

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 9/27/2022

DATE

PUBLIC SESSION: 9/27/2022

DATE

ITEM (CHECK ONE)

_____ ORDINANCE X RESOLUTION _____ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 4601 Hutton Way, known as case number PD 22-18

CASE NUMBER: PD 2022-018

DEVELOPMENT: CDKIM Campus Planned Development

LOCATION: 4601 Hutton Way

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

OWNER/APPLICANT: Hutton Henry LLC

REPRESENTATIVE: Cory Brady – Integrated Land Solutions, PLLC

REQUEST: Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).

AREA: +/-36.64 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – September 27, 2022

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/8/2022 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

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

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

PD 22-18

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED 4601 Hutton Way, KNOWN AS CASE NUMBER PD 22-18

- This item is a resolution with conditions to allow a Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 8, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2022-018
DEVELOPMENT:	CDKIM Campus Planned Development
LOCATION:	4601 Hutton Way
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Hutton Henry LLC
REPRESENTATIVE:	Cory Brady – Integrated Land Solutions, PLLC
REQUEST:	Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).
EXISTING ZONING:	Commercial Mixed Use – 3 (CMU-3)
AREA:	+/-36.64 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,



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

Cc: Committee Members
File

**PD 22-18
CONDITIONS**

CDKIM Planned Development

Outline Plan Conditions

I. INTENT

The intent of this planned development is to regulate the sequential development of an automotive dealership campus having multiple dealerships and their accessory uses and/or structures distributed among the 36.64-acre property.

II. USES PERMITTED

- A. Vehicle Sales, Rental, or Leasing (Excluding Tractor Trailers, Heavy Trucks, Manufactured Housing); Vehicle Service; Vehicle Repair, Minor Utilities, CMCS Towers and facilities, Solar Farm, Permanent Off-Premise Advertising Sign (See VI.B.), Commercial Parking.
- B. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.
- C. Principal and/or Accessory uses shall be permitted upon any lot or portion of any lot established by the Hutton Subdivision (PB 244 PG 30)

II. BULK REGULATIONS

- A. The Building Envelope Standards for Nonresidential CMU-3 District Section 3.10.B of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.
- B. Building Setbacks:
 - 1. Front:
 - a. Interstate 55: 25-feet
 - b. Shelby Drive East: 25-feet
 - c. Metro Plex Lane: 30-feet
 - 2. Perimeter Side/Rear:

- a. Lot 1 and Lot 2: 25-feet
- b. Lot 7 and Lot 8: 25-feet
- c. Lots 9-12: 15-feet
- 3. Interior Side: 5-feet

III. ACCESS, PARKING AND CIRCULATION

- A. Riverbrook Drive (private, existing), Pinebrook Drive (private, existing), and Metro Plex Lane (private, existing) shall be owned and maintained by the property owner or a property owner's association.
- B. Access to Southbrook Office Park (PB 60 PG 4) shall be conveyed via Ingress/Egress Easement per instrument # 08024069.
- C. All Internal drives shall be private, owned and maintained by the property owner or a property owners association.
- D. Access to Shelby Drive or Interstate 55 is prohibited.
- E. The design and location of curb cuts to be approved by the City Engineer.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- G. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- H. Off Street Parking:
 - 1. Shared parking shall be allowed for all permitted uses.
 - 2. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
- I. The existing billboard on lots 6 and 3 are permitted to have accessory uses as shown on the concept plan.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Sub-Section 4.5.5(D) and Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. LS Plate A-1 Modified, A-2, or A-3 (or equivalent) shall be required along the frontages of Shelby Drive, Interstate 55 and Metro Plex Lane.
- C. LS Plate A-1 Modified or equivalent shall be required along the north boundary of the property.
- D. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight 8-feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance Chapter 4.9 of the Unified Development Code as modified.
- B. No more than two (2) Permanent Off-Premise Signs shall be permitted. Permanent Off-Premise signs shall be regulated in accordance with Section 4.9.8 of the Unified Development Code and as follows.
- C. Two (2) Integrated Center Signs shall be permitted. One at the intersection of Pinebrook Drive North and one Pinebrook Drive South.
- D. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. All drainage plans shall be submitted to the City Engineer for review and approval.

- B. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

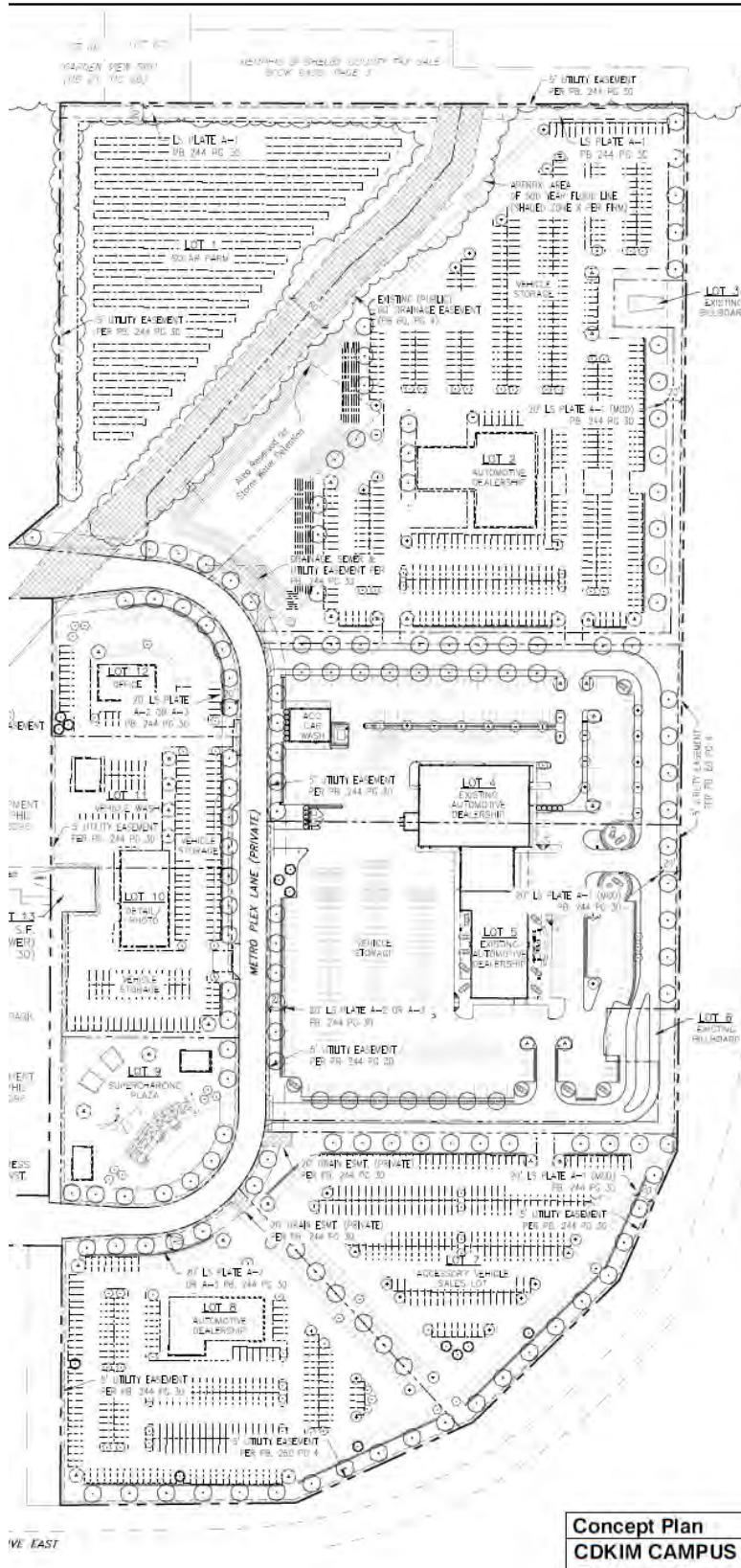
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.

- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

CONCEPT PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4601 HUTTON WAY, KNOWN AS CASE NUMBER PD 22-18

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

WHEREAS, the Hutton Henry LLC filed an application with the Memphis and Shelby County Division of Planning and Development a Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30); and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 8, 2022, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

ATTEST:

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

CDKIM Planned Development

Outline Plan Conditions

I. INTENT

The intent of this planned development is to regulate the sequential development of an automotive dealership campus having multiple dealerships and their accessory uses and/or structures distributed among the 36.64-acre property.

II. USES PERMITTED

- A. Vehicle Sales, Rental, or Leasing (Excluding Tractor Trailers, Heavy Trucks, Manufactured Housing); Vehicle Service; Vehicle Repair, Minor Utilities, CMCS Towers and facilities, Solar Farm, Permanent Off-Premise Advertising Sign (See VI.B.), Commercial Parking.
- B. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.
- C. Principal and/or Accessory uses shall be permitted upon any lot or portion of any lot established by the Hutton Subdivision (PB 244 PG 30)

II. BULK REGULATIONS

A. The Building Envelope Standards for Nonresidential CMU-3 District Section 3.10.B of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:

- a. Interstate 55: 25-feet
- b. Shelby Drive East: 25-feet
- c. Metro Plex Lane: 30-feet

2. Perimeter Side/Rear:

- a. Lot 1 and Lot 2: 25-feet
- b. Lot 7 and Lot 8: 25-feet
- c. Lots 9-12: 15-feet

3. Interior Side: 5-feet

III. ACCESS, PARKING AND CIRCULATION

- A. Riverbrook Drive (private, existing), Pinebrook Drive (private, existing), and Metro Plex Lane (private, existing) shall be owned and maintained by the property owner or a property owner's association.
- B. Access to Southbrook Office Park (PB 60 PG 4) shall be conveyed via Ingress/Egress Easement per instrument # 08024069.
- C. All Internal drives shall be private, owned and maintained by the property owner or a property owners association.
- D. Access to Shelby Drive or Interstate 55 is prohibited.
- E. The design and location of curb cuts to be approved by the City Engineer.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- G. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- H. Off Street Parking:
 - 1. Shared parking shall be allowed for all permitted uses.
 - 2. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
- I. The existing billboard on lots 6 and 3 are permitted to have accessory uses as shown on the concept plan.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Sub-Section 4.5.5(D) and Chapter 4.6 of the Unified Development Code shall apply as modified.

- B. LS Plate A-1 Modified, A-2, or A-3 (or equivalent) shall be required along the frontages of Shelby Drive, Interstate 55 and Metro Plex Lane.
- C. LS Plate A-1 Modified or equivalent shall be required along the north boundary of the property.
- D. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight 8-feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance Chapter 4.9 of the Unified Development Code as modified.
- B. No more than two (2) Permanent Off-Premise Signs shall be permitted. Permanent Off-Premise signs shall be regulated in accordance with Section 4.9.8 of the Unified Development Code and as follows.
- C. Two (2) Integrated Center Signs shall be permitted. One at the intersection of Pinebrook Drive North and one Pinebrook Drive South.
- D. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. All drainage plans shall be submitted to the City Engineer for review and approval.
- B. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approved by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

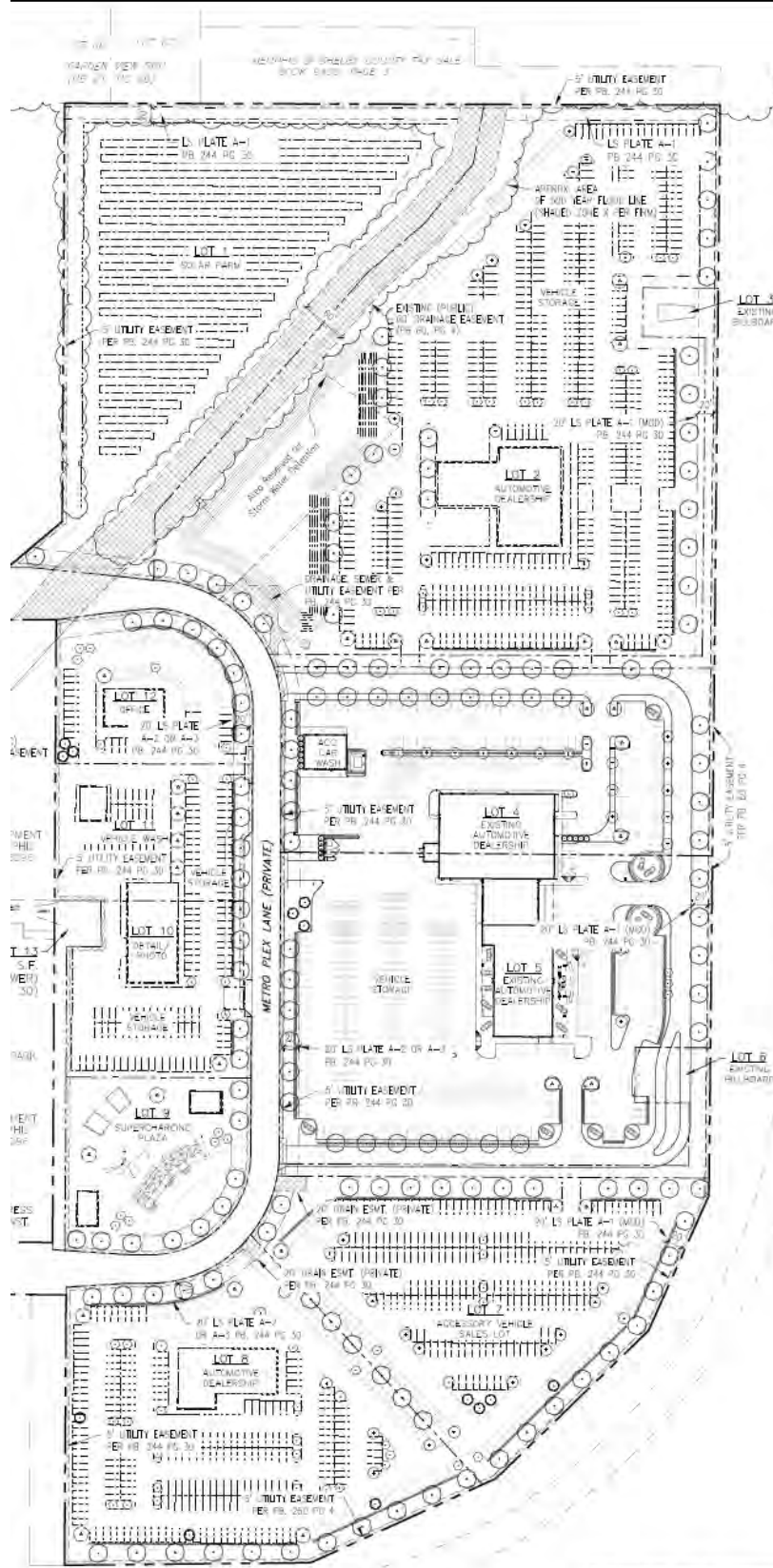
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.

- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

CONCEPT PLAN



WE EAST

Concept Plan
CDKIM CAMPUS

AGENDA ITEM: 13

CASE NUMBER: PD 2022-018 **L.U.C.B. MEETING:** September 8, 2022

DEVELOPMENT: CDKIM Campus Planned Development

LOCATION: 4601 Hutton Way

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

OWNER/APPLICANT: Hutton Henry LLC

REPRESENTATIVE: Cory Brady – Integrated Land Solutions, PLLC

REQUEST: Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).

AREA: +/-36.64 acres

EXISTING ZONING: Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

1. The applicant is requesting a Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).
2. Chuck Hutton Toyota has been in continuous operation on the site since 2009. However, due to a change in the zoning code in 2010, CMU-3 (formerly C-H) zoning district no longer allowed automotive sales as a by right use, making the operation of the site for vehicle sales legal non-conforming.
3. The applicant is seeking planned development approval to legitimize the existing vehicle sales use, as well as allowing future expansion of the automotive dealership campus.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
5. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 26 and 27 of this report.

RECOMMENDATION
Approval with conditions

GENERAL INFORMATION

Street Frontage: Shelby Drive +/-585.6 curvilinear feet
Interstate 55 +/-1,890.23 linear feet
Metro Plex Lane +/-1,380.5 linear feet

Zoning Atlas Page: 2430

Parcel ID: 079041 A00040C, 079041 A00038C, 079041 A00043C, and 079041 A00035C

Existing Zoning: Commercial Mixed Use – 3 (CMU-3)

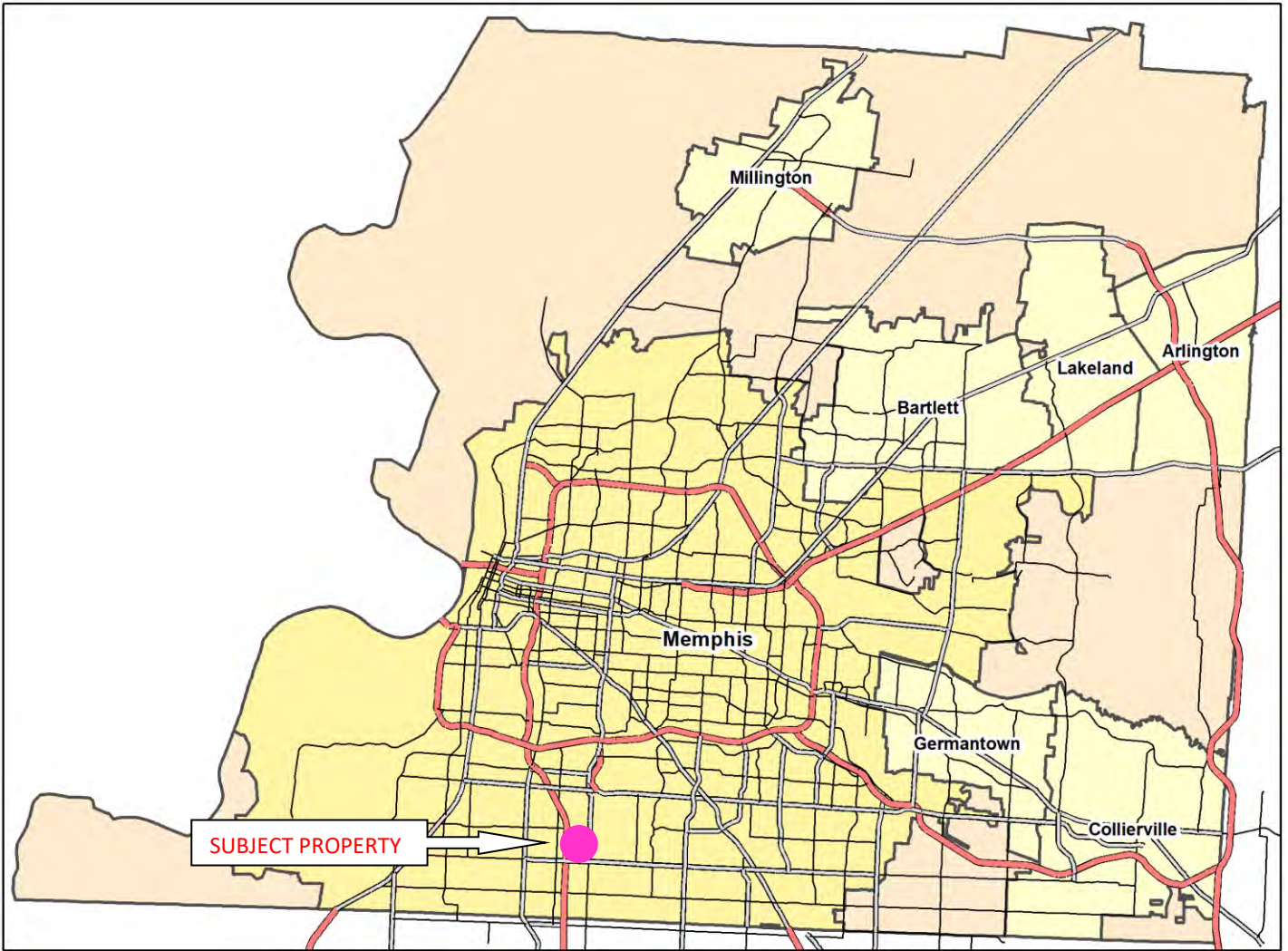
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, August 24, 2022, at Chuck Hutton Toyota, 4601 Hutton Way Memphis, TN 38116.

PUBLIC NOTICE

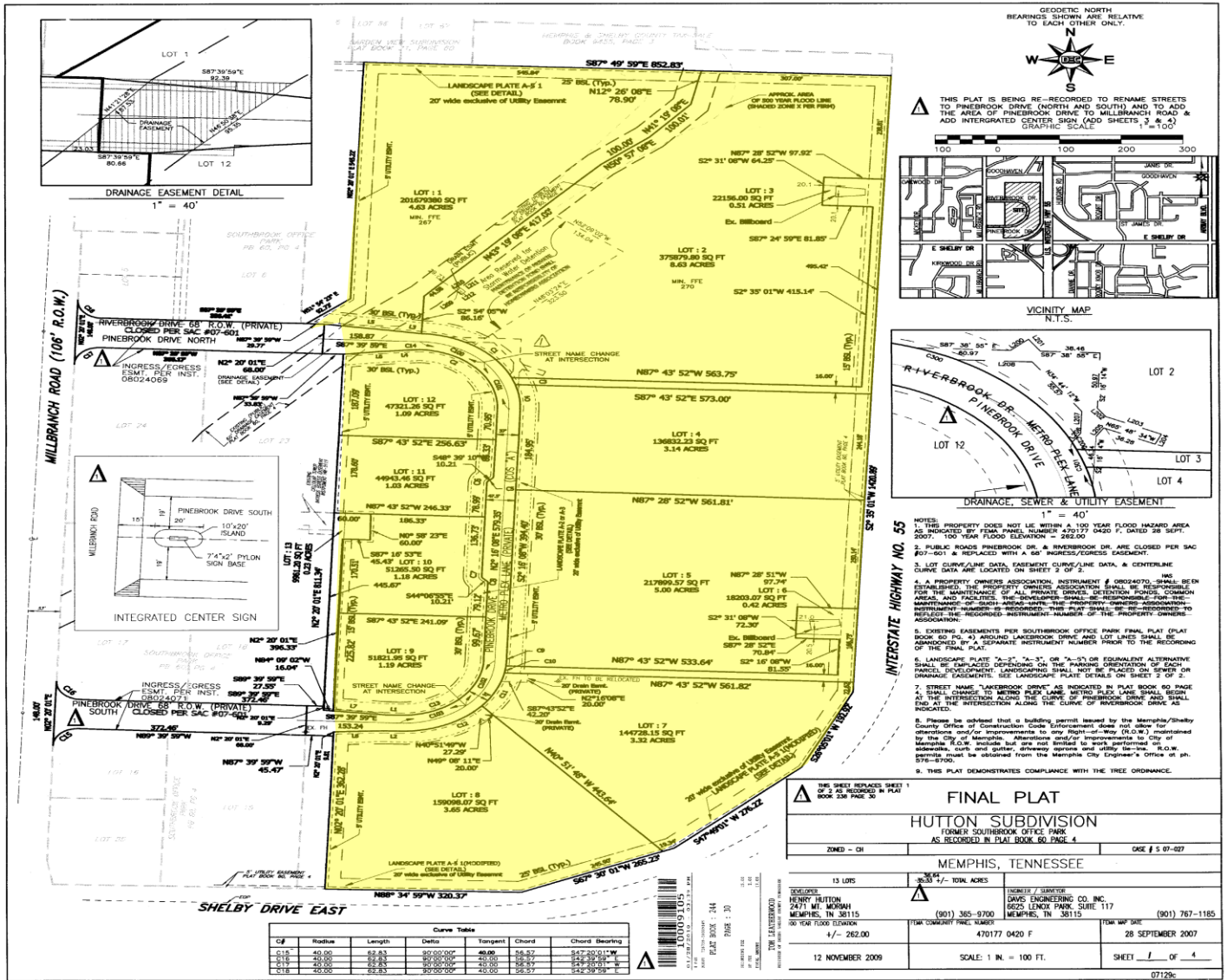
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 98 notices were mailed on August 25, 2022, and a total of 4 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



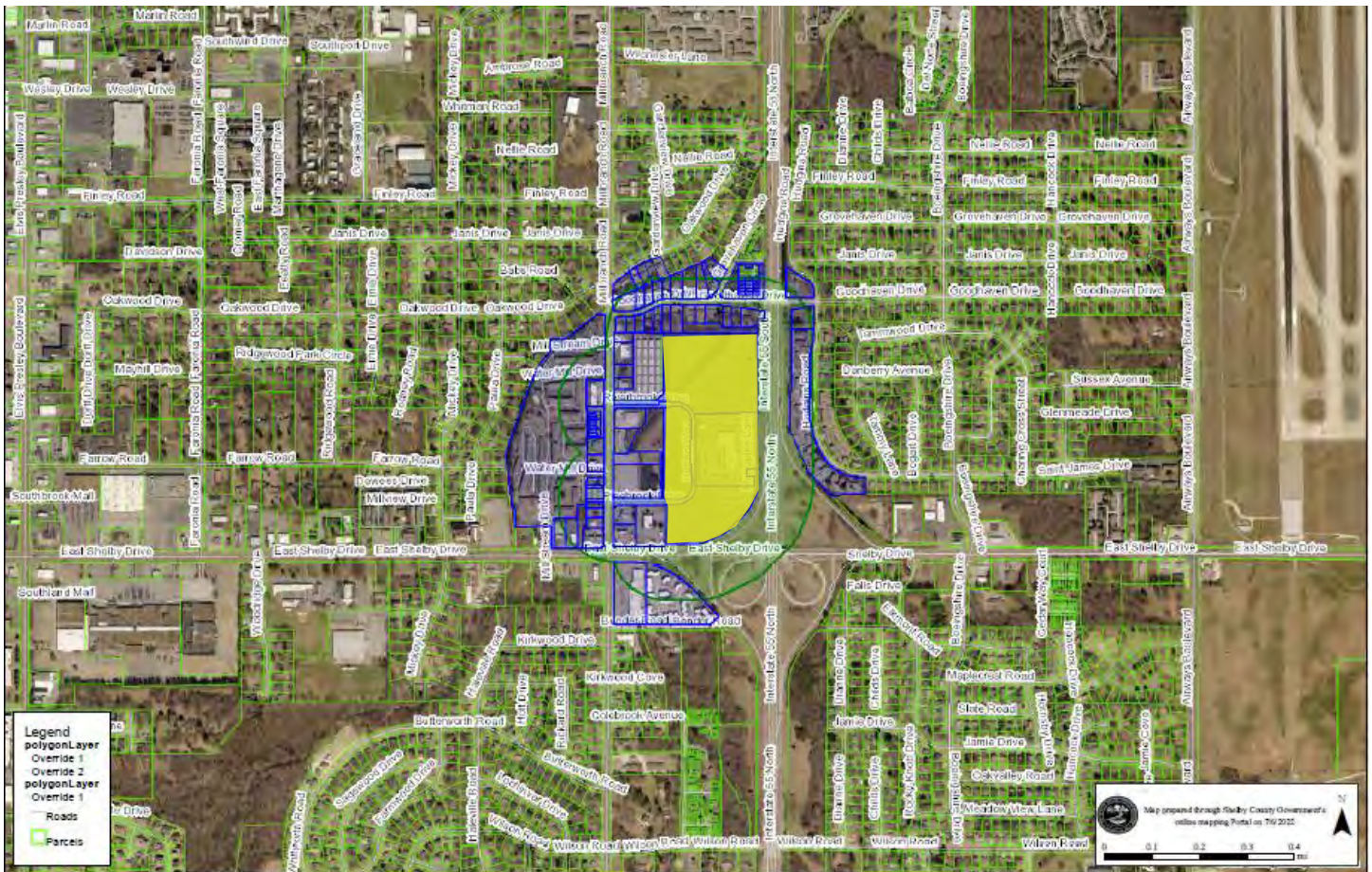
Subject property located within the pink circle

HUTTON SUBDIVISION (2010)



