

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/05/2021

DATE

PUBLIC SESSION: 10/05/2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving an office, retail, overnight accommodation, and indoor and outdoor events planned development

CASE NUMBER: PD 2021-30

DEVELOPMENT: Annesdale Mansion Planned Development

LOCATION: 1325 Lamar Avenue

COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ken Robison / Leslie Murphy

REPRESENTATIVE: Kate Haywood

EXISTING ZONING: Residential Urban – 4 (RU-4) and Midtown Overlay District

REQUEST: To allow an office, retail, overnight accommodation, and indoor and outdoor events planned development

AREA: +/-7.176 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/09/2021 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

PD 2021-30 – Annesdale Mansion Planned Development

Resolution requesting an office, retail, overnight accommodation, and indoor and outdoor events planned development at 1325 Lamar Avenue:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s): Ken Robison; Applicant(s): Leslie Murphy; and Representative(s): Kate Haywood; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE ANNESDALE MANSION PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 1325 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2021-30.

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

WHEREAS, Leslie Murphy filed an application with the Memphis and Shelby County Division of Planning and Development to allow an office, retail, overnight accommodation, and indoor and outdoor events planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

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

OUTLINE PLAN CONDITIONS

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
 - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
 - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
 - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
 - D. Indoor and Outdoor Recreation uses limited to the following:
 1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
 - E. A staff member shall be on-site during the duration of all events until such time there is a bed and breakfast operating on-site at which time a staff member shall be required to stay overnight as well.
- II. Indoor/Outdoor Event Regulations
 - A. Hours of operation and frequency:
 1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
 2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
 3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.
 4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.
 5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
 6. There is no limit on single events with a maximum of forty-nine (49) guests.

- B. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.
- C. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
- D. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
- E. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
- F. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
- G. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
- H. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
- I. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Agnes Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.
- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
- C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.

- D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.

IV. Circulation, Access and Parking

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
- B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.

V. Landscaping

- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
- B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anges Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.

VI. Signs – Signage shall be in accordance with the RU-4 District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.

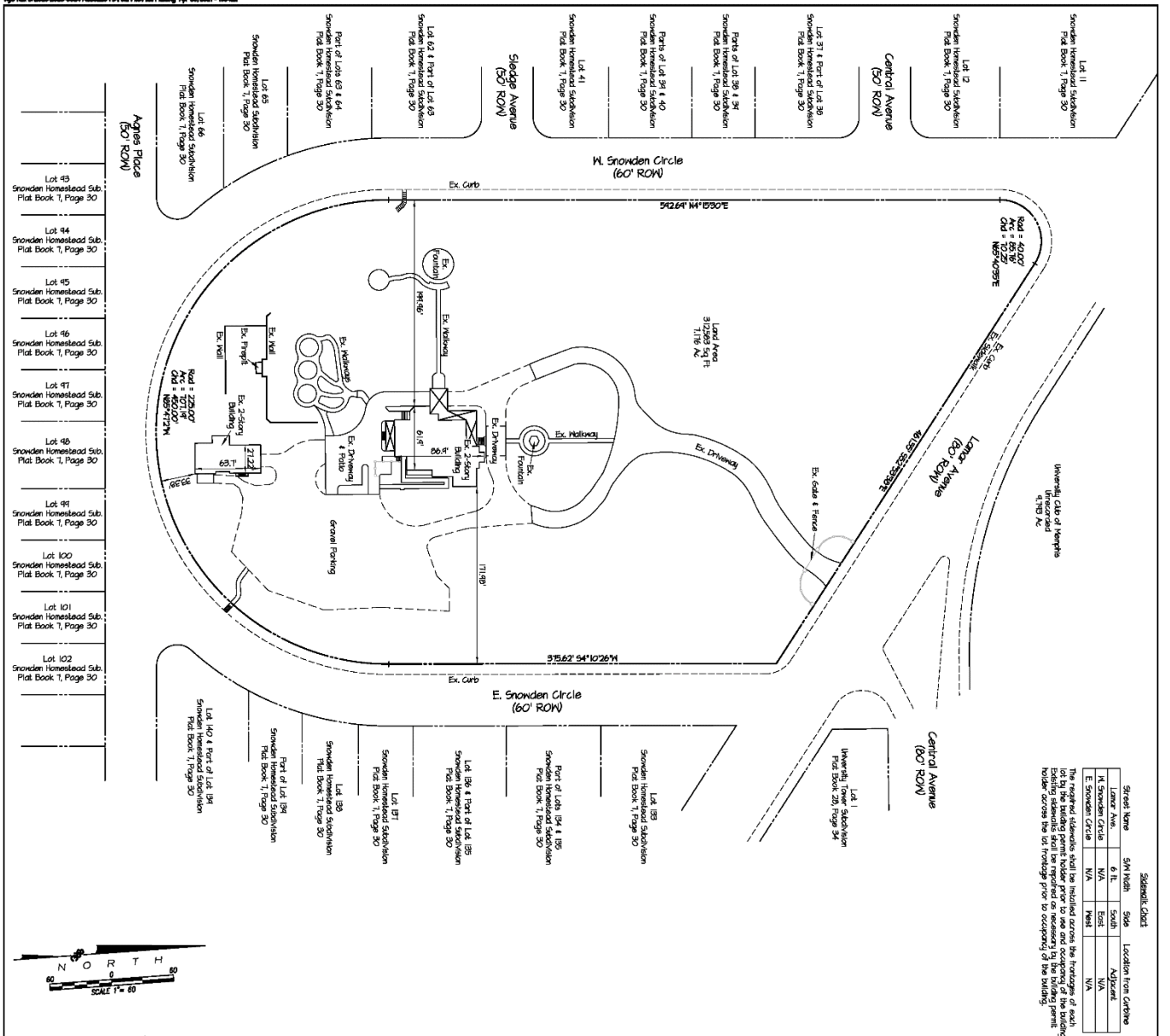
- IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:

- A. The Outline Plan Conditions.
- B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private of any easement.
- D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Reserved for Storm Water Detention” shall not

be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

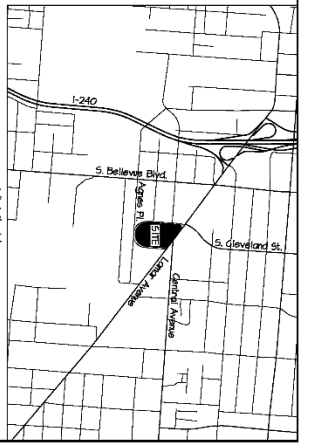
CONCEPT PLAN



STREETS

Street Name	5M Right	Sign	Location from Centerline
Lamar Ave.	6 ft.	South	Adjacent
N. Snowden Circle	N/A	East	N/A
E. Snowden Circle	N/A	West	N/A

The required setbacks shall be indicated across the footprint of each lot by the building permit holder prior to use and occupancy of the building. Building setbacks shall be indicated on necessary of the building permit holder across the lot coverage prior to occupancy of the building.



Please be advised that a building permit issued by the Memphis/ Shelby County Office of Construction Code Enforcement does not constitute an endorsement or approval of the project. The City of Memphis is not responsible for the design, construction, or performance of the project. All construction shall be performed in accordance with the City of Memphis Building Code and all applicable laws and ordinances. The City of Memphis is not responsible for the design, construction, or performance of the project. All construction shall be performed in accordance with the City of Memphis Building Code and all applicable laws and ordinances.

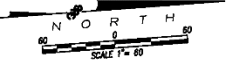
- Notes:**
- The City of Memphis shall have the right to use private drives and yards for the purpose of maintaining all public sewer lines and shall have no responsibility for the maintenance of said private drives and yards.
 - No trees, shrubs, permanent structures or other utilities shall be removed or damaged without the written consent of the City of Memphis. No other utilities or services shall be installed without the written consent of the City of Memphis.

100 YEAR FLOOD
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER THE COMMUNITY PANEL NO. 47011 0210 F. EFFECTIVE DATE: SEPTEMBER 28, 2007. NENSHI PER: 22220

BEAUCHAMK
 CITY OF MEMPHIS BEAUCHAMK, NO. 1022 - LAMAR AVE & CENTRAL AVE
 CITY PLANNING DEPARTMENT
 SHERMAN BLVD., SUITE 200
 MEMPHIS, TN 38103

FINAL PLAT
ANNESDALE EVENTS PD
 DEVELOPER: **KEN ROBINSON**
 1 LOT
 WARD 15, BLOCK 10, PARCEL 1
 PD 12-314
 7.176 ACRES
 APRIL 2021

SR CONSULTING, LLC
 ENGINEERING - PLANNING
 6909 Shelby Oaks Drive
 Suite 200
 Memphis, TN 38134
 (901) 795-0890
 (901) 795-0810
 www.srcc-consulting.com



Annesdale Mansion

Leah Fox-Greenberg <leah@memphisheritage.org>

Thu 9/9/2021 8:43 AM

To: Penzes, Jeffrey <jeffrey.penzes@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.

Hi Jeffrey:

I just wanted to express support from Memphis Heritage for the sale of Annesdale Mansion go to Maude Murphey Interiors. They have had multiple meetings with community members and want to be a good steward for the preservation of this amazing home.

If you have any questions, don't hesitate to contact me.

Best Wishes,
Leah

Leah Fox-Greenberg
Chief Executive Officer
Memphis Heritage, Inc.
2282 Madison Ave. Memphis, TN 38104
(901) 272-2727
leah@memphisheritage.org
www.memphisheritage.org

AGENDA ITEM: 14

L.U.C.B. MEETING: September 9, 2021

CASE NUMBER: PD 2021-30

DEVELOPMENT: Annesdale Mansion Planned Development

LOCATION: 1325 Lamar Avenue

COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ken Robison / Leslie Murphy of Murphy Maude Interiors

REPRESENTATIVE: Kate Haywood of Murphy Maude Interiors

REQUEST: To allow office, retail, overnight accommodation, and indoor and outdoor events

AREA: +/-7.176 acres

EXISTING ZONING: Residential Urban – 4 (RU-4) and Midtown Overlay District

CONCLUSIONS

1. The applicant is requesting to allow office, retail, overnight accommodation, and indoor and outdoor events.
2. The Annesdale Mansion was constructed circa 1850 and is an example of Italianate design and is catalogued on the national register of historic places. The mansion was historically used as a single-family dwelling since its construction and has since been used to host events since circa 2012 after the approval of planned development PD 12-314; however, note this approval has since expired since a final plat was never recorded within the five-year time limit. Note the current property owner, who is not the applicant of this request, is currently in Environment Court related to the planned development having expired while continuing to host events on the site and noise complaints.
3. The site is currently zoned Residential Urban – 4 (RU-4) which is one of the most intense residential districts as described in the Unified Development Code allowing most single- and multi-family housing types and land uses, such as a 75-foot tall apartment building.
4. In many cases, the preservation of historic properties fails not for lack of interest, or good intention rather they are challenged with the costly burden of maintenance. In this case adaptively reusing the property for office, retail, overnight accommodation, and indoor and outdoor events is a reasonable and sustainable compromise.
5. In most metropolitan cities where there is robust inner-city economic development historic preservation is always considered an important factor. Preserving our historic structures helps to create a theme and sense of place.
6. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 25-27 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Lamar Avenue	+/-504.43	curvilinear feet
	East Snowden Circle	+/-579.22	curvilinear feet
	West Snowden Circle	+/-839.17	curvilinear feet
	Agnes Place	+/-300.00	curvilinear feet

Zoning Atlas Page: 2030

Parcel ID: 015010 00001

Existing Zoning: Residential Urban – 4 (RU-4) and Midtown Overlay District

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Monday, August 30, 2021, at Memphis Heritage, 2282 Madison Avenue.

PUBLIC NOTICE

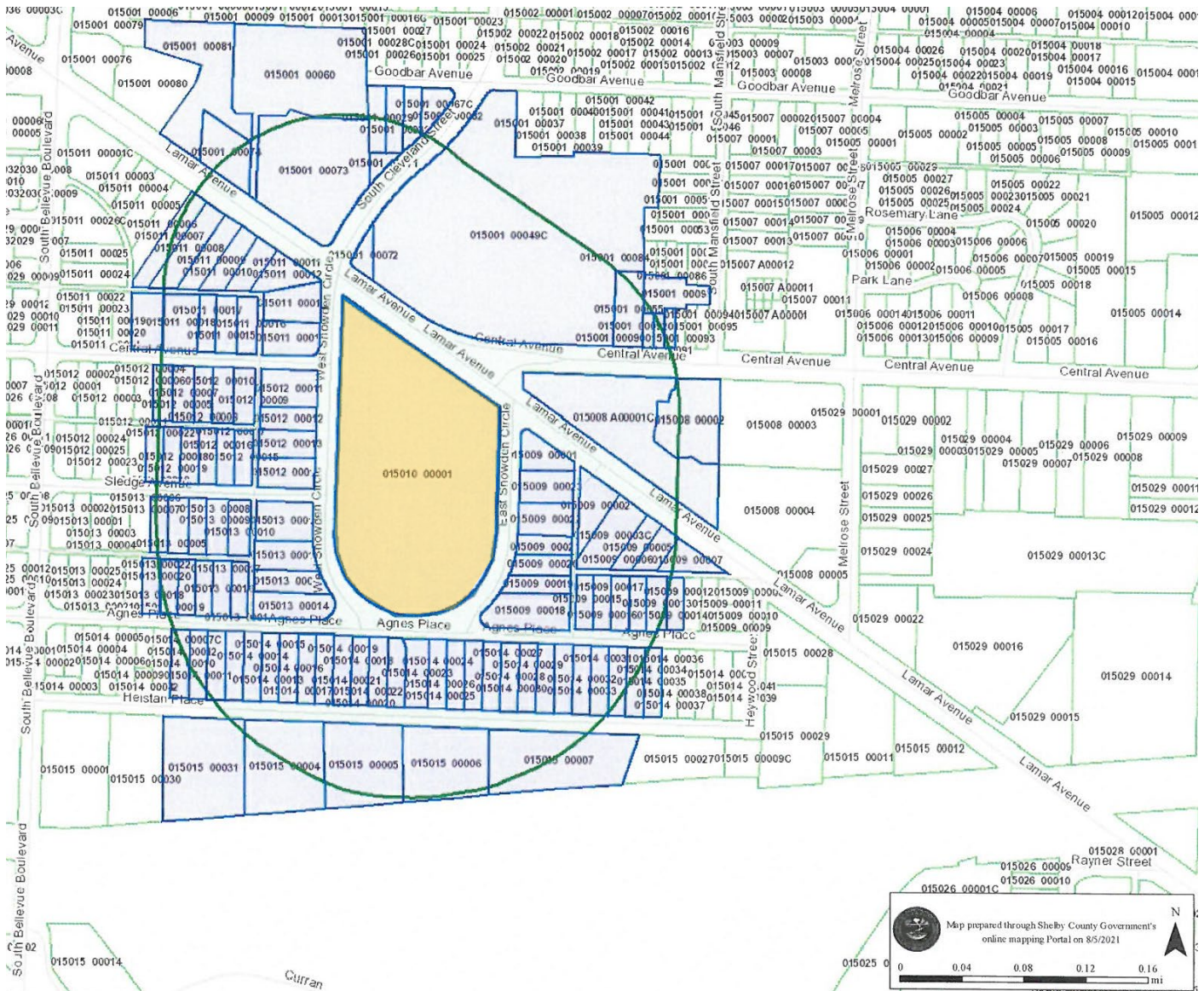
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 115 notices were mailed on August 26, 2021, and a total of 4 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



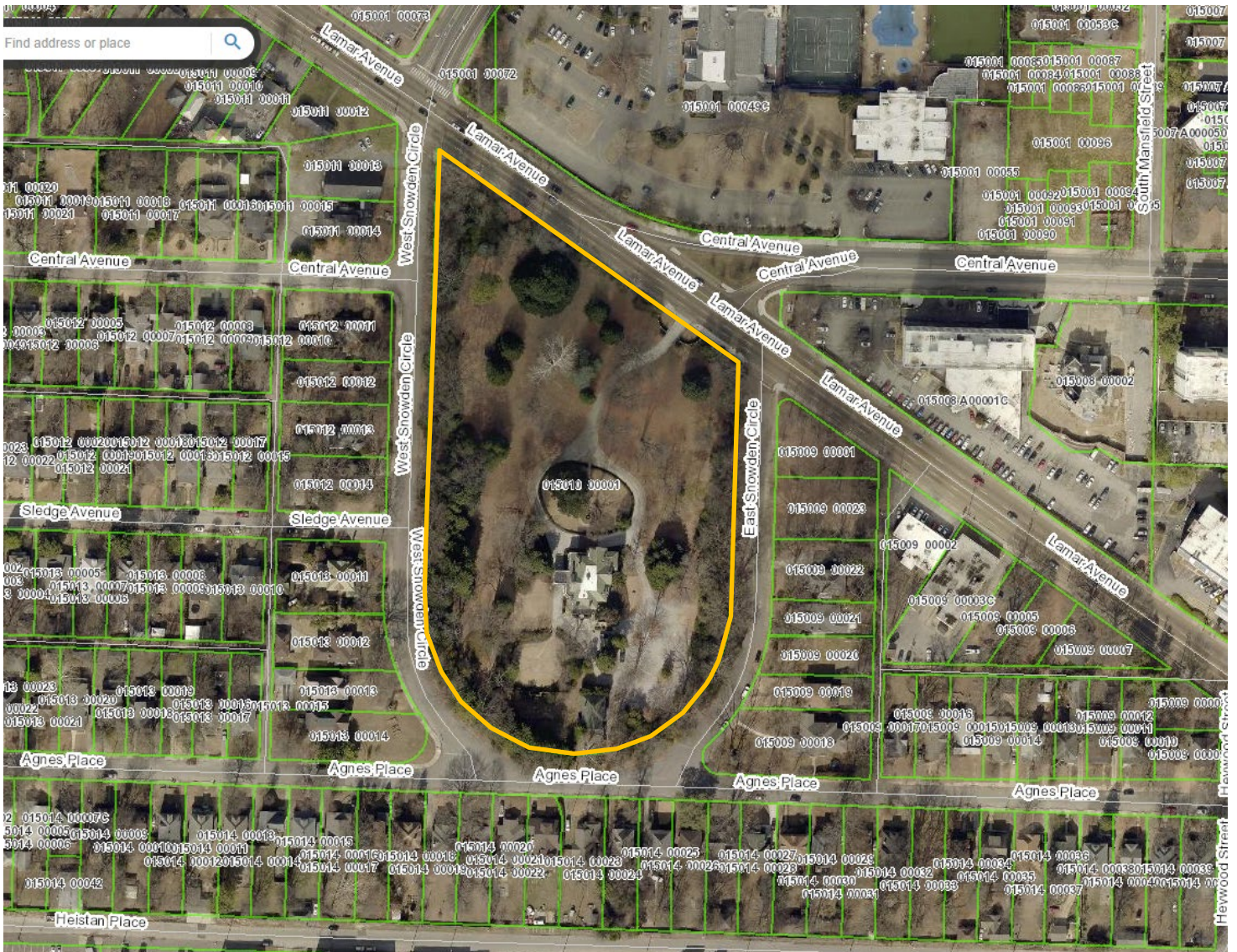
Subject property located within the pink circle, Annesdale neighborhood

VICINITY MAP



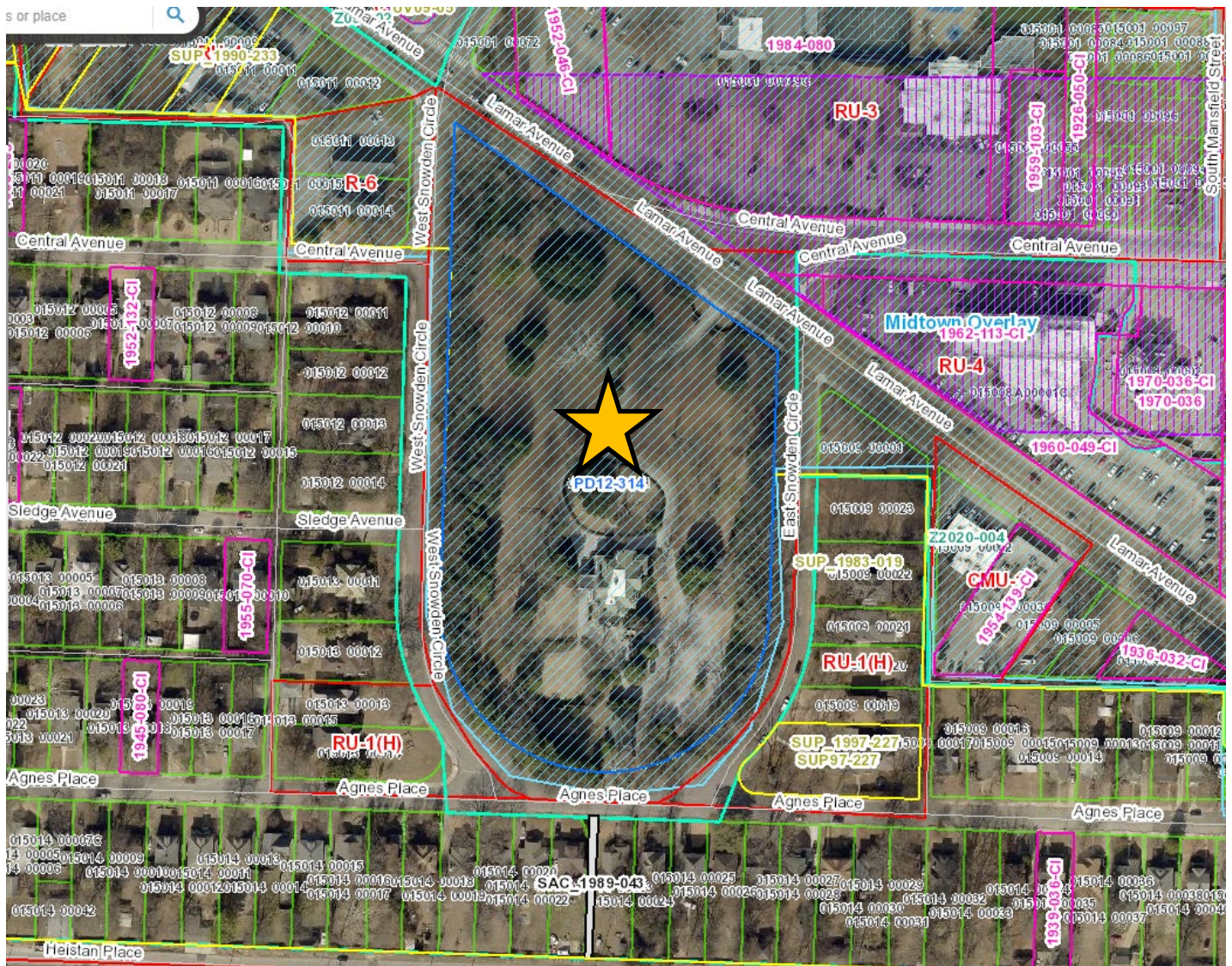
Subject property highlighted in orange

AERIAL



Subject property outlined in orange, imagery from 2018.

ZONING MAP



Subject property indicated by an orange star

Existing Zoning: Residential Urban – 4 (RU-4) and Midtown Overlay District

Surrounding Zoning

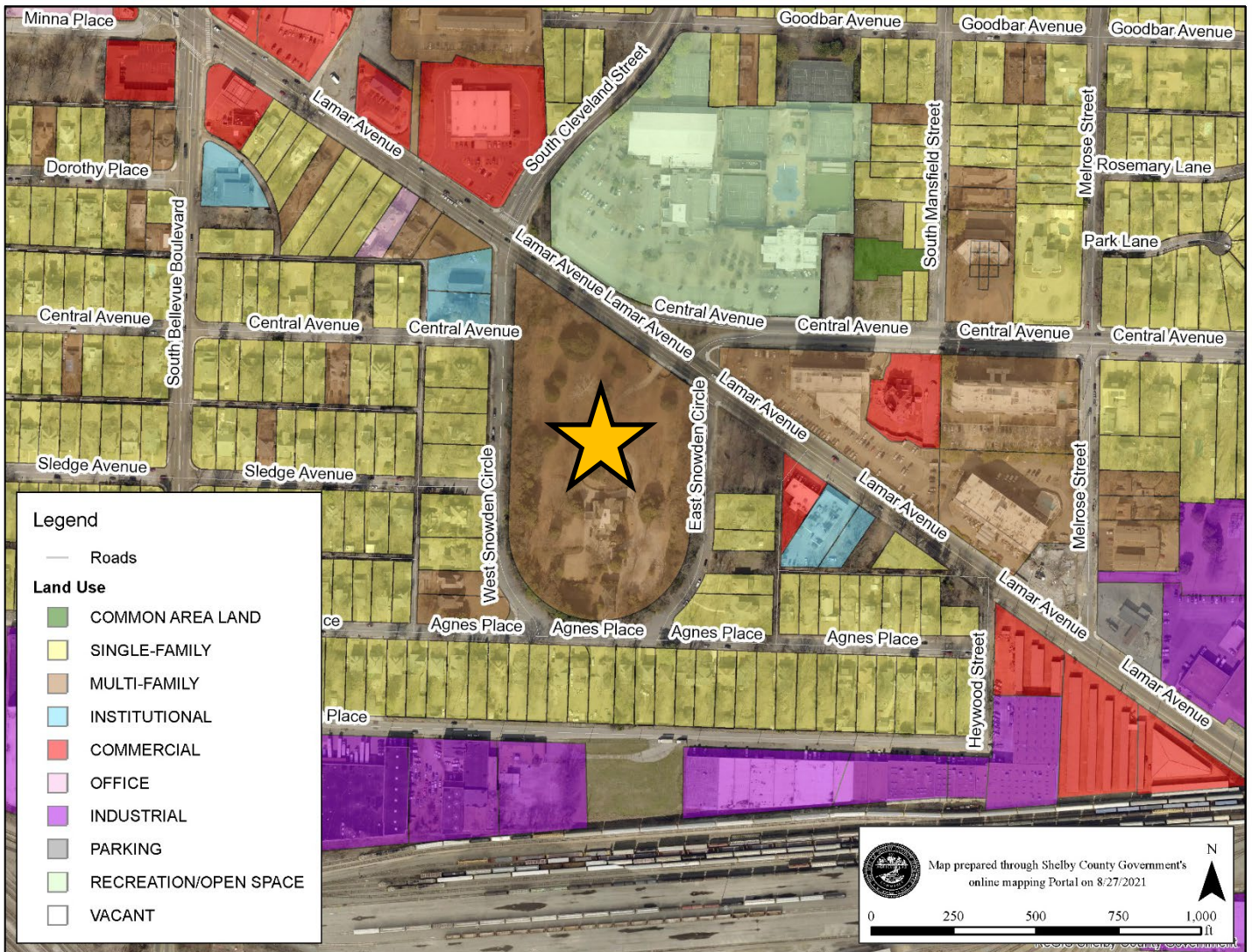
North: Residential Urban – 3 (RU-3), Midtown Overlay District, and Residential Corridor

East: Residential Urban – 1 (RU-1), Annesdale Snowden Historic District, Residential Urban – 4 (RU-4), and Midtown Overlay District

South: Residential Single-Family – 6 (R-6) and Annesdale Snowden Historic District

West: Residential Single-Family – 6 (R-6), Residential Urban – 1 (RU-1), Annesdale Snowden Historic District, and Midtown Overlay District

LAND USE MAP



Subject property outlined in electric blue indicated by an orange star

SITE PHOTOS



View of the Annesdale Mansion



View of the Annesdale Mansion



View down East Snowden Avenue looking south (subject property on right)



View down West Snowden Avenue looking south (subject property on left)



View of subject property from the intersection of Agnes Place and East Snowden Circle looking northwest

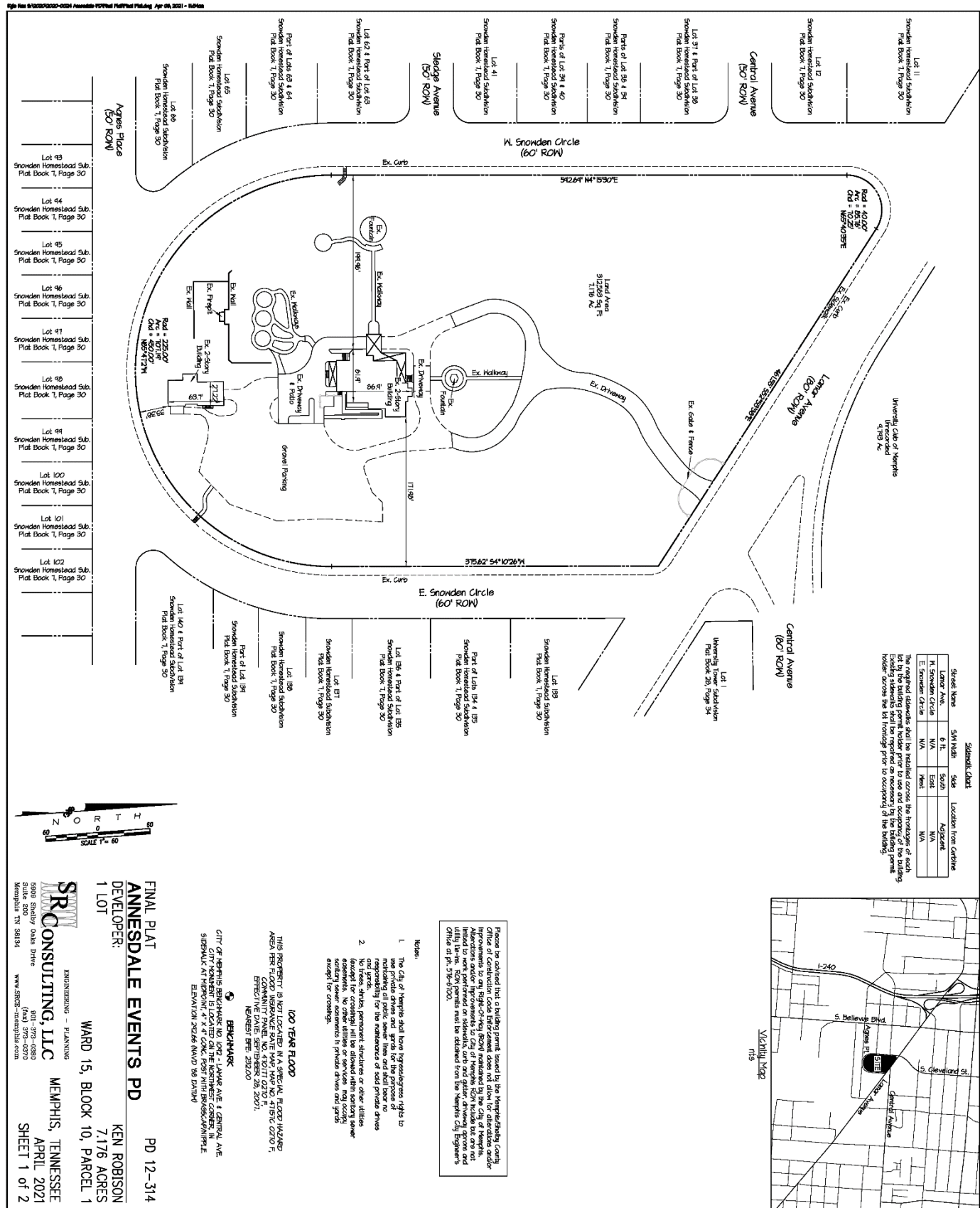


View of subject property from the intersection of Agnes Place and West Snowden Circle looking northeast



View of subject property from Central Avenue looking southwest

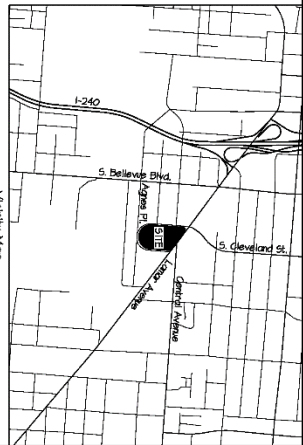
CONCEPT PLAN



Site Plan

Street Name	SW	SE	Location from Centerline
Land Ave	6 ft.	South	Adjacent
M. Snowden Circle	N/A	East	N/A
E. Snowden Circle	N/A	West	N/A
Central Avenue	N/A	West	N/A

The required sidewalks shall be installed across the frontage of each lot by the building permit holder prior to use and occupancy of the building. The building permit holder shall be responsible for the installation of the sidewalks across the lot frontage prior to occupancy of the building.



Please be advised that a building permit issued by the Memphis/City of Memphis Office of Construction Code Enforcement does not allow for alterations and/or additions to the existing structure, including but not limited to the addition of new windows, doors, or other openings. Any alterations and/or additions to the existing structure, including but not limited to the addition of new windows, doors, or other openings, shall be subject to the requirements of the City of Memphis Building Code and shall require a building permit. All alterations and/or additions to the existing structure, including but not limited to the addition of new windows, doors, or other openings, shall be subject to the requirements of the City of Memphis Building Code and shall require a building permit. All alterations and/or additions to the existing structure, including but not limited to the addition of new windows, doors, or other openings, shall be subject to the requirements of the City of Memphis Building Code and shall require a building permit.

- Notes:**
- The City of Memphis shall have the right to use private drives and lanes for the purpose of installing or the maintenance of said private drives.
 - No trees, shrubs, perennial shrubs or other utilities (except for crossings) will be allowed within existing sewer easements in private drives and yards except for crossings.

100 YEAR FLOOD
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP NO. 17512C 02101 F. ELEVATION 262.66 NAVD 86 DATUM.

BRICKMARK
CITY OF MEMPHIS, 5150 MAIN AVE, 4th FLOOR, MEMPHIS, TN 38103
CITY OF MEMPHIS, 5150 MAIN AVE, 4th FLOOR, MEMPHIS, TN 38103
ELEVATION 262.66 NAVD 86 DATUM

FINAL PLAT
ANNESDALE EVENTS PD
DEVELOPER:
1 LOT

WARD 15, BLOCK 10, PARCEL 1

KEN ROBINSON
7.176 ACRES
PD 12-314

SRC CONSULTING, LLC
ENGINEERING - PLANNING
5908 Shelby Oaks Drive
Memphis, TN 38134
901-975-0280
(fax) 975-0270
www.src-consulting.com

MEMPHIS, TENNESSEE
APRIL 2021
SHEET 1 of 2

STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is to allow office, retail, overnight accommodation, and indoor and outdoor events.

Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

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

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

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

- A. **Formal Open Space**
A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.
- B. **Accessibility of Site**
All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.
- C. **Off-Street Parking**
Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
- D. **Pedestrian Circulation**
The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
- E. **Privacy**
The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and

enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Commercial or Industrial Criteria

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

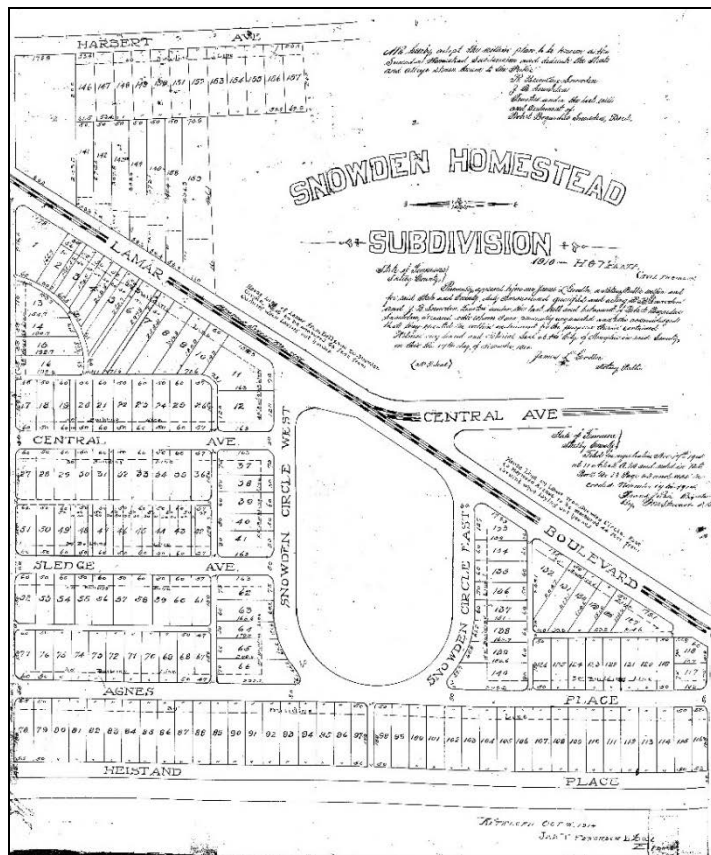
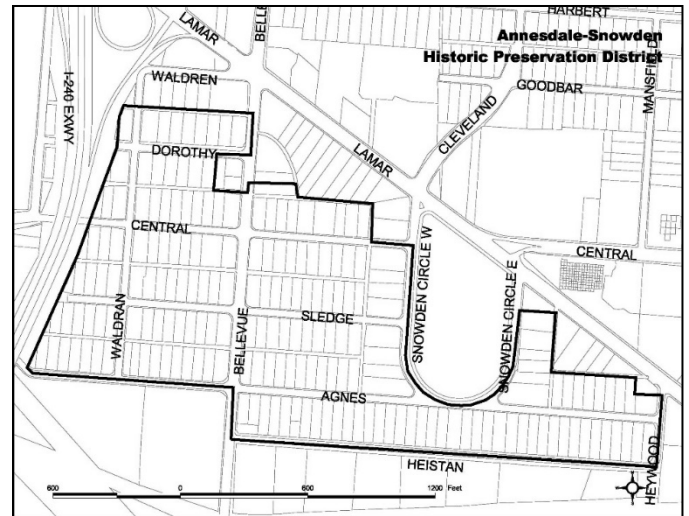
9.6.9 Approval Criteria

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

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

Site Description

The subject property is a 7.18-acre parcel situated just outside of the Annesdale-Snowden Historic District. The site is however within the Midtown Planning District situated along the south side of Lamar Avenue just east of Bellevue Boulevard. This 7.18-acre parcel is occupied by the historic Annesdale Mansion. This site is improved with a single-family principal dwelling comprising approximately 8,646 square feet, a carriage house comprising approximately 837 square feet, and several gardens. The house was constructed circa 1850 and is an example of Italian Villa architecture. The site is surrounded by mature vegetation with its major entrance fronting on Lamar Avenue.



The structures and land uses that surround the site as platted by the Snowden Homestead Subdivision (1910) are generally single-family residential in character and in land use with varying architectural styles primarily described as: foursquares, bungalows, and victorian cottages. Most of the structures within the surrounding area are constructed of: wood, brick, stone and stucco. The main entrance and frontage of the subject site is along Lamar Avenue which is a busy commercial corridor comprising a combination of primarily commercial land uses with some limited single family uses along the south side of Lamar Avenue.

Guest Parking Estimates

On-site Parking:

Minimum of 65 guest parking spaces per outline plan condition IV.B

Horseshoe Parking:

Valet parking permitted abutting subject property along East and West Snowden Circle and Anges Place
1718.38 feet of abutting frontage

60 feet total reduction estimate to account for both intersection with Lamar Avenue

19.5 feet of length per vehicle for parallel parking, Section 4.5.5 of the UDC.

Estimated minimum parking spaces: 85

Minimum estimated guest spaces for on-site and off-site horseshoe: 150

The PD 12-314 Staff Report stated, “trip generation estimates of 1 car per 1.5 attendees.” Thus, with a maximum capacity of 199 guests, per outline plan condition II.B.3, the adequate guest parking figure comes in at 133 guest spaces.

Site Zoning History

PD 12-314 – was approved by the Council of the City of Memphis on October 16, 2012, for what is essentially the same request as this application, see pages 28-31 of this report for the attested resolution. However, note that said approval expired as a final plat was never recorded within the five-year time limit.

Note the current property owner is in Environment court related to the planned development having expired while continuing to host events on the site and noise complaints. Additionally, neighbors who have submitted letters have expressed concerns related to the subject property and valet parking on the outside perimeter of the East and West Snowden Circle and Anges Place horseshoe, litter, noise, hours of operation for outdoor events, frequency of events, commercial vehicles parking and/or idling on neighborhood streets, lack of the property owner(s) or a caretaker(s) permanently living on the site to ensure conditions, rules, and regulations are enforced on the site to maintain being a good neighbor, the current owner, etc., see page 39 of this report for the Letters Received section.

Conclusions

The applicant is requesting to allow office, retail, overnight accommodation, and indoor and outdoor events.

The Annesdale Mansion was constructed circa 1850 and is an example of Italianate design and is catalogued on the national register of historic places. The mansion was historically used as a single-family dwelling since its construction and has since been used to host events since circa 2012 after the approval of planned development PD 12-314; however, note this approval has since expired since a final plat was never recorded within the five-year time limit. Note the current property owner, who is not the applicant of this request, is currently in Environment Court related to the planned development having expired while continuing to host events on the site and noise complaints.

The site is currently zoned Residential Urban – 4 (RU-4) which is one of the most intense residential districts as described in the Unified Development Code allowing most single- and multi-family housing types and land uses, such as a 75-foot tall apartment building.

In many cases, the preservation of historic properties fails not for lack of interest, or good intention rather they are challenged with the costly burden of maintenance. In this case adaptively reusing the property for office, retail, overnight accommodation, and indoor and outdoor events is a reasonable and sustainable compromise.

In most metropolitan cities where there is robust inner-city economic development historic preservation is always considered an important factor. Preserving our historic structures helps to create a theme and sense of place.

For a maximum of 199 guest, per outline plan condition II.B.3, it is estimated that 133 guest spaces are necessary given a ratio of 1 car per 1.5 attendees. It is estimated that there is an approximate total of 150 guest parking spaces available via the 65-minimum required on-site guest parking spaces, per outline plan condition IV.B and the permitted valet parking along the East and West Snowden Circle and Angas Place horseshoe which will provides an additional estimated 85 parking spaces.

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

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
 - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
 - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
 - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
 - D. Indoor and Outdoor Recreation uses limited to the following:
 1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
 - E. The property owner(s) or a caretaker(s) shall permanently reside on the property within one-year of the date of City Council’s approval of this planned development. The property owner(s) along with the caretaker(s), if applicable, shall be responsible in ensuring and enforcing all conditions, rules, and

regulations of this planned development, the Unified Development Code, and any other applicable City or County ordinance are being complied with on-site at all times.

II. Indoor/Outdoor Event Regulations

A. Events with contracts signed prior to the date of City Council's approval of this planned development's must abide by the following:

1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM.
2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
3. The maximum number of guests shall not exceed two hundred fifty (250) at any time.

