

Memphis City Council Summary Sheet

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

A resolution to appropriate \$335,324.00 in Contract Construction to FS02033, Drill Tower Improvement Project.

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

Fire Services is the initiating party.

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 5
Super District 9

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

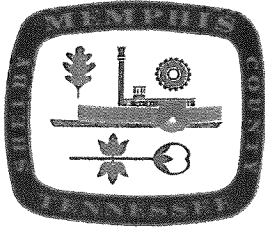
This will require a new construction contract with Barnes & Brower, Inc.

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

This requires an expenditure of funds in Contract Construction in FS02033 Drill Tower Improvement.

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

41% MBE and 8% WBE



Resolution – Fire Services

A resolution to appropriate for Contract Construction in the amount of \$335,324.00 in FS02033, Drill Tower Improvement Project.

WHEREAS, the Council of the City of Memphis did include Drill Tower Improvement, CIP Project Number FS02033, as part of the Fiscal Year 2023 Capital Improvement Program Budget: and

WHEREAS, a contract has been agreed upon between the City of Memphis Fire Services and Barnes & Brower INC. in the amount of \$335,324.00 for the preservation measures needed to maintain the structural integrity of the Fire Training Drill Tower.

WHEREAS, it is necessary to appropriate \$335,324.00 for CIP Project Number FS02033, funded by G.O. Bonds General for the Drill Tower Improvement Project as follows:

Contract Amount:	\$ 319,324.00
Contingency:	\$16,000.00
Total Contract Amount:	\$ 335,324.00

NOW, THEREFORE, BE IT ALSO RESOLVED, by the Council of the City of Memphis there be and is hereby appropriated the amount of \$335,324.00 CIP Project Number FS02033, funded by G.O. Bonds General for Drill Tower Improvement Project.

Project Title:	Drill Tower Improvement
CIP Project Number:	FS02033
Contract Construction:	\$335,324.00

THE CATALYST FOR
ACTIVATING MUD ISLAND



THE FORGE: TEAM



DOUG CARPENTER

30 years of public & private enterprise communications solutions and civic-oriented development for Memphis

KATIE ELIZABETH CARPENTER

Passionate Memphian focused on community revitalization and progressive development

FRANK RICKS

Founding principle of LRK Architects who brings 40 years of experience designing places of purpose

JEREMIE BACON

More than 20 years of entrepreneurship and M&A experience in SaaS, Finance, and Outdoor Recreation

THE FORGE: LEMONT QUARRIES OPENED JULY 17, 2020



- Features the largest climbing, aerial ropes, and ziplining course in America
- 300-acre public/private partnership with the village & township of Lemont
- Ranked a Top 3 New Attraction in US in 2020 by USA Today
- Top 3 Aerial Adventure Park in US in 2022 by USA Today
- Key partner in rebranding the village as a destination location and attracting public & private capital to Lemont

BUILT ON THREE PILLARS:

ENTERTAIN
EDUCATE
EXHILARATE



ENTERTAIN

ACTIVITIES WILL INCLUDE

- Food & Beverage Service
- The Forge Race Series
- Music Festivals
- Special Events

BUILT ON THREE PILLARS:

ENTERTAIN
EDUCATE
EXHILARATE



EDUCATE

CONSERVATION. RESTORATION. SUSTAINABILITY.

EDUCATIONAL PROGRAMMING FOR:

- School Field Trips
- Team Outings
- Youth Summer Camps

ACTIVITIES INCLUDE:

- Special Events & Festivals
- Conservation and Ecology education
- Instruction & Certification

BUILT ON THREE PILLARS:

ENTERTAIN
EDUCATE
EXHILARATE



EXHILARATE

MARQUEE ATTRACTIONS OF THE PARK:

- Skybridge Zipline Tour
- Integrated Climbing Towers
- Aerial Challenge Course

OTHER ACTIVITIES INCLUDE:

- Axe Throwing
- Outdoor Escape Rooms
- Festivals and Races
- Orienteering
- Scavenger Hunts
- Kid Zone

MAP



SUMMARY



\$10 MILLION

PRIVATE INVESTMENT

\$500,000+

GENERATED ANNUALLY
THROUGH RENT AND
TDZ FUNDS

100,000+

ANNUAL VISITORS
PER YEAR

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 9 August 2022

DATE

PUBLIC HEARING: 9 August 2022

DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning district change for the three parcels between 2500 Kate Bond Rd. and Interstate 40 from the Residential Single-Family – 8 district to the Commercial Mixed Use – 2 district, known as case number Z 22-3

CASE NUMBER: Z 22-3

LOCATION: The three parcels between 2500 Kate Bond Rd. and Interstate 40

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER: TI Properties, LLC

APPLICANT: Quan Poole

REQUEST: Change zoning to Commercial Mixed Use – 2 (CMU-2)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – 12 July 2022
Second reading – 26 July 2022
Third reading – 9 August 2022

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>9 June 2022</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

Z 22-3

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING DISTRICT CHANGE FOR THE THREE PARCELS BETWEEN 2500 KATE BOND RD. AND INTERSTATE 40 FROM THE RESIDENTIAL SINGLE-FAMILY – 8 DISTRICT TO THE COMMERCIAL MIXED USE – 2 DISTRICT, KNOWN AS CASE NUMBER Z 22-3

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 9 June 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 22-3

LOCATION: The three parcels between 2500 Kate Bond Rd. and Interstate 40

COUNCIL DISTRICT: District 1 and Super District 9

OWNER: TI Properties, LLC

APPLICANT: Quan Poole

REQUEST: Change zoning to Commercial Mixed Use – 2 (CMU-2)

AREA: 8.8 acres

EXISTING ZONING: Residential Single-Family – 8 (R-8)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING DISTRICT CHANGE FOR THE THREE PARCELS BETWEEN 2500 KATE BOND RD. AND INTERSTATE 40 FROM THE RESIDENTIAL SINGLE-FAMILY – 8 DISTRICT TO THE COMMERCIAL MIXED USE – 2 DISTRICT, KNOWN AS CASE NUMBER Z 22-3

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 22-3**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 2 (CMU-2) USE DISTRICT.

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

The three parcels between 2500 Kate Bond Rd. and Interstate 40, comprising Area B of the Kate Bond Planned Development.

SECTION 2:

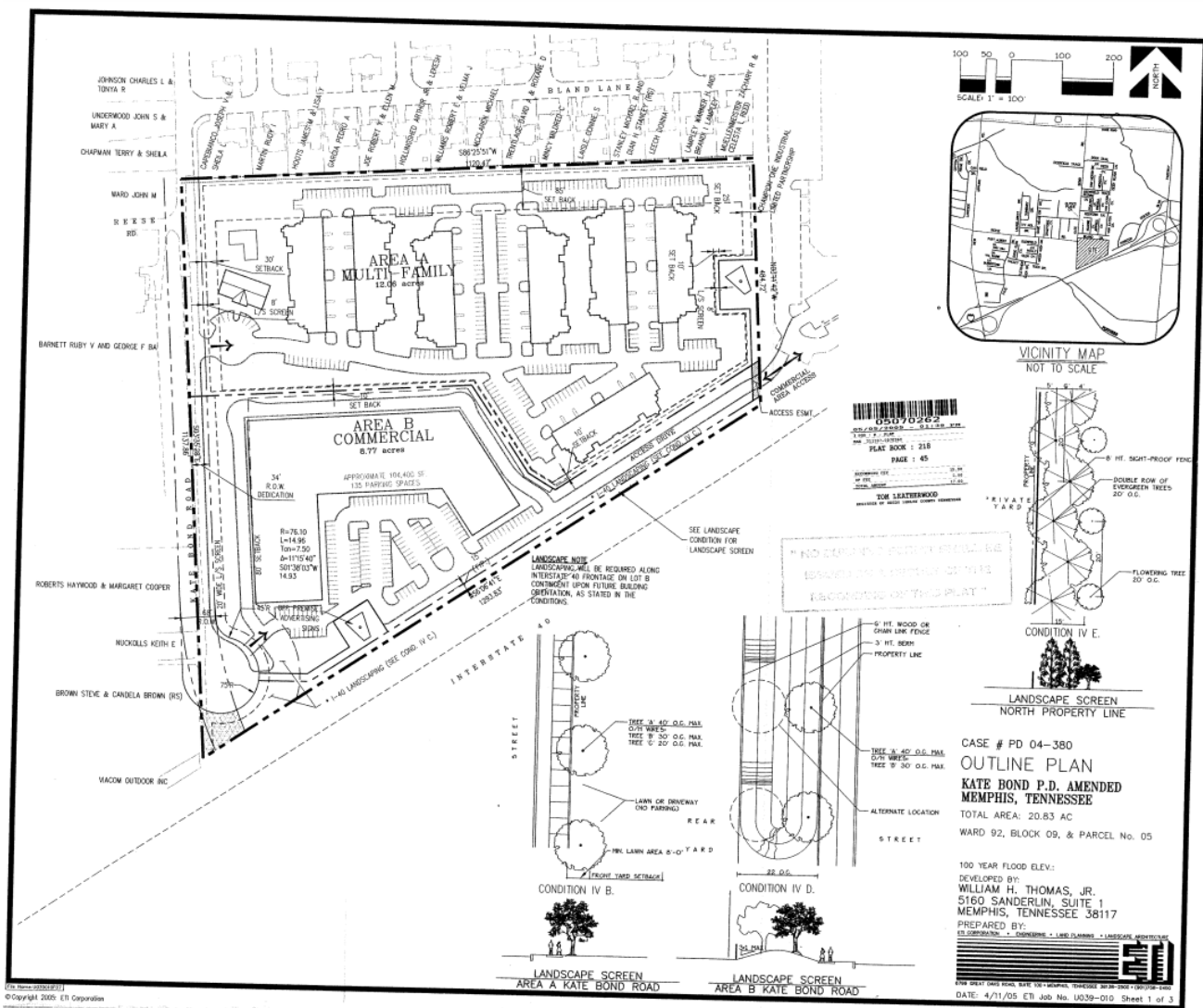
THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby

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

SECTION 3:

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

PD 04-380 – KATE BOND PLANNED DEVELOPMENT – OUTLINE PLAN (2005)



The subject land comprises Area B of the Kate Bond Planned Development.

Unless this PD is revoked, subject to Land Use Control Board approval, the underlying zoning designation has no effect on local land use regulation.

ATTEST:

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

AGENDA ITEM: 8

CASE NUMBER: Z 22-3 **L.U.C.B. MEETING:** 9 June 2022

LOCATION: The three parcels between 2500 Kate Bond Rd. and Interstate 40

COUNCIL DISTRICT: District 1 and Super District 9

OWNER: TI Properties, LLC

APPLICANT: Quan Poole

REQUEST: Change zoning to Commercial Mixed Use – 2 (CMU-2)

AREA: 8.8 acres

EXISTING ZONING: Residential Single-Family – 8 (R-8)

CONCLUSIONS (p. 12)

1. The applicant has requested the rezoning of three parcels with a total area of approximately 8.8 acres from Residential Single-Family – 8 to Commercial Mixed Use – 2.
2. The subject land comprises Area B of the Kate Bond Planned Development. Area B allows certain commercial uses, as well as two existing billboards. Unless this PD is revoked, subject to Land Use Control Board approval, the underlying zoning designation has no effect on local land use regulation.
3. Unlike Memphis and Shelby County, the State does not recognize Planned Developments as a legitimate form of rezoning for the purposes of allowing billboards. The applicant thus seeks a change to the underlying zoning classification to satisfy state standards. (That said, staff notes that the requested CMU-2 district does not allow billboards.)
4. Staff finds that this request will have no impact on local land use standards and is consistent with the Memphis 3.0 Comprehensive Plan.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 14-17)

According to the Dept. of Comprehensive Planning, this request is *consistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 12)

Approval

GENERAL INFORMATION

Street Frontage:	Interstate 40	<i>(Interstate)</i>	1294 linear feet
	Kate Bond Rd.	<i>(local street)</i>	709 linear feet

Zoning Atlas Page: 1850 and 1855

Parcel ID: 092009 00006, 092009 00007, and 092009 00009

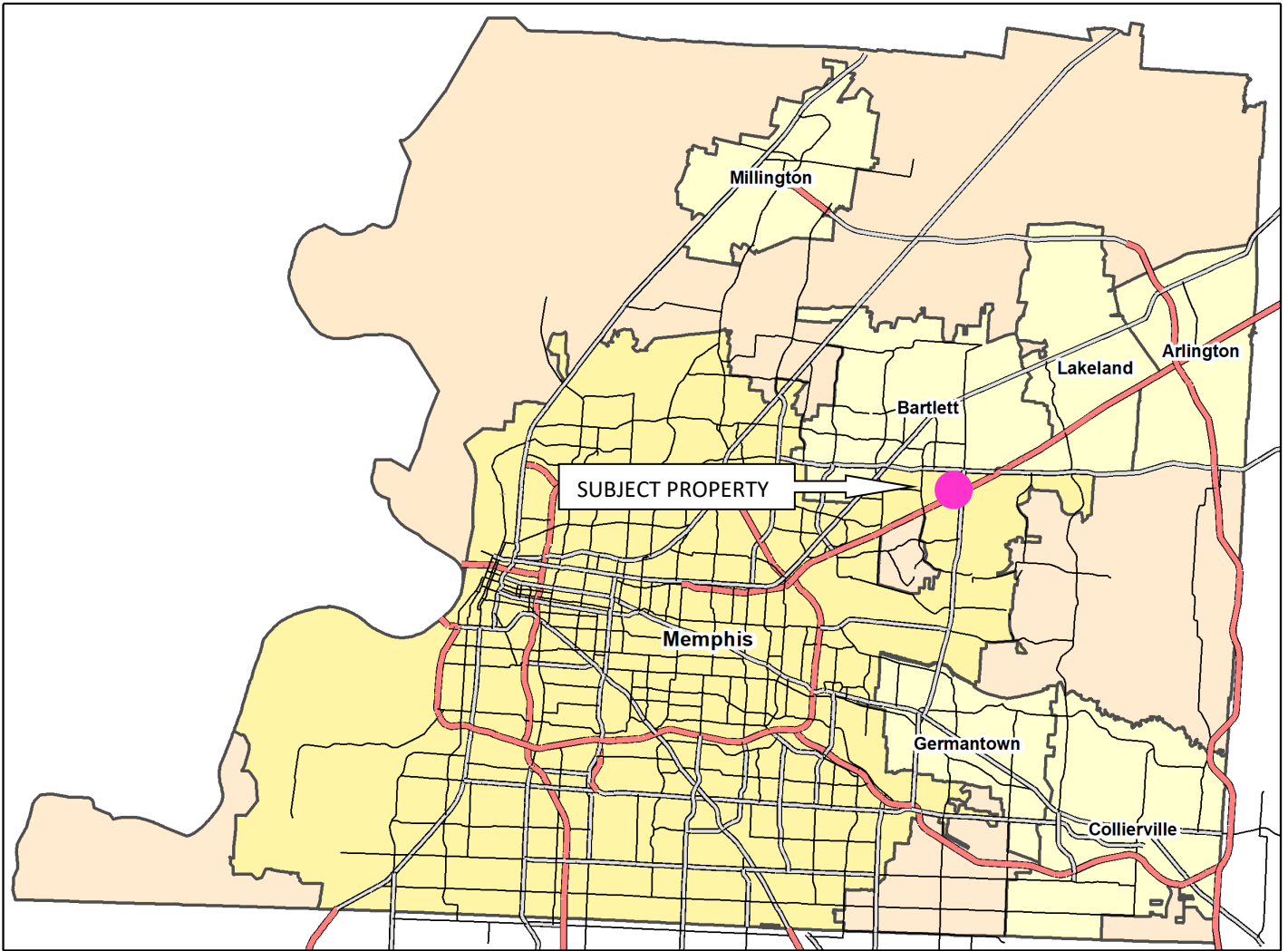
NEIGHBORHOOD MEETING

A neighborhood meeting was not conducted. This is acceptable under Paragraph 9.3.2A(1).

PUBLIC NOTICE

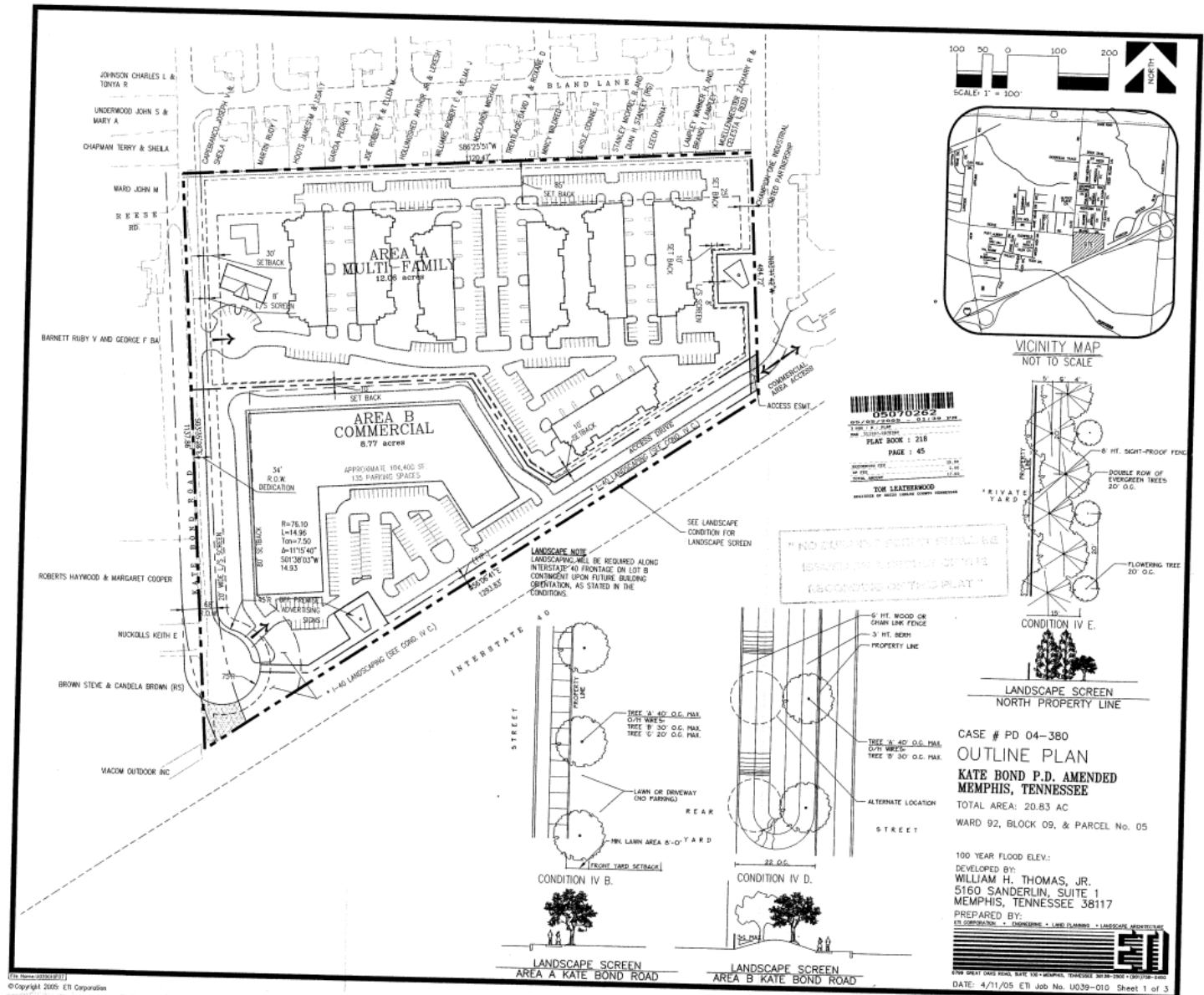
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 70 letters were mailed on 28 April 2022, and three signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject land located in Wolfchase neighborhood

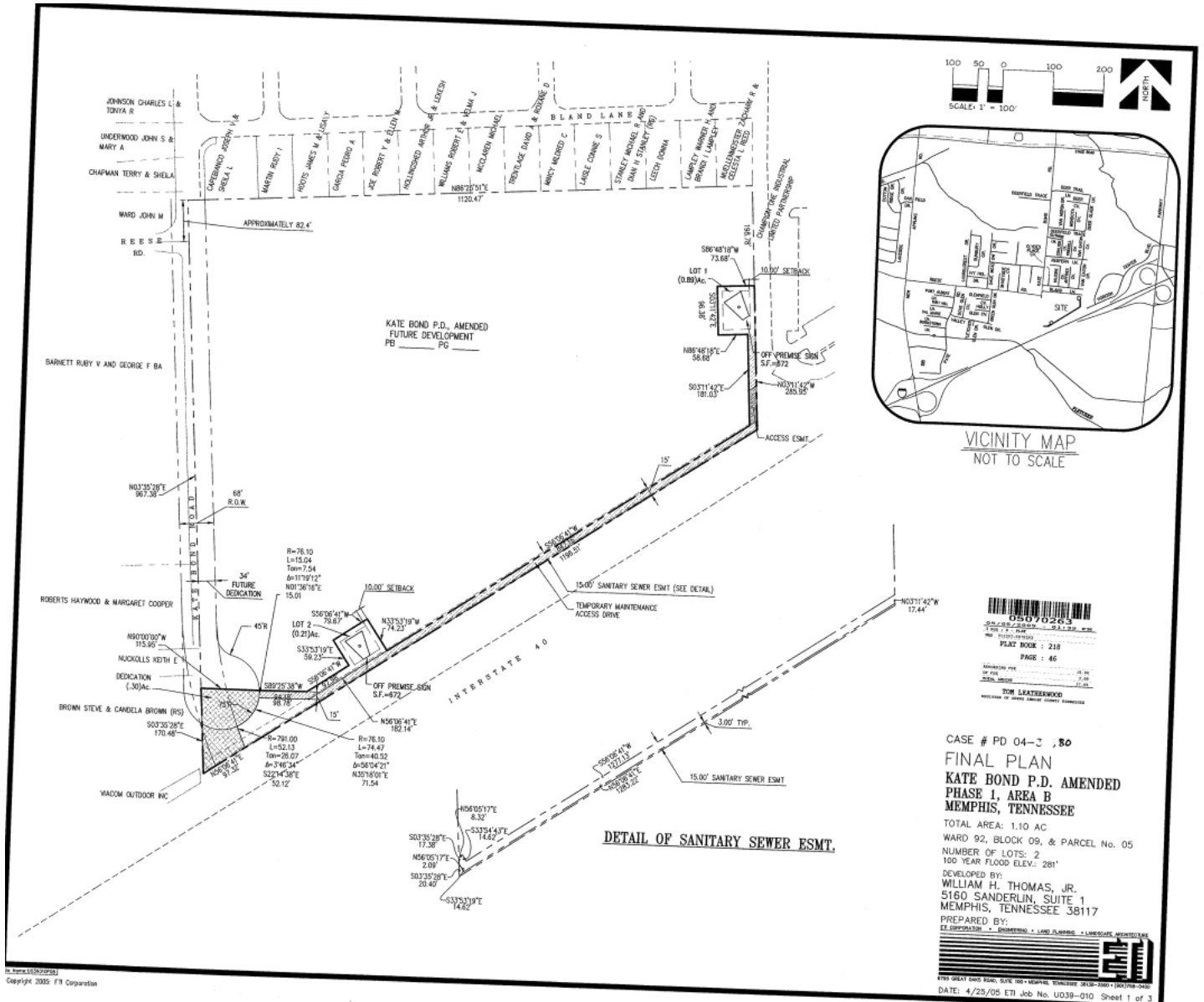
PD 04-380 – KATE BOND PLANNED DEVELOPMENT – OUTLINE PLAN (2005)



The subject land comprises Area B of the Kate Bond Planned Development.

Unless this PD is revoked, subject to Land Use Control Board approval, the underlying zoning designation has no effect on local land use regulation.

PD 04-380 – KATE BOND PLANNED DEVELOPMENT – FINAL PLAN, PHASE 1 OF AREA B (2005)



Phase 1 of Area B consists of two lots, each of which contains a billboard. Each lot corresponds to a subject parcel. The third subject parcel corresponds to the remaining land within Area B, which is not within a final plan.

SATELLITE PHOTO WITH ZONING



Existing Zoning: Residential Single-Family – 8 within PD 04-380

Surrounding Zoning

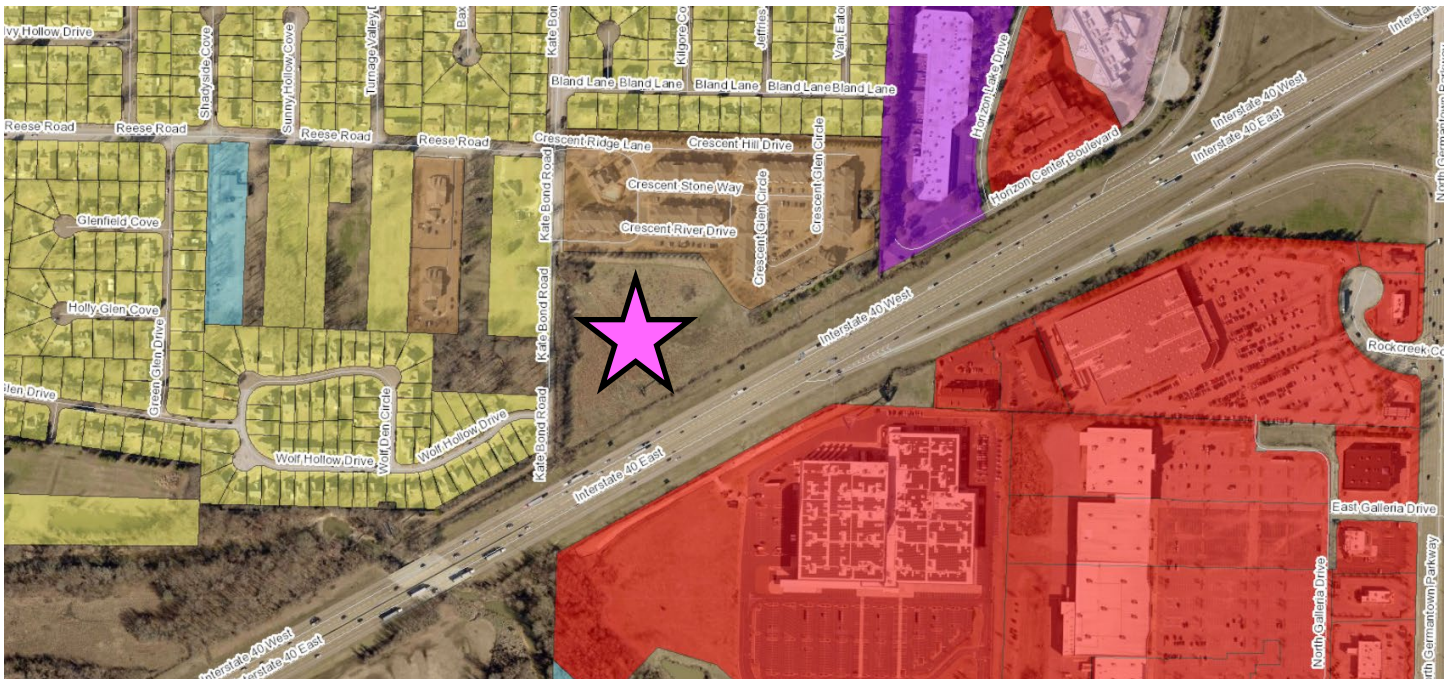
North: Residential Single-Family – 8 within PD 04-380











East: Conservation Agriculture within PD 87-339CC

South: Residential Single-Family – 15

West: Residential Single-Family – 6 and Conservation Agriculture

LAND USE MAP



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

SITE PHOTOS



A view of the site looking north down Kate Bond



A view of the site, including one of the subject billboards



A view of the other of the subject billboards, as seen from the adjacent multifamily residential development

STAFF ANALYSIS

Request

The applicant has requested the rezoning of three parcels with a total area of approximately 8.8 acres from Residential Single-Family – 8 to Commercial Mixed Use – 2.

The application form and letter of intent have been included in this report.

Review Criteria

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

9.5.7B Review Criteria

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

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

Site Description

The three subject parcels comprise Area B of the Kate Bond Planned Development. Two of the parcels are lots and contain billboards. The third is vacant and not within a final plan. The land has frontage on both Kate Bond Rd. and Interstate 40.

Site Zoning History

In 1992, the Memphis City Council rezoned the subject land from Conservation Agriculture to Residential Single-Family – 8.

In 2004, the Memphis City Council approved a special use permit for a planned development (PD 04-345) that allowed commercial uses on the subject land, but not billboards.

In 2005, the Memphis City Council approved a planned development amendment (PD 04-380) to allow two billboards on the subject land.

Conclusions

The applicant has requested the rezoning of three parcels with a total area of approximately 8.8 acres from Residential Single-Family – 8 to Commercial Mixed Use – 2.

The subject land comprises Area B of the Kate Bond Planned Development. Area B allows certain commercial uses, as well as two existing billboards. Unless this PD is revoked, subject to Land Use Control Board approval, the underlying zoning designation has no effect on local land use regulation.

Unlike Memphis and Shelby County, the State does not recognize Planned Developments as a legitimate form of rezoning for the purposes of allowing billboards. The applicant thus seeks a change to the underlying zoning classification to satisfy state standards. (That said, staff notes that the requested CMU-2 district does not allow billboards.)

Staff finds that this request will have no impact on local land use standards and is consistent with the Memphis 3.0 Comprehensive Plan.

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. This site is located in the Fletcher Creek Sewer Basin. The developer will have to apply for a sewer connection permit letter from the Director of Public Works. If approved, the developer will likely have to install an on-site storage tank with off-peak discharge capabilities.

Dept. of Comprehensive Planning:

This review is based on the Future Land Use and Existing and Adjacent Land Use and Zoning. Comments on billboard are not included in this review.

Parcel ID: 092009 00009:

Land Use Designation (see page 102 for details): Low Intensity Commercial & Services (CSL)

Based on the future, existing and adjacent land use planning map, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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

1. Future Land Use Planning Map:



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

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

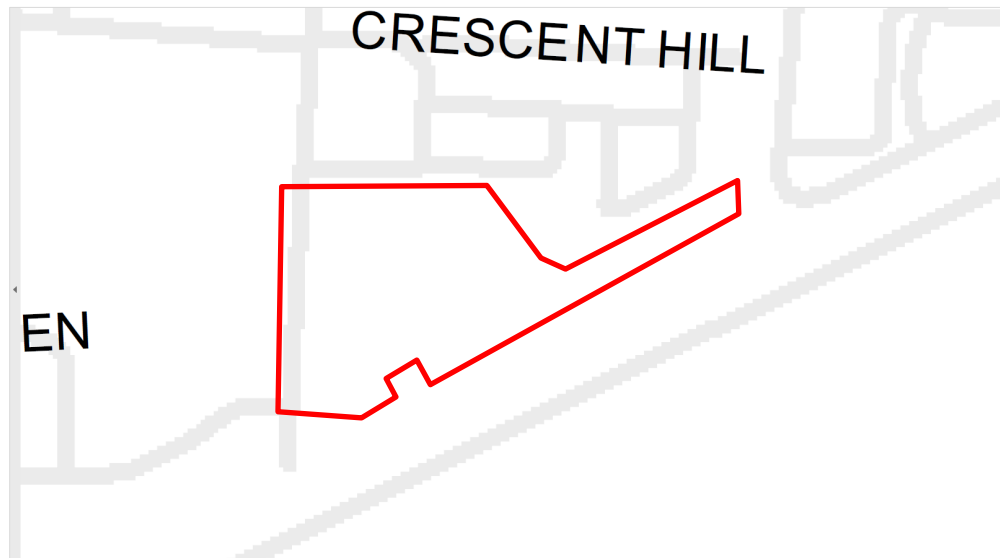
The applicant is seeking for a rezoning from R-8 Residential District to the CMU-2 Commercial District to modify the conditions of zoning pertaining to the Properties.

The request meets the criteria of CSL as the proposed use would be Commercial, which is included under Low Intensity Commercial & Services functions. The parcel is situated along a state route where a commercial development would be suitable for auto oriented uses. Therefore, the proposal is consistent for this parcel.

Existing, Adjacent Land Use and Zoning:

The subject site is surrounded by the following land uses: Industrial, Commercial, Single-family and Multifamily Residential uses. The subject site is surrounded by the following zoning districts: OG, CMU-1, EMP and CA. *This requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcel is similar in nature to the requested use.*

2. Degree of Change Map:



The site does not have a Degree of Change as indicated by the red box above.

3. Degree of Change Descriptions

N/A

Parcel ID: 092009 00006, 092009 00007

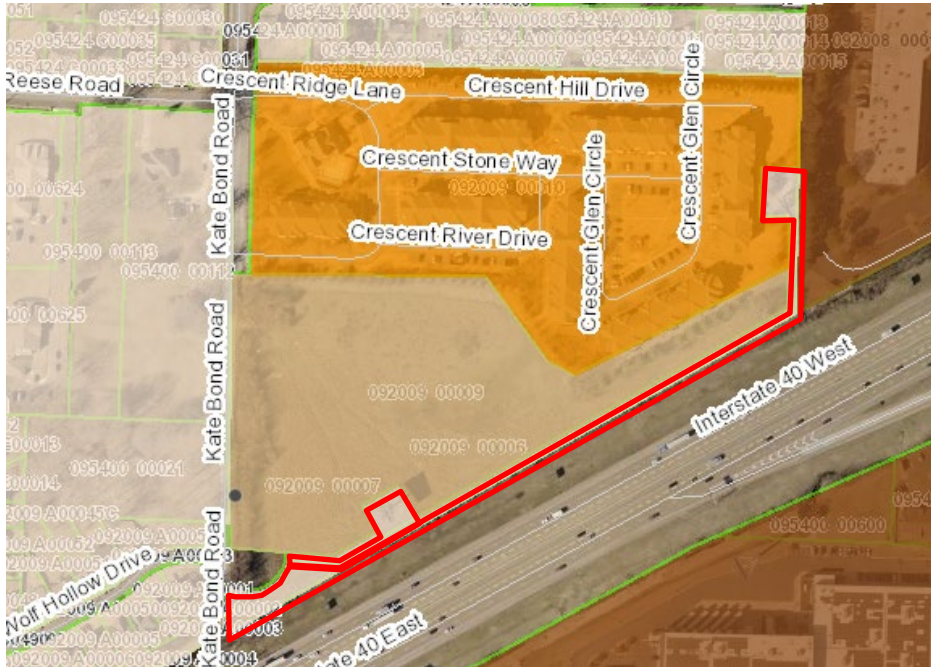
Land Use Designation (see page 86 for details): Primarily Single-Unit Neighborhood (NS)

Based on the existing and adjacent land use planning map, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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

4. Future Land Use Planning Map:





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

5. Land Use Description & Applicability:

Primarily Single-Unit Neighborhoods (NS) are located greater than a half mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods

“NS” Form & Location Characteristics:

Primarily detached, house-scale buildings. Primarily residential and 1-3 stories. Located beyond 1/2 mile from a Community Anchor.

The applicant is seeking for a rezoning from R-8 Residential District to the CMU-2 Commercial District to modify the conditions of zoning pertaining to the Properties.

The request does not meet the criteria of NS as the proposed use would be Commercial, which is not included under Primarily Single-Unit Neighborhood functions. However, the parcel is situated along a state route where a commercial development would be more suitable than Residential due to noise and accessibility. The new development would not disrupt the current characteristic of the area because the location. Therefore, the proposal is consistent.

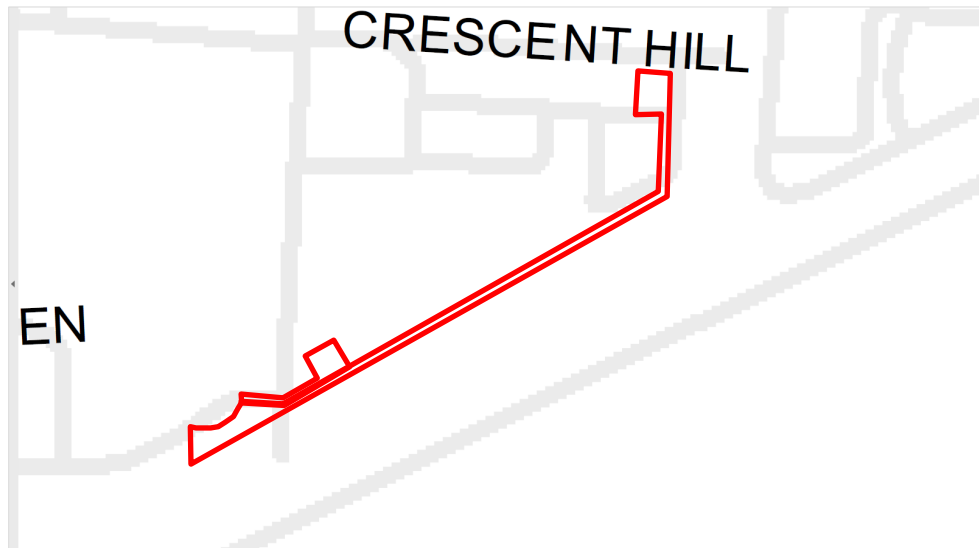
6. Existing, Adjacent Land Use and Zoning:

The subject site is surrounded by the following land uses: Commercial and Single-family, Multifamily Residential uses. The subject site is surrounded by the following zoning districts: EMP, CA, OG and CMU-1.

This requested land use is compatible with the adjacent land uses and zoning districts because existing land use

surrounding the parcel is similar in nature to the requested use.

7. Degree of Change Map:



The site does not have a Degree of Change as indicated by the red box above.

8. 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: Romana Haque Suravi, Comprehensive Planning

APPLICATION FORM



MEMPHIS AND SHELBY COUNTY

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: April 1, 2022

Record Number: Z 2022-003

Expiration Date:

Record Name: Kate Bond Re-zone

Description of Work: To re-zone the underlying base zoning of three properties currently within a PD. PD restrictions to remain in place.

Parent Record Number:

Address: 2412 KATE BOND RD, MEMPHIS 38133

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	TI PROPERTIES LLC	1201 Demonbreun Street, Nashville, TN 37203	(615) 429-2145

Parcel Information

Parcel No:
092009 00006

Contact Information

Name	Organization Name	Contact Type	Phone
Quan Poole		Applicant	(615) 850-8496

Suffix:

Address

511 union street, suite 2700, nashville, TN 37219
511 union street, suite 2700, nashville, TN 37219
511 union street, suite 2700, nashville, TN 37219
511 union street, suite 2700, nashville, TN 37219
511 union street, suite 2700, nashville, TN 37219
511 union street, suite 2700, nashville, TN 37219

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1373500	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	04/06/2022		PLNGREZON E02
1373500	Non-Residential Rezoning - each additional acre or fraction above 5	4	400.00	INVOICED	0.00	04/06/2022	Acres	PLNGREZON E04
1373500	Credit Card Use Fee (.026 x fee)	1	36.40	INVOICED	0.00	04/06/2022		PLNGREZON E09

Total Fee Invoiced: \$1,436.40 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,436.40	Credit Card

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Lucas Skinner
Date of Meeting	03/28/2022

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
Have you held a neighborhood meeting?	No
If yes, please provide additional information	-

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-

State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	-

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 092009 0006

Property Parcel Number: 092009 0007

Property Parcel Number: 0920009 0009

LETTER OF INTENT



Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700 615.244.6380 main
P.O. Box 198966 615.244.6804 fax
Nashville, TN 37219-8966 wallerlaw.com

Quantavius Poole
615.850.8496 direct
Quan.Poole@wallerlaw.com

April 5, 2022

City of Memphis and Shelby County
Division of Planning and Development
125 North Main Street, 4th Floor
Memphis, TN 38103

**Re: Letter of Intent for Re-zoning Application for Property Located at o
Kate Bond Road, Memphis, Tennessee.**

Dear Planning Department:

Waller Lansden Dortch & Davis, LLP, LLC (the "Applicant") on behalf of T.I. Properties, LLC (the "Owner") requests a Rezoning of the approximately 8.77 acres located at o Kate Bond Road (Parcel Identification Numbers 092-009-00006, 092-009-00007, and 092-009-00009) (the Properties) from the R-8 Residential District to the CMU-2 Commercial District to modify the conditions of zoning pertaining to the Properties.

The Properties are a part of the Kate Bond Planned Development (PD) approved in 2005. The Kate Bond PD has been partially built out, but the land to be re-zone ("Area B") remains vacant. All conditions of the approved and existing PD will remain the same and all restrictions previously imposed by the PD will remain intact. The City will continue to enjoy the same control of development on this site post re-zoning. This re-zone request is purely an administrative request to ensure compliance with the Tennessee Department of Transportation (TDOT) rules and regulations pertaining to billboards. All land use restrictions are to remain the same. The Properties have been designated as Low Intensity Commercial & Service (CSL) according to Memphis 3.0 which makes the proposed re-zone application consistent with the land use policy adopted for the Properties.

For these reasons and because the requested re-zoning is consistent with the factors established in City of Memphis Zoning Ordinance, the Applicant respectfully asks the Planning Department and City Council approve the re-zoning as requested.

Very truly yours,

A handwritten signature in black ink, appearing to read "Quantavius Poole".

Quantavius Poole

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, SKIP MILLER, being duly sworn, depose and say that at 1:09 am on the 24~~th~~ day of MAY, 2022, I posted 3 Public Notice Sign(s) pertaining to Case No. Z22-3 at _____, providing notice of a Public Hearing before the X Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]

Owner, Applicant or Representative

JUNE 2, 2022

Date

Subscribed and sworn to before me this 2~~nd~~ day of JUNE, 2022.

[Signature]

Notary Public



My commission expires: 2/25/2024

OWNER'S AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Michael E. Collins, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 Kate Bond Rd, Memphis, TN
and further identified by Assessor's Parcel Numbers 092009 00009; 092009 00007; 092009 00006
for which an application is being made to the Division of Planning and Development.

Michael E. Collins
Subscribed and sworn to (or affirmed) before me this 6th day of April in the year of 2022.

Marcella E. Gignilliat
Signature of Notary Public



7-17-2022
My Commission Expires

LETTERS RECEIVED

No letters were received by the time of publication of this report.

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, 9 August 2022 at 3:30 p.m., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 22-3
LOCATION: The three parcels between 2500 Kate Bond Rd. and Interstate 40
COUNCIL DISTRICTS: District 1 and Super District 9
OWNER: TI Properties, LLC
APPLICANT: Quan Poole
REQUEST: Change zoning to Commercial Mixed Use – 2 (CMU-2)
RECOMMENDATION: The Division of Planning and Development recommended: *Approval*
The Land Use Control Board recommended: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday 9 August 2022, at 3:30 p.m. the Council of the City of Memphis, Tennessee will be in session at the Council Chambers, City Hall, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrances or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

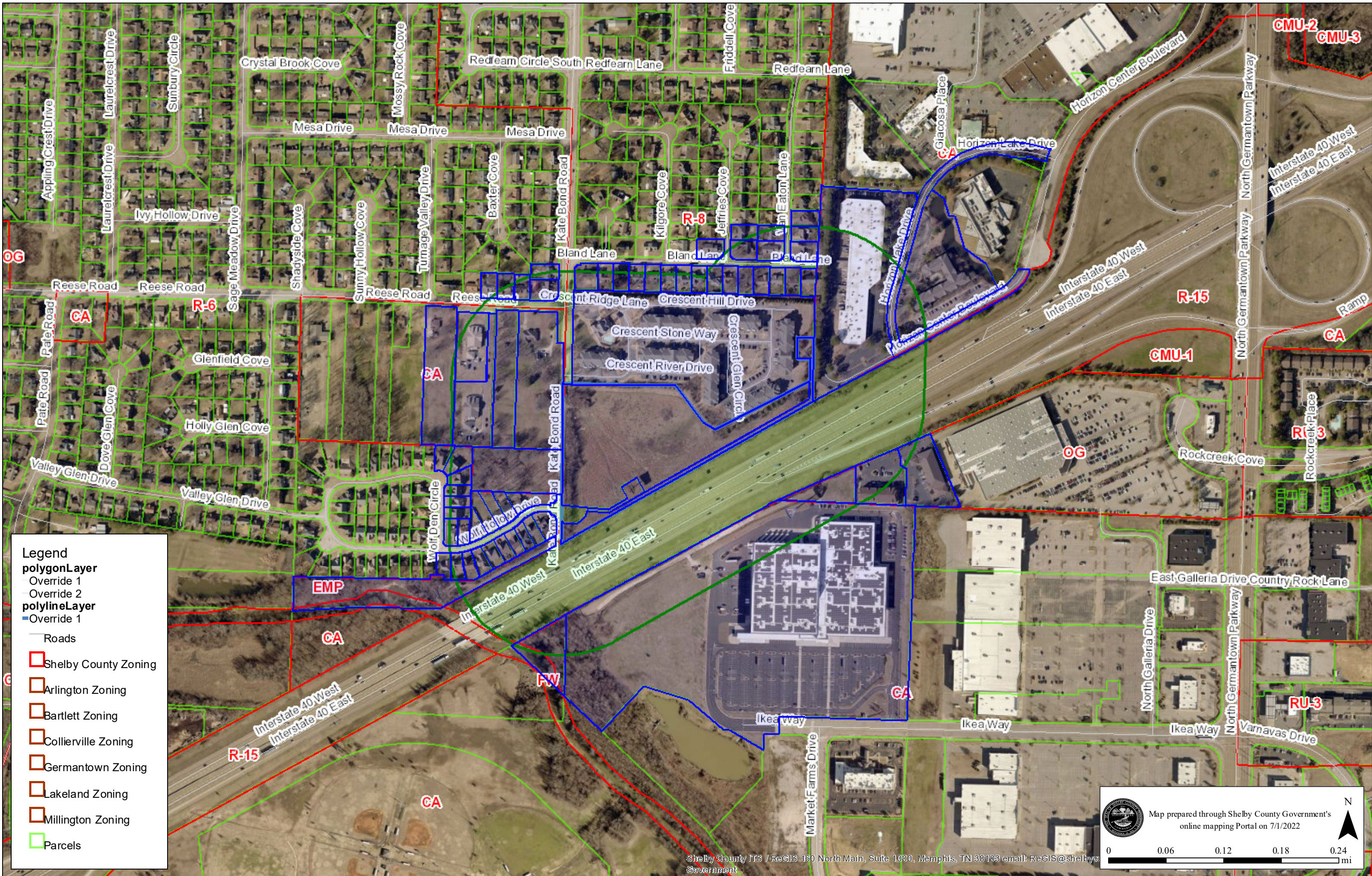
THIS THE _____, _____

JAMITA SWEARENGEN
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

polygonLayer

- Override 1
- Override 2

polylineLayer

- Override 1

Roads

- Roads

Zoning

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

Parcels

- Parcels

Map prepared through Shelby County Government's online mapping Portal on 7/1/2022

0 0.06 0.12 0.18 0.24 mi

N

ESH/TN PORTFOLIO LLC
P O BOX 49550 #
CHARLOTTE NC 28277

SHIV SAI RAM LLC
2423 N GERMANTOWN PKWY #
CORDOVA TN 38016

SINGH SMRITI
3621 SUNFLOWER CL #
SEAL BEACH CA 90740

AMBE HOSPITALITY INC
2427 N GERMANTOWN PKWY #
CORDOVA TN 38016

THOMPSON TRICIA
7800 WOLF HOLLOW DR #
MEMPHIS TN 38133

TOLIVER MARTHA
2532 VAN EATON LN #
MEMPHIS TN 38133

MITCHELL NATASHA
2540 VAN EATON LN #
MEMPHIS TN 38133

SOUTHERN PROPERTY INVESTORS
PO BOX 342707 #
MEMPHIS TN 38184

BURCH WANDA AND CHARLEY BURCH (RS)
7657 SPRIRT LAKE CV #
CORDOVA TN 38016

BELMONTES-RAMIREZ PEDRO & ANDREA
7896 BLAND LN #
MEMPHIS TN 38133

THOMPSON REGINALD L & MARCIA
7770 WOLF HOLLOW DR #
MEMPHIS TN 38133

SEELY KARLA L
2526 JEFFRIES CV #
MEMPHIS TN 38133

ABUTINEH MOHAMMED & FATIMA
9145 RANDLE VALLEY DR #
CORDOVA TN 38018

GRILLS YOLANDA
7769 WOLF HOLLOW DR #
MEMPHIS TN 38133

WILLIAMS TREONNA J
2517 KATE BOND RD #
MEMPHIS TN 38133

RAMIREZ CARINA
7780 REESE RD #
MEMPHIS TN 38133

BELLEVUE BAPTIST CHURCH
PO BOX 1210 #
CORDOVA TN 38088

TONEY MARVIN & TORRIE
7821 BLAND LN #
MEMPHIS TN 38133

MINCY MILDRED C
7877 BLAND LN #
MEMPHIS TN 38133

LONG DEBRA F AND STEVEN J MITCHELL
2033 KINGSROW PKWY #
CORDOVA TN 38016

HOOTS JAMES M & LISA Y
7827 BLAND LN #
MEMPHIS TN 38133

LAISLE CONNIE S
7883 BLAND LN #
MEMPHIS TN 38133

FREEMAN HORACE L & MILDRED
4354 N 30TH ST #
MILWAUKEE WI 53216

GARCIA PEDRO A
7835 BLAND LN #
MEMPHIS TN 38133

CLINTON LILLIE M
7897 BLAND LN #
MEMPHIS TN 38133

WCO AL DP LLC
643 SPENCE LN #
NASHVILLE TN 37217

WALSHWILLIAM & KRISTIN
7843 BLAND LN
BARTLETT TN 38133

BARNETT RUBY V AND GEORGE F BARNETT
7797 REESE RD #
MEMPHIS TN 38133

MORGAN CRESCENT AT WOLFCHASE LLC
112 S FRENCH ST #105-MP
WILMINGTON DE 19801

ORTIZ MIGUEL P & LUCIA E PEREZ
7849 BLAND LN #
MEMPHIS TN 38133

NORTON ROBERT G
6092 IVANHOE #
BARTLETT TN 38134

RODRIGUEZ JOSE AND ALAM RODRIQUEZ (RS)
7558 PORT ALBERT LN #
BARTLETT TN 38133

PATEL BHAVINI & AKSHAYA
3113 MISTY HEIGHTS CV #
PFLUGERVILLE TX 78660

WILLIAMS ROBERT E & VELMA J
7855 BLAND LN #
MEMPHIS TN 38133

CLARK YOMYKO AND BRANDON HAYSLETT
7774 WOLFDEN CIR #
MEMPHIS TN 38133

RODRIGUEZ JOSE F & MARIA C GOMEZ
7799 WOLF HOLLOW DR #
MEMPHIS TN 38133

LEE CALVIN & BARBARA
7863 BLAND LN #
MEMPHIS TN 38133

ECONOMIC DEV GROWTH ENGINE IND DEV BOARD
420 ALAN WOOD RD #
CONSHOHOCKEN PA 19428

VIACOM OUTDOOR INC
PO BOX 404 #
BROADWAY NJ 8808

TRENTLAGE DAVID A & ROXANNE D
7869 BLAND LN #
MEMPHIS TN 38133

CONTRERAS HORACIO
7780 WOLFDEN CIR #
MEMPHIS TN 38133

POLK YUMEKIA
7787 WOLF HOLLOW DR #
MEMPHIS TN 38133

SINGH BALRAJ AND BALJIT KAUR
7788 REESE RD #
MEMPHIS TN 38133

HENRY MICHAEL
7810 WOLF HOLLOW DR #
MEMPHIS TN 38133

WILLIAMS HILDA J & CHARLES AND ELIZABETH
7775 WOLF HOLLOW DR #
MEMPHIS TN 38133

SKB PROPERTIES LLC
3571 WINCHESTER RD #
MEMPHIS TN 38118

NUCKOLLS KEITH E
7816 WOLF HOLLOW DR #
MEMPHIS TN 38133

WCO AL DP LLC
643 SPENCE LN #
NASHVILLE TN 37217

REED JEREMY & ASHLEY G
7905 BLAND LN #
MEMPHIS TN 38133

MCKINLEY JORDYN AND RAVYN MCKINLEY AND
7786 WOLFDEN CIR #
MEMPHIS TN 38133

ECONOMIC DEVELOPMENT GROWTH ENGINE
420 ALAN WOOD RD #
CONSHOHOCKEN PA 19428

H AND D HOME LLC
6491 ELMORE RD #
MEMPHIS TN 38134

LI TAINING
7792 WOLFDEN CIR #
MEMPHIS TN 38133

TI PROPERTIES LLC
5160 SANDERLIN #1
MEMPHIS TN 38117

COHRAN BOBBIE
7762 WOLF DEN CIR #
MEMPHIS TN 38133

CALBERT DARRON L & DIANE
7782 WOLF HOLLOW DR #
MEMPHIS TN 38133

ADVENTURE HOLDINGS I LLC
PO BOX 181
HAMPTON FALLS NH 3844

COOPER CRYSTAL
7768 WOLF DEN CIR #
MEMPHIS TN 38133

ALEXANDER EZERDALE
7811 WOLF HOLLOW DR #
MEMPHIS TN 38133

GLOBAL PROPERTY TRUST
803 MOUNT MORIAH RD #201
MEMPHIS TN 38117

RPA4 LLC
3505 KOGER BLVD #400
DULUTH GA 30096

ALTA VIEW LP
910 W SAN MARCOS BLVD #210
SAN MARCOS CA 92078

TI PROPERTIES LLC
5160 SANDERLIN #1
MEMPHIS TN 38117

US SFE ASSET COMPANY 1 LLC
8300 N MOPAC EXPY #200
AUSTIN TX 78759

HOME SFR BORROWER IV LLC
3505 KOGER BLVD #400
DULUTH GA 30096

BAF ASSETS LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

BEETHOVEN TRUST
305 S LUCIA AVE #3
REDONDO BEACH CA 90277

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

MM INDUSTRIAL MEMPHIS LLC
6363 POPLAR AVE #400
MEMPHIS TN 38119

TI PROPERTIES LLC
5160 SANDERLIN #1
MEMPHIS TN 38117

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 04/06/2021

DATE

PUBLIC SESSION: 04/06/2021

DATE

ITEM (CHECK ONE)

_____ ORDINANCE X RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving the appeal of Prentiss Mitchell on behalf of the MIM LLC seeking to overturn the action of the Memphis and Shelby County Land Use Control Board denying a modification to the Gurley Winchester Road Planned Development at the subject property located on South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road, known as case number MJR 2022-013 (Correspondence to PD 82-032)

CASE NUMBER: MJR 2022-013 (PD 82-032 CORRES.)

DEVELOPMENT: Gurley Winchester Road Planned Development

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

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

APPELLANT: MIM LLC – Prentiss Mitchell

REQUEST: Overturn a decision of the Land Use Control Board

AREA: +/-1.71 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Add to consent agenda requesting public hearing – June 21, 2022
Second reading/public hearing – July 12, 2022

PRIOR ACTION ON ITEM:

(2) _____	APPROVAL - (1) APPROVED (2) DENIED
04/14/2022 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

MJR 2022-013 (Correspondence to PD 82-032)

Resolution approving the appeal of Prentiss Mitchell on behalf of the MIM LLC seeking to overturn the action of the Memphis and Shelby County Land Use Control Board denying a modification to the Gurley Winchester Road Planned Development at the subject property located on South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road, known as case number MJR 2022-013 (Correspondence to PD 82-032)

- This item is a Resolution to appeal the Land Use Control Board's denial of a planned development major modification to change the approved uses from Office General (OG) to Commercial Mixed Use – 3 (CMU-3) for the purpose of erecting an off-premise sign; and
- The Land Use Control Board held a public hearing on April 14, 2022, and denied the aforementioned request; and
- An appeal of the Land Use Control Board decision was filed on May 3, 2022, by Prentiss Mitchell on behalf of the MIM LLC requesting the Council of the City of Memphis overturn the action of the Land Use Control Board; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 14, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: MJR 2022-013 (PD 82-032 CORRES.)

DEVELOPMENT: Gurley Winchester Road PD

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

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVE: Brittenum Law PLLC – Dedrick Brittenum, Jr.

REQUEST: Major Modification to change the approved uses from Office General (OG) to Commercial Mixed Use – 3 (CMU-3) for the purpose of erecting an off-premise sign

AREA: +/-1.71 acres

EXISTING ZONING: PD 82-32 approved conditions

The following spoke in support of the application: Prentiss Mitchell

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

The motion failed by a vote of 1-8 on the regular agenda.

Respectfully,



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

Cc: Committee Members
File

RESOLUTION APPROVING THE APPEAL OF PRENTISS MITCHELL ON BEHALF OF THE MIM LLC SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD DENYING A MODIFICATION TO THE GURLEY WINCHESTER ROAD PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED ON SOUTH SIDE OF TN 385, NORTH SIDE OF RIVERDALE BEND ROAD AND EAST OF RIVERDALE ROAD, KNOWN AS CASE NUMBER MJR 2022-013 (CORRESPONDENCE TO PD 82-032)

WHEREAS, MIM LLC filed an application with the Memphis and Shelby County Division of Planning and Development to change the approved uses from Office General (OG) to Commercial Mixed Use – 3 (CMU-3) for the purpose of erecting an off-premise sign; and

WHEREAS, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards and regulations of 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 in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 14, 2022, and said Board denied the request of the applicant.

WHEREAS, Prentiss Michell, filed an appeal on May 3, 2022, on behalf of the MIM LLC with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis overturn the action of the Memphis and Shelby County Land Use Control Board; and

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

WHEREAS, upon evidence presented at this public hearing by the appellant, the City Council of the City of Memphis, concludes the appeal herein should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the appeal of the appellant, Prentiss Michell on behalf of MIM LLC, is granted and the action of the Memphis and Shelby County Land Use Control Board on April 14, 2022, is hereby overturned, in accordance with the attached site and outline plan conditions.

BE IT FURTHER RESOLVED, that this resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the Council of the City of Memphis.

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 outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

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

OUTLINE PLAN CONDITIONS

I. Uses Permitted

- A. Area A: (4.9 acres) Uses permitted by right or by administrative site plan review in the C-L Local Commercial District, including the retail sale of automotive fuels and lubricants, provided no retail shop shall exceed 20,000 square feet of floor area.
- B. Areas B and C (4.7 acres) Uses permitted by right or by administrative site plan review in the ~~O-G General Office District~~ **Commercial Mixed Use – 3 (CMU-3) District** and the following additional uses:
1. Day Care Center
 2. Bakery, retail
 3. Catering Establishment
 4. Cleaning establishment and pick up station
 5. General Service and repair shops
 6. Greenhouse or nursery
 7. Laboratories
 8. Lawn, tree, or garden service
 9. Music or Dance academy
 10. Personal Service establishment
 11. Photofinishing and pick up station
 12. Plumbing shop (indoor)
 13. Processing and manufacturer incidental to retail establishments
 14. Business services
 15. Contractors storage (indoor)
 16. Post office
 17. Telephone Service Center
 18. Warehouse and wholesale display when at least a third of the building is used for the office space of the representative of the product or merchandise being stored or displayed
 19. Print shop

19. FINAL COPY

- C. The following additional uses may be applied for as special use permits under Sections 8 and 9 of the Zoning Ordinance-Regulations in Areas B and C.
1. Commercial outdoor amusement
 2. Communication, radio or television towers
 3. Undertaking establishments
 1. Mini-warehouses

II. Bulk Regulations

- A. The bulk regulations of the O-G District shall apply in Areas A, B and C except as noted below
- B. Height: No structure shall exceed 35 feet in height.
- C. The minimum building setbacks for all parcels from either public or private streets shall be 42 feet, except when no parking is provided in the required setback and the setback area is landscaped, the minimum setback may be reduced to 30 feet.
- D. The minimum building setback from the east property line shall be established in accordance with Condition II.C. above plus an additional 36 feet to provide adequate reservation for a non-residential collector street along the east property line.

III. Circulation, Access and Parking

- A. Winchester Road shall be dedicated and improved 57 feet from the proposed centerline as established by the County Engineer.
- B. An internal collector street as shown on the outline plan shall be dedicated and improved to a 68 foot wide street.
- C. The design, location and number of curb cuts along any internal dedicated street shall be subject to the approval of the County Engineer, and no curb cut shall be permitted within 20 feet of the point of curvature of intersecting streets.
- D. No more than two curb cuts shall be permitted to Winchester Road. The exact design and location shall be subject to the approval of the County Engineer. Access for a public or private street at the east property line may also be provided.
- E. Additional internal access may be provided by either public or private streets subject to the following standards:
1. Public streets shall be dedicated and improved as 68 foot wide collector streets.
 2. Private streets shall have a minimum pavement width of 36 feet and constructed to City and County standards for a non-residential street.
 3. A private street may be maintained within a 68 foot wide area reserved for a future dedicated non-residential collector street.
- F. Parking spaces and loading areas shall be provided in accordance with Section 28 of the Zoning Ordinance-Regulations.

IV. Landscaping and Screening

- A. At least five (5%) per cent of any parking area shall be landscaped with grass, trees and shrubs.
- B. A 15 foot wide landscape screen (Plate F) or an equivalent approved by the Office of Planning and Development shall be provided along Winchester Road.
- C. All outdoor storage or display areas shall be screened from view from adjoining properties and public rights-of-way. Said screening shall be subject to the approval of the Office of Planning and Development.

V. Drainage and Grading

- A. All drainage and grading plans and improvements are subject to the approval of the County Engineer and the City Division of Public Works.
- B. The use of any land within the Flood Plain or Floodway Districts is subject to the provisions of Sections 25 and 26 respectively of the Zoning Ordinance.

U
PL
DATE
ELEC
RECD
Jan 1

VI. Signs

- A. Attached on premise signs located on a wall of a building or within 18 inches thereof, and which do not extend above or beyond the wall of said building shall not be limited in size. However, no building shall have more than five attached signs.
- B. Detached On-Premise Signs
 1. Detached signs shall be regulated in accordance with the C-L District regulations with the following exceptions:
 - a. No more than two free standing signs may be erected along Winchester Road.
 - b. A 15 foot setback from any public right-of-way or private street shall be required.
 - c. No individual sign may exceed 100 square feet in area.

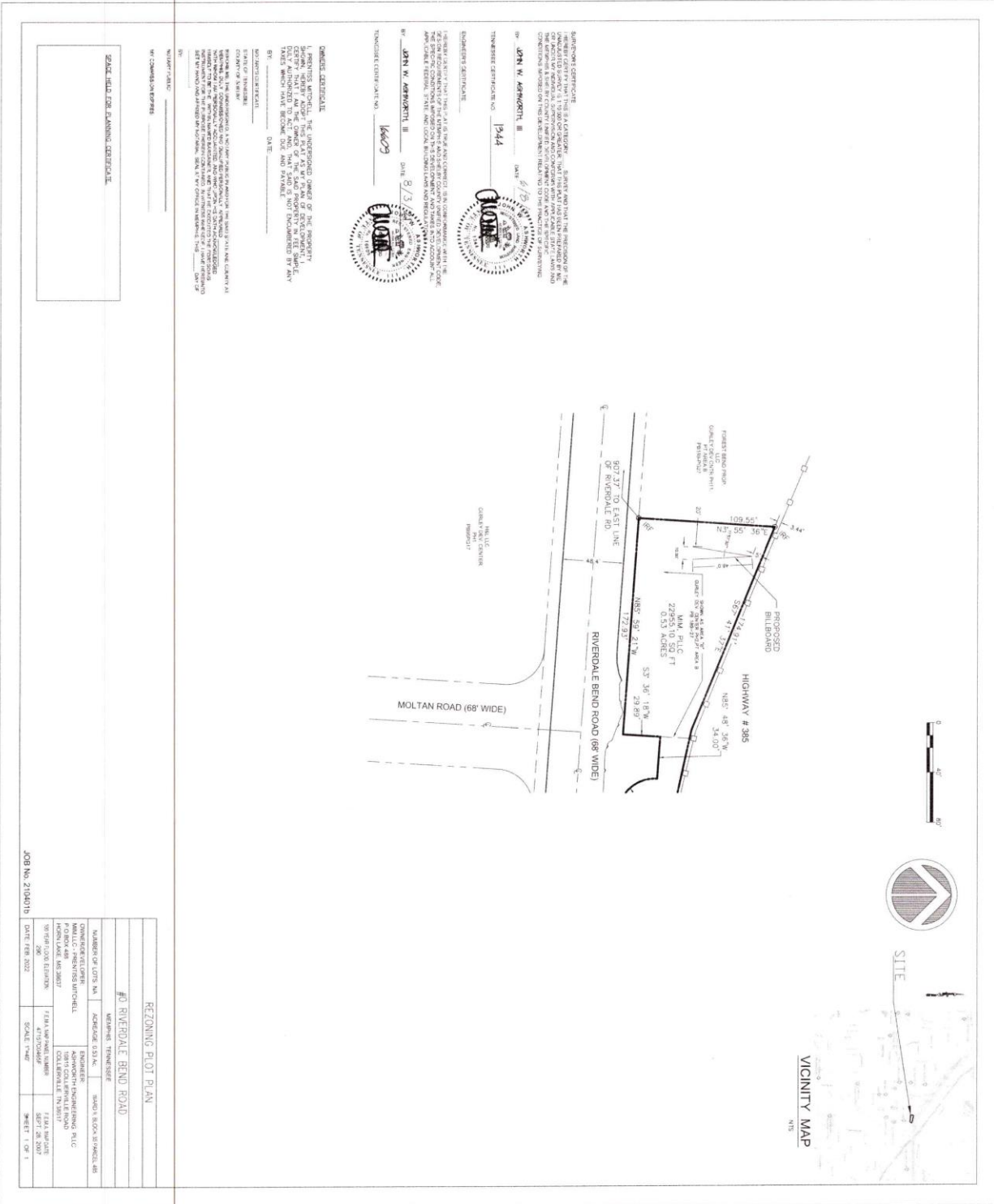
VII. Site Plan Approval

- A. Prior to or concurrent with the submittal of a final plan(s) the applicant shall submit to the Office of Planning and Development a site plan consistent with Section 14.H.2 of the Zoning Ordinance and any items specified below. No final plan shall be approved for this site prior to the approval by the Land Use Control Board of the site plan. The staff shall recommend to the Land Use Control Board the approval, with modifications or rejection based upon the following guidelines:
 1. The site plan shall be consistent with the outline plan conditions.
 2. The site plan shall provide a complex of buildings, a complex having access to a dedicated street, or a subdivision lot in accordance with the Memphis and Shelby County Subdivision Regulations.
 3. The site plan shall show general internal roadway network including both dedicated and private streets, the design capacities, and circulation capability both within and to adjacent properties.
 4. Deviations to setbacks, landscaping, lighting, signs and other design standards or requirements may be made by the Board if the Board finds that the modification is substantially in conformance with the intent of the requirement and is a more suitable design alternative.
- B. The site plan shall be submitted a minimum of 15 working days prior to the Land Use Control Board meeting.

VIII. In addition to all Outline Plan conditions, the final plan shall contain:

- A. Standard Subdivision Contract.
- B. The exact location and dimensions of all structures or buildable areas, lighting standards, driveways, streets, parking and loading areas.
- C. The location of all fire hydrants as approved by the County Fire Department.
- D. Statements from the owner and mortgagee, if any, agreeing to be bound by the conditions of the Outline Plan.
- E. Provisions for maintenance of any private drive or any common element, including sewers and drainage, by a property owners association.
- F. A cross-section of any required landscape screen.

PRELIMINARY SITE PLAN



ENGINEER'S CERTIFICATE
 I, FRANCIS MITCHELL, THE UNDERSIGNED ENGINEER, HAVE EXAMINED THE PRELIMINARY SITE PLAN AND FOUND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PRELIMINARY SITE PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: **JOHN W. ADAMS**, III
 DATE: 8/3/2022
 REGISTERED PROFESSIONAL ENGINEER
 NO. 1344
 STATE OF MISSISSIPPI



OWNER'S CERTIFICATE
 I, FRANCIS MITCHELL, THE UNDERSIGNED OWNER OF THE PROPERTY DESCRIBED IN THE PRELIMINARY SITE PLAN, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PRELIMINARY SITE PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PRELIMINARY SITE PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 8/3/2022
 PROJECT NO. 16609
 PROJECT NAME: RIVERDALE BEND ROAD
 COUNTY: MISSISSIPPI
 CITY: MOBILE
 STATE: MISSISSIPPI
 SCALE: 1" = 40'

JOB No. 210471b

REZONING PLOT PLAN	
#0 RIVERDALE BEND ROAD	
NUMBER OF LOTS: 01	APPLICABLE ZONING: SMOB1 (SINGLE-UNIT, SINGLE-FAMILY RESIDENTIAL)
PREPARED BY: FRANCIS MITCHELL	REGISTERED PROFESSIONAL ENGINEER, P.E.
DATE: FEB 2022	SCALE: 1" = 40'
SHEET 1 OF 1	

AGENDA ITEM: 9

CASE NUMBER: MJR 2022-013 (PD 82-032 CORRES.) **L.U.C.B. MEETING:** April 14, 2022

DEVELOPMENT: Gurley Winchester Road PD

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

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVE: Brittenum Law PLLC – Dedrick Brittenum, Jr.

REQUEST: Major Modification to change the approved uses from Office General (OG) to Commercial Mixed Use – 3 (CMU-3) for the purpose of erecting an off-premise sign

AREA: +/-1.71 acres

EXISTING ZONING: PD 82-32 approved conditions

CONCLUSIONS

1. This major modification request is being done to change the outline plan conditions allowed uses from Office General (OG) to Commercial Mixed Used – 3 (CMU-3) for allowing an off-premise sign.
2. Note that TN State Route 385 is not a U.S. Interstate Highway, it is a State Route of Tennessee. Given this, the applicants intention to use this site for an off-premise sign (billboard) will not be permitted per Paragraph 4.9.8A(2) of the Memphis and Shelby County Unified Development Code which requires off-premise signs to be “located within 300 feet of an U.S. Interstate highway;.”
3. Highway Beautification Act (1965) was championed by First Lady ‘Lady Bird’ Johnson who was an advocate for beautifying the nation’s cities and highways as she identified its interconnectedness to the war on poverty, mental health, and so forth. The intent of the Act was to limit billboards and other forms of outdoor advertising, along with other unsightly elements, from view of the interstate highways and encourage the “scenic enhancement” of our roadways by landscaping the adjacent green spaces. At the bills signing President Lyndon B. Johnson said, “This bill does not represent everything that we wanted. It does not represent what we need. It does not represent what the national interest requires. But it is a first step, and there will be other steps. For though we must crawl before we walk, we are going to walk.” Note while Tennessee State Route 385 is not an interstate highway, the underlying aesthetic principles of the Act are still noteworthy and should be strived for along other roadways hence the Unified Development Code’s regulations aimed at limiting the proliferation of billboards, see page 16 for additional information.
4. Staff is not in support of proposed outline plan change to CMU-3 regardless of the off-premise sign use due to the intensification of permitted uses in said district as compared to what is allowed in the more restrictive planned development of the area.
5. Lastly, the changing of the outline plan conditions allowing for an off-premise sign would still not satisfy the State of Tennessee requirements for billboards, in which the state does not recognize planned development outline plan conditions as relevant zoning. In order to meet state requirements this property would have to be removed from the PD and rezoned to a district that would allow off premise signs by right.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is **inconsistent** with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 17-19 of this report.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Riverdale Bend Road +/-462.00 curvilinear feet

Zoning Atlas Page: 2550

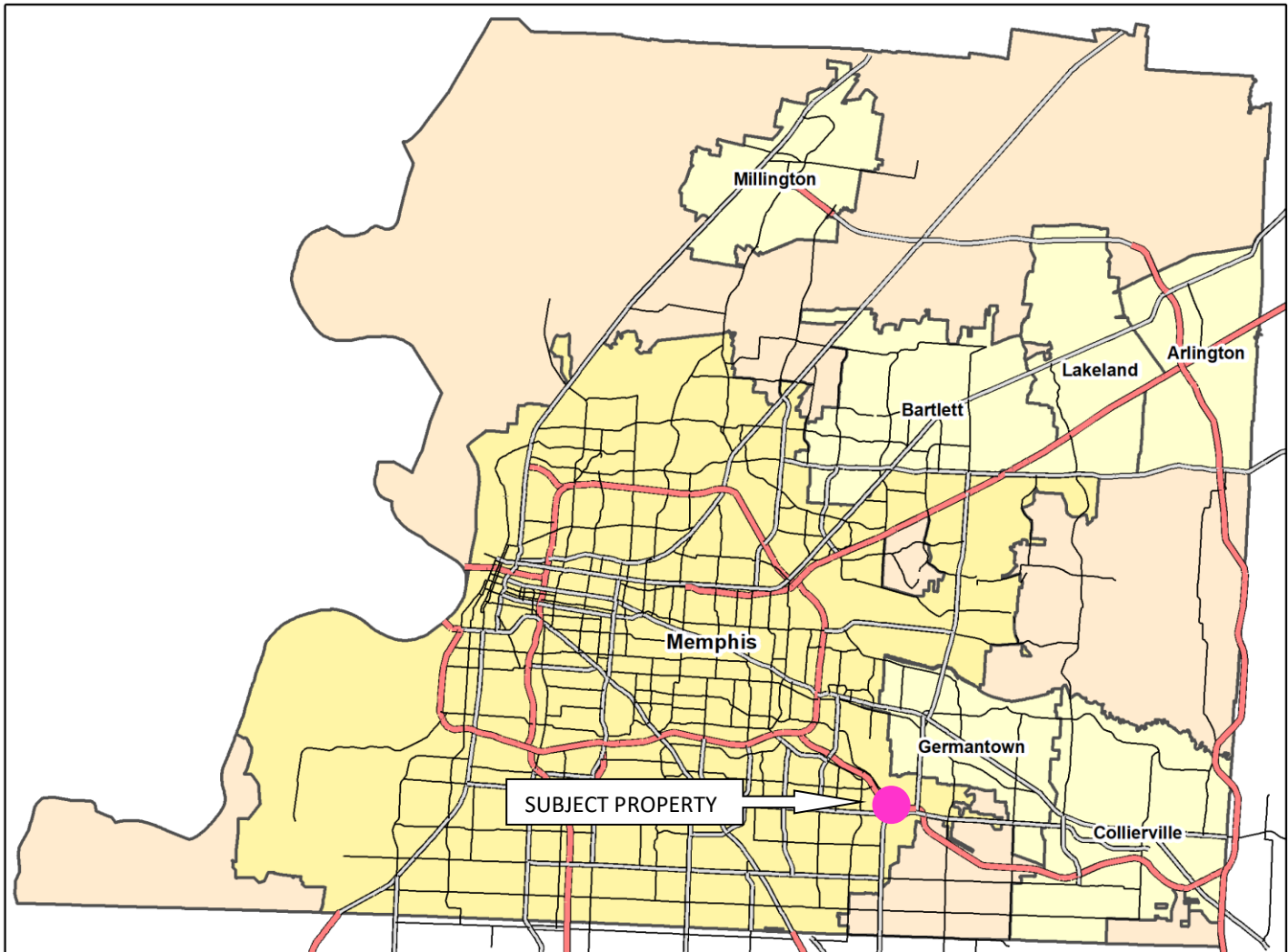
Parcel ID: 093500 00485

Existing Zoning: PD 82-32 approved conditions

PUBLIC NOTICE

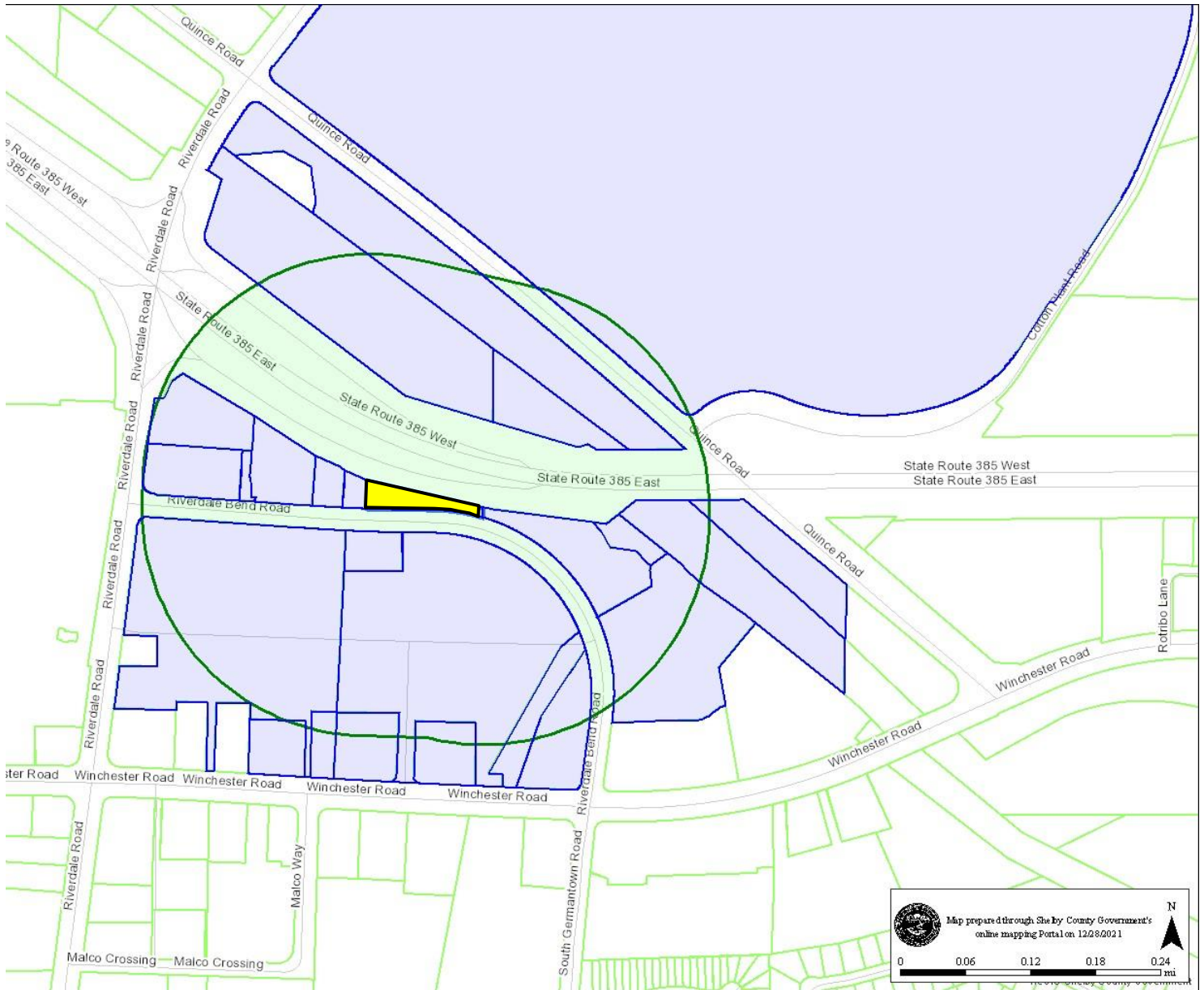
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 10 notices were mailed on March 31, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



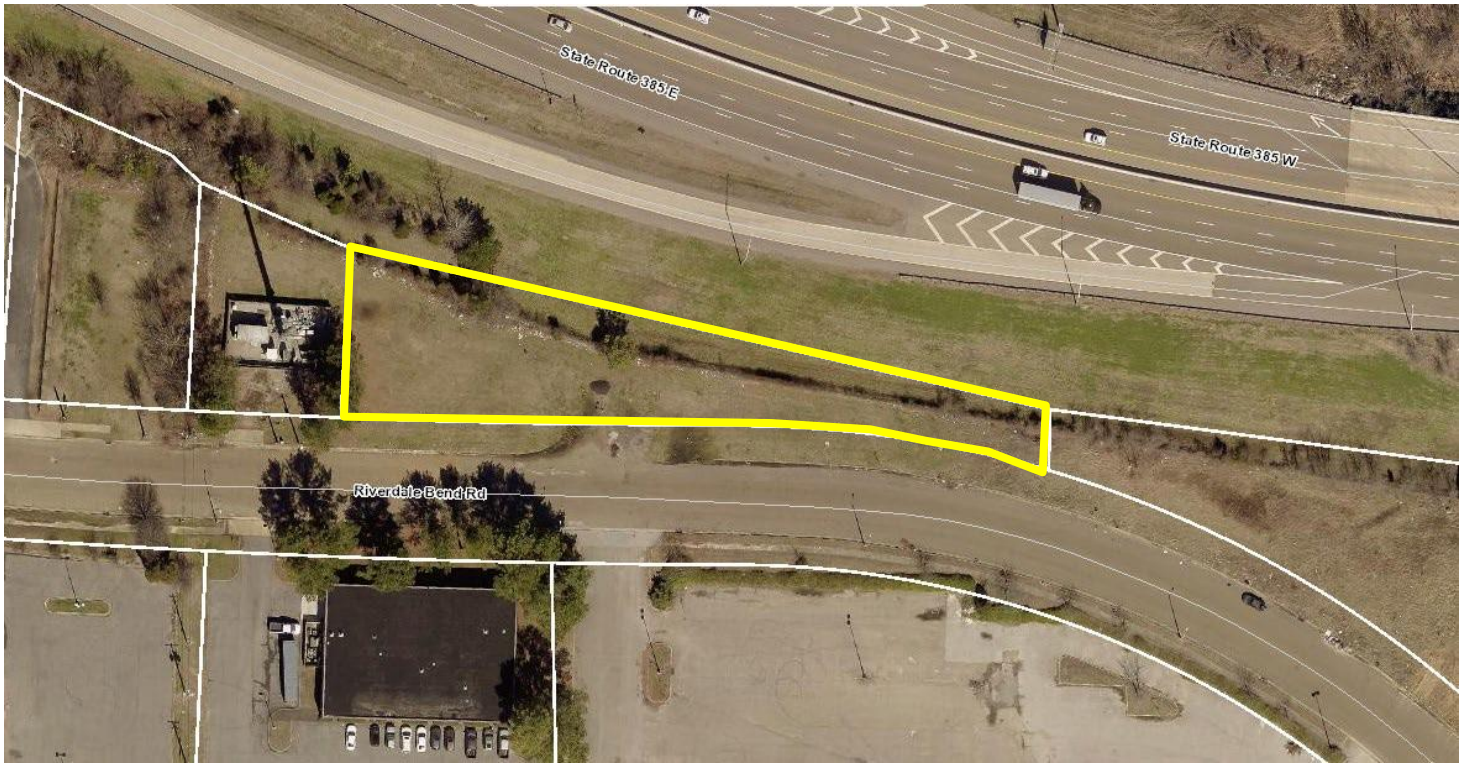
Subject property located within the pink circle, Hickory Hill neighborhood

VICINITY MAP



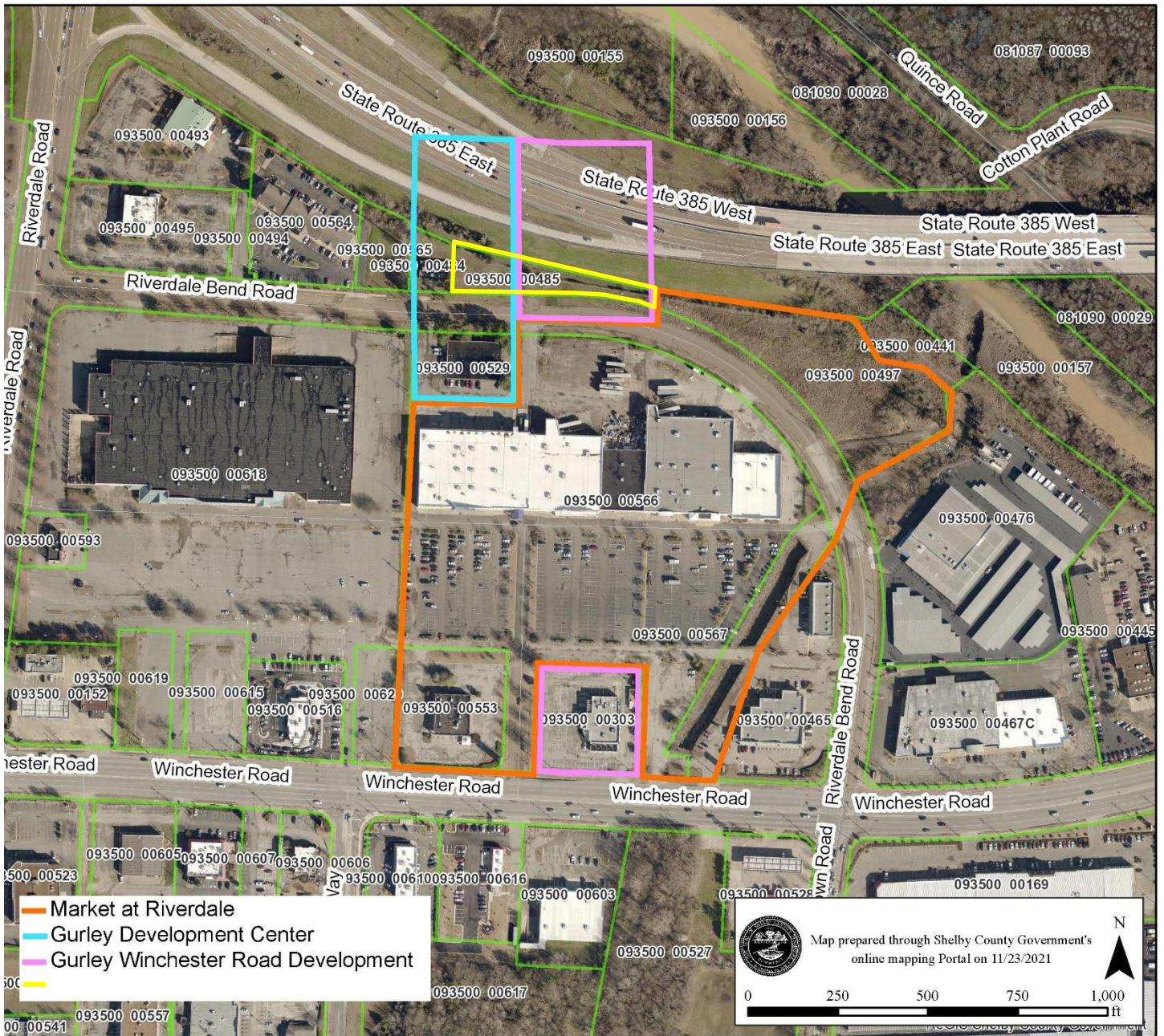
Subject property highlighted in yellow

AERIAL



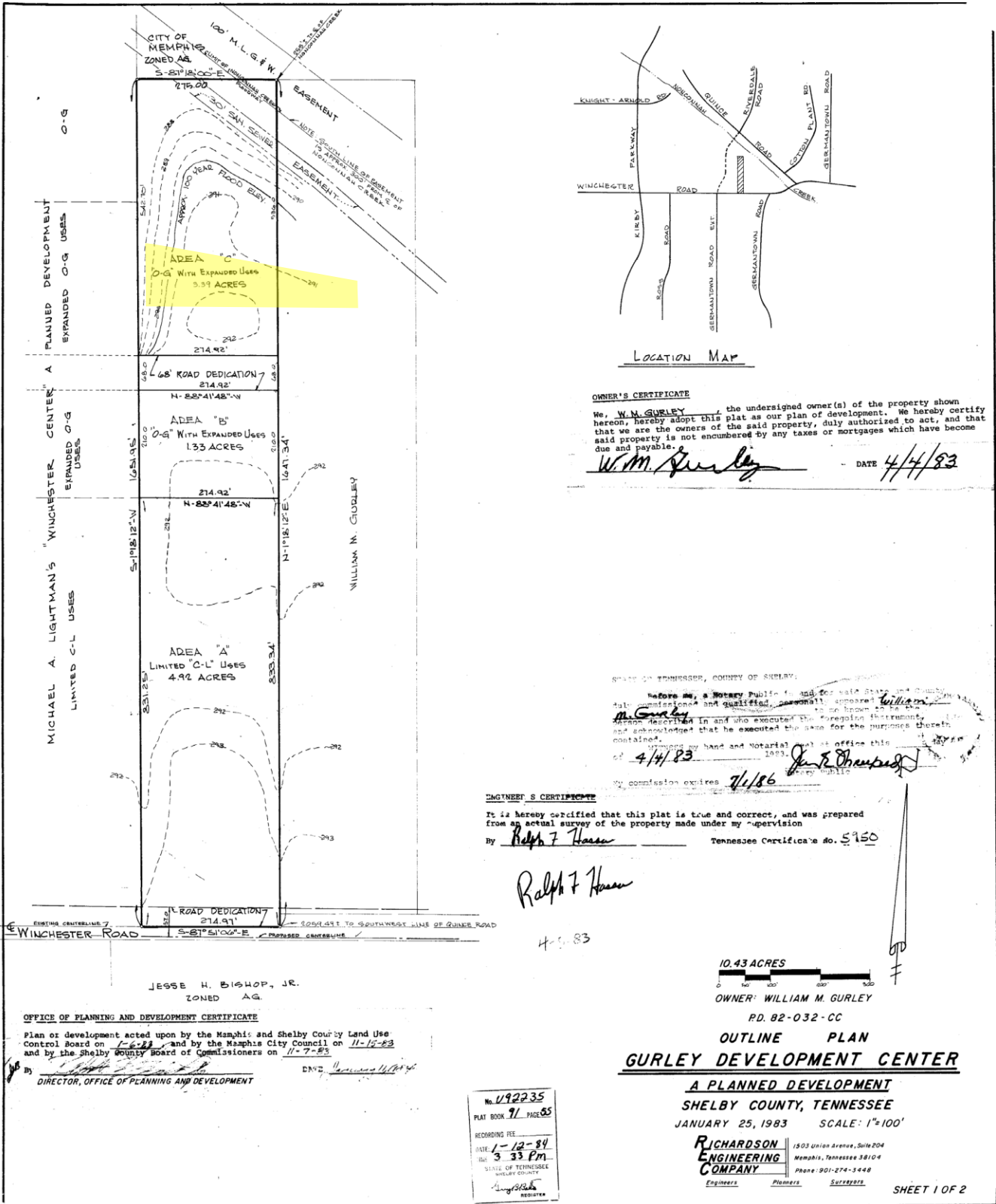
Subject property outlined in yellow, imagery from 2021

PLANNED DEVELOPMENT MAP



Subject property outlined in yellow

GURLEY DEVELOPMENT CENTER PLANNED DEVELOPMENT – PD 82-32 (WESTERN HALF OF SITE)



Subject property highlighted in yellow (approximate)

P.D. 82-032-CC
OUTLINE PLAN CONDITIONS

I. Uses Permitted

- A. Area A: (4.9 acres) Uses permitted by right or by administrative site plan review in the C-L Local Commercial District, including the retail sale of automotive fuels and lubricants, provided no retail shop shall exceed 20,000 square feet of floor area.
- B. Areas B and C: (4.7 acres) Uses permitted by right or by administrative site plan review in the O-G General Office District and the following additional uses:
 - 1. Day Care Center
 - 2. Bakery, retail
 - 3. Catering Establishment
 - 4. Cleaning establishment and pick up station
 - 5. General Service and repair shops
 - 6. Greenhouse or nursery
 - 7. Laboratories
 - 8. Lawn, Tree or Garden Service
 - 9. Music or Dance Academy
 - 10. Personal Service establishment
 - 11. Photofinishing and pick up station
 - 12. Plumbing shop (indoor)
 - 13. Processing and manufacturer incidental to retail establishment
 - 14. Business Services
 - 15. Contractor's storage (indoor)
 - 16. Post office
 - 17. Telephone Service Center
 - 18. Warehouse and wholesale display when at least a third of the building is used for the office space of the representative of the product or merchandise being stored or displayed.
 - 19. Print shop
- C. The following additional uses may be applied for as special use permits under Sections 8 and 9 of the Zoning Ordinance-Regulations in Areas B and C.
 - 1. Commercial outdoor amusement
 - 2. Communication, radio or television towers
 - 3. Undertaking establishments
 - 4. Mini-warehouses

II. Bulk Regulations

- A. The bulk regulations of the O-G District shall apply in Areas A, B and C except as noted below
- B. Height: No structure shall exceed 35 feet in height.
- C. The minimum building setbacks for all parcels from either public or private streets shall be 42 feet, except when no parking is provided in the required setback and the setback area is landscaped, the minimum setback may be reduced to 30 feet.
- D. The minimum building setback from the east property line shall be established in accordance with Condition II.C. above plus an additional 36 feet to provide adequate reservation for a non-residential collector street along the east property line.

III. Circulation, Access and Parking

- A. Winchester Road shall be dedicated and improved 57 feet from the proposed centerline as established by the County Engineer.
- B. An internal collector street as shown on the outline plan shall be dedicated and improved to a 68 foot wide street.
- C. The design, location and number of curb cuts along any internal dedicated street shall be subject to the approval of the County Engineer, and no curb cut shall be permitted within 20 feet of the point of curvature of intersecting streets.
- D. No more than two curb cuts shall be permitted to Winchester Road. The exact design and location shall be subject to the approval of the County Engineer. Access for a public or private street at the east property line may also be provided.
- E. Additional internal access may be provided by either public or private streets subject to the following standards:
 - 1. Public streets shall be dedicated and improved as 68 foot wide collector streets.
 - 2. Private streets shall have a minimum pavement width of 36 feet and constructed to City and County standards for a non-residential street.
 - 3. A private street may be maintained within a 68 foot wide area reserved for a future dedicated non-residential collector street.
- F. Parking spaces and loading areas shall be provided in accordance with Section 28 of the Zoning Ordinance-Regulations.

IV. Landscaping and Screening

- A. At least five (5%) per cent of any parking area shall be landscaped with grass, trees and shrubs.
- B. A 15 foot wide landscape screen (Plate F) or an equivalent approved by the Office of Planning and Development shall be provided along Winchester Road.
- C. All outdoor storage or display areas shall be screened from view from adjoining properties and public rights-of-way. Said screening shall be subject to the approval of the Office of Planning and Development.

V. Drainage and Grading

- A. All drainage and grading plans and improvements are subject to the approval of the County Engineer and the City Division of Public Works.
- B. The use of any land within the Flood Plain or Floodway Districts is subject to the provisions of Sections 25 and 26 respectively of the Zoning Ordinance.

VI. Signs

- A. Attached on premise signs located on a wall of a building or within 18 inches thereof, and which do not extend above or beyond the wall of said building shall not be limited in size. However, no building shall have more than five attached signs.
- B. Detached On-Premise Signs
 - 1. Detached signs shall be regulated in accordance with the C-L District regulations with the following exceptions:
 - a. No more than two free standing signs may be erected along Winchester Road.
 - b. A 15 foot setback from any public right-of-way or private street shall be required.
 - c. No individual sign may exceed 100 square feet in area.

VII. Site Plan Approval

- A. Prior to or concurrent with the submittal of a final plan(s) the applicant shall submit to the Office of Planning and Development a site plan consistent with Section 14.H.2 of the Zoning Ordinance and any items specified below. No final plan shall be approved for this site prior to the approval by the Land Use Control Board of the site plan. The staff shall recommend to the Land Use Control Board the approval, with modifications or rejection based upon the following guidelines:
 - 1. The site plan shall be consistent with the outline plan conditions.
 - 2. The site plan shall provide a complex of buildings, a complex having access to a dedicated street, or a subdivision lot in accordance with the Memphis and Shelby County Subdivision Regulations.
 - 3. The site plan shall show general internal roadway network including both dedicated and private streets, the design capacities, and circulation capability both within and to adjacent properties.
 - 4. Deviations to setbacks, landscaping, lighting, signs and other design standards or requirements may be made by the Board if the Board finds that the modification is substantially in conformance with the intent of the requirement and is a more suitable design alternative.
- B. The site plan shall be submitted a minimum of 15 working days prior to the Land Use Control Board meeting.

VIII. In addition to all Outline Plan conditions, the final plan shall contain:

- A. Standard Subdivision Contract.
- B. The exact location and dimensions of all structures or buildable areas, lighting standards, driveways, streets, parking and loading areas.
- C. The location of all fire hydrants as approved by the County Fire Department.
- D. Statements from the owner and mortgagee, if any, agreeing to be bound by the conditions of the Outline Plan.
- E. Provisions for maintenance of any private drive or any common element, including sewers and drainage, by a property owners association.
- F. A cross-section of any required landscape screen.

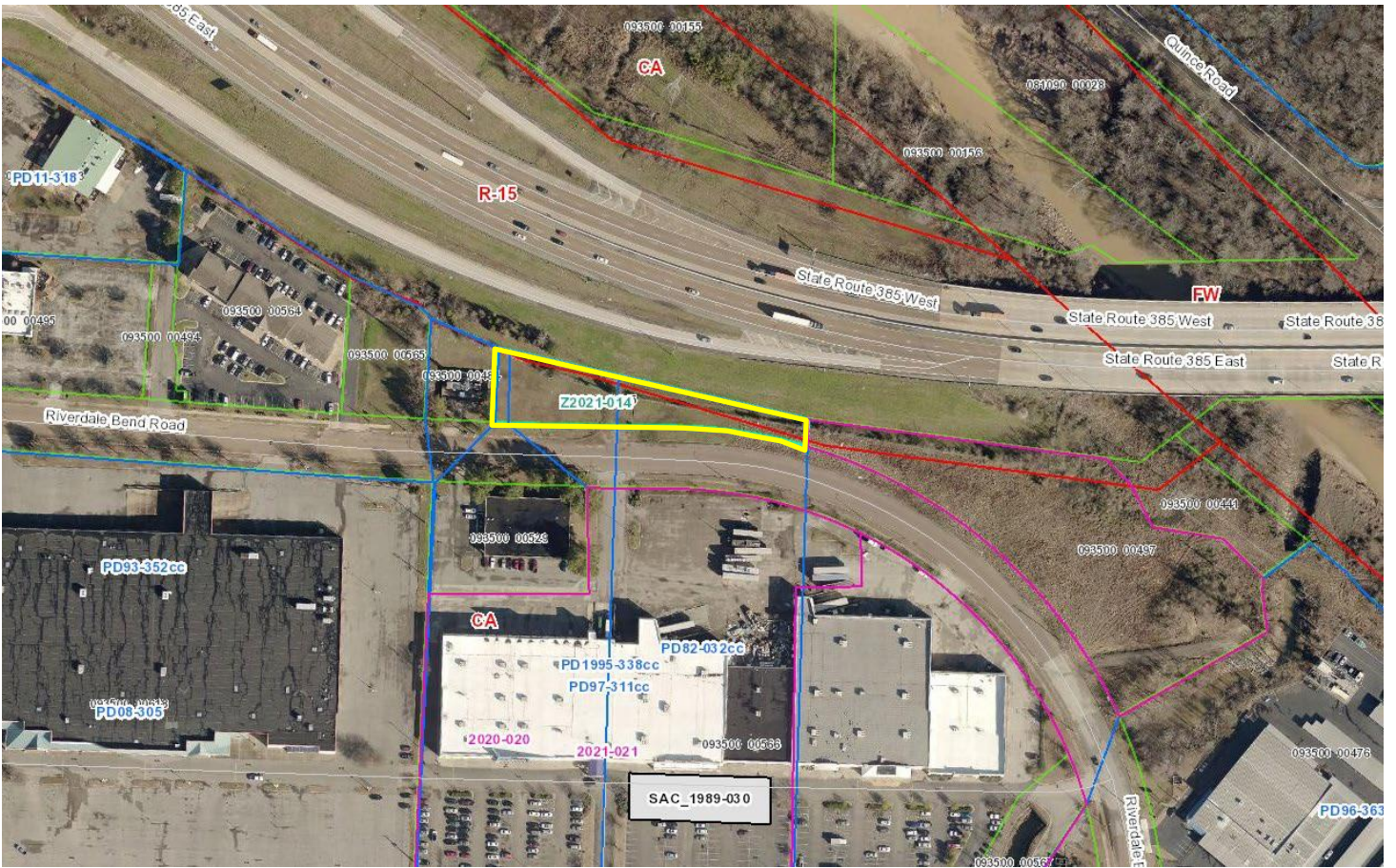
092230
 Plat # 1: P655
 REGISTERED
 RECORD
 30.00
 JAN 12 3 33 PM '84
 REGISTER

OUTLINE PLAN
GURLEY DEVELOPMENT CENTER
A PLANNED DEVELOPMENT
SHELBY COUNTY, TENNESSEE
 JANUARY 25, 1983

RICHARDSON
ENGINEERING
COMPANY
 Engineers Planners Surveyors

1503 Union Avenue, Suite 204
 Memphis, Tennessee 38104
 Phone: 901-274-3448

ZONING MAP



Subject property highlighted in yellow

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

Surrounding Zoning

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

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

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

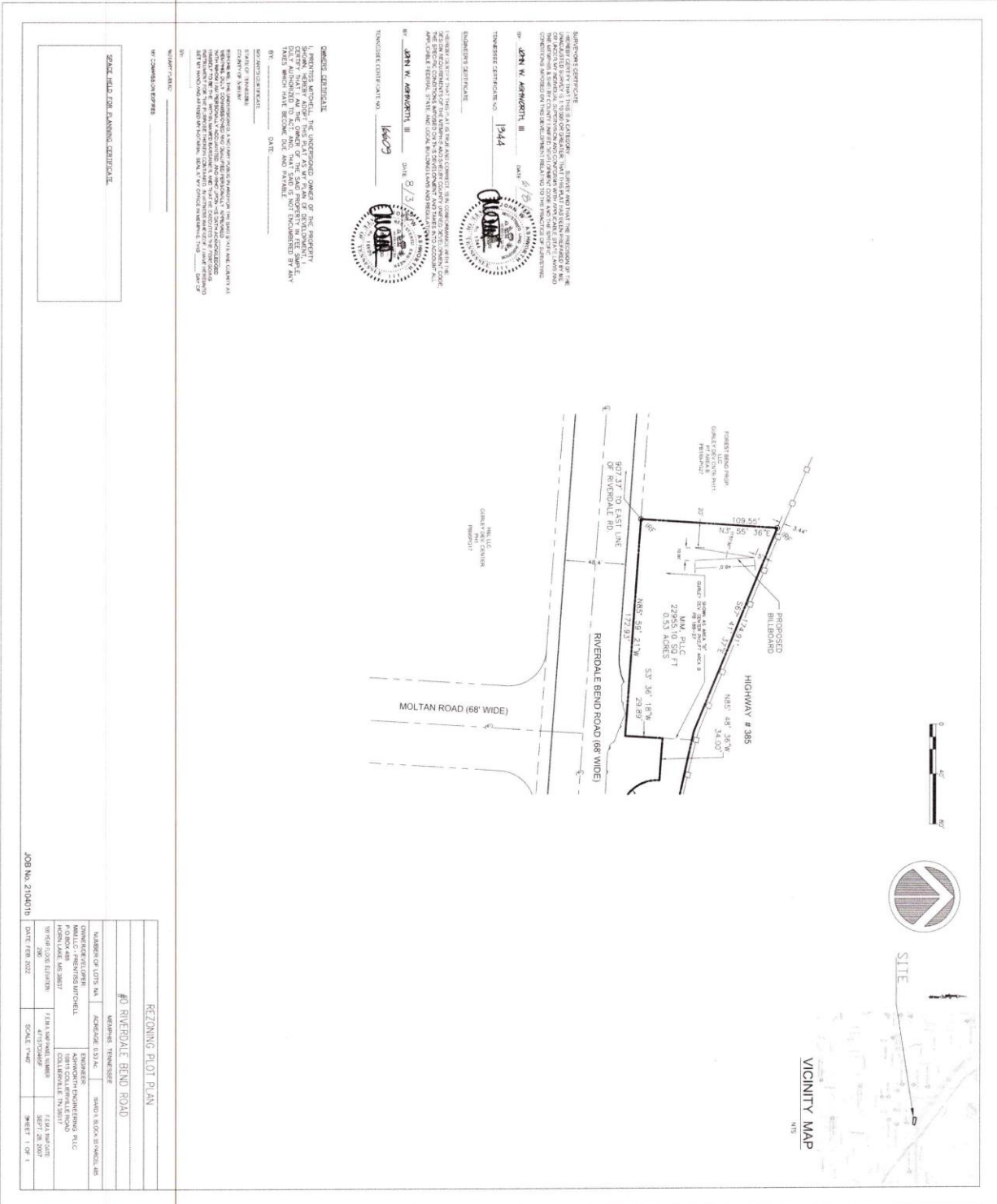
West: Conservation Agriculture (CA) and PD 82-32

LAND USE MAP



Subject property outlined in electric blue and indicated by a pink star

PLOT PLAN



ENGINEER CERTIFICATE
I, JEFFREY S. GIBSON, P.E., STATE LICENSE NO. 17344, DO HEREBY CERTIFY THAT THE PLAN AND BILLBOARD LOCATED ON THE ABOVE DESCRIBED PROPERTY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE RIVERDALE BEND ROAD BILLBOARD REGULATIONS, CHAPTER 155.07, AND THE ZONING ORDINANCES OF THE CITY OF MONTICELLO, IOWA. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
DATE: 04/14/2022
BY: JEFFREY S. GIBSON, P.E.
STAMP: [Professional Engineer Seal]

ENGINEER CERTIFICATE
I, JOHN W. ARMSTRONG III, STATE LICENSE NO. 16609, DO HEREBY CERTIFY THAT THE PLAN AND BILLBOARD LOCATED ON THE ABOVE DESCRIBED PROPERTY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE RIVERDALE BEND ROAD BILLBOARD REGULATIONS, CHAPTER 155.07, AND THE ZONING ORDINANCES OF THE CITY OF MONTICELLO, IOWA. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
DATE: 04/14/2022
BY: JOHN W. ARMSTRONG III
STAMP: [Professional Engineer Seal]

OWNER CERTIFICATE
I, PENELOPE MITCHELL, THE UNDERSIGNED OWNER OF THE PROPERTY DESCRIBED ABOVE, DO HEREBY CERTIFY THAT THE BILLBOARD LOCATED ON THE ABOVE DESCRIBED PROPERTY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE RIVERDALE BEND ROAD BILLBOARD REGULATIONS, CHAPTER 155.07, AND THE ZONING ORDINANCES OF THE CITY OF MONTICELLO, IOWA. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
DATE: 04/14/2022
BY: PENELOPE MITCHELL
STAMP: [Owner Seal]

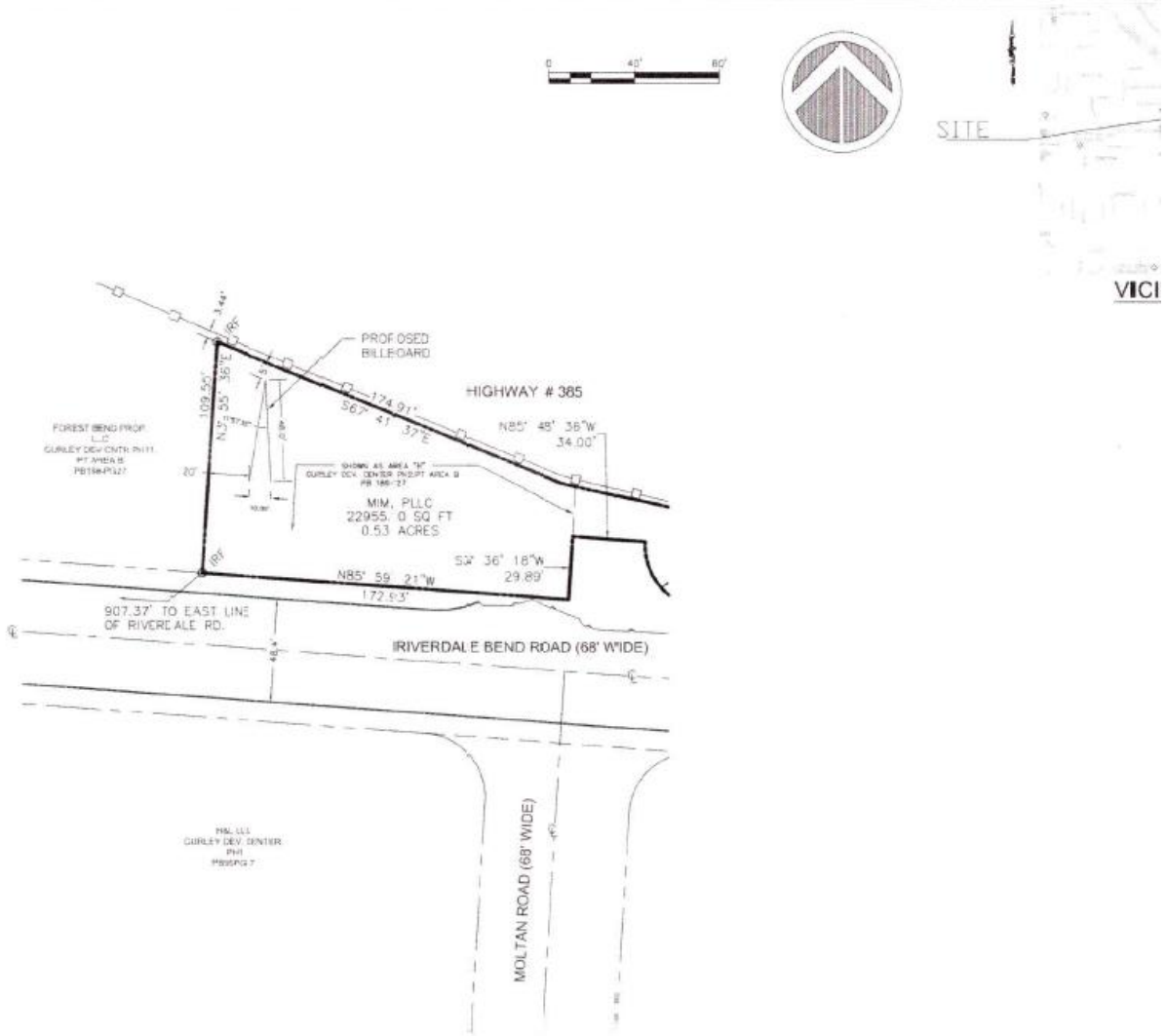
DATE: _____

SCALE: _____

SCALE: _____

SCALE: _____

PLOT PLANN (ZOOMED)



31
30
29

SITE PHOTOS



View of subject property from Riverdale Bend Road looking northeast

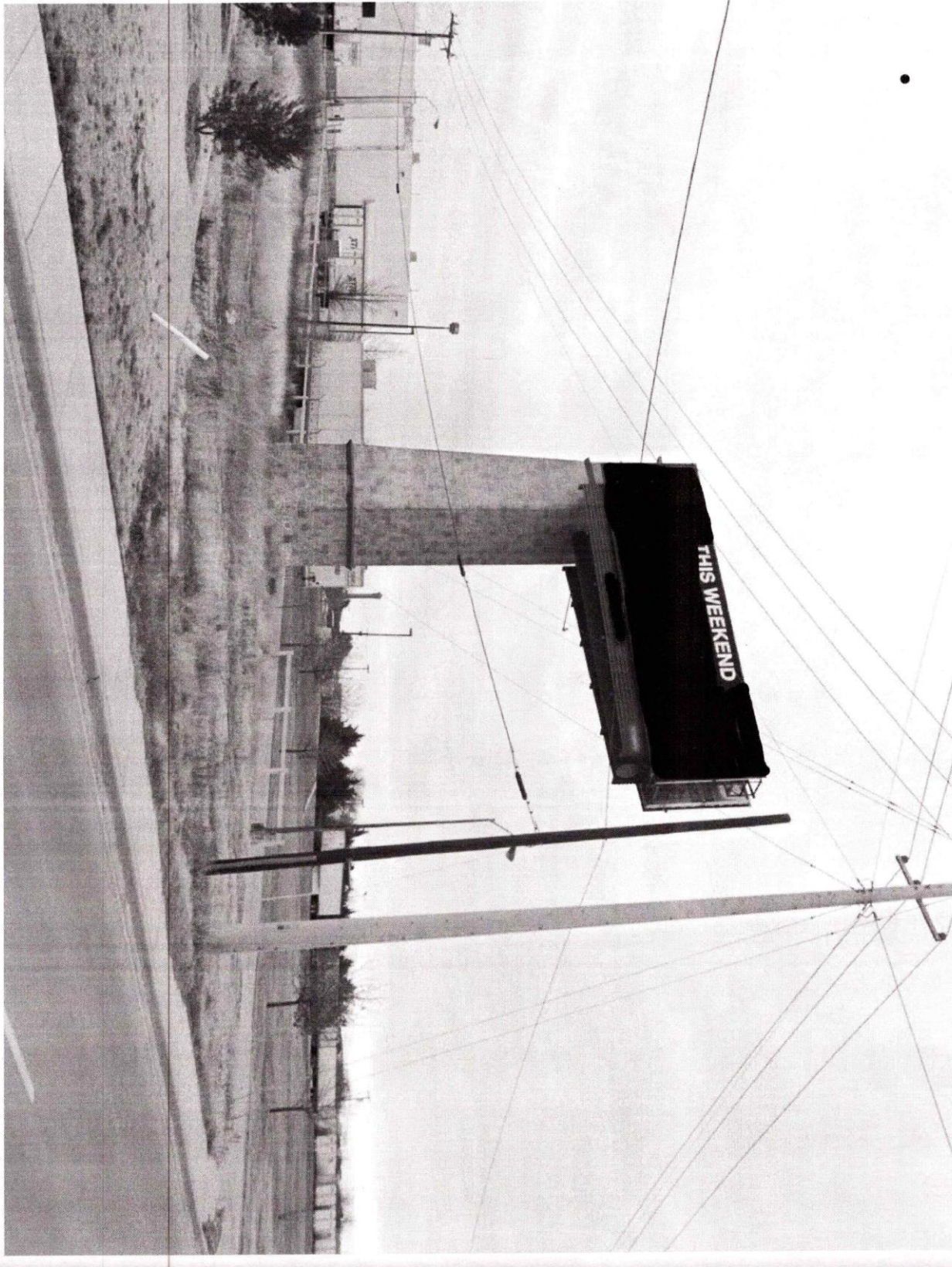


View of Subject property from Riverdale Bend Road looking northwest



View of subject property from TN State Route 385 looking south

SIGN EXAMPLE



STAFF ANALYSIS

Request and Justification

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

The request is amending the outline plan conditions of the Gurley Development Center PD to CMU-3 to allow an off-premise sign.

Site Description

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

Tennessee State Route 385

TN State Route 385 is not a U.S. Highway, it is a State Route of Tennessee. Given this, the applicants intention to use this site for an off-premise sign (billboard) will not be permitted per Paragraph 4.9.8A(2) of the Memphis and Shelby County Unified Development Code which requires off-premise signs to be “located within 300 feet of an U.S. Interstate highway;”

Highway Beautification Act (1965)

On October 22, 1965, President Lyndon B. Johnson signed the Highway Beautification Act, which attempts to limit billboards and other forms of outdoor advertising, as well as other unsightly roadside messes, along America’s interstate highways.

The act also encouraged “scenic enhancement” by funding local efforts to clean up and landscape the green spaces on either side of the roadways. “This bill will enrich our spirits and restore a small measure of our national greatness,” Johnson said at the bill’s signing ceremony. “Beauty belongs to all the people. And so long as I am President, what has been divinely given to nature will not be taken recklessly away by man.”

Additionally, the Act was championed by First Lady ‘Lady Bird’ Johnson and informally known as “Lady Bird’s Bill” who was an advocate for beautifying the nation’s cities and highways and wrote, “The subject of Beautification is like a tangled skein of wool... All the threads are interwoven—recreation and pollution and mental health and the crime rate and rapid transit and highway beautification and the war on poverty and parks... everything leads to something else.”

Note while Tennessee State Route 385 is not an interstate highway the underlying aesthetic principle of the Act is still noteworthy and should be strived for along other roadways.

Reference:

History.com Editors. (2021). President Lyndon Johnson signs the Highway Beautification Act. A&E Television Networks. Retrieved 4 January 2022, from <https://www.history.com/this-day-in-history/president-lyndon-johnson-signs-the-highway-beautification-act>

Consistency with Memphis 3.0

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

This summary is being produced in response to the following application to support the LUDS department in their recommendation: MJR 22-13

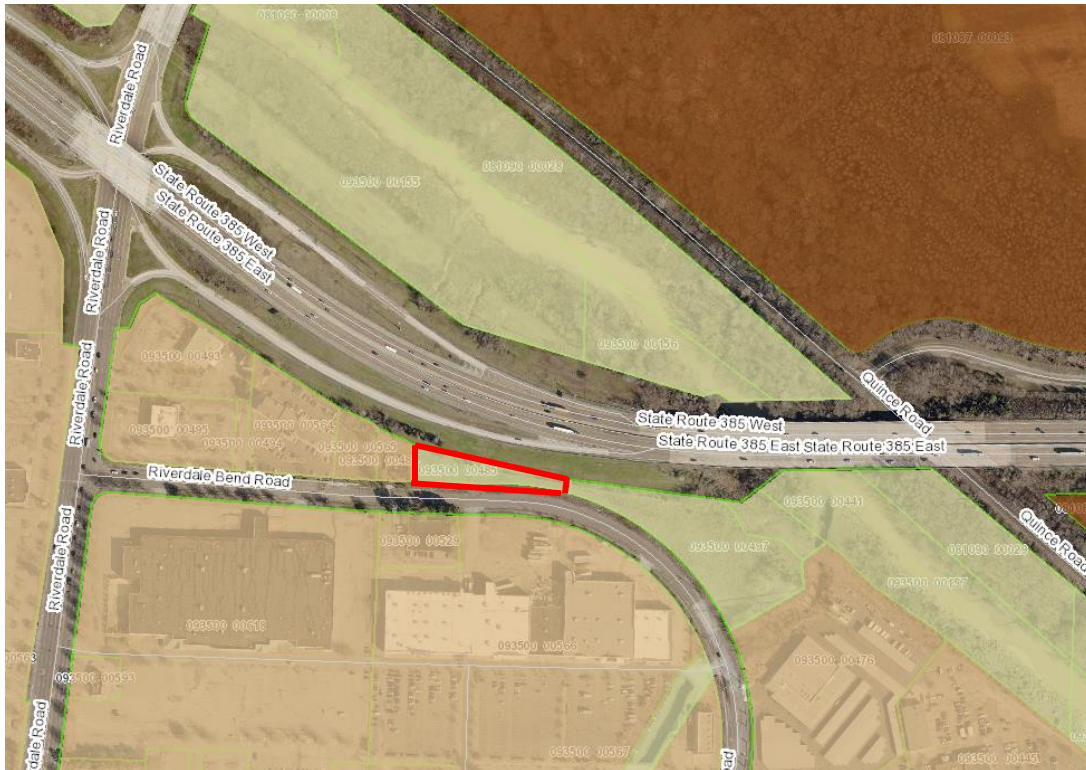
Site Address/location: 0 Maltn Dr. (Parcel 093500 00485)

Land Use Designation (see page 106 for details): Open Spaces & Natural Features (OSN)

Based on the existing adjacent land use the proposal IS NOT 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:

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.

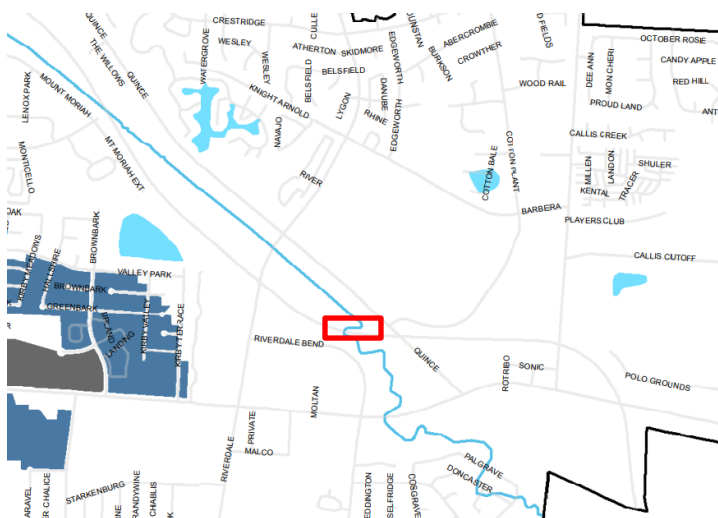
The applicant is requesting a major modification to a planned development to change the parcel from CA to CMU-3 with the intention of placing a billboard on the parcel.

The request does not meet the criteria of OSN. Allowing the placement of a billboard on the parcel goes against the goal of the Future Land Use itself - the maintenance of a natural habitat. Therefore, the request is not consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Commercial, Open Space, and Floodplain. The subject site is surrounded by the following zoning districts: CA, FW, R-15. This requested land use is not compatible with the adjacent land uses because *existing land uses surrounding the parcels is dissimilar 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 NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Melanie Batke, Comprehensive Planning.

Conclusions

This major modification request is being done to change the outline plan conditions allowed uses from Office General (OG) to Commercial Mixed Used – 3 (CMU-3) for allowing an off-premise sign.

Note that TN State Route 385 is not a U.S. Interstate Highway, it is a State Route of Tennessee. Given this, the applicants intention to use this site for an off-premise sign (billboard) will not be permitted per Paragraph 4.9.8A(2) of the Memphis and Shelby County Unified Development Code which requires off-premise signs to be “located within 300 feet of an U.S. Interstate highway;”

Highway Beautification Act (1965) was championed by First Lady ‘Lady Bird’ Johnson who was an advocate for beautifying the nation’s cities and highways as she identified its interconnectedness to the war on poverty, mental health, and so forth. The intent of the Act was to limit billboards and other forms of outdoor advertising, along with other unsightly elements, from view of the interstate highways and encourage the “scenic enhancement” of our roadways by landscaping the adjacent green spaces. At the bills signing President Lyndon B. Johnson said, “This bill does not represent everything that we wanted. It does not represent what we need. It does not represent what the national interest requires. But it is a first step, and there will be other steps. For though we must crawl before we walk, we are going to walk.” Note while Tennessee State Route 385 is not an interstate highway, the underlying aesthetic principles of the Act are still noteworthy and should be strived for along other roadways hence the Unified Development Code’s regulations aimed at limiting the proliferation of billboards, see page 16 for additional information.

Staff is not in support of proposed outline plan change to CMU-3 regardless of the off-premise sign use due to the intensification of permitted uses in said district as compared to what is allowed in the more restrictive planned development of the area.

Lastly, the changing of the outline plan conditions allowing for an off-premise sign would still not satisfy the State of Tennessee requirements for billboards, in which the state does not recognize planned development outline plan conditions as relevant zoning. In order to meet state requirements this property would have to be removed from the PD and rezoned to a district that would allow off premise signs by right.

RECOMMENDATION

Staff recommends **rejection**; however, if approved, staff recommends the following revisions to the outline plan conditions:

Outline/General Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold strikethrough**~~

I. Uses Permitted

A. Area A: (4.9 acres) Uses permitted by right or by administrative site plan review in the C-L Local Commercial District, including the retail sale of automotive fuels and lubricants, provided no retail shop shall exceed 20,000 square feet of floor area.

B. Areas B and C (4.7 acres) Uses permitted by right or by administrative site plan review in the ~~OG~~ **General Office District Commercial Mixed Use – 3 (CMU-3) District** and the following additional uses:

1. Day Care Center
2. Bakery, retail
3. Catering Establishment
4. Cleaning establishment and pick up station
5. General Service and repair shops
6. Greenhouse or nursery
7. Laboratories
8. Lawn, tree, or garden service
9. Music or Dance academy
10. Personal Service establishment
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16. Post office
17. Telephone Service Center
18. Warehouse and wholesale display when at least a third of the building is used for the office space of the representative of the product or merchandise being stored or displayed
19. Print shop

19. FINAL DUMP

- C. The following additional uses may be applied for as special use permits under Sections 8 and 9 of the Zoning Ordinance-Regulations in Areas B and C.
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 2. Communication, radio or television towers
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 1. Mini-warehouses

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- A. The bulk regulations of the O-G District shall apply in Areas A, B and C except as noted below
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- A. Winchester Road shall be dedicated and improved 57 feet from the proposed centerline as established by the County Engineer.
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 3. A private street may be maintained within a 68 foot wide area reserved for a future dedicated non-residential collector street.
- F. Parking spaces and loading areas shall be provided in accordance with Section 28 of the Zoning Ordinance-Regulations.

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- A. At least five (5%) per cent of any parking area shall be landscaped with grass, trees and shrubs.
- B. A 15 foot wide landscape screen (Plate F) or an equivalent approved by the Office of Planning and Development shall be provided along Winchester Road.
- C. All outdoor storage or display areas shall be screened from view from adjoining properties and public rights-of-way. Said screening shall be subject to the approval of the Office of Planning and Development.

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- B. The use of any land within the Flood Plain or Floodway Districts is subject to the provisions of Sections 25 and 26 respectively of the Zoning Ordinance.

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PL
DATE
ELECT
RECD
Jax

VI. Signs

- A. Attached on premise signs located on a wall of a building or within 18 inches thereof, and which do not extend above or beyond the wall of said building shall not be limited in size. However, no building shall have more than five attached signs.
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- B. The exact location and dimensions of all structures or buildable areas, lighting standards, driveways, streets, parking and loading areas.
- C. The location of all fire hydrants as approved by the County Fire Department.
- D. Statements from the owner and mortgagee, if any, agreeing to be bound by the conditions of the Outline Plan.
- E. Provisions for maintenance of any private drive or any common element, including sewers and drainage, by a property owners association.
- F. A cross-section of any required landscape screen.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: **4/7/2022**

CASE: **MJR-22-013 (PD-82-032)** NAME: **3530 Molten Drive (Billboard)**

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

Sewers:

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

Roads:

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

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. Close existing curb cut with curb, gutter, and sidewalk.

Drainage:

13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

City/County Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	No comments received.

APPLICATION



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

**LAND USE CONTROL BOARD MAJOR MODIFICATION APPLICATION
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 3/4/2022 Previous Case/Docket #: _____

PLEASE TYPE OR PRINT

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

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

Property Owner Email Address: mimllcmemphis@gmail.com

Applicant: MIM LLC Phone #: 901-305-5000

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

Applicant Email Address: mimllcmemphis@gmail.com

Representative: Dedrick Brittenum, Jr. Phone #: 901-552-5994

Mailing Address: 3385 Airways Blvd, Ste. 229 City/State: Memphis, TN Zip: 38116

Representative Email Address: db@brittenumlaw.com

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

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

Architect/Engineer/Surveyor Email Address: wesley@ashworthengineering.com

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 3530 Molton Dr. Memphis TN

Parcel ID: 093500 00485

Project Name: Molton Road Development

Project Description: New off Premise Sign with steel structure covered by designer brick to blend in with character of the area.
Upon completion of construction, it will be aesthetically pleasing. See attached photos

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?
Planner: Seth Thomas Date of Meeting: 03/04/2022

Justification for Request: The property was surveyed by a land surveyor. The property is oddly shaped and parcel is only suitable for a off premise sign.
 Amend existing condition language to add CMU-3 district.
 Amend PD 82-32 western portion at condition # I.B. to allow
 uses permitted by CMU-3, Off Premise Sign.

	Area A	Area B	Area C
Acres:	0.53		
Existing Use of Property:	vacant		
Requested Use of Property:	CMU-3		
Is this application in response to a citation, stop work order, or zoning letter? <u>No</u> (yes or no)			
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information:			

LAND USE CONTROL BOARD MAJOR MODIFICATION APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: www.aca-prod.accela.com/SHELBYCO/Default

GENERAL INFORMATION

UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR MAJOR MODIFICATIONS:

- a) Planned Development – UDC Paragraphs 9.6.11E(2), 9.6.14A(2), and 9.6.14(3)
- b) Special Use Permit – UDC Sub-Sections 9.6.12B and 9.6.14B
- c) Subdivision – UDC Sub-Section 9.7.9B
- d) Street and Alley Closure – UDC Section 9.8.7

PRE-APPLICATION MEETING – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

APPLICATION REVIEW PROCESS – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

APPLICATION DEADLINES – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services' [webpage](#).

APPLICATION ASSISTANCE – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

FILING FEE(S) – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

POSTED NOTICE – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject
Revised 12.30.2021

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Prentiss W. Atchew, being duly sworn, depose and say that at 2:00 am/pm on the 23 day of March, 2022, I posted 1 Public Notice Sign(s) pertaining to Case No. 2022-013 at 3530 Molten, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Prentiss W. Atchew
Owner, Applicant or Representative

3/23/2022
Date

Subscribed and sworn to before me this 23rd day of March, 2022.

Renarda Muse
Notary Public

My commission expires: 03/08/2023





LETTERS RECEIVED

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



MEMPHIS AND SHELBY COUNTY

Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Pending

Opened Date: March 10, 2022

Record Number: MJR 2022-013

Expiration Date:

Record Name: 3530 MOLTAN DR

Description of Work: SEE ATTACHMENTS

Parent Record Number:

Address: 3530 MOLTAN DR, MEMPHIS 38125

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	MIM LLC	0 PO BOX 488, HORN LAKE, MS 38637	

Parcel Information

Parcel No:
093500 00485

Contact Information

Name	Organization Name	Contact Type	Phone
	MIM LLC	Applicant	(901) 305-5000

Suffix:
Address

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1366591	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	7.80	03/10/2022		PLNGSMJR04
1366591	Major Modification Fee	1	300.00	INVOICED	300.00	03/10/2022		PLNGSMJR01
Total Fee Invoiced: \$307.80					Total Balance: \$307.80			

Data Fields**PREAPPLICATION MEETING**

Name of DPD Planner Seth Thomas
Date of Meeting 03/02/2022

GENERAL INFORMATION

Justification for Request SEE ATTACHMENTS
List any relevant former Docket / Case
Number(s) related to previous applications on
this site SEE ATTACHMENTS
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 SEE ATTACHMENTS

GIS INFORMATION

Case Layer PD95-338cc, PD82-032cc, PD97-311cc,
PD93-352cc
Central Business Improvement District No
Class C
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning CA
Lot -
State Route 1
Subdivision PT GURLEY WINCHESTER RD PD AREA C



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

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

**LAND USE CONTROL BOARD MAJOR MODIFICATION APPLICATION
TO FILE ONLINE USE THE DEVELOP 901 CITIZEN PORTAL**

Date: 3/4/2022

Previous Case/Docket #: _____

PLEASE TYPE OR PRINT

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PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 3530 Molton Dr. Memphis TN

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Amend existing condition language to add CMU-3 district.

Amend PD 82-32 western portion at condition # I.B. to allow
uses permitted by CMU-3, Off Premise Sign.

	Area A	Area B	Area C
Acres:	<u>0.53</u>	_____	_____
Existing Use of Property:	<u>vacant</u>	_____	_____
Requested Use of Property:	<u>CMU-3</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? No (yes or no)

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

LAND USE CONTROL BOARD MAJOR MODIFICATION APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: www.aca-prod.accela.com/SHELBYCO/Default

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- c) Subdivision – UDC Sub-Section 9.7.9B
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Revised 12.30.2021

property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

REQUIRED DOCUMENTS

As part of the application, the following documents are required to be submitted:

LETTER OF INTENT – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

CONCEPT/PRELIMINARY/SITE PLAN – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the type and location of proposed landscaping; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.

ORIGINAL APPROVAL DOCUMENTS – The original case/docket approval records, e.g. notice of disposition, resolution, ordinance, recorded outline plan, recorded final plat, etc.

VICINITY MAP – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. Note two hardcopy sets of sticky labels must be provided and shall be dropped off at Suite 477 in City Hall, 125 N Main Street, Memphis, TN 38103. [Public Notice Tool User Guide](#).

MAILING LABELS OF NAMES AND ADDRESSES – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

DEED(S) – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

OWNER AFFIDAVIT – [Affidavit of ownership or owner designee](#).

Additional documents may be required prior to approval including, but not limited, to:

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

LANDSCAPE PLAN – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.



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.



21092242

07/26/2021 - 04:03:44 PM

2 PGS	
BRANDON 2271737 - 21092242	
VALUE	4500.00
MORTGAGE TAX	0.00
TRANSFER TAX	16.65
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	29.65

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by & return to:
Quality Title Group
6389 Quail Hollow, Suite 201
Memphis, TN 38120

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That FOREST BEND PROPERTIES, LLC, for and in consideration of FOUR THOUSAND FIVE HUNDRED AND 00/100 DOLLARS and other good and valuable consideration, do hereby bargain, sell, remise, release, quit claim and convey unto MIM, LLC, the following described property located in SHELBY County, Tennessee, to-wit:

That parcel of land consisting of approximately 0.31 acres of land bounded on the west by Parcel I described in the quit claim deed of record at Instrument Number 05186469; South by approximately 175 feet along Riverdale Bend Rd; North by access to Nonconnah Parkway Prohibited, and East by Gurley's East line; said parcel is reflected as Area "B" Future Development on the plat of record in Plat Book 189, Page 27 recorded in the Register's Office of Shelby County, Tennessee. No portion of the 0.29 acre cell-tower lot which is subject to the plat of record in Plat Book 189, Page 27 is conveyed hereby.

Being the same property conveyed to Forest Bend properties, LLC, as Parcel 4 only, by Quit Claim Deed from The Gurley Companies, L.P. and recorded at Instrument Number 13151668 in the Shelby County Register's Office.

Use Restriction: The Property is conveyed subject to a restriction that the owner of the Property shall not operate or use the property in any way to impede the use of the adjacent parcel, now owned by Forest Bend properties, LLC, as a cellular transmission tower (or other communications transmission facility) nor in any way which interferes with signals being transmitted there from or received thereby. This restriction will run with the land.

THE PREPAROR MAKES NO REPRESENTATION OF THE CONDITION OF TITLE SINCE THERE WAS NO TITLE SEARCH OR ABSTRACT DONE AT THE REQUEST OF THE PARTIES

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals this 26th of July, 2021.

FOREST BEND PROPERTIES, LLC

Cheryl Followell, Pres.
By: Cheryl Followell
It's: President

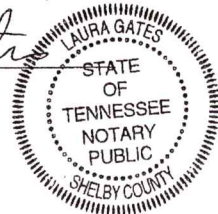
STATE OF Tenn.
COUNTY OF Shelby

On this 26 day of July, 2021, before me personally appeared Cheryl Followell known to me to be (or proved to me on the basis of satisfactory evidence) to be the president of Forest Bend Properties, LLC, and who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that such limited liability executed same.

Witness my hand, at office, this 26 day of July, 2021.

Laura Gates
Notary Public

My Commission Expires:
5/22/27



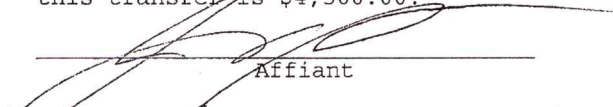
Property known as: .31 Acres, Maltan Drive

Parcel No: 093500 00485

Mail Tax Notice to: MIM, LLC
PO BOX 488
HORN LAKE, MS 38637

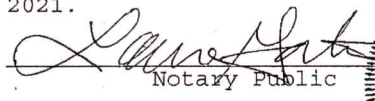
Owner's Name and Address: MIM, LLC
PO BOX 488
HORN LAKE, MS 38637

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is \$4,500.00.

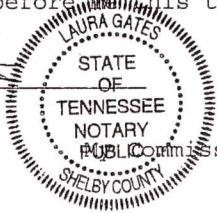


Affiant

Subscribed and sworn to before me on this the 26 day of July, 2021.



Notary Public



Commission Expires: 5/22/24

Shelby County
State of Tennessee

Rafael Mitchell being duly sworn, depose and say that at 12:10 pm on the 21 day of December 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. MS 2021-0150 at 3530 Melby providing notice of a Public Hearing before the Land Use Control Board Memphis City Council Shelby County Board of Commissioners for consideration of a proposed Land Use Action Planned Development Special Use Permit, Zoning District Map Amendment Street and/or Alley Closure), a photograph of said sign(s) being attached heron and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

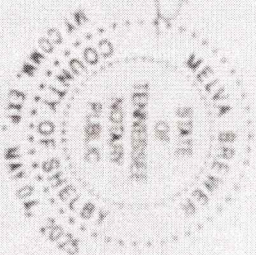
Date

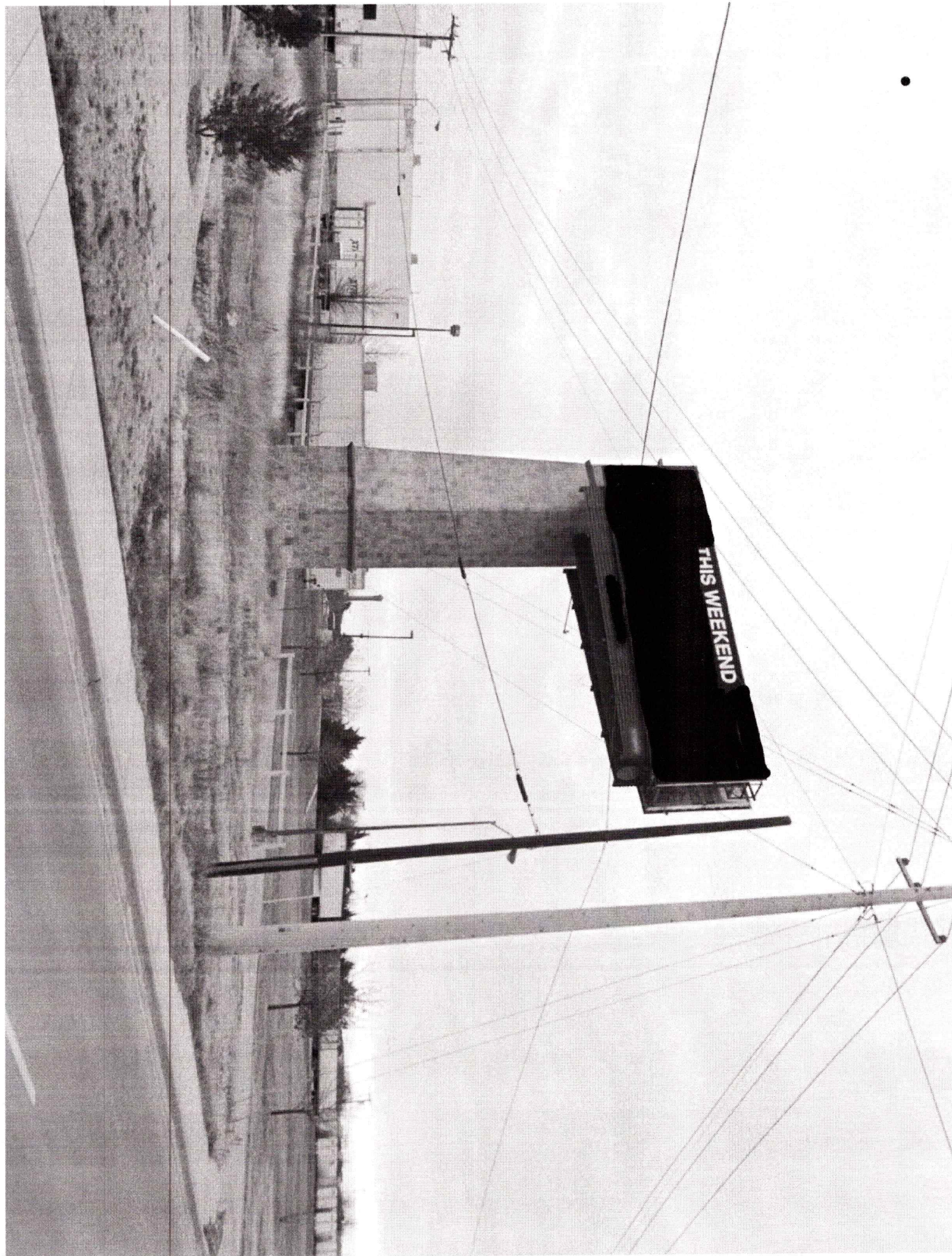
12/27/21

Subscribed and sworn to before me this 21 day of December 2021

[Signature]
Notary Public

My commission expires July 2022



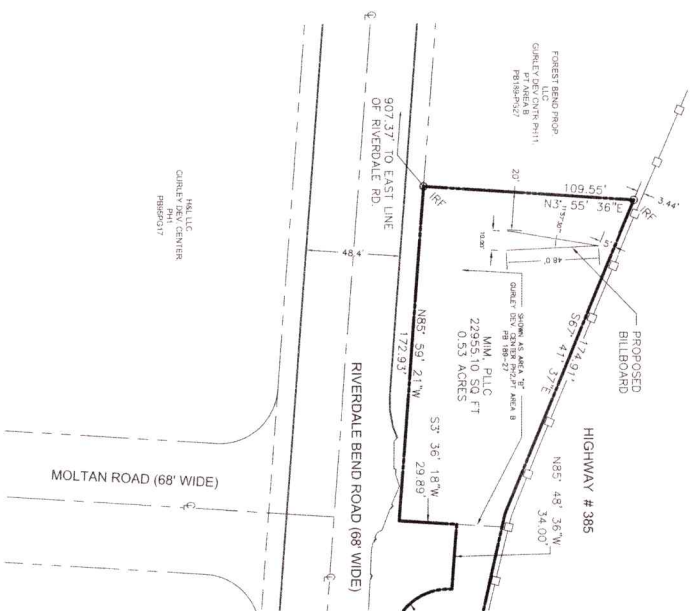


THIS WEEKEND



SITE

VICINITY MAP
N15



SURVEYOR CERTIFICATE
 I HEREBY CERTIFY THAT THIS IS A CORRECT AND TRUE REPRESENTATION OF THE SURVEY AND THAT THE BOUNDARIES SHOWN THEREON WERE MEASURED BY ME OR UNDER MY SUPERVISION AND CONFORM WITH APPROPRIATE LAWS AND REGULATIONS OF THE STATE OF TENNESSEE AND THE NATIONAL BOARD OF SURVEYING AND MAPPING, INC. AND THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING INDUSTRY.

BY: **JOHN W. ASHWORTH III** DATE: **8/12/2022**

TENNESSEE CERTIFICATE NO: **1344**



ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A CORRECT AND TRUE REPRESENTATION OF THE SURVEY AND THAT THE BOUNDARIES SHOWN THEREON WERE MEASURED BY ME OR UNDER MY SUPERVISION AND CONFORM WITH APPROPRIATE LAWS AND REGULATIONS OF THE STATE OF TENNESSEE AND THE NATIONAL BOARD OF SURVEYING AND MAPPING, INC. AND THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING INDUSTRY.

BY: **JOHN W. ASHWORTH III** DATE: **8/13/2022**



OWNER'S CERTIFICATE

I, **JOHN W. ASHWORTH III**, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY CERTIFY THAT I AM THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE AND THAT THE SAID PROPERTY IS NOT ENCLOSED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: _____ DATE: _____

NO. _____

STATE OF _____

COUNTY OF _____

BY: _____

DATE: _____

BY: _____

SCALE: HELD FOR PLANNING CERTIFICATE

JOB No. 210401b

REZONING PLOT PLAN	
#0 RIVERDALE BEND ROAD	
MEMPHIS, TENNESSEE	MAP & BOOK 15 PARCELS 485
OWNER/DEVELOPER: GARY, GARY, FRIDMANT P.O. BOX 488 HORN LAKE, MS 39087	ENGINEER: JOHN W. ASHWORTH III COLLIERVILLE, TN 38017
100 YEAR 1,000 ELEVATION: 290	FIELD MAP PANEL NUMBER: 471702455
DATE: FEB. 2022	SCALE: 1"=40'
	FIELD MAP DATE: SEPT. 28, 2007
	SHEET 1 OF 1

Legend

polyline layer

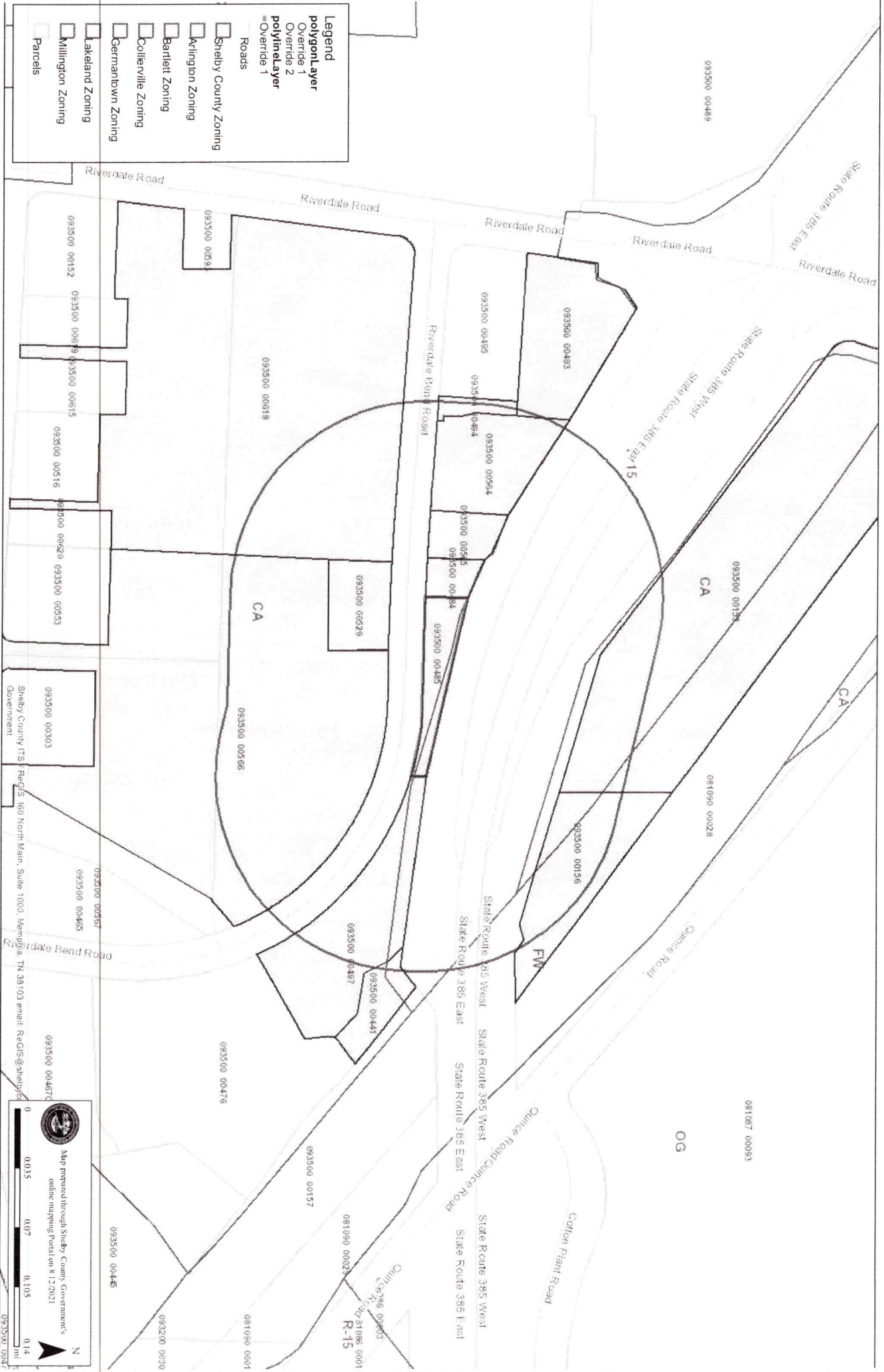
- Override 1
- Override 2

polyline layer

- Override 1

Roads

- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collinsville Zoning
- Gerantown Zoning
- Lakeland Zoning
- Millington Zoning
- Parcels



Shelby County I/T/S
 RecGIS 160 North Main, Suite 1000, Memphis TN 38103 email: RecGIS@shelby.gov

Map prepared through Shelby County Government's
 online mapping Portal on 8/12/2021

0 0.035 0.07 0.105 0.14
 Miles

Re: MJR 22-013

Prentiss mitchell <mimllcmemphis@gmail.com>

Tue 5/3/2022 5:17 PM

To: Thomas, Seth <Seth.Thomas@memphistn.gov>

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

Seth,

Thank you. My request to appeal stands.

On Tue, May 3, 2022 at 4:55 PM Thomas, Seth <Seth.Thomas@memphistn.gov> wrote:

Good afternoon,

Attached is a letter to applicant alerting you of this cases rejection at the April 14 Land Use Control Board meeting.

This case will be forwarded to City Council after the budgeting season.

Best Regards,



Seth Thomas

Municipal Planner

Land Use and Development Services

Division of Planning and Development

125 N. Main, Ste. 477 Memphis, TN 38103

Phone: 901-636-6619

Email: seth.thomas@memphistn.gov



Visit our [website](#)

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

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

May 3, 2022

P.O. 488
Horn Lake, MS 38637

Sent via electronic mail to: mimllcmemphis@gmail.com

Gurley Winchester Road PD
Case Number: MJR 22-013 (PD82-032 CORRESPONDENCE)
LUCB Decision: Rejection

Dear applicant,

On Thursday, January 14, 2022, the Memphis and Shelby County Land Use Control Board **rejected** your planned development major modification application to change the approved uses from Office General (OG) to Commercial Mixed Use – 3 (CMU-3) for the purpose of erecting an off-premise sign.

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

Respectfully,



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

Cc:
File

Letter to Applicant

MJR 22-013

Outline Plan Conditions – Revisions

New language is indicated in **bold, underline**; deleted language is indicated in ~~bold strikethrough~~.

I. Uses Permitted

A. Area A: (4.9 acres) Uses permitted by right or by administrative site plan review in the C-L Local Commercial District, including the retail sale of automotive fuels and lubricants, provided no retail shop shall exceed 20,000 square feet of floor area.

B. Areas B and C (4.7 acres) Uses permitted by right or by administrative site plan review in the ~~O-G General Office District~~ **Commercial Mixed Use – 3 (CMU-3) District** and the following additional uses:

1. Day Care Center
2. Bakery, retail
3. Catering Establishment
4. Cleaning establishment and pick up station
5. General Service and repair shops
6. Greenhouse or nursery
7. Laboratories
8. Lawn, tree, or garden service
9. Music or Dance academy
10. Personal Service establishment
11. Photofinishing and pick up station
12. Plumbing shop (indoor)
13. Processing and manufacturer incidental to retail establishments
14. Business services
15. Contractors storage (indoor)
16. Post office
17. Telephone Service Center
18. Warehouse and wholesale display when at least a third of the building is used for the office space of the representative of the product or merchandise being stored or displayed
19. Print shop

19. ~~FRONT SIGN~~

- C. The following additional uses may be applied for as special use permits under Sections 8 and 9 of the Zoning Ordinance-Regulations in Areas B and C.
1. Commercial outdoor amusement
 2. Communication, radio or television towers
 3. Undertaking establishments
 4. Mini-warehouses

II. Bulk Regulations

- A. The bulk regulations of the O-G District shall apply in Areas A, B and C except as noted below
- B. Height: No structure shall exceed 35 feet in height.
- C. The minimum building setbacks for all parcels from either public or private streets shall be 42 feet, except when no parking is provided in the required setback and the setback area is landscaped, the minimum setback may be reduced to 30 feet.
- D. The minimum building setback from the east property line shall be established in accordance with Condition II.C. above plus an additional 36 feet to provide adequate reservation for a non-residential collector street along the east property line.

III. Circulation, Access and Parking

- A. Winchester Road shall be dedicated and improved 57 feet from the proposed centerline as established by the County Engineer.
- B. An internal collector street as shown on the outline plan shall be dedicated and improved to a 68 foot wide street.
- C. The design, location and number of curb cuts along any internal dedicated street shall be subject to the approval of the County Engineer, and no curb cut shall be permitted within 20 feet of the point of curvature of intersecting streets.
- D. No more than two curb cuts shall be permitted to Winchester Road. The exact design and location shall be subject to the approval of the County Engineer. Access for a public or private street at the east property line may also be provided.
- E. Additional internal access may be provided by either public or private streets subject to the following standards:
1. Public streets shall be dedicated and improved as 68 foot wide collector streets.
 2. Private streets shall have a minimum pavement width of 36 feet and constructed to City and County standards for a non-residential street.
 3. A private street may be maintained within a 68 foot wide area reserved for a future dedicated non-residential collector street.
- F. Parking spaces and loading areas shall be provided in accordance with Section 28 of the Zoning Ordinance-Regulations.

IV. Landscaping and Screening

- A. At least five (5%) per cent of any parking area shall be landscaped with grass, trees and shrubs.
- B. A 15 foot wide landscape screen (Plate F) or an equivalent approved by the Office of Planning and Development shall be provided along Winchester Road.
- C. All outdoor storage or display areas shall be screened from view from adjoining properties and public rights-of-way. Said screening shall be subject to the approval of the Office of Planning and Development.

V. Drainage and Grading

- A. All drainage and grading plans and improvements are subject to the approval of the County Engineer and the City Division of Public Works.
- B. The use of any land within the Flood Plain or Floodway Districts is subject to the provisions of Sections 25 and 26 respectively of the Zoning Ordinance.

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VI. Signs

- A. Attached on premise signs located on a wall of a building or within 18 inches thereof, and which do not extend above or beyond the wall of said building shall not be limited in size. However, no building shall have more than five attached signs.
- B. Detached On-Premise Signs
 1. Detached signs shall be regulated in accordance with the C-L District regulations with the following exceptions:
 - a. No more than two free standing signs may be erected along Winchester Road.
 - b. A 15 foot setback from any public right-of-way or private street shall be required.
 - c. No individual sign may exceed 100 square feet in area.

VII. Site Plan Approval

- A. Prior to or concurrent with the submittal of a final plan(s) the applicant shall submit to the Office of Planning and Development a site plan consistent with Section 14.H.2 of the Zoning Ordinance and any items specified below. No final plan shall be approved for this site prior to the approval by the Land Use Control Board of the site plan. The staff shall recommend to the Land Use Control Board the approval, with modifications or rejection based upon the following guidelines:
 1. The site plan shall be consistent with the outline plan conditions.
 2. The site plan shall provide a complex of buildings, a complex having access to a dedicated street, or a subdivision lot in accordance with the Memphis and Shelby County Subdivision Regulations.
 3. The site plan shall show general internal roadway network including both dedicated and private streets, the design capacities, and circulation capability both within and to adjacent properties.
 4. Deviations to setbacks, landscaping, lighting, signs and other design standards or requirements may be made by the Board if the Board finds that the modification is substantially in conformance with the intent of the requirement and is a more suitable design alternative.
- B. The site plan shall be submitted a minimum of 15 working days prior to the Land Use Control Board meeting.

VIII. In addition to all Outline Plan conditions, the final plan shall contain:

- A. Standard Subdivision Contract.
- B. The exact location and dimensions of all structures or buildable areas, lighting standards, driveways, streets, parking and loading areas.
- C. The location of all fire hydrants as approved by the County Fire Department.
- D. Statements from the owner and mortgagee, if any, agreeing to be bound by the conditions of the Outline Plan.
- E. Provisions for maintenance of any private drive or any common element, including sewers and drainage, by a property owners association.
- F. A cross-section of any required landscape screen.

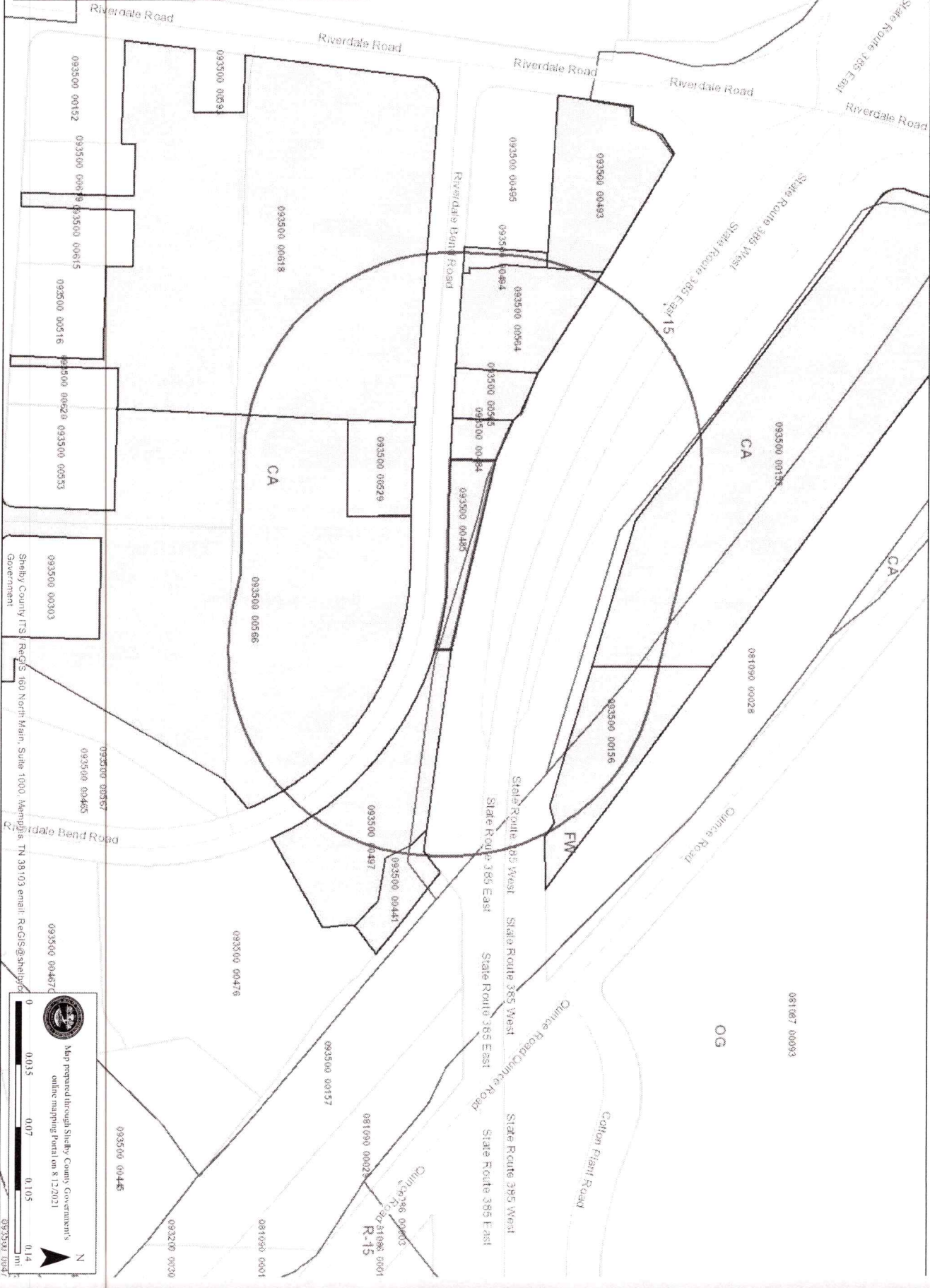
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Roads

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



Map prepared through Shelby County Government's
 online mapping Portal on 8/12/2021

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SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

H & L LLC

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

NEW DEVELOPMENT LLC
3264 W SARAZENS CIR #
MEMPHIS TN 38125

WRING REAL ESTATE LLC
5524 RIVERDALE RD #
MEMPHIS TN 38141

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

MIM LLC
PO BOX 488
HORN LAKE MS 38637

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

RIVERDALE CENTER INVESTORS LLC
1825 MAIN ST #
WESTON FL 33326

TERRAPIN MEMPHIS INVESTMENTS LLC
7060 RIVERDALE RD
MEMPHIS TN 38125

A RESOLUTION TO AMEND THE MEMPHIS CITY COUNCIL COMMUNITY GRANT PROGRAM FOR FY23

WHEREAS, the Memphis City Council desires to promote community programming and improve neighborhoods; and

WHEREAS, Tenn. Code Annotated § 6-64-111, empowers the Memphis City Council to appropriate funds for the financial aid of nonprofit organizations working to promote the general welfare of Memphis residents; and

WHEREAS, nonprofit organizations and citizens work together to meet the needs of Memphians in need by extending the reach of City of Memphis Services; and

WHEREAS, The Memphis City Council recognizes nonprofit agencies as valued partners in the continuing efforts to improve the lives of Memphians; and

WHEREAS, it is important to the members of the Memphis City Council to prioritize funding specialized programs congruent with the needs of the City; the Memphis City Council will not allocate funding that exceeds more than thirty percent of any nonprofit organization's total operating budget; and

WHEREAS, the Memphis City Council seeks to create a transparent process for the publication, application, and selection process for deserving nonprofit organizations within our City; and

WHEREAS, the Council recognizes that extenuating circumstances may exist such that additional nonprofit organizations possess a demonstrated need for funding that arose outside of the application period; and

WHEREAS, Council Members may, in their discretion, submit additional organizations to the Council for consideration for the Memphis City Council Community Grant Program for FY23 to address the needs of nonprofit organizations provided that the nonprofit meets all other qualifications provided in the application; and

WHEREAS, all applicants must be a tax exempt 501(c)(3) organization with an official address within the City of Memphis and have been in operation under its tax-exempt status for at least 2 years at the time of submission of an application; all applicants must submit all required application materials and documents before a resolution appropriating funds can be approved.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council does hereby amend the Memphis City Council Community Grant Program for Fiscal Year 2023 (July 1, 2022 – June 30, 2023) to allow organizations that had not previously been allocated funding for FY23 to submit a complete application, subject to the following requirements provided in the original resolution:

- a. Submission of a complete budget presentation, which applicants may have to present before the Budget Committee of the Memphis City Council at the request of Council Members;
- b. Submission of the most recently filed IRS Form 990, 990EZ, or 990-N;
- c. Submission of a current Certificate of Liability from the organization's insurance carrier;
- d. Submission of a signed W-9; and

- e. Submission of documentation of non-profit, charitable, or civic organizational status. Examples of acceptable documentation include a 501(c)(3) determination letter issued by the federal government or documentation of registration with the Tennessee Secretary of State as a non-profit organization.

NOW, THEREFORE, BE IT FURTHER RESOLVED that organizations that have submitted an application, whether complete or incomplete, may not submit an additional application for funding that was not requested in the original application submission; organizations that submitted an incomplete application may only submit the documentation necessary to complete the original application to render the organization eligible to receive the funding amount that was originally requested, provided that such funding does not exceed 30% of the organization's operating budget.

Sponsor:
Martavius Jones

A resolution to amend the Council FY23 grant allocations

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's GrantsProgram with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by 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 FY 23 \$250,000 allotment during the passage of the budget or to 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; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

ORGANIZATION NAME	AMOUNT
Academy for Youth Empowerment	\$4,380
MIFA- Meals on Wheels	\$5,000
TOTAL	\$9,380

Sponsor:
Edmund Ford, Sr.

A resolution to amend the Council FY23 grant allocations

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by 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 FY 23 \$250,000 allotment during the passage of the budget or to 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; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

ORGANIZATION NAME	AMOUNT
The GAAL House	\$10,000
TOTAL	\$10,000

Sponsor: Ford Canale

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

August 2, 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:

Dana Pointer

be appointed to the Memphis & Shelby County Center City Revenue Finance Corporation Board with a term expiration date of December 31, 2026.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS & SHELBY COUNTY
CENTER CITY REVENUE FINANCE CORPORATION BOARD
9 Member Board
(4) City & (4) County & (1) Joint Appointment
6 Year Term**

Purpose:

Authorized to acquire, own, lease and dispose of properties, primarily in the downtown area, to maintain and increase employment opportunities promoting industry, trade, commerce, tourism and recreation.

Members (City):

Floyd, Glenn	M/W	12-31-20	1 st Term
Vacancy	F/W	12-31-20	
Patrick Hillard	M/B	12-31-26	Partial
Jeri Moskovitz**	F/W	12-31-26	1 st Term

Joint Appointment:

Ward-Johnson Ann Brandy	F/B	12-31-20	6yr. Term
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Updated 080122

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

August 2, 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:

Wesley Hopper

be reappointed to the Memphis Tree Board with a term expiration date of April 16, 2025.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp or seal.

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

MEMPHIS TREE BOARD

7 Member Board

3 Year Term

Purpose:

The Memphis Tree Board serves as an advisory board and recommends policies and practices to the Director of Park Services and Neighborhoods. The Board also serves to develop and promote public awareness programs

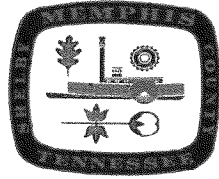
Members:

Jan M. Castillo	F/W	4-16-25	2 nd Term
Mark B. Follis	M/W	4-16-25	2 nd Term
Wesley Ryan Hall	M/W	4-16-25	1 st Term
Wesley K Hopper	M/W	4-16-19	1 st Term
John "Bo" Kelley	M/W	4-16-25	1 st Term
Connie Shepherd	F/W	4-16-25	1 st Term
White, Eldra	F/B	4-16-25	2 nd Term

Updated 072922

Memphis Tree Board
Meetings 3rd Wednesday of the Month
From January 2020 to May 2022 Total No. of Meetings - 15

Member	Present	Absent
Wesley Hopper	13	2



Memphis City Council Summary Sheet

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

Transferring allocations totaling \$1,000,000 from #GS23100-FY23 Major Mod, a cover line, to CIP Project #CD01101 – Raleigh Vehicle Repair Shop.

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.

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

Funds an existing contract

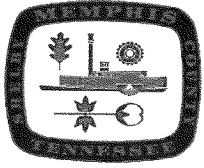
6. State whether this requires an expenditure of funds/requires a budget amendment

A budget amendment is needed to transfer funds from a cover line to CIP Project #CD01101 – Raleigh Vehicle Maintenance Shop.

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

N/A

City Council Resolution transferring allocations totaling \$1,000,000 from #GS23100-FY23 Major Mod, a cover line, to CIP Project #CD01101 – Raleigh Vehicle Repair Shop



A Resolution transferring allocations totaling \$1,000,000 from #GS23100-FY23 Major Mod, a cover line, to CIP Project #CD01101 – Raleigh Vehicle Repair Shop.

WHEREAS, the Council of the City of Memphis did include CIP Project number GS23100 – FY23 Major Mod, a cover line, as part of the FY 2023 Capital Improvement Program budget; and

WHEREAS, CIP Project Raleigh Vehicle Repair Shop #CD01101 is in need of an additional \$1,000,000; and

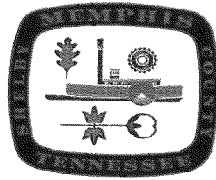
WHEREAS, it is necessary to transfer FY23 allocations in the sum of \$1,000,000 funded by Capital Pay-Go in CIP project number GS23100 – FY23 Major Mod to CIP project number CD01101-Raleigh Vehicle Repair Shop, and

WHEREAS, it is necessary to appropriate the transferred FY23 allocations totaling \$1,000,000, \$400,000 in A &E and \$600,000 in Contract Construction funded by Capital Pay-GO in CIP project number CD01101-Raleigh Vehicle Repair Shop.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby FY23 allocations totaling \$1,000,000, transferred from CIP project number GS23100 – FY23 Major Mod to CIP project number CD01101-Raleigh Vehicle Repair Shop;

BE IT FUTHER RESOLVED, the transferred FY23 allocations totaling \$1,000,000, \$400,000 in A &E and \$600,000 in Contract Construction funded by Capital Pay-GO in CIP project number CD01101-Raleigh Vehicle Repair Shop is appropriated and credited as follows:

Project Title:	Raleigh Vehicle Repair Shop
Project Number:	CD01101
Amount:	\$1,000,000



Memphis City Council Summary Sheet

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

A Resolution appropriating FY 2023 allocations, in the amount of \$7,000,000, in CIP project number GS22201 - OCH Exterior Cladding.

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.

various

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

Requires new contracts

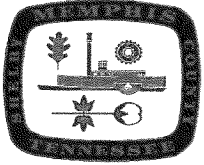
6. State whether this requires an expenditure of funds/requires a budget amendment

A budget amendment is needed to appropriate FY23 allocations.

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

N/A

City Council Resolution - Appropriating FY 23 Funds – GS22201 - OCH Exterior Cladding



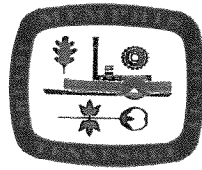
A Resolution appropriating FY 2023 allocations, in the amount of \$7,000,000, in CIP project number GS22201 - OCH Exterior Cladding.

WHEREAS, the Council of the City of Memphis did include CIP Project number GS22201 - OCH Exterior Cladding, as part of the FY 2023 Capital Improvement Program budget; and

WHEREAS, it is necessary to appropriate FY 23 allocations in the sum of \$7,000,000 in Contract Construction funded by G O Bonds – General in CIP project number GS22201 - OCH Exterior Cladding.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby FY23 allocations totaling \$7,000,000 in Contract Construction, in CIP project number GS22201 - OCH Exterior Cladding appropriated and credited as follows:

Project Title:	OCH Exterior Cladding
Project Number:	GS22201
Amount:	\$7,000,000



Memphis City Council Summary Sheet

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

This is a resolution to transfer and appropriate construction funds in the amount of \$562,214 to fund the drainage improvements along Mysen Circle, Project Number ST02010.

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

Public Works at the recommendation of the Engineering Department.

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.

This project is in Council District 2 and Super District 9.

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

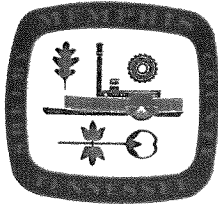
This project does require a new contract.

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

This project requires an expenditure of funds.

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

The MWBE goal is split, 33% MBE and 5% WBE. VuCon is the contractor and is a certified MBE.



RESOLUTION

This is a resolution to transfer and appropriate construction funds in the amount of \$562,214 to fund the drainage improvements along Mysen Circle, Project Number ST02010. This project is in Council District 2 and Super District 9.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, Project Number ST03205 and Mysen Circle Drainage, Project Number ST02010, as part of the Public Works Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, bids were received for the drainage improvements along Mysen Circle with the lowest complying bid being \$511,107 submitted April 20, 2022 by VuCon Construction; and

WHEREAS, it is necessary to transfer a construction allocation of \$562,214 funded by Storm Water Capital Pay Go in Drainage -ST Coverline, Project Number ST03205 to Mysen Circle Drainage, Project Number ST02010 for the purpose as stated above; and

WHEREAS, it is necessary to appropriate the construction amount of \$562,214 funded by Storm Water Capital Pay Go in Drainage -ST Coverline, Project Number ST03205 to Mysen Circle Drainage, Project Number ST02010 for the purpose as stated above as follows:

Contract Amount	\$511,107.00
Project Contingencies	<u>\$51,107.00</u>
Total Amount	\$562,214.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a construction allocation amount of \$562,214 funded by Storm Water Capital Pay Go in Drainage -ST Coverline, Project Number ST03205 to Mysen Circle Drainage, Project Number ST02010 for the purpose as stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$562,214 funded by Storm Water Capital Pay Go chargeable to the FY2023 Capital Improvement Budget and credited as follows:

Project Title:	Mysen Circle Drainage
Project Number:	ST02010
Amount:	\$562,214.00