

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 16 March 2021
DATE
PUBLIC SESSION: 16 March 2021
DATE**

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a special use permit for used vehicle sales

CASE NUMBER: SUP 20-16

DEVELOPMENT: Used vehicle sales

LOCATION: 2906 Old Austin Peay Highway

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER/APPLICANT: Fredrick Sengstacke of the Octopus Group, Inc.

EXISTING ZONING: Commercial Mixed Use – 3

REQUEST: Special use permit for vehicle sales

AREA: 0.27 acres

RECOMMENDATION: The Division of Planning and Development recommended: *Rejection*
 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
 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
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

SUP 20-16

Resolution requesting a special use permit for used vehicle sales:

- This item is a resolution for a special use permit to permit the above, with conditions;
- The Division of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Fredrick Sengstacke of the Octopus Group, Inc.;
- 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 FOR USED VEHICLE SALES AT
2906 OLD AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 20-16.**

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, Fredrick Sengstacke of the Octopus Group, Inc., filed an application with the Memphis and Shelby County Division of Planning and Development requesting a special use permit for vehicle sales; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with the 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 compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation 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 February 11, 2021, and said Board has submitted its recommendation concerning the above considerations to the Council of the City of Memphis; and

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

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit, and that 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 requested 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 Occupancy, a Building Permit, and/or other required permits and approvals, provided that no such Certificate of Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

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

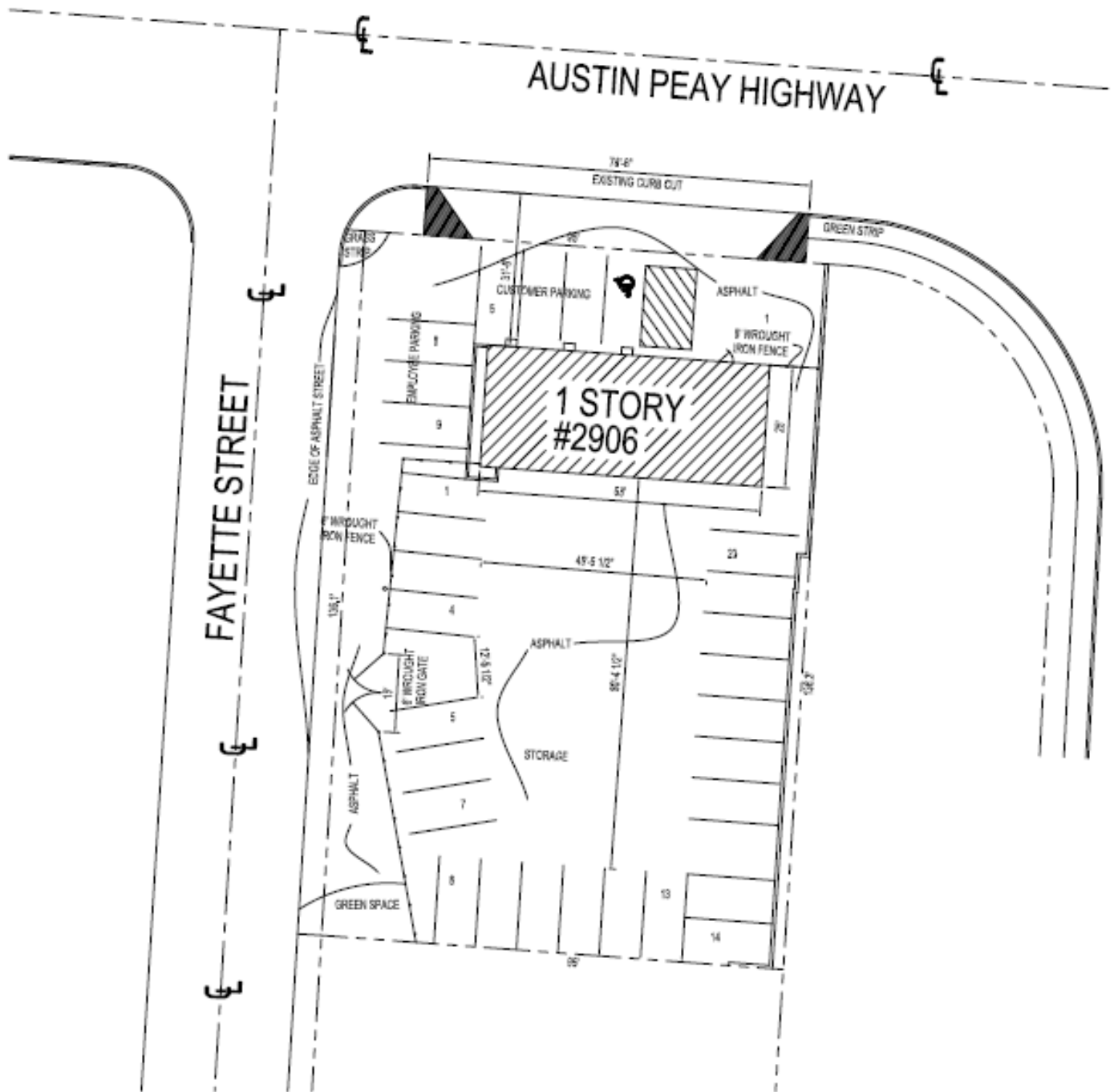
CONDITIONS

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

ATTEST:

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

PRELIMINARY SITE PLAN



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: SUP 20-16

LOCATION: 2906 Old Austin Peay Highway

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER/APPLICANT: Fredrick Sengstacke of the Octopus Group, Inc.

REQUEST: Special use permit for vehicle sales

EXISTING ZONING: Commercial Mixed Use – 3

AREA: 0.27 acres

The following spoke in support of the application: Fredrick Sengstacke and Jeff Nickelberry

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 the following conditions:

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

The motion *passed* by a vote of 9-1.

AGENDA ITEM: 8

CASE NUMBER: SUP 20-16

L.U.C.B. MEETING: 11 February 2021

LOCATION: 2906 Old Austin Peay Highway

COUNCIL DISTRICT: District 1 and Super District 9

OWNER: Octopus Group, Inc.

APPLICANT: Fredrick Sengstacke

REQUEST: Special use permit for vehicle sales

AREA: 0.27 acres

EXISTING ZONING: Commercial Mixed Use – 3

CONCLUSIONS (p. 12)

1. Fredrick Sengstacke of the Octopus Group, Inc., has requested a special use permit for used vehicle sales at 2906 Old Austin Peay Highway.
2. This parcel is within the James Road / Old Raleigh anchor neighborhood – in the heart of historic Raleigh. It is at the northeast corner of Fayette Road and Old Austin Peay Highway, both of which are local streets.
3. Adjacent uses include the Raleigh Feed Store to its east as well several office buildings along Stage Road.
4. Used vehicle sales – often associated with crime, traffic, and unaesthetic outdoor storage – may have an adverse impact on both types of neighboring uses.
5. Staff finds that the proposal fails to meet the special use permit criteria and is inconsistent with the Memphis 3.0 General Plan.

INCONSISTENT WITH MEMPHIS 3.0 (pp. 14-16)

1. The Memphis 3.0 General Plan states that this type of commercial use should be permitted in an anchor neighborhood only when sited on a major road – such as an arterial or connector – and when adjacent to similar uses. The proposal meets neither standard: it is on the corner of two local streets, and it is adjacent to office uses and a neighborhood-oriented retail store.
2. Moreover, the Plan calls for a municipal effort to “nurture” this area. Used vehicle sales may be detrimental to that goal.

RECOMMENDATION (p. 12)

Rejection

GENERAL INFORMATION

Street Frontage:	Old Austin Peay Highway	(local street)	88 linear feet
	Fayette Road	(local street)	134 linear feet
Zoning Atlas Page:	1840		
Parcel ID:	088001 00008		
Existing Zoning:	Commercial Mixed Use – 3		

NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 6 p.m. on 22 January 2021 via Zoom.

PUBLIC NOTICE

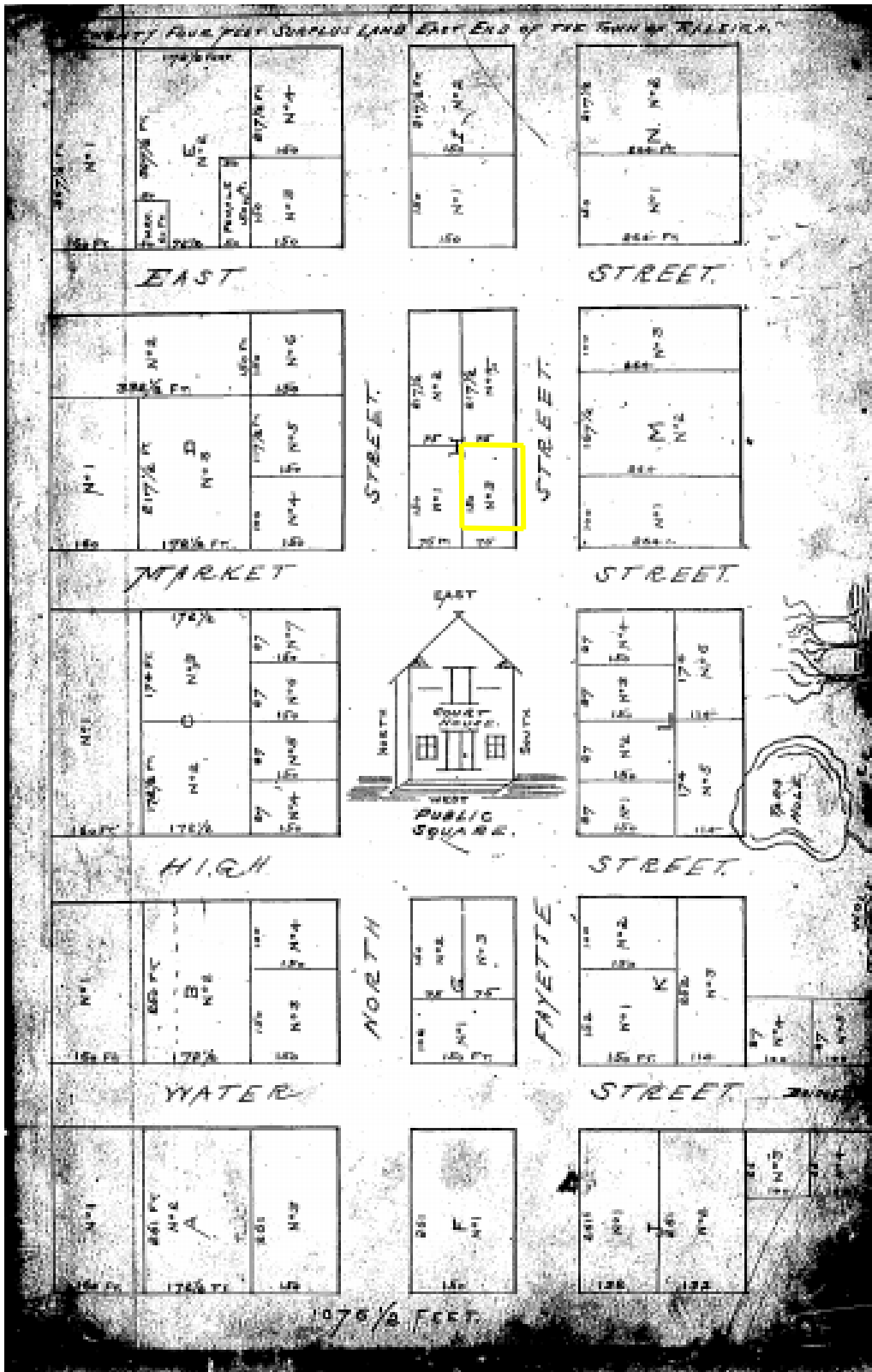
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notices of public hearing are required to be mailed and signs posted. A total of 36 notices were mailed on 27 January 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Raleigh neighborhood

PLAN OF RALEIGH (1838)

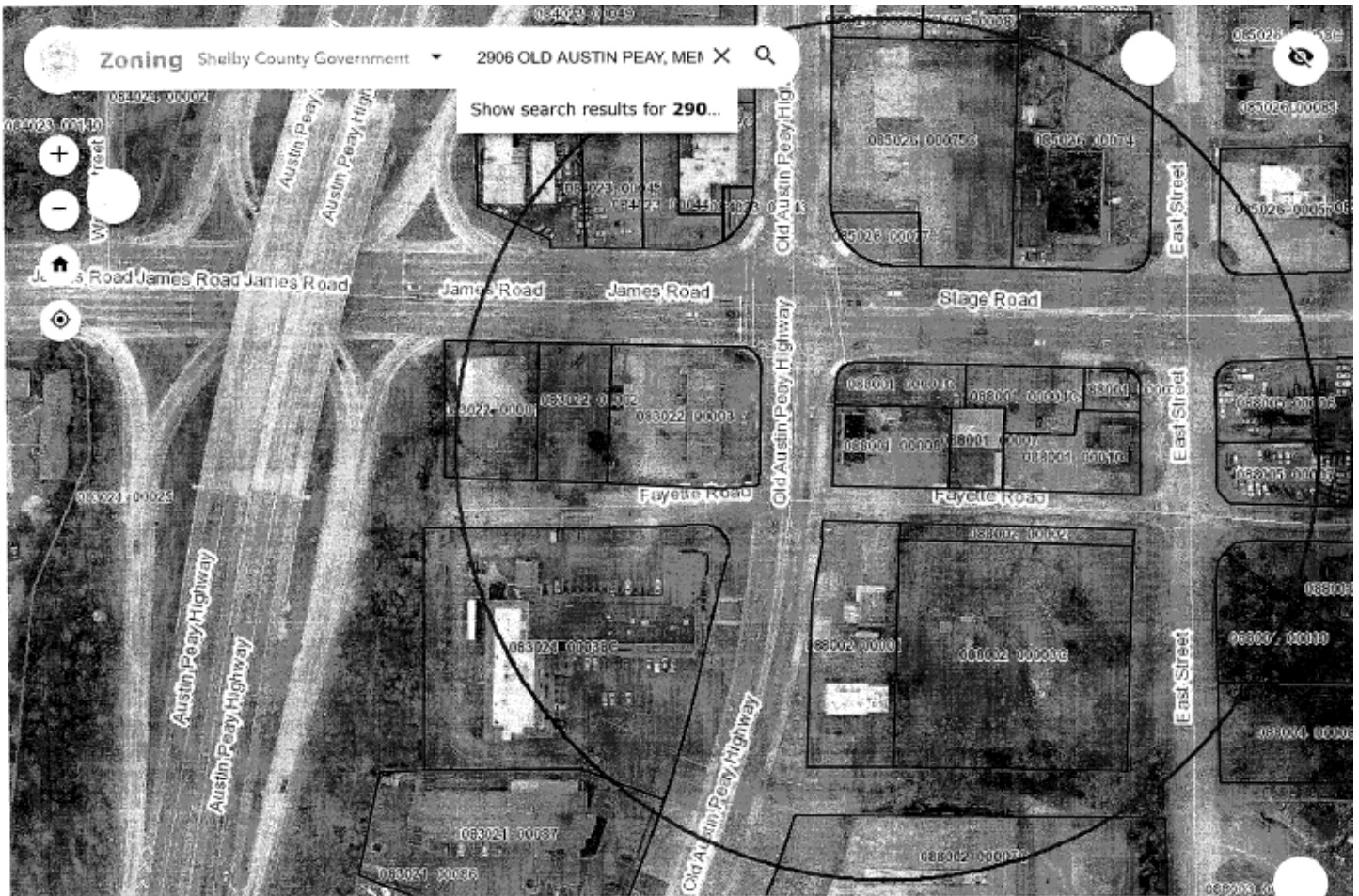


North is to the left.

The subject parcel is exempt from the subdivision requirement per Instrument # P1 1257.

Boundaries of subject property – part of Lot 3 of Block H of the Plan of Raleigh – are approximated in yellow. Note the property's prominent location on the square. Market St. has since become (Old) Austin Peay Highway.

VICINITY MAP



Although the 500-foot radius within the applicant-generated vicinity map was measured from a single point, rather than from the edges of the property as required, staff supplemented the notice of public hearing mailing labels to include several additional property owners.

AERIAL PHOTOGRAPH WITH ZONING



The subject property is within a regional commercial district.

