



MEMPHIS CITY COUNCIL

Planning and Zoning Documents

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Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution adopting certain amendments to the Memphis 3.0 Comprehensive Plan.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Resolution amends the City's general plan, adopted by a previously approved ordinance.

4. State whether this will impact specific council districts or super districts.

All

5. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

6. State whether this requires an expenditure of funds/requires a budget amendment

N/A

7. If applicable, please list the MWBE goal and any additional information needed

N/A

CASE NUMBER: N/A **L.U.C.B. MEETING:** February 11, 2021

APPLICANT: Division of Planning and Development

REPRESENTATIVE: Ashley Cash, Administrator, Comprehensive Planning

REQUESTS:

1. Approve Resolution Adopting Certain Amendments to the Memphis 3.0 Comprehensive Plan, and
2. Approve Resolution Recommending that the Memphis City Council Adopt Certain Amendments to the Memphis 3.0 Comprehensive Plan

CONCLUSIONS

1. On February 14, 2019, the Board approved the Memphis 3.0 Comprehensive Plan, the first citywide plan since the Memphis 2000 Policy Plan was adopted in 1981, as the City's general plan. This action was followed by the adoption of the plan by the Memphis City Council on December 3, 2019. That adoption included several amendments to the Plan since its approval by the Board; these amendments were ratified by the Board during its meeting on January 9, 2020.
2. Since adoption, the Division of Planning and Development has identified several items in the Memphis 3.0 Plan eligible for amendments in what will likely be the first of many annual set of changes to the Plan. As the attached letter from Ashley Cash, Administrator of Comprehensive Planning for the Division, states, these amendments may be classified as general clean-up, map changes, definition changes, appendix updates or other changes.
3. On Friday, January 15, 2021, the Division of Planning and Development held a public hearing on these amendments.
4. There are two requests associated with this staff report: 1) the adoption of a resolution requesting that the Land Use Control Board adopt the changes to the Memphis 3.0 Plan and 2) the adoption of a second resolution that the Memphis City Council do the same. Both resolutions are the result of various sub-sections of Tennessee Code Annotated Section 13-4-202 that allow a municipal planning commission (and its staff) to initiate amendments to the city's general plan and to recommend the adoption of these amendments by the city's legislative body, provided it does so through the adoption of resolutions.
5. Click [here](#) to download the letter from Ashley Cash cited above and complete materials from the Division of Planning and Development related to this request.
6. Click [here](#) to download the resolution adopting the proposed amendments to the Memphis 3.0 General Plan. This is Agenda Item 17.
7. Click [here](#) to download the resolution recommending that the Memphis City Council adopt the proposed amendments. This is Agenda Item 18.

RECOMMENDATION:

Approval

Comments Received

Timestamp	What comments do you have about the proposed Memphis 3.0 Amendment?	What is your name?	What is your email address?	Comment Response
12/14/2020 8:31:15	On the Core City map, East Parkway is mislabeled "North Parkway" and "South Parkway".	Ray Brown		Corrected map
12/24/2020 22:54:32	I just hope that y'all are keeping in mind that Memphis is a majority black city. The way you go about the architecture and the construction and even down to the branding and marketing tactics should be primarily focused on the black residents. The Southern Heritage Classic could be HUGE, something as major as the Essence festival, which will bring in tons of tourism dollars. New Urbanism is what's hot now and young, educated people are what brings in the money. It would make sense to figure out projects and developments catered to the educated black demographic, and a good start would be to help make the Southern Heritage Classic a major Memphis event.	Davondre Bassett	davondrelbassett@gmail.com	Emailed a direct response
1/19/2021 12:06:03	Haven't seen it yet	Ann Lee	Ann.lee@autozone.com	Emailed copy of presentation from Facebook Live Annual Update Event

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday, February 11, 2021***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following:

APPLICANT: Memphis and Shelby County Division of Planning and Development
REPRESENTATIVE: Ashley Cash, Administrator, Comprehensive Planning
REQUEST: Adopt Resolutions Approving Certain Amendments to the Memphis 3.0 Comprehensive Plan and Urging the City Council of the City of Memphis to do the same

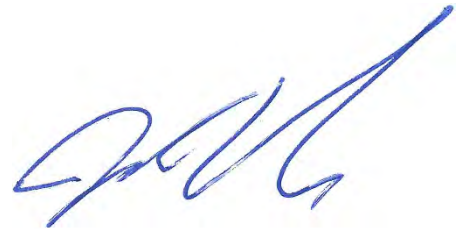
The following spoke in support of the application: no one

The following spoke in opposition of the application: no one

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 vote of 10-0.

Respectfully submitted,



Josh Whitehead
Zoning Administrator
Division of Planning and
Development

CC: Planning and Zoning Committee Members
File



A RESOLUTION ADOPTING CERTAIN AMENDMENTS TO THE MEMPHIS 3.0 COMPREHENSIVE PLAN.

WHEREAS, on December 3, 2019, the City Council of the City of Memphis adopted the *Memphis 3.0 Comprehensive Plan* (the “Plan”) as the first general plan of the city since 1981; and

WHEREAS, During the period of time since, the Memphis and Shelby County Division of Planning and Development has received broad public input from residents of Memphis with regard to the Plan; and

WHEREAS, on January 15, 2021, the Division of Planning and Development held a public meeting to garner public input from residents of Memphis specifically with regard to amendments it drafted based as a result of public input and its administration of the Plan; and

WHEREAS, Pursuant to Tennessee Code Annotated Sec. 13-4-202(b)(1)(A), these amendments to the Plan were reviewed and adopted by the Memphis and Shelby County Land Use Control Board during its regular meeting on February 11, 2021 (see resolution attached hereto as “Exhibit A”); and

WHEREAS, Pursuant to Tennessee Code Annotated Sec. 13-4-202(b), the Land Use Control Board approved a resolution during its regular meeting on February 11, 2021, recommending that the City Council adopt the amendments it reviewed and adopted (see resolution attached hereto as “Exhibit B”); and

WHEREAS, Pursuant to the ordinance adopted by the City Council approving the Plan on December 3, 2019, amendments to the Plan may be adopted by the Council through resolution; and

WHEREAS, the City Council finds that the amendments as presented by the Division of Planning and Development and approved by the Land Use Control Board are necessary to the continued efficacy of the Plan; and

WHEREAS, copies of the Plan have been placed in the Office of Council Records of the Memphis City Council for public review.

NOW, THEREFORE BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That the City Council does hereby adopt the amendments to the *Memphis 3.0 Comprehensive Plan*, attached hereto as Exhibit C.

EXHIBIT A

Resolution of the Land Use Control Board adopting certain amendments to the Memphis 3.0 Comprehensive Plan (see next page)

**RESOLUTION OF THE
MEMPHIS AND SHELBY COUNTY
LAND USE CONTROL BOARD
ADOPTING CERTAIN AMENDMENTS TO THE
MEMPHIS 3.0 COMPREHENSIVE PLAN**

WHEREAS, Tennessee Code Annotated (“TCA”) Section 13-4-201 states that it is the function and duty of a municipal planning commission to make and adopt an official general plan for the physical development of the municipality; and

WHEREAS, the Memphis and Shelby County Land Use Control Board serves as the planning commission for both the City of Memphis and unincorporated Shelby County; and

WHEREAS, during its regular meeting on February 14, 2019, the Land Use Control Board reviewed and approved the Memphis 3.0 Comprehensive Plan as the official general plan for the physical development of the City of Memphis; and

WHEREAS, during its regular meeting on December 3, 2019, the City Council of the City of Memphis reviewed, amended and approved the Memphis 3.0 Plan; and

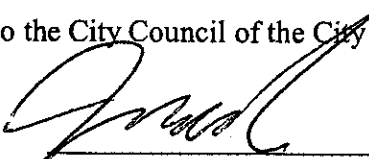
WHEREAS, during its regular meeting on January 9, 2020, the Land Use Control Board ratified the amended version of the Memphis 3.0 Plan approved by the City Council; and

WHEREAS, TCA Section 13-4-202(b)(1)(A) allows the municipal planning commission to initiate amendments to the general plan, provided it transmits its action to the legislative body of the municipality.

NOW, THEREFORE, BE IT RESOLVED, the Land Use Control Board does hereby adopt the amendments to the Memphis 3.0 Plan presented by the Division of Planning and Development and transmit same to the City Council of the City of Memphis.

Authentisign

2/11/2021 12:56:54 PM CST
Mary Sharp, Chair


Josh Whitehead, Secretary

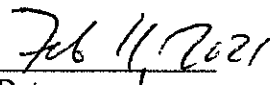

Date

EXHIBIT B

Resolution of the Land Use Control Board recommending that the Memphis City Council adopt certain amendments to the Memphis 3.0 Comprehensive Plan (see next page)

**RESOLUTION OF THE
MEMPHIS AND SHELBY COUNTY
LAND USE CONTROL BOARD
RECOMMENDING THAT THE
MEMPHIS CITY COUNCIL
ADOPT CERTAIN AMENDMENTS
TO THE MEMPHIS 3.0
COMPREHENSIVE PLAN**

WHEREAS, Tennessee Code Annotated (“TCA”) Section 13-4-201 states that it is the function and duty of a municipal planning commission to make and adopt an official general plan for the physical development of the municipality; and

WHEREAS, the Memphis and Shelby County Land Use Control Board serves, in part, as the planning commission for the City of Memphis; and

WHEREAS, during its regular meeting on February 14, 2019, the Land Use Control Board reviewed and approved the Memphis 3.0 Comprehensive Plan as the official general plan for the physical development of the City of Memphis; and

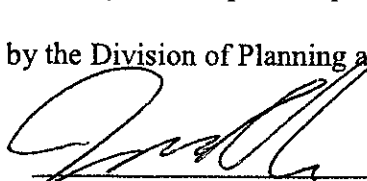
WHEREAS, during its regular meeting on December 3, 2019, the City Council of the City of Memphis reviewed, amended and approved the Memphis 3.0 Plan; and

WHEREAS, during its regular meeting on January 9, 2020, the Land Use Control Board ratified the amended version of the Memphis 3.0 Plan approved by the City Council; and

WHEREAS, TCA Section 13-4-202(b) allows the municipal planning commission to, by resolution, request that the municipal legislative body consider and adopt amendments to an officially adopted official general plan.

NOW, THEREFORE, BE IT RESOLVED, the Land Use Control Board does hereby recommend that the City Council of the City of Memphis adopt, by resolution, the amendments to the Memphis 3.0 Plan presented by the Division of Planning and Development

Authentisign
Mary Sharp
2/11/2021 12:56:05 PM CST
Mary Sharp, Chair


Josh Whitehead, Secretary

Feb 11, 2021
Date

EXHIBIT C

Memorandum and summary of amendments to the *Memphis 3.0 Comprehensive Plan*



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

Ashley Cash
Administrator
Comprehensive Planning
125 N Main St, Ste 468
ashley.cash@memphistn.gov

December 2, 2020

Mr. Josh Whitehead, Zoning Administrator
Land Use Development Services
125 N Main St, Ste 468
Memphis, TN 38103

RE: Resolution to Amend Memphis 3.0 Comprehensive Plan

Mr. Whitehead,

Please accept this letter as the application to amend the Memphis 3.0 Comprehensive Plan. We are requesting this item be placed on the February 11, 2021 Land Use Control Board agenda.

The following categories are being updated as a part of the 2020 amendment: 1) General Clean-up, 2) Map Changes, 3) Definition Changes, 4) Appendices Updates 5) Other Changes. All inserted text is underlined in the Memphis 3.0 Plan document, removed text appears as ~~struckthrough text~~. Please see attachment for revised plan pages and supporting documents.

Plan Clean-Up

The plan amendment includes minor edits that correct errors in the document.

Item 1	Anchor labels have been updated to reflect the correct location on the Memphis 3.0 Anchors Maps. The attached table shows the specific changes. [Pages 56-57 in Comprehensive Plan.]
Item 2	Anchor Neighborhood- Urban (AN-U) zoning notes have been updated to include the Central Business (<u>CBD</u>) zoning district as many of the places where AN-U is applied on the Future Land Use Planning map is within the Central Business zoning district (CBD). AN-U supports characteristics of the CBD which include walkable areas, mixed use, block-scale buildings, attached and detached buildings, and buildings up to 8 stories in height. [Page 84 in the Comprehensive Plan.]
Item 3	Public & Quasi-Public Buildings & Uses zoning notes have been updated to include the Central Business (<u>CBD</u>) zoning district as civic buildings, schools, religious institutions, and community facilities are allowed uses in the CBD and contribute to anchors. [Page 108 in the Comprehensive Plan.]

Future Land Use Planning Map Changes

The Future Land Use Planning Map has been modified and maps have been updated for the 14 planning districts.

Item 4	<p>Future land use categories have been changed for 242 parcels due to recommendations from Small Area Plans or based on feedback from City Council and Land Use Control Board on like areas/cases. In cases where changes were made based on approved planned developments, staff reviewed the development, the 2019 future land use and surrounding character and have recommended changes.</p> <p>2,028 parcels were removed from the Future Land Use Planning Map because they are not within the City of Memphis or are being deannexed.</p> <p>[Pages 121, 252, 264, 276, 286, 294, 306, 320, 332, 342, 352, 362, 374, 386, and 396 in the Comprehensive Plan.]</p>
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Definition Changes

Definitions have been updated to improve consistency analysis provided to City Council and Land Use Control Board. Definitions were added to clarify the meaning of service uses and institutional uses when referenced in the Low Intensity Commercial & Services (CSL) and High Intensity Commercial & Services (CSH) land use categories. Descriptions were also added to the Public & Quasi Public Buildings & Uses categories.

Item 5	<p>Service uses imply an exchange of goods or services and may include commercial and other service uses. The following text has been added to the description of Low Intensity Commercial Services (CSL): <u>‘These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, and small-scale recreation.’</u> [Page 102 in the Comprehensive Plan.]</p>
Item 6	<p>The following text has been added to the description of High Intensity Commercial & Services (CSH): <u>‘These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, funeral services, lodging, and indoor recreation.’</u> These insertions are consistent with services uses identified in the Comprehensive Plan and the Unified Development Code. [Page 104 in the Comprehensive Plan.]</p>
Item 7	<p>Institutional uses exist to provide charitable, social, educational, or similar services of non-profit character to the public. These may include a church, school, community center, philanthropic institution. Social service institutions, institutions providing treatment related to health/mental health or social service programs, are more appropriate in the CSL and CSH land use categories. The following text has been added to the CSL and CSH land use descriptions: <u>May include social service institutions.</u> [Pages 102 and 104 in the Comprehensive Plan.]</p>
Item 8	<p>The Public & Quasi Public Buildings & Uses (PQP) introduction text has been updated to address challenges in supporting future growth and consistency with the comprehensive plan. The land use category is applied on the map adjacent to community anchors (and</p>

	<p>other areas across the City); the original description may not support development in anchor areas.</p> <p>As originally written, the PQP category does not support redevelopment that incorporates public space or other civic buildings with other uses. Additional text has been added to this category to provide flexibility that supports institutional uses and redevelopment consistent with neighborhood character and future growth.</p> <p>The introduction (PQP) has been updated to include the text '<u>Public and/or recreational buildings and spaces may be temporary uses.</u>' The description has been updated to include '<u>plazas and other gathering spaces.</u>' The form and location characteristics have been updated to include '<u>Redevelopment where PQP is applied on the Future Land Use Map should consider initially development consistent with the surrounding land use type.</u>' [Page 108 in the Comprehensive Plan.]</p>
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Appendices Changes

Includes updates and insertions to the list of Appendices in the plan.

Item 9	The title of the Special Appendix: Transit Vision Report has been updated to Appendix A due to the inclusion of additional appendices in the plan document. [Pages 9 and A-1 in the Comprehensive Plan.]
Item 10	<p>Appendix B has been added to the Comprehensive Plan to adopt the completed Small Area Plans. It includes the Small Area Plans completed by Comprehensive Planning in 2019 and 2020 – Raleigh Small Area Plan and the Whitehaven Small Area Plan. [Pages 9 and B-1 in the Comprehensive Plan.]</p> <p>Small Area Plans can be accessed here: Raleigh – https://bit.ly/raleightowncenterplan Whitehaven - https://bit.ly/whitehavenplan</p> <p>Note that Small Area Plans are advisory and shall not be considered adopted for the purposes of consistency until recommendations from a Small Area Plan, if any, are adopted into Parts 2 or 3 of the Comprehensive Plan.</p>
Item 11	<p>Appendix C has been added to the Comprehensive Plan to adopt plans that provide recommendations to systems within the City of Memphis. It includes two plans completed in 2019 and 2020, the Complete Streets Plan Update and the Memphis Area Climate Action Plan. [Pages 9 and C-2 in the Comprehensive Plan.]</p> <p>Systems plans can be accessed here: Complete Streets Plan - https://bit.ly/CompleteStreetsUpdate Climate Action Plan - https://bit.ly/memclimateactionplan</p>

Other Changes

Includes any other changes in the proposed amendment.

Item 12	The legal basis has been updated to acknowledge the inclusion of the Appendices. The following text has been added ' <u>Planning documents adopted into the appendices of the Comprehensive Plan are advisory only and not subject to consistency review.</u> ' [Page 12 in the Comprehensive Plan.]
Item 13	<p>The Division of Planning & Development worked with a small committee of stakeholders to develop the Small Area Plan Guide. The guide provides additional detail on the Small Area Planning process and outcomes. A reference to the Small Area Planning guide has been included on page 160 which reads 'In 2020, the Division of Planning & Development worked with a small committee of stakeholders made up of other government representatives, funders, community organizations, architects, and sustainability advocates to develop the Small Area Planning guide. The guide can be found on https://www.memphis3point0.com/ (the Small Area Plan guide is in final production and will be added to the website as soon as it is available.)</p> <p>Small Area Plans are advisory and shall not be considered adopted for the purposes of consistency until recommendations from a Small Area Plan, if any, are adopted into Parts 2 or 3 of the Comprehensive Plan.' [Page 161 in the Comprehensive Plan.]</p>

Public comment for these changes opens at 5:00 pm (CST) on December 2, 2020. Individuals or agencies are encouraged to call 901-636-6601 or email info@memphis3point0.com with any comments on the proposed changes.

Please advise if you need any additional information.

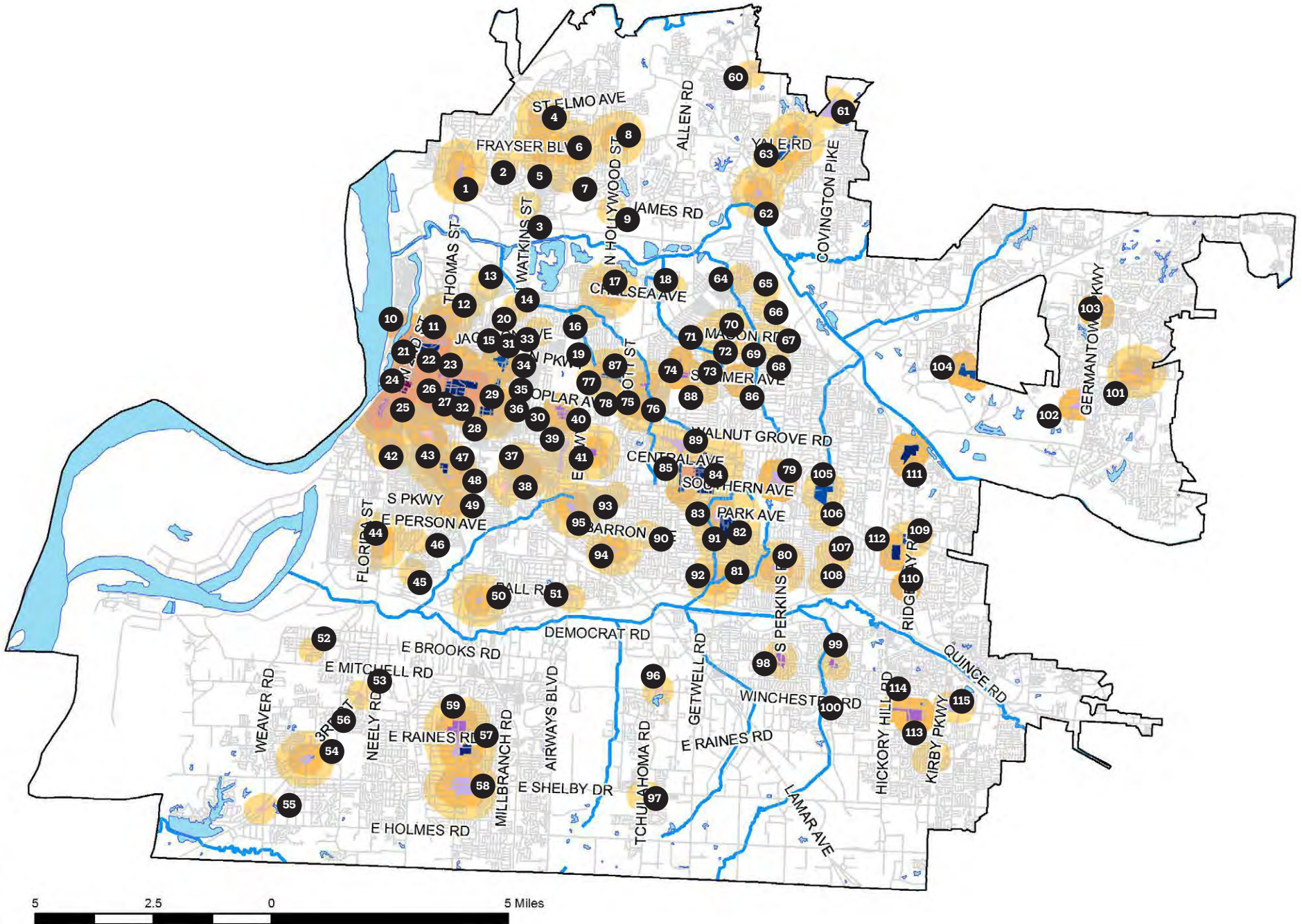
Sincerely,



Ashley Cash

Memphis 3.0 Anchors

The map below lists all anchors and anchor neighborhoods for the City of Memphis and provides corresponding locations by intersection or landmark on the following page. To view a larger version of this map, go to <http://memphis3point0.com/maps>.



FRAYSER

- 01 Northgate Center
- 02 Dellwood & Steele
- 03 Delano & Watkins
- 04 Corning & Watkins
- 05 Frayser & Watkins
- 06 Frayser Plaza
- 07 Whitney & Overton Crossing
- 08 Frayser Village
- 09 Frayser Gateway

NORTH

- 10 Harbor Town
- 11 Chelsea & Thomas
- 12 Chelsea & Ayers
- 13 Firestone & Breedlove
- 14 Brown & Watkins
- 15 Jackson & Hastings
- 16 Springdale & Brown
- 17 Chelsea & Hollywood
- 18 Douglass Park

CORE

- 19 Pinch District
- 20 Poplar Area
- 21 Downtown
- 22 Madison Area
- 23 Mississippi & Georgia
- 24 Memphis Medical District
- 25 Jackson & Evergreen
- 26 Crosstown
- 27 Poplar & Cleveland
- 28 Cleveland & Madison
- 29 Methodist University Medical Center
- 30 Netherwood & Willett
- 31 Lamar & McLean
- 32 Overton Square
- 33 Cooper Area
- 34 Central & Early Maxwell/
Fairgrounds

SOUTH

- 35 Third & Crump
- 36 Mississippi & Walker
- 37 Third & Belz/ Mallory Heights
- 38 Lauderdale & Mallory
- 39 Lauderdale & Rosewood
- 40 Neptune & Walker
- 41 Soulsville
- 42 Kerr & Gaither
- 43 Elvis Presley & Alcy
- 44 South & Alcy Ball

WESTWOOD

- 45 Ford & King
- 46 Third & Fairway/Levi Library
- 47 Third & Ford/Raines
- 48 Third & Weaver

WHITEHAVEN

- 49 Southwest TN Community College
- 50 Elvis Presley & Shelby Dr
- 51 Elvis Presley & Raines

RALEIGH

- 52 Raleigh Egypt
- 53 New Covington & Austin Peay
- 54 James Road/Old Raleigh
- 55 Austin Peay & Yale

JACKSON

- 56 Graham & Chelsea
- 57 Wells Station & Reed
- 58 Wells Station & Grey
- 59 Macon & Berclair
- 60 Janice & Berclair
- 61 Macon & Wells Station
- 62 Macon & Victor
- 63 Macon & Homer
- 64 Given & Isabelle
- 65 Summer & National
- 66 Summer & Graham

UNIVERSITY

- 67 Broad Avenue
- 68 Lester
- 69 Tillman & McAdoo
- 70 Oak Court
- 71 Colonial Village
- 72 Dunn & Cherry
- 73 University of Memphis Park Avenue Campus
- 74 Park & Getwell
- 75 University of Memphis
- 76 Highland Street
- 77 Binghampton Gateway
- 78 Highpoint Area
- 79 Summer & Graham
- 80 Poplar & Highland

LAMAR

- 81 Orange Mound
- 82 Brentwood Park
- 83 Park & Getwell
- 84 Getwell & Sharpe
- 85 Sherwood
- 86 Lamar & Kimball
- 87 Lamar & Airways

OAKHAVEN & PARKWAY VILLAGE

- 88 Winchester & Tchulahoma
- 89 Shelby & Tchulahoma
- 90 Perkins & Knight Arnold
- 91 Mendenhall & Knight Arnold
- 92 Mendenhall & Winchester

CORDOVA

- 93 Old Cordova
- 94 Trinity & Germantown Parkway/ Fischer Steel
- 95 Dexter & Germantown Parkway

- 96 Mullins Station & Whitten Road

EAST

- 97 Poplar & Truse
- 98 Park & Mt Moriah
- 99 Sea Isle
- 100 White Station & Quince
- 101 Poplar & Ridgeway
- 102 Ridgeway & Quince
- 103 Walnut Grove & Brierview/Baptist Memorial
- 104 St. Francis

SOUTHEAST

- 105 Kirby & Raines
- 106 Winchester & Ridgeway
- 107 Kirby & Winchester

Change in list, page 57	Change in map, pg 56	Note
Moved 26 to 19; move Jackson & Evergreen from core district to North district.	updated the map	In district anchors map, Jackson and Evergreen is included in North district
Added Jackson & Watkins to the list at number 15	updated the map	Jackson & Watkins was missing in list, which is present in district (North) anchor page.
Added St Jude in Core district anchor list	updated the map accordingly	St Jude was missing in the list
Changed the name "Poplar Area" to "Poplar & Danny Thomas"	updated the map	Name "Poplar Area" is not in the district anchors map, rather it's Poplar & Danny Thomas
Added South Main to the list which was missing	updated the map accordingly	
Changed the name "Madison Area" to "Madison & Danny Thomas"	updated the map accordingly	Name "Madison Area" is not in the district anchors map, rather it's Madison & Danny Thomas
Added Lauderdale & Vance to the list which was missing	updated the map accordingly	missing
Added The Edge to the list	updated the map accordingly	missing
Added Poplar & Alabama to the list	updated the map accordingly	missing
Added Ayers & JW Williams to the list	updated the map accordingly	missing
Added Third & Raines to the list	updated the map accordingly	missing
Changed the name "Elvis Presley & Shelby Dr" to "Southbrook/Southland"	updated the map accordingly	Name "Elvis Presley & Shelby Dr" is not in the district anchors map, rather it's Southbrook/Southland
Changed the name "Elvis Presley & Raines" to "Whitehaven Plaza"	updated the map accordingly	Name "Elvis Presle & Raines" is not in the district anchors map, rather it's Whitehaven Plaza
Changed the name "Austin Peay & Yale" to "Raleigh Springs Mall"	updated the map accordingly	Name "Austin Peay & Yale" is not in the district anchors map, rather it's Raleigh Springs Mall
Deleted Summer & graham from University district as it is in Jackson district	updated the map accordingly	Repetitive "Summer & Graham"
Added Merton & Oxfords to the list	updated the map accordingly	missing
Changed the name "Poplar & Highland" to "Poplar Plaza"	updated the map accordingly	Name "Poplar & Highland" is not in the district anchors map, rather it's Poplar Plaza
Deleted Park & Getwell from Lamar district as it is in University	updated the map accordingly	Repetitive "Park & Getwell"
Deleted Park & Mt Moriah from East District and add Eastgate instead of it	updated the map accordingly	There is no such anchor like " Park & Mt. Moriah" in East district anchor page

LAND USE CATEGORIES

COMMUNITIES

Anchor Neighborhood – Urban

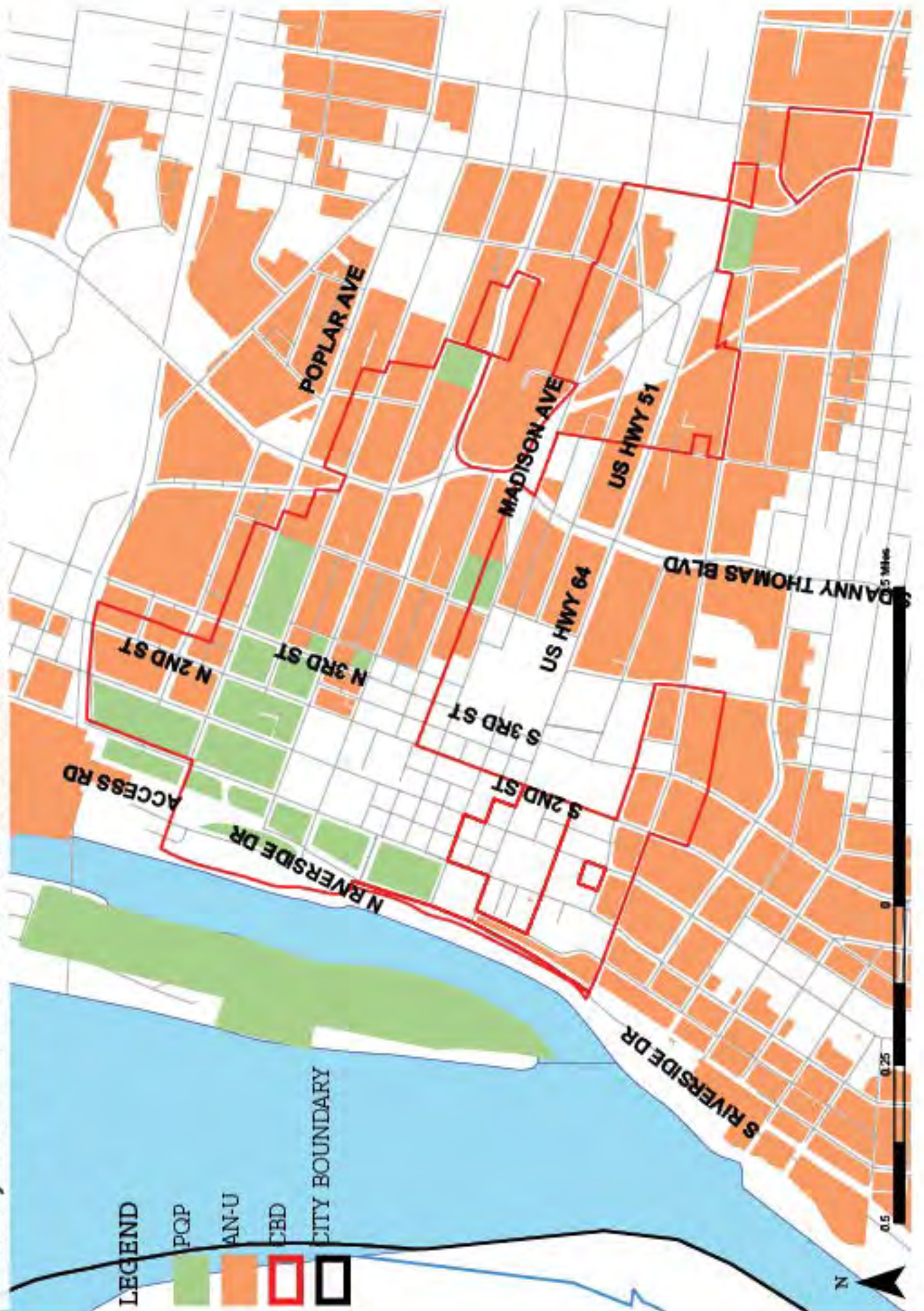
AN-U

Urban Anchor Neighborhoods are destinations for public and private amenities that are within walking distance to a Citywide Anchor. Most buildings are between three and seven stories with an occasional high rise and are a mixture of attached and unattached. The scale of buildings is largely at the block level with some multiplex footprints, making an Anchor Neighborhood - Urban a diverse living and shopping community surrounding a local anchor. Green space may be interspersed to provide community common space.



Description/Intent	Walkable residential and mixed-use districts within a 5-10 minute walk of a Citywide Anchor, consisting of block-scale buildings.
Applicability	Areas around Urban Core/Downtown and Medical Districts and Institutional Campuses with large lots suitable for large block-scale infill and redevelopment.
Goals/Objectives	Support continued reinvestment and intensification of areas within walking distance to urban core and medical and educational anchors to support those anchors.
Performance Metrics	Number of renovated housing units in anchor neighborhoods, number and type of infill housing units in anchor neighborhoods.
Zoning Notes	Generally compatible with the following zone districts: RU-4, RU-5, R-B, <u>CBD</u> in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings within anchor neighborhood areas as appropriate, at the time of a small area plan. Height calibration.
Form and Location Characteristics	<p>NURTURE, SUSTAIN, and ACCELERATE -</p> <p>Buildings attached, semi-detached, and detached</p> <p>Primarily block-scale with some house-scale</p> <p>Residential, commercial, or mix of uses</p> <p>1-8 stories height (and potential occasional high-rise)</p> <p>Primarily within 1/4 mile of a Citywide Anchor</p>

PQP, AN-U FUTURE LAND USE AND THE CBD



LAND USE CATEGORIES

PARKS & CIVIC SPACE



Public & Quasi-Public Buildings & Uses

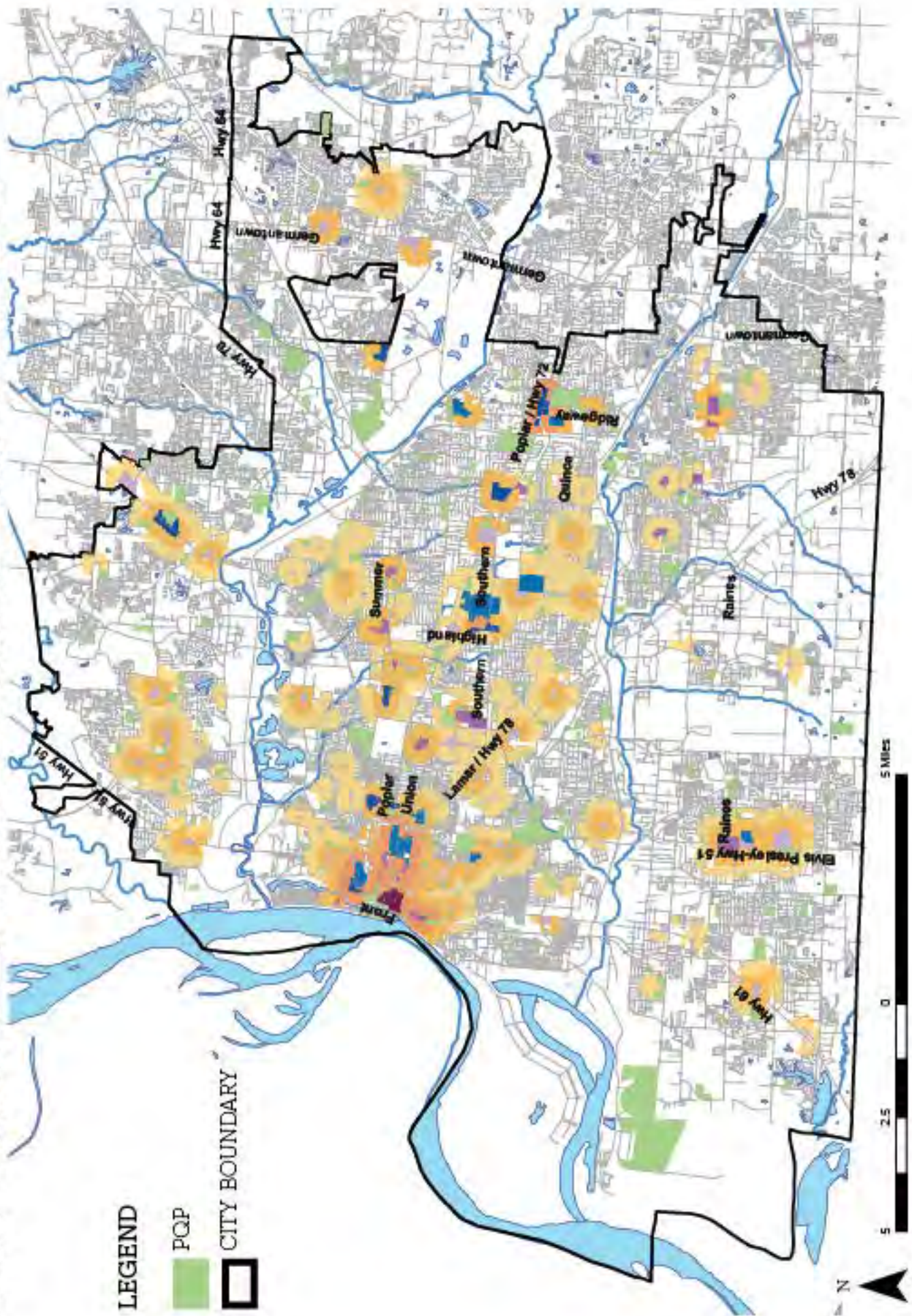
PQP

Public and Quasi-Public Building areas are public buildings used for recreation or as an institution, such as schools, churches, community center, libraries, and civic buildings. These places are easily accessible by foot or automobile and have formal access points that address the street. Public and/or recreational buildings and spaces may be temporary uses.



Description/Intent	Civic buildings, schools, religious institutions, and community facilities, <u>plazas and other gathering spaces.</u>
Applicability	Civic buildings, schools, churches, community facilities.
Goals/Objectives	Institutional uses contributing to anchors, anchor neighborhoods, residential communities, contributions to civic space framework
Zoning Notes	Generally compatible with the following zone districts: CIV, <u>CBD (compatible only in the greater downtown area)</u> in accordance with Form and characteristics listed above. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan.
Form and Location Characteristics	Recreational and Institutional uses. <u>Redevelopment where PQP is applied on the Future Land Use Map should consider initially development consistent with the surrounding land use type.</u>

PQP Future Land Use and All 3.0 Anchors

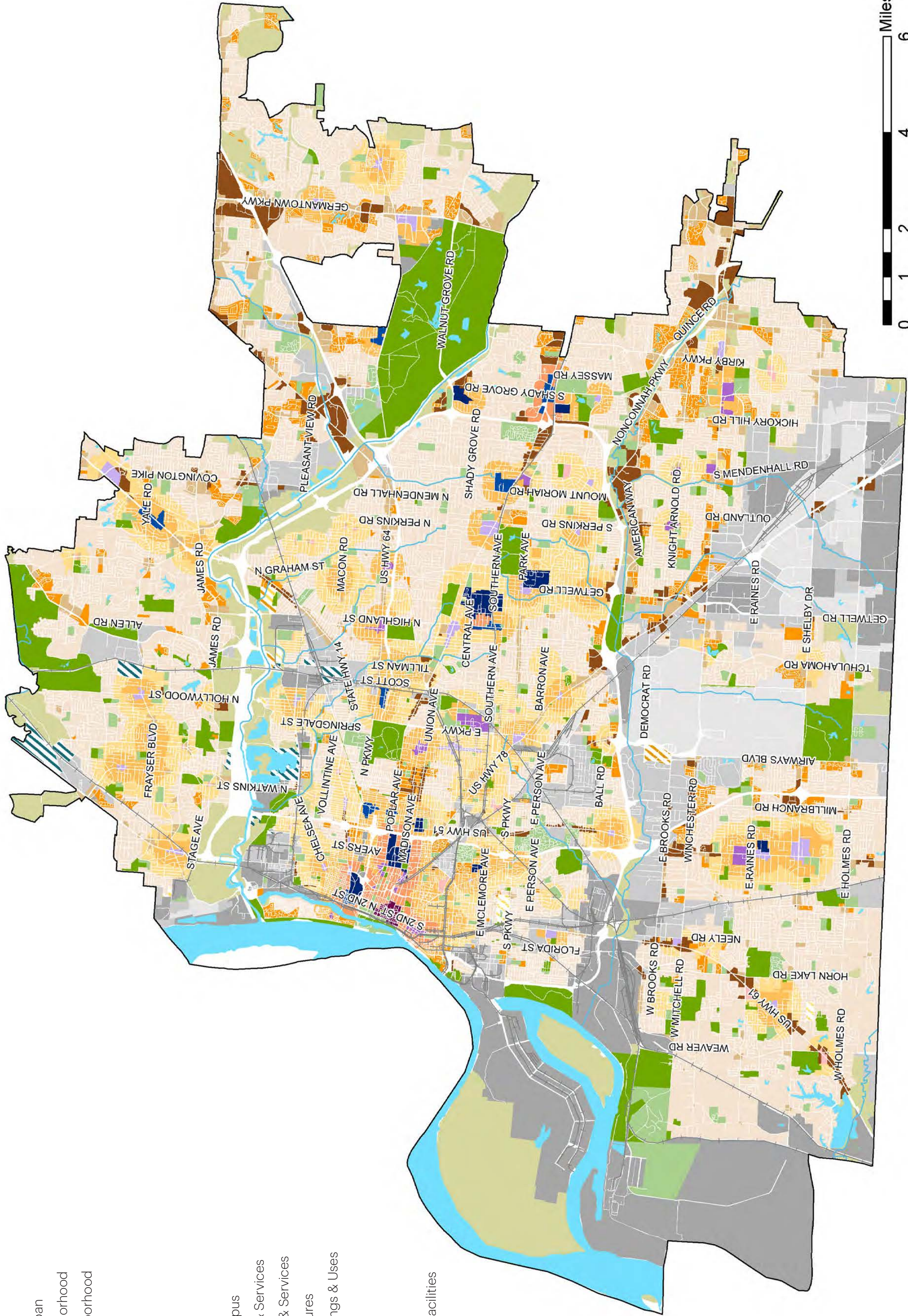


Future Land Use Planning Map

This map shows future land use for all areas of the City of Memphis. To view a larger version of this map, go to <https://www.memphis3point0.com/maps>.

- Anchor Neighborhood - Primarily Single Unit
- Anchor Neighborhood - Mix of Building Types
- Anchor Neighborhood - Urban
- Primarily Single Unit Neighborhood
- Primarily Multifamily Neighborhood
- Neighborhood Crossing
- Neighborhood Main Street
- Urban Main Street
- Urban Center
- Urban Core / Downtown
- Medical & Institutional Campus
- Low Intensity Commercial & Services
- High Intensity Commercial & Services
- Open Space & Natural Features
- Public & Quasi-Public Buildings & Uses
- Parks & Recreation Facilities
- Industrial
- Industrial Flex
- Transportation & Logistics Facilities
- Transitional Neighborhood
- Transitional Commercial
- Transitional Industrial

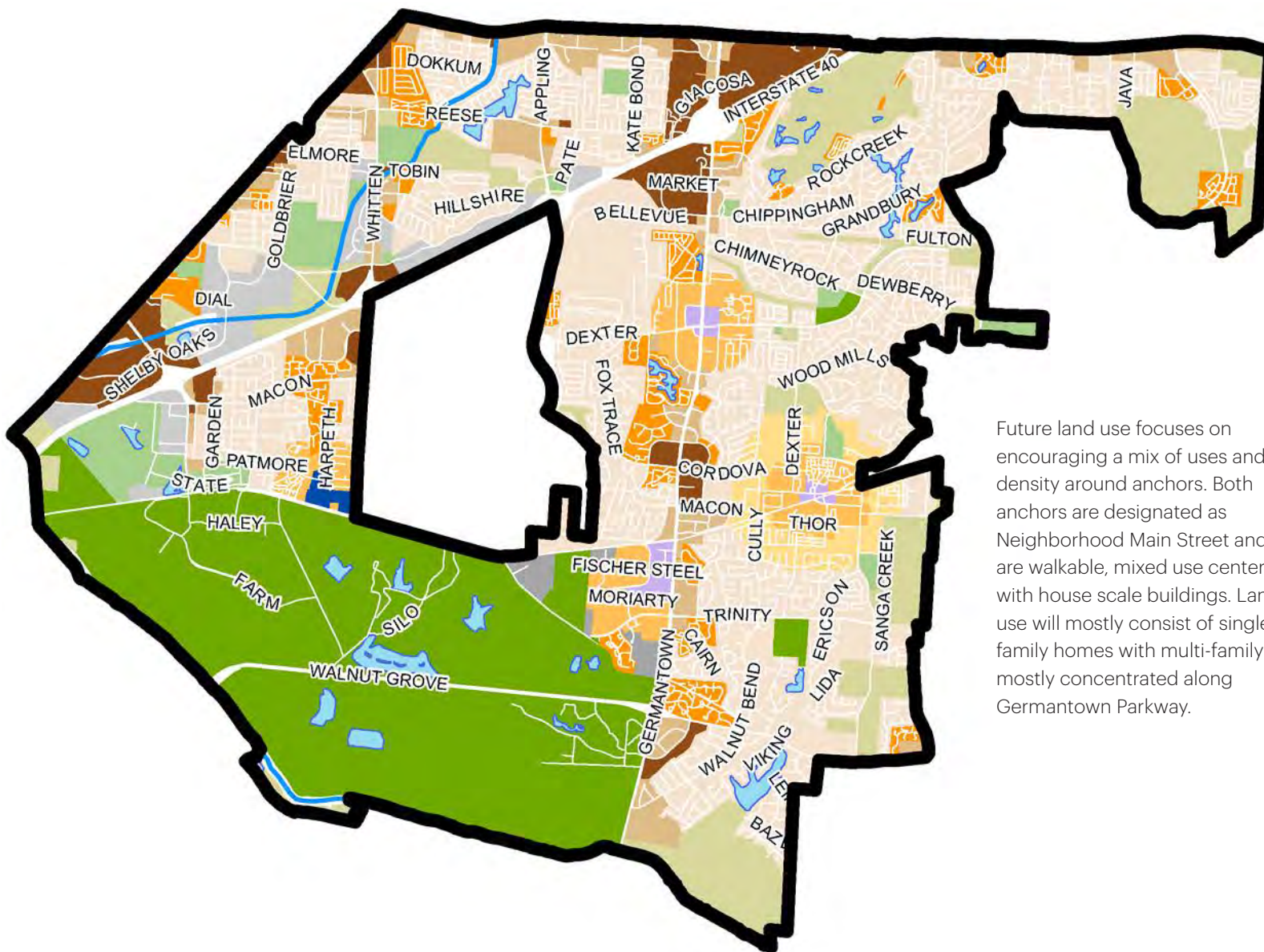
Planning and Zoning Documents
Tuesday, April 20, 2021



CORDOVA

Land Use

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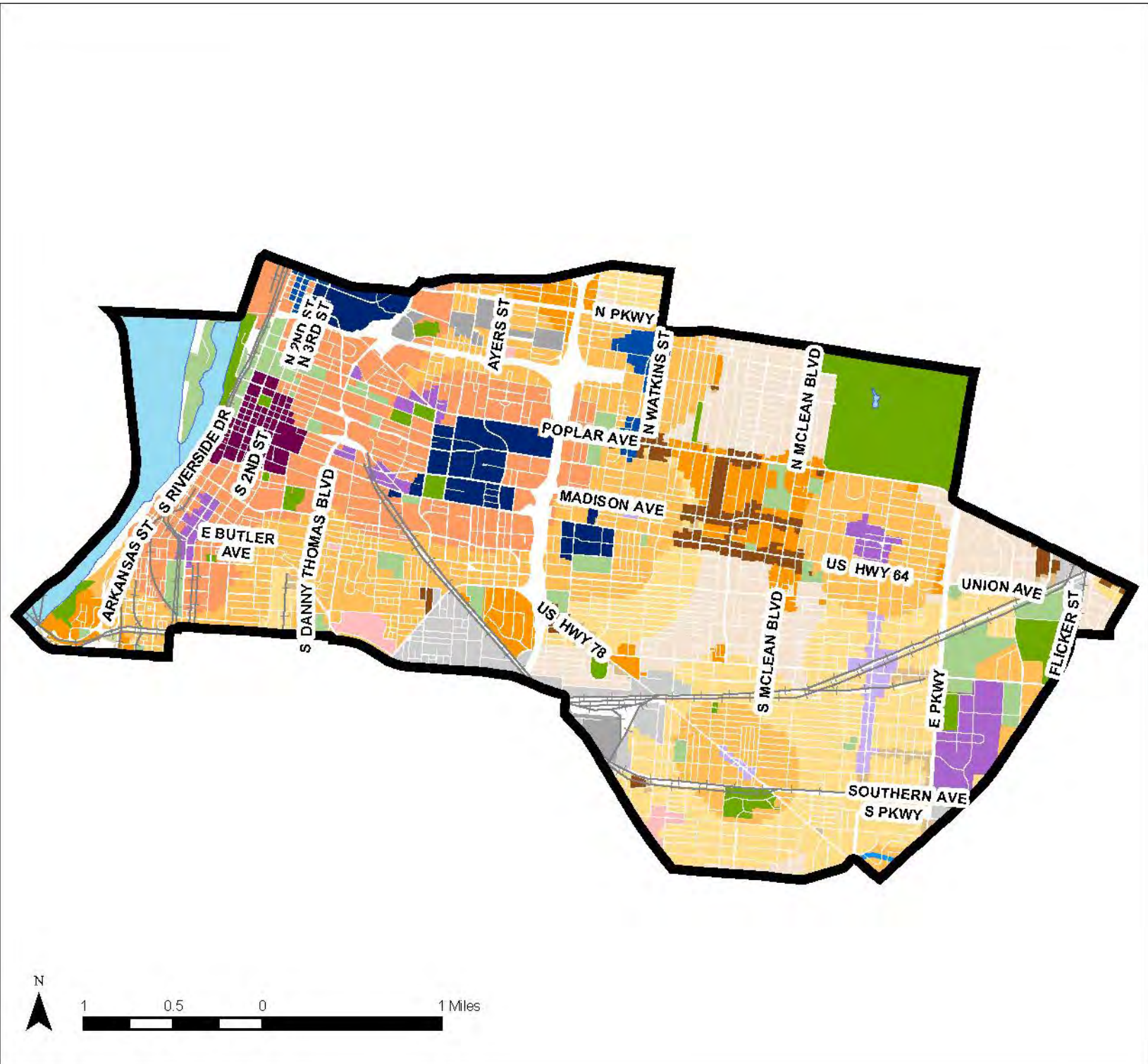
Future land use focuses on encouraging a mix of uses and density around anchors. Both anchors are designated as Neighborhood Main Street and are walkable, mixed use centers with house scale buildings. Land use will mostly consist of single-family homes with multi-family mostly concentrated along Germantown Parkway.



CORE CITY

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EAST

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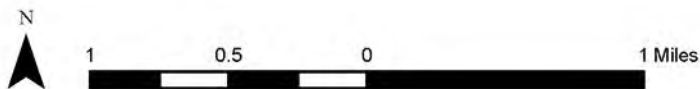
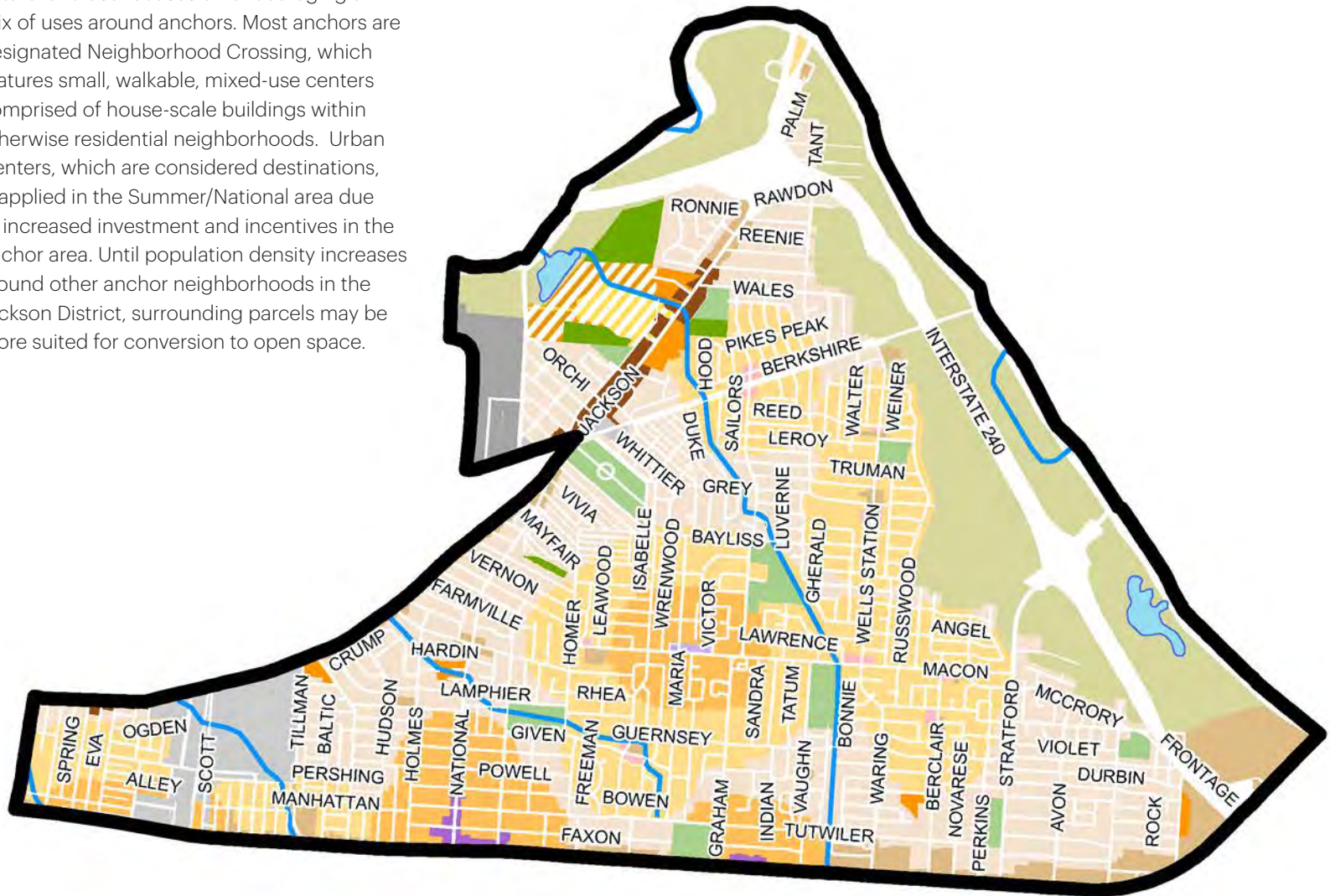
Future land use focuses on encouraging a mix of uses around anchors. Most anchors in the district are Neighborhood Main Street and features a walkable mix of uses and activities with house-scale buildings. Other anchors are Urban Main Street and Urban Center. These anchor types are block scale buildings that can be up to seven stories tall and can be several blocks. The majority of the East District is characterized by mostly single-family housing with the major high-intensity commercial corridor of Poplar Avenue. Other commercial areas are located along nodes within neighborhoods.

JACKSON

Land Use

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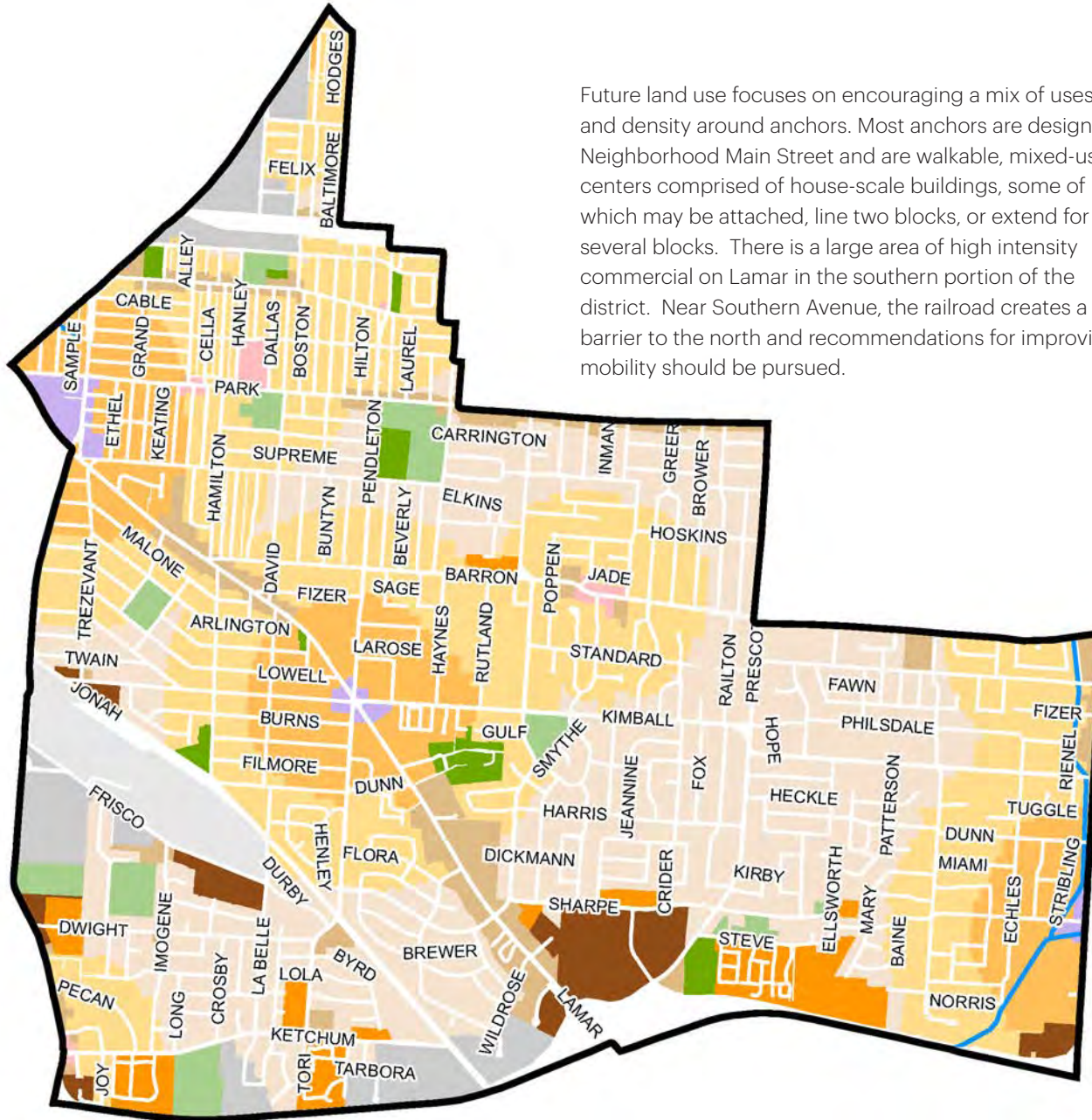
Future land use focuses on encouraging a mix of uses around anchors. Most anchors are designated Neighborhood Crossing, which features small, walkable, mixed-use centers comprised of house-scale buildings within otherwise residential neighborhoods. Urban Centers, which are considered destinations, is applied in the Summer/National area due to increased investment and incentives in the anchor area. Until population density increases around other anchor neighborhoods in the Jackson District, surrounding parcels may be more suited for conversion to open space.



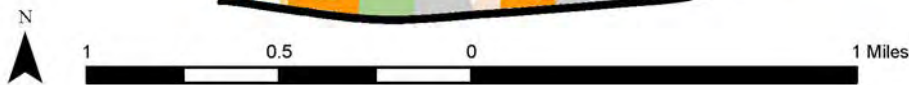
LAMAR

Land Use

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Future land use focuses on encouraging a mix of uses and density around anchors. Most anchors are designated Neighborhood Main Street and are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, line two blocks, or extend for several blocks. There is a large area of high intensity commercial on Lamar in the southern portion of the district. Near Southern Avenue, the railroad creates a barrier to the north and recommendations for improving mobility should be pursued.

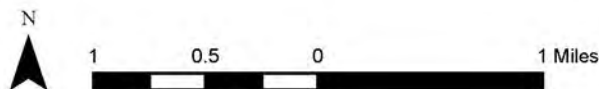
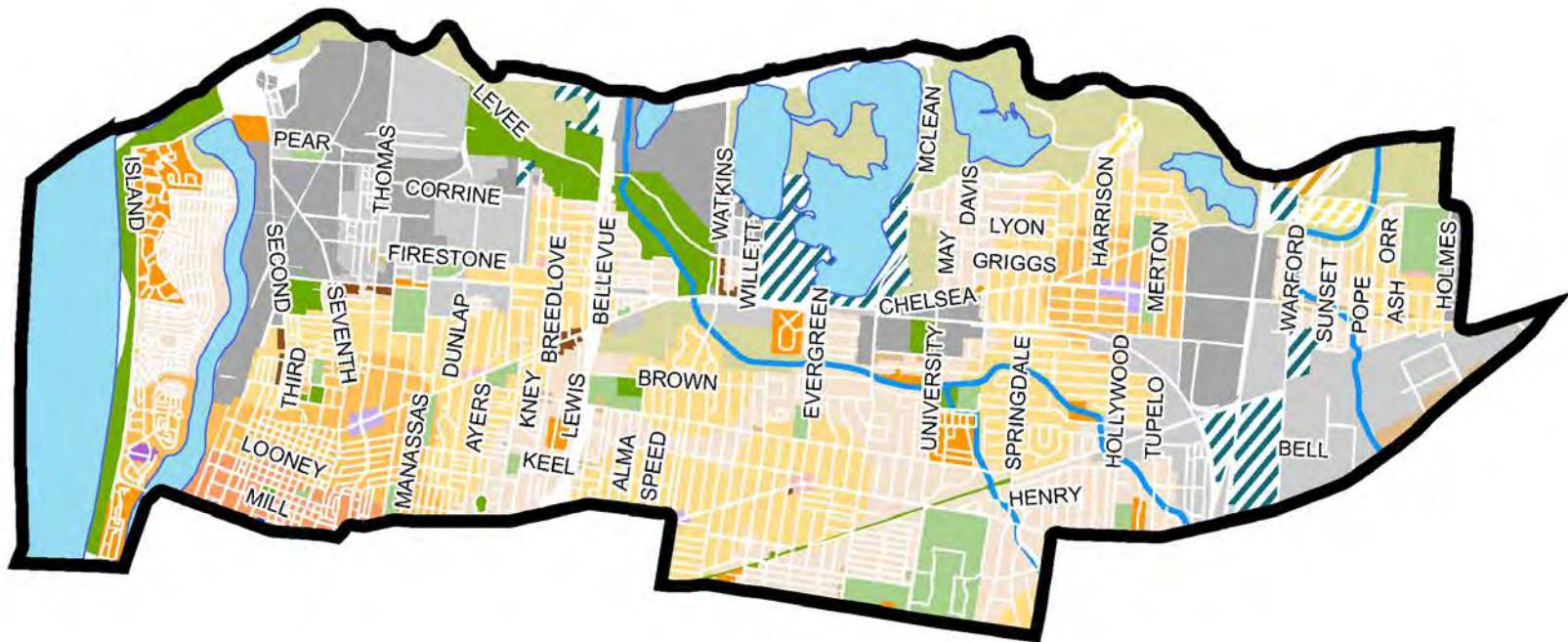


NORTH

Land Use

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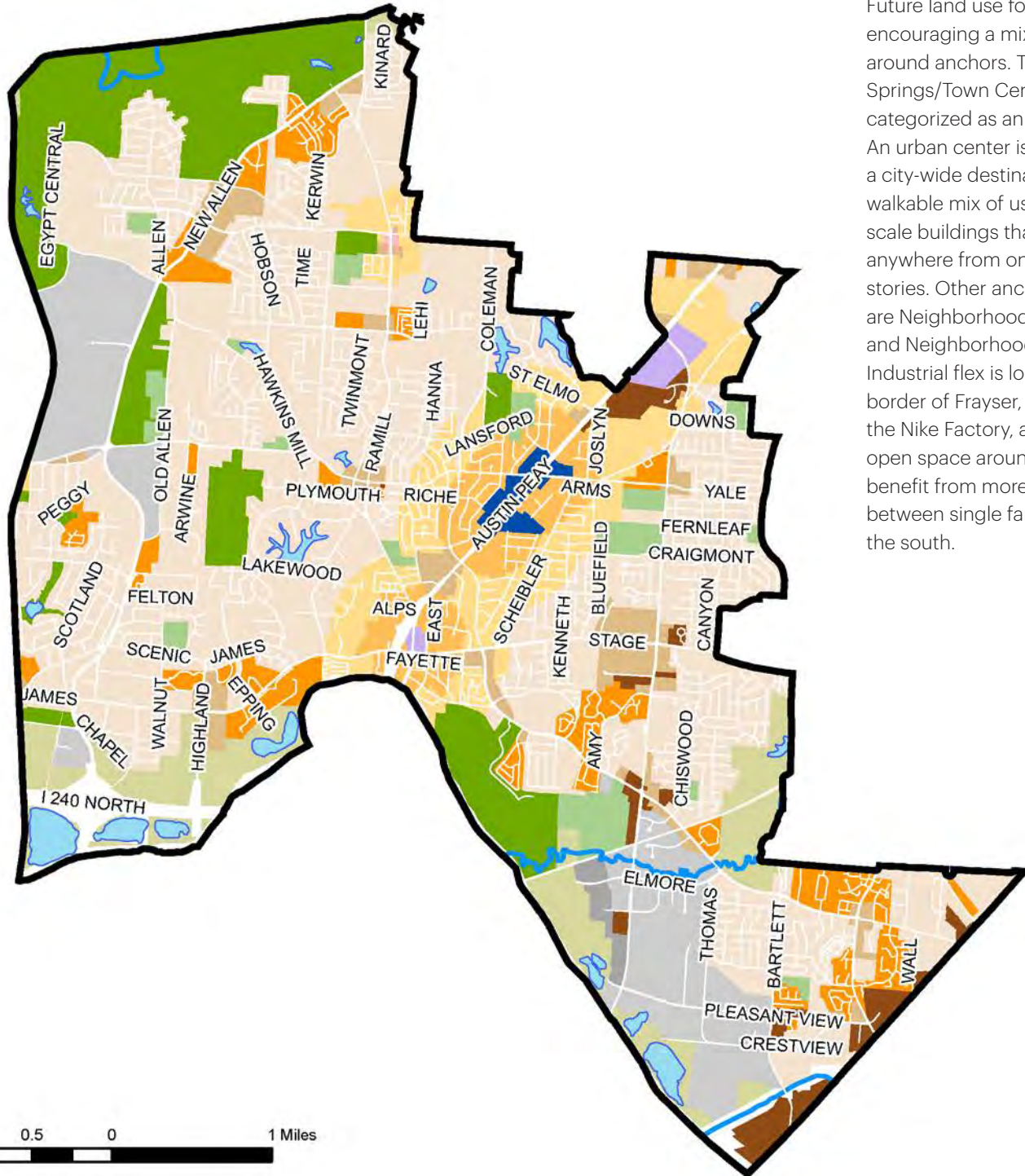
The anchors in the North District are mostly a combination of Neighborhood Main Street and Neighborhood Crossings which feature house-scale buildings ranging from one to three stories. Transitional industrial areas have been applied near New Chicago Park, Kilowatt Lake, and the rail area near the Hyde Park neighborhood. These areas provide an opportunity for alternative uses such as cultural spaces, civic amenities, or less intensive industrial/flex uses.



RALEIGH

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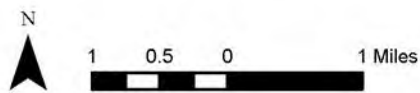
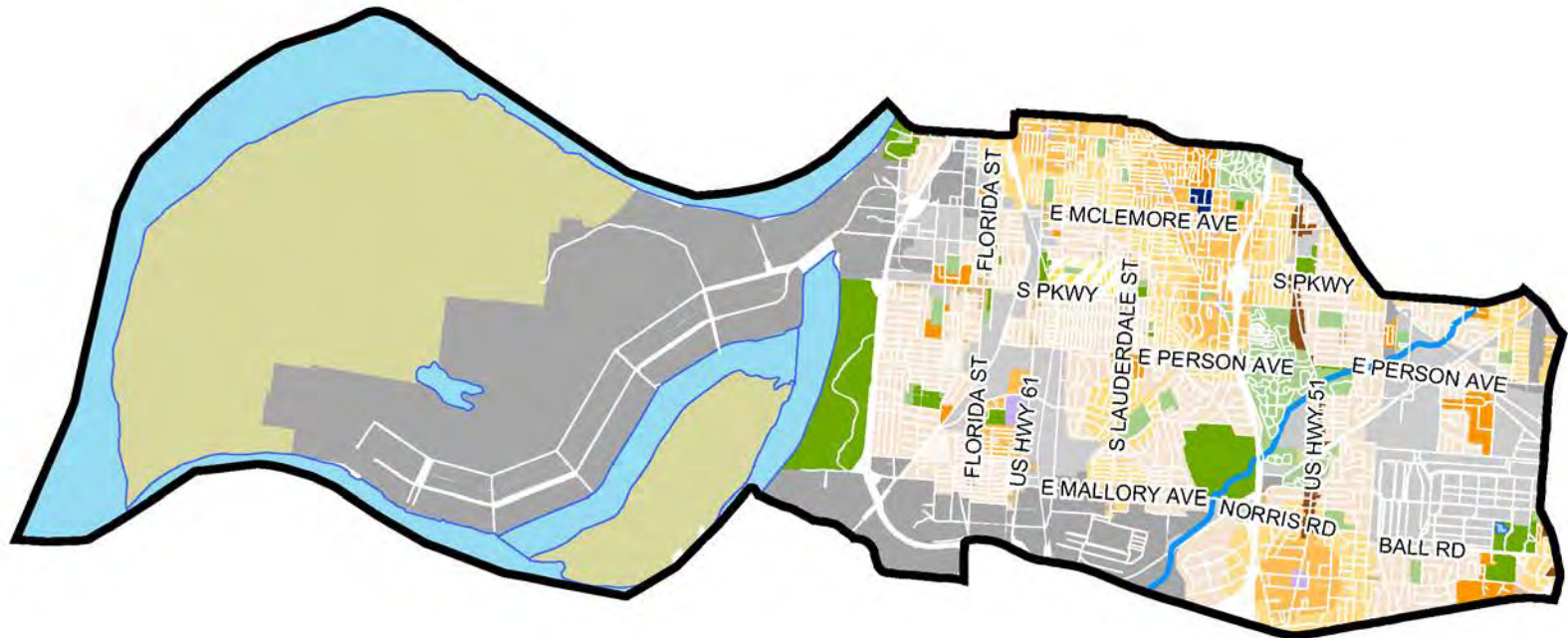


Future land use focuses on encouraging a mix of uses around anchors. The Raleigh Springs/Town Center anchor is categorized as an Urban Center. An urban center is considered a city-wide destination and is a walkable mix of uses with block scale buildings that can be anywhere from one story to seven stories. Other anchors in district are Neighborhood Main Street and Neighborhood Crossing. Industrial flex is located on the border of Frayser, consisting of the Nike Factory, and has some open space around it but could benefit from more buffering between single family homes to the south.

SOUTH

Land Use

- Anchor Neighborhood Primarily Single Unit
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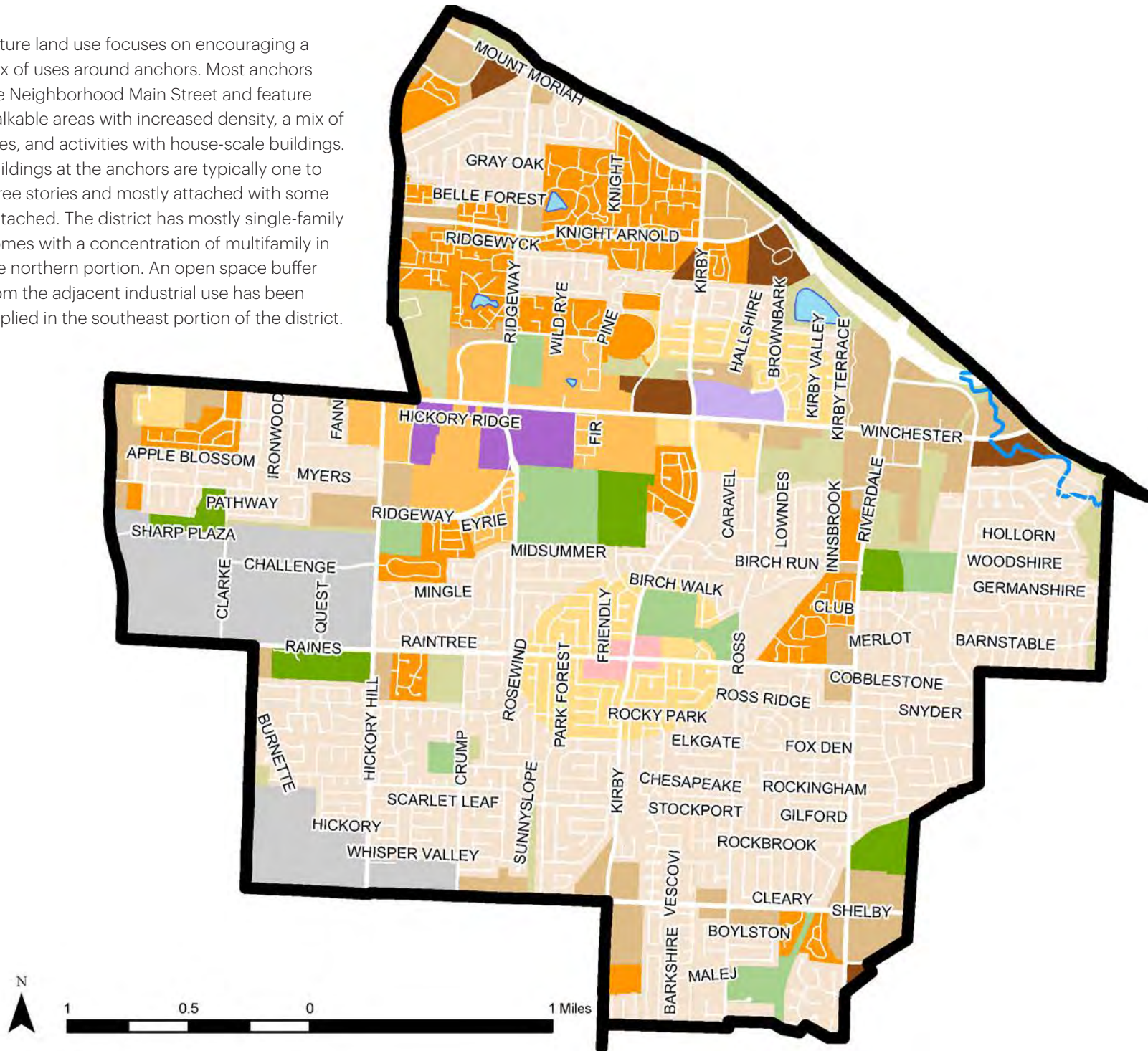
Future land use focuses on encouraging a mix of uses around anchors. Most anchors are Neighborhood Main Street and features a walkable mix of uses and activities with house scale buildings that are typically one to five stories. Transitional neighborhoods have been applied in areas to the east of MLK Park and parts of district east of industrial land around Simpson and Trigg. Until vacancy is reduced around anchor neighborhoods, parts of these areas may be more suited for lot expansion or a community-supported open space use.

SOUTHEAST

Land Use

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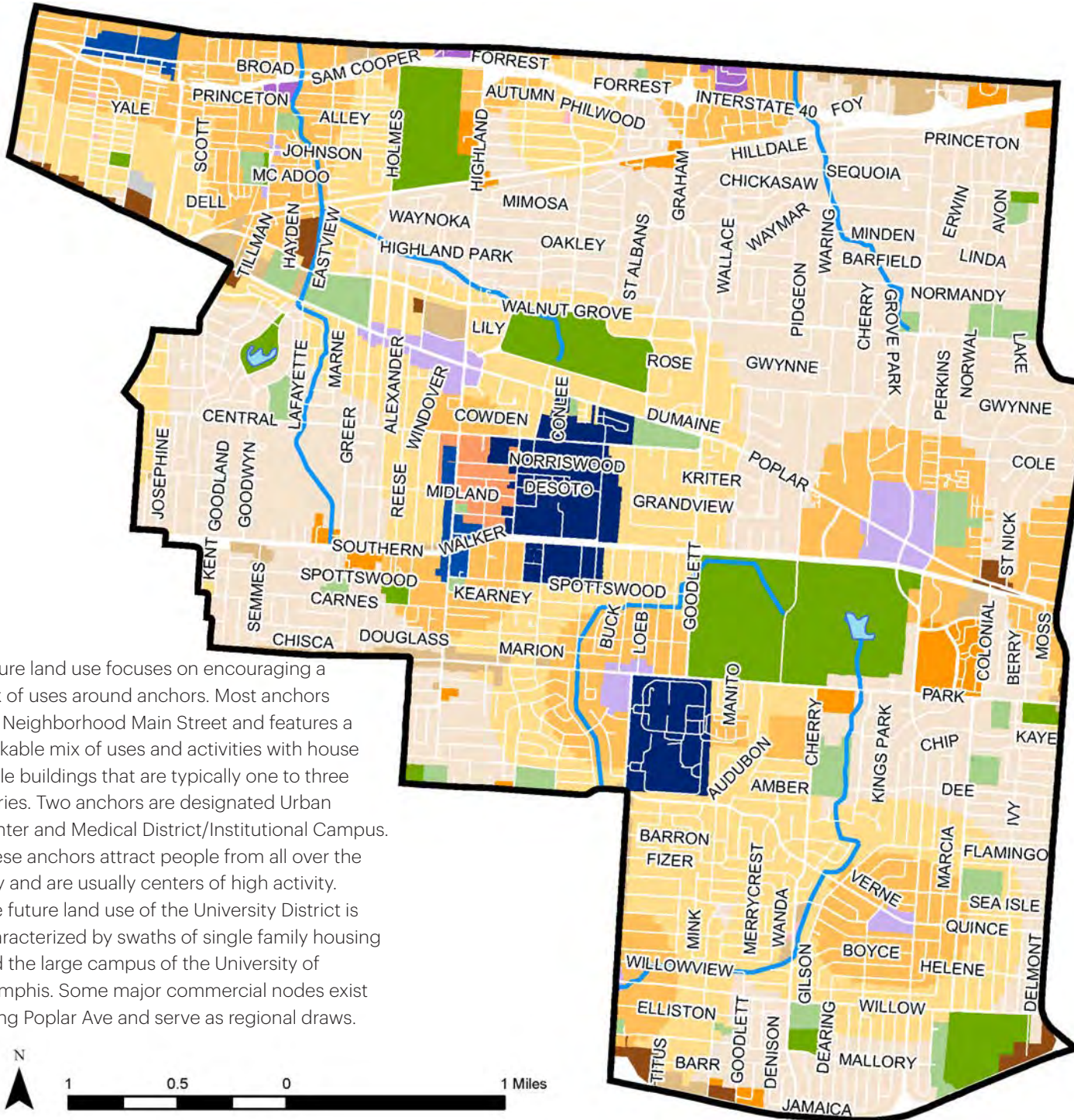
Future land use focuses on encouraging a mix of uses around anchors. Most anchors are Neighborhood Main Street and feature walkable areas with increased density, a mix of uses, and activities with house-scale buildings. Buildings at the anchors are typically one to three stories and mostly attached with some detached. The district has mostly single-family homes with a concentration of multifamily in the northern portion. An open space buffer from the adjacent industrial use has been applied in the southeast portion of the district.



UNIVERSITY

Land Use

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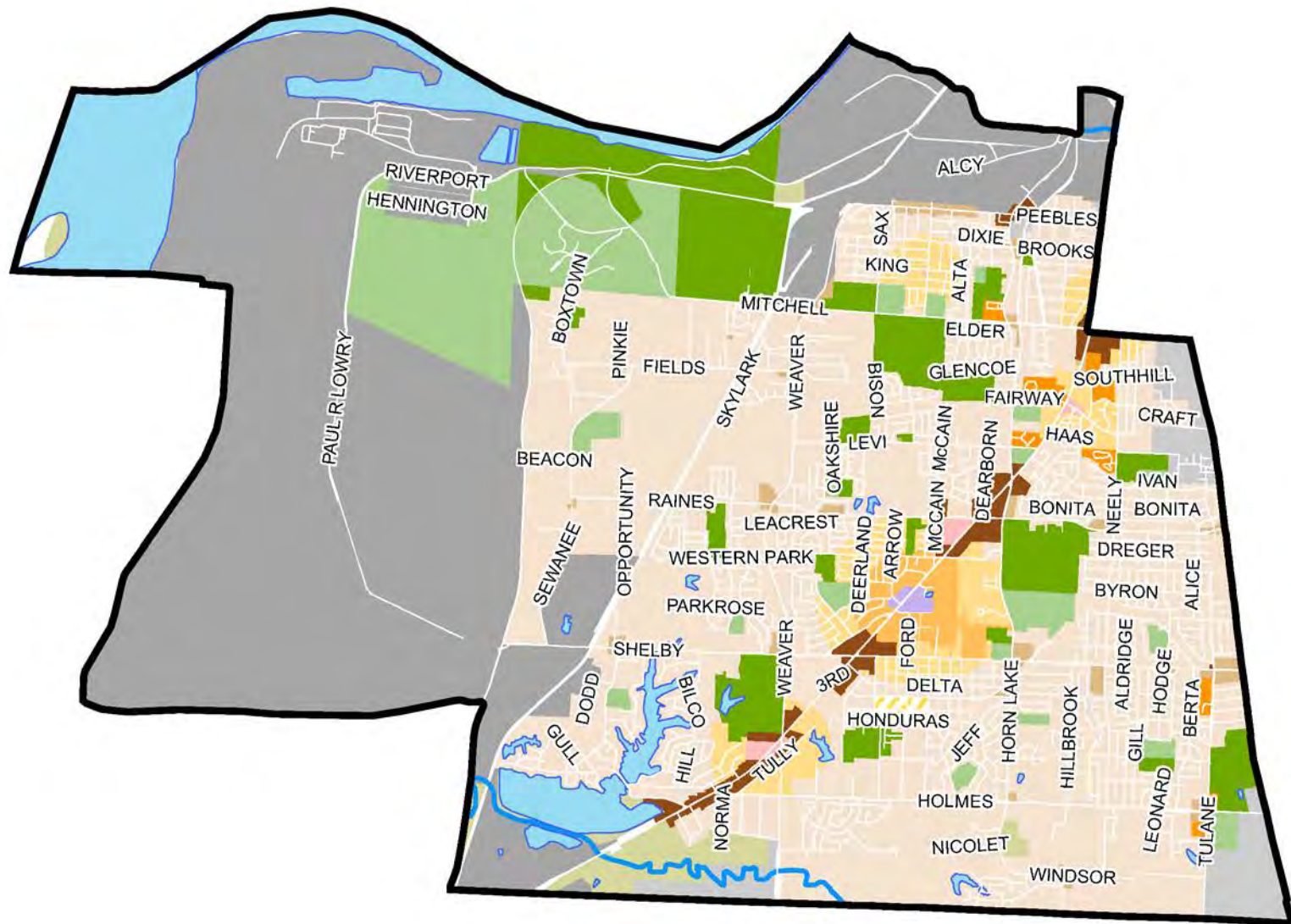
Future land use focuses on encouraging a mix of uses around anchors. Most anchors are Neighborhood Main Street and features a walkable mix of uses and activities with house scale buildings that are typically one to three stories. Two anchors are designated Urban Center and Medical District/Institutional Campus. These anchors attract people from all over the City and are usually centers of high activity. The future land use of the University District is characterized by swaths of single family housing and the large campus of the University of Memphis. Some major commercial nodes exist along Poplar Ave and serve as regional draws.

WESTWOOD

Land Use

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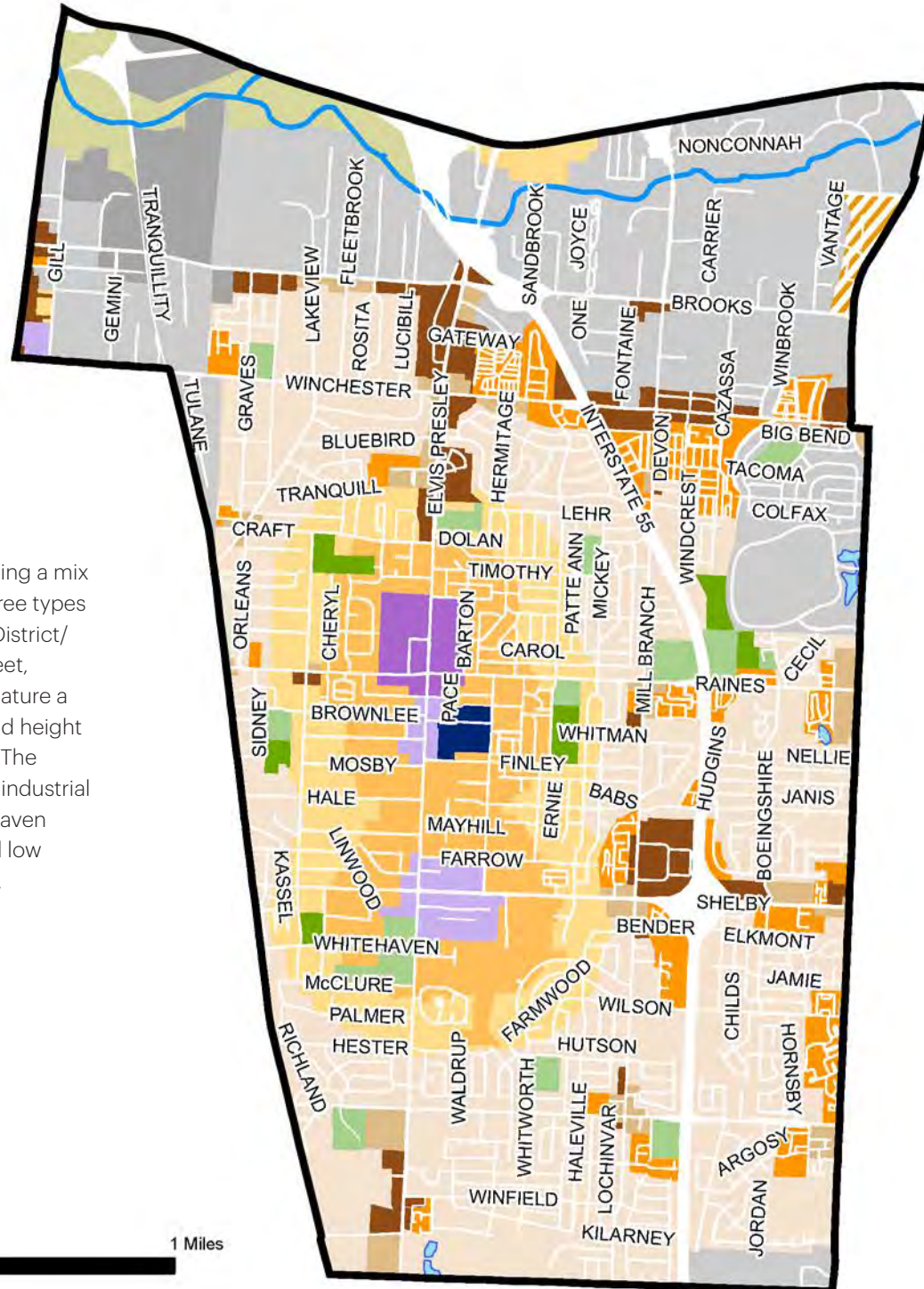
Future land use in Westwood focuses on encouraging walkable areas with increased density and clustering a mix of uses around anchors. The anchors in the district are a combination of Neighborhood Crossing and Neighborhood Main Street and feature house-scale buildings, one to three stories in height. A small portion of the district near Otis Redding Park is designated a transitional neighborhood. The vacancy rate has reached a level where it is no longer feasible to pursue traditional economic infill. There may be opportunities for nontraditional alternative uses, such as community gathering spaces or small-scale agriculture.



WHITEHAVEN

Land Use

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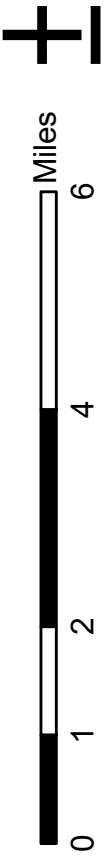
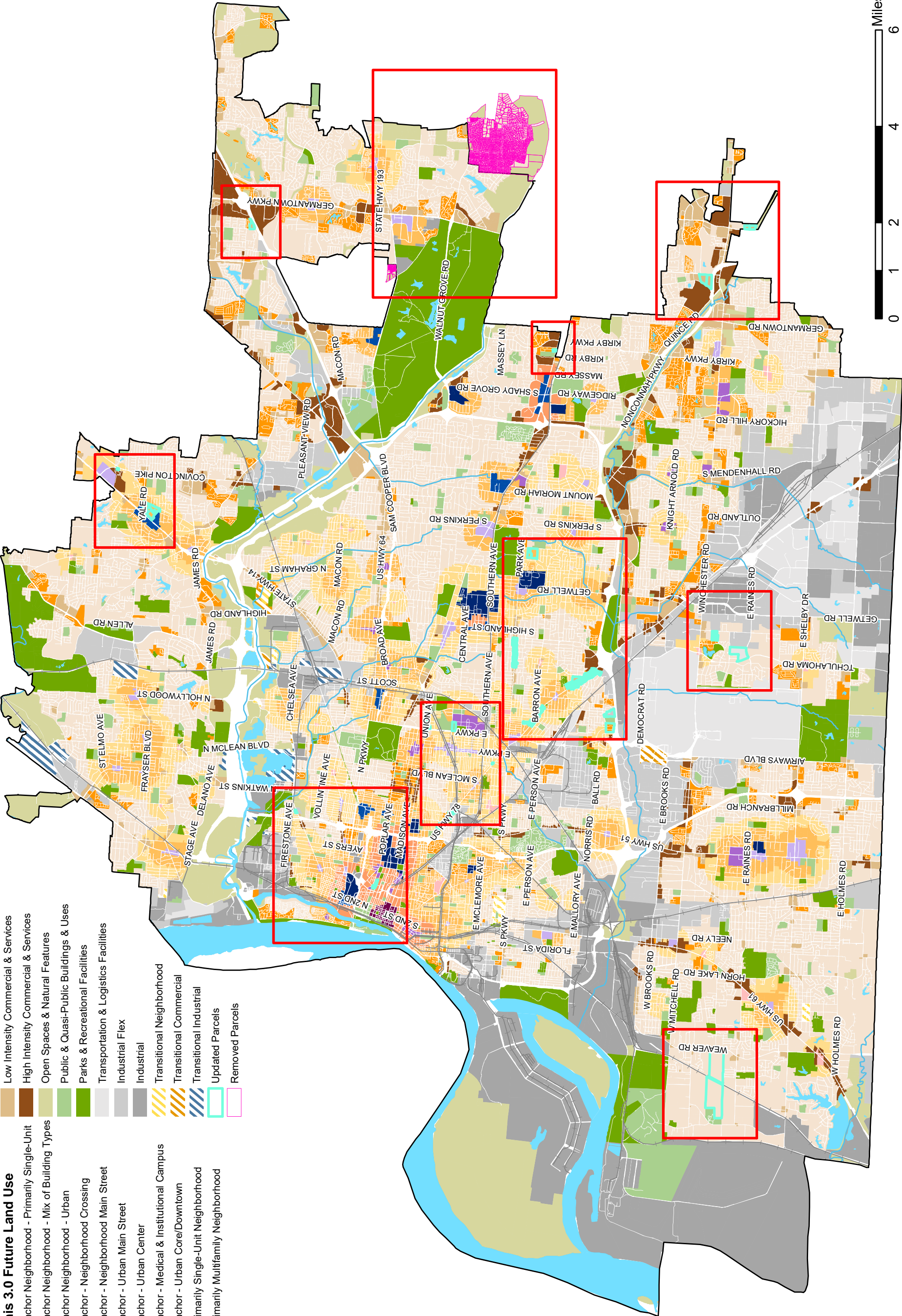


Future land use focuses on encouraging a mix of uses around anchors. There are three types of anchors in Whitehaven – Medical District/ Institutional, Neighborhood Main Street, and Urban Main Street. All anchors feature a walkable mix of uses but the scale and height of buildings varies with each anchor. The northern part of the district is mostly industrial and industrial flex. The rest of Whitehaven is single family with a mix of high and low intensity commercial and multifamily.

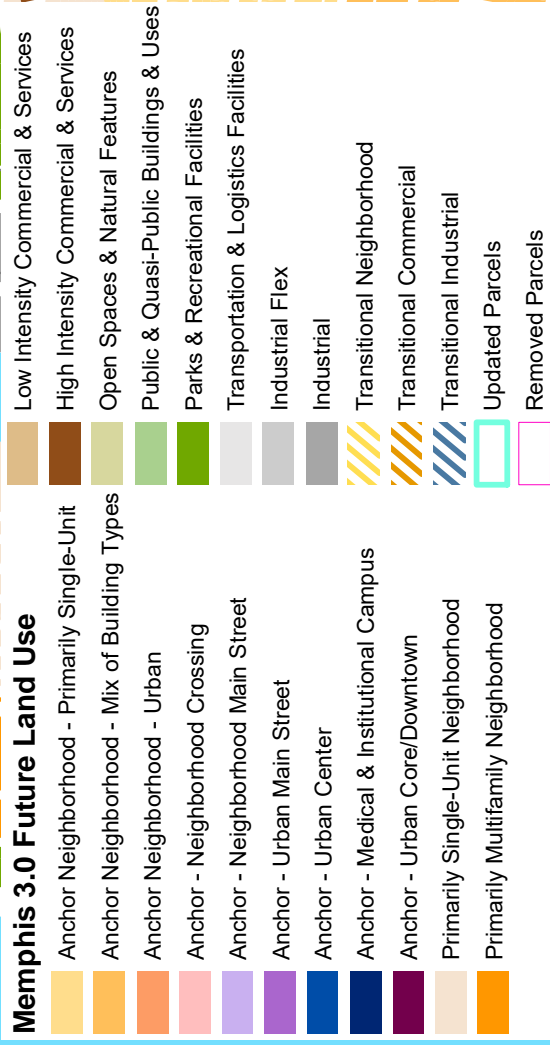


Memphis 3.0 Future Land Use

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- Updated Parcels
- Removed Parcels



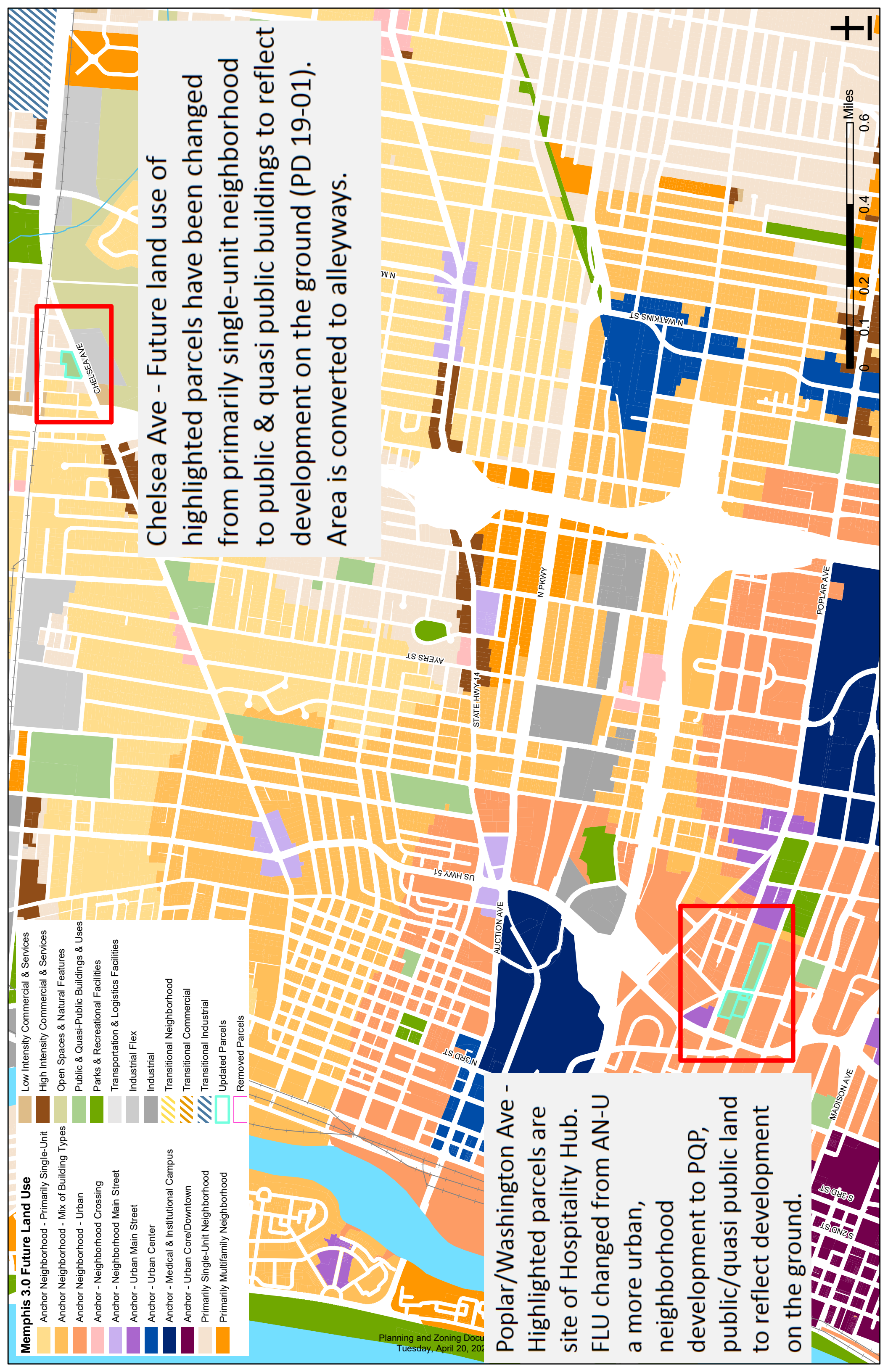
Memphis 3.0 Future Land Use



Planning and Zoning Document
Tuesday, April 20, 2021

Poplar/Washington Ave -
Highlighted parcels are site of Hospitality Hub. FLU changed from AN-U a more urban, neighborhood development to PQP, public/quasi public land to reflect development on the ground.

Chelsea Ave - Future land use of highlighted parcels have been changed from primarily single-unit neighborhood to public & quasi public buildings to reflect development on the ground (PD 19-01). Area is converted to alleyways.



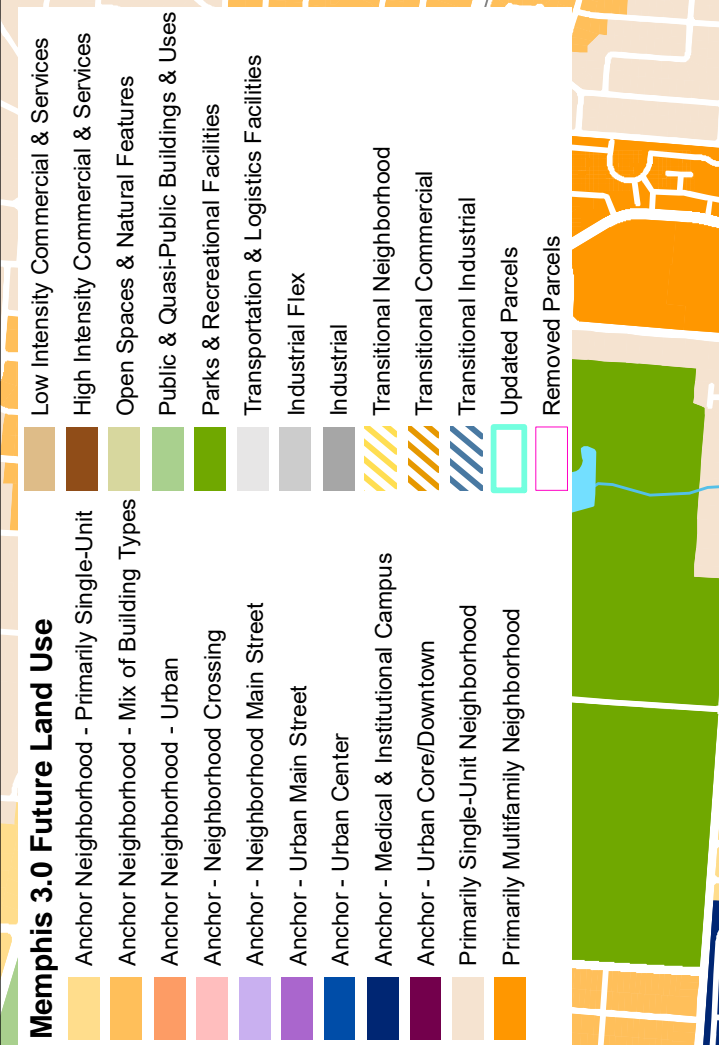
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Lamar – Future Land Use
of highlighted parcels along Lamar Avenue have been changed from high intensity commercial & services, anchor neighborhood – primarily single-unit, to low intensity commercial & services and some industrial flex and primarily multifamily neighborhood as a result of the Comprehensive Rezoning of certain parcels along Lamar Ave.

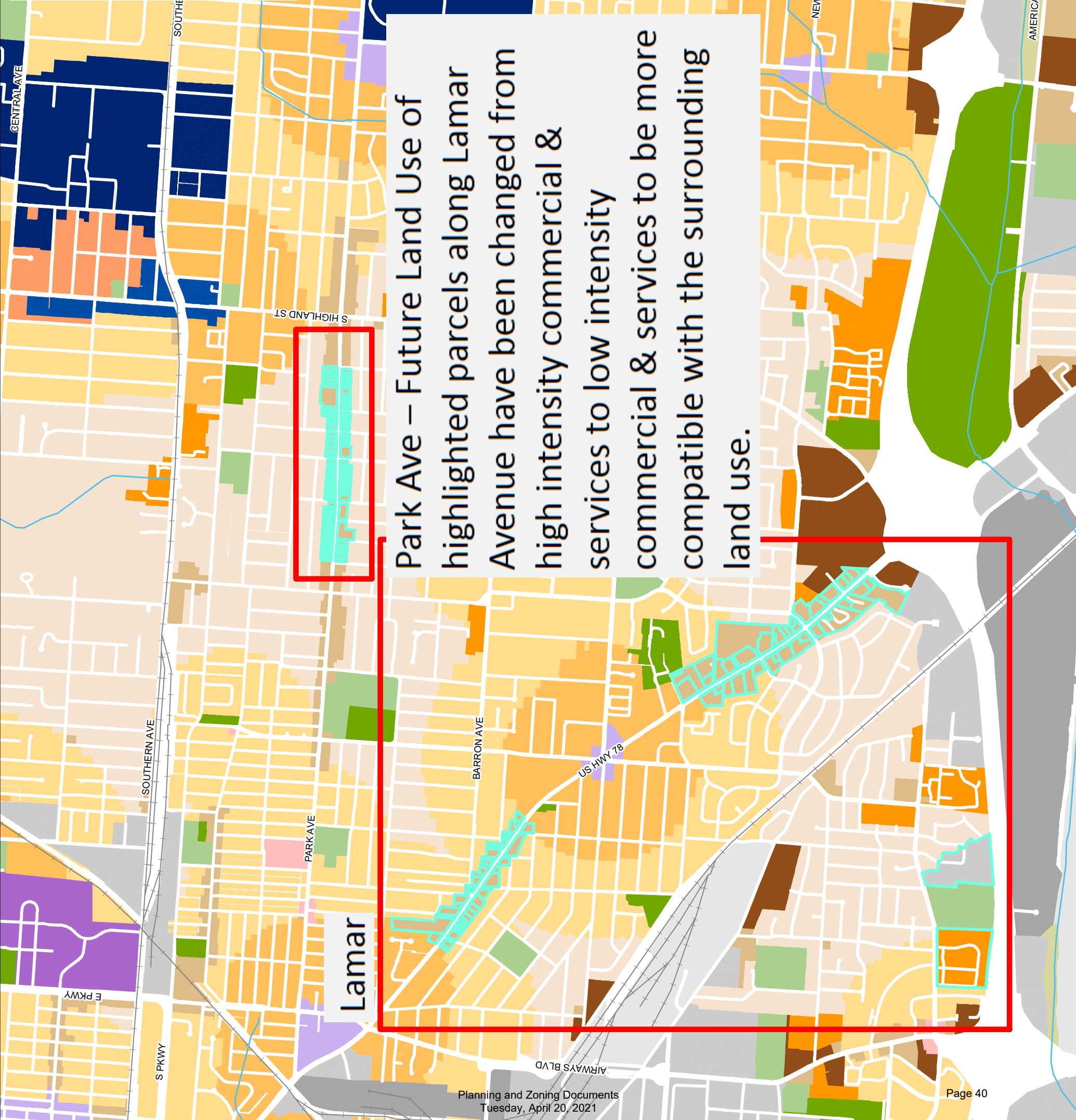
Union – Future Land Use
of highlighted parcels along Union Avenue have been changed from primarily single-unit neighborhood to public & quasi public buildings & to reflect development on the ground (PD 06-368). Surrounding land use is an established campus/institution.

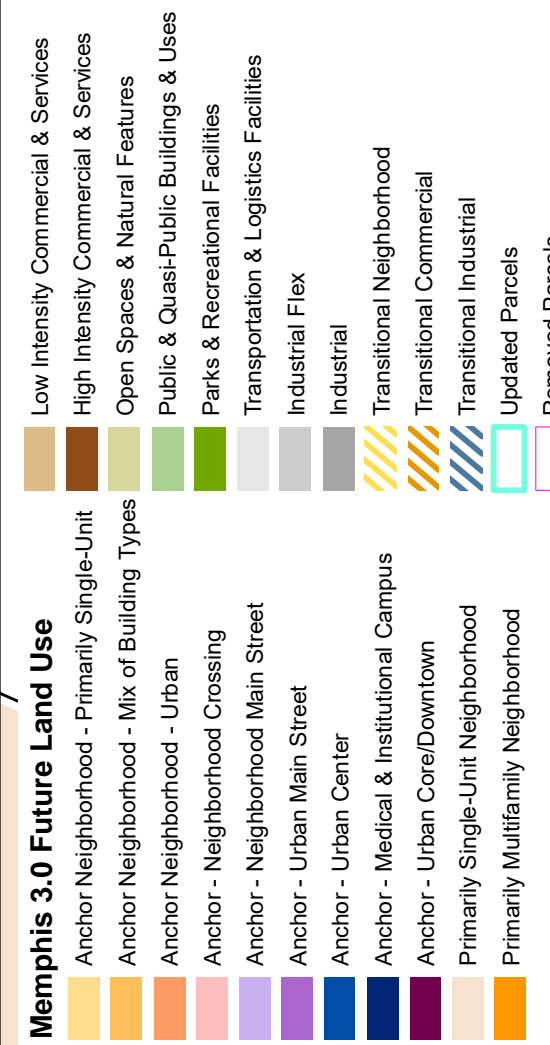




Park Ave – Future Land Use of
 highlighted parcels along Lamar
 Avenue have been changed from
 high intensity commercial &
 services to low intensity
 commercial & services to be more
 compatible with the surrounding
 land use.

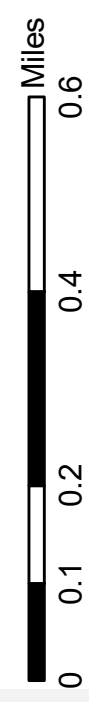
Cherry Road - Future Land Use of
 highlighted parcels have been
 changed from anchor
 neighborhood single-unity to
 anchor neighborhood – mix of
 building types to reflect
 development on the ground (PD
 99-366). Surrounding land use is an
 established campus/institution and
 residential.





New Covington Pike - Future Land Use
 Use of highlighted parcels have been changed from anchor neighborhood single-unity to low intensity commercial & services to reflect development on the ground (PD 95-314). Surrounding land use is commercial.

Scheibler Rd- Future Land Use
 updated on highlighted parcels based on Small Area Plan recommendations. The future land use have been changed from public & quasit public buildings to anchor neighborhood – mix of building types. This category is more compatible with the surrounding land use (single family).

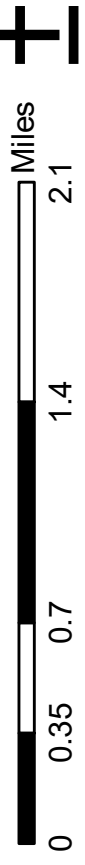
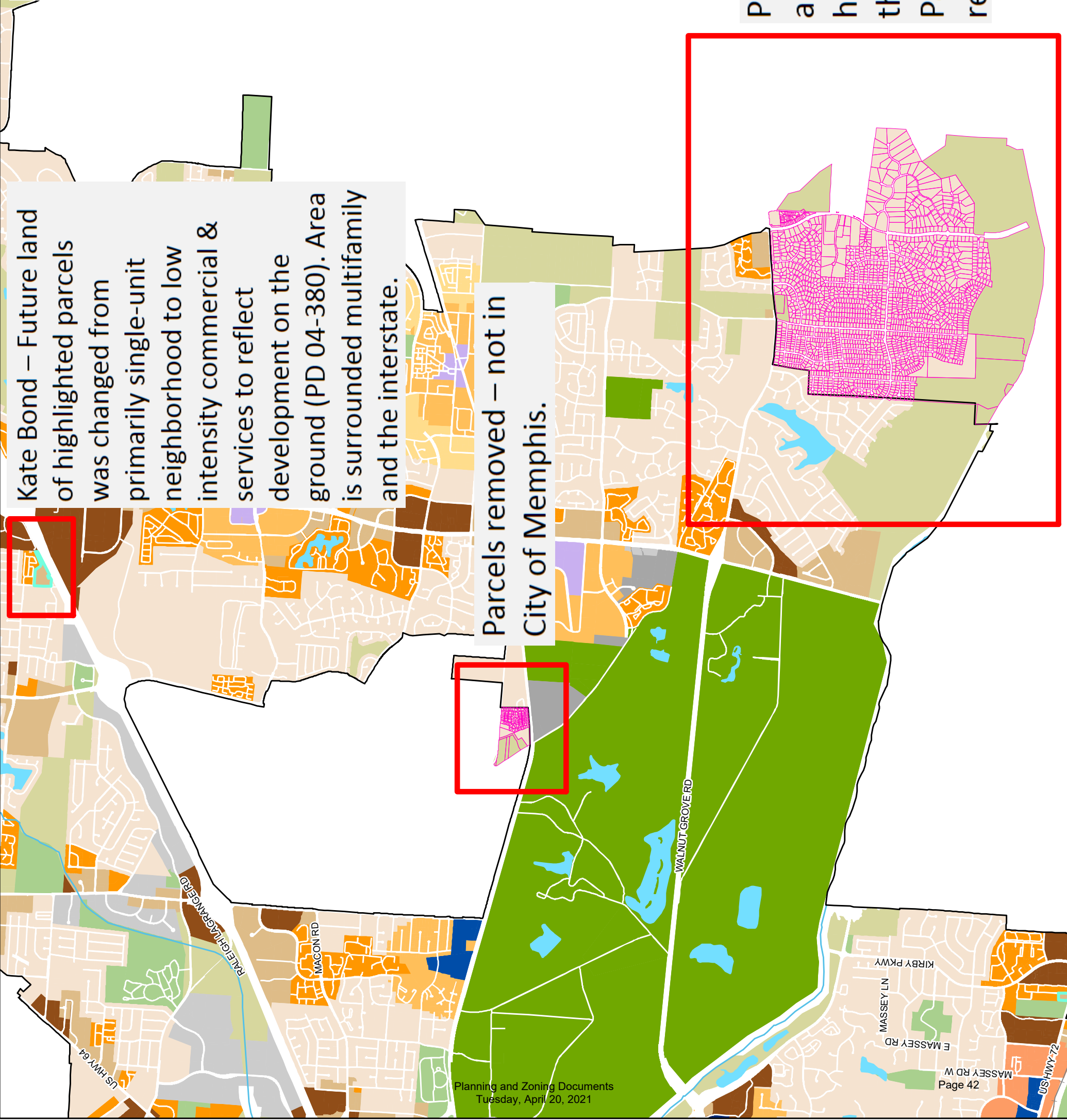


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 - Updated Parcels
 - Removed Parcels

Kate Bond – Future land of highlighted parcels was changed from primarily single-unit neighborhood to low intensity commercial & services to reflect development on the ground (PD 04-380). Area is surrounded multifamily and the interstate.