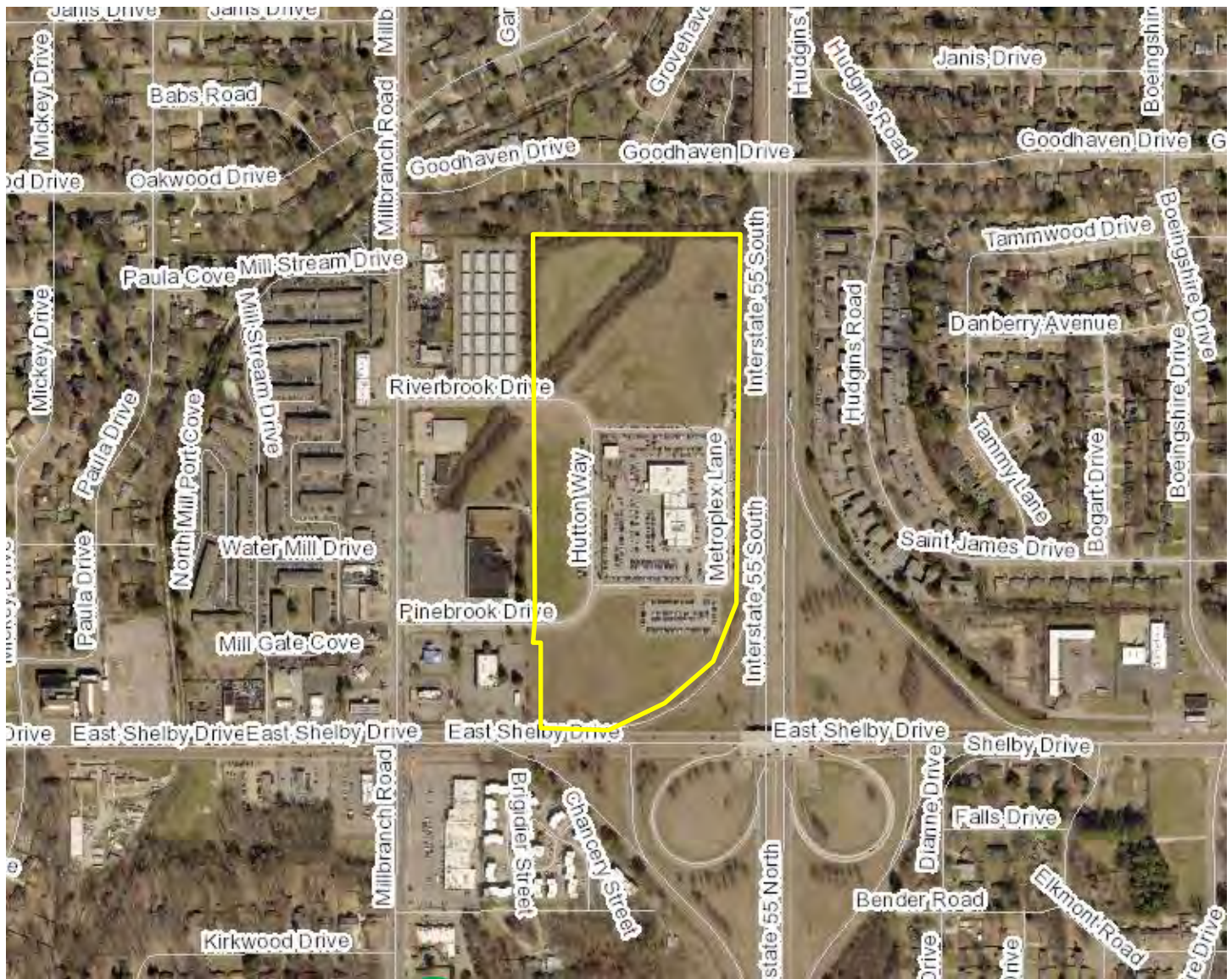
Subject property highlighted in yellow

VICINITY MAP



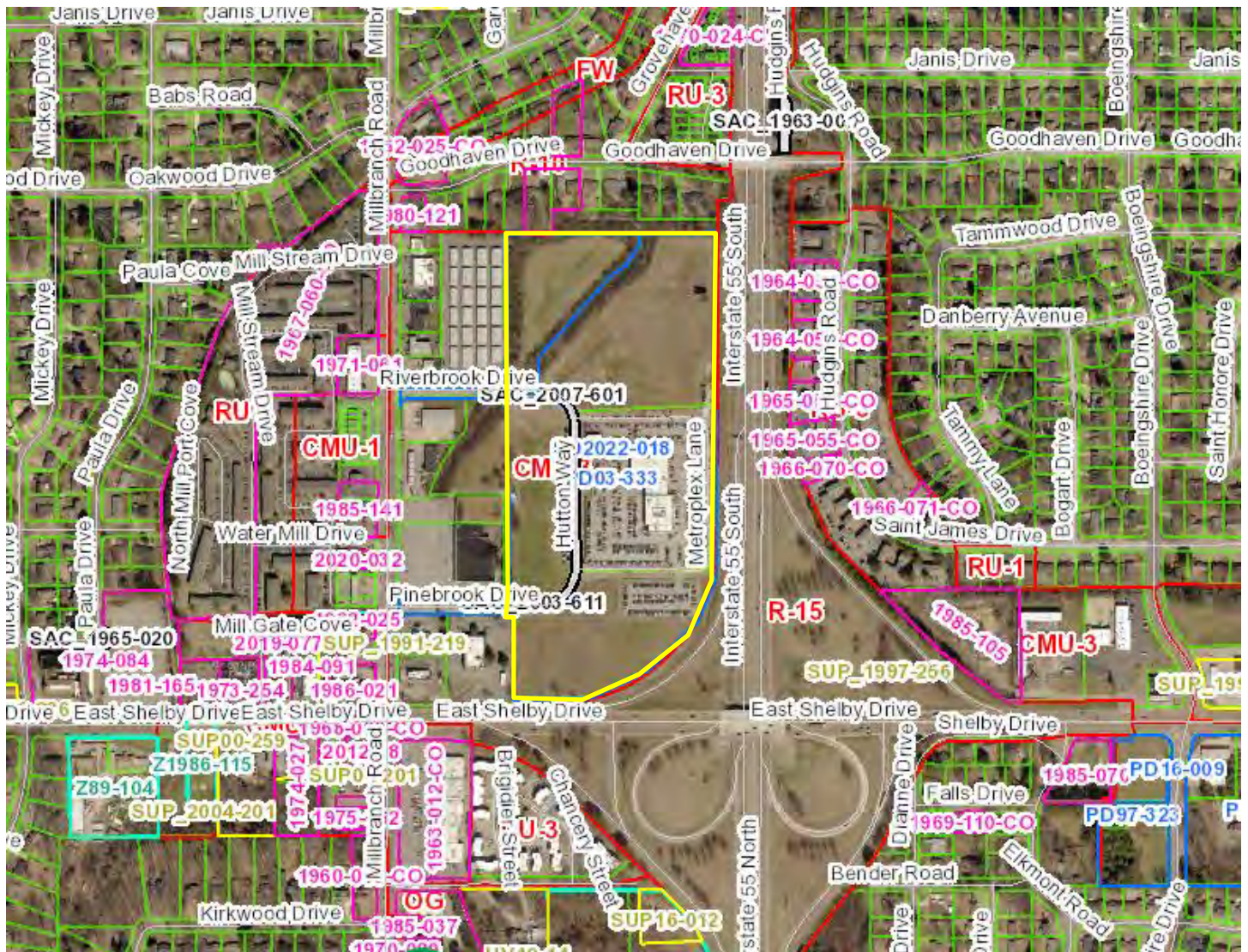
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 3 (CMU-3)

Surrounding Zoning

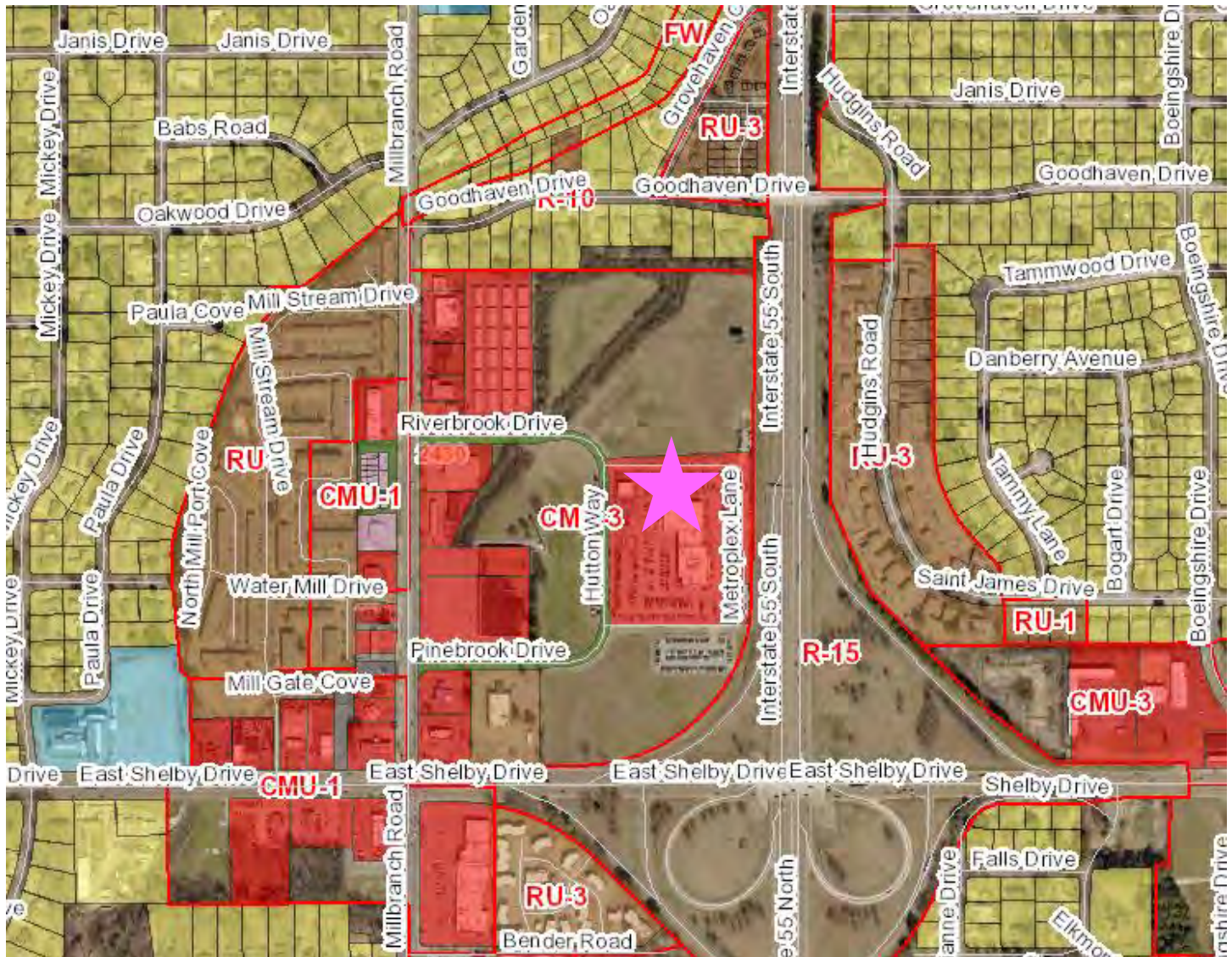
North: CMU-3, RU-3, and R-10

East: R-15, RU-1, and CMU-3

South: RU-3 and R-15

West: CMU-3 and CMU-1

LAND USE MAP



LandUse



Subject property indicated by a pink star

SITE PHOTOS



View of the subject property's the northern private drive entrance facing east



View of subject property's the southern private drive entrance facing east



View of subject property's western area from the private circular drive facing west.



View of the existing car dealership and car storage area facing northeast.

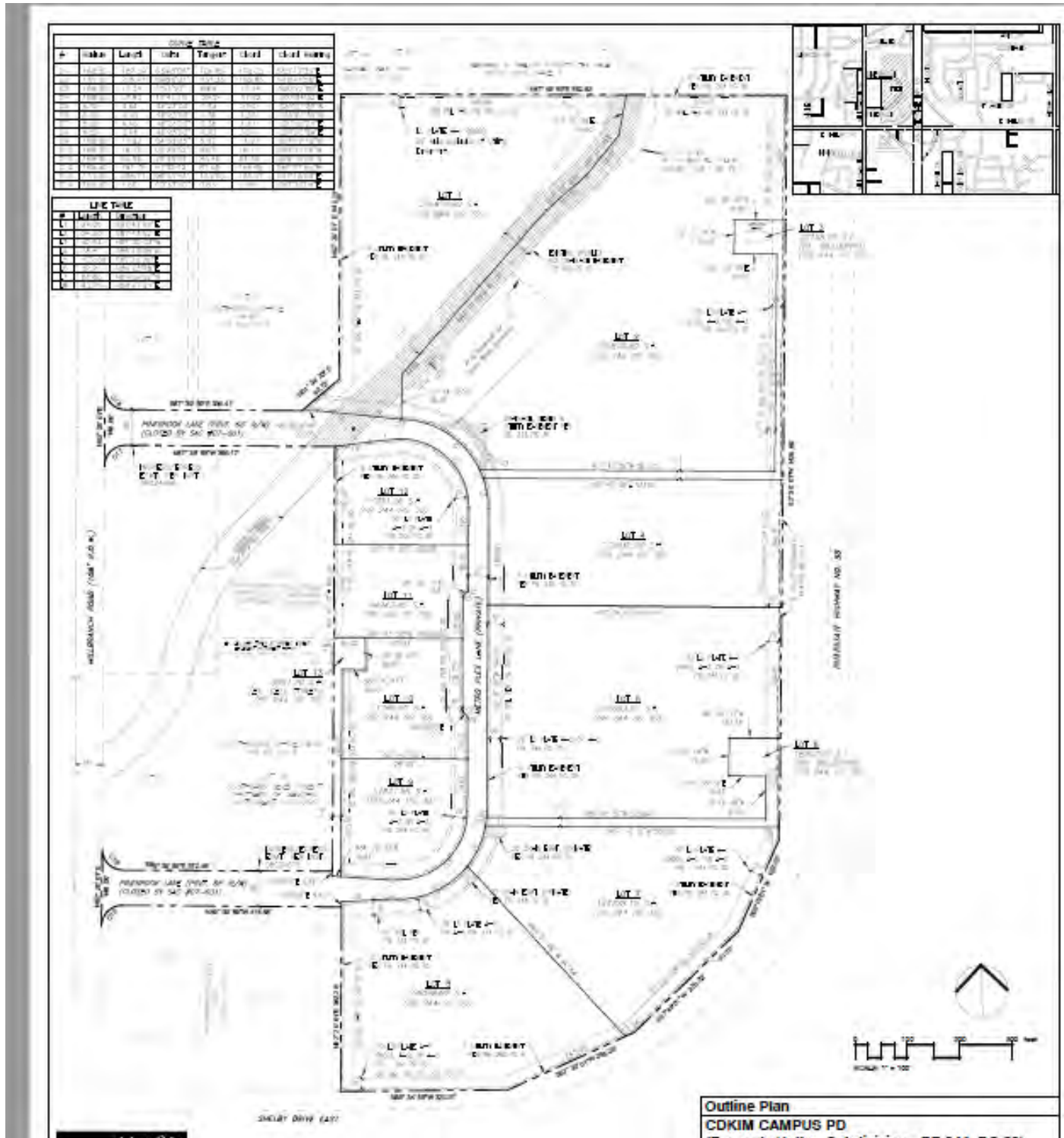


View of the subject property from the I-55 exit ramp facing northwest

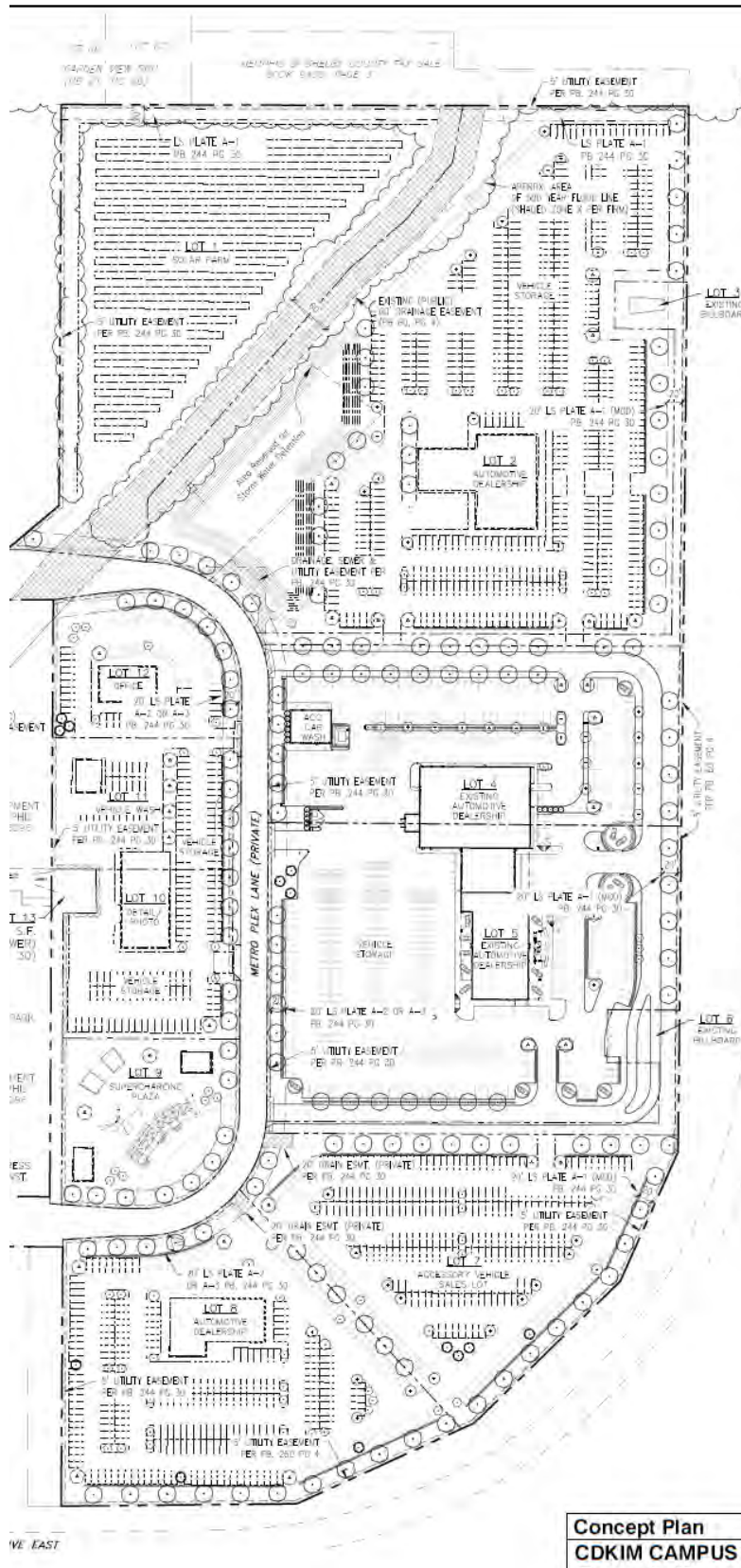


View of the subject property's northern undeveloped area from I-55 facing west

OUTLINE PLAN



CONCEPT PLAN



Concept Plan
CDKIM CAMPUS

STAFF ANALYSIS

Request

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

The request is a Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations

of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

- A. Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise*

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

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

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/-36.64 acres located along a private drive (Hutton Way) west of Interstate 55 and northeast of the intersection of Shelby Drive and Millbranch Road. The site is currently comprised of four parcels (079041 A00035C, 079041 A00043C, 079041 A00038C, 079041 A00040C) with the referenced underlying zoning of CMU-3. The site is a mixture of developed land for use as a car dealership and vacant land.

Conclusions

The applicant is requesting a Planned Development to regulate the development of a vehicle sales campus at the Existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).

Chuck Hutton Toyota has been in continuous operation on the site since 2009. However, due to a change in the zoning code in 2010, CMU-3 (formerly C-H) zoning district no longer allowed automotive sales as a by right use,

making the operation of the site for vehicle sales legal non-conforming.

The applicant is seeking planned development approval to legitimize the existing vehicle sales use, as well as allowing future expansion of the automotive dealership campus.

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

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

RECOMMENDATION

Staff recommends approval with outline plan conditions.

CDKIM Planned Development

Outline Plan Conditions

I. INTENT

The intent of this planned development is to regulate the sequential development of an automotive dealership campus having multiple dealerships and their accessory uses and/or structures distributed among the 36.64-acre property.

II. USES PERMITTED

A. Vehicle Sales, Rental, or Leasing (Excluding Tractor Trailers, Heavy Trucks, Manufactured Housing); Vehicle Service; Vehicle Repair, Minor Utilities, CMCS Towers and facilities, Solar Farm, Permanent Off-Premise Advertising Sign (See VI.B.), Commercial Parking.

B. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.

C. Principal and/or Accessory uses shall be permitted upon any lot or portion of any lot established by the Hutton Subdivision (PB 244 PG 30)

II. BULK REGULATIONS

A. The Building Envelope Standards for Nonresidential CMU-3 District Section 3.10.B of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:

- a. Interstate 55: 25-feet
- b. Shelby Drive East: 25-feet
- c. Metro Plex Lane: 30-feet

2. Perimeter Side/Rear:

- a. Lot 1 and Lot 2: 25-feet
- b. Lot 7 and Lot 8: 25-feet
- c. Lots 9-12: 15-feet

3. Interior Side: 5-feet

III. ACCESS, PARKING AND CIRCULATION

- A. Riverbrook Drive (private, existing), Pinebrook Drive (private, existing), and Metro Plex Lane (private, existing) shall be owned and maintained by the property owner or a property owner's association.
- B. Access to Southbrook Office Park (PB 60 PG 4) shall be conveyed via Ingress/Egress Easement per instrument # 08024069.
- C. All Internal drives shall be private, owned and maintained by the property owner or a property owners association.
- D. Access to Shelby Drive or Interstate 55 is prohibited.
- E. The design and location of curb cuts to be approved by the City Engineer.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- G. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.

H. Off Street Parking:

1. Shared parking shall be allowed for all permitted uses.
 2. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
- I. The existing billboard on lots 6 and 3 are permitted to have accessory uses as shown on the concept plan.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Sub-Section 4.5.5(D) and Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. LS Plate A-1 Modified, A-2, or A-3 (or equivalent) shall be required along the frontages of Shelby Drive, Interstate 55 and Metro Plex Lane.
- C. LS Plate A-1 Modified or equivalent shall be required along the north boundary of the property.
- D. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight 8-feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance Chapter 4.9 of the Unified Development Code as modified.
- B. No more than two (2) Permanent Off-Premise Signs shall be permitted. Permanent Off-Premise signs shall be regulated in accordance with Section 4.9.8 of the Unified Development Code and as follows.
- C. Two (2) Integrated Center Signs shall be permitted. One at the intersection of Pinebrook Drive North and one Pinebrook Drive South.

- D. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. All drainage plans shall be submitted to the City Engineer for review and approval.
- B. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division:

Case Number: PD 22 18

Date Reviewed: 8/22/22

Reviewed by: J. Stinson

Address or Site Reference: 4601 Hutton Way

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Solar Photovoltaic Power systems shall comply with section 1205
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).

- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:

MEMORANDUM

To: Seth Thomas, Principal Planner

From: Leigh Huffman, Municipal Planner

Date: August 31, 2022

Subject: OSR Comments on PD 22-18: AIRPORT ADJACENT

General Comments & Analysis:

Located in Zone 1 and Zone 4 of the Resilience Zone Framework:

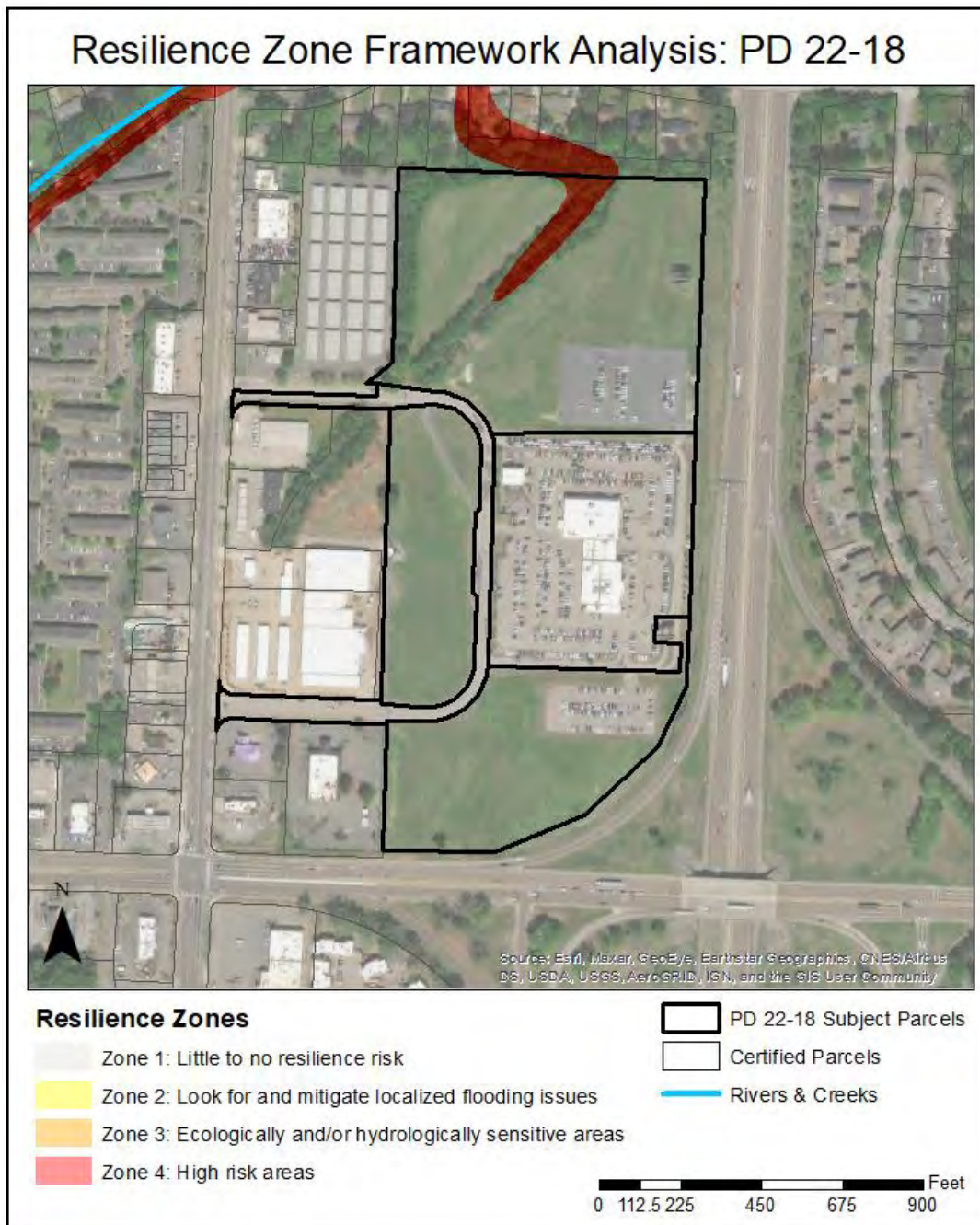
Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

A small portion of the Planned Development is in Zone 4 due to the 500-year floodplain (0.2% annual chance of flooding) located on the parcel. Most of the 500-year floodplain is within the drainage easement and no structures or impervious surfaces are proposed within the Zone 4 areas.

The Applicant has included a solar farm as a permitted land use.

The proposed outline plan does show increased impervious surfaces on the lot, but also includes planning for a stormwater detention facility and landscaping that will increase the amount of leafy vegetation on the lot.



Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This planned development amendment request is generally consistent with the Mid-South Regional Resilience Master Plan. The proposed solar farm will increase the redundancy in our local power grid (Section 5.5 Community Energy). The proposed site plan locates all development outside of the floodplain, which is consistent with Section 4.3 Flood Smart Development. The proposed permeable surfaces and landscaping on the site plan will help mitigate stormwater runoff, improve air quality, and improve ecological health. The proposed deciduous trees will also help reduce the surface temperature on the lot (Section 5.7 Trees).

