

WHEREAS, upon occasion, the City Council approves the naming of specified public roads to honor citizens who have served this community, and **Roby Williams** is an impeccable example of such a citizen deserving of this City’s recognition and gratitude; and

WHEREAS, a Memphis native and graduate of Booker T. Washington High School **Roby Williams** attended LeMoyne-Owen College where he received a Bachelor’s degree in History; and

WHEREAS, upon graduation, **Roby Williams** heeded the call to establish a voice in the heart of the community in which he was reared, and began his career in banking, where he worked as the assistant to the Advertising Director and was named the first African American to work for the First Tennessee National Corporation; and

WHEREAS, during his professional career, amongst many leadership roles, **Roby Williams** previously served as a salesman for Broadcasting Networks, which included WDIA, K-97 FM, WREG News Channel 3 and WLMT UPN30; later advancing to become a mortgage broker paving the way for Memphians to fulfill their lifelong dream of home ownership; and

WHEREAS, a man of God and a spirit of faithful service, **Roby Williams** served as a volunteer board member for the Black Business Association, during which he displayed unheard of fortitude by foregoing pay while the organization stabilized; displaying passion and commitment, he later became the President of the Black Business Association in October of 2002, where he was responsible for helping minority and women owned businesses achieve success in their business operations; and

WHEREAS, outside of his professional accolades, **Roby Williams** is known by many for his boastful speaking voice and his innate ability to command the attention of any room he enters; he is an avid reader and a wealth of knowledge due to his strong belief in education that was instilled in him by his parents; he is a great leader known for dedicating his life to the growth and needs of those in his community; and

WHEREAS, he graciously volunteered his time and expertise to organizations such as the Better Business Bureau, Nexxus, Memphis Chamber, Shelby Farms Park Conservancy, the Leadership Academy, Memphis Convention & Visitors Bureau, Emerge Memphis, Lifblood Mid-South Regional Blood Center; **Roby Williams** is also a proud member of Chi Psi Chapter of Omega Psi Phi Fraternity, Incorporated; and

WHEREAS, **Roby Williams** is one of Memphis’s own trailblazers, he has impacted the lives of many minority and women business owners and increased the economic growth and opportunities of the City of Memphis; and

WHEREAS, **Roby Williams** continues his work in the community today through service and, though he is embarking on this new journey of retirement, **Roby Williams’s** legacy will continue to live on amongst the Black Business Association, minority and women owned businesses, and the entire City of Memphis.

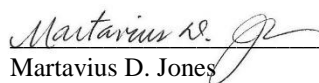
NOW, THEREFORE, BE IT RESOLVED by the Memphis City Council that S. Lauderdale Street between Beale Street and Dr. Martin Luther King, Jr. Avenue be declared

“Roby Williams Street”

in honor of his retirement and many accomplishments.

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs designating this public road.

ADOPTED: November 16, 2021


Martavius D. Jones


Frank Colvett, Chairman

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 3 August 2021

DATE

PUBLIC SESSION: 3 August 2021

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a planned commercial development

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

RECOMMENDATION: The Division of Planning and Development recommended: *Rejection*
 The Land Use Control Board recommended: *Approval with outline plan conditions*

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

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 10 June 2021 _____ 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>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-15

Resolution approving a special use permit for a planned commercial development:

- This item is a resolution approving a special use permit for a planned commercial development with outline plan conditions;
- The development would include gas pumps;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: MVS Real Estate Mid Town, LLC; Applicant: Spire Enterprises; and Representative: John Behnke; and
- This resolution, if approved, would supersede the existing zoning of this property.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2977 BROAD AVE., KNOWN AS CASE NUMBER PD 21-15.

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 a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Spire Enterprises filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned commercial development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned commercial 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 compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application 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 for a planned commercial development.

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 for a planned commercial development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, this resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter 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 Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

I. Permitted Uses, Building Envelope Standards, and General Development Standards

A. As if zoned Commercial Mixed Use – 2, with the following exceptions:

- i. The maximum height shall be 48 feet.
- ii. A Class III landscape buffer shall be installed along the western property line.
- iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
- iv. No window signs or plastic signs shall be permitted.
- v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
- vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

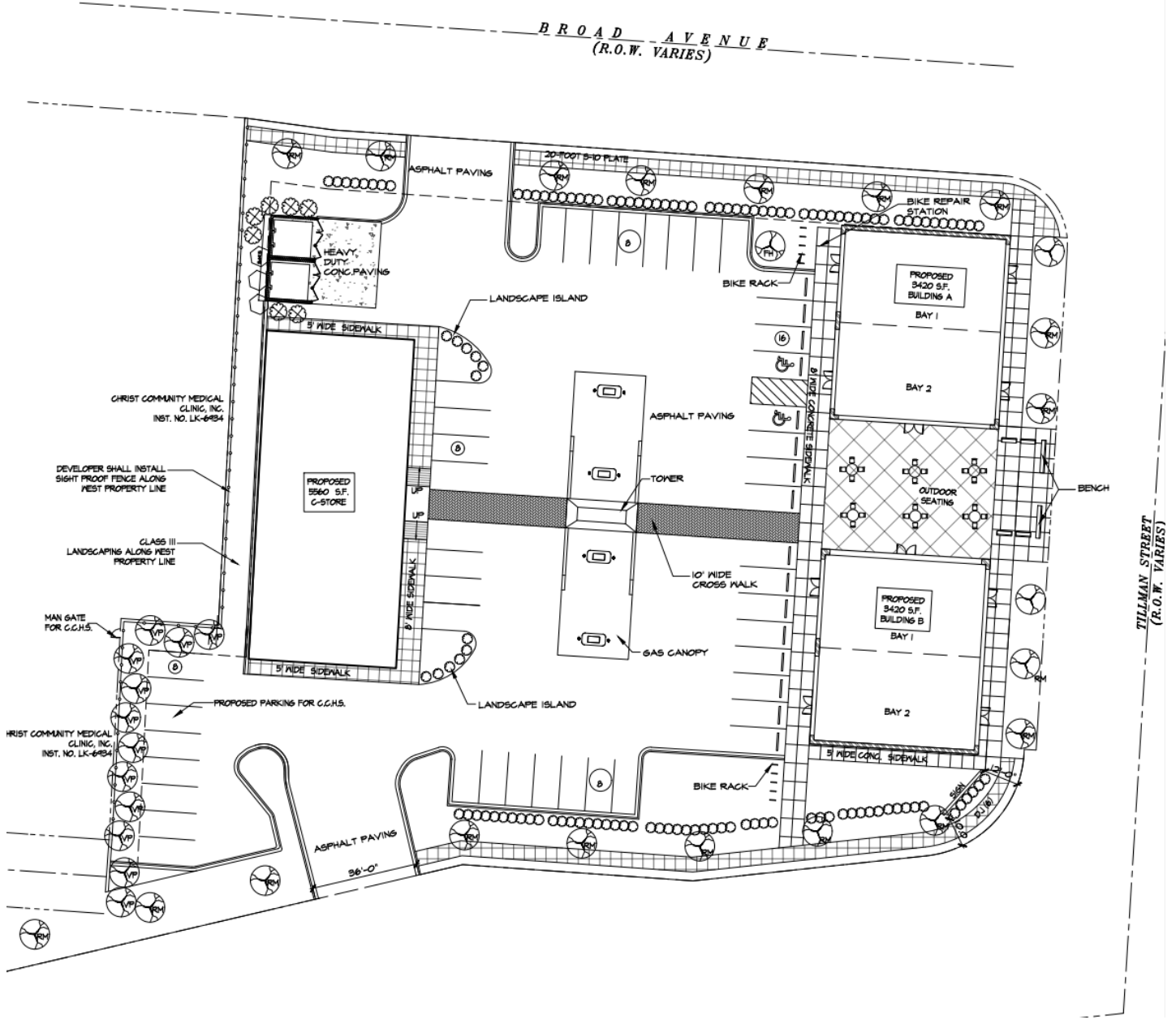
II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

CONCEPTUAL SITE PLAN



ATTEST:

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 10 June 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Ave.

COUNCIL DISTRICT(S): District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

REQUEST: Special use permit for a planned commercial development

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

AREA: 1.6 acres

The following spoke in support of the application: John Behnke

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 outline plan conditions. Those conditions are attached.

The motion *passed*.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
- II. Site Design
 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

AGENDA ITEM: 12

CASE NUMBER: PD 21-15 L.U.C.B. MEETING: 10 June 2021
DEVELOPMENT: Broad Avenue Plaza Planned Development
LOCATION: 2977 Broad Avenue
COUNCIL DISTRICT: District 5 and Super District 9
OWNER: MVS Real Estate Mid Town, LLC
APPLICANT: Spire Enterprises
REPRESENTATIVE: John Behnke
REQUEST: Special use permit for a planned commercial development
AREA: 1.6 acres
EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

CONCLUSIONS (p. 21)

- Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.
- The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.
- In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.
- The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.
- The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.
- The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.
- Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.
- Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)

Per the Dept. of Comprehensive Planning, this request is *inconsistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 22)

Rejection

GENERAL INFORMATION

Street Frontage:	Tillman Street	(Minor Arterial)	169 linear feet
	Sam Cooper Boulevard	(Minor Arterial)	388 curvilinear feet
	Broad Avenue	(Major Collector)	258 linear feet

Zoning Atlas Page: 2035

Parcel ID: 037039 00009C

Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

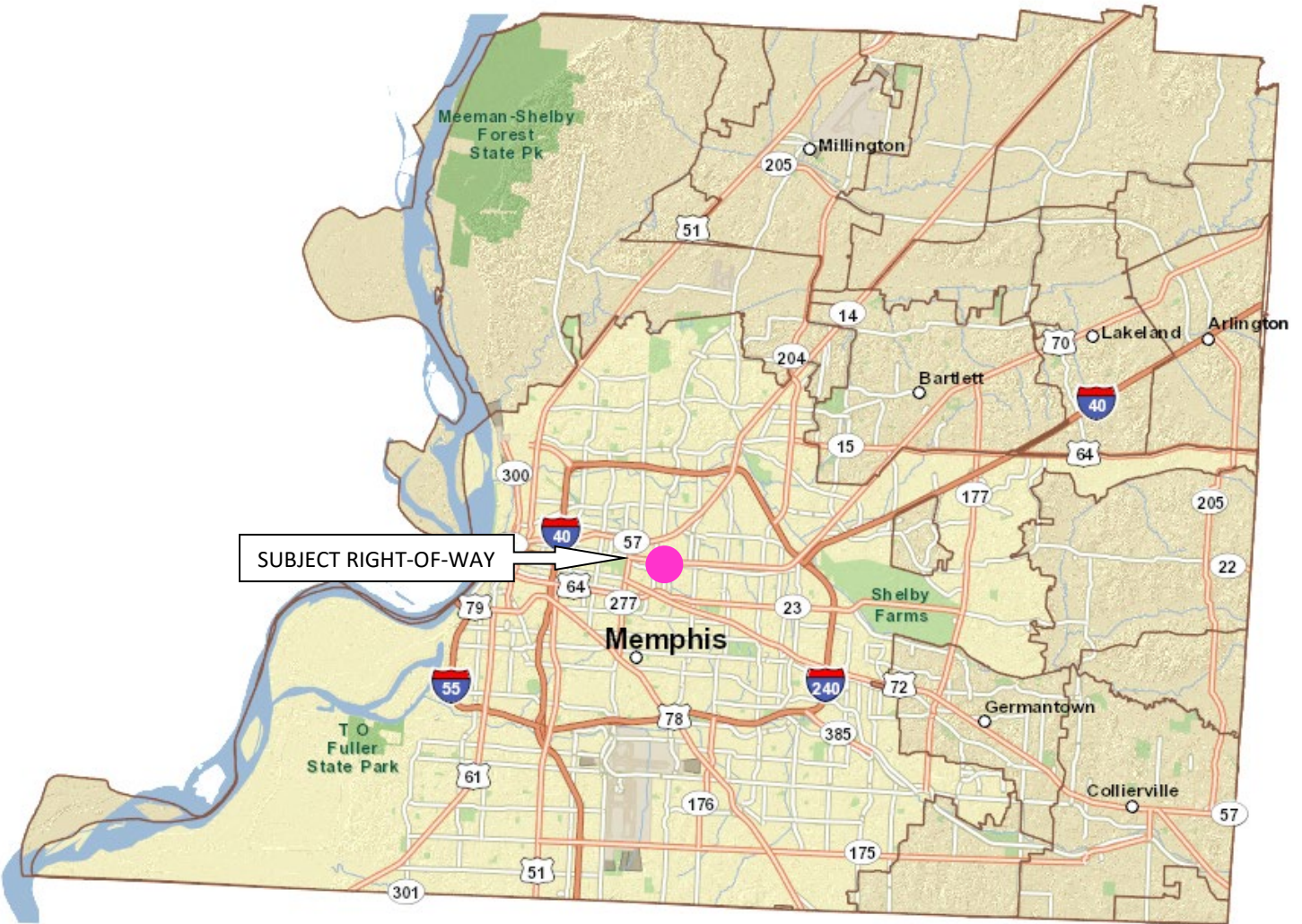
NEIGHBORHOOD MEETING

The required neighborhood meeting was held on-site at 6 p.m. on 26 May 2021.

PUBLIC NOTICE

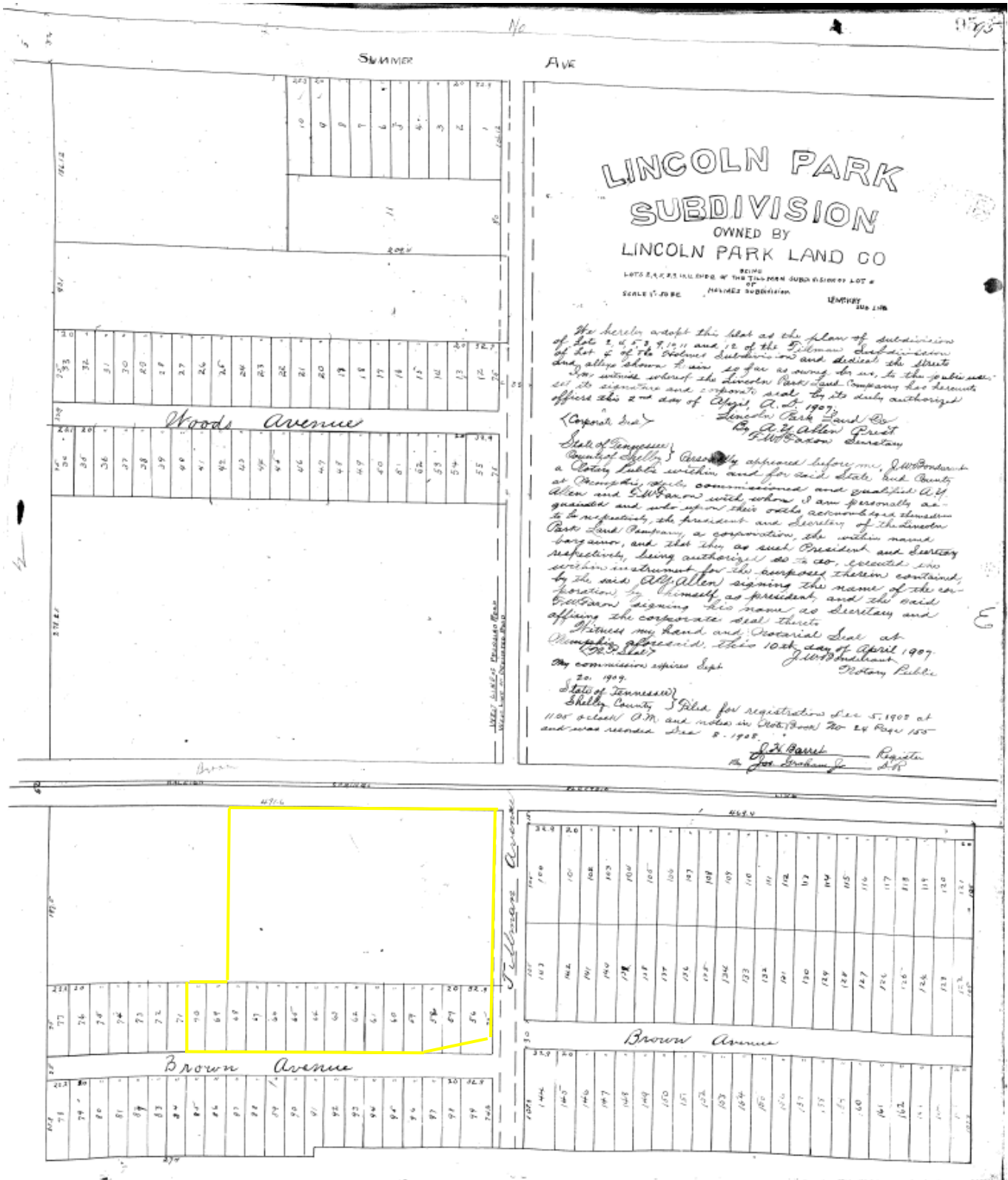
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



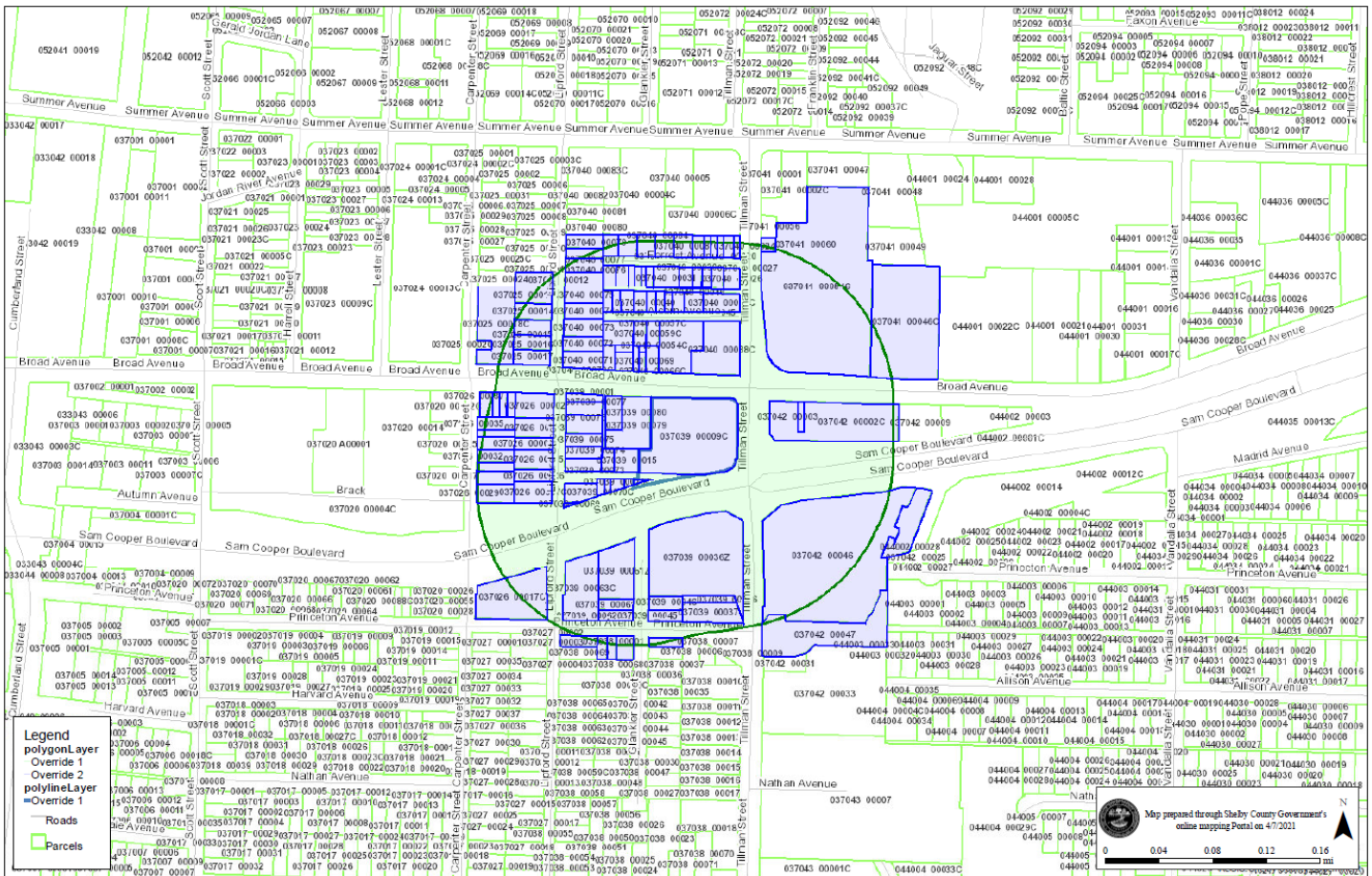
Subject property located in Binghamton

LINCOLN PARK SUBDIVISION (1908)



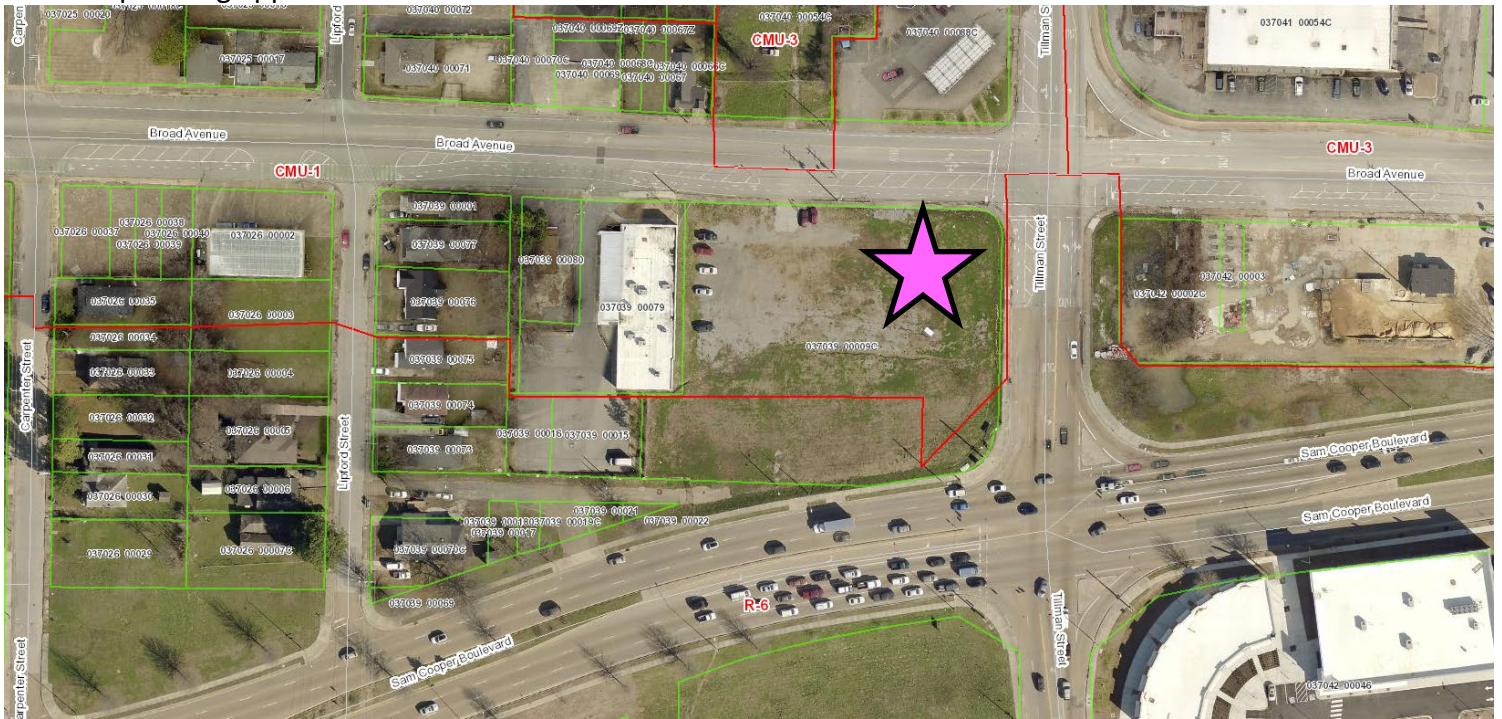
Property boundaries outlined roughly in yellow. No survey was submitted.