Parcels removed – not in City of Memphis.

Pink highlighted parcels are South Cordova, which has been deannexed by the City of Memphis. Parcels have been removed.

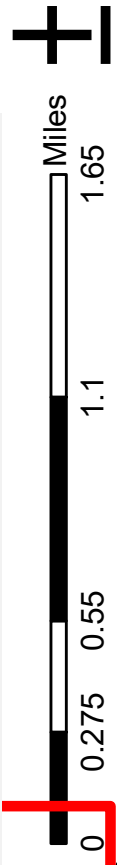
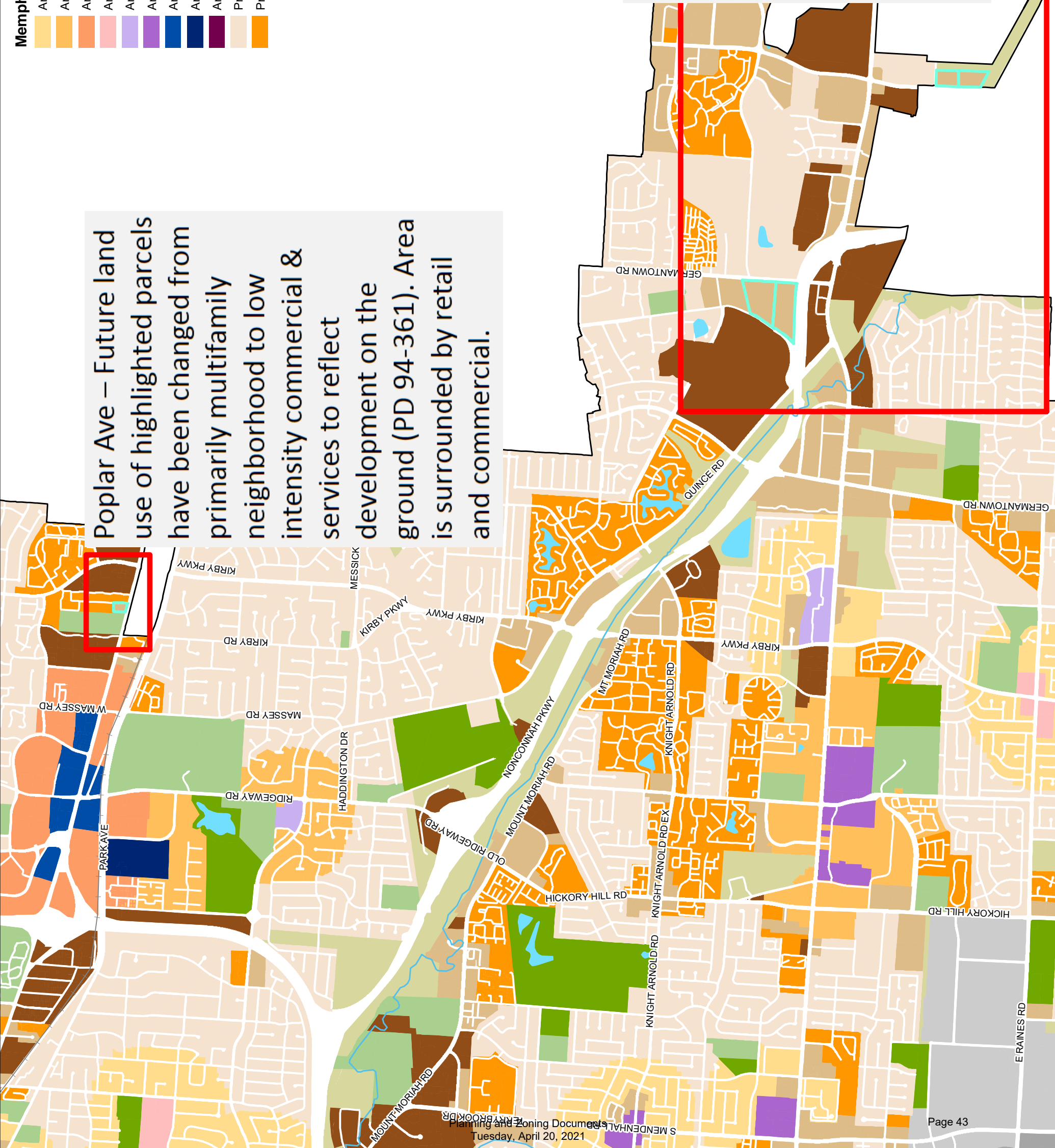


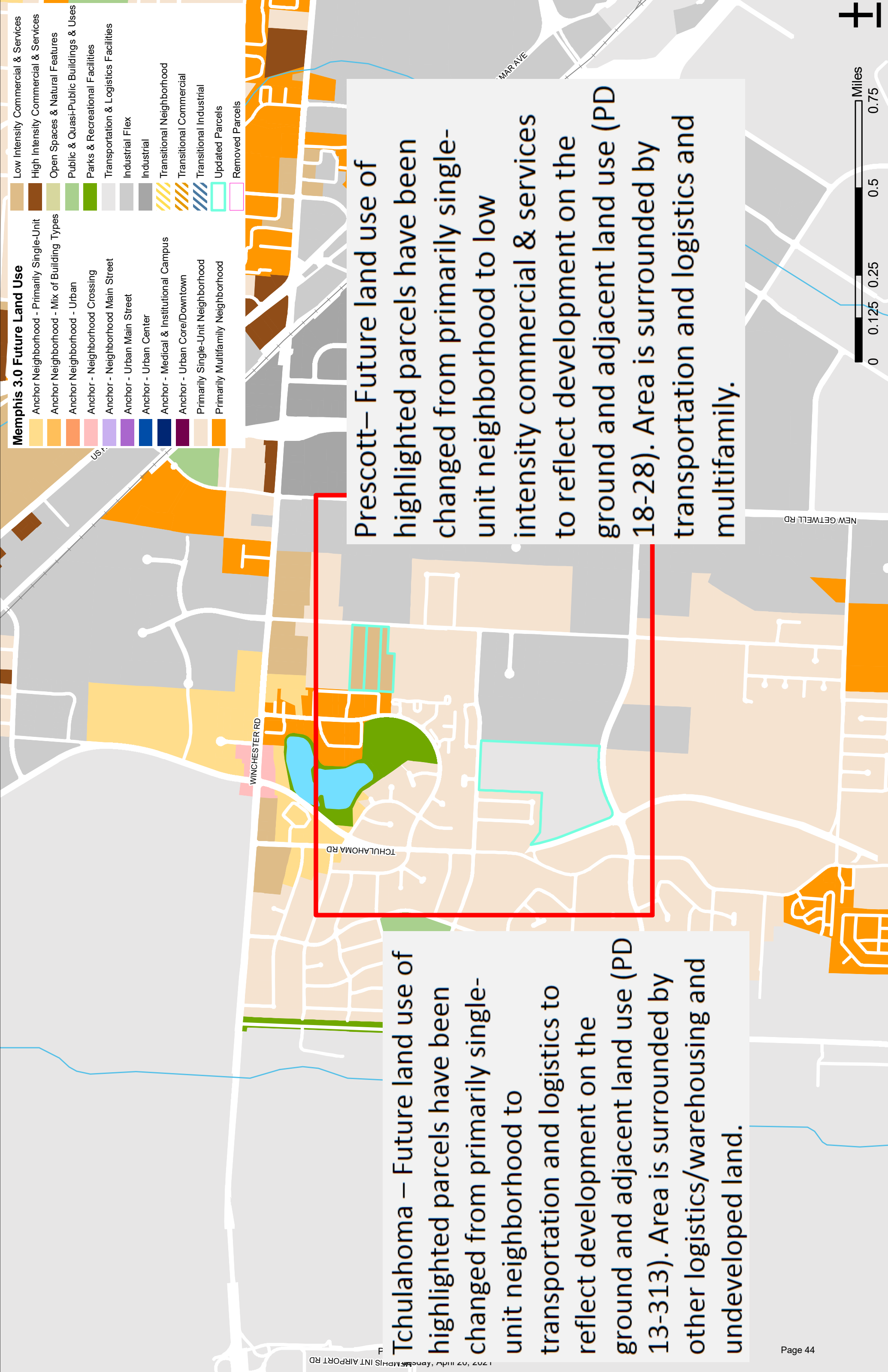
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Poplar Ave – Future land use of highlighted parcels have been changed from primarily multifamily neighborhood to low intensity commercial & services to reflect development on the ground (PD 94-361). Area is surrounded by retail and commercial.

Germentown Rd & Hacks Cross – Future land use of highlighted parcels have been changed from primary single-unit neighborhood to low intensity commercial & services to reflect development on the ground and adjacent land use (PD 17-06). Area is surrounded by retail and commercial.





Prescott– Future land use of highlighted parcels have been changed from primarily single-unit neighborhood to low intensity commercial & services to reflect development on the ground and adjacent land use (PD 18-28). Area is surrounded by transportation and logistics and multifamily.

Tchulahoma – Future land use of highlighted parcels have been changed from primarily single-unit neighborhood to transportation and logistics to reflect development on the ground and adjacent land use (PD 13-313). Area is surrounded by other logistics/warehousing and undeveloped land.



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Weaver Road – Future land use of highlighted parcels have been changed from industrial to neighborhood single-unit to reflect surrounding land use and to correct a map error in the adopted version of the plan.

LAND USE CATEGORIES

CORRIDORS



Low Intensity Commercial & Services

CSL

Low Intensity Commercial and Service areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities.



Description/Intent	Low Intensity Commercial and Service areas typically not associated with anchors. <u>These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, and social service institutions.</u>
Applicability	Low intensity, auto-oriented corridors not suitable or appropriate for intensification.
Goals/Objectives	Improved development patterns along auto-oriented commercial corridors, revitalization
Performance Metrics	% increase in occupancy, increase in property values
Zoning Notes	Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan. Analysis for where these standards can be applied and approved
Form and Location Characteristics	Commercial and services uses 1-4 stories height

LAND USE CATEGORIES

CORRIDORS



High Intensity Commercial & Services

CSH

High Intensity Commercial and Service areas are similar to low intensity areas in that they also attract residents from near and far for various commercial businesses and can service greater than a 3-mile radius. These areas are auto-oriented and located outside of anchors. Building sizes can vary in height, but have a much greater floor footprint with often more leasable space than low intensity areas, and often will not be suitable for future intensification of the area.



Description/Intent	High Intensity Commercial and Service areas typically not associated with anchors. <u>These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions.</u>
Applicability	High intensity, auto-oriented corridors not suitable or appropriate for further intensification.
Goals/Objectives	Maintenance of larger-scale commercial centers where viable
Performance Metrics	% increase in occupancy, increase in property values
Zoning Notes	Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed above. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan. Analysis for where these standards can be applied and approved
Form and Location Characteristics	Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map 1-7 stories height

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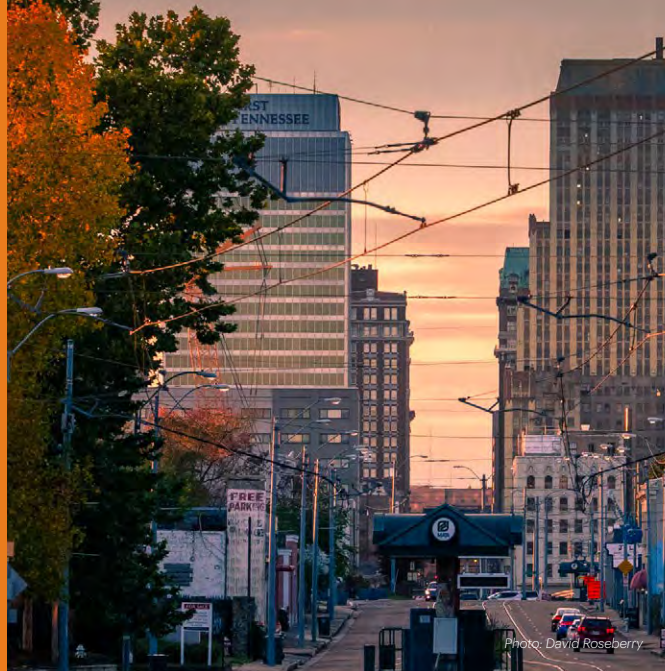
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S 3.0



Appendix A:
Transit Vision



Transit Vision

Recommended Network and 2040 Vision

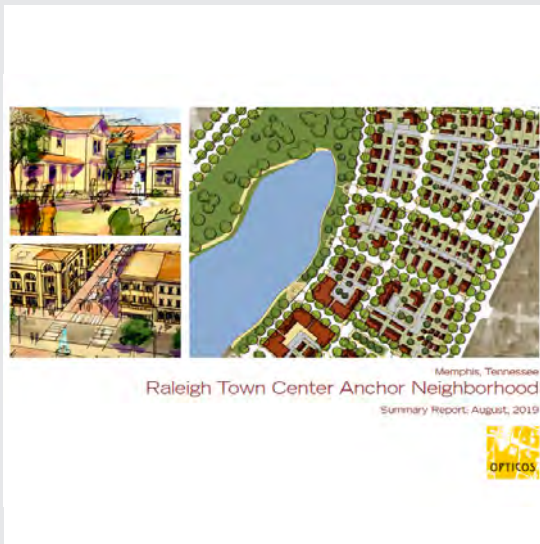
JARRETT WALKER + ASSOCIATES

INNOVATE
MEMPHIS

Delivering Civic Solutions

APPENDICES

Appendix B: SMALL
AREA PLANS



Small Area Plans 2019-2020

Appendix C:
Systems Plans



Systems Plans

2019-2020

INTRODUCTION

Making of the Plan

For almost 40 years, Memphis has not had a comprehensive plan that sets the City's vision for the future and provides a roadmap for development and improvement. The lack of an updated comprehensive plan has allowed Memphis to drift through this period, following an outdated model of growth by physical expansion and annexation. The results have been flat population supported only by rapidly growing land area, disinvestment in older areas of the City, and the thinning of resources across a larger physical footprint. Under the leadership of Mayor Jim Strickland, residents, leaders, and stakeholders have developed ambitious, but realistic, strategies for improvement.

The distinctive benefit of a comprehensive plan is that it provides a guide to tackle major issues identified through research, trends, and conversations with stakeholders and residents. In 2019, Memphis will enter its third century with an adopted plan for growth, development, and prosperity.

Memphis 3.0 is a comprehensive plan that aims to transform Memphis into a more prosperous and inclusive city by guiding growth and policy for the next 20 years.

Desired Outcomes

- The future growth strategy based on anchors and future land use that predicts where investments like housing, infrastructure, and transportation should be made;
- A future land use planning framework aligning development types with neighborhood context, investment potential, and community desires;
- A strategic framework to meet aspirational goals with actions to achieve those goals;
- District plans that recommend opportunities for action;
- A guiding framework for investment in infrastructure, public transit, and civic space that supports efforts to attract and guide growth and investment;
- A guide for City divisions, public agencies, and nongovernmental partners to focus resources and effort in coordination to achieve the plan's vision.

Legal Basis

Under Section 13-4-201 of the Tennessee Code Annotated (the "TCA"), it is the function and duty of a city's planning commission to make and adopt an official general plan for the physical development of the City. Under Joint Resolution and Ordinance Number 2524 approved by the Memphis City Council (the "Council") and Shelby County Quarterly Court on November 15, 1976, the Memphis and Shelby County Land Use Control Board (the "Board") serves as the planning commission for the City of Memphis and the County of Shelby.

TCA Section 13-4-202 provides for the manner in which a general plan is adopted by the Board and the Council. TCA Section 13-4-202(B) (2)(B)(iii) states that, once the general plan is adopted by the Council, all land use decisions in the City shall thereafter be consistent with the plan. For the purposes of defining "consistency," only those elements of the plan related to land use decisions become effective pursuant to the guidance on Pages 72 and 73 of this document. **All other sections of the plan are intended as a guide and only for planning purposes. Planning documents adopted into the appendices of the Comprehensive Plan are advisory only and not subject to consistency review.**

Due to the time and effort involved in the Memphis 3.0 planning process and the importance of the content, the City desires the plan be adopted by the Land Use Control Board and the Memphis City Council.





Small Area Plan Criteria

Has there been or are there plans for a major development (or developments) that are expected to change the character or momentum of the area? If so, what is the extent?

If yes, the area is a candidate for a small area plan facilitated by the Office of Comprehensive Planning with strong, inclusive community engagement.

Is there a planned transportation investment that is expected to change the character of the area?

If yes, the area is a candidate for a small area plan facilitated by the Office of Comprehensive Planning, the City of Memphis Division of Engineering, and other appropriate agencies with strong, inclusive community engagement.

Is there a public investment planned or publicly-owned property(ies) planned for development that are expected to change the character or momentum of the area?

If yes, the area is a candidate for a small area plan facilitated by the Office of Comprehensive Planning and the City of Memphis Division of Housing and Community Development (or other appropriate agencies) with strong, inclusive community engagement.

Are there areas labeled transitional land use or candidates for transitional land use?

If yes, the area is a candidate for a small area plan facilitated by the Office of Comprehensive Planning with strong, inclusive community engagement.

Are there areas with a high degree of incompatibility between the land use plan and the zoning?

If yes, the area is a candidate for a small area plan supported by the Office of Comprehensive Planning and the Office of Planning and Development with strong, inclusive community engagement.

Are there otherwise immediate issues in the area not addressed in the Comprehensive Plan?

If yes, more exploration is needed to determine if a planning process facilitated by the Office of Comprehensive planning is the appropriate approach or if a community or agency-initiated plan is more appropriate.

What goals/objectives/actions would be addressed by the small area plan?

These responses will help determine the type of small area plan need, additional expertise, and needed stakeholders.

Is the issue better addressed as a system plan which may have some effect on place?

If yes, more exploration is needed to determine if a planning process facilitated by the Office of Comprehensive Planning is the appropriate approach, or if a plan led by another division or agency is more appropriate. In the case of a system plan led by another division or agency, the Office of Comprehensive Planning would be a collaborative partner.

Examples include: Streets Plan, Sewer Master Plan, Parks Master Plan, Smart City, Public Facilities Plan.

Note: If the area is a part of a local Landmarks District, any planning will have to align with the district procedures for modifications to those guidelines.

In 2020, the Division of Planning & Development worked with a small committee of stakeholders made up of other government representatives, funders, community organizations, architects, and sustainability advocates to develop the Small Area Planning guide. The guide can be found on <https://www.memphis3point0.com/projects.SmallAreaPlans> are advisory and shall not be considered adopted for the purposes of consistency until recommendations from a Small Area Plan, if any, are adopted into Parts 2 or 3 of the Comprehensive Plan.

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 04/06/2021

DATE

PUBLIC SESSION: 04/06/2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a Special Use Permit. The item was heard and a recommendation was made by the Memphis & Shelby County Land Use Control Board.

CASE NUMBER: SUP 21-05

DEVELOPMENT: 170-foot Monopole Communications (CMCS) Tower

LOCATION: 3695 Austin Peay Hwy., Parcel ID #086021 00031

COUNCIL DISTRICTS: District 6 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: TVT I, LLC (Tower Ventures)

REPRESENTATIVE: Lou Katzerman, Zoning Manager

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

REQUEST: To allow a 170-foot Monopole Communications (CMCS) Tower

AREA: +/-1.2 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
04/06/2021 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

SUP 21-05

Resolution requesting a 170-foot Monopole Communications (CMCS) Tower:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): TVT I, LLC; and Representative(s): Lou Katzerman, Zoning Manager; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item will not require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY
LOCATED AT 3695 AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 21-05.**

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, TVT I, LLC (Tower Ventures) filed an application with the Memphis and Shelby County Office of Planning and Development to allow a 170-foot Monopole Communications (CMCS) Tower; 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 March 11, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the 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.

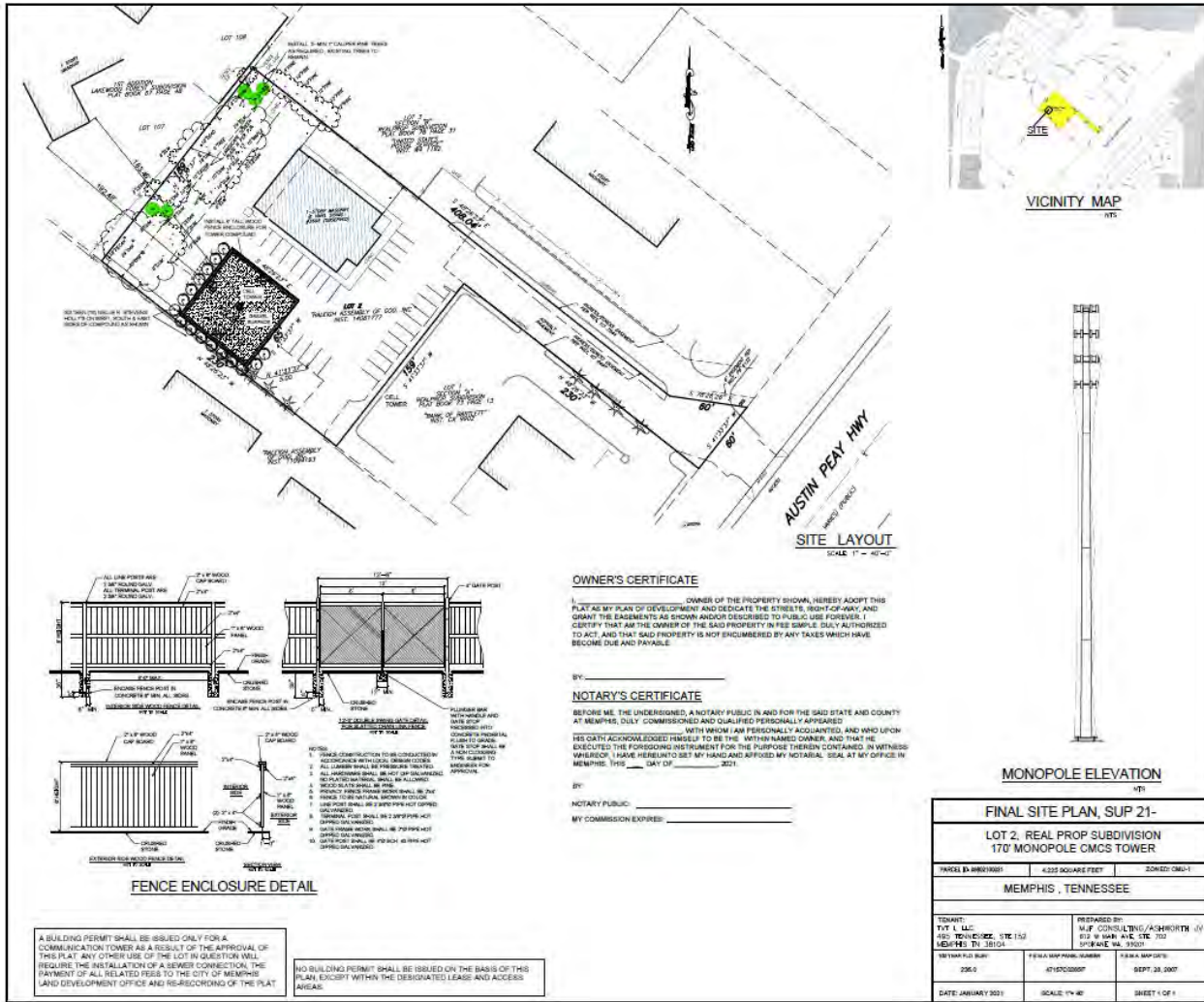
ATTEST:

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

CONDITIONS

1. The structure and tower will be built according to the submitted site plan unless other modifications are approved by the planning director.
2. The tower shall be a flush mount type limited to 170' in height.
3. The lease area shall be surrounded by a six-foot (6') sight-proof fence and landscaping on the west, south and east sides.
4. The 20' landscape screen area adjacent to the residential properties shall be restored and maintained in accordance with the recorded subdivision plat.
5. Existing on-site trees shall be preserved to the maximum extent practicable.

SITE PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday, March 11, 2021***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-05

LOCATION: 3695 Austin Peay Hwy., Parcel ID #086021 00031

COUNCIL DISTRICT(S): District 9 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: TVT I, LLC (Tower Ventures)

REPRESENTATIVE: Lou Katzerman, Zoning Manager

REQUEST: To allow a 170-foot Monopole Communications (CMCS) Tower

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

AREA: +/-1.2 acres

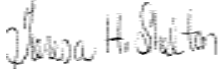
The following spoke in support of the application: None

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 10 to 0 on the consent agenda.

Respectfully,



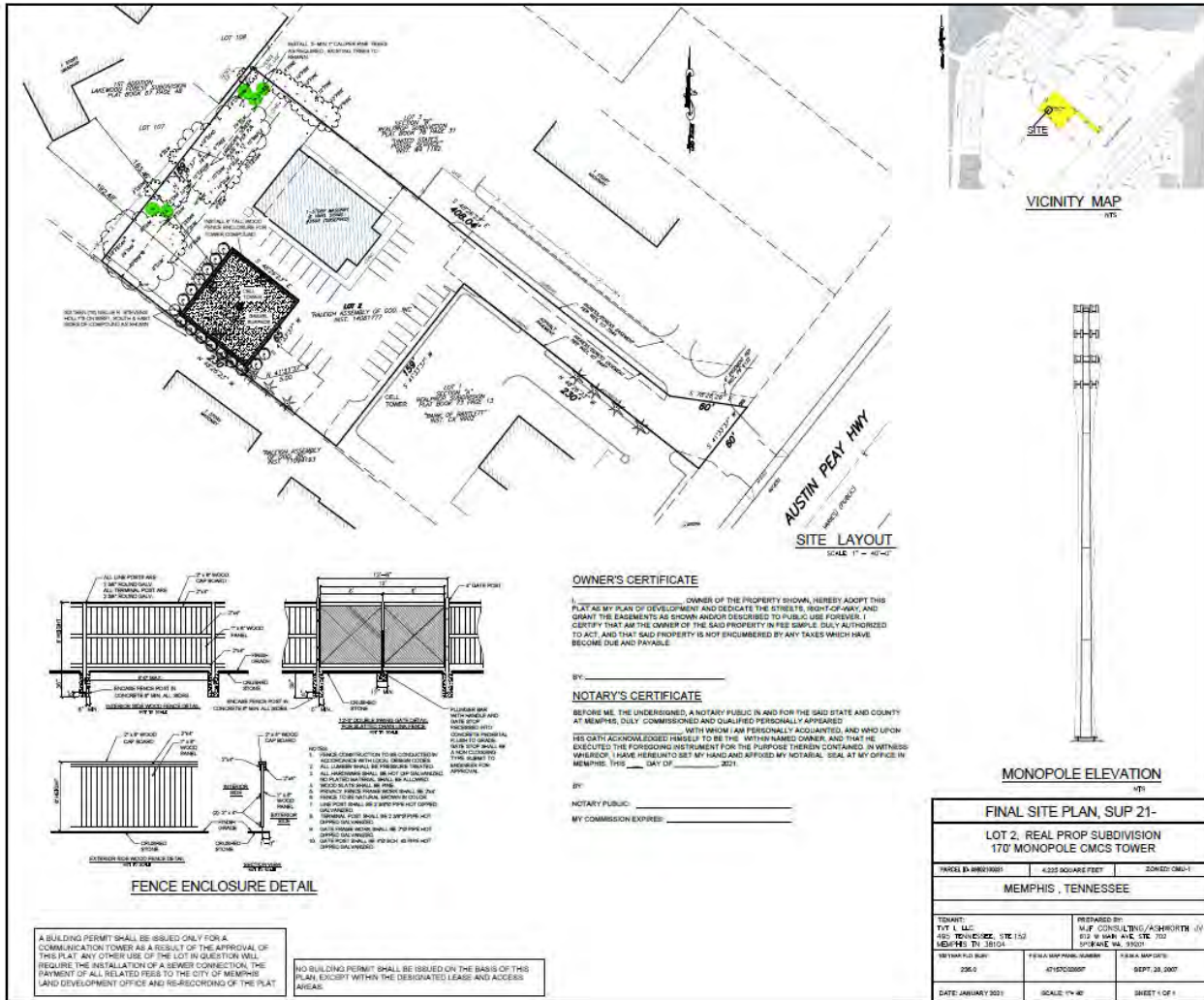
Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 21-04
CONDITIONS

1. The structure and tower will be built according to the submitted site plan unless other modifications are approved by the planning director.
2. The tower shall be a flush mount type limited to 170' in height.
3. The lease area shall be surrounded by a six-foot (6') sight-proof fence and landscaping on the west, south and east sides.
4. The 20' landscape screen area adjacent to the residential properties shall be restored and maintained in accordance with the recorded subdivision plat.
5. Existing on-site trees shall be preserved to the maximum extent practicable.

SITE PLAN



AGENDA ITEM: 19

CASE NUMBER: SUP 21-05 **L.U.C.B. MEETING:** March 11, 2021
LOCATION: 3695 Austin Peay Hwy., Parcel ID #086021 00031
OWNER/APPLICANT: TVT I, LLC (Tower Ventures)
REPRESENTATIVE: Lou Katzerman, Zoning Manager
REQUEST: 170-foot Monopole Communications (CMCS) Tower
AREA: +/-1.2 acres
EXISTING ZONING: Commercial Mixed Use- 1 (CMU-1)

CONCLUSIONS

1. The request is for a CMCS tower within a Commercial Mixed Use – 1 (CMU-1) District.
2. The applicant is proposing to construct a 170-foot CMCS Tower on a with the equipment installed in a fenced compound.
3. The proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, and other matters affecting the safety, and general welfare of the community.
4. On October 9, 2014, the Memphis/Shelby County Land Use Control Board recommended (**approval**) to allow a 170-foot Monopole Communications (CMCS Tower), known as Case No. SUP 14-228, and where it was approved by City Council on November 4, 2014.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Plan does not provide recommendations related to cell towers.

RECOMMENDATION

Approval with conditions

Staff Writer: *Teresa Shelton*

E-mail: teresa.shelton@memphistn.gov

GENERAL INFORMATION

Street Frontage: Austin Peay +/-46.7 curvilinear feet

Zoning Atlas Page: 1740

Parcel ID: 086021 00031

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

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 92 notices were mailed on February 26, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

Sign Affidavit for S.U.P. Case Number: 21-05

County of Shelby
State of Tennessee

I, Louis B. Katzerman, being duly sworn, depose and say that at approximately 10.30am on the 25th day of February, 2021 I posted one (1) Public Notice Sign pertaining to Case No. SUP 21-05 at 3695 Austin Peay HWY (Parcel ID #086021 00031), providing notice of a Public Hearing before the Land Use Control Board (Hearing on March 11th, 2021) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of said sign.

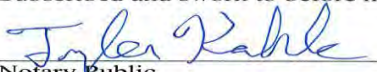


 TVT I, LLC (Tower Ventures), Applicant
 Louis Katzerman, Sr. Zoning Manager

2/25/2021

 Date

Subscribed and sworn to before me this 25th day of February 2021



 Notary Public

My Commission Expires:

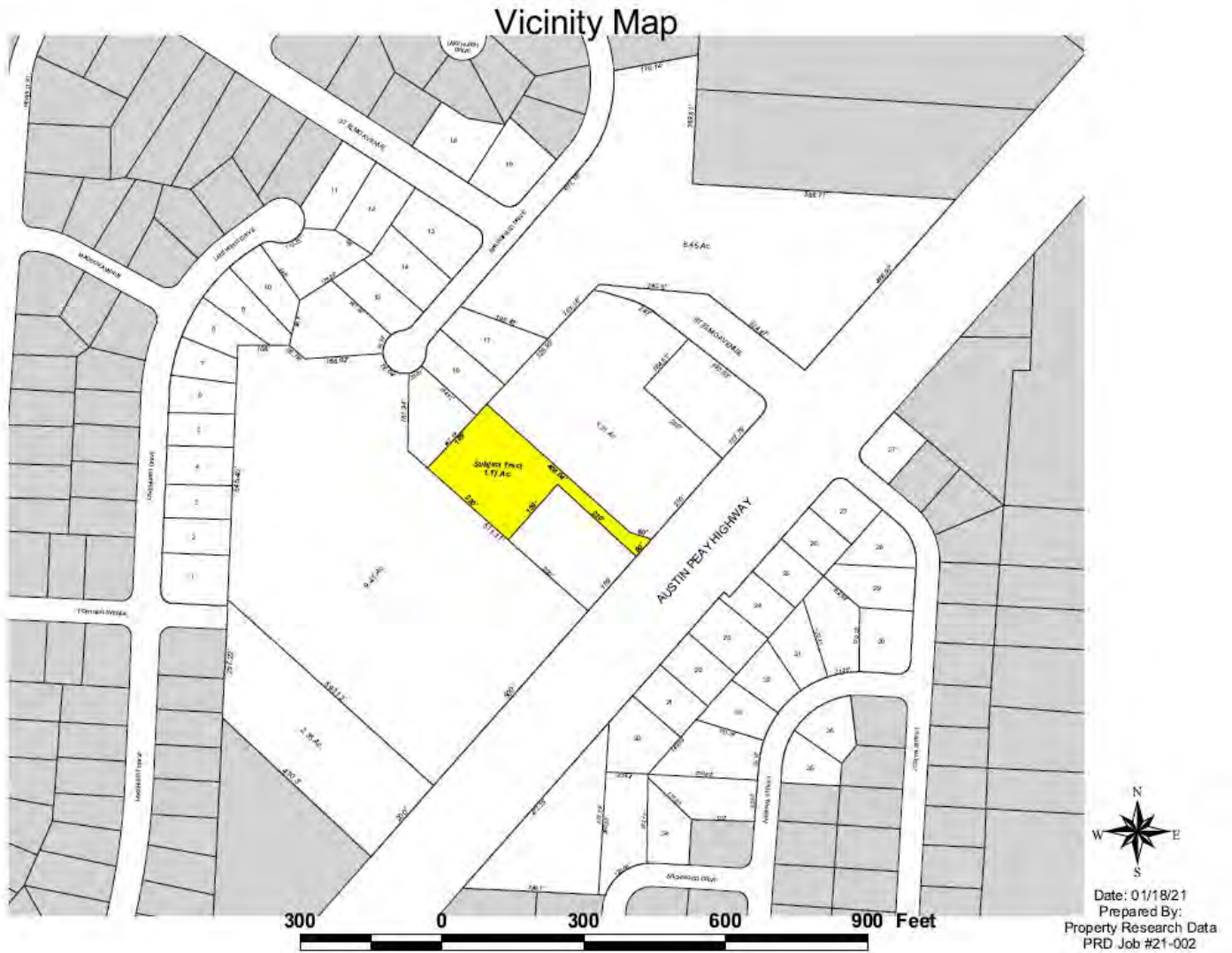


LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

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

Surrounding Zoning

North: R-10

East: CMU-1, R-10, RW

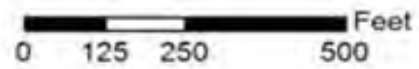
South: RW, CMU-2

West: R-10



LandUse

- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Austin Peay Hwy



Side view of subject property



Rear side view of subject property



View of adjacent properties looking west

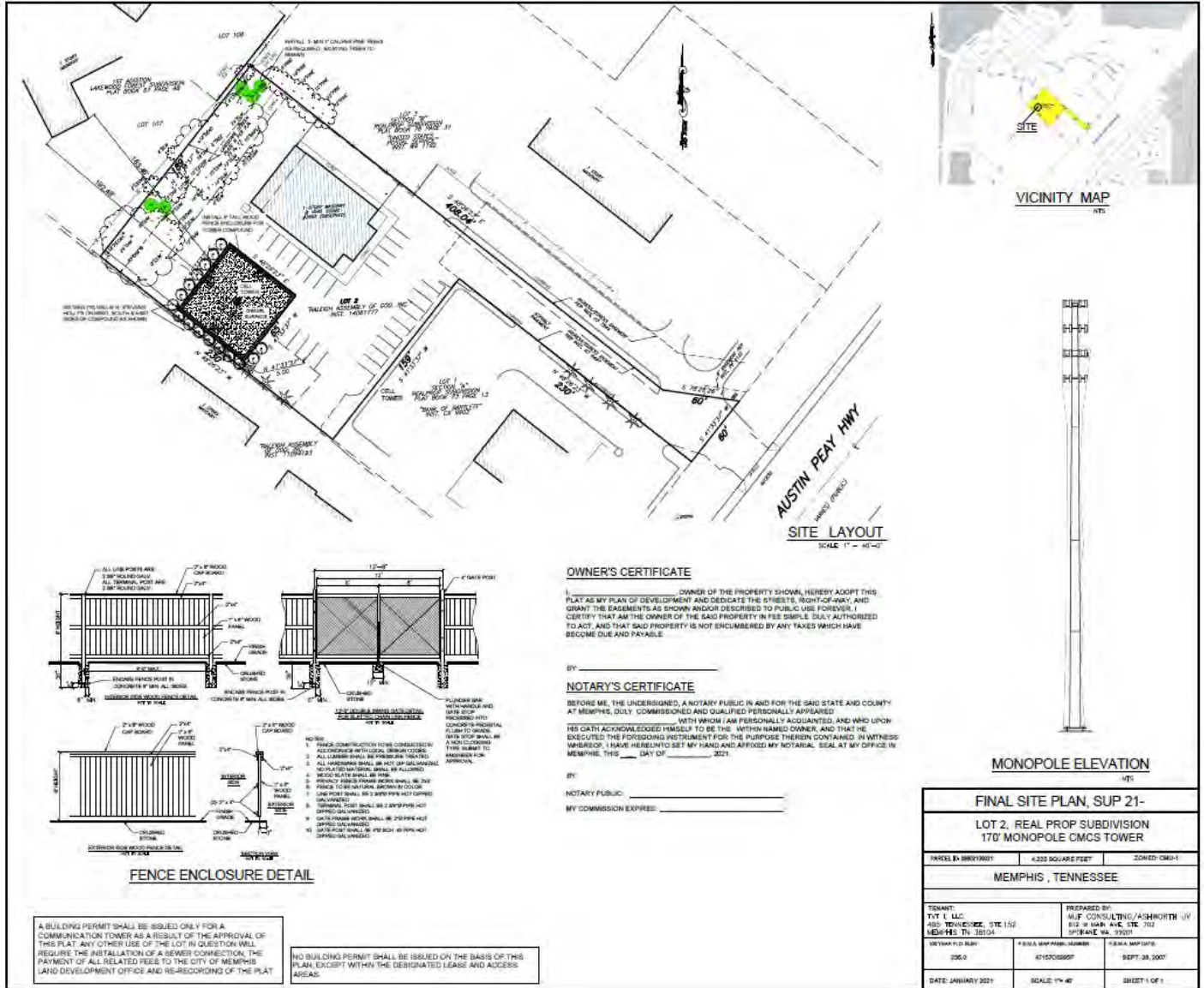


Rear view of adjacent property looking east



Front view of adjacent property to the east of subject property

SITE PLAN



STAFF ANALYSIS

Request

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

The request is for a 170-foot Monopole Communications (CMCS) Tower in a Residential – 6 (R-6) zoning district. The applicant proposes to install a 170-foot Monopole Communications (CMCS) Tower in a +/-30 ft. x 80 ft. compound area of a +/-0.168-acres lot and will be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats.

Approval Criteria

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

Additional Approval Criteria for CMCS Towers

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I (2) are met.

Item 2.6.2I(2)(b) General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be

accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.*
- 2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.*
- 3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.*
- 4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.*

Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only

1. Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.

2. Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to co-locate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

Previous Resolution

The Council of the City of Memphis approved a resolution granting a special use permit (SUP 14-228) on Tuesday, November 4, 2014, in accordance with the incorporated site plan and eleven conditions, see page 14 of this report for said resolution.

Item 9.6.14(3)(B) Period of Validity

B. Excluding planned developments, special use permits shall be implemented within 24 months of final approval or such permits shall be void, unless conditioned otherwise. Where applicable, an application for a time extension may be filed as a Major Modification subject to Sub-Section 9.6.12B. An application for a time extension shall be filed before the date of expiration or within 12 months after the date of expiration and shall further be subject to the provisions of Chapter 9.16. Only one 24-month time extension is permitted.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

The Memphis 3.0 Plan does not provide recommendations related to cell towers.

Conclusions

The request is for a CMCS tower within a Commercial Mixed Use – 1 (CMU-1) District.

The applicant is proposing to construct a 170-foot CMCS Tower on a with the equipment installed in a fenced compound.

The proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, and other matters affecting the safety, and general welfare of the community.

On October 9, 2014, the Memphis/Shelby County Land Use Control Board recommended (**approval**) to allow a 170-foot Monopole Communications (CMCS Tower), known as Case No. SUP 14-228, and where it was approved by City Council on November 4, 2014.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

A Special Use Permit is hereby authorized to TVT I, LLC (Tower Ventures) to construct a 170 (One Hundred and seventy) foot CMCS Tower on the property located on Parcel ID 08602100031 in accordance with the approved site plan and the following supplemental conditions:

1. The structure and tower will be built according to the submitted site plan unless other modifications are approved by the planning director.
2. The tower shall be a flush mount type limited to 170' in height.
3. The lease area shall be surrounded by a six-foot (6') sight-proof fence and landscaping on the west, south and east sides.
4. The 20' landscape screen area adjacent to the residential properties shall be restored and maintained in accordance with the recorded subdivision plat.
5. Existing on-site trees shall be preserved to the maximum extent practicable.

DEPARTMENTAL COMMENTS

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

City/County Engineer: CITY ENGINEERING COMMENTS DATE: **2/12/2021**

CASE: **SUP-21-005** NAME: **Cell Tower**

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

Roads:

2. 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.
3. 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.

Curb Cuts/Access:

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

Site Plan Notes:

Maintain internal access easements serving property.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

- No comments.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

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

Land and Mapping-Address Assignment:

Office of Sustainability and Resilience:

- No comments at this time.

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 SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: 1/19/2021

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Tracy D. Oakley Phone #: (901) 937-9355

Mailing Address: 5255 Adagio City/State: Lakeland, TN Zip 38002

Property Owner E-Mail Address: smoothieking797@comcast.net

Applicant: TVT I, LLC (Tower Ventures) Phone # (901) 794-9494

Mailing Address: 495 Tennessee Street Suite: 152 City/State: Memphis, TN Zip 38103

Applicant E- Mail Address: lou@towerventures.com

Representative: Lou Katzerman, Zoning Manager Phone #: (901) 244-4017

Mailing Address: 495 Tennessee Street Suite: 152 City/State: Memphis, TN Zip 38103

Representative E-Mail Address: lou@towerventures.com

Engineer/Surveyor: MJF Consulting/Ashworth JV C/O Michael Fahy Phone # (901) 482-0375

Mailing Address: 612 West Main Ave Ste: 702 City/State: Spokane, WA Zip 99201

Engineer/Surveyor E-Mail Address: mfahy@pdg-m.com

Street Address Location: 3895 Austin Peay Hwy Memphis, TN 38128 Parcel ID # 086021 00031

Distance to nearest intersecting street: +/- 398 ft East, to Joslyn Street

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.2 AC</u>	_____	_____
Existing Zoning:	<u>Commercial</u>	_____	_____
Existing Use of Property	<u>Restaurant/Retail</u>	_____	_____
Requested Use of Property	<u>170 FT CMCS Tower</u>	_____	_____

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

Yes No

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

Number of Residential Units: NA Bedrooms: NA

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

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

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

 1/20/2021
Property Owner of Record Date
 1/20/2021
Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: _____ with _____

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

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

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.

9.6.9 Special Use Permit Approval Criteria

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

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

- 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 (UDC sub-section 9.6.9A).

Proposed Site is located on a commercial tract. Property is bounded by existing natural tree cover on the north. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public health and well being by providing reliable wireless coverage.

- 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 (UDC sub-section 9.6.9B).

Site is located in a commercial area, adjacent to a neighborhood. Austin Peay Hwy is a well-traveled street. This area lacking quality wireless coverage. This tower has been designed to eliminate the cellular coverage and capacity issues currently experienced by the residents.

- 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 (UDC sub-section 9.6.9C).

With over 220,000 + daily 911 calls coming form wireless users, the proposed site will function as public safety asset.

- 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 (UDC sub-section 9.6.9D).

No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

LETTER OF INTENT

TVT I, LLC - Tower Ventures

Phone: 901-244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

January 21st, 2021

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: Site Name: Austin Peay – (Previously Approved as SUP 14-228): **Letter of Intent** for a One Hundred Seventy Foot (170') Monopole Communications ("CMCS") Tower at 3695 Austin Peay Hwy, Memphis, TN 38128 (Parcel ID # 086021 00031)

Dear Mr. Whitehead:

TVT I, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred Seventy Foot (170') CMCS tower at 3695 Austin Peay Hwy (Parcel ID #086021 00031) Memphis, TN 38128. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 65' x 65'. A 6" (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats. This gate type is needed due to security concerns. For security reasons, a Tower Service Tech needs to be able to investigate the compound, prior to entry. We are proposing building landscape screens on the North, West and South sides of the Tower site. The proposed tower is to be located in a commercial area, along bust Austin Peay Hwy.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensee's system requirements. Therefore, the proposed tower is needed so that the licensee can provide better cellular coverage and can improve its 911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT I, LLC - Tower Ventures, appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,


Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TVT I, LLC - Tower Ventures
Office: 901-244-4017
lou@towerventures.com

SIGN AFFIDAVIT

Sign Affidavit for S.U.P. Case Number: 21-05

County of Shelby
State of Tennessee

I, Louis B. Katzerman, being duly sworn, depose and say that at approximately 10.30am on the 25th day of February, 2021 I posted one (1) Public Notice Sign pertaining to Case No. SUP 21-05 at 3695 Austin Peay HWY (Parcel ID #086021 00031), providing notice of a Public Hearing before the Land Use Control Board (Hearing on March 11th, 2021) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of said sign.

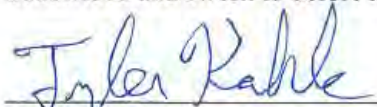


TVT I, LLC (Tower Ventures), Applicant
Louis Katzerman, Sr. Zoning Manager

2/25/2021

Date

Subscribed and sworn to before me this 25th day of February 2021



Notary Public

My Commission Expires:



PREVIOUS RESOLUTION

**ZONING RESOLUTION
(SUP 14-228)**

WHEREAS, Article 9, Chapter 6, of the Unified Development Code (U.D.C.) adopted by the Board of Commissioners of Shelby County on August 9, 2010 and by the Council of the City Memphis on August 10, 2010, authorizes said legislative bodies to grant a special use permit for certain stated purposes subject to the approval criteria listed below and any additional standards deemed appropriate by the bodies within their respective jurisdictions, and

WHEREAS, Application has been made by TV6 Signal Source Towers, LLC/DBA Tower Ventures for a special use permit with respect to the property located at 3695 Austin Peay Hwy, (1,580' south of Lakehurst); and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the special use permit provisions of the Unified Development Code and reported said findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 9, 2014 and said board has studied and reported its recommendation to the City Council regarding the following potential effects of granting the Special Use Permit on:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature

DPD
#3

determined by the governing bodies to be of significant natural, scenic or historic importance.

- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (U.D.C. Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code; and

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

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the proposed building and use complies with all additional standards imposed on it by the particular provision of U.D.C. Article 9, Chapter 6 authorizing such particular special use.

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

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

ATTEST:

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

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

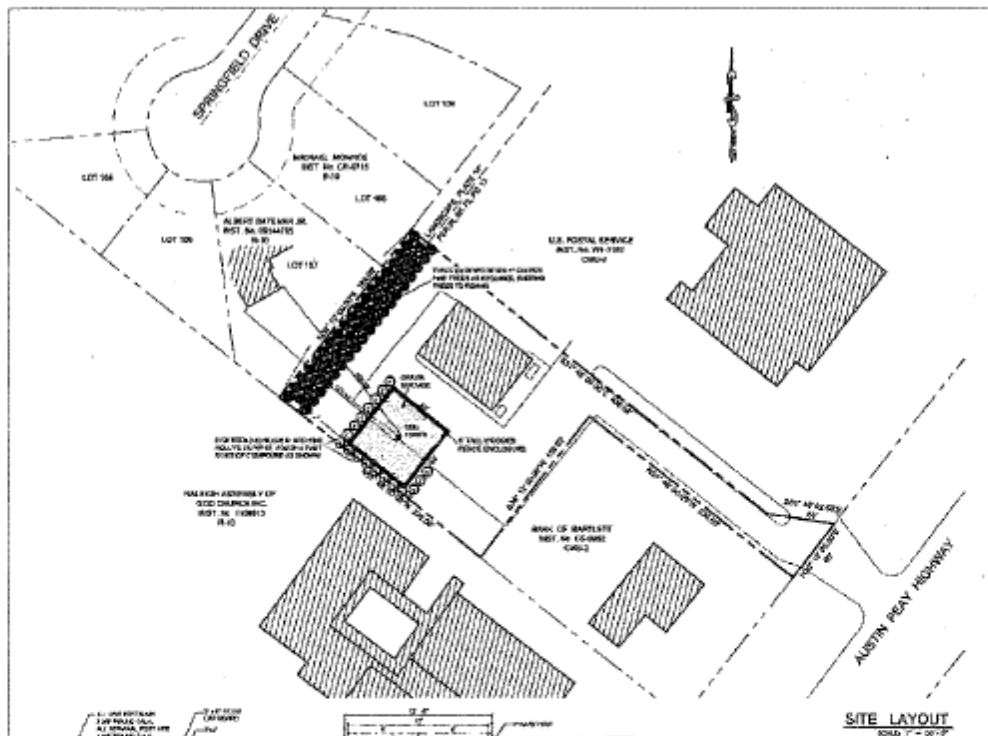
Date NOV 04 2014
Valerie C. Sipes
Deputy Comptroller-Council Records

**SUP 14-228
CONDITIONS**

A Special Use Permit is hereby authorized to TV6 Signal Source Towers, LLC/DBA Tower Ventures to allow a CMCS tower on the property at 3695 Austin Peay Hwy, in accordance with the approved site plan and the following supplemental conditions:

1. The structure and tower will be built according to the submitted site plan unless other modifications are approved by the planning director.
2. The tower shall be a flush mount type limited to 170' in height.
3. The lease area shall be surrounded by a six-foot (6') sight-proof fence and landscaping on the west, south and east sides.
4. The 20' landscape screen area adjacent to the residential properties shall be restored and maintained in accordance with the recorded subdivision plat.
5. Existing on-site trees shall be preserved to the maximum extent practicable.

Site Plan



LETTERS RECEIVED

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



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 SPECIAL USE PERMIT
 APPROVAL/AMENDMENT**

Date: 1/19/2021

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Tracy D. Oakley Phone #: (901) 937-9355

Mailing Address: 5255 Adagio City/State: Lakeland, TN Zip 38002

Property Owner E-Mail Address: smoothieking797@comcast.net

Applicant: TVT I, LLC (Tower Ventures) Phone # (901) 794-9494

Mailing Address: 495 Tennessee Street Suite: 152 City/State: Memphis, TN Zip 38103

Applicant E- Mail Address: lou@towerventures.com

Representative: Lou Katzerman, Zoning Manager Phone #: (901) 244-4017

Mailing Address: 495 Tennessee Street Suite: 152 City/State: Memphis, TN Zip 38103

Representative E-Mail Address: lou@towerventures.com

Engineer/Surveyor: MJF Consulting/Ashworth JV C/O Michael Fahy Phone # (901) 482-0375

Mailing Address: 612 West Main Ave Ste: 702 City/State: Spokane, WA Zip 99201

Engineer/Surveyor E-Mail Address: mfahy@pdg-m.com

Street Address Location: 3695 Austin Peay Hwy Memphis, TN 38128 Parcel ID # 086021 00031

Distance to nearest intersecting street: +/- 398 ft East, to Joslyn Street

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	1.2 AC	_____	_____
Existing Zoning:	Commercial	_____	_____
Existing Use of Property	Restaurant/Retail	_____	_____
Requested Use of Property	170 FT CMCS Tower	_____	_____

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

Yes No



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

Number of Residential Units: NA Bedrooms: NA

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

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

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


1/20/2021
Date

1/20/2021
Date
 Property Owner of Record _____ Applicant _____

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: _____ **with** _____

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

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

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.

9.6.9 Special Use Permit Approval Criteria

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

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

- 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 (UDC sub-section 9.6.9A).

Proposed Site is located on a commercial tract. Property is bounded by existing natural tree cover on the north. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public health and well being by providing reliable wireless coverage.

- 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 (UDC sub-section 9.6.9B).

Site is located in a commercial area, adjacent to a neighborhood. Austin Peay Hwy is a well-traveled street. This area lacking quality wireless coverage. This tower has been designed to eliminate the cellular coverage and capacity issues currently experienced by the residents.

- 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 (UDC sub-section 9.6.9C).

With over 220,000 + daily 911 calls coming form wireless users, the proposed site will function as public safety asset.

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No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

**GUIDE FOR SUBMITTING
SPECIAL USE PERMIT/AMENDMENT 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 Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Site/Concept Plan, Plot 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"Site/Concept Plan (folded) 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. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed development is to be designed, arranged and operated in order to limit impact to neighboring properties.
 - d) A description of the applicant's planning objectives and the approaches to be followed in achieving those objectives.
 - e) For applications for CMCS (cell) towers, the letter of intent shall also commit the tower owner and his or her successors to allow shared use of the tower **if** capacity exists based on existing and planned use (see UDC Sub-Item 2.6.2I(2)(a)(5)).

C **REGISTERED LAND SURVEYOR'S SURVEY**

Two (2) copies of a survey (of recent origin showing everything existing on the subject property at the time of filing, and in no instance can it be over one year old) of the subject property, drawn to an engineering scale by a registered land surveyor (licensed in Tennessee), on 8 ½ x 11 inches sheets. The survey must indicate the dimensions and location of all existing structure(s) and improvement(s); property dimensions and amount of land area; dimensions and location of off-street parking facilities and curb cut(s); and the established setbacks of the existing structure(s) on the site and on the adjoining properties. (Please Note: The requirements for a survey may be waived by the Planning Director.)

D. **SITE/CONCEPT PLAN**

Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plan shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.

E. **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.

F. **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.

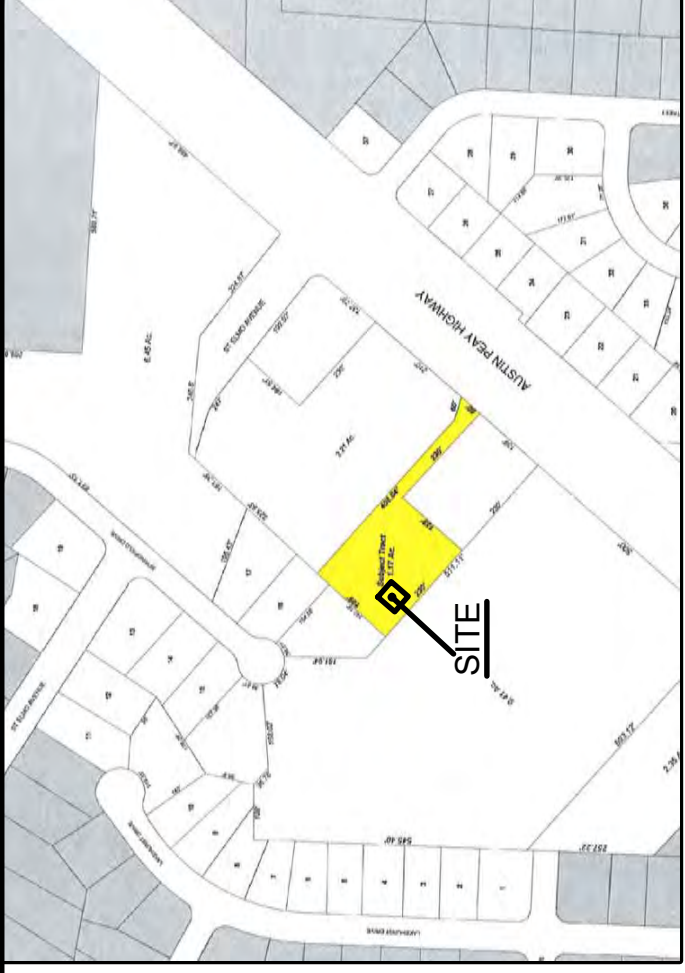
G. **LIST OF NAMES AND ADDRESSES**

- 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.

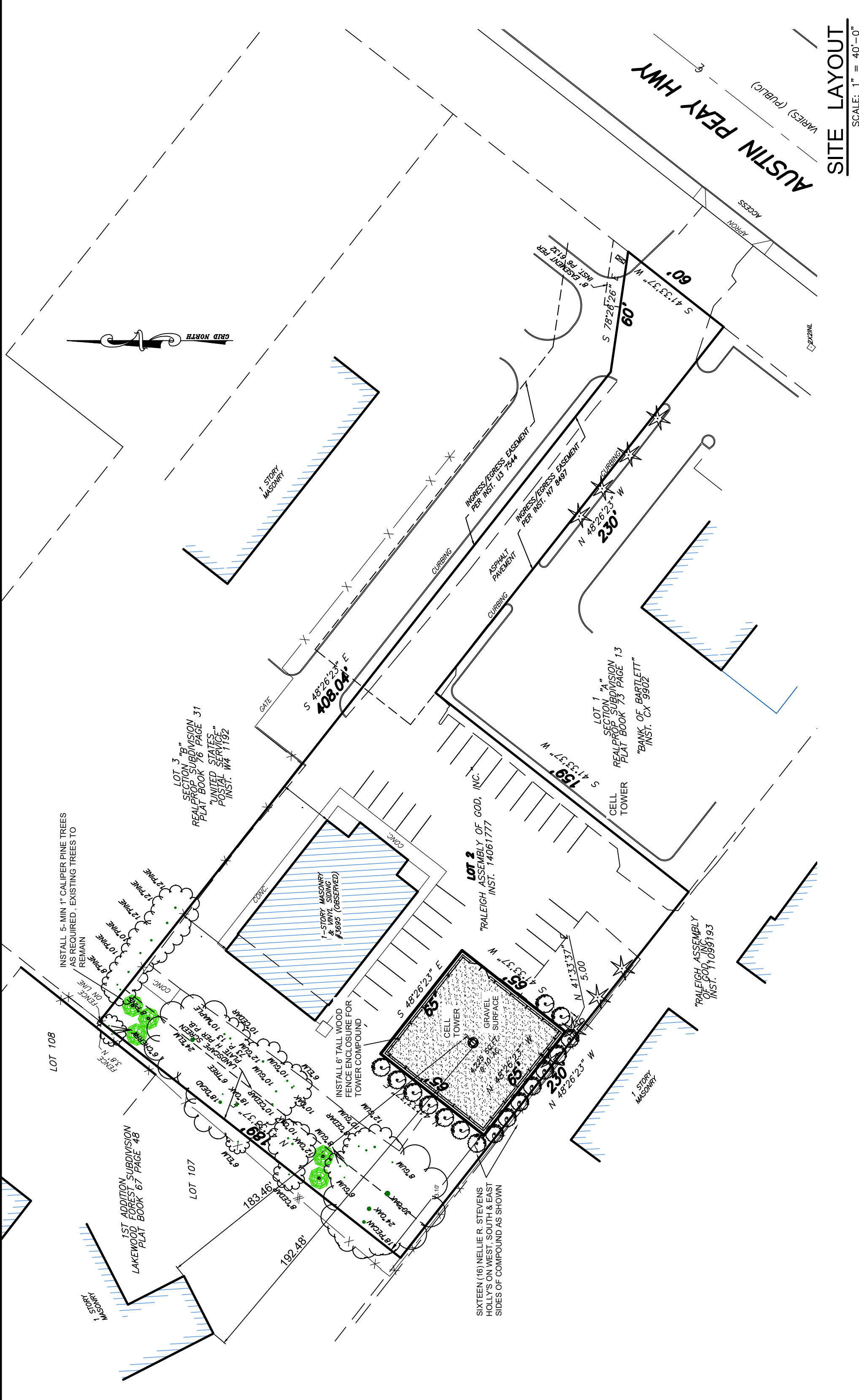
H. **FILING FEES** *(All Fees Are Subject To Change without Prior Notice)*

- 1) Special Use Permit: 5.0 Acres or less=\$500. Each additional acre or fraction thereof=\$50, Maximum =\$5,000. Amendment(s): = \$500.00; Daycare only: 8-12 children=\$100. 13+ children= \$250.
Make check payable to "M/SC Office of Planning and Development"

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



VICINITY MAP
NTS



SITE LAYOUT
SCALE: 1" = 40'-0"

OWNER'S CERTIFICATE

I, _____, OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. I CERTIFY THAT AM THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: _____

NOTARY'S CERTIFICATE

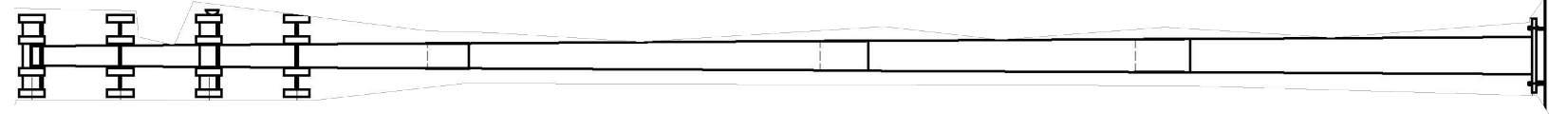
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED, AND WHO UPON HIS OATH ACKNOWLEDGED HIMSELF TO BE THE WITHIN NAMED OWNER, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, THIS ____ DAY OF _____, 2021.

BY: _____

NOTARY PUBLIC: _____

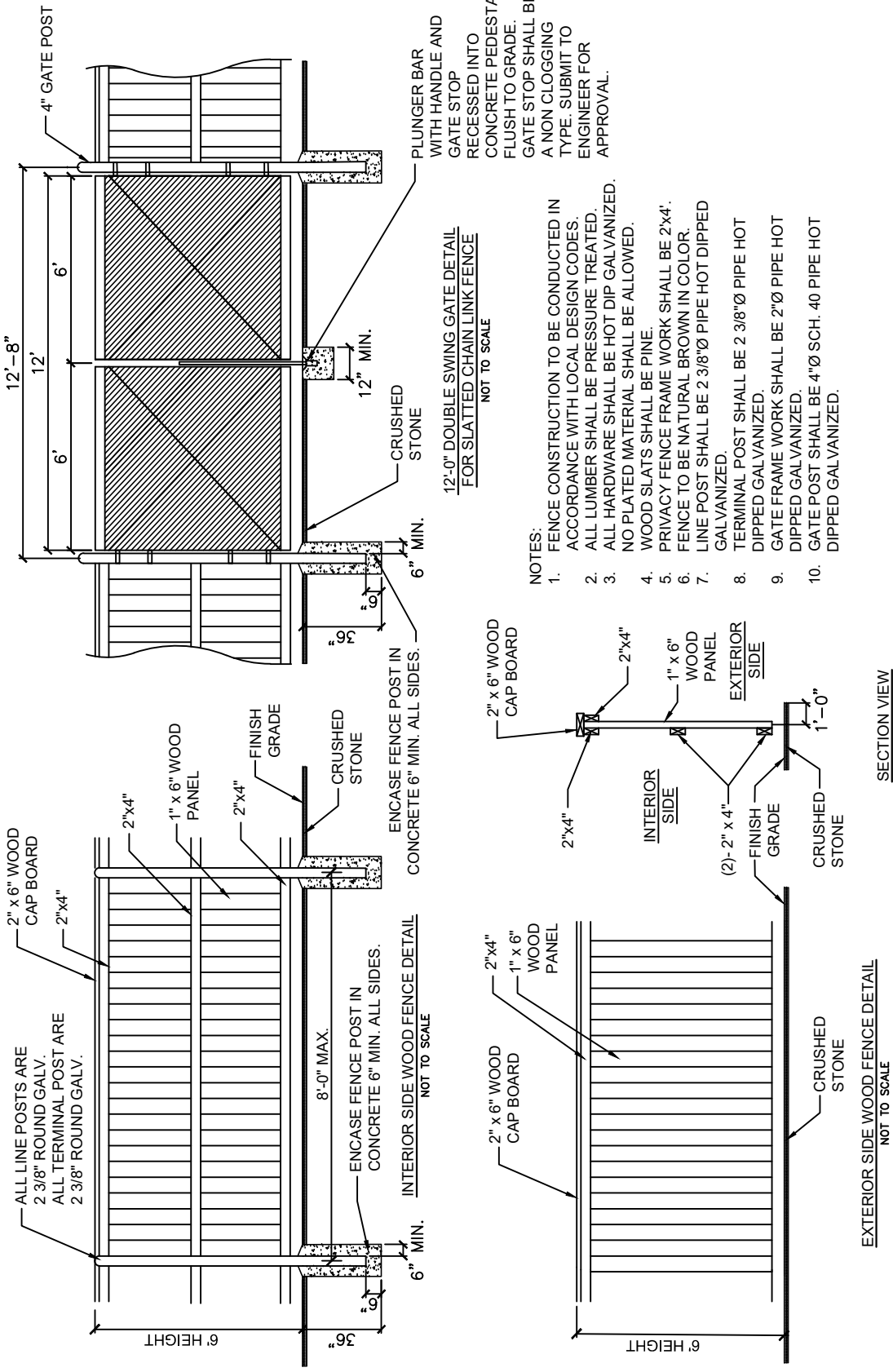
MY COMMISSION EXPIRES: _____

MONOPOLE ELEVATION
NTS



FINAL SITE PLAN, SUP 21-
LOT 2, REAL PROP SUBDIVISION
170' MONOPOLE CMCS TOWER

PARCEL ID: 0682100031	4,225 SQUARE FEET	ZONED: CMU-1
MEMPHIS, TENNESSEE		
TENANT: TVT I, LLC 495 TENNESSEE, STE. 152 MEMPHIS TN 38104 100 YEAR FLD. ELEV. 235.0	PREPARED BY: MJF CONSULTING/ASHWORTH JV 612 W MAIN AVE, STE. 702 SPOKANE WA, 99201 F.E.M.A. MAP PANEL NUMBER 47157C0285F	DATE: JANUARY 2021
SCALE: 1"= 40'	SEPT. 28, 2007	SHEET 1 OF 1



FENCE ENCLOSURE DETAIL

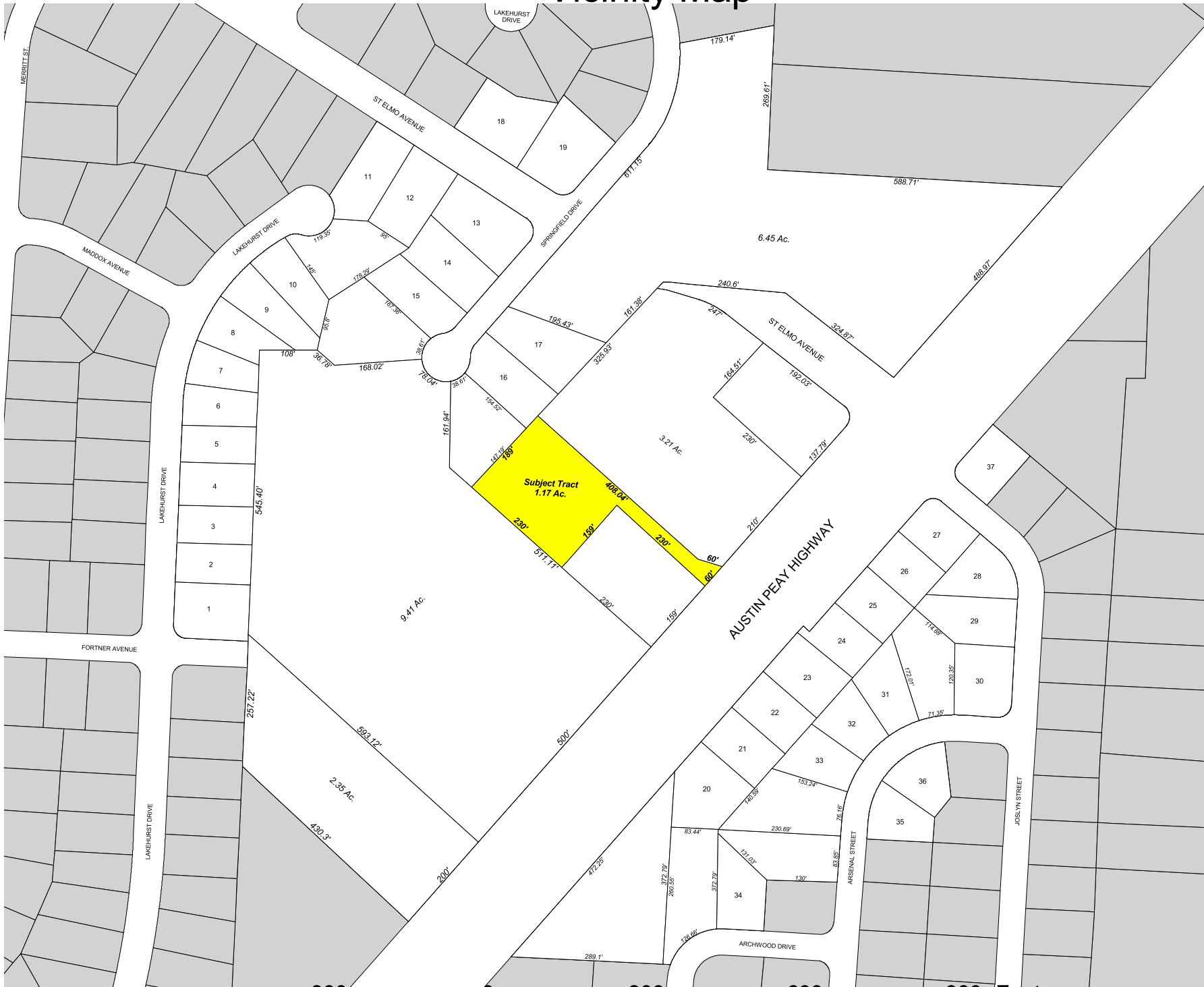
SECTION VIEW
NOT TO SCALE

- NOTES:
- FENCE CONSTRUCTION TO BE CONDUCTED IN ACCORDANCE WITH LOCAL DESIGN CODES.
 - ALL HARDWARE SHALL BE HOT DIP GALVANIZED.
 - NO PLATED MATERIAL SHALL BE ALLOWED.
 - WOOD SLATS SHALL BE PINE.
 - PRIVACY FENCE FRAME WORK SHALL BE 2"x4".
 - FENCE TO BE NATURAL BROWN IN COLOR.
 - TERMINAL POST SHALL BE 2.36"/Ø PIPE HOT DIPPED GALVANIZED.
 - TERMINAL POST SHALL BE 2.36"/Ø PIPE HOT DIPPED GALVANIZED.
 - GATE FRAME WORK SHALL BE 2"Ø PIPE HOT DIPPED GALVANIZED.
 - GATE POST SHALL BE 4"Ø SCH. 40 PIPE HOT DIPPED GALVANIZED.

A BUILDING PERMIT SHALL BE ISSUED ONLY FOR A COMMUNICATION TOWER AS A RESULT OF THE APPROVAL OF THIS PLAN. ANY OTHER USE OF THE LOT IN QUESTION WILL REQUIRE THE INSTALLATION OF A SEWER CONNECTION, THE PAYMENT OF ALL RELATED FEES TO THE CITY OF MEMPHIS LAND DEVELOPMENT OFFICE AND RE-RECORDING OF THE PLAT

NO BUILDING PERMIT SHALL BE ISSUED ON THE BASIS OF THIS PLAN, EXCEPT WITHIN THE DESIGNATED LEASE AND ACCESS AREAS.

Vicinity Map



TVT I, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

January 21st, 2021

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: Site Name: Austin Peay – (Previously Approved as SUP 14-228): **Letter of Intent** for a One Hundred Seventy Foot (170') Monopole Communications ("CMCS") Tower at 3695 Austin Peay Hwy, Memphis, TN 38128 (Parcel ID # 086021 00031)

Dear Mr. Whitehead:

TVT I, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred Seventy Foot (170') CMCS tower at 3695 Austin Peay Hwy (Parcel ID #086021 00031) Memphis, TN 38128. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 65' x 65'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats. This gate type is needed due to security concerns. For security reasons, a Tower Service Tech needs to be able to investigate the compound, prior to entry. We are proposing building landscape screens on the North, West and South sides of the Tower site. The proposed tower is to be located in a commercial area, along bust Austin Peay Hwy.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT I, LLC - Tower Ventures, appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,



Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TVT I, LLC - Tower Ventures
Office: 901-244-4017
lou@towerventures.com



Letter of Need

Dear Tower Ventures,

We are aware that you are planning to build 2 new towers at the locations listed below:

TN2698 / NAMEM00412A

3689 Austin Peay Highway

Memphis, TN 38128

35.227208 -89.905076

TN2699 / NAMEM00413A

833 Gilleas Road

Memphis, TN 38109

35.061531 -90.091847

Please accept this letter as confirmation that Dish Wireless is interested in co-locating on these 2 new towers.

If you need any additional info from us for your zoning submittal please let us know and we will do our best to provide it.



Chad Caldwell

Site Development Manager – TN & KY | Wireless

M: (214) 244-0058

Chad.Caldwell@dish.com



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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



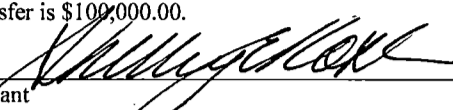
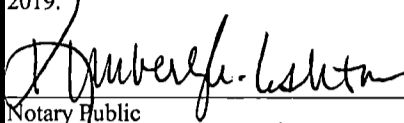
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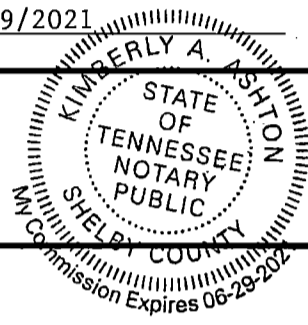
11/15/2019 - 11:18:46 AM

2 PGS	
KRISTIN 1945480 - 19119368	
VALUE	100000.00
MORTGAGE TAX	0.00
TRANSFER TAX	370.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	383.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**CORPORATE FORM
WARRANTY DEED**

Property address: 3695 Austin Peay Highway Memphis, TN 38128 Owner's name and address: Tracy Oakley 3695 Austin Peay Highway Memphis, TN 38128 Mail tax bills to: Tracy D. Oakley 5255 Adágíó Lane Lakeland, TN 38002	I, or we, hereby swear and affirm that, to the best of the affiant's knowledge, information, and belief, the actual consideration for this transfer is \$100,000.00.  _____ Affiant Subscribed and sworn to before me this <u>12th</u> day of <u>November</u> , 2019.  _____ Notary Public My Commission Expires: <u>6/29/2021</u>
This instrument prepared by: Southern Trust Title Company 7500 Capital Drive Germantown, TN 38138 File No.: 19100201	



THIS INDENTURE, made and entered into this 8th day of November, **2019**, by and between
Refuge Memphis, Inc., a Tennessee not for profit corporation, party of the first part and
Tracy D. Oakley, a married man, party of the second part,

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

Lot 2, Section A, Realprop Subdivision, as shown on plat of record in Plat Book 72, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

This property being the same property conveyed to Grantor(s) herein as shown in Deed of record at Instrument No. 15114979 in said Register's Office.

Parcel Number: 086021 00031

TO HAVE AND TO HOLD the aforesaid real estate together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his/her heirs, successors and assigns in fee simple forever.

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

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

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

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

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

Refuge Memphis, Inc.

Donnie Wheeler
By: Donnie Wheeler, President

STATE OF TENNESSEE,
COUNTY OF SHELBY

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

WITNESS my hand and Notarial Seal this 31th day of October, 2019



[Signature]
Notary Public

My commission expires: _____

This instrument prepared by:
Southern Trust Title Company
7500 Capital Drive
Germantown, TN 38138
File No.: 19100201

Return To:
GRIFFIN, CLIFT, EVERTON & MASCHMEYER, PLLC
ATTORNEYS AT LAW
6489 QUAIL HOLLOW, SUITE 100
MEMPHIS, TN 38120

(FOR RECORDING DATA ONLY)

TVT1, LLC
495 Tennessee Street, Ste. 152
Memphis, TN 38103

TVT1, LLC
495 Tennessee Street, Ste. 152
Memphis, TN 38103

TVT1, LLC
495 Tennessee Street, Ste. 152
Memphis, TN 38103

TVT1, LLC
495 Tennessee Street, Ste. 152
Memphis, TN 38103

TVT1, LLC
495 Tennessee Street, Ste. 152
Memphis, TN 38103

Tracy D. Oakley
5255 Adagio Lane
Lakeland, TN 38002-6038

Tracy D. Oakley
5255 Adagio Lane
Lakeland, TN 38002-6038

Tracy D. Oakley
5255 Adagio Lane
Lakeland, TN 38002-6038

Tracy D. Oakley
5255 Adagio Lane
Lakeland, TN 38002-6038

Tracy D. Oakley
5255 Adagio Lane
Lakeland, TN 38002-6038

Tenant
3631 Archwood Drive
Memphis, TN 38128

Tenant
3635 Archwood Drive
Memphis, TN 38128

Tenant
3651 Austin Peay Highway
Memphis, TN 38128

Tenant
3653 Arsenal Street
Memphis, TN 38128

Tenant
3657 Arsenal Street
Memphis, TN 38128

Tenant
3658 Arsenal Street
Memphis, TN 38128

Tenant
3660 Austin Peay Highway
Memphis, TN 38128

Tenant
3661 Arsenal Street
Memphis, TN 38128

Tenant
3665 Arsenal Street
Memphis, TN 38128

Tenant
3668 Arsenal Street
Memphis, TN 38128

Tenant
3669 Arsenal Street
Memphis, TN 38128

Tenant
3673 Arsenal Street
Memphis, TN 38128

Tenant
3679 Arsenal Street
Memphis, TN 38128

Tenant
3683 Austin Peay Highway
Memphis, TN 38128

Tenant
3691 Austin Peay Highway
Memphis, TN 38128

Tenant
3696 Lakehurst Drive
Memphis, TN 38128

Tenant
3700 Lakehurst Drive
Memphis, TN 38128

Tenant
3701 Joslyn Street
Memphis, TN 38128

Tenant
3708 Lakehurst Drive
Memphis, TN 38128

Tenant
3711 Joslyn Street
Memphis, TN 38128

Tenant
3716 Lakehurst Drive
Memphis, TN 38128

Tenant
3720 Austin Peay Highway
Memphis, TN 38128

Tenant
3724 Lakehurst Drive
Memphis, TN 38128

Tenant
3730 Lakehurst Drive
Memphis, TN 38128

Tenant
3731 Austin Peay Highway
Memphis, TN 38128

Tenant
3738 Joslyn Street
Memphis, TN 38128

Tenant
3738 Lakehurst Drive
Memphis, TN 38128

Tenant
3746 Lakehurst Drive
Memphis, TN 38128

Tenant
3749 Springfield Drive
Memphis, TN 38128

Tenant
3750 Springfield Drive
Memphis, TN 38128

Tenant
3755 Springfield Drive
Memphis, TN 38128

Tenant
3756 Lakehurst Drive
Memphis, TN 38128

Tenant
3756 Springfield Drive
Memphis, TN 38128

Tenant
3760 Springfield Drive
Memphis, TN 38128

Tenant
3761 Springfield Drive
Memphis, TN 38128

Tenant
3762 Lakehurst Drive
Memphis, TN 38128

Tenant
3766 Lakehurst Drive
Memphis, TN 38128

Tenant
4721 St. Elmo Avenue
Memphis, TN 38128

Tenant
4731 St. Elmo Avenue
Memphis, TN 38128

Tenant
4740 St. Elmo Avenue
Memphis, TN 38128

Tenant
4745 St. Elmo Avenue
Memphis, TN 38128

Tenant
4750 St. Elmo Avenue
Memphis, TN 38128

Anderson Diane
3700 Lakehurst Drive
Memphis, TN 38128-3730

Ankton Winfred E & Anne A-N
P O Box 281332
Memphis, TN 38168

Bank Of Bartlett
3691 Austin Peay Highway
Memphis, TN 38128-3719

Bateman Albert W Jr & Content
3750 Springfield Drive
Memphis, TN 38128

Beloria Lot E
3720 Austin Peay Highway
Memphis, TN 38128

Bennem Gwendolyn & Cedric E
4731 St. Elmo Avenue
Memphis, TN 38128

Bobo Gequais K & Latresia
3696 Lakehurst Drive
Memphis, TN 38128-3730

Boyle David L And Linda D Boyle
4750 St. Elmo Avenue
Memphis, TN 38128-2462

Buckmaster Paul D
2002 Joseph Circle
Huntsville, AL 35811

Cox Leroy T
3631 Archwood Drive
Memphis, TN 38128-3705

CSMA BLT LLC
1850 Parkway Place, Ste. 900
Marietta, GA 30067-8261

Dockery Eric L
5219 Scrivener Drive
Bartlett, TN 38134-2914

Dockery Iris A
1906 Oak Spring Drive
Cordova, TN 38016

Duncan William O
3716 Lakehurst Drive
Memphis, TN 38128-3730

Fletcher Quantrel And Andrea N Fletcher
3760 Springfield Drive
Memphis, TN 38128

Grimes Debreacca L
3711 Joslyn Street
Memphis, TN 38128-3749

Harris Peggy
3746 Lakehurst Drive
Memphis, TN 38128-3730

Johnson Lonzola
3730 Lakehurst Drive
Memphis, TN 38128-3730

Jones Joseph & Priscilla
3761 Springfield Drive
Memphis, TN 38128

Joslyn 3738 Trust
3738 Joslyn Street
Memphis, TN 38128-3707

Khelv Khoeun And Yane Luy (RS)
3708 Lakehurst Drive
Memphis, TN 38128-3730

Lee Daniel P & Deborah A
7967 Armour Road
Millington, TN 38053-3106

Life Church Of Memphis
650 Houston Hill Road
Eads, TN 38028-7039

Luna Bernardo
3679 Arsenal Street
Memphis, TN 38128-3708

Macon John R & Phyllis N
3673 Arsenal Street
Memphis, TN 38128-3708

Marcum Lawrence J
3657 Arsenal Street
Memphis, TN 38128-3708

Messiah Lutheran Church
3743 Austin Peay Highway
Memphis, TN 38128-3721

MG Capital LLC
3380 Pearson Road
Memphis, TN 38119-1631

Monroe Michael L & Belinda J
3756 Springfield Drive
Memphis, TN 38128-2444

Moorman Starlon R & Mary R
3669 Arsenal Street
Memphis, TN 38128-3708

Morrow Larry
3661 Arsenal Street
Memphis, TN 38128-3708

Munn Floyd E And Lesley Munn
3749 Springfield Drive
Memphis, TN 38128-2443

Navy Memphis Federal Credit Union
P O Box 34818
Memphis, TN 38184-0818

Raleigh Assembly Of God Incorporated
3683 Austin Peay Highway
Memphis, TN 38128-3719

Reed Allen L Jr.
3658 Arsenal Street
Memphis, TN 38128-3773

REI Nation LLC
P O Box 381887
Germantown, TN 38183-1887

Rich Haley
4745 St. Elmo Avenue
Memphis, TN 38128

Sanders Freeman D & Meriam B
3984 Planters View
Bartlett, TN 38133

Spirit Master Funding LLC
5555 Glenridge Connector, Ste. 300
Atlanta, GA 30342-4741

SRNZ 3 LLC
5001 Plaza On The Lake, Ste. 200
Austin, TX 78746-1053

T Land Ventures LLC
4728 Spottswood Avenue, Ste. 120
Memphis, TN 38117-4817

Tate James & Tordasha Tuggle
4740 St. Elmo Avenue
Memphis, TN 38128-2462

Townsend Geraldine L
24201 SW 120th Avenue
Princeton, FL 33032-4304

United States Postal Service
1 N. Front Street
Memphis, TN 38103-2157

VB One LLC
3500 Park Center Drive
Dayton, OH 45414-2696

Warren Dorthy L
3665 Arsenal Street
Memphis, TN 38128

White Sonja P
3738 Lakehurst Drive
Memphis, TN 38128-3730

Williams Ida M
3724 Lakehurst Drive
Memphis, TN 38128



S.U.P. 21-05 (CMCS Tower) Austin Peay **NOTICE OF NEIGHBORHOOD MEETING**

Dear Neighbor:

Tower Ventures,(TVT I, LLC) a Memphis based Tower Developer, has filed an application for a special use permit (SUP 21-05) with the Office of Planning & Development. We are kindly requesting your presence at a neighborhood meeting (Via the Zoom Link Below) to be held on **Monday Evening March 1st, 2021**, to discuss a proposal to build a CMCS communications (Cell) tower and facilities at 3695 Austin Peay Highway. The proposed CMCS tower will be one-hundred-Seventy (170') feet in height.

Due to COVID-19 Restrictions, this meeting will be held via Zoom. The link: <https://zoom.us/j/97130799046>. If you cannot attend the meeting via Zoom, please call, (901) 239-3892 to be connected via Cellphone.

The proposed tower site is located on a vacant, commercial lot, as shown on the attached map. A Public Hearing will be held by the Memphis & Shelby County Land Use Control Board on Thursday, March 11th, 2020 @ 09.30 o'clock a.m. Via YouTube, <https://www.youtube.com/channel/UCk1QPCoo-peD5TNmPdsWa-Q>

NEIGHBORHOOD MEETING DETAILS:

Time: 6.30 p.m. to 7.30 p.m.

Date: Monday Evening **March 1st, 2021**

Location: Zoom link: <https://zoom.us/j/97130799046>

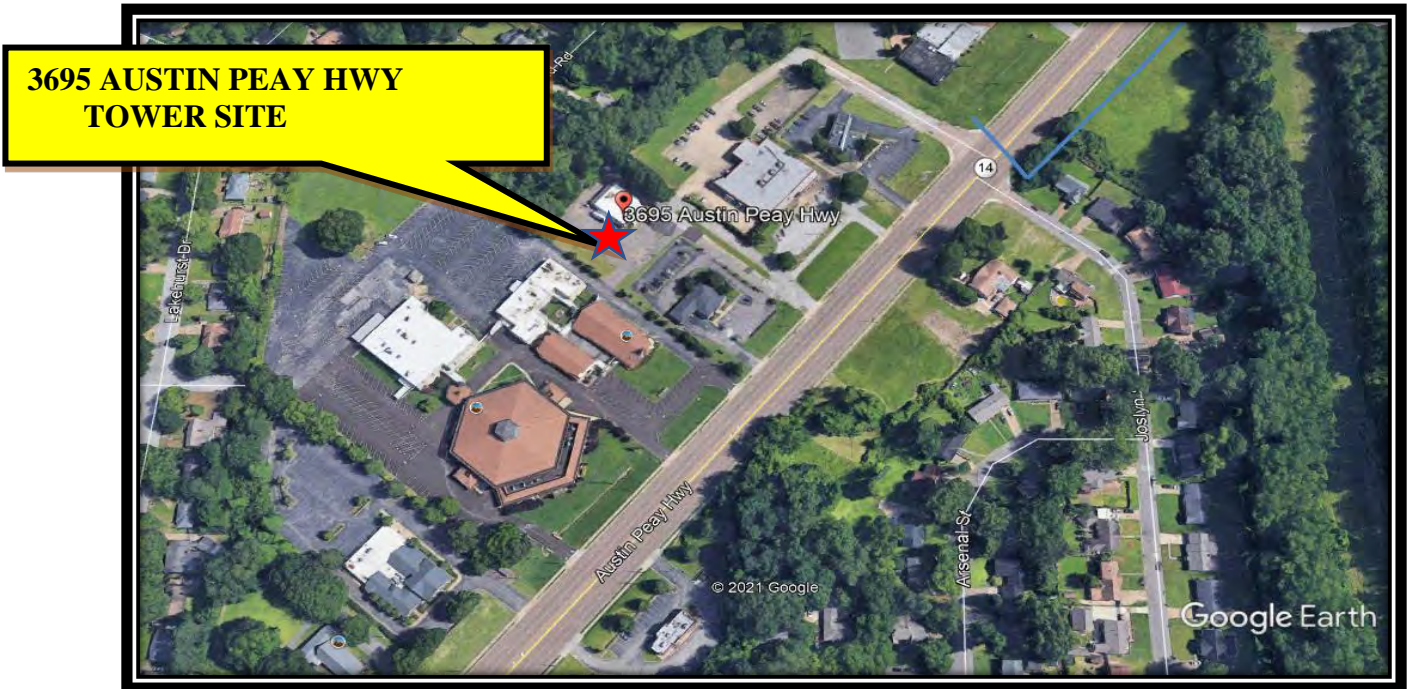
Tower location shown on Map below:

Questions concerning this application may be directed to:

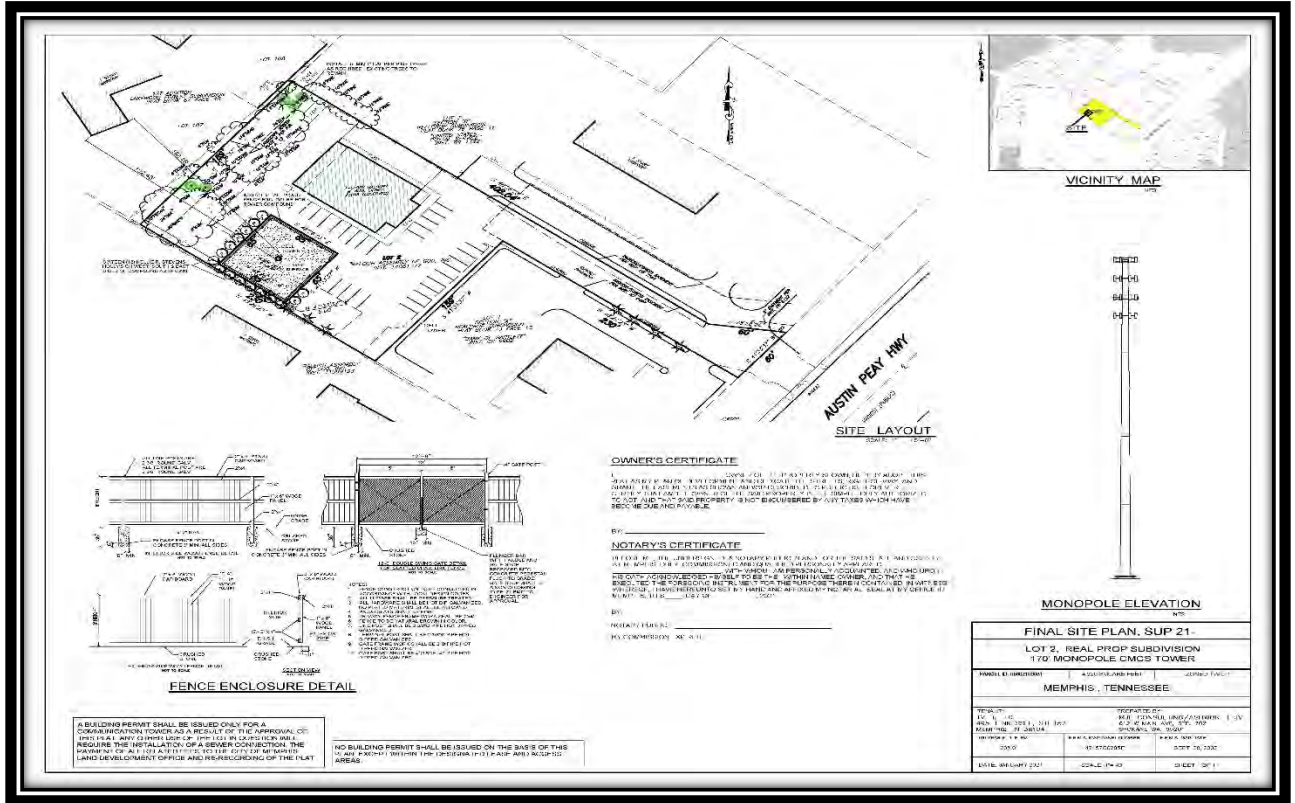
Lou Katzerman, Tower Ventures @ (901) 239-3892; or

Teresa Shelton, City Planner, Office of Planning & Development @ (901) 636-6619

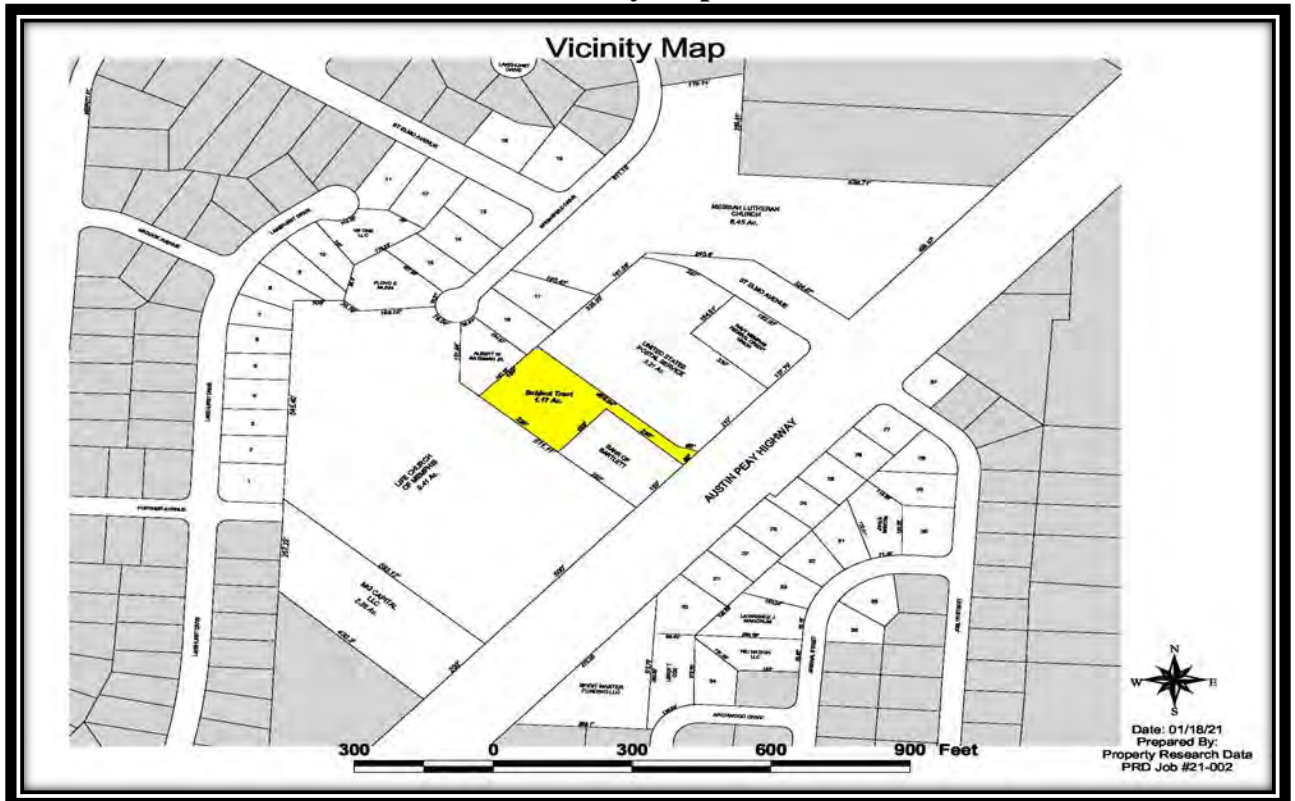
Site-Plan and Vicinity Map-Back Page



Site Plan



Vicinity Map



CELL TOWER ANTENNAS ON TOP OF JOHN HOPKINS HOSPITAL



5G

5G ruled safe by panel of international experts



By CATHERINE SBEGLIA — March 16, 2020



Mobile telephone radiation guidelines from 1998 only required minor updates for 5G

Fierce opposition to the deployment of the 5G infrastructure has been popping up all around the world, from **California** to **South Africa** to Sweden. Small cell towers, which must be frequently placed, are necessary for 5G deployment, but they are being met with hesitation by residents and tribal and environmental groups who at best, consider the towers an eye sore and at worst, consider them a serious health risk. Last week, however, a panel of international experts announced that, after extensive research, 5G was found to be safe for the public.

The International Commission on Non-Ionizing Radiation Protection (ICNIRP), the Germany-based scientific body in charge of setting limits on exposure to radiation, called for new guidelines for

mmWave 5G, the first guideline update in more than 20 years.

Those guidelines, however, only required minor updates to make them fit for 5G.

The ICNIRP’s initial set of guidelines for EMF exposure were developed in 1998 for mobile telephones, and according to the commission, the radio frequencies 5G uses today in the UK are similar to those frequencies from the 90’s.

However, as Dr. Jack Rowley, the senior director for research and sustainability at GSMA, pointed out, mmWave 5G, and other broadcast connections above the 6 GHz band, “were not anticipated in 1998.”

Rowley stated, though, that the 1998 radiation limits from mobile telephone frequencies are still protective today, and in reality, during the conventional operation of a mobile network, both the old and new limits are unlikely to be surpassed.

And so, while the commission did rule that some precautions should be taken against 5G frequencies at 6 GHz and above, it also confirmed that the high-frequency 5G used in the U.S. and in Europe still has output levels well below the new maximum described by the updated guidelines.

Dr. Eric van Rongen, ICNIRP Chairman commented, “We know parts of the community are concerned about the safety of 5G and we hope the updated guidelines will help put people at ease.”

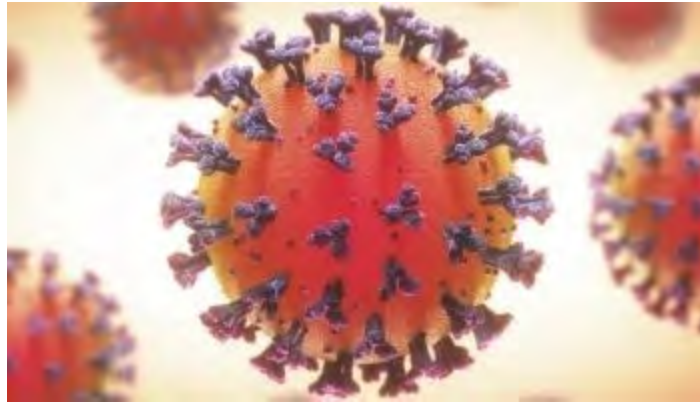
He added that the commission thoroughly reviewed “all relevant scientific literature, scientific workshops and an extensive public consultation process” before establishing the new guidelines.

“They provide protection against all scientifically substantiated adverse health effects due to EMF exposure in the 100 kHz to 300 GHz range,” he said.

Confirmation of the safety of 5G might, as Rongen hopes, put some people at ease. However, it will remain to be seen if the new ruling and the overwhelming evidence that 5G, like earlier mobile standards, is safe, will truly put an end to the public’s fears, especially as new **claims about 5G causing coronavirus begin to spread.**



Related Posts



Twitter begins fact-checking 5G, coronavirus conspiracy posts



Conspiracy theories tying 5G to COVID-19 behind UK tower fires



Ofcom tests 5G radiation at 16 UK sites, identifies no health risk

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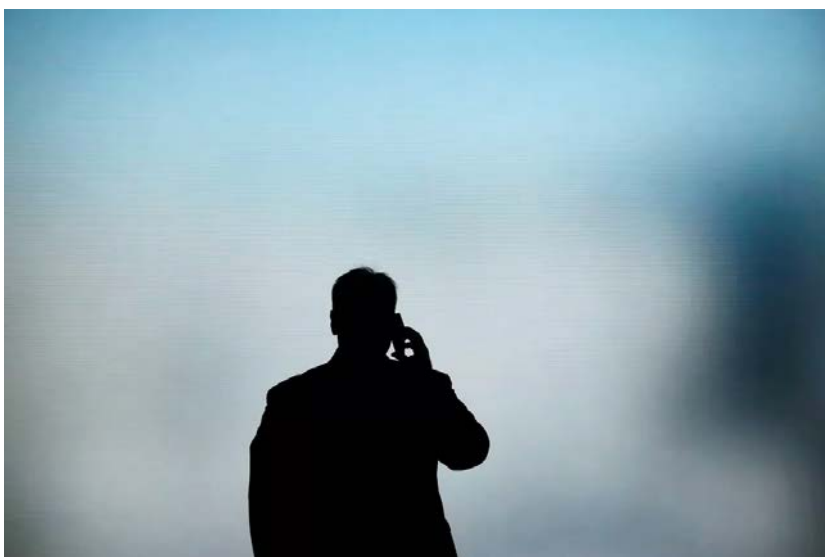
JOIN / SIGN IN

FCC deems cellphones with 5G tech safe

In a new proposal, the FCC concludes current radio frequency emission levels are OK.



Marguerite Reardon Aug. 8, 2019 2:23 p.m. PT

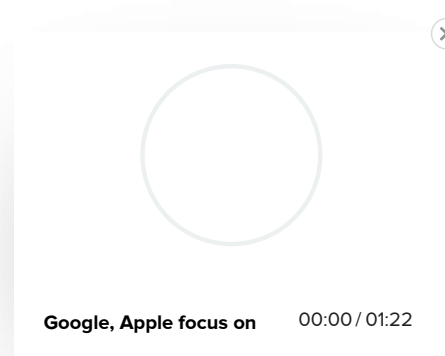


US regulators say there's no evidence that cellphones harm health and they're not changing current safety limits.

Pau Barrena / AFP/Getty Images

Cellphones -- old and new -- are safe, including those that'll use new 5G technology. That's according to a new proposal that Federal Communications Commission Chairman Ajit Pai circulated Thursday. It would keep the agency's current safety limits for radio frequency exposure the same as they've been for 23 years.

Following more than six years of public input and review, the agency said the current exposure levels for cellphones, wireless towers, Wi-Fi routers and all other devices emitting RF signals are safe. Agency officials added that they don't have any concern for new gear using 5G technology, including gear that uses millimeter wavelength frequencies.



"The available scientific evidence to date does not support adverse health effects in humans due to exposures at or under the current limits," Jeffrey Shuren, director of the FDA's Center for Devices and Radiological Health, wrote to the FCC. "No changes to the current standards are warranted at this time."

There have been concerns and questions about the safety of mobile devices for years. In 2011, the World Health Organization said cellphones might cause some brain cancers, leaving open the possibility that a link exists between cancer and cellphone radiation.

But most studies haven't found a link between radio frequency signals from cellphones or cell towers and disease.

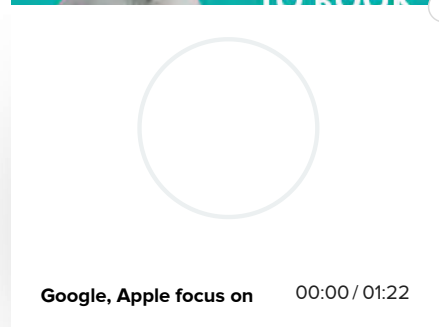
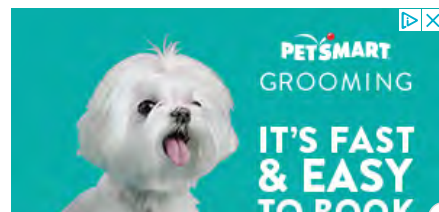
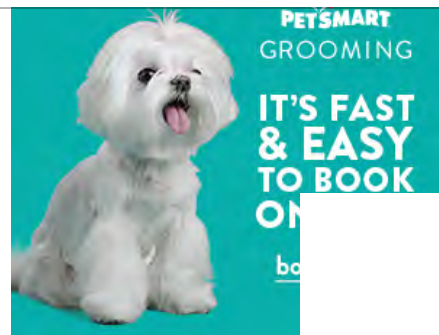
Concerns have grown recently as mobile carriers throughout the world race to deploy this fifth generation of cellular technology, or 5G. Specifically, there have been concerns that the high-frequency spectrum known as millimeter wavelengths, or mmWave, used in early deployments to make 5G a reality could pose adverse health effects for the public. Adding to the concern is the fact that 5G deployments require many more small cell towers to be deployed much closer to where people live, work and go to school.

The growing fear about the health effects has caused lawmakers and policy makers throughout the world to start putting on the brakes.

But FCC officials on Thursday reiterated there's no reason for concern. An FCC official told reporters during a press briefing that there's "nothing special about 5G." They added that the scientific evidence to date indicates that 5G is no different from any other cellular technology, including 4G or 3G in terms of causing health effects. They also added



The FCC says that current RF safety levels are sufficient. And that 5G poses no risk to health. NurPhoto




The officials also emphasized that current RF exposure limits apply to any device emitting a radio frequency signal and are not limited to phones. Also, as part of the proposal, Pai recommends the agency establish a uniform set of guidelines to ensure companies making devices comply with the limits regardless of the technology that's being used.

The FCC has for years been criticized for not updating its cellphone safety standards since 1996. Critics have argued that the levels should be reviewed based on the latest wireless technology. The agency uses a value known as a SAR, or specific absorption rate, to determine if devices can be safely sold in the US. The SAR measures the amount of power that's absorbed in the body per given mass.

While the FCC hasn't updated its SAR level recommendations since the 1990s, others have reviewed the limits. In March of this year, the engineering group IEEE recommended the safety levels remain about the same as they have been since 1996.

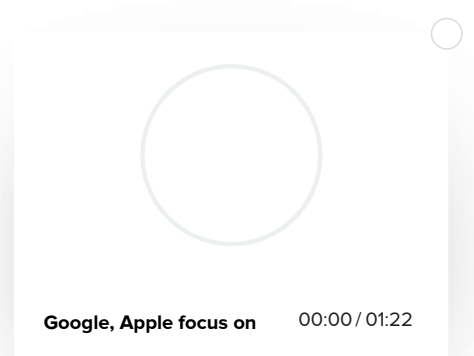
The FCC opened a proceeding in 2013 to look into the RF levels. And the order circulated Thursday by Pai is the result of that review.

 **POST A COMMENT**

FCC | Mobile 

10 activities that expose you to coronavirus, from most to least risky

These are the riskiest and safest things to do right now, according to an MD and the CDC.





Air travel is not recommended by most health authorities during the pandemic.
Klaus Vedfelt/Getty Images

For the most up-to-date news and information about the coronavirus pandemic, visit the [WHO website](#).

The US has reached a huge milestone with at least [77 million COVID-19 vaccine doses](#) administered and an additional [approval from the Food and Drug Administration for another vaccine](#). But as vaccine rollout continues, much of the general public is still waiting for a shot, and even those who have been vaccinated are encouraged to continue following COVID-19 safety protocols.

You know that [wearing a face mask](#) and [social distancing](#) is important for protecting yourself and others from the [coronavirus](#) -- but do you know how safe it really is to [get a haircut](#) versus going to a friend's barbecue outside? Even though almost every situation is unique and depends on a ton of variables, health experts say there are some activities that are generally [less risky](#) than others when it comes to protecting yourself and others from [COVID-19](#).

Much of the country is [seeing a decline in virus](#) cases, but let's face it, the pandemic is far from over. [New variants](#) that may spread faster -- and may be less vulnerable to vaccines -- are spreading. So you could be at more risk now than at the beginning of the pandemic, even though the numbers are starting to decline compared to where they were in January. If you have been used to doing only low-risk activities for so long and then all of a sudden you engage in multiple medium- to high-risk activities back-to-back (even if it's only for a few days) you are still putting yourself at serious risk -- no matter how safe you have been for months.

A video player interface with a large, empty light blue circle in the center. At the bottom, it says "Google, Apple focus on" followed by a progress bar showing "00:00 / 01:22".

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The below activities are ranked in order from highest to lowest risk of the chance you could become infected or infect someone else with the virus. These activities are based on [Centers for Disease Control and Prevention guidelines](#), as well as expert insight from infectious disease expert and MD [Dr. Sandra Kesh](#). It's best to do as few medium- to high-risk activities as possible. The less frequently you expose yourself to risky situations, the less likely you are to contract the virus.

"With most of these activities there is relative risk and it depends largely on two things: the environment and what you do in that environment. The thing that's hard to control is what's happening in the environment," Kesh says. Due to the lack of control you have in any environment outside your own home, the exact risk level is largely dependent on individual circumstances, like if your community has high infection rates.

Air travel

Risk level: High

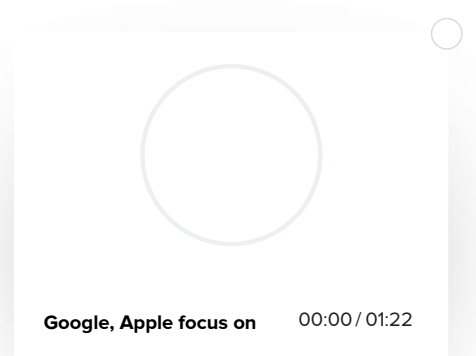
Flying is considered one of the highest risk activities you can do during COVID-19.
Mongkol Chuewong/Getty Images

Why it's risky

According to Kesh, flying is one of the riskiest situations to put yourself in when it comes to exposure to COVID-19. Unless it's absolutely necessary, you should avoid air travel until the majority of the population is [vaccinated](#), or at the very least, until you've received the full dose of the vaccine.

"Airports tend to be high-stress places. People are always worried about making their flight, going to the security checks -- there's a lot of distraction," Kesh says. "So the kind of focus that we are able to maintain with social distancing, the masks and hand hygiene, it sometimes goes out the window because your attention is scattered, it's noisy and you're trying to figure out where to go. So even people who are well meaning, the rules tend to go by the wayside."

The other problem with airports is that you can encounter people from all over the world or country and those people could be coming from high-risk places and carrying the virus with them.



"When you're sitting on a plane waiting for it to take off, there is no air movement. If you turn on the fan above your head, that's the only air moving. It's a really terrific environment for one person to potentially infect the whole plane," Kesh says.

Once planes are in flight, however, most use hospital-grade HEPA filters which help maintain clean air throughout the aircraft. According to [a recent article published in JAMA](#), the risk of contracting COVID-19 while on a flight is low mainly because of the air filtration systems. It's important to note that two of the authors involved with the JAMA article have affiliations with airlines, which is considered a conflict of interest. The [CDC](#) also says that while germs do not spread easily on flights because of the filters, it is difficult to maintain social distance, which could put you at risk if you are sitting in close proximity to someone who is infected.


How to reduce risk

If you need to fly, you should [wear a mask](#) at all times. Absolutely do not fly if you have been exposed to someone who tested positive within the last two weeks or if you have symptoms yourself.

Try to book a flight that is less crowded, even if you have to go at a time that is not ideal. Check with airlines to see which are limiting capacity and deep-cleaning planes between flights.

When you get on the plane, be sure to wipe down your seat and tray with disinfectant wipes. If you can bring a seat cover, that is even better. If you go to the bathroom on the plane, be sure to wash your hands and use hand sanitizer when you touch anything that others could touch.

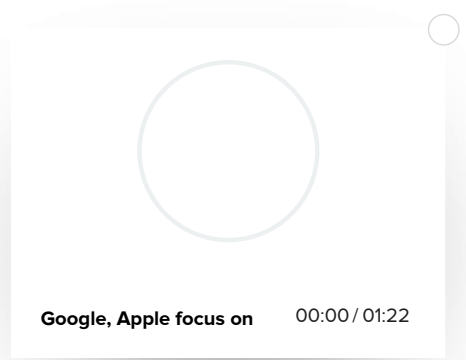
25 face mask styles we love that you can buy or make

 [See all photos](#)



+22 More

Going to a bar



Google, Apple focus on 00:00 / 01:22

Why it's risky

If bars are open in your state, it may be tempting to grab a drink with friends. But according to Kesh, bars are considered high-risk when it comes to your chance of contracting the virus. The first problem is that drinking disinhibits you, making it more likely that you or those around you will forget to wear a mask or to social distance.