However, there is still a large amount of proposed impervious surface with this planned development, and care should be taken to integrate the landscaping islands as part of a cohesive stormwater runoff management system.

Consistent with the Memphis Area Climate Action Plan best practices: Yes

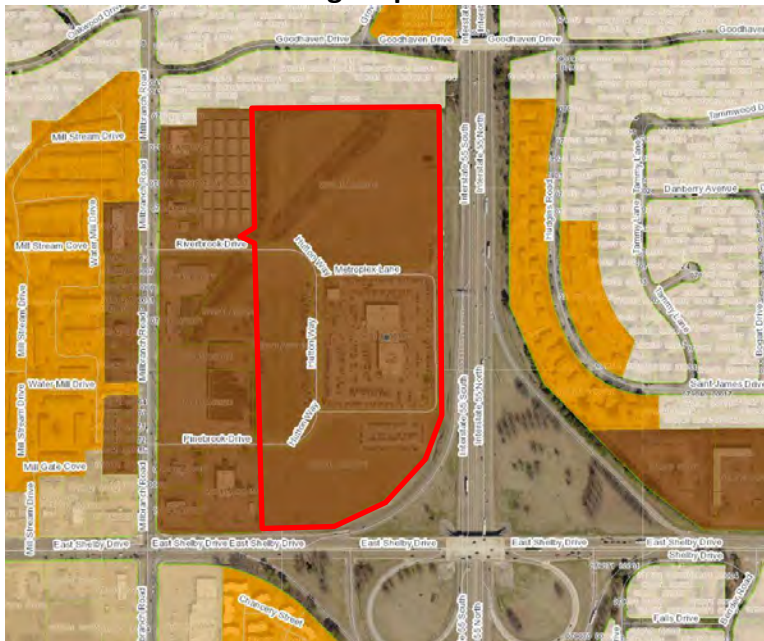
The Applicant has included several conditions that are consistent with the Memphis Area Climate Action Plan.

- The proposed solar farm will contribute to the community-wide goal to decarbonize the electric grid with renewable energy (Priority Action E.6).
- Increasing the green infrastructure through planting the proposed trees and bushes will expand the urban tree canopy (Priority Action E.7). In addition to the benefits mentioned above, expanding the tree canopy increases carbon emission capture and reduces energy costs depending on the surrounding site conditions and proximity to buildings.
- The site plan proposes a charging station plaza for electric vehicles. Continuing to expand the network of charging stations will help encourage the adoption of electric vehicles (Priority Action T.5).

Recommendations: Staff urges the developer to use Low Impact Development (LID) techniques for managing stormwater runoff. Specific suggestions include designing the parking lot to allow stormwater to flow into the parking lot landscaped areas and using a combination of asphalt and a permeable paving system for the parking lot. For example, the drive aisles could be asphalt and the parking spaces could be permeable pavers.

Office of Comprehensive Planning:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



“CSH” Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

“CSH” Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezoning, as appropriate, at the time of a small area plan.

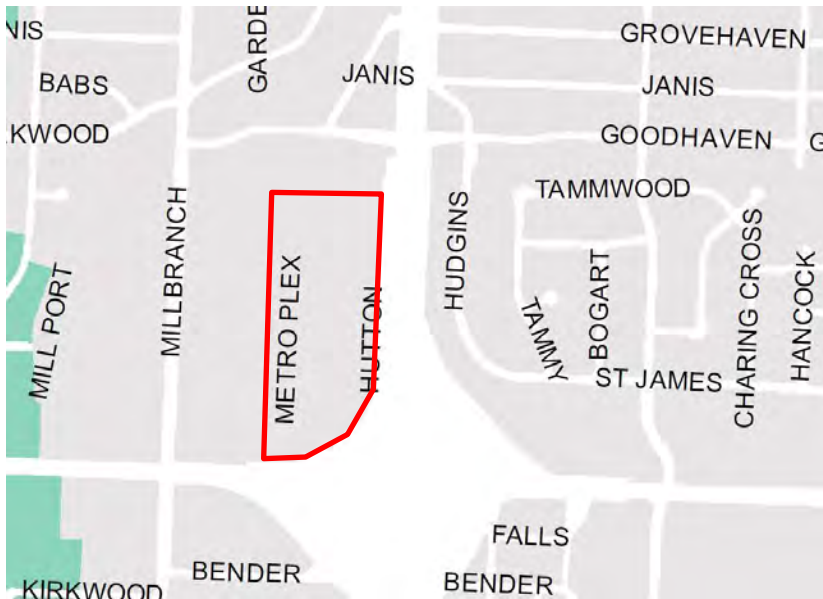
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-3

Adjacent Land Use and Zoning: Commercial; CMU-1, R-15

Overall Compatibility: *The requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land uses and zoning.*

3. Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

4. Degree of Change Description

N/A

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is seeking a planned development approval to expand the vehicle sales facility and construct a solar farm facility at 4601 Hutton Way

The requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land uses and zoning.

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

Summary Compiled by: Faria Urmey, Comprehensive Planning.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: July 22, 2022

Record Number: PD 2022-018

Expiration Date:

Record Name: CDKIM CAMPUS PLANNED DEVELOPMENT

Description of Work: Planned Development to regulate the development of a vehicle sales campus at the existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).

Parent Record Number:

Address: 4601 HUTTON WAY, MEMPHIS 38116

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	HUTTON HENRY LLC	2471 MOUNT MORIAH, MEMPHIS, TN 38115	

Parcel Information

Parcel No:
079041 A00038C

Contact Information

Name	Organization Name	Contact Type	Phone
Young Kim	Young Kim, LLC	Applicant	(901) 847-5808
Address	Suffix:		

Cory Brady	Integrated Land Solutions, PLLC	Representative	(901) 493-8998
Address			

Joe Wiseman	Harris & Associates	Architect / Engineer / Surveyor	(901) 382-2345
Address			

Henry Hutton	Henry Hutton LLC	Property Owner of Record	(901) 493-8998
Address			

Fee Information

Invoice #	Fee Item	Quantity	Fee	Status	Balance	Date Accepted	Unit	Fee Code
1403269	Planned Development - each additional or fractional acres above 5	32	3,164.00	INVOICED	0.00	08/04/2022	Acres	PLNGPUD02
1403269	Credit Card Use Fee (.026 x fee)	1	121.26	INVOICED	0.00	08/04/2022		PLNGPUD08
1403269	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/04/2022	Acres	PLNGPUD01
Total Fee Invoiced: \$4,785.26					Total Balance: \$0.00			

Payment Information

Payment Amount	Method of Payment
\$4,785.26	Credit Card

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Seth Thomas
Date of Meeting 08/10/2022

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)
Previous Docket / Case Number S 07-027
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County) N/A
Is this application in response to a citation, stop work order, or zoning letter No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A The project facilitates the implementation of a campus master plan for the existing automotive dealership facility and surrounding lots established with the Hutton Subdivision (PB 244 PG 30). The project represents a significant investment into the district with no substantial or undue adverse effect upon the neighborhood.

UDC Sub-Section 9.6.9B The project will be constructed and arranged within an established subdivision that is compatible with the immediate vicinity. The project will not interfere with the development and/or use of adjacent properties.

UDC Sub-Section 9.6.9C The project is adequately served by all essential infrastructure.

UDC Sub-Section 9.6.9D No such features exist.

UDC Sub-Section 9.6.9E The planned development complies with all known governing provisions.

UDC Sub-Section 9.6.9F The request is consistent with the Memphis 3.0 plan. The subject property is designated as "High Intensity Commercial & Services". No other plans are to be considered.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

Refer to response above. (UDC 9.6.9.A)

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

Refer to response above.
 (UDC 9.6.9.C)

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

Understood and compliant.

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

The planned development is consistent with public interest.

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

Understood

F) Lots of record are created with the recording of a planned development final plan

Understood/Lots exist.

GIS INFORMATION

Central Business Improvement District	No
Case Layer	PD03-333, SAC2007-601, SAC_2003-811
Class	C
Downtown Fire District	No
Historic District	-
Land Use	COMMERCIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	-
Lot	4 & 5
Subdivision	HUTTON S/D

Planned Development District

Wellhead Protection Overlay District

Data Tables

AREA INFORMATION

Name:	Overall
Size (Acres):	38.64
Existing Use of Property:	Vehicle Sales
Requested Use of Property:	Vehicle Sales

LETTER OF INTENT

INTEGRATED LAND SOLUTIONS, pllc
planning • design • landscape architecture

July 22, 2022

Brett Ragsdale, AICP
Zoning Administrator
Memphis and Shelby County Office of Planning and Development
125 North Main Street, Suite 468
Memphis, TN 38104

Re: Planned Development Application
Hutton Subdivision (PB 244, PG 30)

Mr. Ragsdale,

On behalf of the applicant, Young Kim, LLC, I am pleased to submit a planned development application for the 36.64 combined acres recorded as the Hutton Subdivision in plat book 244, page 30. The 13 lot subdivision is generally located at the northwest corner of the Interstate 55 /Shelby Drive intersection, formally known and presently operating as the Chuck Hutton Toyota automotive dealership. The planned development is intended to best facilitate a campus format expansion of the automotive dealership to include additional buildings, parking areas, and other ancillary structures in support of the principal vehicle sales and service use.

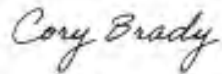
The Hutton Subdivision is a residual portion of the larger, 25-lot Southbrook Office Park Subdivision established in 1974. In September of 2007, the Hutton Subdivision was established (*#S 07-027*) in compliance with the C-H Highway Commercial district provisions of the City's historic 1981 zoning ordinance and subdivision regulations. In 2007, Pinebrook Drive was closed and converted to a Private Drive (*SAC 07-601*). In 2009, the automotive dealership was legally permitted (*B0967020*) and as has been in continuous operation, owned and operated by the Henry Hutton, LLC.

Prior to the adoption of the City's Unified Development Code, the historic C-H Highway Commercial district permitted "*motor vehicle sales, motor vehicle parking lots, motor vehicle service*", and other associated uses by right. The master plan for the Hutton automotive dealership was established under those provisions assuming that supporting uses and structures could be located on any number of the previously established lots within the confines of the overall Hutton Subdivision boundary. However, in 2010 when the UDC was adopted the C-H zoning district was replaced by the CMU-3 zoning district and the established vehicle sales use became legal non-conforming. To overcome these regulatory constraints, the applicant is seeking planned development approval to legitimize the vehicles sales use and thereby allow the future expansion of the automotive dealership campus.

INTEGRATED LAND SOLUTIONS, pllc
planning • design • landscape architecture

On behalf of the applicant, I appreciate your consideration and look forward to discussing the request in more detail with City staff, Board members and City Council representatives. A pre-application conference was held with Seth Thomas on June 10, 2022. Please find enclosed the supplemental information necessary for your review. If you should have any questions, please do not hesitate to contact me. Thank you for your consideration of this request.

Respectfully,



Cory Brady, PLA, AICP
Integrated Land Solutions, PLLC

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cory Brady, being duly sworn, depose and say that at 10:30 am/pm on the 25 day of August, 2022, I posted 4 Public Notice Sign(s) pertaining to Case No. PD 2022-18 at 4601 Hutton Way, providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cory Brady
Owner, Applicant or Representative

8/25/22
Date

Subscribed and sworn to before me this 25th day of August, 2022

Sonia Cantrell
Notary Public
My Commission Expires August 05, 2024



My commission expires: _____

My Commission Expires August 05, 2024

LETTERS RECEIVED

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



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: **Planned Development**

Record Status: **Assignment**

Opened Date: **July 22, 2022**

Record Number: **PD 2022-018**

Expiration Date:

Record Name: **CDKIM CAMPUS PLANNED DEVELOPMENT**

Description of Work: **Planned Development to regulate the development of a vehicle sales campus at the existing Chuck Hutton Toyota automotive dealership and surrounding lots established as the Hutton Subdivision (PB 244 PG 30).**

Parent Record Number:

Address: 4601 HUTTON WAY, MEMPHIS 38116

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	HUTTON HENRY LLC	2471 MOUNT MORIAH, MEMPHIS, TN 38115	

Parcel Information

Parcel No:
079041 A00038C

Contact Information

Name: Young Kim Organization Name: Young Kim, LLC Contact Type: Applicant Phone: (901) 647-5606

Suffix:
Address

Cory Brady Integrated Land Solutions, PLLC Representative (901) 493-6996

Address

Joe Wiseman Harris & Associates Architect / Engineer / Surveyor (901) 362-2345

Address

Henry Hutton Henry Hutton LLC Property Owner of Record (901) 493-6996

Address

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1403269	Planned Development - each additional or fractional acres above 5	32	3,164.00	INVOICED	0.00	08/04/2022	Acres	PLNGPUD02
1403269	Credit Card Use Fee (.026 x fee)	1	121.26	INVOICED	0.00	08/04/2022		PLNGPUD08
1403269	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/04/2022	Acres	PLNGPUD01
Total Fee Invoiced: \$4,785.26						Total Balance: \$0.00		

Payment Information

Payment Amount: \$4,785.26 Method of Payment: Credit Card

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Seth Thomas
Date of Meeting 06/10/2022

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)
Previous Docket / Case Number S 07-027
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County) N/A
Is this application in response to a citation, stop work order, or zoning letter No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A The project facilitates the implementation of a campus master plan for the existing automotive dealership facility and surrounding lots established with the Hutton Subdivision (PB 244 PG 30). The project represents a significant investment into the district with no substantial or undue adverse effect upon the neighborhood.

UDC Sub-Section 9.6.9B The project will be constructed and arranged within an established subdivision that is compatible with the immediate vicinity. The project will not interfere with the development and/or use of adjacent properties.

UDC Sub-Section 9.6.9C The project is adequately served by all essential infrastructure.

UDC Sub-Section 9.6.9D No such features exist.

UDC Sub-Section 9.6.9E The planned development complies with all known governing provisions.

UDC Sub-Section 9.6.9F The request is consistent with the Memphis 3.0 plan. The subject property is designated as "High Intensity Commercial & Services". No other plans are to be considered.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

Refer to response above. (UDC 9.6.9.A)

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

Refer to response above.
(UDC 9.6.9.C)

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

Understood and compliant.

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

The planned development is consistent with public interest.

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

Understood

F) Lots of record are created with the recording of a planned development final plan

Understood/Lots exist.

GIS INFORMATION

Central Business Improvement District

No

Case Layer

PD03-333, SAC2007-601, SAC_2003-611

Class

C

Downtown Fire District

No

Historic District

-

Land Use

COMMERCIAL

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-3

State Route

-

Lot

4 & 5

Subdivision

HUTTON S/D

Planned Development District -
Wellhead Protection Overlay District -

Data Tables

AREA INFORMATION

Name:	Overall
Size (Acres):	36.64
Existing Use of Property:	Vehicle Sales
Requested Use of Property:	Vehicle Sales

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

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

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, Henry Howard LLC (Print Name) [Signature] (Sign Name) 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 4601 Hutton Way, Memphis, TN 38116
and further identified by Assessor's Parcel Number 079041 A000 Parcel 350, 380, 400, 430
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this JULY day of 2022

[Signature]
Signature of Notary Public



8/18/2024
My Commission Expires

INTEGRATED LAND SOLUTIONS, pllc

planning ▪ design ▪ landscape architecture

July 22, 2022

Brett Ragsdale, AICP
Zoning Administrator
Memphis and Shelby County Office of Planning and Development
125 North Main Street, Suite 468
Memphis, TN 38104

Re: Planned Development Application
Hutton Subdivision (PB 244, PG 30)

Mr. Ragsdale,

On behalf of the applicant, Young Kim, LLC, I am pleased to submit a planned development application for the 36.64 combined acres recorded as the Hutton Subdivision in plat book 244, page 30. The 13 lot subdivision is generally located at the northwest corner of the Interstate 55 /Shelby Drive intersection, formally known and presently operating as the Chuck Hutton Toyota automotive dealership. The planned development is intended to best facilitate a campus format expansion of the automotive dealership to include additional buildings, parking areas, and other ancillary structures in support of the principal vehicle sales and service use.

The Hutton Subdivision is a residual portion of the larger, 25-lot Southbrook Office Park Subdivision established in 1974. In September of 2007, the Hutton Subdivision was established (*#S 07-027*) in compliance with the C-H Highway Commercial district provisions of the City's historic 1981 zoning ordinance and subdivision regulations. In 2007, Pinebrook Drive was closed and converted to a Private Drive (*SAC 07-601*). In 2009, the automotive dealership was legally permitted (*B0967020*) and as has been in continuous operation, owned and operated by the Henry Hutton, LLC.

Prior to the adoption of the City's Unified Development Code, the historic C-H Highway Commercial district permitted "*motor vehicle sales, motor vehicle parking lots, motor vehicle service*", and other associated uses by right. The master plan for the Hutton automotive dealership was established under those provisions assuming that supporting uses and structures could be located on any number of the previously established lots within the confines of the overall Hutton Subdivision boundary. However, in 2010 when the UDC was adopted the C-H zoning district was replaced by the CMU-3 zoning district and the established vehicle sales use became legal non-conforming. To overcome these regulatory constraints, the applicant is seeking planned development approval to legitimize the vehicles sales use and thereby allow the future expansion of the automotive dealership campus.

INTEGRATED LAND SOLUTIONS, PLLC

planning ▪ design ▪ landscape architecture

On behalf of the applicant, I appreciate your consideration and look forward to discussing the request in more detail with City staff, Board members and City Council representatives. A pre-application conference was held with Seth Thomas on June 10, 2022. Please find enclosed the supplemental information necessary for your review. If you should have any questions, please do not hesitate to contact me. Thank you for your consideration of this request.

Respectfully,



Cory Brady, PLA, AICP
Integrated Land Solutions, PLLC

CDKIM Planned Development
Outline Plan Conditions

I. INTENT

The intent of this planned development is to regulate the sequential development of an automotive dealership campus having multiple dealerships and their accessory uses and/or structures distributed among the 36.64-acre property.

II. USES PERMITTED

- A. Vehicle Sales, Rental, or Leasing (Excluding Tractor Trailers, Heavy Trucks, Manufactured Housing); Vehicle Service; Vehicle Repair, Minor Utilities, CMCS Towers and facilities, Solar Farm, Permanent Off-Premise Advertising Sign (See VI.B.), Commercial Parking.
- B. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.
- C. Principal and/or Accessory uses shall be permitted upon any lot or portion of any lot established by the Hutton Subdivision (PB 244 PG 30)

II. BULK REGULATIONS

- A. The Building Envelope Standards for Nonresidential CMU-3 District Section 3.10.B of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.
- B. Building Setbacks:
 - 1. Front:
 - a. Interstate 55: 25-feet
 - b. Shelby Drive East: 25-feet
 - c. Metro Plex Lane: 30-feet
 - 2. Perimeter Side/Rear:
 - a. Lot 1 and Lot 2: 25-feet
 - b. Lot 7 and Lot 8: 25-feet
 - c. Lots 9-12: 15-feet
 - 3. Interior Side: 5-feet

III. ACCESS, PARKING AND CIRCULATION

- A. Riverbrook Drive (private, existing), Pinebrook Drive (private, existing), and Metro Plex Lane (private, existing) shall be owned and maintained by the property owner or a property owner's association.
- B. Access to Southbrook Office Park (PB 60 PG 4) shall be conveyed via Ingress/Egress Easement per instrument # 08024069.

- C. All Internal drives shall be private, owned and maintained by the property owner or a property owners association.
- D. Access to Shelby Drive or Interstate 55 is prohibited.
- E. The design and location of curb cuts to be approved by the City Engineer.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- G. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- F. Off Street Parking:
 - 1. Shared parking shall be allowed for all permitted uses.
 - 2. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Sub-Section 4.5.5(D) and Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. LS Plate A-1 Modified, A-2, or A-3 (or equivalent) shall be required along the frontages of Shelby Drive, Interstate 55 and Metro Plex Lane.
- C. LS Plate A-1 Modified or equivalent shall be required along the north boundary of the property.
- D. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight 8-feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance Chapter 4.9 of the Unified Development Code as modified.

- B. No more than two (2) Permanent Off-Premise Signs shall be permitted. Permanent Off-Premise signs shall be regulated in accordance with Section 4.9.8 of the Unified Development Code and as follows.
- C. Two (2) Integrated Center Signs shall be permitted. One at the intersection of Pinebrook Drive North and one Pinebrook Drive South.
- D. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. All drainage plans shall be submitted to the City Engineer for review and approval.
- B. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

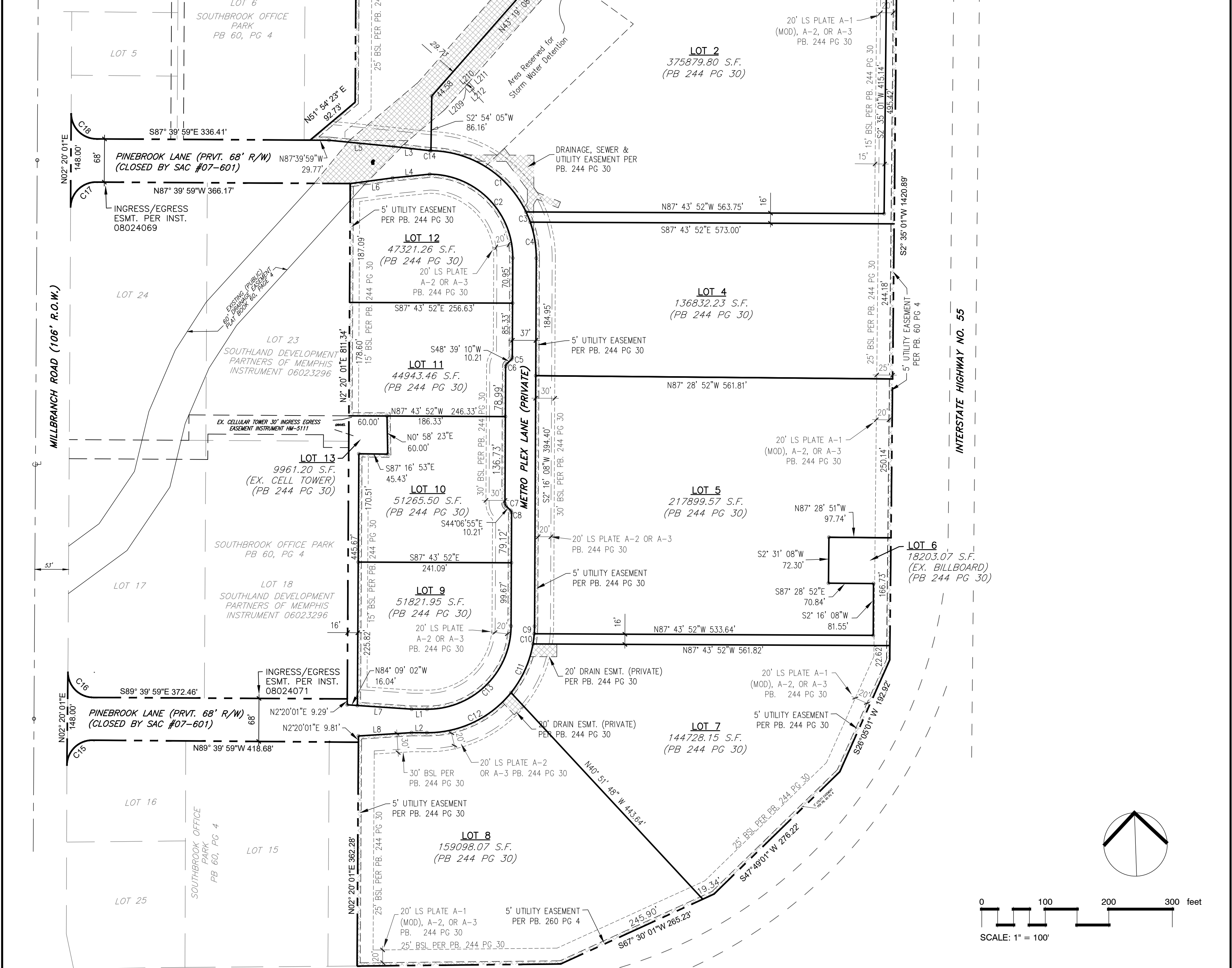
- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

CURVE TABLE						
#	Radius	Length	Delta	Tangent	Chord	Chord Bearing
C1	168.50	187.59	63°48'08"	104.85	178.05	S55°12'35"E
C2	131.50	206.41	89°56'07"	131.35	185.86	S42°41'56"E
C3	168.50	17.34	5°53'50"	8.68	17.34	S20°22'06"E
C4	168.50	57.90	19°41'18"	29.24	57.62	S07°34'32"E
C5	4.50	3.64	46°23'03"	1.93	3.54	S25°27'39"W
C6	5.50	4.45	46°23'03"	2.36	4.33	S25°27'39"W
C7	5.50	4.45	46°23'03"	2.36	4.33	S20°55'24"E
C8	4.50	3.64	46°23'03"	1.93	3.54	S20°55'24"E
C9	168.50	11.93	04°03'23"	5.97	11.93	S04°17'49"W
C10	168.50	16.12	05°28'52"	8.07	16.11	S09°03'56"W
C11	168.50	85.06	28°55'27"	43.46	84.16	S26°16'06"W
C12	168.50	151.76	51°36'12"	81.46	146.68	S66°31'55"W
C13	131.50	206.71	90°03'53"	131.65	186.07	N47°18'04"E
C14	168.50	1.66	00°33'50"	0.83	1.66	S87°23'04"E

LINE TABLE		
#	Length	Direction
L1	24.20	S87°43'52"E
L2	24.20	S87°43'52"E
L3	57.54	N81°30'33"W
L4	58.81	S86°16'08"W
L5	102.09	S82°25'25"E
L6	67.21	N84°23'28"E
L7	85.66	N84°09'02"W
L8	83.76	N88°27'21"E



Outline Plan
CDKIM CAMPUS PD
(Formerly Hutton Subdivision - PB 244, PG 30)

CASE NUMBER: PD ###-###-### FORMER CASE NUMBERS: S 07-027

MEMPHIS, TENNESSEE

NUMBER OF LOTS: 13 ACREAGE: 36.64 WARD 79, BLOCK 41-A, PARCELS 35C, 38C, 40C, 43C

DEVELOPER: YOUNG KIM 4601 HUTTON WAY MEMPHIS, TN 38138 SURVEYOR: HARRIS & ASSOCIATES 554 GREEN TREE COVE, STE 102B COLLIERVILLE, TN 38017

100 YEAR FLOOD ELEV: 262 FEMA MAP PANEL No. 470177 0420 F FEMA MAP DATE: 9/28/2007 AUGUST 2022 SCALE: 1" = 100' SHEET 1 OF 4

landscape architecture
planning

INTEGRATED LAND SOLUTIONS, PLLC
 9967 Bentwood Creek Cv. Collierville, Tn 38017
 901.493.6996 corybrady@gmail.com

I. INTENT

The intent of this planned development is to regulate the sequential development of an automotive dealership campus having multiple dealerships and their accessory uses and/or structures distributed among the 36.64-acre property.

II. USES PERMITTED

- A. Vehicle Sales, Rental, or Leasing (Excluding Tractor Trailers, Heavy Trucks, Manufactured Housing); Vehicle Service; Vehicle Repair, Minor Utilities, CMCS Towers and facilities, Solar Farm, Permanent Off-Premise Advertising Sign (See VI.B.), Commercial Parking.
- B. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.
- C. Principal and/or Accessory uses shall be permitted upon any lot or portion of any lot established by the Hutton Subdivision (PB 244 PG 30)

III. BULK REGULATIONS

- A. The Building Envelope Standards for Nonresidential CMU-3 District Section 3.10.B of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.
- B. Building Setbacks:
 - 1. Front:
 - a. Interstate 55: 25-feet
 - b. Shelby Drive East: 25-feet
 - c. Metro Plex Lane: 30-feet
 - 2. Perimeter Side/Rear:
 - a. Lot 1 and Lot 2: 25-feet
 - b. Lot 7 and Lot 8: 25-feet
 - c. Lots 9-12: 15-feet
 - 3. Interior Side: 5-feet

IV. ACCESS, PARKING AND CIRCULATION

- A. Riverbrook Drive (private, existing), Pinebrook Drive (private, existing), and Metro Plex Lane (private, existing) shall be owned and maintained by the property owner or a property owner's association.
- B. Access to Southbrook Office Park (PB 60 PG 4) shall be conveyed via Ingress/Egress Easement per instrument # 08024069.
- C. All Internal drives shall be private, owned and maintained by the property owner or a property owners association.
- D. Access to Shelby Drive or Interstate 55 is prohibited.
- E. The design and location of curb cuts to be approved by the City Engineer.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- G. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- F. Off Street Parking:
 - 1. Shared parking shall be allowed for all permitted uses.
 - 2. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.

V. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Sub-Section 4.5.5(D) and Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. LS Plate A-1 Modified, A-2, or A-3 (or equivalent) shall be required along the frontages of Shelby Drive, Interstate 55 and Metro Plex Lane.
- C. LS Plate A-1 Modified or equivalent shall be required along the north boundary of the property.
- D. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight 8-feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

VI. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VII. SIGNS

- A. Signs shall be permitted in accordance Chapter 4.9 of the Unified Development Code as modified.
- B. No more than two (2) Permanent Off-Premise Signs shall be permitted. Permanent Off-Premise signs shall be regulated in accordance with Section 4.9.8 of the Unified Development Code and as follows.
- C. Two (2) Integrated Center Signs shall be permitted. One at the intersection of Pinebrook Drive North and one Pinebrook Drive South.
- D. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VIII. DRAINAGE

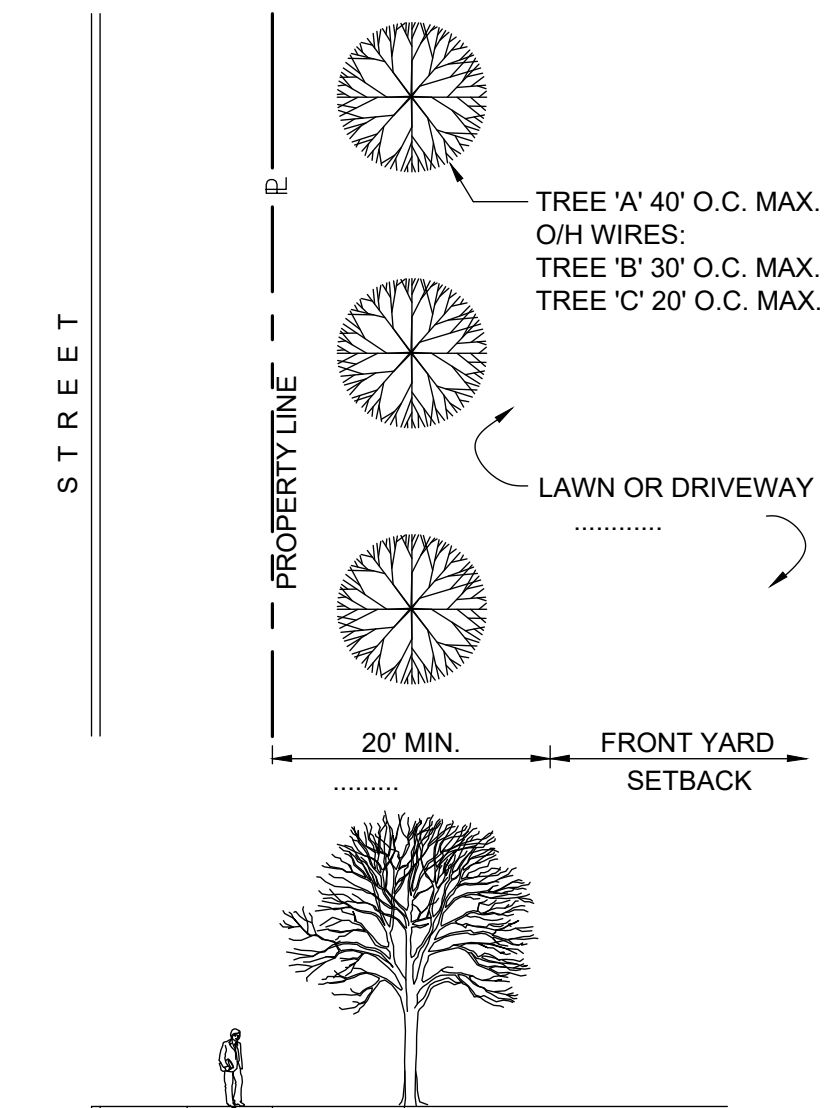
- A. All drainage plans shall be submitted to the City Engineer for review and approval.
- B. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

IX. MISCELLANEOUS

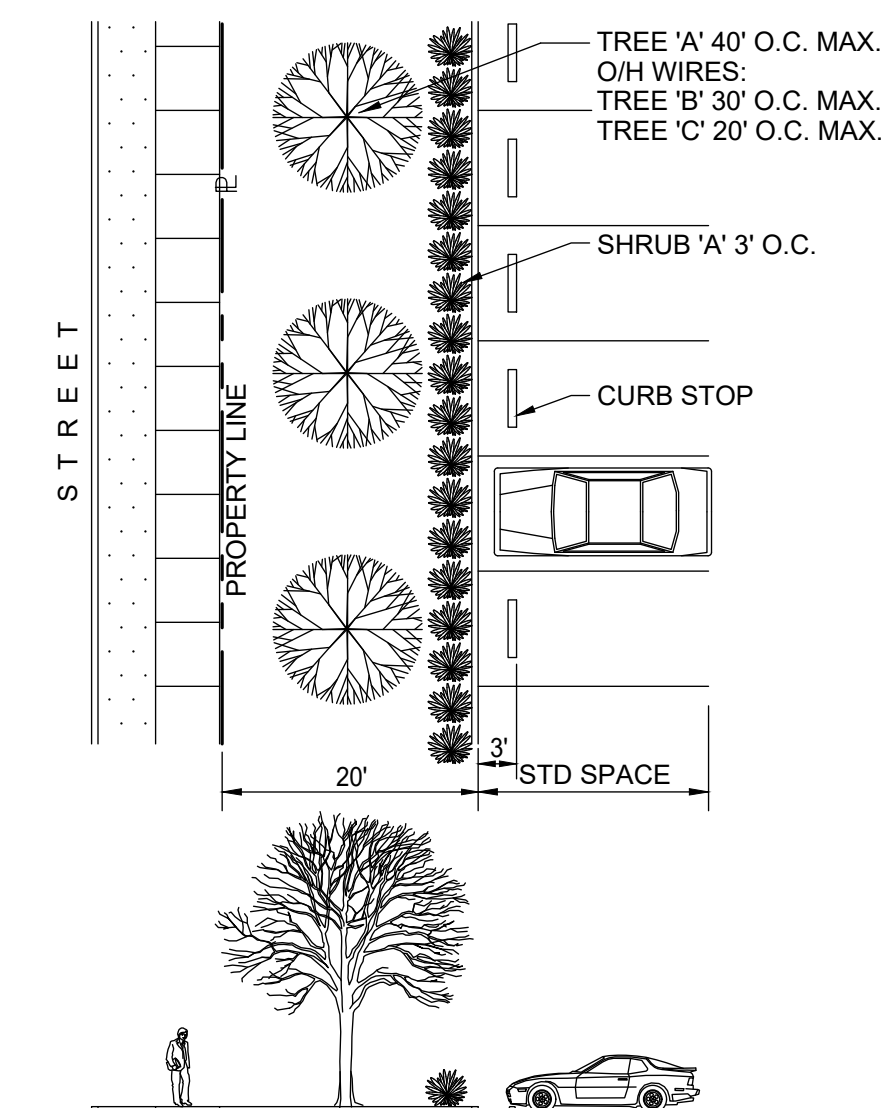
- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

X. PERIOD OF VALIDITY

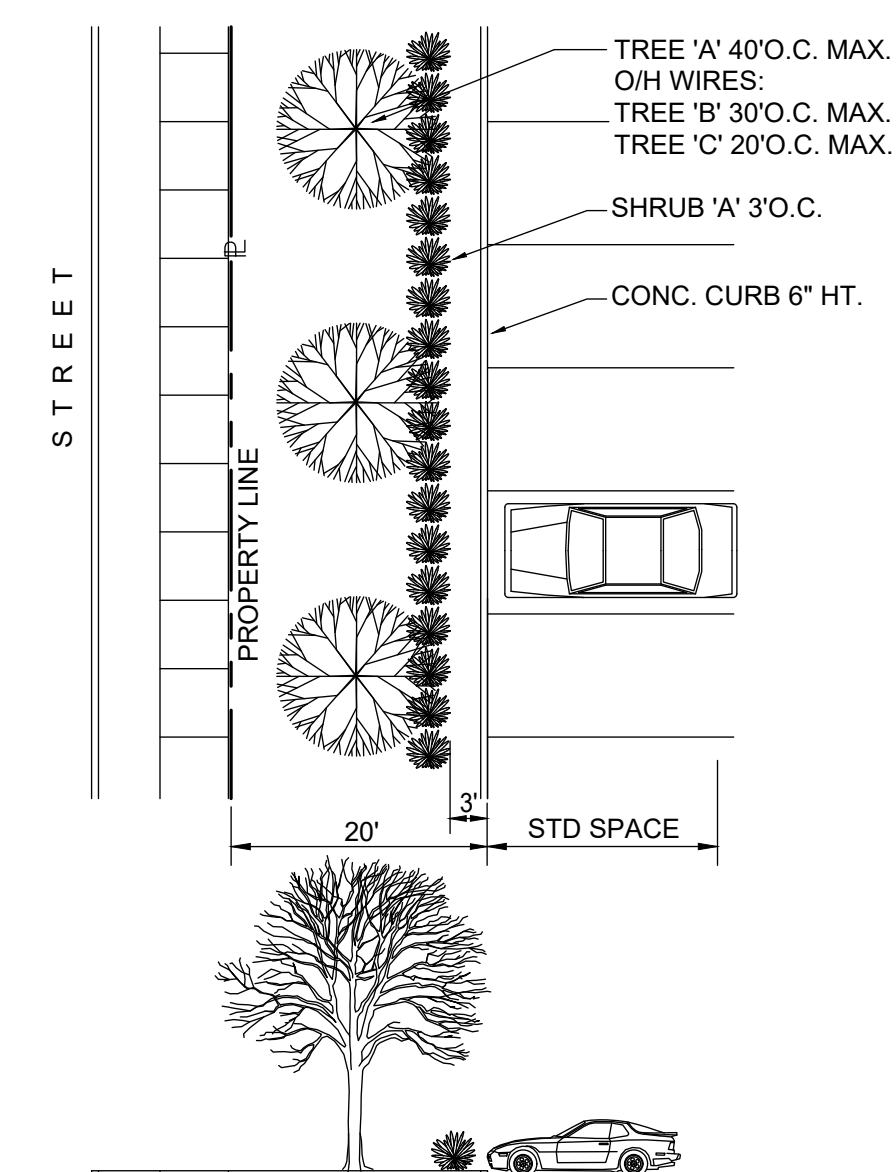
- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.



LANDSCAPE PLATE "A-1 (MODIFIED)"
(N.T.S.)



LANDSCAPE PLATE "A-2"
(N.T.S.)



LANDSCAPE PLATE "A-3"
(N.T.S.)

Conditions		
CDKIM CAMPUS PD		
(Formerly Hutton Subdivision - PB 244, PG 30)		
CASE NUMBER: PD ##-###		FORMER CASE NUMBERS: S 07-027
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 13	ACREAGE: 36.64	WARD 79, BLOCK 41-A, PARCELS 35C, 38C, 40C, 43C
DEVELOPER: YOUNG KIM 4601 HUTTON WAY MEMPHIS, TN 38138		SURVEYOR: HARRIS & ASSOCIATES 554 GREEN TREE COVE, STE 102B COLLIERVILLE, TN 38017
100 YEAR FLOOD ELEV: 262	FEMA MAP PANEL No. 470177 0420 F	FEMA MAP DATE: 9/28/2007
AUGUST 2022	SCALE: 1" = 100'	SHEET 2 OF 4



LOT 66 LOT 67
GARDEN VIEW SUB
(PB 21, PG 60)

MEMPHIS & SHELBY COUNTY TAX SALE
BOOK 9455, PAGE 3

5' UTILITY EASEMENT
PER PB. 244 PG 30

LS PLATE A-1
PB 244 PG 30

LS PLATE A-1
PB 244 PG 30

LOT 1
SOLAR FARM

APPROX. AREA
OF 500 YEAR FLOOD LINE
(SHADED ZONE X PER FIRM)

EXISTING (PUBLIC)
60' DRAINAGE EASEMENT
(PB 60, PG 4)

VEHICLE
STORAGE

LOT 3
EXISTING
BILLBOARD

5' UTILITY EASEMENT
PER PB. 244 PG 30

LOT 6
SOUTHBROOK OFFICE
PARK
PB 60, PG 4

LOT 5

20' LS PLATE A-1 (MOD)
PB. 244 PG 30

LOT 2
AUTOMOTIVE
DEALERSHIP

Area Reserved for
Storm Water Detention

DRAINAGE, SEWER &
UTILITY EASEMENT PER
PB. 244 PG 30

PINEBROOK LANE NORTH
(PRVT. 68' R/W)
(CLOSED BY SAC #07-601)

INGRESS/EGRESS
ESMT. PER INST.
08024069

LOT 12
OFFICE

20' LS PLATE
A-2 OR A-3
PB. 244 PG 30

EXISTING (PUBLIC)
60' DRAINAGE EASEMENT
(PB 60, PG 4)

ACC.
CAR
WASH

5' UTILITY EASEMENT
PER PB. 244 PG 30

LOT 4
EXISTING
AUTOMOTIVE
DEALERSHIP

5' UTILITY EASEMENT
PER PB. 60 PG 4

LOT 24

LOT 23
SOUTHLAND DEVELOPMENT
PARTNERS OF MEMPHIS
INSTRUMENT 06023296

LOT 11
VEHICLE WASH

5' UTILITY EASEMENT
PER PB. 244 PG 30

VEHICLE
STORAGE

LOT 10
DETAIL/
PHOTO

EX. CELLULAR TOWER 30' INGRESS/EGRESS
EASEMENT INSTRUMENT 144-5111

LOT 13
9961.20 S.F.
(EX. CELL TOWER)
(PB 244 PG 30)

VEHICLE
STORAGE

20' LS PLATE A-1 (MOD)
PB. 244 PG 30

LOT 5
EXISTING
AUTOMOTIVE
DEALERSHIP

LOT 6
EXISTING
BILLBOARD

SOUTHBROOK OFFICE PARK
PB 60, PG 4

LOT 17

LOT 18
SOUTHLAND DEVELOPMENT
PARTNERS OF MEMPHIS
INSTRUMENT 06023296

LOT 9
SUPERCHARGING
PLAZA

20' LS PLATE A-2 OR A-3
PB. 244 PG 30

5' UTILITY EASEMENT
PER PB. 244 PG 30

INGRESS/EGRESS
ESMT. PER INST.
08024071

20' DRAIN ESMT. (PRIVATE)
PER PB. 244 PG 30

20' LS PLATE A-1 (MOD)
PB. 244 PG 30

20' DRAIN ESMT. (PRIVATE)
PER PB. 244 PG 30

5' UTILITY EASEMENT
PER PB. 244 PG 30

PINEBROOK LANE SOUTH
(PRVT. 68' R/W)
(CLOSED BY SAC #07-601)

LOT 16

SOUTHBROOK OFFICE
PARK
PB 60, PG 4

LOT 8
AUTOMOTIVE
DEALERSHIP

20' LS PLATE A-2
OR A-3 PB. 244 PG 30

5' UTILITY EASEMENT
PER PB. 244 PG 30

5' UTILITY EASEMENT
PER PB. 260 PG 4

LOT 7
ACCESSORY VEHICLE
SALES LOT

LOT 25

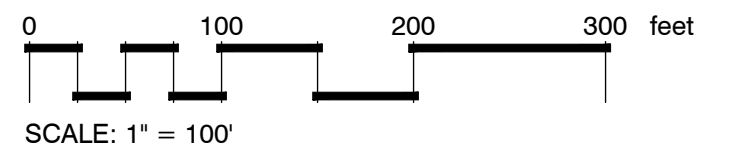
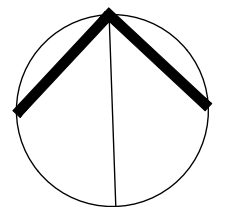
LOT 15

SHELBY DRIVE EAST

METRO PLEX LANE (PRIVATE)

INTERSTATE HIGHWAY NO. 55

MILLBRANCH ROAD (106' R.O.W.)

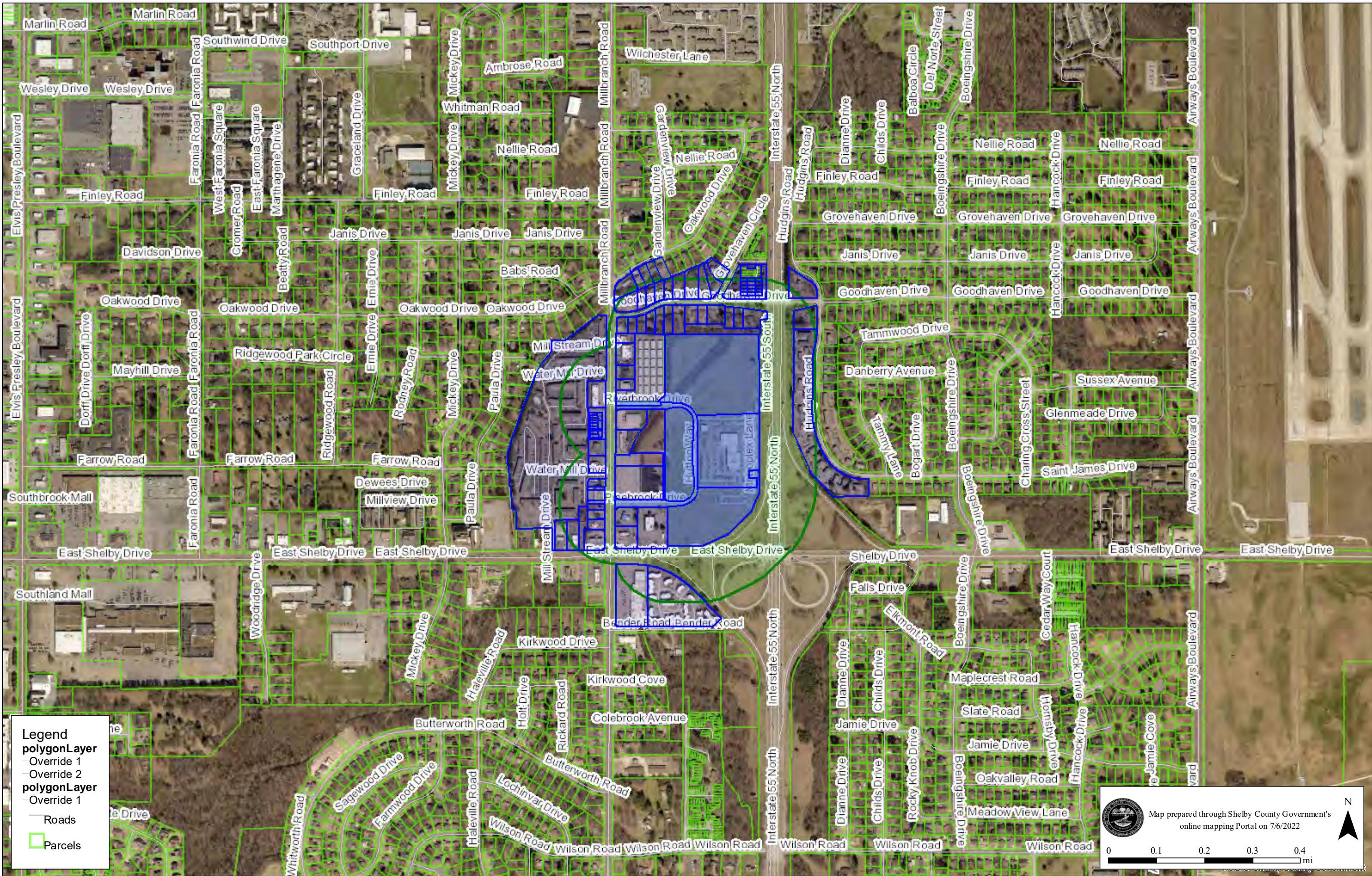


Concept Plan
CDKIM CAMPUS PD
(Formerly Hutton Subdivision - PB 244, PG 30)

CASE NUMBER: PD ###-###		FORMER CASE NUMBERS: S 07-027
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 13	ACREAGE: 36.64	WARD 79, BLOCK 41-A, PARCELS 35C, 38C, 40C, 43C
DEVELOPER: YOUNG KIM 4601 HUTTON WAY MEMPHIS, TN 38138		SURVEYOR: HARRIS & ASSOCIATES 554 GREEN TREE COVE, STE 102B COLLIERVILLE, TN 38017
100 YEAR FLOOD ELEV: 262	FEMA MAP PANEL No. 470177 0420 F	FEMA MAP DATE: 9/28/2007
AUGUST 2022	SCALE: 1" = 100'	SHEET 3 OF 4

landscape architecture
planning

INTEGRATED LAND SOLUTIONS, PLLC
9967 Bentwood Creek Cv. Collierville, Tn 38017
901.493.6996 corybrady@gmail.com



Legend

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels

Map prepared through Shelby County Government's
online mapping Portal on 7/6/2022

0 0.1 0.2 0.3 0.4

mi

N

HUTTON HENRY LLC
2471 MOUNT MORIAH
MEMPHIS TN 38115

SANDLIAN COLBY B AND GENEVIEVE B
PO BOX 612
FISHERS IN 46038

HUTTON HENRY LLC
2471 MOUNT MORIAH RD
MEMPHIS TN 38115

COCAINE & ALCOHOL AWARENESS PROGRAM INC
PO BOX 2007
MEMPHIS TN 38101

KHALEF SAM W
6565 MCCAIN DR
SOUTHAVEN MS 38671

HUTTON HENRY LLC
2471 MOUNT MORIAH
MEMPHIS TN 38115

AUSTIN ONEIDA E
1731 OAKWOOD DR
MEMPHIS TN 38116

FREUNDLICH LANCE M
77 5TH AVE #2B
NEW YORK NY 10003

REED DEMETRIA L
1744 GOODHAVEN DR
MEMPHIS TN 38116

HERRON NINA D
1786 GROVEHAVEN CIR
MEMPHIS TN 38116

DAVIS EDDIE M
5395 LOCHINVAR RD
MEMPHIS TN 38116

MORGAN IDA L
4427 WILLOWGROVE CV
MEMPHIS TN 38116

HARRIS MARSHA D AND ASHUNN J
5338 HALEVILLE RD
MEMPHIS TN 38116

HEFFNER SAMUEL & THELMA R
1400 BLUEBERRY DR
MEMPHIS TN 38116

CUNNINGHAM ANTOINE AND ANGELA CUNNINGHAM
4785 ROCKY KNOB DR
MEMPHIS TN 38116

JONES CHRISTOPHER (ESTATE OF)
4439 WILLOWGROVE CV
MEMPHIS TN 38116

BURESS CARRIE J
1767 GOODHAVEN DR
MEMPHIS TN 38116

PICKENS ELAINE A
1783 GOODHAVEN DR
MEMPHIS TN 38116

MATHEWS HOLDING LLC
2 AMY CT
JAMESTOWN NC 27282

WILLIAMS GWIN & VALERIE D
4461 HUDGINS RD
MEMPHIS TN 38116

WILLIAMS TALMADGE & NOLIA B C
1719 GOODHAVEN DR
MEMPHIS TN 38116

AUGUST WISDOM PROPERTY TRUST
11781 MAGNOLIA PARK CT
LAS VEGAS NV 89141

NORTON LEROY JR
4557 MILLBRANCH RD
MEMPHIS TN 38116

NORTON LEROY JR
4557 MILLBRANCH RD
MEMPHIS TN 38116

O'S REALTY INC
1569 MAIN ST
SOUTHAVEN MS 38671

REALTY INCOME PROPERTIES 30 LLC
11995 EL CAMINO REAL
SAN DIEGO CA 92130

WARAICH PROPERTIES INC
3919 FOREST POINTE WAY
ARLINGTON TN 38002

MOFFIC EVAN B
315 ASPEN LN
HIGHLAND PARK IL 60035

MILLBROOKS SHARON & SYLVESTER
1709 OAKWOOD DR
MEMPHIS TN 38116

COUNCIL OF CO OWNERS OF WILLOWGROVE
1725 HOLMES RD
MEMPHIS TN 38119

HAMILTON REEDERL & CAROL B
1699 OAKWOOD DR
MEMPHIS TN 38116

GRIFFIN PAULINE AND FRANKIE L SMITH
4439 HUDGINS RD
MEMPHIS TN 38116

CHEN FRANK
1251 WILLIAM
HERCULES CA 94547

TREJO LUIS
1736 GOODHAVEN DR
MEMPHIS TN 38116

JOPLIN JOAN H AND CHARLES L DORSEY SR
4431 WILLOWGROVE CV
MEMPHIS TN 38116

OMO RENE
2197 WESTMORELAND DR
SAN JOSE CA 95124

JACKSON LINDSAY D
1787 GROVEHAVEN CIR
MEMPHIS TN 38116

WALLACE HELEN L
4433 WILLOWGROVE CV
MEMPHIS TN 38116

WASHINGTON KEITH
4432 WILLOWGROVE CV
MEMPHIS TN 38116

BRANCH BRUCE B
2631 MISTYWOODS CV S
CORDOVA TN 38016

MULL ALONZO JR
4437 WILLOWGROVE CV
MEMPHIS TN 38116

MYLES DARRYL K
4436 WILLOWGROVE CV
MEMPHIS TN 38116

JETT DEDRICK S
1783 GROVEHAVEN CIR
MEMPHIS TN 38116

DUKES CHARLES E
4438 WILLOWGROVE CV
MEMPHIS TN 38116

IGDS LLC

EDMOND EARNEST & DAISY J
1773 GOODHAVEN DR
MEMPHIS TN 38116

AYERS CALANDRA M AND MARVIN L AYERS
1797 GOODHAVEN DR
MEMPHIS TN 38116

CONNER MAXINE
1805 GOODHAVEN DR
MEMPHIS TN 38116

GARDNER HARRIETTE
3563 PENTON ST
JACKSONVILLE FL 32209

RELI LLC
1001 YORKTOWN RD
COLLIERVILLE TN 38017

TENNESSEE WATKINS LLC
20276 E 1110 RD
ELK CITY OK 73644

MORSHED IBRAHIM (3/4%) AND NAGI-A-SALEH
4480 MILLBRANCH
MEMPHIS TN 38116

NAKHLEH KAMAL I & RAYA H
1295 BRADY HOLLOW LN
CORDOVA TN 38018

TRAN CAM LAI THI
375 STONEWALL ST
MEMPHIS TN 38112

LITTLE DANIEL J AND CHERI L SIMMONS
631 MYSTIC LN
SACRAMENTO CA 95864

TURTLE CREEK OF TENNESSEE
PO BOX 27249
INDIANAPOLIS IN 46227

EDWARDS KENNETH W
8652 POPLAR PIKE
GERMANTOWN TN 38138

O'S REALTY INC
1569 MAIN ST
SOUTHAVEN MS 38671

MCGEE JESSE E LIVING TRUST
9222 S RIVEREDGE DR
CORDOVA TN 38018

ROBINSON FRANK L & NAOMI C LIVING TRUST
3769 MASONWOOD LN
MEMPHIS TN 38116

WARAICH PROPERTIES INC
3919 FOREST POINTE WAY
LAKELAND TN 38002

WARAICH PROPERTIES INC
3919 FOREST POINTE WAY
LAKELAND TN 38002

TRIMMERS BARBAR SHOP & STYLE INC
1020 HESTER RD
MEMPHIS TN 38116

WARAICH PROPERTIES INC
3919 FOREST POINTE WAY
LAKELAND TN 38002

WARAICH PROPERTIES INC
3919 FOREST POINTE WAY
BOLIVAR TN 38008

6647 BERGEN REALTY LLC
711 TOMPKINS AVE
STATEN ISLAND NY 10305

WARAICH PROPERTIES INC
3919 FOREST POINTE WAY
LAKELAND TN 38002

F & L ASSOCIATES
10325 LONG RD
ARLINGTON TN 38002

HOPKINS DOROTHY N
1766 GOODHAVEN DR
MEMPHIS TN 38116

BLAIR HAROLD & GLORIA J
1792 GROVEHAVEN CIR
MEMPHIS TN 38116

HUTTON HENRY LLC
2471 MOUNT MORIAH
MEMPHIS TN 38115

CROSBY MARY AND CHANNIN CROSBY (RS)
1743 GOODHAVEN DR
MEMPHIS TN 38116

PICKENS CHARLES A
1783 GOODHAVEN DR
MEMPHIS TN 38116

SINGH BALDEV (50%) AND PARAMJIT KAUR
4560 MILLBRANCH
MEMPHIS TN 38116

MOATESEM ITAYEM
4599 MILLBRANCH RD
MEMPHIS TN 38116

ITAYEM MOATESEM I & ROZANA IWAIS
4056 DELGATE CV
MEMPHIS TN 38125

ITAYEM MOATESEM
4599 MILLBRANCH RD
MEMPHIS TN 38116

MOATESEM ITAYEM
4599 MILLBRANCH RD
MEMPHIS TN 38116

FIFTY FIVE SHELBY METROPLEX
2471 MOUNT MORIAH RD
MEMPHIS TN 38115

UNITED STORAGE PARTNERS LLC
4901 N ARMENIA AVE
TAMPA FL 33603

UNITED STORAGE PARTNERS LLC
4901 N ARMENIA AVE
TAMPA FL 33603

LEDBETTER SCOTT P
555 PERKINS EXT #200
MEMPHIS TN 38117

1776 GOODHAVEN DRIVE TRUST
1100 AZIE MORTON RD #1105
AUSTIN TX 78704

NORTON LEROY JR
4557 MILLBRANCH RD #1
MEMPHIS TN 38116

NORTON LEROY JR
4557 MILLBRANCH RD #1
MEMPHIS TN 38116

NORTON LEROY JR
4557 MILLBRANCH RD #1
MEMPHIS TN 38116

UNITED STORAGE PARTNERS LLC
4901 N ARMENIA AVE
TAMPA FL 33603

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

PREFERRED TRUST CO L L C FBO GAYLE P
2140 E PEBBLES RD #140
LAS VEGAS NV 89123

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

NORTON LEROY JR
4557 MILLBRANCH RD #1
MEMPHIS TN 38116

NORTON LEROY JR
4557 MILLBRANCH RD #1
MEMPHIS TN 38116

DENTIST OFFICE PLLC
4561 MILLBRANCH RD #1
MEMPHIS TN 38116

HEALTH EDUCATION AND HOUSING FACILITY
6075 POPLAR AVE #630
MEMPHIS TN 38119

HEALTH EDUCATIONAL AND HOUSING FACILITY
2650 THOUSAND OAKS BLVD #3100
MEMPHIS TN 38118

INTEGRATED LAND SOLUTIONS, PLLC
9967 BENTWOOD CREEK CV.
COLLIERVILLE TN 38017


YOUNG KIM
4601 HUTTON WAY
MEMPHIS, TN 38116

RANDY CHUMLEY
2471 MT. MORIAH RD.
MEMPHIS, TN 38115

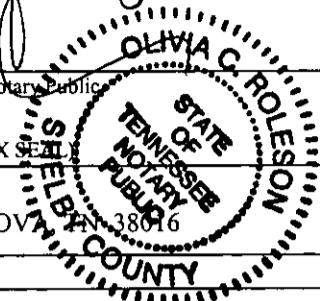


Tom Leatherwood
Shelby County Register

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

 08019121	
02/07/2008 - 03:34 PM	
3 PGS : R - WARRANTY DEED	
MAX 550716-8019121	
VALUE	1949218.50
MORTGAGE TAX	0.00
TRANSFER TAX	7212.11
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	7230.11
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