Existing Zoning: Commercial Mixed Use – 3

Surrounding Zoning

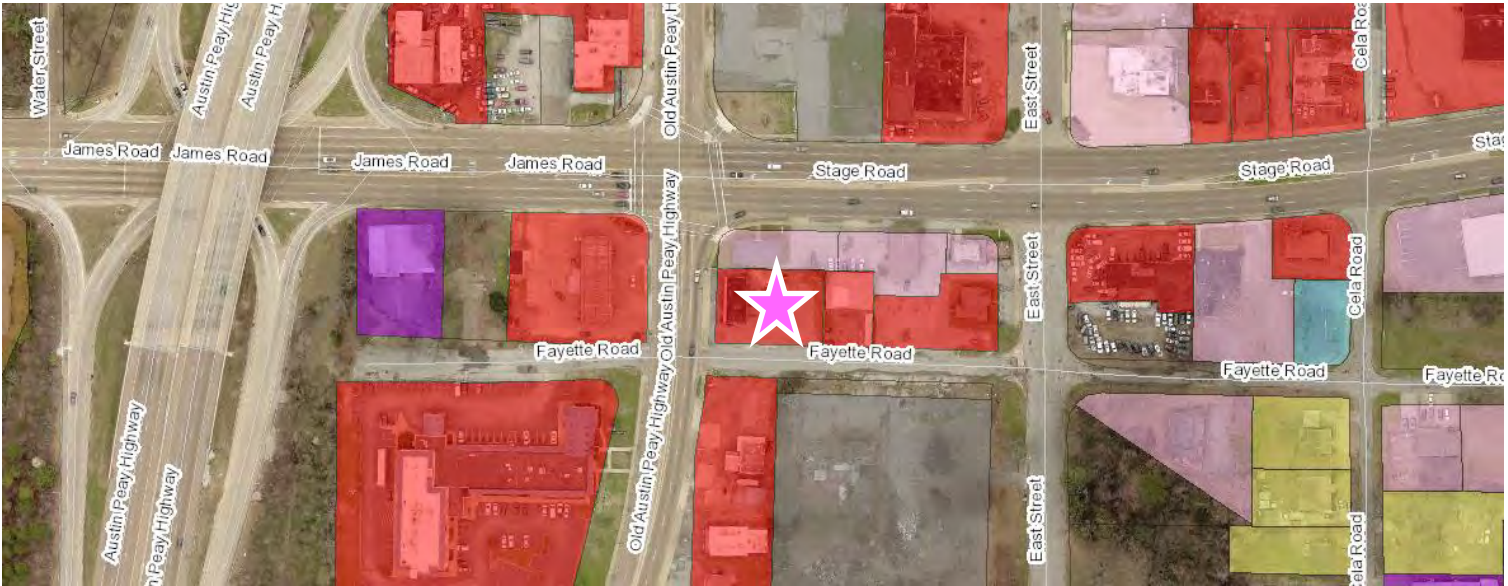
North: Commercial Mixed Use – 3

East: Commercial Mixed Use – 3

South: Commercial Mixed Use – 3

West: Commercial Mixed Use – 3

LAND USE MAP



SITE PHOTOS



Two views of primary façade of structure from Old Austin Peay

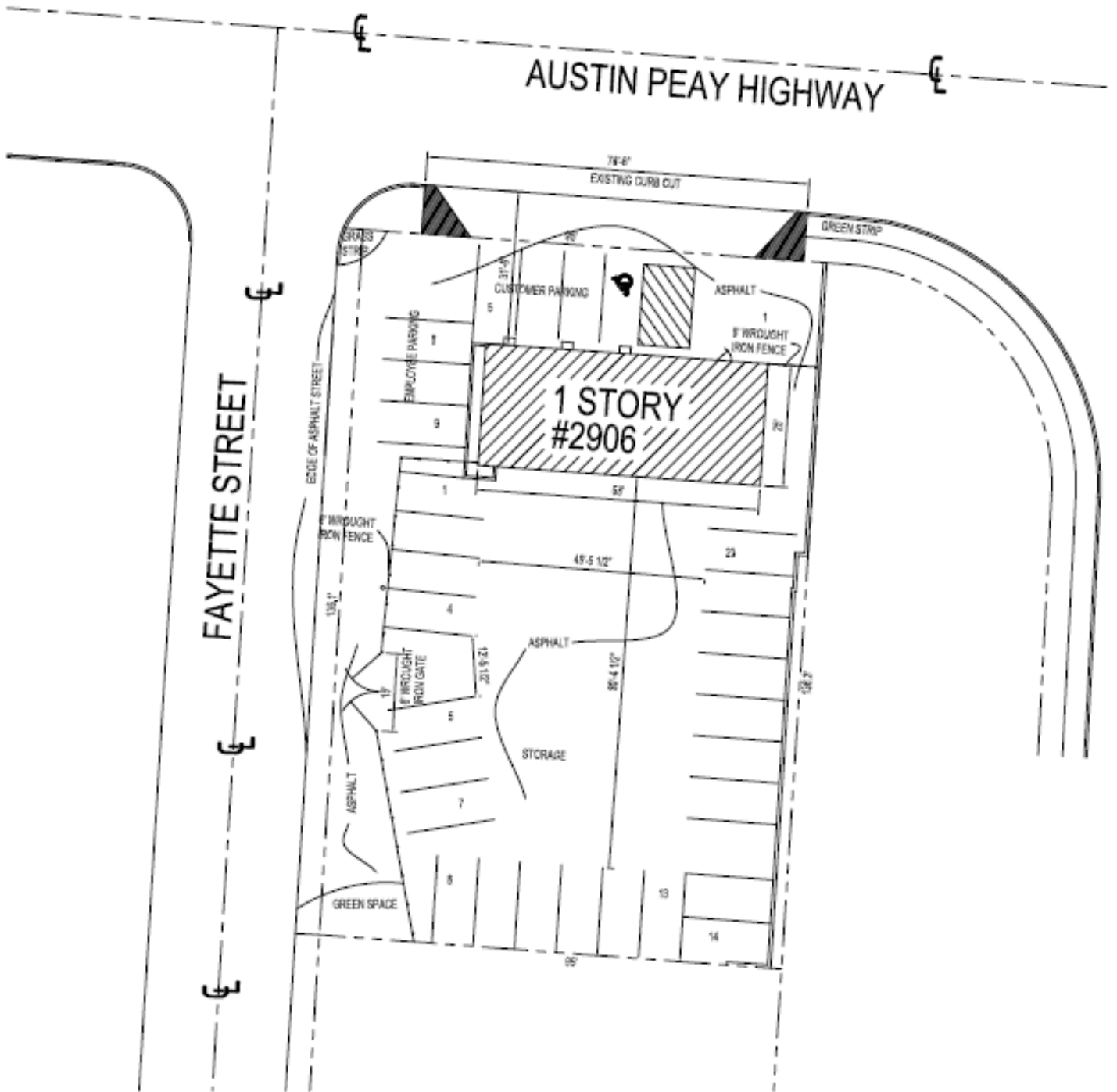


View west down Old Austin Peay



View north down Fayette

PROPOSED SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for used vehicle sales.

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject site is a 0.27-acre rectangular parcel with 88 feet of frontage on Old Austin Peay Highway and 134 feet of frontage on Fayette Road. Both are local streets. Both frontages lack curbs (excepting the radial corner) and have overhead utilities. It is, in part, part of Lot 3 of Block H of the Plan of Raleigh of 1838. The parcel contains a B-grade vehicle service garage built in 1978 with an area of 1450 square feet. The applicant recently installed a wall sign, erected fencing, laid asphalt, and striped parking, in anticipation of opening the vehicle sales establishment. The wall sign was permitted; however the other actions were largely undertaken without the appropriate municipal approvals and permits.

Site Zoning History

In 1981, the Memphis and Shelby County Board of Adjustment approved a variance (docket # BOA 81-199) to permit an addition to the subject structure within the front setback.

Site Plan Review

- The dimensions of the site plan do not match the dimensions of the deed.
- A floor plan demonstrating a minimum of 288 square feet of office space as well as functioning restroom facilities shall be provided.
- A minimum of 15 spaces shall be delineated for sales and three spaces for customers and employees.
- The site's nonconforming curb cuts shall be brought into conformance with the City Engineer's standards. The site will be permitted only one curb cut, to be located on Fayette. This change will affect the parking layout, precluding the nose-in parking spaces currently proposed.
- A full site plan review will take place if approved by City Council, as conditioned.

Conclusions

Fredrick Sengstacke of the Octopus Group, Inc., has requested a special use permit for used vehicle sales at 2906 Old Austin Peay Highway.

This parcel is within the James Road / Old Raleigh anchor neighborhood – in the heart of historic Raleigh. It is at the northeast corner of Fayette Road and Old Austin Peay Highway, both of which are local streets.

Adjacent uses include the Raleigh Feed Store to its east as well several office buildings along Stage Road. Used vehicle sales – often associated with crime, traffic, and unaesthetic outdoor storage – may have an adverse impact on both types of neighboring uses.

The Memphis 3.0 General Plan states that this type of commercial use should be permitted in an anchor neighborhood only when sited on a major road – such as an arterial or connector – and when adjacent to similar uses. The proposal meets neither standard: it is on the corner of two local streets, and it is adjacent to office uses and a neighborhood-oriented retail store.

Moreover, the Plan calls for a municipal effort to “nurture” this area. Used vehicle sales may be detrimental to that goal.

Staff finds that the proposal fails to meet the special use permit criteria and is inconsistent with the Memphis 3.0 General Plan.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following conditions:

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

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. The existing nonconforming curb cut on Old Austin Peay shall be closed with curb, gutter and sidewalk. All access to this site shall be via Fayette Road.

Department of Comprehensive Planning:

Land Use Designation (see page 82 for details): Anchor Neighborhood – Mix of Building Types

Based on the Future Land Use Planning Map, the proposal is INCONSISTENT 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



The red box indicates the application site 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:

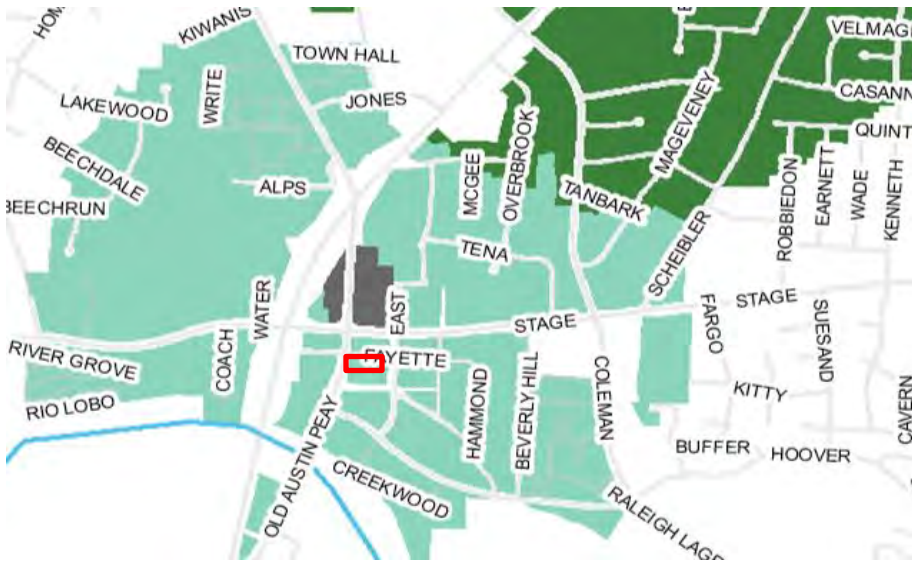
The parcel is located within a Nurture Anchor. Primarily, detached, single-family residences. Attached single-family, duplexes, triplexes, and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Building height is one to three stories and buildings are house-scale.

The proposed use does not meet the criteria because it is an auto-oriented commercial use that is located on two local streets, and is adjacent to only one commercial parcel.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Commercial and Office. The subject site is surrounded by the following zoning districts: CMU-3. The requested land use is incompatible with these adjacent land uses because *used vehicle sales may have an adverse impact on adjacent office and retail uses.*

4. Degree of Change map



The degree of change for the parcels is Nurture. The site is indicated by the red box in the Degree of Change Map above.

5. Degree of Change Descriptions

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

Actions for Nurture anchors and anchor neighborhoods are meant to:

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

Ways to Nurture:

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

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

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

Summary Compiled by: Melanie Batke and Brett Davis

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



Memphis and Shelby County
Office of Planning and Development
CITY HALL 123 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2094 (901) 634-6619

APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT

Date: 12/01/2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: The Octopus Group Inc Phone #: 901-674-0837

Mailing Address: 1138 N Germantown Pkwy Ste 101 City/State: Cordova, TN Zip 38018

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

Applicant: Fredrick Sengstacke Phone # 901-674-0837

Mailing Address: 9375 Zachariah Cv. City/State: Bartlett, TN Zip 38133

Applicant E-Mail Address: fasengstacke@yahoo.com

Representative: Fredrick Sengstacke Phone #: _____

Mailing Address: 9375 Zachariah Cv. City/State: Bartlett, TN Zip 38133

Representative E-Mail Address: fasengstacke@yahoo.com

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 2906 Old Austin Peay Memphis, TN 38128

Distance to nearest intersecting street: James and Old Austin Peay

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.296</u>	_____	_____
Existing Zoning:	<u>Commercial</u>	_____	_____
Existing Use of Property	<u>Service garage</u>	_____	_____
Requested Use of Property	<u>Car Lot</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: _____ Bedrooms: _____

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

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.

	12/1/2020		12/1/2020
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: _____ 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 X
(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).
No it will not

- 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).
Yes it will

- 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).
Yes it will

- 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 it will not

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

- 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 it will not

LETTER OF INTENT

Letter of Intent

December 2, 2020

Fredrick Sengstacke
2906 Old Austin Peay
Memphis, TN 38127
901-425-8706
fasengstacke@yahoo.com

To Whom This May Concern:

I am writing and submitting to you this letter of intent to rezone the property located at 2906 Old Austin Peay Memphis, TN 38128 along with its inventory and all other assets. We also confirm that effective this 2nd of December of the year 2020 this site will serve for general use as a used car lot and all conditions regarding this location shall take effect in compliance with Shelby County in the state of Tennessee.

There will be no changes to the building regarding consultants associated with any type of development.

There will be no changes of scope of work to be undertaken pursuant to this letter because the original structure will not be changed.

I acknowledge that I am fully responsible for all work performed and shall comply with the adopted codes of Shelby County, TN. This letter of intent shall be filed with the application dated December 2, 2020.

Signature



Date

12 | 2 | 2020

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Fredrick Sengstacke, being duly sworn, depose and say that at 5 p.m./pm on the 29 day of December, 20020, I posted a Public Notice Sign(s) pertaining to Case No. SUP 2020-007 at 2906 Old Auatin Peay (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, X Special Use Permits, Use Variance, Zoning District Map Amendment), 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

12/31/2020
Date

Subscribed and sworn to before me this 31 day of December, 20020.

[Signature]
Notary Public

My commission expires: 2/25/2024



LETTERS RECEIVED

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

**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
_____	_____	COMMITTEE CHAIRMAN



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:

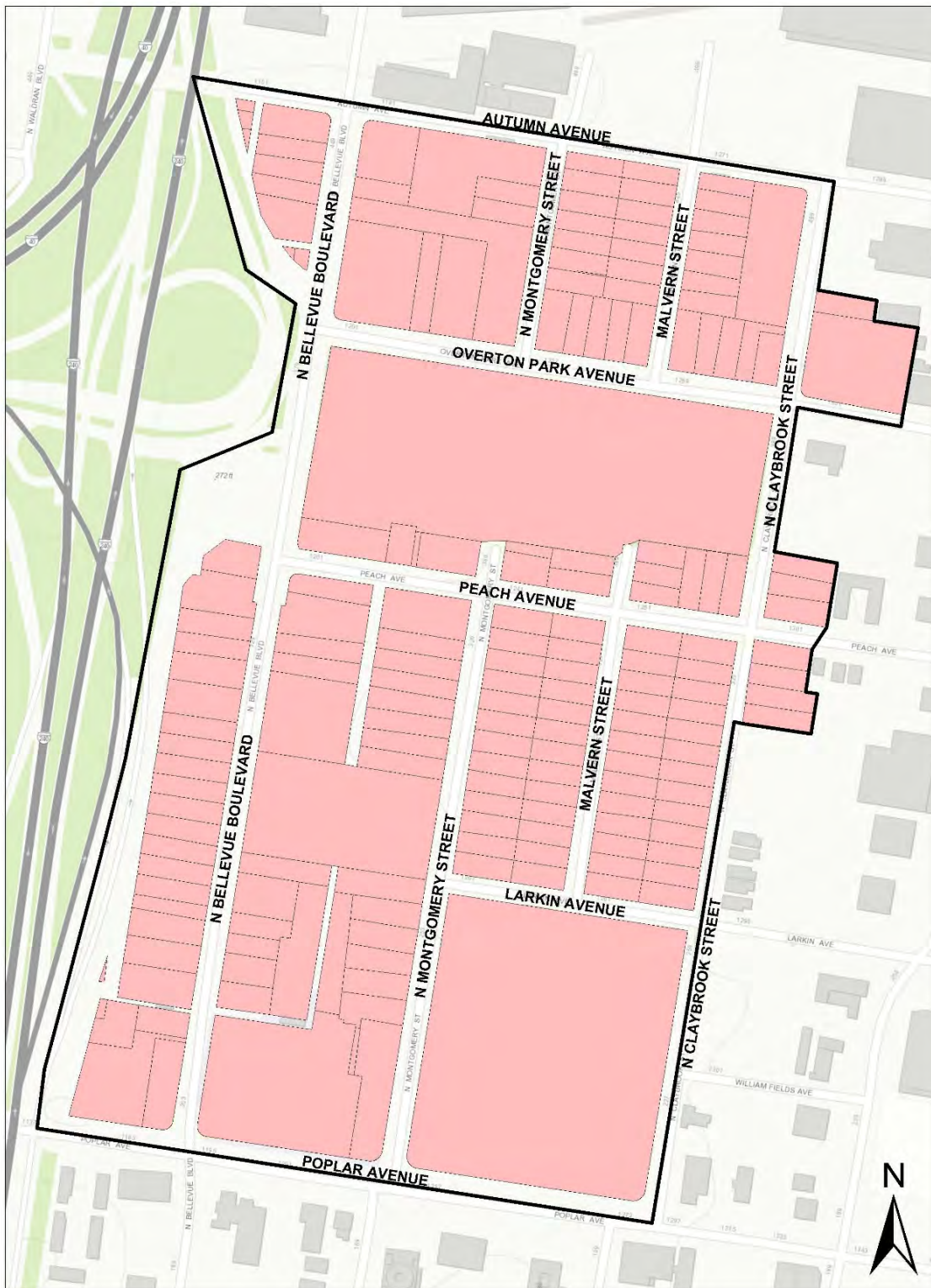
THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

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.