"Bars are noisy, so you're yelling your drink order at the bar tender and other people are right by you -- it's really a perfect environment for that shared air space which we get so worried about," Kesh says. The other risk factor is hygiene -- when is the last time you went to a super clean bar? The chances that sanitary measures are a priority at most bars is not great -- some may do better than others, but still the risk is there.

How to reduce risk

In this case, totally avoiding bars is the best way to reduce risk. For now, drinking at home or outdoors, while social distancing, is best.

Getting a haircut

Risk level: High

Getting a haircut is risky since it puts you in close proximity to another person for an extended period.

Konstantin Tsevelev/Getty Images

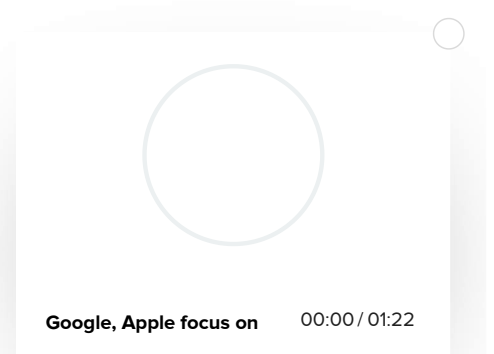
Why it's risky

It may seem harmless enough, but getting your haircut can put you at significant risk for getting infected. Think about it, how often are you putting yourself in close proximity (less than six feet) from a relative stranger for more than 15 minutes these days? This is essentially what a haircut is, since you are required to be very close to a hairstylist, who may or may not be carrying the virus, for prolonged periods of time.

Even if you're wearing masks, remember that they do not make you invincible, especially at such close proximity, though they will lessen your risk of transmitting or getting the virus.

How to reduce the risk

"The salon shouldn't be crowded, it should be well-ventilated and they should keep the doors and windows open so there is good airflow. If they have an air conditioner or fan, that should be on," Kesh says. Many salons are also limiting the number of clients who are allowed to be in the salon at once and some are requiring that all stylists and clients wear masks, which is important to ensure safety.



typical color and cut appointment takes upwards of two hours, which is a long time to be around other people in a hair salon and in close proximity to a stylist.

Eating inside a restaurant

Risk level: High to medium

Eating inside is risky for several reasons -- including the fact that diners need to remove face masks to eat.

Chee Gin Tan/Getty Images

Why it's risky

Eating inside at a restaurant can be risky for a few different reasons. First, being inside and around others puts you at risk of exposure to people carrying the virus. If you are outside, it's much more likely that anything in the air will disperse quicker, meaning there's less of a chance that you breath in infected air particles.

You are also going to be around people who are largely not wearing masks and covering their faces, since it's pretty hard to keep a mask on while you eat. Finally, being around servers is also a risk since you will be talking to and interacting them at a close proximity pretty frequently.

How to reduce risk

Your best bet is to opt for takeout and eat at home. The next best choice is dining outside. Whether you dine inside or outside, you should make sure that the area is not crowded.

Also look into the businesses safety guidelines and sanitation protocols - does it seem like this restaurant is taking extra safety measures and taking the virus seriously? Are all employees covering their faces at all times, even in the kitchen where you can't see?

Seeing friends inside

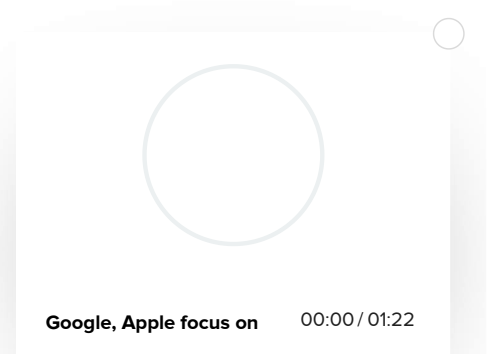
Risk level: High to medium

Many health experts suggest that indoor social gatherings drove the winter uptick in cases of COVID-19.

Klaus Vedfelt/Getty Images

Why it's risky

Getting together with friends or family inside depends again on the number of people, how well you know them and the amount of exposure they've had leading up to coming into contact with you. If you have a circle of friends who you know are responsible with social distancing



indoors as much as possible. It's much easier to spread the virus inside since people are likely gathered closer together, talking and touching surfaces like doors, tables, chairs and more. Some experts suggest that parties and other indoor gatherings of friends and family are causing a significant number of new cases.

"The thing that I see a lot of is when we are around our friends, people tend to relax," Kesh says. "Then they have a few drinks and they relax even more so the masks come off and everyone gets closer together, then before you know it everyone is having face-to-face conversations without a mask on." Those face-to-face conversations can easily transmit the virus from one person to the next.

How to reduce risk

If you have friends over at your home, be sure to ask everyone to wear a mask and limit the number of people so you can remain properly spaced apart. Also, be very selective about who you invite over -- now is not the time to invite people you don't really know or trust. Keep it limited to a close circle who you know have been responsible. If you can't do that, then you should be outside and not indoors.

Be sure to encourage people to keep their distance and ventilate your home by opening windows and using fans and the AC if you have it.

Going to a gym

Risk level: Medium

Gyms are not the ideal place to be since people breathe hard and exhale forcefully, making it easier to spread the virus.

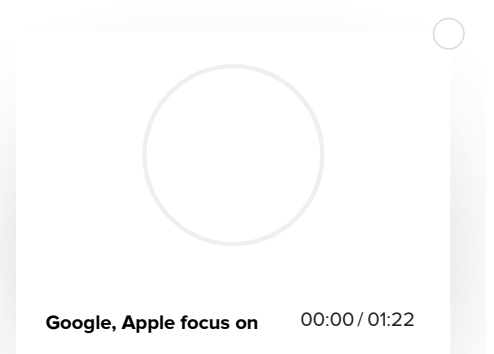
Mint Images/Getty Images

Why it's risky

Gyms were some of the first businesses to reopen in some areas after the initial COVID-19 shutdowns, but they aren't necessarily the safest place to go. First of all, safety largely depends on how big the gym is, how crowded it is and how well you are able to distance yourself from others. Also, this does not include group fitness classes or group training, which Kesh and the CDC say you should avoid for now.

"The thing that makes the gym different from other places if you have a lot of people panting and we know that the more you exhale with force the farther those viral particles will go," Kesh says. "And the thing that's harder to control is most people will not be wearing a mask when they are trying to workout, so then you are going to have a lot of forced exhaled air."

How to reduce risk



She also recommends checking that the gym has good air conditioning and is taking other measures to ensure good air flow and safety.

"People need to be much more spaced out and there needs to be good air ventilation and good air conditioning," Kesh says. "All of these places that are indoors need to stay on top of changing their AC filters, make sure they have a good HVAC system, have good exhaust fans in the bathrooms and the other places where we've seen the potential for transmission. So if we do all of those things the right way, the gym can be a low to medium risk area."

You should also be sure to wipe down any and all equipment before and after you touch it and avoid using shared items that are hard to clean after each use, like a resistance band for example.

"Some people will say if you feel well enough to go to the gym, then you won't be affected. But a lot of the transmission we are seeing, maybe even up to 40%, is happening in the presymptomatic or asymptomatic people-- and those are the people who look fine, feel fine and may be working out and they may be able to spread it. So that's the situation where I would be more worried," Kesh says.

Grocery shopping

Risk level: Medium to low, depending on the environment

Grocery shopping can be relatively safe if you are careful and avoid crowded stores.

Tang Ming Tung/Getty Images

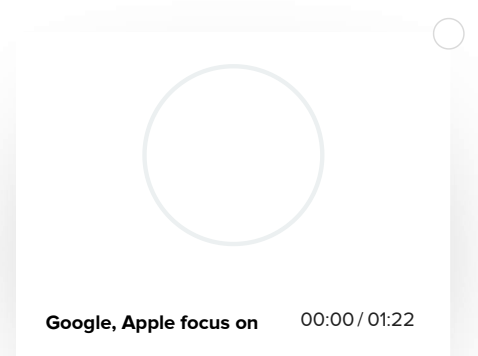
Why it's risky

According to Kesh, the most important thing to consider with grocery shopping is how crowded the store is. It's better to choose a store that limits the capacity and where you know you will feel more safe. The more frequently you have to stand near someone whether that's in line or while selecting your food, the more risk you have for being exposed.

How to reduce risk

Choose less crowded stores and go at off hours, like a Tuesday night at 7 p.m. versus a Saturday morning at 10 a.m. You should also check if the store is taking extra measures, like placing plexiglass or plastic barriers between you and the cashier, wiping down grocery carts after every use, or taking other measures to encourage social distancing, like by marking six-foot distances on the floor in lines.

Eating outside



stockstudioX/Getty Images

Why it's risky

Eating outdoors, if you are able to social distance correctly and avoid crowded areas, is much less risky than eating inside. The main concern with eating outdoors is that you and others will have to remove their masks to eat and you will still have to be in contact with food servers or waitstaff.

"Outdoors viral particles and droplets disperse in open air much more quickly. And hopefully everyone is wearing a mask, but again if the mask is off while you are eating, there is still a risk, even though it's lower."

How to reduce risk

Be sure to sit at tables that are well spaced apart. Some outdoor dining areas have plexiglass or plastic dividers in between tables, which is even better. Check that the restaurant you are going to is prioritizing sanitation, employee hygiene and that all staff wears masks. You should wear your own mask as much as possible, especially when talking or waiting for your food.

Seeing friends outside

Risk level: Medium to low

It's much better to visit with friends or family in an outdoor setting than inside.
Imgorthand/Getty Images

Why it's risky

If you are going to socialize, gathering with friends outside is the best way to do this. Especially in a more controlled environment like your own backyard. This way you can limit how many people are there and who you come into contact with. The exception that could make this risky is if many people are crowded together, especially if there are people you don't really know.

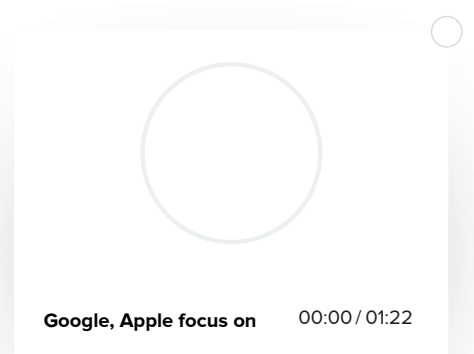
How to reduce risk

Just like if you are having friends over indoors, limit the number of people so you can social distance appropriately. You should still wear masks while outside and encourage people to practice proper hand hygiene by letting them know where a sink is and providing hand sanitizer.

Going to a park

Risk level: Low


If you go to a park, be sure to maintain social distancing and wear a mask.



Going to a park is a lower-risk activity since it is outdoors and ideally you have more space between you and others. But if the park is crowded and people are not wearing masks or social distancing, the risk level increases. You may also encounter many people on the way to and from the park, which you should take into consideration.

How to reduce risk

"I count parks as low-risk environments as long as you are wearing masks and keeping that six-foot rule," Kesh says. "I've seen some city parks that have paint on the grass to help distance people, but they need to follow those rules."



Watch this: Coronavirus data site built by a teen gets attention ▶ 12:29


How to be completely safe


The only way to keep yourself 100% free from risk is to completely isolate yourself from society and live somewhere you can be completely self-sustaining. But it's just not realistic (or conducive to good mental or emotional health) to live like that. We have to interact with others, even if it's just while getting groceries.

If you are immunocompromised or live with someone who is, however, you probably want to steer clear from anything on the list that is considered higher risk. For everyone else, the fewer high and medium risk activities you do, the better.

First published on July 3, 2020 at 7:00 a.m. PT.

The information contained in this article is for educational and informational purposes only and is not intended as health or medical advice. Always consult a physician or other qualified health provider regarding any questions you may have about a medical condition or health objectives.

Health and Wellness | Coronavirus | How To 



Google, Apple focus on 00:00 / 01:22

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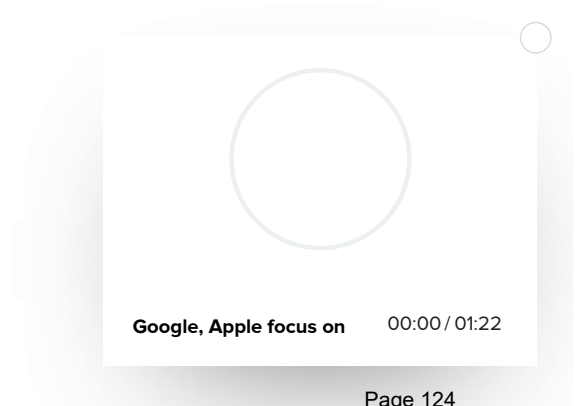
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**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

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

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 04/20/2021

DATE

PUBLIC SESSION: 04/20/2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a Special Use Permit. The item was heard and a recommendation was made by the Memphis & Shelby County Land Use Control Board.

CASE NUMBER: SUP 21-07

DEVELOPMENT: President's Island: Truck Fueling establishment

LOCATION: 0 Jack Carley Causeway – Parcel ID #024001 00014Z

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

OWNER/APPLICANT: MERS, LLC/Pilot Thomas Logistics

REPRESENTATIVE: Michael Reeves, PE, Reeves Design Services, LLC

EXISTING ZONING: Heavy Industrial (IH)

REQUEST: To allow a truck fueling establishment

AREA: +/-2.16 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/8/2021 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-07

Resolution requesting a Truck Fueling establishment:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): MERS, LLC/Pilot Thomas Logistics and Representative(s): Michael Reeves, PE, Reeves Design Services, LLC; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 0 JACK CARLEY CAUSEWAY-PARCEL ID #024001 00014Z, KNOWN AS CASE NUMBER SUP 21-07.

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, MERS, LLC/Pilot Thomas Logistics filed an application with the Memphis and Shelby County Office of Planning and Development to allow a truck fueling establishment on Jack Carley Causeway; 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 April 8, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the 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.

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

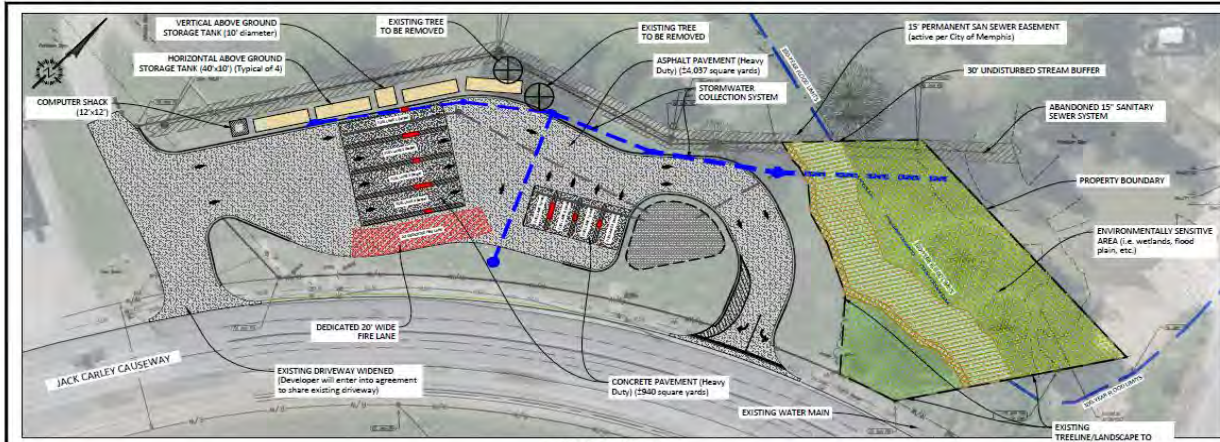
ATTEST:

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

CONDITIONS

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. TDEC requirements regarding development near/in the floodplain and floodway must be met.
3. 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.

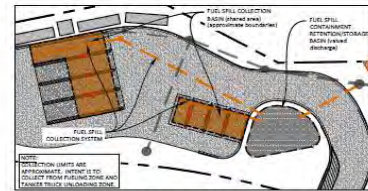
CONCEPT DRAWINGS



OVERALL LAYOUT
SCALE: 1" = 30'



SITE LAYOUT DIMENSIONS
SCALE: 1" = 40'



FUEL SPILL CONTAINMENT
SCALE: 1" = 40'

***FOR REVIEW ONLY *
NOT FOR
CONSTRUCTION**

**CONCEPT
DRAWING**
Not for Construction

**ISSUED FOR
REVIEW**
March 26, 2021

GRAPHIC SCALE IN FEET

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Services, LLC • Consulting Engineers
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www.reevesdesign.com

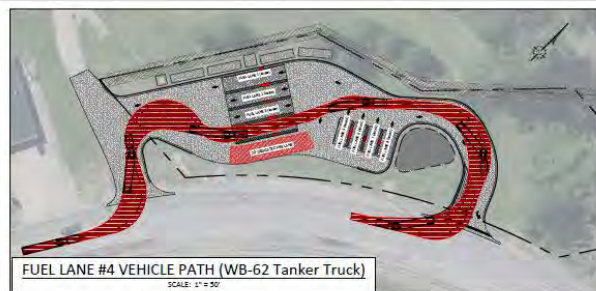
**NEW CARDLOCK DEVELOPMENT
JACK CARLEY CAUSEWAY**
FOR
PILOT THOMAS LOGISTICS

DATE: _____
DESIGNER: _____
CHECKER: _____
DATE: _____
SCALE: _____
VERTICAL: _____
DATE: MARCH 2021
DRAWING NO.: _____
PROJECT NO.: 2044-001-00
SHEET NO.: 01
DRAWN: _____
CHECKED: _____
DATE: 11/10/19

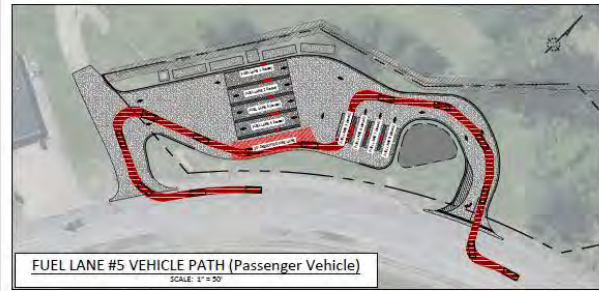
OVERALL SITE LAYOUT
SHEET 1 OF 2



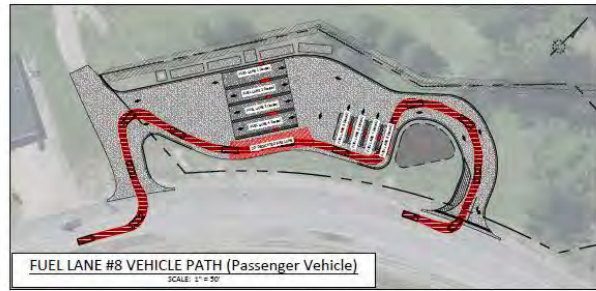
FUEL LANE #1 VEHICLE PATH (WB-62 Tanker Truck)
SCALE: 1" = 30'



FUEL LANE #4 VEHICLE PATH (WB-62 Tanker Truck)
SCALE: 1" = 30'



FUEL LANE #5 VEHICLE PATH (Passenger Vehicle)
SCALE: 1" = 30'



FUEL LANE #8 VEHICLE PATH (Passenger Vehicle)
SCALE: 1" = 30'



20' FIRE LANE (40' Single Body Fire Truck)
SCALE: 1" = 30'

**CONCEPT
DRAWING**
Not for Construction

***FOR REVIEW ONLY *
NOT FOR
CONSTRUCTION**

**ISSUED FOR
REVIEW**
March 3, 2021

GRAPHIC SCALE IN FEET

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**NEW CARDLOCK DEVELOPMENT
JACK CARLEY CAUSEWAY**
FOR
PILOT THOMAS LOGISTICS

DATE: _____
DESIGNER: _____
CHECKER: _____
DATE: _____
SCALE: _____
VERTICAL: _____
DATE: MARCH 2021
DRAWING NO.: _____
PROJECT NO.: 2044-001-00
SHEET NO.: 02
DRAWN: _____
CHECKED: _____
DATE: 11/10/19

FUEL LANE VEHICLE PATH ALIGNMENTS
SHEET 2 OF 2

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, April 8, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-07

LOCATION: 0 Jack Carley Causeway – Parcel ID #024001 00014Z

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

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EXISTING ZONING: Heavy Industrial (IH)

AREA: +/-2.16 acres

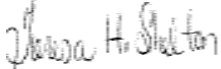
The following spoke in support of the application: None

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 to 0 on the consent agenda.

Respectfully,



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

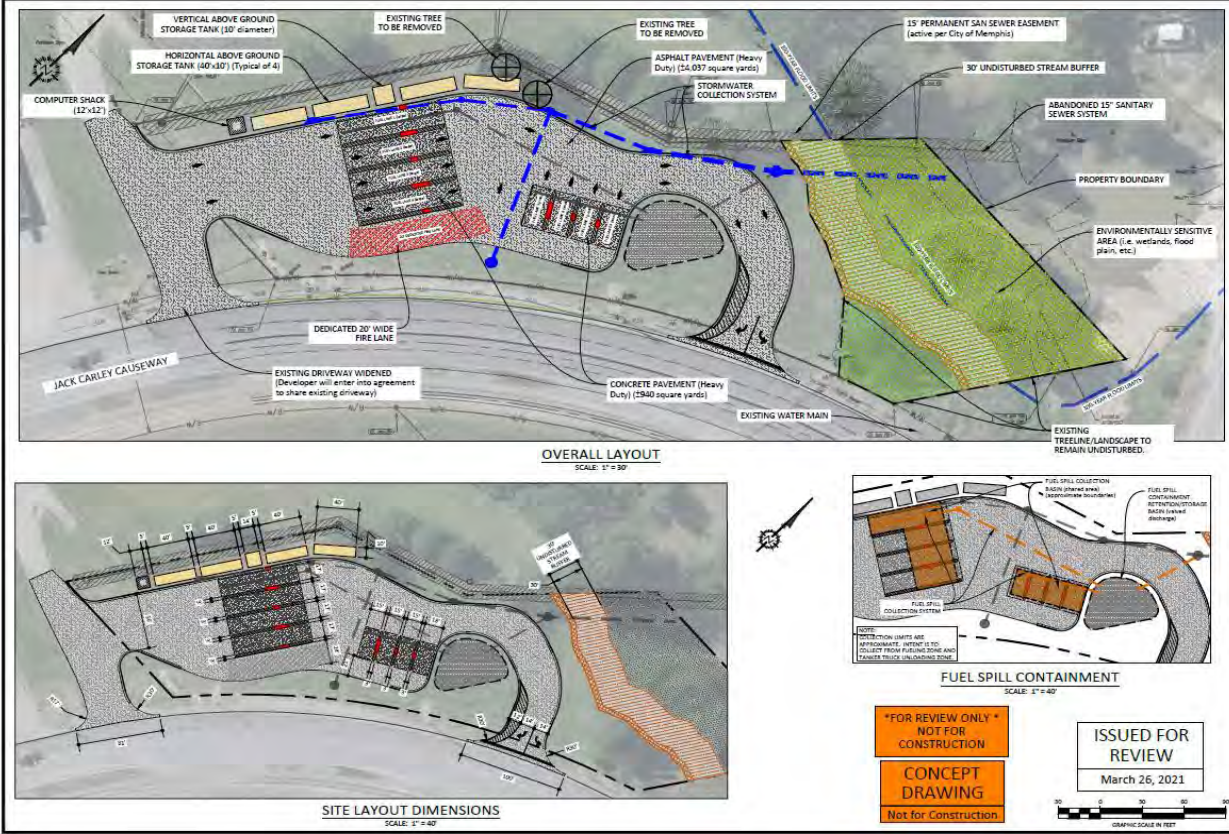
Cc: Committee Members
File

SUP 21-07

CONDITIONS

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. TDEC requirements regarding development near/in the floodplain and floodway must be met.
3. 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.

CONCEPT DRAWINGS



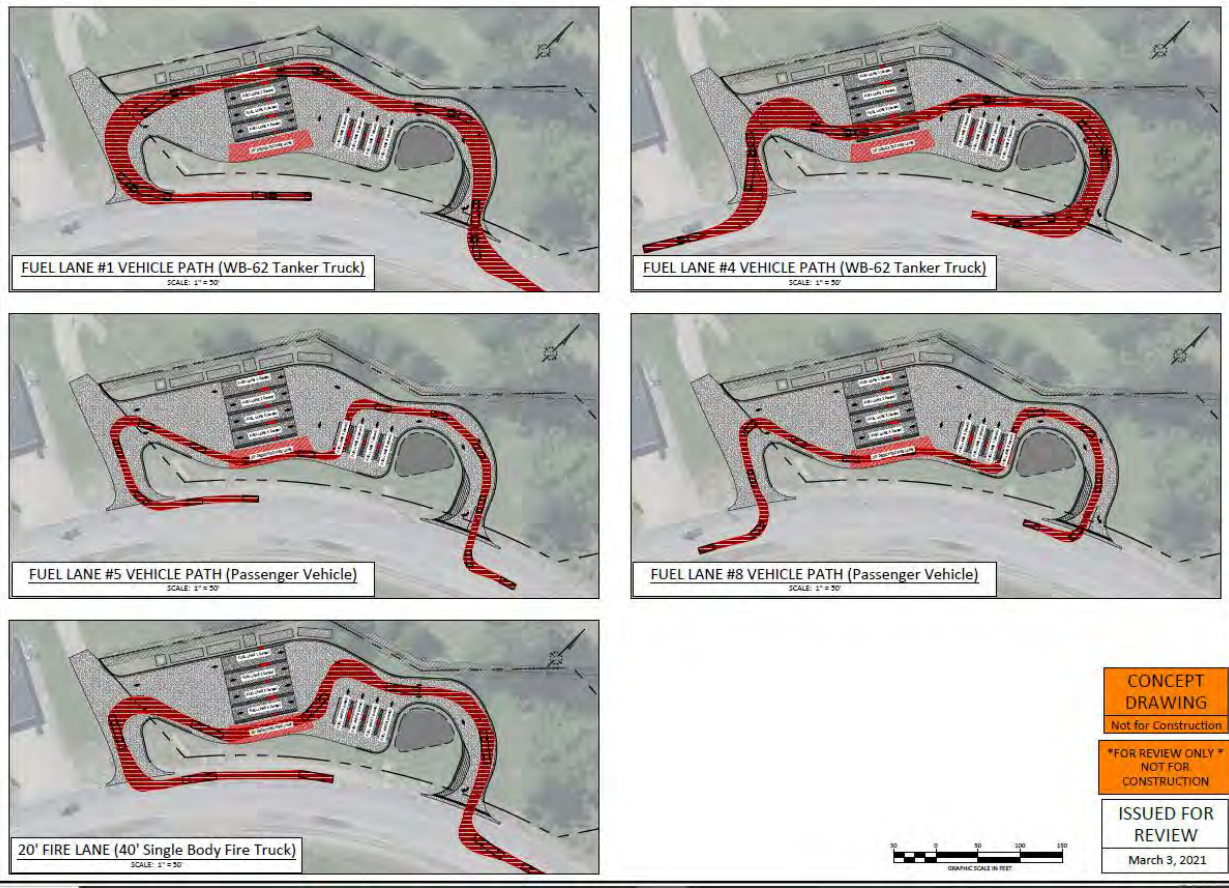
REEVES DESIGN
Services, LLC & Consulting Engineers
4875 Riverside Drive, Suite 107
Memphis, TN 38120
www.reevesdesign.com

NEW CARDLOCK DEVELOPMENT
JACK CARLEY CAUSEWAY
FOR
PILOT THOMAS LOGISTICS

DATE: MARCH 2021
SCALE:
HORIZONTAL: VERTICAL:
DRAWING NO.: 0944-001-00
PROJECT: NEW
DESIGN: MEER
DATE:
BY: TM120120
DATE:
REVISION:

OVERALL SITE LAYOUT

SHEET 1 OF 2



REEVES DESIGN
Services, LLC & Consulting Engineers
4875 Riverside Drive, Suite 107
Memphis, TN 38120
www.reevesdesign.com

NEW CARDLOCK DEVELOPMENT
JACK CARLEY CAUSEWAY
FOR
PILOT THOMAS LOGISTICS

DATE: MARCH 2021
SCALE:
HORIZONTAL: VERTICAL:
DRAWING NO.: 0944-001-00
PROJECT: NEW
DESIGN: MEER
DATE:
BY: TM120120
DATE:
REVISION:

FUEL LANE VEHICLE PATH ALIGNMENTS

SHEET 2 OF 2

AGENDA ITEM: 21

CASE NUMBER: SUP 21-07 **L.U.C.B. MEETING:** April 8, 2021
LOCATION: 0 Jack Carley Causeway – Parcel ID #024001 00014Z
COUNCIL DISTRICT: District 8 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: MERS, LLC/Pilot Thomas Logistics
REPRESENTATIVE: Michael Reeves, PE, Reeves Design Services, LLC
REQUEST: President’s Island: Truck fueling establishment on Jack Carley Causeway
AREA: +/-2.16 acres
EXISTING ZONING: Heavy Industrial (IH)

CONCLUSIONS

1. The request is for President’s Island: Truck fueling establishment on Jack Carley Causeway.
2. 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.
3. According to the Unified Development Code Section 4.6.2G. *President’s Island. Due to the heavy industrial nature and soil conditions of President’s Island, the landscaping regulations of this Code are optional for properties on President’s Island.*
4. Since it was discovered that this is a legal lot of record according to UDC Sub-Section 9.7.3D, it was determined that a sub-division would not be required.

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 13-15 of this report.

RECOMMENDATION

Approval with conditions

Staff Writer: *Teresa Shelton*

E-mail: teresa.shelton@memphistn.gov

GENERAL INFORMATION

Street Frontage: Jack Carley Causeway +/-480.1 curvilinear feet

Zoning Atlas Page: 2125

Parcel ID: 024001 00014Z

Existing Zoning: Heavy Industrial (IH)

NEIGHBORHOOD MEETING

The meeting was held at 10:00 AM CST on Friday, March 19, 2021, via www.gotomeeting.com/meeting/join-meeting.

REEVES DESIGN
Services, LLC • Consulting Engineers

March 9, 2021

A new cardlock fueling development is being proposed at 0 Jack Carley Causeway. A cardlock facility is an automated unattended fueling site that caters to commercial fleet vehicles. Four tractor-trailer fueling lanes and four passenger vehicle fueling lanes are proposed. The proposed site is located approximately 1,000 feet west of the Jack Carley Causeway and Riverside Boulevard intersection.

You are invited to attend a virtual Neighborhood Meeting to discuss a Special Use Permit Application that has been filed with the Memphis and Shelby County Division of Planning and Development.

NEIGHBORHOOD MEETING NOTICE

Subject: Pilot Thomas Logistics Cardlock Development
OPD Case/Docket #SUP 2021-007 (Special Use Permit)

Date: Friday, March 19, 2021

Time: 10:00 AM CST

Online Meeting: www.gotomeeting.com/meeting/join-meeting

Meeting ID: 661888165

- > Enter 9-digit number in Meeting ID box then select **JOIN**
- > Select **JOIN ON THE WEB**
- > If needed, turn **AUDIO** on
- > Select **Audio source (computer audio or call in using my phone)**
- > If using **My Phone**, call number on screen and enter information
- > Select **OK, I'M READY**

If only attending via telephone, dial the number below and follow the prompts:

Telephone Audio: 646.749.3129
Access Code: 661888165#

The Special Use Permit application will also be discussed at the virtual Land Use Control Board meeting:

Date: Thursday, April 8, 2021
Time: 9:30 AM CST

If you have any questions regarding the proposed development, I can be reached at 478.747.6772 (office & mobile) and at michaelreeves@reevesdesign.net. You may also contact Ms. Teresa Shelton with the Memphis and Shelby County Division of Planning and Development at teresa.shelton@memphistn.gov.

Regards,

Michael Reeves

4875 Riverside Drive • Macon, Georgia 31210 • 478.747.6772 • www.reevesdesign.net

PUBLIC NOTICE

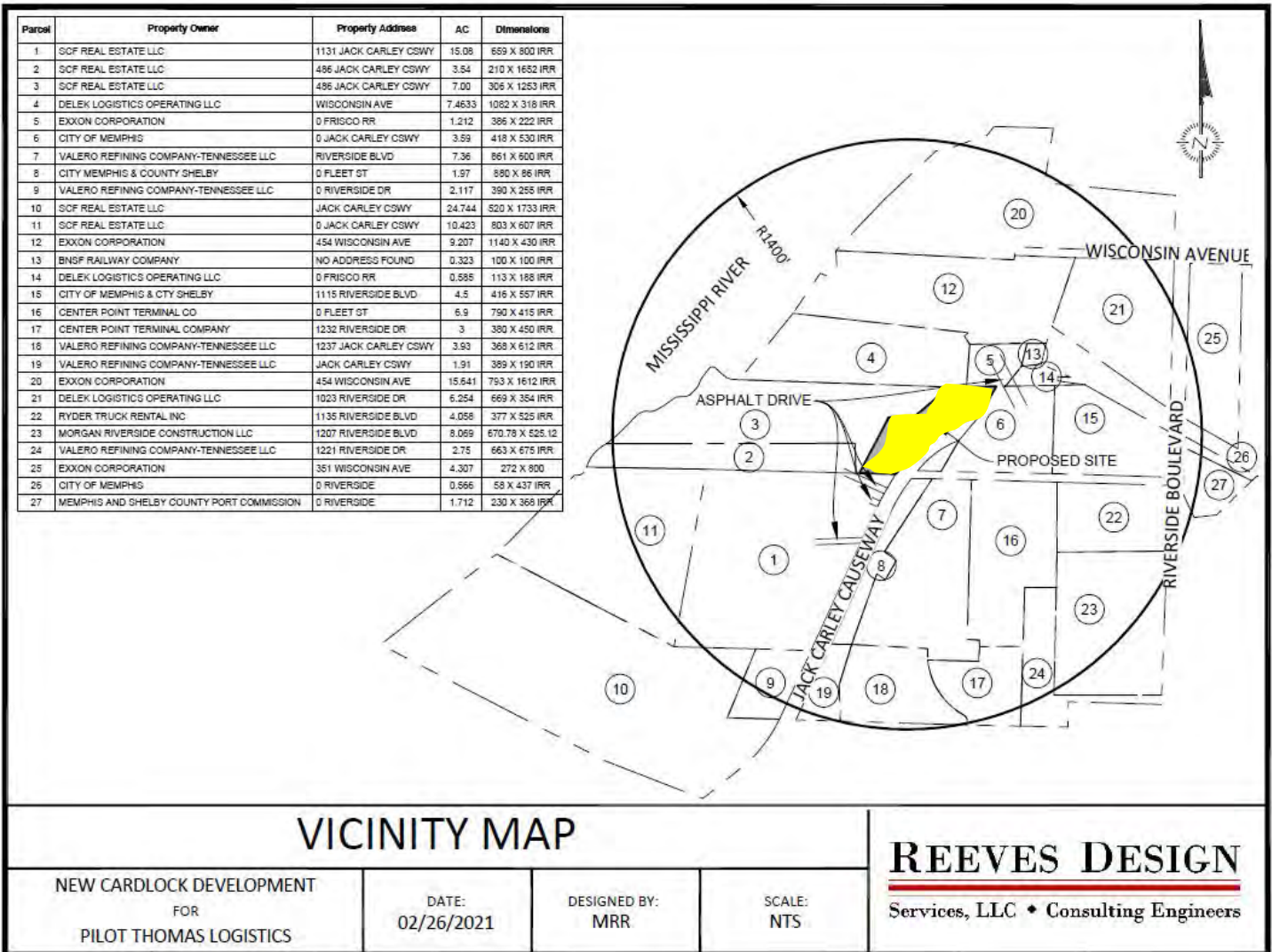
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 33 notices were mailed on March 17, 2021, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



VICINITY MAP

REEVES DESIGN
 Services, LLC • Consulting Engineers

NEW CARDLOCK DEVELOPMENT
 FOR
 PILOT THOMAS LOGISTICS

DATE:
 02/26/2021

DESIGNED BY:
 MRR

SCALE:
 NTS

Site highlighted in yellow

AERIAL



Subject property outlined in orange

ZONING MAP



Subject property outlined in yellow indicated by a pink star

Existing Zoning: Heavy Industrial (IH)

Surrounding Zoning

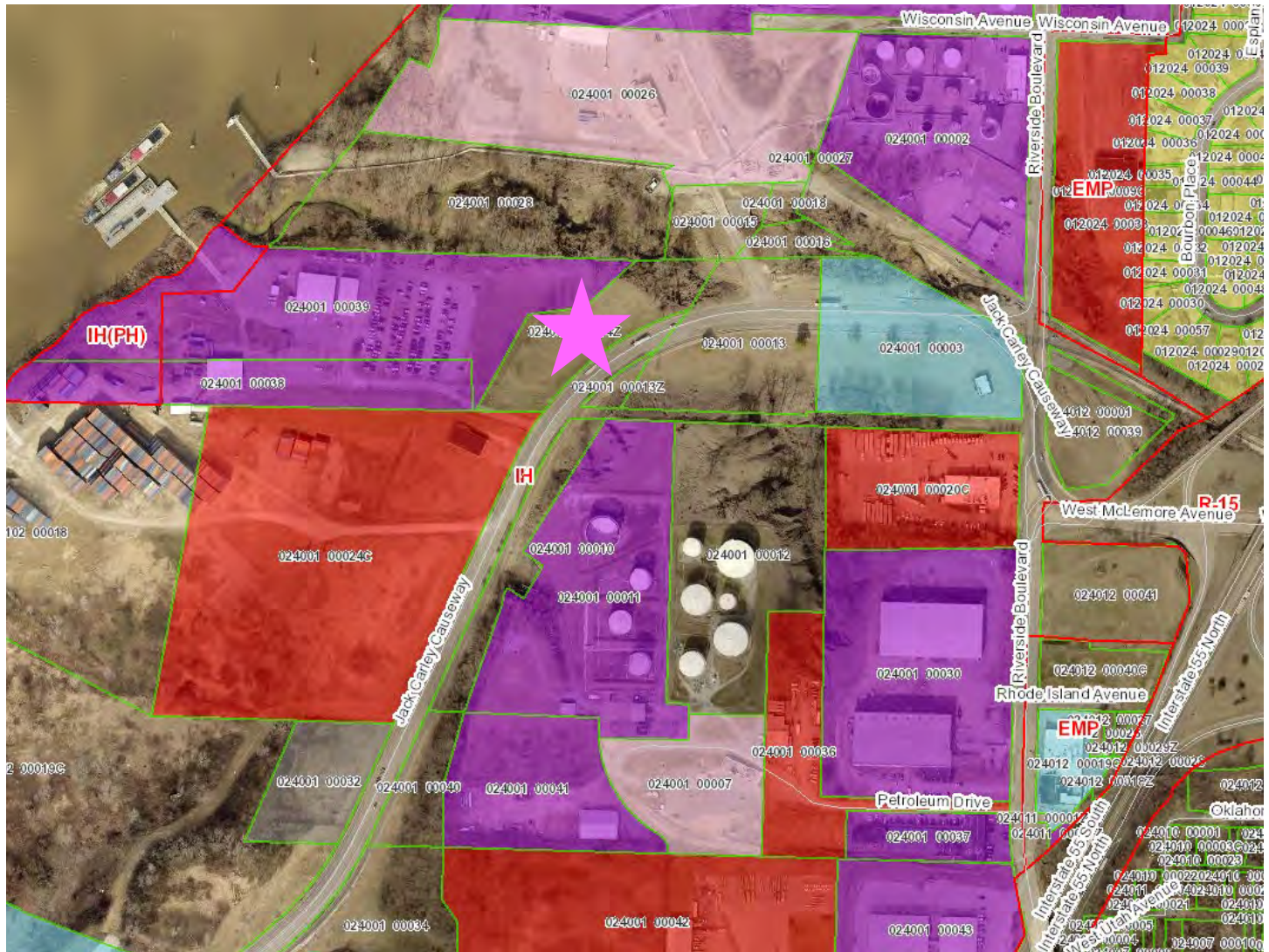
North: Residential Urban – 4 (RU-4)

East: Employment (EMP)

South: Heavy Industrial (IH)

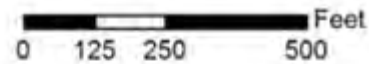
West: Heavy Industrial/ (IH)(FP)

LAND USE MAP



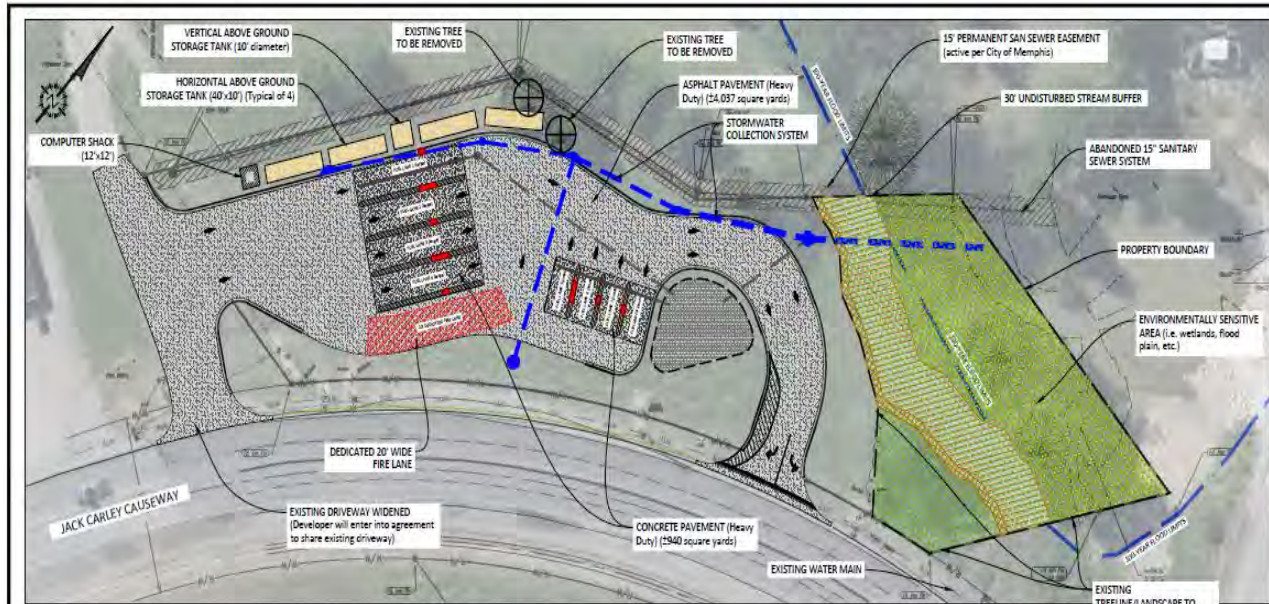
LandUse

- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property indicated by a pink star

CONCEPT DRAWING 1



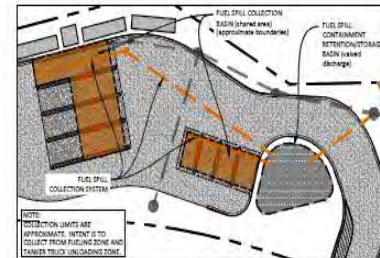
OVERALL LAYOUT

SCALE: 1" = 30'



SITE LAYOUT DIMENSIONS

SCALE: 1" = 60'



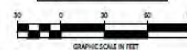
FUEL SPILL CONTAINMENT

SCALE: 1" = 60'

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

CONCEPT DRAWING
 Not for Construction

ISSUED FOR REVIEW
 March 26, 2021



REVIEWS DESIGN
 SERVICES, LLC ♦ Custom Design Engineering
 4875 W. Highway 100, Suite 100
 Memphis, TN 38117
 901.521.1111
 www.reviewsdesign.com

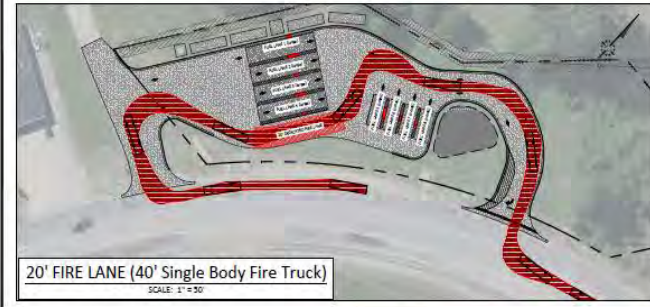
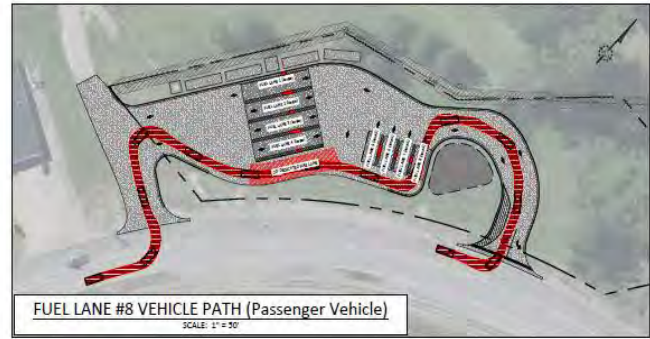
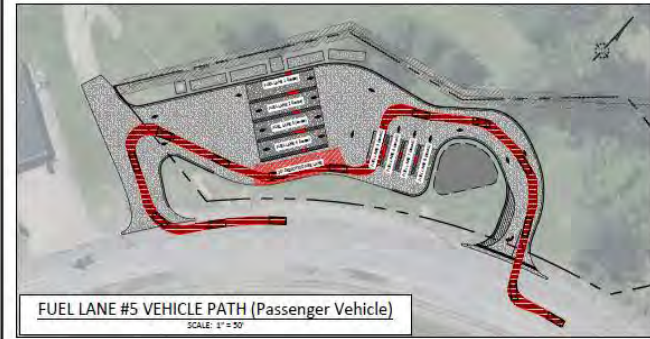
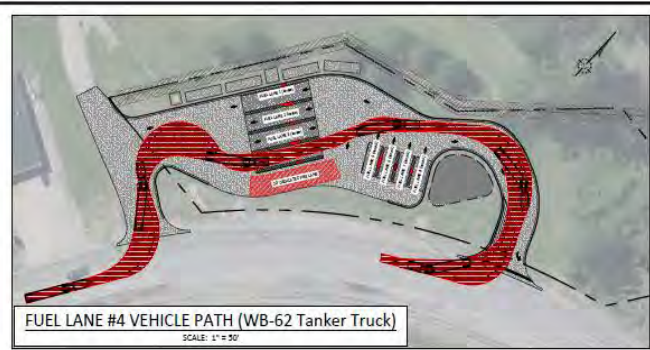
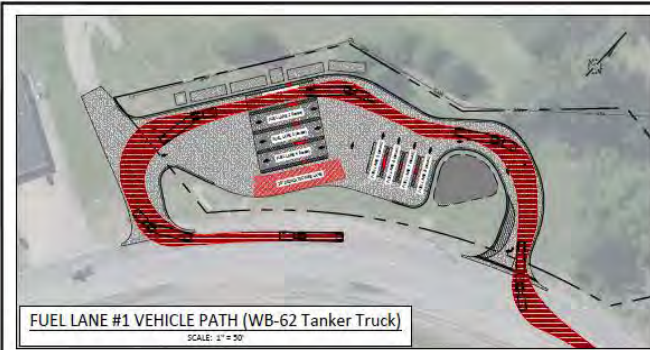
NEW CARLOCK DEVELOPMENT
JACK CARLEY CAUSEWAY
 FOR
PILOT THOMAS LOGISTICS

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SCALE: _____
 HORIZONTAL: _____
 VERTICAL: _____
 DATE: MARCH 2021
 DRAWING NO.: _____
 PROJ. NO.: DM44-001-00
 DCOR: MBR
 DRAWN: _____
 CHECK: _____
 APPRO: _____
 PE No.: TN20058

OVERALL SITE LAYOUT

SHEET 1 OF 2

CONCEPT DRAWING 2



CONCEPT DRAWING
Not for Construction

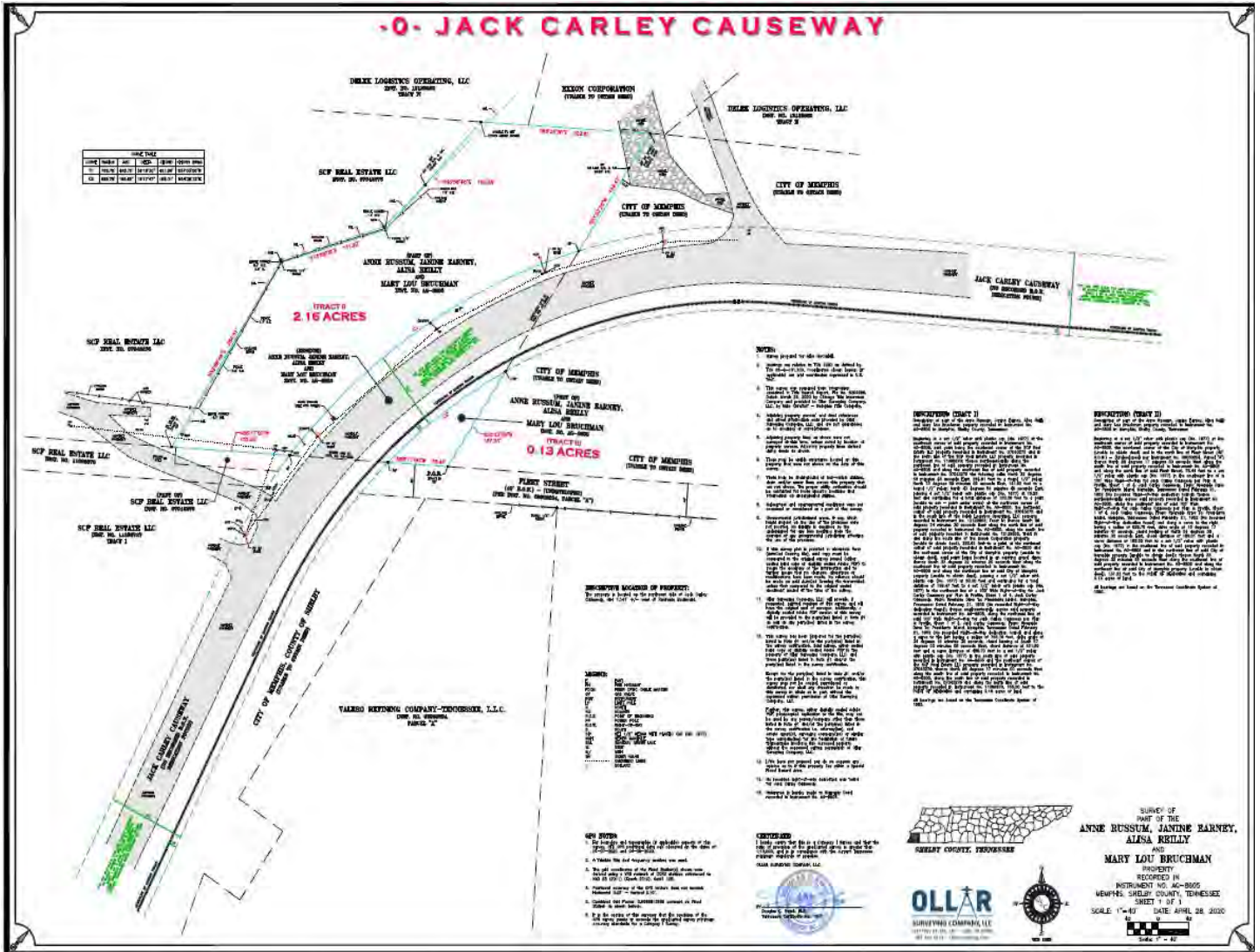
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

ISSUED FOR REVIEW
March 3, 2021

REEVES DESIGN
Services, LLC • Consulting Engineers
1815 Peachtree Industrial Blvd., Suite 100
Marietta, GA 30129
404.371.6772
www.reevesdesign.com

NEW CARDOCK DEVELOPMENT
JACK CARLEY CAUSEWAY
FOR
PILOT THOMAS LOGISTICS

DATE: _____
SCALE: _____
HORIZONTAL: _____
VERTICAL: _____
DATE: MARCH 2021
DRAWING NO.: _____
PROJECT NO.: 2019-02-00
DESIGN: MWR
DRAWN: _____
CHECKED: _____
REVISED: _____
REVISED: _____
FUEL LANE VEHICLE PATH ALIGNMENTS
SHEET 2 OF 2



SITE PHOTOS



View of subject property looking north of Jack Carley Causeway



View of subject property looking northeast of Jack Carley Causeway



View of subject property looking northwest of Jack Carley Causeway

STAFF ANALYSIS

Request

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

The request is for President's Island: Truck fueling establishment on Jack Carley Causeway.

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.*

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

Office of Comprehensive Planning Review

This summary is being produced in response to the following application to support the Office of Planning & Development in their recommendation: SUP 2021-007

Site Address/location: 0 Jack Carley Causeway

Land Use Designation (see page 112 for details): Industrial

Based on form and location characteristics and existing land use, the proposal IS CONSISTENT with the

goals of the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



The areas outlined in red indicate the application site on the Future Land Use Map.

2. Land use description & applicability:

The sites are designated as Industrial. Industrial areas are primarily higher intensity forms that are not suitable next to residential neighborhoods. These active areas are located on land where it is productive for the continued existence of high impact manufacturing and would not change to another usage. Industrial areas are usually located alongside highways and thus are majorly accessed by cars, trucks, and infrastructure. See graphic portrayal to the right



characterized by higher intensity forms that are not suitable next to residential neighborhoods. These active areas are located on land where it is productive for the continued existence of high impact manufacturing and would not change to another usage. Industrial areas are usually located alongside highways and thus are majorly accessed by cars, trucks, and infrastructure.

“I” Goals/Objectives:

Preservation/maintenance of manufacturing/industrial jobs where suitable, protection of neighborhoods from impactful uses and activities.

“I” Form & Location Characteristics:

Industrial in nature and one to ten stories in height.

The applicant is seeking a Special Use Permit to construct an unattended fuel station that allows for fleet vehicles to fuel their vehicles 24 hours a day, seven days a week. There will be one small building constructed on one of the parcels – a computer shack along with five above-ground fuel tanks. Two driveways will be widened for entry and exit.

The request meets the criteria as the use is industrial in nature and is located along an Industrial Freight Street Type. Industrial Freight Street Types are designed for high vehicular capacity with high vehicular accessibility to adjoining urban uses and are generally found in industrial areas. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Industrial and Employment. The subject site is surrounded by the following zoning districts: IH (PH), EMP. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcel is similar in nature to*

the requested use.

4. Degree of Change Map



The red box indicates the application site. There is no degree of change.

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

Summary Compiled by: Melanie Batke, Office of Comprehensive Planning

Conclusions

The request is for President's Island: Truck fueling establishment on Jack Carley Causeway.

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.

According to the Unified Development Code Section 4.6.2G. *President's Island. Due to the heavy industrial nature and soil conditions of President's Island, the landscaping regulations of this Code are optional for properties on President's Island.*

Since it was discovered that this is a legal lot of record according to UDC Sub-Section 9.7.3D, it was determined that a sub-division would not be required.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. TDEC requirements regarding development near/in the floodplain and floodway must be met.
3. 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.

DEPARTMENTAL COMMENTS

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

City/County Engineer: CITY ENGINEERING COMMENTS **DATE:** 3/22/2021

CASE: SUP 2021-007 **NAME:** Pilot Thomas Memphis Cardlock
(Companion Case S 2021-012)

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

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. The proposed entrance/exit drive crosses an existing 16" force main line and adequate measures must be taken to protect the line from damage. The line is close to the north ROW line of Jack Carley.

Traffic Control Provisions:

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

Curb Cuts/Access:

8. The City Engineer shall approve the design, number and location of the asphalt driveway connections. The design and location of the proposed two asphalt driveway connections are acceptable as shown on the concept plan.

Site Plan Notes:

9. Establish ingress / egress easement for shared use for the proposed access point at the west property line.

City/County Fire Division:

Case Number: SUP 2021 007

Date Reviewed: 3/31/21

Reviewed by: J. Stinson

Address or Site Reference: 0 Jack Carley Causeway

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- All design and construction shall comply with City of Memphis Code of Ordinances Title 9 Chapter 9-84 Self Service Gasoline Stations and will require fire suppression system
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:

No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

- No comments.

Shelby County Schools:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

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

Land and Mapping-Address Assignment:

Office of Sustainability and Resilience:

- No comments at this time.

APPLICATION



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

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

Date: _____ Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: MERS, LLC Phone #: 901.775.3131

Mailing Address: 201 N. Rupert St. City/State: Fort Worth, TX Zip 76107

Property Owner E-Mail Address: Joey.Huerta@piothomas.com

Applicant: Pilot Thomas Logistics Phone # 432.571.8080

Mailing Address: 201 N. Rupert St. City/State: Fort Worth, TX Zip 76107

Applicant E- Mail Address: Joey.Huerta@piothomas.com

Representative: Michael Reeves Phone #: 478.747.6772

Mailing Address: P.O. Box 26534 City/State: Macon, GA Zip 31221

Representative E-Mail Address: michaelreeves@reevesdesign.net

Engineer/Surveyor: Michael Reeves, PE / Reeves Design Services, LLC Phone # 478.747.6772

Mailing Address: P.O. Box 26534 City/State: Macon, GA Zip 31221

Engineer/Surveyor E-Mail Address: michaelreeves@reevesdesign.net

Street Address Location: 0 Jack Carley Causeway

Distance to nearest intersecting street: _____
+/- 930 feet

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	2.16		
Existing Zoning:	IH		
Existing Use of Property	Vacant Lot		
Requested Use of Property	Fueling Station		

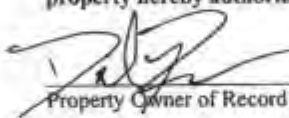
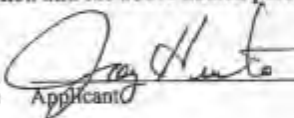
Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
Yes _____ No ~~xxx~~ _____

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

Number of Residential Units: N/A Bedrooms: N/A
Expected Appraised Value per Unit: N/A or Total Project: N/A

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

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

 2/23/21 Date  2-22-2021 Date
Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: Sept. 25, 20 with Norman Saliba

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

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

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

9.6.9 Special Use Permit Approval Criteria

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

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

- 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 (UDC sub-section 9.6.9A).

The proposed use will not have an adverse effect on adjacent properties or area since the area currently supports other industrial sites.

- 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 (UDC sub-section 9.6.9B).

All building setbacks and buffers will be observed, and no structure will impede ingress and egress to adjacent sites.

- 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 (UDC sub-section 9.6.9C).

The site has adequate access to public streets, water, and sanitary sewer. Stormwater drainage can be conveyed offsite through structures and an adjacent waterway. Parking will be contained on the proposed site and not require onstreet parking. Emergency and other required services will be able to access the site from Jack Carley Causeway.

- 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 (UDC sub-section 9.6.9D).

The proposed construction will not impact any known significant, scenic, or historic features.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

The project's final design will meet all construction requirements per the City of Memphis and Shelby County ordinances.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

The request for a special use permit for this proposed project will not hinder any known or future projects on the adjacent properties or affect those properties' character.

LETTER OF INTENT

REEVES DESIGN
Services, LLC ♦ Consulting Engineers

March 3, 2021

Re: Special Use Permitting Letter of Intent
Pilot Thomas Logistics Cardlock Site Development - Jack Carley Causeway

To All Interested Parties:

Pilot Thomas Logistics (PTL) is preparing to construct a cardlock facility at 0 Jack Carley Causeway (Parcel ID 024001 00014Z). The subject tract is 2.16 acres and it is zoned IH (Heavy Industrial).

Specifics regarding the new development include:

- A cardlock facility is an automated unattended fueling site that caters to commercial fleet vehicles. The system can operate 24 hours per day, every day of the year. Unlike a conventional convenience store, the subject development will not offer any amenities; only vehicle fueling.
- The fuel storage tanks (gasoline and diesel) will be above ground. Each fuel tank will be painted steel and double-walled for added protection. Each tank will be in compliance with UL 142. A total of five storage tanks are being proposed for the subject development.
- The subject development will be served by two driveways: one dedicated ingress and one dedicated egress. Each driveway will be sized to accommodate tractor-trailer access.
- The driveway for vehicles entering the subject development will be shared with the neighboring property owner (SCF Real Estate, LLC). PTL is in the process of finalizing an Ingress and Egress Easement with SCF Real Estate, LLC. Once the easement is executed by both parties, a copy will be provided to the Division of Planning and Development.
- Four fuel lanes will serve tractor-trailers and four fuel lanes will serve passenger-sized vehicles (i.e. company cars, SUVs and pickups).
- Lighting will operate from dusk to dawn. The lights will be LED, mounted on T-Posts and will point down.
- All development will occur outside of the 100-Year flood plain and outside of any wetlands.
- PTL will enter into an agreement with a third-party firm to provide daily inspections of the subject development (provided by a Class C Operator). A required monthly inspection will be performed by a third-party Class B Operator, and the applicable inspection reports will be filed by a third-party Class A Operator. Lawn service and daily trash collection will also be provided by a third-party entity.
- PTL has discussed the subject development with the City of Memphis Fire Department, and per the Fire Department's request, will provide a fire suppression system that will cover the fueling areas. A dedicated 20-foot wide fire lane, around the site, will be provided for fire truck access.
- In an effort to contain a fuel spill at either the tanker truck unloading zone (Fuel Lane 1) or any of the remaining vehicle fueling bays (Fuel Lanes 2 – 8), PTL will collect runoff from the eight fuel

4875 Riverside Drive ♦ Macon, Georgia 31210 ♦ 478.747.6772 ♦ www.reevesdesign.net

lanes and route it to a retention/storage basin for inspection prior to it being released offsite. The retention/storage basin will have a mechanically operated isolation valve to control discharge.

- The subject development will be constructed in accordance with City of Memphis/Shelby County construction requirements for industrial sites. During construction, sediment will be trapped and detained onsite. Following construction, stormwater (outside of the fuel lanes) will be collected and immediately routed to an adjacent slough along the Mississippi River. Stormwater runoff from the fuel lanes will be retained onsite and inspected prior to release. The site's surface cover will be a mix of pavement (asphalt and concrete) and grass.
- In September 2020, PTL issued concept site drawings to the City of Memphis for initial review comments. PTL will incorporate the City's requirements into the development's final construction documents. Public comments received during this Special Use permitting application period will also be considered during the project's design phase.

The following professional consultants are involved in the project's permitting and design development:

Civil/Site: Reeves Design Services, LLC
Boundary Survey: Ollar Surveying Company
Topographic Survey: Allen & Hoshall, Inc.

PTL requests that the City of Memphis and Shelby County consider this application for a new cardlock facility. The new development will enhance the tax value of the subject property and the neighboring properties, it will be constructed in accordance with local, state and federal requirements for unmanned fueling stations, it will provide a fire suppression system for consumer protection, and it will provide a fuel spill containment system for an inadvertent fuel spill.

PTL owns and successfully operates 140 cardlock developments across eight states. PTL's cardlock experience will help make this development a success as well. PTL looks forward to the upcoming Neighborhood Meeting and Land Use Control Board Hearing. Please contact me if you require additional information.

Sincerely,

REEVES DESIGN SERVICES, LLC



Michael Reeves, P.E.

Attachments

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Joey Huerta, being duly sworn, depose and say that at 4:07 am/pm on the 25th day of March, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 2021-007 at 0 JACK CARLEY CAUSEWAY providing notice of a Public Hearing before the XXXX Land Use Control Board, N/A Memphis City Council, N/A Shelby County Board of Commissioners for consideration of a proposed Land Use Action (N/A Planned Development, XXXX Special Use Permit, N/A Zoning District Map Amendment, N/A Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

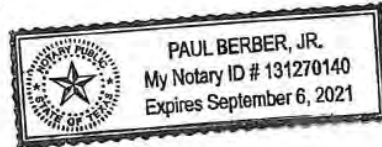
[Signature]
Owner, Applicant or Representative

3-25-2021
Date

Subscribed and sworn to before me this 25 day of March, 2021.

[Signature]
Notary Public

My commission expires: 09/06/21



LETTERS RECEIVED

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

REEVES DESIGN

Services, LLC ♦ Consulting Engineers

March 3, 2021

Re: Special Use Permitting Letter of Intent
Pilot Thomas Logistics Cardlock Site Development - Jack Carley Causeway

To All Interested Parties:

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- PTL has discussed the subject development with the City of Memphis Fire Department, and per the Fire Department's request, will provide a fire suppression system that will cover the fueling areas. A dedicated 20-foot wide fire lane, around the site, will be provided for fire truck access.
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Sincerely,

REEVES DESIGN SERVICES, LLC



Michael Reeves, P.E.

Attachments



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

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

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: MERS, LLC Phone #: 901.775.3131

Mailing Address: 201 N. Rupert St. City/State: Fort Worth, TX Zip 76107

Property Owner E-Mail Address: Joey.Huerta@pilotthomas.com

Applicant: Pilot Thomas Logistics Phone # 432.571.8080

Mailing Address: 201 N. Rupert St. City/State: Fort Worth, TX Zip 76107

Applicant E- Mail Address: Joey.Huerta@pilotthomas.com

Representative: Michael Reeves Phone #: 478.747.6772

Mailing Address: P.O. Box 26534 City/State: Macon, GA Zip 31221

Representative E-Mail Address: michaelreeves@reevesdesign.net

Engineer/Surveyor: Michael Reeves, PE / Reeves Design Services, LLC Phone # 478.747.6772

Mailing Address: P.O. Box 26534 City/State: Macon, GA Zip 31221

Engineer/Surveyor E-Mail Address: michaelreeves@reevesdesign.net

Street Address Location: 0 Jack Carley Causeway

Distance to nearest intersecting street: _____

+/- 930 feet

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	2.16	_____	_____
Existing Zoning:	IH	_____	_____
Existing Use of Property	Vacant Lot	_____	_____
Requested Use of Property	Fueling Station	_____	_____

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

Yes _____ No ~~xxx~~

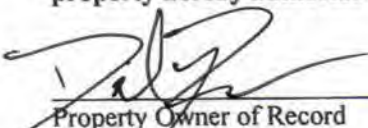
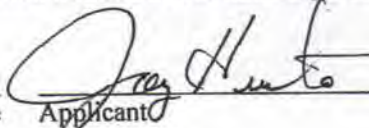
Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

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

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

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

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

 2/28/21  2-22-2021
 Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: Sept. 25, 20 with Norman Saliba

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

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

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

9.6.9 Special Use Permit Approval Criteria

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

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

- 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 (UDC sub-section 9.6.9A).

The proposed use will not have an adverse effect on adjacent properties or area since the area currently supports other industrial sites.

- 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 (UDC sub-section 9.6.9B).

All building setbacks and buffers will be observed, and no structure will impede ingress and egress to adjacent sites.

- 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 (UDC sub-section 9.6.9C).

The site has adequate access to public streets, water, and sanitary sewer. Stormwater drainage can be conveyed offsite through structures and an adjacent waterway. Parking will be contained on the proposed site and not require onstreet parking. Emergency and other required services will be able to access the site from Jack Carley Causeway.

- 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 (UDC sub-section 9.6.9D).

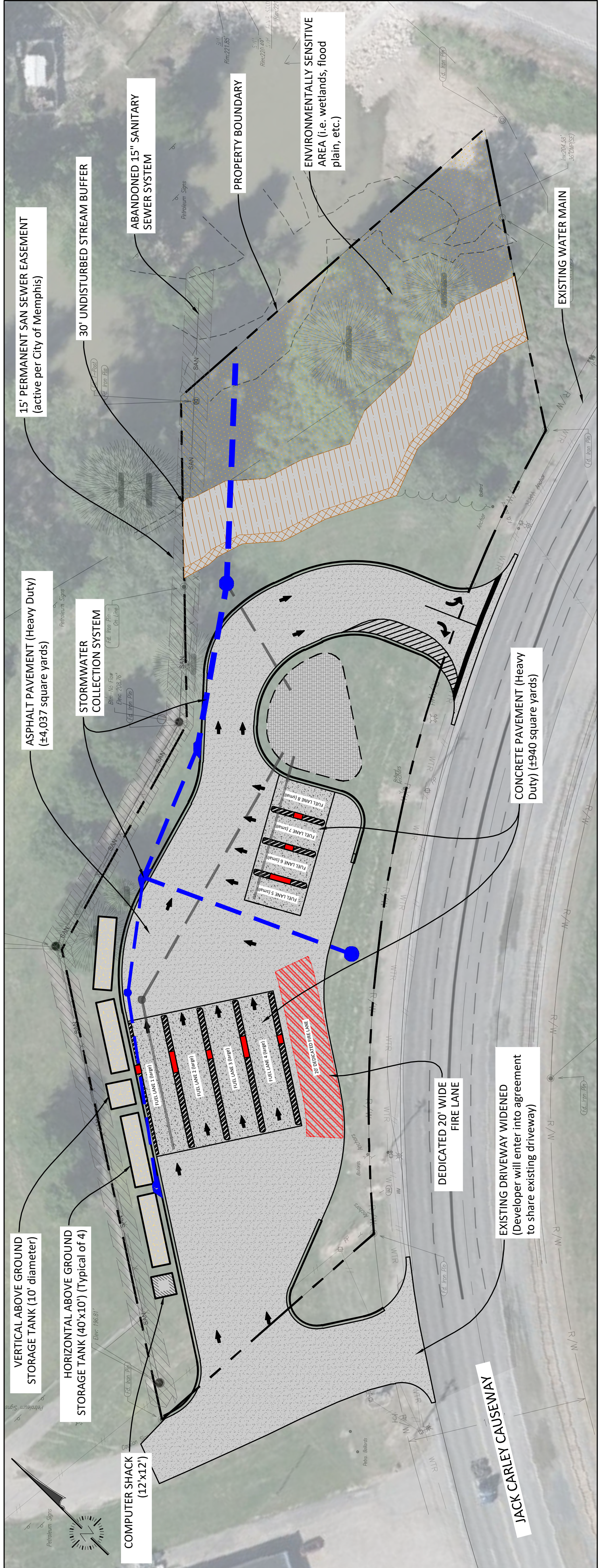
The proposed construction will not impact any known significant, scenic, or historic features.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

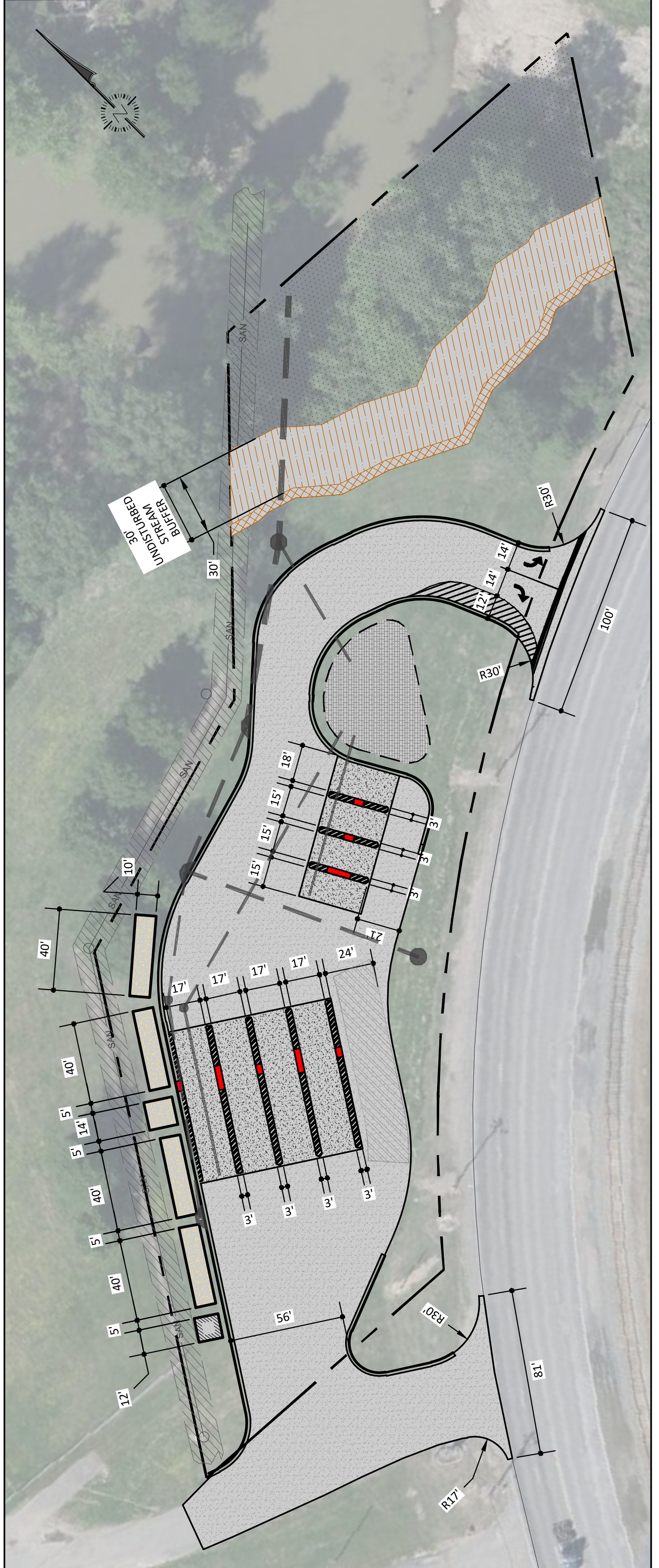
The project's final design will meet all construction requirements per the City of Memphis and Shelby County ordinances.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

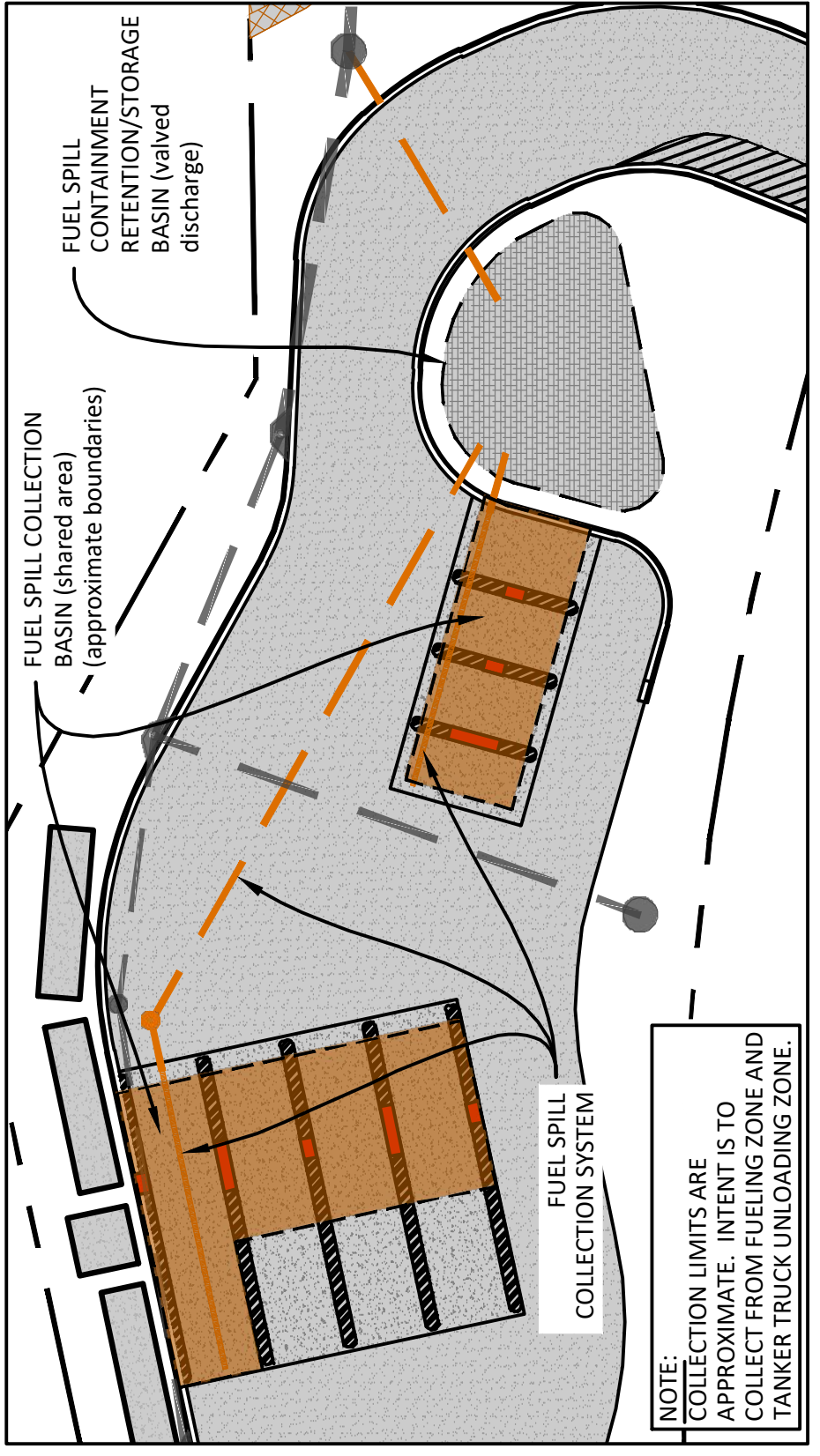
The request for a special use permit for this proposed project will not hinder any known or future projects on the adjacent properties or affect those properties' character.



OVERALL LAYOUT
 SCALE: 1" = 30'



SITE LAYOUT DIMENSIONS
 SCALE: 1" = 40'

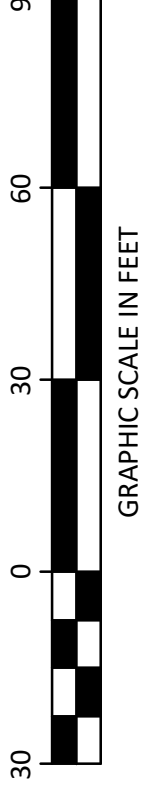


FUEL SPILL CONTAINMENT
 SCALE: 1" = 40'

ISSUED FOR REVIEW
 March 3, 2021

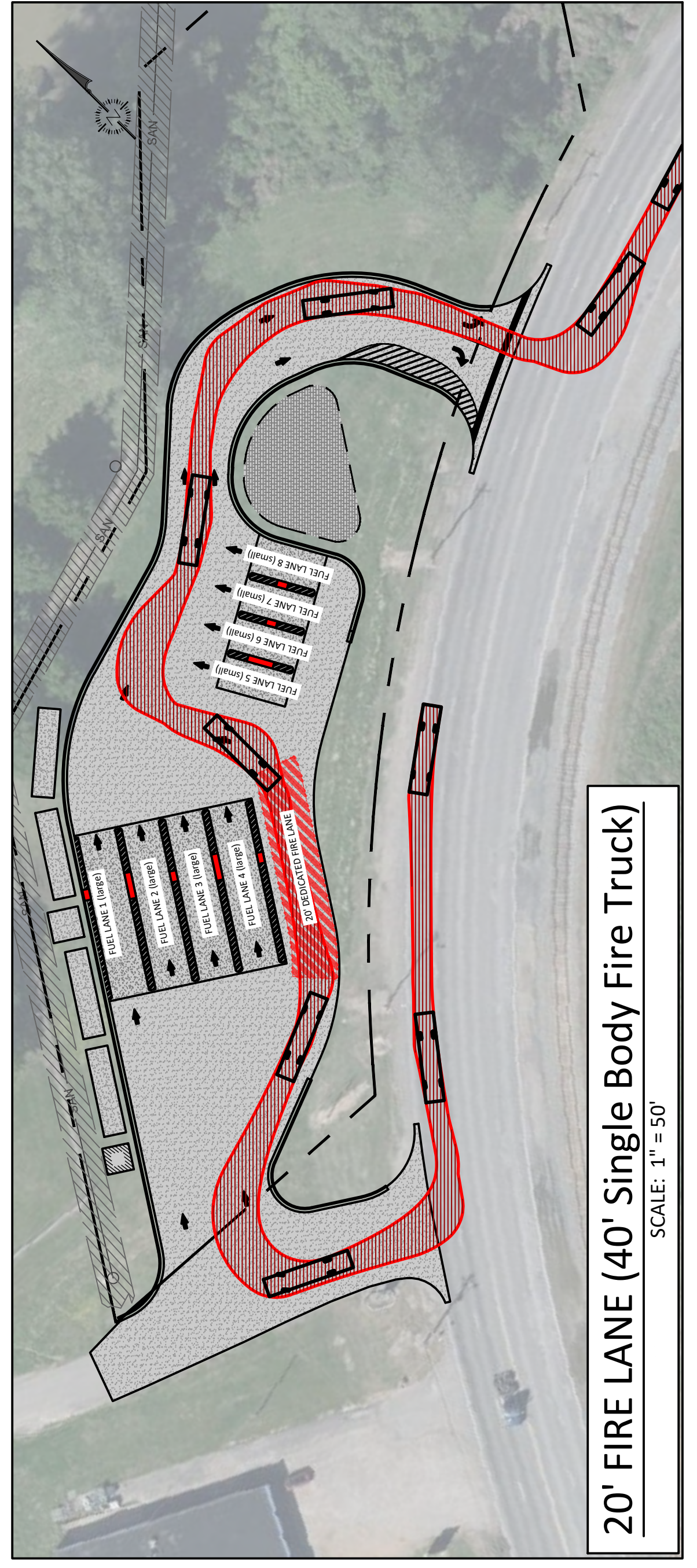
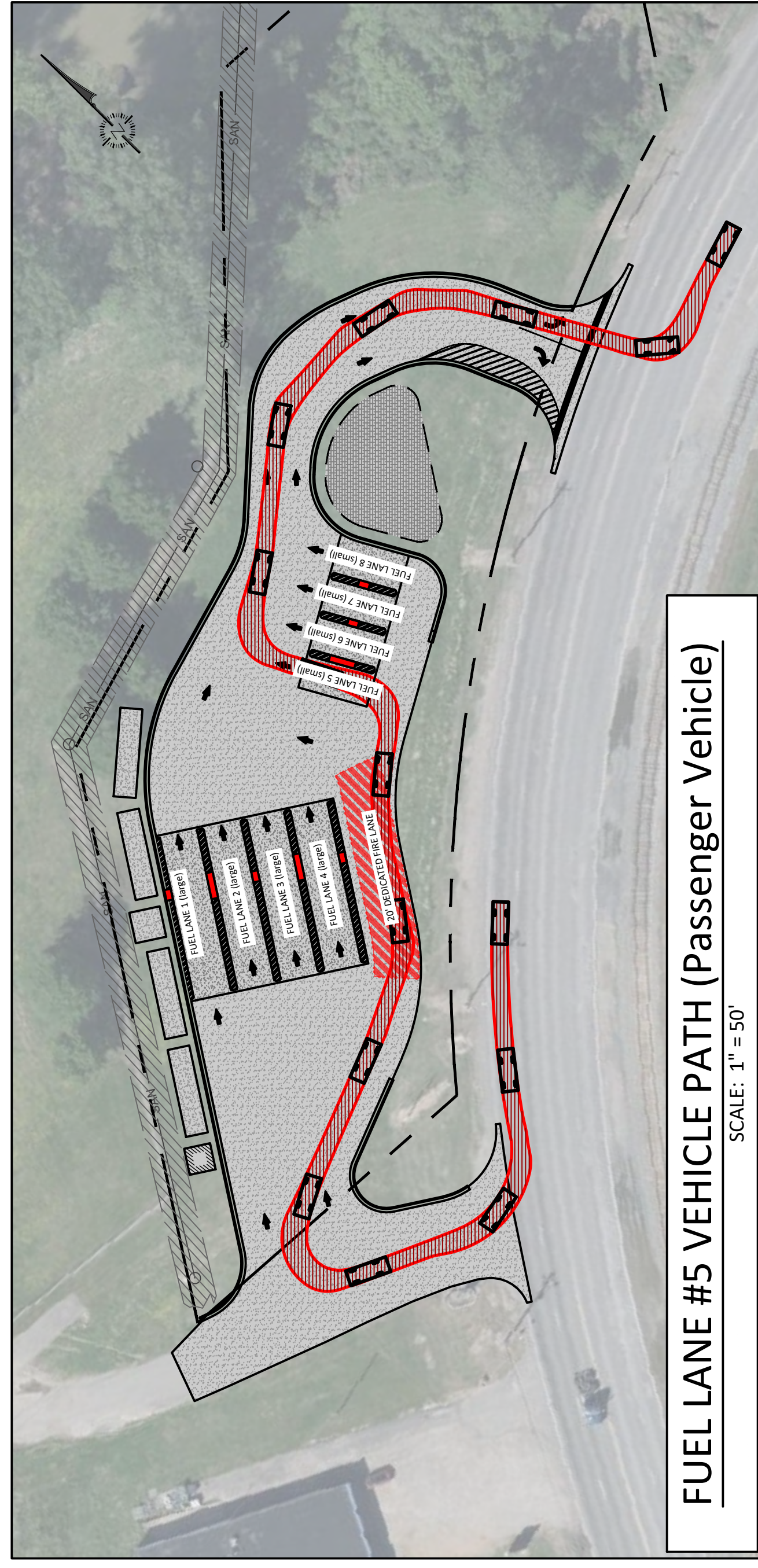
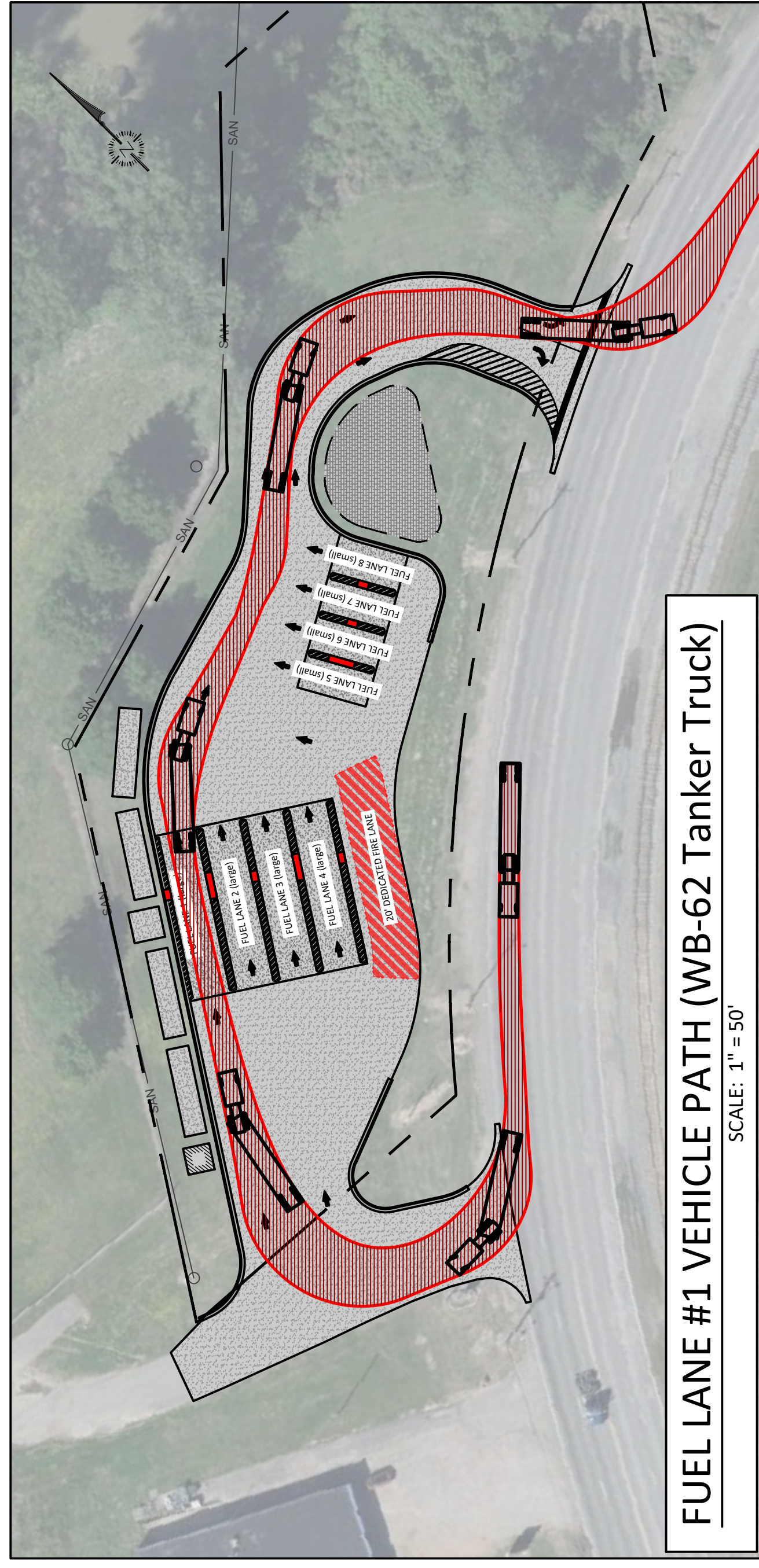
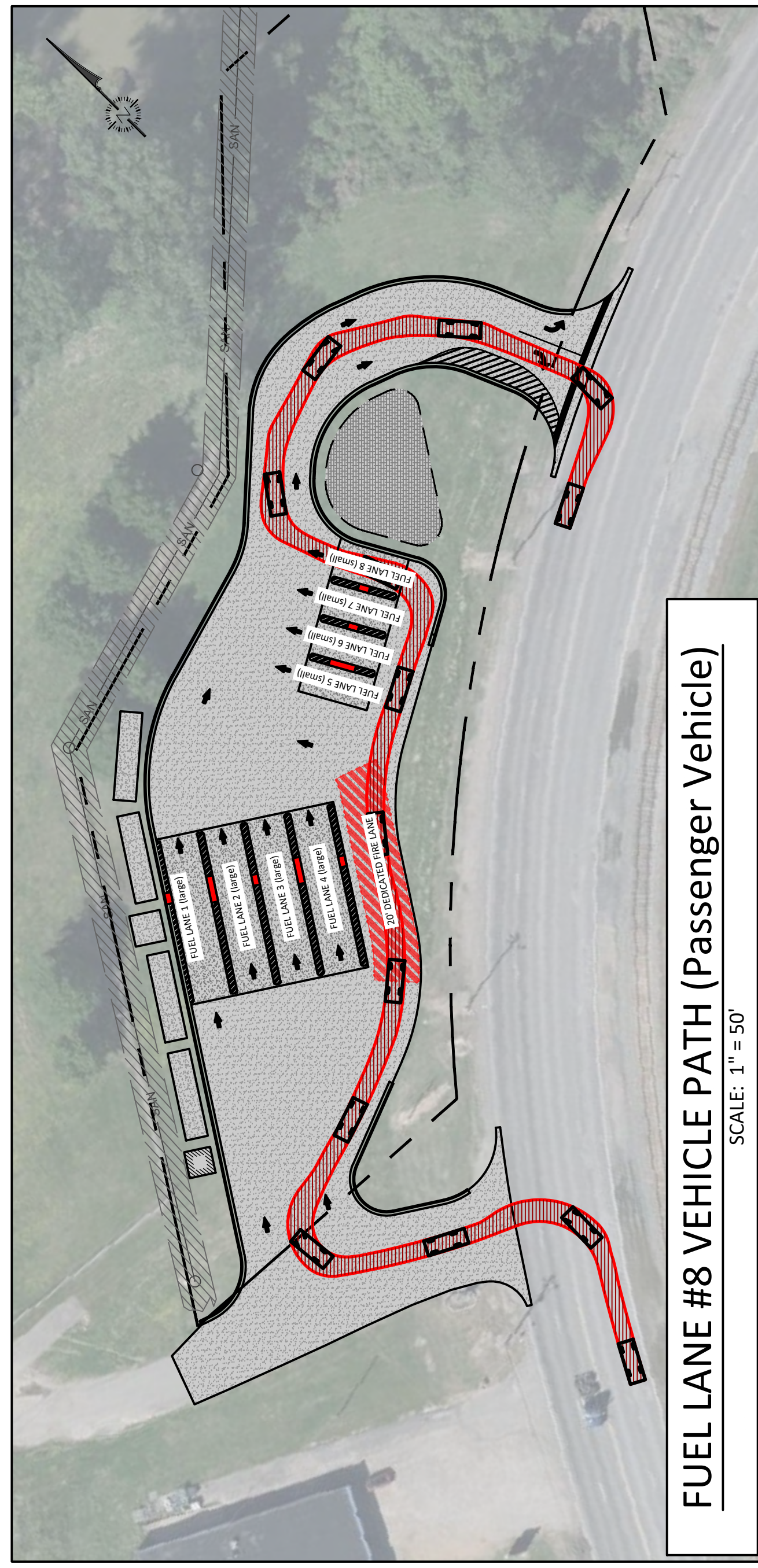
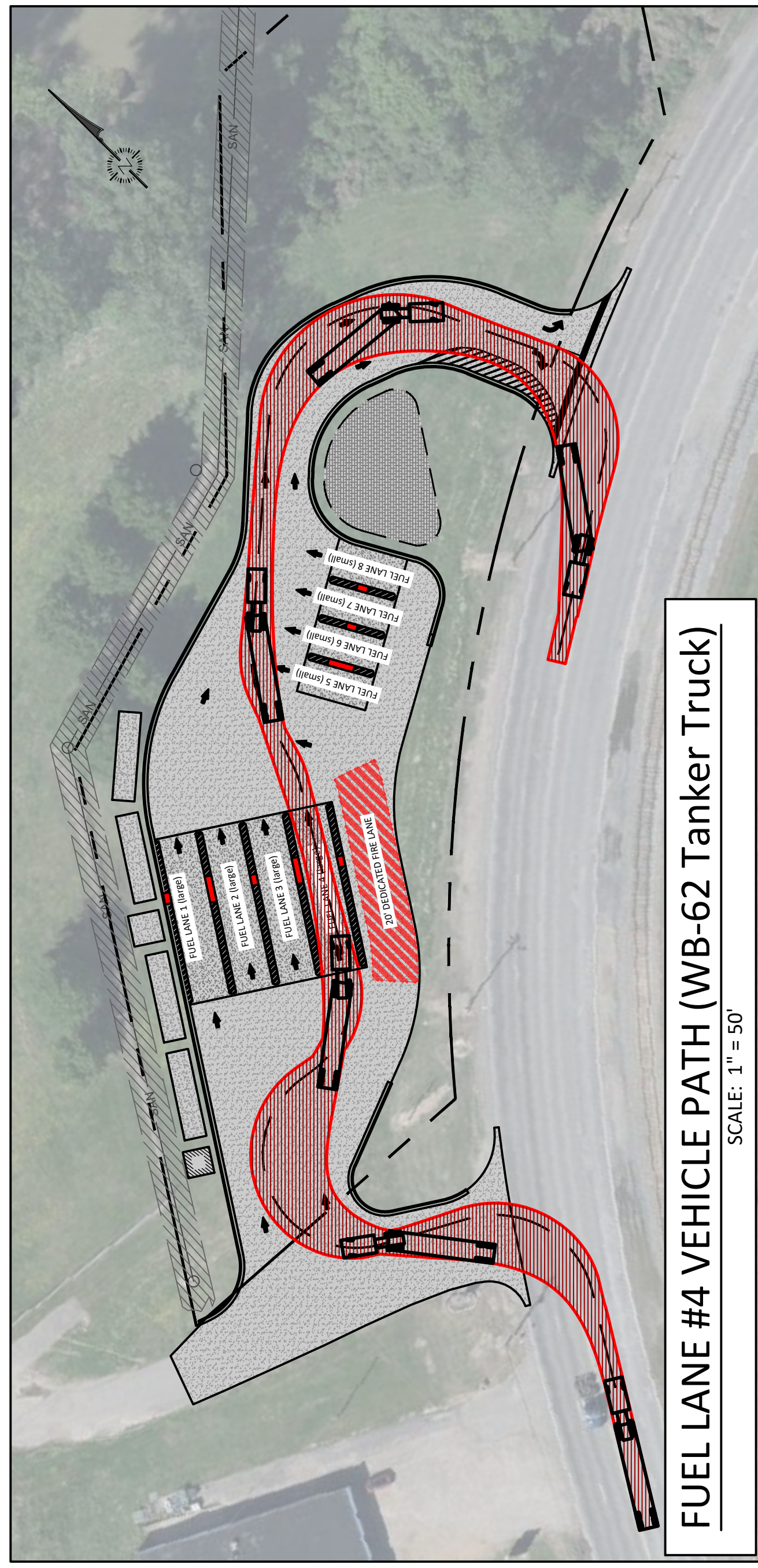
*** FOR REVIEW ONLY *
 NOT FOR CONSTRUCTION**

CONCEPT DRAWING
 Not for Construction



DATE	REVISIONS
03/03/21	SPECIAL USE PERMIT

SCALE:	
HORIZONTAL:	
VERTICAL:	
DATE:	MARCH 2021
DRAWING NO.:	
PROJ. NO.:	9944-001-00
DSGN:	MRR
DRWN:	
CHKD:	
APVD:	
PE NO.:	TNI20158
FUEL LANE VEHICLE PATH ALIGNMENTS	
SHEET 2 OF 2	



CONCEPT DRAWING
 Not for Construction

*** FOR REVIEW ONLY *
 NOT FOR CONSTRUCTION**

ISSUED FOR REVIEW
 March 3, 2021



MERS, LLC
201 N. Rupert St
Fort Worth, TX 76107

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201 N. Rupert St
Fort Worth, TX 76107

Pilot Thomas Logistics
201 N. Rupert St
Fort Worth, TX 76107

Pilot Thomas Logistics
201 N. Rupert St
Fort Worth, TX 76107

Reeves Design Services, LLC
P.O. Box 26534
Macon, GA 31221

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P.O. Box 26534
Macon, GA 31221

BNSF RAILWAY COMPANY
P O BOX 961089
FORT WORTH, TX 76161

EXXON CORPORATION
PO BOX 64106
Spring, TX 77387

SCF REAL ESTATE LLC
727 N FIRST ST STE 600
SAINT LOUIS, MO 63102

CENTER POINT TERMINAL CO.
8235 FORSYTH BLVD
SAINT LOUIS, MO 63105

EXXON CORPORATION
PO BOX 64106
Spring, TX 77387

VALERO REFINING COMPANY-
TENNESSEE LLC
PO BOX 690110
SAN ANTONIO, TX 78269

CENTER POINT TERMINAL CO.
8235 FORSYTH BLVD
SAINT LOUIS, MO 63105

EXXON CORPORATION
PO BOX 64106
Spring, TX 77387

VALERO REFINING COMPANY-
TENNESSEE LLC
PO BOX 690110
SAN ANTONIO, TX 78269

CITY MEMPHIS & COUNTY SHELBY
GENERAL DELIVERY
MEMPHIS, TN 38101

MEMPHIS AND SHELBY COUNTY
PORT COMMISSION
1115 RIVERSIDE BLVD
MEMPHIS, TN 38106

VALERO REFINING COMPANY-
TENNESSEE LLC
PO BOX 690110
SAN ANTONIO, TX 78269

CITY MEMPHIS & COUNTY SHELBY
GENERAL DELIVERY
MEMPHIS, TN 38101

MORGAN RIVERSIDE
CONSTRUCTION LLC
1207 RIVERSIDE BLVD
MEMPHIS, TN 38106

VALERO REFINING COMPANY-
TENNESSEE LLC
PO BOX 690110
SAN ANTONIO, TX 78269

CITY MEMPHIS & COUNTY SHELBY
GENERAL DELIVERY
MEMPHIS, TN 38101

RYDER TRUCK RENTAL INC
PO BOX 025719
MIAMI, FL 33102

VALERO REFINING COMPANY-
TENNESSEE LLC
PO BOX 690110
SAN ANTONIO, TX 78269

DELEK LOGISTICS OPERATING LLC
1900 DALROCK RD
ROWLETT, TX 75088

SCF REAL ESTATE LLC
727 N FIRST ST STE 600
SAINT LOUIS, MO 63102

CITY OF MEMPHIS & CTY SHELBY
1115 RIVERSIDE BLVD
MEMPHIS, TN 38106

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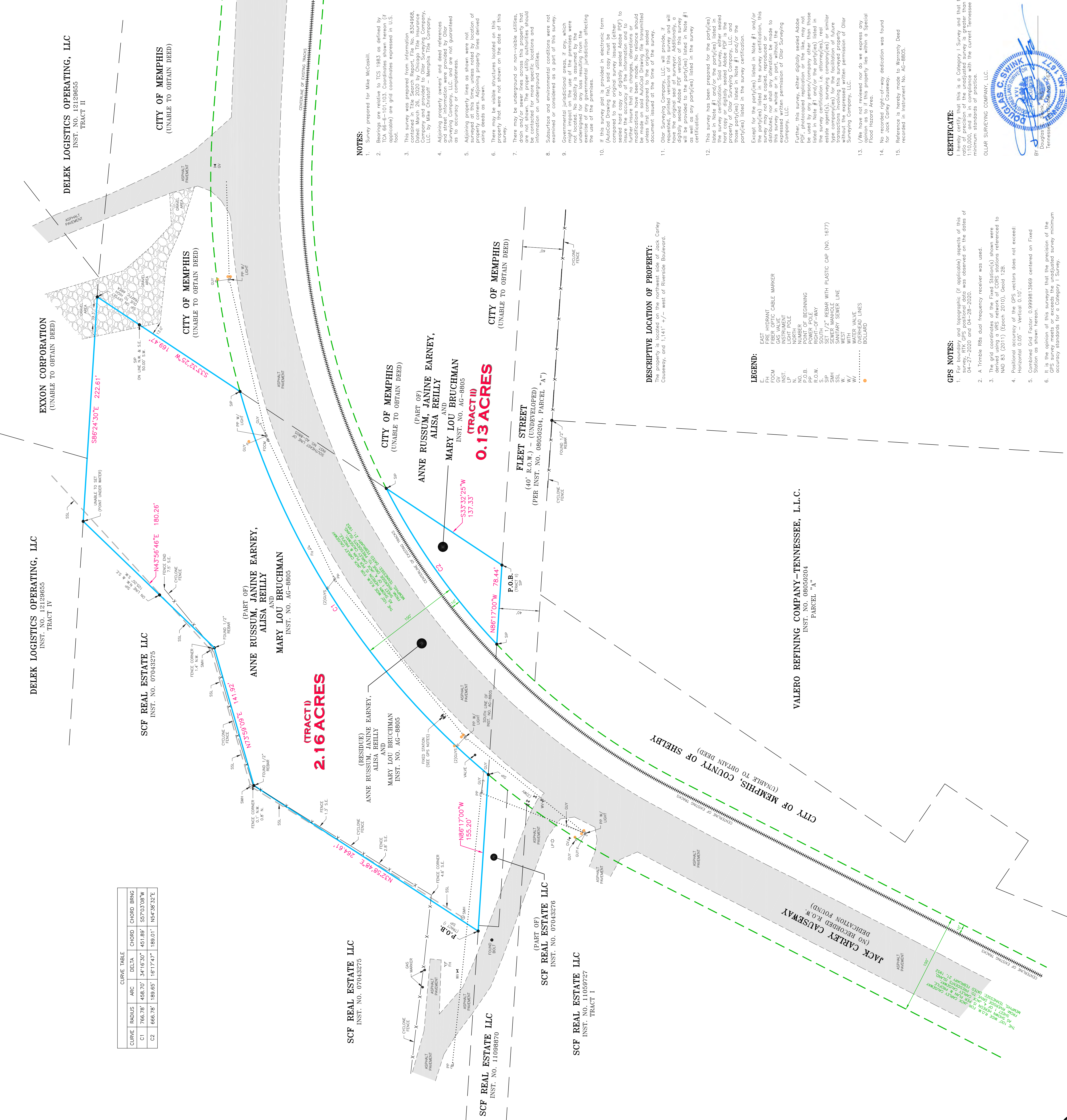
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SAINT LOUIS, MO 63102

0 JACK CARLEY CAUSEWAY



CURVE	RADIUS	ARC	DELTA	CHORD	CHORD BRNG
C1	766.79'	458.70'	341°16'30"	451.93'	557°03'08"W
C2	666.78'	188.85'	161°17'47"	188.01'	184°38'32"E

**(TRACT I)
2.16 ACRES**

**(TRACT II)
0.13 ACRES**

**(TRACT III)
2.16 ACRES**

SCF REAL ESTATE LLC
INST. NO. 07043275

ANNE RUSSUM, JANINE EARNEY, ALISA REILLY
INST. NO. AG-8805

MARY LOU BRUCHMAN
INST. NO. AG-8805

ANNE RUSSUM, JANINE EARNEY, ALISA REILLY, MARY LOU BRUCHMAN
INST. NO. AG-8805

SCF REAL ESTATE LLC
INST. NO. 11098870

SCF REAL ESTATE LLC
INST. NO. 07043276

SCF REAL ESTATE LLC
INST. NO. 0856297

ANNE RUSSUM, JANINE EARNEY, ALISA REILLY, MARY LOU BRUCHMAN
INST. NO. AG-8805

EXXON CORPORATION
INST. NO. 12129855

DELEK LOGISTICS OPERATING, LLC
INST. NO. 12129855

CITY OF MEMPHIS
(UNABLE TO OBTAIN DEED)

CITY OF MEMPHIS
(UNABLE TO OBTAIN DEED)

VALERO REFINING COMPANY-TENNESSEE, L.L.C.
INST. NO. 08456204

JACK CARLEY CAUSEWAY
(NO RECORDED R.O.W. DEDICATION FOUND)

CITY OF MEMPHIS
(UNABLE TO OBTAIN DEED)

CITY OF MEMPHIS
(UNABLE TO OBTAIN DEED)

NOTES:

1. Survey prepared for Mike McCaskill.

2. Bearings are relative to IS 1983 as defined by NAD 83. The horizontal coordinates expressed in U.S. feet.

3. This survey was prepared from information furnished to the Surveyor by the City of Memphis, Tennessee. The Surveyor has not conducted any field inspection of the existing conditions of the property and is not responsible for the accuracy of the information furnished.

4. All property lines shown are not guaranteed as to accuracy. The Surveyor is not responsible for the accuracy of the information furnished.

5. Additional property lines as shown were not surveyed at this time, unless noted by location of utility poles and other structures. The Surveyor is not responsible for the accuracy of the information furnished.

6. There may be subsurface or non-visible utilities, structures or other conditions that are not shown on this survey. The Surveyor is not responsible for the accuracy of the information furnished.

7. This survey is based on the Tennessee Coordinate System of 1983.

8. Subsurface and environmental conditions were not examined or considered as a part of this survey.

9. Governmental jurisdictional areas, if any, which encumber or otherwise affect the property are not shown. The Surveyor is not responsible for the accuracy of the information furnished.

10. If this survey plat is copied in electronic form (AutoCAD Drawing file), said copy must be made to the original plat. The Surveyor is not responsible for the accuracy of the information furnished.

11. Ollar Surveying Company, LLC will provide, if needed, the original plat of survey. Additionally, a true and correct copy of the plat may be obtained as well as any party(ies) listed in Note #1 of this survey.

12. This survey has been prepared for the party(ies) listed in Note #1 and for the purpose of providing a true and correct copy of the survey plat. The Surveyor is not responsible for the accuracy of the information furnished.

13. I/We have not reviewed nor do we express any opinion as to the accuracy of the information furnished or the extent to which it is in accordance with the current Tennessee minimum standards of practice.

14. No recorded right-of-way dedication was found to the City of Memphis.

15. Reference is hereby made to Metresy Deed recorded in Instrument No. AG-8805.

DESCRIPTIVE LOCATION OF PROPERTY:

This survey is located on the northwest side of Jack Carley Causeway, and 1.141' +/- west of Riverside Boulevard.

LEGEND:

- FM FIRE HYDRANT
- FOH FIBER OPTIC CABLE MARKER
- INST. INSTRUMENT
- N NORTH
- NO. B NUMBER
- PP POWER POLE
- S. SOUTH
- SW SW
- SSL SANITARY SOWER LINE
- W. WITH
- W/O. W/O.
- OVERHEAD LINES
- BOLLARD

CERTIFICATE:

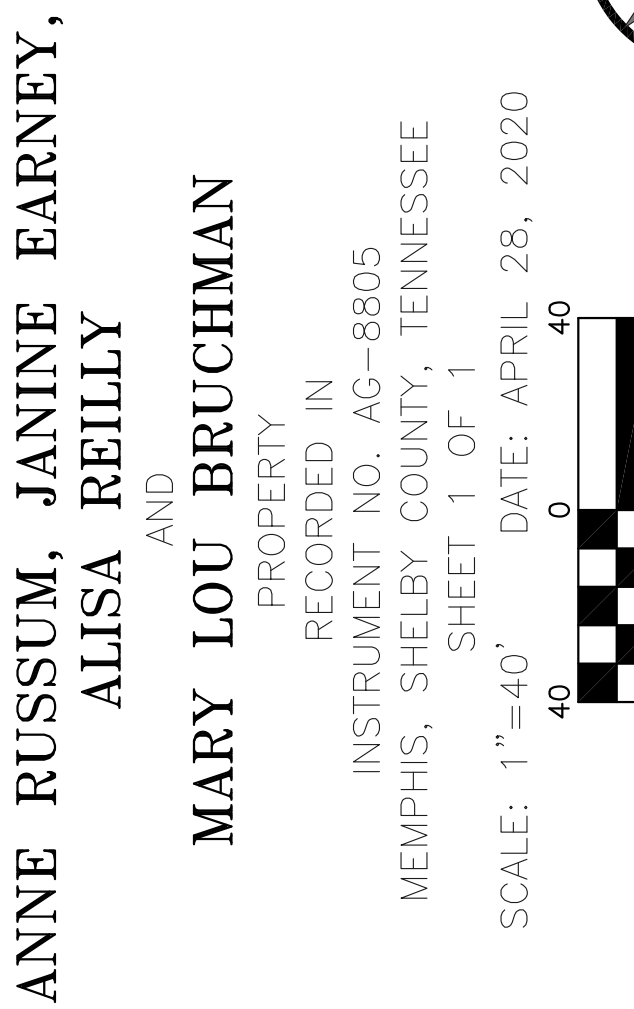
I hereby certify that this is a Category I Survey and that the minimum standards of practice were observed on the dates of 04-27-2020 and 04-19-2020.

Ollar Surveying Company, LLC



By: Douglas W. Ollar, Professional Surveyor

PROPERTY RECORDED IN
INSTRUMENT NO. AG-8805
MEMPHIS, SHELBY COUNTY, TENNESSEE
SHEET 1 OF 1
DATE: APRIL 28, 2020
SCALE: 1"=40'



OLLAR SURVEYING COMPANY, LLC
3157 Hwy 64, Ste. 250 - East, TN 38028
901.465.5555 - Ollarsurveying.com





Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

20051545

05/21/2020 - 08:27:30 AM

6 PGS

ALONZO 2024592-20051545

VALUE	7500.00
MORTGAGE TAX	0.00
TRANSFER TAX	27.75
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	62.75

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

PREPARED BY:
 Memphis Title Company
 7518 Enterprise Avenue
 Germantown, TN 38138
 File No. 2020030181

WARRANTY DEED

THIS INDENTURE is made and entered into this 13th day of May, 2020 between **Anne Russum and Alisa M. Taylor and Mary Lou Buford-Gestas and Donald Wayne Taylor Trustee of The Janine Buford Earney Insurance Trust**, GRANTOR(s), and **MERS, LLC, a Delaware Limited Liability Company**, GRANTEE(s).

