



Memphis City Council Summary Sheet

SUP 22-026

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED ON PRESIDENT'S ISLAND AT 999 CHANNEL AVENUE, PARCEL ID NUMBERS 050107 00014 AND 050107 00012, KNOWN AS CASE NUMBER SUP 22-026

- This item is a resolution with conditions for a special use permit to allow a metal recycling facility; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, October 13, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 22-026

LOCATION: President’s Island – 999 Channel Avenue, Parcel ID Number 050107 00014 and 050107 00012

COUNCIL DISTRICT(S): District 6 and Super District 8

OWNER/APPLICANT: Thompson Valerie Trust / Morgan Steel

REPRESENTATIVE: Brenda Solomito Basar of Solomito Land Planning

REQUEST: To allow a metal recycling facility

EXISTING ZONING: Heavy Industrial (IH)

AREA: +/-6.64 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,
Kendra Cobbs

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

Cc: Committee Members
File

SUP 22-026
CONDITIONS

1. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

SITE PLAN



- Property contains two lots
- Zoned Heavy Industrial (I-H)
- Subdivision Recorded in 1963
- Heavy Industrial uses existed on the site since 1963.
- Leased property for Morgan Steel recycling facility in June 2022.
- The request for Special Use Permit is to allow metal recycling in addition to the existing permitted uses.



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 999 CHANNEL AVENUE ON PRESIDENT’S ISLAND, PARCEL ID NUMBERS 050107 00014 AND 050107 00012, KNOWN AS CASE NUMBER SUP 22-026

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Morgan Steel filed an application with the Memphis and Shelby County Division of Planning and Development to allow a metal recycling facility; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 13, 2022, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

ATTEST:

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

CONDITION

1. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

SITE PLAN



- Property contains two lots
- Zoned Heavy Industrial (IH)
- Subdivision Recorded in 1963
- Heavy Industrial uses existed on the site since 1963.
- Leased property for Morgan Steel recycling facility in June 2022.
- The request for Special Use Permits is to allow metal recycling in addition to the existing permitted uses.



AGENDA ITEM: 14

CASE NUMBER: SUP 2022-026 **L.U.C.B. MEETING:** October 13, 2022

LOCATION: 999 Channel Avenue

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Thompson Valerie Trust/Morgan Steel

REPRESENTATIVE: Brenda Solomito Basar of Solomito Land Planning

REQUEST: New Special Use Permit for recycling facility

AREA: +/-6.64 acres

EXISTING ZONING: Heavy Industrial (IH)

CONCLUSIONS

1. The applicant, Morgan Steel, is seeking an SUP to operate a metal recycling facility on President's Island at 999 Channel Avenue, Parcel Number 050107 00014.
2. An SUP is required for a recycling facility in the IH zoning district, per the Permitted Use Table in Article 2.5.2 of the Memphis and Shelby County Unified Development Code.
3. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Channel Avenue +/-364.65 feet
Zoning Atlas Page: 2125
Parcel ID: 050107 00014
Existing Zoning: Heavy Industrial (IH)

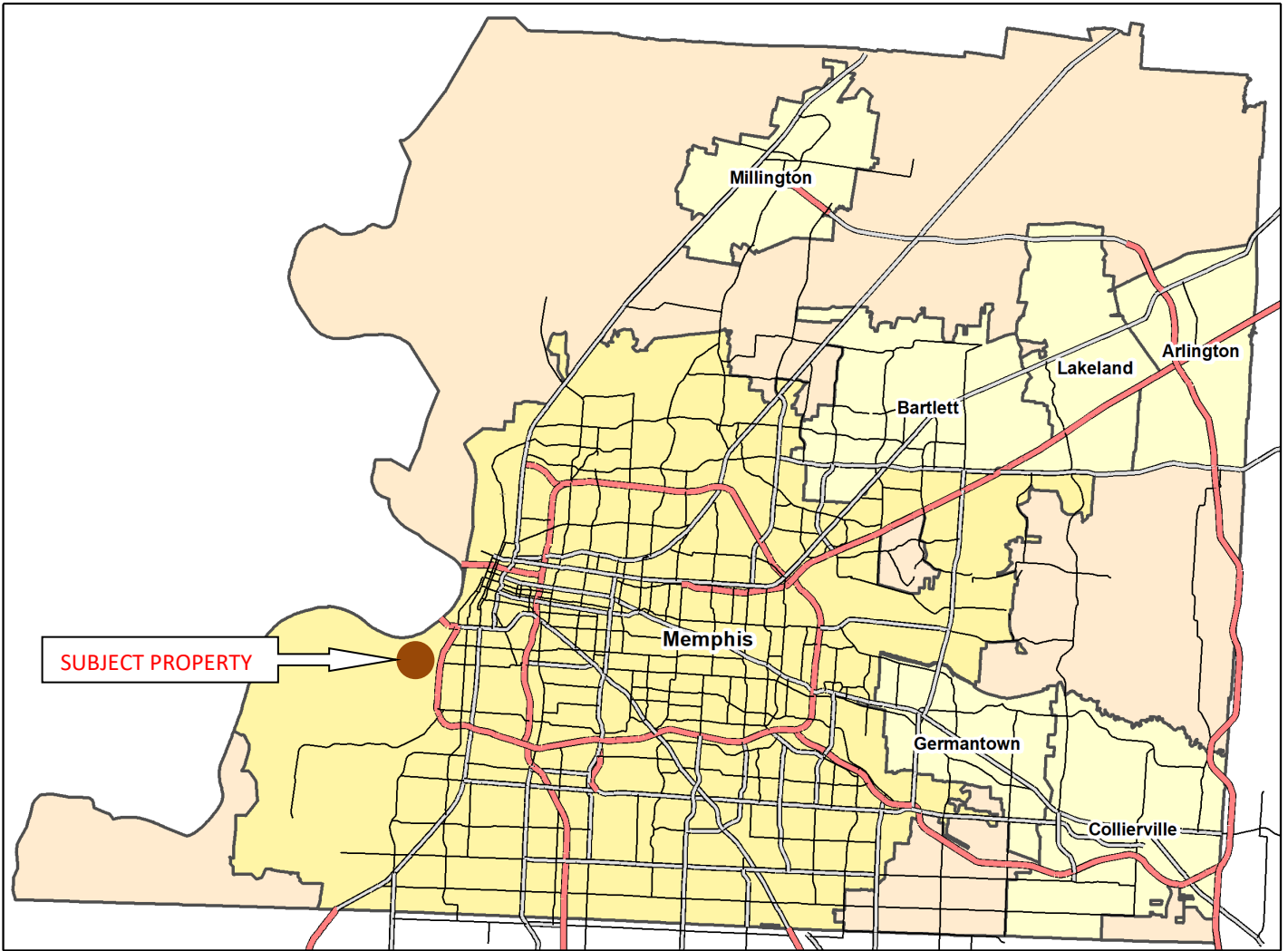
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Thursday, September 29, 2022, at 999 Channel Avenue.

PUBLIC NOTICE

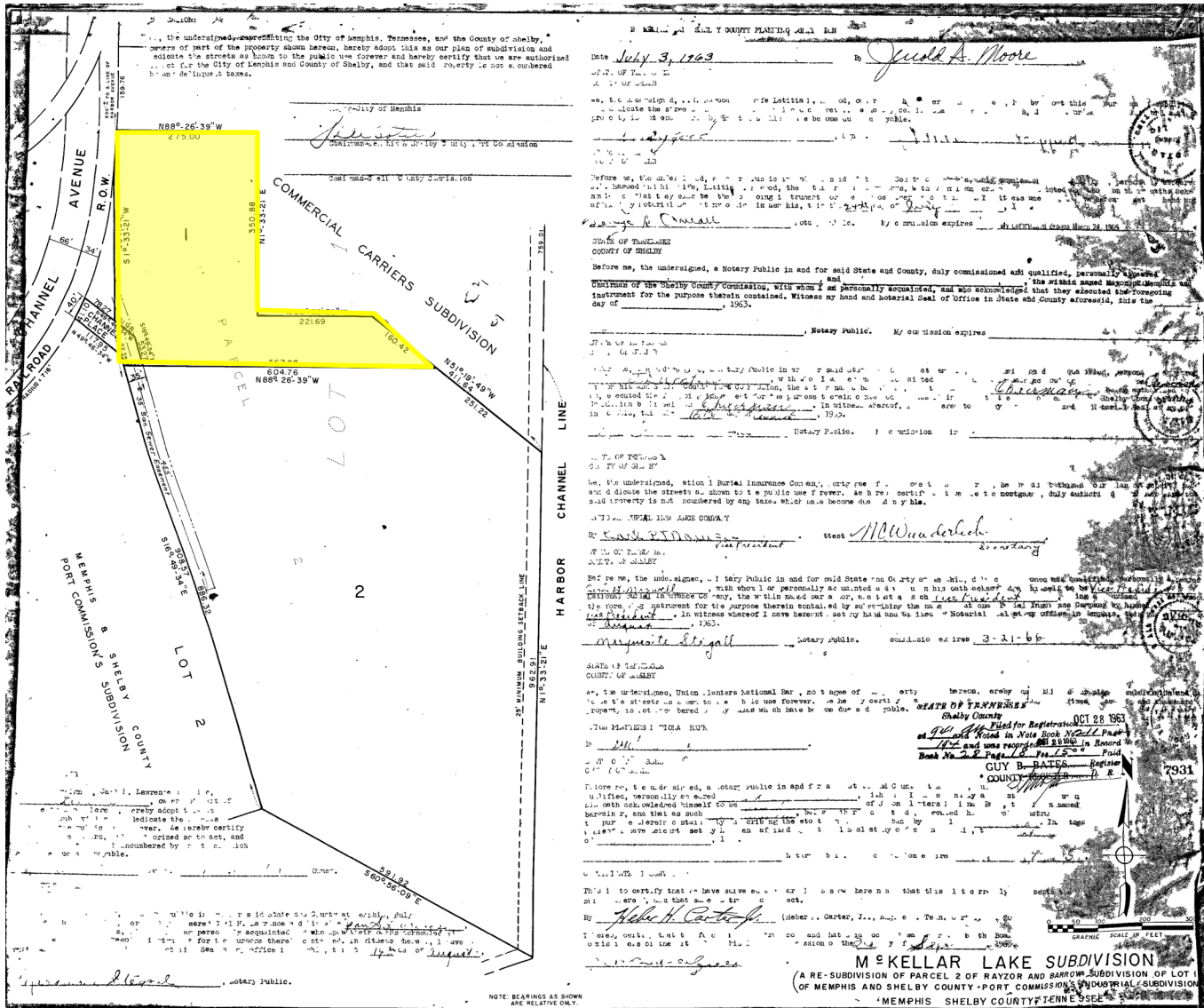
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 19 notices were mailed on September 27, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the brown circle, President's Island

MCKELLAR LAKE SUBDIVISION (1963)



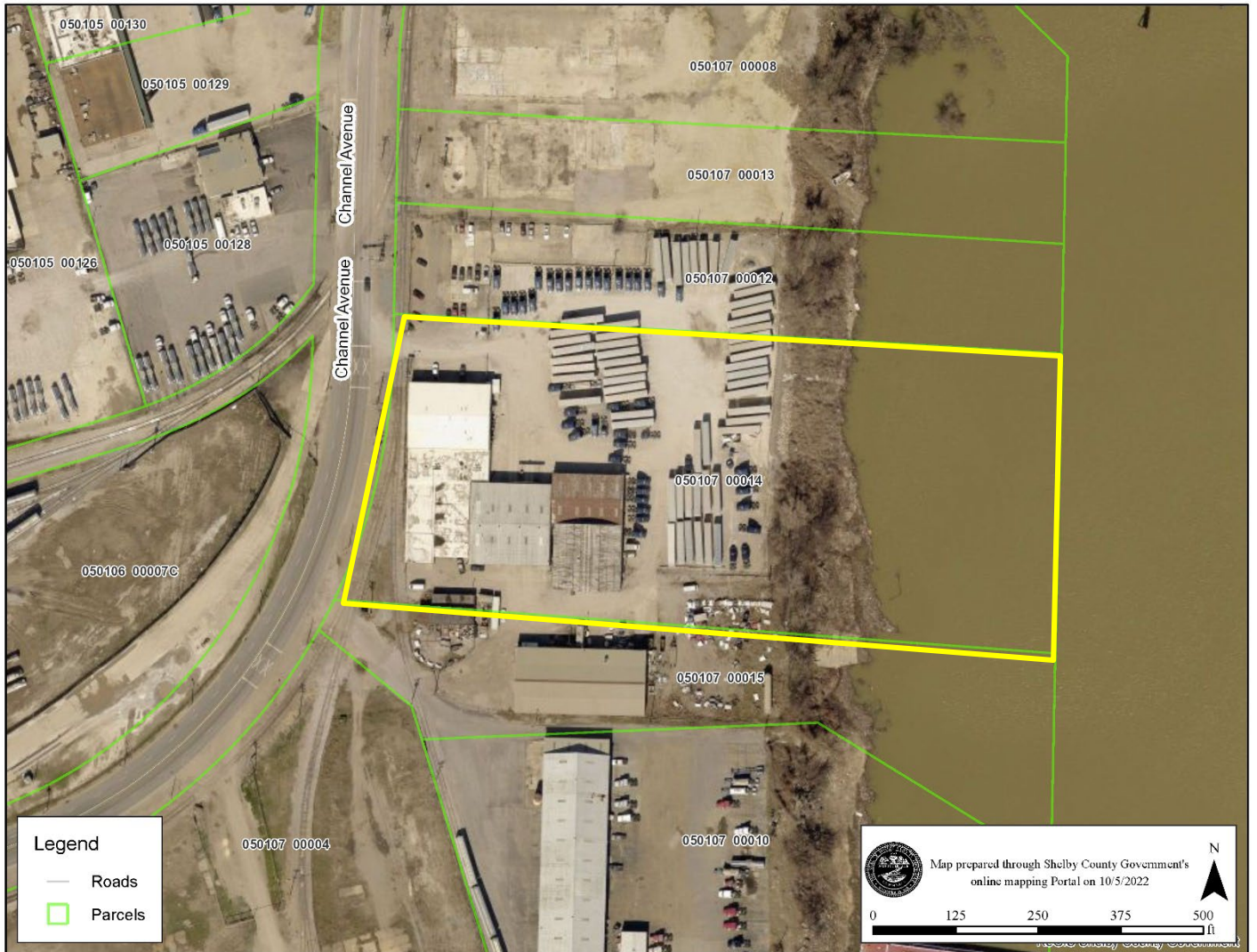
Subject property highlighted in yellow

VICINITY MAP



Site outlined in yellow

AERIAL



Subject property outlined in yellow

FLOOD ZONE MAP



Subject property highlighted in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Heavy Industrial (IH)

Surrounding Zoning

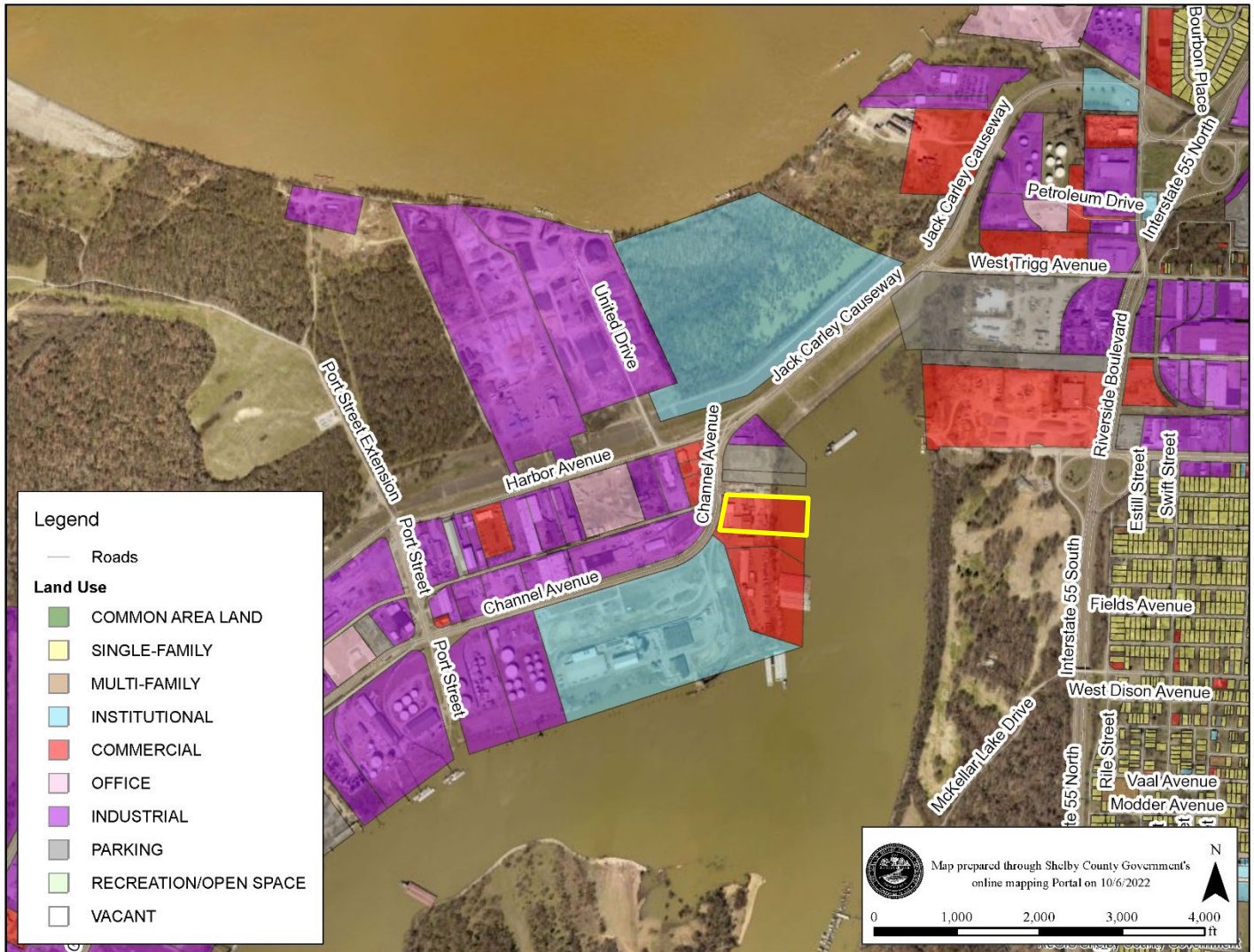
North: IH

East: Residential Single Family – 15 (R-15), Across McKellar Lake

South: IH

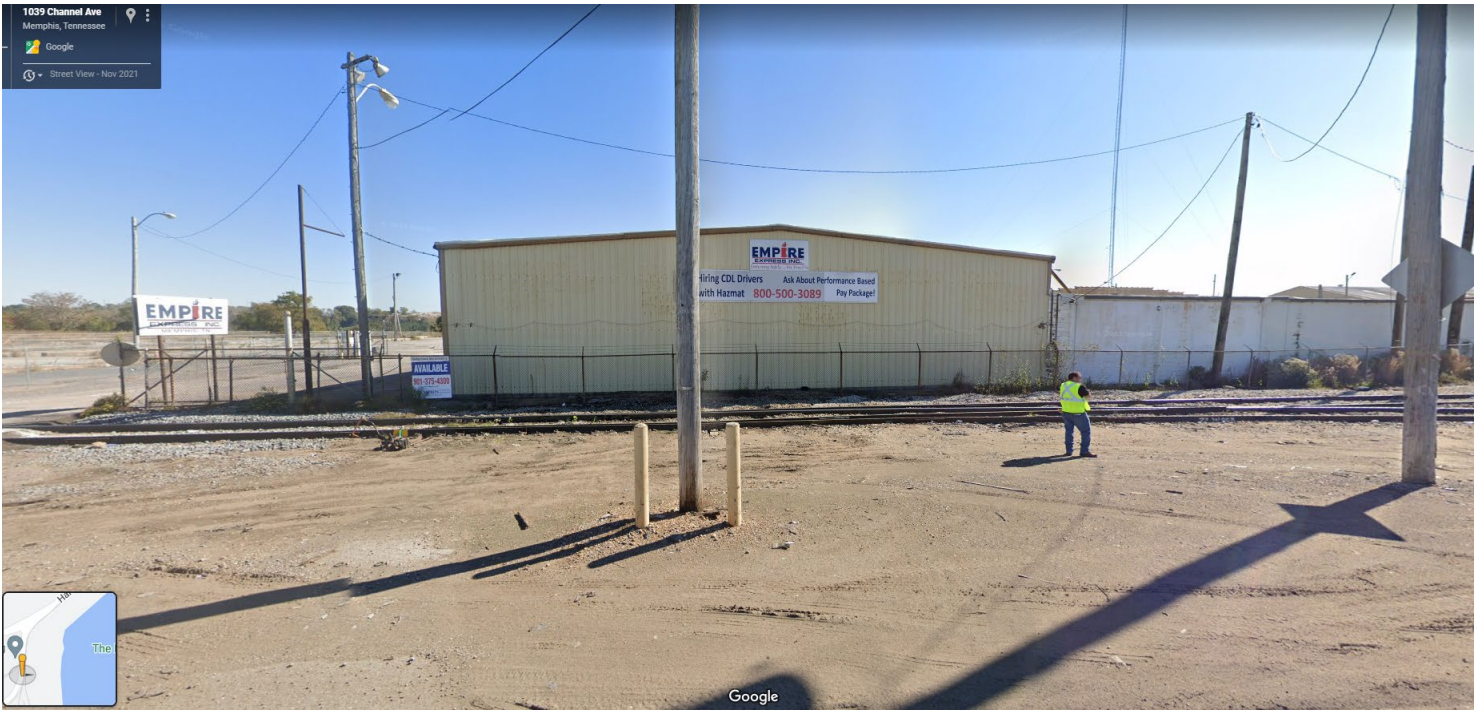
West: IH

LAND USE MAP



Subject property outlined in yellow

SITE PHOTOS



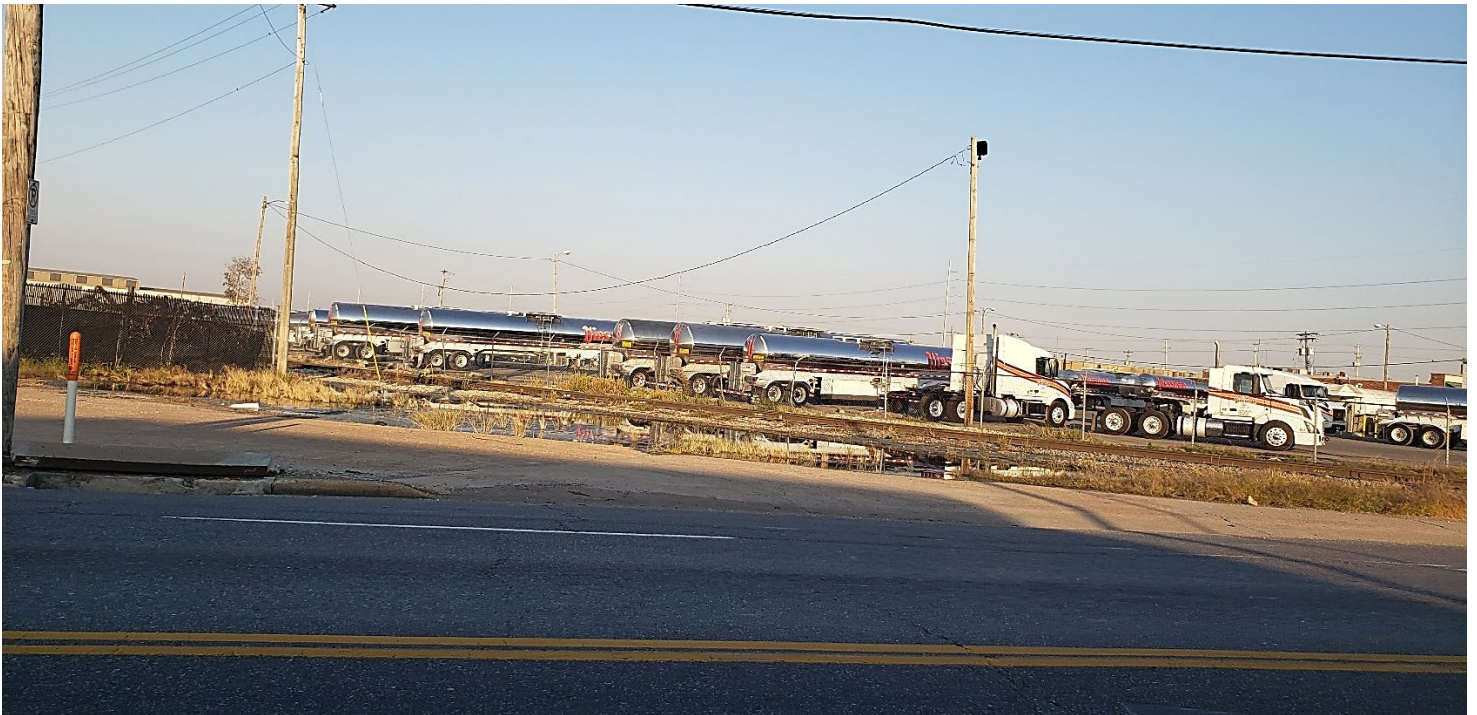
View of the site and building from Channel Avenue



Onsite view to the rear of the property



View of the site looking south



View of property across the street from subject site

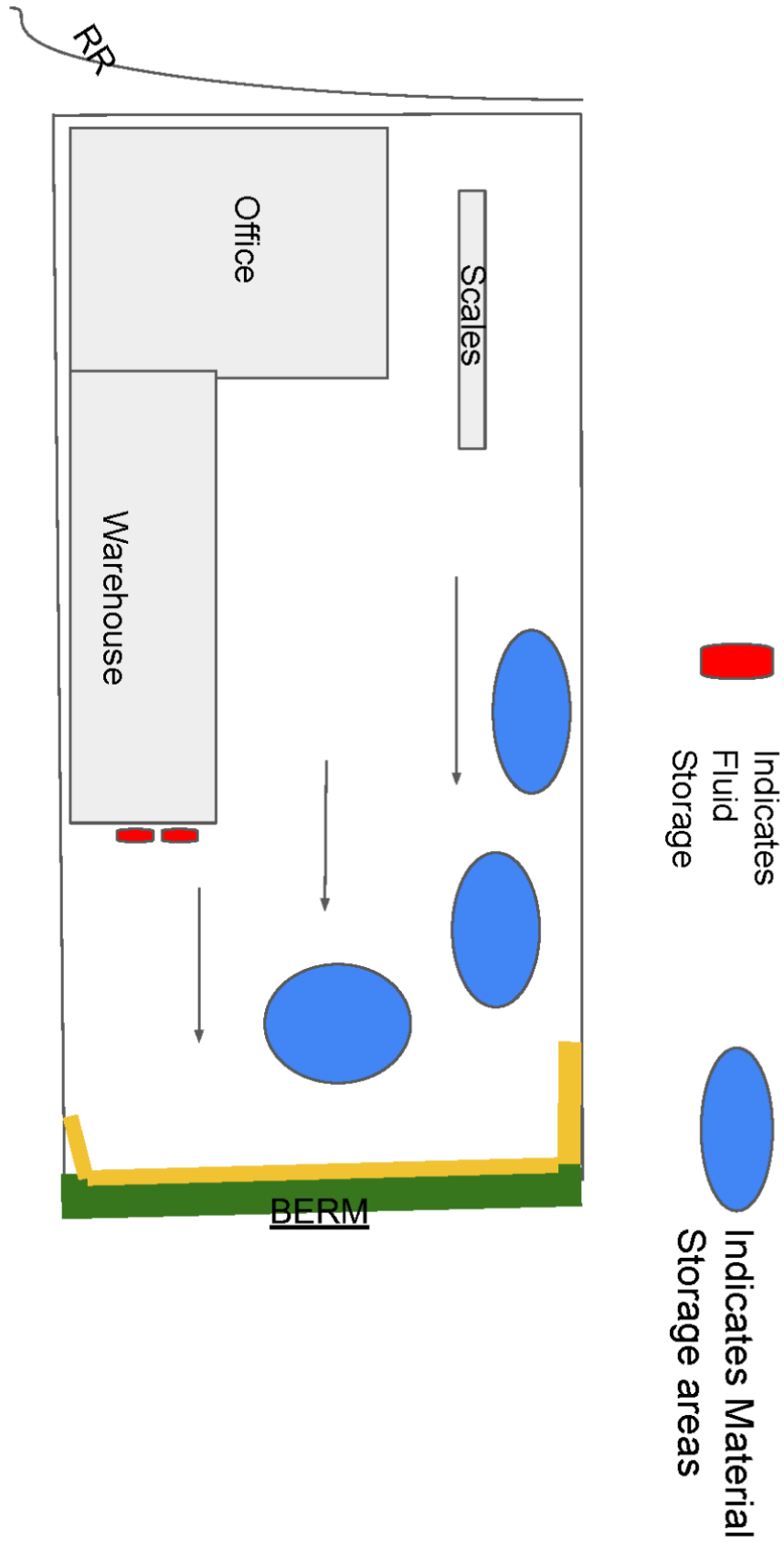


View of the site looking north



View of site looking north from Channel Avenue

SITE PLAN



SITE PLAN - OVERVIEW

M
MORGAN
STEEL

- Property contains two lots
- Zoned Heavy Industrial (I-H)
- Subdivision Recorded in 1963
- Heavy Industrial uses existed on the site since 1963.
- Leased property for Morgan Steel recycling facility in June 2022.
- The request for Special Use Permit is to allow metal recycling in addition to the existing permitted uses.