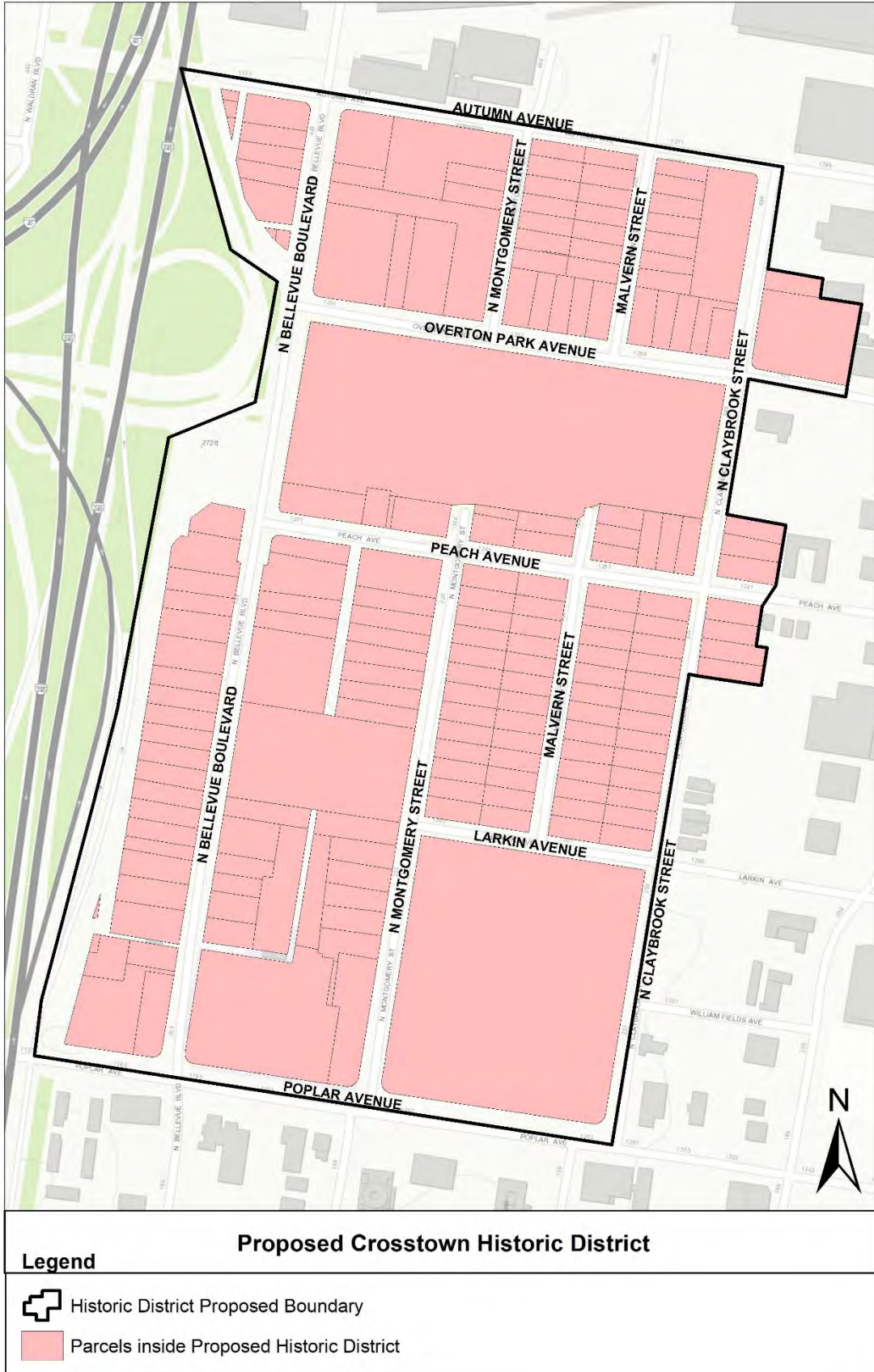
Respectfully,



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:

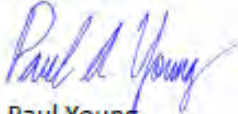
The City of Memphis Division of Housing and Community Development (HCD) desires to retract our letter submitted November 24, 2020 requesting exclusion of the 9.692-acre parcel located at the southeast corner of Bellevue Boulevard and Overton Park Avenue known as "Crosstown Mound" from the proposed Crosstown 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 be 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.

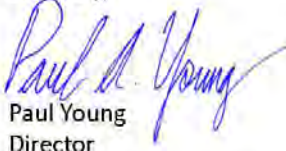
HCD still plans to honor the solution agreed to by the neighborhood and development team. At an appropriate time once the redevelopment's construction is complete, HCD intends to join the Crosstown neighborhood stakeholders in seeking a City ordinance to amend the Crosstown Historic Overlay to

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

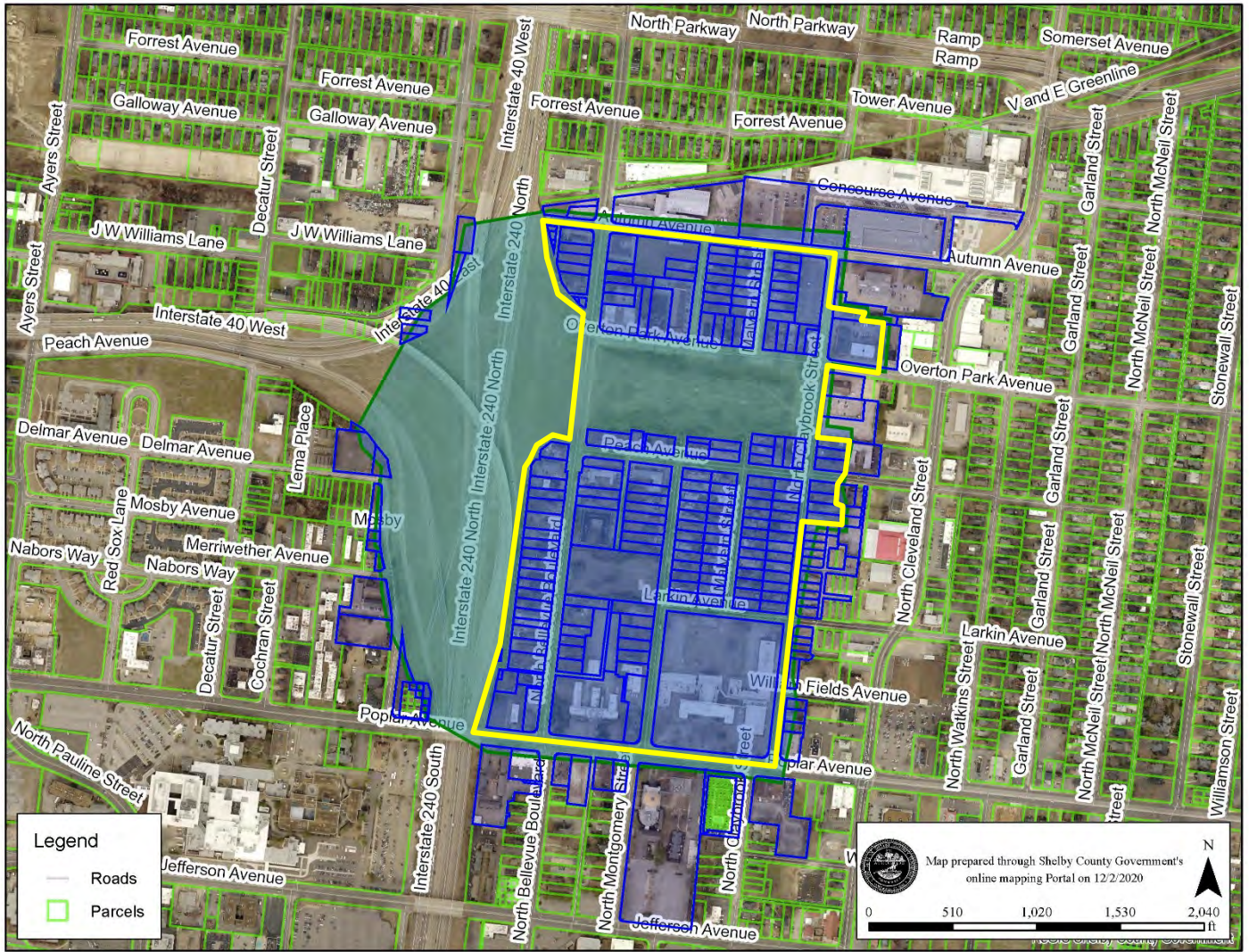
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 260 notices were mailed on November 25, 2020, and a total of 4 signs posted at the subject property. The sign affidavit has been added to this report.

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



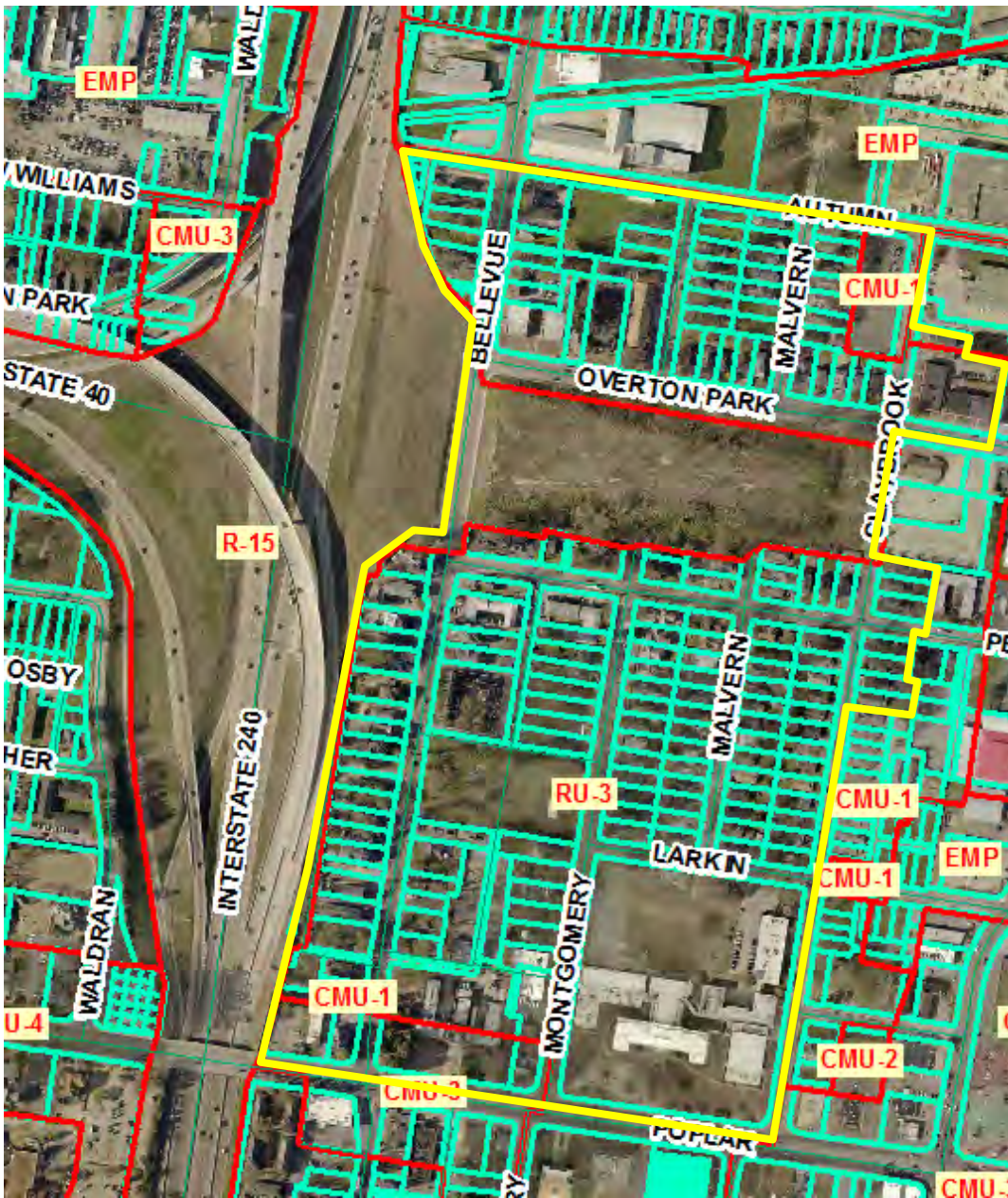
Parcels inside Proposed Historic District

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

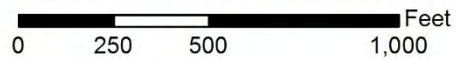
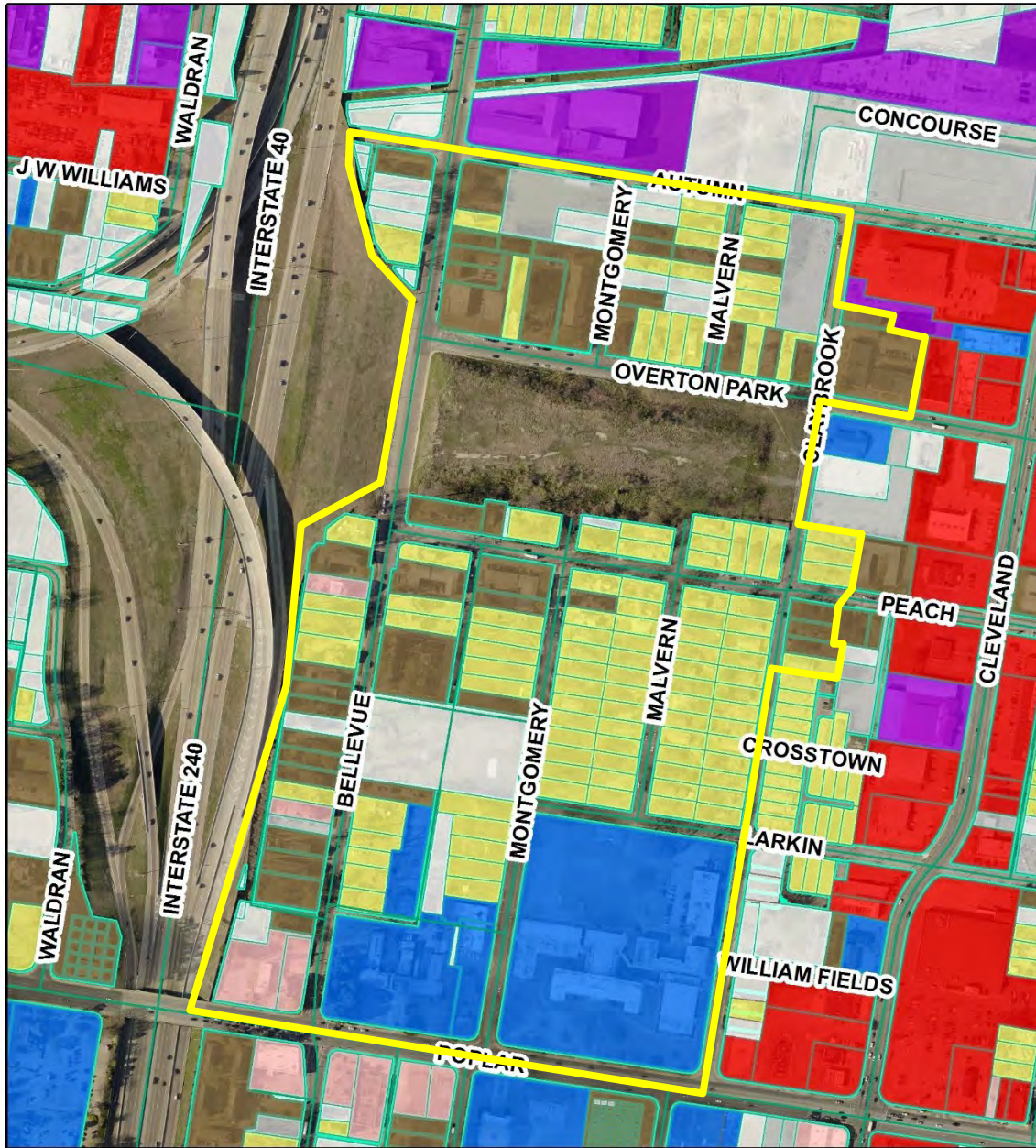
North: Employment (EMP)