B. Events with contracts signed after the date of City Council's approval of this planned development must abide by the following:

1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.
4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.
5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
6. There is no limit on single events with a maximum of forty-nine (49) guests.

C. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.

- D. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
- E. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
- F. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
- G. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
- H. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
- I. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
- J. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Anges Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.
- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
- C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.
- D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.

IV. Circulation, Access and Parking

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
- B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.

V. Landscaping

- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
- B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anges Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.

VI. Signs – Signage shall be in accordance with the RU-4 District regulations.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.

IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:

- A. The Outline Plan Conditions.
- B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private of any easement.

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

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. Sidewalks need to be constructed or crosswalks installed with ADA compliant curb ramps for W Snowden, E Snowden, and Agnes for a safe pedestrian path and at pedestrian entrances.

Traffic Control Provisions:

7. 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.
8. 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.
9. 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:

10. 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.

City/County Fire Division:

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

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

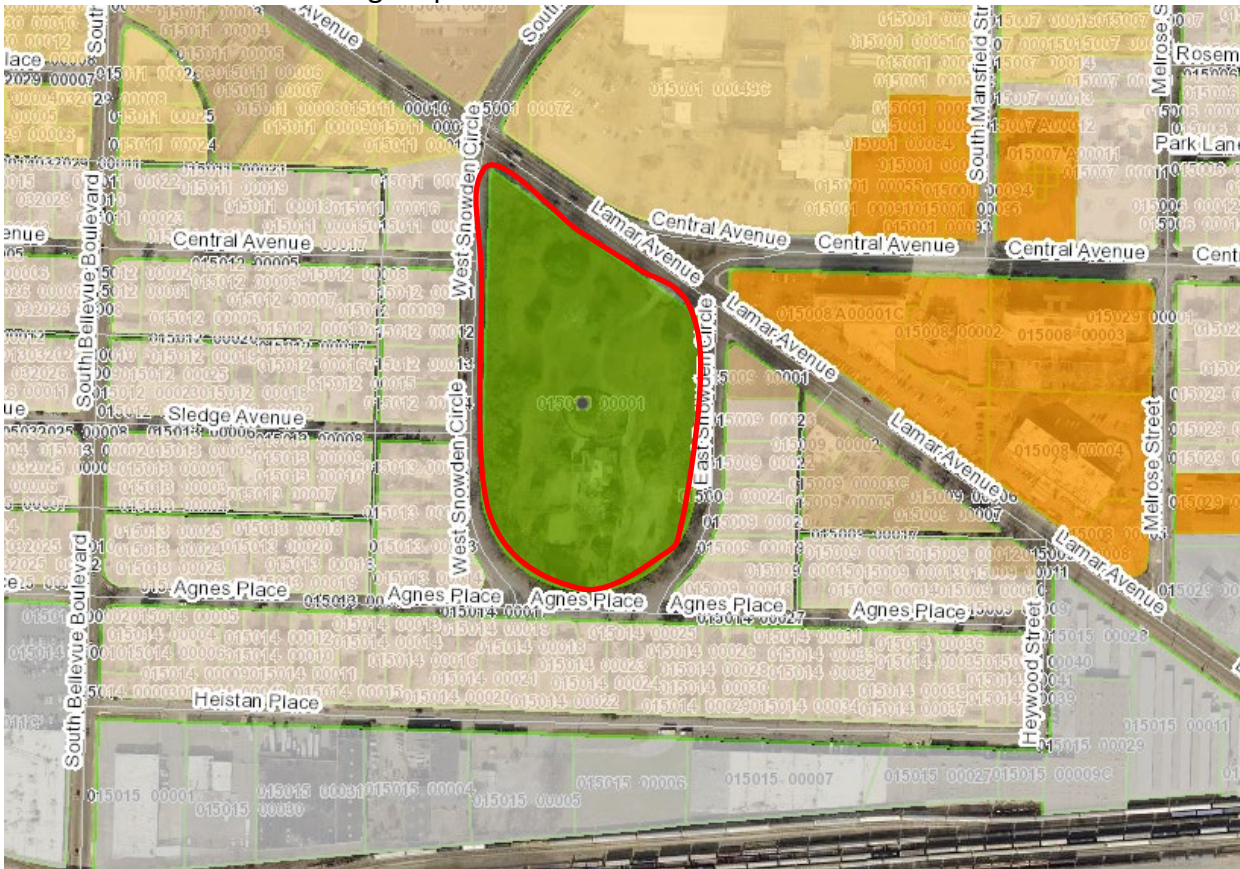
Office of Comprehensive Planning:

Site Address/location: 1325 Lamar Ave - Annesdale Mansion

Land Use Designation: Parks & Recreational Facilities (PR)

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

1. Future Land Use Planning Map



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

2. Land Use Description & Applicability

The site is designated as Parks & Recreational Facilities (PR). Parks & Recreational Facilities are designated public spaces that are meant to be walkable with forms of active and passive recreation. These areas usually contain formal access points from the street and can be any size up to a regional park.



“PR” Goals/Objectives:

Active and passive recreation, greening, stewardship, increased accessibility to open space, increased open space/Memphian ratio.

“PR” Form & Location Characteristics:

Recreational uses.

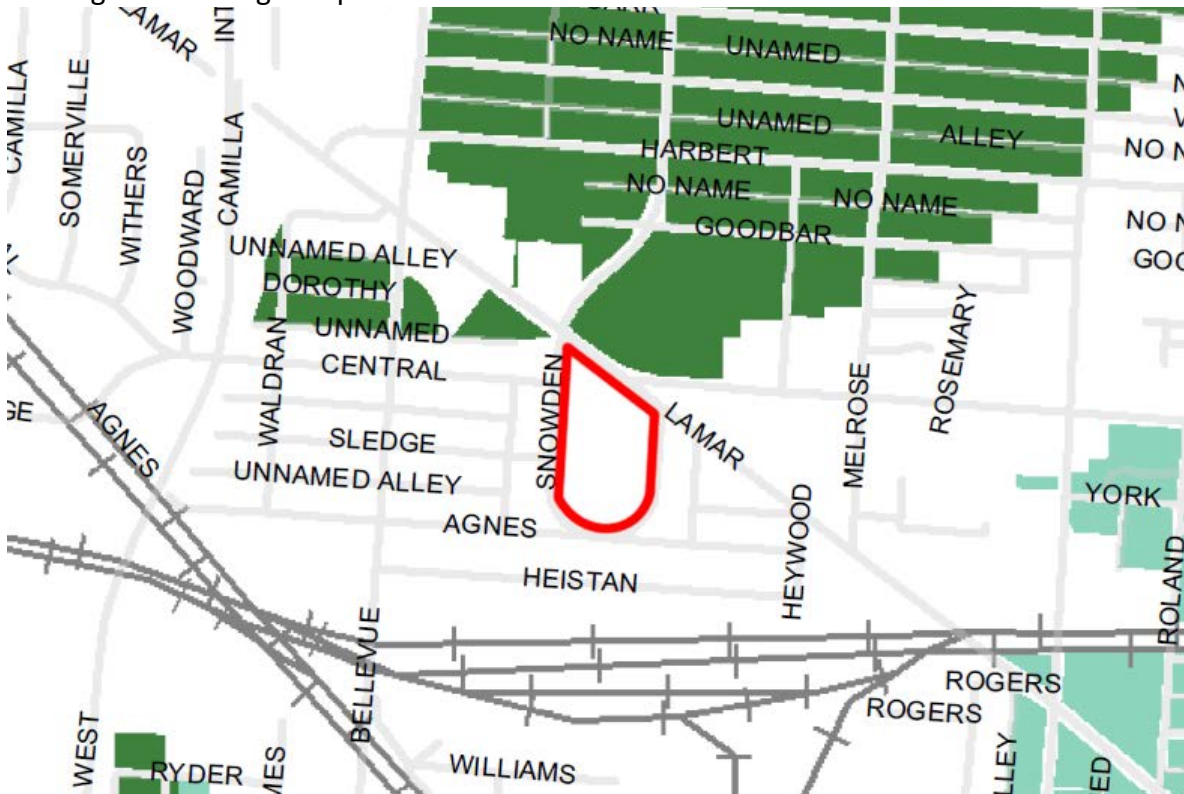
The applicant is seeking a planned development to expand the uses of a historic residence currently used for special events to include office, retail and lodging.

The request does not meet the criteria in the form of a recreational use. However, the proposed use is located along a major commercial corridor surrounded by residential. The development will not disrupt the current character of the neighborhood. Therefore, the proposed use is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Commercial, Single-family Residential, Multi-family Residential, Institutional, Recreation/Open Space, and Vacant. The subject site is surrounded by the following zoning districts: CMU-1, R-6, RU-1, RU-4, RU-3. This requested land use is compatible with these adjacent land uses and zoning districts because the parcel is located along a corridor with similar mixed commercial uses.

4. Degree of Change Map



The site is not located in a Degree of Change area as indicated by the red box in the Degree of Change Map above.

5. Degree of Change Descriptions

N/A

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

PD 12-314 ATTESTED RESOLUTION

RESOLUTION

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

WHEREAS, Application has been made for a planned development for property located at 1325 Lamar Avenue, on south side of Lamar Avenue at the intersection of Lamar Avenue and Snowden Circle ; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Article 9.6.9 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 13, 2012 and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and

WHEREAS, The Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 9.6.11 of the Zoning Ordinance-Regulations.

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

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

Date OCT 16 2012
Valerie C. Sipes
Deputy Comptroller-Council Records

ll

Outline Plan Conditions
Annesdale Events
PD12-314

- I. PERMITTED USES - Uses permitted by right in the RU-4 District with the following additional uses permitted:
1. Special Events including weddings and wedding receptions
 2. Corporate Retreats
 3. Other Special Events

All event activities shall conclude by 10:00pm Sunday through Thursday, (guest shall be off the premises by 11:00pm and staff shall be off the premises by 12:00am).

All event activities shall conclude by 11:00pm Friday and Saturday (entertainment shall conclude by 11:00pm, guest shall be off the premises by 12:00am and the staff shall be off the premises by 1:00am).

II. BULK REGULATIONS

- A. Building Setbacks shall be in accordance with the RU-4 District Regulation except for the following: Setback for any tent or temporary structure shall not be located closer than 60 feet to Snowden Circle East, West or Agnes Place.
- B. The maximum occupancy within the existing house structure shall be 150.

III. CIRCULATION, ACCESS AND PARKING

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Outline Plan. The pedestrian access on Snowden Circle West shall be located opposite the right-of-way for Sledge Avenue. The pedestrian entrance on Snowden Circle East shall be located opposite Lot Number 134 of the Snowden Homestead Subdivision.
- B. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees.
- C. The pedestrian entrances shall be gated.
- D. A minimum of three security guards for any event requiring off-site parking shall be provided with guards at the pedestrian

Revised 10/16/12

entrances, and a guard at the front entrance on Lamar Avenue. A security guard shall also be posted at the service entrance.

- E. A minimum of 65 guest parking spaces shall be provided on-site in the area as generally shown on the Outline Plan.
- F. On-street parking is permitted in conformance with the Unified Development Code. No valet parking shall be permitted on Snowden Circle/Agnes Place as generally located shown on the Outline Plan.
- G. The existing 5 foot chain-link fence surrounding the site shall be removed by November 1, 2014.

IV. LANDSCAPING

Other than the pedestrian access points drive the existing landscaping will generally be maintained as depicted on the Outline Plan.

- V. SIGNS – Signage shall be in accordance with the RU-4 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.
- VII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:
 - A. The Outline Plan conditions.
 - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - C. The location and ownership, whether public or privates of any easement.

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

NOISE DECIBEL EXAMPLE CHART

LEVELS OF NOISE In decibels (dB)

PAINFUL & DANGEROUS		
Use hearing protection or avoid	140	<ul style="list-style-type: none"> • Fireworks • Gun shots • Custom car stereos (at full volume)
	130	<ul style="list-style-type: none"> • Jackhammers • Ambulances
UNCOMFORTABLE		
Dangerous over 30 seconds	120	<ul style="list-style-type: none"> • Jet planes (during take off)
VERY LOUD		
Dangerous over 30 minutes	110	<ul style="list-style-type: none"> • Concerts (any genre of music) • Car horns • Sporting events
	100	<ul style="list-style-type: none"> • Snowmobiles • MP3 players (at full volume)
	90	<ul style="list-style-type: none"> • Lawnmowers • Power tools • Blenders • Hair dryers
Over 85 dB for extended periods can cause permanent hearing loss.		
LOUD		
	80	<ul style="list-style-type: none"> • Alarm clocks
	70	<ul style="list-style-type: none"> • Traffic • Vacuums
MODERATE		
	60	<ul style="list-style-type: none"> • Normal conversation • Dishwashers
	50	<ul style="list-style-type: none"> • Moderate rainfall
SOFT		
	40	<ul style="list-style-type: none"> • Quiet library
	30	<ul style="list-style-type: none"> • Whisper
FAINT		
	20	<ul style="list-style-type: none"> • Leaves rustling

OCTOBER IS NATIONAL AUDIOLOGY AWARENESS MONTH AND NATIONAL PROTECT YOUR HEARING MONTH

Visit www.HowsYourHearing.org to learn more about audiology and hearing loss.

Think you may have a hearing loss? Click on the "Find an Audiologist" link of the Web site to locate and set up an appointment with an audiologist in your area to get your hearing tested.

APPLICATION

Authentisign ID: 660DEBA8-B7FB-491C-8FE5-5E9DADFA1BBC



Memphis and Shelby County
Office of Planning and Development

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

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

Date: August 5, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Murphy Maude Manor

Property Owner of Record: Ken Robison Phone #: 901-488-8100

Mailing Address: 1325 Lamar Avenue City/State: Memphis, TN Zip 38104

Property Owner E-Mail Address: kenrobison@bellsouth.net

Applicant: Leslie Murphy Phone # 901-848-6402

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Applicant E- Mail Address: leslie@murphymaudeinteriors.com

Representative: Kate Haywood Phone #: 901-268-1718

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Representative E-Mail Address: kate@murphymaudeinteriors.com

Engineer/Surveyor: SR Consulting Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Dr #200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: melissa.johnson@srce-memphis.com

Street Address Location: 1325 Lamar Avenue Memphis, TN 38104

Distance to nearest intersecting street: The subject property is bounded by Lamar Avenue on the north, W Snowden Circle on the west, E Snowden Circle on the east, and Angeles Place on the south.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>7.176</u>	_____	_____
Existing Zoning:	<u>RU-4</u>	_____	_____
Existing Use of Property	<u>Residence/Special Events</u>	_____	_____
Requested Use of Property	<u>Indoor/Outdoor Recreation</u>	_____	_____
	<u>Office, Retail,</u>	_____	_____
	<u>Bed+Breakfast</u>	_____	_____

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

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

Number of Residential Units: _____ Bedrooms: _____

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

Authentisign ID: 660DEBA8-B7FB-491C-8FE5-5E9DADFA1BBC

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

Yes _____ No ^x _____

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

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

The proposed use of Annesdale will not detract from or hinder use or development of the surrounding properties. With the special events portion of the business proposed to offset maintenance costs of the home, plans are underway to minimize noise transfer.

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

The current water supply, waste water, and storm water infrastructure are existing and will remain as-is to support the use of the home.

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

The service facilities are compatible with the surrounding land uses and will remain as-is. Improvements were previously made in replacing a chain-link fence with an iron fence around the home along with the addition of pedestrian entries from W and E Snowden Cir.

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

We feel that the public interest is at the forefront with continuing the stewardship of the historic home and are committed to being a neighborhood partner.

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

The home will be wholly owned by Leslie Murphy who will maintain the grounds in entirety.

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

Acknowledged.

Authentisign ID: 660DEBA8-B7FB-491C-8FE5-5E9DADFA1BBC

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: July 29, 2021 with Chip Saliba

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

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

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

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

Authentisign <i>Ken Robison</i>	08/05/2021	<i>Leslie Murphy</i>	8/3/2021
Property Owner of Record	Date	Applicant	Date

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

A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B. **LETTER OF INTENT** - The letter shall include the following:

- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
- b) A list of any professional consultants associated with the proposed development.
- c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT



CITY OF MEMPHIS
DEPARTMENT OF PLANNING AND DEVELOPMENT
RE: LAND USE CONTROL BOARD: **PLANNED DEVELOPMENT** APPLICATION
LETTER OF INTENT: MURPHY MAUDE MANOR
August 5, 2021

To Whom It May Concern:

Please consider this a request to begin the Planned Development process for the property located at 1325 Lamar Avenue in Memphis, Tennessee 38104 (parcel number is 015010 00001). The property is approximately 7 acres and the Annesdale Mansion is located on the site which is currently zoned RU-4. The property is under contract for purchase by Leslie Murphy, owner and creative director of Murphy Maude Interiors (MMI). The desired use of the property is to locate the offices of Murphy Maude Interiors along with associated showroom retail space within the home with the ability to continue the events portion of the business that has been underway on the property for the past 8 years. A potential future use of a Bed and Breakfast is also proposed. The home would be core to MMI's clientele who are designers, home owners, and custom home builders who appreciate fine architecture and custom textiles.

The involved professional consultants are the current owner's previous and ongoing work with Cindy Reaves with SR Consulting, LLC, Lamar Gibson with Miestro (working through music and acoustic concerns brought to our attention by neighborhood captains), and Kate Haywood, architect with Murphy Maude Interiors.

Memphis 3.0 future land use plan identifies this property as a Park/Recreational Facility, and the current RU-4 zoning would allow for single to multi-family development of the property. We understand that it is the desire of the neighborhood to preserve the home and grounds and to serve within uses that would complement the ability to maintain the property for generations to come. Opposed to removing the historic home and building apartment buildings, it is our desire to be a steward of the home made possible by the income generated from hosting weddings and other curated events that support the arts community. This would all be in support of the ability to locate Murphy Maude Interiors in the home. We desire to be a partner with the neighborhood and city to preserve this example of 1850's Italian Villa architecture and are committed to ensuring that our presence

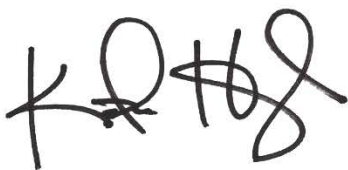
is a positive addition. In support of this, we have collaborated with several neighbors to understand current pain points and are currently working with a local acoustical engineer on strategies to mitigate these issues that are currently experienced when events take place on the property.

There was a previous Planned Development on the property that expired due to not filing the final plat which included removing a chain link fence around the property and installing an iron fence pushed further from the street, along with adding 2 pedestrian access points from the surrounding streets; these items were resolved and are in place. There are not any additional planned modifications as it is our intent to preserve the home and grounds.

We are grateful for the collaboration with the Department of Planning and Development thus far. Chip has been instrumental in assisting our team to understand all components to the PD process and provided us with community contacts who have been gracious with their time discussing previous/current pain points to allow us to be the best future neighbors we can. We are also grateful to Memphis Heritage for their assistance on understanding how to best be a steward of the home in the future and for working to provide historical photographs for reference on original aspects of the home.

The current owner of the property, Ken Robison, restored Annesdale over the last decade elevating the home back into a beautiful example of historic architecture, and we would be grateful to provide leadership in carrying the home into its next century of existence.

Much appreciated,

A handwritten signature in black ink, appearing to read 'K. Haywood', with a stylized flourish at the end.

Kate Haywood, Representative in the above referenced application
Director of Interior Architecture
Murphy Maude Interiors

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Leslie Murphy, being duly sworn, depose and say that at 3:00 am/pm on the 23 day of August, 2021, I posted Public Notice Sign(s) pertaining to Case No. PD 2021-30 at 1325 Lamar, 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.

Leslie D. Murphy
Owner, Applicant or Representative

9/1/21
Date

Subscribed and sworn to before me this 1st day of Sept, 2021.

Shelley Pahn
Notary Public

My commission expires: April 06 2025



LETTERS RECEIVED

Ten letters of opposition and/or concern of certain aspects of the proposal were received at the time of completion of this report and have subsequently been attached.

To the members of the Land Use Control Board and Office of Planning and Development,
For the last 6 years or so, I have served two stints as President of the Annesdale-Snowden Historic Neighborhood Association. Throughout that time, many neighbors have recounted frustrations with nuisance-level noise from outside events hosted by the Annesdale Mansion. The noise level has prompted residents around the circle to call the events manager at Annesdale, the current owner—Ken Robison, the Memphis Police, Code Enforcement, and to pursue a range of legal remedies through the courts. Neighborhood residents have likewise shared frustrations both that Ken Robison and his staff were unwilling to take responsibility for the noise blasting down from Annesdale and also that OPD, LUCB, MPD and Environmental Court have been unable to offer timely relief from this ongoing nuisance. At least one former neighbor (Stanton Thomas, former Curator at the Memphis Brooks Museum of Art) cited the nuisance-level noise as a significant factor in the decision to relocate his family from Memphis to another state, leaving a home he had loving restored and neighbors he valued.

Our Association Board has broad consensus in opposition to PD 2021-30 Annesdale development, as submitted by Murphy Maude Interiors.

1. Some Board members oppose any use of the property for hosting outside events. These neighbors doubt that any restrictions on events at Annesdale could be enforced in a timely manner by those (OPD, LUCB, Code, MPD, Environmental Court) who have repeatedly failed to do so in the past. These neighbors see the problem as a story not only of a bad actor who neglected responsibility for the events he hosted at Annesdale, but also of the failure of City and County government to defend the rights of surrounding property owners. These neighbors have a right to be free from the negative effects of a frequent public nuisance and from threats to their health and safety (since noise levels above 85 db can cause hearing loss with prolonged exposure and it is far from clear that COVID protocols have been followed at events). Because event hosting could gross between \$250,000 and \$500,000 a year, these neighbors fear a new owner might continue the old ways and keep a lawyer on retainer to drag out any suit neighbors might bring to seek relief against the venue.
2. Some Board members would be willing to consider allowing events if Murphy Maude Interiors submitted a revised application specifying significant, enforceable restrictions that would have to be accepted by the Association Board. That binding covenant would have to specify measurable limits on events at Annesdale and the consequences for not adhering to the agreement. Those limits might include, among other suggestions:
 - Decibel levels that will not be exceeded. The Association Board has discussed a level around 50 db.
 - Revised limits on the time for ending music for any new contracts. The neighborhood association prefers the cut off to be 9:00 p.m. as with the Levitt Shell.
 - For events that Ken Robison contracted sans required permit, the neighborhood association would expect a lower decibel threshold for any music after 9:00 p.m.
 - Limits on the number of new outside events can be contracted and scheduled per month. The neighborhood association feels it is inappropriate for events to be scheduled every weekend during comfortable weather.
 - A sunset clause that would require re-permitting of events after 2 or 3 years to allow for re-evaluation of the ongoing effect of events on Annesdale-Snowden quality of life under Leslie Murphy's management. The neighborhood association is categorically opposed to granting a variance in perpetuity.

- Prohibition of public (event) parking on the outside of Snowden Cir. And on the Central section of Agnes Place. Street signs should designate this parking as for residents only, as is done on some neighborhood streets near Overton Square.
- Prohibition of commercial vehicles, such as large buses, parking and idling on neighborhood streets for hours during events.

These Board members would like to see Leslie Murphy run a successful business at Annesdale if that could be done in a way that respected the rights and needs of Annesdale-Snowden neighbors.

To date, the prospective buyer, Leslie Murphy, has taken a business position of not agreeing to anything specific and measurable in conversation with a large group of Annesdale-Snowden neighbors at Memphis Heritage Monday night (August 30) or at Annesdale last week. (Murphy Maude's architect stated they had simply copied Ken Robinson's application and made a few changes to request additional nonconforming uses to expand their options; nothing in the submission addresses neighborhood grievances.) I hope that the current application represents her opening position rather than her best offer.

With additional time to negotiate solutions that would respect the needs of the surrounding neighbors and the pressure from LUCB to make some changes or face rejection, Leslie Murphy might be able to come to some agreement with the Annesdale-Snowden Neighborhood Association that is mutually beneficial. I am aware that some Board members (and neighbors) will not be satisfied with any solution that includes Annesdale hosting events, though even these neighbors are not opposed to using the Mansion for office space, showroom space, a boutique hotel or even a bed and breakfast. At the Memphis Heritage meeting, Leslie Murphey shared her desire to base her business at Annesdale for the long-term and to one day retire there. If she is committed to the preservation of the house for the next 150 years, she might be willing to take steps such as relinquishing the right to build multi-story, multi-family housing units on the grounds or joining the historic neighborhood association, so that Landmarks could play a larger role in review of any infill housing planned in the future, even after she no longer controls the property.

Annesdale-Snowden neighbors agree that the status quo is by no means acceptable. Living in an environment of ongoing nuisance-level noise:

- Significantly reduces quality of life within the "blast zone";
- Disincentivizes long-term residence in the neighborhood, resulting in a less stable neighborhood as properties turn over quicker;
- Disincentivizes homeowner investment in neighborhood properties within the Mansion "blast zone," because neighbors cannot see themselves living in such a tortuous environment for the long-term; and over time
- Contributes to neighborhood blight and, thus, erosion of the City tax base.

I would hope that the Office of Planning and Development will not recommend proceeding with PD 2021-30 as submitted.

Christopher Church, President
 Annesdale-Snowden Historic Neighborhood Association
 1215 Central Ave.
 Memphis, TN 38104

1325 Lamar Avenue

Carissa Hussong <cnhussong@gmail.com>

Fri 9/3/2021 7:52 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Linda and Marty Lipinski <lclipinski@gmail.com>; Maria Fuhrmann <mkfuhrmann@gmail.com>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

Under no circumstances should the Annesdale Mansion, 1325 Lamar Avenue, be granted a permit to host events if it does not become part of the Annesdale Snowden Historic District.

As neighbors who live along Snowden Circle, we have been repeatedly told that the intention of both the current owner and of the applicant is to preserve the historic property and that events are critical to generating revenue to maintain the property. If, in fact, their intention is to preserve the property, they should want to include it in the historic district. Instead, it seems they want to keep the property out of the district in order to maintain all future development options. Placing the property in the historic district does not prevent future development. Rather it will ensure that any proposed development is in keeping with the historic nature of the neighborhood and is thereby an asset to the community. If we are going to be asked to continue to accept the noise, parking and trash issues that have plagued our neighborhood as a result of the mansion being used as an event venue, we should be guaranteed that in doing so the historic integrity of the property and the neighborhood will be preserved.

It should be further noted that there has been no oversight of the current use of the property, meaning that repeated noise and parking violations committed by the current owner have not been addressed. When the police are called because the events are too loud or continue beyond 10 or 11 pm, we are told to call code enforcement. When we call code enforcement, we are told to call the police. When the current special use permit expired several years ago, the events were allowed to continue. If the current use request does not include some manner for immediate oversight and enforcement, it should not be granted. It is not right for the residents to have to assume legal fees to address illegal activity.

If this permit is approved, the property should be required to follow the same rules regarding when events must end as Levitt Shell. The houses in our neighborhood are closer to the event space than those around Overton Park and the noise is even more disruptive to our lives.

We understand the need to generate revenue to maintain the property - and if that is truly the applicants intent, the property should be placed within the historic district and there should be a means of revoking the permit for violations of said permit.

Respectfully,

Carissa Hussong and David Lusk
1293 Central Avenue

--

Carissa Hussong

Cnhussong@gmail.com

Annesdale PD

Christopher Church <oldhousechris@gmail.com>

Fri 8/27/2021 3:18 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Whitehead, Josh <Josh.Whitehead@memphistn.gov>; Zeanah, John <John.Zeanah@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 the 20-year-in-residence owner of 1215 Central Ave., Memphis, TN 38104. For much of the last 6 years or so, I have also served two stints as President of the Annesdale-Snowden Historic Neighborhood Association. Today, I am not writing in my official capacity as a spokesperson for the Board or our approximately 200 homeowners, but as a concerned neighbor in solidarity with those residing in the horseshoe surrounding the Mansion and those living halfway down those side streets (Central, Sledge, Agnes) to the west of W. Snowden Cir.

I am in strong opposition to PD 2021-30 Annesdale development, specifically to any provision that would allow for hosting of outside events with amplified music in perpetuity. Over the past several years, I have had many neighbors recount their frustrations with nuisance-level noise from outside events hosted by the Annesdale Mansion. I have also heard their frustrations that OPD, LUCB, MPD and Environmental Court have been unable to offer timely redress of their ongoing grievances. Though I suspect that you share some of their frustrations, you do not share their burden of living in an environment of nuisance-level noise. I wish to address the negative effect hosting these events at Annesdale have had, and continue to have, on my neighbors' quality of life.

Many Annesdale-Snowden neighbors living in the vicinity of the Mansion describe their past experience of neighborhood life before the event noise nuisance as that of living in a quiet, parklike setting in which bird calls could be heard at dusk. That quiet in the heart of the City is what long-time neighbors bought into when purchasing a home on the east side of Bellevue. Many of those attracted to our diverse and inclusive in-town neighborhood value a front-porch culture, in which neighbors could once enjoy the few months of pleasant weather we have in Memphis between the extreme heat and winter chill. Unfortunately, those few months of pleasant weather are the prime times for event bookings, often leaving neighbors without a single comfortable weekend in which to enjoy their porches, yards, neighborhood sidewalks or even the interiors of their homes.

Front-porch culture fosters neighborhood cohesion, as those sitting on their porches or working in their front yards interact with neighbors walking their dogs, out with a small child in a stroller or stopping while out for a jog. These human interactions make our neighborhood safer and our common life richer as we get to know each other. These experiences simply are not possible against a backdrop of deafening, bone-rattling noise blasted from the heights of the Annesdale Mansion backlot. (Since sound, like water, will travel downhill over a great distance, I lack confidence that noise remediation efforts of prospective owners will satisfy their near neighbors.)

Here is but a sampling of what Annesdale-Snowden neighbors have shared regarding the impact of nuisance-level noise on their quality of life over the past several years:

- Windows rattling in their homes for hours;

- Inability to put a preschooler down for an afternoon nap;
- Inability to talk with an out-of-state parent over the phone, not even in the back of the house;
- Inability to watch and hear televised sporting events inside their homes without cranking the volume up to maximum levels;
- Inability to help children with homework on Sunday afternoons or evenings because of inability to hear or be heard;
- Inability to retire early and sleep when necessary to be rested for an early morning flight the next day or for school on Monday morning;
- Inability to host friends for dinner or a game night during the event season;
- The need to rent a local hotel for the weekend to be able to escape the noise.

The Land Use Control Board should be concerned with my neighbors' subjective experience of greatly diminished quality of life, because living in an environment of ongoing nuisance-level noise has objective effects; it:

- Disincentivizes long-term residence in the neighborhood, resulting in a less stable neighborhood as properties turn over quicker;
- Disincentivizes homeowner investment in neighborhood properties within the Mansion "blast zone," because neighbors cannot see themselves living in such a tortuous environment for the long-term; and over time
- Contributes to neighborhood blight and, thus, erosion of the City tax base.

Dr. Martin Luther King wrote that "Justice too long delayed is justice denied." That OPD, LUCB and Environmental Court have been unable to offer timely redress of neighbors' grievances regarding nuisance noise has eroded confidence in local government's ability to promote the common good. The LUCB should allow uses of the Mansion that will encourage rather than be an obstacle to our efforts to continue to revitalize our neighborhood.

Any business model for the Annesdale property that relies on hosting events to subsidize business operations or maximize profits for the Annesdale Mansion owners will continue to rob Annesdale-Snowden neighbors of their quality of life. That is an injustice that should not be perpetuated.

Please feel free to contact me if you have any questions or would like to discuss any of these points.

Christopher Church, Ph.D., HEC-C

1215 Central Ave.

Memphis, TN 38104

(901) 846-6862 (c)

oldhousechris@gmail.com

----- Original message -----

From: Jesse Faris <jessefaris@gmail.com>

Date: 8/30/21 8:50 AM (GMT-06:00)

To: oldhousechris@gmail.com

Subject: 1279 Sledge Statement

Hi,

We live close to Snowden Circle on Sledge Avenue. Each weekend, we expect to hear music from the Annesdale Mansion related to events hosted there. Sometimes this is even enjoyable--we've heard some great voices and some favorite covers from our front porch over the 6 years we've lived in this neighborhood!

However, there are also times when particular events/DJs/bands play music much too loud and/or much too late for the comfort of neighborhood residents. My family has never complained to the police, nor have we posted complaints on the neighborhood social media pages. Even so, we have felt occasionally and sometimes even regularly unhappy with the disrespect shown toward Annesdale Snowden residents by the event hosts and ultimately the owners of the Annesdale Mansion.

We feel it is unreasonable for music ever to rattle our windows (which are a good distance from the Mansion), to be able to identify what song is being played/sung as we watch television in our living room, or to hear music inside our house after 9:30pm when we are attempting to fall asleep in preparation for an early morning of work. We feel this is a fair request, particularly because we have put our young children to bed over these last years with event music playing in the background--we have specially purchased white noise machines to counteract more reasonable outside volumes.

We hope the Annesdale Mansion will continue to be an asset to our community, as it is a historical jewel in our neighborhood. We also hope that the new owners will prioritize good neighborhood relationships by enforcing strict noise rules on events held at the Mansion. We look forward to many more porch hangs with great background music (at reasonable and respectful volumes)!

Jesse Faris and family
1279 Sledge Ave

On Aug 30, 2021, at 8:25 PM, oldhousechris <oldhousechris@gmail.com> wrote:

Thanks, Jesse, for beautifully composed thoughts. Do you mind if I forward your email to the City's Planning & Development and Land Use Control Board?

Chris Church

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

From: Jesse Faris <jessefaris@gmail.com>

Date: 8/30/21 9:12 PM (GMT-06:00)

To: oldhousechris <oldhousechris@gmail.com>

Subject: Re: 1279 Sledge Statement

Please feel free!

Jesse Faris
Sent via iPhone

Good afternoon John and Josh. As you know, Murphy Maude Interiors has applied for a planned development at the Annesdale Mansion. As a resident of the Annesdale neighborhood who lives right across the street from the Mansion, I am emailing you so as to go on record as being strongly opposed to any planned development that will include "events" of any kind. These include recreation, weddings, festivals, art festivals, parties, concerts, music, and the like whether they are inside or outside.

Your office is aware that we have been negatively impacted for years by extremely loud music and noise from events at Annesdale. The noise is beyond simple irritation. It rattles our windows and does not allow us to watch a movie or go to bed during events, much less have company or spend time outside. You are also aware how difficult it is to get any recourse once a permit is approved and the use is not what was represented during the application process. I am simply not willing to take that chance again.

I am unopposed to any development that involves office and/or retail space. I may be open to a "Boutique Hotel" concept or possibly a traditional Bed & Breakfast (not the short term rental Airbnb model). Thanks.

Sincerely,

Keith A Humphreys
1349 Agnes Pl
Memphis, TN 38104
901-356-4293

Annesdale PD

Martin E Lipinski (mlipinsk) <mlipinsk@memphis.edu>

Wed 8/25/2021 1:53 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Whitehead, Josh <Josh.Whitehead@memphistn.gov>; Zeanah, John <John.Zeanah@memphistn.gov>

📎 1 attachments (184 KB)

sample noise ordinance decibel requirements.pdf;

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.

As a resident of Annesdale- Snowden Historic District, I would like to share my thoughts on PD 2021-30 Annesdale development. First, let me emphasize that we would like the applicant to be successful. The proposed uses of a showroom and office and possibly a bed and breakfast would be an ideal use of this historic home. However, we are very concerned about the continued use of the property as a special events venue if the level of music/noise is not abated.

As you know, the noise level has been a continuing issue with the present owner. In fact, there are two suits pending against him, one in environmental court and one in chancery court. We would like to see these suits resolved prior to approval of any new land use. The neighbors have not been told the truth by the present owner on several issues and are a little gun shy about accepting promises without having some assurances that controls will be put in place.

As we understand the situation, there are 29 events planned between now and December, 2022 which will be honored with the sale of the property. My initial question is how can these events be held when the present owner does not have a permit to operate? My second question is, if these events are held, what can be done to control the sound level. And my third question is what can be done to monitor the sound level and have the police or code enforcement require the venue to reduce it or shut down.

In a recent meeting the potential new owners indicated they would conduct studies on how to reduce the sound level outside the venue by using sound blankets, structures, or other means such as limiting devices on the band's amplifiers. I support these efforts but would like to see proof that these devices work and are installed.

I would like to see conditions imposed that level the sound level at the curb lines across the street and also limit the hours of operation. Currently the events are permitted until 11 pm on Friday and Saturday and 10 pm on other days. I would like to see these reduced to at least 10 pm on Friday and Saturday and 9 pm on other days. As a point of reference, performances at the Levi Shell in Overton Park, when functioning, stop at 9 pm on Friday and Saturday.

Does the UDC address noise levels for various land uses?

We have been told by the present owner that he has no control over the level of the music and that the bride picks the band and they can play as loud as she wishes. I would like a requirement, in writing, that the venue is responsible for monitoring and controlling the sound level.

I am attaching a summary of noise ordinances in cities across Tennessee. I would like to see a designated sound level as measured by a decibel meter, put in the conditions. In addition, I want to see, in very specific terms, who can be called to enforce the limit and what are the consequences if the limit is exceeded. For example, the first time at a single event the venue is warned, they must reduce the sound below the prescribed limit. If the police or code enforcement are called again, the venue is shut down for the event.

Whoever is designated as the enforcement body must understand the conditions under which the permit to operate a special events venue has been issued and must be willing and able to enforce the regulation, even if it means terminating the event.

Perhaps this sounds a bit Draconian, but we have been burned badly by the action, or should I say inaction of the present owner. From all indications, the potential buyers of the property are acting in good faith and are trying to respond to neighbor concerns. We just need assurances that we won't have to suffer any further damage.

I understand that the potential owners consider the ability to hold special events a key factor to offset maintenance costs and in deciding if they can financially afford the purchase. Given the current rental rate of \$12,500 for weekend events, the 29 events already scheduled would bring in over \$300,000 in income. I want the potential owner to be successful, but not at the expense of the neighborhood and we must have conditions in place with teeth for our protection.

There are also a few additional issues, not as significant. Because not all homeowners around Snowden Circle have driveways we would like to see no valet parking on the outside of Snowden Circle.

Also, the owners should be responsible for trimming trees and brush around the property and also for picking up trash on a regular basis. I own property with Lamar frontage, and we pick up trash once or twice week. It is not a big deal but needs to be done regularly.

In summary, these are the issues I would like to see addressed in establishing the conditions for approving the PD:

- No action taken on this item until the two law suits are resolved
- If conditions for operation are considered, how will the existing contracts for special events be handled? What noise level and time restrictions will be in force? These should be subjected to revised conditions accompanying this PD approval
- The owner must install and test the adequacy of sound dampening devices such as barriers, blankets, sound limiting devices on amplifiers, etc. With the installation of these devices, the sound level shall be below a prescribed level.
- An acceptable sound level, measured at the property line of adjacent properties shall be established and enforced.
- The venue and not the person renting the facility shall be responsible for meeting the sound level requirements.
- It is imperative that a mechanism be in place to enforce the conditions in the approval of the PD. A process must be established where individuals adversely impacted by the sound can report the issue and have someone in authority respond, evaluate the situation, and be in a position where they can take action and require the venue to conform to the conditions or be shut down.
- The owners are responsible for controlling vegetation around Snowden Circle and for picking up litter around the property's perimeter.
- No valet parking shall be permitted along the outside curbs of Snowden Circle.

Please feel free to contact me if you have any questions or would like to discuss any of these points.

Marty Lipinski
774 E. Snowden Circle
Memphis, TN 38104
mlipinsk@memphis.edu
901-619-4449

SAMPLES OF CITY CODES REGULATING NOISE DECIBELS

BERRY HILL

11-302. Anti-noise regulations. It is unlawful to create, emit or cause to be emitted any excessive, loud and disturbing noise. The following shall be prima facie evidence of excessive, loud and disturbing noise:

(1) The use of any musical instrument, radio set, television set, phonograph, victrola or other instrument, machine or device for amplifying, producing or reproducing sound, in such manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, chamber or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto. The operation of any such instrument, machine or device between the hours of 9:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building or structure in which it is located shall be prima facie a violation of this section.

(2) Any noise created for the entertainment, enjoyment or benefit of the creator or their guests shall be presumed to be excessive, loud and disturbing if any of the following apply:

- (a) The noise is clearly audible for a distance of 50 feet or more from the property line from which the noise emanates, or
- (b) The noise is clearly audible by a passenger of a motor vehicle, other than a vehicle from which the noise may come, on a public street or thoroughfare with the doors and windows of the vehicle closed; or
- (c) The noise occurs between the hours of 9:00 P.M. and 7:00 A.M. and can be heard more than thirty (30) feet beyond the property line from which the noise emanates; or
- (d) In the event noise measuring devices or equipment are available, or become available, to measure the noise as against the ambient background noise, and the noise exceeds the ambient background noise by 15 decibels at any time between 9:00 P.M. and 7:00 A.M. or the noise is 25 decibels louder than the ambient background noise at any hour without regard to cause. Measurements of noise and ambient background noise shall be made at the property line unless other persons using the same property are complaining about the noise in which case the measurement shall be from the source of the noise. The use of measuring devices may be used as a supplement to other evidence or as evidence of a violation but is not required for the establishment of a violation. This section is not intended to be exclusive of any other section or provision of this chapter and use of a measuring device or equipment, when used, may be supplemental and does not preclude establishing a violation of other sections or through other evidence.

(3) Noise created in vehicles, including a radio, tape or disk player, or by a device or devices on the vehicle or from the vehicle, other than vehicle horns, shall be a violation of this section and presumed excessive, loud and disturbing if the noise is audible at a distance of twenty-five (25) feet or more from the vehicle.

(4) Vehicle horn blown when the vehicle or operator is not in immediate danger or when not used to warn or signal immediate and/or eminent danger.

(5) Noise made to attract attention to an event or sale which is audible 50 feet or more from the source or which exceeds the ambient background noise by 15 decibels.

(6) Persistent barking of a dog or other animal sounds which are audible 50 feet or more from the source or which exceeds the ambient background noise by 15 decibels. Dog barking or any other animal sounds which are 15 decibels louder than the ambient background noise shall be presumed to be unreasonable and disturbing if it is created between 9:00 P.M. and 7:00 A.M.

- (7) Exterior construction using hammers, power tools or motor driven equipment between the hours of 9:00 P.M. and 7:00 A.M.
- (8) Lawnmowers, bush clearing equipment, blowers, and other equipment used for cleaning or maintenance shall be exempted from this section if the equipment meets the following provisions:
- (a) The equipment is being operated and used for the purpose for which it was intended.
 - (b) The equipment is being operated with the use of all sound dampening devices which meet or exceed original equipment.
 - (c) The equipment is being used between the hours of 7:00 A.M. and 9:00 P.M.
 - (d) The equipment is used for the limited time required to accomplish the particular work or job activity.
- (9) A violation of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. #98-299, July 1998, as amended by Ord. #2000-313, Oct. 2000)

PIGEON FORGE

11-805. Prohibited noise sound level standards. Any act in violation of the following subsections is deemed to be in violation of the chapter without in any way limiting the generality of the provisions of § 11-804.