An aerial photograph of an industrial site. A red boundary outlines a large area containing several buildings, parking lots, and stacks of materials. A blue vertical line runs through the center of this red-outlined area. The site is bordered by Channel Avenue to the north and a body of water to the south. The background shows other industrial buildings and parking lots.

STAFF ANALYSIS

Request

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

The request is for a Special Use Permit (SUP) for Morgan Steel to operate a metal recycling facility on President's Island located at 999 Channel Avenue.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/-9.67 acres and located on President's Island at 999 Channel Avenue. It is an industrial site and therefore zoned Heavy Industrial (IH). Per the Assessor's Office, the principal structure on the site was originally built in 1959 and consists of 52,076 square feet. The site is located within an intensely industrial area, surrounded by heavy industrial uses.

Because a portion of the site lies within a floodplain, as the eastern portion of the lot backs up to McKellar Lake, just over five acres of the site is developed and usable. According to the applicant's submittal, a berm has been

constructed along the eastern property line by previous owners.

Additionally, a 34-foot railroad right-of-way makes up the property frontage that also extends southwest of the site. This is an active railroad.

Conclusions

The applicant, Morgan Steel, is seeking an SUP to operate a metal recycling facility on President's Island located at 999 Channel Avenue, Parcel Number 050107 00014.

An SUP is required for a recycling facility in the IH zoning district, per the Permitted Use Table in Article 2.5.2 of the Memphis and Shelby County Unified Development Code.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:

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

Sewers:

- The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
- If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 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.
- 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:

- 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.
- 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.
- 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:

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

Drainage:

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

City/County Fire Division:

See comments as follows:

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

City Real Estate:

No comments received.

City/County Health Department:

No comments received.

Shelby County Schools:

No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: See comments as follows:
General Comments & Analysis:

Located in Zone 4 of the Resilience Zone Framework:

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The Zone 4 designation is due to the parcel having a very high susceptibility for soil liquefaction should an earthquake occur.

The Applicant submitted their stormwater pollution plan as part of the application, which will be reviewed by City Engineering.

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

This special use permit request is not consistent with the Mid-South Regional Resilience Master Plan because the proposed development is located in Zone 4 of the resilience zone framework, which recommends limiting all types of development in areas that have a very high vulnerability to earthquakes. However, as recommended by the Plan, the Construction Enforcement Department adopted the 2021 I-Codes which contain the most up-to-date and strictest seismic construction requirements. In order to receive future building permits, the Applicant will need to provide construction documents that meet the I-Code requirements.

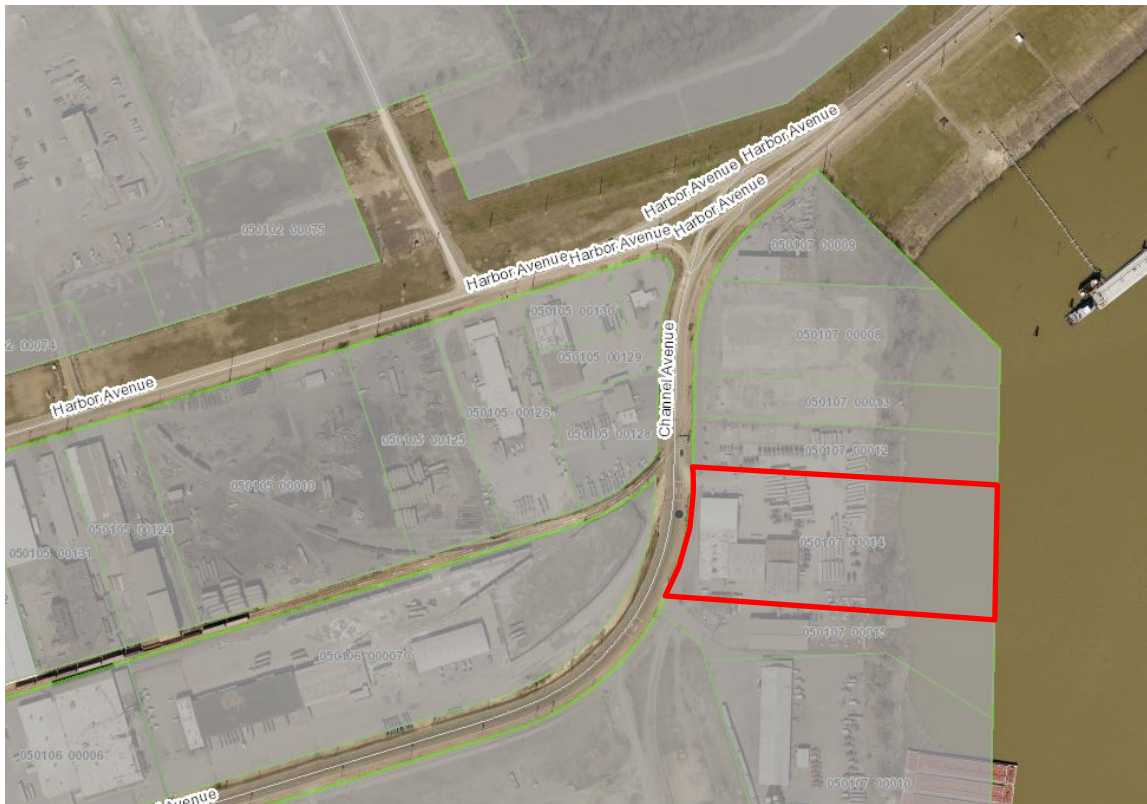
Consistent with the Memphis Area Climate Action Plan best practices: Yes

The Memphis Area Climate Action Plan calls for supporting the creation of circular economies and generating revenue streams from those products. Any business that diverts waste from landfills is another step toward the goal of a zero-waste future. The expansion of a metal recycling facility aligns with Priority Action W.3 Divert Greater Amounts of Inorganic Materials from Landfills.

Recommendations: Staff recommends that the applicant work closely with City of Memphis Engineering and the Tennessee Department of Environment and Conservation to obtain all applicable permits and approvals from state, local, and federal agencies for the operation of a metal recycling business.

Office of Comprehensive Planning: See comments as follows:
The following information about the land use designation can be found on pages 76 – 122:

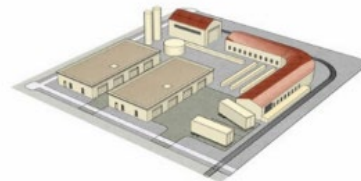
1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“I” Form & Location Characteristics

Industrial, 1-10 stories.

“I” Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezoning, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

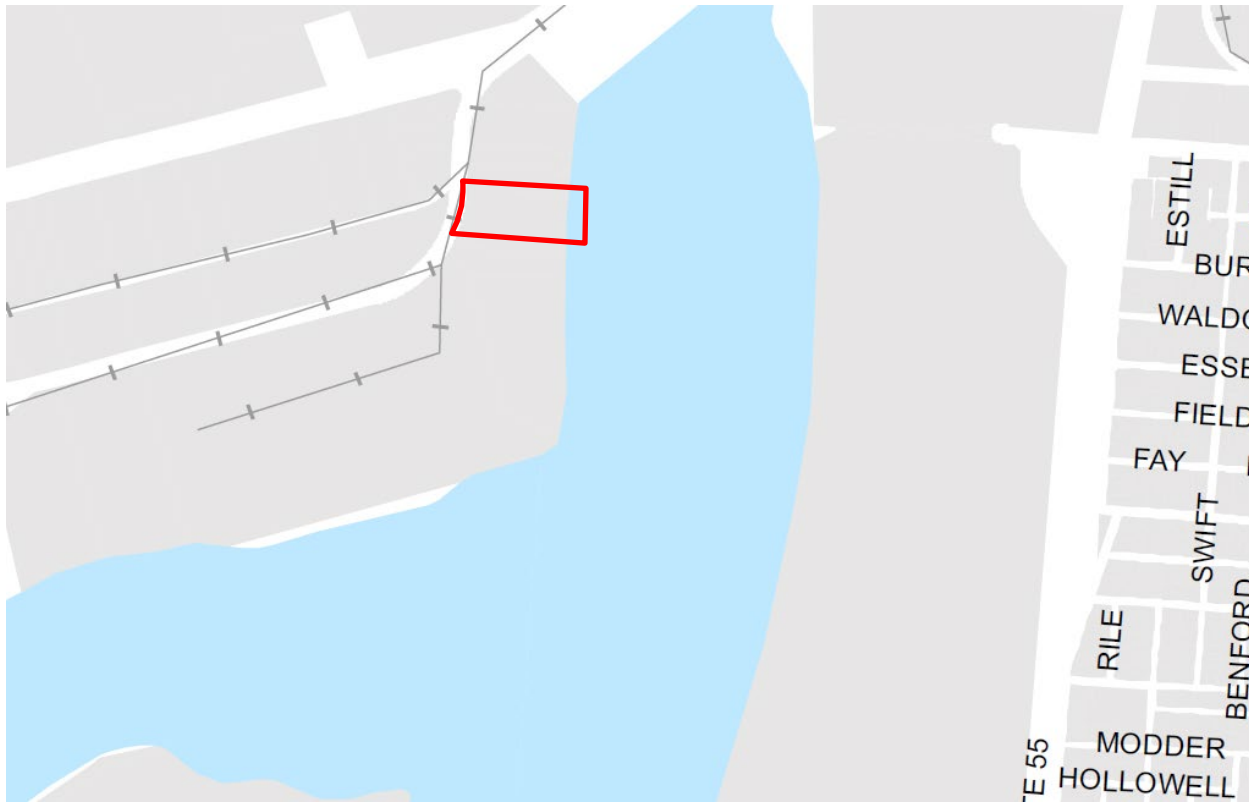
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Industrial, IH

Adjacent Land Use and Zoning: Industrial, IH

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is an Industrial Facility in a Heavy Industrial (IH) zone.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting for a Special Use Permit approval for the Morgan Steel property on Channel Drive to operate as an industrial (metal) recycling facility.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is an Industrial Facility in a Heavy Industrial (IH) zone.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: September 8, 2022

Record Number: SUP 2022-026

Expiration Date:

Record Name: Morgan Steel SUP

Description of Work: Request for Special Use Permit approval for the Morgan Steel property on Channel Drive to operate as an industrial (metal) recycling facility.

Parent Record Number:

Address:

999 CHANNEL AVE, MEMPHIS 38106

Owner Information

Primary Owner Name

Y THOMPSON VALERIE TRUST CREATED UNDER THE

Owner Address

670 COLONIAL RD, MEMPHIS, TN 38117

Owner Phone

Parcel Information

050107 00014

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

07/26/2022

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

GENERAL PROJECT INFORMATION

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

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

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare See Attached

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 See Attached

UDC Sub-Section 9.6.9C See Attached

UDC Sub-Section 9.6.9D See Attached

UDC Sub-Section 9.6.9E See Attached

UDC Sub-Section 9.6.9F See Attached

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning IH

State Route -

Lot 1

Subdivision MCKELLAR LAKE / PT COMMERCIAL CARRIER

Planned Development District -


Wellhead Protection Overlay District -

Contact Information

Name MORGAN STEEL Contact Type APPLICANT

Address

Phone


MEMPHIS AND SHELBY COUNTY **DIVISION OF PLANNING AND DEVELOPMENT**
 City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

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

Memphis and Shelby County Unified Development Code Section 12.3.1

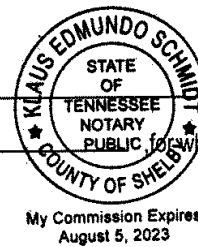
OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and 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, Jacob Black, 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 999 Channel Ave and further identified by Assessor's Parcel Number 0501070014 for which an application is being made to the Division of Planning and Development.



Subscribed and sworn to (or affirmed) before me this 7 day of September in the year of 2022.

[Signature]
Signature of Notary Public

08/05/2023
My Commission Expires



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

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

Property Owner's Affidavit

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

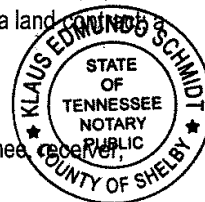
Memphis and Shelby County Unified Development Code Section 12.3.1

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 last 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, Valerie Thompson 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 mortgage 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)



My Commission Expires
August 5, 2023

of the property located at 999 Channel Ave and further
identified by Assessor's Parcel Number 05010700014, for which an
application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 7 day of September in the
year of 2022.

[Signature]

Signature of Notary Public

08/05/2023

My Commission Expires

LETTER OF INTENT

September 8, 2022

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Application for Special Use Permit
Morgan Steel – 979 and 985 Channel Drive Memphis, TN 38106

Dear Brett:

We are pleased to submit an application for a Special Use Permit on behalf of Morgan Steel. The property is part of the McKellar Lake Subdivision recorded in 1963 and is zoned Heavy Industrial (I-H). As a part of the Morgan Steel expansion, they leased the property in June of 2022 and is seeking permission to perform industrial (metal) recycling at this location.

Morgan Steel is a metal service center and contract manufacturer based out of Memphis, TN. They offer steel distribution, processing, and delivery via an in-house fleet across the country. The industries we supply include OEMs, steel service centers, fabricators, agriculture, material handling, and more.

Morgan Steel was founded in February 2014 with a 45,000-square-foot warehouse and less than twenty employees, five trucks, one shear, two saws, and a vision. They have grown to a team of almost 200 people and still hold the values that made us successful from the beginning.

They now offer massive processing capabilities and distribute over 400 tons of steel daily with our ever-growing fleet of trucks. We are continually investing in growth to maintain short lead times and the flexibility needed to adapt to the new ways that customers are coming to the market.

In accordance with the Approval Criteria (UDC Section 9.6.9)

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare:

The property is located on President's Island and is surrounded by other Heavy Industrial uses. The proposed use and site are compatible with the surrounding uses. All services and public facilities are in place. This request will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

The 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:

President Island is the perfect location for the Morgan Steel Recycling facility as it is zone Heavy Industrial, and the recycling use will be perfectly compatible with the immediate vicinity as originally approved in 1963.

September 8, 2022
Page 2

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.

All public facilities and services are in place.

The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

The site is fully developed as an industrial use. The granting of the special use permit will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.

The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

The project complies with all applicable regulations.

The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties:

The project complies with all applicable plans to be considered.

GENERAL PROVISIONS (UDC Section 4.10.3)

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County:

Again, the property is zoned Heavy Industrial and is located on President's Island where the surrounding properties operate at a similar intensity. The granting of this request 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.

An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development:

All utilities are available and adequate to serve this site.

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner

Storm Water Pollution
Prevention Plan
Memphis Scrap, LLC

June 21st 2022

Property Overview

- ❖ Memphis Scrap, LLC is leasing 9.67 acres at 999 Channel Avenue.
- ❖ 5.42 acres of this property are relatively flat and not covered. All outflow runs from West to East towards an existing berm and Mckellar Lake.
- ❖ The the railroad has an active line and spur on the West end of the property along Channel Avenue. This prevents any drainage from crossing onto Channel Ave and/or any storm drains attached to Channel Ave.
- ❖ Previous tenants have built up a berm on the East end of the property. This berm is made up of limestone, sand and concrete barriers. It is a barrier between the property and Mckellar Lake. Natural vegetation has also built up along the berm and extending down to the sandbar below.
- ❖ The existing ground is a mixture of concrete slabs and limestone.

Operations Overview

- ❖ Memphis Scrap will be operating an industrial recycling facility at 999 Channel Ave. New production steel, aluminum, and copper will be its primary focus.
- ❖ It will prohibit any used autos or household appliances from processing facility. Greatly reducing its environmental concerns
- ❖ The warehouse covers close to 30,000 sq feet and will be used for any equipment maintenance. It has two vehicle inspection pits to help capture any mechanical debris during scheduled maintenance.

Proactive Measures

- ❖ The berm located on the east side of the property will be lined with hay bales to prevent any potential runoff.
- ❖ Hay bales will be switched out on a quarterly basis.
- ❖ Limestone and concrete will be added on a needed basis to build up the existing pad.
- ❖ Spill containment kit and materials will be on site. All personnel will be trained where materials are stored, when to use spill containment, emergency notification procedures, and the disposal of used spill containment materials.

Reporting Procedures

- ❖ Annual stormwater inspections will be conducted and records of each inspection will be added to Memphis Scrap's SWPPP.
- ❖ The General Manager and Maintenance Manager will be trained and required to update Memphis Scrap's SWPPP with the following data.
 1. Inventory of exposed materials within the last 3 years.
 2. List of known spills and leaks within the last 3 years.
 3. Sampling data within the last 3 years.
 4. Inspection and maintenance records.
 5. Material safety data sheets.
 6. Inventory and location of spill prevention materials



Topography Map



SIGN AFFIDAVIT


AFFIDAVIT

Shelby County
State of Tennessee

I Steve Basar, being duly sworn deposes and says that at 6 am, pm on the 29th day of September he/she posted a Public Notice Sign(s) pertaining to case number SUP-2022-26 at (address) 999 Moss Steal, providing notice of a Public Hearing before the Land Use Control Board , Memphis City Council , Shelby County Board of Commissioners for consideration of a proposed land use action (Planned Development _____, Use Variance _____, Zoning District map Amendment _____), a photograph of said sign(s) being attached hereon and a copy of the signs purchase receipt or rental contract attaches hereto.

Steve Basar _____ Sept, 29 - 2022
Owner, Applicant or Representative Date

Subscribed and sworn to before me this 29 day of September, 2022.

Notary Public Berinda P. Solomito
My Commission Expires _____




LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: September 8, 2022

Record Number: SUP 2022-026

Expiration Date:

Record Name: Morgan Steel SUP

Description of Work: Request for Special Use Permit approval for the Morgan Steel property on Channel Drive to operate as an industrial (metal) recycling facility.

Parent Record Number:

Address:

999 CHANNEL AVE, MEMPHIS 38106

Owner Information

Primary Owner Name

Y THOMPSON VALERIE TRUST CREATED UNDER THE

Owner Address

670 COLONIAL RD, MEMPHIS, TN 38117

Owner Phone

Parcel Information

050107 00014

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

07/26/2022

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

GENERAL PROJECT INFORMATION

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

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

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare See Attached

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 See Attached

UDC Sub-Section 9.6.9C See Attached

UDC Sub-Section 9.6.9D See Attached

UDC Sub-Section 9.6.9E See Attached

UDC Sub-Section 9.6.9F See Attached

GIS INFORMATION

Case Layer -

Central Business Improvement District Class No

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning IH

State Route -

Lot 1

Subdivision MCKELLAR LAKE / PT COMMERCIAL CARRIER

Planned Development District -

Wellhead Protection Overlay District -

Contact Information

Name MORGAN STEEL Contact Type APPLICANT

Address

Phone

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1412560	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	09/08/2022
1412560	Special Use Permit Fee Per Acre (each acre or fraction thereof over 5 acre)	5	250.00	INVOICED	0.00	09/08/2022
1412560	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	09/08/2022

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$769.50	Credit Card

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

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

Property Owner's Affidavit

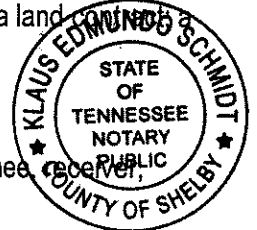
In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

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, Valerie Thompson 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 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)



My Commission Expires
August 5, 2023

of the property located at 999 Channel Ave and further
identified by Assessor's Parcel Number 05010700014, for which an
application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 7 day of September in the
year of 2022.

[Signature]

08/05/2023

Signature of Notary Public

My Commission Expires

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

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

Property Owner's Affidavit

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

Memphis and Shelby County Unified Development Code Section 12.3.1

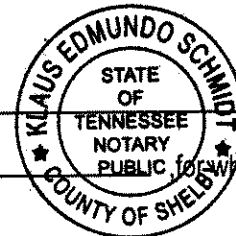
OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and 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, Jacob Back, 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 999 Channel Ave and further
identified by Assessor's Parcel Number 0501070014 for which an
application is being made to the Division of Planning and Development.



My Commission Expires
August 5, 2023

Subscribed and sworn to (or affirmed) before me this 7 day of September in the
year of 2022.

[Signature]

08/05/2023

Signature of Notary Public

My Commission Expires



September 8, 2022

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Application for Special Use Permit
Morgan Steel – 979 and 985 Channel Drive Memphis, TN 38106

Dear Brett:

We are pleased to submit an application for a Special Use Permit on behalf of Morgan Steel. The property is part of the McKellar Lake Subdivision recorded in 1963 and is zoned Heavy Industrial (I-H). As a part of the Morgan Steel expansion, they leased the property in June of 2022 and is seeking permission to perform industrial (metal) recycling at this location.

Morgan Steel is a metal service center and contract manufacturer based out of Memphis, TN. They offer steel distribution, processing, and delivery via an in-house fleet across the country. The industries we supply include OEMs, steel service centers, fabricators, agriculture, material handling, and more.

Morgan Steel was founded in February 2014 with a 45,000-square-foot warehouse and less than twenty employees, five trucks, one shear, two saws, and a vision. They have grown to a team of almost 200 people and still hold the values that made us successful from the beginning.

They now offer massive processing capabilities and distribute over 400 tons of steel daily with our ever-growing fleet of trucks. We are continually investing in growth to maintain short lead times and the flexibility needed to adapt to the new ways that customers are coming to the market.

In accordance with the Approval Criteria (UDC Section 9.6.9)

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare:

The property is located on President's Island and is surrounded by other Heavy Industrial uses. The proposed use and site are compatible with the surrounding uses. All services and public facilities are in place. This request will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

The 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:

President Island is the perfect location for the Morgan Steel Recycling facility as it is zone Heavy Industrial, and the recycling use will be perfectly compatible with the immediate vicinity as originally approved in 1963.

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.

All public facilities and services are in place.

The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

The site is fully developed as an industrial use. The granting of the special use permit will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.

The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

The project complies with all applicable regulations.

The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties:

The project complies with all applicable plans to be considered.

GENERAL PROVISIONS (UDC Section 4.10.3)

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County:

Again, the property is zoned Heavy Industrial and is located on President's Island where the surrounding properties operate at a similar intensity. The granting of this request 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.

An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development:

All utilities are available and adequate to serve this site.