WARRANTY DEED	STATE OF TENNESSEE COUNTY OF SHELBY THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$1,949,218.50 Affiant: <i>[Signature]</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS THE <u>7th</u> DAY OF FEBRUARY, 2008. Notary Public: <i>[Signature]</i> My Commission Expires November 20, 2011 (AFFIX SEAL)
----------------------	---



THIS INSTRUMENT WAS PREPARED BY:
 BEATY & ASSOCIATES, P.C., 8130 COUNTRY VILLAGE DRIVE, CORDOVA, TN 38016

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
HENRY HUTTON, LLC <small>(NAME)</small>	HENRY HUTTON, LLC <small>(NAME)</small>	079-041-A00008, 079-041-A00009, 079-041-A00010, 079-041-A00011,
2471 MT. MORIAH RD. <small>(ADDRESS)</small>	2471 MT. MORIAH RD. <small>(ADDRESS)</small>	079-041-A00012, 079-041-A00013, 079-041-A00020, 079-041-A00020L,
MEMPHIS, TN 38115 <small>(CITY) (STATE) (ZIP)</small>	MEMPHIS, TN 38115 <small>(CITY) (STATE) (ZIP)</small>	079-041-A00021, 079-041-A00022, 079-041-A00023, 079-041-A00030, 079-041-A00025

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, cash in hand paid by the hereinafter named grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, **SOUTHLAND DEVELOPMENT PARTNERS OF MEMPHIS, a Tennessee general partnership composed of Terry A. Lynch, Gail R. Schledwitz, and Robin G. Lynch**, hereinafter called the Grantor, has bargained and sold, and by these presents does hereby bargain, sell, transfer, and convey unto **HENRY HUTTON, LLC, a Tennessee limited liability company**, hereinafter called the Grantee, its successors and assigns, a certain tract or parcel of land in Shelby County, state of Tennessee, described as follows, to-wit:

SEE ATTACHED EXHIBIT A FOR REAL PROPERTY DESCRIPTION

unimproved This is improved property, known as **Vacant Land**

(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantor, its heirs and assigns forever; and Grantor does covenant with the said Grantee that it is lawfully seized and possessed of said land in fee simple, has a good right to convey it and the same is unencumbered, except for all assessments, city taxes due for the tax year 2008, and county taxes due for the tax year 2008, and thereafter, not yet due and payable, all for Parcel Numbers 079-041-A00008, 079-041-A00009, 079-041-A00010, 079-041-A00011, 079-041-A00012, 079-041-A00013, 079-041-A00020, 079-041-A00020L, 079-041-A00021, 079-041-A00022, 079-041-A00023, 079-041-A00030, and 079-041-A00025; subdivision restrictions, building lines and easements of record in Plat Book 60, Page 4, Plat Book 59, Page 6, and at Instrument Number GW 1104; easements of record in Chattel Book 283, Page 286, Book 1620, Page 37, Book 3423, Page 314, Book 3892, Page 223, and at Instrument Number F7 9907; Site Barrier Agreement of record at Instrument Number HA 8858; lease of record at Instrument Number N1 4011; lease and easements of record at Instrument Numbers HM 5111 and 05173639; Notice of Lease of record at Instrument Number EH 7145 assigned at EY 1621; and Declaration of Covenants, Conditions and Restrictions to be recorded simultaneously with deed; all in the Register's Office of Shelby County, Tennessee; and location of billboard signs as shown on survey by W.H. Porter Consultants, PLLC dated May 4, 2007; and it does further covenant and bind itself, its heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, its heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my hand this 7th day of February, 2008.

**SOUTHLAND DEVELOPMENT PARTNERS
 OF MEMPHIS**
 By: *[Signature]*
TERRY A. LYNCH, MANAGING PARTNER

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, of the state and county mentioned, personally appeared TERRY A. LYNCH, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be MANAGING PARTNER of SOUTHLAND DEVELOPMENT PARTNERS OF MEMPHIS, a Tennessee general partnership, the within named bargainer, and that such MANAGING PARTNER executed the foregoing instrument for the purpose therein contained, by personally signing the name of the company as MANAGING PARTNER.

WITNESS, my hand and seal, at office in Memphis, this 7th day of February, 2008.

Karen Ehrett
NOTARY PUBLIC

MY COMMISSION EXPIRES
MARCH 11, 2008

My Commission Expires: _____

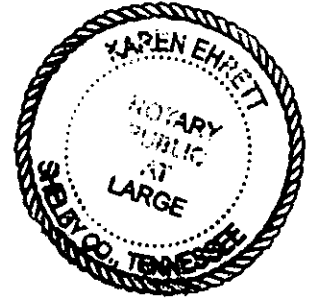


EXHIBIT A

Description of the Lots 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, and the remainders of Lots 7 and 14, and the property underlying Lakebrook Drive and parts of Pinebrook Drive and Riverbrook Drive, SOUTHBROOK OFFICE PARK SUBDIVISION, recorded in Plat Book 59, Page 6, re-recorded in Plat Book 60, Page 4, both recordings in the Shelby County Register's Office, more particularly described as follows:

Commencing at the intersection of the east line of Millbranch (106' ROW) with the north line of Pinebrook Drive (68' ROW); thence South 90°00'00" East, a distance of 412.46 feet to the Point of Beginning; thence continuing along said north line South 90°00'00" East, a distance of 27.54 feet; thence North 00°00'00" East leaving said north line, a distance of 811.34 feet to a point in the south line of Riverbrook Drive (68' ROW); thence along said south line North 90°00'00" West, a distance of 33.83 feet; thence North 00°00'00" East, leaving the south line, a distance of 68.00 feet to a point in the north line of Riverbrook Drive (68' ROW); thence North 90°00'00" West along the north line, a distance of 29.75 feet; thence North 49°35'52" East, leaving said north line, a distance of 92.78 feet; thence North 00°00'00" East, a distance of 545.21 feet; thence North 89°50'00" East, a distance of 852.77 feet to a point in the west line of Interstate 55 (ROW varies); thence along the west line of Interstate 55 the following courses: South 00°15'00" West, 1420.89 feet; South 23°45'00" West, 192.91 feet; South 45°29'00" West, 276.22 feet; and South 65°10'00" West, 265.23 feet to the north line of Shelby Drive (ROW varies); thence South 89°05'00" West along said north line a distance of 320.38 feet; thence North 00°00'00" East leaving said north line, a distance of 352.46 feet to a point in the south line of Pinebrook Drive (68' ROW); thence North 90°00'00" West along said south line, a distance of 45.47 feet; thence North 00°00'00" West, a distance of 68.00 feet to the Point of Beginning.

Containing 35.330 acres, more or less.

Description is taken from the survey prepared by W.H. Porter Consultants, PLLC dated May 4, 2007.


Being the same property conveyed to SOUTHLAND DEVELOPMENT PARTNERS OF MEMPHIS, a Tennessee general partnership by Clerk and Master's Deed recorded as Instrument Number 06203296 in the Register's Office of Shelby County, Tennessee.



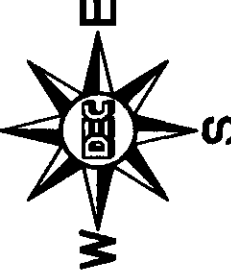
Tom Leatherwood

Shelby County Register

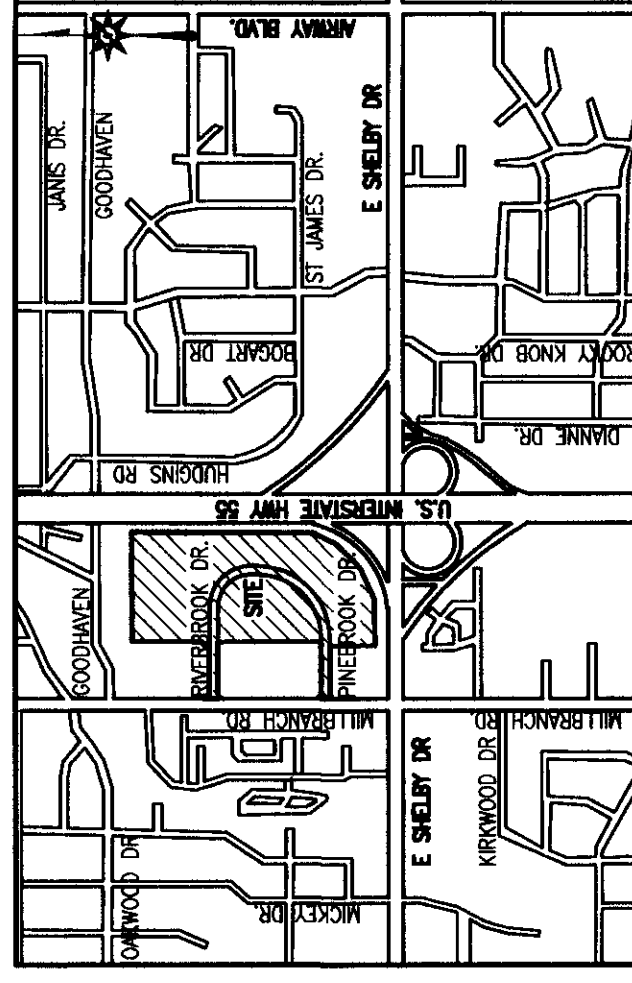
As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

	
10009105	
01/28/2010 - 03:39 PM	
4 PGS	
BUDDY 716769-10009105	
PLAT BOOK : 244	
PAGE : 30	
RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

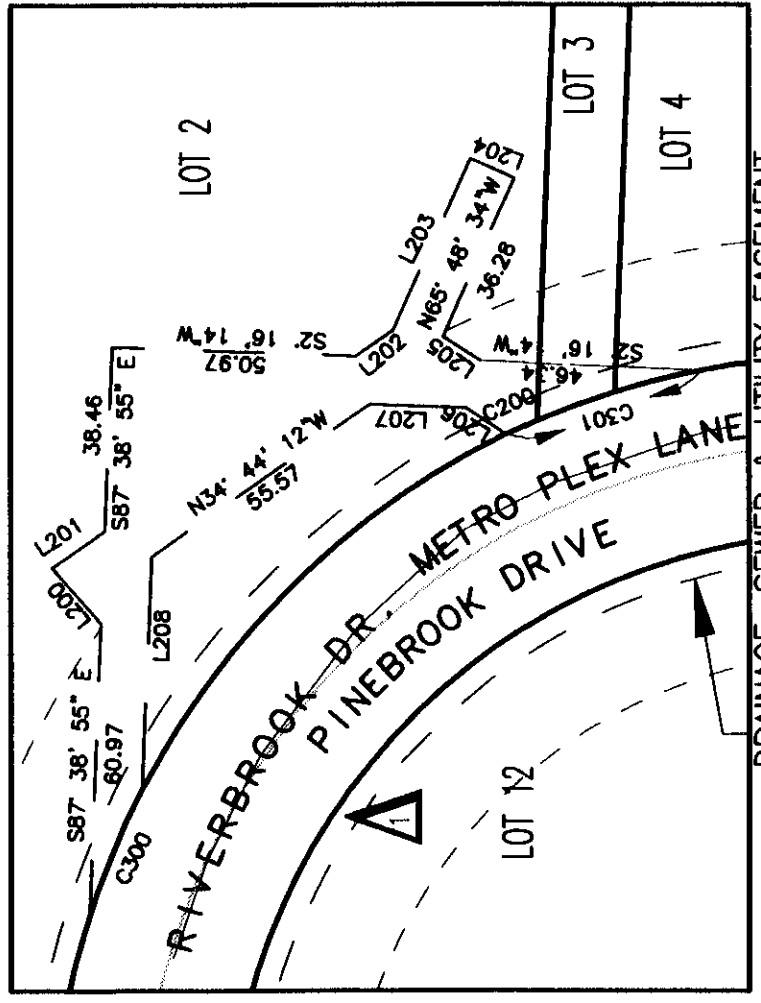
GEODETIC NORTH
BEARINGS SHOWN ARE RELATIVE
TO EACH OTHER ONLY.



THIS PLAT IS BEING RE-RECORDED TO RENAME STREETS
TO PINEBROOK DRIVE (NORTH AND SOUTH) AND TO ADD
THE AREA OF PINEBROOK DRIVE TO MILLBRANCH ROAD &
ADD INTEGRATED CENTER SIGN (ADD SHEETS 3, 4 & 5)
GRAPHIC SCALE 1" = 100'

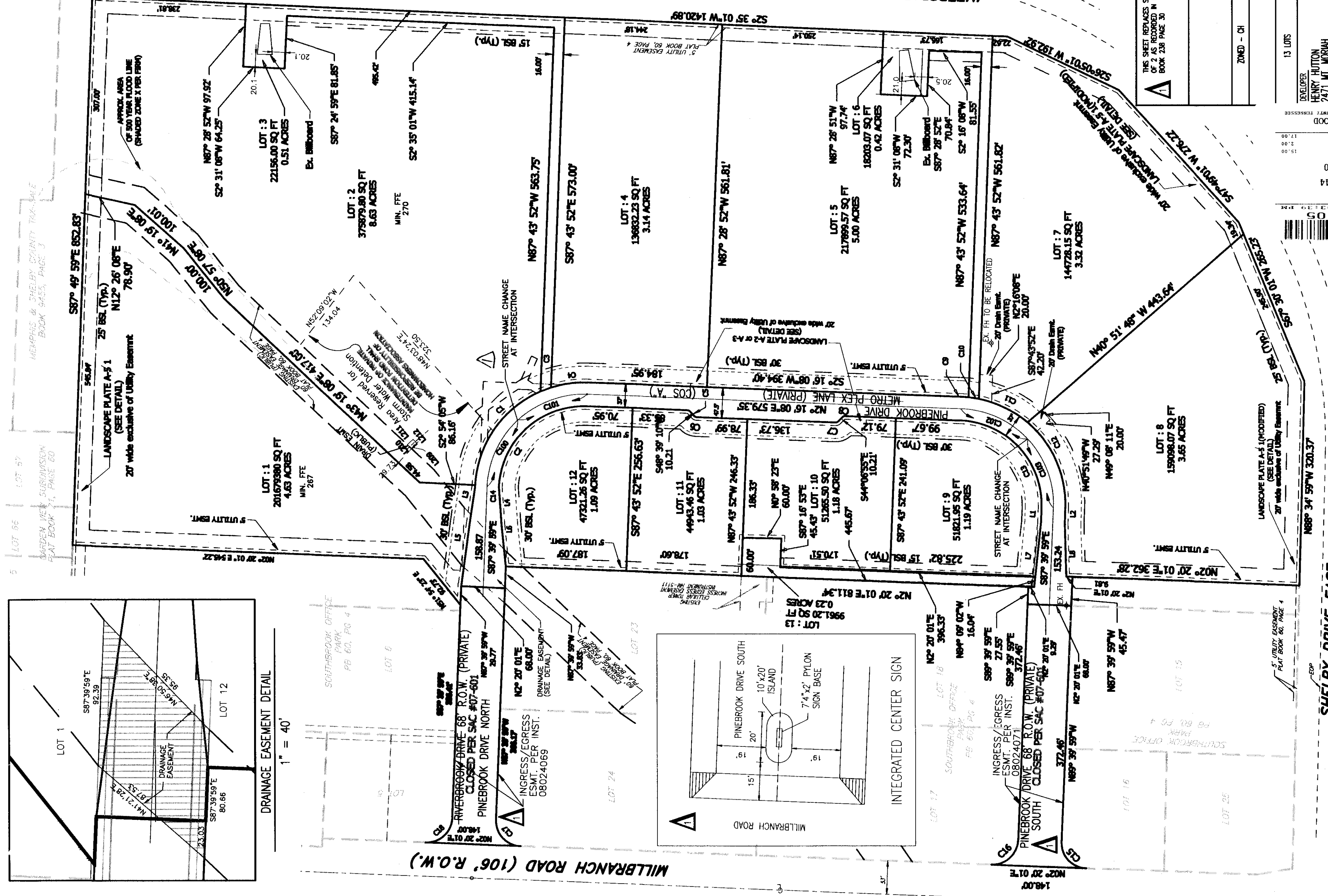


VICINITY MAP
N.T.S.



- NOTES:
1. THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA AS INDICATED BY FEMA PANEL NUMBER 470177 0420 F, DATED 28 SEPT. 2007. 100 YEAR FLOOD ELEVATION = 282.00
 2. PUBLIC ROADS PINEBROOK DR. & RIVERBROOK DR. ARE CLOSED PER SAC #07-601 & REPLACED WITH A 68' INGRESS/EGRESS EASEMENT.
 3. LOT CURVE/LINE DATA, EASEMENT CURVE/LINE DATA, & CENTERLINE CURVE DATA ARE LOCATED ON SHEET 2 OF 2.
 4. A PROPERTY OWNERS ASSOCIATION, INSTRUMENT # 08024070, SHALL BE ESTABLISHED. THE PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL PRIVATE DRIVES, DETENTION PONDS, COMMON AREAS, AND FACILITIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SUCH AREAS UNTIL THE PROPERTY OWNERS ASSOCIATION INSTRUMENT NUMBER IS RECORDED. THIS PLAT SHALL BE RE-RECORDED TO REFLECT THE REGISTERED INSTRUMENT NUMBER OF THE PROPERTY OWNERS ASSOCIATION.
 5. EXISTING EASEMENTS PER SOUTHBROOK OFFICE PARK FINAL PLAT (PLAT BOOK 60 PG. 4) AROUND LAMBERSOKE DRIVE AND LOT LINES SHALL BE ABANDONED BY A SEPARATE INSTRUMENT NUMBER PRIOR TO THE RECORDING OF THE FINAL PLAT.
 6. LANDSCAPE PLATE "A-2", "A-3", OR "A-51" OR EQUIVALENT ALTERNATIVE SHALL BE EMPLOYED DEPENDING ON THE PARKING ORIENTATION OF EACH PARCEL DEVELOPMENT. LANDSCAPING SHALL NOT BE PLACED ON SEWER OR DRAINAGE EASEMENTS. SEE LANDSCAPE PLATE DETAILS ON SHEET 2 OF 2.
 7. STREET NAME "PINEBROOK DRIVE" AS INDICATED IN PLAT BOOK 60, PAGE 4, SHALL CHANGE TO "METRO PLEX LANE" METRO PLEX LANE SHALL BEGIN AT THE INTERSECTION ALONG THE CURVE OF PINEBROOK DRIVE AND SHALL END AT THE INTERSECTION ALONG THE CURVE OF RIVERBROOK DRIVE AS INDICATED.
 8. Please be advised that a building permit issued by the Memphis/Shelby County Office of Construction Code Enforcement does not allow for alterations and/or improvements to any Right-of-Way (R.O.W.) maintained by the City of Memphis. Alterations and/or improvements to City of Memphis R.O.W. include but are not limited to work performed on sidewalks, curb and gutter, driveway aprons and utility tie-ins. R.O.W. permits must be obtained from the Memphis City Engineer's Office at ph. 978-8700.
 9. THIS PLAT DEMONSTRATES COMPLIANCE WITH THE TREE ORDINANCE.

INTERSTATE HIGHWAY NO. 55



FINAL PLAT

HUTTON SUBDIVISION
FORMER SOUTHBROOK OFFICE PARK
AS RECORDED IN PLAT BOOK 60, PAGE 4

MEMPHIS, TENNESSEE

DEVELOPER	HENRY HUTTON 2471 MT. MORIAH MEMPHIS, TN 38115	ENGINEER / SURVEYOR	DAVIS ENGINEERING CO. INC. 6625 LENOX PARK, SUITE 117 MEMPHIS, TN 38115
13 LOTS	36.84 +/- TOTAL ACRES	FEMA COMMUNITY PANEL NUMBER	(901) 365-9700
PLAT BOOK	244	100 YEAR FLOOD ELEVATION	470177 0420 F
RECORDING FEE	17.00	FEMA MAP DATE	28 SEPTEMBER 2007
TOTAL AMOUNT	17.00		
DATE	12 NOVEMBER 2009		
SCALE	1 IN. = 100 FT.		
SHEET	1 OF 4		

RECORDER OF DEEDS, SHELBY COUNTY, TENNESSEE

TOM LEATHERWOOD

PLAT BOOK : 244

PAGE : 30

10009105

1/28/2010 10:33:39 AM

17859-10009105

RECORDING FEE

17.00

TOTAL AMOUNT

17.00

Curve Table

C#	Radius	Length	Delta	Tangent	Chord	Chord Bearing
C15	40.00	62.83	90°00'00"	40.00	56.57	S47°20'01"W
C16	40.00	62.83	90°00'00"	40.00	56.57	S47°29'59"E
C17	40.00	62.83	90°00'00"	40.00	56.57	S47°20'01"W
C18	40.00	62.83	90°00'00"	40.00	56.57	S47°29'59"E

SHELBY DRIVE EAST

OWNER'S CERTIFICATE

I (WE), HENRY HUTTON, THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY (OUR) PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHTS-OF-WAY, AND GRANT EASEMENTS AS SHOWN AND/OR DESCRIBED TO THE PUBLIC USE FOREVER. I (WE) CERTIFY THAT I (WE) AM (ARE) THE OWNER(S) OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES OR MORTGAGES WHICH HAVE BECOME DUE AND PAYABLE.

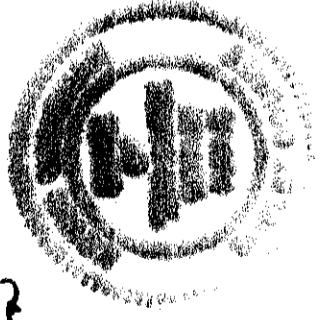
SIGNATURE [Signature] TITLE PRESIDENT

NOTARY'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED HENRY HUTTON, WITH WHOM I AM PERSONALLY ACCQUAINTED AND WHO, UPON OATH, ACKNOWLEDGE HIMSELF (HERSELF) TO BE PRESIDENT & CHIEF MANAGER OF THE HENRY HUTTON, LLC, THE WITHIN NAMED BARGAINER, AND THAT HE (SHE) EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, THIS 17th DAY OF November, 2009

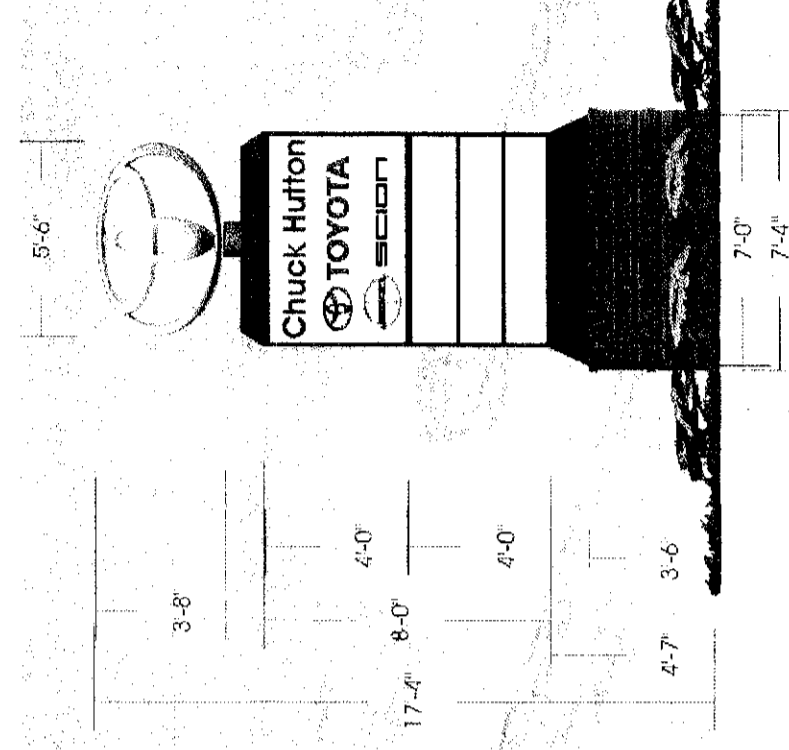
NOTARY PUBLIC [Signature] Kevin Lawrence
MY COMMISSION EXPIRES 01-20-11



CERTIFICATE OF SURVEY

IT IS HEREBY CERTIFIED THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED TRAVERSE IS 1: 10,000 OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATING TO THE PRACTICE OF SURVEYING.