For and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, transfer and convey unto the Grantee, all of Grantor's right, title and interest in the following described property located in the city of Memphis, County of Shelby State of Tennessee, more particularly described as follows:

Tract I

Description of part of the Anne Russum, Janine Earney, Alisa Reilly and Mary Lou Bruchman property recorded in Instrument No. AG-8805 in Memphis, Shelby County, Tennessee:

Beginning at a set 1/2" rebar with plastic cap (No. 1677) at the southwest corner of said property recorded in Instrument No. AG-8805, said point being the southeast corner of the SCF Real Estate LLC property recorded in Instrument No. 07043275 and in the north line of the SCF Real Estate LLC property recorded in Instrument No. 11098870; thence northeastwardly along the northwest line of said property recorded in Instrument No. AG-8805 and along the southeast line of said property recorded in Instrument No. 07043275 the following calls: North 32 degrees 58 minutes 48 seconds East, 264.61 feet to a found 1/2" rebar; North 73 degrees 59 minutes 09 seconds East, 141.92 feet to a found 1/2" rebar; North 43 degrees 56 minutes 46 seconds East, passing a set 1/2" rebar with plastic cap (No. 1677) at 75.26 feet and continuing for a total distance of 180.26 feet to a point (unable to set – point under water) at the northwest corner of said property recorded in Instrument No. AG-8805, the northeast corner of said property recorded in Instrument No. 07043275 and in the south line of the Delek Logistics Operating, LLC property recorded in Instrument No. 12129655, Tract IV; thence South 86 degrees 24 minutes 30 seconds East along the north line of said property recorded in Instrument No. AG-8805, along the south line of said property recorded in Instrument No. 12129655, Tract IV and along the south line of the Exxon Corporation property (unable to obtain deed), 222.61 feet to a point at the northeast corner of said property recorded in Instrument No. AG-8805 and the northwest corner of the City of Memphis property (unable to obtain deed), said point being located in an existing gravel drive; thence South 33 degrees 32 minutes 25 seconds West along the southeast line of said property recorded in Instrument No. AG-8805 and along the northwest line of said City of Memphis property (unable to obtain deed), passing a set 1/2" rebar with plastic cap (No. 1677) at 50.00 feet and continuing for a total distance of 169.47 feet to a set 1/2" rebar with plastic cap (No. 1677) in the northwest line of a 100' Wide Right-of-Way for Jack Carley Causeway per Plan & Profile, Sheet 1 of 4, Jack Carley Causeway, From: Riverside Drive To: Presidents Island, Memphis, Tennessee: Dated February 21, 1952 (No recorded Right-of-Way dedication found); thence southwestwardly across said property recorded in Instrument No. AG-8805, along the northwest line of said 100' Wide Right-of-Way for Jack Carley Causeway per Plan & Profile, Sheet 1 of 4, Jack Carley Causeway, From: Riverside Drive To: Presidents Island, Memphis, Tennessee: Dated February 21, 1952 (No recorded Right-of-Way dedication found) and along a curve to the left having a radius of 766.78 feet, delta angle of 34 degrees 16 minutes 30 seconds, chord bearing of South 57 degrees 03 minutes 08 seconds West, chord distance of 451.89 feet and a curve distance of 458.70 feet to a set 1/2" rebar with plastic cap (No. 1677) in the south line of said property recorded in Instrument No. AG-8805 and the northeast corner of the SCF Real Estate LLC property recorded in Instrument No. 07043276; thence North 86 degrees 17 minutes 00 seconds West along the south line of said property recorded in Instrument No. AG-8805, along the north line of said property recorded in Instrument No. 07043276 and along the north line of said property recorded in Instrument No. 11098870, 155.20 feet to the **POINT OF BEGINNING** and containing 2.16 acres of land.

All bearings are based on the Tennessee Coordinate System of 1983.

Tract II

Description of part of the Anne Russum, Janine Earney, Alisa Reilly and Mary Lou Bruchman property recorded in Instrument No. AG-8805 in Memphis, Shelby County, Tennessee:

Beginning at a set 1/2" rebar with plastic cap (No. 1677) at the southeast corner of said property recorded in Instrument No. AG-8805, the southwest corner of the City of Memphis property (unable to obtain deed) and in the north line of Fleet Street (40' R.O.W.) – (Undeveloped) per Instrument No. 08050204, Parcel "A"; thence North 86 degrees 17 minutes 00 seconds West along the south line of said property recorded in Instrument No. AG-8805 and along the north line of said Fleet Street, 78.44 feet to a set 1/2" rebar with plastic cap (No. 1677) in the southeast line of a 100' Wide Right-of-Way for Jack Carley Causeway per Plan & Profile, Sheet 1 of 4, Jack Carley Causeway, From: Riverside Drive To: Presidents Island, Memphis, Tennessee: Dated February 21, 1952 (No recorded Right-of-Way dedication found); thence northeastwardly across said property recorded in Instrument No. AG-8805, along the southeast line of said 100' Wide Right-of-Way for Jack Carley Causeway per Plan & Profile, Sheet 1 of 4, Jack Carley Causeway, From: Riverside Drive To: Presidents Island, Memphis, Tennessee: Dated February 21, 1952 (No recorded Right-of-Way dedication found) and along a curve to the right having a radius of 666.78 feet, delta angle of 16 degrees 17 minutes 47 seconds, chord bearing of North 54 degrees 38 minutes 32 seconds East, chord distance of 189.01 feet and a curve distance of 189.65 feet to a set 1/2" rebar with plastic cap (No. 1677) in the southeast line of said property recorded in Instrument No. AG-8805 and in the northwest line of said City of Memphis property (unable to obtain deed); thence South 33 degrees 32 minutes 25 seconds West along the southeast line of said property recorded in Instrument No. AG-8805 and along the northwest line of said City of Memphis property (unable to obtain deed), 137.33 feet to the **POINT OF BEGINNING** and containing 0.13 acres of land.

All bearings are based on the Tennessee Coordinate System of 1983.

Being the same property conveyed to Anne Russum, Janine Earney, Alisa Reilly and Mary Lou Bruchman, tenants in common by Warranty Deed of record at Instrument No. AG 8805, dated 08/01/1987 and recorded 02/25/1998, in the Register's Office of Shelby, Tennessee. Janine Earney having died on or about December 3, 2010, testate. Her Last Will and Testament having been admitted to probate in the Circuit Court of Crittenden County, Arkansas, Probate Division, under Case No. PR 2010-272. Said Will devising said property to the Janine Buford Earney Testamentary Trust, Donald Wayne Taylor, Trustee.

That Grantor(s) affirm and represents that said property does not constitute a marital home or marital homestead;

The Grantor(s) does hereby covenant with the Grantee(s) that the Grantor(s) is lawfully seized in fee of the aforescribed real estate; that Grantor(s) has good right to sell and convey the same; that the same is unencumbered, except for,

Any and all Subdivision Restrictions, Building Lines and Easements of record in said Register's Office including without limitation, those in the above referenced Register's Office, and except for 2020 Shelby County taxes and 2020 City of Memphis taxes, not yet due and payable.

TO HAVE AND TO HOLD said land with the appurtenances, hereditaments, estate, title and interest unto Grantee, Grantee's heirs, successors and assigns forever. The Grantor does covenant and agree with the said Grantee that Grantor is lawfully seized and possessed of the said real estate and that Grantor has a good and lawful right to sell the same. The Grantor further covenants that the same is unencumbered except as otherwise set forth herein, and that the title and quiet possession thereto Grantor will forever warrant and defend against the lawful claims of all persons whomsoever.

WITNESS my hand on the day and year first above written.

Anne Russum by Michael O. Christoff, Attorney in Fact

Alisa M. Taylor by Michael O. Christoff, Attorney in Fact

Mary Lou Buford-Gestas, by Michael O. Christoff, Attorney in Fact

The Janine Buford Earney Insurance Trust

BY: Donald W. Taylor
Donald Wayne Taylor, Trustee

STATE OF Tennessee
COUNTY OF Madison

On this 13th day of May, 2020, before me, a Notary Public of said State and County aforesaid, personally appeared Donald Wayne Taylor with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be Trustee of The Janine Buford Earney Insurance Trust, the within named bargainor, a Trust, and that he/she as such Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the The Janine Buford Earney Insurance Trust by himself (or herself) as Trustee.

Belinda O'Brien
Notary Public

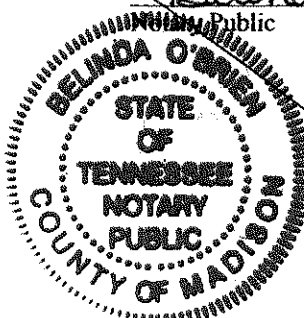
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Michael O. Christoff to me known to be the person(s) described in and who executed the foregoing instrument on behalf of Anne Russum, and acknowledged that he executed the same as the free act and deed of said Anne Russum.

WITNESS my hand and notarial seal this 13th day of May, 2020.

Belinda O'Brien
Notary Public

My Commission Expires: 12-23-20



WITNESS my hand on the day and year first above written.

Anne Russum by Michael O. Christoff AIF
Anne Russum by Michael O. Christoff, Attorney in Fact

Alisa M. Taylor by Michael O. Christoff AIF
Alisa M. Taylor by Michael O. Christoff, Attorney in Fact

Mary Lou Buford-Gestas by Michael O. Christoff AIF
Mary Lou Buford-Gestas, by Michael O. Christoff, Attorney in Fact

The Janine Buford Earney Insurance Trust

BY: _____
Donald Wayne Taylor, Trustee

STATE OF _____
COUNTY OF _____

On this _____ day of May, 2020, before me, a Notary Public of said State and County aforesaid, personally appeared Donald Wayne Taylor with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be Trustee of The Janine Buford Earney Insurance Trust, the within named bargainor, a Trust, and that he/she as such Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the The Janine Buford Earney Insurance Trust by himself (or herself) as Trustee.

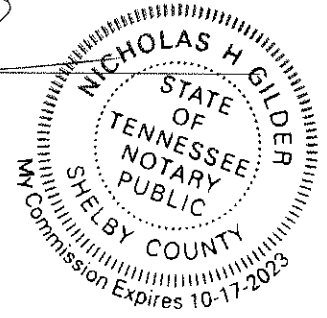
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Michael O. Christoff to me known to be the person(s) described in and who executed the foregoing instrument on behalf of Anne Russum, and acknowledged that he executed the same as the free act and deed of said Anne Russum.

WITNESS my hand and notarial seal this 13th day of May, 2020.

Nicholas H. Gilder
Notary Public

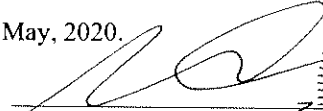


My Commission Expires: _____


STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Michael O. Christoff to me known to be the person(s) described in and who executed the foregoing instrument on behalf of Alisa M. Taylor, and acknowledged that he executed the same as the free act and deed of said Alisa M. Taylor.

WITNESS my hand and notarial seal this 13th day of May, 2020.



Notary Public

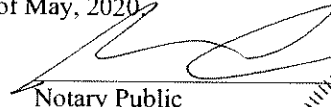


My Commission Expires: _____

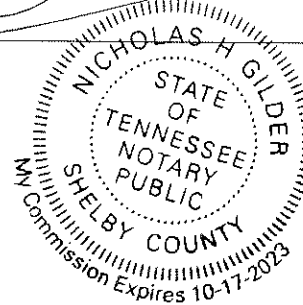
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Michael O. Christoff to me known to be the person(s) described in and who executed the foregoing instrument on behalf of Mary Lou Buford-Gestas, and acknowledged that he executed the same as the free act and deed of said Mary Lou Buford-Gestas.

WITNESS my hand and notarial seal this 13th day of May, 2020.



Notary Public



My Commission Expires: _____

Name and Address of Property Owner:

MERS, LLC
201 N. Rupert Street
Fort Worth, TX 76107-4132

Property Address:

2.34 acres along Jack Carley Causeway
Memphis, TN 38106

Person Responsible for Taxes:

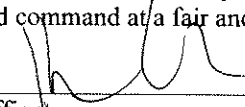
MERS, LLC
201 N. Rupert Street
Fort Worth, TX 76107-4132

Parcel # 024001 00013Z and 024001 00014Z

AFFIDAVIT OF VALUE

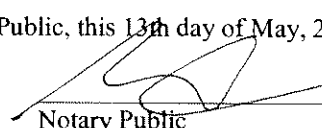
STATE OF TENNESSEE
COUNTY OF SHELBY

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is \$7,500.00 which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.

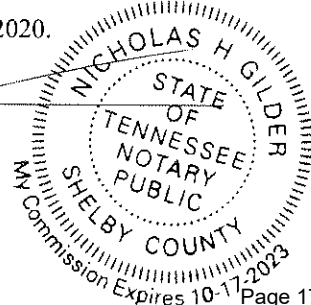


Affiant

Sworn to and subscribed before me, a Notary Public, this 13th day of May, 2020.



Notary Public



My Commission Expires: _____

I, Kristina Ackerman, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



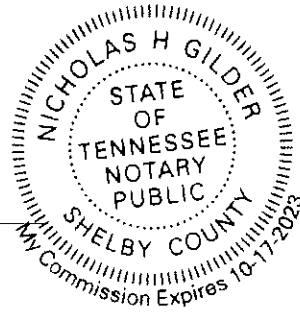
Kristina Ackerman

State of Tennessee
County of Shelby

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



Notary's Signature



MY COMMISSION EXPIRES: _____

Legal Description

Below are the legal descriptions for two parcels of land owned by MERS, LLC and located on Jack Carley Causeway in Memphis, TN.

Tract I

Description of part of the Anne Russum, Janine Earney, Alisa Reilly and Mary Lou Bruchman property recorded in Instrument No. AG-8805 in Memphis, Shelby County, Tennessee:

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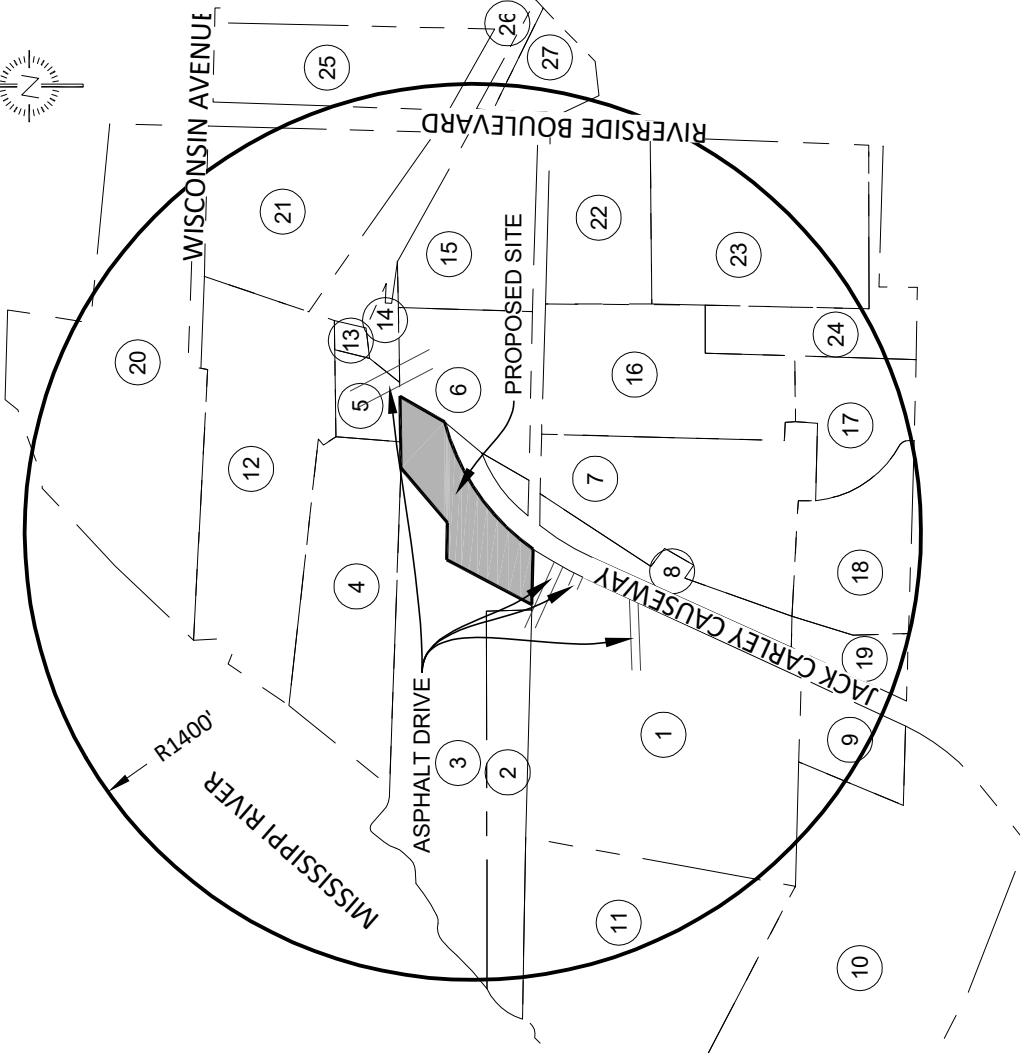
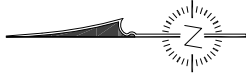
All bearings are based on the Tennessee Coordinate System of 1983.

Tract II

Description of part of the Anne Russum, Janine Earney, Alisa Reilly and Mary Lou Bruchman property recorded in Instrument No. AG-8805 in Memphis, Shelby County, Tennessee:

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All bearings are based on the Tennessee Coordinate System of 1983.



Parcel	Property Owner	Property Address	AC	Dimensions
1	SCF REAL ESTATE LLC	1131 JACK CARLEY CSWY	15.08	659 X 800 IRR
2	SCF REAL ESTATE LLC	486 JACK CARLEY CSWY	3.54	210 X 1652 IRR
3	SCF REAL ESTATE LLC	486 JACK CARLEY CSWY	7.00	306 X 1253 IRR
4	DELEK LOGISTICS OPERATING LLC	WISCONSIN AVE	7.4633	1082 X 318 IRR
5	EXXON CORPORATION	0 FRISCO RR	1.212	386 X 222 IRR
6	CITY OF MEMPHIS	0 JACK CARLEY CSWY	3.59	418 X 530 IRR
7	VALERO REFINING COMPANY-TENNESSEE LLC	RIVERSIDE BLVD	7.36	861 X 600 IRR
8	CITY MEMPHIS & COUNTY SHELBY	0 FLEET ST	1.97	880 X 66 IRR
9	VALERO REFINING COMPANY-TENNESSEE LLC	0 RIVERSIDE DR	2.117	390 X 255 IRR
10	SCF REAL ESTATE LLC	JACK CARLEY CSWY	24.744	520 X 1733 IRR
11	SCF REAL ESTATE LLC	0 JACK CARLEY CSWY	10.423	803 X 607 IRR
12	EXXON CORPORATION	454 WISCONSIN AVE	9.207	1140 X 430 IRR
13	BNSF RAILWAY COMPANY	NO ADDRESS FOUND	0.323	100 X 100 IRR
14	DELEK LOGISTICS OPERATING LLC	0 FRISCO RR	0.585	113 X 188 IRR
15	CITY OF MEMPHIS & CTY SHELBY	1115 RIVERSIDE BLVD	4.5	416 X 557 IRR
16	CENTER POINT TERMINAL CO	0 FLEET ST	6.9	790 X 415 IRR
17	CENTER POINT TERMINAL COMPANY	1232 RIVERSIDE DR	3	380 X 450 IRR
18	VALERO REFINING COMPANY-TENNESSEE LLC	1237 JACK CARLEY CSWY	3.93	368 X 612 IRR
19	VALERO REFINING COMPANY-TENNESSEE LLC	JACK CARLEY CSWY	1.91	389 X 190 IRR
20	EXXON CORPORATION	454 WISCONSIN AVE	15.641	793 X 1612 IRR
21	DELEK LOGISTICS OPERATING LLC	1023 RIVERSIDE DR	6.254	669 X 354 IRR
22	RYDER TRUCK RENTAL INC	1135 RIVERSIDE BLVD	4.058	377 X 525 IRR
23	MORGAN RIVERSIDE CONSTRUCTION LLC	1207 RIVERSIDE BLVD	8.069	670.78 X 525.12
24	VALERO REFINING COMPANY-TENNESSEE LLC	1221 RIVERSIDE DR	2.75	663 X 675 IRR
25	EXXON CORPORATION	351 WISCONSIN AVE	4.307	272 X 800
26	CITY OF MEMPHIS	0 RIVERSIDE	0.566	58 X 437 IRR
27	MEMPHIS AND SHELBY COUNTY PORT COMMISSION	0 RIVERSIDE	1.712	230 X 366 IRR

VICINITY MAP

NEW CARDLOCK DEVELOPMENT
FOR
PILOT THOMAS LOGISTICS

DATE:
02/26/2021

DESIGNED BY:
MRR

SCALE:
NTS

REEVES DESIGN
Services, LLC ♦ Consulting Engineers

REEVES DESIGN

Services, LLC ♦ Consulting Engineers

LETTER OF TRANSMITTAL

TO: DIVISION OF PLANNING & DEVELOPMENT
6465 MULLINS STATION ROAD
MEMPHIS, TENNESSEE 38134
901.636.6619

DATE: 2021-03-03 **JOB NO.** 9944.001.01
ATTN: MR. CHIP SALIBA
RE: PILOT THOMAS LOGISTIC NEW CARDLOCK FACILITY
SPECIAL USE APPLICATION

WE ARE SENDING YOU

Attached Under Separate cover via

FED EX NEXT DAY

The following items:

- Plans Prints Specifications Copy of letter Agreement Electronic Drawing
 Other SPECIAL USE APPLICATION

COPIES	DATE	NO.	DESCRIPTION
2	2021-03-03		SPECIAL USE APPLICATION
1	2021-03-03		\$500 APPLICATION FEE (CHECK #1590)
1	2021-03-03		USB FLASH DRIVE

THESE ARE TRANSMITTED as checked below:

- For approval As requested For your use For review & comment

REMARKS:

PLEASE CALL ME AT 478.747.6772 OR EMAIL ME AT MICHAELREEVES@REEVESDESIGN.NET IF ADDITIONAL INFORMATION IS REQUIRED.

COPY TO _____

SIGNED _____



Michael Reeves



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

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

April 9, 2021

MERS, LLC/Pilot Thomas Logistics
201 N. Rupert St.
Fort Worth, TX 76107

Sent via electronic mail to: joey.huerta@pilotthomas.com , michaelreeves@reevesdesign.net

DPD File Number: SUP 21-07 – President’s Island: Truck Fueling establishment
L.U.C.B. Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 8, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a Truck Fueling establishment on Jack Carley Causeway, subject to the following conditions:

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. TDEC requirements regarding development near/in the floodplain and floodway must be met.
3. 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.

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

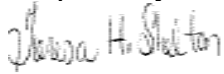
It is the applicant’s responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

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

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

Letter to Applicant
SUP 21-07

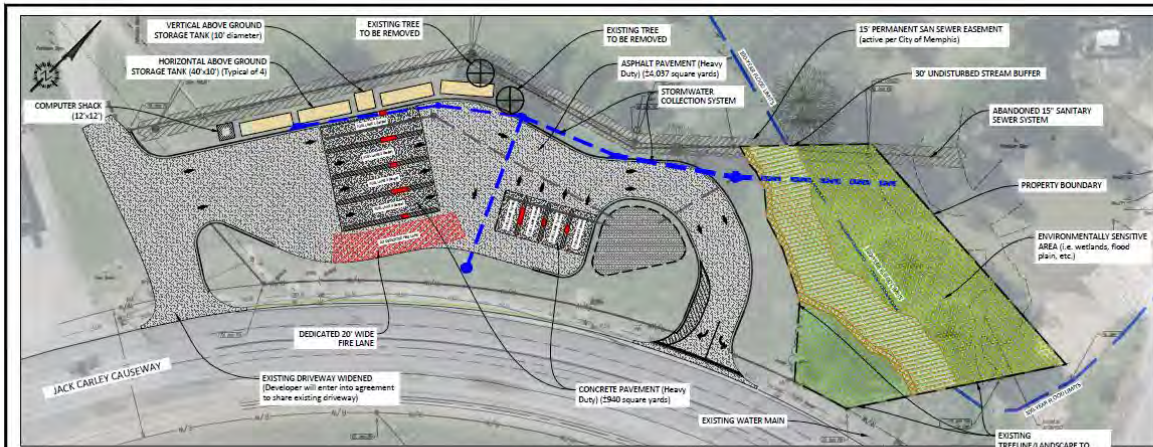
Respectfully,



Teresa Shelton
Municipal Planner
Land Use and Development Services

Cc: Michael Reeves, PE, Reeves Design Services, LLC
File

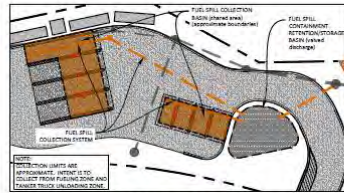
Letter to Applicant
 SUP 21-07
 Concept Drawings



OVERALL LAYOUT
 SCALE: 1" = 30'



SITE LAYOUT DIMENSIONS
 SCALE: 1" = 40'



FUEL SPILL CONTAINMENT
 SCALE: 1" = 40'

***FOR REVIEW ONLY *
 NOT FOR CONSTRUCTION**

CONCEPT DRAWING
 Not for Construction

ISSUED FOR REVIEW
 March 26, 2021



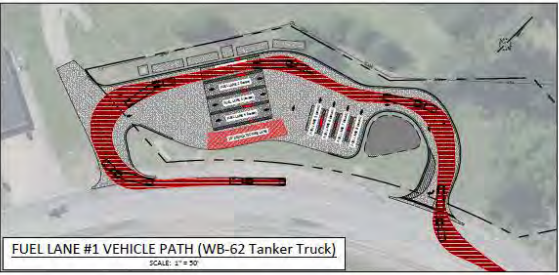
REEVES DESIGN
 Services, LLC • Consulting Engineers
 4875 Riverside Drive • Suite 107
 Memphis, TN 38117
 www.reevesdesign.com

NEW CARLOCK DEVELOPMENT
 JACK CARLEY CAUSEWAY
 FOR
 PILOT THOMAS LOGISTICS

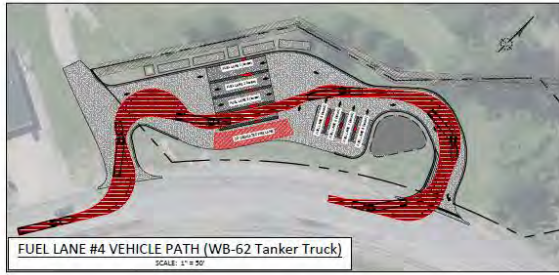
DATE	REVISION	SCALE

PROJECT NO.	384A-001-00
DRAWING NO.	384A-001-00
DATE	MARCH 2021
DRAWN	WMB
CHECKED	
DATE	
PROJECT	
PI NO.	

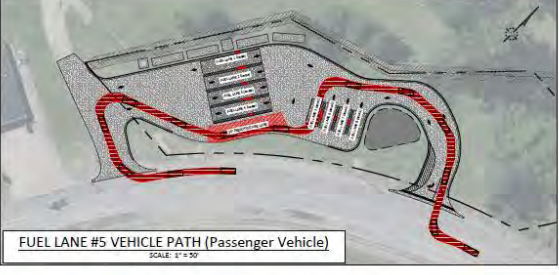
OVERALL SITE LAYOUT
 SHEET 1 OF 2



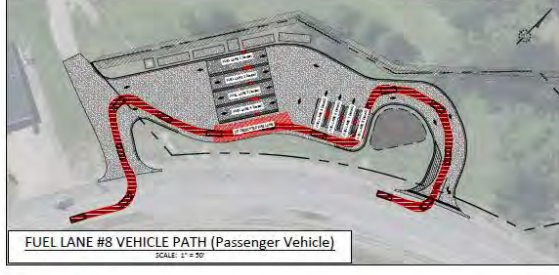
FUEL LANE #1 VEHICLE PATH (WB-62 Tanker Truck)
 SCALE: 1" = 50'



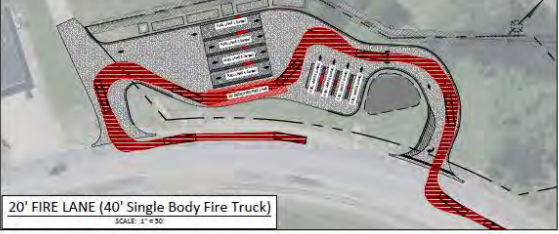
FUEL LANE #4 VEHICLE PATH (WB-62 Tanker Truck)
 SCALE: 1" = 50'



FUEL LANE #5 VEHICLE PATH (Passenger Vehicle)
 SCALE: 1" = 50'



FUEL LANE #8 VEHICLE PATH (Passenger Vehicle)
 SCALE: 1" = 50'



20' FIRE LANE (40' Single Body Fire Truck)
 SCALE: 1" = 50'

CONCEPT DRAWING
 Not for Construction

***FOR REVIEW ONLY *
 NOT FOR CONSTRUCTION**

ISSUED FOR REVIEW
 March 3, 2021



REEVES DESIGN
 Services, LLC • Consulting Engineers
 4875 Riverside Drive • Suite 107
 Memphis, TN 38117
 www.reevesdesign.com

NEW CARLOCK DEVELOPMENT
 JACK CARLEY CAUSEWAY
 FOR
 PILOT THOMAS LOGISTICS

DATE	REVISION	SCALE

PROJECT NO.	384A-001-00
DRAWING NO.	384A-001-00
DATE	MARCH 2021
DRAWN	WMB
CHECKED	
DATE	
PROJECT	
PI NO.	

FUEL LANE VEHICLE PATH ALIGNMENTS
 SHEET 2 OF 2

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 04/20/2021

DATE

PUBLIC SESSION: 04/20/2021

DATE

ITEM (CHECK ONE)

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

OTHER: _____

ITEM DESCRIPTION: A resolution approving a commercial planned development
CASE NUMBER: PD 2021-006
DEVELOPMENT: Johnnie Mae's Planned Development
LOCATION: 969 East McLemore Avenue
COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: DCC Rentals, LLC – Derrick Craig
EXISTING ZONING: Campus Master Plan – 1 (CMP-1) and Residential Urban – 3 (RU-3)
REQUEST: Commercial planned development
AREA: +/-0.61 acres
RECOMMENDATION: The Office of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*
RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Set hearing date for – April 20, 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
04/08/2021 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

PD 2021-006 – Johnnie Mae’s Planned Development

Resolution requesting a commercial planned development at 969 East McLemore Avenue:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant: DCC Rentals, LLC – Derrick Craig
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE JOHNNIE MAE'S PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 969 EAST MCLEMORE AVENUE, KNOWN AS CASE NUMBER PD 2021-006.

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

WHEREAS, the DCC Rentals, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a commercial planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 8, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

ATTEST:

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

OUTLINE PLAN CONDITIONS

I. Uses Permitted

- A. All uses permitted by right in the Commercial Mixed Use – 1 District (CMU-1), except as listed in condition I.B.
- B. The following uses shall be prohibited:
 - 1. Vehicle sales, rental, leasing, service, or repair
 - 2. Convenience store with gas pumps
 - 3. Bar, tavern, cocktail lounge, or nightclub
 - 4. Funeral services
 - 5. Payday loans, title loan, or flexible loan plan establishments
 - 6. Self-service storage facilities

II. Bulk Regulations

- A. The regulations of the Commercial Mixed Use – 1 District (CMU-1) shall apply.

III. Access, Circulation, and Parking

- A. The City Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- C. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance.
- D. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

IV. Landscaping and Lighting

- A. A landscape plan shall be submitted for review and approval by the Division of Planning and Development.
- B. All refuse containers shall be completely screened from view from all adjacent properties and all public right-of-way.
- C. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, wrought iron, powder coated aluminum, etc.
- D. All lighting fixtures must be concealed or shielded to prevent glare and off-site impacts on abutting/adjacent properties.

V. Signage

- A. Attached signage – in accordance with the Commercial Mixed Use – 1 District (CMU-1) District.

- B. Detached signage – One detached on-premise sign in accordance with the Commercial Mixed Use – 1 District (CMU-1) District is permitted. However, the applicant may reuse the existing pole sign on-site, if desired, subject to administrative review and approval of the Division of Planning and Development.
- VI. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity signage, building height, materials and setbacks and other site requirements if equivalent alternatives are presented
- VII. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions, at the request of the applicant.
- IX. Any final plan shall include, but not be limited to, the following:
- A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code.
 - C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, building elevations, detached signage and identification of plant materials in required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. The one-hundred (100) year flood elevation.
 - G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Reserved for Storm Water Detention” shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners’ association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer’s Office. Such maintenance shall include, but not be limited to, the removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN



11 Whitehall, Knoxville
 Memphis, Tennessee 38103
 T 901.259.8500
 F 901.527.8502
 www.brg3s.com

DATE: 10/15/21

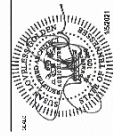
Sheet No. 101
 Description: OUTLINE PLAN

Johnnie Mae's
 888 E McLeMORE
 Memphis, TN 38106

PROJECT: Johnnie Mae's

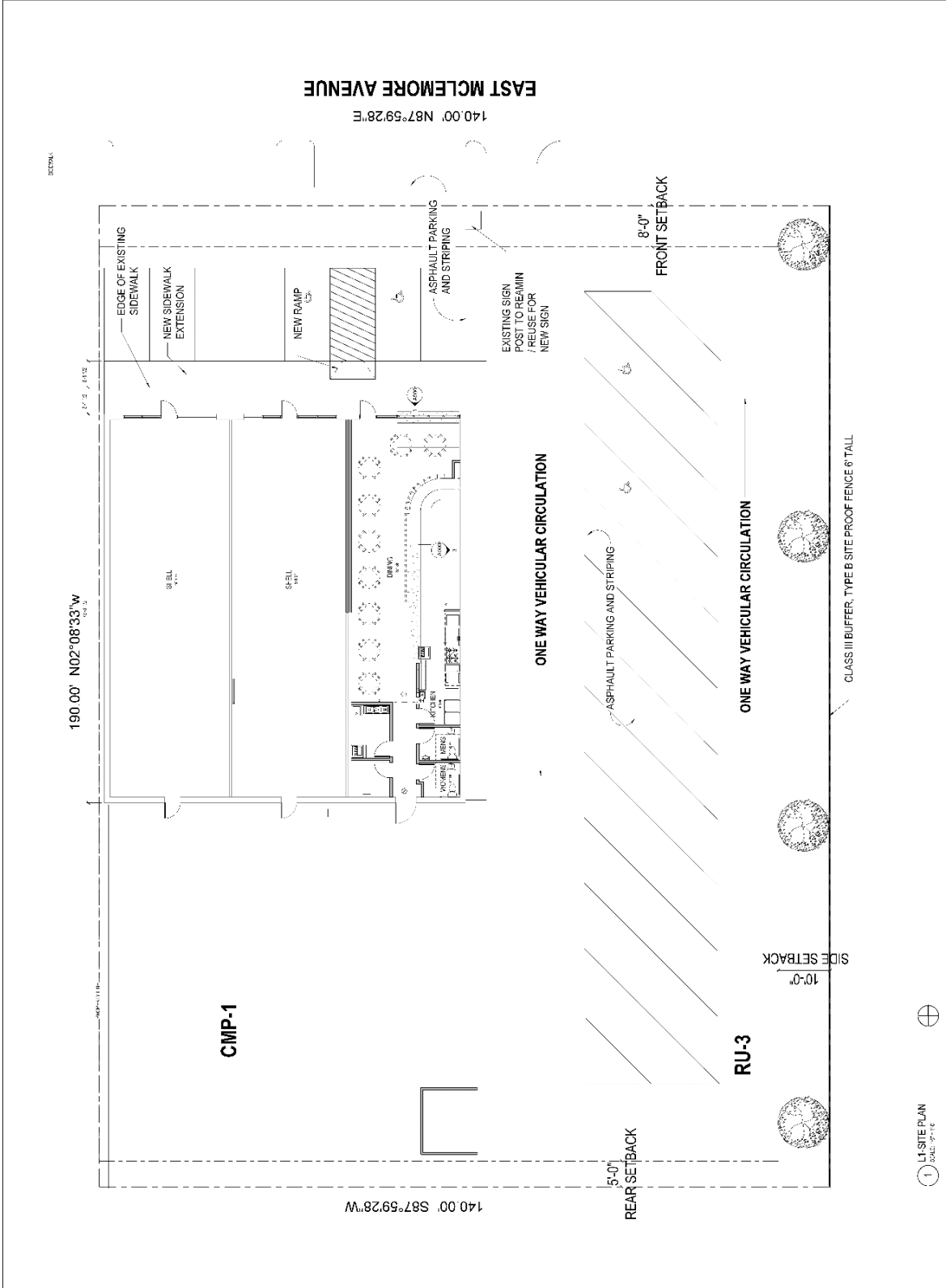
DATE: 10/15/21
 DRAWN BY: JLM
 CHECKED BY: JLM

PROJECT: OUTLINE PLAN



CONSTRUCTION DOCUMENTS

A100



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

AGENDA ITEM: 6

CASE NUMBER: PD 2021-006 **L.U.C.B. MEETING:** April 8, 2021

DEVELOPMENT: Johnnie Mae's Planned Development

LOCATION: 969 East McLemore Avenue

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

OWNER/APPLICANT: DCC Rentals, LLC – Derrick Craig

REQUEST: Commercial planned development

AREA: +/-0.61 acres

EXISTING ZONING: Campus Master Plan – 1 (CMP-1) and Residential Urban – 3 (RU-3)

CONCLUSIONS

1. The applicant is requesting a commercial planned development.
2. The Commercial Mixed Use – 1 (CMU-1) District as the lower intensity commercial district is appropriate for this area and will allow a greater mix of uses to occupy the existing commercial strip center structure on site and further contribute to the revitalization of the neighborhood.
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.
4. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: East McLemore Avenue +/-140.00 linear feet
Zoning Atlas Page: 2130
Parcel ID: 026019 00002 and 026019 00003
Existing Zoning: Campus Master Plan – 1 (CMP-1) and Residential Urban – 3 (RU-3)

NEIGHBORHOOD MEETING

The meeting was held at 4:00 PM on Tuesday, March 23, 2021, on Google Meet.

PUBLIC NOTICE

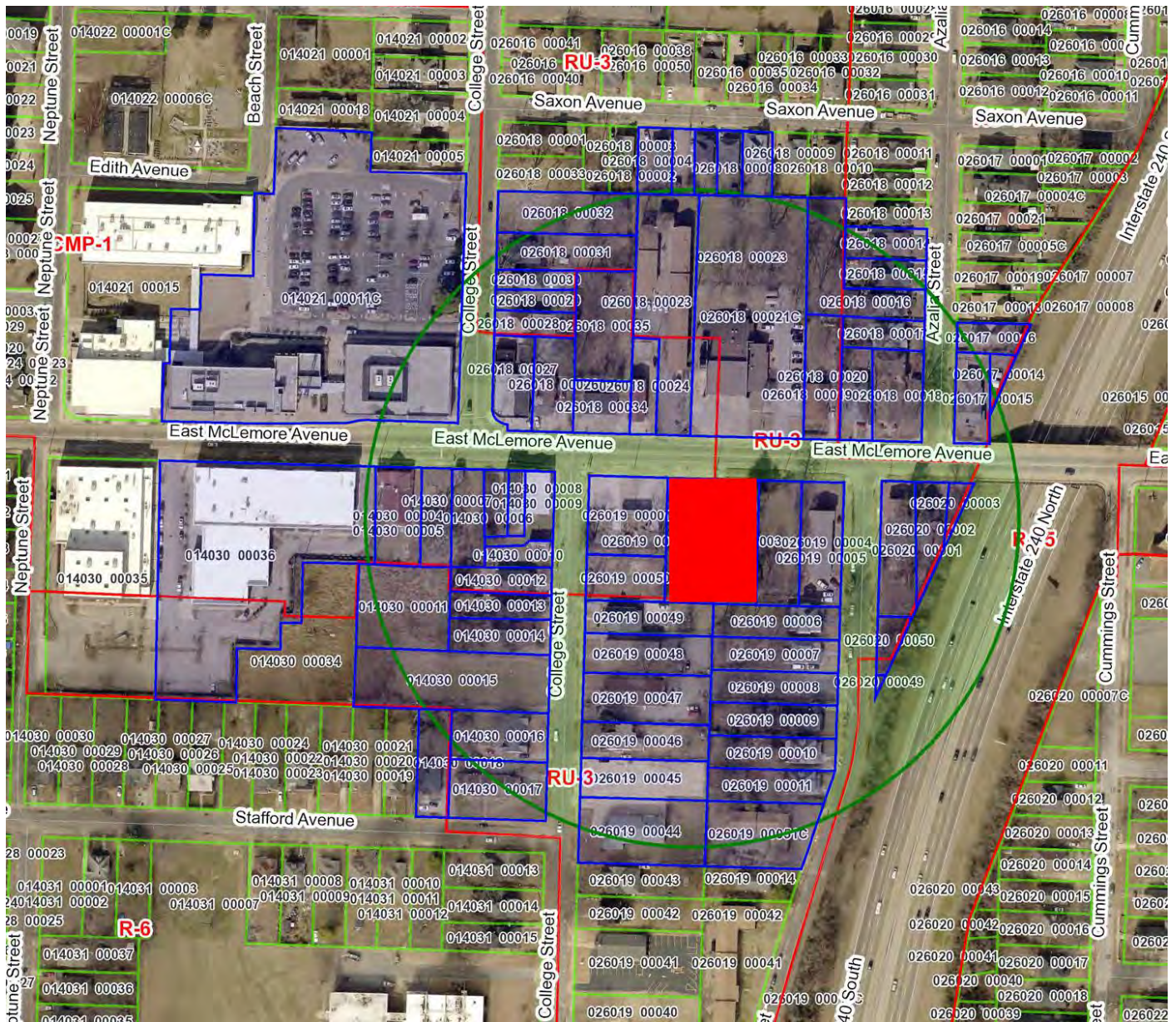
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. 68 notices were mailed on January 29, 2011, and subsequently after the request was converted from a special use permit to a planned development an additional 68 notices were mailed on March 24, 2021. A total of 1 sign posted at the subject property; the sign affidavit has been added to this report.

LOCATION MAP



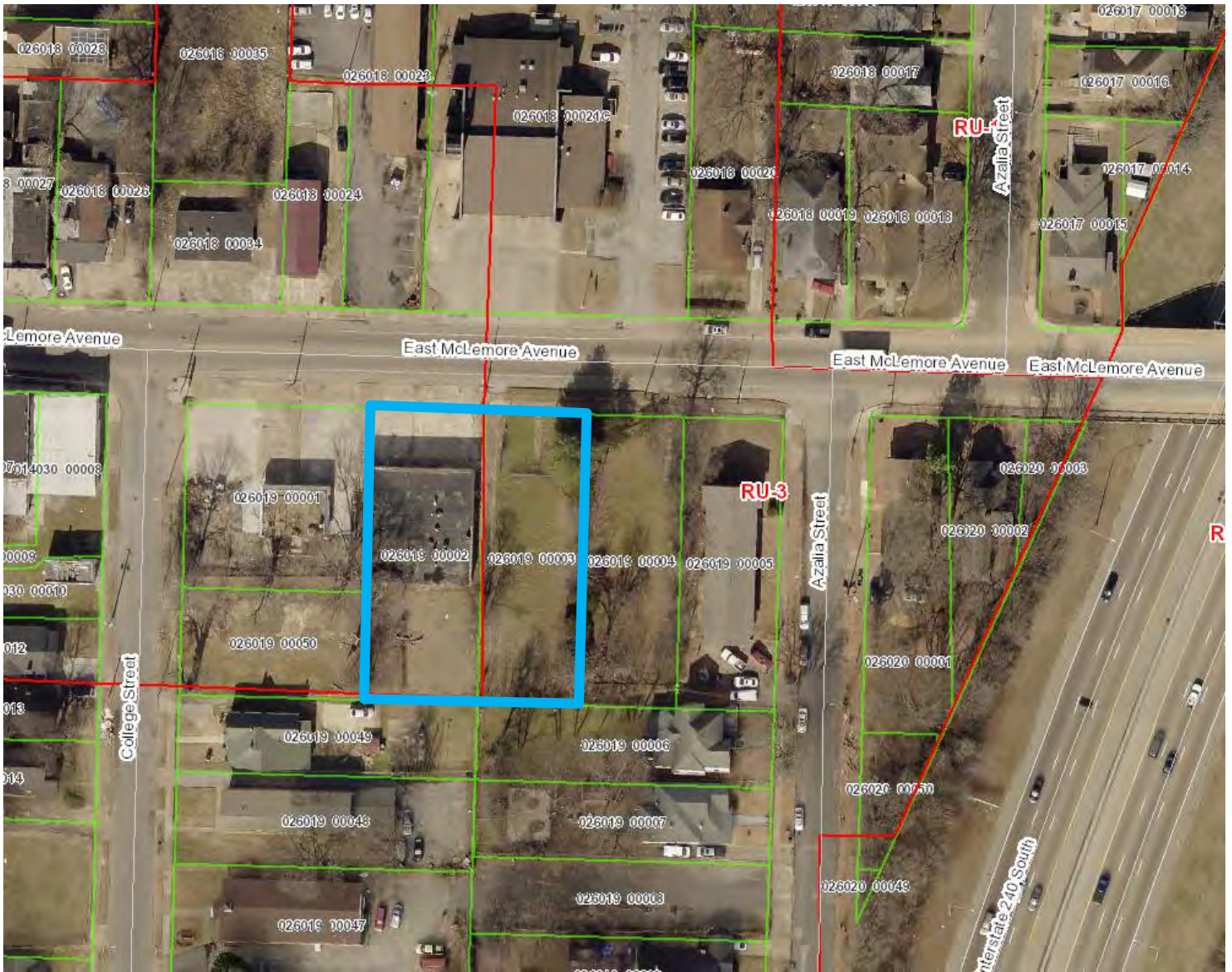
Subject property located within the pink circle, South Memphis neighborhood

VICINITY MAP



Subject property highlighted in red

ZONING MAP



Subject property outlined in blue

Existing Zoning: Campus Master Plan – 1 (CMP-1) and Residential Urban – 3 (RU-3)

Surrounding Zoning

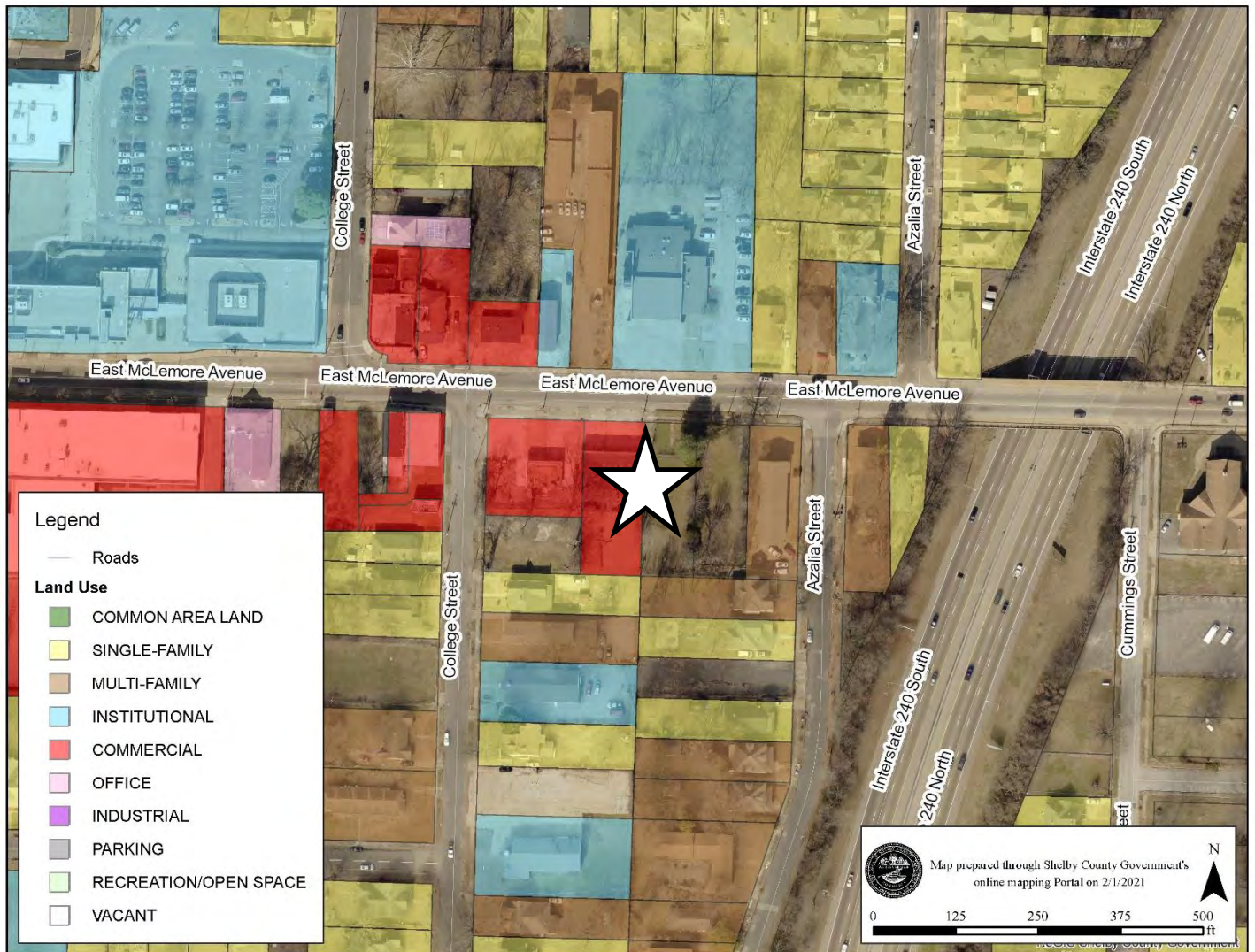
North: Campus Master Plan – 1 (CMP-1) and Residential Urban – 3 (RU-3)

East: Residential Urban – 3 (RU-3)

South: Residential Urban – 3 (RU-3)

West: Campus Master Plan – 1 (CMP-1)

LAND USE MAP

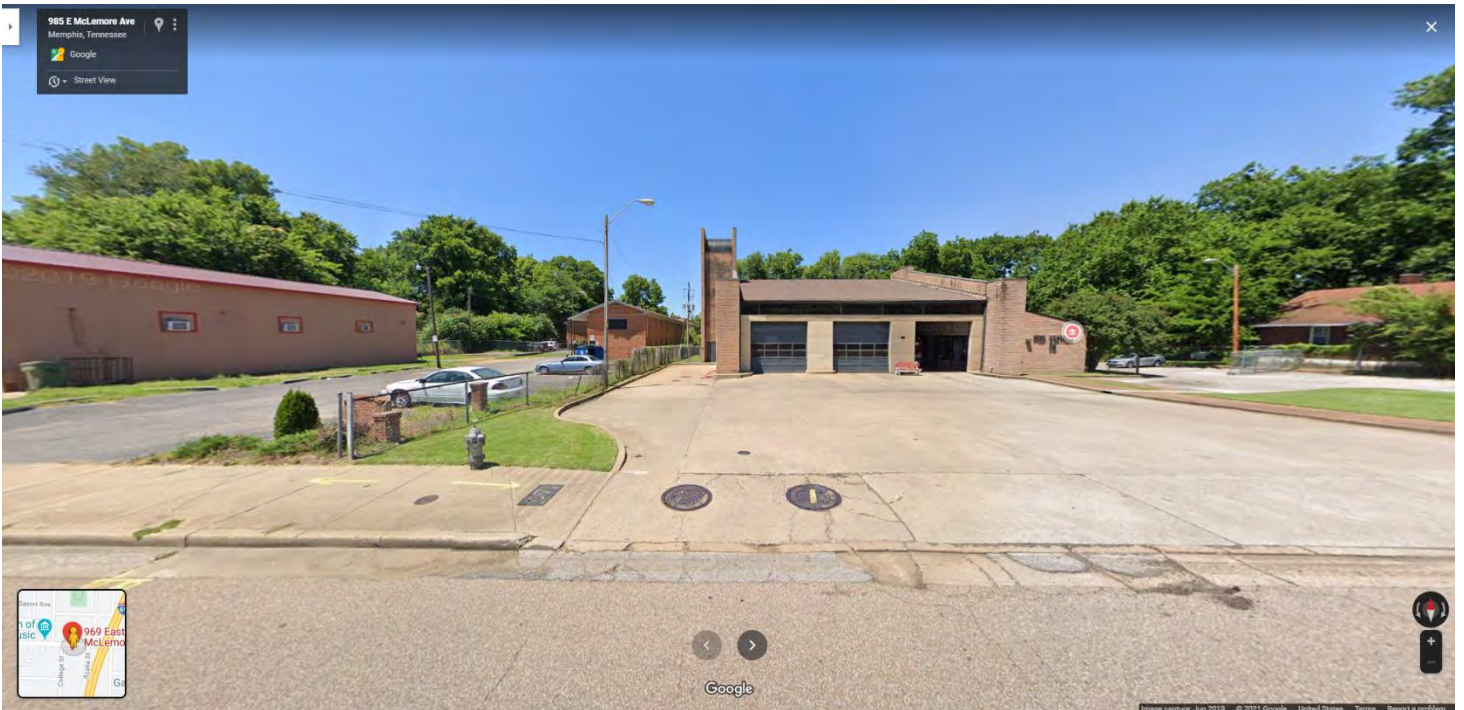


Subject property indicated by a white star

SITE PHOTOS



View of subject property from East McLemore Ave looking south



View across East McLemore Ave from subject property looking north

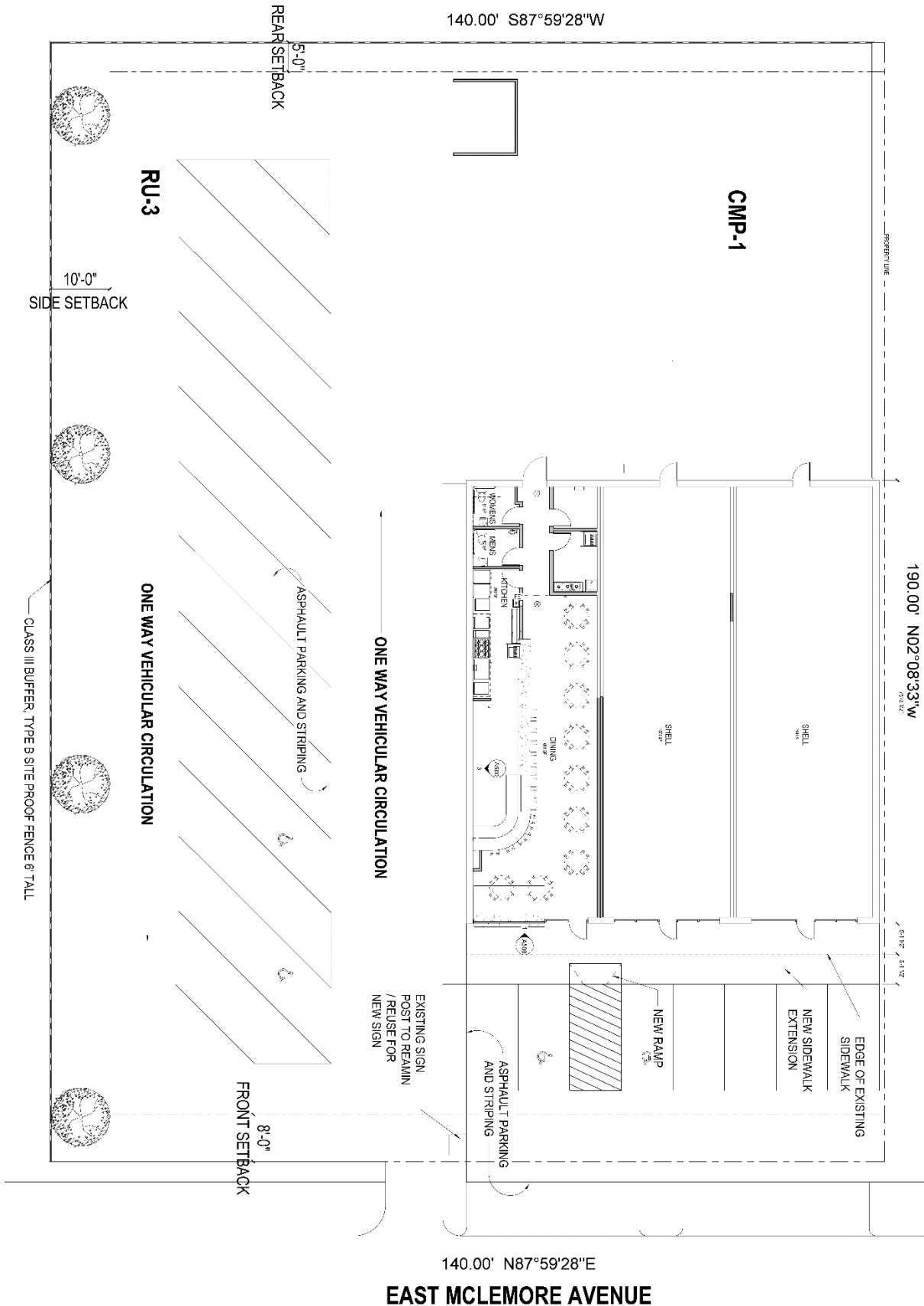


View down East McLemore Ave from subject property looking east



View down East McLemore Ave from subject property looking west

CONCEPT PLAN



EAST MCLEMORE AVENUE

STAFF ANALYSIS

Request

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

The request is a commercial planned development.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

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

adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/-26,571 square feet, comprised of two parcels 026019 00002 and 026019 00003, and located at 969 East McLemore Avenue. The site is split zoned north-south between Campus Master Plan – 1 (CMP-1) on the west and Residential Urban – 3 (RU-3) on the east. Per the Assessor's website the existing commercial strip center structure onsite was built circa 1942 and has a ground floor area of 5,250 square feet. Additionally, the surrounded land uses are a mixture of commercial, office, multifamily, single-family, and vacant land.

Conclusions

The applicant is requesting a commercial planned development.

The Commercial Mixed Use – 1 (CMU-1) District as the lower intensity commercial district is appropriate for this area and will allow a greater mix of uses to occupy the existing commercial strip center structure on site and further contribute to the revitalization of the neighborhood.

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

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

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

- I. Uses Permitted
 - A. All uses permitted by right in the Commercial Mixed Use – 1 District (CMU-1), except as listed in condition I.B.
 - B. The following uses shall be prohibited:
 1. Vehicle sales, rental, leasing, service, or repair
 2. Convenience store with gas pumps
 3. Bar, tavern, cocktail lounge, or nightclub
 4. Funeral services
 5. Payday loans, title loan, or flexible loan plan establishments
 6. Self-service storage facilities
- II. Bulk Regulations
 - A. The regulations of the Commercial Mixed Use – 1 District (CMU-1) shall apply.
- III. Access, Circulation, and Parking
 - A. The City Engineer shall approve the design, number and location of curb cuts.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
 - C. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance.
 - D. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- IV. Landscaping and Lighting
 - A. A landscape plan shall be submitted for review and approval by the Division of Planning and Development.

- B. All refuse containers shall be completely screened from view from all adjacent properties and all public right-of-way.
 - C. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, wrought iron, powder coated aluminum, etc.
 - D. All lighting fixtures must be concealed or shielded to prevent glare and off-site impacts on abutting/adjacent properties.
- V. Signage
- A. Attached signage – in accordance with the Commercial Mixed Use – 1 District (CMU-1) District.
 - B. Detached signage – One detached on-premise sign in accordance with the Commercial Mixed Use – 1 District (CMU-1) District is permitted. However, the applicant may reuse the existing pole sign on-site, if desired, subject to administrative review and approval of the Division of Planning and Development.
- VI. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity signage, building height, materials and setbacks and other site requirements if equivalent alternatives are presented
- VII. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions, at the request of the applicant.
- IX. Any final plan shall include, but not be limited to, the following:
- A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code.
 - C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, building elevations, detached signage and identification of plant materials in required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. The one-hundred (100) year flood elevation.
 - G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Reserved for Storm Water Detention” shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners’ association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer’s Office. Such maintenance shall include, but not be limited to, the removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

6. 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.
7. 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.
8. 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:

9. 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.

10. There is not enough distance between the sidewalk and the building for head in parking. Close the two existing curb cuts in front of the building with curb, gutter and sidewalk.
11. Remove the existing residential curb cut and construct a two-way commercial curb cut to the proposed parking lot.

Drainage:

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

City/County Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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:

Site Address/location: 969 E McLemore Avenue

Land Use Designation: Accelerate Anchor Neighborhood – Mix of Building Types

Based on the Future Land Use Planning Map, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

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



See graphic portrayal to the right.

“AN-M” Goals/Objectives:

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

“AN-M” Form & Location Characteristics:

The parcel is located within an Accelerate Anchor. Primarily detached, single-family house-scale residences of one to three stories in height. Attached, house-scale single family, duplexes, triplexes and quadplexes of one to three stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists, Building-scale large homes and apartments of two to four stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

The applicant is seeking a planned development to operate a restaurant in an existing, vacant building on one parcel with parking on a separate vacant parcel.

The request is consistent because similar uses exist on one or more adjacent parcels and the parcels are located along an Avenue. The intended use focuses investment that is within a half-mile of an Accelerate Anchor and plans to transform a vacant structure into a use that will conform to the neighborhood character. Also, the use has the potential to speed up development activity within the anchor. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Residential and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMP-1, and R-6. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcels is similar in nature to the requested use.*

4. Degree of Change map



The degree of change for the parcels is Accelerate. The parcels are indicated by the red box in the Degree of Change Map above.

5. Degree of Change Descriptions

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

Actions for Accelerate anchors and anchor neighborhoods are meant to:

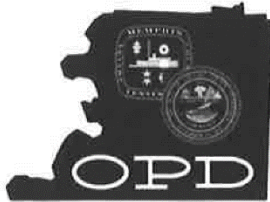
- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

Ways to Accelerate:

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

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

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

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Johnnie Mae's

Property Owner of Record: DCC Rentals LLC Phone #: (901) 212 4476

Mailing Address: 3383 Park Avenue City/State: Memphis, TN Zip 38111

Property Owner E-Mail Address: dcraig4@hotmail.com

Applicant: Derrick Craig Phone # (901) 212 4476

Mailing Address: 3383 Park Avenue City/State: Memphis, TN Zip 38111

Applicant E- Mail Address: dcraig4@hotmail.com

Representative: Derrick Craig Phone #: (901) 212 4476

Mailing Address: 3383 Park Avenue City/State: Memphis, TN Zip 38111

Representative E-Mail Address: dcraig4@hotmail.com

Engineer/Surveyor: Campbell Surveying Company Phone # (901) 683 9114

Mailing Address: 1023 S. Yates Suite 101 City/State: Memphis, TN Zip 38119

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 969 E. Mclemore Avenue

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.32 acres</u>	<u>.29 acres</u>	_____
Existing Zoning:	<u>CMP-1</u>	<u>RU-3</u>	_____
Existing Use of Property	<u>Empty Existing Building</u>	<u>Empty Lot</u>	_____
Requested Use of Property	<u>Restaurant</u>	<u>Parking</u>	_____

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

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

Number of Residential Units: _____ Bedrooms: _____

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

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?
Yes _____ No ^x _____

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

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

yes.

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

yes.

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

yes.

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

yes.

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

yes.

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

yes.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

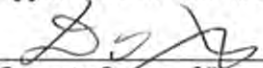
Pre-Application Conference held on: _____ with _____

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

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

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

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

 _____ 2-3-2021 _____
Property Owner of Record Date Applicant Date

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

A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B. **LETTER OF INTENT** - The letter shall include the following:

- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
- b) A list of any professional consultants associated with the proposed development.
- c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

969/971 E Mclemore Memphis TN 38106 – (901) 212-4476

Derrick Craig

Date: December 22, 2020

Josh Whitehead

Administrator/Planning Director

City of Memphis/Land Use Control

125 N. Main St., Ste. 468


Memphis, TN 38104

We submit this application to the Office of Planning and Development requesting approval for a restaurant/mixed use commercial space located at 969/971 E Mclemore. We hope our proposal will be a nice addition to the Soulsville/Stax historic south Memphis district by adding job opportunities and fighting blight/abandon properties in the community. We look forward to presenting this mixed use commercial space to the OPD. If you have any questions, or need any additional information, please do not hesitate to contact me at (901) 647-1176.

Sincerely,

Derrick Craig (Owner)

DCC RENTALS LLC



12-22-2020

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Derrick CRAIG, being duly sworn, depose and say that at 8 am pm
on the 26 day of MARCH, 2021, I posted 1 Public Notice Sign(s)
pertaining to Case No. PD 2021-006 at 969 E. Mclemore Memphis TN 38106
providing notice of a Public Hearing before the Land Use Control Board,
 Memphis City Council, Shelby County Board of Commissioners for
consideration of a proposed Land Use Action (Planned Development,
 Special Use Permit, Zoning District Map Amendment, Street
and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of
the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

4-1-2021
Date

Subscribed and sworn to before me this 1st day of April, 2021.

[Signature]
Notary Public

My commission expires: 27 October 2024



My Commission Expires Oct. 27 2024

LETTERS RECEIVED

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2021-006

DEVELOPMENT: Johnnie Mae's Planned Development

LOCATION: 969 East McLemore Avenue

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

OWNER/APPLICANT: DCC Rentals, LLC – Derrick Craig

REQUEST: Commercial planned development

EXISTING ZONING: Campus Master Plan – 1 (CMP-1) and Residential Urban – 3 (RU-3)

AREA: +/-0.61 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 2021-006
CONDITIONS**

Outline Plan Conditions

- I. Uses Permitted
 - A. All uses permitted by right in the Commercial Mixed Use – 1 District (CMU-1), except as listed in condition I.B.
 - B. The following uses shall be prohibited:
 - 1. Vehicle sales, rental, leasing, service, or repair
 - 2. Convenience store with gas pumps
 - 3. Bar, tavern, cocktail lounge, or nightclub
 - 4. Funeral services
 - 5. Payday loans, title loan, or flexible loan plan establishments
 - 6. Self-service storage facilities
- II. Bulk Regulations
 - A. The regulations of the Commercial Mixed Use – 1 District (CMU-1) shall apply.
- III. Access, Circulation, and Parking
 - A. The City Engineer shall approve the design, number and location of curb cuts.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
 - C. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance.
 - D. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- IV. Landscaping and Lighting
 - A. A landscape plan shall be submitted for review and approval by the Division of Planning and Development.
 - B. All refuse containers shall be completely screened from view from all adjacent properties and all public right-of-way.
 - C. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, wrought iron, powder coated aluminum, etc.

- D. All lighting fixtures must be concealed or shielded to prevent glare and off-site impacts on abutting/adjacent properties.
- V. Signage
- A. Attached signage – in accordance with the Commercial Mixed Use – 1 District (CMU-1) District.
 - B. Detached signage – One detached on-premise sign in accordance with the Commercial Mixed Use – 1 District (CMU-1) District is permitted. However, the applicant may reuse the existing pole sign on-site, if desired, subject to administrative review and approval of the Division of Planning and Development.
- VI. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity signage, building height, materials and setbacks and other site requirements if equivalent alternatives are presented
- VII. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions, at the request of the applicant.
- IX. Any final plan shall include, but not be limited to, the following:
- A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code.
 - C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, building elevations, detached signage and identification of plant materials in required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. The one-hundred (100) year flood elevation.
 - G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Reserved for Storm Water Detention” shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners’ association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer’s Office. Such maintenance shall include, but not be limited to, the removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN



11 West Halling Avenue
 Memphis, Tennessee 38103
 (901) 521-8800
 (901) 521-8802
 www.brg3s.com

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

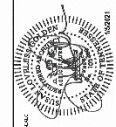
DATE	DESCRIPTION
11/12/20	PRELIMINARY

JOHNNIE MAE'S
 898 E MCLEMORE
 MEMPHIS, TN 38106

ARCHITECT
 JOHNNIE MAE'S

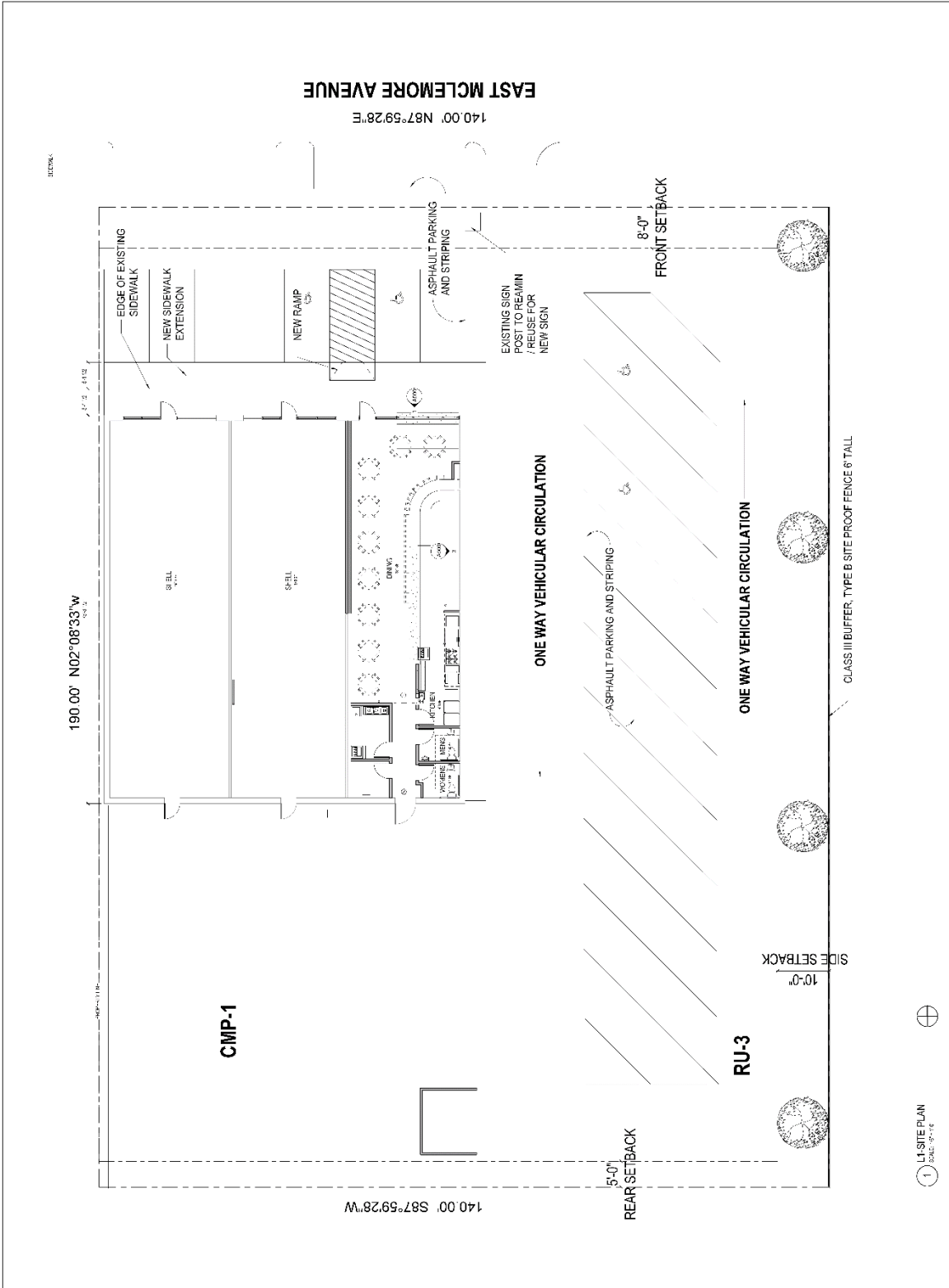
DATE: 11/12/20
 DRAWN BY: JMM
 CHECKED BY: JMM
 PROJECT NO: 200813-02

OUTLINE PLAN



CONSTRUCTION DOCUMENTS

A100



1 L1 SITE PLAN DATE: 11/12/20

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

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

April 9, 2021

DCC Rentals LLC
3383 Park Avenue
Memphis, TN 3811

Sent via electronic mail to: dcraig4@hotmail.com

Johnnie Mae's Planned Development
Case Number: PD 21-006
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, April 8, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Johnnie Mae's Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Jason Jackson, bRg3
File

Letter to Applicant

PD 21-006

Outline Plan Conditions

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 3. Bar, tavern, cocktail lounge, or nightclub
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 6. Self-service storage facilities
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 - D. All lighting fixtures must be concealed or shielded to prevent glare and off-site impacts on abutting/adjacent properties.
- V. Signage

Letter to Applicant

PD 21-006

- A. Attached signage – in accordance with the Commercial Mixed Use – 1 District (CMU-1) District.
 - B. Detached signage – One detached on-premise sign in accordance with the Commercial Mixed Use – 1 District (CMU-1) District is permitted. However, the applicant may reuse the existing pole sign on-site, if desired, subject to administrative review and approval of the Division of Planning and Development.
- VI. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity signage, building height, materials and setbacks and other site requirements if equivalent alternatives are presented
- VII. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions, at the request of the applicant.
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- A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code.
 - C. The exact location and dimensions, including height, of all buildings or buildable areas, parking areas, drives, building elevations, detached signage and identification of plant materials in required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. The one-hundred (100) year flood elevation.
 - G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Reserved for Storm Water Detention” shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners’ association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer’s Office. Such maintenance shall include, but not be limited to, the removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.



Memphis and Shelby County Office of Planning and Development

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

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

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Johnnie Mae's

Property Owner of Record: DCC Rentals LLC Phone #: (901) 212 4476

Mailing Address: 3383 Park Avenue City/State: Memphis, TN Zip 38111

Property Owner E-Mail Address: dcraig4@hotmail.com

Applicant: Derrick Craig Phone # (901) 212 4476

Mailing Address: 3383 Park Avenue City/State: Memphis, TN Zip 38111

Applicant E- Mail Address: dcraig4@hotmail.com

Representative: Derrick Craig Phone #: (901) 212 4476

Mailing Address: 3383 Park Avenue City/State: Memphis, TN Zip 38111

Representative E-Mail Address: dcraig4@hotmail.com

Engineer/Surveyor: Campbell Surveying Company Phone # (901) 683 9114

Mailing Address: 1023 S. Yates Sulte 101 City/State: Memphis, TN Zip 38119

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 969 E. Mclemore Avenue

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.32 acres</u>	<u>.29 acres</u>	_____
Existing Zoning:	<u>CMP-1</u>	<u>RU-3</u>	_____
Existing Use of Property	<u>Empty Existing Building</u>	<u>Empty Lot</u>	_____
Requested Use of Property	<u>Restaurant</u>	<u>Parking</u>	_____

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

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

Number of Residential Units: _____ Bedrooms: _____

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

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

Yes _____ No _____

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

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

yes.

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

yes.

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

yes.

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

yes.

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

yes.

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

yes.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: _____ **with** _____

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

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

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

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

_____ **Property Owner of Record** 2-3-2021 **Date** **Applicant** _____ **Date**

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

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

development is to be designed, arranged and operated in order to limit impact to neighboring properties.

- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

C. **OUTLINE PLAN**

1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. 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

- D. **SITE/CONCEPT PLAN** – Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.

- E. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

F. **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.

G. **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.

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

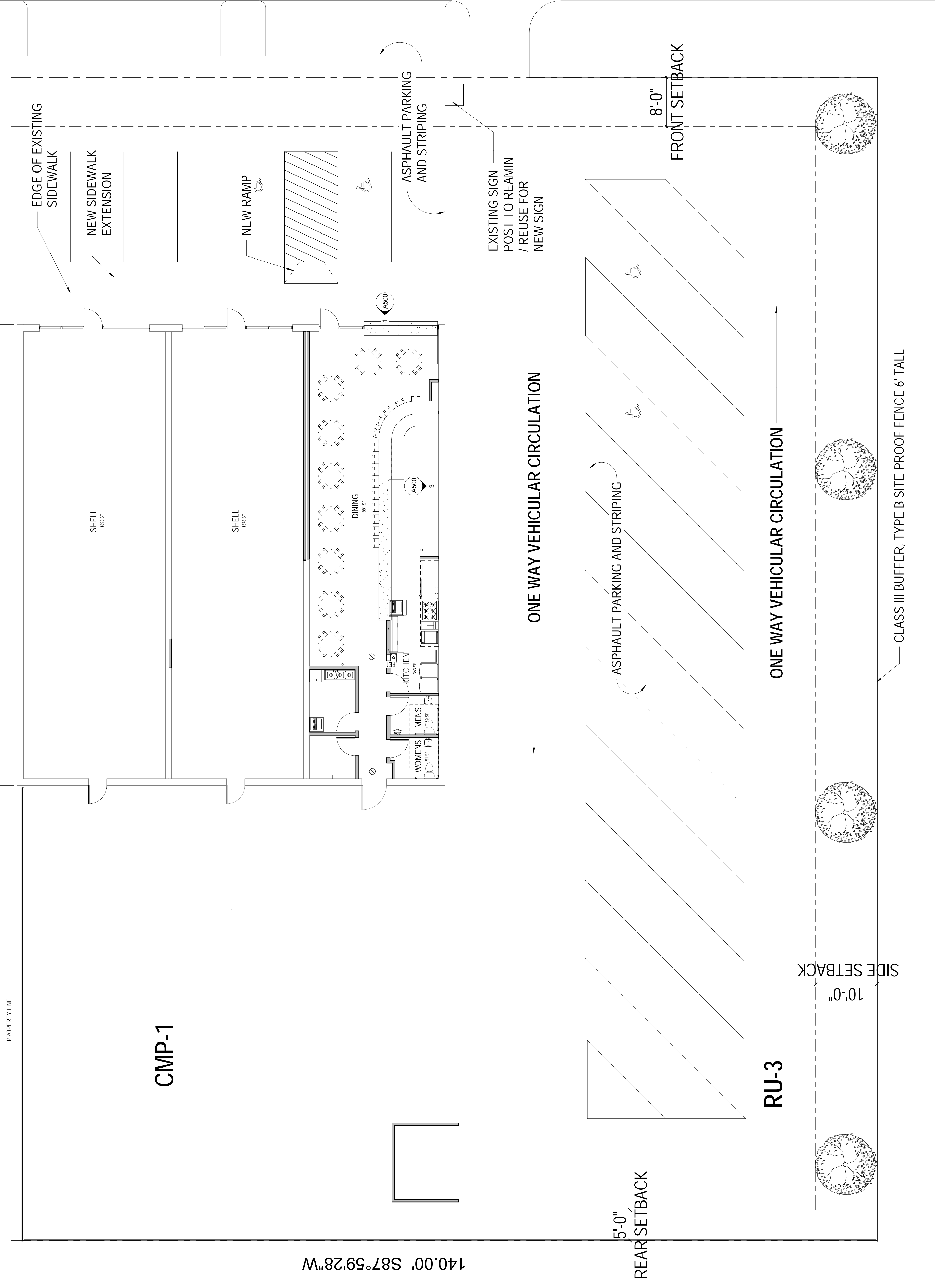
1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

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

EAST MCLEMORE AVENUE

140.00' N87°59'28"E

190.00' N02°08'33"W
75.5' 1/2"



Mark	Date	Description
REVISIONS		

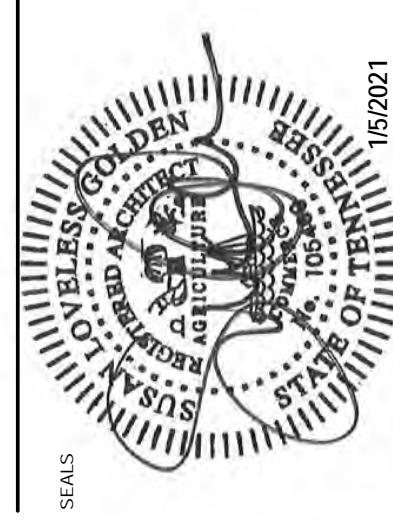
CLIENT

Johnnie Mae's
 969 E McLeMORE
 Memphis, TN 38106

PROJECT NAME
 Johnnie Mae's

20180517.DWG
 T2/2021
 Date Issued
 Drawing Scale
 Copyright © 2021
 brg3s

DRAWING TITLE
OUTLINE PLAN



969/971 E Mclemore Memphis TN 38106 – (901) 212-4476

Derrick Craig

Date: December 22, 2020

Josh Whitehead

Administrator/Planning Director

City of Memphis/Land Use Control

125 N. Main St., Ste. 468


Memphis, TN 38104

We submit this application to the Office of Planning and Development requesting approval for a restaurant/mixed use commercial space located at 969/971 E Mclemore. We hope our proposal will be a nice addition to the Soulsville/Stax historic south Memphis district by adding job opportunities and fighting blight/abandon properties in the community. We look forward to presenting this mixed use commercial space to the OPD. If you have any questions, or need any additional information, please do not hesitate to contact me at (901) 647-1176.

Sincerely,

Derrick Craig (Owner)

DCC RENTALS LLC

 12-22-2020



(R.O.W. Varies)
East McMormore Avenue
 N87°59'28"E 140.00'

120.0 to the east line of College St. Curb Cut Apron Curb Cut Apron Curb Cut Concrete Sidewalk Curb & Gutter



SCALE 1" = 30'

Terry Peete
Inst. 17016312

Terry Yarborough
Inst. 12046120

Brenda Johnson
Inst. 18067607

Eddie Buckley
Inst. BK 4842

Collie Tuggle
Inst. 13003795

SURVEY OF:

969 East McMormore Avenue
 Memphis, Tennessee
 Shelby County Tax ID#'s
 026019 00002/02601900003
 Part of Lots 2 and 3
 Fowler Subdivision of the Andrew Kerr Tract
 Minute Book 85, Page 230
 Shelby County Register's Office

See sheet 2 for description

This plat represents a nonmonumented survey done under the authority of TCA 62-18-126; and as such, this is not a general property survey as defined under Rule 0820-3-.07. This plat meets the requirements of Rule 0820-3-.6 as established by the Tennessee State Board of Examiners for Land Surveyors. Campbell Surveying Company does not guarantee the completeness of the title information. Underground features are not located unless shown hereon. This property is subject to any governmental codes, restrictions, regulations, etc.

There are no visible encroachments or projections other than those shown and this plat is true and correct to the best of my knowledge and belief. This survey is copyright protected. Any unauthorized use is strictly forbidden.

Symbol Legend

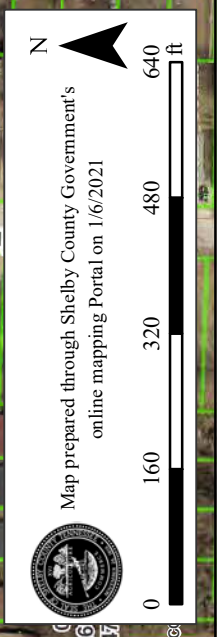
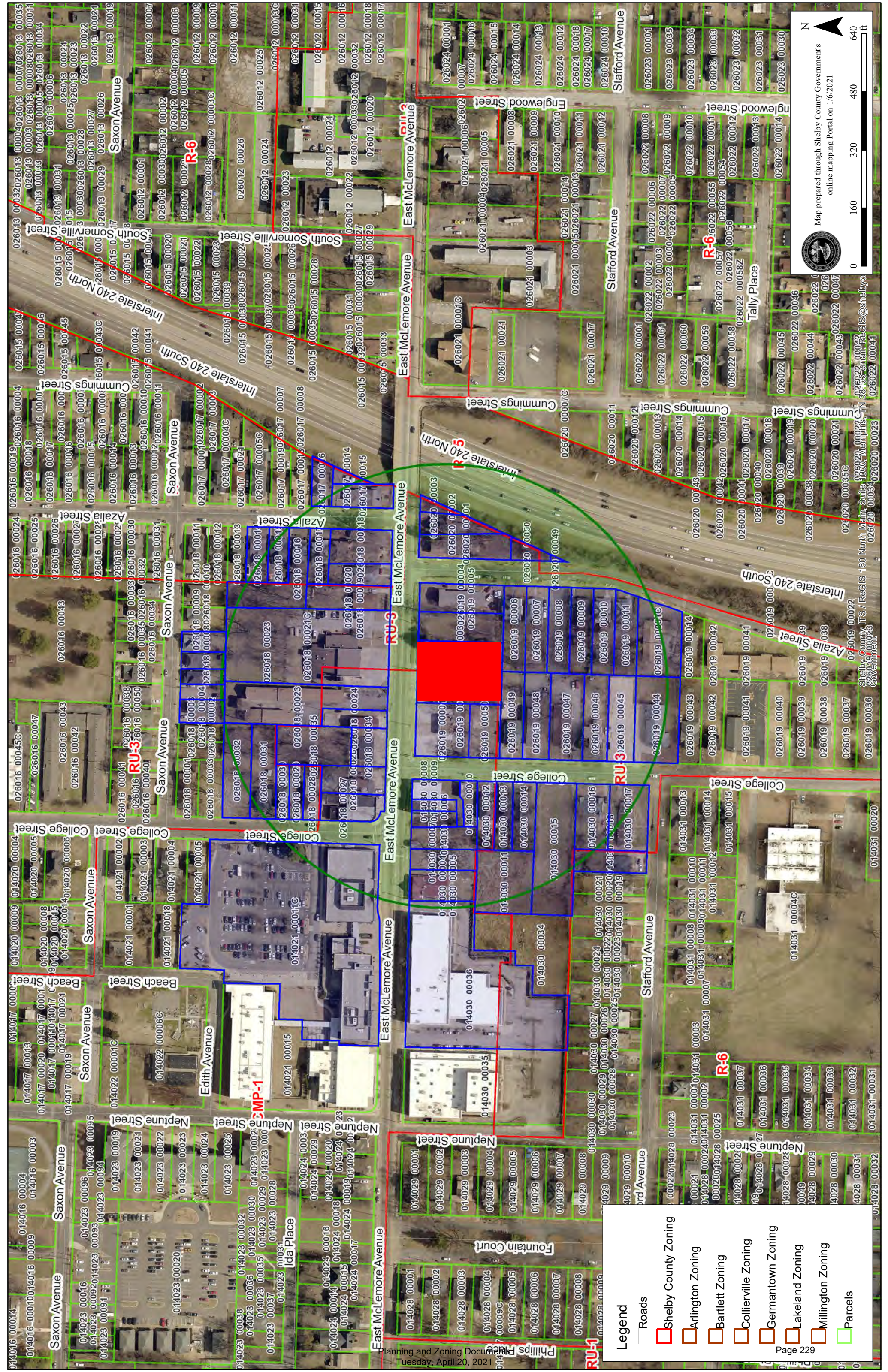
- ⊙ S.M.H. = Sewer Manhole
- ⊕ G.V. = Gas Valve
- ⊖ W.V. = Water Valve
- H/C = Handicap Parking
- L.P. = Light Pole (Light Standard)
- P.P. = Power Pole
- ⊗ W/M = Water Meter
- ⊙ E/M = Electric Meter
- ⊙ G/M = Gas Meter



Date: 01/04/2021

CAMPBELL SURVEYING COMPANY

1023 S. YATES • SUITE 101 • MEMPHIS, TN 38119 • (901) 683-9114



Map prepared through Shelby County Government's
online mapping Portal on 1/6/2021



Shelby County, TN
GIS/Regis 160 North Main, Suite 1600, Memphis, TN 38103
Email: Regis@shelbycountyttn.gov


Legend

- Roads
- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning
- Parcels



Tom Leatherwood
Shelby County Register

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

	
18049201	
05/18/2018	03:25 PM
2 PGS	
LACI 1737455-18049201	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Instrument prepared by & return to:
Title and Escrow Services of Memphis, Inc.
1669 Kirby Parkway, Suite 100
Memphis, TN 38120

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Derrick Craig as Trustee of the Craig Solo 401K Trust, April 30, 2014, Grantor, for and in consideration of Ten Dollars, does hereby bargain, sell, remise, release, quit claim and convey unto DCC Rentals LLC, Grantee, all my rights, title and interest in and to the following described real estate located in the County of Shelby, State of Tennessee, to wit:

The following described real estates, situated and being in the City of Memphis, County of Shelby, State of Tennessee: The east 75 feet of Lot 2 of the Chancery Court Subdivision of Lots 7 and 8 of the Kerr Tract, particularly described as follows:

Beginning at a point in the present south line of East McLemore Avenue, 120 feet east of the present east line of College Street, said point of beginning being also 270 feet west of the west line of Azalla Street, as measured along the south line of East McLemore Avenue; thence eastwardly along the present south line of East McLemore Avenue, 75 feet to a point; thence southwardly parallel with the east line of College Street, 190 feet to a point; thence westwardly parallel with the south line of East McLemore Avenue; 75 feet to a point; thence northwardly 190 feet to the point of beginning, being the same property described.

Being the same property conveyed to Grantor herein, by Warranty Deed of record at Instrument 17068244 in said Shelby County, Tennessee, Register's Office.

IN TESTIMONY WHEREOF, The Grantor has executed this Instrument as of the 17th day of May, 2018.

Craig Solo 401K Trust

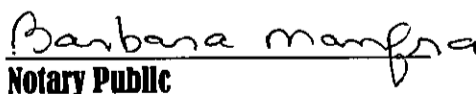


Derrick Craig, Trustee

**STATE OF TENNESSEE
COUNTY OF MEMPHIS**

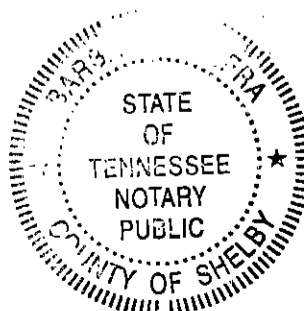
Personally appeared before me, a Notary Public in and for said State and County, DERRICK CRAIG, TRUSTEE OF THE CRAIG SOLO 401K TRUST, DATED APRIL 30, 2014, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained and who further acknowledged that he is the Trustee of said Trust and is authorized by the Trust Instrument to execute this instrument on behalf of the Trust.

WITNESS my hand and official seal at office this 17th day of May, 2018.



Notary Public

My commission expires: 6-18-18



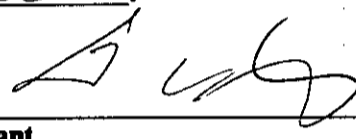
Property Address: 969-971 E McLemore Avenue
Memphis, TN 38106

Tax Parcel ID No.: 02601900002

Name & address of Property Owner: DCC Rentals LLC
3383 Park Ave
Memphis, TN 38111

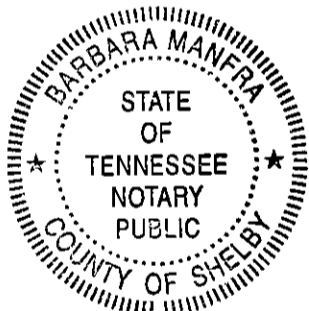
Mail tax bills to: DCC Rentals LLC
3383 Park Ave
Memphis, TN 38111

I, or we, hereby swear or affirm that to the best of affiant's knowledge and belief, the actual consideration for this transfer is \$ 10,000.



Affiant

Subscribed and sworn to before me this 17th day of May, 2018.



Barbara Manfra
Notary Public
My Commission Expires: 6-12-18

This instrument has been prepared solely from information given by the parties hereto. There are no express or implied guarantees as to marketability of title, accuracy of the description or quantity of land described, as no examination of title to the property was requested or conducted. The preparer has not been requested to provide, nor has the preparer provided, advice on any type of taxes, legal or non-legal consequences that may arise as a result of the conveyance or verified the accuracy of the amount of consideration stated to have been paid in connection with the conveyance or upon which any tax may have been calculated.

ONE FAMILY MEMPHIS
915 E MCLEMORE AVE
MEMPHIS TN 38106

J & V AFFORDABLE HOUSING LLC
4880 APPLESTONE ST
MEMPHIS TN 38109

PEETE TERRY
7136 BELSFIELD RD
MEMPHIS TN 38119

GREATER PROSPECT M B CH
1184 COLLEGE ST
MEMPHIS TN 38106

KATOE DOROTHY S
2963 E ELKINS CV
MEMPHIS TN 38114

YARBROUGH TERRY D
5811 ASHFIELD RD
ALEXANDRIA VA 22315

GREATER PROSPECT BAPTIST CH
1184 COLLEGE ST
MEMPHIS TN 38106

COOK MILDRED L AND SOUTH MEMPHIS RENEWAL
880 N BALL RD
MEMPHIS TN 38106

CRAIG DERRICK
3383 PARK AVE
MEMPHIS TN 38111

BROOKS DEBRA C
1889 S PARKWAY E
MEMPHIS TN 38114

SOULSVILLE FOUNDATION INC
926 E MCLEMORE AVE
MEMPHIS TN 38106

TUGGLE COLLIE M
610 E MCKELLAR AVE
MEMPHIS TN 38106

BATES MYRTLE R
1192 COLLEGE ST
MEMPHIS TN 38106

GAMMAGE KENNETH L
3615 S GOODLETT ST
MEMPHIS TN 38118

FIFE SALLY
1305 N HARLEM ST #3
OAK PARK IL 60302

NEW ZION MISSIONARY BAPTIST CHURCH
1210 COLLEGE ST
MEMPHIS TN 38106

PRUETT HUI L ANS SCOTTY TWITTY (RS)
2190 CHIPPINGHAM PL
CORDOVA TN 38016

ONE FAMILY MEMPHIS
915 E MCLEMORE AVE
MEMPHIS TN 38106

MASON EVELYN
1118 COLLEGE ST
MEMPHIS TN 38106

SHELBY COUNTY TAX SALE #35
160 N MAIN ST
MEMPHIS TN 38103

JACKSON GENEVA (ESTATE OF)
1305 N HARLEM ST #3
OAK PARK IL 60302

HOSKINS-TURNER BARBARA A
118 SEGRETTA RD
BYHALIA MS 38611

WRIGHT RENEE G
9090 STONEWALL ST
MEMPHIS TN 38107

FORREST JACK & BESSIE
973 SAXON AVE
MEMPHIS TN 38106

JOY RODNEY
4231 SUNNYSLOPE
MEMPHIS TN 38141

SOUTH CITY MEMPHIS LLC
5100 POPLAR AVE #612
MEMPHIS TN 38137

MEMPHIS PREM TRUST
3993 HOWARD HUGHES PKWY #140
LAS VEGAS NV 89169

DAVIS MICHAEL A JR
3409 JENKINS ST
MEMPHIS TN 38118

AZALIA APARTMENTS LLC
212 W IRONWOOD DR #279
COEUR D ALENE ID 83814

BOGARD JOHN L
985 SAXON AVE
MEMPHIS TN 38106

SOULSVILLE FOUNDATION INC
926 E MCLEMORE AVE
MEMPHIS TN 38106

TRUE HOLINESS LIGHTHOUSE CHURCH OF THE
P O BOX 901286
MEMPHIS TN 38190

SHELBY COUNTY TAX SALE 0704 EXH #3003
PO BOX 2751
MEMPHIS TN 38101

OSENGA G JUSTUS AND ARMANDO ALEJANDRO
7804 TOPAZ LAKE AVE
SAN DIEGO CA 92119

TRUE BELIEVERS HOLINESS CHURCH
1008 E MCLEMORE AVE
MEMPHIS TN 38106

GREATER PROSPECT M B CHURCH
1184 COLLEGE ST
MEMPHIS TN 38106

PAGE LORI AND DELMUS FISHER AND
7587 CALLIS CREEK DR
MEMPHIS TN 38119

KATOE DOROTHY S AND SHELIA S JEWELL
1018 E MCLEMORE AVE
MEMPHIS TN 38106

MILLS HENRY S & MARGARET E
200 W ADAMS AVE
GREENWOOD MS 38930

ARNOLD MILDRED B
1113 AZALIA ST
MEMPHIS TN 38106

JOY RODNEY
4231 SUNNYSLOPE DR
MEMPHIS TN 38141

WOODLAND LLC
3707 MACON RD
MEMPHIS TN 38122

SOULSVILLE FOUNDATION INC
926 E MCLEMORE AVE
MEMPHIS TN 38106

GRAY JOHN W SR
2047 RILE ST
MEMPHIS TN 38109

ADAMS CALEB J & CHRISTY
4162 SWAN HILL DR
ARLINGTON TN 38002

SOULSVILLE FOUNDATION INC
926 E MCLEMORE AVE
MEMPHIS TN 38106

JONES JOHN E & PHYLISS ETAL
880 BALL RD
MEMPHIS TN 38106

MEMPHIS RENTAL INVESTMENTS LLC
21003 WILBEAM AVE
CASTRO VALLEY CA 94546

LEMOYNE-OWEN COLLEGE COMMUNITY DEV CORP
807 WALKER AVE
MEMPHIS TN 38126

WILLIAMS OREE B AND APRIL W MCLAUGHLIN
1379 TUTWILER AVE
MEMPHIS TN 38107

MEMPHIS CITY OF
125 N MAIN ST
MEMPHIS TN 38103

HUBBARD JAMES AND RUBY HUBBARD
11506 LEIGHMICHELLE CV
EADS TN 38028

WILLIAMS OREE B AND APRIL W MCLAUGHLIN
1379 TUTWILER AVE
MEMPHIS TN 38107

CAMPBELL ASHLEY AND TERRY WHITE
830 WILLOW TREE CIR
CORDOVA TN 38018

SEAVIEW INTERNATIONAL LLC
8046 N BROTHER BLVD #103
BARTLETT TN 38133

BRIDGEOFORTH RICKEY
982 ROZELLE ST
MEMPHIS TN 38114

HOPKINS GERALD D & GAIL A
1177 AZALIA ST
MEMPHIS TN 38106

TURNER MELVIN G & RUTH E
1588 EASTLAWN ST
MEMPHIS TN 38111

MORRIS MARQUES
9480 RIVEREDGE DR
CORDOVA TN 38018

CAMPBELL ASHLEY AND TERRY WHITE
830 WILLOW TREE CIR
CORDOVA TN 38018

BARRY TOMMIE & GEORGIA
521 LODESTONE WAY
MEMPHIS TN 38109

DCC RENTALS LLC
3383 PARK AVE
MEMPHIS TN 38111

BUCKLEY EDDIE J
1174 COLLEGE ST
MEMPHIS TN 38106

JOHNSON BRENDA
4744 WE ROSS PKWY #58-203
SOUTHAVEN MS 38671

WHITEHEAD SUZANNE & RICHARD
721 WOODLAWN TRACE LN
CORDOVA TN 38018

NEW ZION MISSIONARY BAPTIST CHURCH (TRS)
1210 COLLEGE ST
MEMPHIS TN 38106

COLEMAN SHIRLEY I
PO BOX 161205
MEMPHIS TN 38186

SOULSVILLE FOUNDATION INC
870 E MCLEMORE AVE
MEMPHIS TN 38106

014030 00011 - ONE FAMILY MEMPHIS
026019 00008 - GREATER PROSPECT M B CH
026019 00047 - GREATER PROSPECT BAPTIST CH
026019 00009 - BROOKS DEBRA C
026019 00046 - BATES MYRTLE R
026019 00045 - NEW ZION MISSIONARY BAPTIST CHURCH
026018 00031 - MASON EVELYN
026018 00015 - HOSKINS-TURNER BARBARA A
026018 00035 - JOY RODNEY
026017 00016 - DAVIS MICHAEL A JR
026018 00019 - J & V AFFORDABLE HOUSING LLC
026017 00015 - KATOE DOROTHY S
014030 00006 - COOK MILDRED L AND SOUTH MEMPHIS RENEWAL
014030 00007 - SOULSVILLE FOUNDATION INC
026020 00001 - GAMMAGE KENNETH L
026020 00002 - PRUETT HUI L ANS SCOTTY TWITTY (RS)
026020 00003 - SHELBY COUNTY TAX SALE #35
014030 00013 - WRIGHT RENEE G
014030 00014 - SOUTH CITY MEMPHIS LLC
026019 00051C - AZALIA APARTMENTS LLC
026019 00001 - PEETE TERRY
026019 00050 - YARBROUGH TERRY D
026019 00003 - CRAIG DERRICK
026019 00006 - TUGGLE COLLIE M
026018 00005 - FIFE SALLY

014030 00036 - ONE FAMILY MEMPHIS
026018 00004 - JACKSON GENEVA (ESTATE OF)
026018 00006 - FORREST JACK & BESSIE
026018 00007 - MEMPHIS PREM TRUST
026018 00008 - BOGARD JOHN L
026018 00032 - SOULSVILLE FOUNDATION INC
026018 00023 - OSENGA G JUSTUS AND ARMANDO ALEJANDRO
026018 00016 - PAGE LORI AND DELMUS FISHER AND
026018 00014 - ARNOLD MILDRED B
026018 00030 - SOULSVILLE FOUNDATION INC
026018 00029 - SOULSVILLE FOUNDATION INC
026018 00028 - LEMOYNE-OWEN COLLEGE COMMUNITY DEV CORP
026018 00020 - HUBBARD JAMES AND RUBY HUBBARD
026018 00017 - SEAVIEW INTERNATIONAL LLC
026018 00026 - TURNER MELVIN G & RUTH E
026018 00024 - TRUE HOLINESS LIGHTHOUSE CHURCH OF THE
026018 00018 - TRUE BELIEVERS HOLINESS CHURCH
026017 00014 - KATOE DOROTHY S AND SHELIA S JEWELL
026018 00034 - JOY RODNEY
014030 00004 - GRAY JOHN W SR
014030 00005 - JONES JOHN E & PHYLISS ETAL
014030 00008 - WILLIAMS OREE B AND APRIL W MCLAUGHLIN
014030 00009 - WILLIAMS OREE B AND APRIL W MCLAUGHLIN
014030 00010 - BRIDGEFORTH RICKEY
014030 00012 - MORRIS MARQUES

026020 00050 - SHELBY COUNTY TAX SALE 0704 EXH #3003
014030 00015 - GREATER PROSPECT M B CHURCH
026020 00049 - MILLS HENRY S & MARGARET E
014030 00018 - WOODLAND LLC
014030 00016 - ADAMS CALEB J & CHRISTY
014030 00017 - MEMPHIS RENTAL INVESTMENTS LLC
026018 00021C - MEMPHIS CITY OF
026019 00011 - CAMPBELL ASHLEY AND TERRY WHITE
026019 00007 - HOPKINS GERALD D & GAIL A
026019 00010 - CAMPBELL ASHLEY AND TERRY WHITE
026019 00005 - BARRY TOMMIE & GEORGIA
026019 00002 - DCC RENTALS LLC
026019 00049 - BUCKLEY EDDIE J
026019 00004 - JOHNSON BRENDA
026019 00048 - WHITEHEAD SUZANNE & RICHARD
026019 00044 - NEW ZION MISSIONARY BAPTIST CHURCH (TRS)
026018 00027 - COLEMAN SHIRLEY I
014021 00011C - SOULSVILLE FOUNDATION INC

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 20 April 2021

DATE

PUBLIC SESSION: 20 April 2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: An ordinance approving a zoning change
CASE NUMBER: Z 21-4
DEVELOPMENT: Lot 1 of the proposed Frayser-Ardmore Subdivision
LOCATION: Northwest corner of Frayser Boulevard and Ardmore Street
COUNCIL DISTRICTS: District 7 and Super District 8
OWNER: Happy Rental Real Estate, LLC
APPLICANT: National Cities Corporation
REPRESENTATIVE: David Bray of the Bray Firm
EXISTING ZONING: Residential – 6 and Residential – 10
REQUEST: Commercial Mixed Use – 1
AREA: 0.7 acres
RECOMMENDATION: The Office of Planning and Development recommended: *Approval*
 The Land Use Control Board recommended: *Approval*
RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
 Set date for first reading – 16 March 2021
 Decide on third reading – 20 April 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
11 February 2021 DATE
 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS
 \$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 21-4

Zoning Ordinance approving a zoning district reclassification for the subject property located at the northwest corner of Frayser Boulevard and Ardmore Street:

- This item is an ordinance for reclassification from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1 at the aforementioned location;
- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby Counting Zoning Atlas;
- 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 THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES IN THE USE DISTRICTS PROVIDED IN SAID ORDINANCE

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 21-4**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL – 6 (R-6) AND RESIDENTIAL – 10 (R-10) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTH LINE OF DELLS AVENUE (30 FEET WIDE) WITH THE WEST LINE OF ARDMORE STREET (40 FEET WIDE); THENCE S 07'50'47" W ALONG SAID WEST LINE OF ARDMORE STREET A DISTANCE OF 198.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE S 07'50'47" W A DISTANCE OF 187.14 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 23.00 FEET AN ARC DISTANCE OF 34.40 FEET TO A POINT IN THE NORTH LINE OF FRAYSER BOULEVARD (80 FEET WIDE); THENCE N 86'27'28" W ALONG SAID NORTH LINE A DISTANCE OF 123.98 FEET TO THE SOUTHEAST CORNER OF LOT 2, DELLS SUBDIVISION (P.B. 38, PG. 41); THENCE N 3'04'50" E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 208.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE ALONG A LINE OF PARTITION OF THE SUBJECT PROPERTY S 86'15'47" EA DISTANCE OF 162.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 31936 S.F. OF LAND, MORE OR LESS.

SECTION 2:

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

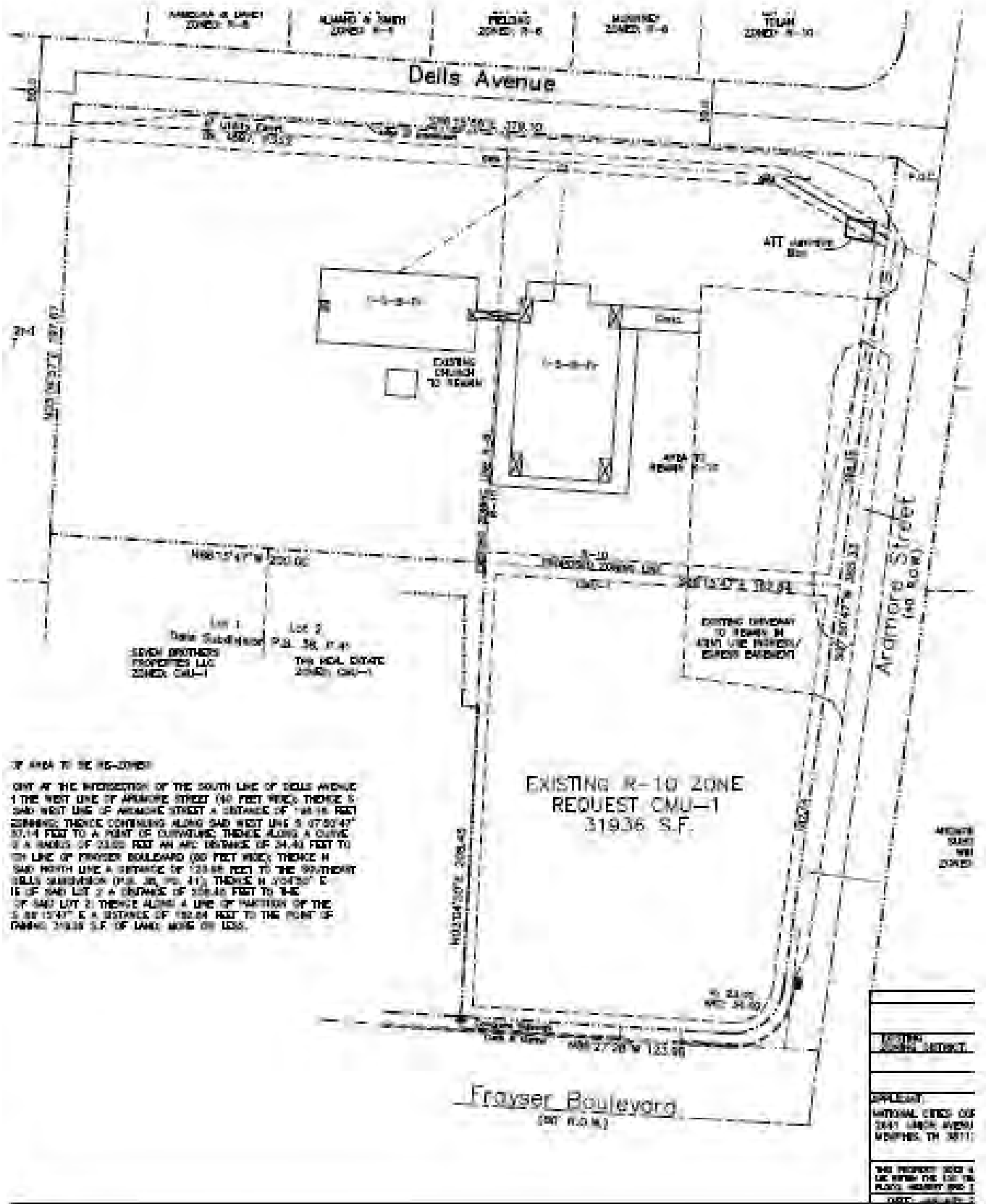
SECTION 3:

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
– **Dept. of Land Use and Development Services**
– **Dept. of Construction Enforcement**
Shelby County Assessor

PLOT PLAN



OF AREA TO BE RE-ZONED

OUT AT THE INTERSECTION OF THE SOUTH LINE OF DELLS AVENUE
 1 THE WEST LINE OF ARMADILLA STREET (40 FEET WIDE) THENCE S
 240 WEST LINE OF ARMADILLA STREET A DISTANCE OF 148.18 FEET
 CORNER THENCE CONTINUING ALONG SAID WEST LINE S 07°50'43"
 87.14 FEET TO A POINT OF CURVATURE THENCE ALONG A CURVE
 2 A RADIUS OF 33.00 FEET AN ARC DISTANCE OF 34.40 FEET TO
 3 THE LINE OF FRAYSER BOULEVARD (60 FEET WIDE) THENCE N
 340 NORTH LINE A DISTANCE OF 128.80 FEET TO THE SOUTHWEST
 4 CORNER OF SAID LOTS 1 & 2, THENCE N 30°15'00" E
 5 15 OF SAID LOT 2 A DISTANCE OF 308.40 FEET TO THE
 6 EAST LINE OF SAID LOT 2, THENCE ALONG A LINE OF PARTITION OF THE
 7 S 82°15'00" E A DISTANCE OF 182.84 FEET TO THE POINT OF
 8 BEGINNING 31936 S.F. OF LAND MORE OR LESS.

The zoning boundaries as shown above do not precisely match those found in the 1980 zoning atlas.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 11 February 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 21-4

LOCATION: Northwest corner of Frayser Boulevard and Ardmore Street

COUNCIL DISTRICTS: District 7 and Super District 8

OWNER: Happy Rental Real Estate, LLC

APPLICANT: National Cities Corporation

REPRESENTATIVE: David Bray of the Bray Firm

REQUEST: Commercial Mixed Use – 1

EXISTING ZONING: Residential – 6 and Residential – 10

AREA: 0.7 acres

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.

AGENDA ITEM: 16

CASE NUMBER: Z 21-4 **L.U.C.B. MEETING:** 11 February 2021

LOCATION: Northwest corner of Frayser Boulevard and Ardmore Street

COUNCIL DISTRICT: District 7 and Super District 8

OWNER: Happy Rental Real Estate, LLC

APPLICANT: National Cities Corporation

REPRESENTATIVE: David Bray of the Bray Firm

REQUEST: Rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1

AREA: 0.7 acres

EXISTING ZONING: Residential – 6 and Residential – 10

CONCLUSIONS (p. 11)

1. The National Cities Corporation – applicant and prospective buyer – has requested the rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1.
2. The rezoning is speculative in nature.
3. The Memphis 3.0 General Plan permits commercial uses in accelerative anchor neighborhoods when both located on a major street and adjacent to at least one similar use. The subject land meets both standards.
4. Staff finds that the request matches the character of the neighborhood and will not have a detrimental impact on the area.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 12-14)

Per the Department of Comprehensive Planning, the request is consistent with the Memphis 3.0 General Plan.

RECOMMENDATION (p. 11)

Approval

GENERAL INFORMATION

Street Frontage:	Frayser Boulevard Ardmore Street	(Minor Arterial) (local street)	124 linear feet 187 linear feet
Zoning Atlas Page:	1735		
Parcel ID:	Part of 072086 00031		
Existing Zoning:	Residential – 6 and Residential – 10		

NEIGHBORHOOD MEETING

A neighborhood meeting was held at 7 p.m. on 1 February 2021 via Zoom.

PUBLIC NOTICE

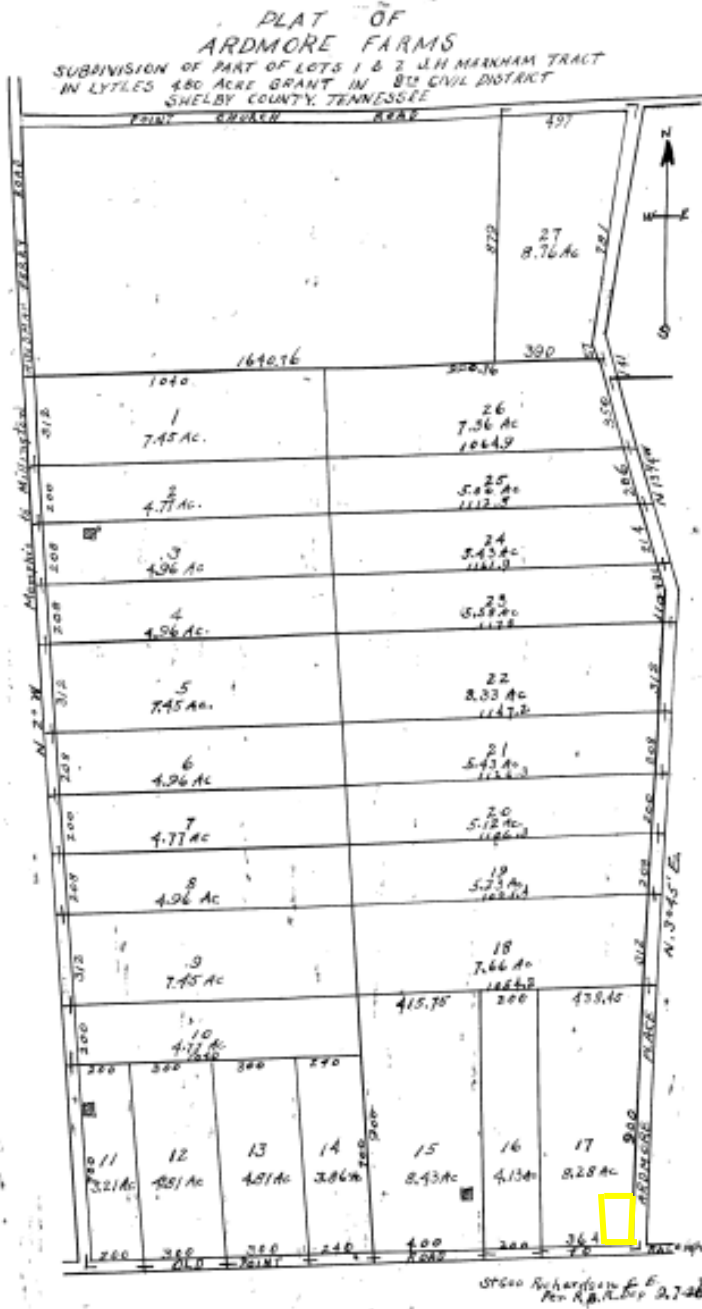
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 102 notices were mailed on 27 January 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP

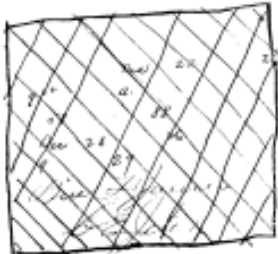


Subject property located in Frayser neighborhood

ARDMORE FARMS (1926)

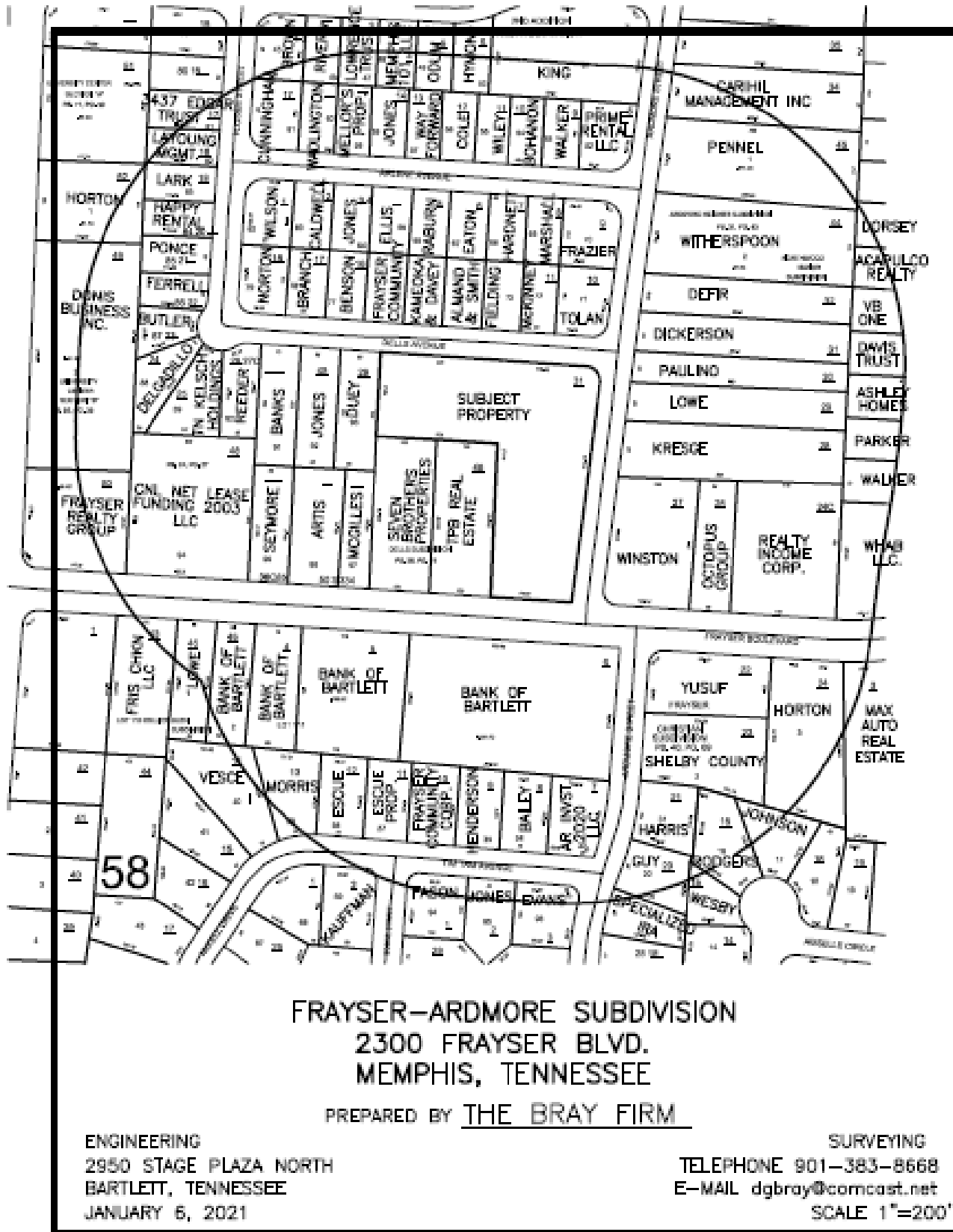


REFERENCE TO W.D.
SEE RECORD BOOK
NO. 1085 PAGE 17.



Subject property consists of part of Lot 17, as approximately outlined in yellow

VICINITY MAP



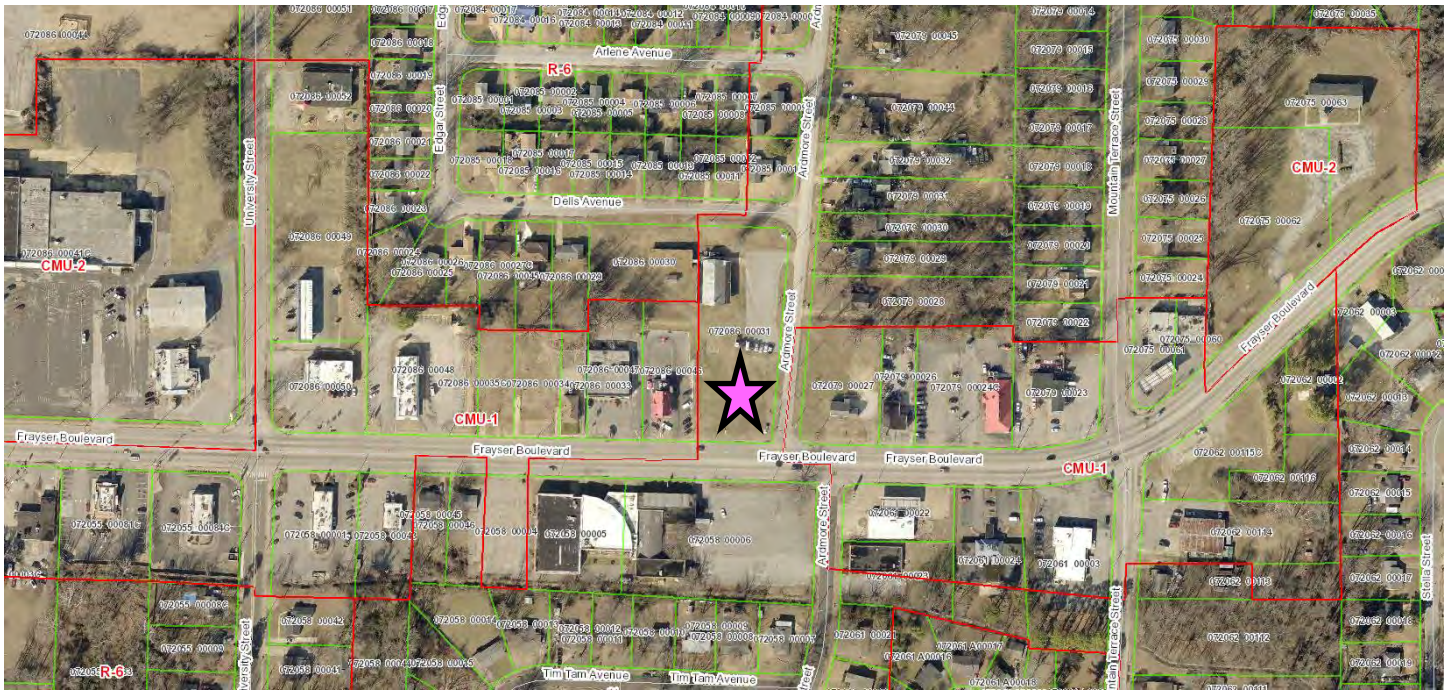
This subject property of this vicinity map includes additional land to be subdivided but not rezoned.

AERIAL PHOTOGRAPH



The subject property is outlined in yellow.

ZONING MAP



Existing Zoning: Residential – 6 and Residential – 10

Surrounding Zoning

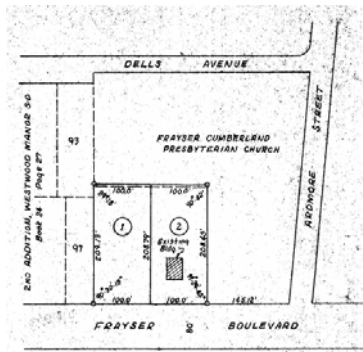
North: Residential – 6 and Residential – 10

East: Commercial Mixed Use – 1

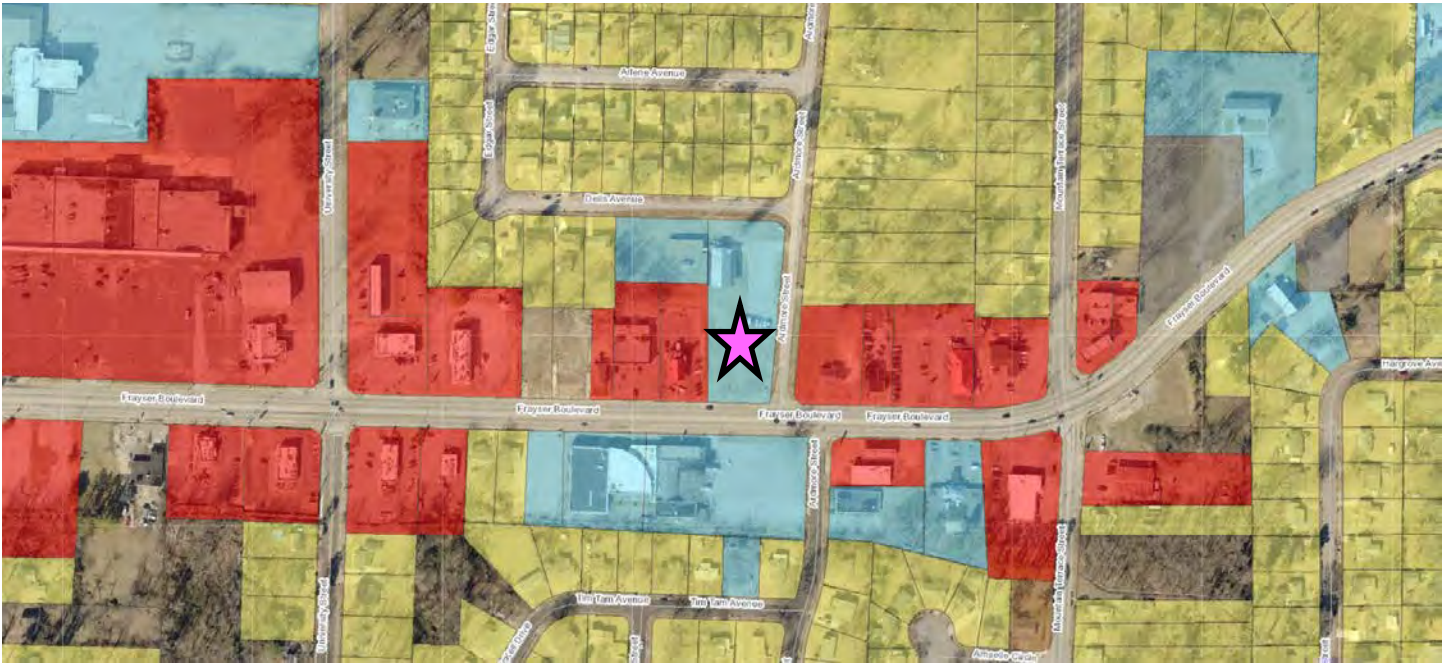
South: Residential – 10

West: Commercial Mixed Use – 1

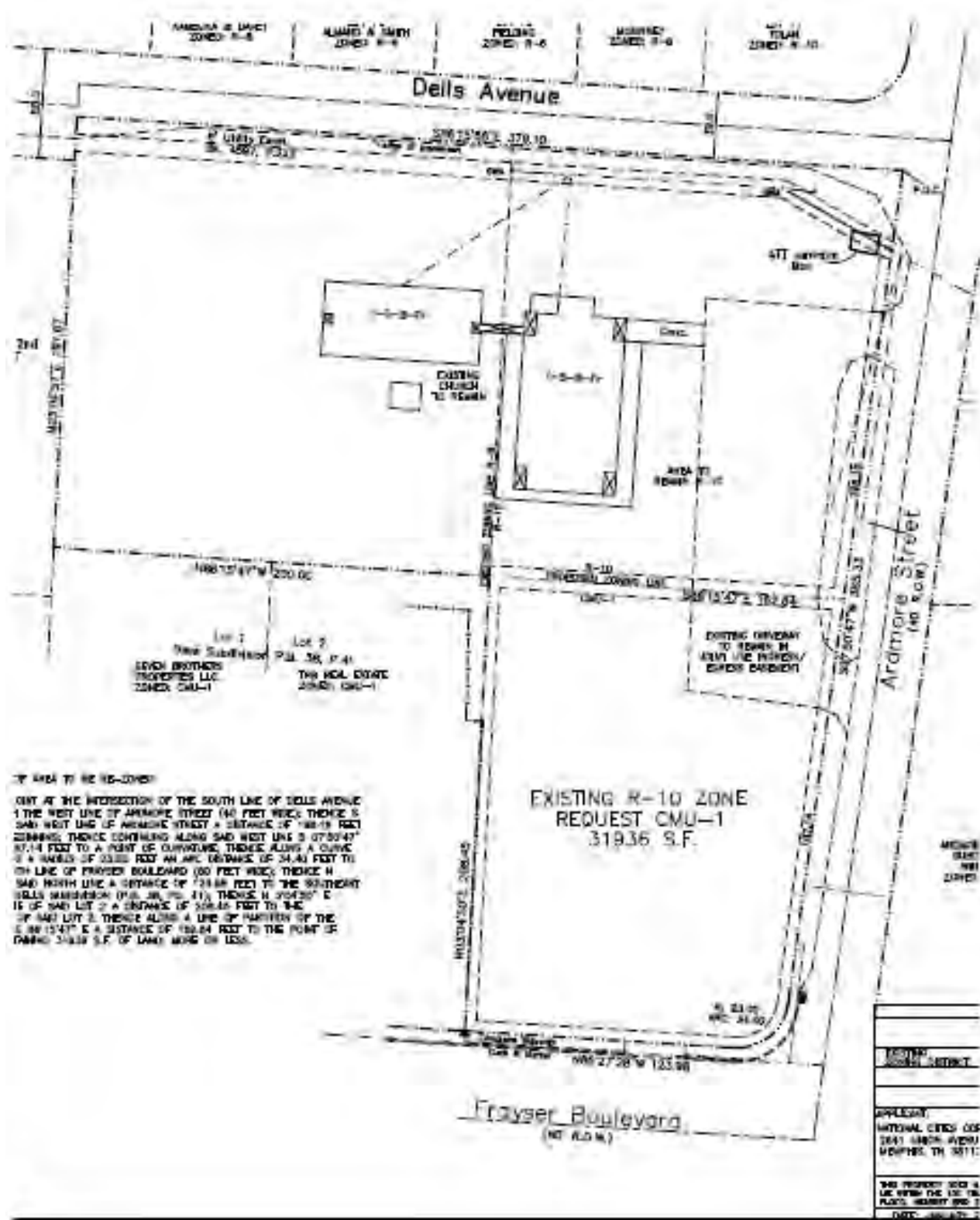
**Please note that historical research shows that the zoning boundaries and parcel boundaries are incorrectly reflected in the online zoning atlas. This issue has been referred to county GIS staff. The hand-drawn zoning atlas of 1980 (page 454) shows the correct boundaries; the adjacent Dells Subdivision has been included for reference.*



LAND USE MAP



PLOT PLAN



The zoning boundaries as shown above do not precisely match that found in the 1980 zoning atlas as shown on page 7.

SITE PHOTOGRAPHS



View of the subject site from Frayser



View west down Frayser

STAFF ANALYSIS

Request

The request is for the rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1.

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

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 0.7-acre property consists of part of one parcel that is part of Lot 17 of the Ardmore Farms Subdivision. It has 124 feet of frontage on Frayser Boulevard and 187 feet of frontage on Ardmore Street. The Frayser frontage has overhead utilities, a narrow grass strip, and sidewalk. It also contains an unused curb cut. The Ardmore frontage, on the other hand, has few overhead utilities and no curb, gutter, or sidewalk.

Conclusions

The National Cities Corporation – applicant and prospective buyer – has requested the rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1.

The rezoning is speculative in nature.

The Memphis 3.0 General Plan permits commercial uses in accelerative anchor neighborhoods when both located on a major street and adjacent to at least one similar use. The subject land meets both standards.

Staff finds that the request matches the character of the neighborhood and will not have a detrimental impact on the area.

RECOMMENDATION

Staff recommends **approval**.

DEPARTMENTAL COMMENTS

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

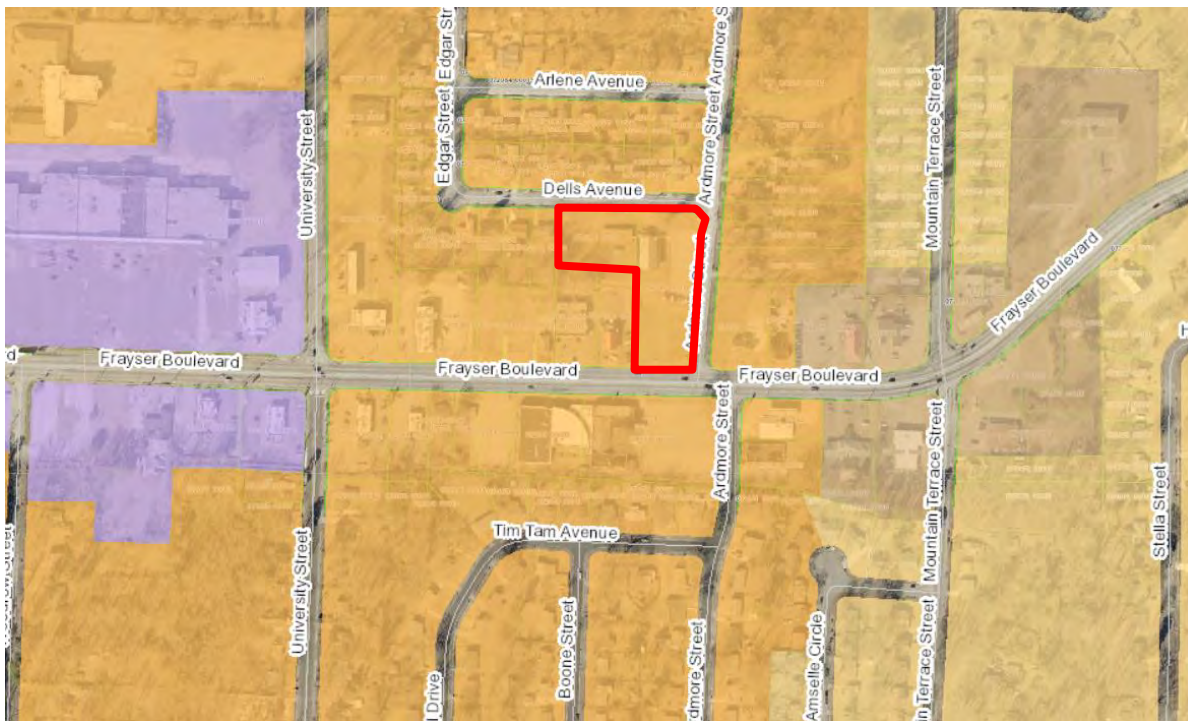
Dept. of Comprehensive Planning:

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

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

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

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

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



“AN-M” Goals/Objectives:

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

“AN-M” Form & Location Characteristics:

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

The applicant is requesting a rezoning for the property at 2300 Frayser Blvd., located at NW corner of Frayser Blvd and Ardmore. The application seeks to rezone the southern part of the subject property to Commercial Mixed Use-1 (CMU-1) from Residential Single-Family-10 (R-10), which is bounded by Frayser Boulevard on the south.

The request meets the criterion of AN-M, Accelerate because the proposed use is located along Frayser Boulevard which is identified as parkway in the Street Types Map, where similar uses exist on one or more adjacent parcels.

3. Existing, Adjacent Land Use and Zoning

The subject sites are surrounded by the following land use: Institutional, Single-Family, and Commercial. The subject site is surrounded by the following zoning districts: R-6, R-10, and CMU-1. This requested subdivision is compatible with the adjacent zoning districts and land uses because *existing zoning districts and land uses surrounding the parcels are similar in nature to the requested one.*

4. Degree of Change map



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

5. Degree of Change Descriptions

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

Actions for Accelerate anchors and anchor neighborhoods are meant to:

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

Ways to Accelerate:

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

The proposed application is congruent with the degree of change designation as it will eventually speed up development activity and attract large scale markets by developing retail use in the proposed area.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

City Engineer:

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

Sewers:

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

City Fire Division:

No comments received.

City Real Estate:

No comments received.

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.
Dept. of Sustainability and Resilience:	No comments received.

APPLICATION

DocuSign Envelope ID: 79C87F14-83A0-4F03-8315-427F80470689



Memphis and Shelby County Office of Planning and Development

CITY HALL, 125 NORTH MAIN STREET, SUITE 400 MEMPHIS, TENNESSEE 38103-2064 (901) 576-6661

APPLICATION FOR REZONING APPROVAL

Date: 01.06.2021

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Happy Rental Real Estate LLC Phone #: _____

Mailing Address: 7200 Goodwin Farms Parkway City/State: Cordova TN Zip: 39018

Property Owner E-Mail Address: _____

Applicant: National Cities Corporation Phone #: _____

Mailing Address: 2641 Union Avenue East City/State: Memphis TN Zip: 38112

Applicant E-Mail Address: cassee479@aol.com

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Representative E-Mail Address: _____

Engineer/Surveyor: The Bray Firm Phone #: 901.363.8998

Mailing Address: 2950 Stone Place North City/State: Memphis TN Zip: 38134

Engineer/Surveyor E-Mail Address: abrady@brayfirm.com

Street Address Location: 2300 Fryer

Distance to nearest intersecting street: Located at NW corner of Fryer Blvd. & Ardmore

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.77</u>	_____	_____
Existing Zoning:	<u>P-30</u>	_____	_____
Existing Use of Property:	<u>vacant</u>	_____	_____
Requested Use of Property:	<u>mixed</u>	_____	_____
Requested Zoning:	<u>CMU-1</u>	_____	_____

Pre-Application Conference held on: 01/2021 with Chip Saliba

Neighborhood Meeting Requirement Met: Yes or No Yes 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.

<u>Van Mourik</u>	<u>1/7/2021</u>	<u>Marty Mathews</u>	<u>1/7/2021</u>
Property Owner of Record	Date	Applicant	Date

LETTER OF INTENT



The Bray Firm

Telephone 901-383-8668
Fax 901-383-8720

2950 Stage Plaza North
Bartlett, Tennessee 38134

January 6, 2021

Josh Whitehead, Director
Memphis and Shelby County
Office of Planning and Development
125 North Main Street
Memphis, Tennessee 38103

RE: Companion Applications

**Frayser-Ardmore Subdivision (Re-subdivision of part of Lot 17
Ardmore Farms Subdivision P.B. 9, Pg. 29
2300 Frayser Boulevard
Rezoning part of 2300 Frayser Boulevard
Memphis, Tennessee**

Mr. Whitehead:

Please find attached an applications for both a major subdivision and re-zoning of the southern part of the subject property. The subject property is located on the north side of Frayser Boulevard, the west side of Ardmore Street, and the south side of Dells Avenue. It was originally a part of Lot 17 in the Ardmore Farms Subdivision. The totality of the tract appears to have been split from Lot 17 in a manner creating a legal lot of record. However, the current tax map depiction shows this as two parcels but no evidence of this division can be found in the title work. The division line conforms with the existing zoning line that splits the western half of the property along Dells Avenue as R-6 zoning with the eastern half of the property along Ardmore and Frayser as R-10 zoning. An existing church is located on the north half of the property. These applications would create a northern lot encompassing the church improvements within the R-6 and R-10 zoning districts and a new lot on the corner of Frayser and Ardmore with a request to zone this property CMU-1. The change in zoning would be compatible with the existing zoning along the north side of Frayser Boulevard. We are requesting a waiver from Article 5.2.7 of the Unified Development Code requiring the installation of curb, gutter, and sidewalk along Ardmore and Dells. These areas are substantially developed with the current level of improvements and the installation of curb, gutter, and sidewalk would be inconsistent with the surrounding area. The neighborhood meeting has not yet been held but will be conducted by zoom in late January.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, _____, being duly sworn, depose and say that at _____ am/pm on the 15 day of January, 2021, I posted _____ Public Notice Sign(s) pertaining to Case No. _____ at _____, providing notice of a Public Hearing before the _____ Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 15 day of January, 2021.

Notary Public

My commission expires: 6/29/21



LETTERS RECEIVED

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

**NOTICE OF TELEPHONIC PUBLIC HEARING ON A PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic Public Hearing will be held by the City Council of Memphis on Tuesday, 20 April 2021 at 3:30 p.m., regarding an amendment to the Zoning Map of the City of Memphis, being Chapter 28, Article IV, of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 21-4
LOCATION: Northwest corner of Frayser Boulevard and Ardmore Street
COUNCIL DISTRICTS: District 7 and Super District 8
OWNER: Happy Rental Real Estate, LLC
APPLICANT: National Cities Corporation
REPRESENTATIVE: David Bray of the Bray Firm
EXISTING ZONING: Residential – 6 and Residential – 10
REQUEST: Commercial Mixed Use – 1
AREA: 0.7 acres

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, 20 April 2020 at 3:30 p.m., the City Council of Memphis, Tennessee, will be in session to hear opposition against the making of said change; such opposition must be by personal appearance, by attorney, or by petition, and must registered to speak by Monday 19 April 2021 at 8 a.m.

You may register to speak by contacting Ashleigh Hayes at ashleigh.hayes@memphistn.gov no later than Monday 19 April 2021 at 8 a.m. with your (i) name, (ii) address, (iii) the phone number from which you will call; and (iv) the case number on which you would like to speak. Please note that, due to time limitations under the Council's Rules of Procedure, each side may speak no longer than fifteen (15) minutes. Thus, it is strongly encouraged that one or two spokespersons speak per side.

Please note video of this meeting will be streamed live at <https://www.youtube.com/MemphisCityCouncil>.

This case will also be considered by the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

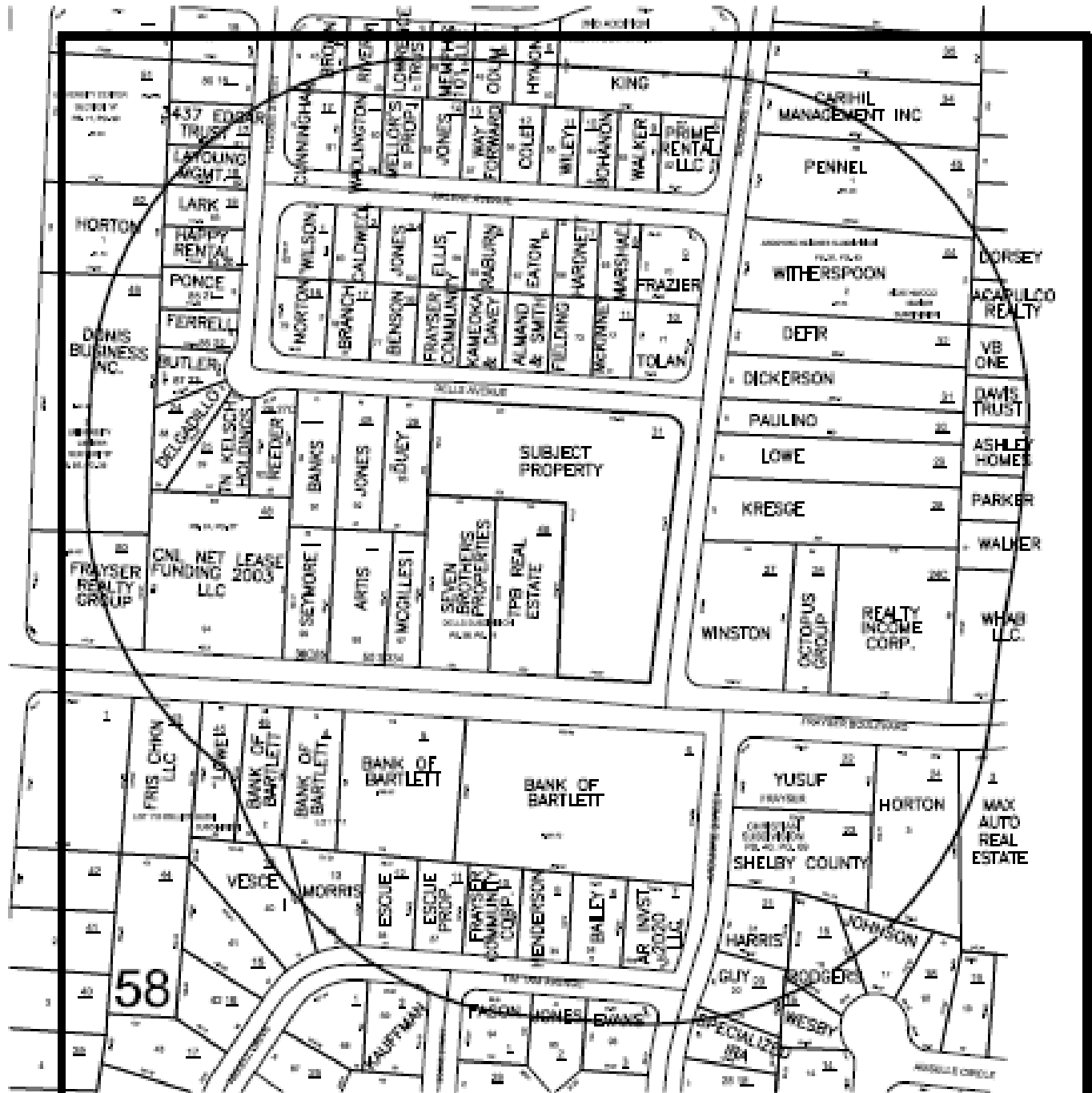
FRANK COLVETT JR.
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:

VICINITY MAP



FRAYSER-ARDMORE SUBDIVISION
 2300 FRAYSER BLVD.
 MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

ENGINEERING
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JANUARY 6, 2021

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

This subject property of this vicinity map includes additional land to be subdivided but not rezoned.

Frayser-Ardmore Subdivision

Page 1 of 7

Happy Rental Real Estate, LLC.
7200 Goodlett Farms Parkway
Cordova, TN 38016

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

National Cities Corporation
2641 Union Avenue Extended
Memphis, TN 38112

Owner

Engineer

Applicant

TPB Real Estate, LLC.
5840 FAIRWOOD LN
MEMPHIS TN 38120 3005

Seven Brothers Properties, LLC.
6926 E SHELBY DR
MEMPHIS TN 38141 0265

Jonathan Duey
17252 SEPTO ST
NORTHRIDGE CA 91325

Resident
2273 Dells Ave.
Memphis, TN 38127

Robert and Margaret Tolan
2312 DELLS AVE
MEMPHIS TN 38127 5813

Octavius McKinney
2304 DELLS AVE
MEMPHIS TN 38127 5813

Cody Fielding
4004 ROAD 104
PASCO WA 99301 6866

Resident
2298 Dells Avenue
Memphis, TN 38127

Resident
2292 Dells Avenue
Memphis, TN 38127

Marcia Almand &
Laurie Smith
3073 GOFORTH WAY
BARTLETT TN 38134

Ann Kameoka & Hugh Davey
693 TUSCANY CT
FAIRFIELD CA 94534

Resident
2286 Dells Avenue
Memphis, TN 38127

Frayser Community Dev. Corp.
3684 N WATKINS ST
MEMPHIS TN 38127

Resident
2278 Dells Avenue
Memphis, TN 38127

Nakitha Winston
2015 STEEPLEBROOK DR
CORDOVA TN 38016 5003

Resident
2320 Frayser Blvd.
Memphis, TN 38127

Ian Kresge
3382 ARDMORE ST
MEMPHIS TN 38127 5807

Troy Lowe
7264 GAIL DR
BARTLETT TN 38133

Frayser-Ardmore Subdivision

Page 2 of 7

Resident
3390 Ardmore
Memphis, TN 38127

Aaron Paulino
448 DELBROOK AVE
SAN FRANCISCO CA 94080

Resident
3396 Ardmore St.
Memphis, TN 38127

Gizman Yusuf
2331 FRAYSER BLVD
MEMPHIS TN 38127 5860

Anthony & Corliss Horton
PO BOX 11206
MEMPHIS TN 38111 0206

Tenant
2341 Frayser Blvd.
Memphis, TN 38127

Max Auto Real Estate LLC
1101 MONROE ST
TOLEDO OH 43604 5811

Tenant
2365 Frayser Blvd.
Memphis, TN 38127

Jody Harris
3322 ARDMORE ST
MEMPHIS TN 38127 6608

Joyce Rodgers
3297 AMSELLE CIR
MEMPHIS TN 38127 6603

Cuitna Johnson
3299 AMSELLE CIR
MEMPHIS TN 38127 6603

Carolyn Wesby
3295 AMSELLE CIR
MEMPHIS TN 38127 6603

Albert Guy
2765 MOUNTAIN TERRANCE ST
MEMPHIS TN 38127 8823

Resident
3314 Ardmore St.
Memphis, TN 38127

Speciaized IRA Services
436 S PLEASANT AVE
RIDGEWOOD NJ 07450 5446

Resident
3308 Ardmore St.
MEMPHIS TN 38127

Joel B. McGilles
2058 Dartmoth Way
Villa Rica, GA 30180-5860

Resident
2264 Frayser Blvd.
Memphis, TN 38127

Taylor O. Artis Jr. & Edward Douglas
5367 Twin Valley Ln.
Bartlett, TN 38135-2808

Michael Seymore
2252 Frayser Blvd.
Memphis, TN 38127

CNL Net Lease Funding 2003 LLC
5858 Ridgeway Center Pkwy
Memphis, TN 38120-4004

Resident
2238 Frayser Blvd.
Memphis, TN 38127

Frayser Realty Group LLC
11731 Farmers Blvd.
St. Albans, NY 11412-4053

Resident
2222 Frayser Blvd.
Memphis, TN 38127

Frayser-Ardmore Subdivision

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Donis Business Inc.
499 Bedlington Dr.
Cordova, TN 38018-6749

Resident
3380 University St.
Memphis, TN 38127

Corliss & Anthony Horton
3428 University St.
Memphis, TN 38127

EDGAR STREET TRUST
1412 Collier St. Bldg. A
Austin, TX 78704-2932

Resident
3437 Edgar Street
Memphis, TN 38127

Laying Property Management, LLC.
5875 Rust Rd.
Memphis, TN 38127-1911

Resident
3431 Edgar St.
Memphis, TN 38127

Brenda K Lark
3423 Edgar St.
Memphis, TN 38127

Happy Rental Real Estate LLC
1138 N. Germantown Pkwy
Ste. 101
Cordova, TN 38016-5872

Resident
3417 Edgar St.
Memphis, TN 38127

Alvin S. Ponce
P.O. Box 480075
Los Angeles, CA 90048-1075

Resident
3409 Edgar St.
Memphis, TN 38127

Jodee Ferrell
18105 196th Ave. SE
Renton, WA 98058-0320

Resident
3403 Edgar St.
Memphis, TN 38127

Olan Butler
14362 W. 142nd St.
Olathe, KS 66062-5802

Resident
3397 Edgar St.
Memphis, TN 38127

Jorge Delgadillo
18182 Vierra Canyon Rd.
Salinas, CA 93907-3334

Resident
3395 Edgar St.
Memphis, TN 38127

TN Kelsch Holdings LLC
3148 W 13640 S.
Riverton, UT 84065-5960

Resident
2247 Dell Ave.
Memphis, TN 38127

Carolyn S. Reeder
2253 Dells Ave.
Memphis, TN 38127

Hubert C. Banks
2259 Dells Ave.
Memphis, TN 38127

Athena M. Jones
2267 Dells Ave.
Memphis, TN 38127-5812

Mae N. Norton
2258 Dells Ave.
Memphis, TN 38127

Frayser-Ardmore Subdivision

Page 4 of 7

Latrell Branch & Tameka Grandberry 2266 Dells Ave. Memphis, TN 38127	Toya T M Benson 2272 Dells Ave. Memphis, TN 38127	Terrence Wilson 1558 Town & Country Dr. Southaven, MS 38671
Resident 2257 Arlene Ave. Memphis, TN 38127	Lorraine Caldwell 2265 Arlene Ave. Memphis, TN 38127	Earlie Jones Jr. & Lorese Douglas 2273 Arlene Ave. Memphis, TN 38127
Norman D. Ellis 2279 Arlene Ave. Memphis, TN 38127	Alvin & Dorothy Raburn 2283 Arlene Ave. Memphis, TN 38127	Florentine L. Eaton 2289 Arlene Ave. Memphis, TN 38127
Deandre Hardnett 2867 Kenneth St. Memphis, TN 38128	Resident 2299 Arlene Ave. Memphis, TN 38127	Scott Marshall 6983 8 th St. Bartlett, TN 38135
Resident 2305 Arlene St. Memphis, TN 38127	Michael J Frazier 2315 Arlene Ave. Memphis, TN 38127	Kelana Cunningham 1053 McClure Rd. Memphis, TN 38116-7701
Resident 2258 Arlene Ave. Memphis, TN 38127	William & Jacquelyn Wadlington 2264 Arlene Memphis, TN 38127	Mellor's Properties LLC 8493 Yarrow Ln. Riverside, CA 92508-2969
Resident 2272 Arlene Ave. Memphis, TN 38127	Keitrick & Lorese Jones 2278 Arlene Ave. Memphis, TN 38127	Way Forward, LLC 716 Newman Springs Rd. Ste. 197 Lincroft, NJ 07738
Resident 2282 Arlene Ave. Memphis, TN 38127	Lorene Cole 2288 Arlene Ave. Memphis, TN 38127	Joseph L Wiley 2175 Berkeley Memphis, TN 38018

Frayser-Ardmore Subdivision

Page 5 of 7

Resident
2294 Arlene Ave.
Memphis, TN 38127

Patrick & Joyce Bohanon
4487 Fairwind Cv.
Memphis, TN 38125-3562

Resident
2300 Arlene Ave.
Memphis, TN 38127

Jimmie J Walker
2306 Arlene Ave.
Memphis, TN 38127

Prime Rental LLC
3707 Macon Rd.
Memphis, TN 38122

Resident
2314 Arlene Ave.
Memphis, TN 38127

David & Bernice King
3449 Ardmore St.
Memphis, TN 38122

Luther & Shellane Hymon
5063 Laurel Lake Dr.
Memphis, TN 38125

Resident
2289 Cassie Ave.
Memphis, TN 38127

Johnny J Odum
2283 Cassie Ave.
Memphis, TN 38127

Memphis 101 LLC
1012 W. Marquez Pl.
Ste. 106B
Santa Fe, NM 87505

Resident
2275 Cassie Ave.
Memphis, TN 38127

Lowrence Trust
1425 Mullin Station
Memphis, TN 38134

Resident
2269 Cassie Ave
Memphis, TN 38127

John Rivera
10617 27th Dr. SE
Everett, WA 98208

Resident
2263 Cassie Ave.
Memphis, TN 38127

Rosalind Brown
2257 Cassie Ave.
Memphis, TN 38127-5846

Octopus Group LLC
2015 Steeplebrook Dr.
Cordova, TN 38016

Resident
2330 Frayser Blvd.
Memphis, TN 38127

Realty Income Corporation
720 W. 20th St.
Pittsburg, KS 66762-2844

Resident
2342 Frayser Blvd.
Memphis, TN 38127

WHAB LLC.
P.O. Box 341147
Memphis, TN 38134

Resident
2360 Frayser Blvd.
Memphis, TN 38127

Sylvia & Don Walker
3379 Mountain Terrance St.
Memphis, TN 38127

Frayser-Ardmore Subdivision

Page 6 of 7

Gregory & Tasha Parker
2578 Mackinnon
Memphis, TN 38119

Resident
3387 Mountain Terrace St.
Memphis, TN 38127

Ashley Homes LLC
924 Dolan Rd.
Drummonds, TN 38023

Resident
3395 Mountain Terrace St.
Memphis, TN 38127

Davis Marital Revocable Living
Trust
3403 Mountain Terrace St.
Memphis, TN 38127

VB One LLC
5550 Huber Rd.
Huber Heights, OH 45424

Resident
3413 Mountain Terrace St.
Memphis, TN 38127

Acapulco Realty LLC
6047 Executive Centre Dr.
Bartlett, TN 38134

Resident
3419 Mountain Terrace St.
Memphis, TN 38127

Joe & Gladys Dorsey
3425 Mountain Terrace St.
Memphis, TN 38127

Tina Y Dickerson
3404 Ardmores St.
Memphis, TN 38127

Kilborn & Dorris Defir
3408 Ardmores St.
Memphis, TN 38127

Diane J Witherspoon
3428 Ardmores St.
Memphis, TN 38127

Steven P Pennel
3430 Ardmores St.
Memphis, TN 38127

Carihil Management Inc.
PO Box 80403
Memphis, TN 38108

Resident
3438 Ardmores St.
Memphis, TN 38127

Rickey R. Evans
3307 Ardmores St.
Memphis, TN 38127

Shaundra Jones
2295 Tim Tam Ave.
Memphis, TN 38127

Frayser-Ardmore Subdivision

Page 7 of 7

Andrea D Fason
3308 Boone St.
Memphis, TN 38127

Steven S Kauffman
125 Stony Ridge Dr.
Centre Hall, PA 16828

Resident
2271 Tim Tam Ave.
Memphis, TN 38127

AR Investments 2020 LLC
1910 Madison Ave.
#2191
Memphis, TN 38104

Resident
3319 Ardmore St.
Memphis, TN 38127

Richard Bailey & Angela Fraizer
2300 Tim Tam Ave.
Memphis, TN 38127

Ira Henderson
2292 Tim Tam Ave.
Memphis, TN 38127

Frayser Community Dev. Corp.
3684 N. Watkins
Memphis, TN 38127

Resident
2284 Tim Tam Ave.
Memphis, TN 38127

Escue Properties LLC
2551 Flowering Tree Dv.
Bartlett, TN 38134

Resident
2276 Tim Tam Ave.
Memphis, TN 38127

Resident
2268 Tim Tam Ave.
Memphis, TN 38127

Ophelia Morris & Wardell Carpenter
2260 Tim Tam Ave.
Memphis, TN 38127

Christopher J Vesce
1888 Kalakaua Ave.
Apt. 2905
Honolulu, HI 96815

Resident
2254 Tim Tam Ave.
Memphis, TN 38127

Bank of Bartlett
6281 Stage Rd
Bartlett, TN 38134

Resident
2285 Frayser Blvd.
Memphis, TN 38127

Resident
2269 Frayser Blvd.
Memphis, TN 38127

Resident
2245 Frayser Blvd.
Memphis, TN 38127

Troy C Lowe
7264 Gail Dr.
Memphis, TN 38133

Resident
2241 Frayser Blvd.
Memphis, TN 38127

FRIS CHKN LLC
980 Hammond Dr NE
Ste. 1100
Atlanta, GA 30328

Resident
2237 Frayser Blvd.
Memphis, TN 38127



Memphis City Council Summary Sheet

Z 21-01

Zoning Ordinance reclassification for property located on the south side of E. Holmes Road; +/-1,534.97 feet west of Pleasant Hill Road

- This item is an Ordinance for reclassification of real property from the Conservation Agriculture (CA) District to be included in the Employment (EMP) District; and
- The approval of a Zoning reclassification will be reflected on the Memphis and Shelby Counting Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

AGENDA ITEM: 15

CASE NUMBER: Z21-01 **LU.CB. MEETING:** February 11th, 2021

LOCATION: South side of East Holmes Road: +/-1,534.97 feet west of Pleasant Hill Road

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

OWNER(S)/ APPLICANT(S): David V. Couch

REQUEST: Conservation Agriculture (CA) District to Employment (EMP) District

AREA: 4.05 Acres

EXISTING LAND USE & ZONING: Vacant, wooded land in Conservation Agriculture (CA) District

CONCLUSIONS:

1. The applicant is requesting a zoning reclassification of property to be included in the Employment (EMP) District to continue the development of the property for a small vehicle service facility with outdoor storage of tractor trailers.
2. The existing and future land use for the property is consistent with the Memphis 3.0 Plan and this request for industrial zoning coupled with existing land use in the immediate area is compatible with current development trends for and existing land uses.
3. The request will allow a small warehouse building to continue and expand with the existing land use pattern of the area and industrial zoning reclassification will become a logical extension to the Employment (EMP) District zoning directly adjacent to the subject property to the west.

CONSISTENCY WITH MEMPHIS 3.0

Based on future land use planning, the existing land use and adjacent zoning, this zoning request for a reclassification of property IS CONSISTENT with the Memphis 3.0 Comprehensive Plan

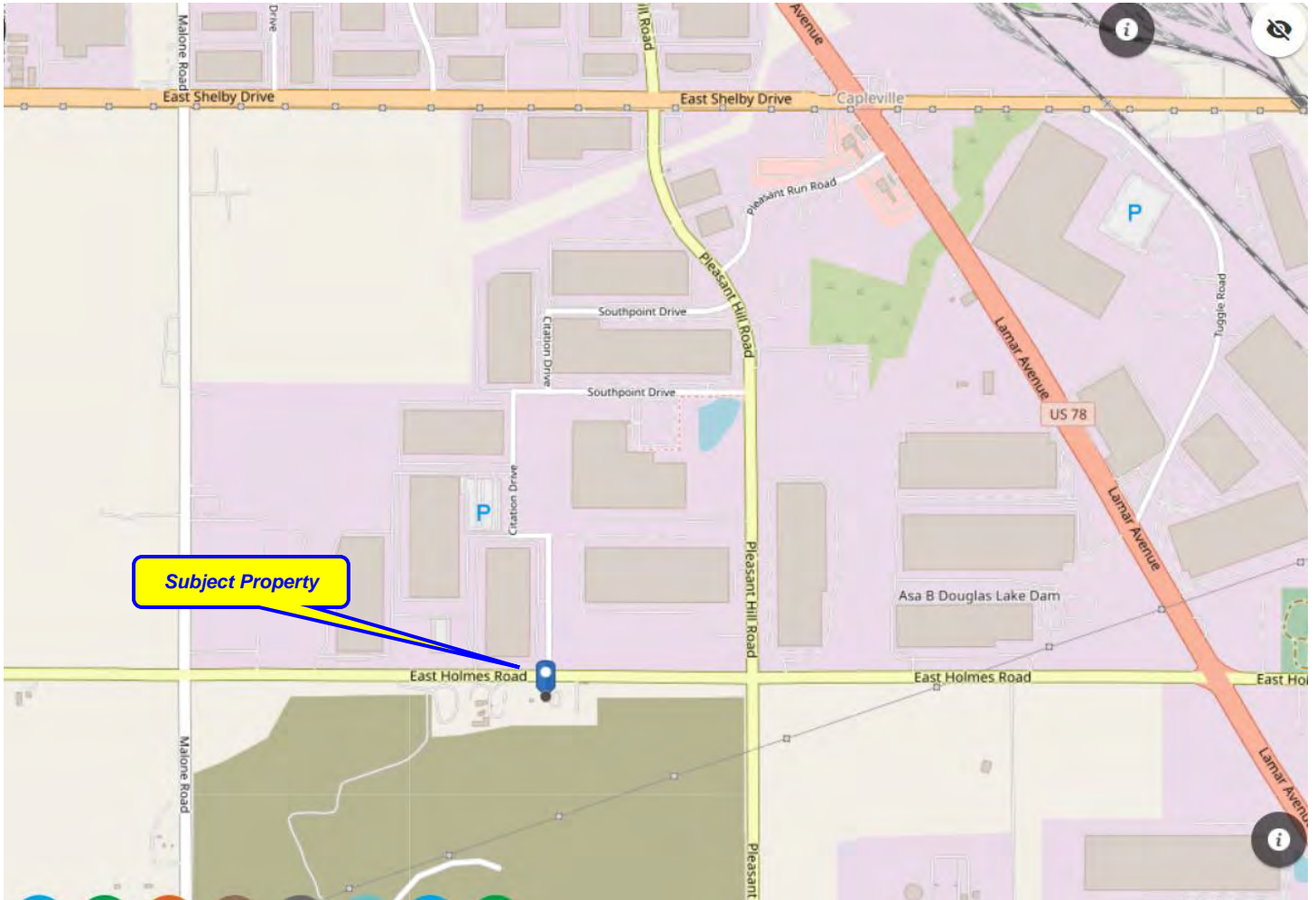
OFFICE OF PLANNING & DEVELOPMENT RECOMMENDATION

Approval

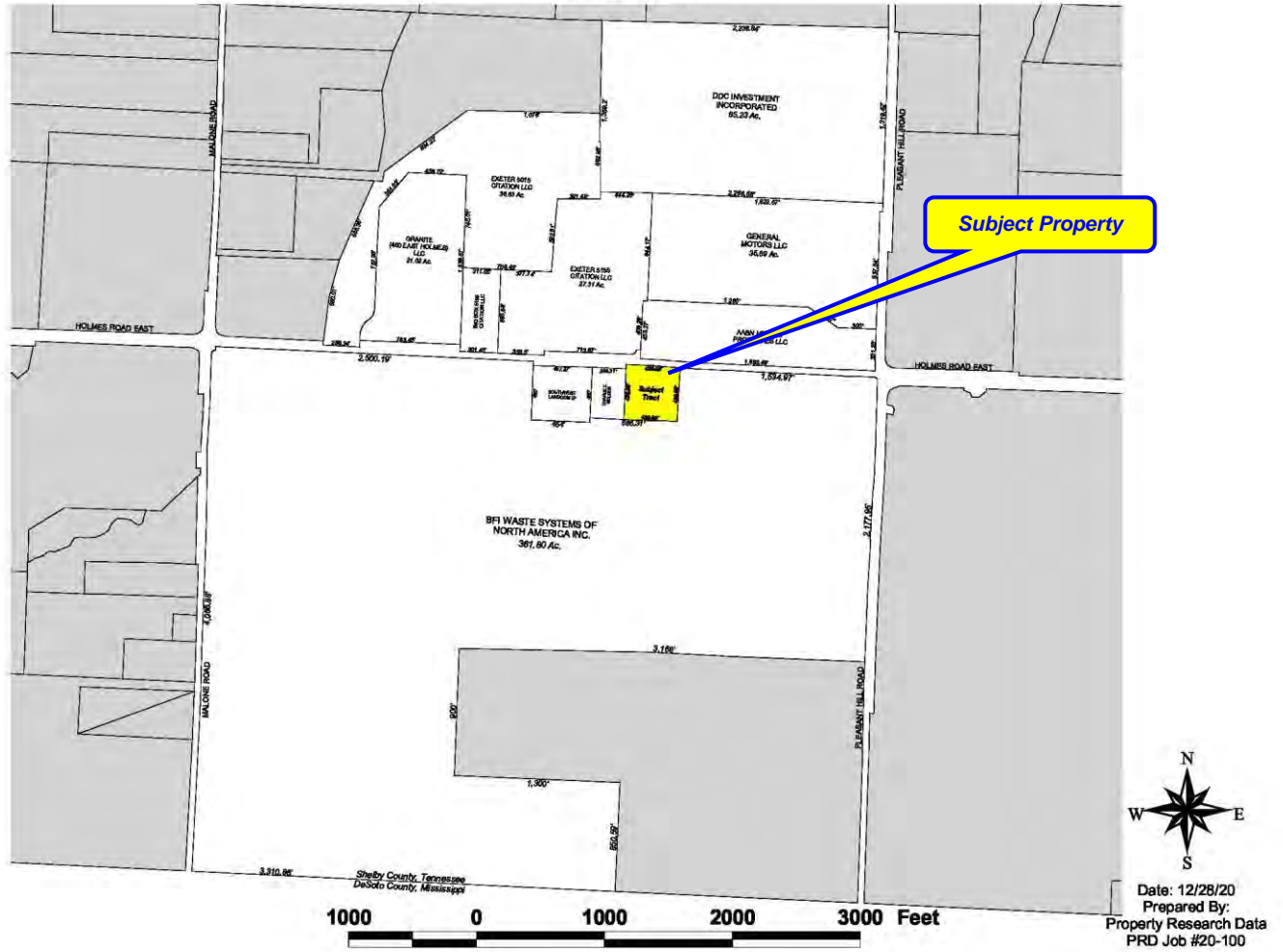
Staff Planner: Brian Bacchus

Email: brian.bacchus@memphistn.gov

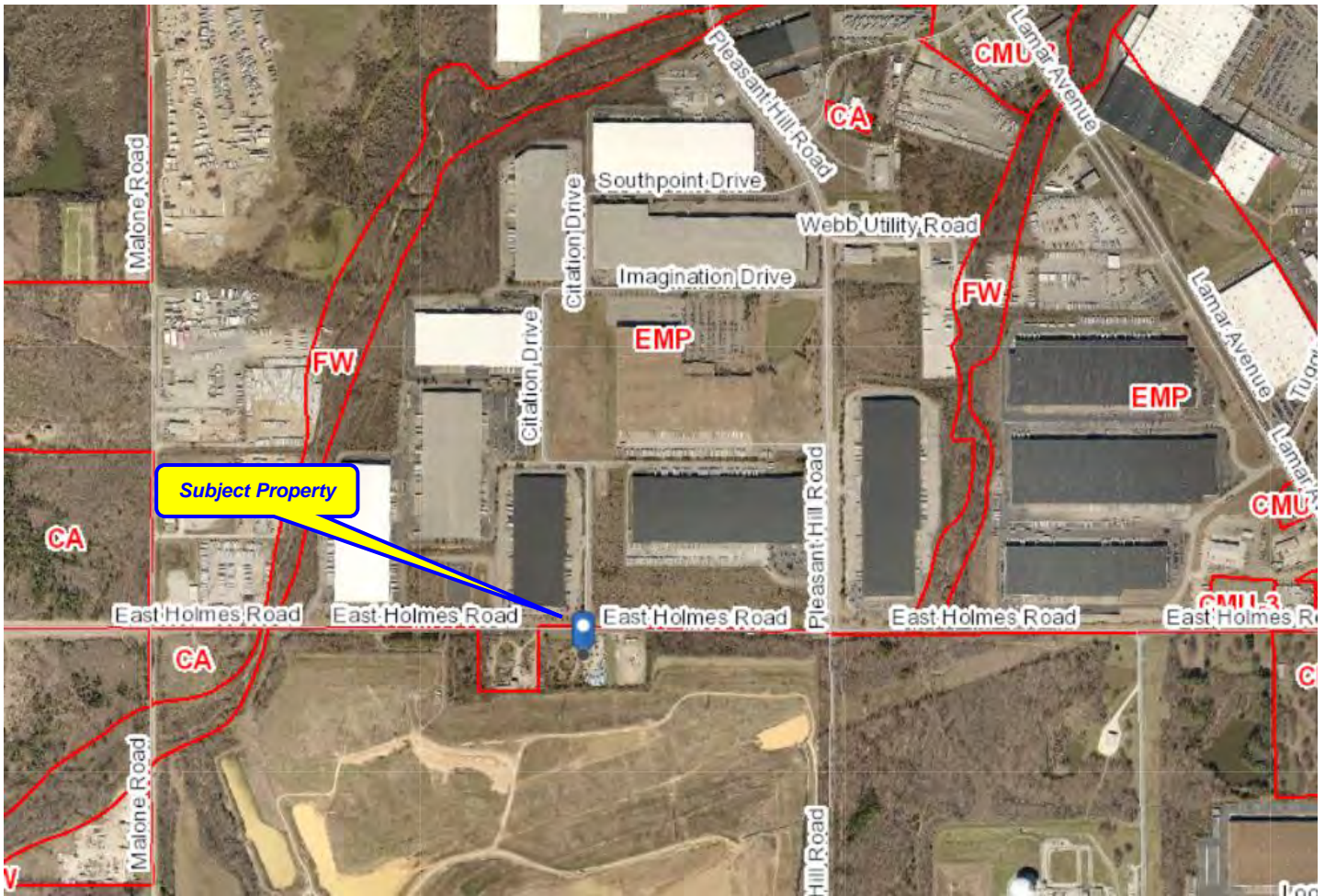
Planning Area



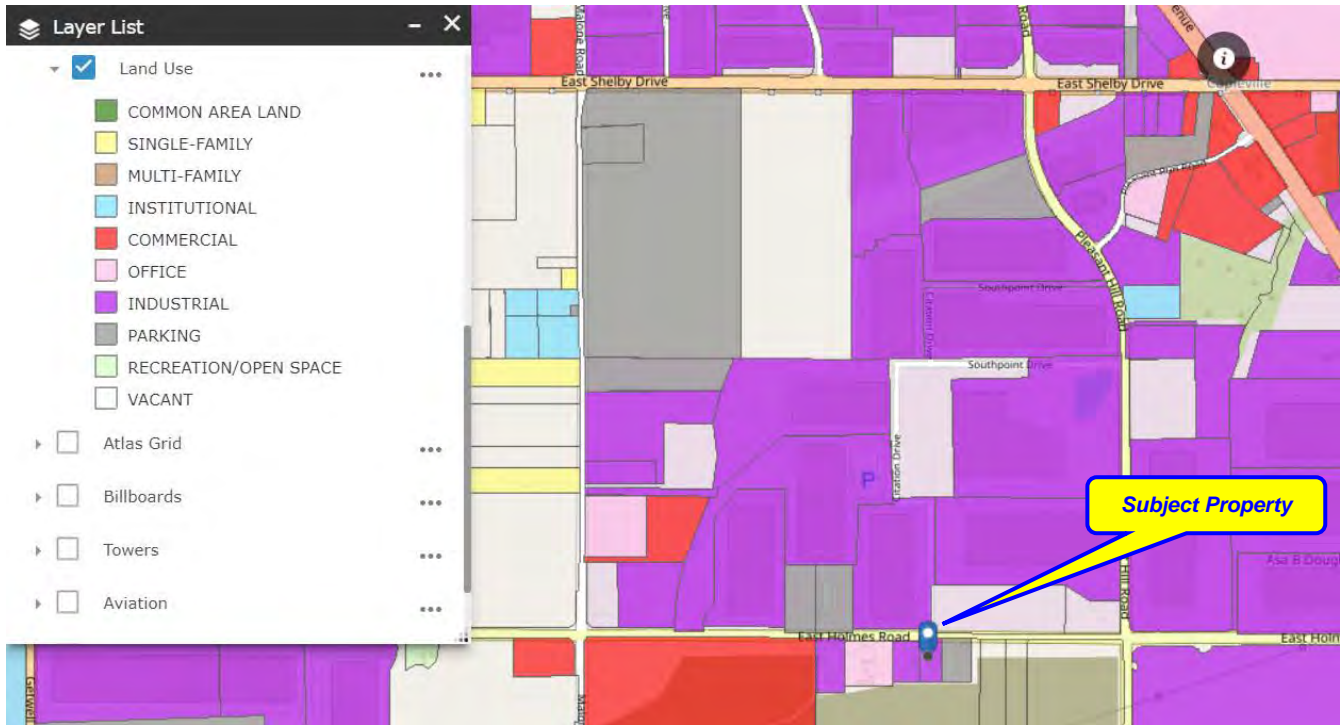
Vicinity Map



Zoning



Land Use



Surrounding Land Use & Zoning

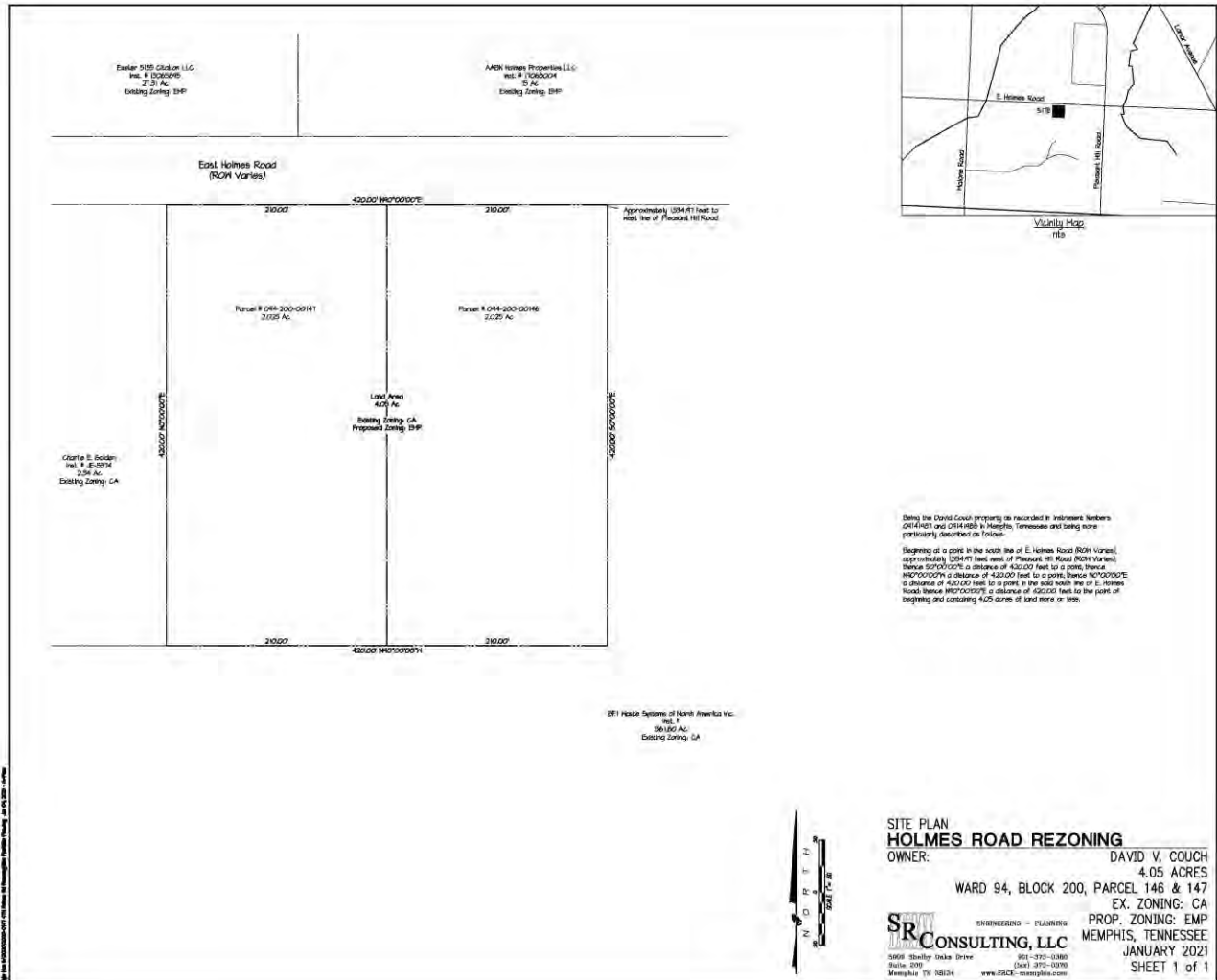
North: Large warehouse and distribution facilities in Employment (EMP) District.

East: Sanitary landfill approved by special use permit in Conservation Agriculture (CA) District.

South: Sanitary landfill approved by special use permit in Conservation Agriculture (CA) District.

West: Landfill approved by special use permit in CA District, office, small manufacturing and warehouse facility in Employment (EMP) District.

Plot Plan



**SITE PLAN
HOLMES ROAD REZONING**
OWNER: DAVID V. COUCH
4.05 ACRES
WARD 94, BLOCK 200, PARCEL 146 & 147
EX. ZONING: CA
PROP. ZONING: EMP
MEMPHIS, TENNESSEE
JANUARY 2021
SHEET 1 of 1

SR CONSULTING, LLC
ENGINEERING - PLANNING
5666 Shafter Lake Drive
Suite 209
Memphis, TN 38124
901-372-1380
(661) 372-1070
www.SRCLC.com@srclc.com

Neighborhood Meeting: Neighborhood Meeting Requirement.
Sign Posting & Public Notice: Sign Posted on Monday, Tuesday, January 26th, 2021.
Public Hearing Notices mailed on Friday, January 29th, 2021.

STAFF ANALYSIS:

Site Description

The subject property is a 4.05-acre tract of land located on the south side of a major road, E Holmes Road, more than one-quarter ($\frac{1}{4}$) mile west of Pleasant Hill Road with no improvements along the road frontages. The property is within the Capleville area in the southeast portion with outdated zoning for this southeastern portion of the City of Memphis. The applicant is requesting a zoning reclassification of property to be included in the Employment (EMP) District to continue the development of the property for a small vehicle service facility with outdoor storage of tractor trailers. The property is not located within a Flood Plain (FP) District according to FEMA maps dated September 2007.

Area Overview

The existing land use and zoning to the north and farther east of the subject property is predominantly large office warehouse development, outdoor storage of motor freight and small trucking facilities. The land use farther west is primarily large, vacant tracts of land and large industrial warehouses uses with similar warehouse buildings within one-half ($\frac{1}{2}$) mile of the subject property along both sides of E Holmes Road all within Employment (EMP) District zoning. The property to the south is a large landfill approved by special use permit in the CA District zoning. The land use farther east at the intersection of E Holmes Road and Pleasant Hill Road is a new convenience store with gasoline sales across from the sanitary landfill and large, vacant tracts also in EMP District zoning. The dominant land use and zoning in the immediate area is large warehouse developments Employment (EMP) District.

Zoning Analysis

The applicant's request is to allow the reclassification of a large, vacant tract of land to Employment (EMP) District within the southeast portion of the City of Memphis. The proposed zoning will allow the expansion of a vehicle service facility with outdoor storage of tractor trailers which is compatible with existing land use and zoning. The existing and future land use for the property is consistent with the Memphis 3.0 Plan and this request for industrial zoning coupled with existing land use in the immediate area is compatible with current development trends for and existing land uses. The request will allow a small warehouse building to continue and expand with the existing land use pattern of the area and industrial zoning reclassification will become a logical extension to the Employment (EMP) District zoning directly adjacent to the subject property to the west.

Recommendation: Approval of Employment (EMP) District

Office of Comprehensive Planning Review

This summary is being produced in response to the following application to support the Office of Planning & Development recommendation: Z21-01: Capleville

Site Address/location: 4685, 0 E. Holmes Road.

Land Use Designation (see page 80 for details): Industrial (I)

Based on the future land use, the existing adjacent land uses, and zoning districts the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

Industrial areas are primarily higher intensity forms that are not suitable next to neighborhoods. These active areas are located on land where it is productive for the continued existence of high impact manufacturing and would not need to change to another usage. Industrial areas are usually located alongside highways and thus are majorly accessed by cars, trucks, and freight infrastructure

“I” Goals/ Objectives:

Preservation/maintenance of manufacturing/industrial jobs where suitable, protection of neighborhoods from impactful uses and activities



“T” Form & Location Characteristics:

Industrial, 1-10 stories

The applicant is requesting a rezoning for the properties at 4685 & 0 E Holmes Road, located west of Pleasant Hill Road. The application seeks to rezone approximately 4.05 acres of land to Employment (EMP) from Conservation Agriculture (CA), which is bounded by East Holmes road on the north.

The request meets the criteria as the application proposes an industrial use, which is compatible with I Proposed development will help continue preserving, maintaining, and intensifying surrounding manufacturing/industrial jobs.

3. Existing, Adjacent Land Use and Zoning

The subject sites are surrounded by the following land use: **Industrial and Vacant**. The subject site is surrounded by the following zoning districts: **Conservation Agriculture (CA) and Employment (EMP)**. This requested rezoning is compatible with the adjacent zoning districts and land uses because *existing zoning districts and land uses surrounding the parcels are similar in nature to the requested one.*

4. Degree of Change Map



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

5. Degree of Change Descriptions

N/A

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

Summary Compiled by: Faria Urmy, Comprehensive Planning, Memphis 3.0.

RECOMMENDATION: Approval

GENERAL INFORMATION:

Street Frontage: E Holmes Road-----+/-420.00 linear feet.

Planning District: Oakhaven-Parkway Village

Zoning Atlas Page: 2540

Zoning History: The Conservation Agriculture (CA) District zoning of the property dates to the adoption of the 1980 zoning map amendments.

DEPARTMENTAL COMMENTS:

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

City Engineer:

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

Sewers:

2. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
3. A 750-ft. sewer extension will be required to serve this development.

Fire Services: No comments.

Memphis & Shelby County Health Department:

Water Quality Branch: No comments.

Septic Tank Program: No comments.

Memphis Light, Gas and Water:

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

- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- No permanent structures, development or improvements are allowed within any utility easements, without prior MIGW written approval.
- It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/ vertical clearances between existing overhead electric facilities and any proposed structures.

- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to contact TN-1-CAIL @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- Street Trees are prohibited, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
- **Street Names:** It is the responsibility of the owner/applicant to contact MLGW-Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for Street Naming Guidelines and the Online Street Name Search: <http://www.mlgw.com/builders/landandmapping>
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Shelby County Schools: No comments received.

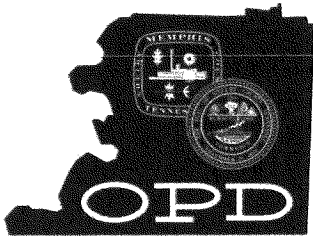
Construction Code Enforcement: No comments received.

Office of Resiliency & Sustainability: No Comments.

AT&T-TN: No comment.

Neighborhood Associations/ Organizations: None registered.

Staff: bb



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: December 29, 2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: David Couch Phone #: _____

Mailing Address: 9950 Center Hill Road City/State: Collierville, TN Zip 38017

Property Owner E-Mail Address: _____

Applicant: Same as Owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Representative E-Mail Address: cindy@srce-memphis.com

Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: cindy@srce-memphis.com

Street Address Location: 4685, 0 E. Holmes Rd.

Distance to nearest intersecting street: Approximately 1534.97 feet west of Pleasant Hill Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	4.05	_____	_____
Existing Zoning:	CA	_____	_____
Existing Use of Property	Industrial	_____	_____
Requested Use of Property	Industrial	_____	_____
Requested Zoning	EMP	_____	_____

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.

David V. Couch 1/4/21 David V. Couch 1/4/21
 Property Owner of Record Date Applicant Date



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

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

Date: January 7, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: E. Holmes Rd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 4685 & 0 E. Holmes Road, located west of Pleasant Hill Road. The property is within the CA zoning district and is approximately 4.05 acres in area. We are requesting a rezoning to the EMP district which is compatible with the adjacent properties.

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

Exeter 5155 Citation LLC
Inst. # 13065845
21.31 Ac
Existing Zoning: EMP

AABN Holmes Properties LLC
Inst. # 17068004
15 Ac
Existing Zoning: EMP

East Holmes Road
(ROW Varies)

210.00'

420.00' N40°00'00"E

210.00'

Approximately 1534.97 feet to
west line of Pleasant Hill Road

Parcel # 094-200-00147
2.025 Ac

Parcel # 094-200-00146
2.025 Ac

Land Area
4.05 Ac
Existing Zoning: CA
Proposed Zoning: EMP

420.00' N0°00'00"E

420.00' S0°00'00"E

Charlie E. Golden
Inst. # JE-5374
2.34 Ac
Existing Zoning: CA

210.00'

420.00' N40°00'00"W

210.00'

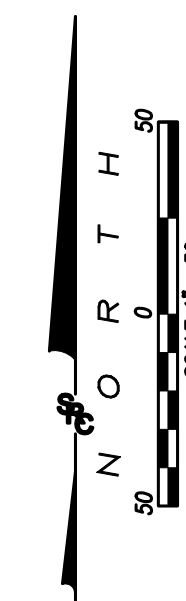
BFI Waste Systems of North America Inc.
Inst. #
361.80 Ac
Existing Zoning: CA



Vicinity Map
nts

Being the David Couch property as recorded in Instrument Numbers
09141987 and 09141988 in Memphis, Tennessee and being more
particularly described as follows:

Beginning at a point in the south line of E. Holmes Road (ROW Varies),
approximately 1534.97 feet west of Pleasant Hill Road (ROW Varies);
thence S0°00'00"E a distance of 420.00 feet to a point; thence
N40°00'00"W a distance of 420.00 feet to a point; thence N0°00'00"E
a distance of 420.00 feet to a point in the said south line of E. Holmes
Road; thence N40°00'00"E a distance of 420.00 feet to the point of
beginning and containing 4.05 acres of land more or less.



SITE PLAN HOLMES ROAD REZONING

OWNER: DAVID V. COUCH

4.05 ACRES

WARD 94, BLOCK 200, PARCEL 146 & 147

EX. ZONING: CA

PROP. ZONING: EMP

MEMPHIS, TENNESSEE

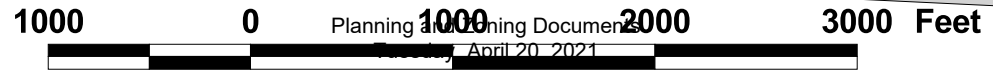
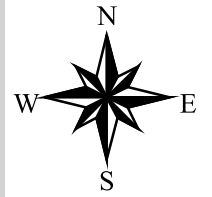
JANUARY 2021

SHEET 1 of 1

SR CONSULTING, LLC
ENGINEERING - PLANNING

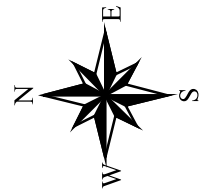
5909 Shelby Oaks Drive 901-373-0380
Suite 200 (fax) 373-0370
Memphis TN 38134 www.SRCE-memphis.com

Vicinity Map



Shelby County, Tennessee
 DeSoto County, Mississippi

Vicinity Map



Date: 12/28/20
 Prepared By:
 Property Research Data
 PRD Job #20-100



Shelby County, Tennessee
 DeSoto County, Mississippi

Aabn Holmes Properties LLC
1121 Poplar View Lane, Ste. 1
Collierville, TN 38017-9339

BFI Waste Systems Of North America Inc.
P O Box 29246
Phoenix, AZ 85038

Big Box 5155 Citation LLC
5384 Poplar Avenue, Ste. 312
Memphis, TN 38119-0617

DDC Investment Incorporated
5910 N. Central Expressway, Ste. 1200
Dallas, TX 75206-5144

Exeter 5015 Citation LLC
101 W. Elm Street, Ste. 600
Conshohocken, PA 19428-2075

Exeter 5155 Citation LLC
101 W. Elm Street, Ste. 600
Conshohocken, PA 19428-2075

General Motors LLC
P O Box 460169
Houston, TX 77056-8169

Golden Charlie E
4661 E. Holmes Road
Memphis, TN 38118-7802

Granite (460 East Holmes) LLC
3102 Oak Lawn Avenue
Dallas, TX 75219-6421

Southwest Landcom LP
P O Box 630036
Nacogdoches, TX 75963

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Couch David V
9950 Center Hill Road
Collierville, TN 38017

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9950 Center Hill Road
Collierville, TN 38017



Tom Leatherwood
Shelby County Register

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

 09141987	
12/11/2009 - 11:51 AM	
2 PGS	
LIZ	705582-9141987
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this the 24th day of November, 2009, by and between, FISHER HOLDINGS, LLC, a Tennessee limited liability company, party of the first part, and DAVID V. COUCH, party of the second part.

WITNESSETH: That, for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, that said party of the first part does hereby quit claim, give, bargain, convey, transfer and confirm unto the party of the second part the following described real estate, situated in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

A certain parcel of land being in Section 14, Township 1 South, Range 7 West Chickasaw cession in the Second Civil District, Shelby County, Tennessee, being more particularly described as follows: Beginning at a point in the south line of Holmes Road 3303.8 feet east of the northwest corner of said Section 14, Township 1, Range 7 West, thence south 7 degrees 5 minutes east parallel with the west line of William Trent Malone's 138.42 acre tract 420 feet to a stake. Thence east parallel with the west line of said Holmes Road 210 feet to a stake; thence north parallel with the west line of said William Trent Malone's tract, 420 feet to a stake in the south line of Holmes Road; thence west with said south line 210 feet to the point of beginning.

Derivation Clause: Being the same property conveyed to the party of the first part by Quit Claim Deed filed of record as Instrument No. 04159490 in the Shelby County Register's Office.

The said party of the first part does hereby covenant with the said party of the second part that the party of the first part is lawfully seized and possessed in fee simple of the above described real estate; that the party of the first part has a good right to give and convey the same; and that the real estate is unencumbered, except for 2009 property taxes, which the party of the first part assumes and agrees to pay.

At the request of the party of the first part and the party of the second part, this deed has been prepared based upon information and documentation provided by the parties and without conducting a title search or procuring title insurance. Furthermore, this deed is not intended as, nor constitutes, an opinion of title by the preparer.

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

FISHER HOLDINGS, LLC

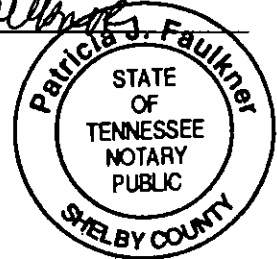
By 
Name: DAVID V. COUCH
Title: Chief Manager

STATE OF TENNESSEE:
COUNTY OF SHELBY:

Before me, a Notary Public in and for the said State and County, duly commissioned and qualified, personally appeared DAVID V. COUCH, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that DAVID V. COUCH executed the same in his capacity as Chief Manager of Fisher Holdings, LLC.

WITNESS my hand and Notarial Seal at Memphis, Shelby County, Tennessee, this the 24th day of November, 2009.

Patricia J. Faulkner
Notary Public



My Comm. Exp. 11-09-2011

My Commission Expires:

PROPERTY ADDRESS: 4685 Holmes Road
Memphis, TN

PROPERTY OWNER: DAVID V. COUCH
9950 Center Hill Road
Collierville, TN 38017

PERSON RESPONSIBLE FOR REAL PROPERTY TAXES: DAVID V. COUCH
9950 Center Hill Road
Collierville, TN 38017

WARD, BLOCK, & PARCEL NUMBER: 09420000147

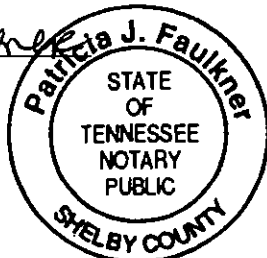
PREPARER: Olen M. Bailey, Jr.
5100 Wheelis Drive, Suite 215
Memphis, Tennessee 38117

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

David V. Couch
DAVID V. COUCH, Affiant

Subscribed and sworn to before me this the 24th day of November, 2009.

Patricia J. Faulkner
Notary Public
My Commission Expires:




My Comm. Exp. 11-09-2011



Tom Leatherwood
Shelby County Register

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

 09141988	
12/11/2009 - 11:51 AM	
2 PGS	
LIZ 705582-9141988	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this the 24th day of November, 2009, by and between, FISHER HOLDINGS, LLC, a Tennessee limited liability company, party of the first part, and DAVID V. COUCH, party of the second part.

WITNESSETH: That, for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, that said party of the first part does hereby quit claim, give, bargain, convey, transfer and confirm unto the party of the second part the following described real estate, situated in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

A certain parcel of land being in Section Fourteen (14), Township One (1), Range Seven (7) West, Chickasaw Cession, in the Second Civil District, Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the South line of Holmes Road 3579.8 feet East of the Northwest Corner of said Section 14, Township 1, Range 7 West, thence South 7 degrees, 5 minutes East parallel with the West line of William Trent Malone's 138.42 acre tract, 420 feet to a stake; thence East parallel with the South line of said Holmes Road, 210 feet to a stake; thence North parallel with the West line of said William Trent Malone's tract, 420 feet to a stake in the South line of Holmes Road; thence West with said South line of Holmes Road, 210 feet to the point of beginning.

Derivation Clause: Being the same property conveyed to the party of the first part by Quit Claim Deed filed of record as Instrument No. 04159489 in the Shelby County Register's Office.

The said party of the first part does hereby covenant with the said party of the second part that the party of the first part is lawfully seized and possessed in fee simple of the above described real estate; that the party of the first part has a good right to give and convey the same; and that the real estate is unencumbered, except for 2009 property taxes, which the party of the first part assumes and agrees to pay.

At the request of the party of the first part and the party of the second part, this deed has been prepared based upon information and documentation provided by the parties and without conducting a title search or procuring title insurance. Furthermore, this deed is not intended as, nor constitutes, an opinion of title by the preparer.

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

FISHER HOLDINGS, LLC

By: David V. Couch
Name: DAVID V. COUCH
Title: Chief Manager

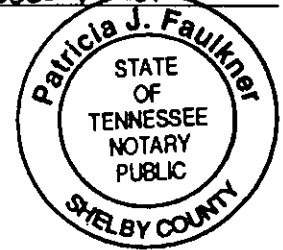
STATE OF TENNESSEE:
COUNTY OF SHELBY:

Before me, a Notary Public in and for the said State and County, duly commissioned and qualified, personally appeared DAVID V. COUCH, to me known to be the person described in and who executed

the foregoing instrument, and acknowledged that DAVID V. COUCH executed the same in his capacity as Chief Manager of Fisher Holdings, LLC.

WITNESS my hand and Notarial Seal at Memphis, Shelby County, Tennessee, this the 24th day of November, 2009.

Patricia J. Faulkner
Notary Public



My Comm. Exp. 11-09-2011

My Commission Expires:

PROPERTY ADDRESS: 0 Holmes Road
Memphis, TN

PROPERTY OWNER: DAVID V. COUCH
9950 Center Hill Road
Collierville, TN 38017

PERSON RESPONSIBLE FOR REAL PROPERTY TAXES: DAVID V. COUCH
9950 Center Hill Road
Collierville, TN 38017

WARD, BLOCK, & PARCEL NUMBER: 09420000146

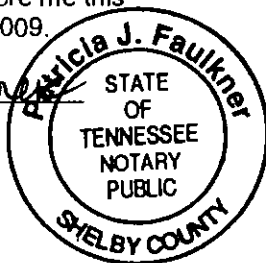
PREPARER: Olen M. Bailey, Jr.
5100 Wheelis Drive, Suite 215
Memphis, Tennessee 38117

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

David V. Couch
DAVID V. COUCH, Affiant

Subscribed and sworn to before me this the 24th day of November, 2009.

Patricia J. Faulkner
Notary Public
My Commission Expires:



My Comm. Exp. 11-09-2011

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 11th, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 21-01

LOCATION: South side of E. Holmes Road' +/-1,534.97 feet west of Pleasant Hill Road

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

OWNER/APPLICANT: David V. Couch

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

REQUEST: Employment (EMP) District

EXISTING ZONING: Conservation Agriculture (CA) District

AREA: 4.05 Acres

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 on consent.

The motion passed by a unanimous vote of 10 to 0 on the Consent Agenda.

Respectfully,



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

Cc: Committee Members
File


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

March 2nd, 2021

Ms. Cindy Reaves
C/o David Couch, Owner
5909 Shelby Oaks Drive-Suite 200
Memphis, TN 38134

Sent via electronic mail to: cindy@srce-memphis.com

RE: OPD FILE #: Z 21-01
L.U.C.B. RECOMMENDATION: Approval

Dear Ms. Reaves,

The Memphis and Shelby County Land Use Control Board on **Thursday, February 11th, 2021**, recommended **'approval'** of your Zoning application for the reclassification of property from **'Conservation Agriculture (CA) District to be included in Employment (EMP) District'** located at the **'south side of East Holmes Road; +/-1,534.97 feet west of Pleasant Hill Road'** on the Consent Agenda by a vote of **10 to 0**.

This application will be forwarded to Memphis City Council for final action. The Council will review your application in Planning & Zoning Committee prior to voting in public hearing. The applicant or the applicant's representative(s) shall attend committee meeting and hearing. However, the applicant shall contact the City Council Records Office to determine when the application is scheduled to be heard in committee and in public session. The City Council Records Office phone is (901) 636-6792.

If for some reason you choose to withdraw the application, a letter should be mailed to Land Use and Development Services Department of the Division of Planning and Development at the address provided above. If you have questions concerning this matter or any other matters pertaining to this application or the planning process, please contact me by phone at (901) 636-7120 or by email at brian.bacchus@memphistn.gov for further information.

Sincerely,



Brian S. Bacchus, Principal
Josh Whitehead, Director
Office of Planning and Development

cc: **David Couch**
OPD File: Z 21-01

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES IN THE USE DISTRICTS PROVIDED IN SAID ORDINANCE

WHEREAS, a proposed zoning map 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 21-01**; 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 zoning map 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 zoning map 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 is hereby 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 EMPLOYMENT (EMP) USE DISTRICT.

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

Being the David V. Couch property as recorded in Instrument Numbers 0914187 and 09141988 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the south line of E. Holmes Road (ROW Varies), approximately 1,534.97 feet west of Pleasant Hill Road (ROW Varies); thence S0°00'00"E a distance of 420.00 feet to a point; thence N90°00'00"W a distance of 420.00 feet to a point; thence N0°00'00"E a distance of 420.00 feet to a point in the said south line of E. Holmes Road; thence N90°00'00"E a distance of 420.00 feet to the point of beginning and containing 4.05 acres of land more or less.

SECTION 2:

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

SECTION 3:

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

ATTEST:

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

//: ATTACHMENTS

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 05/18/2021

DATE

PUBLIC SESSION: 05/18/2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: An ordinance approving a new historic overlay district
CASE NUMBER: CTHD
DEVELOPMENT: Crosstown Historic Overlay District
LOCATION: Area roughly bound by Autumn Avenue to the North, North Claybrook Street to the East, Poplar Avenue to the South, and Interstate 240 to the West
COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Jennifer Amido and Crosstown Memphis Community Development Corporation
REPRESENTATIVES: Jennifer Amido and Anna Joy Tamayo
EXISTING ZONING: Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3)
REQUEST: Historic (H) Overlay District
AREA: +/-81.30 acres
RECOMMENDATION: The Division of Planning and Development recommended *Approval*
 The Memphis Landmarks Commission recommended *Approval*
 The Land Use Control Board recommended *Approval*
RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
 Set a date for first reading – April 20, 2021
 Adopt on third Reading – May 18, 2021

PRIOR ACTION ON ITEM:
 (1) _____ APPROVAL - (1) APPROVED (2) DENIED
 04/08/2021 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:
 (2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS
 \$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

CTHD – Crosstown Historic Overlay District

Zoning Ordinance approving establishment of a historic overlay district for the subject area roughly bound by Autumn Avenue to the North, North Claybrook Street to the East, Poplar Avenue to the South, and Interstate 240 to the West:

- This item is an ordinance for establishment of a Historic (H) Overlay District at the aforementioned location; and
- The Division of Planning & Development at the request of the Applicant(s): Jennifer Amido and Crosstown Memphis Community Development Corporation; and Representative(s): Jennifer Amido and Anna Joy Tamayo; and
- Approval of this establishment of historic overlay district will be reflected on the Memphis and Shelby Counting 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 THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES IN THE USE DISTRICTS PROVIDED IN SAID ORDINANCE

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: CTHD**; and

WHEREAS, the Memphis Landmarks Commission and the Memphis and Shelby County Land Use Control Board has filed their recommendations 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 PROPERTIES OUT OF THE RESIDENTIAL SINGLE-FAMILY – 15 (R-15), RESIDENTIAL URBAN – 3 (RU-3), COMMERCIAL MIXED USE – 1 (CMU-1), AND COMMERCIAL MIXED USE – 3 (CMU-3) DISTRICTS AND INCLUDING THEM IN THE RESIDENTIAL SINGLE-FAMILY HISTORIC – 15 (R-15[H]), RESIDENTIAL URBAN HISTORIC – 3 (RU-3[H]), COMMERCIAL MIXED USE HISTORIC – 1 (CMU-1[H]), AND COMMERCIAL MIXED USE HISTORIC – 3 (CMU-3[H]) DISTRICTS.

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

BOUNDARY

PROPERTIES GENERALLY BOUND BY AUTUMN AVENUE TO THE NORTH, NORTH CLAYBROOK STREET TO THE EAST, POPLAR AVENUE TO THE SOUTH, AND INTERSTATE 240 TO THE WEST AND AS ILLUSTRATED ON THE BOUNDARY MAP ATTACHMENT.

SECTION 2:

THAT, the Administrator of the Office 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 Code Enforcement
Shelby County Assessor



//: ATTACHMENTS

HISTORIC (H) OVERLAY DISTRICT BOUNDARIES



Proposed Crosstown Historic District

Legend

-  Historic District Proposed Boundary
-  Parcels inside Proposed Historic District

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: CTHD

LOCATION: Area roughly bound by Autumn Avenue to the North, North Claybrook Street to the East, Poplar Avenue to the South, and Interstate 240 to the West

COUNCIL DISTRICT(S): District 7, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Jennifer Amido and Crosstown Memphis Community Development Corporation

REPRESENTATIVE: Jennifer Amido and Anna Joy Tamayo

REQUEST: Historic (H) Overlay District

EXISTING ZONING: Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3)

AREA: +/-81.30 acres

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 10-0 on the consent agenda.

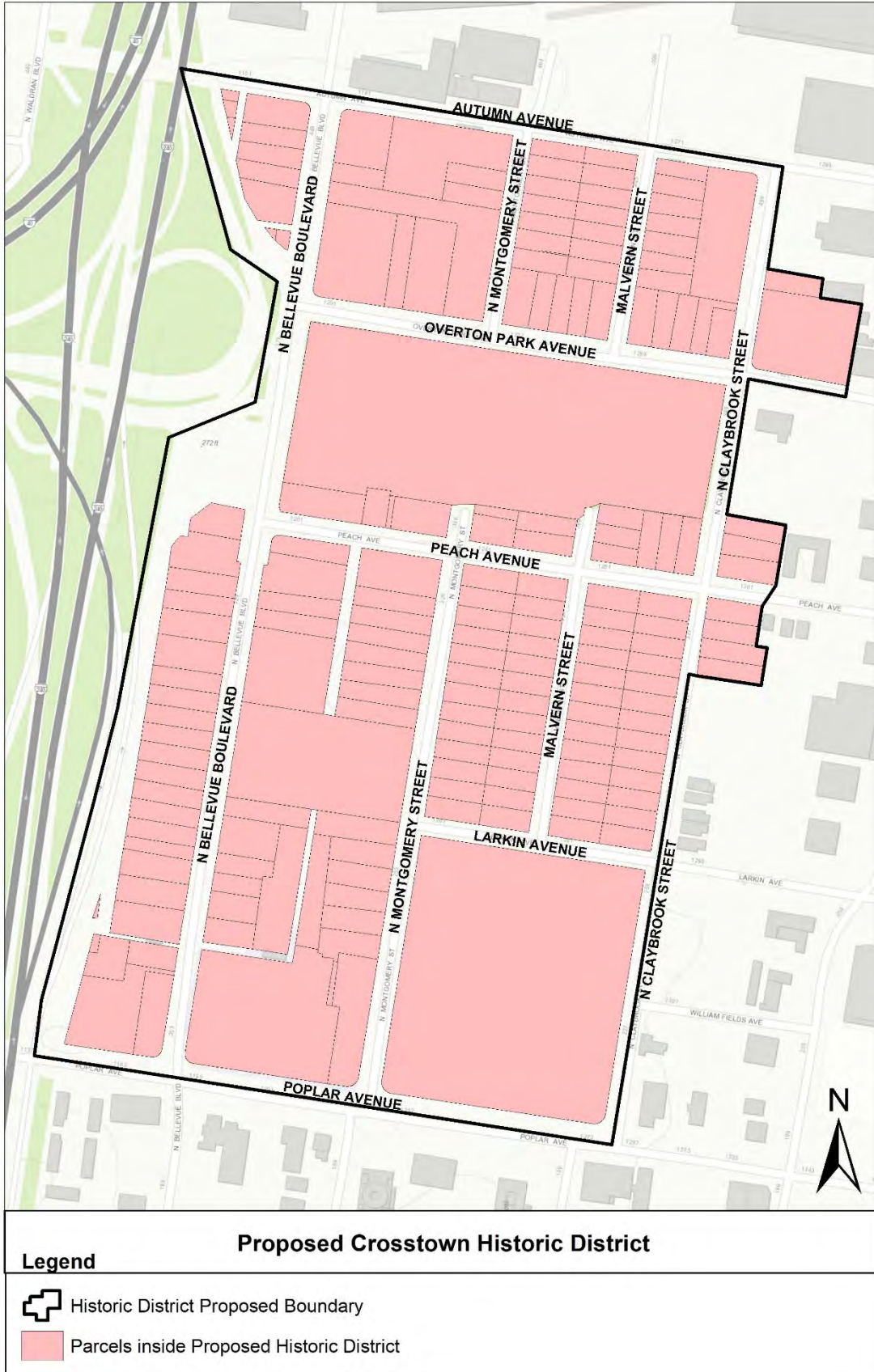
Respectfully,



Ayse Tezel
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

HISTORIC (H) OVERLAY DISTRICT BOUNDARIES



AGENDA ITEM: 7

CASE NUMBER: CTHD Crosstown Historic District **L.U.C.B. MEETING:** April 8, 2021
LOCATION: Proposed boundaries are roughly Autumn Avenue to the North, North Claybrook Street to the East, Poplar Avenue to the South, and Interstate 240 to the West
COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Jennifer Amido & Crosstown Memphis Community Development Corporation
REPRESENTATIVE: Jennifer Amido & Anna Joy Tamayo, President of the Crosstown Memphis CDC
REQUEST: Designation of a new Historic (H) Overlay District
AREA: +/-81.3 acres
EXISTING ZONING: Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

1. The request is to create a historic overlay district of the Crosstown neighborhood, an area of +/-81.3 acres comprised of one hundred and eighty-eight (188) parcels. The applicants are proposing the creation of the historic overlay district with the design guidelines that were approved by the Memphis Landmarks Commission on November 19, 2020 to apply within the proposed Crosstown Historic District which will include multiple single-family and multi-family residential, commercial, and institutional properties.
2. The design guidelines approved by the Memphis Landmarks Commission on November 19, 2020 will be used by the Memphis Landmarks Commission and the Division of Planning and Development staff to review projects such as new construction, demolitions, relocations, exterior alterations, and site improvements within the proposed historic district boundaries.
3. This application was held in abeyance for one month at the March 11, 2021 Land Use Control Board meeting per the applicant's request. The applicant, the Division of Housing and Community Development (HCD), and the Crosstown Mound Development Group conducted a series of meetings that focused on the Mound property, the area east of Belvedere Boulevard and south of Overton Park Avenue, originally intended to support expressway ramps, and the planned development that is being proposed for this area. HCD Director Young provided a letter explaining the discussions and the solution that is formed as result of these meetings (see pages 2 and 3 of the staff report), a legal review of this solution was subsequently obtained, stating that the proposed solution is inconsistent with the state law (see pages 4, 5, and 6 of the staff report). Consequently, HCD Director Young provided a second letter, requesting the exclusion of the Mound property (see pages 7 and 8 of the staff report). The applicant also submitted a response letter to Director Young's renewed request letter (see page 9 of the staff report). Director Young then provided a response to the applicant's comments (see page 10 of the staff report).

CONSISTENCY WITH MEMPHIS 3.0

Not Applicable - The Memphis 3.0 Plan does not make recommendations related to the creation of historic overlay districts.

RECOMMENDATION

Approval

Director Young's Initial Request



**JIM STRICKLAND
MAYOR**

**DIVISION OF HOUSING &
COMMUNITY DEVELOPMENT**

February 2, 2021

John Zeanah
Director
Memphis & Shelby County Division of Planning & Development
125 N. Main Street, Suite 443
Memphis, TN 38103

Re: NHD 20-001 – Crosstown Historic District

Dear Director Zeanah:

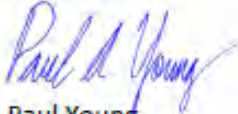
The City of Memphis Division of Housing and Community Development (HCD) desires to retract our letter submitted November 24, 2020 requesting exclusion of the 9.692-acre parcel located at the southeast corner of Bellevue Boulevard and Overton Park Avenue known as "Crosstown Mound" from the proposed Crosstown Historic District. By means of this letter, HCD tenders a new request for the treatment of the Crosstown Mound in relation to the Crosstown Historic District.

This new proposal has been developed after HCD convened three virtual meetings with the Crosstown neighborhood stakeholders (Crosstown Historic District Applicant) and the Crosstown Mound development team. The hour-long meetings were held on January 11th, January 19th, and February 2, 2021 at 3:00pm. During this series of discussions, all parties had an opportunity to talk through concerns regarding the Crosstown Mound design and the potential challenges to the development process that the historic district designation could present. As a result, HCD would like to propose the following approach.

The 9-acre Crosstown Mound site would be initially excluded from the Crosstown Historic District. Upon completion of final project plans by the development team, the site would go through the Planned Development (PD) process. In addition to the usual design information provided as part of the normal PD process, the architect for the development team would provide a library of design elements to be utilized for all proposed structures. After the public meeting for the PD process, but before approval of the PD application by the Land Use Control Board and City Council, the Crosstown Mound development team will make a presentation on their design plans to the Landmarks Committee for comments. As each structure is completed and its Certificate of Occupancy issued, that structure will automatically become a part of the historic district. Once all structures planned for the Crosstown Mound are completed, the entire Mound would officially become part of the historic district.

This request has been made after numerous discussions with stakeholders, and I believe that this will address the major concerns noted from each party. HCD will continue to work with all parties in order to ensure that the Crosstown Mound development is a source of pride for the community and the development team. We thank the applicant, Crosstown Neighborhood stakeholders, and the development team for their engagement, effort, time, and creativity working towards this outcome. If you have questions or need additional information, please do not hesitate to contact me at (901) 636-7308 or paul.young@memphistn.gov.

Sincerely,



Paul Young
Director

cc: Josh Whitehead, Administrator, Office of Planning & Development
Mairi Albertson, Deputy Director, HCD

Legal Opinion Regarding Director Young's Initial Request

MEMORANDUM

TO: Josh Whitehead, Administrator, Land Use Devel. Services
Ayse Tezel, Planner, Land Use Development Services

FROM: Robert B. Rolwing, Assistant Shelby County Attorney

DATE: March 5, 2021

RE: Landmarks Review of Planned Developments

ISSUE: Is construction in a planned development that lies within a historic overlay district subject to review by the Landmarks Commission?

ANSWER: Yes. Landmarks Commission review applies to construction in a planned development located within a historic overlay district. A condition purporting to preclude Landmarks review would not be lawful.

ANALYSIS:

I. State historic zoning law. State law on historic zoning provides that “[a]ll applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improvement to real estate situated within a historic zone or district shall be referred to the historic zoning commission,” which in Memphis is called the Landmarks Commission. The law also allows the local government to include review for construction that does not require a permit. T.C.A. §13-7-407(a).

No such “improvement to real estate situated within a historic district or zone, for which the historic zoning commission or regional historic zoning commission has been granted the authority to review and to grant or deny a certificate of appropriateness, shall be performed without the issuance of a certificate of appropriateness.” T.C.A. §13-7-407(a). Under state law, then, Landmarks Commission review is mandatory within a historic district.

II. Planned developments may not exempted. Local governments derive their zoning authority over private property from the state legislature. Local governments must “exercise their delegated power consistently with the delegation statutes from which they derive their power.”

Josh Whitehead
Ayse Tezel
March 5, 2021
Page Two

421 Corporation v. Metro. Gov't, 36 S.W.3d 469, 475-476 (Tenn.App. 2000),
permission to appeal to the Tenn. Supreme Court denied.

The Memphis and Shelby County Unified Development Code authorizes the Land Use Control Board and the governing bodies to “establish standards and procedures for planned developments,” i.e., conditions, apart from the parcel’s zoning, in order “to facilitate the use of flexible techniques of land development and site design, by providing relief from [zoning] district requirements designed for conventional developments.” UDC §§ 4.10.2; 9.6.8(B).

But state historic-zoning law makes clear that, once established, historic-zoning review supersedes any local zoning procedure or regulation to the contrary:

(b) A historic district or zone may be superimposed on other districts or zones, including the zoning maps, established by any other zoning ordinance or regulation, whether established before or after the establishment of a historic district or zone.

(c) The permitted or prohibited property uses, the zoning procedures and other regulations otherwise applicable within a historic district or zone under the provisions of any other zoning ordinance or regulation shall apply to a historic district or zone, except when in conflict with this part or any ordinance or regulation adopted pursuant to this part, but in the event of such conflict, this part and any ordinance or regulation adopted pursuant to this part shall control.

T.C.A. § 13-7-402. In the case of historic districts, then, state law mandates (“shall”) Landmarks review of construction within a historic district. No condition to a planned development may lawfully override that state law requirement.

The provision in state law, that where there is a conflict between zoning done pursuant to state law and zoning done pursuant to a private act (a state law that applies only to one city or county), then the private act prevails, is not applicable. T.C.A. §13-7-210. That law specifies that it applies only to certain parts of the state code, and the historic-zoning law is

Josh Whitehead
Ayse Tezel
March 5, 2021
Page Three

not one of those. I raise the point because that law has been key in litigating other conflicts between our local zoning and state zoning law. *See esp. Prime Locations v. Shelby County and City of Memphis*, Circuit Court No. CT-006449-04 (2010, Judge Stokes)(upholding local regulation of nonconforming billboards), *affirmed on other grounds* by the Tennessee Court of Appeals (2011).

III. Alternatives to review by the Landmarks Commission. The applicants, neighbors, and you, have already identified the grounds for by-passing Landmarks review of development at the Crosstown Mound, the area cleared out years ago in anticipation of I-40 construction, and which lies within the proposed Crosstown Historic District. The first and simplest alternative is, of course, not to include the Crosstown Mound in the historic district.

The second alternative is to exclude Crosstown Mound now, at the creation of the historic district, with the expectation of bringing it into the district after construction has begun or is completed. Bringing the Mound into the district would require an ordinance by City Council at some later date, to amend the proposed Crosstown Historic District Overlay ordinance that is before the Land Use Control Board now.

A third alternative is to exclude the Mound now, but bring each parcel into the district after construction is complete. This alternative is lawful but presents practical difficulties. Once a district is established by ordinance, then it may be amended only by ordinance. This alternative would thus require numerous and repeated amending ordinances in the future, as construction progresses at Crosstown Mound.

A fourth alternative is to place a condition on any planned development at the Crosstown Mound that the developer(s) must submit application for inclusion in the historic district at some specified point in the future. That condition would be lawful, but would not bind the future City Council on whether to amend the historic district boundary to include the Crosstown Mound.

Please let me know if I may be of further assistance.

Director Young's Renewed Request



**JIM STRICKLAND
MAYOR**

**DIVISION OF HOUSING &
COMMUNITY DEVELOPMENT**

March 11, 2021

John Zeanah
Director
Memphis & Shelby County Division of Planning & Development
125 N. Main Street, Suite 443
Memphis, TN 38103

Re: NHD 20-001 – Crosstown Historic District

Dear Director Zeanah:

The City of Memphis Division of Housing and Community Development (HCD) hereby renews our request to exclude the 9.692-acre parcel located at the southeast corner of Bellevue Boulevard and Overton Park Avenue known as “Crosstown Mound” from the proposed Crosstown Historic District. This letter shall replace all prior communication from HCD on this matter.

A series of meetings convened by HCD between the Crosstown neighborhood stakeholders (Crosstown Historic District Applicant) and the Crosstown Mound development team resulted in an agreement that the Crosstown Mound site would be developed and approved using the normal City/County Planned Development (PD) process. The development team also agreed to provide a library of design elements which will be compatible with the historic characteristics of the Crosstown neighborhood and which will be utilized for all proposed structures. The developers also agreed to provide the Crosstown neighborhood stakeholders with a level of communication above that required by the normal PD process, including providing the design library and information in advance of the required public meeting, and to provide a courtesy presentation to the Memphis Landmarks Commission (MLC). The parties agreed to this approach with the understanding that, once new construction on the Crosstown Mound is completed and occupied, the Crosstown Mound would become part of the Crosstown Historic Overlay.

It is HCD's understanding that Tennessee state law will not allow for any kind of hybrid planned development-landmarks process because state law directs primary authority over any property within a local historic district to the Memphis Landmarks Commission. The only way for the Land Use Control Board to have primary authority over the Crosstown Mound and for the normal PD process to occur is to completely exclude the site from the Crosstown Historic Overlay. Therefore, HCD requests that the Crosstown Mound be so excluded.

HCD still plans to honor the solution agreed to by the neighborhood and development team. At an appropriate time once the redevelopment's construction is complete, HCD intends to join the Crosstown neighborhood stakeholders in seeking a City ordinance to amend the Crosstown Historic Overlay to

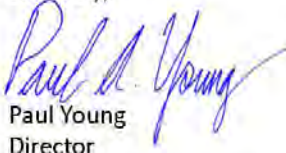
170 North Main Street, 3rd Floor • Memphis, Tennessee 38103 • 901.576.7300 • 901.576.7422 - TDD

Director John Zeanah
March 8, 2021
Page 2

explicitly include the entire Crosstown Mound site. HCD believes that the development team will also support this amendment.

HCD believes that this approach – excluding Crosstown Mound from the Crosstown Historic Overlay at this time and seeking a future amendment by the City Council to add Crosstown Mound to the historic district – is in the best interest of the Crosstown neighborhood and will best serve to promote sorely needed infill development within the City. HCD continues to thank the applicant, Crosstown Neighborhood stakeholders, the development team, and your office for all the effort to identify a mutually beneficial outcome within the confines of state law. If you have questions or need additional information, please do not hesitate to contact me at (901) 636-7308 or paul.young@memphistn.gov.

Sincerely,



Paul Young
Director

cc: Josh Whitehead, Administrator, Office of Planning & Development
Jennifer Amido, Crosstown Neighborhood Association
Todd Richardson, Crosstown Redevelopment Cooperative
Eddie Kircher, Eddie Kircher Construction Company LLC

Applicant's Response to Director Young's Renewed Request

From: Jennifer Amido <jenniferamido@gmail.com>
Sent: Monday, March 22, 2021 4:51 PM
To: Young, Paul <Paul.Young@memphistn.gov>
Cc: Zeanah, John <John.Zeanah@memphistn.gov>; Albertson, Mairi <Mairi.Albertson@memphistn.gov>; Jackson, Lindsay <Lindsay.Jackson@memphistn.gov>; Borys, Mary <Mary.Borys@memphistn.gov>; todd@crosstownconcourse.com; Eddie Kircher <eddie@kircherllc.com>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>; Anna Joy Tamayo <anna@crosstownmemphiscdc.com>
Subject: Re: Crosstown Mound Letter

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

Good Afternoon,

I apologize for the late response, we had to meet together with Crosstown neighbors and inform the CDC, and this was all during spring break week.

Based on the feedback we have gotten, we are not interested in excluding the Crosstown Mound from the overlay.

We were interested in a hybrid model, however with completely removing the Mound at this time and leaving it up to future homeowners on the Mound, future City Council members, and future staff at HCD, there is too much at stake for our community.

We did see the City re-closed on the property on Jan. 28th paying the appraised amount, and with some of the binding conditions removed. However, an LLC has not been formed yet by the Crosstown Development group, nor have we seen a public Notice of Intent to Award to the developers for the RFP by the City.

We much appreciate the conversations over the past 4 months, and look forward to continuing the discussion and dialogue.

-Jennifer

Director Young's Response to the Applicant

From: "Young, Paul" <Paul.Young@memphistn.gov>
Date: March 23, 2021 at 9:31:02 AM CDT
To: Jennifer Amido <jenniferamido@gmail.com>
Cc: "Zeanah, John" <John.Zeanah@memphistn.gov>, "Albertson, Mairi" <Mairi.Albertson@memphistn.gov>, "Jackson, Lindsay" <Lindsay.Jackson@memphistn.gov>, "Borys, Mary" <Mary.Borys@memphistn.gov>, todd@crosstownconcourse.com, Eddie Kircher <eddie@kircherllc.com>, "Whitehead, Josh" <Josh.Whitehead@memphistn.gov>, Anna Joy Tamayo <anna@crosstownmemphiscdc.com>
Subject: RE: Crosstown Mound Letter

Thanks for your feedback, Jennifer. While I do understand your position, the City will not retract the letter that we have submitted to Planning and Development. We plan to request that the Mound is excluded from the District and we will propose the scenario as laid out in the letter as a means to address the neighbors concerns. Given that the letter documents the intent of the neighborhood and the Administration, we do believe that there will be support for future City Administration and Council members to include the Mound in the future. We will also explore whether there may be some means for us to have legislative bodies approve the inclusion of the Mound now, for some date certain in the future. This may not be legally feasible though.

To your last point, not sure what you saw from Jan 28th, but the City has not closed on the property with the State yet. I know that for a fact because our team is still finalizing what funds we will use to pay for the property. That will likely happen in late Spring, early summer. I believe the Notice for Intent to Award was completed in late 2019, and we are currently finalizing a Letter of Intent for the Development Team. Mary Claire Borys can correct me if I am wrong.

I am certainly open for another conversation with you and your team if you would like to discuss further.

Paul A. Young
Director, Division of Housing & Community Development
City of Memphis
170 North Main Street, 3rd Floor
Memphis, TN 38103

GENERAL INFORMATION

Zoning Atlas Page: 1930 and 2030

Parcel ID: See the attached list of parcels within the district on pages 61 to 68.

Existing Zoning: Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3)

PUBLIC NOTICE

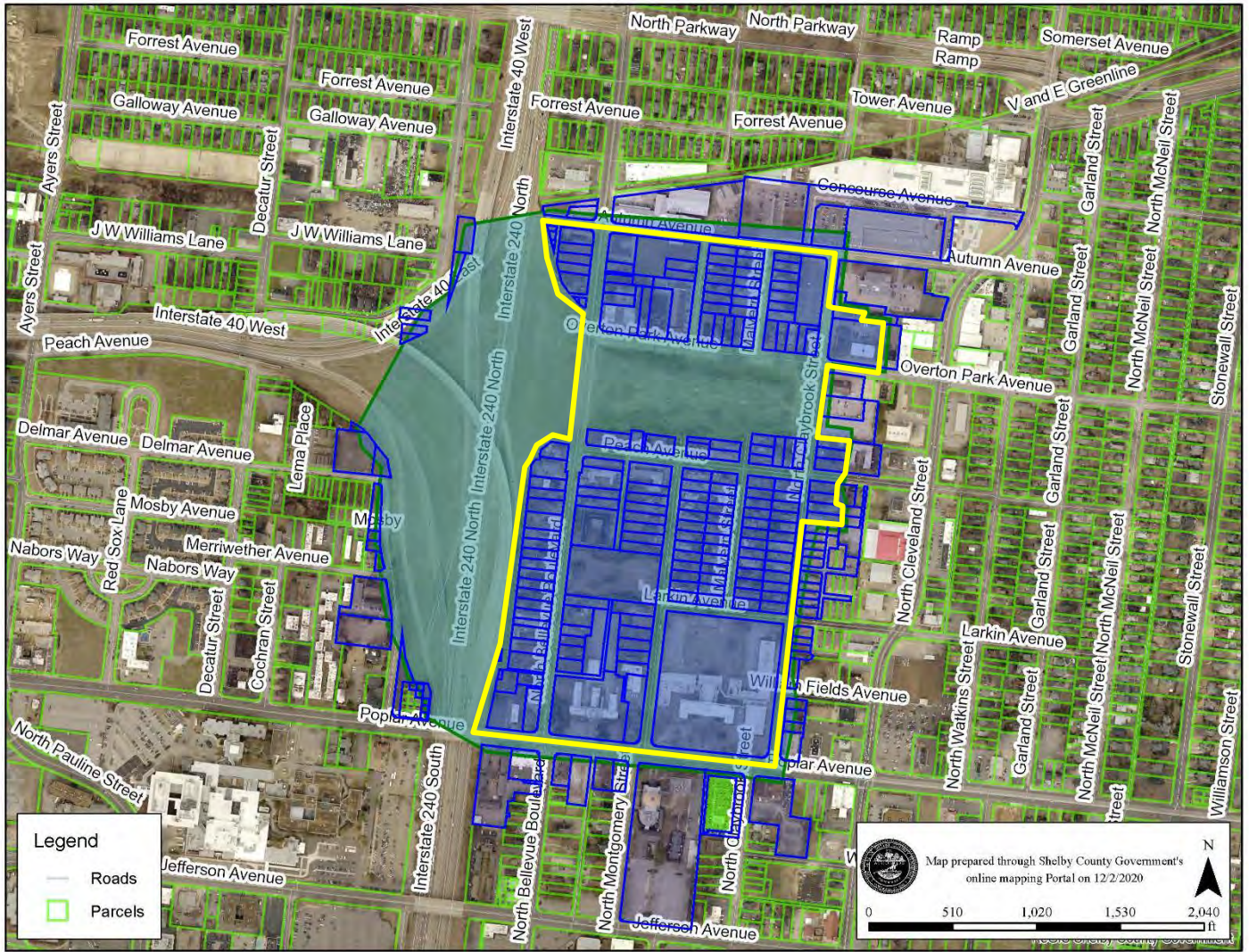
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 260 notices were mailed on November 25, 2020, and a total of 4 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject area located within the pink circle

VICINITY MAP





Subject area outlined in yellow

BOUNDARY MAP



Proposed Crosstown Historic District

Legend

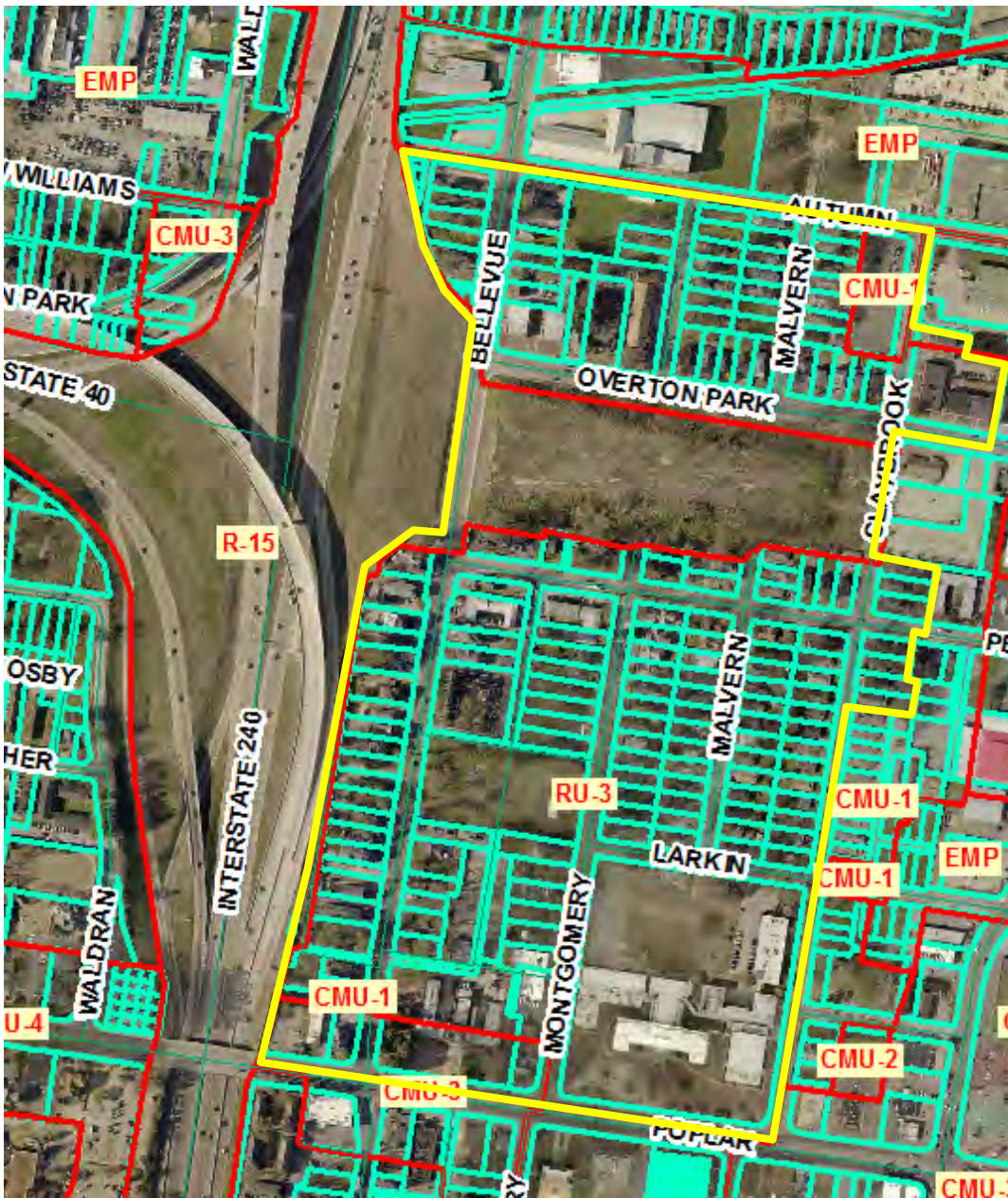
-  Historic District Proposed Boundary
-  Parcels inside Proposed Historic District

AERIAL



Subject area outlined in yellow, imagery from 2020

ZONING MAP



Subject area outlined in yellow

Existing Zoning: Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3)

Surrounding Zoning

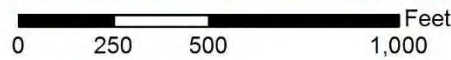
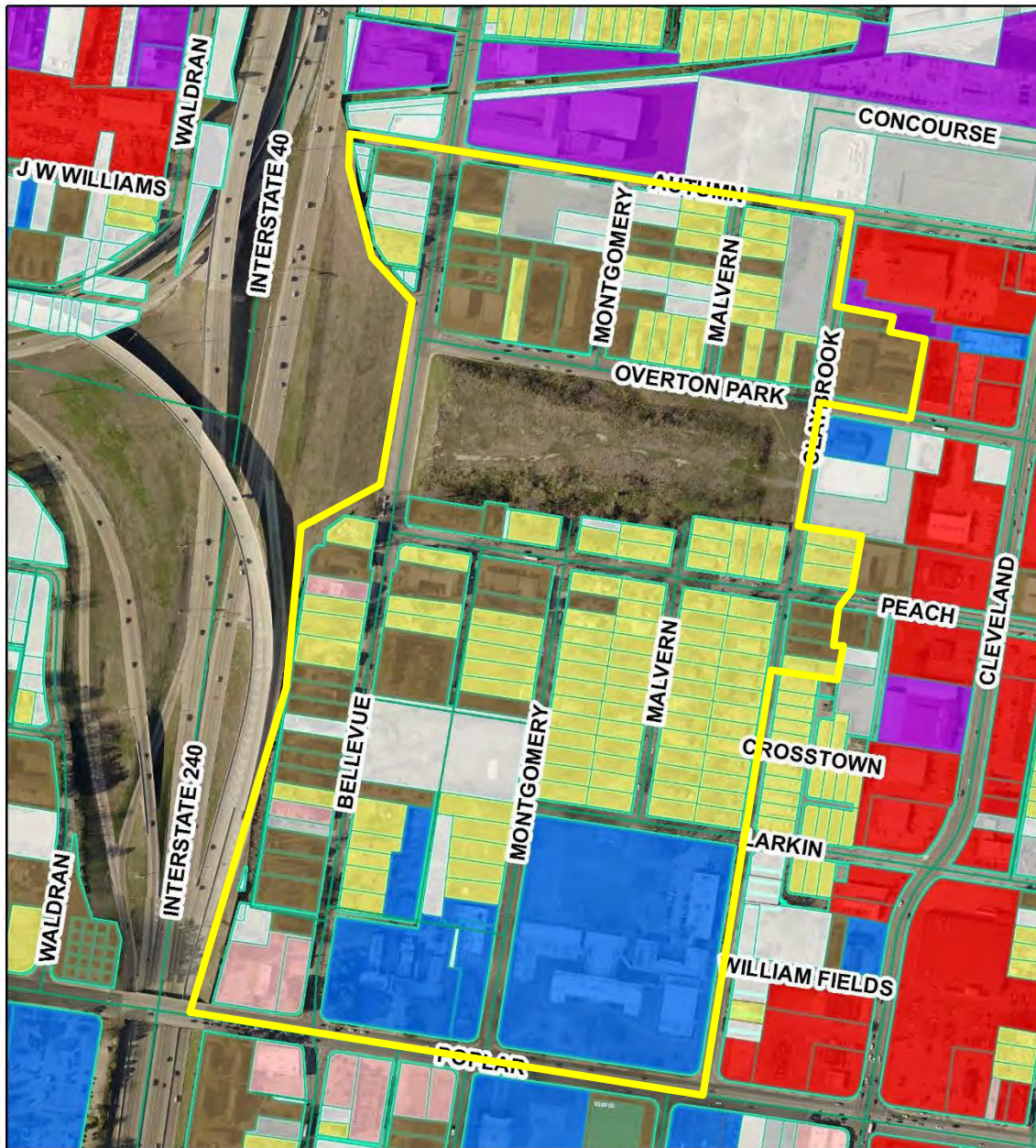
North: Employment (EMP)

East: Commercial Mixed Use – 1 (CMU-1), Commercial Mixed Use – 2 (CMU-2), and Commercial Mixed Use – 3 (CMU-3)










South: Residential Urban – 3 (RU-3) and Commercial Mixed Use – 3 (CMU-3)

West: Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Residential Urban – 4 (RU-4), Commercial Mixed Use – 3 (CMU-3), and Employment (EMP)

LAND USE MAP



LandUse

 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	



Subject area outlined in yellow

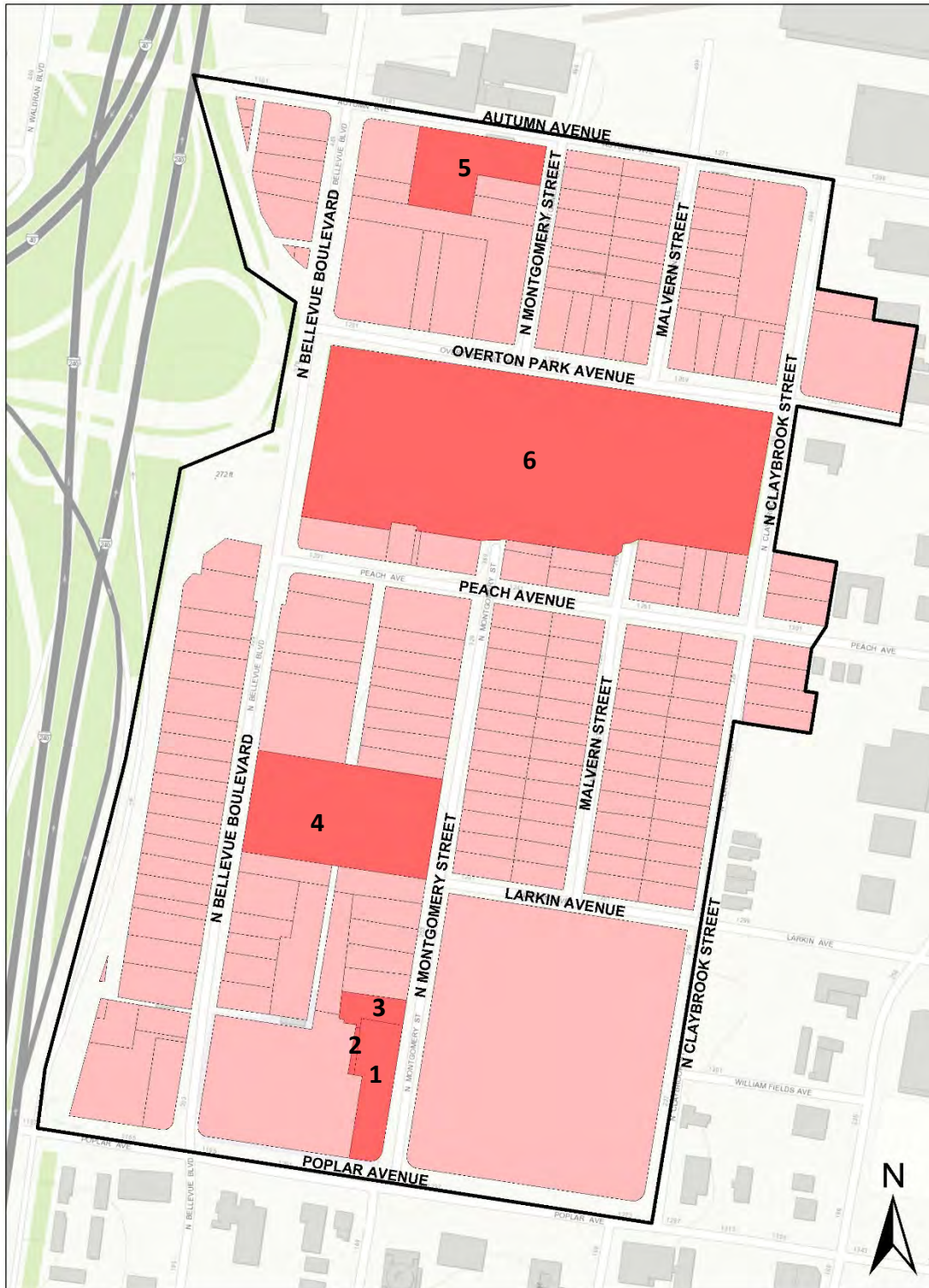
MAP OF EXISTING HISTORIC OVERLAY DISTRICTS



LIST OF EXISTING HISTORIC OVERLAY DISTRICTS AND NUMBER OF PARCELS

- Annesdale Park – 165
- Annesdale-Snowden – 204
- Central Gardens – 1,761
- Collins Chapel – 5
- Cooper-Young – 1,601
- Cotton Row – 108
- Evergreen – 1,722
- Gayoso-Peabody – 89
- Glenview – 983
- Lea's Woods – 261
- Maxwellton – 1
- Rozelle-Annesdale – 768
- South Main Street – 198
- Speedway Terrace – 378
- Victorian Village – 29
- Withers Home – 1
- **Total Number of Parcels – 8,274**

PARCELS REQUESTED TO BE EXCLUDED FROM THE PROPOSED DISTRICT BOUNDARIES



Proposed Crosstown Historic District

Legend

- Historic District Proposed Boundary
- Parcels inside Proposed Historic District
- Parcels requested to be excluded from the Proposed District

AREA PHOTOS

Please see pages 29 through 59 of the staff report for photos that are included in the application and the design guidelines depicting various structures within the proposed district.

STAFF ANALYSIS

Request

The application has been added to this report. See pages 29 to 59 of this staff report for the application.

Designation of a new Historic (H) Overlay District of an area of 81.3 acres which contains 188 parcels with Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3) zoning.

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B and Sub-Section 8.6.2E 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.*

8.6.2E Criteria for Designation

Any use permitted in the underlying zoning district shall also be permitted in a Historic Overlay District. In addition to the zoning change criteria (see Chapter 9.5, Zoning Change), an application for a Historic Overlay District zoning change shall meet one or more of the following criteria, in that they are:

- 8.6.2E(1) Associated with events which have made a significant contribution to local, state or national history; or*
- 8.6.2E(2) Associated with persons significant in our past; or*
- 8.6.2E(3) Comprised of structures or groups of structures that embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master or possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- 8.6.2E(4) Likely to yield archaeological information; or*
- 8.6.2E(5) Listed in the National Register of Historic Places.*

Site Description

The subject area is +/-81.3 acres and comprised of one hundred and eighty-eight (188) parcels. The area includes multiple single-family and multi-family residential, commercial, and institutional properties and includes the Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3) zoning districts.

Conclusions

The request is to create a historic overlay district of the Crosstown neighborhood, an area of +/-81.3 acres comprised of one hundred and eighty-eight (188) parcels. The applicants are proposing the creation of the historic overlay district with the design guidelines that are approved by the Memphis Landmarks Commission on November 19, 2020 to apply within the proposed Crosstown Historic District which will include multiple single-family and multi-family residential, commercial, and institutional properties.

If approved, Crosstown will be an addition to the existing sixteen (16) local historic districts within the City of Memphis, seven (7) of which are located within the parkway system as this new district would be as well. This will bring the total number of properties in the city that are within the historic overlay districts from eight thousand two hundred and seventy-four (8,274) to eight thousand four hundred and ninety-two (8,492).

The design guidelines approved by the Memphis Landmarks Commission on November 19, 2020 will be used by the Memphis Landmarks Commission and the Land Use and Development Services staff to review projects such as new construction, demolitions, relocations, exterior alterations, and site improvements within the established historic district boundaries and to issue Certificates of Appropriateness with the intent to preserve properties with historical, cultural, architectural, and geographic significance and to promote historic preservation within the City of Memphis. See pages 37 to 59 of this staff report for the Crosstown Design Guidelines.

A total of six (6) parcels are requested to be excluded from the proposed historic district boundaries, and see below for the list of parcel numbers and owners. See page 19 of this staff report for the map showing these properties, and see pages 91 to 99 for the letters that relay these requests.

1. 020005 00018 – Memphis Recovery Centers Inc.
2. 020005 00045 – Memphis Recovery Centers Inc.
3. 020005 00039 – Memphis Recovery Centers Inc.
4. 020005 00011 – Memphis Recovery Centers Inc.
5. 020003 00002 – Tennison Bros Inc.
6. Vacant land known as Crosstown Mound

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: City Engineering has no comments.

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.

MEMPHIS LANDMARKS COMMISSION LETTER TO THE APPLICANT



December 1, 2020

Dear Sir/Madam,

Congratulations- on Thursday, November 19th, 2020 the Memphis Landmarks Commission approved your application to designate residential properties to be included in a Historic (H) Overlay District as illustrated on the boundary map and adopted the attached design guidelines to apply within the district.

A final draft copy shall be sent to this office for forwarding to the Memphis & Shelby County Land Use Control Board for consideration. The final draft copy shall include and list any proposed amendments to the design review guidelines for the district and/or boundary map.

If you have any objections, please be aware you have sixty (60) days to discuss alternatives with staff or if you need to make any changes to the design guidelines, please contact us by phone at (901) 636-6619. Thank you in advance for your cooperation in this matter.

Sincerely,

Brett Ragsdale
Executive Secretary

Enclosures
cc: File

APPLICATION



**APPLICATION
FOR THE CREATION OF A
HISTORIC OVERLAY DISTRICT**
*(Application for inclusion in the jurisdiction
of the Memphis Landmarks Commission)*

NAME OF PROPOSED DISTRICT: Crosstown Historic District
Jennifer M Amido

APPLICANT: _____
297 N Montgomery St

ADDRESS: _____

PHONE: 901-619-1764 **EMAIL:** JenniferAmido@gmail.com

ADDITIONAL APPLICANT (if applicable):
Crosstown Community Development Corporation

ADDRESS: _____
info@crosstownmemphiscdc.com

PHONE: _____ **EMAIL:** _____

CLASSIFICATION (check one):
SINGLE BUILDING OR SITE
MULTIPLE BUILDINGS OR SITES

APPLICANT SIGNATURE:  **DATE:** 8/11/2020

APPLICATION CHECKLIST

- Historic Overlay District Application (the first two pages of this form)
- Map of Proposed District (including boundary of district, parcel lines, streets, railroads and natural waterways)
- List of All Parcel Numbers within the Proposed District
- 3 Sets of Envelopes with First Class Postage and Mailing Labels for all Property Owners within the Proposed District
- 10-24 Color Photos Showing Representative Properties within the Proposed District
- One Copy of the Design Review Guidelines for the Proposed District
- Evidence of Two Neighborhood Hearings (see Sec. V.B(2) of the Commission's Bylaws)
- Signs (these shall not be filed with the application but instead shall be posted by the applicant no later than ten days prior to the Landmarks Commission meeting)

PHYSICAL DESCRIPTION OF PROPERTY (please include additional pages if needed):
Please see attached PDF

STATEMENT OF HISTORICAL SIGNIFICANCE (please include additional pages if needed):
Please see attached PDF

Date (or period) of Construction: 1890s-1925

Prominent Architect(s)/ Builder(s):

The wide variety of architectural styles, including concrete masonry and masonry, and the characteristic use of such details as thin porches, bay windows, arched windows, and window grilles. This building exemplifies the style, materials, siting, placement, and window design, with many features characteristic of a wide of local architectural styles. Prominent styles also include Colonial Revival, Chateau, Mediterranean, Prairie, Queen Anne, and Shingle.

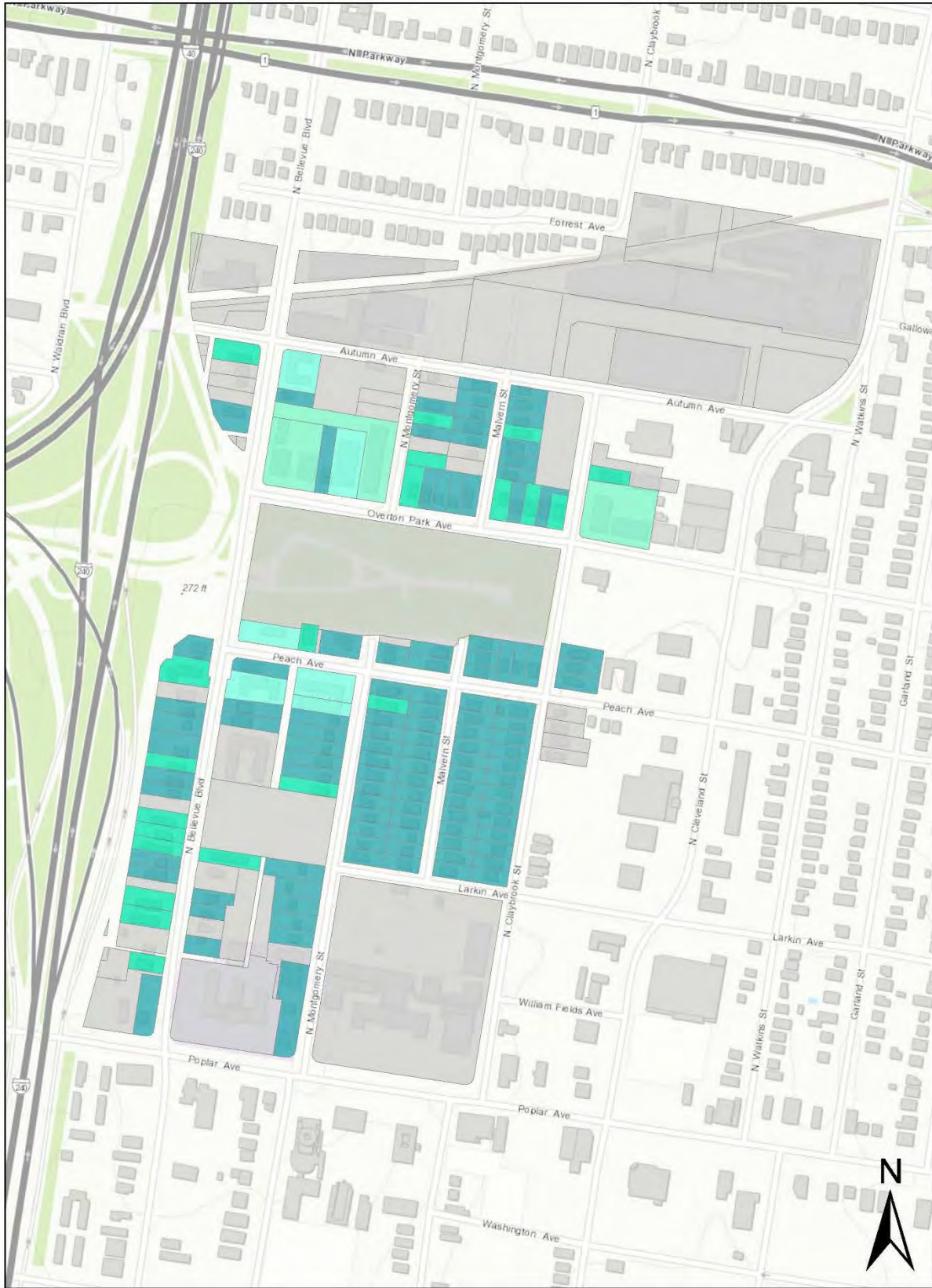


Proposed Crosstown Historic District

Legend

 Historic District Proposed Boundary

 Parcels inside Proposed Historic District



Proposed Crosstown Historic District

Legend

Living Units	Single Family	10 to 20
Other	2 to 9	More than 20

Notes:

Planning and Zoning Documents
Tuesday, April 20, 2021

PHYSICAL DESCRIPTION OF PROPERTY (please include additional pages if needed):

The proposed Crosstown Historic District Neighborhood is composed of approximately 12 blocks, 134 structures and 90.68 acres in Midtown Memphis. The great majority of the structures are single-family residences built between 1890's-1923; the area also contains multifamily dwelling units built later in the 1970s, schools, and some commercial. Crosstown Historic District is significant for its architecture, geographical location, community, and historical significance.

In architectural style, the neighborhood reflects characterizations of early twentieth century middle-class Memphians. The wide variety of architectural styles work well because of uniform setbacks, cornice heights and massing, and the characteristic use of such details as front porches, bay windows, porte cocheres, and leaded glass. The building materials include brick, limestone, stucco, clapboard, and wooden shingles, with many houses constructed of a mix of two or three of these. The original workmanship is of a consistently high quality, and the detailing is extremely rich and well-conceived. Most houses in the proposed Crosstown Historic District Neighborhood are the foursquare and bungalow, with a great diversity of neoclassical on Bellevue. Principal styles also include Colonial Revival, Craftsman, Mediterranean, Prairie, Queen Anne, and Shingle. In addition to the historical homes, Crosstown contains Northwest Prep Academy (formerly Memphis Tech High School) with its historically remarkable neoclassical design, the Landmarked Crosstown Concourse (formerly Sears Roebuck & Co Crosstown Building) designed by Nimmons & Co. and Looney Ricks Kiss (now Crosstown Concourse).

STATEMENT OF HISTORICAL SIGNIFICANCE (please include additional pages if needed)

The proposed Crosstown Historic District, so named for the intersecting trolley tracks at Cleveland and Poplar that once connected Memphis commuters to the neighborhood in 1927, has undergone much change in the past 100 years. Most of the change in the neighborhood has not followed the national architectural standards with home improvements and renovations. And because of that, the value to the history that has preceded its residents has declined. It's important to pursue and value a Historic Neighborhood in order for it to maintain its value and for its residents to appreciate the beauty of this historic and culturally adaptive neighborhood.

Because of the lack of historical district designation, the Crosstown neighborhood has seen unnecessary demolition of large single-family Neoclassical, Four Square, Bungalow, Colonial, and many other style homes. The TN Department of Transportation (TDOT) removed 65 homes

to make way for the construction of Interstate 40 through the heart of Memphis, leaving the neighborhood with the now-empty lot known as the Crosstown Mound. At that time, there was nothing to protect those homes from being demolished, and now, as the Crosstown neighborhood looks forward, as we grieve from our past, Crosstown would like to ensure those new homes being constructed or rehabbed properties will follow historic guidelines.

Brief Historic Overview

The Crosstown Historic District dates back to the 1850s and concluded in the 1940s. Once a suburb of Memphis, a portion of the land was owned by the Van Vleet family and the Henry A. Montgomery family.

The proposed district would include Memphis Tech High, founded in June of 1911, originally known as Memphis Vocational Grammar, Crockett Vocational School, Crockett Technical High, later "Tech High," and now Northwest Prep Academy(Memphis Tech High). The Board of Education had a building, "the castle," at 317 Poplar Avenue for which they no longer had any use. They created the new vocational high for this building, specifically "to take the load off the new Central so they wouldn't have to build a second public high school for some time." Thus the new Central High and the new Vocational High Schools both opened in September of 1911. Eventually, ten acres of the Van Vleet property, along with the house was acquired by the Board of Education to build what is now Memphis Tech High located at 1266 Poplar Avenue.



The Van Vleet Mansion, originally built in 1856 by Q. C. Atkinson at 1266 Poplar Ave., is known as one of the first major residential developments in the Crosstown area. The mansion and the 20 acres were sold by W. A. Williams to Peter Van Vleet. Van Vleet was the owner of the Van Vleet-Mansfield Drug Co., one of the largest drug firms in the United States. When Vleet died in 1915, the house and only 10 acres of the 20 were sold to the Board of Education. The remaining land was still a part of what was known as Van Vleet Park.



The mansion was surrounded by a brick wall with wrought iron entry gates at the east and west corners (still standing to this day on Poplar

Avenue at the corner of Claybrook St. and Montgomery St.). The gates were guarded by large stone lions brought back from the Van Vleets' travels, which were later donated to the Memphis Zoo.



A driveway curving to the front of the house connected the two entry gates. The architect for Memphis Tech High had incorporated into his design four similar Corinthian columns and portico from the original mansion, as well as similar brick entry gates with those stone lions guarding the gate. The Greek Revival and mix of Neoclassical Design of Memphis Tech High speaks volumes of the middle-class suburb Crosstown Memphis once was.

In 1909, real estate agents S. H. and Walter Lamb advertised acreage for sale on Montgomery and Overton Park Ave. "adjoining Van Vleet Park." This "fashionable uptown district" was "close to handsome homes, streetcars, and paved streets," (Commercial Appeal, 1909). Initially, houses on Peach Ave. were built facing Van Vleet Park. After the park was sold for house construction, the remaining lots on Peach faced the north-south streets.



The Henry A. Montgomery home was built in the 1860's and was located at Poplar and Bellevue.

Henry A. Montgomery had formed the Memphis Jockey Club and by the 1850s the club purchased a tract of land that would become the Fairgrounds. Eventually settling in Memphis, Henry began working in the telegraph business. He built the first telegraph line from Memphis to Little Rock, and during the Civil War he extended it to Clarksville.

In addition, he built a line from Madison to Helena, Arkansas. The first, and at the time, the only telephone in Memphis was installed in Henry A. Montgomery's home. When the first telephone call was made in Memphis, it was from the railway office of Col. Michael Burke to the home of Henry A. Montgomery on Poplar Avenue and Bellevue.

Henry A. Montgomery was frustrated by the condition of Poplar and laid his own stone to improve the street. By 1907, Poplar was paved with asphalt and by 1911 electric streetcars were



finding their way into the neighborhood. Henry A. Montgomery's magnolias remain and his granddaughter Montgomery (Monty) Cooper took the paving stones previously used on Poplar to build the Montgomery Library (251 N Montgomery) for his books.

That structure remains on Montgomery St. adjacent to a house (243 N. Montgomery) Cooper built for herself.



Montgomery Library, built with the stones originally from Poplar Avenue from the 1800s - 251 N Montgomery (pictured above, and 243 N Montgomery pictured to the left)

Between the World Wars, the Van Vleet and Montgomery homes were demolished with Van Vleet's park area from Peach to Larkin and from Montgomery to Claybrook being filled with 52 bungalows by the same builder.



Architect Victor Dunkerley, who had worked with Frank Lloyd Wright, designed the Avery House at 305 N. Montgomery. It has been called a "picturesque example of the cozy English Arts and Crafts Style (Ellzey, 2020)." It was built facing Van Vleet Park on the Lombardy Poplar tree-lined N. Montgomery.

(Avery House, at 305 N Montgomery pictured to the left)

To the north, the availability of the railroad led to the location of Sears Crosstown. Cleveland Street along with a streetcar line was extended north from Poplar Avenue to Sears. Large apartment buildings, including 394-400 N. Bellevue Blvd. (c. 1925), were built along the streetcar lines within walking distance of the growing and bustling Crosstown commercial area.

As development continued east from Downtown Memphis, ground was broken for Temple Israel at Poplar Avenue and Montgomery Street. In 1912, the congregation had decided that they had outgrown their building, and began to raise money for a new synagogue. They acquired a plot of land on Poplar Avenue almost two miles east of their current home, and dedicated a new synagogue there in 1916. The new temple boasted a 1200 seat sanctuary, fourteen religious school rooms, and an auditorium with a stage. Parts of the building are now utilized by Mississippi Boulevard Church and Memphis Academy of Science and Engineering.



In addition, the proposed Crosstown Historic District would include the William R. Moore School of Technology, better known as Moore Tech. William R. Moore served as a United States Congressman and then two years in the Tennessee House of Representatives. From an endowment that was left in the will of W.R. Moore, a charter school was established in 1939. The W. R. Moore School of Technology opened at 1200 Poplar Avenue, combining elements of classicism with the International Style and Bauhaus movements. It was designed by Walk C. Jones and Walk C. Jones, Jr.

The landmarked Crosstown Concourse was once a Sears, Roebuck & Co. distribution center and retail store, which opened on August 27th, 1927. The fourteen-story structure has a limestone base and brick walls. It is crowned by a Classical Revival top floor with round-arch windows and a modillion cornice. The building, the largest in Memphis at the time, made this community the hub and the gathering place for retail, shopping, and dining. Along with six other major cities, Boston, Atlanta, Chicago, Dallas, Minneapolis, and Seattle, Memphis has redeveloped Crosstown Concourse into a vertical urban village anchored in arts, education, and healthcare. That development has become a strong anchor for the surrounding residential homes in the proposed Crosstown Historic District as we look towards revitalization and historical significance.

229 N Montgomery St, Queen Anne Style, 1890

Memphis Tech High, William R. Moore School of Technology, and the Sears Roebuck & Co. building were all responses to the residential housing development that had grown around the Crosstown neighborhood between 1890-1923. Some of the earliest houses in the neighborhood that have not been demolished, besides the Van Fleet Mansion, and the Montgomery Mansion, include a Queen Anne style home built in 1890 at 299 N Montgomery St. and a 1887 Arts & Crafts style home at the south-west corner of Poplar Avenue Montgomery Street.



As well as many other architectural beauties, such as 1234 Poplar Avenue (built in 1900); 299 Montgomery St (built in 1900), a classic foursquare with siding; 314 N Claybrook St (built in 1900), an Arts & Crafts style design; and, 1174 Poplar Avenue (built in 1909), a foursquare style home with large front porch, smooth stucco finish, and round arching windows

A majority of the homes in the neighborhood were later constructed between 1910-1912 and 1920-1923. These homes consist of a mixture of bungalow, airplane bungalow, foursquare, one mission revival, and craftsmen.

In April of 1944, a B25 bomber crashed into the neighborhood, at the corner of Poplar Avenue and Cleveland Street. The aircraft smashed into a two-story home at 222 North Claybrook behind what was then a bowling alley. In the days that followed, more than 20,000 Memphians visited the crash site, and the Army brought in MPs to control the crowds. Although seven lives were lost, everyone breathed a sigh of relief that the plane had somehow missed Memphis Tech High, the Southern Bowling Lanes, Sears Crosstown, and dozens of nearby businesses that would have made the death toll much higher. Lots at the corner of Claybrook and Williams Field Avenue, to the north and south remain vacant lots to this day.

Then in the late 1960s the neighborhood was wounded by the intrusion of the interstate highway construction that eliminated Longwood Street to the west and took out over 65

Crosstown homes and apartments for the I-40 section. “Modern” apartment buildings took the place of some homes. Opponents of routing the expressway through Overton Park in 1971 won a landmark Supreme Court case, which eventually led to I-40 being rerouted to the Wolf River bottoms far to the north. But not before TDOT had built a 20-foot mound of dirt that was to elevate traffic to overpasses that has since been removed. The giant, yet historic, Crosstown Mound still lords over old bungalows, foursquares and apartment buildings along streets that border the mound: Overton Park, Claybrook, Peach, and Bellevue. The mound has been an on-going eyesore for the neighborhood, the lack of maintenance has led to major overgrowth, wildlife, rodents and raccoons, to discarded debris and trash, and vagabonds taking up residence on the mound.

In 1988, a 100,000 gallon propane gas tanker skidded on an exit ramp and exploded on Interstate 240 destroying half a dozen historic homes on Bellevue Avenue leaving empty lots. The tank shot 125 yards and also destroyed a duplex, killing a ten year old girl. In total 9 people died from the explosion.

In 1993, Sears began its long process of closing down. The streets that were once crowded with shoppers were now empty. Temple Israel and Bellevue Baptist Church moved east being replaced by Mississippi Boulevard Christian Church.

The University of Memphis’ Department of City & Regional Planning worked with Crosstown to help reinvigorate the sense of community and work to maintain the quality and character of the neighborhood. The Crosstown Concourse opened in 2017. Commercial properties are returning adjacent to the Concourse. Original houses between Overton Park, Bellevue Boulevard, Montgomery, Claybrook and Autumn Ave. are being restored rather than demolished; and new, affordable homes were built on Claybrook between Larkin Avenue and Peach Avenue.

Just within the Crosstown district, the homes, residents, and businesses have experienced a great deal of change since the 1850’s. It’s important to pursue and value a Historic Neighborhood in order for it to maintain its value and for its residents to appreciate the beauty of this historic and culturally adaptive neighborhood.

It is important to realize that, while historic in its architectural, geographic location, and structural significance, the proposed Crosstown Historic District Neighborhood has had alterations to existing structures and construction of new buildings and multi-family homes. Memphis Landmarks Commission (MLC) was established to protect, enhance, and perpetuate structures, districts, and elements in the city that are of historical, cultural, architectural, and geographic significance. With that being said, there should be no doubt that the proposed

Crosstown Historic District represents the history, culture, architectural, and geographic significance that this city adheres to protect.

*It is important to note, historical information about the Crosstown neighborhood is not limited to just the information above. There is more data about homes on Bellevue Avenue, the Tension Brothers, other commercial properties and the surrounding neighborhoods, that have not been included at this time.

Resources

B-25 Bomber

<https://memphismagazine.com/ask-vance/75-years-ago-a-b-25-bomber-crashed-in-midtown/>

Temple Israel History

<https://www.isjl.org/tennessee-memphis-temple-israel-encyclopedia.html>

Henry A. Montgomery Resources

<https://memphislibrary.contentdm.oclc.org/digital/collection/p13039coll1/id/36/rec/1>

<https://dailymemphian.com/article/7970/Kings-of-the-hill-Competing-developers-now-teaming-on-Crosstown-Mound>

<http://www.historic-memphis.com/biographies/montgomery-park/montgomery-park.html>

Memphis Tech High Resources

www.historic-memphis.com/memphis-historic/techhistory/techhistory.html

William R Moore Resources

<http://historic-memphis.com/biographies/w-r-moore/w-r-moore.html>

<https://www.mooretech.edu/about/history/>

Sears Crosstown

<https://crosstownconcourse.com/about>

<http://www.memphisheritage.org/sears-roebuck-company-catalog-distribution-center-retail-store-crosstown-concourse/>

Peter Van Vleet History

<http://historic-memphis.com/biographies/van-vleet/van-vleet.html>

<https://historic-memphis.com/memphis/a-day-at-historic-memphis/a-day-at-historic-memphis.html>

[ml](#)

Tanker Explosion - 1988

<https://www.nytimes.com/1988/12/25/us/death-toll-at-9-in-memphis-tanker-explosion.html>

<https://www.usdeadlyevents.com/1988-dec-23-propane-tank-truck-hits-ramp-wall-explodes-parts-hit-house-cars-memphis-tn-9/>

Additional: <https://sharetn.gov.tnsosfiles.com/tsla/exhibits/blackhistory/feilds.htm>

Page 2
of Guaranty No. 20611.

SCHEDULE A.

1. The estate or interest of the guaranteed in the premises described below, covered by this guaranty.
SEE SIMPLE TITLE, Vested by Warranty Deed from McKay Van Vleet, Ramelle Van Vleet, by her Attorney-in-Fact, McKay Van Vleet; Elsa V. V. Connor, by her Attorney-in-Fact, McKay Van Vleet, and Wm. D. Connor; Ramelle V. V. King, by her Attorney-in-Fact, McKay Van Vleet, and Charles Curtis King, to Board of Education of the Memphis City Schools, filed for record December 30th, 1926, at 4.13 P. M., in the Register's Office of Shelby County, Tennessee.

2. The premises in which the guaranteed has the estate or interest covered by this guaranty.
CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE;
 Lots 1, 2, 3, Lawrence Subdivision of Lot 3, Rice Grant;
 Beginning at the Northeast corner of North Montgomery Street and Poplar Boulevard; thence North with North Montgomery Street 698½ feet to Larkin Street; thence East 591 feet to North Claybrook Street; thence South with said Street 698½ feet to Poplar Boulevard; thence West with said Boulevard 589.5 feet to the point of beginning.
 Description subject to survey.

UNION & PLANTERS BANK & TRUST COMPANY
 ESTABLISHED 1838
 20611 UNION & PLANTERS BANK OF MEMPHIS \$ 90,000.00
 TENNESSEE TRUST COMPANY
 ESTABLISHED 1838
 CONSOLIDATED 1909
MEMPHIS, TENNESSEE

In Consideration of - - FOUR HUNDRED SEVENTY & 10/100 - - DOLLARS. TO IT PAID, THE UNION & PLANTERS BANK & TRUST COMPANY DOES HEREBY, SUBJECT TO ALL TERMS AND CONDITIONS HEREOF. GUARANTEE

- - - BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS - - -

AND ALL PERSONS TO WHOM THIS GUARANTY MAY BE ASSIGNED WITH THE CONSENT OF SAID COMPANY, TESTIFIED IN THE MANNER HEREINAFTER PROVIDED, AGAINST ALL LOSS OR DAMAGE, NOT EXCEEDING

NINETY THOUSAND & 10/100 - - - - (\$90,000.00) - - - - DOLLARS WHICH THE GUARANTEED SHALL SUSTAIN BY REASON OF DEFECTS OR UNMARKETABILITY OF THE TITLE OF THE GUARANTEED TO THE ESTATE OR INTEREST DESCRIBED IN SCHEDULE "A", HERETO ANNEXED, EXISTING AT THE DATE OF THIS GUARANTY, AND NOT HEREIN EXPRESSLY EXCEPTED IN SCHEDULE "B", OR OTHER CONDITIONS HEREOF.

IN WITNESS WHEREOF, SAID UNION & PLANTERS BANK & TRUST COMPANY HAS CAUSED ITS CORPORATE SEAL TO BE HERETO AFFIXED, AND THIS GUARANTY TO BE EXECUTED IN ITS NAME BY ITS DULY AUTHORIZED OFFICERS, THIS 30th DAY OF December, 1926, AT 4.13 O'CLOCK P. M.

Ray Play VICE-PRESIDENT
W.S. Cooper TRUST OFFICER
Ray Play ATTORNEY

The Van Vleet residence and estate on Poplar was purchased yesterday by the Board of Education as the site for the proposed \$500,000 technical high school. The board agreed to pay \$90,000 for the 10-acre tract on which the home is located.



CROSTOWN HISTORIC DISTRICT

User Guide and Architectural Design Guidelines

Crosstown Historic District Users Guide and Architectural Design Guidelines

Prepared by:

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297 N Montgomery St

Memphis TN 38104

1st Edition – September 2020

Edits & Revisions by:

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Special Thanks to Crosstown Community Development

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Porche Stevens

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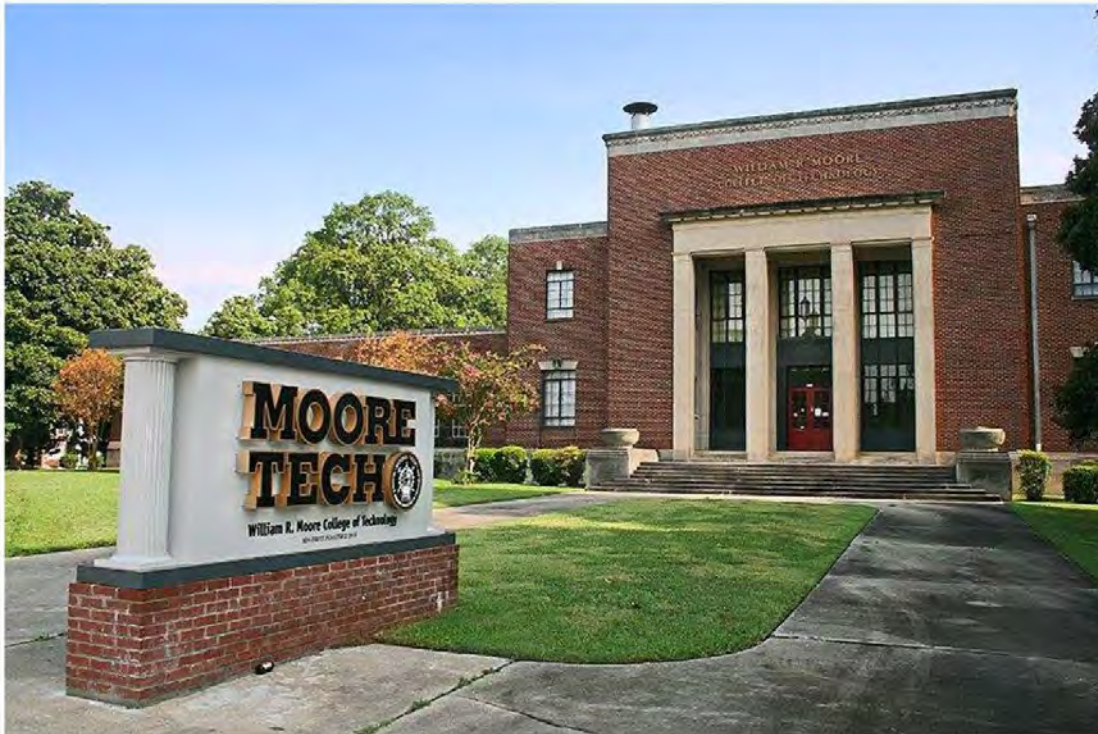
Bianca Phillips

Justin Gillis

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Part 1: Introduction

1. History of the Crosstown Neighborhood and Proposed Historic District

The Crosstown Historic District Neighborhood is composed of approximately 12 blocks, 134 structures and 90.83 acres in Midtown Memphis. The great majority of the structures that are still standing are single-family residences built between the late 1890's-1923; the area also contains multifamily dwelling units built later in the 1970s, schools and some commercial. Crosstown Historic District is significant for its architecture, geographical location, community, and historical significance. Crosstown is named for the intersecting trolley tracks at Cleveland and Poplar that connected Memphis commuters to the neighborhood in 1927.

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The Van Vleet Mansion, originally built in 1856 by Q. C. Atkinson, at 1266 Poplar Avenue, is known as one of the first major residential developments in the Crosstown area. The mansion and the 20 acres were sold by W. A. Williams to Peter Van Vleet. Mr. Van Vleet was the owner of the Van Vleet-Mansfield Drug Co., one of the largest drug firms in the United States. When Mr. Van Vleet died in 1915, the house and the land were sold to the Board of Education, to construct what is now known as Memphis Tech High.



Van Vleet Home in 1904 at 1266 Poplar Avenue

The mansion was surrounded by a brick wall with wrought iron entry gates at the East and West corners (still standing to this day on Poplar Avenue at the corner of Claybrook Street and Montgomery Street). The gates were guarded by large stone lions brought back from the Van Vleet's travels, which were later donated to the Memphis Zoo.

The Henry A. Montgomery home was built in the 1860's and was located at Poplar Avenue and Bellevue Boulevard. Mr. Montgomery had formed the Memphis Jockey Club and by the 1850s the club purchased a tract of land that would become the Fairgrounds. Eventually settling in Memphis, Mr. Montgomery

Henry A. Montgomery home 1200 Poplar Avenue



began working in the telegraph business. He built the first telegraph line from Memphis to Little Rock, and during the Civil War he extended it to Clarksville.

In addition, he built a line from Madison to Helena, Arkansas. The first, and at the time, the only telephone in Memphis was installed in Mr. Montgomery's home. When the first telephone call was made in Memphis, it was from the railway office of Col. Michael Burke to the home of Henry A. Montgomery on Poplar Avenue and Bellevue Boulevard.



Van Vleet Home – Iron Gates guarded by Lions.



Donated stone lion. Memphis Zoo.

2. The Memphis Landmarks Commission

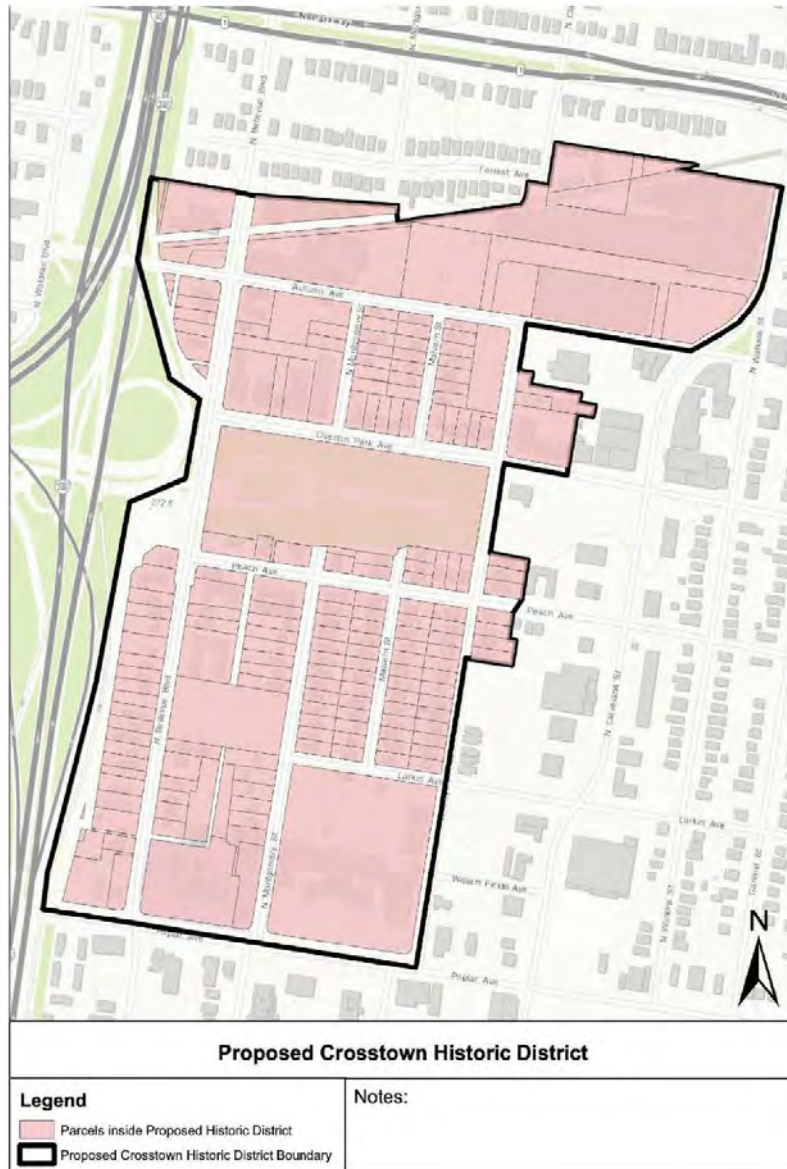
Memphis Landmarks Commission (MLC) was established to protect, enhance and perpetuate structures, districts and elements in the city of historical, cultural, architectural and geographic significance. The MLC consists of nine members who serve as volunteers, all appointed by the City Mayor. It includes one representative of a local historical organization, one architect and one person who is a member of the Land Use Control Board, with the remaining members representing the general community.

3. Goals for the Crosstown Historic District

The goal for the Crosstown Historic District is to protect the character, and the social and economic stability of this vibrant and diverse neighborhood.

As well noted, Crosstown has seen change already, and the goal is that future changes do not detract from the neighborhood's original character without stopping future developments and economic growth. A renewed spirit of community and connection to history has been triggered by the redevelopment of the Sears, Roebuck and Company regional distribution warehouse into what is known today as the Crosstown Concourse. With inevitable future development and revitalization of the surrounding areas, the goal is that future changes do not detract from the neighborhood's unique and original character.

4. Map of Proposed Crosstown Historic District



Part 2: Zoning Regulations

1. Memphis and Shelby County Unified Development Code

Please Review “THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE” regarding zoning codes and subdivision regulations. Code can be found by following the link below:

<https://www.shelbycountyttn.gov/DocumentCenter/View/13413/ZTA-13-002-Complete-UDC-as-approved?bidId=>

2. Local Regulatory Entities

Land Use Control Board and City Council or the Board of Adjustment will regulate any zoning, or rezoning of multifamily, commercial use or boarding use. Lots zoned Multi-Family, Commercial or Boarding are permitted to change back to single-family use with approval from the Land Use Control Board and City Council. Land use is also subject to Memphis and Shelby County Unified Development Code as approved by Shelby County Board of Commissioners 8/9/10 and by the Memphis City Council on 8/10/10, including adopted Amendments (the “Code”), Article 4, General Development Standards, which covers streetscapes, streets, access, parking, landscaping, lighting, storage and signs. Land use is also subject to Article 6 of the Code, Open Space and Natural Resource Protection, which covers tree protection, open space, steep slope protection, stream buffers, floodways and stormwater management.

3. Overlay Districts

Land use may also be subject to the guidelines in the various Overlay Districts defined in the Code.

- A. Overlay Districts may be established from time to time as the Governing Bodies see fit in order to promote a more carefully tailored standard of development within a specified geographical area. The nature, applicability, standards, regulations, and restrictions of each Overlay District may vary as appropriate in order to achieve the stated purpose and goals of a particular Overlay District.
- B. Where the standards of a particular Overlay District, established by this Article, do not address standards established elsewhere in this Code, the standards established elsewhere apply.
- C. Where the standards of a particular Overlay District, established by this Article, conflict with the standards established elsewhere in this Code, the Overlay standards shall apply.
- D. Changes to frontage maps or height maps that were adopted as part of an Overlay District and incorporated into the Zoning Map shall be processed pursuant to Chapter 9.4, Text Amendment.

Specifically, the guideline in following Overlay Districts may be particularly relevant:

- A. Medical Overlay District
- B. Midtown District Overlay
- C. Residential Corridor Overlay District
- D. Historic Overlay District (as applicable)
- E. Floodplain Overlay District
- F. Transitional Office Overlay (as applicable)
- G. Neighborhood Conservation Overlay District (as applicable)

Part 3: Design Guidelines for Crosstown Historic District

1. Overview and Application of Design Guidelines

a. Design Guidelines Intent

In general, the intent of the Design Guidelines is to ensure that new construction in Crosstown Historic District is in character with the neighborhood's original fabric. It is not the intent to freeze the appearance of the neighborhood in time, but to guide future growth and development in the Crosstown Historic District.

The intent of these guidelines is to ensure that all exterior alterations, new construction, habitable additions, demolition and relocation within Crosstown is in character with the neighborhood's existing fabric. Design Review Guidelines provide the Memphis Landmarks Commission (MLC) with basic criteria and standards to consider in determining the appropriateness of proposed work within the District.

b. Design Guidelines Application

The Design Guidelines apply only to the exteriors of buildings and to areas of lots visible from the street. The Memphis Landmarks Commission must review proposals for building relocation or demolition. The Design Guidelines address all projects in the neighborhood requiring a Certificate of Appropriateness (COA) from the Memphis Landmarks Commission. Please note that the Office of Construction Code Enforcement will not issue a construction permit without a COA from the MLC. Projects that need a COA include:

- A. New construction of houses or secondary structures (garages & storage buildings)
- B. Exterior alterations to the existing structure
- C. Additions or enclosures that expand habitable space, such as dormers, second or third stories
- D. Demolition or building relocation
- E. Site improvement construction, such as fences, gates and retaining walls
- F. New Driveways and parking pads
- G. Driveway gates
- H. Other site renewables

Please review the Certificate Of Appropriateness website for additional information:

<https://shelbycountyttn.gov/DocumentCenter/View/29968/Current-Full-COA-Application?bidId=>

Please note that only work that is visible in whole or in part from a public street (or streets in the case of a corner lot) is reviewed. Landmarks staff will confirm the scope of review based on a site plan and description of work provided by the applicant. In general, greater emphasis is placed on the character of primary facades, those designed to face the street.

Property owners, real estate agents, developers, contractors, tenants and architects should use the design guidelines when planning for a project within the neighborhood. Such use will help establish an appropriate direction for its design.

2. The Design Review Process

The following basic steps should be reviewed to understand the design review process with the Memphis Landmarks Commission.

- **Step 1.** Consider professional design assistance. For major projects, property owners are encouraged to engage a licensed architect or other design/planning professional to assist in developing their concepts. While doing so may help facilitate the review process, it is not required.
- **Step 2.** Check other City regulations.
The guidelines exist alongside other adopted City regulations. The Memphis and Shelby County Division of Planning and Development can provide information about certain regulations, which also may affect the design character of a project. (See www.shelbycountyttn.gov/924/zoning-subdivision)
- **Step 3.** Thoroughly understand and become familiar with the design guidelines for the Crosstown Historic District.
Review the basic organization of this guidelines document and determine which chapter(s) will apply to a project.
- **Step 4.** Review the project site's context.
Consider immediately adjacent properties and also the character of the entire block where the project will be located.

3. New Construction of Single-Family Homes and Secondary Structures

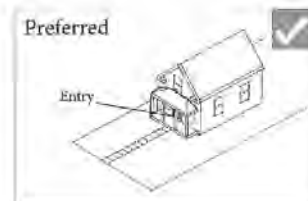
New construction includes the construction or erection of any freestanding structure or improvement on any lot. This includes new construction that uses existing walls and additions to existing buildings. These are subject to review by the Commission pursuant to the Landmarks Ordinance. This review applies only to the exterior of buildings and any other structure visible from the public right of way.

New construction should remain consistent with other buildings along a street in mass, scale, setback, height, rhythm and other design characteristics. Characteristics including the traditional door, and windows heights of early 1900-1930 homes and roof dormer designs. More weight should be given to compatibility with other existing structures that are products and original to the historic period of construction of the immediate area. The principal façade and the street related elevations should be reviewed more carefully than other facades.

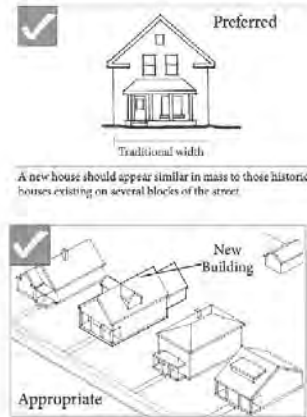
In determining the appropriateness of proposed new construction, the Commission should consider the compatibility and consistency of the proposed design of the new construction with the designs of existing building in terms of the following characteristics:

a. Building Orientation, Setbacks and Rhythm of Spacing

- Maintain the line of building fronts and spacing patterns in the block.
- A new house should fit within the range of front yard setbacks seen in the block.
- Uniform spacing of side yards should be maintained.



- The front of a house should be oriented to the public street and the primary entrance should be clearly defined.
- Use of a porch element to define the entry is strongly encouraged.
- Traditionally, the front entry of each building faced the street and was usually sheltered by a porch. This is a characteristic that should be maintained.
- The porch should be "functional," in that it is used as a means of access to the entry and or as outdoor living space.
- In some cases, the front door itself may be positioned perpendicular to the street if the entry is still clearly defined with a walkway and porch.



b. Building Mass, Scale and Form

- A new building shall follow the same pattern of mass, scale and form as those historic houses existing on that block of the street.
- Consistency in the mass, scale and form of buildings gives a street and a neighborhood a sense of unity and human friendliness. New houses should be consistent with existing historic houses on the same and opposite sides of the street in terms of height, scale, mass, form and rhythm, as well as consideration in lot size (width and length). Window and door designs must be appropriate and traditional in sense to the neighborhood.
- Use of building materials that are of traditional dimensions such as brick, stucco, wood, no vinyl materials.
- Use of a one-story porch that is similar in size to those seen traditionally.
- Use of a building mass that is similar in size to those seen traditionally.
- Use of window openings that are similar in size to those seen traditionally. Double hung windows are preferred.
- Building equipment (HVAC, utilities, etc.) shall be placed on the side or rear of the house; not visible from the street and screened from view.
- A new residential building shall be constructed with the same number of stories as any existing residential structure constructed during the period of significance on the same street-block.
- Maintain the alignment of horizontal elements along the block.



- Roof and building forms should appear similar to those seen traditionally in the neighborhood.
- Sloping roof forms such as gabled, hip, jerkinhead, bellcast hip, cross-gable and gambrel should follow the pitch of sloping roofs generally found on historic houses of the block.
- Dormers are a frequent neighborhood architectural roof feature and should be considered for new construction.
- Roof shapes should also relate to the surrounding roof structures.
- Eave depths, fascia, soffits, and cornice trims should be similar to those of historic houses on the block.

c. Roofs and Building Forms

- Roofs and Building Forms should appear similar to those seen traditionally in the neighborhood.
- Crosstown buildings consist mainly of brick, stone, stucco, and wood shingles, in a variety of combinations. Stone, stucco, brick, painted wood siding and painted shingles are appropriate materials for new construction.
- Horizontal lap siding is appropriate in most applications.
- Masonry that appears similar in character, color, texture, and size to that in historic houses within the neighborhood should be considered in the new construction.
- It is preferred that the original brick of the historic home be maintained and not painted. Unpainted masonry or stone shall not be painted.
- Stone, similar to that used traditionally, is also appropriate. Jumbo, or oversized brick is discouraged.
- Aluminum siding, vinyl siding and synthetic stucco (EIFS) are inappropriate material, and not to be used. Fiber cement siding is appropriate use for new construction.
- Depending on style, traditional roof materials such as tile, slate, wood shingles, and composite shingles are appropriate.
- Metal roofs are generally not appropriate except for porches.
- Such roofs should be applied and detailed in a manner that is appropriate to the style of the house.



d. Architectural Details

- New architectural details should relate to comparable historic stylistic elements in general size, shape, scale, finish, materials and shadow depth and should be appropriate to the style.
- It is part of the character of the neighborhood to have stylistic elements (i.e. brackets, porches, dormers, chimneys, detailed trim work etc.) as seen on the historic structures.

- Chimneys also provide decorative opportunities and are encouraged. Chimneys should not be made of wood, wood substitute or metal material, or have a protruding pipe.
- Use materials similar to those seen historically. Wood and brick were the most common materials used for exterior details. Fiber cement siding is also an appropriate use for new construction.

e. Porches

- The incorporation of a porch in the design of a new house is strongly encouraged. Porch elements should be similar to those traditionally seen.
- The depth of the porch should be a minimum of eight feet (8') so it is of sufficient size to be usable as outdoor living space.
- The design of a porch should relate to the overall architectural style of the main structure. Many historic porch designs are integral to the architectural style of the house.
- Porch supports of wood, brick, stucco and stone should be of an appropriate scale for the house and style.
- Porch balustrades should be a size, mass and design that is appropriate to the house and the District.



f. Windows & Doors

Windows and doors are some of the most important character-defining features of houses. They provide visual interest to the composition of individual facades. Distinctive window design often defines a historic building style.

- Windows and doors should be of a traditional size and should be placed in a similar solid-to-void relationship as historic buildings.
- Unusually shaped windows, such as circles, octagons and trapezoids, are generally inappropriate.
- The number of different window styles should be limited so as not to detract attention away from the overall building or facade.
- Windows and doors shall be finished with trim elements similar to those used historically.
- Wood double hung windows with traditional depth and trim are preferred.



- Snap-in muntins, solid aluminum windows and solid vinyl windows are inappropriate and shall not be used. Multi-pane windows shall use true divided lights.

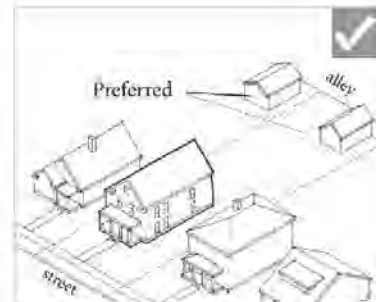
Alternate materials such as composite wood and fiberglass will be considered. Some vinyl products may be appropriate when they work well with the inset and sash components which have substantial dimensions.

A door located on a primary facade should be similar in character to those seen historically in the district. The scale should be similar. Glass panes also should be similar. Front doors with transoms and sidelights are appropriate.

g. Secondary Structures

Traditionally, secondary structures such as sheds, garages and carriage houses, were subordinate in scale and character to the primary structure and were located to the rear of the lot. To the extent visible from the street, this tradition of detached secondary structures is encouraged because this reduces the building's overall perceived mass.

- Where visible from the street, a secondary structure should be located in the rear yard of the primary residence.
- A secondary structure should reflect the architectural character and style of the main structure or be compatible with the style of the main structure.
- Material should be similar to the home; metal siding is not permitted.
- Consider using a porte cochere if appropriate to the style of the house.
- All new home construction must include an appropriate single car width driveway extending to the rear of the structure. Any excess parking should be to the rear and out of the public right of way.



To the extent plainly visible from the street, the tradition of detached secondary structures is encouraged because this reduces the overall perceived mass of buildings on the site.

4. Additions and Enclosures

Additions to the exterior of a historic building should be designed and constructed so the character and defining features are not radically changed, obscured, damaged or destroyed in the process. Additions to the principal façade should be discouraged. Additions should be located to the rear of the principle structure and not overwhelm the original structure in mass or scale. Enclosures of porches, front exterior doors or boarding of windows, and other covered areas of a principal façade to increase habitable space are inappropriate and should be avoided. If such closure is permitted it should preserve the original character of the principle façade.

- Enclosing a porch—in whole or part—alters the character of the building by eliminating one of its most important features. Such enclosures are not appropriate or permitted. A front porch shall not be completely or partially enclosed. This does not apply to screened in porches.
- No original exterior window or door shall be enclosed.
- Place an addition toward the rear of a building or set it back from the front to minimize the visual impacts.
- Do not obscure, damage, destroy or remove significant original architectural details and materials of the primary structure.
- Rooftop additions must be kept subordinate to the principal building in mass and scale and set back from the front of the building. The roof form of new additions should be in character with and subordinate to that of the primary building to avoid changes in the principle facade.
- Use windows that are similar in character to those of the main structure.
- Building materials that are compatible with those of the primary structure shall be used.
- The roof form of a new addition should be in character with and subordinate to that of the primary building.
- The mass and scale of rooftop additions must be kept subordinate to the primary building.
- When adding a dormer, it should be in character with the primary structure's design.



5. Demolition and Relocation of Principle Historical Structures Out of a District

A historic building is irreplaceable. It is a document of the past, and once it is gone, it is lost forever. Crosstown realizes the past mistakes of demolition of historic properties, therefore the demolition of an historic building that contributes to the significance of a Historic Conservation District is inappropriate.

Since the purpose of historical zoning is to protect historic properties, the demolition of any principle structure which contributes historically or architecturally to the character and significance of a District is considered to be inappropriate and should be avoided. Demolition includes the complete or partial tearing down of such structure or a removal of such structure from the District. Should the Commission approve a proposed demolition, such demolition can proceed after an immediate reuse is determined for the property. The proposed design of new construction should be submitted to and reviewed by the Commission in conjunction with submission and review of the demolition or removal from the District.

Demolition is NOT permitted under the following circumstances:

- If a principle structure is deemed to be of such historical or architectural interest and value that the removal would be detrimental to the public interest and the goals of historic zoning.
- If the proposed reuse and new construction would diminish or detract from the predominantly single-family residential character of the District.
- If a principle structure is of such old or unusual or uncommon design and materials that it could not be reproduced without great difficulty and expense.

- If its proposed replacement or lack thereof would in the Commission's reasonable discretion make a less positive visual contribution to the District, would disrupt the District's character or would be visually incompatible.
- Demolition by neglect should not occur. The loss of architectural features or structural defects used to justify demolition caused by the acts or lack of ordinary maintenance by the applicant (or those who have acted in concert with the applicant) is considered "demolition by neglect." Lack of ordinary maintenance includes failure to make needed roof or plumbing repairs and failure to protect the structure from termites.

Demolition is permitted under the following circumstances:

- If a principle structure has lost its architectural and historical integrity and importance and its removal and the proposed new construction will not in the Commission's reasonable discretion result in a negative, or less appropriate visual effect on the District.
- If a principle structure does not contribute to the historical and architectural character of the District and its removal and the proposed new construction will in the Commission's reasonable discretion result in a more positive and appropriate visual effect on the District.
- If the Commission determines that demolition or removal is economically necessary and justified in accordance with the provisions of the Landmarks Ordinance, the applicable guidelines of the Commission (to the extent they are more exacting) and other applicable governmental laws, ordinances and regulations.
- If the demolition is required by a final and a non-appealable order or ruling by a court, governmental body or agency that has jurisdiction. And such order or ruling does not allow for the restoration or continued use of the applicable structure.
- **If demolition is allowed, the building must be thoroughly documented. The owner should provide this documentation, which may include photographs and measured drawings, to the Memphis Landmarks Commission and to the Memphis and Shelby County Room at the Central Library.**

Moving a principle structure that still retains its historical and architectural integrity and contributes to the character of the District should be avoided.

Moving a building that does not contribute to the architectural and historical integrity of the District or has its architectural integrity due to deterioration and neglect is appropriate if its removal or the proposed replacement will result in a more positive visual effect on the District.

The relocation of a house in order to provide parking is not appropriate.

A principle structure may be relocated within a District if:

- The integrity of location and setting of the principle structure in its original location has been lost or is seriously threatened.
- The structure will be compatible with the buildings adjacent to the new site in style height scale materials and setback.
- The relocation of a principle structure, at the Commission's reasonable discretion, will not result in a negative visual impact on the site and surrounding buildings from which it will be removed.

6. New Site Improvements

a. Fences

Typically, fences were only seen enclosing side and rear yards or defining property boundaries. When they were used, fences were low and appeared semi-transparent. Wood pickets, thin metal members and low brick walls were typical.

- Fences shall not completely obscure the view of the house from the public right of way.
- Enclosing a front yard shall not be allowed. In the exceptional circumstance that a front yard fence is allowed, it should be no more than three and one half feet (3-1/2') high and have a transparent quality allowing views into the yard.
- Appropriate materials for front yard fences/ walls are wrought iron, tubular steel, stone, or brick. Inappropriate materials include chain link, vinyl/ plastic, split rail, precast concrete panels and concrete block.
- Corner lot fencing should not exceed six feet (6') in height, should be front-facing and should be set back a minimum of three feet (3') from the sidewalk. Fencing along the public side yard of corner lot houses should begin toward the back of the structure so that the side facade is not obscured from view.
- Rear yard fences or walls should be no more than 8' in height and constructed of traditional materials.
- Front Fences shall be setback a minimum 6 ft from the front wall of the house (not including front porch).



b. Walls, Retaining Walls

- Retaining walls should be built as low as possible and, at most, no higher than the soil being retained.
- A retaining wall should not extend as high as the yard it protects. This wall is appropriate in height and materials.
- Railroad ties, split faced block, and stacking block systems may not be used.

c. Parking

- The creation of a parking area in the front yard is highly inappropriate and shall not be allowed.
- Parking should be located to the rear. Less preferably, parking may be permitted to the side of the house.
- A parking pad or other defined paved area for parking shall not be placed in the front yard.
- Brick, stone or smooth troweled finish concrete are appropriate. Asphalt, washed gravel finish concrete and stamped concrete are not appropriate.
- The tradition of straight, narrow driveways should be maintained. Driveways should be constructed of traditional materials that contrast with the asphalt paving of the street. Adjacent driveways shall not be combined to create broad expanses of concrete in the front yard. Additions or alterations to existing driveways which would increase or change the existing footprint must conform to these guidelines.



d. Driveways Additions or Parking Pads

- Driveways and parking pads should be made of materials comparable with surrounding structures, of single car width, and located to the side, extending to the rear of the principle building.
- Paving the front of a lot or increasing a parking pad into a majority of the area in front of a principal structure is deemed inappropriate and not permitted.
- Front yard parking is not appropriate and shall not be allowed.
- Adjacent driveways should not be combined to create broad expanses of concrete in the front yard.
- Additions or alterations to existing driveways which would increase or change the existing footprint must conform to these guidelines.

e. Other Site Improvements Miscellaneous

- Construction of permanent freestanding signage or lighted signage for the purpose of advertising is inappropriate and should be avoided.
- Freestanding or pole mounted satellite dishes (24" or larger) should be placed in inconspicuous locations to the public rights-of-view.
- LED flashing signs that change or flicker by creating an illusion of motion are prohibited.
- A sign should not hide architectural details such as windows, cornice details, storefronts or transom windows.
- Any other site improvements should be appropriate to the historic nature of the district, and, if allowed, should be constructed to a scale, and out of materials, compatible with the neighborhood.
- Front walkways shall be constructed from concrete or brick that are traditionally found in the District.

f. Religious, Educational or Other Institutional Buildings

- New institutional construction or additions should be compatible with the historic portions of the institution's existing buildings and shall be compatible with the historic character of the neighborhood.
- A new institutional building or addition should be of similar mass and scale to those seen traditionally.
- If a larger building is to be constructed which occupies several lots, the sense of human scale can be expressed by "articulating" the mass of the building into smaller components that, individually, appear similar in scale to historic buildings in the area.
- An institutional building's primary entrance should be oriented toward the street with subordinate entrances located toward parking or interior spaces.
- Where two or more buildings will be located on a site, they should be arranged to define an outdoor space. Clustering buildings to create active open spaces, such as plazas and courtyards, is encouraged. Simply aligning buildings in a row to face a parking lot is discouraged.
- Plain or industrial-type buildings are inappropriate and shall not be permitted.
- A new institutional building should not be more than three stories or 35 feet in height.
- A design should draw upon the institution's historic buildings or, if none, on the designs of other historic institutional buildings in the neighborhood. Traditional building materials should be used for primary wall surfaces similar to that of historic buildings on site. Masonry materials, including brick, stone and rusticated masonry block are preferred.
- An addition to an institutional building should be placed at the rear or set back from the front in order to minimize its visual impact on the existing building. The proportions and character of the original building should remain prominent. Locating an addition at the front of a structure is inappropriate. An addition should be compatible in scale with the primary structure. An addition should be compatible in character with the primary institutional building. Parking areas should be located to the interior of the lot where feasible.



7. Guidelines Effective Date

These guidelines should take effect on the date this District is designated a Historic District by the Memphis City Council. Upon such date, all property owners within the District and all who shall thereafter become property owners within the District shall be presumed to have knowledge of the provisions of these guidelines and shall be subject to the provisions of these guidelines.

If any provision of these guidelines is made void or unenforceable by legislation or adjudication, such provision shall be deemed severed. The remaining provisions shall continue in full force and effect.

These guidelines may be amended from time to time as future needs require upon:

- 1) Application by any person owning a legal or beneficial interest in any district property.***
- 2) Mailed written notice to all owners of property in the district.***
- 3) Approval by the Landmarks Commission and any other governmental body required by applicable law in a public hearing.***

These guidelines do not apply to ordinary repairs and maintenance. Ordinary repairs and maintenance shall be deemed to include, without limitation, work to correct deterioration, decay or damage to a building, object, structure, or site in order to restore the same, as nearly as may be practical, to its condition prior to such deterioration, decay, or damage, using materials accepted within these guidelines. It also includes any work that replaces something in a "same for same" fashion without any alterations.

Part 4: Additional Photos & References:





Memphis Tech High History:

www.historic-memphis.com/memphis-historic/techhistory/techhistory.html

www.historic-memphis.com/memphis-historic/techhistory/techhistory.html

William R Moore Tech History:

<https://www.mooretech.edu/about/history/>

<http://historic-memphis.com/biographies/w-r-moore/w-r-moore.html>

Van Vleet History:

<http://historic-memphis.com/biographies/van-vleet/van-vleet.html>

Montgomery Mansion History:

<http://www.historic-memphis.com/biographies/montgomery-park/montgomery-park.html>

Sears Roebuck Building History:

<http://www.memphisheritage.org/sears-roebuck-company-catalog-distribution-center-retail-store-crosstown-concourse/>

<https://crosstownconcourse.com/about>

Memphis and Shelby County Unified Code:

<https://www.shelbycountyttn.gov/DocumentCenter/View/13413/ZTA-13-002-Complete-UDC-as-approved?bidId=>

Memphis Landmarks Commission:

<https://www.develop901.com/landuse-developmentservices/MemphisLandmarksCommission>

Certificate of Appropriateness:

<https://shelbycountyttn.gov/DocumentCenter/View/29968/Current-Full-COA-Application?bidId=>

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Jennifer M. Amiel being duly sworn, depose and say that at 12 am/pm on the 8 day of November, 2020, I posted 4 Public Notice Sign(s) pertaining to Case No. 20-001 CTD at 4 locations paper/claybrook ^{Belleme} Autumn/claybrook providing notice of a Public Hearing before the Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Jennifer M. Amiel
Owner, Applicant or Representative

11/9/20
Date

Subscribed and sworn to before me this 9th day of November, 2020

Cassandra E. Hoskins
Notary Public

My commission expires: 12/6/2021



LIST OF PARCELS WITHIN THE DISTRICT

020012 00002 - MEMPHIS CENTER CITY REVENUE FINANCE
020095 00002 - GREENE PROPERTIES LLC
020095 00020 - DOSHIER EDITH S
020003 00001C - TONGA PROPERTIES LLC
020095 00004 - DOSHIER EDITH S
020003 00003 - BUTLER BENJAMIN J & LAUREL SUCSY
020011 00003 - CROSSTOWN GROUP LLC
020012 00013 - RIVER CITY RENTAL HOUSING LLC
020003 00020 - MGR ORVERTON LLC
020011 00004 - NAPIER WILLIAM & PAT
020012 00012 - CROSSTOWN GROUP LLC
020011 00017 - KAAZ SPENCER
020095 00009 - DOSHIER EDITH
020095 00008 - DOSHIER EDITH S
020012 00010 - ROBIN ROUND LLC
020012 00009 - KARIMNIA MARY J AND LUIS E GONZALEZ
020011 00008 - ROBIN ROUND LLC
020018 00013 - MEMPHIS APARTMENT INVESTMENTS LLC
020011 00011 - TOWNSEND MELANIE J
020011 00010 - BRAZELL TERRY L & LINDA
020012 00007 - ROBIN ROUND LLC
020004 00013 - CO OF SHELBY & CITY OF MEMPHIS
020004 00012 - TAYLOR ROBERT M
020009 00014 - CROSSTOWN GROUP LLC
020093 00004 - WOFFORD PETER W

020009 00012 - MCDIVITT DANNY P
020020 00009 - CROSSTOWN GROUP LLC
020007 00001 - TAYLOR ROBERT M
020093 00006 - GRACE HOUSE OF MEMPHIS TN INC
020005 00032 - DEEPER WALK MINISTRIES INC
020005 00031 - DEEPER WALK MINISTRIES INC
020007 00004 - TONGA PROPERTIES LLC
020008 00003 - WALZ CLARA E & JACOB
020005 00027C - DOWNTOWN MEMPHIS MINISTRY INC
020005 00007 - AYERS JEFFREY T
020007 00023 - SHILLINGS ANNAZETTE R REVOCABLE TRUST
020008 00024 - STEWART BEVERLY A
020093 00009 - GREENE PROPERTIES LLC
020007 00007 - JONES STEPHEN R & PEGGY J
020008 00006 - PATTON VICKI
020008 00007 - ROSS SHERRY E
020007 00008 - HOLMAN ANDRE
020008 00008 - MOORE THOMAS & MAYTE
020007 00009 - MCKINNIE ROBERT
020007 00019 - TONGA PROPERTIES LLC
020008 00020 - TONGA PROPERTIES LLC
020093 00012 - TIPTON DESSIE
020007 00010 - DILLMAN CHRISTIE A
020007 00018 - DACUS DONNIE W & CAROLYN A
020093 00015 - TONGA PROPERTIES LLC

020007 00015 - ELMI YASIN H & ISTARLADEN F MOHAMED
020008 00016 - BONNER PHYLLIS D
020005 00026 - TONGA PROPERTIES LLC
020093 00016 - SELLERS ESTRELITA L
020008 00013 - STUTZMAN INVESTMENTS LLC
020007 00014 - LE TUYEN NGOC
020005 00012 - MEEK LARRY R
020093 00017 - DOOR OF HOPE INC
020005 00035 - MOORE WILLIAM R SCHOOL OF TECH
020006 00001 - BD OF EDUCATION CITY OF MPHS
020005 00050 - STARKS GLORIA J & ROBERT L
020005 00039 - MEMPHIS RECOVERY CENTERS INC
020093 00023 - ROBINSON MICHAEL D
020005 00018 - MEMPHIS RECOVERY CENTERS INC
020093 00024 - CINDY-JARVIS LIMITED L P
020095 00006C - DOSHIER EDITH S
020095 00001 - DOSHIER EDITH S
020095 00019 - DOSHIER EDITH S
020095 00003 - DOSHIER EDITH
020011 00001 - KEOKANLAYA NAOVALATH
020011 00002 - TONGA PROPERTIES LLC
020011 00019 - KARIMNIA MARY JO
020012 00001 - RIVER CITY RENTAL HOUSING LLC
020095 00005 - DOSHIER EDITH S
020011 00018 - CROSSTOWN GROUP LLC

020011 00005 - WEST REBECCA
020011 00016 - GOFF SAMUEL D
020012 00011 - MEMPHIS APARTMENT INVESTMENT LLC
020003 00014 - MGR OVERTON LLC
020011 00006 - WEST CECELIA
020011 00021 - CROSSTOWN GROUP LLC
020011 00007 - WEST REBECCA
020011 00014 - PHILLIPS WILLIAM R JR
020011 00020 - SADLER JAMES E AND KIMBERLY C HODGSON
020011 00013 - MARTIN LAWRENCE
020012 00008 - KING FRENCHIE
020011 00012 - BLANDA PAUL J
020011 00009 - BAKINVESTMENTS LLC
020018 00011 - MEMPHIS APARTMENT INVESTMENTS LLC
020012 00006 - DOYLE JAMES G AND LINDA B DOYLE (ESTATE
020012 00005 - VERNA JAMES
020012 00003 - TONGA PROPERTIES LLC

020012 00004 - TONGA PROPERTIES LLC

020004 00015 - TONGA PROPERTIES LLC
020004 00014 - TAYLOR ROBERT M
020093 00003 - GRACE HOUSE OF MEMPHIS
020010 00014 - TAYLOR ROBERT M
020009 00011 - TONGA PROPERTIES LLC

020010 00011 - WE-R-HOUSING LLC
020009 00010 - CROSSTOWN GROUP LLC
020010 00013 - TAYLOR ROBERT M
020020 00011 - LE HEN Q AND HUY H LE AND HUYEN N LE
020009 00009 - ROBIN ROUND LLC
020009 00013 - CASEY CANDACE
020010 00012 - GOFF SAM & SARA
020020 00010 - FENNER BERNICE B
020005 00001 - MULLINS B A JR AND DOUGLAS C MULLINS (RS
020005 00002C - TONGA PROPERTIES LLC
020005 00033C - TONGA PROPERTIES LLC
020093 00005 - GRACE HOUSE OF MEMPHIS
020007 00002 - MCELROY WILLIAM N JR
020008 00001 - CLOWER ROSA M
020007 00026 - SALAT SHENNA
020005 00004 - TONGA PROPERTIES LLC
020008 00002 - TAYLOR ADRIENNE
020007 00003 - LOVE GREGORY J
020005 00005 - BENDER MARGARET A
020007 00025 - WADLINGTON NEIL C
020008 00026 - LOVE GREGORY J
020093 00007 - JEFFRESS STEVEN
020005 00006 - MCLEOD LISA & MARK
020007 00024 - REESE WILLIAM A & LINDA L
020008 00025 - CHILDRENS BUREAU INC

020008 00004 - ALLEN CHARLES
020007 00005 - BROWN JULIA B
020093 00008 - PRESCOTT MARK
020007 00006 - COX ANNA B
020008 00005 - PAPPAS KEVIN T
020005 00008 - AMIDO JENNIFER M & EMMANUEL A
020007 00022 - SMITH JANA G
020008 00023 - HINES RAYFIELD
020005 00009 - BLVS HOLDINGS LLC SERIES 289 N
020007 00021 - TAMAYO IVAN AND ANNA J TAMAYO
020008 00022 - KP ESTATES LP
020093 00010 - PARIS MANAGEMENT LLC
020005 00010 - EQUITY TRUST COMPANY CUSTODIAN FBO JAMES
020008 00021 - STEPHENS MICHAEL J
020007 00020 - GRUNDEN DONALD
020005 00011 - MEMPHIS RECOVERY CENTERS INC
020093 00011 - NAPIER WILLIAM F & PAT D
020008 00009 - LOUIS KIM AND KAI LOUIS (RS)
020008 00019 - DANIEL JERROLD
020093 00013 - WOFFORD PETER W
020007 00011 - TONGA PROPERTIES LLC
020008 00010 - BRUNO DAVID M SR
020007 00017 - HUYNH DUY
020008 00018 - TONGA PROPERTIES LLC
020093 00014 - TONGA PROPERTIES LLC

020008 00011 - CAO PHONG
020007 00012 - ROGERS NATHANIEL G & ANNA JOY G
020007 00016 - TONGA PROPERTIES LLC
020008 00017 - GORFEL PRODUCTIONS
020007 00013 - SAENZ AARON
020008 00012 - COTTONWOOD DEVELOPMENTS LLC
020008 00015 - GEETER EARTHA I
020005 00047 - TANGANYIKA ENTERPRISES LLC
020008 00014 - GIPSON JAYNE P
020005 00040 - MOORE WILLIAM R SCHOOL OF TECHNOLOGY
020093 00019 - JORDAN MATTHEW & JULLIES D
020005 00034 - WHITE KEITH
020005 00036 - KEY TIMOTHY
020005 00042 - LOTT RICKEY D AND EDMOND J RUSSELL (RS)
020093 00020 - DP MEMPHIS PROPERTY I LLC
020005 00037 - THOMPSON EVERETT M & LAURA H
020093 00033 - SHELBY COUNTY TAX SALE #83.1 EXH #1121
020005 00038 - ROBINSON MARK
020093 00031 - SERENITY RECOVERY CENTERS INC
020093 00032 - SERENITY RECOVERY CENTERS INC
020005 00044 - MOORE WILLIAM R SCHOOL OF TECHNOLOGY
020005 00045 - MEMPHIS RECOVERY CENTERS INC
020093 00025C - SERENITY RECOVERY CENTERS INC
020005 00046C - ROBERTS DAVONDA O
020093 00018 - DOOR OF HOPE INC

020005 00049 - HENDERSON JOCELYN
020023 00021 - BOWDEN MARGARET E
020093 00021C - PERRY JAMES C

020023 00014 - WILLIAMS OREE B AND APRIL W MCLAUGHLIN
020023 00015 - TONGA PROPERTIES LLC
020023 00016 - WOSFR LLC
020003 00017 - CROSSTOWN GROUP LLC
020003 00019 - CROSSTOWN GROUP LLC
020003 00013 - ROBIN ROUND LLC
020003 00002 - TENNISON BROS INC
020003 00004 - BUTLER BEN
020003 00016 - CROSSTOWN GROUP LLC
020003 00015 - FOUR HUNDRED BELLEVUE LLC
020003 00018 - CROSSTOWN GROUP LLC
020003 00010 - CROSSTOWN GROUP LLC

LETTERS RECEIVED

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

The applicant provided an additional letter of response to an opposition letter and that letter has subsequently been attached.

Letters in Support

-----Original Message-----

From: Cheryl Hazelton [<mailto:caida@att.net>]
Sent: Sunday, October 11, 2020 7:41 PM
To: Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>
Subject: NHD-20 001

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

Mr Ragsdale,
The Speedway Terrace Historic District would like to voice its support for Crosstown's request to protect the historic homes and character within their neighborhood.

Cheryl Hazelton
1267 Faxon Ave



October 15, 2020
Memphis Landmarks Commission
125 N. Main Street, Suite 468
Memphis, TN 38134

Subject: Crosstown Historic District

Historic homes and neighborhoods are an important part of Memphis. The diverse residents that make up these communities take pride in their homes and value the charm and character of the neighborhood.

The Evergreen Historic District Association supports the Crosstown Neighborhood. Historic conservation district status ensures that the historic nature of the homes in the district are valued and preserved so that the neighborhood and the community can retain its historic charm and character, while also allowing for growth and development.

Thank you for your consideration.

Best Regards,

Jeremy Williams
1st Vice President, Evergreen Historic District Association

DEEPER WALK MINISTRIES, INC.

Memphis City Council Members
125 N. Main St.
Memphis, TN 38103

Dear City Council Members:

Deeper Walk Ministers, Inc. purchased the property located at 316 N Bellevue Blvd, Memphis, TN 38105 in the summer of 1991. The building was vacant and uninhabitable. We applied for and were granted a permit to prepare the property for dual occupancy; the first floor to become a ministry center and the second floor a residence. We purchased the property for \$35,000 and spent more than \$100,000 for restoration; our insurance company currently has the replacement-cost coverage at \$450,000.

Restoration of the upstairs residence was completed first in order that my wife and I could move in and satisfy an insurance company requirement. The ministry portion was finished in early November 1992 at which time we began to conduct weekly congregational meetings.

In the very beginning our Ministry established a goal of not only ministering to the spiritual needs of neighborhood residents, but also being a good example by making our property as presentable as funds would allow. For example: For many years we have paid to have our lawn treated 8 times a year. When given the opportunity, we encouraged others to do certain things which could improve the overall appearance of our neighborhood. We often walked and prayed in the neighborhood, asking Father God to bless and help our neighbors in similar ways.

We have seen improvements, but not on the scale we had hoped for. But now, when our immediate neighborhood becomes part of the larger Crosstown Historic District, doors will be opened for many advances. Therefore, we respectfully ask you to approve the application FOR THE CREATION OF A HISTORIC OVERLAY DISTRICT.

Sincerely,



Charles H. Tams

President

316 N. Bellevue Blvd.
Memphis, TN 38105-4302

Phone: 901-210-7441
E-mail: dwalkmin@aol.com



October 14, 2020

Dear Commissioners,

This letter is to offer the Central Gardens Association's support for the Crosstown Community Development Corporations application for Historic District status.

The benefits of historic districts are many, including:

- Encouraging better design that enhances the character of a neighborhood.
- Maintaining and enhancing property values.
- Creating positive economic impact by enhancing business recruitment.
- Creating social and psychological benefits by empowering the community's confidence in itself.

We are happy to see another Memphis neighborhood seeking to enhance and preserve its character through thoughtful planning and growth. As such, we offer our full support not only through the application process, but in the future as needed. We hope to soon be welcoming Crosstown into the family of Memphis Historic Districts.

Best regards,

A handwritten signature in black ink, appearing to read "Sharon Shipley".

Sharon Shipley
President, Central Gardens Association

A handwritten signature in black ink, appearing to read "Shelly Rainwater".

Shelly Rainwater
Chair, Central Gardens Landmarks Committee
Vice-President, Central Gardens Association



October 15, 2020

Ms. Ayse Tezel
Memphis Landmarks Commission
125 North Main Street, Suite 468
Memphis, TN 38103

Re: Support for Crosstown Historic Landmarks Designation

Ms. Tezel,
MidtownMemphis.Org supports the Crosstown Neighborhood in its application for a Historic Overlay Zoning District. The Crosstown Historic District is historically significant for its architecture, geographical location, and community importance.

Because of the lack of historical designation, the Crosstown neighborhood has seen unnecessary demolition of its historic properties. As a result of the ill-conceived plan to extend Interstate 40 through the heart of Midtown, a large swath of vacant land known as the Crosstown Mound divides the neighborhood.

Crosstown's historic designation is critical to ensure the proposed construction of the new proposed Mound infill project is designed as an asset to the neighborhood.

We ask that the Memphis Landmarks Commission (MLC) supports Crosstown Neighborhood in its application for Historic Landmarks Designation.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Kitsinger".

Andy Kitsinger
MidtownMemphis.Org, Board President

Cc: Porsche Stevens, President Crosstown CDC

EXECUTIVE COMMITTEE

Chip Clay

Mark Fleischer

Andy Kitsinger

Gayle Moore

Porsche Stevens

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66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

www.facebook.com/Midtown
Memphis.MMDC/ Page 384

From: Holly Jansen Fulkerson [mailto:holly@memphisheritage.org]
Sent: Friday, October 16, 2020 7:56 AM
To: Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>
Subject: NHD 20-001 Crosstown Historic District

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

Hi Brett,

On behalf of Memphis Heritage, I am writing to express our enthusiastic support of the Crosstown Community Development Corporation's application for creation of a Historic Overlay District in the Crosstown neighborhood. The establishment of the Crosstown Historic District will provide the much-needed protection to maintain character and integrity of this vibrant and diverse neighborhood and will provide guidelines for future development and revitalization. We appreciate the Landmarks Commission's favorable consideration of this request.

Best,

Holly

Holly Jansen Fulkerson
Executive Director

Memphis Heritage, Inc.
2282 Madison Avenue
Memphis, TN 38104
901-272-2727

Memphis City Council Members
125 N. Main
Room 514
Memphis, TN 38103

Dear City Council Members,

I fully support the approval of the Crosstown Historic District.


As a property owner since 2006 of the historic Avery house at 305 N. Montgomery, I have witnessed the incredible process of a neighborhood coming back to life. Approval of the historic district status is critical in providing the essential framework of this revitalization.

To understand the importance of such status, simply look to end of my street. There sits the Crosstown mound. What would Memphis look like today if that mound had been allowed to grow as planned in the late 50's.

The history of Crosstown and the successful struggle to preserve Overton Park and our City's center is inexplicably woven into the District's importance. The Crosstown District has paid the price for past mistakes in the name of progress. It deserves and requires this status.

Please support the proposed Crosstown Historic District and give us the protection and stability our neighborhood will need as it continues to grow and flourish.

Best Regards



Mark McLeod
305 N. Montgomery Street
Memphis, TN 38104

Memphis City Council Members

125 North Main Street
Room 514
Memphis, TN 38103

October, 2020

Dear City Council Members,

As residents, neighbors, or community partners of the proposed Crosstown Historic District, we believe it's important to pursue and value a Historic Neighborhood. We want to appreciate the beauty of this historic and culturally adaptive neighborhood.

The goal for the Crosstown Historic District is to protect the character, the social, and the economic stability of this vibrant and diverse neighborhood.

We support the Crosstown neighborhood, its residents, and its striving businesses as it moves forward to seek historic designation from the Memphis Landmarks Commission and Memphis City Council. Without stopping future developments, revitalization, and economic growth; future changes should not distract from the neighborhood's original character.

Thank you for your time and consideration as we offer our support to the proposed Crosstown Historic District.

Sincerely,

Residents, Neighbors, Community Partners & Friends of the Crosstown
Historic District

Name: *Rebecca West, PhD*
Address: *425 Malvern Street*
Number: *901-626-1000*

Memphis City Council Members
125 North Main Street
Room 514
Memphis, TN 38103

October, 2020

Dear City Council Members,

As residents, neighbors, or community partners of the proposed Crosstown Historic District, we believe it's important to pursue and value a Historic Neighborhood. We want to appreciate the beauty of this historic and culturally adaptive neighborhood.

The goal for the Crosstown Historic District is to protect the character, the social, and the economic stability of this vibrant and diverse neighborhood.

We support the Crosstown neighborhood, its residents, and its striving businesses as it moves forward to seek historic designation from the Memphis Landmarks Commission and Memphis City Council. Without stopping future developments, revitalization, and economic growth; future changes should not distract from the neighborhood's original character.

Thank you for your time and consideration as we offer our support to the proposed Crosstown Historic District.

Sincerely,
Residents, Neighbors, Community Partners & Friends of the Crosstown
Historic District

Name: *Cecilia Jacob*
Address: *419 Malvern Street*
Number: *901-650-3953*

Memphis City Council Members
125 N. Main St
Room 514
Memphis, TN 38103

Dear City Council Members,

HISTORIC COMMUNITY

As the fourth generation of my family to live in Crosstown, I support the approval of the Crosstown Historic District. My great grandmother walked to Bellevue Baptist Church. My grandfather hunted quail where the Crosstown Concourse stands. My mother was chased by a cow on the way to school on Bellevue. My father remembered the clip clop of the patrolman's horse as it turned down Montgomery from Poplar in the night, and he turned the seats on the streetcars on Overton Park Blvd when the end of the line was Claybrook before Cleveland was extended.

Crosstown is an old neighborhood that has seen changes, but it remains an active community and meaningful place to live. Despite the crash of a bomber, the intrusion of interstates, and an exploding propane tanker, the homes have remained intact in this hidden neighborhood. I bought and have restored three homes adjacent to my residence that my grandparents built in 1912. As a co-founder of the first Crosstown Neighborhood Association twenty-five years ago, we worked together to maintain the neighborhood. I am delighted that that spirit continues in our diverse neighborhood.

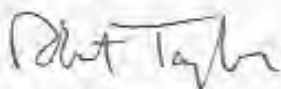
TAXES

The Crosstown Mound, constructed for the unbuilt interstate, removed over 40 residences from the tax rolls for 50 years. It is time to rebuild this piece of the neighborhood, but in a way that reknits the fabric of the neighborhood much like what was done in Evergreen. This needs to be done in a way that does not harm the adjacent homes that survived the intrusion. The neighbors who have worked so hard to maintain their homes must have input in this reknitting process so that the tax base is protected. The creation of a Crosstown Historic District would provide a framework for that citizen participation.

ANCHOR NEIGHBORHOOD

A huge investment was made in the Crosstown Concourse. It brings amazing new life to an area that was devoid of people after Sears closed. My efforts and the efforts of others need the support that historic district designation brings to assure that our historic community remains a key part of the Crosstown Anchor and a reliable source of property taxes contributing to our city.

Sincerely,



Robert Taylor
343 N. Montgomery
Memphis, TN 38104

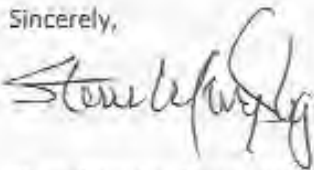
Memphis City Council Members
125 N. Main St
Room 514
Memphis, TN 38103

Dear City Council Members,

We support the approval of a Crosstown Historic District. As a relatively new restaurant in the Crosstown neighborhood, we agree that it's important for the area to maintain its stability. When we bought our building, the doors were open, water was running out the front door, and the roof was on the verge of collapse. We spent a lot of effort and dollars to restore and reuse a derelict building built in the 1920s across from the Crosstown Concourse. We did this because we believe in the strength of the Crosstown neighborhood.

The revitalization of the former Sears building has spurred renewal in the commercial area and renewed interest in the residential neighborhood. Homes are being repaired and restored in the adjacent blocks. The Crosstown businesses need patronage from Crosstown, and we believe granting of historic district status would support the maintenance and positive restoration of lost residential structures. People in a strong neighborhood equal strong business.

Sincerely,



Steve Murphy, Owner & Manager
The Doghouzz
1349 Autumn Ave.
Memphis, TN 38104

Memphis City Council Members

125 North Main Street
Room 51
Memphis, TN 38103

October 9, 2020

Dear City Council Members,

As residents, neighbors, or community partners of the proposed Crosstown Historic District, we believe it's important to pursue and value a Historic Neighborhood. We want to appreciate the beauty of this historic and culturally adaptive neighborhood.

The goal for the Crosstown Historic District is to protect the character, the social, and the economic stability of this vibrant and diverse neighborhood. We support the Crosstown neighborhood, its residents, and its striving businesses as it moves forward to seek historic designation from the Memphis Landmarks Commission and Memphis City Council. Without stopping future developments, revitalization, and economic growth; future changes should not distract from the neighborhood's original character.

Thank you for your time and consideration as we offer our support to the proposed Crosstown Historic District.

Sincerely,

Residents, Neighbors, Community Partners & Friends of the Crosstown Historic District

Meg Bender
309 N Montgomery St
(901) 674-2009

Catherine M. Chilton
1441 Eastmoreland Ave., Apt. 1
(901) 405-5114

Emmanuel A. & Jennifer M. Amido
297 N Montgomery St
901-619-1764

Bianca Phillips
357 N Watkins

Justin Gillis
1276 Faxon Ave

William Hanley
750 North Evergreen Street
901-461-9166

Jan L. Willis
1628 Carr Avenue

John Volmer
1354 Tutwiler Ave

Robert Tillman jr.
1206 Tutwiler Ave

Virginia Darlington
668 Hotchkiss Lane - 38104
901-276-9530

Dr. Barbara Jennings
1320 Carr Avenue, 38104
901-276-4268

Jacob Juliot & Sydney Sepulveda
300 Malvern St, 38104
715-527-0102 & 210-478-2533

Danny McDivitt
340 Malvern 9013400555

John Swift
207 N. McNeil 38112
901-268-3920

Susanne Askew
Vollintine Evergreen

Ann Sandberg
1935 Peabody
Memphis, TN 38104
901-729-4406

Don Grunden & Brenna Owen
290 N MONTGOMERY ST
850-543-3673

Anna Joy & Ivan Tamayo
294 N Montgomery St.
901-552-0146

Request to withdraw Parcel #020018-00018C from the Proposed Crosstown Historic District (Case No. NHD 20-001)

Jim Jacobs <jjacobs.pe@gmail.com>

Mon 10/12/2020 7:36 PM

To: Tezel, Ayse <Ayse.Tezel@memphistn.gov>; Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>

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

Dear Ms Tezel and Mr. Ragsdale:

As a property owner, I recently received notice in the mail concerning the October 22, 2020 Public Hearing by the Memphis Landmarks Commission. I would like to speak at the telephonic public hearing in order to object to the inclusion of the Warehouse Garage, LLC property (Parcel #020018-00018C) within the boundaries of the Proposed Crosstown Historic District (Case No. NHD 20-001).

Unfortunately, I will be out of town on October 22, 2020 and I am not certain that I will have either adequate internet service or an adequate cell connection on that date. I will make every effort to stream the proceedings, via YouTube, and to speak at, via mobile phone, the October 22nd public hearing. However I cannot guarantee that I will be successful. For that reason I have included below, within this email, a letter addressed to the Memphis Landmarks Commission containing the points I wish to present if I get the opportunity to speak at the hearing.

Please contact me immediately if my concerns are not clear. (Please leave a voicemail message if I don't answer)

I am seeking an invitation to speak at the Memphis Landmarks Commission Public Hearing on Thursday, October 22, 2020 at 4:00 pm CDT:

**Name: Jim Jacobs
Chief Manager, Warehouse Garage, LLC**

My Mobile Phone Number: 901-212-3892

Case Number: NHD 20-001 (Proposed Crosstown Historic District)

I will speak *both against and in favor* of the proposed Historic District

Thank you for your assistance.

Best Regards,

Jim Jacobs
Chief Manager

Warehouse Garage, LLC
7684 Apple Valley Rd
Germantown, TN 38138

=====
To the Members of the Memphis Landmarks Commission:

The partners of Warehouse Garage, LLC are the current owners of the City of Memphis Parcel #020018-00018C (a.k.a. Shelby County Trustee Parcel #020-0180-0-00018-C) located within the West Evergreen Subdivision. The Warehouse Garage LLC partners are respectfully requesting that their property, Parcel #020018-00018C, be withdrawn from the proposed Crosstown Historic District boundaries (Case Number NHD 20-001).

The 0.3-acre Warehouse Garage property consists of a 1930's unimproved 5,000 sq. ft. warehouse and the adjacent small parking lot and private alley/driveway. The property has no real street frontage, on any public street, except for a small driveway entrance located at approximately 422 N Claybrook Street, immediately north of a small apartment building (418 N Claybrook St) and immediately south of the USPS Crosstown Post Office property's southern boundary. Unfortunately, Shelby County records incorrectly list the physical address of the Warehouse Garage, LLC property as 5050 N Claybrook St, Memphis, TN 38104. We have, in the past, made unsuccessful attempts to correct the Shelby County records concerning the property's physical address.

The Warehouse Garage, LLC property is industrial, not residential, and is located on the very eastern boundary of the proposed Crosstown Historic District. The property has been classified as industrial for property tax assessment purposes. The Warehouse Garage property is bounded on the north by the rear side of the Crosstown Post Office property (Post Office frontage is located on Autumn Avenue), and on the east by the rear side of the Memphis Urban League property (frontage located at 413 N Cleveland St) on the southeast by the rear side of the various shops located along the corner of Overton Park Avenue and Cleveland Street. All of these properties are commercial/industrial and are located immediately outside of the proposed Crosstown Historic District boundaries.

The Warehouse Garage, LLC partners are aging and have begun discussions regarding dissolving the LLC and selling the Warehouse Garage property within the next few years. The LLC partners are concerned that, if the property is included within the proposed Crosstown Historic District, it will make future commercial development of the property complex and difficult for future owners. For example, if the property were sold to the Urban League of Memphis, or the USPS or the owner(s) of the any of the strip mall shops located on the corner on Cleveland Street and Overton Park Avenue, then any future property development undertaken by the new owners would likely need to conform to at least two different, and possibly conflicting design and development criteria. We believe this could place an unnecessary and unwarranted burden upon the future owners of the Warehouse Garage property.

The Warehouse Garage, LLC partners have no objections to the adoption of the proposed Crosstown Historic District by the Memphis Landmarks Commission. In fact we believe the adoption of the Historic District may be in the long term best interest of the residential property owners included within the proposed Historic District. However, we also believe it is not appropriate to include our commercial/industrial property parcel within the boundaries of the proposed Crosstown Historic District because our property is adjacent to, and effectively surrounded by, commercial properties located outside of the proposed Crosstown Historic District.
Thank you for your attention to this matter.

Respectfully,

James Jacobs,
Chief Manager
Warehouse Garage, LLC
7684 Apple Valley Rd
Germantown, TN 38138

=====

Crosstown Historic District support (Case No. NHD 20-001)

Todd Richardson <todd@crosstownconcourse.com>

Mon 10/19/2020 9:28 AM

To: Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>; Tezel, Ayse <Ayse.Tezel@memphistn.gov>

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

Dear Ayse and Brett,

I am writing to offer support for the historic district application submitted by Jennifer Amido and others related to the Crosstown residential area between Poplar and Autumn, Cleveland and Bellevue. My understanding is that the original map is being revised so that Autumn is the northern boundary and the Autumn parking lot for Concourse is also being removed.

I am always grateful when residents of a neighborhood organize themselves to improve and protect the quality and character of their community. Jennifer and her neighbors have worked hard on the application and as a resident of Crosstown Concourse I applaud and support their efforts. Guidelines such as these are increasingly important with the implementation of Memphis 3.0 and as more emphasis is placed on density over sprawl. I hope their application will be recommended for approval.

Thank you,
Todd Richardson

Land Use Control Board letter of support for Crosstown HD

Suzanne I Askew <siaskew@comcast.net>

Thu 12/3/2020 8:58 PM

To: Tezel, Ayse <Ayse.Tezel@memphistn.gov>

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

I support the Crosstown Historic District. The Mound should be included in this district. The fact that there have been plans since 1997

for its redevelopment is A TESTAMENT TO A COMPREHENSIVE PLANNING STRATEGY THAT SHOULD MAKE IT A PART OF CROSSTOWN

AND NOT A SEPARATE PRIVATE DEVELOP PROJECT. WE as a city should be about seamless design. The City did a stellar job

with its work on Evergreen Historic District after those homes were removed for I 40 and now it's time to apply the same thoughtful design to Crosstown.

The Mound is integral to that district.

Suzanne I Askew
901-486-1302 / siaskew@comcast.net
1875 Jackson Ave
Memphis, TN 38107

To: Crosstown Historic District

jenniferamido@gmail.com

From: Vollintine Evergreen Community Association

Dear Jennifer Amido,

Vollintine Evergreen Community Association supports your pursuit of Local Landmarks designation. As your nearby neighbor to the Northeast we applaud your rally to inform and energize your community to benefit the City of Memphis. Real change comes at the neighborhood level so your efforts are very important in taking that step forward. Historic Preservations many benefits should be available for all neighborhoods that qualify. The Crosstown Historic District's important Memphis history and architecture are to be valued and applauded once again by your efforts. As a good neighbor, please let us know how we can help you.

Sincerely,

Lilly Gilkey

President

Vollintine Evergreen Community Association

lillygilkey@bellsouth.com

901-268-6084

Crosstown Historic District

Nancy <nancybarden@gmail.com>

Thu 2/4/2021 10:54 AM

To: Tezel, Ayse <Ayse.Tezel@memphistn.gov>

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

I am writing you today in support of protecting the Crosstown Historic District.

We need to protect what makes Memphis, Memphis!

The Crosstown neighborhoods need to be preserved and protected with proper guidelines that keep them safe "big development".

I hope my voice and the many others have shown that we, "Memphians" want our historic neighborhoods protected.

Thank you
Nancy Barden

Support Local Landmarks status for Crosstown Historic District

Emily Graves <emilytgraves@gmail.com>

Thu 2/4/2021 12:19 PM

To: Tezel, Ayse <Ayse.Tezel@memphistn.gov>

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

Dear Ms. Tezel,

Please accept this letter as support for the proposed local landmarks designation for the Crosstown Historic District.

This historic community consists primarily of single-family homes built in the early 1900s in a wide array of architectural styles that still mesh beautifully with one another to create a cohesive neighborhood. Very few communities can boast so much architectural diversity, from Queen Anne to Craftsman to Colonial Revival. This neighborhood is enjoying a resurgence, thanks in no small part to the world-renowned Crosstown Concourse revitalization, and the neighborhood deserves protection and preservation now and in the future.

Warm regards,

Emily Graves, MD, FACS
1412 Carr Ave
Memphis, TN 38104
(901) 258-4613 (cell)

Letters in Opposition

**KATHY BAKER TENNISON
ATTORNEY AT LAW**

8295 Tournament Drive
Suite 150
Memphis, TN 38125
Tel. 901.969.4507
Fax 800.884.6614

Kathy@bakertennisonlaw.com
www.bakertennisonlaw.com
MS: P.O. Box 79
Walnut, MS 38683
MS Tel. 662.331.9332

October 15, 2020

VIA ELECTRONIC MAIL ONLY

LETTER OF OPPOSITION

Brett Ragsdale
Ayse Tezel
Memphis Landmarks Commission
Brett.ragsdale@memphistn.gov
Avse.tezel@memphistn.gov

Re: Proposed Historic District Designation: Crosstown
Case No. NHD-20-001

To whom it may concern:

Please be advised that I represent Tennison Brothers, Inc. My client owns real property within the proposed historic district designation at 450 N. Bellevue Boulevard. My client opposes the inclusion of their real property within the proposed historic district. The boundary for the proposed historic district has been arbitrarily drawn to include my client's commercial property and two adjacent commercial properties.

The application only refers to my client's property stating "[t]here is more data about homes on Bellevue Avenue, the Tension (sic) Brothers, other commercial properties and the surrounding neighborhoods that have not been included at this time". The application offers no basis for including my client's active business within this historic district. It is improper to place restraints upon my client's commercial property when the criteria applicable to a historic district as asserted in the application are not applicable to their property. I urge the commission to deny the application and/or alter the boundaries of the application to remove my client's property from the proposed historic district.

Finally, I request to be heard in opposition to the application on my client's behalf at the meeting on October 22, 2020. I plan to call from telephone number 901-634-6765.

Thank you for your attention to this matter.

Sincerely,



Kathy B. Tennison

cc: Andy Tennison

LICENSED IN TENNESSEE AND MISSISSIPPI

Crosstown Mound Development Group

October 21, 2020

Brett Ragsdale
Ayse Tezel
Memphis Landmarks Commission
Brett.Ragsdale@memhistn.gov
Ayse.tezel@memphistn.gov

RE: Proposed Crosstown Historic District Designation
Crosstown Case No. NHD-20-001

The Crosstown Mound Development Group is in opposition to the proposed Historic District designation for the Crosstown Neighborhood as submitted. We believe that Historic District designation can be a useful tool in guiding development so that new development is in harmony with the existing. However, we have confidence in our existing building codes and current land use and development standards. We believe that existing guidelines will succeed in guiding development so that land uses and associated building standards are in sync with the community while allowing for agility, innovation and holistic community development practice.

The Crosstown Mound Development Group consists of a team of Builders, Developers and Architects with more than 100 years of land development experience collectively. Many successful land development projects throughout the City of Memphis were influenced and or lead by individuals from this group. The City of Memphis has granted this group the right to develop the Crosstown Mound property which is described as an approximately 9-acre parcel of land located at the center of the proposed Crosstown Historic District. The intent of the Crosstown Mound Development Group is to develop this unique property so that it stands as a beacon of excellence by exploring progressive development strategies that will be equitable for the Crosstown Neighborhood, nearby communities as well as Memphis.

The process granting the group development rights for the Mound over the last year or so involved submittal of a formal development plan that included a narrative, a site plan and building elevation samples. The process also involved a public meeting and several follow-up meetings with City Officials and Staff. We continue to fine tune the plan so that we consider all of the ideas generated in an effort to maximize on the success of this project. With that, we further understand that this project will likely go forward as a Planned Development which will offer an even more robust exchange of ideas.

A primary objective of the Crosstown Development Group is to “knit” the neighborhood back together, this notion has been a driving force of our concept. The Mound is currently separated from the community by its elevation change, the intent is to reverse this separation and reposition the Mound to be a part of the Crosstown Community and a part of Memphis, not disconnected or designated as a special district separate and apart from neighboring communities.

We believe that the success of the Crosstown Mound has the potential of adding to the momentum of Crosstown but also bolster the efforts of close by neighborhoods such as Klondike and Smokey City.

Historic designation and Landmarks Commission Certificate of Appropriateness would not be relevant to this project. The site is currently vacant; the proposed future land uses for the property are primarily residential. The knowledgeable staff of OPD and its tireless efforts to continuously modify the living and breathing UDC to aptly address the growing demands of equitable development as well as the recently approved Memphis 3.0 will offer suitable and unencumbered development guidance and process.

Although we understand that historic designation can help to preserve character and standardize the built environment we believe that this designation is not applicable to the unique challenges and opportunity promised by Crosstown Mound.

The Crosstown development group respectfully offer these comments related to the proposed Historic Neighborhood designation for Crosstown. The Group is committed to build equity for its crosstown neighbors and we strongly believe that we have an opportunity to also build equity for Memphis.

Sincerely,

Crosstown Mound Development Group

Carson Looney, Looney Ricks Kiss

Gregory Love, Land Planner

Tim Dagastino, W.H. Porter Engineers

Eddie Kircher, Eddie Kircher Construction

Mack Andrews, Mack Andrews Homes

Ed Apple, City Cottages

Chris Dickens, Dickens Built

Walker Uhlhorn, Uhlhorn Brothers Construction

Crosstown Mound Development Group's Opposition Withdrawal Letter

Crosstown case # NHD-20-001

eddie@kircherllc.com <eddie@kircherllc.com>

Thu 2/4/2021 12:20 PM

To: Tezel, Ayse <Ayse.Tezel@memphistn.gov>; Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>
Cc: Young, Paul <Paul.Young@memphistn.gov>; edapple@applepartners.us <edapple@applepartners.us>;
wuhlhorn10@yahoo.com <wuhlhorn10@yahoo.com>; 'Carson Looney' <clooney@lrk.com>; 'Gregory Love'
<gregory.love40@gmail.com>; 'Dickins, Chris' <chris@dickensbuilt.com>; MACKANN@aol.com <MACKANN@aol.com>;
tdagastino@whporter.com <tdagastino@whporter.com>; Jennifer Amido <jenniferamido@gmail.com>; Jackson, Lindsay
<Lindsay.Jackson@memphistn.gov>; Borys, Mary <Mary.Borys@memphistn.gov>

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

Dear Ms. Tezel and Mr. Ragsdale,

Please let this email be confirmation that we the Crosstown Development Group and associates formally withdraw and retract our letter of opposition dated October 10,2020 on page 86 of the application.

Respectfully,

Eddie Kircher
Crosstown Development Group

Cc:
Carson Looney
Gregory Love
Tim Dagastino
Eddie Kircher
Mack Andrews
Ed Apple
Chris Dickens
Walker Uhlhorn

**KATHY BAKER TENNISON
ATTORNEY AT LAW**

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MS: P.O. Box 79
Walnut, MS 38683
MS Tel. 662.331.9332

November 13, 2020

VIA ELECTRONIC MAIL ONLY

Brett Ragsdale
Ayse Tezel
Memphis Landmarks Commission
Brett.ragsdale@memphistn.gov
Ayse.tezel@memphistn.gov

**REQUEST FOR EXCLUSION
OF PROPERTY FROM
PROPOSED DISTRICT**

Re: Proposed Historic District Designation: Crosstown
Case No. NHD-20-001
1201 E. Autumn Avenue

To whom it may concern:


Please be advised that I represent Tennison Brothers, Inc. My client owns real property at 1201 Autumn Avenue within the proposed historic district boundaries. My client's primary business location at 450 N. Bellevue Blvd. is not within the proposed district, however, their adjacent property used for storage at 1201 Autumn Avenue remains within the proposed district.

The property at 1201 Autumn Avenue is on the boundary of the proposed district. My clients are concerned that inclusion of their property within the proposed Crosstown Historic District places unnecessary restraints and restrictions on their property. My client is unaware of any historical value to this property and knows of no reason to include this property in the proposed district. The property is adjacent to, and effectively surrounded by, commercial properties located outside of the Crosstown Historic District.

I urge the commission to alter the boundaries of the application to exclude my client's property from the proposed historic district.

Thank you for your attention to this matter.

Sincerely,


Kathy B. Tennison

cc: Andy Tennison



JIM STRICKLAND
MAYOR

DIVISION OF HOUSING &
COMMUNITY DEVELOPMENT

November 24, 2020

John Zeanah
Director
Memphis & Shelby County Division of Planning & Development
125 N. Main Street, Suite 443
Memphis, TN 38103

Re: NHD 20-001 – Crosstown Historic District

Dear Director Zeanah:

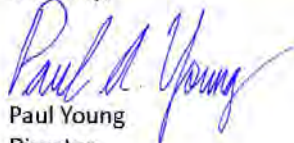
The City of Memphis Division of Housing and Community Development (HCD) is requesting the exclusion of the 9.692-acre parcel located at the southeast corner of Bellevue Boulevard and Overton Park Avenue known as “Crosstown Mound” from the proposed Crosstown Historic District. The City issued a Request for Qualifications on February 13, 2019 for the Crosstown Mound Redevelopment Project (*Solicitation No: 39262*). Two groups were selected from this process and a public meeting was held on July 29, 2019 to introduce the community to the developers and receive feedback from the public on the proposed projects. After receiving feedback from the community, the Crosstown Mound Development Group was formed through a merger of the two proposing groups, and the City has been working with the team on the development plan, site plan, and dirt removal process. The 20-foot dirt mound on the site presents a unique challenge, with significant cost implications (current estimate for dirt removal is \$2-3 million). The proposed Crosstown Historic District could have the unintended consequence of negatively impacting the financial feasibility of this difficult project.

Currently, the property is zoned R-15 for residential uses, but the proposed future land uses will conform with the recent comprehensive plan, Memphis 3.0. As you know, Memphis 3.0 is a roadmap for how the City can grow over the next 20 years and in our third century. This new growth policy focuses on density, redevelopment, and reinvestment in anchor areas of the core city and neighborhoods. The comprehensive plan also calls for connectivity of people, jobs, businesses, and infrastructure and expanding equity and opportunity to communities across the city. Memphis will build up, not out, meaning reinvesting in existing places. Crosstown Mound is a jewel for infill development, to be repurposed for higher and better uses than its current state. Crosstown Mound is within an accelerate anchor neighborhood. Accelerate actions rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place. Crosstown Mound Development Group is proposing a mix of residential uses along with a co-working space and park space that will be accessible for all residents. The proposed project will increase density, provide connectivity, increase a mix of uses, and promote and protect affordable housing, all aligned with Memphis 3.0.

The proposed design guidelines with historic designation and requirement of a Certificate of Appropriateness are not suitable for the 9.692 acres, as it limits new construction with very strict guidelines that could be detrimental to the project, especially with the costly dirt removal component. If the intent of the proposed design guidelines is not to freeze the appearance of the neighborhood in time, but to guide future growth and development, we respectfully request the ability to do just that by excluding this parcel from the historic district. This site presents an opportunity to implement Memphis 3.0 and make a significant economic impact to the City. HCD is highly supportive of the preservation of existing homes and structures within Crosstown, however for this larger parcel of land, we would like to utilize existing UDC, Midtown Overlay District, and the new Memphis 3.0 comprehensive plan to guide future development. Furthermore, the proposed development will go through the Planned Development process, which will provide additional public meetings and require approval from Land Use Control Board and City Council. The Division of Housing and Community Development will continue to conduct additional outreach in advance of the required public hearings.

Thank you for your time and effort in review of the Crosstown Historic District User Guide and Architectural Design Guidelines. In advance of your next hearing, we plan to reach out to those who made public comments in opposition of Crosstown Mound's exclusion from the Crosstown Historic District during the Memphis Landmarks Commission meeting on November 19, 2020. If you have questions or need additional information, please do not hesitate to contact me at (901) 636-7308 or paul.young@memphistn.gov.

Sincerely,



Paul Young
Director

cc: Josh Whitehead, Administrator, Office of Planning & Development
Mairi Albertson, Deputy Director, HCD

MARTIN, TATE, MORROW & MARSTON, P.C.

ATTORNEYS AND COUNSELORS
INTERNATIONAL PLACE, TOWER II
SUITE 1000
2410 POPLAR AVENUE
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MIDDLE TENNESSEE /
NASHVILLE OFFICE
P.O. Box 168
200 MAIN AVENUE
LEWISBURG, TN 38454

December 2, 2020

To the Honorable Members of the Land Use Control Board

Re: NDH 20-001 (CTHD)
Crosstown Historic District request for New Historic District Designation

Dear Board Members:

I represent Memphis Recovery Centers, Inc. ("MRC"). My client and I first appeared on this issue at the November 19, 2020 Landmarks Commission meeting. MRC requests only that the following MRC properties be excluded from the Historic Overlay District: 1234 Poplar Avenue (Parcel IDs 020005 0018, 020005 0039, 020005 00045), 219 N. Montgomery Street, and 272 N. Bellevue (Parcel ID 02005 0001) – shown in context below on the Proposed Historic District Map, made Page 2 of the Office of Planning and Development Staff Report.



MARTIN, TATE, MORROW & MARSTON, P.C.

December 2, 2020

Page 2


While MRC's very existence is omitted from Crosstown Historic District's request for historic district, MRC is a vital member of Memphis' fabric and is critical to the health of the community. The location at 1234 Poplar has been used as a residential alcohol and drug addiction treatment center since 1974. MRC is a force for good in Memphis and has been for decades, but the reality is that MRC serves people in their most desperate hour, including youth in state custody and adults in crisis. As a result MRC has a chain-link fence with razor wire on several of its properties. It has other peculiarities of its business that are intended to meet its mission. These peculiarities of its mission are grandfathered in, but are now threatened. Landmark Commission members noted the institutional nature of the MRC campus and its complete lack of contributing structures.

Confining MRC within the proposed Crosstown Historic District would have disastrous financial consequences for MRC and would jeopardize its patients and the mental health of the Memphis family. Should the historic designation be approved to include MRC, along with the attendant restrictions on design, repairs, modifications, new-construction, etc., it would be very restrictive and very expensive, stretching MRC's razor-thin budgets beyond the breaking point.

The Office of Planning and Development has recommended approval. The Landmarks recommended approval as well, with the stated intent that a property-by-property assessment could be made by the Land Use Control Board. This process has begun. As set forth in the Staff Report on pages 56 & 47 "certain commercial and industrial properties were excluded from the proposed historic district," including for example, an iconic Memphis institution – William R. Moore College of Technology – adjacent to the MRC properties and similar to MRC in its institutional nature and budgetary constraints. William R. Moore College is excluded for the same reasons set forth by MRC, yet MRC is held captive by the applicant without similar consideration for exclusion. Our position is that MRC's properties should be excluded so that the vital residential alcohol and drug addiction treatment it provides can continue for decades to come. To that end, we ask that you exclude 1234 Poplar Avenue, 219 N. Montgomery St., and 272 N. Bellevue from the proposed overlay. To do otherwise would create and undue economic hardship on MRC and jeopardize its mission.

Do not hesitate to call me at 901-258-0025 if you have any questions or need anything further from me

Very truly yours,



Lew Wardlaw

Applicant's Response to Crosstown Mound Development Group's Opposition Letter

To: Crosstown Mound Development Group:
Carson Looney
Gregory Love
Tim Dagastino
Eddie Kircher
Mack Andrews
Ed Apple
Chris Dickens
Walker Uhlhorn

From: Applicants of the Proposed Crosstown Historic District - Jennifer M. Amido
& Crosstown CDC: President Anna Joy Tomayo

Dear: Crosstown Mound Development Group,

We would like to thank you for your time and consideration and the many hours the planners, developers, and staff have contributed to planning the future development of the Crosstown Mound. However, we have significant concerns that have yet to be addressed in regards to those developments. We have read the letter of opposition and offer our response as indicated below. We look forward to more initial dialogue in the future in regards to the Proposed Crosstown Historic District. Please see "**Response**" below:

The Crosstown Mound Development Group is in opposition to the proposed Historic District designation for the Crosstown Neighborhood as submitted. We believe that Historic District designation can be a useful tool in guiding development so that new development is in harmony with the existing. However, we have confidence in our existing building codes and current land use and development standards. We believe that existing guidelines will succeed in guiding development so that land uses and associated building standards are in sync with the community while allowing for agility, innovation and holistic community development practice.

Response: We agree that a Historic Designation is a useful tool in guiding growth so that new development is in harmony with existing. But it is also worth noting that many variances to the Unified Development CODE have been requested by the Group for various developments in midtown. Based on public records, requests for variances were granted on: BOA 2019-064, BOA 2019-074, and BOA 2019-2018. These are just three examples. These actions clearly contradict the Group's confidence in the current building codes of the UDC.

Without the historic guidelines in place, the Group is granted variances to develop outside existing UDC. The Crosstown Community not only wants to stay within the UDC code set by the

City of Memphis, but the community is pursuing Historic designation with guidelines that would ensure new construction and exterior alterations maintain similar craftsmanship and quality to the original housing styles found in Crosstown.

The Crosstown Mound Development Group consists of a team of Builders, Developers and Architects with more than 100 years of land development experience collectively. Many successful land development projects throughout the City of Memphis were influenced and or lead by individuals from this group. The City of Memphis has granted this group the right to develop the Crosstown Mound property which is described as an approximately 9-acre parcel of land located at the center of the proposed Crosstown Historic District. The intent of the Crosstown Mound Development Group is to develop this unique property so that it stands as a beacon of excellence by exploring progressive development strategies that will be equitable for the Crosstown Neighborhood, nearby communities as well as Memphis.

Response: We have seen the impeccable work by the developers. We do not disagree with the great successes of the builders, developers, and architects, but the "right of development" does not indicate the right of ownership. The term "right of development" is misleading, since this must be in reference to the Letter of Intent and RFP process between the City of Memphis and this Group. So this right of development is merely in reference to the Request For Proposal. There is also no public news indicating a "Notice of Intent to Award" for development of the Mound.

However, if the Crosstown Development Group would like to claim "rights to development", we would also ask the Group to claim rights to maintain the property. No effort by the Group has been made to maintain the property - such as mowing the regularly overgrown 9 acres, cleaning debris and trash on the property, and coordinating with the community and city to ensure safety measures are in place. However, with recorded events dating back to the 1990s, the Crosstown Neighborhood Association and the CDC have worked with the city and Crosstown residents to maintain the mound, indicating that the neighborhood and its residents as well have a right to make plans for future development regarding the mound, including pursuing Historic District status.

While we agree that the "intent to develop" is to serve as a "beacon of excellence". This intent to develop needs to occur with community input in order to be a "beacon of excellence".

The process granting the group development rights for the Mound over the last year or so involved submittal of a formal development plan that included a narrative, a site plan and building elevation samples. The process also involved a public meeting and several follow-up meetings with City Officials and Staff. We continue to fine tune the plan so that we consider all of the ideas generated in an effort to maximize on the success of this project. With that, we further understand that this project will likely go forward as a Planned Development which will offer an even more robust exchange of ideas.

Response: It is correct that "a public meeting" was held on July 29, 2019, in regards to the future development of the Crosstown Community. However this **one** public meeting was conducted by the City of Memphis, not by the proposed Group. The public meeting was packed, with limited standing room, with many Crosstown residents and neighboring communities. However, there was not one representative from the Group to speak at this meeting to answer the questions residents and neighboring communities were relentlessly directing at Director Paul Young.

Since the one public meeting, the Group has made no effort to dialog with community organizations such as the Crosstown CDC, the Neighborhood Association, and residents currently living within the Proposed Crosstown Historic District.

As stated above the group indicates it will "*continue to fine tune the plan so that we consider all of the ideas generated in an effort to maximize the success of this project.*" The Crosstown community has significant data from ideas generated within the community in regards to this plan. After the last and only public meeting in 2019, there was significant pushback from the community regarding the future planned developments of the Mound by the developers, and we have taken the responses and concerns from our own neighbors and collectively pushed forward with pursuit of the Historical Guidelines that we deem necessary and crucial for the future stability of our neighborhood.

A primary objective of the Crosstown Development Group is to "knit" the neighborhood back together, this notion has been a driving force of our concept. The Mound is currently separated from the community by its elevation change, the intent is to reverse this separation and reposition the Mound to be a part of the Crosstown Community and a part of Memphis, not disconnected or designated as a special district separate and apart from neighboring communities.

Response: We understand if the Group's primary objective is to "knit the neighborhood back together", however we are looking for developers and skilled architects to come alongside the community, as the community and its organizations within are the driving force for community change, not developers with savior-mentality complexes planning to "knit us back together". We would like to invite the Group to become a part of this neighborhood and our surrounding community as we dialogue about present and future developments.

While it is correct, the mound does provide a physical elevation, it is not a cause for community separation. On the contrary, the mound has drawn community together, despite its physical elevation. Prime examples of this would be: Mound Clean Up Days, "Meet at the Mound Hot Cocoa Day", Neighbors taking ownership over the Mound Maintenance, Community engagement from NextDoor polls and surveys regarding the Mound. All of which have drawn the community together. These ideas have been led by people within the community. The

mound is a part of our district and a part of our history. In regards to historical significance of the Mound, please refer to the Crosstown Historic District Application on the Landmarks website.

We believe that the success of the Crosstown Mound has the potential of adding to the momentum of Crosstown but also bolster the efforts of close by neighborhoods such as Klondike and Smokey City.

Response: The KSCCDC is already a driving force for positive change and community engagement without the success of Crosstown Mound. Crosstown residents have the honor of participating in their events, and we will continue to be actively engaged with their CDC, and likewise them with the Crosstown CDC. However, the development and success of the Crosstown Mound is not a factor for the continuation and momentum the Klondike Smokey City already has in place, they are actively engaged and building their community.

In regards to location, our neighboring communities, and in some cases separated by only one commercial street are Evergreen Historic District, Speedway Terrace Historic District, Victorian Village Historic District, Annesdale Historic District, Central Gardens Historic District, Vollintine Evergreen Historic District, and Cooper-Young Historic District. Many of which have written letters of support for the Proposed Crosstown Historic District because the districts realize we share similar development in regards to houses built between 1890s-1925. Apart from the historical development of the actual homes in the Crosstown neighborhood, we also have significant geographical location to the city, and rich history dating back to the 1850s that has helped shape and "pave" the way for the expansion of Memphis, such as the cobble stones that were once used to expand Poplar Avenue, which were later taken up and used to build the Montgomery Street Library. For a brief history related to Henry A. Montgomery, using his own finances to pave Poplar with cobblestones and the Montgomery Library, refer to the Proposed Crosstown Historic District Application, or the Memphis Library Archives, Dig Memphis.

Please see the map below indicating the geographical location of the surrounding Historic Districts to the Proposed Crosstown Historic Neighborhood.



Historic designation and Landmarks Commission Certificate of Appropriateness would not be relevant to this project. The site is currently vacant; the proposed future land uses for the property are primarily residential. The knowledgeable staff of OPD and its tireless efforts to continuously modify the living and breathing UDC to aptly address the growing demands of equitable development as well as the recently approved Memphis 3.0 will offer suitable and unencumbered development guidance and process.

Response: The relevance to this project is extremely important because of the very fact that the land is currently vacant. This allows for the community within the district and surrounding the district an active voice in participating regarding the types of future development and exterior alterations to rehab projects in our neighborhood. While the Group can afford the time and resources to adapt a plan according to the feedback from the Crosstown Community, the Crosstown Community can not afford for developments to differ from the architectural and historical significance of our neighborhood. These developments have a long standing effect on the future success of the surrounding homes.

While good intentions it might be, the Crosstown Community does not need unencumbered development. A gated community within the Crosstown neighborhood on the East side of N. Claybrook Street between Peach Avenue and Larkin, is an example of unencumbered development where variances were allowed. These homes were built after the UDC was put into action in 2012. However, like many developers who operate outside of the Landmarks Commission, variances are allowed. As stated above we have already indicated examples where the Group has asked for many variances to the CODE for their own developments within midtown.

Please see the photo below regarding the new construction built after the adoption of the UDC. The materials of the new construction are not indicative of a historic neighborhood nor similar in any elevation, material, scale, mass, style, (including door and window mass and scale) to the houses directly across the street from them. The new houses also include attached garages.



While directly across the street on the West side of N. Claybrook, within the Proposed Crosstown Historic District, the traditional 1920's Bungalow Style are constructed of only brick, limestone, and stucco material, with large windows with exterior grid patterns, large columns covering porches at least 8 feet in length, and a traditional brick chimney, and no attached garage.



Although we understand that historic designation can help to preserve character and standardize the built environment we believe that this designation is not applicable to the unique challenges and opportunity promised by Crosstown Mound.

The Crosstown development group respectfully offer these comments related to the proposed Historic Neighborhood designation for Crosstown. The Group is committed to build equity for its crosstown neighbors and we strongly believe that we have an opportunity to also build equity for Memphis.

Response: We also know that Historic Designation encourages people to buy and rehabilitate properties because they know their investment is protected over time. Research has proven that properties within local historic districts appreciate at rates greater than the local market overall as well as faster than similar, non-designated neighborhoods (National Park Services, 2000). It will encourage the use of sustainable materials and better quality designs that require the skill set that the developers and architects of the Group already have. The Proposed Crosstown Historic District can be a tangible link to the past and a way to bring meaning to history and to people's lives. Historic Districts are a living, active record of communities and their residents. Crosstown is a Vibrant Core Neighborhood to the City of Memphis, as indicated in the Memphis 3.0 initiative, but without guidelines in place to ensure rehabilitation and future development efforts are made inline with the proposed design guidelines, the neighborhood standards will suffer. To oppose the Historic Guidelines solely for the sake of developing the mound, is in opposition to protecting, and enhancing the structures of this historical, cultural, architectural and geographical location to the City of Memphis.

We also believe in a holistic approach to development, and as such we want to work with developers and the Group, in conjunction with the feedback from our community, to find creative solutions for all development needs, and ensuring "all ideas are generated" in order to be a "beacon of excellence", within the Proposed Crosstown Historic District.

Sincerely,

Applicants of the Proposed Crosstown Historical District & Crosstown CDC

Resources:

National Park Services, 2000

<https://www.nps.gov/tps/education/workingonthepast/benefits.htm>

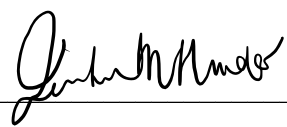


**APPLICATION
FOR THE CREATION OF A
HISTORIC OVERLAY DISTRICT**
*(Application for inclusion in the jurisdiction
of the Memphis Landmarks Commission)*

NAME OF PROPOSED DISTRICT: Crosstown Historic District
APPLICANT: Jennifer M Amido
ADDRESS: 297 N Montgomery St
PHONE: 901-619-1764 **EMAIL:** JenniferAmido@gmail.com

ADDITIONAL APPLICANT (if applicable):
Crosstown Community Development Corporation
ADDRESS: _____
PHONE: _____ **EMAIL:** info@crosstownmemphiscdc.com

CLASSIFICATION (check one):
SINGLE BUILDING OR SITE
MULTIPLE BUILDINGS OR SITES

APPLICANT SIGNATURE:  **DATE:** 8/11/2020

APPLICATION CHECKLIST

- Historic Overlay District Application (the first two pages of this form)
- Map of Proposed District (including boundary of district, parcel lines, streets, railroads and natural waterways)
- List of All Parcel Numbers within the Proposed District
- 3 Sets of Envelopes with First Class Postage and Mailing Labels for all Property Owners within the Proposed District
- 10-24 Color Photos Showing Representative Properties within the Proposed District
- One Copy of the Design Review Guidelines for the Proposed District
- Evidence of Two Neighborhood Hearings (see Sec. V.B(2) of the Commission.s Bylaws)
- Signs (these shall not be filed with the application but instead shall be posted by the applicant no later than ten days prior to the Landmarks Commission meeting)

PHYSICAL DESCRIPTION OF PROPERTY (please include additional pages if needed):
Please see attached PDF

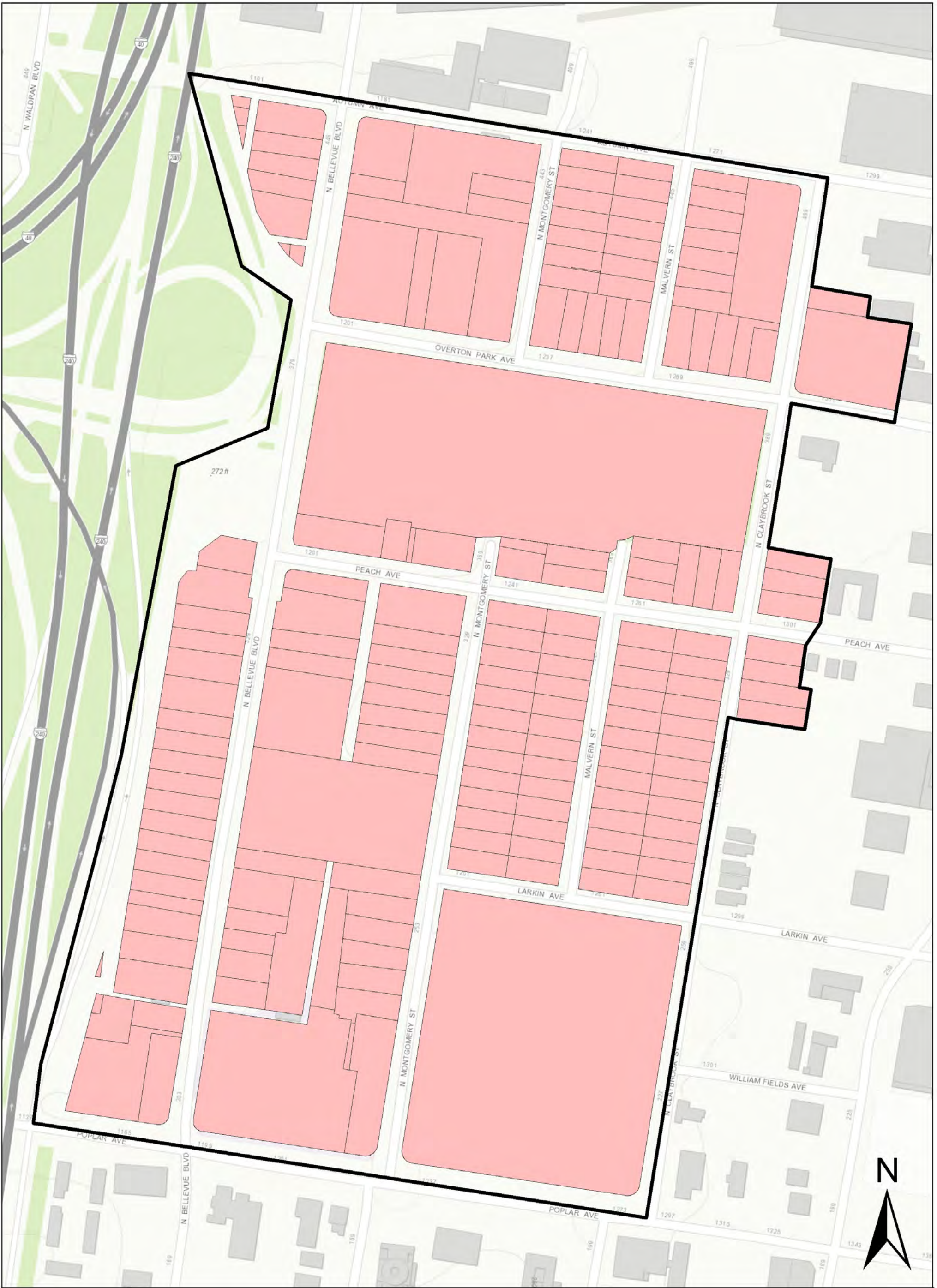
STATEMENT OF HISTORICAL SIGNIFICANCE (please include additional pages if needed):
Please see attached PDF

1890s-1925

Date (or period) of Construction:

Prominent Architect(s)/ Builder(s):

The wide variety of architectural styles includes: cornice heights and massing, and the characteristic use of such details as front porches, bay windows, porte cocheres, and leaded glass. The building materials include brick, limestone, stucco, clapboard, and wooden shingles, with many houses constructed of a mix of two or three of these. Principal styles also include Colonial Revival, Craftsman, Mediterian, Prairie, Queen Anne, and Shingle

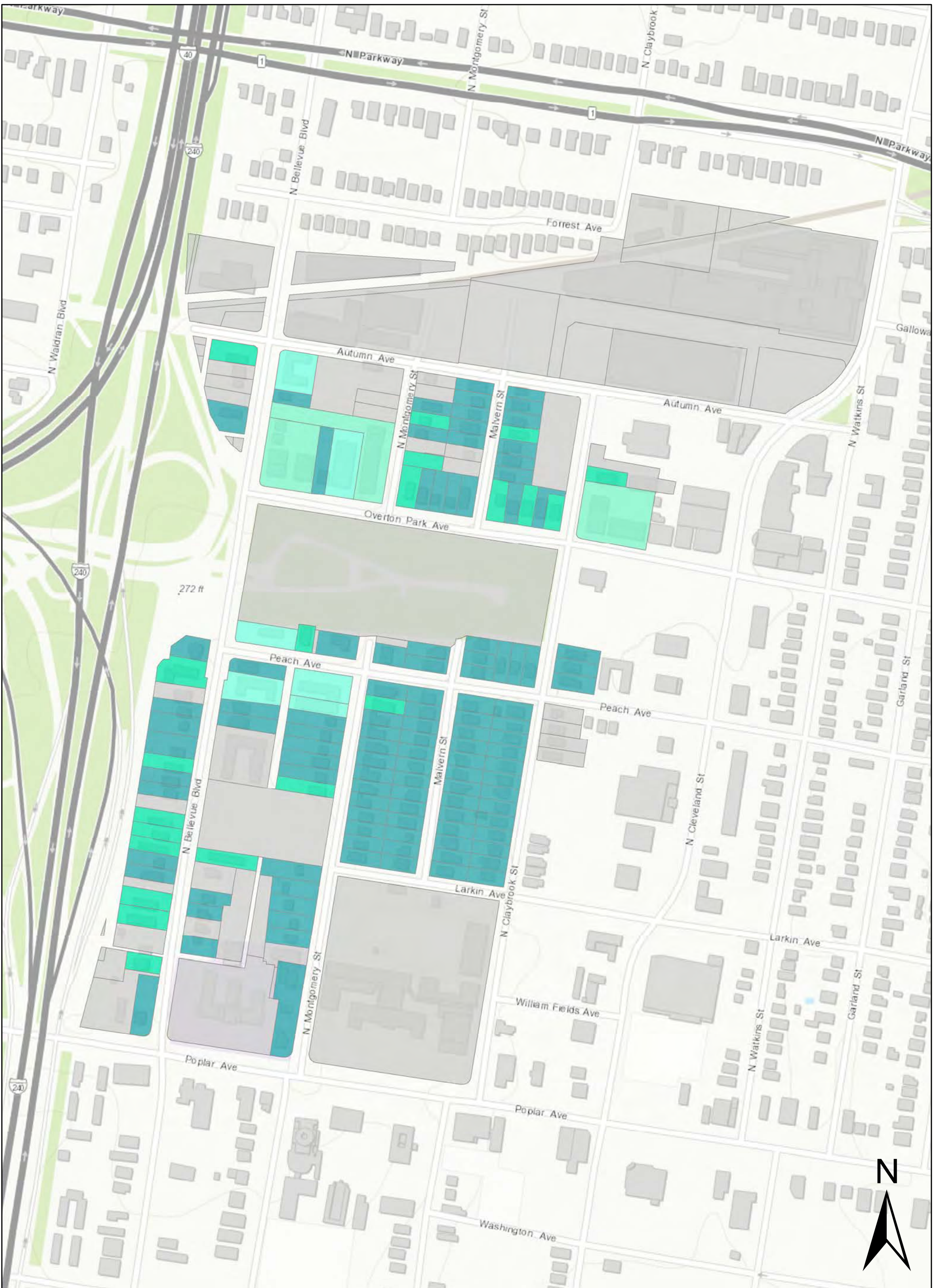


Proposed Crosstown Historic District

Legend

 Historic District Proposed Boundary

 Parcels inside Proposed Historic District



Proposed Crosstown Historic District

Legend

Living Units	Single Family	10 to 20
Other	2 to 9	More than 20

Notes:

PHYSICAL DESCRIPTION OF PROPERTY (please include additional pages if needed):

The proposed Crosstown Historic District Neighborhood is composed of approximately 12 blocks, 134 structures and 90.68 acres in Midtown Memphis. The great majority of the structures are single-family residences built between 1890's-1923; the area also contains multifamily dwelling units built later in the 1970s, schools, and some commercial. Crosstown Historic District is significant for its architecture, geographical location, community, and historical significance.

In architectural style, the neighborhood reflects characterizations of early twentieth century middle-class Memphians. The wide variety of architectural styles work well because of uniform setbacks, cornice heights and massing, and the characteristic use of such details as front porches, bay windows, porte cocheres, and leaded glass. The building materials include brick, limestone, stucco, clapboard, and wooden shingles, with many houses constructed of a mix of two or three of these. The original workmanship is of a consistently high quality, and the detailing is extremely rich and well-conceived. Most houses in the proposed Crosstown Historic District Neighborhood are the foursquare and bungalow, with a great diversity of neoclassical on Bellevue. Principal styles also include Colonial Revival, Craftsman, Mediterranean, Prairie, Queen Anne, and Shingle. In addition to the historical homes, Crosstown contains Northwest Prep Academy (formerly Memphis Tech High School) with its historically remarkable neoclassical design, the Landmarked Crosstown Concourse (formerly Sears Roebuck & Co Crosstown Building) designed by Nimmons & Co. and Looney Ricks Kiss (now Crosstown Concourse).

STATEMENT OF HISTORICAL SIGNIFICANCE (please include additional pages if needed)

The proposed Crosstown Historic District, so named for the intersecting trolley tracks at Cleveland and Poplar that once connected Memphis commuters to the neighborhood in 1927, has undergone much change in the past 100 years. Most of the change in the neighborhood has not followed the national architectural standards with home improvements and renovations. And because of that, the value to the history that has preceded its residents has declined. It's important to pursue and value a Historic Neighborhood in order for it to maintain its value and for its residents to appreciate the beauty of this historic and culturally adaptive neighborhood.

Because of the lack of historical district designation, the Crosstown neighborhood has seen unnecessary demolition of large single-family Neoclassical, Four Square, Bungalow, Colonial, and many other style homes. The TN Department of Transportation (TDOT) removed 65 homes

to make way for the construction of Interstate 40 through the heart of Memphis, leaving the neighborhood with the now-empty lot known as the Crosstown Mound. At that time, there was nothing to protect those homes from being demolished, and now, as the Crosstown neighborhood looks forward, as we grieve from our past, Crosstown would like to ensure those new homes being constructed or rehabbed properties will follow historic guidelines.

Brief Historic Overview

The Crosstown Historic District dates back to the 1850s and concluded in the 1940s. Once a suburb of Memphis, a portion of the land was owned by the Van Vleet family and the Henry A. Montgomery family.

The proposed district would include Memphis Tech High, founded in June of 1911, originally known as Memphis Vocational Grammar, Crockett Vocational School, Crockett Technical High, later "Tech High," and now Northwest Prep Academy(Memphis Tech High). The Board of Education had a building, "the castle," at 317 Poplar Avenue for which they no longer had any use. They created the new vocational high for this building, specifically "to take the load off the new Central so they wouldn't have to build a second public high school for some time." Thus the new Central High and the new Vocational High Schools both opened in September of 1911. Eventually, ten acres of the Van Vleet property, along with the house was acquired by the Board of Education to build what is now Memphis Tech High located at 1266 Poplar Avenue.



The Van Vleet Mansion, originally built in 1856 by Q. C. Atkinson at 1266 Poplar Ave., is known as one of the first major residential developments in the Crosstown area. The mansion and the 20 acres were sold by W. A. Williams to Peter Van Vleet. Van Vleet was the owner of the Van Vleet-Mansfield Drug Co., one of the largest drug firms in the United States. When Vleet died in 1915, the house and only 10 acres of the 20 were sold to the Board of Education. The remaining land was still a part of what was known as Van Vleet Park.



The mansion was surrounded by a brick wall with wrought iron entry gates at the east and west corners (still standing to this day on Poplar

Avenue at the corner of Claybrook St. and Montgomery St.). The gates were guarded by large stone lions brought back from the Van Vleets' travels, which were later donated to the Memphis Zoo.



A driveway curving to the front of the house connected the two entry gates. The architect for Memphis Tech High had incorporated into his design four similar Corinthian columns and portico from the original mansion, as well as similar brick entry gates with those stone lions guarding the gate. The Greek Revival and mix of Neoclassical Design of Memphis Tech High speaks volumes of the middle-class suburb Crosstown Memphis once was.

In 1909, real estate agents S. H. and Walter Lamb advertised acreage for sale on Montgomery and Overton Park Ave. "adjoining Van Vleet Park." This "fashionable uptown district" was "close to handsome homes, streetcars, and paved streets," (Commercial Appeal, 1909). Initially, houses on Peach Ave. were built facing Van Vleet Park. After the park was sold for house construction, the remaining lots on Peach faced the north-south streets.



The Henry A. Montgomery home was built in the 1860's and was located at Poplar and Bellevue.

Henry A. Montgomery had formed the Memphis Jockey Club and by the 1850s the club purchased a tract of land that would become the Fairgrounds. Eventually settling in Memphis, Henry began working in the telegraph business. He built the first telegraph line from Memphis to Little Rock, and during the Civil War he extended it to Clarksville.

In addition, he built a line from Madison to Helena, Arkansas. The first, and at the time, the only telephone in Memphis was installed in Henry A. Montgomery's home. When the first telephone call was made in Memphis, it was from the railway office of Col. Michael Burke to the home of Henry A. Montgomery on Poplar Avenue and Bellevue.

Henry A. Montgomery was frustrated by the condition of Poplar and laid his own stone to improve the street. By 1907, Poplar was paved with asphalt and by 1911 electric streetcars were



finding their way into the neighborhood. Henry A. Montgomery's magnolias remain and his granddaughter Montgomery (Monty) Cooper took the paving stones previously used on Poplar to build the Montgomery Library (251 N Montgomery) for his books. That structure remains on Montgomery St. adjacent to a house (243 N. Montgomery) Cooper built for herself.



Montgomery Library, built with the stones originally from Poplar Avenue from the 1800s - 251 N Montgomery (pictured above, and 243 N Montgomery pictured to the left)

Between the World Wars, the Van Vleet and Montgomery homes were demolished with Van Vleet's park area from Peach to Larkin and from Montgomery to Claybrook being filled with 52 bungalows by the same builder.



Architect Victor Dunkerley, who had worked with Frank Lloyd Wright, designed the Avery House at 305 N. Montgomery. It has been called a "picturesque example of the cozy English Arts and Crafts Style (Ellzey, 2020)." It was built facing Van Vleet Park on the Lombardy Poplar tree-lined N. Montgomery.

(Avery House, at 305 N Montgomery pictured to the left).

To the north, the availability of the railroad led to the location of Sears Crosstown. Cleveland Street along with a streetcar line was extended north from Poplar Avenue to Sears. Large apartment buildings, including 394-400 N. Bellevue Blvd. (c. 1925), were built along the streetcar lines within walking distance of the growing and bustling Crosstown commercial area.

As development continued east from Downtown Memphis, ground was broken for Temple Israel at Poplar Avenue and Montgomery Street. In 1912, the congregation had decided that they had outgrown their building, and began to raise money for a new synagogue. They acquired a plot of land on Poplar Avenue almost two miles east of their current home, and dedicated a new synagogue there in 1916. The new temple boasted a 1200 seat sanctuary, fourteen religious school rooms, and an auditorium with a stage. Parts of the building are now utilized by Mississippi Boulevard Church and Memphis Academy of Science and Engineering.



In addition, the proposed Crosstown Historic District would include the William R. Moore School of Technology, better known as Moore Tech. William R. Moore served as a United States Congressman and then two years in the Tennessee House of Representatives. From an endowment that was left in the will of W.R. Moore, a charter school was established in 1939. The W. R. Moore School of Technology opened at 1200 Poplar Avenue, combining elements of classicism with the International Style and Bauhaus movements. It was designed by Walk C. Jones and Walk C. Jones, Jr.

The landmarked Crosstown Concourse was once a Sears, Roebuck & Co. distribution center and retail store, which opened on August 27th, 1927. The fourteen-story structure has a limestone base and brick walls. It is crowned by a Classical Revival top floor with round-arch windows and a modillion cornice. The building, the largest in Memphis at the time, made this community the hub and the gathering place for retail, shopping, and dining. Along with six other major cities, Boston, Atlanta, Chicago, Dallas, Minneapolis, and Seattle, Memphis has redeveloped Crosstown Concourse into a vertical urban village anchored in arts, education, and healthcare. That development has become a strong anchor for the surrounding residential homes in the proposed Crosstown Historic District as we look towards revitalization and historical significance.

229 N Montgomery St, Queen Anne Style, 1890

Memphis Tech High, William R. Moore School of Technology, and the Sears Roebuck & Co. building were all responses to the residential housing development that had grown around the Crosstown neighborhood between 1890-1923. Some of the earliest houses in the neighborhood that have not been demolished, besides the Van Fleet Mansion, and the Montgomery Mansion, include a Queen Anne style home built in 1890 at 299 N Montgomery St. and a 1887 Arts & Crafts style home at the south-west corner of Poplar Avenue Montgomery Street.



As well as many other architectural beauties, such as 1234 Poplar Avenue (built in 1900); 299 Montgomery St (built in 1900), a classic foursquare with siding; 314 N Claybrook St (built in 1900), an Arts & Crafts style design; and, 1174 Poplar Avenue (built in 1909), a foursquare style home with large front porch, smooth stucco finish, and round arching windows

A majority of the homes in the neighborhood were later constructed between 1910-1912 and 1920-1923. These homes consist of a mixture of bungalow, airplane bungalow, foursquare, one mission revival, and craftsmen.

In April of 1944, a B25 bomber crashed into the neighborhood, at the corner of Poplar Avenue and Cleveland Street. The aircraft smashed into a two-story home at 222 North Claybrook behind what was then a bowling alley. In the days that followed, more than 20,000 Memphians visited the crash site, and the Army brought in MPs to control the crowds. Although seven lives were lost, everyone breathed a sigh of relief that the plane had somehow missed Memphis Tech High, the Southern Bowling Lanes, Sears Crosstown, and dozens of nearby businesses that would have made the death toll much higher. Lots at the corner of Claybrook and Williams Field Avenue, to the north and south remain vacant lots to this day.

Then in the late 1960s the neighborhood was wounded by the intrusion of the interstate highway construction that eliminated Lewis St. to the west and took out over 65

Crosstown homes and apartments for the I-40 section. “Modern” apartment buildings took the place of some homes. Opponents of routing the expressway through Overton Park in 1971 won a landmark Supreme Court case, which eventually led to I-40 being rerouted to the Wolf River bottoms far to the north. But not before TDOT had built a 20-foot mound of dirt that was to elevate traffic to overpasses that has since been removed. The giant, yet historic, Crosstown Mound still lords over old bungalows, foursquares and apartment buildings along streets that border the mound: Overton Park, Claybrook, Peach, and Bellevue. The mound has been an on-going eyesore for the neighborhood, the lack of maintenance has led to major overgrowth, wildlife, rodents and raccoons, to discarded debris and trash, and vagabonds taking up residence on the mound.

In 1988, a 100,000 gallon propane gas tanker skidded on an exit ramp and exploded on Interstate 240 destroying half a dozen historic homes on Bellevue Avenue leaving empty lots. The tank shot 125 yards and also destroyed a duplex, killing a ten year old girl. In total 9 people died from the explosion.

In 1993, Sears began its long process of closing down. The streets that were once crowded with shoppers were now empty. Temple Israel and Bellevue Baptist Church moved east being replaced by Mississippi Boulevard Christian Church.

The University of Memphis’ Department of City & Regional Planning worked with Crosstown to help reinvigorate the sense of community and work to maintain the quality and character of the neighborhood. The Crosstown Concourse opened in 2017. Commercial properties are returning adjacent to the Concourse. Original houses between Overton Park, Bellevue Boulevard, Montgomery, Claybrook and Autumn Ave. are being restored rather than demolished; and new, affordable homes were built on Claybrook between Larkin Avenue and Peach Avenue.

Just within the Crosstown district, the homes, residents, and businesses have experienced a great deal of change since the 1850’s. It’s important to pursue and value a Historic Neighborhood in order for it to maintain its value and for its residents to appreciate the beauty of this historic and culturally adaptive neighborhood.

It is important to realize that, while historic in its architectural, geographic location, and structural significance, the proposed Crosstown Historic District Neighborhood has had alterations to existing structures and construction of new buildings and multi-family homes. Memphis Landmarks Commission (MLC) was established to protect, enhance, and perpetuate structures, districts, and elements in the city that are of historical, cultural, architectural, and geographic significance. With that being said, there should be no doubt that the proposed

Crosstown Historic District represents the history, culture, architectural, and geographic significance that this city adheres to protect.

*It is important to note, historical information about the Crosstown neighborhood is not limited to just the information above. There is more data about homes on Bellevue Avenue, the Tension Brothers, other commercial properties and the surrounding neighborhoods, that have not been included at this time.

Resources

B-25 Bomber

<https://memphismagazine.com/ask-vance/75-years-ago-a-b-25-bomber-crashed-in-midtown/>

Temple Israel History

<https://www.isjl.org/tennessee-memphis-temple-israel-encyclopedia.html>

Henry A. Montgomery Resources

<https://memphislibrary.contentdm.oclc.org/digital/collection/p13039coll1/id/36/rec/1>

<https://dailymemphian.com/article/7970/Kings-of-the-hill-Competing-developers-now-teaming-on-Crosstown-Mound>

<http://www.historic-memphis.com/biographies/montgomery-park/montgomery-park.html>

Memphis Tech High Resources

www.historic-memphis.com/memphis-historic/techhistory/techhistory.html

William R Moore Resources

<http://historic-memphis.com/biographies/w-r-moore/w-r-moore.html>

<https://www.mooretech.edu/about/history/>

Sears Crosstown

<https://crosstownconcourse.com/about>

<http://www.memphisheritage.org/sears-roebuck-company-catalog-distribution-center-retail-store-crosstown-concourse/>

Peter Van Vleet History

<http://historic-memphis.com/biographies/van-vleet/van-vleet.html>

<https://historic-memphis.com/memphis/a-day-at-historic-memphis/a-day-at-historic-memphis.html>

Tanker Explosion - 1988

<https://www.nytimes.com/1988/12/25/us/death-toll-at-9-in-memphis-tanker-explosion.html>

<https://www.usdeadlyevents.com/1988-dec-23-propane-tank-truck-hits-ramp-wall-explodes-parts-hit-house-cars-memphis-tn-9/>

Additional: <https://sharetn.gov.tnsosfiles.com/tsla/exhibits/blackhistory/feilds.htm>

Page 2
of Guaranty No. 20611.

SCHEDULE A.

1. The estate or interest of the guaranteed in the premises described below, covered by this guaranty.

SEE SEPLS TITLE, vested by Warranty Deed from McKay Van Vleet, Ramelle Van Vleet, by her Attorney-in-Fact, McKay Van Vleet; Elsa V. V. Connor, by her Attorney-in-Fact, McKay Van Vleet, and Wm. D. Connor; Ramelle V. V. King, by her Attorney-in-Fact, McKay Van Vleet, and Charles Curtis King, to Board of Education of the Memphis City Schools, filed for record December 30th, 1926, at 4.13 P. M., in the Register's Office of Shelby County, Tennessee.

2. The premises in which the guaranteed has the estate or interest covered by this guaranty.

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE;

Lots 1, 2, 3, Lawrence Subdivision of Lot 3, Rice Grant;

Beginning at the Northeast corner of North Montgomery Street and Poplar Boulevard; thence North with North Montgomery Street 698½ feet to Larkin Street; thence East 591 feet to North Claybrook Street; thence South with said Street 698½ feet to Poplar Boulevard; thence West with said Boulevard 589.5 feet to the point of beginning.

Description subject to survey.

UNION & PLANTERS BANK & TRUST COMPANY

UNION & PLANTERS BANK OF MEMPHIS
TENNESSEE TRUST COMPANY
ESTABLISHED 1858
CONSOLIDATED 1908
MEMPHIS, TENNESSEE

20611 \$ 90,000.00

In Consideration of -- FOUR HUNDRED SEVENTY & 10/100 -- DOLLARS, TO IT PAID, THE UNION & PLANTERS BANK & TRUST COMPANY DOES HEREBY, SUBJECT TO ALL TERMS AND CONDITIONS HEREOF, GUARANTEE

--- BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS ---

AND ALL PERSONS TO WHOM THIS GUARANTY MAY BE ASSIGNED WITH THE CONSENT OF SAID COMPANY, TESTIFIED IN THE MANNER HEREINAFTER PROVIDED, AGAINST ALL LOSS OR DAMAGE, NOT EXCEEDING

NINETY THOUSAND & 10/100 -- (\$90,000.00) -- DOLLARS WHICH THE GUARANTEED SHALL SUSTAIN BY REASON OF DEFECTS OR UNMARKETABILITY OF THE TITLE OF THE GUARANTEED TO THE ESTATE OR INTEREST DESCRIBED IN SCHEDULE "A", HERETO ANNEXED, EXISTING AT THE DATE OF THIS GUARANTY, AND NOT HEREIN EXPRESSLY EXCEPTED IN SCHEDULE "B", OR OTHER CONDITIONS HEREOF.

IN WITNESS WHEREOF, SAID UNION & PLANTERS BANK & TRUST COMPANY HAS CAUSED ITS CORPORATE SEAL TO BE HERETO AFFIXED, AND THIS GUARANTY TO BE EXECUTED IN ITS NAME BY ITS DULY AUTHORIZED OFFICERS, THIS 30th DAY OF December, 1926, AT 4.13 O'CLOCK P.M.

Ray O'Leary VICE-PRESIDENT
W. S. Cooper TRUST OFFICER
Ray O'Leary ATTORNEY

The Van Vleet residence and estate on Poplar was purchased yesterday by the Board of Education as the site for the proposed \$500,000 technical high school. The board agreed to pay \$90,000 for the 10-acre tract on which the home is located.



CROSTOWN HISTORIC DISTRICT

User Guide and Architectural Design Guidelines

Crosstown Historic District

Users Guide and Architectural Design

Guidelines

Prepared by:

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297 N Montgomery St

Memphis TN 38104

1st Edition – September 2020

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Special Thanks to Crosstown Community Development

Corporation Board Members:

Porche Stevens

Anna Joy Tamayo

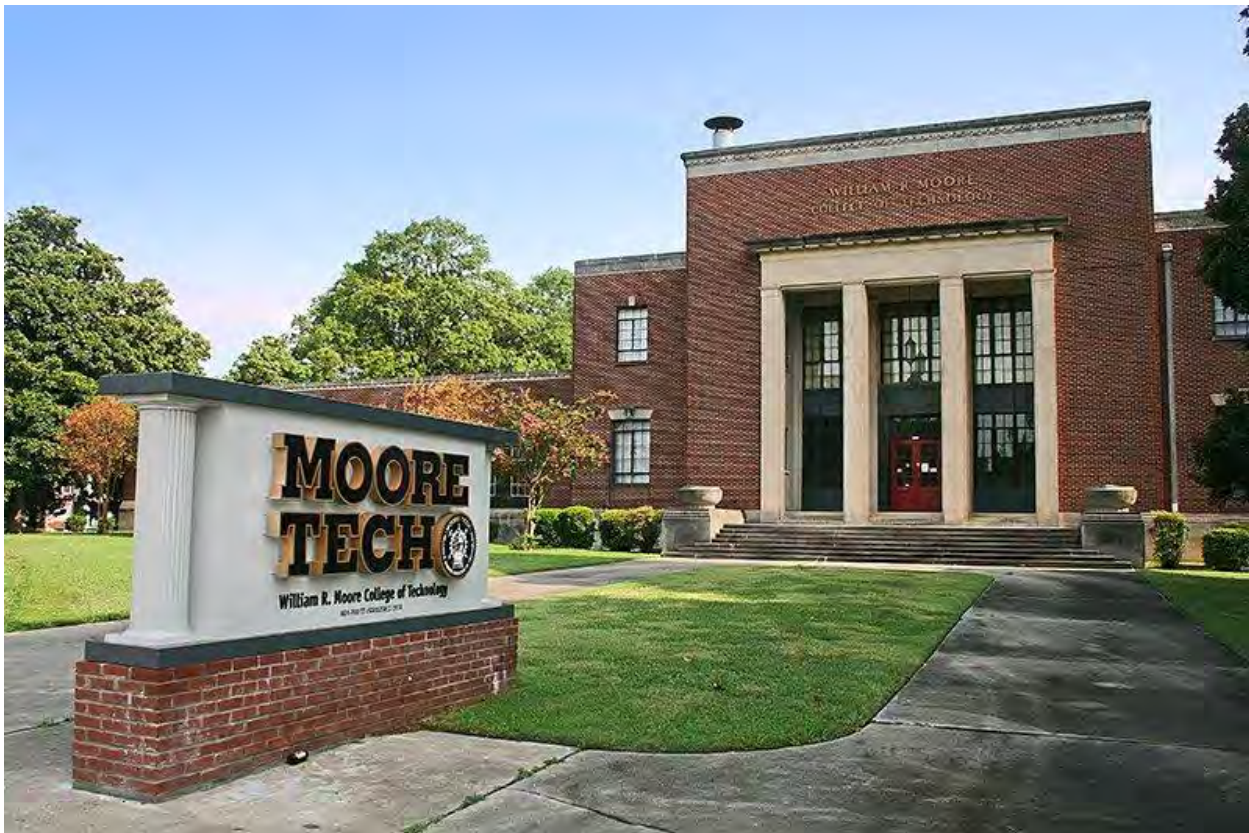
Bianca Phillips

Justin Gillis

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Part 1: Introduction

1. History of the Crosstown Neighborhood and Proposed Historic District

The Crosstown Historic District Neighborhood is composed of approximately 12 blocks, 134 structures and 90.83 acres in Midtown Memphis. The great majority of the structures that are still standing are single-family residences built between the late 1890's-1923; the area also contains multifamily dwelling units built later in the 1970s, schools and some commercial. Crosstown Historic District is significant for its architecture, geographical location, community, and historical significance. Crosstown is named for the intersecting trolley tracks at Cleveland and Poplar that connected Memphis commuters to the neighborhood in 1927.

In architectural style, the neighborhood reflects characterizations of the early twentieth century middle class Memphians. The wide variety of architectural styles works well because of uniform setbacks, cornice heights and massing, and the characteristic use of such details as front porches, bay windows, porte cocheres, and leaded glass. The building materials include brick, limestone, stucco, clapboard, and wooden shingles, with many houses constructed of a mix of two or three of these. The original workmanship is of a consistently high quality, and the detailing is extremely rich and well-conceived. Most houses in the proposed Crosstown Historic district neighborhood are the foursquare and bungalow, with a great diversity of neoclassical style mostly located on Bellevue Boulevard. Principal styles also include Colonial Revival, Craftsman, Mediterranean, Prairie, Queen Anne, and Shingle. In addition to the historical homes, Crosstown contains Memphis Tech High School with its historically remarkable neoclassical design, the Landmarked Sears Roebuck & Co Crosstown Building designed by Nimmons & Co. and Looney Ricks Kiss, and Moore Tech.

The Van Vleet Mansion, originally built in 1856 by Q. C. Atkinson, at 1266 Poplar Avenue, is known as one of the first major residential developments in the Crosstown area. The mansion and the 20 acres were sold by W. A. Williams to Peter Van Vleet. Mr. Van Vleet was the owner of the Van Vleet-Mansfield Drug Co., one of the largest drug firms in the United States. When Mr. Van Vleet died in 1915, the house and the land were sold to the Board of Education, to construct what is now known as Memphis Tech High.



Van Vleet Home in 1904 at 1266 Poplar Avenue

The mansion was surrounded by a brick wall with wrought iron entry gates at the East and West corners (still standing to this day on Poplar Avenue at the corner of Claybrook Street and Montgomery Street). The gates were guarded by large stone lions brought back from the Van Vleet's travels, which were later donated to the Memphis Zoo.

The Henry A. Montgomery home was built in the 1860's and was located at Poplar Avenue and Bellevue Boulevard. Mr. Montgomery had formed the Memphis Jockey Club and by the 1850s the club purchased a tract of land that would become the Fairgrounds. Eventually settling in Memphis, Mr. Montgomery

Henry A. Montgomery home 1200 Poplar Avenue



began working in the telegraph business. He built the first telegraph line from Memphis to Little Rock, and during the Civil War he extended it to Clarksville.

In addition, he built a line from Madison to Helena, Arkansas. The first, and at the time, the only telephone in Memphis was installed in Mr. Montgomery's home. When the first telephone call was made in Memphis, it was from the railway office of Col. Michael Burke to the home of Henry A. Montgomery on Poplar Avenue and Bellevue Boulevard.



Van Vleet Home – Iron Gates guarded by Lions.



Donated stone lion. Memphis Zoo.

2. The Memphis Landmarks Commission

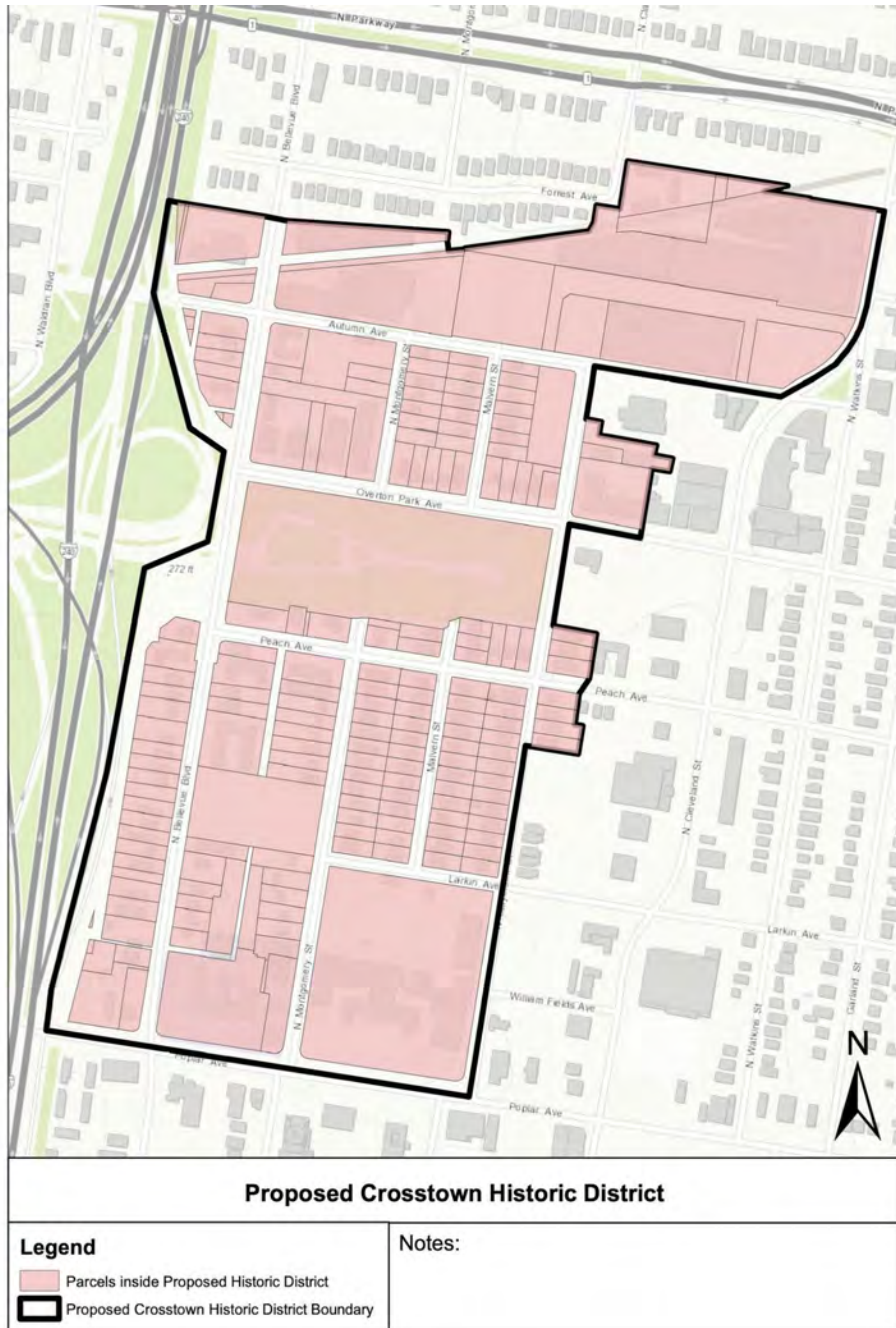
Memphis Landmarks Commission (MLC) was established to protect, enhance and perpetuate structures, districts and elements in the city of historical, cultural, architectural and geographic significance. The MLC consists of nine members who serve as volunteers, all appointed by the City Mayor. It includes one representative of a local historical organization, one architect and one person who is a member of the Land Use Control Board, with the remaining members representing the general community.

3. Goals for the Crosstown Historic District

The goal for the Crosstown Historic District is to protect the character, and the social and economic stability of this vibrant and diverse neighborhood.

As well noted, Crosstown has seen change already, and the goal is that future changes do not detract from the neighborhood's original character without stopping future developments and economic growth. A renewed spirit of community and connection to history has been triggered by the redevelopment of the Sears, Roebuck and Company regional distribution warehouse into what is known today as the Crosstown Concourse. With inevitable future development and revitalization of the surrounding areas, the goal is that future changes do not detract from the neighborhood's unique and original character.

4. Map of Proposed Crosstown Historic District



Part 2: Zoning Regulations

1. Memphis and Shelby County Unified Development Code

Please Review “THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE” regarding zoning codes and subdivision regulations. Code can be found by following the link below:

<https://www.shelbycountyttn.gov/DocumentCenter/View/13413/ZTA-13-002-Complete-UDC-as-approved?bidId=>

2. Local Regulatory Entities

Land Use Control Board and City Council or the Board of Adjustment will regulate any zoning, or rezoning of multifamily, commercial use or boarding use. Lots zoned Multi-Family, Commercial or Boarding are permitted to change back to single-family use with approval from the Land Use Control Board and City Council. Land use is also subject to Memphis and Shelby County Unified Development Code as approved by Shelby County Board of Commissioners 8/9/10 and by the Memphis City Council on 8/10/10, including adopted Amendments (the “Code”), Article 4, General Development Standards, which covers streetscapes, streets, access, parking, landscaping, lighting, storage and signs. Land use is also subject to Article 6 of the Code, Open Space and Natural Resource Protection, which covers tree protection, open space, steep slope protection, stream buffers, floodways and stormwater management.

3. Overlay Districts

Land use may also be subject to the guidelines in the various Overlay Districts defined in the Code.

- A. Overlay Districts may be established from time to time as the Governing Bodies see fit in order to promote a more carefully tailored standard of development within a specified geographical area. The nature, applicability, standards, regulations, and restrictions of each Overlay District may vary as appropriate in order to achieve the stated purpose and goals of a particular Overlay District.
- B. Where the standards of a particular Overlay District, established by this Article, do not address standards established elsewhere in this Code, the standards established elsewhere apply.
- C. Where the standards of a particular Overlay District, established by this Article, conflict with the standards established elsewhere in this Code, the Overlay standards shall apply.
- D. Changes to frontage maps or height maps that were adopted as part of an Overlay District and incorporated into the Zoning Map shall be processed pursuant to Chapter 9.4, Text Amendment.

Specifically, the guideline in following Overlay Districts may be particularly relevant:

- A. Medical Overlay District
- B. Midtown District Overlay
- C. Residential Corridor Overlay District
- D. Historic Overlay District (as applicable)
- E. Floodplain Overlay District
- F. Transitional Office Overlay (as applicable)
- G. Neighborhood Conservation Overlay District (as applicable)

Part 3: Design Guidelines for Crosstown Historic District

1. Overview and Application of Design Guidelines

a. Design Guidelines Intent

In general, the intent of the Design Guidelines is to ensure that new construction in Crosstown Historic District is in character with the neighborhood's original fabric. It is not the intent to freeze the appearance of the neighborhood in time, but to guide future growth and development in the Crosstown Historic District.

The intent of these guidelines is to ensure that all exterior alterations, new construction, habitable additions, demolition and relocation within Crosstown is in character with the neighborhood's existing fabric. Design Review Guidelines provide the Memphis Landmarks Commission (MLC) with basic criteria and standards to consider in determining the appropriateness of proposed work within the District.

b. Design Guidelines Application

The Design Guidelines apply only to the exteriors of buildings and to areas of lots visible from the street. The Memphis Landmarks Commission must review proposals for building relocation or demolition. The Design Guidelines address all projects in the neighborhood requiring a Certificate of Appropriateness (COA) from the Memphis Landmarks Commission. Please note that the Office of Construction Code Enforcement will not issue a construction permit without a COA from the MLC. Projects that need a COA include:

- A. New construction of houses or secondary structures (garages & storage buildings)
- B. Exterior alterations to the existing structure
- C. Additions or enclosures that expand habitable space, such as dormers, second or third stories
- D. Demolition or building relocation
- E. Site improvement construction, such as fences, gates and retaining walls
- F. New Driveways and parking pads
- G. Driveway gates
- H. Other site renewables

Please review the Certificate Of Appropriateness website for additional information:

<https://shelbycountyttn.gov/DocumentCenter/View/29968/Current-Full-COA-Application?bidId=>

Please note that only work that is visible in whole or in part from a public street (or streets in the case of a corner lot) is reviewed. Landmarks staff will confirm the scope of review based on a site plan and description of work provided by the applicant. In general, greater emphasis is placed on the character of primary facades, those designed to face the street.

Property owners, real estate agents, developers, contractors, tenants and architects should use the design guidelines when planning for a project within the neighborhood. Such use will help establish an appropriate direction for its design.

2. The Design Review Process

The following basic steps should be reviewed to understand the design review process with the Memphis Landmarks Commission.

- **Step 1.** Consider professional design assistance. For major projects, property owners are encouraged to engage a licensed architect or other design/planning professional to assist in developing their concepts. While doing so may help facilitate the review process, it is not required.
- **Step 2.** Check other City regulations.
The guidelines exist alongside other adopted City regulations. The Memphis and Shelby County Division of Planning and Development can provide information about certain regulations, which also may affect the design character of a project. (See www.shelbycountyttn.gov/924/zoning-subdivision)
- **Step 3.** Thoroughly understand and become familiar with the design guidelines for the Crosstown Historic District.
Review the basic organization of this guidelines document and determine which chapter(s) will apply to a project.
- **Step 4.** Review the project site's context.
Consider immediately adjacent properties and also the character of the entire block where the project will be located.

3. New Construction of Single-Family Homes and Secondary Structures

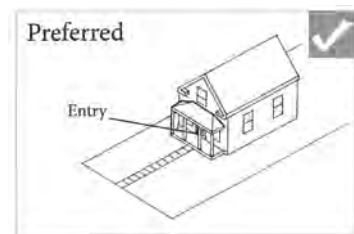
New construction includes the construction or erection of any freestanding structure or improvement on any lot. This includes new construction that uses existing walls and additions to existing buildings. These are subject to review by the Commission pursuant to the Landmarks Ordinance. This review applies only to the exterior of buildings and any other structure visible from the public right of way.

New construction should remain consistent with other buildings along a street in mass, scale, setback, height, rhythm and other design characteristics. Characteristics including the traditional door, and windows heights of early 1900-1930 homes and roof dormer designs. More weight should be given to compatibility with other existing structures that are products and original to the historic period of construction of the immediate area. The principal façade and the street related elevations should be reviewed more carefully than other facades.

In determining the appropriateness of proposed new construction, the Commission should consider the compatibility and consistency of the proposed design of the new construction with the designs of existing building in terms of the following characteristics:

a. Building Orientation, Setbacks and Rhythm of Spacing

- Maintain the line of building fronts and spacing patterns in the block.
- A new house should fit within the range of front yard setbacks seen in the block.
- Uniform spacing of side yards should be maintained.



- The front of a house should be oriented to the public street and the primary entrance should be clearly defined.
- Use of a porch element to define the entry is strongly encouraged.
- Traditionally, the front entry of each building faced the street and was usually sheltered by a porch. This is a characteristic that should be maintained.
- The porch should be "functional," in that it is used as a means of access to the entry and or as outdoor living space.
- In some cases, the front door itself may be positioned perpendicular to the street if the entry is still clearly defined with a walkway and porch.



A new house should appear similar in mass to those historic houses existing on several blocks of the street.



b. Building Mass, Scale and Form

- A new building shall follow the same pattern of mass, scale and form as those historic houses existing on that block of the street.
- Consistency in the mass, scale and form of buildings gives a street and a neighborhood a sense of unity and human friendliness. New houses should be consistent with existing historic houses on the same and opposite sides of the street in terms of height, scale, mass, form and rhythm, as well as consideration in lot size (width and length). Window and door designs must be appropriate and traditional in sense to the neighborhood.
- Use of building materials that are of traditional dimensions such as brick, stucco, wood, no vinyl materials.
- Use of a one-story porch that is similar in size to those seen traditionally.
- Use of a building mass that is similar in size to those seen traditionally.
- Use of window openings that are similar in size to those seen traditionally. Double hung windows are preferred.
- Building equipment (HVAC, utilities, etc.) shall be placed on the side or rear of the house; not visible from the street and screened from view.
- A new residential building shall be constructed with the same number of stories as any existing residential structure constructed during the period of significance on the same street-block.
- Maintain the alignment of horizontal elements along the block.



- Roof and building forms should appear similar to those seen traditionally in the neighborhood.
- Sloping roof forms such as gabled, hip, jerkinhead, bellcast hip, cross-gable and gambrel should follow the pitch of sloping roofs generally found on historic houses of the block.
- Dormers are a frequent neighborhood architectural roof feature and should be considered for new construction.
- Roof shapes should also relate to the surrounding roof structures.
- Eave depths, fascia, soffits, and cornice trims should be similar to those of historic houses on the block.

c. Roofs and Building Forms

- Roofs and Building Forms should appear similar to those seen traditionally in the neighborhood.
- Crosstown buildings consist mainly of brick, stone, stucco, and wood shingles, in a variety of combinations. Stone, stucco, brick, painted wood siding and painted shingles are appropriate materials for new construction.
- Horizontal lap siding is appropriate in most applications.
- Masonry that appears similar in character, color, texture, and size to that in historic houses within the neighborhood should be considered in the new construction.
- It is preferred that the original brick of the historic home be maintained and not painted. Unpainted masonry or stone shall not be painted.
- Stone, similar to that used traditionally, is also appropriate. Jumbo, or oversized brick is discouraged.
- Aluminum siding, vinyl siding and synthetic stucco (EIFS) are inappropriate material, and not to be used. Fiber cement siding is appropriate use for new construction.
- Depending on style, traditional roof materials such as tile, slate, wood shingles, and composite shingles are appropriate.
- Metal roofs are generally not appropriate except for porches.
- Such roofs should be applied and detailed in a manner that is appropriate to the style of the house.



d. Architectural Details

- New architectural details should relate to comparable historic stylistic elements in general size, shape, scale, finish, materials and shadow depth and should be appropriate to the style.
- It is part of the character of the neighborhood to have stylistic elements (i.e. brackets, porches, dormers, chimneys, detailed trim work etc.) as seen on the historic structures.

- Chimneys also provide decorative opportunities and are encouraged. Chimneys should not be made of wood, wood substitute or metal material, or have a protruding pipe.
- Use materials similar to those seen historically. Wood and brick were the most common materials used for exterior details. Fiber cement siding is also an appropriate use for new construction.

e. Porches

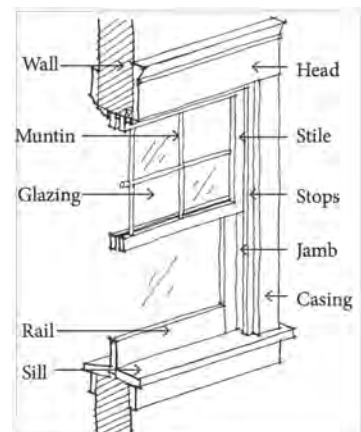
- The incorporation of a porch in the design of a new house is strongly encouraged. Porch elements should be similar to those traditionally see.
- The depth of the porch should be a minimum of eight feet (8') so it is of sufficient size to be usable as outdoor living space.
- The design of a porch should relate to the overall architectural style of the main structure. Many historic porch designs are integral to the architectural style of the house.
- Porch supports of wood, brick, stucco and stone should be of an appropriate scale for the house and style.
- Porch balustrades should be a size, mass and design that is appropriate to the house and the District.



f. Windows & Doors

Windows and doors are some of the most important character-defining features of houses. They provide visual interest to the composition of individual facades. Distinctive window design often defines a historic building style.

- Windows and doors should be of a traditional size and should be placed in a similar solid-to-void relationship as historic buildings.
- Unusually shaped windows, such as circles, octagons and trapezoids, are generally inappropriate.
- The number of different window styles should be limited so as not to detract attention away from the overall building or facade.
- Windows and doors shall be finished with trim elements similar to those used historically.
- Wood double hung windows with traditional depth and trim are preferred.



- Snap-in muntins, solid aluminum windows and solid vinyl windows are inappropriate and shall not be used. Multi-pane windows shall use true divided lights.

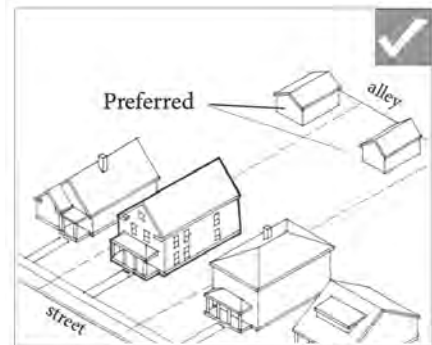
Alternate materials such as composite wood and fiberglass will be considered. Some vinyl products may be appropriate when they work well with the inset and sash components which have substantial dimensions.

A door located on a primary facade should be similar in character to those seen historically in the district. The scale should be similar. Glass panes also should be similar. Front doors with transoms and sidelights are appropriate.

g. Secondary Structures

Traditionally, secondary structures such as sheds, garages and carriage houses, were subordinate in scale and character to the primary structure and were located to the rear of the lot. To the extent visible from the street, this tradition of detached secondary structures is encouraged because this reduces the building's overall perceived mass.

- Where visible from the street, a secondary structure should be located in the rear yard of the primary residence.
- A secondary structure should reflect the architectural character and style of the main structure or be compatible with the style of the main structure.
- Material should be similar to the home; metal siding is not permitted.
- Consider using a porte cochere if appropriate to the style of the house.
- All new home construction must include an appropriate single car width driveway extending to the rear of the structure. Any excess parking should be to the rear and out of the public right of way.



To the extent plainly visible from the street, the tradition of detached secondary structures is encouraged because this reduces the overall perceived mass of buildings on the site.

4. Additions and Enclosures

Additions to the exterior of a historic building should be designed and constructed so the character and defining features are not radically changed, obscured, damaged or destroyed in the process. Additions to the principal façade should be discouraged. Additions should be located to the rear of the principle structure and not overwhelm the original structure in mass or scale. Enclosures of porches, front exterior doors or boarding of windows, and other covered areas of a principal façade to increase habitable space are inappropriate and should be avoided. If such closure is permitted it should preserve the original character of the principle façade.

- Enclosing a porch—in whole or part—alters the character of the building by eliminating one of its most important features. Such enclosures are not appropriate or permitted. A front porch shall not be completely or partially enclosed. This does not apply to screened in porches.
- No original exterior window or door shall be enclosed.
- Place an addition toward the rear of a building or set it back from the front to minimize the visual impacts.
- Do not obscure, damage, destroy or remove significant original architectural details and materials of the primary structure.
- Rooftop additions must be kept subordinate to the principal building in mass and scale and set back from the front of the building. The roof form of new additions should be in character with and subordinate to that of the primary building to avoid changes in the principle facade.
- Use windows that are similar in character to those of the main structure.
- Building materials that are compatible with those of the primary structure shall be used.
- The roof form of a new addition should be in character with and subordinate to that of the primary building.
- The mass and scale of rooftop additions must be kept subordinate to the primary building.
- When adding a dormer, it should be in character with the primary structure's design.



5. Demolition and Relocation of Principle Historical Structures Out of a District

A historic building is irreplaceable. It is a document of the past, and once it is gone, it is lost forever. Crosstown realizes the past mistakes of demolition of historic properties, therefore the demolition of an historic building that contributes to the significance of a Historic Conservation District is inappropriate.

Since the purpose of historical zoning is to protect historic properties, the demolition of any principle structure which contributes historically or architecturally to the character and significance of a District is considered to be inappropriate and should be avoided. Demolition includes the complete or partial tearing down of such structure or a removal of such structure from the District. Should the Commission approve a proposed demolition, such demolition can proceed after an immediate reuse is determined for the property. The proposed design of new construction should be submitted to and reviewed by the Commission in conjunction with submission and review of the demolition or removal from the District.

Demolition is NOT permitted under the following circumstances:

- If a principle structure is deemed to be of such historical or architectural interest and value that the removal would be detrimental to the public interest and the goals of historic zoning.
- If the proposed reuse and new construction would diminish or detract from the predominantly single-family residential character of the District.
- If a principle structure is of such old or unusual or uncommon design and materials that it could not be reproduced without great difficulty and expense.

- If its proposed replacement or lack thereof would in the Commissions reasonable discretion make a less positive visual contribution to the District, would disrupt the District's character or would be visually incompatible.
- Demolition by neglect should not occur. The loss of architectural features or structural defects used to justify demolition caused by the acts or lack of ordinary maintenance by the applicant (or those who have acted in concert with the applicant) is considered "demolition by neglect." Lack of ordinary maintenance includes failure to make needed roof or plumbing repairs and failure to protect the structure from termites.

Demolition is permitted under the following circumstances:

- If a principle structure has lost its architectural and historical integrity and importance and its removal and the proposed new construction will not in the commissions reasonable discretion results in a negative, or less appropriate visual effect on the District.
- If a principle structure does not contribute to the historical and architectural character of the District and its removal and the proposed new construction will in the commissions reasonable discretion result in a more positive and appropriate visual effect on the District.
- If the Commission determines that demolition or removal is economically necessary and justified in accordance with the provisions of the Landmarks Ordinance, the applicable guidelines of the Commission (to the extent they are more exacting) and other applicable governmental laws, ordinances and regulations.
- If the demolition is required by a final and a non-appealable order or ruling by a court, governmental body or agency that has jurisdiction. And such order or ruling does not allow for the restoration or continued use of the applicable structure.
- **If demolition is allowed, the building must be thoroughly documented. The owner should provide this documentation, which may include photographs and measured drawings, to the Memphis Landmarks Commission and to the Memphis and Shelby County Room at the Central Library.**

Moving a principle structure that still retains its historical and architectural integrity and contributes to the character of the District should be avoided.

Moving a building that does not contribute to the architectural and historical integrity of the District or has its architectural integrity due to deterioration and neglect is appropriate if its removal or the proposed replacement will result in a more positive visual effect on the District.

The relocation of a house in order to provide parking is not appropriate.

A principle structure may be relocated within a District if:

- The integrity of location and setting of the principle structure in its original location has been lost or is seriously threatened.
- The structure will be compatible with the buildings adjacent to the new site in style height scale materials and setback.
- The relocation of a principle structure, at the Commission's reasonable discretion, will not result in a negative visual impact on the site and surrounding buildings from which it will be removed.

6. New Site Improvements

a. Fences

Typically, fences were only seen enclosing side and rear yards or defining property boundaries. When they were used, fences were low and appeared semi-transparent. Wood pickets, thin metal members and low brick walls were typical.



- Fences shall not completely obscure the view of the house from the public right of way.
- Enclosing a front yard shall not be allowed. In the exceptional circumstance that a front yard fence is allowed, it should be no more than three and one half feet (3-1/2') high and have a transparent quality allowing views into the yard.
- Appropriate materials for front yard fences/ walls are wrought iron, tubular steel, stone, or brick. Inappropriate materials include chain link, vinyl/ plastic, split rail, precast concrete panels and concrete block.
- Corner lot fencing should not exceed six feet (6') in height, should be front-facing and should be set back a minimum of three feet (3') from the sidewalk. Fencing along the public side yard of corner lot houses should begin toward the back of the structure so that the side facade is not obscured from view.
- Rear yard fences or walls should be no more than 8' in height and constructed of traditional materials.
- Front Fences shall be setback a minimum 6 ft from the front wall of the house (not including front porch).

b. Walls, Retaining Walls

- Retaining walls should be built as low as possible and, at most, no higher than the soil being retained.
- A retaining wall should not extend as high as the yard it protects. This wall is appropriate in height and materials.
- Railroad ties, split faced block, and stacking block systems may not be used.

c. Parking

- The creation of a parking area in the front yard is highly inappropriate and shall not be allowed.
- Parking should be located to the rear. Less preferably, parking may be permitted to the side of the house.
- A parking pad or other defined paved area for parking shall not be placed in the front yard.
- Brick, stone or smooth troweled finish concrete are appropriate. Asphalt, washed gravel finish concrete and stamped concrete are not appropriate.
- The tradition of straight, narrow driveways should be maintained. Driveways should be constructed of traditional materials that contrast with the asphalt paving of the street. Adjacent driveways shall not be combined to create broad expanses of concrete in the front yard. Additions or alterations to existing driveways which would increase or change the existing footprint must conform to these guidelines.



d. Driveways Additions or Parking Pads

- Driveways and parking pads should be made of materials comparable with surrounding structures, of single car width, and located to the side, extending to the rear of the principle building.
- Paving the front of a lot or increasing a parking pad into a majority of the area in front of a principal structure is deemed inappropriate and not permitted.
- Front yard parking is not appropriate and shall not be allowed.
- Adjacent driveways should not be combined to create broad expanses of concrete in the front yard.
- Additions or alterations to existing driveways which would increase or change the existing footprint must conform to these guidelines.

e. Other Site Improvements Miscellaneous

- Construction of permanent freestanding signage or lighted signage for the purpose of advertising is inappropriate and should be avoided.
- Freestanding or pole mounted satellite dishes (24" or larger) should be placed in inconspicuous locations to the public rights-of-view.
- LED flashing signs that change or flicker by creating an illusion of motion are prohibited.
- A sign should not hide architectural details such as windows, cornice details, storefronts or transom windows.
- Any other site improvements should be appropriate to the historic nature of the district, and, if allowed, should be constructed to a scale, and out of materials, compatible with the neighborhood.
- Front walkways shall be constructed from concrete or brick that are traditionally found in the District.

f. Religious, Educational or Other Institutional Buildings

- New institutional construction or additions should be compatible with the historic portions of the institution's existing buildings and shall be compatible with the historic character of the neighborhood.
- A new institutional building or addition should be of similar mass and scale to those seen traditionally.
- If a larger building is to be constructed which occupies several lots, the sense of human scale can be expressed by "articulating" the mass of the building into smaller components that, individually, appear similar in scale to historic buildings in the area.
- An institutional building's primary entrance should be oriented toward the street with subordinate entrances located toward parking or interior spaces.
- Where two or more buildings will be located on a site, they should be arranged to define an outdoor space. Clustering buildings to create active open spaces, such as plazas and courtyards, is encouraged. Simply aligning buildings in a row to face a parking lot is discouraged.
- Plain or industrial-type buildings are inappropriate and shall not be permitted.
- A new institutional building should not be more than three stories or 35 feet in height.
- A design should draw upon the institution's historic buildings or, if none, on the designs of other historic institutional buildings in the neighborhood. Traditional building materials should be used for primary wall surfaces similar to that of historic buildings on site. Masonry materials, including brick, stone and rusticated masonry block are preferred.
- An addition to an institutional building should be placed at the rear or set back from the front in order to minimize its visual impact on the existing building. The proportions and character of the original building should remain prominent. Locating an addition at the front of a structure is inappropriate. An addition should be compatible in scale with the primary structure. An addition should be compatible in character with the primary institutional building. Parking areas should be located to the interior of the lot where feasible.



7. Guidelines Effective Date

These guidelines should take effect on the date this District is designated a Historic District by the Memphis City Council. Upon such date, all property owners within the District and all who shall thereafter become property owners within the District shall be presumed to have knowledge of the provisions of these guidelines and shall be subject to the provisions of these guidelines.

If any provision of these guidelines is made void or unenforceable by legislation or adjudication, such provision shall be deemed severed. The remaining provisions shall continue in full force and effect.

These guidelines may be amended from time to time as future needs require upon:

- 1) Application by any person owning a legal or beneficial interest in any district property.***
- 2) Mailed written notice to all owners of property in the district.***
- 3) Approval by the Landmarks Commission and any other governmental body required by applicable law in a public hearing.***

These guidelines do not apply to ordinary repairs and maintenance. Ordinary repairs and maintenance shall be deemed to include, without limitation, work to correct deterioration, decay or damage to a building, object, structure, or site in order to restore the same, as nearly as may be practical, to its condition prior to such deterioration, decay, or damage, using materials accepted within these guidelines. It also includes any work that replaces something in a “same for same” fashion without any alterations.

Part 4: Additional Photos & References:





Memphis Tech High History:

www.historic-memphis.com/memphis-historic/techhistory/techhistory.html

www.historic-memphis.com/memphis-historic/techhistory/techhistory.html

William R Moore Tech History:

<https://www.mooretech.edu/about/history/>

<http://historic-memphis.com/biographies/w-r-moore/w-r-moore.html>

Van Vleet History:

<http://historic-memphis.com/biographies/van-vleet/van-vleet.html>

Montgomery Mansion History:

<http://www.historic-memphis.com/biographies/montgomery-park/montgomery-park.html>

Sears Roebuck Building History:

<http://www.memphisheritage.org/sears-roebuck-company-catalog-distribution-center-retail-store-crosstown-concourse/>

<https://crosstownconcourse.com/about>

Memphis and Shelby County Unified Code:

<https://www.shelbycountyttn.gov/DocumentCenter/View/13413/ZTA-13-002-Complete-UDC-as-approved?bidId=>

Memphis Landmarks Commission:

<https://www.develop901.com/landuse-developmentservices/MemphisLandmarksCommission>

Certificate of Appropriateness:

<https://shelbycountyttn.gov/DocumentCenter/View/29968/Current-Full-COA-Application?bidId=>

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CINDY-JARVIS LIMITED L P
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CO OF SHELBY & CITY OF MEMPHIS
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CORPORATE AIR INC
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SAMUEL D GOFF
341 MALVERN ST
MEMPHIS, TN 38104

SELLERS ESTRELITA L
251 N BELLEVUE BLVD
MEMPHIS, TN 38105

SERENITY RECOVERY CENTERS INC
1094 POPLAR AVE
MEMPHIS, TN 38105

SHELBY COUNTY TAX SALE #83.1 EXH
#1121
160 N MAIN ST
MEMPHIS, TN 38103

SHERRY E ROSS
2011 HUNTER AVE
MEMPHIS, TN 38108

SHILLINGS ANNAZETTE R REVOCABLE
TRUST
1244 FRIEDMAN ST
PERRIS, CA 92571

SMITH JANA G
300 N MONTGOMERY ST
MEMPHIS, TN 38104

STARKS GLORIA J & ROBERT L
226 N BELLEVUE BLVD
MEMPHIS, TN 38105

STEPHENS MICHAEL J
296 MALVERN ST
MEMPHIS, TN 38104

STEWART BEVERLY A
310 MALVERN ST
MEMPHIS, TN 38104

STUTZMAN INVESTMENTS LLC
803 GRAYLING BAY
COSTA MESA, CA 92626

TANGANYIKA ENTERPRISES LLC
466 GARLAND AVE
MEMPHIS, TN 38104

TAYLOR ROBERT M
343 N MONTGOMERY ST
MEMPHIS, TN 38104

TENNESSEE STATE OF
170 N MAIN ST
MEMPHIS, TN 38103

TENNISON BROTHERS INC
450 N BELLEVUE BLVD
MEMPHIS, TN 38105

THOMAS & MAYTE MOORE
295 N CLAYBROOK ST
MEMPHIS, TN 38104

THOMPSON EVERETT M & LAURA H
239 N MONTGOMERY ST
MEMPHIS, TN 38104

TIMOTHY KEY
243 N MONTGOMERY ST
MEMPHIS, TN 38104

TIPTON DESSIE
7270 RYAN HILL RD
MILLINGTON, TN 38053

TONGA PROPERTIES
296 N AVALON ST
MEMPHIS, TN 38112

TOWNSEND MELANIE J
3450 SANDSTONE CIR
COLUMBUS, IN 47201

TRAN DAO THI
425 MALVERN ST
MEMPHIS, TN 38104

VERNA JAMES
13045 COLDWATER DR
OLIVE BRANCH, MS 38654

WADLINGTON NEIL C
314 N MONTGOMERY ST
MEMPHIS, TN 38104

WAREHOUSE GARAGE LLC
7684 APPLE VALLEY RD
GERMANTOWN, TN 38138

WE-R-HOUSING LLC
100 PEABODY PL
MEMPHIS, TN 38103

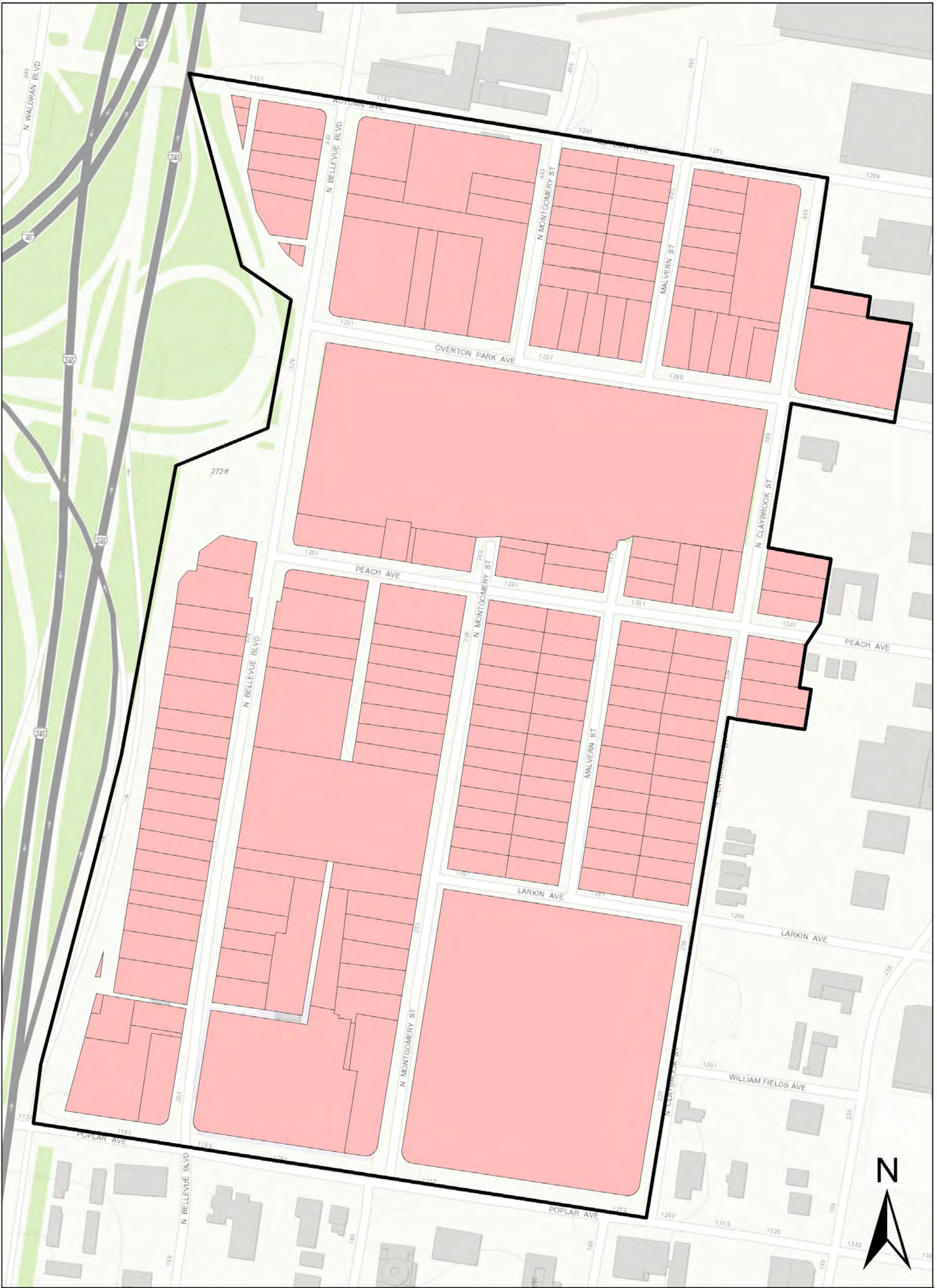
WEST CECELIA
419 MALVERN ST
MEMPHIS, TN 38104

WEST REBECCA
419 MALVERN ST
MEMPHIS, TN 38104

WHITE DEBRA
251 N MONTGOMERY
MEMPHIS, TN 38104

WILLIAMS OREE B AND APRIL W
MCLAUGHLIN
1379 TUTWILER ST
MEMPHIS, TN 38107

WOFFORD PETER W
3333 POPLAR AVE
MEMPHIS, TN 38111



Proposed Crosstown Historic District

Legend

 Historic District Proposed Boundary

 Parcels inside Proposed Historic District

PARCELS TO BE REMOVED FROM PROPOSED CROSSTOWN HISTORIC DISTRICT

Owner Name: WAREHOUSE GARAGE LLC
Property Address: 5050 N CLAYBROOK ST
Parcel ID: 020018 00018C

Owner Name: MOORE WM R COLLEGE OF TECHNOLOGY
Property Address: 475 N BELLEVUE BLVD
Parcel ID: 020097 00005

Owner Name: TENNISON BROS INC
Property Address: 0 N BELLEVUE BLVD
Parcel ID: 020096 00002Z

Owner Name: TENNISON BROS INC
Property Address: 0 N BELLEVUE BLVD
Parcel ID: 020096 00001Z

Owner Name: TENNISON BROTHERS INC
Property Address: 0 N BELLEVUE BLVD
Parcel ID: 020096 00001

Owner Name: CORPORATE AIR INC
Property Address: 468 N BELLEVUE BLVD
Parcel ID: 020002 00012C

Owner Name: TENNISON BROS INC
Property Address: 0 N BELLEVUE BLVD
Parcel ID: 020002 00001Z

Owner Name: TENNISON BROTHERS
Property Address: 450 N BELLEVUE ST
Parcel ID: 020002 00013

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION
Property Address: AUTUMN AVE
Parcel ID: 020017 00003

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: 495 N WATKINS
Parcel ID: 020017 00008

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: 0 AUTUMN AVE
Parcel ID: 020017 00004

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: 0 AUTUMN AVE
Parcel ID: 020017 00005

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: AUTUMN AVE
Parcel ID: 020017 00007

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: AUTUMN AVE
Parcel ID: 020017 00006

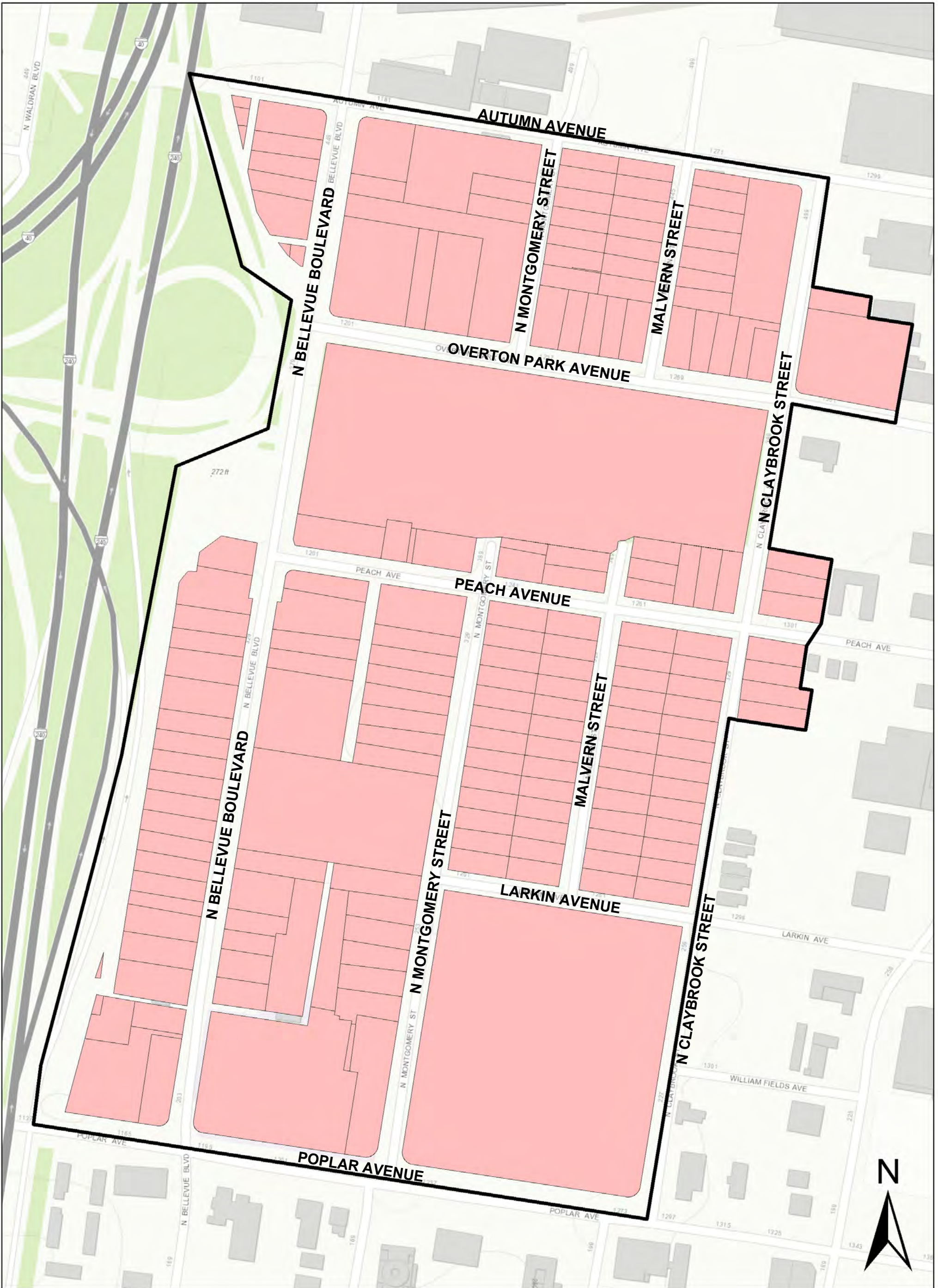
Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION
Property Address: 500 CLAYBROOK ST
Parcel ID: 020016 00017

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: TOWER AVE
Parcel ID: 020016 00018

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: CLAYBROOK ST
Parcel ID: 020017 00009



Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: TOWER AVE
Parcel ID: 020017 00010

Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORP
Property Address: N WATKINS ST
Parcel ID: 020017 00012



Proposed Crosstown Historic District

Legend

-  Historic District Proposed Boundary
-  Parcels inside Proposed Historic District

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, May 18, 2021 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** CTHD
- LOCATION:** Area roughly bound by Autumn Avenue to the North, North Claybrook Street to the East, Poplar Avenue to the South, and Interstate 240 to the West
- COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Jennifer Amido and Crosstown Memphis Community Development Corporation
- REPRESENTATIVE:** Jennifer Amido and Anna Joy Tamayo
- EXISTING ZONING:** Residential Single-Family – 15 (R-15), Residential Urban – 3 (RU-3), Commercial Mixed Use – 1 (CMU-1), and Commercial Mixed Use – 3 (CMU-3)
- REQUEST:** Historic (H) Overlay District
- AREA:** +/-81.30 acres

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis Landmarks Commission: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, May 18, 2021, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

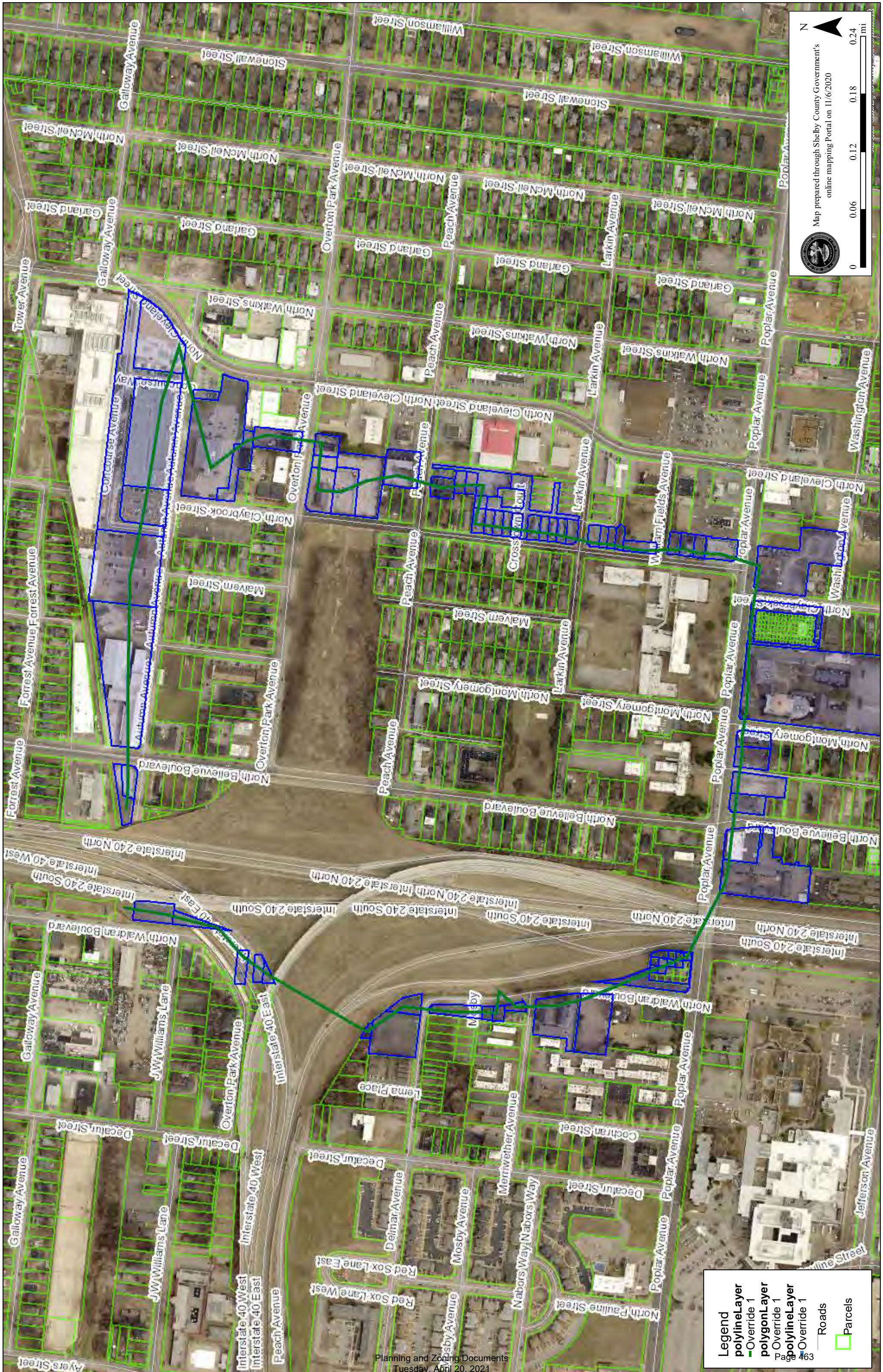
THIS THE _____, _____

FRANK COLVETT, JR.
CHAIRMAN OF COUNCIL


ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



Map prepared through Shelby County Government's
online mapping Portal on 11/6/2020



0 0.06 0.12 0.18 0.24 mi

Legend

- polylineLayer
- Override 1
- polygonLayer
- Override 1
- polylineLayer
- Override 1
- Roads
- Parcels

CROSTOWN GROUP LLC 7500 CAPITAL DR MEMPHIS, TN 38141	FOUR HUNDRED BELLEVUE LLC 100 PEABODY PL STE 1300 MEMPHIS, TN 38103	JULIOT JACOB AND SYDNEY SEPULVEDA 300 MALVERN MEMPHIS, TN 38104
LOUIS KIM AND KAI LOUIS 2582 MOONBEAM MILLINGTON, TN 38053	MIDTOWN RESTORATION LLC AND RED DOOR MEMPHIS LLC 1268 SLEDGE AVE MEMPHIS, TN 38104	TAMAYO IVAN AND ANNA J TAMAYO 294 N MONTGOMERY MEMPHIS, TN 38104
CLARA E & JACOB WALZ 319 CLAYBROOK MEMPHIS, TN 38104	ADRIENNE TAYLOR 325 N CLAYBROOK MEMPHIS, TN 38104	ALLEN CHARLES 315 N CLAYBROOK MEMPHIS, TN 38104
AYERS JEFFREY T 299 N MONTGOMERY MEMPHIS, TN 38104	BAKINVESTMENTS LLC 6942 AUTUMN OAKS DR OLIVE BRANCH, MS 38654	BD OF EDUCATION CITY OF MPHS 1266 POPLAR MEMPHIS, TN 38104
BEN BUTLER 2170 MONROE MEMPHIS, TN 38104	BENJAMIN J BUTLER & LAUREL SUCSY 2170 MONROE MEMPHIS, TN 38104	BLANDA PAUL J 1242 OVERTON PARK MEMPHIS, TN 38104
BRAZELL TERRY L & LINDA 1254 OVERTON PARK MEMPHIS, TN 38104	BROWN JULIA B 309 MALVERN MEMPHIS, TN 38104	BRUNO DAVID M SR 285 N CLAYBROOK MEMPHIS, TN 38104
CALICO KENDRA 2800 S MENDENHALL MEMPHIS, TN 38115	CAO PHONG 279 N CLAYBROOK MEMPHIS, TN 38104	CASEY CANDACE M AND ALVIN CASEY & 5130 DURANT MEMPHIS, TN 38116
CHARLES & PRISCILLA TIMS 116 N BELLEVUE MEMPHIS, TN 38105	CHILDRENS BUREAU INC 868 N MANASSAS MEMPHIS, TN 38107	CINDY-JARVIS LIMITED L P 1174 POPLAR MEMPHIS, TN 38105
CITY OF SHELBY & CITY OF MEMPHIS 25 N MAIN MEMPHIS, TN 38103	CORPORATE AIR INC 468 N BELLEVUE MEMPHIS, TN 38105	COTTONWOOD DEVELOPMENTS LLC 6160 FAIRLAWN OLIVE BRANCH, MS 38654
CROSS ANNA B 305 MALVERN MEMPHIS, TN 38104	CROSTOWN GROUP LLC 7500 CAPITAL DR MEMPHIS, TN 38141	DACUS DONNIE W & CAROLYN A 1983 WIRLEY CORDOVA, TN 38016

DANIEL JOHN & CARLA AND IRA INNOVATIONS 0 PO BOX 681742 FRANKLIN, TN 37068	DAVONDA O ROBERTS 252 N BELLEVUE MEMPHIS, TN 38105	DEEPER WALK MINISTRIES INC 316 N BELLEVUE MEMPHIS, TN 38105
DILLMAN CHRISTIE A 285 MALVERN MEMPHIS, TN 38104	DJJS INVESTMENTS LLC 15804 SE 24TH ST BELLEVUE, WA 98008	DONALD GRUNDEN 290 N MONTGOMERY MEMPHIS, TN 38104
DOOR OF HOPE INC 0 PO BOX 40387 MEMPHIS, TN 38174	DOSHIER EDITH 417 N BELLEVUE MEMPHIS, TN 38105	DOWNTOWN MEMPHIS MINISTRY INC 1940 MADISON AVE MEMPHIS, TN 38104
DOYLE JAMES G AND LINDA B DOYLE (ESTATE 1276 OVERTON PARK MEMPHIS, TN 38104	DP MEMPHIS PROPERTY I LLC 1623 1623 S ST NW WASHINGTON, DC 20009	ELMI YASIN H & ISTARLADEN F MOHAMED 264 N MONTGOMERY MEMPHIS, TN 38104
EQUITY TRUST CO CUSTODIAN PO BOX 1529 ELYRIA, OH 44036	FENNER BERNICE B 348 N CLAYBROOK MEMPHIS, TN 38104	FOUR HUNDRED BELLEVUE LLC 100 PEABODY MEMPHIS, TN 38103
GEETER EARTHA I 266 MALVERN MEMPHIS, TN 38104	GIPSON JAYNE P 263 N CLAYBROOK MEMPHIS, TN 38104	GOFF SAM & SARA 143 CLARK MEMPHIS, TN 38104
GOLDATE ALIS AND CHARLES BUEHL JR 1921 HIDDEN OAKS GERMANTOWN, TN 38138	GORFEL PRODUCTIONS 22 N FRONT ST STE 1055 MEMPHIS, TN 38103	GRACE HOUSE OF MEMPHIS 329 N BELLEVUE MEMPHIS, TN 38105
GREENE PROPERTIES LLC 3820 SEDGWICK BRONX, NY 10463	HAYNES CHRIS AND MONIKA BIXBY (RS) 326 MALVERN MEMPHIS, TN 38104	HINES RAYFIELD 306 MALVERN MEMPHIS, TN 38104
HOLMAN ANDRE 295 MALVERN MEMPHIS, TN 38104	HUYNH DUJ 274 N MONTGOMERY MEMPHIS, TN 38104	IMRAN MIRZA 9614 MISTY BROOK CORDOVA, TN 38016
EFFRESS STEVEN 103 N BELLEVUE MEMPHIS, TN 38105	JENNIFER M & EMMANUEL A AMIDO 297 N MONTGOMERY STREET MEMPHIS, TN 38104	JERROLD DANIEL 286 MALVERN MEMPHIS, TN 38104

JOCELYN HENDERSON 200 JEFFERSON AVE STE 1500 MEMPHIS, TN 38103	JONES STEPHEN R & PEGGY J 299 MALVERN MEMPHIS, TN 38104	JORDAN MATTHEW & JULLIES D 237 N BELLEVUE MEMPHIS, TN 38105
KA AZ SPENCER 426 N MONTGOMERY MEMPHIS, TN 38104	KEOKANLAYA NAOVALATH 2496 WOOD HILL HORN LAKE, MS 38637	KING FRENCHIE 410 MALVERN MEMPHIS, TN 38104
LE HEN Q AND HUY H LE 352 N CLAYBROOK MEMPHIS, TN 38104	LE TUYEN NGOC 265 MALVERN MEMPHIS, TN 38104	LOTT RICKEY D 238 N BELLEVUE MEMPHIS, TN 38105
LOVE GREGORY J 320 MALVERN MEMPHIS, TN 38104	LUIS E GONZALEZ & KARIMNIA MARY J 1350 CONCOURSE AVE APT 761 MEMPHIS, TN 38104	MARGARET A BENDER 309 N MONTGOMERY MEMPHIS, TN 38104
MARGARET E BOWDEN 1305 PEACH MEMPHIS, TN 38104	MARK PRESCOTT 293 N BELLEVUE MEMPHIS, TN 38105	MARTIN LAWRENCE 3247 PATRICIA ELLEN MEMPHIS, TN 38133
MCDIVITT DANNY P 340 MALVERN MEMPHIS, TN 38104	MCELROY WILLIAM N JR 325 MALVERN MEMPHIS, TN 38104	MCKINNIE ROBERT 2410 NDJAMENA DULLES, VA 20189
MCLEOD LISA & MARK 2440 KENWOOD BARTLETT, TN 38134	MEEK LARRY R 3106 DIXON DURHAM, NC 27707	MEMPHIS APARTMENT INVESTMENTS LLC 6745 LENOX CENTER MEMPHIS, TN 38115
MEMPHIS CENTER CITY REVENUE FINANCE CORP .14 N MAIN MEMPHIS, TN 38103	MEMPHIS RECOVERY CENTERS INC 219 N MONTGOMERY MEMPHIS, TN 38104	MGR OVERTON LLC 100 PEABODY MEMPHIS, TN 38103
MOORE WILLIAM R SCHOOL OF TECH 200 POPLAR MEMPHIS, TN 38104	MULLINS B A JR AND DOUGLAS C MULLINS (RS 328 N BELLEVUE MEMPHIS, TN 38105	NAPIER WILLIAM & PAT 2780 KEASLER GERMANTOWN, TN 38139
MATE & ANNA JOY ROGERS 573 GALLOWAY MEMPHIS, TN 38112	PAPPAS KEVIN T 309 N CLAYBROOK MEMPHIS, TN 38104	PARIS MANAGEMENT LLC PO BOX 3385 MEMPHIS, TN 38173

PATTON VICKI 305 N CLAYBROOK MEMPHIS, TN 38104	PHILLIPS WILLIAM R JR 2809 KIRBY PKWY MEMPHIS, TN 38119	PRAY OUTREACH MINISTRIES 7089 GLENEAGLES MEMPHIS, TN 38141
REESE WILLIAM A & LINDA L 310 N MONTGOMERY MEMPHIS, TN 38104	RIVER CITY RENTAL HOUSING LLC 119 S MAIN MEMPHIS, TN 38103	WOFFORD PETER W 3333 POPLAR MEMPHIS, TN 38111
ROBINSON MARK 661 WALKER AVE MEMPHIS, TN 38126	ROBINSON MICHAEL D 935 BLANCHARD RD MEMPHIS, TN 38116	ROUND ROBIN LLC 100 PEABODY MEMPHIS, TN 38103
SADLER JAMES E AND KIMBERLY C HODGSON 61 VIKING CORDOVA, TN 38018	SAENZ AARON 269 MALVERN MEMPHIS, TN 38104	SALAT SHENNA 24 W GEORGIA MEMPHIS, TN 38103
SAMUEL D GOFF 341 MALVERN MEMPHIS, TN 38104	SELLERS ESTRELITA L 251 N BELLEVUE MEMPHIS, TN 38105	SERENITY RECOVERY CENTERS INC 1094 POPLAR MEMPHIS, TN 38105
SHELBY COUNTY TAX SALE PO BOX 2751 MEMPHIS, TN 38101	SHELBY COUNTY TAX SALE 0501 EXH #1241 PO BOX 2751 MEMPHIS, TN 38101	SHERRY E ROSS 2011 HUNTER AVE MEMPHIS, TN 38108
SHILLINGS ANNAZETTE R REVOCABLE TRUST 1244 FRIEDMAN ST PERRIS, CA 92571	SMITH JANA G 300 N MONTGOMERY MEMPHIS, TN 38104	STARKS GLORIA J & ROBERT L 226 N BELLEVUE MEMPHIS, TN 38105
STEPHENS MICHAEL J 96 MALVERN MEMPHIS, TN 38104	STEWART BEVERLY A 310 MALVERN MEMPHIS, TN 38104	STUTZMAN INVESTMENTS LLC 803 GRAYLING BAY COSTA MESA, CA 92626
ANGANYIKA ENTERPRISES LLC 66 GARLAND MEMPHIS, TN 38104	TAYLOR ROBERT M 343 N MONTGOMERY MEMPHIS, TN 38104	TENNESSEE STATE OF 170 N MAIN MEMPHIS, TN 38103
ENNISON BROS INC 50 N BELLEVUE MEMPHIS, TN 38105	THOMAS & MAYTE MOORE 295 N CLAYBROOK MEMPHIS, TN 38104	THOMPSON EVERETT M & LAURA H 239 N MONTGOMERY MEMPHIS, TN 38104

TIMOTHY KEY
243 N MONTGOMERY
MEMPHIS, TN 38104

TIPTON DESSIE
7270 RYAN HILL
MILLINGTON, TN 38053

TONGA PROPERTIES
296 N AVALON
MEMPHIS, TN 38112

TOWNSEND MELANIE J
3450 SANDSTONE
COLUMBUS, IN 47201

TRAN DAO THI
425 MALVERN
MEMPHIS, TN 38104

VERNA JAMES
13045 COLDWATER
OLIVE BRANCH, MS 38654

WADLINGTON NEIL C
314 N MONTGOMERY
MEMPHIS, TN 38104

WAREHOUSE GARAGE LLC
7684 APPLE VALLEY
GERMANTOWN, TN 38138

WE-R-HOUSING LLC
100 PEABODY
MEMPHIS, TN 38103

WEST CECELIA
419 MALVERN
MEMPHIS, TN 38104

WEST REBECCA
419 MALVERN
MEMPHIS, TN 38104

WHITE DEBRA
251 N MONTGOMERY
MEMPHIS, TN 38104

WILLIAMS OREE B AND APRIL W
MCLAUGHLIN
1379 TUTWILER
MEMPHIS, TN 38107

SERENITY RECOVERY CENTERS INC
1094 POPLAR AVE
MEMPHIS TN 38105

NGO DAVID
299 N CLEVELAND ST
MEMPHIS TN 38104

DUPPER GARRY L
4018 SILKTREE DR
GARLAND TX 75043

MEMPHIS CENTER CITY REVENUE FINANCE CORP
114 N MAIN ST
MEMPHIS TN 38103

BOWDEN MARGARET
1305 PEACH
MEMPHIS TN 38104

SMALL TRAKELA & TREY
290 N CLAYBROOK ST
MEMPHIS TN 38104

HAYES TAWANDA L
270 N CLAYBROOK ST
MEMPHIS TN 38104

NGO DAVID
299 N CLEVELAND ST
MEMPHIS TN 38104

CLEVELAND LARKIN HOMEOWNERS ASSOCIATION
4701 SUMMER AVE
MEMPHIS TN 38122

STAFFORD GARRY J
PO BOX 18955
MEMPHIS TN 38181

JBJ PROPERTIES LLC
4701 SUMMER AVE
MEMPHIS TN 38122

LAM OWNER LLC
205 HONEYSUCKLE LN
SUMMERVILLE SC 29485

DUPPER GARRY
278 N CLAYBROOK ST
MEMPHIS TN 38104

YOUNG LIFE
658 COLONIAL RD
MEMPHIS TN 38117

LAM OWNER LLC
205 HONEYSUCKLE LN
SUMMERVILLE SC 29485

GAJJAR NEIL
294 N CLAYBROOK ST
MEMPHIS TN 38104

DISTRICT APARTMENTS LLC
8645 RIVERCHASE DR
GERMANTOWN TN 38139

MUNEER QURATULANNE
9359 CENTRAL AVE #D1
MONTCLAIR CA 91763

CUPPLES TAYLOR
298 N CLAYBROOK ST
MEMPHIS TN 38104

SMOOTHIE KING MEMPHIS LLC
1995 UNION AVE
MEMPHIS TN 38104

NDTCO AS CUSTODIAN FBO SUZANNE CADLEY IR
1070 W CENTURY DR
LOUISVILLE CO 80027

MIDTOWN 10 TURNLEY LLC
4701 SUMMER AVE
MEMPHIS TN 38122

TONGA PROPERTIES LLC
296 N AVALON ST
MEMPHIS TN 38112

KASPA PROPERTIES LLC
4701 SUMMER AVE
MEMPHIS TN 38122

WATKINS ANITA
266 N CLAYBROOK ST
MEMPHIS TN 38104

NGO DAVID
299 N CLEVELAND ST
MEMPHIS TN 38104

EASTERN STAR MISSN BAPT CH INC
1334 EXCHANGE AVE
MEMPHIS TN 38104

MEMPHIS CENTER CITY REVENUE FINANCE CORP
114 N MAIN ST
MEMPHIS TN 38103

BOWDEN PHILLIP R
1417 MONROE AVE
MEMPHIS TN 38104

TORRES CHRISTINA L & ALEXANDER H BARTON
1116 POPLAR AVE #1
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE
114 N MAIN ST
MEMPHIS TN 38103

MISSISSIPPI BOULEVARD CHRISTIAN CHURCH
PO BOX 3005
MEMPHIS TN 38173

TRONE CHRISTOPHER G AND JOSHUA A SMITH
350 3RD ST
HANOVER PA 17331

TENNISON BROTHERS
450 N BELLEVUE BLVD
MEMPHIS TN 38105

TENNISON BROS INC
PO BOX 40126
MEMPHIS TN 38174

TENNISON BROTHERS INC
450 N BELLEVUE BLVD
MEMPHIS TN 38105

TENNESSEE STATE OF
5334 BOSWELL
MEMPHIS TN 38120

TENNISON BROS INC
PO BOX 40126
MEMPHIS TN 38174

TENNESSEE STATE OF
5334 BOSWELL
MEMPHIS TN 38120

TENNESSEE STATE OF
3540 SUMMER AVE #310
MEMPHIS TN 38122

BRYTON TOWER HOMEOWNERS ASSOCIATION INC
1271 POPLAR AVE #104
MEMPHIS TN 38104

UNITED STATES POSTAL SERVICE
GENERAL DELIVERY
MEMPHIS TN 38101

MEMPHIS TENN CONGREGATION OF JEHOVAHS
1378 OVERTON PARK AVE
MEMPHIS TN 38104

BRYTON TOWER HOMEOWNERS ASSOCIATION INC
1271 POPLAR AVE #104
MEMPHIS TN 38104

STATE OF TENNESSEE
170 N MAIN ST
MEMPHIS TN 38103

O'S REALTY INC
4561 MILLBRANCH RD #2
MEMPHIS TN 38116

BRYTON TOWER HOMEOWNERS
1271 POPLAR AVE
MEMPHIS TN 38104

TENNESSEE STATE OF
170 N MAIN ST
MEMPHIS TN 38103

BROAD ST LLC
2595 BROAD AVE
MEMPHIS TN 38112

RESIDENCES AT THE GREENSTONE CONDO ASSOC
350 FIFTH AVE #3304
NEW YORK NY 10118

WAREHOUSE GARAGE LLC
7684 APPLE VALLEY RD
GERMANTOWN TN 38138

CASH AMERICA CENTRAL INC
1600 W 7TH ST
FORT WORTH TX 76102

WAYMAN DALTON T & MEREDITH B
1116 POPLAR AVE #5
MEMPHIS TN 38105

SKEFOS JAMES J
2884 WALNUT GROVE RD
MEMPHIS TN 38111

MEMPHIS CENTER FOR REPRODUCTIVE HEALTH
1726 POPLAR AVE
MEMPHIS TN 38104

CORZINE MICHELLE
1116 POPLAR AVE #4
MEMPHIS TN 38105

NICHOLS ARTHUR S AND DAVID ELLIS AND
4844 MARCEL AVE
MEMPHIS TN 38122

TENN STATE OF
170 N MAIN ST
MEMPHIS TN 38103

DENTAL CONNECTION-POPLAR LLC
1195 POPLAR AVE
MEMPHIS TN 38105

MARTIN PASCUALA
3398 SPINNERS CV
BARTLETT TN 38134

MID-TOWN CONGREGATION OF JEHOVAHS
4844 MARCEL AVE
MEMPHIS TN 38122

BOWDEN PHILLIP R
1417 MONROE AVE
MEMPHIS TN 38104

HOLDER L MARK
6608 PLEASANT PL
LITTLE ROCK AR 72205

MEMPHIS TN ASSEMBLY HALL OF JEHOVAHS
400 CLEVELAND ST
MEMPHIS TN 38104

BONNER O ALEX JR
1271 POPLAR AVE #211
MEMPHIS TN 38104

REED MICHAEL R
1271 POPLAR AVE #201
MEMPHIS TN 38104

PEACH LLC
PO BOX 770081
MEMPHIS TN 38177

FREY ERIC AND JESSICA SHEA
673 N AUBURNDALE ST
MEMPHIS TN 38107

WEESNER KAREN K
4140 HWY 7 N
HOLLY SPRINGS MS 38635

BROAD ST LLC
2595 BROAD AVE
MEMPHIS TN 38112

HARRIS SHARON
PO BOX 192
MEMPHIS TN 38101

FRIENDS PROPERTIES LLC
1121 POPLAR VIEW LN N #1
COLLIERVILLE TN 38017

BROAD ST LLC
2595 BROAD AVE
MEMPHIS TN 38112

HUGHES JOHN
3064 ULTRAGREEN LN
LAKELAND TN 38002

ZINK JANET A
200 N WALDRAN BLVD #18
MEMPHIS TN 38105

WASHINGTON ETHEL M
2740 WOODLAND HILLS CV
MEMPHIS TN 38127

MARTIN PASCUALA
3398 SPINNERS CV
MEMPHIS TN 38134

HOLLAND MELISSA K
200 N WALDRAN BLVD #14
MEMPHIS TN 38105

YORD INVESTMENTS LLC
706 NE 191ST ST
MIAMI FL 33179

DAVIS TERESA C
1515 NUUANU AVE #85
HONOLULU HI 96817

BLACKSTAR URBAN FUND II LLC
350 FIFTH AVE #59TH FLOOR
NEW YORK NY 10118

SERENITY RECOVERY CENTERS INC
301 N BELLEVUE BLVD
MEMPHIS TN 38105

BREWER R Q & DOLLY
2555 POPLAR AVE
MEMPHIS TN 38112

CRAIG JOHNATHAN
1118 POPLAR AVE #9
MEMPHIS TN 38105

TONGA PROPERTIES LLC
296 N AVALON ST
MEMPHIS TN 38112

MAXWELL JEDDIE
1271 POPLAR AVE #205
MEMPHIS TN 38104

THOMSON RICHARD J & JANNA K
1118 POPLAR AVE #8
MEMPHIS TN 38105

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 05/18/2021
DATE
PUBLIC SESSION: 05/18/2021
DATE

FIRST READING: 04/20/21
DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Unified Development Code regarding the location of oil pipelines. The following item was heard by the Land Use Control Board and a recommendation made. (LUCB DATE: **April 8, 2021**)

CASE NUMBER: ZTA 21-1

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Office of the Shelby County Mayor

REPRESENTATIVE: Alex Hensley, Special Assistant to Mayor Lee Harris

REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code.