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner

Storm Water Pollution

Prevention Plan

Memphis Scrap, LLC

June 21st 2022

Property Overview

- ❖ Memphis Scrap, LLC is leasing 9.67 acres at 999 Channel Avenue.
- ❖ 5.42 acres of this property are relatively flat and not covered. All outflow runs from West to East towards an existing berm and Mckellar Lake.
- ❖ The the railroad has an active line and spur on the West end of the property along Channel Avenue. This prevents any drainage from crossing onto Channel Ave and/or any storm drains attached to Channel Ave.
- ❖ Previous tenants have built up a berm on the East end of the property. This berm is made up of limestone, sand and concrete barriers. It is a barrier between the property and Mckellar Lake. Natural vegetation has also built up along the berm and extending down to the sandbar below.
- ❖ The existing ground is a mixture of concrete slabs and limestone.

Operations Overview

- ❖ Memphis Scrap will be operating an industrial recycling facility at 999 Channel Ave. New production steel, aluminum, and copper will be its primary focus.
- ❖ It will prohibit any used autos or household appliances from processing facility. Greatly reducing its environmental concerns
- ❖ The warehouse covers close to 30,000 sq feet and will be used for any equipment maintenance. It has two vehicle inspection pits to help capture any mechanical debris during scheduled maintenance.

Proactive Measures

- ❖ The berm located on the east side of the property will be lined with hay bales to prevent any potential runoff.
- ❖ Hay bales will be switched out on a quarterly basis.
- ❖ Limestone and concrete will be added on a needed basis to build up the existing pad.
- ❖ Spill containment kit and materials will be on site. All personnel will be trained where materials are stored, when to use spill containment, emergency notification procedures, and the disposal of used spill containment materials.

Reporting Procedures

- ❖ Annual stormwater inspections will be conducted and records of each inspection will be added to Memphis Scrap's SWPPP.
- ❖ The General Manager and Maintenance Manager will be trained and required to update Memphis Scrap's SWPPP with the following data.
 1. Inventory of exposed materials within the last 3 years.
 2. List of known spills and leaks within the last 3 years.
 3. Sampling data within the last 3 years.
 4. Inspection and maintenance records.
 5. Material safety data sheets.
 6. Inventory and location of spill prevention materials



Channel Ave

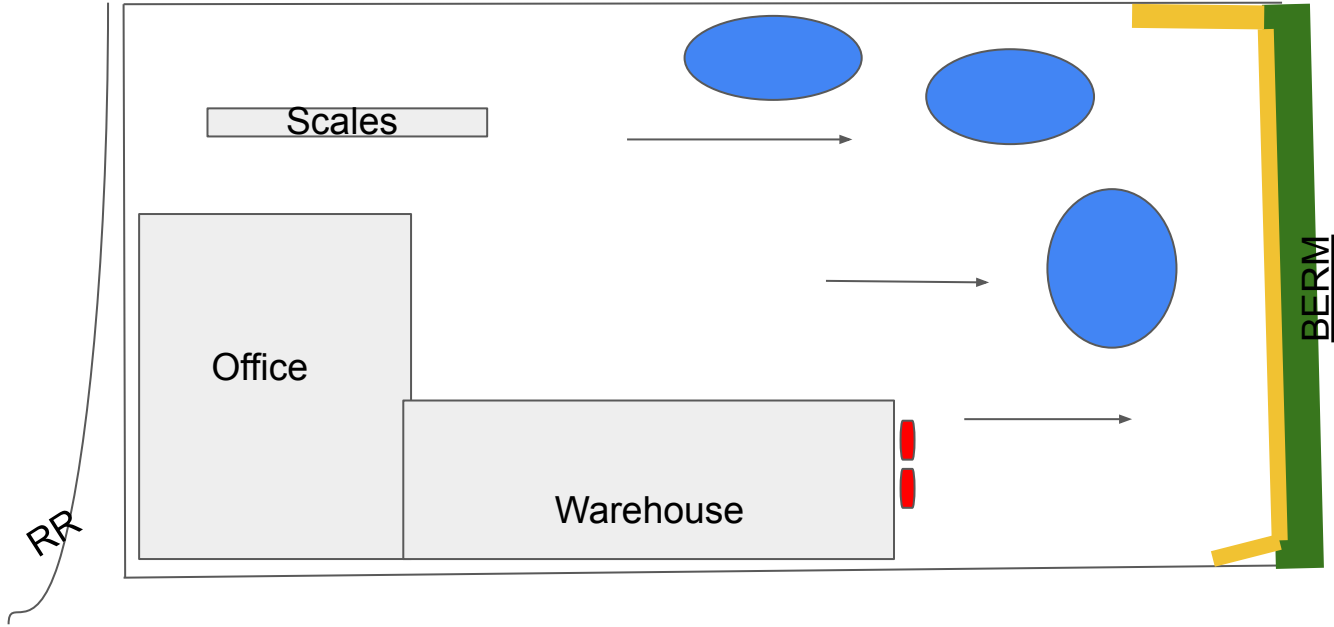
985 Channel Ave,
Memphis, TN 38113



Indicates
Fluid
Storage



Indicates Material
Storage areas



Topography Map



Storm Water Pollution

Prevention Plan

Memphis Scrap, LLC

June 21st 2022

Property Overview

- ❖ Memphis Scrap, LLC is leasing 9.67 acres at 999 Channel Avenue.
- ❖ 5.42 acres of this property are relatively flat and not covered. All outflow runs from West to East towards an existing berm and Mckellar Lake.
- ❖ The the railroad has an active line and spur on the West end of the property along Channel Avenue. This prevents any drainage from crossing onto Channel Ave and/or any storm drains attached to Channel Ave.
- ❖ Previous tenants have built up a berm on the East end of the property. This berm is made up of limestone, sand and concrete barriers. It is a barrier between the property and Mckellar Lake. Natural vegetation has also built up along the berm and extending down to the sandbar below.
- ❖ The existing ground is a mixture of concrete slabs and limestone.

Operations Overview

- ❖ Memphis Scrap will be operating an industrial recycling facility at 999 Channel Ave. New production steel, aluminum, and copper will be its primary focus.
- ❖ It will prohibit any used autos or household appliances from processing facility. Greatly reducing its environmental concerns
- ❖ The warehouse covers close to 30,000 sq feet and will be used for any equipment maintenance. It has two vehicle inspection pits to help capture any mechanical debris during scheduled maintenance.

Proactive Measures

- ❖ The berm located on the east side of the property will be lined with hay bales to prevent any potential runoff.
- ❖ Hay bales will be switched out on a quarterly basis.
- ❖ Limestone and concrete will be added on a needed basis to build up the existing pad.
- ❖ Spill containment kit and materials will be on site. All personnel will be trained where materials are stored, when to use spill containment, emergency notification procedures, and the disposal of used spill containment materials.

Reporting Procedures

- ❖ Annual stormwater inspections will be conducted and records of each inspection will be added to Memphis Scrap's SWPPP.
- ❖ The General Manager and Maintenance Manager will be trained and required to update Memphis Scrap's SWPPP with the following data.
 1. Inventory of exposed materials within the last 3 years.
 2. List of known spills and leaks within the last 3 years.
 3. Sampling data within the last 3 years.
 4. Inspection and maintenance records.
 5. Material safety data sheets.
 6. Inventory and location of spill prevention materials



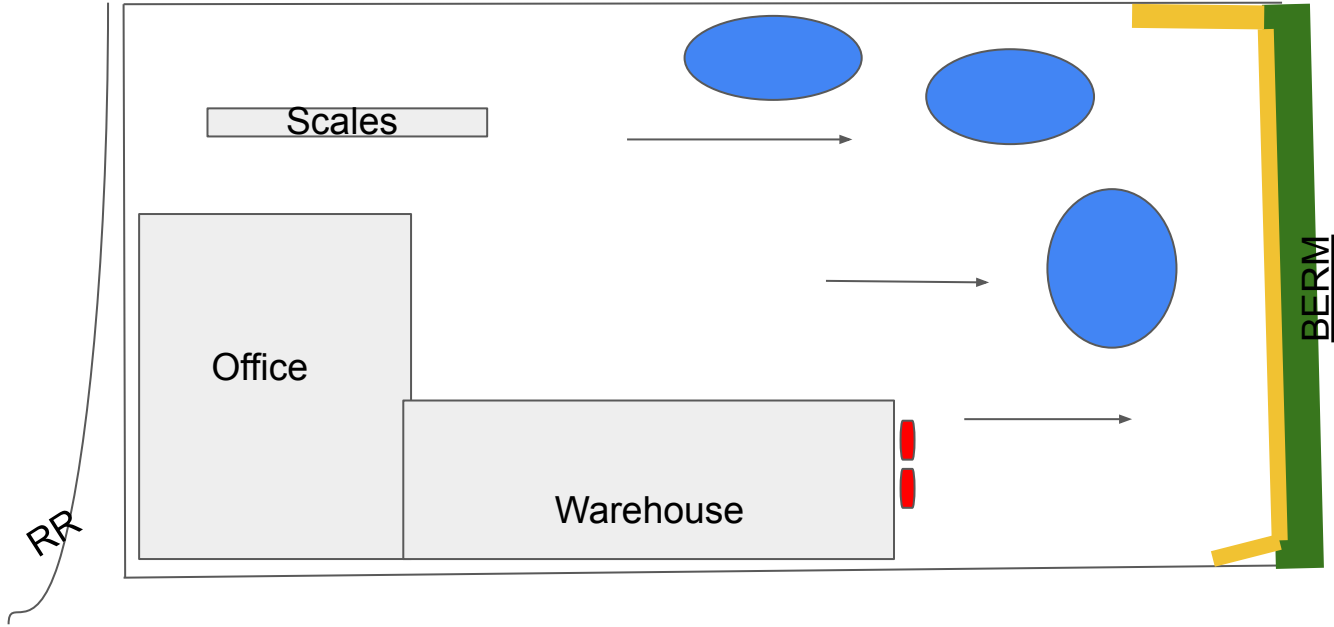
985 Channel Ave,
Memphis, TN 38113



Indicates
Fluid
Storage



Indicates Material
Storage areas



Topography Map

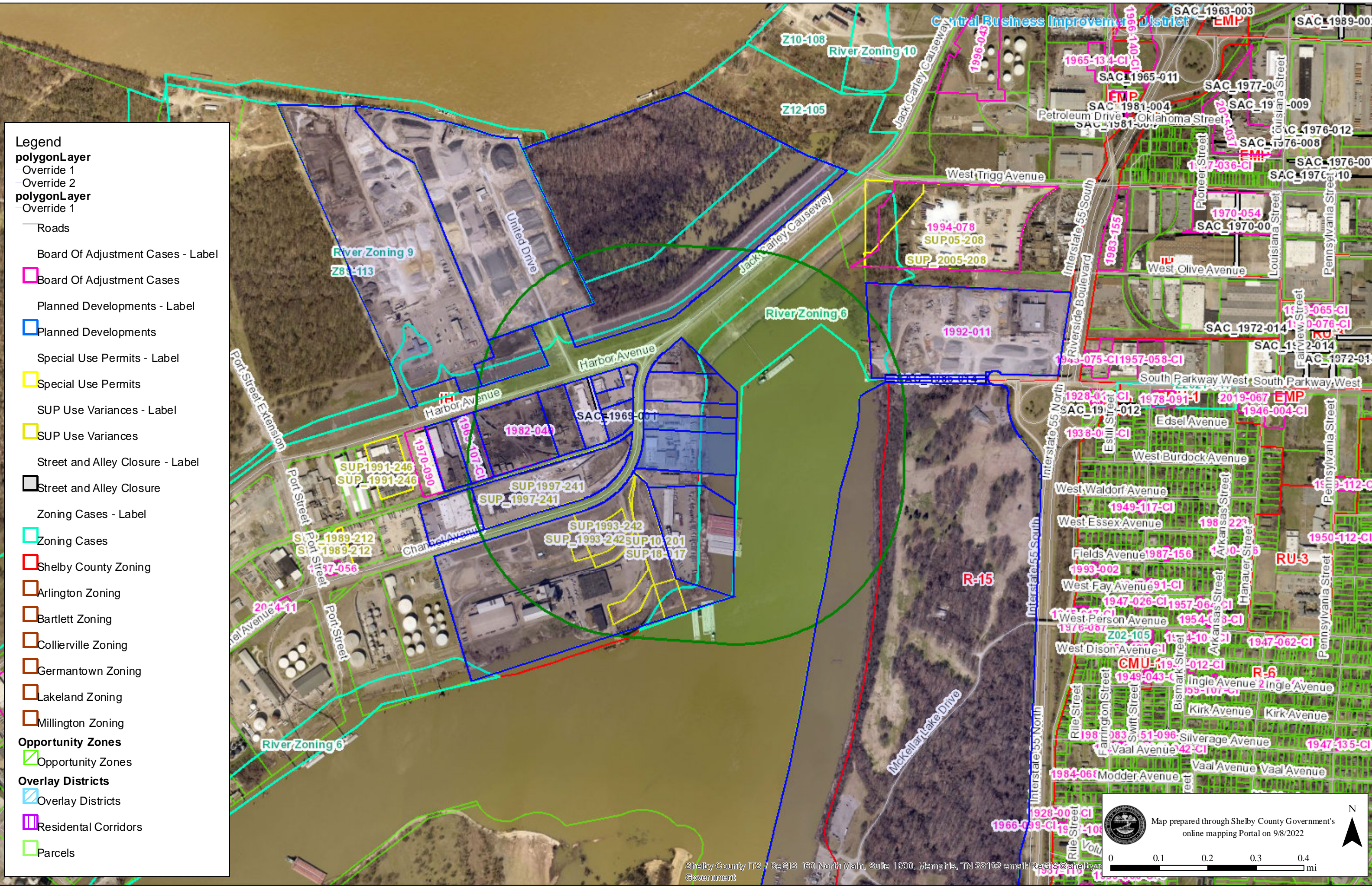




- Property contains two lots
- Zoned Heavy Industrial (I-H)
- Subdivision Recorded in 1963
- Heavy Industrial uses existed on the site since 1963.

- Leased property for Morgan Steel recycling facility in June 2022.
- The request for Special Use Permit is to allow metal recycling in addition to the existing permitted uses.





- Legend**
- polygonLayer**
 - Override 1
 - Override 2
 - polygonLayer**
 - Override 1
 - Roads
 - Board Of Adjustment Cases - Label
 - Board Of Adjustment Cases
 - Planned Developments - Label
 - Planned Developments
 - Special Use Permits - Label
 - Special Use Permits
 - SUP Use Variances - Label
 - SUP Use Variances
 - Street and Alley Closure - Label
 - Street and Alley Closure
 - Zoning Cases - Label
 - Zoning Cases
 - Shelby County Zoning
 - Arlington Zoning
 - Bartlett Zoning
 - Collierville Zoning
 - Germantown Zoning
 - Lakeland Zoning
 - Millington Zoning
 - Opportunity Zones**
 - Opportunity Zones
 - Overlay Districts**
 - Overlay Districts
 - Residential Corridors
 - Parcels

024002 00006 - MMC MATERIALS
050107 00008 - HAYGOOD REALTY COMPANY LP
050105 00010 - 1095 HARBOR AVENUE LLC
050105 00124 - ARTHUR BOYD III AND ROBERT ARTHUR
050106 00007C - 1146 CHANNEL LLC
050102 00070C - APAC-TENNESSEE INC
050102 00067 - MEMPHIS CITY AND SHELBY COUNTY
050102 00068 - VULCAN LANDS INC
050102 00075 - MEMPHIS CITY OF AND SHELBY CO
050105 00129 - PRIDE SMART LLC
050105 00130 - PRIDE SMART LLC
050105 00126 - WEST STAR PROPERTIES
050105 00125 - TEN NINETY FIVE HARBOR AVENUE LLC
050105 00128 - WEST STAR PROPERTIES
050105 00131 - LUNA PROPERTIES LLC
050107 00015 - T & B TRUCKING INC
050107 00004 - CITY OF MEMPHIS & CO OF SHELBY
050106 00006 - DREXEL CHEMICAL CO
050107 00010 - T & B TRUCKING INC
035001 00006 - MEMPHIS CITY OF
024002 00006Z - MMC MATERIALS
035001 00002Z - CITY OF MEMPHIS PARK COMMISSION
050107 00009 - HAYGOOD REALTY COMPANY LP
050107 00013 - HAYGOOD REALTY COMPANY LP
050107 00012 - HAYGOOD REALTY COMPANY LP
050107 00014 - THOMPSON VALERIE TRUST CREATED UNDER THE

MMC MATERIALS
133 NEW RAGSDALE RD
MADISON MS 39110

PRIDE SMART LLC
3264 W SARAZENS CIR #
MEMPHIS TN 38125

MMC MATERIALS
133 NEW RAGSDALE RD
MADISON MS 39110

HAYGOOD REALTY COMPANY LP
670 COLONIAL #
MEMPHIS TN 38117

WEST STAR PROPERTIES
PO BOX 188 #
GARY SD 57237

CITY OF MEMPHIS PARK COMMISSION
125 N MAIN ST #
MEMPHIS TN 38103

1095 HARBOR AVENUE LLC
P.O. BOX 1037
ALBERTVILLE AL 35950

TEN NINETY FIVE HARBOR AVENUE LLC
P O BOX 1037 #
ALBERTVILLE AL 35950

HAYGOOD REALTY COMPANY LP
670 COLONIAL #1
MEMPHIS TN 38117

ARTHUR BOYD III AND ROBERT ARTHUR
PO BOX 13164 #
MEMPHIS TN 38113

WEST STAR PROPERTIES
P O BOX 175 #
GARY SD 57237

HAYGOOD REALTY COMPANY LP
670 COLONIAL #1
MEMPHIS TN 38117

1146 CHANNEL LLC
4300 MILLINGTON RD
MEMPHIS TN 38127

LUNA PROPERTIES LLC
1255 HARBOR AVE #
MEMPHIS TN 38113

HAYGOOD REALTY COMPANY LP
670 COLONIAL #1
MEMPHIS TN 38117

APAC-TENNESSEE INC
PO BOX 55038 #
LEXINGTON KY 40555

T & B TRUCKING INC
1029 CHANNEL AVE #
MEMPHIS TN 38113

THOMPSON VALERIE TRUST CREATED UNDER THE
670 COLONIAL RD #1
MEMPHIS TN 38117

MEMPHIS CITY AND SHELBY COUNTY
125 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS & CO OF SHELBY
GENERAL DELIVERY #
MEMPHIS TN 38101

VULCAN LANDS INC
1200 URBAN CENTER DR #
BIRMINGHAM AL 35242

DREXEL CHEMICAL CO
PO BOX 13327 #
MEMPHIS TN 38113

MEMPHIS CITY OF AND SHELBY CO
125 N MAIN ST #
MEMPHIS TN 38103

T & B TRUCKING INC
RR 3 #
BELLS TN 38006

PRIDE SMART LLC
3264 W SARAZENS CIR #
MEMPHIS TN 38125

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

For Current Resident
1385 RIVERSIDE DR #
Memphis, TN 38106

For Current Resident
1037 HARBOR AVE #
Memphis, TN 38113

For Current Resident
S PARKWAY #
Memphis, TN 38106

For Current Resident
949 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
1055 HARBOR AVE #
Memphis, TN 38113

For Current Resident
S PARKWAY #
Memphis, TN 38109

For Current Resident
1101 HARBOR AVE #
Memphis, TN 38113

For Current Resident
1095 HARBOR AVE #
Memphis, TN 38113

For Current Resident
929 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
1165 HARBOR AVE #
Memphis, TN 38113

For Current Resident
970 CHANNEL #
Memphis, TN 38113

For Current Resident
969 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
1146 CHANNEL AVE #
Memphis, TN 38113

For Current Resident
1175 HARBOR AVE #
Memphis, TN 38113

For Current Resident
1200 HARBOR AVE #
Memphis, TN 38113

For Current Resident
1029 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
985 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
979 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
1074 HARBOR AVE #
Memphis, TN 38113

For Current Resident
1184 CHANNEL AVE #
Memphis, TN 38113

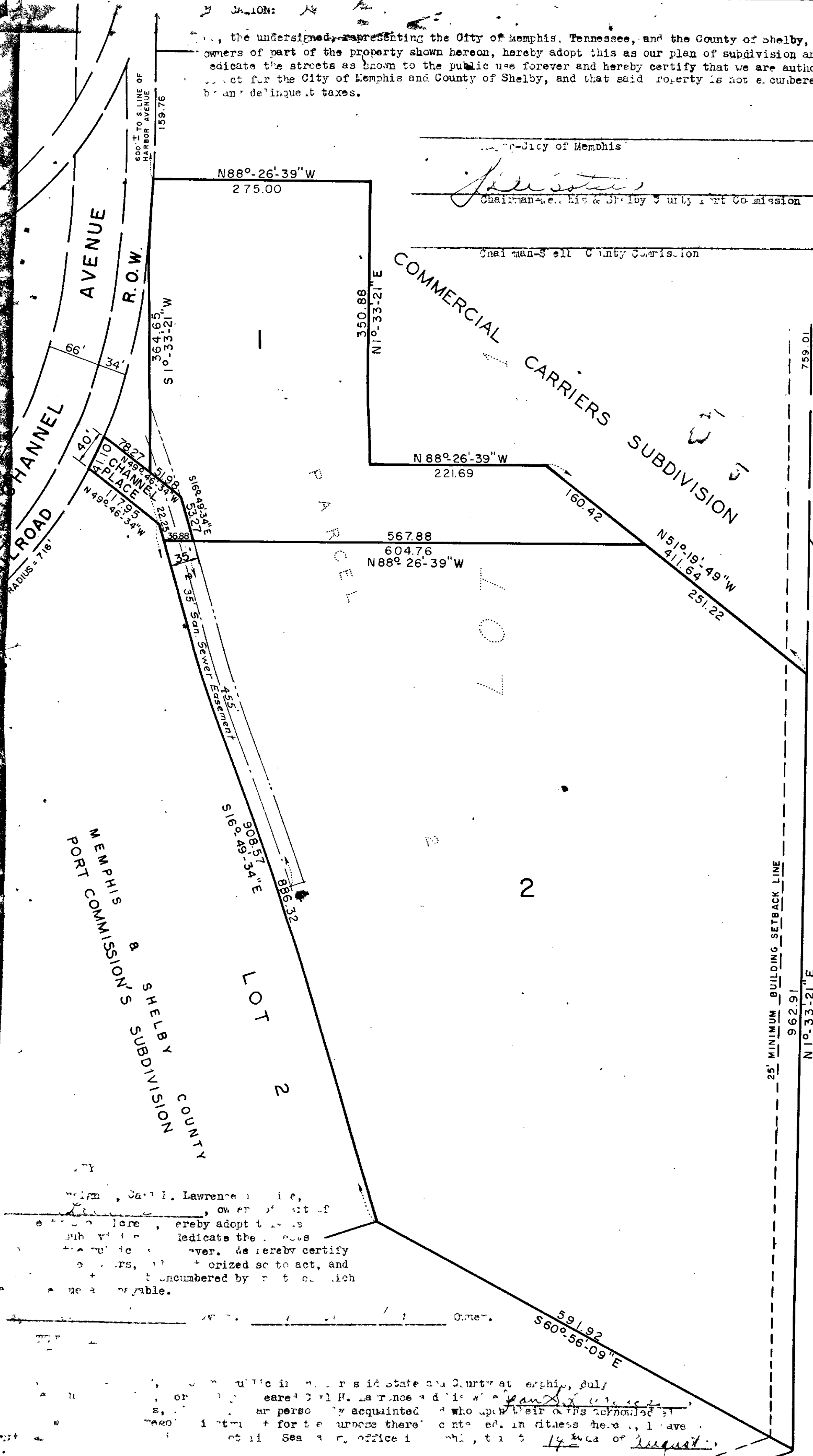
For Current Resident
HARBOR AVE #
Memphis, TN 38113

For Current Resident
1029 CHANNEL AVE #
Memphis, TN 38106

For Current Resident
1005 HARBOR AVE #
Memphis, TN 38113

For Current Resident
RIVERDALE RD #
Memphis, TN 38109

the undersigned, representing the City of Memphis, Tennessee, and the County of Shelby, owners of part of the property shown hereon, hereby adopt this as our plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that we are authorized to act for the City of Memphis and County of Shelby, and that said property is not encumbered by any delinquent taxes.



City of Memphis
James H. Carter, Jr.
 Chairman - Memphis & Shelby County Port Commission

Shelby County Commission
 Chairman - George B. Connel

Date July 3, 1963 By Jeald A. Moore

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James H. Carter, Jr., Chairman of the Memphis & Shelby County Port Commission, and George B. Connel, Chairman of the Shelby County Commission, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purpose therein contained. Witness my hand and Notarial Seal of Office in State and County aforesaid, this the 3rd day of July, 1963.

STATE OF TENNESSEE
 Shelby County
 Filed for Registration OCT 28 1963
 at 9:41 AM and Noted in Note Book No. 211 Page 147
 and was recorded 10/29/63 in Record Book No. 22 Page 18 Fee 15.00 Paid

GUY B. BATES
 COUNTY REGISTER

7931



M. KELLAR LAKE SUBDIVISION
 (A RE-SUBDIVISION OF PARCEL 2 OF RAYZOR AND BARROW'S SUBDIVISION OF LOT 1 OF MEMPHIS AND SHELBY COUNTY PORT COMMISSION'S INDUSTRIAL SUBDIVISION)
 MEMPHIS, SHELBY COUNTY, TENNESSEE

NOTE: BEARINGS AS SHOWN ARE RELATIVE ONLY.

BH 5251

3

THIS INSTRUMENT PREPARED BY AND RETURN TO:
B. Douglas Earthman
WARING COX
Morgan Keegan Tower
50 N. Front Street
Suite 1300
Memphis, Tennessee 38103

RETURN TO:

Philip G. Kaminsky, Attorney
1755 Kirby Parkway, Suite 100
Memphis, TN 38119

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 3rd day of October, 1989, by and between V & R Company, a Tennessee general partnership composed of Valerie H. Thompson and James R. Haygood, III, ("Grantor") and Haygood of Mississippi, Inc., a Mississippi corporation ("Grantee").