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

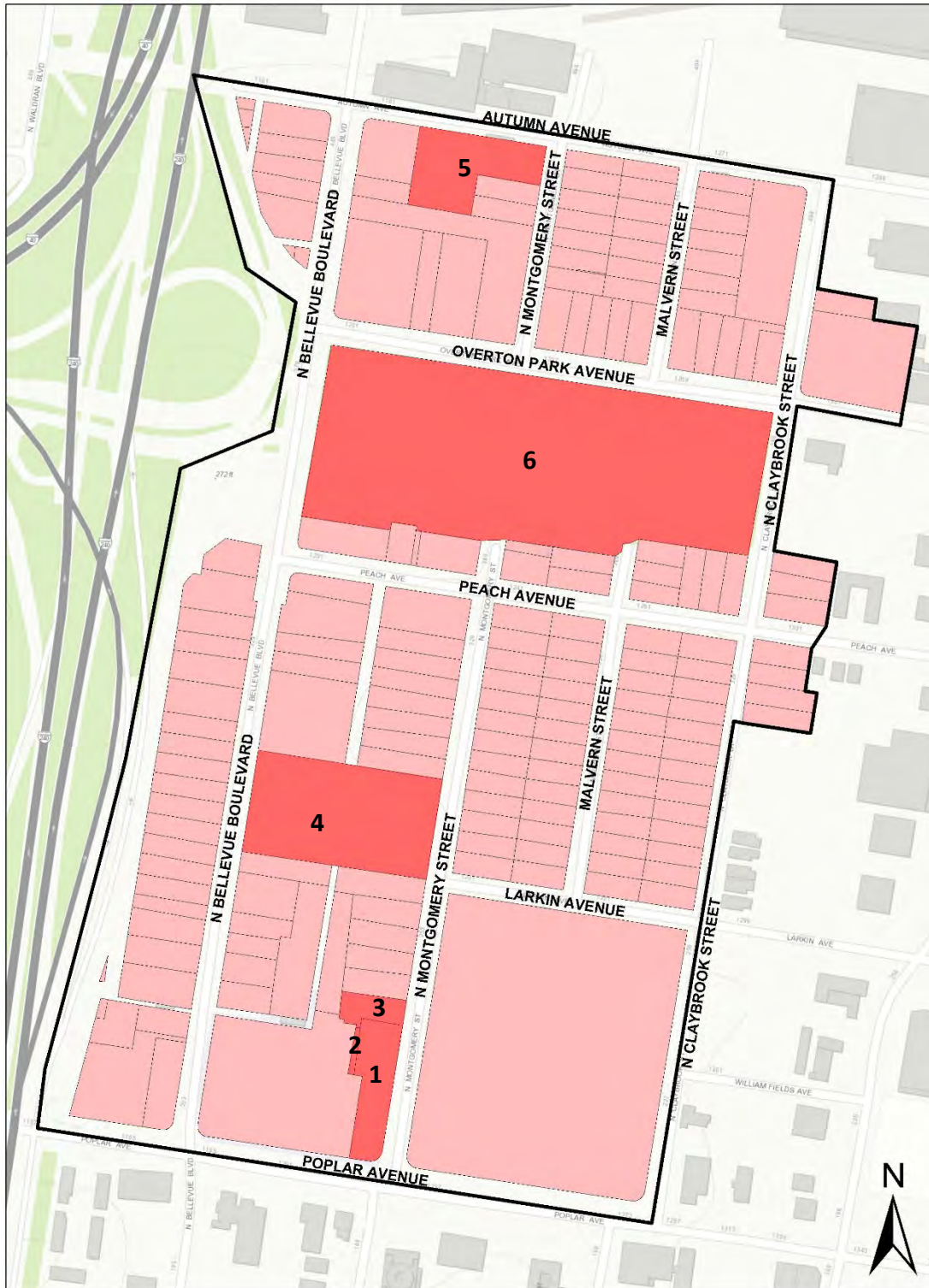
MAP OF EXISTING HISTORIC OVERLAY DISTRICTS



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
- Maxwelton – 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)*

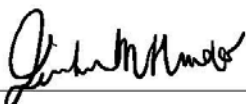
NAME OF PROPOSED DISTRICT: Crosstown Historic District
Jennifer M Amido

APPLICANT: _____
297 N Montgomery St
ADDRESS: _____
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):

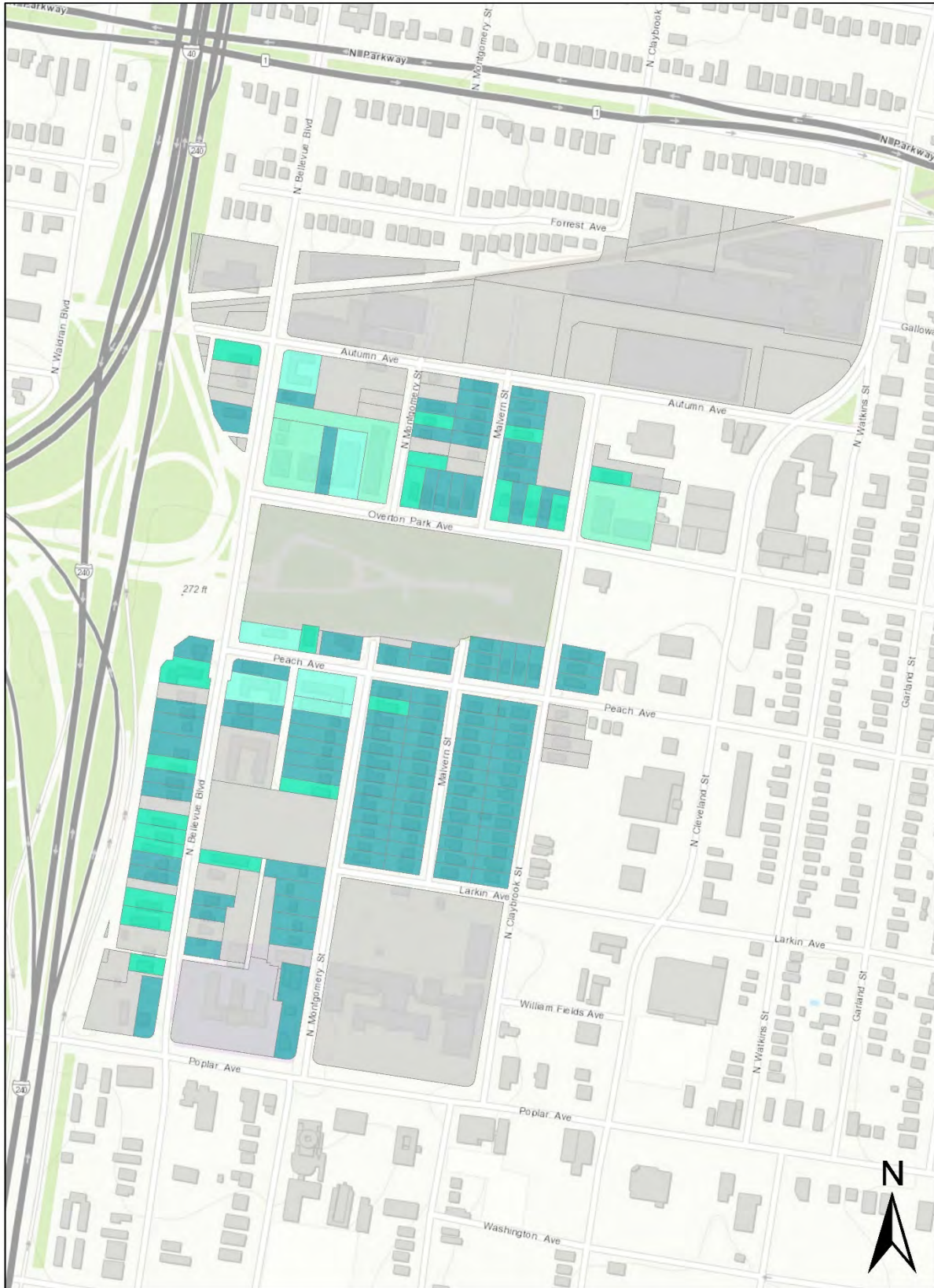
The wide variety of architectural styles, including cornice moldings and friezes, and the characteristic use of such details as the pediment, bay windows, porch canopies, and window grilles. This building exemplifies the style, materials, siting, and window design, with many features characteristic of a wide variety of 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:

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 SEPLES 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

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:

Jennifer M. Amido, MPA

297 N Montgomery St

Memphis TN 38104

1st Edition – September 2020

Edits & Revisions by:

Ivan Tamayo

Jennifer M. Amido, MPA

Sterling Owens, Esq

Special Thanks to Crosstown Community Development

Corporation Board Members:

Porche Stevens

Anna Joy Tamayo

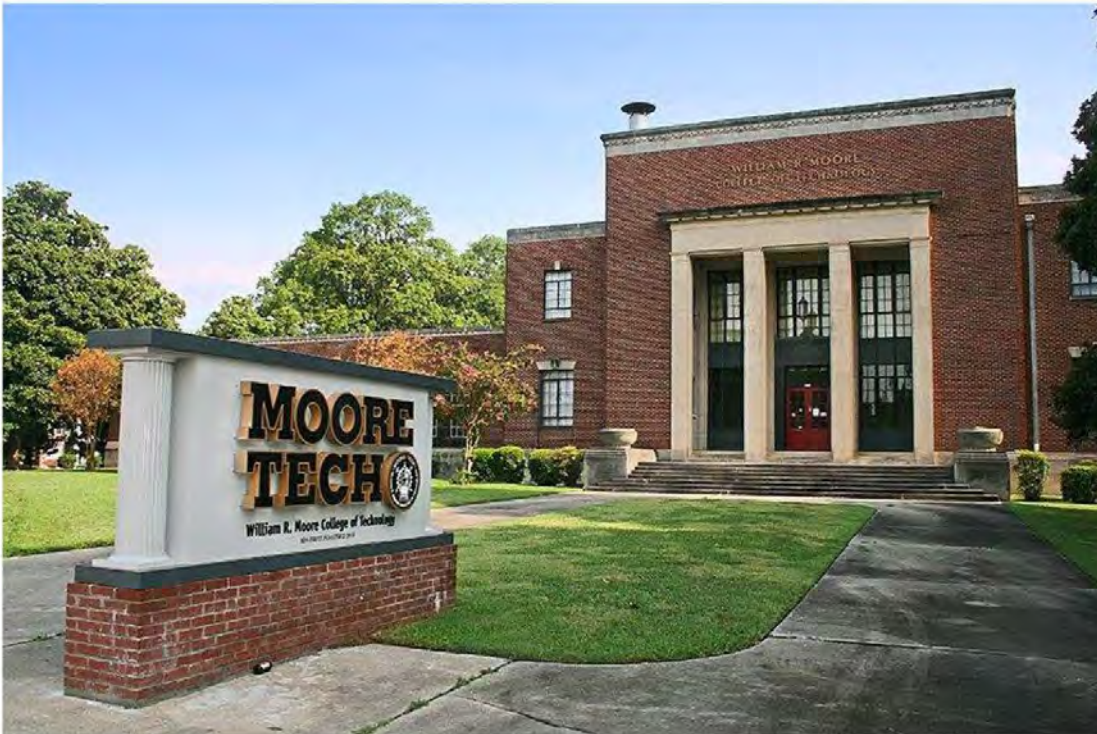
Bianca Phillips

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

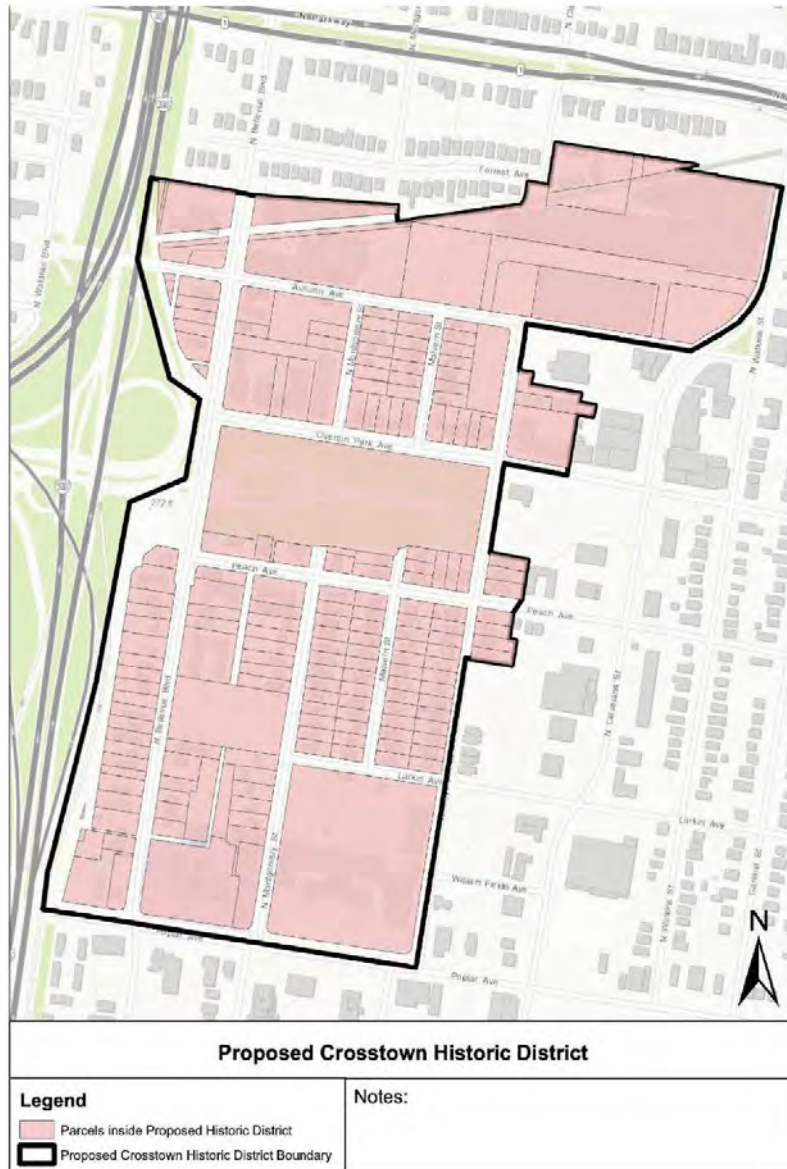
Memphis Landmarks Commission (MLC) was established to protect, enhance and perpetuate structures, districts and elements in the city of historical, cultural, architectural and geographic significance. The MLC consists of nine members who serve as volunteers, all appointed by the City Mayor. It includes 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

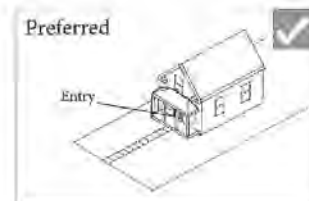
New construction includes the construction or erection of any freestanding structure or improvement on any lot. This includes new construction that uses existing walls and additions to existing buildings. These are subject to review by the Commission pursuant to the Landmarks Ordinance. This review applies 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.

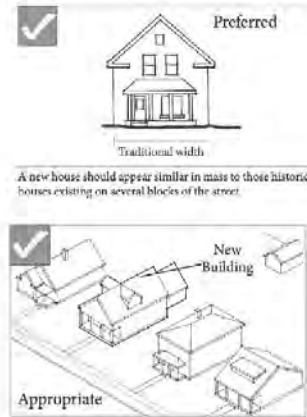
In determining the appropriateness of proposed new construction, the Commission should consider the compatibility and consistency of the proposed design of the new construction with the designs of existing building in terms of the following characteristics:

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.



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. Aniel 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 poplar/clayton ^{Belleme} Autumn / claybrook ^{Belleme} 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. Aniel
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 - ELMY 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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Bill Bullock

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Desi Franklin

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Jackie Nichols

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Linda Sowell

Natasha Strong

June West

Octavia Young

66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

www.facebook.com/MidtownMemphis.MMDC/

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.

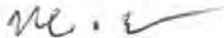
As a property owner since 2006 of the historic Avery house at 305 N. Montgomery, I have witnessed the incredible process of a neighborhood coming back to life. Approval of the historic district status is critical in providing the essential framework of this revitalization.

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.

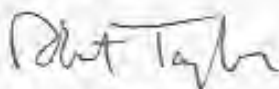
TAXES

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

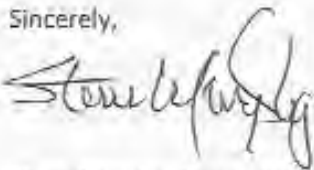
Memphis City Council Members
125 N. Main St
Room 514
Memphis, TN 38103

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.Teziel@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

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**

**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***

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:

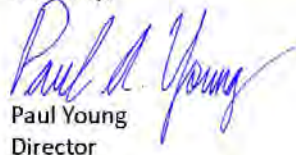
The City of Memphis Division of Housing and Community Development (HCD) is requesting the exclusion of the 9.692-acre parcel located at the southeast corner of Bellevue Boulevard and Overton Park Avenue known as “Crosstown Mound” from the proposed Crosstown Historic District. The City issued a Request 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
MEMPHIS, TENNESSEE 38119-4839

J. LEWIS WARDLAW

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MIDDLE TENNESSEE /
NASHVILLE OFFICE

P.O. Box 168
200 MAIN AVENUE
LEWISBURG, TN 38484

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
Jennifer M Amido
APPLICANT: _____
297 N Montgomery St
ADDRESS: _____
901-619-1764 JenniferAmido@gmail.com
PHONE: _____ **EMAIL:** _____

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: Jennifer M Amido **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

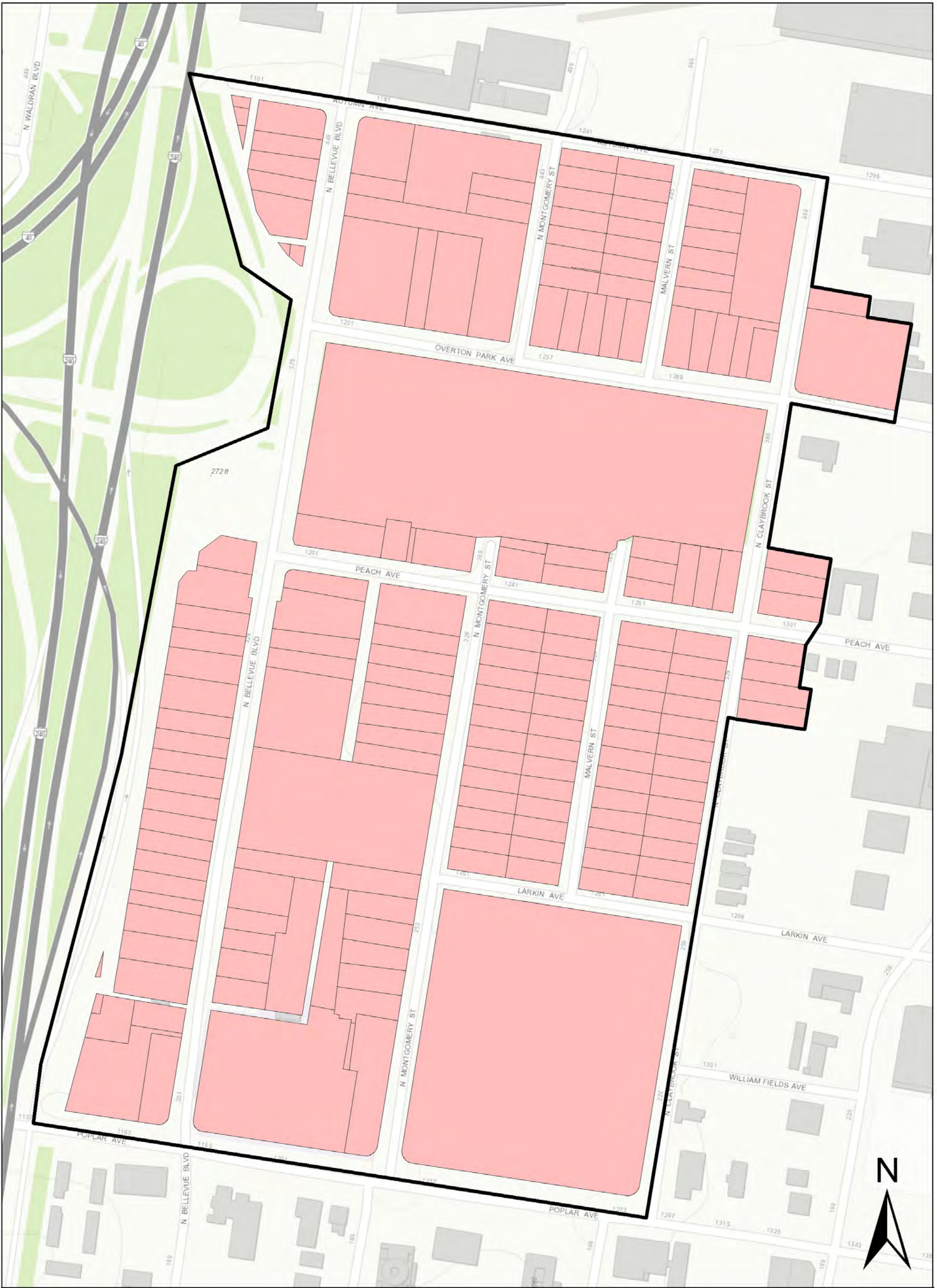
STATEMENT OF HISTORICAL SIGNIFICANCE (please include additional pages if needed):
Please see attached PDF

Date (or period) of Construction:

1890s-1925



Prominent Architect(s)/ Builder(s):

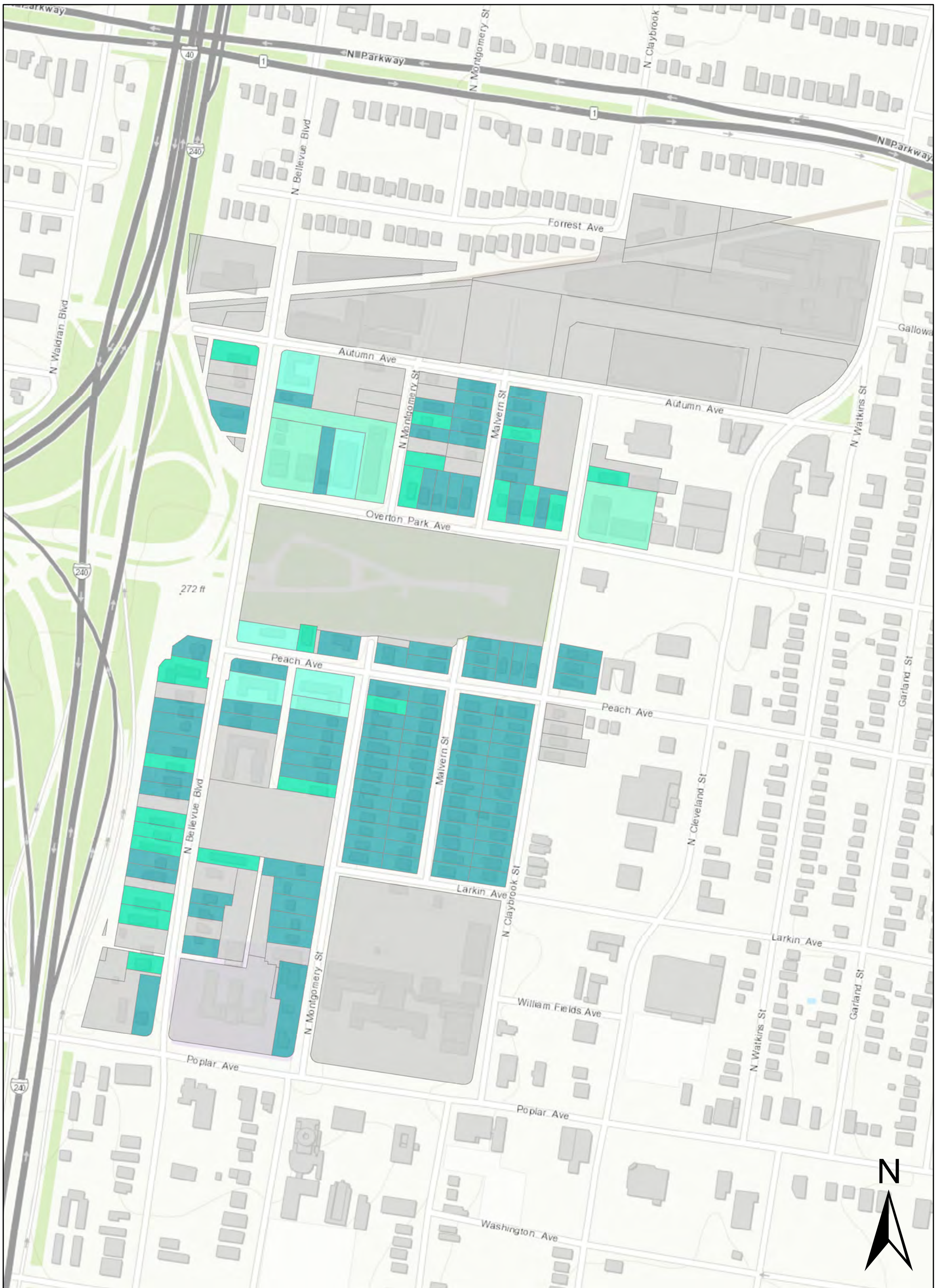
The wide variety of architectural styles includes: cornice heights and massing, and the characteristic use of such details as front porches, bay windows, porte cocheres, and leaded glass. The building materials include brick, limestone, stucco, clapboard, and wooden shingles, with many houses constructed 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
	 2 to 9	 More than 20
	 Other	

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:

Jennifer M. Amido, MPA

297 N Montgomery St

Memphis TN 38104

1st Edition – September 2020

Edits & Revisions by:

Ivan Tamayo

Jennifer M. Amido, MPA

Sterling Owens, Esq

Special Thanks to Crosstown Community Development

Corporation Board Members:

Porche Stevens

Anna Joy Tamayo

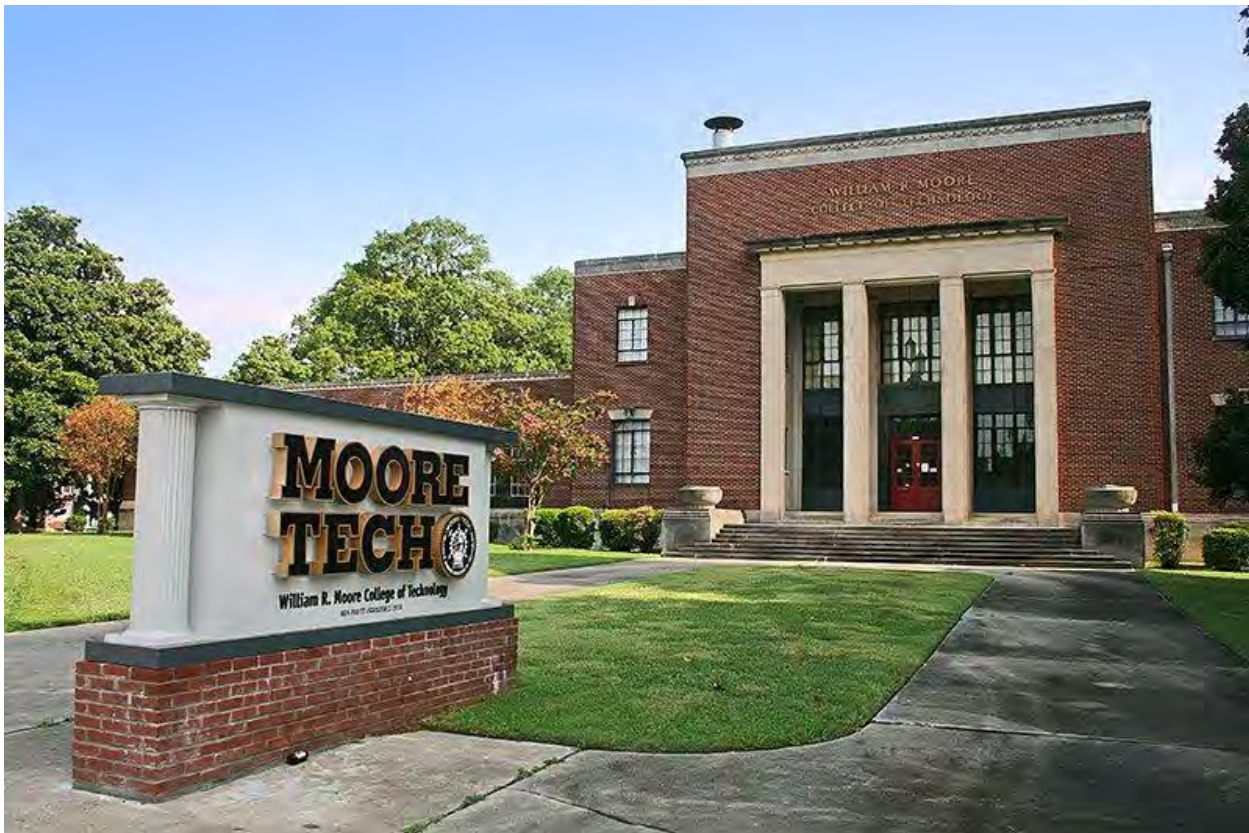
Bianca Phillips

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.

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

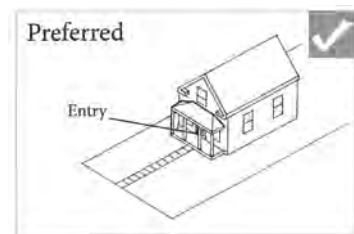
New construction includes the construction or erection of any freestanding structure or improvement on any lot. This includes new construction that uses existing walls and additions to existing buildings. These are subject to review by the Commission pursuant to the Landmarks Ordinance. This review applies 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

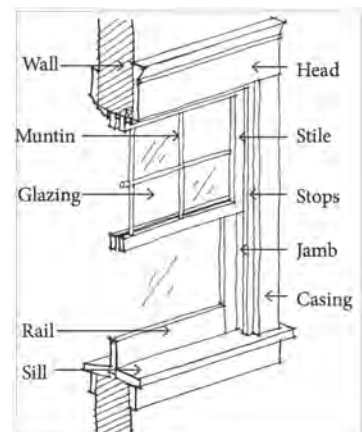
- The incorporation of a porch in the design of a new house is strongly encouraged. Porch elements should be similar to those traditionally see.
- The depth of the porch should be a minimum of eight feet (8') so it is of sufficient size to be usable as outdoor living space.
- The design of a porch should 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.

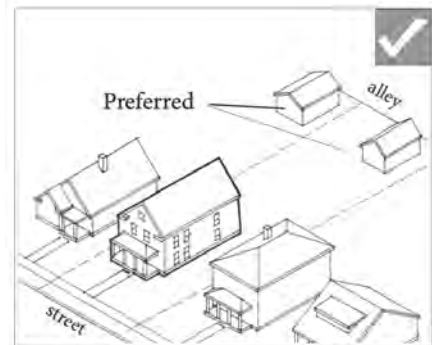
Alternate materials such as composite wood and fiberglass will be considered. Some vinyl products may be appropriate when they work well with the inset and sash components which have substantial dimensions.

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=>

CROSSTOWN GROUP LLC
7500 CAPITAL DR
MEMPHIS, TN 38141

FOUR HUNDRED BELLEVUE LLC
100 PEABODY PL STE 1300
MEMPHIS, TN 38103

JULIOT JACOB & SYDNEY SEPULVEDA
300 MALVERN ST
MEMPHIS, TN 38104

LOUIS KIM AND KAI LOUIS
2582 MOONBEAM RD
MILLINGTON, TN 38053

MIDTOWN RESTORATION LLC AND RED
DOOR MEMPHIS LLC
1268 SLEDGE AVE
MEMPHIS, TN 38104

IVAN & ANNA JOY TAMAYO
294 N MONTGOMERY ST
MEMPHIS, TN 38104

CLARA E & JACOB WALZ
319 CLAYBROOK ST
MEMPHIS, TN 38104

ADRIENNE TAYLOR
325 N CLAYBROOK ST
MEMPHIS, TN 38104

ALLEN CHARLES
315 N CLAYBROOK ST
MEMPHIS, TN 38104

AYERS JEFFREY T
299 N MONTGOMERY ST
MEMPHIS, TN 38104

BAKINVESTMENTS LLC
6942 AUTUMN OAKS DR
OLIVE BRANCH, MS 38654

BD OF EDUCATION CITY OF MPHS
1266 POPLAR AVE
MEMPHIS, TN 38104

BEN BUTLER
2170 MONROE AVE
MEMPHIS, TN 38104

BENJAMIN J BUTLER & LAUREL SUCSY
2170 MONROE AVE
MEMPHIS, TN 38104

BLANDA PAUL J
1242 OVERTON PARK AVE
MEMPHIS, TN 38104

BRAZELL TERRY L & LINDA
1254 OVERTON PARK AVE
MEMPHIS, TN 38104

BROWN JULIA B
309 MALVERN ST
MEMPHIS, TN 38104

BRUNO DAVID M SR
285 N CLAYBROOK ST
MEMPHIS, TN 38104

CALICO KENDRA
2800S MENDENHALL RD
MEMPHIS, TN 38115

CAO PHONG
279 N CLAYBROOK ST
MEMPHIS, TN 38104

CASEY CANDACE M AND ALVIN CASEY
5130 DURANT ST
MEMPHIS, TN 38116

CHARLES & PRISCILLA TIMS
316 N BELLEVUE BLVD
MEMPHIS, TN 38105

CHILDRENS BUREAU INC
868 N MANASSAS ST
MEMPHIS, TN 38107

CINDY-JARVIS LIMITED L P
1174 POPLAR AVE
MEMPHIS, TN 38105

CO OF SHELBY & CITY OF MEMPHIS
125 N MAIN ST
MEMPHIS, TN 38103

CORPORATE AIR INC
468 N BELLEVUE BLVD
MEMPHIS, TN 38105

COTTONWOOD DEVELOPMENTS LLC
6160 FAIRLAWN CV
OLIVE BRANCH, MS 38654

COX ANNA B
305 MALVERN ST
MEMPHIS, TN 38104

CROSSTOWN GROUP LLC
7500 CAPITAL DR
MEMPHIS, TN 38141

DACUS DONNIE W & CAROLYN A
1983 WIRLEY LN
CORDOVA, TN 38016

DANIEL JOHN & CARLA AND IRA
INNOVATIONS
PO BOX 681742
FRANKLIN, TN 37068

DAVONDA O ROBERTS
252 N BELLEVUE BLVD
MEMPHIS, TN 38105

DEEPER WALK MINISTRIES INC
316 N BELLEVUE BLVD
MEMPHIS, TN 38105

DILLMAN CHRISTIE A
285 MALVERN ST
MEMPHIS, TN 38104

DJJS INVESTMENTS LLC
15804 SE 24TH ST
BELLEVUE, WA 98008

DONALD GRUNDEN
290 N MONTGOMERY ST
MEMPHIS, TN 38104

DOOR OF HOPE INC
PO BOX 40387
MEMPHIS, TN 38174

DOSHIER EDITH
417 N BELLEVUE BLVD
MEMPHIS, TN 38105

DOWNTOWN MEMPHIS MINISTRY INC
1940 MADISON AVE AVE
MEMPHIS, TN 38104

DP MEMPHIS PROPERTY I LLC
1623 S ST NW
WASHINGTON, DC 20009

ELMI YASIN H & ISTARLADEN F
MOHAMED
264 N MONTGOMERY ST
MEMPHIS, TN 38104

EMMANUEL & JENNIFER M AMIDO
297 N MONTGOMERY ST
MEMPHIS, TN 38104

EQUITY TRUST CO CUSTODIAN
PO BOX 1529
ELYRIA, OH 44036

ESTATE OF JAMES & LINDA DOYLE
1276 OVERTON PARK AVE
MEMPHIS, TN 38104

FENNER BERNICE B
348 N CLAYBROOK ST
MEMPHIS, TN 38104

FOUR HUNDRED BELLEVUE LLC
100 PEABODY PL
MEMPHIS, TN 38103

GEETER EARTHA I
266 MALVERN ST
MEMPHIS, TN 38104

GIPSON JAYNE P
263 N CLAYBROOK
MEMPHIS, TN 38104

GOFF SAM & SARA
143 CLARK PL
MEMPHIS, TN 38104

GOLDATE ALIS AND CHARLES BUEHL JR
1921 HIDDEN OAKS DR
GERMANTOWN, TN 38138

GORFEL PRODUCTIONS
22 N FRONT ST STE 1055
MEMPHIS, TN 38103

GRACE HOUSE OF MEMPHIS
329 N BELLEVUE BLVD
MEMPHIS, TN 38105

GREENE PROPERTIES LLC
3820 SEDGWICK AVE
BRONX, NY 10463

HAYNES CHRIS AND MONIKA BIXBY (RS)
326 MALVERN ST
MEMPHIS, TN 38104

HINES RAYFIELD
306 MALVERN ST
MEMPHIS, TN 38104

HOLMAN ANDRE
295 MALVERN ST
MEMPHIS, TN 38104

HUYNH DUY
274 N MONTGOMERY ST
MEMPHIS, TN 38104

IMRAN MIRZA
9614 MISTY BROOK CV
CORDOVA, TN 38016

JEFFRESS STEVEN
303 N BELLEVUE BLVD
MEMPHIS, TN 38105

JERROLD DANIEL
286 MALVERN ST
MEMPHIS, TN 38104

JOCELYN HENDERSON
200 JEFFERSON AVE STE 1500
MEMPHIS, TN 38103

JONES STEPHEN R & PEGGY J
299 MALVERN ST
MEMPHIS, TN 38104

JORDAN MATTHEW & JULLIES D
237 N BELLEVUE BLVD
MEMPHIS, TN 38105

KA AZ SPENCER
426 N MONTGOMERY ST
MEMPHIS, TN 38104

KEOKANLAYA NAOVALATH
2496 WOOD HILL DR
HORN LAKE, MS 38637

KING FRENCHIE
410 MALVERN ST
MEMPHIS, TN 38104

LE HEN Q AND HUY H LE
352 N CLAYBROOK ST
MEMPHIS, TN 38104

LE TUYEN NGOC
265 MALVERN ST
MEMPHIS, TN 38104

LOTT RICKEY D
238 N BELLEVUE BLVD
MEMPHIS, TN 38105

LOVE GREGORY J
320 MALVERN ST
MEMPHIS, TN 38104

LUIS E GONZALEZ & KARIMNIA MARY J
1350 CONCOURSE AVE APT 761
MEMPHIS, TN 38104

MARGARET A BENDER
309 N MONTGOMERY ST
MEMPHIS, TN 38104

MARGARET E BOWDEN
1305 PEACH ST
MEMPHIS, TN 38104

MARK PRESCOTT
293 N BELLEVUE BLVD
MEMPHIS, TN 38105

MARTIN LAWRENCE
3247 PATRICIA ELLEN DR
MEMPHIS, TN 38133

MCDIVITT DANNY P
340 MALVERN ST
MEMPHIS, TN 38104

MCELROY WILLIAM N JR
325 MALVERN ST
MEMPHIS, TN 38104

MCKINNIE ROBERT
2410 NDJAMENA PL
DULLES, VA 20189

MCLEOD LISA & MARK
2440 KENWOOD LN
BARTLETT, TN 38134

MEEK LARRY R
3106 DIXON RD
DURHAM, NC 27707

MEMPHIS APARTMENT INVESTMENT
LLC
6745 LENOX CENTER
MEMPHIS, TN 38115

MEMPHIS CENER CITY REVENUE
FINANCE CORP
114 N MAIN ST
MEMPHIS, TN 38103

MEMPHIS RECOVERY CENTERS INC
1234 POPLAR AVE
MEMPHIS, TN 38104

MGR OVERTON LLC
100 PEABODY PL
MEMPHIS, TN 38103

MOORE WILLIAM R SCHOOL OF TECH
1200 POPLAR AVE
MEMPHIS, TN 38104

MULLINS B A JR AND DOUGLAS C
MULLINS (RS)
328 N BELLEVUE BLVD
MEMPHIS, TN 38105

NAPIER WILLIAM & PAT
2780 KEASLER CIR
GERMANTOWN, TN 38139

NATE & ANNA JOY ROGERS
1673 GALLOWAY AVE
MEMPHIS, TN 38112

PAPPAS KEVIN T
309 N CLAYBROOK ST
MEMPHIS, TN 38104

PARIS MANAGEMENT LLC
PO BOX 3385
MEMPHIS, TN 38173

PATTON VICKI
305 N CLAYBROOK ST
MEMPHIS, TN 38104

PHILLIPS WILLIAM R JR
2809 KIRBY PK WY
MEMPHIS, TN 38119

PRAY OUTREACH MINISTRIES
7089 LENEAGLES DR
MEMPHIS, TN 38141

REESE WILLIAM A & LINDA L
310 N MONTGOMERY ST
MEMPHIS, TN 38104

RIVER CITY RENTAL HOUSING LLC
119 S MAIN ST
MEMPHIS, TN 38103

ROBIN ROUND LLC
100 PEABODY PL
MEMPHIS, TN 38103

ROBINSON MARK
661 WALKER AVE
MEMPHIS, TN 38126

ROBINSON MICHAEL D
935 BLANCHARD RD
MEMPHIS, TN 38116

SADLER JAMES E AND KIMBERLY C
HODGSON
61 VIKING DR
CORDOVA, TN 38018

SAENZ AARON
269 MALVERN ST
MEMPHIS, TN 38104

SALAT SHENNA
24 W GEORGIA AVE
MEMPHIS, TN 38103

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

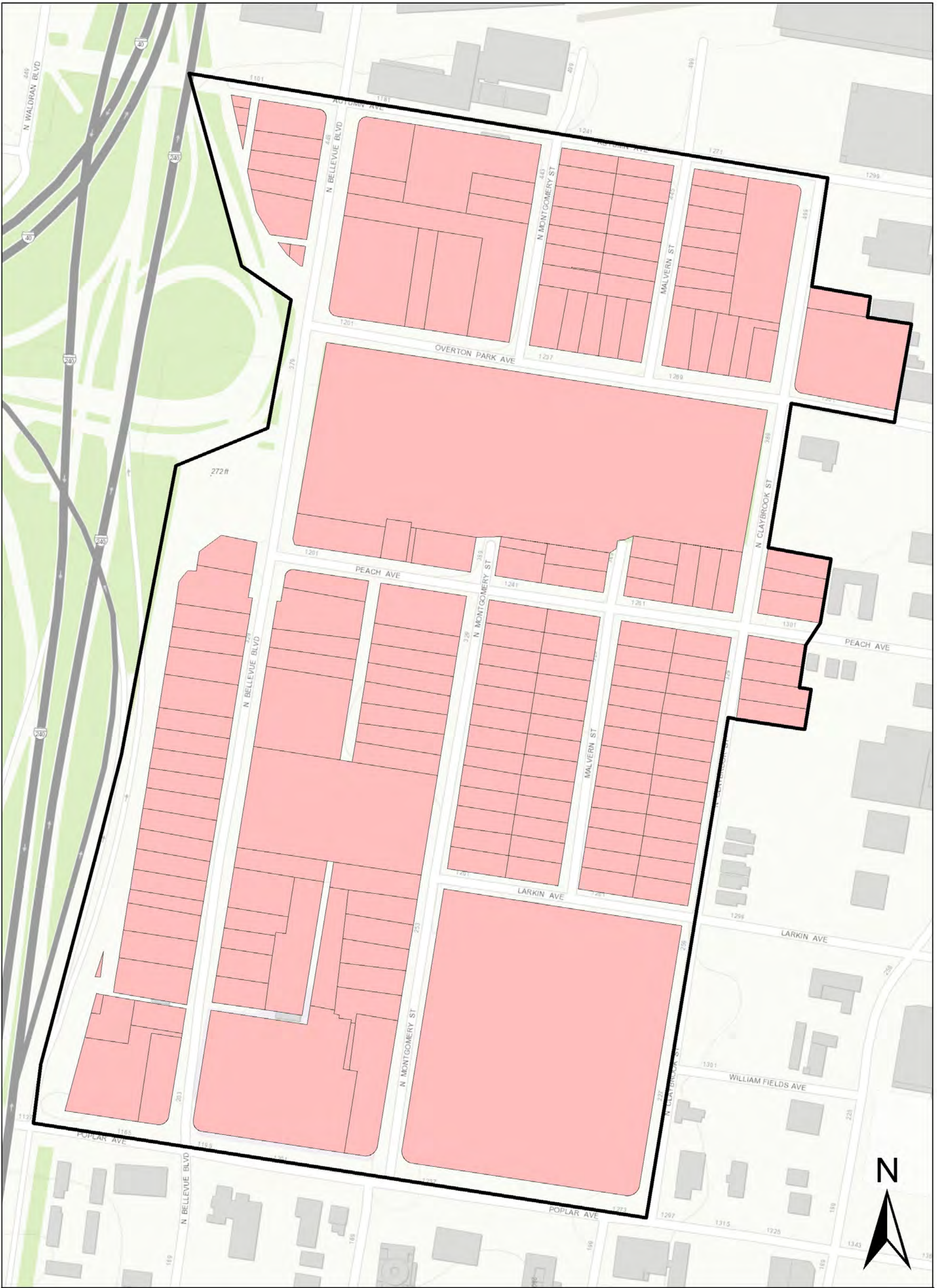
WEST CECELIA
419 MALVERN ST
MEMPHIS, TN 38104

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

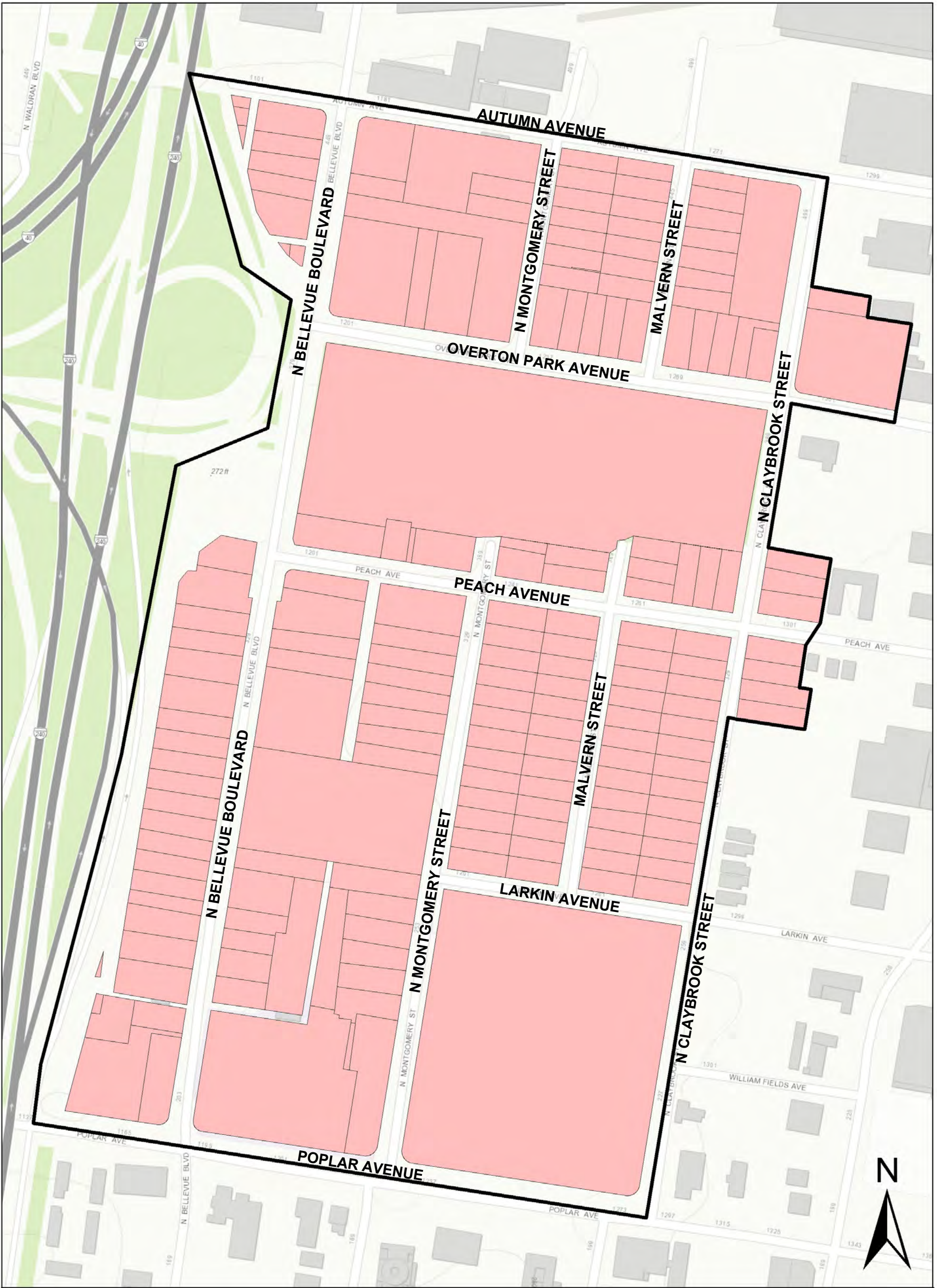
Owner Name: MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION
Property Address: 500 CLAYBROOK ST
Parcel ID: 020016 00017

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:




Legend

- polylineLayer
- Override 1
- polygonLayer
- Override 1
- polylineLayer
- Override 1
- Roads
- Parcels


 Map prepared through Shelby County Government's online mapping Portal on 11/6/2020

0 0.06 0.12 0.18 0.24
 mi

N


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
COX 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
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MEMPHIS, TN 38104

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7270 RYAN HILL
MILLINGTON, TN 38053

TONGA PROPERTIES
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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**
 _____ **COMMITTEE CHAIRMAN**



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:

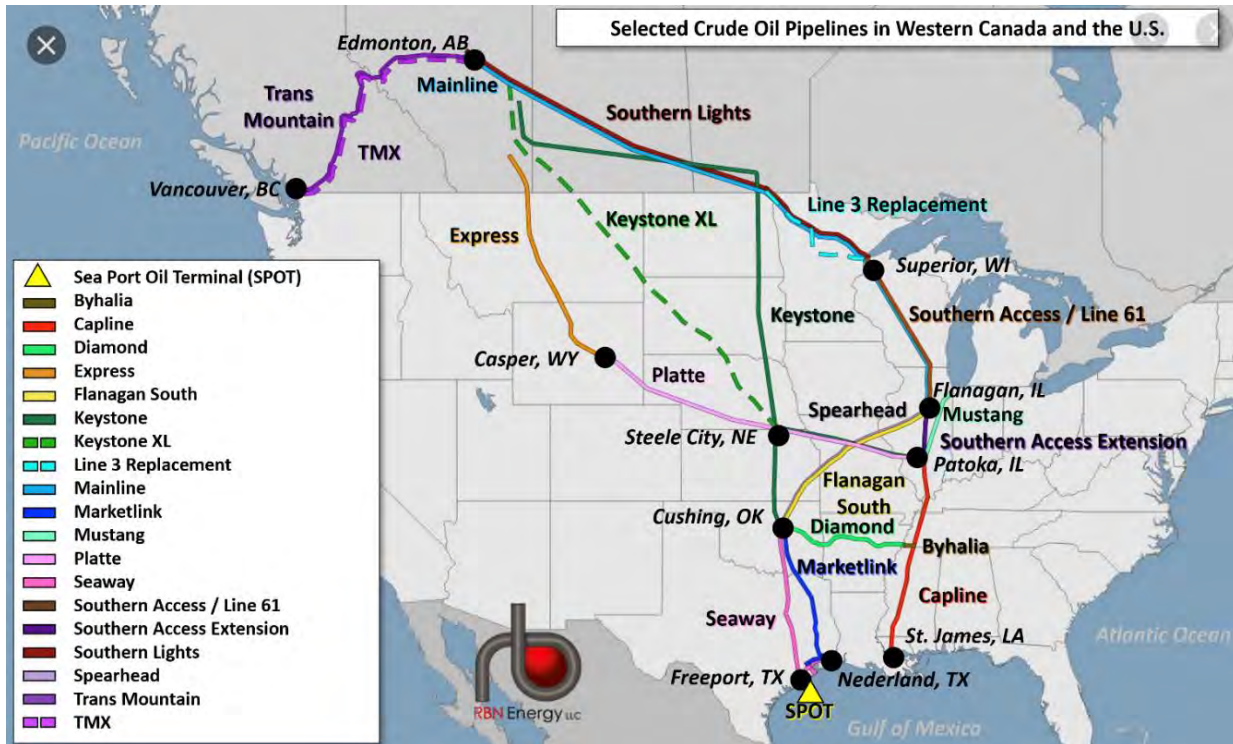
OIL PIPELINE: any tube, usually cylindrical, through which petroleum flows from one point to another.

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

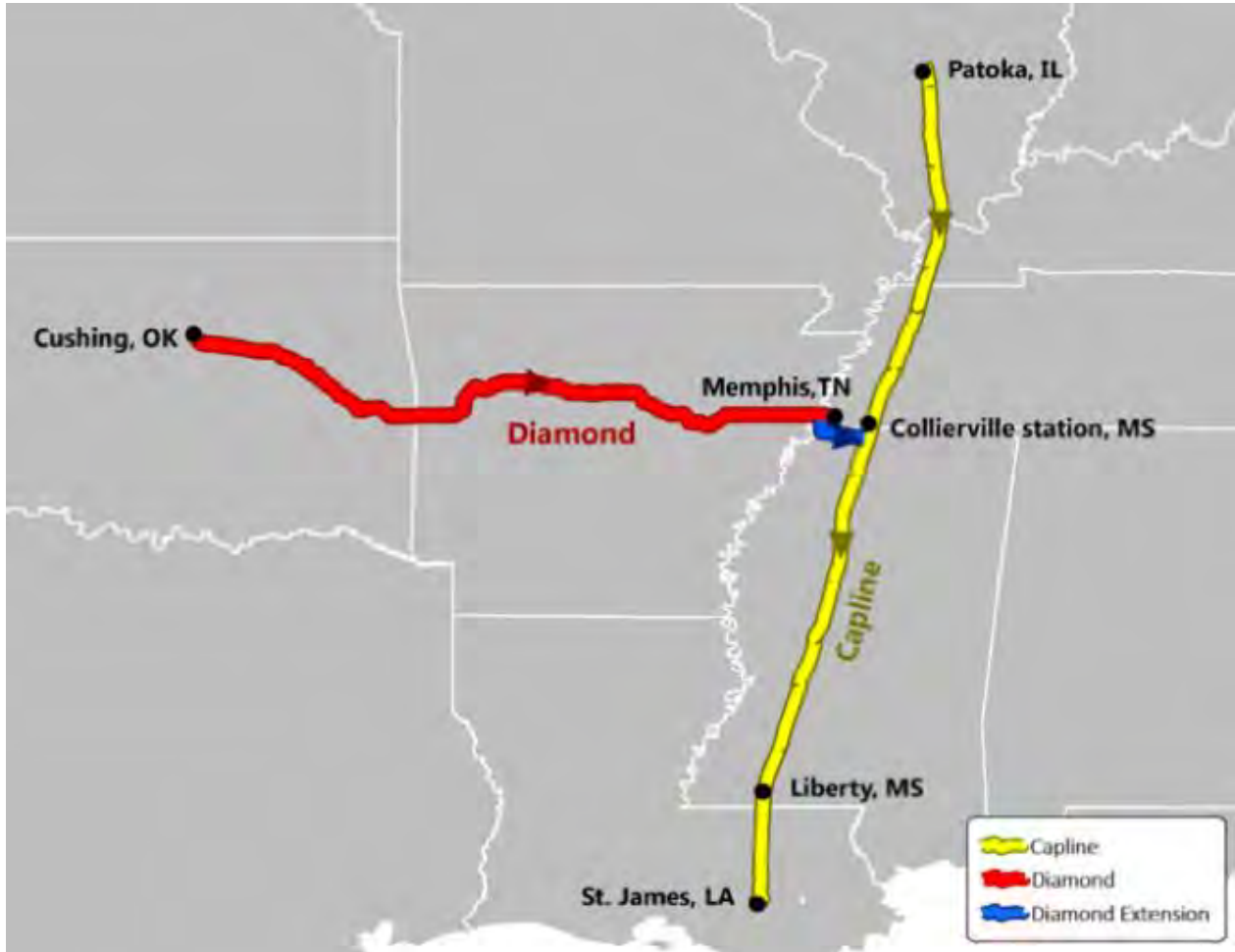
RECOMMENDATION: *Approval*

Map of the Proposed Byhalia Connection Pipeline (National)



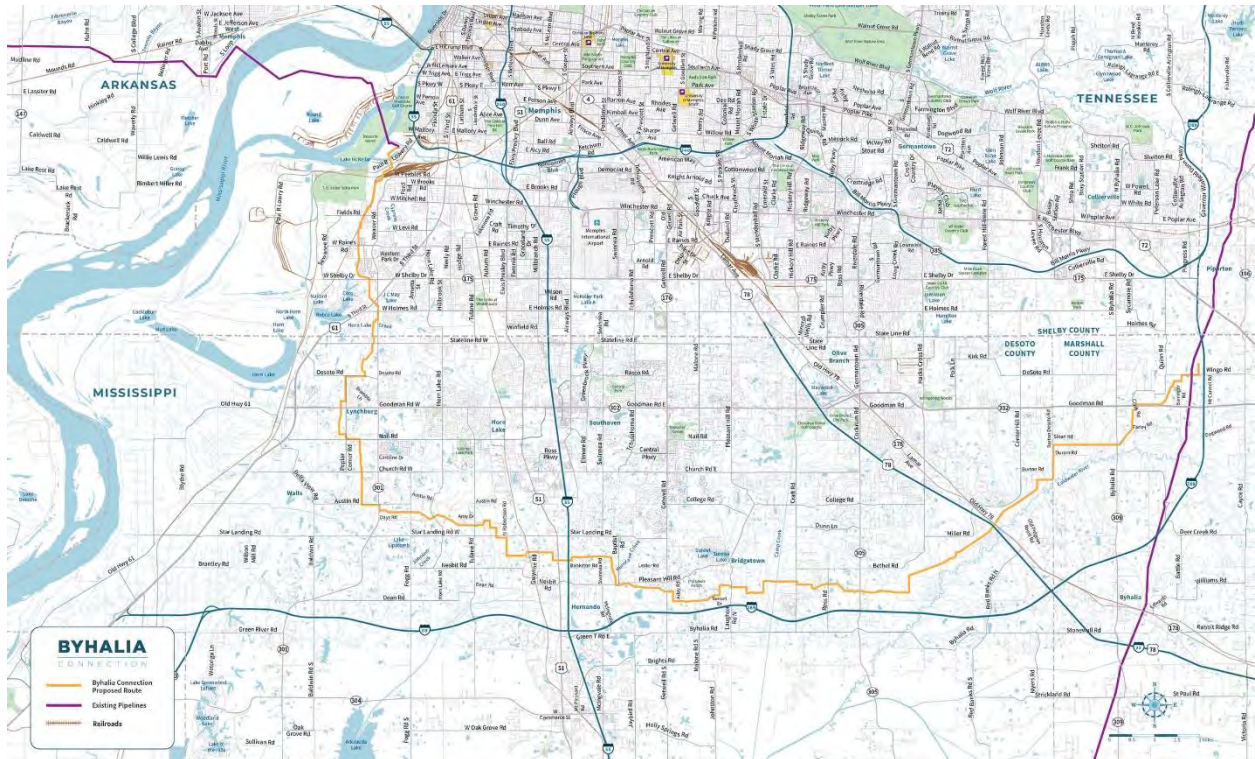
The proposed Byhalia Connection Pipeline is shown on this map connected two existing oil pipelines: the Diamond Pipeline, which runs east from Cushing, OK, to the Valero refinery in South Memphis and the Capline Pipeline, a north-side pipeline which runs from Illinois to Louisiana through Marshall County, MS (near Byhalia). *Map courtesy of RBN Energy.*

Map of the Proposed Byhalia Connection Pipeline (Regional)



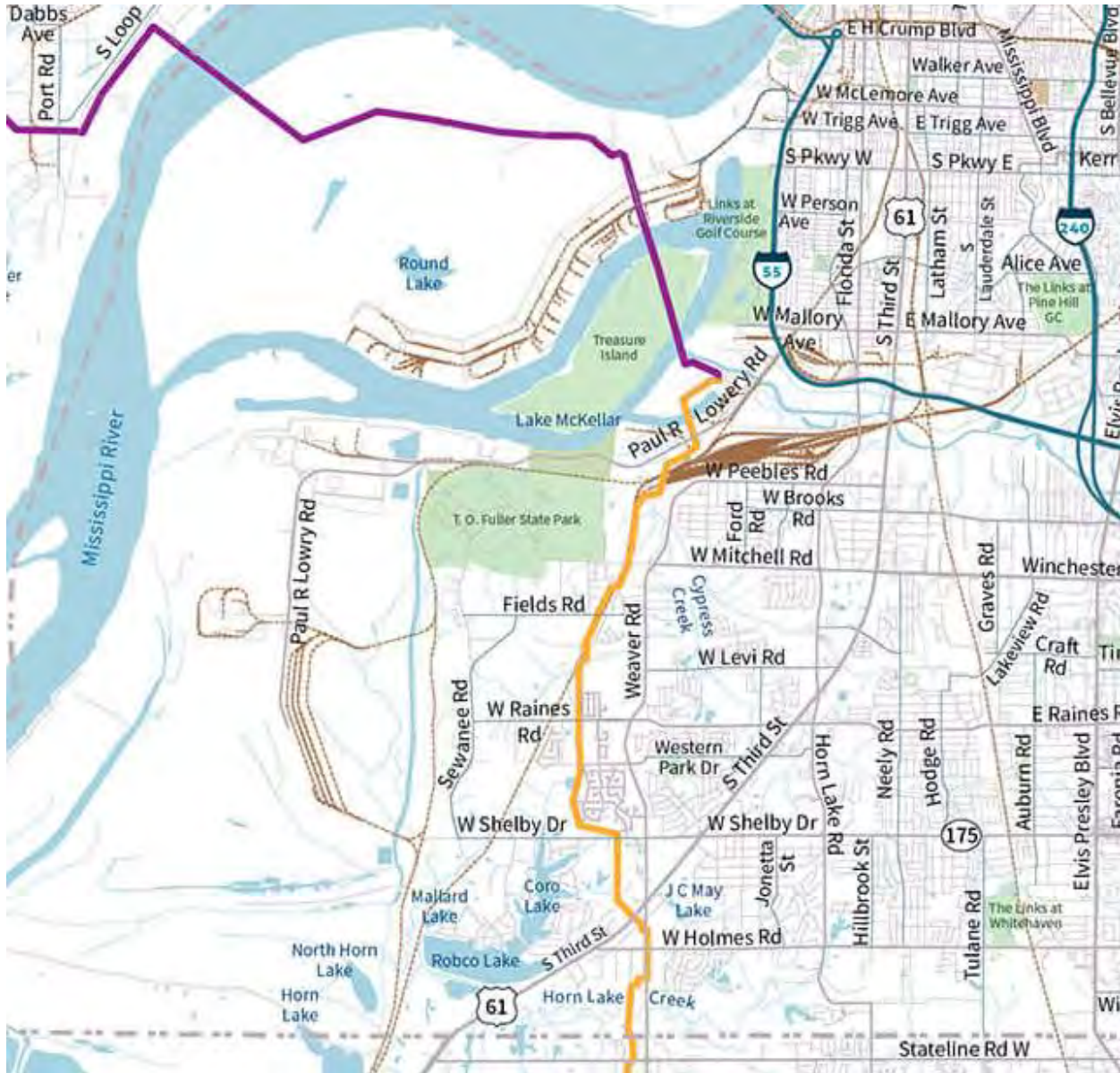
This map shows a closer view of the proposed Byhalia Connection Pipeline, which at one point was known as the “Diamond Extension.” “Collierville Station” is actually not in Collierville but in unincorporated Marshall County west of Byhalia. *Map courtesy of Marathon Pipe Line, LLC.*

Map of the Proposed Byhalia Connection Pipeline (Metropolitan)



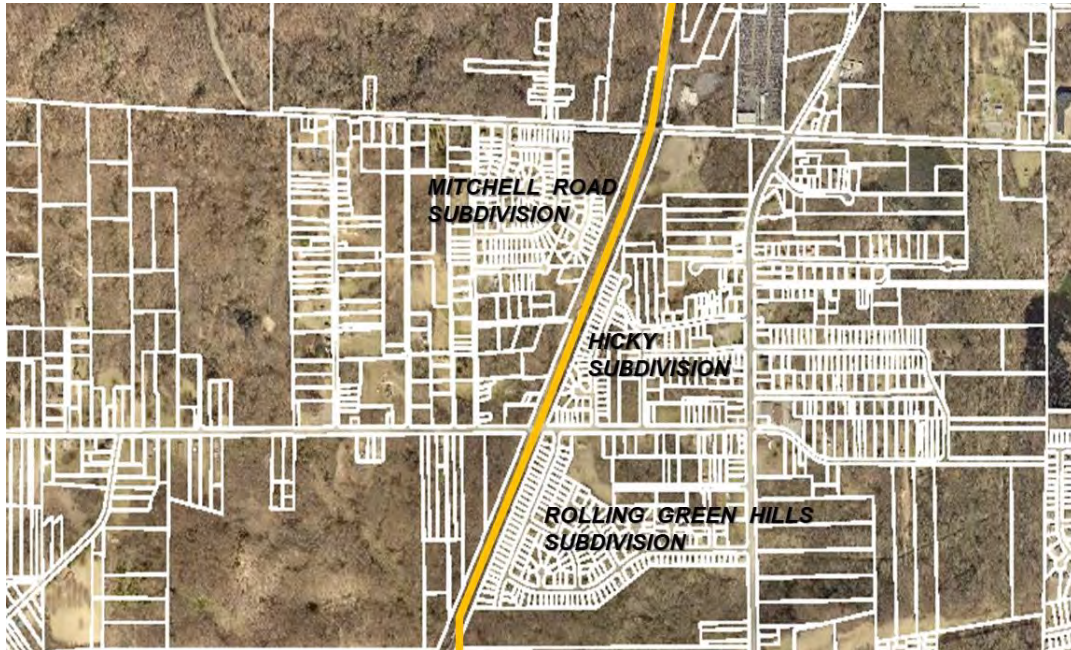
This map shows the route of the proposed Byhalia Connection Pipeline in Shelby, DeSoto and Marshall Counties. The route is indicated in orange on this map. Existing oil pipelines are shown in purple on the far left and right sides of this map. The pipeline on the left is the Diamond Pipeline, which currently 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)

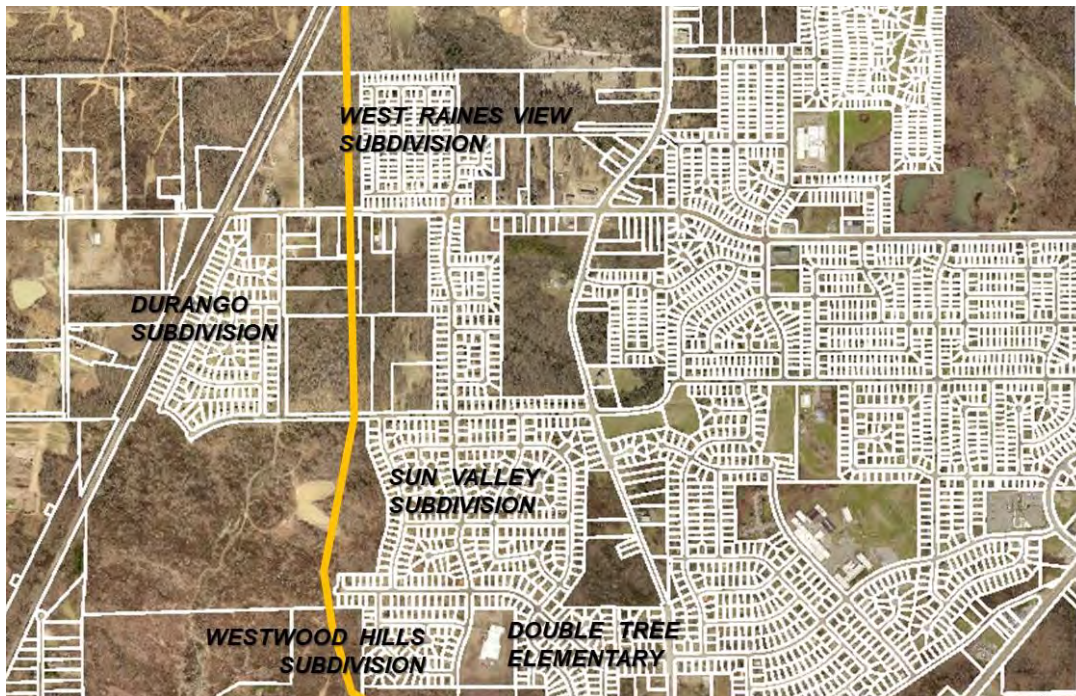


The existing Diamond Pipeline, shown in purple on this map, runs under the Mississippi River, President's Island and McKellar Lake and terminates at the Valero Refinery on Mallory, just south of Dr. Martin Luther King Jr. Riverside Park. The proposed Byhalia Connection Pipeline, shown in orange, would 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