(1) Maximum permissible sound pressure levels. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

TABLE A

Sound Pressure	Level Limit db(A)	
	Day 7 A.M.-10 P.M.	Night 10 P.M. - 7 A.M.
District		
Residential	55	50
Commercial	65	55
Industrial	80	75

When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

(2) Construction activities. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 9:00 P.M. of one day and 6:00 A.M. of the following day. Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

(3) Enclosed places of public entertainment. The operating, or permitting to be operated, of any sound amplifying equipment or other noise source in any enclosed place of public entertainment shall be subject to the following provisions. When individuals are subjected to sound levels and exposure durations exceeding those shown in Table B, when measured on a sound level meter

of standard design and operated on the "A" weighting network, feasible administrative or engineering controls shall be utilized to protect against the effects of such noise exposure.

TABLE B

Duration per day, hours	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

(4) Vehicle repairs or testing. The repairing, building, rebuilding, or testing of any truck, automobile, motorcycle or other motor vehicle within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(5) Machinery, equipment, fans and air-conditioners. Operating any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(6) Domestic power equipment. No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five (5) horsepower or less and used for home or building repair or grounds maintenance between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or operate or permit to be operated between the hours of 7:00 A.M. and 10:00 P.M. any such power equipment which emits a noise sound pressure level in excess of eighty (80) decibels in the "A" weighting network dB(A). Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of twenty-five feet from the noise source.

(7) Commercial power equipment. No person shall operate on any property within a residential or commercial district(s) or on any public way within a residential or commercial district(s), any power equipment rated more than five (5) horsepower, excluding construction equipment used for construction activities, such as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or within residential, commercial or industrial noise districts between the hours of 7:00 A.M. and 10:00 P.M. which emits a noise level in excess of eighty-eight (88) decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of twenty-five (25) feet from the noise source. (1979 Code, § 10-305)

NORRIS

11-201. Unlawful sound or noise. (1) Sounds prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, repetitive or unusually loud noise, which either annoys, disturbs, injures or endangers the peace, health or safety of another person within the limits of the City of Norris. Examples of specific offenses include the following; however, this section is not exclusive:

- (a) Horns, etc. Use of horns or other signal devices on vehicles other than momentarily as a danger warning.
- (b) Engines. Racing vehicular engines.

- (c) Wheel spinning. Intentional spinning vehicular wheels to cause tire squealing.
 - (d) Mufflers. Operating vehicular stationary or other nonvehicular engines without mufflers adequately controlling exhaust noises.
 - (e) Radios, etc. Operating electronic or mechanical instruments such as music players louder than is necessary for convenient hearing within a dwelling or hall.
 - (f) Loud speakers, etc. Operating electronic or mechanical instruments such as loud speakers or drums out-of-doors or on the public streets for advertising.
 - (g) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling or singing at a continuing and loud manner, between the hours of 11:00 P.M. and 7:00 A.M.
 - (h) Pets. Permitting noise by animals which repeatedly disturbs the comfort or repose of any person in the vicinity.
 - (i) Noise producing construction operations. The noisy erection (including excavation), demolition, alteration, or repair of any building or property, in the construction or repair of streets and highways within the city limits during the hours of darkness on week days and Saturdays. An exception can be made in the case of urgent necessity in the interest of public health and safety, and when only with a permit from the building inspector granted or a period while the emergency continues not to exceed thirty (30) days. (For the purposes of this section the hours of darkness is defined as the period of time between thirty minutes after official sunset time and thirty minutes before official sunrise time). If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways during the preceding restricted hours, and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done during the restricted hours upon application being made at the time the permit for the work is awarded or during the process of the work.
- (2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
- (a) City vehicles. Any vehicle of the city while engaged upon necessary public business.
 - (b) Repair of streets, utilities, etc. Excavations or repairs of water and sewer lines, bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders in impracticable to perform such work during the day.
 - (c) Property owners making repairs and/or alteration on their own property.
- (3) Sound level from property. It shall be unlawful to project a sound or noise which exceeds the sound level set out in Table I below from one property into another within the boundary of any zoning district excluding noise emanating from cars, trucks, or motorcycles.

TABLE I - LIMITING NOISE LEVELS FOR ZONING DISTRICTS

SOUND LEVEL IN DECIBELS	ZONE	WHERE MEASURED
50	All residential Districts, (R-1, R-2, FAR)	Common lot line
55	Professional, Civic District (P-1)	Common lot line
60	Commercial Districts (C-1, C-2)	Common lot line
65	Industrial Districts	Common lot line

(4) Sound level from vehicles. It shall be unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the sound level limits set out in Table II below:

SOUND LEVEL IN DECIBELS MEASURED	TYPE OF VEHICLE	WHERE
87	Buses and trucks over 10,000#	At 50'
93	Buses and trucks over 10,000#	At 25'
80	Buses and trucks under 10,000#	At 50'
86	Buses and trucks under 10,000#	At 25'
78	Passenger cars	At 50'
84	Passenger cars	At 25'
87	Motorcycles (includes other vehicles)	At 50'
93	Motorcycles (includes other vehicles)	At 25'

(5) Sound level measurement. The sound level shall be measured with a type of audio output meter approved by the Bureau of Standards. The measurements shall be made at the location or distance specified in Tables I and II, where such noise is generated, or perceived, as appropriate, five (5) feet above the ground. The output meter during the measurement shall be positioned so as not to create any unnatural enhancement or diminution of the noise source. A wind screen for the output meter shall be used when required. (1972 Code, § 10-211)

ROGERSVILLE

15-805. Vehicle noises specifically prohibited. (1) No person shall operate or permit to be operated a motor vehicle without a muffling device at least as effective as that installed as original equipment by the manufacturer.

(2) No person shall operate or permit to be operated a vehicle at any time under any condition of roadway grade, load, acceleration, or deceleration in such a manner as to generate a sound level in excess of the following limits, when measured at a distance of at least twenty-five (25) feet from a noise source located within the applicable street, highway, or parking area:

(a) For any motor vehicle with a GVWR or GCWR of 10,000 pounds or more to be subject to the standards authorized by 42 USC § 4917 and specified in 40 CFR 202.10, et seq., the limits specified in that regulation, as the same may be amended from time to time by the Federal Highway Administration.

(b) For any motorcycle as hereinabove defined, 85dbA.

(c) For any other motor vehicle not included in subsection (a) above, 80dbA.

(3) The sounding of any horn or signaling device, except as a danger warning, is prohibited. (1986 Code, § 9-705)

SEVIERVILLE

11-302. Restrictions. (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the city is prohibited.

(2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

- (3) The following standards shall apply:
- (a) Residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
 - (i) 7:00 A.M. to 10:00 P.M.:
 - (A) Continuous airborne sound which has a sound level of 55 dbA's.
 - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's.
 - (ii) 10:00 P.M. to 7:00 A.M.:
 - (A) Continuous airborne sound which has a sound level of 50 dbA's.
 - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's.
 - (b) Industrial and commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
 - (i) 7:00 A.M. to 10:00 P.M.:
 - (A) Continuous airborne sound which has a sound level of 65 dbA's.
 - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's.
 - (ii) 10:00 P.M. to 7:00 A.M.:
 - (A) Continuous airborne sound which has a sound level of 55 dbA's.
 - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's. (Ord. #640, Mar. 1991)

11-303. Declared unnecessary noises enumerated. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the city.

- (1) Horns, signal devices and the like.
- (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:
 - (i) While not in motion, except as a danger signal that another vehicle is approaching apparently dangerously; or
 - (ii) If in motion:
 - (A) after or as brakes are being applied and deceleration of the vehicle is intended;
 - (B) before passing another vehicle as a signal of intent to so pass;
 - (C) where state motor vehicle statutes require the sounding of such a horn or signaling device; or,
 - (D) when otherwise necessary as a danger signal.
 - (b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.
- (2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.
- (3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (4) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- (5) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.
- (6) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(7) Schools, courts, churches, and hospitals. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning or judicial court while the same are in session or on any street adjacent to any hospital, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, hospital, or court street or quiet zone.

(8) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers.

(9) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 11:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is sounded as a warning of danger.

(10) Trains, vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any train, locomotive, motor vehicle, bus or truck while passing through the city or while loading passengers or freight within the city.

(11) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes, except where a specific license or permit is received from the police department.

(12) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted between the hours of 7:00 P.M. and 7:00 A.M. (9:00 A.M. on Sundays), except in emergencies. (Ord. #640, Mar. 1991)

11-304. Nonvehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the city, when the same shall produce noise, the sound-pressure level of which measured at the point of annoyance complained of shall exceed the standard noise level of the city established for that location and time of day. In measuring noises to determine if the standard noise level of the city has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound present when the offending noise source is silenced. (Ord. #640, Mar. 1991)

11-305. Vehicular noise regulations. (1) No person shall operate, within the limits of the city, any vehicle which will emit noise which will exceed the standard noise level of the city established for the size vehicle when used under ordinary circumstances. For noncommercial vehicles, the standard noise level of the city is hereby established as follows:

Type of vehicle	Maximum noise level (dbA's)
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet from the source. (Ord. #640, Mar. 1991)

11-306. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the city administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

- (5) Power lawn mowers, when operated between the hours of 8:00 A.M. (9:00 A.M. on Sundays) and 10:00 P.M.
- (6) Air conditioners that increase the background or ambient noise level no more than five dbA's. (Ord. #640, Mar. 1991)

RED BANK

9-819. Signs distracting to motor vehicle operators prohibited.

Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or allowed that will be or are or may reasonably be distracting to drivers and thereby hazardous and dangerous to the traveling public. Additionally, and regardless of location, no off-premise or on-premise sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except

- (1) That tri-vision off-premise signs with moving parts shall be permitted,
- (2) On-premise message centers shall be allowed provided a special permit has been obtained pursuant to the provisions of this chapter, and
- (3) On-premise signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided that each display shall remain constant for a minimum of not less than four (4) seconds.

No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual of Uniform Traffic Control Devices for Streets and Highways as now existing or hereafter amended shall be permitted. No sign shall emit any sound or sounds, audible to the human ear without amplification or exceeding ten (10) decibels. (1975 Code, § 5-820, as replaced by Ord. #03-875, June 2003)

BELLE MEADE

11-408. Anti-noise regulations. (1) Definitions.

- (a) "Noise level" shall mean the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty microneutons per square meter. The unit of measurement shall be designated as dB(A).
- (b) "Person" shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.
- (c) "Sound level meter" shall mean an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(2) Noise of such character, intensity, and/or duration as to be unreasonably loud and disturbing or in disturbance of the public peace and welfare, wherever and by whomever committed, is hereby prohibited and declared to be a nuisance.

(3) It is also specifically prohibited and hereby declared to be a nuisance for any person at any location within the City of Belle Meade to create such noise as above described, on property owned, leased, occupied, or otherwise controlled by such person. Where the resulting noise level, when measured on any other property within the city, exceeds the noise standards listed below, this in and of itself shall constitute violation of this subsection. Sound level meter evidence, however, is not required in order to show violation, which may also be established by other evidence.

NOISE STANDARDS

<u>Noise Level</u>	<u>Time Period</u>
55dB(A)	07:00 A.M. - 10:00 P.M.
50dB(A)	10:00 P.M. - 07:00 A.M.

- (4) Exemptions. The following activities shall be exempted from the provisions of this section:
- (a)(i) Municipal vehicles. Any vehicle of the City of Belle Meade while engaged upon necessary public business.
 - (ii) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways, by or on behalf of the City of Belle Meade, the county, or the state. Such work may be performed between the hours of 7:00 P.M. and 7:00 A.M. only when the public welfare and convenience renders it impossible to perform such work during the day.
 - (b) Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity.
 - (c) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
 - (d) Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities do not take place between the hours of 7:00 P.M. and 7:00 A.M. on weekdays, including Saturday, or at any time on Sunday or a federal holiday.
 - (e) Noise sources associated with the maintenance of real property, provided said activities take place between 7:00 A.M. and 7:00 P.M. on any day. (Ord. 71-6, § 2.31. 1987 Code, § 10-231, as amended by Ord. #93-11, § 1, Dec. 1993)

JOHNSON CITY

11-503. Maximum permitted sound levels in residential zones.

- (1) Except as allowed in § 11-504 below, no person, regardless of location, shall operate or cause to be operated any source of sound in such a manner as to create a sound level which, at its peak, exceeds the limits set forth in this section when measured at a height of five (5) feet above the ground at or beyond the property line of a residence. Physical features which are commonly associated with property boundaries such as back of curb, edge of driveway or parking lot, hedges, perimeter landscape strips or buffers or fences are presumed to be at a point which is at or beyond the property line.
- (2) Sound which originates from a dwelling unit in a duplex or other multi-family housing unit may be measured within an adjacent intrabuilding dwelling or from any point at least twenty-five (25) feet from the unit from which the noise originates.
- (3) The following standards shall govern the allowable noise levels in any residential zoning district. Unless exempt per § 11-506 or allowed by special permit as defined in § 11-507, no noise shall exceed the limits specified below:
 - (a) Nighttime - 55 dBA between 11:00 PM and 7:00 AM.
 - (b) Daytime - 75 dBA between 7:00 AM and 11:00 PM. (Ord. #3251, Oct. 1994, as amended by Ord. #3600, July 1998)

11-504. Maximum permitted sound levels for motor vehicles.

- (1) It shall be unlawful for any person to operate or cause to be operated a public or private motor vehicle, motorcycle or combination of vehicles at any time in such a manner that the sound level of the vehicle exceeds the levels set forth in Table 1 below:

TABLE 1
 MAXIMUM MOTOR VEHICLE SOUND LEVEL (dBA)

Vehicle class	Speed limit 35 mph or less	Speed limit over 35 mph
Any motor vehicle with a gross vehicle weight rating (GVWR) of less than 10,000 pounds	81	85
Any motor vehicle with a GVWR of more than 10,000 pounds	89	94
Motorcycles 81 85 Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	80

(2) Sound levels are to be measured at a distance of at least fifty (50) feet from the noise source and at a height of at least four (4) feet above the surrounding surface. (Ord. #3251, Oct. 1994)

11-505. Nuisance noises expressly prohibited. To the extent that they exceed the sound levels set forth in § 11-503 or § 11-504, the following specific acts are declared to be in violation of this chapter:

- (1) Animals. The keeping of any animal, bird or fowl which makes frequent or long, continued noise;
- (2) Noise sensitive zone. The creation of any excessive noise heard within any school, public building, church or any hospital, or the grounds thereof, while in use, which interferes with the workings of such institution;
- (3) Loudspeakers, etc. The use of any loudspeaker, drum, or other device for the purpose of attracting attention to any performance or sale or display of merchandise. (Ord. #3251, Oct. 1994)

11-506. Exceptions. The following are exempt from the sound level limits specified in § 11-503 and § 11-504 of this code:

- (1) Any vehicle or employee of the city, while engaged upon public business;
- (2) Construction operations between the hours of 7:00 AM and 9:00 PM for which building permits have been issued or construction operations for which no permit is required, provided that all construction equipment is operated according to manufacturer's specifications and mufflers are maintained in proper working order;
- (3) Excavations or repairs of bridges, streets, highways, sidewalks, utilities, or other public works by or on behalf of the city, county, state, or utility company, during the night, when the public welfare and convenience renders it impossible to perform such work during the day;
- (4) Domestic power tools, lawn mowers, and agricultural equipment, between the hours of 7:00 AM and 9:00 PM provided it is properly operated with all manufacturer's standard noise-reducing equipment in place and in proper operating condition;
- (5) Safety signals and alarm devices and the authorized testing of such equipment;
- (6) Noises from nonamplified church bells and chimes;
- (7) Noises resulting from a parade, scheduled outdoor athletic event, fireworks display, or any event which has been sanctioned by the city.

- (8) Noises resulting from a street fair or block party between the hours of 7:00 A.M. and 11:00 P.M.
- (9) Noise(s) from trains and other associated railroad rolling stock when operated in proper repair and manner;
- (10) Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution. (Ord. #3251, Oct. 1994)

COOKEVILLE

11-202. Anti-noise regulations. (1) Preamble. The Council of the City of Cookeville finds that excessive noise is detrimental to the physical, mental, and social well being of the citizens of the City of Cookeville as well as to their comfort, living conditions, general welfare and safety and hereby declares it necessary to provide for more effective regulation of excessive noise. It is the intent of this chapter to establish standards that will eliminate or reduce unnecessary and excessive noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

(2) Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(a) "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standard S1.4-1983 (R 1997). The level so read is designated dB(A).

(b) "Ambient noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) "City" means City of Cookeville.

(d) "Commercial use" means activity within or upon a premise where offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use, as set forth below.

(e) "DB(A)" means a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

(f) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(g) "Industrial use" means any activity within or upon a premise where manufacturing, processing or fabrication of goods or produces takes place.

(h) "Motor vehicle" means any motor required to be registered by the Department of Safety for the State of Tennessee, pursuant to Title 55 of the Tennessee Code.

(i) "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

(j) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include real property leased to any non-governmental entity for residential, commercial or industrial use, as defined herein.

(k) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(l) "Residential use" means any premises lawfully used for human habitation under the ordinances of the City of Cookeville and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities.

For purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(m) "Sound pressure" means the average rate at which sound energy is transmitted through a unit area in a specified direction.

(n) "Sound pressure level meter" means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dB(A) scale.

(3) Standards.

(a) No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards:

(i) Residential use. (A) When the offending sound emanates from a residential use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of 65 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a residential use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure level of 60 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(ii) Commercial use.

(A) When the offending sound emanates from a commercial use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of 80dB(A), or impulsive sound which as an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a commercial use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure level of 75 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(iii) Industrial use. When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(b) No person shall cause, suffer, allow or permit from any source within a public premise any airborne sound which, when measured from the source of the sound, has an A-weighted sound pressure level in excess of 65 dB(A), or any impulsive sound which has an A-weighted sound pressure level of 80 dB(A). This subsection shall not apply to legitimate government operations.

(c) Sound, whether continuous or impulsive, shall be measured at approximately five feet above grade, using a slow meter response setting and using a windscreen when appropriate.

(4) Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises.

(a) Consistent with other provisions of this section, and in addition thereto, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

(i) The frequency of the noise;

- (ii) The intensity of the noise;
- (iii) Whether the nature of the noise is usual or unusual;
- (iv) Whether the origin of the noise is natural or unnatural;
- (v) The frequency and intensity of the ambient noise, if any;
- (vi) The proximity of the noise to residential sleeping facilities;
- (vii) The nature and land use of the area within which the noise emanates;
- (viii) The population density of the inhabitation of the area within which the noise emanates;
- (ix) The time of the day the noise occurs;
- (x) The duration of the noise; and
- (xi) Whether the noise is recurrent, intermittent, or constant.

(c) The following acts, among others, are declared to be unreasonably loud, unusual or unnecessary noises in violation of this chapter, even if the noises referred to do not violate the noise level standards set forth in this section.

- (i) Horns and signaling devices on vehicles. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicles while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (ii) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities.
- (iii) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (iv) Drums and other attention-attracting devices. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (v) Animals and birds. The keeping of any animal or bird which, by frequent barking, howling, crying, singing or causing any other frequent or long-continued noise, disturbs the comfort and repose of any person in the vicinity.
- (vi) Sound trucks. The use or operation on or upon the public streets in the city or on driveways or throughways owned by or leased to the City of Cookeville of any device known as a sound truck, or any loudspeaker, sound amplifier or other instrument of any kind or character which emits therefrom loud raucous noises and is attached to and upon any vehicle operated or standing upon the city streets or on driveways or throughways owned by or leased to the City of Cookeville.
- (vii) Defect in vehicle or noisy load. The use of any automobile, motorcycle, or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (viii) Pneumatic devices. The use of any mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (ix) Fireworks. The use of any combustible novelty or recreational items generating a whistle or loud report.

(5) Noise from motor vehicle audio equipment. Consistent with other provisions of this section, and in addition thereto, no person shall use or operate any radio, tape player, record player,

compact disc player or any similar device in or on a motor vehicle located on the public streets of the City of Cookeville, property owned by or leased to the City of Cookeville, or within a public park, within a public parking lot or on any other public premise within the city, which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be audible, and said sound shall include bass reverberation.

(6) Continuing violations. Each violation of this section shall be considered a separate offense, and any violation continuing more than one half (1/2) hour or recurring within one half (1/2) hour shall be considered a separate offense for each half hour of violation.

(7) No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(8) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

(a) Any vehicle of the city or a public utility while engaged in necessary public business.

(b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day

(c) Emergency activities of the city, the county, or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.

(d) Any special event authorized by the city pursuant to the law, rules and regulations of the city.

(e) Excavation, construction, demolition, repair, paving or alteration of buildings or streets. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use between the hours of 6:00 P.M. and 7:00 A.M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(f) Use of domestic power equipment (including but not limited to power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills, or similar devices) between 8:00 A.M. and 9:00 P.M.

(g) Attendant on-site noise connected with the actual performance of organized sporting events on school campuses and in publicly owned parks or facilities.

(h) Warning devices on authorized emergency vehicles and on motor vehicles used for traffic safety purposes.

(i) Amplified and unamplified bells and chimes on schools, public buildings and other places of assembly.

(j) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between 10:00 P.M. and 7:00 A.M. in a residential use.

(k) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between 7:00 A.M. and 10:00 P.M.

- (l) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off, if such landing or taking off is approved.
- (m) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its component parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.
- (n) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries, and sounds associated with play.
- (o) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this code.

(9) Special noise permits.

- (a) The City of Cookeville shall, upon proper application, grant special permits for limited exceptions from the provisions of this section.
 - (b) Special noise permits shall be issued only for events occurring on Friday, Saturday, or a federally recognized holiday, and shall be effective only between the hours of 7:00 A.M. and 10:00 P.M. Special noise permits shall be limited to a single day, and no more than two permits shall be issued to any premises in any twelve (12) month period, regardless of any change in ownership of the premises.
 - (c) Any person seeking a special noise permit pursuant to this section shall file an application with the city clerk. The application shall contain specific information regarding the nature of the event for which the permit is sought, including the anticipated duration of the event, the address of the premises for which the permit is sought, the name (and address, if different from the premises for which the permit is sought) of the person seeking the permit, an acknowledgement of responsibility of the applicant for any violations of this section resulting from noncompliance with the terms of the permit, and the signature of the applicant. Said application shall be filed no less than three (3) business days prior to the effective date of the permit. No permit shall be issued by the city clerk unless the application has been approved in writing by the Cookeville Police Department.
 - (d) Upon receipt of a properly executed and signed application, the City of Cookeville shall issue a special noise permit to the applicant, which permit shall exempt the premises specified in the permit from the provisions of this section for the date specified in the permit, except that sound emitted from the premises shall in no way exceed the standards set forth in this section by more than 10 dB(A).
 - (e) Non-compliance with any conditions of the permit or any of the provisions of this section shall invalidate the permit and subject the applicant and any other person on the premises to all provisions of this section.
 - (f) The permit shall be displayed prominently on the premises covered by the permit.
- (Ord. #099-02-03, March 1999, as amended by Ord. #001-11-16, Feb. 2002)

CROSSVILLE

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise exceeding eighty-seven (87) decibels and of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of any person in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- (e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
- (f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hour of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.
- (i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.
- (j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.
- (k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

- (l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
 - (a) City vehicles. Any vehicle of the city while engaged upon necessary public business.
 - (b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
 - (c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city council. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1989 Code, § 11-502, as amended by Ord. #1200, Nov. 2008)

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1989 Code, § 15-120)

CUMBERLAND GAP

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited under the following parameters. In residentially and commercially zoned areas, as defined under Title 14 of this code, excess of the following decibel limits is prohibited:

<u>Zoning</u>	<u>Time of Day</u>	
	7:00 AM – 9:59 PM	10:00 PM – 6:59 AM
Residential	45 db (A)	40 db (A)
Commercial	55 db (A)	45 db (A)

Decibel recordings are made with an American National Standards Institute Type II approved device at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, as to annoy

or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, whistling, or singing on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 PM – 6:59 AM, and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 10:00 PM and 6:59 AM upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

However, no such use shall be made until a permit therefore is secured from the recorder and treasurer. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1979 Code, § 10-234, as replaced by Ord. #2-2008, May 2008, as replaced June 2008)

CLEVELAND

11-203. Excessive noise from motor vehicles. (1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the corporate limits of the City of Cleveland, Tennessee, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include base reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other water crafts operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government.

(3) A violation of this section will subject the offender to a fine in an amount not to exceed \$50.00. (as added by Ord. #2004-30, Aug. 2004)

SWEETWATER

14-313. M-1 Industrial zoning district. The purpose of this zoning district is to allow for a wide variety of industrial land uses. Non-noxious industries, those which do not utilize caustic chemicals, store flammable chemicals, produce noxious odors, or utilize machinery or heating/air conditioning systems which generate noise levels in excess of 55 decibels outside the plant, or process good which would have an impact on noise or air quality are permitted uses. Plants which may require the handling of chemicals or storing of flammable products or other noxious factors noted above are permitted as a use on review by the board of zoning appeals if site design criteria indicates that they will not pose any health, environmental, or safety threat to surrounding properties.

(1) Uses permitted. All uses listed below are allowed:

(a) Agriculture implementation sales and service; filing stations; building materials and lumber yards; bottling and packaging plants; electrical appliance and equipment assembly; engraving and printing; optical goods manufacturing; public utilities; wholesaling and warehousing (except for the storage of chemicals or pharmaceuticals); engineering and contractors offices; building supply sales.

(b) Signs and billboards as regulated in § 14-409.

(2) Uses permitted on review. Site plans are required for all uses listed below. Any chemical usage or storage must be noted on the site plan. Any storage of gasoline or other flammables must be noted as to the proposed location of storage and types of containers. Any dyes or other manufacturing goods which are of a chemical compound mixture or solution must be noted on the site plan. Any decibel levels outside the plant must be noted, and any construction materials used to muffled loud equipment noises must be noted. Any dyes or similar by-products which

will be transmitted into the public sewer must be noted on the site plan. By-products from meat processing must be noted as to the manner in which odor will be contained. All federal standards regarding noise, air quality, chemical disposal, and public safety must be certified as being met. The board of zoning appeals can deny where the proposal negatively impacts the areas noted above or where the proposal has not submitted adequate information to assure compliance.

- (a) Sewing operations and piece goods; sporting goods manufacturing; paper products processing and fabrication.
- (b) Meat processing or packaging.
- (c) Concrete products manufacture.
- (d) Mining operations provided that they submit a mining reclamation plan for approval.
- (e) Asphalt manufacturing.
- (f) Foundries.
- (g) Pharmaceuticals production.
- (h) Brick, tile, or terra cotta manufacturers.
- (i) Buildings incidental to the above uses.

(3) Uses prohibited.

- (a) Nuclear waste processors.
- (b) Any firm utilizing nuclear materials.
- (c) Any use which the board of zoning appeals deems has not offered enough factual information regarding health, safety or environmental concerns or who has not proven its intent to deal effectively with health, environmental, or safety issues.

(4) Lot and area regulations. The front, rear, and side yard setbacks shall be twenty feet unless a loading dock is utilized in which case the setback on the loading dock side shall be thirty feet. On lots abutting a residential district, the setback on the abutting side shall be fifty feet. No new industrial district shall be located on less than two acres. Existing buildings may be rezoned for use provided that there is adequate parking and evergreen landscaping is utilized to buffer industrial operations on sites where buildings are located. Existing buildings located adjacent to residential buildings or districts must buffer a ten feet wide area with tall growing evergreens. Sound barriers may also be required.

- (a) Gasoline pumps and islands, and surfaces must be located twenty-five feet from any building and fifty feet from any residential district.
- (b) No yard setback shall be required for any lot abutting a railroad.
- (c) Landscaping is required in accordance with § 14-413.
- (d) No industrial use shall be allowed to have access through residential street.
- (e) The board of zoning appeals may permit uses similar to above listed uses with the appropriate site plans and safety, health and environmental notations being placed on the plan and assurances that environmental and safety issues will be met.
- (f) Warehouses used for the storage of household goods shall be allowed more than one structure per lot provided that all external setback requirements are met. (Ord. #585, July 1986, as amended by Ord. #592, Sept. 1986, modified)

LEBANON

11-401. Commercial, industrial and business anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, unnecessary commercial, industrial or business noise which causes material distress or discomfort or injury to persons of ordinary sensibility in the immediate vicinity thereof is hereby declared to be unlawful under the provisions stated herein and is hereby prohibited.

(1) Determination of unreasonably loud noise. For the purpose of determining and classifying any commercial or industrial noise as unreasonably loud, the following procedures and test measurements, and requirements shall be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least twenty-five (25') feet from the noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, the noise measurement shall be taken at least twenty-five (25') feet from the property line of the property on which the noise source is located.

(b) The noise shall be measured on the "A" weighing scale on a sound level meter of standard design and quality and properly calibrated.

(c) For purposes of this chapter any measurements made with a sound level meter shall be made when the wind velocity at the time and place of such sound measurement shall not be more than five (5) miles per hour, or twenty-five (25) miles per hour if the measurement is taken with the assistance of a wind screen.

(d) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the other noises of the environment and shall consider all noise sources at the time and place of the sound level measurement.

(e) Notwithstanding any other provisions to the contrary, no person or organization shall cause, suffer, allow or permit sound from any source which, when measured at the point of the annoyance as stated herein, is in excess of the decibel readings listed on the chart below:

REPETITIONS	COMMERCIAL, INDUSTRIAL or BUSINESS	
Per 24 hr Period	7:00 am-10:00 pm	10:00 pm-7:00 am
CONTINUOUS	Must Comply with OSHA/TOSHA standards	Must Comply with OSHA/TOSHA standards
100	Must Comply with OSHA/ TOSHA standards	Must Comply with OSHA/ TOSHA standards
10	Must Comply with OSHA/ TOSHA standards	Must Comply with OSHA/TOSHA standards
1	Must Comply with OSHA/TOSHA standards	Must Comply with OSHA/TOSHA standards

(2) Exceptions. None of the prohibitions hereof shall apply to or be enforced against:

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

(b) Repair of streets. Excavation or repairs of bridges, streets or highways at night, by or on behalf of the city, the county or the state, when the public welfare and convenience renders it impractical to perform such work during the daytime.

(c) Non-commercial and non-private use of loudspeakers and amplifiers. Reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by non-profit organizations are exceptions, however, no such use shall be made until a permit therefor is secured from the chief of police. The hours for the use of amplified or public address systems by the nonprofit organization will be designated in the permits and the use of said systems shall be restricted to the hours designated.

(d) Any person or organization operating under a temporary or permanent permit which has been issued under the provisions of this section. A person may apply for a noise exception permit by submitting an application to the Chief of Police for the City of Lebanon upon approved application forms. The application shall denote the time and place of the proposed noise generator, the source of the noise and the purpose for requesting the permit. Two types of permits may be issued by the chief of police, after consultation with the city engineer: A temporary permit which expires five (5) days after

issuance and which is for a specific time and place of operation, or a permanent permit which applies to a permanent location where good cause is shown for the source of sound to exceed the proposed limits stated herein and the chief of police in consultation with the city engineer has determined that no threat to public safety or annoying nuisance shall occur from the issuance of the subject permit. A temporary permit may be issued by the chief of police upon proper application without city council approval. A permanent permit may be issued upon application to the chief of police. (1968 Code, § 10-234, as replaced by Ord. #95-1382, Nov. 1995, and amended by Ord. #02-2318, March 2002)

11-402. Miscellaneous prohibited noises enumerated. (1) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, sound devices. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound either independently or in connection with motion pictures, radio, or television in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(c) Yelling and shouting. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence or of any persons in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Noises near schools and places of assembly. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.

(h) Loading and unloading operations. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers during the hours of 11 P.M. to 7:00 A.M.

(i) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.

(j) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(k) Loud sound amplification systems in vehicles.

(i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(ii) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(iii) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway on either public or private property.

(iv) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply: medical or vehicular assistance or to warn of a hazardous road condition;

(A) The system was being operated to request (B) The vehicle was an emergency or public safety vehicle;

(C) The vehicle was owned and operated by the City of Lebanon, or a utility, gas, electric, communications, or refuse company; or

(D) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Wilson County Fair, or any activities at the James E. Ward Agricultural Center, and other activities which have the approval of the city council or a department of the city authorized to grant such approval.

(2) Exceptions. None of the terms or prohibitions of this section shall apply to or be enforced against

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

(b) Repair of streets or public ways. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, Wilson County, or the State of Tennessee, during the night season when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

However, no such use shall be made until a permit therefor is secured from the chief of police in each instance. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designated in the permit.

(d) Use of loudspeakers or amplifiers for auctions; permits. No person shall use loudspeakers or amplifiers to conduct auctions unless he or she first obtains an annual permit therefor. Permits for the use of loudspeakers or amplifiers shall be obtained from the chief of police.

Each permit shall be valid for one year. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system

shall be restricted to the hours designed in the permit. Operators of loudspeakers or amplifiers for the purpose of conducting auctions shall not violate city ordinance provisions concerning noise pollution. (as added by Ord. #02-2318, March 2002)

ARLINGTON

15-928. Unnecessary noise; decibel rating. (1) Definitions. For the purposes of this section, certain words and phrases used herein are defined as follows:

- (a) "Ambient noise" is the all-encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.
- (b) "A-weighted level" is the total sound pressure level of all noise as measured with a sound level meter using the A-weighting network. The unit of measurement is the db(A).
- (c) "Band pressure level" of sound for a specified frequency band is the sound pressure level for the sound contained within the restricted band. The reference pressure must be specified.
- (d) "Cycle" is the complete sequence of values of a periodic quantity that occurs during a period.
- (e) "Decibel or dB" is one-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten (10), and the quantities concerned are proportional to power.
- (f) "Sound analyzer" is a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.
- (g) "Sound level meter" is an instrument, including a microphone, an amplifier, an output meter, and frequency-weighting networks for the measurement of noise and sound levels in a specified manner.
- (h) "Sound pressure level," in decibels of sound, is twenty (20) times the logarithm to the base ten (10) of the ration of the pressure of this sound to the reference pressure, which reference pressure is for the purposes of this section a reference pressure of twenty (20) micro-newtons per meter squared. All technical definitions are in accordance with American National Standards Institute S1. 1-1960 entitled "Acoustical Terminology."

(2) Motorized vehicles. It shall be unlawful to operate a motorized vehicle, including, but not limited to, cars, trucks, buses, motorcycles, motorbikes, minibikes, and go-carts, within the Town of Arlington, on private or public property, which creates a noise or sound which exceeds the noise level limits set out in Table 1 below:

TABLE 1. LIMITING NOISE LEVELS FOR MOTOR VEHICLES

Trucks and buses:	Maximum Allowable Limit (dB(A))
Over 10,000 pounds	
Measured at 50 feet	87
Measured at 25 feet	93
Under 10,000 pounds	
Measured at 50 feet	80
Measured at 25 feet	86
Passenger cars:	
Measured at 50 feet	78
Measured at 25 feet	84
Motorcycles, go-carts, trail bikes and other motorized vehicles not classified as trucks or passenger cars:	
Measured at 50 feet	87
Measured at 25 feet	93

(a) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instrument

shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source and shall not exceed the above levels as measured in any direction. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(b) Measurement of noise levels caused by a moving vehicle shall be confirmed by a noise level measurement taken with the vehicle stationary. The driver of said vehicle shall be required to accelerate his engine to one-half throttle, in order to conduct the noise level reading.

(3) Mufflers. It shall be unlawful for any person to operate or cause to be operated any muffler attached to any motor vehicle or any other mechanized unit which produces noise levels exceeding dB(A) ratings as set out in Table 1 and accompanying subsections above.

(4) Horns and other warning devices generally. It shall be unlawful for any person to operate or cause to be operated any horn, siren, whistle, bell or any electronic blast which may be attached to any motor vehicle or other mechanized unit which is in any manner inconsistent with § 15-915.

(5) Trains. It shall be unlawful for any person to operate or cause to be operated a warning device of any type, including, but not limited to, a whistle, horn or electronic blast, on trains or vehicles which operate on stationary rails in excess of eighty-seven (87) dB(A) at fifty (50) feet (Table 1 above) for a sustained period of more than thirty (30) seconds, except as may be required by any federal safety regulation requiring sounding of warning signals at grade crossings.

(6) Manner of enforcement. Violations of this section shall be prosecuted in the same manner as other offense violations of the ordinance comprising this chapter, and shall be initiated upon issuance of a traffic citation after verification by an officer using a sound meter.

(7) Exemptions. The following uses and activities shall be exempt from noise level regulations:

(a) Ambulance, whether owned by private company or government operated, while upon call to scene of accident or emergency situation.

(b) Vehicles used as garbage collection trucks while in performance of duties and used for either loading or processing of garbage and debris, whether privately owned or government operated.

(c) County or town fire equipment upon emergency call and return.

(d) Arlington Police, Shelby County Sheriff's equipment, and/or other city, county, state and federal law enforcement equipment, upon emergency call.

(e) Vehicular equipment used in connection with removal of trees, brush, undergrowth, etc., whether privately owned or government operated.

(f) All of the above-mentioned vehicles, with the exception of county fire equipment, shall be required to maintain mufflers and related equipment within the noise level regulations contained in this section. (Ord. #1997-14, Oct. 1997)

DAYTON

16-310. Conditions for granting permit. (1) A condition to granting the permit the special events committee may impose reasonable terms and regulations concerning the time and place of the event; the area and manner of conducting the event; the maximum number of persons participating therein; the regulation of traffic, if required, including the number and type of vehicles, the number and type of signs and barricades to be provided by the applicant, if any,

together with a plan of their disposition attached to the application; permissible decibel levels; and such other requirements as it may find reasonable and necessary for the protection of persons and property.

(2) The special events committee may require applicant to compensate the city for incidental costs such as utility charges and increased fire and police protection. Permittee, as a condition to granting the permit, agrees to bear these costs.

(3) As an additional condition to granting the permit, applicant shall be required to ensure that participants and spectators of the special event abide by the rules and regulations of this code and all other applicable local, state, and federal laws.

(4) The city police department has the authority to stop a special event at any time it determines the public safety is in jeopardy.

(5) Applicant is prohibited from charging any spectator a fee for observing a special event at the beach unless approved in writing by the city manager.

(6) Applicant may request a waiver of any condition set forth herein or otherwise found in this code in accordance with procedures allowing the waiver to be granted. (1988 Code, § 12-310)

ALCOA

11-302. Anti-noise regulations. Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of an individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, stereo, compact disc player, or any musical instrument or sound device, including but not limited to loud speakers or other devices for reproduction or amplification of sound, either independent of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Uses of vehicle. The uses of any automobile, motorcycle, truck or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request to proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with the permit from the building inspector granted for the period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M. and if he should further determine that loss or inconvenience would result to any party in the interest through delay, he may grant permission for such work to be done the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time that the permit for the work is awarded or during the process of the work.

(i) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading and unloading of any vehicle or the opening and destruction of bales, boxes, crates and other containers.

(j) Noises to attract attention. The use of any drum, loud speaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale, or display of merchandise.

(k) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or any moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions here shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the county, or the state, when the public welfare or convenience renders it impractical to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

However, no such use shall be made until a permit therefor is secured from the city recorder as provided for herein. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the uses of such systems shall be restricted to the hours so designated in the permit as provided for herein.

(3) If a particular activity is authorized herein upon application for, and obtaining, a permit from the city recorder, any person seeking such a permit must file with the city recorder a registration statement in writing. This registration statement shall be filed in duplicate and shall state the following:

(a) Name and home address of the applicant.

(b) Address of place of business of applicant.

(c) License number and motor number of the sound truck, amplifiers or loudspeakers to be used by applicant.

(d) Name and address of person who own the sound truck, amplifiers or loudspeakers.

(e) Name and address of person having direct charge of sound truck, amplifiers or loudspeakers.

(f) Names and addresses of all persons who will use or operate the sound truck, amplifiers or loudspeakers.

- (g) The purpose for which the sound truck, amplifiers or loudspeakers will be used.
- (h) A general statement as to the section or sections of the city in which the sound truck, amplifiers or loudspeakers will be used.
- (i) The proposed hours of operation of the sound truck, amplifiers or loudspeakers.
- (j) The number of days for the proposed operation of the sound truck, amplifiers or loudspeakers.
- (k) A general description of the sound amplifying equipment which is to be used.
- (l) The maximum sound producing power of the sound amplifying equipment in or on the sound truck, amplifiers or loudspeakers. State the following: The wattage to be used, the volume in decibels of the sound which will be produced, and the approximate maximum distance for which sound will be thrown from the sound truck, amplifiers or loudspeakers. Any such registration statement shall be amended by the person who has submitted the registration statement forty-eight (48) hours after any change in the information therein furnished. The city recorder shall return to each applicant one (1) copy of said registration statement duly certified by the city recorder as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck, amplifier or loudspeaker at all times while the amplification equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of the City of Alcoa upon request. (Ord. #986, July 1995)

RE: Annesdale PD 2021-30 MIKE TODD OPPOSE APPLICATION

Mike Todd <mike@stop345.com>

Thu 9/2/2021 12:06 PM

To: 'Christopher Church' <Christopher.Church@BaptistU.edu>; Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Zeanah, John <John.Zeanah@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.

Christopher, Jeffrey, John,

Mike Todd here. I am the co-Owner with Becky Todd, my wife of 30 years, of 790 Snowden Circle East, which is directly across the street from the Mansion, (and more specifically the area where music is played).

I have previously written a letter with other points, but I believe I neglected to send it to you (John).

I concur with all points of Christopher's letter, written as President of Annesdale Snowden Historic District. **However my position is a bit "harder". I don't outdoor events under any circumstance. We are directly impacted, arguably more than any address in the neighborhood.** The penalties are just too scant, and the wedding rental business revenues so lucrative, they can just budget \$1500 per month for penalties, and \$5000 for lawyers on retainer, and it is directly proven from history that hearings in environmental court can be delayed for years, as the operations continue.

I have actually spoken to Doug McGowen on this matter, as well. My understanding through him is that penalties are set by the State of TN, and that tougher penalties cannot be "enacted on a case-by-case basis, or at the local level".

My other main issues I didn't discuss in my previous letter:

1. We have worked hand-in-hand w/OPD in the down-zoning of this historic neighborhood to single family, and the elimination of boarding type houses for decades. Outdoor recreation is an EXTREMELY intense usage in a residential neighborhood, and is not even a usage, per my understanding, allowed in RU-4 zoning, even with a special use permit.
2. Even if this usage is allowed, the Applicant is proposing to maintain the Outdoor Entertainment Area in the Southernmost region of the property. This literally impacts the maximum # of residents/properties. (A required relocation of the Outdoor Entertainment Area, and projection of music toward Lamar).

I have no personal problem with the applicant, and I believe her intentions are generally admirable, however, as Christopher stated, she has not offered to codify any of our requests in her application.

I strongly oppose this application.

Mike Todd
m-901-650-2112

From: Christopher Church <Christopher.Church@BaptistU.edu>

Sent: Wednesday, September 1, 2021 3:43 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: John.Zeanah@memphistn.gov

Subject: Re: Annesdale PD 2021-30

Good afternoon, Jeff,

Please find responses to PD 2021-30 from a current neighbor, Jesse Faris (1279 Sledge Ave.), and former neighbors, Stanton and Genevieve Thomas (formerly of 1301 Agnes Place) for inclusion in your staff report.

I plan to send a formal response in my role as President of the Annesdale-Snowden Neighborhood Association sometime tomorrow, after having time to confer with my Board. I have heard from many neighbors and almost all are opposed to

allowing Annesdale to continue hosting events, at least without significant, enforceable restrictions.

The prospective buyer has taken a business position of not agreeing to anything specific and measurable in conversation with a large group of Annesdale neighbors at Memphis Heritage Monday night or at Annesdale last week.

I would hope that the Office of Planning and Development will not recommend proceeding with PD 2021-30 as submitted. (Murphy Maude simply copied Ken Robinson's application and made a few changes to request additional nonconforming uses to expand their operations; nothing in the submission addresses neighborhood grievances.) With additional time to negotiate solutions that would respect the needs of the surrounding neighbors and the pressure from LUCB to make some changes or face rejection, I believe that we and Leslie Murphy could come to some agreement that is mutually beneficial.

That agreement would have to specify measurable limits on events at Annesdale and the consequences for not adhering to the agreement. Those limits might include, among other suggestions:

- Decibel levels that will not be exceeded. The Association Board has discussed a level around 50 db.
- Revised limits on the time for ending music for any new contracts. The neighborhood association prefers the cut off to be 9:00 p.m. as with the Levitt Shell.
- For events that Ken Robison contracted sans required permit, the neighborhood association would expect a lower decibel threshold for any music after 9:00 p.m.
- Limits on the number of new outside events can be contracted and scheduled per month. The neighborhood association feels it is inappropriate for events to be scheduled every weekend during comfortable weather.
- A sunset clause that would require re-permitting of events after 2 or 3 years to allow for re-evaluation of the ongoing effect of events on Annesdale-Snowden quality of life under Leslie Murphy's management. The neighborhood association is categorically opposed to granting a variance in perpetuity.
- Prohibition of public (event) parking on the outside of Snowden Cir. And on the Central section of Agnes Place. Street signs should designate this parking as for residents only, as is done on some neighborhood streets near Overton Square.
- Prohibition of commercial vehicles, such as large buses, parking and idling on neighborhood streets for hours during events.

Our Board may have additional items they wish to be addressed. I look forward to working with Land Use Development and Murphy Maude to work towards explicit, measurable and legally binding limits.

Christopher Church, President

Annesdale-Snowden Historic Neighborhood Association. CLC

**Letter in Opposition to PD 2021-30 from Mike Todd, Co-Owner of 790 E Snowden Circle
Annesdale-Snowden Historic District**

09/03/2021

Land Use Control Board Members and Staff:

I have previously sent a letter detailing my various reasons for opposition to this proposed PD 2021-30. Please review it in conjunction w/this letter of opposition, I will try to limit redundancies. This letter will specifically address the required stipulations, and staff comments/information provided, from the original PD 12-314 that were never adhered to, and continue, and continue to exist to this day, even in light of a multi-year unresolved Environmental Court Lawsuit. (I'm highlighting these deficiencies to show the lack of prior enforcement of the conditions stipulated, and why we can expect to have a similar lack of enforcement going forward)

I will quote, in paraphrase, from the previous application, for brevity:

- 1) Page 1 of Staff Report: Conclusion section:** “ Although usage not allowed by right in RU-4”,,,usage is reasonable based on the residential component. **(The prior applicant has not lived on site in over 7 years).**
- 2) Staff Analysis: Page 8, Paragraph:** “The house was constructed as part of the Snowden Homestead Subdivision”, why was it not included in the Annesdale Historic District when it was established?
- 3) Staff Analysis: Page 8, Final Paragraph:** There is another reference to the owner occupying the home, which has not happened in over 7 years.
- 4) Staff Analysis: Page 9, 3+5+Final Paragraph:** This section continues to reference the fact that the applicant will live on-site, and a major reason for approval. (New new applicant has not proposed to live on-site.
- 5) Staff Analysis: Page 10, Multiple Paragraphs, Specific Use Description:** Other references to the use as “primary residence”, various discussion of “projected # of attendees”, which landed on 150. The primary events at Annesdale, and the suspiciously approved Certificate of Occupancy, (2 years after operations started) is @ 300. (All parking impact analysis was based on 150 attendees).
- 6) Staff Analysis: Page11, Final Paragraph:** States that (3) guards, but actually alludes to (4), “one at each entrance and service entrance” (This adds to (4)). This has never happened.

Staff Analysis: Page 12, Paragraph 3A-and continuing (circulation, Access, and Parking)- City Engineer required construction of a Legal curb-cut at the service entrance for ingress/egress/fire access. Also, later in Engineer’s comments requirements are made for a legal sidewalk and multiple Handicap accessible points for event visitors. **(This never happened).**

- 7) Section H required “No valet parking on Snowden Circle/Agnes Place” (**Valet parking happens on street at every event, as well as, staff parking**).
- 8) **Page 13, Section VII.** “A final plan shall be filed within (5) years of this approval” (**This never happened, and the applicant continues to operate to this day, even though this requirement was to be met over @ 4 years ago**).

In summation, as the time to submit this letter is fast approaching, and please excuse any typos: The previous applicant violated “the meat” of virtually all the requirements which would have made this use more safe, and more “palatable” for the neighbors. If the applicant would have lived on-site, as purported, there is an obvious inclination to believe, that for his own “quiet enjoyment” he would have complied w/most of these requirements.

Finally, Enforcement is NON-EXISTENT. This particular applicant was proven to be a “Bad Actor”. The current applicant APPEARS to want to operate in a manner much more conducive to the neighborhood interests, but so did the previous applicant at his time of application. The overall point is that until enforcement is “brisk” and penalties are truly “penal” there is “VIRTUALLY NO INCENTIVE TO COMPLY WITH OPD REQUIREMENTS”.

I RESPECTFULLY AND STRONGLY REQUEST REJECTION OF THIS APPLICATION 2021-30.

Respectfully submitted,

Mike Todd, Co-Owner

790 East Snowden Circle 38104

m-901-650-2112

PD2021-30 Opposition Comments 1325 Lamar Ave.

Rebecca Todd <rebeccagogetodd@gmail.com>

Thu 9/2/2021 11:30 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>; Zeanah, John <John.Zeanah@memphistn.gov>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>

Cc: Christopher Church (BCHS Employee) <Christopher.Church@bmhcc.org>

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 Sirs,

I am a resident of Annesdale Snowden Historic District. My husband and I have lived here 30 years and raised our children, now grown, in the neighborhood. We are currently and directly negatively impacted by the property's present operations and will further be impacted by the more intensive proposed PD-2021-30.

I am writing in opposition to PD-2021-30. I am not opposed to all creative usages, however allowing outdoor recreation (UDC-2.9 4D, page 59) and indoor recreation (UDC-2.9 4A page 57) is incompatible with a residential neighborhood consisting primarily of single-family homes and designated a Historic District.

For literally decades, OPD has planned and enforced the single-family downzoning and historic protections of this neighborhood asset for the benefit of the City of Memphis. The most intense usage of the four proposed on PD2021-30, Outdoor/Indoor Recreation, is shown on the application to be located where the deepest incursion into Annesdale Snowden Historic District would occur. Under current ownership, events take place in the same area. Our negative experiences with current event operations have been awful and numerous.

Our family chose to live in a peaceful, community-minded, and historic neighborhood. We did not choose to live across from an event venue where music plays loudly enough to vibrate the windows and late into the night, prevents sleep and disrupts the enjoyment of our home and yard day or night.

A current case is pending in environmental court which addresses property's present owner, Ken Robison-PD # 12-314 dated 09/13/2012 for event usage. It is my position that it has not been operating in accordance or legally under terms of the previous PD since 2017. A new PD Application should not be allowed until the pending case is heard and especially when contracts for events well into 2022 transfer to the current applicant under the terms of sale.

I am not opposed to Murphy Maude Interiors' business being in Annesdale Mansion, nor am I opposed to an owner operator Bed and Breakfast. I believe Ms. Murphy is sincere and has the best intentions for her business and the property. Annesdale Mansion is a treasure within a treasure. MY OPPOSITION IS based on current owner's operations over the past several years, the negative impact said operations have had on our lives at home, Murphy Maude Interiors offering no concessions in two public meetings with neighbors to reduce scope of intense usage and finally, the lack of complete, clear, concise planning and enforcement by your office on property's previous application.

Should OPD support PD2021-30, I recommend some of the following restrictions: PD2021-30 be specific to applicant/owner only and not transferable with property to future owner; become part of the historic district overlay; limit outdoor events significantly in scope and definition compared to current UDC; restrict outdoor events to front of property with music/volume facing Lamar; limit decibel level significantly; limit

hours permitted for outdoor events and/or elevated volume to 8:00 p.m. weekdays and 9:00 p.m. weekends; limit number of events per month; plant trees around perimeter (some big trees are near their end and once felled will lessen the absorption of sound as well as increase visibility to numerous vehicles on property parking lot. Require owner/operator to purchase \$100,000 bond issued to Annesdale Snowden Historic District for legal fees if needed to address non-compliance of permit by property owner. There is no incentive to comply if fines are \$50.00 per occurrence and event rates at the mansion currently range between \$10,000 and \$12,500.

Thank you for your consideration. Thank you also for your continued commitment and hard work to make our city better every day.

Sincerely,

Becky Todd

790 East Snowden Circle

--

Becky Todd

(901) 870-5454 mobile

(901) 725-5625 office

(901) 272-0934 fax

Planning & Development/Land Use Control

First Floor Council Chambers
125 N. Main
Memphis, TN 38103

To whom it may concern:

We have heard recently that Annesdale Mansion, an events venue and historic home located at 1325 Lamar Avenue, Memphis, TN, 38104, is being considered for purchase by Murphy Maude Interiors. We understand that they wish to continue to use the structure as an events venue, particularly for wedding receptions held during the evening hours. In order to do this, they would need to be granted a zoning variance which would allow them to hold such events. We urge you, for the quality of life in the surrounding neighborhood, not to grant this.

Although we left Memphis three years ago, we will never forget the loud, terribly vexing parties held regularly at Annesdale Mansion on Friday and Saturday nights until 11:00 in the evening. Having to put up with that noise was a major factor in our deciding to leave Memphis. The surrounding neighborhood is a vibrant, inclusive, peaceful part of the city, filled with people who work 9 to 5 jobs. They have been unfairly burdened with having a party venue dropped into their front yards. While we lived there, the windows in our former home at 1301 Agnes Place literally shook when the music played, not only getting our dogs worked up and barking, but inevitably causing our 4 year old to wake. Also, some bands were not respectful of the 11:00 cut off deadline, and we sometimes had to call the police. And we know that we were not the only residents who were so negatively impacted by Annesdale.

We were bitterly disappointed that the city did not do more to insure the quality of life the numerous taxpaying citizens who live in in the immediate vicinity. If nothing else, they could have imposed a decibel limit (which regularly reached 95 decibels on the street) for events or compelled them to have events on their front, rather than the back lawn. At least that would have made the situation a bit more bearable for Annesdale's neighbors. The city's lack of action was particularly galling given that there are plenty of noise ordinances for private residences. So again, we urge you NOT to grant this variance. It is the least you can do for the residents of Annesdale-Snowden Neighborhood.

Please let me know if you have any questions.

Yours sincerely,

Genevieve Hill-Thomas, Ph.D. and Stanton Thomas, Ph.D.
2847 6th Avenue NE
St. Petersburg, Florida 33713

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

----- Original message -----

From: Stanton Thomas <sthomas@mfastpete.org>

Date: 8/30/21 8:43 PM (GMT-06:00)

To: oldhousechris@gmail.com

Cc: gena_hill@yahoo.com

Subject: Annesdale House

Dear Christopher,

Thank you so much for reaching out to me. We miss you, too. And the amazing neighborhood and neighbors. I have heard that it is thriving and that house prices are going up. That's great to know. As you know, the parties at Annesdale were a constant thorn in our side during our last three or four years in Memphis. So I am happy to write a letter on behalf of the neighborhood. I also hope that this time, unlike the last, the neighborhood can present a single, united front—without it's president going behind the backs and against the wishes of the majority to endorse the opposition.

Best of luck. And let me know if I can do anything to help.

Yours,

Stanton

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	PD 2021-30
DEVELOPMENT:	Annesdale Mansion Planned Development
LOCATION:	1325 Lamar Avenue
COUNCIL DISTRICT(S):	District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Ken Robison / Leslie Murphy
REPRESENTATIVE:	Kate Haywood
REQUEST:	To allow office, retail, overnight accommodation, and indoor and outdoor events
EXISTING ZONING:	Residential Urban – 4 (RU-4) and Midtown Overlay District
AREA:	+/-7.176 acres

The following spoke in support of the application: Kate Haywood

The following spoke in opposition the application: Carol Gibbs, Christopher Church, Marty Lipinski, and Keith Humphreys

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

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

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 2021-30
CONDITIONS**

Outline Plan Conditions

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
 - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
 - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
 - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
 - D. Indoor and Outdoor Recreation uses limited to the following:
 1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
 - E. A staff member shall be on-site during the duration of all events until such time there is a bed and breakfast operating on-site at which time a staff member shall be required to stay overnight as well.
- II. Indoor/Outdoor Event Regulations
 - A. Hours of operation and frequency:
 1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
 2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
 3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.

4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.
 5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
 6. There is no limit on single events with a maximum of forty-nine (49) guests.
- B. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.
 - C. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
 - D. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
 - E. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
 - F. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
 - G. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
 - H. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
 - I. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Anges Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.
- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
- C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.
- D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.

IV. Circulation, Access and Parking

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
- B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.

V. Landscaping

- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
- B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anges Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.

VI. Signs – Signage shall be in accordance with the RU-4 District regulations.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.

- IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

- X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:
 - A. The Outline Plan Conditions.

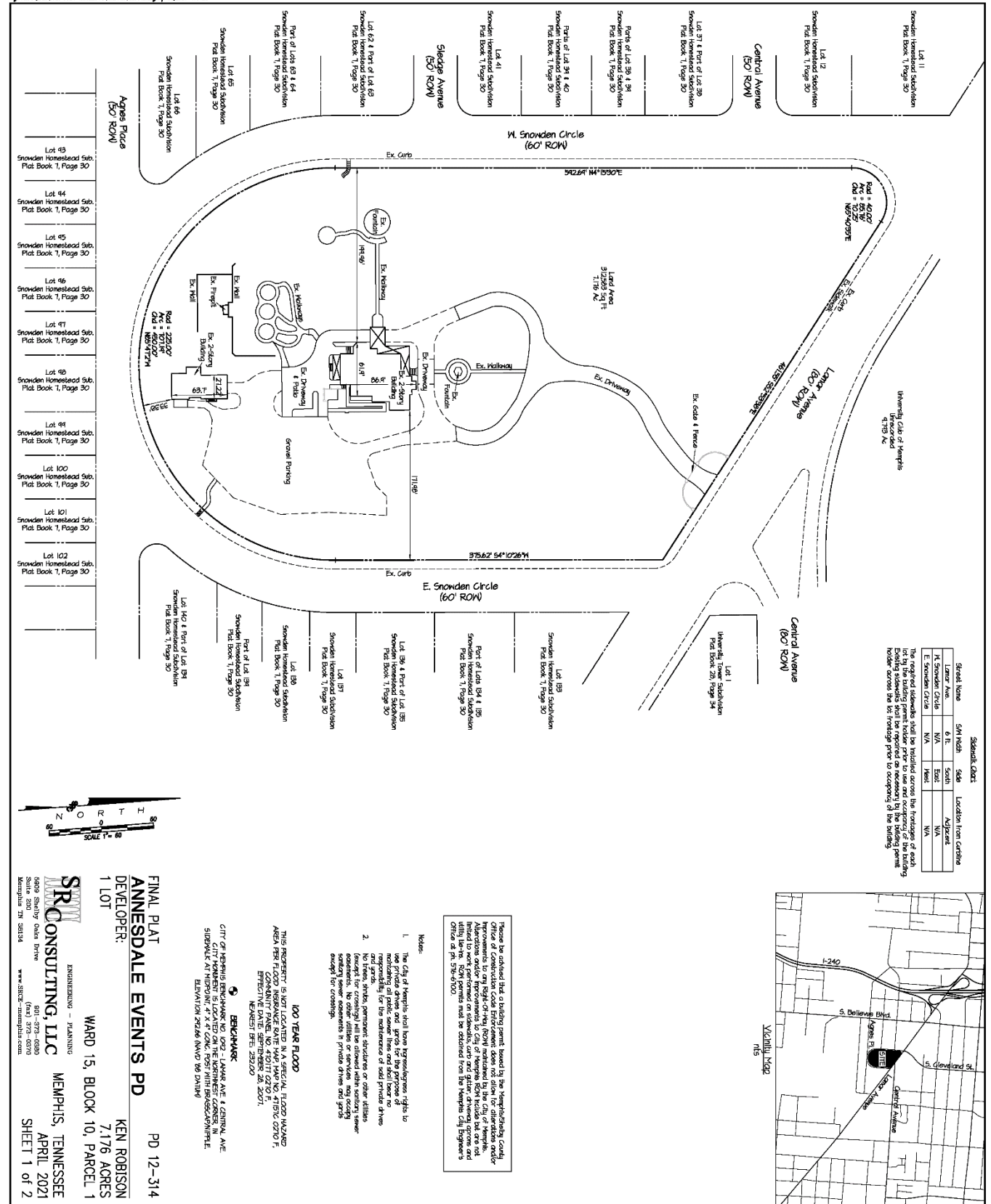
 - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

 - C. The location and ownership, whether public or private of any easement.

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

CONCEPT PLAN

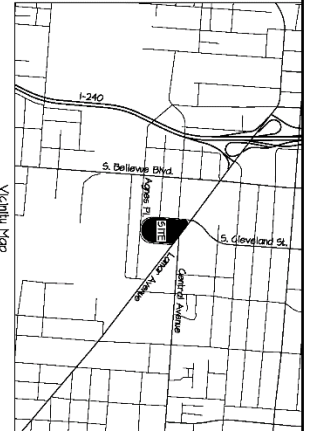
File No: S102070300-0001 Assessor: FOT/Fut Plat/Plat Aug. 08, 2022 - 5:04am



Standard Chart

Street Name	S/M North	Scale	Location from Centerline
Lamar Ave	6 ft.	South	Adjacent
K Snowden Circle	N/A	East	N/A
E Snowden Circle	N/A	West	N/A

The required setbacks shall be indicated across the footprints of each building. Building setbacks shall be required as necessary to the building permit holder across the lot footprint prior to occupying of the building.



These are advised that a building permit, based on the Memphis City Office of Construction Code Enforcement does not allow for alterations and/or improvements to any (single-family) ROW contained by the City of Memphis, Tennessee, without the approval of the City of Memphis. All work related to the project shall be performed in accordance with the City of Memphis, Tennessee, Code of Ordinances, Chapter 15-1, and any other applicable laws, rules, regulations, and ordinances. All work shall be performed in accordance with the City of Memphis, Tennessee, Code of Ordinances, Chapter 15-1, and any other applicable laws, rules, regulations, and ordinances. All work shall be performed in accordance with the City of Memphis, Tennessee, Code of Ordinances, Chapter 15-1, and any other applicable laws, rules, regulations, and ordinances.

- Notes:**
- The City of Memphis shall have the right to require the use of grade ditches and grates for the purpose of maintaining all public sewer lines and shall have no responsibility for the maintenance of said private lines.
 - No trees, shrubs, permanent structures or other utilities (except for crossings) will be allowed within existing sewer easements in private drives and yards except for crossings.

100 YEAR FLOOD
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP NO. 4170C 0270 F, EFFECTIVE DATE: SEPTEMBER 26, 2021.
BENCHMARK
 CITY OF MEMPHIS BENCHMARK NO. 6093 - LAMAR AVE & CENTRAL AVE
 CITY MANHOLE IS LOCATED ON THE NORTHEAST CORNER, IN SUBURBAN AT INTERSECTION OF CENTRAL AVE WITH PROPOSED/EXISTING DELTA DIVISION 2400 (NAD 83) DRAINAGE

FINAL PLAT
ANNESDALE EVENTS PD
 DEVELOPER: **KEN ROBISON**
 1 LOT
 PD 12-314
 7.176 ACRES
 WARD 15, BLOCK 10, PARCEL 1
SR CONSULTING, LLC
 ENGINEERING - PLANNING
 6909 Shelby Oaks Drive
 Memphis TN 38134
 (901) 373-0880
 (901) 373-0370
 www.srcc.com
MEMPHIS, TENNESSEE
 APRIL 2021
 SHEET 1 of 2

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

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

September 10, 2021

Leslie Murphy
94 Cumberland Street
Memphis, TN 38112

Sent via electronic mail to (applicant's representative): kate@murphymaudeinteriors.com

Annesdale Mansion Planned Development
Case Number: PD 2021-30
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, September 9, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Annesdale Mansion Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

Letter to Applicant
PD 2021-30

Cc: Kate Haywood, Murphy Maude Interiors
File

Letter to Applicant

PD 2021-30

Outline Plan Conditions

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
 - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
 - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
 - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
 - D. Indoor and Outdoor Recreation uses limited to the following:
 1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
 - E. A staff member shall be on-site during the duration of all events until such time there is a bed and breakfast operating on-site at which time a staff member shall be required to stay overnight as well.
- II. Indoor/Outdoor Event Regulations
 - A. Hours of operation and frequency:
 1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
 2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
 3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.
 4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.

Letter to Applicant

PD 2021-30

5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
 6. There is no limit on single events with a maximum of forty-nine (49) guests.
- B. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.
 - C. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
 - D. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
 - E. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
 - F. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
 - G. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
 - H. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
 - I. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Anges Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.

Letter to Applicant

PD 2021-30

- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
 - C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.
 - D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.
- IV. Circulation, Access and Parking
- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
 - B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.
- V. Landscaping
- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
 - B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anges Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.
- VI. Signs – Signage shall be in accordance with the RU-4 District regulations.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.
- VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.
- IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

Letter to Applicant
PD 2021-30

- X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:
 - A. The Outline Plan Conditions.
 - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - C. The location and ownership, whether public or private of any easement.
 - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

October 18, 2019

Ken Robison
1325 Lamar Avenue
Memphis TN 38104

Dear Ken:

The noise from events at the Annesdale Mansion has become increasingly intolerable, particularly for the adjacent homes. We are being deprived of the quiet enjoyment of our property. The event frequency has increased to the point that now on weekends during the spring and most of summer and autumn the music is so loud it can clearly be heard inside as well as outside nearby homes.

Over the years we have complained to you, your staff, the Office of Planning and Development, and the Memphis City Council and have gotten little relief. July 20, 2019, was probably the loudest party ever at Annesdale and certainly the worst traffic and post event litter the neighborhood has seen. There was a total traffic jam and each street was taken over by parking. The attendance far exceeded the capacity of Annesdale and the surrounding residential streets.

The use of Annesdale for events has not turned out to be what was presented to our neighborhood or the Memphis City Council when the planned development application was approved. Occasional loud parties would be tolerable, but it is nearly every weekend and often Friday, Saturday, and Sunday nights. We have given this use a chance, but the outdoor music is simply not a compatible use in a historic neighborhood of mostly single-family homes.

We request you agree to the City Council amending the conditions of PD 12-314 to no longer allow amplified music outside. This will ensure events at Annesdale cease to disturb the peace of the Annesdale-Snowden neighborhood.

Sincerely,

Name	Email	Street Address
		1329 Agnes Pl
Carol V. Gibbs	Cgibbs536@gmail.com	1323 Agnes Pl
		790 E. Snowden Ct.
Rebecca Googotadd	Rebeccagoogotadd@gmail.com	
		1349 Agnes Pl
Maria Fuman	mkfuman@gmail.com	
		1339 Agnes Pl
Marie Fleurant	mfleurant79@yahoo.com	
		1339 Agnes Pl
Marie Joseph	Marie.joseph85@gmail.com	
		1349 AGNES PL
KATHUMPTER	KATHUMPTER@AOL.com	

Name	Email	Street Address
Beverly Seaton	bjseaton@comcast.net	1359 Agnes
Beverly Seaton		
Jenny Seaton	JA SEATON 1@comcast.net	1359 Agnes
Michelle	mlipinski@memphis.edu	774 E. Snowden Cir
V. Scott Frye	vscottfrye71@gmail.com	1291 Agnes Place Memphis, TN 38104
Keith Krueger	kkkrueger99@hotmail.com	1291 AGNES PI
Kenneth Roberson	roberson.kenneth@yahoo.com	1317 Agnes Pl. Memphis TN 38104
Linda Lipinski	lclipinski@gmail.com	774 E. Snowden Cir. 38104
Carissa Hussong	cnhussong@gmail.com	1293 Central
Grayson Hussong	graysonth@gmail.com	1293 Central
David Hussong	david@davidhussong.com	1293 Central
Phoebe Hussong	phoebeilh@gmail.com	1293 Central
Jenny Hester Burk	TE BANKS 1@gmail	789 West Snowden Circle

CC: Kemp Conrad, City Council Chairman
Frank Colvett, Planning and Zoning Committee Chairman
Gerre Currie, City Council District 6
Joe Brown, City Council Super District 8-1
Cheyenne Johnson, City Council Super District 8-2
Martavious Jones, City Council Super District 8-3
John Zeanah, Director OPD
Josh Whitehead, Planning Director OPD

Name	Email	Street Address
Haley Simmons	haley.austinsimmons@gmail.com	1273 Agnes Place
M. J. (Mike Todd)	mike@stop345.com	790 E. SNOWDEN CIRC.
ESTHER WIPF	ewipf@bellsouth.net	780 E. SNOWDEN CIRC.
Waletha Wasson	wwasson1@comcast.net	1345 Agnes Place

- CC: Kemp Conrad, City Council Chairman
Frank Colvett, Planning and Zoning Committee Chairman
Gerre Currie, City Council District 6
Joe Brown, City Council Super District 8-1
Cheyenne Johnson, City Council Super District 8-2
Martavious Jones, City Council Super District 8-3
John Zeanah, Director OPD
Josh Whitehead, Planning Director OPD



Memphis and Shelby County Office of Planning and Development

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

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

Date: August 5, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Murphy Maude Manor

Property Owner of Record: Ken Robison Phone #: 901-488-8100

Mailing Address: 1325 Lamar Avenue City/State: Memphis, TN Zip 38104

Property Owner E-Mail Address: kenrobison@bellsouth.net

Applicant: Leslie Murphy Phone # 901-848-6402

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Applicant E- Mail Address: leslie@murphymaudeinteriors.com

Representative: Kate Haywood Phone #: 901-268-1718

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Representative E-Mail Address: kate@murphymaudeinteriors.com

Engineer/Surveyor: SR Consulting Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Dr #200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: melissa.johnson@srce-memphis.com

Street Address Location: 1325 Lamar Avenue Memphis, TN 38104

Distance to nearest intersecting street: The subject property is bounded by Lamar Avenue on the north, W Snowden Circle on the west, E Snowden Circle on the east, and Angeles Place on the south.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>7.176</u>	_____	_____
Existing Zoning:	<u>RU-4</u>	_____	_____
Existing Use of Property	<u>Residence/Special Events</u>	_____	_____
Requested Use of Property	<u>Indoor/Outdoor Recreation</u>	_____	_____
	<u>Office, Retail,</u>		
	<u>Bed+Breakfast</u>		

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

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

Number of Residential Units: _____ Bedrooms: _____

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

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

Yes _____ No ^x _____

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

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

The proposed use of Annesdale will not detract from or hinder use or development of the surrounding properties. With the special events portion of the business proposed to offset maintenance costs of the home, plans are underway to minimize noise transfer.

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

The current water supply, waste water, and storm water infrastructure are existing and will remain as-is to support the use of the home.

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

The service facilities are compatible with the surrounding land uses and will remain as-is. Improvements were previously made in replacing a chain-link fence with an iron fence around the home along with the addition of pedestrian entries from W and E Snowden Cir.

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

We feel that the public interest is at the forefront with continuing the stewardship of the historic home and are committed to being a neighborhood partner.

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

The home will be wholly owned by Leslie Murphy who will maintain the grounds in entirety.

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

Acknowledged.

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: July 29, 2021 with Chip Saliba

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

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

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

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

		08/05/2021		8/3/2021
Property Owner of Record	Date	Applicant	Date	

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

A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B. **LETTER OF INTENT** - The letter shall include the following:

- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
- b) A list of any professional consultants associated with the proposed development.
- c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

development is to be designed, arranged and operated in order to limit impact to neighboring properties.

- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

C. **OUTLINE PLAN**

1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.

2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan

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

- E. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

F. **VICINITY MAP**

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

G. **LIST OF NAMES AND ADDRESSES**

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

2) Two (2) self-adhesive mailing labels (1"x 2^{5/8}") each for the owner of record, applicant, representative and/or engineer/surveyor.

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

1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

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

Lot 11
Snowden Homestead Subdivision
Plat Book 7, Page 30

Lot 12
Snowden Homestead Subdivision
Plat Book 7, Page 30

Central Avenue
(50' ROW)

Lot 37 & Part of Lot 38
Snowden Homestead Subdivision
Plat Book 7, Page 30

Parts of Lot 38 & 39
Snowden Homestead Subdivision
Plat Book 7, Page 30

Parts of Lot 39 & 40
Snowden Homestead Subdivision
Plat Book 7, Page 30

Lot 41
Snowden Homestead Subdivision
Plat Book 7, Page 30

Sledge Avenue
(50' ROW)

Lot 62 & Part of Lot 63
Snowden Homestead Subdivision
Plat Book 7, Page 30

Part of Lots 63 & 64
Snowden Homestead Subdivision
Plat Book 7, Page 30

Lot 65
Snowden Homestead Subdivision
Plat Book 7, Page 30

Lot 66
Snowden Homestead Subdivision
Plat Book 7, Page 30

Agnes Place
(50' ROW)

Lot 43
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 44
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 45
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 46
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 47
Snowden Homestead Sub.
Plat Book 7, Page 30

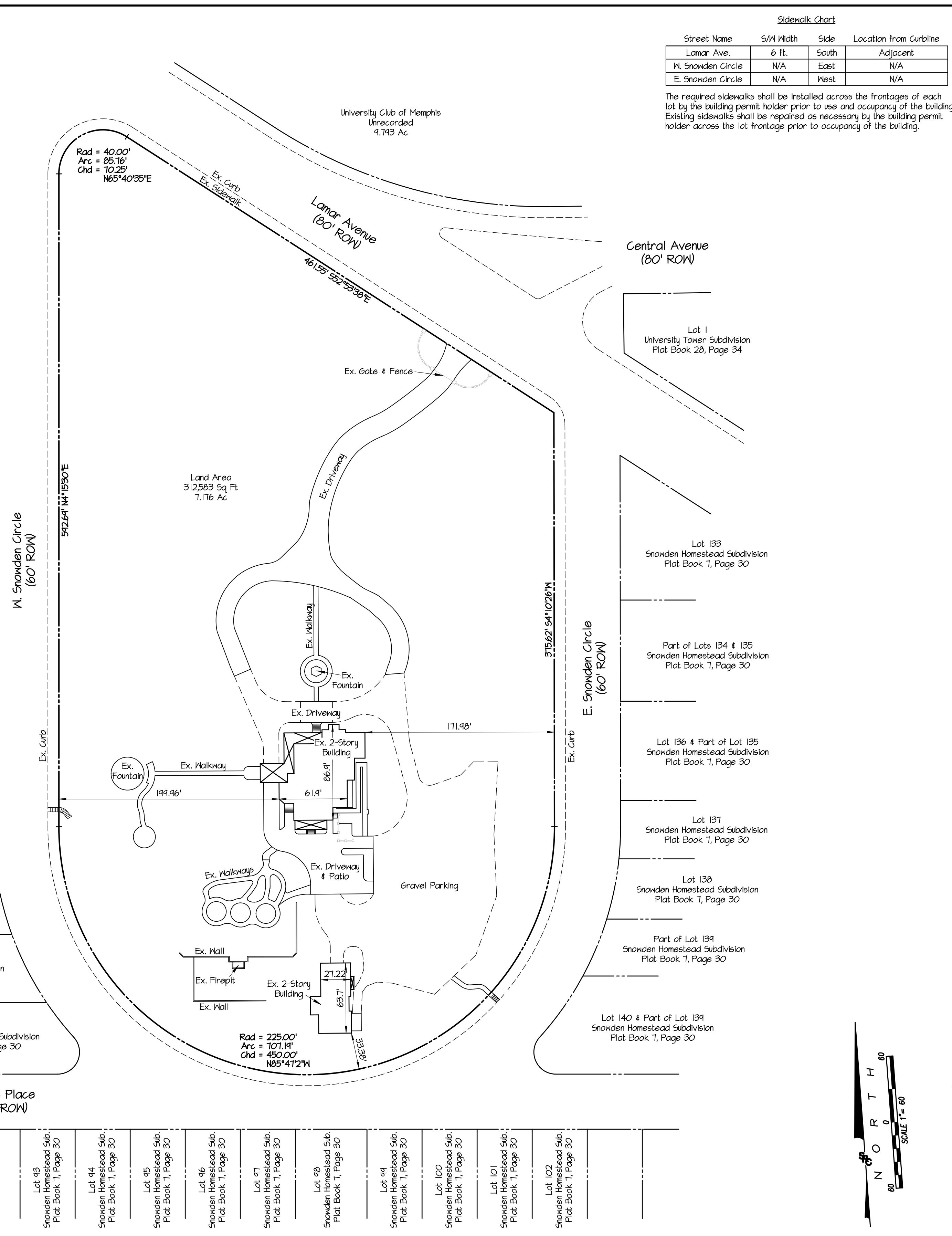
Lot 48
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 49
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 100
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 101
Snowden Homestead Sub.
Plat Book 7, Page 30

Lot 102
Snowden Homestead Sub.
Plat Book 7, Page 30



Sidewalk Chart

Street Name	S/W Width	Side	Location from Curbline
Lamar Ave.	6 ft.	South	Adjacent
W. Snowden Circle	N/A	East	N/A
E. Snowden Circle	N/A	West	N/A

The required sidewalks shall be installed across the frontages of each lot by the building permit holder prior to use and occupancy of the building. Existing sidewalks shall be repaired as necessary by the building permit holder across the lot frontage prior to occupancy of the building.

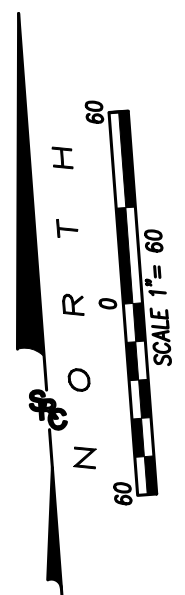


Please be advised that a building permit issued by the Memphis/Shelby County Office of Construction Code Enforcement does not allow for alterations and/or improvements to any Right-Of-Way (ROW) maintained by the City of Memphis. Alterations and/or improvements to City of Memphis ROW include but are not limited to work performed on sidewalks, curb and gutter, driveway aprons and utility tie-ins. ROW permits must be obtained from the Memphis City Engineer's Office at ph. 516-6700.

- Notes:
- The City of Memphis shall have Ingress/Egress rights to use private drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives and yards.
 - No trees, shrubs, permanent structures or other utilities (except for crossings) will be allowed within sanitary sewer easements. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

100 YEAR FLOOD
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157C 0210 F, COMMUNITY PANEL NO. 47011T 0210 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. NEAREST BFE: 232.00

BENCHMARK
CITY OF MEMPHIS BENCHMARK NO. 1092 - LAMAR AVE. & CENTRAL AVE. CITY MONUMENT IS LOCATED ON THE NORTHWEST CORNER, IN SIDEWALK AT MIDPOINT, 4" X 4" CONC. POST WITH BRASSCAP/NIPPLE. ELEVATION 292.66 (NAVD '88 DATUM)



FINAL PLAT
ANNESDALE EVENTS PD
DEVELOPER:
1 LOT

PD 12-314
KEN ROBISON
7.176 ACRES
WARD 15, BLOCK 10, PARCEL 1

SR CONSULTING, LLC
ENGINEERING - PLANNING
5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

901-373-0380
(fax) 373-0370
www.SRCE-memphis.com

MEMPHIS, TENNESSEE
APRIL 2021
SHEET 1 of 2

File No. 910201000-0004 Annesdale Events Plat Final Plat.dwg Apr. 08, 2021 - 11:54am

Outline Plan Conditions
Annesdale Events Planned Development
P.D. 12-314

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
 1. Office including Interior Design Business and the like.
 2. Retail including Interior Design Showroom and the like.
 3. Bed and Breakfast
 4. Indoor and Outdoor Recreation uses specifically including
 - a. Special Events such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions
 - b. Other Special Events

All event activities shall not commence prior to 8 a.m. and shall conclude by 10:00 p.m. Sunday through Thursday, (guests shall be off the premises by 11:00 p.m. and staff shall be off premises by 12:00 a.m.).

All event activities shall not commence prior to 8 a.m. and shall conclude by 11:00 p.m. Friday and Saturday (entertainment shall conclude by 11:00 p.m., guests shall be off premises by 12:00 a.m. and the staff shall be off the premises by 1:00 a.m.).

- II. Bulk Regulations
 - A. Building Setbacks shall be in accordance with the RU-4 District Regulation except for the following: Setback for any tent or temporary structure shall not be located closer than 60 feet to Snowden Circle East, West or Agnes Place.
 - B. The maximum occupancy within the existing house structure shall be 250.
- III. Circulation, Access and Parking
 - A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Outline Plan. The pedestrian access on Snowden Circle West shall be located opposite the right-of-way for Sledge Avenue. The pedestrian

entrance on Snowden Circle East shall be located opposite Lot Number 134 of the Snowden Homestead Subdivision.

- B. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees.
- C. The pedestrian entrances shall be gated.
- D. A minimum of three security guards for any event requiring off-site parking shall be provided with guards at the pedestrian entrances, and a guard at the front entrance on Lamar Avenue. A security guard shall also be posted at the service entrance.
- E. A minimum of 65 guest parking spaces shall be provided on-site in the areas as generally shown on the Outline Plan.
- F. On-street parking is permitted in conformance with the Unified Development Code. No valet parking shall be permitted on Snowden Circle/Agnes Place as generally located shown on the Outline Plan.
- G. The existing 5 foot chain-link fence surrounding the site shall be removed by November 1, 2014.

IV. Landscaping

Other than the pedestrian access points drive the existing landscaping will generally be maintained as depicted on the Outline Plan.

- V. Signs – Signage shall be in accordance with the RU-4 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

- VII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.

- VIII. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:
 - A. The Outline Plan conditions.
 - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - C. The location and ownership, whether public or private of any easement.
 - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

SAHA SUNISHA D & ANAND
1309 GOODBAR AVE #
MEMPHIS TN 38104

ALFUNOON INC
9913 GREENALDER CV #
CORDOVA TN 38016

FLETCHER CHRISTOPHER C & ELLEN D
1297 AGNES PL #
MEMPHIS TN 38104

OPPENHEIMER EMILY
1319 GOODBAR AVE #
MEMPHIS TN 38104

MOORE LARRY
1263 SLEDGE AVE #
MEMPHIS TN 38104

ROBERTSON KENNETH
1317 AGNES PL #
MEMPHIS TN 38104

SITTRANONT SORRASIT & NUNNARAT
1265 LAMAR AVE #
MEMPHIS TN 38104

AKIN PAUL N JR & MOLLY M
1273 SLEDGE AVE #
MEMPHIS TN 38104

PRUDHOMME TIMOTHY T & LORI A
1365 AGNES PL #
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST
1274 CENTRAL AVE #
MEMPHIS TN 38104

FARIS NICHOLAS & JESSE
1279 SLEDGE AVE #
MEMPHIS TN 38104

CROSS CARL & YLANDRA
1385 AGNES PL #
MEMPHIS TN 38104

HOYT SEAN C
1278 CENTRAL AVE #
MEMPHIS TN 38104

BANKS TONY C AND LESLIE BANKS
789 W SNOWDEN CIR #
MEMPHIS TN 38104

TIBBS BERNARD A & RONITRICE N DILLARD-
1395 AGNES PL #
MEMPHIS TN 38104

ROBISON KEN
1325 LAMAR AVE #
MEMPHIS TN 38104

GLASGOW MICHELE M AND VICKI STEVENS (RS)
1272 AGNES PL #
MEMPHIS TN 38104

MEMPHIS PROPERTY SOLUTIONS LLC
3845 WATMAN AVE #
MEMPHIS TN 38118

TANGLEWOOD CHURCH OF CHRIST (TRS)
725 SNOWDEN CL #
MEMPHIS TN 38104

REPP LINDSAY J
1278 AGNES PL #
MEMPHIS TN 38104

LUSK DAVID A & CARISSA N HUSSONG
1293 CENTRAL AVE #
MEMPHIS TN 38104

JOHNSON BEATRICE
1275 CENTRAL AVE #
MEMPHIS TN 38104

SEELEY CHRISTOPHER N & CHERISA
1394 AGNES PL #
MEMPHIS TN 38104

BAUMAN S RICHARD REVOCABLE TRUST
6551 ESPALIER COR #
MEMPHIS TN 38119

GRISHAM ROBERT & AMANDA
1268 SLEDGE AVE #
MEMPHIS TN 38104

CURTIS JOHN
1910 MADISON AVE #
MEMPHIS TN 38104

WOBST NATALIA M
1315 GOODBAR AVE #
MEMPHIS TN 38104

LIPINISKI MARTIN E & LINDA F
774 E SNOWDEN CIR #
MEMPHIS TN 38104

DAVIS MICHAEL S & BETTINA
1398 AGNES PL #
MEMPHIS TN 38104

DEVMAR PARTNERS LLC
2005 STRADELLA RD #
LOS ANGELES CA 90077

UNIVERSITY CLUB OF MEMPHIS
1346 CENTRAL AVE #
MEMPHIS TN 38104

SAWYER ROBERT A & REBECCA M
1250 CENTRAL AVE #
MEMPHIS TN 38104

EARLY DAVID S
1988 NELSON AVE #
MEMPHIS TN 38104

CALDWELL INVESTMENT SERVICES TRUST
9005 GANDY CV #
MEMPHIS TN 38133

BARNHART SANDRA N
1260 CENTRAL AVE #
MEMPHIS TN 38104

GOZA ANGELA
1264 SLEDGE AVE #
MEMPHIS TN 38104

PORTER REAL ESTATE INVESTMENTS LLC
1275 LAMAR AVE #
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST
1274 CENTRAL AVE #
MEMPHIS TN 38104

JONES WILLIAM J & MARY M
1274 SLEDGE AVE #
MEMPHIS TN 38104

SIMS LARRY D SR & KIM G
1279 LAMAR AVE #
MEMPHIS TN 38104

MEGGERS JOHN M AND KRISTINE M MEGGERS
1257 CENTRAL AVE #
MEMPHIS TN 38104

HALEY STEPHEN W & SYLVIA D BELL
1278 SLEDGE AVE #
MEMPHIS TN 38104

CITY OF MEMPHIS
GENERAL DELIVERY #
MEMPHIS TN 38101

CK PROPERTIES LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

GIBSON JOHN W & JUDY S
757 W SNOWDEN CIR #
MEMPHIS TN 38104

SIMS LARRY D AND KIM G SIMS
1283 LAMAR #
MEMPHIS TN 38104

WINTER HENRY D & JOANN E
1267 CENTRAL AVE #
MEMPHIS TN 38104

VENUE APARTMENTS LLC
1387 CENTRAL AVE #
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)
725 W SNOWDEN CIR #
MEMPHIS TN 38104

RANDOLPH SANDRA B
1273 CENTRAL AVE #
MEMPHIS TN 38104

ROBINSON SEAN K AND MICHAEL J HUGHES
763 W SNOWDEN CIR #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

MONTOYA JUAN C
8160 SHALLOW GLEN TRL #
CORDOVA TN 38016

LIPINSKI MARTIN E & LINDA F
774 E SNOWDEN CIR #
MEMPHIS TN 38104

UNIVERSITY CLUB OF MEMPHIS
1346 CENTRAL AVE #
MEMPHIS TN 38104

RALSTON BRUCE A & SARA T
749 SNOWDEN CIR #
MEMPHIS TN 38104

SKYLES MICHAEL W & SANDRA S
1265 SLEDGE AVE #
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)
725 SNOWDEN CL #
MEMPHIS TN 38104

BISHOP EMILY D & STEPHEN R
1254 SLEDGE AVE #
MEMPHIS TN 38104

CAMPBELL DAVID N & ALLYSON S
1267 SLEDGE AVE #
MEMPHIS TN 38104

PERKINS RICHARD B AND LORA J ROWE
773 W SNOWDEN CIR #
MEMPHIS TN 38104

LYNCH-HOLMES KATHERINE & SHANNON HOLMES
1268 AGNES PL #
MEMPHIS TN 38104

SIMMONS HALEY A & JACQUELINE O
1273 AGNES PL #
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU
1385 LAMAR AVE #
MEMPHIS TN 38104

ROBERTSON TINNIE L AND PATRICIA
212 PALMER CV #
HERNENDO MS 38632

KNISLEY BRANDON & JENNIFER
1277 AGNES PL #
MEMPHIS TN 38104

LIPINSKI MARTIN E & LINDA C
774 SNOWDEN CL #
MEMPHIS TN 38104

TODD GEORGE M & REBECCA G
790 E SNOWDEN CIR #
MEMPHIS TN 38104

GATES JOYCELYN D
1281 AGNES PL #
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU
1385 LAMAR AVE #
MEMPHIS TN 38104

KEARNEY SHAY M
1372 AGNES PL #
MEMPHIS TN 38104

PAYNE NIKKI J
1287 AGNES PL #
MEMPHIS TN 38104

SCHUERMAN JOHN
4705 TOPEKA CT #
DENVER CO 80239

COX RACHEL H
1378 AGNES PL #
MEMPHIS TN 38104

KRUEGER KEITH A & VERNON S FRYE
1291 AGNES PL #
MEMPHIS TN 38104

WIPF ESTHER M
780 E SNOWDEN CIR #
MEMPHIS TN 38104

HOLTON PEG A
1382 AGNES PL #
MEMPHIS TN 38104

COTHERN BRANDON
1301 AGNES PL #
MEMPHIS TN 38104

HAILE TSEGAYE
1407 LAMAR AVE #
MEMPHIS TN 38104

JACKSON CHRIS K AND ANGELA L PETTY (RS)
1388 AGNES PL #
MEMPHIS TN 38104

DAVIS MARTHA A
1307 AGNES PL #
MEMPHIS TN 38104

CHURCH OF THE FULL GOSPEL ETAL
1252 AGNES PL #
MEMPHIS TN 38104

CARROLL JOHN R
800 E SNOWDEN CIR #
MEMPHIS TN 38104

BISHOP STEPHEN R & EMILY D
1973 EVELYN #
MEMPHIS TN 38104

LOWE WILLIE C LIVING TRUST
1258 AGNES PL #
MEMPHIS TN 38104

GORDON ROBERT
1594 HARBERT AVE #
MEMPHIS TN 38104

GIBBS CAROL V
1323 AGNES PL #
MEMPHIS TN 38104

PERRY WILLIAM J JR & JEANNE L
1262 AGNES PL #
MEMPHIS TN 38104

JACKO GALE
1269 AGNES PL #
MEMPHIS TN 38104

PIERSON REGINA
1769 1ST GREEN DR #
MEMPHIS TN 38116

LASTRA JENNIFER L & ROBERT KELZ
1335 AGNES PL #
MEMPHIS TN 38104

SHERRILL EARL
1301 HEISTAN PL #
MEMPHIS TN 38104

SPIRIT MASTER FUNDING X LLC
6300 S SYRACUSE WAY #205
CENTENNIAL CO 80111

FLEURANTIN DAVID
1339 AGNES PL #
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

BUFORD DEVIN
649 FLORIDA ST #305
MEMPHIS TN 38103

WASSON WALETHA
1345 AGNES PL #
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

FUHRMANN MARIA K & KEITH A
1349 AGNES PL #
MEMPHIS TN 38104

THREE D ENTERPRISES LLC
1431 HEISTAN PL #
MEMPHIS TN 38104

MILLS RONALD H & CONNIE R
4074 PIKES PEAK AVE #
MEMPHIS TN 38104

TERRY CLYDE
8443 FREIDEN TRL #
MEMPHIS TN 38125

SEATON SAMUEL A JR & BEVERLY
1359 AGNES PL #
MEMPHIS TN 38104

OPPENHEIMER EMILY
1319 GOODBAR AVE #
MEMPHIS TN 38104

GIENAPP ANDREW J & REBEKAH J
1369 AGNES PL #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

BATES RICKEY & TIMOTHY R COMBS
1375 AGNES PL #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

LOPEZ JOSE J & SARA C NELSON
1379 AGNES PL #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

KUNA INVESTMENTS LLC
716 PROUD EAGLE LN #
LAS VEGAS NV 89144

WMMC CONSTRUCTION LLC
648 RIVERSIDE DR #302
MEMPHIS TN 38103

AVERY

5260

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge

Go to avery.com/templates
Use Avery Template 5160

Ken Robison
1325 Lamar Avenue
Memphis, Tennessee 38104

Murphy Maude Interiors
Attn: Leslie Murphy
94 Cumberland Street
Memphis, Tennessee 38112

SR Consulting
Attn: Melissa Johnson
5909 Shelby Oaks Drive #200
Memphis, Tennessee 38134

Pat: avery.com/patents

Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up®

Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160



CITY OF MEMPHIS

DEPARTMENT OF PLANNING AND DEVELOPMENT

RE: LAND USE CONTROL BOARD: **PLANNED DEVELOPMENT** APPLICATION

LETTER OF INTENT: MURPHY MAUDE MANOR

August 5, 2021

To Whom It May Concern:

Please consider this a request to begin the Planned Development process for the property located at 1325 Lamar Avenue in Memphis, Tennessee 38104 (parcel number is 015010 00001). The property is approximately 7 acres and the Annesdale Mansion is located on the site which is currently zoned RU-4. The property is under contract for purchase by Leslie Murphy, owner and creative director of Murphy Maude Interiors (MMI). The desired use of the property is to locate the offices of Murphy Maude Interiors along with associated showroom retail space within the home with the ability to continue the events portion of the business that has been underway on the property for the past 8 years. A potential future use of a Bed and Breakfast is also proposed. The home would be core to MMI's clientele who are designers, home owners, and custom home builders who appreciate fine architecture and custom textiles.

The involved professional consultants are the current owner's previous and ongoing work with Cindy Reaves with SR Consulting, LLC, Lamar Gibson with Miestro (working through music and acoustic concerns brought to our attention by neighborhood captains), and Kate Haywood, architect with Murphy Maude Interiors.

Memphis 3.0 future land use plan identifies this property as a Park/Recreational Facility, and the current RU-4 zoning would allow for single to multi-family development of the property. We understand that it is the desire of the neighborhood to preserve the home and grounds and to serve within uses that would complement the ability to maintain the property for generations to come. Opposed to removing the historic home and building apartment buildings, it is our desire to be a steward of the home made possible by the income generated from hosting weddings and other curated events that support the arts community. This would all be in support of the ability to locate Murphy Maude Interiors in the home. We desire to be a partner with the neighborhood and city to preserve this example of 1850's Italian Villa architecture and are committed to ensuring that our presence

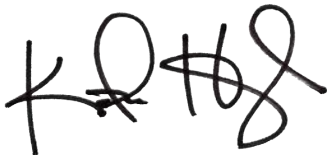
is a positive addition. In support of this, we have collaborated with several neighbors to understand current pain points and are currently working with a local acoustical engineer on strategies to mitigate these issues that are currently experienced when events take place on the property.

There was a previous Planned Development on the property that expired due to not filing the final plat which included removing a chain link fence around the property and installing an iron fence pushed further from the street, along with adding 2 pedestrian access points from the surrounding streets; these items were resolved and are in place. There are not any additional planned modifications as it is our intent to preserve the home and grounds.

We are grateful for the collaboration with the Department of Planning and Development thus far. Chip has been instrumental in assisting our team to understand all components to the PD process and provided us with community contacts who have been gracious with their time discussing previous/current pain points to allow us to be the best future neighbors we can. We are also grateful to Memphis Heritage for their assistance on understanding how to best be a steward of the home in the future and for working to provide historical photographs for reference on original aspects of the home.

The current owner of the property, Ken Robison, restored Annesdale over the last decade elevating the home back into a beautiful example of historic architecture, and we would be grateful to provide leadership in carrying the home into its next century of existence.

Much appreciated,

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized flourish.

Kate Haywood, Representative in the above referenced application
Director of Interior Architecture
Murphy Maude Interiors



Tom Leatherwood
Shelby County Register

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

11053305

06/03/2011 - 09:24 AM

<hr/>	
8 PGS	
<hr/>	
MAX HAYES	846869 - 11053305
<hr/>	
VALUE	550000.00
<hr/>	
MORTGAGE TAX	0.00
<hr/>	
TRANSFER TAX	2035.00
<hr/>	
RECORDING FEE	40.00
<hr/>	
DP FEE	2.00
<hr/>	
REGISTER'S FEE	1.00
<hr/>	
WALK THRU FEE	0.00
<hr/>	
TOTAL AMOUNT	2078.00
<hr/>	

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

SPECIAL WARRANTY DEED

THIS INDENTURE, is made and entered into on this 27th day of May, 2011, by and between **John Bayard Snowden, Trustee of the Robert G. Snowden Marital Trust No. 2, as established under the Last Will and Testament of Robert G. Snowden, Deceased, and Thomas Hardy Todd, III and SunTrust Bank, Co-Executors of the Estate of Thomas Hardy Todd, Jr., Deceased**, parties of the first part, and **Ken Robison**, an unmarried person, party of the second part,

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

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

Being the same property conveyed to Annie Brinkley Snowden by that certain Partition Deed of record in Book 466, Page 164 in the Register's Office of Shelby County, Tennessee. The said Annie Brinkley Snowden died on the 4th of day of May, 1923 leaving a Last Will and Testament that was probated at Cause No. 24549R.28 in the Probate Court of Shelby County, Tennessee. The said Annie Brinkley Snowden, through said Last Will and Testament, devised the aforescribed property to her son, J. Bayard Snowden. The said J. Bayard Snowden died on the 28th day of October, 1968 leaving a Last Will and Testament which was probated at Cause No. 91001 in the Probate Court of Shelby County, Tennessee. The said J. Bayard Snowden, through said Last Will and Testament, devised the aforescribed property to his son, Robert G. Snowden, and his daughter, May Snowden Todd.

The said Robert G. Snowden died on the 13th day of December 2006 leaving a Last Will and Testament which was probated at Cause No.2120 in the Probate Court of Shelby County, Tennessee. John Bayard Snowden, as Executor of the Estate of Robert G. Snowden, Deceased, quitclaimed the aforescribed property to John Bayard Snowden and Catherine F. Trahan Snowden, as Trustees of the Robert G. Snowden Marital Trust No. 2 established under said Last Will and Testament of Robert G. Snowden by that certain Quit Claim Deed of record at Instrument Number 10121219 in the said Register's Office. Under the provisions of Article IX of the said Last Will and Testament of Robert G.

Snowden, any Trustee of the Robert G. Snowden Marital Trust No. 2 then serving shall have the authority to bind said trust, and only one signature shall be required so that third parties may rely on the authority and signature of any Trustee in actions regarding said trust.

The said May Snowden Todd died on the 16th day of September, 2006, leaving a Last Will and Testament which was probated at Cause No. D-1565 in the Probate Court of Shelby County, Tennessee. The said May Snowden Todd, through said Last Will and Testament, devised the aforescribed property to her surviving husband, Thomas Hardy Todd, Jr. The said Thomas Hardy Todd, Jr. died on or about the 26th day of June, 2009, leaving a Last Will and Testament which is being probated at Cause No. D-7568 in the Probate Court of Shelby County, Tennessee. The said Thomas Hardy Todd, Jr., through said Last Will and Testament, directed that the aforescribed property be administered as part of his Estate subject to the control of the Co-Executors of his Estate, Thomas Hardy Todd, Jr. and SunTrust Bank, who were given full power under Article 6(d) of said Last Will and Testament to grant, bargain, sell and convey the aforescribed property at any time during the administration of his Estate, without the approval or joinder of any beneficiary and without the necessity of any person or entity to look to the application of any proceeds.

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

The said parties of the first part do hereby covenant with the said party of the second part that they are lawfully seized in fee of the aforescribed real estate; they have a good right to sell and convey the same; that the same is unencumbered, except as set forth in EXHIBIT "B," attached hereto and incorporated herein by reference; and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons claiming by, through or under them but not further or otherwise.

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

The parties of the first part execute this instrument solely in their respective fiduciary capacities and all warranties and covenants are made only in such capacities and not in their individual personal or corporate capacities.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Special Warranty Deed the day and year first written above.

John Bayard Snowden, Trustee
John Bayard Snowden, as Trustee
of the Robert G. Snowden Martial Trust No. 2

Thomas Hardy Todd III
Thomas Hardy Todd, III, as Co-Executor of the Estate
of Thomas Hardy Todd, Jr., Deceased

SunTrust Bank, as Co-Executor of the Estate
of Thomas Hardy Todd, Jr., Deceased

BY: Matthew G. Buyer
Matthew G. Buyer, First Vice President

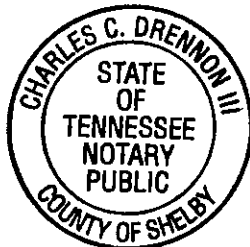
STATE OF TENNESSEE
COUNTY OF SHELBY

On this 27th day of May, 2011, before me personally appeared **John Bayard Snowden, Trustee** of the said Robert G. Snowden Martial Trust No. 2, known to me known to be the person (or proved to me on the basis of satisfactory evidence) described in and who executed the foregoing instrument, and who acknowledged the execution of the same to be his free act and deed in his capacity as said Co-Trustee

Witness my hand and official seal at office 27th day of May, 2011.

Charles C. Drennon III
Notary Public

3-1-2014
My Commission Expires



MY COMM. EXP. MARCH 1, 2014

STATE OF TENNESSEE
COUNTY OF SHELBY

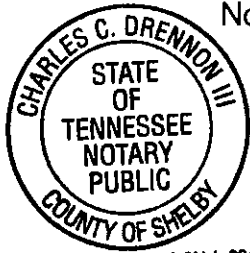
On this 27th day of May, 2011, before me personally appeared **Thomas Hardy Todd, III, as Co-Executor** of the said Estate of Thomas Hardy Todd, Jr., Deceased, known to me known to be the person (or proved to me on the basis of satisfactory evidence) described in and who executed the foregoing instrument, and who acknowledged the execution of the same to be his free act and deed in his capacity as said Co-Executor.

Witness my hand and official seal at office 27th day of May, 2011.



Notary Public

3-1-2014
My Commission Expires



STATE OF TENNESSEE
COUNTY OF SHELBY

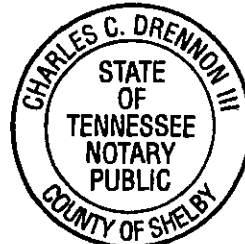
Before me, the undersigned Notary Public, of the State and County aforesaid personally appeared **Matthew G. Buyer, as First Vice President of SunTrust Bank**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the First Vice President of SunTrust Bank, Co-Executor of the said Estate of Thomas Hardy, Jr., Deceased, the within named bargainor, a corporation, and that they as such Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such First Vice President in its capacity as Co-Executor.

WITNESS my hand and seal at office this the 27th day of May, 2011.



Notary Public

My Commission expires: 3-1-2014



MY COMM. EXP. MARCH 1, 2014

(FOR RECORDING PURPOSES)

Property Address:
1325 Lamar Avenue
Memphis, TN

Property Owner:
Ken Robison
1325 Lamar Ave.
Memphis, TN

Ward, Block & Parcel Number:
015-010-00001

Mail tax bills to:
~~Ken Robison~~ Commercial Bank & Trust
~~1325 Lamar Ave.~~ 510 S. Mendenhall Road
~~Memphis, TN~~ Memphis, TN 38117

This instrument prepared by:
Charles C. Drennon, III, Atty.
Harris Shelton Hanover Walsh, PLLC
999 S. Shady Grove Rd. # 300
Memphis, TN 38120

Return to:
Hal C. Stanley, P.C.
7515 Corporate Centre Dr.
Germantown, TN 38138

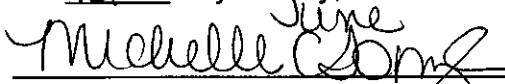
20110205
CTC 3498961

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$550,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



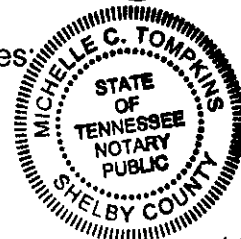
Affiant

Subscribed and sworn to before me this the 1st day of ~~May~~ ^{June}, 2011.



Notary Public

My Commission Expires



My Commission Expires
April 30, 2013

EXHIBIT "A"

The parcel shown as the "Mrs. Annie B. Snowden" property in Plat Book 6, Page 14 in the Register's Office of Shelby County, Tennessee, which property is municipally known as 1325 Lamar Boulevard, Memphis, Tennessee, and as may be more particularly described in Partition Deed of record in Book 466, Page 164 in the Register's Office of Shelby County, Tennessee (the "Partition Deed") as follows:

Beginning in the south line of Lamar Boulevard, an avenue now eighty (80) feet wide, at a point where said south line would be intersected by the east line of said Ragland twenty (20) acres (*as referenced in the Partition Deed*) if the same were extended northwardly to said south line of Lamar Boulevard; running thence southwardly along said prolongation of the east line of said Ragland twenty (20) acres to a point in the east line of a street sixty (60) feet wide now shown on the subdivision hereinbefore referred to (*as referenced in the Partition Deed*), where said line curves to the south east upon a radius of two hundred and twenty-five (225) feet; thence with said curve, upon a radius of two hundred and twenty-five (225) feet to a point opposite the point of divergence from said first named sixty (60) foot street, and ending for this call at a point in the west line of another street sixty (60) feet wide shown on said subdivision where said line merges into a straight line running north and south; and running thence from said last named point about due north along west line of said last named street to the south line of Lamar Boulevard; and from said last named point along the south line of Lamar Boulevard in a northwesterly direction to the point of beginning.

LESS and EXCEPT, to the extent applicable, the real property conveyed by Warranty Deeds of record in Book 466, Page 344 and in Book 431, Page 503.

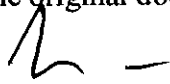
For purposes of clarification, the property being conveyed under this Special Warranty Deed is the property known as the Snowden Home Place or Annesdale and being bounded by Lamar Avenue on the north, Agnes Street on the south, and Snowden Circle on the east and west in the City of Memphis, Tennessee.

EXHIBIT "B"

1. 2011 City of Memphis real estate taxes which the party of the second part hereby assumes and agrees to pay;
2. 2011 County of Shelby real estate taxes which the party of the second part hereby assumes and agrees to pay;
3. Subdivision Restrictions, Building Lines and Easements as shown in Plat Book 6, Page 14 and Plat Book 7, Page 30, of record in the Register's Office of Shelby County, Tennessee.
4. Any matter which would be disclosed by a current, accurate survey of the property described herein.

CERTIFICATION OF AN ELECTRONIC DOCUMENT

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



Timothy D. Rainey, Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me on the 3rd day of June, 2011, the undersigned notary public for this county and state, Timothy D. Rainey, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary Public

My Commission Expires _____
My Commission Expires
April 30, 2013

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(PLANNED DEVELOPMENT)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, _____ at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** PD 2021-30
- LOCATION:** 1325 Lamar Avenue
- COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Ken Robison / Leslie Murphy
- REPRESENTATIVE:** Kate Haywood
- EXISTING ZONING:** Residential Urban – 4 (RU-4) and Midtown Overlay District
- REQUEST:** To allow an office, retail, overnight accommodation, and indoor and outdoor events planned development
- AREA:** +/-7.176 acres

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval with conditions*

Memphis and Shelby County Land Use Control Board: *Approval with conditions*

NOW, THEREFORE, you will take notice that on Tuesday, _____, 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: _____

SAHA SUNISHA D & ANAND
1309 GOODBAR AVE #
MEMPHIS TN 38104

ALFUNOON INC
9913 GREENALDER CV #
CORDOVA TN 38016

FLETCHER CHRISTOPHER C & ELLEN D
1297 AGNES PL #
MEMPHIS TN 38104

OPPENHEIMER EMILY
1319 GOODBAR AVE #
MEMPHIS TN 38104

MOORE LARRY
1263 SLEDGE AVE #
MEMPHIS TN 38104

ROBERTSON KENNETH
1317 AGNES PL #
MEMPHIS TN 38104

SITTRANONT SORRASIT & NUNNARAT
1265 LAMAR AVE #
MEMPHIS TN 38104

AKIN PAUL N JR & MOLLY M
1273 SLEDGE AVE #
MEMPHIS TN 38104

PRUDHOMME TIMOTHY T & LORI A
1365 AGNES PL #
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST
1274 CENTRAL AVE #
MEMPHIS TN 38104

FARIS NICHOLAS & JESSE
1279 SLEDGE AVE #
MEMPHIS TN 38104

CROSS CARL & YLANDRA
1385 AGNES PL #
MEMPHIS TN 38104

HOYT SEAN C
1278 CENTRAL AVE #
MEMPHIS TN 38104

BANKS TONY C AND LESLIE BANKS
789 W SNOWDEN CIR #
MEMPHIS TN 38104

TIBBS BERNARD A & RONITRICE N DILLARD-
1395 AGNES PL #
MEMPHIS TN 38104

ROBISON KEN
1325 LAMAR AVE #
MEMPHIS TN 38104

GLASGOW MICHELE M AND VICKI STEVENS (RS)
1272 AGNES PL #
MEMPHIS TN 38104

MEMPHIS PROPERTY SOLUTIONS LLC
3845 WATMAN AVE #
MEMPHIS TN 38118

TANGLEWOOD CHURCH OF CHRIST (TRS)
725 SNOWDEN CL #
MEMPHIS TN 38104

REPP LINDSAY J
1278 AGNES PL #
MEMPHIS TN 38104

LUSK DAVID A & CARISSA N HUSSONG
1293 CENTRAL AVE #
MEMPHIS TN 38104

JOHNSON BEATRICE
1275 CENTRAL AVE #
MEMPHIS TN 38104

SEELEY CHRISTOPHER N & CHERISA
1394 AGNES PL #
MEMPHIS TN 38104

BAUMAN S RICHARD REVOCABLE TRUST
6551 ESPALIER COR #
MEMPHIS TN 38119

GRISHAM ROBERT & AMANDA
1268 SLEDGE AVE #
MEMPHIS TN 38104

CURTIS JOHN
1910 MADISON AVE #
MEMPHIS TN 38104

WOBST NATALIA M
1315 GOODBAR AVE #
MEMPHIS TN 38104

LIPINISKI MARTIN E & LINDA F
774 E SNOWDEN CIR #
MEMPHIS TN 38104

DAVIS MICHAEL S & BETTINA
1398 AGNES PL #
MEMPHIS TN 38104

DEVMAR PARTNERS LLC
2005 STRADELLA RD #
LOS ANGELES CA 90077

UNIVERSITY CLUB OF MEMPHIS
1346 CENTRAL AVE #
MEMPHIS TN 38104

SAWYER ROBERT A & REBECCA M
1250 CENTRAL AVE #
MEMPHIS TN 38104

EARLY DAVID S
1988 NELSON AVE #
MEMPHIS TN 38104

CALDWELL INVESTMENT SERVICES TRUST
9005 GANDY CV #
MEMPHIS TN 38133

BARNHART SANDRA N
1260 CENTRAL AVE #
MEMPHIS TN 38104

GOZA ANGELA
1264 SLEDGE AVE #
MEMPHIS TN 38104

PORTER REAL ESTATE INVESTMENTS LLC
1275 LAMAR AVE #
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST
1274 CENTRAL AVE #
MEMPHIS TN 38104

JONES WILLIAM J & MARY M
1274 SLEDGE AVE #
MEMPHIS TN 38104

SIMS LARRY D SR & KIM G
1279 LAMAR AVE #
MEMPHIS TN 38104

MEGGERS JOHN M AND KRISTINE M MEGGERS
1257 CENTRAL AVE #
MEMPHIS TN 38104

HALEY STEPHEN W & SYLVIA D BELL
1278 SLEDGE AVE #
MEMPHIS TN 38104

CITY OF MEMPHIS
GENERAL DELIVERY #
MEMPHIS TN 38101

CK PROPERTIES LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

GIBSON JOHN W & JUDY S
757 W SNOWDEN CIR #
MEMPHIS TN 38104

SIMS LARRY D AND KIM G SIMS
1283 LAMAR #
MEMPHIS TN 38104

WINTER HENRY D & JOANN E
1267 CENTRAL AVE #
MEMPHIS TN 38104

VENUE APARTMENTS LLC
1387 CENTRAL AVE #
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)
725 W SNOWDEN CIR #
MEMPHIS TN 38104

RANDOLPH SANDRA B
1273 CENTRAL AVE #
MEMPHIS TN 38104

ROBINSON SEAN K AND MICHAEL J HUGHES
763 W SNOWDEN CIR #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

MONTOYA JUAN C
8160 SHALLOW GLEN TRL #
CORDOVA TN 38016

LIPINSKI MARTIN E & LINDA F
774 E SNOWDEN CIR #
MEMPHIS TN 38104

UNIVERSITY CLUB OF MEMPHIS
1346 CENTRAL AVE #
MEMPHIS TN 38104

RALSTON BRUCE A & SARA T
749 SNOWDEN CIR #
MEMPHIS TN 38104

SKYLES MICHAEL W & SANDRA S
1265 SLEDGE AVE #
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)
725 SNOWDEN CL #
MEMPHIS TN 38104

BISHOP EMILY D & STEPHEN R
1254 SLEDGE AVE #
MEMPHIS TN 38104

CAMPBELL DAVID N & ALLYSON S
1267 SLEDGE AVE #
MEMPHIS TN 38104

PERKINS RICHARD B AND LORA J ROWE
773 W SNOWDEN CIR #
MEMPHIS TN 38104

LYNCH-HOLMES KATHERINE & SHANNON HOLMES
1268 AGNES PL #
MEMPHIS TN 38104

SIMMONS HALEY A & JACQUELINE O
1273 AGNES PL #
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU
1385 LAMAR AVE #
MEMPHIS TN 38104

ROBERTSON TINNIE L AND PATRICIA
212 PALMER CV #
HERNENDO MS 38632

KNISLEY BRANDON & JENNIFER
1277 AGNES PL #
MEMPHIS TN 38104

LIPINSKI MARTIN E & LINDA C
774 SNOWDEN CL #
MEMPHIS TN 38104

TODD GEORGE M & REBECCA G
790 E SNOWDEN CIR #
MEMPHIS TN 38104

GATES JOYCELYN D
1281 AGNES PL #
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU
1385 LAMAR AVE #
MEMPHIS TN 38104

KEARNEY SHAY M
1372 AGNES PL #
MEMPHIS TN 38104

PAYNE NIKKI J
1287 AGNES PL #
MEMPHIS TN 38104

SCHUERMAN JOHN
4705 TOPEKA CT #
DENVER CO 80239

COX RACHEL H
1378 AGNES PL #
MEMPHIS TN 38104

KRUEGER KEITH A & VERNON S FRYE
1291 AGNES PL #
MEMPHIS TN 38104

WIPF ESTHER M
780 E SNOWDEN CIR #
MEMPHIS TN 38104

HOLTON PEG A
1382 AGNES PL #
MEMPHIS TN 38104

COTHERN BRANDON
1301 AGNES PL #
MEMPHIS TN 38104

HAILE TSEGAYE
1407 LAMAR AVE #
MEMPHIS TN 38104

JACKSON CHRIS K AND ANGELA L PETTY (RS)
1388 AGNES PL #
MEMPHIS TN 38104

DAVIS MARTHA A
1307 AGNES PL #
MEMPHIS TN 38104

CHURCH OF THE FULL GOSPEL ETAL
1252 AGNES PL #
MEMPHIS TN 38104

CARROLL JOHN R
800 E SNOWDEN CIR #
MEMPHIS TN 38104

BISHOP STEPHEN R & EMILY D
1973 EVELYN #
MEMPHIS TN 38104

LOWE WILLIE C LIVING TRUST
1258 AGNES PL #
MEMPHIS TN 38104

GORDON ROBERT
1594 HARBERT AVE #
MEMPHIS TN 38104

GIBBS CAROL V
1323 AGNES PL #
MEMPHIS TN 38104

PERRY WILLIAM J JR & JEANNE L
1262 AGNES PL #
MEMPHIS TN 38104

JACKO GALE
1269 AGNES PL #
MEMPHIS TN 38104

PIERSON REGINA
1769 1ST GREEN DR #
MEMPHIS TN 38116

LASTRA JENNIFER L & ROBERT KELZ
1335 AGNES PL #
MEMPHIS TN 38104

SHERRILL EARL
1301 HEISTAN PL #
MEMPHIS TN 38104

SPIRIT MASTER FUNDING X LLC
6300 S SYRACUSE WAY #205
CENTENNIAL CO 80111

FLEURANTIN DAVID
1339 AGNES PL #
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

BUFORD DEVIN
649 FLORIDA ST #305
MEMPHIS TN 38103

WASSON WALETHA
1345 AGNES PL #
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

FUHRMANN MARIA K & KEITH A
1349 AGNES PL #
MEMPHIS TN 38104

THREE D ENTERPRISES LLC
1431 HEISTAN PL #
MEMPHIS TN 38104

MILLS RONALD H & CONNIE R
4074 PIKES PEAK AVE #
MEMPHIS TN 38104

TERRY CLYDE
8443 FREIDEN TRL #
MEMPHIS TN 38125

SEATON SAMUEL A JR & BEVERLY
1359 AGNES PL #
MEMPHIS TN 38104

OPPENHEIMER EMILY
1319 GOODBAR AVE #
MEMPHIS TN 38104

GIENAPP ANDREW J & REBEKAH J
1369 AGNES PL #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

BATES RICKEY & TIMOTHY R COMBS
1375 AGNES PL #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

LOPEZ JOSE J & SARA C NELSON
1379 AGNES PL #
MEMPHIS TN 38104

CLUB GARDENS LLC
1654 HARBERT AVE #
MEMPHIS TN 38104

KUNA INVESTMENTS LLC
716 PROUD EAGLE LN #
LAS VEGAS NV 89144

WMMC CONSTRUCTION LLC
648 RIVERSIDE DR #302
MEMPHIS TN 38103

AVERY

5260

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge

Go to avery.com/templates
Use Avery Template 5160

Ken Robison
1325 Lamar Avenue
Memphis, Tennessee 38104

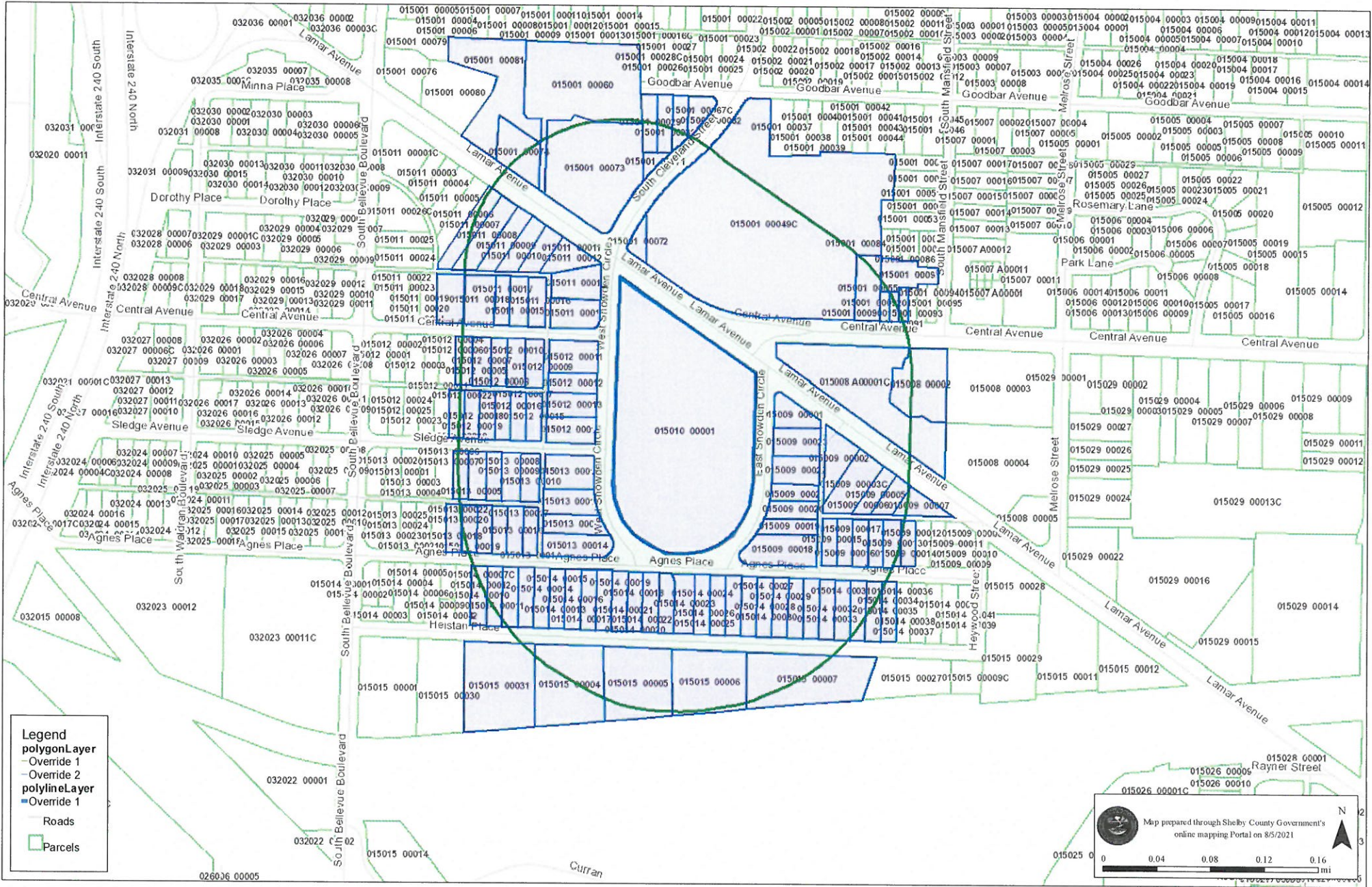
Murphy Maude Interiors
Attn: Leslie Murphy
94 Cumberland Street
Memphis, Tennessee 38112

SR Consulting
Attn: Melissa Johnson
5909 Shelby Oaks Drive #200
Memphis, Tennessee 38134

Pat: avery.com/patents

Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up®

Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160



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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 20 July 2021

DATE

PUBLIC SESSION: 20 July 2021

DATE

ITEM (CHECK ONE)

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

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

CASE NUMBER: PD 21-5

DEVELOPMENT: Coro Vista Planned Development

LOCATION: 1560 Drew Road and an adjacent parcel

COUNCIL DISTRICTS: District 6 and Super District 8

OWNERS: Coro Vista, LLC, and Shelby County Schools

APPLICANT: Coro Vista, LLC

REPRESENTATIVE: Brenda Solomito of Solomito Land Planning

EXISTING ZONING: Residential – 6 and Residential – 10

REQUEST: Special use permit for a planned residential development

AREA: 20 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
 Set public hearing date for – 20 July 2021

PRIOR ACTION ON ITEM:

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

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

PD 21-5 – Coro Vista Planned Development

Resolution requesting a special use permit for a planned residential development at 1560 Drew Road and an adjacent parcel:

- This item is a resolution, including conditions, for a special use permit to allow the above;
- The Division of Planning & Development sponsors this resolution at the request of the Owners: Coro Vista, LLC, and Shelby County Schools; Applicant: Coro Vista, LLC; and Representative: Brenda Solomito of Solomito Land Planning;
- This resolution, if approved, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE CORO VISTA PLANNED DEVELOPMENT AT 1560 DREW ROAD AND AN ADJACENT PARCEL, KNOWN AS CASE NUMBER PD 21-5.

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

WHEREAS, Coro Vista, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned residential development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above considerations to the Council of the City of Memphis; and

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

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

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

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the City Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. Areas 1 and 2: As if zoned Residential Single-Family – 10.
 - B. Area 3: As if zoned Residential Single-Family – 6.
 - C. Area 4: As if zoned Residential Urban – 3.
 - D. Areas 5 – 8: As if zoned Open Space.
- II. Building Envelope Standards
 - A. Areas 1 and 2: As if zoned Residential Single-Family – 10.
 - B. Area 3:
 - 1. Minimum front setback: 15 feet
 - 2. Minimum interior side setback: 3.5 feet
 - 3. Minimum street side setback: 10 feet
 - 4. Minimum rear setback: 15 feet
 - a. Garages – either detached or attached – may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.
 - 5. Minimum lot width: 35 feet
 - 6. Maximum building height: 40 feet
 - 7. Minimum lot area: 3,500 square feet
 - 8. All lots must take vehicle access from a rear alley, except corner lots which may be permitted side street vehicle access.
 - C. Area 4: As if zoned Civic.
 - D. Areas 5 – 8: As if zoned Open Space.
- III. Final Plan
 - A. Unless modified by the outline plan conditions, all standards of the Unified Development Code shall apply.
 - B. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
 - C. Any final plan shall include a plan set that demonstrates compliance with the outline plan conditions, as well as substantial conformance with the proposed conceptual design.
 - D. A property owner's association shall be created concurrently with the recording of a final plan.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	PD 21-5
DEVELOPMENT:	Coro Vista Planned Development
LOCATION:	1560 Drew Road and an adjacent parcel
COUNCIL DISTRICT(S):	District 6 and Super District 8
OWNERS:	Coro Vista, LLC, and Shelby County Schools
APPLICANT:	Coro Vista, LLC
REPRESENTATIVE:	Brenda Solomito of Solomito Land Planning
REQUEST:	Special use permit for a planned residential development
EXISTING ZONING:	Residential – 6 and Residential – 10
AREA:	20 acres

The following spoke in support of the application: Brenda Solomito and Gerald Robinson

The following spoke in opposition to the application: Sheryl Compton, Terry Bentley, Michael Compton, and Billy McElwain

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

The motion *passed* by a unanimous vote of 8-0.

Recommended Outline Plan Conditions

- I. Uses Permitted
 - A. Areas 1 and 2: As if zoned Residential Single-Family – 10.
 - B. Area 3: As if zoned Residential Single-Family – 6.
 - C. Area 4: As if zoned Residential Urban – 3.
 - D. Areas 5 – 8: As if zoned Open Space.
- II. Building Envelope Standards
 - A. Areas 1 and 2: As if zoned Residential Single-Family – 10.
 - B. Area 3:
 - 1. Minimum front setback: 15 feet
 - 2. Minimum interior side setback: 3.5 feet
 - 3. Minimum street side setback: 10 feet
 - 4. Minimum rear setback: 15 feet
 - a. Garages – either detached or attached – may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.
 - 5. Minimum lot width: 35 feet
 - 6. Maximum building height: 40 feet
 - 7. Minimum lot area: 3,500 square feet
 - 8. All lots must take vehicle access from a rear alley, except corner lots which may be permitted side street vehicle access.
 - C. Area 4: As if zoned Civic.
 - D. Areas 5 – 8: As if zoned Open Space.
- III. Final Plan
 - A. Unless modified by the outline plan conditions, all standards of the Unified Development Code shall apply.
 - B. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
 - C. Any final plan shall include a plan set that demonstrates compliance with the outline plan conditions, as well as substantial conformance with the proposed conceptual design.
 - D. A property owner’s association shall be created concurrently with the recording of a final plan.

AGENDA ITEM: 1

CASE NUMBER: PD 21-5 **L.U.C.B. MEETING:** 10 June 2021

DEVELOPMENT: Coro Vista Planned Development

LOCATION: 1560 Drew Road and an adjacent parcel

COUNCIL DISTRICT: District 6 and Super District 8

OWNERS: Coro Vista, LLC, and Shelby County Schools

APPLICANT: Coro Vista, LLC

REPRESENTATIVE: Brenda Solomito of Solomito Land Planning

REQUEST: Special use permit for a planned residential development

AREA: 20 acres

EXISTING ZONING: Residential – 6 and Residential – 10

CONCLUSIONS (p. 16)

1. Coro Vista, LLC, has applied for a special use permit for a planned residential development. The proposed development is an age-restricted community that includes an apartment building as well as houses with reduced minimum lot size and width.
2. The underlying zoning is residential single-family. Part of the site is owned by Shelby County Schools and once contained a school.
3. Staff finds that the proposal meets at least one of the planned development objectives, the planned development general provisions, the planned residential development standards, and the special use permit approval criteria. Additionally, the development appears consistent with the Memphis 3.0 Comprehensive Plan's vision for this land to be used as an institution.
4. A final plan review will be conducted, if approved, to ensure the development meets the outline plan conditions.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 14-16)

Staff finds that this proposal is *consistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (pp. 17-19)

Approval with outline plan conditions

GENERAL INFORMATION

Street Frontage:	Coro Road Dodd Road	(local street) (local street)	1125 curvilinear feet 722 curvilinear feet
Zoning Atlas Page:	2420		
Parcel ID:	082061 00012 and 082061 00014		
Existing Zoning:	Residential – 6 and Residential – 10		

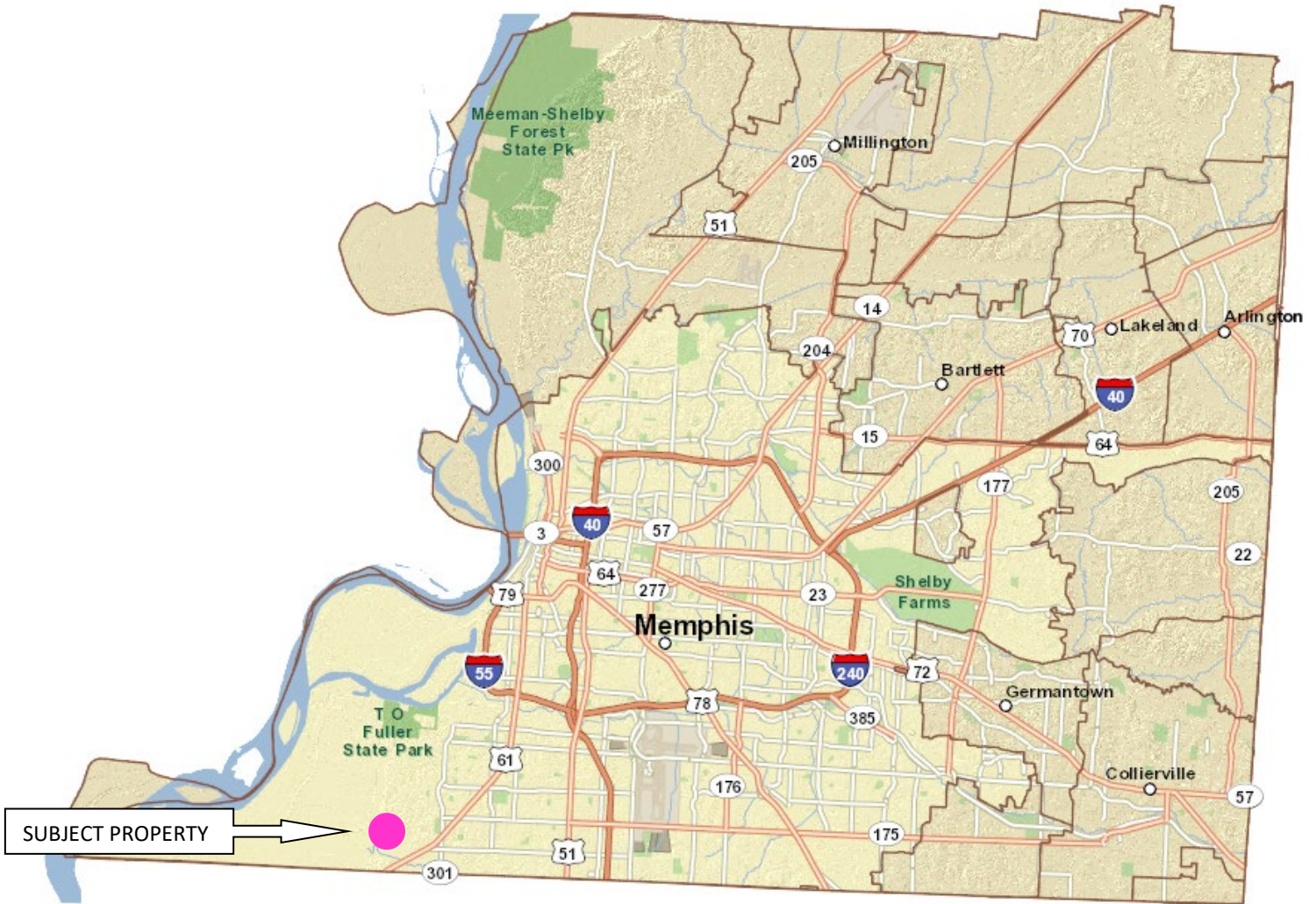
NEIGHBORHOOD MEETING

The required neighborhood meeting was held on 17 February 2021 at 6 p.m. by Zoom.

PUBLIC NOTICE

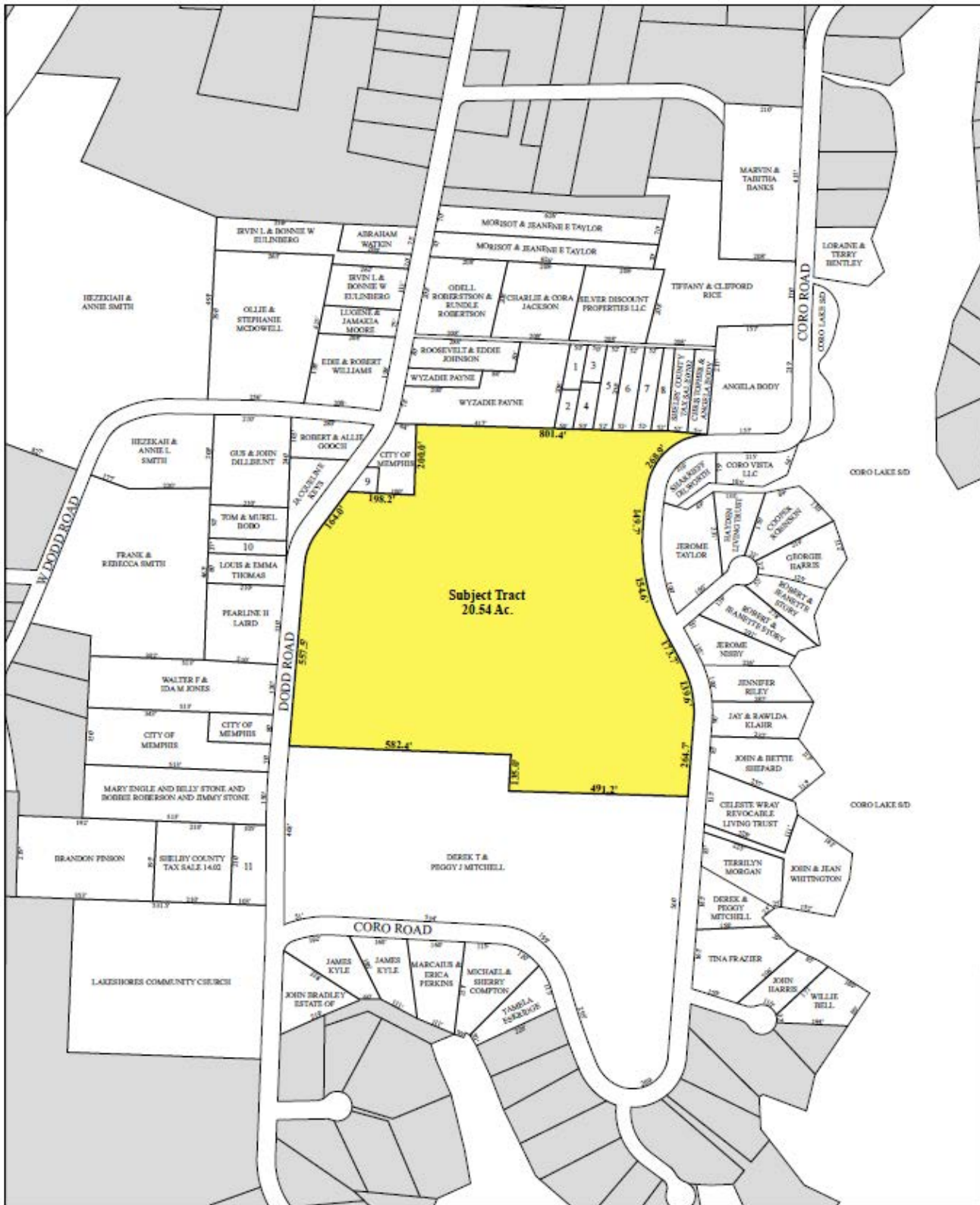
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 62 notices were mailed on 3 May 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Southwest Memphis

VICINITY MAP



- 1. SHELBY COUNTY TAX SALE #1304
- 2. SHELBY COUNTY TAX SALE 0702
- 3. SHELBY COUNTY TAX SALE 0405
- 4. SHELBY COUNTY TAX SALE #611
- 5. SHELBY COUNTY TAX SALE 11.01
- 6. SHELBY COUNTY TAX SALE 0702
- 7. SHELBY COUNTY TAX SALE 0702
- 8. SHELBY COUNTY TAX SALE 0702
- 9. US LAND SYNDICATION LLC
- 10. SHELBY COUNTY TAX SALE 14.04
- 11. ROOSEVELT ROBINSON & SAMUELA RANDL

NOT TO SCALE

W.H. PORTER CONSULTANTS, PLLC
 ENGINEERS, PLANNERS & SURVEYORS
 6055 PRIMACY PKWY, SUITE 115
 MEMPHIS, TENNESSEE 38119
 901-362-9453

AERIAL PHOTO WITH ZONING



The subject property is outlined in blue.

Existing Zoning: Residential – 6 and Residential – 10

Surrounding Zoning

North: Residential – 6 and Residential – 10

East: Residential – 10

South: Residential – 6 and Residential – 10

West: Residential – 6

SITE PHOTOS



An on-site clearing where a school once stood

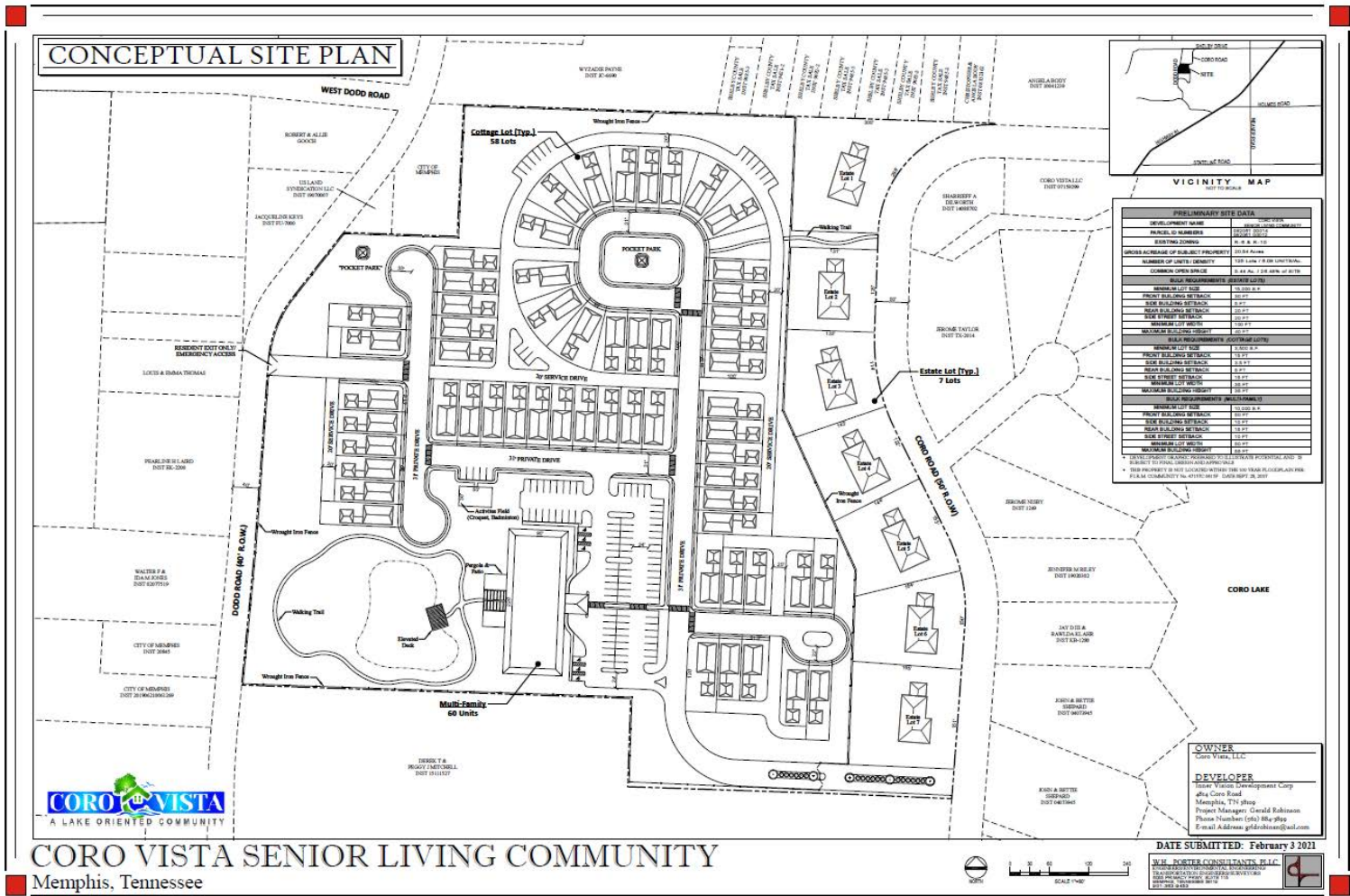


A view north down Coro
Site on left
Overhead utilities on other side of street



A view north down Dodd
Site on right
Overhead utilities on this side of street

PROPOSED CONCEPTUAL SITE PLAN



PROPOSED CONCEPTUAL RENDERINGS

CONCEPTUAL ARCHITECTURAL RENDERINGS



DEVELOPER
Hester Smith Development Corp
4614 Coon Road
Memphis, TN 38117
Project Manager: Gerald Robinson
Phone Number: (901) 884-9899
E-mail Address: gfr@hsmc@aol.com

CORO VISTA SENIOR LIVING COMMUNITY
Memphis, Tennessee



DATE SUBMITTED: February 3 2021
W.H. FOSTER CONSULTANTS, P.L.L.C.
1000 W. WOODLAND BLVD., SUITE 200
MEMPHIS, TN 38117
TEL: 901.525.1100
WWW.WHFOSTERCONSULTANTS.COM

STAFF ANALYSIS

Request

The request is for a special use permit for a planned residential development of an age-restricted apartment building and single-family homes.

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

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff **agrees** the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

- A. **Formal Open Space**
A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.
- B. **Accessibility of Site**
All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.
- C. **Off-Street Parking**
Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
- D. **Pedestrian Circulation**
The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
- E. **Privacy**
The planned residential development shall provide reasonable visual and acoustical privacy for

dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Approval Criteria

Staff **agrees** the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

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

- I. 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.*
- II. 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.*
- III. 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.*
- IV. 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.*
- V. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- VI. 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.*
- VII. 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.*
- VIII. 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 20-acre subject property consists of two parcels. The site has two noncontiguous frontages: 1125 curvilinear feet on Coro Road and 722 curvilinear feet on Dodd Road. Both are local streets. Neither has a curb, sidewalk, or gutter. Coro's overhead utilities are on the opposite side of the street as the side, whereas Dodd's are on the same side of the street. The site includes both woods and a clearing where a school once stood.

Plan Review

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

Note that the outline plan conditions apply all standards of the Unified Development Code not otherwise addressed by the conditions. This will likely require several changes to the site plan, such as the improvement/streetscaping of public right-of-way and the provision of multiple vehicular entry points.

Consistency with Memphis 3.0

Staff finds that the requested special use permit is **consistent** with the Memphis 3.0 Comprehensive Plan, as described in the following analysis.

1. *The future land use map*



The subject site is outlined in blue. The tan shade designates “primarily single-unit neighborhood” and the green shade designates “public and quasi-public buildings and uses.”

2. Descriptions and graphic portrayals of the future land use designations

Primarily Single-Unit Neighborhood

NS

Primarily Single-Unit Neighborhoods are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.



Description/Intent	Residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor.
Applicability	Places that consist of single unit houses and are not physically connected through streets and paths to at least one Citywide or Community Anchor.
Goals/Objectives	Preservation/maintenance of existing single family housing stock and neighborhoods
Performance Metrics	Stable/positive occupancy trends
Zoning Notes	Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan.
Form and Location Characteristics	Primarily detached House-scale buildings Primarily residential 1-3 stories Beyond 1/2 mile from a Community Anchor

Public & Quasi-Public Buildings & Uses

PQP

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



Description/Intent	Civic buildings, schools, religious institutions and community facilities.
Applicability	Civic buildings, schools, churches, community facilities.
Goals/Objectives	Institutional uses contributing to anchors, anchor neighborhoods, residential communities, contributions to civic space framework
Zoning Notes	Generally compatible with the following zone districts: CIV in accordance with Form and characteristics listed above. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan.
Form and Location Characteristics	Recreational and Institutional uses

3. *Existing, adjacent land uses and zoning* are compatible with the proposed development.
4. The *degree of change* designations do not apply as this site is not within an anchor neighborhood.

Conclusions

Coro Vista, LLC, has applied for a special use permit for a planned residential development. The proposed development is an age-restricted community that includes an apartment building as well as houses with reduced minimum lot size and width.

The underlying zoning is residential single-family. Part of the site is owned by Shelby County Schools and once contained a school.

Staff finds that the proposal meets at least one of the planned development objectives, the planned development general provisions, the planned residential development standards, and the special use permit approval criteria. Additionally, the development appears consistent with the Memphis 3.0 Comprehensive Plan's vision for this land to be used as an institution.

A final plan review will be conducted, if approved, to ensure the development meets the outline plan conditions.

RECOMMENDATION

Staff recommends **approval** with outline plan conditions.

The applicant's requested conditions are pasted below. Staff's recommended additions are underlined and emboldened, and staff's recommended deletions are struck-through and emboldened.

I. Uses Permitted

- A. Areas 1 and 2: **As if zoned Residential Single-Family – 10** ~~Any use permitted by right or administrative site plan review in the Residential Single-Family (R-15) District.~~
- B. ~~Area 2: Any use permitted by right or administrative site plan review in the Residential Single-Family (R-15) District.~~
- C. Area 3: **As if zoned Residential Single-Family – 6** ~~Any use permitted by right or administrative site plan review in the Residential Single-Family (R-6) District.~~
- D. Area 4: **As if zoned Residential Urban – 3.** ~~Any use permitted by right or administrative site plan review in the Residential Urban (RU-3) District and accessory use of retail sales, valet, concierge services.~~
- E. Areas 5 – 8: **As if zoned Open Space** ~~Common Open Space The planned uses are limited to landscaping, signage, architectural elements and neighborhood passive recreation.~~
- F. ~~Accessory structure and uses in accordance with section 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code.~~

II. Building Envelope Standards ~~Bulk Regulations~~

- A. Areas 1 and 2: **As if zoned Residential Single-Family – 10** ~~The Bulk regulations of the R-15 District shall apply.~~
- B. ~~Area 2: The Bulk regulations of the R-15 District shall apply.~~
- C. Area 3: ~~The Bulk regulations of the R-3 District shall apply as modified herein:~~
 1. **Minimum front setback: 15 feet**
 2. **Minimum interior** side setback: 3.5 feet
 3. **Minimum street** side setback: ~~15~~ **10** feet
 4. **Minimum** rear setback: ~~5~~ **15** feet
 - a. **Garages – either detached or attached – may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.**
 5. Minimum lot width: 35 feet
 6. Maximum building height: ~~35~~ **40** feet
 7. Minimum lot area size: 3,500 square feet
 8. **All lots must take vehicle access from a rear alley, except corner lots which may be permitted side street vehicle access.**
- D. Area 4: **As if zoned Civic.** ~~The Bulk regulations of the RU-3 District shall apply as modified herein:~~
 1. ~~Front building setback – fifty (50') feet~~
 2. ~~Maximum building height – fifty five (55') feet~~
- E. Areas 5 – 8: As if zoned Open Space.

III. ~~Building materials:~~

- A. ~~The building material shown on the Conceptual Architectural Renderings Exhibit is for illustrative purposes only, final design shall be approved by the Office of Planning and Development.~~

IV. ~~Landscaping and screening~~

- ~~A. The landscape areas shall be owned and maintained by a Homeowner's Association for ownership and maintenance purposes. Such maintenance shall include, but not limited to: removal of fallen objects, debris, trash and mowing.~~
- ~~B. All landscaping shall be located so as to not interfere with any above ground or below ground utilities. And all landscaping shall consider and illustrate the vision triangle and any light poles.~~
- ~~C. A wrought iron fence will bill placed as shown on the Conceptual Site Plan.~~

V. ~~Access, Circulation and Streetscapes:~~

- ~~A. One point of vehicular access to Coro Road shall be permitted by private drive subject to the approval of the City Engineer.~~
- ~~B. Private drive access to Dodd Road shall be exit only, except for emergency vehicles which may enter or exit.~~
- ~~C. The exact location and design of any curb cuts shall be subject to the review and approval of the City Engineer's Office.~~
- ~~D. All private drives shall be constructed to meet the Subdivision Regulations, applicable City Standards, and provide a minimum width of thirty one (31') feet from curb to curb.~~
- ~~E. This development may be gated subject to a forty (40) foot minimum queue space depth from the Coro Road right of way.~~
- ~~F. Curb & Gutter and sidewalk will not be required on Coro Road in order maintain the rural characteristic of the neighborhood~~

VI. ~~Grading and Drainage:~~

- ~~A. Drainage improvements, including on site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.~~
- ~~B. All drainage plans shall be submitted to the City Engineer for review and approval~~
- ~~C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-01 et seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.~~

VII. ~~Signs shall be in conformance with regulations established for the Residential Districts and shown on the final plat~~

VIII. ~~The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council~~

IX. ~~A Final Plat shall be filed within five (5) years of the approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant~~

X. ~~Any Final Plan shall include the following~~

- ~~A. The Outline Plan Conditions Unless modified by the outline plan conditions, all standards of the Unified Development Code shall apply.~~
- ~~B. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.~~
- ~~C. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements. Any final plan shall include a plan set that demonstrates compliance~~

with the outline plan conditions, as well as substantial conformance with the proposed conceptual design.

- D. ~~The exact location and dimensions, including height of utility easements, private drives, and required landscaping and screening areas. A property owner's association shall be created concurrently with the recording of a final plan.~~
- E. ~~The location and ownership, whether public or private of any easement.~~
- F. ~~A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes~~
- G. ~~The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.~~

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept., a determination can be made as to available sewer capacity.
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. No access to individual lots from Dodd Road will be allowed.

Traffic Control Provisions:

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

Curb Cuts/Access:

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

10. The proposed private drive connection to Coro Road shall shift north to allow the entirety of the connection to be located within the property lines.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

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

Date: 2/3/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Coro Vista Planned Development

Property Owner of Record: Coro Vista LLC Phone #: NA

Mailing Address: 1430 East Compton Blvd City/State: Compton/CA Zip 90221

Property Owner E-Mail Address: gldrobinson@aol.com

Applicant: Coro Vista LLC Phone # N/A

Mailing Address: 4814 Coro Road City/State: Memphis/TN Zip 38109

Applicant E- Mail Address: gldrobinson@aol.com

Representative: Brenda Solomito Phone #: 755-7495

Mailing Address: 1774 Kirby Parkway, #1-323 City/State: Memphis/TN Zip 38138

Representative E-Mail Address: brenda@solomitolandplanning.com

Engineer/Surveyor: Tim Dagastino Phone # 363-0453

Mailing Address: 6055 Primacy Parkway, Suite 115 Memphis, TN 38119 City/State: Memphis/TN Zip 38119

Engineer/Surveyor E-Mail Address: tdagastino@whporter.com

Street Address Location: 1580 Drew Road & 0 Coro Road

Distance to nearest intersecting street: 1400' southwest of Coro Road and Shelby Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>6.48 Acres</u>	<u>14.38</u>	_____
Existing Zoning:	<u>R-10 & R-6</u>	<u>R-10 & R-6</u>	_____
Existing Use of Property	<u>Vacant</u>	<u>Vacant</u>	_____
Requested Use of Property	<u>Single & Multi Family</u>	<u>Single & Multi Family</u>	_____

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

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

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

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

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?
Yes _____ No ^x _____

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

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

This development will enhance the surrounding property

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

Water and sewer exist on site and will be upgraded along with the drainage

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

This plan is compatible with the surrounding land uses.

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

This plan is not inconsistent with the public interest

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

A homeowners association will be formed for maintenance of common open space

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

Lots will be created with the recording of a Final Plat

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: 1/11/21 with Jeffrey Penzes

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

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

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

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

Garold Robinsart ^{T- 1/26/2021} Garold Robinsart ^{T- 1/26/2021}
Property Owner of Record Date Applicant Date

*Coro Vista, LLC ; A Tennessee LLC
Garold Robinsart, Managing Member*

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

A THE APPLICATION - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B. LETTER OF INTENT - The letter shall include the following:

- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
- b) A list of any professional consultants associated with the proposed development.
- c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT



February 4, 2021

Mr. Josh Whitehead, AICP
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

RE: Application for Planned Development
Coro Vista Planned Development – 20.54 +/- AC

Dear Josh:

Please accept, on behalf of the design team, WH Porter and Solomito Land Planning, and the applicant, Coro Vista, LLC, an application for a Planned Development. The property is located at the northwest corner of Coro Road and Drew Road in the Westwood Planning District and is owned in part by Shelby County Schools and in part by Coro Vista, LLC. A Principal in the Coro Vista, LLC is a 15-year resident homeowner in the Coro Lake Subdivision, directly east of the subject property.

Currently zoned Residential Single-Family (R-6, R-10), part of the property was once the home of the Coro Lake Elementary School that was demolished in 2017. Except for one single family home, vacant wooded properties mostly border the site on both the north and south with a few being Shelby County Tax Sale Properties.

The purpose of this application is to seek approval of a unique age restricted community that will be comprised of single-family detached homes, offering lake views on estate lots fronting Coro Road. Within the gated community boundaries, there will be single family cottage homes and a multifamily residence building. This self-contained community will also provide ample open space, walking trails and various support services as permitted under the RU-3 Zoning District.

As illustrated on the proposed site plan, the larger estate lots will provide the buffer and transition from the existing Coro Lake Subdivision approved in 1951. The multifamily residences will be internally located and house the necessary support services typically associated with age restricted and community living. Cottage homes will compose the balance of the development. This desirable age restricted community offers a variety of housing types that do not exist in this general area.

The tree lined pedestrian friendly streets are designed as 31' Private Drives. Integrated open spaces as well as more active green spaces and the lake provide the natural amenities that make Coro Vista a unique upscale proposal for this neighborhood.

The primary point of access will be from Coro Road, a 50' ROW. A secondary, resident only and emergency access will be located on Dodd Road, a 40' ROW. Common among age restricted communities, the trip generation numbers are usually lower than with unrestricted communities. Trip generation numbers are attached.

Memphis 3.0

Memphis 3.0 recommends Park and Recreation Facilities where the elementary school was located. An understandable recommendation, however, the school was demolished in 2017 and Dalstrom Park, a 75-acre regional park, is one mile away from the proposed development at Shelby Drive and Weaver Road. It is a family-

February 4, 2021
Page 2

avored amenity offering picnic areas and play equipment, walking trails of its own and is arguably under-utilized given the size.

Because Dalstrom park serves the regional area, there does not appear to be a demand for a large-scale recreational complex at this location. The remainder of the site is recommended to be Primarily Single Unit Neighborhood.

This proposal meets all the criteria established in Memphis 3.0 including **Goal 7: Prosperous and Affordable Communities**.

Upon brief review of the area, there has not been a newly recorded development since the 1960s. Many developments were recorded in the 1960s but others date back to 1945 or before.

Westwood Hills SD -1966
Coro Lakes SD – 1951

Westwood Shores SD – 1965
Old Home Town SD – 1948

Gallina SD - 1945

Additionally, the below General Provisions provide additional support for this request.

UDC 4.10.3 Planned Development General Provisions

Pursuant to provisions contained in section 4.10.3:

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
The property was previously developed as an elementary school that created weekday traffic and other activities until the school closed. This proposal will provide new housing and an economic boost to property values in an area that has not progressed as the remainder of City of Memphis. Surrounding properties will benefit from the investment. The new development and the new residents will deter the current dumping and littering practices that occur regularly in this neighborhood.
- An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
The property was previously development as an elementary school, Pre-K through 6. Approved water supply, community wastewater treatment and disposal, and storm water drainage facilities are all in place.
- The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
The attached site plan and master plan illustrate the compliance with the UDC and compatibility with surrounding areas. This proposal provides home ownership opportunities and a multi-family element for age restricted residents. The area today is largely vacant with a few single-family homes. Several of the properties to the north have been and are in the Shelby County Tax sale process.

February 4, 2021
Page 3

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest.
The minor request to allow cottage homes and the multifamily residences provides for the desirable mixture of housing types and options as outlined in Memphis 3.0. Additionally, age restricted community living is attractive to active seniors and empty nesters because of lower maintenance responsibilities and active lifestyle.
- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
A Homeowners association will be created to own and maintain all privately held common open spaces, private drives and other amenities as illustrated.
- Lots of records are created with the recording of a planned development final plan.
Coro Vista will be comprised of homeowners and resident stakeholders. The recording of the final plat will create lots that can be sold.

Additionally, the items submitted provide evidence that.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance. The site was formerly constructed as an elementary school and is not likely to have natural, scenic, or historical significance.
- The project complies with all additional standards imposed on it by any provisions authorizing such use.
- The request will not adversely affect the Memphis 3.0 or other plans to be considered (see Chapter 1.9). To the contrary, Coro Vista Planned Development will bring new construction and a variety of housing types to an area that has been dormant since the 1960s.
- The style and construction of the homes will be consistent and complimentary to the existing homes or violate the character of existing standards for development of the adjacent properties.

Thank you for your time and consideration in this matter. Feel free to contact me if you have any questions.

Sincerely,

Solomito Land Planning



Brenda Solomito Basar
Land Planner

Coro Vista Planned Developemnt										Trip Genration											
Description	ITE Code	Units	ITE Vehicle Trip Generation Rates (peak hours are for peak hour of adjacent street traffic unless highlighted)							Units Independent Variable	Expected Units	Total Generated Trips			Total Distribution of Generated Trips						
			Weekday	AM	PM	Pass-By	AM In	AM Out	PM In			PM Out	Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
Senior Adult Housing- Detached 251	DU		3.68	0.22	0.27		35%	65%	61%	39%	DU	65.0	239	14	18	5	9	0	11	7	0
Senior Adult Housing- Attached 252	DU		3.44	0.20	0.25		34%	66%	54%	46%		60.0	206	12	15	4	8	0	8	7	0

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Tim Dagastino, being duly sworn, depose and say that at 9 **am/pm** on the 23 day of February, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 21-005 at Dodd Road and Coro Road, 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 (X 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.

Tim Dagastino
Owner, Applicant or Representative

2/23/21
Date

Subscribed and sworn to before me this 23 day of February, 2021.

Constance Wakeman
Notary Public

My commission expires: Aug 20 2023



LETTERS RECEIVED

Three letters of support and one letter of opposition were received at the time of publication. They have been pasted below.

Good afternoon Brett,

Hope all is well with you. Wanted to reach out and offer a note of support from the Board of Directors of Uplift Westwood CDC for the Coro Vista Planned Development that will be coming before the Land Use Control Board. We feel this development will add value to our community and provide a level of living for our senior community that we don't currently have.

This project has our full support.

--
Charles Everett
Board of Directors
Uplift Westwood CDC
901.826.8019



Jstory3 <jstory3@comcast.net>
To: Brenda Solomito Basar <brenda@solomitolandplanning.com>

Wed, May 5, 2021 at 7:37 AM

Dear Brenda, it is a pleasure to write a letter in support of Coro Vista. The presentation and the involvement that you and your company have displayed is on an beyond.

In conclusion we fully support the projection of Coro Vista.

Sincerely
Robert and Jeanette Story

May 11, 2021

To Whom It May Concern:

Re: Coro Vista New Development Project

As a preteen I grew up in Coro Lake subdivision and lived with here until I moved out of my parent's house and got a place of my own. I have many fond memories to cherish.

In October of 2020, I decided to move back to Coro to care for aging parents whose declining health required more hands-on assistance with their day-to-day needs.

For the most part the neighborhood was still the same, some neighbors had stayed and other were gone but the beauty of the community continues to be the constant feature of the two lakes making the neighborhood a hidden gem and peaceful sanctuary within city limits.

My decision to build in the subdivision became evident when the accommodations at my parent's home were not suitable for their proper care. I was able to purchase two(2) lots together in the Coro Lake subdivision that would suited perfectly for what I needed to build, a one-story ranch style home, on a corner lot, in a cove and that backed up to the Lake!

Construction started on the property in November, 2020 and is projected to be completed by the July, 2021.

It is with great excitement that I look forward to this new chapter in my life in a place that I will call "my forever home" with my parents.

That being said, I give 100% support to the Coro Vista development project that too will be an added asset to upgrading and bringing new life into our community whereby together we can all take pride in our neighborhood that others too, will proclaim this is "my forever home".

Sincerely yours,

Tina Frazier

Tina Frazier, Future Homeowner
4948 Coro Cove
Memphis, TN 38109
Contact: tfrazier2031@gmail.com
Phone: 901.628.3896

Hi Mr. Davis,

I am a resident of Coro Lake on Coro Rd.

I oppose the development due to road safety conditions on Coro Rd and Dodd Rd. Our Lake subdivision has an on going problem with non residents driving too fast around the lake resulting especially at night driving around curves they think are straight and going in the lake.

These pictures are from the curve at 4814 Coro Rd - half way from Drew Rd and Shelby Dr. A car was going too fast and was stopped by some small trees at the edge of the lake.



**continued on next page*

Our HOA is not interested in installing guard rails or post. This would take away from the natural setting and additional grass cutting involved from Volunteer work.

Dodd Rd has a problem with speeding traffic. The residents complained to the City and speed bumps were installed.

In 1969, our principal at Coro Lake Elementary was killed at the top of the hill on Shelby Dr. between Coro Rd and East Shore Dr.

He was going home one afternoon and two guys drunk were racing west bound in both lanes. Mr Naquin went off the road and hit a telephone pole. My Brother and I saw the accident.

Too many steep hills and tight curves on Coro Rd will be a safety concern because with 120 dwellings the amount of vehicles will about double with friends and relatives.

I think the best site for the development is on West Holmes Rd west of Highway 61. The street is close to 61 with a light and a short distance to add four lanes. Also the residents would have a great view of Robco Lake and access with permission from Robco's HOA. This site would have less impact on the environment and construction cost reduced.

Regards,
Terry Bentley

9 June 2021

To the Members of the Land Use Control Board:

My name is Michael Compton. I am a resident of Coro Lake and a member of the Coro Lake Home Owners Assoc. I want to speak against the Coro Vista development, as it is presently conceived, because I believe it is the **wrong development, in the wrong place, at the wrong time.**

Featuring 58 zero-lot “cottage homes” and a 60-unit, 4-story apartment building (as well as 7 miniature “estate homes”), Coro Vista is too big, too dense, and absolutely the **wrong development** for the Coro Lake area.

Coro Lake currently has 147 private residences on about 125 acres of land, surrounding a 95-acre lake. The surrounding neighborhoods are all similarly semi-rural in character: single-family homes on large lots surrounded by forest and wetlands. Our lake-centered community is a place where people can fish, enjoy wildlife, have large gardens, and even enjoy the stars at night.

Coro Vista proposes to add to this semi-rural setting an exclusive, gated community of about 125 residences on less than 20 acres of land. In a very concentrated area it will almost double the population of the immediate area, with double the traffic, double the noise, and double the light pollution. (No more stars.)

Coro Vista proposes to sell zero lots on which people will build “cottage homes” (I have also heard Coro Vista plans to build the homes themselves, but reliable information has been hard to come by). In contrast, Coro Lake features—along with its a mix of mostly modest homes and a sprinkling of “McMansions”—some 57 privately owned vacant lots. So there are numerous opportunities for anyone who wants to build new houses or rehab old ones, all with lots of at least a ½ acre in size, on the lake, with full lake privileges. With those kinds of properties available, it is difficult to see how Coro Vista proposes to attract buyers who will build on lots with zero acreage, off the lake, and with no lake privileges.

But the dominant feature of Coro Vista is not the zero lots; it is the 4-story “multi-family residence”—which is a nice way of saying “apartment building.” There can be no justification for such a massive structure near Coro Lake. Buildings of such size may be found in the commercial districts of Memphis—Downtown, Midtown, and the Highland “Strip,” for example—but they are totally out of character for residential neighborhoods of single-family homes.

With this one giant structure, Coro Lake’s appeal as a place to enjoy nature and escape the hustle and bustle of city life will be erased. But is not only a matter of lifestyle—the homeowner covenant of Coro Lakes states that the community is exclusively designated for single family residences. I have been told the Robco Lake homeowners covenant contains similar language. Coro Vista would undermine that foundational stipulation.

Many of my neighbors fear—despite assurances from the developers—that the apartment building is the real objective here. Once it is built, it will be in no one’s interest to let it sit vacant, so it will be filled by whatever available means. After that, if the zero lots do not sell, it will not matter, because the developers will already have made their profit. The unsold zero lots can then be left to languish, or—since the door has been opened—more apartment construction may be approved.

By raising this scenario, I have no intention of criticizing the developers or accusing them of dishonesty—what I describe just makes good business sense. The Coro Vista partners may intend to follow through on the project all the way, but good intentions are not legally binding, and residents are concerned about having no recourse if the development fails, or if it transforms into something even bigger and more intrusive.

In another location, Coro Vista could be a viable, and even welcome, development, but it is in **the wrong place**. As noted above, its character is suited to a more urban setting, or at least a setting with access to main thoroughfares. Shelby, Holmes, Weaver, and Highway 51 are all fronted by abundant unused, underused, or blighted land that would be perfect for such a development. As an infill project, Coro Vista could be a real boon to Greater Westwood. But as it is presently conceived—shoehorned into an isolated residential neighborhood with access only to narrow, winding “country” roads—it is difficult to see how Coro Vista will best serve its own residents, much less the neighboring community.

With no direct access to any main thoroughfare, Coro Vista will have the greatest impact on the 77 homeowners on Coro and Dodd Roads. Coro Vista’s 125 proposed residences translates to a 160% expansion—which means a likely 160% increase in traffic on those two streets. By Coro Vista’s own numbers, there will be an additional 445 trips—that’s 445 more cars—per week funneled into these two quiet streets. Dodd already has speed bumps because of the problem with through traffic. This problem will be greatly enhanced by Coro Vista.

Finally, this is **the wrong time** for this development. It has been presented that Coro Lake is a neighborhood on the decline, when in fact it is a neighborhood that is making a comeback. Photos have been shared portraying our neighborhood as a blighted dumping ground of decaying houses and trash-strewn roads. As the enclosed pictures show, this is not a fair representation. We have a revitalized HOA that is dedicated to keeping our neighborhood clean, up to code, and vital, and we have new houses being built, as well as older ones being rehabilitated.



(NEW CONSTRUCTION)



(REHAB)

At great expense to property owners, we have also rebuilt the Coro Lake dam to meet state specifications, and we are dredging the silt-filled inlets to ensure the lake will thrive for decades to come.

We have secured grants from the City to place security cameras around the neighborhood, and have even offered to help Lakeshores Church apply for a camera grant to provide better security for their congregants and buildings.

We are in frequent touch with Code Enforcement and Memphis 311 to address blight and dumping issues, not only in our immediate neighborhood, but in the surrounding areas as well.



(BEFORE & AFTER)

Our HOA even has bi-annual cleanup parties, when we pick up trash throughout the neighborhood and all the way up Shelby Dr. to Dalstrom Park.

The one, single way in which Coro Vista is compatible with our neighborhood is that it is geared toward retirees. With its older population, Coro Lake is already a de facto retirement community, which is one reason it has stagnated over the past decade or so. What we need are not more older folks. We need younger families, with children, who will take full advantage of what Coro Lake has to offer and will again make it the vibrant, growing community it used to be. There has recently been a small trend in that direction, with both new home construction and rehabbing of older homes (my own included), but if we want to attract more families we need family homes, not a gated apartment complex for retirees.

One additional concern I hesitate to bring up is the lack of helpful information coming from the developers. Again, I do not wish to criticize or make insinuations, so I will simply state the facts: One of the selling points for Coro Vista is Mr. Robinson's experience developing "over \$100 million of various projects mostly in Southern California." Yet despite repeated requests for the names and locations of some of these developments, or the name of anyone he has worked with in the past, no information has been forthcoming. Additionally, the business address Mr. Robinson has provided in California—1450 E. Compton Blvd.—is designated by the Tennessee Secretary of State as "undeliverable." In a follow-up call to the business located there—Compton Self Storage—I learned that Mr. Robinson has no office there and has not been with that company for years

Again, I make no inferences. Mr. Robinsons may indeed have many wonderful real estate developments to his credit, but I have to ask why he has declined repeated requests to provide information one would think he would be eager to share.

The above remarks are mine alone, but from conversations I have had, I feel they represent the concerns of many of my neighbors, even some who are not necessarily opposed to the project. I thank the members of the Board for their attention in this matter, and for the opportunity for my voice to be heard.

Warmest regards,

Michael Compton
5021 Coro Rd.
Memphis, TN 38109

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(PLANNED DEVELOPMENT)**

You will take notice that a public hearing will be held by the Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, _____ at 3:30 p.m., in the matter of granting an application for a special use permit for a planned residential development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

CASE NUMBER: PD 21-5
LOCATION: 1560 Drew Road and an adjacent parcel
COUNCIL DISTRICTS: District 6 and Super District 8
OWNERS: Coro Vista, LLC, and Shelby County Schools
APPLICANT: Coro Vista, LLC
REPRESENTATIVE: Brenda Solomito of Solomito Land Planning
EXISTING ZONING: Residential – 6 and Residential – 10
REQUEST: Special use permit for a planned residential development
AREA: 20 acres

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval with outline plan conditions*

Memphis and Shelby County Land Use Control Board: *Approval with outline plan conditions*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 p.m. the Council of the City of Memphis, Tennessee, will be in session at the City Hall Council Chambers at 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrances or protests against the making of such changes; such remonstrances 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.

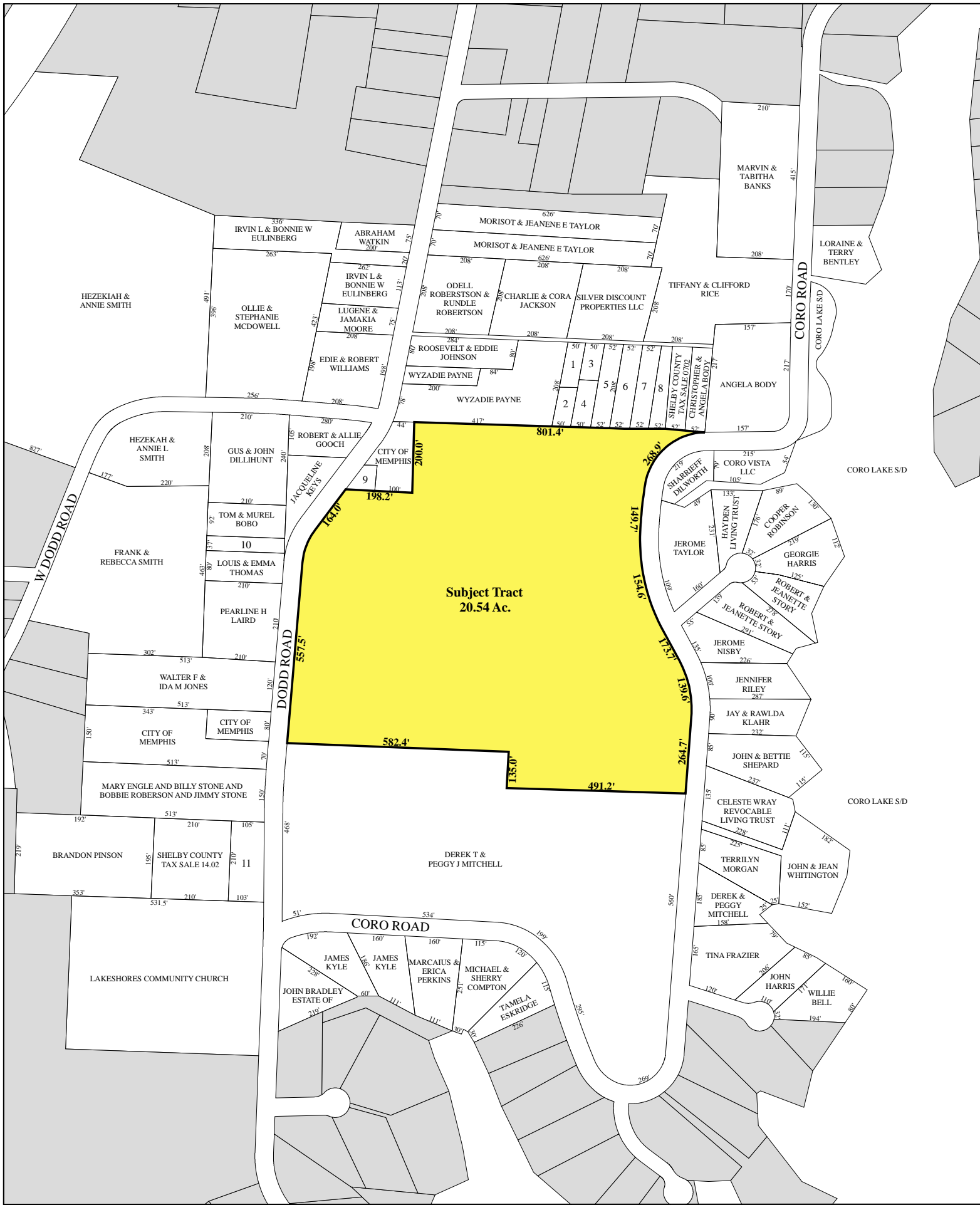
THIS THE _____, _____

FRANK COLVETT, JR.
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



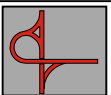
**Subject Tract
20.54 Ac.**

1. SHELBY COUNTY TAX SALE #13.04
2. SHELBY COUNTY TAX SALE 0702
3. SHELBY COUNTY TAX SALE 0405
4. SHELBY COUNTY TAX SALE #83.1
5. SHELBY COUNTY TAX SALE 11.01
6. SHELBY COUNTY TAX SALE 0702
7. SHELBY COUNTY TAX SALE 0702
8. SHELBY COUNTY TAX SALE 0702
9. US LAND SYNDICATION LLC
10. SHELBY COUNTY TAX SALE 14.04

11. ROSEVELT ROBINSON & SAMELLA RANDL

NOT TO SCALE

W.H. PORTER CONSULTANTS, PLLC
 ENGINEERS/PLANNERS/SURVEYORS/CONSULTANTS
 6055 PRIMACY PKWY, SUITE 115
 MEMPHIS, TENNESSEE 38119
 901-363-9453



EULINBERG IRVIN L & BONNIE W
5023 MALLARD POINT CV
MEMPHIS, TN 38109

WATKIN ABRAHAM
38 E FAIRMOUNT AVE
PONTIAC MI 48340

TAYLOR MORISOT & JEANENE E
4774 DODD RD
MEMPHIS TN 38109

RICE TIFFANY AND CLIFFORD RICE JR
PO BOX 333
MILLINGTON TN 38083

BANKS MARVIN & TABATHA
4731 CORO RD
MEMPHIS TN 38109

MCDOWELL OLLIE & STEPHANIE
655 W RAINES RD
MEMPHIS TN 38109

EULINBERG IRVIN L & BONNIE W
5023 MALLARD POINT CV
MEMPHIS TN 38109

ROBERTSON ODELL (1/3) INT AND
SAMELLA RUNDLE (1/3) INT
8224 S YATES BLVD
CHICAGO IL 60617

JACKSON CHARLIE & CORA L
3797 SEWANEE RD
MEMPHIS TN 38109

SILVER DISCOUNT PROPERTIES LLC
PO BOX 48708
LOS ANGELES CA 90048

MOORE LUGENE & JAMAKIA
4793 DODD RD
MEMPHIS TN 38109

WILLIAMS EDDIE & ROBERT
4265 BROOKWAY
MEMPHIS TN 38109

JOHNSON ROOSEVELT & EDDIE L
27 E DUNBAR RD
MEMPHIS TN 38109

PAYNE WYZADIE L
4820 DODD RD
MEMPHIS TN 38109

PAYNE WYZADIE
4820 DODD RD
MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 13.04
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702
EXH #16936
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0405
EXH #14467
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE #83.1
EXH #8309
160 N MAIN ST
MEMPHIS TN 38103

SHELBY COUNTY TAX SALE 11.01
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702
EXH #16940
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702
EXH #16941
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702
EXH #16942
PO BOX 2751
MEMPHIS TN 38101

SHELBY COUNTY TAX SALE 0702
EXH #16943
PO BOX 2751
MEMPHIS TN 38101

BODY CHRISTOPHER & ANGELA
5376 SANTA BARBARA ST
MEMPHIS TN 38116

BODY ANGELA
5376 SANTA BARBARA
MEMPHIS TN 38116

CORO LAKE SUBDIVISION TRS OF
P O BOX 901153
MEMPHIS TN 38190

CORO VISTA LLC
1450 E COMPTON BLVD
COMPTON CA 90221

DILWORTH SHARRIEFF A
2951 BANNOCKBURN RD
MEMPHIS TN 38128

CORO LAKE SUBDIVISION (TRS)
PO BOX 901153
MEMPHIS TN 38190

CORO VISTA LLC
1450 E COMPTON BLVD
COMPTON CA 90221

CITY OF MEMPHIS
125 N MAIN ST
MEMPHIS TN 38103

U S LAND SYNDICATION LLC
6645 QUEEN AVE S APT 100B
MINNEAPOLIS MN 55423

GOOCH ROBERT & ALLIE B
4833 DODD RD
MEMPHIS TN 38109

DILLIHUNT GUS ((ESTATE OF) AND
JOHN D DILLIHUNT
402 KING RD
MEMPHIS TN 38109

SMITH HEZEKIAH & ANNIE L
1678 W DODD RD
MEMPHIS TN 38109

SMITH FRANK & REBECCA
1678 W DODD RD
MEMPHIS TN 38109

BOBO TOM & MUREL
4851 DODD RD
MEMPHIS TN 38109

KEYS JACQUELINE
1492 JEANNINE ST
MEMPHIS TN 38111

SHELBY COUNTY TAX SALE 14.04
PO BOX 2751
MEMPHIS TN 38101

THOMAS LOUIS & EMMA
4861 DODD RD
MEMPHIS TN 38109

LAIRD PEARLINE H
4239 VAN BUREN PL
LOS ANGELES CA 90037

JONES WALTER F & IDA M
4893 DODD RD
MEMPHIS TN 38109

CITY OF MEMPHIS
220 S MAIN ST
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST
MEMPHIS TN 38103

ENGLE MARY AND BILLY STONE AND
BOBBIE ROBERSON AND JIMMY STONE
4897 DODD RD
MEMPHIS TN 38109

PINSON BRANDON
1637 SOUTHWALL ST
MEMPHIS TN 38114

SHELBY COUNTY TAX SALE 14.02
PO BOX 2751
MEMPHIS TN 38101

ROBINSON JR ROSEVELT AND
SAMELLA R RANDL
8224 S YATES BLVD
CHICAGO IL 60617

LAKESHORES COMMUNITY CHURCH
OF THE APOSTOLIC FAITH
5049 CORO RD
MEMPHIS TN 38109

MITCHELL DEREK T & PEGGY J
1808 PATRICK RD
MEMPHIS TN 38114

KYLE JAMES E
337 W HUBBARD AVE
ELKHART IN 46516

KYLE JAMES E
337 W HUBBARD AVE
ELKHART IN 46516

PERKINS MARCAIUS & ERICA
720 LITTY CT
MEMPHIS TN 38103

COMPTON MICHAEL & SHERRY
5021 CORO RD
MEMPHIS TN 38109

ESKRIDGE TAMELA
PO BOX 901551
MEMPHIS TN 38190

FRAZIER TINA
4380 GRAY ESTATES DR
SOUTHAVEN MS 38671

HARRIS JOHN A
4952 CORO CV
MEMPHIS TN 38109

BELL WILLIE F
4954 CORO CV
MEMPHIS TN 38109

MITCHELL DEREK & PEGGY
4934 CORO RD
MEMPHIS TN 38109

MORGAN TERRILYN J
4924 CORO RD
MEMPHIS TN 38109

WHITINGTON JOHN R & JEAN
4920 CORO RD
MEMPHIS TN 38109

WRAY CELESTE REVOCABLE
LIVING TRUST
259 GRAYLYNN DR
NASHVILLE TN 37214

SHEPARD JOHN & BETTIE C
4904 CORO RD
MEMPHIS TN 38109

KLAHR JAY D III & RAWLDA
4898 CORO RD
MEMPHIS TN 38109

RILEY JENNIFER M
4888 CORO RD
MEMPHIS TN 38109

NISBY JEROME
4878 CORO RD
MEMPHIS TN 38109

STORY ROBERT B & JEANETTE
4872 HIGH POINT CV
MEMPHIS TN 38109

STORY ROBERT B & JEANETTE
4868 HIGH POINT CV
MEMPHIS TN 38109

HARRIS GEORGIE B
5098 CORO RD
MEMPHIS TN 38109

ROBINSON COOPER Y JR
5557 HACKBERRY CV
MEMPHIS TN 38120

HAYDEN LIVING TRUST
10939 CROOKED CREEK CIR
DALLAS TX 75229

TAYLOR JEROME JR
4263 TOMAHAWK ST
MEMPHIS TN 38109

CORO LAKE SUBDIVISION
TRS OF
P O BOX 901153
MEMPHIS TN 38190

SMITH HEZEKIAH & ANNIE L
1678 W DODD RD
MEMPHIS TN 38109

BENTLEY LORAIN AND TERRY BENTLEY
AND JOE BENTLEY
4764 CORO RD
MEMPHIS TN 38109

TAYLOR MORISOT & JEANENE E
4774 DODD RD
MEMPHIS TN 38109

BRADLEY JOHN A (ESTATE OF)
1725 PRESTON ST
MEMPHIS TN 38106

TENANT
4773 DODD RD
MEMPHIS, TN 38109

TENANT
4785 S DODD RD
MEMPHIS, TN 38109

TENANT
4793 DODD RD
MEMPHIS, TN 38109

TENANT
4782 DODD RD
MEMPHIS, TN 38109

TENANT
4805 S DODD RD
MEMPHIS, TN 38109

TENANT
4808 S DODD RD
MEMPHIS, TN 38109

TENANT
4814 CORO RD
MEMPHIS, TN 38109

TENANT
4830 S CORO RD
MEMPHIS, TN 38109

TENANT
4832 S DODD RD
MEMPHIS, TN 38109

TENANT
4875 DODD RD
MEMPHIS, TN 38109

TENANT
4905 S DODD RD
MEMPHIS, TN 38109

TENANT
1763 W DODD RD
MEMPHIS, TN 38109

TENANT
5041 CORO
MEMPHIS, TN 38109

TENANT
4920 DODD RD
MEMPHIS, TN 38109

TENANT
5037 CORO RD
MEMPHIS, TN 38109

TENANT
5031 CORO RD
MEMPHIS, TN 38109

TENANT
5029 CORO RD
MEMPHIS, TN 38109

TENANT
5017 S CORO RD
MEMPHIS, TN 38109

TENANT
4948 S CORO CV
MEMPHIS, TN 38109

TENANT
4914 CORO RD
MEMPHIS, TN 38109

TENANT
4864 S HIGH POINT CV
MEMPHIS, TN 38109

TENANT
4860 S HIGH POINT CV
MEMPHIS, TN 38109

TENANT
4854 S HIGH POINT CV
MEMPHIS, TN 38109

TENANT
4850 S HIGH POINT CV
MEMPHIS, TN 38109

TENANT
5043 S CORO RD
MEMPHIS, TN 38109

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 3 August 2021

DATE

PUBLIC SESSION: 3 August 2021

DATE

ITEM (CHECK ONE)

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

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

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

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

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

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

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

PRIOR ACTION ON ITEM:

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

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

PD 21-15

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

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

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

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

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

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application to the Council of the City of Memphis; and

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

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

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

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

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

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

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

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

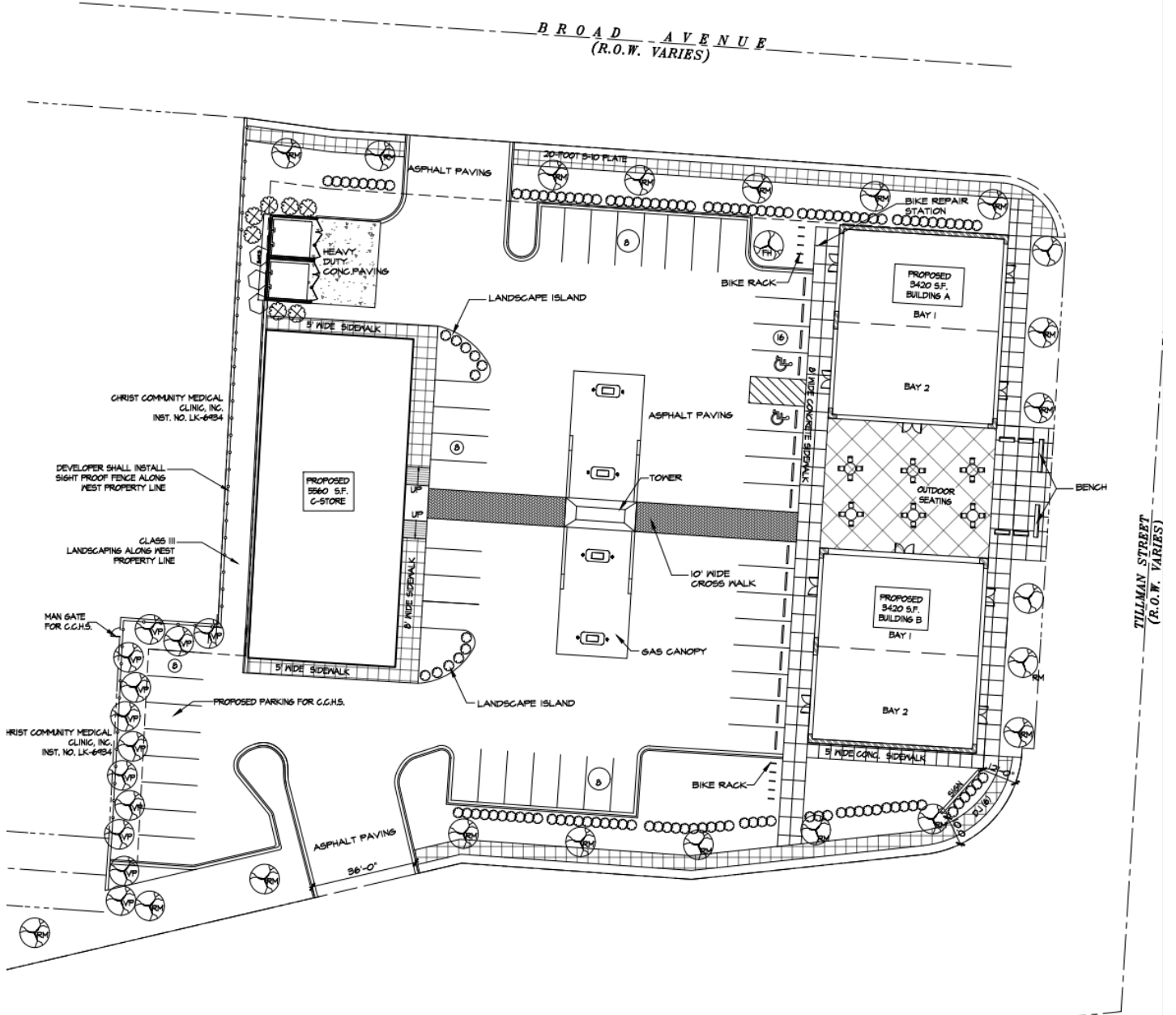
II. Site Design

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

III. Final Plan

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

CONCEPTUAL SITE PLAN



ATTEST:

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

LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: John Behnke

The following spoke in opposition the application: None

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

The motion *passed*.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

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

AGENDA ITEM: 12

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

CONCLUSIONS (p. 21)

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

CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)

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

RECOMMENDATION (p. 22)

Rejection

GENERAL INFORMATION

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

Zoning Atlas Page: 2035

Parcel ID: 037039 00009C

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

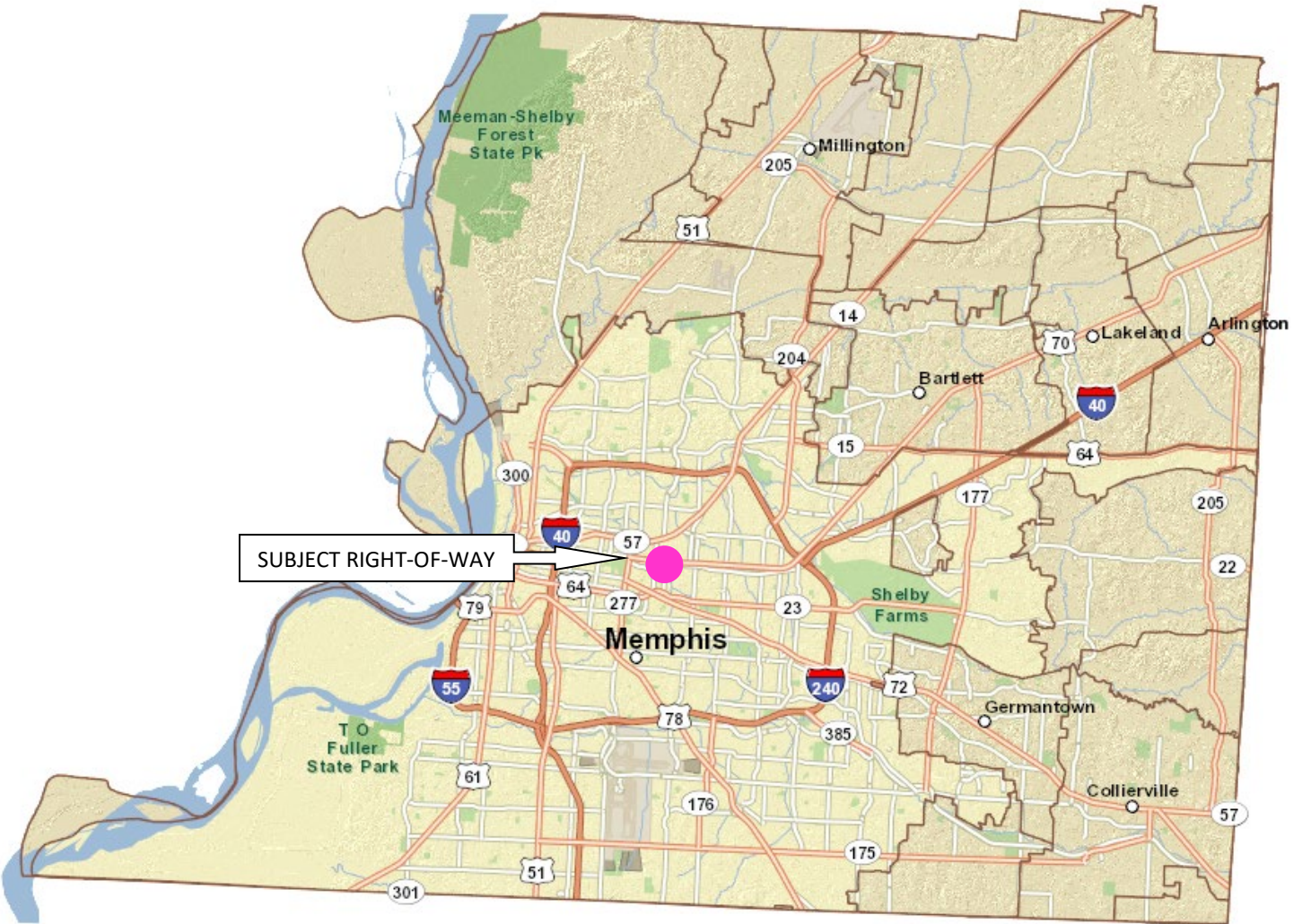
NEIGHBORHOOD MEETING

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

PUBLIC NOTICE

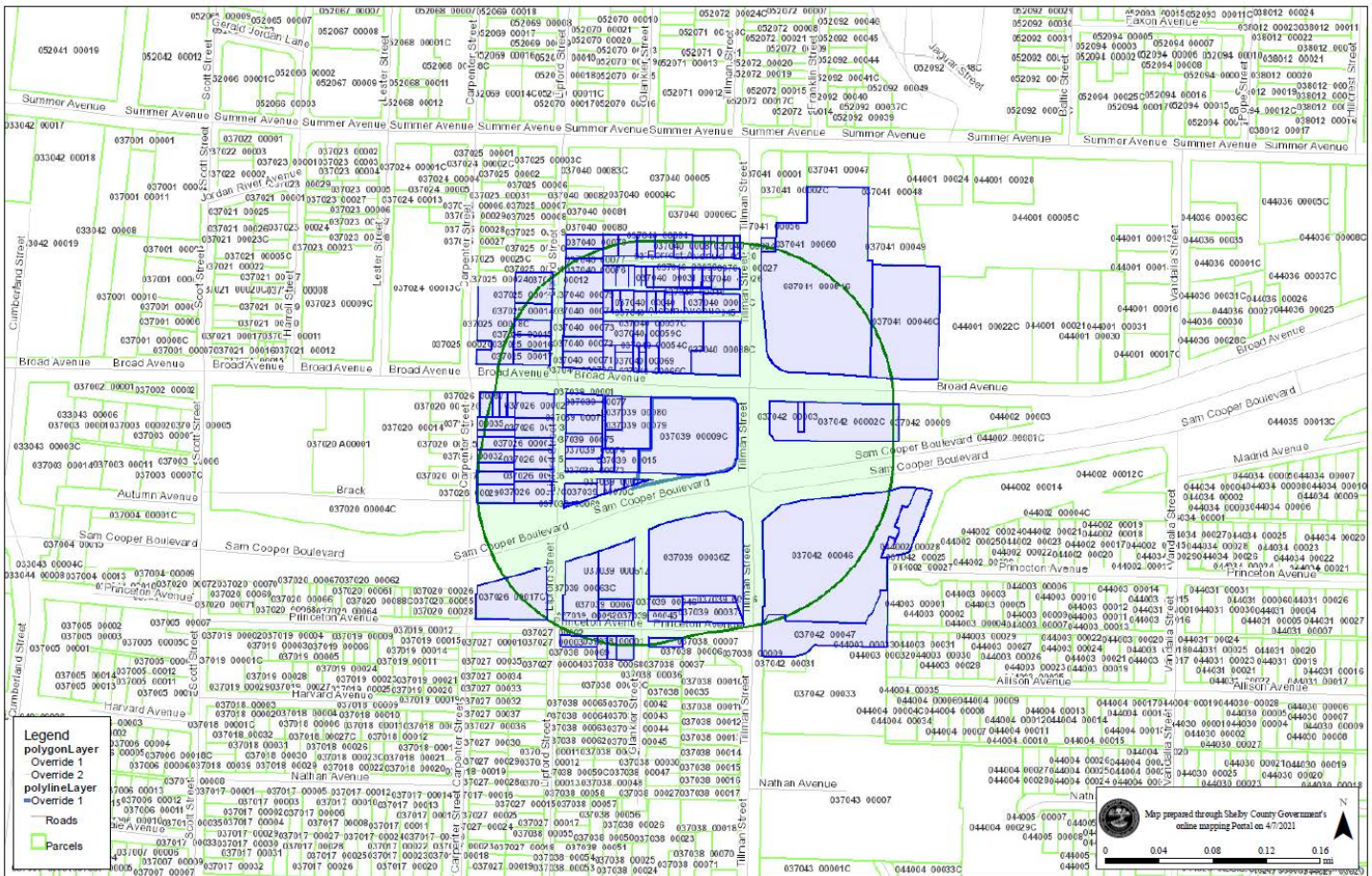
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



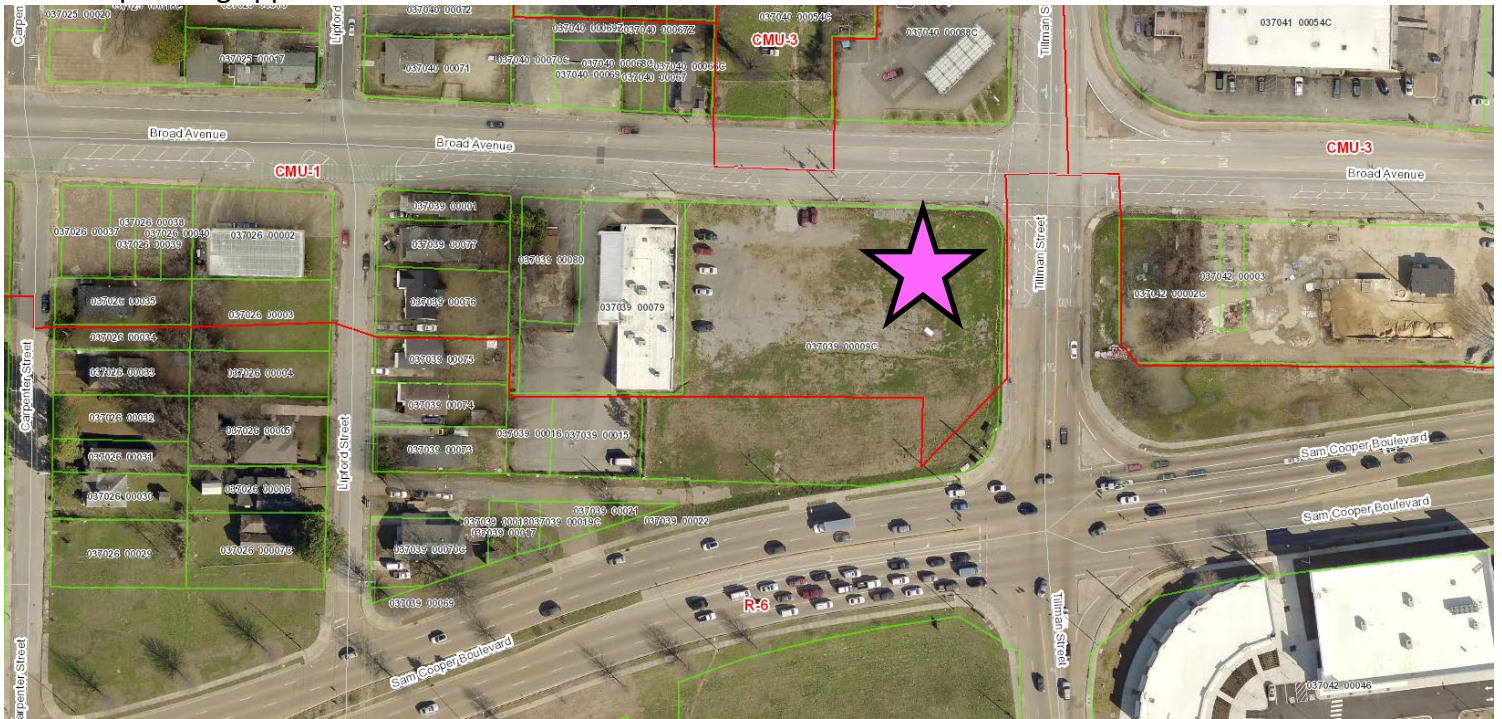
Subject property located in Binghamton

VICINITY MAP



AERIAL PHOTO WITH ZONING

Without planning applications



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

Surrounding Zoning

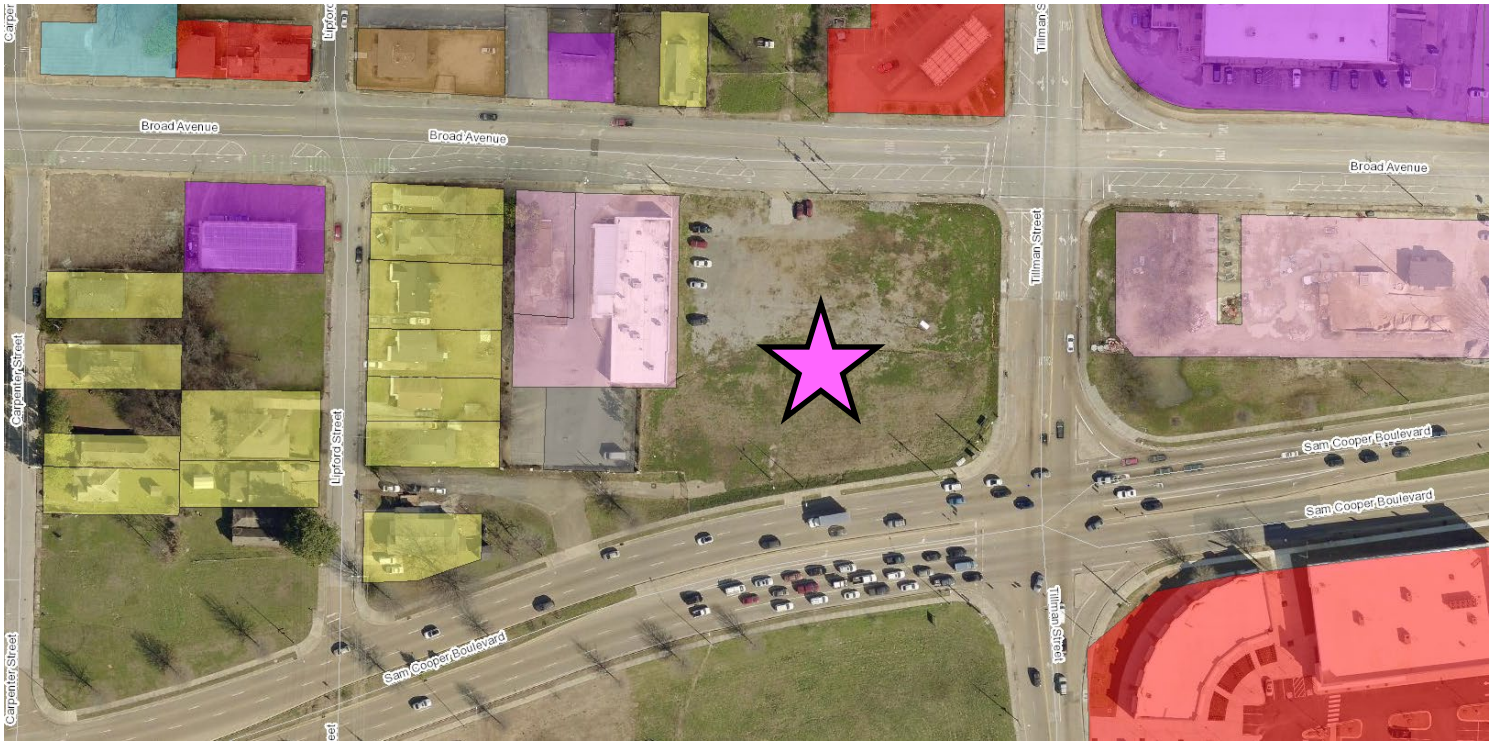
North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3











East: Commercial Mixed Use – 3

South: Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

LAND USE MAP



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

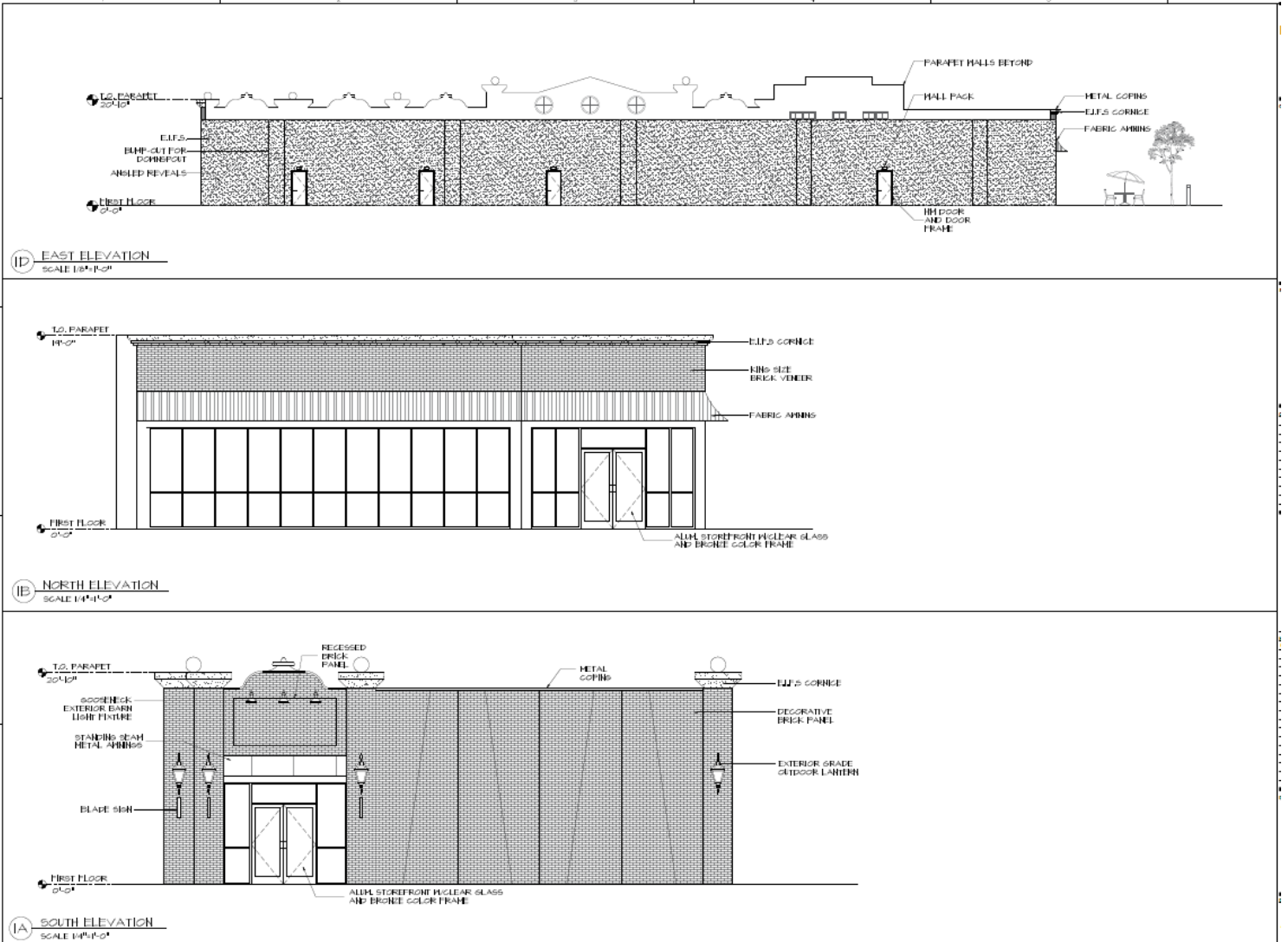
SITE PHOTO

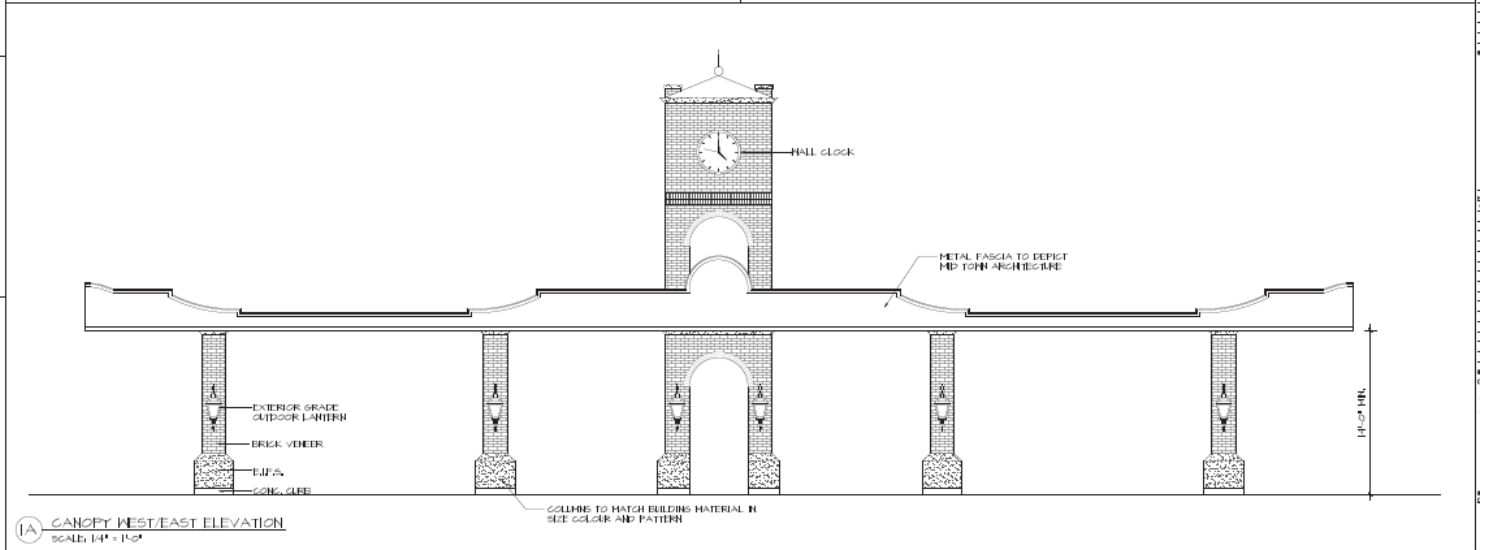
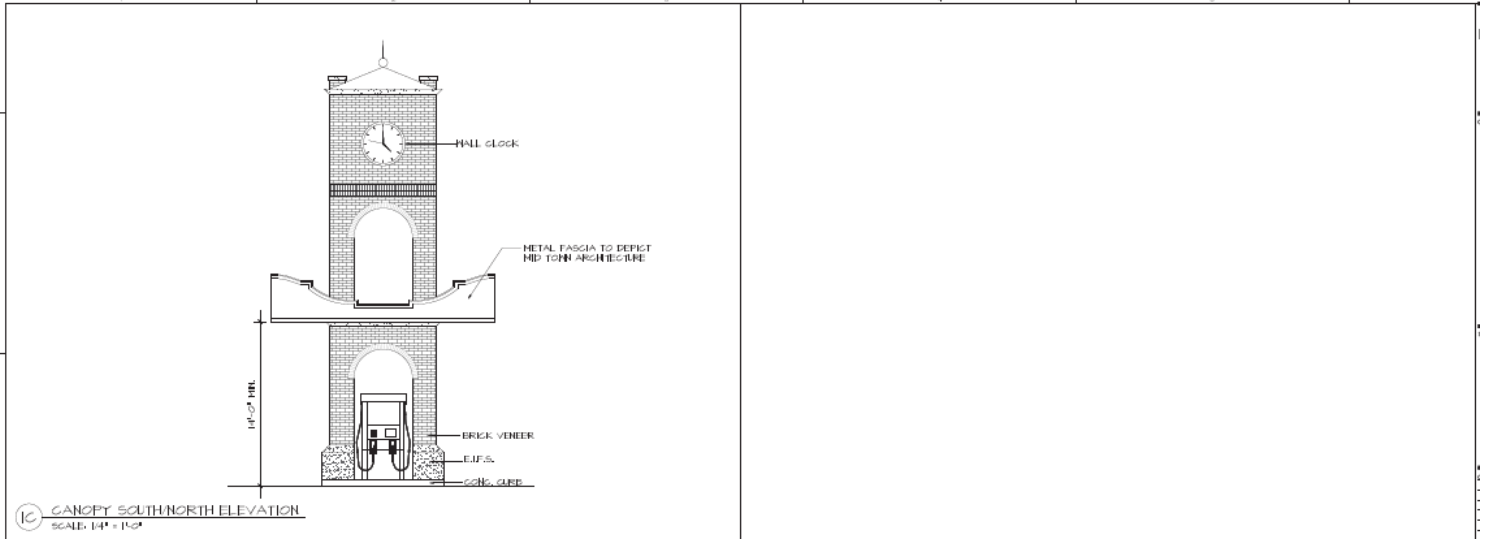


View of part of site, looking east down Sam Cooper

PROPOSED CONCEPTUAL ELEVATIONS







PROPOSED CONCEPTUAL RENDERINGS









STAFF ANALYSIS

Request

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

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

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff **agrees** the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

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

Plan Review

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

Staff Inspiration Photo



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

Conclusions

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

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

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

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

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

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

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

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

RECOMMENDATION

Staff recommends *rejection*.

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

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

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

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

Curb Cuts/Access:

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

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

Drainage:

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

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

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

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

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

Site Plan Notes:

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

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

City Fire Division:

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

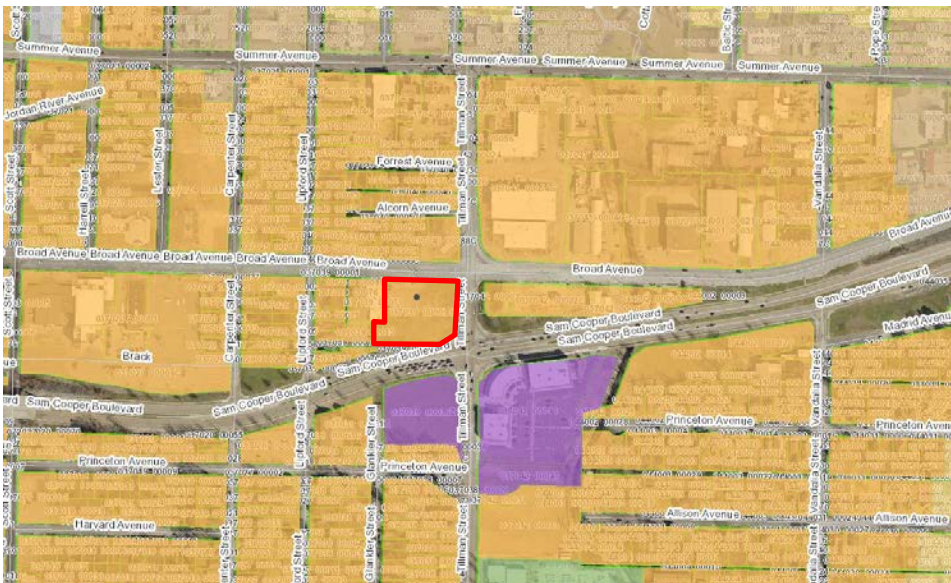
Dept. of Comprehensive Planning:

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

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

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

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

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



“AN-M” Goals/Objectives:

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

“AN-M” Form & Location Characteristics:

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

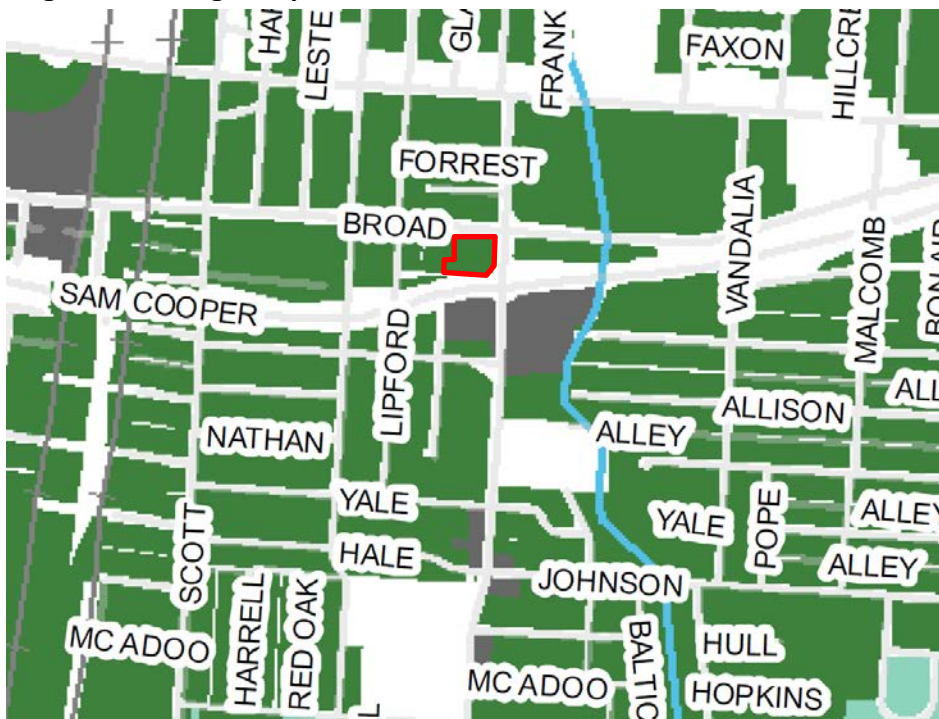
The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

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

3. Existing, Adjacent Land Use and Zoning

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

4. Degree of Change map



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

5. Degree of Change Descriptions

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

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

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

Ways to Accelerate:

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

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

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

Summary Compiled by: Faria Urmey, Comprehensive Planning.

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

APPLICATION FORM



Memphis and Shelby County
Office of Planning and Development

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

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

Date: April 8th, 2021

Case #: PD 21-015

PLEASE TYPE OR PRINT

Name of Development: Broad Avenue Plaza

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

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

Property Owner E-Mail Address: _____

Applicant: Spire Enterprises Phone # 901-494-1559

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

Applicant E-Mail Address: realestate@johnbehnke.us

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

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

Representative E-Mail Address: realestate@johnbehnke.us

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

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

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

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

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

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

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

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

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

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

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

Yes No

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

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

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

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

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

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

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

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

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

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

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

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

N/A

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

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

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

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

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

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

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

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

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

LETTER OF INTENT



April 4th, 2021

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

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

Dear Mr. Davis,

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

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

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

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

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



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

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

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

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

Thank you,

SPIRE ENTERPRISES

John Behnke
Consultant

PROPERTY OWNER'S AFFIDAVIT

PD -Sam Cooper & Tillman



Property Owner's Affidavit

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

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

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

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

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

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

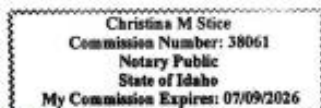
Subscribed and sworn to (or affirmed) before me this 12th day of April in the year of 2021



Signature of Notary Public



MVS - Todd Tobias, Principal



My Commission Expires 07-09-2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behnke, being duly sworn, depose and say that at 3:00 am/pm on the 4th day of May, 2021, I posted a Public Notice Sign(s) pertaining to Case No. _____ at _____, providing notice of a Public Hearing before the xxx Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, xxx Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

John Behnke
Owner, Applicant or Representative

MAY 5th, 2021
Date

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

[Signature]
Notary Public

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



LETTERS RECEIVED

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

Hi Brett!

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

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

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

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

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

Thank you for your time,
Sean Davis

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

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Davis,

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

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

Sincerely,
Rev. Liz Terrell
901-647-2788

Sent from my iPhone

July 1, 2021

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

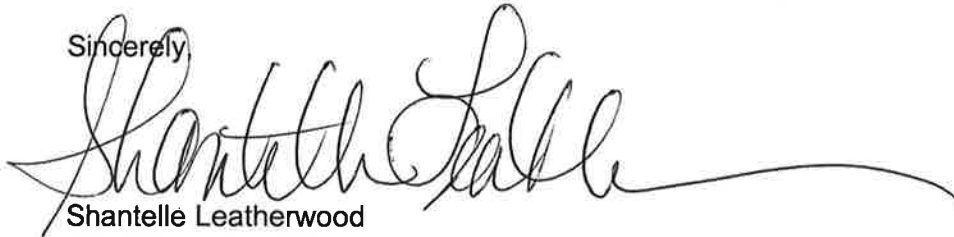
Dear Mr. Davis,

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

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

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

Sincerely,



Shantelle Leatherwood
Chief Executive Officer

cc: John Behnke
Spire Enterprises

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

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

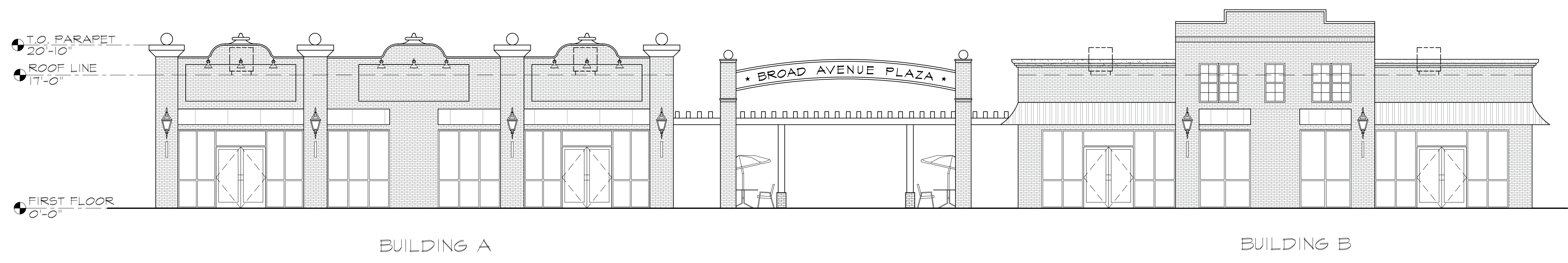
SEAL
 CONSULTANTS NAME:

FOR REVIEW ONLY

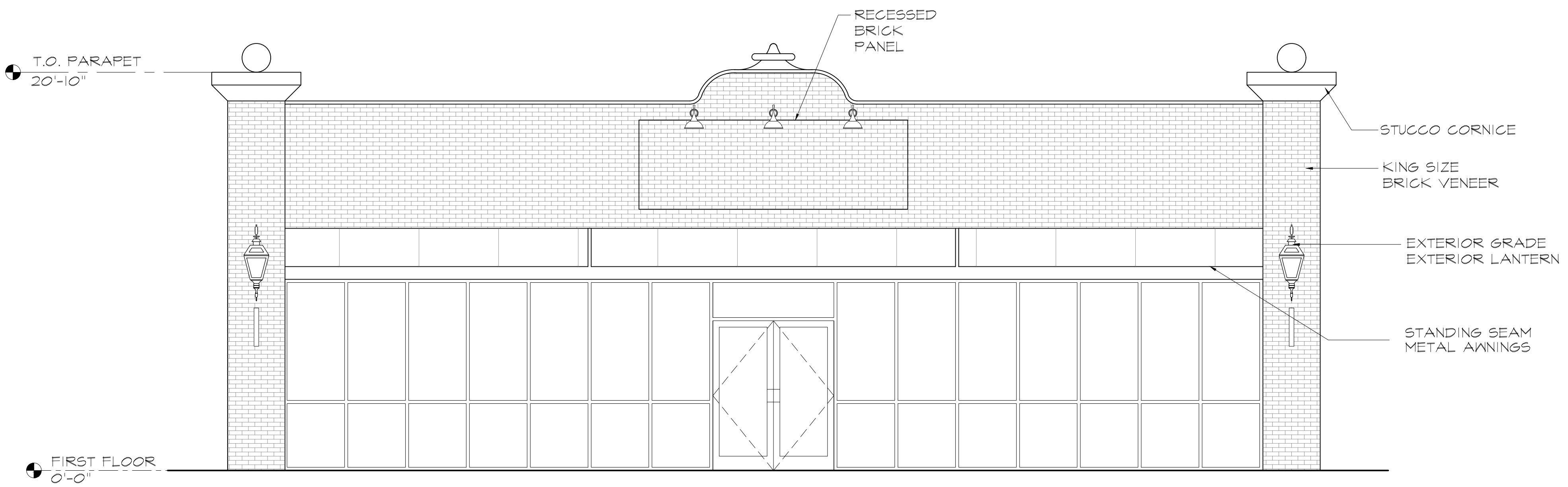
NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

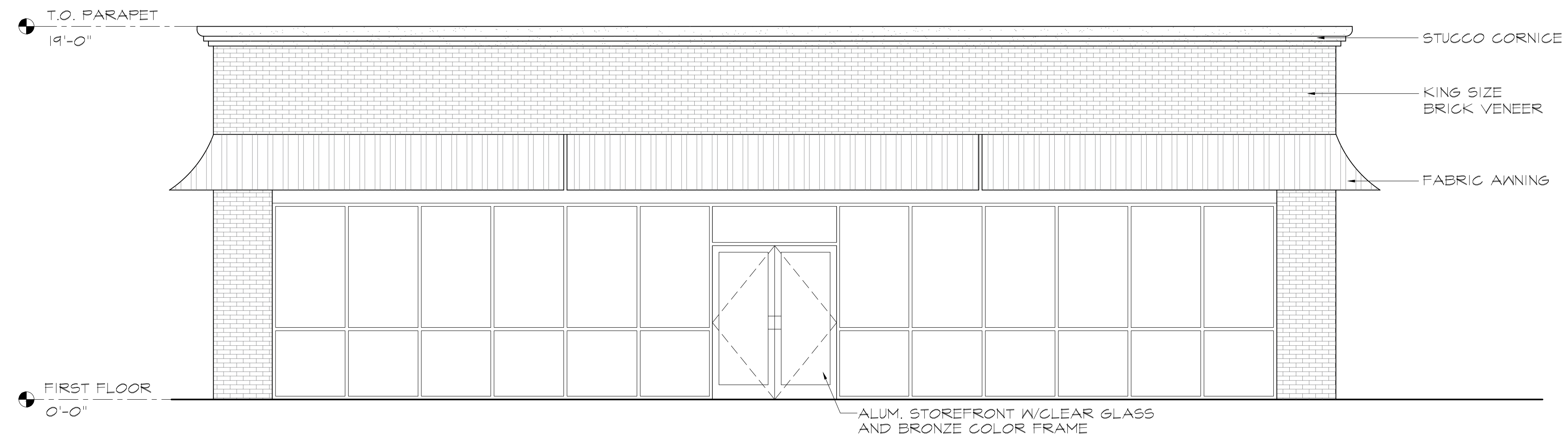
DRAWING NUMBER:
A301



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



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



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

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

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

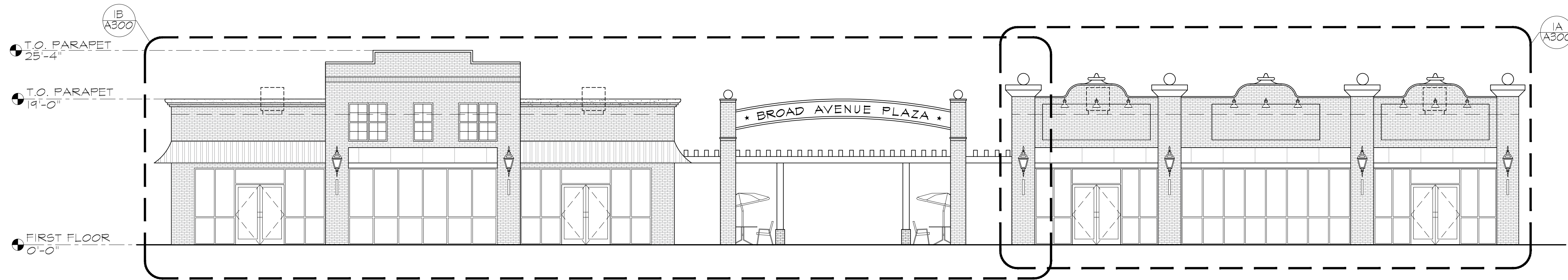
 CONSULTANTS NAME:

FOR REVIEW ONLY

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

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

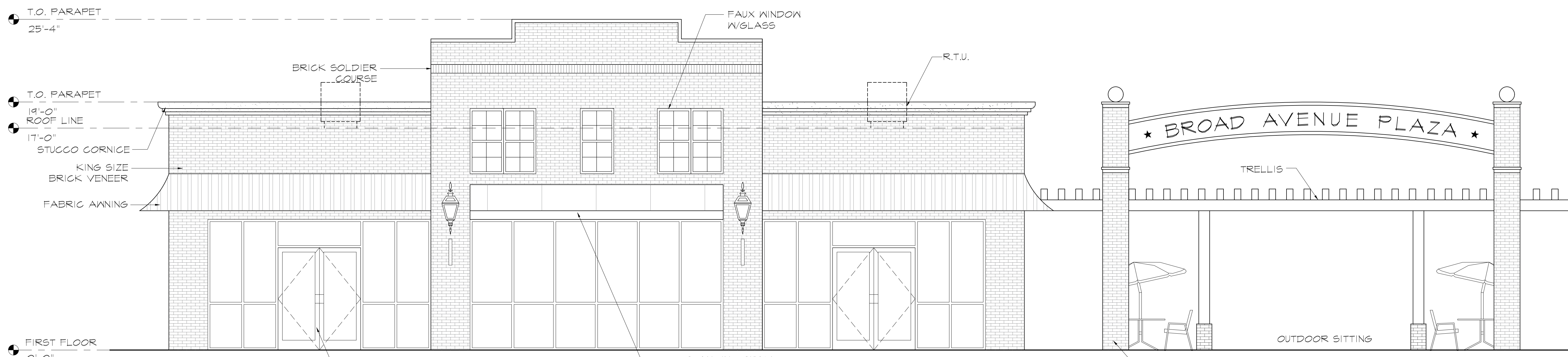
DRAWING NUMBER:
A300



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

BUILDING B

BUILDING A

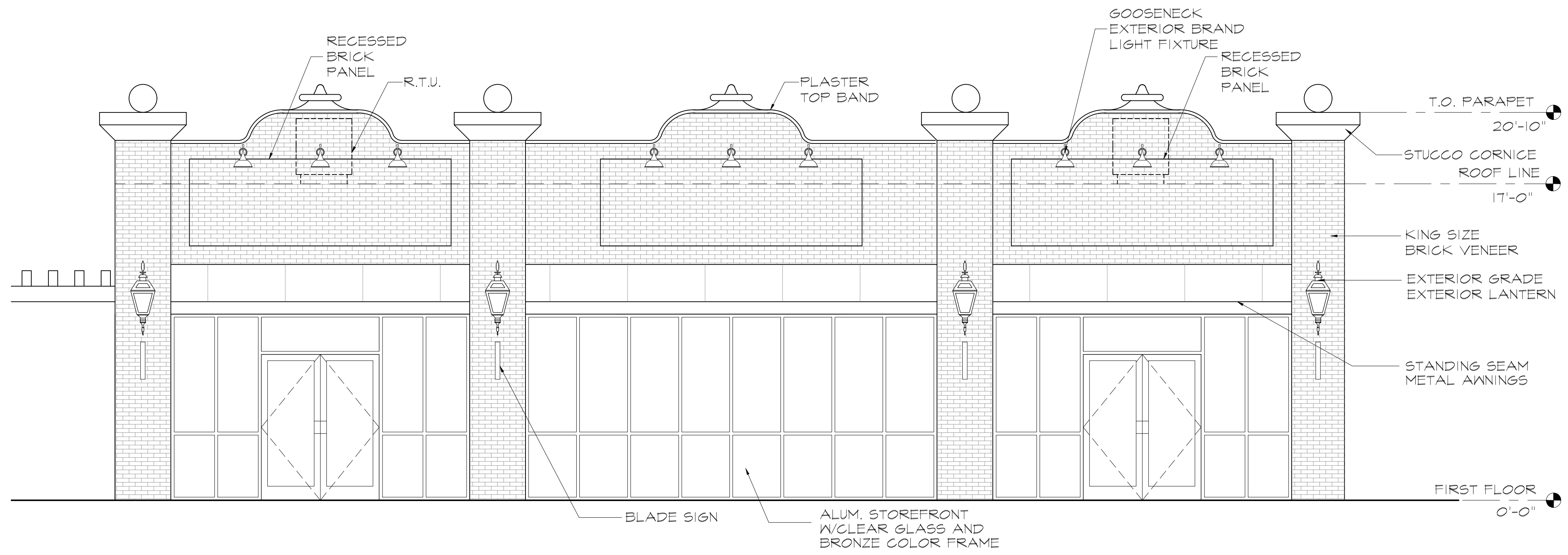


1B ENLARGED EAST ELEVATION BUILDING B
 SCALE 1/4"=1'-0"

ALUM. STOREFRONT W/GLASS AND BRONZE COLOR FRAME
 STANDING SEAM METAL AWNINGS

GATEWAY

OUTDOOR SITTING



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

BLADE SIGN
 ALUM. STOREFRONT W/GLASS AND BRONZE COLOR FRAME

FIRST FLOOR 0'-0"

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

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

ITEM (CHECK ONE)

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

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

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 09/9/2021 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SAC 21-06

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

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



RESOLUTION

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

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

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

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

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

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

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

ATTEST:

**Cc: Division of Planning and Development – Land Use and Development Services
City Engineering – Land Development
City Real Estate**

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SAC 21-06

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

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

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVE: Allen & Hoshall

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

EXISTING ZONING: Gateway District

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

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

SAC 21-06
CONDITIONS

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

AGENDA ITEM: 12

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

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

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVE: Allen & Hoshall

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

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

EXISTING ZONING: Gateway District

CONCLUSIONS

1. The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.
2. The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.
3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Zoning Atlas Page: 1930

Existing Zoning: Gateway

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 27, 2021, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

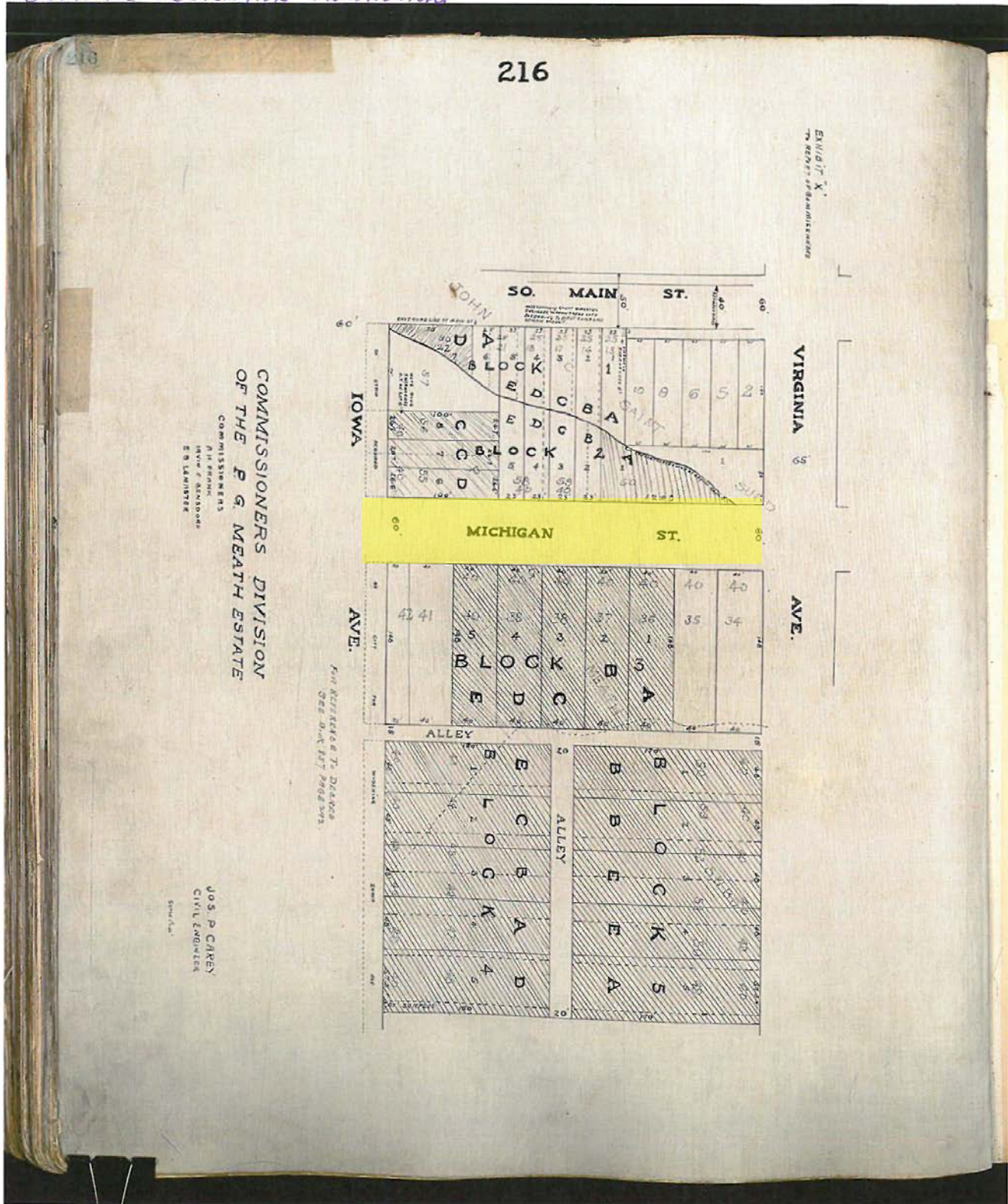
LOCATION MAP



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

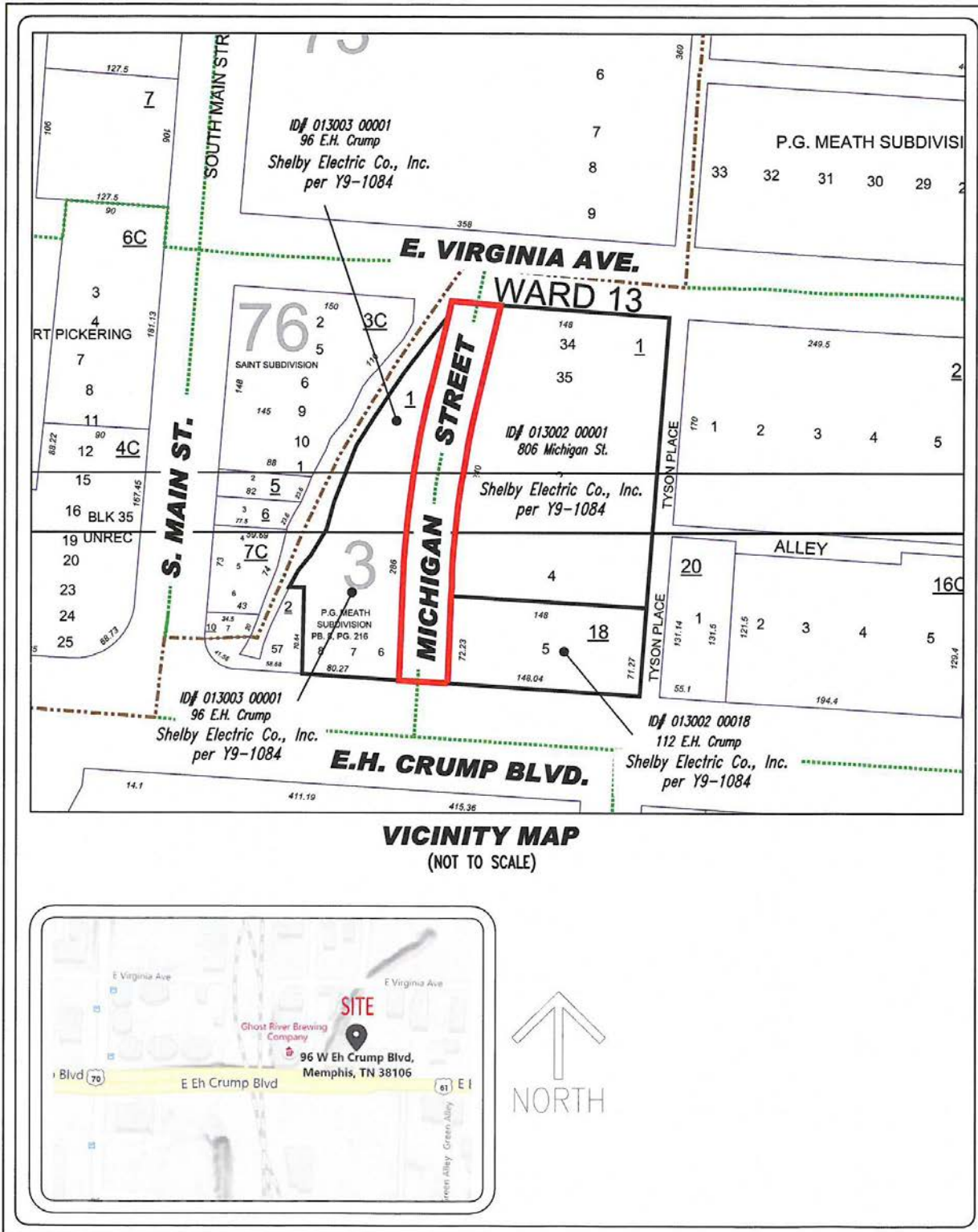
Original Dedication Instrument

ORIGINAL DEDICATION INSTRUMENT



Subject right-of-way highlighted in yellow

VICINITY MAP



Subject right-of-way outlined in red

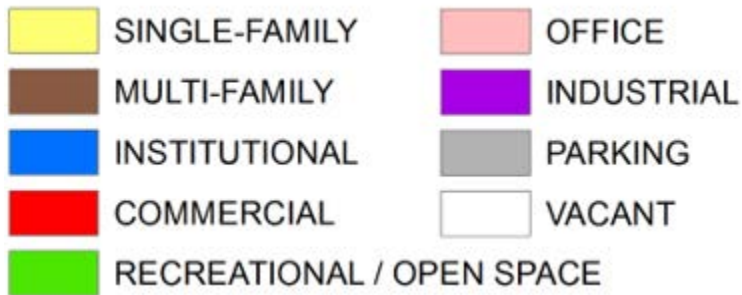
AERIAL

A



Subject right-of-way outlined in yellow

LAND USE MAP



Subject right-of-way outlined in orange

SITE PHOTOS



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



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

LEGAL DESCRIPTION

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

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

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

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

STAFF ANALYSIS

Request and Reason

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

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

Site Description

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

Supplementary

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

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

Consistency with Memphis 3.0

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

Conclusions

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

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

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The

applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

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

Street Closures:

10. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
11. City sanitary sewers/drainage facilities are located within the proposed closure area.
12. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
13. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

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

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

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

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

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

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

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

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Michigan Street

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

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

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

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

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

Applicant E-Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath Phone #: 901.848.1545

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

Representative E-Mail Address: RLeath@shelbyelectric.net

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

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

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

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

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of _____ Reserve Area Yes No

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

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

Closure starts at: E.H. Crump Boulevard and

Proceeds to East Virginia Avenue

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

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

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

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

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

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

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

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

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

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

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

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

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

LETTER OF INTENT

Shelby Electric Co.
INC.

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

July 30, 2021

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

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

Dear Mr. Thomas,

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

Sincerely,



James Rodney Leath
President

SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Coleman Leslie Bryan, 4th, being duly sworn, depose and say that at 1:00 am/pm on the 25th day of August, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 2021-06 at Michigan St and East EH Crump Blvd and Michigan St and Virginia Ave, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, X Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] 8/26/2021
Owner, Applicant or Representative Date

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

[Signature]
Notary Public

My commission expires: 4-30-22







LETTERS RECEIVED

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

Shelby Electric Co. INC.

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

July 30, 2021

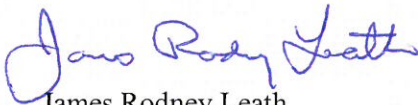
Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
Memphis, TN 38103

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

Dear Mr. Thomas,

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

Sincerely,



James Rodney Leath
President



Memphis and Shelby County Office of Planning and Development

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

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

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Michigan Street

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

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

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

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

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

Applicant E- Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath Phone #: 901.848.1545

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

Representative E-Mail Address: RLeath@shelbyelectric.net

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

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

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

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

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of _____ Reserve Area Yes No

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

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

Closure starts at: E.H. Crmp Boulevard and

Proceeds to East Virginia Avenue

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

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

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

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

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

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

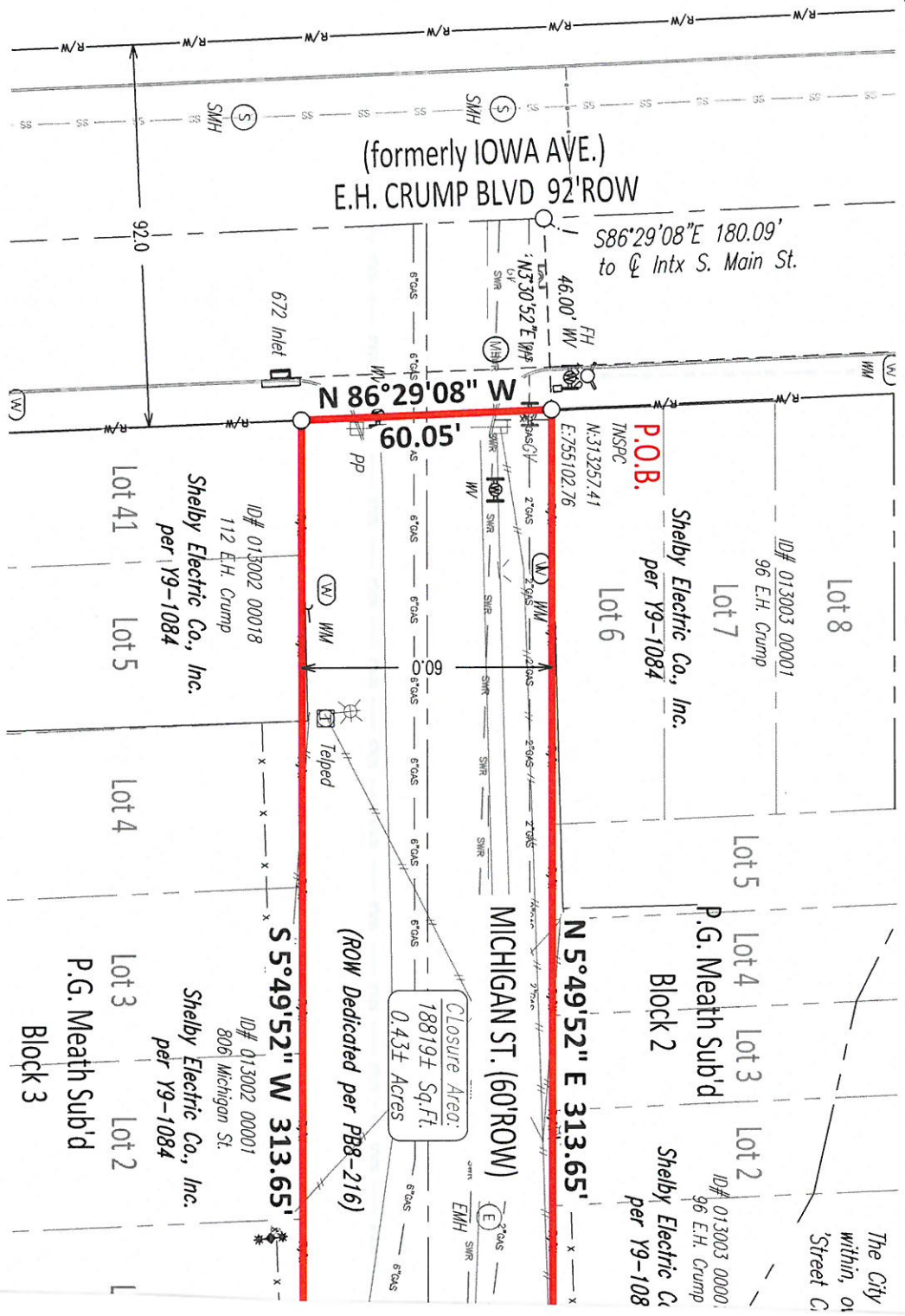
Property Owner of Record* Date Applicant Date

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

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

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

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



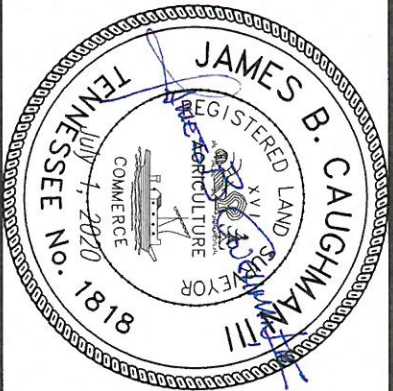
PROPERTY OF:
The City of Memphis
Area of MICHIGAN ST.
to be Closed

ENCUMBERED
AREA: 0 Sq.Ft.

UNENCUMBERED
AREA: 18,819± Sq.Ft.

TOTAL
AREA: 18,819± Sq.Ft.

AREA: 18,819± Sq.Ft.



Grid North
TNSPC, MMD83

Y9 1084
5

WARRANTY DEED

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

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

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

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

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

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for easements of record, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

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

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

X Mrs Marie Evans Kramer
MRS. MARIE EVANS KRAMER

Thomas E. Kramer
THOMAS E. KRAMER

Mrs. Donna Marie Brommer
MRS. DONNA MARIE BROMMER

Mrs. Betty Ann Sullivan
MRS. BETTY ANN SULLIVAN

STATE OF TENNESSEE, COUNTY OF SHELBY

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

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

Fred M. Hall
Notary Public

My commission expires: My Commission Expires July 26, 1988



Y9 1084

EXHIBIT "A" LEGAL DESCRIPTION
(KRAMER FAMILY PROPERTY)

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

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

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

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

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

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

Y9 1084

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

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

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

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

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

Y91084

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

STATE OF TENNESSEE
SHELBY COUNTY
[Signature]
REGISTER

ENV
672.00
15.00
687.50



FR 7981
MEMPHIS TITLE
38108

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

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

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

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

Being the same property conveyed to the grantor herein by Warranty Deed of record by Instrument No. DS 4096, said Register's Office of Shelby County, Tennessee.

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

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

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

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

Darryl L. Hawkins
DARRYL L. HAWKINS

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared DARRYL L. HAWKINS with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person _____ within named and that _____ he _____ executed the foregoing instrument for the purpose therein contained.

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

STATE OF TENNESSEE, COUNTY OF SHELBY

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

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

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

4227 538

St 63967
70-27

2-1060

EASEMENT CONTRACT

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

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

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

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

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

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

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

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

James G. Myer
James G. Myer

STATE OF TENNESSEE
COUNTY OF SHELBY

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

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

My Commission Expires *July 10, 1913* Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

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

My Commission Expires *July 10, 1913* Notary Public

28125

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

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

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

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

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

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

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

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

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

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

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

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

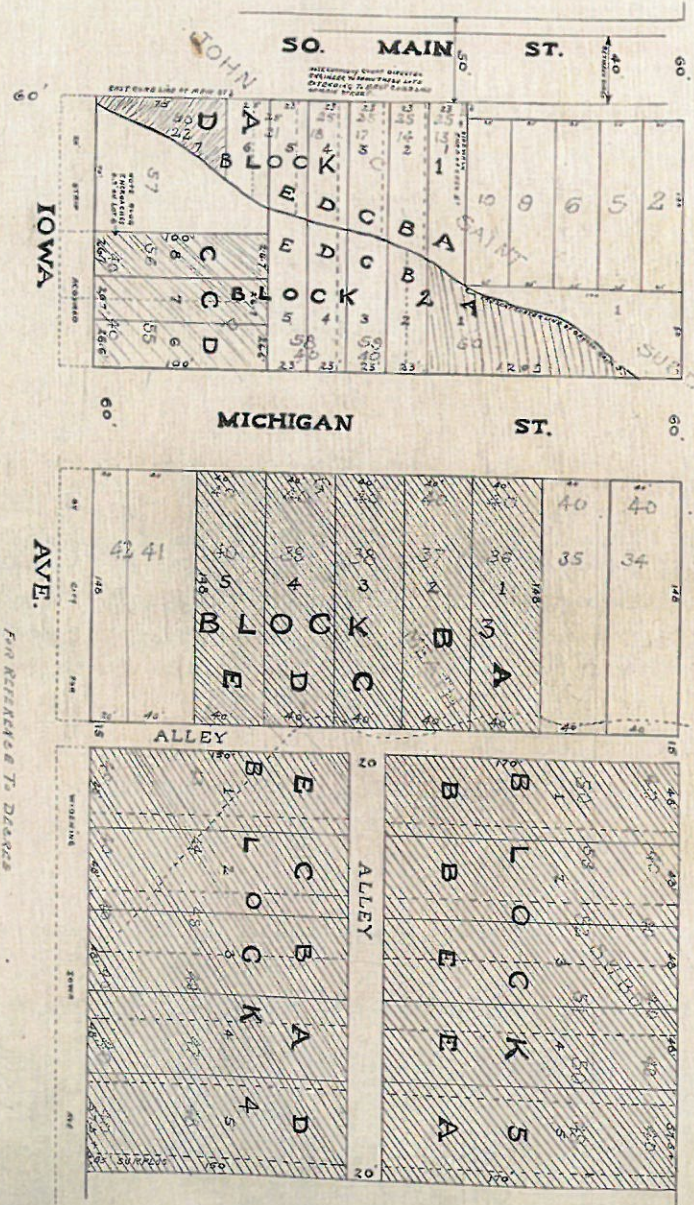
Shelby Electric Co. Inc.
PO Box 157
Memphis, TN 38101

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

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

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

EXHIBIT X
REPORT OF DEDICATION



COMMISSIONERS DIVISION
OF THE P. G. MEATH ESTATE
COMMISSIONERS
R. H. PRINCE
IRVIN F. GENDRON
E. D. LAMINSTER

JOS. P. CAREY
CIVIL ENGINEER

FOR REFERENCES TO PLATS
SEE BOOK 157 PAGES 274

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

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

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

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

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 to the Code, as presently written, are indicated in **bold, underline**; **red language** indicates amendments made by the Shelby County Board of Commissioners during its August 9, 2021, session)

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 Sub-Section 2.6.2L:

2.6.2L Oil Pipelines

Newly constructed oil pipelines shall be constructed no closer than 1500 feet of any existing 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. Oil pipelines established prior to the effective date of this Development Code that do not comply with the 1500 feet setback requirement herein may maintain, repair or replace those existing oil pipelines in accordance with Article 10, Nonconformities.

This subsection does not apply to existing and new oil pipelines located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated dock or processing facility, or a retail service station, nor does this subsection apply to any other pipeline that is not an oil pipeline as defined in Subsection 12.3.1.

New pipelines within existing rights of way that do not meet the setback requirements of this subsection may be pursued through the Special Exception process (see Chapter 9.14). Any expansion that would enable the increase in the volume of existing pipelines that do not meet the setback requirements of this subsection may also be pursued through the Special Exception process (see Chapter 9.14).

Amend Section 12.3.1:

OIL PIPELINE: any tube, usually cylindrical, through which crude oil ~~petroleum~~ flows from one point to another and which is used for transportation of crude oil from one entity to another. A pipeline that is located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated docks or processing facilities, or retail service station is not an oil pipeline for the purposes of Subsection 2.6.2L.