W I T N E S S E T H:

For and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto Grantee the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

Part of Lots 3 and 4 of Commercial Carriers Subdivision, as recorded in Plat Book 26, Page 47, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the east line of Channel Avenue (100 feet wide) a distance of 2.00 feet northwardly from the southwest corner of Lot 3, as measured along the east line of Channel Avenue, said point of beginning being in the west line of Lot 3 in Commercial Carriers Subdivision; thence south 88 degrees, 26 minutes, 39 seconds east along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east boundary line of Commercial Carriers Subdivision; thence south 01 degree, 33 minutes, 21 seconds west along the east boundary line of said subdivision a distance of 135.00 feet to a point; thence north 88 degrees, 26 minutes, 39 seconds west along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east line of Channel Avenue, same being a point in the west line of Lot 4; thence north 01 degree, 33 minutes, 21 seconds east along the east line of Channel Avenue, same being along the west line of Lot 4 and Lot 3 a distance of 135.00 feet to the point of beginning.

Being the same property conveyed to Grantor by Warranty Deed of record at Instrument No. T1 6550 in the Register's Office of Shelby County, Tennessee.

This deed is executed and delivered pursuant to an agreement by the general partners of V & R Company, the Grantor herein, to liquidate the partnership as of January 1, 1983.

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

BH 5251

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, Brock McCollum, a Notary Public in the aforesaid State and County, duly commissioned and qualified, personally appeared Valerie H. Thompson and J. R. Haygood, Jr., Executor of the Estate of James R. Haygood, III, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged themselves to be all of the partners of V & R Company, the within named bargainor, a partnership, and that they as such partners executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by themselves as such partners.

WITNESS my hand and seal, at office in Memphis, Tennessee, this 31st day of October, 1989.

Brock McCollum
Notary Public

My Commission Expires:
My Commission Expires March 2, 1993

Property address:

979 Channel Avenue
Memphis, Tennessee

**Person or Entity
Responsible for Payment of
Taxes:**

Haygood of Mississippi, Inc.
999 Channel Avenue
Memphis, TN 38113

Property Owner and Address:
Haygood of Mississippi, Inc.
999 Channel Avenue
Memphis, TN 38113

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater is \$138,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Michael B. Brewer Agent
Affiant for grantor

Subscribed and sworn to before me the 31st day of October, 1989.

Brock McCollum
Notary Public

State Tax \$ 45.40
Register's Fee. . . . \$ 9.00
Recording Fee. . . . \$ 1.00
Total. \$ 55.40

T.G.#
WC# 27004.3(18)

My Commission Expires:
My Commission Expires March 2, 1993

BH 5251

Grantor hereby covenants with the Grantee that Grantor is lawfully seized in fee of the aforescribed real estate; that Grantor has a good right to sell and convey the real estate; that the title and quiet possession to the real estate Grantor hereby warrants and will forever defend against the lawful claims of all persons. Grantor further covenants and warrants that title to the real estate conveyed to Grantee hereby is unencumbered, except for any outstanding City of Memphis and Shelby County taxes, not yet due and payable; subdivision restrictions, building lines and easements of record in Plat Book 26, Page 47, and 10 foot sewer line easement of record in Book 4869, Page 67, both in the Register's Office of Shelby County, Tennessee.

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

WITNESS the signatures of the Grantor as of the day and year first above written.

GRANTOR:

V & R Company, a Tennessee general partnership

by: Valerie H. Thompson
Valerie H. Thompson, partner

by: J. R. Haygood, Jr.
J. R. Haygood, Jr.,
Executor of the Estate
of James R. Haygood, III,
partner

Valerie H. Thompson
Valerie H. Thompson,
Individually
J. R. Haygood, Jr.
J. R. Haygood, Jr.,
Executor of the Estate
of James R. Haygood, III,
individually

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, Brack's McCollum, a Notary Public in the aforesaid State and County, duly commissioned and qualified, personally appeared Valerie H. Thompson and J. R. Haygood, Jr., Executor of the Estate of James R. Haygood, III, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that they executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal, at office in Memphis, Tennessee, this 31st day of October, 1989.

Brack's McCollum
Notary Public

My commission expires:

My Commission Expires March 2, 1993

No.	BH 5251
STATE TAX	455.40
REGISTER'S FEE	1.00
RECORDING FEE	9.00
TOTAL	465.40
STATE OF TENNESSEE SHELBY COUNTY GUY B. BATES REGISTER	

BH5251

SHELBY COUNTY
REGISTER OF DEEDS
1989 NOV -1 PM 3:56



Tom Leatherwood
Shelby County Register / Archives

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



15123948

12/11/2015 - 08:59 AM

13 PGS

SAMUEL 1405367-15123948

VALUE 114984.00

MORTGAGE TAX 0.00

TRANSFER TAX 425.44

RECORDING FEE 65.00

DP FEE 2.00

REGISTER'S FEE 1.00

WALK THRU FEE 6.50

TOTAL AMOUNT 499.94

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By and Return To:
Michael B. Chance
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103

SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into as of this 7th day of December, 2015, by and between **Louise Haygood Whittemore**, a married person, and **James R. Haygood, IV**, a married person (collectively, the "Grantor"), and **Temple M. Montgomery, Trustee of the Valerie Thompson Trust Created Under the J.R. Haygood Revocable Trust Dated December 11, 1990** (the "Grantee").

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, and convey unto the Grantee, the real estate situated and being in the County of Shelby, State of Tennessee, and being more particularly described as follows (the "Property"):

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Being the same property conveyed (i) to James R. Haygood by deed of record in Book 5039, Page 12 in the Register's Office of Shelby County, Tennessee and (ii) to James R. Haygood, Jr. (one and the same person as James R. Haygood) by deed of record in Book 5236, Page 240 in such Register's Office, less and except that certain property conveyed by deeds of record (A) in Book 5039, Page 21, (B) at Instrument No. J4 5158, and (C) at Instrument No. EL 2939, all in such Register's Office. James R. Haygood died on or about June 6, 1995. Pursuant to the Last Will and Testament of James R. Haygood, Deceased, in the Probate Court of Shelby County, Tennessee, Docket No. B-25718, the Property vested in the Trustee of the J.R. Haygood Revocable Trust dated December 11, 1990. While the beneficiaries of the J.R. Haygood Revocable Trust dated December 11, 1990 were (x) the Trustee of the Letitia M. Haygood Marital Trust, (y) the Trustee of the Letitia M. Haygood GST Exempt Trust, and (z) the Trustee of the J.R. Haygood Family Trust, the Property was allocated to the Letitia M. Haygood Marital Trust by the Trustee of the J.R. Haygood Revocable Trust dated December 11, 1990. Letitia M. Haygood died on or about September 19, 2012. Pursuant to the terms of the J.R. Haygood Revocable Trust dated December 11, 1990, the Property, which was then held by the Trustee of the Letitia M. Haygood Marital Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, became vested in (1) the Trustee of the Valerie Thompson Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990 and (2) Louise Haygood Whittemore and James R. Haygood, IV, each being over the age of thirty-five (35) years at that time. As of the date hereof, the owners the Property are Louise Haygood Whittemore, James R. Haygood, IV, and Temple M. Montgomery, Trustee of the Valerie Thompson Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990. Accordingly, the Grantors hereunder are Louise Haygood Whittemore and James R. Haygood, IV. Temple M. Montgomery, Trustee of the J. R. Haygood Revocable Trust dated December 11, 1990, and Temple M. Montgomery, Trustee of (i) the Letitia M. Haygood Marital Trust, (ii) the Letitia M. Haygood GST

Exempt Trust, (iii) the J.R. Haygood Family Trust, and (iv) the Jimmy Haygood Trust, all created under the J.R. Haygood Revocable Trust dated December 11, 1990, joins herein to quitclaim and does hereby quitclaim whatever right, title, and interest, if any, it may have in the Property to the Grantee. Sarah Stegall Haygood, spouse of James R. Haygood, IV, and John Russell Whittemore, spouse of Louise Haygood Whittemore, join herein to quitclaim and do hereby quitclaim whatever right, title, and interest, if any, they may have in the Property by virtue of their respective marriage to such Grantor spouse to Grantee. It is the intent that by virtue of this deed that Temple M. Montgomery, Trustee of the Valerie Thompson Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, shall be the sole owner of the Property. The legal description of the Property is taken from the deeds described above.

TO HAVE AND TO HOLD the Property together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, its successors and assigns in fee simple forever.

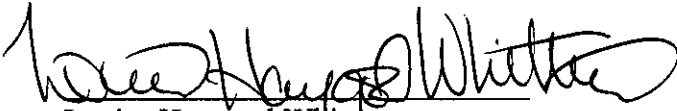
Grantor hereby covenants with Grantee that its is lawfully seized in fee of the Property; that it has a good right to sell and convey the same; that the same is unencumbered, except for those items set forth on **EXHIBIT B** attached hereto and incorporated hereby by reference; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming by, through, and under a conveyance from the Grantor but not further or otherwise.


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


THIS INSTRUMENT WAS PREPARED SOLELY FROM THE REVIEW OF TITLE FILE NUMBER 5481672 (THE "TITLE FILE"), CERTIFIED AS OF SEPTEMBER 28, 2015, PREPARED BY CHICAGO TITLE INSURANCE COMPANY. THE PREPARER MAKES NO REPRESENTATION AS TO THE STATUS OF TITLE TO THE PROPERTY BEING CONVEYED HEREIN. THIS INSTRUMENT HAS BEEN PREPARED SOLELY FROM INFORMATION CONTAINED IN THE TITLE FILE, AND THE PREPARER MAKES NO REPRESENTATION WHATSOEVER OTHER THAN THAT IT HAS BEEN ACCURATELY TRANSCRIBED FROM THE INFORMATION CONTAINED IN THE TITLE FILE.


[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

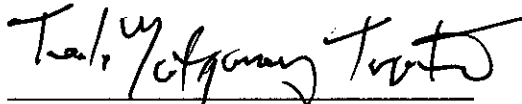
WITNESS the signatures of Grantor and those parties joining in this special warranty deed as of the day and year first above written.

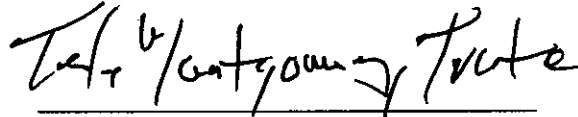

Louise Haygood Whittlemore

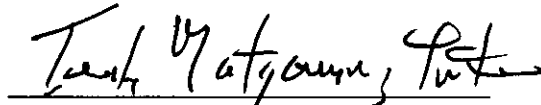

James R. Haygood, IV


Temple M. Montgomery, Trustee
of the J. R. Haygood Revocable
Trust dated December 11, 1990

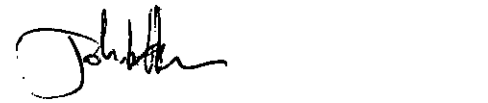

Temple M. Montgomery, Trustee
of the Letitia M. Haygood Marital Trust
created under the J.R. Haygood Revocable
Trust dated December 11, 1990


Temple M. Montgomery, Trustee
of the Letitia M. Haygood GST Exempt
Trust created under the J.R. Haygood
Revocable Trust dated December 11,
1990


Temple M. Montgomery, Trustee
of the J.R. Haygood Family Trust
created under the J.R. Haygood
Revocable Trust dated December 11,
1990


Temple M. Montgomery, Trustee of
the Jimmy Haygood Trust created
under the J.R. Haygood Revocable
Trust dated December 11, 1990



Sarah Stegall Haygood


John Russell Whittlemore

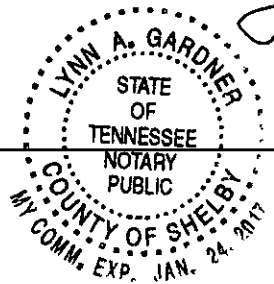
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared Louise Haygood Whittemore, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial seal, at office this 4th day of December, 2015.



Notary Public



My Commission Expires: _____

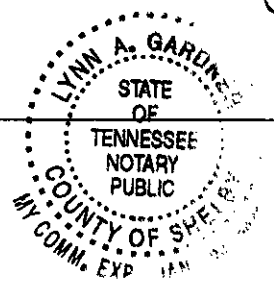
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared James R. Haygood, IV, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial seal, at office this 4th day of December, 2015.



Notary Public



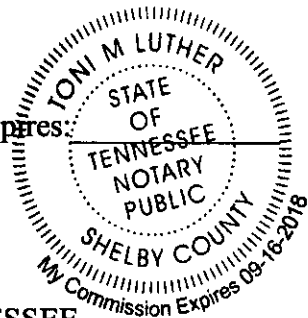
My Commission Expires: _____

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of December, 2015.

My Commission Expires:



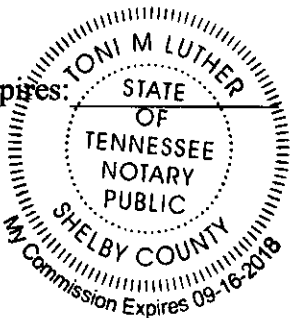
Toni M. Luther
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the Letitia M. Haygood Marital Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of December, 2015.

My Commission Expires:



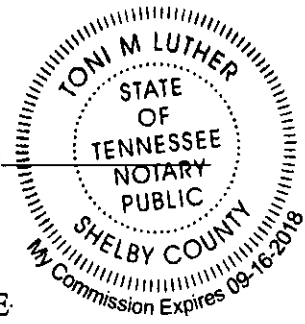
Toni M. Luther
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the Letitia M. Haygood GST Exempt Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainer, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of December, 2015.

My Commission Expires:



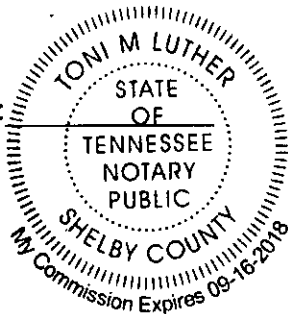
Toni M. Luther
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the J.R. Haygood Family Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainer, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of December, 2015.

My Commission Expires:



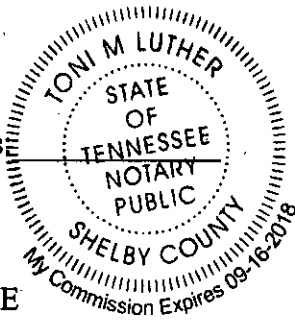
Toni M. Luther
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the Jimmy Haygood Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of December, 2015.

My Commission Expires _____



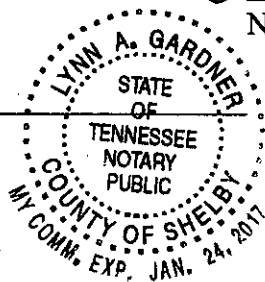
Toni M. Luther
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared Sarah Stegall Haygood, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial seal, at office this 4th day of December, 2015.

My Commission Expires: _____



Lynn A. Gardner
Notary Public

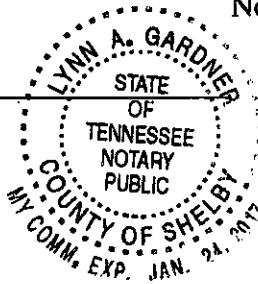
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared John Russell Whittimore, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial seal, at office this 4th day of December, 2015.

[Signature]
Notary Public

My Commission Expires: _____



STATE OF TENNESSEE
COUNTY OF SHELBY

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred whichever is greater, is \$ 114,984, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Signature], Att. for transfer
Affiant

Subscribed and sworn to before me this 7th day of December 2015.

[Signature]
Notary Public

My Commission Expires: _____



Property Address:
985 Channel Avenue
Memphis, Tennessee
Tax Parcel I.D. No.: 50-107-14

Property Owner's Name and Address and Mail Tax Bills to:
Valerie THOMPSON TRUST
670 COLONIAL STE 1
MEMPHIS, TN 38117

EXHIBIT A

Situated and lying in Shelby County, Tennessee:

TRACT I:

"Lot 2, Rayzor and Barrow Subdivision as shown on plat of record in plat book 18, page 22, in the Register's office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property."

TRACT II:

Lot 4 and the South 2 feet of Lot 3, Commercial Carriers Subdivision, as same is shown on Plat of Record in Plat Book 28, Page 47, Register's Office, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the East line of Channel Avenue (100 feet wide) at the most western Southwest corner of Lot 4 of said Subdivision; thence North 1 degree 33 minutes 21 seconds East along the East line of Channel Avenue 161.76 feet to a point, the Northwest corner of the property conveyed to Commercial Carriers, Inc., by instrument of record in Book 5022, Page 333, of said Register's Office; thence Eastwardly by an interior angle of 90 degrees, parallel and two feet North of the line dividing Lots 3 and 4 of said Subdivision, and along the North line of the property conveyed to Commercial Carriers, Inc. as above recited a distance of 824.95 feet to a point in the East line of said subdivision, the Northeast corner of the property conveyed to Commercial Carriers, Inc., as above recited; thence South 1 degree 33 minutes 21 seconds West, along the East line of said Subdivision a distance of 761.01 feet to the Southeast corner of Lot 4 of said subdivision; thence following the line of said Lot 4, North 51 degrees 19 minutes 49 seconds West 411.64 feet, North 88 degrees 26 minutes 39 seconds West 221.69 feet, North 1 degree 33 minutes 21 seconds East 350.88 feet, North 88 degrees 26 minutes 39 seconds West 275 feet to the point of beginning.

LESS AND EXCEPT:

TRACT I:

Parcel I:

Part of Parcel 2 in Rayzor & Barrow Subdivision of Lot 1 of Memphis & Shelby County Port Commission's Industrial Subdivision, and being more particularly described as follows:

Beginning at a point in the east line of Lot 2 in Memphis & Shelby County Port Commission's Industrial Subdivision, said point of beginning being 65.00 feet southeast of an iron stake located at an angle point in the east line of said Lot 2, said iron stake being 337.10 feet south of the northeast corner of said Lot 2 as measured along the east line of said Lot 2; thence south 16 degrees, 49 minutes, 34 seconds east along the east line of said Lot 2 a distance of 886.32 feet to a point; thence south 60 degrees, 56 minutes, 09 seconds east along the easterly line of said Lot 2, a distance of 591.92 feet to a point in the Harbor Channel Line; thence along the Harbor Channel Line north 1 degree, 33 minutes 21 seconds east a distance of 962.91 feet to the southeast corner of Lot 4 in Commercial Carriers Subdivision; thence north 51 degrees, 19 minutes, 49 seconds west along the southwest line of Lot 4 in Commercial Carriers Subdivision a distance of 251.22 feet to a stake; thence north 88 degrees 26 minutes 39 seconds west and parallel with the line dividing Lots 3 and 4 in Commercial Carriers Subdivision a distance of 604.76 feet to the point of beginning.

Parcel II:

ALSO:

A permanent non-exclusive easement for ingress and egress described as:

Beginning at a point in the northwest corner of the above described parcel; running thence in a northwardly direction along the west line of the property of the parties of the second part herein a distance of 20 feet, more or less, to a point in the southeast line of that certain easement dated February 6, 1963, between Memphis & Shelby County Port Commission, City of Memphis and County of Shelby, to J. R. Haygood; running thence north 49 degrees 46 minutes 34 seconds west a distance of 117.95 feet to a point in the easterly line of railroad spur track right-of-way (34 feet wide); running thence in a northwardly direction and along the east line of said spur track right-of-way a distance of 41.1 feet to a point; running thence south 49 degrees 46 minutes 34 seconds east a distance of 130 feet, more or less, to a point that is 35 feet eastwardly from the west line of the property owned by the parties of the first part herein as measured at right angles to said west line; running thence south 16 degrees 49 minutes 34 seconds east and parallel to said west line a distance of 55 feet, more or less, to a point in the north line of Parcel I hereinabove described; running thence westwardly 35 feet, more or less, to the point of beginning.

TRACT II:

Part of Lots 3 and 4 of Commercial Carriers Subdivision, as recorded in Plat Book 26, Page 47, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the east line of Channel Avenue (100 feet wide) a distance of 2.00 feet northwardly from the southwest corner of Lot 3, as measured along the east line of Channel Avenue, said point of beginning being in the west line of Lot 3 in Commercial Carriers Subdivision; thence south 88 degrees, 26 minutes, 39 seconds east along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east boundary line of Commercial Carriers Subdivision; thence south 01 degree, 33 minutes, 21 seconds west along the east boundary line of said subdivision a distance of 135.00 feet to a point; thence north 88 degrees, 26 minutes, 39 seconds west along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east line of Channel Avenue, same being a point in the west line of Lot 4; thence north 01 degree, 33 minutes, 21 seconds east along the east line of Channel Avenue, same being along the west line of Lot 4 and Lot 3 a distance of 135.00 feet to the point of beginning.

TRACT III:

Beginning at a point in the northwest corner of Lot 2, McRellar Lake Subdivision (Plat Book 26, Page 10), said point being in the northeasterly line of Channel Place and a 35 foot sanitary sewer easement; thence North 16 degrees 43 minutes 34 seconds West a distance of 53.27 feet to a point; thence North 49 degrees 46 minutes 34 seconds West a distance of 51.98 feet to a point; thence North 01 degree 33 minutes 21 seconds East a distance of 69.0 feet to a point; thence South 88 degrees 26 minutes 39 seconds East a distance of 824.95 feet to a point; thence South 01 degree 33 minutes 21 seconds West a distance of 301.59 feet to a point; thence North 51 degrees 15 minutes 49 seconds West a distance of 351.22 feet to a point; thence North 88 degrees 26 minutes 39 seconds West a distance of 567.88 feet to the point of beginning.

EXHIBIT B

1. The lien of the following general and special taxes for the year or years specified and subsequent years: 2016 Shelby County real property taxes, not yet due and payable, and 2016 City of Memphis real property taxes, not yet due and payable.
2. Subdivision restrictions, building lines, and easements of record in Plat Book 17, Page 2; Plat Book 18, Page 22; Plat Book 26, Page 47; and Plat Book 28, Page 18, all in the Register's Office of Shelby County, Tennessee.
3. Easements of record in Book 4869, Page 67; Book 5039, Page 21; Book 5067, Page 97; and Instrument Nos. E6 4212, CN 5708, EL 2939, H8 8248, and J2 7390, all in such Register's Office.
4. Memorandum lease of lease of record at Instrument No. BK 5240, rerecorded at Instrument No. BP 2362, both in such Register's Office.

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

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/1/2022
DATE
PUBLIC SESSION: 11/1/2022
DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the east side of North Bingham, south of Jackson Avenue. By taking the land out of the Employment (EMP) Use District and including it in the Residential Urban – 3 (RU-3) Use District, known as case number Z 22-06

CASE NUMBER: Z 22-06

LOCATION: East side of North Bingham, south of Jackson Avenue

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

OWNER/APPLICANT: Harish Yakkala

REPRESENTATIVES: Harish Yakkala

REQUEST: Rezoning of +/-2.1 acres from Employment (EMP) to Residential Urban -3 (RU-3)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – November 1, 2022
Second reading – November 15, 2022
Third reading – December 6, 2022

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
10/13/2022 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

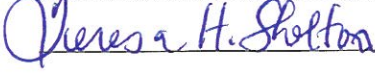
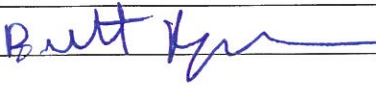
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	<u>10/25/22</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>10/25/22</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 22-06

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EAST SIDE OF NORTH BINGHAM, SOUTH OF JACKSON AVENUE. BY TAKING THE LAND OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-06

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

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EAST SIDE OF NORTH BINGHAM, SOUTH OF JACKSON AVENUE. BY TAKING THE LAND OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-06

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 22-06**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE EMPLOYMENT (EMP) Use District and including it in the RESIDENTIAL URBAN – 3 (RU-3) Use District.

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

BEGINNING at the point of intersection of the north line of Ogden avenue with the east line of Bingham Street, said point being the southwest corner of the parcel herein described; thence northwardly along the said east line of Bingham Street a distance of 184.4 feet to point; thence eastwardly and parallel with Ogden Avenue a distance of 112.5 feet to a point; thence southwardly and parallel with Bingham Street a distance of 184.4 feet to a point; thence westwardly along the north line of Ogden Avenue a distance of 112.5 feet to the point of beginning.

0 N. Bingham, Memphis, Tennessee 38112-Tax Parcel ID No.: 052-051-00032C

Part of the W. O. Crump's 4.28 acres of Lots 1 and 2, Phillips and White Subdivision in Memphis, Tennessee, and more particularly described by metes and bounds as follows:

Tract I:

Beginning at a point in the east line of Bingham Street a distance of 169.37 feet southwardly as measured along the east line of Bingham Street from its point of intersection with the present south line of Jackson Avenue; thence southwardly along the east line of Bingham Street a distance of 76.8 feet to a point; thence eastwardly making an angle of 79 degrees 15 minutes in the northeast quadrant a distance of 122.4 feet to a point; thence northwardly making an angle of 87 degrees 57 minutes in the northwest quadrant a distance of 73.47 feet to a point; thence westwardly a distance of 105.5 feet to the point of beginning.

Tract II:

Beginning at a point in the east line of Bingham Street a distance of 246.17 feet southwardly as measured along the east line of Bingham Street from its point of intersection with the present south line of Jackson Avenue; thence southwardly along the east line of Bingham Street a distance of 180.2 feet to a point in the north line of University Heights Subdivision; thence eastwardly along the north line of the University Heights Subdivision a distance of 473.62 feet to a point; thence northwardly making an angle in the northwest quadrant 90 degrees, 17 minutes a distance of 181 feet to a point; thence westwardly a distance of 442.4 feet to a point of beginning.

All being part of the same property as conveyed to the party of the first part by Quit Claim Deed of record at Instrument Number 21134548 in the Register's Office, Shelby County, Tennessee.

SECTION 2:

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

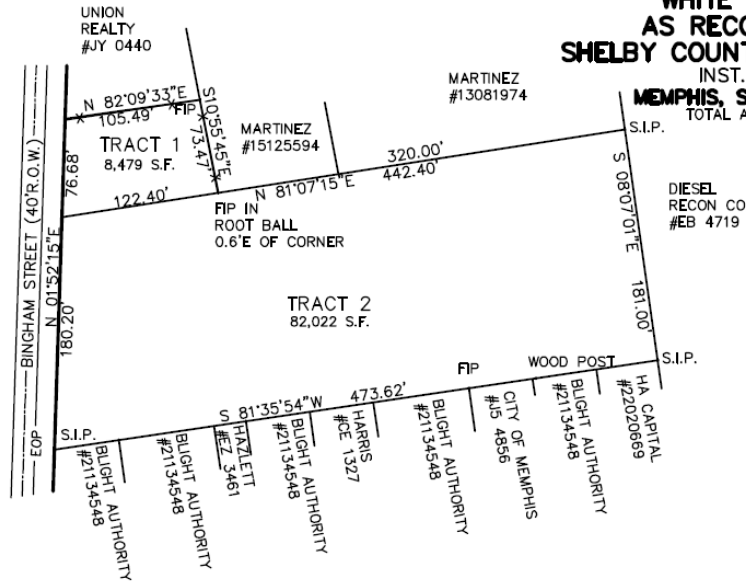
SECTION 3:

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

ATTEST:

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

**LOT SURVEY
TRACT 1 AND TRACT 2 OF
PART OF W.O. CRUMP'S 4.28 ACRES
OF LOTS 1 AND 2, PHILLIPS AND
WHITE SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE**
INST. #AW 5946
MEMPHIS, SHELBY COUNTY, TN
TOTAL AREA= 2.07 ACRES



LEGEND
FIP - FOUND IRON PIN
SIP - SET IRON PIN
EOP - EDGE OF PAVEMENT
**NOTE: THERE ARE VISIBLE
AND NON-VISIBLE UTILITIES
ALONG BINGHAM ROAD.
OTHER UTILITIES MAY BE
LOCATED ON THE PROPERTY**

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0290 F DATED NOVEMBER 28, 2007.

0 50 100
DATE: 5/11/22
SCALE: 1"=100'

PREPARED FOR:
BRANDI JONES
PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, October 13, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 22-06

LOCATION: East side of North Bingham, south of Jackson Avenue

COUNCIL DISTRICT(S): District 5, Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Harish Yakkala

REPRESENTATIVE: Harish Yakkala

REQUEST: Rezoning of +/-2.1 acres from Employment (EMP) to Residential Urban – 3 (RU-3)

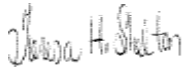
The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,

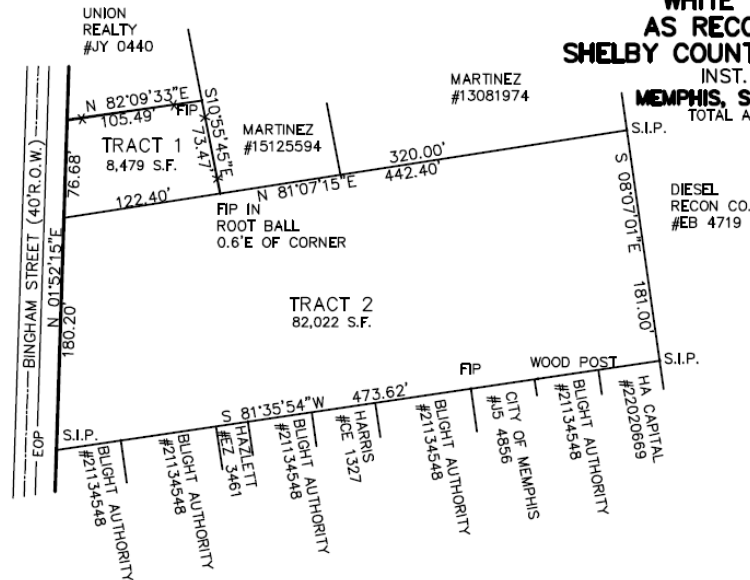


Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**LOT SURVEY
TRACT 1 AND TRACT 2 OF
PART OF W.O. CRUMP'S 4.28 ACRES
OF LOTS 1 AND 2, PHILLIPS AND
WHITE SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE**

INST. #AW 5946
MEMPHIS, SHELBY COUNTY, TN
TOTAL AREA= 2.07 ACRES



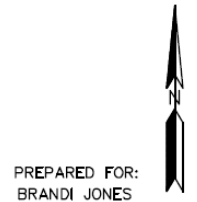
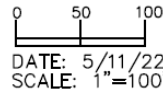
LEGEND
FIP - FOUND IRON PIN
SIP - SET IRON PIN
EOP - EDGE OF PAVEMENT
NOTE: THERE ARE VISIBLE AND NON-VISIBLE UTILITIES ALONG BINGHAM ROAD. OTHER UTILITIES MAY BE LOCATED ON THE PROPERTY

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0290 F DATED NOVEMBER 28, 2007.



PREPARED FOR:
BRANDI JONES

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

AGENDA ITEM: 5

CASE NUMBER: Z 2022-06 **L.U.C.B. MEETING:** October 13, 2022

LOCATION: 0 N Bingham St.

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

OWNER/APPLICANT: Harish Yakkala

REPRESENTATIVE: Harish Yakkala

REQUEST: Rezoning of +/- 2.1 acres from Employment (EMP) to Residential Urban - 3 (RU-3) on the east side of North Bingham, south of Jackson Ave.

AREA: +/-2.1 acres

EXISTING ZONING: Employment (EMP)

CONCLUSIONS

1. The applicant is requesting a rezoning of +/- 2.1 acres from Employment (EMP) to Residential Urban - 3 (RU-3) on the east side of North Bingham, south of Jackson Ave.
2. The purpose of this request is to develop a 40-unit multifamily housing apartment complex on this lot.
3. This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than industrial. However, the existing, adjacent land uses on the north, west and south side of the parcel are residential, and the proposed use is **consistent** with these uses.
4. The subject property is vacant at this time.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 10-12 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: North Bingham Street +/-253.0 curvilinear feet
Zoning Atlas Page: 1935
Parcel ID: 052051 00032C
Existing Zoning: Employment (EMP)
Requested Zoning: Residential Urban -3 (RU-3)

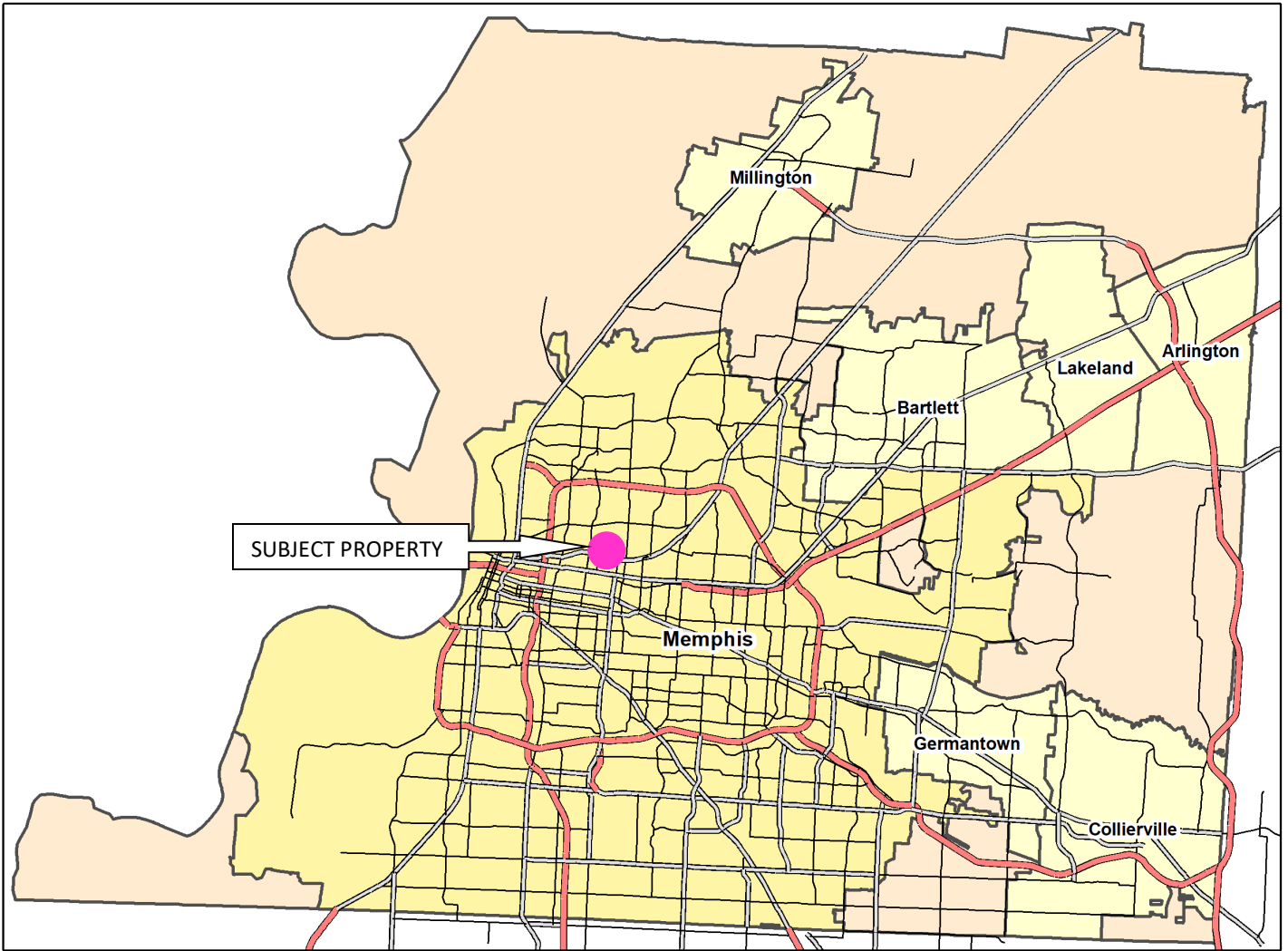
NEIGHBORHOOD MEETING

The meeting was held at 6:30 PM on Wednesday, August 24, 2022, at Taco Loco located at 3964 Jackson Ave. (See page 17 of this report)

PUBLIC NOTICE

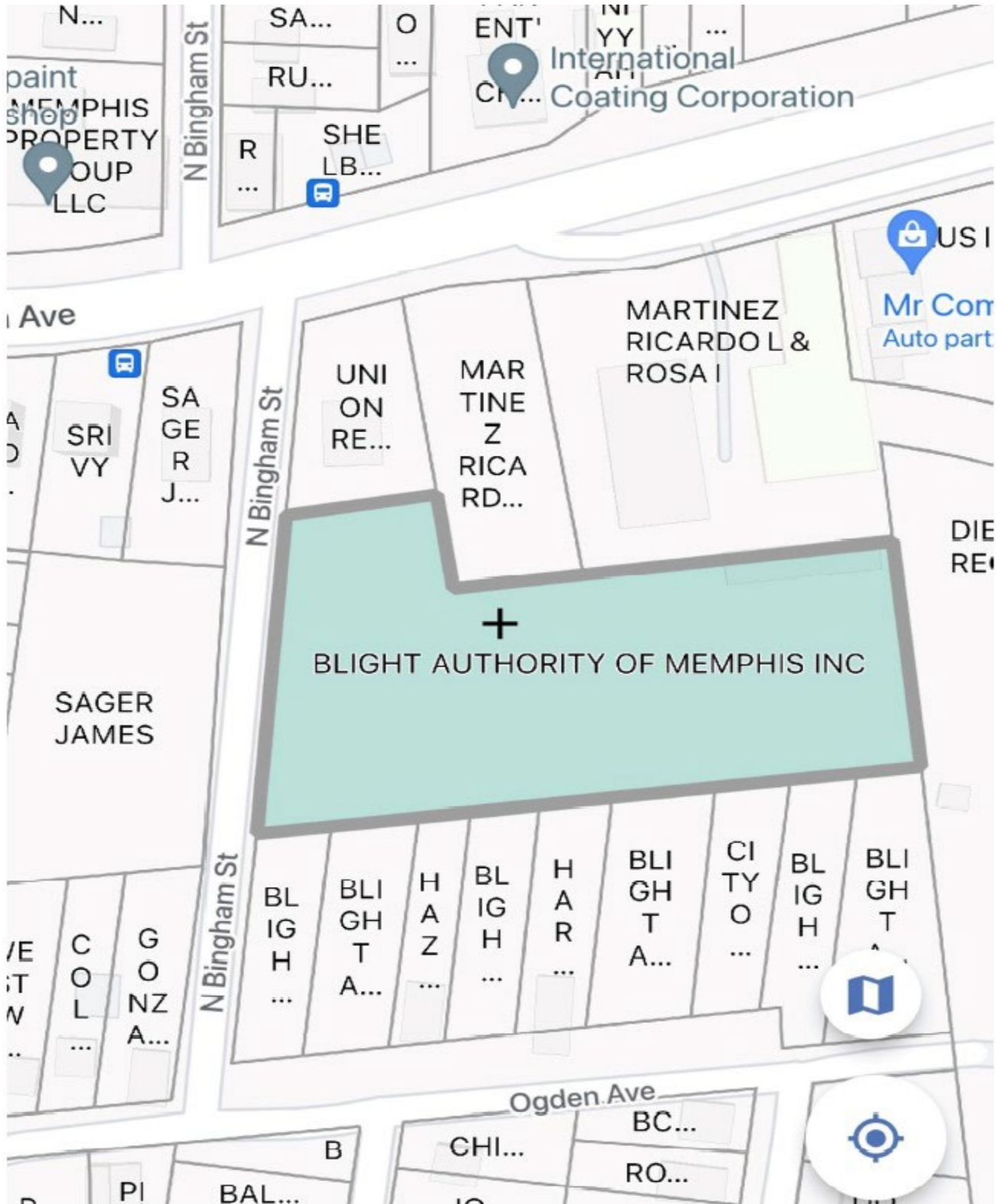
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 104 notices were mailed on August 25, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report. (See page 16 of this report)

LOCATION MAP



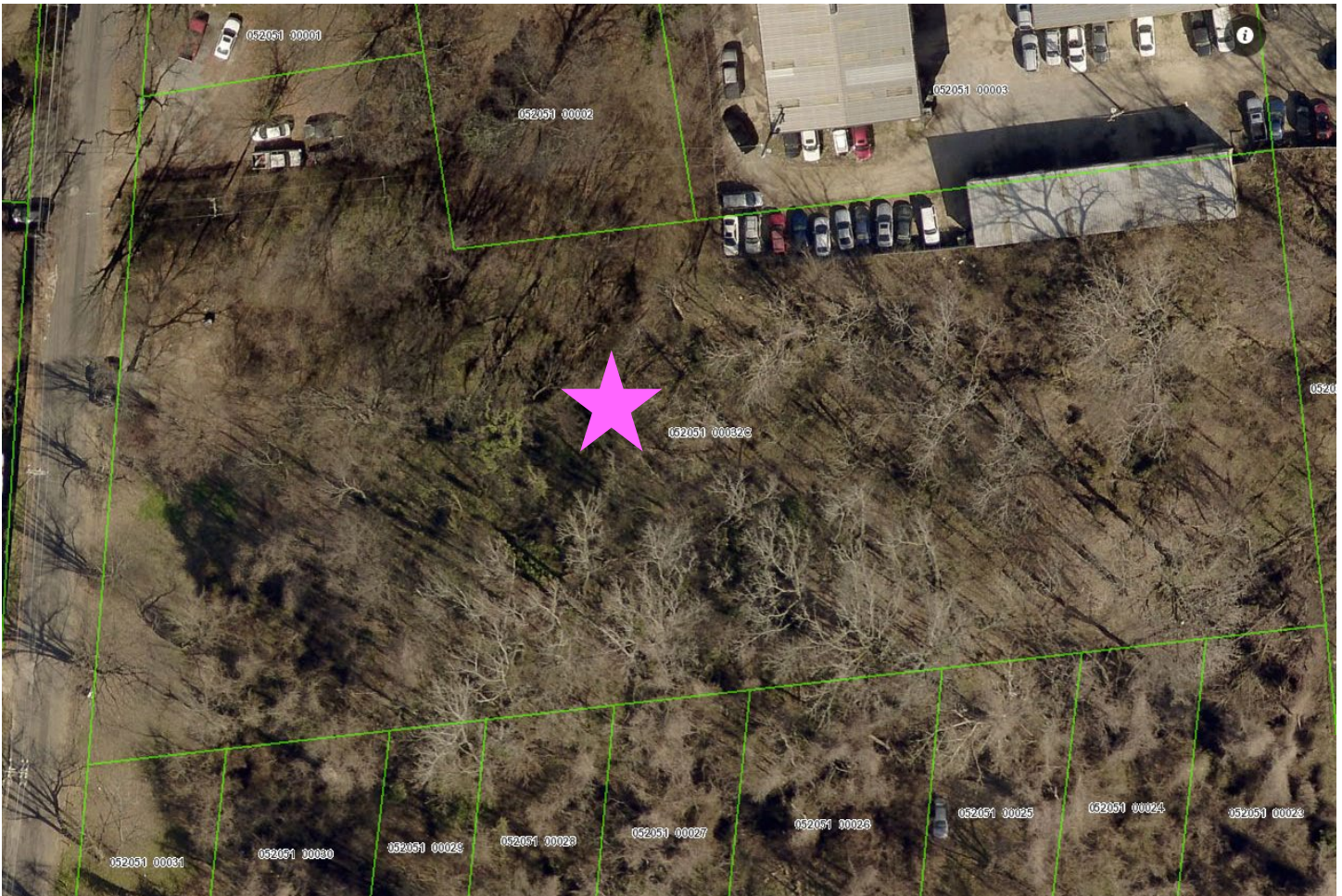
Subject property located within the pink circle

VICINITY MAP



Subject property highlighted in sea green

AERIAL



Subject property indicated by a pink star

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Employment (EMP)

Surrounding Zoning

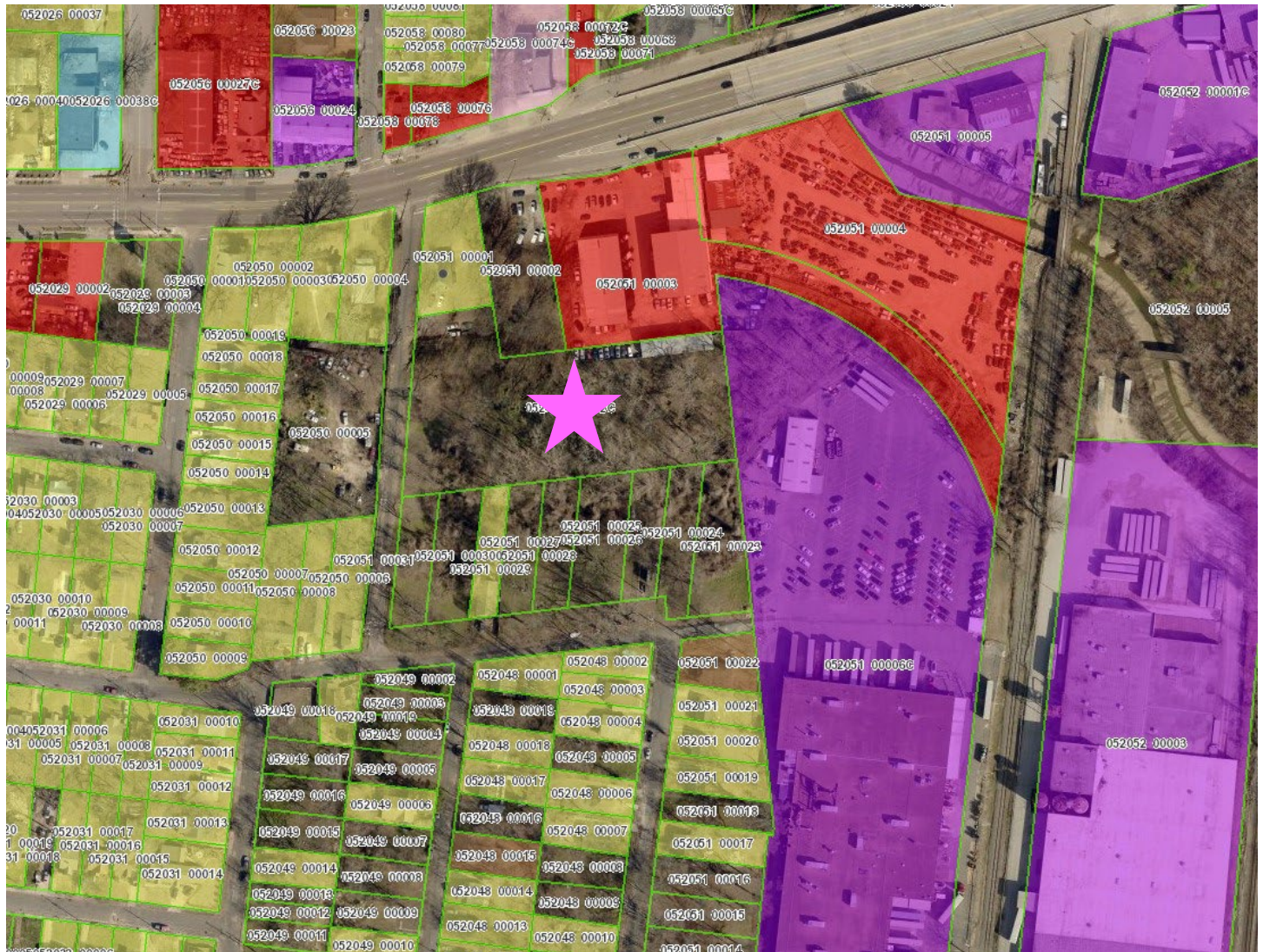
North: RU-1

East: EMP

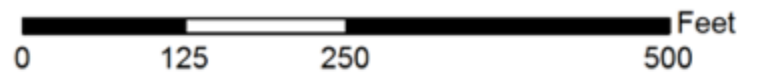
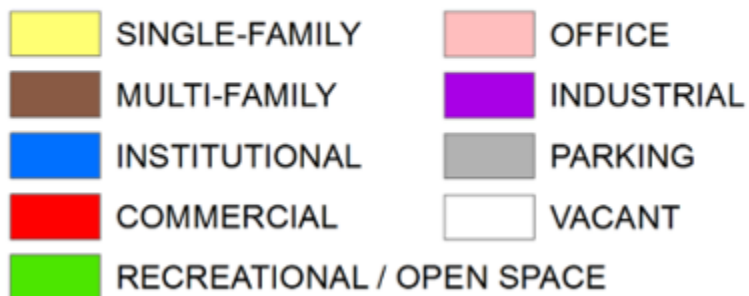
South: RU-1

West: RU-1

LAND USE MAP



LandUse



Subject property indicated by pink star

SITE PHOTOS



View of subject property from N Bingham looking northeast



View of subject property from N Bingham looking north

STAFF ANALYSIS

Request

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

The request is to rezone +/- 2.1 acres from Employment (EMP) to Residential Urban - 3 (RU-3) on the east side of North Bingham, south of Jackson Ave.

Review Criteria

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

9.5.7B Review Criteria

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

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Z 22-06: Hyde Park

Site Address/Location: 0 N Bingham Street (Parcel ID: 052051 00032C)

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

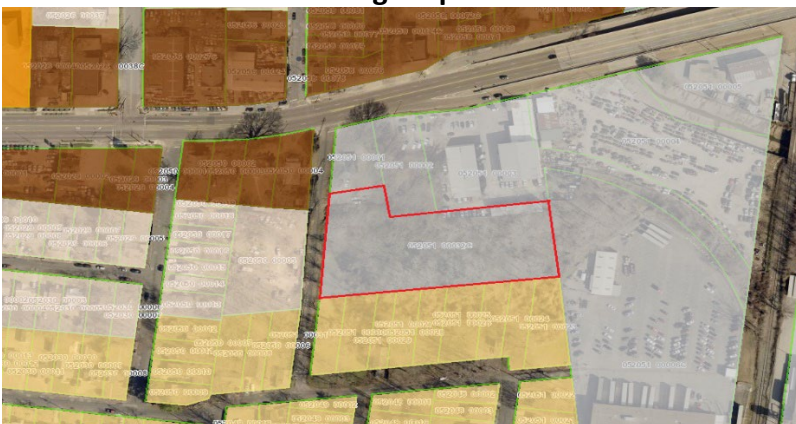
Future Land Use Designation: Industrial Flex (IF)

Street Type:

The applicant is seeking a rezone a parcel from EMP to RU-3, with the intention of constructing a 40-unit multifamily housing apartment on the lot.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Lower intensity industrial areas with a mix of uses and building scales that are generally compatible with nearby neighborhoods. Graphic portrayal of IF is to the right.



“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider establishing Industrial mixed-use zones or CMU-zones that can accommodate compatible production-oriented facilities related to neighborhoods, using EMP more specifically to certain kinds of development (at the time of a small area plan).

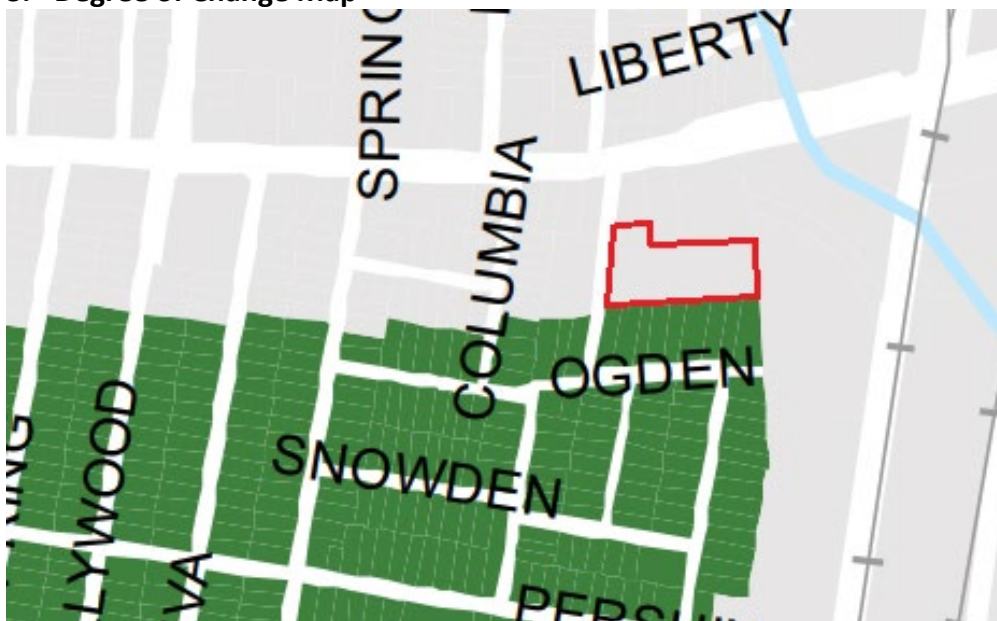
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, EMP

Adjacent Land Use and Zoning: Single-Family, Multi-Family, Industrial and Commercial; EMP, CMU-3 and RU-1

Overall Compatibility: *This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than industrial. However, the existing, adjacent land uses on the north, west and south side of the parcel are residential, and the proposed use is consistent with these uses.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.8 – Outside of anchor neighborhoods, consider transitional land uses for vacant properties following the Vacant Lot Activation Toolkit; The proposed use would serve as a transition between the lighter industrial uses to the east of the property and the single-family neighborhood to the south and west of the property by utilizing vacant land and reducing blight.

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

N/A

Consistency Analysis Summary

The applicant is seeking to rezone a parcel from EMP to RU-3 with the intention of constructing a 40-unit multifamily housing apartment on the lot.

This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than industrial. However, the existing, adjacent land uses on the north, west and south side of the parcel are residential, and the proposed use is consistent with these uses.

The requested use is consistent with Memphis 3.0 Goal 1.3 – Develop strategies that reduce blight and vacancy. Action 1.3.8 – Outside of anchor neighborhoods, consider transitional land uses for vacant properties following the Vacant Lot Activation Toolkit as the proposed use would serve as a transition between the lighter industrial uses to the east of the property and the single-family neighborhood to the south and west of the property by utilizing vacant land and reducing blight.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

Conclusions

The applicant is requesting a rezoning of +/- 2.1 acres from Employment (EMP) to Residential Urban - 3 (RU-3) on the east side of North Bingham, south of Jackson Ave.

The purpose of this request is to develop a 40-unit multifamily housing apartment complex on this lot.

This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than industrial. However, the existing, adjacent land uses on the north, west and south side of the parcel are residential, and the proposed use is **consistent** with these uses.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: DATE: **9/1/2022**

CASE: Z-22-06 NAME: **Hyde Park: EMP to RU-3**

Sewers:

1. The availability of City sanitary sewer is currently unknown. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
2. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: SEE PAGES 10-12

APPLICATION



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 REZONING APPROVAL

Date: 07/08/2022

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: HARISH YAKKALA Phone #: 9014579812

Mailing Address: 875 W POPLAR AVE STE 23-232 City/State: COLLIERVILLE, TN Zip 38017

Property Owner E-Mail Address: HARISH@SRIVY.COM

Applicant: HARISH YAKKALA Phone # 9014579812

Mailing Address: 875 W POPLAR AVE STE 23-232 City/State: _____ Zip _____

Applicant E- Mail Address: HARISH@SRIVY.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: PARCEL ID 052051 00032C (0 N BINGHAM ST - PARCEL SOUTH OF 2601 JACKSON AVE)

Distance to nearest intersecting street: < 0.05 MILES (200 FEET)

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	2.1 ACRES	_____	_____
Existing Zoning:	COMMERCIAL	_____	_____
Existing Use of Property	VACANT LAND	_____	_____
Requested Use of Property	MULTI FAMILY	_____	_____
Requested Zoning	RU3	_____	_____

Pre-Application Conference held on: _____ with _____

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

I (we) hereby make application for the rezoning classification 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.

Harish
Property Owner of Record
7/8/2022
Date

Harish
Applicant
7/8/2022
Date

LETTER OF INTENT



July 8th, 2022

To:
Land Use Control Board, Memphis and Shelby County
Division of Planning and Development, Memphis and Shelby County

From: Harish Yakkala

Re: Letter of Intent – North Bingham Street Rezoning – Parcel 05205100032C

Harish Yakkala (Owner of SRIVY General Partnership) is requesting for an rezoning and subdividing Parcel 05205100032C located on North Bingham Street, South of Jackson Ave, North of Ogden Avenue. Proposal is to rezone it to allow multifamily construction (40 Units). I also recently purchase four additional lots on Ogden Avenue (Parcels - 052051 00031, 052051 00030, 052051 00028, 052051 00026) which are currently zoned residential and planning in progress to build single family homes. I am attaching the zoning application, recorded deed, conceptual multifamily plan, floor plan and elevations.

I kindly request the boards approval for this Project.

Truly,

A handwritten signature in black ink that reads "Harish Yakkala".

07/08/2022

Harish Yakkala

Date

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, HARISH YAKKALA, being duly sworn, depose and say that at 9:30 am/pm on the 6th day of September, 2022, I posted 1 Public Notice Sign(s) pertaining to Case No. E-2022-006 at Panel-05205100032C (W Bingham St) providing notice of a Public Hearing before the (check one):

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


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

HARISH YAKKALA Harish 9/7/2022
Owner, Applicant or Representative Date

Subscribed and sworn to before me this 7th day of September, 2022.

Janet McIlvain
Notary Public
My Comm. Exp. May 8, 2023

My commission expires: _____



NEIGHBORHOOD MEETING MINUTES

Meeting minutes from Neighborhood Meeting - held at 3964 Jackson Ave at 6:30 PM on 8/24/2022

- Sherly Hazlett - Owner of 2614 Ogden Ave - sent in her representative Brian (son), he inquired about the project and wanted to know the price range for rents and told him it will be around \$900 and explained to him our tenant screening process. He was happy and supportive of the project.
- Lucille Alexander - Owner of 755 N Bingham St - She is the neighborhood watch president and was at the meeting personally. She inquired if we are willing to do something to the community/neighborhood as we have the four lots adjacent to the subject property. Told her that we are open to donating one of the lots to the city, if the city is willing to make that as a small play area or a small park. She wanted to see if I will give this in writing, and told her that I will first run this by you and go from there. Not sure, if the City would take on a project like that or not.
- Cimone Beal - Owner of 778 Los Angeles - she and her sister (who owned a lot on Los Angeles Street - don't have the address) were at the meeting ahead of time and I handed them the project notes. They were interested to know what's happening in the neighborhood etc. and were happy with the project.

Neighbors Contacted prior to the meeting

- James Sager - Owner of 2589 Jackson Ave - James called me after he got the letter about the project that you mailed out and he inquired about the project. He lived here for 40 years and was not in favor of apartments and I explained to him that this apartment will only enhance the value of the neighborhood and not deteriorate it. After the phone call, I met him personally, when I was visiting the property on 8/20/2022 - we had a great conversation and agreed that we as good neighbors will be working in the best of interest of him and the neighborhood in general. He did say he cannot attend the meeting, but we discussed all aspects ahead of time.
- Magaly Cruz - cruzmagaly96@gmail.com - she contacted by email and not sure, what lot she's representing or owner of and I couldn't get the address - she requested me to share the plans and rezoning application and I shared it by email. She asked what the price range for each apartment will be and I told her it will be around \$900. She wanted to get updates as we progressed with the project and I corresponded with her that I will be sharing updates periodically.

LETTERS RECEIVED

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



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

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

October 14, 2022

Harish Yakkala
875 W. Poplar Ave., Ste. 23-232
Collierville, TN 38017

Sent via electronic mail to: harish@srivy.com

Case Number: Z 22-06
LUCB Recommendation: Approval

Dear applicant,

On Thursday, October 13, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application of 2.1 acres located on the east side of North Bingham, south of Jackson Avenue to be included in the Residential Urban – 3 (RU-3) Zoning District.

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

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

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

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

Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Letter to Applicant
Z 22-06

Cc: Harish Yakkala
File

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 12/06/2022
DATE**

**PUBLIC SESSION: 12/06/2022
DATE**

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Commercial Mixed Use – 3 (CMU-3) Use District, known as case number Z 22-009

CASE NUMBER: Z 22-009

LOCATION: South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road

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

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVES: MIM LLC – Prentiss Mitchell

REQUEST: Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – December 6, 2022
Second reading – December 20, 2022
Third reading – January 3, 2023

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
11/10/2022 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

Z 22-009

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTH SIDE OF TN 385, NORTH SIDE OF RIVERDALE BEND ROAD AND EAST OF RIVERDALE ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-009

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, November 10, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 22-009

LOCATION: South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road

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

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVES: MIM LLC – Prentiss Mitchell

REQUEST: Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 8-0 on the consent agenda.

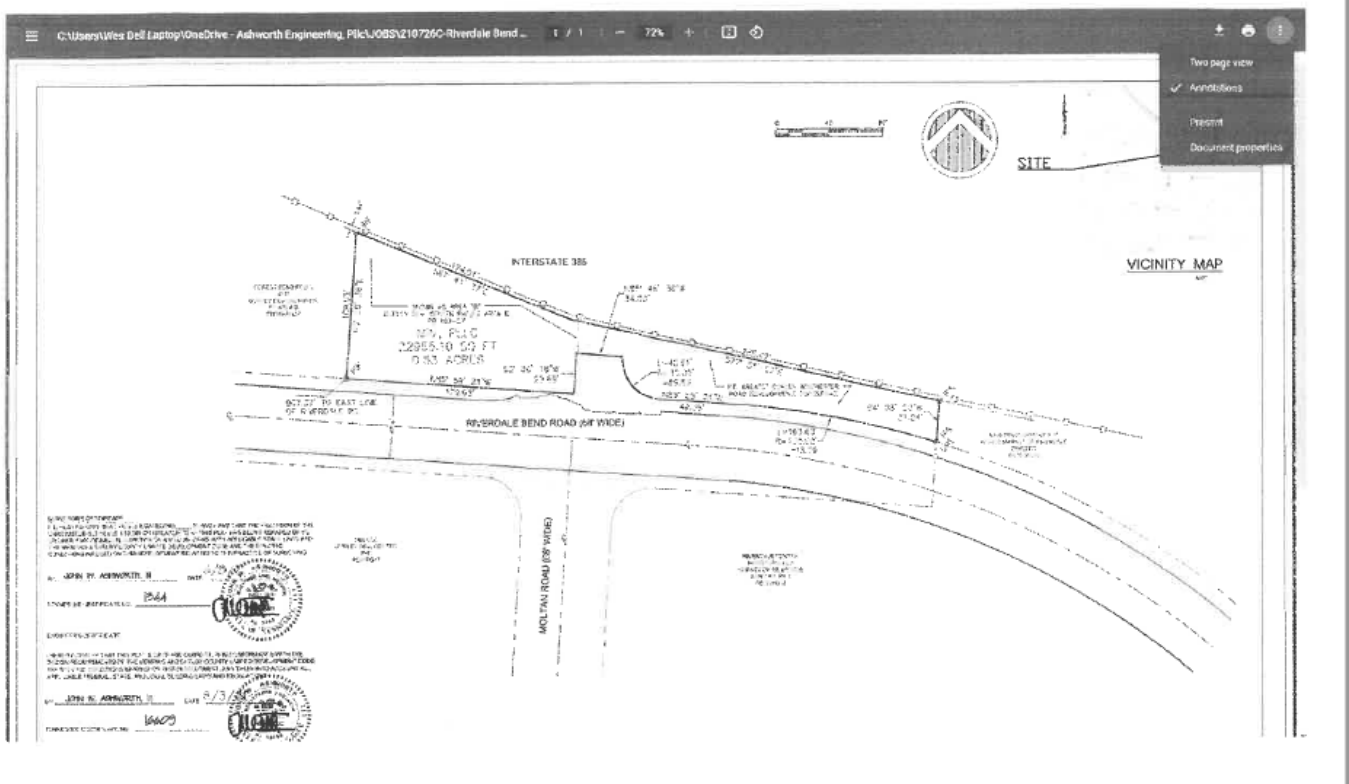
Respectfully,



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

Cc: Committee Members
File

PLOT PLAN



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTH SIDE OF TN 385, NORTH SIDE OF RIVERDALE BEND ROAD AND EAST OF RIVERDALE ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-009

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 22-009**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE Conservation Agriculture (CA) USE DISTRICT AND INCLUDING IT IN THE Commercial Mixed Use – 3 (CMU-3) USE DISTRICT.

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

PARCEL 1

BEGINNING AT A IRF AT THE SOUTHEAST CORNER OF THE FOREST BEND PROPERTY, LLC TRACT HAVING TN STATE PLANE COORDINATES (NAD83) OF N:284037.61, E:823485.71, SAID POINT BEING 901.37 FEET EASTWARDLY, AS MEASURED ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD FROM IT'S TANGENT INTERSECTION WITH THE EASTERLY LINE

OF RIVERDALE ROAD; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID FOREST BEND PROP WITH A BEARING OF N 03°55'36" EA DISTANCE OF 109.55 FEET TO A IRF; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING OF S 67°41'37" EA DISTANCE OF 174.91 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING OF S 77°31'57" EA DISTANCE OF 285.42 FEET TO AN IPS; THENCE SOUTHERLY ALONG THE WESTERL LINE OF THE NEW DEVELOPMENT LLC TRACT WITH A BEARING OF S 04°03'20" WA DISTANCE OF 31.84 FEET TO A IPS; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD (68' ROW) THE FOLLOWING COURSES: WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 700.00 FEET, HAVING A CHORD BEARING OF N 79°14'41" WAND A CHORD DISTANCE OF 163.26, HAVING A CENTRAL ANGLE OF 13°23'36" AND AN ARC LENGTH OF 163.63 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" WA DISTANCE OF 49.35 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 30.00 FEET, HAVING A CHORD BEARING OF N 41°11'32" WAND A CHORD DISTANCE OF 42.28, HAVING A CENTRAL ANGLE OF 89°35'39" AND AN ARC LENGTH OF 46.91 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85° 48'36" WA DISTANCE OF 34.00 FEET TO A POINT; THENCE SOUTHERLY WITH A BEARING OF S 03°36'18" WA DISTANCE OF 29.89 FEET TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" WA DISTANCE OF 172.93 FEET TO THE POINT OF BEGINNING.; CONTAINING 22955.10 SQUARE FEET OR 0.527 ACRES MORE OR LESS.

SECTION 2:

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

SECTION 3:

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

ATTEST:

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

AGENDA ITEM: 17

CASE NUMBER: Z 2022-009 **L.U.C.B. MEETING:** November 10, 2022

LOCATION: South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road

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

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVE: MIM LLC – Prentiss Mitchell

REQUEST: Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

1. The request is to rezone +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3).
2. The underlying purpose of this request is to allow for the property to receive state approval for a double sided off premise sign. An eastward facing sign was approved by the State of Tennessee in 2021.
3. The subject property is vacant at this time.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Riverdale Bend Road+/-462.00 curvilinear feet
Zoning Atlas Page: 2550
Parcel ID: 093500 00485
Existing Zoning: Conservation Agriculture
Requested Zoning: Commercial Mixed Use – 3 (CMU-3)

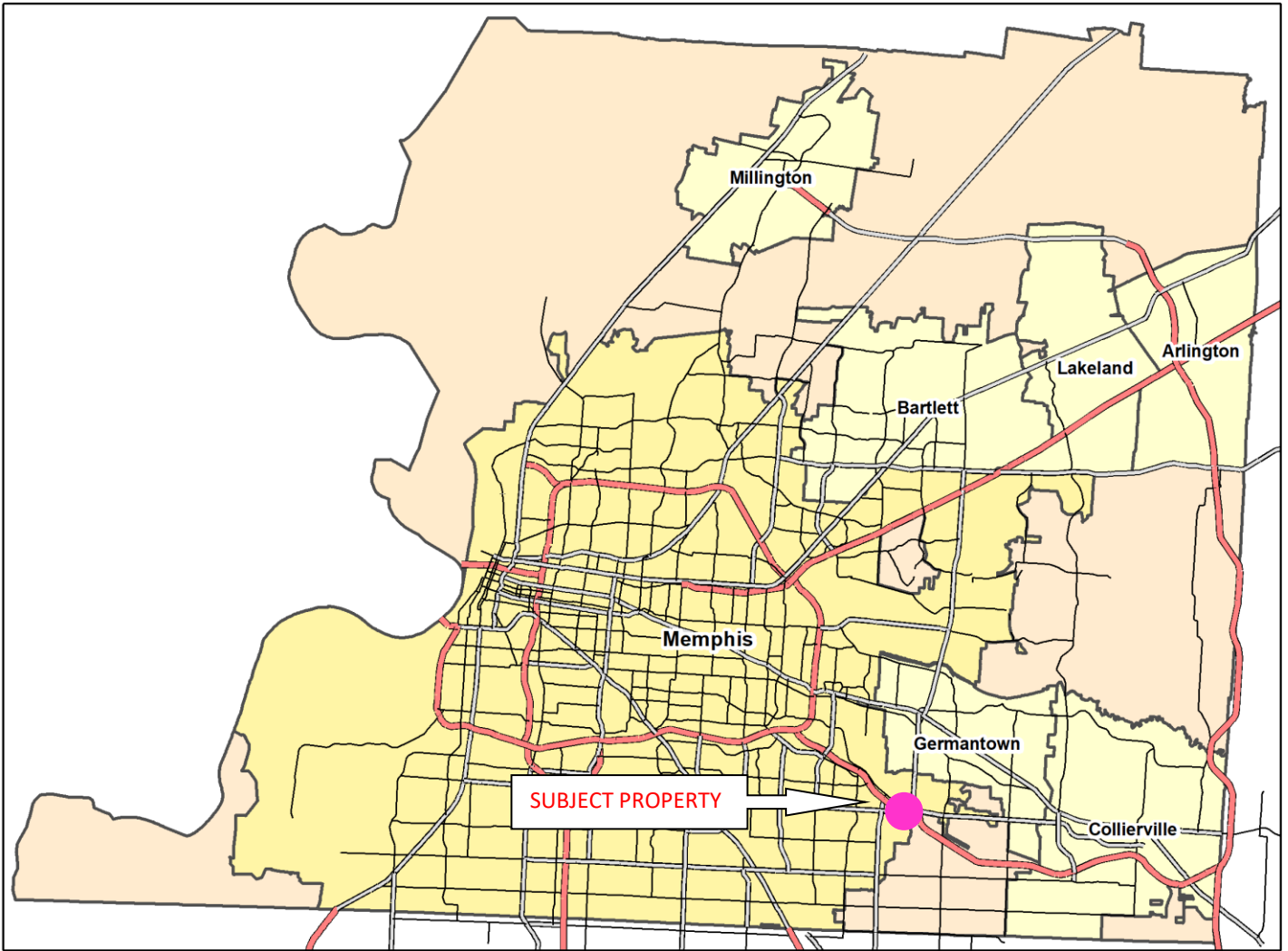
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on October 22, 2022 7126 Riverdale Bend Drive.

PUBLIC NOTICE

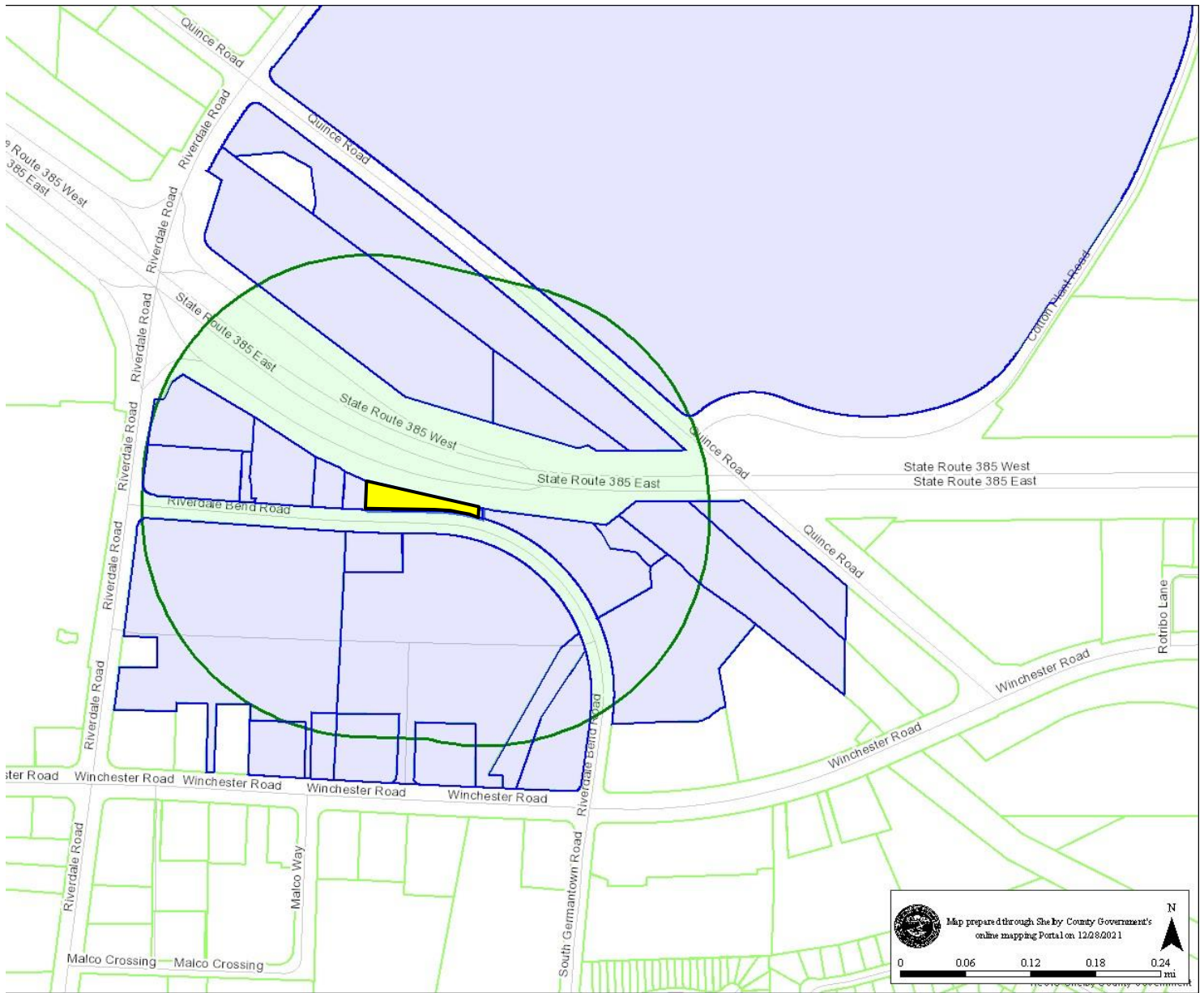
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 25 notices were mailed on October 26, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



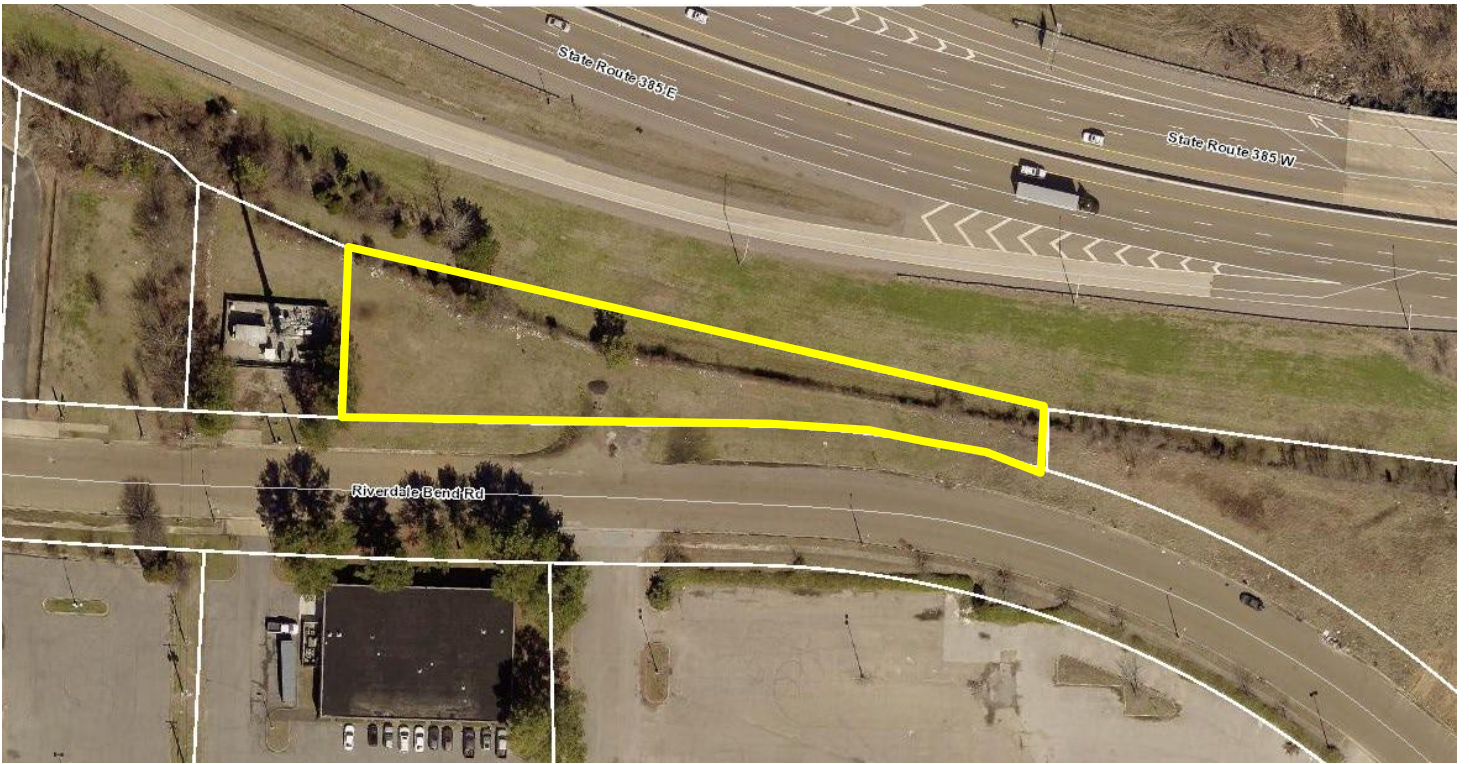
Subject property located within the pink circle, Hickory Hill

VICINITY MAP



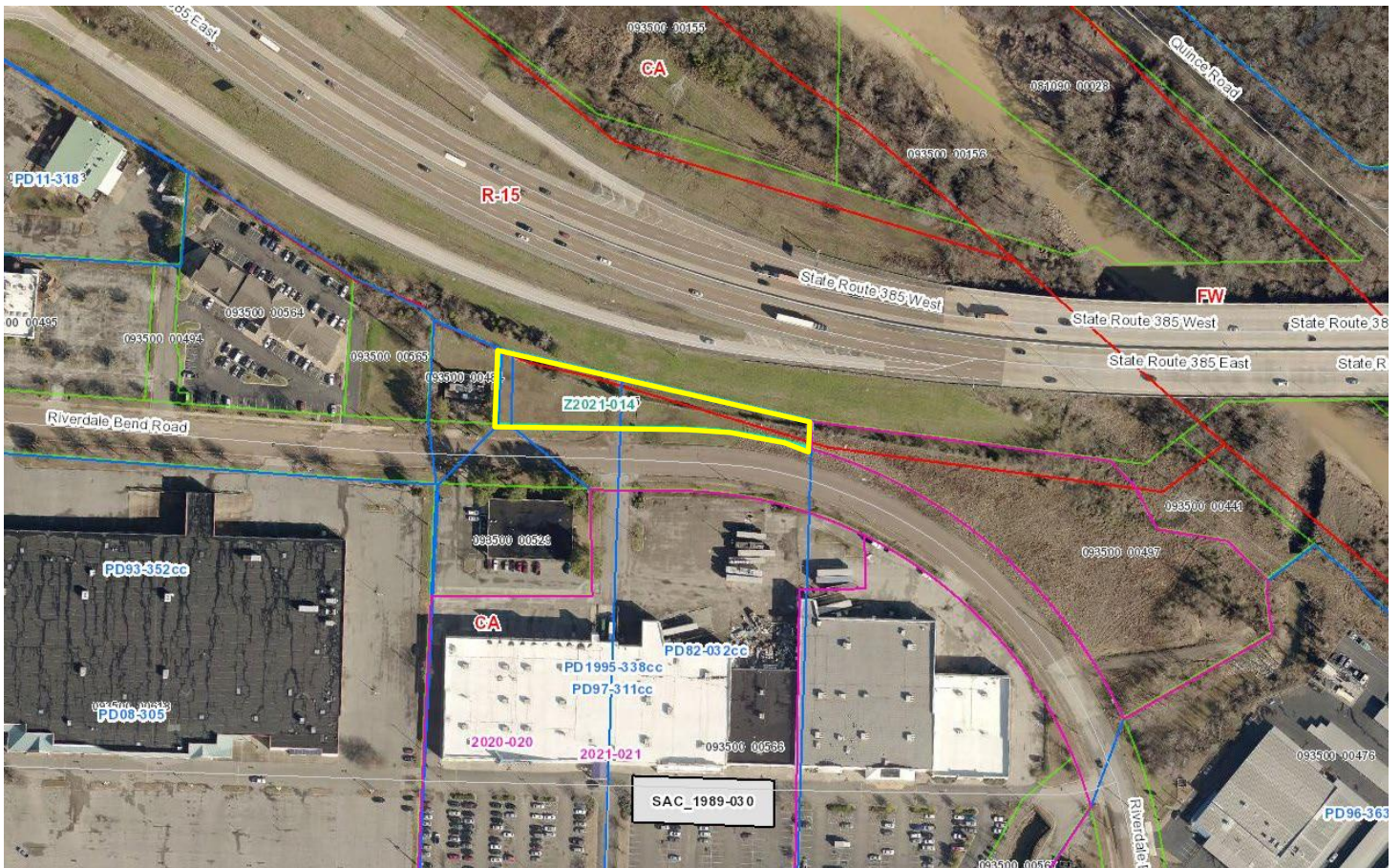
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA), PD 95-338 (eastern half of site), and PD 82-32 (western half of site)

Surrounding Zoning

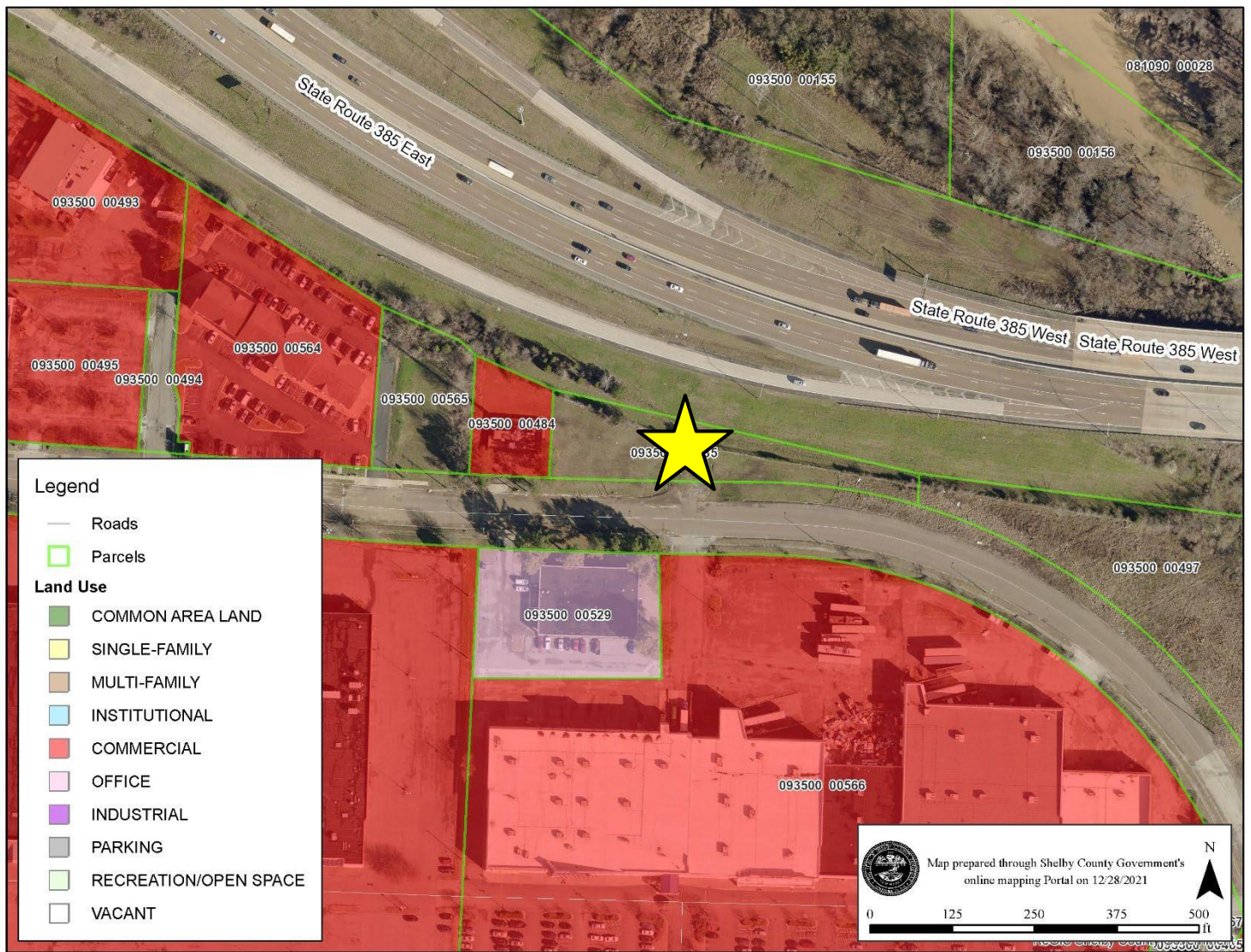
North: Residential Single-Family – 15 (R-15) – State Route 385

East: Conservation Agriculture (CA), PD 97-311, BOA 2020-20, and BOA 2021-21

South: Conservation Agriculture (CA), PD 95-338, and PD 82-32

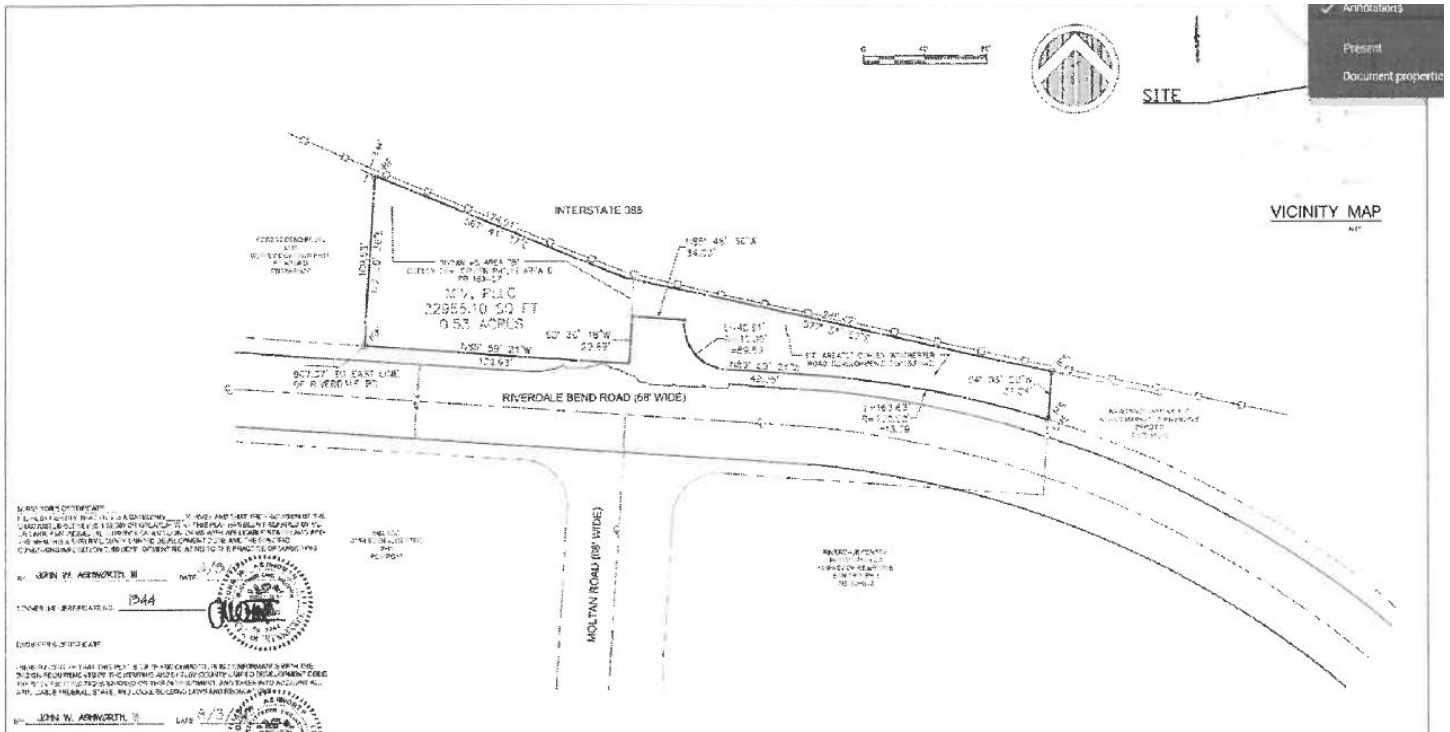
West: Conservation Agriculture (CA) and PD 82-32

LAND USE MAP



Subject property indicated by a yellow star

PLOT PLAN



SITE PHOTOS



View of subject property from Riverdale Bend Road looking northeast



View of Subject property from Riverdale Bend Road looking northwest



View of subject property from TN State Route 385 looking south

STAFF ANALYSIS

Request

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

Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3).

Review Criteria

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

9.5.7B Review Criteria

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

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/-0.53 acres (+/-23,086 square feet), known as parcel ID 093500 00485, and located on the south side of TN 385, north side of Riverdale Bend Rd and east of Riverdale Rd. The site is zoned Conservation Agriculture (CA), however, the site is currently regulated by the Gurley Development Center PD and the Gurley Winchester Road Development PD which both reference an underlying zoning of the Office General (OG). The subject property is currently vacant land and the surrounding land uses are a mixture of commercial, office, and vacant land.

Conclusions

The request is to rezone +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3).

The underlying purpose of this request is to allow for the property to receive state approval for a double sided off premise sign. An eastward facing sign was approved by the State of Tennessee in 2021.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval

DEPARTMENTAL COMMENTS

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

City/County Engineer: No comments received.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:



Leigh Huffman
Municipal Planner
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Leigh.Huffman@memphistn.gov

MEMORANDUM

To: Seth Thomas, Municipal Planner
From: Leigh Huffman, Municipal Planner
Date: October 21, 2022
Subject: OSR Comments on Z 22-09: SE MEMPHIS

General Comments & Analysis:

Located in Zone 1 and Zone 4 of the Resilience Zone Framework:

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

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

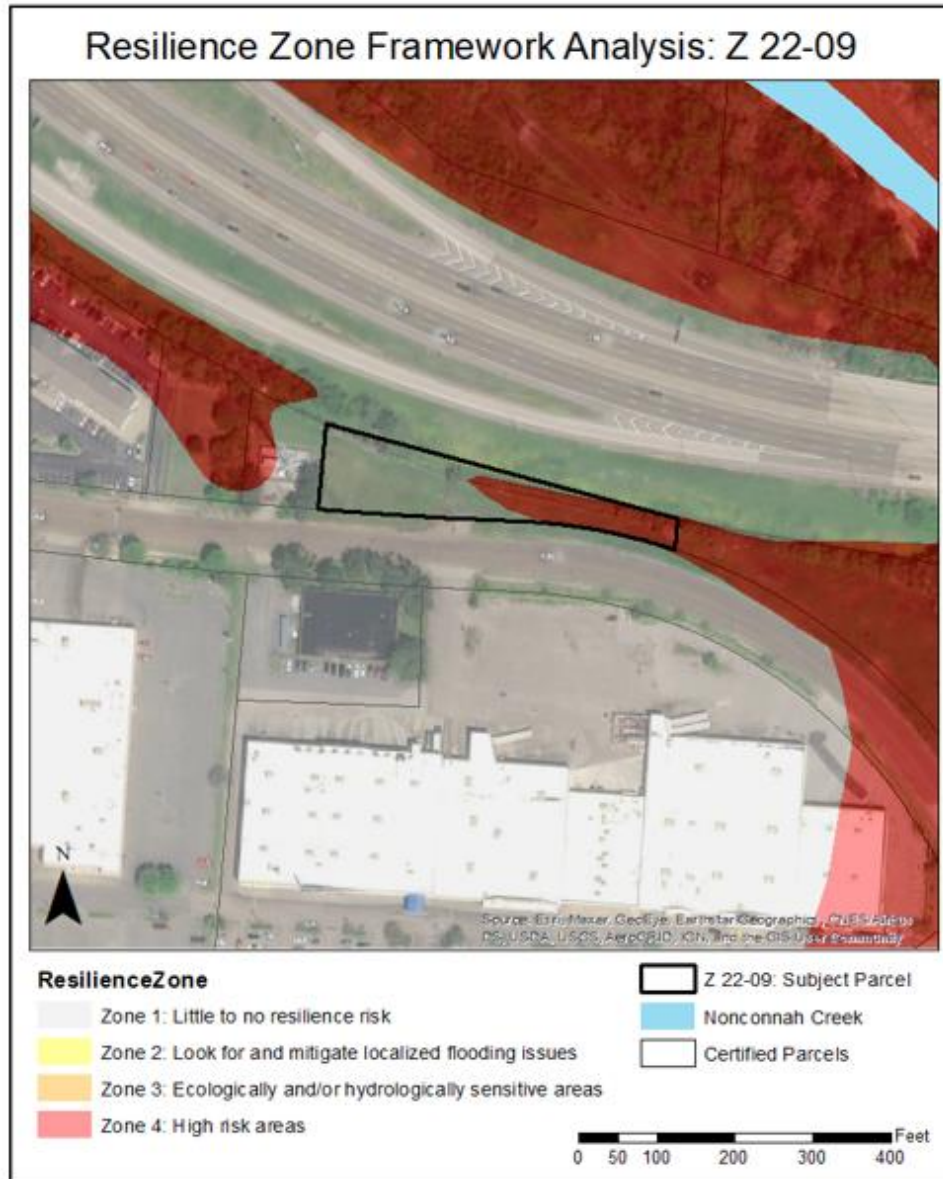
The portion of the parcel that is located in Zone 4 is due to the 500-year floodplain (0.2% annual chance of flooding).

The parcel that the Applicant would like to rezone is currently zoned Conservation Agriculture. The types, area, and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas, especially areas located in sensitive environmental contexts such as floodplains.

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

This planned development request is not consistent with the Mid-South Regional Resilience Master Plan. The Plan specifically highlights the 500-year floodplain as an area unsuited for most

development due to the high risk of flooding (Section 4.1 Resilient Sites). Section 4.3 Flood Smart Development recommends that currently vacant parcels in the floodplain should be preserved. Rezoning a parcel from Conservation Agriculture to a zoning district with a higher intensity of uses, such as Commercial Mixed Use-3, is not advisable.



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

Recommendations: Staff does not recommend approval of this rezoning request.

Office of Comprehensive Planning:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Wildlands, waterways, and natural features with a focus on preservation and occasional opportunities for passive recreation. Conservation Agriculture. Graphic portrayal of OSN to the right.



“OSN” Form & Location Characteristics

Conservation and recreational uses.

“OSN” Zoning Notes

Generally compatible with the following zone districts: OS, FW, CA in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezoning, as appropriate, at the time of a small area plan. Analysis to understand how uses like wind farms, solar farms, stormwater facilities, community gardens/CSAs, apiaries, timber harvesting, or other similar uses are integrated into these zones.

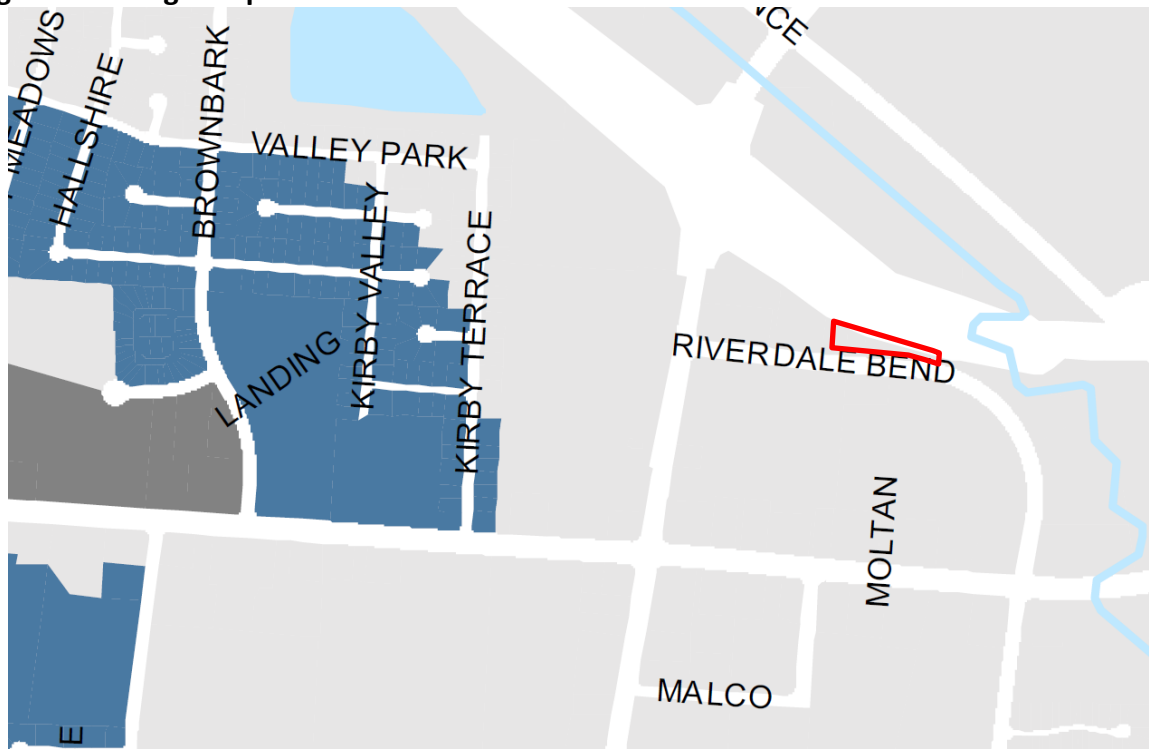
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CA

Adjacent Land Use and Zoning: Commercial, Vacant and Office, CA, CMU-2, R-15

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial on a land designated to act as natural and flood preservation lot.*

Degree of Change Map



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

3. Degree of Change Description

N/A

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

The requested use will impede Objective 1.3 – Develop strategies that reduce blight and vacancy: Action 1.3.14 - Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues, and Action 1.3.13 – Apply nature lots and flood lots as transitional uses at community edges, particularly where communities border health or environmental hazards or buffer land use incompatible with residential uses.

Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is seeking approval for rezoning of property from CA (Conservation Agriculture) to CMU-3. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial on a land designated to act as natural and flood preservation lot.

The requested use will impede Objective 1.3 – Develop strategies that reduce blight and vacancy: Action 1.3.14 - Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues, and Action 1.3.13 – Apply nature lots and flood lots as transitional uses at community edges, particularly where communities border health or environmental hazards or buffer land use incompatible with residential uses.

Based on the information provided, the proposal is NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



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 REZONING APPROVAL

Date: 10/05/2022

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: MIM LLC Phone #: 901-305-5000

Mailing Address: P.O. Box 488 City/State: Horn Lake, MS Zip 38637

Property Owner E-Mail Address: mimllcmemphis@gmail.com

Applicant: MIM LLC Phone # 901-305-5000

Mailing Address: P.O. Box 488 City/State: Horn Lake, MS Zip 38637

Applicant E- Mail Address: mimllcmemphis@gmail.com

Representative: Prentiss Mitchell Phone #: 901-305-5000

Mailing Address: P.O. Box 488 City/State: Horn Lake, MS Zip 38637

Representative E-Mail Address: Prentiss Mitchell

Engineer/Surveyor: Wes Ashworth, PE, RLS Phone # 901-414-8767

Mailing Address: 10815 Collierville Road City/State: Collierville, TN Zip 38017

Engineer/Surveyor E-Mail Address: wesley@ashworthengineering.com

Street Address Location: 7126 Riverdale Bend, Memphis TN 38125

Distance to nearest intersecting street: 905 Feet

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.31</u>	_____	_____
Existing Zoning:	<u>CA</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>Vacant</u>	_____	_____
Requested Zoning	<u>CMU-3</u>	_____	_____

Pre-Application Conference held on: 10/4/2022 with Seth Thomas

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

I (we) hereby make application for the rezoning classification 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.

MIM LLC 10/5/22 MIM LLC 10/5/22
Property Owner of Record Date Applicant Date

UDC Article 9.5, Zoning Change

A zoning change shall correspond with the boundary lines of existing tracts and lots. Where the boundaries of a zoning change request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this development code (sub-section 9.5.2A).

All zoning requirements shall be met within the boundaries of the area being rezoned. If all the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements (sub-section 9.5.2B).

Any zoning change affecting property within a community redevelopment area shall be supported by the Community Redevelopment Plan for area (sub-section 9.5.2C).

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**

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.

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 which the hearing involves (Section 9.3.2):

- 1) Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);
- 2) Special use permit and major modification to a special use permit; and
- 3) Planned development outline plan or major modification to a planned development outline plan.

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.

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.

LETTER OF INTENT

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

MIM LLC
P.O. Box 488
Horn Lake, MS 38637

LETTER OF INTENT

RE: 7126 Riverdale Bend

Department of Planning and Development,

I am applying for Rezoning for 7126 Riverdale Bend, Memphis TN 38125.

Best Regards,

MIM LLC

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Prentiss Mitchell, being duly sworn, depose and say that at 1:44 am/pm on the 6 day of October, 2022, I posted 1 Public Notice Sign(s) pertaining to Case No. Z2022-009 at 7126 Riverdale Bend Memphis, TN 38125 providing notice of a Public Hearing before the (check one):

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

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

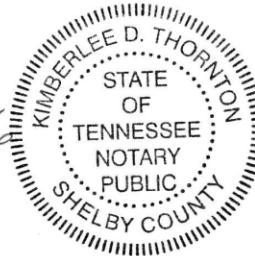
Prentiss Mitchell
Owner, Applicant or Representative

10/17/22
Date

Subscribed and sworn to before me this 17 day of October, 2022.

Kimberlee D. Thornton
Notary Public

My commission expires: March 11, 2026



LETTERS RECEIVED

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

LETTER OF SUPPORT

August 2, 2022

TO:

Memphis City Council
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson
Smoothie King
3586 Riverdale Rd
Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Department of Planning and Development,

I am writing this letter of support for MIM LLC that is before the City Council. The approval of this project will be beneficial for my business that is in your district and an asset to my business growth.

MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner

LETTER OF SUPPORT

August 1, 2022

TO:

Memphis City Council
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017

FROM:

Terrika Smith
Ten Karats Virgin Hair
7100 Winchester Rd
Memphis, TN 38125

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Memphis City Council,

I am writing this letter of support for MIM LLC/ Prentiss Mitchell that is requesting approval before the City Council. I believe this project will be great for businesses like mine in your district.

As you know, blight is a big problem in the City of Memphis. For years the subject property has been vacant land with illegal dumping and blight. As the new owner, MIM LLC has agreed to do major landscaping to the property and eliminate blight.

Approving this application is a Win for my business and a Win for the City of Memphis.

In conclusion, I deeply support the efforts of MIM LLC and request your vote of approval.

Yours Sincerely,

Terrika Smith
Ten Karats Virgin Hair

LETTER OF SUPPORT

August 2, 2022

TO:

Memphis City Council
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson
Smoothie King
3586 Riverdale Rd
Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Department of Planning and Development,

I am writing this letter of support for MIM LLC that is before the City Council. The approval of this project will be beneficial for my business that is in your district and an asset to my business growth.

MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: October 5, 2022

Record Number: Z 2022-009

Expiration Date:

Record Name: -

Description of Work: REZONING OF PROPERTY FROM CA (CONSERVATION AGRICULTURE) TO CMU-3 (COMMERCIAL MIXED USE -3)

Parent Record Number:

Address:

7126 RIVERDALE BEND RD, MEMPHIS 38125

Owner Information

Primary	Owner Name
Y	MIM LLC

Owner Address

0 PO BOX 488, HORN LAKE, MS 38637

Owner Phone

Parcel Information

093500 00485

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

SETH THOMAS

Date of Meeting

10/4/2022

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 Class -
 Downtown Fire District No
 Historic District -
 Land Use -
 Municipality MEMPHIS
 Overlay/Special Purpose District -
 Zoning -
 State Route 1
 Lot -
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District -

Contact Information

Name MIM LLC **Contact Type** APPLICANT
Address

Phone
 (901)305-5000

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1419407	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	10/05/2022

Total Fee Invoiced: \$1,000.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,000.00 **Method of Payment** Check



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 REZONING APPROVAL

Date: 10/05/2022

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: MIM LLC Phone #: 901-305-5000

Mailing Address: P.O. Box 488 City/State: Horn Lake, MS Zip 38637

Property Owner E-Mail Address: mimllcmemphis@gmail.com

Applicant: MIM LLC Phone # 901-305-5000

Mailing Address: P.O. Box 488 City/State: Horn Lake, MS Zip 38637

Applicant E- Mail Address: mimllcmemphis@gmail.com

Representative: Prentiss Mitchell Phone #: 901-305-5000

Mailing Address: P.O. Box 488 City/State: Horn Lake, MS Zip 38637

Representative E-Mail Address: Prentiss Mitchell

Engineer/Surveyor: Wes Ashworth, PE, RLS Phone # 901-414-8767

Mailing Address: 10815 Collierville Road City/State: Collierville, TN Zip 38017

Engineer/Surveyor E-Mail Address: wesley@ashworthengineering.com

Street Address Location: 7126 Riverdale Bend, Memphis TN 38125

Distance to nearest intersecting street: 905 Feet

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.31</u>	_____	_____
Existing Zoning:	<u>CA</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>Vacant</u>	_____	_____
Requested Zoning	<u>CMU-3</u>	_____	_____

Pre-Application Conference held on: 10/4/2022 with Seth Thomas

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

I (we) hereby make application for the rezoning classification 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.

MIM LLC
 Property Owner of Record

10/5/22
 Date

MIM LLC
 Applicant

10/5/22
 Date

UDC Article 9.5, Zoning Change

A zoning change shall correspond with the boundary lines of existing tracts and lots. Where the boundaries of a zoning change request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this development code (sub-section 9.5.2A).

All zoning requirements shall be met within the boundaries of the area being rezoned. If all the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements (sub-section 9.5.2B).

Any zoning change affecting property within a community redevelopment area shall be supported by the Community Redevelopment Plan for area (sub-section 9.5.2C).

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**

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.

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 which the hearing involves (Section 9.3.2):

- 1) Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);
- 2) Special use permit and major modification to a special use permit; and
- 3) Planned development outline plan or major modification to a planned development outline plan.

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.

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.

**GUIDE FOR SUBMITTING
ZONING DISTRICT RECLASSIFICATION APPLICATION**

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 plot 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" Plot Plan, 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" and a copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

B **PLOT PLAN AND LEGAL DESCRIPTION**

- 1) Two (2) copies of the plot plan, drawn to scale (1"=50', =100' or =200'), showing each parcel to be considered. Two or more parcels may be described on one sheet. If property is encumbered by easements, show type and location on plot plan.
- 2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan.

C **VICINITY MAP**

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

D **LIST OF NAMES AND ADDRESSES**

- 1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2^{5/8}" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.
- 2) Two (2) self-adhesive mailing labels (1"x 2^{5/8}") each for the owner of record, applicant, representative and/or engineer/surveyor.

E **FILING FEES** *(All Fees Are Subject To Change without Prior Notice)*

- 1) Residential Rezoning: 5.0 Acres or less=\$750. Each additional acre or fraction thereof =\$75 per acre Maximum =\$7,500.
 - 2) Non-Residential Rezoning: 5 acres or less = \$1,000.00. Each additional acre or fraction thereof =\$100.00 per acre. Maximum fee=\$7,500.00
- Make check payable to "M/SC Office of Planning and Development"

*The requirement for submission of a Concept Plan with a Rezoning Application may be waived by the Office of Planning and Development.

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

MIM LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 7126 Riverdale Bend

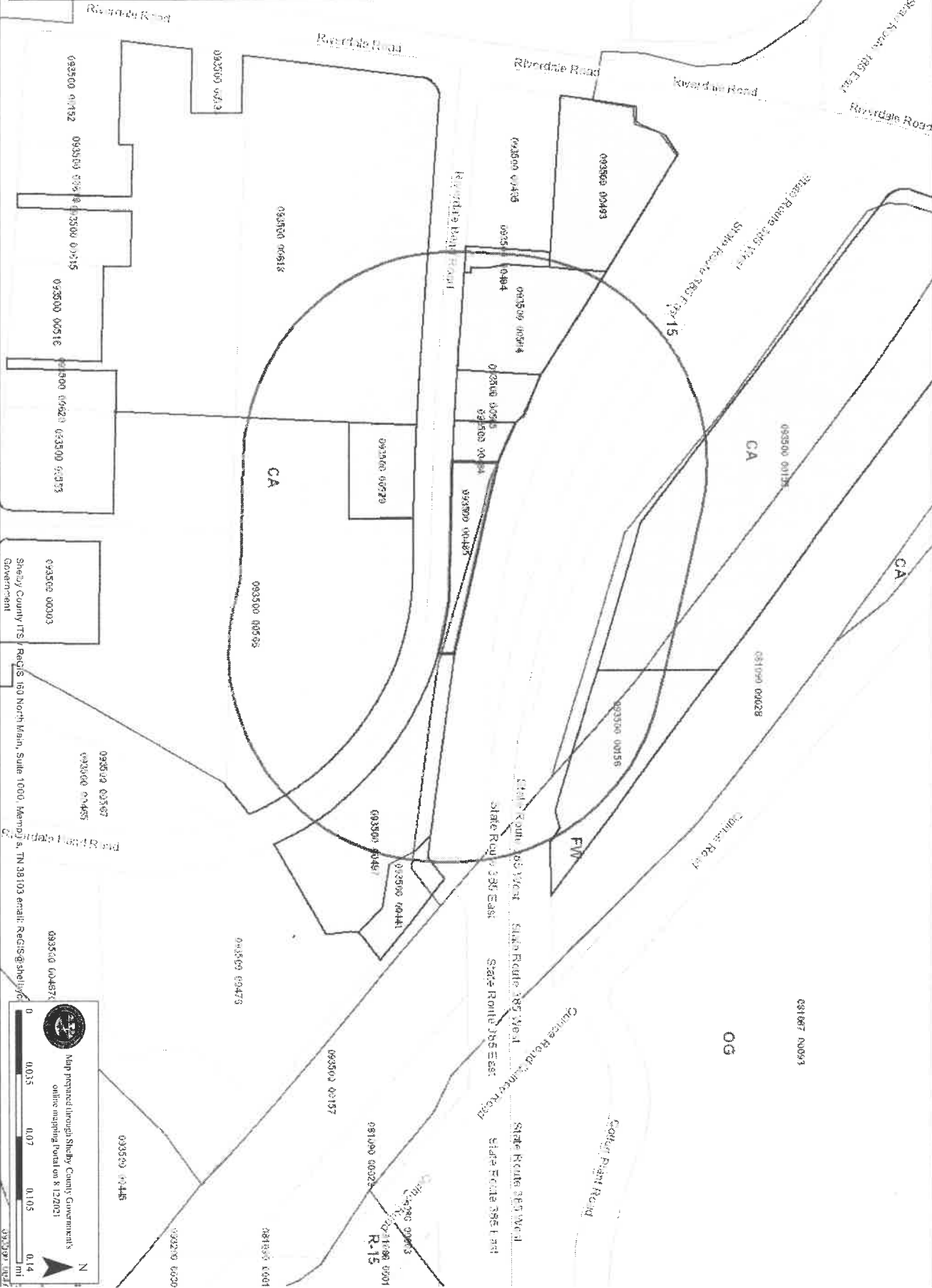
Department of Planning and Development,

I am applying for Rezoning for 7126 Riverdale Bend, Memphis TN 38125.

Best Regards,

MIM LLC

- Legend**
- polygonLayer
 - Override 1
 - polylineLayer
 - Override 1
 - Roads
 - Shelby County Zoning
 - Arlington Zoning
 - Bartlett Zoning
 - Collinsville Zoning
 - Germantown Zoning
 - Lakeland Zoning
 - Millington Zoning
 - Parcels



Shelby County Government
 093500 00003

REGIS 160 North Main, Suite 1000, Memphis, TN 38103 email: REGIS@shelby.org

Map prepared through Shelby County Government's
 online mapping tool on 8/12/2013

0 0.035 0.07 0.105 0.14
 0 30 60 90 120
 Feet

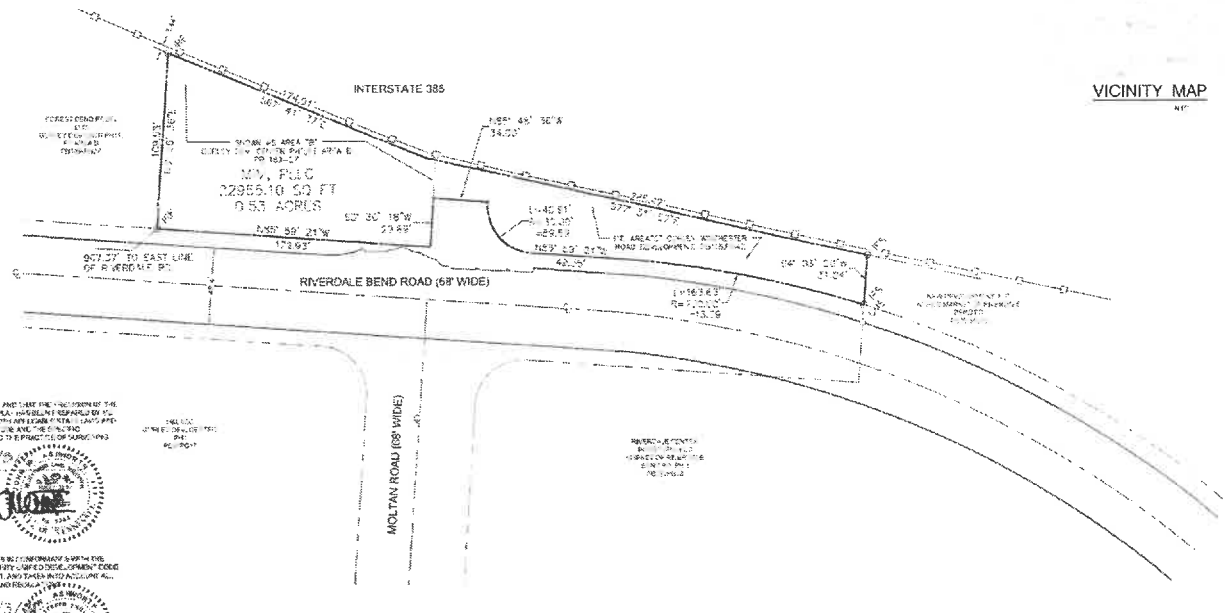
0 0.005 0.01 0.015 0.02
 0 15 30 45 60
 Meters

Two page view
 Annotations
 Present
 Document properties



SITE

VICINITY MAP
NOT TO SCALE

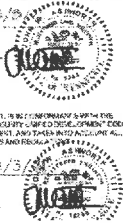


SURVEY CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Surveyor of the State of Tennessee, do hereby certify that the foregoing plat and map were prepared by me or under my direct supervision and in accordance with the laws and regulations of the State of Tennessee, and that the same are true and correct to the best of my knowledge and belief.

BY: JOHN W. ASHWORTH, III DATE: 8/23
 LICENSE NO. 1344

ENGINEER CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Professional Engineer of the State of Tennessee, do hereby certify that the foregoing plat and map were prepared by me or under my direct supervision and in accordance with the laws and regulations of the State of Tennessee, and that the same are true and correct to the best of my knowledge and belief.

BY: JOHN W. ASHWORTH, III DATE: 8/23
 LICENSE NO. 16609



LEGAL DESCRIPTION

BEGINNING AT A IRF AT THE SOUTHEAST CORNER OF THE FOREST BEND PROPERTY, LLC TRACT HAVING TN STATE PLANE COORDINATES (NAD83) OF N:284037.61, E:823485.71, SAID POINT BEING 901.37 FEET EASTWARDLY, AS MEASURED ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD FROM IT'S TANGENT INTERSECTION WITH THE EASTERLY LINE OF RIVERDALE ROAD; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID FOREST BEND PROP WITH A BEARING OF N 03°55'36" E A DISTANCE OF 109.55 FEET TO A IRF; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING OF S 67°41'37" E A DISTANCE OF 174.91 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING OF S 77°31'57" E A DISTANCE OF 285.42 FEET TO AN IPS; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF THE NEW DEVELOPMENT LLC TRACT WITH A BEARING OF S 04°03'20" W A DISTANCE OF 31.84 FEET TO A IPS; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD (68' ROW) THE FOLLOWING COURSES: WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 700.00 FEET, HAVING A CHORD BEARING OF N 79°14'41" W AND A CHORD DISTANCE OF 163.26, HAVING A CENTRAL ANGLE OF 13°23'36" AND AN ARC LENGTH OF 163.63 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" W A DISTANCE OF 49.35 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 30.00 FEET, HAVING A CHORD BEARING OF N 41°11'32" W AND A CHORD DISTANCE OF 42.28, HAVING A CENTRAL ANGLE OF 89°35'39" AND AN ARC LENGTH OF 46.91 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°48'36" W A DISTANCE OF 34.00 FEET TO A POINT; THENCE SOUTHERLY WITH A BEARING OF S 03°36'18" W A DISTANCE OF 29.89 FEET TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" W A DISTANCE OF 172.93 FEET TO THE POINT OF BEGINNING.; CONTAINING 22955.10 SQUARE FEET OR 0.527 ACRES MORE OR LESS.

This description was generated on 8/10/2021 at 3:15 PM, based on geometry in the drawing file
S:\210726C-Riverdale Bend Rd-Prentiss Mitchell\08 Survey\RIVERDALE BEND SURVEY.dwg. BY ASHWORTH ENGINEERING,
PLLC

LETTER OF SUPPORT

August 2, 2022

TO:

Memphis City Council
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson
Smoothie King
3586 Riverdale Rd
Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Department of Planning and Development,

I am writing this letter of support for MIM LLC that is before the City Council. The approval of this project will be beneficial for my business that is in your district and an asset to my business growth.

MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner

LETTER OF SUPPORT

August 1, 2022

TO:

Memphis City Council
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017

FROM:

Terrika Smith
Ten Karats Virgin Hair
7100 Winchester Rd
Memphis, TN 38125

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Memphis City Council,

I am writing this letter of support for MIM LLC/ Prentiss Mitchell that is requesting approval before the City Council. I believe this project will be great for businesses like mine in your district.

As you know, blight is a big problem in the City of Memphis. For years the subject property has been vacant land with illegal dumping and blight. As the new owner, MIM LLC has agreed to do major landscaping to the property and eliminate blight.

Approving this application is a Win for my business and a Win for the City of Memphis.

In conclusion, I deeply support the efforts of MIM LLC and request your vote of approval.

Yours Sincerely,

Terrika Smith

Ten Karats Virgin Hair

LETTER OF SUPPORT

August 2, 2022

TO:

Memphis City Council
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson
Smoothie King
3586 Riverdale Rd
Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Department of Planning and Development,

I am writing this letter of support for MIM LLC that is before the City Council. The approval of this project will be beneficial for my business that is in your district and an asset to my business growth.

MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner

October 5, 2022

You are invited to a neighborhood meeting to discuss a REZONING application filed with the Memphis and Shelby County Office of Planning and Development. The site is at 7126 Riverdale Bend Memphis TN 38125. The request is to rezone the subject property from CA to CMU-3 for future development.

NEIGHBORHOOD MEETING NOTICE

Subject: Rezoning of 7126 Riverdale Bend Memphis TN 38125

Date: 22 October 2022 (rain date 23 October 2022)

Time: 2:00 p.m.

Location: 7126 RIVERDALE BEND, Memphis, TN 38125

The Rezoning Application will also be heard at the Land Use Control Board meeting:

Date: November 10, 2022

Time: 9:00 a.m.

Place: City Council Chambers, 1st Floor, City Hall Memphis TN

Applicant is available by phone or email should you have any questions. The phone number is 901-305-5000 and the email address info is mimllcmemphis@gmail.com. You may also contact the Office of Planning and Development at 901.636.6601.

Thank you,
MIM LLC

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

RIVERDALE CENTER INVESTORS LLC
1825 MAIN ST #
WESTON FL 33326

H & L LLC
6036 WILD OAKS DR #
MEMPHIS TN 38120

TERRAPIN MEMPHIS INVESTMENTS LLC
15 W 6TH ST #2400
TULSA OK 74119

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

LIGHTMAN MICHAEL A
5100 POPLAR AVE #2602
MEMPHIS TN 38137

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

NEW DEVELOPMENT LLC
3264 W SARAZENS CIR #
MEMPHIS TN 38125

PEARL ESTATES LLC
7445 NORTHWIND CV #
MEMPHIS TN 38125

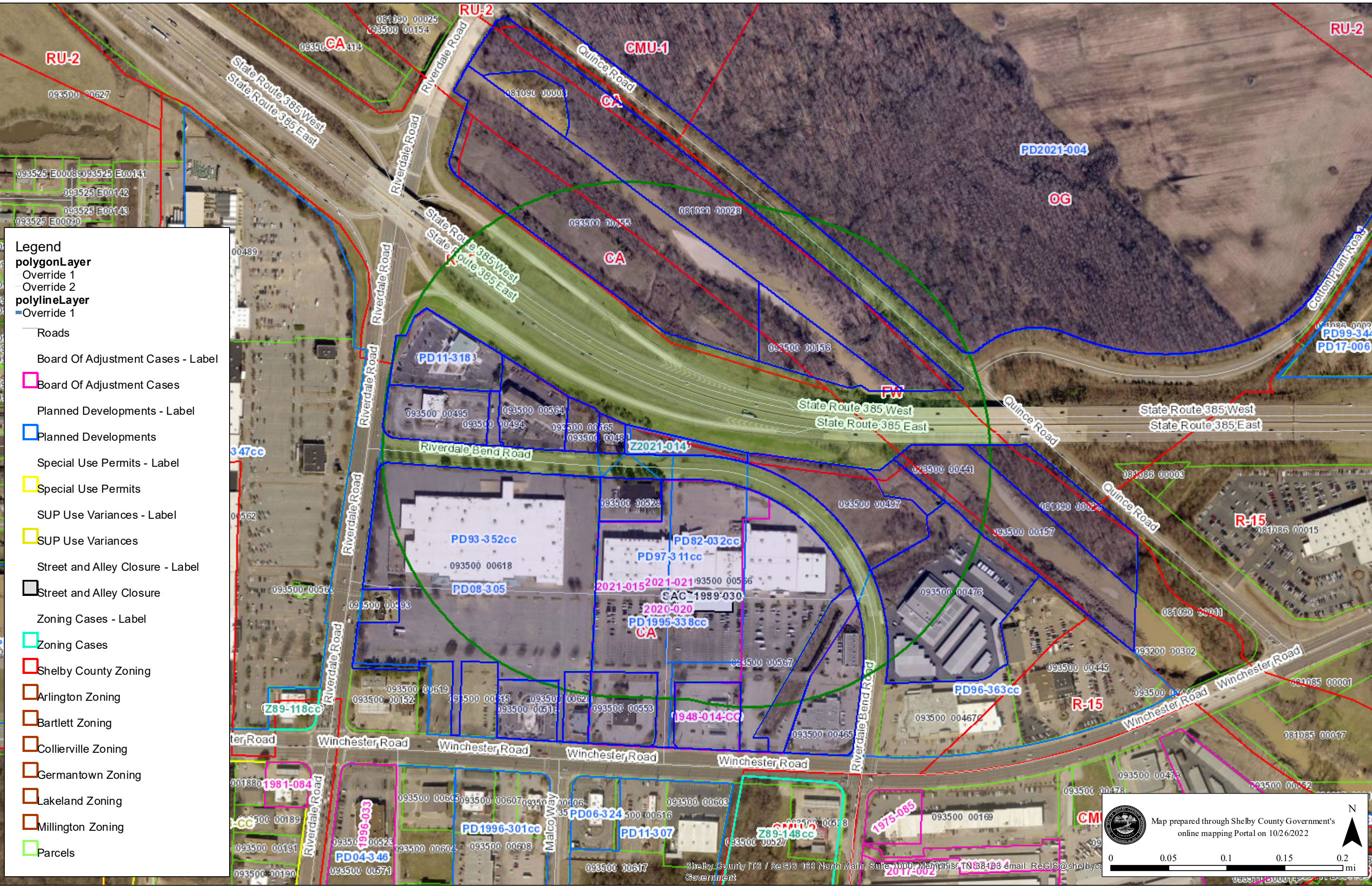
WRING REAL ESTATE LLC
5524 RIVERDALE RD #
MEMPHIS TN 38141

FOREST BEND PROPERTIES LLC
9200 FOREST BEND CT #
GERMANTOWN TN 38138

FOREST BEND PROPERTIES LLC
9200 FOREST BEND CT #
GERMANTOWN TN 38138

JMK5 WINCHESTER LLC
308 W PARKWOOD AVE #104A
FRIENDSWOOD TX 77546

093500 00155 - SHELBY COUNTY
093500 00529 - H & L LLC
093500 00441 - MEMPHIS CITY OF
093500 00156 - SHELBY COUNTY
093500 00497 - NEW DEVELOPMENT LLC
093500 00493 - PEARL ESTATES LLC
093500 00565 - WRING REAL ESTATE LLC
093500 00484 - FOREST BEND PROPERTIES LLC
093500 00485 - FOREST BEND PROPERTIES LLC
093500 00618 - JMK5 WINCHESTER LLC
093500 00566 - RIVERDALE CENTER INVESTORS LLC
093500 00564 - TERRAPIN MEMPHIS INVESTMENTS LLC
093500 00494 - LIGHTMAN MICHAEL A



Legend

polygonLayer

- Override 1
- Override 2

polylineLayer

- Override 1

— Roads

Board Of Adjustment Cases - Label

- Board Of Adjustment Cases

Planned Developments - Label

- Planned Developments

Special Use Permits - Label

- Special Use Permits

SUP Use Variances - Label

- SUP Use Variances

Street and Alley Closure - Label

- Street and Alley Closure

Zoning Cases - Label

- Zoning Cases
- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning

Parcels

Map prepared through Shelby County Government's online mapping Portal on 10/26/2022

0 0.05 0.1 0.15 0.2 mi

COUNTY OF SHELBY
160 N MAIN ST #
MEMPHIS TN 38103

RIVERDALE CENTER INVESTORS LLC
1825 MAIN ST #
WESTON FL 33326

RIVERDALE CENTER INVESTORS LLC
1825 MAIN ST #
WESTON FL 33326

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

PEARL ESTATES LLC
7445 NORTHWIND CV #
MEMPHIS TN 38125

RIVERDALE CENTER INVESTORS LLC
1825 MAIN ST #
WESTON FL 33326

H & L LLC

WRING REAL ESTATE LLC
5524 RIVERDALE RD #
MEMPHIS TN 38141

EXTRA SPACE PROPERTIES TWO LLC
PO BOX 800729 #
DALLAS TX 75380

GREGORY REALTY GP
310 GERMANTOWN BEND CV #
MEMPHIS TN 38018

FOREST BEND PROPERTIES LLC
9200 FOREST BEND CT #
GERMANTOWN TN 38138

TERRAPIN MEMPHIS INVESTMENTS LLC
7060 RIVERDALE RD
MEMPHIS TN 38125

HUNTS ESTATES LLC
7445 NORTHWIND CV #
MEMPHIS TN 38125

MIM LLC
PO BOX 488
HORN LAKE MS 38637

LIGHTMAN MICHAEL A
5100 POPLAR AVE #2602
MEMPHIS TN 38137

FEDERAL COMPANY THE DBA
PO BOX 2020 #
SPRINGDALE AR 72765

CHICK-FIL-A INC
5200 BUFFINGTON RD #
ATLANTA GA 30349

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

COUNTY OF SHELBY
160 N MAIN ST #
MEMPHIS TN 38103

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

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

SMITH TERRIKA L
1121 NOLAN LN #
CORDOVA TN 38018

NEW DEVELOPMENT LLC
3264 W SARAZENS CIR #
MEMPHIS TN 38125

JMK5 WINCHESTER LLC
308 W PARKWOOD AVE #104A
FRIENDSWOOD TX 77546