BY BYRON L. HARRIS, JR
TENNESSEE CERTIFICATE NO. 1303



PROPOSED INTEGRATED SIGN
(ELEVATION VIEW)
(PER SIGN ORDINANCE)



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

THIS PLAT IS BEING RE-RECORDED TO DESIGNATE RIVERBROOK DRIVE AND PINEBROOK DRIVE (SAC 07-601) AS PRIVATE DRIVES, TO INCORPORATE THE CLOSED RIGHT-OF-WAYS WITHIN THE BOUNDARIES OF THE SUBDIVISION, TO CHANGE THE NAMES OF RIVERBROOK DRIVE TO PINEBROOK DRIVE NORTH, METRO PLEX LANE TO PINEBROOK DRIVE, AND PINEBROOK DRIVE TO PINEBROOK DRIVE SOUTH, TO ADD SHEETS 3 AND 4, AND TO SHOW THE LOCATION OF A NEW INTEGRATED CENTER SIGN WITHIN AN ISLAND AT THE ENTRANCE TO PINEBROOK DRIVE SOUTH.

BY Olson D. Baker DATE 1/25/10
DIRECTOR OF PLANNING AND DEVELOPMENT
OPD: SM DATE: 1-25-10
CITY ENGINEER: ND DATE: 1/25/10
ML&W: _____ DATE: _____



FINAL PLAT

HUTTON SUBDIVISION
FORMER SOUTHERBROOK OFFICE PARK
AS RECORDED IN PLAT BOOK 60 PAGE 4

CASE # S 07-027

MEMPHIS, TENNESSEE

36.64 +/- TOTAL ACRES

ENGINEER / SURVEYOR

DAVIS ENGINEERING CO. INC
6625 LENOX PARK, SUITE 117
MEMPHIS, TN 38115 (901) 767-1185

FEMA MAP DATE

28 SEPTEMBER 2007

SCALE: 1 IN. = 100 FT.

17 NOVEMBER 2009

SHEET 2 OF 4

07129c

NOTES:
1. THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA AS INDICATED BY FEMA PANEL NUMBER 470177 0420 F, DATED 28 SEPT. 2007. 100 YEAR FLOOD ELEVATION = 262.00

2. PUBLIC ROADS PINEBROOK DR. & RIVERBROOK DR. ARE CLOSED PER SAC #07-601 & REPLACED WITH A 68' INGRESS/EGRESS EASEMENT.

3. A PROPERTY OWNERS ASSOCIATION, INSTRUMENT NO.#08024070 IS ESTABLISHED. THE PROPERTY OWNERS ASSOCIATION SHALL BE SOLELY RESPONSIBLE FOR THE MAINTENANCE OF ALL PRIVATE DRIVES, DETENTION POND, COMMON OPEN SPACES, PRIVATE DRAINAGE AND THE PRIVATE SANITARY SEWER.



01/28/2010 - 03:39 PM

BUDDY 710799-10009105

PLAT BOOK : 244

PAGE : 30

RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00

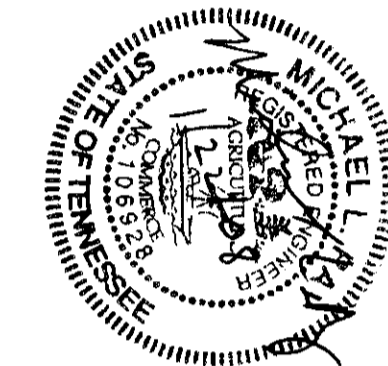
TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY, TENNESSEE

ENGINEER'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE AND LOCAL BUILDING LAWS AND REGULATIONS.

BY **MICHAEL L. RAY**
 TENNESSEE CERTIFICATE NO. **1065129**



CERTIFICATE OF SURVEY
 IT IS HEREBY CERTIFIED THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED TRAVERSE IS 1: 10,000 OR GREATER. THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS AND THE PRACTICE OF SURVEYING.

BY **Joe S. Wiseman**
 TENNESSEE CERTIFICATE NO. **1932**

Joe S. Wiseman
 1/22/08

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

THIS PLAT WAS APPROVED BY THE MEMPHIS CITY COUNCIL ON AND/OR THE SHELBY COUNTY BOARD OF COMMISSIONERS ON

BY DIRECTOR OF PLANNING AND DEVELOPMENT DATE _____
 CITY ENGINEER COUNTY ENGINEER N/A OPD
 DATE N/A DATE _____

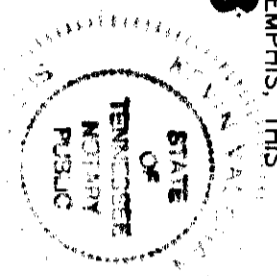
OWNER'S CERTIFICATE
 I (WE), **Southland Development Partners**, THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY (OUR) PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHTS-OF-WAY, AND GRANT EASEMENTS AS SHOWN AND/OR DESCRIBED TO THE PUBLIC USE FOREVER. I (WE) CERTIFY THAT I (WE) AM (ARE) THE OWNER(S) OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES OR MORTGAGES WHICH HAVE BECOME DUE AND PAYABLE.

SIGNATURE *[Signature]* TITLE **Managing Partner**

NOTARY'S CERTIFICATE
 STATE OF TENNESSEE
 COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED **Joe S. Wiseman** WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO, UPON OATH, ACKNOWLEDGE HIMSELF (HERSELF) TO BE **OWNER** OF THE **SOUTHLAND DEVELOPMENT PARTNERS** WITHIN NAMED BARGAINER, AND THAT HE (SHE) EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, THIS **22nd** DAY OF **February** 20**08**.

NOTARY PUBLIC **Karl W. [Signature]**
 MY COMMISSION EXPIRES **11-20-2011**



MORTGAGEE'S CERTIFICATE
 WE, **Community Bank, NA**, THE UNDERSIGNED MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY CONSENT AND AGREE TO THE PLAN OF DEVELOPMENT AS SUBMITTED BY **OWNER(S)** OF THE PROPERTY.

SIGNATURE/TITLE **[Signature] Sr. Vice President**

NOTARY'S CERTIFICATE
 STATE OF TENNESSEE
 COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED **Joe S. Wiseman** WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO, UPON OATH, ACKNOWLEDGE HIMSELF (HERSELF) TO BE **OWNER** OF THE **SOUTHLAND DEVELOPMENT PARTNERS** WITHIN NAMED BARGAINER, AND THAT HE (SHE) EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, THIS **22nd** DAY OF **February** 20**08**.

NOTARY PUBLIC **Karl W. [Signature]**
 MY COMMISSION EXPIRES **11-20-2011**

Drainage & Utility Easmt. Curve Table

Curve #	Radius	Length	Delta	Tangent	Chord	Chord Bearing
C300	168.50	28.67	9° 44' 52"	14.37	28.63	N67° 12' 25"W
C301	168.50	36.25	12° 19' 33"	18.19	36.18	N17° 09' 15"W

Drainage & Utility Easmt. The Down Curve Table

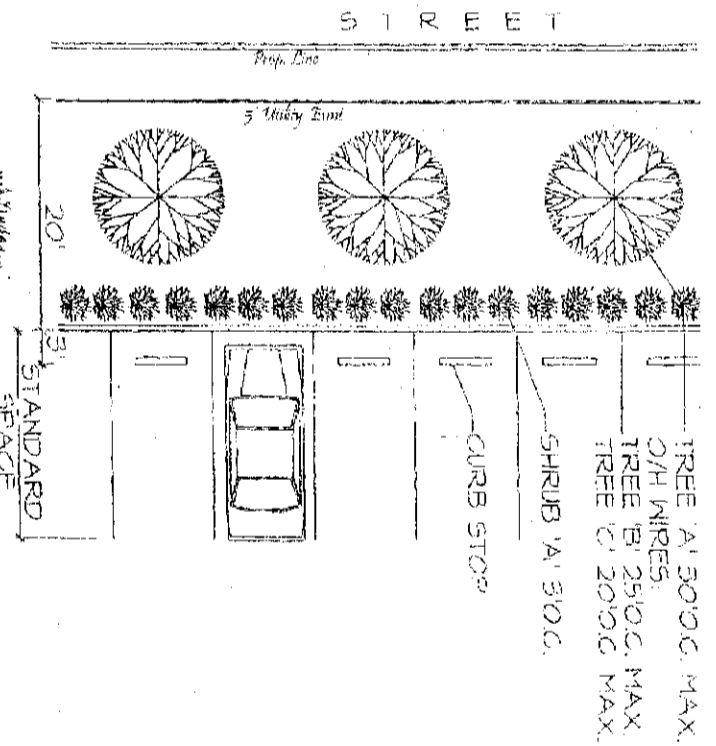
Curve #	Radius	Length	Delta	Tangent	Chord	Chord Bearing
C200	168.50	7.08	2° 24' 26"	3.54	7.08	S24° 31' 14"E

Drainage & Utility Easmt. Line Table

Line #	Length	Direction
L200	15.38	N48° 03' 24"E
L201	13.47	S34° 44' 12"E
L202	9.65	S34° 44' 12"E
L203	39.25	S65° 48' 34"E
L204	10.00	S24° 11' 26"W

Drainage & Utility Easmt. Line Table

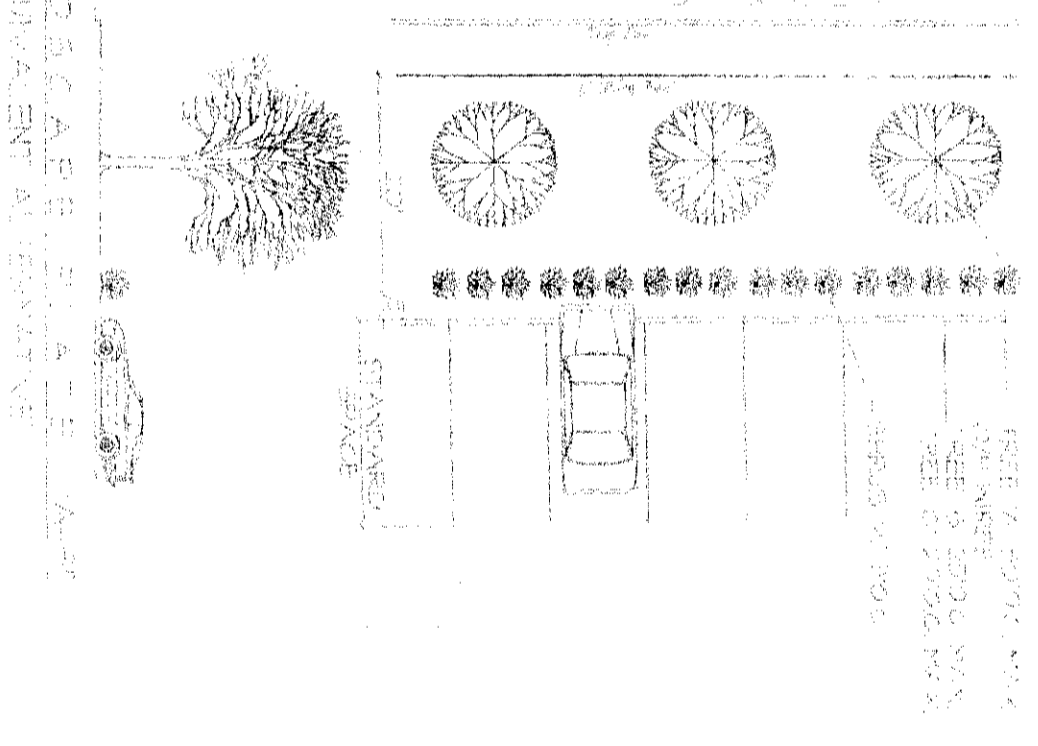
Line #	Length	Direction
L205	9.37	S33° 18' 32"W
L206	10.13	N33° 18' 32"E
L207	20.00	N2° 16' 14"E
L208	48.29	N87° 38' 55"W
L209	11.43	N41° 27' 39"W
L210	10.04	N43° 23' 01"E
L211	12.33	S41° 27' 39"E
L212	10.00	S48° 32' 21"W



LANDSCAPE PLATE "A-2"
 EQUIVALENT ALTERNATIVE

Let Line Table

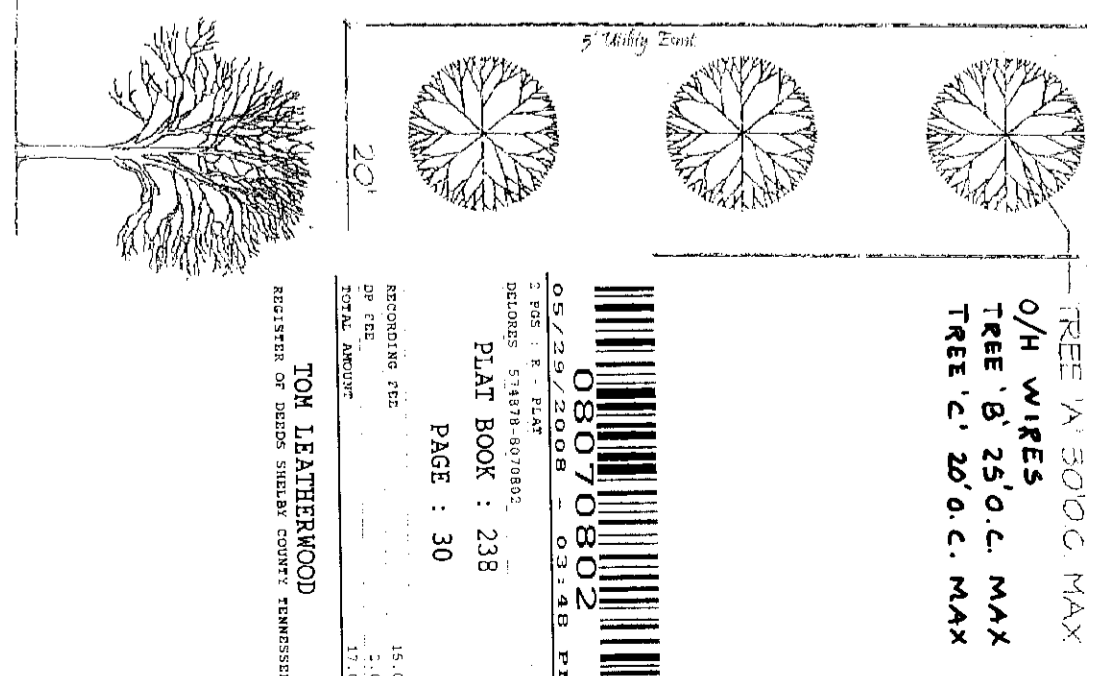
Line #	Length	Direction
L1	24.20	S87° 43' 52"E
L2	24.20	S87° 43' 52"E
L3	57.54	N81° 30' 33"W
L4	58.81	S87° 16' 08"W
L5	109.09	S82° 25' 25"E
L6	67.21	N84° 23' 28"E
L7	85.66	N84° 09' 02"W
L8	83.78	N85° 27' 21"E



OFFICE OF PLANNING & DEVELOPMENT CERTIFICATE
 THIS PRELIMINARY PLAN WAS ACTED ON BY THE LUCB ON SEP 13, 2007 AND APPROVED BY THE MEMPHIS CITY COUNCIL ON FEB. 19, 2008.

[Signature]
 City Engineer Date **2/21/08**
[Signature]
 Director of Planning & Development Date **5/27/08**

100009105
 PLAT BOOK : 244
 PAGE : 30
 RECORDING FEE 15.00
 DP FEE 2.00
 TOTAL AMOUNT 17.00
 TOM LEATHERWOOD
 REGISTER OF RECORDS SHELBY COUNTY TENNESSEE



08070802
 PLAT BOOK : 238
 PAGE : 30
 RECORDING FEE 15.00
 DP FEE 2.00
 TOTAL AMOUNT 17.00
 TOM LEATHERWOOD
 REGISTER OF RECORDS SHELBY COUNTY TENNESSEE

FINAL PLAT
HUTTON SUBDIVISION
 FORMER SOUTHBROOK OFFICE PARK
 AS RECORDED IN PLAT BOOK 60 PAGE 4
 MEMPHIS, TENNESSEE
 ZONED - CH
 CASE # S 07-027

ENCLOSURE
 HENRY HUTTON
 2471 W. MORRIS
 MEMPHIS, TN 38115
 (901) 345-3200
 100 YEAR FLOOD ELEVATION
 +/- 262.00
 ENGINEER / SURVEYOR
 DAVIS ENGINEERING CO., INC.
 6625 LENOX PARK, SUITE 117
 MEMPHIS, TN 38115
 (901) 767-1188
 PLAT COMMUNITY PANEL NUMBER
 470177 0420 F
 FINAL MAP DATE
 28 SEPTEMBER 2007
 SCALE: 1 IN. = 100 FT.
 SHEET 4 OF 4
 07120c

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

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

September 9, 2022

Hutton Toyota
4601 Hutton Way
Memphis, TN 38116

Sent via electronic mail to: ykim@chuckhutton.com

CDKIM Campus Planned Development
Case Number: PD 22-18
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, September 8, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application CDKIM Campus Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Seth Thomas

Letter to Applicant
PD 22-18

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

Cc: Cory Brady, Integrated Land Solutions, PLLC
File

Letter to Applicant

PD 22-18

Outline Plan Conditions

I. INTENT

The intent of this planned development is to regulate the sequential development of an automotive dealership campus having multiple dealerships and their accessory uses and/or structures distributed among the 36.64-acre property.

II. USES PERMITTED

A. Vehicle Sales, Rental, or Leasing (Excluding Tractor Trailers, Heavy Trucks, Manufactured Housing); Vehicle Service; Vehicle Repair, Minor Utilities, CMCS Towers and facilities, Solar Farm, Permanent Off-Premise Advertising Sign (See VI.B.), Commercial Parking.

B. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.

C. Principal and/or Accessory uses shall be permitted upon any lot or portion of any lot established by the Hutton Subdivision (PB 244 PG 30)

II. BULK REGULATIONS

A. The Building Envelope Standards for Nonresidential CMU-3 District Section 3.10.B of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:

- a. Interstate 55: 25-feet
- b. Shelby Drive East: 25-feet
- c. Metro Plex Lane: 30-feet

2. Perimeter Side/Rear:

- a. Lot 1 and Lot 2: 25-feet
- b. Lot 7 and Lot 8: 25-feet
- c. Lots 9-12: 15-feet

3. Interior Side: 5-feet

Letter to Applicant
PD 22-18

III. ACCESS, PARKING AND CIRCULATION

- A. Riverbrook Drive (private, existing), Pinebrook Drive (private, existing), and Metro Plex Lane (private, existing) shall be owned and maintained by the property owner or a property owner's association.
- B. Access to Southbrook Office Park (PB 60 PG 4) shall be conveyed via Ingress/Egress Easement per instrument # 08024069.
- C. All Internal drives shall be private, owned and maintained by the property owner or a property owners association.
- D. Access to Shelby Drive or Interstate 55 is prohibited.
- E. The design and location of curb cuts to be approved by the City Engineer.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- G. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- H. Off Street Parking:
 - 1. Shared parking shall be allowed for all permitted uses.
 - 2. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
- I. The existing billboard on lots 6 and 3 are permitted to have accessory uses as shown on the concept plan.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Sub-Section 4.5.5(D) and Chapter 4.6 of the Unified Development Code shall apply as modified.

Letter to Applicant
PD 22-18

- B. LS Plate A-1 Modified, A-2, or A-3 (or equivalent) shall be required along the frontages of Shelby Drive, Interstate 55 and Metro Plex Lane.
- C. LS Plate A-1 Modified or equivalent shall be required along the north boundary of the property.
- D. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight 8-feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance Chapter 4.9 of the Unified Development Code as modified.
- B. No more than two (2) Permanent Off-Premise Signs shall be permitted. Permanent Off-Premise signs shall be regulated in accordance with Section 4.9.8 of the Unified Development Code and as follows.
- C. Two (2) Integrated Center Signs shall be permitted. One at the intersection of Pinebrook Drive North and one Pinebrook Drive South.
- D. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. All drainage plans shall be submitted to the City Engineer for review and approval.

Letter to Applicant

PD 22-18

- B. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.

- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 09/27/2022

DATE

PUBLIC SESSION: 09/27/2022

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving the closure of the public right-of-way of an east-west public alley located between N. Fourth St and Court Ave and terminates 89± sq. ft. east of N. Fourth St. known as case SAC 2022-002.

CASE NUMBER: SAC 2022-002

LOCATION: Between N. Fourth St and Court Ave and terminates 89± sq. ft. east of N. Fourth St.

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

OWNER/APPLICANT: Townsend Development

REPRESENTATIVES: Cindy Reaves, SR Consulting, LLC

REQUEST: Close and vacate the public right-of-way of an east-west public alley located between N. Fourth St and Court Ave and terminates 89± sq. ft. east of N. Fourth St.

AREA: +/-1,317 sq. ft.

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
05/12/2022 _____	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>
<u>Lucas Skimmer</u>	<u>09/19/2022</u>	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 2022-002

RESOLUTION APPROVING RESOLUTION APPROVING THE CLOSURE OF THE PUBLIC RIGHT-OF-WAY OF AN EAST-WEST PUBLIC ALLEY LOCATED BETWEEN N. FOURTH ST AND COURT AVE AND TERMINATES 89± SQ. FT. EAST OF N. FOURTH ST. KNOWN AS CASE SAC 2022-002.

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, May 12, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 2022-002
LOCATION:	East-west public alley located between N. Fourth St and Court Ave and terminates 89± sq. ft. east of N. Fourth St.
COUNCIL DISTRICT(S):	District 6, Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Townsend Development
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC
REQUEST:	Right-of-way vacation
EXISTING ZONING:	Central Business District
AREA:	1,317 Sq. Ft.

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,



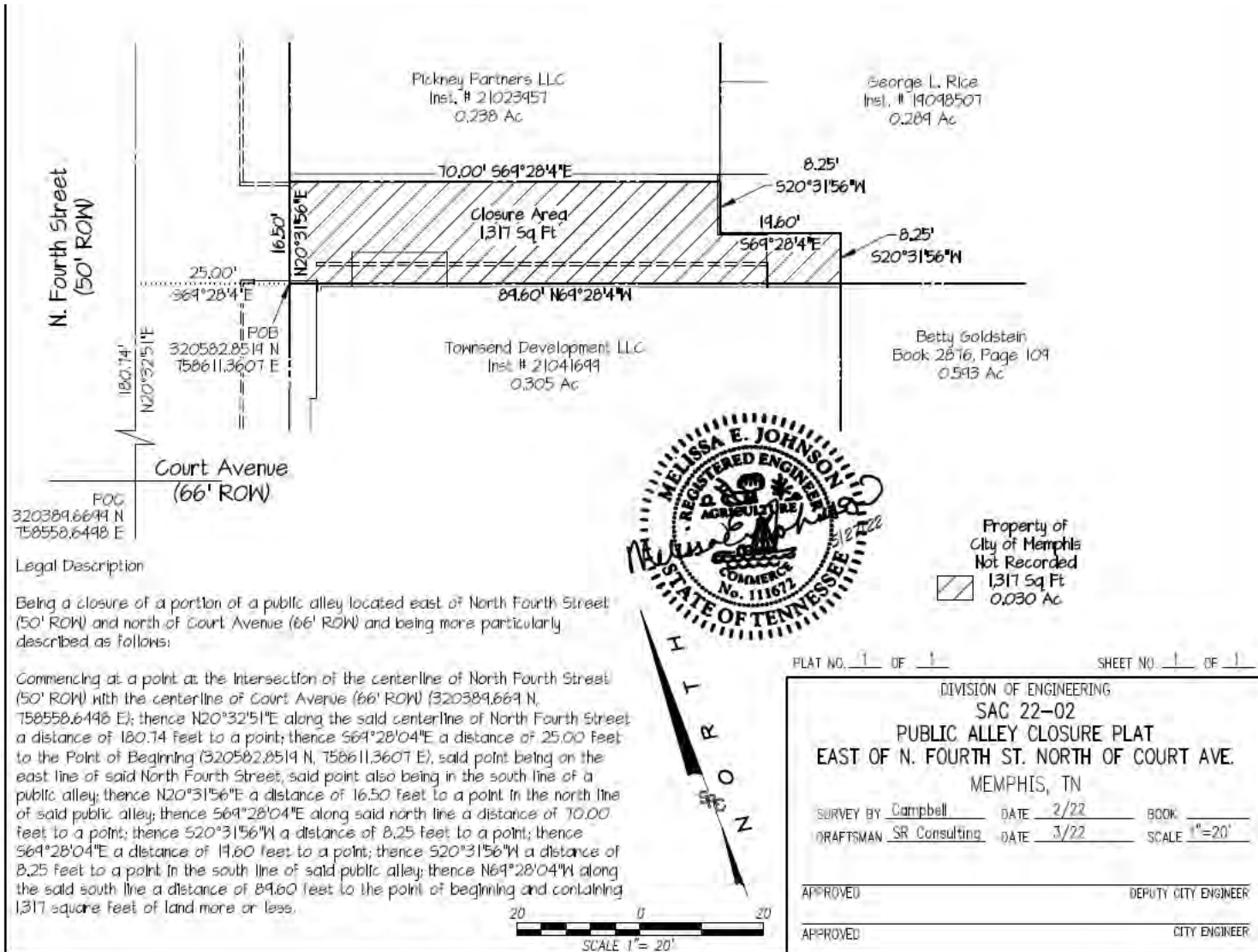
Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SAC 2022-02
CONDITIONS

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

CLOSURE PLAT



Legal Description

Being a closure of a portion of a public alley located east of North Fourth Street (50' ROW) and north of Court Avenue (66' ROW) and being more particularly described as follows:

Commencing at a point at the intersection of the centerline of North Fourth Street (50' ROW) with the centerline of Court Avenue (66' ROW) (320389.664 N, 758558.6448 E); thence N20°32'51"E along the said centerline of North Fourth Street a distance of 180.74 feet to a point; thence S69°28'04"E a distance of 25.00 feet to the Point of Beginning (320582.8514 N, 758611.3607 E), said point being on the east line of said North Fourth Street, said point also being in the south line of a public alley; thence N20°31'56"E a distance of 16.50 feet to a point in the north line of said public alley; thence S69°28'04"E along said north line a distance of 70.00 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point; thence S69°28'04"E a distance of 14.60 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point in the south line of said public alley; thence N69°28'04"W along the said south line a distance of 89.60 feet to the point of beginning and containing 1,317 square feet of land more or less.

PLAT NO. 1 OF 1 SHEET NO. 1 OF 1

DIVISION OF ENGINEERING
 SAC 22-02
PUBLIC ALLEY CLOSURE PLAT
EAST OF N. FOURTH ST. NORTH OF COURT AVE.
 MEMPHIS, TN

SURVEY BY Campbell DATE 2/22 BOOK _____
 DRAFTSMAN SR Consulting DATE 3/22 SCALE 1"=20'

APPROVED _____ DEPUTY CITY ENGINEER
 APPROVED _____ CITY ENGINEER



RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST PUBLIC ALLEY LOCATED APPROXIMATELY 148.5 FEET NORTH OF THE INTERSECTION OF THE NORTH LINE OF COURT AVENUE WITH THE EAST LINE OF NORTH FOURTH STREET, KNOWN AS CASE NUMBER SAC 22-002

WHEREAS, the City of Memphis is the owner of real property known as the east-west public alley right-of-way east of Fourth Street, south of Jefferson, and north of Court Avenue in Memphis, Tennessee and being more particularly described as follows:

Being a closure of a portion of a public alley located east of North Fourth Street (50' ROW) and north of Court Avenue (66' ROW) and being more particularly described as follows:

Commencing at a point at the intersection of the centerline of North Fourth Street (50' ROW) with the centerline of Court Avenue (66' ROW); thence $N20^{\circ}32'51''E$ along the said centerline of North Fourth Street a distance of 180.74 feet to a point; thence $S69^{\circ}28'04''E$ a distance of 25.00 feet to a point in the east line of said North Fourth Street, said point also being in the south line of a public alley; thence $N20^{\circ}31'56''E$ a distance of 16.50 feet to a point in the north line of said public alley; thence $S69^{\circ}28'04''E$ along said north line a distance of 70.00 feet to a point; thence $S20^{\circ}31'56''W$ a distance of 8.25 feet to a point; thence $S69^{\circ}28'04''E$ a distance of 19.60 feet to a point; thence $S20^{\circ}31'56''W$ a distance of 8.25 feet to a point in the south line of said public alley; thence $N69^{\circ}28'04''W$ along the said south line a distance of 89.60 feet to the point of beginning and containing 1,317 square feet of land more or less.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

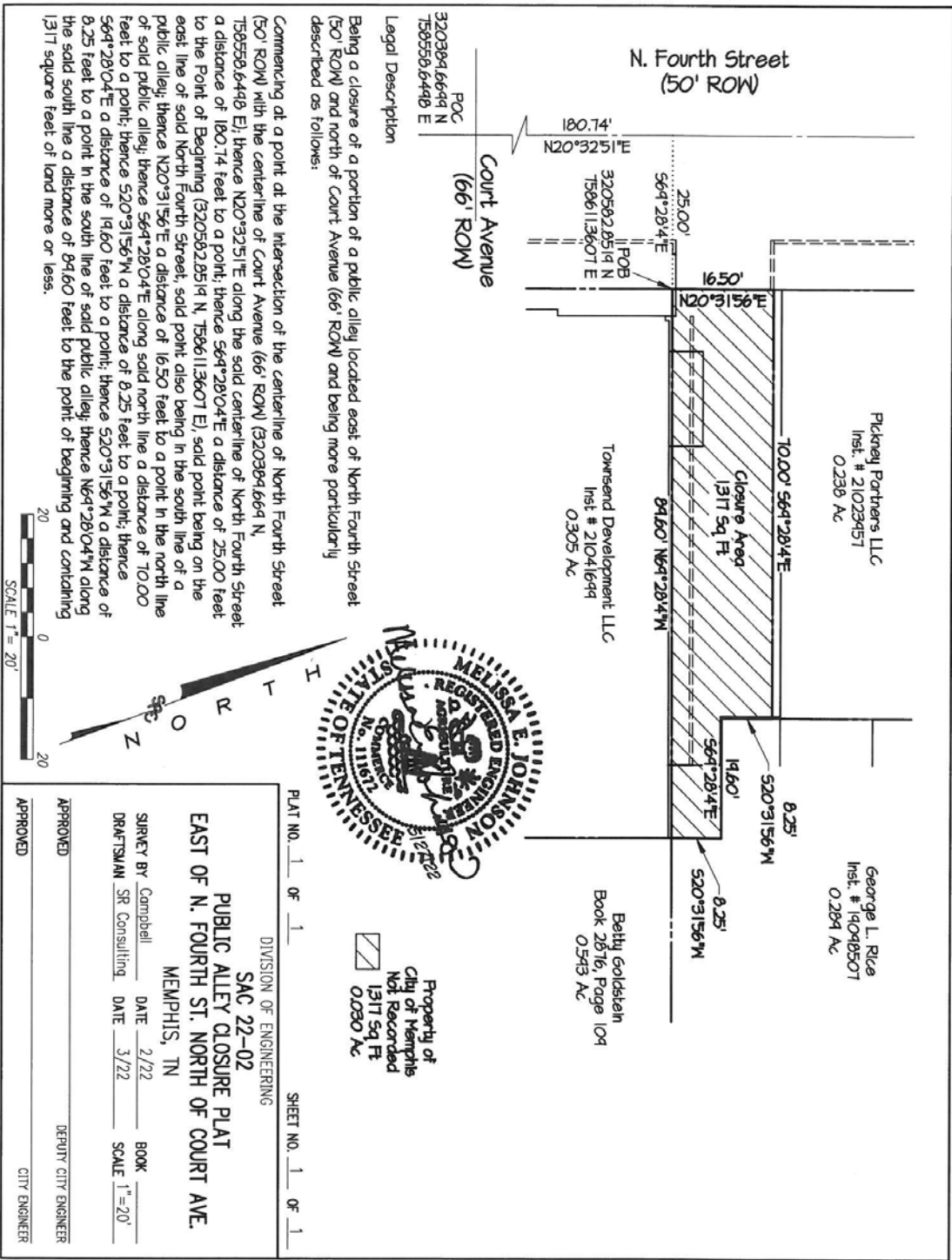
WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on May 12, 2022, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above-described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

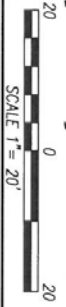
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



Legal Description
 Being a closure of a portion of a public alley located east of North Fourth Street (50' ROW) and north of Court Avenue (66' ROW) and being more particularly described as follows:

Commencing at a point at the intersection of the centerline of North Fourth Street (50' ROW) with the centerline of Court Avenue (66' ROW) (3203894664 N, 758558.6448 E); thence N20°32'51"E along the said centerline of North Fourth Street a distance of 180.74 feet to a point; thence S64°28'04"E a distance of 25.00 feet to the Point of Beginning (320582.8519 N, 758611.3607 E), said point being on the east line of said North Fourth Street, said point also being in the south line of a public alley; thence N20°31'56"E a distance of 16.50 feet to a point in the north line of said public alley; thence S64°28'04"E along said north line a distance of 70.00 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point; thence S64°28'04"E a distance of 19.60 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point in the south line of said public alley; thence N64°28'04"W along the said south line a distance of 84.60 feet to the point of beginning and containing 1317 square feet of land more or less.



Property of
 City of Memphis
 Not Recorded
 1317 Sq Ft
 0.030 Ac

PLAT NO. 1 OF 1 SHEET NO. 1 OF 1

DIVISION OF ENGINEERING
 SAC 22-02

PUBLIC ALLEY CLOSURE PLAT
EAST OF N. FOURTH ST. NORTH OF COURT AVE.
 MEMPHIS, TN

SURVEY BY Campbell DATE 2/22 BOOK
 DRAFTSMAN SR Consulting DATE 3/22 SCALE 1"=20'

APPROVED _____ DEPUTY CITY ENGINEER
 APPROVED _____ CITY ENGINEER

PROJECT NO. _____ FILE

AGENDA ITEM: 20

CASE NUMBER: SAC 22-002 **L.U.C.B. MEETING:** May 12, 2022

LOCATION: Alley Closure east of N. Fourth St., north of Court Ave.

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

OWNER/APPLICANT: Townsend Development

REPRESENTATIVE: SR Consulting – Cindy Reaves

REQUEST: Close and vacate the public right-of-way of an east-west public alley located between N. Fourth St and Court Ave and terminates 89± sq. ft. east of N. Fourth St.

AREA: 1317± sq. ft.

EXISTING ZONING: Central Business District (CBD) and Downtown Medical Center Overlay

CONCLUSIONS

1. The public right-of-way of an east-west public alley located between N. Fourth St and Court Ave and terminates 89± sq. ft. east of N. Fourth St.
2. The applicant's intent is to combine the property into the adjacent development located on Jefferson St.
3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 general plan does not address right-of-way vacations.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Zoning Atlas Page: 2030

Existing Zoning: Central Business District (CBD) and Downtown Medical Center Overlay

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 74 notices were mailed on April 29, 2022, and a total of 1 sign posted at the entrance of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP

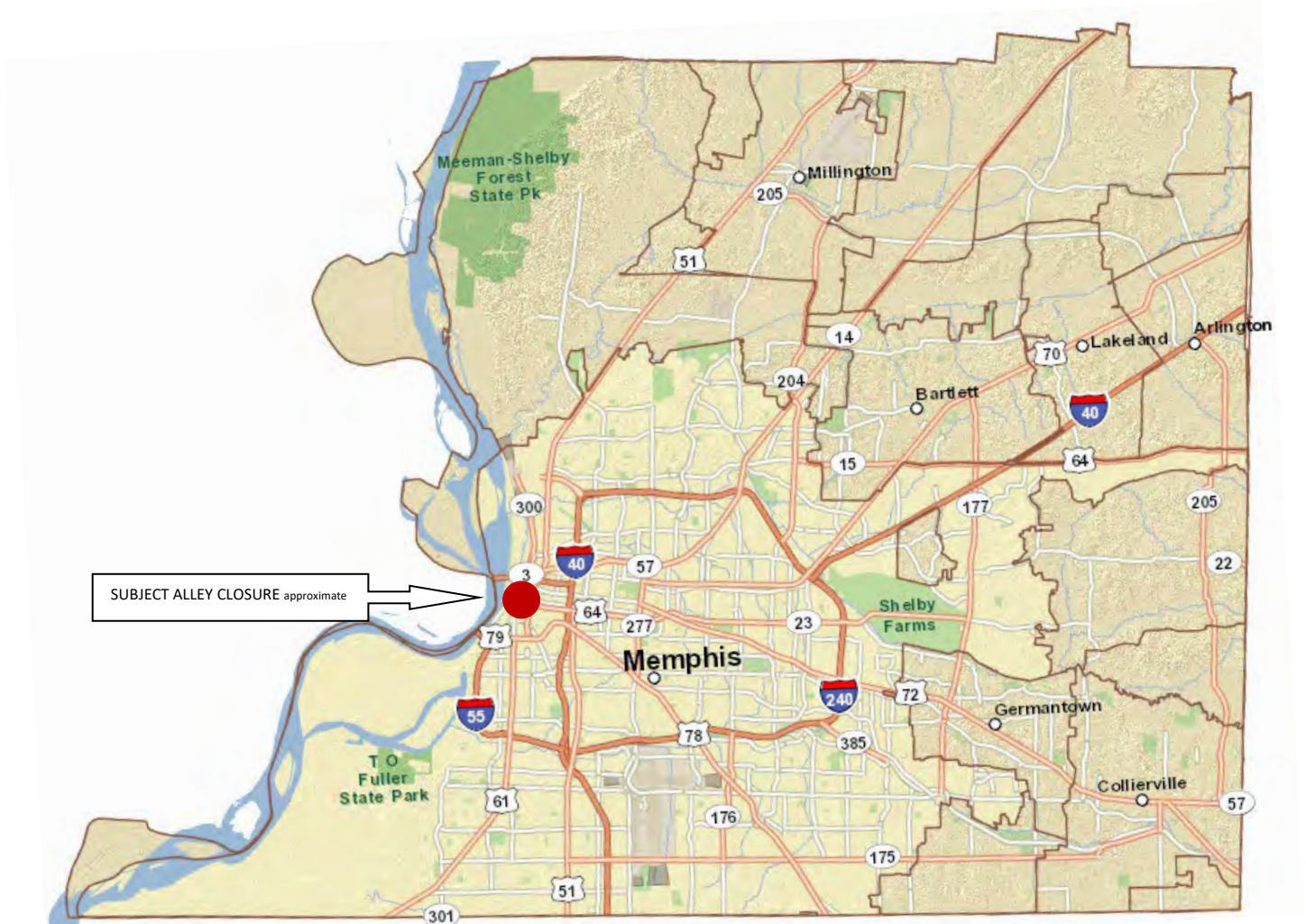


Figure 1 Subject alley closure located within the circle, Central Business District

PLAN OF MEMPHIS (1858)

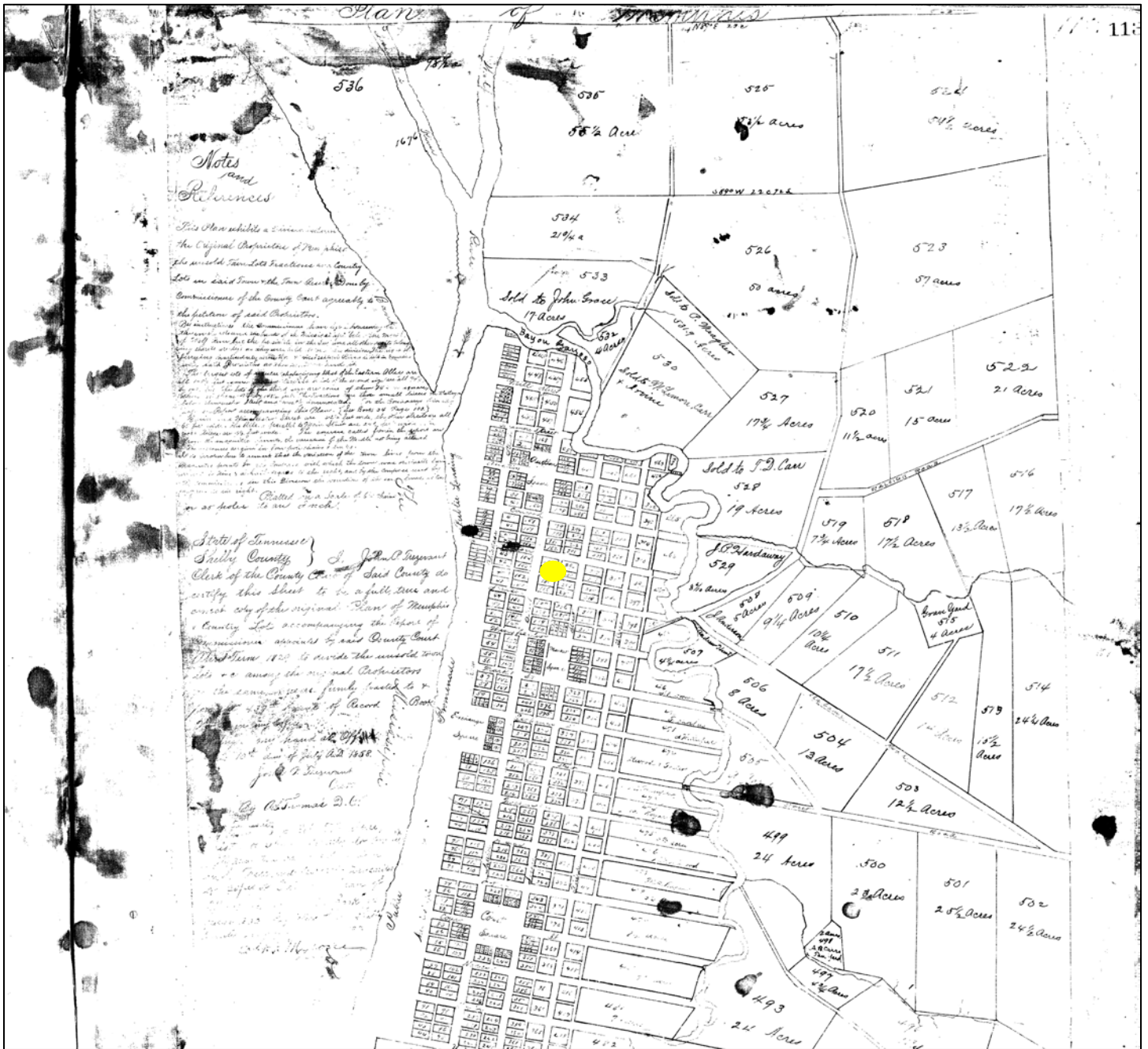


Figure 2 Approximate location of subject right-of-way highlighted in yellow

VICINITY MAP



Figure 3 Subject right-of-way highlighted in yellow

AERIAL



Figure 4 Subject right-of-way outlined in yellow, imagery from 2021

ZONING MAP



Figure 5 Subject right-of-way highlighted in yellow

Existing Zoning: Central Business District (CBD) and Downtown Medical Center Overlay

Surrounding Zoning

North: Central Business District (CBD) and Downtown Medical Center Overlay

East: Central Business District (CBD) and Downtown Medical Center Overlay

South: Central Business District (CBD) and Downtown Medical Center Overlay

West: Central Business District (CBD) and Downtown Medical Center Overlay

LAND USE MAP



Figure 6 Subject right-of-way outlined in yellow

SITE PHOTOS



Figure 7 View of access point to the subject right-of-way from Court Ave looking north



Figure 8 View of access point to the subject right-of-way from the east-west unnamed public alley looking east. Alley dead-ends into a parking lot.

PUBLIC ALLEY CLOSURE PLAT

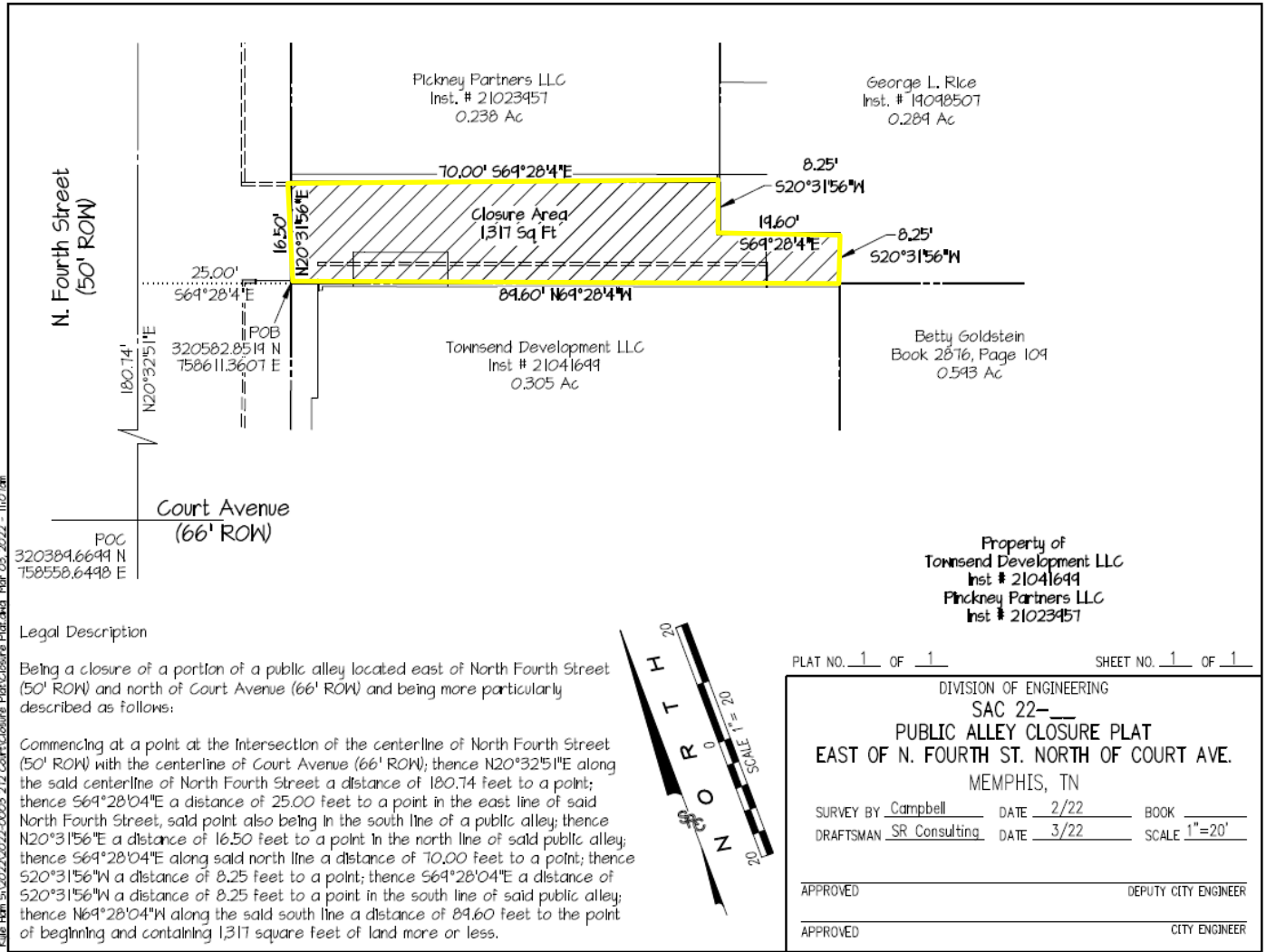


Figure 9 Subject right-of-way highlighted in yellow

LEGAL DESCRIPTION

Legal Description

Being a closure of a portion of a public alley located east of North Fourth Street (50' ROW) and north of Court Avenue (66' ROW) and being more particularly described as follows:

Commencing at a point at the intersection of the centerline of North Fourth Street (50' ROW) with the centerline of Court Avenue (66' ROW); thence N20°32'51"E along the said centerline of North Fourth Street a distance of 180.74 feet to a point; thence S69°28'04"E a distance of 25.00 feet to a point in the east line of said North Fourth Street, said point also being in the south line of a public alley; thence N20°31'56"E a distance of 16.50 feet to a point in the north line of said public alley; thence S69°28'04"E along said north line a distance of 70.00 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point; thence S69°28'04"E a distance of 8.25 feet to a point in the south line of said public alley; thence N69°28'04"W along the said south line a distance of 89.60 feet to the point of beginning and containing 1,317 square feet of land more or less.

STAFF ANALYSIS

Request and Reason

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

The request is to close and vacate right-of-way of an east-west unnamed public alley located east of N. Fourth St, north of Court Ave which starts at N. Fourth St and terminates in the middle of the block. The reason for the request is the applicant intends to combine the property into the adjacent development located on Jefferson Ave.

Site Description

The subject right-of-way is 16.5± sq. ft. wide at its west entrance. The northward length terminates at 70± sq. ft. with an east width of 8.25± sq. ft. The southward length terminates at 89.60± sq. ft. with an east width of 8.25±, for a total area of 1317± sq. ft. The subject property is located east of Fourth St between Court Ave (Parcel ID 002034 00010), and Jefferson Ave (Parcel ID 002034 00001).

Conclusions

The applicant is seeking to close and vacate an east-west public alley located east of N. Fourth St, north of Court Ave which starts at N. Fourth St and terminates in the middle of the block.

The applicant's intent is to combine the property into the adjacent development located on Jefferson Ave.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

DEPARTMENTAL COMMENTS

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

- City/County Engineer:** Comments received.
1. Provide easements for any existing utilities or relocate at developer's expense. (There is no public sanitary sewer in the alley)
 2. Provide Engineering with a closure plat.
 3. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of Way Vacation)

Record Status: Assignment

Opened Date: March 9, 2022

Record Number: SAC 2022-002

Expiration Date:

Record Name: Alley Closure east of N. Fourth St. north of Court Ave.

Description of Work: Alley closure

Parent Record Number:

Contact Information

Name	Organization Name	Contact Type	Phone
Townsend Development		Adjacent	(310)
Townsend Development		Property Owner of Record	924-1760
Address			

Cindy Reaves	SR Consulting LLC	Representative	(901) 870-7003
Address			

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1371035	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/28/2022		PLNGSTCLO S05
1371659	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	03/30/2022		PLNGSTCLO S01
Total Fee Invoiced: \$400.00					Total Balance: \$0.00			

APPLICATION

Payment Information

Payment Amount	Method of Payment
\$400.00	Check

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	-

GENERAL INFORMATION

Name of Street where closure will begin	N. Fourth St.
Name of Street where closure will end	89 feet east of N. Fourth St.
What is the reason for the street closure?	To combined the property into the adjacent development
What is the total area of the right-of-way being closed?	1317
What is the overall length of the street closure?	89.60
Name of Street/Alley/ROW	Alley east of N. Fourth St.
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-
Is this application a time extension?	No

RELATED CASE INFORMATION

Previous Case Numbers	-
-----------------------	---

GIS INFORMATION

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

LETTER OF INTENT



Date: March 3, 2022

To: Office of Planning & Development

From: Cindy Reaves

Re: Alley Closure, east of N. Fourth St., north of Court Ave.

LETTER OF INTENT

We are submitting an application for right-of-way vacation for a portion of a public alley located east of N. Fourth St. and north of Court Ave. The portion of alley to be closed is located between 2 existing buildings and is the only remaining portion of the alley that is open. The eastern portion of the alley was previously closed and is currently used for parking by adjacent property owners.

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 1:49 pm on the 28th day of April, 2022 I posted one Public Notice Sign pertaining to Case No. SAC 22-002 on the property (building) located at N. Fourth and the Public Alley providing notice of a Public Hearing before the May 12, 2022 Land Use Control Board for consideration of a proposed Land Use Action (Street and Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves
Owner, Applicant or Representative

4/28/22
Date

Subscribed and sworn to before me this 18th day of April, 2022

Robert M. Sweeney
Notary Public
My commission expires: 9/21/23



MY COMMISSION EXPIRES
9/21/23

LETTERS RECEIVED

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

N. Fourth Street
(50' ROW)

Pickney Partners LLC
Inst. # 21023957
0.238 Ac

George L. Rice
Inst. # 19098507
0.289 Ac

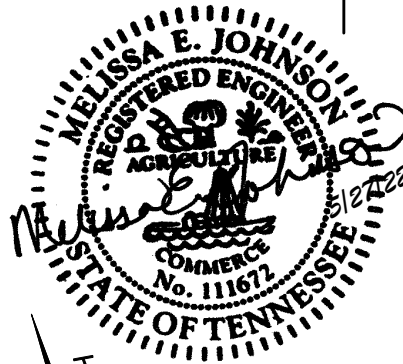
Closure Area
1,317 Sq Ft

Townsend Development LLC
Inst # 21041699
0.305 Ac

Betty Goldstein
Book 2876, Page 109
0.593 Ac

Court Avenue
(66' ROW)

POC
320389.6699 N
758558.6498 E

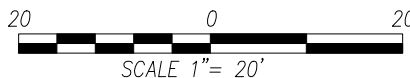


Property of
City of Memphis
Not Recorded
1,317 Sq Ft
0.030 Ac

Legal Description

Being a closure of a portion of a public alley located east of North Fourth Street (50' ROW) and north of Court Avenue (66' ROW) and being more particularly described as follows:

Commencing at a point at the intersection of the centerline of North Fourth Street (50' ROW) with the centerline of Court Avenue (66' ROW) (320389.669 N, 758558.6498 E); thence N20°32'51"E along the said centerline of North Fourth Street a distance of 180.74 feet to a point; thence S69°28'04"E a distance of 25.00 feet to the Point of Beginning (320582.8519 N, 758611.3607 E), said point being on the east line of said North Fourth Street, said point also being in the south line of a public alley; thence N20°31'56"E a distance of 16.50 feet to a point in the north line of said public alley; thence S69°28'04"E along said north line a distance of 70.00 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point; thence S69°28'04"E a distance of 19.60 feet to a point; thence S20°31'56"W a distance of 8.25 feet to a point in the south line of said public alley; thence N69°28'04"W along the said south line a distance of 89.60 feet to the point of beginning and containing 1,317 square feet of land more or less.



PLAT NO. 1 OF 1

SHEET NO. 1 OF 1

DIVISION OF ENGINEERING
SAC 22-02
PUBLIC ALLEY CLOSURE PLAT
EAST OF N. FOURTH ST. NORTH OF COURT AVE.
MEMPHIS, TN

SURVEY BY Campbell DATE 2/22 BOOK _____
DRAFTSMAN SR Consulting DATE 3/22 SCALE 1"=20'

APPROVED _____ DEPUTY CITY ENGINEER

APPROVED _____ CITY ENGINEER

PROJECT NO.

FILE



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

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

August 30, 2022

Townsend Development
272 Court Avenue
Memphis, TN 38103

Sent via electronic mail to (applicant's representative): cindy.reaves@srce-memphis.com

Case Number: SAC 2022-002
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, May 12, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your right-of-way vacation application to close a portion of the east-west public alley right-of-way east of Fourth Street, south of Jefferson, and north of Court Avenue, subject to the following conditions:

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

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

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

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

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

Letter to Applicant
SAC 2022-002

Respectfully,

A handwritten signature in cursive script that reads "Lucas Skinner".

Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 09/13/2022

DATE

PUBLIC SESSION: 10/11/2022

DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, 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 use district reclassification for land located on the south side of Arnold Road +/-1,259 feet west of Getwell Road (3595 Arnold Road). By taking the land out of the Residential Urban – 3 (RU-3) Use District and including it in the Employment (EMP) Use District, known as case number Z 2022-004.