VICINITY MAP



AERIAL PHOTO WITH ZONING

Without planning applications



Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

Surrounding Zoning

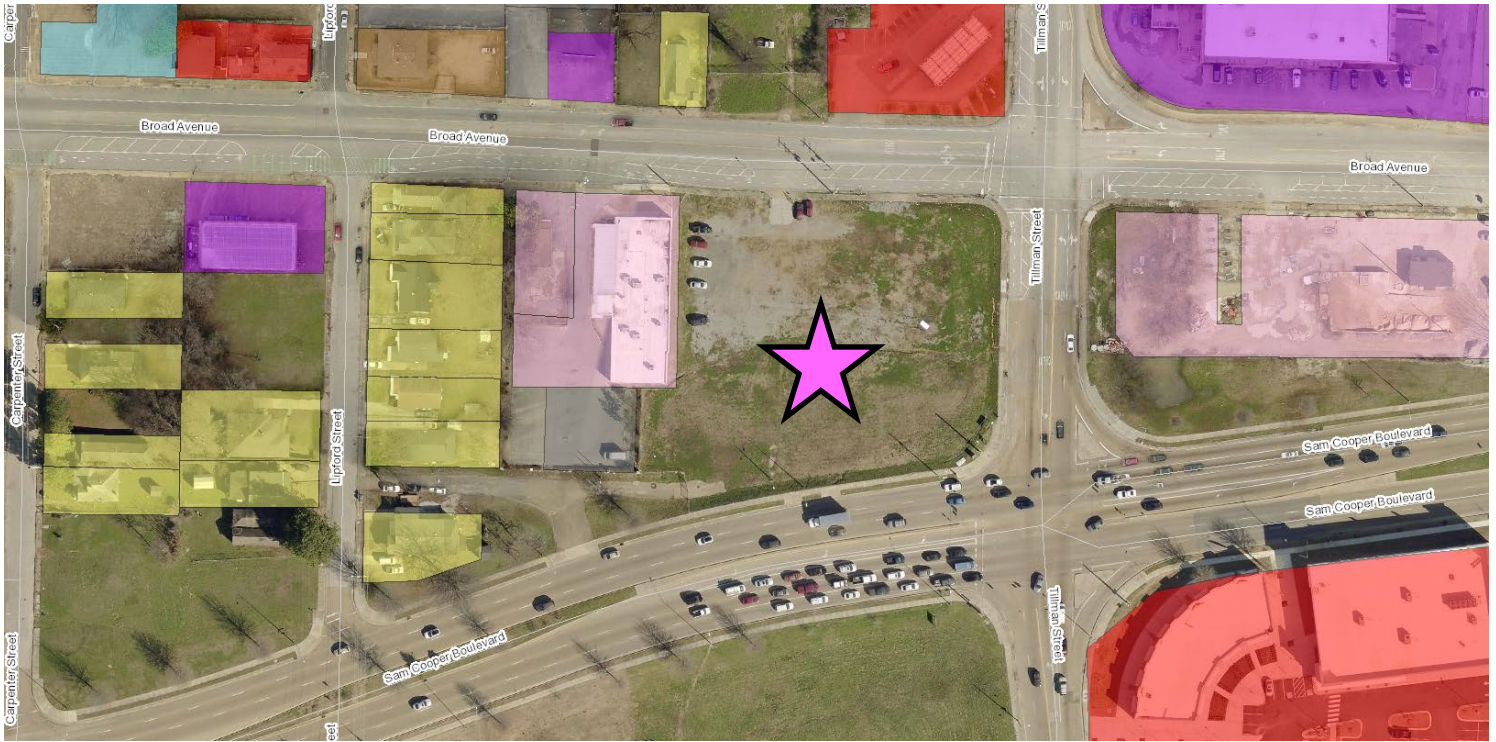
North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3











East: Commercial Mixed Use – 3

South: Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

LAND USE MAP



-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT

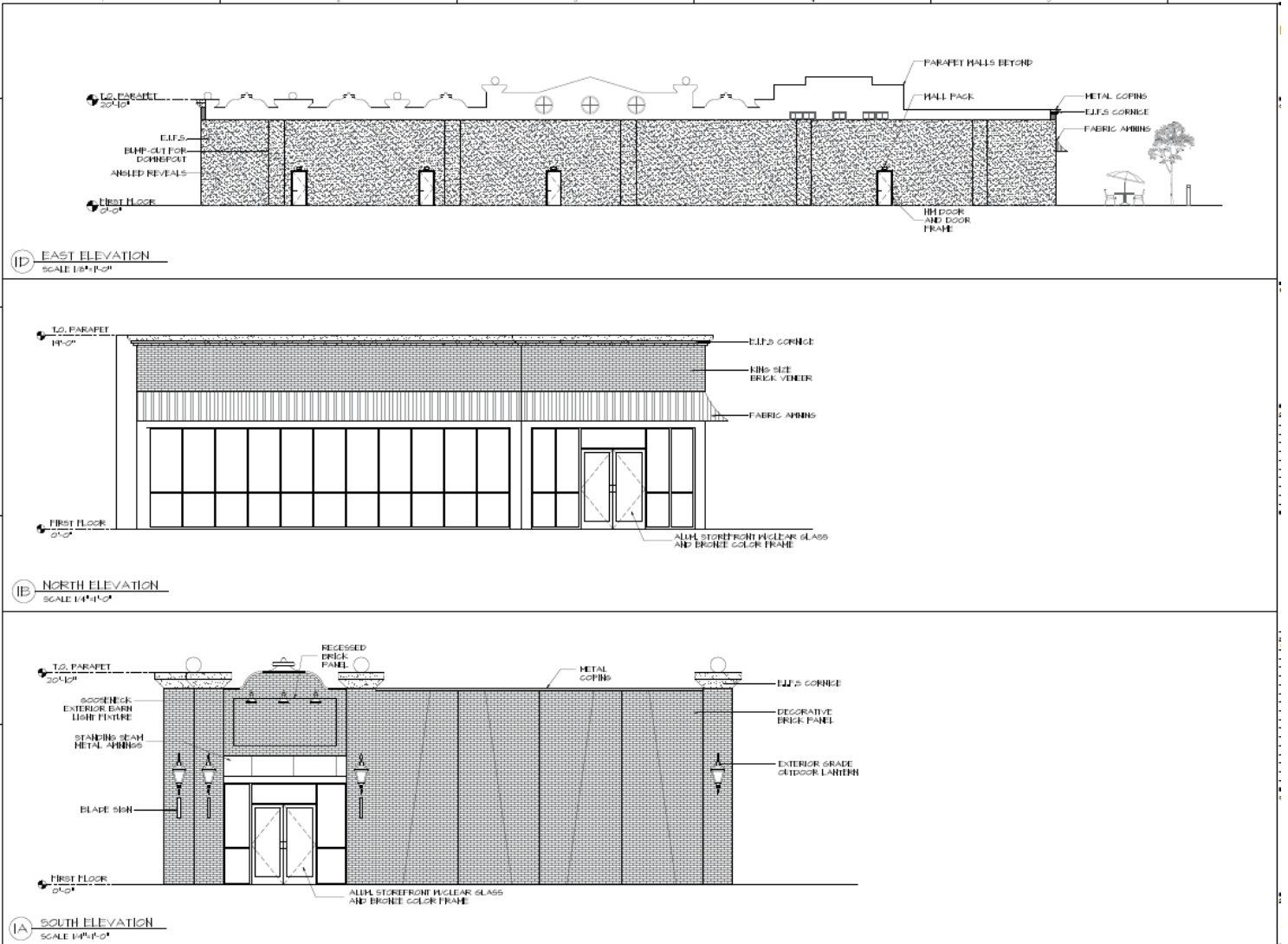
SITE PHOTO

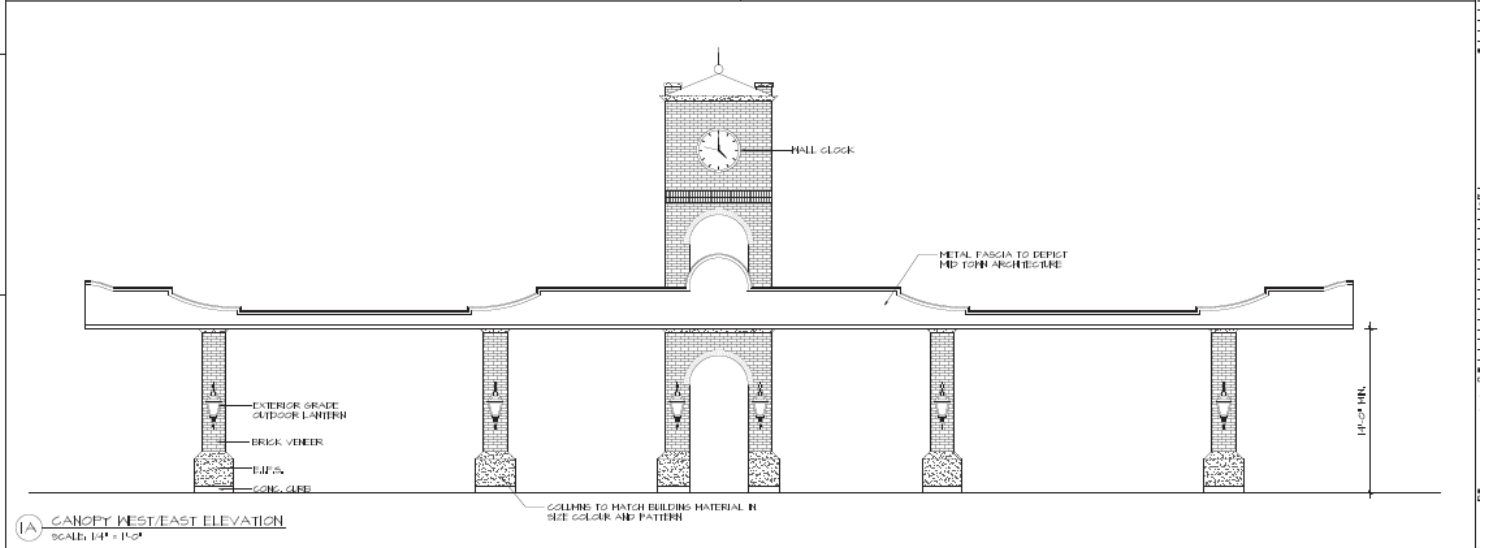
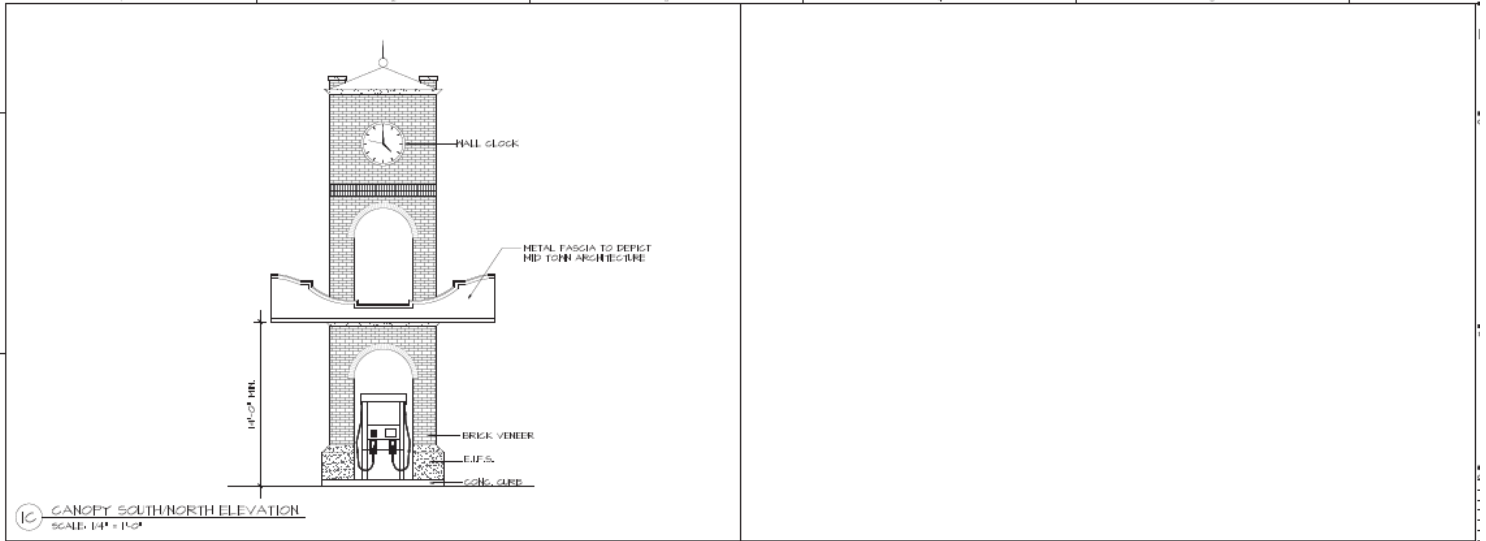


View of part of site, looking east down Sam Cooper

PROPOSED CONCEPTUAL ELEVATIONS







PROPOSED CONCEPTUAL RENDERINGS









STAFF ANALYSIS

Request

The request is for a special use permit for a planned commercial development with gas pumps.

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

Applicability

Staff **disagrees** that at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the 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 **disagrees** the special use permit 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 site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded, although – because one was filed for review – the Council approval does not expire until December 2021. In 2021, Council approved the closure of part of the adjacent Autumn Ave. right-of-way. That land has been included in the plans of the present proposal, although the right-of-way has not yet been closed.

Plan Review

A full plan review will take place during final plan review, if approved.

Staff Inspiration Photo



A pedestrian area in New Orleans mediates retail access from both the rear parking area and street sidewalk, provides a quasi-public space and restaurant seating, and acts as a mental entryway.

Conclusions

Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.

In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.

The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.

The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It is also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.

The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.

Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.

Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following outline plan conditions:

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
- II. Site Design
 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. The existing raised median opening for the cycle track on Broad Avenue does not appear to match the proposed curb cut. The median opening shall be reconstructed along with the installation of the necessary pavement markings, signage, and delineators.
7. The existing median opening on Tillman shall be closed by extending the median and filling in the break.
8. Sidewalks shall be installed along all street frontages.
9. Dedicate a chord from end of property line radius to end of property line radius at the corner of Tillman Street at Sam Cooper for the establishment of a Traffic Signal Easement.

Traffic Control Provisions:

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

12. The developer's engineer shall submit a 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:

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

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

Drainage:

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

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

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

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

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

Site Plan Notes:

20. The Site Plan lacks basic information such as street curb lines, sidewalk, cycle track medians, etc.

21. Eliminate the multiple extraneous property lines from the Site Plan.

City Fire Division:

- All design and construction shall comply with the 2015 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.
- 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.

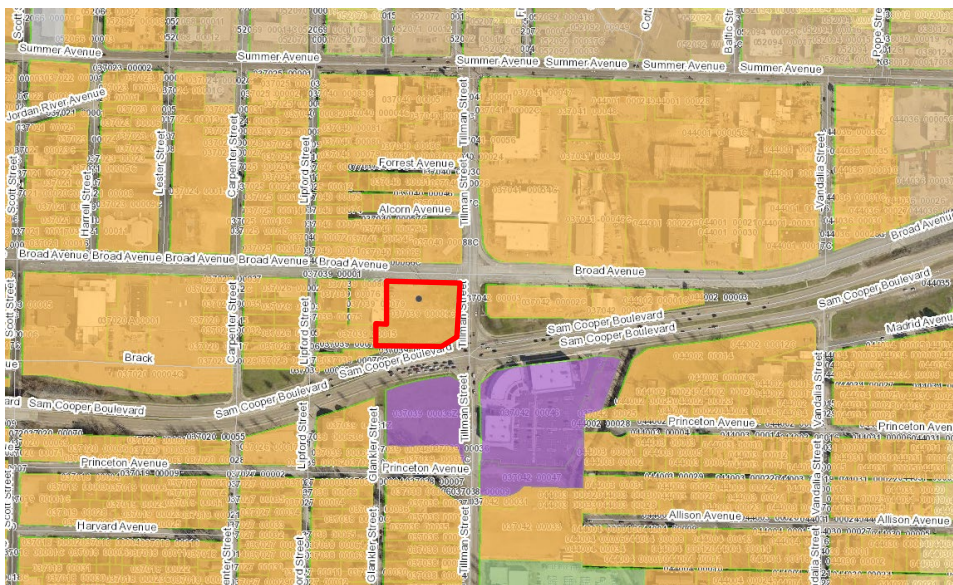
Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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 sites on the Future Land Use Map.

2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



“AN-M” Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

“AN-M” Form & Location Characteristics:

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

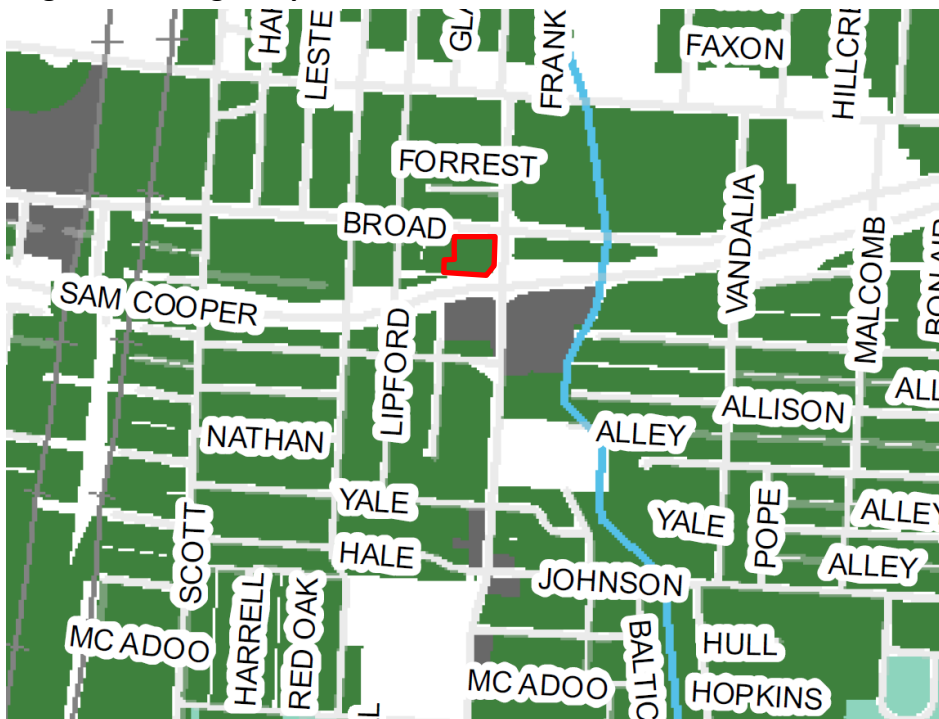
The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

The request does not meet the criteria of AN-M, Accelerate because the proposed Planned development is located along SW corner of Tillman and Broad Avenue which are identified as avenue and parkway in the Street Types Map. The same type of uses does not exist on one or more adjacent parcels.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Office, Parking, Vacant, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and R-6. This requested land use is compatible with the adjacent zoning districts because *existing zoning district surrounding the parcels is dissimilar in nature to the requested use.*

4. Degree of Change map



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

5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.

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.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

The proposed application is incongruent with the degree of change designation as it does not address the public realm or promote pedestrian-oriented infill development.

Based on the information provided, the proposal IS INCONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.
Dept. of Construction Enforcement:	No comments received.

APPLICATION FORM



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: April 8th, 2021

Case #: PD 21-015

PLEASE TYPE OR PRINT

Name of Development: Broad Avenue Plaza

Property Owner of Record: MVS Real Estate Mid Town LLC Phone #: _____

Mailing Address: 555 Trinity Creek Cove City/State: Cordona/TN Zip 38018

Property Owner E-Mail Address: _____

Applicant: Spire Enterprises Phone # 901-494-1559

Mailing Address: P.O. Box 77065 City/State: Memphis/TN Zip 38177

Applicant E-Mail Address: realestate@johnbehnke.us

Representative: John Behnke Phone #: 901-494-1559

Mailing Address: P.O. Box 770065 City/State: Memphis/TN Zip 38177

Representative E-Mail Address: realestate@johnbehnke.us

Engineer/Surveyor: David Bray, P.E. - The Bray Firm Phone # 901-383-8668

Mailing Address: 2950 Stage Plaza North City/State: Bartlett/TN Zip 38134

Engineer/Surveyor E-Mail Address: dgbay@comcast.net

Street Address Location: 2977 Broad Avenue, Memphis, TN 38112-2957

Distance to nearest intersecting street: property located at the corner of Sam Cooper Blvd/Broad Avenue & Tilman Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.636</u>		
Existing Zoning:	<u>commercial</u>		
Existing Use of Property	<u>vacant land</u>		
Requested Use of Property	<u>retail shops/C-store</u>		

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes No

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development 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 to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- 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.

The proposed development will not effect the above. The subject site is located at the corner of a high traffic corridor and surrounding properties are already developed. The proposed use is compatible with the other commercial uses nearby and will not negatively impact their use, value or enjoyment.

- 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.

These infrastructure items are already present or will be added concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The site plan provides for thoughtful arrangement of all design elements to be in harmony surrounding land uses.

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

The project will comply with the design standards of PD 15-318.

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

The community plaza will have a contact person and/or system for scheduling.

- Lots of records are created with the recording of a planned development final plan.

N/A

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Fall 2020 with Mr. Brett Davis

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

<u>Todd Tobias</u>	<u>04.08.2021</u>	<u>John Behnke</u>	<u>04/08/2021</u>
Property Owner of Record	Date	Applicant	Date

**GUIDE FOR SUBMITTING
PLANNED DEVELOPMENT APPLICATION
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT



April 4th, 2021

Brett Davis
Land Use & Development Services
Memphis & Shelby County division of Planning & Development
City Hall, 125 N. Main Street, Suite 477
Memphis, Tennessee 38103

Re: Application for Planned Development approval
Convenience store w/pumps | retail bays | community plaza
2977 Broad Avenue, Memphis, TN 38112

Dear Mr. Davis,

We are pleased to submit an Application for a Planned Development on behalf of San Investment 5 LLC, as applicant and also the existing owner of the subject property requesting approval for the development. The purpose of this application is to request approval for a Planned Development to allow a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

Consultation with planning staff for pre-application review began in July 2020, however, the most recent review was done January 4th, 2021 to discuss the request, obtain forms, review process and look at mapping/plans of the proposed site.

The subject property is 1.636 acres in size in zoning district CMU-1. The land has been vacant for many years with previous development attempts having not been pursued. A planned development (PD15-318) was approved in December of 2015 which permitted convenience store with pumps.

Under the applicant's proposal the site will be developed with a new 8,365 sq. ft. multi-architectural designed building facing to the interior with pedestrian access to each store from Tillman. There will be up to 6 retail bays, a convenience store with 4 gasoline fuel pumps for a total of 8 individual pumps and a community plaza. The end cap stores will have covered outdoor seating. A bike rack with a bike aire/repair station will be located at the front of the complex for use free of charge. An original concept fuel canopy with a clock tower has been integrated in to the design. The stores and exterior parking lot will be well lighted with numerous security cameras. There will be a total of 26 parking spaces with two reserved for handicap. Landscaping is planned for all sides of the property. A community plaza with its own canopy, landscaping and power hook-ups will be on the East side of the property.

Traffic flow will ingress/egress primarily from Sam Cooper Boulevard and to a lesser degree from Broad Avenue with a single curb cut for each. The breaks in the land curbs on Broad Avenue will be reconfigured for access alignment. The gasoline pump placement will provide an efficient queuing pattern and ease of maneuverability within the site. At the request of Rev. Keith Norman of First Baptist Church, the applicant will work with DPD and Traffic Engineering for a signal at Broad Avenue and Tillman Street.



The Long Range Transportation Plan has designated Sam Cooper as an Urban Freeway, Tillman as an Urban Minor Arterial and Broad Avenue as an Urban Other Principal Arterial. The traffic flow to and from the store will have negligible impact on residential areas.

Pursuant to Section 9.69 and Section 2.6.3-J of the UDC, Planned Development/SUP Permit Criteria a permit may be granted providing the stated criteria are met. [see attached for more detail] To wit:

- The drive thru queuing spaces and proposed uses streamline traffic flow/turning movements within the site and provide safe, easy access to and fro at the location. Ample parking spaces are provided to accommodate customers and employees.
- Overall uses at the property will provide desired services to the area and to travelers from Sam Cooper Blvd and is also pedestrian friendly.
- Adjacent properties will benefit from a clean, secure and modern retail center, convenience store facility and a community plaza.
- Adequate emergency services and street, sidewalk, curb cuts, utilities and sewer capacity exist.
- The completed design will be congruent with the surrounding area and its primary goal will be to serve the people nearby striving for a pleasant consumer shopping experience as well as the opportunity for a community gathering place.
- It is unlikely that any investor would develop this land for residential use.

Spire Enterprises is requesting a finding that developing the land for retail stores, a convenience store with gasoline pumps and community plaza at the subject site would be substantially in compliance with the policies, goals, objectives and spirit of Memphis/Shelby County zoning ordinance(s) and that a Planned Development for the proposed use should be granted.

Thank you,

SPIRE ENTERPRISES

John Behnke
Consultant

PROPERTY OWNER'S AFFIDAVIT

PD -Sam Cooper & Tillman



Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledges by the owner.

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, MVS Real Estate Mid-Town LLC, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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


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

of the property located at 2977 Broad Avenue Memphis 38112 and further identified by Assessor's Parcel Number 037039 0009C, for which an application is being made to the Division of Planning and Development.

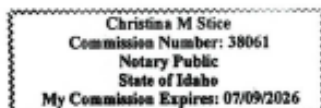
Subscribed and sworn to (or affirmed) before me this 12th day of April in the year of 2021



Signature of Notary Public



MVS - Todd Tobias, Principal



My Commission Expires 07-09-2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behnke, being duly sworn, depose and say that at 3:00 am/pm on the 4th day of May, 2021, I posted a Public Notice Sign(s) pertaining to Case No. _____ at _____, providing notice of a Public Hearing before the xxx Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, xxx 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.

John Behnke
Owner, Applicant or Representative

MAY 5th, 2021
Date

Subscribed and sworn to before me this 5th day of May, 2021.

[Signature]
Notary Public

My commission expires: **MY COMMISSION EXPIRES
APRIL 22, 2022**



LETTERS RECEIVED

One letter of opposition was received at the time of publication. It is pasted below.

Hi Brett!

My name is Sean Davis and I am a lifelong resident of Memphis, TN and have lived in the Highpoint Terrace Neighborhood for the past 5 years. As a resident of this neighborhood and frequent cyclist who bikes to work and uses the Broad Avenue bike lanes to get to Overton Park from Highpoint to Downtown multiple times a week I would like to let my feelings be known about the proposed gas station at Sam Cooper and Broad Avenue is a very bad idea.

I am definitely against this gas station and would like to give you my personal feelings as to why I think this is a very bad idea from the viewpoint of someone who has logged hundreds of trips through that area in the past few years. Here are my main points:

1. Safety - This is my number one reason there should not be a gas station at that location. Creating an entrance where cars are pulling in and out constantly is going to create a huge safety issue for people walking and biking over there. I'd say over half the time I am biking on bike lanes on Broad and Tillman people just do not see cyclists and I'm having close calls all the time. I know there are other entrances to businesses like the Church Health Center where cars are turning but they would not have near the number of cars pulling in and out a gas station would. Also since Sam Cooper and Broad is so congested you are going to have cars blocking the bike lanes while waiting to exit the gas station.
2. Congestion - Sam Cooper and Broad is almost always congested right now and adding more traffic right there with people is going to make it much worse. There does need to be a light there and that's the only good thing this proposal has attached to it.
3. I know the gas station wants to be a place to hang out and they are trying to make this the main selling point to make it fit in with the neighborhood. I've never seen a gas station where people want to hang out no matter how many amenities are there. Watching cars and smelling all the interesting smells and sounds all the cars make going down Sam Cooper does not make a good place to hang out.
4. I think the last and easiest point I would like to make is that there is already a gas station across the street. I know many areas of the city have 2 gas stations across the street from each other but I think a special consideration should be made since Broad avenue is such a bike conduit to other parts of the city.

In closing, Broad Avenue has come a long way as a pedestrian and bicycle friendly part of town. I am young enough to remember driving with my parents down Broad before Sam Cooper bypassed it. I also remember how it was a ghost town for so many years until its recent resurgence. Its a very unique part of Memphis and please don't ruin the progress Broad Avenue has made by introducing even more automobile traffic to that area.

I am available to talk during the Zoom meeting about this on May 13th. Also my number is 901-277-3181 if you need to reach me in person.

Thank you for your time,
Sean Davis

From: [Elizabeth Terrell](#)
To: [Davis, Brett](#)
Subject: 2977 Broad Ave.
Date: Monday, June 7, 2021 7:24:35 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.

Dear Mr. Davis,

I had the joy and pleasure of meeting with John Behnke on May 26th at 2977 Broad Ave. to discuss his plans for the development of that corner. I am totally in favor of this development. I think it will be a welcoming presence to travelers both entering and exiting the expressway. It will provide an area for people to sit outside and eat lunch, whether traveling or in the neighborhood. Bicyclists can stop and repair their bicycles, get refreshments and have access to restrooms.

I love that the outside of the shops architecturally reflect the time period of the beginning of the neighborhood. It makes this development fit into the neighborhood and shows the care and concern that Mr. Behnke has for the area. I look forward to seeing this development completed on this corner. I am a property owner in Binghampton and I am currently renovating a house there.

Sincerely,
Rev. Liz Terrell
901-647-2788

Sent from my iPhone

July 1, 2021

Mr. Brett Davis, Municipal Planner
Memphis/Shelby County Dept. of Planning & Development
125 N. Main Street, Suite 477
Memphis, TN 38103

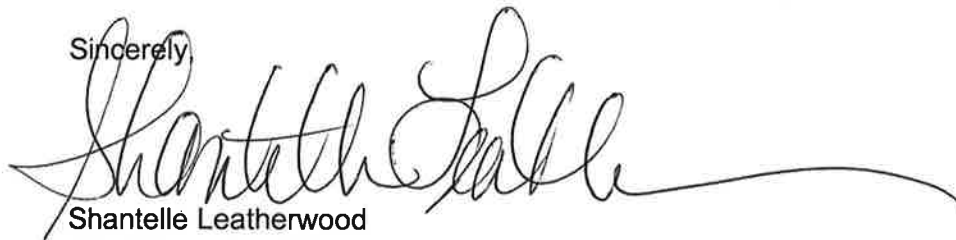
Dear Mr. Davis,

We have received the site plan for the proposed development at Sam Cooper and Tillman. John Behnke has taken the time to review all of the details of the proposed plan and we are in support of the project.

The developer has graciously offered to provide Christ Community Health Services with much needed parking for employees and medical staff at the Southwest corner of the proposed development. We would very much appreciate and respectfully ask that you and the City Council support us in integrating the additional parking we need into the final plan. This feature will ensure added safety and convenience to our people for access to our clinic.

We are delighted to see this land will finally be put to a productive use.

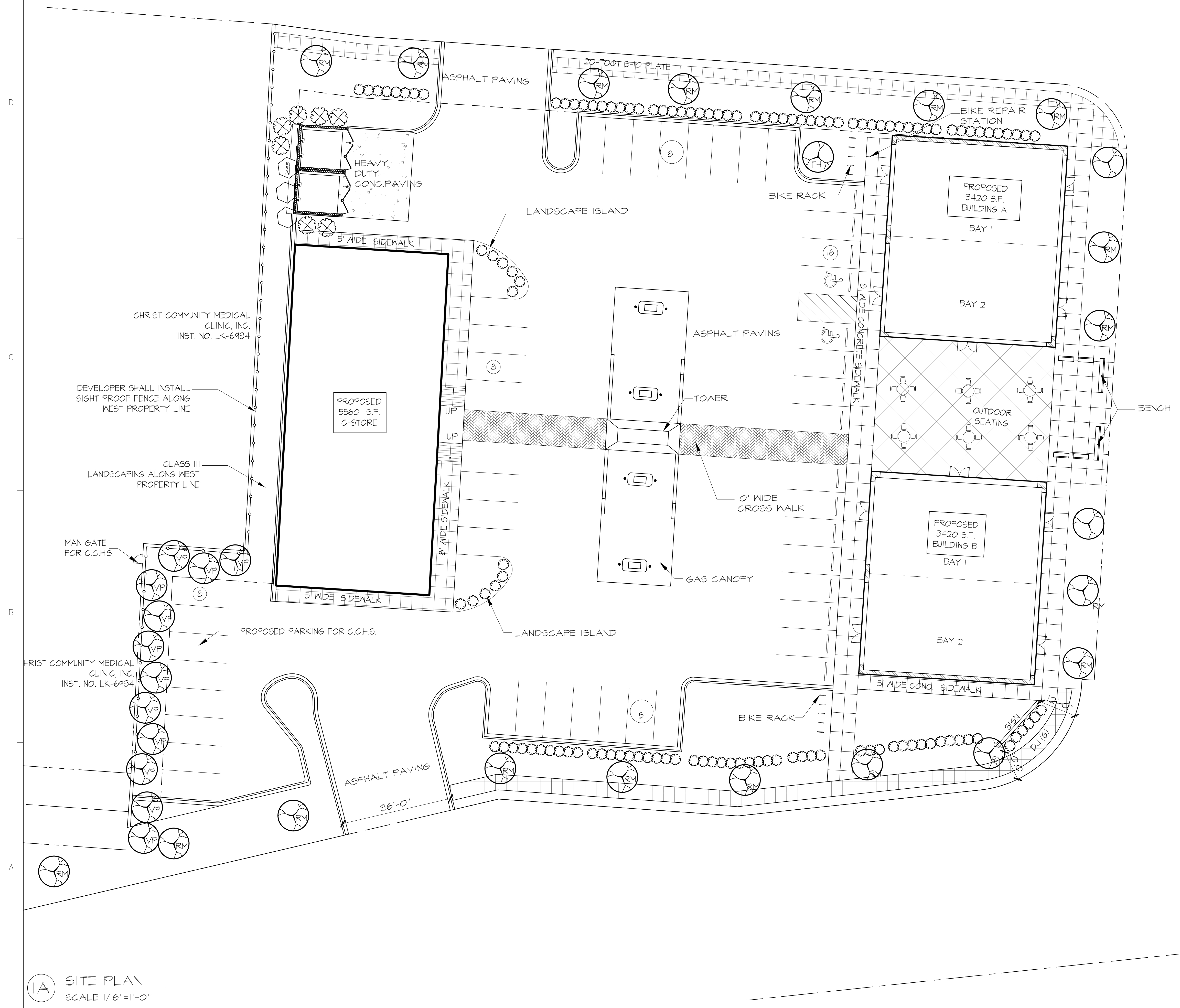
Sincerely,



Shantelle Leatherwood
Chief Executive Officer

cc: John Behnke
Spire Enterprises

B R O A D A V E N U E
(R.O.W. VARIES)



IA SITE PLAN
SCALE 1/16"=1'-0"

OUTLINE PLAN CONDITIONS:

- I. PERMITTED USES, BUILDING ENVELOPE STANDARDS, AND GENERAL DEVELOPMENT STANDARDS
 - A. AS IF ZONED COMMERCIAL MIXED USE - 2, WITH THE FOLLOWING EXCEPTIONS:
 - i. THE MAXIMUM HEIGHT SHALL BE 48 FEET.
 - ii. A CLASS III LANDSCAPE BUFFER SHALL BE INSTALLED ALONG THE WESTERN PROPERTY LINE.
 - iii. NO OUTDOOR DISPLAY, STORAGE, OR SALES SHALL BE PERMITTED, WITH THE EXCEPTION OF GAS SALES.
 - iv. NO WINDOW SIGNS OR PLASTIC SIGNS SHALL BE PERMITTED.
 - v. ALL FACADES THAT FRONT TILLMAN SHALL HAVE A MINIMUM TRANSPARENCY OF 70% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. SIDE FACADES SHALL HAVE A MINIMUM TRANSPARENCY OF 30% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. REAR FACADES SHALL NOT HAVE A TRANSPARENCY REQUIREMENT.
 - vi. ALL FACADES SHALL BE OF MASONRY CONSTRUCTION, UNLESS OTHERWISE APPROVED BY THE ZONING ADMINISTRATOR. ARTIFICIAL ARCHITECTURAL FEATURES SUCH AS FAUX WINDOWS SHALL NOT BE PERMITTED. PLASTIC AWNINGS SHALL NOT BE PERMITTED.
- II. SITE DESIGN
 - A. THE CONVENIENCE STORE SHALL BE TO THE WEST OF THE GAS CANOPY. OTHER RETAIL SHALL BE TO THE EAST OF THE GAS CANOPY. ROBUST PEDESTRIAN FACILITIES CONSTRUCTED OF UNIQUE PAVERS OR A SIMILAR MATERIAL SHALL CONNECT THE WESTERN AND EASTERN RETAIL AREAS TO EACH OTHER - AS WELL AS TO PUBLIC SIDEWALKS, BICYCLE PARKING, ETC. SUCH FACILITIES SHOULD INCORPORATE A THOUGHTFULLY-DESIGNED, COVERED OR UNCOVERED PEDESTRIAN AREA BETWEEN THE EASTERN RETAIL BAYS THAT MAY DOUBLE AS A QUASI-PUBLIC SPACE AND CENTER ENTRYWAY. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE COORDINATION, PLACEMENT, AND SCREENING OF UTILITIES.
 - B. ALL PRIMARY ENTRANCES AND FACADES SHALL FRONT TILLMAN. SECONDARY CUSTOMER ENTRANCES THAT FRONT THE NORTH OR SOUTH MAY BE PERMITTED. ~~HOWEVER, CUSTOMER ENTRANCES SHALL NOT BE PERMITTED TO FRONT THE WEST, SUCH REAR ENTRANCES MAY BE PERMITTED AS SERVICE ENTRANCES.~~
 - C. ACCESS POINTS SHALL BE OFFSET TO DISCOURAGE CUT-THROUGH TRAFFIC.
 - D. A BICYCLE REPAIR STAND AND AIR PUMP, SPECIFICATIONS OF WHICH SHALL BE APPROVED ADMINISTRATIVELY, SHALL BE INSTALLED FOR PUBLIC USE.
 - E. FINAL SITE DESIGN SHALL BE SUBJECT TO ADMINISTRATIVE APPROVAL.
- III. FINAL PLAN
 - A. A TRAFFIC IMPACT STUDY AND TRAFFIC SIGNAL WARRANT ANALYSIS SHALL BE CONDUCTED. IF WARRANTED, A TRAFFIC SIGNAL AT THE INTERSECTION OF BROAD AND TILLMAN SHALL BE DESIGNED AND INSTALLED BY THE APPLICANT. SUCH DESIGN SHALL ADDRESS THE HAMPLINE BICYCLE CORRIDOR.
 - B. APPROVAL BY THE CITY ENGINEER MAY BE REQUIRED.
 - C. IF ADJACENT AUTUMN AVE. RIGHT-OF-WAY IS CLOSED, THAT LAND MAY BE INCORPORATED INTO THIS PLANNED DEVELOPMENT SUBJECT TO ADMINISTRATIVE APPROVAL.

NEERAJ KUMAR
B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
ARCHITECT (MS License No. 5279)
1255 Lynnfield Road, Suite 226
Memphis, Tennessee 38139
Telephone: 901.603-8765
E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS

BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

CONSULTANTS NAME:

NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME

SITE PLAN

DRAWING NUMBER:

A100

FOR REVIEW ONLY

NEERAJ KUMAR
 B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
 ARCHITECT (MS License No. 5279)
 1255 Lynnfield Road, Suite 226
 Memphis, Tennessee 38139
 Telephone: 901.603-8765
 E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

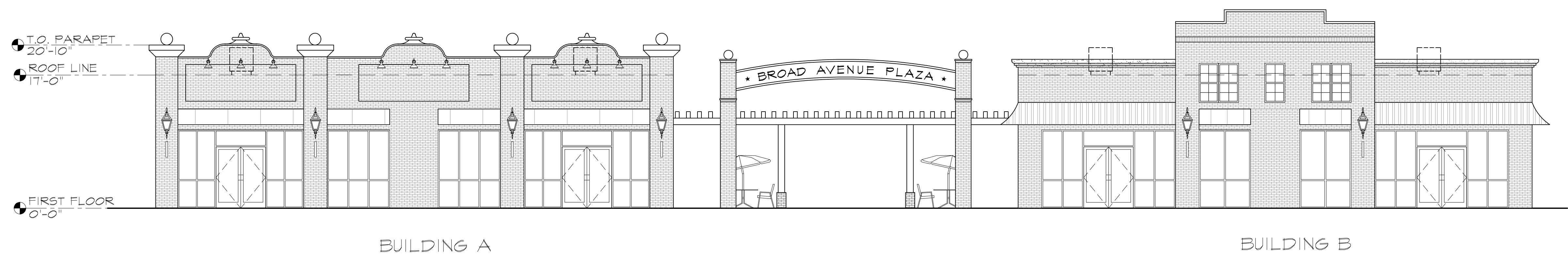
 CONSULTANTS NAME:

FOR REVIEW ONLY

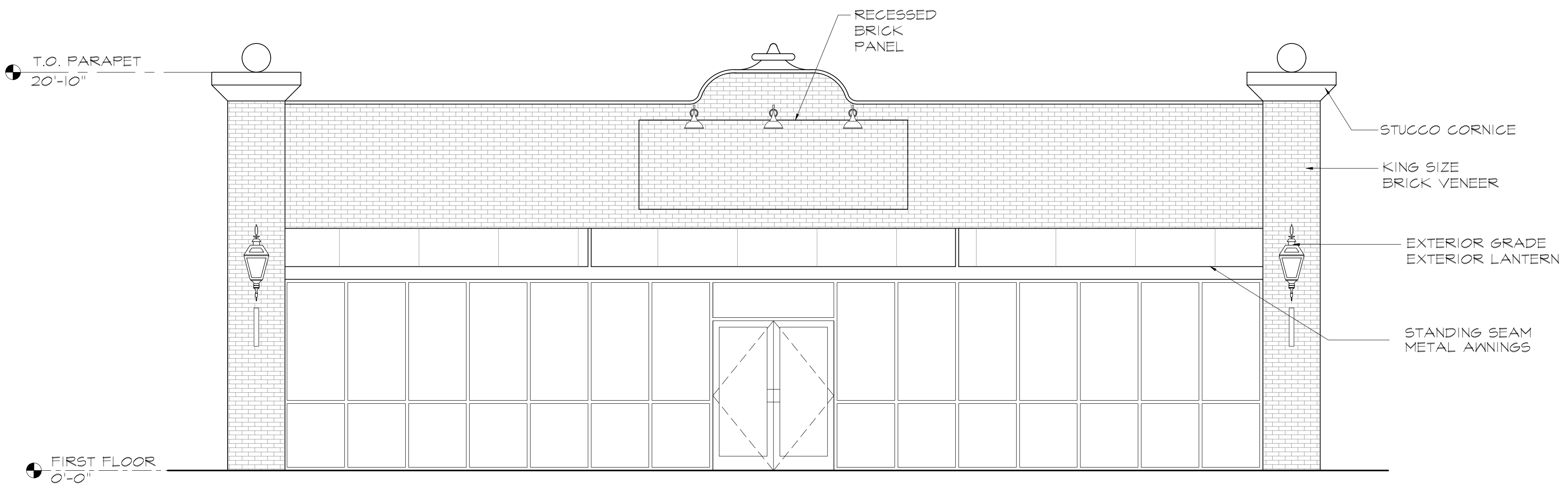
NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

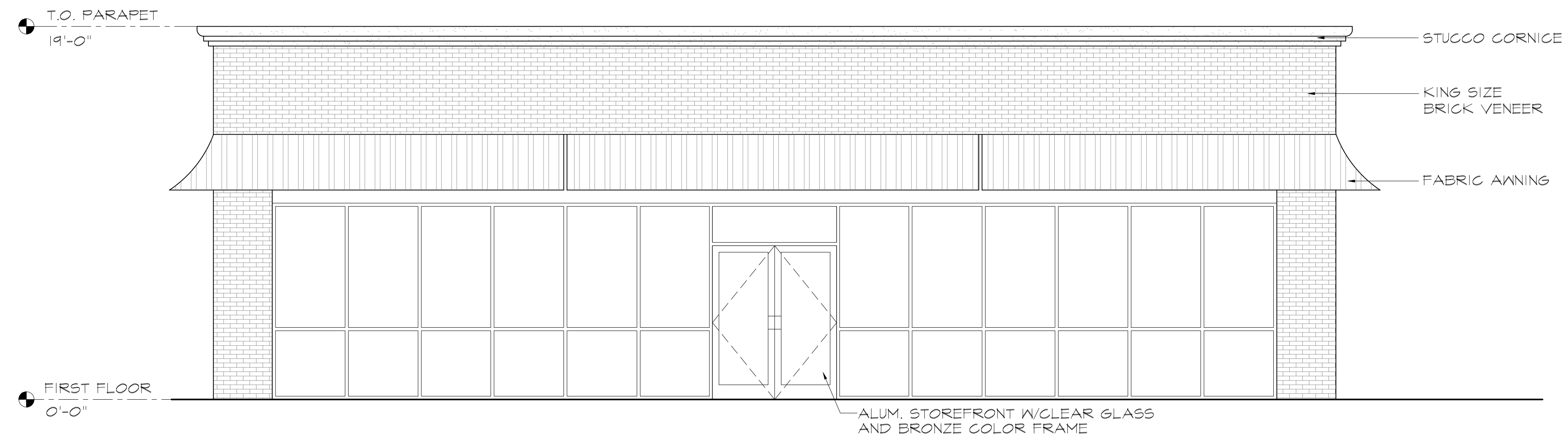
DRAWING NUMBER:
A301



ID WEST ELEVATION
 SCALE 1/8"=1'-0"



IB SOUTH ELEVATION - BUILDING A (FACING COURTYARD)
 SCALE 1/4"=1'-0"



IA NORTH ELEVATION - BUILDING B (FACING COURTYARD)
 SCALE 1/4"=1'-0"

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 B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
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 1255 Lynnfield Road, Suite 226
 Memphis, Tennessee 38139
 Telephone: 901.603-8765
 E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

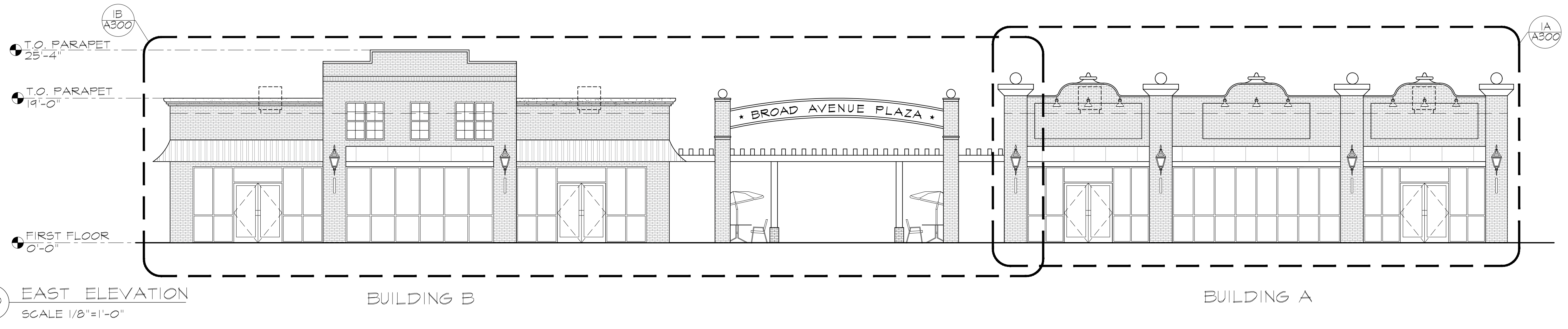
 CONSULTANTS NAME:

FOR REVIEW ONLY

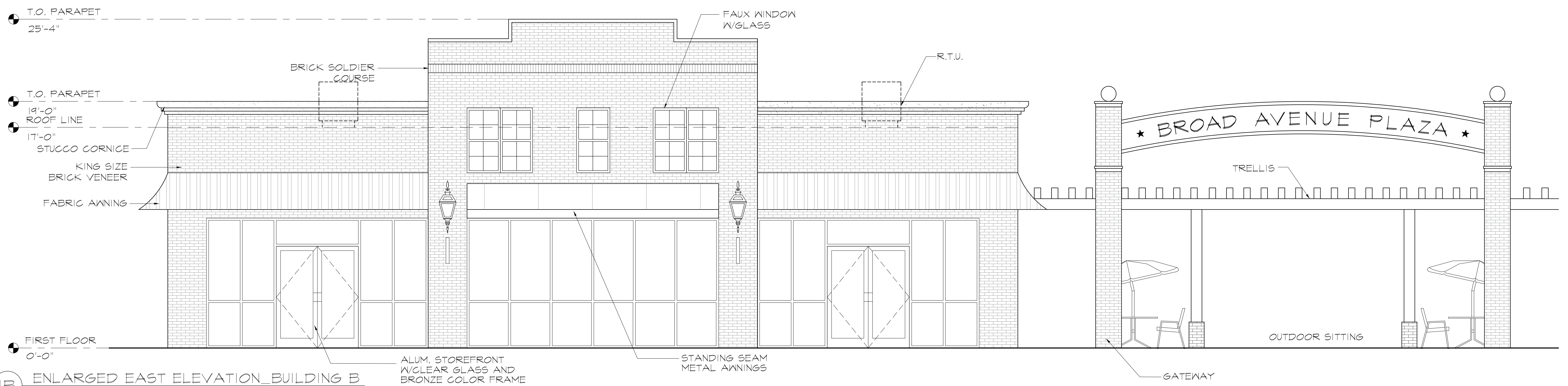
NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

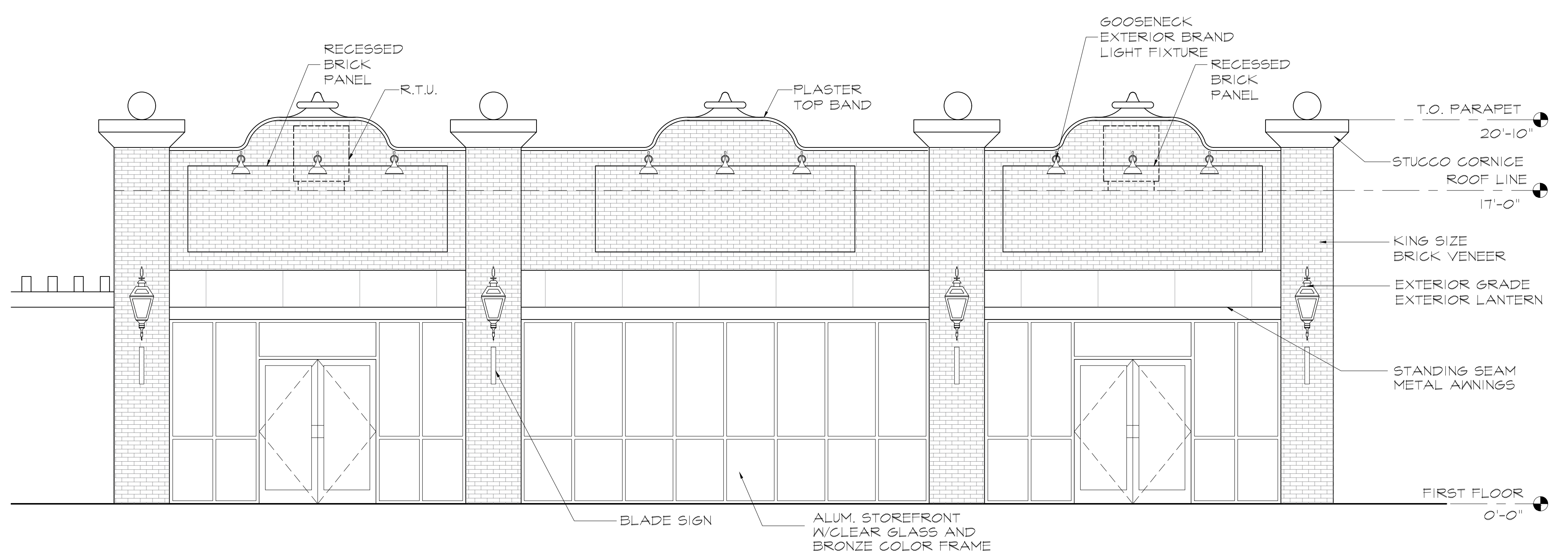
DRAWING NUMBER:
A300



1D EAST ELEVATION
 SCALE 1/8"=1'-0"



1B ENLARGED EAST ELEVATION BUILDING B
 SCALE 1/4"=1'-0"



1A ENLARGED EAST ELEVATION BUILDING A
 SCALE 1/4"=1'-0"

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 10/5/2021
DATE
PUBLIC SESSION: 10/5/2021
DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a street closure and vacation
CASE NUMBER: SAC 21-06
DEVELOPMENT: Right-of-way closure and vacation
LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue
COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Shelby Electric Co.
REPRESENTATIVES: Allen & Hoshall
EXISTING ZONING: Gateway District
REQUEST: Close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard
AREA: +/-18,819 Square feet of ROW
RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*
RECOMMENDED COUNCIL ACTION: **No public hearing required**
Set hearing date for -October 5, 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
09/9/2021 _____ 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>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 21-06

Resolution requesting to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard:

- This item is a resolution with conditions to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant(s): Shelby Electric Co. and Representative(s): Allen & Hoshall; and
- This item may require a new public improvement contract.



RESOLUTION

A resolution approving the closure of a section of Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard, known as case number SAC 21-06.

WHEREAS, the City of Memphis is the owner of real property known as Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard in Memphis, Tennessee and being more particularly described as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South $86^{\circ}29'08''$ East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North $03^{\circ}30'52''$ East a distance of 46.00 to the intersection of the north right of way line E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **True Point of Beginning** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North $05^{\circ}49'52''$ East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South $86^{\circ}29'08''$ East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South $05^{\circ}49'52''$ West a distance of 313.65 to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North $86^{\circ}29'08''$ West a distance of 60.05 to said **True Point Of Beginning**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, 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 9, 2021, 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 City Council.

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.

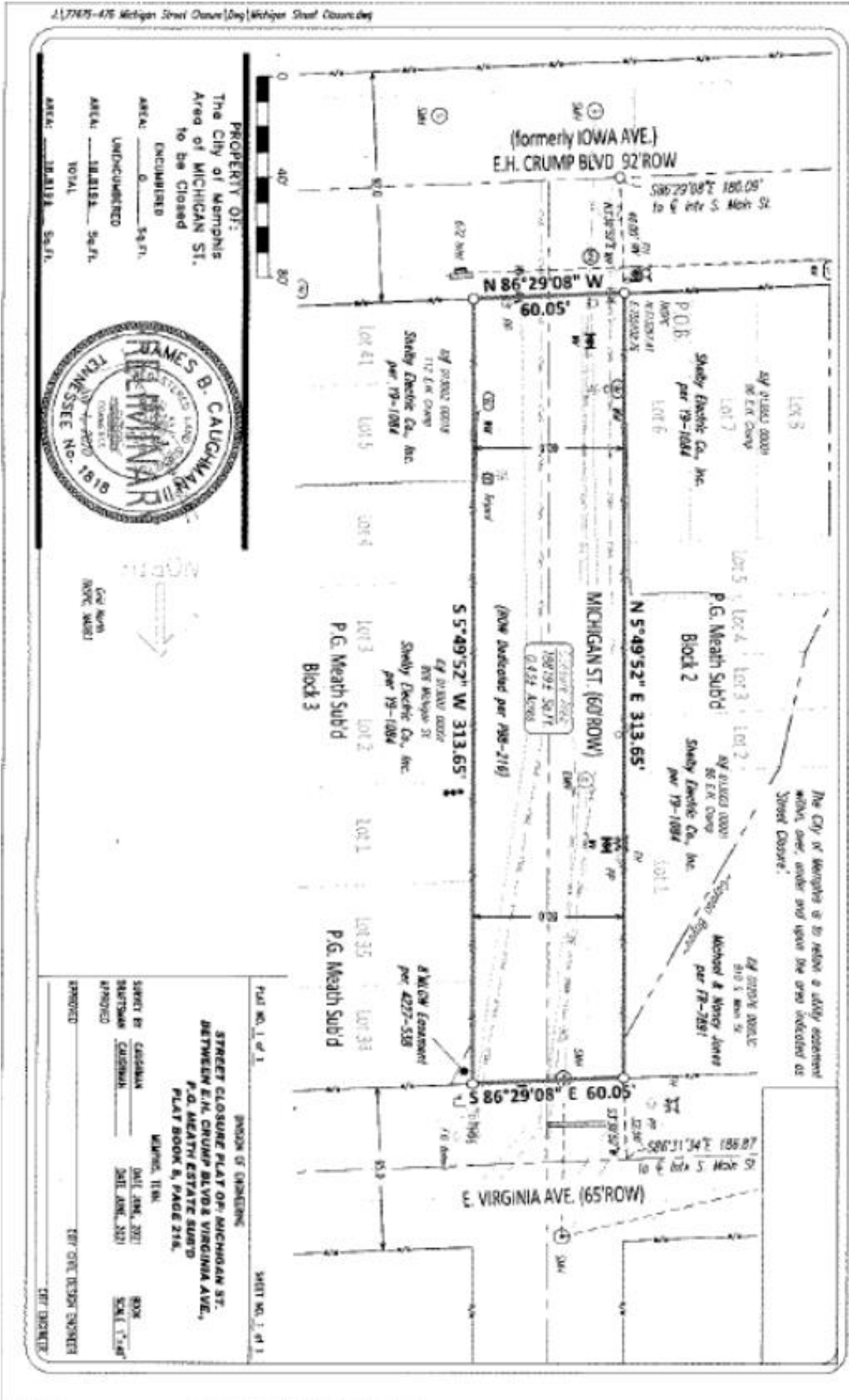
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

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**

RIGHT OF WAY VACATION PLAT



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 21-06
LOCATION:	Michigan Street between East E.H. Crump Blvd and East Virginia Avenue
COUNCIL DISTRICT(S):	District 6 and Super District 8
OWNER/APPLICANT:	Shelby Electric Co.
REPRESENTATIVE:	Allen & Hoshall
REQUEST:	Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.
EXISTING ZONING:	Gateway District
AREA:	+/-18,819 Square feet of ROW

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 9-0 on the consent agenda.

Respectfully,



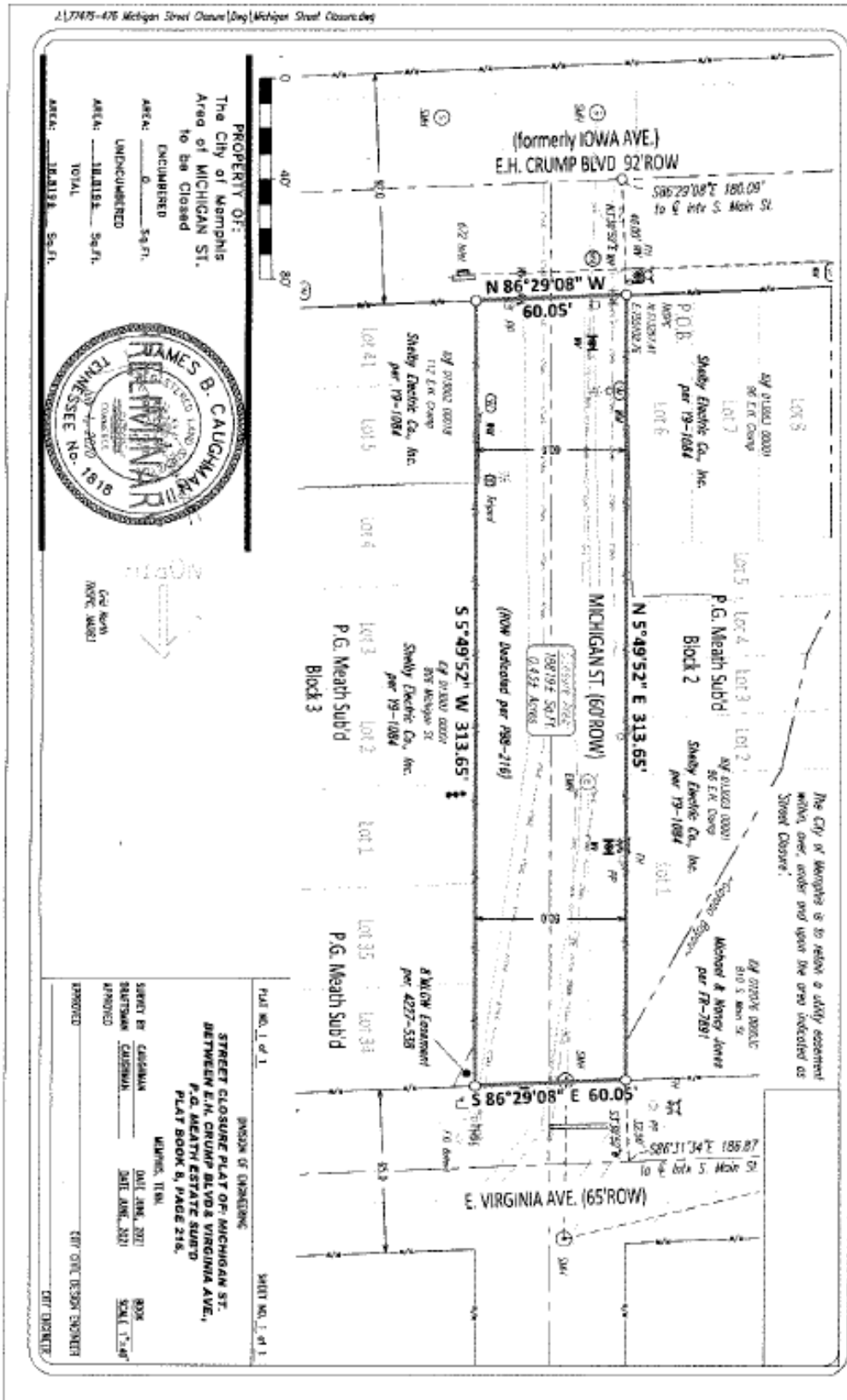
Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SAC 21-06
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.

CLOSURE PLAT



AGENDA ITEM: 12

CASE NUMBER: SAC 21-06 **L.U.C.B. MEETING:** September 9, 2021

LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVE: Allen & Hoshall

REQUEST: Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.

AREA: +/-18,819 Square feet of ROW

EXISTING ZONING: Gateway District

CONCLUSIONS

1. The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.
2. The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.
3. 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

The Memphis 3.0 Plan does not make recommendations for street closures.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Zoning Atlas Page: 1930

Existing Zoning: Gateway

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 27, 2021, 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.

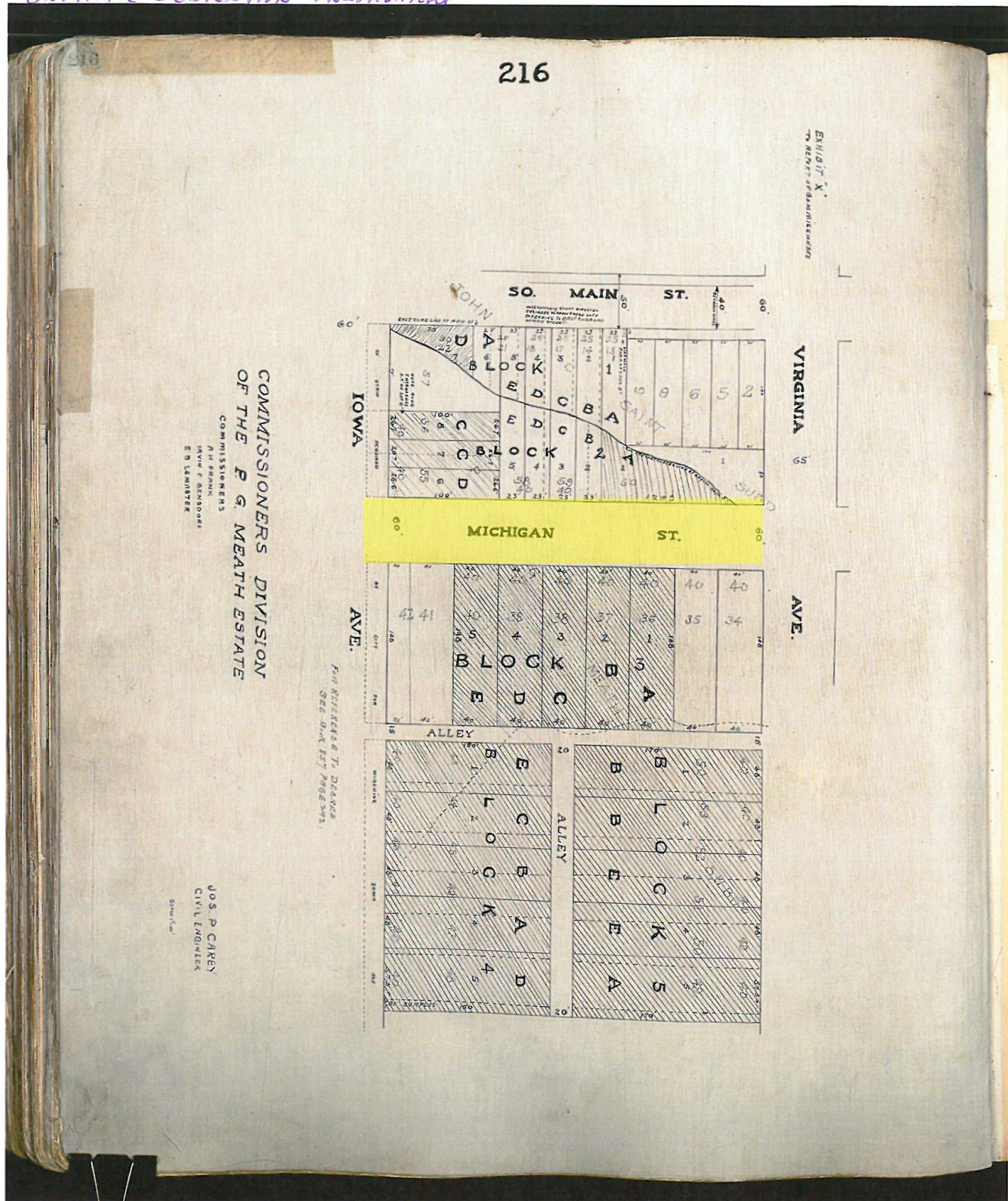
LOCATION MAP



Subject right-of-way located within the pink circle, South Memphis

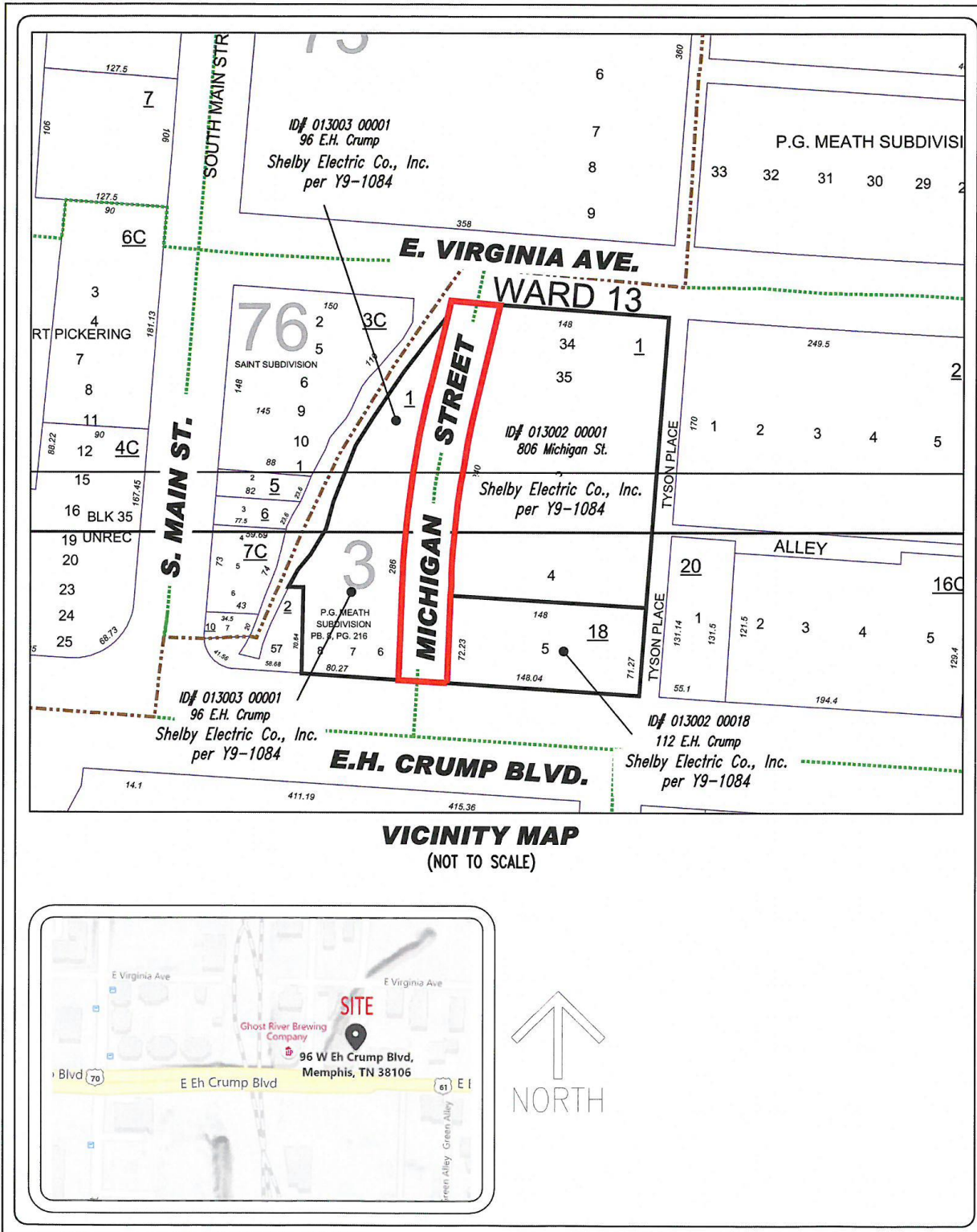
Original Dedication Instrument

ORIGINAL DEDICATION INSTRUMENT



Subject right-of-way highlighted in yellow

VICINITY MAP



Subject right-of-way outlined in red

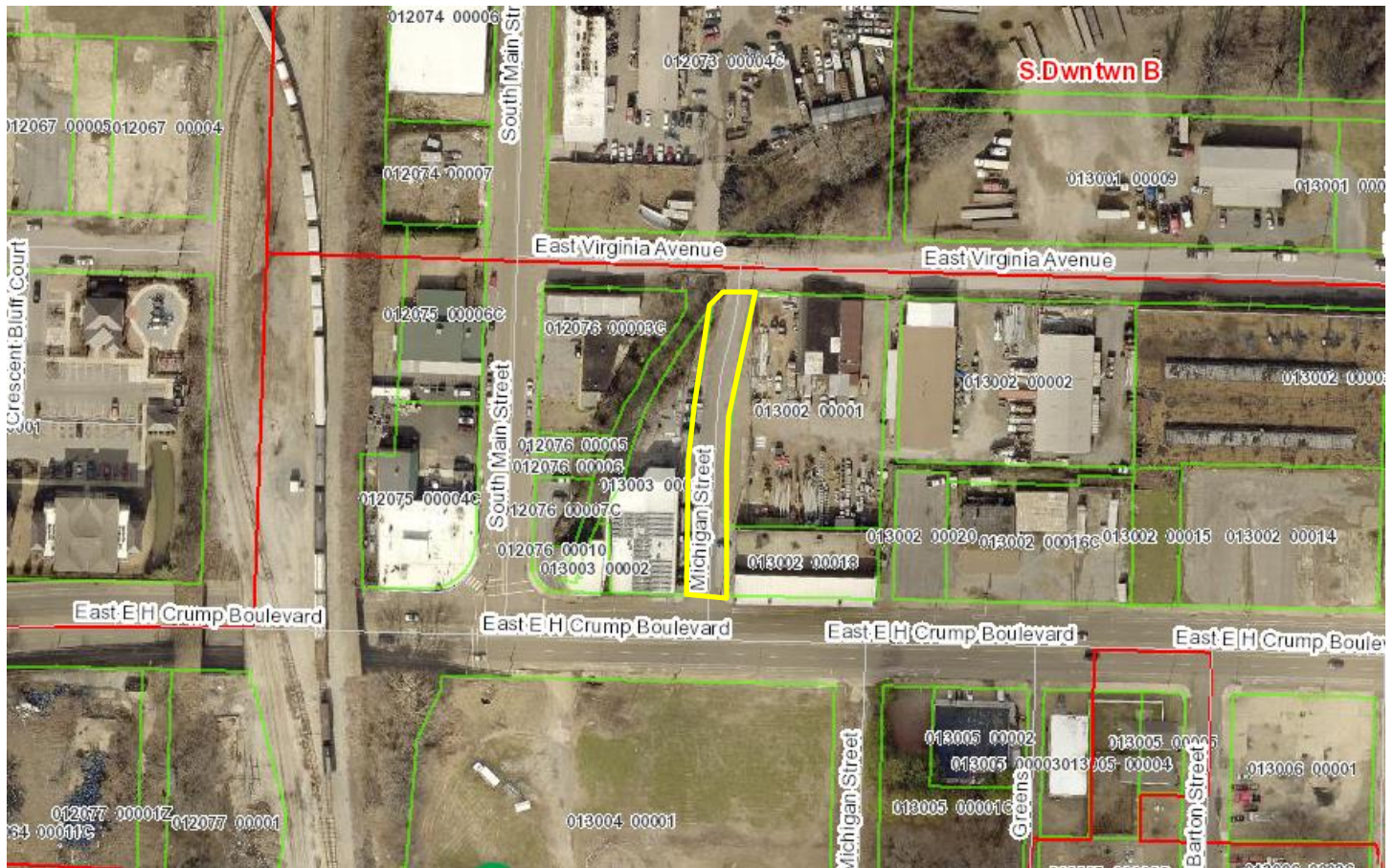
AERIAL

A



Subject right-of-way outlined in yellow

ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: Gateway

Surrounding Zoning

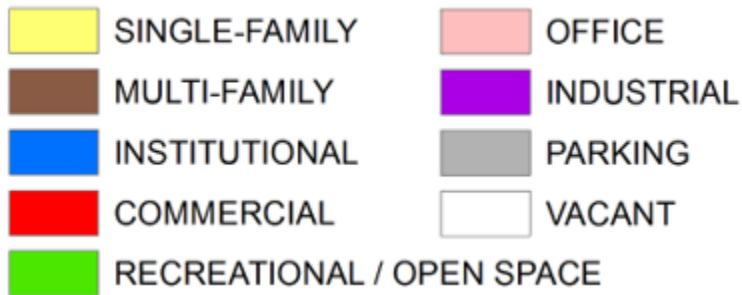
North: South Downtown Business

East: Gateway

South: Gateway

West: Gateway and Bluffview

LAND USE MAP



Subject right-of-way outlined in orange

SITE PHOTOS

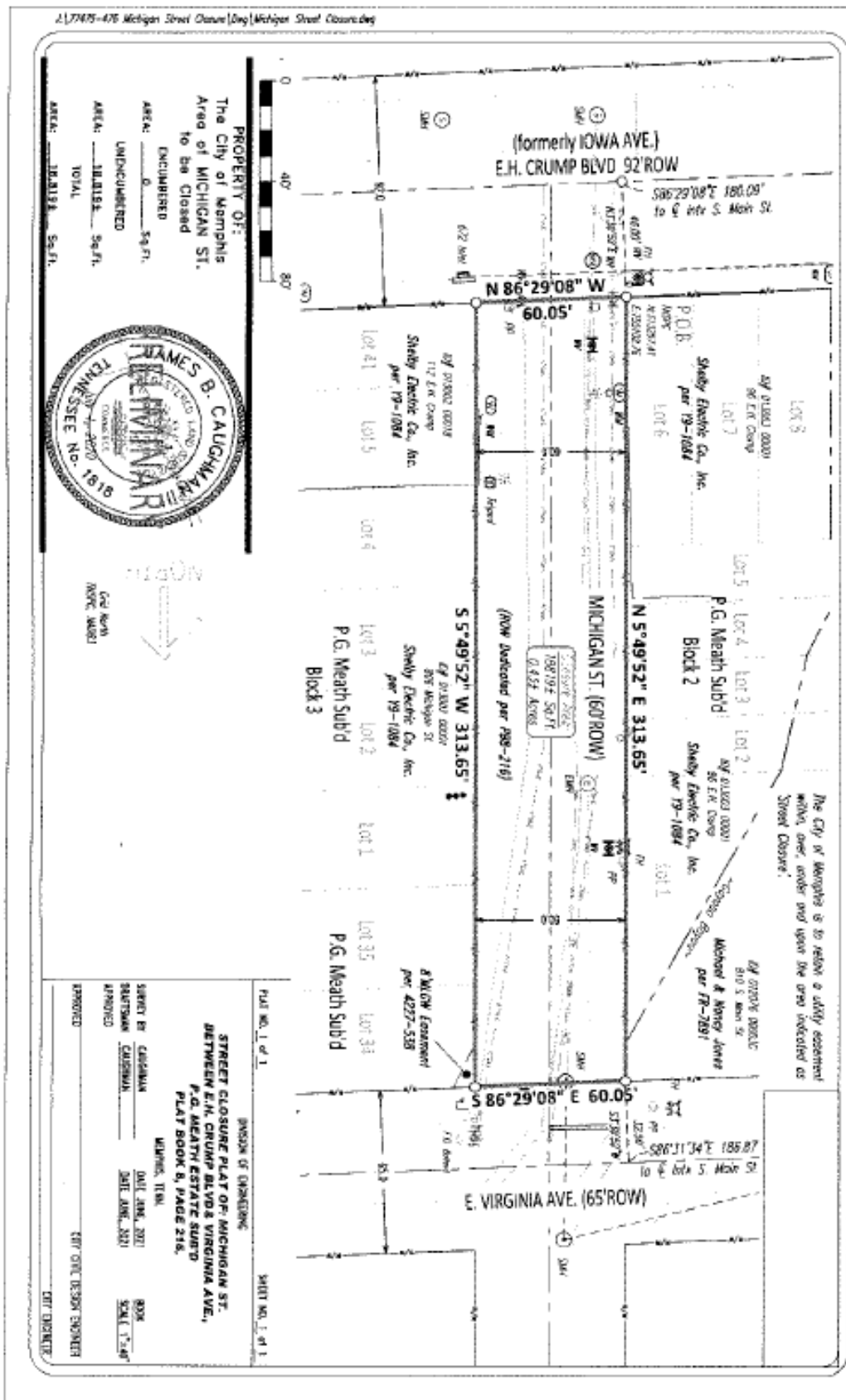


View of access point to the subject right-of-way from E.H. Crump Boulevard facing north



View of access point to the subject right-of-way from the East Virginia Avenue facing south

RIGHT-OF-WAY VACATION PLAT



LEGAL DESCRIPTION

**STREET CLOSURE OF
MICHIGAN STREET
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

STAFF ANALYSIS

Request and Reason

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

The request is to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard. The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

Site Description

The subject right-of-way is a +/-60.05-foot wide and +/-313.65-foot long public street for a total area of +/-0.423 acres (18,819 Square Feet) between E.H. Crump Boulevard and East Virginia Avenue. The subject right-of-way is located in-between three parcels (013003 00001, 013002 00001, and 013002 00018) owned by Shelby Electric Company Inc.

Supplementary

The portion of Michigan Street north of East Virginia Avenue was closed November 6, 2007.

If approved, this proposed closure of Michigan Street will deed over the last section of the Street north of E.H. Crump.

Consistency with Memphis 3.0

The Memphis 3.0 Plan does not make recommendations related to street closures.

Conclusions

The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.

The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

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.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: **8/20/2021**

CASE: **SAC-21-006** NAME: **Michigan Street Closure**

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

Sewers:

2. Dedicate 15 ft sewer easement that is centered on the existing sanitary sewer line in the street.

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.

Street Closures:

10. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
11. City sanitary sewers/drainage facilities are located within the proposed closure area.
12. 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.
13. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

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:

- **MLGW has existing utility distribution facilities within the present public road/alley right of way.** The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **MLGW reserves the right** to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **MLGW must be able to access any overhead or underground facilities.** Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a

minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.

- If there are **existing fire hydrants** within the proposed closure of the public right-of-way, these hydrants will become public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis by MLGW.
- If there are **existing street lights** within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to **MLGW Service Policy Manual – Water Main Extensions, Section 4.3** which is available online at the following MLGW website:
 - <http://www.mlgw.com/images/content/files/pdf/ServicePolicyManual.pdf>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/
STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Michigan Street

Property Owner of Record: City of Memphis Phone #: 901.636.6830

Mailing Address: 125 N. Main Street City/State: Memphis, TN Zip 38103

Property Owner E-Mail Address: LBryan@shelbyelectric.net

Applicant: Shelby Electric Co., Inc. Phone # 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

Applicant E-Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath Phone #: 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

Representative E-Mail Address: RLeath@shelbyelectric.net

Engineer/Surveyor: Allen&Hoshall, Inc. Phone # 901.820.0820

Mailing Address: 1661 International Dr., #100 City/State: Memphis, TN Zip 38120

Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com

Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of _____ Reserve Area Yes No

Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet

Closure starts at: E.H. Crump Boulevard and

Proceeds to East Virginia Avenue

Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/12/21 [Signature] 7/12/21
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)

3. **Abandonment** (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

LETTER OF INTENT

Shelby Electric Co.
INC.

96 East E.H. Crump Blvd.
Memphis, TN 38106
(901) 947-7300
Bids@ShelbyElectric.net

July 30, 2021

Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
Memphis, TN 38103

**RE: Letter of Intent – Road Closure
Michigan Street**

Dear Mr. Thomas,

The intent of this project is to close Michigan St. between East EH Crump Blvd and East Virginia St. This portion of Michigan Street runs between two buildings, both of which are owned by Shelby Electric Company, Inc. Traffic often uses this street and cut-through to avoid the stop light at Crump and South Main. Traveling at excessive speeds, multiple accidents have occurred involving our employee's parked vehicles. There is a great deal of foot traffic by our employees and there are safety concerns as vehicle speed through Michigan Street. The professional consultant associated with this proposed road closure is Allen & Hoshall.

Sincerely,



James Rodney Leath
President

SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Coleman Leslie Bryan, 4th, being duly sworn, depose and say that at 1:00 am/pm on the 25th day of August, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 2021-06 at Michigan St and East EH Crump Blvd and Michigan St and Virginia Ave, providing notice of a Public Hearing before the X 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, X Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

8/26/2021
Date

Subscribed and sworn to before me this 26th day of August, 2021

[Signature]
Notary Public

My commission expires: 4-30-22







LETTERS RECEIVED

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

Shelby Electric Co. INC.

96 East E.H. Crump Blvd.
Memphis, TN 38106
(901) 947-7300
Bids@ShelbyElectric.net

July 30, 2021

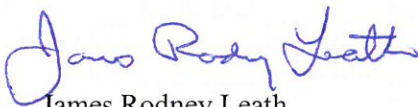
Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
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Sincerely,



James Rodney Leath
President



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

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Applicant E- Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath Phone #: 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

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Engineer/Surveyor: Allen&Hoshall, Inc. Phone # 901.820.0820

Mailing Address: 1661 International Dr., #100 City/State: Memphis, TN Zip 38120

Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com

Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of _____ Reserve Area Yes No

Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet

Closure starts at: E.H. Crmp Boulevard and

Proceeds to East Virginia Avenue

Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins.

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/10/21 [Signature] 7/30/21
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

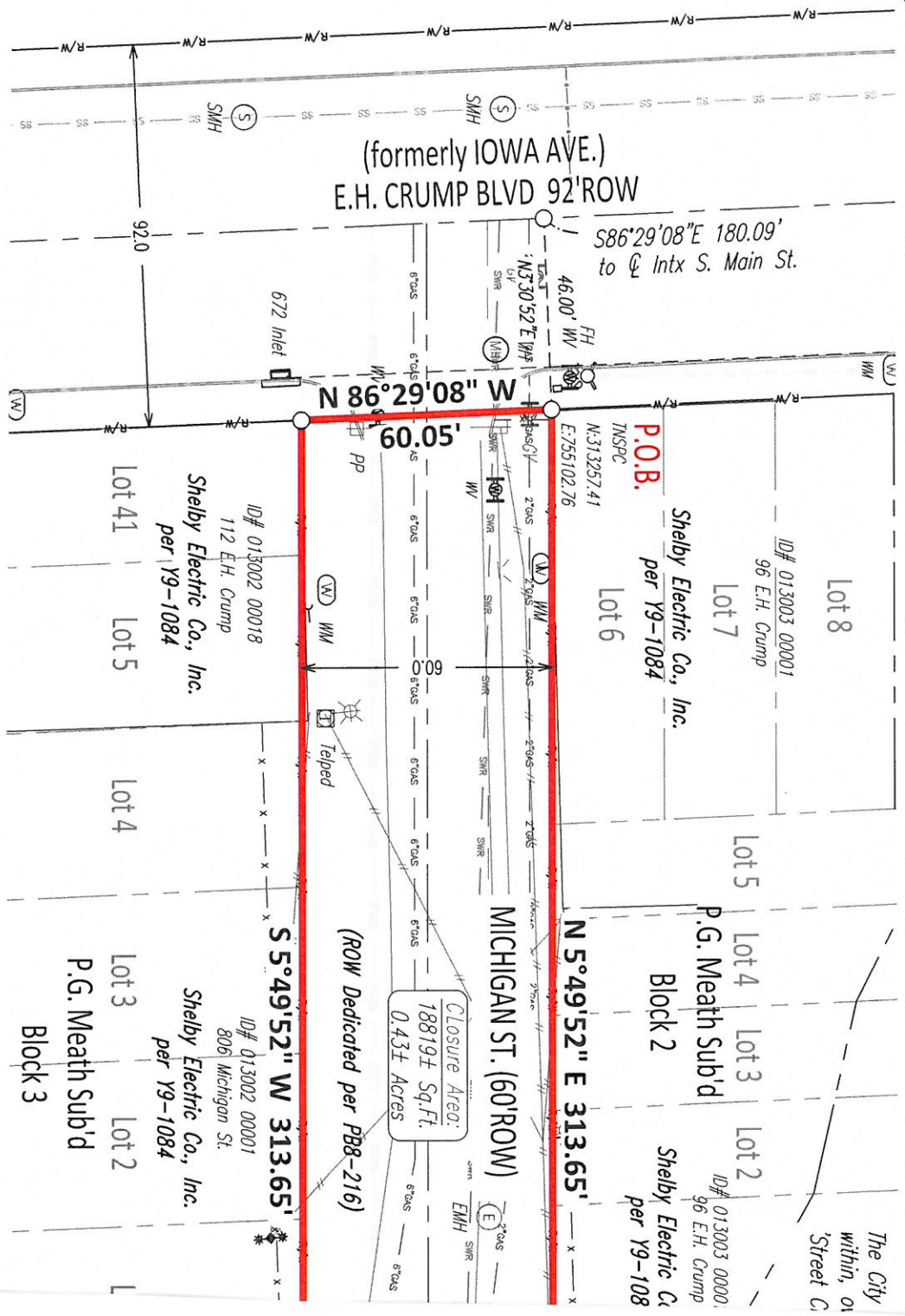
Property Owner of Record* Date Applicant Date

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- 1. Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)
Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.
- 2. Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment** (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.



(formerly IOWA AVE.)
E.H. CRUMP BLVD 92' ROW

586°29'08" E 180.09'
to Intx S. Main St.

N 86°29'08" W 60.05'

MICHIGAN ST. (60' ROW)

N 5°49'52" E 313.65'

S 5°49'52" W 313.65'

Closure Area:
18819± Sq.Ft.
0.43± Acres

(ROW Dedicated per PB8-216)

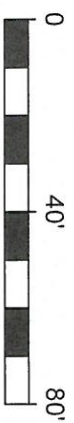
ID# 013002 00018
112 E.H. Crump
Shelby Electric Co., Inc.
per Y9-1084

ID# 013002 00001
806 Michigan St.
Shelby Electric Co., Inc.
per Y9-1084

P.O.B.
TNSPC
N:313257.41
E:755102.76

P.G. Meath Subd
Block 2

Shelby Electric Co.
per Y9-108



PROPERTY OF:

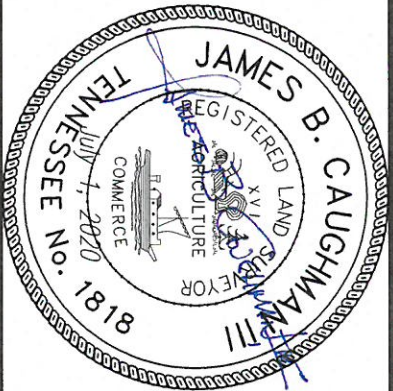
The City of Memphis
Area of MICHIGAN ST.
to be Closed

ENCUMBERED
AREA: 0 Sq.Ft.

UNENCUMBERED
AREA: 18,819± Sq.Ft.

TOTAL
AREA: 18,819± Sq.Ft.

AREA: 18,819± Sq.Ft.



Grid North
TNSPC, MAD83

Y9 1084
5

WARRANTY DEED

THIS INDENTURE, made and entered into on this 30th day of December 1986 by and between MRS. MARIE EVANS KRAMER, THOMAS E. KRAMER, MRS. DONNA MARIE BROMMER and MRS. BETTY ANN SULLIVAN, party of the first part, and SHELBY ELECTRIC COMPANY, INC., a Tennessee corporation, party of the second part,

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The parties of the first part are the heirs at law and the named beneficiaries under the Last Will and Testament of Thomas Kramer, deceased, who died a resident of Shelby County, Tennessee on May 21, 1953.

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.

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 easements of record, 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 it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

X Mrs Marie Evans Kramer
MRS. MARIE EVANS KRAMER

Thomas E. Kramer
THOMAS E. KRAMER

Mrs. Donna Marie Brommer
MRS. DONNA MARIE BROMMER

Mrs. Betty Ann Sullivan
MRS. BETTY ANN SULLIVAN

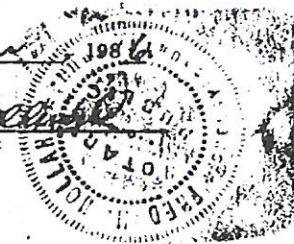
STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, MRS. MARIE EVANS KRAMER, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 30th day of December, 1986

Fred M. Hall
Notary Public

My commission expires: My Commission Expires July 26, 1988



Y9 1084

EXHIBIT "A" LEGAL DESCRIPTION
(KRAMER FAMILY PROPERTY)

Lots 1, 2, 4, 5, 6, 7, and 8, Block 2, P.G. Meath Subdivision which lots are more particularly described as follows:

Lot 1: Beginning at a point in the West line of Michigan Avenue 192 feet North of the North line of Iowa Avenue said point being the Northeast corner of Lot 2, Block 2, of P.G. Meath Subdivision which lot was conveyed to Thomas Kramer by Warranty Deed in Book 1849, Page 434 in the Office of Register of Shelby County, Tennessee; then Westwardly along Kramer's North line 62 feet more or less to the center of Gayoso Bayou; thence Northeastwardly along said Bayou to the intersection of the center of the Bayou with the West line of Michigan Street; thence Southwardly along the West line of Michigan Street 120 feet more or less to said Kramer's Northeast corner the point of beginning, being the same property conveyed to Thomas Kramer by Special Warranty Deed dated July 18, 1949 and recorded in Book 2399, Page 108 in the Register's Office of Shelby County, Tennessee.

Lot 2: Beginning at a stake in the West line of Michigan Street 169 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 62 feet to a point in the middle of Gayoso Bayou; thence Southwardly along the middle of the Gayoso Bayou 23.6 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 67.3 feet to the point of beginning; being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 4: Beginning at a stake in the West line of Michigan Street 123 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 72.5 feet to a point in the middle of Gayoso Bayou; thence Southwestwardly along the middle of Gayoso Bayou 25.9 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 84.5 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer in Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 5: Beginning at a point in the West line of Michigan Street 100 feet Northwardly from the North line of East Iowa Avenue, thence Northwardly along the West line of Michigan Street 23 feet to a point; thence Westwardly parallel to East Iowa Avenue 84.5 feet to a point in the middle of Gayoso Bayou, said point being the Northeast corner of Lot 5 in Block 1 of said Subdivision; thence Southwestwardly along the middle line of said Bayou and the East line of said Lot 5 in Block 1, 25.9 feet to the Southeast corner of said Lot 5 in Block 1; thence Eastwardly 96.5 feet (more or less) to the point of beginning, being the same property conveyed to Thomas Kramer by Deed recorded in Book 1943, Page 490 in the Register's office of Shelby County, Tennessee.

Lot 6: Beginning at a stake at the intersection of the West line of Michigan Street with the North line of East Iowa Avenue, running thence Westwardly along the North line of East Iowa 26.6 feet to a point; thence Northwardly and parallel to Michigan Street 100 feet to a point in the South line of Lot 5 of said P.G. Meath Estate; thence Eastwardly

Y9 1084

thence Westwardly with said North line 148 feet to the point of beginning, being the same property conveyed to Thomas Kramer by Deed of Record at Book 1151, Page 556 in the Register's Office of Shelby County, Tennessee.

Lot 5 in Block 4 of the P.G. Meath Subdivision which Lot is more particularly described as follows:

Beginning at a point in the North line of East Iowa Avenue 355 feet Eastwardly along said North line from its intersection with the East line of Michigan Street; running thence Eastwardly along the North line of East Iowa Avenue 57.5 feet to an iron stake; thence Northwardly and parallel to Michigan Street 150 feet to an iron stake in the South line of 20 foot alley; thence Westwardly along the South line of said alley 57.5 feet to an iron stake; thence Southwardly 150 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

In addition to the above described property, there is also conveyed hereby all interest in the alleys shown on the plat of P.G. Meath Subdivision, adjacent to the above described property.

Excluded from this conveyance is any property previously conveyed to or taken by governmental authority for the widening of E.H. Crump Blvd., formerly known as East Iowa Avenue.

Y91084

STATE TAX 672.00
REGISTER'S FEE 50
RECORDING FEE 15.00
Jan 2 12 53 PM '07 ^{687.50}

STATE OF TENNESSEE
SHELBY COUNTY
[Signature]
REGISTER

ENV
672.00
15.00
687.50



FR 7981
MEMPHIS TITLE
38108

Return to **WARRANTY DEED**
This Instrument Prepared by: J. Terry Pitts, Attorney, 65 Germantown Court, Suite 100, Cordova, TN

THIS INDENTURE, made and entered into this 6th day of February, 19 96 by and between
DARRYL L. HAWKINS, party of the first part, and
MICHAEL E. JONES, and wife, Nancy K. Jones of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said part y of the first part ha s bargained and sold and do es hereby bargain, sell, convey and confirm unto the said part y of the second part of the following described real estate, situated and being in Memphis the County of Shelby, State of Tennessee.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Being the same property conveyed to the grantor herein by Warranty Deed of record by Instrument No. DS 4096, said 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 part y of the second part, his heirs and assigns in fee simple forever.

And the said part y of the first part do es hereby covenant with the said part y of the second part that he is lawfully seized in fee of the aforescribed real estate: that he has a good right to sell and convey the same: that the same is unencumbered, except for 1996 city and county taxes, not yet due and payable;

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

WITNESS THE SIGNATURE _____ of the said part y of the first part of the day and year first above written.

Darryl L. Hawkins
DARRYL L. HAWKINS

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared DARRYL L. HAWKINS 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 _____ executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 6th day of February, 19 96
My commission expires 25 day of March, 19 97
Danella Z. Pitts
Notary Public

STATE OF TENNESSEE, COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is, \$ 50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Melanie B. Oglesby (agent)
Affiant
Subscribed and sworn to before me this the 6th day of February, 19 96
Danella Z. Pitts
Notary Public
My commission expires 25 day of March, 19 97

The following information is not a part of this Deed.
Property Address 810 South Main, Memphis, TN 38103
Ward 012 District _____ Block 076 Parcel 00003C
Mail Tax Bill to _____
PROPERTY OWNER: MICHAEL E. JONES
AT: 6881 Water Point Cove
Memphis, TN. 38141
MT 170913

4227 538

St 63967
70-27

2-1060

EASEMENT CONTRACT

For and in consideration of the sum of One Dollar each to here paid to the undersigned, and other good and sufficient consideration, the receipt of which is hereby acknowledged, the undersigned, *James G. Myer*, grant and convey unto the City of Memphis, acting through the Memphis Light, Gas and Water Division, and unto its successors and assigns, the easement or right of way to construct, maintain and operate its electric transmission or distribution line of Sixty (60) feet in width and along the general course hereinafter described and used by the said Memphis Light, Gas and Water Division, water, steam, water and gas, the following described tract belonging to the undersigned and situated in Shelby County, Tennessee, to-wit:

This easement is 8 feet wide across a parcel of land conveyed to James G. Myer by deed of record and described in book 3477, page 345 of the Register's Office of Shelby County, Tennessee.

The center line of this easement is located as follows: Beginning at a point in the south line of Virginia Avenue 4 feet east of the east line of Michigan Street; thence in a southwestwardly direction 8.8 feet to a point in the east line of Michigan Street 8 feet south of the south line of Virginia Avenue.

Property located on the southeast corner of Virginia Avenue and Michigan Street.

It is my true intent and desire that the City of Memphis, acting through the Memphis Light, Gas and Water Division shall have the right to do, it may permit the Southern Bell Telephone and Telegraph Company or its associated and allied companies, its successors and assigns, to use these poles jointly with the City of Memphis, acting through the Memphis Light, Gas and Water Division, and The Southern Bell Telephone and Telegraph Company, its associated allied companies and/or their successors and assigns may be erected the right to construct, operate and maintain its lines of telephone and telegraph jointly upon the poles of the Memphis Light, Gas and Water Division of the City of Memphis, Memphis, Tennessee.

TO HAVE AND TO HOLD the above described easement and right unto the said City of Memphis, its successors and assigns, together with the right of exercising all rights reasonably and properly incident to the rights hereby expressly granted.

And the undersigned, *James G. Myer*, hereby warrant the above described easement and right unto the said grantee, its successors and assigns, against the lawful claims or demands of any or all persons claiming by, through or under the undersigned.

This *10* day of *July* 191*2*.

James G. Myer
James G. Myer

STATE OF TENNESSEE
COUNTY OF SHELBY

I, the undersigned, *James G. Myer*, do hereby certify that the foregoing is a true and correct copy of the original of the above described instrument as the same appears from the records of the County of Shelby, Tennessee, and that the same is a true and correct copy of the original of the above described instrument as the same appears from the records of the County of Shelby, Tennessee, and that the same is a true and correct copy of the original of the above described instrument as the same appears from the records of the County of Shelby, Tennessee.

WITNESS my hand and Notarial Seal at Memphis, in the County aforesaid, on this *10* day of *July* 191*2*.

My Commission Expires *July 10, 1912* Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

I, the undersigned, *James G. Myer*, do hereby certify that the foregoing is a true and correct copy of the original of the above described instrument as the same appears from the records of the County of Shelby, Tennessee, and that the same is a true and correct copy of the original of the above described instrument as the same appears from the records of the County of Shelby, Tennessee, and that the same is a true and correct copy of the original of the above described instrument as the same appears from the records of the County of Shelby, Tennessee.

My Commission Expires *July 10, 1912* Notary Public

28125

Shelby Electric Co. Inc.
PO Box 157
Memphis, TN 38101

Shelby Electric Co. Inc.
PO Box 157
Memphis, TN 38101

Shelby Electric Co. Inc.
PO Box 157
Memphis, TN 38101

Michael E. & Nancy K. Jones
1624 Imboden Cove
Nesbit, MS 38651

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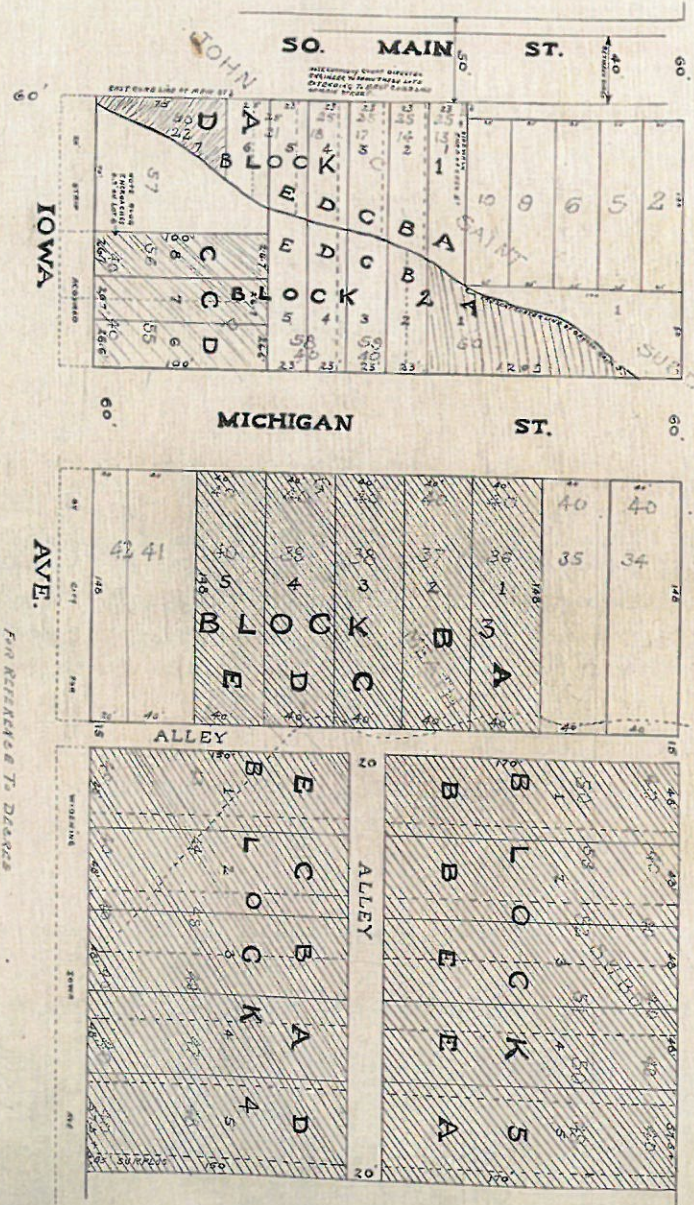
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Michael E. & Nancy K. Jones
1624 Imboden Cove
Nesbit, MS 38651

EXHIBIT X
REPORT OF DEDICATION

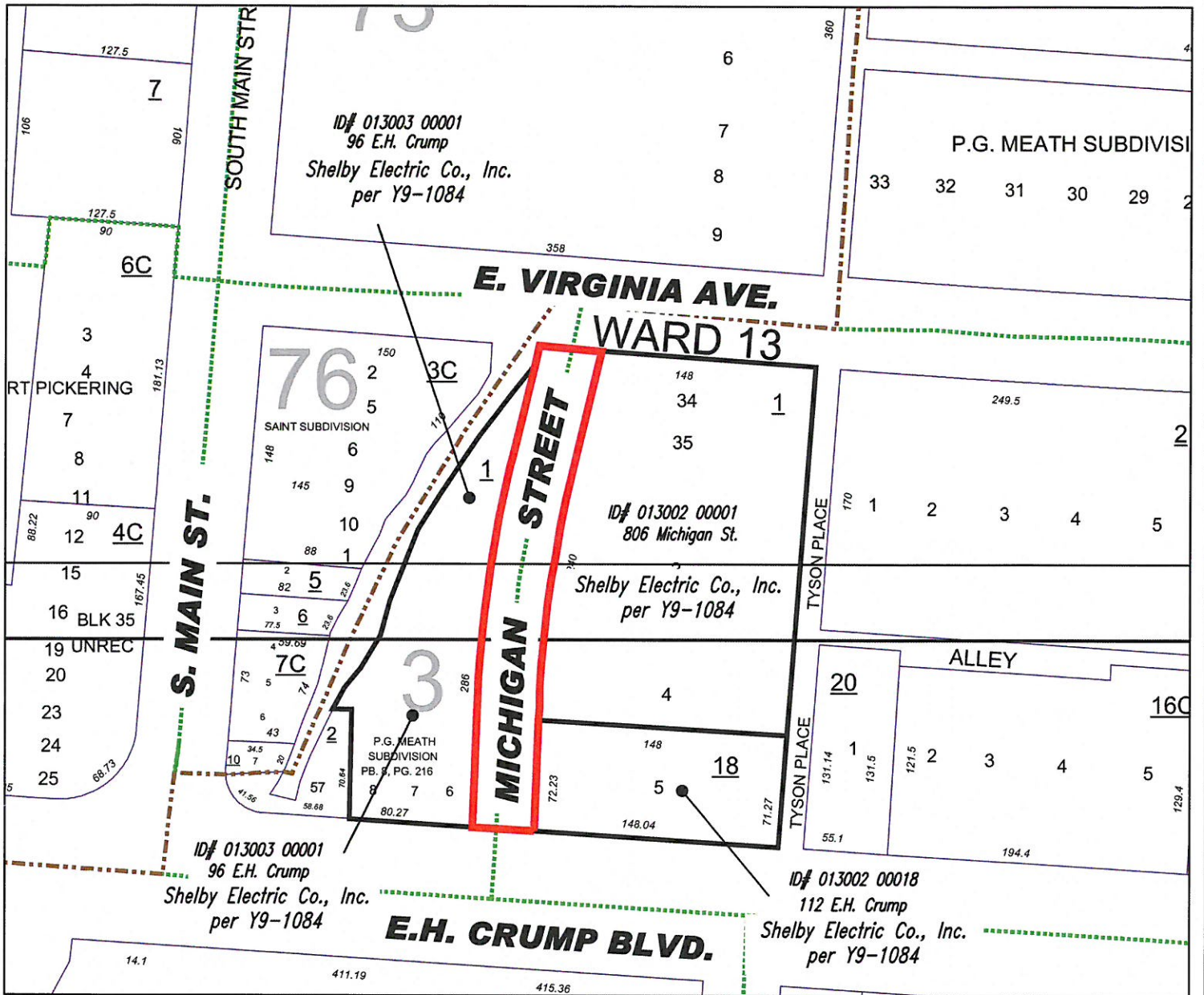


COMMISSIONERS DIVISION
OF THE P. G. MEATH ESTATE

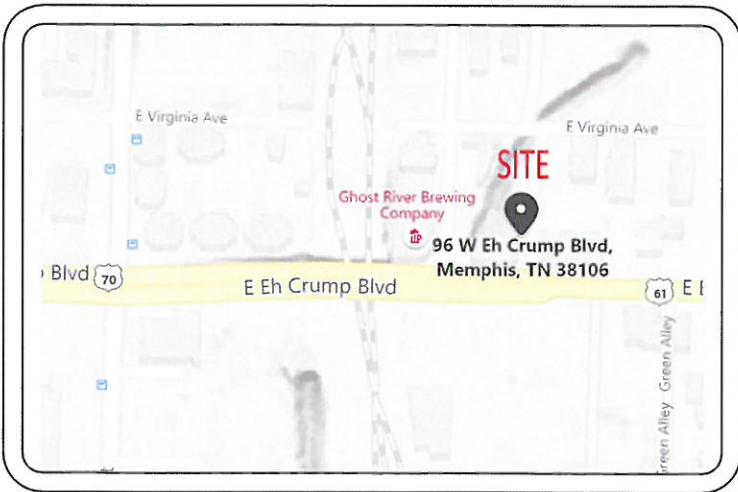
COMMISSIONERS
R. H. PRINCE
IRVIN F. GENDRON
E. D. LAMINSTER

FOR REFERENCE TO DEEDS
SEE BOOK 157 PAGES 274

JOS. P. CAREY
CIVIL ENGINEER



VICINITY MAP
(NOT TO SCALE)



**STREET CLOSURE OF
MICHIGAN STREET
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.



Memphis City Council Summary Sheet

S.U.P. 21-18

(Walker-Barnes Group Day Care Home)

A Resolution requesting a group day care home for five (5) to twelve (12) children for property located 3744 Sturgeon Avenue in Residential Single Family (R-6) District

- This item is a Resolution with site plan conditions for a special use permit to allow the above on real property located in Residential Single Family (R-6) District; and
- The Division of Planning & Development at the request of Owner(s)/Applicant(s): Dr. Tonya Walker-Barnes; and
- Approval of the special use permit will be reflected on the Memphis & Shelby County Zoning Atlas; and
- No public infrastructure improvements are anticipated by this item; and
- No expenditure of funds/budget amendments are anticipated by this item.

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE SUBJECT PROPERTY LOCATED
3744 STURGEON AVENUE, KNOWN AS CASE NUMBER S.U.P. 21-18**

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 a grant special use permit for certain stated purposes in various zoning districts; and

WHEREAS, the *Dr. Tonya Walker-Barnes* filed a special use permit application with the Memphis and Shelby County Office of Planning and Development to allow a group day care home for five (5) to twelve (12) children at **3744 Sturgeon Avenue**; and

WHEREAS, the Office of Planning and Development has received and reviewed the special use permit 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 **Thursday, October 14th, 2021**, 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 special use permit 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 Office 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 to allow a **group day care home for five (5) to twelve (12) children** in accordance with the attached **site plan and conditions**.

BE IT FURTHER RESOLVED, that this special use 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 site plan 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.

S.U.P. 21-18

Walker-Barnes Group Day Care Home

Site Plan Conditions:

1. A special use permit to allow a group day care home on a minor local street not within 150 feet of an arterial street as illustrated on the site plan and subject to conditions approved by the Board of Adjustment for companion case B.O.A. 21-111 (City).
2. The site plan as recommended by staff shall be the approved site plan and any changes or deviations to the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment and the Land Use Control Board for review and approval or administrative review and approval by Division of Planning and Development.
3. This special use permit shall expire in three (3) years, at which point the applicant may seek a renewal.

S.U.P. 21-18

Walker-Barnes Group Day Care Home

ATTEST:

**cc: Division of Planning and Development
 Land Use and Development Services
 Office of Construction Code Enforcement**

SITE PLAN

ADDRESS
3744 STURGEON AVE

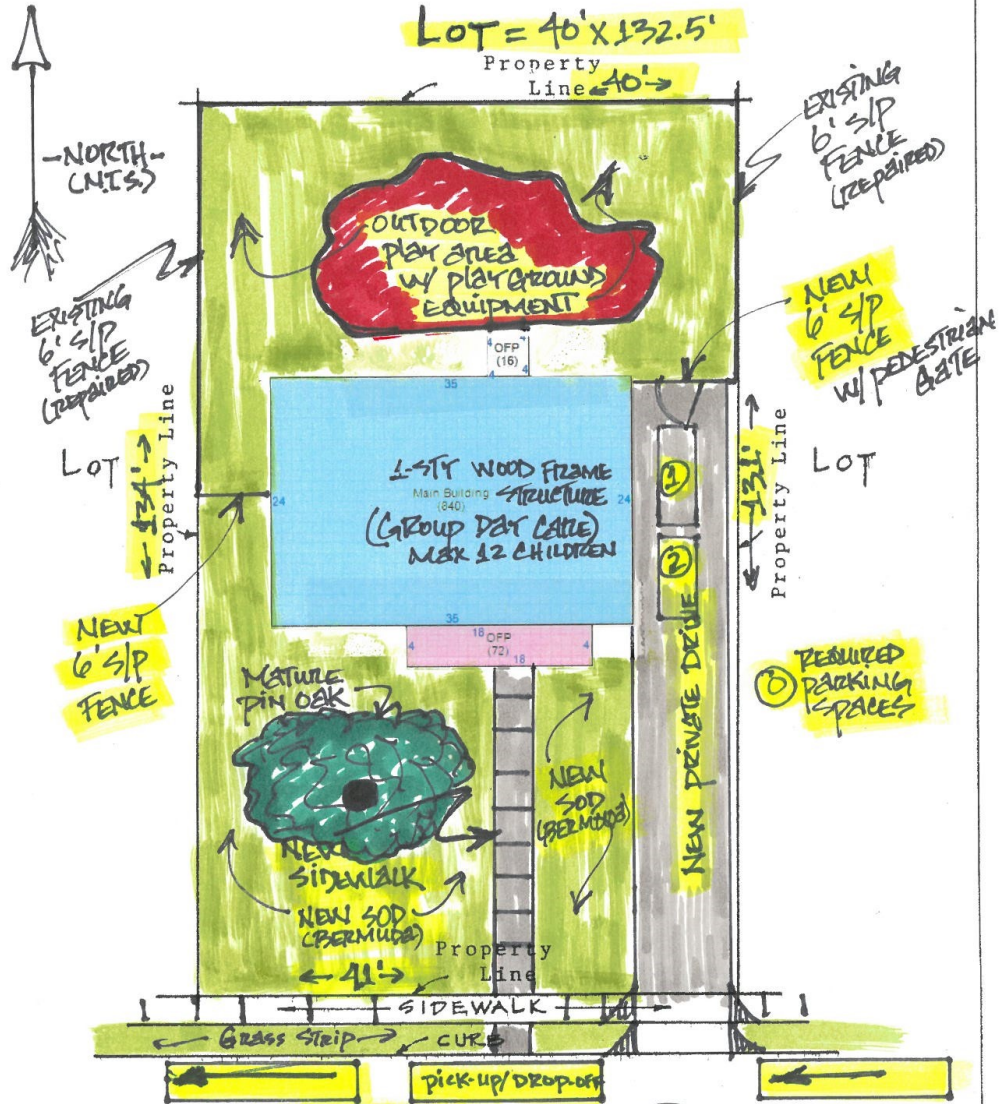
DATE
SEPT. 9, 2021

SIGNATURE

TYPICAL INTERIOR LOT

MEMPHIS & SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT

160 N. Main Street Suite 750 Memphis, Tennessee 38103-1874



3744 STURGEON ST. RD. (AVE.)
DR. BLVD.

SITE PLAN

0.35 Acres (6,534 sq. ft.)

FBS PK STAFF

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, October 14th, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: S.U.P. 21-18

LOCATION(S): 3744 Sturgeon Avenue

COUNCIL DISTRICT(S): District 4, Super District 8-Positions 1, 2 & 3

OWNER(S)/APPLICANT(S): Dr. Tonya Walker-Barnes

REPRESENTATIVE: Dr. Walker-Barnes

REQUEST: Special use permit to allow a group day care home for five (5) to twelve (12) children

EXISTING ZONING: Residential Single Family (R-6) District

AREA: 0.15 Acre (6,534 sq. ft.)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by unanimous vote of 7 to 0 on the Consent Agenda.

Respectfully,



Brian S. Bacchus
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

S.U.P. 21-18**Walker-Barnes Group Day Care Home****L.U.C.B. Site Plan Conditions:**

1. A special use permit to allow a group day care home on a minor local street not within 150 feet of an arterial street as illustrated on the site plan and subject to conditions approved by the Board of Adjustment for companion case B.O.A. 21-111 (City).
2. The site plan as recommended by staff shall be the approved site plan and any changes or deviations to the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment and the Land Use Control Board for review and approval or administrative review and approval by Division of Planning and Development.
3. This special use permit shall expire in three (3) years, at which point the applicant may seek a renewal.

S.U.P. 21-18**Walker-Barnes Group Day Care Home**


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

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

BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Dr. Tonya Walker-Barnes
530 Old Hearthstone Circle-North
Memphis, TN 38017

DATE: Thursday, September 23rd, 2021
DOCKET: B.O.A. 21-111 (City)
ADDRESS: 3744 Sturgeon Avenue

Sent via electronic mail to: tdwalker08@yahoo.com

On **Wednesday, September 22nd, 2021** the Memphis and Shelby County Board of Adjustment recommended ***'Approval'*** of your application requesting a ***'Variance from Paragraph 2.6.2B (1) to allow a group day care home on a minor local street not within 150 feet of a major arterial street'***, subject to the attached site plan and the following site plan conditions:

1. A non-use variance shall be permitted to allow a group day care home on a minor local street not within 150 feet of an arterial street as illustrated on the site plan and subject to Land Use Control Board review and approval of companion case S.U.P. 21-18.
2. The site plan as recommended by staff shall be the approved site plan and any changes or deviations to the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by Division of Planning and Development.
3. This variance shall expire in three (3) years, at which point the applicant may seek a renewal.

ALL APPEALS AND APPLICATIONS GRANTED ARE EXPRESSLY CONDITIONED UPON THE APPLICANT OBTAINING THE PERMIT REQUESTED OR OTHER ORDER WITHIN TWO (2) YEARS FROM THE DATE OF THE DECISION OF THE BOARD OF ADJUSTMENT, UNLESS THE BOARD EXPLICITLY PROVIDED A DIFFERENT TIME FRAME IN ITS DISPOSITION.

If you have questions concerning this approval, please email brian.bacchus@memphistn.gov or by direct phone at **(901) 636-7120** for further instructions.

Respectfully,



Brian S. Bacchus, Principal
Josh Whitehead, Secretary
Board of Adjustment

cc: **Rick Meister, Plans Manager, OCCE**
File: B.O.A. 21-110 (City)

ADDRESS
3744 STURGEON AVE

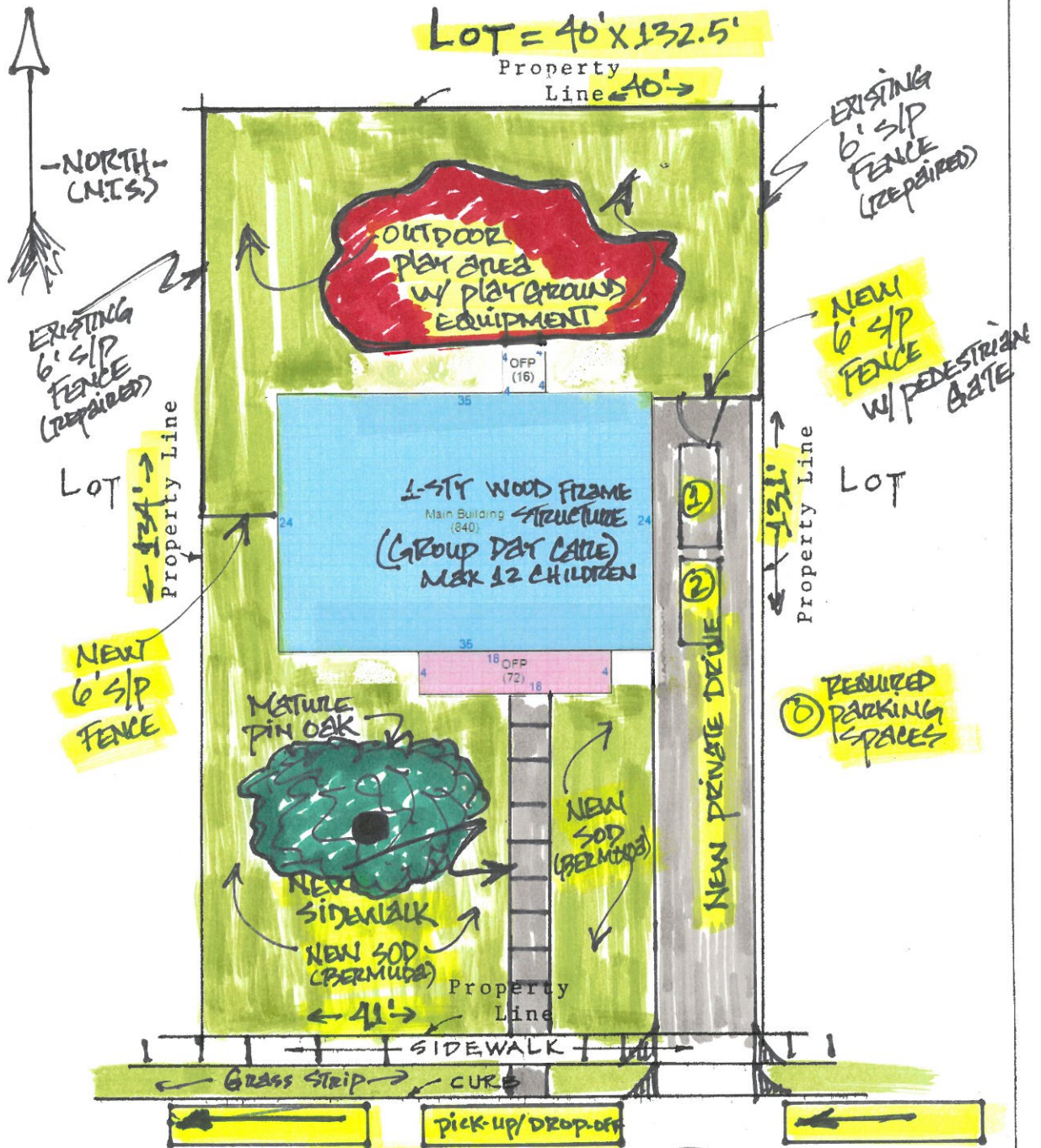
DATE
SEPT. 9, 2021

SIGNATURE

TYPICAL INTERIOR LOT

MEMPHIS & SHELBY COUNTY OFFICE OF
CONSTRUCTION CODE ENFORCEMENT

160 N. Main Street Suite 750 Memphis, Tennessee 38103-1874

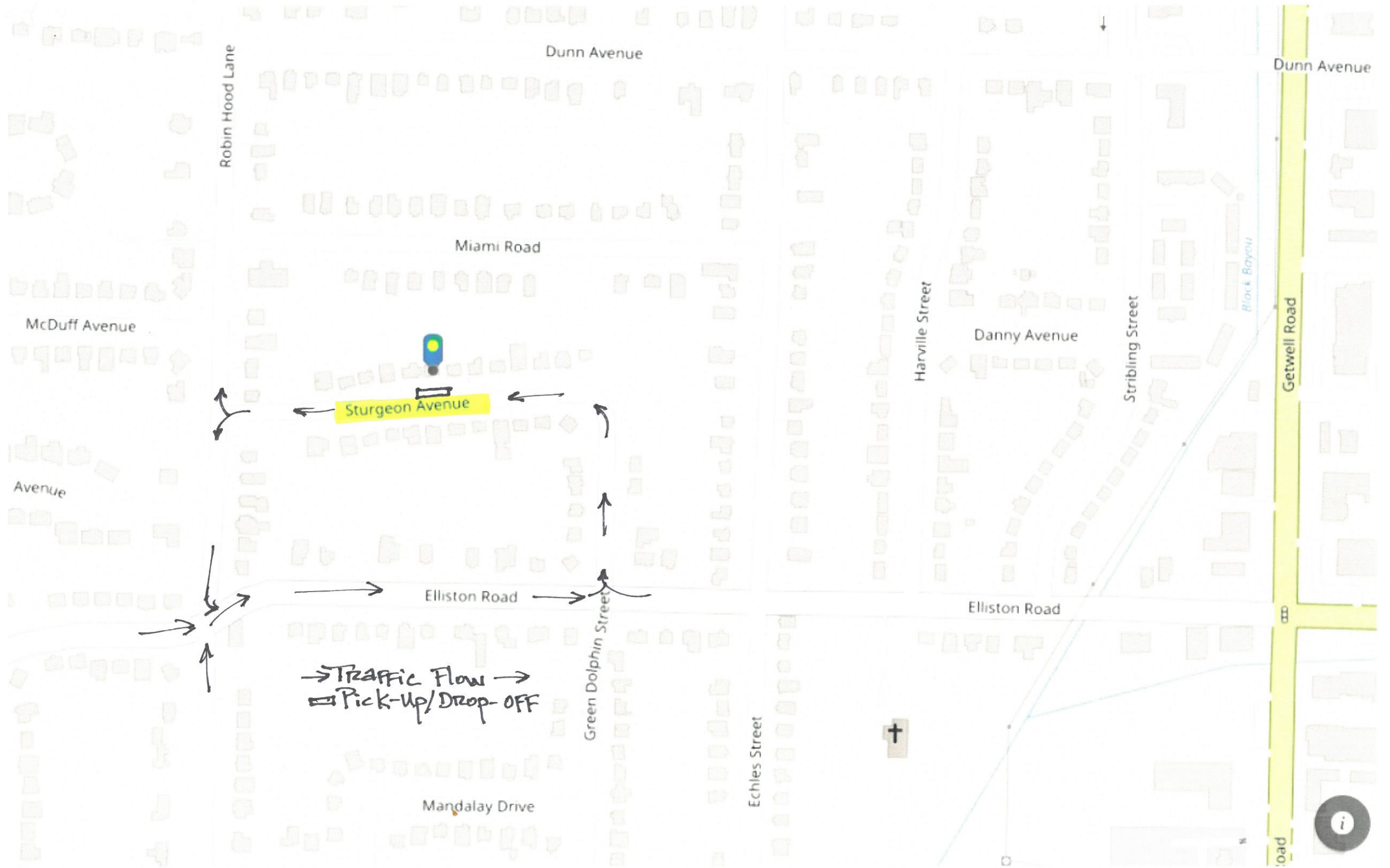


3744 STURGEON ST. RD. AVE.
DR. BLVD.

SITE PLAN

0.35 ACRES (6,534 SQ. FT.)

F&B PH STAFF



Robin Hood Lane

Dunn Avenue

Miami Road

McDuff Avenue

Sturgeon Avenue

Avenue

Elliston Road

→ Traffic Flow →
▭ Pick-Up/Drop-Off

Mandalay Drive

Green Dolphin Street

Echles Street

Harville Street

Danny Avenue

Stribling Street

Block Bayou

Getwell Road

Dunn Avenue



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

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

October 18th, 2021

Dr. Tonya Walker-Barnes
C/o Walker-Barnes Group Day Care Home
530 Old Hearthstone Circle-North
Collierville, TN 38017

Sent via electronic mail to: tdwalker08@yahoo.com

RE: OPD FILE #: S.U. P. 21-18
L.U.C.B. RECOMMENDATION: Approval with Conditions

Dear Tonya,

The Memphis and Shelby County Land Use Control Board on **Thursday, October 12th, 2021**, recommended **'approval'** of your special use permit application to allow a **'group day care home for five (5) to twelve (12) children'** located **'3744 Sturgeon Avenue'**, subject to the attached conditions.

The Memphis City Council will review the special use permit application in Planning and Zoning Committee meeting prior to voting in public session. The applicant or the applicant's representative(s) shall attend all meetings and public sessions. At least two (2) weeks after receiving this letter, please contact the City Council Records office to determine when the application will be scheduled for committee and in public session. The Council Records office phone number is (901) 636-6792.

If for some reason you choose not to go forward with the application, a letter should be mailed to the Office of Planning and Development at the address provided above. If you have questions or concerns regarding this matter or of any necessary submittals, please call me at (901) 636-7120 or you may contact me via email at brian.bacchus@memphistn.gov.

Sincerely,



Brian S. Bacchus, Principal
Josh Whitehead, Secretary, LUCB
Division of Planning and Development

CC: File: S.U.P. 21-18

S.U.P. 21-18***Walker-Barnes Group Day Care Home***

1. A special use permit to allow a group day care home on a minor local street not within 150 feet of an arterial street as illustrated on the site plan and subject to conditions approved by the Board of Adjustment for companion case B.O.A. 21-111 (City).
2. The site plan as recommended by staff shall be the approved site plan and any changes or deviations to the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment and the Land Use Control Board for review and approval or administrative review and approval by Division of Planning and Development.
3. This special use permit shall expire in three (3) years, at which point the applicant may seek a renewal.

S.U.P. 21-18***Walker-Barnes Group Day Care Home***

ADDENDUM

CASE NUMBER: S.U.P. 21-18 **L.U.C.B. MEETING: October 14th, 2021**
(Companion: B.O.A. 21-111) *(Held from August 12th and September 9th, 2021)*

DEVELOPMENT NAME: WALKER-BARNES GROUP DAY CARE HOME

LOCATION: 3744 Sturgeon Avenue

COUNCIL DISTRICT(S): District 4: Super District 8-Positions 1, 2, & 3

OWNER/APPLICANT: Dr. Walker-Barnes, Tonya

REQUEST: Special Use to allow a group day care home for five (5) to twelve (12) children

AREA: 0.15 Acre (6,534 sq. ft.)

EXISTING LAND USE & ZONING: Single family structure in Residential Single Family (R-6) District

STAFF ANALYSIS:

On Thursday, August 12th and September 9th, 2021 the staff recommended and the Land Use Control Board granted a one (1) month hold of this special use permit application, because the most important submittal requirements for a site plan illustrating the location of outdoor play areas, private drive, pick-up and drop-off area, including a handicap ramp had not been met. Furthermore, the subject property required a variance from the Civic Use standard in Paragraph 2.6.2B (2) of the zoning code due to its location on a minor local street and more than 150 feet west of an arterial road, Getwell Road. The property is located approximately 495 feet east of a connector street, Robin Hood Lane.

A variance from the Civic Use standard above in the zoning code was submitted to and reviewed by the Board of Adjustment on Wednesday, September 22nd, 2021 to locate the group day care home within the neighborhood. The project review by staff was completed and recommended by staff and approved by the Board of Adjustment for a period of three (3) years. In addition, a site plan has been submitted for review by staff. Therefore, staff recommends approval of a group day care home as illustrated on the site plan with a time limit placed on land use by the Board of Adjustment.

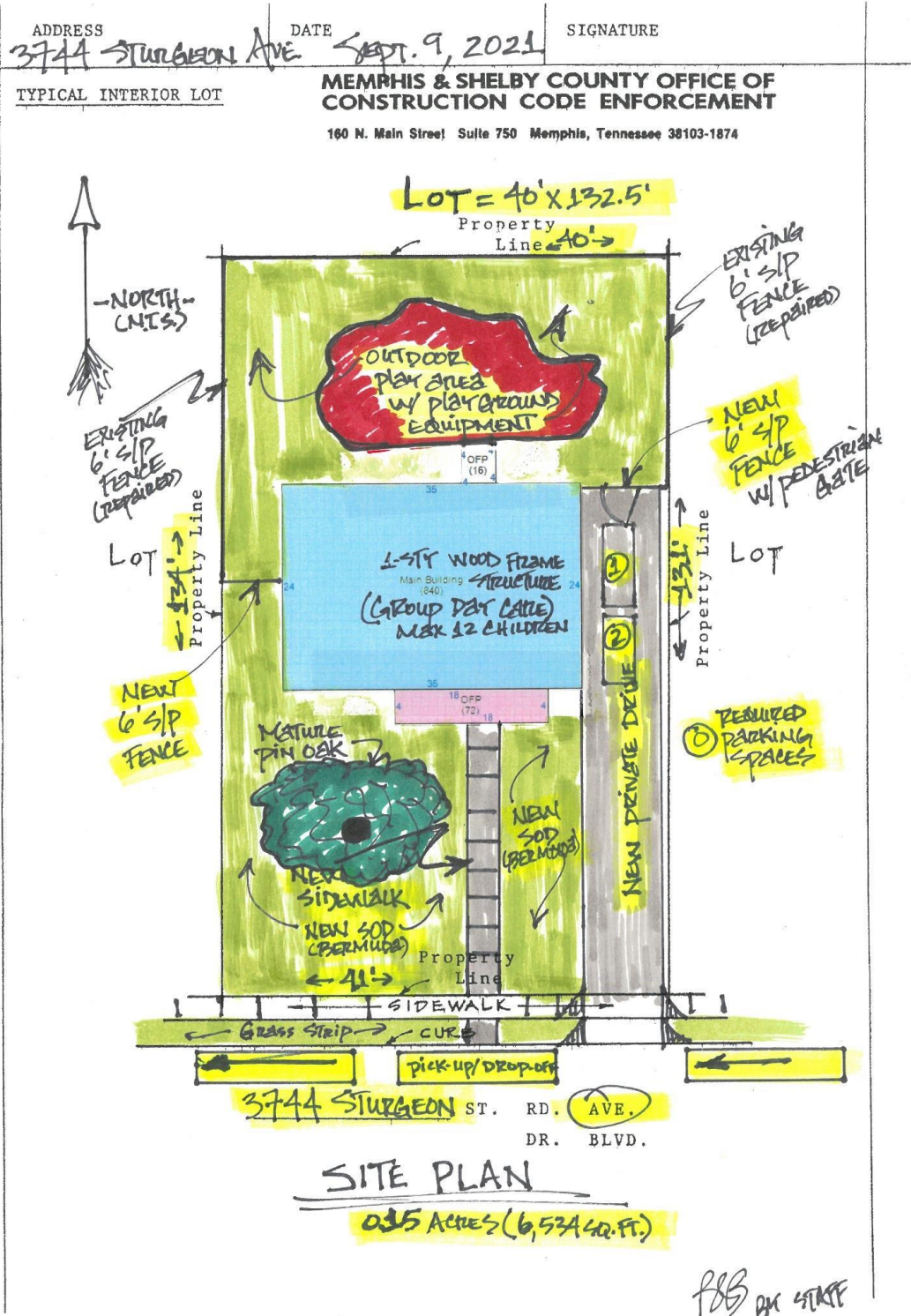
CONSISTENCY WITH MEMPHIS 3.0

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

DIVISION OF PLANNING & DEVELOPMENT RECOMMENDATION:

Approval with Conditions

B.O.A. SITE PLAN



Recommendation: *Approval with Conditions*

1. A special use permit to allow a group day care home on a minor local street not within 150 feet of an arterial street as illustrated on the site plan and subject to conditions approved by the Board of Adjustment for companion case B.O.A. 21-111 (City).
2. The site plan as recommended by staff shall be the approved site plan and any changes or deviations to the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment and the Land Use Control Board for review and approval or administrative review and approval by Division of Planning and Development.
3. This special use permit shall expire in three (3) years, at which point the applicant may seek a renewal.

***S.U.P. 21-18
Walker-Barnes Group Day Care Home***

Bacchus, Brian

From: Bacchus, Brian
Sent: Thursday, October 07, 2021 5:01 PM
To: Glenn Little
Subject: RE: 3744 Sturgeon Avenue S.U.P. 21-18

Hello Mr. Little,

No, only used for a group day care home by special permit for this applicant.

If the land use is approved by the City Council or if the use ceases, the property will still maintain the single-family residential zoning status.

Thanks for the inquiry,



Brian S. Bacchus

Principal Planner, BOA, LUCB & MLC
Land Use & Development Services
Division of Planning and Development
125 N. Main St.-Suite 468 Memphis, TN 38103
Phone: 901-636-7120
Email: brian.bacchus@memphistn.gov



Visit our [website](#)

From: Glenn Little [mailto:oldsouthproperties@gmail.com]
Sent: Thursday, October 07, 2021 1:11 PM
To: Bacchus, Brian <Brian.Bacchus@memphistn.gov>
Subject: 3744 Sturgeon Avenue S.U.P. 21-18

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 afternoon!

I have a question, if this address is indeed passed for a daycare .. does that mean it will be zoned commercial?

CASE NUMBER: S.U.P. 21-18 **L.U.C.B. MEETING:** August 12th, 2021

DEVELOPMENT NAME: WALKER-BARNES GROUP DAY CARE HOME

LOCATION: 3744 Sturgeon Avenue

COUNCIL DISTRICT(S): District 4: Super District 8-Positions 1, 2, & 3

OWNER/APPLICANT: Dr. Walker-Barnes, Tonya

REQUEST: Special Use to allow a group day care home for five (5) to twelve (12) children

AREA: 0.15 Acre (6,534 sq. ft.)

EXISTING LAND USE & ZONING: Single family structure in Residential Single Family (R-6) District

CONCLUSIONS:

1. The structure is limited in sq. ft. and total occupancy or number of children is subject to child services. The home will be utilized to its full capacity to accommodate the requirements for day care facilities, including handicap accessibility.
2. The most important requirements for this request is a site plan illustrating the location of outdoor play areas and a handicap ramp, including a floor plan indicating the use of interior spaces for classrooms, indoor play, bathrooms and kitchen areas.
3. The subject property does not meet the civic use standard in Paragraph 2.6.2B (2) of the zoning code due to its location on a minor local street and more than 150 feet west of an arterial roadway, Getwell Road. The property is located approximately 495 feet east of a connector street, Robin Hood Lane.
4. A variance from this use standard of the zoning code may be necessary to locate the group day care home within the neighborhood. A project review by staff cannot be adequately completed without meeting application criteria and perhaps the granting of a variance for the location of a group day care home by the Board of Adjustment will be required before this application is considered by the Land Use Control Board.

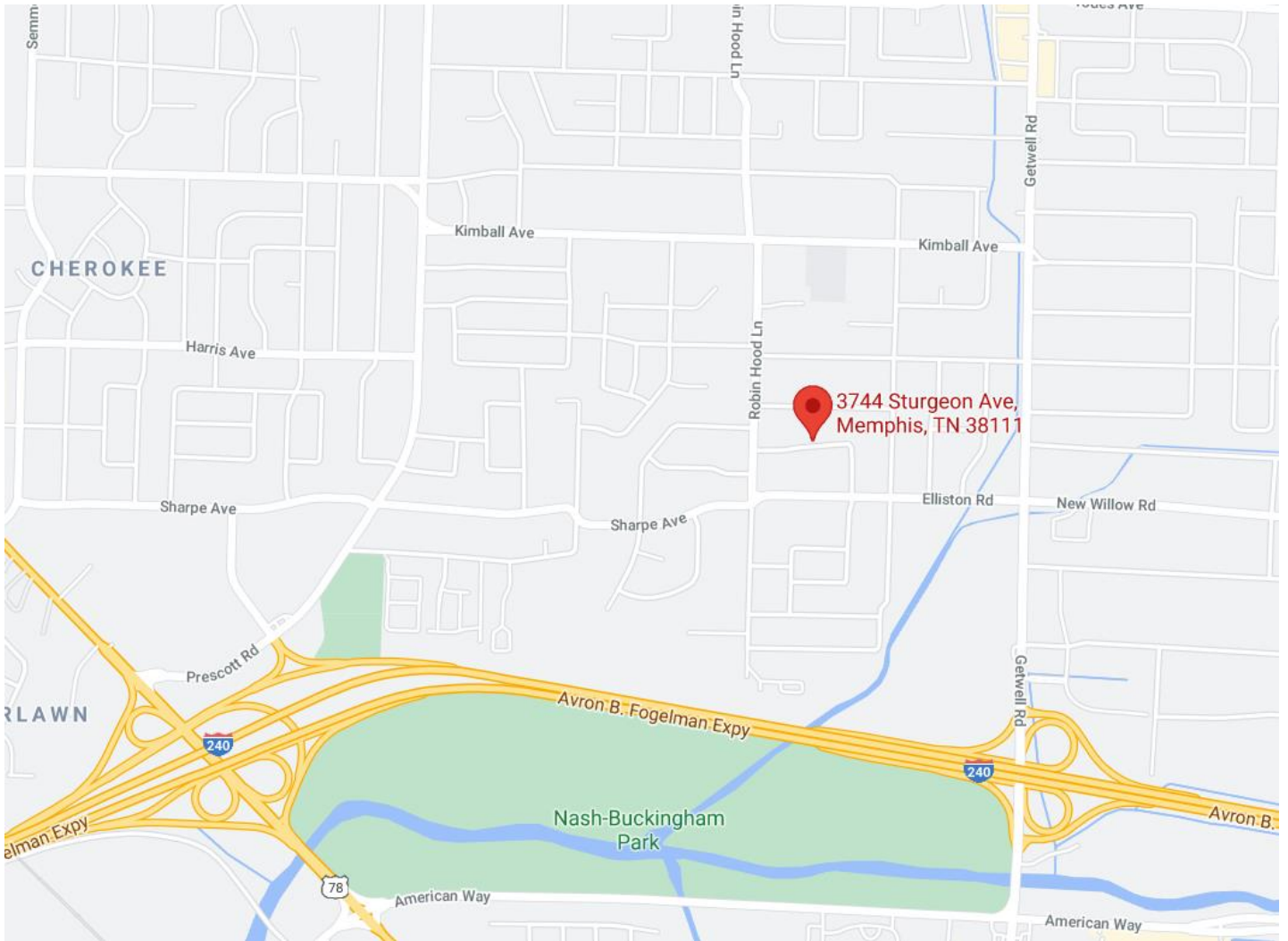
CONSISTENCY WITH MEMPHIS 3.0

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

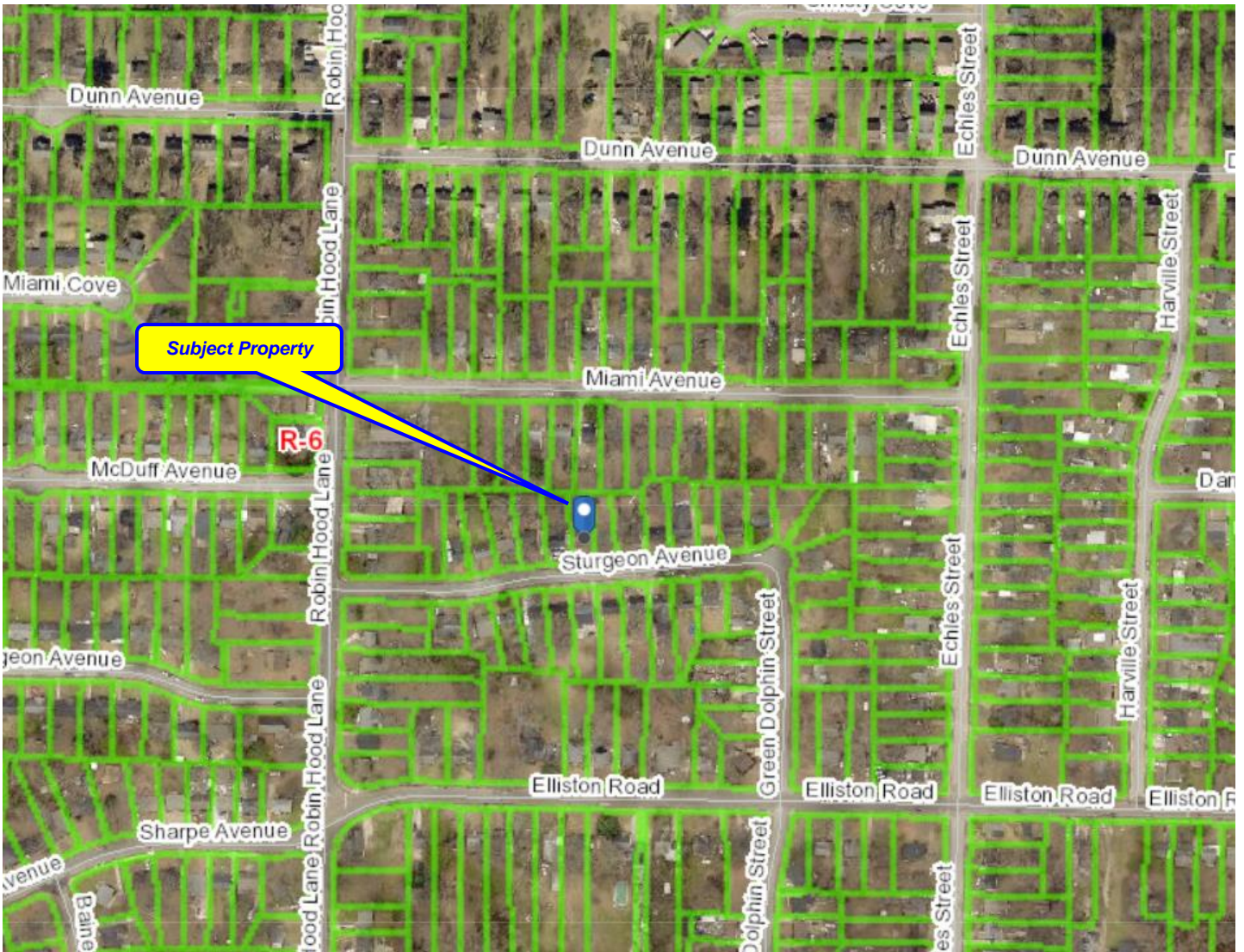
DIVISION OF PLANNING & DEVELOPMENT RECOMMENDATION:

Hold One (1) Month

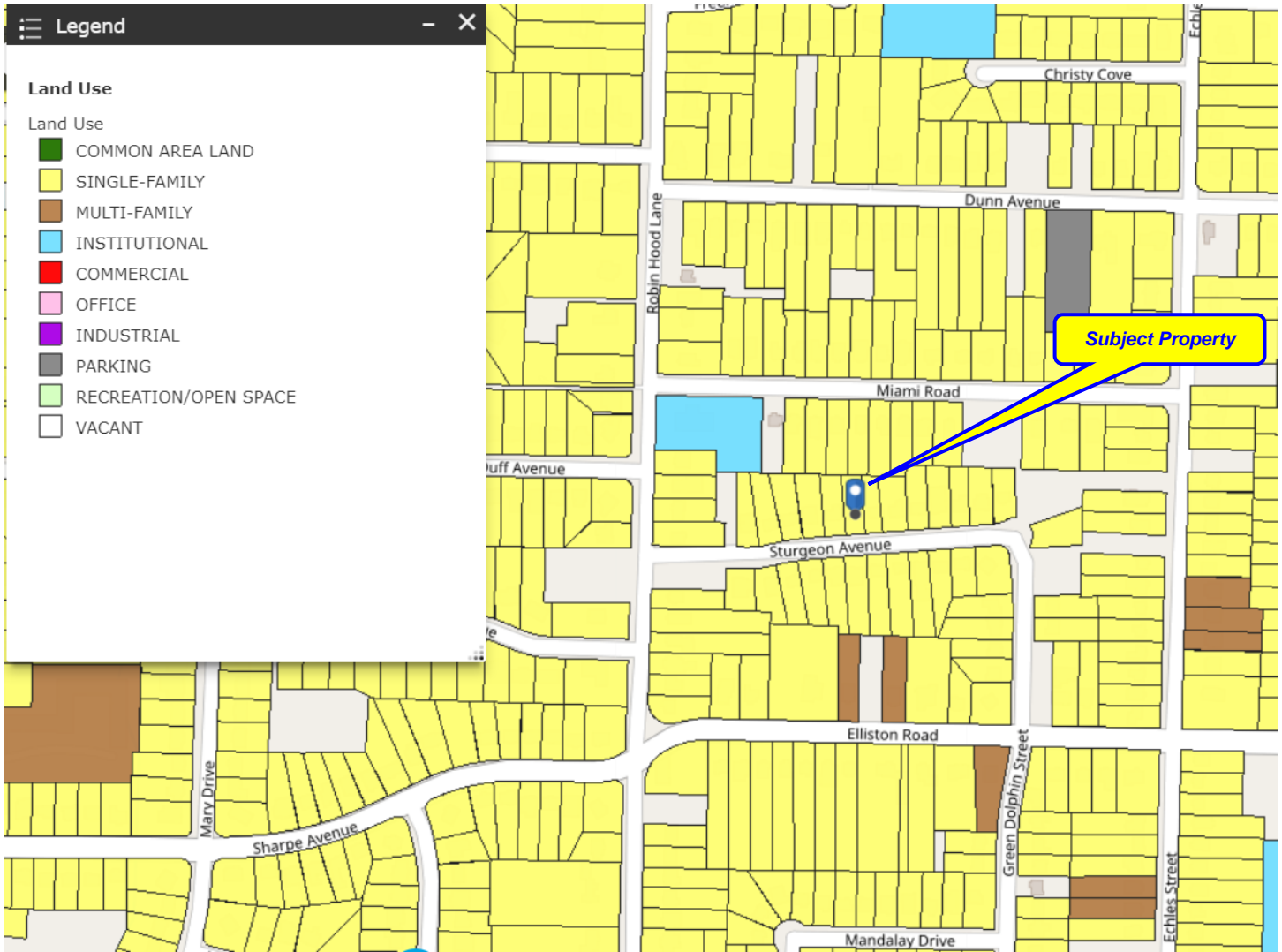
Planning Area



Zoning



Land Use



- North:** Single family homes in 'Miami' subdivision in Residential Single Family (R-6) District.
- East:** Single family homes in 'Highland View' subdivision in Residential Single Family (R-6) District.
- South:** Single family homes in 'Highland View' subdivision in Residential Single Family (R-6) District.
- West:** Single family homes in 'Highland View' subdivision in Residential Single Family (R-6) District.

Neighborhood Meeting: Neighborhood Zoom Meeting was held Sunday, July 4th, 2021, but staff did not receive the Neighborhood Meeting Notice(s) for verification of mail-out by the staff.

Sign Posting & Public Notice: Public Notice sign posted on Monday, October 4th, 2021.
Public Hearing Notices mailed on Friday, October 1st, 2021.

NOTE: The public notices will be mailed to adjacent property owners within a radius of five (500) hundred feet of the property and any return notices to OPD are subject to Paragraph 9.3.4F (2) of the UDC regarding undelivered and returned mailed notices that exceed 25% of the total required notices.

STAFF ANALYSIS:

Site Description

The subject property is a lot or record containing 6,500 sq. ft. or more in 'Highland View' subdivision at the north side of Sturgeon Avenue, a minor local street fifty (50) feet in width. The site is occupied by a one-story single-family home built in 1955 with 840 sq. ft. of ground floor area with large rear yard space in the southeast area of the 'Cherokee' community of the City of Memphis. The current zoning of the parcel is Residential Single Family (R-6) District zoning. The property has approximately 40 linear feet of street frontage and approximately 130 feet of depth. The property has improved frontage with no curb, gutter and sidewalk, including street lamp posts along both sides of the street. The property does not appear to be encumbered by any major easements or utility lines.

Request vs. Preliminary Review & Analysis

The applicant is requesting a special use permit for a group day care home to allow child care for five (5) to twelve (12) children in a home setting. The structure is limited in sq. ft. and total occupancy or number of children is subject to child services. The home will be utilized to its full capacity to accommodate the requirements for day care facilities, including handicap accessibility. However, any handicap ramp should be located at the private drive side of the home to minimize visibility from the public street. The most important requirements for this request is a site plan illustrating the location of outdoor play areas and a handicap ramp, including a floor plan indicating the use of interior spaces for classrooms, indoor play, bathrooms and kitchen areas. The applicant should take precautions to maintain the residential character of the home due to its location within the neighborhood.

The location of the structure should meet the Civic Use Standards of Paragraph 2.6.2B (2) of the zoning code which states:

Group Day Care Home of 5-12 persons

'The property shall be located on a connector street, on an arterial, or on a minor street that serves only nonresidential uses or zoning districts, or on a minor street within 150 feet (measured from the property line) of an intersecting arterial'.

The subject property does not meet the civic use standard above due to its location on minor local street more than 150 feet west of an arterial roadway, Getwell Road. The property is however, located approximately 495 feet east of a connector street, Robin Hood Lane. A variance from this use standard of the zoning code may be necessary to locate the group day care home within the neighborhood. Furthermore, a site plan, neighborhood meeting and a sign posting are also necessary to meet the application criteria for a more comprehensive site plan review of the special use permit application prior to consideration by the Land Use Control Board.

Although the proposal is consistent with the Memphis 3.0 Plan, the request and site plan should be compatible and in character with surrounding residential properties. The site plan should also address landscaping, both internal and external with emphasis on potential views from adjacent residential properties. Therefore, a more detailed project review by staff cannot be adequately completed without meeting the necessary criteria above and perhaps the granting of a variance for the location of a group day care home by the Board of Adjustment will be required before the application is considered by the Land Use Control Board.

RECOMMENDATION: ***Hold One (1) Month***

Office of Comprehensive Planning(OCP) Review:

This summary is being produced in response to the following Planned Development Application to support the recommendation of the Office of Planning & Development: **S.U.P. 21-18 (Walker-Barnes Group Day Care Home)**

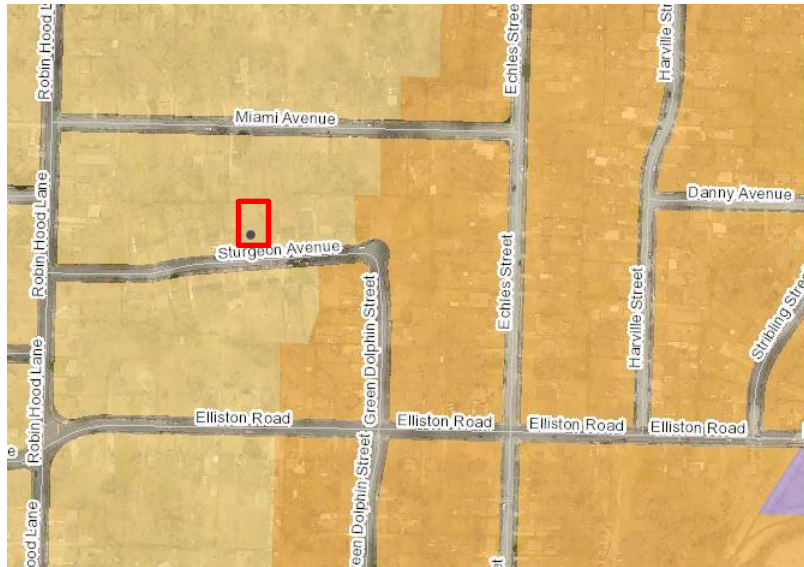
Site Location: 3744 Sturgeon Avenue

Land Use Designation: Anchor Neighborhood-Primarily Single Unit (See Memphis 3.0, Page 80 for details)

Based on the future land use planning map, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the Land Use Designation can be found on Pages 76-122 of Memphis 3.0

1. FUTURE LAND USE PLANNING



The red box indicates the application site on the Future Land Use Map.

2. Land use description & applicability:

The Primarily Single-Unit Anchor Neighborhoods are characterized by house scale buildings between one and three stories high. A mixture of detached and semi-detached homes fills this residential designation around the anchor location, mostly consisting of single family homes or duplexes. These neighborhoods are located within a 10-minute walk of the anchor, making residential more accessible for pedestrians to anchor amenities. See graphic portrayal to the right.



“AN-S” Goals/Objectives:

The preservation and stabilization of neighborhoods, focusing investment towards areas that support plan goals and objectives, locating housing near services, jobs, building up not out.

“AN-S” Form & Location Characteristics:

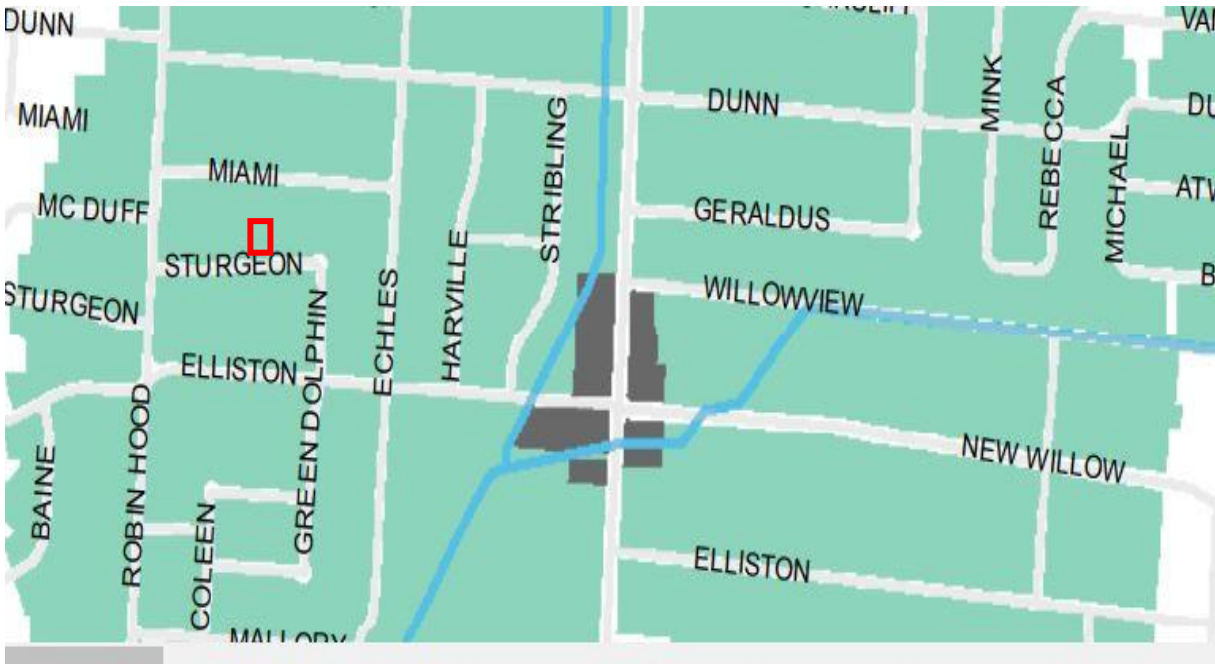
NUTURE: Primarily detached single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor.

The applicant is seeking a variance to allow a residential home to become an in-home daycare facility. The request does not meet the criteria in form of a single-family residence. However, the form of the building will not change and the use will not disrupt the character of the neighborhood. Additionally, the facility will introduce a broader mix of uses. Therefore, the use is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Residential. The subject site is surrounded by the following zoning district: RU-3, RU-1, and R-6. This requested land use is not compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcels is similar in nature to the requested use.*

4. Degree of Change



The red box indicates the application site. The degree of change is Nurture.

5. Degree of Change Description

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

Actions for Nurture anchors and anchor neighborhoods are meant to:

- Stabilize the community
- Protect and support community assets
- Protect and stabilize existing affordable housing
- Promote activities that will stimulate market activity

Ways to Nurture:

- "Road diets" — reduce the number of lanes to make room for wider sidewalks, bike lanes, and/or on-street parking
- Improve pedestrian realm (sidewalks, crosswalks, planting buffer and street trees, street lights, street furniture)
- Repurpose vacant land as temporary civic space
- Grants for small business frontage improvement

- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Enhance connectivity to transit network
- Introduce or improve bike lanes and sidewalks
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Plan community programs on streets or vacant lots (markets, festivals)
- Upgrade infrastructure to improve flood control and internet access
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

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

Summary Compiled by: *Giahanna Bridges, Municipal Planner*
Memphis 3.0, OCP

GENERAL INFORMATION:

Primary Street Frontage: Sturgeon Avenue-----+/-40 linear feet.
Neighborhoods: Cherokee/Sherwood Forest
Zoning History: The Residential Single Family (R-6) District zoning of the site date to the adoption of the UDC in 2010 and date to the adoption of the 1980 zoning map amendments.

DEPARTMENTAL COMMENTS:

The following comments were provided by Inter-Governmental Agencies/Organizations to which this application was referred:

City Engineer: No comment.

Cite Fire Services:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- 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.

Memphis & Shelby County Health Department:

Water Quality Branch: No comment.
Septic Tank Program: No comment.

Memphis Light, Gas and Water:

*MLGW has reviewed the referenced application, and has **no objection, subject to the following conditions:***

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance-Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Construction Code Enforcement: No comments received.

Office of Resiliency & Sustainability: No comment.

AT&T-TN: No comment.

Emails of Support: None.

Letters & Emails of Opposition: None.

Neighborhood Associations/Organizations:

Cherokee Ngh'd Association:

No comments received as of 8/6/21.

Sherwood Forest Ngh'd Assoc:

No comments received as of 8/6/21.

Staff: *bb*



Memphis and Shelby County
Office of Planning and Development
 CITY HALL 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

**APPLICATION FOR SPECIAL USE PERMIT
 APPROVAL/AMENDMENT**

Date: 6/25/2021

Case #: 21TMP-030514 S.U.P. 21-18

PLEASE TYPE OR PRINT

Property Owner of Record: Dr. Tonya Walker-Barnes Phone #: 901-651-0841

Mailing Address: 3744 Sturgeon Ave City/State: Memphis Zip TN

Property Owner E-Mail Address: tdwalker08@yahoo.com

Applicant: Dr. Tonya Walker-Barnes Phone # 901-651-0841

Mailing Address: 530 Old Hearthstone Cir N City/State: Collierville TN Zip 38017

Applicant E- Mail Address: tdwalker08@yahoo.com

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: Green Dolphin Street .1 Mile

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.146</u>	_____	_____
Existing Zoning:	<u>R6</u>	_____	_____
Existing Use of Property	<u>Resident</u>	_____	_____
Requested Use of Property	<u>Hone Daycare</u>	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes No N/A

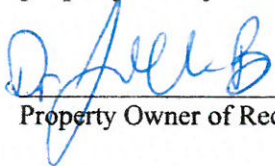
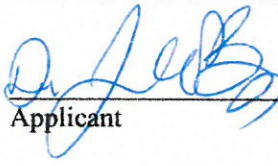
Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Variations: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	6/25/2021		6/25/2021
Property Owner of Record	Date	Applicant	Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 6/25/2021 with Teresa Shelton

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes Not yet
(If yes, documentation must be included with application materials)

I met with all neighbors on Sturgeon. You may ask them and notify them. They're actually excited!

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

Letter of Intent

Dr. Tonya D. Walker-Barnes
530 Old Hearthstone Circle-North
Collierville, TN 38017
Phone #: (901) 651-0841

Re: 3744 Sturgeon Avenue
Memphis, TN 38111

Request:
Special Use Permit-Group Day Care Home
Occupancy-5 to 12 children

Dear Mr. Whitehead,

I am writing this letter to address the land control board in hopes that you all will grant me the prayer of having an in-home daycare facility in this community. I did thorough research and spoke to a lot of community members. During my research, I found out of lot of factors as to why the area is so low in income.

Although there are a lot of schools neighboring these communities, there is no adequate child care for children under school age. I have a lot of experience being I was an elementary, middle and high school teacher. I hold a Master's degree in Counseling and Doctorate in education. My uncle Rickey is the Battalion Chief of Collierville TN.

I'm very versed on this topic and the safety and wellbeing for the children in the neighborhood as well as all children. This project it will not damage or destroy the value of nearby properties. The project will motivate, encourage and allow others in the neighborhood to follow suit as far as keeping up their property and maybe even getting jobs or better paying jobs if they felt comfortable knowing their children are in safe and adequate child care. I've already made so many improvements to the property and made sure it meets all the TN Child care rules and regulations and safeguards. I have always dreamed of doing this, I feel that now is a great opportunity, so I ask the board to please approve my request.

Sincerely,

Dr. Walker-Barnes



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.



21043128

04/14/2021 - 10:54:55 AM

2 PGS	
LAKECIA 2205637 - 21043128	
VALUE	50000.00
MORTGAGE TAX	0.00
TRANSFER TAX	185.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	198.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

CORPORATE FORM WARRANTY DEED

<p>Property address: 3744 Sturgeon Road Memphis, TN 38111</p> <p>Owner's name and address: JRC LLC 3744 Sturgeon Rd. Memphis, TN 38111</p> <p>Mail tax bills to: JRC LLC 36086 Nottingham Rd. Memphis, TN 38111</p>	<p>I, or we, hereby swear and affirm that, to the best of the affiant's knowledge, information, and belief, the actual consideration for this transfer is \$50,000.00.</p> <p><i>[Signature]</i> Affiant</p> <p>Subscribed and sworn to before me this <u>25</u> day of March, 2021.</p> <p><i>[Signature]</i> Notary Public</p> <p>My Commission Expires: _____</p>
<p>This instrument prepared by: Sure Title Company, LLC 7455 McVay Station Ct 101 Germantown, TN 38138 File No.: 21031701</p>	



THIS INDENTURE, made and entered into this 25th day of March, 2021, by and between

Dati Enterprise LLC, a Tennessee Limited Liability Company, Series R, party of the first part and

JRC LLC, _____, party of the second part,

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

Lot 14, First Addition, Highland View Subdivision, as shown on plat of record in Plat Book 17, Page 28, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to the Grantor(s) herein by Deed of record at Instrument Number 19017148 in the Register's Office of Shelby County Tennessee.

Parcel Number: 058087 00049

TO HAVE AND TO HOLD the aforesaid real estate together with all 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.

The said party of the first part does hereby covenant with the said party of the second part that it is/are lawfully seized in fee of the aforescribed real estate; that it has good right to sell and convey the same; that the same is unencumbered, EXCEPT for:


Subdivision and/or Condominium restrictions including but not limited to any declaration covenants conditions restrictions, master deed or recorded plat, building lines and easements of record as of the date of the purchase and sale agreement, zoning, and any subsequent years' taxes not yet due and payable,

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.

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its duly authorized officer(s) the day and year first above written.

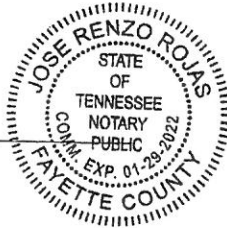
Dati Enterprise LLC


By: David Truong, Member


STATE OF TENNESSEE,
COUNTY OF SHELBY

Before me, the undersigned, Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **David Truong** with whom I am personally acquainted, (or proven to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself/herself to be the **Member** (or other officer authorized to execute the instrument) of **Dati Enterprise LLC**, the within named bargainer, and that he/she as such **Member**, executed the foregoing instrument for the purposes therein contained by signing the name of **Dati Enterprise LLC** by himself/herself as **Member**.

WITNESS my hand and Notarial Seal this 25th day of March, 2021.



My commission expires: _____


Notary Public

This instrument prepared by:
Sure Title Company, LLC
7455 McVay Station Ct 101
Germantown, TN 38138
File No.: 21031701

Return to:
Saddle Creek Title, LLC
756 Ridge Lake Blvd., Ste. 120
Memphis, TN 38120

(FOR RECORDING DATA ONLY)

Dr. Tonya Walker-Barnes
3374 Sturgeon Ave.
Memphis, TN 38017

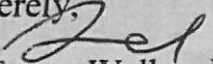
A 16

Greeting.

This letter serves as a notice that I will be having a meeting on 7/4/2021 @ 6 PM to inform you of my entire request with the city of Memphis to have an in-home daycare at this address. You are more than welcome to attend this meeting via TEAMS with any concerns or objections. Some of you have spoken with me in person and that is fine as well those were noted and they were fine with the request.

https://teams.microsoft.com/l/channel/19:6iDhU9j9h_bjWjE9n-wuat6So5fHPNtxs9hpNmAJB4E1@thread.tacv2/General?groupId=4d8de848-8271-4b5b-b828-badc4fb078d6&tenantId=2b291c94-5eb0-44b7-89ea-4baf16ecc4a9

Sincerely,


Dr. Tonya Walker-Barnes

Summary of Neighborhood Meeting

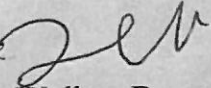
Dr. Tonya D. Walker-Barnes

3374 Sturgeon Ave

Memphis, TN 38111

The meeting went very well. I had several parents to say that they do not work because there was no childcare located within a 2-mile radius. They really loved the idea of the in-home care for their children and they fact that I will not enroll any more than 12 kids. This community is very loving they helped me take down a wire fence so I could replace it with a wooden fence and even helped me prepare a play area that was safe for the children in the backyard. I love that this community felt involved in the decision-making and process of making this dream come true. I had no concerns or objections.

Sincerely,



Dr. Tonya Walker-Barnes











Melvin Burgess
Assessor Of Property
Shelby County Government

Property Location and Owner Information

Parcel ID	058087 00049
Property Address	3744 STURGEON AVE
Municipal Jurisdiction	MEMPHIS
Neighborhood Number	00716D03
Tax Map Page	166E
Land Square Footage	6360
Acres	0.146
Lot Dimensions	
Subdivision Name	HIGHLAND VIEW 1ST ADDN
Subdivision Lot Number	0 14
Plat Book and Page	
Number of Improvements	1
Owner Name	WALKER-BARNES TONYA D
In Care Of Owner Address	530 OLD HEARTHSTONE
Owner City/State/Zip	COLLIERVILLE TN 38017

Appraisal and Assessment Information

Class	RESIDENTIAL
Land Appraisal	\$4,800
Building Appraisal	\$23,600
Total Appraisal	\$28,400
Total Assessment	\$7,100
Greenbelt Land Appraisal	\$0
Homesite Land Appraisal	\$0
Homesite Building Appraisal	\$0
Greenbelt Appraisal	\$0
Greenbelt Assessment	\$0

Improvement/Commercial Details

Stories	1
Exterior Walls	ASBESTOS SHINGLE
Land Use	- SINGLE FAMILY
Year Built	1955
Total Rooms	6
Bedrooms	3
Bathrooms	1
Half Baths	0
Heat	FORCED AIR
Fuel	NOT APPLICABLE
Heating System	NOT APPLICABLE
Fireplace Masonry	0
Fireplace Pre-Fab	0
Ground Floor Area	840
Total Living Area	840
Car Parking	

Other Buildings

Card	Year Built	Length	Width	Area	Type
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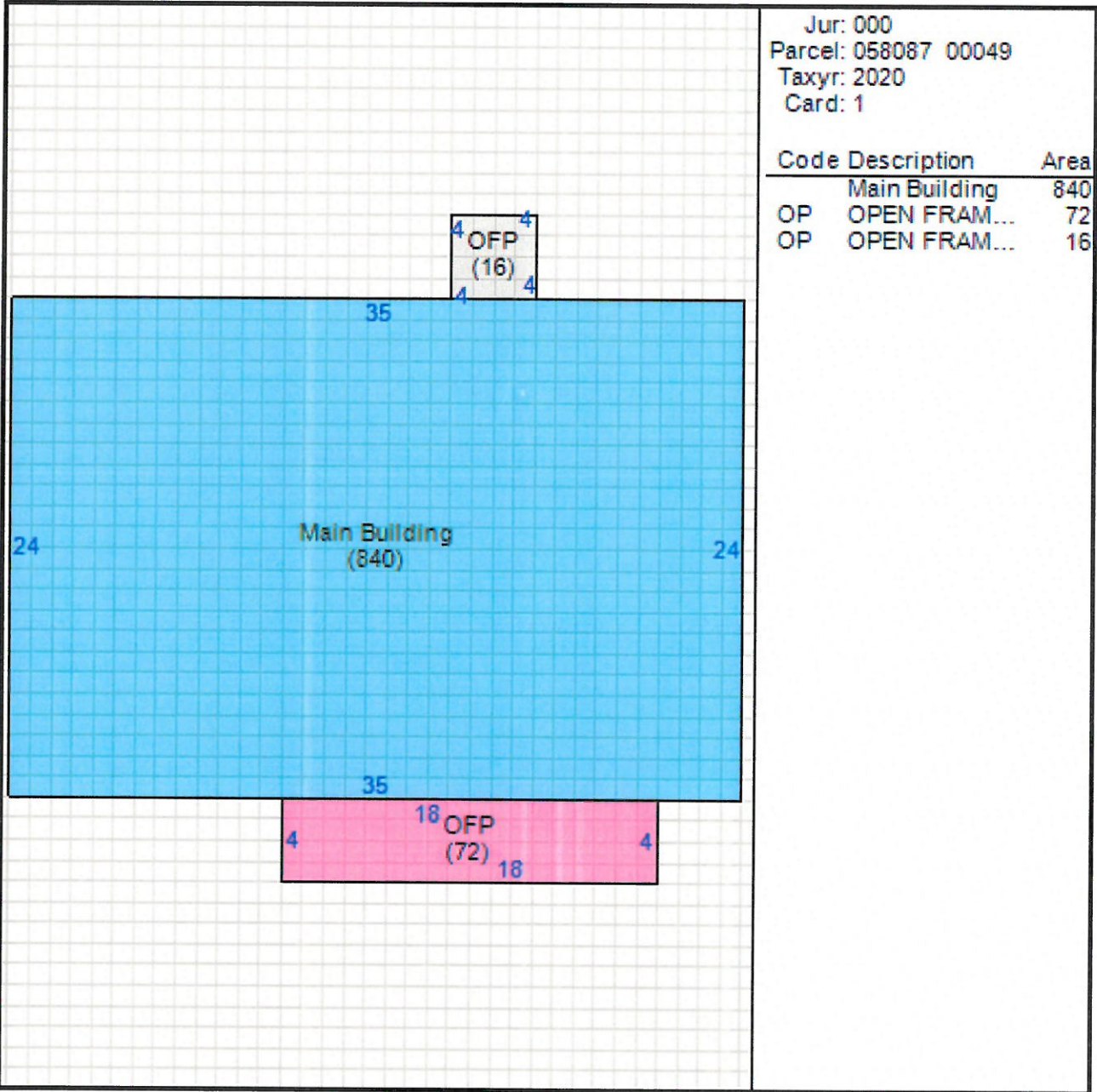
Permits

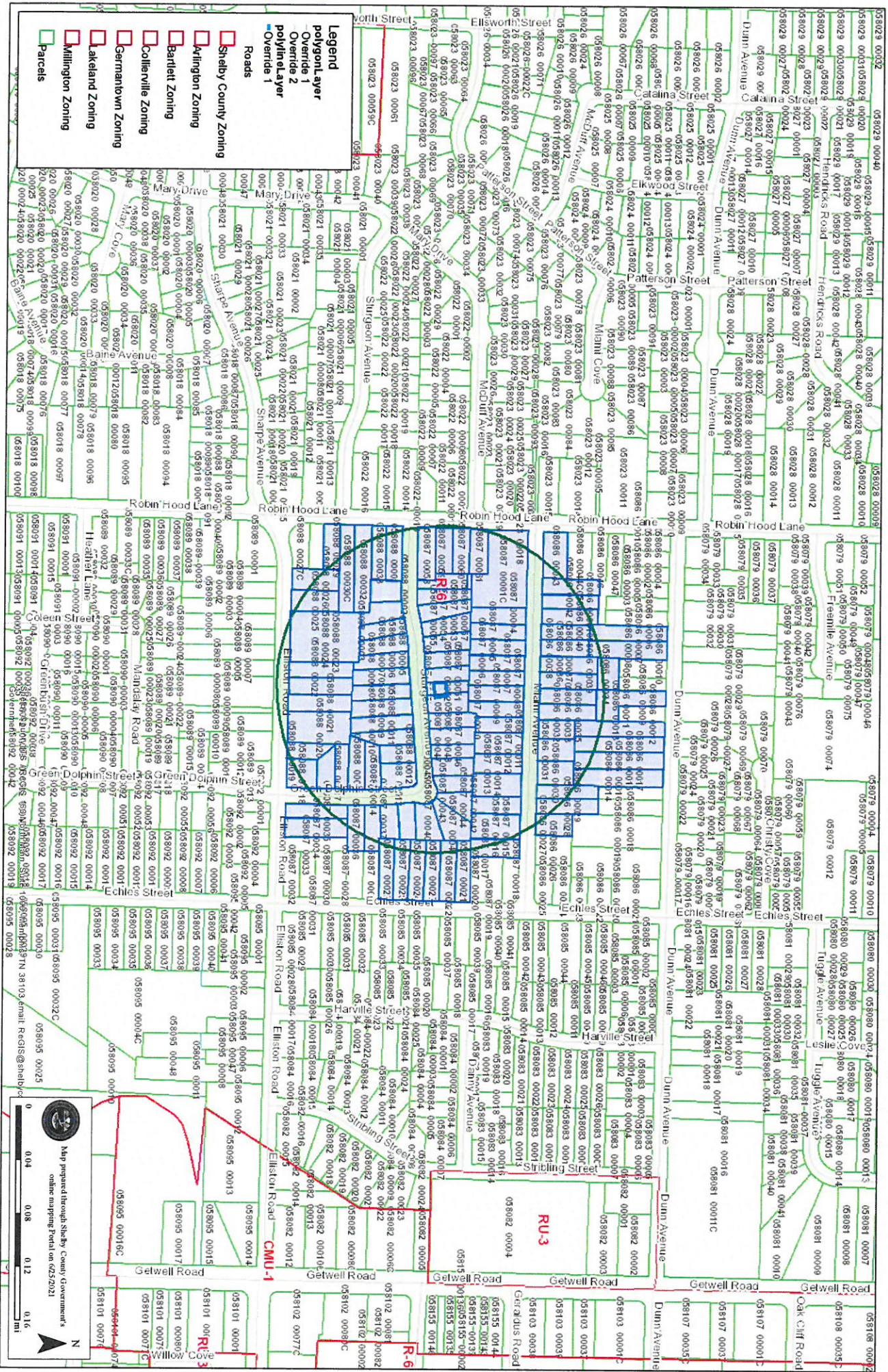
Date of Permit	Amount of Permit	Permit Number	Reason
09/29/2000	\$2,000	B0859219	

Sales

Date of Sale	Sales Price	Deed Number	Instrument Type
06/18/2021	\$85,000	21081154	WD
03/25/2021	\$0	21081153	CD
03/25/2021	\$50,000	21043128	WD
01/17/2019	\$0	19017148	QC
11/30/2011	\$6,000	11120682	SW
08/30/2011	\$9,186	11095836	TD
07/02/1998	\$47,900	HP0857	WD
05/07/1998	\$23,500	HN5322	SW
04/02/1998	\$0	HH0829	SW
12/22/1997	\$28,000	HB2909	TD
12/07/1994	\$0	146671-8	CC
05/17/1991	\$0	CF3373	QC

Sketch





Legend

- █ polygon/layer Override 1
- █ polygon/layer Override 2
- █ poly/line/layer Override 1
- █ Roads
- █ Shelby County Zoning
- █ Ayrington Zoning
- █ Bartlett Zoning
- █ Collinsville Zoning
- █ Germantown Zoning
- █ Lakeland Zoning
- █ Millington Zoning
- █ Parcels

Map prepared through Shelby County Government's online mapping Portal on 02/25/2021

0 0.04 0.08 0.12 0.16 mi

North

BARRON BILLY J & ELEASE
3741 DUNN RD #
MEMPHIS TN 38111

SMITH LINDA K
3724 STURGEON AVE #
MEMPHIS TN 38111

ROBINSON TERRY & MELISSA A
3730 ELLISTON RD #
MEMPHIS TN 38111

MACLIN DAMON III
3934 WISTERIA DR #
MEMPHIS TN 38116

LITTLE GLENN
3960 WINCHESTER RD #
MEMPHIS TN 38118

SMITH PAUL A JR
1615 GREEN DOLPHIN ST #
MEMPHIS TN 38111

WALLS RUBYSTEIN
3786 MIAMI AVE #
MEMPHIS TN 38111

DUETT DOROTHY M (ESTATE OF)
3776 STURGEON AVE #
MEMPHIS TN 38111

BTHE1 LLC
610 OGRADY DR #
CHATTANOOGA TN 37419

DOWLING THOMAS
6818 BAUDETTE LN #
BARTLETT TN 38135

HOUSTON DON
3750 STURGEON AVE #
MEMPHIS TN 38111

LONGORIA MARCIANO
4090 ELLISTON RD #
MEMPHIS TN 38111

BROWN TIFFANY
8617 STABLEMILL LN #
CORDOVA TN 38016

JUMP LLC
2471 LENNOX DR #
GERMANTOWN TN 38138

DACUS CAROLYN A & DONNIE
1983 WIRILY LN #
CORDOVA TN 38016

GUYSE TERESA F
3771 MIAMI AVE #
MEMPHIS TN 38111

MOSBY CHRISTOPHER
10484 PISGAH FOREST LN #
CORDOVA TN 38016

T AND S REAL ESTATE LLC
2707 SWEET OAKS CIR #
GERMANTOWN TN 38138

WOLF RIVER PROPERTIES LLC
2471 LENNOX DR #
GERMANTOWN TN 38138

WHITSETT DANA
716 SHOTWELL #
MEMPHIS TN 38111

CRAWFORD LISA R
5781 FOXDALE RD #
MEMPHIS TN 38115

MUKASH PAREL CORP AND ALFRED BENCHMARK
9109 WOOD IBIS CT #
SPOTSYLVANIA VA 22553

ODUM MARSHALL
7205 AUSTIN RD #
LAKE CORMORANT MS 38641

TAYLOR DOROTHY AND ROSALYN BROWN AND
3779 DUNN RD #
MEMPHIS TN 38111

HENG SOPHEAP AND SAROEUN HENG
3801 MIAMI AVE #
MEMPHIS TN 38111

GOLDSTAR HOMES LLC
3840 WINCHESTER RD #
MEMPHIS TN 38118

SHELBY COUNTY TAX SALE 97.1 EXH #6463
PO BOX 2751 #
MEMPHIS TN 38101

HASLAM SAMUEL K & TRACEY M
49 JUNIPER RD #
ANDOVER MA 1810

ROMEROLARA JUAN J
1612 GREEN DOLPHIN ST #
MEMPHIS TN 38111

STEWART WILLIE O & LIZZIE M
3714 MIAMI AVE #
MEMPHIS TN 38111

MFR 5 LLC
332 OCEAN VIEW AVE #
HERMOSA BEACH CA 90254

LINDLEY LANCE
PSC 473 BOX 12 #
FPO AP 96349

BOWEN RONNIE
1576 ROBIN HOOD LN #
MEMPHIS TN 38111

TRIBBLE HOMES LLC
3724 MIAMI AVE #
MEMPHIS TN 38111

SEAT BOBBY G
3794 MIAMI AVE #
MEMPHIS TN 38111

INTERNATIONAL BUDDHIST TEMPLE OF MEMPHIS
1580 ROBIN HOOD LN #
MEMPHIS TN 38111

FOSTER GLORIA
5121 LEONARD #
MEMPHIS TN 38109

GIRLS CLUB OF MEMPHIS INC
686 N 7TH ST #
MEMPHIS TN 38107

SHELBY COUNTY TAX SALE 85.2 EXH #6576
160 N MAIN ST #
MEMPHIS TN 38103

RODRIGUEZ ANTONIO
2926 CLEARBROOK RD #
MEMPHIS TN 38118

CHICKASAW VENTURES LLC
PO BOX 770014 #
MEMPHIS TN 38177

HARMON GWENDOLYN W AND JAMES D
3714 STURGEON AVE #
MEMPHIS TN 38111

MOTEN JASPER
3756 MIAMI AVE #
MEMPHIS TN 38111

HOLLADAY MURRAY R
1708 LOGAN DR #
COLUMBIA TN 38401

WHEELER MALCOLM
1148 S PERKINS #
MEMPHIS TN 38117

EYE WALKER
8313 CLUBVIEW DR #
OLIVE BRANCH MS 38654

JACKSON MILWAUKEE JR AND REGINALD BANYON
3739 MIAMI AVE #
MEMPHIS TN 38111

JAYBAY LLC
3707 MACON RD #
MEMPHIS TN 38122

LONGORIA MARCIANO
4090 ELLISTON RD #
MEMPHIS TN 38111

MFR 5 LLC
332 OCEAN VIEW AVE #
HERMOSA BEACH CA 90254

RIMMER THELMA J
3764 STURGEON AVE #
MEMPHIS TN 38111

DANIEL RODNEY L
3764 MIAMI AVE #
MEMPHIS TN 38111

POPE INVESTMENTS LLC
3930 FUN VALLEY DR #
MEMPHIS TN 38125

MOORE REVOCABLE LIVING TRUST
8917 CLARI DOUWIE CV #
BARTLETT TN 38133

FERGUSON MARY A
1550 ROBIN HOOD LN #
MEMPHIS TN 38111

TRIBBLE HOMES LLC
4728 SPOTTSWOOD ## 302
MEMPHIS TN 38117

HARMON GWENDOLYN W AND JAMES D
3714 STURGEON AVE #
MEMPHIS TN 38111

MORALES HUMBERTILO
3770 MIAMI #
MEMPHIS TN 38111

CTGI PROPERTIES LLC
6649 VINING CREEK CV W #
MEMPHIS TN 38119

PULLIAM B W
PO BOX 17588 #
MEMPHIS TN 38187

AIDAROUS MERWAN
10235 HERONS PT #
LAKELAND TN 38002

SAFFOLD BEATRICE
3763 STURGEON AVE #
MEMPHIS TN 38111

TO DANNY D
1601 ECHLES ST #
MEMPHIS TN 38111

BANYON ANDREW J
382 FERNWOOD AVE #
MEMPHIS TN 38106

CRAWFORD LYNETTE
3761 STURGEON AVE #
MEMPHIS TN 38111

CATHEY ANNETTA S & EDDIE L
3715 STURGEON AVE #
MEMPHIS TN 38111

DATI ENTERPRISE LLC SERIES R
7495 HOLLYVIEW DR #
MEMPHIS TN 38125

DAVILA-GOMEZ DOUGLAS
3755 STURGEON AVE #
MEMPHIS TN 38111

PARKER JOHNNY L
3088 LOTUS RD #
MEMPHIS TN 38109

HULL LEAH
305 S COOPER RD #
BYHALIA MS 38611

DEBCO LLC
3707 MACON RD #
MEMPHIS TN 38122

BROWN WILLIE (LE) AND DONNA BROWN AND
1611 GREEN DOLPHIN ST #
MEMPHIS TN 38111

THANH HO MINH
1583 ECHLES ST #
MEMPHIS TN 38111

WRIGHT MAURICE JR
3741 STURGEON AVE #
MEMPHIS TN 38111

MUNN ERNESTINE
1616 ROBIN HOOD LN #
MEMPHIS TN 38111

BLACK JOSEPH D AND KERRY R BLACK
1586 ROBIN HOOD LN #
MEMPHIS TN 38111

LITTLE GLENN JR
3960 WINCHESTER RD #
MEMPHIS TN 38118

CRUZ KEEVIN
7021 PETTEN CV #
MEMPHIS TN 38133

THANH HO MINH
1583 ECHLES ST #
MEMPHIS TN 38111

LARA RUBEN A
3729 STURGEON AVE #
MEMPHIS TN 38111

BIGGS LEONARD L
3740 ELLISTON RD #
MEMPHIS TN 38111

IZQUIERDO DE LA ROSA BRAULIO AND
1548 ECHLES ST #
MEMPHIS TN 38111

WISTOCK ELLEN
2705 MORNING SUN #
CORDOVA TN 38016

BIGGS LEONARD L
3754 ELLISTON RD #
MEMPHIS TN 38111

DENTON JARED & MARINA
529 E ALOHA LN #
SANDY UT 84070

FUQUA-SIMPSON CHERRY R
521 RAINIER RD #
WEST MEMPHIS AR 72301

CASTANON MARTIN
1621 GREEN DOLPHIN ST #
MEMPHIS TN 38111

CARPENTER LAWRENCE
3801 DUNN RD #
MEMPHIS TN 38111

LITTLE GLEN
3960 WINCHESTER RD #
MEMPHIS TN 38118

MORGAN ETHEL M (ESTATE OF)
1620 ROBIN HOOD LN #
MEMPHIS TN 38111

For Current Resident
ELLISTON RD #
Memphis, TN 38111

For Current Resident
3771 STURGEON AVE #
Memphis, TN 38111

For Current Resident
3710 ELLISTON RD #
Memphis, TN 38111

For Current Resident
1612 ROBIN HOOD LN #
Memphis, TN 38111

For Current Resident
3796 ELLISTON RD #
Memphis, TN 38111

For Current Resident
3748 ELLISTON RD #
Memphis, TN 38111

For Current Resident
3716 ELLISTON RD #
Memphis, TN 38111

For Current Resident
3770 ELLISTON RD #
Memphis, TN 38111

For Current Resident
1625 GREEN DOLPHIN ST #
Memphis, TN 38111

For Current Resident
3780 ELLISTON RD #
Memphis, TN 38111

For Current Resident
3750 MIAMI AVE #
Memphis, TN 38111

For Current Resident
3782 MIAMI AVE #
Memphis, TN 38111

For Current Resident
3765 MIAMI AVE #
Memphis, TN 38111

Melvin Burgess
Assessor Of Property
Shelby County Government

Property Location and Owner Information

Parcel ID	058087 00049
Property Address	3744 STURGEON AVE
Municipal Jurisdiction	MEMPHIS
Neighborhood Number	00716D03
Tax Map Page	166E
Land Square Footage	6360
Acres	0.146
Lot Dimensions	
Subdivision Name	HIGHLAND VIEW 1ST ADDN
Subdivision Lot Number	0 14
Plat Book and Page	
Number of Improvements	1
Owner Name	WALKER-BARNES TONYA D
In Care Of Owner Address	530 OLD HEARTHSTONE
Owner City/State/Zip	COLLIERVILLE TN 38017

Appraisal and Assessment Information

Class	RESIDENTIAL
Land Appraisal	\$4,800
Building Appraisal	\$23,600
Total Appraisal	\$28,400
Total Assessment	\$7,100
Greenbelt Land Appraisal	\$0
Homesite Land Appraisal	\$0
Homesite Building Appraisal	\$0
Greenbelt Appraisal	\$0
Greenbelt Assessment	\$0

Improvement/Commercial Details

Stories	1
Exterior Walls	ASBESTOS SHINGLE
Land Use	- SINGLE FAMILY
Year Built	1955
Total Rooms	6
Bedrooms	3
Bathrooms	1
Half Baths	0
Heat	FORCED AIR
Fuel	NOT APPLICABLE
Heating System	NOT APPLICABLE
Fireplace Masonry	0
Fireplace Pre-Fab	0
Ground Floor Area	840
Total Living Area	840
Car Parking	

Other Buildings

Card	Year Built	Length	Width	Area	Type
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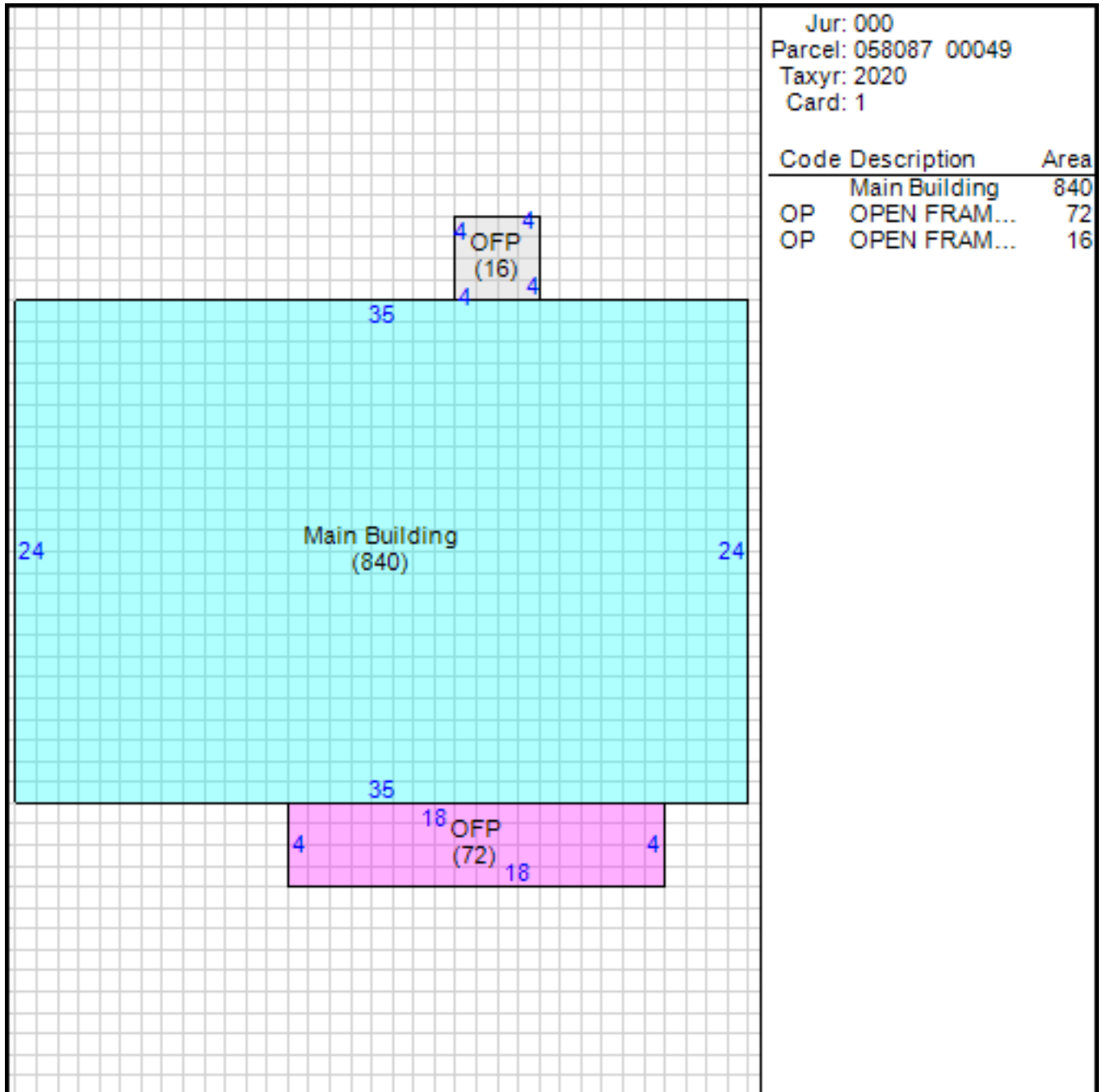
Permits

Date of Permit	Amount of Permit	Permit Number	Reason
09/29/2000	\$2,000	B0859219	

Sales

Date of Sale	Sales Price	Deed Number	Instrument Type
06/18/2021	\$85,000	21081154	WD
03/25/2021	\$0	21081153	CD
03/25/2021	\$50,000	21043128	WD
01/17/2019	\$0	19017148	QC
11/30/2011	\$6,000	11120682	SW
08/30/2011	\$9,186	11095836	TD
07/02/1998	\$47,900	HP0857	WD
05/07/1998	\$23,500	HN5322	SW
04/02/1998	\$0	HH0829	SW
12/22/1997	\$28,000	HB2909	TD
12/07/1994	\$0	146671-8	CC
05/17/1991	\$0	CF3373	QC

Sketch



Jur: 000
 Parcel: 058087 00049
 Taxyr: 2020
 Card: 1

Code	Description	Area
	Main Building	840
OP	OPEN FRAM...	72
OP	OPEN FRAM...	16