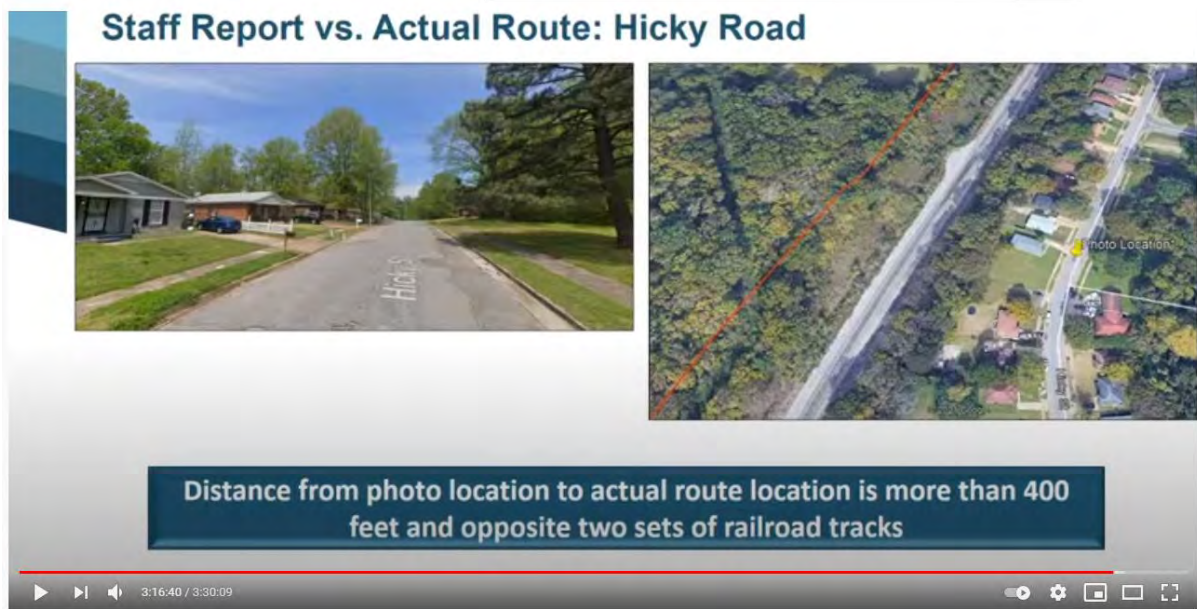
This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.



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.

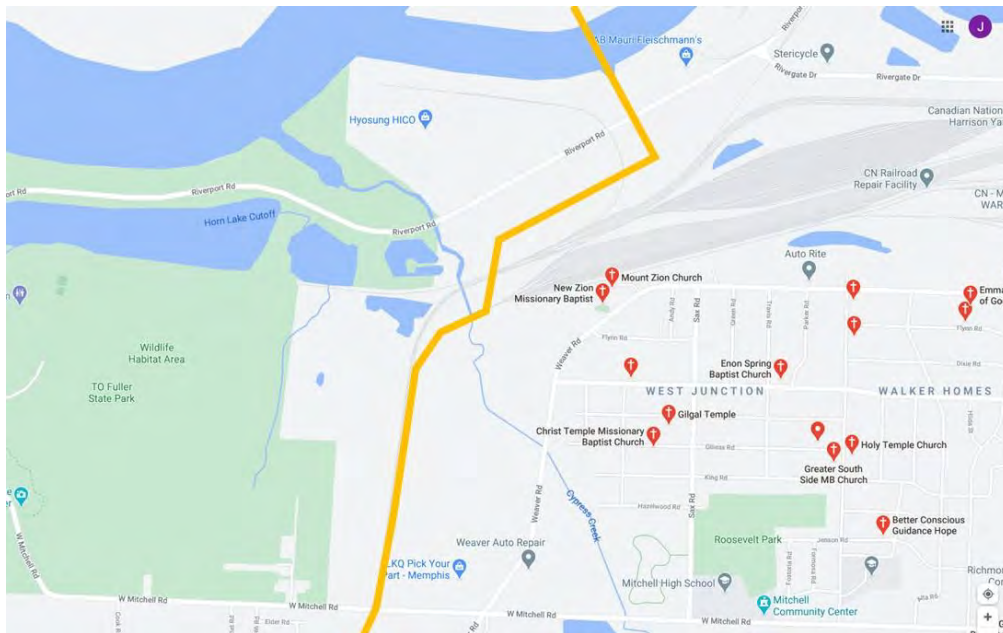


View looking north along Mossville Street in the West Raines View subdivision; the proposed pipeline would be located behind the homes on the left.

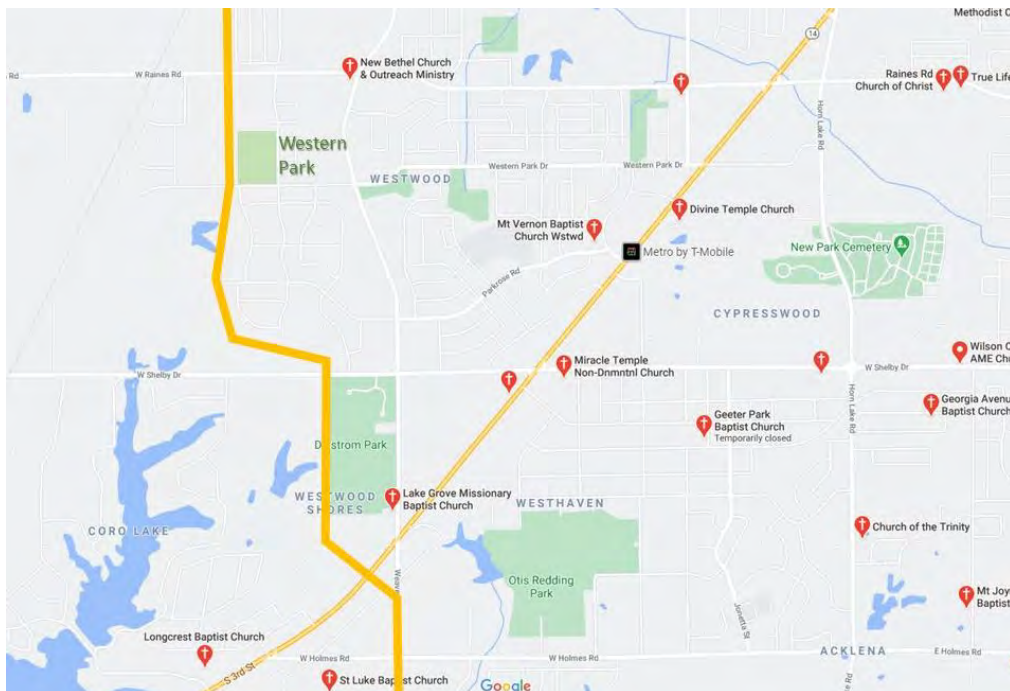


View looking south along Sunvalley Drive in the Westwood Hills subdivision; the proposed pipeline would be located behind the homes on the right.

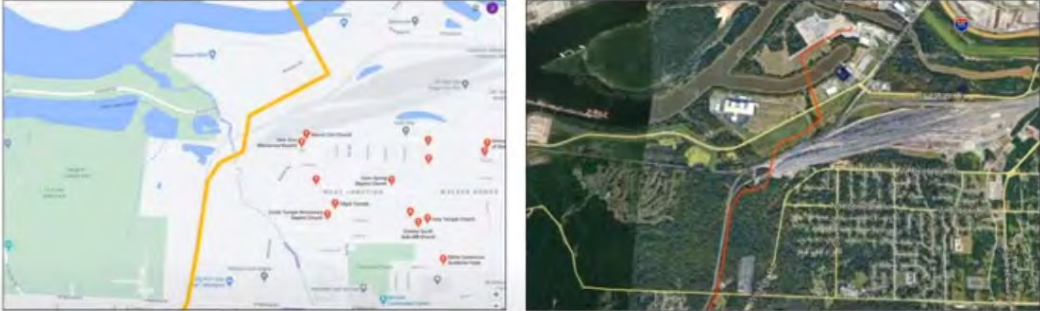
Maps of the Proposed Byhalia Connection Pipeline (Showing Proximity to Nearby Parks, Places of Worship and School)



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

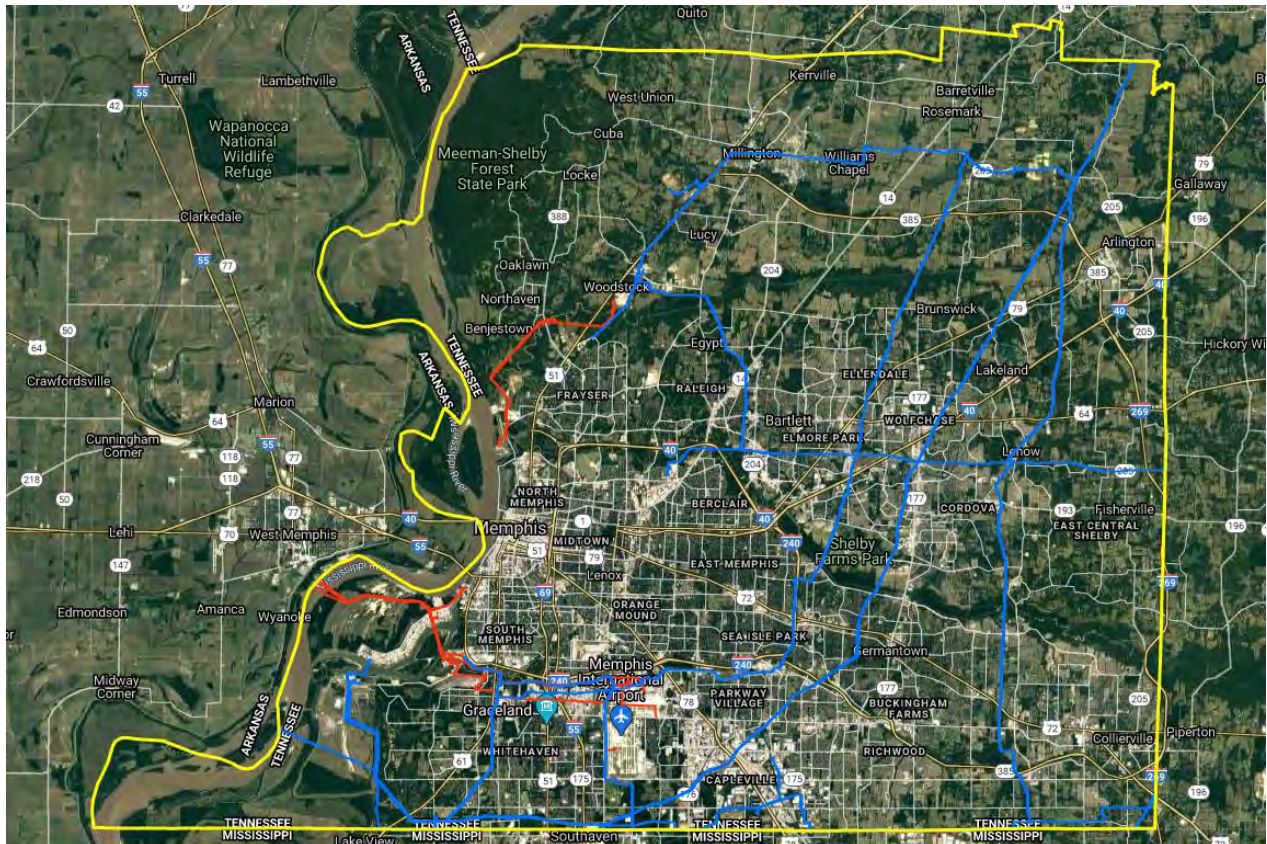


Example: In Shelby County there are more than 200 public schools; the Byhalia Connection project does not route within 500 feet of any of them. The vast majority of Shelby County schools in the south Memphis and Boxtown areas are located a half mile or more away from the project.

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:

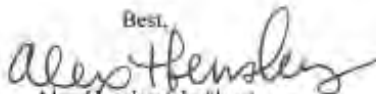
L. Oil Pipelines

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

VASCIO A. SMITH, JR. ADMINISTRATION BUILDING
160 North Main Street, 11th Floor • Memphis, TN 38103 • 901-222-2000 • Fax 901-222-2005
www.shelbycountytg.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

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66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

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,

A handwritten signature in black ink that reads "Cory R. Thornton". The signature is written in a cursive, slightly slanted style.

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.

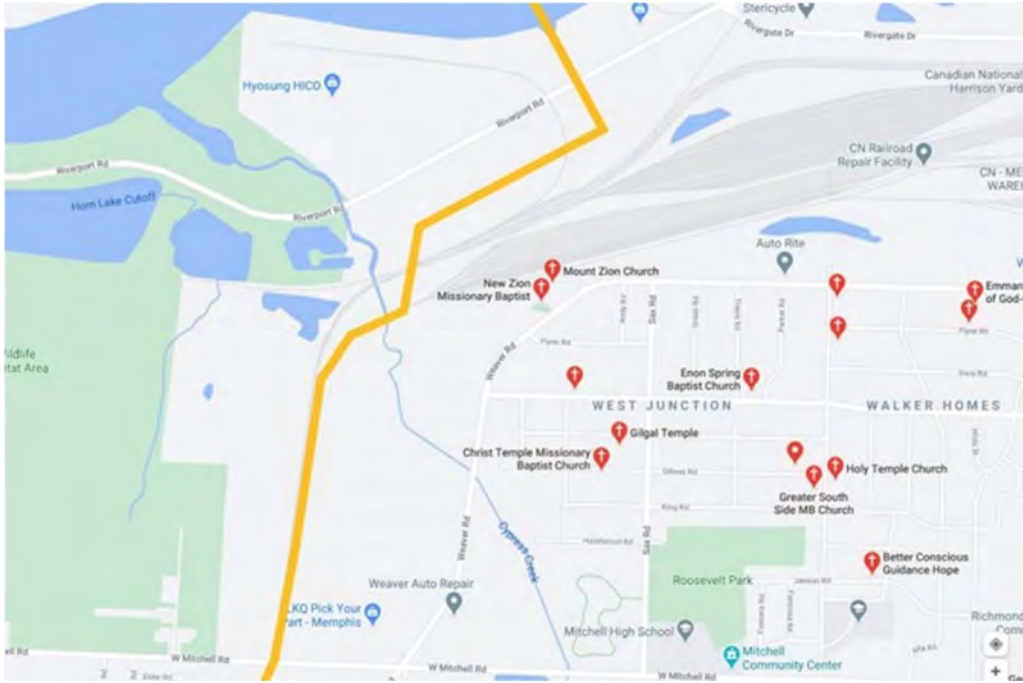
Thanking you in advance for your cooperation.

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

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
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Thanking you in advance for your cooperation.

Very truly yours,

SPENCE LAW FIRM, PLLC

Robert L. J. Spence, Jr.



BYHALIA

C O N N E C T I O N

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@byhaliaconnection.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.

BYHALIA

CONNECTION

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 following 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:

Notice of Determination

Byhalia Pipeline, LLC

November 9, 2020

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 Nonconna 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

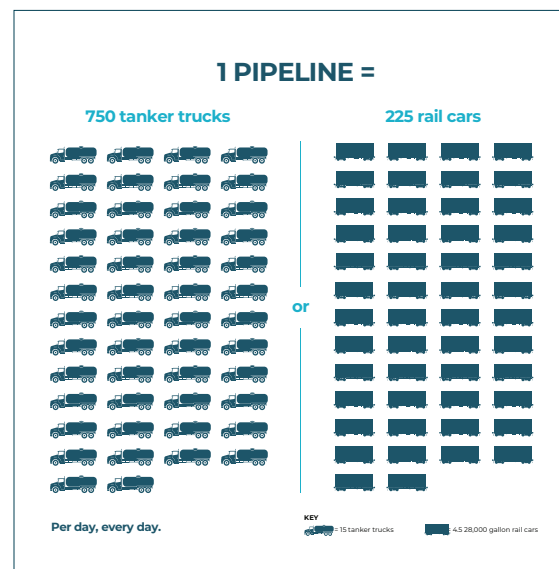


Support Local Jobs.

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 life.

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.

BYHALIA
CONNECTION

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

🐦 @ByhaliaPipeline

BYHALIA
CONNECTION

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:

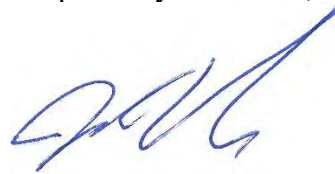
Cory Thornton
Katie Martin

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: