



Center for  
Employment  
Opportunities

April 19, 2022

# Memphis City Council Committee Meeting

# Mission

CEO provides immediate, effective, and comprehensive employment services exclusively to individuals who have recently been released from incarceration.

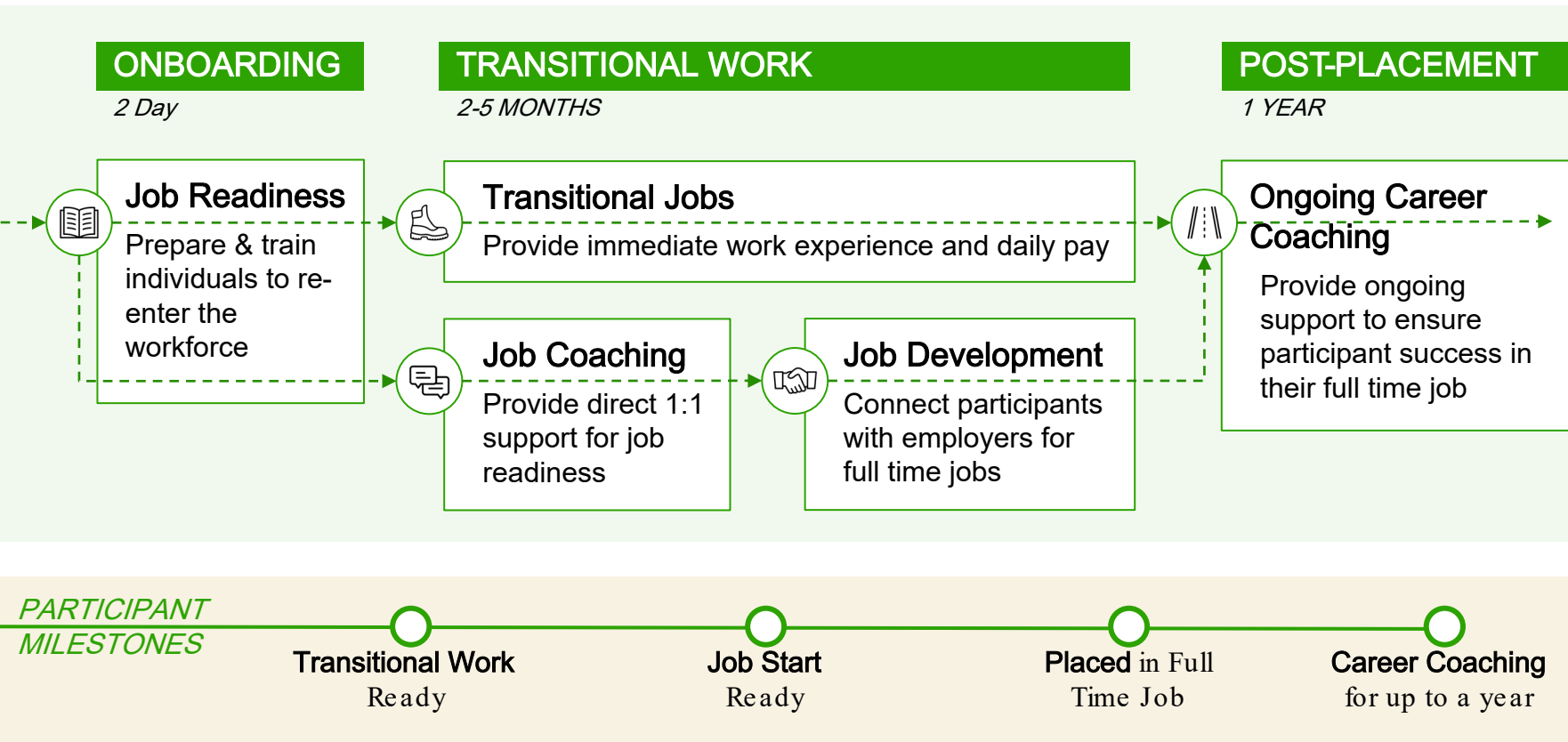
Our program helps participants regain the skills and confidence needed for successful transitions to stable, productive lives.





# CEO's Program Model

CEO's evidence-based program model helps participants regain the skills and confidence needed for successful transitions into the workforce



# Impact on Taxpayer Dollars

Because CEO focuses exclusively on mid- to high-risk populations, savings double.

## FULL STUDY SAMPLE SAVINGS

\$2.10 saved  
FOR EVERY  
\$1 spent  
on CEO services

That adds up to  
\$4,000  
saved yearly per taxpayer.

## HIGH RISK + RECENTLY RELEASED SUBGROUP SAVINGS

\$3.30 saved  
FOR EVERY  
\$1 spent  
on CEO services

That adds up to  
\$8,300  
saved yearly per taxpayer.

**SOURCE:** MDRC (2012). *More Than A Job: Final results from the evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program*. OPRE Report 2011-18. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, US Department of Health and Human Services.






# Work Crew Partnerships

CEO has experience working both in the public and private sector with diverse sets of partners

## Public Sector

-  Land Banks & Blight Management
-  Transportation & Public Works
-  Housing Authorities
-  Parks & Recreation
-  Facilities & Maintenance

## Private Sector

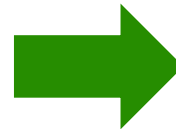
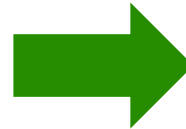
-  Warehousing & Operations
-  Janitorial & Maintenance
-  Real Estate Property Management
-  Landscaping
-  Higher Education





# Landscaping & Blight Crew Work

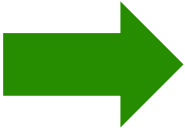
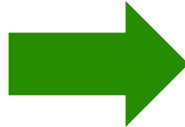
CEO Memphis partners with Klondike Smokey City -CDC to provide landscaping services in the Klondike and Smokey City neighborhoods.





# Beautification Crew Work

CEO Atlanta partnered with South River Gardens to provide blight clean up in the Southside area of Atlanta.



# CEO Memphis Impact + Statistics

## Outcomes Since August 2021

- Enrolled **415** participants in the Memphis & Shelby County area
- Employed **336 participants** on transitional employment
- Of those who are placed in permanent placement earn an average wage of **\$13.60 wage**.
- Currently, **63% of our participants are receiving SNAP benefits**.

## Participant Statistics

- Average age of the participant is **36 years old**.
- **37%** of the participants are young adults (18-30).
- **40%** do not have a high school degree and **48%** highest level of attainment is a high school diploma or GED
- **77%** do not have prior work experience

CEO Memphis partners with a variety of agencies and community-based organizations across Memphis/Shelby County area to ensure returning citizens have the supports and services needed to **achieve social and economic mobility**.





Center for  
Employment  
Opportunities

## THANK YOU

**Brandon Cox, CEO Memphis Site Director**

**[bcox@ceoworks.org](mailto:bcox@ceoworks.org)**

**Patience LewisWalker, Deputy Executive Director**

**[plewis@ceoworks.org](mailto:plewis@ceoworks.org)**

**Resolution to amend the Council FY22 grant allocations**

WHEREAS, the FY22 Operating Budget included \$2.6 million in funding the Council’s Grants Program with an equal apportionment to the thirteen (13) Council members in the amount of \$200,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by the prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY22 \$200,000 allotment during the passage of the budget or hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Memphis City Council that the following request for disbursements of the remaining funds for be approved as follows:

| <b>ORGANIZATION NAME</b>              | <b>AMOUNT</b> |
|---------------------------------------|---------------|
| St. Jude Children’s Research Hospital | \$5,190       |
| <b>TOTAL</b>                          | \$5,190       |

Sponsor:

Edmund Ford, Sr.



## Resolution Amending the General Fund Operating Budget for Parks Division

**WHEREAS**, on June 29, 2021, the Council approved Budget Ordinance 5785 which included budgeted revenues and expenditures for the General Fund for the 2022 Fiscal Year; and

**WHEREAS**, such funding included specific revenue and expenditures for the Parks Division; and

**WHEREAS**, based on activity year to date, circumstances now exist that require a request to amend the existing budget in order to accommodate the increase in budgeted revenues and the increase in related operating expenditures; and

**WHEREAS**, it is necessary to amend the Fiscal Year 2022 (FY22) General Fund budget to add appropriations to match program revenue and spending that is projected different than the FY22 adopted budget plan as follows:

|                                     |             |
|-------------------------------------|-------------|
| Concession Revenue                  | \$1,500,000 |
| Miscellaneous Income                | \$1,000,000 |
| Outside Revenue                     | \$1,000,000 |
| Miscellaneous Professional Services | \$3,500,000 |

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that the Fiscal Year 2022 General Fund Operating Budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982 in the amount of \$3,500,000 for the Parks Division specific to the general ledger line items for certain revenues and funding for the amended expenditure budget in the amount of \$3,500,000.





## **ORDINANCE NO. xxxx**

### **Ordinance Fixing Tax Rate of the City of Memphis For Fiscal Year 2023**

SECTION 1. **BE IT ORDAINED** by the Council of the City of Memphis, Tennessee that a tax of \$2.701640 is hereby levied for the current year 2022-2023 (Fiscal Year 2023), on each One Hundred Dollars (\$100.00) of assessed value of each species of taxable property within the corporate limits of the City of Memphis, Tennessee subject to the taxing power of Memphis to be apportioned as hereinafter set forth in Section 4 of this Ordinance.

SECTION 2. The taxes levied in Sections 1 above shall be due and payable to the City Treasurer of the City of Memphis from and after the last publication of a notice of the adoption of the Ordinances. Said publication shall be made by the Council of the City of Memphis for two consecutive days in a newspaper published in the City of Memphis after the final passage of the Ordinance and shall fix a day to be determined upon receipt of official certification of the 2022 assessment of which the tax books shall be opened for the payment of taxes.

All taxes hereby levied shall become delinquent if unpaid on September 1, 2022 as provided by Sections 36-3 of the Code of Ordinances, City of Memphis, Tennessee.

SECTION 3. **BE IT FURTHERED ORDAINED** that the taxes levied in Section 1 of this Ordinance when collected shall be apportioned in fiscal year 2023 as follows:

For the General Purposes of the Corporation of the City of Memphis \$1.845868 on each One Hundred Dollars (\$100.00) of assessed valuation.

For the Capital Pay-As-You-Go (additional funding for capital acquisitions consistent with debt policy)

of the Corporation of the City of Memphis, \$0.008287 on each One Hundred Dollars (\$100.00) of assessed valuation.

For the Debt Service of the Corporation of the City of Memphis, including interest and principal payments, sinking fund contributions and interest and principal on temporary borrowing, \$0.847485 on each One Hundred Dollars (\$100.00) of assessed valuation.

SECTION 4. **BE IT FURTHER ORDAINED** that this ordinance take effect from and after the date it shall have been passed by the Council signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.



RECEIVED

MAR 24 2022

MAYOR'S OFFICE  
CITY OF MEMPHIS

JASON E. MUMPOWER  
Comptroller

March 16, 2022

Honorable Jim Strickland  
Mayor, City of Memphis  
125 North Main St., Ste. 700  
Memphis, TN 38103

Re: Certified tax rate/recapture rate

Dear Mayor Strickland:

Using data provided by Melvin Burgess, Shelby County Assessor of Property, we have calculated a "certified recapture rate" of \$2.701640 for the city of Memphis for tax year 2022.

Last year's certified tax rate of \$2.713049 included an appeals allowance, i.e. the projected loss of reappraisal assessment base due to appeals in a reappraisal year. This appeals allowance accounted for a predicted reduction in the tax base of \$387,661,283. The actual reduction in the tax base due to appeals was \$325,485,915.

The law authorizing this adjustment requires recapture of any portion of the adjustment which exceeds or does not meet actual appeal reductions in the year following the reappraisal. Tenn. Code Ann. § 67-5-1701(a)(5). The recapture rate noted above has been calculated using the actual 2021 tax rate adopted by Shelby County and the actual 2021 assessment tax base after appeals.

Please sign and return the enclosed recapture calculation. The county may not exceed the certified recapture tax rate in the year following the reappraisal without prior public notice and hearing in the same manner provided for exceeding the certified tax rate in a year of reappraisal. The county must provide the same compliance and documentation regarding the recapture rate as is required when a certified tax rate is exceeded (affidavit of publication and certified copy of tax rate ordinance/resolution).

Very truly yours,

A handwritten signature in blue ink, appearing to read "E. R. R.", with a horizontal line extending to the right.

Robin Pope  
Executive Secretary

Encs.

c: Mr. Melvin Burgess, Assessor of Property



**Calculation for certified  
recapture rate**

City of Memphis, 2021  
(as of 3/10/2022)

| Line no. | Item                       |                        |
|----------|----------------------------|------------------------|
| 1        | 2021 assessed value        | 15,111,101,394         |
| 2        | (+) 2021 appeals allowance | 387,661,283            |
| 3        | Unadjusted assessments     | 15,498,762,677         |
| 4        | (-) Net assmt. changes     | 325,485,915            |
| 5        | Adjusted base              | <u>14,785,615,479</u>  |
| 6        | CTR levy                   | 399,454,165            |
| 7        | Rate bef. 2021 increase    | 2.701640 (line6/line5) |
| 8        | 2021 increase (if any)     | 0.000000               |
| 9        | Recapture rate             | 2.701640               |

SIGNED: \_\_\_\_\_

Assessor

  
Mayor

## ORDINANCE XXXX APPROPRIATION ORDINANCE

AN ORDINANCE TO APPROPRIATE THE PROCEEDS OF THE TAX LEVY ON THE ASSESSED VALUES ON ALL PROPERTIES OF EVERY SPECIES WITHIN THE CITY LIMITS FOR GENERAL PURPOSES FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, INCLUSIVE, TOGETHER WITH ALL COLLECTIONS FROM PRIVILEGES, LICENSES, FEES, FINES, PERMITS, CHARGES, REQUESTS, TRANSFERS FROM NON-BUDGET ACCOUNTS, EARNINGS, REFUNDS, AND ALL OTHER ITEMS CONSTITUTING THE REVENUE RECEIPTS OF THE CITY OF MEMPHIS FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, INCLUSIVE, TO PROVIDE THE MANNER IN WHICH MONIES MAY BE TRANSFERRED FROM ONE FUND TO ANOTHER AND TO PROVIDE THE STANDARD CODE OR DESIGNATIONS UNDER WHICH THE APPROPRIATIONS ARE TO BE ADMINISTERED AND ACCOUNTING CONTROL MAINTAINED.

**SECTION 1.** BE IT ORDAINED that the anticipated receipts herein appropriated shall be designated as follows:

1. **GENERAL FUND**, which shall embrace all expenditures for the accounts of the City corporation, except for the expenditures hereinafter appropriated to the Special Revenue Funds, Debt Service Fund, Enterprise Funds, Internal Service Fund and Fiduciary Funds, including current operations and outlays for construction and equipment to be made from receipts herein appropriated.

### GENERAL FUND GENERAL REVENUES

|  |          |
|--|----------|
| <b>LOCAL TAXES</b>                           |          |
| Ad Valorem Tax- Current                      | 0        |
| Ad Valorem Tax - Current Sale of Receivables | 0        |
| Ad Valorem Tax Prior                         | 0        |
| Special Assessment Tax                       | 0        |
| Property Taxes Interest & Penalty            | 0        |
| Bankruptcy Interest & Penalty                | 0        |
| Interest, Penalty - Sale of Tax Receivables  | 0        |
| PILOT's                                      | 0        |
| State Apportionment TVA                      | 0        |
| Local Sales Tax                              | 0        |
| Beer Sales Tax                               | 0        |
| Alcoholic Beverage Inspection Fee            | 0        |
| Mixed Drink Tax                              | 0        |
| Gross Rec Business Tax                       | 0        |
| Bank Excise Tax                              | 0        |
| Franchise Tax - Telephone                    | 0        |
| Cable TV Franchise Fees                      | 0        |
| Fiber Optic Franchise Fees                   | 0        |
| Miscellaneous Franchise Tax                  | 0        |
| Interest, Penalties & Commissions            | 0        |
| Business Tax Fees                            | 0        |
| Miscellaneous Tax Recoveries                 | 0        |
| MLGW Pipeline                                | 0        |
| <b>TOTAL LOCAL TAXES</b>                     | <b>0</b> |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|                               |          |
|-------------------------------|----------|
| <b>STATE TAXES</b>            |          |
| State Sales Tax               | 0        |
| Telecommunication Sales Tax   | 0        |
| Sports Betting                | 0        |
| State Shared Beer Tax         | 0        |
| Alcoholic Beverage Tax        | 0        |
| Special Petroleum Product Tax | 0        |
| <b>TOTAL STATE TAXES</b>      | <b>0</b> |

|                                     |          |
|-------------------------------------|----------|
| <b>LICENSES &amp; PERMITS</b>       |          |
| Auto Registration Fee               | 0        |
| Dog License                         | 0        |
| County Dog License Fee              | 0        |
| Liquor By Ounce License             | 0        |
| Taxi Drivers License                | 0        |
| Gaming Public Amusement Permit Fee  | 0        |
| Wrecker Permit Fee                  | 0        |
| Miscellaneous Permits               | 0        |
| Beer Application                    | 0        |
| Beer Permit Privilege Tax           | 0        |
| Sidewalk Permit Fees                | 0        |
| <b>TOTAL LICENSES &amp; PERMITS</b> | <b>0</b> |

|                                      |          |
|--------------------------------------|----------|
| <b>FINES AND FORFEITURES</b>         |          |
| Court Fees                           | 0        |
| Court Costs                          | 0        |
| Fines & Forfeitures                  | 0        |
| Seizures                             | 0        |
| Arrest Fees                          | 0        |
| DUI BAC Fees                         | 0        |
| Sex Offender Registry Fees           | 0        |
| Library Fines & Fees                 | 0        |
| Vacant Property Registration Fee     | 0        |
| <b>TOTAL FINES &amp; FORFEITURES</b> | <b>0</b> |

|                                 |   |
|---------------------------------|---|
| <b>CHARGES FOR SERVICES</b>     |   |
| Subdivision Plan Inspection Fee | 0 |
| Parking                         | 0 |
| Senior Citizen's Meals          | 0 |
| Concessions                     | 0 |
| Golf Car Fees                   | 0 |
| Pro Shop Sales                  | 0 |
| Green Fees                      | 0 |
| Softball                        | 0 |
| Ballfield Permit                | 0 |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|   |          |
|---|----------|
| Class Fees                              | 0        |
| Parking Meters                          | 0        |
| Ambulance Service                       | 0        |
| Rental Fees                             | 0        |
| MLG&W Rent                              | 0        |
| Rent of Land                            | 0        |
| Parking Lots                            | 0        |
| Easements & Encroachments               | 0        |
| Tax Sales Attorney Fees                 | 0        |
| Street Cut Inspection Fees              | 0        |
| Traffic Signals                         | 0        |
| Signs-Loading Zones                     | 0        |
| Arc Lights                              | 0        |
| Wrecker & Storage Charges               | 0        |
| Shelter Fees                            | 0        |
| Police Special Events                   | 0        |
| Outside Revenue                         | 0        |
| Tow Fees                                | 0        |
| Harbor Docking Fees (HCD)               | 0        |
| <b>TOTAL CHARGES FOR SERVICES</b>       | <b>0</b> |
|   |          |
| <b>USE OF MONEY</b>                     |          |
| Interest on Investments                 | 0        |
| Net Income/Investors                    | 0        |
| State Litigation Tax Commission         | 0        |
| <b>TOTAL USE OF MONEY</b>               | <b>0</b> |
|   |          |
| <b>FEDERAL GRANTS</b>                   | 0        |
| <b>TOTAL FEDERAL GRANTS</b>             | <b>0</b> |
|   |          |
| <b>STATE GRANTS</b>                     | 0        |
| <b>TOTAL STATE GRANTS</b>               | <b>0</b> |
|   |          |
| <b>INTERGOVERNMENTAL REVENUES</b>       |          |
| International Airport                   | 0        |
| <b>TOTAL INTERGOVERNMENTAL REVENUES</b> | <b>0</b> |
|   |          |
| <b>OTHER REVENUES</b>                   |          |
| Miscellaneous Auctions                  | 0        |
| Local Shared Revenue                    | 0        |
| Anti-Neglect Enforcement                | 0        |
| Property Insurance Recoveries           | 0        |
| Rezoning Ordinance Publication Fees     | 0        |
| Sale Of Reports                         | 0        |
| City of Bartlett                        | 0        |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|  |          |
|--|----------|
| Utility Warranty Program                 | 0        |
| Miscellaneous Income                     | 0        |
| Subdivision Sidewalk Fees                | 0        |
| Sewer Fund Cost Allocation               | 0        |
| Fire - Miscellaneous Collections         | 0        |
| Donated Revenue                          | 0        |
| Sponsorships                             | 0        |
| Vendor Rebates                           | 0        |
| FNMA Services Fees                       | 0        |
| Subrogation Claims                       | 0        |
| <b>TOTAL OTHER REVENUES</b>              | <b>0</b> |
| <b>TRANSFERS IN</b>                      |          |
| In Lieu Of Taxes-MLGW                    | 0        |
| In Lieu Of Taxes-Sewer                   | 0        |
| Transfer In - Solid Waste Fund           | 0        |
| Transfer In-Sales Tax Referendum Fund    | 0        |
| Transfer In - Sewer Fund                 | 0        |
| Transfer In - Metro Alarm                | 0        |
| Transfer In - Storm Water Fund           | 0        |
| <b>TOTAL TRANSFERS IN</b>                | <b>0</b> |
| Contributed From Unassigned Fund Balance | 0        |
| <b>General Fund Revenues</b>             | <b>0</b> |
| <b>TOTAL GENERAL REVENUES</b>            | <b>0</b> |

**GENERAL FUND  
EXPENDITURE BUDGET**

|  |          |
|--|----------|
| <b>EXECUTIVE</b>                               |          |
| Mayor's Office                                 | 0        |
| Chief Administrative Office                    | 0        |
| Auditing                                       | 0        |
| 311 Call Center                                | 0        |
| Office of Youth Services and Community Affairs | 0        |
| Intergovernmental Affairs                      | 0        |
| CLERB  | 0        |
| Memphis Animal Services                        | 0        |
| Community Affairs                              | 0        |
| Communications                                 | 0        |
| Office of Performance Management               | 0        |
| Memphis Public Service Corp.                   | 0        |
| Office of Business Diversity and Compliance    | 0        |
| <b>TOTAL EXECUTIVE</b>                         | <b>0</b> |



**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|                                       |          |
|---------------------------------------|----------|
|                                       |          |
| <b>FINANCE</b>                        |          |
| Administration                        | 0        |
| Financial Accounting                  | 0        |
| Purchasing                            | 0        |
| Budget                                | 0        |
| Debt Management                       | 0        |
| City Treasurer                        | 0        |
| Financial & Strategic Planning Office | 0        |
| Office of Comprehensive Planning      | 0        |
| <b>TOTAL FINANCE</b>                  | <b>0</b> |
|                                       |          |
| <b>FIRE</b>                           |          |
| Administration                        | 0        |
| Apparatus Maintenance                 | 0        |
| Logistical Services                   | 0        |
| Training                              | 0        |
| Communications                        | 0        |
| Prevention                            | 0        |
| Firefighting                          | 0        |
| Emergency Medical Services (EMS)      | 0        |
| Airport                               | 0        |
| <b>TOTAL FIRE</b>                     | <b>0</b> |
|                                       |          |
| <b>POLICE</b>                         |          |
| Executive Administration              | 0        |
| Support Services                      | 0        |
| Uniform Patrol/Precincts              | 0        |
| Investigative Services                | 0        |
| Special Operations                    | 0        |
| <b>TOTAL POLICE</b>                   | <b>0</b> |
|                                       |          |
| <b>PARKS</b>                          |          |
| Administration                        | 0        |
| Planning & Development                | 0        |
| Parks Operations                      | 0        |
| Park Facilities                       | 0        |
| Zoo                                   | 0        |
| Brooks Museum                         | 0        |
| Memphis Botanic Gardens               | 0        |
| Sports Centers                        | 0        |
| Recreation Centers                    | 0        |
| Support Service Golf                  | 0        |
| Sports Services                       | 0        |
| <b>TOTAL PARKS</b>                    | <b>0</b> |
|                                       |          |
| <b>PUBLIC WORKS</b>                   |          |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|  |          |
|--|----------|
| Administration                                   | 0        |
| Street Maintenance                               | 0        |
| Neighborhood Improvements                        | 0        |
| <b>TOTAL PUBLIC WORKS</b>                        | <b>0</b> |
| <b>HUMAN RESOURCES</b>                           |          |
| Administration                                   | 0        |
| Talent Management                                | 0        |
| Compensation                                     | 0        |
| Equity, Diversity & Inclusion                    | 0        |
| HR Operations                                    | 0        |
| HR Analytics & Performance                       | 0        |
| <b>TOTAL HUMAN RESOURCES</b>                     | <b>0</b> |
| <b>GENERAL SERVICES</b>                          |          |
| Administration                                   | 0        |
| Property Maintenance                             | 0        |
| Real Estate                                      | 0        |
| Operation Of City Hall                           | 0        |
| Fleet Management                                 | 0        |
| <b>TOTAL GENERAL SERVICES</b>                    | <b>0</b> |
| <b>HOUSING &amp; COMMUNITY DEVELOPMENT</b>       |          |
| Housing Community                                | 0        |
| Housing Community Development Housing            | 0        |
| Economic Development                             | 0        |
| Community Initiatives                            | 0        |
| <b>TOTAL HOUSING &amp; COMMUNITY DEVELOPMENT</b> | <b>0</b> |
| <b>CITY ATTORNEY</b>                             |          |
|  | 0        |
| <b>ENGINEERING</b>                               |          |
| Planning Design & Construction                   | 0        |
| Signs & Markings                                 | 0        |
| Signal Maintenance                               | 0        |
| Prevailing Wages                                 | 0        |
| <b>TOTAL ENGINEERING</b>                         | <b>0</b> |
| <b>LIBRARY</b>                                   |          |
|  | 0        |
| <b>INFORMATION SYSTEMS</b>                       |          |
| Information Systems Admin                        | 0        |
| Information Systems Operations                   | 0        |
| <b>TOTAL INFORMATION SYSTEMS</b>                 | <b>0</b> |
| <b>CITY COUNCIL</b>                              |          |
|  | 0        |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|  |          |
|--|----------|
| <b>CITY COURT JUDGES</b>                               | 0        |
| <b>CITY COURT CLERK</b>                                |          |
| City Court Clerk                                       | 0        |
| Red Light Camera                                       | 0        |
| <b>TOTAL CITY COURT CLERK</b>                          | <b>0</b> |
| <b>GRANTS &amp; AGENCIES</b>                           |          |
| Council Community Initiatives Grants for Non-Profits   | 0        |
| Ageing Commission of the Mid-South                     | 0        |
| Black Business Association                             | 0        |
| Blight Authority of Memphis                            | 0        |
| Election Commission (Election Years Only)              | 0        |
| Family Safety Center of Memphis and Shelby County      | 0        |
| Innovate Memphis                                       | 0        |
| Juvenile Intervention and Faith-Based Follow Up (JIFF) | 0        |
| Kindred Place (formerly Exchange Club)                 | 0        |
| Memphis Area Transit Authority (MATA)                  | 0        |
| Memphis & Shelby County Film and Television Commission | 0        |
| MLGW Citizen's Assistance Grant                        | 0        |
| Memphis River Park Partnership                         | 0        |
| Renasant Convention Center                             | 0        |
| The 800 Initiative                                     | 0        |
| Urban Art  | 0        |
| Shelby County School Mixed Drink Proceeds              | 0        |
| Shelby County School 2015 Settlement                   | 0        |
| Pensioners Insurance                                   | 0        |
| Expense Recovery                                       | 0        |
| Operating Transfer Out - HUB Community Impact Fund     | 0        |
| <b>TOTAL GRANTS &amp; AGENCIES</b>                     | <b>0</b> |
| <b>INVESTMENT FEES (Unallocated)</b>                   | 0        |
| <b>TOTAL INVESTMENT FEES</b>                           | <b>0</b> |
| <b>TOTAL EXPENDITURES / TRANSFERS GENERAL FUND</b>     | <b>0</b> |

**2. SPECIAL REVENUE FUNDS**

|                                |   |
|--------------------------------|---|
| <b>A. HOTEL/MOTEL TAX FUND</b> |   |
| <b>HOTEL/MOTEL TAX FUND</b>    |   |
| REVENUE BUDGET                 |   |
| Hotel/Motel Tax                | 0 |
| Occupancy Increase             | 0 |
| Room Night Assessment          | 0 |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|                                |          |
|--------------------------------|----------|
| Contributed From Fund Balance  | 0        |
| <i>TOTAL REVENUES</i>          | <b>0</b> |
| EXPENDITURE BUDGET             |          |
| Convention/Visitor's Bureau    | 0        |
| Memphis/Shelby County Sports   | 0        |
| Transfer Out-Debt Service Fund | 0        |
| <i>TOTAL EXPENDITURES</i>      | <b>0</b> |

|                                     |          |
|-------------------------------------|----------|
| <b>B. METRO ALARM FUND</b>          |          |
| <b>METRO ALARM FUND</b>             |          |
| REVENUE BUDGET                      |          |
| Alarm Revenue                       | 0        |
| Contributed From Fund Balance       | 0        |
| <i>TOTAL REVENUE</i>                | <b>0</b> |
| EXPENDITURE BUDGET                  |          |
| Personnel Services                  | 0        |
| Materials and Supplies              | 0        |
| Operating Transfer Out-General Fund | 0        |
| <i>TOTAL EXPENDITURES</i>           | <b>0</b> |

|                                       |          |
|---------------------------------------|----------|
| <b>C. SOLID WASTE MANAGEMENT FUND</b> |          |
| <b>SOLID WASTE MANAGEMENT FUND</b>    |          |
| REVENUE BUDGET                        |          |
| Solid Waste Disposal Fee              | 0        |
| Sanitation Inspection Fee             | 0        |
| Local Taxes                           | 0        |
| Use of Money and Property             | 0        |
| Other Revenues                        | 0        |
| <i>TOTAL REVENUES</i>                 | <b>0</b> |
| EXPENDITURE BUDGET                    |          |
| Personnel Services                    | 0        |
| Materials and Supplies                | 0        |
| Capital Outlay                        | 0        |
| Service Charges                       | 0        |
| Transfers Out                         | 0        |
| Contributed To Fund Balance           | 0        |
| <i>TOTAL EXPENDITURES</i>             | <b>0</b> |



**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|                                     |          |
|-------------------------------------|----------|
| <b>D. DRUG ENFORCEMENT FUND</b>     |          |
| <b>DRUG ENFORCEMENT</b>             |          |
| REVENUE BUDGET                      |          |
| Fines & Forfeitures                 | 0        |
| Federal Grants                      | 0        |
| Contributed From Fund Balance       | 0        |
| <i>TOTAL REVENUES</i>               | <b>0</b> |
| EXPENDITURE BUDGET                  |          |
| Personnel Services                  | 0        |
| Materials and Supplies              | 0        |
| Capital Outlay                      | 0        |
| <i>TOTAL EXPENDITURES</i>           | <b>0</b> |
| <b>E. PARK SPECIAL SERVICE FUND</b> |          |
| <b>PARK SPECIAL SERVICE</b>         |          |
| REVENUE BUDGET                      |          |
| Local Sales Tax                     | 0        |
| Use of Money & Property             | 0        |
| <i>TOTAL REVENUES</i>               | <b>0</b> |
| EXPENDITURE BUDGET                  |          |
| Contributed To Fund Balance         | 0        |
| <i>TOTAL EXPENDITURES</i>           | <b>0</b> |
| <b>F. STATE STREET AID FUND</b>     |          |
| <b>STATE STREET AID</b>             |          |
| REVENUE BUDGET                      |          |
| State Gas - Motor Fuel Tax          | 0        |
| Three-Cent Tax                      | 0        |
| One-Cent Tax                        | 0        |
| IMPROVE Act                         | 0        |
| <i>TOTAL REVENUES</i>               | <b>0</b> |
| EXPENDITURE BUDGET                  |          |
| Materials and Supplies              | 0        |
| Transfer Out-Debt Service Fund      | 0        |
| <i>TOTAL EXPENDITURES</i>           | <b>0</b> |
| <b>G. FIRE EMS FUND</b>             |          |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|   |          |
|---|----------|
| <b>FIRE EMS</b>                         |          |
| REVENUE BUDGET                          |          |
| <i>Federal Grants</i>                   | 0        |
| <b>TOTAL REVENUE</b>                    | <b>0</b> |
| EXPENDITURE BUDGET                      |          |
| Materials and Supplies                  | 0        |
| Capital Outlay                          | 0        |
| <b>TOTAL EXPENDITURE</b>                | <b>0</b> |
| <b>H. PRE-K FUND</b>                    |          |
| <b>PRE-K</b>                            |          |
| REVENUE BUDGET                          |          |
| Transfer In - Sales Tax Referendum 2019 | 0        |
| <b>TOTAL REVENUE</b>                    | <b>0</b> |
| EXPENDITURE BUDGET                      |          |
| Grants and Subsidies                    | 0        |
| Contributed To Fund Balance             | 0        |
| <b>TOTAL EXPENDITURE</b>                | <b>0</b> |
| <b>I. HUB COMMUNITY IMPACT FUND</b>     |          |
| <b>HUB COMMUNITY IMPACT</b>             |          |
| REVENUE BUDGET                          |          |
| Transfer In - General Fund              | 0        |
| Use of Money and Property               | 0        |
| <b>TOTAL REVENUE</b>                    | <b>0</b> |
| EXPENDITURE BUDGET                      |          |
| Grants and Subsidies                    | 0        |
| <b>TOTAL EXPENDITURE</b>                | <b>0</b> |
| <b>J. SALES TAX REFERENDUM FUND</b>     |          |
| <b>SALES TAX REFERENDUM</b>             |          |
| REVENUE BUDGET                          |          |
| Local Sales Tax                         | 0        |
| <b>TOTAL REVENUE</b>                    | <b>0</b> |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|   |          |
|---|----------|
| EXPENDITURE BUDGET  |          |
| Transfer Out - General Fund   | 0        |
| Transfer Out - Pre-K Fund   | 0        |
| Transfer Out - Healthcare   | 0        |
| Transfer Out - OPEB Fund  | 0        |
| Transfer Out - Retirement Fund  | 0        |
| Transfer Out - CIP Fund   | 0        |
| Contributed To Fund Balance   | 0        |
| <i>TOTAL EXPENDITURE</i>  | <b>0</b> |
| <b>K. LIFE INSURANCE FUND</b>   |          |
| <b>LIFE INSURANCE</b>   |          |
| REVENUE BUDGET  |          |
| Other Revenues  | 0        |
| Use of Money & Property   | 0        |
| <i>TOTAL REVENUES</i>   | <b>0</b> |
| EXPENDITURE BUDGET  |          |
| Contributed To Fund Balance   | 0        |
| <i>TOTAL EXPENDITURES</i>   | <b>0</b> |
| <b>L. NEW MEMPHIS ARENA FUND</b>  |          |
| <b>NEW MEMPHIS ARENA</b>  |          |
| REVENUE BUDGET  |          |
| Local Taxes   | 0        |
| <i>TOTAL REVENUES</i>   | <b>0</b> |
| EXPENDITURE BUDGET  |          |
| Grants and Subsidies  | 0        |
| <i>TOTAL EXPENDITURES</i>   | <b>0</b> |
| <b>3. DEBT SERVICE FUND</b>   |          |
| The Debt Service Fund shall embrace expenditures for the payment of interest and installments on the public debt. |          |
| <b>DEBT SERVICE FUND</b>  |          |
| REVENUE BUDGET  |          |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|   |          |
|---|----------|
|   |          |
| Current Property Tax  | 0        |
| Delinquent Property Tax   | 0        |
| Sale of Delinquent Accounts   | 0        |
| Local Option Sales Tax  | 0        |
| In Lieu Of Taxes-Contractual  | 0        |
| Tourism Development Zone Local  | 0        |
| State Taxes   | 0        |
| Use of Money  | 0        |
| Federal Grants  | 0        |
| Other Revenue   | 0        |
| Transfer In-State Street Aid  | 0        |
| Transfer In-Hotel/Motel Fund  | 0        |
| Transfer In-Solid Waste   | 0        |
| Transfer In -Miscellaneous Grants Fund  | 0        |
| Contributed From Restricted Fund Balance  | 0        |
| Contributed From Fund Balance   | 0        |
| <i>TOTAL REVENUES / TRANSFERS IN</i>  | <b>0</b> |
|   |          |
| <b>EXPENDITURE BUDGET</b>   |          |
|   |          |
| Principal-Serial Bonds, Notes, and Leases   | 0        |
| Interest-Serial Bonds, Notes, and Leases  | 0        |
| Other   | 0        |
| Bond Issue Cost   | 0        |
| <i>TOTAL EXPENDITURES</i>   | <b>0</b> |
|   |          |
| <b>4. ENTERPRISE FUNDS</b>  |          |
|   |          |
| A. SEWER FUND which shall embrace expenditures from City Sewer Fees, Connection Fees, Miscellaneous Fees, and other monies used for Sewer Services operating and debt service purposes. |          |
|   |          |
| <b>SEWER FUND</b>   |          |
| <b>REVENUE BUDGET</b>   |          |
|   |          |
| Sewer Fees  | 0        |
| Subdivision Development Fees  | 0        |
| Rents   | 0        |
| Use of Money and Property   | 0        |
| Fines & Forfeitures   | 0        |
| Special Sewer Connections   | 0        |
| Biogas Revenue  | 0        |
| Other Revenue   | 0        |
| Contributed From Fund Balance   | 0        |
| <i>TOTAL REVENUES</i>   | <b>0</b> |



**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|                             |          |
|-----------------------------|----------|
| EXPENSE BUDGET              |          |
| Personnel                   | 0        |
| Materials and Supplies      | 0        |
| Capital Outlay              | 0        |
| Debt Service -Interest      | 0        |
| State Loan Interest         | 0        |
| In-Lieu-Of Payment-General  | 0        |
| Dividend To General Fund    | 0        |
| Depreciation on Own Fund    | 0        |
| Transfer Out - General Fund | 0        |
| <b>TOTAL EXPENSES</b>       | <b>0</b> |

|   |          |
|---|----------|
| B. STORM WATER FUND which shall embrace expenditures from City Storm Water Fees, Drainage Fees, Miscellaneous Fees, and other monies used for Storm Water Services operating and debt service purposes. |          |
| <b>STORM WATER FUND</b>   |          |
| REVENUE BUDGET  |          |
| Storm Water Fees  | 0        |
| Use of Money and Property   | 0        |
| Fines & Forfeitures   | 0        |
| <b>TOTAL REVENUES</b>   | <b>0</b> |
| EXPENSE BUDGET  |          |
| Personnel   | 0        |
| Materials & Supplies  | 0        |
| Capital Outlay  | 0        |
| Grants and Subsidies  | 0        |
| Interest  | 0        |
| Dividend to General Fund  | 0        |
| Depreciation on Own Funds   | 0        |
| Transfer Out - General Fund   | 0        |
| Contributed To Fund Balance   | 0        |
| <b>TOTAL EXPENSES</b>   | <b>0</b> |

**5. INTERNAL SERVICE FUNDS**

|                    |   |
|--------------------|---|
| <b>HEALTHCARE</b>  |   |
| REVENUE BUDGET     |   |
| Operating Revenues | 0 |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

|   |          |
|---|----------|
| <i>TOTAL REVENUES</i>                       | <b>0</b> |
| EXPENSE BUDGET                              |          |
| Personnel                                   | 0        |
| Materials & Supplies                        | 0        |
| Capital Outlay                              | 0        |
| Claims Incurred                             | 0        |
| Grants & Subsidies                          | 0        |
| Federal Tax                                 | 0        |
| Contributed To Fund Balance                 | 0        |
| <i>TOTAL EXPENSES</i>                       | <b>0</b> |
| <b>UNEMPLOYMENT FUND</b>                    |          |
| REVENUE BUDGET                              |          |
| Program Revenues                            | 0        |
| <i>TOTAL REVENUE</i>                        | <b>0</b> |
| EXPENSE BUDGET                              |          |
| Claims Incurred                             | 0        |
| Contributed To Fund Balance                 | 0        |
| <i>TOTAL EXPENSES</i>                       | <b>0</b> |
| <b>FLEET MANAGEMENT FUND</b>                |          |
| REVENUE BUDGET                              |          |
| Vehicle Maintenance Fuel Revenue Recoveries | 0        |
| Vehicle Maintenance Shop Charge Recoveries  | 0        |
| Vehicle Maintenance Inventory/Store Sales   | 0        |
| Use of Money and Property                   | 0        |
| Outside Revenue                             | 0        |
| <i>TOTAL REVENUES</i>                       | <b>0</b> |
| EXPENSE BUDGET                              |          |
| Materials & Supplies                        | 0        |
| Inventory                                   | 0        |
| Depreciation on Own Funds                   | 0        |
| Capital Outlay                              | 0        |
| Contributed To Fund Balance                 | 0        |
| <i>TOTAL EXPENSES</i>                       | <b>0</b> |
| <b>6. FIDUCIARY FUNDS</b>                   |          |

**ORDINANCE XXXX  
APPROPRIATION ORDINANCE**

| <b>OTHER POST EMPLOYMENT BENEFITS (OPEB)</b> |          |
|--|----------|
| REVENUE BUDGET                               |          |
| Operating Revenues                           | 0        |
| Transfer In- Sales Tax Referendum Fund       | 0        |
| Contributed From Fund Balance                | 0        |
| <b>TOTAL REVENUES</b>                        | <b>0</b> |
| EXPENSE BUDGET                               |          |
| Personnel                                    | 0        |
| Material & Supplies                          | 0        |
| Claims Incurred                              | 0        |
| Federal Tax                                  | 0        |
| Grants & Subsidies                           | 0        |
| <b>TOTAL EXPENSES</b>                        | <b>0</b> |
| <b>LIBRARY RETIREMENT SYSTEM</b>             |          |
| REVENUE BUDGET                               |          |
| Transfer In - General Fund                   | 0        |
| Contributed From Fund Balance                | 0        |
| <b>TOTAL REVENUES</b>                        | <b>0</b> |
| EXPENSE BUDGET                               |          |
| Personnel                                    | 0        |
| Materials and Supplies                       | 0        |
| Pension Benefits                             | 0        |
| <b>TOTAL EXPENSES</b>                        | <b>0</b> |

**SECTION 2.** BE IT FURTHER ORDAINED that for the purposes of budget control, administration, and accounting of the appropriations made herein for the fiscal year, July 1, 2022, through June 30, 2023, inclusive, the Division and Program names shall be as set out in accordance with the requirements of Section One (1) hereof.

**SECTION 3.** BE IT FURTHER ORDAINED that City Council estimates of the revenues of the City of Memphis for the fiscal year, July 1, 2022, through June 30, 2023, inclusive, which are applicable to the purposes for which taxes are levied shall be set in the schedule within Section 1.

**SECTION 4.** BE IT FURTHER ORDAINED that all monies subject to appropriation by all Divisions shall be deposited with the City Treasurer for the use of the City of Memphis and all monies so received shall be considered appropriated regardless of the foregoing estimates by items until the appropriations have been filled.

Thereupon, any surplus shall become and be designated unappropriated revenue and be subject to lawful appropriation

## ORDINANCE XXXX APPROPRIATION ORDINANCE

by the City Council. Such amounts are not appropriated for the use of the Division receiving same, but shall be carried as a memorandum of collections and earnings.

**SECTION 5.** BE IT FURTHER ORDAINED that the Comptroller shall have no power to authorize withdrawal of funds constituting the current operating revenues of the City of Memphis from the Treasury of the City of Memphis nor shall any obligations for the expenditures of any such funds be incurred except in pursuance of this ordinance; provided, however, that the Council may appropriate in the current year a greater amount for the operation of any Division, or for any corporate purpose other than those for which an appropriation shall have been made herein in the event that the current revenues shall be available for such purposes; and, provided further, that said expenditures shall be authorized by ordinance or resolution duly adopted by the City Council.

**SECTION 6.** BE IT FURTHER ORDAINED that where work is done or materials furnished by one service center for another service center, the Comptroller is directed to charge the appropriation of the service center receiving and to credit the appropriation of the service center furnishing such labor or materials with the proper cost thereof, when said charge is accepted by the service center receiving same.

**SECTION 7.** BE IT FURTHER ORDAINED that the Comptroller shall maintain on file in his/her office the line item budget of each program, and that sums not to exceed the preceding amounts set forth in totals by Division and Program for the several funds shall so far as may be needed, be appropriated for the purpose shown for the fiscal year, July 1, 2022 through June 30, 2023, inclusive.

The Mayor shall have the authority to approve transfers between all categories, except Personnel, within the total amounts of each Program as set forth herein, however, each transfer shall have a maximum limit of \$50,000 and each Program shall have an annual cumulative limit of \$100,000 for transfers between Categories, within the total amounts of each Program. For Personnel budget transfers, the Mayor shall have authority to approve an annual cumulative limit of \$50,000 from a Personnel category to another category within each Program. An amount exceeding the annual limit of \$50,000 must be authorized by the City Council. The transfer of an amount between personnel Categories, within a Program that is associated with authorized and funded positions, also transfers the position to the Category receiving funding. Any transfer of appropriations between Programs shall be made only upon the authorization by Ordinance or Resolution of the City Council.

The Mayor shall have the authority to dispose of any City of Memphis owned property only in accordance with the provision of the Charter and/or Ordinance duly adopted by the City Council. The Mayor shall have the authority to lease any City of Memphis owned real property to any non-municipal entity for terms exceeding two (2) years or more only upon prior approval of the City Council.

**SECTION 8.** BE IT FURTHER ORDAINED that pursuant to the provisions of the City of Memphis Charter as amended when any obligation has been incurred by order, contract, agreement to purchase, hire, receive or otherwise obtain anything of value for the use of the City of Memphis by the joint action of the respective Division Directors, a liability shall be construed to have been created against the appropriation of the Division affected and the respective Division Directors and Program Heads in charge and other persons are prohibited from incurring liabilities in excess of the amount appropriated for each budget of each Program, the totals of which are set out in Section One (1), hereof, of additional amounts which may hereafter be authorized by the City Council.

**SECTION 9.** BE IT FURTHER ORDAINED that, at the close of each fiscal year, which is fixed as June 30, any unencumbered balance of an appropriation shall revert to the appropriate fund balance account and shall be subject to re-appropriation by the City Council, encumbered appropriations shall be carried forward into the next fiscal year from the current year budget in furtherance of improvements or for any corporate purpose which will not be completed within such current fiscal year.

**SECTION 10.** BE IT FURTHER ORDAINED that it shall be the duty of the Comptroller to keep an account of each object

## **ORDINANCE XXXX APPROPRIATION ORDINANCE**

item appropriation made by the City Council and each such account shall show the appropriations made thereto, the amounts drawn thereon, and he/she shall make available such information on each appropriation account to the Directors of the various Divisions.

**SECTION 11.** BE IT FURTHER ORDAINED that no claims against the City of Memphis shall be paid except by means of a check, manual or electronic (ACH or wire), on the Treasury issued and signed/authorized by the Comptroller.

