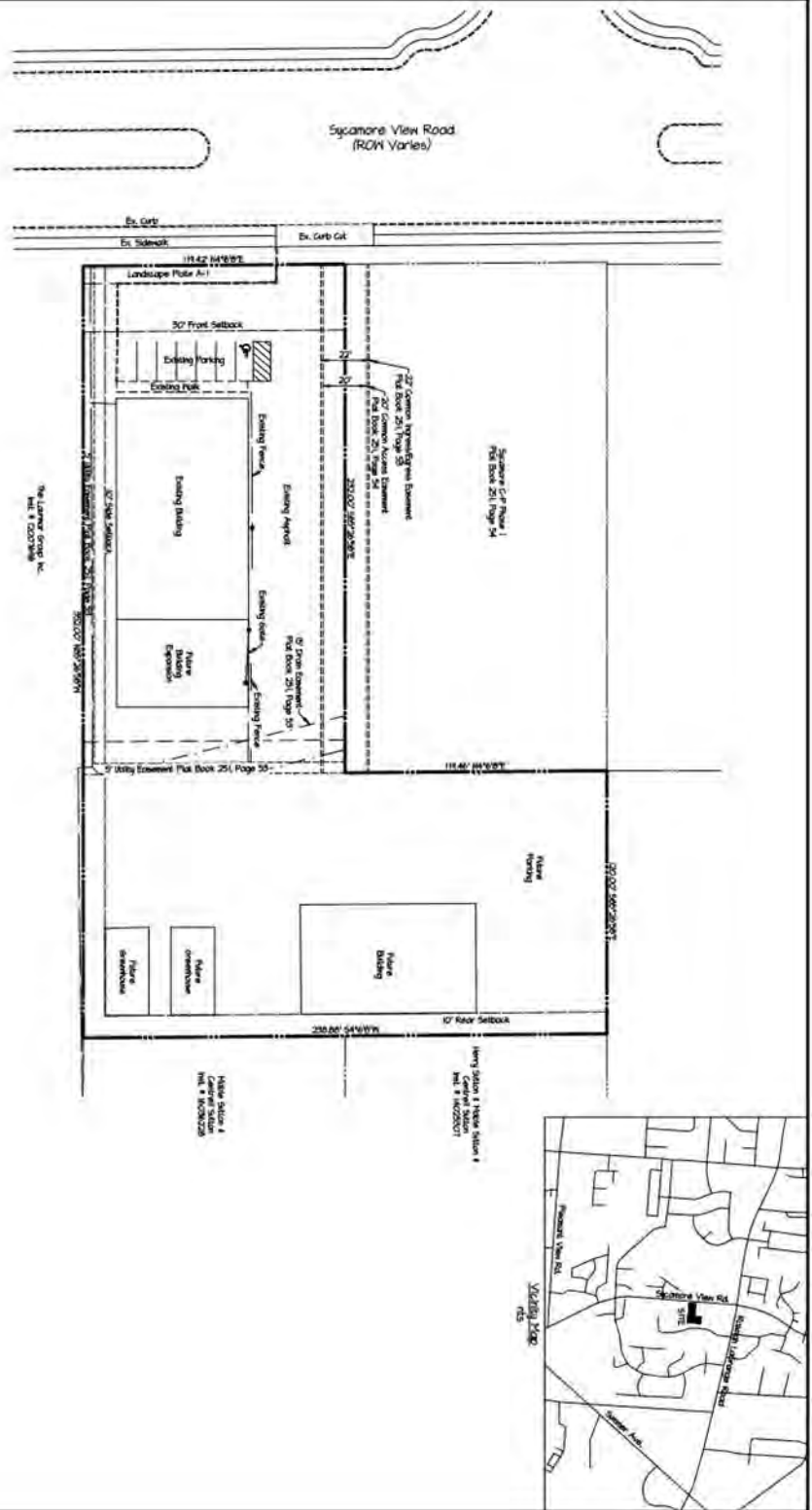
OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. Those uses permitted by right in the CMU-2 District.
- II. Bulk Regulations
 - A. Except where further modified below, the bulk regulations of the CMU-2 district shall apply.
 - B. Front Setback – 30 feet
- III. Access
 - A. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - B. The City Engineer shall approve the design, number and location of curb cuts.
- IV. Landscaping
 - A. Existing Plate A-1 to remain along Sycamore View frontage.
 - B. Plate B-4 Modified, along east property line to be deferred until such time as a residential development were to occur on the adjoining property.
- V. The Land Use Control Board may modify the bulk and access requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Division of Planning and Development, to have such action reviewed by the Memphis City Council.
- VI. A final plat shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VII. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the UDC for any needed public improvements.
 - C. The location and ownership, whether public or private of any easement.
 - D. The 100-year flood elevation.

- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

CONCEPT PLAN

Site Plan & Landscape Plan 2000 Sycamore View Partnership, July 23, 2023 - 1 of 1



CONCEPT PLAN
2000 SYCAMORE VIEW PD
 OWNER: WD GENERAL PARTNERSHIP
 1.3 ACRES
 WARD 88, BLOCK 46, PARCEL 50, 57
 MEMPHIS, TENNESSEE
 JULY 2023
 SHEET 1 of 1
 PD 23-

SR CONSULTING, LLC
 PROFESSIONAL ENGINEERS - TENNESSEE
 3000 Shelby Oaks Drive
 Memphis, TN 38114
 (901) 276-6280
 (901) 276-6280
 www.srconsulting.com

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 2000 SYCAMORE VIEW ROAD, KNOWN AS CASE NUMBER PD 2023-018.

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 WD General Partnership filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear ; 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 September 14, 2013, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS

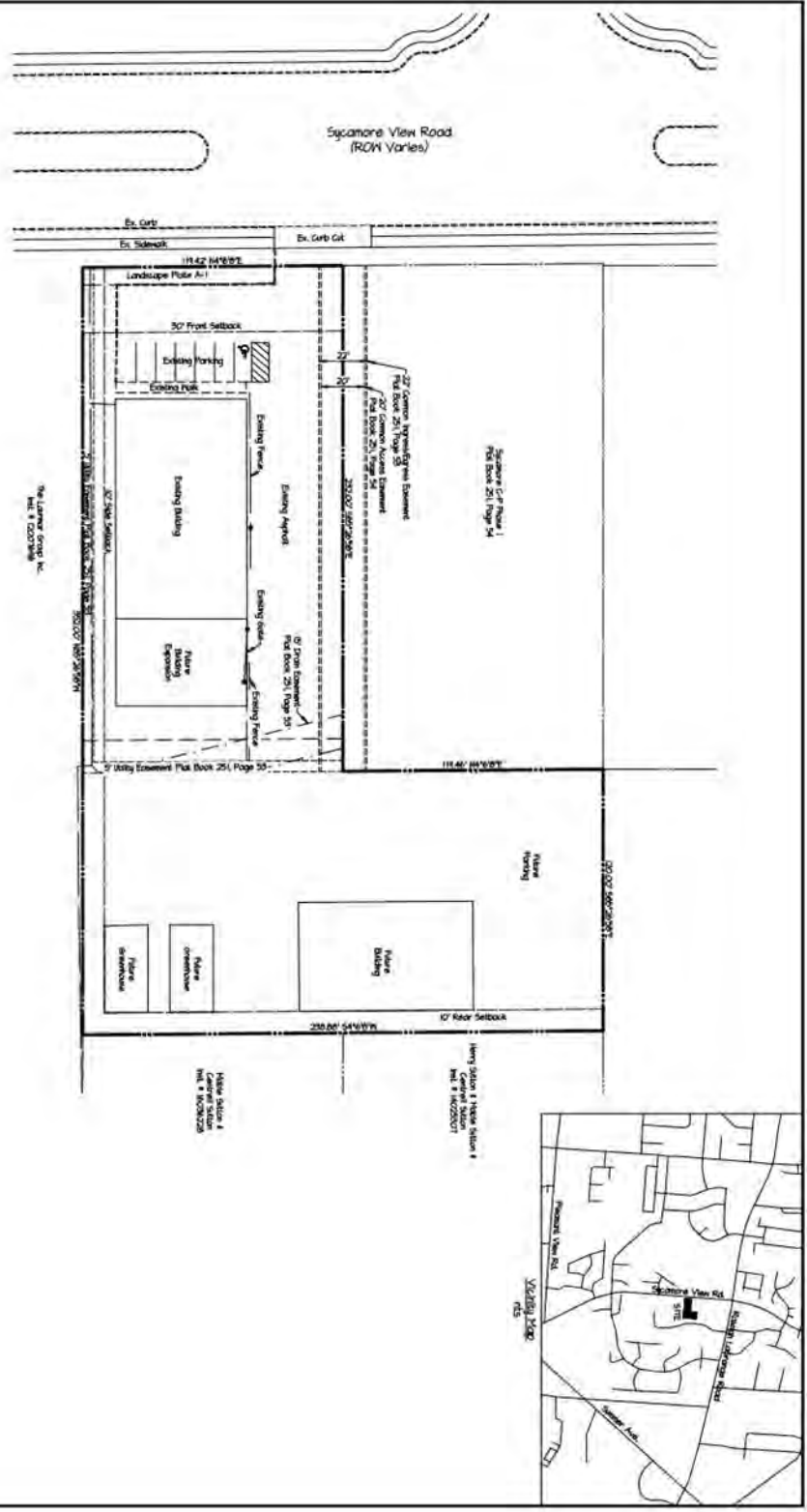
- I. Uses Permitted
 - A. Those uses permitted by right in the CMU-2 District.
- II. Bulk Regulations
 - A. Except where further modified below, the bulk regulations of the CMU-2 district shall apply.
 - B. Front Setback – 30 feet
- III. Access
 - A. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
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- IV. Landscaping
 - A. Existing Plate A-1 to remain along Sycamore View frontage.
 - B. Plate B-4 Modified, along east property line to be deferred until such time as a residential development were to occur on the adjoining property.
- V. The Land Use Control Board may modify the bulk and access requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Division of Planning and Development, to have such action reviewed by the Memphis City Council.
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 - B. A standard subdivision contract as defined by the UDC for any needed public improvements.
 - C. The location and ownership, whether public or private of any easement.
 - D. The 100-year flood elevation.

- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.

- F. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

CONCEPT PLAN

Site Plan 4/20/2023 11:42 AM 2000 Sycamore View Road, Memphis, TN 38114



CONCEPT PLAN
2000 SYCAMORE VIEW PD
 OWNER: WD GENERAL PARTNERSHIP
 1.3 ACRES
 WARD 88, BLOCK 46, PARCEL 50, 57
 PD 23-
SR CONSULTING, LLC
 MEMPHIS, TENNESSEE
 JULY 2023
 SHEET 1 OF 1

3000 Sycamore View Road
 Memphis, TN 38114
 901-579-0200
 901-579-0200
 sr@srconsulting.com

ATTEST:

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

AGENDA ITEM: 14

CASE NUMBER: PD 2023-018 **L.U.C.B. MEETING:** September 14, 2023

LOCATION: 2000 Sycamore View Road

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

OWNER/APPLICANT: WD General Partnership

REPRESENTATIVE: Cindy Reaves, SR Consulting LLC

REQUEST: Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear

AREA: +/-1.3 acres

EXISTING ZONING: Commercial Mixed-use-2 (CMU-2)

CONCLUSIONS

1. 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.
2. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

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 14-17 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Sycamore View Road +/-119.42 linear feet
Zoning Atlas Page: 1945
Parcel ID: 088046 00057
Existing Zoning: Commercial Mixed-use-2 (CMU-2)

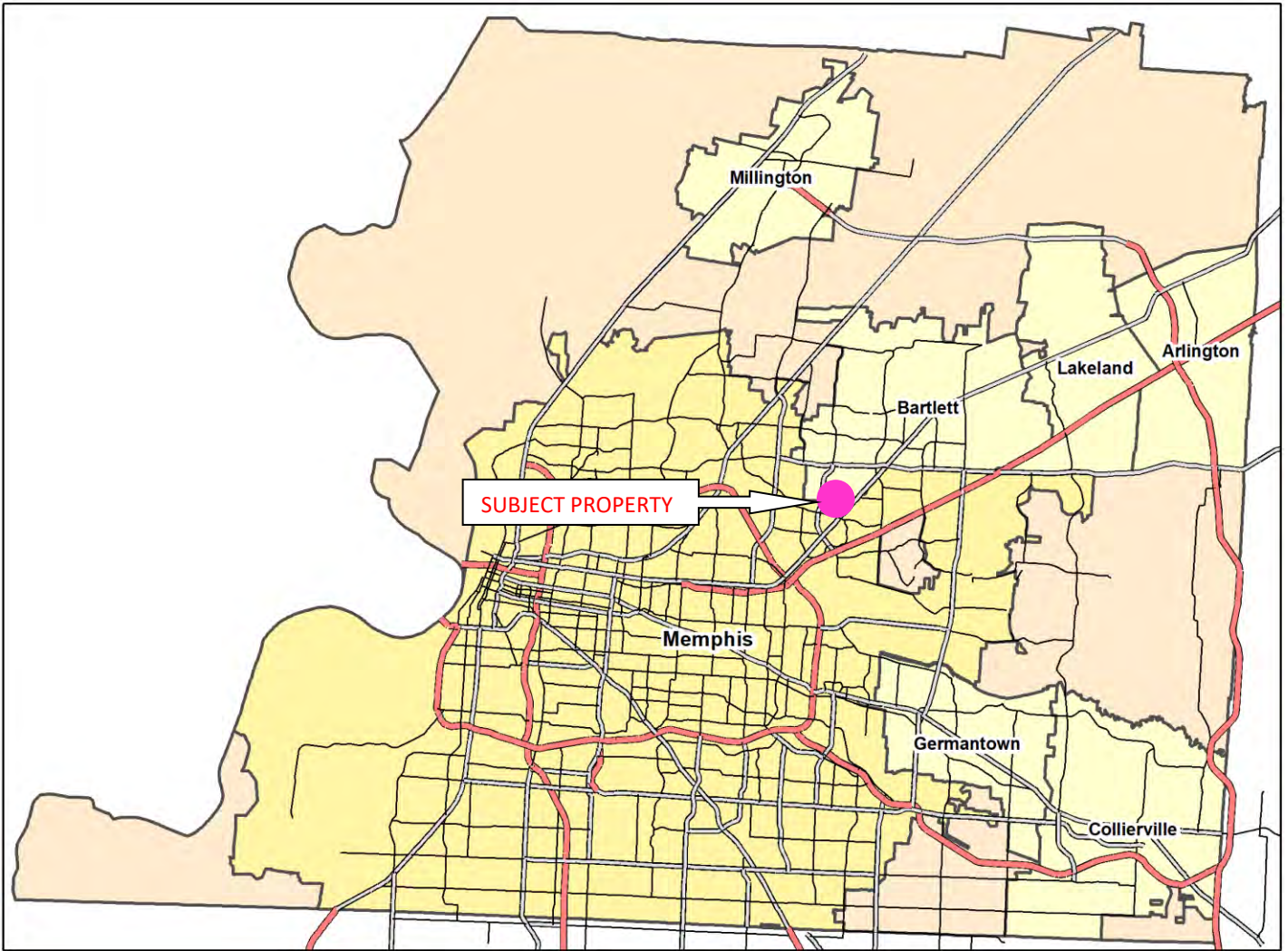
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Tuesday, August 29, 2023, 2000 Sycamore View, Memphis, TN, 38134

PUBLIC NOTICE

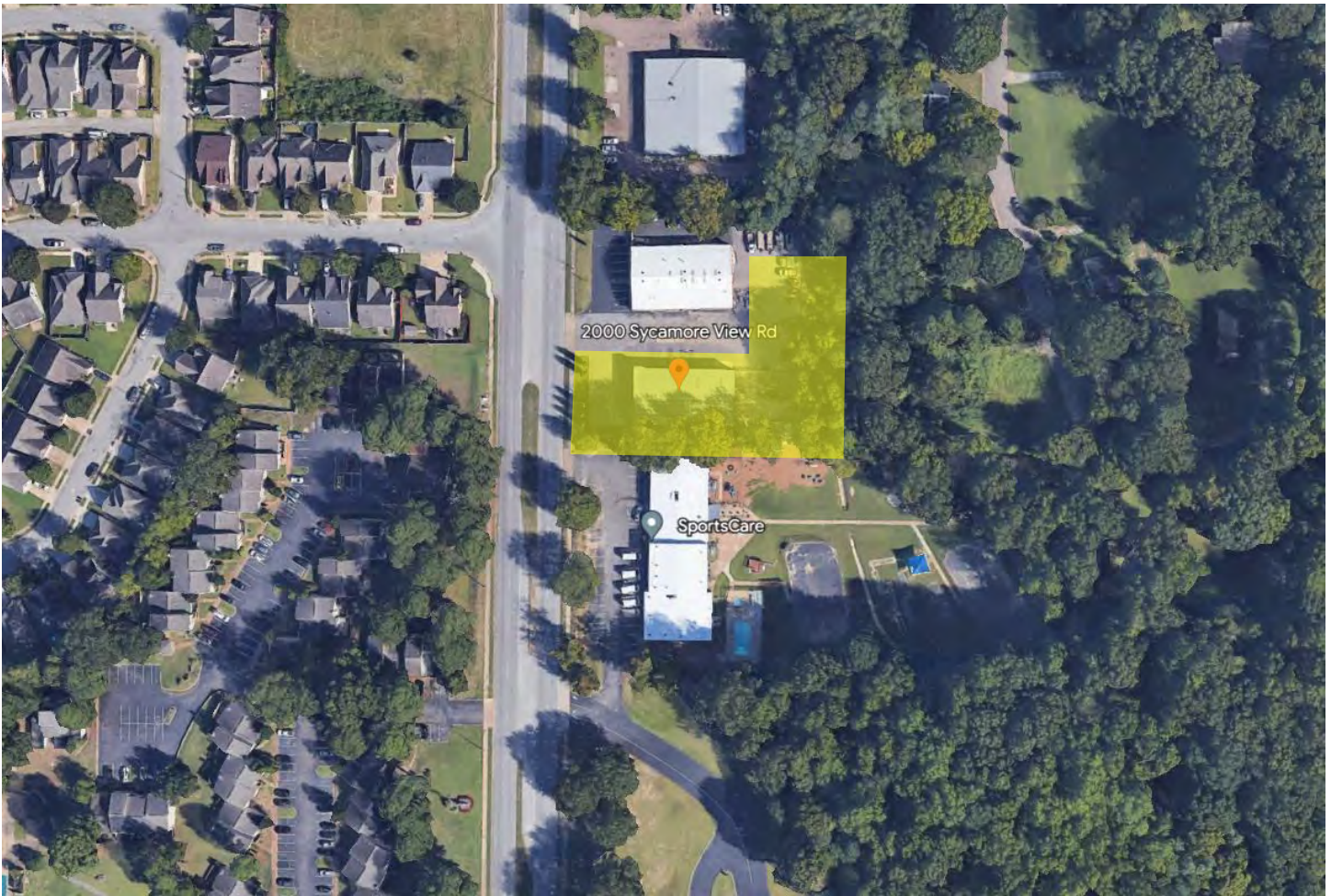
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 56 notices were mailed on August 15, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



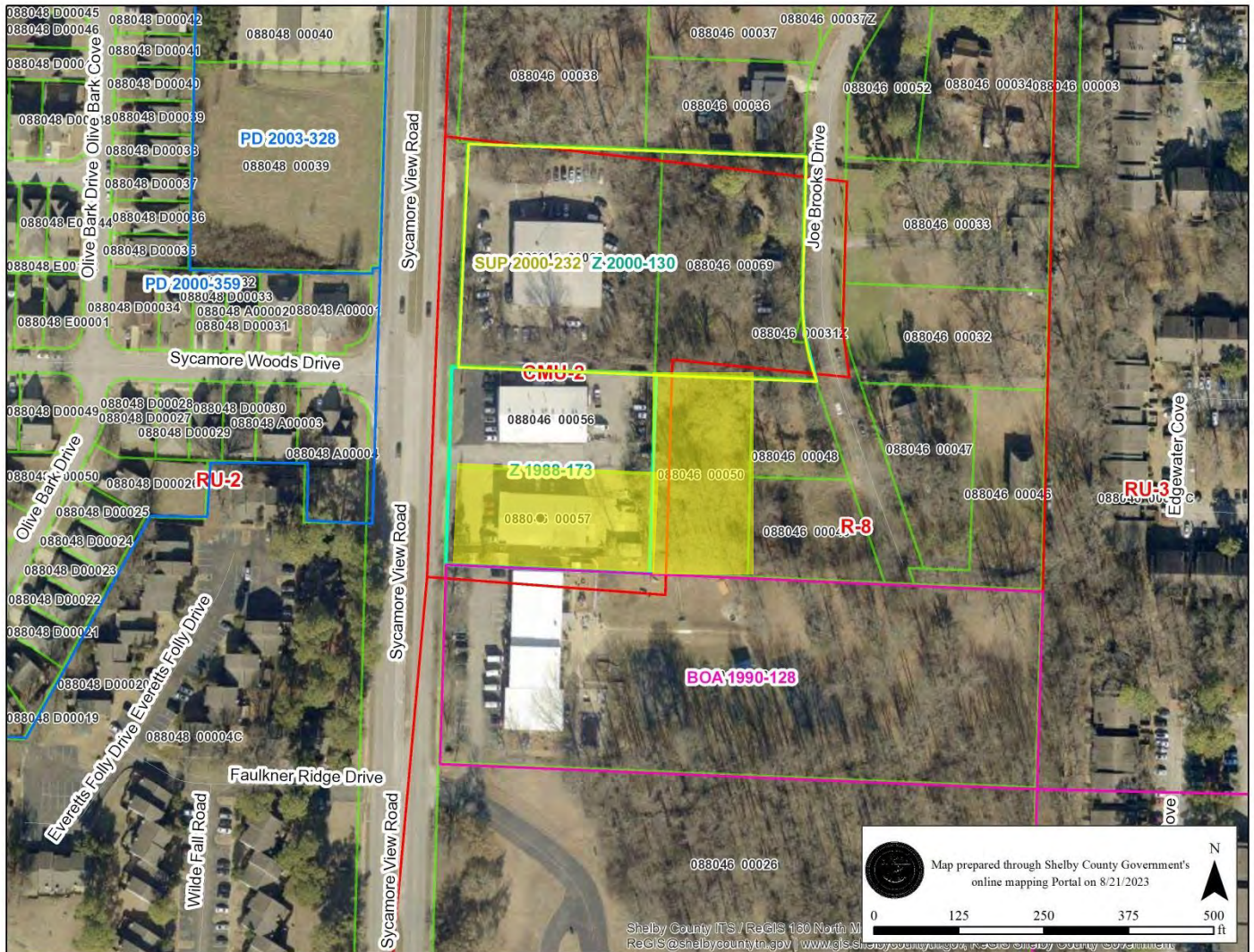
Subject property located within the pink circle

AERIAL



Subject property outlined in yellow, imagery from August 21, 2023

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed-use-2 (CMU-2)

Surrounding Zoning

North: CMU-2

East: R-8

South: R-8

West: RU-2

LAND USE MAP

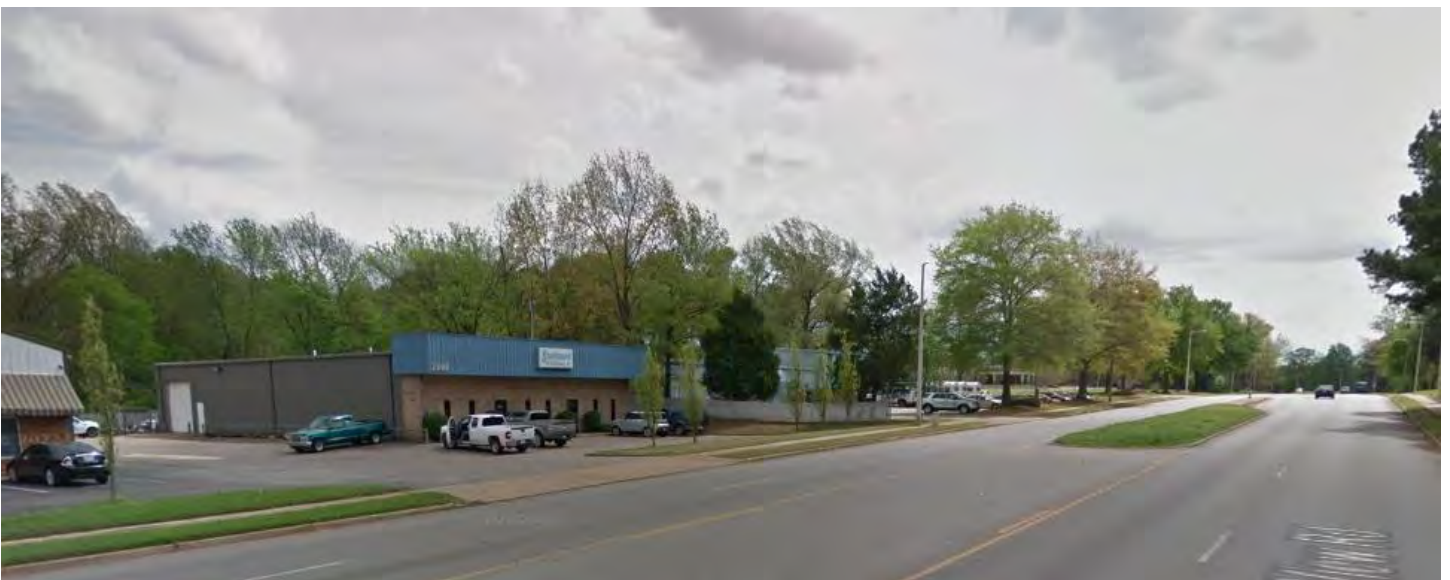


Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of the subject property Sycamore View Road (Front)

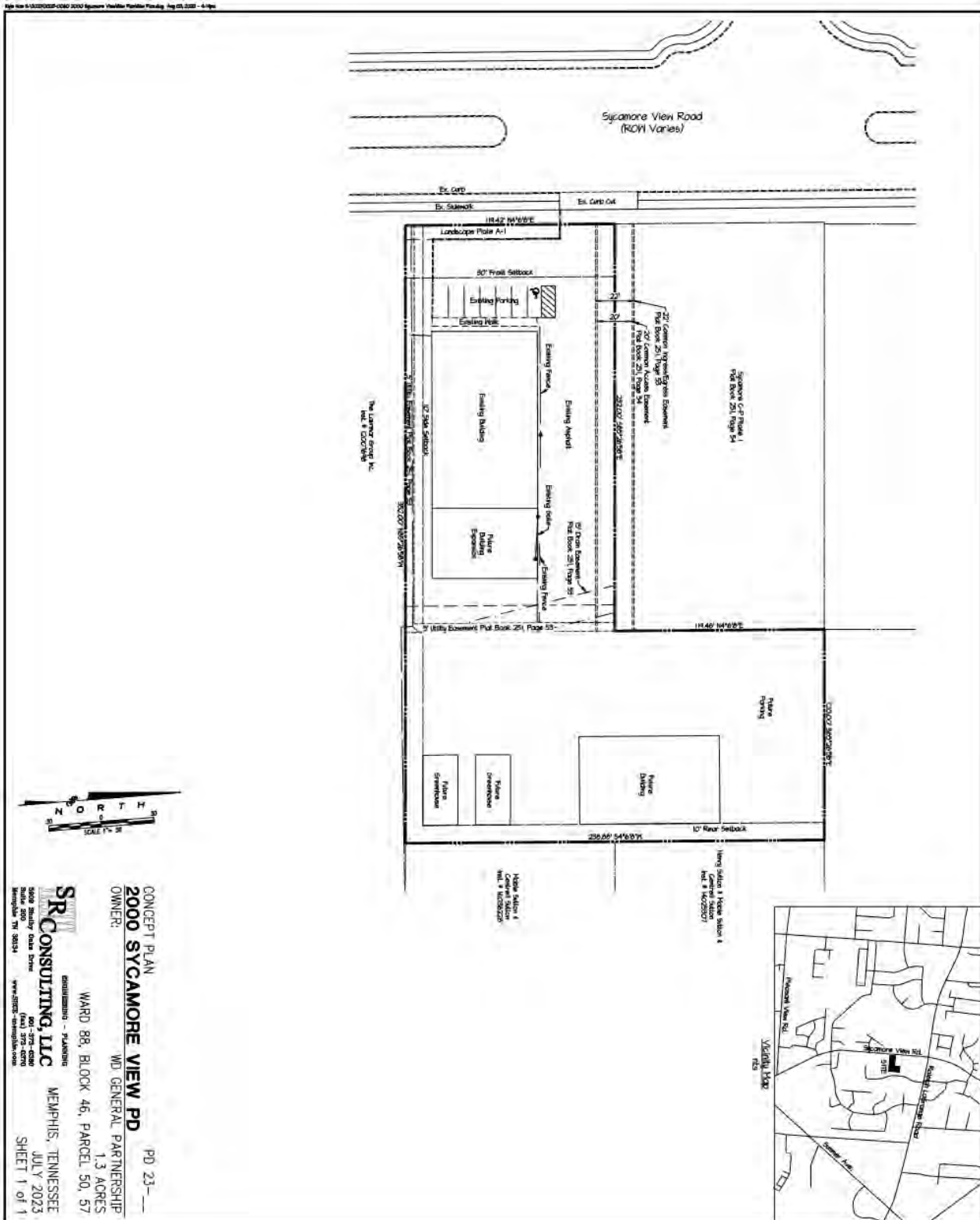


View of the subject property Sycamore View Road (West)



View of the subject property Sycamore View Road (East)

CONCEPT PLAN



STAFF ANALYSIS

Request

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

The request is a Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations

of the Land Use Control Board and the 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 +/-1.3 acres located on Sycamore View Road.

Site Zoning History

The current zoning is Commercial Mixed-use-2 (CMU-2).

Site Plan Review

A new building will be added to the site.

A new parking will be provided to the site.

The planned development will combine 2 parcels.

10 feet rear setback will be provided where the future building will be installed.
An expansion will be added to the existing building.
Two future greenhouses will be added to the site.

Conclusions

1. 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.
2. 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.

Outline Plan Conditions

OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. Those uses permitted by right in the CMU-2 District.
- II. Bulk Regulations
 - A. Except where further modified below, the bulk regulations of the CMU-2 district shall apply.
 - B. Front Setback – 30 feet
- III. Access
 - A. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - B. The City Engineer shall approve the design, number and location of curb cuts.
- IV. Landscaping
 - A. Existing Plate A-1 to remain along Sycamore View frontage.
 - B. Plate B-4 Modified, along east property line to be deferred until such time as a residential development were to occur on the adjoining property.
- V. The Land Use Control Board may modify the bulk and access requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Division of Planning and Development, to have such action reviewed by the Memphis City Council.
- VI. A final plat shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VII. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the UDC for any needed public improvements.
 - C. The location and ownership, whether public or private of any easement.
 - D. The 100-year flood elevation.

- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. 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.
3. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. This site is located in the Fletcher Creek Sewer Basin. The developer will have to apply for a sewer connection permit letter from the Director of Public Works. If approved, the developer will likely have to install an on-site storage tank with off-peak discharge capabilities.

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. 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.
13. 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.
14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
15. 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.
16. 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:

17. Development 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. 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: No comments received.

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 23-18: Sycamore View

Site Address/Location: 2000 Sycamore View Rd and 2009 Joe Brooks Dr.

Overlay District/Historic District/Flood Zone: Located in the Fletcher Creek Overlay District, but not in any Historic District, or Flood Zone

The applicant is requesting a Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear.

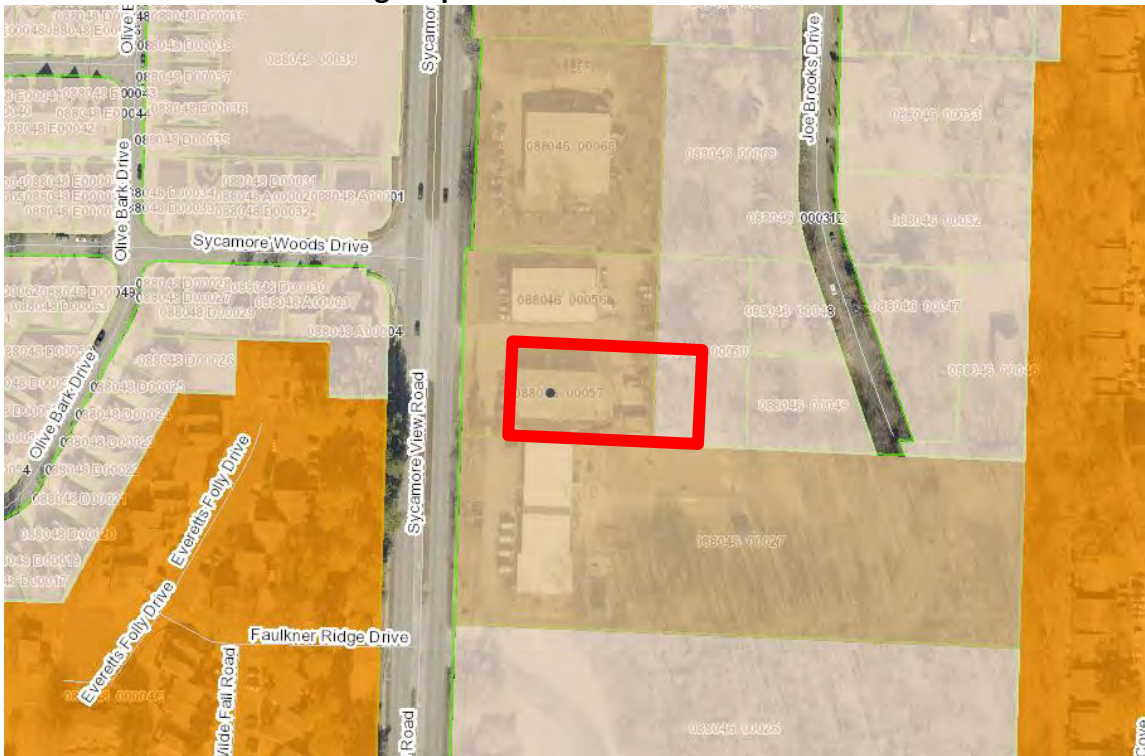
Parcel ID: 088046 00057

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

Street Type: Parkway

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: Industrial, CMU-2

Adjacent Land Use and Zoning: Commercial, Institutional, Single-family and Vacant Land; RU-3 and R-8

Overall Compatibility: This requested use is not compatible with the zoning notes, however it is consistent with

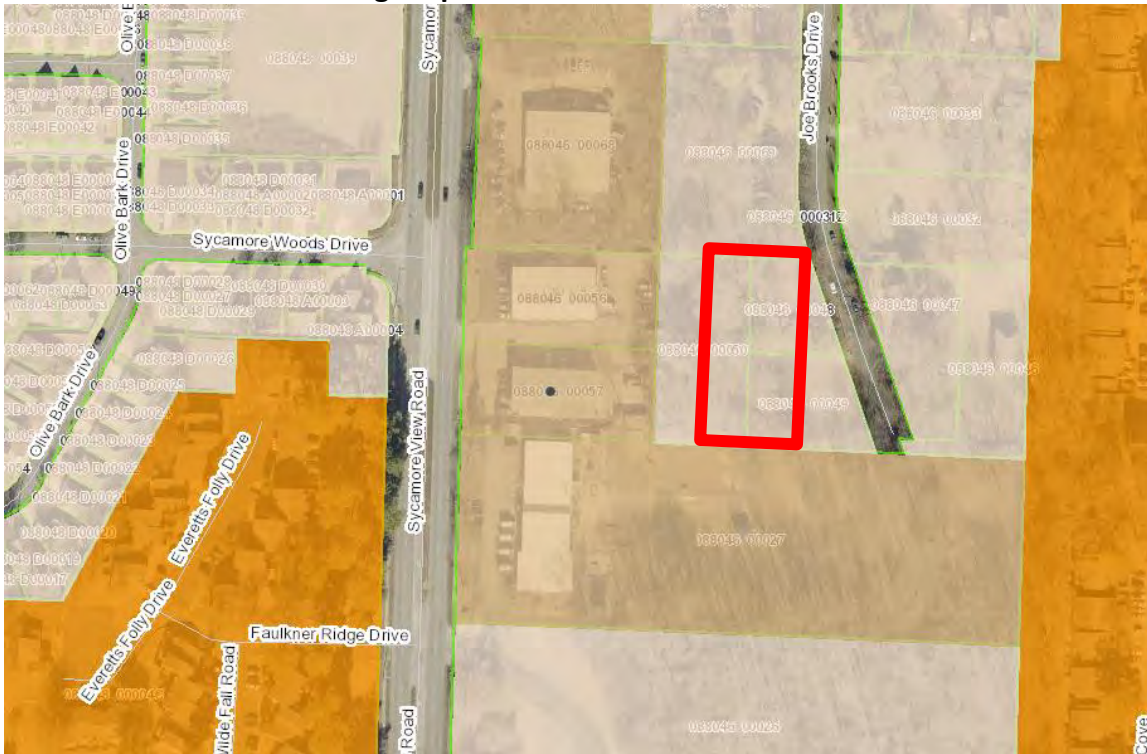
future land use description/intent, form & location characteristics, existing, adjacent land use and zoning.

Parcel ID: 088046 00050

Future Land Use Designation: Primarily Single-Unit Neighborhood

Street Type: N/A

3. Future Land Use Planning Map



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

4. Land Use Description/Intent

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



“NS” Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1 – 3 stories: Beyond ½ mile from a Community Anchor

“NS” 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.

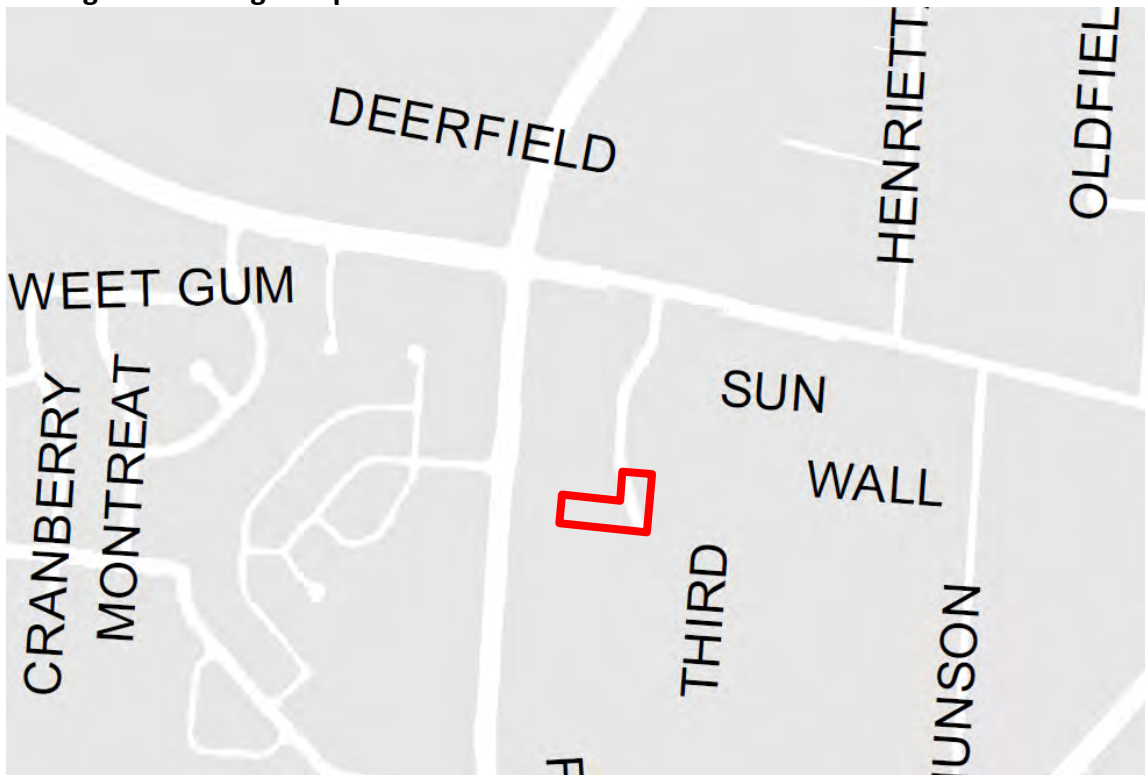
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-Family, Vacant, Institutional, R-8, RU-3 and CMU-2

Overall Compatibility: *This requested use is not compatible with the future land use description/intent, form & location characteristics. However, they are compatible with zoning notes, and existing, adjacent land use and zoning.*

5. Degree of Change Map



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

6. Degree of Change Description: N/A

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

8. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is requesting a Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear.

For Parcel 088046 00057, the requested use is not compatible with the zoning notes. However, it is consistent with future land use description/intent, form & location characteristics, existing, adjacent land use and zoning.

For Parcel 088046 00050, the requested use is not compatible with the future land use description/intent, form & location characteristics. However, they are compatible with zoning notes, and existing, adjacent land use and zoning.

Overall, the proposed development is consistent with Memphis 3.0.

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: August 4, 2023

Record Number: PD 2023-018

Expiration Date:

Record Name: Sycamore View

Description of Work: Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear

Parent Record Number:

Address:

2000 SYCAMORE VIEW RD, MEMPHIS 38134

Owner Information

Primary Owner Name

Y WD GENERAL PARTNERSHIP

Owner Address

2000 SYCAMORE VIEW RD, MEMPHIS, TN 38134

Owner Phone

Parcel Information

088046 00057

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL PROJECT INFORMATION

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 No affect to adjacent property.
UDC Sub-Section 9.6.9B Development will be consistent with adjacent developments.

UDC Sub-Section 9.6.9C Adequate facilities exist or will be updated as needed.

UDC Sub-Section 9.6.9D No significant features on the property.

UDC Sub-Section 9.6.9E Development will be consistent with land use requirements.

UDC Sub-Section 9.6.9F No affect to plans to be considered.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A Development will be consistent with adjacent developments.

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 Adequate facilities exist or will be updated as needed.

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 Development will be consistent with land use requirements.

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 Development will be consistent with adjacent developments.

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common The owner will maintain the property.

GENERAL PROVISIONS

elements

F) Lots of record are created with the recording of a planned development final plan A final plat will be recorded.

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

WD GENERAL PARTNERSHIP

Contact Type

APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491572	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	08/04/2023

Total Fee Invoiced: \$0.00

Total Balance: \$0.00



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, Will Farris (Print Name) [Signature] (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 2000 Sycamore View Rd. & 2009 Joe Brooks
and further identified by Assessor's Parcel Number 088046 00050, 57
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 15th day of August in the year of 2023

[Signature]
Signature of Notary Public

9/22/23
My Commission Expires

LETTER OF INTENT



Date: July 31, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 2000 Sycamore View

LETTER OF INTENT

We are submitting a PD application for property located at 2000 Sycamore View Rd. and 2009 Joe Brooks Dr. We are proposing a commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reeves, being duly sworn, depose and say that at 12:37pm on the 29th day of August, 2023 I posted one Public Notice Sign pertaining to Case No. PD 23-018 in front of the property located at 2000 Sycamore View providing notice of a Public Hearing before the September 14, 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 Reeves
Owner, Applicant or Representative

8/30/23
Date

Subscribed and sworn to before me this 30 day of August, 2023

Cynthia J. Reeves
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: Pending

Opened Date: August 4, 2023

Record Number: PD 2023-018

Expiration Date:

Record Name: Sycamore View

Description of Work: Commercial planned development to combine the 2 parcels with the existing building and parking to remain and a new building and parking on the parcel to the rear

Parent Record Number:

Address:

2000 SYCAMORE VIEW RD, MEMPHIS 38134

Owner Information

Primary Owner Name

Y WD GENERAL PARTNERSHIP

Owner Address

2000 SYCAMORE VIEW RD, MEMPHIS, TN 38134

Owner Phone

Parcel Information

088046 00057

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL PROJECT INFORMATION

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

No affect to adjacent property.

UDC Sub-Section 9.6.9B

Development will be consistent with adjacent developments.

UDC Sub-Section 9.6.9C

Adequate facilities exist or will be updated as needed.

UDC Sub-Section 9.6.9D

No significant features on the property.

UDC Sub-Section 9.6.9E

Development will be consistent with land use requirements.

UDC Sub-Section 9.6.9F

No affect to plans to be considered.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

Development will be consistent with adjacent developments.

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

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Development will be consistent with land use requirements.

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

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The owner will maintain the property.

GENERAL PROVISIONS

elements

F) Lots of record are created with the recording of a planned development final plan A final plat will be recorded.

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	Contact Type
WD GENERAL PARTNERSHIP	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491572	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	08/04/2023

Total Fee Invoiced: \$0.00

Total Balance: \$0.00



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: July 31, 2023

To: Division of Planning & Development

From: Cindy Reaves

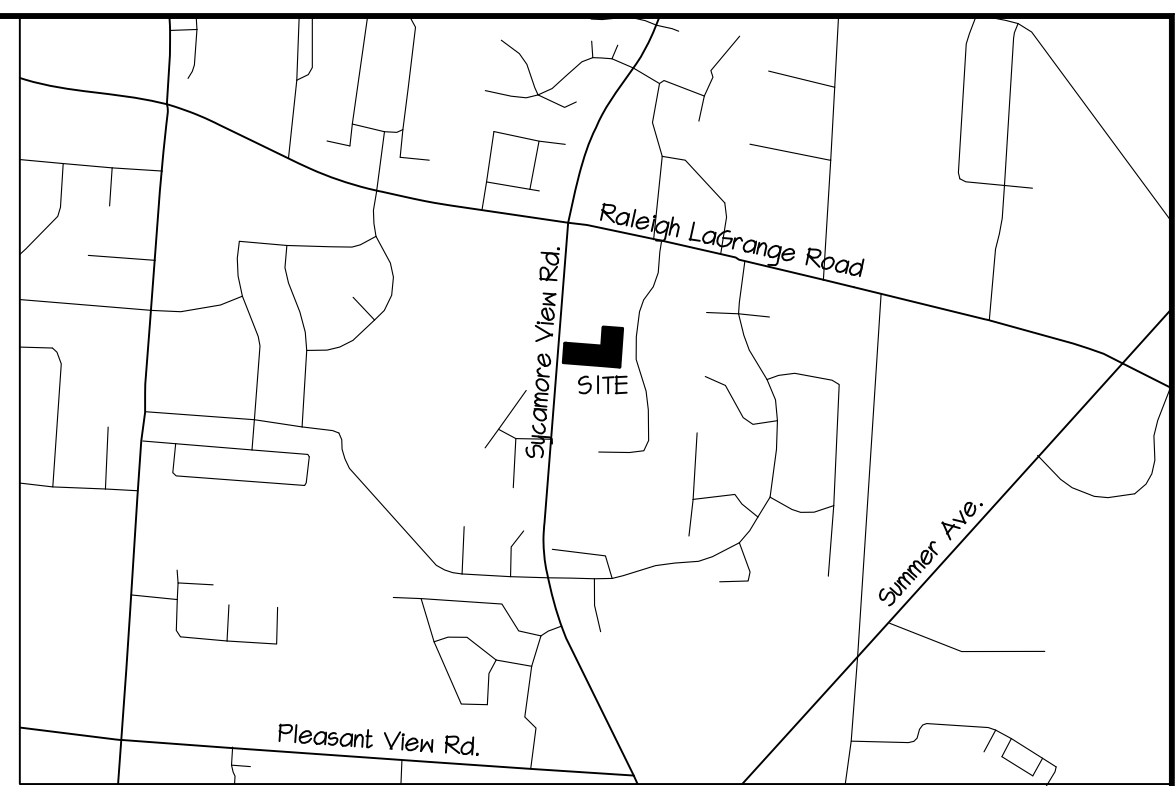
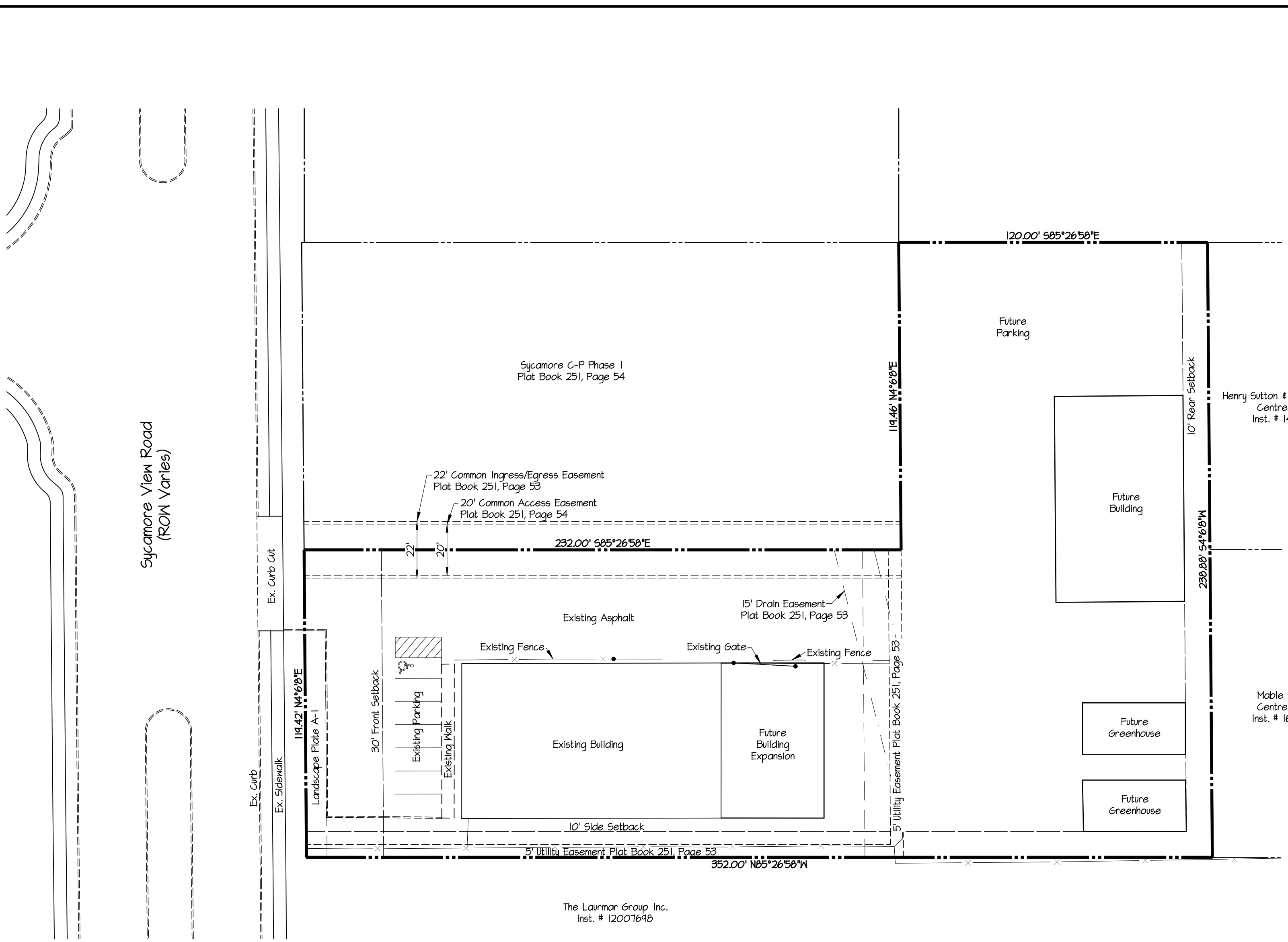
Re: 2000 Sycamore View

LETTER OF INTENT

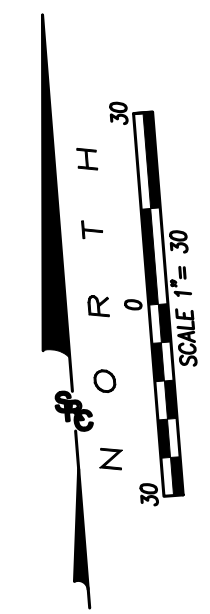
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We appreciate your support with this request. Please contact me if you have any questions.

File No: 2022-0040 2000 Sycamore Viewable Platfile Planning Aug 05, 2025 - 4:14pm



Vicinity Map
nts

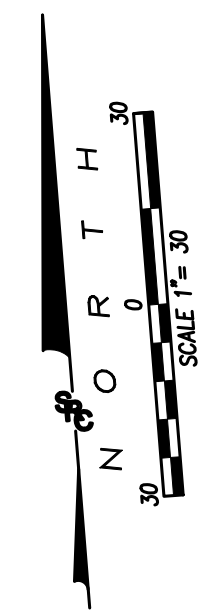
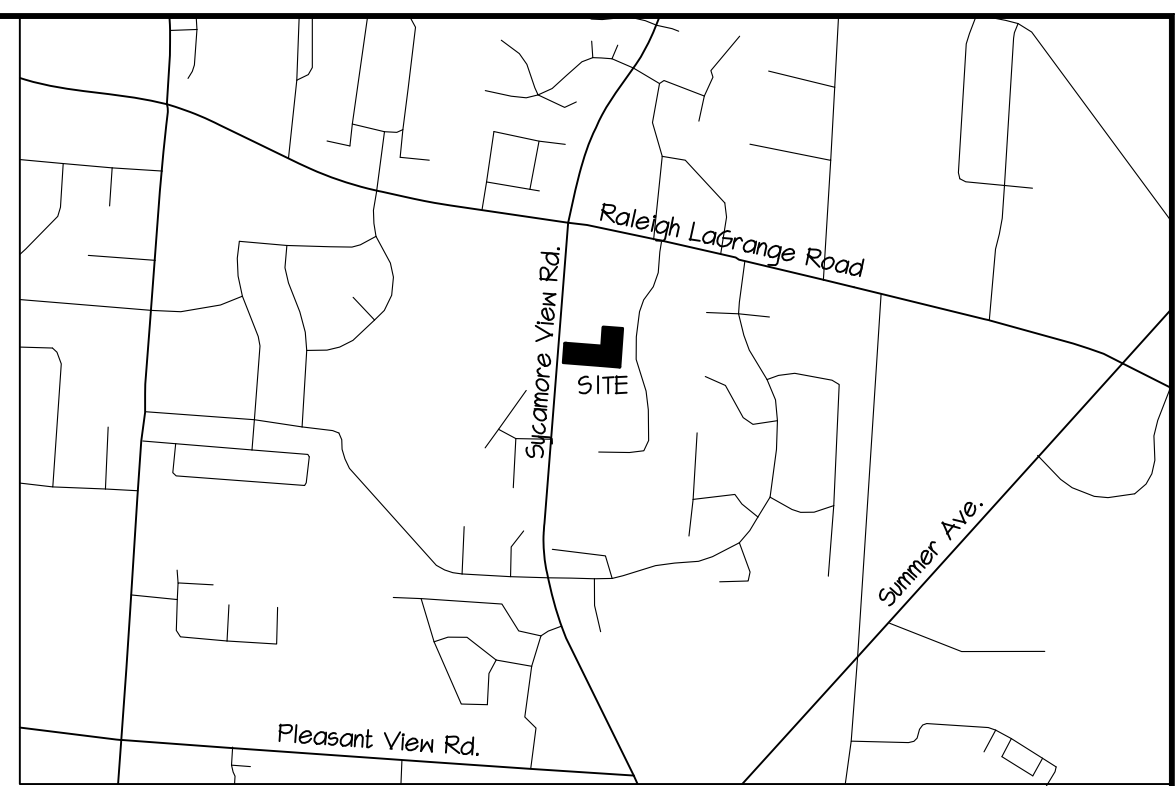
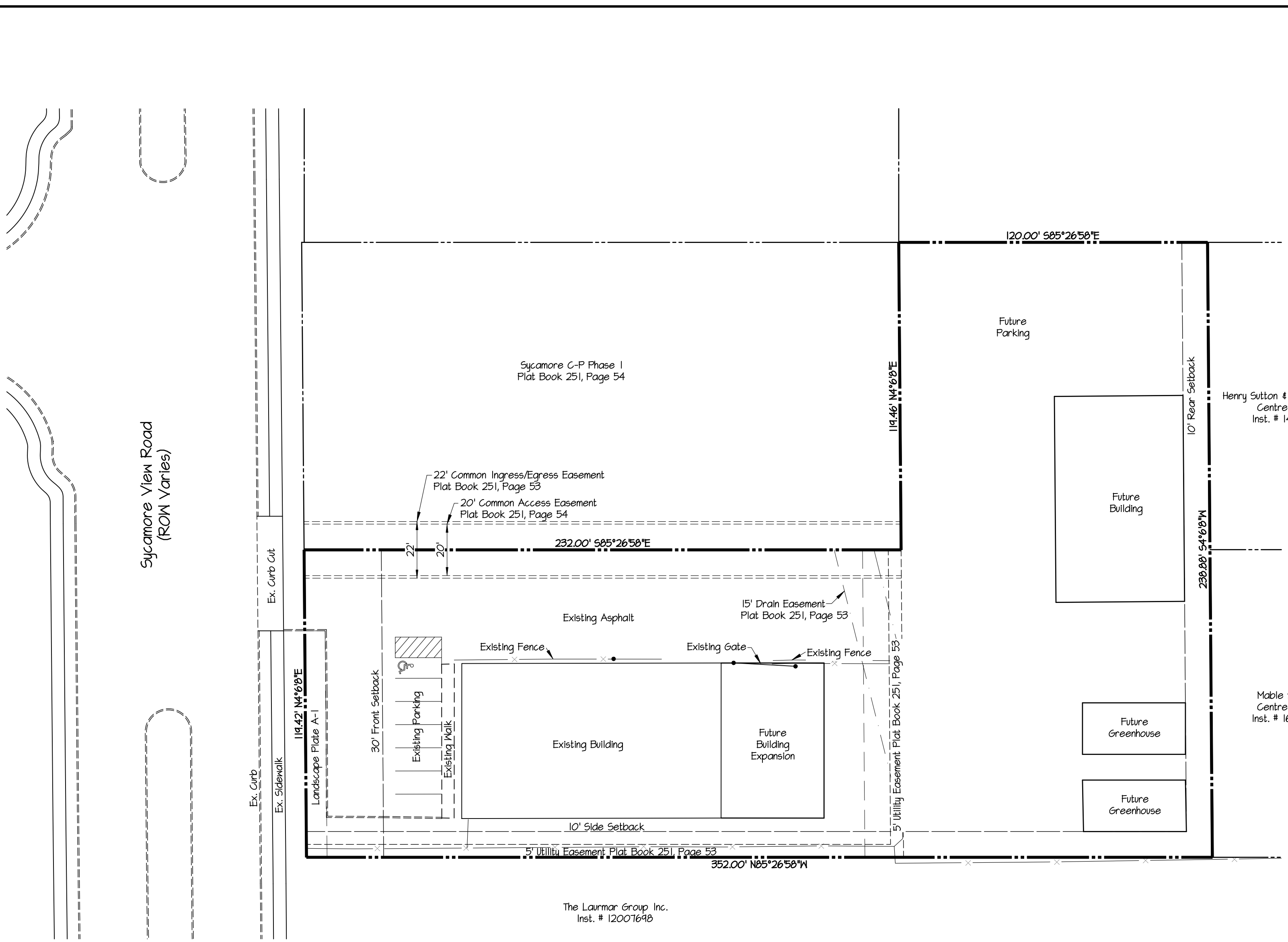


CONCEPT PLAN PD 23-___
2000 SYCAMORE VIEW PD
 OWNER: WD GENERAL PARTNERSHIP
 1.3 ACRES
 WARD 88, BLOCK 46, PARCEL 50, 57

SR CONSULTING, LLC
 ENGINEERING - PLANNING
 5909 Shelby Oaks Drive Suite 200 Memphis TN 38134
 901-373-0380 (fax) 373-0370
 www.SRCE-memphis.com

MEMPHIS, TENNESSEE
 JULY 2023
 SHEET 1 of 1

File No. 912251225-0040 2000 Sycamore View/Parcel Platfile Planning Aug 05, 2025 - 4.14pm



CONCEPT PLAN PD 23-___
2000 SYCAMORE VIEW PD
 OWNER: WD GENERAL PARTNERSHIP
 1.3 ACRES
 WARD 88, BLOCK 46, PARCEL 50, 57

SR CONSULTING, LLC
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 www.SRCE-memphis.com

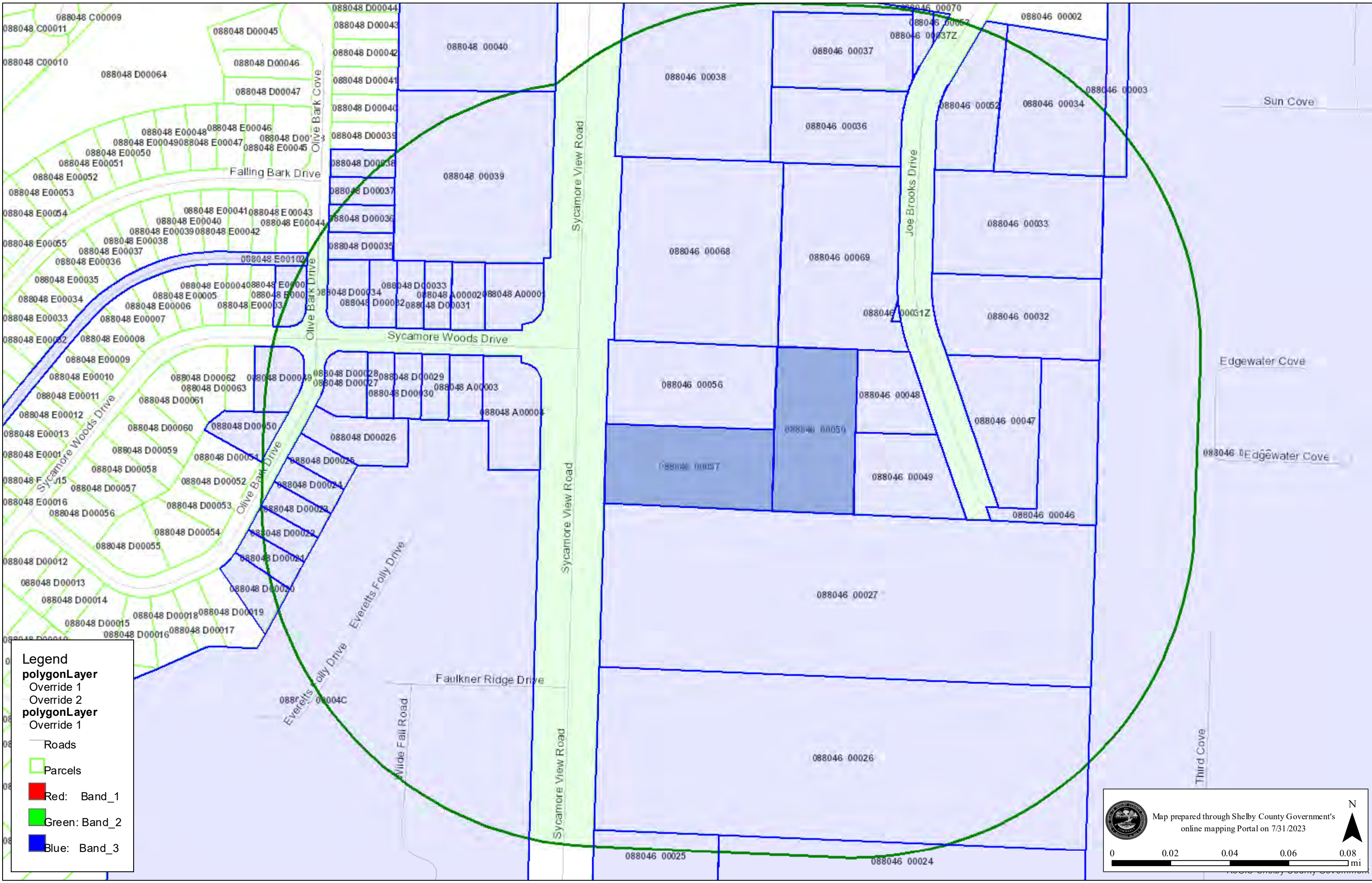
MEMPHIS, TENNESSEE
 JULY 2023
 SHEET 1 of 1

OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. Those uses permitted by right in the CMU-2 District.
- II. Bulk Regulations
 - A. Except where further modified below, the bulk regulations of the CMU-2 district shall apply.
 - B. Front Setback – 30 feet
- III. Access
 - A. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - B. The City Engineer shall approve the design, number and location of curb cuts.
- IV. Landscaping
 - A. Existing Plate A-1 to remain along Sycamore View frontage.
 - B. Plate B-4 Modified, along east property line to be deferred until such time as a residential development were to occur on the adjoining property.
- V. The Land Use Control Board may modify the bulk and access requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Division of Planning and Development, to have such action reviewed by the Memphis City Council.
- VI. A final plat shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VII. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the UDC for any needed public improvements.
 - C. The location and ownership, whether public or private of any easement.
 - D. The 100-year flood elevation.


- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.

- F. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.



Legend

- polygonLayer**
- Override 1
- Override 2
- polygonLayer**
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Map prepared through Shelby County Government's online mapping Portal on 7/31/2023

0 0.02 0.04 0.06 0.08 mi

N

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, Will Farris (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 2000 Sycamore View Rd. & 2009 Joe Brooks

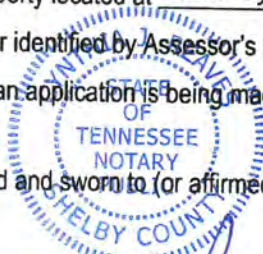
and further identified by Assessor's Parcel Number 088046 00050, 57

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

Subscribed and sworn to (or affirmed) before me this 15th day of August in the year of 2023.


Signature of Notary Public

9/22/23
My Commission Expires



PARTNERSHIP AGREEMENT

OF

WD a TENNESSEE GENERAL PARTNERSHIP

THIS PARTNERSHIP AGREEMENT entered into as of 7/10/19, among the persons listed on Exhibit A hereto, who are hereinafter sometimes separately referred to as "Partner" and collectively referred to as "Partners."

ARTICLE I

DEFINITION. S

As used herein, the following terms shall have the respective meanings set forth below:

- 1.1 "Additional Capital Contribution" shall mean any contribution of the Partners to the capital of the Partnership pursuant to Section 3.2, in each case the amount of which shall be equal to the amount of cash plus the fair market value of any contributed property (net of liabilities assumed by the Partnership and liabilities to which such contributed property is subject).
- 1.2 "Capital Accounts" shall mean the capital accounts of the Partners, as described in Section 3.3 hereof.
- 1.3 "Code" shall mean the Internal Revenue Code of 1986, as amended, or corresponding provisions of future laws.
- 1.4 "Capital Contribution" shall mean the contributions of the Partners to the capital of the Partnership described in Section 3.1, the amount of which shall be equal to the amount of cash plus the fair market value of any contributed property (net of liabilities assumed by the Partnership and liabilities to which such contributed property is subject).
- 1.5 "Majority" shall mean Partners holding more than fifty percent (50%) of the Partnership Percentages held either by all partners or by such smaller number of Partners as the context expressly requires.
- 1.6 "Net Cash Flow" shall mean, with respect to any fiscal year, the gross cash proceeds from Partnership operations received during such fiscal year, plus any amounts which were originally reserved and would otherwise have been Net Cash Flow, but which are no longer deemed by a Majority of the Partners to be required as reserves, less the portion thereof used during such fiscal year to pay or establish reserves for all Partnership expenses, debt payments,

capital improvements, replacements, additional investments and contingencies, all as determined by a Majority of the Partners in their discretion.

- 1.7 "Partners" shall refer, collectively, to those persons listed on Exhibit A hereto. Reference to a "Partner" shall be to any of the Partners.
- 1.8 "Partnership" shall mean the Partnership subject to this Partnership Agreement.
- 1.9 "Partnership Act" shall mean the Tennessee Uniform Partnership Act, as amended.
- 1.10 "Partnership Agreement" shall mean this agreement as the same may be amended or restated from time to time.
- 1.11 "Partnership Interest" or "Interest in the Partnership" shall mean the entire ownership interest of a Partner in the Partnership at any particular time, including the right of such Partner to any and all benefits to which a Partner may be entitled as provided in this Partnership Agreement, together with the obligations of such Partner to comply with all the terms and provisions of this Partnership Agreement. The Term "Partnership Interests" shall refer to the entire ownership interests of all of the Partners in the Partnership.
- 1.12 "Partnership Percentage" shall mean the Partnership Percentages of the Partners set forth in Exhibit A hereto.
- 1.13 "Profits" and "Losses" shall mean, for each fiscal year or other period, an amount equal to the Partnership's taxable income or loss for such year or period, determined in accordance with Code Section 703(a) (for this purpose, all items of income, gain, loss, or deduction required to be stated separately pursuant to Code Section 703(a)(1) shall be included in taxable income or loss), with the following adjustments:
 - (a) Any income of the Partnership that is exempt from federal income tax and not otherwise taken into account in computing Profits or Losses pursuant to this Section 1.14 shall be added to such taxable income or loss;
 - (b) Any expenditures of the Partnership described in Code Section 705(a)(2)(B) or treated as Code Section 705(a)(2)(B) expenditures pursuant to Treasury Regulation Section 1.704-1(b)(2)(iv)(i), and not otherwise taken into account in computing Profits or Losses pursuant to this Section 1.14, shall be subtracted from such taxable income or loss;

(c) In all cases where the tax basis of Partnership property is different from the value last used in establishing or restating the Capital Accounts of the Partners, then gain or loss from the disposition of such property in a taxable transaction and depreciation, amortization or cost recovery deductions with respect to such property shall be computed in accordance with any consistently applied method approved by a Majority of the Partners and authorized under Code Sections 704(b) and (c) and Treasury Regions Section 1.704-1(b).

1.14 "Withdrawal" of a Partner shall occur if the Partnership Interest of such Partner is voluntarily or involuntarily transferred or redeemed, if the Partner dies, if the existence of the Partner is otherwise terminated, or if the Partner makes an assignment for the benefit of creditors, files a voluntary petition in bankruptcy, is adjudicated bankrupt or insolvent or fails to have dismissed after ninety (90) days any proceeding filed against the Partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation.

ARTICLE II

GENERAL PROVISIONS

2.1 Formation. The Partnership shall commence on the date of this Partnership Agreement. The Partners constitute a general partnership formed pursuant to the Uniform Partnership Act and other applicable laws of the State of Tennessee.

2.2 Expense of Formation. Each Partner shall bear his own expenses incurred in connection with the acquisition of his Partnership Interest, except as otherwise expressly provided herein.

2.3 Name and Place of Business. The Partnership is and shall be conducted under the name of "WD General Partnership," a Tennessee general partnership. The principal office of the Partnership shall be 2000 Sycamore View, Memphis, Tennessee 38134. Such other offices may be maintained as the Partners may from time to time find necessary or desirable.

2.4 Purposes. The Partnership has been formed to own and develop real estate and to continue operation and management of interest in real estate.

2.5 Title to Property. Title to all real property and any other assets of the Partnership shall be held in the name of the Partnership, and no Partner individually shall have any ownership of such property. The Partners shall execute such documents as may be necessary to reflect the Partnership's

ownership of its property in such public offices in the State of Tennessee as may be required. The interests of the Partners in the Partnership shall be personal property for all purposes.

- 2.6 Term. The Partnership shall continue until terminated in accordance with the provisions of Article VI hereof or as otherwise provided by law.

ARTICLE ID

CAPITAL CONTRIBUTIONS

- 3.1 Capital Contributions. As of the execution of this Partnership Agreement, the Partners shall each make a contribution to the capital of the Partnership of cash or property (net of liabilities assumed by the Partnership or to which such property is subject) that shall be duly entered and recorded on the books of the Partnership, shall each receive his or its Partnership Interest, and shall each be allocated his or its Partnership Percentage.
- 3.2 Additional Capital Contributions. Except as provided by law, no Partner shall have any obligation to make additional contributions to the capital of the Partnership ("Additional Capital Contributions"). No Partner may make an Additional Capital Contribution without the consent of the Managing Partner.
- 3.3 Capital Accounts. An individual capital account ("Capital Account") shall be maintained for each Partner in the following manner:
- (a) To each Partner's Capital Account, there shall be credited such partner's Capital Contributions and Additional Capital Contributions and such Partner's share of Profits as determined under Article IV.
 - (b) To each Partner's Capital Account, there shall be debited the amount of cash and the fair market value of any Partnership asset distributed to such Partner pursuant to any provision of this Partnership Agreement (net of liabilities assumed by the Partner and liabilities to which such distributed property is subject), and such partner's share of Losses as determined under Article IV.

The foregoing provisions and other provisions of this Partnership Agreement relating to the maintenance of Capital Accounts are intended to comply with Treasury Regulation Section 1.704-1(b), and shall be interpreted and applied in a manner consistent with such Treasury Regulation.

ARTICLE IV

DISTRIBUTIONS AND ALLOCATIONS

- 4.1 Distributions of Net Cash Flow. A Majority of the Partners in his discretion may make distributions to the Partners in accordance with their respective Partnership Percentages of all or any portion of the Net Cash Flow, if any, realized by or available to the Partnership for each fiscal year.
- 4.2 Allocation of Profit or Loss. The Profit or Loss of the Partnership for each fiscal year (and each item of income, gain, deduction and loss comprising such Profit or Loss) shall be allocated among the Partners in proportion to their Partnership Percentages.
- 4.3 Special Allocations. Notwithstanding the provisions of Section 4.2, the following special allocations shall be made in the following order:
- (a) Except as otherwise provided in Treasury Regulation Section 1.704-2(f), if there is net decrease in partnership minimum gain, as defined in Treasury Regulation Sections 1.704-2(b)(2) and 1.704-2(d), during the fiscal year, each Partner shall be specially allocated items of Partnership income and gain for such fiscal year (and, if necessary, subsequent fiscal years) in an amount equal to such Partner's share of the net decrease in partnership minimum gain, determined in accordance with Treasury Regulation Section 1.704-2(g). Allocations pursuant to the previous sentence shall be made in proportion to the respective amounts required to be allocated to each Partner pursuant thereto. The items to be so allocated shall be determined in accordance with Treasury Regulation Sections 1.704-2(f)(6) and 1.704-20)(2). This Section 4.3(a) is intended to comply with the minimum gain chargeback requirement in Section 1.704-1(f) of the Treasury Regulations and shall be interpreted consistently therewith.
 - (b) Except as otherwise provided in Section 1.704-1 (i)(4) of the Treasury Regulations, if there is a net decrease in partner nonrecourse debt minimum gain, determined in accordance with Treasury Regulation Section 1.704-2(i)(3), attributable to a partner nonrecourse debt, as defined in Treasury Regulation Section 1.704-2(b)(4), during any fiscal year, each Partner who has a share of the partner nonrecourse debt minimum gain attributable to such partner nonrecourse debt, determined in accordance with Section 1.704-2(i)(5) of the Regulations, shall be specially allocated items of Partnership income and gain for such fiscal year (and, if necessary, subsequent fiscal years) in an amount equal to such Partner's share of the net decrease in partner nonrecourse debt minimum gain attributable to such partner nonrecourse debt, determined in accordance with Treasury Regulation Section 1.704-2(i)(4).

Allocations pursuant to the previous sentence shall be made in proportion to the respective amounts required to be allocated to each in proportion to the respective amounts required to be allocated to each Partner pursuant thereto. The items to be so allocated shall be determined in accordance with Treasury Regulation Section 1.704-2(i)(4) and 1.704-2(i)(2). This Section 4.3(b) is intended to comply with the minimum gain chargeback requirement in Section 1.704-2(i)(4) of the Treasury Regulations and shall be interpreted consistently therewith.

- (c) Nonrecourse deductions, as defined in Treasury Regulations Sections 1.704-2(b)(1) and 1.704-2(c), for any fiscal year shall be specially allocated among the Partners in proportion to their Partnership Percentage.
- (d) Any partner nonrecourse deductions, as defined in Treasury Regulation Sections 1.704-2(i)(1) and 1.704-2(i)(2), for any fiscal year shall be specially allocated to the Partner who bears the economic risk of loss with respect to the partner nonrecourse debt, as defined in Treasury Regulation Section 1.704-2(b)(4), to which such partner nonrecourse deductions are attributable in accordance with Treasury Regulation Section 1.704-2(i)(1).
- (e) To the extent an adjustment to the adjusted tax basis of any Partnership asset pursuant to Code Section 734(b) or Code Section 743(b) is required, pursuant to Treasury Regulation Section 1.704-1(b)(2)(iv)(m)(2) or Treasury Regulation Section 1.704-1(b)(2)(iv)(m)(4), to be taken into account in determining Capital accounts as the result of a distribution to a Partner in complete liquidation of his interest in the Partnership, the amount of such adjustment to the Capital Accounts shall be treated as an item of gain (if the adjustment increases the basis of the asset) or loss (if the adjustment decreases such basis) and such gain or loss shall be specially allocated to the Partners in accordance with their interests in the Partnership in the event Regulations Section 1.704-1(b)(2)(iv)(m)(2) applies, or to the Partners to whom such distribution was made in the event Regulations Section 1.704-1(b)(2)(iv)(m)(4) applies.
- (f) No items of loss or deduction for any fiscal year of the Partnership shall be allocated to a Partner which would cause the Partner's Capital Account balance (as adjusted as hereinafter described) to be less than zero (0) at the end of such fiscal year. In the event that any Partner unexpectedly receives any such adjustment, allocation or distribution described in Treasury Regulation Section 1.704-1(b)(2)(ii)(d)(4)(5) or (6) which causes such Partner's Capital Account balance (as adjusted) to be less than zero (0), then all such Partners shall be allocated items of income and gain (consisting of a pro rata portion of each item of

Partnership income, including gross income and gain) in the amount and in the proportions needed to eliminate such negative Capital Account balances (as adjusted) as quickly as possible for each such Partner, provided that an allocation pursuant to this subsection (f) shall be made only if and to the extent that such Partner would have a Capital Account balance (as adjusted) that is less than zero (0) after all other allocations provided for in this Article IV have been tentatively made as if this subsection (f) were not in the Agreement. Solely for the purposes of this subsection (f), a Partner's Capital Account balance at the end of any fiscal year of the Partnership shall be reduced by the adjustments, allocations and distributions described in Treasury Regulation Section 1.704-1(b)(2)(ii)(d)(4), (5) and (6) that as of the end of each such fiscal year are reasonably expected to be made and shall be increased by any amount that such Partner is unconditionally obligated to restore pursuant to any provision of this Agreement or is deemed to be obligated to restore pursuant to the next to the last sentences of Treasury Regulation Sections 1.704-2(g)(1) and 1.704-2(i)(5). The provisions of this subsection are intended to provide for a qualified income offset under Treasury Regulation 1.704-1(b)(2)(ii)(d)(3) and shall only be given such effect as is not inconsistent with the aforesaid Regulation.

- (g) In the event that any Partner has a Capital Account balance that is less than zero (0) at the end of the fiscal year which is in excess of the sum of (i) the amount that such Partner is unconditionally obligated to restore pursuant to any provision of this Agreement, and (ii) the amount such Partner is deemed to be obligated to restore pursuant to the next to the last sentences of Treasury Regulation Sections 1.704-2(g)(1) and 1.704-2(i)(5), each such Partner shall be allocated items of income and gain (consisting of a pro rata portion of each item of Partnership income, including gross income and gain) in the amount and in the proportions needed to eliminate such excess as quickly as possible for each such Partner, provided that an allocation pursuant to this subsection (g) shall be made only if and to the extent that such Partner would have a Capital Account balance that is less than zero (0) which is in excess of such sum after all other allocations provided for in this Article IV have been tentatively made as if subsection (f) and this subsection (g) were not in the Agreement.

- 4.4 Curative Allocations. Any special allocations under Section 4.3 shall be taken into account in computing subsequent allocations of Profits and Losses pursuant to Section 4.2 so that the amounts allocated under this Article IV and the Capital Account balances of the Partners shall, to the extent possible, be equal to the amounts that would have been allocated and the Capital Account balances that would have resulted if such special allocations had not been made.

4.5 Tax Incidents. The following allocations shall be made for tax purposes:

(a) Except as otherwise provided in this Partnership Agreement, for federal and state income tax purposes, all items of Partnership income, gain, loss, deduction, credit and any other allocations not otherwise provided for shall be allocated among the Partners in the same manner as the corresponding item of income, gain, loss or deduction was allocated pursuant to Sections 4.2, 4.3, and 4.4.

(b) In accordance with Code Section 704(c) and the Treasury Regulations thereunder, income, gain, loss and deduction with respect to any property contributed to the capital of the Partnership shall, solely for tax purposes, be allocated among the Partners so as to take account of any variation between the adjusted basis of such property to the Partnership for federal income tax purposes and its fair market value at the date of contribution. It is intended that the allocations described in this subsection constitute allocations for income tax purposes that are consistent with Code Sections 704(b) and (c) and comply with any limitations or restrictions therein. Any elections or other decisions relating to such allocation shall be made by all Majority of the Partners in any manner that reasonably reflects the purpose and intention of this Partnership Agreement. Allocations made pursuant to this Section 4.5 are solely for purposes of federal, state and local taxes and shall not affect, or in any way be taken into account in computing, any Partner's Capital Account or share of Profits, Losses, other items, or distributions pursuant to any provision of this Partnership Agreement.

ARTICLE V

TRANSFERS AND WITHDRAWALS

5.1 Restrictions on Transfers. Except as expressly provided in this Article V, no Partner may, without the written consent of a Majority of the other Partner, which consent may be withheld in the sole and absolute discretion of such other Partners, sell, convey, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber in any way (hereinafter referred to as a "transfer") all or any portion of his Partnership Interest or substitute an assignee in his place. Any such attempted transfer or substitution without such consent shall be null and void.

5.2 Withdrawal of Partners. Any Withdrawal without the consent of a Majority of the other Partners shall be a breach of the terms of this Partnership Agreement; provided, however, Withdrawal by reason of death or the termination of any trust in accordance with its terms shall not be a breach of the terms of this Partnership Agreement. In the event of the death of

William Farris or Dawson Stockdale, if the heirs of the deceased wish to withdraw from the partnership, the surviving partner may buy out the partnership interest of the deceased partner based on 90% of the then appraised value of the property or one-half of 100% of the basis in the property, whichever is greater, less any debt outstanding on the property. Estimated Value shall be determined by an appraisal by a MAI appraiser to be mutually agreed upon by the heirs of the deceased partner and the surviving partner. Basis in the property shall be the original purchase price plus any closing costs and any capital contributions.

5.3 Rights of First Refusal.

- (a) In the event a Partner receives a written, bona fide offer to purchase all of his Partnership Interest from any person or entity (the "Transferee") and such Partner (the "Selling Partner") desires to sell all of his Partnership Interest in a transaction with such Transferee, such Selling Partner shall first deliver written notice (hereinafter referred to as the "Notice of Offer") to the other Partners, which Notice of Offer shall specify (i) the Partnership Percentage owned by the Selling Partner (the "Offered Percentage"); (ii) the Proposed cash and other consideration being offered (the "Offer Price"); (iii) the intended Transferee, who must be a bona fide purchaser; and (iv) all other terms and conditions of the offer. If the Offer Price is payable in whole or in part in consideration other than cash, the fair market value of the non-cash portion of the consideration shall be determined by the Partnership in good faith. The Notice of Offer shall constitute an irrevocable offer by the Selling Partner to sell to the other Partners the Offered Percentage at the Offer Price.
- (b) Within fifteen (15) days following its receipt of the Notice of Offer, each other Partner shall notify the Selling Partner in writing as to the percentage of the Offered Percentage he is electing to purchase (an "Acceptance"). If the Selling Partner does not receive an Acceptance from some or all of the other Partners within such fifteen-day period, such other Partners who did not deliver an Acceptance shall be deemed to have declined to purchase any of the Offered Interests. An Acceptance from any other Partner (an "Accepting Partner") shall be deemed to be an irrevocable commitment to purchase from the Selling Partner the Partnership Percentage that such Accepting Partner has elected to purchase pursuant to his Acceptance, subject to allocation of Offered Percentage among the Accepting Partners as hereinafter provided.
- (c) If the Accepting Partners have elected to purchase a number of Offered Percentages that in the aggregate exceeds the Offered Percentage, the Partnership shall allocate the Offered Percentage among the Accepting

Partners in proportion to their respective ownership of Partnership Interests; provided, however, that no Accepting Partner shall be required or entitled to purchase an Offered Percentage greater than the percentage set forth in his Acceptance. The Partnership shall promptly notify each such Accepting Partner of the Offered Percentage allocated to him, and each such Accepting Partner shall be obligated to purchase such Offered Percentage allocated to him at the Offer Price at a closing as set forth in Section 5.3(e).

- (d) If the Accepting Partners do not elect to purchase all of the Offered Percentage available for purchase under this Section 5.3, the Selling Partner (i) shall be under no obligation to sell any of the Offered Percentage to any Accepting Partner, unless the Selling Partner so accepts, but (ii) may, within a period of thirty (30) days from the date upon which the aforementioned fifteen-day period expires, sell the Offered Percentage to the Transferee identified in the Notice of Offer, for cash at a price not less than the Offer Price and on such other terms and conditions as are no more favorable to the proposed Transferee than those specified in the Notice of Offer. Upon any such sale, the Transferee of such Offered Percentage shall execute an agreement in form and substance satisfactory to the Partners, pursuant to which such Transferee agrees that the Offered Percentage it acquires from the Selling Partner is subject to the provisions of this Agreement and that such Transferee is bound hereby as if an original party hereto. If the Selling Partner does not complete the sale of the Offered Percentage within such thirty (30) day period, the provisions of this Section 5.3 shall again apply, and no sale of Partnership Interest of the Selling Partner shall be made otherwise than in accordance with the terms of this Agreement.
- (e) The closing of purchases of Offered Percentage by the Accepting Partners pursuant to this Section 5.3 shall take place within thirty (30) days after the delivery of the Accepting Partners' Acceptance or sixty (60) days after the date of the Notice of Offer, whichever is later, at 11:00 a.m. local time at the principal office of the Partnership, or at such other date, time or place as the parties to the sale may agree. At such closing, the Selling Partner shall sell, convey, transfer and deliver to each Transferee full right, title and interest in and to the Partnership Interest so purchased, free and clear of all liens, security interests or adverse claims of any kind and nature (except as otherwise set forth in this Agreement). Each Transferee of the Partnership Interest shall deliver to the Selling Partner, in full payment of the purchase price of the Offered Percentage purchased, a certified or bank check payable to the order of the Selling Partner. By purchasing the Offered Percentage pursuant to this Section 5.3, a Transferee shall acquire only the rights of an assignee and shall not be admitted as a Partner unless a Majority of the Partners other than the Selling Partner consent to the admission of the Transferee as a Partner.

- (f) Each Partner may, by agreement, assign the rights granted to him under this Section 5.3 to the other Partners.

ARTICLE VI

DISSOLUTION OF THE PARTNERSHIP

- 6.1 Events Causing Dissolutions. The Partnership shall be dissolved, and its affairs wound up on the first to occur of the following:
- (a) The written consent of a Majority of Partners at any time to dissolve and wind up the affairs of the Partnership.
 - (b) The Withdrawal of a Partner unless (i) there are at least two remaining Partners and the business of the Partnership is continued by the consent of a Majority of the remaining Partners, or (ii) within ninety (90) days of the occurrence of such event, a Majority of the remaining Partners agree in writing to continue the business of the Partnership in a reconstituted for, if necessary; or
 - (c) The occurrence of any other event that causes the dissolution of a partnership under the Partnership Act.
- 6.2 Liquidation of Assets and Application of Proceeds. If the Partnership is dissolved pursuant to Section 6.1, the person required by law to wind up the Partnership's affairs shall liquidate and distribute the assets of the Partnership, and/or reduce to cash the assets of the Partnership, as promptly as is consistent with obtaining the fair value thereof, and shall, notwithstanding any provisions to the contrary in Article IV, apply and distribute the proceeds of such liquidation (after the payment of all Partnership debts and liabilities) to all partners in accordance with their respective positive Capital Account balances (which shall be adjusted in the event that any Partnership assets are distributed in kind to reflect the aggregate net gain or loss which would be realized if such assets were sold at their fair market value and to reflect the allocation of such unrealized gain or loss among the Partners under Article IV as if it were realized).

ARTICLE VII

MANAGEMENT OF PARTNERSHIP

- 7.1 Management. The management of the business and affairs of the Partnership shall be vested in William Farris. Management responsibilities will include the management of a commercial building purchased by the Partnership. Farris will use his best efforts to manage the property. Farris will be compensated for all management responsibilities to be agreed upon by all partners at a later date. Farris may execute documents on behalf of the Partnership which shall include notes, contracts, and any other documents in the normal course of business.
- 7.2 Tax Matters Partner. A Majority of the Partners shall designate a Partner to act as the "tax matters partner" of the Company pursuant to Section 6231(a)(7) of the Code. Any Partner so designated shall take such action as may be necessary to cause each Partner (other than the Partner who acts as the tax matters partner) to become a notice partner within the meaning of Section 6223 of the Code. The Partner who is designated tax matters partner shall not take any action contemplated by Sections 6222 through 6232 of the Code without the consent of a Majority of the Partners.
- 7.3 Limitations on Partner's Authority. Notwithstanding anything to the contrary herein contained, without in each instance receiving the prior written consent of a Majority of the other Partners, no Partner, acting alone or in conjunction with other Partners, shall have the authority to and each Partner covenants and agrees that he will not:
- (a) incur any debts or mortgage or encumber any Partnership assets other than in the ordinary course of business;
 - (b) sell or exchange any real property owned by the Partnership;
 - (c) do any act in contravention of this Partnership Agreement;
 - (d) do any act which would make it impossible to carry on the ordinary business of the Partnership, except as otherwise provided in this Partnership Agreement;
 - (e) confess a judgment against the Partnership; or
 - (f) possess a Partnership asset, or assign rights and specific partnership assets, other than for a Partnership purpose.

- 7.4 Other Business Ventures. Any Partner or any officer, director, employee, shareholder or other person holding a legal or beneficial interest in any entity which is a Partner, may engage in or possess an interest in other business ventures of every nature and description, independently or with others, including, but not limited to, the acquisition, ownership, financing, leasing, operation, management, syndication, brokerage, sale, construction and development of real property, and neither the Partnership nor the Partners shall have any right by virtue of this Partnership Agreement in or to such independent ventures or to the income or profits derived therefrom.

ARTICLE VIII

BOOKS AND RECORDS: TAX MATTERS

- 8.1 Availability. At all times during the existence of the Partnership, the Partnership shall keep or cause to be kept full and true books of account which shall reflect all Partnership transactions and shall be appropriate and adequate for the Partnership's business. Such books of account, together with a copy of this Partnership Agreement and any amendments thereto, shall at all times be maintained at the principal place of business of the Partnership. Any Partner or his duly authorized representative shall have the right at any time to inspect and copy from such books and documents during normal business hours upon reasonable notice.
- 8.2 Financial Reports. As soon as practical after the close of each fiscal year but in no event later than April 1 of the next succeeding year, the Partnership shall deliver to each Partner an annual report of the Partnership for such fiscal year, including an unaudited balance sheet, statements of income, and all necessary tax reporting information required by the Partners for preparation of their respective income tax returns.
- 8.3 Taxable Year and Accounting Method. The Partnership's taxable and fiscal years shall end on December 31 of each year. The Partnership shall use the accounting method(s) determined by a Majority of the Partners. All elections required or permitted to be made by the Partnership under the Code may be made by a Majority of the Partners.

ARTICLE IX

MISCELLANEOUS

- 9.1 Amendments. No oral amendment of this Partnership Agreement shall be binding on the Partners. Except as otherwise expressly permitted herein, this Partnership Agreement cannot be amended, supplemented or modified except

by an instrument in writing signed by the party against whom enforcement of such amendment, supplement or modification is sought.


- 9.2 Representations and Warranties. Each Partner by the execution of this Partnership Agreement hereby represents, warrants, confirms and agrees with the other Partners as follows:
- (a) The Partner has full right, power and authority to execute and deliver this Partnership Agreement and to perform each of the Partner's obligations hereunder.
 - (b) This Partnership Agreement has been duly executed and delivered by or on behalf of the Partner and constitutes the valid and binding obligation of the Partner in accordance with its terms.
 - (c) The Partner is not subject to any restriction or agreement which prohibits or would be violated by the execution and delivery hereof or by the consummation of the transactions contemplated herein or pursuant to which the consent of any third person, firm or corporation is required in order to give effect to the transactions contemplated herein.
- 9.3 Filings. The Partners agree that they shall from time to time sign, acknowledge and file any certificates, instruments and documents, as well as amendments thereto, that may be reasonably necessary, appropriate or desirable to carry out the provisions of the Partnership Agreement.
- 9.4 Bank Accounts. All funds of the Partnership are to be deposited in the Partnership's name in such separate bank account or accounts as may be designated by the Managing partner, and shall be withdrawn on the signature of such person or persons as a Majority of the Partners may authorize.
- 9.5 Non-Partition. No Partner shall be entitled to seek partition of any Partnership property.
- 9.6 Copies of Documents. Promptly upon the execution and delivery of this Partnership Agreement, a conformed copy of this Partnership Agreement shall be delivered, if requested, to each Partner.
- 9.7 Notices. All notices, demands, requests, consents or other communications required or permitted to be given or made under this Partnership Agreement shall be in writing and signed by the party giving the same and shall be given by certified or registered mail, postage prepaid, express courier, personal delivery, or telephone facsimile, and shall be effective upon actual delivery. Such notices shall be addressed or delivered to the intended recipient at the address set forth in this Partnership Agreement or such other address of which prior written notice has been given.

- 9.8 Severability. Each provision hereof is intended to be severable and the invalidity or illegality of any portion of this Partnership Agreement shall not affect the validity or legality of the remainder hereof.
- 9.9 Captions. Paragraph captions contained in this partnership Agreement are inserted only as a matter of convenience and for reference and in no way define, limit or extend or describe the scope of this Partnership Agreement or the intent of any provision hereof.
- 9.10 Incorporation by Reference. Every exhibit, schedule, and other appendix attached to this Agreement and referred to herein is hereby incorporated in this Partnership Agreement by reference.
- 9.11 Person and Gender. The masculine gender shall include the feminine and neuter genders, the singular shall include the plural, and the word "person" shall include a corporation, firm, partnership or other form of association.
- 9.12 Binding Agreement. Subject to the restrictions on assignment herein contained, the terms and provisions of this Partnership Agreement shall be binding upon, and inure to the benefit of, the successors, assigns, personal representatives, estates, heirs and legatees of the respective Partners.
- 9.13 Waivers. The failure of any party to seek redress for violation of or to insist on strict performance of any covenant or condition of this Partnership Agreement shall not constitute a waiver of rights as to any subsequent violation or breach of this Partnership Agreement.
- 9.14 Cumulative Remedies. The rights and remedies provided by this Partnership Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive his right to use any and all other remedies. Such rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.
- 9.15 Applicable Law. Notwithstanding the place where this Partnership Agreement may be executed by any of the parties hereto, the parties expressly agree that all the terms and provisions hereof shall be construed under the laws of the State of Tennessee and that the Tennessee Uniform Partnership Act as now adopted or as may be hereafter amended shall govern the partnership aspects of this Partnership Agreement.
- 9.16 Entire Agreement. This Partnership Agreement constitutes the entire agreement of the parties hereto with respect to the matters set forth herein and supersedes any prior understanding or agreement, oral or written, with respect thereto.


9.17 Agreement in Counterparts. This Partnership Agreement may be executed in several counterparts and all so executed shall constitute one agreement, binding on all the parties hereto, notwithstanding that all the parties are not signatories to the original or the same counterpart.

IN WITNESS WHEREOF, the parties hereto have entered into this Partnership Agreements of the date firstabove written.

WD GENERAL PARTNERSHIP



William Farris



Dawson Stockdale

EXHIBIT A
TO THE
PARTNERSHIP AGREEMENT
OF
WD GENERAL PARTNERSHIP

<u>Partner and Address</u>	<u>Partnership Percentage</u>	<u>Capital Investment</u>
William Farris	1/2	\$100
Dawson Stockdale	1/2	\$100

**UNANIMOUS WRITTEN CONSENT IN LIEU OF SPECIAL MEETING
BY THE PARTNERS OF WD GENERAL PARTNERSHIP.**

Pursuant to the provisions of the Partnership Agreement of Arlington Development General Partnership (the "Partnership"), the following resolutions are hereby adopted, ratified and approved by unanimous written consent in lieu of a special meeting by the undersigned, being all of the Partners of the Partnership, notice of the special meeting being hereby waived:


I. Transfer of Real Property.

RESOLVED that the undersigned, being all of the Partners of the Partnership, hereby consent to and authorize the sale, transfer, and conveyance of certain real property currently owned by the Partnership commonly known as 2000 Sycamore View, Memphis, TN 38134, said property being more particularly described in the attached Exhibit A pursuant to the terms of the Purchase and Sale Agreement attached hereto as Exhibit B.

2. Authorization of Partners to Execute Documents.

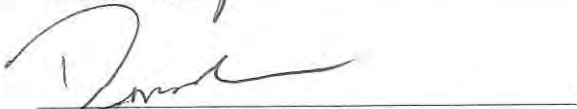
FURTHER RESOLVED that, pursuant to the Partnership Agreement of the Partnership, William Farris, as Partner, is hereby authorized and instructed to execute any and all documents necessary to effectuate the sale, transfer and conveyance of said Property.

These resolutions shall become effective immediately upon the signing and dating of this document by all of the Partners as listed below. This document may be executed by the Partners in counterpart.



William Farris

7/10/19
Date



Dawson Stockdale

7-10-19
Date



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

WD
1575 CYPRESS LAKE DR
LAKELAND, TN 38002-8812

July 1, 2019

Filing Acknowledgment

Please review the filing information below and notify our office immediately of any discrepancies.

Control #:	1037558	Expiration Date:	07/01/2024
Filing Type:	General Partnership	Image # :	B0729-0093
Filing Date:	07/01/2019 10:05 AM		
Status:	Active		

Document Receipt

Receipt # : 004899054	Filing Fee:	\$20.00
Payment-Check/MO - WILL FARRIS, ARLINGTON, TN		\$20.00

Congratulations on the successful filing of your **Statement of Partnership Authority** for **WD** in the State of Tennessee on the date shown above.

When corresponding with this office or submitting documents for filing, please refer to the control number given above.

Tre Hargett
Secretary of State

Processed By: Jeff Cook

GENERAL PARTNERSHIP - STATEMENT OF PARTNERSHIP AUTHORITY (SS-4514)



Business Services Division
Tre Hargett, Secretary of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL.
Nashville, TN 37243-1102
Filing Fee: \$20.00

For Office Use Only

FILED

1. Name of the general partnership (as will be recorded with the Secretary of State) is:

WD

2a. The street address of the chief executive office is:

Physical Street Address: 1575 Cypress Lake Dr.
City: Arlington ST: TN Zip 38002 County: Fayette

2b. The mailing address of the chief executive office (if different from the physical street address) is:

Mailing Address:
City: ST: Zip County:

3. The street address of one of its offices in Tennessee (if any) is:

Physical Street Address: 2000 Sycamore View
City: Memphis ST: TN Zip 38134 County: Shelby

4. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership are:

Will Farris
Dawson Stockdale

5. If applicable, state the authority, or limitations on the authority, of some or all of the partners to enter into other transactions on behalf of the partnership and any other matter (attach a separate sheet if necessary):

6. If applicable, this general partnership has the additional designation of:

The execution of this statement constitutes an affirmation under the penalties of perjury that the undersigned has/have the authority to file this statement and that the contents of the statement are accurate.

Signature [Handwritten Signature]

Signature [Handwritten Signature]

Will Farris
Printed Name

Dawson Stockdale
Printed Name

6/27/19
Signature Date

6/27/19
Signature Date

Notes:

- A Statement of Partnership Authority filed by a partnership must be executed by at least two partners. Other documents must be executed by a partner or other person authorized by the Revised Uniform Partnership Act.
This statement is cancelled by operation of law five years after the date on which the statement, or the most recent amendment, is filed with the Secretary of State.

2019-06-27 10:05 AM Received by Tennessee Secretary of State Tre Hargett



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.



23018077

03/07/2023 - 03:43:16 PM

2 PGS	
LAQUITA 2553292 - 23018077	
VALUE	20000.00
MORTGAGE TAX	0.00
TRANSFER TAX	74.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	87.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by and returned to:

Farris Bobango Branan PLC
Stephen L. Anderson
999 S. Shady Grove, Suite 500
Memphis, TN 38120

WARRANTY DEED

THIS INDENTURE, made and entered into as of this 7th day of March, 2023 by and between **Jonnie F. Moody Branch (one and the same person as Johnnie F. Moody Branch), unmarried** (the "Grantor"), and **WD, a Tennessee General Partnership, comprised of William Farris and Dawson Stockdale** (herein "Grantee").

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt of all of which is hereby acknowledged, Grantor has bargained and sold and hereby bargains, sells, conveys and confirms unto Grantee the following described real estate, situated and being in City of Memphis, County of Shelby, State of Tennessee, to-wit:

Part of Lot 3, of the Division of the Joe Brooks Estate of Lot 3 of the C.E. Burke Survey in Memphis, Tennessee, and more particularly described as follows: BEGINNING at a point in the line dividing Lots 2 and 3 of the Joe Brooks Estate a distance of 240 feet eastwardly from the east line of Sycamore View Road as measured along said divisional line; thence southwardly parallel to Sycamore View Road a distance of 238.92 feet to a point in the north line of Lot 4 of the Joe Brooks Estate; thence eastwardly along said north line a distance of 120 feet to a point; thence northwardly parallel to Sycamore View Road a distance of 238.92 feet to a point in the south line of Lot 2 of the Joe Brooks estate; thence westwardly along said south line a distance of 120 feet to the point of beginning, and containing 0.68 acres of land.

Being the same property conveyed to Melvin Branch and wife, Jonnie F. Moody Branch by Warranty Deed of record at Instrument No. R7 0150, dated 08/20/1980 and recorded on 08/26/1980 in the Register's Office of Shelby County, Tennessee. Melvin Branch died on or about November 23, 2014 leaving Johnnie F. Moody Branch as the surviving spouse.

Property Address: 2009 Joe Brooks Drive, Memphis, TN 38134

Tax Id Parcel Number: 088046 00050

TO HAVE AND TO HOLD the aforescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, his heirs, successors and assigns in fee simple forever.

Grantor hereby covenants with Grantee that he is lawfully seized in fee of the aforescribed real estate; that he has a good right to sell and convey the same; and that the same is unencumbered, except for 2023 City of Memphis property taxes and 2023 Shelby County property taxes, which are not yet due or payable; Easement of record in Book 2114, Page 199, in the Register's Office of Shelby County, Tennessee and that the title and quiet possession thereto she will warrant and forever defend against the lawful claims of all persons.

The words Grantor and Grantee as used herein shall mean "Grantors" and Grantees," respectively, if more than one person or entity be referred to, and pronouns shall be construed according to his proper gender and number according to the context hereof.

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

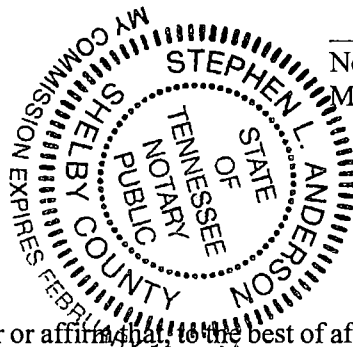
GRANTOR:

Jonnie F. Moody Branch
Jonnie F. Moody Branch

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Jonnie F. Moody Branch, to me known (or proved to me on the basis of satisfactory evidence) 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 Notarial Seal at office this 7th day of March, 2023.



Stephen L. Anderson
Notary Public
My Commission Expires: 02/13/2024

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 \$20,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Jessica L. Sperry
Affiant

Subscribed and sworn to before me this 7th day of March, 2023.

Doris D. Nesbitt
Notary Public
My Commission Expires: _____

Owner Name and Mail Tax Bills to:
WD, a Tennessee General Partnership
2000 Sycamore View Road, Suite 101
Memphis, TN 38134





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.



19070580

07/15/2019 - 03:19:53 PM

3 PGS	
LACI 1892883 - 19070580	
VALUE	315000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1165.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	1183.50

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT
PREPARED BY:

NEW OWNER AND SEND TAX BILLS
TO:

TAX ID #:
088046 00057

HARLEY STEFFENS, ESQ.
EVANS PETREE PC
1000 RIDGEWAY LOOP ROAD
SUITE 200
MEMPHIS, TN 38120

WD, GENERAL PARTNERSHIP
2000 SYCAMORE VIEW RD
MEMPHIS, TN 38134

PROPERTY ADDRESS:
2000 SYCAMORE VIEW ROAD
MEMPHIS, TN 38134

WARRANTY DEED

THIS INDENTURE made and entered into as of the 15th day of July 2019, by and between **J. Alan Davis and wife, Rhonda G. Davis**, party of the first part, and **WD, General Partnership**, a Tennessee general partnership, 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:

Phase II, Sycamore C-P Subdivision, as shown on plat of record in Plat Book 251, Page 53 in the Register's Office of Shelby County, Tennessee to which plat reference is hereby made for a more particular description of said land.

Being the same property conveyed to the party of the first part by Warranty Deed recorded at Instrument No. GU 1363 in the Register's Office of Shelby County, Tennessee.


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 the 2019 Shelby County property taxes; Subdivision restrictions, building lines and easements of record in Plat Book 128 page 53, Plat Book 132, Page 48, Plat Book 133, Page 56, Plat Book 135, Page 13, Plat Book 164, Page 35, Plat Book 165, Page 43 and Plat Book 251, Page 53 in the Register's Office of Shelby County, Tennessee; matters shown on survey by Robert Lance Lanier with Mid-South Engineering Support, LLC, dated June 27, 2019; and, any and all other building lines, 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.

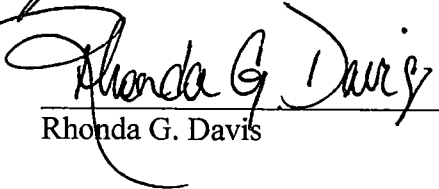
The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

GRANTOR:



 J. Alan Davis

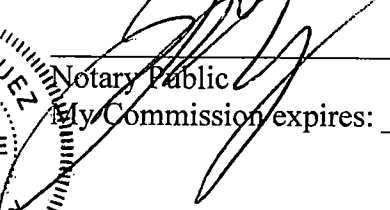


 Rhonda G. Davis

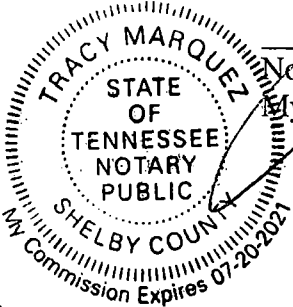
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared, **J. Alan Davis** and wife, **Rhonda G. Davis**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged that they executed the within instrument for the purposes therein contained as their free act and deed.

WITNESS my hand, at office, this 15 day of July 2019.

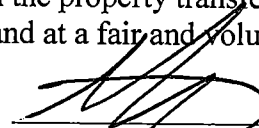


 Notary Public
 My Commission expires: _____



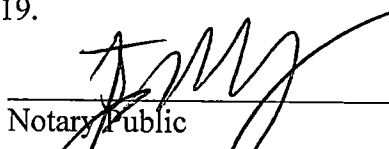
State Tax\$1,165.50
 Register's Fee \$3.00
 Recording Fee \$15.00
 Total\$1,183.50

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 \$315,000.00. which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



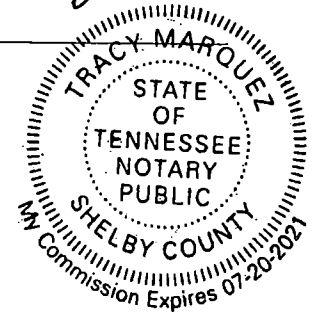
 Affiant

Subscribed and sworn to before me this 15 day of July 2019.



 Notary Public

My Commission expires: _____



CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

SYCAMORE VIEW CHURCH OF CHRIST
1910 SYCAMORE VIEW RD #
MEMPHIS TN 38134

VASQUEZ SANTOS R AND ALDELAIDA VASQUEZ
5737 SYCAMORE WOODS DR #
MEMPHIS TN 38134

NUNN JEANETTE AND TELETHA FISHER AND
P O BOX 34174 #
MEMPHIS TN 38184

SYCAMORE VIEW CHURCH OF CHRIST
1910 SYCAMORE VIEW RD #
MEMPHIS TN 38134

CRUZ ELSA
5733 SYCAMORE WOODS DR #
MEMPHIS TN 38134

CAVINESS PEARLINE AND JOE C CAVINESS
2051 JOE BROOKS DR #
BARTLETT TN 38134

YOUNG TIFFANY N
1978 OLIVE BARK DR #
MEMPHIS TN 38134

BANAH LLC
66 TIMBER RIDGE RD #
NORTH BRUNSWICK NJ 8902

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

NEW DIRECTION IRA INC FBO AMY YAMAMOTO
95-088 KAWAU ST #
MILILANI HI 96789

ROLLINS MADIGAN S
195 POND LN #
NORTH FERRISBURG VT 5473

FISHER TELITHA C (LE) AND THEDOSIA M F
P O BOX 34174 #
MEMPHIS TN 38184

DEAN LAQUITA LASHA NELSON
5745 SYCAMORE WOODS DR #
MEMPHIS TN 38134

DOLPHIN INVESTMENT GROUP LLC
717 WATERMILL DR #
MERRITT ISLAND FL 32952

ECHOLS ELIJAH
2039 JOE BROOKS DR #
MEMPHIS TN 38134

LAWSON JAMES F JR
5744 SYCAMORE WOODS DR #
MEMPHIS TN 38134

BYRNE KEVIN P
2018 LEMNOS DR #
COSTA MESA CA 92626

SMITH RUTH L
2036 JOE BROOKS DR #
MEMPHIS TN 38134

ACEY DAVID L III
5714 SYCAMORE WOODS DR
MEMPHIS TN 38134

DAO THAT THI
2030 OLIVE BARK DR #
MEMPHIS TN 38134

WD GENERAL PARTNERSHIP
2000 SYCAMORE VIEW RD #
MEMPHIS TN 38134

SMITH DEBBIE D
5720 SYCAMORE WOODS DR #
MEMPHIS TN 38134

BRANCH-ADAMS ZACKEYA
2034 OLIVE BARK DR #
BARTLETT TN 38134

LAURMAR GROUP INC
6176 OAK WALK LN #
BARTLETT TN 38135

CARTER VINCENT
1997 OLIVE BARK DR #
MEMPHIS TN 38134

BRADEN JACKIE AND KIMBERLY BARNES
2038 OLIVE BARK DR #
MEMPHIS TN 38134

SYCAMORE VIEW CHURCH OF CHRIST
1910 SYCAMORE VIEW RD #
MEMPHIS TN 38134

BAYMON VALENCIA
2004 OLIVE BARK DR #
MEMPHIS TN 38134

CHAO INVESTMENT COMPANY
9662 LEEWARD SLOPES DR #
ARLINGTON TN 38002

ALCAZAR GABRIEL
5705 SYCAMORE WOODS DR #
MEMPHIS TN 38134

BRANCH SANDRA K
2010 JOE BROOKS CV #
MEMPHIS TN 38134

AVINA JUAN A Z & LAURA CERVANTES SEGUNDO
5728 SYCAMORE WOODS DR #
MEMPHIS TN 38134

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

BRANCH LINDA F AND MARILYN DOUGLAS AND
2008 JOE BROOKS DR #
BARTLETT TN 38134

BOMAR PATSY S
5724 SYCAMORE WOODS DR #
MEMPHIS TN 38134

FISHER TELITHA C (LE) AND THEDOSIA M
P O BOX 34174 #
MEMPHIS TN 38184

SUTTON MABLE C AND CENTRELL SUTTON (RS)
3286 ARWINE RD #
MEMPHIS TN 38128

DENLEY AND ASSOCIATES
6235 MOUNT MORIAH ROAD EXT #
MEMPHIS TN 38115

CAVINESS PEARLINE
2051 JOE BROOKS DR #
MEMPHIS TN 38134

EDGEWATER TERRACE APTS L P
1355 LYNNFIELD RD #110/120
MEMPHIS TN 38119

VILLAGE OF SYCAMORE RIDGE APARTMENTS LLC
3989 S 900 EAST #100
SALT LAKE CITY UT 84124

SCOBAY RICHARD L
2032 SYCAMORE VIEW RD #
MEMPHIS TN 38134

ABDULWAHHAB HAIDER & SALLY ABDULSAMAD
2447 DOVE GLEN CV #
BARTLETT TN 38133

OOWAH CORP
120 N 350 W #133
AMERICAN FORK UT 84003

ECHOLS LAURA W
6164 ABIGAIL BLUFFS DR #
BARTLETT TN 38135

LITTLE GLENN J JR
3960 WINCHESTER RD #
MEMPHIS TN 38118

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

MH STORES INC
4650 SUMMER AVE #
MEMPHIS TN 38122

BURLON PROPERTIES
40 WINDGROVE CV #
COLLIERVILLE TN 38017

HIGH CYNTHIA K & ROBERT P FISCHMANN
30 SUNRISE POINT RD #
LAKE WYLIE SC 29710

BRANCH MELVIN & JOHNNIE F M
3625 VOLTAIRE #
MEMPHIS TN 38128

BARR SHEMIKA
5738 SYCAMORE WOODS DR #
MEMPHIS TN 38134

SUTTON MABLE AND HENRY SUTTON AND
3286 ARWINE RD #
MEMPHIS TN 38128

SIMS LATOYA N
5732 SYCAMORE WOODS DR #
MEMPHIS TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

WD General Partnership
2000 Sycamore View Rd.
Memphis, TN 38134-6641

WD General Partnership
2000 Sycamore View Rd.
Memphis, TN 38134-6641

WD General Partnership
2000 Sycamore View Rd.
Memphis, TN 38134-6641

WD General Partnership
2000 Sycamore View Rd.
Memphis, TN 38134-6641

WD General Partnership
2000 Sycamore View Rd.
Memphis, TN 38134-6641

088046 00003 - CITY OF MEMPHIS
088046 00038 - NUNN JEANETTE AND TELETHA FISHER AND
088046 00037 - CAVINESS PEARLINE AND JOE C CAVINESS
088046 00053 - MEMPHIS CITY OF
088046 00034 - FISHER TELITHA C (LE) AND THEDOSIA M F
088046 00069 - ECHOLS ELIJAH
088046 00033 - SMITH RUTH L
088046 00057 - WD GENERAL PARTNERSHIP
088046 00027 - LAURMAR GROUP INC
088046 00026 - SYCAMORE VIEW CHURCH OF CHRIST
088046 00025 - SYCAMORE VIEW CHURCH OF CHRIST
088046 00024 - SYCAMORE VIEW CHURCH OF CHRIST
088048 D00020 - YOUNG TIFFANY N
088048 D00021 - NEW DIRECTION IRA INC FBO AMY YAMAMOTO
088048 A00004 - DEAN LAQUITA LASHA NELSON
088048 A00001 - LAWSON JAMES F JR
088048 E00001 - ACEY DAVID L III
088048 D00034 - SMITH DEBBIE D
088048 D00050 - CARTER VINCENT
088048 D00026 - BAYMON VALENCIA
088048 A00003 - VASQUEZ SANTOS R AND ALDELAIDA VASQUEZ
088048 D00030 - CRUZ ELSA
088048 D00022 - BANAH LLC
088048 D00023 - ROLLINS MADIGAN S
088048 D00024 - DOLPHIN INVESTMENT GROUP LLC

088048 D00025 - BYRNE KEVIN P
088048 D00035 - DAO THAT THI
088048 D00036 - BRANCH-ADAMS ZACKEYA
088048 D00037 - BRADEN JACKIE AND KIMBERLY BARNES
088048 D00038 - CHAO INVESTMENT COMPANY
088048 D00049 - ALCAZAR GABRIEL
088046 00037Z - MEMPHIS CITY OF
088046 00052 - FISHER TELITHA C (LE) AND THEDOSIA M
088046 00036 - CAVINESS PEARLINE
088046 00068 - SCOBAY RICHARD L
088046 00032 - ECHOLS LAURA W
088046 00031Z - MEMPHIS CITY OF
088046 00056 - BURLON PROPERTIES
088046 00050 - BRANCH MELVIN & JOHNNIE F M
088046 00048 - SUTTON MABLE AND HENRY SUTTON AND
088046 00047 - BRANCH SANDRA K
088046 00046 - BRANCH LINDA F AND MARILYN DOUGLAS AND
088046 00049 - SUTTON MABLE C AND CENTRELL SUTTON (RS)
088046 00009C - EDGEWATER TERRACE APTS L P
088048 D00027 - ABDULWAHHAB HAIDER & SALLY ABDULSAMAD
088048 00040 - LITTLE GLENN J JR
088048 00039 - MH STORES INC
088048 D00028 - HIGH CYNTHIA K & ROBERT P FISCHMANN
088048 A00002 - BARR SHEMIKA
088048 D00031 - SIMS LATOYA N

088048 D00032 - AVINA JUAN A Z & LAURA CERVANTES SEGUNDO
088048 D00033 - BOMAR PATSY S
088048 E00102 - DENLEY AND ASSOCIATES
088048 00004C - VILLAGE OF SYCAMORE RIDGE APARTMENTS LLC
088048 D00029 - OOWAH CORP

**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 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 7689 US Highway 64, known as case number PD 2023-019.

CASE NUMBER: PD 2023-019

LOCATION: 7689 US Highway 64

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

OWNER/APPLICANT: U Properties GS LLC/Rockfield Engineering

REPRESENTATIVE: U Properties GS LLC

REQUEST: Planned Development for a Genesis Automotive Dealership

AREA: +/-8.680 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**

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>
_____	11/27/2023	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2023-019

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 7689 US HIGHWAY 64, KNOWN AS CASE NUMBER PD 203-019.

- This item is a resolution with conditions to allow a Planned Development for a Genesis Automotive Dealership; 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 2023-019
LOCATION:	7689 US Highway 64
COUNCIL DISTRICT(S):	District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	U Properties GS LLC/Rockfield Engineering
REPRESENTATIVE:	U Properties GS LLC
REQUEST:	Planned Development for a Genesis Automotive Dealership
EXISTING ZONING:	Conservation Agriculture (CA)
AREA:	+/-8.680 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 on the consent agenda.

Respectfully,

Mahsan Ostadnia

Planner II
Land Use & Development Services

Cc: Committee Members
File

OUTLINE PLAN CONDITIONS

P.D. TBD

Genesis Wolfchase – Appling Fields PD

I. Uses Permitted

A. Any use permitted by right, administrative site plan review and special use permit to the Planned Commercial (CMU-2) District and the following additional uses:

1. Photo Finishing
2. Radio or TV Studio
3. Wholesale Display
4. Printing and Publishing
5. Wholesale Establishment
6. Warehouse
7. Contractor Storage (Indoor)
8. Vehicle Sales, Rental, Leasing, except Manufactured Housing, Tractor-Trailers, and Heavy Trucks
9. Vehicle Repair

II. Bulk Regulations

A. Maximum Building Height – 40 feet plus height necessary for mechanical and architectural penthouses

B. Building Setbacks

1. Front: 30'
2. Side: 5'
3. Rear: 5'

III. Access and Circulation

A. Permit 1 curb cut on Highway 64 subject to approval by City Engineer and TDOT. Design and Location subject to approval by the City Engineer

B. All private drives shall be constructed to meet city standards and provide a minimum width of 22 feet of pavement.

C. Dedicate 70 feet from the Centerline of US Highway 64 and improve in accordance with the Unified Development Code which will include curb, gutter, and sidewalk.

IV. Landscaping, Screening, and Lighting

A. The streetscape landscaping shall be the equivalent of a modified S-10 Plate with a 4.5-foot wide grass strip, a 5-foot wide sidewalk, and a 15-foot wide planting area.

B. Parking lot landscaping shall be in accordance with the UDC at 4.5.5D.

C. Lighting shall be directed so as to not glare onto residential property.

D. All dumpsters shall be screened with walls that are composed of similar materials to the primary building.

E. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.

F. Landscaping areas shall be provided exclusive of and so as not to conflict with drainage and utility easements including overhead wires.

V. Signs

- A. Permit one center identification sign, ground mounted, monument type shall be in accordance with the Commercial Mixed Use 2 (CMU-2)
- B. Attached signs shall be in accordance with the Commercial Mixed Use 2 (CMU-2) District.
- C. Additional detached signs, including directional, instructional, and identification signs as are needed may be permitted within the development, subject to site plan review by the Office of Planning and Development
- D. Portable and temporary signs shall not be permitted.
- E. The minimum sign setback is 10 Feet.

VI. Drainage

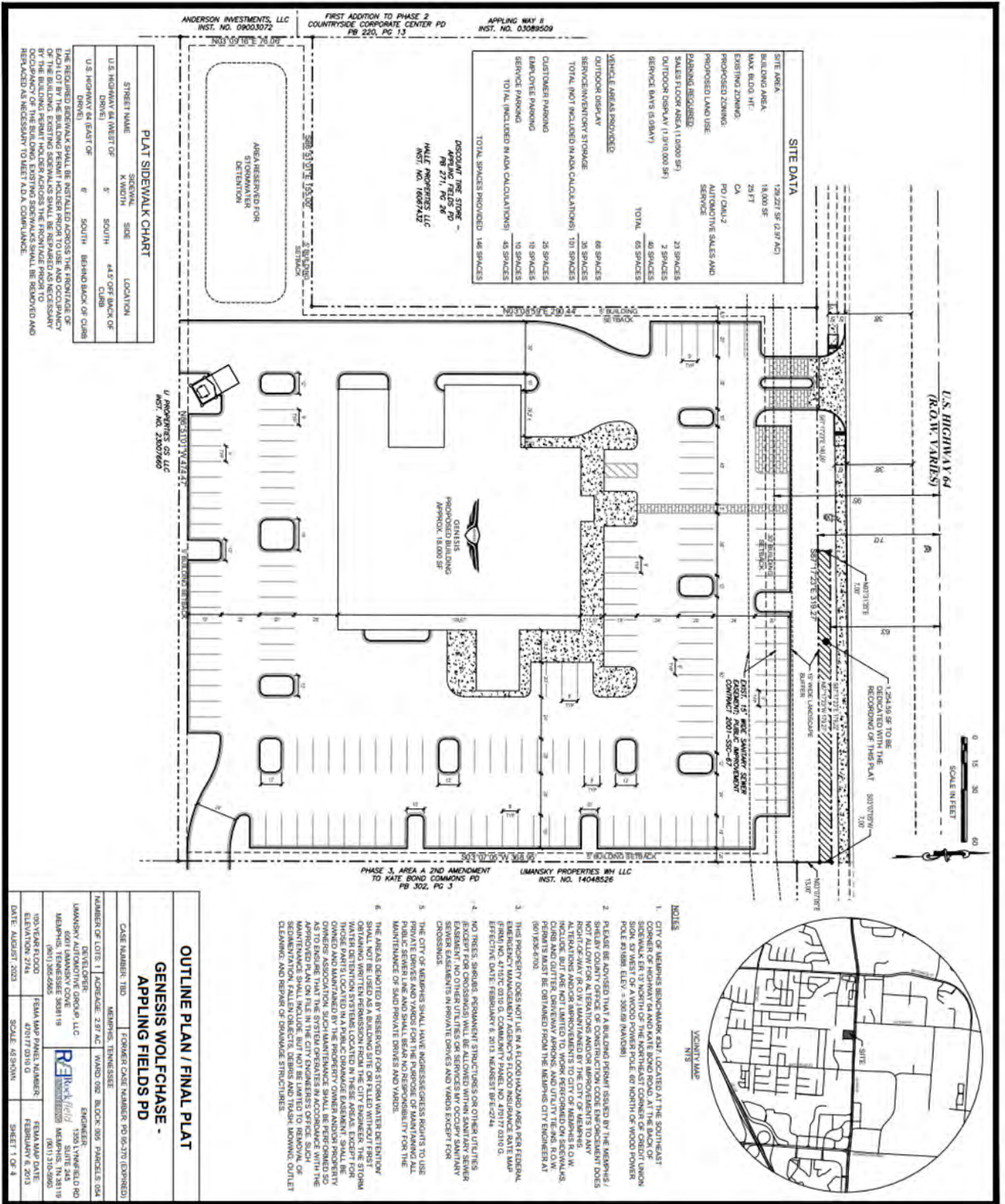
- A. All drainage plans to be submitted to City Engineer(s) for review.
- B. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- C. All drainage emanating on-site shall be private. Easements will not be accepted.

VII. A final plan shall be filed within five years of the approval of the outline plan. 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 as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimension (including height) of all buildings, parking areas, utility easements, drives, curb cuts, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easements.
- F. The following note shall be placed on the final plat of any development requiring onsite storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN



SITE DATA

SITE AREA	129,221 SF (2.97 AC)
BUILDING AREA	18,000 SF
MAX. BLDG. HGT.	29 FT
EXISTING ZONING	CA
PROPOSED ZONING	PD / CMU-2
PROPOSED LAND USE	AUTOMOTIVE SALES AND SERVICE
PARKING (REQUIRED)	23 SPACES
SALES FLOOR AREA (1,000 SF)	2 SPACES
OUTDOOR DISPLAY (1,000 SF)	40 SPACES
SERVICE BAYS (9,000 SF)	40 SPACES
TOTAL	63 SPACES

VEHICLE AREAS PROVIDED	66 SPACES
OUTDOOR DISPLAY	35 SPACES
SERVICE/INVENTORY STORAGE	101 SPACES
TOTAL (NOT INCLUDED IN ADA CALCULATIONS)	202 SPACES
CUSTOMER PARKING	25 SPACES
EARLY OVER PARKING	10 SPACES
SERVICE PARKING	10 SPACES
TOTAL (INCLUDED IN ADA CALCULATIONS)	45 SPACES
TOTAL SPACES PROVIDED	148 SPACES

PLAT SIDEWALK CHART

STREET NAME	SIDEWALK	SIDE	LOCATION
U.S. HIGHWAY 64 (WEST OF 3RD)	5'	SOUTH	44.0' OFF BACK OF CURB
U.S. HIGHWAY 64 (EAST OF 3RD)	5'	SOUTH	BEHIND BACK OF CURB

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY TO MEET THE REQUIREMENTS OF THIS PLAN. THE SIDEWALKS SHALL BE REPAIRED AS NECESSARY TO MEET ADA COMPLIANCE.

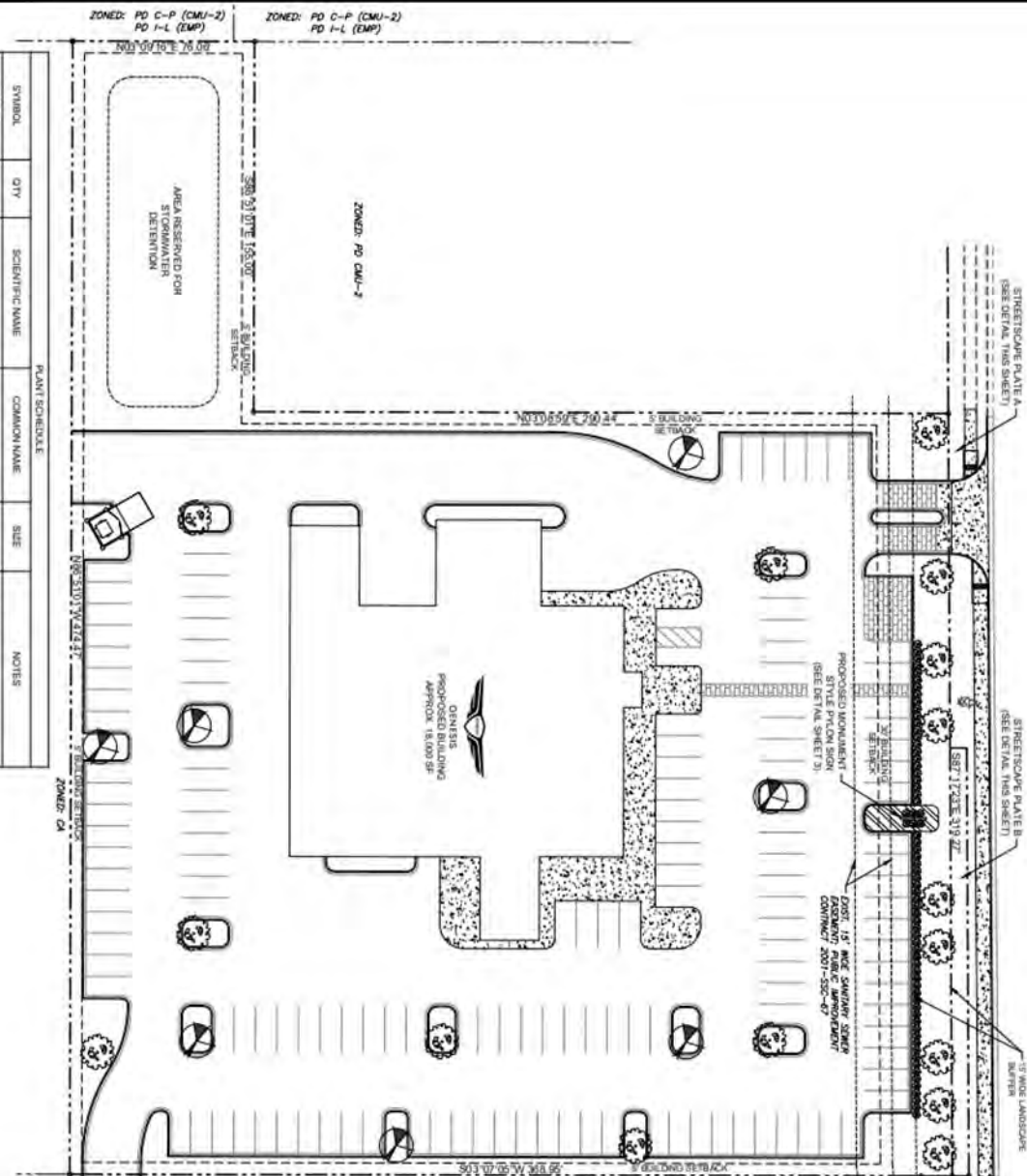
NOTES

- CITY OF MEMPHIS BENCHMARK 2017, LOCATED AT THE SOUTHWEST CORNER OF THE SITE, SHALL BE MAINTAINED AND NOT REMOVED OR ALTERED. THE SIDEWALK EA 13' NORTH OF THE NORTHEAST CORNER OF CREDIT UNION PLACE (R/WBMS ELEV. = 300.00 (MVD038)).
- PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS / SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND IMPROVEMENTS TO ANY EXISTING UTILITY LINES OR SERVICES UNLESS THE CITY OF MEMPHIS R.O.W. INCLUDES, BUT ARE NOT LIMITED TO, WORK PERFORMED ON SIDEWALKS, PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER AT (901) 950-4700.
- THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA PER FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NO. 4717C 010 D, COMMUNITY PANEL NO. 47177 010 D, EFFECTIVE DATE: FEBRUARY 6, 2013. NEAREST BE-2714.
- NO TREES, SHRUBS, PERMANENT STRUCTURES OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT OR OTHER UTILITIES OR SERVICES W/IN SANITARY SEWER EASEMENT OR OTHER UTILITIES OR SERVICES W/IN VARIOUS CROSSING CROSSINGS.
- THE CITY OF MEMPHIS SHALL HAVE JURISDICTION OVER RIGHTS TO USE PUBLIC DRIVES AND YARDS FROM THE RESIDENCE OF MAINTENANCE FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.
- THE AREAS DENOTED BY RESERVE FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE OR FLEET WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION AREAS SHALL BE MAINTAINED AND NOT REMOVED OR ALTERED. THOSE AREAS LOCATED IN A PUBLIC DAMAGE EASEMENT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO MAINTAIN THE STORM WATER DETENTION AREAS IN THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF DEBRIS, WEEDS, AND TRASH AND TRASH MOVING, CONTACT ELEVATION, AND REPAIR OF OVERHEAD STRUCTURES.

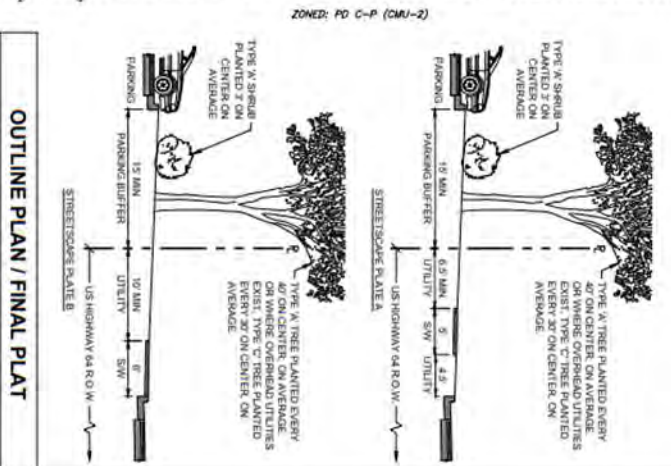
OUTLINE PLAN / FINAL PLAT

GENESIS WOLFCHASE - APPLING FIELDS PD

CASE NUMBER: T10	MEMPHIS, TENNESSEE
FORMER CASE NUMBER: PD 05-3170 (EXPANDED)	
NUMBER OF LOTS: 1	ADDRESS: 2377 AC
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC	WARD 092
ENGINEER: RAYMOND J. WOOD, P.E.	BLOCK: 595
MEMPHIS, TENNESSEE 38111	PARCELS: 004
(901) 390-0585	
10-YEAR FLOOD ELEVATION: 274.6	FEA MAP PANEL NUMBER: FEWA MAP DATE: FEBRUARY 6, 2013
DATE: AUGUST 2023	SCALE: AS SHOWN
	SHEET 1 OF 4



SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	NOTES
	16	ZELKOVA	ZELKOVA SERBATA	2' 8" CAL.	UNIFORM BRANCHING, DOMINANT LEADER
	7	RED BUD	ACER RUBROBUNDA	2' 8" CAL.	UNIFORM BRANCHING, DOMINANT LEADER
	69	ELM (VANDERBURGH HYBRID)	QUERCUS VANDERBURGHII	1" 8" SPK.	FULL PLANT / FREE OF WEEDS
	201 SF	LIRIODENDRON	LIRIODENDRON	4" POT	PLANT 1" O.C.



OUTLINE PLAN / FINAL PLAT
GENESIS WOLFCHASE -
APPLING FIELDS PD

CASE NUMBER: T10	MEMPHIS, TENNESSEE	CORNER CASE NUMBER: PD 96-2170 (DPRNGD)
NUMBER OF LOTS: 1	ACRES: 2.97 AC	WARD: 092 BLOCK: 003 PARCELS: 004
DEVELOPER: UMANITY AUTOMOTIVE GROUP, LLC	ENGINEER: 1366 LAMARFIELD RD MEMPHIS, TENNESSEE 38119	MEMPHIS, TENNESSEE 38119
DATE: AUGUST 2002	SCALE: 48:9000	SHEET 2 OF 4



OUTLINE PLAN / FINAL PLAT			
GENESIS WOLFCHASE - APPLING FIELDS PD			
CASE NUMBER: TBD	FORMER CASE NUMBER: PD 90-370 (EXPIRED)		
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092	BLOCK: 005 PARCELS: 054
DEVELOPER: LIMANSKY AUTOMOTIVE GROUP, LLC 6001 LIMANSKY COVE MEMPHIS, TENNESSEE 38119 (901) 360-6965		ENGINEER: 1335 LYNNFIELD RD SUITE 245 MEMPHIS, TN 38119 5911 310-5980	
100-YEAR FLOOD ELEVATION: 274e	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 8, 2013	
DATE: AUGUST, 2023	SCALE: AS SHOWN	SHEET 3 OF 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 7689 US HIGHWAY 64, KNOWN AS CASE NUMBER PD 2023-019.

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 U Properties GS LLC/Rockfield Engineering filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Planned Development for a Genesis Automotive Dealership; 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.

OUTLINE PLAN CONDITIONS

P.D. TBD

Genesis Wolfchase – Appling Fields PD

I. Uses Permitted

- A. Any use permitted by right, administrative site plan review and special use permit to the Planned Commercial (CMU-2) District and the following additional uses:
 - 1. Photo Finishing
 - 2. Radio or TV Studio
 - 3. Wholesale Display
 - 4. Printing and Publishing
 - 5. Wholesale Establishment
 - 6. Warehouse
 - 7. Contractor Storage (Indoor)
 - 8. Vehicle Sales, Rental, Leasing, except Manufactured Housing, Tractor-Trailers, and Heavy Trucks
 - 9. Vehicle Repair

II. Bulk Regulations

- A. Maximum Building Height – 40 feet plus height necessary for mechanical and architectural penthouses
- B. Building Setbacks
 - 1. Front: 30'
 - 2. Side: 5'
 - 3. Rear: 5'

III. Access and Circulation

- A. Permit 1 curb cut on Highway 64 subject to approval by City Engineer and TDOT. Design and Location subject to approval by the City Engineer
- B. All private drives shall be constructed to meet city standards and provide a minimum width of 22 feet of pavement.
- C. Dedicate 70 feet from the Centerline of US Highway 64 and improve in accordance with the Unified Development Code which will include curb, gutter, and sidewalk.

IV. Landscaping, Screening, and Lighting

- A. The streetscape landscaping shall be the equivalent of a modified 5-10 Plate with a 4.5- foot wide grass strip, a 5-foot wide sidewalk, and a 15-foot wide planting area.
- B. Parking lot landscaping shall be in accordance with the UDC at 4.5.5D.
- C. Lighting shall be directed so as to not glare onto residential property.
- D. All dumpsters shall be screened with walls that are composed of similar materials to the primary building.
- E. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- F. Landscaping areas shall be provided exclusive of and so as not to conflict with drainage and utility easements including overhead wires.

V. Signs

- A. Permit one center identification sign, ground mounted, monument type shall be in accordance with the Commercial Mixed Use 2 (CMU-2)
- B. Attached signs shall be in accordance with the Commercial Mixed Use 2 (CMU-2) District.
- C. Additional detached signs, including directional, instructional, and identification signs as are needed may be permitted within the development, subject to site plan review by the Office of Planning and Development
- D. Portable and temporary signs shall not be permitted.
- E. The minimum sign setback is 10 Feet.

VI. Drainage

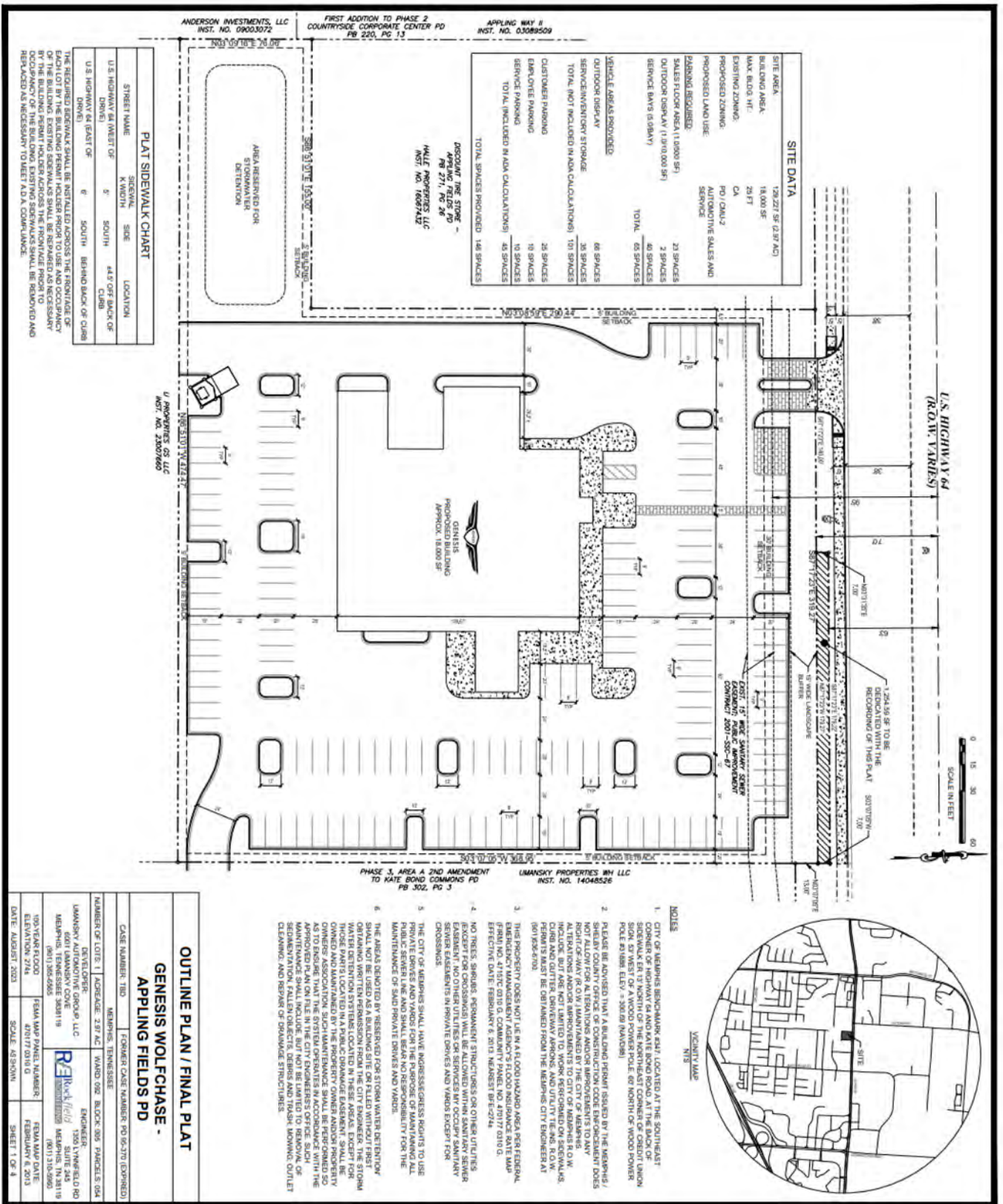
- A. All drainage plans to be submitted to City Engineer(s) for review.
- B. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- C. All drainage emanating on-site shall be private. Easements will not be accepted.

VII. A final plan shall be filed within five years of the approval of the outline plan. 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 as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimension (including height) of all buildings, parking areas, utility easements, drives, curb cuts, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easements.
- F. The following note shall be placed on the final plat of any development requiring onsite storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN



STREET NAME	SIDEWALK WIDTH	LOCATION
U.S. HIGHWAY 64 (WEST OF 5'	5'	44.9' OFF BACK OF CURB
U.S. HIGHWAY 64 (EAST OF 5'	5'	BEHIND BACK OF CURB

CASE NUMBER	FORWARD CASE NUMBER	FORWARD CASE NUMBER
MEMPHIS, TENNESSEE	PD 52-276 (CORRECTED)	
NUMBER OF LOTS: 1	ADDRESS: 2.87 AC	WARD 09B BLOCK 300 PARCELS 09A
DEVELOPER: UMANSKY AUTONOMY CORP., LLC	ENGINEER: REINCK HOLDING	1330 VINEFIELD RD MEMPHIS, TENNESSEE 380119 (901) 306-6266
10-YEAR FLOOD ELEVATION: 274	FEMA MAP PANEL NUMBER: 470177 0119 D	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: AUGUST 2023	SCALE: AS SHOWN	SHEET 1 OF 4

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. SIDEWALKS SHALL BE REPAIRED AS NECESSARY AND REPAIRED AS NECESSARY TO MEET A.D.A. COMPLIANCE.

NOTES

- CITY OF MEMPHIS BENCHMARK EAST, LOCATED AT THE SOUTHWEST CORNER OF THE SITE, SHALL BE USED AS THE BENCHMARK FOR ALL ELEVATIONS. THE BENCHMARK IS LOCATED AT THE SOUTHWEST CORNER OF LOT 1, 50 FEET WEST OF A WOOD POWER POLE 60' NORTH OF WOOD POWER POLE #108 (ELEV = 308.89 NAVD83).
- PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS / SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERNATIONS AND/OR IMPROVEMENTS TO ANY PERMITTED CONSTRUCTION. ANY ALTERNATIONS AND/OR IMPROVEMENTS TO ANY PERMITTED CONSTRUCTION SHALL BE APPROVED BY THE CITY OF MEMPHIS S.O.W. INCLUDE, BUT ARE NOT LIMITED TO, WORK PERFORMED ON SIGNALS, PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER AT (901) 527-4700.
- THIS PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD AREA PER FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NO. 47157 0119 G, COMMUNITY PANEL NO. 47177 0119 G, EFFECTIVE DATE: FEBRUARY 6, 2013. MEMPHIS BR-6-274.
- NO TREES, SHRUBS, PERMANENT STRUCTURES OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER SERVICE AREAS. ANY PERMITS FOR SUCH UTILITIES SHALL BE OBTAINED FROM THE MEMPHIS CITY ENGINEER AND 19689 63879 1784 CROSSINGS.
- THE CITY OF MEMPHIS SHALL HAVE RESPONSIBILITY FOR THE MAINTENANCE OF SANITARY SEWERS AND VENTS.
- THE AREAS DENOTED BY RESERVED FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION AREAS SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO MAINTAIN THE STORM WATER DETENTION AREAS IN ACCORDANCE WITH THE MAINTENANCE PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF DEBRIS AND/OR FILLING OF SANDPIT CREEKS AND THROUGH-DRAINING OUTLET DEBRIS AND/OR FILLING OF SANDPIT CREEKS.

SITE DATA

120' 27" (S) (2.87 AC)

BUILDING AREA: 18,000 SF

MAX. BLDG. H.T.: 28 FT

EXISTING ZONING: CA

PROPOSED ZONING: PD / CMU-2

PROPOSED LAND USE: AUTOMOTIVE SALES AND SERVICE

PAVING REQUIRED:

OUTDOOR DISPLAY SALES FLOOR AREA (1,000 SF): 23 SPACES

OUTDOOR DISPLAY SALES FLOOR AREA (1,000 SF): 23 SPACES

BRIDGE BAYS (6 BAYS): 46 SPACES

VEHICLE AREAS PROVIDED:

OUTDOOR DISPLAY SERVICE/INVENTORY STORAGE: 66 SPACES

TOTAL (NOT INCLUDED IN AREA CALCULATIONS): 101 SPACES

CUSTOMER PARKING: 23 SPACES

EMPI. OFFICE PARKING: 11 SPACES

SERVICE PARKING: 46 SPACES

TOTAL (INCLUDED IN AREA CALCULATIONS): 46 SPACES

TOTAL SPACES PROVIDED: 148 SPACES

DESIGN: THE ENGINEERING FIELDS PD

DATE: FEB 27, 2023

SCALE: AS SHOWN

HAILE PROPERTIES LLC

INST. NO. 16087412

VEHICLE MAP

100'

50'

0'

50'

100'

150'

200'

250'

300'

350'

400'

450'

500'

550'

600'

650'

700'

750'

800'

850'

900'

950'

1000'

1050'

1100'

1150'

1200'

1250'

1300'

1350'

1400'

1450'

1500'

1550'

1600'

1650'

1700'

1750'

1800'

1850'

1900'

1950'

2000'

2050'

2100'

2150'

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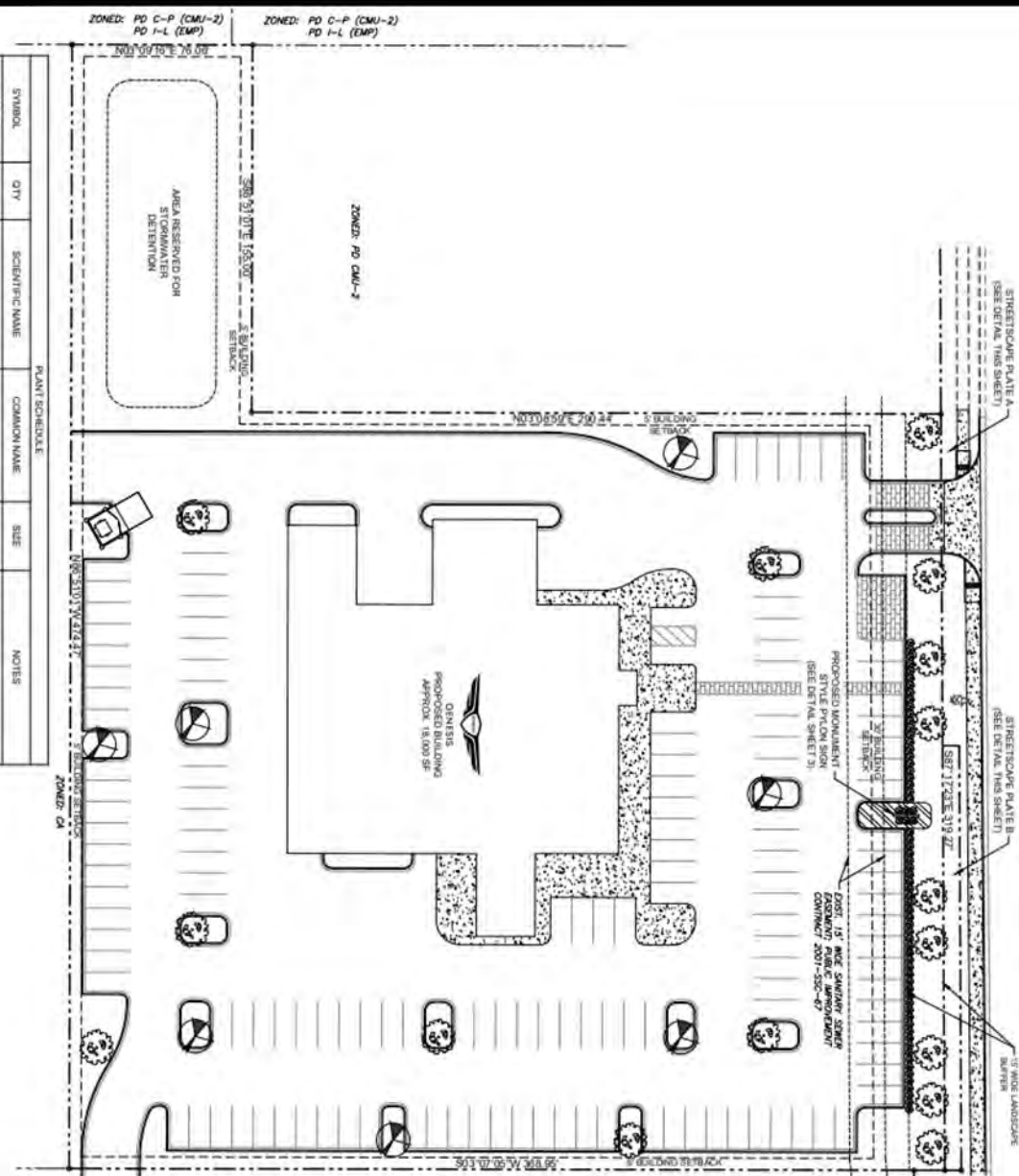
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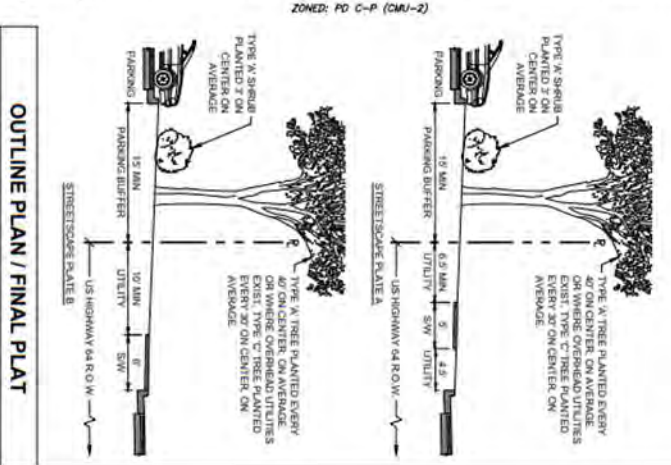
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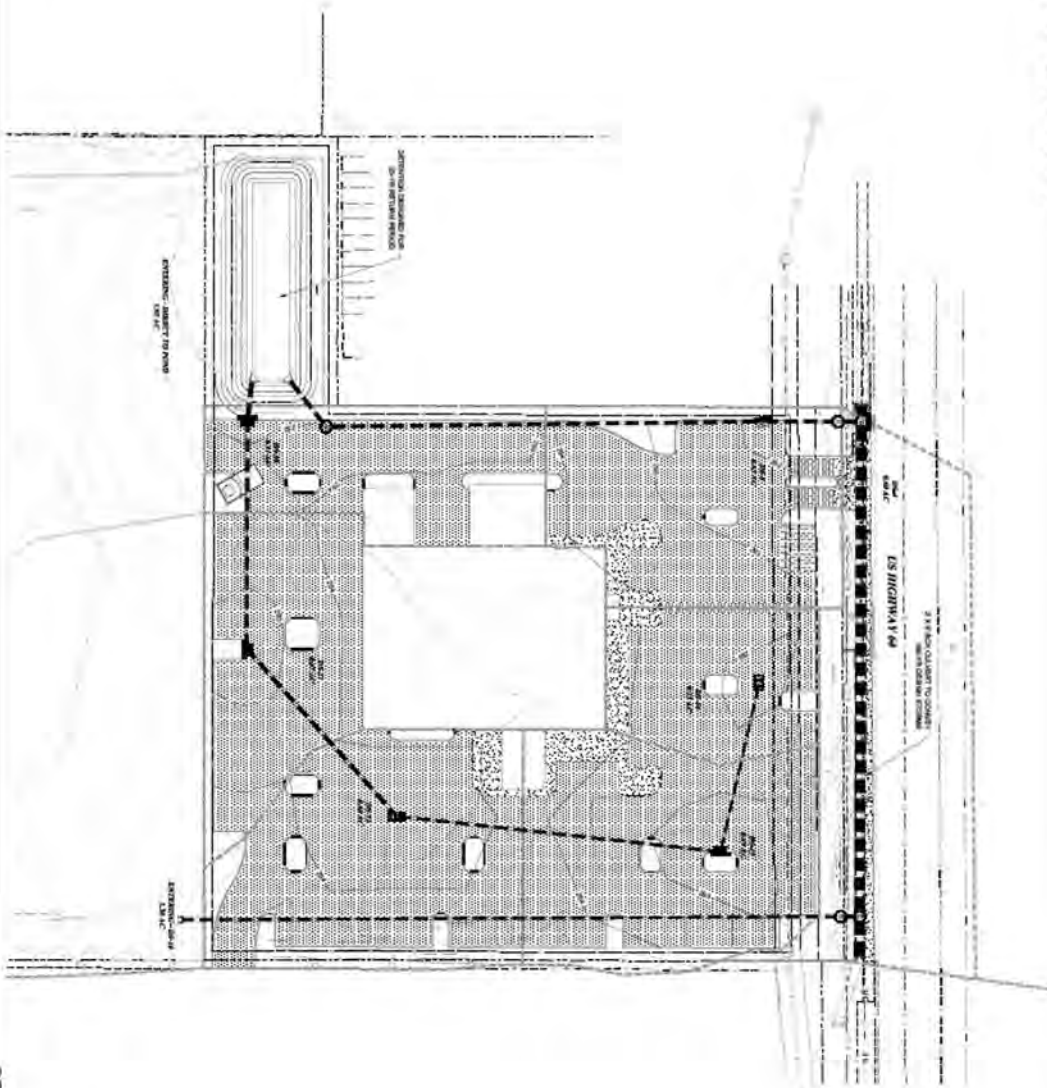


SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	NOTES
	16	ZELKOVA	ZELKOVA SERBATA	2.5' CAL.	UNIFORM BRANCHING, DOMINANT LEADER
	7	TRIDENT MAPLE	ACER BLENCHERIUM	2.5' CAL.	UNIFORM BRANCHING, DOMINANT LEADER
	69	ELM VOMITOGA YANAK	OWENS YALPON HOLLY	18" DBH	FULL PLANT FREE OF WEEDS
	300 SF	LIRIODENDRON	LIRIODENDRON	4" POT	PLANT 18" O.C.



OUTLINE PLAN / FINAL PLAT
GENESIS WOLFCHASE -
APPLING FIELDS PD

CASE NUMBER: 7100	MEMPHIS, TENNESSEE	FORNER CASE NUMBER: PD 95-310 (EXPANDED)
NUMBER OF LOTS: 1	ADDRESS: 7.97 AC. WARD 092 BLOCK 003 PARCELS 004	
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC	ENGINEER: TSM LANE-FIELD, INC.	
MEMPHIS, TENNESSEE 38119	MEMPHIS, TENNESSEE 38119	
DATE: AUGUST 7, 2023	SCALE: AS SHOWN	SHEET 2 OF 4



GRADING AND DRAINAGE CONCEPT PLAN



OUTLINE PLAN / FINAL PLAT		
GENESIS WOLFCHASE - APPLING FIELDS PD		
CASE NUMBER: TBD	FORMER CASE NUMBER: PD 95-370 (EXPIRED)	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092 BLOCK: 005 PARCELS: 004
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC 8001 UMANSKY COVE MEMPHIS, TENNESSEE 38119 (901) 385-6585	ENGINEER: RE <i>Rowfield</i> ENGINEERS 1335 LYNNFIELD RD SUITE 245 MEMPHIS, TN 38119 (901) 310-0960	
100-YEAR FLOOD ELEVATION: 274c	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 9, 2013
DATE: AUGUST, 2023	SCALE: AS SHOWN	SHEET 3 OF 4

ATTEST:

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

AGENDA ITEM: 7

CASE NUMBER: PD 2023-019 **L.U.C.B. MEETING:** October 12, 2023

LOCATION: 7689 US Highway 64

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

OWNER/APPLICANT: U Properties GS LLC/Rockfield Engineering

REPRESENTATIVE: U Properties GS LLC

REQUEST: Planned Development for a Genesis Automotive Dealership

AREA: +/-8.680 acres

EXISTING ZONING: Conservation Agriculture (CA)

CONCLUSIONS

1. The current zoning is Conservation Agriculture (CA).
2. The development would consist of a 2.97-acre portion of an existing 8.7-acre parcel, and the proposed facility would be an 18,000 SF building for vehicle sales, leasing, parts, and repair.
3. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities are compatible with the surrounding land uses.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans 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 24-27 of this report.

RECOMMENDATION

Approval with conditions.

GENERAL INFORMATION

Street Frontage: US Highway 64 +/-319.27 linear feet

Zoning Atlas Page: 1850

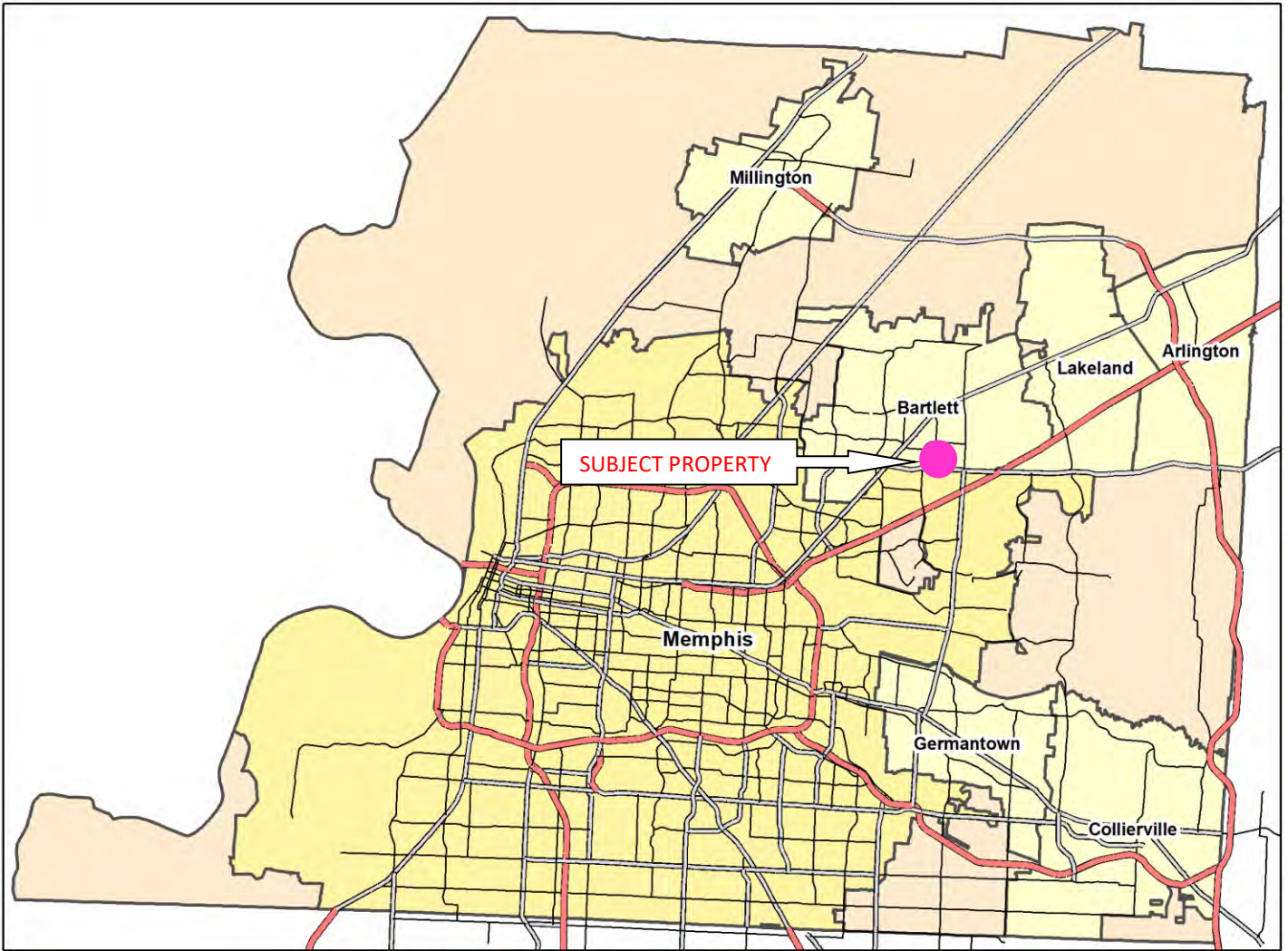
Parcel ID: 092005 00054

Existing Zoning: Conservation Agriculture (CA)

PUBLIC NOTICE

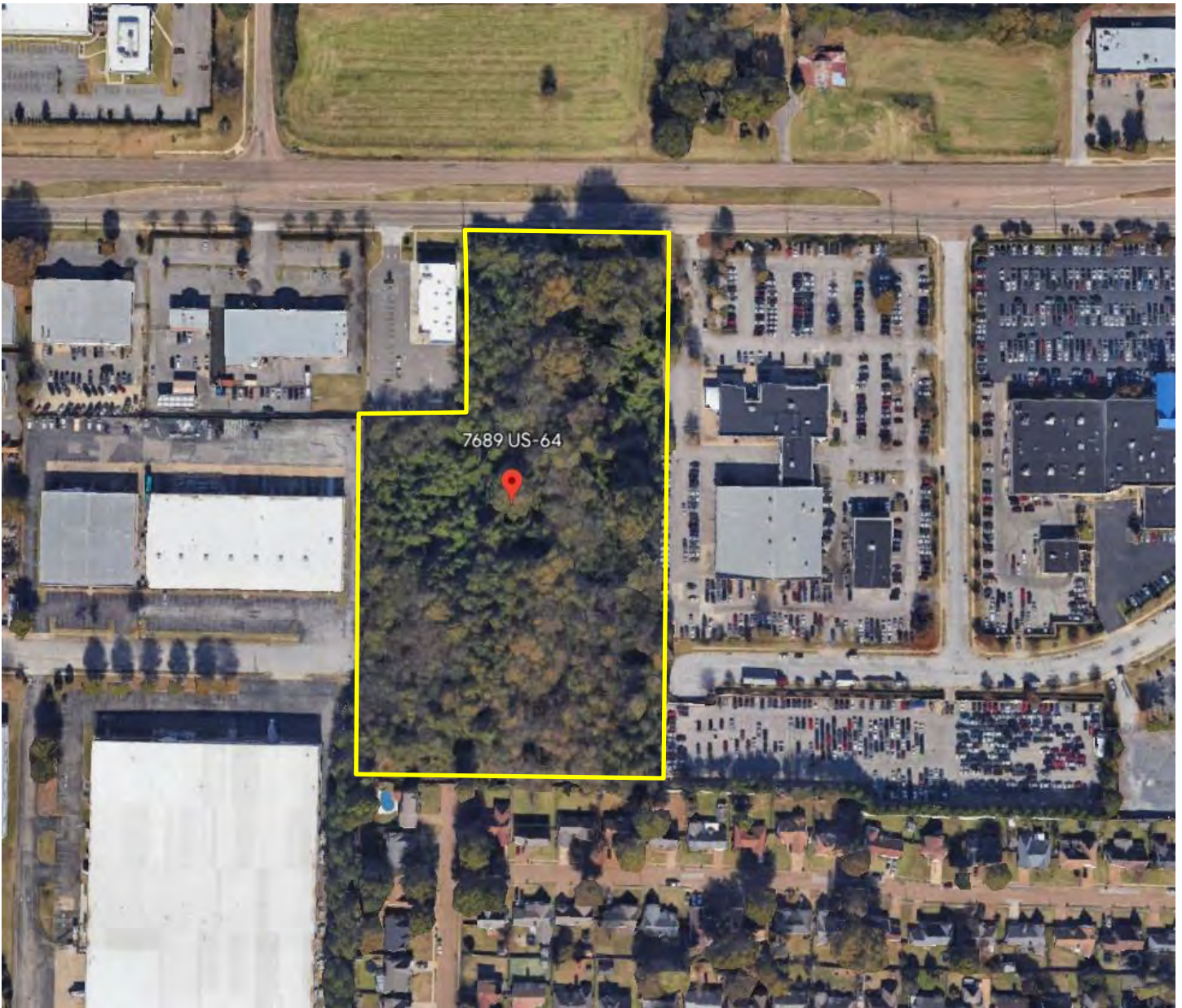
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 60 notices were mailed on September 19, 2023.

LOCATION MAP



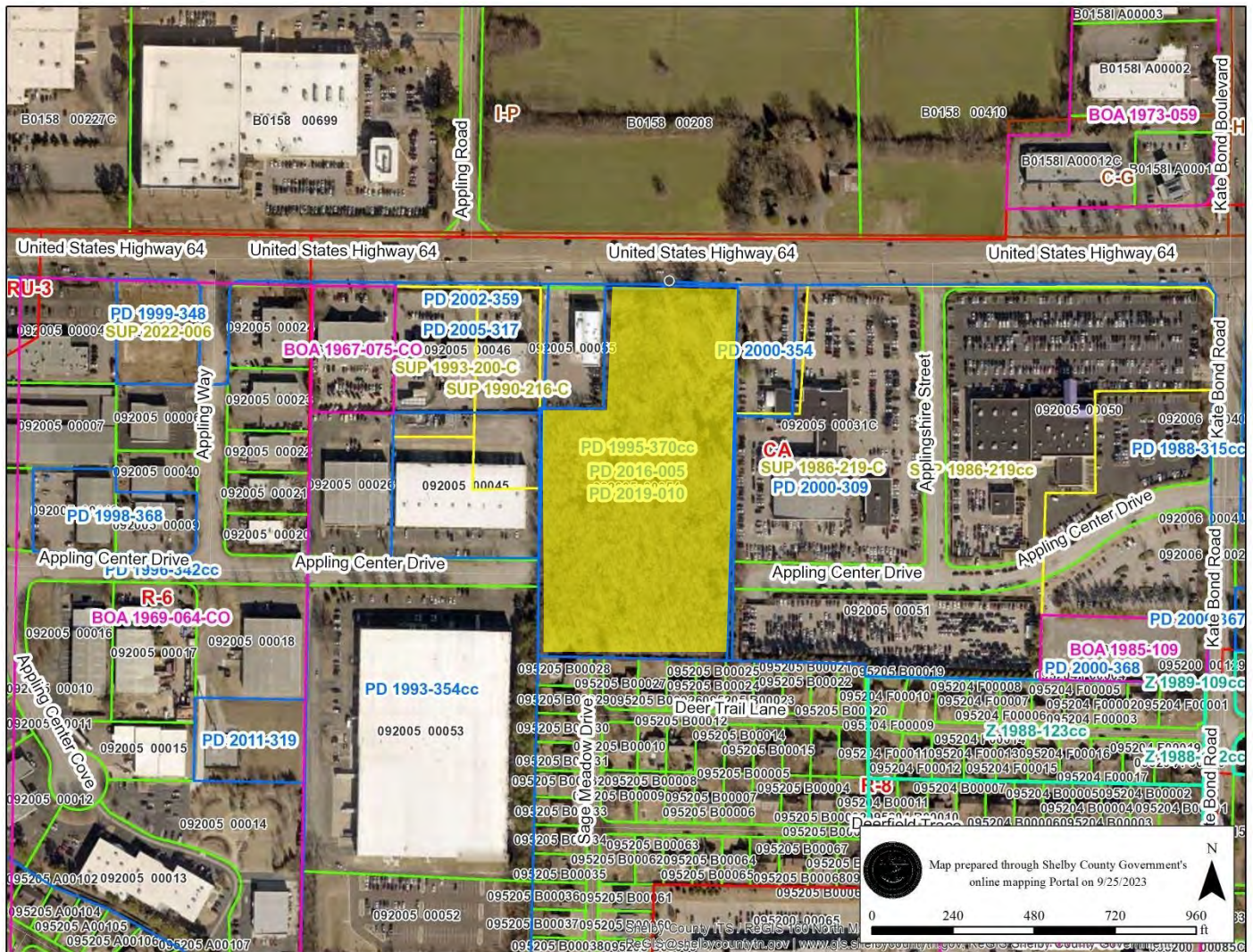
Subject property located within the pink circle.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

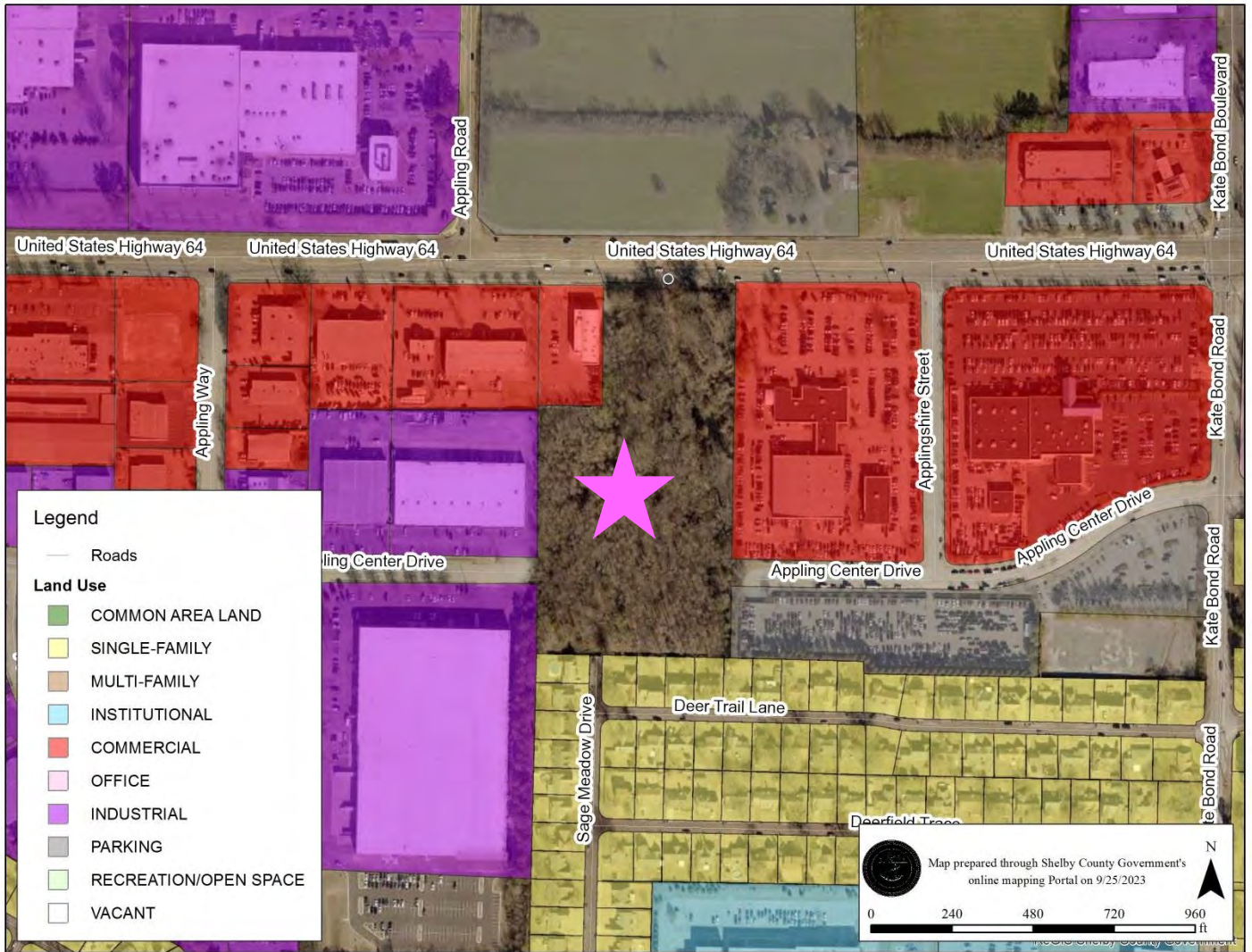
North: I-P (Planned Industrial Park-Bartlett)

East: CA and PD 00-354, PD 00-309, SUP 86-219-CC

South: Residential Single Family-8(R-8), CA

West: CA, Residential Single Family-6(R-6)

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

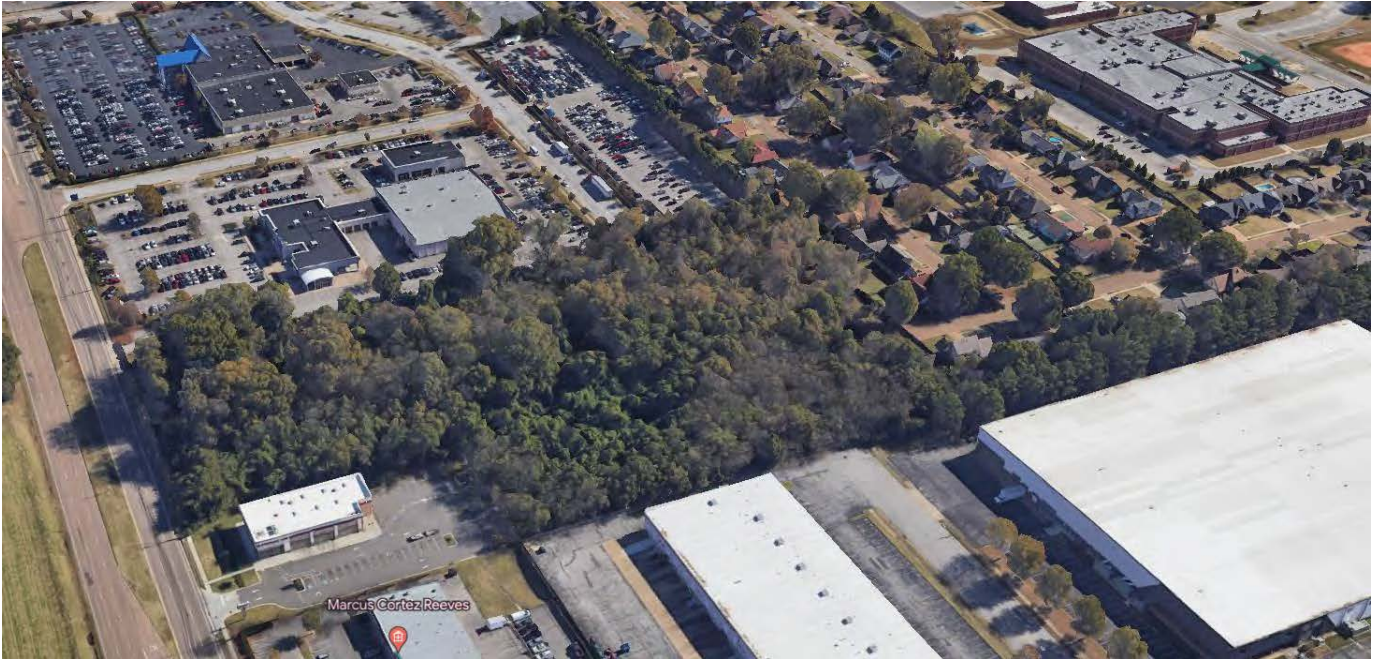
SITE PHOTOS



View of the subject property from US Highway 64



View of the subject property from US Highway 64

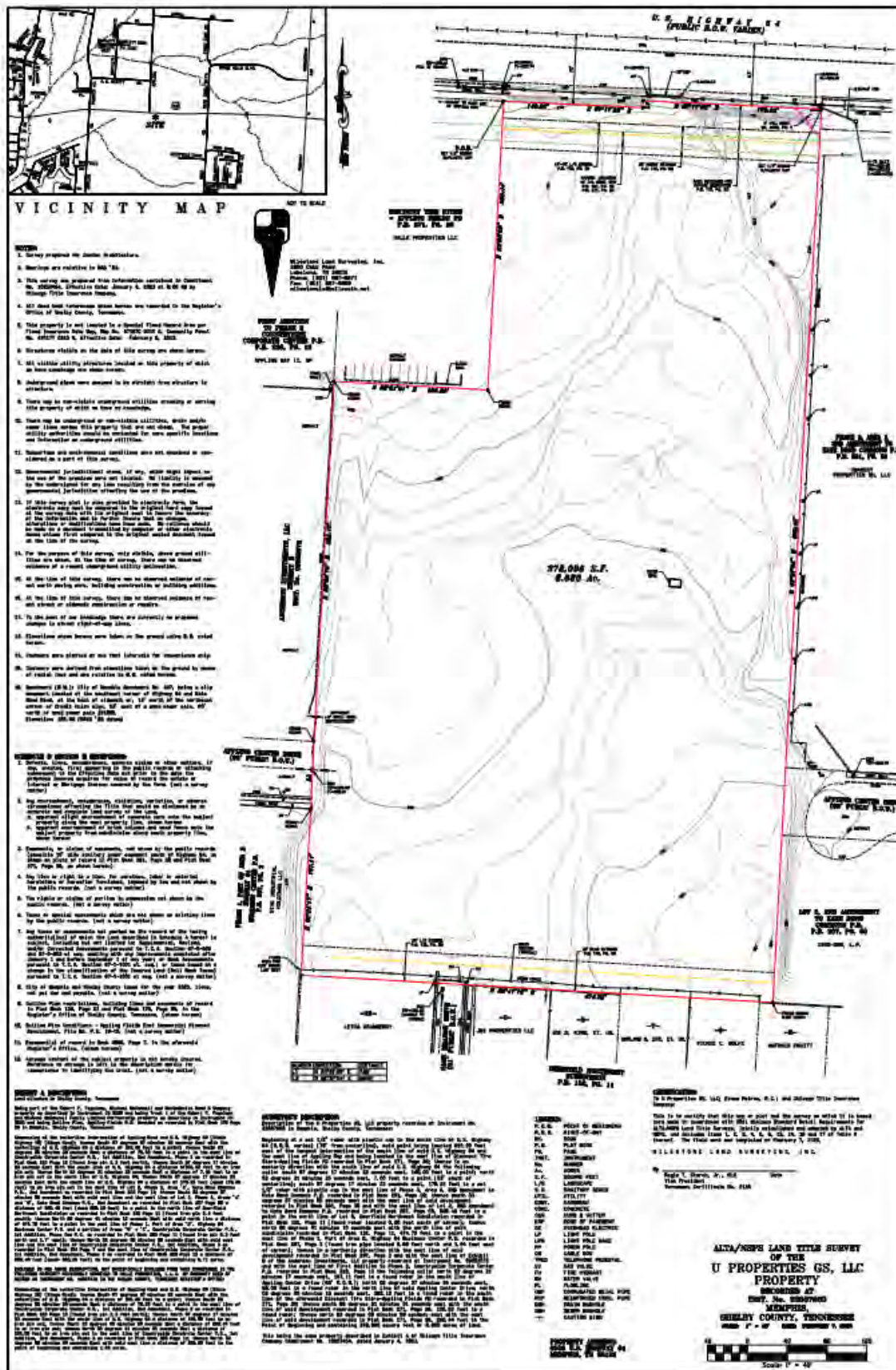


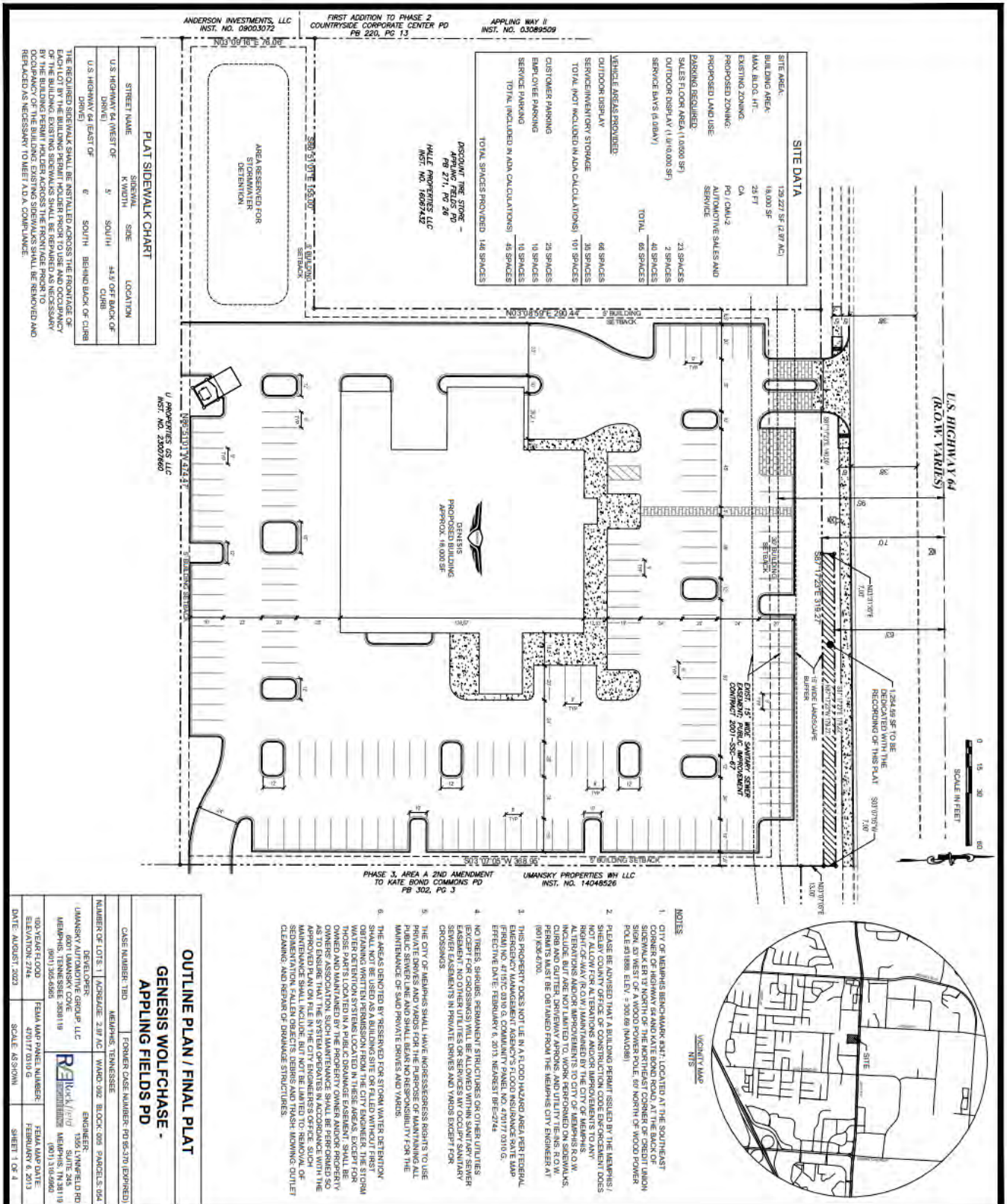
View of the subject property from East



View of the subject property from West

Survey





OUTLINE PLAN CONDITIONS

- GENESIS WOLFCHASE - APPLING FIELDS PD**
- I. USES PERMITTED
 - A. ANY USE PERMITTED BY RIGHT, ADMINISTRATIVE SITE PLAN REVIEW AND SPECIAL USE PERMIT TO THE PLANNED COMMERCIAL (COM-2) DISTRICT AND THE FOLLOWING ADDITIONAL USES:
 1. PHOTO FINISHING
 2. RADIO OR TV STUDIO
 3. WHEELS DISPLAY
 4. PRINTING AND PUBLISHING
 5. WHOLESALE ESTABLISHMENT
 6. WAREHOUSE
 7. CONTRACT STORAGE (INDOOR)
 8. CONTRACTS FOR RENTAL, LEASING, EXCEPT MANUFACTURED HOUSING, TRACTOR TRAILERS, AND HEAVY TRUCKS
 9. VEHICLE REPAIR
 - II. BUILDING REGULATIONS
 - A. MAXIMUM BUILDING HEIGHT - 40 FEET PLUS HEIGHT NECESSARY FOR MECHANICAL AND ARCHITECTURAL PURPOSES
 - B. BUILDING SETBACKS
 1. FRONT: 30'
 2. SIDE: 5'
 3. REAR: 5'
 - III. ACCESS AND CIRCULATION
 - A. PERMIT TO CURB CUT ON HIGHWAY 64 SUBJECT TO APPROVAL BY CITY ENGINEER AND TPO. DESIGN AND LOCATION SUBJECT TO APPROVAL BY THE CITY ENGINEER
 - B. ALL PRIVATE DRIVES SHALL BE CONSTRUCTED TO MEET CITY STANDARDS AND PROVIDE A MINIMUM WIDTH OF 22 FEET OF PAVEMENT. C. DRIVEWAY TO BE SET FROM THE CENTERLINE OF US HIGHWAY 64 AND IMPROVE IN ACCORDANCE WITH THE LIMITED DEVELOPMENT CODE WHICH GOVERNS THE DRIVEWAY.
 - D. THE STREETSCAPE LANDSCAPING SHALL BE THE EQUIVALENT OF A MODIFIED 5-10 PLANT WITH 4.5 FOOT WIDE GRASS STRIP, 4.5 FOOT WIDE SIDEWALK, AND A 15 FOOT WIDE PLANTING AREA.
 - E. FURNISHING SHALL BE IN ACCORDANCE WITH THE IUDC AT 4.5.50.
 - F. LIGHTING SHALL BE DIRECTED SO AS TO NOT GLARE ONTO RESIDENTIAL PROPERTY.
 - G. ALL DOWNSPUTS SHALL BE SCREENED WITH WALLS THAT ARE COMPOSED OF SMALLER MATERIALS TO THE PERMANENT BUILDING.
 - H. EQUIVALENT LANDSCAPING MAY BE SUBSTITUTED FOR THAT REQUIRED ABOVE, SUBJECT TO THE APPROVAL OF THE OFFICE OF PLANNING AND DEVELOPMENT.
 - I. SIGNAGE SHALL BE PROVIDED EXCLUSIVE OF AND SO AS NOT TO INTERFERE WITH SIGNAGE AND UTILITY EASEMENTS INCLUDING OVERHEAD WIRING.
 - IV. SIGNS
 - A. PERMIT ONE CENTER IDENTIFICATION SIGN, GRADING INDICATOR, MONUMENT THE SHALL BE IN ACCORDANCE WITH THE COMMERCIAL MIXED USE Z (COMU-2)
 - B. ATTACHED SIGNS SHALL BE IN ACCORDANCE WITH THE COMMERCIAL MIXED USE Z (COMU-2) DISTRICT.
 - C. ADDITIONAL DETACHED SIGNS, INCLUDING DIRECTIONAL, INSTRUCTIONAL, AND IDENTIFICATION SIGNS AS ARE NEEDED MAY BE PERMITTED WITHIN THE DEVELOPMENT, SUBJECT TO SITE PLAN REVIEW BY THE OFFICE OF PLANNING AND DEVELOPMENT
 - D. PORTABLE AND TEMPORARY SIGNS SHALL NOT BE PERMITTED.
 - E. THE MINIMUM SIGN SETBACKS TO BE:
 - V. DRAINAGE
 - A. ALL DRAINAGE PLANS TO BE SUBMITTED TO CITY ENGINEERS FOR REVIEW
 - B. DRAINAGE DESIGN INCLUDING PROPOSED EROSION CONTROL MEASURES SHALL BE PROVIDED UNDER A STANDARD SUBDIVISION CONTRACT IN ACCORDANCE WITH LIMITED DEVELOPMENT CODE AND THE CITY OF MEMPHIS DRAINAGE DESIGN MANUAL.
 - C. ALL DRAINAGE EXEMPTING ON SITE SHALL BE PRIVATE. EASEMENTS WILL NOT BE ACCEPTED.
 - D. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF THE APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.
 - E. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:
 - A. THE OUTLINE PLAN CONDITIONS.
 - B. A STANDARD SUBDIVISION CONTRACT AS REQUIRED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.
 - C. THE EXACT LOCATION AND DIMENSION INCLUDING HEIGHT OF ALL BUILDINGS, PARKING AREAS, UTILITY EASEMENTS, DRIVE, CURB CUTS, AND THE NUMBER OF PARKING SPACES.
 - D. THE LOCATION AND DIMENSION, WHETHER PUBLIC OR PRIVATE OF ANY EASEMENTS.
 - E. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAN OF ANY DEVELOPMENT REQUIRING ON-SITE STORM WATER DETENTION FACILITIES: "THE AREAS DENOTED BY 'RESERVED FOR STORM WATER DETENTION' SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR COMMON AREAS, SHALL BE MAINTAINED BY THE DEVELOPER. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO: REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, GRASS CLEANING, AND REPAIR OF DRAINAGE STRUCTURES."
 - VI. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:
 - A. THE OUTLINE PLAN CONDITIONS.
 - B. A STANDARD SUBDIVISION CONTRACT AS REQUIRED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.
 - C. THE EXACT LOCATION AND DIMENSION INCLUDING HEIGHT OF ALL BUILDINGS, PARKING AREAS, UTILITY EASEMENTS, DRIVE, CURB CUTS, AND THE NUMBER OF PARKING SPACES.
 - D. THE LOCATION AND DIMENSION, WHETHER PUBLIC OR PRIVATE OF ANY EASEMENTS.
 - E. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAN OF ANY DEVELOPMENT REQUIRING ON-SITE STORM WATER DETENTION FACILITIES: "THE AREAS DENOTED BY 'RESERVED FOR STORM WATER DETENTION' SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR COMMON AREAS, SHALL BE MAINTAINED BY THE DEVELOPER. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO: REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, GRASS CLEANING, AND REPAIR OF DRAINAGE STRUCTURES."

OWNERS CERTIFICATE

THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ACCEPTS THIS PLAN AS OUR PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE HOWEVER, WE CERTIFY THAT WE ARE THE OWNER OF THE SAID PROPERTY IN THE SINGLE, SOLELY AUTHORIZED TO ACT, AND WE HEREBY CERTIFY THAT WE ARE NOT BEING OBTAINED BY ANY OTHER PERSON (S) WHICH HAVE BECOME DUE AND PAYABLE.

NAME, TITLE CORPORATION NAME _____

NOTARYS CERTIFICATE
STATE OF TENNESSEE

COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS, DAILY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED _____ WITH WHOM I PERSONALLY ACCQUAINTED AND KNOWN TO BE THE SOLE AND SOLELY AUTHORIZED TO ACT, AND 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 THIS DAY OF _____, 2023.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

PRIVATE SEWER & PUMP OWNERSHIP CERTIFICATE

THE OPERATION AND MAINTENANCE OF THE FACILITY, INCLUDING THE PRIVATE SANITARY SEWER SYSTEM AND PUMP, WILL BE OWNED AND MAINTAINED BY _____

BY _____ DATE _____

LAND USE AND DEVELOPMENT SERVICES CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON _____ AND APPROVED BY THE MEMPHIS CITY COUNCIL ON _____ AND/OR THE SHELBY COUNTY BOARD OF COMMISSIONERS ON _____

BY _____ DATE _____

CITY ENGINEER _____ DATE _____

ENGINEERS CERTIFICATE

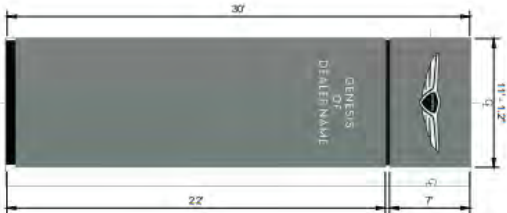
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE MEMPHIS AND SHELBY COUNTY LIMITED DEVELOPMENT CODE, THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING LAWS AND REGULATIONS

BY _____ DATE _____
G. TAYLOR WEBB
TENNESSEE LICENSE NO. 11812

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FROM A CATEGORY I SURVEY AND THAT THE PRECISION OF THE UNCOLLECTED SURVEY IS GREATER THAN THE PRECISION IN COMPLIANCE WITH THE CURRENT TENNESSEE MANUAL SURVEYORS OF PRACTICE

MASTSTONE LAND SURVEYING, INC.
BY _____ DATE _____

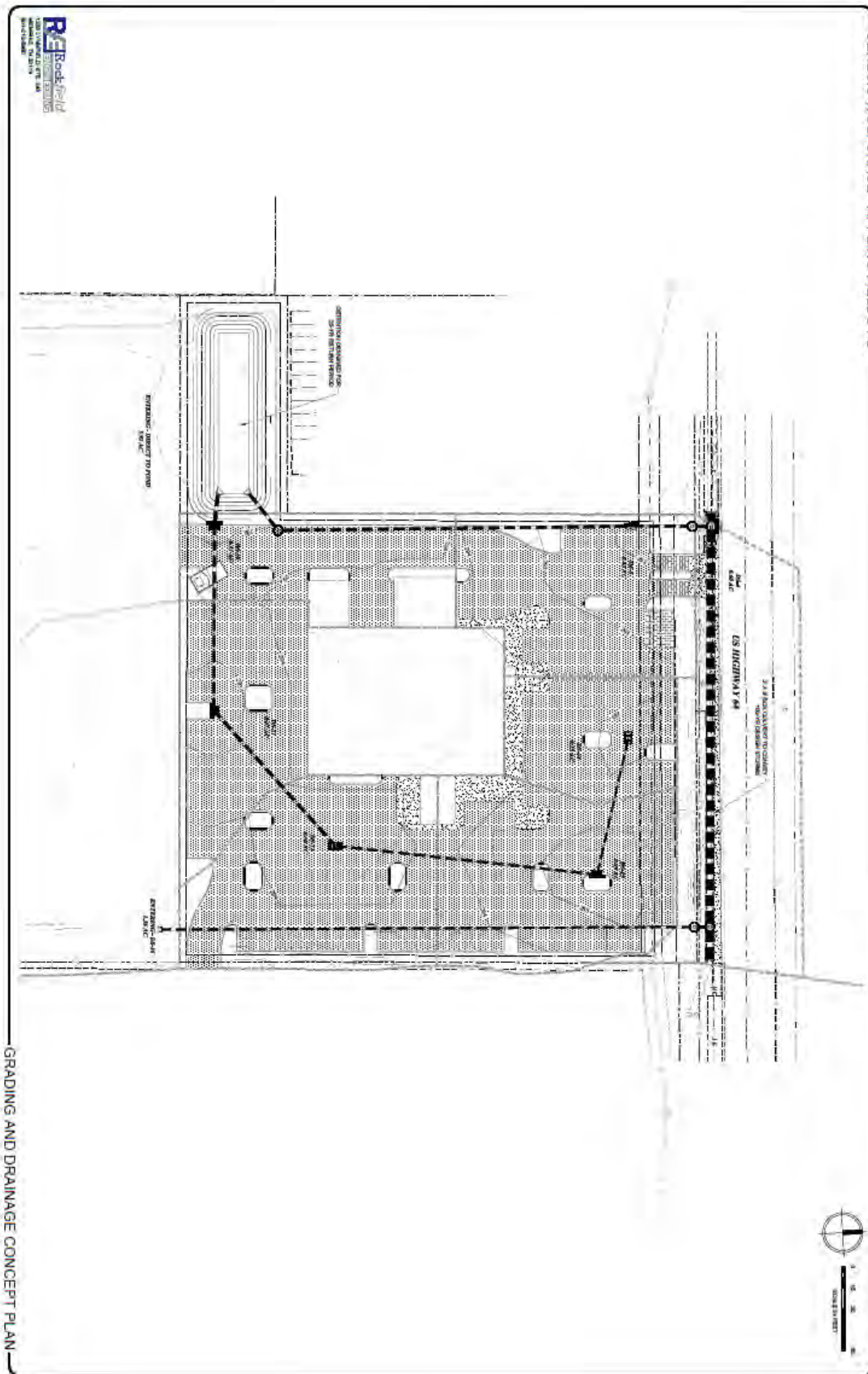


DETACHED SIGN DETAIL

OUTLINE PLAN / FINAL PLAT
GENESIS WOLFCHASE -
APPLING FIELDS PD

DRYFELDER LUMINERY AUTOMOTIVE GROUP, LLC 6901 LUMINERY COVE MEMPHIS, TENNESSEE 38181-19 (901) 362-2685	ENGINEER 1365 VINEFIELD RD SUITE 245 MEMPHIS, TN 38118 (901) 310-5980
100 YEAR FLOOD ELEVATION: 274.8	FEMA MAP PANEL NUMBER 470177 210 D
DATE: AUGUST 2023	SCALE: AS SHOWN
SHEET 1 OF 4	

DRAINAGE CONCEPT PLAN



ELEVATIONS



OUTLINE PLAN / FINAL PLAT			
GENESIS WOLFCHASE - APPLING FIELDS PD			
CASE NUMBER: TBD		FORMER CASE NUMBER: PD 95-370 (EXPIRED)	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092	BLOCK: 005 PARCELS: 054
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC 6001 UMANSKY COVE MEMPHIS, TENNESSEE 3838119 (901) 386-6566		ENGINEER: Rockfield 1335 LYNNFIELD RD SUITE 245 MEMPHIS, TN 38119 (901) 310-9960	
100-YEAR FLOOD ELEVATION: 274a	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 6, 2013	
DATE: AUGUST 2023	SCALE: AS SHOWN	SHEET 3 OF 4	

STAFF ANALYSIS

Request

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

The request is a Planned Development for a Genesis Automotive Dealership.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the 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 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 **agrees** the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

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

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

Site Description

The subject property is currently vacant land, situated west of the existing Hyundai dealership located at 7727 U.S. Highway 64. This project is located between an existing auto dealership and a tire store. Surrounding parcels consist of similar commercial mixed uses.

The development would consist of a 2.97-acre portion of an existing 8.7-acre parcel. The proposed facility would be an 18,000 SF building for vehicle sales, leasing, parts, and repair. Additionally, outdoor space for display, inventory, and parking would be provided. The project site is within the previously approved Appling Fields Planned Development (PD 95-370). The outline plan was recorded in 1996 and expired in 2006 since no final plats were recorded for any developments within the required 10-year period. Therefore, a new planned development application must be submitted for this proposed development.

Site Zoning History

The current Conservation Agriculture (CA) District or its predecessor Agricultural (AG) date back to the adoption of zoning for Shelby County, circa 1960.

Site Plan Review

1. The current zoning is Conservation Agriculture (CA).
2. The development would consist of a 2.97-acre portion of an existing 8.7-acre parcel.
3. The proposed facility would be an 18,000 SF building for vehicle sales, leasing, parts, and repair.
4. A total of 146 parking spaces provided on site.
5. There is adequate infrastructure for this proposed development.
6. Onsite wastewater storage and off-peak pumping will likely be required.
7. No significant natural, scenic, or historic features have been observed on site.
8. No common open spaces are proposed for this project.

Conclusions

1. The current zoning is Conservation Agriculture (CA).
2. The development would consist of a 2.97-acre portion of an existing 8.7-acre parcel, and the proposed facility would be an 18,000 SF building for vehicle sales, leasing, parts, and repair.
3. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities are compatible with the surrounding land uses.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

OUTLINE PLAN CONDITIONS

P.D. TBD

Genesis Wolfchase – Appling Fields PD

I. Uses Permitted

- A. Any use permitted by right, administrative site plan review and special use permit to the Planned Commercial (CMU-2) District and the following additional uses:
1. Photo Finishing
 2. Radio or TV Studio
 3. Wholesale Display
 4. Printing and Publishing
 5. Wholesale Establishment
 6. Warehouse
 7. Contractor Storage (Indoor)
 8. Vehicle Sales, Rental, Leasing, except Manufactured Housing, Tractor-Trailers, and Heavy Trucks
 9. Vehicle Repair

II. Bulk Regulations

- A. Maximum Building Height – 40 feet plus height necessary for mechanical and architectural penthouses
- B. Building Setbacks
1. Front: 30'
 2. Side: 5'
 3. Rear: 5'

III. Access and Circulation

- A. Permit 1 curb cut on Highway 64 subject to approval by City Engineer and TDOT. Design and Location subject to approval by the City Engineer
- B. All private drives shall be constructed to meet city standards and provide a minimum width of 22 feet of pavement.
- C. Dedicate 70 feet from the Centerline of US Highway 64 and improve in accordance with the Unified Development Code which will include curb, gutter, and sidewalk.

IV. Landscaping, Screening, and Lighting

- A. The streetscape landscaping shall be the equivalent of a modified 5-10 Plate with a 4.5- foot wide grass strip, a 5-foot wide sidewalk, and a 15-foot wide planting area.
- B. Parking lot landscaping shall be in accordance with the UDC at 4.5.5D.
- C. Lighting shall be directed so as to not glare onto residential property.
- D. All dumpsters shall be screened with walls that are composed of similar materials to the primary building.
- E. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- F. Landscaping areas shall be provided exclusive of and so as not to conflict with drainage and utility easements including overhead wires.

V. Signs

- A. Permit one center identification sign, ground mounted, monument type shall be in accordance with the Commercial Mixed Use 2 (CMU-2)
- B. Attached signs shall be in accordance with the Commercial Mixed Use 2 (CMU-2) District.
- C. Additional detached signs, including directional, instructional, and identification signs as are needed may be permitted within the development, subject to site plan review by the Office of Planning and Development
- D. Portable and temporary signs shall not be permitted.
- E. The minimum sign setback is 10 Feet.

VI. Drainage

- A. All drainage plans to be submitted to City Engineer(s) for review.
- B. 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 Drainage Design Manual.
- C. All drainage emanating on-site shall be private. Easements will not be accepted.

VII. A final plan shall be filed within five years of the approval of the outline plan. 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 as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimension (including height) of all buildings, parking areas, utility easements, drives, curb cuts, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easements.
- F. The following note shall be placed on the final plat of any development requiring onsite storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. 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.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. This site is located in the Fletcher Creek Sewer Basin. The developer will have to apply for a sewer connection permit letter from the Director of Public Works. If approved, the developer will likely have to install an on-site storage tank with off-peak discharge capabilities.

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.
7. Dedicate and improve 70' from centerline of Highway 64.

Traffic Control Provisions:

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

Curb Cuts/Access:

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

Drainage:

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

General Notes:

19. The width of all existing off-street sewer easements shall be widened to meet current city standards.
20. Development is greater than 1 acre and is located within a sensitive drainage basin.
21. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
22. All connections to the sewer shall be at manholes only.
23. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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:

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.

The site is currently densely vegetated. Any development of the site will, by necessity, decrease the amount of vegetative cover. The submitted landscape plan shows some replanting on the site, though this will replace only a small fraction of the plants that are being removed.

The plan for the site, as submitted, increases the amount of impervious surface in the area. Impervious surfaces can increase the urban heat island effect and reduce the ability of the land to address stormwater naturally through absorption.

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

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

This application is generally inconsistent with the Mid-South Regional Resilience Master Plan. The site is located within Zone 1, where development is encouraged, which is consistent with Section 4.1 – Resilient Sites. However, by decreasing the amount of tree canopy coverage of the site, the request would be in conflict with Section 5.7 – Trees. An increase in impervious surfaces would also be in conflict with the recommendations found in Section 2.3 – Low-Impact Development.

Consistent with the Memphis Area Climate Action Plan best practices: No

Development on this site would decrease the tree canopy coverage in the Memphis region, which would be in conflict with Priority Action E.7 – Nurture and Expand the Urban Tree Canopy.

Recommendations: Staff recommends the incorporation of Low-Impact Development practices in the design of the site. Some examples could include vegetated filter strips or bioswales, both of which could easily be incorporated into the current landscaping plan.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2023-019 Bartlett Adjacent

Site Address/Location: 7689 US HIGHWAY 64

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

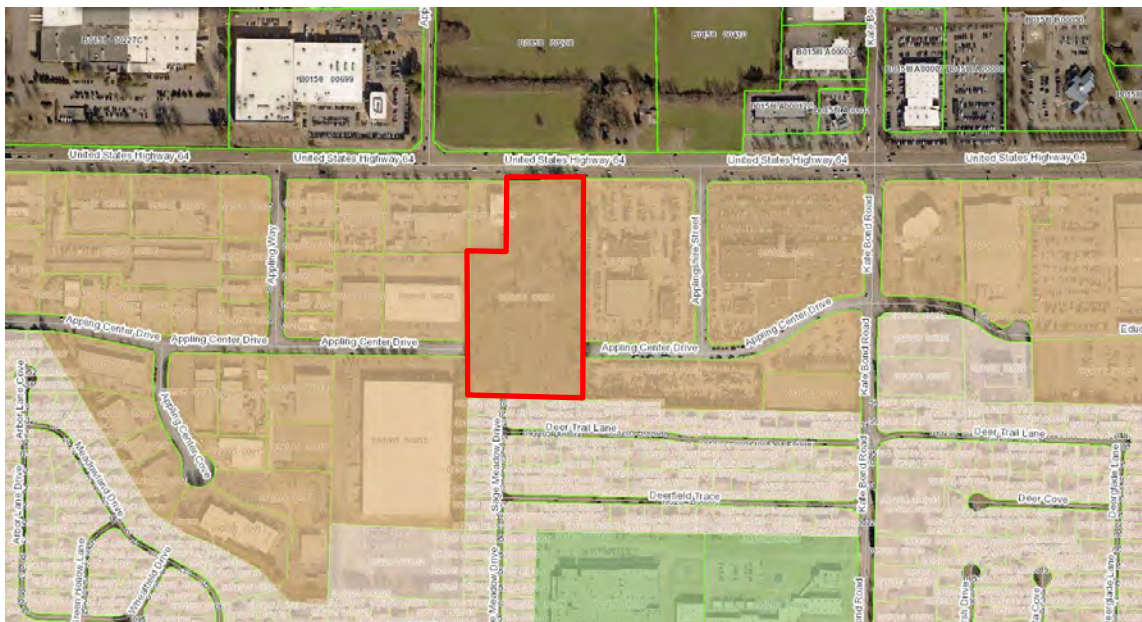
Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant is requesting a planned development to build vehicle sales, leasing, parts and repair in a portion of the whole lot.

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

The applicant is requesting a planned development to build vehicle sales, leasing, parts and repair in a portion of the whole lot.

This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use as the proposal to develop a portion of the planned development to include vehicle sales, leasing, parts and repair is not too intense surrounded by other similar existing auto-oriented commercial uses. However, the application did not have any information about the intended use for the rest of the planned development as of now, which abuts Primarily Single- Unit Neighborhood. Therefore, staff would like to recommend to create a buffer or transition space between the intense commercial use and the less intense single-unit neighborhoods while expanding further towards the south of the planned development.

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

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: August 30, 2023

Record Number: PD 2023-019

Expiration Date:

Record Name: Genesis Wolfchase

Description of Work: Planned Development for a Genesis Automotive Dealership

Parent Record Number:

Address:

7689 US HIGHWAY 64, MEMPHIS 38133

Owner Information

Primary Owner Name

Y U PROPERTIES GS LLC

Owner Address

6001 UMANSKY CV, MEMPHIS, TN 38119

Owner Phone

Parcel Information

092005 00054

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

05/10/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number PD 1995-370cc (expired)
PD 2019-010 (withdrawn)

Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? Not Applicable
(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 This project is situated between an existing auto dealership and a tire store. Surrounding parcels consist of similar commercial mixed uses.

UDC Sub-Section 9.6.9B Yes, the project will be substantially compatible with development and use of the immediate vicinity.

UDC Sub-Section 9.6.9C Preliminary survey and utility location services indicate adequate infrastructure for this proposed development. However, onsite wastewater storage and off-peak pumping will likely be required, as is typical for new developments in this area.

UDC Sub-Section 9.6.9D No significant natural, scenic, or historic features have been observed on site.

UDC Sub-Section 9.6.9E The applicant has submitted suggested outline plan conditions.

UDC Sub-Section 9.6.9F The project should not adversely affect adjacent properties.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A This project is situated between an existing auto dealership and a tire store. Surrounding parcels consist of similar commercial mixed uses.

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 Preliminary survey and utility location services indicate adequate infrastructure for this proposed development. However, onsite wastewater storage and off-peak pumping will likely be required, as is typical for new developments in this area.

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 Preliminary Plans have been provided to show accommodations for applicable items.

GENERAL PROVISIONS

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

Modifications, if any, are warranted by the design 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

No common open spaces are proposed for this project.

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

A final plat will be recorded if approval is granted which will create a lot of record.

GIS INFORMATION

Central Business Improvement District
 Case Layer

No
 PD00-354, PD00-309, PD05-317, PD02-359,
 PD16-005, PD95-370cc, PD19-010,
 SUP86-219cc

Class
 Downtown Fire District
 Historic District
 Land Use
 Municipality
 Overlay/Special Purpose District
 Zoning
 State Route
 Lot
 Subdivision
 Planned Development District
 Wellhead Protection Overlay District

C
 No
 -
 VACANT
 MEMPHIS
 -
 CA
 1
 -
 PT APPLING FIELDS PD OUTLINE PLAN
 -
 -

Contact Information

Name	Contact Type
ROCKFIELD ENGINEERING	APPLICANT
Address	
Phone	
(901)461-5804	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1498672	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	08/30/2023
1498672	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/30/2023

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

Payment Information

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

LETTER OF INTENT



August 30, 2023

Jeffrey Penzes
Memphis/Shelby County Division of Planning and Development
Land Use and Development Services
125 North Main Street, City Hall, Suite 468
Memphis, TN 38103

**Re: Application for Planned Development - Letter of Intent
Genesis Wolfchase – 7689 U.S. Highway 64**

Mr. Penzes,

On behalf of Umansky Automotive Group, Rockfield Engineering, LLC is pleased to present this application for a proposed planned development to the Land Use Control Board for a new Genesis Automobile Dealership.

Umansky Automotive Group is an authorized dealer for Hyundai USA. Hyundai USA now requires separate facilities for retail sales and service of the Genesis brand. Therefore, the applicant would like to propose a Planned Development on the currently vacant land, situated west of the existing Hyundai dealership located at 7727 U.S. Highway 64. The development would consist of a 2.97 acre portion of an existing 8.7 acre parcel currently zoned CA. The proposed facility would be an 18,000 SF building for vehicle sales, leasing, parts and repair. Additionally, outdoor space for display, inventory, and parking would be provided.

The project site is within the previously approved Appling Fields Planned Development (PD 95-370). The outline plan was recorded in 1996 and expired in 2006 since no final plats were recorded for any developments within the required 10-year period. Therefore, a new planned development application must be submitted for this proposed development.

Please contact us with any questions or concerns you may have regarding this project.

Sincerely,

Rockfield Engineering, LLC

A handwritten signature in black ink, appearing to read 'G. Taylor Webb'.

G. Taylor Webb, PE
Civil Engineering, Principal

LETTERS RECEIVED

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



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Data Fields

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Jeffrey Penzes

Date of Meeting

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Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number

PD 1995-370cc (expired)

PD 2019-010 (withdrawn)

Medical Overlay / Uptown

No

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

Not Applicable

(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

This project is situated between an existing auto dealership and a tire store. Surrounding parcels consist of similar commercial mixed uses.

UDC Sub-Section 9.6.9B

Yes, the project will be substantially compatible with development and use of the immediate vicinity.

UDC Sub-Section 9.6.9C

Preliminary survey and utility location services indicate adequate infrastructure for this proposed development. However, onsite wastewater storage and off-peak pumping will likely be required, as is typical for new developments in this area.

UDC Sub-Section 9.6.9D

No significant natural, scenic, or historic features have been observed on site.

UDC Sub-Section 9.6.9E

The applicant has submitted suggested outline plan conditions.

UDC Sub-Section 9.6.9F

The project should not adversely affect adjacent properties.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

This project is situated between an existing auto dealership and a tire store. Surrounding parcels consist of similar commercial mixed uses.

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

Preliminary survey and utility location services indicate adequate infrastructure for this proposed development. However, onsite wastewater storage and off-peak pumping will likely be required, as is typical for new developments in this area.

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

Preliminary Plans have been provided to show accommodations for applicable items.

GENERAL PROVISIONS

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

Modifications, if any, are warranted by the design not inconsistent with the public interest.

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Case Layer

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PD00-354, PD00-309, PD05-317, PD02-359,
PD16-005, PD95-370cc, PD19-010,
SUP86-219cc

Class
Downtown Fire District

C
No

Historic District

-

Land Use

VACANT

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CA

State Route

1

Lot

-

Subdivision

PT APPLING FIELDS PD OUTLINE PLAN

Planned Development District

-

Wellhead Protection Overlay District

-

Contact Information

Name

ROCKFIELD ENGINEERING

Contact Type

APPLICANT

Address

Phone

(901)461-5804

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information**Payment Amount**

\$1,539.00

Method of Payment

Credit Card

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, Danny Umansky, 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 7689 Highway 64, Memphis, TN 38133
and further identified by Assessor's Parcel Number 092005 00054
for which an application is being made to the Division of Planning and Development.



Signature



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



Signature of Notary Public

9/30/2024

My Commission Expires



August 30, 2023

Jeffrey Penzes
Memphis/Shelby County Division of Planning and Development
Land Use and Development Services
125 North Main Street, City Hall, Suite 468
Memphis, TN 38103

**Re: Application for Planned Development - Letter of Intent
Genesis Wolfchase – 7689 U.S. Highway 64**

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Umansky Automotive Group is an authorized dealer for Hyundai USA. Hyundai USA now requires separate facilities for retail sales and service of the Genesis brand. Therefore, the applicant would like to propose a Planned Development on the currently vacant land, situated west of the existing Hyundai dealership located at 7727 U.S. Highway 64. The development would consist of a 2.97 acre portion of an existing 8.7 acre parcel currently zoned CA. The proposed facility would be an 18,000 SF building for vehicle sales, leasing, parts and repair. Additionally, outdoor space for display, inventory, and parking would be provided.

The project site is within the previously approved Appling Fields Planned Development (PD 95-370). The outline plan was recorded in 1996 and expired in 2006 since no final plats were recorded for any developments within the required 10-year period. Therefore, a new planned development application must be submitted for this proposed development.

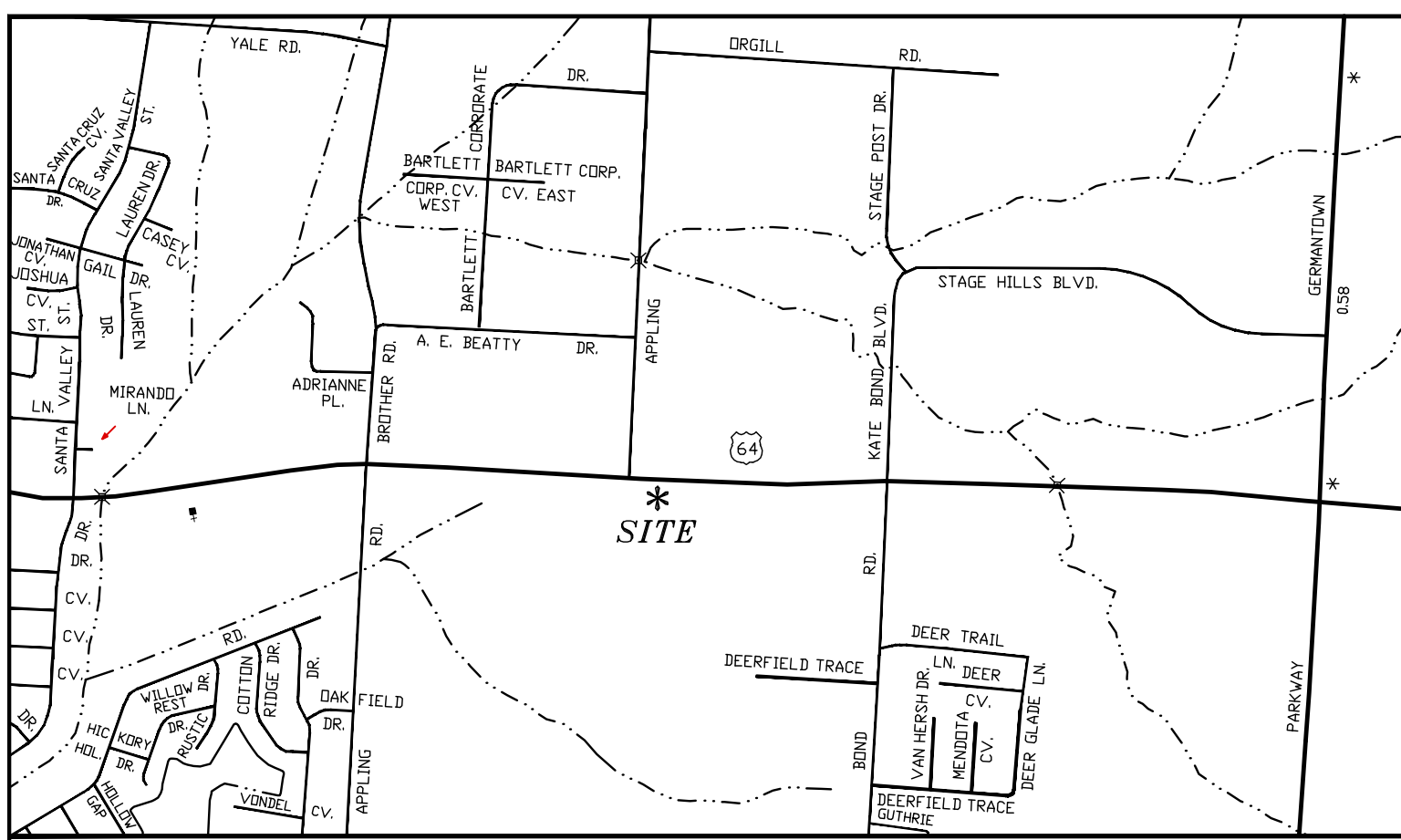
Please contact us with any questions or concerns you may have regarding this project.

Sincerely,

Rockfield Engineering, LLC

A handwritten signature in blue ink, appearing to read 'G. Taylor Webb'.

G. Taylor Webb, PE
Civil Engineering, Principal



VICINITY MAP

- NOTES:**
1. Survey prepared for Denton Architecture.
 2. Bearings are relative to NAD '83.
 3. This survey was prepared from information contained in Commitment No. 10253454, Effective Date: January 4, 2023 at 8:00 AM by Chicago Title Insurance Company.
 4. All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.
 5. This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C 0310 G, Community Panel No. 470177 0310 G, Effective Date: February 6, 2013.
 6. Structures visible on the date of this survey are shown hereon.
 7. All visible utility structures located on this property of which we have knowledge are shown hereon.
 8. Underground pipes were assumed to be straight from structure to structure.
 9. There may be non-visible underground utilities crossing or serving this property of which we have no knowledge.
 10. There may be underground or non-visible utilities, drain and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
 11. Subsurface and environmental conditions were not examined or considered as a part of this survey.
 12. Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
 13. If this survey plot is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
 14. For the purpose of this survey, only visible, above ground utilities are shown. At the time of survey, there was no observed evidence of a recent underground utility delineation.
 15. At the time of this survey, there was no observed evidence of recent earth moving work, building construction or building additions.
 16. At the time of this survey, there was no observed evidence of recent street or sidewalk construction or repairs.
 17. To the best of our knowledge there are currently no proposed changes in street right-of-way lines.
 18. Elevations shown hereon were taken on the ground using B.M. noted hereon.
 19. Contours were plotted at one foot intervals for convenience only.
 20. Contours were derived from elevations taken on the ground by means of radial topo and are relative to B.M. noted hereon.
 21. Benchmark (B.M.): City of Memphis Benchmark No. 347, being a city monument located at the southeast corner of Highway 64 and Kate Bond Road, at the back of sidewalk, 13' north of the northeast corner of Credit Union sign, 53' west of a wood power pole, 60' north of wood power pole #31888. Elevation: 300.69 (NAVD '88 datum)

- SCHEDULE B SECTION II EXCEPTIONS:**
1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed insured acquires for value of record the estate, interest or Mortgage thereon covered by the form. (not a survey matter)
 2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
 - a. apparent slight encroachment of concrete curb onto the subject property along the west property line, shown hereon
 - b. apparent encroachment of brick columns and wood fence onto the subject property from subdivision along south property line, shown hereon
 3. Easements, or claims of easements, not shown by the public records. (possible 15' wide sanitary sewer easement south of Highway 64, as shown on plots of record in Plot Book 261, Page 38 and Plot Book 271, Page 26, as shown hereon)
 4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. (not a survey matter)
 5. The rights or claims of parties in possession not shown by the public records. (not a survey matter)
 6. Taxes or special assessments which are not shown as existing liens by the public records. (not a survey matter)
 7. Any taxes or assessments not posted on the record of the taxing authority(ies) of which the Land described in Schedule A hereof is subject, including but not limited to: Supplemental, Revised, and/or Corrected Assessments pursuant to T.C.A. Section 67-5-509 and 67-5-603 et seq. dealing with any improvements completed after January 1 and before September 1 of any year; or Back Assessments pursuant to T.C.A. Section 67-1-1001 et seq.; or taxes based on a change in the classification of the Insured Land (Roll Back Taxes) pursuant to T.C.A. Section 67-5-1001 et seq. (not a survey matter)
 8. City of Memphis and Shelby County taxes for the year 2023, liens, not yet due and payable. (not a survey matter)
 9. Outline Plan restrictions, building lines and easements of record in Plot Book 134, Page 21 and Plot Book 176, Page 59, in the Register's Office of Shelby County, Tennessee. (shown hereon)
 10. Outline Plan Conditions - Appling Fields East Commercial Planned Development, File No. P.D. 19-10. (not a survey matter)
 11. Easement(s) of record in Plot Book 4866, Page 7, in the aforesaid Register's Office. (shown hereon)
 12. Acreage content of the subject property is not hereby insured. Reference to acreage is left in the description solely for convenience in identifying the tract. (not a survey matter)

- EXHIBIT A DESCRIPTION:**
Land situated in Shelby County, Tennessee:
- Being part of the Robert F. Fogelman, Michael McDonnell and Montedonico Reed & Company property as described in Instrument JS 5238 and being Tract 1 of the Robert F. Fogelman and Michael McDonnell Family Limited Partnership property as described in Instrument HX 5555 and being Outline Plan, Appling Fields P.D. Amended as recorded in Plot Book 176 Page 59 in Memphis, Shelby County, Tennessee:
- Commencing at the centerline intersection of Appling Road and U.S. Highway 64 (State Highway 15) (Stage Road); thence South 87 degrees 07 minutes 35 seconds East with the centerline of U.S. Highway 64 a distance of 165.00 feet to a point; thence South 03 degrees 08 minutes 59 seconds West a distance of 70.00 feet to a point in the east line of Countryside Corporate Center P.D., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plot Book 220 Page 13 (found iron pin 2.3 feet north); thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 295.00 feet to an iron pin set; thence North 03 degrees 31 minutes 35 seconds East a distance of 7.00 feet to an iron pin set in the south line of U.S. Highway 64; thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 179.22 feet to an iron pin set; thence North 03 degrees 31 minutes 35 seconds East a distance of 7.00 feet to an iron pin set in the west line of Lot 2, Phase 3, Area A, Kate Bond Commons P.O., 2nd Amendment as recorded in Plot Book 203 Page 11; thence South 03 degrees 07 minutes 05 seconds West with said solid line and the west line of Lot 2, Phase 4, Areas 'A' and 'B', Kate Bond Commons P.O., 2nd Amendment as recorded in Plot Book 207 Page 50 a distance of 898.49 feet (dead 898.19 feet) to a point in the north line of Deerfield Northwest Subdivision as recorded in Plot Book 132 Page 11 (found iron pin 0.4 foot south); thence North 86 degrees 41 minutes 10 seconds West with said north line a distance of 474.75 feet to a point in the east line of Phase 1, Part of Area 'D', Highway 64 Business Center P.O. and a portion of Areas 'B' + 'C', Countryside Corporate Center P.O., 1st Addition, Phase One P.O. as recorded in Plot Book 253 Page 11 (found iron pin 5.3 feet north and 1.7 feet west); thence North 03 degrees 08 minutes 59 seconds East with said solid line and the east line of Countryside Corporate Center P.O., 1st Addition, Phase 3 as recorded in Plot Book 184 Page 7 and the east line of Countryside Corporate Center P.O., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plot Book 220 Page 13 a distance of 886.49 feet (dead 886.26 feet) to the point of beginning and containing 9.71 acres.
- INCLUDED IN AND ABOVE DESCRIPTION, BUT SPECIFICALLY EXCLUDED FROM THIS CONVEYANCE IS THE FOLLOWING PROPERTY PREVIOUSLY CONVEYED TO HALLE PROPERTIES, L.L.C. BY WARRANTY DEED OF RECORD AS INSTRUMENT No. 16067432 IN THE SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE:
- Commencing at the centerline intersection of Appling Road and U.S. Highway 64 (State Highway 15) (Stage Road); thence South 87 degrees 07 minutes 35 seconds East with the centerline of U.S. Highway 64 a distance of 165.00 feet to a point; thence South 03 degrees 08 minutes 59 seconds West a distance of 70.00 feet to a point in the east line of Countryside Corporate Center P.O., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plot Book 220 Page 13 (found iron pin 2.3 feet north); thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 155.00 feet to an iron pin set; thence South 03 degrees 08 minutes 59 seconds East a distance of 290.44 feet to an iron pin set; thence North 86 degrees 51 minutes 01 seconds West a distance of 155.00 feet to an iron pin set in the east line of Countryside Corporate Center P.O., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plot Book 220 Page 13; thence North 03 degrees 08 minutes 59 seconds East with said solid line a distance of 289.26 feet to the point of beginning and containing 1.03 acres.

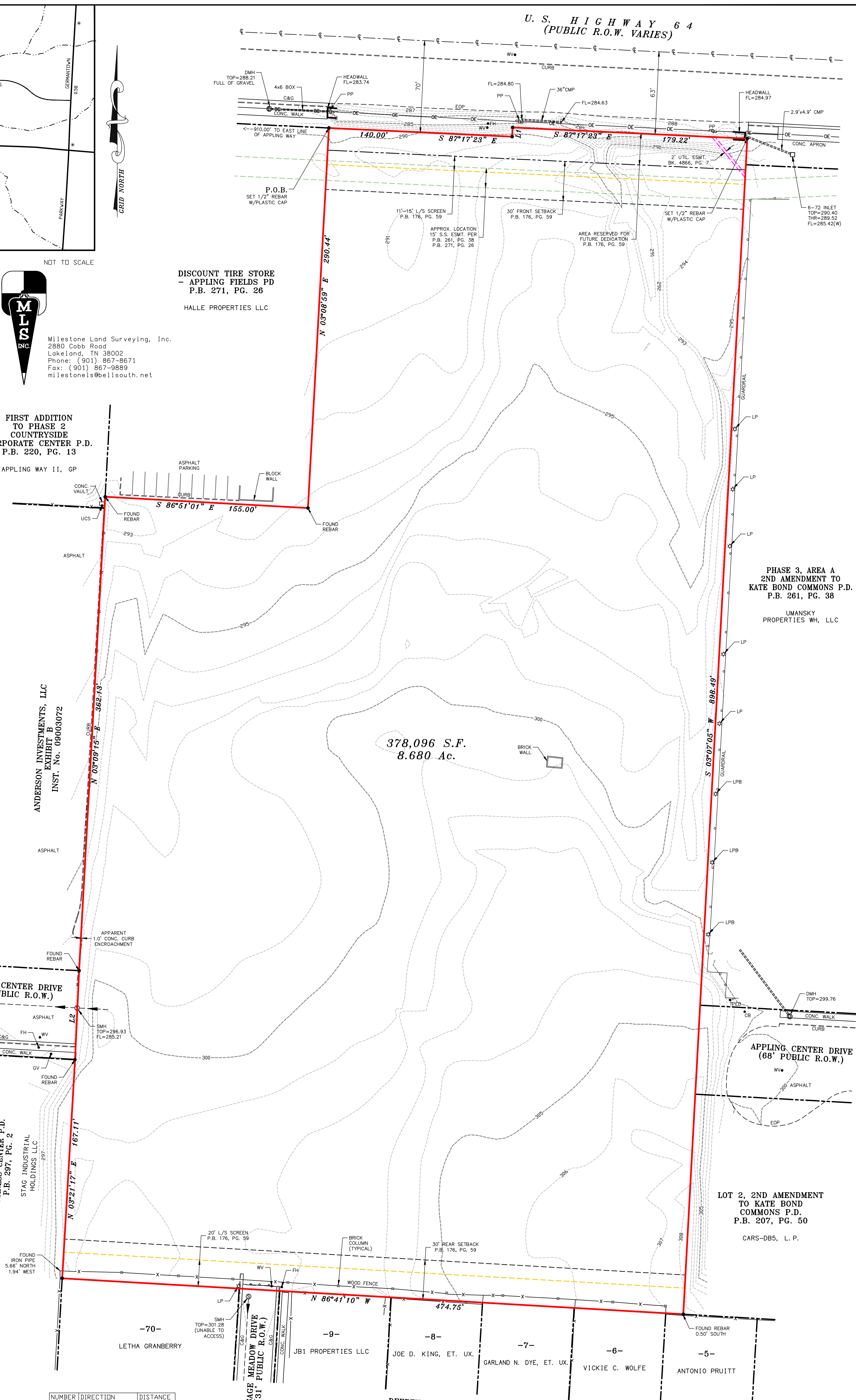


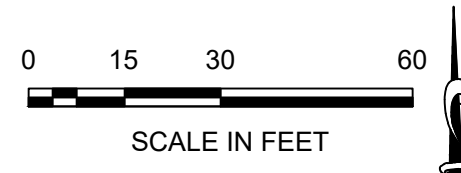
EXHIBIT B DESCRIPTION:
Land situated in Shelby County, Tennessee:

Being part of the Robert F. Fogelman, Michael McDonnell and Montedonico Reed & Company property as described in Instrument JS 5238 and being Tract 1 of the Robert F. Fogelman and Michael McDonnell Family Limited Partnership property as described in Instrument HX 5555 and being Outline Plan, Appling Fields P.D. Amended as recorded in Plot Book 176 Page 59 in Memphis, Shelby County, Tennessee:

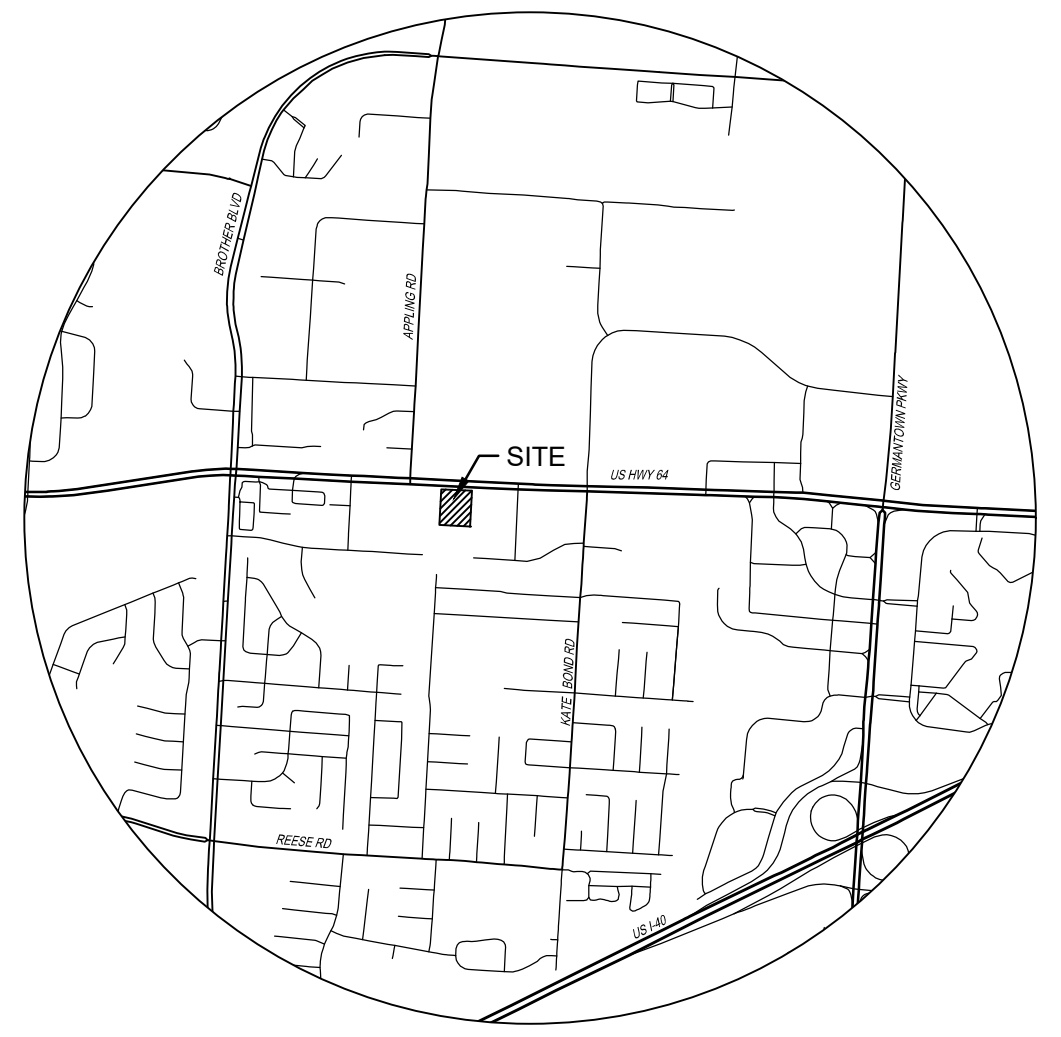
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INCLUDED IN AND ABOVE DESCRIPTION, BUT SPECIFICALLY EXCLUDED FROM THIS CONVEYANCE IS THE FOLLOWING PROPERTY PREVIOUSLY CONVEYED TO HALLE PROPERTIES, L.L.C. BY WARRANTY DEED OF RECORD AS INSTRUMENT No. 16067432 IN THE SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE:

Commencing at the centerline intersection of Appling Road and U.S. Highway 64 (State Highway 15) (Stage Road); thence South 87 degrees 07 minutes 35 seconds East with the centerline of U.S. Highway 64 a distance of 165.00 feet to a point; thence South 03 degrees 08 minutes 59 seconds West a distance of 70.00 feet to a point in the east line of Countryside Corporate Center P.O., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plot Book 220 Page 13 (found iron pin 2.3 feet north); thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 155.00 feet to an iron pin set; thence South 03 degrees 08 minutes 59 seconds East a distance of 290.44 feet to an iron pin set; thence North 86 degrees 51 minutes 01 seconds West a distance of 155.00 feet to an iron pin set in the east line of Countryside Corporate Center P.O., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plot Book 220 Page 13; thence North 03 degrees 08 minutes 59 seconds East with said solid line a distance of 289.26 feet to the point of beginning and containing 1.03 acres.



**U.S. HIGHWAY 64
(R.O.W. VARIES)**



VICINITY MAP
NTS

SITE DATA	
SITE AREA:	129,227 SF (2.97 AC)
BUILDING AREA:	18,000 SF
MAX. BLDG. HT.:	25 FT
EXISTING ZONING:	CA
PROPOSED ZONING:	PD / CMU-2
PROPOSED LAND USE:	AUTOMOTIVE SALES AND SERVICE
PARKING REQUIRED:	
SALES FLOOR AREA (1.0/500 SF)	23 SPACES
OUTDOOR DISPLAY (1.0/10,000 SF)	2 SPACES
SERVICE BAYS (5.0/BAY)	40 SPACES
TOTAL	65 SPACES
VEHICLE AREAS PROVIDED:	
OUTDOOR DISPLAY	66 SPACES
SERVICE/INVENTORY STORAGE	35 SPACES
TOTAL (NOT INCLUDED IN ADA CALCULATIONS)	101 SPACES
CUSTOMER PARKING	25 SPACES
EMPLOYEE PARKING	10 SPACES
SERVICE PARKING	10 SPACES
TOTAL (INCLUDED IN ADA CALCULATIONS)	45 SPACES
TOTAL SPACES PROVIDED	146 SPACES

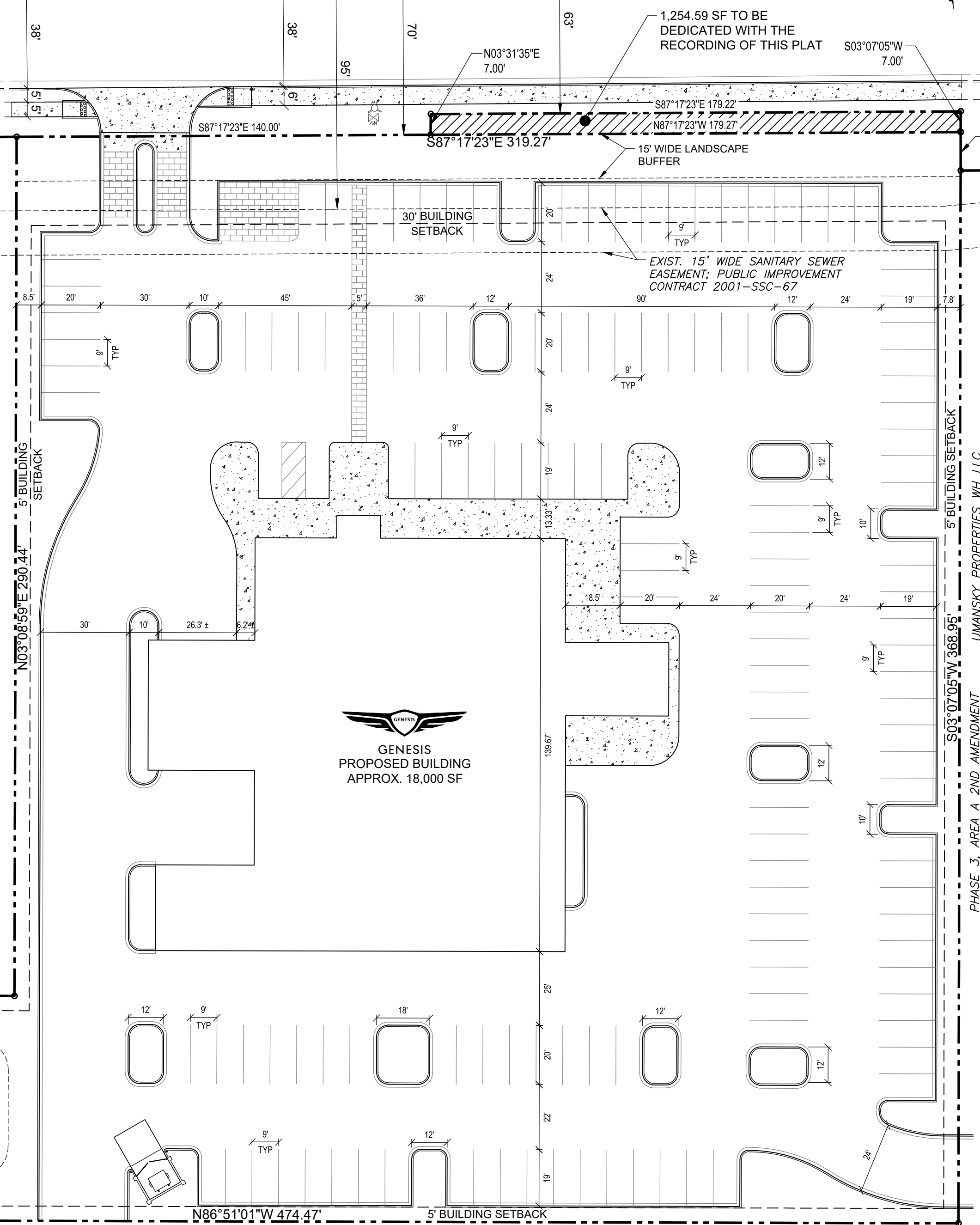
DISCOUNT TIRE STORE -
APPLING FIELDS PD
PB 271, PG 26

HALLE PROPERTIES LLC
INST. NO. 16067432

FIRST ADDITION TO PHASE 2
COUNTRYSIDE CORPORATE CENTER PD
PB 220, PG 73

 ANDERSON INVESTMENTS, LLC
INST. NO. 09003072

 APPLING WAY II
INST. NO. 03089509



GENESIS
PROPOSED BUILDING
APPROX. 18,000 SF

NOTES

- CITY OF MEMPHIS BENCHMARK #347: LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 64 AND KATE BOND ROAD, AT THE BACK OF SIDEWALK ER 13' NORTH OF THE NORTHEAST CORNER OF CREDIT UNION SIGN, 53' WEST OF A WOOD POWER POLE, 60' NORTH OF WOOD POWER POLE #31888. ELEV. = 300.69 (NAVD88)
- PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS / SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE, BUT ARE NOT LIMITED TO, WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS, AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER AT (901)636-6700.
- THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA PER FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NO. 47157C 0310 G, COMMUNITY PANEL NO. 470177 0310 G, EFFECTIVE DATE: FEBRUARY 6, 2013. NEAREST BFE=274±
- NO TREES, SHRUBS, PERMANENT STRUCTURES OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.
- THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINE AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.
- THE AREAS DENOTED BY 'RESERVED FOR STORM WATER DETENTION' SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION 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 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.

PHASE 3, AREA A 2ND AMENDMENT
TO KATE BOND COMMONS PD
PB 302, PG 3

 UMANSKY PROPERTIES WH LLC
INST. NO. 14048526

PLAT SIDEWALK CHART

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION
U.S. HIGHWAY 64 (WEST OF DRIVE)	5'	SOUTH	±4.5' OFF BACK OF CURB
U.S. HIGHWAY 64 (EAST OF DRIVE)	6'	SOUTH	BEHIND BACK OF CURB

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REMOVED AND REPLACED AS NECESSARY TO MEET A.D.A. COMPLIANCE.

U PROPERTIES GS LLC
INST. NO. 23007660

OUTLINE PLAN / FINAL PLAT

**GENESIS WOLFCHASE -
APPLING FIELDS PD**

CASE NUMBER: TBD		FORMER CASE NUMBER: PD 95-370 (EXPIRED)	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092	BLOCK: 005 PARCELS: 054
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC 6001 UMANSKY COVE MEMPHIS, TENNESSEE 3838119 (901) 365-6565		ENGINEER: 1355 LYNNFIELD RD SUITE 245 MEMPHIS, TN 38119 (901) 310-5960	
100-YEAR FLOOD ELEVATION: 274±	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 6, 2013	
DATE: AUGUST, 2023	SCALE: AS SHOWN	SHEET 1 OF 4	

OUTLINE PLAN CONDITIONS
P.D. TBD
GENESIS WOLFCHASE - APPLING FIELDS PD

- I. USES PERMITTED
 - A. ANY USE PERMITTED BY RIGHT, ADMINISTRATIVE SITE PLAN REVIEW AND SPECIAL USE PERMIT TO THE PLANNED COMMERCIAL (CMU-2) DISTRICT AND THE FOLLOWING ADDITIONAL USES:
 1. PHOTO FINISHING
 2. RADIO OR TV STUDIO
 3. WHOLESALE DISPLAY
 4. PRINTING AND PUBLISHING
 5. WHOLESALE ESTABLISHMENT
 6. WAREHOUSE
 7. CONTRACTOR STORAGE (INDOOR)
 8. VEHICLE SALES, RENTAL, LEASING, EXCEPT MANUFACTURED HOUSING, TRACTOR-TRAILERS, AND HEAVY TRUCKS
 9. VEHICLE REPAIR
- II. BULK REGULATIONS
 - A. MAXIMUM BUILDING HEIGHT - 40 FEET PLUS HEIGHT NECESSARY FOR MECHANICAL AND ARCHITECTURAL PENTHOUSES
 - B. BUILDING SETBACKS
 1. FRONT: 30'
 2. SIDE: 5'
 3. REAR: 5'
- III. ACCESS AND CIRCULATION
 - A. PERMIT 1 CURB CUT ON HIGHWAY 64 SUBJECT TO APPROVAL BY CITY ENGINEER AND TDOT. DESIGN AND LOCATION SUBJECT TO APPROVAL BY THE CITY ENGINEER
 - B. ALL PRIVATE DRIVES SHALL BE CONSTRUCTED TO MEET CITY STANDARDS AND PROVIDE A MINIMUM WIDTH OF 22 FEET OF PAVEMENT.
 - C. DEDICATE 70 FEET FROM THE CENTERLINE OF US HIGHWAY 64 AND IMPROVE IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT CODE WHICH WILL INCLUDE CURB, GUTTER, AND SIDEWALK.
- IV. LANDSCAPING, SCREENING, AND LIGHTING
 - A. THE STREETScape LANDSCAPING SHALL BE THE EQUIVALENT OF A MODIFIED S-10 PLATE WITH A 4.5- FOOT WIDE GRASS STRIP, A 5-FOOT WIDE SIDEWALK, AND A 15-FOOT WIDE PLANTING AREA.
 - B. PARKING LOT LANDSCAPING SHALL BE IN ACCORDANCE WITH THE UDC AT 4.5.5D.
 - C. LIGHTING SHALL BE DIRECTED SO AS TO NOT GLARE ONTO RESIDENTIAL PROPERTY.
 - D. ALL DUMPSTERS SHALL BE SCREENED WITH WALLS THAT ARE COMPOSED OF SIMILAR MATERIALS TO THE PRIMARY BUILDING.
 - E. EQUIVALENT LANDSCAPING MAY BE SUBSTITUTED FOR THAT REQUIRED ABOVE, SUBJECT TO THE APPROVAL OF THE OFFICE OF PLANNING AND DEVELOPMENT.
 - F. LANDSCAPING AREAS SHALL BE PROVIDED EXCLUSIVE OF AND SO AS NOT TO CONFLICT WITH DRAINAGE AND UTILITY EASEMENTS INCLUDING OVERHEAD WIRES.
- V. SIGNS
 - A. PERMIT ONE CENTER IDENTIFICATION SIGN, GROUND MOUNTED, MONUMENT TYPE SHALL BE IN ACCORDANCE WITH THE COMMERCIAL MIXED USE 2 (CMU-2)
 - B. ATTACHED SIGNS SHALL BE IN ACCORDANCE WITH THE COMMERCIAL MIXED USE 2 (CMU-2) DISTRICT.
 - C. ADDITIONAL DETACHED SIGNS, INCLUDING DIRECTIONAL, INSTRUCTIONAL, AND IDENTIFICATION SIGNS AS ARE NEEDED MAY BE PERMITTED WITHIN THE DEVELOPMENT, SUBJECT TO SITE PLAN REVIEW BY THE OFFICE OF PLANNING AND DEVELOPMENT
 - D. PORTABLE AND TEMPORARY SIGNS SHALL NOT BE PERMITTED.
 - E. THE MINIMUM SIGN SETBACK IS 10 FEET.
- VI. DRAINAGE
 - A. ALL DRAINAGE PLANS TO BE SUBMITTED TO CITY ENGINEER(S) FOR REVIEW.
 - B. 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 DRAINAGE DESIGN MANUAL.
 - C. ALL DRAINAGE EMANATING ON-SITE SHALL BE PRIVATE. EASEMENTS WILL NOT BE ACCEPTED.
- VII. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF THE APPROVAL OF THE OUTLINE PLAN. 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 AS DEFINED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.
 - C. THE EXACT LOCATION AND DIMENSION (INCLUDING HEIGHT) OF ALL BUILDINGS, PARKING AREAS, UTILITY EASEMENTS, DRIVES, CURB CUTS, TRASH RECEPTACLES, LOADING FACILITIES, AND REQUIRED LANDSCAPING AND SCREENING AREAS.
 - D. THE NUMBER OF PARKING SPACES.
 - E. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE OF ANY EASEMENTS.
 - F. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ONSITE STORM WATER DETENTION FACILITIES: THE AREAS DENOTED BY "RESERVED FOR STORM WATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION 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 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.

OWNER'S CERTIFICATE

WE, _____, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS OUR PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. 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 (OR MORTGAGES) WHICH HAVE BECOME DUE AND PAYABLE.

 NAME, TITLE, CORPORATION NAME

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, OATH ACKNOWLEDGED HIMSELF TO BE OWNER OF THE PROPERTY, 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 THIS DAY OF _____, _____.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

PRIVATE SEWER & PUMP OWNERSHIP CERTIFICATE

THE OPERATION AND MAINTENANCE OF TEH FACILITY, INCLUDING THE PRIVATE SANITARY SEWER SYSTEM AND PUMP, WILL BE OWNED AND MAINTAINED BY _____

BY _____ DATE _____

LAND USE AND DEVELOPMENT SERVICES CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON _____ AND APPROVED BY THE MEMPHIS CITY COUNCIL ON _____ AND/OR THE SHELBY COUNTY BOARD OF COMMISSIONERS ON _____.

BY _____ DATE _____
 ZONING ADMINISTRATOR

LUDS _____ DATE _____

CITY ENGINEER _____ DATE _____

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING LAWS AND REGULATIONS

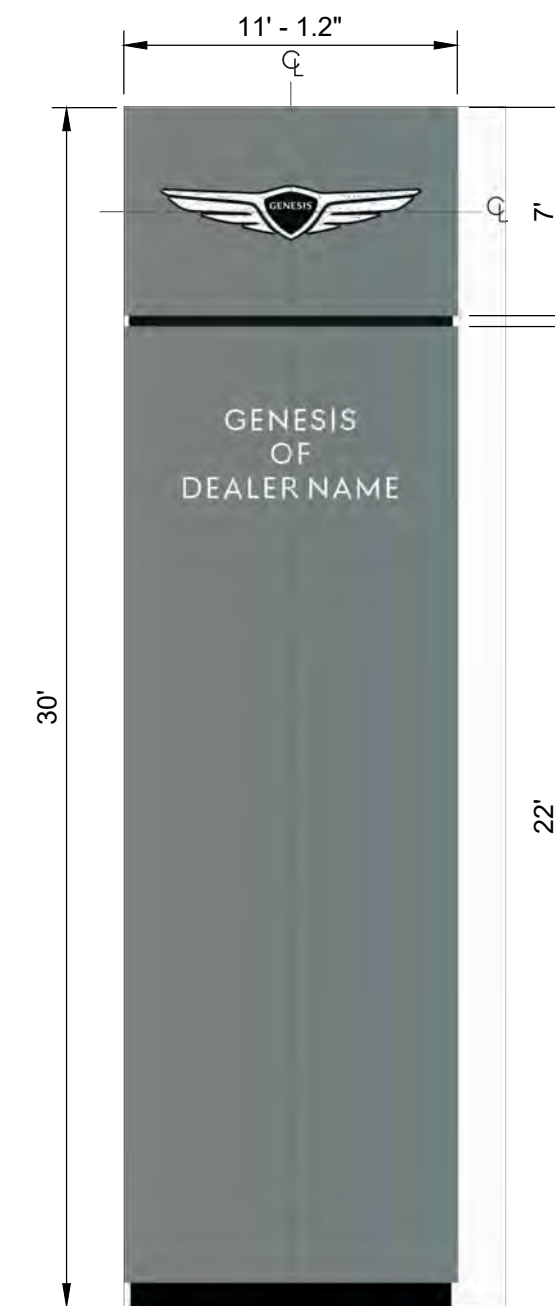
BY _____ DATE _____
 G. TAYLOR WEBB
 TENNESSEE LICENSE NO. 113812

SURVEYOR'S CERTIFICATE


I HEREBY CERTIFY THAT THIS THIS PLAT WAS PREPARED FROM A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000, AND IS IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

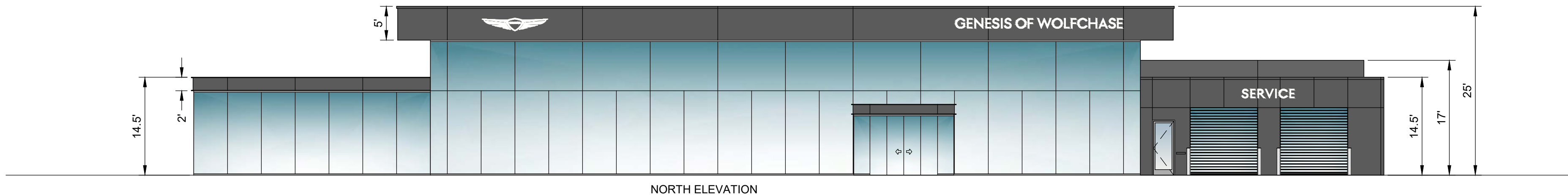
MILESTONE LAND SURVEYING, INC.

BY _____ DATE _____

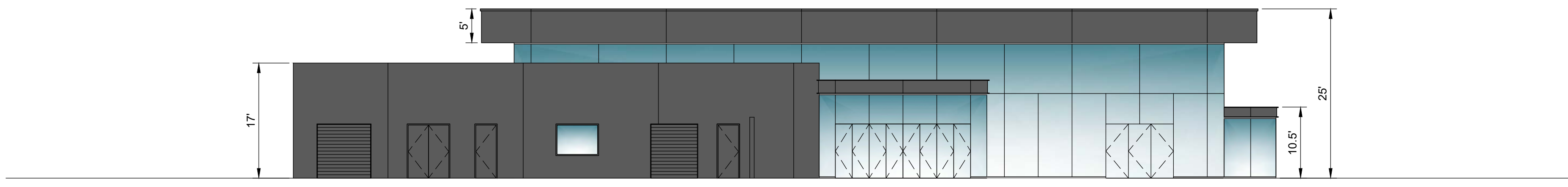


DETACHED SIGN DETAIL

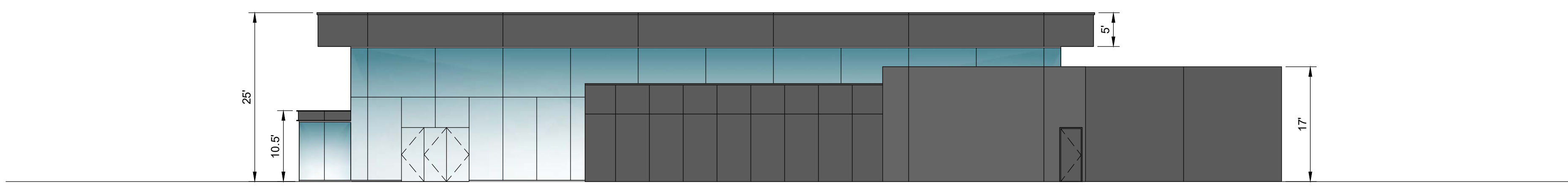
OUTLINE PLAN / FINAL PLAT		
GENESIS WOLFCHASE - APPLING FIELDS PD		
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MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092 BLOCK: 005 PARCELS: 054
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC 6001 UMANSKY COVE MEMPHIS, TENNESSEE 3838119 (901) 365-6565		ENGINEER: 1355 LYNNFIELD RD SUITE 245 MEMPHIS, TN 38119 (901) 310-5960 
100-YEAR FLOOD ELEVATION: 274±	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: AUGUST, 2023	SCALE: AS SHOWN	SHEET 4 OF 4



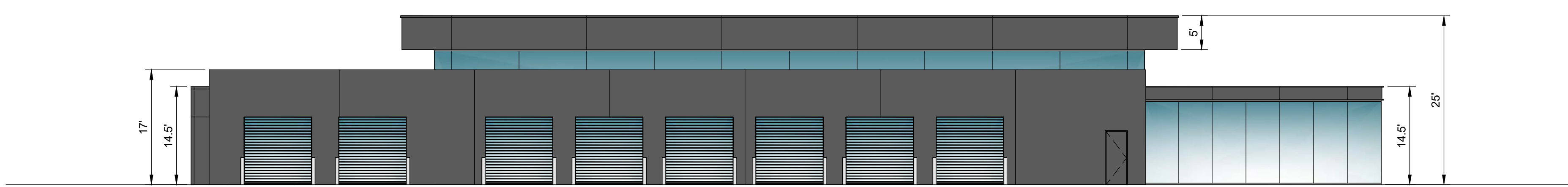
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

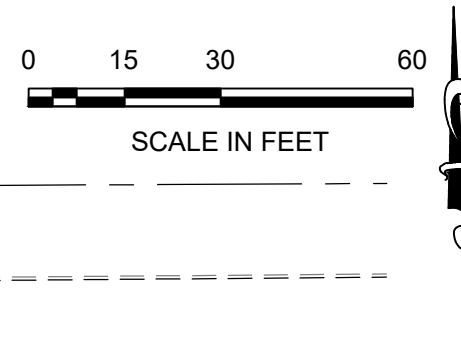


SOUTH ELEVATION

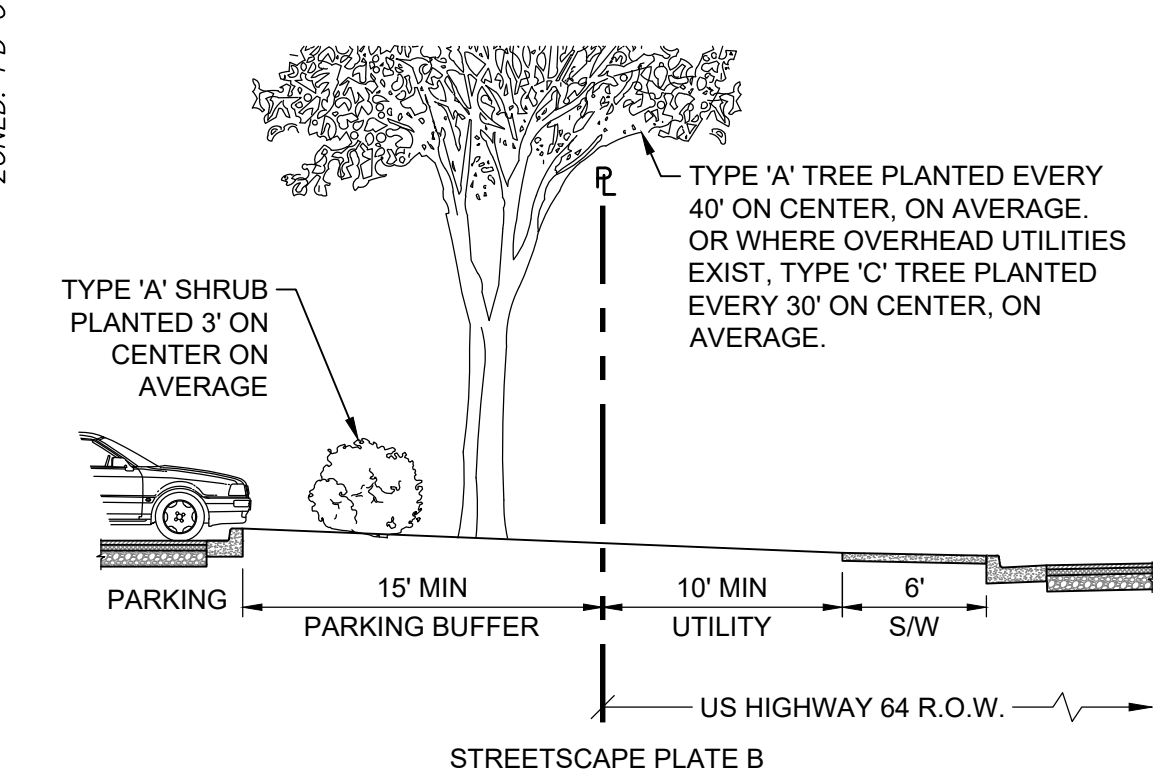
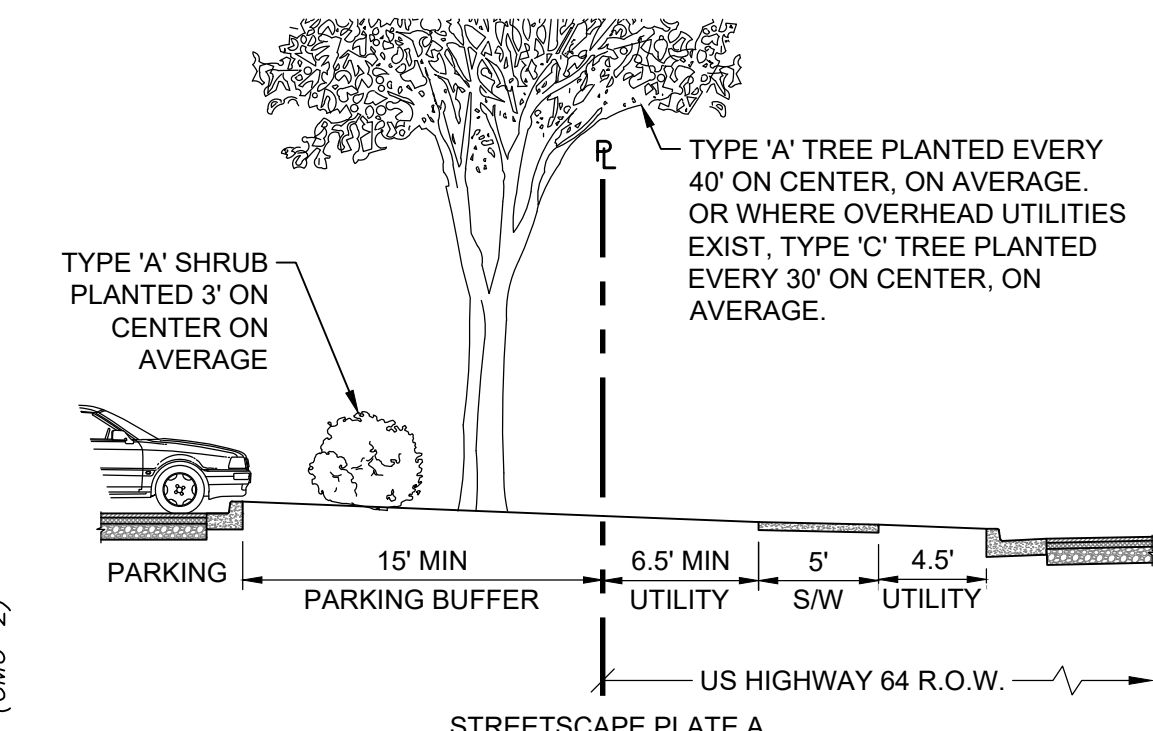
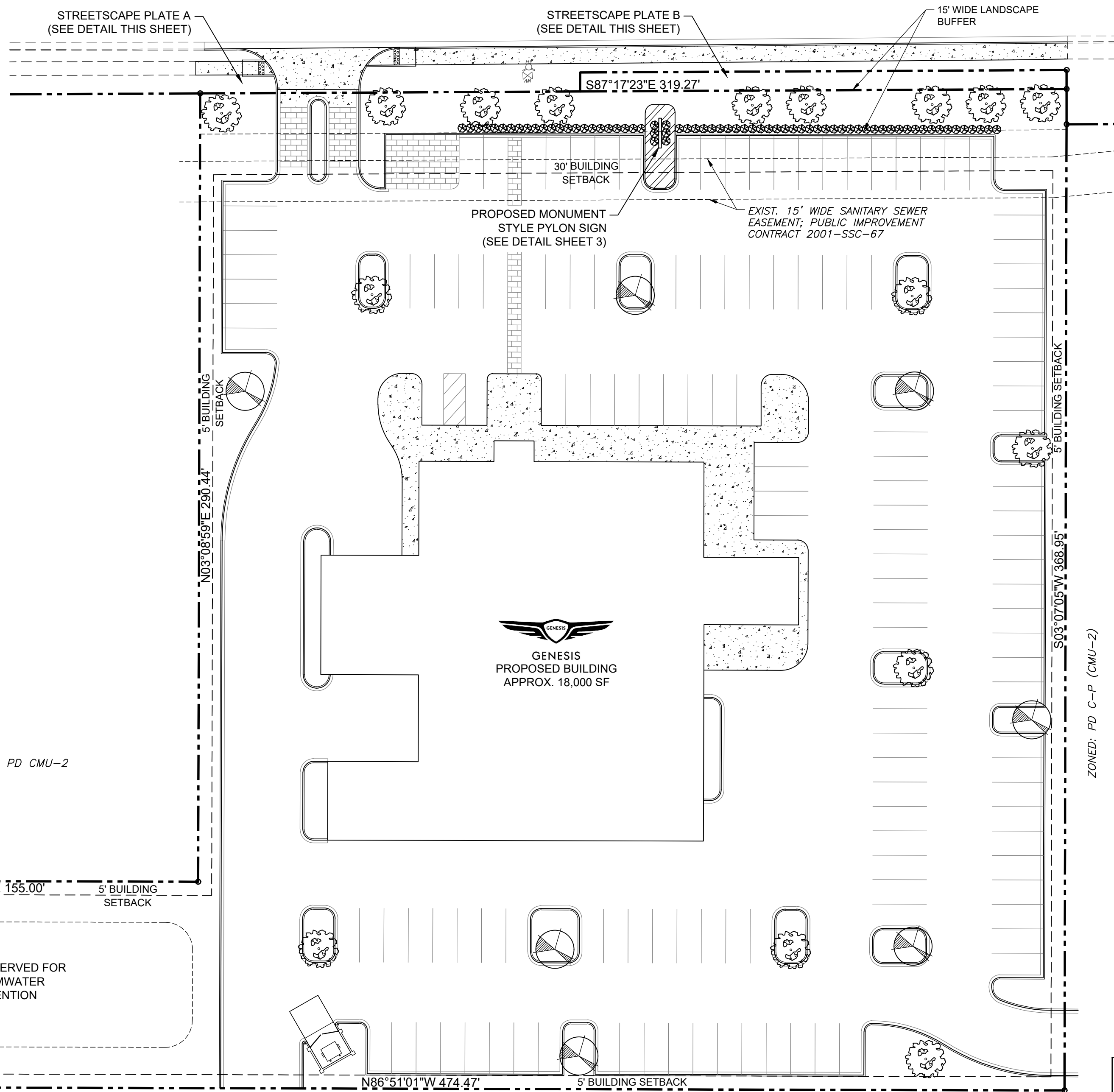
OUTLINE PLAN / FINAL PLAT

**GENESIS WOLFCHASE -
APPLING FIELDS PD**

CASE NUMBER: TBD		FORMER CASE NUMBER: PD 95-370 (EXPIRED)	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092	BLOCK: 005 PARCELS: 054
DEVELOPER: UMANSKY AUTOMOTIVE GROUP, LLC 6001 UMANSKY COVE MEMPHIS, TENNESSEE 3838119 (901) 365-6565		ENGINEER: 1355 LYNNFIELD RD SUITE 245 MEMPHIS, TN 38119 (901) 310-5960	
100-YEAR FLOOD ELEVATION: 274±	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 6, 2013	
DATE: AUGUST, 2023	SCALE: AS SHOWN	SHEET 3 OF 4	



U.S. HIGHWAY 64
(R.O.W. VARIES)



ZONED: PD C-P (CMU-2)
PD I-L (EMP)

ZONED: PD CMU-2

ZONED: PD C-P (CMU-2)

ZONED: CA

PLANT SCHEDULE

SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	NOTES
	16	ZELKOVA	ZELKOVA SERRATA	2.5" CAL.	UNIFORM BRANCHING, DOMINANT LEADER
	7	TRIDENT MAPLE	ACER BUERGERIANUM	2.5" CAL.	UNIFORM BRANCHING, DOMINANT LEADER
	69	ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY	18" SPR	FULL PLANT FREE OF WEEDS
	320 SF	LIRIOPE MUSCARI	LIRIOPE	4" POT	PLANT 18" O.C.

OUTLINE PLAN / FINAL PLAT

GENESIS WOLFCHASE -
APPLING FIELDS PD

CASE NUMBER: TBD		FORMER CASE NUMBER: PD 95-370 (EXPIRED)	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 1	ACREAGE: 2.97 AC	WARD: 092	BLOCK: 005 PARCELS: 054
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100-YEAR FLOOD ELEVATION: 274±	FEMA MAP PANEL NUMBER: 470177 0310 G	FEMA MAP DATE: FEBRUARY 6, 2013	
DATE: AUGUST, 2023	SCALE: AS SHOWN	SHEET 2 OF 4	

OUTLINE PLAN CONDITIONS

P.D. TBD

Genesis Wolfchase – Appling Fields PD

I. Uses Permitted

- A. Any use permitted by right, administrative site plan review and special use permit to the Planned Commercial (CMU-2) District and the following additional uses:
 1. Photo Finishing
 2. Radio or TV Studio
 3. Wholesale Display
 4. Printing and Publishing
 5. Wholesale Establishment
 6. Warehouse
 7. Contractor Storage (Indoor)
 8. Vehicle Sales, Rental, Leasing, except Manufactured Housing, Tractor-Trailers, and Heavy Trucks
 9. Vehicle Repair

II. Bulk Regulations

- A. Maximum Building Height – 40 feet plus height necessary for mechanical and architectural penthouses
- B. Building Setbacks
 1. Front: 30'
 2. Side: 5'
 3. Rear: 5'

III. Access and Circulation

- A. Permit 1 curb cut on Highway 64 subject to approval by City Engineer and TDOT. Design and Location subject to approval by the City Engineer
- B. All private drives shall be constructed to meet city standards and provide a minimum width of 22 feet of pavement.
- C. Dedicate 70 feet from the Centerline of US Highway 64 and improve in accordance with the Unified Development Code which will include curb, gutter, and sidewalk.

IV. Landscaping, Screening, and Lighting

- A. The streetscape landscaping shall be the equivalent of a modified S-10 Plate with a 4.5- foot wide grass strip, a 5-foot wide sidewalk, and a 15-foot wide planting area.
- B. Parking lot landscaping shall be in accordance with the UDC at 4.5.5D.
- C. Lighting shall be directed so as to not glare onto residential property.
- D. All dumpsters shall be screened with walls that are composed of similar materials to the primary building.
- E. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- F. Landscaping areas shall be provided exclusive of and so as not to conflict with drainage and utility easements including overhead wires.

V. Signs

- A. Permit one center identification sign, ground mounted, monument type shall be in accordance with the Commercial Mixed Use 2 (CMU-2)
- B. Attached signs shall be in accordance with the Commercial Mixed Use 2 (CMU-2) District.
- C. Additional detached signs, including directional, instructional, and identification signs as are needed may be permitted within the development, subject to site plan review by the Office of Planning and Development
- D. Portable and temporary signs shall not be permitted.
- E. The minimum sign setback is 10 Feet.

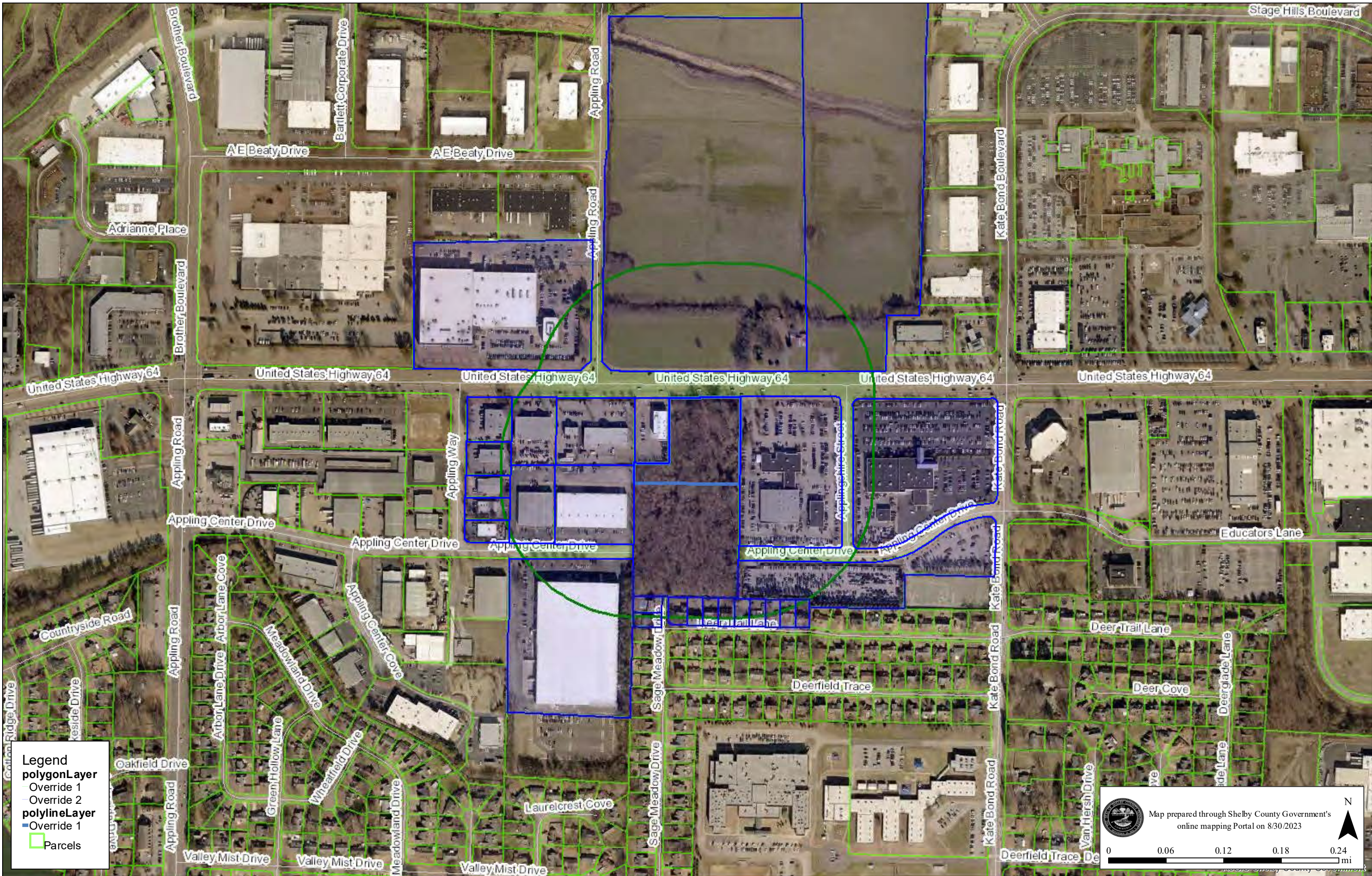
VI. Drainage

- A. All drainage plans to be submitted to City Engineer(s) for review.
- B. 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 Drainage Design Manual.
- C. All drainage emanating on-site shall be private. Easements will not be accepted.

VII. A final plan shall be filed within five years of the approval of the outline plan. 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 as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimension (including height) of all buildings, parking areas, utility easements, drives, curb cuts, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easements.
- F. The following note shall be placed on the final plat of any development requiring onsite storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 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.



Legend

- polygonLayer
- Override 1
- Override 2
- polylineLayer
- Override 1
- Parcels

Map prepared through Shelby County Government's online mapping Portal on 8/30/2023

N

0 0.06 0.12 0.18 0.24
mi

B0158 00410 - J & L VESCOVO FAMILY TRUST
092005 00023 - CHRISTIAN JOSEPH
092005 00026 - ANDERSON INVESTMENTS LLC
092005 00022 - SNELL LARRY M & SHARON L
092005 00021 - SUMMERS CHARLES W AND JOHN AND SANDRA
092005 00020 - MAYER B F JR & LEE
095205 B00028 - GRANBERRY LETHA
095205 B00026 - KING JOE D & MARGARET A
095205 B00023 - PRUITT ANTONIO
095205 B00022 - HARRIS VANESSA
095205 B00021 - HOUSTON PAUL G
095205 B00019 - TRUE NORTH BORROWER TENNESSEE LLC
B0158 00208 - J & L VESCOVO FAMILY TRUST
092005 00024 - RMJ PROPERTY MANAGEMENT LLC
095205 B00025 - DYE GARLAND N & MARY N
095205 B00024 - WOLFE VICKIE C
095205 B00020 - BENITEZ JUANA M
092005 00055 - HALLE PROPERTIES LLC
B0158 00699 - GYRUS, ENT, LLC
092005 00045 - ANDERSON INVESTMENTS LLC
092005 00053 - A Z LRC I LLC
092005 00031C - UMANSKY PROPERTIES WH LLC
092005 00054 - ROBERT F FOGELMAN AND MICHAEL MCDONNELL
092005 00025 - SEVENTY SIX ZERO ONE HWY 64 PARTNERS GP
095205 B00029 - BAF ASSETS LLC

095205 B00027 - FAIRWAY CAPITAL PARTNERS LLC

092005 00050 - CARS-DB5 L P

092005 00046 - APPLING WAY II

092005 00051 - CARS-DB5 L P

J & L VESCOVO FAMILY TRUST
8246 MER ROUGE DR #
GERMANTOWN TN 38138

HOUSTON PAUL G
7714 DEER TRAIL LN #
MEMPHIS TN 38133

A Z LRC I LLC
7802 NE 160TH TER
SMITHVILLE MO 64089

CHRISTIAN JOSEPH
2862 APPLING WAY #
BARTLETT TN 38133

TRUE NORTH BORROWER TENNESSEE LLC
PO BOX 4090
SCOTTSDALE AZ 85261

UMANSKY PROPERTIES WH LLC
7727 US HIGHWAY 64 #
MEMPHIS TN 38133

ANDERSON INVESTMENTS LLC
1811 PHEASANT ACRES #
CORDOVA TN 38016

J & L VESCOVO FAMILY TRUST
8246 MER ROUGE DR #
GERMANTOWN TN 38138

ROBERT F FOGELMAN AND MICHAEL MCDONNELL
744 S WHITE STATION RD #
MEMPHIS TN 38117

SNELL LARRY M & SHARON L
2848 APPLING WAY #
MEMPHIS TN 38133

RMJ PROPERTY MANAGEMENT LLC
7585 HIGHWAY 64 #
MEMPHIS TN 38133

SEVENTY SIX ZERO ONE HWY 64 PARTNERS GP
766 S WHITE STATION RD #4
MEMPHIS TN 38117

SUMMERS CHARLES W AND JOHN AND SANDRA
9495 JOHNSON RD #
GERMANTOWN TN 38139

DYE GARLAND N & MARY N
7684 DEER TRAIL LN #
MEMPHIS TN 38133

BAF ASSETS LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

MAYER B F JR & LEE
2834 APPLING WAY #
MEMPHIS TN 38133

WOLFE VICKIE C
7690 DEER TRAIL LN #
MEMPHIS TN 38133

FAIRWAY CAPITAL PARTNERS LLC
5384 POPLAR AVE #109
MEMPHIS TN 38119

GRANBERRY LETHA
2795 SAGE MEADOW DR #
MEMPHI TN 38133

BENITEZ JUANA M
7720 DEER TRAIL LN #
MEMPHIS TN 38133

CARS-DB5 L P
8270 GREENSBORO DR #950
MC LEAN VA 22102

KING JOE D & MARGARET A
7676 DEER TRAIL LN #
MEMPHIS TN 38133

HALLE PROPERTIES LLC
20225 N SCOTTSDALE RD #
SCOTTSDALE AZ 85255

APPLING WAY II
5170 SANDERLIN #201
MEMPHIS TN 38117

PRUITT ANTONIO
7700 DEER TRAIL LN #
MEMPHIS TN 38133

GYRUS, ENT, LLC
2925 APPLING RD #
BARTLETT TN 38133

CARS-DB5 L P
8270 GREENSBORO DR #950
MC LEAN VA 22102

HARRIS VANESSA
7706 DEER TRAIL LN #
MEMPHIS TN 38133

ANDERSON INVESTMENTS LLC
1811 PHEASANT ACRE LN W
CORDOVA TN 38016



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.



23007660

01/26/2023 - 03:44:03 PM

7 PGS	
ALONZO 2538052 - 23007660	
VALUE	1750000.00
MORTGAGE TAX	0.00
TRANSFER TAX	6475.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	6513.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by:
Michael L. Womack, Esq.
Williams McDaniel, PLLC
717 White Station Road, Suite 1
Memphis, Tennessee 38117
(901) 766-0887

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten (\$10.00) Dollars, cash in hand paid by the hereinafter named grantee and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, **Frances F. Hyde, Catherine S. Fogelman and Robert F. Fogelman II, Trustees of the 2012 Poplar Trust dated December 19, 2012**, hereinafter referred to as Grantor, has bargained, sold, conveyed and by these presents does bargain, transfer, sell and convey unto **U Properties GS, LLC**, a Delaware limited liability company, hereinafter called the Grantee, and Grantee's successors, heirs and assigns, a certain tract or parcel of land together with all improvements thereon and appurtenances thereto in Shelby County, State of Tennessee, and described as follows:

Real Property located in Shelby County, Tennessee and being more particularly described as follows:

Being part of the Robert F. Fogelman, Michael McDonnell and Montedonico Reed & Company property as described in Instrument J8 5238 and being Tract 1 of the Robert F. Fogelman and Michael McDonnell Family Limited Partnership property as described in Instrument HX 5555 and being Outline Plan, Appling Fields P.D. Amended as recorded in Plat Book 176 Page 59 in Memphis, Shelby County, Tennessee:

Commencing at the centerline intersection of Appling Road and U.S. Highway 64 (State Highway 15) (Stage Road); thence South 87 degrees 07 minutes 35 seconds East with the centerline of U.S. Highway 64 a distance of 165.90 feet to a point; thence South 03 degrees 08 minutes 59 seconds West a distance of 70.00 feet to a point in the east line of Countryside Corporate Center P.D., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plat Book 220 Page 13 (found iron pin 2.3 feet north); thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 295.00 feet to an iron pin set; thence North 03 degrees 31 minutes 35 seconds East a distance of 7.00 feet to an iron pin set in the south line of U.S. Highway 64; thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 179.22 feet (deed = 179.99 feet) to an iron pin set in the west line of Lot 2, Phase 3, Area 'A', Kate Bond Commons P.D., 2nd Amendment as recorded in Plat Book 203 Page 11; thence South 03 degrees 07 minutes 05 seconds West with said west line and the west line of Lot 2, Phase 4, Areas 'A' and 'B', Kate Bond Commons P.D., 2nd Amendment as recorded in Plat Book 207 Page 50 a distance of 898.49 feet (deed = 898.19 feet) to a point in the north line of Deerfield Northwest Subdivision as recorded in Plat Book 132 Page 11 (found iron pin 0.4 foot south); thence North 86 degrees 41 minutes 10 seconds West with said north line a distance of 474.75 feet to a point in the east line of Phase 1, Part of Area 'D', Highway 64 Business Center P.D. and a portion of Areas 'B' + 'C', Countryside Corporate Center P.D., 1st Addition, Phase One P.D. as recorded in Plat Book 253 Page 11 (found iron pin 5.3 feet north and 1.7' west); thence North 03 degrees 08 minutes 59 seconds East with said east line and the east line of Countryside Corporate Center P.D., 1st Addition, Phase 3 as recorded in Plat Book 184 Page 7 and the east line of Countryside Corporate Center P.D., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plat Book 220 Page 13 a distance of 886.49 feet (deed = 888.26 feet) to the point of beginning and containing 9.71 acres.

INCLUDED IN AND ABOVE DESCRIPTION, BUT SPECIFICALLY EXCLUDED FROM THIS CONVEYANCE IS THE FOLLOWING PROPERTY PREVIOUSLY CONVEYED TO HALLE PROPERTIES, L.L.C. BY WARRANTY DEED OF RECORD AS INSTRUMENT NO. 16067432 IN THE SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE:

Commencing at the centerline intersection of Appling Road and U.S. Highway 64 (State Highway 15) (Stage Road); thence South 87 degrees 07 minutes 35 seconds East with the centerline of U.S. Highway 64 a distance of 165.90 feet to a point; thence South 03 degrees 08 minutes 59 seconds West a distance of 70.00 feet to a point in the east line of Countryside Corporate Center P.D., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plat Book 220 Page 13 (found iron pin 2.3 feet north); thence South 87 degrees 17 minutes 23 seconds East with the south line of U.S. Highway 64 a distance of 155.00 feet to an iron pin set; thence South 03 degrees 08 minutes 59 seconds West a distance of 290.44 feet to an iron pin set; thence North 86 degrees 51 minutes 01 seconds West a distance of 155.00 feet to an iron pin set in the east line of Countryside Corporate Center P.D., 1st Addition, 2nd Amendment, Phase 2 as recorded in Plat Book 220 Page 13; thence North 03 degrees 08 minutes 59 seconds East with said east line a distance of 289.25 feet to the point of beginning and containing 1.03 acres.

The above and foregoing legal descriptions being provided on survey by Joe S. Wiseman, Tennessee RLS # 1932, of Harris & Associates Land Surveyors, LLC, job no. 15298.

This property being that property conveyed to Grantor by deeds of record as Instrument Nos. 22125841 and 23993301; in the Register's Office of Shelby County, Tennessee.

This real property is being conveyed subject to Outline Plan restrictions, building lines and easements of record in Plat Book 134, Page 21 and Plat Book 176, Page 59; Easements of record at Instrument Nos. S9681, W76161, and 15101114, and in Book 4866, Page 7; and Appling Fields East Commercial Planned Development, File No. P.D. 19-10; all in the Register's Offices of Shelby County, Tennessee. This real property is unencumbered except for 2023 City of Memphis, Tennessee and 2023 Shelby County, Tennessee real estate taxes and is being conveyed subject to those taxes and real estate taxes and assessments for all subsequent years.

Except for any representations made by Grantor to Grantee in that Contract for Purchase and Sale of Commercial Property between Grantor and Grantee dated effective January 6, 2023, the property conveyed herein and all improvements thereon are being conveyed in "**AS IS, WHERE IS WITH ALL FAULTS**" condition with no repairs to be made by Grantor and no warranty by Grantor as to the fitness or defects of any nature or kind as to the property and any improvements on the property to Grantee, their successors, heirs and assigns. Grantor does not hereby make (except as expressly set forth in this deed) any warranties of any nature, kind or character whatsoever, express or implied, with respect to the property or its improvements, its condition, uses, fitness for any particular purpose, income to be derived therefrom or expenses to be incurred with respect thereto. By accepting this deed and the land conveyed hereby, Grantee acknowledges that Grantee is accepting this conveyance without relying upon any such statement or representation or warranty made by Grantor or Grantor's agent or by any other person representing the Grantor, except as herein stated and releases the Grantor and such agents or persons from any responsibility for any such claim of warranty of fitness and accepts this property "**AS IS, WHERE IS, WITH ALL FAULTS**".

TO HAVE AND TO HOLD this tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the Grantee and Grantee's successors, heirs and assigns forever; and Grantor covenants with the Grantee that Grantor is lawfully seized and possessed of said land in fee simple, has a good right to convey it and the land is unencumbered, unless otherwise stated in this deed; and Grantor does further covenant and bind Grantor and Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the Grantee and Grantee's successors, heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

The above described property is owned by Grantor and Grantee as tenants in common. The conveyance by this deed is of all of the Grantor's interest in said property and results in Grantee being the sole owner of the property.

End of page

Signature and Notary Acknowledgment Page Follows

SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGE
OF
WARRANTY DEED
(3 of 3)

WITNESS my hand on this 19th day of January, 2023.

Robert F. Fogelman II, Trustee

Robert F. Fogelman II, Trustee of the 2012 Poplar Trust dated December 19, 2012

STATE OF TN

COUNTY OF Shelby

BEFORE ME, the undersigned Notary Public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared **Robert F. Fogelman II**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged upon oath or affirmation that he/she executed the within instrument for the purposes therein contained, and who further acknowledged upon oath or affirmation that he/she is the duly appointed and serving **Trustee of 2012 Poplar Trust dated December 19, 2012**, and is authorized by that trust, to execute this instrument on behalf of that trust for the purposes therein contained.

WITNESS my hand, at office, in the aforesaid State and County on this 19th day of January, 2023.


Nita T. Hurdle
NOTARY PUBLIC

My Commission Expires: Dec. 30, 2025



**SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGE
OF
WARRANTY DEED
(2 of 3)**

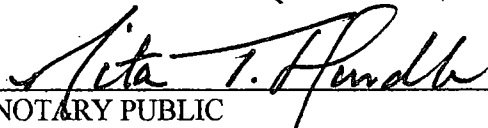
WITNESS my hand on this 20th day of January, 2023.


Catherine S. Fogelman, Trustee of the 2012
Poplar Trust dated December 19, 2012

STATE OF TN
COUNTY OF Shelby

BEFORE ME, the undersigned Notary Public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared **Catherine S. Fogelman**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged upon oath or affirmation that he/she executed the within instrument for the purposes therein contained, and who further acknowledged upon oath or affirmation that he/she is the duly appointed and serving **Trustee of 2012 Poplar Trust dated December 19, 2012**, and is authorized by that trust, to execute this instrument on behalf of that trust for the purposes therein contained.

WITNESS my hand, at office, in the aforesaid State and County on this 20th day of January, 2023.


NOTARY PUBLIC

My Commission Expires: Dec. 30, 2025

SEAL



**SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGE
OF
WARRANTY DEED
(1 of 3)**

WITNESS my hand on this 20th day of January, 2023.

Frances F. Hyde, Justice

Frances F. Hyde, Trustee of the 2012 Poplar Trust
dated December 19, 2012

STATE OF TN

COUNTY OF Shelby

BEFORE ME, the undersigned Notary Public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared **Frances F. Hyde**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged upon oath or affirmation that he/she executed the within instrument for the purposes therein contained, and who further acknowledged upon oath or affirmation that he/she is the duly appointed and serving **Trustee of 2012 Poplar Trust dated December 19, 2012**, and is authorized by that trust, to execute this instrument on behalf of that trust for the purposes therein contained.

WITNESS my hand, at office, in the aforesaid State and County on this 20th day of January, 2023.

Nita T. Hurdle
NOTARY PUBLIC

My Commission Expires: Dec 30, 2025

SEAL



New Owner Name and Address:
U Properties GS, LLC
6001 Umansky Cove
Memphis, Tennessee 38119


Property Address:
7689 Hwy 64
Bartlett, Tennessee 38133

Mail Tax Notice to:
U Properties GS, LLC
6001 Umansky Cove
Memphis, Tennessee 38119

Parcel Tax ID Number:
092005 00054

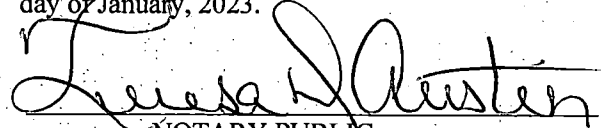
After recording return to:
David Porteous, Esq.
Evans Petree PC
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120

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 \$1,750,000.00.



AFFIANT

Subscribed and sworn to before me this 25
day of January, 2023.



NOTARY PUBLIC

Commission expires: _____

SEAL



**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 X RESOLUTION _____ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving the closure of 16.5-foot-wide alley between 130 Keel and 707 N. Second Street, known as case number SAC 2023-002.

CASE NUMBER: SAC 2023-002

LOCATION: 0 Second Street (Ally between 130 Keel and 707 N. Second Street)

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Noah Gray

REPRESENTATIVES: The Bray Firm

REQUEST: Closure of 16.5-foot-wide alley between 130 Keel and 707 N. Second Street

AREA: +/-24.69 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**

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>
_____	11/27/2023	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 2023-002

RESOLUTION APPROVING CLOSURE OF 16.5-FOOT-WIDE ALLEY BETWEEN 130 KEEL AND 707 N. SECOND STREET, KNOWN AS CASE NUMBER SAC 2023-002.

- 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 2023-002
LOCATION:	0 Second Street (Ally between 130 Keel and 707 N. Second Street)
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Noah Gray
REPRESENTATIVE:	The Bray Firm
REQUEST:	Closure of 16.5-foot-wide alley between 130 Keel and 707 N. Second Street
EXISTING ZONING:	Mixed Use (MU)
AREA:	+/- 24.69 SQF

The following spoke in support of the application: None.

The following spoke in opposition of the application: None.

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

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

Respectfully,

Maksan Ostadnia

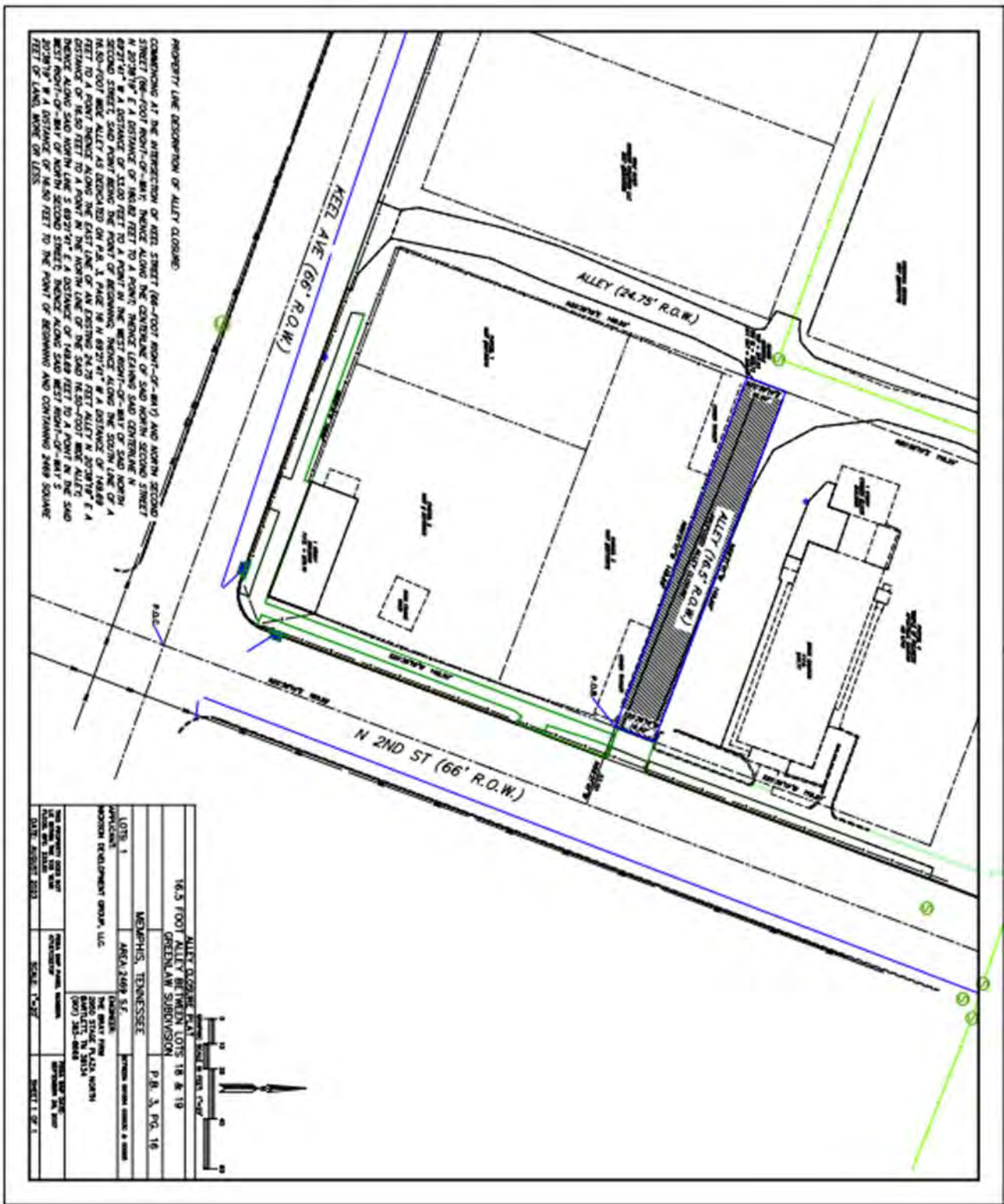
Planner II
Land Use & Development Services

Cc: Committee Members
File

SAC 2023-002
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. 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.

CLOSURE PLAT





RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF CLOSURE OF 16.5-FOOT-WIDE ALLEY BETWEEN 130 KEEL AND 707 N. SECOND STREET, KNOWN AS CASE NUMBER SAC 2023-002

WHEREAS, the City of Memphis is the owner of real property known as 0 Second Street (Ally between 130 Keel and 707 N. Second Street) in Memphis, Tennessee and being more particularly described as follows:

PROPERTY LINE DESCRIPTION OF ALLEY CLOSURE:

COMMENCING AT THE INTERSECTION OF KEEL STREET (66-FOOT RIGHT-OF-WAY) AND NORTH SECOND STREET (66-FOOT RIGHT-OF-WAY); THENCE ALONG THE CENTERLINE OF SAID NORTH SECOND STREET N 20°38'19" E A DISTANCE OF 180.82 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE N 69°21'41" W A DISTANCE OF 33.00 FEET TO A POINT IN THE WEST RIGHT-OF-WAY OF SAID NORTH SECOND STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 16.50-FOOT WIDE ALLEY AS DEDICATED ON P.B. 3, PAGE 16 N 69°21'41" W A DISTANCE OF 149.69 FEET TO A POINT THENCE ALONG THE EAST LINE OF AN EXISTING 24.75 FEET ALLEY N 20°38'19" E A DISTANCE OF 16.50 FEET TO A POINT IN THE NORTH LINE OF THE SAID 16.50-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE S 69°21'41" E A DISTANCE OF 149.69 FEET TO A POINT IN THE SAID WEST RIGHT-OF-WAY OF NORTH SECOND STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY S 20°38'19" W A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 2469 SQUARE FEET OF LAND, MORE OR LESS.

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. 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.

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**

AGENDA ITEM: 19

CASE NUMBER: SAC 2023-002 **L.U.C.B. MEETING:** September 14, 2023

LOCATION: 0 Second Street (Ally between 130 Keel and 707 N. Second Street)

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Noah Gray

REPRESENTATIVE: The Bray Firm

REQUEST: Closure of 16.5-foot-wide alley between 130 Keel and 707 N. Second Street

AREA: +/- 24.69 SQF

EXISTING ZONING: Mixed Use (MU)

CONCLUSIONS

1. The applicant is seeking to close and vacate right-of-way of unnamed public alley located between 170 Keel Avenue and 707 North Second Street.
2. The alley closure is +/- 2469 Square Foot in total.
3. The owners/applicants own both sides of the alley and would like to include the area within their development.
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.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

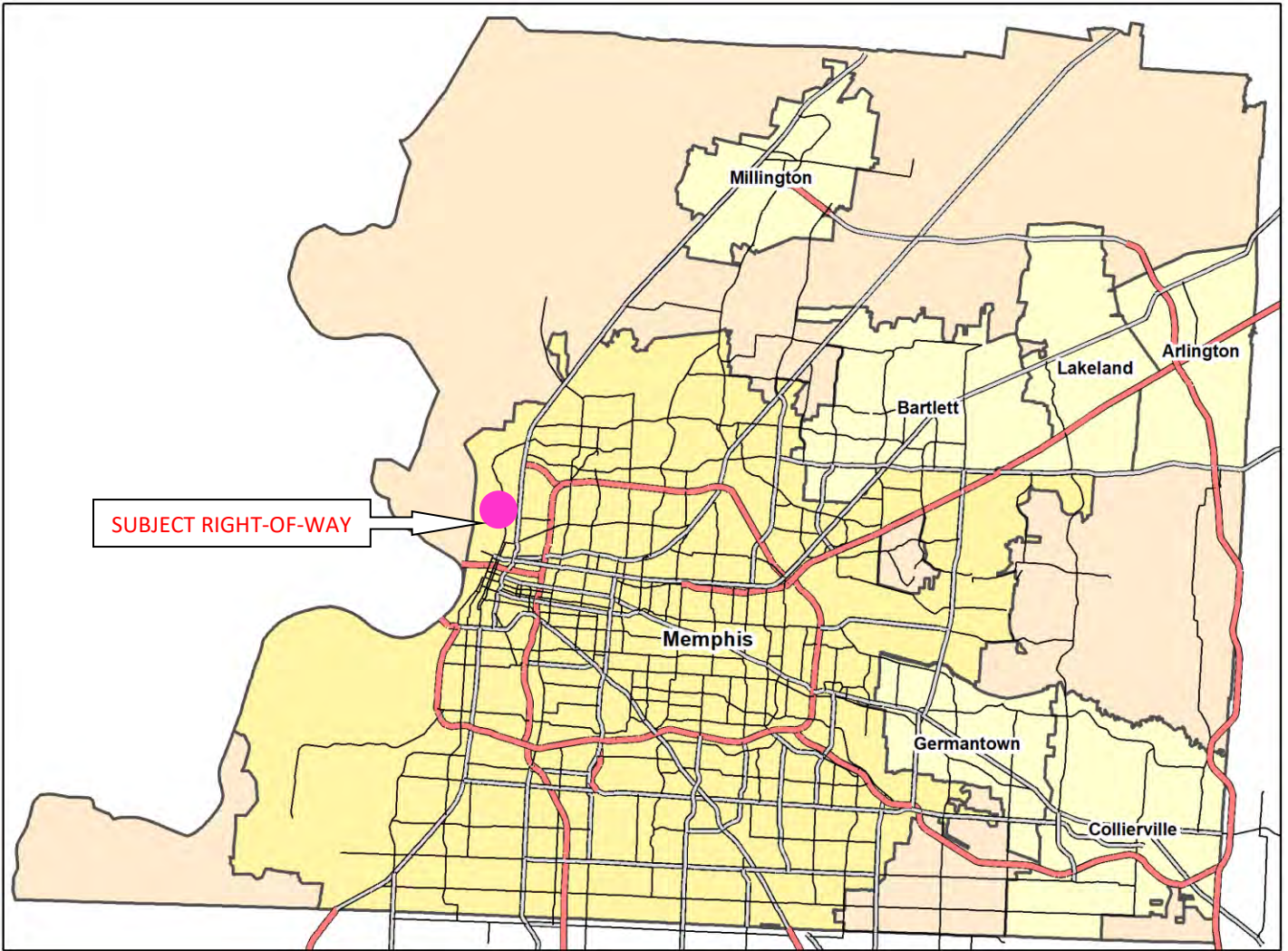
Zoning Atlas Page: 1930

Existing Zoning: Mixed Use (MU)

PUBLIC NOTICE

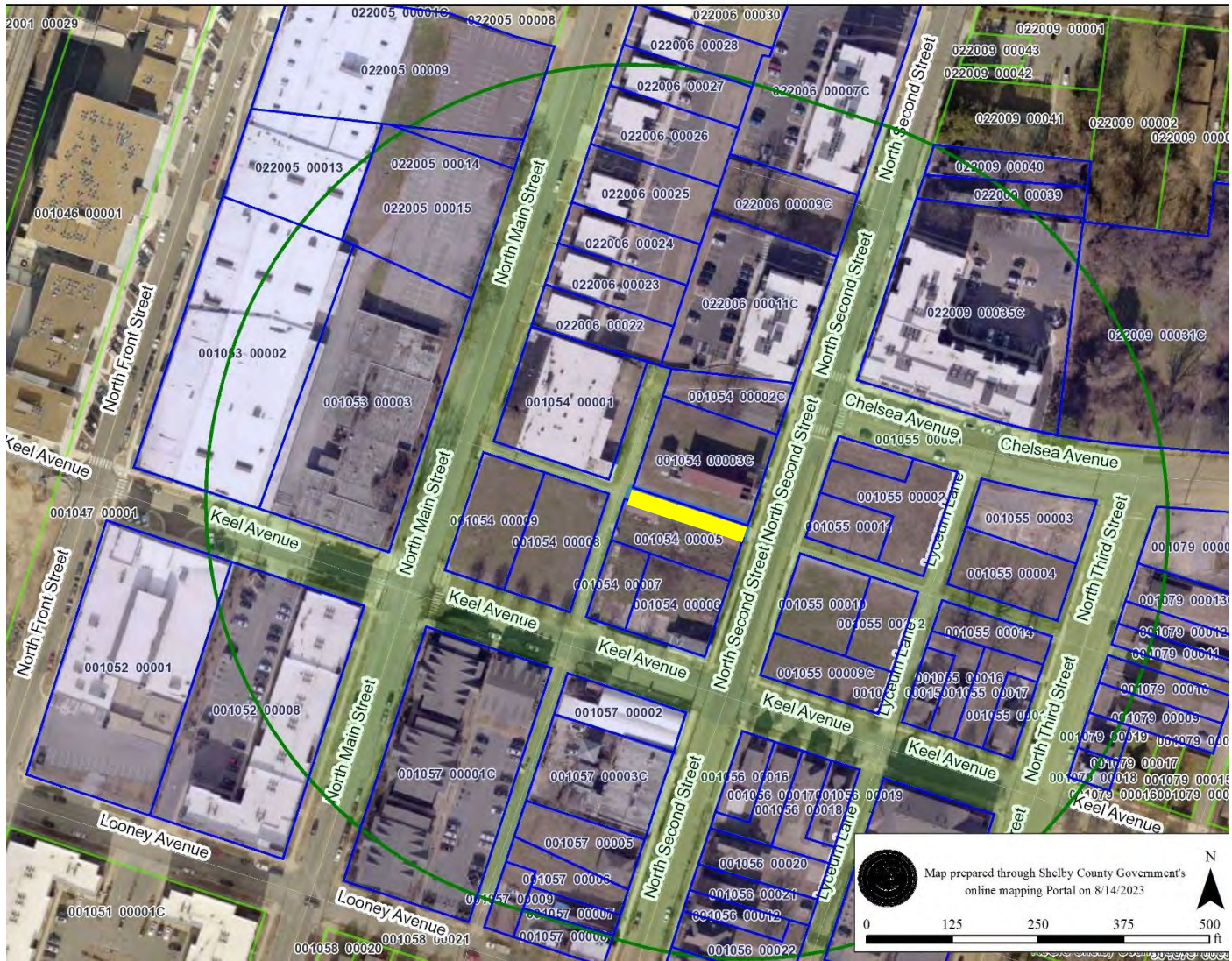
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 40 notices were mailed on August 15, 2023, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



Subject right-of-way located within the pink circle

VICINITY MAP



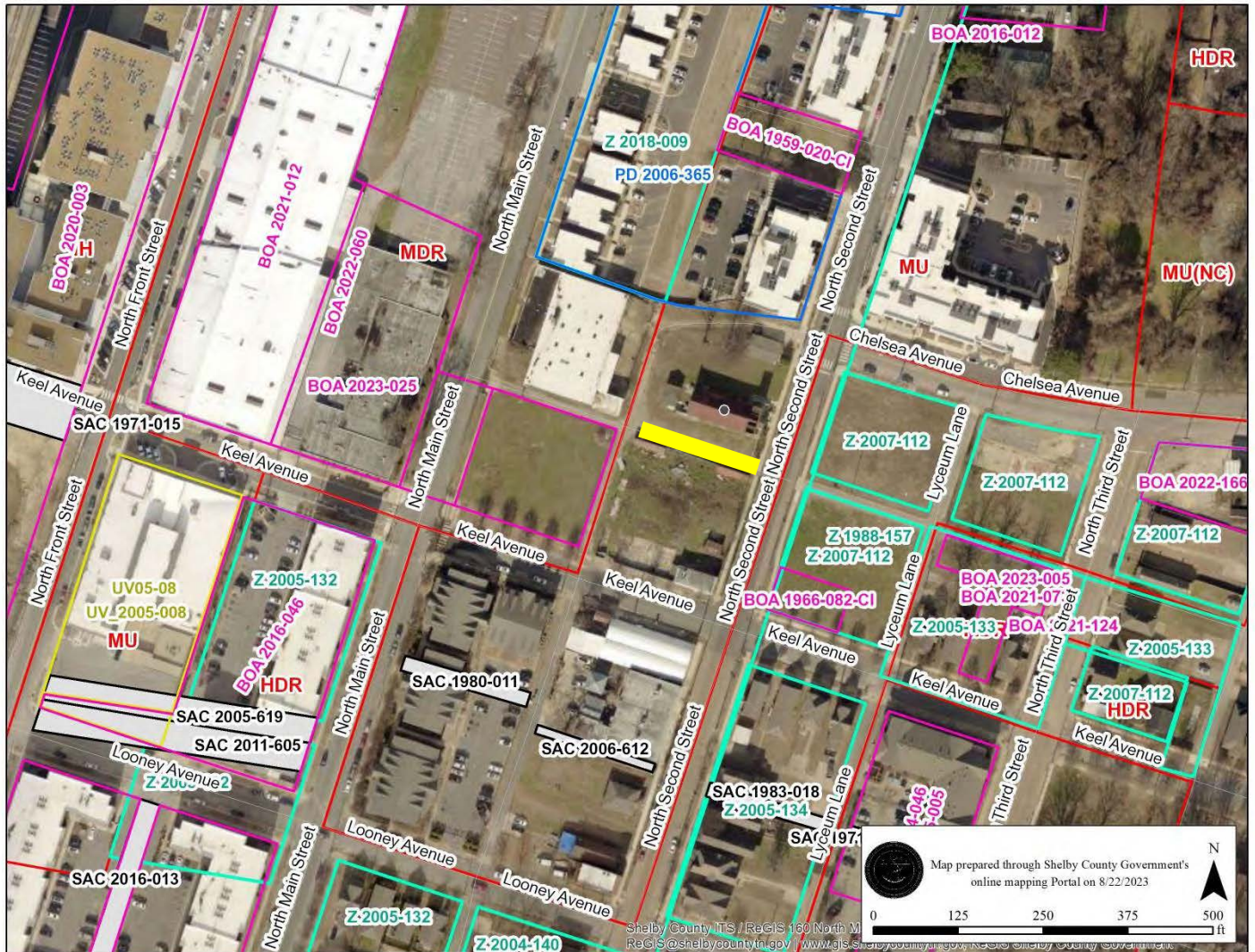
Subject right-of-way highlighted in yellow

AERIAL



The subject area highlighted in yellow

ZONING MAP



Subject right-of-way highlighted in yellow.

Existing Zoning: Mixed Use (MU)

Surrounding Zoning

North: MU, MDR

East: MU, HDR

South: MU, HDR

West: MU, MDR

LAND USE MAP



Subject right-of-way outlined in yellow.

SITE PHOTOS



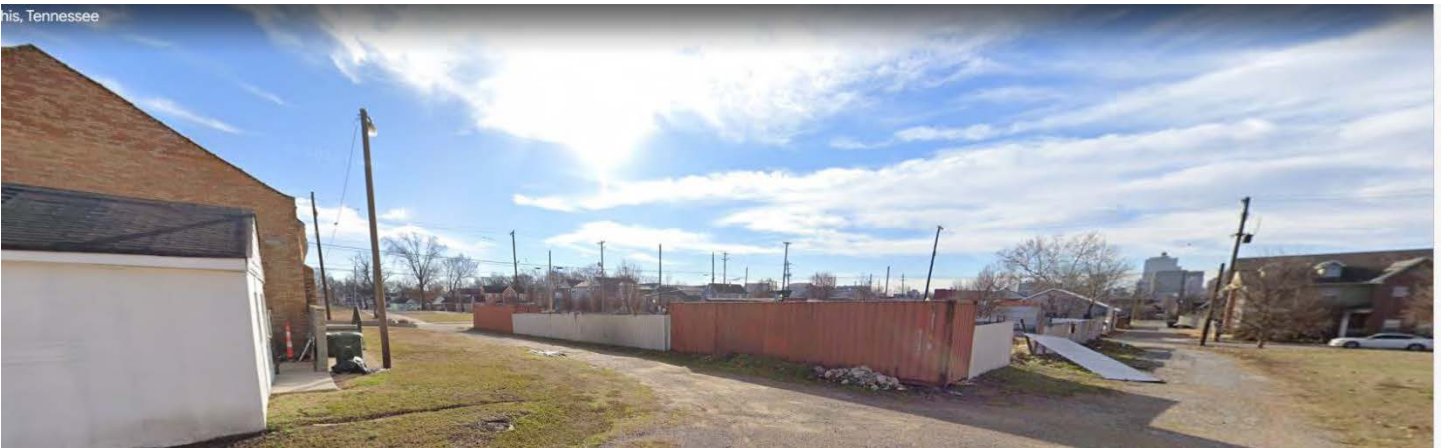
View of access point to the subject right-of-way from North Second Street (Front)



View of access point to the subject right-of-way from the ally (East)



View of access point to the subject right-of-way from the ally (East)



View of access point to the subject right-of-way from the ally (West)

LEGAL DESCRIPTION

PROPERTY LINE DESCRIPTION OF ALLEY CLOSURE:

COMMENCING AT THE INTERSECTION OF KEEL STREET (66-FOOT RIGHT-OF-WAY) AND NORTH SECOND STREET (66-FOOT RIGHT-OF-WAY); THENCE ALONG THE CENTERLINE OF SAID NORTH SECOND STREET N 20°38'19" E A DISTANCE OF 180.82 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE N 69°21'41" W A DISTANCE OF 33.00 FEET TO A POINT IN THE WEST RIGHT-OF-WAY OF SAID NORTH SECOND STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 16.50-FOOT WIDE ALLEY AS DEDICATED ON P.B. 3, PAGE 16 N 69°21'41" W A DISTANCE OF 149.69 FEET TO A POINT THENCE ALONG THE EAST LINE OF AN EXISTING 24.75 FEET ALLEY N 20°38'19" E A DISTANCE OF 16.50 FEET TO A POINT IN THE NORTH LINE OF THE SAID 16.50-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE S 69°21'41" E A DISTANCE OF 149.69 FEET TO A POINT IN THE SAID WEST RIGHT-OF-WAY OF NORTH SECOND STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY S 20°38'19" W A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 2469 SQUARE FEET OF LAND, MORE OR LESS.

STAFF ANALYSIS

Request and Reason

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

Closure of 16.5 foot wide alley between 130 Keel and 707 N. Second Street. The owners/applicants own both sides of the alley and would like to include the area within their development.

Site Description

The subject right-of-way is a +/-16.5 foot wide and +/-149.69 foot-long Alley between lots 18 and 19 of Greenlaw Subdivision, which is located between 130 Keel Avenue and 707 North Second Street and is +/- 2469 Square Foot in total.

Conclusions

1. The applicant is seeking to close and vacate right-of-way of unnamed public alley located between 170 Keel Avenue and 707 North Second Street.
2. The alley closure is +/- 2469 Square Foot in total.
3. The owners/applicants own both sides of the alley and would like to include the area within their development.
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.
4. 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.

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. Dedicate 15' sewer easement for the public sewer lines and add the three notes below to 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.

Street Closures:

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

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

City/County Fire Division:

- All future 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. Once closed, the ally shall continue to be accessible for Fire Department access for 707 N Second.
- 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: Assignment

Opened Date: August 3, 2023

Record Number: SAC 2023-002

Expiration Date:

Record Name: Alley Closure between Lots 18/19 Greenlaw Subdivision

Description of Work: Closure of 16.5 foot wide alley between 130 Keel and 707 N. Second Street

Parent Record Number:

Address:

0 Second ST, Memphis, TN

Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

help desk

Date of Meeting

05/08/2023

Pre-application Meeting Type

Phone

GENERAL INFORMATION

Name of Street where closure will begin

N. 2nd Street

Name of Street where closure will end

Existing 24.75 foot wide alley

GENERAL INFORMATION

What is the reason for the street closure? The owners/applicants own both sides of the alley and would like to include the area within their development.

What is the total area of the right-of-way being closed? 2469

What is the overall length of the street closure? 149.69

Name of Street/Alley/ROW Unnamed alley

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

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491528	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	08/03/2023
1491528	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	08/03/2023

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$410.40	Credit Card



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, Octavius Nickson (Print Name), [Signature] (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 707 N Second Street
and further identified by Assessor's Parcel Number 001054 00003C
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 31 day of July in the year of 2023.

[Signature]
Signature of Notary Public

9-23-24
My Commission Expires

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

August 1, 2023

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

**RE: Alley Closure Request for 16.5-foot wide alley between 707 N. Second and 130 Keel
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application for an alley closure for the above captioned property. Nickson Development Group owns the parcels on both side of the alley and has plans to develop this property in a manner that would include the alley as a part of the overall plan of development.

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, Noah Gray, being duly sworn, depose and say that at 3:45 am/pm on the 29th day of August, 20 23, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 23-02 at 130 Keel + 707 N Second 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.

[Signature]

Owner, Applicant or Representative

8/29/23

Date

Subscribed and sworn to before me this 29th day of August, 20 23.

[Signature]

Notary Public

My commission expires: 9-23-26



EAST SIGN



WEST SIGN



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: Assignment

Opened Date: August 3, 2023

Record Number: SAC 2023-002

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Record Name: Alley Closure between Lots 18/19 Greenlaw Subdivision

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Address:

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Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	help desk
Date of Meeting	05/08/2023
Pre-application Meeting Type	Phone

GENERAL INFORMATION

Name of Street where closure will begin	N. 2nd Street
Name of Street where closure will end	Existing 24.75 foot wide alley

GENERAL INFORMATION

What is the reason for the street closure? The owners/applicants own both sides of the alley and would like to include the area within their development.

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If yes, please provide additional information -

Is this application a time extension? No

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Previous Case Numbers -

GIS INFORMATION

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Case Layer -

Class -

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Municipality -

Overlay/Special Purpose District -

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State Route -

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Payment Amount \$410.40

Method of Payment Credit Card

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

August 1, 2023

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

**RE: Alley Closure Request for 16.5-foot wide alley between 707 N. Second and 130 Keel
Memphis, Shelby County, Tennessee**

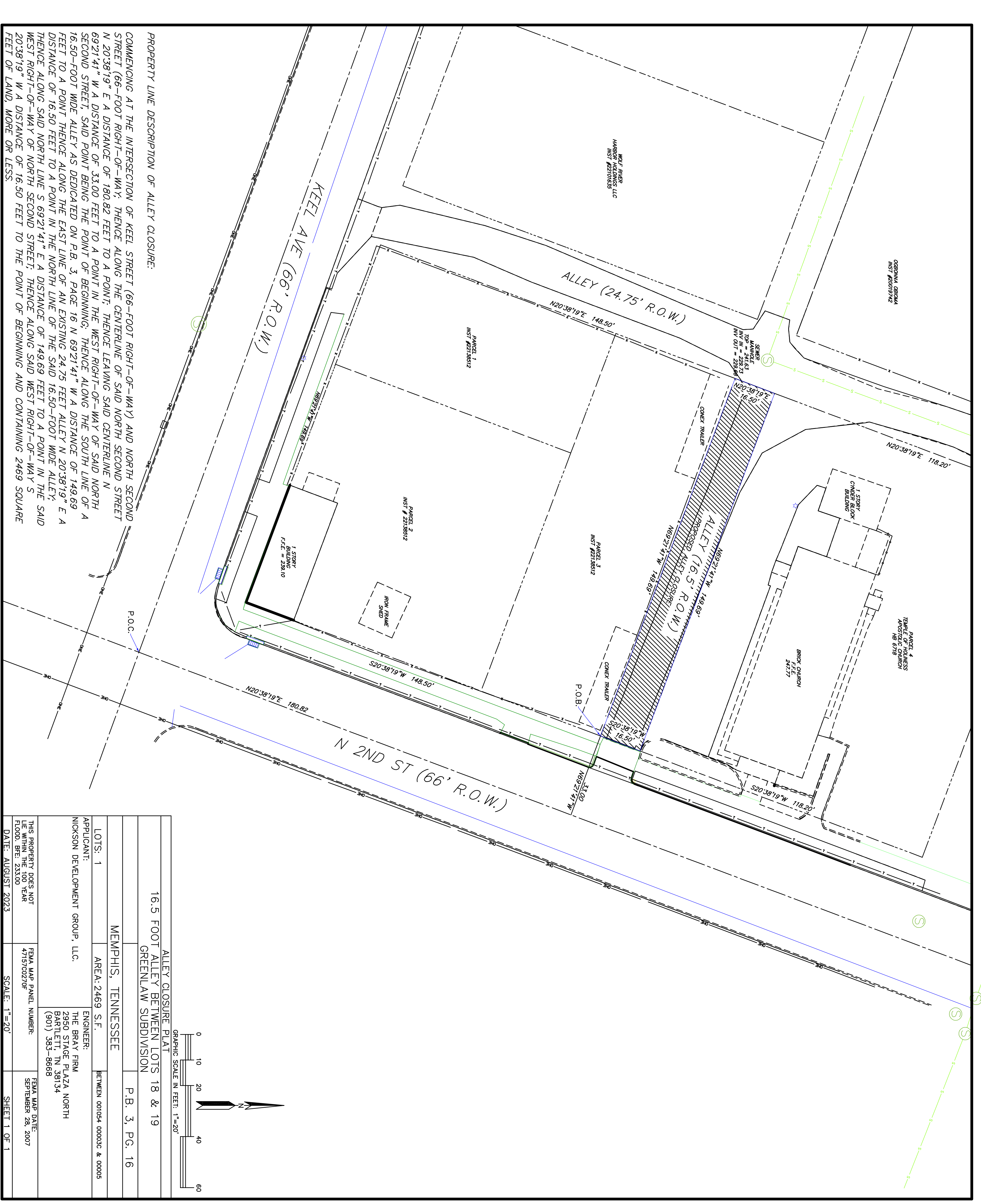
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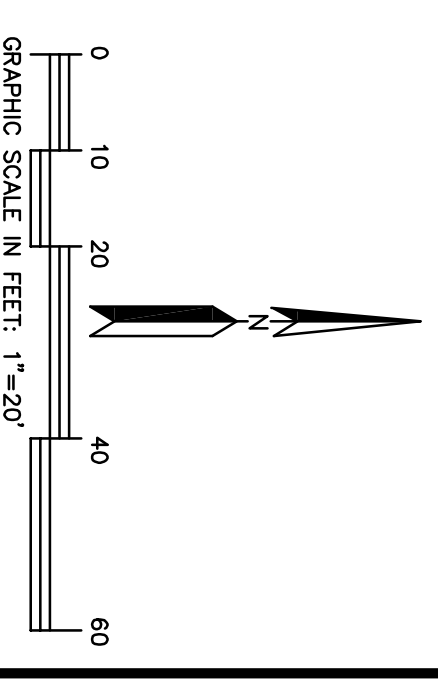
David Gean Bray, P.E.



PROPERTY LINE DESCRIPTION OF ALLEY CLOSURE:

COMMENCING AT THE INTERSECTION OF KEEL STREET (66-FOOT RIGHT-OF-WAY) AND NORTH SECOND STREET (66-FOOT RIGHT-OF-WAY); THENCE ALONG THE CENTERLINE OF SAID NORTH SECOND STREET N 20°38'19" E A DISTANCE OF 180.82 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE N 69°21'41" W A DISTANCE OF 33.00 FEET TO A POINT IN THE WEST RIGHT-OF-WAY OF SAID NORTH SECOND STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 16.50-FOOT WIDE ALLEY AS DEDICATED ON P.B. 3, PAGE 16 N 69°21'41" W A DISTANCE OF 149.69 FEET TO A POINT; THENCE ALONG THE EAST LINE OF AN EXISTING 24.75 FEET ALLEY N 20°38'19" E A DISTANCE OF 16.50 FEET TO A POINT IN THE NORTH LINE OF THE SAID 16.50-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE S 69°21'41" E A DISTANCE OF 149.69 FEET TO A POINT IN THE SAID WEST RIGHT-OF-WAY OF NORTH SECOND STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY S 20°38'19" W A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 2469 SQUARE FEET OF LAND, MORE OR LESS.

<p>ALLEY CLOSURE PLAN 16.5 FOOT ALLEY BETWEEN LOTS 18 & 19 GREENLAW SUBDIVISION</p>			
MEMPHIS, TENNESSEE		P.B. 3, P.G. 16	
LOTS: 1	AREA: 2469 S.F.	ENGINEER: BETWEEN 001054, 00003C & 00005	
APPLICANT: MCKINSON DEVELOPMENT GROUP, LLC.	ENGINEER: THE BRAY FIRM 5950 STAGE PLAZA NORTH 5211 LITTLEFIELD (901) 583-8869	FEMA MAP DATE: SEPTEMBER 28, 2007	
THIS PROPERTY DOES NOT LE WITHIN THE 100 YEAR FLOOD BRE: 233100	FEMA MAP PANEL NUMBER: 4715100270F	SCALE: 1"=20'	
DATE: AUGUST 2023		SHEET 1 OF 1	



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.

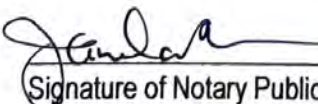
I, Octavius Nickson (Print Name)  (Sign Name), state that I have read the definition of


"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 707 N Second Street
 and further identified by Assessor's Parcel Number 001054 00003C
 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 31 day of July in the year of 2023.


 Signature of Notary Public



9-23-24
 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

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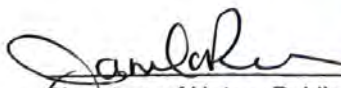
I, Octavius Wilson (Print Name)  (Sign Name), state that I have read the definition of

"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 0 N Second Street
and further identified by Assessor's Parcel Number 001054 00005
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 21 day of July in the year of 2023.


Signature of Notary Public



9-23-26
My Commission Expires



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.

23010045
02/07/2023 - 01:50:30 PM

4 PGS

LACI 2539521-23010045

VALUE	275000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1017.50
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	1042.50

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**This Instrument Prepared by and Return to:
The Green Law Firm PLLC
5050 Poplar Avenue, Ste. 2416
Memphis, TN 38119**

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into effective the **3rd day of February, 2023**, by and between TEMPLE OF HOLINESS APOSTLIC FAITH CHURCH, a Tennessee non-profit corporation, party of the first part, and NICKSON DEVELOPMENT GROUP, LLC, a Tennessee limited liability company, party of the second part,

WITNESSETH: That for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Parcel I: the south 73 feet of Lot 18 of the John M. Lee Subdivision in Country Lot 534 on the west side of North Second Street as shown on plat of record in Plat Book 3, Page 16, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Parcel II: The south 43.75 feet of Lot 17 and the north 1.75 feet of Lot 18 of the Chelsea Subdivision of part of the Greenlaw Addition to the City of Memphis being more particularly described as follows: Beginning at an angle in the west property line of North Second Street 238.22 feet north of the north line of Keel Avenue and running thence northwardly along the west line of North Second Street to a cross cut in the concrete sidewalk; thence westwardly 148.5 feet to an iron pin; thence southwardly and parallel with the west line of North Second Street 45 feet to an iron pin; thence eastwardly 148.5 feet to the point of beginning.

Being the same property conveyed to Grantor by Warranty Deed of record under Instrument No. HB 6718 in the Register's Office of Shelby County, Tennessee.

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

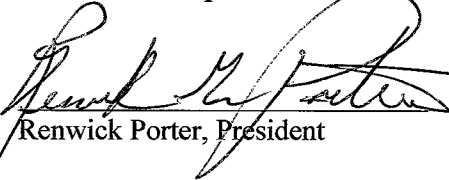
Party of the first part does hereby covenant with the party of the second part that it is lawfully seized in fee of the above described real estate; it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT: Any matter which would be disclosed by a current, accurate survey of the property described herein; 2023 Shelby County, Tennessee, and 2023 City of Memphis property taxes, and all subsequent years, liens, not yet due and payable, which the party of the second part assumes and agrees to pay; and all restrictions, building lines, and

easements of record in the Register's Office of Shelby County, Tennessee; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming by, through or under it, but not further or otherwise. Party of the first part makes no warranty against defects in title and the condition of title to the property existing before the time of its ownership. Party of the first part has no knowledge of the nature or condition of the property and makes no warranty or representation as to the nature or condition of the property. The property, with all of the rights and liabilities incident thereto, is conveyed to party of the second part "as is" "where is" with all defects that may exist, if any.

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 in their proper gender and number according to the context hereof.

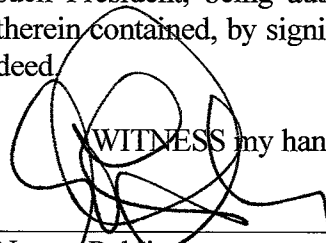
IN WITNESS WHEREOF the undersigned has caused this instrument to be executed by and through its duly authorized officer as of the day and year first written above.

Temple of Holiness Apostolic Church

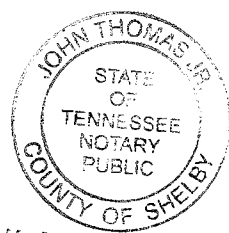
By: 
Renwick Porter, President

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public, of the State and County aforesaid personally appeared Renwick Porter, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the President of Temple of Holiness Apostolic Church, the within named bargainor, a Tennessee non-profit corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Temple of Holiness Apostolic Church as its free act and deed.

 WITNESS my hand and seal at office this the 3rd day of February, 2023.

Notary Public
My Commission expires:



My Commission Expires
May 8, 2023

(FOR RECORDING DATA ONLY)

Property Address:
707 N 2nd Street
Memphis, TN 38107

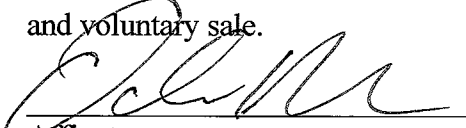
Property Owner:

NICKSON DEVELOPMENT GROUP, LLC
3686 Summer Ave
Memphis, TN 38172

Parcel ID:
001 - 054 - 00003C

Mail tax bills to:
NICKSON DEVELOPMENT GROUP, LLC
3686 Summer Ave
Memphis, TN 38172

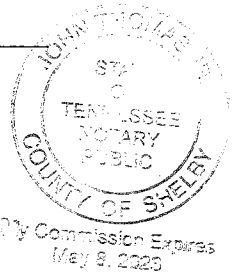
I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$275,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



Affiant

Subscribed and sworn to before me this the 3rd day of February, 2023.

Notary Public
My Commission Expires:



The document in which I am certifying was signed on 3 FEBRUARY 2023

On this 6 day of FEBRUARY 2023, I, Angela D. Green, 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.

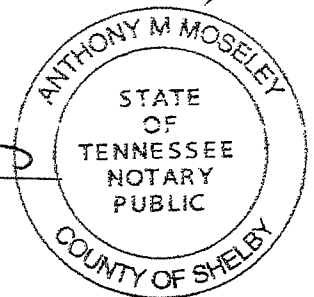
Angela D. Green
Angela D. Green

State of Tennessee

County of Tennessee

Personally appeared before me, Anthony M. Moseley, a notary public for this county and state, (name of person making certification) who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed this 6 day of FEBRUARY 2023

Anthony M. Moseley
Notary's Signature



MY COMMISSION EXPIRES: 6-6-2023
Notary's Seal (If on paper)



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.

22138512

12/30/2022 - 09:19:30 AM

3 PGS

BRANDON 2530047-22138512

VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	19.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared by & Return to:
The Green Law Firm
5050 Poplar Avenue, Ste 2416
Memphis, TN 38157

QUIT CLAIM DEED

FOR AND IN CONSIDERATION of the sum of One Dollar and no/100 (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the undersigned, **Nickson General Contractors** (Grantor), hereby sell, remise, release, convey, and quit claim unto **Nickson Development Group, LLC** (Grantee), all rights, title, and interest in the following described real property, to wit:

SEE ATTACHED EXHIBIT "A"

IN TESTIMONY WHEREOF I have executed this instrument the date specified in the acknowledgment herein below.

Nickson General Contractors

BY: _____

Octavius Nickson, Member

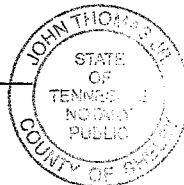
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Octavius Nickson** with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person) and who, upon oath, acknowledged himself (or herself) to be the President of Nickson General Contractors, Inc., the within named bargainer, a Tennessee Corporation and that he (she) as the President, executed the foregoing instrument for the purposes therein contained by subscribing the name of the Corporation by himself (or herself) as the President.

WITNESS my hand and Notarial Seal at office this 28th day of December, 2022

My commission expires:

Notary Public



My Commission Expires
May 8, 2023

MY COMMISSION EXPIRES:

For recording information only:

STATE OF TENNESSEE, COUNTY OF SHELBY

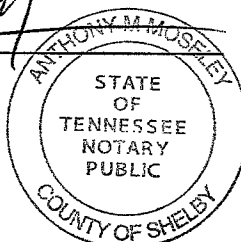
I HEREBY SWEAR OR AFFIRM THAT TO THE BEST OF AFFIANT'S KNOWLEDGE, BELIEF AND INFORMATION, THE ACTUAL CONSIDERATION FOR THE TRANSFER IS \$-1-

AFFIANT

SUBSCRIBED AND SWORN before me the 29 day of December, 2022

MY COMMISSION EXPIRES: 6-6-2023

NOTARY PUBLIC



Owner and Mail Taxes To:
Nickson Development Group
3686 Summer Ave
Memphis, TN 38122

All parties agree to this transfer without the benefit of a title search, abstract or survey. The preparer herof does not in any manner make representations as to the accuracy hereof.

EXHIBIT "A"

Land situated in Shelby County, Tennessee:

PARCEL I:

Part of Lots 19 and 20 W.B. Greenlaw et al. Addition to the City of Memphis and also known as. Chelsea Subdivision:

Beginning at a point in the north line of Keel Avenue 98.5 feet Westwardly from the west line of North Second Street; thence Westwardly along the north Line of Keel Avenue 50 feet to a point in the east line of an alley; thence Northwardly along the east line of said alley 98.5 feet to a point; thence eastwardly and parallel with Keel Avenue 50 feet to a point; thence Southwardly and parallel with North Second Street 98.5 feet to the point of beginning.

PARCEL 2:

Part of Lots 19 and 20, Chelsea Subdivision in Memphis, Tennessee more particularly described as follows:

Beginning at a point in the west line of North Second Street, which point is in the Northwest corner at the intersection of North Second Street and Keel Avenue; thence Northwardly along the west line of North Second Street 98.5 feet; thence Westwardly parallel with Keel Avenue 98.5 feet; thence Southwardly parallel with North Second Street 98.5 feet to the north of Keel Avenue; thence eastwardly along the north line of Keel Avenue 98.5 feet to the point of beginning.

PARCEL 3:

The North 50 feet of Lot 19 of the W. B. Greenlaw et al Chelsea Subdivision in Country Lot 534, more particularly described as follows:

Beginning at the southwest corner of Second Street and the first alley north of Keel Avenue; running thence Southwardly along the west line of Second Street 50 feet to a stake; thence Westwardly 148.5 feet to an alley; thence Northwardly along the east line said alley 50 feet to the first mentioned alley; thence eastwardly along the south line of said first mentioned alley 148.5 feet to Second Street, the point of beginning.

Being the same property conveyed to Nickson General Contractors by Warranty Deed of record at Instrument No. 22133637, dated 12/12/2022 and recorded 12/14/2022, in the Register's Office of Shelby County, Tennessee.

Property Address:

PARCEL I: 0 Keel Ave. Memphis, TN 38107 Parcel # 001054 00007

PARCEL II: 130 Keel Ave. Memphis, TN 38107 Parcel# 001054 00006

PARCEL III: 0 N. Second St. Memphis, TN 38107 Parcel# 001054 00005

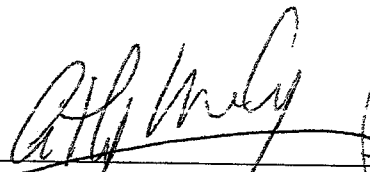
The document in which I am certifying was signed on
28 DECEMBER 2022

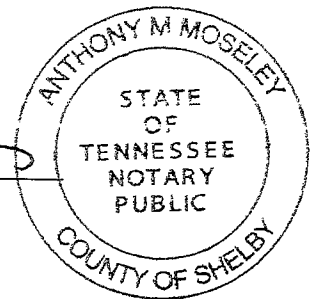
On this 29 day of DECEMBER 20 22 I, Angela D. Green, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.


Angela D. Green

State of Tennessee
County of Tennessee

Personally appeared before me, Anthony M. Moseley, a notary public for this county and state, (name of person making certification) who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed this 29 day of DECEMBER 20 22.


Notary's Signature



MY COMMISSION EXPIRES: 6-6-2023
Notary's Seal (If on paper)

NICKSON DEVELOPMENT GROUP
LLC.
3686 Summer Ave.
Memphis, TN 38122-3743

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Wolf River Harbor Holdings LLC
495 TENNESSEE ST STE 152
MEMPHIS TN 38103 2549

Obioma Ogbonna
870 PORTSMITH DR NW
ROCHESTER MN 55901 3857

Health Educational and Housing Facility
Board of the City of Memphis TN
118 16TH AVE S STE 200
NASHVILLE TN 37203 3100

North Main Street Partners LP
3500 LENOX RD STE 1100
ATLANTA GA 30326 4236

Brownward Properties LLC
1502 BEVERLY DR
ARCATA CA 95521 6551

Richard A Hechinger
830 S BELLEVUE BLVD
MEMPHIS TN 38104 4645

NW 3rd FT LLC
2100 DE LONDRES CT
QUEBEC CA

Vera Wallace
659 N 2ND ST
MEMPHIS TN 38107 3603

James W Finnie Jr.
PO BOX 181489
MEMPHIS TN 38181

Mary Williams
653 N 2ND ST
MEMPHIS TN 38107 3603

Fabian L Matthews
3924 SPRINGFIELD RD
MEMPHIS TN 38128 2435

Memphis Housing Authority
700 ADAMS
MEMPHIS TN 38104

Rebecca A Dull
105 LOONEY AVE
MEMPHIS TN 38105 3679

Kenneth Vanhorn
4140 LOCHE MEADE
ARLINGTON TN 38002 9368

Great Dane Property Management LLC
96 NOTTAWAY BLVD
MEMPHIS TN 38103 4753

Daniel L Syriac
635 N 2ND ST
MEMPHIS TN 38107 3668

Drew W Billings
634 N 2ND ST
MEMPHIS TN 38107 3667

Maeda Nelson
3009 EVERLEIGHT PL
SPRING HILL TN 37174 2766

701 N Main LLC
495 TENNESSEE ST STE 152
MEMPHIS TN 38103 2549

Snuff Historic Warehouses LLC
495 TENNESSEE ST STE 152
MEMPHIS TN 38103 2549

Belz Investco GP
PO BOX 3661
MEMPHIS TN 38173 0661

Veronica L Jackson
141 KEEL AVE
MEMPHIS TN 38107 3669

Antrell Kidd
513 FOREST GLEN LN
BRANDON MS 39047 7018

Memphis Housing Authority
700 ADAMS
MEMPHIS TN 38104

Lee H Johnson Jr.
153 KEEL AVE
MEMPHIS TN 38107

Potters Investments LLC
12 MINA AVE
MEMPHIS TN 38103 4493

Robert Morrow
660 N SECOND
MEMPHIS TN 38107

James B & Kamille B Martin
2914 TANOAK CV
GERMANTOWN TN 38138 7338

City of Memphis and Shelby County
Community Redevelopment Agency
PO BOX 70386
MEMPHIS TN 38107 0386

Malasri Engineering PLLC
655 RIVERSIDE DR APT 502
MEMPHIS TN 38103 4623

Joseph Zeeben
245 LOONEY AVE
MEMPHIS TN 38107 3742

Jessie and Venita Hill
712 N 3RD ST
MEMPHIS TN 38107 3610

Habitat for Humanity of Greater Memphis
Inc.
7136 WINCHESTER RD
MEMPHIS TN 38125 2016

James C & Tammy L Sneed
4930 TICKLE VIEW DR
MILLINGTON TN 38053 3957

Frank L James IV
700 N 3RD ST
MEMPHIS TN 38107 3610

Annie Fondren
692 N 3RD ST
MEMPHIS TN 38107 3610

Thomas A Pacello Sr.
1813 BROOKSIDE DR
GERMANTOWN TN 38138 2512

Jimmie R Parker
3733 CORAL DR
MEMPHIS TN 38127 4811

Underground Railroad Foundation
826 N 2ND ST
MEMPHIS TN 38107 2302

Slavehaven on the Underground
Railroad
826 N 2ND ST
MEMPHIS TN 38107 2302

PROPERTY LINE DESCRIPTION OF ALLEY CLOSURE:

COMMENCING AT THE INTERSECTION OF KEEL STREET (66-FOOT RIGHT-OF-WAY) AND NORTH SECOND STREET (66-FOOT RIGHT-OF-WAY); THENCE ALONG THE CENTERLINE OF SAID NORTH SECOND STREET N 20°38'19" E A DISTANCE OF 180.82 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE N 69°21'41" W A DISTANCE OF 33.00 FEET TO A POINT IN THE WEST RIGHT-OF-WAY OF SAID NORTH SECOND STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF A 16.50-FOOT WIDE ALLEY AS DEDICATED ON P.B. 3, PAGE 16 N 69°21'41" W A DISTANCE OF 149.69 FEET TO A POINT THENCE ALONG THE EAST LINE OF AN EXISTING 24.75 FEET ALLEY N 20°38'19" E A DISTANCE OF 16.50 FEET TO A POINT IN THE NORTH LINE OF THE SAID 16.50-FOOT WIDE ALLEY; THENCE ALONG SAID NORTH LINE S 69°21'41" E A DISTANCE OF 149.69 FEET TO A POINT IN THE SAID WEST RIGHT-OF-WAY OF NORTH SECOND STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY S 20°38'19" W A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 2469 SQUARE FEET OF LAND, MORE OR LESS.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: Nov. 21, 2023

DATE

PUBLIC SESSION: Nov. 21, 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 special use permit at 100 N. Main St., known as case number SUP 2023-023

CASE NUMBER: SUP 2023-023

LOCATION: 100 N. Main St.

COUNCIL DISTRICTS: District 7 and Super District 8

APPLICANT: 100 North Main, LLC

REPRESENTATIVE: Mike Fahy

REQUEST: Special use permit for a hotel

AREA: +/-1.049 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – Nov. 21, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>Nov. 9, 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>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2023-023

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY
UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT 100 N. MAIN ST.,
KNOWN AS CASE NUMBER SUP 2023-023

- This item is a resolution with conditions for a special use permit to allow a hotel.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, Nov. 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2023-023
LOCATION: 100 N. Main St.
COUNCIL DISTRICTS: District 7 and Super District 8
APPLICANT: 100 North Main, LLC
REPRESENTATIVE: Mike Fahy
REQUEST: Special use permit for a hotel
AREA: +/-1.049 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 on the consent agenda.

RECOMMENDED CONDITIONS

1. The east-west alley adjacent to the site to the south shall be repaved as necessary for a well-graded drive prior to occupancy of the hotel. Pavers and similar historically appropriate materials are encouraged. If the Council approves an alley closure, and the alley is subsequently closed, this condition shall not apply.
2. The streetscapes of the other three frontages shall be reviewed subject to administrative approval.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT 100 N. MAIN ST., KNOWN AS CASE NUMBER SUP 2023-023

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

WHEREAS, the 100 North Main, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development to allow a hotel; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 9, 2023, and said Board has submitted its recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

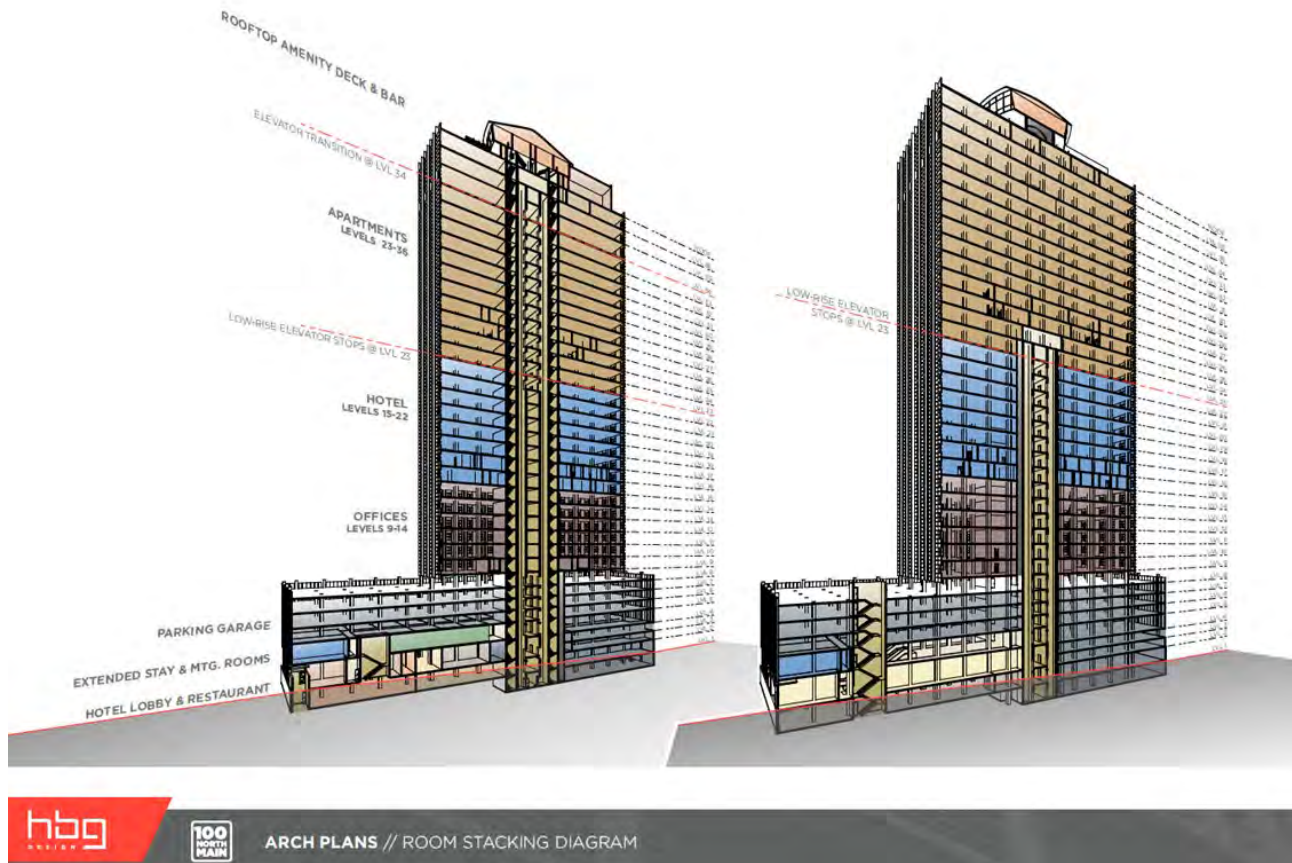
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

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

CONDITIONS

1. The east-west alley adjacent to the site to the south shall be repaved as necessary for a well-graded drive prior to occupancy of the hotel. Pavers and similar historically appropriate materials are encouraged. If the Council approves an alley closure, and the alley is subsequently closed, this condition shall not apply.
2. The streetscapes of the other three frontages shall be reviewed subject to administrative approval.

FLOOR STACKING DIAGRAM



ATTEST:

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

AGENDA ITEM: 18

CASE NUMBER: SUP 2023-023

L.U.C.B. MEETING: November 9, 2023

LOCATION: 100 N. Main St.

COUNCIL DISTRICT: District 7 and Super District 8

APPLICANT: 100 North Main, LLC

REPRESENTATIVE: Mike Fahy

REQUEST: Special use permit for a hotel

AREA: 1.049 acres

EXISTING ZONING: Central Business District

CONCLUSIONS

1. The applicant has requested a special use permit for a hotel within certain floors of the city's tallest structure, currently vacant.
2. Staff recommends approval with conditions.

CONSISTENCY WITH MEMPHIS 3.0

According to the Office of Comprehensive Planning, this request is *consistent* with Memphis 3.0.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Main St.	141'
	Adams Ave.	323'
	Second St.	141'
	<i>Alley</i>	323'
Zoning Atlas Page:	1925 and 2025	
Parcel ID:	002012 00001C and 002012 00002	

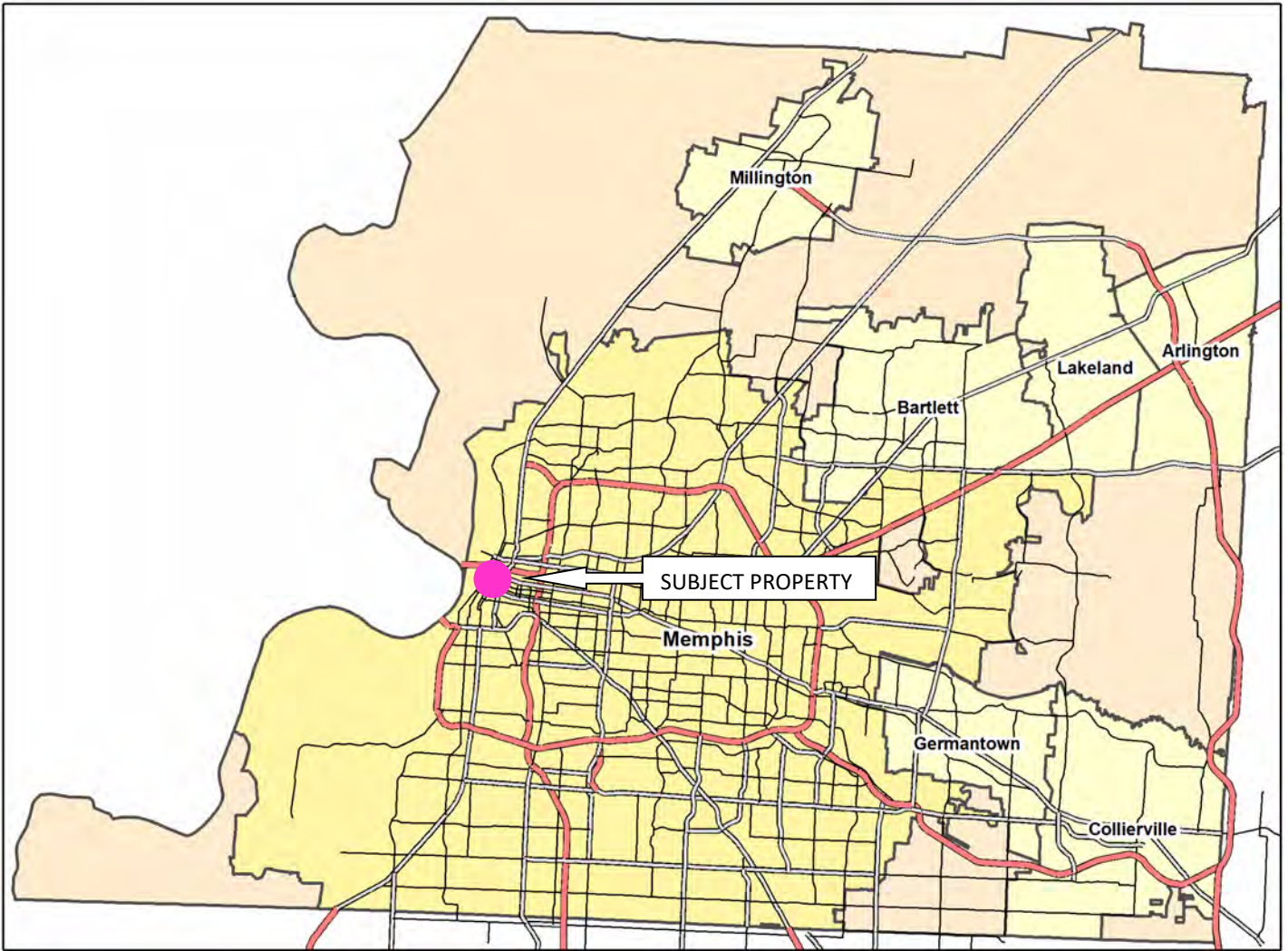
NEIGHBORHOOD MEETING

The meeting was held at 6 p.m. on Monday, October 30, 2023, at the Downtown Memphis Commission at 114 N. Main St.

PUBLIC NOTICE

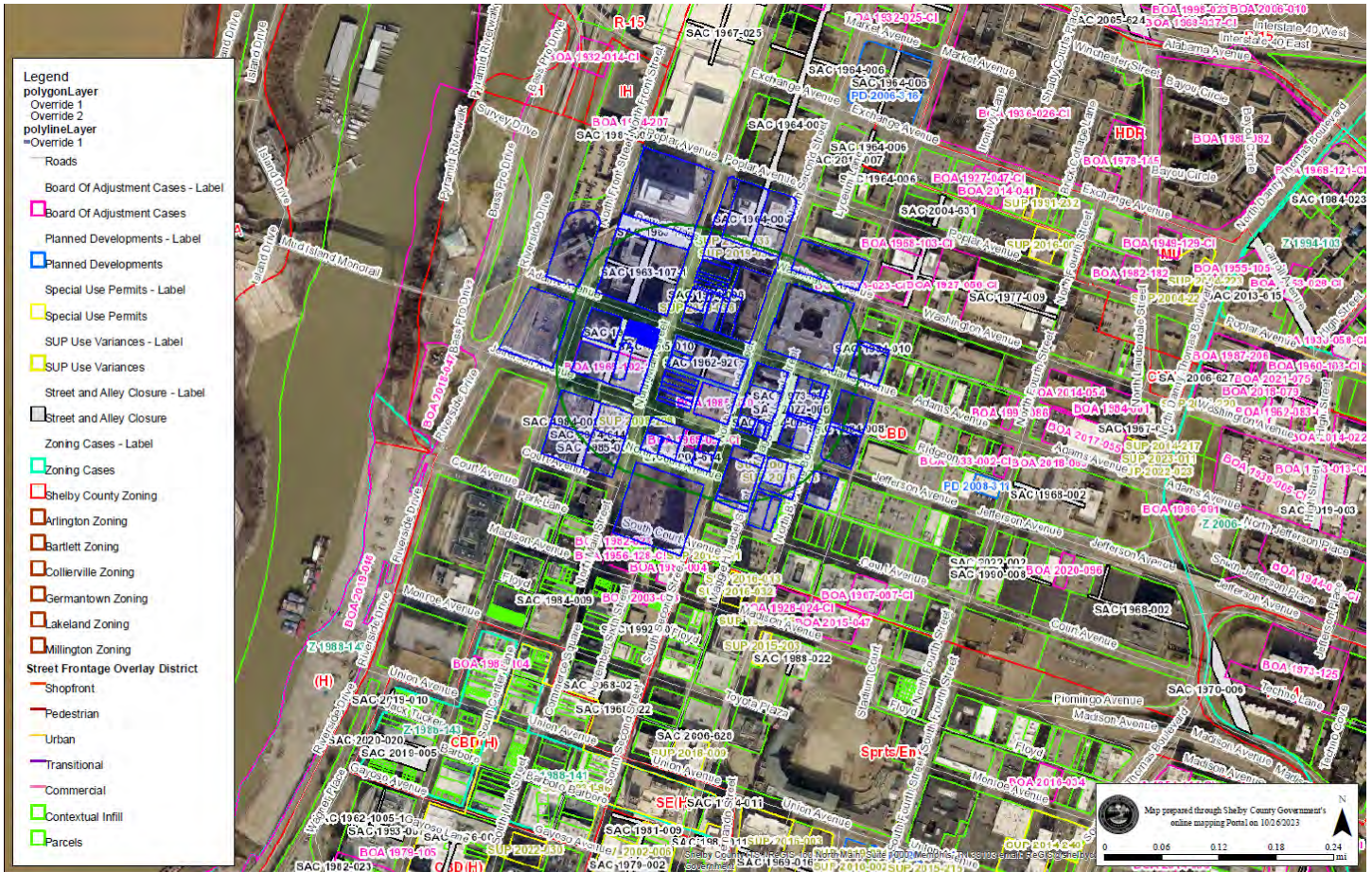
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 184 notices were mailed on October 26, 2023, and three signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP

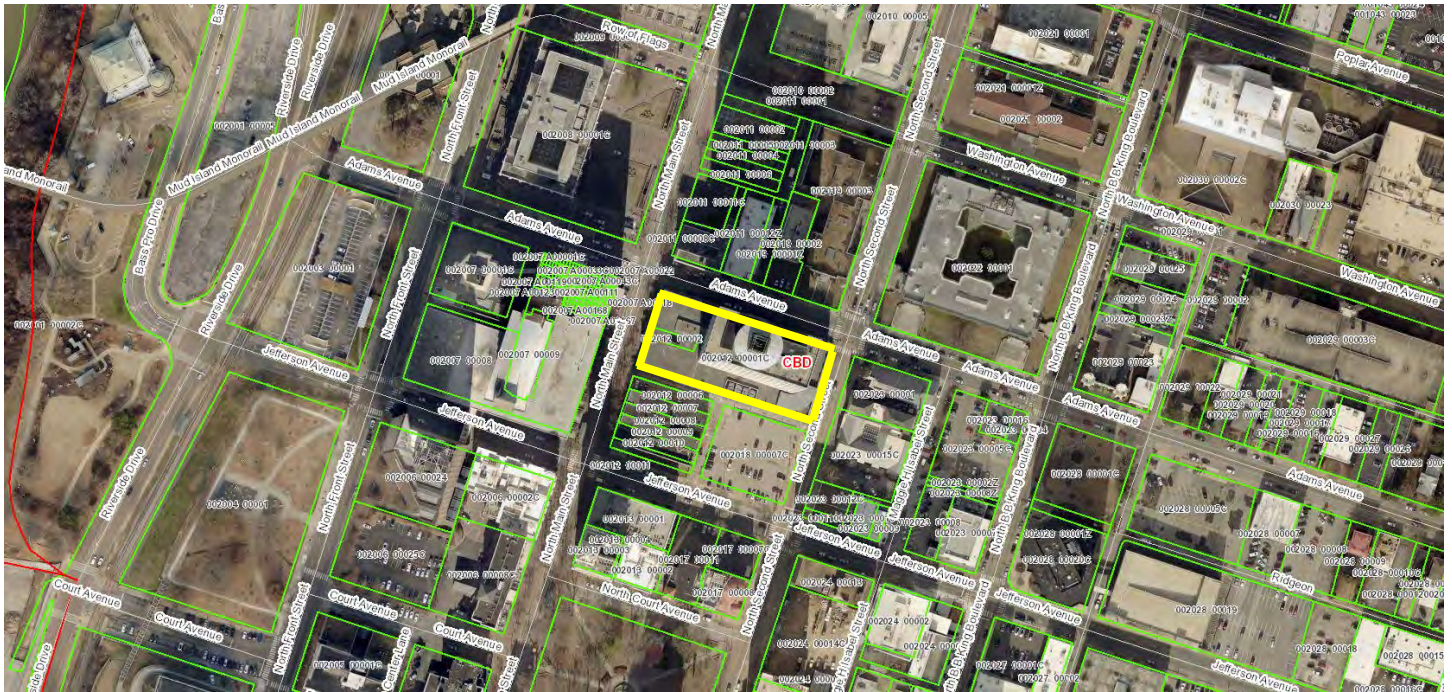


Subject property located within Downtown

VICINITY MAP



ZONING MAP



Existing Zoning: Central Business District

Surrounding Zoning

North: Central Business District











East: Central Business District

South: Central Business District

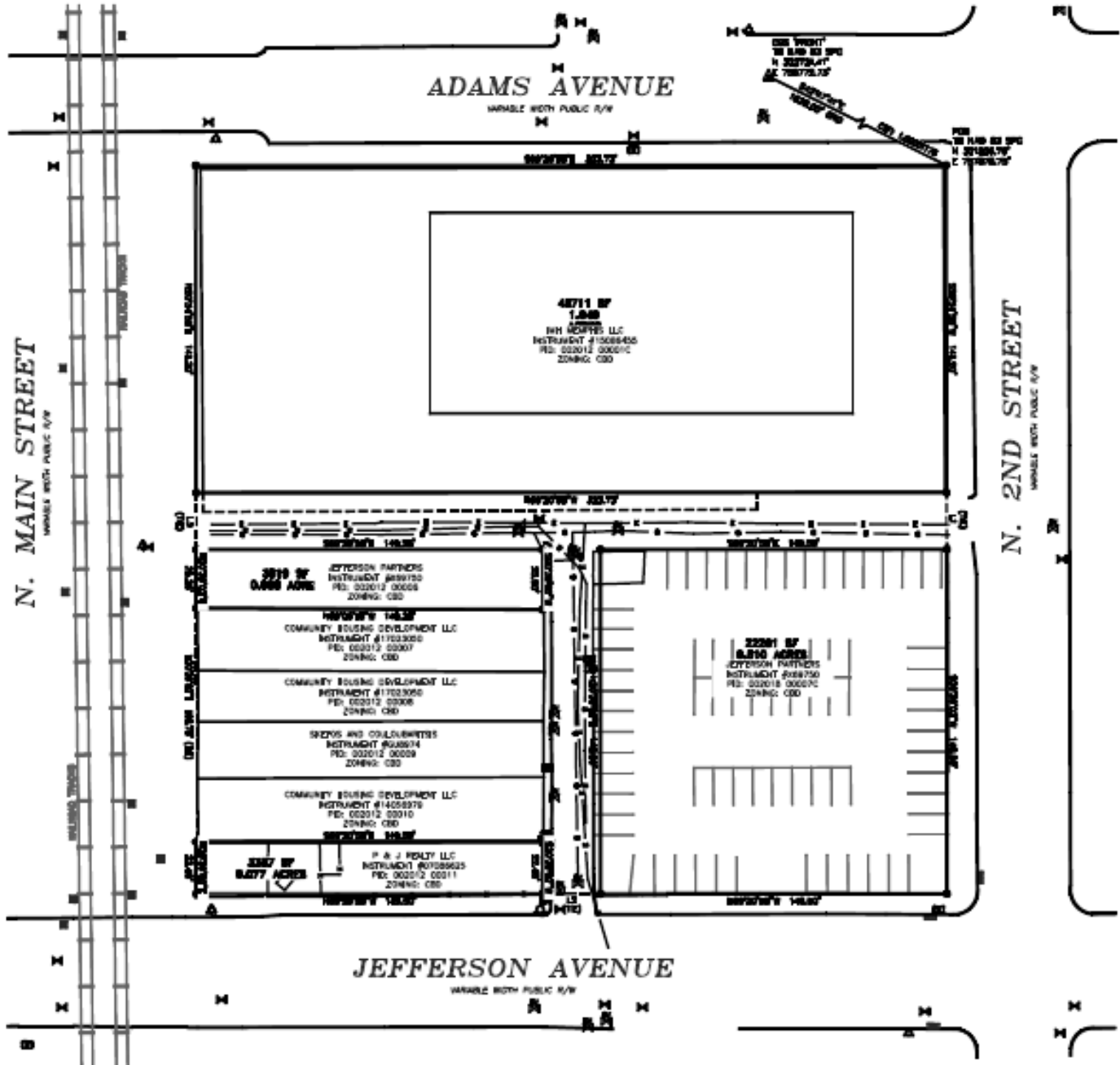
West: Central Business District

LAND USE MAP



-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT

SURVEY (2017)



SITE PHOTOS



View of site from Adams



View south down Main St.



View north down Second St.

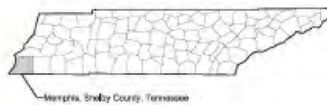
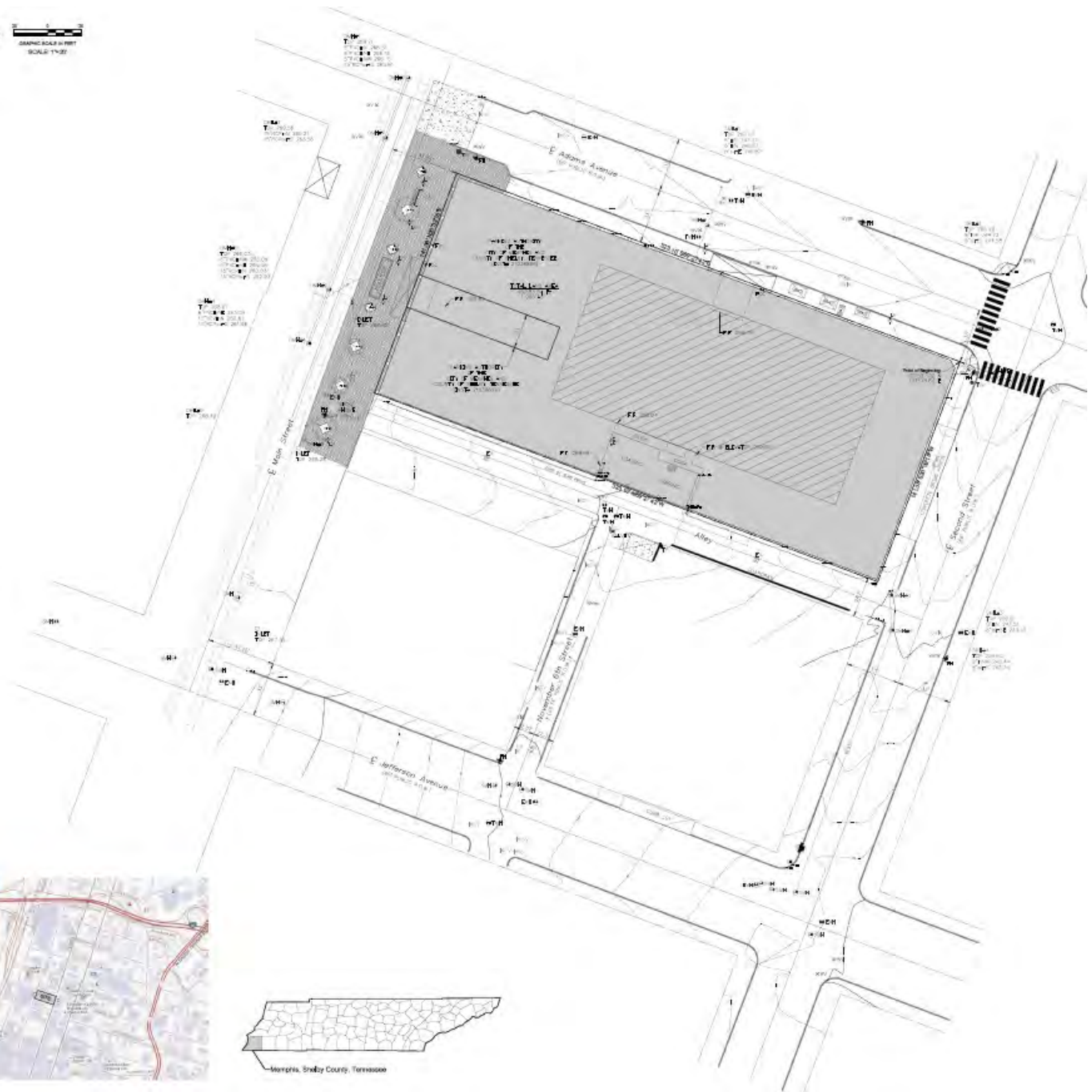


View west down Adams Ave.



View west down alley

SITE PLAN



RENDERING



FLOOR PLANS



  ARCH PLANS // PODIUM LEVEL 1 • BACK OF HOUSE OPERATIONS

 0' 12' 24' 48'
SCALE: 1" = 24'-0"

ADAMS AVE



ARCH PLANS // PODIUM LEVEL 4 • EXTENDED STAY, BALLROOM & MEETING



0' 12' 24' 48'
SCALE: 1" = 24'-0"

ADAMS AVE



ARCH PLANS // PODIUM LEVEL 2 • HOTEL LOBBY, RETAIL, RESTAURANT



0' 12' 24' 48'
SCALE: 1" = 24'-0"



ARCH PLANS // TOWER LEVELS 15-18 • HOTEL GUESTROOMS



0' 8' 16' 32'
SCALE: 1/16" = 1'-0"



STAFF ANALYSIS

Request

The request is for a special use permit for a hotel within certain floors of an existing structure.

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Conclusions

The applicant has requested a special use permit for a hotel within certain floors of the city's tallest structure, currently vacant.

Staff recommends approval with conditions.

RECOMMENDATION

Staff recommends *approval* with conditions.

Conditions

1. The east-west alley adjacent to the site to the south shall be repaved as necessary for a well-graded drive prior to occupancy of the hotel. Pavers and similar historically appropriate materials are encouraged. If the Council approves an alley closure, and the alley is subsequently closed, this condition shall not apply.
2. The streetscapes of the other three frontages shall be reviewed subject to administrative approval.

DEPARTMENTAL COMMENTS

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

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: SUP 2023-023: Downtown

Site Address/Location: 100 North Main

Overlay District/Historic District/Flood Zone: Not in any Overlay District, Historic District and Flood Zone

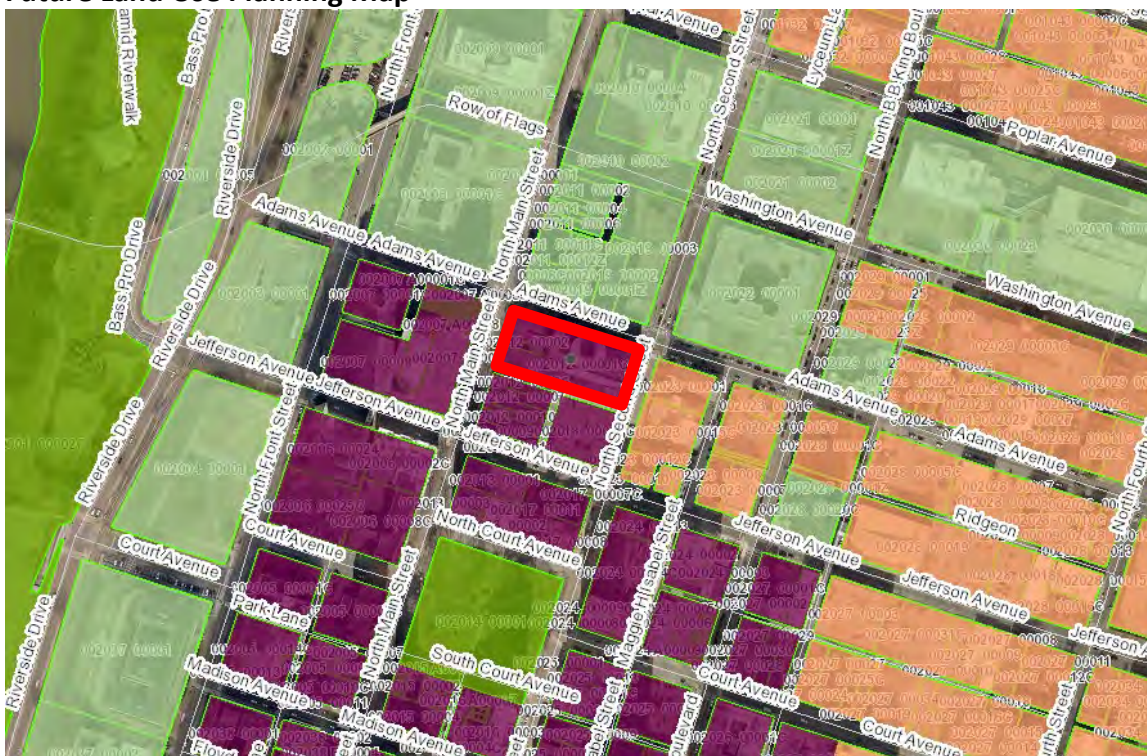
Future Land Use Designation: Urban Core/Downtown (A-DT)

Street Type: Avenue

The applicant is requesting to allow a 160 key hotel on the 15th through 22nd floors of the 100 North Main building with a lobby on the first floor and associated restaurant & meeting rooms on floors above.

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 Core/Downtown (A-DT) is the walkable anchor for the City of Memphis. It is characterized by multi-story buildings with a vertical mix of uses and civic and institutional buildings that attract people from the entire region. Graphic portrayal of A-DT is to the right.



“A-DT” Form & Location Characteristics

ACCELERATE

Buildings primarily attached, Block-scale buildings, mix of uses, High-rise, Multiple blocks of extent.

“A-DT” Zoning Notes

Generally compatible with the following zone districts CBD and SE in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, CBD

Adjacent Land Use and Zoning: Office, Commercial, institutional, Parking and Multi-Family, CBD and MU

Overall Compatibility: *This requested use is compatible with future 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 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 which will speed up development activity and allow mix of uses.

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 allow a 160 key hotel on the 15th through 22nd floors of the 100 North Main building with a lobby on the first floor and associated restaurant & meeting rooms on floors above.

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

The proposed application is a private investment which will speed up development activity and allow mix of uses.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

City Engineering:

CASE 12: SUP-23-023

NAME: 100 NORTH MAIN STREET; DOWNTOWN

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 capacity 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.

Street Closures:

11. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
12. City sanitary sewers/drainage facilities are located within the proposed closure area.
13. 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.
14. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

Drainage:

15. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

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

City Fire:

Reviewed by: J. Stinson

Address or Site Reference: 100 N Main

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

APPLICATION FORM



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: October 5, 2023

Record Number: SUP 2023-023

Expiration Date:

Record Name: 100 North Main

Description of Work: Request to allow a 160 key hotel on the 155th through 22nd floors of the 100 North Main building with a lobby on the first floor and associated restaurant & meeting rooms on floors above.

Parent Record Number:

Address:

100 N MAIN ST, MEMPHIS 38119

Owner Information

Primary Owner Name

Y PARKING AUTHORITY OF MEMPHIS CITY OF AND

Owner Address

114 N MAIN ST, MEMPHIS, TN 38103

Owner Phone

Parcel Information

002012 00001C

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Jeffrey Penzes

Date of Meeting

09/27/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)
 List any relevant former Docket / Case None
 Number(s) related to previous applications on
 this site

Is this application in response to a citation, stop No
 work order, or zoning letter

If yes, please provide a copy of the citation, stop -
 work order, and/or zoning letter along with any
 other relevant information

APPROVAL CRITERIA

A) The project will not have a substantial or The building is currently vacant. The project will not
 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 The project improvements are primarily interior
 renovated.
 operated so as to be compatible with the
 immediate vicinity and not interfere with the
 development and use of adjacent property in
 accordance with the applicable district
 regulations

UDC Sub-Section 9.6.9C The 100 N Main building is already served by
 existing streets, parking, drainage, refuse disposal,
 fire protection and emergency services, water and
 sanitary sewer.

UDC Sub-Section 9.6.9D The project will not result in the destruction, loss or
 damage of any feature determined by the governing
 bodies.

UDC Sub-Section 9.6.9E The project will comply with said standards.

UDC Sub-Section 9.6.9F The request will not adversely affect the character of
 existing standards for development.

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
100 NORTH MAIN LLC

Contact Type
APPLICANT

Address

Phone
-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1507775	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	10/05/2023
1507775	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	10/05/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount
\$513.00

Method of Payment
Credit Card

LETTER OF INTENT

MJF CONSULTING

October 3, 2023

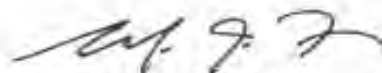
Mr. Brett Ragsdale
Zoning Administrator
Memphis & Shelby County
Office of Planning & Development
125 North Main Street, Suite 468
Memphis TN 38103

RE: 100 N Main Special Use Permit

Dear Brett:

On behalf of the applicant, 100 North Main, LLC, we are pleased to submit this application requesting consideration to allow a 160 key hotel as a part of the adaptive reuse of the vacant 100 North Main Building in the CBD Land Use District. The reuse of this historic office building into a mixed-use vertical community with a hotel, apartments, offices, and retail uses will transform the area while preserving the character of the neighborhood. We believe that this request is in conformance with the intent of the UDC. We look forward to continuing to work with you and your staff on this project.

Sincerely,



Michael J. Fahy

MJF Consulting

SIGN AFFIDAVIT

Shelby County

State of Tennessee

I, Sam Rosenberg, being duly sworn, depose and say that at 4:30 am/pm on the 24th day of October, 2023, I posted three (3) Public Notice Signs pertaining to SUP 2023-023, being located at the northeast corner of N Second & Adams and the northwest corner of S Main and Adams providing notice of a Public Hearing before the November 9th, 2023 Land Use Control Board for a Special Use Permit with a hotel use with photographs of said signs being attached hereon and a copy of the sign purchase receipt attached hereto.

Sam Rosenberg 10/24/23
Sam Rosenberg Date
Representative


Subscribed and sworn to before me this 24th day of October 2023.

Notary Public Mary Lenoci
My commission expires: _____


LETTERS RECEIVED

Two letters of support and no letters of opposition were received by the comment deadline. They have been pasted below.

From: [Carol B Moseley](#)
To: [Davis, Brett](#)
Subject: 100 North Main Building, Special Use Permit
Date: Thursday, October 19, 2023 10:39:35 AM


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

My husband and I purchased a property in the adjacent Claridge House in 2022. As part-time residents of North Main, we have watched proudly as the city of Memphis and private investors have worked to reclaim this portion of downtown. Having a vibrant, functioning hotel at the corner of Adams and Main will be a welcome addition to our neighborhood. I heartily support the approval of the Special Use Permit for a 160-room hotel in the 100 North Building.

Carol B. Moseley
109 North Main Street, #1410
Memphis, TN 38103
870-550-6555

From: david.moseley@arumc.org
To: [Davis, Brett](#)
Subject: 100 North Main
Date: Sunday, October 29, 2023 4:47:26 PM

 The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender david.moseley@arumc.org

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.

My name is David Moseley. My wife and I will not be able to attend the Neighborhood Meeting concerning the 100 North Main project.

We own a condo in Claridge House and I want to voice my support for the proposed 100 North Main renovation project.

I am excited about the continued renewal of North Main and believe 100 North Main is a significant part of that.

Sincerely,

David F. Moseley

**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

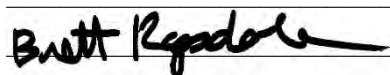
FUNDING:

(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
	10/30/2023	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.

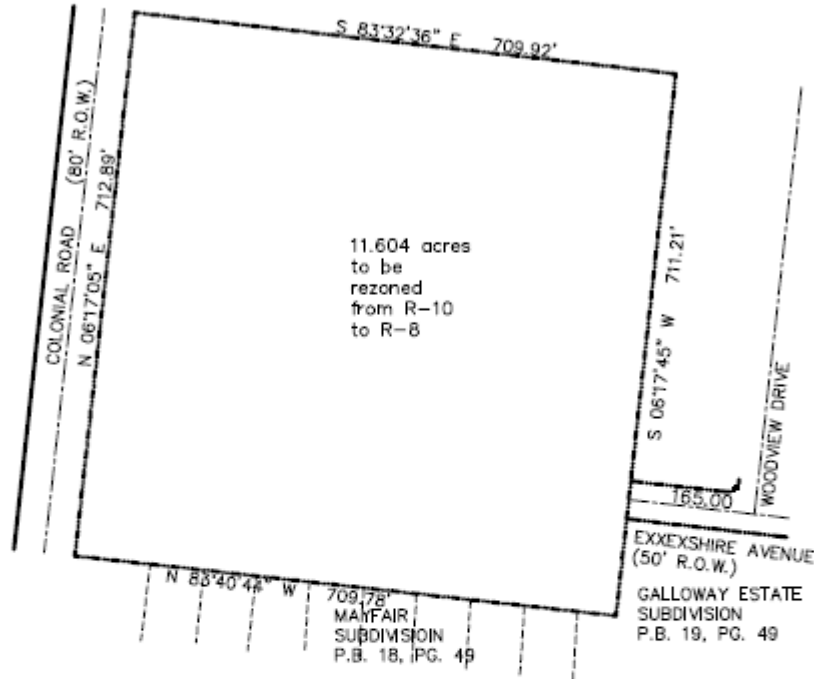
Respectfully,



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:

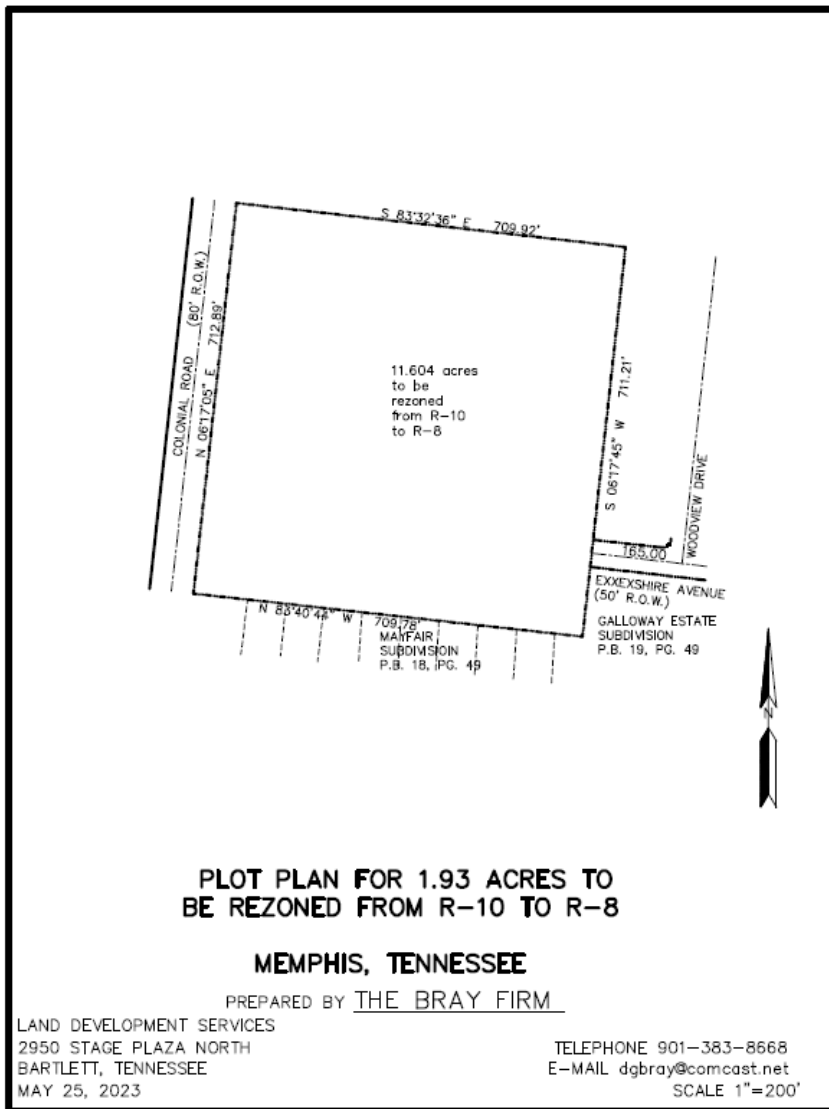
THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the 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)

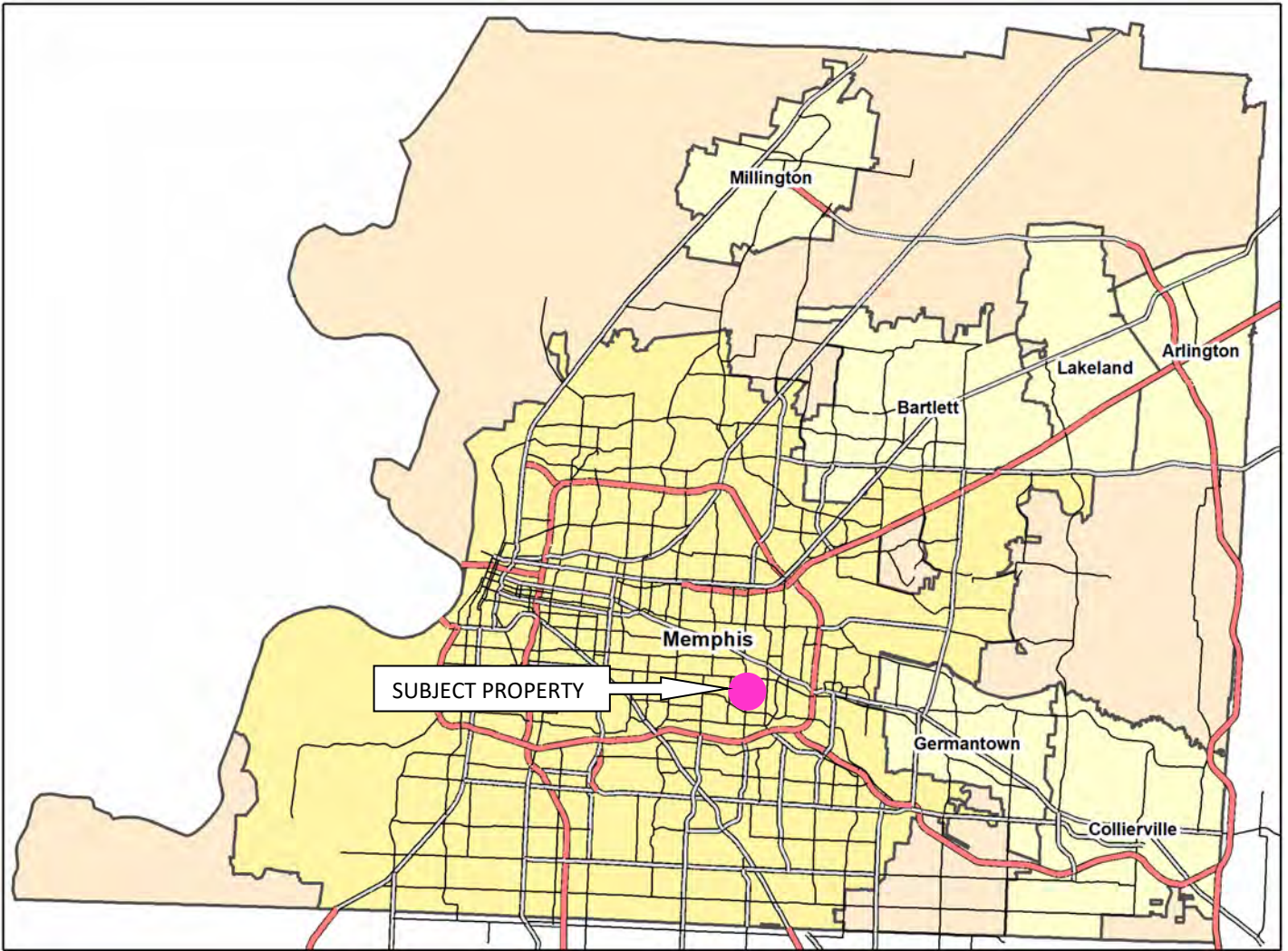
NEIGHBORHOOD MEETING

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

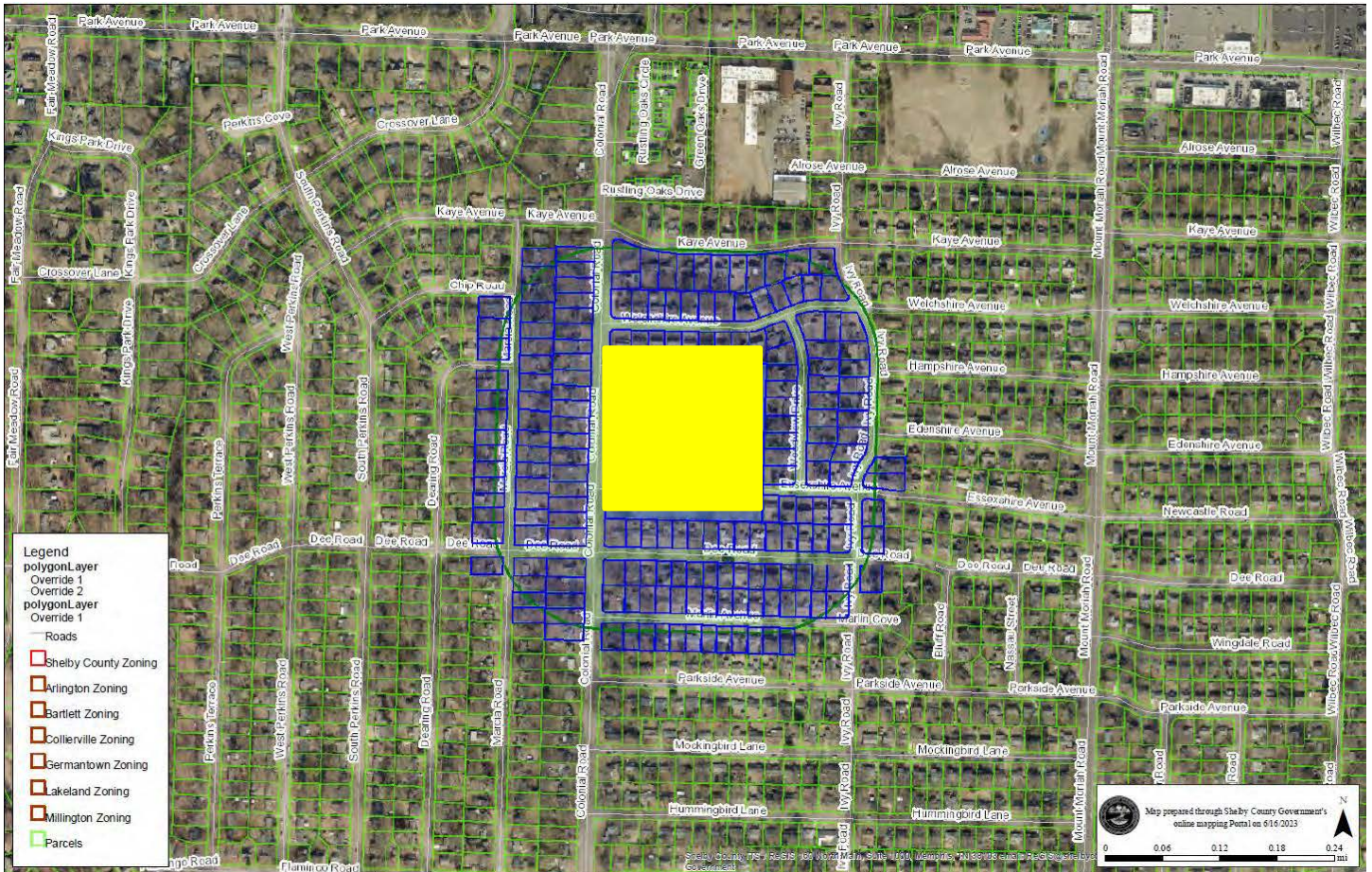
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 150 notices were mailed on July 25, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



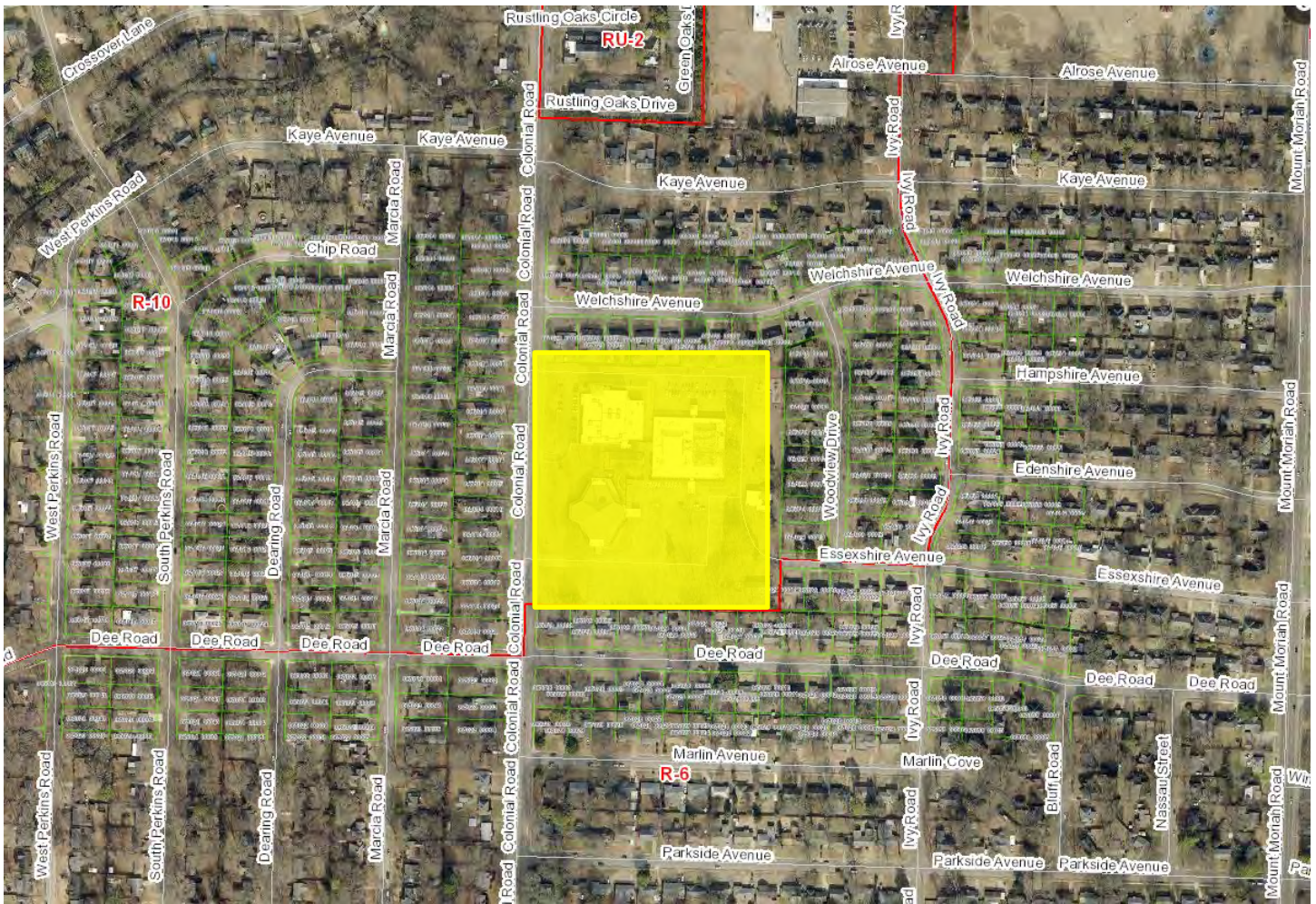
Subject property highlighted in yellow

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

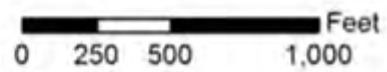
South: R-6










West: R-10

LAND USE MAP



LandUse

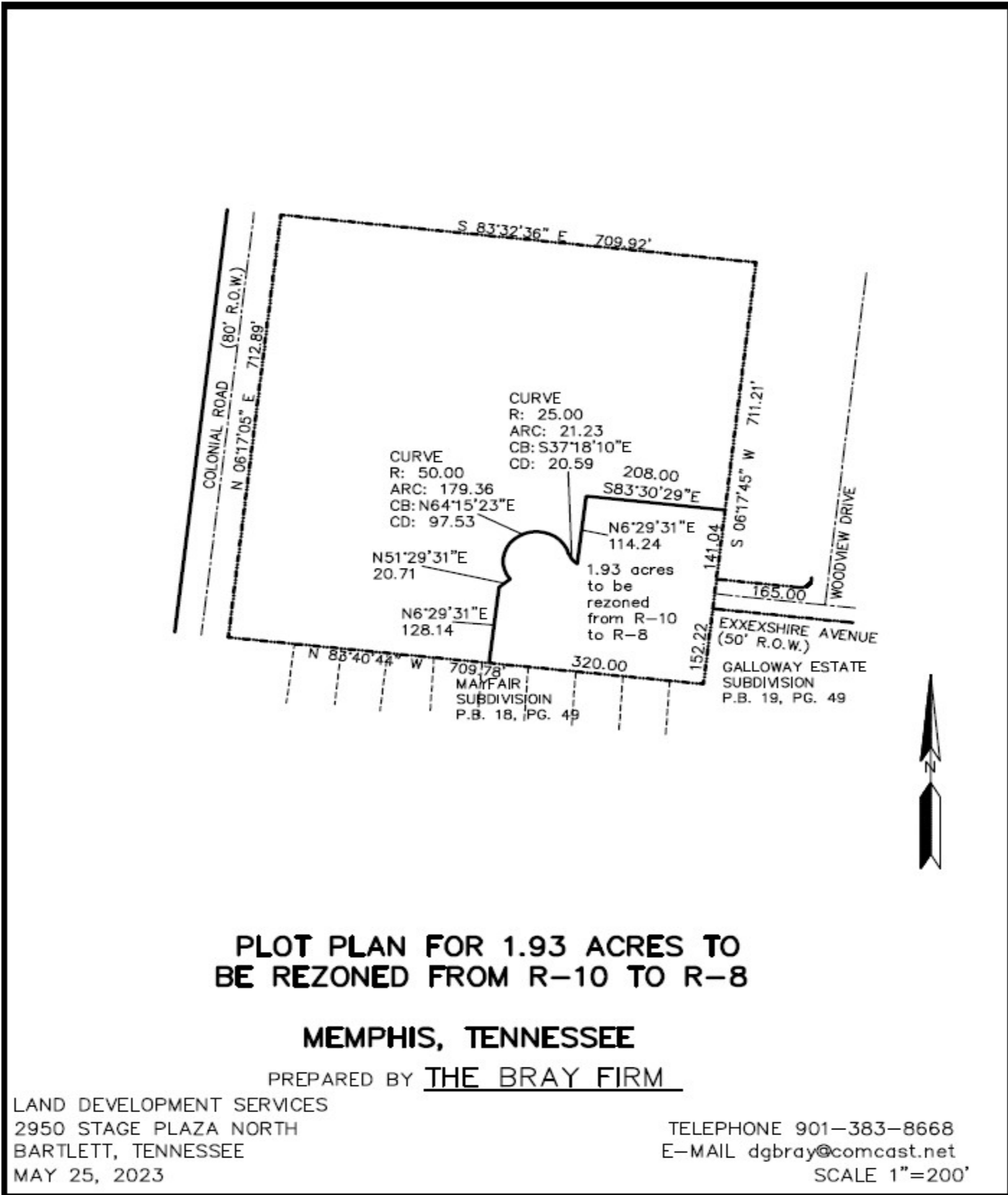


- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



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 Contact Type
CHURCH OF CHRIST AT WHITE STATION INC 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 Method of Payment
\$769.50 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.

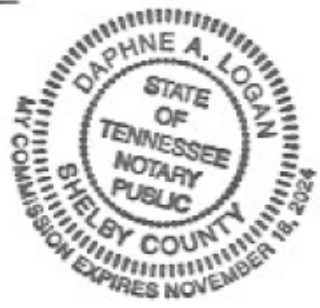
Jerry R. Collins
Owner, Applicant or Representative

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	BRAD 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		44973 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	901-734-3622
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	Brandon Bonner		4815 Dec Run	205-657-7799
24	Amya 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:**

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.	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>	4905 Essexshire	761-4025
18	ERIC HEWRY	<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

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.

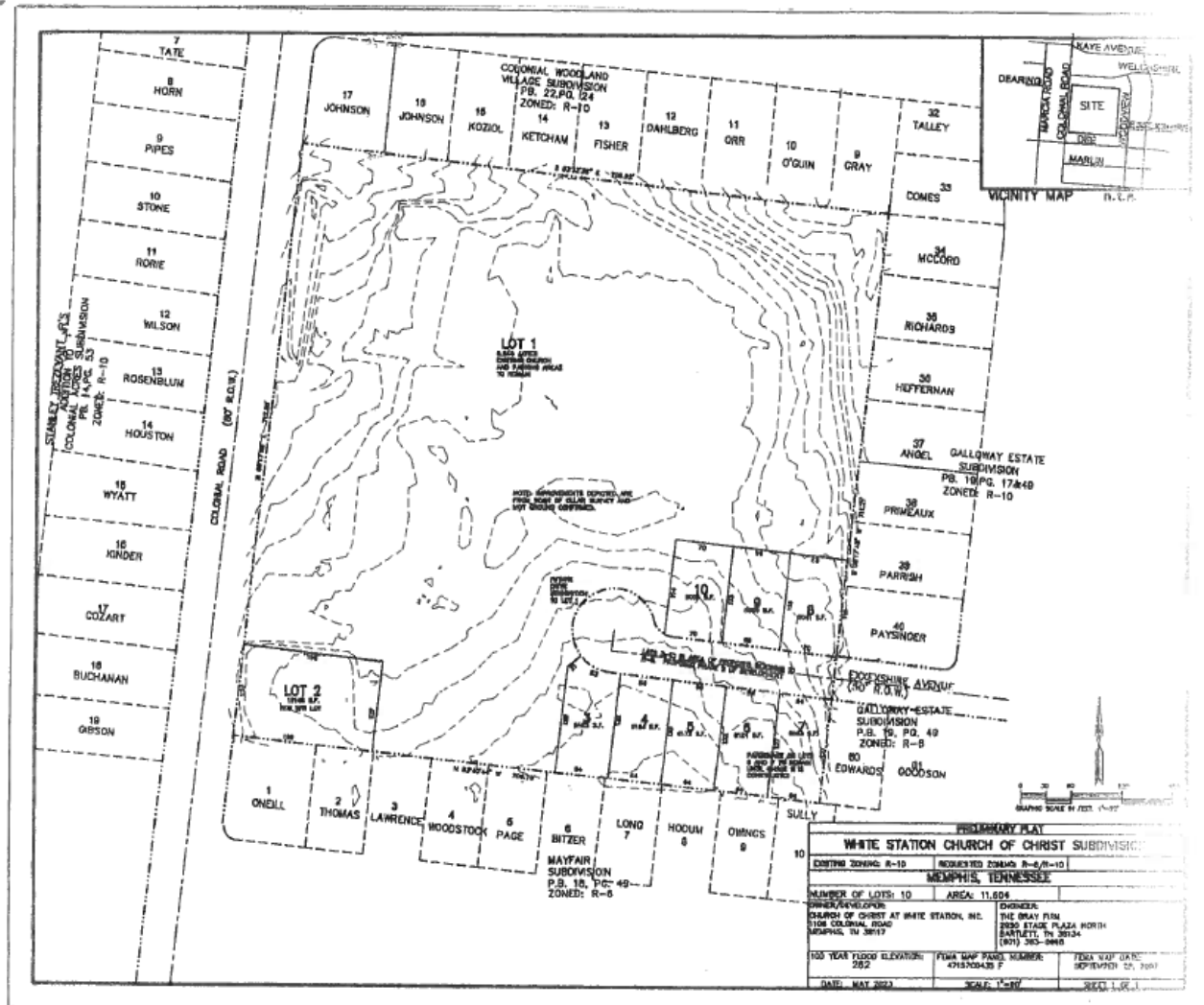
Thanks,

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**

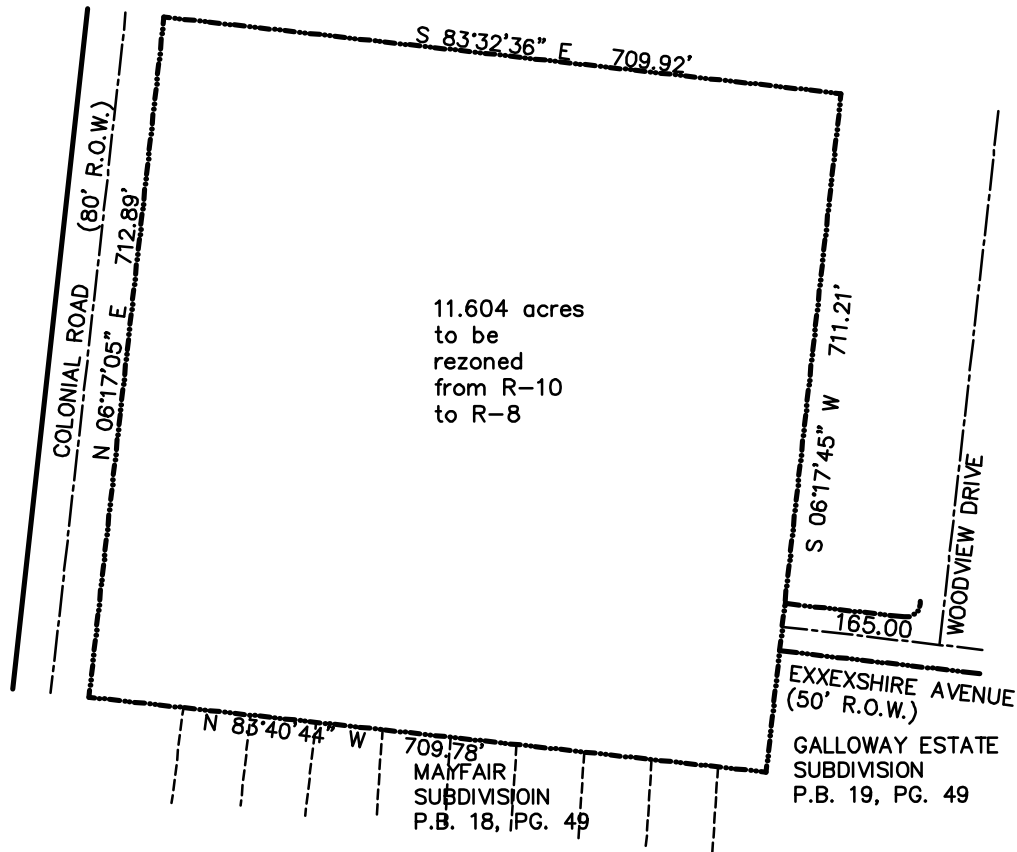
Mr. Ragsdale;

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.

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 KEIGHLY 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

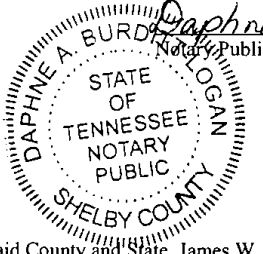
STATE OF TENNESSEE
COUNTY OF SHELBY

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



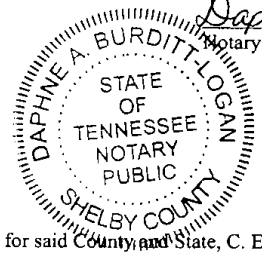
Daphne A. Burditt Logan
Notary Public

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



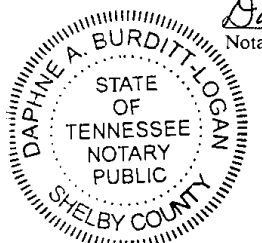
Daphne A. Burditt Logan
Notary Public

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

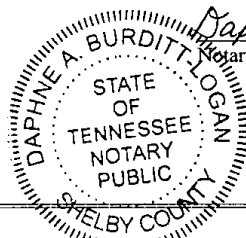
STATE OF TENNESSEE
COUNTY OF SHELBY

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



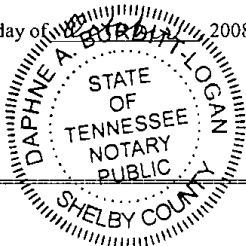
Daphne A Burditt Logan
Notary Public

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:

**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 5516 Raines Road. By taking the land out of the Residential Single-Family – 6 (R-6) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-012.

CASE NUMBER: Z 2023-012

LOCATION: 5516 Raines Road

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

OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)

REPRESENTATIVES: The Bray Firm

REQUEST: Rezoning of +/-70,070 SQF from Residential Single-Family – 6 (R-6) to Employment (EMP)

RECOMMENDATION: The Division of Planning and Development recommended *Approval*
The Land Use Control Board Recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – December 5, 2023
Second reading – December 19, 2023
Third reading – January 10, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
12/05/2023 _____	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>
_____ Mahsan Ostadnia	11/27/2023	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2023-012

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 OF LAND MUNICIPALLY ADDRESSED AS 5516 RAINES ROAD FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-012.

- 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 2023-012

LOCATION: 5516 Raines Road

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

OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)

REPRESENTATIVE: The Bray Firm

REQUEST: Rezoning of +/-70,070 SQF from Residential Single-Family – 6 (R-6) to Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,

Maksan Ostadnia

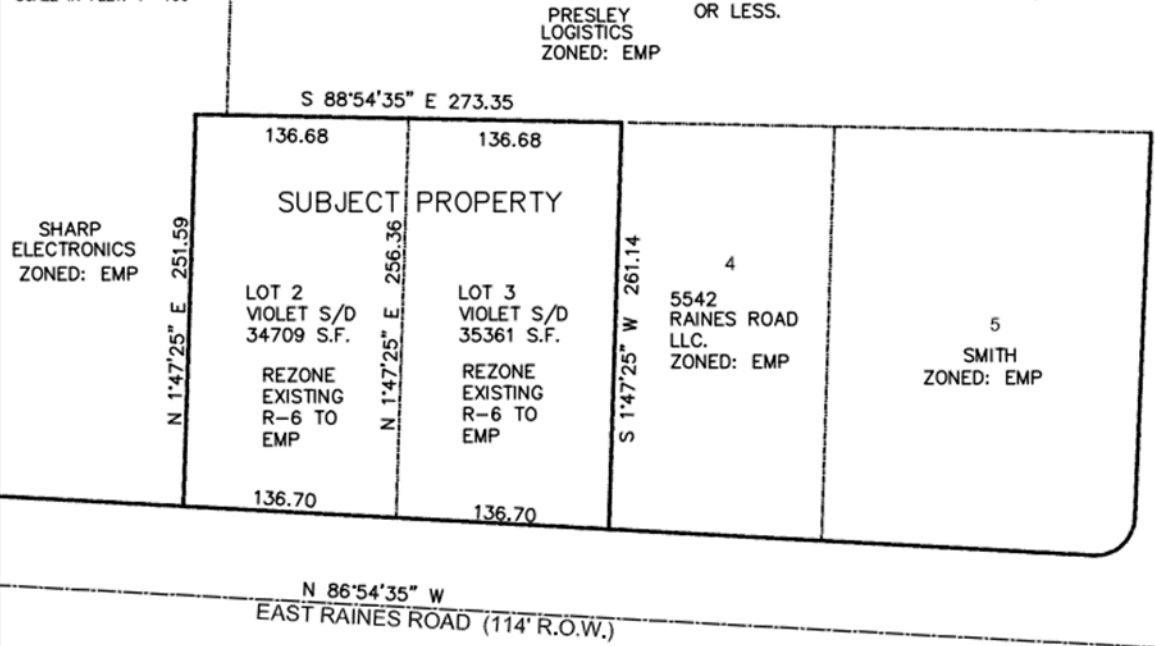
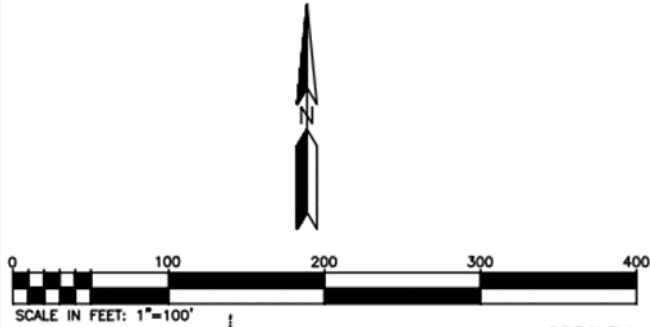
Planner II
Land Use & Development Services

Cc: Committee Members
File

PLOT PLAN

**PLOT PLAN
 LOTS 2 AND 3, VIOLET SUBDIVISION
 5516 & 5530 E. RAINES
 AS RECORDED AT THE
 SHELBY COUNTY REGISTER'S OFFICE
 P.B. 22, PAGE 13
 MEMPHIS, SHELBY COUNTY, TN**

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 ACRES OF LAND, MORE OR LESS.



G & I
ZONED: EMP

SEALY-RAINES
ZONED: EMP

PREPARED FOR:
JAMES BROOKS/JAKE MANGUM

PREPARED BY:
THE BRAY FIRM
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

A PORTION OF THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0445 F DATED SEPTEMBER 28, 2007. BFE: 291

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5516 RAINES ROAD BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-012.

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 2023-012**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE

SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 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.

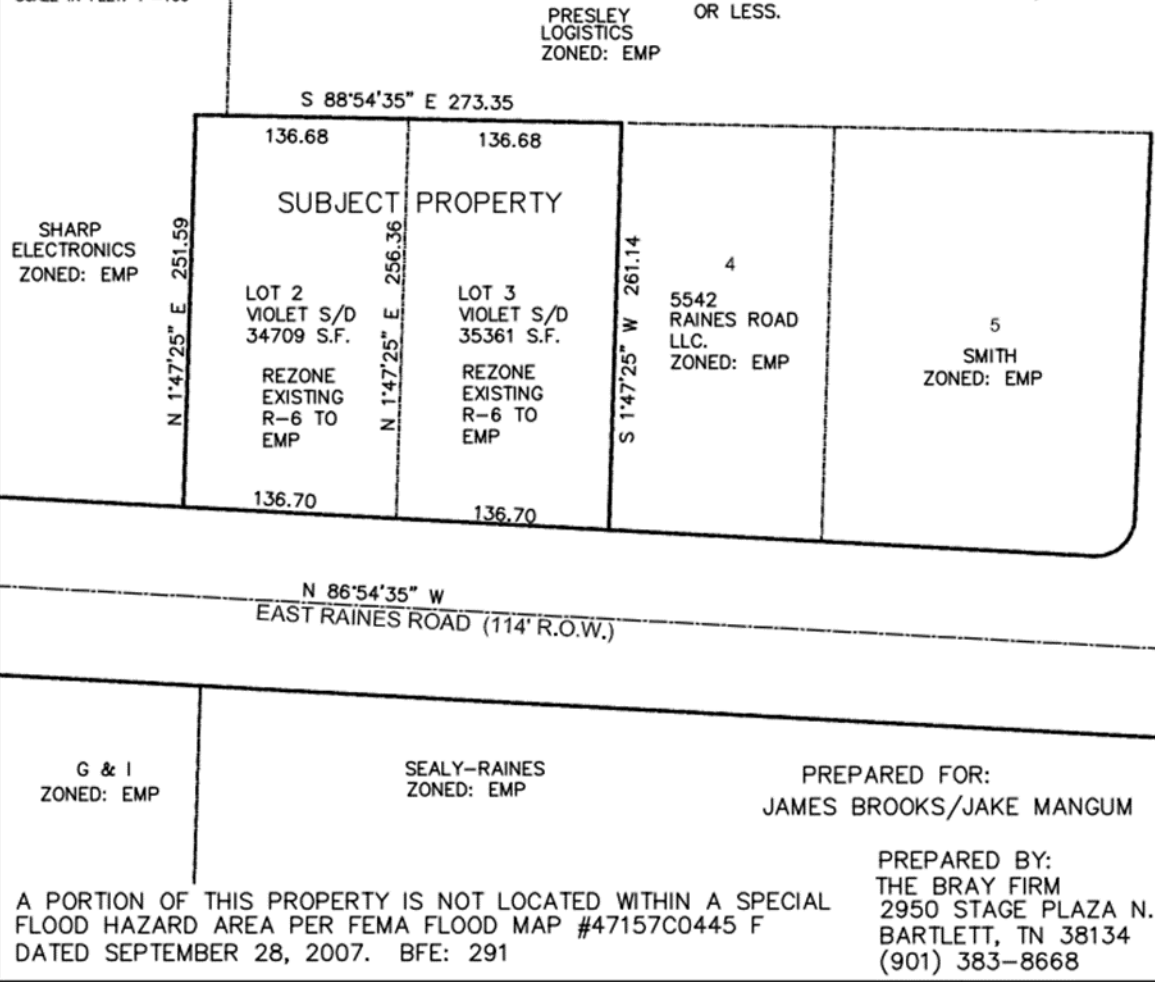
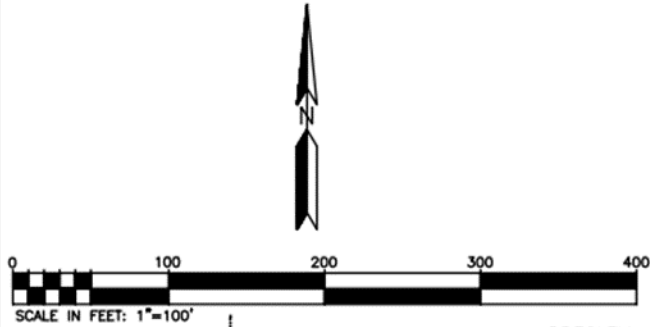
SECTION 3:

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.

PLOT PLAN

**PLOT PLAN
 LOTS 2 AND 3, VIOLET SUBDIVISION
 5516 & 5530 E. RAINES
 AS RECORDED AT THE
 SHELBY COUNTY REGISTER'S OFFICE
 P.B. 22, PAGE 13
 MEMPHIS, SHELBY COUNTY, TN**

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ATTEST:

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

AGENDA ITEM: 25

CASE NUMBER: Z 2023-012

L.U.C.B. MEETING: September 14, 2023

LOCATION: 5516 Raines Road

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

OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)

REPRESENTATIVE: The Bray Firm

REQUEST: Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP

CONCLUSIONS

1. The request is to rezone +/- 1.608 acres of land from Residential Single-Family – 6 (R-6) to Employment (EMP).
2. The subject property includes two parcels, which is indicated as lot 2 and lot 3 on the site plan.
3. The surrounding parcels are all zoned as Employment (EMP), and it appears that these parcels remaining in the R-6 zoning district is an anomaly.
4. Staff believes the Employment District is consistent with this plan’s recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.
5. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
6. The subject property is vacant at this time.

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 12-13 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	East Raines Road Lot 2	+/- 136.70 linear feet
	East Raines Road Lot 3	+/-136.70 linear feet
Zoning Atlas Page:	2445	
Parcel ID:	093407 A00002	
Area:	+/-70,070 SQF	
Existing Zoning:	Residential Single Family-6 (R-6)	
Requested Zoning:	Employment (EMP)	

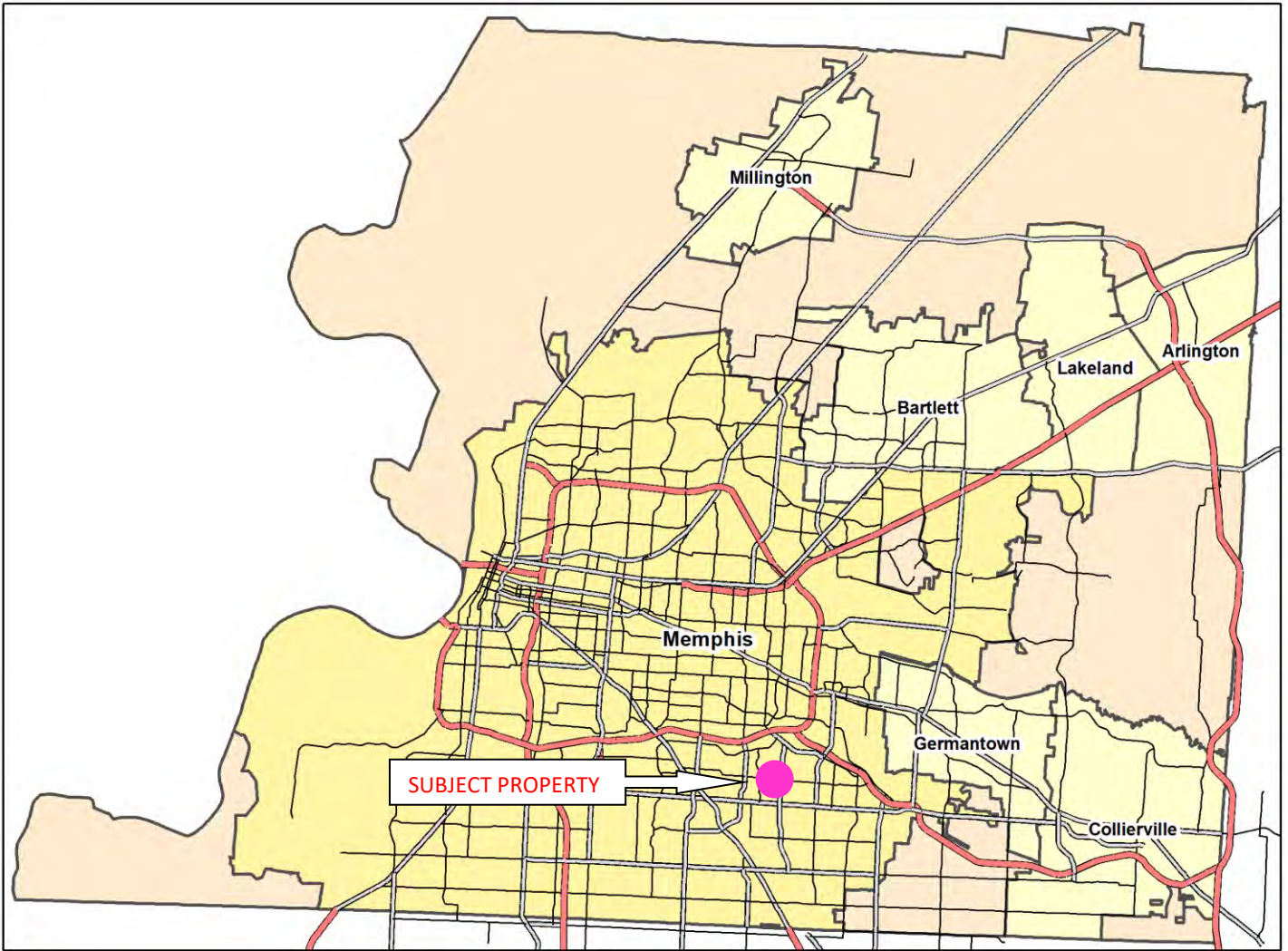
NEIGHBORHOOD MEETING

The meeting was held at 5:00 to 6:00 PM on Tuesday, August 29, 2023, at the East Shelby Library, 7200 East Shelby Dr.

PUBLIC NOTICE

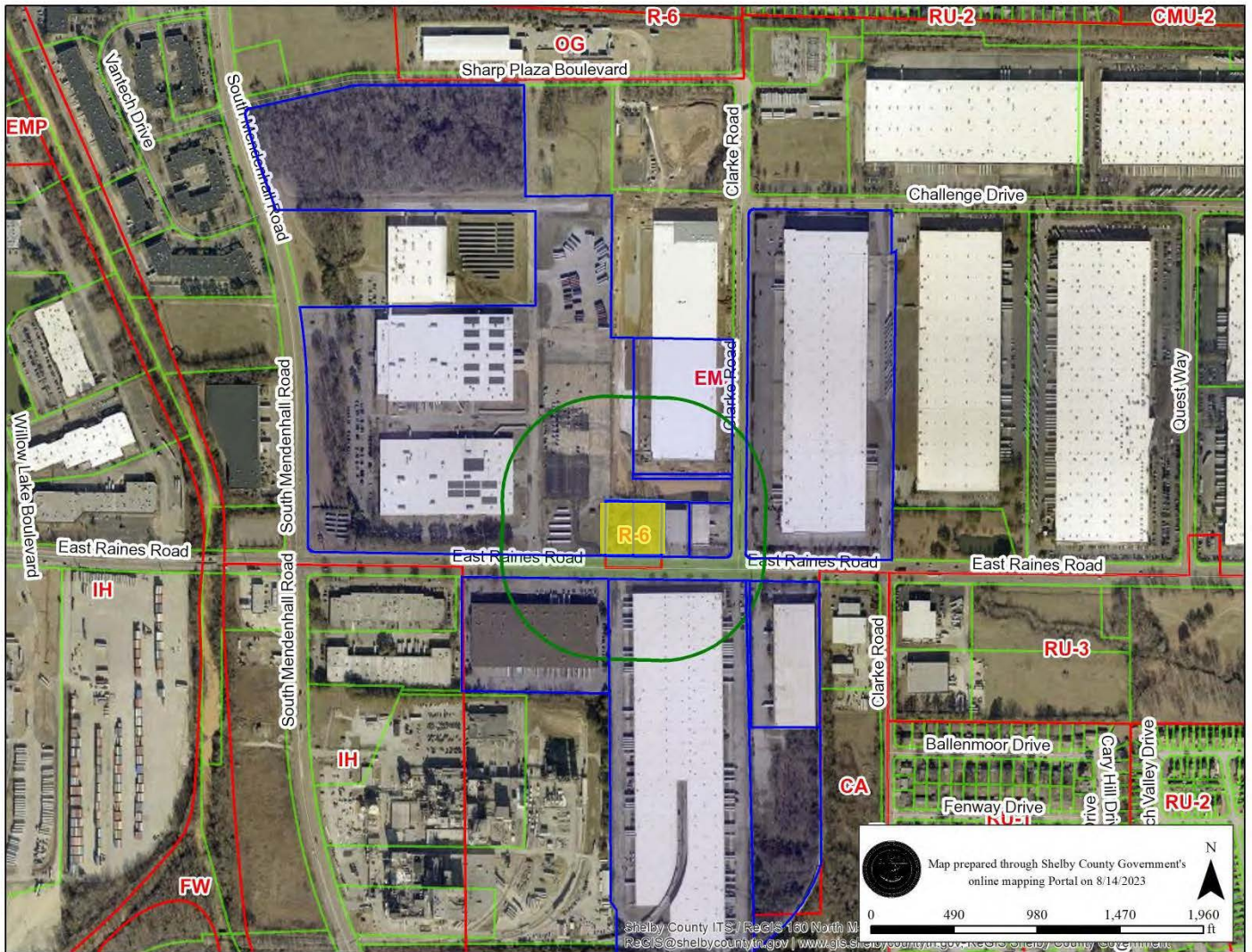
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 24 notices were mailed on August 15, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



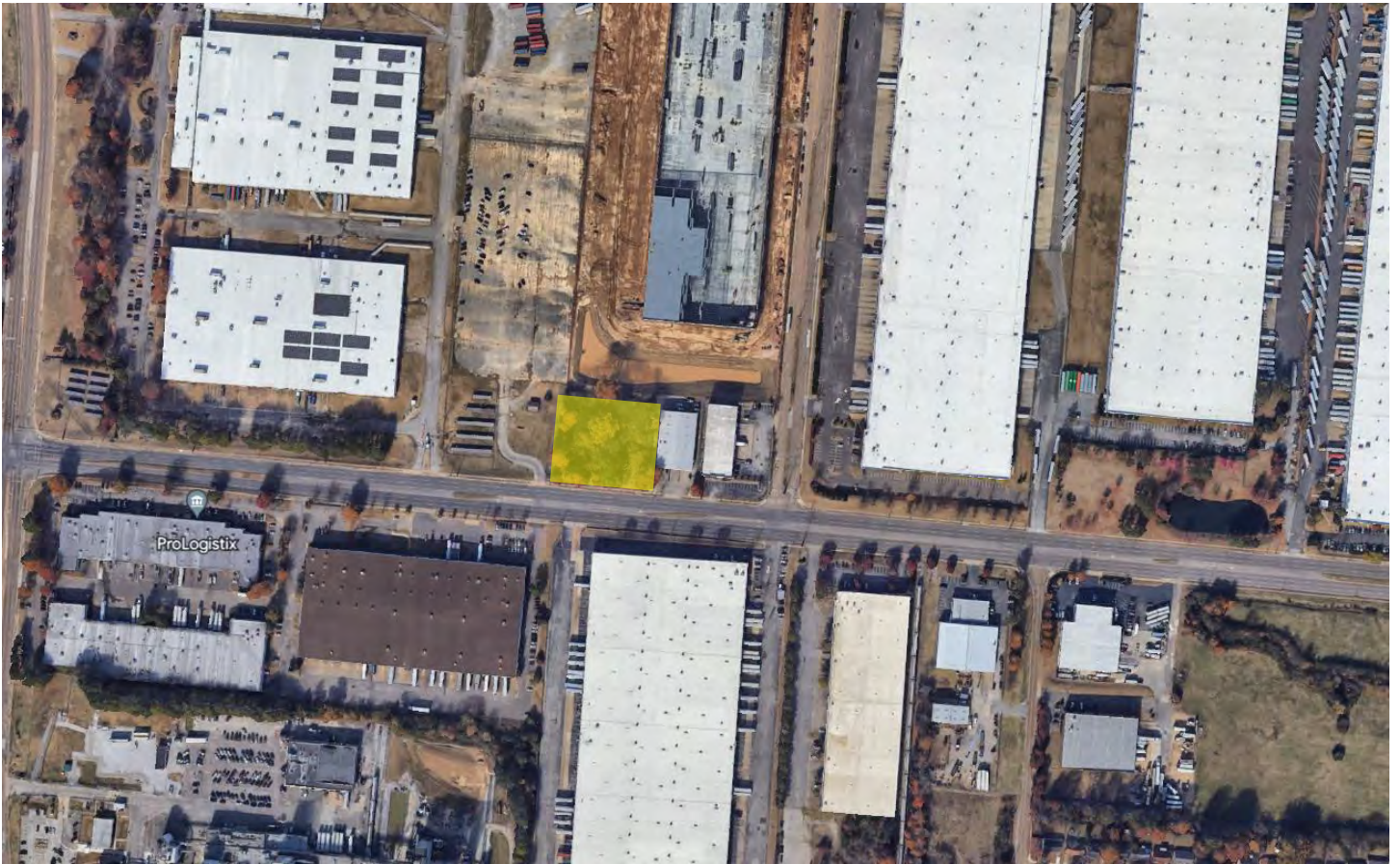
Subject property located within the pink circle.

VICINITY MAP



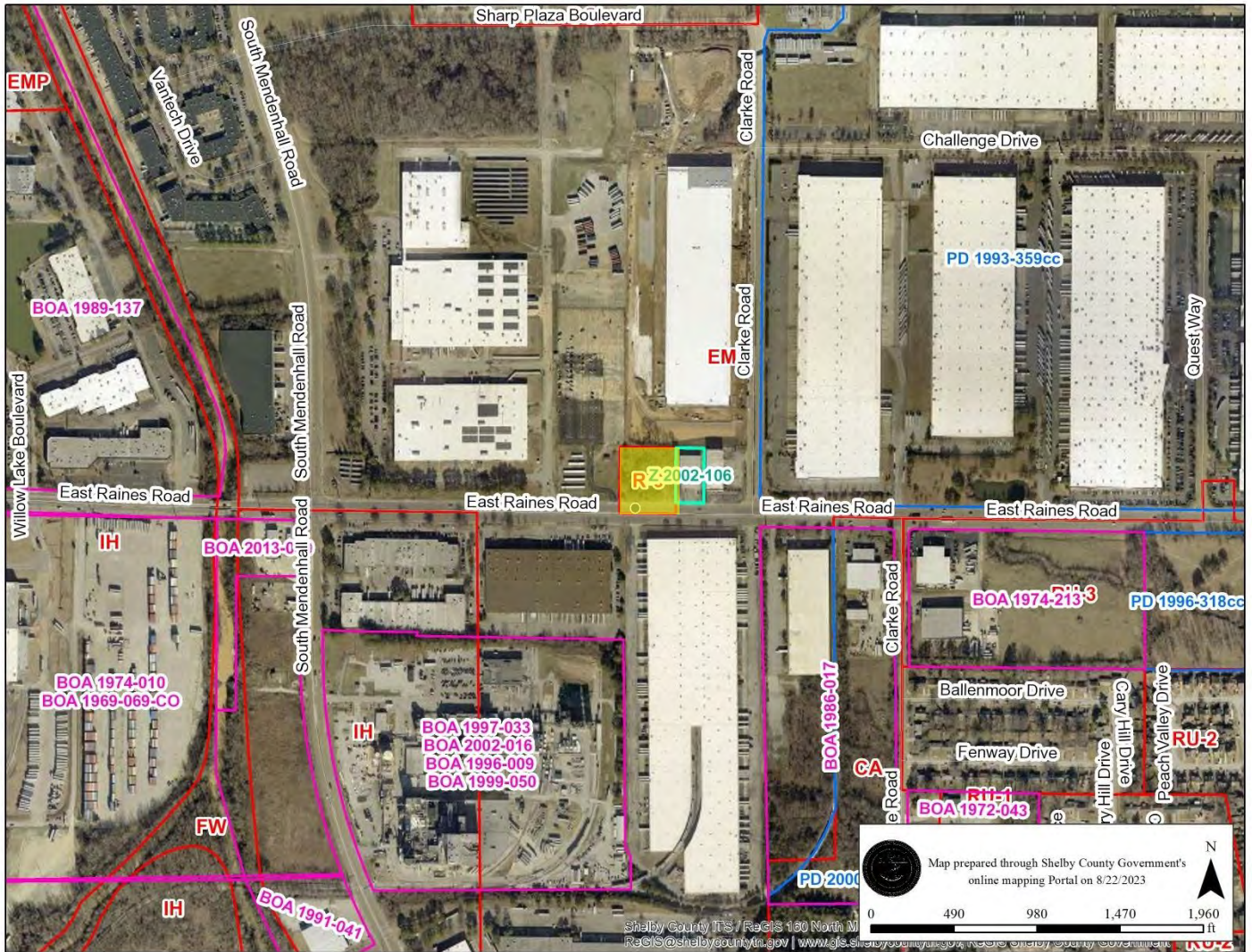
Subject property highlighted in yellow.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

Existing Zoning: Residential Single Family-6 (R-6)

surrounding Zoning

North: EMP

East: EMP

South: EMP, IH

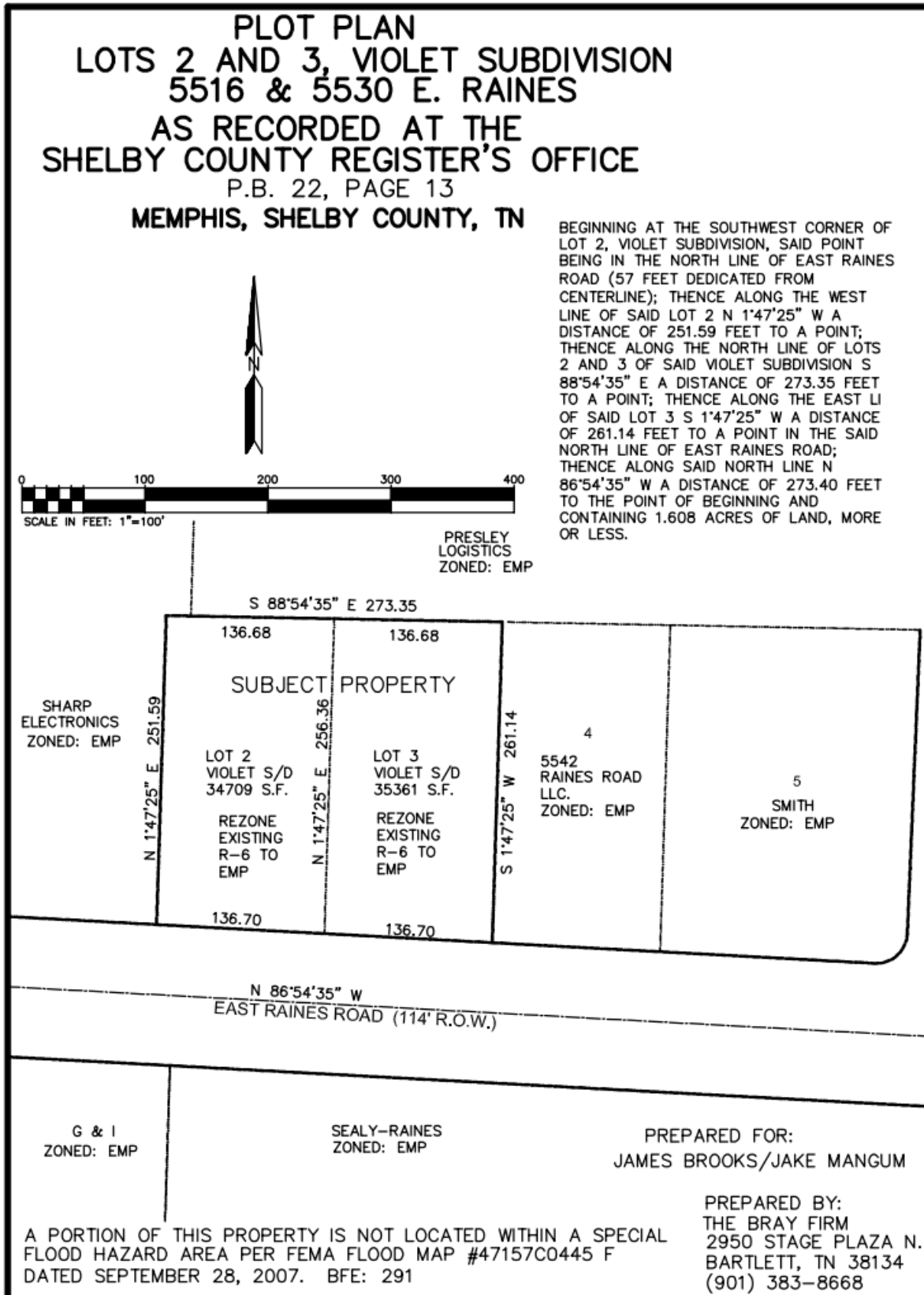
West: EMP

LAND USE MAP

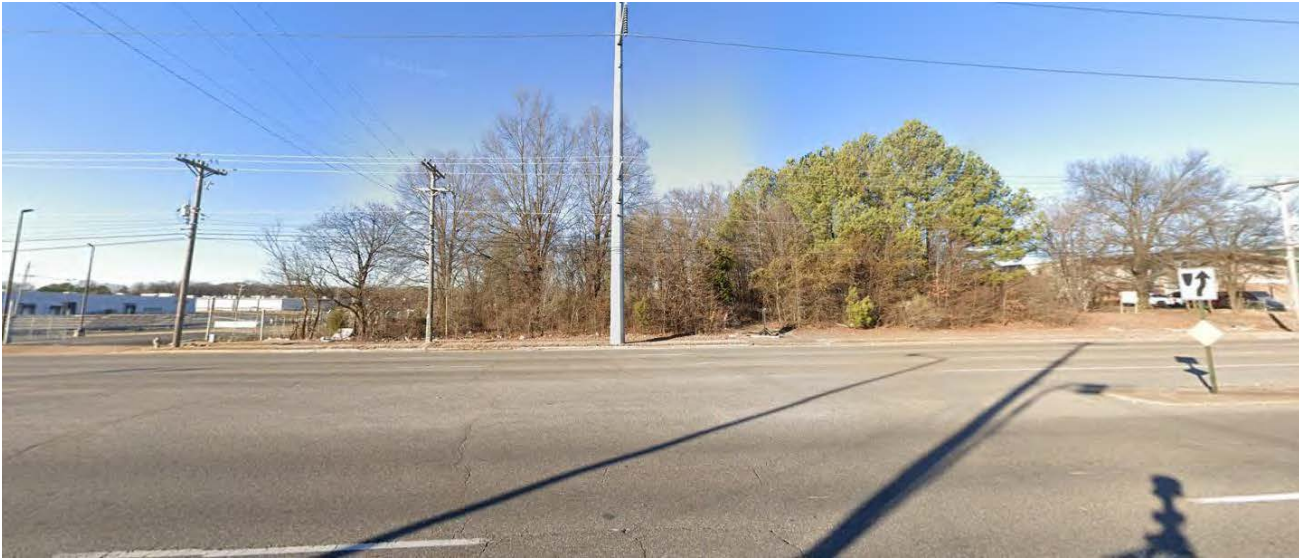


Subject property outlined in electric blue and indicated by pink star.

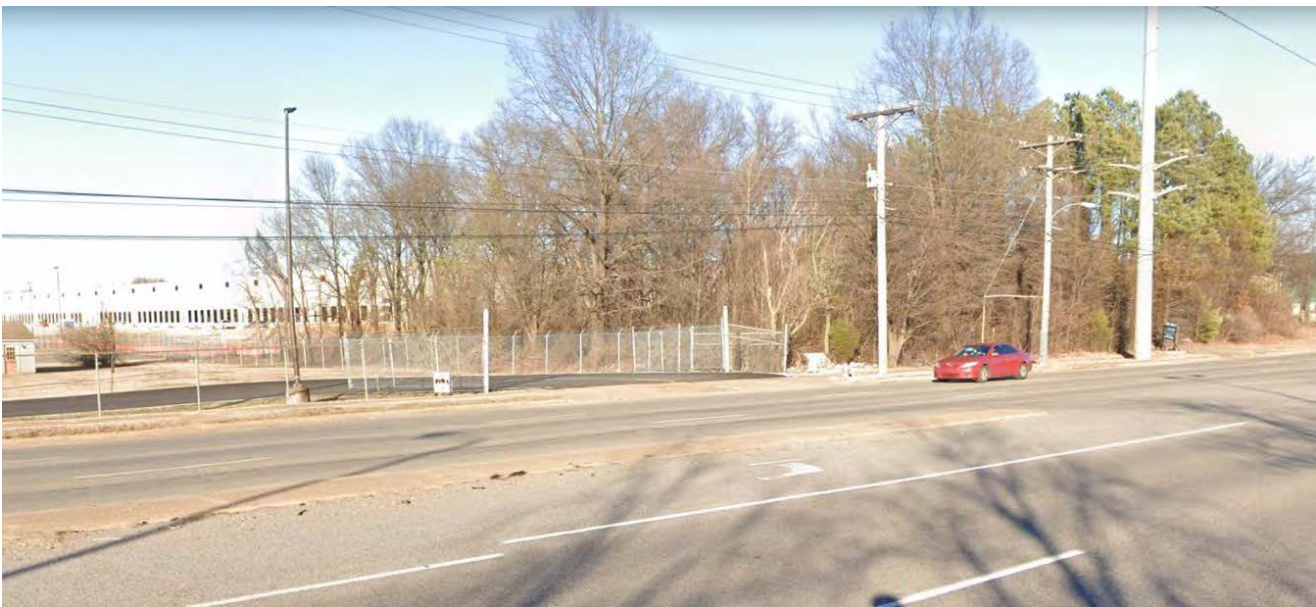
PLOT PLAN



SITE PHOTOS



View of subject property from East Raines Road (Front)



View of subject property from East Raines Road (West)



View of subject property from East Raines Road (East)

STAFF ANALYSIS

Request

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

Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP.

Review Criteria

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

9.5.7B Review Criteria

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

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

Site Description

The subject property includes two parcels, which is indicated as lot 2 and lot 3 on the site plan. Lot 2 is +/- 34709 square feet and lot 3 is +/- 35361 square feet in total. The subject property is located on East Raines Road.

Beginning at the southwest corner of lot 2, violet subdivision, said point being in the north line of East Raines Road (57 feet dedicated from centerline); thence along the west line of said lot 2 n 1°47'25" w a distance of 251.59 feet to a point; thence along the north line of lots 2 and 3 of said violet subdivision s 88°54'35" e a distance of 273.35 feet to a point; thence along the east li of said lot 3 s 1°47'25" w a distance of 261.14 feet to a point in the said north line of East Raines Road; thence along said north line n 86°54'35" w a distance of 273.40 feet to the point of beginning and containing 1.608 acres of land, more or less.

A portion of this property is not located within a special flood hazard area per FEMA flood map #47157C0445 F, dated September 28, 2007.

Site Zoning History

The current zoning is Residential Single Family-6 (R-6). The surrounding parcels are all zoned as Employment (EMP), and it appears that these parcels remaining in the R-6 zoning district is an anomaly.

Conclusions

1. The request is to rezone +/- 1.608 acres of land from Residential Single-Family – 6 (R-6) to Employment (EMP).
2. The subject property includes two parcels, which is indicated as lot 2 and lot 3 on the site plan.
3. The surrounding parcels are all zoned as Employment (EMP), and it appears that these parcels remaining in the R-6 zoning district is an anomaly.
4. Staff believes the Employment District is consistent with this plan's recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.
5. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
6. The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

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: No comments received.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [LUCB Case Z 23-012: SE Memphis](#)

Site Address/Location: 5516 and 5530 E. Raines Rd.

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

Future Land Use Designation: Industrial Flex (IF)

Street Type: Avenue

The applicant is proposing to rezone +/-1.6 acres from Residential Single-Family -6 (R-6) to Employment (EMP) at 5516 and 5530 E. Raines Rd.

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

Lower intensity industrial areas with a mix of uses and building scales that are generally compatible with nearby neighborhoods. Graphic portrayal of IF is to the right.

“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories.

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

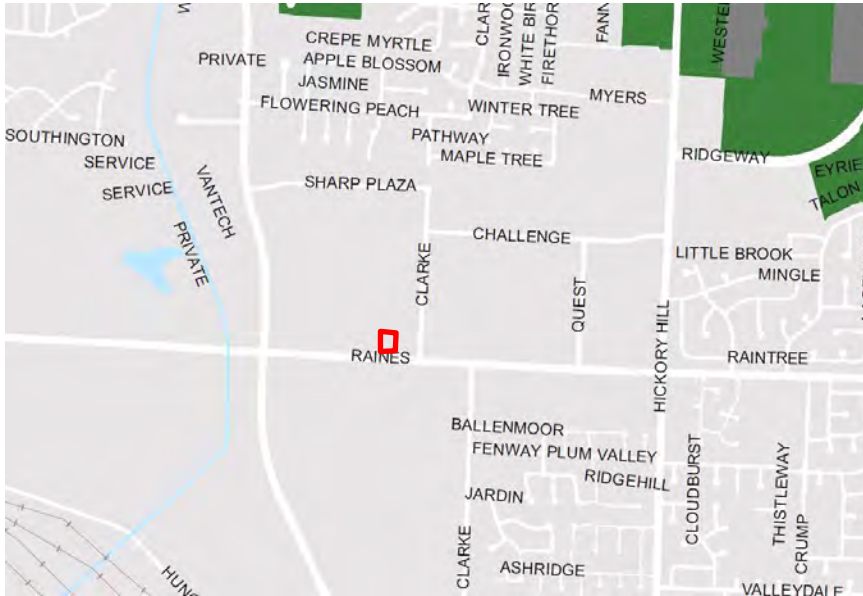
Existing Land Use and Zoning: Vacant, R-6

Adjacent Land Use and Zoning: Industrial, Vacant, and Commercial; IH, CA, and EMP

Overall Compatibility: *This request to rezone the two parcels from Residential Single-Family to Employment is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed rezoning will meet the criteria in form, scale, or use in the EMP Zoning District.*

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 proposing to rezone +/-1.6 acres from Residential Single-Family -6 (R-6) to Employment (EMP) at 5516 and 5530 E. Raines Rd.

This request to rezone the two parcels from Residential Single-Family to Employment is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed rezoning will meet the criteria in form, scale, or use in the EMP Zoning District.

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

Summary Compiled by: Faria Army, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: August 3, 2023

Record Number: Z 2023-012

Expiration Date:

Record Name: Lots 2 and 3, Violet Subdivision - Rezone from R-6 to EMP

Description of Work: Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP

Parent Record Number:

Address:

5516 RAINES RD, MEMPHIS 38115

Owner Information

Primary Owner Name

Y BROOKS JAMES E AND ODELL BROOKS III (RS)

Owner Address

13263 OLD LOCKE RD, OLIVE BRANCH, MS 38654

Owner Phone

Parcel Information

093407 A00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	help desk
Date of Meeting	06/20/2023
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 n/a

GIS INFORMATION

Central Business Improvement District No
Case Layer -
Class I
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning R-6
State Route -
Lot 2
Subdivision VIOLET OF W PT LOT 24 JAMES N BROWN
ESTA

Planned Development District -
Wellhead Protection Overlay District Yes

Contact Information

Name BROOKS JAMES E AND ODELL BROOKS III (RS) Contact Type APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491531	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	08/03/2023
1491531	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	08/03/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 Method of Payment Credit Card



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, James E. Brooks James E. Brooks, 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 5516 E. Raines Rd Memphis TN 38118
and further identified by Assessor's Parcel Number 093-4070-A-00002-0
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 3rd day of August in the year of 2023.

[Signature]
Signature of Notary Public



03/30/2027
My Commission Expires

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

August 2, 2023

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

**RE: Rezoning from R-6 to EMP: Lots 2 and 3, Violet Subdivision (P.B. 22, Pg. 13)
5516 and 5530 E. Raines
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application for to rezone the above captioned property from R-6 to EMP. The subject parcels are vacant tracts with 130+- feet (each) of frontage on E. Raines Road. The surrounding parcels are all zoned EMP and it appears that these parcels remaining in the R-6 zoning district is an anomaly.

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, Jake Mangum Jr. being duly sworn, depose and say that at 6:27 am(pm) on the 26 day of August, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. Z23-12 at 5530 E. Raines 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.

[Signature]
Owner, Applicant or Representative

8/28/2023
Date

Subscribed and sworn to before me this 28th day of August, 2023.

[Signature]
Notary Public

My commission expires: 9/23/2026



AFFIDAVIT

Shelby County
State of Tennessee

I, James E. Brooks, being duly sworn, depose and say that at 6:28 am/pm on the 24 day of August, 2023, I posted one Public Notice Sign(s) pertaining to Case No. Z2023-012 at 5514 E. Raines Road, 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.

James E. Brooks
Owner, Applicant or Representative

8-28-2023
Date

Subscribed and sworn to before me this 28th day of August, 2023

Jenny Campbell
Notary Public

My commission expires: 10-25-2026



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: Assignment

Opened Date: August 3, 2023

Record Number: Z 2023-012

Expiration Date:

Record Name: Lots 2 and 3, Violet Subdivision - Rezone from R-6 to EMP

Description of Work: Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP

Parent Record Number:

Address:

5516 RAINES RD, MEMPHIS 38115

Owner Information

Primary Owner Name

Y BROOKS JAMES E AND ODELL BROOKS III (RS)

Owner Address

13263 OLD LOCKE RD, OLIVE BRANCH, MS 38654

Owner Phone

Parcel Information

093407 A00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	help desk
Date of Meeting	06/20/2023
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 n/a

GIS INFORMATION

Central Business Improvement District No
Case Layer -
Class I
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning R-6
State Route -
Lot 2
Subdivision VIOLET OF W PT LOT 24 JAMES N BROWN
ESTA
Planned Development District -
Wellhead Protection Overlay District Yes

Contact Information

Name BROOKS JAMES E AND ODELL BROOKS III (RS) **Contact Type** APPLICANT
Address
Phone -

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491531	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	08/03/2023
1491531	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	08/03/2023

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 **Method of Payment** Credit Card

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

August 2, 2023

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

**RE: Rezoning from R-6 to EMP: Lots 2 and 3, Violet Subdivision (P.B. 22, Pg. 13)
5516 and 5530 E. Raines
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application for to rezone the above captioned property from R-6 to EMP. The subject parcels are vacant tracts with 130+- feet (each) of frontage on E. Raines Road. The surrounding parcels are all zoned EMP and it appears that these parcels remaining in the R-6 zoning district is an anomaly.

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
LOTS 2 AND 3, VIOLET SUBDIVISION
5516 & 5530 E. RAINES
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
P.B. 22, PAGE 13
MEMPHIS, SHELBY COUNTY, TN

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 ACRES OF LAND, MORE OR LESS.



PRESLEY LOGISTICS
 ZONED: EMP

S 88°54'35" E 273.35

SHARP ELECTRONICS
 ZONED: EMP

N 1°47'25" E 251.59

136.68

136.68

SUBJECT PROPERTY

LOT 2
 VIOLET S/D
 34709 S.F.

REZONE
 EXISTING
 R-6 TO
 EMP

136.70

N 1°47'25" E 256.36

LOT 3
 VIOLET S/D
 35361 S.F.

REZONE
 EXISTING
 R-6 TO
 EMP

136.70

S 1°47'25" W 261.14

4

5542
 RAINES ROAD
 LLC.
 ZONED: EMP

5

SMITH
 ZONED: EMP

N 86°54'35" W
 EAST RAINES ROAD (114' R.O.W.)

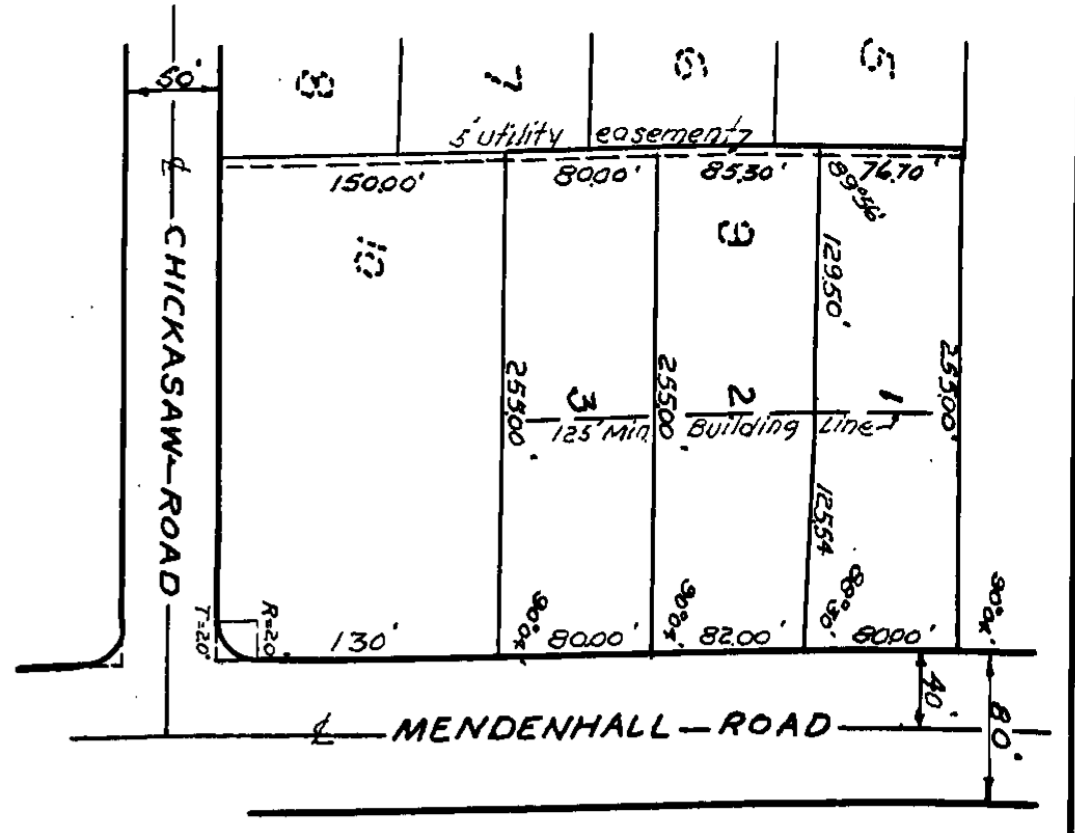
G & I
 ZONED: EMP

SEALY-RAINES
 ZONED: EMP

PREPARED FOR:
 JAMES BROOKS/JAKE MANGUM

PREPARED BY:
 THE BRAY FIRM
 2950 STAGE PLAZA N.
 BARTLETT, TN 38134
 (901) 383-8668

A PORTION OF THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0445 F DATED SEPTEMBER 28, 2007. BFE: 291



S. DAVIS'
RESUBDIVISION OF LOT NO. 9
DAVIS' MENDENHALL ROAD SUBDIVISION
MEMPHIS, TENN.
SCALE 1" = 100'
JAN. 23, 1958

J. C. Price Engineering Co.
Memphis, Tenn.

THIS PROPERTY IS ZONED R-1 RESIDENTIAL

- All the restrictions as shown on the plat shall be strictly observed except that steps, porches, chimneys and open porches may be added to the buildings on the lots, but in no case shall the setback lines be changed on the plat.
- No noxious trade or offensive activity shall be carried on on any lot, nor shall anything be done which may become an annoyance or nuisance to the neighborhood.
- No trailer, tent, shack, or any other building erected in the tract shall at any time be used as a residence either temporarily or permanently, nor shall any structure be used as a residence.
- There is a perpetual easement shown on the record plat of subdivision reserved for utility installations.
- The minimum ground floor area exclusive of one story open porches and garages shall be not less than 1250 square feet for any dwelling.
- These covenants shall run with the land and shall bind all parties and all persons claiming under them until January 1, 1961, at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part.
- If the parties hereto or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any real property situated in the subdivision to prosecute any proceedings at law, or in equity, against the violator or violators, or to attempt to enforce any such covenants and either prevent him or them from so doing, or to recover damages or other relief for such violations.
- Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

ST. O. T. E. S. S. E. R.
O. N. Y. O. P. S. H. L. E. Y.

We, the undersigned, Carl A. Davis, owners of the property shown hereon, do certify that we are the owners in fee simple and that the said property is not encumbered by any taxes which have become due and payable, and do further certify that we adopt this as our plan of subdivision and edit the streets as shown on the plat.

Carl A. Davis, Owner
Shera A. Davis, Owner

Before me, a Notary Public, for the aforesaid State and County, personally appeared Sherman G. Davis and wife, Carol A. Davis, with whom I am personally acquainted and who, upon oath, acknowledged themselves to be the owners of the property shown hereon; the within named bargainers, and they executed this instrument as their own free act and deed for the purposes therein contained. Witness my hand and seal this 25th day of January, 1958.

Notary Public
Fred W. Davis, Director

My Commission expires on the 28th day of Sept. 1958

APPROVED BY THE MEMPHIS AND SHELBY PLANNING COMMISSION
ON THE 16th DAY OF JAN. 1958
11126

J. C. PRICE ENGINEERING COMPANY
BY J. C. Price, Civil Engineer
Tenn. License No. 261

I hereby certify that the foregoing is a true copy and that the document was approved by the Board of Commissioners of the City of Memphis on the 13th day of Jan. 1958

STATE OF TENNESSEE
COUNTY OF SHELBY
FRANCIS ANDREWS, REGISTER
BY J. R. Nelson, D. R.

STATE OF TENNESSEE
COUNTY OF SHELBY

I, the undersigned, Alice Morris Whitley, owner of the property shown hereon, hereby adopt this as our plan of subdivision, and hereby certify that we are the owners in fee simple, duly authorized so to act, and that said property is not encumbered by any mortgage or taxes which have become due and payable. Except that mortgage shown hereon.

Alice Morris Whitley, Owner.

I the undersigned holder of mortgage on property shown here on hereby agree with plan of subdivision as shown on this plat.

Mortgagee

CERTIFICATE OF SURVEY:

This is to certify that we have surveyed the parcels of land as shown on this plan of subdivision, and that this plat conforms with said survey, and that same is true and correct.

B. B. Winsett, Engineer

Tennessee Certificate No. 2217

BUILDING RESTRICTION IN THIS SUBDIVISION

- All lots are to be used for residential purposes only.
- No structure other than a single family dwelling not greater than 1 1/2 stories in height, a private garage for not more than 2 automobiles, together with necessary outbuildings shall be erected on any lot.
- No noxious or offensive activity or commercial trade shall be conducted upon any lot.
- No trailer, tent, shack, garage or other outbuilding erected upon any lot shall at any time be used as a residence either temporarily or permanently.
- Ground floor area of main dwelling shall be not less than 750 square feet.
- Minimum requirements for Septic tank installation shall provide for two bedroom residences with washers, tank capacity 750 gals. 350 ft. of absorption trench 3 ft. wide with 10 ft. centers.

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public, in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared Alice Morris Whitley and the within named bargainers, with whom I am personally acquainted, and who upon their oaths acknowledge that they executed the foregoing instrument for the uses and purposes therein contained. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal at my office in Memphis, this the 21st day of November, 1957.

Alice Morris Whitley, Owner

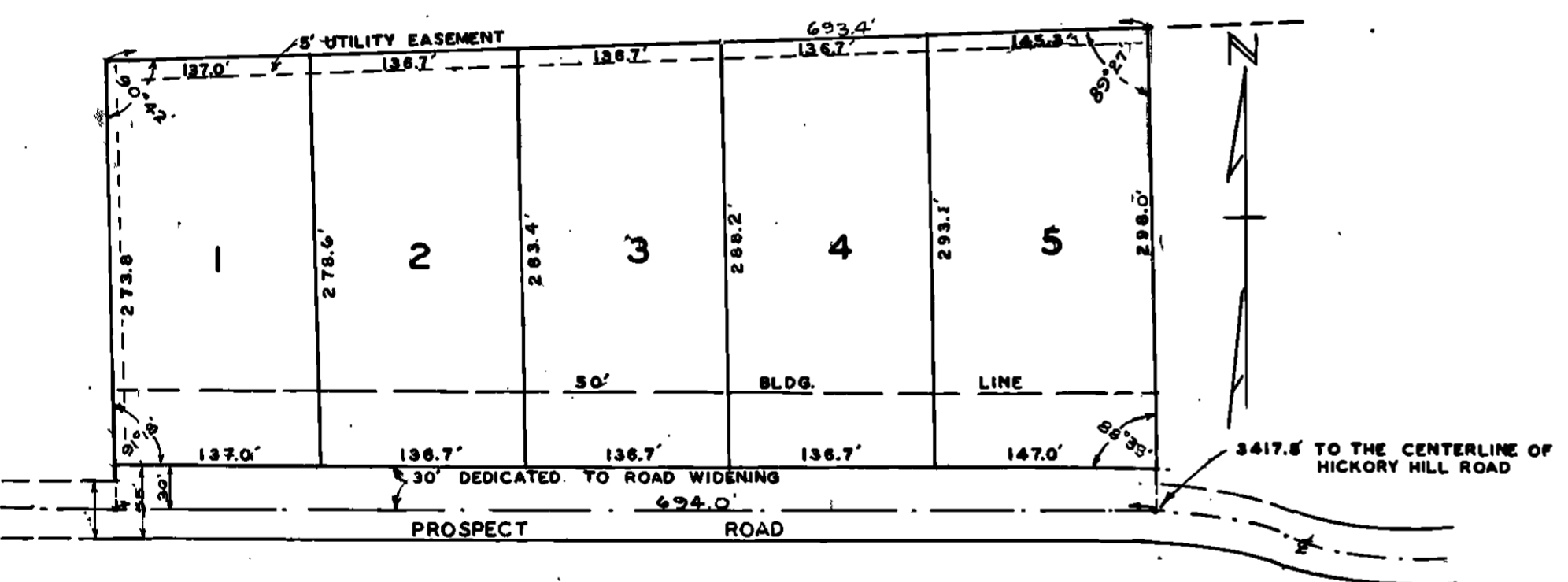
My Commission expires 1961

APPROVED BY MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION

Date NOVEMBER 19, 1957

By Fred W. Davis, Director

Approved: Shelby-County Commissioners
Date 5 Feb 1958
By J. R. Nelson, D. R.



VIOLET SUBDIVISION
OF LOT 24 JAMES N BROWN ESTATE
SECTION 6 TOWNSHIP 1 RANGE 6 WEST
SHELBY COUNTY TENNESSEE
SCALE 1 IN = 100 FT.

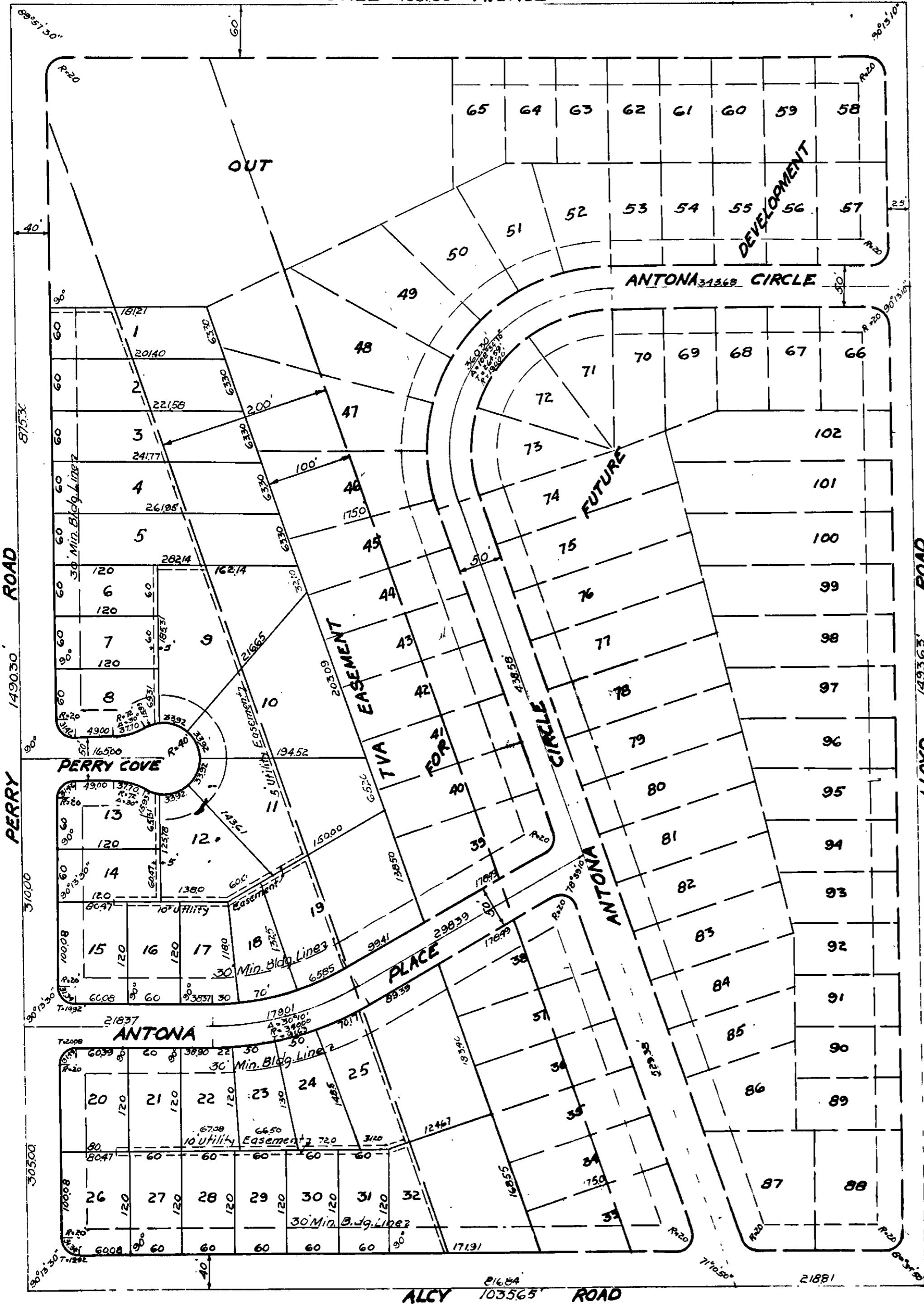
WINSETT - SIMMONDS ENGINEERS INC.
MEMPHIS, TENNESSEE
DECEMBER 1957

STATE OF TENNESSEE
SHELBY COUNTY

Filed for Registration FEB 13 1958
at _____ and noted in Note Book No. _____ and was recorded FEB 19 1958 in Record Book No. _____ Page 13 Fee _____ Paid

FRANCIS ANDREWS, Register
By J. R. Nelson, D. R.

BALL 103100 AVENUE



SECTION "A"
NORRIS HILLS SUBDIVISION
MEMPHIS, TENN.
SCALE 1" = 100'

J.C. PRICE ENG. CO.
219 LEE BLDG.
MEMPHIS, TENN
FEB, 1957

- All lots in the tract shall be known and described as residential. No structure shall be erected, altered, placed or permitted to remain on any lot other than one one family dwelling not to exceed one and one half stories in height and a private garage for not more than two cars and one servant's room.
- Minimum building set-back lines as shown on the recorded plan of subdivision shall be observed except that steps, stoops, chimneys and open porches may project. This covenant does not restrict the placing of any residence at a greater distance from the street, the minimum setback from street to building shall meet the approval of the Building Department, but in no case shall the setback be less than the minimum building line shown on the plat.
- No noxious trade or activity, or offensive trade or activity, shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- No trailer, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence either temporarily or permanently, nor shall any structure of a temporary nature be used as a residence.
- There is a perpetual easement as shown on the recorded plan of subdivision reserved for utility installation and maintenance.
- No structure shall be permitted if the ground floor area of the main structure exclusive of one story open porches and garages is less than 850 square feet.
- These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1962 at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part.
- If the parties hereto or any one of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any real property situated in the said subdivision to prosecute any proceedings at law, or in equity, against the person or persons violating or attempting to violate any such covenant and either prevent him or them from so doing or to recover damages or other dues for such violations.
- Invalidation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which remain in full force and effect.

STATE OF TENNESSEE 12360
 COUNTY OF SHELBY
 Filed for registration FEB 12 1958
 by Notary Public M., and noted in Note Book
 No. 1000 and was recorded FEB 14 1958
 Fee \$1.00 Paid
 FRANCIS ANDREWS REGISTER

I hereby certify that the foregoing is a true copy and said document was approved by the Board of Commissioners of the City of Memphis in Regular Session, on the 11th day of Feb 1957.
 Comptroller

E. P. Nelson D.R.

STATE OF TENNESSEE
 COUNTY OF SHELBY

We, the undersigned, Marywood Inc., by Kyle Tapp, President, Owner and Ernest Antona and wife Mary Antona, Mortgage Holders, do hereby certify that we are the Owner and Mortgage Holders of the property shown hereon in fee simple and that the said property is not encumbered by any taxes that have become due and payable, and do further certify that we adopt this as our plan of subdivision and dedicate the streets as shown to the public use forever.

MARYWOOD INC.
 BY Kyle Tapp
 President

BY Ernest Antona
 Ernest Antona, Mgr. Holder

ATTEST
 BY Fanner Davis
 Fanner Davis, Secretary

BY Mary Antona
 Mary Antona, Mgr. Holder

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, a Notary Public, in and for the aforesaid State and County, personally appeared Kyle Tapp, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be President of Marywood Inc., the within named bargainer, and that he, as such President, being duly authorized so to act, executed the foregoing instrument for the purposes contained therein, by signing the name of the Corporation by himself as President. Witness my hand and notarial seal this 13 day of March 1957.

Commission expires on the 8 day of July 1958

Fanner Davis
 Notary Public

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, a Notary Public, in and for the aforesaid State and County, personally appeared Ernest Antona and wife, Mary Antona, with whom I am personally acquainted, and who, upon oath, acknowledged themselves to be the Mortgage Holders of the property shown hereon, the within named bargainers, and they as such mortgage Holders, being duly authorized so to act, executed the foregoing instrument for the purposes contained therein. Witness my hand and notarial seal this 24 day of March 1957.

My Commission expires on the 22 day of March 1958.

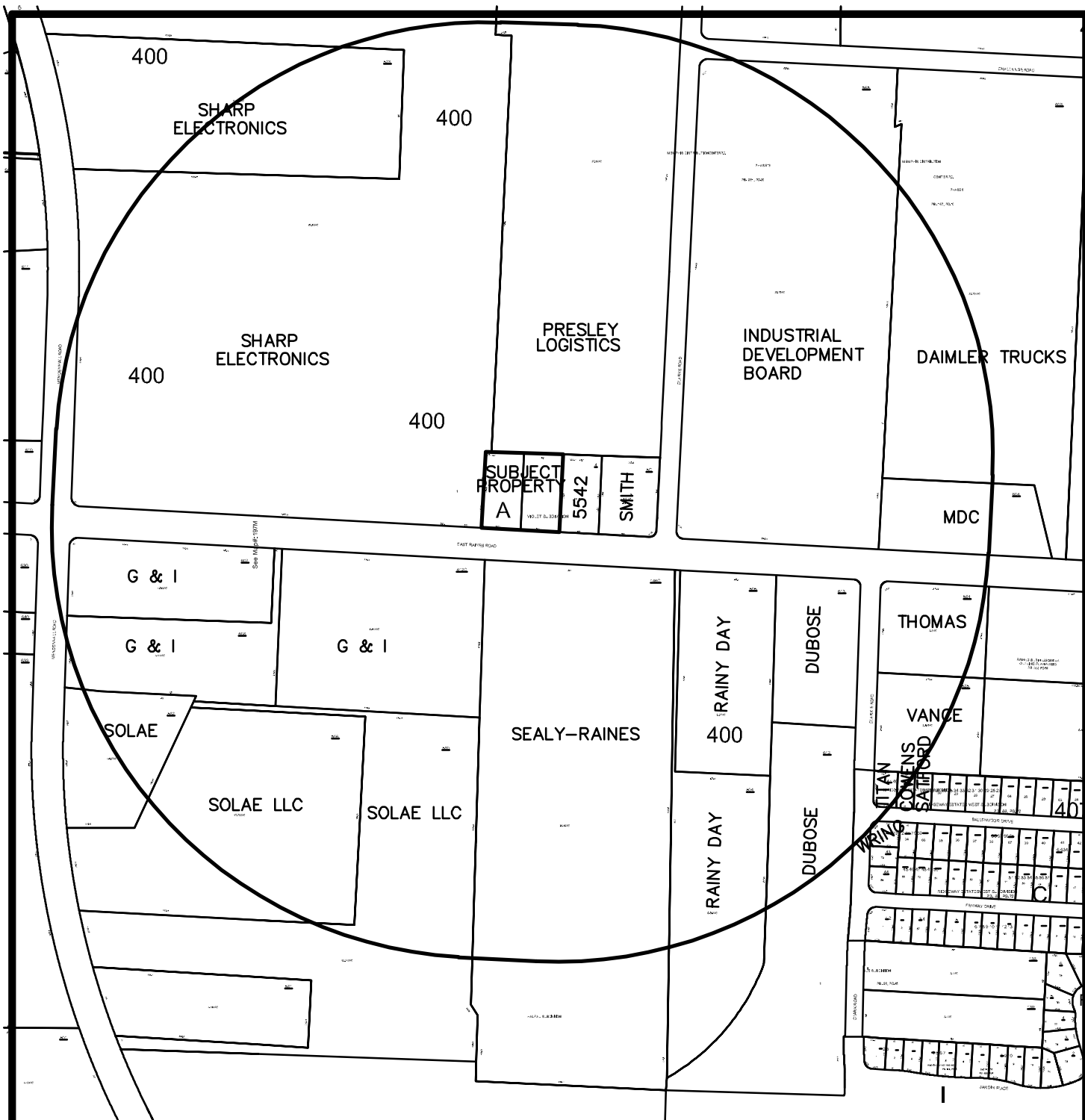
CERTIFICATE OF SURVEY

This is to certify that we have surveyed the subdivision as shown hereon and that the plat of same accurately shows the survey and is true and correct.

J. C. PRICE ENGINEERING COMPANY
 BY J. C. Price
 Shelby County Civil Engineer

APPROVED BY THE CITY OF MEMPHIS PLANNING COMMISSION
 ON THE 20th DAY OF December 1956.

Fred W. Davis
 Fred W. Davis, Director



**RE-ZONING APPLICATION FOR 5416/5530 E. RAINES
 APPLICANT: BROOKS & MANGUM**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JULY 24, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=500'

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, James E. Brooks James E. Brooks, 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 5516 E. Raines Rd Memphis Tn 38118
and further identified by Assessor's Parcel Number 093-4070-A-00002-0,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 3rd day of August in the year of 2003.

Charva C. Gyp
Signature of Notary Public



03/30/2027
My Commission Expires

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

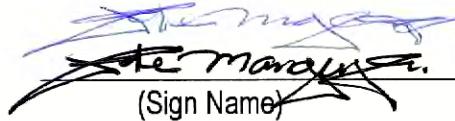
City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

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, Jake Mangum Jr.
(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 5530 E. Raines Rd., Memphis, TN.
and further identified by Assessor's Parcel Number 093407 A00003
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me Wendy DeLo day of 18 August in the year of 2023

Wendy DeLo
Signature of Notary Public



5-4-27
My Commission Expires



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.



23009030

02/03/2023 - 02:44:31 PM

2 PGS	
HERTHA 2538889 - 23009030	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Marie A. Washington, Attorney At Law
P. O. Box 2221, Memphis, Tennessee 38103
(901) 774-6046

AFFIDAVIT AS TO SURVIVORSHIP

STATE OF TENNESSEE:
COUNTY OF SHELBY:

PARCEL IDENTIFICATION NUMBER: 093407 A00002

On this 25 Day of January, 2023 before me personally
appeared Oteria Sowell who address is 4253 Hickory Grove Dr.
and who being first duly sworn states the following: Mphs. TN 38141

That **HATTIE BROOKS AND LINDA REED** whom last known address and
homestead was **5516 E. RAINES ROAD, MEMPHIS, TN. 38115**.

PARCEL IDENTIFICATION NUMBER: 093407 A00002

That **HATTIE BROOKS** died in MEMPHIS, TN. on NOVEMBER 9, 2009
at the age of 95 years. That **LINDA REED** died in MEMPHIS, TN. on MARCH 24
2022 at the age of 66 years.

That on the date of death of **HATTIE BROOKS AND LINDA REED**, they were partial
owners of certain described real estate more commonly known as 5516 RAINES ROAD,
MEMPHIS, TN. 38115

On the date of death of **HATTIE BROOKS AND LINDA REED**, they did not have
valid Last Wills and Testaments that disposed of there interests in the above-described real
estate.

That pursuant to Tennessee Code Annotated Section 31-2-101, Intestate Estate (Any part
of the estate of a decedent not effectively disposed of by the deceased's will passes to the
deceased heirs).

Being the same property conveyed to Hattie Brooks and Linda Reed as recorded in the
Register's Office of Shelby County, Tennessee under Instrument Number DA-8117.

That the surviving equal and joint owners for the above described real estate are;

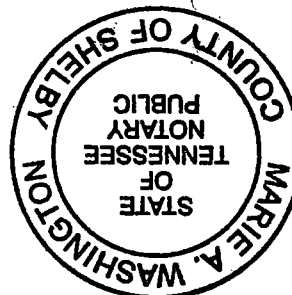
JAMES ERVIN BROOKS
13263 OLD LOCKE RD.
OLIVE BRANCH, MS. 38654.

ODELL BROOKS, III
5553 KINDLE CREEK DRIVE
MEMPHIS, TN. 38141

Otera Knell

Dated: 1/25/2023

Affiant



State of Tennessee:

County of Shelby:

25th January, 2023

On this 25th day of January, before me, a Notary Public in and for said county of Shelby, State of Tennessee, personally appeared OTERIA DOWELL

to me known that he/she executed the foregoing document as his/her free act and will.

Sworn to and subscribed before me this 25th Day of January, in witness thereof, I have set my hand and official seal.

Marie A. Washington February 23, 2025

Marie A. Washington, Notary Public

My Commission Expires

MAIL TAX NOTICES TO:

JAMES ERVIN BROOKS
13263 OLD LOCKE RD
OLIVE BRANCH, MS 38654



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.



201906250062435

06/25/2019 - 09:38:26 AM

1 PGS	
KRISTIN 1884203 - 201906250062435	
VALUE	1.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by: Jake Mangum, Jr., 1377 Craft RD, South, Hernando, MS 38632

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that All Siblings on this the 20th day of June, 2019, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, quit claim and convey unto Jake Mangum, Jr. all their right, title, and interest in and to the following described real estate, to wit:

Beginning a point in the centerline of New Raines Road and located a distance of 1642.82 feet, more or less. Eastwardly from the intersection of Raines Road and Mendenhall Road; thence commencing in a northwardly direction a distance of 39.72 feet, more or less, to the said point of beginning; thence continuing in a northwardly direction along the east property line of the Elder D. and Hattie Brooks property a distance of 17.29 feet, more or less, to a point in the new north right-of-way line of Raines Road; thence along the new right-of-way line an eastwardly direction a distance of 136.72 feet, more or less, to a point in the west property line of the Earnest and Lena Anderson property; thence along the said Anderson west property line in a southwardly direction a distance of 19.6 feet, more or less, to a point in the old right-of-way line; thence in a westwardly direction along said old right-of-way line a distance of 136.7 feet, more or less, to the said point of beginning. ALL BEARINGS ARE RELATIVE. The above described property contains 2521 square feet, more or less.

Last deed of Record 201906250062432 | 201906250062434
201906250062433

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 20th day of June, 2019.

STATE OF TENNESSEE
COUNTY OF Shelby

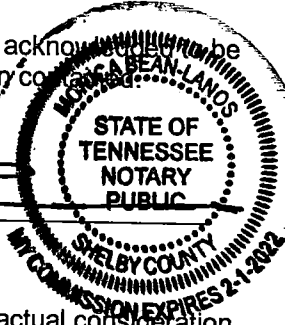
Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared

Lila Mangum
Dorothy J. Mangum
Annette M. Fields
Mary Steinberg

Melvin Mangum
Gloria M. Brown
Felix Mangum
Marvin Mangum

with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledge to be person(s) within named and that executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal this 20th day of June, 2019.



My commission expires: 02.01.2022

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

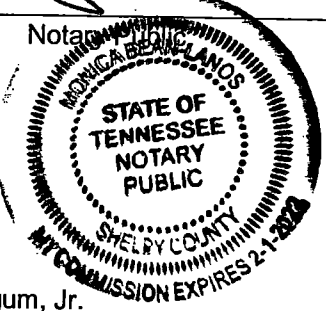
All Siblings [Signature] Affiant

*Mary A. Steinberg- 1349 Gill, Memphis, TN, 38106; Gloria M. Brown- 4082 Eagle River RD, Memphis, TN 38118; Marvin Mangum- 605 Andrew Rucker Lane, Nashville, TN 37211; Melvin Mangum- 3815 Maulden Dr., Memphis, TN 38116; Jake Mangum Jr.- 1377 Craft RD, Hernando, MS 38632; Annette M. Fields- 2578 Bridgeport, Memphis, TN 38114; Elbert Mangum- 4960 Royston Loop, Memphis, TN 38125; Felix Mangum- 2427 Warren St, Memphis, TN 38106; Dorothy J. Mangum- 4743 Bradford Dr, Memphis, TN 38109; Linda Mangum- 2427 Warren St, Memphis, TN 38106.

STATE OF TENNESSEE
COUNTY OF Shelby

Subscribed and sworn before me this the 20th day of June, 2019.

My commission expires: 02.01.2022



The following information is not a part of this Deed:

Property Address: 5530 E. Raines RD
Memphis, TN

Owner's Name and Address
Marvin Mangum
605 Andrew Rucker Lane
Nashville, TN 37211
Jake Mangum, Jr.
1377 Craft Road
Hernando, MS 38632

Parcel Number
093407 A00003

Mail Tax Bills to:
Dorothy Jean Mangum
4743 Bradford Drive
Memphis, TN 38109

Brooks & Mangum
1377 Craft Road
Hernando, MS 38632

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Fifty Five Fourty Two Raines Road LLC
4633 SANFORD ST
METAIRIE LA 70006

Henry T Smith Co Inc.
4141 CLARKE RD
MEMPHIS TN 38115 5021

TPP 419 Presley Logistics LLC
1717 MAIN ST 2600
DALLAS TX 75201

Sharp Electronics Corporation
SHARP PLAZA BLVD
MEMPHIS TN 38115

Sharp Electronics Corp
4020 S MENDENHALL RD
MEMPHIS TN 38115

Economic Development Growth Engine
Industrial Development Board
100 PEABODY PL STE 1100
MEMPHIS TN 38103 3652

Daimler Trucks North America LLC
4555 N CHANNEL AVE
PORTLAND OR 97217

MDC Association Inc.
2620 THOUSAND OAKS BLVD STE
4000
MEMPHIS TN 38118

James R Thomason Jr.
PO BOX 751376
MEMPHIS TN 38175

Owen H Jr. & Lisa M Vance
4226 CLARKE RD
MEMPHIS TN 38141

Titan Legacy Holdings LLC
3225 MCLEOD DR STE 100
LAS VEGAS NV 89121 2257

Resident
5656 Ballenmoor Dr
MEMPHIS TN 38115

Lorraine Cowans
5664 BALLEENMOOR DR
MEMPHIS TN 38141 6802

Satford LLC / Resident
5668 Ballenmoor Dr
MEMPHIS TN 38115

Dubose-5625 LLC
3333 MOUNT PROSPECT RD
FRANKLIN PARK IL 60131

Rainy Day II LLC and Joel A Fulmer Jr.
2030 HARRISON ST
SAN FRANCISCO CA 94110 1310

Sealy Raines Road LLC
8401 N CENTRAL EXPY STE 150
DALLAS TX 75225 4404

G & I IX Raines LLC
10123 ALLIANCE RD STE 300
CINCINNATI OH 45242 4714

Solae LLC
2045 W GRAND PMB 27091 AVE STE B
CHICAGO IL 60612 1577

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 ACRES OF LAND, MORE OR LESS.

**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 05, 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 2023-012
LOCATION: 5516 Raines Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)
REPRESENTATIVE: The Bray Firm
REQUEST: Rezoning of +/-70,070 SQF from Residential Single-Family – 6 (R-6) to Employment (EMP)

RECOMMENDATIONS:

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

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, December 05, 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 _____, _____

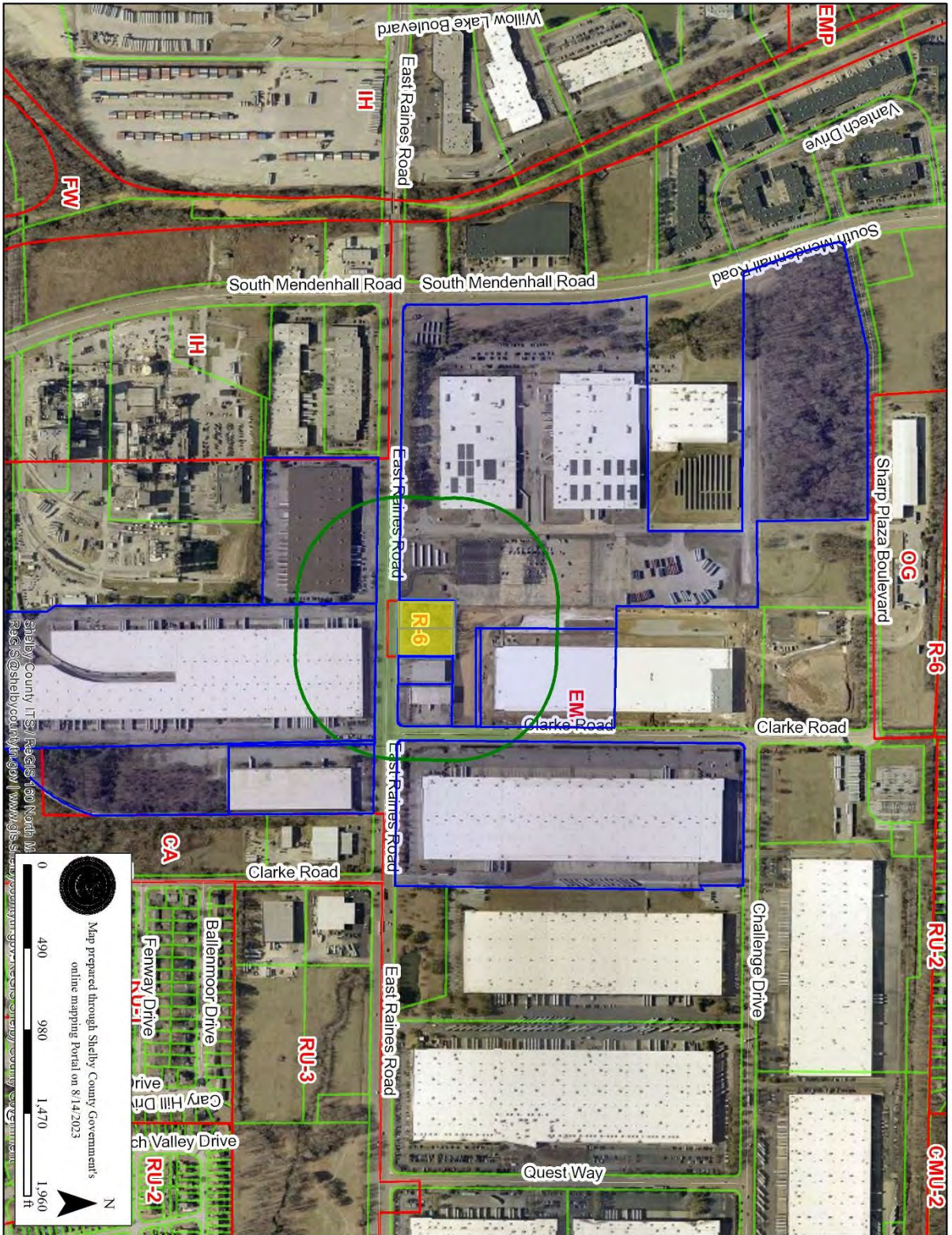
CHAIRMAN OF COUNCIL

ATTEST:

CITY COMPTROLLER

TO BE PUBLISHED:

VICINITY MAP



Shelby County, IT'S/ Facilities, 160 North W
Rd 6 S @shelbycountytga.gov | www.gis.shelbycountytga.gov

SHARP ELECTRONICS CORP
SHARP PLAZA BLVD #
MEMPHIS TN 38118

G & I X E RAINES LLC
10123 ALLIANCE RD #300
CINCINNATI OH 45242

SHARP ELECTRONICS CORP
SHARP PLAZA BLVD #
MEMPHIS TN 38193

SEALY RAINES ROAD L L C
8401 N CENTRAL EXPY #150
DALLAS TX 75225

FIFTY FIVE FOURTY TWO RAINES ROAD LLC
4633 SANFORD ST #
METAIRIE LA 70006

RAINY DAY II LLC
2030 HARRISON ST #
SAN FRANCISCO CA 94110

SHARP ELECTRONICS CORPORATION
SHARP PLAZA BLVD #
MEMPHIS TN 38115

BROOKS HATTIE (LE) AND JAMES E BROOKS
13263 OLD LOCKE RD #
OLIVE BRANCH MS 38654

STEINBERG MARY A AND GLORIA M BROWN AND
2427 WARREN ST #
MEMPHIS TN 38106

HENRY T SMITH CO INC
905 GLADE SPRINGS DR
SOMERVILLE TN 38068

RAINY DAY II LLC AND JOEL A FULMER JR
2030 HARRISON ST #
SAN FRANCISCO CA 94110

ECONOMIC DEVELOPMENT GROWTH ENGINE
100 PEABODY PL #1100
MEMPHIS TN 38103

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 11/21/2023
DATE
PUBLIC SESSION: 12/19/2023
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 of land municipally addressed as 3549, 3555, and 3561 Fuller Rd. from the Residential Single-Family – 6 (R-6) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-013

CASE NUMBER: Z 2023-013

LOCATION: 3549, 3555, and 3561 Fuller Rd.

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER/APPLICANT: Fleet Equipment, LLC

REPRESENTATIVES: Cindy Reaves of SR Consulting, LLC

REQUEST: Rezoning of +/-0.538 acres from Residential Single-Family – 6 (R-6) to Employment (EMP)

RECOMMENDATION: The Division of Planning and Development recommended **Rejection**
The Land Use Control Board recommended **Approval**

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
First reading / Set date for public hearing – November 21, 2023
Second reading – December 5, 2023
Third reading / Public hearing – December 19, 2023

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
Nov. 9, 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
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2023-013

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 OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER RD. FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-013

- 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, November 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2023-013
LOCATION: 3549, 3555, and 3561 Fuller Rd.
COUNCIL DISTRICTS: District 3 and Super District 8
OWNER/APPLICANT: Fleet Equipment, LLC
REPRESENTATIVES: Cindy Reaves of SR Consulting, LLC
REQUEST: Rezoning of +/-0.538 acres from Residential Single-Family – 6 (R-6) to Employment (EMP)

The following spoke in support of the application: Cindy Reaves

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.**

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 OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER RD. FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-013

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: 2023-013**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

BOUNDARY

Beginning at a point in the south line of Fuller Road (40' ROW), approximately 319 feet east of the east line of Lamar Avenue; thence S88°22'41"E a distance of 182.07 feet to a point; thence S00°05'01"W a distance of 126.31 feet to a point; thence N89°54'59"W a distance of 182.00 feet to a point; thence N00°05'01"E a distance of 131.20 feet to the point of beginning and containing 0.538 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.

AGENDA ITEM: 21

CASE NUMBER: Z 2023-013 **L.U.C.B. MEETING:** November 9, 2023

LOCATION: 3549, 3555, and 3561 Fuller Rd.

COUNCIL DISTRICT: District 3 and Super District 8

OWNER/APPLICANT: Fleet Equipment, LLC

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Rezone from Residential Single-Family – 6 to Employment

AREA: 0.538 acres

CONCLUSIONS

1. The applicant has requested the rezoning of three properties on Fuller Rd. from Residential Single-Family – 6 to Employment.
2. This request is inconsistent with the Memphis 3.0 Comprehensive Plan.
3. Additionally, it would have a significantly injurious impact on adjacent residential properties, while providing little benefit to the applicant other than legitimizing illegal work and occupancy.
4. For these reasons, staff recommends rejection.

CONSISTENCY WITH MEMPHIS 3.0

This request is *inconsistent* with the Memphis 3.0 Comprehensive Plan, according to the Office of Comprehensive Planning.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Fuller Rd. 182'
Zoning Atlas Page: 2235
Parcel ID: 073017 00117, 073017 00118, and 073017 00119
Existing Zoning: Residential Single-Family – 6
Requested Zoning: Employment

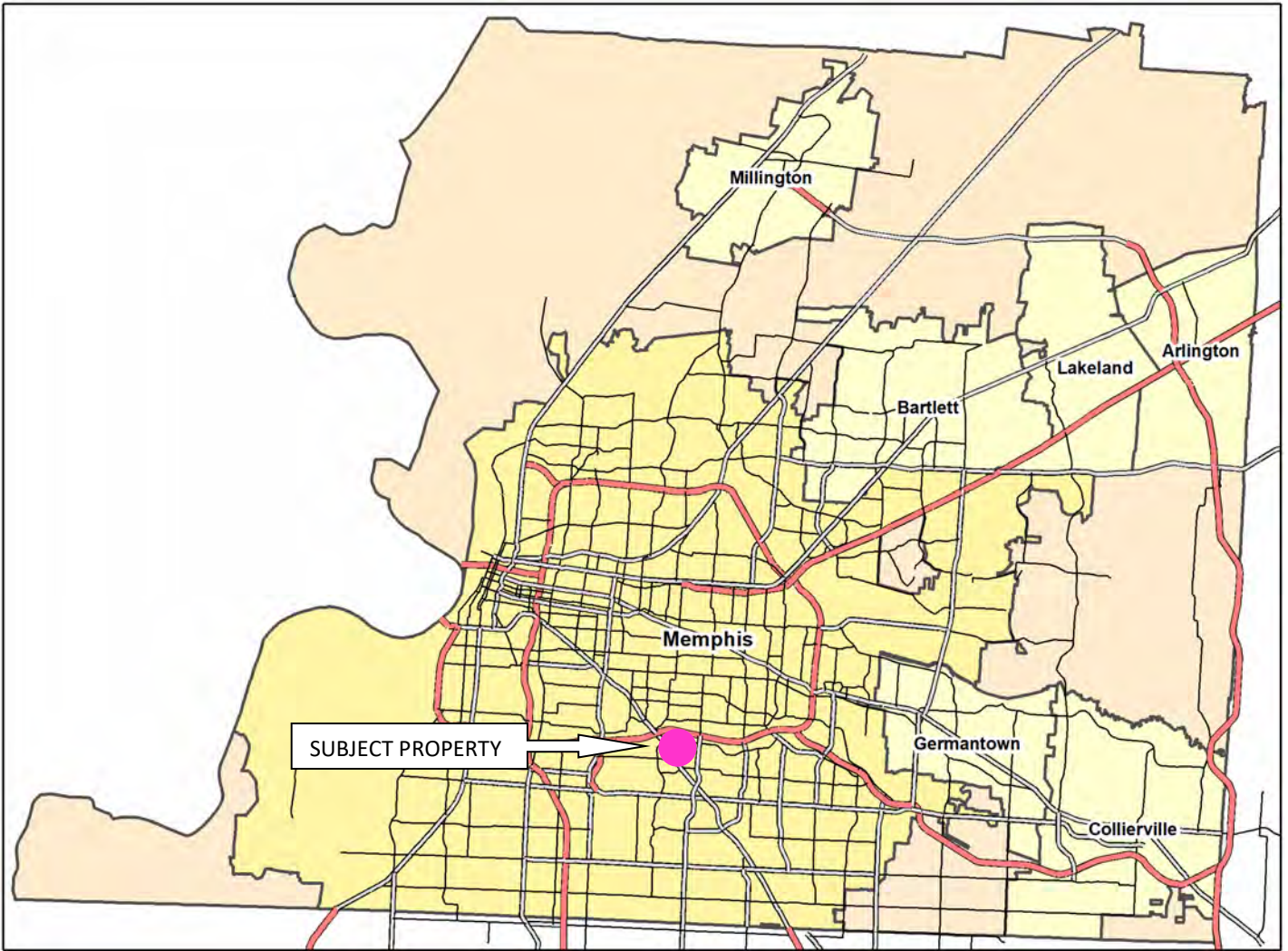
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 5:30 p.m. at 3549 Fuller Rd. on October 25, 2023.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 38 notices were mailed on October 26, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



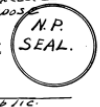
FULLER SUBDIVISION (1945)

We, C. H. Fuller and wife Emily Scott Fuller the undersigned owners of the property shown hereon, hereby adopt this as our plan of Subdivision and dedicate the streets as shown hereon to the public use forever and hereby certify that we are the owners in fee simple of the property, and that said tract is not encumbered by any mortgage or delinquent taxes.

C. H. Fuller Emily Scott Fuller
owners

State of Tennessee, County of Shelby.
Personally appeared before me the undersigned A. Notary Public, in and for said State and County, duly commissioned and qualified, C. H. Fuller and wife Emily Scott Fuller with whom I am personally acquainted and who under oath acknowledged that they executed the foregoing instrument for the purpose therein contained.

Witness my hand and Notarial Seal.
This 25 day of July 1945.
A. C. Humphrey
Notary Public.
My Commission expires April 28 - 1949.

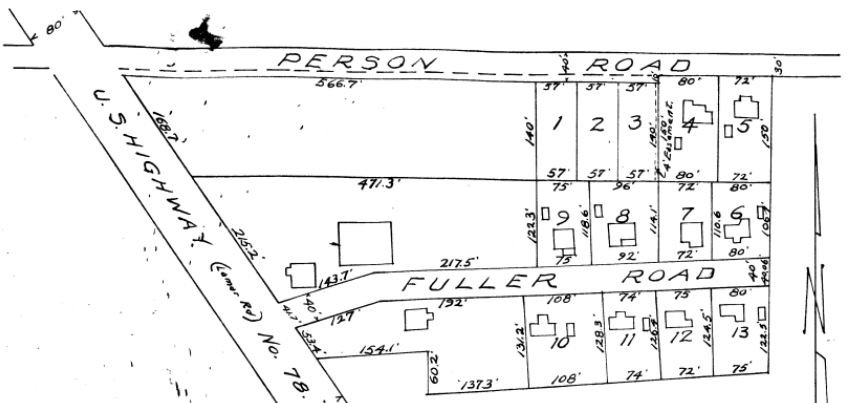


RESTRICTIONS

No person of any race other than the Caucasian race shall use or occupy any building on the lots except that this covenant shall not prevent occupancy by domestic servants of a different race or color.

Easement as may be necessary as to be reserved for public utilities and maintenance.

#1538
SEPT-11-45
107 38
SEPT-17-45
11 12
Buy E. Jopner
S. H. Nelson



FULLER SUBDIVISION
OF PART OF LOTS 2 AND 4, OF CONNELL TRACT EAST OF HIGHWAY NO. 78 IN THE SECOND CIVIL DISTRICT OF SHELBY COUNTY, TENNESSEE.
AUG 1945 SCALE 1"=100'
SAM W. MCLESKEY
COUNTY SURVEYOR.

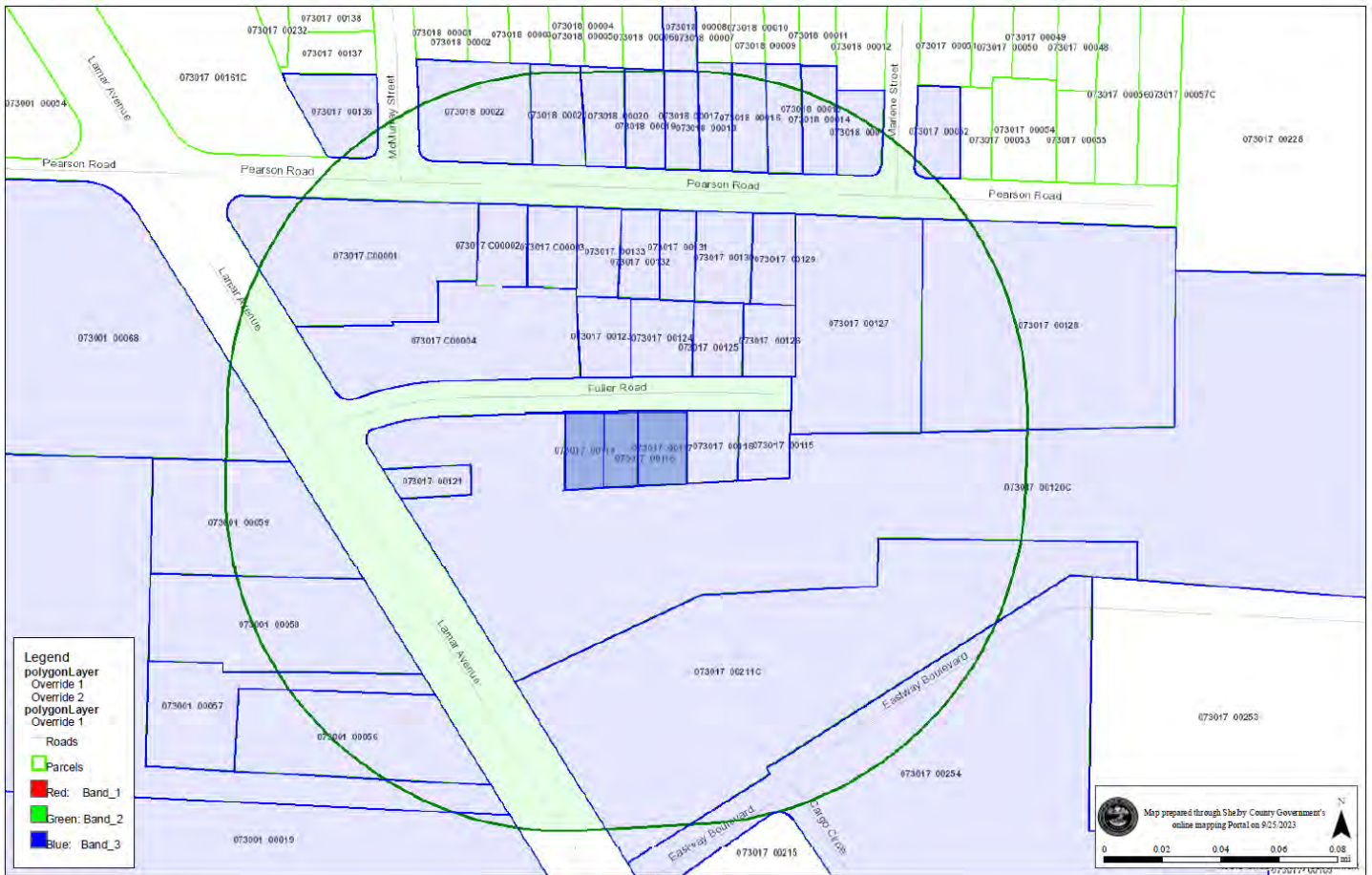
Approved by the City of Memphis Planning Commission
7-25-45 L. P. Cockrill
DATE Engineer & Secretary.

Approved by the Shelby County Commission
Sept. 10, 1945 B. J. Bellie
DATE Commissioner of Roads.

This is to certify that I have surveyed the above plan of Subdivision and that same is true and correct.
Sam W. McLeskey
Civil Engineer
State of Tennessee Certificate No. 27.

ZONED A. RESIDENTIAL.

VICINITY MAP



ZONING MAP



Existing Zoning: Residential Single-Family – 6

Surrounding Zoning

North: Residential Single-Family – 6

East: Residential Single-Family – 6

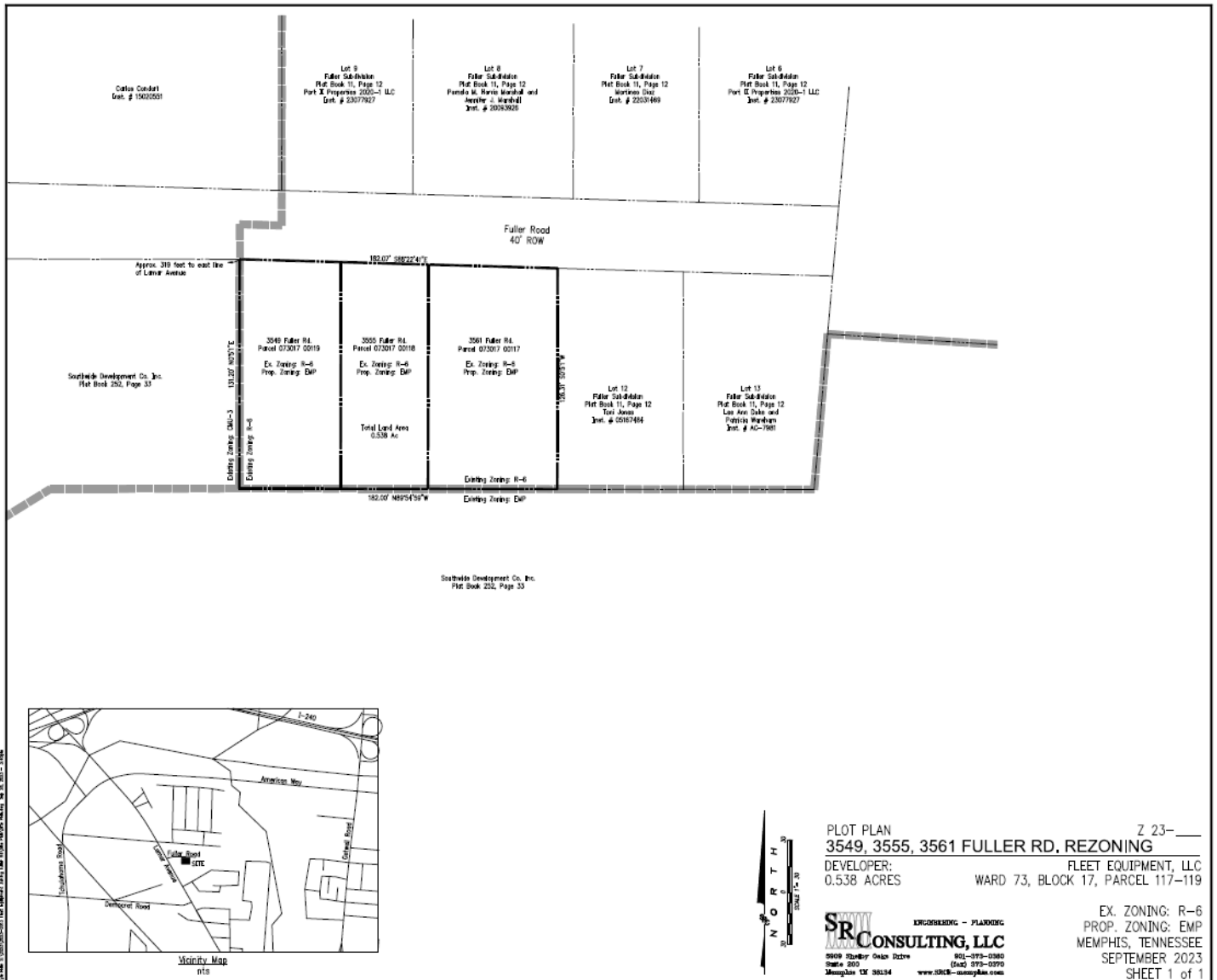
South: Employment

West: Commercial Mixed Use – 3

LAND USE MAP



PLOT PLAN



PLOT PLAN Z 23-____
3549, 3555, 3561 FULLER RD. REZONING
 DEVELOPER: FLEET EQUIPMENT, LLC
 0.538 ACRES WARD 73, BLOCK 17, PARCEL 117-119

SR CONSULTING, LLC
 ENGINEERING - PLANNING
 801-373-0180
 801-373-0180
 Memphis TN 38134 www.srconsulting.com

EX. ZONING: R-6
 PROP. ZONING: EMP
 MEMPHIS, TENNESSEE
 SEPTEMBER 2023
 SHEET 1 of 1

SITE PHOTOS



3549 Fuller



3555 Fuller



3561 Fuller



View west down Fuller



Adjacent houses

STAFF ANALYSIS

Request

The request is to rezone 0.538 acres from Residential Single-Family – 6 to Employment.

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

Review Criteria

Staff **disagrees** 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.

Conclusions

The applicant has requested the rezoning of three properties on Fuller Rd. from Residential Single-Family – 6 to Employment.

This request is inconsistent with the Memphis 3.0 Comprehensive Plan.

Additionally, it would have a significantly injurious impact on adjacent residential properties, while providing little benefit to the applicant other than legitimizing illegal work and occupancy.

For these reasons, staff recommends rejection.

RECOMMENDATION

Staff recommends **rejection**.

DEPARTMENTAL COMMENTS

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

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 23-13: Oakville

Site Address/Location: 3549, 3555, 3561 Fuller Road

Overlay District/Historic District/Flood Zone: N/A

Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

The applicant is seeking approval to rezone three parcels located in R-6 zoning district to EMP.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



“NS” Form & Location Characteristics

Primarily detached, House scale buildings, Primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

“NS” 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.

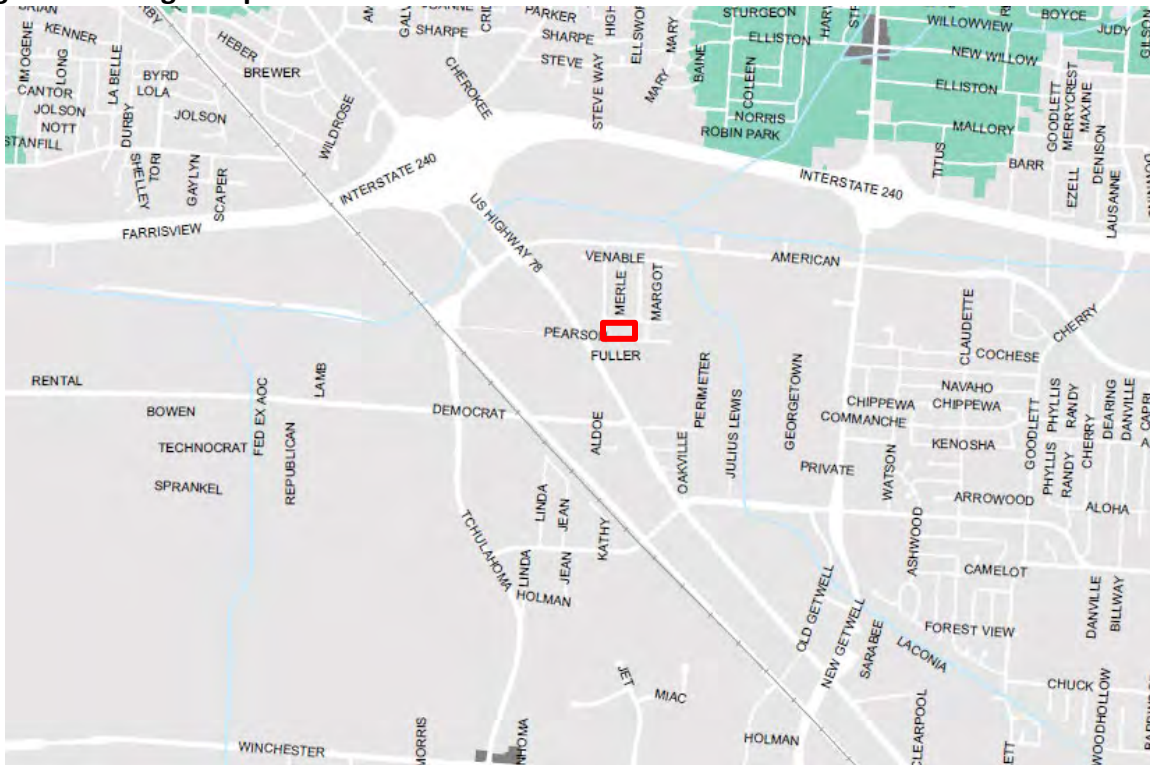
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-6

Adjacent Land Use and Zoning: Single-Family, Truck Storage; EMP

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not a single-family home.*

Degree of Change Map



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

3. Degree of Change Description N/A

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

5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations N/A

Consistency Analysis Summary

The applicant is seeking approval to rezone three parcels located in R-6 zoning district to EMP.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not a single-family home.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer capacity 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.
3. No further comments from City Engineering.

APPLICATION FORM



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: October 2, 2023

Record Number: Z 2023-013

Expiration Date:

Record Name: 3549, 3555, 3561 Fuller Rd. Rezoning

Description of Work: Rezoning from R-6 to EMP

Parent Record Number:

Address:

3549 FULLER RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y INTERSTATE DROP YARD LLC

Owner Address

2505 FARRISVIEW BLVD, MEMPHIS, TN 38118

Owner Phone

Parcel Information

073017 00119

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 09/22/2023

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter? No
Have you held a neighborhood meeting? -
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

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 3549 Fuller Rd.
Property Parcel Number: 073017 00119

Property Address: 3555 Fuller Rd.
Property Parcel Number: 073017 00118

Property Address: 3561 Fuller Rd.
Property Parcel Number: 073017 00117

Contact Information

Name	Contact Type
FLEET EQUIPMENT LLC	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1507377	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	26.00	10/04/2023
1507377	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	1,000.00	10/04/2023
1506407	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/02/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$1,026.00

LETTER OF INTENT



Date: September 25, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 3549, 3555, 3561 Fuller Rd. Rezoning

LETTER OF INTENT

We are submitting a rezoning application for property at 3549, 3555, and 3561 Fuller Rd. The property is within the R-6 zoning district. We are requesting a rezoning to EMP to incorporate the property into the adjacent property of Interstate Drop Yard.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 5:46 pm on the 25th day of October, 2023 I posted one Public Notice Signs pertaining to Case No. Z 2023-013 along the property located 3555 Fuller Road providing notice of a Public Hearing before the November 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Subdivision), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves
Owner, Applicant or Representative

10/26/23
Date

Subscribed and sworn to before me this 26th day of October, 2023

Robert Sweeney
Notary Public
My commission expires: 9/26/2027



LETTERS RECEIVED

No letters received by the comment deadline.