AREA: This text amendment affects all property within the City of Memphis and unincorporated Shelby County.

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

RECOMMENDED COUNCIL ACTION: Publication in a Newspaper of General Circulation *Required*

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
 4/8/2021 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

1. Ordinance to approve a Zoning Text Amendment initiated by the Shelby County Mayor's office.
2. Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
3. This particular amendment will add language regulating oil pipelines; specifically, that they be at least 1500 feet from certain land uses such as schools, places of worship, family recreation centers, parks and residences.
4. The Memphis and Shelby County Land Use Control Board held a public hearing on **April 8, 2021**, and approved the Text Amendment by a vote of 8 to 0.
5. No contracts are affected by this item.
6. No expenditure of funds/budget amendments are required by this item.

Joint Ordinance No.: _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Executive Office of Shelby County is one of the entities identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Office of the Shelby County Mayor submitted its request to amend the Unified Development Code in such a way that would enable the regulation of oil pipelines; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Office of the Shelby County Mayor; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its April 8, 2021, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Joint Ordinance Nos. 5367 and 397, is hereby amended as follows:

SECTION 1, CASE NO. ZTA 21-1. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective _____, 2021.

Chairman
Frank Colvett, Jr.

APPENDIX A

(additions indicated in bold, underline; deletions indicated in strikethrough)

Amend Section 2.5.2:

Insert a new use category, "**Oil pipeline**," and permit this use by right in all zoning districts. Also, add a reference to a new use standard for this use in the far-right column, a new Sub-Section **2.6.2L**.

Insert a new Section 2.6.2L:

2.6.2L Oil Pipelines

Oil pipelines shall be no closer than 1500 feet of any school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence.

Amend Section 12.3.1:

OIL PIPELINE: any tube, usually cylindrical, through which petroleum flows from one point to another.

CASE NUMBER: ZTA 21-1 **L.U.C.B. MEETING:** April 8, 2021
APPLICANT: Office of the Shelby County Mayor
REPRESENTATIVE: Alex Hensley, Special Assistant to Mayor Lee Harris
REQUEST: Adopt Amendment to the Memphis and Shelby County Unified Development Code related to oil pipelines

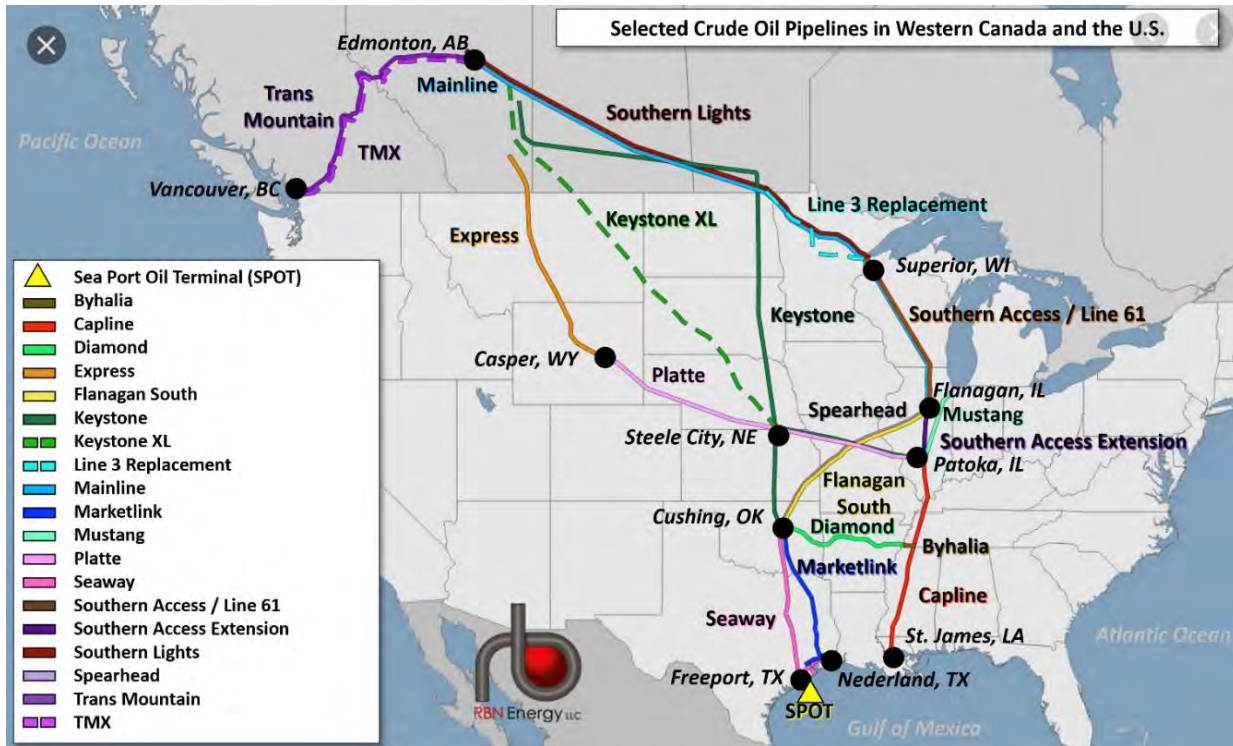
1. This zoning text amendment (“ZTA”) was initiated by the Office of Shelby County Mayor Lee Harris pursuant to Sub-Section 9.3.3A of the Memphis and Shelby County Unified Development Code (the “UDC”).
2. This ZTA would regulate oil pipelines within Memphis and Shelby County. Currently, this type of infrastructure is not regulated by the UDC, as is the case with other underground facilities. As an example, the existing oil pipeline that runs under the Mississippi River, President’s Island and McKellar Lake between Arkansas and the Valero refinery on Mallory required no zoning action. Note also that all utilities currently listed in Sub-Section 2.9.3I of the UDC contain aboveground structures subject to local building permits. Pipelines, by comparison, are *not* subject to local building permits.
3. This ZTA contains the following specific amendments to the UDC (new language indicated in **bold, underline**). There are a few changes between the language below and the language originally proposed found on p.11 of this report; these are the product of a review by the Shelby County Attorney’s office.
 - 2.5.2: Insert a new use category, “**Oil pipeline**,” and permit this use by right in all zoning districts. Also, add a reference to a new use standard for this use in the far-right column, a new Sub-Section **2.6.2L**.
 - 2.6.2L** (new section) **Oil Pipelines**
Oil pipelines shall be no closer than 1500 feet of any school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence.
 - 12.3.1: **OIL PIPELINE: any tube, usually cylindrical, through which petroleum flows from one point to another.**
4. A map of the proposed Byhalia Connection pipeline is included in this staff report, as well as a map of all oil pipelines in the United States. While the building rights of the Byhalia Connection pipeline may have already vested and would otherwise be exempt from this proposed regulation (under the Tennessee Vested Rights Acts, TCA Sec. 13-4-310), this ZTA may affect future pipelines since local regulation of these kinds of pipelines may not be completely preempted by federal law (see legal analysis by the Shelby County Attorney’s office on page 12 of this report for further details).
5. The amendments that are part of this ZTA may be viewed in context of the entire UDC [here](#).
6. This staff report has been revised since its dissemination to the Land Use Control Board to reflect materials submitted to the Board by Byhalia Pipeline, LLC after its initial publication and to include updates to some of its maps. These materials are found on pp. 7, 9, 12 and 19-48 of this report

RECOMMENDATION: *Approval*

Staff Writer: *Josh Whitehead*

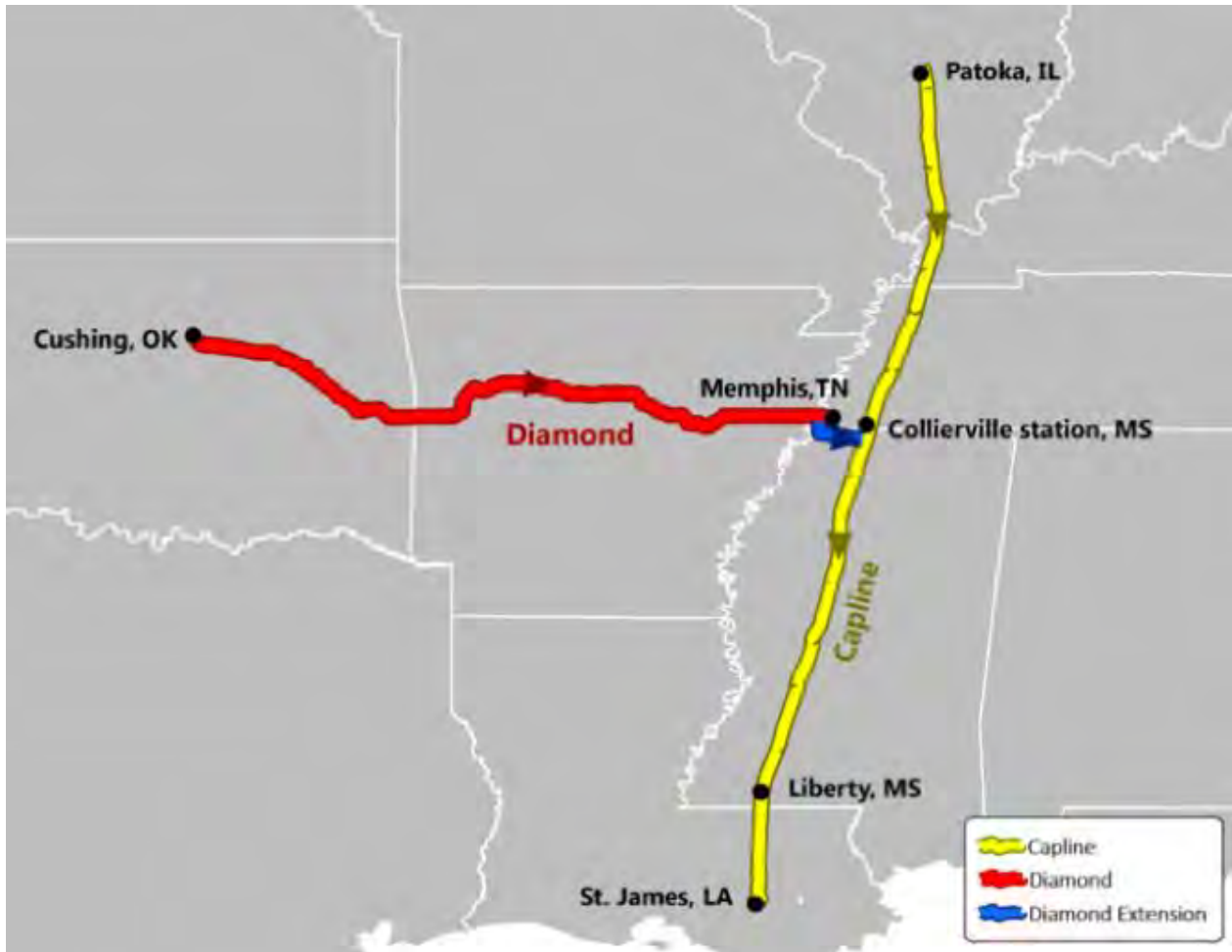
E-mail: josh.whitehead@memphistn.gov

Map of the Proposed Byhalia Connection Pipeline (National)



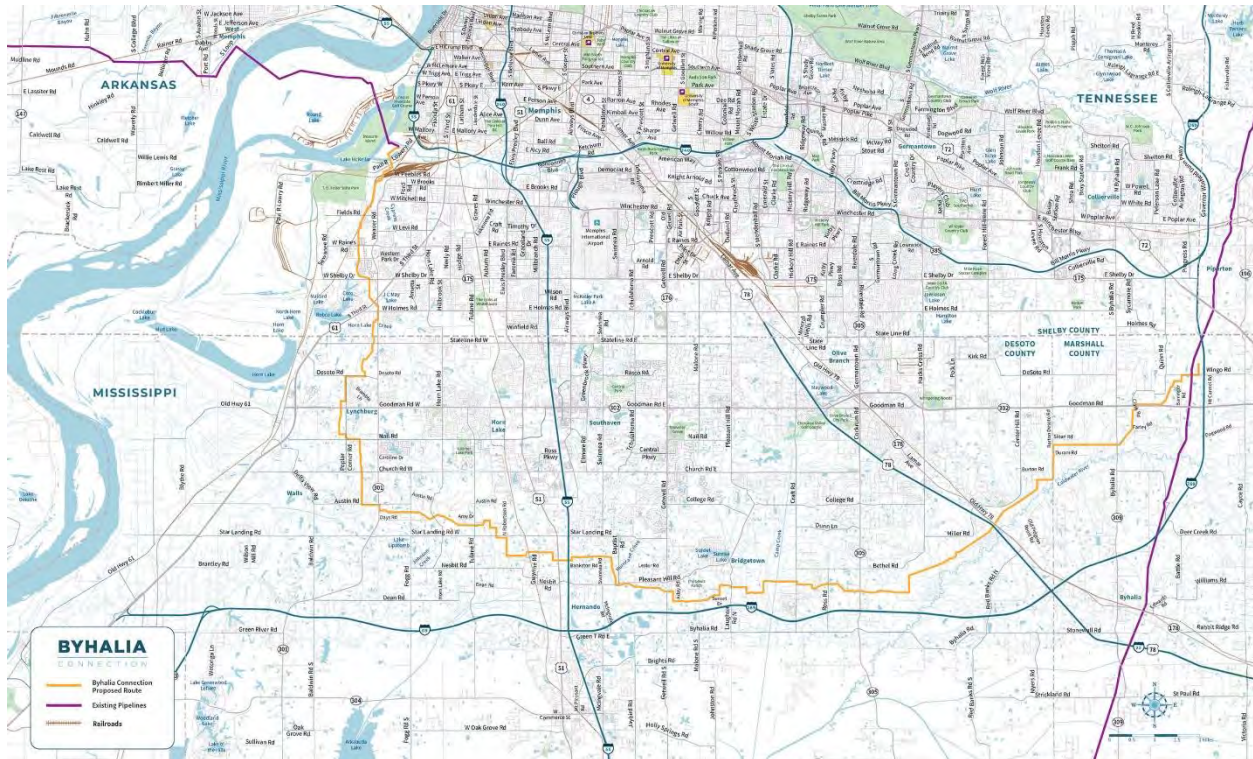
The proposed Byhalia Connection Pipeline is shown on this map connected two existing oil pipelines: the Diamond Pipeline, which runs east from Cushing, OK, to the Valero refinery in South Memphis and the Capline Pipeline, a north-side pipeline which runs from Illinois to Louisiana through Marshall County, MS (near Byhalia). *Map courtesy of RBN Energy.*

Map of the Proposed Byhalia Connection Pipeline (Regional)



This map shows a closer view of the proposed Byhalia Connection Pipeline, which at one point was known as the “Diamond Extension.” “Collierville Station” is actually not in Collierville but in unincorporated Marshall County west of Byhalia. *Map courtesy of Marathon Pipe Line, LLC.*

Map of the Proposed Byhalia Connection Pipeline (Metropolitan)



This map shows the route of the proposed Byhalia Connection Pipeline in Shelby, DeSoto and Marshall Counties. The route is indicated in orange on this map. Existing oil pipelines are shown in purple on the far left and right sides of this map. The pipeline on the left is the Diamond Pipeline, which currently terminates at the Valero refinery on Mallory next to Dr. Martin Luther King Jr. Riverside Park. The pipeline on the right is the Capline Pipeline. The point where the proposed Byhalia Connection meets the Capline, Collierville Station, is on the north side of Wingo Road in Marshall County. It is currently owned and operated by Marathon Oil. *Map courtesy of the Byhalia Connection.*

Map of the Proposed Byhalia Connection Pipeline (Closeup of Southwest Memphis)

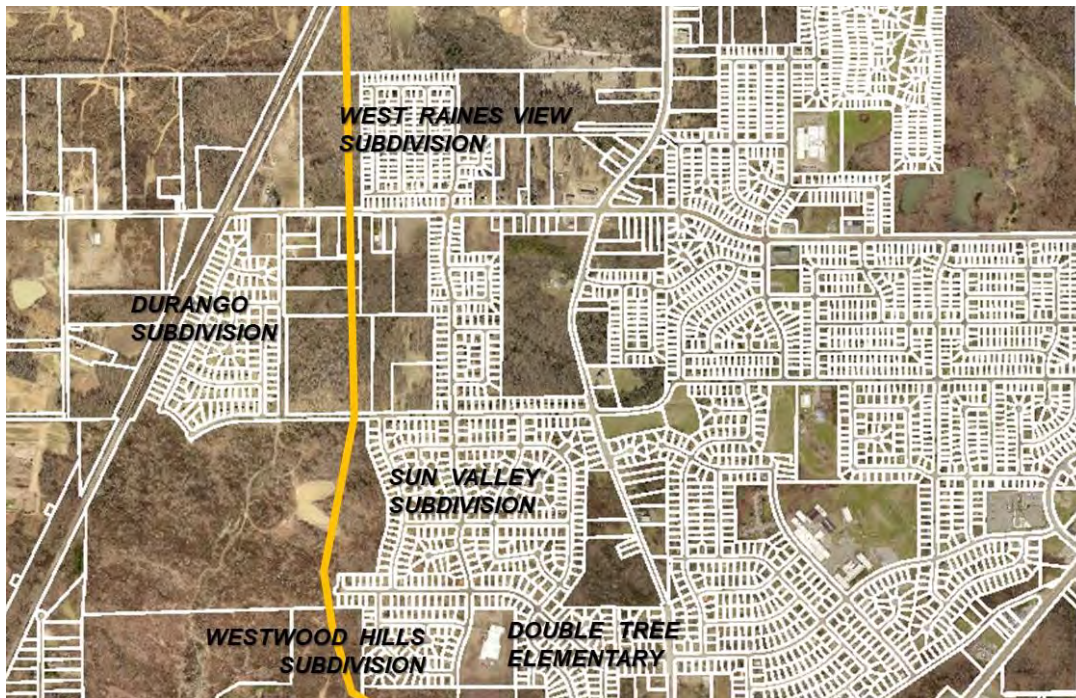


The existing Diamond Pipeline, shown in purple on this map, runs under the Mississippi River, President's Island and McKellar Lake and terminates at the Valero Refinery on Mallory, just south of Dr. Martin Luther King Jr. Riverside Park. The proposed Byhalia Connection Pipeline, shown in orange, would run south of Valero, along the Canadian National tracks, then generally parallel to Weaver Road to the Mississippi state line. Its route brings it in close proximity to the following subdivisions, going from north to south: the Mitchell Road School subdivision on the south side of Mitchell Road, the Hicky subdivision on the north side of Fields Road, the Rolling Green Hills subdivisions on the south side of Fields Road, the West Raines View subdivision on the north side of Raines Road, the Durango subdivision on the south side of Raines Road and the Sun Valley and Westwood Hills subdivisions on the south of Western Park Drive. These subdivisions are seen on this map as concentrations of streets in grey. *Map courtesy of the Byhalia Connection.*

Maps of the Proposed Byhalia Connection Pipeline (Closeup of Nearby Subdivisions)



The map above demonstrates the proximity of the proposed Byhalia Connection Pipeline (in orange) within Canadian National ROW to the Mitchell Road, Hickey and Rolling Green Hills subdivisions. The map below shows the proximity of the pipeline to the West Raines View, Durango, Sun Valley and Westwood Hills subdivisions. Homes within all seven of these subdivisions lie within 1500 feet of the proposed pipeline. As such, this route would not be permitted under the language of the proposed amendment to the Code.



Staff Report vs. Actual: Mitchell Road Area

The actual route depicted in the aerial view crosses ~10 parcels, 9 of which are vacant lots; we've reached agreement with the 1 landowner parcel with a residential structure

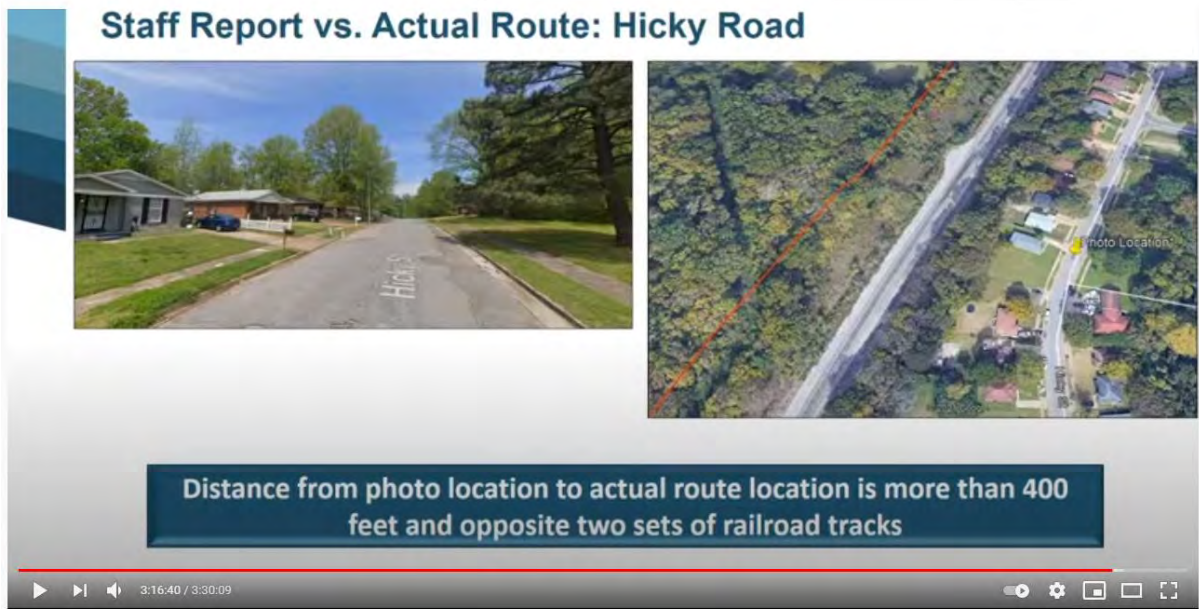
This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.



Much of the proposed route will follow these Canadian National (formerly Illinois Central) tracks through Southwest Memphis.



View looking north along Hicky Street in the Hicky subdivision; the proposed pipeline would be located within railroad right-of-way behind the homes on the left.



This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.

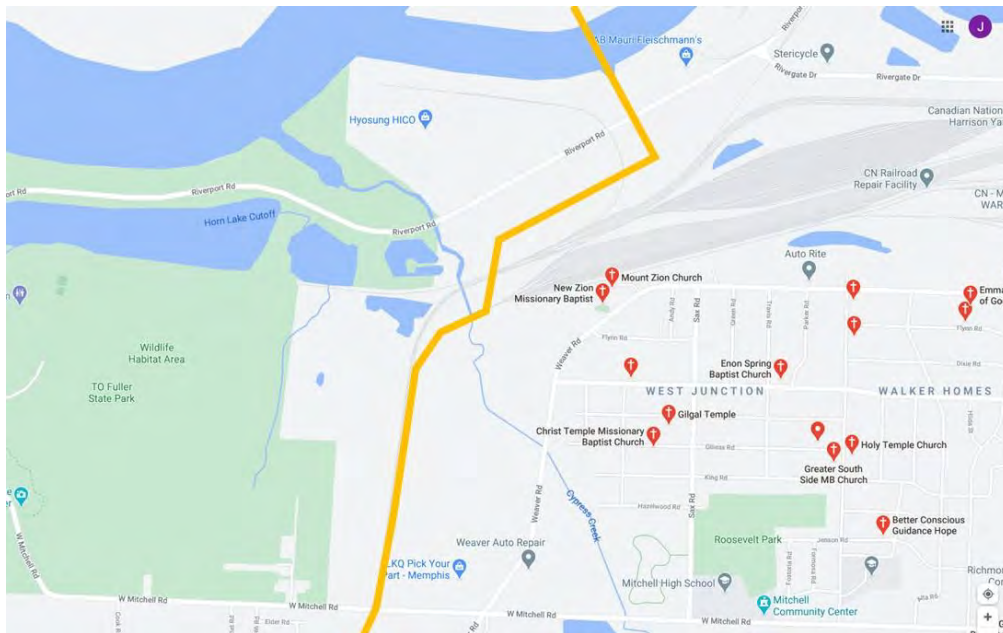


View looking north along Mossville Street in the West Raines View subdivision; the proposed pipeline would be located behind the homes on the left.

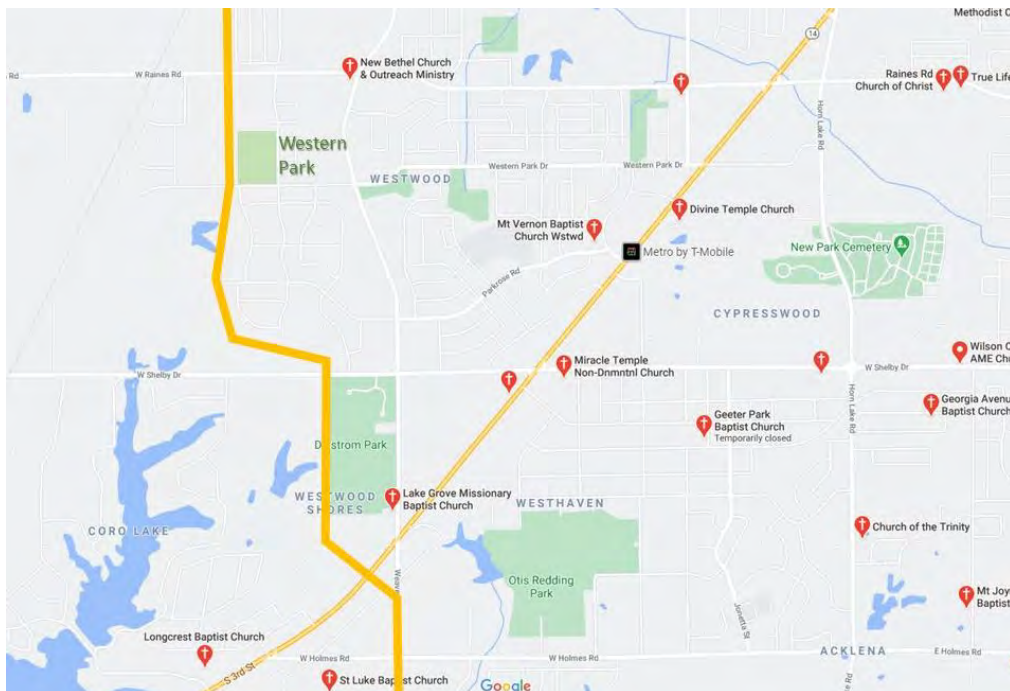


View looking south along Sunvalley Drive in the Westwood Hills subdivision; the proposed pipeline would be located behind the homes on the right.

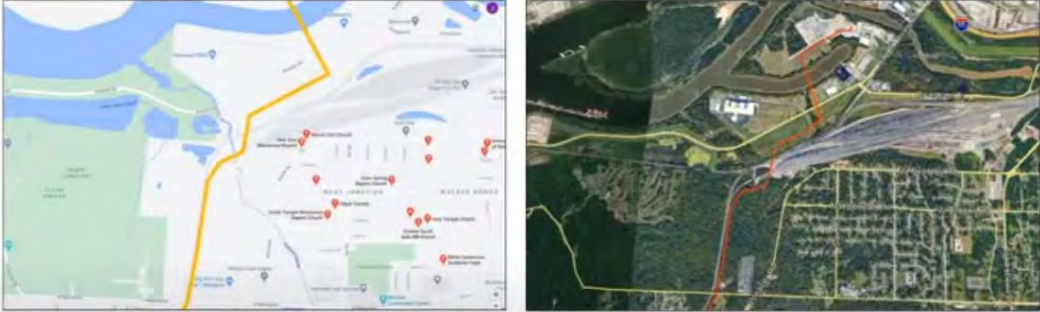
Maps of the Proposed Byhalia Connection Pipeline (Showing Proximity to Nearby Parks, Places of Worship and School)



The maps above and below shows the proposed route of the pipeline (in orange) within 1500 feet of the following places of worship (going from north to south): New Zion Missionary Baptist (which is one in the same as Mount Zion Church), Victory Temple Church of God, Lake Grove Missionary Baptist and St. Luke Baptist Churches. In addition, it is also within 1500 feet of T.O. Fuller, Western and Dalstrom Parks, as well as Double Tree Elementary School.



Proximity to Gathering Places, Schools

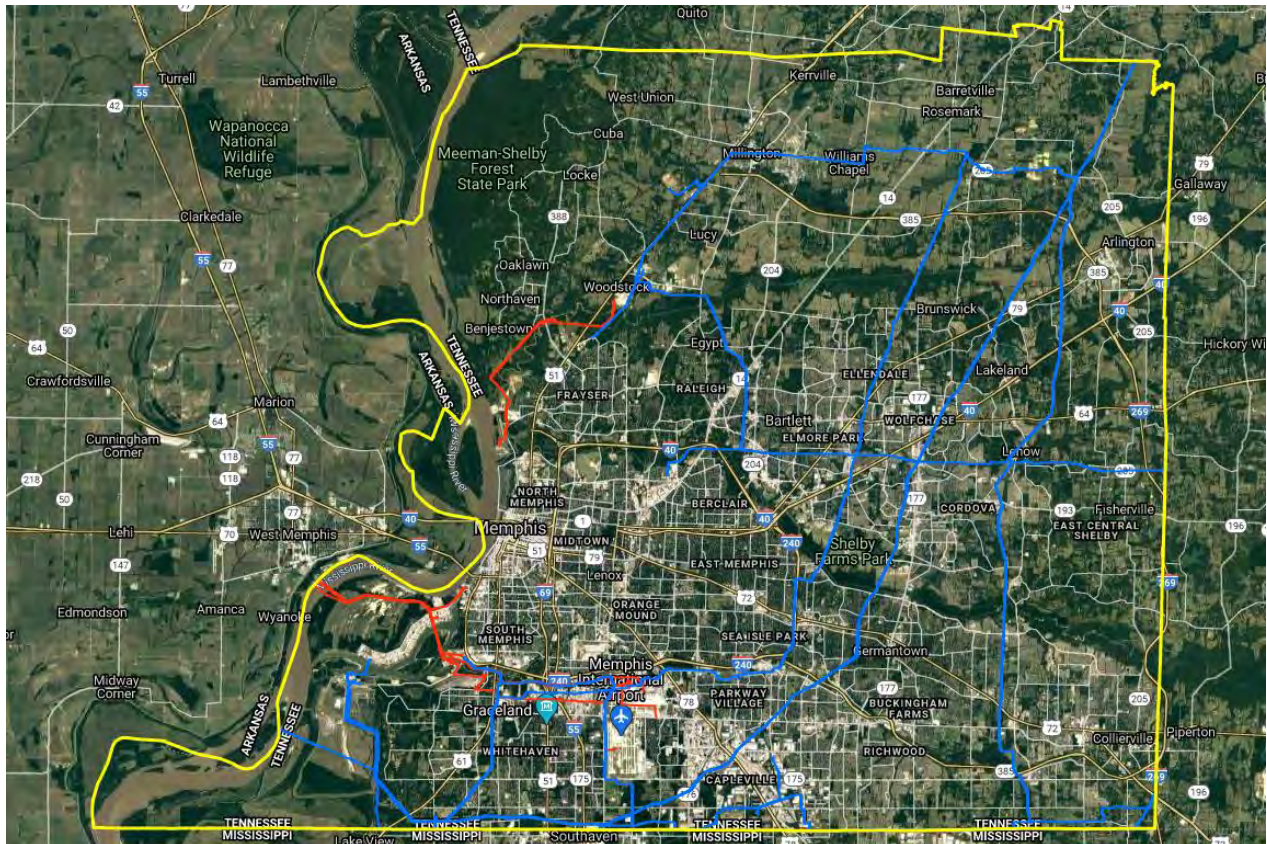


Example: In Shelby County there are more than 200 public schools; the Byhalia Connection project does not route within 500 feet of any of them. The vast majority of Shelby County schools in the south Memphis and Boxtown areas are located a half mile or more away from the project.

3:17:17 / 3:30:09

This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.

Map of Shelby County from the National Pipeline Mapping System



- Accidents (Liquid)
- Incidents (Gas)
- Gas Transmission Pipelines
- Hazardous Liquid Pipelines
- LNG Plants
- Breakout Tanks
- Other Populated Areas (scale dependent)
- Highly Populated Areas (scale dependent)
- Commercially Navigable Waterways
 - CNW Inland
 - CNW Ocean/Great Lakes
 - Great Lakes
- Tribal Government Lands
- State Boundaries
 - abc Show Labels
- County Boundaries
 - abc Show Labels
- GOM Block Groups
 - abc Show Labels
- GOM Blocks
 - abc Show Labels
- Map
- Satellite

The map above, whose legend is to the left, classifies pipelines within Shelby County as “gas transmission pipelines” (in blue) and “hazardous liquid pipeline” (in red). The latter includes crude oil pipelines. The [National Pipeline Mapping System](#) is a tool managed by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation.

Initiation Letter from the Office of Shelby County Mayor Lee Harris



Shelby County Government

LEE HARRIS
MAYOR
March 4th, 2021

Josh Whitehead
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN 38103
josh.whitehead@memphistn.gov

VIA ELECTRONIC MAIL

Administrator Whitehead:

On behalf of Mayor Lee Harris, I would like to submit the following amendments to the Unified Development Code for consideration by the Land Use Control Board at their next meeting. Please reach out if there is anything further we need to submit. Thank you.

Amend Section 2.5.2 to insert a new use under the "utilities" use category entitled "oil pipeline". Oil pipelines classify as a utility that is permitted by right in all zoning districts. This use standard would be referenced as Sub-Section 2.6.2L.

Insert a new Section 2.6.2L:

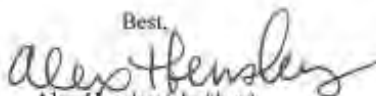
L. Oil Pipelines

The governing bodies find that setback requirements for oil pipelines minimize the likelihood of greater numbers of casualties, injuries, and/or costly damages in the event of a pipeline leak, fire, or explosion.

- 1. Oil pipelines shall be no closer than 1500 feet of any school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence.**

Amend Section 12.3.1:

OIL PIPELINE: a long pipe used to transport petroleum over long distances, usually underground.

Best,

Alex Hensley (she/they)
Special Assistant to Mayor Lee Harris

VASCO A. SMITH, JR., ADMINISTRATION BUILDING
160 North Main Street, 11th Floor • Memphis, TN 38103 • 901-322-2000 • Fax 901-322-2005
www.shelbycountyttn.gov

Legal Analysis by Kelly Hagy, Assistant County Attorney

Because of the strong federal interest in establishing a uniform system of regulation designed to implement a national policy of ensuring an adequate supply of natural gas at reasonable prices; and, because the federal regulatory scheme comprehensively regulates the location, construction and modification of natural gas facilities, there is no room for local zoning or building code regulations on the same subjects. In short, Congress clearly has manifested an intent to occupy the field and has preempted local zoning ordinances and building codes to the extent that they purport to regulate matters addressed by federal law. *Algonquin LNG v. Loqa*, 79 F.Supp.2d 49, 51-52 (D.R.I.2000).

The federal government establishes minimum pipeline safety standards under the U.S. Code of Federal Regulations (CFR), Title 49 "Transportation," Parts 190- 199. The Office of Pipeline Safety (OPS), within the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), has overall regulatory responsibility for hazardous liquid and gas pipelines under its jurisdiction in the United States.

Pursuant to 49 U.S.C. 60104(c), a state [or local] authority may not adopt **safety standards** for interstate pipeline facilities or interstate pipeline transportation. (emphasis added.) Therefore, as long as the zoning ordinance is not preempted by the safety standards developed by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, local governments may apply zoning ordinances to interstate hazardous liquid pipelines, such as oil pipelines.

Relevant Cases:

Texas Midstream Gas Services LLC v. City of Grand Prairie, 608 F.3d 200 (5th Cir. 2010), addressed whether the Pipeline Safety Act preempted an amendment to a city development code adopted after Texas Midstream Gas Services (TMGS) announced plans to construct a natural gas pipeline and compressor station to clean and compress natural gas for interstate transport.

The amended code required a setback from roads, a security fence, enclosed building for the compressor station, paved road, and noise controls. Although the local setback might require a greater distance to adjacent buildings than would the federal regulation at 49 C.F.R. 192.163, "this incidental salutary effect on fire safety does not undermine Congress' intent in promulgating the PSA as it is neither direct nor substantial." *Id.* at 211.

The Fifth Circuit concluded that the "setback requirement is not a safety standard" and not preempted. *Id.* at 212. The Fifth Circuit relies on the conclusion that "the setback requirement primarily ensures that bulky, unsightly, noisy compressor stations do not mar neighborhood aesthetics" and said that the locality's "primary motivation in adopting Section 10 was to preserve neighborhood visual cohesion, avoiding eyesores or diminished property values." *Texas Midstream*, 608 F.3d at 211.

Washington Gas Light Co. v. Prince George's County Council, 711 F.3d 412 (4th Cir. 2013), a county government thwarted a pipeline company's efforts to expand its Liquefied Natural Gas

(LNG) storage tanks by enacting zoning restrictions. *Id.* at 414. The company argued that federal safety laws, including the PSA, preempted the local restriction. *Id.* at 417.

The County Zoning Plans, known as the West Hyattsville District Overlay Zone (“WHDOZ”) and the Transit District Development Plan (“TDDP”), were aimed at maximizing “transit-oriented development” in the area around the West Hyattsville Metro Center.

To further this purpose, the TDDP articulates the following specific goals:

- Promote [transit-oriented development] near the Metro Station and create a sense of place consistent with the neighborhood character areas.
- Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.
- Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing the impacts of development, and expanding recreational opportunities and trail and bikeway connections.
- Maximize residential development opportunities within walking distance of the Metro station.

The *Washington Gas Light* Court rejected the argument that the local laws were “safety regulation in disguise.” *Id.* at 421. The Fourth Circuit concluded that the zoning scheme was “primarily local land use regulation as opposed to safety regulations.” *Id.* at 421.

Correspondence Received from the Public

March 12, 2021

Mr. Josh Whitehead
Land Use Control Board
125 North Main Street, Suite 477
Memphis, TN 38103

RE: ZTA 21-1

Mr. Whitehead:

I am writing to register support for ZTA 21-1. I support the Mayor's amendments to the UDC that would affect oil pipelines.

Eminent domain should be reserved for government or for emergency usage. This case does not call for the use of eminent domain, especially as the pipeline's direct path is through downtown, east Memphis and Germantown. The company is exercising this dubious right in poorer areas. Shame.

I'm also against the pipeline because of the inherent risk to our aquifer when we live on an earthquake faultline. Our water is more important than this company's pipeline.

I ask that the LUCB support these amendments.

Robert Gordon
Central Gardens
1594 Harbert 38104

www.TheRobertGordon.com



March 12, 2021
Mr. Josh Whitehead
Land Use Control Board
125 North Main Street, Suite 477
Memphis, TN 38103

RE: ZTA 21-1

Mr. Whitehead:

We are submitting this letter to register our support for ZTA 21-1. We support the Mayor's amendments to the UDC that would affect oil pipelines.

We are against the use of eminent domain by a private company for pipelines.

We do not support the risk to the Memphis aquifer that this pipeline will bring, especially in light of the earthquake fault line we live on. This city's population's water is more important than that company's pipeline.

We ask that the LUCB support these amendments.

Thank you,

Porsche Stevens

Porsche Stevens
MidtownMemphis.Org, Board President

EXECUTIVE COMMITTEE

Chip Clay

Mark Fleischer

Andy Kitsinger

Gayle Moore

Porsche Stevens

BOARD OF DIRECTORS

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66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

[www.facebook.com/Midtown
Memphis.MMDC/](https://www.facebook.com/MidtownMemphis.MMDC/)

Correspondence Received from representatives of Byhalia Pipeline, LLC

From: Cory R Thornton <CRThornton@paalp.com>
Sent: Wednesday, April 7, 2021 4:40 PM
To: 'dlyleswallace@comcast.net' <dlyleswallace@comcast.net>; 'jmckinnoncre@gmail.com' <jmckinnoncre@gmail.com>; 'jenniferbethoconnell@gmail.com' <jenniferbethoconnell@gmail.com>; 'dkthomas@gotci.com' <dkthomas@gotci.com>; 'lisa@ethridgeenterprises.com' <lisa@ethridgeenterprises.com>; 'mwsharp@bellsouth.net' <mwsharp@bellsouth.net>; 'sfleming@flemingarchitects.com' <sfleming@flemingarchitects.com>; 'brown@gillprop.com' <brown@gillprop.com>; 'Tolesassoc@aol.com' <Tolesassoc@aol.com>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>
Subject: LUCB April 8, 2021 Meeting - Agenda Item No. 22 (ZTA 2021-001)

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

Land Use Control Board (LUCB) Members and staff,

Byhalia Pipeline LLC is writing to address the proposed zoning text amendment (ZTA) to the Memphis and Shelby County Unified Development Code (UDC) related to oil pipelines, ZTA 2021-001, which is included on [the agenda](#) for the LUCB meeting tomorrow.

We asked for a meeting to brief LUCB staff regarding the proposed ZTA and our project, but our request for a meeting was denied. Our attorney, Robert Spence, also requested a continuance of this matter in order to respond to the LUCB staff report and we have yet to receive a response on whether that was granted or denied (see attached letter). As Byhalia has important information to contribute to the consideration of this amendment, we wanted to take this opportunity to do so.

Our project is a 49-mile pipeline between Memphis and Marshall County, Miss. That responsibly strengthens American energy independence by connecting two existing pipelines rather than constructing a 550+-mile pipeline from Oklahoma to the Gulf Coast.

As a member of council, we believe it is important for you to have the best information and the facts necessary in order to make a decision on a significant issue that could impact the future of Memphis and the economic livelihood of your constituents. The information that has been incorporated into the staff report is riddled with inaccuracies and is misleading. A few of these issues in the staff report are noted below:

- That staff report fails to note that Tennessee case law prohibits a zoning ordinance from acting as a total exclusion of a legitimate business.
- The images on page 6 of the ZTA 21-1 staff report appear to indicate that the pipeline is routed between three heavily populated neighborhoods. That is inaccurate. **In fact, 62 of 67 properties along the pipeline route in Shelby County are on vacant properties.**

- The images on pages 7-8 attempt to portray the pipeline is going through a neighborhood. In truth, we routed the line well behind it and made efforts to avoid impacting land with homes wherever possible.
- The packet also lacks key information you need to make a judgement, including:
 - o More than 600 miles of oil & gas pipelines operate today within Shelby County. Those pipelines have been safely bringing much needed energy and resources to the Memphis area every day for years.
 - o 97% of landowners along our route have signed agreements with us to construct the pipeline.
 - o Oil pipelines are required to meet stringent federal design, construction and operation standards and are subject to periodic audits by a federal regulatory agency, the Pipeline Hazardous Materials Safety Administration, to ensure it continues to meet those standards.

We urge you to also review the factual information we've attached and linked below so you can have the facts on our project. Within our attached information you will find:

1. A letter sent to the Josh Whitehead, AICP, Secretary LUCB
2. Presentation on key Byhalia Connection project points and updates: We've commissioned a 3rd party study with groundwater experts who have confirmed that impacts of crude oil on groundwater are very rare.
3. Myth vs. Fact around the Byhalia Connection Project
4. Letters of support from members of the community: **8,615** in total
5. [A letter from the U.S. Army Corps of Engineers Memphis District to Congressman Cohen](#): Verification regarding Byhalia Connection's eligibility for a Nationwide Permit 12 and why it meets the terms and conditions.
6. Tennessee Department of Environment and Conservation Division of Water Resources Notice of Determination: Confirms that they have no reason to believe there is any possibility of affecting the deep regional aquifer.
7. Byhalia Connection's public letter to the community
8. Byhalia Connection Project Fact Sheet: A high-level overview of the project
9. [Video](#) on Byhalia Connection's commitment to the community
10. [Recent presentation](#) to the Shelby County Commission: Outlines our community engagement, community support, route selection and community benefits.
11. Third party resources to learn more about pipelines, their regulations and why they are safe:
 - a. Regulatory Agency Pipeline Hazardous Materials Safety Administration:
 - i. <https://www.phmsa.dot.gov/>
 - ii. <https://www.phmsa.dot.gov/faqs/general-pipeline-faqs>
 - b. About Pipelines:
 - i. <https://pipeline101.org/>
 - ii. <https://aopl.org/page/resources>
 - iii. <https://www.api.org/oil-and-natural-gas/wells-to-consumer/transporting-oil-natural-gas/pipeline>

We know the above is a lot of information, but we hope this helps to highlight that this is not a simple issue that can be assessed in a 10-page report. We hope that you will do the right thing and take the time to properly understand the facts and impacts this zoning amendment will have.

Sincerely,
Cory R. Thornton
Attorney for Byhalia Pipeline LLC

Attention:

The information contained in this message and/or attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you received this in error, please contact the Plains Service Desk at 713-646-4444 and delete the material from any system and destroy any copies.

This footnote also confirms that this email message has been scanned for Viruses and Content and cleared.



April 7, 2021

VIA ELECTRONIC MAIL – Josh.Whitehead@memphistn.gov

Josh Whitehead, AICP, Secretary
Land Use Control Board
City of Memphis
125 N. Main, Room 468
Memphis, TN 38013

RE: Land Use Control Board – April 8, 2021 Meeting
Zoning Text Amendment
Item 22 (ZTA 2021-001)

Dear Mr. Whitehead:

Byhalia Pipeline LLC (“Byhalia”) is writing to address the zoning text amendment (“ZTA”) proposed by the Office of Shelby County Mayor Lee Harris pursuant to Sub-Section 9.3.3A of the Memphis and Shelby County Unified Development Code. Byhalia previously requested a meeting to provide information to Land Use Control Board (“LUCB”) staff, but our request for a meeting was denied. Our attorney, Robert Spence, also requested a continuance of this matter in order to respond to the LUCB staff report and we have yet to receive a response (see attached letter). As Byhalia has relevant information to contribute to the consideration of this amendment, we would renew our request for a meeting and request a continuance of Item No. 22 (ZTA 2021-001) until the next regulatory scheduled LUCB meeting.

If, however, the LUCB moves forward with this agenda item, Byhalia believes the following is enough to demonstrate that this type of zoning amendment has serious legal deficiencies and should not be passed. Specifically, despite an assertion in the staff planning materials to the contrary, the proposed ZTA would be (i) preempted—we believe state law is most applicable in this context—and (ii) unnecessarily discriminatory of a legitimate business interest in violation of state law. We urge the LUCB to vote against the proposed ZTA.

Background

Byhalia is committed to the health and safety of the communities in which we operate. As a company, we build responsible projects that meet or exceed the most current health and safety standards. We have invested significant time in careful project planning to understand the specific conditions along our pipeline route so we could design, build, and operate safely here. This included careful consideration of the Memphis Sands Aquifer and any potential impact on local Memphians. The pipeline route was ultimately selected because it had the fewest impacts to the environment and least amount of disruption to the community.

Zoning Text Amendment

The ZTA proposed by Mayor Harris would create a new use category under “utilities” for an “oil pipeline” and would effectively create a 1500 foot setback requirement for an oil pipeline from any school, place of worship, park, family recreation center, or any residential use. While the amendment operates under the guise of a mere land use restriction, it is intended to prevent the construction of oil pipelines and especially stop the construction of the Byhalia Connection Pipeline in Shelby County.

The Zoning Amendment is Preempted by State Law

While municipalities have some ability to enact local zoning ordinances, the power is not limitless. A well-established limitation on zoning power is that a municipality is not authorized to enact ordinances that conflict with either the federal or state constitution, the statutes of the state, or established principles of common law. *See City of Bartlett v. Hoover*, 571 S.W.2d 291, 292 (Tenn. 1978); *McKelley v. City of Murfreesboro*, 162 Tenn. 304, 309, 36 S.W.2d 99, 100 (1931). Thus, municipal legislation...is preempted if it runs counter to a state statutory scheme. *See Southern Ry. Co. v. City of Knoxville*, 223 Tenn. 90, 98, 442 S.W.2d 619, 622 (1968) (ordinance conflicts with state law when it “infringe[s] the spirit of a state law or [is] repugnant to the general policy of the state”). *See also City of Bartlett*, 571 S.W.2d at 292 (ordinances must be consistent with public legislative policy).

State law expressly grants pipelines the ability to use eminent domain. *See Tenn. Code Ann. § 65-28-101*. The Tennessee Constitution authorizes the use of condemnation power, provided that any service required or any property taken is done so for public use. *See Tenn. Const. Art. 1, §21*. Tennessee courts have recognized that liquids lines constitute common carriers and thus carry out a public use. *See Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827, 832 (Tenn. 2008). As even acknowledged in the ZTA scheme, oil pipelines would be under the definition of “utilities.” As a “utility,” oil pipelines serve an important public interest and deliver essential energy resources from one destination to another. More importantly here, oil pipelines possess eminent domain power.

As noted, the proposed ZTA provides an arbitrary 1500 foot setback requirement. This setback would prohibit Byhalia – and any oil pipeline—from crossing private property in the Memphis area. By establishing a blanket prohibition on crossing private properties, the ZTA is creating an impermissible restriction on the ability of pipelines to exercise their state-mandated eminent domain rights and is “zoning out” pipelines from the greater Memphis area. The ZTA is thus in conflict with and preempted by state law.

Zoning Cannot Act as a Total Exclusion of a Legitimate Business

In addition to being preempted by state law, the reach of ZTA is not enforceable. Where the local zoning ordinance acts as a total exclusion of a legitimate business the presumption of the ordinance’s validity is overcome and the burden then shifts to the zoning authority to establish that the total exclusion is for a legitimate purpose. *See Robertson County, Tenn. v. Browning-Ferris Industries of Tennessee, Inc.*, 799 S.W.2d 662 (Tenn. Ct. App. 1990).

The 1500 foot setback targets the Byhalia Connection project to stop its construction and completely exclude it from Shelby County. This pipeline project is a legitimate business that is certainly not prohibited under any current zoning ordinances. In targeting a legitimate business, the ZTA must demonstrate it serves a legitimate purpose. Singling out one company, however, serves no legitimate purpose.

Nowhere in the staff materials is a rational or technical basis for the 1500 foot setback. Such a setback has no relation to the “health,” “safety,” or “general welfare” of Shelby County residents. **In fact, the staff report fails to note that 62 out of the 67 parcels the pipeline crosses in Shelby County are vacant properties.** The 1500 foot distance is merely large enough to prevent the development of the Byhalia Connection Pipeline. The arbitrariness of this distance is evident in one of the staff report pictures where the pipeline is over 1000 feet from a place of worship. The staff report, however, fails to highlight that a large rail spur/railcar storage facility is between the church and pipeline (see attached). What is the buffer then accomplishing other than trying to stop the construction of Byhalia’s pipeline?

More than 10 other pipelines (crude oil, gas, and chemical) run directly under the City of Memphis at this very moment. There does not appear to be overwhelming health or safety concerns over these pipelines that bring much needed energy and resources to the Memphis area every day. To thus arbitrarily target the Byhalia Connection Pipeline is an invalid exercise of zoning authority, as it fails to promote a legitimate relationship to “health,” “safety,” or the “general welfare.”

If Byhalia would have been granted a meeting with LUCB staff, we could have provided information and demonstrated that the pipeline will be protective of the health and safety of the greater Memphis community. This pipeline is required to meet stringent federal design, construction, and operational standards and is subject to periodic audits by a federal regulatory agency, the Pipeline Hazardous Materials Safety Administration (PHMSA), to ensure it continues to meet those standards.

As we previously stated, we would like the opportunity to further discuss the above information and more about the technical aspect of the Byhalia Connection Pipeline. If this agenda item is continued until the next LUCB meeting, we would be happy to set a time to discuss our available information with your staff.

Please do not hesitate to contact me at 713.993.5126 or crthornton@paalp.com with any questions.

Sincerely,



Cory R. Thornton
Attorney for Byhalia Pipeline LLC



Robert L. J. Spence, Jr.
Attorney at Law

The Spence Law Firm
80 Monroe Avenue
Garden Suite One
Memphis, Tennessee 38103
901-312-9160, fax 901-521-9550
rspence@spence-lawfirm.com

April 6, 2021

VIA ELECTRONIC MAIL - Josh.Whitehead@memphistn.gov

Josh Whitehead, AICP, Secretary
Land Use Control Board
City of Memphis
125 N. Main, Room 468
Memphis, TN 38013

**Re: Agenda for LUCB Meeting – Thursday, April 8, 2021
Item No. 22 – ZTA 2021-001
Staff Report Case Number ZTA 21-1
REQUEST FOR CONTINUANCE**

Dear Mr. Whitehead:

I represent Byhalia Pipeline, LLC, and earlier today we received the agenda for the LUCB meeting scheduled for April 8, 2021. Because of the short notice, the complex nature of the issues surrounding this matter, and the long-term implications resulting from the proposed change to the UDC and the regulation of oil pipelines, I am concerned that my client will be severely prejudiced if the LUCB proceeds with the hearing as scheduled with less than forty-eight hours' notice to an interested party. Further, a reasonable time period is needed to analyze and respond to, if necessary, the staff report which recommends approval of Item No. 22 – ZTA 2021-001. Robust debate and a full opportunity to be heard have been hallmarks of LUCB proceedings, and this particular matter should be afforded the same treatment.

Please allow this letter serve as a request for a continuance of Item No. 22 – ZTA 2021-001 until the next regularly scheduled LUCB meeting as well as a request that your staff notify all interested parties. I believe that a continuance will serve the public interest and also prevent my client from being unduly prejudiced at the April 8, 2021 hearing.

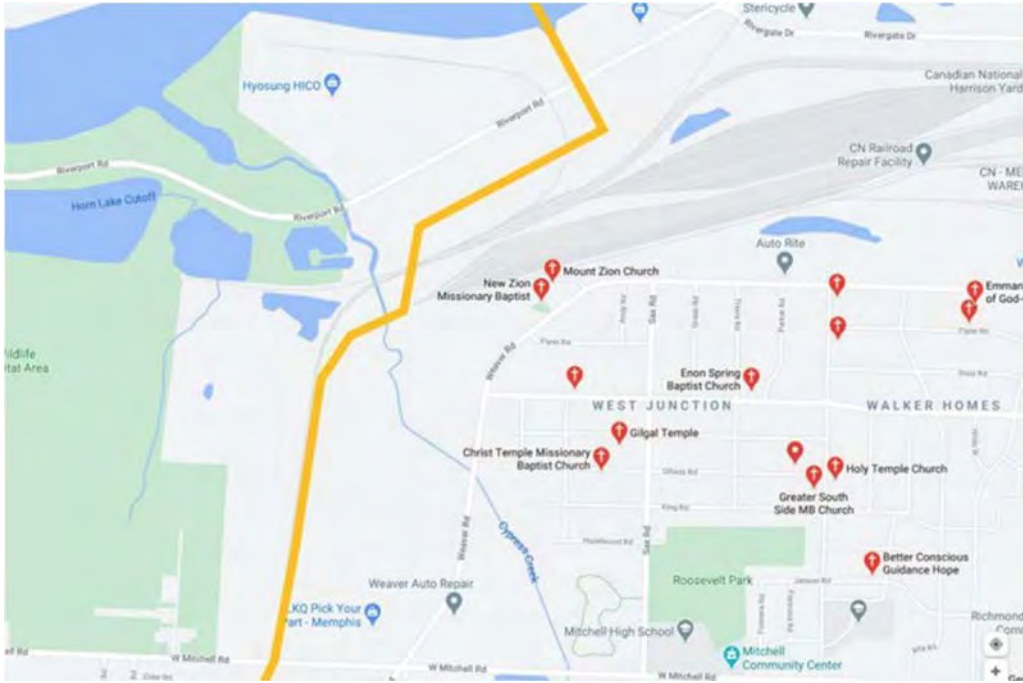
Thanking you in advance for your cooperation.

Very truly yours,

SPENCE LAW FIRM, PLLC

Robert L. J. Spence, Jr.

LUCB STAFF REPORT IMAGE



AERIAL IMAGE





Robert L. J. Spence, Jr.
Attorney at Law

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rspence@spence-lawfirm.com

April 6, 2021

VIA ELECTRONIC MAIL - Josh.Whitehead@memphistn.gov

Josh Whitehead, AICP, Secretary
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Thanking you in advance for your cooperation.

Very truly yours,

SPENCE LAW FIRM, PLLC

Robert L. J. Spence, Jr.

BYHALIA

CONNECTION

Byhalia Connection: Key Points and Updates

What we do is critical to Memphians

- **Over 65% of the country's energy comes from oil and gas.** The safest way to move that energy is pipelines
- A variety of energy resources are required to meet our country's growing needs; fossil fuels will remain a critical part of the country's energy mix for decades
- **600 miles** of existing oil and gas pipelines already operate in Shelby County

We've made responsible recommendations

- We're connecting two existing pipeline systems rather than building an entirely new, 550+ mile pipeline from OK to the Eastern Gulf Coast
- Pipelines like Byhalia can take **750 tanker trucks off of the road** per day

Byhalia Connection: Key Points and Updates

We've followed rules and regulations

- We've invested 10,000 hours to assess unique environmental conditions, talked with local aquifer experts, secured a federal environmental permit and state and local environmental permits needed to begin construction
- **To verify our work, we've commissioned a 3rd party study with groundwater experts who have confirmed:**
 - *Across the US, impacts of crude oil on groundwater are very rare, with no impacts at 99%+ of remediation sites*
 - *Impacts from pipelines are less common because pipelines are shallow while groundwater is deep and crude oil breaks down from natural soil bacteria long before it reaches drinking water*

We've been considerate of landowners

- Because we've treated landowners with respect and made above market offers for the right to put the pipeline underground, **all but 3 residents along the current route have signed agreements**
- **90+% of the route in Tennessee is vacant lots.** Even still, we placed the route on property boundaries where possible in case the owners wanted to do something with the land

Byhalia Connection: Key Points and Updates

We're providing community benefit

- This project brings more than **\$20 million in benefits** to the region – even before it is operational - including landowner payments, local labor, money spent during construction and charitable giving
- Additionally, we estimate paying more than **\$500,000 in property taxes per year in Shelby County**, each year the pipeline is in operation
- The project requires no public funding or grant support

We've got a vested interest in keeping the community safe

- We have employees and contractors who drink water from the aquifer, too
- We're building long-term relationships with the community because our pipeline will be here for decades

Thank You

questions@byhaliacconnection.com

877-442-2448

ByhaliaConnection.com





Byhalia Connection Pipeline Project Common Myths versus Facts

Myth: *Pipelines do not help local residents; we don't need pipelines.*

Fact: Since 2017, Plains All American has operated a crude oil pipeline that serves as the primary supplier to the Memphis refinery. ***Each day, our pipeline systems help fuel this community's vehicles and support the airport that makes Memphis a worldwide logistics hub.*** The value we provide to this community is significant, but the benefits remain largely misunderstood, even while Memphians use our products and benefit from our pipelines on a daily basis.

Myth: *This Byhalia Connection project does not provide benefits to the community.*

Fact: The Byhalia Connection project is a long-term investment in the greater Memphis community. Before the project is operational, we expect to provide ***more than \$20 million worth of investment in the Shelby County****, which includes:

- \$1 million in charitable donations in 2020
- \$1+ million in charitable donations forecasted in 2021
- \$3.5 million in local work contracts
- \$1.4 million in landowner easement agreements
- \$14 million in ripple effects and economic investment in the community.

In addition, the project will contribute \$500,000 in ongoing, annual tax payments, and forecasted across 25+ years, the project would pay \$12.5 million+, which is a significant return on a project that can't be seen, heard or smelled. Our community giving programs and investment in the community will continue into operation of the pipeline.

Myth: *The Memphis area doesn't have pipelines today.*

Fact: Today, there are **more than 600 miles, or more than 3 million feet, of underground infrastructure**—not including distribution lines to homes—operating in Memphis and Shelby County. These lines cross atop the aquifer and make it possible to have a logistics hub and an international airport in the area. Most homes in Memphis are located within five miles of one of more than 10 existing oil or natural gas pipelines. This is true, regardless of which Memphis neighborhood you call home—whether it's Germantown, Poplar Estates, Greentrees or Westwood, you are near pipelines.

Myth: *There is no support for this pipeline project—people don't want it here.*

Fact: There is strong support for Byhalia Connection Pipeline in the area and the conversation is not as one-sided as it may appear in the media or on social media. Many residents and businesses in the area believe in our dedication to safety and the long-term benefits of the project, as we've acquired agreements to construct and operate our pipeline with 97 percent of landowners along the project footprint.

We've seen support across all 13 City Council and Shelby County Commission Districts. More than 8,000 local resident support letters sent to the City Council/Commissioners. Nearly 1,000 additional local residents expressed support for the project during recent phone outreach.

Myth: *This project disproportionately impacts black communities and is an example of environmental racism.*

Fact: We've heard the accusations that this project would subject the 38109 community to environmental racism. We know environmental racism is real and we've listened to this community, but the reason this pipeline runs through South Memphis is to connect to the Memphis Refinery. Let us be clear—it *wasn't a choice to affect one group of people over another*. **We strive to treat everyone with respect, regardless of where they live in relation to our project.** The route in Shelby County accounts for seven miles of the total project route. Nearly 86 percent of the project route, or **42 miles of pipeline**, crosses portions of DeSoto and Marshall Counties in Mississippi and their communities of diverse means and backgrounds.

Myth: *Why is this project not going in a straight line?*

Fact: Routing a pipeline takes time, effort and collaboration with landowners, local leaders, officials and regulators. We've spent more than 10,000 hours to understand the unique environmental conditions along our pipeline route so we can design, build and safely operate the system in the area. This route was chosen after carefully reviewing population density, environmental features, local gathering spots and historic cultural sites, and it purposefully avoids Nonconnah Creek, T.O. Fuller State Park, area flood control structures and a coal ash remediation site. Other routes we considered were rejected because of:

- Potential impacts to waterways
- Potential impacts to civil works projects and levee systems that help protect the city from flooding
- Densely populated residential areas
- Memphis International Airport
- Archeological sites
- Cemeteries and other historically significant cultural sites.

Route selection plays a key role in how projects like ours keep communities safe, which is why we looked at many routes and tried to find an option with the ***fewest collective impacts***, including routing the pipeline near existing utility corridors and railroad tracks where possible. In Shelby County, we chose a route across mostly vacant property to limit impacts to this community.

Myth: *Byhalia Connection Pipeline revenue will total ~\$7 to ~\$9 billion annually.*

Fact: Like other project details, revenue estimates on the fees collected from the 49-mile Byhalia Connection pipeline have been incorrectly reported on social media and by the press on multiple occasions. Opponents have ***grossly miscalculated our revenue by a factor of >300x***. To provide some perspective, for Plains, while we don't share revenue on a pipeline-by-pipeline basis, all fees collected across our entire **18,000+** miles of pipeline infrastructure totaled roughly \$2 billion in 2020.

A more thorough understanding of how pipeline industry revenue is generated is required to better understand our investment in the community. In reality, a pipeline is like an underground toll road that collect tolls (called tariffs) for the barrels of crude oil it safely transports. Just like a toll road receives a fee for cars traveling on the road, we receive a fee for each barrel of energy transported through the pipeline. Pipelines require meaningful initial investments and take years before earning a return on the investment.

Myth: *The pipeline will contaminate the aquifer and the region's water supply.*

Fact: During every phase of pipeline design, construction and operation, we put measures in place to ensure the safety and protection of the aquifer. We follow and adhere to all local, state and federal laws and regulations. We've invested over 10,000 hours to assess the unique environmental conditions in the area to ensure we can design, build and safely operate the system and have reviewed scientific data that shows that the project does not pose a threat to the Greater Memphis community.

Myth: *Crude oil and other fossil fuels are part of a dying industry that Americans don't need to rely on.*

Fact: False. A variety of energy resources -- an "all of the above" approach -- is required to meet our country's growing energy needs. More than 65% of US energy today comes from oil and natural gas. Projections show that energy resources like those transported by this pipeline will remain a critical part of the US and the world's energy mix for many, many years to come and are vital in maximizing America's existing pipeline infrastructure to keep pace with future growth.



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Notice of Determination

Byhalia Pipeline, LLC
Shelby County, TN.
DWR file # NRS 20.089

November 9, 2020

This notice presents the final determinations of the Tennessee Department of Environment and Conservation, Division of Water Resources, and responds to comments on the proposed Aquatic Resource Alteration Permit requested by Byhalia Pipeline, LLC for temporary impacts to 2.294 acres of wetlands, permanent conversion of 0.87 acres of wetlands type, and six stream crossings associated with the pipeline construction.

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Background

Byhalia Pipeline, LLC applied for an Aquatic Resource Alteration Permit and Clean Water Act section 401 certification that would authorize the stream and wetland crossings on April 21, 2020.

The Division issued public notice soliciting comments on the above permit application on July 14, 2020 and announced the scheduling of a public hearing, which was held via video teleconference on August 27, 2020.

Existing Conditions/Proposed Loss of Resource Values

Compensatory wetland mitigation for impacts to wetlands shall be compensated at a 2:1 ratio for the conversion of 0.87 moderately functional forested wetlands. Compensatory wetland mitigation shall occur with the purchase of at least 1.74 credits from the Tennessee Mitigation Fund southwest TN service area. All other impacts to stream and wetlands will be temporary and restored to pre-impact conditions, as demonstrated through post-project monitoring.

Alternatives Analysis and Selection of Least Impactful Practicable Alternative

Route Alternatives

No Action Alternative

Under this alternative, Byhalia would not construct or operate the proposed pipeline. This alternative would not provide an interconnection to the two existing major crude oil pipeline systems, connecting major terminals in Cushing, Oklahoma with the Capline Pipeline running between Central Illinois and the Gulf Coast. The no action alternative does not meet the project's overall purpose of providing a connection between these two pipelines and was not further considered.

Alternative 1 – East Route

Byhalia considered an approximately 33-mile route east from the Valero Refinery and through the City of Memphis. However, this route has significant environmental impacts associated with multiple crossings of the Nonconnah River and its associated wetland and floodplains. This route would closely parallel the Nonconnah River for approximately 6 miles with four river crossings. Furthermore, this route is adjacent to the Nonconnah Levee System (Civil Works Project) for approximately 1 mile with open cuts and drills near the levee which could affect the structural integrity of the flood control structure. Additionally, along the portion of the route paralleling the levee, the presence of existing utilities and other infrastructure, would greatly constrain the space necessary to safely construct the project. This route would also cross through Memphis International Airport property, industrial areas, and residential areas raising safety and constructability concerns. This alternative is impracticable based on environmental, safety, and constructability concerns.

Alternative 2 – Corridor Route

Byhalia considered an approximately 35-mile route travelling south from of the Valero Refinery that would travel through the city of Memphis before meeting up with the Alternative 1 – East Route. However, safely constructing the pipeline in this route may not be possible due to limited space along railroad and overhead transmission line corridors. This route would cross the Memphis Harbor (McKellar Lake) and would encroach on T.O. Fuller State Park and cross under a significant aquatic resource in Robco Lake. Additionally, acquiring the right-of-way for portions of this route crossing Tennessee Valley Authority (TVA) lands may be difficult. The Alternative 2 corridor route would cross through fewer

industrial areas than Alternative 1, but still pass through several residential neighborhoods raising safety and constructability concerns. Alternative 2 is impracticable due to constructability concerns and its routing through a state park and residential neighborhoods.

Alternative 3 – Western Route

Byhalia considered an approximately 50-mile route travelling west from of the Valero Refinery that would largely avoid City of Memphis residential areas before meeting up with Alternative 5 – Proposed/Preferred Route. This route would cross the Ensley Levee System (Civil Works Project) twice, which raises concerns over the structural integrity of the flood control structures. This route also crosses North Horn Lake and its associated wetlands. Additionally, this route would cross adjacent to the TVA coal ash remediation site. Trenching and drilling associated with construction of the Project could potentially exacerbate pre-existing groundwater contamination associated with this site and result in contaminant migration. This route would cross T.O. Fuller State Park and is near the Chucalissa Archaeological Park, which may impact cultural resources. This alternative is impracticable due to these combined factors.

Alternative 4 – South Route

Under alternative 4, Byhalia considered an approximately 43-mile route travelling south from the Valero Refinery to Horn Lake, Mississippi before turning east. This route would cross the Memphis Harbor (McKellar Lake), T.O. Fuller State Park and a Desoto County, Mississippi property containing a public softball field. Additionally, this route would cross a previously recorded cemetery. Although the cemetery has likely been moved due to previous construction and development activities, significant cultural resource impacts could occur if unmoved or unmarked graves were encountered during construction. This route also crosses several properties where right-of-way access is a concern. This alternative is impracticable primarily due to landowner access and cultural resource concerns.

Alternative 5 – Preferred Alternative

The proposed route selected as the preferred alternative by Byhalia is an approximately 49-mile route that travels south from of the Valero Refinery to Horn Lake, Mississippi before turning east. This route avoids more densely populated residential neighborhoods by primarily travelling through undeveloped rural areas. This route avoids the private parcels with landowner access issues discussed in Alternative 4 and avoids T.O. Fuller State Park, federal properties, Robco Lake, levee systems and previously recorded cemeteries. This route crosses wetlands associated with the Coldwater River and Clearwater Creek but avoids crossing the Coldwater River. Impacts to waters are temporary during construction and the avoidance and minimization measures, as described below, will be incorporated to reduce the temporary impacts. Further, due to the linear nature of the Project, there is no alternative route that can avoid impacts to the aquatic ecosystem. Alternative routes will have new and significant adverse consequences (e.g., cultural, hydrological, environmental).

The Division has determined that the permittee’s preferred alternative, with conditions, represents the practicable alternative that would achieve the project objective and have the least adverse impact on resource values.

Antidegradation

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has determined that the proposed activities will result in *de minimis* degradation because the applicant proposes to provide in-system mitigation to offset any appreciable permanent loss of resource values.

Response to Comments

The Division received numerous comments, primarily by email and also at the public hearing. Due to the high volume of similar comments, we have summarized and paraphrased the comments below. We believe we have captured all the substantive matters and have provided responses to those comments. It is important to note that the Division's authority comes from the *Tennessee Water Quality Control Act of 1977* and the federal *Clean Water Act*. The Division's authority is therefore limited only to matters that affect water quality. All comments relative to water quality were considered in making this final determination.

During the public participation process, the Division received comments that address a variety of public interest matters. These include impacts to the Memphis Aquifer from operation of the oil pipeline, environmental justice, groundwater, inadequate alternatives analysis, flawed economic justification, virtual public hearing limited public participation, stream crossings should be conducted in the dry and other important matters that citizens depend on government to address. However, the Division cannot address some of those concerns, simply because its authority is limited to water quality considerations.

Comments Concerning Groundwater:

There were comments received about the proposed project contaminating groundwater.

Responses to Comments Concerning Groundwater:

Most of the comments reflect a similar theme of concern for the possible release of oil into the groundwater table and the long-term groundwater contamination that would subsequently occur. These comments assert the permit must ensure the maintenance of water quality standards, both on the surface and in the ground.

The application is for the stream crossings and the wetland impacts associated with construction of the pipeline, not the operation of the pipeline. The operation of the pipeline is under the Pipeline and Hazardous Materials Safety Administration (PHMSA's) jurisdiction.

The permittee has developed inadvertent release contingency plans in the case of any material that may be released during the drilling process. The Contractors will supply trained personnel to observe for and respond to any inadvertent release of drilling fluid. Each crossing area will be observed during drill operations by the contractors for any release of drilling fluid. The contractors shall immediately stop drilling operations, relieve downhole drilling fluid pressure by disengaging pumps, and inform the company representative of any drilling fluid migration to the surface. In addition, the permittee will implement and maintain its sediment and erosion control plans at each stream and wetland crossing. These measures may include, but are not limited to, such measures as matting, silt fences, hay bales, and trench plugs and will comply with all State of Tennessee NPDES requirements.

Drilling fluid shall primarily be composed of bentonite and water and no toxic substance shall be used.

Bentonite is a type of clay used for lubrication when drilling, and also used for sealing boreholes. Inadvertent Return Contingency Plans have been prepared and will be implemented during construction by the HDD contractors. Although palustrine forested wetlands (PFOs) within the Tennessee segment of the project are to be bored, some clearing will be necessary for the positioning of equipment used for boring beneath adjacent or nearby features. Areas within the permanent right-of-way (ROW) will experience continued woody vegetation management. As such, approximately 0.87 acres will be permanently converted from PFO to palustrine emergent (PEM) wetland. All palustrine emergent wetlands (PEMs) and scrub-shrub wetlands (PSSs) will be open cut and returned to preconstruction contours with staged topsoil redistributed and allowed to naturally regenerate to preconstruction conditions. Construction will employ best management practices (BMPs) for clearing vegetation, re-establishing contours, and restoring permanent vegetation.

The permit requires that the Permittee shall monitor each stream and wetland crossing both during and after construction. Monitoring reports shall be submitted to this office during construction and for two years flowing construction. Such reports shall document the existing conditions at each crossing. In the event of any release or issues with the stream or wetland crossing a remedial action plan and a timetable to implement and complete.

Comments Concerning the Memphis Aquifer

The Division received numerous comments concerning the potential impacts of the pipeline on the Memphis Aquifer. Several commentators were specific about the lack of information concerning “gaps” in the clay layer that protects the aquifer or any study performed to protect the aquifer from pollution of the pipeline. Concerns were primarily related to the operation of the pipeline, but also some related to its construction.

Responses to Concerns Regarding the Memphis Aquifer

Aquatic Resource Alteration Permits do not regulate discharges to groundwater (only surface waters) or the operation of the pipeline. Utility line construction does not have the potential to affect this regional water table.

The Aquatic Resource Alteration Permit does not require an aquifer impact study, as the permitted impacts are solely related to the construction of the pipeline, involving very shallow trenching and boring techniques for which we have no reason to believe there is any possibility of affecting the deep regional aquifer. According to the 1995 USGS study of the Davis wellfields, the Cockfield and Cook formations are the confining layers within the project area. This study shows that the 30-foot directional borings for the pipeline are well above these confining formations.

Comments Concerning Public Hearing Process and Procedure

One commentator stated that the virtual Public Hearing limited public participation. Persons without access to the internet were not able to adequately review the application and supporting documentation. The inclement weather that the area was experiencing also limited public participation. The permit should be denied and reheard at a time when the public can attend in person.

Responses to Concerns for Permit Process and Procedure

The Department of Environment and Conservation strives to provide full public notice and participation and transparency. All the Department’s public notice rules were followed in this case.

The public hearing was conducted via video-teleconference in the interest of protecting public health, safety, and welfare in light of COVID-19 and ongoing health-based recommendations to limit the size of public gatherings. Governor Lee recently extended the state of emergency in Tennessee to December 27, 2020. Therefore, public hearings and meetings at this time are being conducted through electronic means such as Webex to allow for full and transparent public participation. Given the continuing uncertainty about when it will again be safe to conduct in-person public hearings, the Department cannot indefinitely defer this permitting process.

The Department believes that online public hearings increase, rather than decrease, access to public hearings as demonstrated by the high number of participants it has had since changing to this format. It is important to note that, as stated in the public notice for the hearing, internet access was not required to participate in the hearing: a call-in option was also provided. Moreover, the Department closely monitored storm conditions before and during the hearing and observed that the storm had not reached Memphis by the time the hearing was over.

ARAP's require four levels of public notice for each individual permit, all of which were implemented for this permit. First, public notices are emailed to a list of citizens and groups who have requested these notices. Second, the Division posts its notices on our public participation webpage. Third, the applicant must publish a public notice in the classified section of a local newspaper of general circulation, and fourth the applicant must post a two-foot by three-foot corrugated plastic sign within view of a public road in the vicinity of the proposed project. The sign must be maintained for at least 30 days. Six public notice signs were placed throughout the route of the project.

The Division maintains a public facing on-line Dataviewer where persons may access and view all the documents in the file that are uploaded to that record. The public notices direct the participant to that Dataviewer. The notice also provided contact information for the permit writer, who could respond to requests for information from residents unable to access this dataviewer. Similarly, any Tennessean can submit an open records request to obtain relevant documents.

Comments Concerning the Alternatives Analysis and Social and Economic Justification. The social and economic justification is also flawed.

The alternative analysis is inadequate. Only one paragraph is given to describing each alternative and rejecting those that are not preferred. There is no documentation of costs or benefits and no documentation of impacts to waters of the State.

Responses to Concerns on the Alternatives Analysis and Social and Economic Justification

Five alternative routes were evaluated and submitted. Each describes the various encumbrances with the route including water resources, cultural resources, cemeteries, and public properties such as a State Park. These routes and comparisons were submitted in tabular form as part of the application. An analysis of the least environmental damaging alternative was submitted.

Route Criteria

Byhalia designated the following criteria in order to achieve the stated purpose and need while identifying a route to be used for the Project. The following criteria were used to evaluate the alternatives:

- Residential Neighborhoods
- Protected Species and Habitat
- Wetlands and Waterways
- Historic Sites and Cultural Resources
- Federal, State, and Local Government Facilities, Structures, or Lands
- Private Property Access
- Pipeline Constructability

The preferred project route was chosen not only to minimize impacts to the environment, but also to cultural sites, public lands, levees, landowners, and communities during construction and once the line is in service. The proposed route parallels existing pipeline and utility corridors where practical to reduce its overall footprint, with additional avoidance and minimization measures employed to reduce impacts to natural resources where possible.

The proposed route selected as the preferred alternative by Byhalia is an approximately 49-mile route that travels south from of the Valero Refinery to Horn Lake, Mississippi before turning east. This route avoids more densely populated residential neighborhoods by primarily travelling through undeveloped rural areas. This route avoids the private parcels with landowner access issues discussed in Alternative 4 and also avoids T.O. Fuller State Park, federal properties, Robco Lake, levee systems, and previously recorded cemeteries. This route crosses wetlands associated with the Coldwater River and Clearwater Creek, but avoids crossing the Coldwater River. Impacts to waters are temporary during construction and the avoidance and minimization measures, as described below, will be incorporated to reduce the temporary impacts. Further, due to the linear nature of the Project, there is no alternative route that can avoid impacts to the aquatic ecosystem. Alternative routes will have new and significant adverse consequences (e.g., cultural, hydrological, environmental).

Based on the available information the Division has made a determination that the permittee has demonstrated that project represents the least impactful practicable alternative.

Because the proposed aquatic impacts are fully mitigated in-system, the activities authorized by this permit will result in no more than de minimis degradation. Accordingly, there is no requirement for Byhalia to demonstrate social or economic necessity.

Comments Concerning Environmental Justice

The Division received numerous comments in regard to the route through disenfranchised communities, especially the Boxtown Community, that are presently experiencing similar facilities. The pipeline is considered by these commentators to be another action that will adversely affect the environmental health of these communities. Here are some examples of the comments received:

“Connecting the pipeline through Boxtown in Memphis is an unjust and unforgivable act of environmental racism.”

“The Byhalia Pipeline proposal will very negatively affect a disenfranchised community. The people of that community already suffer from health issues caused by environmental discrimination. The proposal will only harm the community even more. This is racism. Please do not proceed with the pipeline proposal till other options are explored. “

“I am writing in reference to the Byhaila Pipeline Route being built through Boxtown, Tn in 38109. These are some of the most vulnerable residents in the city. Many have owned their homes for generations. The city and the state of Tennessee are allowing these minority black residents to be taken advantage of because this area poses the least resistance. That should not be a prerequisite to build this pipeline as the results could potentially be deadly. Whenever projects like this happen, black people normally get mistreated and marginalized. A pipeline through this area will would be detrimental to the entire area. Residents may have to move.

I am begging for this pipeline project not to be approved for this area as the residents would suffer health wise or would have to move. This is a low-income area and many of the homes here have been in families for generations.

Responses to Concerns on Environmental Justice

In 1994 President Bill Clinton issued Executive Order (EO) 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” with the aim of focusing

federal attention on the environmental and human health effects of federal actions on minority and low-income populations such that environmental protection for all communities is achieved. The EO directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.

At this time, Tennessee does not have an EO or specific language within rule or statute that requires and/or provides TDEC the explicit authority to consider environmental justice within its environmental regulatory program actions. However, striving for the equal treatment of all communities in administering environmental, natural resource, parks, and conservation programs is a priority of the department. TDEC takes a collaborative approach to environmental justice by working with communities to ensure that historically underserved low-income and minority communities are afforded equal access to its programs and services and provided adequate opportunities for meaningful involvement of all people with respect to the development, implementation and enforcement of laws, regulations and policies related to the application. Public notices were issued which included the placement of 6 public notice signs along the route, a legal Ad published in the Commercial Appeal and a Public Hearing was held prior to the issuance of the permit.

Comments Concerning the Permittee's Parent Company and Compliance Record in Other States

Several commenters requested that the permit be denied due to the compliance record of the parent company in other states.

Responses to Compliance Record in Other States

There is no legal basis to deny a permit based on alleged violations by another company in another state.

Comment Concerning Stream Crossings

One Commentor expressed concerns about the time of year and use of coffer dams for intermittent stream crossings that would result in a condition of pollution.

Impacts to all perennial streams will be minimized using HDD construction methods and no work will take place within the OHWMs of these streams. Intermittent and ephemeral streams, as well as WWCs are planned for open trench crossings. Construction within these stream OHWMs will occur when dry if possible. If not possible, cofferdams or other diversion methods will be used. All stream channels, beds, and substrates will be returned to preconstruction elevations, contours, and stabilized by revegetation after construction. No permanent stream channel alterations will occur as a result of this project.

These cofferdams will be **watertight** enclosures from which water is pumped to expose the bed of a body of water in order to permit the construction of a pier or other hydraulic work. Cofferdams are made by driving sheetpiling, usually steel in modern works, into the bed to form a watertight fence. The vertical piles are held in place by horizontal framing members that are constructed of heavy timber, steel, or a combination of the two. Water from the cofferdam shall not be pumped directly back into the stream, but instead to a detention basin prior to release.

The permit further provides:

All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 0400-40-03-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 0400-40-04. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.

Comments Concerning Other Matters

Several commentators mention that the construction of the pipeline will affect home values, provides questionable economic benefits, and will result in energy dependency.

Responses to Other Matters

The Division's authority is limited to matters affecting water quality and within the authority of the Tennessee Water Quality Control Act of 1977. In this regard, those matters above that are not within the Division's authority cannot be addressed by the Division in this permit.

Dear Memphis residents,

We've heard you.

We can't just tell you we're different — we need to show you we are.

Actions speak louder than words and trust is not given, it's earned. Byhalia Pipeline LLC, a joint venture between Plains All American and Valero, believes in treating people with respect and fairness and doing the right thing. Our project — the Byhalia Connection Pipeline, a 49-mile crude oil pipeline that will connect two existing pipelines — is a safe, responsible way to meet the energy needs of our country and provide a long-term benefit to Mid-South communities.

Even though Memphis has more than 10 oil and gas pipelines, we understand that they aren't built every day, and that this project might raise questions. So, for the past 18 months, we've listened.

Through numerous open houses, community meetings, our Community Advisory Panel and discussions with hundreds of residents and local leaders in Memphis, we've worked to establish open, honest and ongoing dialogue. Thank you for laying out your questions and expectations, and for sharing your values, beliefs and experiences. We are committed to showing you that we stand behind our promise to operate our business safely for you, the greater Memphis community and the environment.

This is who we are.

As a company, we believe that everyone benefits from access to responsibly produced and affordable energy that allows us to fuel our cars, heat our homes and produce the goods and materials we use every day, such as medical supplies, pharmaceuticals and electronics. Access to affordable energy improves life expectancy, education and economic opportunity.

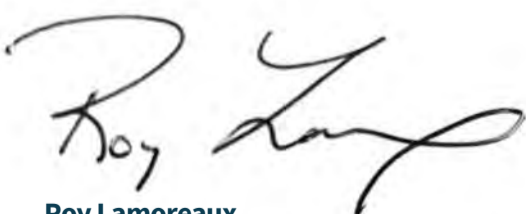
Protecting you & where you live.

We've spent more than 10,000 hours to understand the unique environmental conditions along our pipeline route so we could design, build and operate safely here.

- The pipeline runs through South Memphis to connect to the Valero Refinery. We chose a route across mostly vacant property to limit impacts to this community.
- The route in Shelby County accounts for seven miles of the total project route. Nearly 86 percent of the project route, or **42 miles of pipeline**, crosses portions of DeSoto and Marshall Counties in Mississippi.
- This route was chosen after carefully reviewing population density, environmental features, local gathering spots and historic cultural sites. It purposefully avoids Nonconnah Creek, T.O. Fuller State Park, area flood control structures and a coal ash remediation site.
- The majority of the pipeline will be 3-4 feet below the surface but safely away from the aquifer, which is far deeper than our pipeline.
- Pipelines like this do not cause cancer or elevated health risks.
- We use high-quality, US-made steel pipe that **meets or exceeds industry and regulatory standards**.
- Highly trained pipeline controllers use advanced technology to carefully monitor our pipelines — 24/7/365 — and complete regular aerial and ground safety inspections along the route.
- Many residents and businesses in the area believe in our dedication to safety and the long-term benefits of the project, as we've acquired agreements to construct and operate our pipeline with 96 percent of landowners along the project footprint.

While we may sometimes disagree, we'll continue to work with you to understand your concerns and strive to meet your expectations. All the while, our commitment to treating Memphians with care, respect and consideration remains firm. **We take our responsibility to you very seriously** and we remain dedicated to listening, gaining and maintaining your trust, and safely constructing and operating the Byhalia Connection Pipeline.

Regards,



Roy Lamoreaux
Vice President
Plains All American

- **We've secured the environmental permits from federal, state and local agencies** needed to begin construction.
- Plains All American has been safely operating a crude oil pipeline in Memphis for years and we expect Byhalia Connection to be no different. Most homes or businesses here are located within five miles of one of the more than 10 existing oil or natural gas pipelines. This is true regardless of which Memphis neighborhood you call home.

Bringing Benefits to the Community.

A pipeline is a major investment in the community and we want to share a few of the positive benefits you can expect:

- You've told us that communities along our route need investment. We've responded by investing more than \$1 million in 2020 to address community needs and support the people who live in proximity to our pipeline. So far, that equates to:
 - » **3,000+ Shelby County Schools students and 200+ teachers** received supplies and financial support
 - » **170 laptops and 55 hotspots** for remote learning
 - » **Over 225,000 meals** provided through Mid-South Food Bank and another **4,200 families** supported through area food pantries and food banks
 - » **Over \$275,000 invested in COVID-19 relief**, including childcare for healthcare workers, masks and co-pay support
 - » **A new roof** for a non-profit that supports Memphis school children
- We plan to provide even more community investment in 2021. Our priority is to support organizations and causes with the highest need, regardless of whether our partners support our project. We give and get involved because we believe in being a good neighbor. We're grateful to make a difference wherever we can.
- We'll bring an economic infusion of more than \$14 million to the Mid-South area during construction and will pay property taxes every year the line is in service — **including an estimated \$500,000 annually in Shelby County alone**.
- Projects like this can reduce train and truck traffic. According to the Department of Transportation, it would require a constant line of **750 tanker trucks per day, loading up and moving out every two minutes, 24-hours a day, seven days a week**, to move the volume of even a modest pipeline like ours. The railroad equivalent of this single pipeline would be 225 28,000-gallon tank cars, or more than 2 trains per day, every day.
- This project strengthens the long-term viability of the Valero Memphis refinery and its more than **500 employees and contractors**, making the refinery more competitive as it produces transportation fuels and other products essential to life.
- It's also a \$150+ million investment in American infrastructure — buying U.S.-made pumps, pipe material and valves, and employing local companies to support construction.

We're not just building a pipeline, we are building up communities.

QUICK FACTS ON THE PROJECT



PLAINS

The Byhalia Connection crude oil pipeline is a **joint venture** between Plains All American and Valero.

49 miles

Pipeline length from Memphis, Tenn. to Marshall County, Miss. Byhalia Connection will **connect two existing pipelines** – the Diamond Pipeline and the Capline Pipeline.

9 months

Construction of the pipeline should take about 9 months

US Department of Transportation data shows pipelines are the **safest mode of energy transportation.**

600+

miles of oil and gas pipelines cross atop the aquifer in Memphis today; just about every area home or business is located within five miles of an existing oil or natural gas transmission line.

10,000+

hours to assess the unique environmental conditions in the area to ensure we can design, build and safely operate the system.

THE BYHALIA CONNECTION PIPELINE IS COMMITTED TO:



Bring Millions of Dollars to Your Community.

We'll bring an economic infusion of more than \$14 million to the Mid-South area during construction and will pay property taxes every year the line is in service – including an estimated \$3.5 million annually in Shelby, Desoto and Marshall County.



Support organizations and causes with the highest need in the community.

In 2020, we donated to more than 30 Mid-South organizations that support the people who live in proximity to our pipeline. We plan to donate even more in 2021.



- **3,000+ students and 200+ teachers** received supplies and financial support
- **170 laptops and 55 hotspots** for remote learning
- **Over 225,000 meals** provided and another 4,200 families supported through area food pantries and food banks
- **Over \$275,000 invested in COVID-19 relief**, including childcare for healthcare workers, masks and co-pay support
- **A new roof** for a non-profit that supports Memphis school children

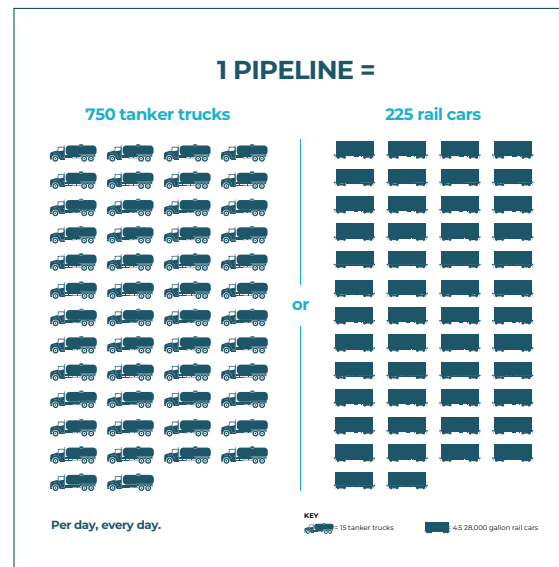


Support Local Jobs.

This project strengthens the long-term viability of the Memphis refinery and its more than 500+ employees and contractors, making the refinery more competitive as it produces transportation fuels and other products essential to

We've secured the environmental permits from federal, state, and local agencies needed to safely begin construction including:

- U.S. Army Corps of Engineers Nationwide Permit 12
- Aquatic Resource Alteration Permit from the Tennessee Department of Environment and Conservation



**Statistics from the Pipeline and Hazardous Materials Safety Administration*

Projects like this can reduce train and truck traffic. According to the Department of Transportation, it would require a constant line of **750 tanker trucks per day, loading up and moving out every two minutes, 24-hours a day, seven days a week**, to move the volume of even a modest pipeline like ours. The railroad equivalent of this single pipeline would be 225 tank cars, or more than 2 trains per day, every day.

We're not just building a pipeline, we are building up communities.

We take the safety of the community seriously.

10,000+ hours to assess the unique environmental conditions in the area to ensure we can design, build and safely operate the system.

- **Safety every step of the way.** During every phase of the pipeline design, construction, and operation, we put measures in place to ensure the safety of the community and protection of the aquifer.
- **Staffed by experts.** We have a team of more than 180 safety and environmental professionals dedicated to administering our safety programs and practices.
- **Going above and beyond.** This pipeline will meet or exceed local, regional and federal safety standards for construction and operation.
- **Around the clock monitoring.** Highly trained pipeline controllers use advanced technology to carefully monitor our pipelines — 24/7/365 — and we complete regular aerial and ground safety inspections along the route.



Frequently Asked Questions

Are there increased health risks associated with the pipeline?

Pipelines like this do not cause cancer or elevated health risks.

How do you plan to give back to the community?

In 2020 we donated to over 30 Mid-South organizations and we plan to provide even more community investment in 2021. Our priority is to support organizations and causes with the highest need, regardless of whether our partners support our project. We give and get involved because we believe in being a good neighbor. We're grateful to make a difference wherever we can.

Will the pipeline contaminate the aquifer?

During every phase of pipeline design, construction and operation, we put measures in place to ensure the safety and protection of the aquifer. The majority of the pipeline will be 3-4 feet below the surface but safely away from the aquifer, which is far deeper than our pipeline. We've been safely operating a crude oil pipeline in Memphis for years and we expect Byhalia Connection to be no different.

What determined the pipeline route?

This route was chosen after carefully reviewing population density, environmental features, local gathering spots and historic cultural sites. It runs through South Memphis in order to connect the Memphis refinery to a terminal located in Marshall County. We chose a route across mostly vacant property to limit impacts to this community. It purposefully avoids

Nonconnah Creek, T.O. Fuller State Park, area flood control structures and a coal ash remediation site. The route in Shelby County accounts for seven miles of the total project route. Nearly 86 percent of the project route, or 42 miles of pipeline, crosses portions of DeSoto and Marshall Counties in Mississippi.



Learn more about the project and our commitment
to the community and safety by visiting our website
ByhaliaConnection.com

✉ questions@byhaliaconnection.com

☎ 877-442-2448

f @ByhaliaPipeline

t @ByhaliaPipeline

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 21-1

At its regular meeting on **April 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting amendments to the Memphis and Shelby County Unified Development Code described as follows:

APPLICANT: Office of the Shelby County Mayor

REPRESENTATIVE: Alex Hensley, Special Assistant to Mayor Lee Harris

The following spoke in support of the application:

Alex Hensley

The following spoke in opposition to the application:

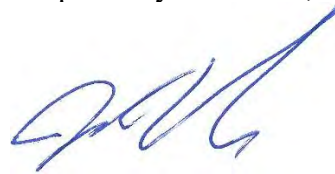
Cory Thornton
Katie Martin

The Land Use Control Board reviewed the application of the Office of the Shelby County Mayor requesting amendments to the Memphis and Shelby County Unified Development Code and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed (8-0) with one member recusing (Thomas) and one member absent (McKinnon).

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,



Josh Whitehead
Zoning Administrator

**NOTICE OF TELEPHONIC PUBLIC HEARING ON PROPOSED AMENDMENTS
TO THE ZONING CODE OF THE CITY OF MEMPHIS**

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic Public Hearing will be held by the Council of the City of Memphis on Tuesday, May 18, 2021, at 3:30 p.m., in the matter of amending the Zoning Code of the City of Memphis, being Chapter 28, Article IV, of the Code of Ordinances of the City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: ZTA 21-1
APPLICANT: Office of the Shelby County Mayor
REPRESENTATIVE: Alex Hensley, Special Assistant to Mayor Lee Harris
REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code (the zoning code of the City of Memphis and County of Shelby) regarding location of oil pipelines

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, May 18, 2021, at 3:30 p.m., the Council of the City of Memphis, Tennessee, will be in session to hear opposition against the making of such changes; such opposition must register to speak by Monday, May 17, 2021, at 8 a.m.

You may register to speak by contacting Ashleigh Hayes at ashleigh.hayes@memphistn.gov no later than Monday 1 February at 8 a.m. with your (i) name, (ii) address, and (iii) the phone number from which you will be calling. Please note that due to time limitations under the Council's Rules of Procedure, each side may speak no longer than 15 minutes.

Please note video of this meeting will be streamed live on the City of Memphis' YouTube channel. The direct link is: <https://www.youtube.com/MemphisCityCouncil>

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

FRANK COLVETT, JR.
CHAIR OF COUNCIL

ATTEST:

CANDI BURTON
CITY COMPTROLLER

TO BE PUBLISHED: