

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 03/19/2024  
DATE  
PUBLIC SESSION: 03/19/2024  
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 special use permit at the subject property located 2491 Joy Ln, known as case number SUP 2023-028.

CASE NUMBER: SUP 2023-028

LOCATION: 2491 Joy Ln

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Esmeralda Apartments

REPRESENTATIVE: S Berry Jones

REQUEST: Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

AREA: +/-34,029 SF

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  
 02/08/2024 \_\_\_\_\_ 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>
_____ <i>Mahesh Ghatge</i> _____	<u>03/05/2024</u>	STAFF PLANNER
_____		DEPUTY ADMINISTRATOR
_____ <i>Britt Hill</i> _____	<u>3/5/24</u>	ADMINISTRATOR
_____		DIRECTOR (JOINT APPROVAL)
_____		COMPTROLLER
_____		FINANCE DIRECTOR
_____		CITY ATTORNEY
_____		<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____		<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### **SUP 2023-028**

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2491 JOY LN, KNOWN AS CASE NUMBER SUP 2023-028.

- This item is a resolution with conditions for a special use permit to allow Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, February 08, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 2023-028

**LOCATION:** 2491 Joy Ln

**COUNCIL DISTRICT(S):** District 4 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Esmeralda Apartments

**REPRESENTATIVE:** S Berry Jones

**REQUEST:** Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

**EXISTING ZONING:** Commercial Mixed Use-3 (CMU-3), SUP 2011-209

**AREA:** +/-34,029 SF

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**The following spoke in support of the application:** None

**The following spoke in opposition the application:** None

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

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

Respectfully,

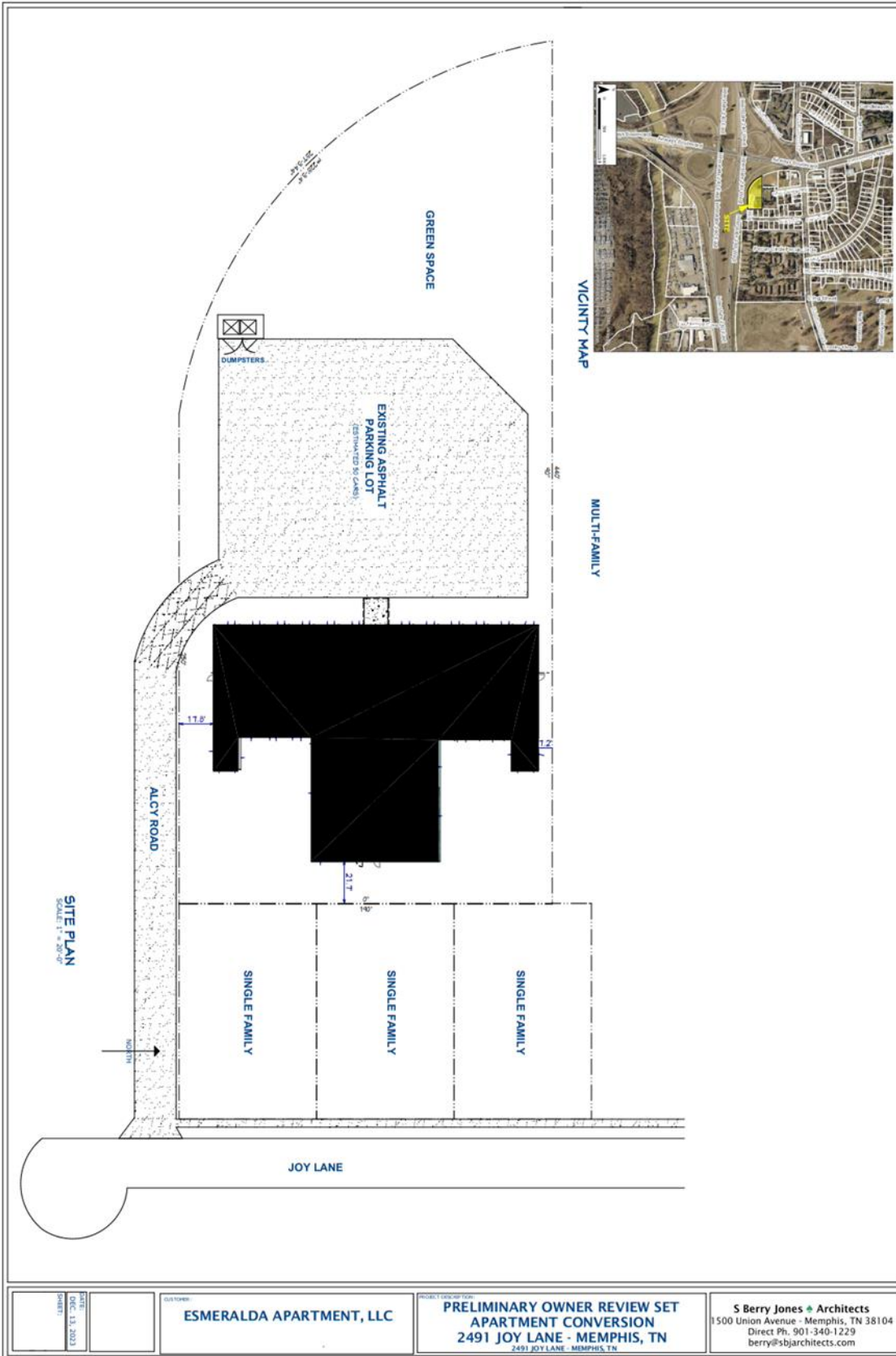


Planner II  
Land Use & Development Services

**SUP 2023-028**  
**CONDITIONS**

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

**SITE PLAN**



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2491 JOY LN, KNOWN AS CASE NUMBER SUP 2023-028.**

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**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 Esmeralda Apartments filed an application with the Memphis and Shelby County Division of Planning and Development to allow Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments; 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 February 08, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

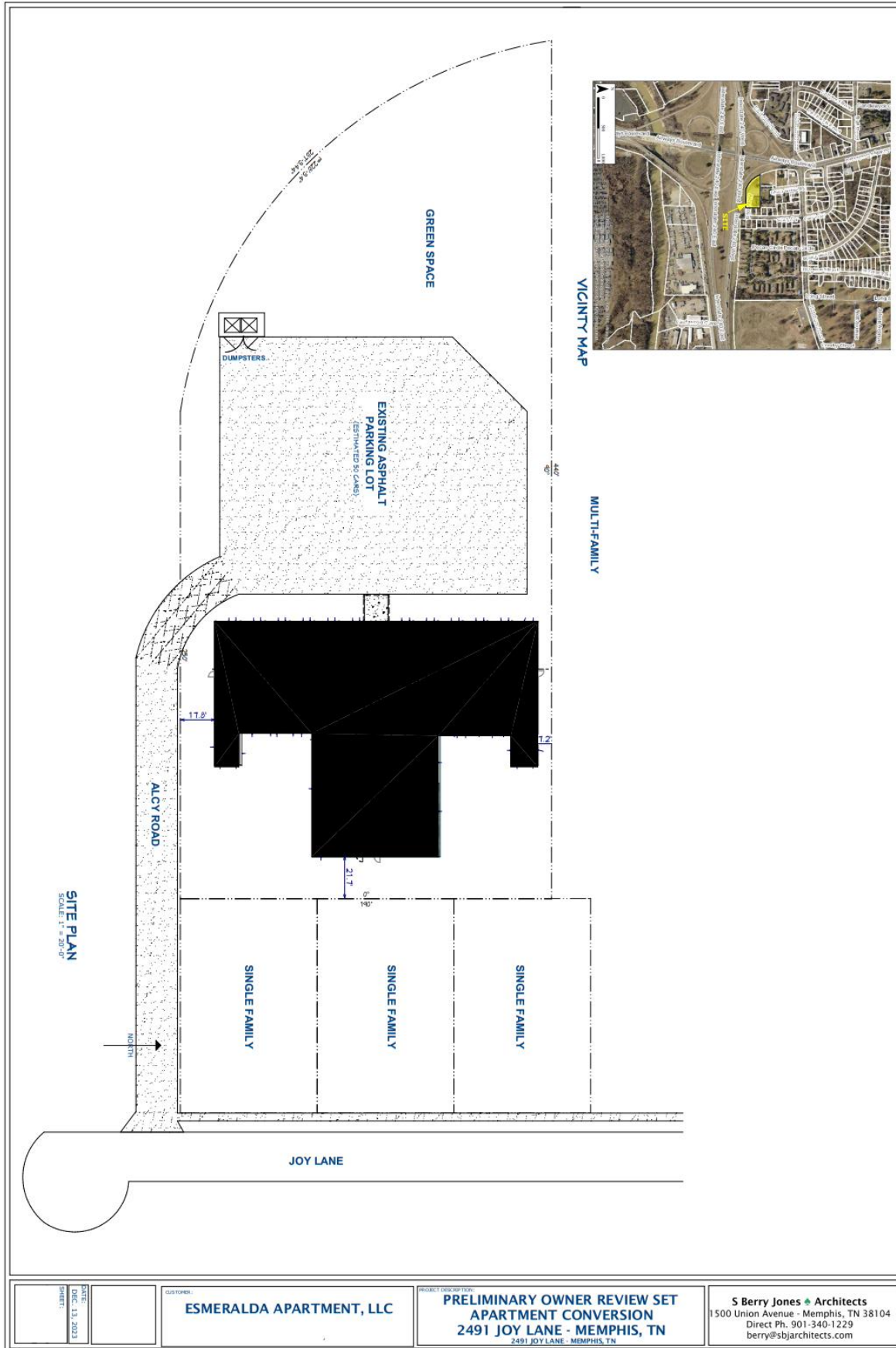
**BE IT FURTHER RESOLVED**, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

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

## **CONDITIONS**

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

# SITE PLAN





***ATTEST:***

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

**AGENDA ITEM:** 3

**CASE NUMBER:** SUP 2023-028 **L.U.C.B. MEETING:** February 08, 2024

**LOCATION:** 2491 Joy Ln

**COUNCIL DISTRICT:** District 4 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Esmeralda Apartments

**REPRESENTATIVE:** S Berry Jones

**REQUEST:** Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

**AREA:** +/-34,029 SF

**EXISTING ZONING:** Commercial Mixed Use-3 (CMU-3), SUP 2011-209

## CONCLUSIONS

1. The applicant is seeking a conversion of an existing abandoned assisted living facility into 80 studio apartments.
2. The subject property is +/-34,029 SF and the current zoning is Commercial Mixed Use (CMU-3).
3. There will be a total of 80 units and the building is a 3-floor apartment complex. The apartment complex includes studio units, studio + units, king units, 2BR units, and queen units.
4. The proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## CONSISTENCY WITH MEMPHIS 3.0

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

## RECOMMENDATION

*Approval with conditions.*

**GENERAL INFORMATION**

**Street Frontage:** Interstate 240 West +/-287 curvilinear feet

**Zoning Atlas Page:** 2235

**Parcel ID:** 060137 00163

**Existing Zoning:** Commercial Mixed Use (CMU-3), SUP 2011-209

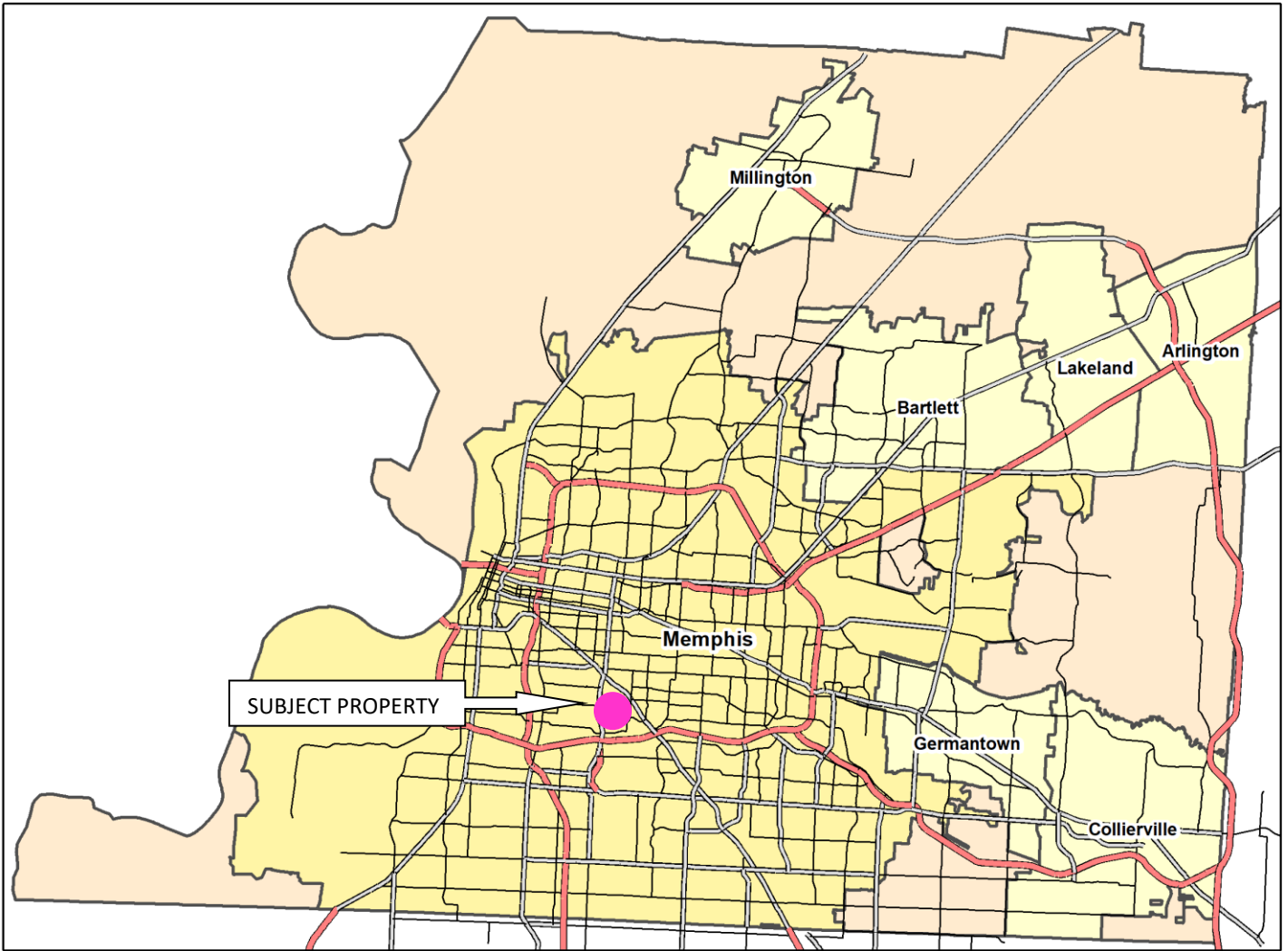
**NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Wednesday, December 27, 2023, at the New Jerusalem Temple Church at 2711 Ketchum Road.

**PUBLIC NOTICE**

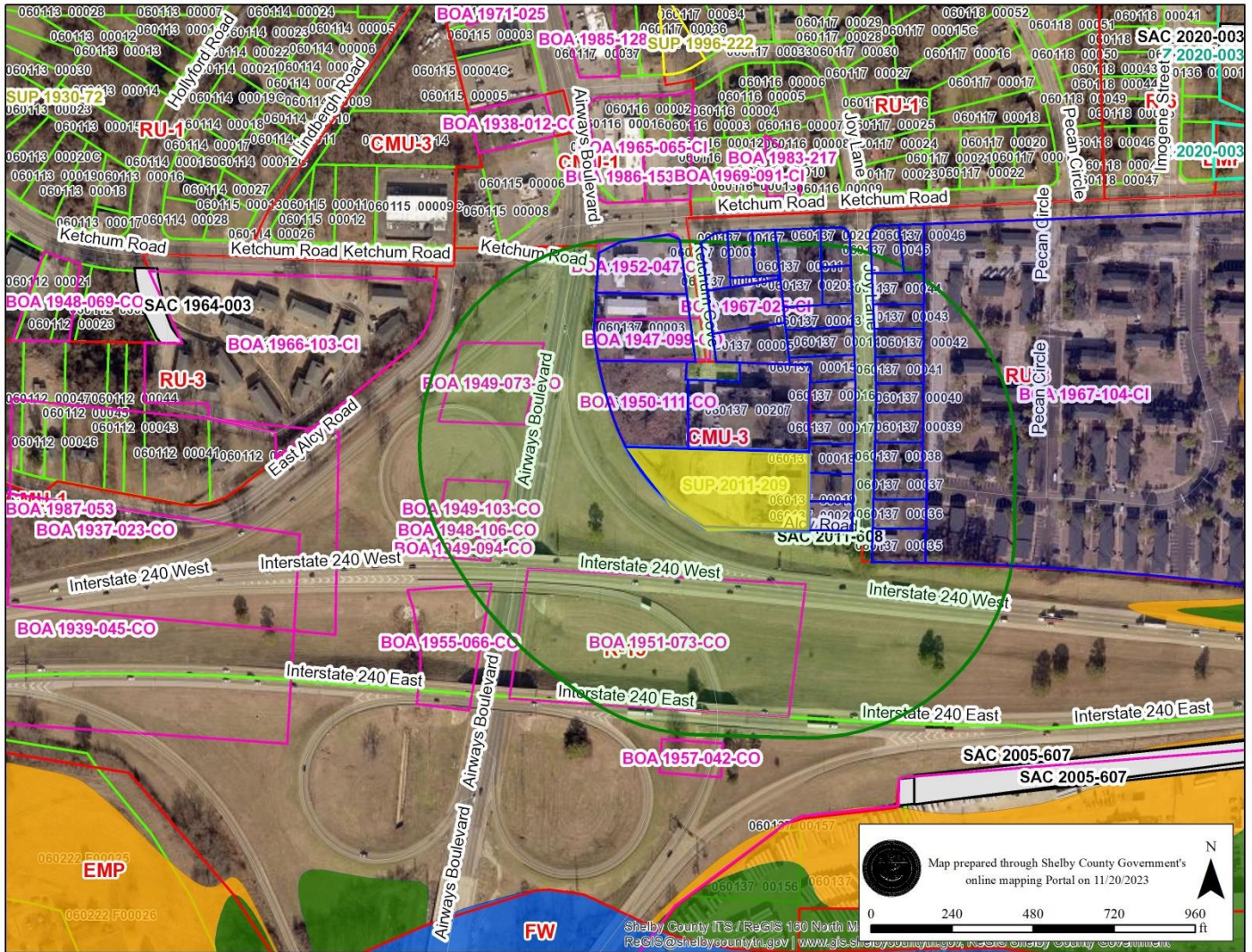
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 35 notices were mailed on November 20, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle.

VICINITY MAP



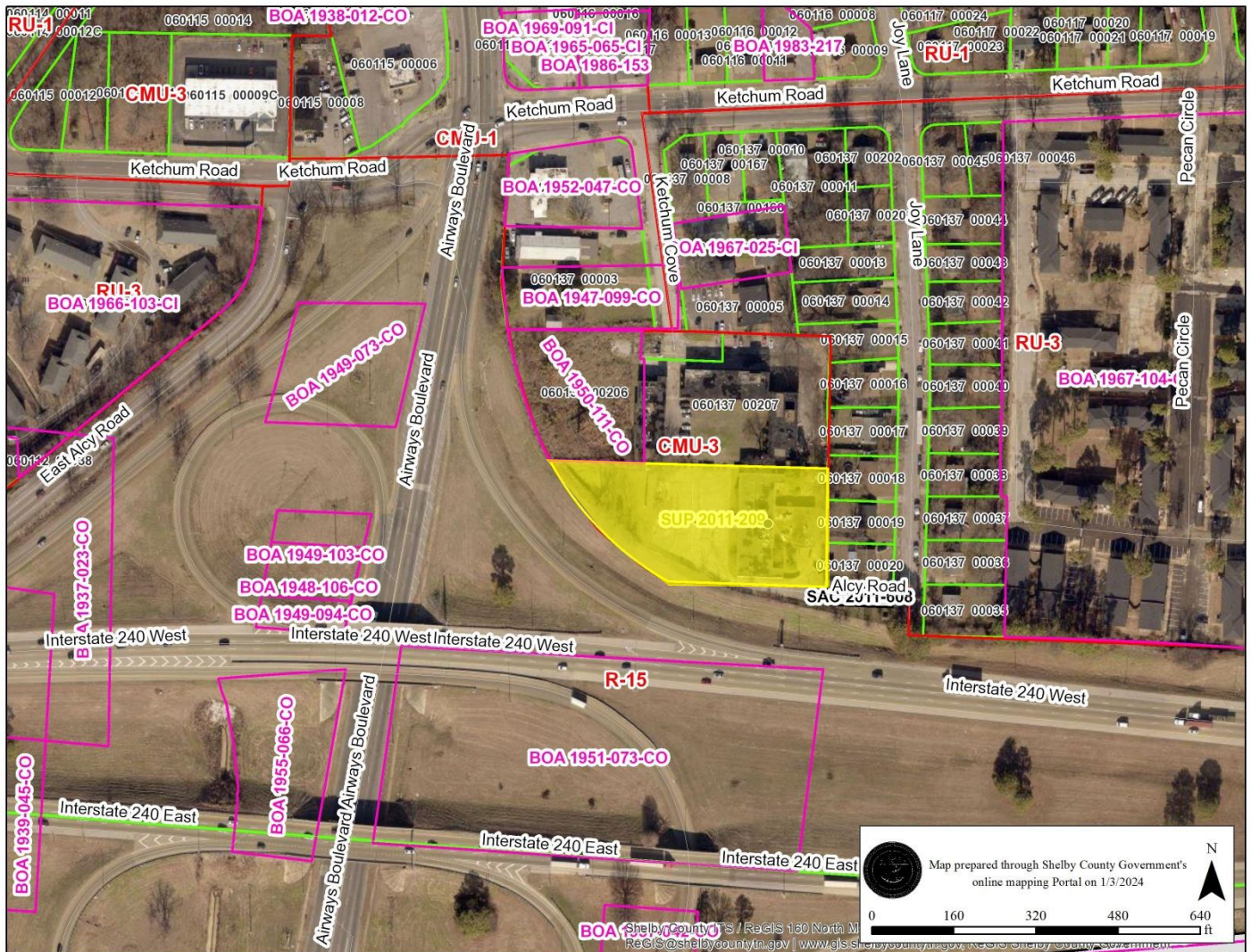
Site highlighted in yellow.

**AERIAL**



Subject property outlined in yellow.

**ZONING MAP**



Subject property is highlighted in yellow.

**Existing Zoning:** Commercial Mixed Use (CMU-3), SUP 2011-209

**Surrounding Zoning**

**North:** CMU-3, CMU-1, RU-3, R-15, BOA 1950-111-CO, BOA 1947-099-CO, BOA 1967-025-CI

**East:** CMU-3, RU-3, BOA 1967-104-CI

**South:** R-15, SAC 2011-608, BOA 1951-073-CO

**West:** R-15, BOA 1949-103-CO, BOA 1948-106-CO, BOA 1949-094-CO

**LAND USE MAP**



Subject property indicated by a pink star.



**SITE PHOTOS**



View of the subject property from I-240 (Avron B. Fogelman Expy) from Front.

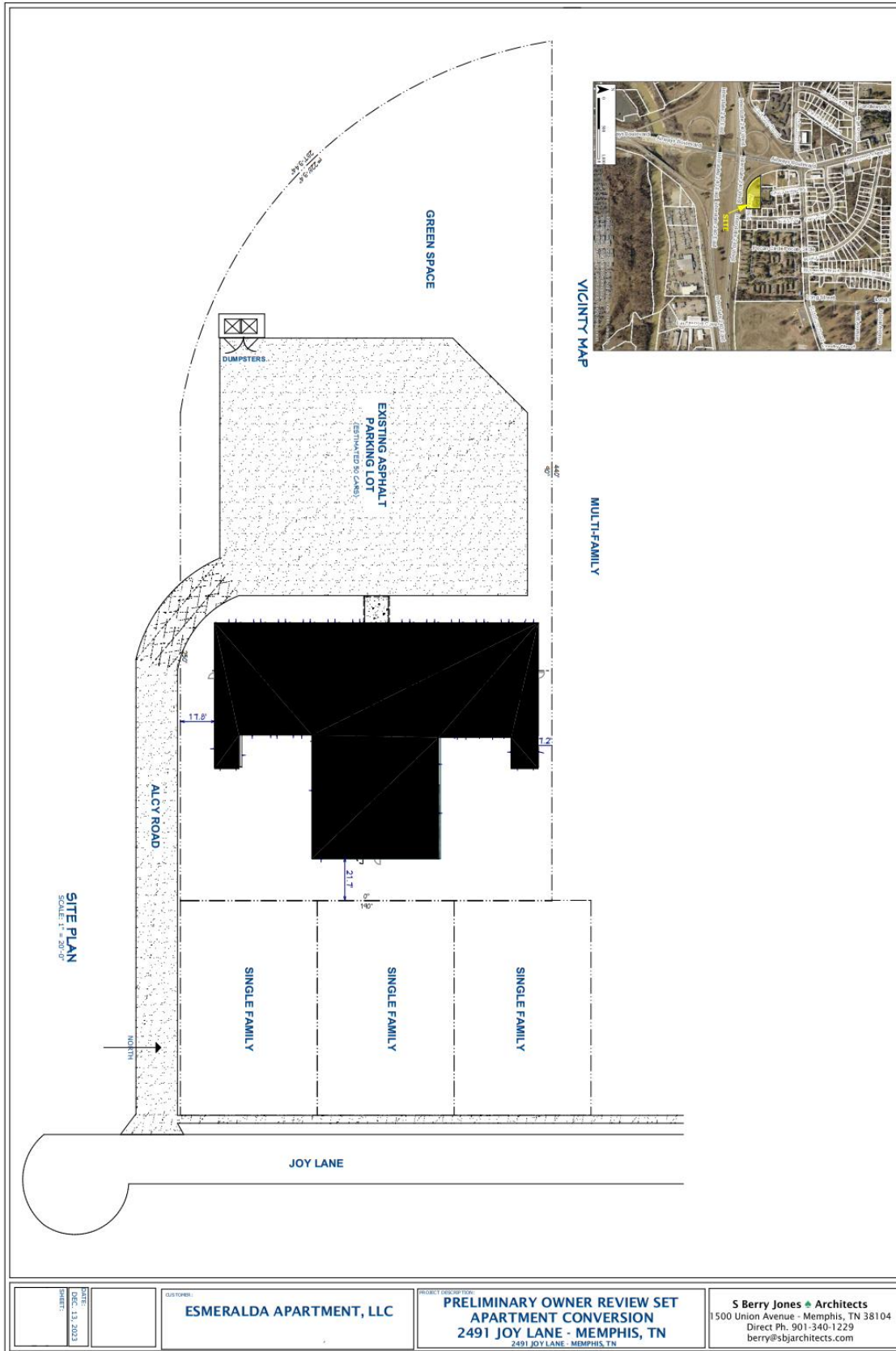


View of the subject property from I-240 (Avron B. Fogelman Expy) from West.



View of the subject property from above.

**SITE PLAN**



<p>DATE: DEC. 13, 2023          SHEET: 5</p>	<p>CUSTOMER:  <b>ESMERALDA APARTMENT, LLC</b></p>	<p>PROJECT DESCRIPTION:  <b>PRELIMINARY OWNER REVIEW SET          APARTMENT CONVERSION          2491 JOY LANE - MEMPHIS, TN          2491 JOY LANE - MEMPHIS, TN</b></p>	<p><b>S Berry Jones Architects</b>          1500 Union Avenue - Memphis, TN 38104          Direct Ph: 901-340-1229          berry@sbjarchitects.com</p>
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ELEVATIONS

# APARTMENT CONVERSION ESMERALDA APARTMENTS 2491 JOY LANE - MEMPHIS, TN

2491 JOY LANE - MEMPHIS, TN



**UNIT COUNT BY FLOOR**

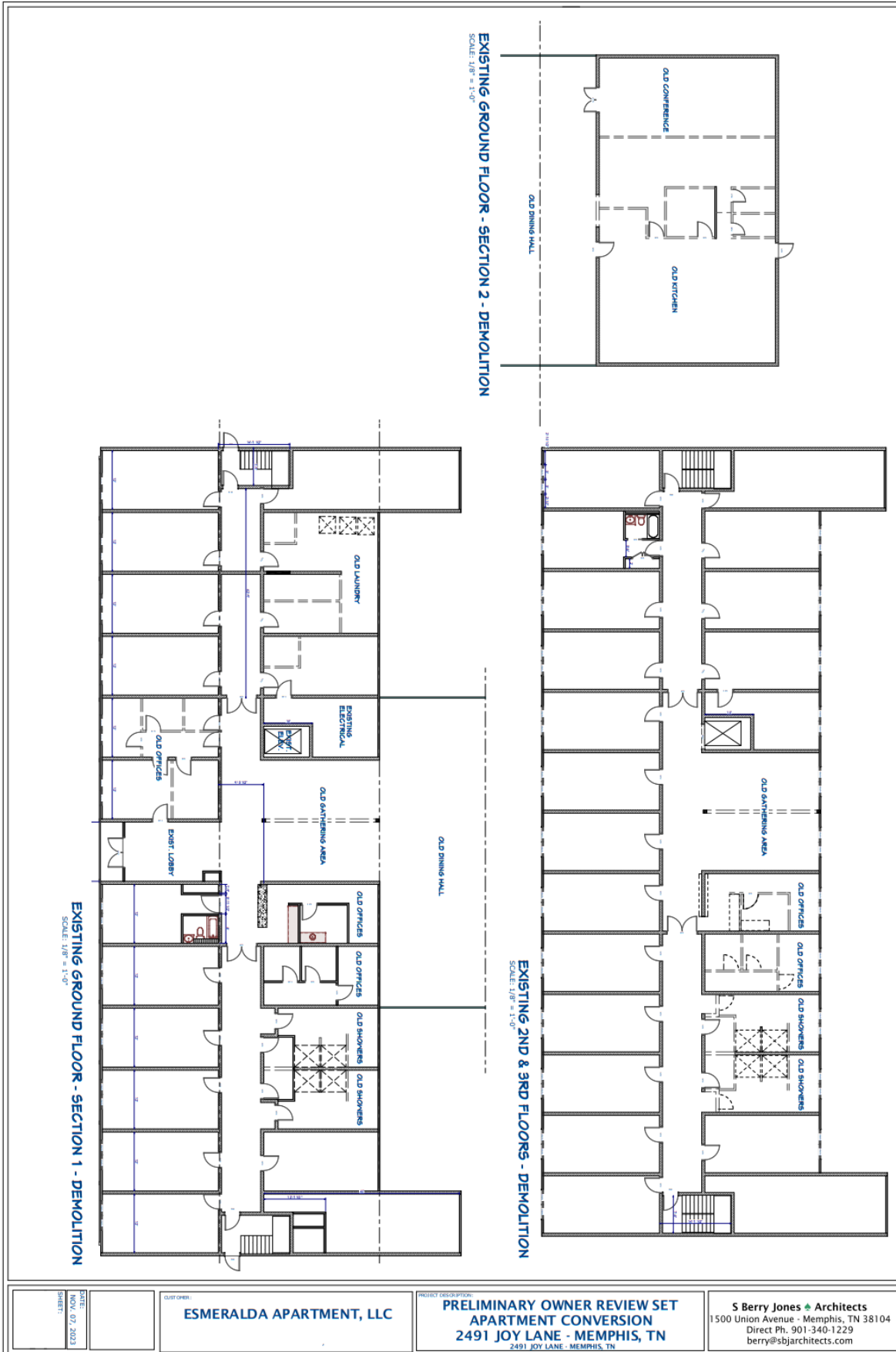
ESMERALDA APARTMENTS		STUDIO		STUDIO + 1 UNIT		1 KING UNIT		2 BED UNIT		3 BED UNIT		GROSS SF	
FLOOR	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS
GROUND FLOOR	10	10	10	10	10	10	10	10	10	10	10	10	13,860
FIRST FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
SECOND FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
THIRD FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
FOURTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
FIFTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
SIXTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
SEVENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
EIGHTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
NINTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
TENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
ELEVENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
TWELFTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
THIRTEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
FOURTEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
FIFTEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
SIXTEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
SEVENTEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
EIGHTEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
NINETEENTH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
TWENTIETH FLOOR	22	22	22	22	22	22	22	22	22	22	22	22	13,860
TOTAL	30	30	30	30	30	30	30	30	30	30	30	30	30

DATE: NOV. 07, 2023  
SHEET:

CLIENT: **ESMERALDA APARTMENT, LLC**

PROJECT DESCRIPTION:  
**PRELIMINARY OWNER REVIEW SET  
APARTMENT CONVERSION  
2491 JOY LANE - MEMPHIS, TN  
2491 JOY LANE - MEMPHIS, TN**

**S Berry Jones Architects**  
1500 Union Avenue - Memphis, TN 38104  
Direct Ph. 901-340-1229  
berry@sbjarchitects.com



DATE: NOV. 02, 2023	SHEET: 11
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CUSTOMER: <b>ESMERALDA APARTMENT, LLC</b>
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PROJECT DESCRIPTION: <b>PRELIMINARY OWNER REVIEW SET    APARTMENT CONVERSION    2491 JOY LANE - MEMPHIS, TN    2491 JOY LANE - MEMPHIS, TN</b>
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<b>S Berry Jones Architects</b> 1500 Union Avenue - Memphis, TN 38104 Direct Ph. 901-340-1229 berry@sbjarchitects.com
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CUSTOMER:  
**ESMERALDA APARTMENT, LLC**

PROJECT DESCRIPTION:  
**PRELIMINARY OWNER REVIEW SET  
 APARTMENT CONVERSION  
 2491 JOY LANE - MEMPHIS, TN  
 2491 JOY LANE - MEMPHIS, TN**

**S Berry Jones Architects**  
 1500 Union Avenue - Memphis, TN 38104  
 Direct Ph. 901-340-1229  
 berry@sbjarchitects.com

DATE:  
 NOV. 07, 2023  
 SHEET:



**UNIT VIEW**



OVERHEAD VIEW TYPICAL UNIT

VIEW TYPICAL UNIT

VIEW TYPICAL UNIT

DATE: NOV. 07, 2023 SHEET:	CUSTOMER: <b>ESMERALDA APARTMENT, LLC</b>	PROJECT DISCUSSION: <b>PRELIMINARY OWNER REVIEW SET APARTMENT CONVERSION 2491 JOY LANE - MEMPHIS, TN 2491 JOY LANE - MEMPHIS, TN</b>	<b>S Berry Jones Architects</b> 1500 Union Avenue - Memphis, TN 38104 Direct Ph: 901-340-1229 berry@sbjarchitects.com
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## STAFF ANALYSIS

### Request

The application and letter of intent have been added to this report.

The request is for a conversion of an existing abandoned assisted living facility into 80 studio apartments.

### Approval Criteria

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

#### *9.6.9 Approval Criteria*

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

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

### Site Description

The subject property is +/-34,029 SF located at 2491 Joy Lane, Memphis, TN 38114.

This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

### **Previous Special USE Permit Approval**

The Council of the City of Memphis previously approved a special use permit (SUP 201-209) on September 06, 2011, for this site to be used as a juvenile transitional housing facility, see pages 30-34 of this report for resolution and site plan.

### **Site Zoning History**

The current zoning is Commercial Mixed Use (CMU-3). The site has previously been used for a hotel, nursing home facility, and the aforementioned juvenile transitional housing facility.

### **Site Plan Review**

The subject property is +/-34,029 SF.

The current zoning is Commercial Mixed Use (CMU-3).

There will be a total of 80 units.

The building is a 3-floor apartment complex.

The apartment complex includes studio units, studio + units, king units, 2BR units, and queen units.

Access will be provided from Alcy Road.

The building appears to meet all required minimum building setbacks and maximum building height requirements.

Parking will have to be provided on site at a ratio provided in the unified development code.

Landscaping and screening requirement found in the UDC must also be met.

### **Conclusions**

The reuse of this existing building for apartments is consistent with prior uses for this site. This use actually reintroduces a residential component versus a number of uses that could be provided on this site that would potentially not be as compatible with the abutting single family homes due to the CMU-3 zoning designation currently existing.

### **RECOMMENDATION**

Staff recommends approval with conditions.

#### **Conditions:**

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

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

### Sewers:

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

### Roads:

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

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

### Traffic Control Provisions:

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

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

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

### Curb Cuts/Access:

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

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

Drainage:

10. 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.

11. 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.

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

13. 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.

14. 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:

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

16. Development is greater than 1 acre. Detention is required.

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

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

19. 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.

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

**City 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:**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [SUP 23 -028 Airport Adjacent](#)

Site Address/Location: 2491 Joy Lane

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

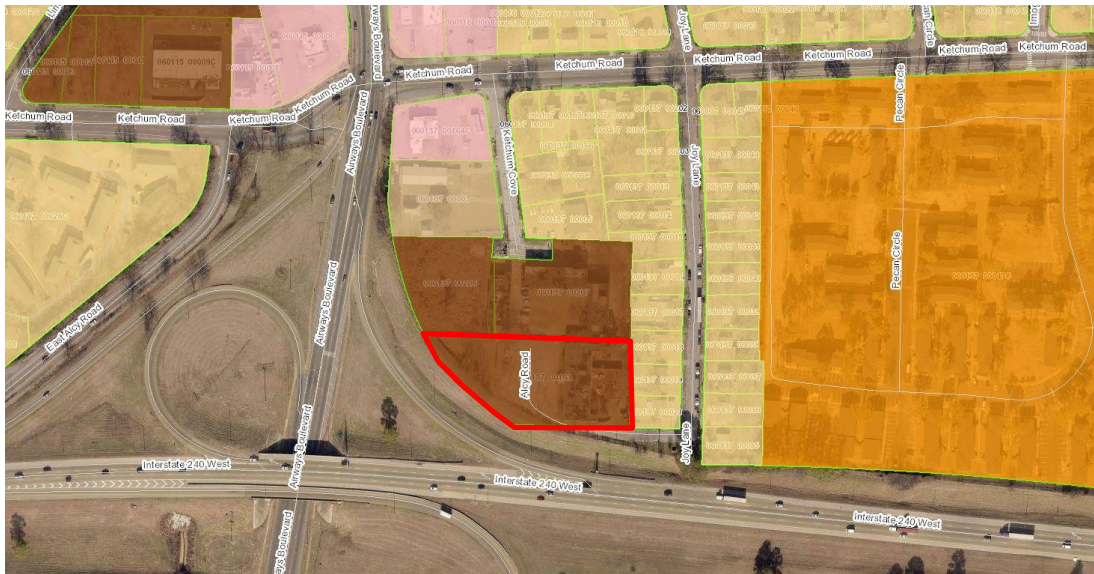
Future Land Use Designation: High Intensity Commercial & Services (CSH)

Street Type: N/A

*The applicant is seeking a special use permit to allow apartments in the Commercial Mixed Use-3 (CMU-3) Districts.*

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

## 1. Future Land Use Planning Map



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

## 2. Land Use Description/Intent

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



### “CSH” Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height.

### “CSH” Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed above.

### Existing, Adjacent Land Use and Zoning

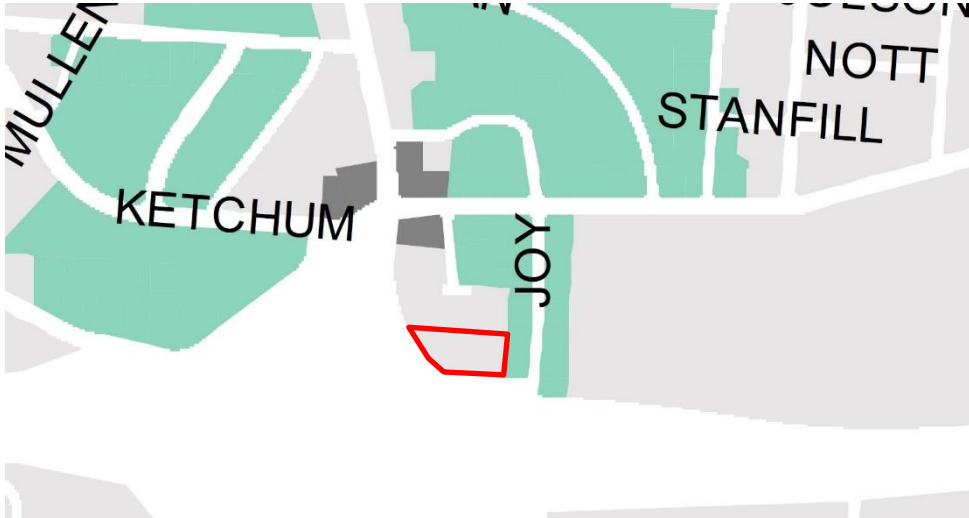
Existing Land Use and Zoning: Multi-Family, CMU-3

Adjacent Land Use and Zoning: Commercial, Single-Family, Vacant, Multi-Family; CMU-3, R-15 RU-3, CMU-1

**Overall Compatibility:** *The requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, as the proposed use is a multi-family apartment. However, the proposed use is compatible with the existing and adjacent land uses and the proposed development will act as an adaptive reuse of the former*

*nursing home. Additionally, the proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.*

**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**

NA

**5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations**

NA

**Consistency Analysis Summary**

*The applicant is seeking a special use permit to allow apartments in the Commercial Mixed Use-3 (CMU-3) Districts.*

*The requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, as the proposed use is a multi-family apartment. However, the proposed use is compatible with the existing and adjacent land uses and the proposed development will act as an adaptive reuse of the former nursing home. Additionally, the proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.*

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

**APPLICATION**



**Record Summary for Special Use Permit**

**Record Detail Information**

**Record Type:** Special Use Permit

**Record Status:** Processing

**Opened Date:** November 7, 2023

**Record Number:** SUP 2023-028

**Expiration Date:**

**Record Name:** Esmeralda Apartments

**Description of Work:** Conversion of an existing abandoned assisted living facility into 80 studio apartments.

**Parent Record Number:**

---

**Address:**

2491 JOY LN, MEMPHIS 38114

**Owner Information**

**Primary Owner Name**

Y ESMERALDA APARTMENT LLC

**Owner Address**

0 PO BOX 20242, CLEVELAND, OH 44120

**Owner Phone**

8122398734

---

**Parcel Information**

060137 00163

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of OPD Planner

brianna

Date of Meeting

11/03/2023

Pre-application Meeting Type

Phone

**GENERAL PROJECT INFORMATION**

Application Type

New Special Use Permit (SUP)



**GENERAL PROJECT INFORMATION**

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

Is this application in response to a citation, stop work order, or zoning letter 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**

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 No building already exist and has been used as a housing facility since its construction in 1970's.

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 Yes.

UDC Sub-Section 9.6.9C Yes this project will be served adequately.  
 UDC Sub-Section 9.6.9D Yes that is correct - this project will not result in destruction of any kind

UDC Sub-Section 9.6.9E Yes this requirement will be met or exceeded.  
 UDC Sub-Section 9.6.9F Yes this statement is correct. There will be no adverse effects from this project.

**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**

<b>Name</b>	<b>Contact Type</b>
ESMERALDA APARTMENT LLC	APPLICANT
<b>Address</b>	

Phone  
(812)239-8734

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1516301	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/07/2023
1516301	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	11/07/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

---

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**LETTER OF INTENT**

**Esmeralda Apartment LLC**  
**2491 Joy Lane, Memphis, TN 38114**  
**901-402-4444**  
**11/01/2023**

**Memphis and Shelby County, Division of Planning and Development**  
**City Hall, 125 N. Main Street, Suite 468, Memphis, TN 38103**  
**901-636-6619**

**Subject:** Letter of Intent for Special Use Permit Application – Residential Building

To whom it may concern,

We express our intent to apply for a Special Use Permit for the development of a former nursing home located at 2491 Joy Lane, Memphis, TN 38114. This Letter of Intent outlines the nature, location, and extent of the proposed development and the market it is intended to serve.

**Nature of Development:**

Our proposed development is a multi-unit residential apartment building, designed to provide high-quality, sustainable housing options to the residents of Memphis. The building will consist of three stories and include a Laundry Room. The primary objective of this development is to meet the growing demand for high quality residential housing within the Memphis City.

**Location:**

The Development site is situated at 2491 Joy Lane, Memphis, TN 38114, within the jurisdiction of Memphis and Shelby County. This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown

Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

**Extent of Development:**

The proposed development encompasses an approximate area of 34,029 Sq Ft. and is expected to be completed in multiple phases over a period of three years. We aim to create a sustainable and aesthetically pleasing environment that harmonizes with the local community while meeting the needs of our target market.

**Market It is Intended to Serve:**

Our primary objective is to address to the housing needs of young professionals, families, or seniors, offering affordable housing that will appeal to the target market. We believe that this development aligns with the growing demand for quality housing options in Memphis. Our project's design and amenities have been carefully considered to meet the needs and preferences of our target market.

In accordance with the requirements of the City of Memphis and Shelby County, we intend to submit a formal application for a Special Use Permit to facilitate this development. We understand the importance of adhering to local regulations and will work closely with the relevant departments to ensure that our project in compliance with all applicable zoning and land use regulations.

Please consider this Letter of Intent as the initial step in our application process for the Special Use Permit. We look forward to initiating the Special Use Permit application process and working closely with your department to address any questions or concerns. Please feel free to contact us if you require any additional information or clarification.

Sincerely,

Esmeralda Apartment LLC.

**SIGN AFFIDAVIT**



AFFIDAVIT

Shelby County  
State of Tennessee

I, S. BERRY LONES, being duly sworn, depose and say that at 12:00 am/pm on the 26 day of JANUARY, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. 23-028 at 2191 JOY LANE, 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

JAN 26-2024  
Date

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2024.

[Signature]  
Notary Public

My commission expires: 06/07/2027



**PREVIOUS RESOLUTION THAT PERMITTED THE OPERATION OF A JUVENILE TRANSITIONAL HOUSING FACILITY (SUP 2011-209)**

**ZONING RESOLUTION**

**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 subject to standards of general applicability and any additional standards applicable to specific special uses in the various zoning districts within the Memphis City Limits, and

**WHEREAS**, Application has been made by Tennessee Learning Academy for a special use permit to allow a Juvenile Transitional Housing Facility with respect to the property located at the northwest intersection of Joy Lane and Interstate-240; and

**WHEREAS**, The Office 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 Section 9.6.9 and reported said findings and recommendations 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 July 14, 2011, and said Board has studied and reported its recommendation to the City Council regarding the following potential effects of granting the Special Use Permit:

- 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.

**WHEREAS**, The Memphis and Shelby County Land Use Control Board and the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the special use permit to reduce any potential adverse impacts of the proposed building or use on the neighborhood, adjacent properties, public facilities and significant natural, scenic or historic features; and

**WHEREAS**, The Memphis and Shelby County Land Use Control Board has also determined that the proposed building or use complies with all additional standards imposed on it by the particular provision of Chapter 9.6 authorizing such particular special use.

**NOW, THEREFORE, BE IT RESOLVED** By the Council of the City of Memphis that a special use permit is hereby granted in accordance with the site plan incorporated in the application, and subject to attached conditions.

**BE IT FURTHER RESOLVED** That this permit authorizes the appropriate 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 City Council have been met.

ATTEST:

cc: Office of Code Enforcement  
City Engineer  
OPD – LUC ✓  
OPD – LUC (East)  
County Assessor

SUP 11-209

Juvenile Transitional Housing Facility Special Use Permit

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

Date SEP 06 2011  
Valerie C. Sripes  
Deputy Comptroller-Council Records



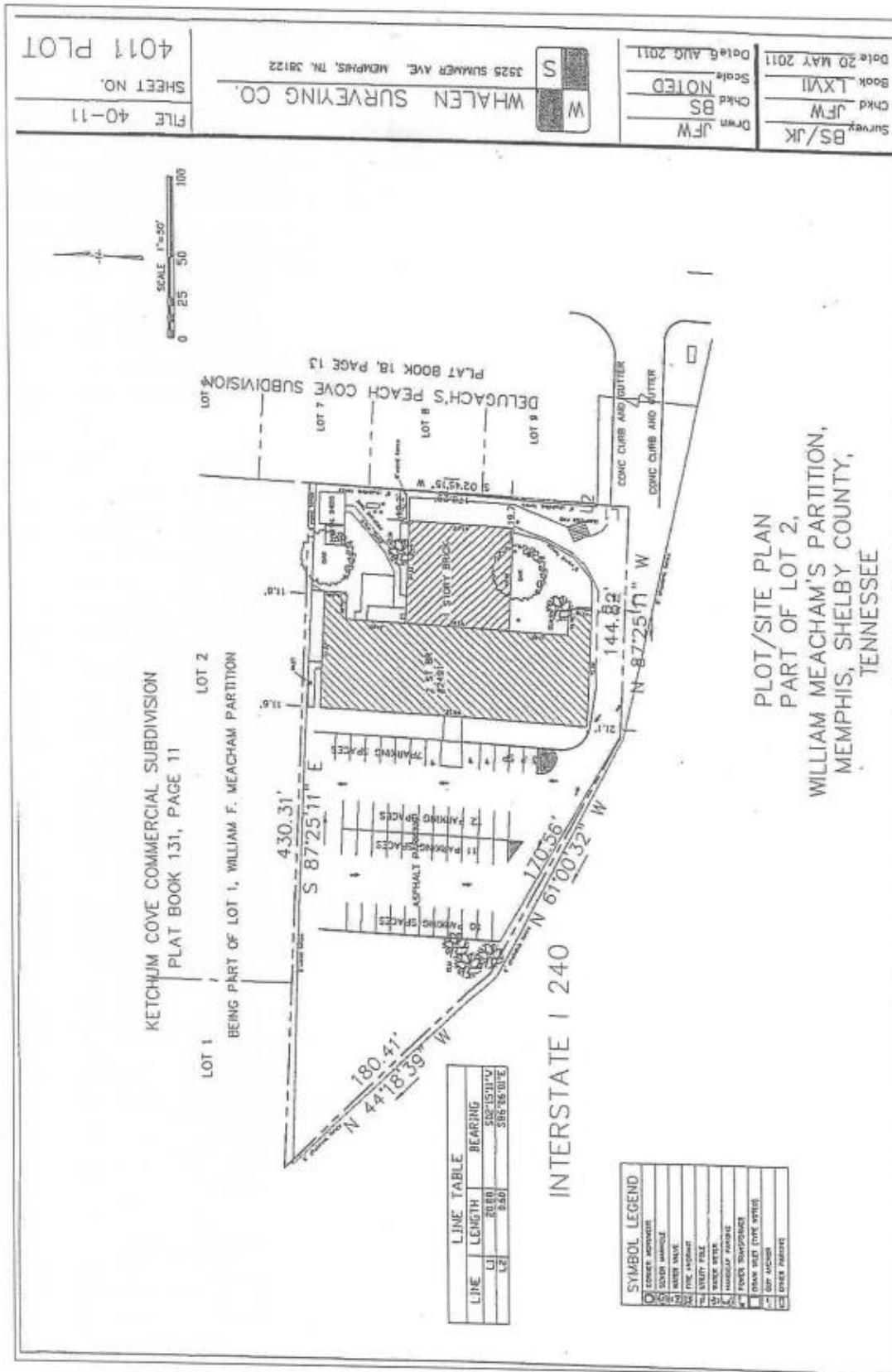
SUP 11-209  
Page 3

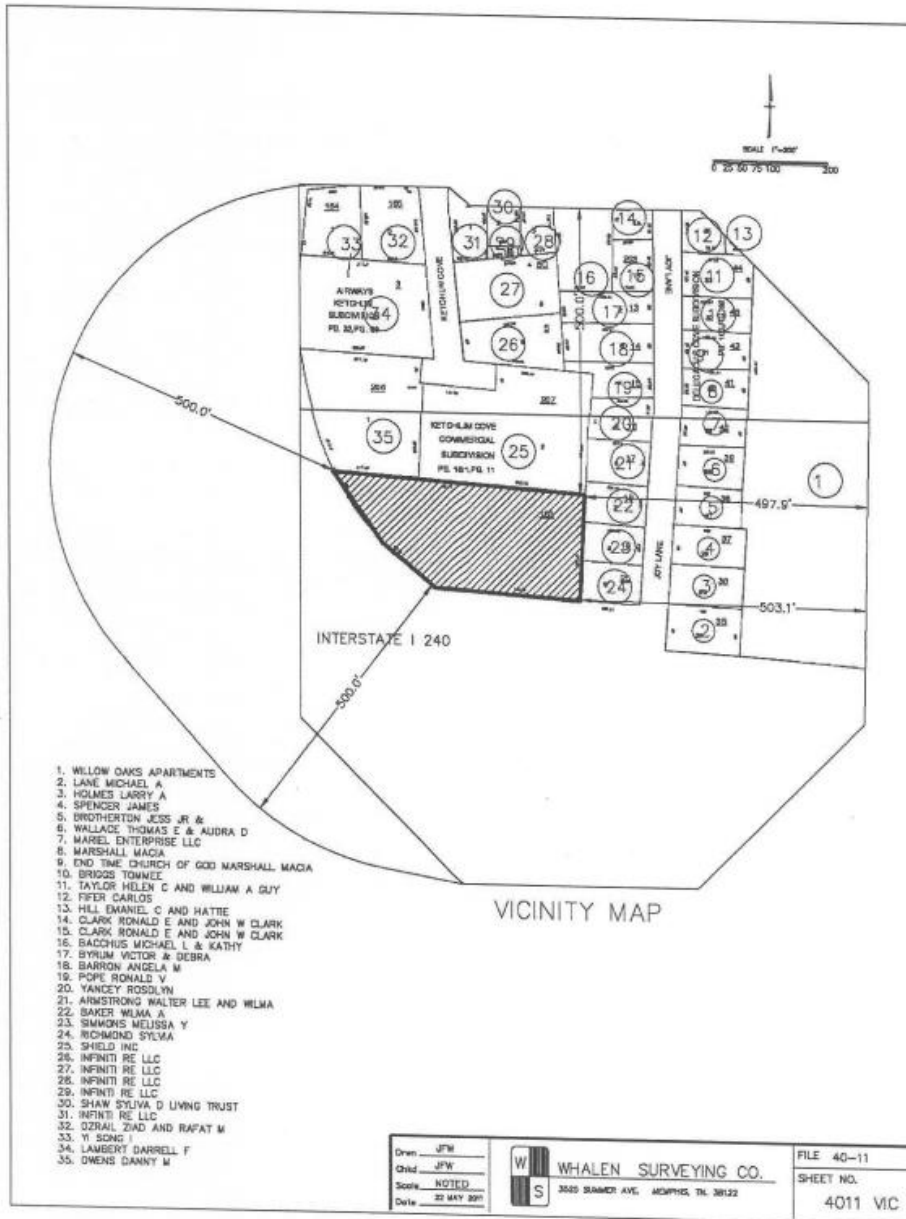
**SITE PLAN CONDITIONS:**

A **Special Use Permit** is hereby authorized to allow a **Juvenile Transitional Housing Facility** on the property located at the **2491 Joy Lane, northwest intersection of Joy Lane and Interstate-240**, in accordance with the approved site plan and the following supplemental conditions:

1. Final SUP site plan approval shall be contingent upon the driveway area shown as the east/west segment of Joy Lane on the Official City Map being acquired and added within the boundaries of the site plan.
2. The proposed site plan with the existing building, parking, and landscape buffering, signage is approved as is. Any changes to the site, parking addition or building expansion shall require the approval of a new site plan in conformance development standards of the Unified Development Code.
3. Signage shall be regulated by the CMU-3 District and no signage facing the residential neighborhood shall be illuminated.
4. Lighting on the site adjacent to the northern and eastern property lines shall be limited to what is customary for a residential site (ie., a motion detector or security light mounted on a MLGW pole).
5. Any refuse dumpster shall be screened from the view of traffic on the adjoining streets and from adjoining properties.
6. A new site plan that reflects the location and type of fencing along the perimeter of the site, the location of existing mature trees and scrubs, existing detached sign (size & height), trash dumpster, entrance gate and driveway width, and number parking space with dimensions shall be submitted for review and approval by OPD prior this application being forwarded to the Memphis City Council for final disposition.
7. The applicant shall submit to OPD verification of meeting all local and state licensing requirements for operation of a Juvenile Transitional Housing Facility prior to the issuance of a final Certificate of Occupancy for this site at 2491 Joy Lane.

PREVIOUSLY APPROVED SITE PLAN FOR SUP 2011-209





POSY 1902

**LETTERS RECEIVED**

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



## Record Summary for Special Use Permit

### Record Detail Information

**Record Type:** Special Use Permit

**Record Status:** Processing

**Opened Date:** November 7, 2023

**Record Number:** SUP 2023-028

**Expiration Date:**

**Record Name:** Esmeralda Apartments

**Description of Work:** Conversion of an existing abandoned assisted living facility into 80 studio apartments.

**Parent Record Number:**

### Address:

2491 JOY LN, MEMPHIS 38114

### Owner Information

**Primary Owner Name**

Y ESMERALDA APARTMENT LLC

**Owner Address**

0 PO BOX 20242, CLEVELAND, OH 44120

**Owner Phone**

8122398734

### Parcel Information

060137 00163

### Data Fields

#### PREAPPLICATION MEETING

Name of OPD Planner

brianna

Date of Meeting

11/03/2023

Pre-application Meeting Type

Phone

#### GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

**GENERAL PROJECT INFORMATION**

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

Is this application in response to a citation, stop work order, or zoning letter No

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

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**GIS INFORMATION**

- Case Layer -
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- Class -
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- Historic District -
- Land Use -
- Municipality -
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- Zoning -
- State Route -
- Lot -
- Subdivision -
- Planned Development District -
- Wellhead Protection Overlay District No

---

**Contact Information**

**Name**  
ESMERALDA APARTMENT LLC  
**Address**

**Contact Type**  
APPLICANT

**Phone**

(812)239-8734

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Total Fee Invoiced: \$513.00

Total Balance: \$0.00

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**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**Esmeralda Apartment LLC**  
**2491 Joy Lane, Memphis, TN 38114**  
**901-402-4444**  
**11/01/2023**

**Memphis and Shelby County, Division of Planning and Development**  
**City Hall, 125 N. Main Street, Suite 468, Memphis, TN 38103**  
**901-636-6619**

**Subject:** Letter of Intent for Special Use Permit Application – Residential Building

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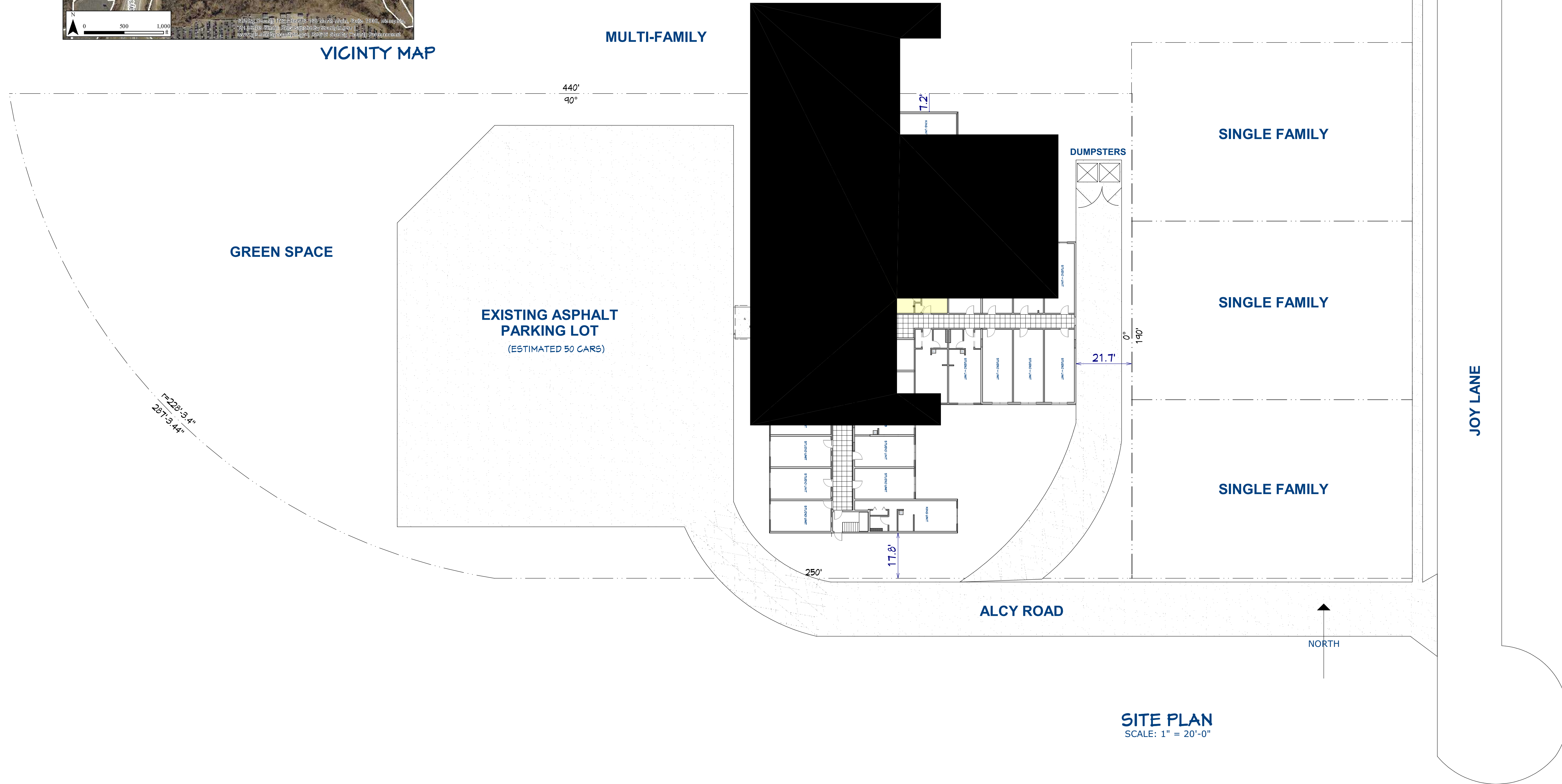
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Sincerely,

Esmeralda Apartment LLC.



VICINITY MAP



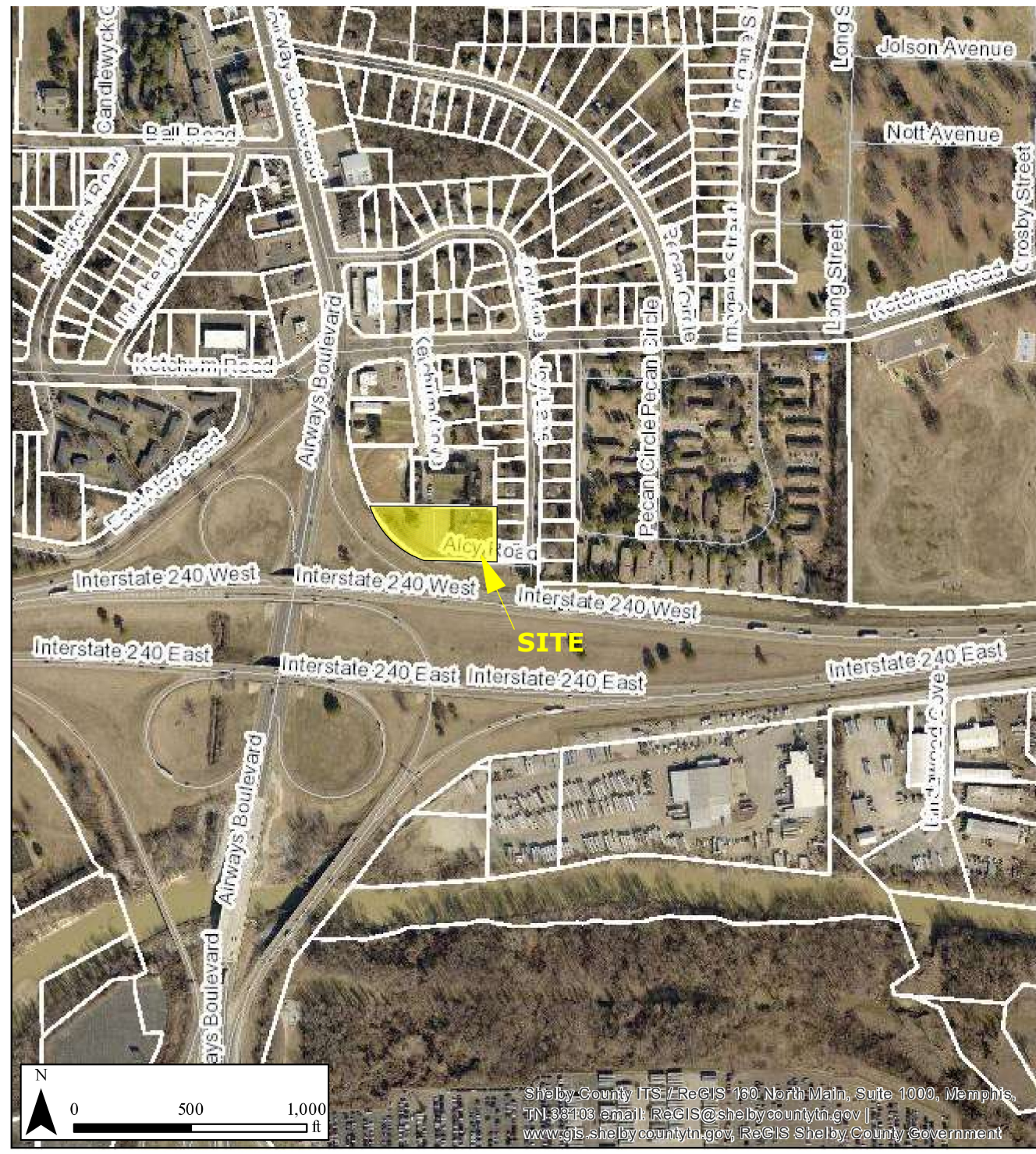
**SITE PLAN**  
SCALE: 1" = 20'-0"

**S Berry Jones Architects**  
1500 Union Avenue - Memphis, TN 38104  
Direct Ph. 901-340-1229  
berry@sbjarchitects.com

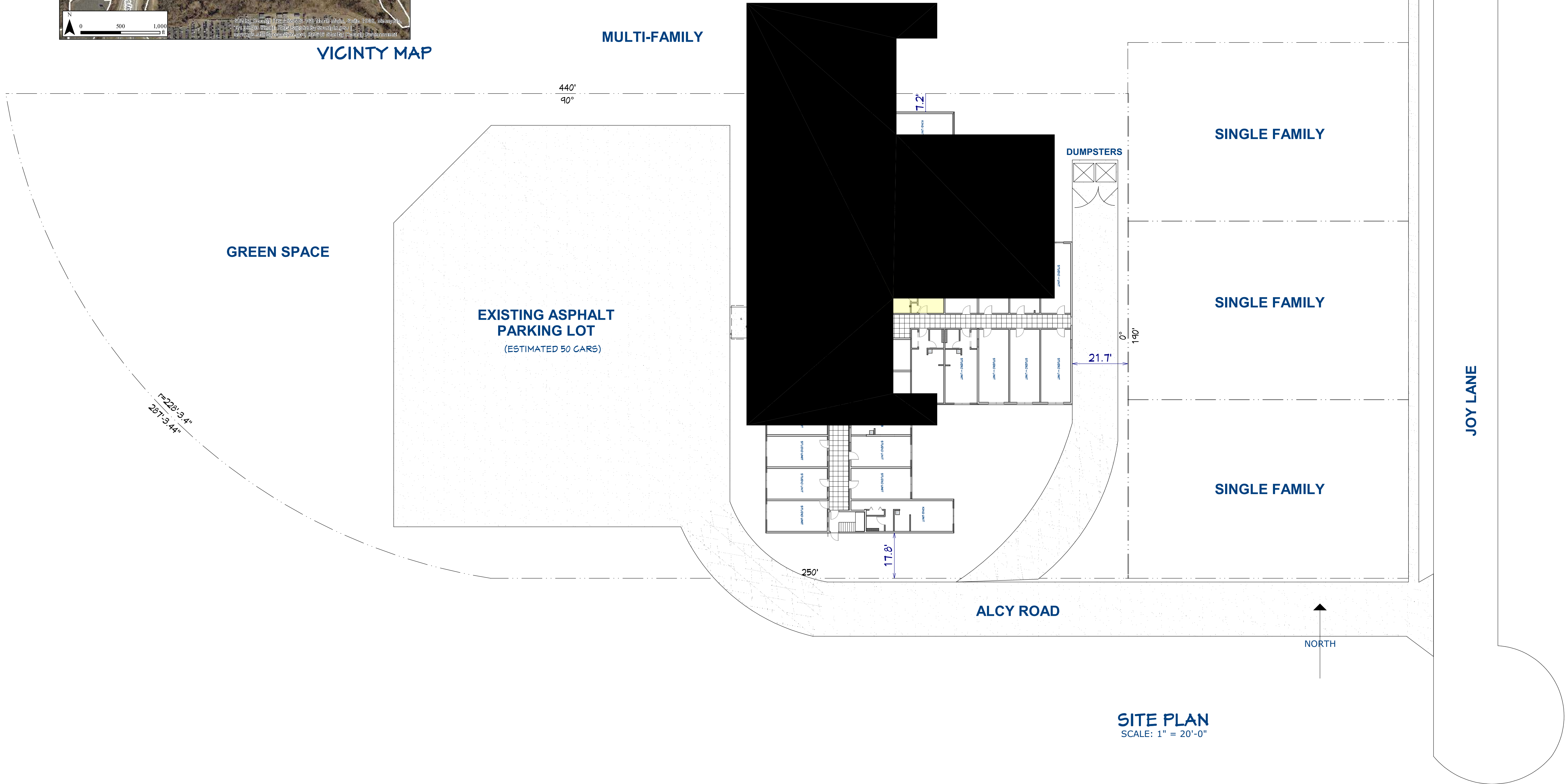
PROJECT DESCRIPTION:  
**PRELIMINARY OWNER REVIEW SET**  
**APARTMENT CONVERSION**  
**2491 JOY LANE - MEMPHIS, TN**  
2491 JOY LANE - MEMPHIS, TN

CUSTOMER:  
**ESMERALDA APARTMENT, LLC**

DATE:  
NOV. 07, 2023  
SHEET:



VICINITY MAP



SITE PLAN  
SCALE: 1" = 20'-0"

**S Berry Jones Architects**  
 1500 Union Avenue - Memphis, TN 38104  
 Direct Ph. 901-340-1229  
 berry@sbjarchitects.com

PROJECT DESCRIPTION:  
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**2491 JOY LANE - MEMPHIS, TN**  
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CUSTOMER:  
**ESMERALDA APARTMENT, LLC**

DATE:  
 NOV. 07, 2023  
 SHEET:

# APARTMENT CONVERSION ESMERALDA APARTMENTS 2491 JOY LANE - MEMPHIS, TN

2491 JOY LANE - MEMPHIS, TN



### UNIT COUNT BY FLOOR

ESMERALDA APARTMENTS							
	NO. OF UNITS	STUDIO UNITS	STUDIO + UNITS	KING UNITS	2BR UNITS	QUEEN UNITS	GROSS SF
GROUND FLOOR	30	16	10	2	2		13,965
SECOND FLOOR	25	22		2		1	9,960
THIRD FLOOR	25	22		2		1	9,960
TOTALS	80	60	10	6	2	2	33,885 SF

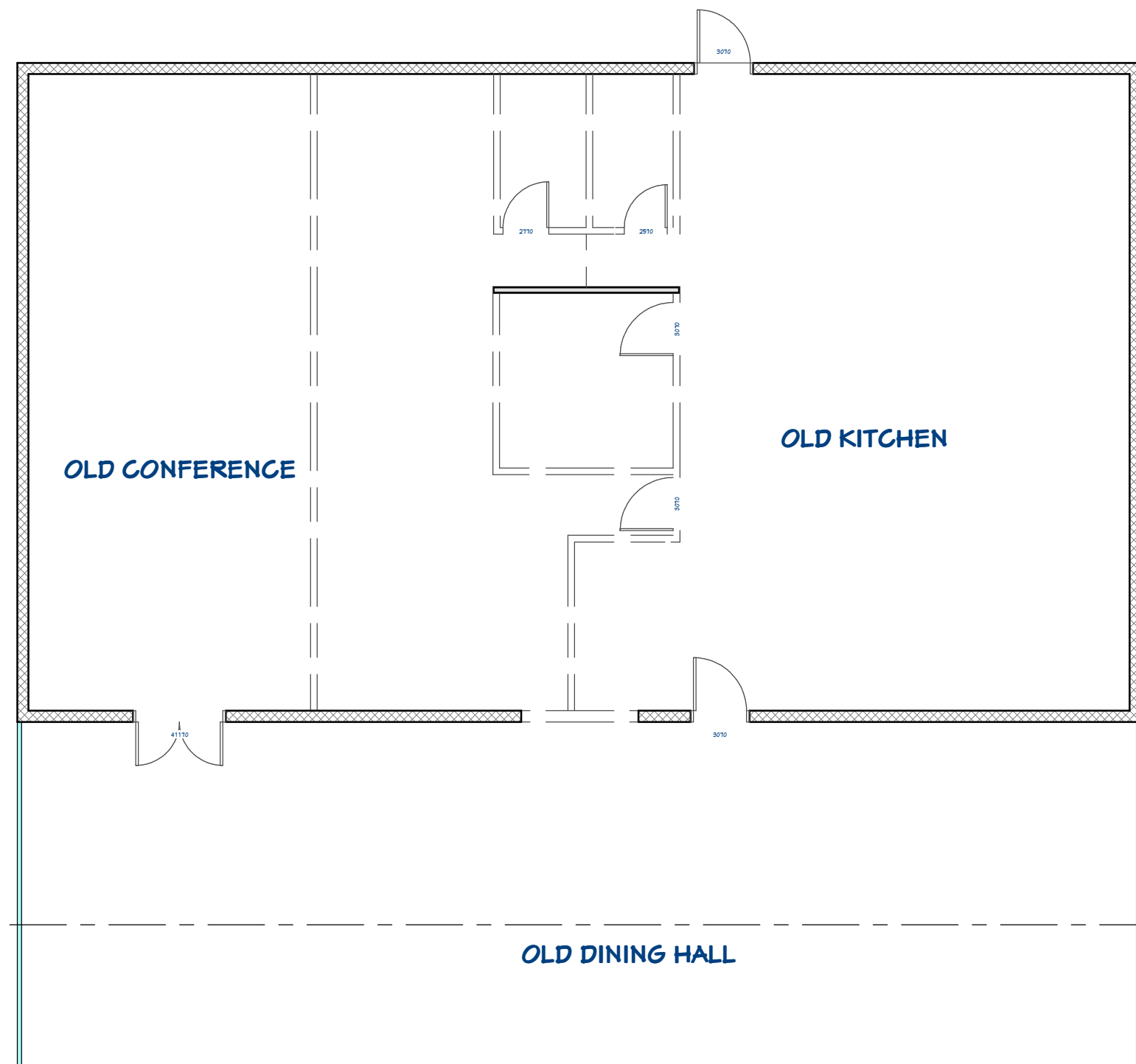
S Berry Jones Architects  
1500 Union Avenue - Memphis, TN 38104  
Direct Ph. 901-340-1229  
berry@sbjarchitects.com

PROJECT DESCRIPTION:  
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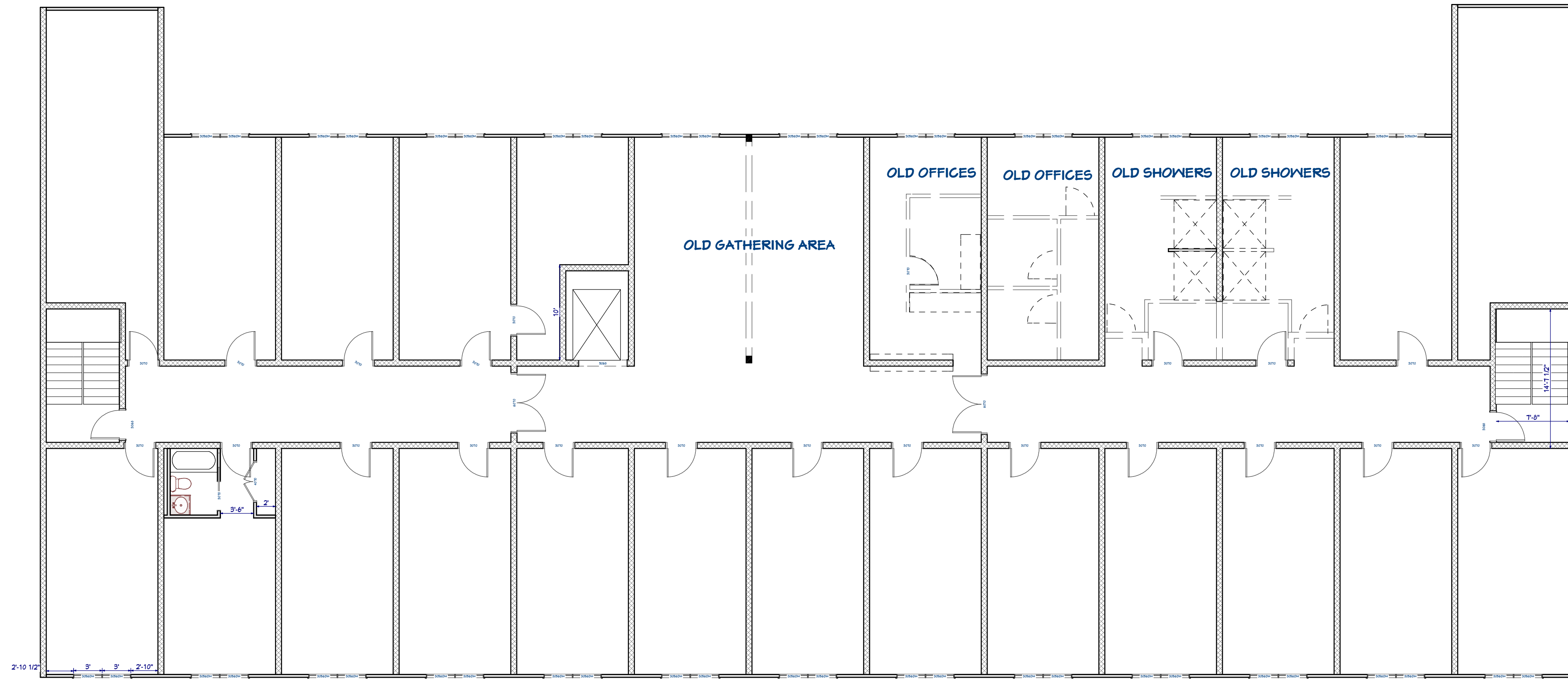
CUSTOMER:  
ESMERALDA APARTMENT, LLC

DATE:  
NOV. 07, 2023

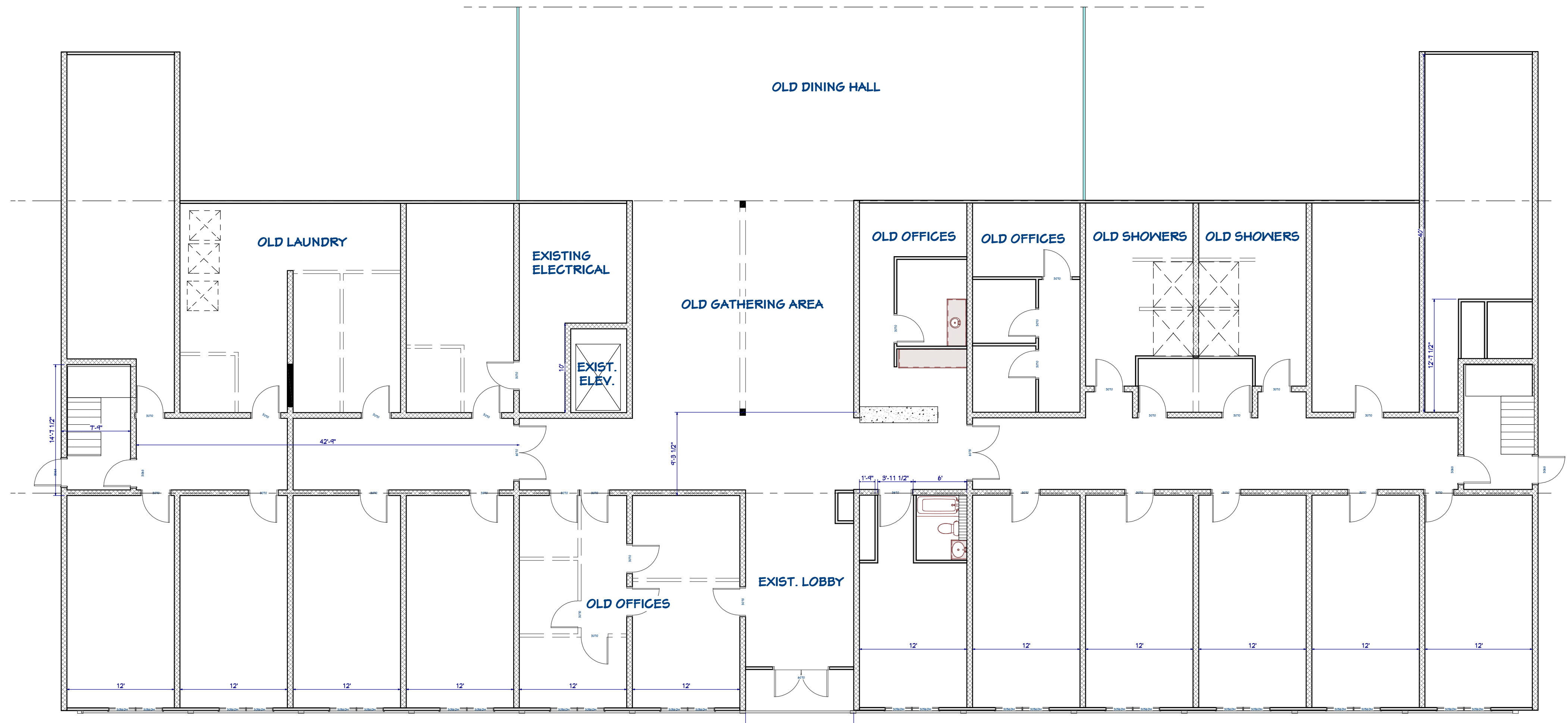
SHEET:



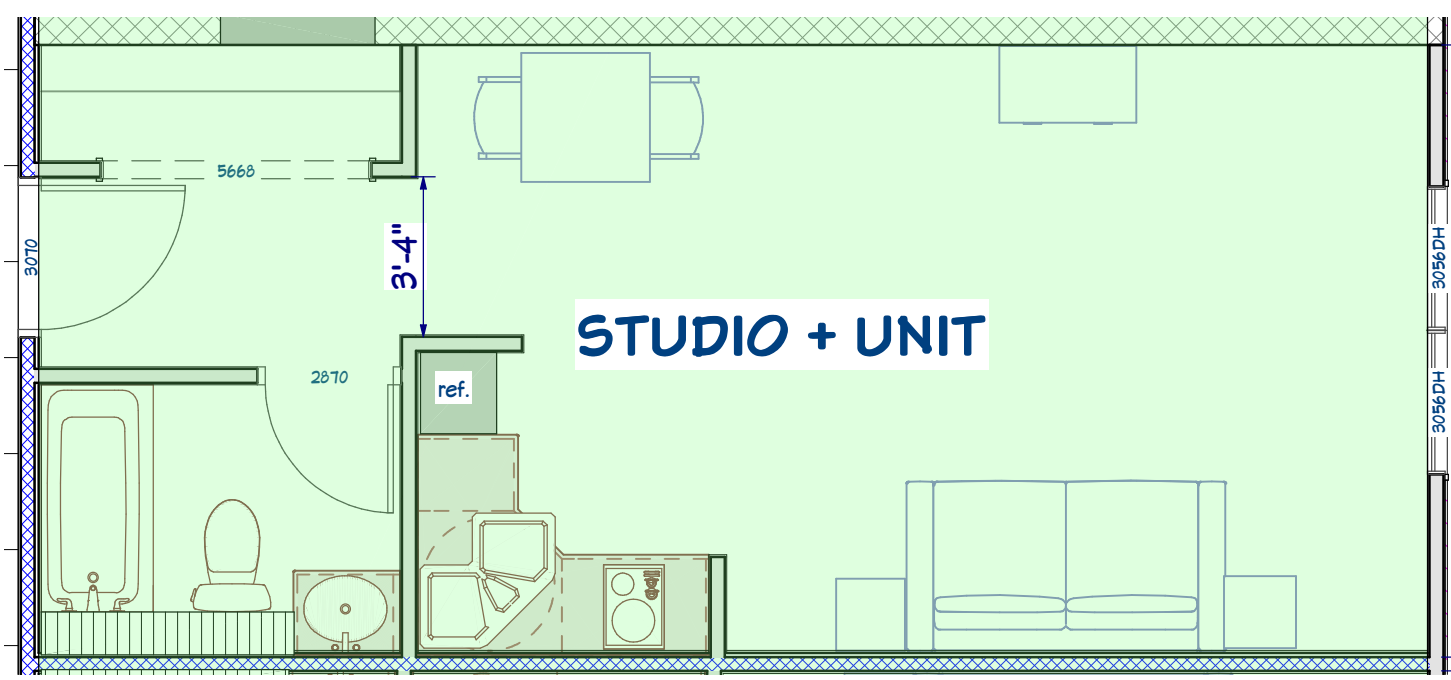
**EXISTING GROUND FLOOR - SECTION 2 - DEMOLITION**  
SCALE: 1/8" = 1'-0"



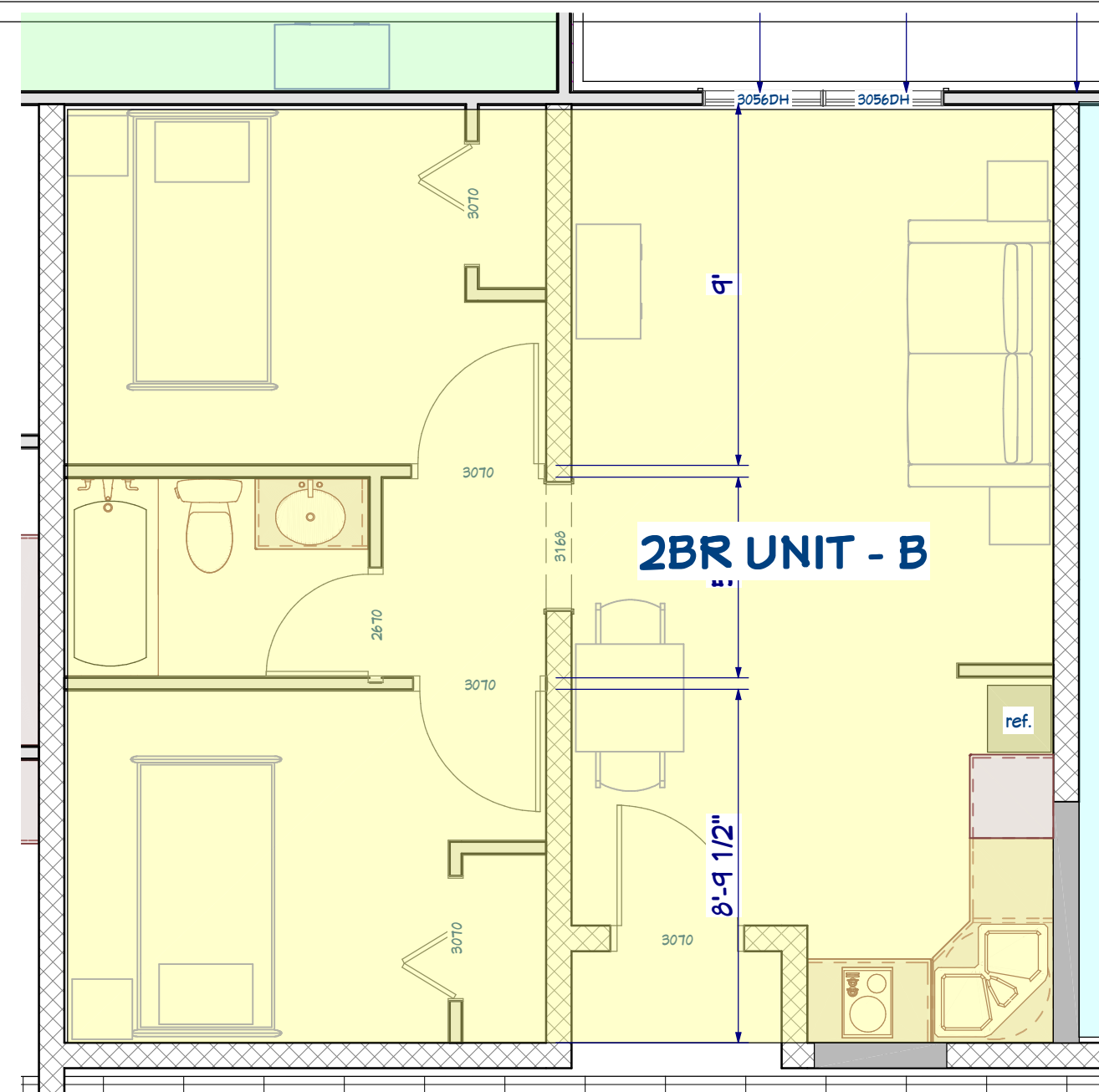
**EXISTING 2ND & 3RD FLOORS - DEMOLITION**  
SCALE: 1/8" = 1'-0"



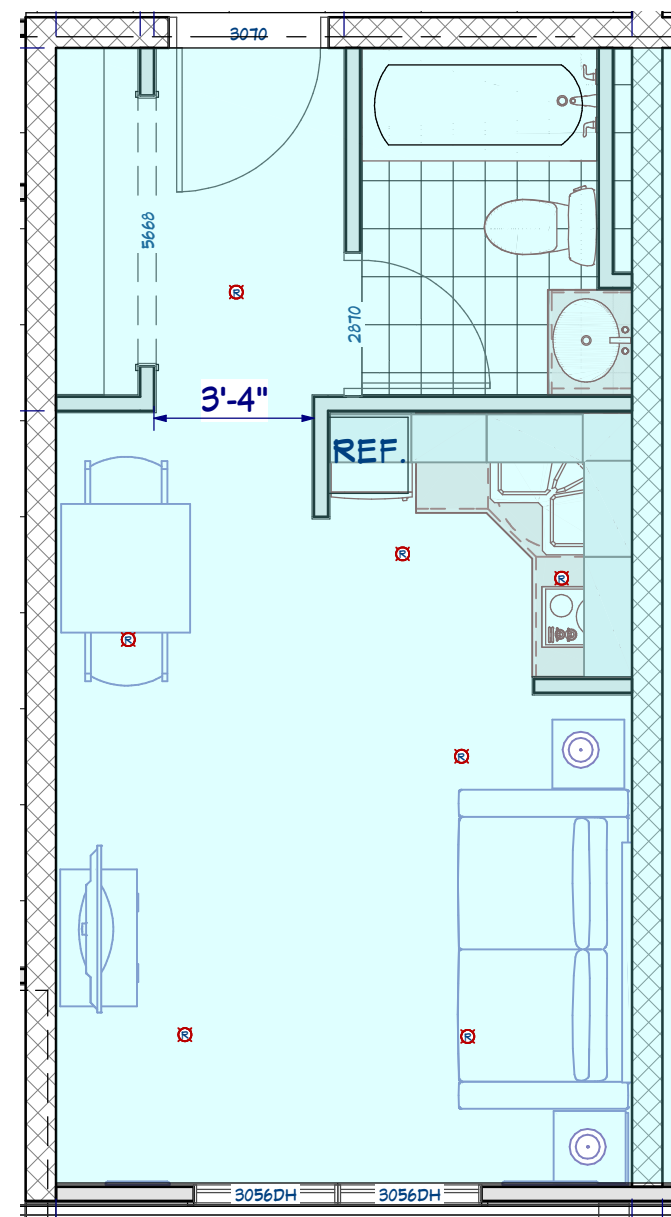
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SCALE: 1/8" = 1'-0"



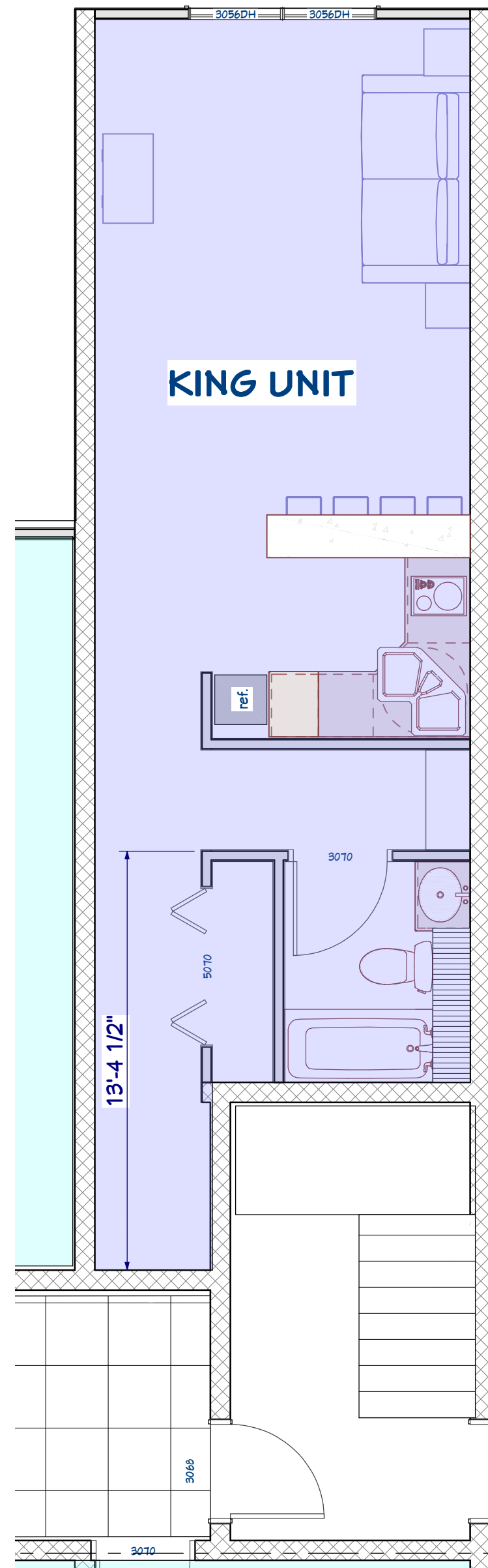
**STUDIO + UNIT - 3805F**  
SCALE: 1/4" = 1'-0"



**2BR UNIT B - 6005F**  
SCALE: 1/4" = 1'-0"



**STUDIO UNIT - 3055F**  
SCALE: 1/4" = 1'-0"



**KING UNIT - 4305F**  
SCALE: 1/4" = 1'-0"



**NEW GROUND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**UNIT COUNT BY FLOOR**

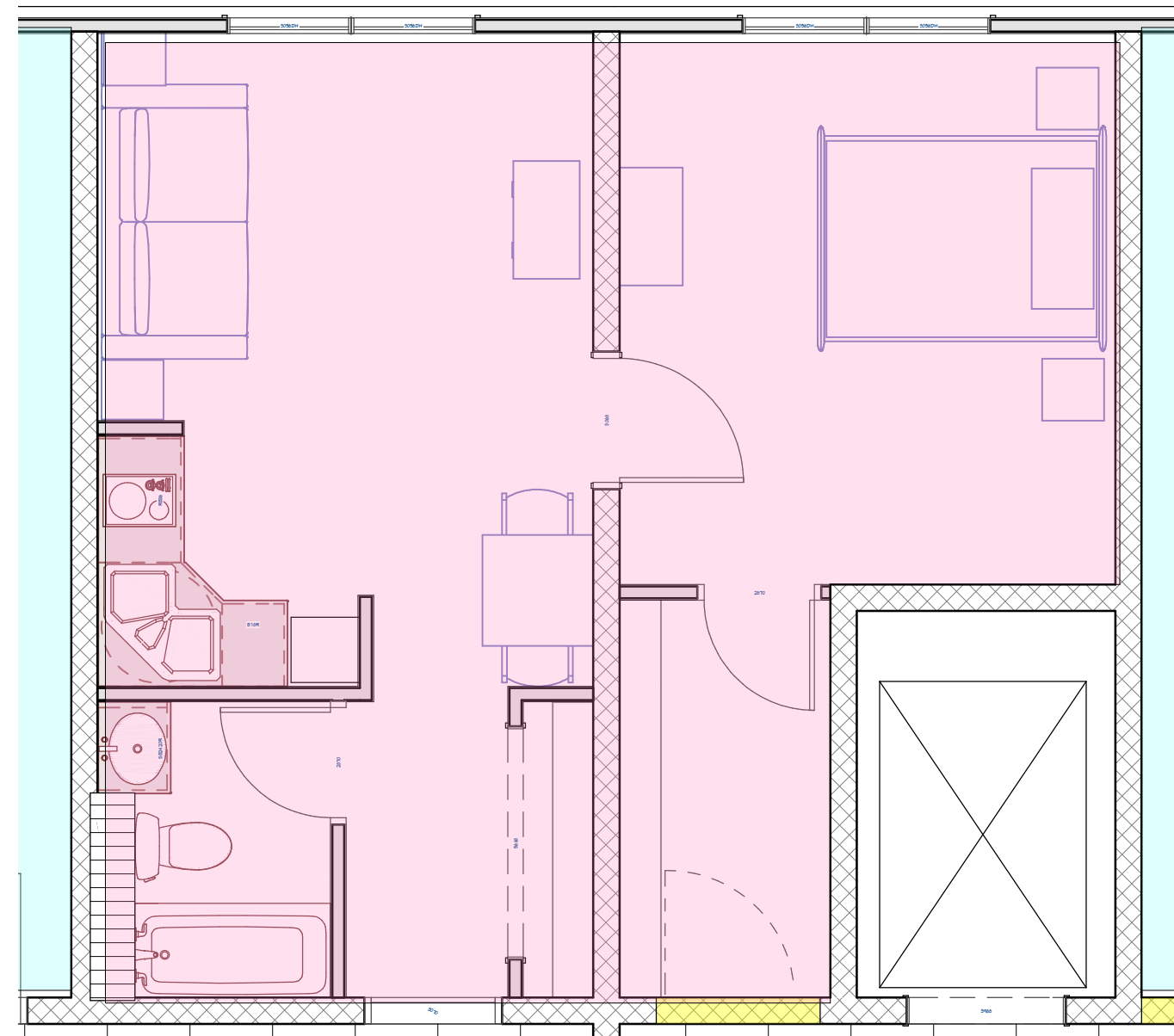
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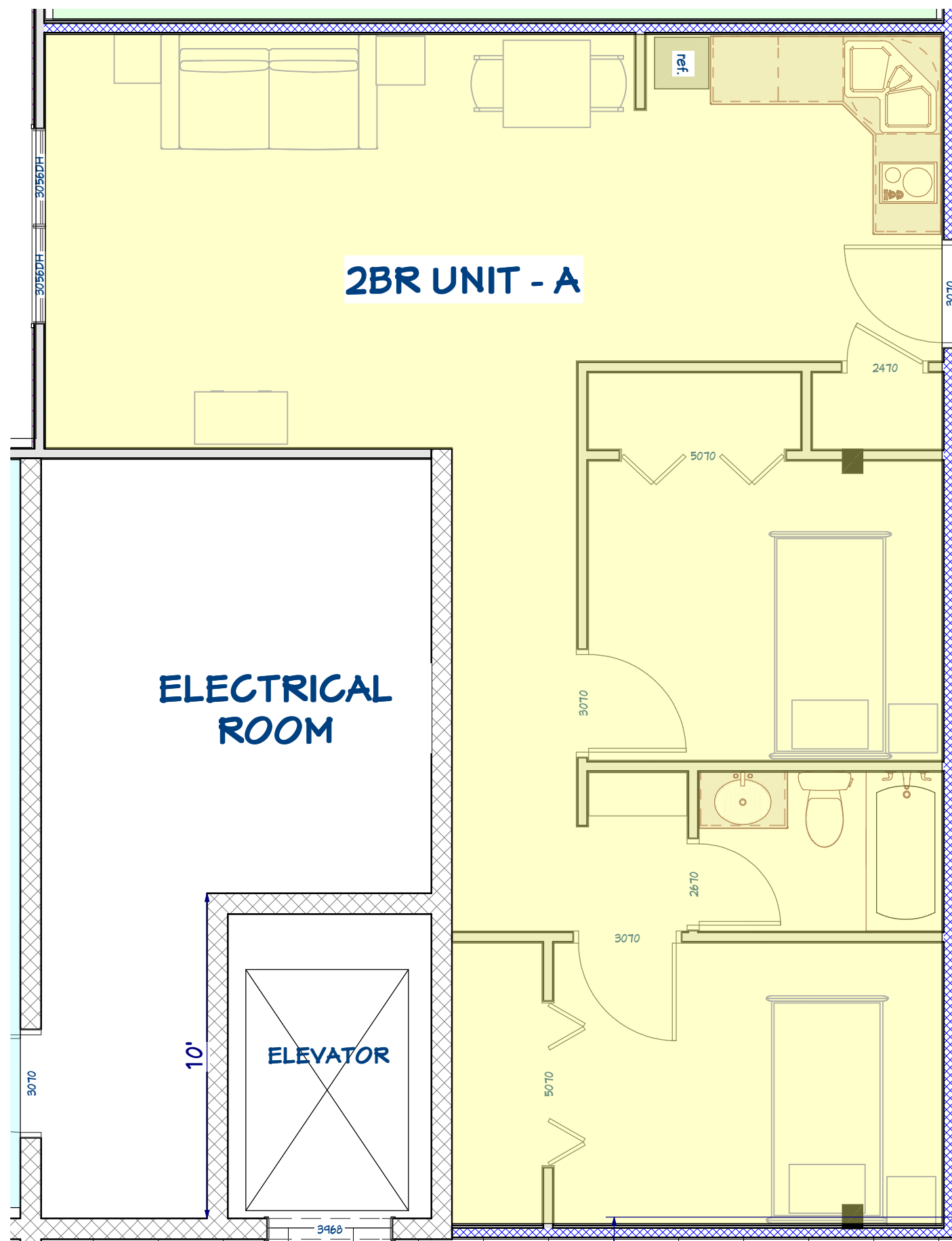
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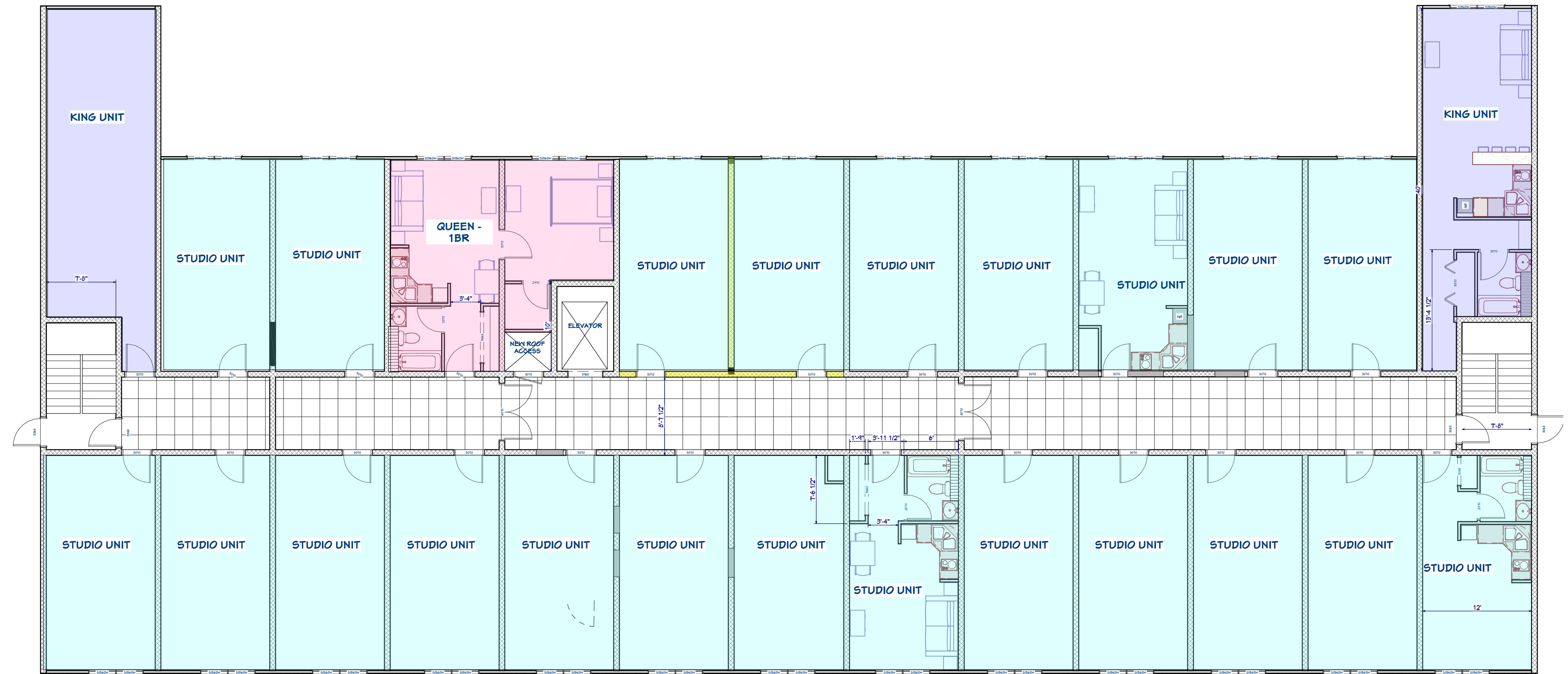
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NOV. 07, 2023  
SHEET:



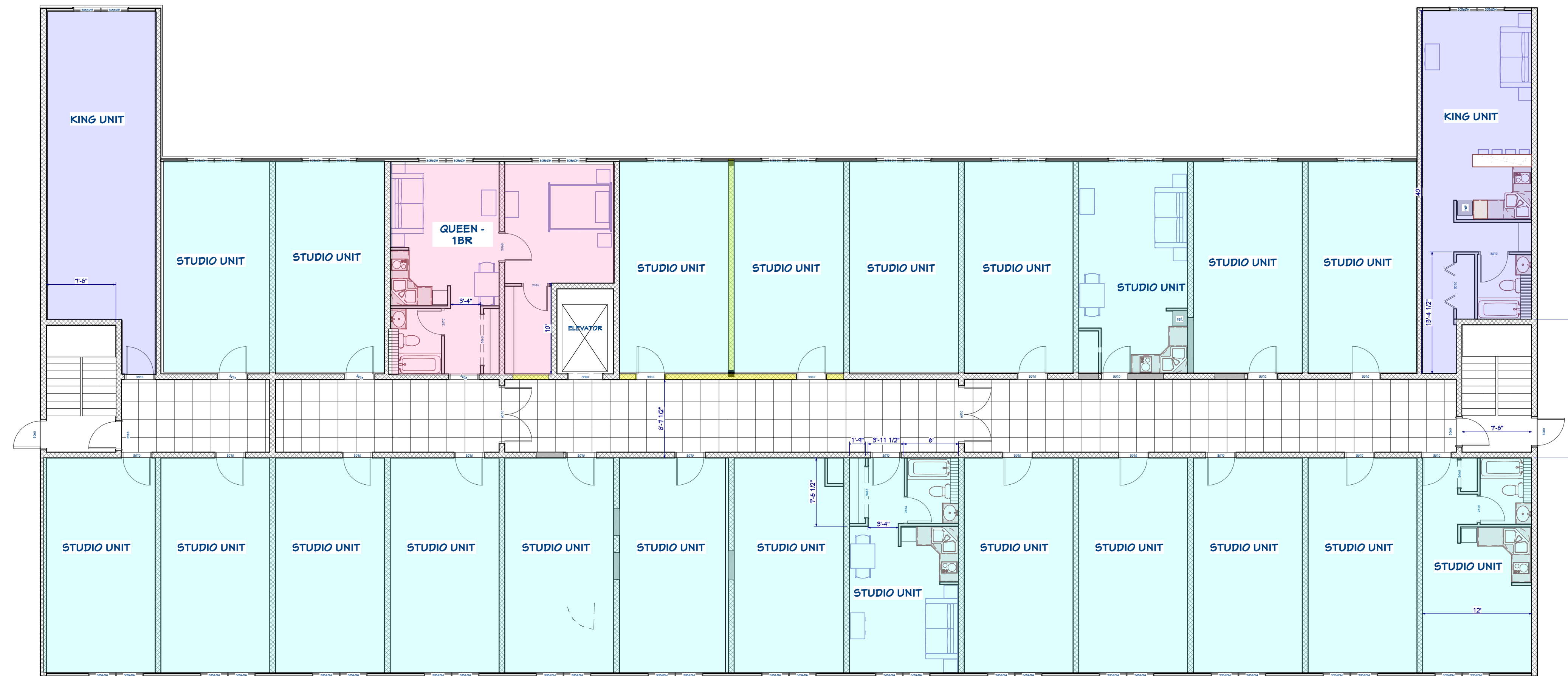
**QUEEN UNIT - 480SF**  
SCALE: 1/4" = 1'-0"



**2BR UNIT A - 710SF**  
SCALE: 1/4" = 1'-0"



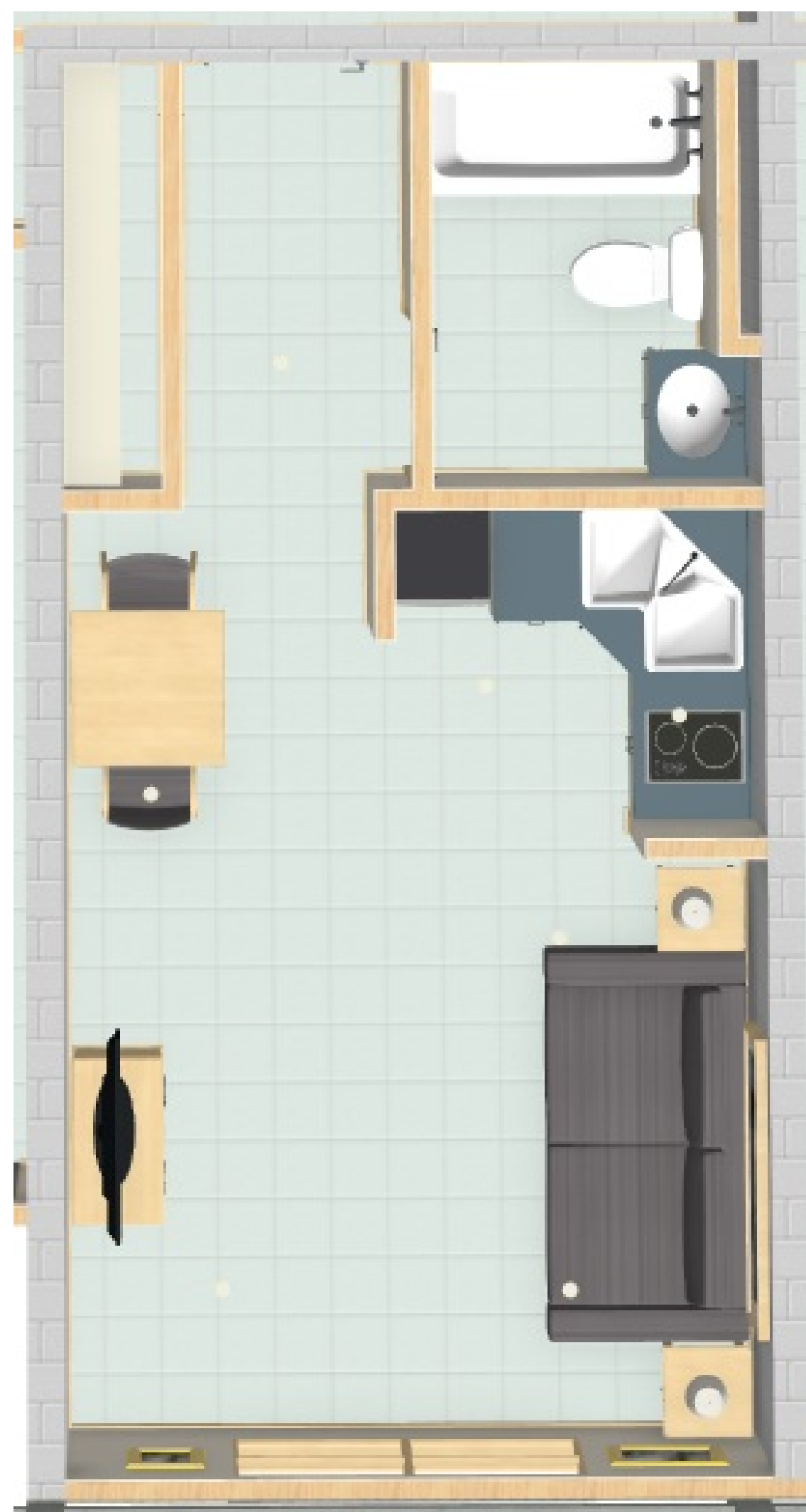
**NEW 3RD FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**NEW 2ND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



VIEW TYPICAL UNIT



OVERHEAD VIEW TYPICAL UNIT



VIEW TYPICAL UNIT

S Berry Jones Architects  
 1500 Union Avenue - Memphis, TN 38104  
 Direct Ph. 901-340-1229  
 berry@sbjarchitects.com

PRELIMINARY OWNER REVIEW SET  
 APARTMENT CONVERSION  
 2491 JOY LANE - MEMPHIS, TN  
 2491 JOY LANE - MEMPHIS, TN

ESMERALDA APARTMENT, LLC

DATE:  
 NOV. 07, 2023  
 SHEET:





Willie F. Brooks, Jr.  
Shelby County Register of Deeds

Owner: ESMERALDA APARTMENT LLC

Parcel Address: 2491 JOY LN

Parcel ID: 060137 00163

2023 Appraisal: \$1,353,600

Tax District: MEMPHIS

Year Built:

Lot Number: 0 2

Subdivision: MEACHAM PARTITION

Plat BK & PG: UNKNOWN

Dimensions:

Total Acres: 1.807

Owner Address: PO BOX 20242

CLEVELAND OH

44120 0242

Map prepared on 11/7/2023



Shelby County ITS / ReGIS 160 North Main, Suite 1000, Memphis, TN 38103 email: ReGIS@shelbycountytn.gov | www.gis.shelbycountytn.gov, ReGIS Shelby County Government

This instrument Prepared by and return to:  
Griffin Clift Everton & Maschmeyer, PLLC  
6489 Quail Hollow #100  
Memphis, TN 38120

## DEED OF TRUST

This Indenture made and entered into this **10th day of January, 2022**, by and between

**Esmeralda Apartment LLC, a Tennessee Limited Liability Company**

Party of the first part, and

**Glenn D. Everton, Trustee, Party of the second part,**

WITNESSETH: That for and in consideration of Five Dollars Cash in hand paid by the party of the second part to the party of the first part, and the debt and trusts hereinafter mentioned, 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, to wit:

**THE WILLIAM BOND, INC. PART OF LOT 2, WILLIAM F. MEACHAM SUBDIVISION, OF PART OF LOT 3, OF PEARCE & SUGGS SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN OLD IRON PIN IN THE WEST LINE OF DELUGACH'S PEACH COVE SUBDIVISION, AS RECORDED IN PLAT BOOK 18, PAGE 13, SAID POINT BEING 209.25 FEET SOUTHWARDLY FROM THE NORTHEAST CORNER OF SAID WILLIAM F. MEACHAM SUBDIVISION, AND SAID POINT BEING THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 1; THENCE SOUTHWARDLY WITH THE WEST LINE OF SAID DELUGACH'S PEACH COVE SUBDIVISION, 177.17 FEET TO THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY ROUTE 1-240; THENCE WESTWARDLY WITH SAID RIGHT OF WAY LINE 0.6 FEET TO CONCRETE MONUMENT; THENCE SOUTHWARDLY WITH SAID RIGHT OF WAY LINE 21.97 FEET TO THE SOUTH LINE OF LOT 2, WILLIAM F. MEACHAM SUBDIVISION; THENCE WESTWARDLY WITH THE SOUTH LINE OF SAID LOT 2 AND WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 1-240, 144.82 FEET; THENCE NORTHWESTWARDLY WITH SAID RIGHT OF WAY LINE 170.56 FEET TO AN ANGLE IN SAID RIGHT OF WAY LINE; THENCE CONTINUING NORTHWESTWARDLY WITH SAID NORTH RIGHT OF WAY LINE 180.41 FEET TO THE SOUTH LINE OF LOT 1 AND THE NORTH LINE OF LOT 2; THENCE EASTWARDLY 429.21 FEET TO THE POINT OF BEGINNING.**

**Property Address: 2491 Joy Lane, Memphis, Tennessee**

**TO HAVE AND TO HOLD**, the aforesaid real estate, together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining unto the said party of the second part, his 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, his successors and assigns, that he is lawfully seized in fee of the aforesaid real estate; that he has a good right to sell and convey the same; that the same is unencumbered, and that the title and quiet possession thereto he will and his heirs and personal representatives shall warrant and forever defend against the lawful claims of all persons.

But this is a Deed of Trust, and is made for the following uses and purposes, and none other; that is to say; the said party of the first part is justly indebted to **Tennessee Learning Academy, a Tennessee Non-Profit Corporation, or the holder of the notes hereinafter mentioned, in the sum of Four Hundred Fifty Thousand and No/100 Dollars (\$450,000.00) evidenced by**

One Promissory Note of even date herewith payable to **Tennessee Learning Academy, a Tennessee Non-Profit Corporation** in the principal sum of **\$450,000.00** with interest thereon on the date hereof. Said principal and interest are due and payable in accordance with the terms of said Note with a maturity date of **June 10, 2021**.

Maximum principal indebtedness for Tennessee recording tax purposes is **\$450,000.00**

**The principal balance from time to time outstanding hereunder shall become immediately due and payable at the option of the holder of the note if the mortgagor or any subsequent owner of the mortgaged premises should sell, convey, or further encumber such premises, without prior written consent of the holder. Said option may be exercised at any time after such conveyance without holder's prior approval and the acceptance of one or more monthly installments made by the new owner shall not constitute a waiver of the holder's option. Holder's approval of a transferee or failure to exercise said option shall not be construed as a waiver of the provisions hereof as regards any subsequent owner.**

**The holder hereof agrees to look solely to this Deed of Trust and any other security now or hereafter given to secure the Note secured by this Deed of Trust, and to the income, rents, profits and issues as may be derived therefrom, for repayment of the indebtedness secured hereby and further agrees that no deficiency judgment shall be sought or obtained against the maker of the Note hereby secured, nor against any of the members or shareholders of the maker if applicable.**

The party of the first part desires to secure and make certain the payment of said indebtedness, and of any and all renewals and extensions thereof. Now, therefore, the party of the first part agrees and binds himself that so long as any part of the indebtedness aforesaid shall remain unpaid, he will pay all taxes and assessments against said property promptly when due, and deposit all tax receipts with the holder of the greater portion of the outstanding indebtedness secured hereby; will insure the buildings on said property for not less than the lesser of (1) the insurable value thereof or (2) the total indebtedness secured by mortgages, deeds of trust or other security instruments encumbering the aforescribed real estate against loss or damage by fire and the perils against which insurance is afforded by extended coverage endorsement in some insurance company or companies approved by the holder of the greater portion of the outstanding indebtedness secured hereby, cause said policies to contain a standard mortgage clause in favor of the holder of said indebtedness and deposit said policies with the holder of the greater portion of the outstanding indebtedness secured hereby as further security for the said debt; will protect the improvements on said property by proper repairs and maintain them in good repair and condition; will not do anything or suffer or permit anything to be done whereby the lien of this Deed of Trust might or could be impaired; will pay such expenses and fees as may be necessary in the protection of the property and the maintenance and execution of this trust, including, but not being limited to, expenses incurred by the Trustee in any legal proceeding to which he is made or becomes a party. The net proceeds resulting from the taking of all or any part of the property by eminent domain, or from any sale in lieu thereof, shall be applied upon the indebtedness in inverse order of its maturity; and in the event of the destruction of the improvements by fire or other casualty, the net proceeds of the insurance shall be applied upon the indebtedness secured hereby in inverse order of its maturity, or at the option of the party of the first part, his heirs and assigns, such proceeds may be used to restore the improvements to their former condition.

The owner of any part of the indebtedness aforesaid may, at his discretion, advance and pay such sums as may be proper to satisfy taxes, maintain insurance and repairs, and protect and preserve the property; and such amount so paid shall be held and treated as part of the expense of administering this trust, shall be repaid on demand with

interest at the highest rate legally chargeable on the date of the advance, and shall be secured by lien of this Deed of Trust.

If the said party of the first part shall pay said indebtedness when due, and shall pay such sums as shall be necessary to discharge taxes and maintain insurance and repairs and the costs, fees and expenses of making, enforcing and executing this trust, when that shall severally be due and payable, then this conveyance shall become null and void, and the owner of the indebtedness shall execute proper deed of release or enter marginal satisfaction on the record of this deed of trust, or in the alternative, the Trustee shall reconvey by quit claim deed the property herein described, all at expense of said party of the first part.

But if said party of the first part shall fail to pay any part of said indebtedness, whether principal or interest, promptly when the same becomes due, or shall fail to pay any sum necessary to satisfy and discharge taxes and assessments before they become delinquent, or to maintain insurance or repairs, or the necessary expense of protecting the property and executing this trust, then, or in either event, all of the indebtedness herein secured shall, at the option of the owner of any of said indebtedness and without notice, become immediately due and payable, principal and interest, and the said Trustee is hereby authorized and empowered to enter and take possession of said property, and before or after such entry to advertise the sale of said property for twenty one days by three weekly notices in some newspaper published in Memphis, Tennessee, if the land described in this Deed is situated in Shelby County, Tennessee, or in some newspaper published in the County of Counties in which the land described in this Deed of Trust is situated, of other than Shelby County, Tennessee, and sell the said property for cash to the highest bidder, free from equity or redemption, statutory right of redemption, homestead, dower, and all other rights and exemptions of every kind, all of which are hereby expressly waived, and said Trustee shall execute a conveyance to the purchaser in fee simple, and deliver possession to the purchaser, which the party of the first part binds himself shall be given without obstruction, hindrance or delay.

The owners of any part of the indebtedness hereby secured may become the purchaser at any sale under this conveyance.

If the notes secured hereby are placed in the hands of an attorney for collection, by suit or otherwise, or to enforce their collection by foreclosure or to protect the security for their payment, the party of the first part will pay all costs of collection and litigation, together with an attorney's fee as provided in said notes, or, if none is so provided, a reasonable attorney's fee, and the same shall be a lien on the premises herein conveyed and enforced by a sale of the property and herein provided.

The proceeds of any sale shall be applied as follows: first to the payment of the expenses of making, maintaining and executing this trust, the protection of the property, including the expense of any litigation and attorney's fees, and the usual commissions to the Trustee; second, to the payment of the indebtedness herein secured or intended so to be, without preference or priority of any part over any other part, and any balance of said indebtedness remaining unpaid shall be the subject of immediate suit; and third, should there be any surplus, the Trustee will pay it to the party of the first part, or his assigns. In the event of the death, refusal, or of inability for any cause, on the part of the Trustee named herein, or of any successor trustee, to act hereunder, or for any other reason satisfactory to the owner of the said indebtedness, the owner or owners of the majority of the outstanding indebtedness aforesaid are authorized either in their own name or through an attorney or attorneys in fact appointed for that purpose by written instrument duly register, to name and appoint a successor or successors to execute this trust, such appointment to be evidenced by writing, duly acknowledged and when such writing shall have been registered, the substituted trustee named therein shall thereupon be vested with all the right and title, and clothed with all the power of the Trustee named herein and such like power of substitution shall continue so long as any part of the indebtedness secured hereby remains unpaid. The party of the first part, for himself, his heirs, representatives, successors and assigns, covenants and agrees that at any time after default in payment of any of the indebtedness hereby secured, or upon failure to perform any of the covenants to be kept and performed by him, said Trustee may enter upon and take possession of said property and collect the rents and profits therefrom with payment of such to the Trustee after default being full acquittance to the tenant, by the Trustee shall be required to account only for the net rents received by him; and from and after the conveyance of said

property under this Deed of Trust, the party of the first part, and all persons under him, shall, at the option of the purchaser, be and become the tenants at will of the purchaser, at a reasonable monthly rental, commencing with the date of delivery of the Trustee's Deed.

In the event that more than one Trustee be named herein, any one of such Trustees shall be clothed with full power to act when action hereunder shall be required, and to execute any conveyance of said property. In the event that more than one Trustee be named herein and the substitution of a trustee shall become necessary for any reason, the substitution of one trustee in the place of those or any of those named herein shall be sufficient. The term "Trustee" shall be construed to mean "Trustee" whenever the sense requires. The necessity of the Trustee herein named, or any successor in trust, making oath or giving bond, is expressly waived.

No waiver by the party of the second part or by the holder of the indebtedness secured hereby shall be construed as a waiver of a subsequent similar default or any other default by the party of the first part.

The singular number may be construed as plural, and the plural as singular, and pronouns occurring herein shall be construed according to their proper gender and number, as the context of this instrument may require.

**IN WITNESS WHEREOF**, the party of the first part has executed, or has caused to be executed, this instrument on the day and year first above written.

Esmeralda Apartment LLC, a Tennessee Limited Liability Company


By: Real Estate Holding 4 LLC, a Wyoming Limited Liability Company, its Sole Member

By: Richel Francis  
Richel Francis, Chief Executive Manager

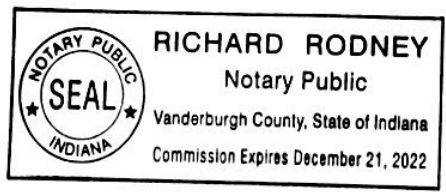
STATE OF Indiana  
COUNTY OF Vanderburgh

Before me, a Notary Public in and for said State and County duly commissioned and qualified, personally appeared Richel Francis, with whom I am personally acquainted, the Chief Executive Manager of Real Estate Holding 4 LLC, a Wyoming Limited Liability Company, the Sole Member of Esmeralda Apartment LLC, a Tennessee Limited Liability Company, the within named bargainer, and that he as such Chief Executive Manager authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the company by himself as Chief Executive Manager.

WITNESS my hand and Notarial Seal at office this 10<sup>th</sup> day of January, 2022.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES: December 21, 2022



MY UNDERSTANDI WAS MAILING LABELS ARE PROVIDED BY OPD NOW.

OWNER'S AFFIDAVIT WILL BE UPLOADED SHORTLY.