**SECTION 12.** BE IT FURTHER ORDAINED that the City Council expressly declares that each section, subsection, paragraph and provision of this ordinance is severable, and that should any portion of this ordinance be held unconstitutional or invalid, the same shall not affect the remainder of this ordinance, but such unconstitutional or invalid portion be elided, and the City Council declares that it would have passed this ordinance with such unconstitutional or invalid portions elided.

**SECTION 13.** BE IT FURTHER ORDAINED that this ordinance take effect from and after the date it shall have been passed by the City Council, signed by the Chairperson of the City Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

**SECTION 14.** BE IT FURTHER ORDAINED that if for any reason a budget ordinance is not adopted prior to the beginning of the next succeeding fiscal year, the appropriations from the previous fiscal years' adopted budget ordinance shall become the appropriation for the new fiscal year until the adoption of the new fiscal year budget ordinance is approved, in accordance with Section 6-56-210, TENNESSEE CODE ANNOTATED, provided sufficient revenues are being collected to support the continuing appropriations.

**SECTION 15.** BE IT FURTHER ORDAINED, pursuant to Substitute Ordinance No. XXXX any decision of the City Council, acting as arbiter only, to resolve any impasse between the City and any employee association over economic items shall be effective and funded only to the extent of funds appropriated for such items in this Appropriation Ordinance but not otherwise.



## **RESOLUTION for City of Memphis**

### **Capital Improvement Program**

#### **Fiscal Year 2023**

**WHEREAS**, the Mayor submitted to the Council of the City of Memphis on April 19, 2022 a recommended Capital Acquisition Budget and a Capital Improvement Program for fiscal years 2023 through 2027; and

**WHEREAS**, said Capital Acquisition Budget projects needed acquisitions of vehicles and equipment and the Capital Improvement Program does project on a priority basis the anticipated Capital expenditure required to construct needed public improvements for the said period; and

**WHEREAS**, the Budget Committee of the Council has held meetings and reviewed thoroughly the recommended Capital Acquisition Budget and Capital Improvement Program and will make approved revisions thereto; and

**WHEREAS**, it is the intent of the Council that funds for replacement vehicles and equipment as set forth in the Capital Acquisition Budget should be appropriated herein; and

**WHEREAS**, it is the intent of the Council that funds for construction require appropriation by Council; and

**WHEREAS**, the Comptroller is authorized to bring forward into the 2023 fiscal year all



unappropriated allocations for uncompleted projects, or projects that have not begun and are necessary to be carried forward from the fiscal year 2022 Capital Budget as carried forward dollars; and

**WHEREAS**, it is the intent of the Council and the Administration to affect a material reduction in future capital expenditures where possible; and

**WHEREAS**, to achieve this goal all prior years G. O. Bond unappropriated allocations, that have not been approved to carry forward in the fiscal year 2022 Capital Improvement Budget, shall be unallocated and removed from the Capital Improvement Program; and

**WHEREAS**, provisions have been made that upon completion or deletion of any authorized project, all unused allocations or unencumbered appropriations on projects completed in FY23 the funding will be returned to its source by the Comptroller and/or made available for transfer or reallocation, subject to further appropriation and allocation of said funds by the Council;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Memphis that the fiscal years 2023-2027 Capital Improvement Program be and the same is hereby approved and adopted as the City's Official Statement of Intent to construct needed public improvements subject to annual review and modification, and the Capital Acquisition Budget is hereby adopted as needed replacements of vehicles and equipment. Funds approved for capital acquisition, street maintenance and asphalt/paving/resurfacing are considered approved, allocated and appropriated as set forth in the fiscal year 2023 budget upon approval, the welfare of the City requiring it. The General Obligation bond Capital Improvement Program funding for fiscal year 2023 is \$xx,xxx,xxx. Appendix "A", which is the Fiscal Year 2023 CIP Budget attached hereto, details the construction

projects, capital maintenance, and capital acquisitions and is made a part of this resolution.

**BE IT FURTHER RESOLVED**, that the fiscal year 2023 allocations in the Capital Improvement Program be and are hereby adopted as the fiscal year 2023 Capital Construction Budget and funds are appropriated for architectural/engineering services and for land options, if necessary. The Administration shall use the following procedures in moving forward with Capital Construction projects:

The Administration shall present to the appropriate Council Committee the schematic design of the project(s) as defined by the standard Architectural and Engineering Agreement used by the City of Memphis, at an architectural or engineering expense not to exceed 20% of the contracted professional fee amount. Projects designed "in house" or gratuitously must also go through the process. Council approval in the next following regular session of the Council is then required before the continuation of any such project.

After such Council approval, Administration will proceed with final plan preparation, final land acquisition and take bids for the project. Council shall be informed as to the time limitation designated in the professional contract.

The Administration will return to the Council for approval of funds for construction expenditures.

**BE IT FURTHER RESOLVED**, that projects with prior years allocation in any stage of design on the date of the 2023 budget adoption, that have not followed the procedure outlined above, must be returned to the Council for approval prior to going to bid.

**BE IT FURTHER RESOLVED** that projects with prior years allocation, which are not yet in the design process on the date of the adoption of the 2023 CIP budget, and have been allowed for carry forward, or are funded by funds other than G. O. Bonds, must follow the same procedure outlined above for all prior approved projects.

**BE IT FURTHER RESOLVED**, that upon the completion/bond release of any authorized

project, any unencumbered balance on projects completed in fiscal year 2023 will be returned to its source of funding, and/or made available for transfer or reallocation, subject to further allocation and appropriation of said funds by the Council.

**BE IT FURTHER RESOLVED**, that the Comptroller be and is hereby authorized to un-allocate and eliminate all prior year allocations that have not been carried forward in the fiscal year 2023 Capital Construction Budget.

**BE IT FURTHER RESOLVED**, that after construction funds have been appropriated by the Council, the Comptroller is no longer authorized to approve the transfer of unencumbered funds between categories within each project but must return to the Council for approval of such action.

**BE IT FURTHER RESOLVED**, that projects which subsequently require appropriations more than the total project amount approved in the fiscal year 2023 Capital Construction Budget and the Capital Acquisition Budget be subject to further Council approval.

**BE IT FURTHER RESOLVED**, that any land, building or facility under the jurisdiction of the City of Memphis or which has ever been funded or partially funded by the City of Memphis cannot be demolished, sold, given to, or leased to any non-municipal entity without authorization of the City Council. The authorization does not apply to routine short-term rental. Without authorization of the City Council, no assets may be received by the City.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated an amount up to \$xx,xxx,xxx for the acquisition of vehicles and equipment as set forth in the fiscal year 2023 allocation of the Capital Acquisition Budget.

**BE IT FURTHER RESOLVED**, that the Comptroller be and is hereby authorized to bring

forward into the fiscal year 2023 Capital Construction Budget all appropriations and only those allocations that have been carried forward from the fiscal year 2022 Capital Construction Budget.

**BE IT FURTHER RESOLVED**, that the Council expressly declares that each section, subsection, paragraph and provision of this resolution is severable, and that should any portion of this resolution be declared unconstitutional or invalid by a Court of Law, the same shall not affect the remainder of this resolution, but such unconstitutional or invalid portion shall be elided, and the City Council declares that it would have passed this resolution with such unconstitutional or invalid portions elided.

**BE IT FURTHER RESOLVED**, that this resolution take effect from and after the date it shall have been passed by the Council, and become effective as otherwise provided by the law.



## Resolution for City Treasurer to Prepare 2022 Tax Bills for State Assessed Properties

WHEREAS, the assessment made on various Utilities and Carriers by the Office of State Assessed Properties for the year 2022 will not be received by the City until about January 2023; and

WHEREAS, it is necessary that the City Treasurer prepare tax bills for these Utilities Carriers in order that the 2022 taxes of those taxpayers can be collected during the collection dates for the other Ad Valorem taxes; and

WHEREAS, it is necessary for the 2021 certified assessment to be used as a tentative assessment for the purposes mentioned above.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis, that the City Treasurer be and is hereby directed to prepare tax bills for the various Utilities and Carriers utilizing the last certified assessment and that upon receipt of the certified 2022 assessment of the Office of State Assessed Properties or its successor, the Treasurer be and is hereby directed and authorized to bill the said taxpayers for an increase in the 2022 assessment over the 2021 assessment, or make appropriate adjustments therein; and that he be further directed and authorized to refund any amounts paid by said taxpayer in excess of their certified 2022 Office of State Assessed Properties assessment.



**JIM STRICKLAND**  
**MAYOR**

TENNESSEE

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

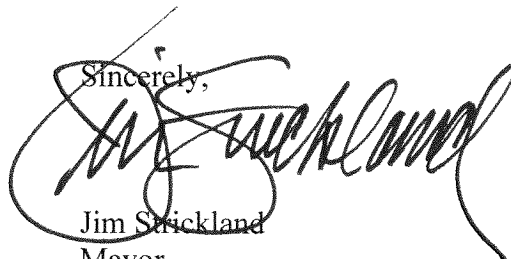
Subject to Council approval, I hereby recommend that:

**Michael Fulton**

be reappointed to the Memphis Area Transit Authority with a term expiration date of February 7, 2025.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



**MEMPHIS AREA TRANSIT AUTHORITY**  
**Oath of Office Required**  
**9 Member Board**  
**3 Year Term**

Purpose:

The members of the transit authority board shall have authority to supervise the operation of the transit system.

|                             |            |                 |
|-----------------------------|------------|-----------------|
| <b>Kristen Bland</b>        | <b>F/H</b> | <b>01-22-23</b> |
| <b>Michael Fulton</b>       | <b>M/B</b> | <b>02-07-22</b> |
| <b>Rob Clark</b>            | <b>M/W</b> | <b>09-30-22</b> |
| <b>Martin E. Lipinski</b>   | <b>M/W</b> | <b>06-30-23</b> |
| <b>Michelle McKissack</b>   | <b>F/B</b> | <b>06-30-21</b> |
| <b>Anton Mack</b>           | <b>M/B</b> | <b>08-24-22</b> |
| <b>Janice Holder</b>        | <b>F/W</b> | <b>08-31-23</b> |
| <b>Edward Stephens, III</b> | <b>M/B</b> | <b>01-31-23</b> |
| <b>Shelia Williams</b>      | <b>F/B</b> | <b>01-31-22</b> |

**2022 Council Liaison: Ford Canale**

Updated 2/12/21

**Memphis Area Transit Authority**  
**Meetings 4<sup>th</sup> Thursday of the Month**  
**From January 2020 to February 2022 Total No. of Meetings - 22**

| <b>Member</b>      | <b>Present</b> | <b>Absent</b> |
|--------------------|----------------|---------------|
| Michael Fulton     | 21             | 1             |
| Michelle McKissack | 15             | 7             |
| Shelia Williams    | 18             | 4             |



**JIM STRICKLAND**  
MAYOR

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

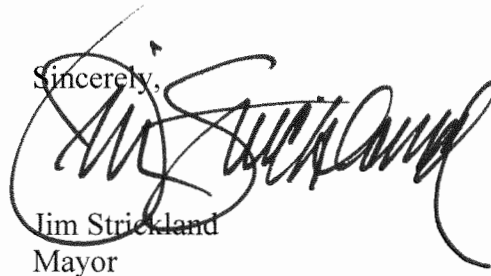
Subject to Council approval, I hereby recommend that:

**Michelle McKissack**

be reappointed to the Memphis Area Transit Authority with a term expiration date of June 30, 2024.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland". The signature is written in a cursive, flowing style. Below the signature, the name "Jim Strickland" and the title "Mayor" are printed in a standard serif font.

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS AREA TRANSIT AUTHORITY**  
**Oath of Office Required**  
**9 Member Board**  
**3 Year Term**

Purpose:

The members of the transit authority board shall have authority to supervise the operation of the transit system.

|                             |            |                 |
|-----------------------------|------------|-----------------|
| <b>Kristen Bland</b>        | <b>F/H</b> | <b>01-22-23</b> |
| <b>Michael Fulton</b>       | <b>M/B</b> | <b>02-07-22</b> |
| <b>Rob Clark</b>            | <b>M/W</b> | <b>09-30-22</b> |
| <b>Martin E. Lipinski</b>   | <b>M/W</b> | <b>06-30-23</b> |
| <b>Michelle McKissack</b>   | <b>F/B</b> | <b>06-30-21</b> |
| <b>Anton Mack</b>           | <b>M/B</b> | <b>08-24-22</b> |
| <b>Janice Holder</b>        | <b>F/W</b> | <b>08-31-23</b> |
| <b>Edward Stephens, III</b> | <b>M/B</b> | <b>01-31-23</b> |
| <b>Shelia Williams</b>      | <b>F/B</b> | <b>01-31-22</b> |

**2022 Council Liaison: Ford Canale**

Updated 2/12/21

**Memphis Area Transit Authority**  
**Meetings 4<sup>th</sup> Thursday of the Month**  
**From January 2020 to February 2022 Total No. of Meetings - 22**

| <b>Member</b>      | <b>Present</b> | <b>Absent</b> |
|--------------------|----------------|---------------|
| Michael Fulton     | 21             | 1             |
| Michelle McKissack | 15             | 7             |
| Shelia Williams    | 18             | 4             |



**JIM STRICKLAND**  
MAYOR

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

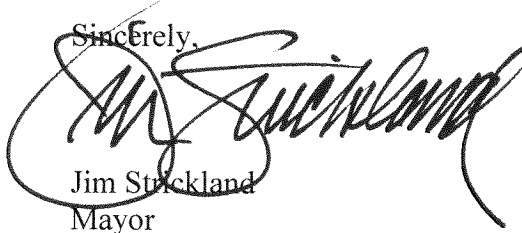
Subject to Council approval, I hereby recommend that:

**Shelia Williams**

be reappointed to the Memphis Area Transit Authority with a term expiration date of January 31, 2025.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland". The signature is written in a cursive style with a large, looping initial "J".

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

# City of Memphis



TENNESSEE

JIM STRICKLAND  
MAYOR

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

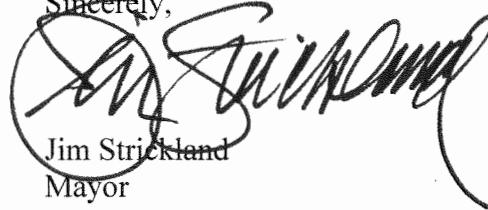
Subject to Council approval, I hereby recommend that:

**Justin Bailey**

be appointed to the Memphis Housing Authority with a term expiration date of February 11, 2027.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS HOUSING AUTHORITY BOARD**  
**Oath of Office Required**  
**7 Member Board**  
**5 Year Term**

**Purpose of Board:**

Provides safe and sanitary dwellings to persons of low income at affordable rental rates.

|                                  |            |                 |
|----------------------------------|------------|-----------------|
| <b>Justin Bailey</b>             | <b>M/B</b> | <b>02-11-22</b> |
| <b>Michael Boyd MHA Resident</b> | <b>M/B</b> | <b>01-25-20</b> |
| <b>Dorothy Cleaves</b>           | <b>F/B</b> | <b>06-25-23</b> |
| <b>Kathy Moore Cowan</b>         | <b>F/B</b> | <b>06-30-24</b> |
| <b>Shawna Engel</b>              | <b>F/W</b> | <b>06-30-21</b> |
| <b>Mary W. Sharp</b>             | <b>F/B</b> | <b>06-25-21</b> |
| <b>Shelia Terrell</b>            | <b>F/B</b> | <b>06-25-25</b> |

**2022 Council Liaison: Frank Colvett, Jr.**

Updated 04/08/22

**Memphis Housing Authority**

**From January 2020 to February 2022 Total No. of Meetings - 20**

Attendance:

| <b>Member</b>   | <b>Present</b> | <b>Absent</b> |
|---|----------------|---------------|
| Justin Bailey   | 15             | 5             |
| Michael Boyd  | 14             | 6             |
| Shawna Engel (started Jan 2021)<br><b>10 total mtgs</b> | 10             | 0             |
| Mary W. Sharp   | 18             | 2             |





JIM STRICKLAND  
MAYOR

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

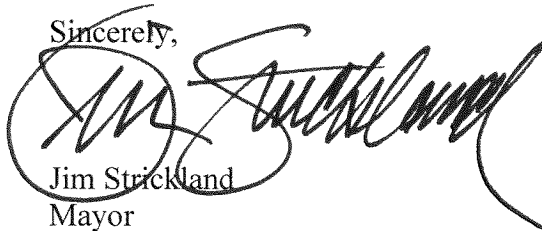
Subject to Council approval, I hereby recommend that:

**Michael Boyd**

be reappointed to the Memphis Housing Authority with a term expiration date of January 25, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS HOUSING AUTHORITY BOARD**  
**Oath of Office Required**  
**7 Member Board**  
**5 Year Term**

**Purpose of Board:**

Provides safe and sanitary dwellings to persons of low income at affordable rental rates.

|                                  |            |                 |
|----------------------------------|------------|-----------------|
| <b>Justin Bailey</b>             | <b>M/B</b> | <b>02-11-22</b> |
| <b>Michael Boyd MHA Resident</b> | <b>M/B</b> | <b>01-25-20</b> |
| <b>Dorothy Cleaves</b>           | <b>F/B</b> | <b>06-25-23</b> |
| <b>Kathy Moore Cowan</b>         | <b>F/B</b> | <b>06-30-24</b> |
| <b>Shawna Engel</b>              | <b>F/W</b> | <b>06-30-21</b> |
| <b>Mary W. Sharp</b>             | <b>F/B</b> | <b>06-25-21</b> |
| <b>Shelia Terrell</b>            | <b>F/B</b> | <b>06-25-25</b> |

**2022 Council Liaison: Frank Colvett, Jr.**

Updated 04/08/22

**Memphis Housing Authority**

**From January 2020 to February 2022 Total No. of Meetings - 20**

Attendance:

| <b>Member</b>                                    | <b>Present</b> | <b>Absent</b> |
|--|----------------|---------------|
| Justin Bailey                                    | 15             | 5             |
| Michael Boyd                                     | 14             | 6             |
| Shawna Engel (started Jan 2021)<br>10 total mtgs | 10             | 0             |
| Mary W. Sharp                                    | 18             | 2             |



JIM STRICKLAND  
MAYOR

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

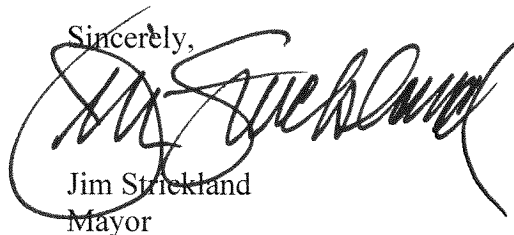
Subject to Council approval, I hereby recommend that:

**Shawna Engel**

be appointed to the Memphis Housing Authority with a term expiration date of June 30, 2026.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland". The signature is stylized and cursive, written over a circular stamp or seal that is partially obscured by the ink.

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS HOUSING AUTHORITY BOARD**  
**Oath of Office Required**  
**7 Member Board**  
**5 Year Term**

**Purpose of Board:**

Provides safe and sanitary dwellings to persons of low income at affordable rental rates.

|                                  |            |                 |
|----------------------------------|------------|-----------------|
| <b>Justin Bailey</b>             | <b>M/B</b> | <b>02-11-22</b> |
| <b>Michael Boyd MHA Resident</b> | <b>M/B</b> | <b>01-25-20</b> |
| <b>Dorothy Cleaves</b>           | <b>F/B</b> | <b>06-25-23</b> |
| <b>Kathy Moore Cowan</b>         | <b>F/B</b> | <b>06-30-24</b> |
| <b>Shawna Engel</b>              | <b>F/W</b> | <b>06-30-21</b> |
| <b>Mary W. Sharp</b>             | <b>F/B</b> | <b>06-25-21</b> |
| <b>Shelia Terrell</b>            | <b>F/B</b> | <b>06-25-25</b> |

**2022 Council Liaison: Frank Colvett, Jr.**

Updated 04/08/22

**Memphis Housing Authority**

**From January 2020 to February 2022 Total No. of Meetings - 20**

Attendance:

| <b>Member</b>   | <b>Present</b> | <b>Absent</b> |
|---|----------------|---------------|
| Justin Bailey   | 15             | 5             |
| Michael Boyd  | 14             | 6             |
| Shawna Engel (started Jan 2021)<br><b>10 total mtgs</b> | 10             | 0             |
| Mary W. Sharp   | 18             | 2             |



JIM STRICKLAND  
MAYOR

TENNESSEE

April 11, 2022

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

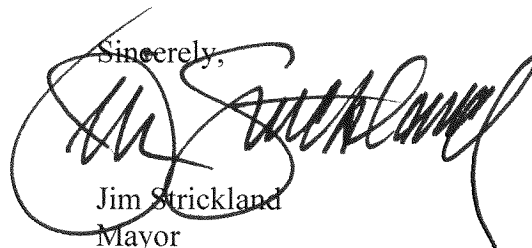
Subject to Council approval, I hereby recommend that:

**Mary Sharp**

be reappointed to the Memphis Housing Authority with a term expiration date of June 25, 2026.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS HOUSING AUTHORITY BOARD**  
**Oath of Office Required**  
**7 Member Board**  
**5 Year Term**

**Purpose of Board:**

Provides safe and sanitary dwellings to persons of low income at affordable rental rates.

|                                  |            |                 |
|----------------------------------|------------|-----------------|
| <b>Justin Bailey</b>             | <b>M/B</b> | <b>02-11-22</b> |
| <b>Michael Boyd MHA Resident</b> | <b>M/B</b> | <b>01-25-20</b> |
| <b>Dorothy Cleaves</b>           | <b>F/B</b> | <b>06-25-23</b> |
| <b>Kathy Moore Cowan</b>         | <b>F/B</b> | <b>06-30-24</b> |
| <b>Shawna Engel</b>              | <b>F/W</b> | <b>06-30-21</b> |
| <b>Mary W. Sharp</b>             | <b>F/B</b> | <b>06-25-21</b> |
| <b>Shelia Terrell</b>            | <b>F/B</b> | <b>06-25-25</b> |

**2022 Council Liaison: Frank Colvett, Jr.**

Updated 04/08/22

**Memphis Housing Authority**

**From January 2020 to February 2022 Total No. of Meetings - 20**

Attendance:

| <b>Member</b>                                    | <b>Present</b> | <b>Absent</b> |
|--|----------------|---------------|
| Justin Bailey                                    | 15             | 5             |
| Michael Boyd                                     | 14             | 6             |
| Shawna Engel (started Jan 2021)<br>10 total mtgs | 10             | 0             |
| Mary W. Sharp                                    | 18             | 2             |





## Memphis City Council Summary Sheet

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

Resolution to enter a lease agreement with Memphis Bears Inc. to lease Greenhill Stadium to offer programs and services to the North Memphis community.

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

Park Services

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

N/A

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

Greenhill Stadium is located in Council District 7, Super District 8.

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

This action would require a new contract.

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

This agreement does not require an expenditure of funds for the City of Memphis.

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

MWBE goal is not applicable.



***Resolution approving a Lease Agreement between the  
City of Memphis through its Division of Park Services and Memphis  
Bears Inc., to lease and program Greenhill  
Stadium.***

**WHEREAS**, the City of Memphis, through its Division of Park Services, owns the Greenhill Stadium located at 4241 Academy Drive, Memphis, TN 38127; and

**WHEREAS**, Memphis Bears Inc., a 501(c)3 non-profit corporation has demonstrated the expertise and commitment to offer enrichment, health, social and recreational services and programs in this community; and

**WHEREAS**, the City of Memphis, through its Division of Park Services, desires to lease the property to Memphis Bears Inc., for the purpose of programming the Greenhill Stadium for an initial term of ten (10) years, with the option to extend for one (1) additional five (5) year period; and

**WHEREAS**, City of Memphis Ordinance No. 4763, Article 1, Section 23-1(d) requires the Council of the City of Memphis to approve all Lease Agreements to non-municipal entities; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that this Lease Agreement between the City of Memphis and Memphis Bears Inc., for programming of the Greenhill Stadium, as agreed to by the parties, is hereby approved in accordance with the terms set forth therein outlining committed operational, financial and other stipulated criteria as to both parties in the approved Agreement.

**City of Memphis - Division of Park Services**

**LEASE AGREEMENT**

**THIS LEASE AGREEMENT** is made and entered into this \_day of \_\_\_\_\_ 2022, by and between the City of Memphis, Division of Park Services (hereafter "City" or "Park Services") and Memphis Bears Inc. (hereinafter "MSPAL") for leasing of Greenhill Stadium.

**RECITALS**

**WHEREAS**, The City of Memphis, through its Division of Park Services, owns Greenhill Stadium; and,

**WHEREAS**, the stadium once served as a recreational facility for the citizens of North Memphis communities; and,

**WHEREAS**, MSPAL is a nonprofit corporation duly established in the State of Tennessee; and,

**WHEREAS**, MSPAL has been a partner with the City of Memphis through its Division of Park Services to offer programs for youth and families; and

**WHEREAS**, MSPAL desires to lease space of the Division of Park Services, Greenhill Stadium (hereafter "the Premises"), for the purpose of providing youth and family programming, to include sports, recreation, and physical fitness programming during after school and summer/seasonal periods for the benefit of the community; and

**WHEREAS**, the City hereby authorizes lease of such Premises for the express purpose set forth herein;

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the parties hereby agree as follows:

**Section 1. Scope of Use.**

- 1.01. Lease. City hereby agrees to lease to MSPAL the following Premises for the amount of \$1.00 for the sole purpose of operating such Premises in accordance with the terms and conditions set forth herein.

Greenhill Stadium, 4241 Academy Drive, Memphis, TN 38127.

1.02. Space Lease. MSPAL may lease the stadium and parking lot consisting of approximately 695,000 sq. ft. located at 4241 Academy Drive, Memphis, Tennessee. See Exhibit A.

1.03. Public Programs. MSPAL may lease the Premises to produce and conduct programming within its areas of expertise to benefit the citizens of the community in accordance with the terms herein, provided that, such events do no conflict with any other City programming already scheduled or approved by Park Services. MSPAL programming will take place during its established operational dates/times during the week, and a quarterly schedule will be provided to Parks Administration for activities. MSPAL will coordinate for prior approval with Parks Administration for any programs, events or activities that will be held outside of normal operating hours, for confirmation of same.

All activities conducted within the Premises or immediate vicinity shall be governed in accordance with applicable Park Services policies, rules and regulations. MSPAL agrees that all activities will be beneficial to the community and all citizens (youths and/or adults) served, and that all said programs will be focused within the core service areas of Health, Fitness, Wellness, Education and Character Development.

1.04. Background Checks. MSPAL agrees and confirms that it will conduct personnel background checks on its staff and volunteers consistent with state/local guidelines for individuals working in youth educational capacities, and will maintain such records on file. Confirmation of acceptable background checks for all MSPAL personnel and volunteers assigned to the Premises will be provided to the City upon request. The City may request periodic updated background checks on MSPAL personnel and volunteers assigned to the Premises as deemed applicable. The City reserves the right to conduct background checks at its expense.

1.05. Quarterly Reports. MSPAL will provide the City with quarterly reports on its ongoing programmatic activities to include: quarterly attendance reports of youth served (by age and gender); updates on program goals; special programs summary of programs/projects conducted during the reporting quarter; and a program calendar for the following quarters activities. Quarterly reports shall be provided to the Parks Division Director no later than the 10<sup>th</sup> day of the applicable month. Where applicable, parties can define the specific nature and most feasible form for the delivery/submission of the Quarterly Reports.

1.06. No Unlawful Use. MSPAL agrees that no unlawful use or acts shall occur on the Premises during such time that the Premises is leased by MSPAL and that

misconduct on the part of MSPAL shall be grounds for immediate termination of this Agreement.

MSPAL further agrees that no alcoholic beverages, drug paraphernalia or any tobacco brand shall be allowed or used on the Premises, and that such use shall result in the immediate termination of this Agreement and ejection from the Premises.

## **Section 2. Term and Termination.**

2.01. The period of this Agreement shall be for a term of ten (10) years from the date of execution by the Parties to this Agreement, with one (1) additional five (5) year mutual renewal option period (herein referenced as “Option Period”).

2.02. This Agreement shall be terminated upon the expiration of such Term. Notwithstanding the foregoing, either party may terminate this Agreement with cause upon prior written notice. To the extent applicable, this Agreement shall also be terminated in accordance with the provisions set forth herein. The City may terminate this Agreement for convenience upon giving 30 calendar days prior written notice.

## **Section 3. Operational Expenses.**

3.01. MSPAL Responsibilities. MSPAL hereby agrees that it will have sole responsibility for all Premises programming and operating costs for the location herein, to include personnel costs, general materials and supplies. MSPAL shall be responsible for the following costs associated with the use Premises: landscaping, janitorial service and general maintenance. MSPAL will coordinate its Premises access/entry and related operational activities with the City through Park Services. As applicable, subsequent coordination with other City Divisions or specified service providers will be further coordinated through Park Services or as parties may agree in order to ensure the proper and effective functioning of the Premises.

3.02. City Responsibilities. The City has not established any budgeted funds for the operations of the Premises. In the event that maintenance or repairs are needed such as HVAC, roof, and structural maintenance, MSPAL may at its option, provide the funding for the repairs or terminate this agreement. The City may consider, at its option, some portion of major maintenance expenses for the Premises, but does not guarantee such expenses, and has not placed any such expenses in its budget. Any potential expenses desired to be met by the City would be subject to funding availability within the City's budgetary approval process - no said City funding is confirmed or intended to be specified herein.

**Section 4. Indemnity and Insurance. See insurance requirements attached hereto as Exhibit B and incorporated herein as if stated verbatim within the Agreement.**

**Section 5. Miscellaneous Provisions**

5.01. Entire Agreement. This Agreement contains the entire agreement of the Parties hereto and there are no other promises or conditions in any other agreements whether oral or written. This Agreement supersedes any prior written or oral agreements between the Parties pertaining to the subject matter hereof.

5.02. Relationship of Parties. This Agreement does not and shall not be construed to create a partnership or joint venture between the Parties hereto.

5.03. Third Party Beneficiaries. This Agreement does not create any relationship with, or any rights in favor of, any third party.

5.04. Assignment. MSPAL shall not assign or transfer its interest in this Agreement without the prior written consent of the City.

5.05. Amendment. This Agreement may be modified or amended only by a document in writing executed by an authorized representative of the Parties hereto.

5.06. Park Ordinance. Unless providing programming during hours approved through the Division of Park Services, MSPAL agrees to comply with applicable park rules and the City ordinance related to park hours. Park hours shall be from 6:00 am to 6:00 pm from November 1 through March 14 and 6:00 am to 8:00 pm from March 15 through October 31. Given the nature of its programming, MSPAL is exempt from this ordinance during evening programming.

5.07. Nondiscrimination. MSPAL agrees and warrants that no person shall be excluded from participation in or be otherwise subjected to discrimination in MSPAL's use of the Premises or performance of this Agreement on the grounds of disability, race, gender, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional or statutory law, or local ordinances and policies of the City of Memphis. Upon a finding of such discrimination, this Agreement shall be immediately terminated.

5.08. Governing Law. MSPAL is assumed to be familiar with and agrees that at all times it will observe and comply with all federal, state and local laws, ordinances, and regulations applicable to its performance of this Agreement. This Agreement will be interpreted in accordance with the laws of the State of Tennessee. By execution of this Agreement, MSPAL agrees that all actions it might institute against the City, whether sounding in contract or in tort,

relating to the validity, construction, interpretation and enforcement of this Agreement will be instituted and litigated in the Courts of Shelby County, Tennessee, and in no other.

5.09. Force Majeure. The obligations of the parties hereunder are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, acts of God, natural disasters, riots, wars, epidemics, pandemics, or any other similar cause.

5.10. Unenforceability. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a Court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to have been written, construed and enforced as so limited.

5.11. No Waiver. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that Party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

5.12. Captions. The headings and captions contained in this Agreement are for reference purposes only and shall not limit or extend the meaning or terms of any paragraph or section herein contained.

**Exhibit A**

The address for this property is at 4241 Academy Dr., Memphis, TN 38127. The area that MSPAL is responsible for is outlined in the photo.





## **Exhibit B – Insurance Requirements for Lease of Greenhill Stadium**

MSPAL shall not commence any work under this contract until it has obtained and caused its subcontractors to procure and keep in force all insurance required. MSPAL shall require all subcontractors to carry insurance as outlined below, in case they are not protected by the policies carried by MSPAL. MSPAL is required to provide copies of the insurance policies upon request. MSPAL shall furnish the Risk Manager a Certificate of Insurance and/or policies attested by a duly authorized representative of the insurance carrier evidencing that the insurance required hereunder is in effect. All insurance companies must be acceptable to the City of Memphis and licensed in the state of Tennessee with a Best Insurance Rating of A and Class VII or better and authorized to do business in the state where the work is performed.

If any of the Insurance Requirements are non-renewed at the expiration dates, payment to the company may be withheld until those requirements have been met, or at the option of the City. The City may pay the renewal premiums and withhold such payments from any monies due MSPAL.

MSPAL shall indemnify, defend, save and hold harmless the City, its officers, employees, and agents, from and against any and all claims, demands, suits, actions, penalties, damages, settlements, costs, expenses, or other liabilities of any kind and character arising out of or in connection with the breach of this Agreement by MSPAL, its employees, subcontractors, or agents, or any negligent act or omission of MSPAL, its employees, subcontractors, or agents, which occurs pursuant to the performance of this Agreement, and this indemnification shall survive the expiration or earlier termination of this Agreement. The provisions of this paragraph shall not apply to any loss or damage caused solely by the acts, errors, or omissions of the City, its officers, employees and agents. Contracts for third party service providers should include indemnity provisions that protect the City from any liability arising out of MSPAL's loss of City's sensitive information.

Each certificate or policy shall require and state in writing the following clauses:

**Company shall provide notice to the City within three (3) business days following receipt of any notice of cancellation or material change in Company's insurance policy from Company's insurer. Such notice shall be provided to City by registered mail, to the following addresses:**

City of Memphis  
Attn: Risk Management  
170 N. Main St., 5th Floor  
Memphis, TN 38103

City of Memphis  
Attn: Purchasing Agent  
125 North Main, Room 354  
Memphis, TN 38103

The Certificate of Insurance shall state the following: “The City of Memphis, its officials, agents, employees and representatives shall be named as additional insured on all liability policies.” The additional insured endorsements shall be attached to the Certificate of Insurance and the Certificate of Insurance shall also state: “The additional insured endorsement is attached to the Certificate of Insurance.”

Workers Compensation. The Company shall maintain in force Workers’ Compensation coverage in accordance with the Statutory Requirements and Minimum Limits of the State of Tennessee and shall require all subcontractors to do likewise.

|                      |           |                       |
|----------------------|-----------|-----------------------|
| Employer’s Liability | \$100,000 | Each Accident         |
|                      | \$500,000 | Disease-Policy Limit  |
|                      | \$100,000 | Disease-Each Employee |

Automobile Liability. Covering owned, non-owned, and hired vehicles with Minimum Limits of:

|             |  |
|-------------|--|
| \$1,000,000 | Each Occurrence – Combined Single Limits |
|-------------|--|

Commercial General Liability. Commercial General Liability Insurance, including Premises and Operations, Contractual Liability, Independent Contractor’s Liability, and Broad Form Property Damage Liability Coverage with Minimum Limits of:

|             |   |
|-------------|---|
| \$2,000,000 | General Aggregate                                 |
| \$2,000,000 | Products-Completed Operations                     |
| \$1,000,000 | Personal and Advertising Injury                   |
| \$1,000,000 | Each Occurrence (Bodily Injury & Property Damage) |
| \$ 50,000   | Fire Damage any One Fire                          |
| \$ 5,000    | Medical Expense any One Person                    |

General Liability coverage shall also include Liquor Liability coverage with limits of not less than \$1,000,000 per occurrence if any alcoholic beverages are served.

Cyber Liability (“NETWORK SECURITY AND PRIVACY” LIABILITY).

For losses arising out of the following areas:

- Privacy Liability
- Network Security Liability
- Media Liability
- Cyber Extortion
- Privacy Breach Response

Customer Notification Expense  
Credit Monitoring Expense  
Business Interruption  
Regulatory Defense and Penalties including PCI Fines/Penalties if applicable  
Social Engineering

**The Company shall maintain such coverage for at least three (3) years from the termination or expiration of this agreement with minimum limits of:**

\$ 2,000,000 Each Claim / \$2,000,000 Aggregate

UMBRELLA LIABILITY. Minimum limits of:

\$2,000,000 Each Occurrence / \$2,000,000 Aggregate

PROPERTY INSURANCE. The Company shall be responsible for maintaining any and all property insurance on their own equipment and shall require all subcontractors to do likewise. The Company shall require all sub-contractors to carry insurance as outlined above, in case they are not protected by the policies carried by the Company.

The Company is required to provide copies of the insurance policies upon request.

**END OF DOCUMENT - SIGNATURE PAGE NEXT**

**Remainder of Page Left Intentionally Blank**

IN WITNESS WHEREOF, the parties, by and through their duly authorized representatives, have executed this Agreement.

**CITY OF MEMPHIS**

**Memphis Bears Inc.**

By: \_\_\_\_\_

Jim Strickland, Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_

Jennifer Sink, Chief Legal Officer / City Attorney

Attest:

By: \_\_\_\_\_

Comptroller



## City Council Item Routing Sheet

**Division** Memphis Parks      **Committee** Parks & Environment      **Hearing Date** \_\_\_\_\_

**District** 7      **Super District** 8

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Ordinance        | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Grant Acceptance |
| <input type="checkbox"/> Budget Amendment | <input type="checkbox"/> Commendation          | <input type="checkbox"/> Other:           |

**Item Description :**  
 Resolution to amend and extend a lease agreement for the use of Gagliano/Sowell baseball fields at Halle Park with Memphis Boys Athletic Association (MBAA) to add Lausanne Collegiate School (LCS) as a party. The Term of the Agreement shall be extended for ten (10) years which shall commence effective July 1, 2022, and is further subject to renewal for an additional four (4) ten (10) year periods.

**Recommended Council Action:**  
 Approve amendment and extension to lease #25792.

**Status of MWBE planned expenditures funding, if applicable:**  
 N/A

**Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:**  
 The City of Memphis and MBAA entered into a Park Use Agreement on August 13, 2008 for the use of Gagliano/Sowell baseball fields at Halle Park, referred to by the City as Contract No. 25792.

|   |  |
|---|--|
| <p><b>Does this item require city expenditure? No</b></p> <p>\$ <b>Amount</b> <u>0</u></p> <p>\$ <b>Revenue to be received</b> <u>\$0</u></p> | <p><b>Source and Amount of Funds</b></p> <p>\$ <b>Operating Budget</b></p> <p>\$ <b>CIP Project #</b></p> <p>\$ <b>Federal/State/Other</b></p> |
|---|--|

**Approvals**

DocuSigned by:

Director *McK Walker* Date 4/1/2022  
D6C219091023402...

Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

Chief Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

Deputy Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

Chief Legal Officer \_\_\_\_\_ Date \_\_\_\_\_

**Chief Administrative Officer**  
 \_\_\_\_\_ Date \_\_\_\_\_

**Council Committee Chair**  
 \_\_\_\_\_ Date \_\_\_\_\_



## Memphis City Council Summary Sheet

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

Resolution to amend and extend a lease agreement for the use of Gagliano/Sowell baseball fields at Halle Park with Memphis Boys Athletic Association (MBAA) to add Lausanne Collegiate School (LCS) as a party.

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

Memphis Parks

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

Amendment and extension to lease #25792

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

Halle Park is located in Council District 3, Super District 8

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

Amendment and extension to lease #25792

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

This agreement does not require an expenditure of funds for the City of Memphis.

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

MWBE goal is not applicable.



***Resolution amending and extending a Lease  
Agreement between the City of Memphis through its Division of Park  
Services and Memphis Boys Athletic Association (MBAA) for the use of  
Gagliano/Sowell baseball fields at Halle Park.***

**WHEREAS**, the City of Memphis, through its Division of Park Services, owns the Gagliano/Sowell baseball fields at Halle Park located at 2590 Mt Moriah Rd, Memphis, TN 38115; and

**WHEREAS**, the City of Memphis and MBAA entered into a Park Use Agreement on August 13, 2008 for the use of Gagliano/Sowell baseball fields at Halle Park, referred to by the City as Contract No. 25792; and

**WHEREAS**, the City of Memphis shall amend contract #25792 to add Lausanne Collegiate School (LCS) as a party; and

**WHEREAS**, the City of Memphis, through its Division of Park Services, desires to The Term of the Agreement shall be extended for ten (10) years which shall commence effective July 1, 2022, and is further subject to renewal for an additional four (4) ten (10) year periods; and

**WHEREAS**, City of Memphis Ordinance No. 4763, Article 1, Section 23-1(d) requires the Council of the City of Memphis to approve all Lease Agreements to non-municipal entities; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that this Lease Agreement between the City of Memphis and Memphis Boys Athletic Association (MBAA) and Lausanne Collegiate School (LCS) for programming of Gagliano/Sowell baseball fields at Halle Park, as agreed to by the parties, is hereby approved in accordance with the terms set forth therein outlining committed operational, financial and other stipulated criteria as to both parties in the approved Agreement.

**EXTENSION AND AMENDMENT OF CONTRACT NO. 25792  
BETWEEN THE CITY OF MEMPHIS AND  
MEMPHIS BOYS ATHLETIC ASSOCIATION**

**THIS EXTENSION AND AMENDMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Memphis, a Tennessee municipal corporation (hereinafter referred to as "City"), and Memphis Boys Athletic Association (hereinafter referred to as "MBAA"),

**RECITALS:**

1. WHEREAS, the City and MBAA have entered into that certain Park Use Agreement dated August 13, 2009, as amended and extended, referred to by the City as Contract No. 25792 (the "Agreement"), for the use of Halle Park ("Park"); and

2. WHEREAS, the parties now desire to further amend and extend the Agreement as set forth herein.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. This Agreement shall be amended to add Lausanne Collegiate School ("LCS") as a party.

2. SECTION I. PERMITTED USES is hereby amended to read as follows:

1.05 Interaction with Memphis Parks Athletics. Prior to the start of each fiscal year (July 1), MBAA will meet with staff from Memphis Parks to discuss any opportunities for cooperative programming of the Park by all parties.

3. SECTION II. TERM AND TERMINATION is hereby amended to read as follows:

2.01. The Term of the Agreement shall be extended for ten (10) years which shall commence effective July 1, 2022, and is further subject to renewal for an additional four (4) ten (10) year periods, which shall be exercised separately and consecutively upon mutual written approval of the parties.

2.04 Cessation of Any Party. The City may terminate this Agreement should either MBAA or LCS cease to cooperatively operate the Park without prior written approval from the City.



IN WITNESS WHEREOF, the parties, by and through their duly authorized representatives, have executed this **EXTENSION AND AMENDMENT TO CONTRACT NO. 25792 BETWEEN THE CITY OF MEMPHIS, MEMPHIS BOYS ATHLETIC ASSOCIATION AND LAUSANNE COLLEGIATE SCHOOL** as of the date above written.

**CITY OF MEMPHIS**

**MEMPHIS BOYS ATHLETIC ASSOCIATION**

BY: \_\_\_\_\_  
Jim Strickland, Mayor

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**LAUSANNE COLLEGIATE SCHOOL**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

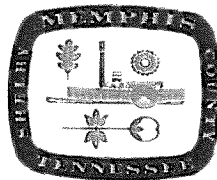
DATE: \_\_\_\_\_

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_  
Jennifer Sink,  
Chief Legal Officer/City Attorney

ATTEST:

\_\_\_\_\_  
Comptroller



## Memphis City Council Summary Sheet

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

Resolution to amend and extend a lease agreement for the use of Gagliano/Sowell baseball fields at Halle Park with Memphis Boys Athletic Association (MBAA) to add Lausanne Collegiate School (LCS) as a party.

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

Memphis Parks

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

Amendment and extension to lease #25792

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

Halle Park is located in Council District 3, Super District 8

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

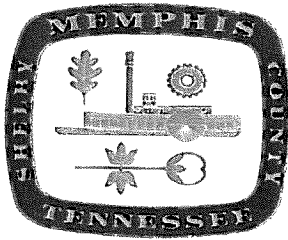
Amendment and extension to lease #25792

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

This agreement does not require an expenditure of funds for the City of Memphis.

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

MWBE goal is not applicable.



**Resolution amending and extending a Lease  
Agreement between the City of Memphis through its Division of Park  
Services and Memphis Boys Athletic Association (MBAA) for the use of  
Gagliano/Sowell baseball fields at Halle Park.**

**WHEREAS**, the City of Memphis, through its Division of Park Services, owns the Gagliano/Sowell baseball fields at Halle Park located at 2590 Mt Moriah Rd, Memphis, TN 38115; and

**WHEREAS**, the City of Memphis and MBAA entered into a Park Use Agreement on August 13, 2008 for the use of Gagliano/Sowell baseball fields at Halle Park, referred to by the City as Contract No. 25792; and

**WHEREAS**, the City of Memphis shall amend contract #25792 to add Lausanne Collegiate School (LCS) as a party; and

**WHEREAS**, the City of Memphis, through its Division of Park Services, desires <sup>that</sup> The Term of the Agreement shall be extended for ten (10) years which shall commence effective July 1, 2022, and is further subject to renewal for an additional four (4) ten (10) year periods; and

**WHEREAS**, City of Memphis Ordinance No. 4763, Article 1, Section 23-1(d) requires the Council of the City of Memphis to approve all Lease Agreements to non-municipal entities; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that this Lease Agreement between the City of Memphis and Memphis Boys Athletic Association (MBAA) and Lausanne Collegiate School (LCS) for programming of Gagliano/Sowell baseball fields at Halle Park, as agreed to by the parties, is hereby approved in accordance with the terms set forth therein outlining committed operational, financial and other stipulated criteria as to both parties in the approved Agreement.

**EXTENSION AND AMENDMENT OF CONTRACT NO. 25792  
BETWEEN THE CITY OF MEMPHIS AND  
MEMPHIS BOYS ATHLETIC ASSOCIATION**

**THIS EXTENSION AND AMENDMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Memphis, a Tennessee municipal corporation (hereinafter referred to as "City"), and Memphis Boys Athletic Association (hereinafter referred to as "MBAA"),

**RECITALS:**

1. WHEREAS, the City and MBAA have entered into that certain Park Use Agreement dated August 13, 2009, as amended and extended, referred to by the City as Contract No. 25792 (the "Agreement"), for the use of Halle Park ("Park"); and

2. WHEREAS, the parties now desire to further amend and extend the Agreement as set forth herein.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. This Agreement shall be amended to add Lausanne Collegiate School ("LCS") as a party.
2. SECTION I. PERMITTED USES is hereby amended to read as follows:  
  
1.05 Interaction with Memphis Parks Athletics. Prior to the start of each fiscal year (July 1), MBAA will meet with staff from Memphis Parks to discuss any opportunities for cooperative programming of the Park by all parties.
3. SECTION II. TERM AND TERMINATION is hereby amended to read as follows:  
  
2.01. The Term of the Agreement shall be extended for ten (10) years which shall commence effective July 1, 2022, and is further subject to renewal for an additional four (4) ten (10) year periods, which shall be exercised separately and consecutively upon mutual written approval of the parties.  
  
2.04 Cessation of Any Party. The City may terminate this Agreement should either MBAA or LCS cease to cooperatively operate the Park without prior written approval from the City.

IN WITNESS WHEREOF, the parties, by and through their duly authorized representatives, have executed this **EXTENSION AND AMENDMENT TO CONTRACT NO. 25792 BETWEEN THE CITY OF MEMPHIS, MEMPHIS BOYS ATHLETIC ASSOCIATION AND LAUSANNE COLLEGIATE SCHOOL** as of the date above written.

**CITY OF MEMPHIS**

**MEMPHIS BOYS ATHLETIC ASSOCIATION**

BY: \_\_\_\_\_  
Jim Strickland, Mayor

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**LAUSANNE COLLEGIATE SCHOOL**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_  
Jennifer Sink,  
Chief Legal Officer/City Attorney

ATTEST:

\_\_\_\_\_  
Comptroller

**ORDINANCE NO:** \_\_\_\_\_

**ORDINANCE AMENDING ORDINANCE NO. 5459 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, SO AS TO MAKE CERTAIN CHANGES WITH REGARD TO PERMITTED DAYS OF OPERATION FOR BREWERIES WITH TASTING ROOMS**

---

**WHEREAS**, the City of Memphis Code of Ordinances was amended in 2012 with the adoption of Ordinance No. 5459 to create regulations for the operation of breweries with tasting rooms; and

**WHEREAS**, these regulations mirrored the distance requirements articulated in the Code for bars, cocktail lounges and other establishments where less than 40% of the gross sales come from food; and

**WHEREAS**, since 2012, these regulations have been interpreted in multiple ways as to whether breweries with tasting rooms should be distanced from the same uses as other establishments with less than 40% of the gross sales are from food; and

**WHEREAS**, since 2012, several breweries with tasting rooms have opened throughout the City, at least two of which are within the more restrictive interpretation of the existing distance regulations; and

**WHEREAS**, the Code requires clarifying language to ensure the true intent of the City Council of the City of Memphis is to establish consistent distance requirements for breweries with tasting rooms.

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

**SECTION 1:**

**THAT**, the City of Memphis Code of Ordinances shall be amended so that breweries with tasting rooms share a consistent distance requirement from places of worship, schools and certain residential zoning districts as other establishments with less than 40% of the gross sales come from food; and

**SECTION 2:**

**THAT**, the City of Memphis Code of Ordinances should further reflect reasonable hours of operation on Sundays for those breweries with tasting rooms within close proximity of places of worship, schools and certain residential zoning districts; and

**SECTION 3:**

**THAT**, Sec. 7-8-25(D)(5) of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, shall be amended in the following manner (proposed language indicated in ***bold, italics, underline***):

If located within a 500-foot radius or 250-foot radius of a church, ***a school or certain enumerated residential zoning districts*** as set forth in section 7-8-11(B) above, shall ***not open to the public on Sundays before 12:00 p.m.*** remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays and shall close to the public each ***Sunday*** Monday through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

and;

**SECTION 4:**

**THAT**, the entirety of Sec. 7-8-25 of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, is attached to this ordinance as Exhibit A; and

**SECTION 5:**

**THAT**, the entirety of Sec. 7-8-11 of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, is attached to this ordinance as Exhibit B.

**ATTEST:**

**CC: Memphis and Shelby County Division of Planning and Development  
City of Memphis Permits Office  
EXHIBIT A, Sec. 7-8-25 of the City of Memphis Code of Ordinances**

**(as numbered by the Municipal Code Corporation as of March 21, 2022; proposed language indicated in *bold, italics, underline*)**

**Sec. 7-8-25. - Caterer's permit.**

Notwithstanding any other provisions of this chapter, or any rule or regulation of the City of Memphis Alcohol Commission to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant as defined in section 9-52-1 of this Code ("brewery"), shall be subject to the following provisions and restrictions:

*A. Legislative intent.* The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage the growth of local business and tourism while protecting the public welfare and morals.

*B. Permit required.* Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the City of Memphis Alcohol Commission in conformity with section 7-8-7 above. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.

*C. On and off premises consumption allowed.* So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.

*D. No food requirement—Restrictions.* No brewery with a tasting room shall be required to serve food, maintain kitchen facilities or conform to any requirement relating to the percentage of sales attributable to food so long as it:

1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises;
2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises;
3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.;
4. Does offer water or other non-alcoholic beverages at no cost to its patrons;



5. If located within a 500-foot radius or 250-foot radius of a church, *a school or certain enumerated residential zoning districts* as set forth in section 7-8-11(B) above, shall *not open to the public on Sundays before 12:00 p.m.* ~~remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays~~ and shall close to the public each *Sunday* ~~Monday~~ through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

(Ord. No. 5490, § 1, 1-22-2013; Ord. No. 5459, § 9, 7-17-2012)

**EXHIBIT B, Sec. 7-8-11 of the City of Memphis Code of Ordinances  
(as numbered by the Municipal Code Corporation as of March 21, 2022)**

**Sec. 7-8-11. - General restrictions on issuance.**

A. No license shall be issued to sell any beverage coming within the provisions of this chapter:

1. In violation of any provision of state law;
2. In violation of the Unified Development Code;
3. Where such sale will cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the alcohol commission on such matters shall be final, except as same is subject to review at law;
4. Unless it is necessary for the accommodation of the public that such place should be licensed, and the judgment of the alcohol commission on such matters shall be final except as same is subject to review at law; provided, however, that nothing herein contained shall prevent the issuance of a license for the sale of beer upon private property next and adjacent to regularly licensed and operated sandwich shops, eating houses or restaurants, or to prevent the sale of beer for consumption in automobiles or other vehicles parked upon such premises; provided that, such beverages shall be consumed while such automobiles are parked upon such premises, but no beer or such beverages shall be served or consumed while such automobiles are parked upon a public street, alley or other public place.

B. Where the sale shall be for on-premise, and food sales shall consist of less than 40 percent of gross sales, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets as defined further herein) or not less than within a 250-foot radius in any other direction from the property line of any single-family or duplex residential property zoned R-15, R-10, R-8, R-6, R-3, or RU-1, any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor) or school (defined as fully accredited public, private, or parochial school for grades one through 12 or any other division of such grades). The 500 feet shall be measured from a point in the center line of the public or private street adjacent to the threshold (private street being defined to be a private passageway for vehicles in a multi-establishment commercial area of at least two acres in size) on which the beer establishment fronts, such point being directly opposite the center of the threshold of the wall of the establishment if the threshold faces the street and if not, then at the midpoint of the establishment building; thence along the intersecting street or streets to a point on the center line of the street opposite the nearest point to the property line of the residence, church or school. Such 250-foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such residence, church, or school, it being the intent of the restriction that no part of the property of such residence, church or school shall be within a radius of 250 feet from the point in the center of the threshold herein shall apply only to beer establishment locations after the effective date of this section. Further, T.C.A. § 57-5-103(5) states "a business can sell beer for both on-premises and off premises consumption at the

same location pursuant to one (1) permit." Where the business establishment does not meet the distance requirements set above, percentage of food sales notwithstanding, sale of more than two 16-ounce sealed containers, for off-premise consumption, per customer is not permitted per this section. This section shall not prohibit the sale and transfer of the assets, goodwill, equipment and fixtures of any on-going business to a new owner to continue the operation of such business, however, such new owner must comply with all the provisions of this section.

C. Where the sale shall be for off-premises consumption, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets and such measurement is defined further herein by reference to subsection B above) or not less than within a 250-foot radius in any other direction from the property line of any residential property zoned R-E, R-15, R-10, R-8, R-6, R-3 or RU-1, any church (as defined in subsection B above) or school (as defined in subsection B above) except establishments located along interstate, U.S. and state highways. Said 500 feet and 250-foot radius restrictions shall be measured in the same manner as that set out in subsection B above with regard to on-premise sales. This location restriction is intended to and shall apply only to new beer establishment locations that make application for off-premises sales after the effective date of this subsection. This location restriction shall apply to any existing beer establishment location licensed for off-premises sales that ceases to sell, distribute or manufacture beer at that location during any continuous six-month period after the effective date of this subsection. The distance requirements of this paragraph do not apply to an establishment where less than ten percent of its gross sales consists of alcohol sales.

D. The location restriction (as defined in subsection C of this section) shall not apply to a qualified "retail food store wine license" applicant, that as of December 31, 2015, holds any off-premises beer permit, or upon application for a retail food store wine license, qualifies for any off-premises beer sales permit under chapter 7-8, article 2.

(Code 1967, § 5-86; Code 1985, § 4-71; Ord. No. 117, § 1, 2-20-1968; Ord. No. 3246, § 1, 11-9-1982; Ord. No. 5000, 5-20-2003; Ord. No. 5134, § 1, 2005; Ord. No. 5223, § 1, 2007; Ord. No. 5343, 1-26-2010; Ord. No. 5615, § 3, 5-3-2016; Ord. No. 5459, §§ 6, 7, 7-17-2012)



## Memphis City Council Summary Sheet

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

A Resolution approving the sale of a City owned property known as 0 North Hollywood Street Memphis, TN 38108, Parcel 042050 00031.

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

General Services

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

N/A

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

District 7/ Super District 8

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

N/A

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

N/A

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

N/A



City Council Resolution

**A Resolution requesting the approval for the sale of a City owned parcel located at 0 North Hollywood, Memphis, Shelby County, Tennessee and further described as Parcel ID # 042050 00031**

**Whereas** an adjoining property owner, John Perkins, has submitted an offer of Two Thousand Two Hundred Twenty-Five Dollars (\$2,225.00) for the Parcel along with a Two Hundred Twenty-Five Dollar (\$225.00) Earnest Money deposit to the City of Memphis Real Estate Center; and

**Whereas** the sale of City owned parcels will increase the General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

**Whereas** it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that this request be considered subject to terms and conditions set forth in the Offer to Purchase and City Ordinance 2-291-1(A);

**Now, therefore be it resolved** by the Council of the City of Memphis that the offer submitted by John Perkins, an adjoining property owner, on the above described Parcel is hereby accepted subject to City Ordinance 2-291-1-1(A), which states in part, "The city real estate manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal."

**Be it further resolved**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.





Shelandra Y. Ford  
Shelby County Register of Deeds

MEMPHIS CITY OF HOUSING AND  
COMM DEV

Owner:

Parcel Address: 0 N HOLLYWOOD ST

Parcel ID: 042050 00031

2022 Appraisal: \$3,500

Tax District: MEMPHIS

Year Built:

Lot Number: 3 & 4

Subdivision: VANDALE BLK 2

Plat BK & PG: 7-55

Dimensions: 40 X 116.29/116.18

Total Acres: 0.106

Owner Address: 125 N MAIN ST

MEMPHIS TN

38103 2026

Map prepared on 2/8/2022





## Memphis City Council Summary Sheet

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

This is a Resolution requesting the approval for the sale of a City owned parcel located at 1617 Sydney Street (38108) in Memphis, Shelby County, Tennessee and further described as Parcel ID# 043023 00324.

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

General Services

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

This is not a change to an existing ordinance or resolution.

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

Council District 7 and Super District 8

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

This item does not require a new contract or amend an existing contract.

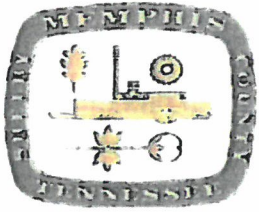
### 6. State whether this requires an expenditure of funds/requires a budget amendment

This does not require expenditure of funds nor a budget amendment.

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

N/A





City Council Resolution

**A Resolution requesting the approval for the sale of a City owned parcel located at 1617 Sydney Street (38108), Shelby County, Tennessee and further described as Parcel ID# 043023 00324.**

**Whereas** the City of Memphis has ownership of certain real property located at: 1617 Sydney Street in Memphis, Shelby County Tennessee, identified by the Shelby County Register of Deeds Office as Parcel ID #043023 00324; and

**WHEREAS**, Whitney C. Wiggins and Julius W. Thomas desire to purchase Parcel ID #043023 00324 and have submitted an offer of \$3,500.00 based upon comparable sales and approval by the City's Real Estate Manager; and

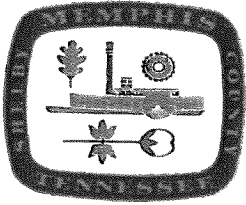
**Whereas** the sale of City owned parcels will increase the General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

**Whereas** it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that this request be considered subject to terms and conditions set forth in the Offer to Purchase and City Ordinance 2-291-1(A);

**Now, therefore be it resolved** by the Council of the City of Memphis that the offer submitted by Whitney C. Wiggins and Julius W. Thomas on the above described Parcel is hereby accepted subject to City Ordinance 2-291-1(A), which states in part, "The city real estate manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal."

**Be it further resolved**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.





Council Resolution

**A Resolution approving the sale of a city-owned property located at 1200 N. Parkway Avenue, Memphis, TN 38104, formerly known as the Frame Shop, Parcel ID# 021098 00016 Memphis, TN 38104**

**WHEREAS**, the City of Memphis owns the property located at 1200 N. Parkway Avenue, Memphis, TN 38104 ("The Property") and is further identified by Shelby County Tax Assessor as Parcel # 021098 00016 containing 0.282 acres, more or less;

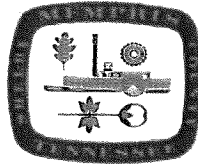
**WHEREAS**, the property was advertised on the open Real Estate Market where Yari Management submitted an offer of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) along with an earnest money deposit of One Thousand Dollars (\$1,000.00) to the City of Memphis Real Estate Office;

**WHEREAS**, the sale of the subject Property will increase the City's general fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of the City of Memphis and County of Shelby that this request be considered subject to the terms and conditions set forth in the Offer to Purchase and in City Ordinance 5637;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that the offer made by Yari Management on the above-described property is hereby accepted subject to the City Ordinance 5637, Amendment to section 2-26-3(C) which states in part, "In the event any parks, properties or facilities under the control and jurisdiction of the division of Park Services are sold, taken through proceedings in eminent domain or otherwise diverted from the use as park land, the City shall be paid a fair market value for the properties or facilities, together with such incidental damages as are allowed by law, and such funds shall be used for the purchase of additional park lands and for no other purpose."

**BE IT FURTHER RESOLVED**, that subject to the Ordinance, the City of Memphis Real Estate Office shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



## Memphis City Council Summary Sheet

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

A Resolution approving the sale of a city-owned property located at 1200 N. Parkway Avenue, Memphis, TN 38104, formerly known as the Frame Shop, Parcel ID# 02109800016 Memphis, TN 38104

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

General Service

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

This is not a change to an existing ordinance or resolution.

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

Council District 7 and Super District 8

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

N/A

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

This does not require expenditure of funds nor a budget amendment.

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

N/A

P124



### City Council Item Routing Sheet

Division GS Committee PW,Trans, GS Hearing Date 4-19-2022

District ALL Super District ALL

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:

Item Description :  
 A Resolution transferring \$500,000 of Contract Construction allocations and appropriations from CIP GS21102 – Electrical Major Mod to project CIP GS21104 – Major Mod – HVAC Contract Construction.

---

Recommended Council Action:  
 Council Approval

---

Status of MWBE planned expenditures funding, if applicable:  
 N/A

---

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:

|  |   |
|--|---|
| <p><b>Does this item require city expenditure? No</b></p> <p>\$ Amount <u>\$500,000</u></p> <p>\$ Revenue to be received _____</p> | <p><b>Source and Amount of Funds</b></p> <p>\$ Operating Budget</p> <p>\$ CIP Project #</p> <p>\$ Federal/State/Other</p> |
|--|---|

#### Approvals

Director \_\_\_\_\_ Date \_\_\_\_\_

Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

Chief Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

Deputy Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

Chief Legal Officer \_\_\_\_\_ Date \_\_\_\_\_

#### Chief Administrative Officer

\_\_\_\_\_ Date \_\_\_\_\_

#### Council Committee Chair

\_\_\_\_\_ Date \_\_\_\_\_



## Memphis City Council Summary Sheet

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

*A Resolution transferring \$500,000 of Contract Construction allocations and appropriations from CIP GS21102 – Electrical Major Mod to CIP GS21104 – HVAC Major Mod Contract Construction.*

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

*General Services*

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

*Does not change an existing ordinance*

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

*All*

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

*Amends existing construction contract*

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

*A budget amendment is needed to transfer allocated and appropriated funds to CIP GS21104 – Major Mod HVAC construction project.*

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

*N/A*

City Council Resolution – Transferring Allocated and Appropriated funds to Construction – CIP GS21104 – Major Mod – HVAC



A Resolution transferring allocations and appropriations from nearly completed General Services project to CIP GS21104 – Major Mod - HVAC

**WHEREAS**, for the betterment of the community, it is the Administration’s objective to complete new projects that are ready for construction and/or for continued improvement in a timely manner; and

**WHEREAS**, General Services has new and existing projects that have completed their design phase and are ready for construction and/or continued improvement; and

**WHEREAS**, CIP Project GS21104 – Major Mod HVAC is one such project, ready to be completed but in need of additional funding due to unforeseen costs of approximately \$500,000; and

**WHEREAS**, General Services has identified CIP Project GS21102 – Major Mod Electrical with available funds to cover this shortfall; and

**WHEREAS**, it is necessary to transfer allocations and appropriations totaling \$500,000 from the identified project to CIP Project GS21104 – Major Mod HVAC.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby transferred Construction allocations and appropriations totaling \$500,000 from the following project:

|   |                  |
|---|------------------|
| <b>GS21102 – FY’21 Major Mod (Electrical)</b> | <b>\$500,000</b> |
| <b>Total</b>                                  | <b>\$500,000</b> |

to Contract Construction funded by G O Bonds – General in CIP Project #GS21104 – Major Mod – HVAC and credited as follows:

|                        |                      |
|------------------------|----------------------|
| <b>Project Title:</b>  | CIP Major Mod – HVAC |
| <b>Project Number:</b> | GS21104              |
| <b>Amount:</b>         | \$500,000            |



ALLOCATION  
 APPROPRIATION

**CITY OF MEMPHIS  
 CAPITAL IMPROVEMENT BUDGET  
 REQUEST FOR COUNCIL TRANSFER**

**DIVISION:** General Services **DATE:** 03/23/22  
**PROJECT:** From- FY21 GS21102 - Major Mod - Electrical  
 To- FY21 GS21104 - Major Mod - HVAC  
**INITIATED BY:** Aleasa Rankin **TITLE:** GS Finance Administrator

Finance Office Only  
 Fiscal Month  
 Fund 0400 Trans. No. P124a

**REVENUE**

| FROM | Award<br>(Approp. Only) | Resource | CIP Project | AMOUNT     |              |
|------|-------------------------|----------|-------------|------------|--------------|
|      |                         |          |             | FROM       | TO           |
|      | 11009                   | GO Bonds | GS21102     | 500,000.00 |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
| TO   | 11009                   | GO Bonds | GS21104     |            | \$500,000.00 |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |
|      |                         |          |             |            |              |

**EXPENDITURES**

| FROM | Award<br>(Approp. Only) | EXPENDITURES          | CIP Project | AMOUNT     |            |
|------|-------------------------|-----------------------|-------------|------------|------------|
|      |                         |                       |             | FROM       | TO         |
|      | 11009                   | Contract Construction | GS21102     | 500,000.00 |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
| TO   | 11009                   | Contract Construction | GS21104     |            | 500,000.00 |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |
|      |                         |                       |             |            |            |

500,000.00

**Justification:** Reallocating funds from CIP GS21102 - Major Mod Electrical to CIP GS21104 - Major Mod HVAC contract construction line.

**Approved:** \_\_\_\_\_  
 Division Director

**FOR TRANSFER:** RKW \_\_\_\_\_  
 Budget Manager/Comptroller/Deputy Comptroller      **DATE**

**Finance Only**  
**EFFECTIVE DATE**  
 / /

**APPROVED:** \_\_\_\_\_  
 Chief Financial Officer      **DATE**

**CITY OF MEMPHIS  
CAPITAL IMPROVEMENT BUDGET  
REQUEST FOR APPROPRIATION**

**DIVISION:** General Services  
**PROJECT: From-** FY21 GS21102 - Major Mod - Electrical  
**To-** FY21 GS21104 - Major Mod - HVAC  
**INITIATED BY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_  
**TITLE:** \_\_\_\_\_

Finance Office Only

| Fund | Fiscal Month | Trans. No. |
|------|--------------|------------|
| 0400 |              | P1246      |

**REVENUE**

| Award<br>(Approp. Only) | Resource | CIP Project | AMOUNT          |  |
|-------------------------|----------|-------------|-----------------|--|
|                         |          |             | Revenue         |  |
| 11009                   | GO Bonds | GS21104 ✓   | \$ 500,000.00 ✓ |  |
|                         |          |             |                 |  |
|                         |          |             |                 |  |
|                         |          |             |                 |  |
|                         |          |             |                 |  |
|                         |          |             |                 |  |
|                         |          |             |                 |  |
|                         |          |             |                 |  |

**EXPENSE**

| Award<br>(Approp. Only) | Resource              | CIP Project | AMOUNT        |                 |
|-------------------------|-----------------------|-------------|---------------|-----------------|
|                         |                       |             | Expense       |                 |
| 11009                   | Contract Construction | GS21104 ✓   |               | \$ 500,000.00 ✓ |
| 11009                   | 0                     | 0           |               | 0.00            |
|                         |                       |             |               |                 |
|                         |                       |             |               |                 |
|                         |                       |             |               |                 |
|                         |                       |             |               |                 |
|                         |                       |             |               |                 |
|                         |                       |             |               |                 |
|                         |                       |             | \$ 500,000.00 | \$ 500,000.00   |

**COMMENTS:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**FUNDS AVAILABLE FOR TRANSFER:** *RW*

Division Director DATE

Budget Manager/Comptroller/Deputy Comptroller Date

**APPROVED:** \_\_\_\_\_  
 Chief Financial Officer Date

Report Date: Thursday, April 7 2022  
 Capital Project Report  
 CMEM Capital Project Report (MGR)  
 For the Period Ending: March 31, 2022  
 Project Status:

| General Services                 |  | Project Status: APPROVED |                      |                  |              |                        |                             |                            |
|----------------------------------|--|--------------------------|----------------------|------------------|--------------|------------------------|-----------------------------|----------------------------|
| GS21102 FY21 Major Mod- Electric |  | Current Allocations      | Total Appropriations | Current Mth Cost | Project Cost | Encumbered Commitments | Unencumbered Appropriations | Unappropriated Allocations |
| Awards                           |  |                          |                      |                  |              |                        |                             |                            |
| 11009                            |  | 0                        | 942,022              | 26,685           | 145,770      | 143,272                | 652,980                     | 0                          |
| Total Awards                     |  | 0                        | 942,022              | 26,685           | 145,770      | 143,272                | 652,980                     | 0                          |
| Funding Sources                  |  |                          |                      |                  |              |                        |                             |                            |
| General Obligation Bonds         |  | 942,022                  | 942,022              | 26,685           | 145,770      | 143,272                | 652,980                     | 0                          |
| Total Funding Sources            |  | 942,022                  | 942,022              | 26,685           | 145,770      | 143,272                | 652,980                     | 0                          |
| Planning                         |  |                          |                      |                  |              |                        |                             |                            |
| Architecture and Engineering     |  | 93,138                   | 93,138               | 2,213            | 52,363       | 6,638                  | 34,138                      | 0                          |
| Total Planning                   |  | 93,138                   | 93,138               | 2,213            | 52,363       | 6,638                  | 34,138                      | 0                          |
| Construction                     |  |                          |                      |                  |              |                        |                             |                            |
| Contract Construction            |  | 848,884                  | 848,884              | 24,472           | 93,407       | 136,920                | 618,557                     | 0                          |
| Total Construction               |  | 848,884                  | 848,884              | 24,472           | 93,407       | 136,920                | 618,557                     | 0                          |
| Total Project Costs:             |  | 942,022                  | 942,022              | 26,685           | 145,770      | 143,557                | 652,695                     | 0                          |
| Net Funding & Costs:             |  | 0                        | 0                    | 0                | 0            | <285>                  | 285                         | 0                          |



Capital Project Report  
 MEM Capital Project Report (MGR)  
 For the Period Ending: March 31, 2022

Report Date: Thursday, April 7 2022

Project Status:

General Services

GS21104 FY21 Major Mod- HVAC

Project Status: APPROVED

| Description                  | Current Allocations | Total Appropriations | Current Mth Cost | Project Cost | Encumbered Commitments | Unencumbered Appropriations | Unappropriated Allocations |
|------------------------------|---------------------|----------------------|------------------|--------------|------------------------|-----------------------------|----------------------------|
| Awards                       |                     |                      |                  |              |                        |                             |                            |
| 11009                        | 0                   | 1,386,978            | 3,695            | 284,797      | 1,033,317              | 68,864                      | 0                          |
| Total Awards                 | 0                   | 1,386,978            | 3,695            | 284,797      | 1,033,317              | 68,864                      | 0                          |
| Funding Sources              |                     |                      |                  |              |                        |                             |                            |
| General Obligation Bonds     | 1,386,978           | 1,386,978            | 3,695            | 284,797      | 1,033,317              | 68,864                      | 0                          |
| Total Funding Sources        | 1,386,978           | 1,386,978            | 3,695            | 284,797      | 1,033,317              | 68,864                      | 0                          |
| Planning                     |                     |                      |                  |              |                        |                             |                            |
| Architecture and Engineering | 137,880             | 137,880              | 0                | 83,491       | 1,000                  | 53,389                      | 0                          |
| Total Planning               | 137,880             | 137,880              | 0                | 83,491       | 1,000                  | 53,389                      | 0                          |
| Construction                 |                     |                      |                  |              |                        |                             |                            |
| Contract Construction        | 1,249,098           | 1,249,098            | 3,695            | 201,306      | 1,032,317              | 15,475                      | 0                          |
| Total Construction           | 1,249,098           | 1,249,098            | 3,695            | 201,306      | 1,032,317              | 15,475                      | 0                          |
| Total Project Costs:         | 1,386,978           | 1,386,978            | 3,695            | 284,797      | 1,033,317              | 68,864                      | 0                          |
| Net Funding & Costs:         | 0                   | 0                    | 0                | 0            | 0                      | 0                           | 0                          |



## Memphis City Council Summary Sheet

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

*A Resolution transferring \$1,562,315 of allocations and appropriations from CIP GS01010 – ADA Facility Compliance to CIP GS01049 – Coke Facility – Adaptive Reuse Contract Construction.*

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

*General Services*

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

*Does not change an existing ordinance*

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

*District 4, Super District 8*

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

*Amends existing construction contract*

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

*A budget amendment is needed to transfer allocated and appropriated funds to CIP GS01049 – Coke Facility – Adaptive Reuse construction project.*

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

*N/A*

City Council Resolution – Transferring Allocated and Appropriated funds to Construction – CIP GS01049 – GS – Coke Facility – Adaptive Reuse



A Resolution transferring allocations and appropriations from completed General Services project to CIP GS01049 – Coke Facility – Adaptive Reuse.

**WHEREAS**, for the betterment of the community, it is the Administration’s objective to complete new projects that are ready for construction and/or for continued improvement in a timely manner; and

**WHEREAS**, General Services has new and existing projects that have completed their design phase and ready for construction and/or continued improvement; and

**WHEREAS**, CIP Project GS01049 – Coke Facility – Adaptive Reuse is one such project, ready to be completed but in need of additional funding due to unforeseen costs of approximately \$1,562,315; and

**WHEREAS**, General Services has identified CIP Project GS01010 – ADA Facility Compliance with available funds to cover this shortfall; and

**WHEREAS**, it is necessary to transfer allocations and appropriations totaling \$1,562,315 from the identified project to CIP Project GS01049 – Coke Facility – Adaptive Reuse.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby transferred allocations and appropriations totaling \$1,562,315 from the following project:

|  |                    |
|--|--------------------|
| <b>GS01010 – ADA Facility Compliance</b> | <b>\$1,562,315</b> |
| <b>Total</b>                             | <b>\$1,562,315</b> |

to Contract Construction funded by G O Bonds – General in CIP Project #GS01049 – Coke Facility – Adaptive Reuse and credited as follows:

|                        |                                    |
|------------------------|------------------------------------|
| <b>Project Title:</b>  | CIP Coke Facility – Adaptive Reuse |
| <b>Project Number:</b> | GS01049                            |
| <b>Amount:</b>         | \$1,562,315                        |

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: April 5, 2022**

**DATE**

**PUBLIC SESSION: April 5, 2022**

**DATE**

**ITEM (CHECK ONE)**

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

OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution reversing the decision of the Land Use Control Board to reject a major modification application

**CASE NUMBER:** MJR 21-45 (PD 94-356 CORRES.)

**DEVELOPMENT:** Tournament Trails Center

**LOCATION:** 3581 Tournament Dr. S. and two adjacent parcels

**COUNCIL DISTRICTS:** District 2 and Super District 9

**APPELLANT:** Cindy Reaves on behalf of Ari Investments, LLC

**EXISTING ZONING:** Conservation Agriculture within PD 94-356

**REQUEST:** Appeal to permit an apartment complex

**AREA:** 17.8 acres

**LUCB ACTION:** The Land Use Control Board voted to *reject* the original item.

**COUNCIL ACTION:** **Public Hearing Required**  
 First reading to set public hearing – March 15, 2022  
 Second reading/public hearing – April 5, 2022

**PRIOR ACTION ON ITEM:**

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

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

**ADMINISTRATIVE APPROVAL:**

**DATE**

**POSITION**

|       |       |                           |
|-------|-------|---------------------------|
| _____ | _____ | MUNICIPAL PLANNER         |
| _____ | _____ | DEPUTY ADMINISTRATOR      |
| _____ | _____ | ADMINISTRATOR             |
| _____ | _____ | DIRECTOR (JOINT APPROVAL) |
| _____ | _____ | COMPTROLLER               |
| _____ | _____ | FINANCE DIRECTOR          |
| _____ | _____ | CITY ATTORNEY             |

\_\_\_\_\_ **CHIEF ADMINISTRATIVE OFFICER**

\_\_\_\_\_ **COMMITTEE CHAIRMAN**



5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
info@SRCE-memphis.com

February 23, 2022

Brett Ragsdale  
Office of Planning and Development  
125 N. Main Street  
Memphis, TN 38103

Dear Brett;

Please accept our notice of appeal for the rejection of a Major Modification MJR 21-45 to add Apartment uses to the Tournament Trail Planned Development PD 94-356. We agree with staff and feel this site is appropriate for apartments. The original Planned Development allows office and a restaurant which we feel is not going to happen in this area, especially since the pandemic has decreased the need for massive office space. An upscale apartment complex here would allow a use we feel is compatible with the area. The property has been on the market since 2000 and has not had any plans before the Land Use Control Board for consideration.

Our concept plan and elevation examples we provided work well with the adjacent Southwind Neighborhood and we tried to work with the neighborhood. We will be completing the improvements to Tournament Trail Drive and will only have emergency access to Tournament Trail Drive so we will not be increasing the traffic for their neighborhood. We are proposing the natural area will remain and the buildings will be setback no further than the adjacent 3 story office building to the west. The natural area and lakes on this land will also be a wonderful amenity to the community. We oriented the buildings on the northeast end to have the end of the units and not the back of several units facing Southwind. We have been very sensitive to their comments. We all agree office will not happen here.

We request the City Council to allow this use and require Site Plan Approval to come back for approval after the zoning entitlements are in place.

Thank you for your assistance in getting this on the City Council agenda.

Sincerely,

A handwritten signature in blue ink that reads 'Cindy'.

Cindy J. Reaves

CC: Brett Davis



## Memphis City Council Summary Sheet

### ***Tournament Trails Center Planned Development MJR 21-45 (PD 94-356 CORRES.)***

Resolution approving an appeal and reversing the Land Use Control Board's decision to reject a request for a major modification to the above-referenced planned development to permit an apartment complex at 3581 Tournament Dr. S. and two adjacent parcels:

- The Land Use Control Board held a public hearing on February 10, 2022, and rejected the aforementioned request;
- An appeal of the Land Use Control Board's decision was filed on February 23, 2022, by Cindy Reaves on behalf of Ari-Investments, LLC, requesting the Council reverse said decision;
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.



**RESOLUTION APPROVING CINDY REAVES' APPEAL ON BEHALF OF ARI-INVESTMENTS, LLC, AND REVERSING THE DECISION OF THE MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD TO REJECT A MAJOR MODIFICATION TO THE TOURNAMENT TRAILS CENTER PLANNED DEVELOPMENT TO PERMIT AN APARTMENT COMPLEX AT 3581 TOURNAMENT DR. S. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER MJR 21-45 (PD 94-356 CORRES.).**

---

**WHEREAS**, Cindy Reaves of SR Consulting, LLC, representing Ari-Investments, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development requesting a major modification (MJR 21-45) to the Tournament Trails Center Planned Development (PD 94-356) to permit an apartment complex at 3581 Tournament Dr. S. and two adjacent parcels; and

**WHEREAS**, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards of the Memphis and Shelby County Unified Development Code and submitted its findings and recommendation to the Memphis and Shelby County Land Use Control Board; and

**WHEREAS**, a public hearing regarding said request was held before the Memphis and Shelby County Land Use Control Board on February 10, 2022, and said Board rejected the applicant's request; and

**WHEREAS**, Ms. Reaves filed an appeal on February 23, 2022, with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis reverse the action of the Memphis and Shelby County Land Use Control Board; and

**WHEREAS**, the Council has reviewed said appeal pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii), has held a public hearing, and has determined that said appeal is consistent with the Memphis 3.0 Comprehensive Plan and the standards of the Unified Development Code; and

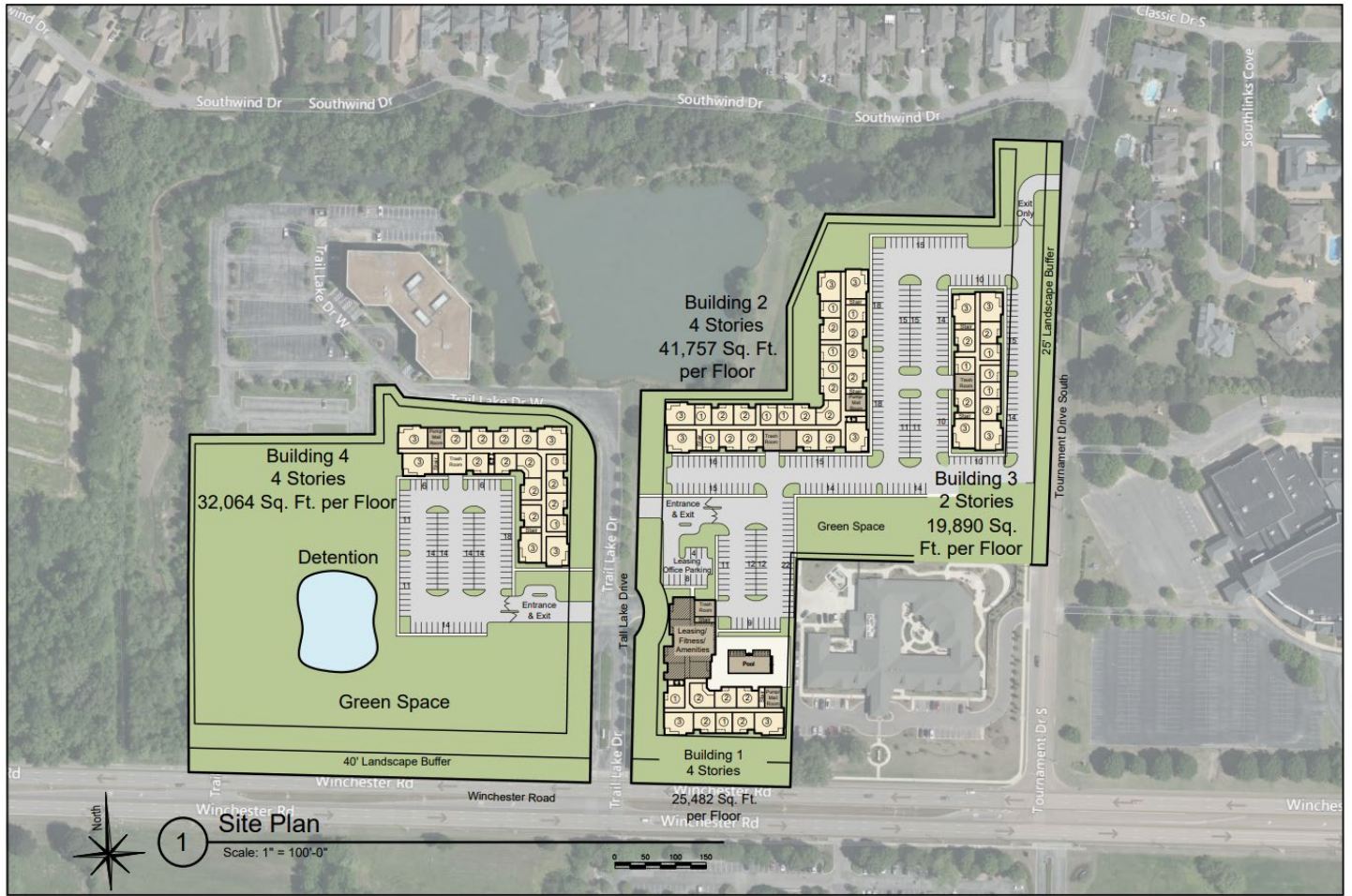
**WHEREAS**, upon evidence presented at this public hearing by the appellant, the Council concludes said appeal should be granted.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Ms. Reaves' appeal on behalf of Ari-Investments, LLC, is granted and the action of the Memphis and Shelby County Land Use Control Board on February 10, 2022, is reversed; and "restaurant" may be traded out for "apartment" as a permitted use in both Areas A and B, per UDC 9.6.11E(2)(e).

**BE IT FURTHER RESOLVED**, that this resolution shall take effect from and after the date it was enacted according to due process of law by virtue of its passage by the Council.

**BE IT FURTHER RESOLVED**, that the requirements of Chapter 9.6 of the Unified Development Code shall be deemed to have been complied with; that the owner may re-record the outline plan in accordance with this resolution and the provisions of Section 9.6.11 of the Unified Development Code; and that said re-recorded outline plan shall bind the owner, mortgagee, if any, and the Council with respect to the contents of said plan.

# CONCEPTUAL SITE PLAN



| Total Site Data:            |                       |
|-----------------------------|-----------------------|
| Number of bedrooms per unit | Shown number of units |
| 1 Bedroom                   | 87 32%                |
| 2 Bedrooms                  | 136 51%               |
| 3 Bedrooms                  | 56 17%                |
| <b>Total Units</b>          | <b>279 100%</b>       |

**Ari Investment**  
**The Tournament at Germantown**  
 Memphis, Tennessee  
 Shapiro & Company Architects, p.c.  
 December 10, 2021

*Please note that this conceptual site plan is non-binding and has not been reviewed by staff. The site plan will be subject to Land Use Control Board conditional approval at a future/separate public hearing.*

**ATTEST:**

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



## **LAND USE CONTROL BOARD ACTION**

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

**CASE NUMBER:** MJR 21-45 (PD 94-356 CORRES.)

**LOCATION:** 3581 Tournament Dr. S. and two adjacent parcels

**COUNCIL DISTRICT(S):** District 2 and Super District 9

**OWNER:** Holiday Inn – Birmingham Airport

**APPLICANT:** Ari-Investments, LLC

**REPRESENTATIVE:** Cindy Reaves of SR Consulting, LLC

**REQUEST:** Major modification to permit an apartment complex

**EXISTING ZONING:** Conservation Agriculture within PD 94-356

**AREA:** 17.8 acres

---

**The following spoke in support of the application:** Cindy Reaves and Priyank Shah

**The following spoke in opposition to the application:** Jesse Baker and Michael Smith

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

**The motion failed by a vote of 0-9 on the regular agenda.**

AGENDA ITEM: 1

**CASE NUMBER:** MJR 21-45 (PD 94-356 CORRES.)      **L.U.C.B. MEETING:** 10 February 2022

**DEVELOPMENT:** Tournament Trails Center

**LOCATION:** 3581 Tournament Dr. S. and two adjacent parcels

**OWNER:** Holiday Inn – Birmingham Airport

**APPLICANT:** Ari-Investments, LLC

**REPRESENTATIVE:** Cindy Reaves of SR Consulting, LLC

**REQUEST:** Major modification to permit an apartment complex  
*Note: If approved, the apartment complex site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing.*

**AREA:** 17.8 acres

**EXISTING ZONING:** Conservation Agriculture within PD 94-356

## CONCLUSIONS (p. 13)

1. Ari-Investments, LLC, has requested a major modification to permit an apartment complex on three parcels within the Tournament Trails Center P.D., which is currently zoned for office and restaurant uses.
2. Technically, the means to this end are to trade out ‘restaurant’ for ‘apartment’ as a permitted use in both Areas A and B, per UDC 9.6.11E(2)(e).
3. If approved, the site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing.
4. Staff finds that the proposal is consistent with the Memphis 3.0 Comprehensive Plan as well as nearby land uses, and that it would not result in undue injury to the surrounding area. That said, staff notes that 96 letters of opposition were received from the north-adjacent Southwind gated community within unincorporated Shelby County, whose concerns relate largely to crime, traffic, noise, and drainage.

## CONSISTENCY WITH MEMPHIS 3.0 (pp. 17-18)

This proposal is **consistent** with the Memphis 3.0 Comprehensive Plan, per the Dept. of Comprehensive Planning.

## RECOMMENDATION (p. 13)

*Approval*

**GENERAL INFORMATION**

|                         |                   |                      |                       |
|-------------------------|-------------------|----------------------|-----------------------|
| <b>Street Frontage:</b> | Winchester Rd.    | (Principal Arterial) | 595 + 257 linear feet |
|                         | Tournament Dr. S. | (local street)       | 678 linear feet       |

*Note: The three parcels also all have frontage on Trail Lake Dr. and Terrace Lake Dr., both of which are private streets.*

**Zoning Atlas Page:** 2355

**Parcel ID:** 081093 00006, 081093 00007, and 081093 00204

**Existing Zoning:** Conservation Agriculture within PD 94-356

**PUBLIC NOTICE**

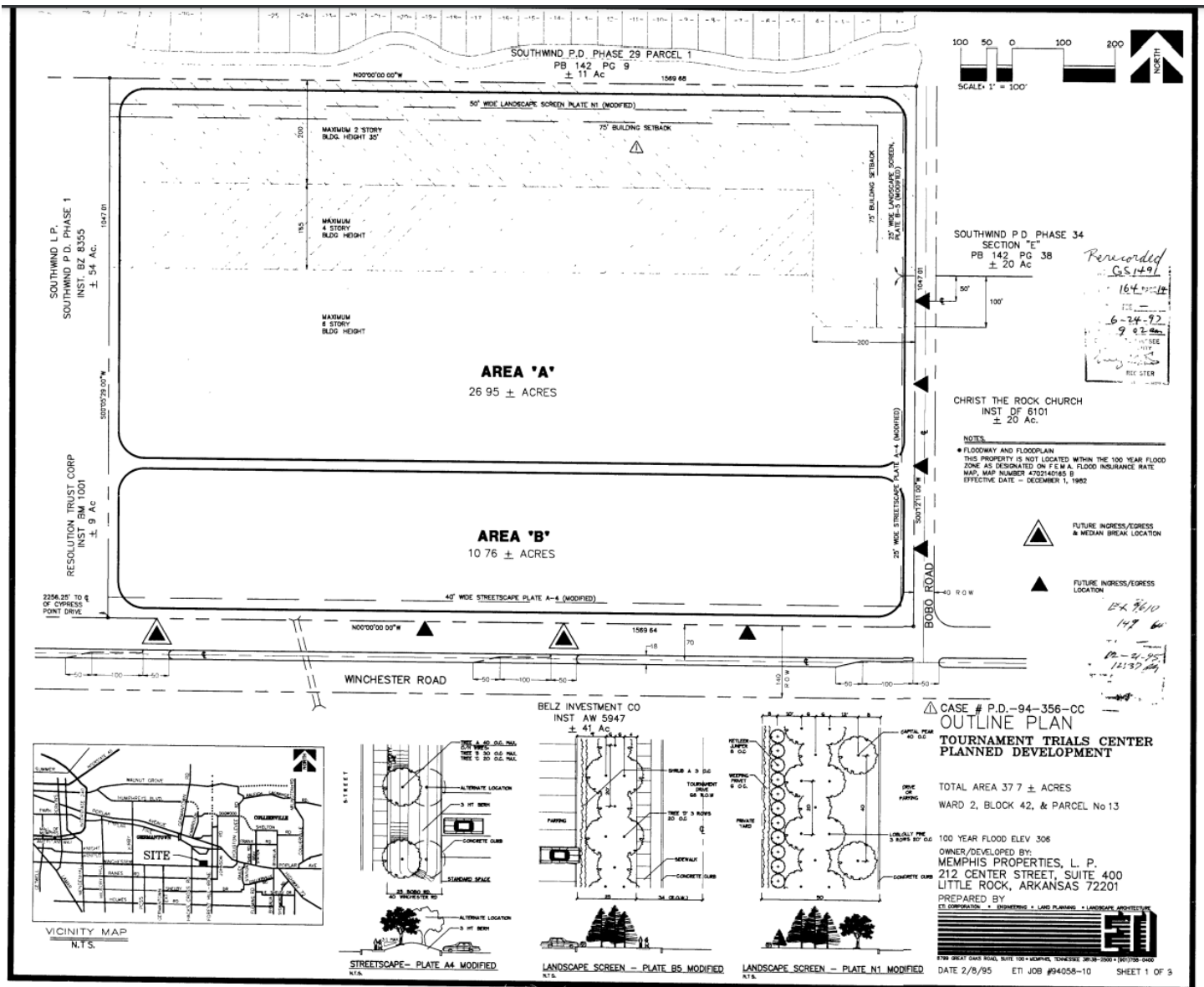
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. 13 notices were mailed on 29 October 2021, and four signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



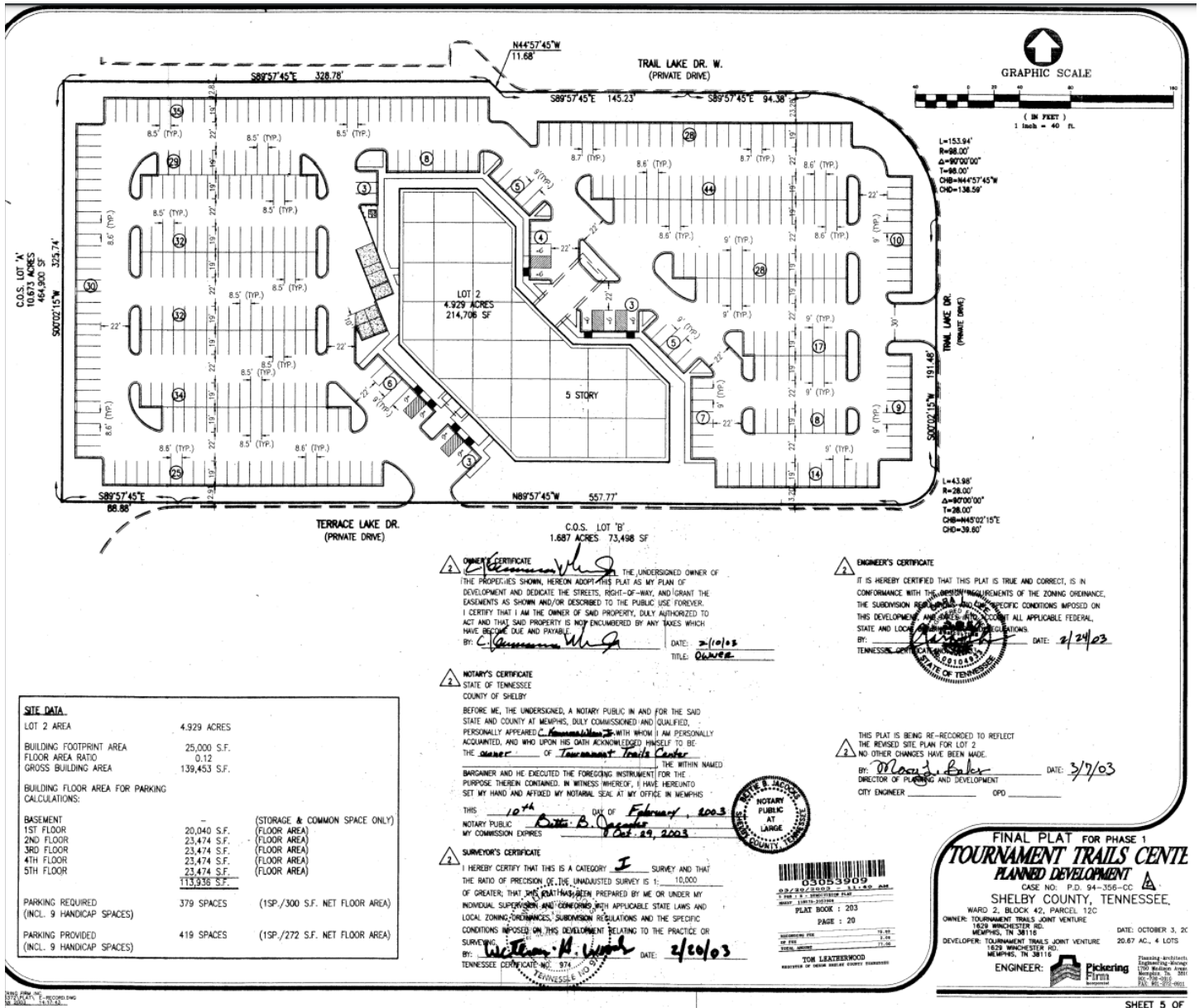
Subject property located within Memphis, adjacent to unincorporated Southwind neighborhood

**TOURNAMENT TRAILS CENTER P.D., OUTLINE PLAN (1995; RERECORDED 1997)**



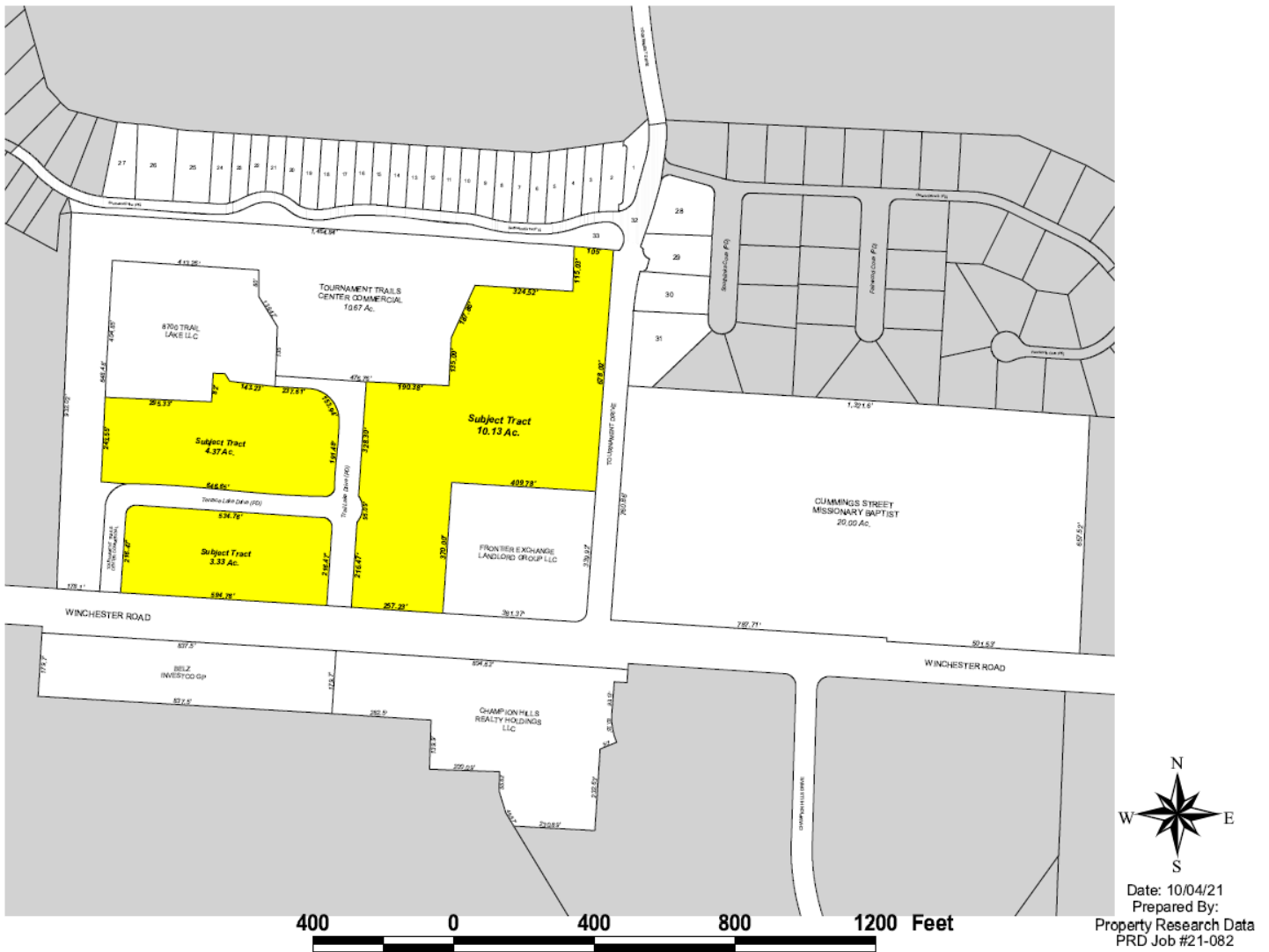


**TOURNAMENT TRAILS CENTER P.D., FINAL PLAN OF LOT 2 OF PHASE 1 (2000; RERECORDED 2003)**



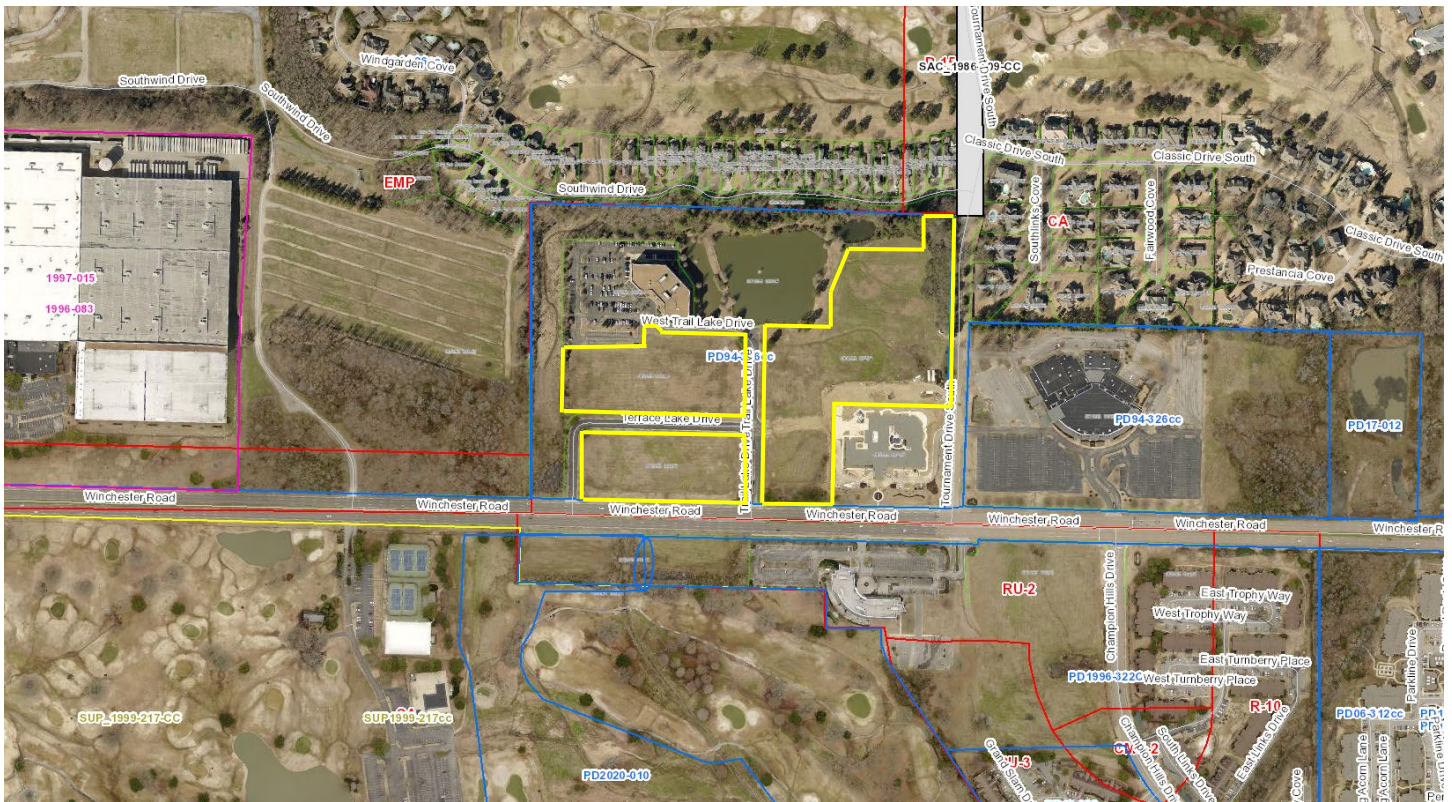
Parcel 081093 00006 is governed by the final plan of Phase 1. The other two subject parcels are not within a recorded final plan.

**VICINITY MAP**



Not all properties highlighted in white received a notice of public hearing; only those properties adjacent to one of the three subject parcels received a notice.

**AERIAL PHOTO WITH ZONING**



**Existing Zoning:** Conservation Agriculture within PD 94-356

**Surrounding Zoning**

**North:** Conservation Agriculture within PD 94-356  
Residential – 15 within PD 94-326

**East:** Conservation Agriculture within PD 94-356  
Conservation Agriculture within PD 94-326

**South:** Residential Urban – 2 within PD 96-322

**West:** Conservation Agriculture within PD 94-356

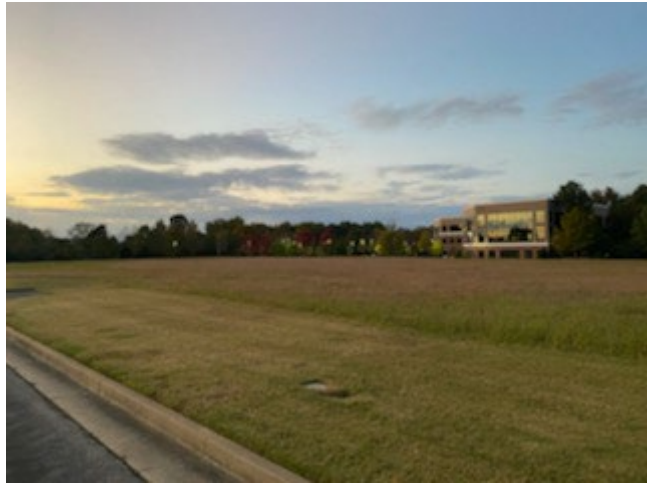


LAND USE MAP



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

**SITE PHOTOS**



Views of subject land with the adjacent office building in the background



Views of subject land with the adjacent memory care facility in the background



Views of subject land in context of the adjacent lake





Views of Trail Lake Dr.



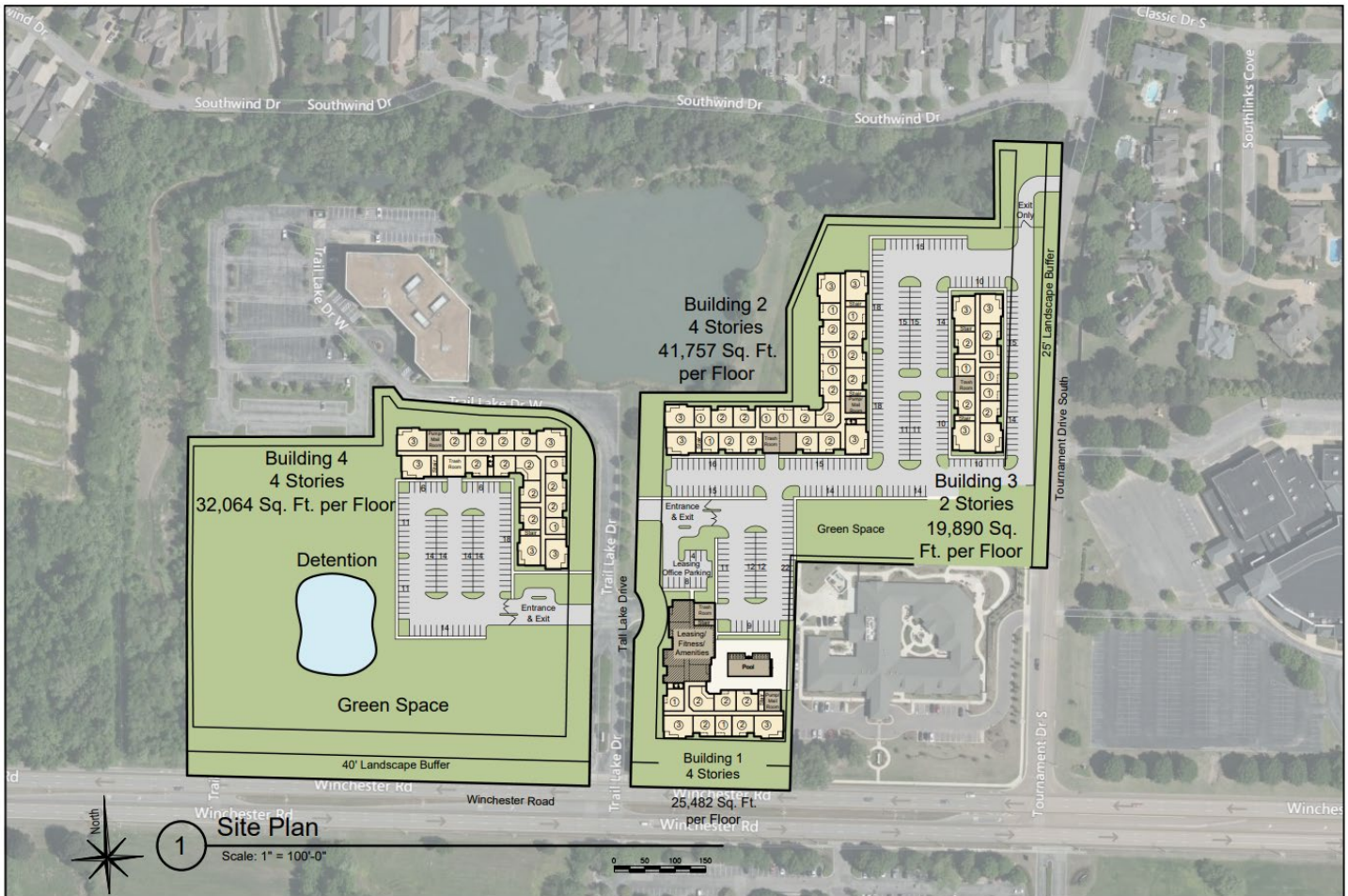
Views of the Terrace Lake Dr. Subject land is on both sides of the road, with Winchester to the far left.



Views north down Tournament Dr. S.



**CONCEPTUAL SITE PLAN**



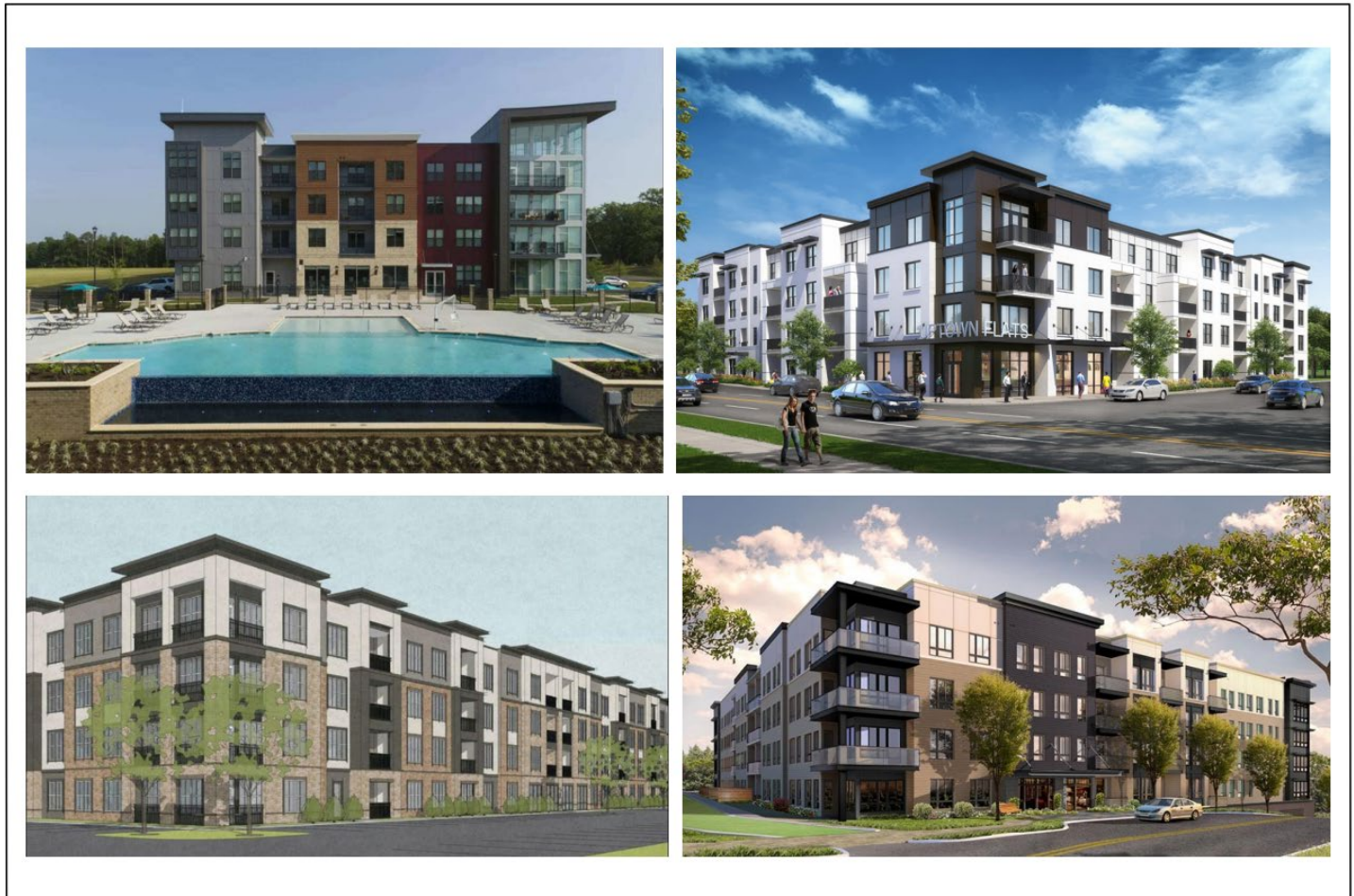
| Total Site Data:            |                       |
|-----------------------------|-----------------------|
| Number of bedrooms per unit | Shown number of units |
| 1 Bedroom                   | 87 32%                |
| 2 Bedrooms                  | 136 51%               |
| 3 Bedrooms                  | 56 17%                |
| <b>Total Units</b>          | <b>279 100%</b>       |

Ari Investment  
**The Tournament at Germantown**  
 Memphis, Tennessee  
 Shapiro & Company Architects, p.c.  
 December 10, 2021

*Please note that this conceptual site plan is non-binding and has not been reviewed by staff. If this use modification request is approved, the site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing.*



**APPLICANT'S ARCHITECTURAL INSPIRATION IMAGES**



Ari Investment  
The Tournament at Germantown  
Memphis, Tennessee  
Shapiro & Company Architects, p.c.  
December 10, 2021

*Please note that the applicant's architectural inspiration images are non-binding and have not been reviewed by staff. If this use modification request is approved, the elevations may be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing.*

## STAFF ANALYSIS

### Request and Justification

The request is a major modification to the outline plan conditions to permit an apartment complex. Technically, the means to this end are to trade out ‘restaurant’ for ‘apartment’ as a permitted use in both Areas A and B, per UDC 9.6.11E(2)(e).

If approved, the site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing.

This item has been held three times for one-month periods at Ms. Reaves’ request “to see if there’s any compromise” with opponents. The Board is not authorized to hold this item again.

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

### Site Description

The subject site consists of three grassy parcels within the Tournament Trails Center Planned Development. The three parcels are bisected by two private roads: Trail Lake Dr. and Terrace Lake Dr. One parcel is within the final plan of Phase 1, whereas the other two parcels are not within a final plan. Public frontages include Winchester Rd. (principal arterial) and Tournament Dr. S. (local street). Adjacent uses within the center include an office building, a memory care facility, and a lake. Germantown begins less than 2000 feet to the east along Winchester, and unincorporated Shelby County – in particular, the gated Southwind neighborhood – begins just to the north along Tournament. The subject land itself is within Memphis.

### Conclusions

Ari-Investments, LLC, has requested a major modification to permit an apartment complex on three parcels within the Tournament Trails Center P.D., which is currently zoned for office and restaurant uses.

Technically, the means to this end are to trade out ‘restaurant’ for ‘apartment’ as a permitted use in both Areas A and B, per UDC 9.6.11E(2)(e).

If approved, the site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing.

Staff finds that the proposal is consistent with the Memphis 3.0 Comprehensive Plan as well as nearby land uses, and that it would not result in undue injury to the surrounding area. That said, staff notes that 96 letters of opposition were received from the north-adjacent Southwind gated community within unincorporated Shelby County, whose concerns relate largely to crime, traffic, noise, and drainage.

## RECOMMENDATION

Staff recommends *approval*.

## **DEPARTMENTAL COMMENTS**

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

### **City 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. Improve Tournament Dr and Winchester Rd with curb, gutter, and sidewalk.

### **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.
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
12. No new curb cuts or median breaks will be granted on Winchester Rd.
13. Up to three (3) curb cuts will be allowed on Tournament Drive to include the existing curb cut.

**Drainage:**

14. 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.
15. Drainage improvements, including 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.
16. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
17. 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.
18. 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:**

Reviewed by: J. Stinson

Address or Site Reference: Winchester/Tournament

- 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.

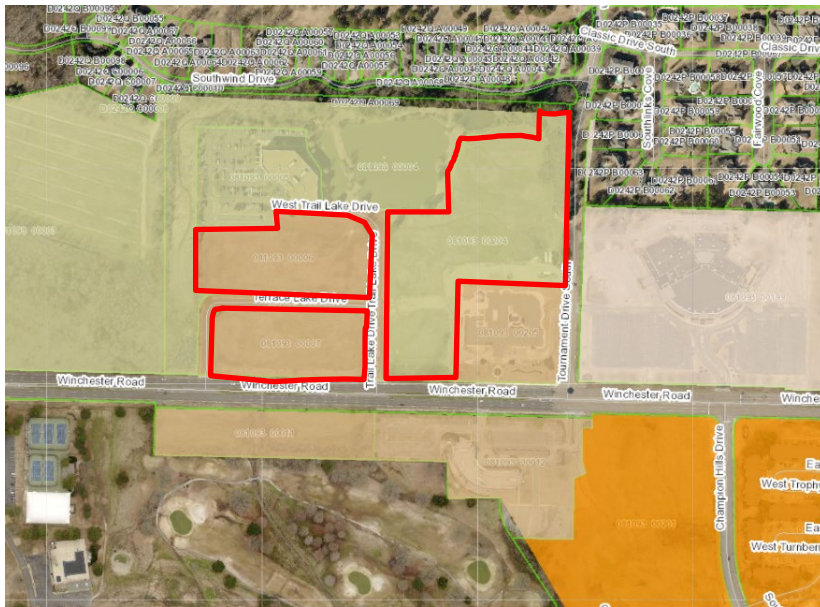
**Dept. of Comprehensive Planning:**

Land Use Designation (see page 102 & 106 for details): Open Spaces & Natural Features (OSN) and Low Intensity Commercial & Service (CSL)

**Based on the existing adjacent land use 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:**

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



**“CSL” Goals/Objectives:**

Improved development patterns along auto-oriented commercial corridors, revitalization

**“CSL” Form & Location Characteristics:**

Commercial and services uses. 1-4 stories height

**Land use description & applicability:**

Open Spaces and Natural Features are mainly natural features with a focus on preservation and sometimes allow for passive recreation, such as wildlands, wetlands, or waterways. These lands mainly perform environmental functions that allow for natural wildlife and ecological interactions to occur, therefore, necessitating conservation practices when applicable.



**“OSN” Goals/Objectives:**

Preservation, restoration, and maintenance of natural habitat, flood control, environmental stewardship, passive recreation.

**“OSN” Form & Location Characteristics:**

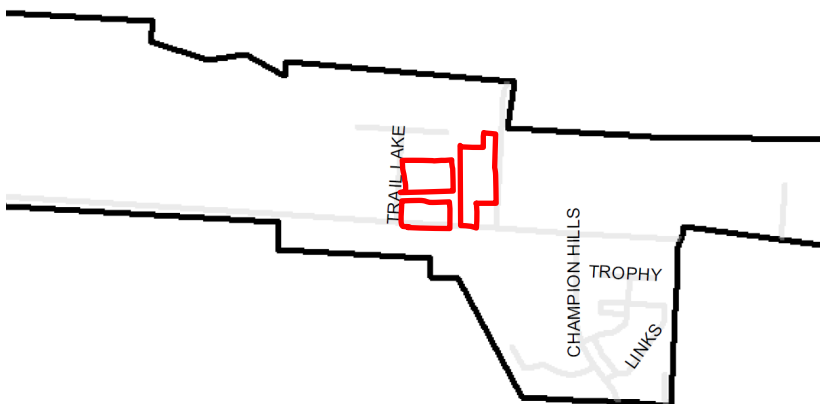
Conservation and recreational uses.

*The applicant is seeking approval for a planned development major modification with the intention of developing RU-3 uses to include apartments at northwest corner of Winchester and Tournament Drive. Although the request does not meet either the criteria of CSL or OSN, it will serve to realize the priorities of East district which will not only increase the supply and variety of housing but also ensure quality infill housing and new development opportunities.*

**3. Existing, Adjacent Land Use and Zoning**

The subject site is surrounded by the following land uses: Multi-Family, Single-Family, Office, Recreation/Open Space, Parking, and Institutional. The subject site is surrounded by the following zoning district: CA, RU-2, R-15. This requested land use is compatible with the adjacent land uses because *existing land uses surrounding the parcels is similar in nature to the requested use.*

**4. Degree of Change map**



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

**5. Degree of Change Descriptions**

N/A

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

Summary Compiled by: Faria Army, Comprehensive Planning.

|  |                       |
|--|-----------------------|
| <b>City Real Estate:</b>                       | No comments received. |
| <b>County Health Department:</b>               | No comments received. |
| <b>County Schools:</b>                         | No comments received. |
| <b>Memphis Light, Gas and Water:</b>           | No comments received. |
| <b>Dept. of Sustainability and Resilience:</b> | No comments received. |
| <b>Dept. of Construction Enforcement:</b>      | 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  
 MAJOR MODIFICATION/LUCB SITE PLAN  
 (CORRESPONDENCE) APPROVAL**

Date: October 1, 2021

Previous Case #: PD 94-356 CC

PLEASE TYPE OR PRINT

Name of Development: Tournament Trails Center PD

Property Owner of Record: Holiday Inn-Birmingham Airport Phone #: \_\_\_\_\_

Mailing Address: 8700 Trail Lake Dr. W. Suite 300 City/State: Memphis, TN Zip 38125

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: Ari-Investment Phone # \_\_\_\_\_

Mailing Address: 12406 Hogans Alley City/State: Chester, VA Zip 23836

Applicant E- Mail Address: \_\_\_\_\_

Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Representative E-Mail Address: cindy@srce-memphis.com

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

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

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

Correspondence item Street Address Location: 3581 Tournament Dr. and 0 Winchester Rd.

Distance to nearest intersecting street: 428 feet west of Tournament Dr. & Winchester Rd.

|                           | Parcel 1           | Parcel 2 | Parcel 3 |
|---------------------------|--------------------|----------|----------|
| Area in Acres:            | <u>17.829</u>      | _____    | _____    |
| Existing Zoning:          | <u>PD</u>          | _____    | _____    |
| Existing Use of Property  | <u>Vacant Land</u> | _____    | _____    |
| Requested Use of Property | <u>Residential</u> | _____    | _____    |

**Type of Correspondence Item Requested:**

- Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)  
 Land Use Control Board Site Plan Approval

**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: \_\_\_\_\_

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

Per Section 9.6.11.E.2.e of the UDC: Remove restaurant use from allowed uses in Areas A & B and replace it with RU-3 uses to be allowed in Areas A & B. Final Site Plan Approval will also be required by the Land Use Control Board.

**I (we) hereby make application for the Correspondence Case 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.**

|   |         |   |           |
|---|---------|---|-----------|
|  | 10/5/21 |  | 10/6/2021 |
| Property Owner of Record  | Date    | Applicant   | Date      |

**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 for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

**REQUIRED MAJOR MODIFICATIONS:** The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan’s Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
  - 1. 25 feet for final plans of two or less acres;
  - 2. 50 feet for final plan of more than two but less than eight acres;
  - 3. 100 feet for final plans of eight acres but than 20 acres; and
  - 4. 150 feet for final plans of 20 acres or more.



**LETTER OF INTENT**



Date: October 1, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: Tournament Trails Center PD

Job #: 21-0108

**LETTER OF INTENT**

Thank you for accepting our application for a Planned Development Major Modification for the Tournament Trails Center PD, recorded in Plat Book 164, Page 14.

Per Section 9.6.11.E.2.e of the UDC, we are proposing to remove the restaurant use as an allowed use in Areas A & B and replace it with RU-3 uses in Area A & B. Final Site Plan Approval will also be required by the Land Use Control Board.

We appreciate your support with this request. Please contact me if you have any questions.

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 3:54 pm on the 19th day of October, 2021 I posted four Public Notice Signs pertaining to Case No. MJR 21-45 two on Tournament Drive South and two on Winchester Road providing notice of a Public Hearing before the November 10, 2021 Land Use Control Board for consideration of a proposed Land Use Action (PD Major Modification), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves  
\_\_\_\_\_  
Owner, Applicant or Representative

10/20/2021  
\_\_\_\_\_  
Date

Subscribed and sworn to before me this 20<sup>th</sup> day of October, 2021.

Pat Sweeney  
\_\_\_\_\_  
Notary Public  
My commission expires: 9/27/23



## LETTERS RECEIVED

Four letters of support and 96 letters of opposition were received by the time of publication of this report. They are pasted below. Note that certain parties submitted multiple letters.



Brett Davis, AICP  
City Planner  
Division of Planning and Development  
Memphis and Shelby County

CC: Land Use & Control Board: Desiree Lyles Wallace (Vice Chair), J.C. McKinnon, Jennifer O'Connell, Darrell Thomas, Lisa Wilbanks (Chair, Consent Agenda Committee), Mary Sharp (Chair), Scott Fleming, Brown Gill, Margaret Pritchard (Chair, Regular Agenda Committee), James Toles

Re:  
Case Number: MJR 21-45 (PD 94-356 CORRES.)  
Development: Tournament Trails Center  
Location: 3581 Tournament Dr. S. and two adjacent parcels  
Owner: Holiday Inn – Birmingham Airport  
Applicant: Ari-Investments, LLC  
Representative: Cindy Reaves of SR Consulting, LLC  
Request: Major modification to permit an apartment complex; *Note: If approved, the apartment complex site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing*  
Area: 17.8 acres  
Existing Zoning: Conservation Agriculture within PD 94-356

Dear Mr. Davis,

This Letter of support has been prepared by Kemmons Wilson Companies to express our excitement and support for the development of multifamily apartments at 3581 Tournament Dr. S. and two adjacent parcels. We believe that a development of high-quality multifamily apartments would be more successful than the commercial office use that is currently allowed on the subject parcels.

The office sector is facing headwinds and challenges nationally due to increased remote working that stems from covid-19. Allowing the subject parcels to be utilized for a high-quality multifamily development will help activate vacant land, and ultimately create a higher quality environment for the neighbors at Tournament Trails.

We believe with support from the Memphis and Shelby County Office of Planning and Development, and the developer's indication to develop an excellent high-quality project, this vacant parcel can be activated and redeveloped into a special project. As citizens of Memphis, we have a full alignment of interest and a shared desire for the continued betterment of our community.

Yours Truly,

A handwritten signature in black ink, appearing to read "Donald Webb Wilson".

Donald Webb Wilson  
Chief Executive Officer



**MULTI-SOUTH**  
MANAGEMENT SERVICES

MULTI-SOUTH.COM

January 31, 2022

Brett Davis, AICP  
City Planner  
Division of Planning and Development  
Memphis and Shelby County

CC: Land Use & Control Board: Desiree Lyles Wallace (Vice Chair), J.C. McKinnon, Jennifer O'Connell, Darrell Thomas, Lisa Wilbanks (Chair, Consent Agenda Committee), Mary Sharp (Chair), Scott Fleming, Brown Gill, Margaret Pritchard (Chair, Regular Agenda Committee), James Toles

Re:

Case Number: MJR 21-45 (PD 94-356 CORRES.)

Development: Tournament Trails Center

Location: 3581 Tournament Dr. S. and two adjacent parcels

Owner: Holiday Inn – Birmingham Airport

Applicant: Ari-Investments, LLC

Representative: Cindy Reaves of SR Consulting, LLC

Request: Major modification to permit an apartment complex; *Note: If approved, the apartment complex site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing*

Area: 17.8 acres

Existing Zoning: Conservation Agriculture within PD 94-356

Dear Mr. Davis,

This Letter of support has been prepared by Multi-South Management Services to express our excitement and support for the development of multifamily apartments at 3581 Tournament Dr. S. and two adjacent parcels. We believe that a development of high-quality multifamily apartments would be more successful than the commercial office use that is currently allowed on the subject parcels.

Multi-South manages over 7,500 multi-family units in the great Memphis area. Occupancies are either at or approaching record levels across our portfolio, and we see a continued need for high-quality housing in our community. Allowing the subject parcels to be utilized for a high-quality multifamily development will help satisfy unfulfilled demand for high quality rental housing in Memphis.

6075 Poplar Avenue · Suite 630 · Memphis, TN · 38119 · 901-680-9005

*\*continued on next page\**



**MULTI-SOUTH**  
MANAGEMENT SERVICES

**MULTI-SOUTH.COM**

Page 2

We believe with support from the Memphis and Shelby County Office of Planning and Development, and the developer's indication to develop an excellent high-quality project, this vacant parcel can be activated and redeveloped into a special project. As citizens of Memphis, we have a full alignment of interest and a shared desire for the continued betterment of our community.

Yours Truly,

A handwritten signature in black ink, appearing to read 'D. Shores', written in a cursive, flowing style.

David L. Shores  
Chief Executive Officer  
Multi-South Management Services

Brett Davis, AICP  
City Planner  
Division of Planning and Development  
Memphis and Shelby County

CC: Land Use & Control Board: Desiree Lyles Wallace (Vice Chair), J.C. McKinnon, Jennifer O'Connell, Darrell Thomas, Lisa Wilbanks (Chair, Consent Agenda Committee), Mary Sharp (Chair), Scott Fleming, Brown Gill, Margaret Pritchard (Chair, Regular Agenda Committee), James Toles

Re:

Case Number: MJR 21-45 (PD 94-356 CORRES.)

Development: Tournament Trails Center

Location: 3581 Tournament Dr. S. and two adjacent parcels

Owner: Holiday Inn – Birmingham Airport

Applicant: Ari-Investments, LLC

Representative: Cindy Reaves of SR Consulting, LLC

Request: Major modification to permit an apartment complex; *Note: If approved, the apartment complex site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing*

Area: 17.8 acres

Existing Zoning: Conservation Agriculture within PD 94-356

Dear Mr. Davis,

This Letter of support has been prepared by Tournament Trails Center Commercial Property Owners Association Inc. to express our excitement and support for the development of multifamily apartments at 3581 Tournament Dr. S. and two adjacent parcels. We believe that a development of high-quality multifamily apartments would be more successful than the commercial office use that is currently allowed on the subject parcels.

The office sector is facing headwinds and challenges nationally due to increased remote working that stems from covid-19. Allowing the subject parcels to be utilized for a high-quality multifamily development will help activate vacant land, and ultimately create a higher quality environment for the neighbors in the Tournament Trails office building located at 8700 Trail Lake Drive West, Memphis, Tennessee.

We believe with support from the Memphis and Shelby County Office of Planning and Development, and the developer's indication to develop an excellent high-quality project, this vacant parcel can be activated and redeveloped into a special project. As business citizens of Memphis, we have a full alignment of interest and a shared desire for the continued betterment of our community.



Yours Truly,  
Abhishek Mathur  
President



Brett Davis, AICP  
City Planner  
Division of Planning and Development  
Memphis and Shelby County

CC: Land Use & Control Board: Desiree Lyles Wallace (Vice Chair), J.C. McKinnon, Jennifer O'Connell, Darrell Thomas, Lisa Wilbanks (Chair, Consent Agenda Committee), Mary Sharp (Chair), Scott Fleming, Brown Gill, Margaret Pritchard (Chair, Regular Agenda Committee), James Toles

Re:

Case Number: MJR 21-45 (PD 94-356 CORRES.)

Development: Tournament Trails Center

Location: 3581 Tournament Dr. S. and two adjacent parcels

Owner: Holiday Inn – Birmingham Airport

Applicant: Ari-Investments, LLC

Representative: Cindy Reaves of SR Consulting, LLC

Request: Major modification to permit an apartment complex; *Note: If approved, the apartment complex site plan would be subject to Land Use Control Board conditional approval at a subsequent/separate public hearing*

Area: 17.8 acres

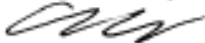
Existing Zoning: Conservation Agriculture within PD 94-356

Dear Mr. Davis,

This Letter of support has been prepared by 8700 Trail Lake LLC to express our excitement and support for the development of multifamily apartments at 3581 Tournament Dr. S. and two adjacent parcels. We believe that a development of high-quality multifamily apartments would be more successful than the commercial office use that is currently allowed on the subject parcels.

The office sector is facing headwinds and challenges nationally due to increased remote working that stems from covid-19. Allowing the subject parcels to be utilized for a high-quality multifamily development will help activate vacant land, and ultimately create a higher quality environment for the neighbors in the Tournament Trails office building located at 8700 Trail Lake Drive West, Memphis, Tennessee.

We believe with support from the Memphis and Shelby County Office of Planning and Development, and the developer's indication to develop an excellent high-quality project, this vacant parcel can be activated and redeveloped into a special project. As business citizens of Memphis, we have a full alignment of interest and a shared desire for the continued betterment of our community.

  
Yours Truly,  
Abhishek Mathur  
President

Dear Sir,

Thank you for allowing residents of Southwind to express our concerns regarding the proposed development of apartments backing up to the Southwind neighborhood.

As a Southwind resident, I am very much opposed to this proposition based on existing area crime, noise, traffic and drainage issues. Such a proposition can only add to these concerns.

Thank you again for letting me speak to this proposed development that will negatively impact the Southwind neighborhood

Sincerely,

Rebecca S. V. Perisho  
8674 Southwind Drive  
Memphis, TN 38125  
Telephone: (615)-477-6672

Alex an Dr Kimberly Womback Rice 8951 Golf Walk Circle S Memphis Tn 38125 ! We do not agree with the project, crime , high traffic loudness and trash everywhere! Build down Winchester area please, it's to many professional people that run this city, that lives in Southwind . The last thing we need to see an hear is loud high volume traffic an crime ! We don't want this near the area ! Thanks in Advance!

**MJR 21-45: Southwind**

Dear Mr Davis:

I respectfully oppose the land use for MORE apartments at above land use number. We are inundated with apartments in a 1 mile radius.

There are thousands of apartments in this small area bringing traffic and crime. More apartments will just jam this small area with traffic and trash and other concerns.

Please check out how many apartments are in this mile radius and please respect the property owners that back up to this are.

Thank you

Lois Hensley McGhee

Lois Hensley|Manager Corporate Safety|Office:901-434-9568|3670 Hacks Cross Road-Bldg G| Memphis, TN 38125

Dear Mr. Davis:

I am totally opposed to changing the zoning at Winchester and Tournament Drive by Tournament Trails Center. The increase in traffic, noise, crime and the general change in aesthetics would be a disaster for our quiet, very desirable neighborhood. I am sure there are many valid structural problems arising from its intrusion as well. I respectfully ask your opposition to this change and I hope you will understand that it is the reasonable course to pursue.

Sincerely and respectfully,

Hubert L. Dellinger Jr, MD

8778 Southwind Dr.

Memphis Tn. 38125

901-748-4666

Oct. 25, 2021

We are writing to oppose the use of this property for multifamily dwellings. It is our feeling that it will bring more crime to our area as well as noise, traffic and could negatively affect the water drainage. We already have water drainage issues on Southwind Drive and this cannot be helpful and cause more issues. Past experience has proven that where people are crammed together, more crime happens. Also the property values decrease.

Please reconsider this usage.

Thank you for hearing our concerns.

John and Shirley Williams

8684 Southwind Drive

Memphis, TN 38125

901-489-7264

To whom it may concern,

This correspondence is to make it known that my husband and I are in complete opposition to the proposed development from restaurant to apartments . In our opinion it would decrease security , add to noise level and drainage issues that had already been present in this area . We respectfully ask that this be reconsidered so that we can continue feel safe and comfortable in our neighborhood in Southwind .

Best,

William and Rena Baker

8749 players fairway

Memphis , Tennessee 38125

Mr. Davis,

As a resident of the Southwind residential community with my home owned by me and located at **3550 Windgarden Cove** in Southwind I am completely against this development. I am listing my concerns regarding this proposed development.

1. **Traffic.** Tournament Drive from our back gate to Winchester Road is a short span with no traffic light to guide drivers onto Winchester. It is unlikely that a traffic light would be approved since one exists to the left in very short footage across from Champion Hills. Pulling out of our back gate would become difficult if a driveway from the apartments is located near the gate that traffic empties onto Tournament. Construction traffic, if using Tournament, would be another complication for drivers from our over 500 homes. Apartment dwellers vehicles entering Winchester from Tournament Trails would be the solution if this inappropriate project goes forward.
2. **Drainage.** Trees and ground coverings would certainly have to be taken out. Drainage on to Southwind Drive would most assuredly be a factor going forward.
3. **Crime.** While the developer has declared the apartments to be high end, a person only has to read the news to be made aware of crime (many involving drugs) in apartment complexes.
4. **Noise.** Emptying of dumpsters, loud music, gatherings, vehicle noise, etc. would impact the daily lives of Southwind Drive residents.

I appreciate your attention to my concerns about this project which, as stated above, I am completely against.

Kathleen Edelmuth  
3550 Windgarden Cove  
Memphis, Tennessee 38125  
(901) 270 - 3745

I am Donna Kobb resident in Southwind over 20 years.  
3324 Gallery Drive  
Memphis, TN. 38125

I am strongly opposed to the rezoning and proposed apartment build outside the gate of Southwind. The increase in traffic and increased crime will not be in my best interest as a property owner in Southwind,

Donna Kobb  
901-600-4290

As a resident in Southwind in the area nearest this proposed apartment development, we are STRONGLY OPPOSED to an apartment development of any kind. We already have several new developments in the area which have increased traffic, noise, and crime. This development would only add to the problem no matter how high the proposed quality for property. Furthermore, that property has drainage issues which back up to our neighborhood.

A development as proposed would be detrimental to residents in the area who are already dealing with unsolved crimes, drag racing, and gunshots along the Winchester corridor.

Victoria and Alan Bush  
3495 Windgarden Cove, Memphis, TN 38125

Doris Lewis <dclewisem@yahoo.com>

As a resident in Southwind in the area nearest this proposed apartment development, we are STRONGLY OPPOSED to an apartment development of any kind. We already have several new developments in the area which have increased traffic, noise, and crime. This development would only add to the problem no matter how high the proposed quality for property. Furthermore, that property has drainage issues which back up to our neighborhood.

A development as proposed would be detrimental to residents in the area who are already dealing with unsolved crimes, drag racing, and gunshots along the Winchester corridor.

Dear Mr. Davis,

These are the concerns we have with the public notice of the proposed apartment complex being outside the back gate to our neighborhood of Southwind:

1. **Traffic.** Tournament Drive from our back gate to Winchester Road is a short span with no traffic light to guide drivers onto Winchester. It is unlikely that a traffic light would be approved since one exists to the left in very short footage across from Champion Hills. Pulling out of our back gate would become difficult if a driveway from the apartments is located near the gate that traffic empties onto Tournament. Construction traffic, if using Tournament, would be another complication for drivers from our over 500 homes. Apartment dwellers vehicles entering Winchester from Tournament Trails would be the solution if this inappropriate project goes forward.
2. **Drainage.** Trees and ground coverings would certainly have to be taken out. Drainage on to Southwind Drive would most assuredly be a factor going forward.
3. **Crime.** While the developer has declared the apartments to be high end, a person only has to read the news to be made aware of crime (many involving drugs) in apartment complexes.
4. **Noise.** Emptying of dumpsters, loud music, gatherings, vehicle noise, etc. would impact the daily lives of Southwind Drive residents.

Thank you for your time.

Sincerely,

Laird and Katie Hamberlin  
3481 Windgarden Cove  
Memphis, TN 38125  
770-330-9554



Mr. Davis,

As a resident of Southwind on Windgarden Cove, we are adamantly opposed to an apartment development running adjacent to the back edge of the Southwind community along Southwind Drive.

With EXTENSIVE apartment complexes already existing within one-half mile of the proposed development, this area seems to be becoming overrun with apartments. The subsequent decline of the entire area seems inevitable if continued apartment development is allowed.

With apartments comes crime. Just watch the local news for the number of violent crimes/robberies/drug issues that occur in apartments all over the city.

Additional concerns are:

- 1. Traffic.** Tournament Drive from our back gate to Winchester Road is a short span with no traffic light to guide drivers onto Winchester. It is unlikely that a traffic light would be approved since one exists to the left in very short footage across from Champion Hills. Pulling out of our back gate would become difficult if a driveway from the apartments is located near the gate that traffic empties onto Tournament. Construction traffic, if using Tournament, would be another complication for drivers from our over 500 homes. Apartment dwellers vehicles entering Winchester from Tournament Trails would be the solution if this inappropriate project goes forward.
- 2. Drainage.** Trees and ground coverings would certainly have to be taken out. Drainage on to Southwind Drive would most assuredly be a factor going forward. The area behind Windgarden already has major sections that do not drain well.
- 3. Noise.** Emptying of dumpsters, loud music, gatherings, vehicle noise, etc. would impact the daily lives of Southwind Drive residents.

Thank you for your attention to concerns around this inadvisable development.

Sincerely,  
Joe and Beth Edmondson  
3543 Windgarden Cove  
Memphis, TN 38125

Brett,

My family and I recently moved into the Southwind community. Among the reasons we did so was security, less traffic, and a bit more quietness (if that's a word!) than we had previously around the Kirby/Messick/Ridgeway/Park Ave. area. We are adamantly opposed to this proposal for apartments (class A or otherwise!) because, as you can see, it has a negative impact on all the above reasons we actually moved to Southwind in the first place!

One of the most surprising things since we moved was the level of crime. As we've discussed with the HOA, it's directly connected to both the current apartments that are out here as well as the quick-get-away access to Winchester. I'm not sure you can find any data to support crime actually being REDUCED by adding apartments. Adding an apartment complex ONLY exacerbates crime for our community.

So, in short, below are my bullet points for your consideration to reject this proposal:

1. **Traffic** - Tournament Drive from our back gate to Winchester Road is a short span with no traffic light to guide drivers onto Winchester. It is unlikely that a traffic light would be approved since one exists to the left in very short footage across from Champion Hills. Pulling out of our back gate would become difficult if a driveway from the apartments is located near the gate that traffic empties onto Tournament. Construction traffic, if using Tournament, would be another complication for drivers from our over 500 homes. Apartment dwellers vehicles entering Winchester from Tournament Trails would be the solution if this inappropriate project goes forward.
2. **Drainage** - Drainage is already a problem in the proposed area. It will only get worse with the apartments. Drainage on Southwind Drive will definitely be a factor going forward.
3. **Crime** – See above. No way in the world it won't increase crime.
4. **Noise** - Already an issue with apartments on the front 9. Can't imagine how bad it will be 100 yards from our house!

Thanks for your consideration.

Ed & Liz Gillentine  
3506 Windgarden Cove

Ed Gillentine, MBA, CFP®, CAP®, ChFC®  
Principal



Mr. Davis,

Please accept this as my opposition to this zoning change and development as proposed. I live in Southwind.

As a high density development this will bring additional traffic, noise, possible drainage issues, and crime to an area immediately adjacent to our community of single family homes. It would absolutely effect the property values in our neighborhood in a negative way.

I would ask that you review the incidents which have occurred in the like kind developments which have been constructed across Winchester Road in our area. You will see everything from petty crime up to and including multiple murders. It has created an unsafe area there and you would be creating the same environment in this new development.

The current zoning would allow commercial development that makes sense with what is already built and operating peacefully.

Respectfully, I ask that this change be denied.

Thank you,

William B. James  
3675 Classic Dr. S.  
Memphis, TN. 38125

Mr. Davis,

I'm a resident of the Southwind community, residing at 3562 Windgarden Cove. I am opposed to the current development and would like to share my concerns/rationale for my objections:

1. **Traffic** - Using the back exit of the neighborhood, it's difficult to safely turn right and nearly impossible to exit at all during peak traffic times. Adding that many additional cars to the area will increase the likelihood of accidents and cause a pile up on the exit street of the neighborhood.

2. **Neighborhood Security/Crime** - A very quick review of the crime report can show that all of the crime in a 1 square mile radius of my property takes place at the adjacent apartment complex. Unfortunately, we frequently hear of altercations (sometimes involving guns) just outside the front gates. We all have selected the neighborhood due to safety concerns and it's undemocratic to make significant changes without our input. <https://www.memphisdailynews.com/CrimeReport.aspx>

3. **Noise/Privacy** - Adding such a large number of residents to an area is automatically going to increase the level of noise. Again we selected our residence based on the private, secluded, quiet nature of our neighborhood. These developments would result in a significant removal of trees which shield us from the street noise of Winchester as well.

Thanks in advance for reviewing my note and understanding my complete opposition to the project. We look forward to your response.

Thanks,

Raquel Grady

Marianne Parrs <marianneparrs@gmail.com>

I am a resident at 3492 Windgarden Cove in Southwind and I am writing to tell you that I strongly object to the proposed development adjacent to Southwind. The reasons for my objections are:

Crime: we already have a much higher crime rate than historically and apartment complexes usually lead to ever more crime

Traffic: the street to Winchester is small and more traffic density will be dangerous

Drainage: there are serious drainage problems along the back area of Southwind that will be made worse by development

Noise — the noise level from apartments will go up significantly Thank you for your attention and consideration.

Mr. Davis,

We submit this email in **STRONG OPPOSITION** to the planned apartment community by Ari-Investments, LLC. We are proud citizens of Shelby County and value a strategic approach to development. To place an apartment complex at the proposed site will cause significant traffic issues, is out of place for the surrounding area and contributes to the population sprawl that undermines our community.

Our address is: 3595 Southlinks Cv.  
Memphis, TN 38125

Please let us know if additional information would be helpful.

Thank you.

Candace and Graham Askew

November 1, 2021

Mr. Brett Davis  
Staff Planner  
Memphis/Shelby County Land Use Control Board

Subject – Proposed Development – Tournament Trails Center – MJR21-45  
Southwind

Dear Mr. Davis,

We are writing to express our opposition to the subject proposed development. We are residents of the Southwind neighborhood and are completely opposed to the addition of multi-family housing in the designated area. The addition of multi-family residences in this location will lead to a potential increase in crime as well as significant traffic issues. In addition, there are concerns for both drainage issues and increased noise.

Southwind is an upscale neighborhood and multi-family dwellings are inconsistent with neighborhoods such as ours. I urge you to disapprove the proposed rezoning for this purpose.

Thank you for your continued service and support of our communities.

Best regards,

Carolyn H. Comella  
James G. Comella  
3244 Pointe Hill Cove  
Memphis, TN 38125

TYLER J. AND MEATHA H. TAPLEY

## 8871 PRESTANCIA CV; MEMPHIS, TN 38125

November 1, 2021

RE: Tournament Trails Center PD  
MJR 21-45: Southwind

To the Shelby County Land Use Control Board-


We are writing to express concern over the proposed apartment development near the Southwind community. We are not against this area being developed in the future. However, as community members and Realtors who live in the area, we strongly feel that the current proposal would neither be a good use of the space nor would it be in the best interest of the people who live, work or commute in this area.

One of our primary concerns is that this area is simply not prepared for the influx of traffic and noise. The overall area is uniquely located on the border of the City of Memphis, Shelby County, Germantown and Collierville municipalities. This already results in a lack of police presence which then results in dangerous and criminal behavior, such as, home break ins and prevalent drag racing along Winchester overnight. Bringing more people into this area will only cause more issues related to crime, traffic and noise.

Additionally we have serious concerns about both drainage and sewer capacity in this area. Drainage issues resulting in flooding have been issues in the recent past within the neighborhood do Southwind and flooding from sewer related issues have been recent past issues in the general area of Southwind- Cornerstone Learning Center on T&B Blvd for example.

We respectfully ask that our concerns over crime, increased traffic, drainage and noise be considered.

Sincerely yours,



Tyler and Meatha Tapley

As presented, we are opposed to the plan for development of the parcel referenced.

Our first concern surrounds crime, and the criminal activity that we are already dealing with. I am advised that there was 108 crimes reported to the Sheriff's Office alone in the last six months; within 1 mile of this proposed development. If we took into consideration those crimes reported to MPD and Germantown, and crime instances unreported, it certainly would be a striking number. In detail, we receive reports weekly, and the strong majority of incidences are coming from neighboring apartment complexes.

Our second concern, is drainage. Some of the neighbors have already experienced life altering flooding. The area that abuts our neighborhood is water; ponds and wetlands.

Our third concern, is wildlife. By developing the full parcel we will be ushering out wildlife that was frankly there first, including a herd of deer. Living amongst wildlife is one of the wonders of Tennessee living.

Fourth, and certainly not least is aesthetics. The present three-story office building is visible year-round from the neighborhood, and it's not attractive. It would be advantageous to put a height restriction on this new development. Moreover, the developer is touting this as a high-end complex based on stainless steel appliances and granite countertops- neither of which are cherished "high end" amenities.

We urge you to postpone action, and request a new detailed plan to be put forth: A plan that encompasses the neighborhood including nature, environment, as and community. Moreover, as pleased as we are to be now served by the Sheriff's Office, I believe they must have an active voice in such development.

We appreciate what you do in service to our county, and further appreciate your consideration of these comments.

Sincerely,  
Michelle Grady  
Leonides Villanueva, Retired USAF  
3558 Windgarden Cove



Mr. Davis, this letter comes in response to the planned apartment complex at Winchester Rd. and tTournament Drive, Southwind.

First of all, we have an apartment complex one lock East at Winchester and Forest Hill-Irene Rd. Another apartment complex will cause more traffic, including school busses, which will slow traffic on Winchester and possibly block/or seriously delay traffic on Tournament Drive. Why do we need another group of apartments so close to the one just recently bullet? Also, land is being cleared and culverted on Forest Hill-irene near Winchesters. Another complex?

I live in Southwind near the East Gate at ETournament Drive and Winchester Road. This end of EEEEE Tournament Drive is the main drive for my family as well as other families in this immediate area.

Secondly, construction traffic will slow or totally block traffic on Tournament Drive. Large trucks and other vehicles will cause traffic congestion in our neighborhood. Those of us who have appointments or other business that cause us to drive East on Winchester Road, or to get to Forest Hill-irene Road (North or South), will have to go to Hacks Cross, requiring extra travel time.

The apartment complex will bring a large number of people adjacent to this old, established gated community..This will cause security problems.

The building of apartments will also destroy some or all of our green spaces, at Tournament Drive and Southwind Drive. Already, wild animals are being uprooted from their habitats and are coming into residential neighborhoods. This is dangerous to small children and small pets playing in their yards. Some have been spotted on the golf course.

Please reconsider this planned complex, for the safety of our neighborhood, to keep the clean, uncluttered appearance of Winchester Road, and the convenience ofs those who would be moving into these apartments. It will take some time for them to learn that they cannot use Tournament Drive West because of the residents only gate, causing them to have to turn around. There are already three driveways off the short drive from Winchester Road on Tournament Drive toward the security gate; two at the church and one at the nursing home. Another drive for the apartments will cause more traffic on a very narrow drive.

Thank you so very much, Mr. Davis, for considering my request to please, do not build this complex in this space, Winchester Road at tournament Drive.

Sincerely, Mrs. Esther L. Isom

Mr. Davis,

I would like to comment on the proposed apartment complex project - MJR 21-45: Southwind (correspondence to PD 05-362)

Please include my comments in your report.

I live in the Southwind subdivision. I am opposed to the proposed apartment complex.

The reason I'm opposed to any more developments is multifaceted. We now have coyotes roaming the neighborhood. Where are the deer going to go? If we keep destroying woods and green space we're changing the habitat and more of our homes will have raccoons trying to get in the Attic and other wildlife that will be displaced. Additionally, two huge wooded areas have been destroyed for what I'm guessing are subdivisions. One is on Forest Hill Irene at Winchester. The other is on Winchester between Forest Hill Irene and Houston Levee . More animals displaced means more wildlife in our backyard, possibly meaning people's small pets become meals for the coyote. Now let's consider the increased population and traffic flow. I would estimate that there are likely 25000 people living in one square mile right in this Forest Hill Irene Winchester area. There are other areas a little further out with less dense populations , think Collierville in Germantown, but those areas will fight this development tooth and nail. Another concern is how many out-of-state investors and Developers, who care nothing about our environment, are buying up homes making it harder for memphians to afford homes while these developers take Financial Resources out of Memphis.

--

Regards,  
Jon M. Isom  
[jmisom.com](http://jmisom.com)  
314.706.2720

November 8, 2021

Subj: Tournament Trails Center – OPPOSED due to DRAINAGE

Mr. Davis,

We are residents of the Southwind community at 8614 Southwind Drive and are FULLY OPPOSED to the development of Tournament Trails Center. We share the same concerns with others to include traffic, crime, and noise issues.

However, there is one issue that stands above all else, drainage. Our property is located adjacent to the culvert that carries much of the water out of Southwind and toward the subject property. In 2019 during heavy rains, the subject property was unable to manage the capacity of the water drainage effectively created a dam. This ultimately resulted in the water levels to rise over nine feet flooding our entire home with eight inches of water.

We suffered \$150,000 in damages while displaced from our home for four months. As a young family with two-year old twin girls, this was an extreme hardship for us.

Due to our experience, and the knowledge that any development built on the subject property will negatively impact the drainage, our family, and our property, we stand FULLY OPPOSED to this development.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael & Diana Galdieri". The signature is fluid and cursive, with the first name "Michael" being more prominent.

Michael & Diana Galdieri  
8614 Southwind Drive

Good afternoon,

I wanted to write a note to express my concerns over this large development. While the renderings are beautiful, my main concern is around the traffic that is already dangerous in the area. As I'm sure you're aware, the speed limit is also 50mph on that part of Winchester and it's a speedway especially during high volume times. As a result, turning left from Winchester at any juncture is scary. Many people can't wait and therefore do U-turns at the turn lanes causing even more confusion and danger. The addition of another 400 cars at all times seems to be adding unnecessary danger. Sunday afternoon already requires traffic "cops" for Harvest Church or when Cummings Road is in session. There is also a large wildlife population that I am concerned for --again I see many animals killed on the street weekly.

Please consider these cautions before approving this development.

Candace Joines  
3410 Tournament Dr S  
Memphis, TN 38125

I am against the proposed project for this development. When are "enough" apartments" too many? What about traffic control? Crime stats? Apartments up and down Winchester and Hacks Cross---South of Winchester also has many apartments. How does this help Southwind? What about rear gate traffic and getting on Winchester--stop light? More information is needed as I really do not see any advantages for Southwind. Jerry Joyner

Staff Report  
MJR 21-45 (PD 94-356 CORRES.)

10 February 2022  
Page 45

To: SCLUB – Mr. Brett Davis

From: James M. Carter (8447 Silverwind Drive)

Subject: The Tournament at Germantown (Proposed)

Mr. Davis,

The purpose of my email is to voice disapproval for the project being proposed by Ari Investment (Winchester Road and S. Tournament Drive).

On the surface, the development being proposed would appear harmless to existing residents of Southwind. However, nothing could be further from the truth. In fact, the project as outlined would significantly increase the residents of Southwind to serious injury or worse due to automobile accidents at this intersection. This will occur primarily as a result of two key factors: a) no traffic control signal b) increased volume of traffic. That said, absent a detailed TDOT traffic impact survey being submitted and approved in advance of any further consideration, or allowing this development to move forward would be an egregious error on the part of this body.

Finally, I would be remiss to not point to the following as additional reasons for recommending your body deny this request; over-abundance of multi-family properties in the area, pressure from over-crowding on schools, inevitable decline in existing home values in the area along with increased security concerns to residents and property should this body approve this request.

Thanking you in advance for your consideration.

Sincerely,

**Mike Carter**  
Carter Environmental Services  
[mcarter@carterenvironmental.com](mailto:mcarter@carterenvironmental.com)  
901.493.7960

Brett,

I am writing to you to discuss the proposed apartments at Winchester and Tournament Drive. I completely object to this plan as this could compromise the quality of life to those living in the back of Southwind. Regardless of the style or amenities provided by an "apartment complex", there is no guarantee they will be maintained year in and year out and kept up with the level of sanction that is carried on in our Southwind community. If this were a condominium or such where management and homeowners could continue to take pride in their properties, and guarantee a high level of quality and maintenance, that might be a different situation. But as it is an apartment where there is no governing body to control how things should be kept and maintained, will absolutely have a negative effect on Southwind.

Another concern would be the change in traffic on the short run of Tournament Drive from the Southwind back gate to Winchester Rd. The inconvenience of a slew of cars coming and going at all times of the night and day are a complete disregard for the members and residents of Southwind. It is my opinion the builder needs to create some form of private road not encroaching or emptying on Tournament Drive. If for nothing else it will be for the security and control of the newly formed traffic congestion created by these unwanted apartments.

The residents who have lived in peace and quiet on the back road, will take the biggest hit and largest loss in property sales should such an atrocity as an apartment complex be allowed built. The noise alone from all these apartment renters could very well be loud and uncontrollable. These apartments are going to put the people of Southwind in a terrible situation and one they should not have to endure because of apartments.

It is my hope that these apartments are not allowed and if for some reason this is a must for whatever reason, major concessions from the builder must be met.

I appreciate this opportunity to speak my mind on this apartment issue. It is with great hope that these apartments will not be built and in time another better project can be put in it's place.

Happy New Year.

Thank you,  
Ron

---

RON LEFKOWITZ

C: 901.355.0557  
O: 901.747.0222

Please vote "no" regarding the proposed Tournament at Germantown. Southwind is sufficiently enclosed by apartments. Every possible way out of Southwind passes by apartments except by the proposed site under consideration. There is only one light that helps us with egress. The chosen site is not one of them. We will be stuck in a bottle neck thus creating a safety hazard with potential for heavy casualties in the future. This does not spell success for us, the citizens who pay heavy property taxes. Higher traffic brings greater crime, also. We already have the stigma of high crime numbers. We don't need more.

Again, please vote no for a safer community.

Sincerely,  
Robert L King  
3234 Piper Glen Cv  
Memphis TN 38125

Ed Pierami <outlook\_9386FBABF338D53F@outlook.com>

The purpose of my letter is to voice my opposition to the above mentioned Apartment Development. As a resident of Southwind Dr. I am strongly opposed to a 4 story apartment building overlooking our street and the front of my house. I am also concerned about the increased amount of traffic all these units would create around the Tournament Dr. back entrance to our gated community. Thank you,

Good afternoon,

I am a resident of Southwind and I do not think the Ari Investment at Tournament and Winchester is a wise use of the land. There are already large apartment complexes on all the corners surrounding the property. Also, there are empty retail shop spaces at Hacks Cross and Tournament that have been that way since it was developed. This will only add to the congestion in the area and will not contribute to a better community.

Thank you,

Sally Tomlinson  
Chief Manager  
T-Aerospace, LLC  
Ph 901-367-8944



---

Duane Allison  
3302 Tournament Dr S  
Memphis, TN 38125

December 28, 2021

Brett Davis  
Shelby County Land Use Board  
125 N Main Street  
Memphis, TN 38103

Dear Sirs:

---

This letter is written to declare opposition to the new development proposed at Winchester and Tournament Drive. This development will reduce the value of land and homes within the Southwind Homeowners Association and bring unwanted traffic and less security to a very important established neighborhood located in this part of Shelby County. Any additional traffic or crime in this region would lead to the relocation of very important and wealthy families, many of which are employed at the FedEx International Headquarters. Decrease in home values and increase in crime could lead to the relocation of the FedEx International Headquarter and massive repercussions for the City of Memphis.

The new development if used for apartments must be arranged to not to allow subleasing to be allowed. In addition, steps to ensure traffic and entrance by apartment residence on foot should be prohibited. Monitoring of any criminal elements which should include apartment residence background checks should be performed.

Sincerely,

Duane Allison

Dear Mr Brett Davis,

As a resident of Southwind for over 18years I am writing this letter to express my opposition to the proposed apartment development located at Winchester and Tournament Drive.

The proposed development would bring approx 300 apartment residents at the back gate of the Southwind subdivision. The Southwind community is a gated subdivision with home values ranging from half million to over one million dollars.

This apartment development would create a negative concept and potentially devalue the homes in the neighborhood.

There would be ongoing issues regarding traffic control and security in the area. There are numerous apartment complexes under construction at Winchester and Forest Hill Irene which are a great concern to the future of the overall area. This portion of Winchester does not need to contend with another apartment complex. This will be detrimental to the future outlook of Winchester from Hacks Cross Road to Forest Hill Irene with concerns both in the residential and business communities.

Receiving word of the proposed build was troubling, to say the least. And the more I learned about it, the more I felt that this project is completely out of sync with the neighbourhood around it. Please know to allow such a huge 'out of place' apartment development in this area is going against many residents valid concerns, and the negative impact this will cause in the future.

I urge you to reconsider your decision and decline further advancement of this apartment development at the back gate of Southwind.

As a resident of Southwind I appreciate your time regarding this important matter.

Sincerely,

Debbie Meyers

901-270-8880

3213 South Silverwind Drive

Memphis Tn 38125

RE: Development of land located at Winchester and off Tournament Drive, Case #21-45

Mr. Davis,

As a resident of the Southwind residential community with my home owned by me and located at **3550 Windgarden Cove** in Southwind I am completely against this development. I am listing my concerns regarding this proposed development.

1. **Traffic.** I am now aware that the original plan for traffic from the apartments onto Tournament Drive has been eliminated and is no longer a factor. Obtaining a traffic light at Winchester and Tournament Trails would of course be the obvious solution for the traffic from the apartments.
2. **Drainage.** Trees and ground coverings would certainly have to be taken out. Drainage on to Southwind Drive would most assuredly be a factor going forward. There is no guarantee that construction will not damage existing foliage.
3. **Crime.** While the developer has declared the apartments to be high end, a person only has to read the news to be made aware of crime (many involving drugs) in apartment complexes.
4. **Noise.** Emptying of dumpsters, loud music, gatherings, vehicle noise, etc. would impact the daily lives of Southwind Drive residents.
5. **Signage.** The name of the development, "The Tournament at Germantown", speaks volumes about the developer not knowing this area. It is, of course, not in Germantown. I would think the City Of Germantown would take issue with this.

I appreciate your attention to my concerns about this project which, as stated above, I am completely against.

Kathleen Edelmuth  
3550 Windgarden Cove  
Memphis, Tennessee 38125  
(901) 270 - 3745

Dear Mr. Davis,

We have lived at 3425 Tournament Dr. S for almost 7 years. The proposed high density development would greatly impact us and our subdivision. A number of concerns come to mind, and I will try and articulate each one briefly for your consideration.

Traffic is already high and pulling out on Winchester is already challenging, especially attempting to make a left turn on Winchester. This development would greatly increase the traffic on Winchester and on Tournament Drive, likely requiring the installation of a stop light. We have a number of high density apartment complexes near us currently, and we think this additional one right on our border would create a chaotic nightmare of traffic at the back entrance/exit on Winchester.

Crime is also a concern. Increased traffic and high density developments will open up more opportunities for crime close by or even within our subdivision. We are retired and prefer to keep our back gate area safe and quiet.

Which brings me to the third point of noise. We enjoy a quiet and safe neighborhood. The idea of the noise from the increased traffic is worrisome, but there could also be noise related to the residents' music from cars or at the pool. This could be a real detriment to the sanctity and peace of our subdivision.

Lastly, drainage issue will surely arise out of a large high density project right on our border. This will create issues for our neighborhood and those costs and the inconvenience would have to be borne by our home owners association or our neighbors. This just simply is not acceptable.

All considerations taken together means a high density apartment development is not in the best interest of the residents in terms of quality of life, conservation of the land or values of our property. As the home to a World Class golf event, we do not need yet another apartment complex at our gates. This is a very, very bad idea, and we most whole heartedly object to this proposed development.

Thank you for your consideration.

Mary Nell Thompson  
Lynn Diebold  
3425 Tournament Dr. S  
Memphis, TN 38125  
[mnt3425@gmail.com](mailto:mnt3425@gmail.com)  
901-827-6196

Mr. Davis,

As residents of Southwind since 2014, we are writing in opposition of the proposed development of apartments to be located at the back entrance of Southwind.

Several issues that are of concern here—

Our neighborhood is an upscale place in the local area with homes ranging from half million to over one million dollars. Building apartments so close to our complex, especially the homes adjacent to the apartments, would bring down the value of our homes, which would also lower tax income. Hearing that there may not be a privacy wall between our neighborhood and the new complex would definitely not be beneficial to us either.

With all the current crime around this area, our neighborhood is one of the safest places to live. Crime is a major concern as it has risen in other neighborhoods that are located so close to apartments. When you consider the upscale nature of Southwind our neighborhood would be a prime target.

Tournament Drive is a narrow street and not accustomed to high traffic. Improvements would have to be made to accommodate the proposed 300 new residents that would be traveling on this road. (example: widening street, traffic light, etc.) Any of these options would significantly change the nature of our back, resident only entrance, and not for the better.

There are numerous apartment complexes that have spread from Hacks Cross to Forest Hill Irene Rd. Why another one? Is there really a need for more apartments?

We ask that you reconsider your proposal as it will have a significantly negative impact on our beautiful community that we call home-Southwind.

Thank you for your time.

Tony & Colleen Dudek

I strongly oppose the apartment at Winchester and back entrance of Southwind. Not only will the apartments increase traffic flow and be an esthetically sore eye, it also increases criminal activity.

I have lived in Southwind for over 30 year and safety has always been a big plus for residents.

Donna Kobb  
3324 Gallery Drive  
Memphis, TN. 38125

Mr. Davis my name is Charles. O Pounds and I am a 18 year resident of the Southwind development. My wife and I live near the rear gate closest to the proposed development. We are already overwhelmed by apartments across from us on Winchester. Having talked to our neighbors I can say people on our cove are unanimously opposed to this development and encourage those in charge to decline approval of this project.

Thanks  
Charles O Pounds  
3597 Fairwood Cove  
901 581 1926

Dear Mr. Davis,

As a resident of Southwind neighborhood, I strongly oppose the development planned at Tournament Dr. and Winchester Rd. The land is currently designated for Conservation or Agriculture. In the Memphis 3.0 plan, it was designated to remain natural spaces - clearly needed for the deer, geese and otters, raccoons and song birds that all reside in these areas. Frequently, deer road kill appear on Winchester near the intersection with Tournament Dr. A large development will continue to cause danger for the wildlife and for drivers on Winchester Rd.

The development would also add to the flood control problem which already exists within the neighborhood. The drainage canal will be blocked, and water cannot move properly with a such a large planned development.

Additionally, added traffic will make a very crowded exit to Winchester Rd. Today a left turn is already challenging and dangerous. Adding more traffic will make the problem worse.

Multi family developments bring down home values- a major objection for us as home owners. For Shelby County, lower home values mean a reduced tax base and fewer tax dollars.

Finally, bringing multi family use also affords opportunity for more crime with the greatly increased number of people in a small space.

In conclusion, as a homeowner in the adjacent neighborhood, I oppose the development because the land is currently designated as a natural area for conservation or agriculture, because it will make a flooding problem in the Southwind neighborhood worse, because it will make traffic worse, because it will reduce home values, and it will invite crime with great population density.

Very truly yours,

Suzanne Oliphant  
8910 Bent Grass Circle  
Memphis, TN 38125  
901 219-5409

Mr. Davis,

As a resident of Southwind for over 16 years I am writing this letter to express my opposition to the proposed apartment development located at Winchester and Tournament Drive.

The proposed development would bring an approx 300 apartment residents at the back gate of the Southwind subdivision. The Southwind community is a gated subdivision with home values ranging from half million to over one million dollars.

This apartment development would create a negative concept and potentially devalue the homes in the neighborhood.

There would be ongoing issues regarding traffic control and security in the area. There are numerous apartment complexes under construction at Winchester and Forest Hill Irene which are of great concern to the future of the overall area. This portion of Winchester does not need to contend with another apartment complex. This will be detrimental to the future outlook of Winchester from Hacks Cross Road to Forest Hill Irene with concerns both in the residential and business communities.

Receiving word of the proposed build was troubling, to say the least. And the more I learned about it, the more I felt that this project is completely out of sync with the neighborhood around it. Please know that allowing such a huge 'out of place' apartment development in this area is going against many residents' valid concerns, and the negative impact this will cause in the future.

I urge you to reconsider your decision and decline further advancement of this apartment development at the back gate of Southwind.

As a resident of Southwind I appreciate your time regarding this important matter.

Thank you ,

Skip and Gwen Hannah  
3201 Cheval Dr.  
Memphis, Tn 38125

Mr. Davis,

My wife and I have been residents here in Southwind since 1991 and have closely watched the development of this quiet and beautiful neighborhood.

In our opinion the proposed plan will negatively affect the nature of where we live and the entire area.

But most importantly we believe that the safety of Southwind residents and the apartment dwellers will also be negatively affected due to the limited, and already dangerous, access and egress with Winchester Rd.

As a life-long citizens of Shelby County, we respectfully request that the proposed project be rejected.

Thank you for your help,

Martha & Ben Bryant  
3440 Pinebrake Cove



Good Afternoon,

I am aware of the community need for adequate,affordable housing.Short term rentals provided housing on my out of town assignments in the past.

However, I write in opposition to a high density dwelling in anticipation of the traffic congestion on Winchester and Tournament Drive. With increased traffic flow from Winchester going eastward, there is a short turning lane which accommodates 2 cars at present. An increase in traffic will result in overflow in the left lane on Winchester heading east with obstruction and delay.

Furthermore, attempts to turn left from Tournament drive onto Winchester heading east would result in congestion on Tournament Drive. This would increase the risk for motor vehicle accidents at the same time.

Please consider the impact on traffic flow prior to approval of a high density dwelling at the proposed site.

Respectfully,  
Wayne & Stephanie Gibson  
Southwind Drive  
Memphis,TN.

Mr. Davis,

I am a resident of Southwind. I am very unhappy with the proposed apartments planned on Winchester that back up to Southwind. Regardless of how "exclusive" these apartments are supposed to be it always ends up with the same result. The crime that follows the apartments down the street is unacceptable. I am sure there is a better use for that property that would be more beneficial for all parties involved.

Chris Moore

*Chris Moore*  
[slingmoore@comcast.net](mailto:slingmoore@comcast.net)  
Phone: 901-405-4588  
Cell: 901-483-0418

To Whom It May Concern,

Please accept this as our firm objection to any proposed development of rental units near the back of the Southwind subdivision off Tournament Drive and Winchester Road. Part of the appeal of this neighborhood for residents is that it is quiet and tucked away in a barely noticed pocket of East Memphis. It largely only draws the attention of Southwind residents (or TPC Southwind members), and putting the apartments by the back gate will congest the area with increased traffic and over time, decrease property values in the neighborhood. This is about the only neighborhood in this area that is virtually crime free. More attention to its existence from apartment renters and their visitors will make Southwind more vulnerable to the types of property crimes, car break-ins, etc. already suffered by our nearby communities. Our gates, guards, and perimeter fences are great deterrents to crime, but they can't protect us alone. We have to stay smart and vigilant and this doesn't feel smart to us.

Some facts to consider: According to a recent American Community Survey conducted by the Census Bureau, zip codes with a higher-than-average concentration of renters have lower property values compared to the county they are located in—by 14%. Today, there are 4,610 rental properties available for rent in Memphis. In the 38125 zip code, there are 533 – 11.6% of the available units. Additionally, the Shelby County rental vacancy rate rose to 9.33% in 2019, higher than previous years, the rest of Tennessee, and the rest of the United States. So, we have to question the soundness and motive for building 279 more rental units in Shelby County when so many existing units are likely vacant.

Finally, please consider the peace and quiet currently enjoyed by our most southernmost residents on Southwind Drive. They will likely be the most affected by the increase in noise and bright perimeter lighting, a stark contrast to their current way of life. Please don't put Southwind homeowners at increased risk for unwanted attention, congestion, noise, crime, or declining home values.

Respectfully,

Mike and Laurie Nichols  
3237 Club Breeze Drive

Brett,

This correspondence is to make it known that my wife and I are in complete opposition to the proposed development from restaurant to apartments. In our opinion it would decrease security, be a hindrance to the golf tournament, and would be too close to the homes on Southwind Drive. We respectfully ask that this be reconsidered so that we can continue feel safe and comfortable in our neighborhood in Southwind.

Best,

Roy and Lori Swearingen  
3406 Pinebrake Cv  
Memphis, Tennessee 38125

Dear Mr Davis,

I am deeply distressed and concerned with this development, as it relates to the Southwind community. As you know, Southwind consist of single family homes that are well maintained and has benefitted from the rise in the housinging market

A development this huge and so very very densely packed in(The average unit square footage in one building is well under 900 feet.) will have so many negative impacts on the Southwind community, with the main ones being property values and security.

Please do all that you can to block this development.

Best regards,  
Richard Tisdale  
3399 Tournament Drive S.  
Memphis, TN. 38125  
415-203-6258

Mr. Davis:

As the owner of 8688 Southwind Drive, I strenuously oppose the proposed development of the captioned apartment project currently being considered by the Shelby County Land Use Board. An apartment complex of the proposed scale in close proximity to the single family residences along Southwind Drive will undoubtedly and significantly diminish the market value of those residences. Moreover, the increased traffic load southbound on Tournament Drive will further impede the ability of Southwind residents to turn eastbound on Winchester. I urge the Land Use Board to decline approval for this project.

Ronald J. Kwoka  
8688 Southwind Drive  
Memphis, TN 38125-0749  
(901) 751-3889

My wife and I have lived in our at 3230 Club Breeze, Memphis, Tn. 38125 for 27 years. Since we live close to the front gate that is where we normally enter and exit but when I use the back gate it is not unusual for someone without premission trying to enter. The guard will tell them they cannot enter and then they have to back up and then we may have to back up to let them turn around and that takes time for us to enter. If the apartments are allowed to be built there will be more cars and delivery trucks driving down this small road causing more problems. Also we have friends that live along Southwind Dr. where the proposed apartments will back up to Southwind Dr. and these residents will be subject to the noise of 500 + children and adults.. Years ago I rented a nice apt. in good part of town and there was always someone having a party. Southwind is a nice quiet residential neighborhood. Apartments next door will not enhance our property values and certainly not the ones along Southwind Dr.. If anything I would assume their property values would decline. Plus the developer wants to make these apts. (4) four stories high. That is not acceptable. ex.there are some new apts. on the south side of Winchester east of this site and they are tall . They are only (3) three stories tall not (4) stories as developer wants.

Also I was told that there is an old zoning Variance with no apts. on North side of Winchester.

Sincerely,

Haynes McNeill

W. Joseph Lammel  
Janine S. Lammel  
3268 Pointe Hill Cove  
Memphis Tennessee 38125

December 30, 2021

Mr. Brett Davis  
Memphis & Shelby County Division of Planning and Development  
125 N. Main Street  
Memphis TN 38103

VIA Email: [brett.davis@memphistn.gov](mailto:brett.davis@memphistn.gov)  
[Thesrpaboard@gmail.com](mailto:Thesrpaboard@gmail.com)

RE: Ari Investment – The Tournament at Germantown Apartment Development  
NW Corner of Winchester and Tournament Drive

Dear Mr. Davis,

This letter is written in opposition to the proposed zoning adjustment to allow apartment development by Ari Development at the NW corner of Winchester and Tournament Drive. This land was originally zoned for medium density office buildings. The Ari development will add too many additional apartment units to the already dense apartment complexes in the area. In addition, the additional traffic on Winchester, especially at Tournament Drive, will cause increased congestion. Apartments located that close to our neighborhood will have a negative affect on the property values within the Southwind Residential Development.

Apartment complexes are built by developers to be sold, and after two or three changes in ownership we will see this development deteriorate.

As a matter of reference, I offer the Peppertree Apartments in Whitehaven. When built Peppertree was the nicest apartment development in the County, and now as Section 8 housing, the Mayor and District Attorney are trying to close the Peppertree Apartments due to excessive crime.

Once again, we are complete oppose to any zoning change that would allow for apartment development at this location.

Sincerely,

Joseph & Janine Lammel  
3268 Pointe Hill cove  
Memphis Tennessee 38125

Brett Davis:

I presently reside at 8712 Southwind Drive and am writing in opposition to the proposed AR Investment Development, The Tournament at Germantown. I am concerned that there will be an entrance or exit from Tournament Drive South for the people residing there. That road is much too narrow for any added traffic considering all the residents of Southwind that also use this one lane.

I did not notice the location of trash collection sites and am concerned that they will be located towards our property line and the buffer. If that is the case it will cause more noise and attract rodents.

Finally building two at a height of 4 stories and this is again to many apartments for this area with the roads and entrances and exits.

If this development is approved I feel that the developer must agree to install a permanence privacy wall between their development and Southwind.

I appreciate you taking the time to consider my thoughts and suggestions.

Sincerely

Trudi Pierami

[Tpierami1@yahoo.com](mailto:Tpierami1@yahoo.com)

901-581-1604/

REFERENCE TO DEVELOPMENT ON WINCHESTER

Development of the apartment project will cause heavy congestion in this area. The development of this project is TOO many apartments for that small area.

There is no traffic light at the entrance to Tournament Drive . With the Nursing Home already established there and now asking for the development of this apartment project will be adding heavier congestion to the traffic in this area.

The entrance to the project is not good and too many people are making a "U turn" to get back to the entrance off Winchester

Is there going to be a guard gate to protect us from walk on coming through and making so easy for them to get in to the area thus causing more crimes?

Please consider the homeowners and their wishes and not make this such a commercial area.

Billie Jean Graham  
3670 Classic Drive South



December 30, 2021  
8718 Southwind Drive  
Memphis, TN 38125

Dear Bret and Members of the Board,

Thank you for the opportunity provided to express our concerns. Your job is thankless but critical and to date those decisions have made our niche of Memphis the valued and desirable niche that it is.

For the record we are opposed to "The Tournament at Germantown" proposed apartment complex plan. We are not opposed to growth but this proposal is poorly conceived use of valuable land.

Several immediate concerns present themselves;

1. The 4 story proposed height will dramatically impact the sight line north of Southwind Drive, reduce curb appeal and home valuations.
2. 224 units, with a fair estimate of 2 occupants per unit, each with a vehicle, brings at least 448 people and 896 vehicles to a compressed limited space. Ingress and egress is only available from Winchester Road which is already congested. Trail Lake Drive also serves the existing office complex on Trail Lake West.
3. Storm Drainage from the complex's impervious surfaces and flooding will be a true threat to personal safety and property.
4. Security impacts will be realized to TPC Southwind, surrounding businesses and residential communities.
5. Implementation of thorough well thought out written Covenants, Conditions and Restrictions, CC&R's, that run with the property and the land regardless of ownership transfers over time.

Our hope is your Board will consider the following;

6. The suitability of the property and the resultant congested compacted population increase.
7. One road ingress/egress access capability e.g. Winchester to Trail Lake Drive serving so many people.
8. The proposed development "fit" regarding Germantown aesthetics, quality of life, property values and future zoning exemption request that this precedent will set.
9. The short and long term community benefits of tightly compressed congestion and the traffic gridlock this proposal will have on the entire surrounding areas, businesses and communities.
10. The inevitable damage to Winchester Road from heavy construction vehicles, the need for re-construction and resurfacing. It should not be a cost to bare by Memphis and Memphis tax payers.
11. The plan does not reflect any community recreation facilities. No community swimming pool, tennis courts, putting green etc. What are an estimated 500 people + including children to do with spare time?
12. Should the project go forward please limit vertical construction to a maximum of 3 stories, Germantown is not a JR Manhattan and require extensive mature tree planting by the developer along the entire property perimeter to minimize both noise and sightline degradation.

***\*letter continues on next page\****

13. Require the developer to pay for a thorough traffic impact assessment made public and for the cost of traffic lights at both Trail Lake Drive and Tournament Drive South. Access to Winchester Road southbound from Tournament Drive South is already a risky proposal. The traffic light serving the church negatively effects traffic flow and should be a flashing yellow light except for Sunday service. The addition of so many additional vehicles will turn Winchester Road into a parking lot from the 385 off ramp to Forest Hill Irene Road. Without traffic lights, the auto accident rate will more than rival the daily carnage realized on the 385 and I-240.
14. The creeks inability to handle water runoff during significant rainfall has left a history of flooding along Southwind Drive with significant damage to homes. Please ensure a thorough drainage and flooding report is completed and made public to assure that the addition of only one detention/retention pond is enough with thorough contingencies examined and in place should impervious surface runoff overflow the ponds and exceed the creeks capability handle water flow.
15. The chain link fence separating the land of the proposed project and Southwind Drive has proven at best to be minimal barrier to prevent criminal activity. The addition of so many people residing in close proximity makes the barrier useless. The developer should fully fund construction of a wall suitable to the SRP Board including design, materials, construction completion timeline and height along Southwind Drive plus the construction of a suitable wall (not chain link) surrounding the remaining proposed property development perimeters.
16. Thoroughly thought out CC&R's will be critical! The developer states the proposed apartments will be "Luxury ". Without CC&R's that address landscape maintenance requirements, exterior paint color and maintenance, roofing materials and maintenance, parking lot reoccurring resurfacing, subleasing, Air B and B's, abandoned vehicles, RV and Boat storage, exterior lighting restrictions, residential use only etcetera will allow "Luxury" to degrade rapidly to less than desirable. They must run with the land and property to ensure future owners of the project are held to the same very high "luxury" standard.
17. We understand growth and development is inevitable but any proposed development should enhance and benefit our communities recognized quality of life, desirability, property demand and valuations while ensuring the development does not bring harm and generate unintended consequences. Please ask yourself how this land use proposal serves and benefits our communities.

Our communities South of Hacks Cross road are special. Pride of ownership is evident. Substantial investments have been made and are in progress. We have an "in demand" valued place to live. Valued places to live needs protection. It is fragile. Ill conceived quick profit proposals will always be presented. I doubt the developer is a Germantown resident. Please ask the question of "what if"? The consequences and unintended consequences. The cause and effect. We think the land and our communities can be better served. Our high demand will see a proper land use proposal in time.

Sincerely,

John and Renee Frogge  
8718 Southwind Drive  
Memphis, TN 38125

Dear Mr. Davis,

I have lived on Southwind Drive for years. I loved being a part of Memphis and did not want to leave. I tend to be a pro-person rather than a con person. However, I am against the proposed 4 story apartment Tournament at Germantown complex.

The complex is too large, too many people, not enough outlet for the water. We already have many water issues in the neighborhood. It would seem to me that we would want to consider the environmental impact and would want to make communities more livable. This complex does the opposite of that.

I hope you will help to develop a much more reasonable project. Please use the property to create neighborhoods that add value rather than decrease value. Please use the property to enhance safety rather than detract from safety. Please use the property to create more interest in the city rather than less. I hope you will put people before profit. In the long run profit will follow people. Please do well by "We the People."

Please contact me if I can be of service.

Rosie Phillips Davis

Rosie Phillips Davis (formerly Bingham), PhD, ABPP  
APA Past President, 2020  
Professor, Counseling, Educational Psychology & Research

My wife and I, having been residents of Southwind for 31 years, strongly oppose the proposed development of apartments just outside the back, residents only, gate on Tournament Dr. The "Lincoln on the Green" development was initially a luxury development, but has, through the years, slipped into a below average apartment complex which detracts from the image that Southwind wishes to provide. By inviting non-home owners into the neighborhood the entire Southwind development will be degraded and property values decreased. Surely a condominium development would allow the developer to enhance the property and keep the same high luxury component of the entire Southwind complex.

Dr. and Mrs. Robert P. Lorentz

The purpose of this letter is in opposition to the opposed apartment buildings designated for Winchester and Tournament Drive. This will present a variety of safety and security problems. In addition it will multiply current traffic control issues that we currently experience daily. Lastly, it will impact the value of my home. Hopefully we can reach a reasonable solution to avoid these issues.

Sincerely,  
Phillip and Stacy Young  
3234 S. Silverwind Cv.  
901-309-1265

Dear Bret Davis and Members of the Board,

I am totally opposed to the proposed apartment complex plan, which is poorly conceived, inadequately vetted, and should be scrapped. Its implementation would result in irreversible negative consequences to TPC Southwind and surrounding communities including:

- **Security Issues:** TPC Southwind community will undoubtedly suffer from increased crime and vandalism with 400-500 people in an apartment complex adjacent to the fence/ back gate area. Current security measures, guards, fences, etc are not going to be adequate. Additional security measures will be required, unfortunately at homeowners' expense (increased HOA fees) which is not right.
- **TPC Southwind Property Depreciation:** Four story apartment buildings negatively impact all residents' property values and in particular, damage values of homes along Southwind Drive. The privacy and quiet of TPC Southwind will disappear due to so many more people and vehicles adjacent to the community. The small square footage of the apartments and absence of amenities/recreation facilities indicate that the complex is not "Luxury" by any stretch.
- **Traffic Congestion:** Winchester Road is already dangerously congested. It can't handle hundreds more people plus their vehicles. Gridlock, accidents, noise certainly will increase.
- **Drainage issues impacting TPC Southwind:** The creek area has been problematical in the past. How do you ensure that storm drainage/run-off from the apartment complex/parking lots will not impact homes and property in TPC Southwind?

In summary: The apartment complex is a terrible idea. If implemented, it will very negatively impact our property values and quality of life. The apartment complex is NOT the right use of valuable land adjacent to TPC Southwind.

Sincerely,  
Loree Tisdale  
3399 Tournament Drive South  
Memphis TN 38125  
Mobile: 303-908-2726

January 1, 2022

Dear Brett:

We are Jim and Sue Perrin. We have lived on Southwind for 18 years. First at 8734 Southwind Drive (10 years) and then at 8638 Southwind Drive (8 years). I retired from Junior Achievement after 32 years; the last assignment was in Memphis as President and CEO (21 years). Sue worked for SYSCO Food Service of Memphis for 35 years, retiring as Vice President of Health Care Sales.

We want to thank you in advance for working with our SRPA Board in our efforts to keep Southwind as attractive and safe neighborhood now and for the foreseeable future.

With that said, we are deeply concerned with the prospect of an outside developer's plans to convince the county Land Use Control Board (LUCB) to reexamine the long-standing ordinance that would disallow apartments to be constructed immediately adjacent to Southwind's security gates and back fences, and specifically here, right next to Southwind Drive.

We're being told by the developers that the construction is not in any way like the hundreds if not thousands of apartments surrounding Southwind. We were told that these will be "luxury" apartments. This is a never-ending story for Memphis. If "luxury" apartments look nice in the first few years, that would most definitely in years to follow, look

*\*letter continues on next page\**

no different from the apartments across the street on Winchester and beyond. In fact, plans for this “luxury” project do not include amenities that are included across the street such as covered parking, adequate pools, and clubhouses or playgrounds for children.

At our current residence (8638 Southwind Drive), we have experienced significant financial loss due to the flooding of the drainage creek and storm sewers. Such a development is not feasible without substantial investment for infrastructure and proper storm drainage from the developer.

But we have other critical concerns:

Apartments that are poorly managed can be magnets for crime, litter and garbage, noise pollution, lack of proper lighting, security and significantly heightened traffic issues. These facts will accelerate over time with changing in ownership. There must also be simple ingress/egress to these 279 units, without using Tournament Drive.

We believe that there are underlying reasons that this developer is making a play for this property.

First, building adjacent to Southwind makes the developer’s project more valuable. He can promote this project as “luxury” simply because of its closeness to Southwind; most likely creating the perception that they are actually part of Southwind. Take for example: the developer has named the project “The Tournament at Germantown”. This project

*\*letter continues on next page\**

has nothing to do with the FedEx St Jude Championship nor is it in Germantown. It is a misleading marketing ploy.

Secondly, since 1987, LUCB has never allowed apartments next to Southwind borders. LUCB knew that such construction would be detrimental to the residents' property value. Now, in 2022, this is more critical than it has ever been.

Lastly, Sue and I appreciate the opportunity to share our concerns with you and the board. We look forward to a positive response from the board as we continue to enjoy our home located in a first class neighborhood and great city.

Sincerely,

Jim and Sue Perrin  
8638 Southwind Drive  
Memphis, TN 38125



Dear Bret

As residents of Southwind and homeowners on Southwind Drive, we appreciate your taking the time to read this email regarding the plans to build apartments on Winchester Road in Germantown.

Please note,

**WE, CAROL and MICHAEL DUFFY, ARE OPPOSED TO THE "TOURNAMENT at GERMANTOWN" PROPOSED APARTMENT COMPLEX.**

Our immediate concerns are the following:

- 1) **SECURITY** - The security impact that short term housing has on the immediate area. Our houses on Southwind Drive are separated from this property by a chain link fence.
- 2) **HOME VALUES** - The height of a 4-story complex will greatly impact the sight line from our homes on Southwind Drive. This eyesore will greatly impact our quiet street and diminish our home values.
- 3) **TRAFFIC** - Hundreds of tenants bring hundreds of vehicles. Winchester Road between Hacks Cross and Forest Hill Irene is already congested. A traffic light is already badly needed on Tournament Drive and Winchester.

Thank you for your time and consideration,

--

**Carol & Michael Steele Duffy**

8756 Southwind Drive  
Memphis, TN 38125

**612.270.8986**

January 2, 2022

8674 Southwind Drive

Memphis, TN 38125

Thank you for the opportunity share my concerns and opposition to the proposed Development known as The Tournament at Germantown for the below reasons.

- Another multi-family housing development in the area planned will dramatically reduce the curb appeal and home valuations for the 525 property owners in the Southwind neighborhood, and surrounding private property neighborhoods.
- Security impacts will be realized by the Southwind neighborhood, surrounding businesses and residential communities. Close-by luxury apartment complexes that currently exist in the immediate area experience daily crime that includes drug-trafficking, shootings, vehicle vandalism and theft, break-ins and theft of property. As nice of a complex that The Tournament at Germantown is proposed to be, valid concerns exist that it will serve to be “an attractive” invitation to opportunistic criminals already prospecting the area for criminal enterprise.
  - The chain link fence separating the land of the proposed project and the Southwind community has proven at best to be a minimal barrier in preventing local criminal activity from spilling over into the Southwind Community. The developer has no plans to fully fund construction of a wall suitable to the Southwind Homeowners Association Board (SRPA) which would create a realistic, safe barrier between the Southwind Community and the proposed property development.
- A conservative estimate of 224 units, with a fair estimate of 2 occupants per unit, each with a vehicle, brings at least 448 people and 896 vehicles to a congested area of Winchester Road and its contiguous communities.
- Storm Drainage from the complex’s surfaces and flooding poses a threat to personal safety and property, again in contiguous communities, especially Southwind.
- No communication from the developer regarding Implementation of thorough well thought out written Covenants, Conditions and Restrictions, (CC&R’s).

***\*letter continues on next page\****

In addition to the above-stated concerns, I request that the Board consider the following:

- The suitability of the proposed development and the resulting congested, compacted population increase.
- The negative impact to neighborhood property values and future zoning exemption requests.
- The short and long term community benefits of tightly compressed congestion, and the traffic gridlock this proposal will have on the entire surrounding areas, businesses and communities.
- The inevitable damage to Winchester Road from heavy construction vehicles, the need for re-construction and resurfacing.
- The plan does not reflect any community recreation facilities for its estimated 500+ residents.
- Requiring the developer to pay for a thorough traffic impact assessment, and for the cost of traffic lights at both Trail Lake Drive and Tournament Drive South.
- Due to the current inability of the existing creek that flows through the proposed development to handle water runoff during significant rainfall, requiring the developer to complete a thorough drainage and flooding report in order to assure that the addition of only one detention/retention pond is sufficient, along with thorough contingencies should the proposed development's surface runoff overflow the ponds and exceed the creek's capability to handle water flow.
- Require thorough CC&R's for the proposed development that address entrance and landscape maintenance requirements, exterior paint color and maintenance, roofing materials and maintenance, parking lot reoccurring resurfacing, subleasing, Air B and B's, abandoned vehicles, trailers, RV and Boat storage, exterior lighting maintenance and restrictions, and residential (non-business) use only.

Thank you again for consideration of my concerns regarding this proposed development.

Sincerely,

Rebecca S. V. Perisho  
8674 Southwind Drive  
Memphis, TN 38125  
Telephone: (615)-477-6672

We are writing to log our strenuous opposition to this proposal. For our family, this is a matter of public safety.

When the apartments at Winchester and Forest Hill Irene were completed and occupied, the increased traffic congestion on Winchester became an unwelcome imposition for all vehicles heading West, and made it unsafe to turn East onto Winchester from Tournament Drive. Additional traffic generated as a result of the proposed apartments would render Winchester functionally impassable; traffic lights cannot be considered an offsetting "solution" as existing lights are routinely ignored on the stretch of Winchester from Forest Hill Irene heading West, and through some of the already worse congestion found on Memphis roads. Further, is not a "stretch" to anticipate increased first responder and emergency vehicle delays on top of elevated risks brought about by the increase in traffic.

Once again, we strenuously oppose this proposal we believe puts citizens' safety at an unacceptable heightened risk.

Sincerely,

Bob and Becky Wenker  
3705 Classic Drive South  
Memphis, TN 38125

As a Southwind resident am requesting you oppose the Ari apartments project...Traffic congestion exiting Southwind to Winchester,safety issues to residents,building heights will invade privacy of Southwind residents and reduce property values are all valid reasons for opposition..

There is also a question of need...Two blocks east is Champion Hills complex...half mile east of that at winchester and forest hill irene are Miller Creek and Villas of Germantown, both sizeable apartment complexes...another half mile east down Winchester,Boyle has cleared acreage and announced Veridian (260 apartments and also announced purchase of acreage across winchester on south side for more apartment development....

West of proposed Ari is Lincoln on the Greens which adjoins Southwind golf course on Players club parkway...Finally the Fieldstone is a hughe.. apartment complex on Hacks Cross at tournament drive....

Plenty of apartments in the area without Ari..

allen adler....3197 whisperwind cove...38125

Dear Sir:

Please consider this correspondence as our statement of opposition to the proposed zoning change in the case # MJR 12-45. We believe this development will cause unreasonable harm to the neighboring property owners. The immediate area surrounding Tournament Drive South already has at least five major multi-family developments including Lincoln on the Green, Champion Hills at Wyndyke, The Westbury Apartments, Miller Creek at Germantown and most recently The Villas at Germantown. To approve a major zoning change that adds another large multi-family development in such close proximity to those, we believe, is detrimental to the community at large and counterproductive to the growth goals we share. The current zoning designation of "Office and Restaurant" seems to be correctly applied to this property. We are not anti-development. We have been watching this property for some time and we are hopeful an "Office and Restaurant" development will happen eventually. Just because it has not yet happened, seems inadequate justification for such a major change to the zoning. To borrow words from your staff report, Conclusions (p.11) item #2 . . . "Technically, the means to this end are to trade out 'restaurant' for 'apartment' as a permitted use" seems to us to be a stretch beyond anyone's imagination and should not be allowed.

Thank you for your consideration,

Michael Gardner and Teresa Dixon  
3237 South Silverwind Cove  
Memphis, TN 38125

January 3, 2022

Steve Redden  
3323 Windemere Lane  
Memphis, TN 38125

Dear Brett,

I would like to express my concern as a homeowner in Southwind. I appreciate any consideration you can provide us. Thanks so much.

For the record we are opposed to "The Tournament at Germantown" proposed apartment complex plan. We are not opposed to growth but this proposal is poorly conceived use of valuable land.

Several immediate concerns present themselves;

- The 4 story proposed height will dramatically impact the sight line north of Southwind Drive, reduce curb appeal and home valuations.
- 224 units, with a fair estimate of 2 occupants per unit, each with a vehicle, brings at least 448 people and 896 vehicles to a compressed limited space. Ingress and egress is only available from Winchester Road which is already congested. Trail Lake Drive also serves the existing office complex on Trail Lake West.
- Storm Drainage from the complex's impervious surfaces and flooding will be a true threat to personal safety and property.
- Security impacts will be realized to TPC Southwind, surrounding businesses and residential communities.
- Implementation of thorough well thought out written Covenants, Conditions and Restrictions, CC&R's, that run with the property and the land regardless of ownership transfers over time.

Our hope is your Board will consider the following;

- The suitability of the property and the resultant congested compacted population increase.
- One road ingress/egress access capability e.g. Winchester to Trail Lake Drive serving so many people.
- The proposed development "fit" regarding Germantown aesthetics, quality of life, property values and future zoning exemption request that this precedent will set.
- The short and long term community benefits of tightly compressed congestion and the traffic gridlock this proposal will have on the entire surrounding areas, businesses and communities.
- The inevitable damage to Winchester Road from heavy construction vehicles, the need for re-construction and resurfacing. It should not be a cost to bare by Memphis and Memphis tax payers.
- The plan does not reflect any community recreation facilities. No community swimming pool, tennis courts, putting green etc. What are an estimated 500 people + including children to do with spare time?
- Should the project go forward please limit vertical construction to a maximum of 3 stories, Germantown is not a JR Manhattan and require extensive mature tree planting by the developer along the entire property perimeter to minimize both noise and sightline degradation.
- Require the developer to pay for a thorough traffic impact assessment made public and for the cost of traffic lights at both Trail Lake Drive and Tournament Drive South. Access to Winchester Road southbound from Tournament Drive South is already a risky proposal. The traffic light serving the church negatively effects traffic flow and should be a flashing yellow light except for Sunday service. The addition of so many additional vehicles will turn Winchester Road into a parking lot from the 385 off ramp to Forest Hill Irene Road. Without traffic lights, the auto accident rate will more than rival the daily carnage realized on the 385 and I-240.
- The creeks inability to handle water runoff during significant rainfall has left a history of flooding along Southwind Drive with significant damage to homes. Please ensure a thorough drainage and flooding report is completed and made public to assure that the addition of only one detention/retention pond is enough with thorough contingencies examined and in place should impervious surface runoff overflow the ponds and exceed the creeks capability handle water flow.
- The chain link fence separating the land of the proposed project and Southwind Drive has proven at best to be minimal barrier to prevent criminal activity. The addition of so many people residing in close proximity makes the barrier useless. The developer should fully fund construction of a wall suitable to the SRP Board including design, materials, construction completion timeline and height along Southwind Drive plus the construction of a suitable wall (not chain link) surrounding the remaining proposed property development perimeters.

***\*letter continues on next page\****

- Thoroughly thought out CC&R's will be critical! The developer states the proposed apartments will be "Luxury". Without CC&R's that address landscape maintenance requirements, exterior paint color and maintenance, roofing materials and maintenance, parking lot reoccurring resurfacing, subleasing, Air B and B's, abandoned vehicles, RV and Boat storage, exterior lighting restrictions, residential use only etcetera will allow "Luxury" to degrade rapidly to less than desirable. They must run with the land and property to ensure future owners of the project are held to the same very high "luxury" standard.
- We understand growth and development is inevitable but any proposed development should enhance and benefit our communities recognized quality of life, desirability, property demand and valuations while ensuring the development does not bring harm and generate unintended consequences. Please ask yourself how this land use proposal serves and benefits our communities.

Our communities South of Hacks Cross road are special. Pride of ownership is evident. Substantial investments have been made and are in progress. We have an "in demand" valued place to live. Valued places to live needs protection. It is fragile. Ill-conceived quick profit proposals will always be presented. I doubt the developer is a Germantown resident. Please ask the question of "what if"? The consequences and unintended consequences. The cause and effect. We think the land and our communities can be better served. Our high demand will see a proper land use proposal in time.

Sincerely,

Steve Redden  
3323 Windermere Lane  
Memphis, TN 38125  
901.218.9674



As a resident and property owner of Southwind subdivision I oppose the proposed apartment complex currently being considered for approval at the back of Southwind subdivision (Tournament Drive & Winchester Road). Southwind subdivision is an upscale housing neighborhood with high end properties and an HOA that is hands-on in maintaining high quality housing with security for its residents. The neighborhood is completely fenced & is a real gated community with hired security guards. Properties are manicured and taken care of to assure that properties retain their values & have good resale value. We are a community of diverse neighbors who value our homes/properties, our neighbors and our neighborhood. We have worked hard and diligently to keep our neighborhood safe and secure.

This apartment complex is a direct threat to our neighborhood/subdivision. No apartment complex, whether it's classified Class A "luxury" apartments or not, is a compliment to a neighborhood such as Southwind. Residents/renters of apartments have no personal or financial investment in their homes as they do not view their apartment as a long-term living arrangement (permanent home). Because it's a temporary home, and not owned by the renter, apartments of any type will eventually become run down as renters consistently move in and out and "luxury" becomes a joke. It's the nature of apartments.

Additionally, TPC is a part of Southwind and together we host the FedEx St Jude's WGC every year. This tournament is not only a big deal for St Jude's but for the city of Memphis. Memphis benefits greatly from the revenue and publicity received from hosting this tournament. Much of the parking, and the entrance/exit to the tournament is at the back of Southwind, near Winchester, where these apartments will be built. Having apartments at the very entrance gates to the tournament (Southwind Drive) creates an attractive nuisance for those looking to profit from crime during this event (and at any time) and limits use of previously used parking areas.

To say that crime is not more prominent in apartment complexes than in housing communities is incorrect, in my opinion, and should be further researched and investigated. There have been serious crimes in other nearby apartment complexes, i.e., thefts, burglaries, shootings etc. This should be researched and not just be assumed that crime isn't worse in apartment complexes than in housing developments. Keeping our neighborhood safe and secure, as much as possible, is a huge selling point for our neighborhood and greatly increases our property values.

Additionally, these apartments would back up directly to the homes and residents on Southwind Drive. This would directly affect those residents property values with 4-story apartment homes directly in the view out their front door. Also, the noise from traffic would be distracting and traffic itself would increase significantly on Tournament Drive which is a two lane road that provides entrance & exit routes for residents only of Southwind. Traffic on Tournament Drive (going in and out of the apartments) would increase and cause traffic flow issues. This is a narrow street only used by Southwind residents, and used by the residents for that purpose only since the subdivision was built. It's a benefit to Southwind residents and part of what attracts potential homeowners to our neighborhood.

We have been told by the builder that he intends to build and manage "Class A luxury" high end apartments and that the apartments will be properly managed and taken care of and that barriers and fences will be erected to assist Southwind in keeping their neighborhood as is. However, the builder is not from Memphis, is not invested in Memphis or its future, and he/ his company will build the apartments and eventually sale the complex to someone else and will be gone and we, the residents, will be left with whatever remains. The builder is simply trying to pacify everyone to get approval to build the apartment complex and profit therefrom. He has no long term investment in the project, in our neighborhood or in the city of Memphis.

I respectfully request the Shelby County Land Use Board consider my opposition to this apartment complex and leave the zoning as it currently stands which allows for businesses, restaurants etc to occupy and develop that parcel of land.

Jo Ann Smith, Southwind Resident

(3198 S Silverwind Cv, Memphis TN 38125)

Hi Brett,

The following comments/questions were developed with the intent not to impede the apartment development, but to insure that it is developed in such a way to be a valuable additional Class A asset to this local community that is safe and will be attract a clientele that will be willing to pay premium rental rates (to insure it is maintained very well) and/or stay and live there for many years.

1. There appears to be close to 328 surface parking spaces for the 164 units in building 1, 2, and 3, which may be sufficient. However, no designated parking spaces appear to be covered or enclosed, which appears to be the standard for nearby luxury apartment complexes in the City of Memphis (Fieldstone Farms (FF) & Lincoln on the Green (LG)).
2. It appears that access to these properties is limited by vehicular gates, but not sure the extent access is limited around the perimeter. FF has security fence around entire property and LG has significant fencing as well. Other nearby apartment complexes located only in Shelby County when developed (ex. Champion Hills, Westbury, Miller Creek and Springs at Forrest Hill), have minimal gate/fencing to limit access and per police reports experience notably more crime than FF and LG.
3. Gate access and perimeter security fencing appears to be a requirement in Germantown and Collierville and for good public safety reasons. This standard should apply to this property as well.
4. Hard to imagine 4-story residential buildings are not required to provide elevator service. FF and LG buildings are only a max of 3 stories tall. This too should be the standard.
5. Which property owner(s) will be responsible for maintaining the existing retention ponds and tree line along the north portion/boundary of the larger parcel adjacent to the Southwind Drive portion of Southwind? Same question regarding the west portion/boundary which appears to serve as a water run-off basin from the creek running from the north through Southwind.
6. It appears that the exit only in the northeast corner apartment development plans was removed via the red X. Perhaps this is because part of the other side of the street is not in the City of Memphis? It appears this is the case by where the east curb of Tournament Dr South begins/ends adjacent to the north boundary of the Cumming St Baptist Church lot. North of this curb ending, the road narrows toward the back entrance of Southwind, across from where the exit only was originally proposed. Further and as part of this development, the west side of Tournament Drive South should be widened and a curb/sidewalk be added as it was for the Sycamore Place Facility extending northward to meet across the street from the each curb end? In summary, the developments east side "25' landscape buffer" as currently shown appears to be encroaching onto Tournament Drive South and should be moved significantly west thus potentially eliminating the row of parking between it and the 2 story apartment building. Eliminating this parking should also result in downsizing the number of units in the 1,2 & 3 building cluster.

In summary, this development plan needs more work from aesthetics, external amenities, and safety features perspective to insure it is truly a luxury Class A residential property that holds its value and remains a community asset long term. Otherwise, I am concerned it will become just another apartment complex strung along Winchester. Additionally, the property was originally planned to be developed as a commercial office complex, which typically results in much higher valuations for the city/county property tax collections and returns for the original land developer. As many of the concerns listed above allude to, now developing as a multi-family housing, may be "fitting a square peg into a round hole" and the higher land cost may result in cutting corners when constructing the improvements. Hopefully, if rezoning is approved, it is just the first step and that the zoning commission will continue to ensure this development proceeds to be done the "right way", without any need to grant variances to codes and orderly development standards.

Respectfully,

Bret Perisho

Hello,

My family and I are residents of Southwind. We would like to again reach out and express our concern over the proposed development at Winchester and Tournament Drive.

With the MPD continuing to face troubles recruiting officers, one of our most immediate concerns is that attracting more people to this area, which is a bit removed from the rest of the city, will only result in a greater strain on our police force and will result in sub-par policing of this area.

Hand in hand with our concerns over general police presence comes our concern over traffic, traffic regulation and traffic noise. This area is already under policed and the road ways here are already dangerous. Even now we can regularly hear unabated street racers up and down Winchester at all hours. We don't want this coming any closer to our homes and children.

Our third concern is of an environmental nature, this area already has sub-par drainage, coupled with the city sewer system being very dated infrastructure and nearing capacity, we are concerned this development will negatively affect the city's ability to service the water and sewer systems and needs already extant in the area.

Best Wishes,

--

**Tyler Tapley**

CRYE-LEIKE, REALTORS

Broker

6525 Quail Hollow Road

Memphis, TN 38120

Mobile: 901-871-1290

Office: 901-756-8900

Fax: 901-653-2167

TN License Number 296080

TN Firm License Number 16943

Life Member Multi-Million Dollar Club

MAAR Commercial Council Pinnacle Producers Member 2016

Licensed in Tennessee, Mississippi, and Arkansas

***Ranked #1 at Crye-Leike for Closed Transactions in 2016, '18, '19, '20***

**OVER 350 HOMES SOLD IN 2019 & 2020 AND STILL GOING!**

Brett,

My family and I recently moved into the Southwind community. Among the reasons we did so was security, less traffic, and a bit more quietness (if that's a word!) than we had previously around the Kirby/Messick/Ridgeway/Park Ave. area. **We are adamantly opposed to this proposal for apartments (class A or otherwise!)** because, as you can see, it has a negative impact on all the above reasons we actually moved to Southwind in the first place!

I personally cannot think of a luxury apartment in the Memphis area that has remained a luxury apartment after 10 or 20 years. If you can, please let me know. Once these are no longer "luxury" apartments, then what do we do. It will only exacerbate my main concerns of crime and traffic.

One of the most surprising things since we moved here was the level of crime. As we've discussed with the HOA, it's directly connected to both the current apartments that are out here as well as the quick-get-away access to Winchester. I'm not sure you can find any data to support crime actually being REDUCED by adding apartments. Adding an apartment complex ONLY exacerbates crime for our community.

So, in short, below are my bullet points for your consideration to reject this proposal:

- **Traffic** - Tournament Drive from our back gate to Winchester Road will be a traffic disaster if you put 300 units (which I assume means 400-500 cars) with only 2 exits (Trail Lake Drive & Tournament Drive).
- **Drainage** - Drainage is already a problem in the proposed area. Can you guys guarantee that the new apt. owners will not make it worse (I suspect not).
- **Crime** – See above. No way in the world it won't increase crime. It might not go up as much as I think but it WILL go up. Not cool!!!
- **Noise** - Already an issue with apartments on the front 9. Can't imagine how bad it will be 100 yards from our house!

Thanks for your consideration.

Ed Gillentine  
3506 Windgarden Cove  
Memphis, TN 38125

Greetings Brett,

Thank you for your service to Memphis.

Please do not allow the Ari Investment to build the apartments at the intersection of Tournament Drive and Winchester. There are several reasons this proposal should not be approved. I've listed a few of my personal reasons below.

1. There is not enough room for the proposed development. It will look jammed in around EarthCon Consultants, Sycamore Place, and Southwind's back gate. The small road leading to the back gate of Southwind cannot handle the construction traffic and then resident traffic.
2. Sycamore Place is an Alzheimer's Special Care facility and it should not have a busy apartment complex next to it – please honor these people's privacy and peace of mind of being in a safe area
3. The office building would be subject to noise and traffic that would be distracting. I can only imagine they selected that space for it's quiet, secluded location and that would be ruined
4. Tournament Drive and Winchester intersection is already dangerous with people making illegal U-turns and this traffic would make it even worse – IF this building goes up they should be required to put a traffic light
5. There are already new apartments down the street and this would create too many units in the area, which adds to traffic and potentially crime.
6. The golf tournament is a huge benefit to the community and especially St. Jude. As a volunteer, I've heard some players voice concerns over safety in the area. Another apartment complex in the area could add to that concern and cause players not to participate.
7. Four stories is absolutely too tall and would impose on the privacy of those living in Southwind and other neighborhoods.
8. All apartments are first class when built, but will soon decline and not hold value. Southwind has been a great community and held it's value for over 40 years now. I honestly doubt an apartment complex will be able to say the same.

Thank you,

Traci Edwards, CPA, PMP, Project Manager, Corporate Finance Transformation  
Global Business Services | Transformation & Project Management (T&PM)  
(M) +1.901.409.1054



December 30, 2018

To: Shelby County Land Use Board  
From: Kim B. Alexander

Dear Board Members,

I have lived in Southwind at 8825 Classic Drive since 2013. I moved here from Cordova, primarily motivated by a number of thefts at my home and my neighbors, and other neighborhood crime issues, as well as the traffic on Germantown Parkway. I was also excited to live near the TPC golf course that hosts the St. Jude Classic.

Over the years that I have lived in Southwind, there has been significant development, both on Hacks Cross and Winchester Road. This includes strip malls, a major apartment complex, hotels, a nursing home, and other businesses. As a result, the traffic to get into and out of Tournament Drive has increased significantly, and although it may not directly be a causal factor, robberies and other crimes are much more prevalent.

I have reviewed the plans for the proposed apartments at Winchester and Tournament Drive, and I am very concerned about the impact of this proposal on my neighborhood. These concerns include:

- Aesthetics - this is not a good look for the Southwind area or for the TPC, especially during the St Jude tournament when the cameras showcase this area and the city of Memphis. The wall that's proposed will also be an eyesore.
- Need - Southwind is already surrounded by major apartment complexes (Fieldstone off Hacks Cross and The Preserve and Villas off Forest Hill) all of which have many vacancies based on calls to the rental offices last week
- Crime - additional residential units add to the problem we have already with vandalism and break-ins
- Traffic - already a problem - this will only make it worse

This additional development will be a further detriment to the area, and along with most other Southwind residents, I am opposed to it. Please listen to your constituents and do not approve it for all the reasons noted above.

Thank you.



Kim B. Alexander  
8825 Classic Drive  
Memphis, TN 38125



Mr. Brett Davis  
Staff Planner  
Memphis/Shelby County Land Use Control Board

I am writing to express my strong opposition to MJR 21-45 SOUTHWIND the proposed major modification and reclassification to allow apartments on three parcels of land at 8700 Winchester Road and Tournament Dr. The proposed change is a significant deviation from the existing land use classification, and if approved will not be similar to any of the properties adjoining the Southwind residential community. If approved, the change would result in an abrupt boundary without a buffer of moderated use areas between the established single family residential neighborhood of Southwind and the proposed new high-density apartments.

I respectfully ask that the Land Use Control Board and the planning department reconsider previously documented statements relating to degree of change and existing, adjacent land use and zoning compatibilities. The requested land use is NOT COMPATIBLE with adjacent land uses, and existing land use on surrounding parcels is NOT SIMILAR in nature to the requested use. Thus, the degree of change for this major modification is understated. When more fully understood, the major request for change to allow apartments should be REJECTED.

Typically, land use control regulations strive to enhance community value by avoiding close proximity of land parcels where significant land use differences occur. Until this specific request for a major change of use, transition areas and physical spacing to apartments have been the established norms in both the city and in the unincorporated areas around the entire Southwind residential community. Presently, none of the properties adjoining the Southwind residential neighborhood allow rental apartments. Nearby apartments, and land parcels designated to allow apartments, are currently located at a distance from the Southwind residential neighborhood.

...The nearest apartments, Champion Hills at Windyke, Miller Creek at Germantown, and the Villas at Germantown, are located approximately 800 feet to the south of the Southwind residences.

...Another apartment complex, Lincoln on the Green, is located approximately 1,500 feet to the west.

...And the Fieldstone Apartment complex is approximately 2,000 feet west of the northwest portion of the Southwind residential area.

Access between these apartments and their nearest Southwind residences is even more limited and effectively distant because there are no direct roads or access between them. Various types of low intensity parcels and significant cross streets, in combination with distance, separate existing apartments from the Southwind residential neighborhood resulting in a buffer of low occupancy and low activity transition areas. This type of buffer area is very common for enhancing overall community value while also eliminating or minimizing numerous issues that can occur when adjacent property boundaries divide significantly different use categories.

The property at issue, is requesting a major change to allow high density urban apartments at a use classification of RU-3. The boundary of the subject property is immediately adjacent to the Southwind residential neighborhood. If the change allowing RU-3 apartments is approved, it will be the only parcel on the north side of Winchester Road between Riverdale Road and Forrest Hill Irene Road containing apartments. And it will eliminate the desirable and previously established distance and buffer transitions that have been the norm between the Southwind residences and apartments.

I am a resident and property owner in the Southwind residential neighborhood that borders the proposed development requesting a land use change. Suitable development allowing responsible growth should be attainable at the property in question without digressing all the way to RU-3 apartments, and without losing the previously established buffer area between apartments and the single-family residential area. As an alternative for the property in question, there should be many other less intrusive land use choices that do not result in the abrupt R-15 to RU-3 boundary and the issues such a boundary creates.

Sincerely,

Michael Smith  
3198 S Silverwind Cv  
Memphis, TN 38125



TO: Shelby County Land Use Board  
[brett.Davis@memphistn.gov](mailto:brett.Davis@memphistn.gov)  
[SRPABoard@gmail.com](mailto:SRPABoard@gmail.com)

FROM: Anne Wallace ( 3204 S. Silverwind Cove in Southwind)

DATED: January 4, 2022

REGARDING: Proposed apartments at Winchester & Tournament Drive

I am firmly opposed to the proposed apartments outside Southwind's back gate. It will do nothing to elevate the area surrounding Southwind since people who dwell in apartments usually are temporary and therefore do not have the incentive to maintain things at the same level of those who own their homes. The property is not zoned for apartments. Why has this apartment complex project proceeded to this point?

In 1996, my family moved from Southern California to Southwind when my ex-husband took a job in the area. We arrived late in the day which is significant because there were no street lights due to no stores or development of any kind between the 385 exit onto Riverdale and then driving east on Winchester to Hacks Cross. My parents asked where we were taking them because it seemed like a really long way in the dark. Since 1996, I have watched the whole area develop and then struggle to succeed. The failures are big name places like Super K-Mart, Best Buy, and Nike.

When we first moved, Super K-Mart was located on Riverdale and it was where we shopped for our groceries. It wasn't too many years later when that was abandoned and it has remained vacant ever since. In 1996, the only place nearby for workmen to get a sandwich was at the gas station on the NW corner of Hacks Cross and Winchester. Many homes were being built in Southwind at the time. There were also apartment complexes going up on Winchester and Hacks Cross.

My parents lived at the Lincoln on the Green Apartments from 1997 until 2009. The people who rented there became less middle class as time went on. My folks were distressed because many of their neighbors would not open the door of the large trash bin to toss their garbage. The complex had to hire a company to come in and remove all the trash bags piled around the bin. My folks had seen rats crawling over the mounds of trash bags. That's when they chose to move in 2009 to Charlottesville, VA, to be with one of my brothers.

In 1996, the Hickory Hill Mall was a great place to shop. Southwind residents (like now) were served by the post office near there on Ridgeway. It was across the street from a large Target which was closed less than 10 years later—probably around the time the Mall ceased to be a good, safe place to shop. In the past five years or so, a Target went in at Winchester and 385. It didn't last long. A number of stores have tried that location and failed. The Best Buy along that strip closed down around two years ago.

Before Covid, I belonged to a couple of women's groups in Southwind. According to the chatter, nobody shops close to the intersection of Hacks Cross and Winchester unless they are going to Costco. My Southwind neighbors and I have shared with one another how we've been approached at Walgreens and in the PetSmart parking lot by people wanting money. I was shocked when I learned how many Southwind ladies in the bunko groups have special handbags for carrying their handguns. They don't feel safe around here. Most of my neighbors head into Germantown or out to the Kroger at Houston Levee to do their shopping.

If you try to shop at the Kroger on Hacks Cross, the whole development was poorly planned. The number of fast-food places and small businesses have made the parking lot too congested and it seems to be drawing a different population than it did a decade ago. The driveways in that center often have deep potholes to dodge. It isn't attractive.

I belabor these points of vacated businesses and shift in populations drawn to the places located close to Southwind because TPC Southwind is now hosting a world class tournament. Going into the third year of this tournament drawing the top 50 players in the world, the neighborhoods around Southwind (including the shopping areas) are not being maintained at a high standard. Will the tournament want to continue to come to TPC Southwind?

Developers need to make a living. I know that. But first and foremost, those who are developing the available land, need to understand and plan the direction of a community—evaluate what and who the community will be willing to support. Near 385 on Winchester, we have cheap furniture stores and bargain stores such as Ollies and At Home. There are many vacant storefronts. On Hacks Cross, we now have a huge storage facility which I assume is needed by all the surrounding apartment complexes. Is that something that would be located near Pebble Beach in Carmel, California where another big tournament is held? I understand the developer in this case is not even a resident of the Memphis area. I also learned that the property is not zoned for apartments. Who were the planners who zoned it for office buildings and storefronts? Why are those plans set to be abandoned?

How do we make Memphis safe and attractive to its residents and tourists? Who is the target market for the apartments outside the back gate of Southwind? If this developer somehow gets this apartment complex pushed through, how is he going to guarantee that it will be done and maintained at the highest level into perpetuity? The developer couldn't possibly care as long as he makes a profit.

It is distressing to not have received snail mail notification of this proposed complex before the renderings were drawn up. I believe the homeowners in Southwind with proper notice would have been united in their opposition to a complex set to loom over the properties built along the 17th fairway. Homeowners in Southwind surely would like to see a better quality of businesses moving into the area.

Brett,

My husband and I and my 3 children recently moved into the Southwind community. We primarily moved because of the security, traffic, and noise that we previously experienced around the Kirby/Messick area. I am adamantly opposed to the proposed luxury apartments right outside the back entrance to Southwind because I feel like it will negate the main reasons we moved here.

In my experience growing up in Memphis, "luxury" apartments don't stay "luxury". It's simply a matter of time before they become non-luxury and will only exacerbate my main concerns of crime and traffic.

To keep it brief, I would like for your board to reject this projects because of my bullet points below...

- **Traffic** - 300 apartment units and their vehicles will create a traffic disaster getting onto Winchester.
- **Drainage** - Drainage is already a problem in the proposed area. This will make it worse
- **Crime** – you know more about this than I do so you can fill in the blanks.
- **Noise** - Already an issue with apartments on the front 9 of the golf course.

Thanks for your consideration and thanks for all you do for our city.

Liz Gillentine  
3506 Windgarden Cove  
Memphis, TN 38125

We have been residents of the Southwind community for 12 years and are reaching out to you regarding the proposed apartment development at Winchester and Tournament Drive as we have a number of concerns.

Traffic— especially on Tournament Dr. in and out of our community. There is no traffic light at Tournament Dr. and Winchester and it is already difficult to turn East or West on Winchester and this new traffic will severely compound the problem. Additionally it is a single lane entrance into our gated community which is very close to the proposed development.

The proximity of Southwind Drive to the development only leaves about 100 yards of distance from the proposed development and the narrow 2 lane street that serves the back end of the Southwind community. Obviously this leads to potential noise and traffic bottleneck issues.

This same area would be subject to drainage issues which would be compounded on Southwind Drive after construction.

Noise would be an ongoing issue for Southwind residents with the proximity of the project especially as it relates to vehicles and outdoor activities.

Clearly the size of the project would jeopardize the safety and security of the Southwind community and would involve 2 different police teams, Memphis and Shelby County.

Finally, the construction would affect the conservation of our community and additional misplacement of wildlife. Currently, wildlife is already trying to respond to the loss of trees and shelter due to other construction efforts and zoning changes.

Thank you for reviewing the issues as we see them. We are very concerned with the effects of this unnecessary development.

Sincerely  
Dan & Shirley Mullally  
3473 Windgarden Cove  
Memphis, Tenn 38125  
901-607-2122

Dear Board Members:

My family and I have been residents of Memphis, TN , for 70 + years and have resided in Southwind over the last 20 years. This letter is to voice my objection to the Ari Investment proposal to build an apartment complex at the intersection of Tournament Drive and Winchester. The entire neighborhood is opposed to this development for many reasons, and I am outlining many of those reasons below. Before I do that, I want to assure you I am not opposed to progress or developments. When the recent development Sycamore Place, Alzheimers Nursing Care Facility was proposed at Winchester/Tournament, I did not object to this development because Sycamore Place represented a worthy endeavor, a Special Care Alzheimer's Center, that was well planned and fit the acreage available. So, I'm not opposed to developments in general. But, with the Ari Investment Proposal I have these concerns:

1. There will be 279 apartment units with the potential number of residents being approximately 700 on a very small space approximately 13/14 acres. This represents way too many people and activity for a small amount of space (approx 14 acres) and way too many cars for such a small amount of space; Development plans have created almost 400 parking spaces for the apartment complex which is way too many cars crammed into the amount of space allotted-- there is just not enough room for the proposed development.
2. The small road leading to the back gate of Southwind cannot handle the resident traffic. With a minimum of 700 residents and 384 car spaces, the ingress and egress to the apartment complex will overload the small road beside the apartment complex called Tournament Drive, which is also the entrance road to Southwind and Cummings Street Missionary Baptist Church with hundreds of members; plus, the ingress and egress to Winchester is not sufficient; traffic will be backed up into the complex. Once again, there is not sufficient space for the proposed development.
3. The ingress and egress of the apartments on to Winchester, regardless of whether you turn left or right, is DANGEROUS to any school bus that would pick up and drop off children going to school.
4. As the development plans show, the activity of the Clubhouse and the Pool and the Leasing Center sit opposite the Sycamore Place which is an Alzheimer's Special Care facility-- this nursing facility should not have a busy apartment complex, pool, and leasing and workout amenities next to it -- please honor the sanctity of these unfortunate individuals.
5. There are plenty of apartments in the area--in fact new apartments have been developed down Winchester at Forest Hill which have already created an over-building of apartments in the area, which adds to traffic and overcrowding and potential crime.
6. Four stories is absolutely too tall and would impose on the privacy of those residents living in Southwind and on Southwind Drive. The Commercial building is only 3 stories; the apartment developments down Winchester and at Champion Drive are only 3 stories and other complexes on Players Club are only 2 stories high. Why is this Ari Investment development being allowed to build 4 stories which will destroy the privacy of the residents in Southwind and on Southwind Drive plus the privacy for the Alzheimer's Sycamore Place and the commercial Office Building ????
7. Southwind has been a great community and held its value for over 40 years now. The property values will likely decline with high density apartments.

As you can see there are numerous reasons why the proposed development should not proceed. Please do not allow these developers to misuse this limited acreage to create a development that is not really needed in this area. There is plenty of land elsewhere which would be more suited to this development. Please do the right thing and vote NO to this development proposal.

Sincerely,

Susan Arrison  
3625 Classic Drive South  
Memphis, TN 38125  
901/262-6125

I am a resident of Southwind and wish to object to the proposed development just outside of our community. I object on the basis of safety, home values, and density.

**Safety:** the intersection of Winchester and Tournament Drive is an extremely dangerous intersection presently. I have witnessed one accident and several "near misses" at this exact location. The addition of more traffic on Tournament Drive and Winchester that would be caused by the addition of this development would create a significant increase in the likelihood of serious automobile accidents than already exists.

**Home Values:** the proposed development is for three and four story buildings adjacent to the Southwind neighborhood. This effectively eliminates privacy for a dozen homes as the top floors of the apartments will be peering into the backyards and windows of these residences. This, along with the increased traffic, will negatively affect property values.

**Density:**the addition of this many apartments (and people) on such a small property and in such a compressed part of Winchester makes no sense. Already on that corner is an extended living center which creates traffic. This area cannot tolerate any additional automobile traffic.

Please help us protect our safety and property values by declining the request for this development.

Michael Arrison  
3625 Classic Drive S.  
901-734-0344

Dear Mr. Davis, I am a resident of Southwind, raising young kids there, and who lives very close to the area of intended development. The introduction of a large apartment complex so very close to our home would introduce an excessive amount of pollution including noise. That many people so close is a real concern for crime as well. If this kind of change is allowed, of course, the desirability of our home dramatically diminishes. Please consider other options as this kind of damage cannot be undone once done—to my home, and neighborhood.

Sincerely,

Nahum M Beard MD.

Dear Brett Davis and the Land Use Board,

I am writing to you to plead with you NOT to approve construction of apartments on the property adjacent to the south entrance of Southwind. As a resident and homeowner in Southwind, I am highly opposed to rezoning the property adjacent to Southwind and to the proposed construction of an apartment complex. We bought our home and chose to raise our four children in Southwind for many tangible and identifiable reasons: the privacy, the quiet, safety, the location and insulation from the surrounding busyness and noise of Winchester Rd, the green spaces, the tree lines, the sky line, the certified arboretum, and the golf course to name a few. Our family home is on Classic Dr. S, one of the roads closest to the back gate of the neighborhood, and we drive past the property from every direction several times per day. I am highly opposed to eradicating the tree line as seen from Winchester Road and Tournament Dr. S. I am highly opposed to development taking the tree line between Tournament Dr. S and the adjacent property. Study after study has enumerated the benefits of green lines, tree lines and skylines to cities, communities, and individuals. I am not opposed to development on the property. I am opposed to the development of apartments on the property.

Apartments will remove all visible tree lines and the sky line. The sunset and wild life that frequents the area is of tremendous value to our community. Communities need green lines, tree lines, and sky lines. Apartments on this property will eliminate that for a significant portion of the Southwind community, including Sycamore Place residents, and for the population of our city that drives past the property every day going to and from work. I am opposed to a company, who has no permanent or long-lasting investment in the area, taking the vital tree line and sky line from the property owners and community members who have invested their finances and lives in this community. I am opposed to developers and development that takes no care for the surrounding community and environment. I am opposed to developers and development that ignores the value of incorporating into the existing environment. I'm opposed to developers and development that takes over and dominates the surrounding environment and community. We must move beyond this kind of development to advance Memphis in the 21st century. I'm opposed to developing this property into apartments.

Study on the benefits of trees for livable communities: <https://nph.onlinelibrary.wiley.com/doi/full/10.1002/ppp3.39>  
Crime Rates and Green Space: <https://www.businessinsider.com/surprising-benefits-of-urban-green-space-2016-4>  
Blue and Green Spaces Affect Human Health: <https://www.urbangreenbluegrids.com/social/>  
Effects of Green Spaces on Human Health <https://www.nhm.ac.uk/discover/why-we-need-green-spaces-in-cities.html>

I am opposed to apartments and the negative impact they will have on our property values and the surrounding environment. An apartment complex will dramatically multiply the noise, traffic, and pollution to Southwind, likely depreciating our property values and absolutely diminishing the quality of life for our neighborhood. Southwind and the surrounding area has a special character, like a diamond in the ruff; despite the busyness and traffic a stone's throw away on Winchester Rd, the neighborhood is insulated by the trees and green space. That is of great value to our community. One is surprised at the quietness of the neighborhood despite its close proximity to Winchester Rd. An apartment complex encroaching on Southwind will completely eliminate the highly valued (and priced) privacy and soundproofing we experience in our neighborhood.

The footprint of an apartment complex will permanently diminish the entire stretch of road and cause tremendous environmental decline. I am opposed to the exponential increase of pollution and run-off and it's easily foreseen impact on our community and on Winchester Rd. I'm opposed to the increase in flooding should apartments be constructed. We currently experience heavy drainage in the neighborhood and on Winchester Rd. whenever it rains and an apartment complex will push exponentially more of that water volume into our neighborhood to potentially catastrophic effect on the homes nearest the property. The increased flooding on Winchester Rd. will cause perpetual damage and endanger thousands of drivers that use Winchester daily. As is evident on the flood factor map, the property CURRENTLY has little concern for flooding due to its large absorption footprint. Building an apartment complex there and eliminating the benefit of that absorption will endanger our community and increase cost to the city as Winchester is perpetually damaged by flooding.  
[https://floodfactor.com/city/memphis-tennessee/4748000\\_fsid](https://floodfactor.com/city/memphis-tennessee/4748000_fsid)

I am opposed to apartments on the property due to the impact on the residents of Sycamore Place Alzheimer's Special Care Center. It is valuable to our neighborhood that Sycamore Place Alzheimer's Special Care Center is part of the adjacent Southwind community. Considering what a disorienting and devastating disease Alzheimer's is on individuals and families, it's an encouragement to reflect daily on the loved ones being cared for there. Do not ignore the cost to these residents should you approve construction of apartments. I am opposed to the construction of apartments due to the chaos, noise, and loss of privacy and stability the residents of Sycamore Place will experience. The ensuing traffic and population growth will very likely harm these vulnerable members of our community and it is inhumane to ignore their specialized needs. It is demoralizing and discouraging to witness, as evidenced by their proposed plans, Ari Investment's disregard for the impact their development will have on the Sycamore Place community. The Sycamore Place residents will lose their privacy, peace, and much needed stability should you approve the construction of an apartment complex. I urge you NOT to rezone the property.

Constructing the wrong development on the property will permanently erase the existing benefits of the property. If you approve the wrong construction, the negative impact on the surrounding community will never be undone. You will not have a second chance, hindsight will be meaningless, and the surrounding community will forever pay the price. From increasing crime rates to eradicating vital green space to the potential for catastrophic flooding, there is no benefit to Southwind and our surrounding community if you rezone for apartments. The only benefit will be to developers' pockets. Approving apartments will be short-sighted and take Memphis in the opposite direction from where our communities should be headed in 2022; where city development prioritizes community benefits over developers' profits. I urge the board to prioritize considering the surrounding communities and the permanent detrimental impact an apartment complex will have. I urge you NOT to rezone the property. Please err on the side of patience and vision and WAIT until the RIGHT developer has proposed the best and highest use for that land. Please employ wisdom and vision as you look to the future of development in Memphis and in Southwind.

Sincerely,  
Melissa Beard  
Southwind Homeowner and Resident  
3650 Classic Dr. S



Dear Mr. Davis,

My name is Samuel Beard and I am a 13-year-old resident currently growing up at Southwind, and will be saying why I do NOT want a large apartment complex built right next to Southwind.

My first reason is that in the process of building this complex, many trees and ground will be torn up to make space. I have seen many construction sites around the area and it is horrible to see all of that ground just turned into mounds of dirt. Nature is IMPORTANT! There are also enough EMPTY apartments in this world already and there is no need to build more- especially if it's expensive which means not a lot of people will be able to afford it. It's also kind of pointless because there are a TON of apartments just down the road which are about just as fancy. If they don't have a pool, so what? Pools aren't necessary. Also, a lot of deer live in that area and they don't need to be pushed out which is a big enough problem already.

Another reason is that it might increase traffic, which is something we DEFINITELY don't need more of. Our (and assume other people's) mornings have enough delays as it is. The trees near the entrance where we drive by provide shade from the sun and they're cool to look at. The U.S. is also the 24th country in environmental protection and we don't need to go any lower. We need to be going HIGHER. Maybe you could consider planting some trees instead of building that huge apartment complex.

Please consider my email and everyone else's.

Sincerely,  
Samuel Beard, age 13  
Of 3650 Classic Dr. S.

Dear Mr. Davis,

I am growing up in Southwind and I most definitely DON'T want the people that are building the apartment complex to build the complex. I don't want the people to build the complex there because I love the serenity of all that open space. I also love the amount of green that is there. I would never want the green area to EVER become anything that it isn't now, unless the change is good for the environment. So I say, "NO! I DO NOT WANT THEM TO BUILD AN APARTMENT COMPLEX IN ALL OF THAT AMAZING GREEN!!!!!!!" That is what I say. Noone should ever disrupt the peacefulness of that area. Animals live there! So many deer live there! Why would anyone want to destroy that area. Oh! I know why! Money! Everything is about money! Nobody cares about the Earth! Why!? Also the U.S. is ranked 24th in environmental protection. This is why. I wish they would consider planting trees. It's really not hard to just be not greedy and be kind to the environment. If they put a complex there it is also gonna make problems for me and my family. We live by the back gate and they are gonna make big problems for my family.

Sincerely,  
Elliot Beard, Age 12  
3650 Classic Dr. S.



I strongly oppose the plans for the proposed apartment development at Winchester and Tournament Drive.

I live in the beautiful Southwind gated community off Tournament Drive. The serenity and peaceful atmosphere in and around the neighborhood, were key factors in my decision to purchase my home in year 2012.

I'm now, concerned that building apartments, so close to the proximity of Southwind, will create high density growth problems, that will lead to the destruction of the beauty and peace, that we have long enjoyed.

In addition, my concerns are:

- increase in crime
- high traffic
- decrease in property value
- higher taxes
- additional infrastructure problems
- school overcrowding

I'm afraid the tranquility of our neighborhood will be compromised.

Frances Denman  
3340 Gallery Drive

Dear Mr. Davis

We would like to express our strong opposition to the proposed Ari Investment apartment complex at Winchester and Tournament Drive. As residents of the Southwind Residential Community for over 21 years and having raised our family here, we are in a unique position to comment.

1) The Southwind Community has grown to be a strong and organic community in its over-40 years of existence, not to mention a valuable asset to the City of Memphis in regard to its hosting of the World Cup Golf Championship at TPC Southwind. To develop and build such a massive (over 4 story) apartment complex right at the southern boundary of the neighborhood would significantly change the landscape and functionality of the community in a very detrimental way.

2) The "back entrance" of the Southwind Community at Winchester and Tournament drive is currently a narrow 2-laned road bordered by the large Cummings Street Baptist Church on the east and Sycamore Place Alzheimer's Special Care facility on the west. At present, the traffic on this 2-lane road is sufficient to cause minimal disruption to residents of our Southwind neighborhood (although at times, it can already be very busy). However, it goes without saying that the traffic generated by such a massive (4-story) apartment complex would overwhelm this area immediately. This would be extremely detrimental to not only the residents of Southwind but also to the Cummings Street Church members as well as the residents and caregivers at Sycamore Place.

3) The likely increase in the crime rate that comes with any large apartment complex is extremely disturbing to me as a Southwind resident for over 21 years. In just the past few years as apartment complexes have grown around this area, we have seen local crime and illegal drug activity grow exponentially. On a very personal note, our next door neighbor, a juvenile at the time of his murder, was a homicide victim of a drug crime which occurred in the apartment complex merely feet across Winchester from this "back entrance" at Winchester and Tournament Drive. There is no doubt in my mind that the close proximity of the apartment complex with it's well-known illegal drug activity contributed to my neighbor's murder.

There are many more reasons that I feel very strongly that this apartment complex has no place in the area at Winchester and Tournament Drive. There are many more locations in the area which are not adjacent to a well-established neighborhood and would be a much better location for an apartment complex. As I understand it, this parcel was originally zoned for office space and restaurant space, not residential apartment housing and that original zoning would be much more logical.

As established in the Land Use Control Board Mission Statement, you recommend long-term public policies which "protect the community's unique character and sense of place" while "encouraging the development of great, vibrant, healthy urban streets, open spaces, public places, and neighborhood. There is no way the proposed apartment complex by Ari Investment Group facilitates these public policies.

Sincerely,

Amy and Greg Portera  
8697 Classic Circle  
Memphis, TN 38125

January 5, 2022

Shelby County Land Use Control Board  
125 N. Main St.  
Memphis, TN 38103

To whom it may concern:

I am writing to you today to express my opinion in regards to the proposed multifamily development by Ari Investment called The Tournament at Germantown located at the intersection of Winchester and Trail Lake Drive.

I am a resident of Southwind and my house is located on Southwind Drive which is immediately adjacent to the proposed development site. I moved to Southwind a number of years ago to take advantage of the amenities, the convenient location, and the safety provided by a gated and guarded community. The prospect of an additional 279 households (estimated 500 additional individuals) located in close proximity to a neighborhood of single-family homes, separated by nothing but a narrow strip of woods and a waist high chain link fence is not appealing, and will likely result in a reduction in property values within the Southwind Community. I recognize there is another multifamily development (Lincoln on the Green) located nearby of Avenue of Commerce but I would urge the Board to recognize that Lincoln on the Green is separated from the Southwind community by both distance, streets and office buildings, and robust fencing and thus is not comparable to the proposed development and should not be used as a justification for this development.

While I am opposed to this development for the reasons stated above, I also recognize the economic reality that undeveloped land is not in the city's long-term best interests. Therefore, I would suggest that if the Board is inclined to approve this development, it should be contingent on the commitment from the developer to substantially reduce the unit density of the development, meaningfully increase the greenspace separation using landscaping, woods and water, and to substantially bolster the fencing between the development and the gated Southwind community. Thank you for your consideration

Andrew L. MacQueen  
8591 Southwind Drive  
Memphis, TN 38125

We are residents of Southwind and members of the Southwind Residential Property Association. Our concerns and objections to the Ari Investment development include:

1. Increased burden on our schools
2. Increased burden on utilities, fire and police services
3. Increased risk of crime to our community
4. Four story heights of the buildings

We greatly appreciate your review of our concerns and the negative impact the Ari Investment will have on our community.

Regards,

Linda and Guy Photopoulos

Dear Mr. Davis,

I wrote previously in opposition to the apartment development and the negative affects a declining environment would have one of the the city's "cash cows," The FedEx St. Jude Golf Tournament [by whatever name it may be called]. Southwind is the one buffer against the complete makeover of this area as an extension of transient absent ownership housing with all of the problems of crime, physical deterioration and instability that has become common around us and in other areas of Memphis.

I strongly oppose the development, but hope if it proceeds, that modifications will be made to minimize the obvious impact on the area and the ultimate negative impact on the City of Memphis.

Sincerely,

Hubert L. Dellinger Jr. MD

8678 Southwind Dr.

Memphism Tn. 38125

RE: Development of land located off Tournament Drive, Case #21-45

Dear Mr. Davis,

We are residents of the Southwind community and our home is located at **3510 Windgarden Cove**. We are at this time writing to you to communicate our position against the proposed development located off Tournament Drive near Southwind. Listed below are our concerns:

1. **Traffic.** There will clearly be a significant increase in traffic due to this project and density of housing including an increase in the number of cars using the Winchester/Tournament Dr. intersection.
2. **Drainage.** Trees and ground coverings would certainly have to be taken out. Drainage on to Southwind Drive would most assuredly be a factor going forward. Can we be assured that this development will not impact the drainage or cause flooding concerns in Southwind.
3. **Crime.** How can we be assured that this will not increase the criminal activity in the area. There has already been some concerns about increased crime in the area due to other similar projects as well as increased break-ins recently. What security measures will be put in place to deter criminal activity.
4. **Noise.** Emptying of dumpsters, loud music, gatherings, vehicle noise, etc. With the increase of population in the area, the increase in noise will also occur. Many of us have purchased homes in Southwind because of its privacy and quiet residential neighborhood.
5. **Rental Properties vs. Home Ownership:** This development is solely for rental units. Therefore, a more transient and less permanent residential population. This has many different impacts on a community and will directly effect the Southwind neighborhood.

We appreciate your attention to our concerns about this project. We are against this project because of its density and impact on the surrounding area. There is already a new development just completed across the street on Winchester. The need for another massive development which will directly impact the lives of residents in the Southwind community is questionable. We hope that you will consider all of this prior to making a decision that will have lasting impact on this area of Memphis.

Sincerely,

Thomas and Theresa Connolly  
3510 Windgarden Cove  
Memphis, TN 38125

As presented, we are opposed to the plan for modifications to development of the parcel referenced. What is troubling is that there are so many issues that need to be addressed.

At this point, we are more convicted than our letter back in November. The property owner has trash on the property, and is not cleaning up on a regular basis. If they are disinterested in the smallest of matters, how will they function when there are the inevitable concerns of construction, noise complaints, and crime?

This property is in a very odd locale. When we tried reporting the trash to the City of Memphis, we were advised they do not handle it because it is unincorporated. Who will be handling the crime as it arises? The Shelby County Sheriff's Department seems pretty busy if they are handling over 100 incidents in a six month period in this immediate area. I follow the weekly reports and there are repeated crimes attached to the complex diagonally across from this site: Not just minor crime, but assault, theft of vehicles, breaking and entering.

Drainage is another serious issue. We are seeing the ponds that abut the property get close to flood stage, with a normal rain. My neighbors have suffered from flooding as it is. It is unconscionable to support a project that may complicate their life, and devalue their property.

Building heights are simply too high backing up to a single family neighborhood. The presentation of this development from all sides needs to be considered and adjusted.

If you want to add value to the Memphis landscape, you will encourage the developer to rethink this as a condominium complex. There are many Southwind Residents who downsize to Germantown and Collierville because there are zero condominium options in the immediate area; despite invested residents wanting to stay near TPC Southwind.

Let's rethink the project, before handling concessions. Please do not move forward until the concerns of the residents and businesses have been addressed.

We appreciate your consideration of these comments.

Sincerely,  
Michelle Grady  
Leonides Villanueva, Retired USAF  
3558 Windgarden Cove

January 5, 2022

Re: Ari Investment The Tournament at Germantown

Dear Mr. Brett Davis,

I am writing to express my strong opposition to the proposed apartment development to be located at the Winchester entrance to the Southwind Subdivision. We are specifically requested that the existing zone for the proposed property be retained as is.

My family has been residents in the Southwind subdivision for 17+ years. We were attracted to the subdivision because of the privacy and family-centric features the neighborhood offered. Another apartment building on Winchester located close to the rear entrance of Southwind in concert with the church located at the corner will drastically increase traffic and congestion on a narrow two lane road.

We have strict covenants in our subdivision to preserve the quality of life and appearance of the neighborhood. Apartments buildings are notorious for providing marginal parking provisions for their tenants and guests. The overflow parking from this development will naturally spill over to the narrow two lane road currently used by the residents. This will lead to additional clutter and congestion that would definitely impact property values and lower the County's tax base. Additionally, personal privacy for home owners becomes an issue with their landholdings being overlooked at all times.

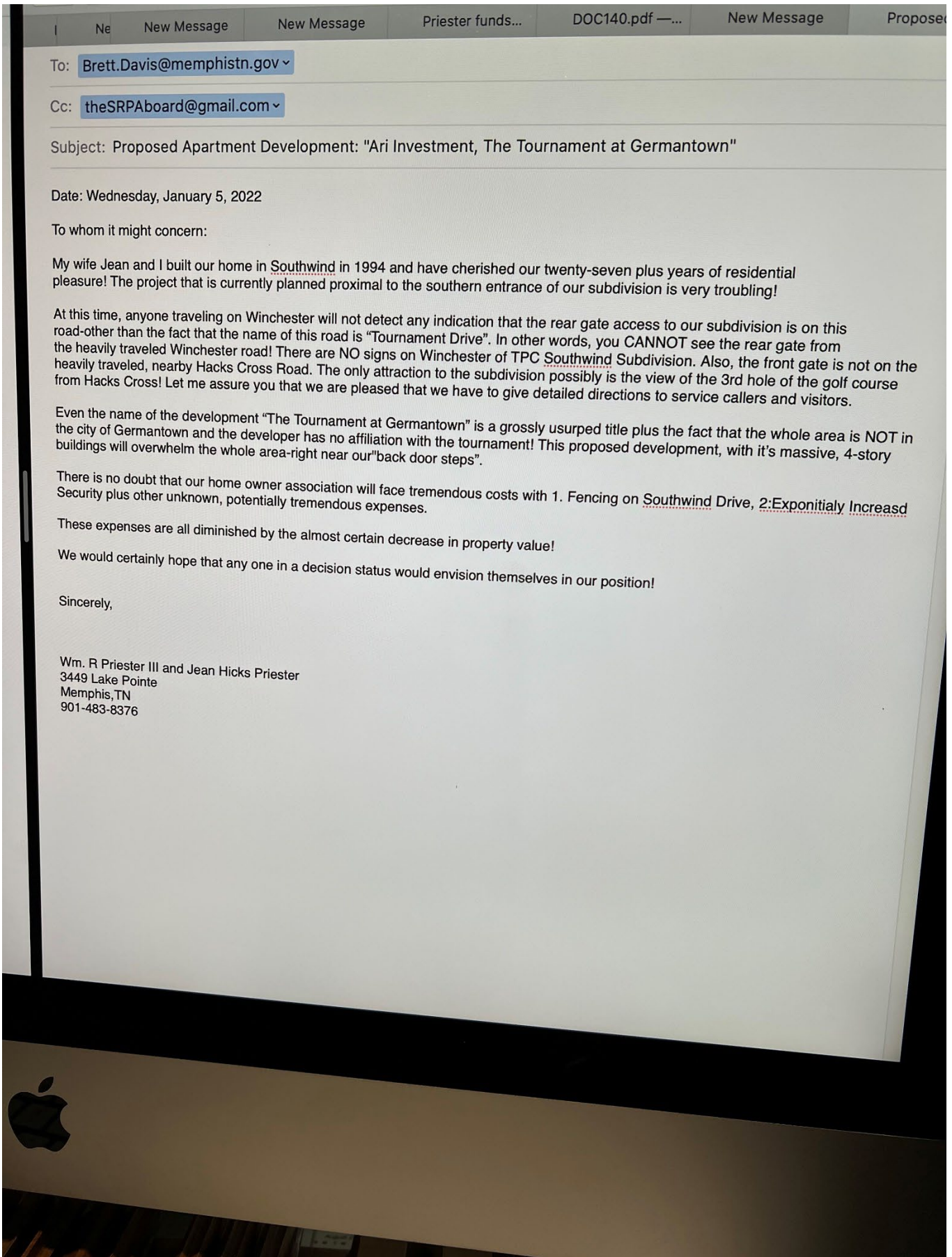
I urge you to disapprove of the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meetings or write letters and emails.

Thank you for your continued service and support of our communities.

Best Regards,

Merry & Johnny Moore





Dear Shelby County Land Use Board -

We know that you face a challenge of how best to develop property in a way that is good for people and for the overall city. Putting in another dense apartment complex in an area that already has what looks like a canyon of apartments does not appear to be a good way to enhance the development of the city. Plus it comes with high traffic patterns, sound and density issues.

The property under consideration is so close to the canyon of apartments south of Winchester and adding the proposed 4 story apartments only adds to that feeling of being crunched and over developed. This is a prime location where ample visitors come for the TPC world golf championship each year. These proposed high density apartments would only detract from rather than enhance the image of Memphis. Surely there is another alternative use that can create housing and long term attractiveness on that property.

Also, imagine what these units will look like in 10 or 20 years. Already the areas close by south of Winchester and Forest Hill Irene are over developed and without good green space. With time, typically apartments age, become less desirable, less maintained and can easily look/become run down.

Apartments that are sprinkled around the city and built with ample green space in and around them age significantly better. They often even have buffers of other types of lower density buildings around them. This makes a huge difference for the neighborhood and in functionality for people living in the apartments.

Please disapprove the use of this property for dense, 4 story apartment buildings.

Thank you. Karin and Jack Henderson  
3335 Gallery Drive  
Memphis, TN 38125

Mr. Davis,

I would like to offer my opinion on the proposed Tournament apartment construction near Southwind. As we are an unincorporated area, this proposal seems timed poorly and would negatively impact our neighborhood associating with another municipality. I also have concerns about further flooding and drainage runoff from the site into our community. Please receive this e-mail as my request to reject permission to develop.

Thank you sincerely,

Doug Myers  
3431 lake pointe dr  
Memphis 38125

Hello Mr Davis,

I am writing to express my strong opposition to the proposed development of the 4 story rental apartment complex on three parcels of land at Winchester Road and Tournament.

There are several reasons why this proposed development is not only very bad for our community but for the whole Memphis area.

1. TPC Southwind has for many years hosted a very important high level golf tournament that brings a great deal of benefit to the Memphis area. This development of very high volume rental apartments will severely impact these tournaments going forward. We already have heard concerns from the players regarding safety and this will certainly increase exponentially if this project moves forward.

2. Environmentally this will be a disaster. We already have several issues with water drainage of the golf course and residential areas and this will certainly be a great concern.

2. The increased crime rate that comes with any large apartment complex is undeniable. In just the past few years as apartment complexes have grown around this area, we have seen local crime and illegal drug activity, grow exponentially. In the existing apartment complex just across Winchester from this "back entrance" at Winchester and Tournament Dr. there have been numerous reported illegal activities including theft, property damage, drug deals, and even murder, as a consequences of the element that these complexes attract.

The area is already overpopulated with rental apartments.

Champion Hills at Windyke, Miller Creek at Germantown, the Villas at Germantown, Lincoln on the Green and the Fieldstone Apartment. All of them on the Winchester side of Southwind residential area.

The Southwind residential area it is a very unique area in Memphis, and I could say unique in the country. We should strive to preserve and enhance the value of our community instead of doing things that will have such a negative impact on the value of surrounding properties.

3. Traffic is also a major concern.

The entrance of the Southwind Community at Winchester and Tournament drive is currently a very narrow 2 lane road bordered by the large Cummings Street Baptist Church on the east and Sycamore Place Alzheimer's Special Care facility on the west. At present, the traffic on this 2-lane road is sufficient to cause disruption to the area at peak times. It goes without saying that the traffic generated by such a massive 4 building apartment complex would completely overwhelm this area. This would be extremely detrimental to not only the residents of Southwind but also to the Cummings Street Church members as well as the residents and caregivers at Sycamore Place.

My husband and I would like to respectfully request you're most conscious and thoughtful consideration to this decision.

We moved to the Memphis area in 2004 and we saw this community then and really thought of this place as a bit of paradise nestled in Memphis. We waited many years to find the right home available for us in Southwind. We have a substantial investment in our home and love the neighborhood and only desire to keep it as special as it has always been.

Sincerely,

Patrick M. Curlee, M.D.  
Lida P. Curlee, M.D.  
[lcurlee@oasiskin.com](mailto:lcurlee@oasiskin.com)  
901 734 8406

Dear Land Use Board,

We are voicing opposition to the planned apartments near the back gate of Southwind. Traffic is already so dangerous that most residents have had numerous incidents of near crashes trying to exit Tournament Drive onto Winchester. We need a traffic light there now; the need will be greatly exacerbated with hundreds more people living there.

Also we have concerns about privacy and security issues, not to mention the ongoing out-of-control litter situation on Winchester.

Thank you for your consideration.

Ann Hogue

3417 Bent Grass Cove  
Memphis, TN 38125

I am Opposed to The new change to allow construction of an apartment complex at Winchester and Tournament Drive near Southwind. I do not see value added to the community and oppose this decision.

Thank You,

Tim Messer  
Southwind Resident

January 17<sup>th</sup>, 2022

Brett Davis – City Planner  
City of Memphis  
125 N. Main  
Memphis, TN 38103

Dear Mr. Davis:

My husband, Richard, and I are strongly opposed to the construction of apartments on three parcels of land at 8700 Winchester Road and Tournament Dr. (MJR 21-45 Southwind)

We have lived at 8784 Classic Dr., in Southwind, for 25 years. During that time, we have seen the construction of apartments all around us. We have seen an increase in traffic, crime, and flooding. We understand that the apartments will be “high-end,” but that does not make a difference in the increased traffic or flooding. Year-before-last, there was major flooding in Southwind. The construction of a project this size would severely affect the drainage of our property. There would be no place for the water to go if this enormous project is completed.

We ask that the Land Use Control Board and the planning department reconsider previously documented statements relating to degree of change and existing, adjacent land use and zoning compatibilities. The requested land use is not compatible with adjacent land uses, and existing land use on surrounding parcels is not similar in nature to the requested use.

There are many other land use alternatives that would be less intrusive that would not result in the abrupt R-15 to RU-3 boundary and the issues such a boundary creates.

If you would like to discuss this with us further, please feel free to call. Our land-line is: (901) 748-3326. My cell number is: (901) 336-1398.

Thank you for your attention to this matter.

Sincerely,

*Cathy C. Faust*

Cathy C. Faust

cc. the SRPA board

January 7, 2022

Brett Davis  
Shelby County Land Use Board

Brett:

I am writing as a current resident of Southwind to oppose the proposed development that will back up to the back gate of our Subdivision. I have several reasons for my opposition to this proposed development of apartment buildings, but the most obvious is my concern over property values within our Subdivision. Having an apartment complex adjacent to our single-family subdivision can't possibly be good for those values.

I would also warn of possibly over building in this area of Winchester. As you know, Memphis is one of the slowest growing cities in the state per recent data. There are already three large apartment complexes within a mile or two of our neighborhood and this area certainly does not need anymore. The increase in traffic with the potential of 436,992 additional square feet of apartment homes will be crippling to our current infrastructure.

In my opinion, the mere name of the development is misleading: "Tournament at Germantown" implies a connection to the Tournament Players Club (TPC) at Southwind and/or Germantown. This development has no connection to TPC and is not located in the city limits of Germantown. My theory is that the developer is misleading consumers into believing one or both.

Lastly, traffic pattern is a huge concern. I don't know how many units are going to be included, but with 436,992 sq. ft., it will be much greater than the current demand on the intersection. Much of the traffic entering the new complex will be making a left turn across three lanes of traffic with a 50-mph speed limit. In my opinion that sounds very dangerous and problematic at best.

I ask that you deny this application. Thank you for your time and consideration to this matter.

Morgan D. Bohannon  
3238 Club Breeze Dr.  
Memphis, TN 38125

Mr. Davis,

Please do not approve the apartment complex project at Tournament and Winchester. Our lovely neighborhood that we spend ample time and money trying to maintain is already surrounded on 3 sides by complexes similar to the proposal. Additional development of this complex near us will only serve to hurt our safety and our property values.

A very quick search of neighborhood crime maps will reveal that theft, armed robberies, vandalism and even murders are rampant in all of these existing housing complexes. Unfortunately, we live behind these gates for a reason and strongly oppose any more opportunities for crime to increase in our vicinity. We can already hear frequent gunshots and late-night drag racing as we lie in our beds at night. These apartments will literally be in our backyard and will only invite violent crimes to increase in our community. The SCSO is already understaffed and overwhelmed trying to respond effectively to the existing problems.

Additionally, as our neighborhood is host to one of the most prestigious golf tournaments in the world, we'd like to invite global visitors to a safe and beautiful place that is not surrounded on all sides with low-income housing. The tournament brings millions of useful dollars to our city and increasing local crime only stands to harmfully impact that vital income.

Thank you in advance for your careful consideration of our request.

Stephanie and Brice Bailey

Mr. Davis,

My husband and I have been residents of Southwind for almost 29 years. I am writing this to oppose your proposal to build an apartment complex outside the back gate area of our neighborhood at Winchester and Tournament Drive.

I grew up in Memphis and I'm afraid that this part of Winchester is going to become like the Mt. Moriah and Ridgeway area which grew to be nothing but apartments. As you know, this area has now become a not very safe area to live anymore. We don't want crime, drug dealing, increased noise, etc. to move into our area too.

We are worried about additional traffic also. It's hard enough now to turn out onto Winchester off of Tournament Drive but with an apartment complex, it will be even worse.

We wouldn't be opposed to another office building being built on the land.

Thank you for your consideration concerning this matter.

Julie and Gary Sims  
3421 Lake Pointe  
Memphis, TN 38125



**From:** [Bridget Mirza](#)  
**To:** [Davis, Brett](#); [Tolesassoc@aol.com](#); [brown@gillprop.com](#); [dkthomas@gotci.com](#); [dlyleswallace@comcast.net](#); [jenniferbethoconnell@gmail.com](#); [jmckinnoncre@gmail.com](#); [lisa@ethridgeenterprises.com](#); [mwsharp@bellsouth.net](#); [sfleming@flemingarchitects.com](#)  
**Cc:** [theSRPAboard@gmail.com](#)  
**Subject:** Apartment complex near Southwind  
**Date:** Wednesday, February 9, 2022 7:28:45 PM

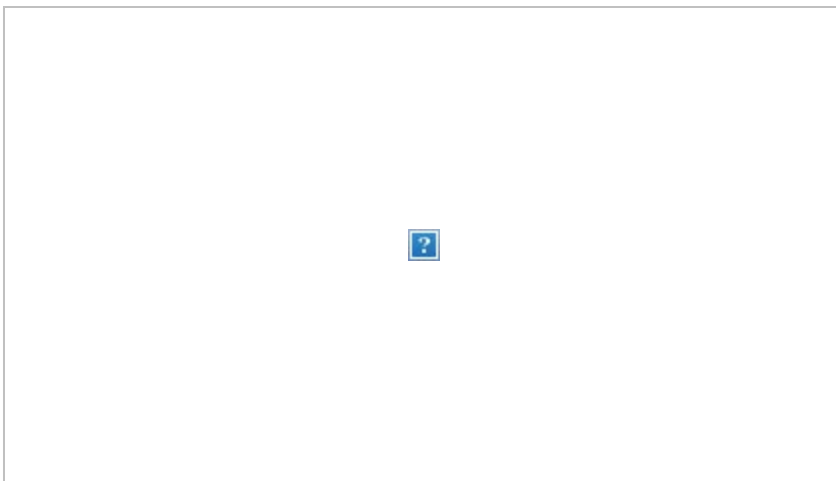
---

**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 Land Use Control Board Members,

My family and I were very disheartened to hear of the proposed apartment development near Southwind TPC off Winchester Rd. We recently moved into the gated Southwind Neighborhood and carefully considered the pros and cons of the area as well as the neighborhood itself before selecting our home here. Had we been aware that an apartment complex would be built outside the back gate, we would have made a different choice. I'm sure others who are looking into moving to Southwind will consider the surrounding area as well, and I'm sure they also will consider an apartment complex next door a drawback too big to overlook, no matter how nice the apartments seem to be. As a Realtor working with buyers in the 500k-\$1.25 million price range, I can guarantee future homeowners looking to move to high-end residential neighborhoods will think twice about buying in Southwind. In fact, of all of the buyers I have serviced in the past two years, absolutely NONE of them would have bought in Southwind should it have had apartments backing up to it at that time. Whether we like it or not, the appeal of luxury homes in gated communities is that they are set apart. Please help the homeowners of Southwind keep up the appeal and character of our neighborhood by keeping the zoning laws as they were intended to be when the neighborhood was created. With many thanks for your time and consideration,  
Bridget Mirza



--  
Bridget Mirza

**From:** [Justin Marek](#)  
**To:** [Davis, Brett](#); [dlyleswallace@comcast.net](mailto:dlyleswallace@comcast.net); [jmckinnoncre@gmail.com](mailto:jmckinnoncre@gmail.com); [jenniferbethoconnell@gmail.com](mailto:jenniferbethoconnell@gmail.com); [dkthomas@gotci.com](mailto:dkthomas@gotci.com); [lisa@ethridgeenterprises.com](mailto:lisa@ethridgeenterprises.com); [mwsharp@bellsouth.net](mailto:mwsharp@bellsouth.net); [sfleming@flemingarchitects.com](mailto:sfleming@flemingarchitects.com); [brown@gillprop.com](mailto:brown@gillprop.com); [Tolesassoc@aol.com](mailto:Tolesassoc@aol.com)  
**Cc:** [theSRPAboard@gmail.com](mailto:theSRPAboard@gmail.com)  
**Subject:** Concerning the proposed apartment complex outside the back gate at Tournament and Winchester  
**Date:** Monday, February 7, 2022 9:22:13 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, Board Members and Whom it may concern,

As residents of Southwind we want to implore you to reject the proposed apartment complex outside the back gate at Tournament and Winchester. My wife and I have had time to consider the immediate and long-term impact of this venture and will share with you why we don't want this to happen.

The traffic

The intersection at Tournament and Winchester is already dangerous. The major road of Winchester is split by a median strip. This will cause an issue with drivers traveling down and making u turns to get to where they want because they don't want to wait. The new complex may need a stop light and this will add to this behavior. Not only would a stop light add to the behavior, the stop light so close to that of stop light at Champion Hills would further the congestion in the area.

The aesthetic

The idea of a major complex tower over a fence line is highly unappealing. Sure, the developer could plant or leave a tree line to limit the exposure but none the less something of this size has a presence. The residents currently enjoy a sense of privacy that will forever be changed. It's true you can't choose your neighbors unless you own the property, but it's a whole new experience to have 200 new neighbors all at once.

Housing value

The housing value concern is a long-term concern. There may not be an immediate impact but as time marches on, no one can predict the resilience of the complex, the level of care that will be maintained. This will be most impacted if the developer were to sell this investment. The values in this area have held well with the expansion of the area due to the seclusion of Southwind and other properties in the area like it.

Sincerely,

Justin and Brandy Marek

**From:** [Greg Costa](#)  
**To:** [Davis, Brett](#)  
**Cc:** [theSRPAboard@gmail.com](mailto:theSRPAboard@gmail.com)  
**Subject:** MJR 21-45 3581 Tournament Drive South  
**Date:** Tuesday, February 8, 2022 7:50:49 AM

---

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

---

***I am writing to express my strong opposition to the proposed Apartment Complex at 3581 Tournament Drive South. This proposed development is detrimental to the Southwind neighborhood and its residents.***

***Traffic and the safety of pedestrians are significant areas of concern. Traffic problems already exist on the corner of Tournament Drive and Winchester, and the safety of all will be impacted. During rush hour, our ability to safely exit east on Winchester road will indeed become more dangerous and impact our safety.***

***The addition of multi-family housing that will cause traffic and safety problems creates even more issues with schools already over-capacity. Schools in the area are already reported at overcapacity, and I urge you not to approve multi-family dwellings that create or exacerbate the current situation.***

***I know my opinions are shared by many who have not managed to attend a meeting or write letters and emails.***

***Thank you for your continued service and support of our communities.  
Best regards,***

***Gregory and Virginia Costa  
3221 Club Breeze Dr  
Memphis, TN 38125***

**From:** [Jeff Klayman](#)  
**To:** [Davis, Brett](#)  
**Cc:** [SRPA BOARD](#)  
**Subject:** Southwind property at back gate  
**Date:** Saturday, February 5, 2022 11:14:15 AM

---

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

---

Mr. Davis,

This is in regard to the proposed apartment building located just outside the back gate of Southwind.

I currently live on Southwind Dr just houses from the gate. We already hear all the cars drag racing on Winchester. We already hear the gunshots from the area and see the reports of killings and shots fired at the existing and new apartments built in our area. I'm sure the fairly new medical facility on the corner of Winchester and Tournament Dr is equally concerned about the potential for more of the crime in our neighborhood. The road leading into the back gate is already too narrow and the street too short and small for more traffic. The addition of more people and buildings is going to greatly diminish the attraction of living in an area that was so peaceful, much less the beauty of looking across from my front yard.

While the things that matter to me may not be of importance to those wanting to build here, it is important that we've already seen a deterioration of this area with similar complexes built in recent years due to crime, traffic safety, and transient residents that come with this type of property.

Case and point, I have a Ring doorbell and get the almost daily reports of shots fired, broken in vehicles, or attacks on people. Please review police activity before and after these apartment complexes were built including any speeding or drag racing tickets.

Please do not let this type of development happen in the location planned. There are so many vacant buildings that this could redevelop in and those locations could actually improve our area.

Thank you,

Jeff Klayman

**NOTICE TO INTERESTED PROPERTY OWNERS  
(APPEAL OF LAND USE CONTROL BOARD ACTION)**

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Public Hearing will be held by the City Council of Memphis on Tuesday, April 5, 2022, at 3:30 p.m., concerning the granting of an appeal of a decision made by the Memphis and Shelby County Land Use Control Board (LUCB), as follows:

**CASE NUMBER:** MJR 21-45 (PD 94-356 CORRES.)

**LOCATION:** 3581 Tournament Dr. S. and two adjacent parcels

**COUNCIL DISTRICTS:** District 2 and Super District 9

**APPELLANT:** Cindy Reaves on behalf of Ari Investments, LLC

**EXISTING ZONING:** Conservation Agriculture within PD 94-356

**REQUEST:** Reverse the LUCB’s decision to reject the above-referenced major modification application to permit an apartment complex

**AREA:** 17.8 acres

**NOW, THEREFORE,** you will take notice that on Tuesday, April 5, 2022, at 3:30 p.m., the City Council of Memphis, Tennessee, will be in session to hear opposition against said reversal; said opposition must be by personal appearances, attorneys, or petition.

Note that, due to time limitations under the Council's Rules of Procedure, each side may speak no longer than fifteen (15) minutes. Thus, it is strongly encouraged that one or two spokespersons speak per side.

Please note video of this meeting will be streamed live on the City of Memphis’ YouTube channel.

This case will also be considered by the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website. Opposition will not be heard at that meeting.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**JAMITA SWEARENGEN  
CHAIR OF COUNCIL**

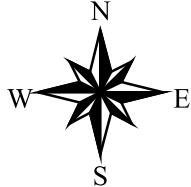
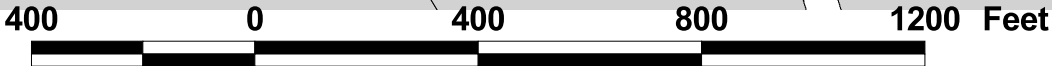
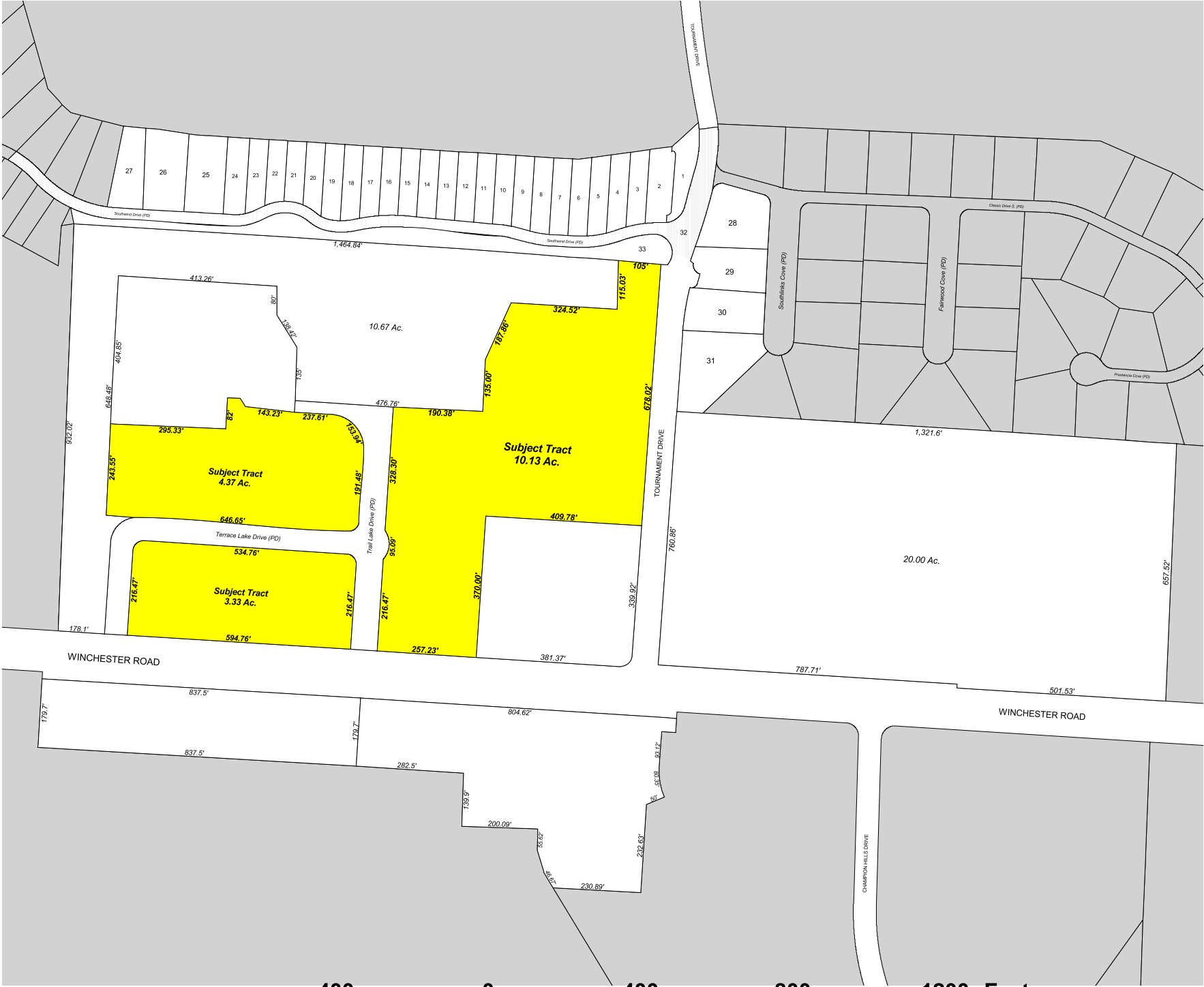
**ATTEST:**

**DYWUANA MORRIS  
CITY COMPTROLLER**

---

**TO BE PUBLISHED:**

# Vicinity Map



8700 Trail Lake LLC  
102 Woodmont Boulevard, Ste. 100  
Nashville, TN 37205-2216

Askew Graham W And Candace M Phillips  
3595 Southlinks Cove  
Memphis, TN 38125-0758

Barksdale Brian K  
8724 Southwind Drive  
Memphis, TN 38125

Belz Investco Gp  
P O Box 3661  
Memphis, TN 38173-0661

Bingham Rosie P & John J Davis  
8738 Southwind Drive  
Memphis, TN 38125-0751

Champion Hills Realty Holdings LLC  
6389 N. Quail Hollow Road, Ste. 201  
Memphis, TN 38120-1427

Clifton Maida  
P O Box 383288  
Germantown, TN 38183-3288

Cummings Street Missionary Baptist  
8800 Winchester Road  
Memphis, TN 38125-8229

Dellinger Hubert L  
8678 Southwind Drive  
Memphis, TN 38125-0749

Duffy Michael B & Carol A  
8756 Southwind Drive  
Memphis, TN 38125-0751

Dugger Jimmy & Betty  
8698 Southwind Drive  
Memphis, TN 38125-0749

Foster Larry & Sherri  
8668 Southwind Drive  
Memphis, TN 38125-0749

Frogge Renee & John  
8718 Southwind Drive  
Memphis, TN 38125-0751

Frontier Exchange Landlord Group LLC  
4500 Dorr Street  
Toledo, OH 43615-4040

Galdieri Michael And Diana Galdieri  
8614 Southwind Drive  
Memphis, TN 38125-0749

Gilpatrick Family Trust  
8734 Southwind Drive  
Memphis, TN 38125-0751

Klayman Jeffrey S  
8744 Southwind Drive  
Memphis, TN 38125-0751

Kwoka Ronald J Living Trust  
8688 Southwind Drive  
Memphis, TN 38125-0749

McGee Tracy R  
3585 Southlinks Cove  
Memphis, TN 38125-0758

McLaughlin James W And Bobbie W  
8664 Southwind Drive  
Memphis, TN 38125-0749

Mims Mario  
3726 Classic Drive  
Memphis, TN 38125-0755

Mjn Lr Trust And Rjn Lr Trust  
8648 Southwind Drive  
Memphis, TN 38125-0749

Perisho Bret L & Rebecca B V  
8674 Southwind Drive  
Memphis, TN 38125

Perrin James R Jr. & Mary S  
8638 Southwind Drive  
Memphis, TN 38125-0749

Pierami Gertrude A  
8712 Southwind Drive  
Memphis, TN 38125-0751

Riikola Robert W & Patricia M  
8654 Southwind Drive  
Memphis, TN 38125-0749

Shaban Nejad Arash  
8644 Southwind Drive  
Memphis, TN 38125-0749

Smith Matthew C  
358 Providence Boulevard  
Macon, GA 31210-9706

Southwind Residential Properties  
3520 Piedmont Road, Ste. 120  
Atlanta, GA 30305-1517

Tomlinson William & Sally  
3605 Southlinks Cove  
Memphis, TN 38125-0758



Tournament Trails Center Commercial  
6363 Poplar Avenue, Ste. 400  
Memphis, TN 38119

Tyler Vivian D  
8728 Southwind Drive  
Memphis, TN 38125-0751

Umarow Indira And Sardor Umarov  
8708 Southwind Drive  
Memphis, TN 38125

Westbrooks Living Trust  
8694 Southwind Drive  
Memphis, TN 38125-0749

Williams John M And Shirley H Williams  
212 Eagle Drive  
Miramar Beach, FL 32550-4854

Woldeslassie Solomon  
8750 Southwind Drive  
Memphis, TN 38125

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

Holiday Inn-Birmingham Airport  
8700 Trail Lake Drive, Ste. 300  
Memphis, TN 38125-8200

Holiday Inn-Birmingham Airport  
8700 Trail Lake Drive, Ste. 300  
Memphis, TN 38125-8200

Holiday Inn-Birmingham Airport  
8700 Trail Lake Drive, Ste. 300  
Memphis, TN 38125-8200

Holiday Inn-Birmingham Airport  
8700 Trail Lake Drive, Ste. 300  
Memphis, TN 38125-8200

Holiday Inn-Birmingham Airport  
8700 Trail Lake Drive, Ste. 300  
Memphis, TN 38125-8200

Ari-Investment  
12406 Hogans Alley  
Chester, VA 23836

Ari-Investment  
12406 Hogans Alley  
Chester, VA 23836

Ari-Investment  
12406 Hogans Alley  
Chester, VA 23836

Ari-Investment  
12406 Hogans Alley  
Chester, VA 23836

Ari-Investment  
12406 Hogans Alley  
Chester, VA 23836

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 04/19/2022  
DATE  
PUBLIC SESSION: 04/19/2022  
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 auto body repair shop  
**CASE NUMBER:** SUP 22-002  
**DEVELOPMENT:** Auto Body Repair Shop  
**LOCATION:** 5219 Millbranch Rd  
**COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** Abdulahi Sharif  
**REPRESENTATIVE:** Smith Building Design & Associates, Inc.  
**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1)  
**REQUEST:** To allow a Special Use permit for auto body repair shop  
**AREA:** +/-0.196 acres  
**RECOMMENDATION:** The Division of Planning and Development recommended *Approval with one (1) condition*  
The Land Use Control Board recommended *Approval with one (1) condition*

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

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
03/10/2022 \_\_\_\_\_ DATE  
(1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE


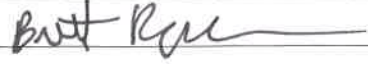
**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

**ADMINISTRATIVE APPROVAL:**

|  | <u>DATE</u> | <u>POSITION</u>                     |
|--|-------------|-------------------------------------|
|  | 4/12/2022   | PRINCIPAL PLANNER                   |
| _____  | _____       | DEPUTY ADMINISTRATOR                |
|  | 4/12/22     | ADMINISTRATOR                       |
| _____  | _____       | DIRECTOR (JOINT APPROVAL)           |
| _____  | _____       | COMPTROLLER                         |
| _____  | _____       | FINANCE DIRECTOR                    |
| _____  | _____       | CITY ATTORNEY                       |
| _____  | _____       | <b>CHIEF ADMINISTRATIVE OFFICER</b> |
| _____  | _____       | <b>COMMITTEE CHAIRMAN</b>           |



## Memphis City Council Summary Sheet

### ***SUP 22-002***

Resolution requesting a special use permit for auto body repair shop:

- This item is a resolution with one (1) condition for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Abdulahi Sharif and Representative(s): Smith Building Design & Associates, Inc. – Delinor Smith; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY  
LOCATED AT 5219 MILLBRANCH RD., KNOWN AS CASE NUMBER SUP 22-002.**

---

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

**WHEREAS**, Abdulahi Sharif filed an application with the Memphis and Shelby County Division of Planning and Development to allow a special use permit for auto body repair shop; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 10, 2022, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

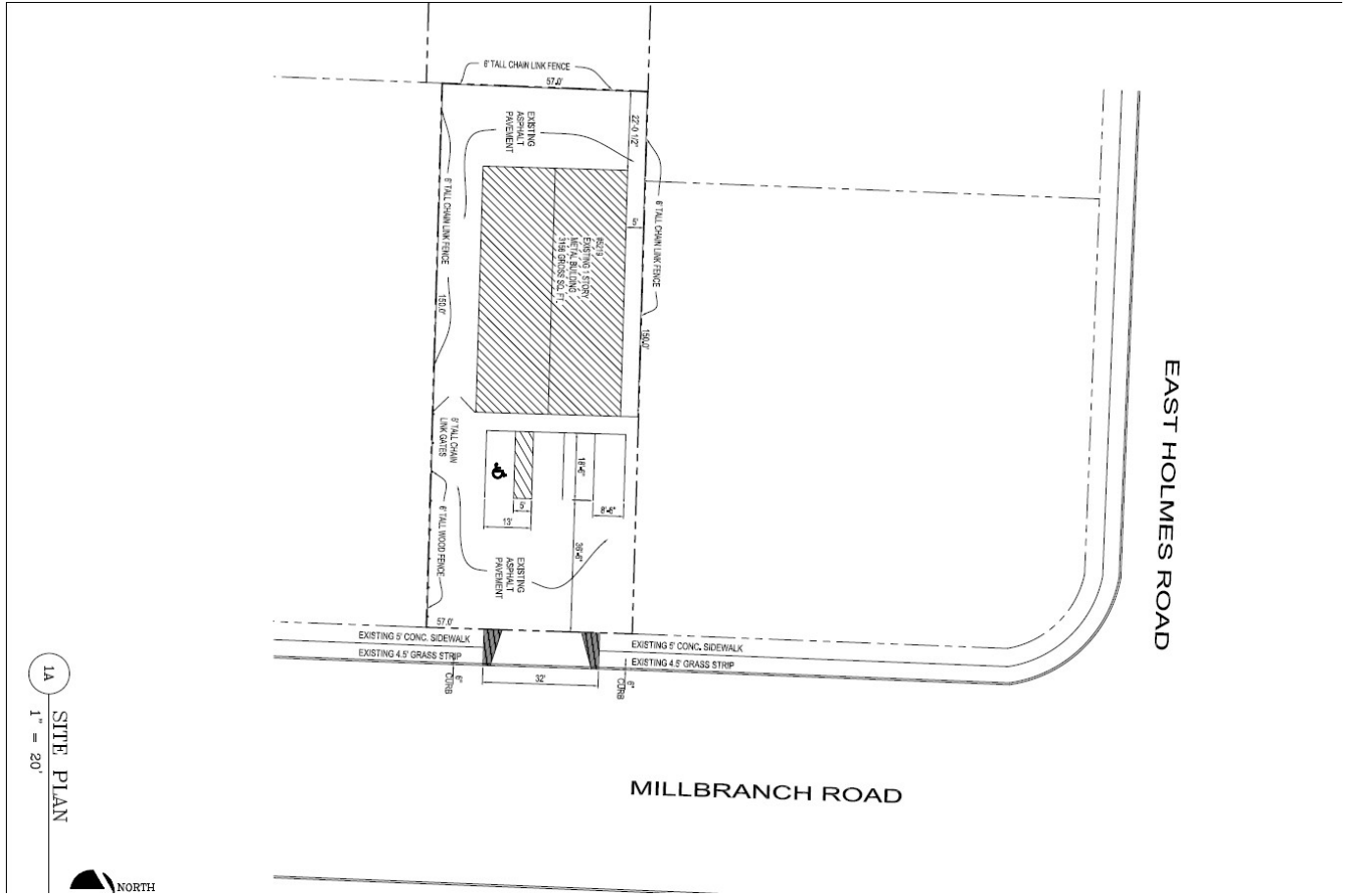
***ATTEST:***

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

## **CONDITIONS**

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

# SITE PLAN



1A SITE PLAN  
1" = 20'





## **LAND USE CONTROL BOARD RECOMMENDATION**

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

**CASE NUMBER:** SUP 22-002

**LOCATION:** 5219 Millbranch Rd.

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

**OWNER/APPLICANT:** Abdulahi Sharif

**REPRESENTATIVE:** Smith Building Design & Associates, Inc. – Delinor Smith

**REQUEST:** To allow a special use permit for auto body repair shop

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

**AREA:** +/-0.196 acres

---

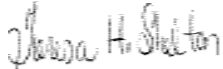
**The following spoke in support of the application:** None

**The following spoke in opposition the application:** None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with one (1) condition.

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

Respectfully,



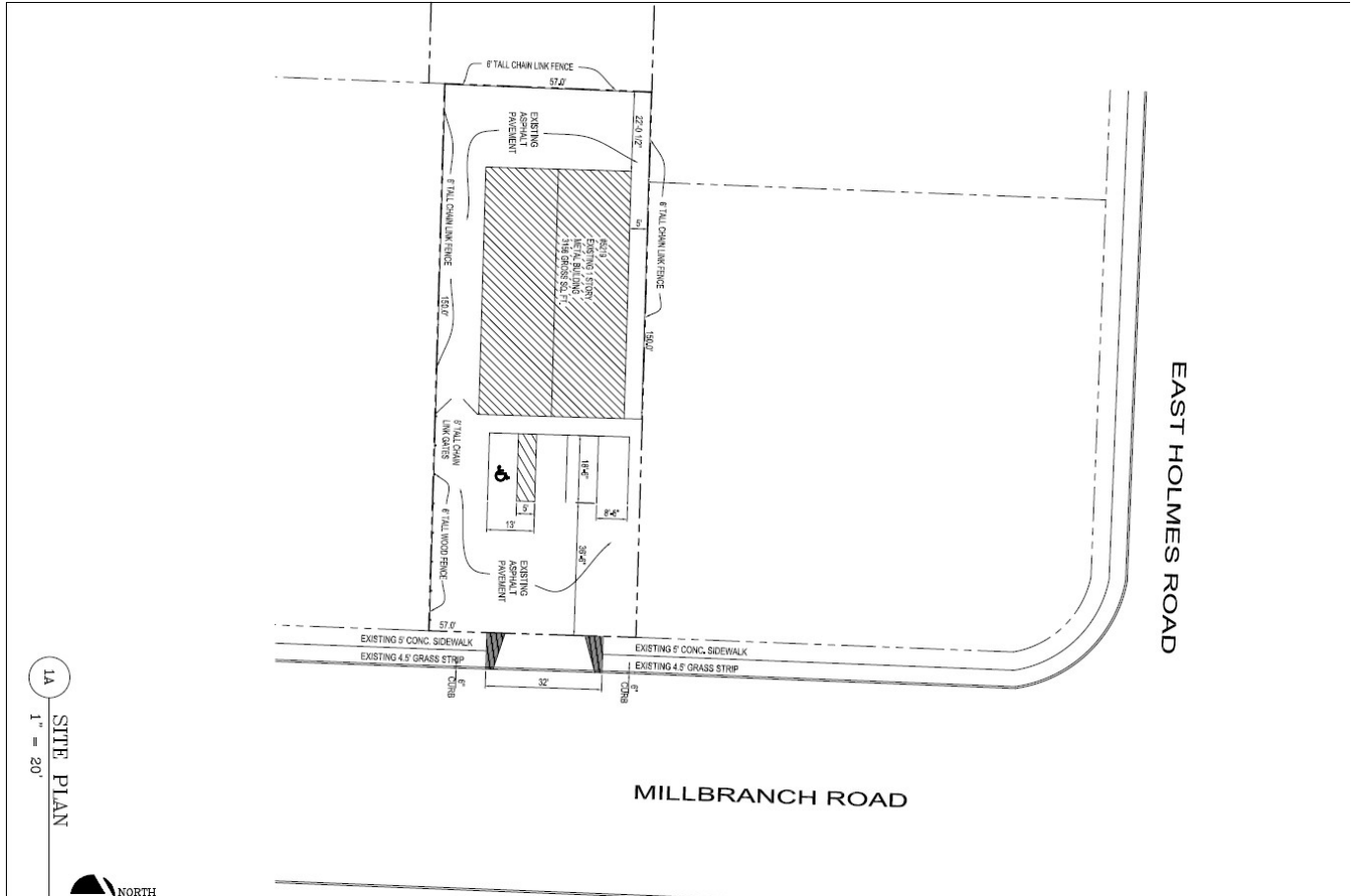
Teresa H. Shelton  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SUP 22-002**  
**CONDITIONS**

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

**SITE PLAN**



1A SITE PLAN  
1" = 20'



**AGENDA ITEM:** 5

**CASE NUMBER:** SUP 22-002 **L.U.C.B. MEETING:** March 10, 2022

**LOCATION:** 5219 Millbranch Rd.

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

**OWNER/APPLICANT:** Abdulahi Sharif

**REPRESENTATIVE:** Delinor Smith – Smith Building Design & Associates, Inc.

**REQUEST:** Special Use permit for auto body repair shop

**AREA:** +/-0.196 acres

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

## CONCLUSIONS

1. The applicant is a Special Use permit for auto body repair shop.
2. This is not a permitted use in the CMU-1 zoning district, however it compatible with the adjacent land that exists around it, which is also stated in the Comprehensive Plan Review in this report.
3. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## CONSISTENCY WITH MEMPHIS 3.0

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

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** Millbranch Road +/-54.4 linear feet  
**Zoning Atlas Page:** 2530  
**Parcel ID:** 079135 00004C  
**Existing Zoning:** Commercial Mixed Use – 1 (CMU-1)

**NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Friday, February 25, 2022, via Zoom.

**THE NEIGHBORHOOD ZOOM MEETING WILL BE HELD:**

**DATE:** Friday, February 25, 2022  
**TIME:** 6:00 P.M. to 7:00 P.M. (Central Time (US and Canada))

**TO JOIN THE ZOOM MEETING:**  
DELINOR SMITH is inviting you to a scheduled Zoom meeting.

Topic: Special Use Permit at 5219 Millbranch Rd. for auto repair body shop  
Time: Feb 25, 2022 @ 6:00 PM to 7:00 PM Central Time (US and Canada)  
Join Zoom Meeting  
<https://us02web.zoom.us/j/88054786585?pwd=U2VDaWFzRlloVnR4bGVZZ051b09Sdz09>

Meeting ID: 880 5478 6585  
Passcode: 226077  
One tap mobile  
+16465588656,,88054786585#,,,,\*226077# US (New York)  
+13017158592,,88054786585#,,,,\*226077# US (Washington DC)

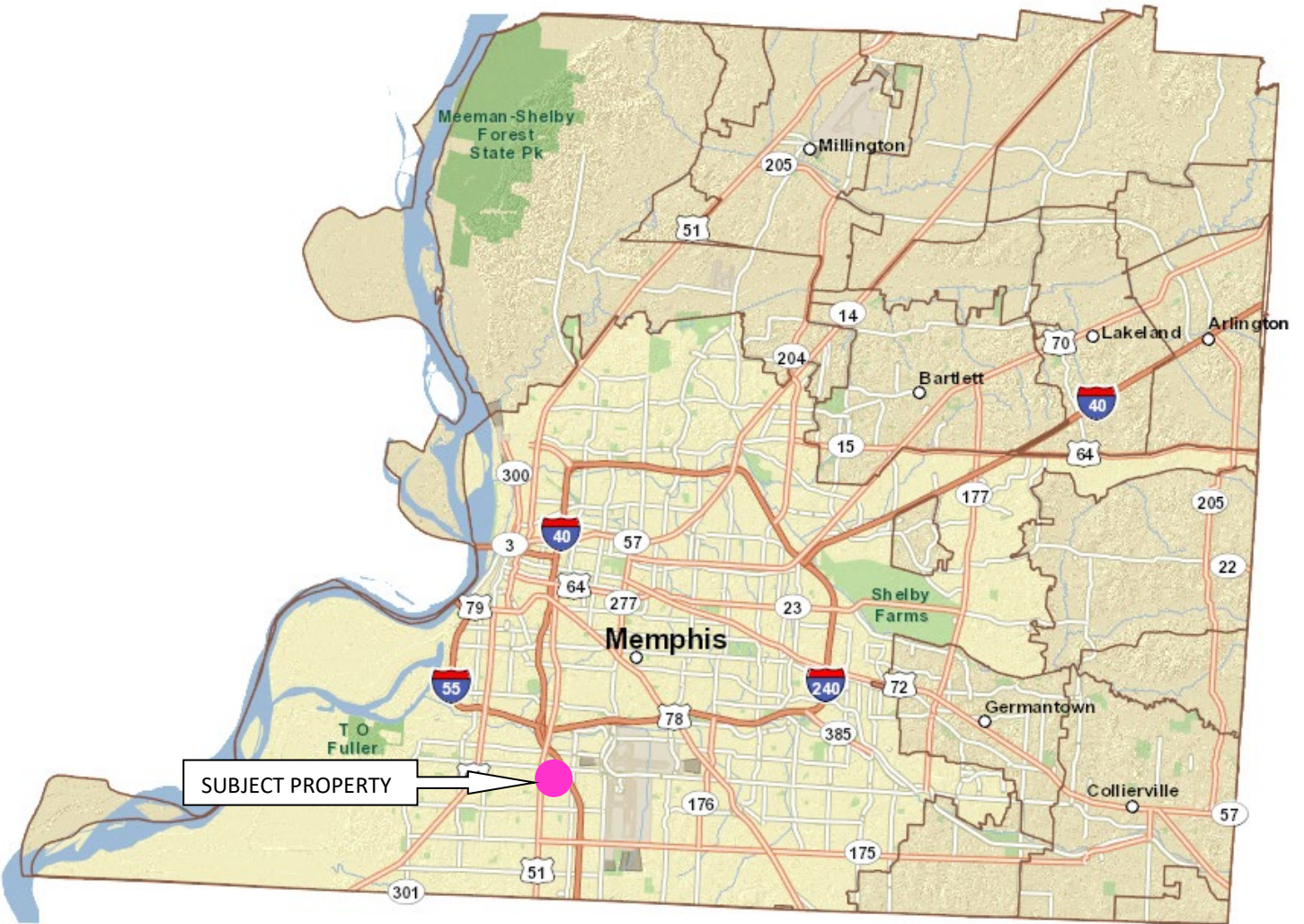
Dial by your location  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

Meeting ID: 880 5478 6585  
Passcode: 226077  
Find your local number: <https://us02web.zoom.us/u/kdrf7XmkI7>

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 102 notices were mailed on February 22, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle.



VICINITY MAP



Site highlighted in yellow



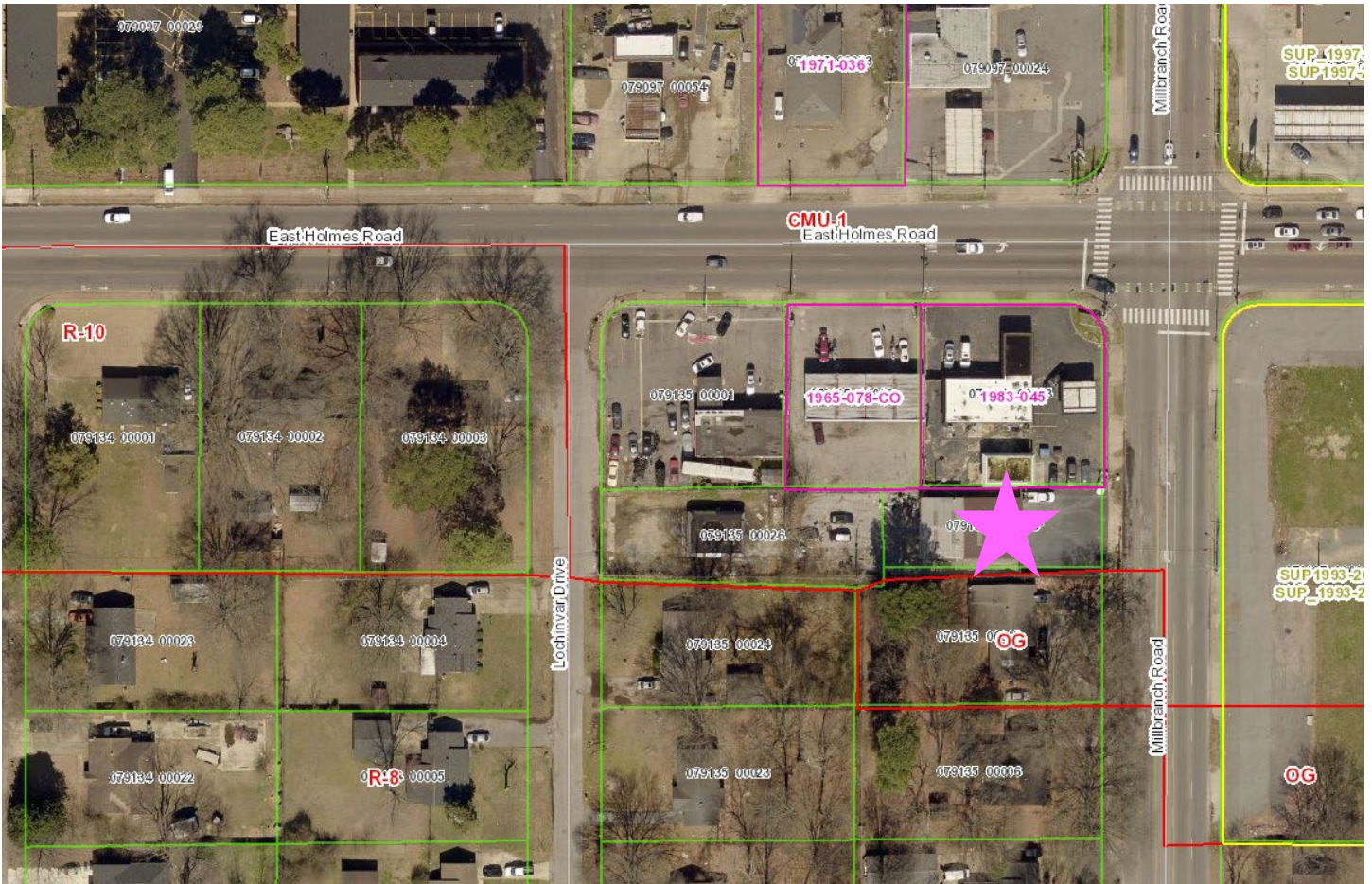
**AERIAL**



Subject property outlined in orange.



**ZONING MAP**



Subject property indicated by a pink star

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

**Surrounding Zoning**

**North:** CMU-1

**East:** OG

**South:** OG


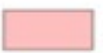
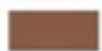






**West:** R-8

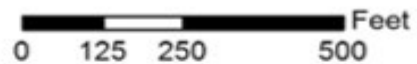


**LAND USE MAP**



**LandUse**

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



Subject property indicated by a pink star



**SITE PHOTOS**

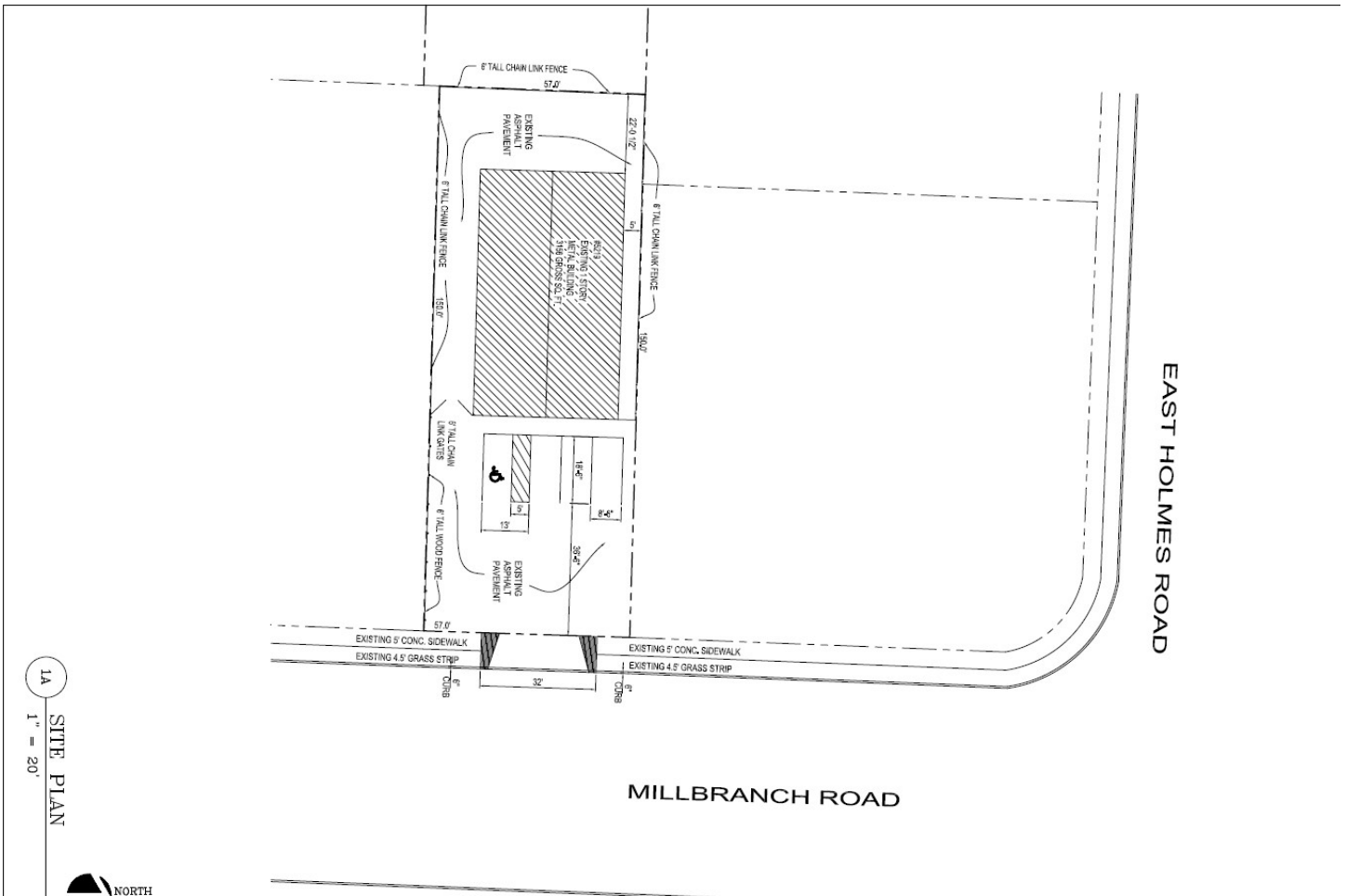


View of subject property from Millbranch looking north



View of subject property from Millbranch looking northwest

SITE PLAN



## STAFF ANALYSIS

### Request

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

The request is for a Special Use permit for auto body repair shop.

### Approval Criteria

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

#### *9.6.9 Approval Criteria*

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

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

### Consistency with Memphis 3.0

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

### Comprehensive Planning Review

This summary is being produced in response to the following application to support the Office of Planning & Development in their recommendation: SUP 22-02

Site Address/location: 5219 Millbranch

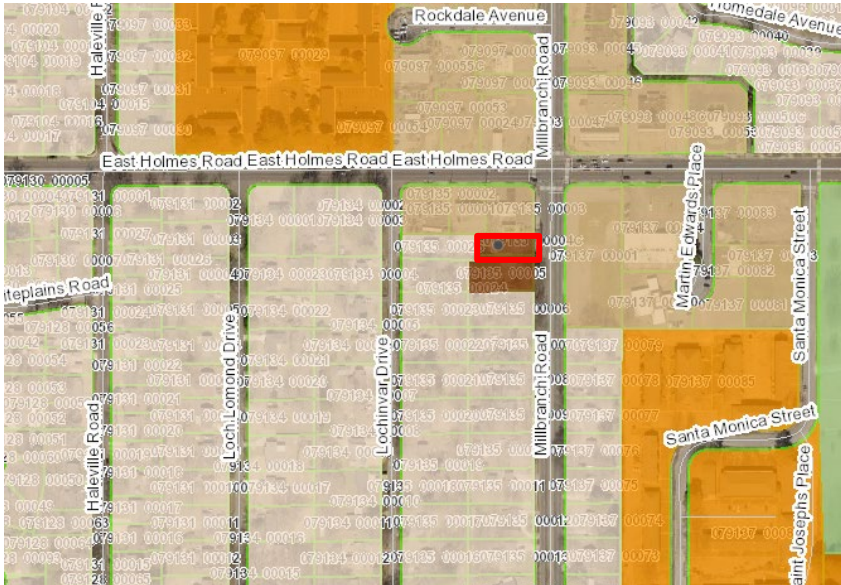


Land Use Designation (see page 104 for details): High Intensity commercial & Services (CSH)

**Based on the future land use and existing adjacent land use and zoning 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:

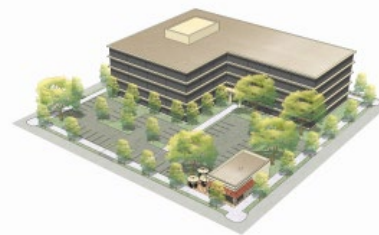
**1. FUTURE LAND USE PLANNING MAP**



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

**2. Land use description & applicability:**

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



businesses and auto-oriented height, but have space than low intensification

**“CSH” Goals/Objectives:**

Maintenance of larger-scale commercial centers where viable.

**“CSH” Form & Location Characteristics:**

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map. 1-7 stories height.

*The applicant is seeking for a special use permit to legitimize an auto repair shop in a CMU-1 zoning district. The request meets the criteria because the business is surrounded by other existing auto-oriented uses, the building is one story in height and located outside of an anchor, and it will not disrupt the character of the neighborhood.*

**3. Existing, Adjacent Land Use and Zoning**

The subject site is surrounded by the following land uses: Single Family, Multi-Family, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, OG, and R-8. This requested land use is compatible with the adjacent land use because *existing land uses surrounding the parcels is similar in nature to the requested use.*

#### 4. Degree of Change map



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

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

Summary Compiled by: Melanie Batke, Comprehensive Planning.

#### Conclusions

The applicant is a Special Use permit for auto body repair shop.

This is not a permitted use in the CMU-1 zoning district, however it compatible with the adjacent land that exists around it, which is also stated in the Comprehensive Plan Review in this report.

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

#### **RECOMMENDATION**

Staff recommends approval with conditions.

#### Conditions

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.



**DEPARTMENTAL COMMENTS**

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

- |   |                       |
|---|-----------------------|
| <b>City/County Engineer:</b>                    | No comments received. |
| <b>City/County Fire Division:</b>               | No comments received. |
| <b>City Real Estate:</b>                        | No comments received. |
| <b>City/County Health Department:</b>           | No comments received. |
| <b>Shelby County Schools:</b>                   | No comments received. |
| <b>Construction Code Enforcement:</b>           | No comments received. |
| <b>Memphis Light, Gas and Water:</b>            | No comments received. |
| <b>Office of Sustainability and Resilience:</b> | No comments received. |
| <b>Office of Comprehensive Planning:</b>        | No comments received. |

APPLICATION



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

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

Date: 01.06.2022

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Abdulahi Sharif Phone #: 901.233.9977

Mailing Address: 5219 Millbranch Rd. City/State: Memphis, TN Zip 38116

Property Owner E-Mail Address: hajera38@gmail.com

Applicant: Abdulahi Sharif Phone #: 901.233.9977

Mailing Address: 5219 Millbranch Rd. City/State: Memphis, TN Zip 38116

Applicant E-Mail Address: hajera38@gmail.com

Representative: Delinor Smith - Smith Building Design & Associates, Inc. Phone #: 901.690.3944

Mailing Address: 3831 Lakehurst Drive City/State: Memphis, TN Zip 38128

Representative E-Mail Address: dsmith920@comcast.net

Engineer/Surveyor: N/A Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Engineer/Surveyor E-Mail Address: \_\_\_\_\_

Street Address Location: 5219 Millbranch Rd.

Distance to nearest intersecting street: 125' South of the Intersection of Holmes Road and Millbranch on the west property line of Millbranch Road

|                           | Parcel 1              | Parcel 2 | Parcel 3 |
|---------------------------|-----------------------|----------|----------|
| Area in Acres:            | .196                  |          |          |
| Existing Zoning:          | CMU-1                 |          |          |
| Existing Use of Property  | Auto Body Repair Shop |          |          |
| Requested Use of Property |                       |          |          |

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

Yes \_\_\_\_\_ No

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

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

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

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

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

 12/30/21 HAJERA ABDULHAFTZ 12/30/21  
Property Owner of Record                      Date      Applicant                      Date

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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

**Pre-Application Conference held on:** 12.28.2021 with Ms. T. Shelton

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

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

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

**9.6.9 Special Use Permit Approval Criteria**

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

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

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).

The business has been operating as a Auto Service Garage for more than 20 years. This intersection is all commercial use. all adjacent properties are CMU-1 zoned of OG to the South. This use will not have a substantial or undue adverse effect on adjacent properties.

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

The business will be operated to meet the prevailing codes that govern this type of business. A use and occupancy permit shall be acquired.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

All public utilities and disposal services are adequate.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

This business has been operating for more than 20 years as a auto service repair shop; and has not resulted in the destruction, loss or damage of any natural, scenic of historic features within the community.

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

This business will modify the structure or its operation to comply with all require standards needed to meet the prevailing codes that govern this type of business.

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

This business has been operating for more than 20 years as a auto service repair shop. All required buffers shall be installed and maintained to protect any adjacent properties.

**LETTER OF INTENT**

1

LETTER OF INTENT

Mr. Abdulahi Sharif, the owner, operator and developer, is requesting approval of a Special Use Permit application for the .196 acres parcel, ID #08205 0000C3 which is located 125.0' South of the intersection of Holmes Rd. and Millbranch Rd. This Auto Body Repair Shop is located in and existing CMU-1 District. The existing auto body shop was purchased April 04.2019 for the previous owner. The previous owners had been operating for more than 10 years and the owners before them for more than 10 years.

Approval of this application will allow the owner to continue operating this business as it has been for more than 20 years.

Delinor D. Smith, of Smith Building Design and Associates, Inc. is the representative.



**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, DELINR D. SMITH, being duly sworn, depose and say that at 11:07 AM am/pm on the 15TH day of FEFRUARY, 2022, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP 22-002 at 5219 MILLBRANCH RD, MEMPHIS, TN 38116 providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, \_\_\_\_\_ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (\_\_\_\_ Planned Development, X Special Use 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.

*Delinr D. Smith*  
Owner, Applicant or Representative

3.01.2022  
Date

Subscribed and sworn to before me this 1st day of March, 20 22.

*Monique Richardson*  
Notary Public

My commission expires MY COMMISSION EXPIRES MAY 08, 2023



**LETTERS RECEIVED**

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





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

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

March 14, 2022

Abdulahi Sharif  
5219 Millbranch Rd.  
Memphis, TN 38116

*Sent via electronic mail to: [dsmith920@comcast.net](mailto:dsmith920@comcast.net)*

Case Number: SUP 22-002  
LUCB Recommendation: Approval with one (1) condition

Dear applicant,

On Thursday, March 10, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow auto body repair shop located at 5219 Millbranch Rd., subject to the following conditions:

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

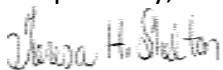
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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 [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov).

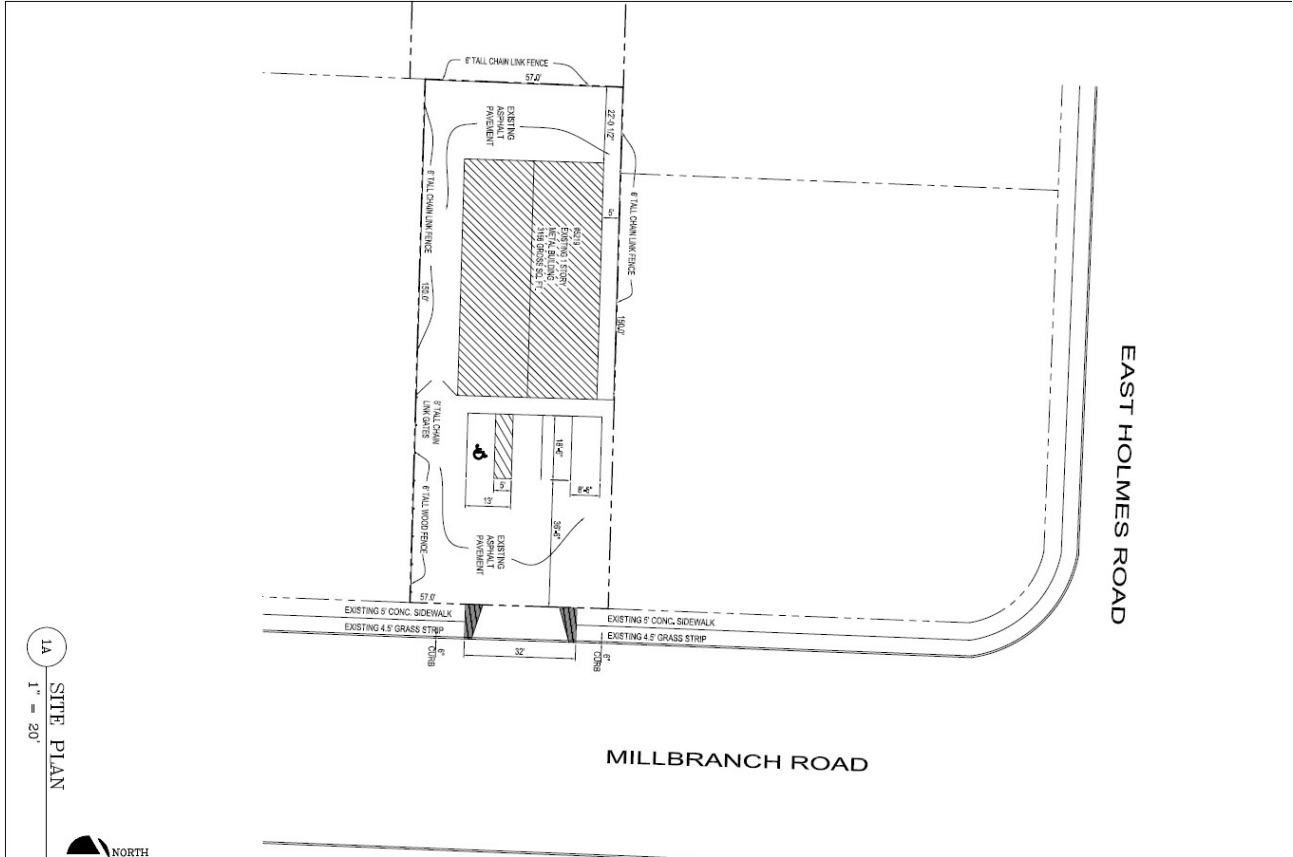
Respectfully,



**Letter to Applicant**  
**SUP 22-006**

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

Cc: Delinor Smith – Smith Building Design & Associates, Inc.  
File





## MEMPHIS AND SHELBY COUNTY

### Record Summary for Special Use Permit

#### Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: January 6, 2022

Record Number: SUP 2022-002

Expiration Date:

Record Name: AUTO BODY REPAIR SHOP

Description of Work: AUTO BODY REPAIR SHOP REQUESTING SPECIAL USE PERMIT IN A CMU-1 DISTRICT

Parent Record Number:

---

Address: 5219 MILLBRANCH RD, MEMPHIS 38116

---

#### Owner Information

| Primary | Owner Name     | Owner Address                          | Owner Phone    |
|---------|----------------|--|----------------|
| Yes     | ABDULAH SHARIF | 5219 Millbranch Rd., MEMPHIS, TN 38116 | (901) 233-9977 |

---

#### Parcel Information

Parcel No:  
079135 00004C

---

**Contact Information**

Name Organization Name Contact Type Phone  
SMITH BUILDING DESIGN Applicant (901)  
690-3944  
Suffix:  
Address

---

SMITH BUILDING DESIGN Representative (901)  
690-3944  
Address

**Fee Information**

| Invoice #                    | Fee Item  | Quantity | Fees   | Status   | Balance               | Date Assessed | Unit | Fee Code        |
|------------------------------|---|----------|--------|----------|-----------------------|---------------|------|-----------------|
| 1351490                      | Special Use Permit<br>Fee - 5 acres or less<br>(Base Fee) | 1        | 500.00 | INVOICED | 0.00                  | 01/06/2022    |      | PLNGSPUSE<br>01 |
| 1351490                      | Credit Card Use Fee<br>(.026 x fee)                       | 1        | 13.00  | INVOICED | 0.00                  | 01/06/2022    |      | PLNGSPUSE<br>10 |
| Total Fee Invoiced: \$513.00 |   |          |        |          | Total Balance: \$0.00 |               |      |                 |

**Payment Information**

Payment Amount Method of Payment  
\$513.00 Credit Card

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner T. SHELTON  
Date of Meeting 12/28/2021

**GENERAL PROJECT INFORMATION**

Application Type New Special Use Permit (SUP)  
List any relevant former Docket / Case Number(s) related to previous applications on this site -  
Is this application in response to a citation, stop work order, or zoning letter No

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

-

---

### APPROVAL CRITERIA

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

SEE ATTACHED DOCUMENT

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

SEE ATTACHED DOCUMENT

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

SEE ATTACHED DOCUMENT

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

SEE ATTACHED DOCUMENT

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

SEE ATTACHED DOCUMENT

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

SEE ATTACHED DOCUMENT

---

### GIS INFORMATION

Case Layer

-

Central Business Improvement District

No

Class

-

Downtown Fire District

No

Historic District

-

Land Use

-

|                                  |   |
|----------------------------------|---|
| Municipality                     | - |
| Overlay/Special Purpose District | - |
| Zoning                           | - |
| State Route                      | - |
| Lot                              | - |
| Subdivision                      | - |
| Planned Development District     | - |

---





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

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

Date: \_\_\_\_\_

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Applicant E- Mail Address: \_\_\_\_\_

Representative: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Representative E-Mail Address: \_\_\_\_\_

Engineer/Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Engineer/Surveyor E-Mail Address: \_\_\_\_\_

Street Address Location: \_\_\_\_\_

Distance to nearest intersecting street: \_\_\_\_\_

|                           | Parcel 1 | Parcel 2 | Parcel 3 |
|---------------------------|----------|----------|----------|
| Area in Acres:            | _____    | _____    | _____    |
| Existing Zoning:          | _____    | _____    | _____    |
| Existing Use of Property  | _____    | _____    | _____    |
| Requested Use of Property | _____    | _____    | _____    |

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

Yes \_\_\_\_\_ No \_\_\_\_\_

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

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

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

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

  
Property Owner of Record      12/30/21      HAJERA ABDULHAFTZ      12/30/21  
Date      Applicant      Date

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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

**Pre-Application Conference held on:** 12.28.2021 with Ms. T. Shelton

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

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

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

### **9.6.9 Special Use Permit Approval Criteria**

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

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

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).
  
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).
  
- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).
  
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
  
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).
  
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

## LETTER OF INTENT

Mr. Abdulahi Sharif, the owner, operator and developer, is requesting approval of a Special Use Permit application for the .196 acres parcel, ID #08205 0000C3 which is located 125.0' South of the intersection of Holmes Rd. and Millbranch Rd. This Auto Body Repair Shop is located in and existing CMU-1 District. The existing auto body shop was purchased April 04.2019 for the previous owner. The previous owners had been operating for more than 10 years and the owners before them for more than 10 years.

Approval of this application will allow the owner to continue operating this business as it has been for more than 20 years.

Delinor D. Smith, of Smith Building Design and Associates, Inc. is the representative.

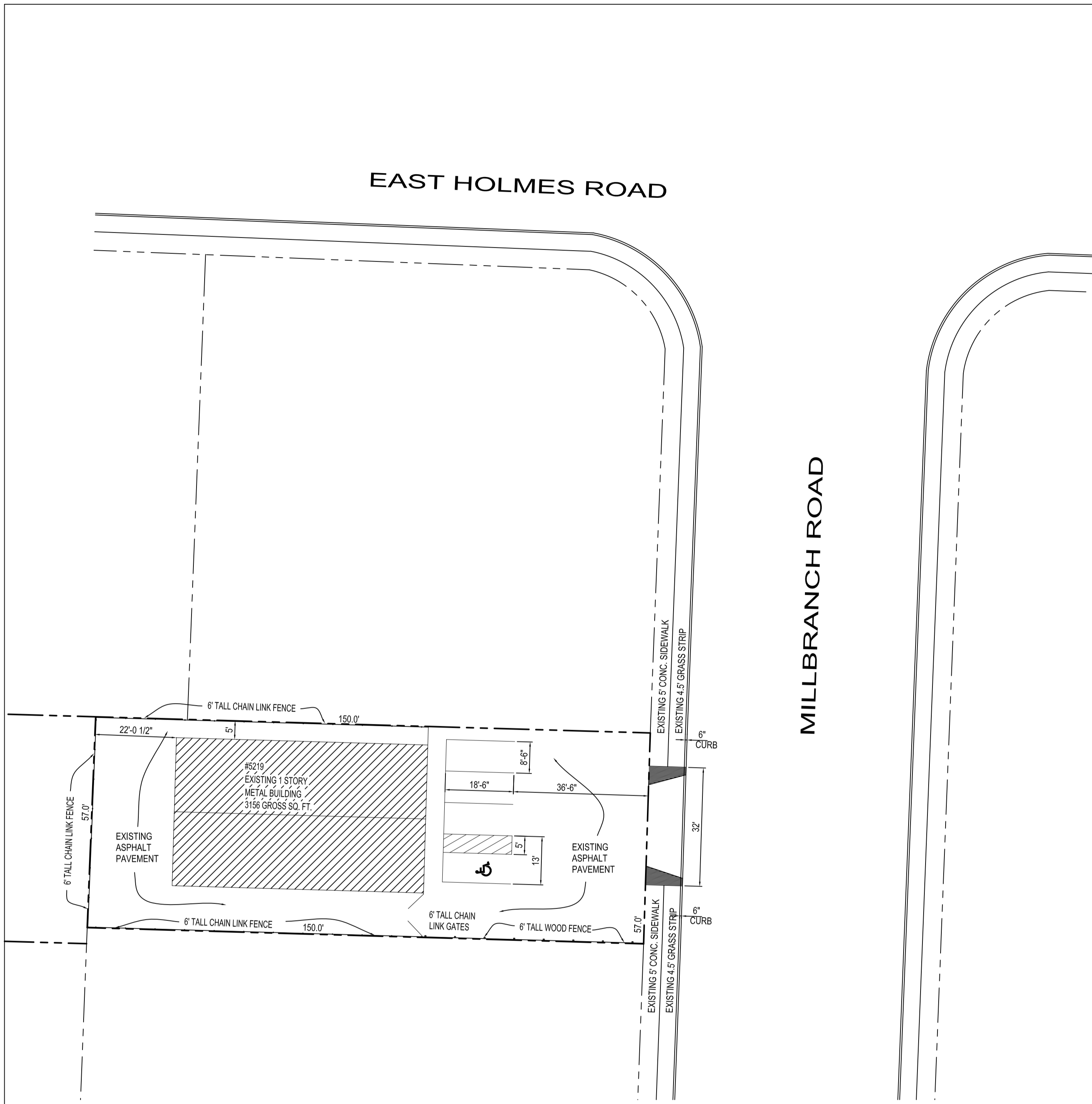
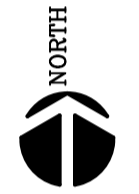




3C

VICINITY MAP

NTS



MILLBRANCH ROAD

EAST HOLMES ROAD

1A

SITE PLAN

1" = 20'



SITE PLAN

ZONING DISTRICT: CMU-1 CASE NO.:  
 SPECIAL USE PERMIT  
 5219 MILLBRANCH ROAD  
 SHELBY COUNTY, TENNESSEE

PARCEL AREA = .196 ACRES PARCEL 1D# 07913 00004C  
 = 1.77 ACRES TOTAL

DEVELOPER: ABDULAH SHARIF SURVEYOR:  
 5212 MILLBRANCH RD.  
 MEMPHIS, TENNESSEE 38116

DATE: 0106.2022 SCALE: 1"=100'-0" SHEET 1 Of 1

For Current Resident  
1650 HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5254 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5175 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5181 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5264 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1660 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1712 HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5265 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
1720 HOLMES #  
Memphis, TN 38116

For Current Resident  
1663 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5272 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1672 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1673 HOLMES #  
Memphis, TN 38116

For Current Resident  
5235 MARTIN EDWARDS PL #  
Memphis, TN 38116

For Current Resident  
1700 HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5228 LOCH LOMOND RD #  
Memphis, TN 38116

For Current Resident  
5226 MARTIN EDWARDS PL #  
Memphis, TN 38116

For Current Resident  
1613 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5245 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1594 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1623 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5247 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
1717 HOMEDALE AVE #  
Memphis, TN 38116

For Current Resident  
1635 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5254 LOCH LOMOND RD #  
Memphis, TN 38116

For Current Resident  
1721 HOMEDALE AVE #  
Memphis, TN 38116

For Current Resident  
1653 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5255 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5174 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
1699 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1650 HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5254 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5175 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5181 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5264 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1660 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1712 HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5265 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
1720 HOLMES #  
Memphis, TN 38116

For Current Resident  
1663 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5272 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1672 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1673 HOLMES #  
Memphis, TN 38116

For Current Resident  
5235 MARTIN EDWARDS PL #  
Memphis, TN 38116

For Current Resident  
1700 HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5228 LOCH LOMOND RD #  
Memphis, TN 38116

For Current Resident  
5226 MARTIN EDWARDS PL #  
Memphis, TN 38116

For Current Resident  
1613 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5245 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1594 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
1623 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5247 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
1717 HOMEDALE AVE #  
Memphis, TN 38116

For Current Resident  
1635 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5254 LOCH LOMOND RD #  
Memphis, TN 38116

For Current Resident  
1721 HOMEDALE AVE #  
Memphis, TN 38116

For Current Resident  
1653 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5255 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5174 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
1699 E HOLMES RD #  
Memphis, TN 38116



For Current Resident  
1715 HOLMES #  
Memphis, TN 38116

For Current Resident  
5246 LOCH LOMOND RD #  
Memphis, TN 38116

For Current Resident  
5182 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5220 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
5246 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
5273 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5219 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5246 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5274 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5227 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
5253 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1717 CRIMSON CIR #  
Memphis, TN 38116

For Current Resident  
5228 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
5254 LOCHINVAR DR #  
Memphis, TN 38116

For Current Resident  
5227 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5263 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
5236 LOCH LOMOND RD #  
Memphis, TN 38116

For Current Resident  
5264 MILLBRANCH RD #  
Memphis, TN 38116

For Current Resident  
5237 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
5230 MARTIN EDWARDS PL #  
Memphis, TN 38116

For Current Resident  
5238 LOCHINVAR RD #  
Memphis, TN 38116

For Current Resident  
1725 E HOLMES RD #  
Memphis, TN 38116

For Current Resident  
5237 MILLBRANCH RD #  
Memphis, TN 38116


For Current Resident  
1645 ROCKDALE AVE #  
Memphis, TN 38116



Shelby County Tennessee  
*Shelandra Y. Ford*  
Shelby County Register

---

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

|  |                   |
|--|-------------------|
|  |                   |
| 04/02/2019   | 19031154 11:42 AM |
| 4 PGS  |                   |
| KRISTIN 1853007-19031154   |                   |
| VALUE  | 200000.00         |
| MORTGAGE TAX   | 0.00              |
| TRANSFER TAX   | 740.00            |
| RECORDING FEE  | 20.00             |
| DP FEE   | 2.00              |
| REGISTER'S FEE   | 1.00              |
| WALK THRU FEE  | 0.00              |
| TOTAL AMOUNT   | 763.00            |
| <b>SHELANDRA Y FORD</b>  |                   |
| REGISTER OF DEEDS SHELBY COUNTY TENNESSEE  |                   |

## WARRANTY DEED

**THIS INDENTURE**, is made and entered into as of the 1st day of April, 2019, by and between **DeArchie Scott**, party of the first part, and **Hajera Abdulhafiz**, 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, together with all improvements thereon, situated and being in the County of Shelby, State of Tennessee (the "Property"):

SEE EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION OF THE PROPERTY.

Being the same property conveyed to the party of the first part by Warranty Deed of record at Instrument Number 17103264 in the Register's Office of Shelby County, Tennessee.

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

The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the Property; he has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for subdivision restrictions, building lines and easements of record in Plat Book 19, Page 37, Plat Book 27, Page 31 and Plat Book 27, Page 62; Easements of record in Book 3946, Page 42 and Book 4950, Page 176 all in the Register's Office of Shelby County, Tennessee; and 2019 City of Memphis and 2019 Shelby County real estate taxes, which the party of the second part hereby assumes and agrees to pay; and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

The party of the first part hereby covenants to the party of the second part that the Property does not constitute his personal residence or homestead for the State of Tennessee.

The Property is being transferred and conveyed by the party of the first part and accepted by the party of the second part in AS IS, WHERE IS CONDITION AND WITH ALL FAULTS.

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.

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

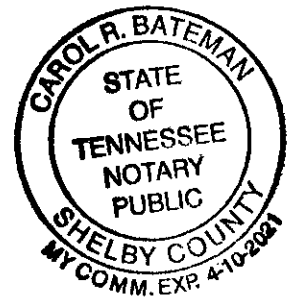
DeArchie Scott  
DeArchie Scott

**STATE OF TENNESSEE  
COUNTY OF SHELBY**

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **DeArchie Scott** to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument and who acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 1<sup>st</sup> day of April, 2019.

Carol R. Bateman  
Notary Public



My Commission expires:

◆◆◆◆◆  
**(FOR RECORDING DATA ONLY)**

**Property Address:**

Parcel 1:  
5219 Millbranch Road  
Memphis, TN 38116

Parcel 2:  
5220 Lochinvar Road  
Memphis, TN 38116

**Property Owner:**

Hajera Abdulhafiz  
10146 Woodland Hills Drive  
Cordova, TN 38018

**Ward, Block & Parcel Number:**

Parcel 1:  
079-135-00004C

Parcel 2:  
079-135-00026

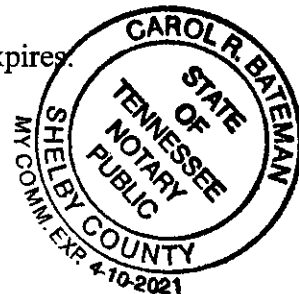
I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$200,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Hajera Abdulhafiz  
Affiant

Subscribed and sworn to before me this the 1<sup>st</sup> day of April, 2019.

Carol R. Bateman  
Notary Public

My Commission Expires:



**Mail tax bills to:**

Hajera Abdulhafiz  
5219 Millbranch Road  
Memphis, TN 38116

**This instrument prepared by and  
return to:**

Harris Shelton Hanover Walsh, PLLC  
6060 Primacy Pkwy., Suite 100  
Memphis, TN 38119  
Attention: Charles C. Drennon, III, Esq.

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Parcel 1:**

Part of the Proposed Commercial Tract of land shown on plat of record of Whitehaven View Subdivision, as shown on plat of record in Plat Book 19, Page 37, in the Register's Office of Shelby County, Tennessee, being more particularly described as follows: BEGINNING at an old chisel mark in the west line of Millbranch Road 99.96 feet southwardly from the south end of a curve having a radius of 25 feet located in the southwest corner of Millbranch Road and Holmes Road; thence southwardly with the west line of Millbranch Road 57 feet to the North Line of Lot 78; thence westwardly with the north line of Lot 78, 150 feet; thence northwardly parallel to the west line of Millbranch 57 feet; thence eastwardly 150 feet to the point of beginning. **(Also being known as 5219 Millbranch Road.)**

**Parcel 2:**

Part of proposed commercial tract of land as shown on plat of record in Whitehaven View Subdivision, in Plat Book 19, Page 37, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the east line of Lochinvar Drive (50' wide), said point being 125.00 feet south of the south line of Holmes Road (80' wide); thence 89 degrees 56 minutes 53 seconds East a distance of 190.00 feet; thence South 00 degrees 02 minutes 35 seconds West a distance of 57.00 feet to the north line of Lot 78 Whitehaven View Subdivision (PB 19, P. 37); thence South 89 degrees 56 minutes 54 seconds West a distance if 190.00 feet to the east line of Lochinvar Drive; thence North 00 degrees 02 minutes 35 seconds East along said east line a distance of 57 feet to the point of beginning. **(Also being known as 5220 Lochinvar Road.)**