CASE NUMBER: Z 2022-004

LOCATION: 3595 Arnold Road - South side of Arnold Road +/-1,259 feet west of Getwell Road

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

OWNER/APPLICANT: Jonathan Whitman

REPRESENTATIVES: Josh Whitehead – Burch, Porter, Johnson

REQUEST: Rezoning of +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – September 13, 2022
Second reading – September 27, 2022
Third reading – October 11, 2022

PRIOR ACTION ON ITEM:

(2) _____	APPROVAL - (1) APPROVED (2) DENIED
06/09/2022 _____	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>
<u>Lucas Skinner</u>	<u>08/25/2022</u>	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2022-004

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, 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 USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3595 ARNOLD ROAD - SOUTH SIDE OF ARNOLD ROAD +/-1,259 FEET WEST OF GETWELL ROAD BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-004

- 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, June 9, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2022-004

LOCATION: 3595 Arnold Road - South side of Arnold Road +/-1,259 feet west of Getwell Road

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

OWNER/APPLICANT: Jonathan Whitman

REPRESENTATIVE: Josh Whitehead – Burch, Porter, Johnson

REQUEST: Rezoning of +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP)

The following spoke in support of the application: Josh Whitehead

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 failed by a vote of 2-6 on the regular agenda.

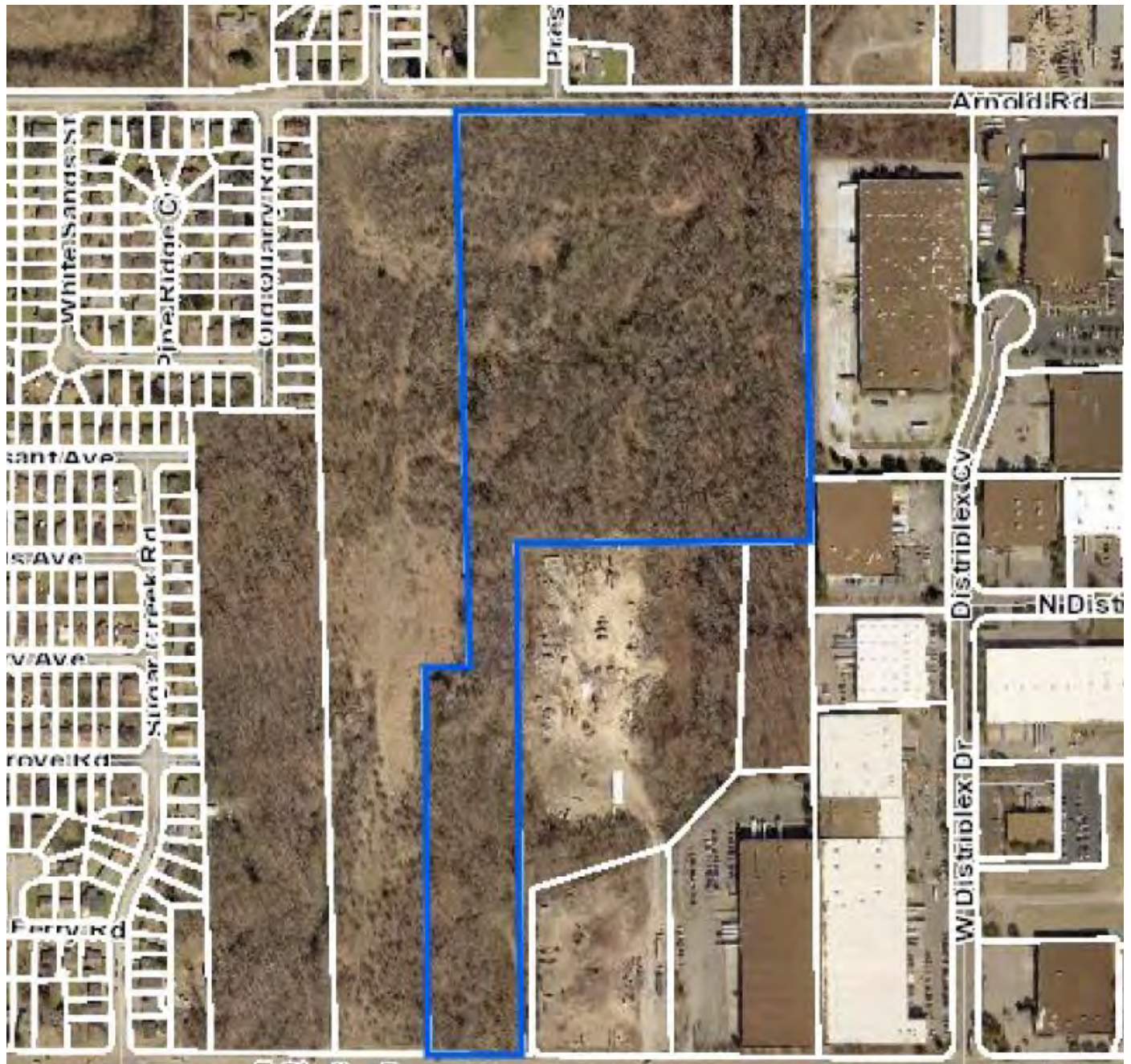
Respectfully,



Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, 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 USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3595 ARNOLD ROAD - SOUTH SIDE OF ARNOLD ROAD +/-1,259 FEET WEST OF GETWELL ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-004

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 2022-004**; 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 URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

LEGAL DESCRIPTION

PARCEL A:

Beginning at a point in the present north line of Shelby Drive a distance of 836.235 feet east of the centerline

of Sugar Creek Road; thence North 00 degrees 41 minutes 45 seconds West a distance of 1035.25 feet to a point; thence South 89 degrees 24 minutes 22 seconds East a distance of 264.09 feet to a point; thence South 00 degrees 24 minutes 15 seconds East a distance of 1035.27 feet to a point in the present north line of Shelby Drive; thence North 89 degrees 22 minutes 47 seconds West with the present north line of Shelby Drive a distance of 258.815 feet to the point of beginning.

PARCEL B:

Beginning at a point in the centerline of Arnold Road a distance of 274.37 feet west of the physical centerline of Prescott Road, said point being in the northwest corner of the Parcel herein described; thence South 89 degrees 27 minutes 31 seconds East with the centerline of Arnold Road a distance of 274.37 feet to a point; thence South 89 degrees 46 minutes 18 seconds East a distance of 681.45 feet to a point; thence South 00 degrees 19 minutes 35 seconds East a distance of 1205.41 feet to a point; thence North 89 degrees 22 minutes 53 seconds West a distance of 801.43 feet to a point; thence South 00 degrees 24 minutes 15 seconds East a distance of 362.69 feet to a point in the north line of Parcel A; thence North 89 degrees 24 minutes 22 seconds West with the north line of Parcel A a distance of 136.92 feet to a point; thence North 00 degrees 59 minutes 14 seconds West a distance of 1563.54 feet to the point of beginning.

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.

ATTEST:

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

//: ATTACHMENTS

AGENDA ITEM: 30

CASE NUMBER: Z 2022-004

L.U.C.B. MEETING: June 9, 2022

LOCATION: 3595 Arnold Road

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

OWNER/APPLICANT: Jonathan Whitman

REPRESENTATIVE: Josh Whitehead – Burch Porter Johnson

REQUEST: Rezoning of +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP).
2. Historically, there was a previously approved planned development in early 1997 (PD 1996-348) for light industrial uses on this site. Though it has since expired, this request is in line with this previously approved outline plan (Shelby Drive Business Park).
3. The underlying purpose of this request is to allow the applicant to create a light industrial development, similar to those just to the east of the property. From the letter of intent, “If successfully rezoned, we plan on improving the site with a 450,000 square foot warehouse. Based on comparable sites in the immediate vicinity, we expect this development to produce approximately \$450,000 in City and County taxes on an annual basis. As \$781.17 in taxes are currently paid, this represents a 576-fold increase. In addition, we anticipate a warehouse of this size generating several hundred jobs.”
4. This site abuts existing light industrial uses and zoning along its entire eastern border, and would continue to provide a transition from the heavier industrial uses to the northeast along Raines Road. However, the site is adjacent and abutting multiple residential uses, the closest being a single-family use to the north across Arnold Road.
5. Moreover, this request was ultimately found to be inconsistent with the Memphis 3.0 plan due to the Future Land Use designating this site for multifamily (see pp. 14-16). Given the case and the need to be consistent with local plans, staff must recommend rejection, though staff feels that the case could be somewhat approvable given other parameters.

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 14-16 of this report.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Arnold Road +/-950.8 linear feet
East Shelby Drive +/-257 linear feet

Zoning Atlas Page:

Parcel ID: 073102 00128

Area: +/-33.804 acres

Existing Zoning: Residential Urban – 3 (RU-3)

Requested Zoning: Employment (EMP)

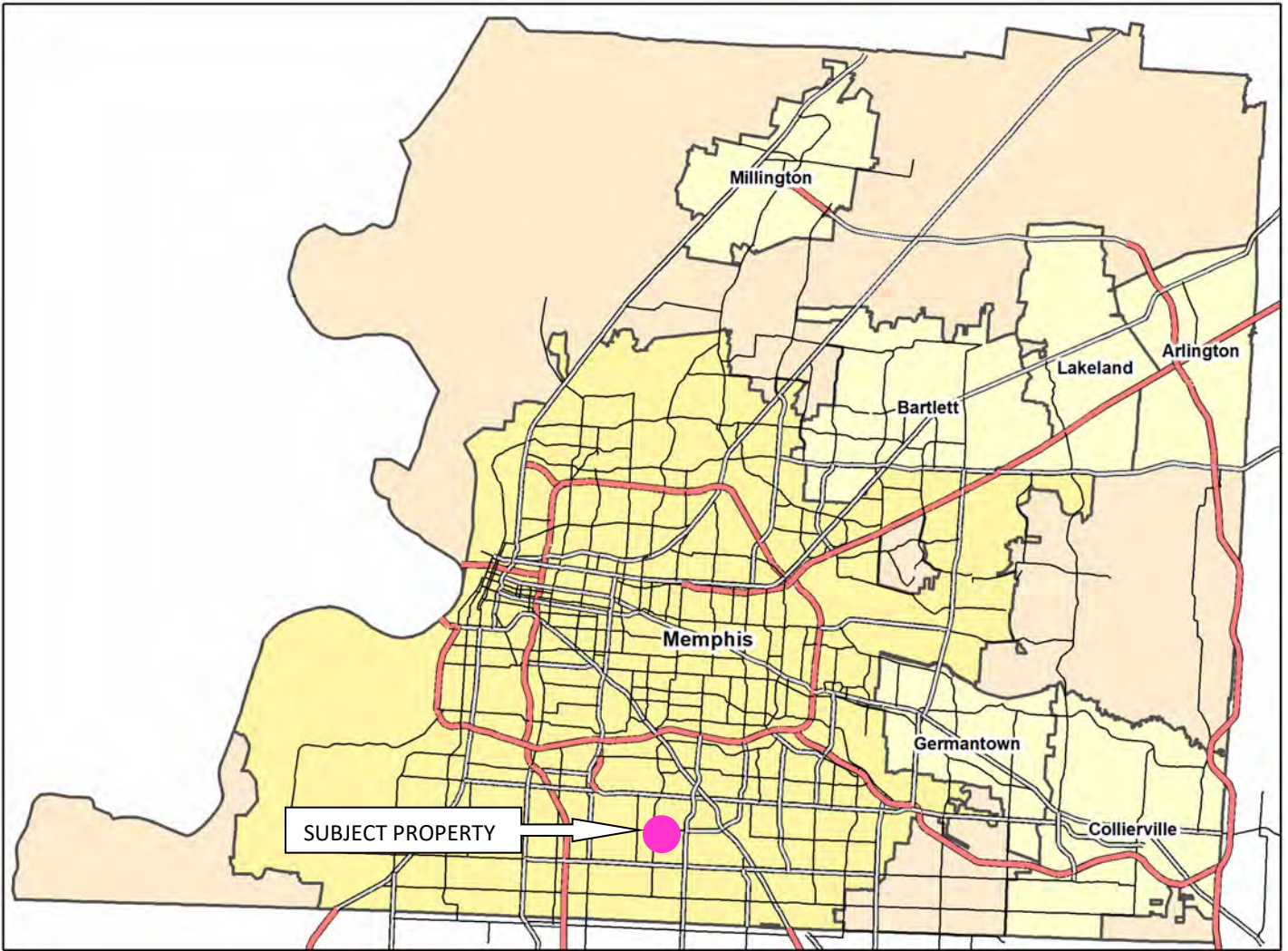
NEIGHBORHOOD MEETING

Note in accordance with Sub-Section 9.3.2E of the Unified Development Code (UDC) the applicant must hold a neighborhood meeting in compliance with the Section 9.3.2 of the UDC. Note all notice and timing requirements of this Section 9.3.2 still apply, but will be timed in conjunction with date the governing body (City Council) is expected to vote on the matter.

PUBLIC NOTICE

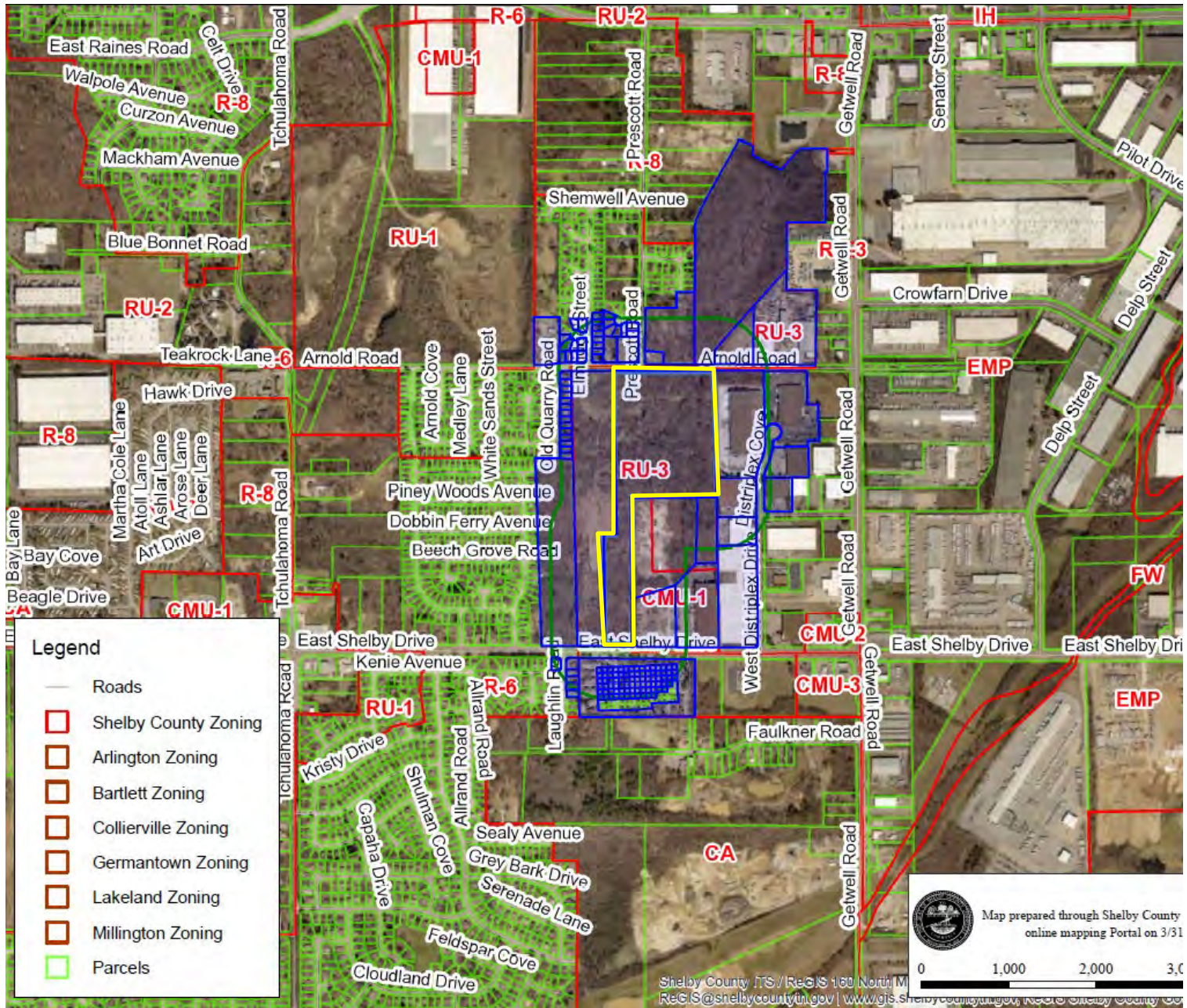
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 163 notices were mailed on May 25, 2022, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



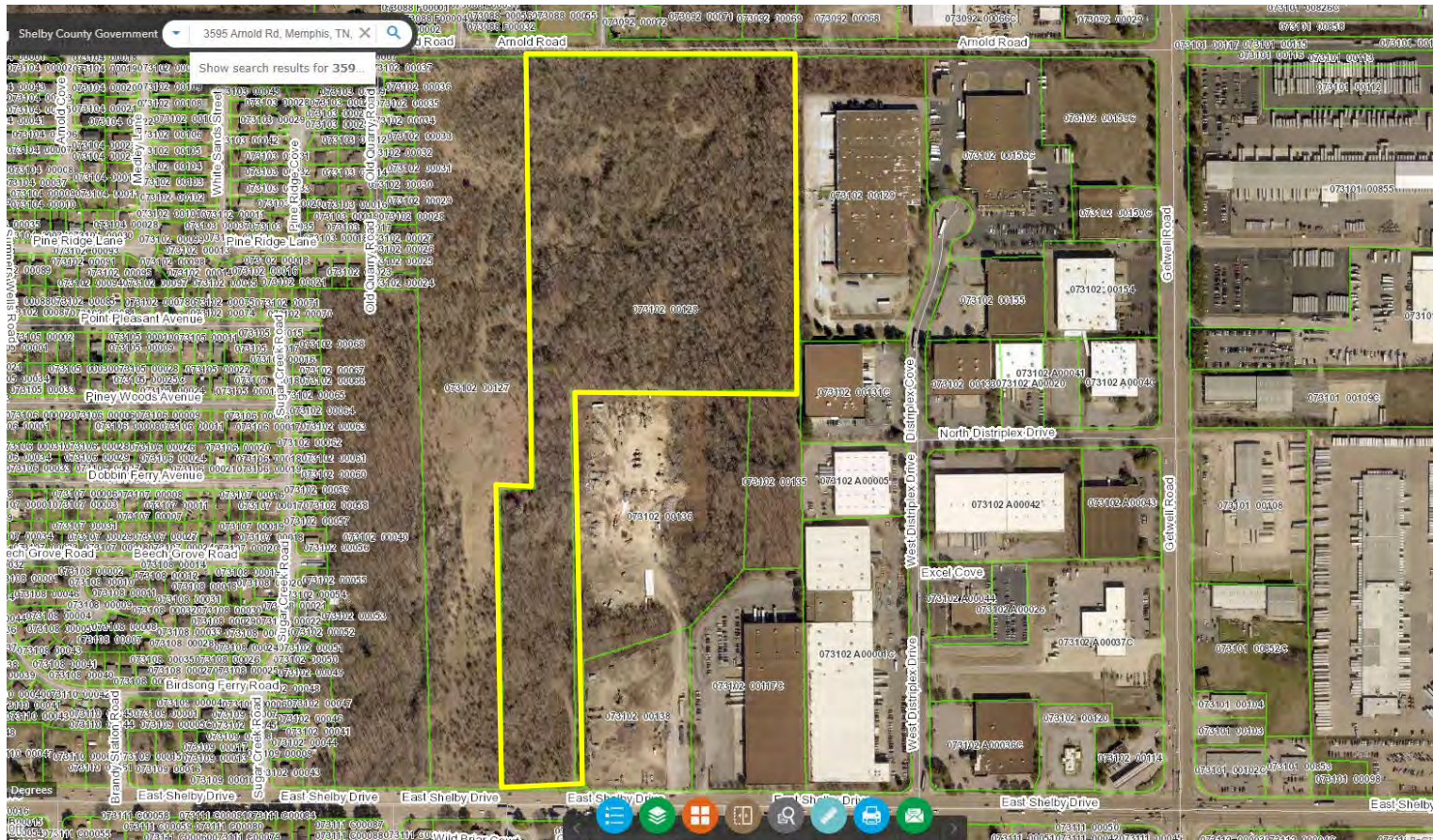
Subject property located within the pink circle, Oakhaven neighborhood

VICINITY MAP



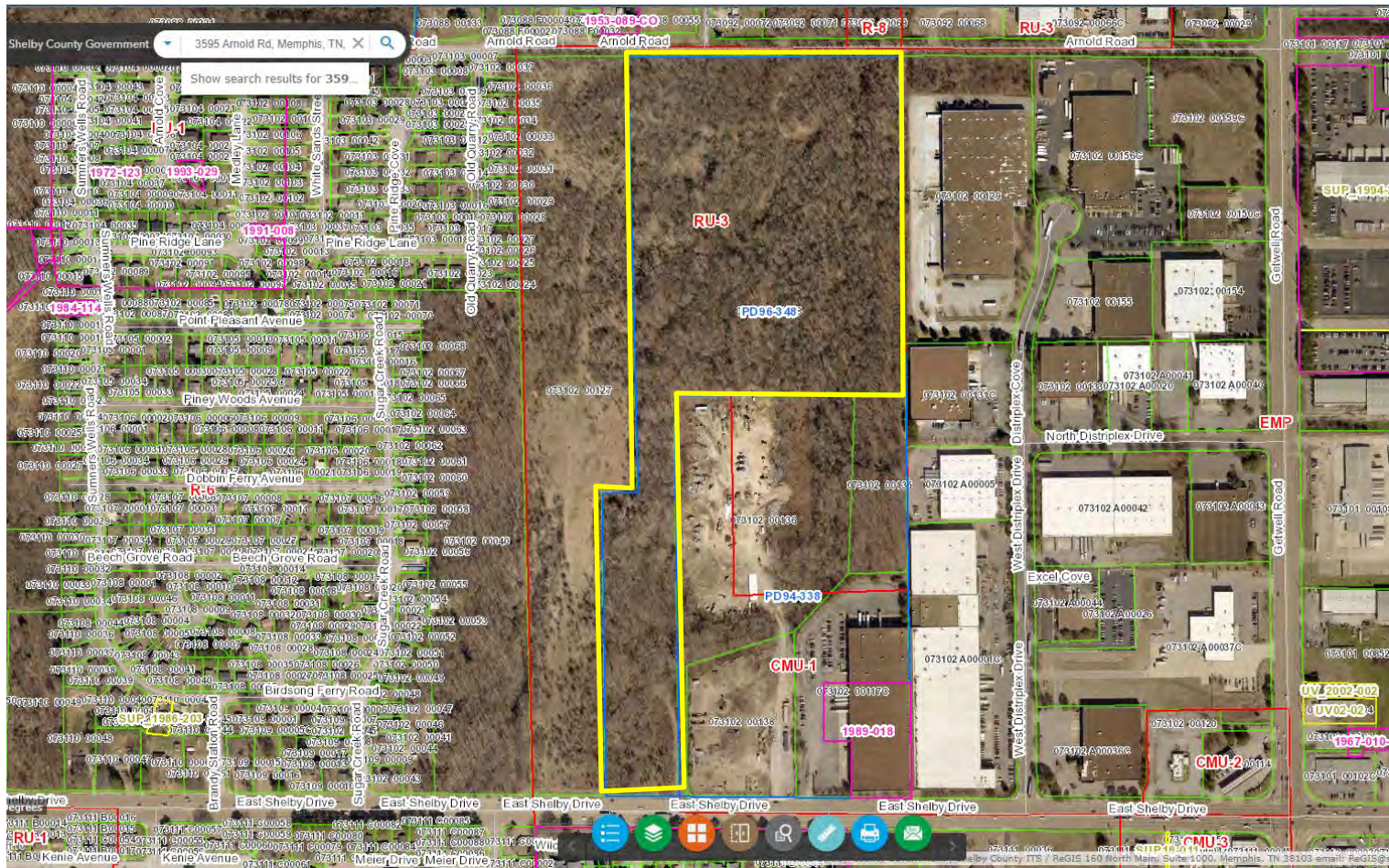
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Urban – 3 (RU-3)

Surrounding Zoning

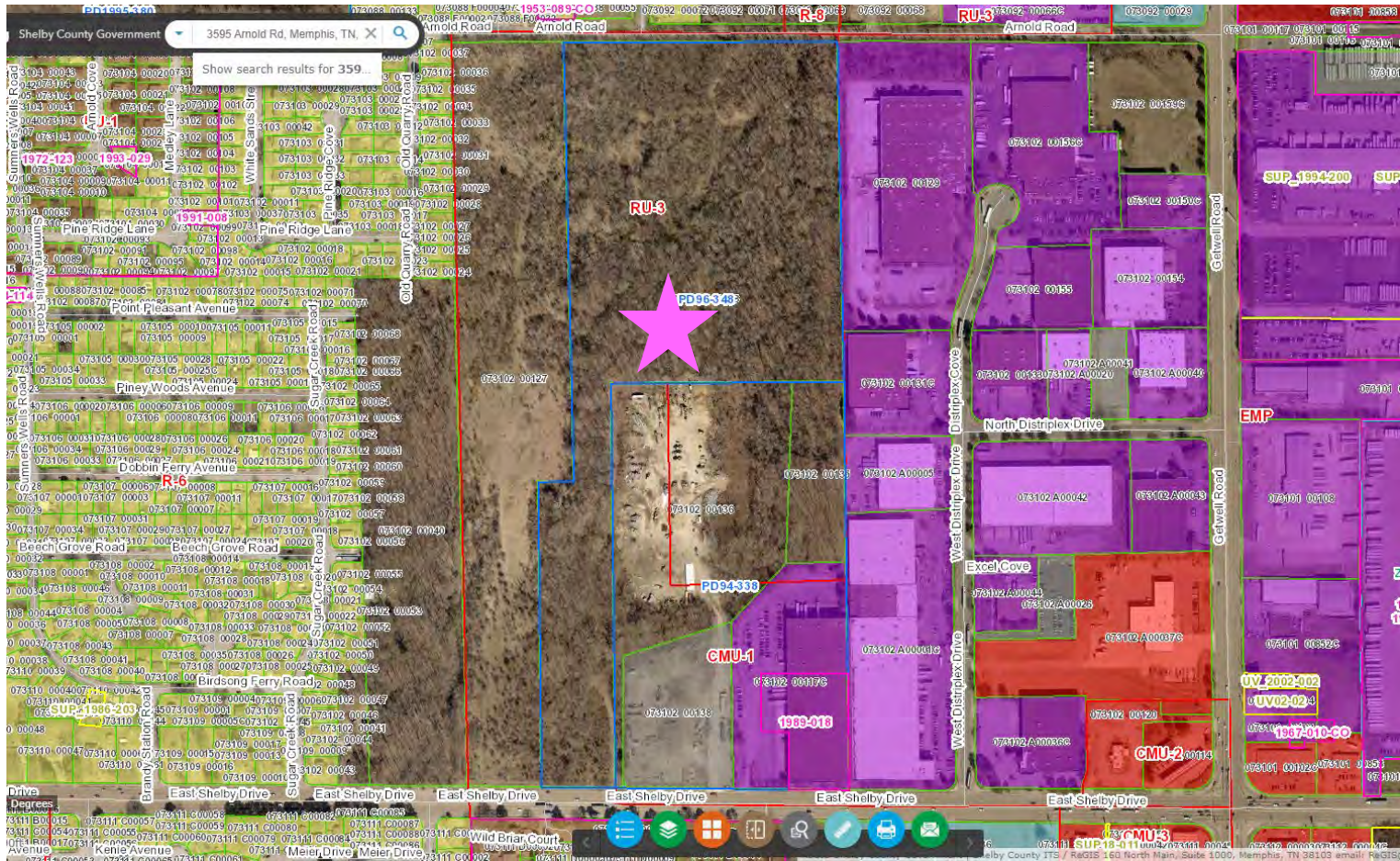
North: Residential Single-Family – 8 (R-8) and RU-3

East: EMP










South: CMU-1, RU-3

West: RU-3, RU-1, R-6

LAND USE MAP



LandUse

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

Subject property indicated by pink star

SITE PHOTOS



Aerial view of subject property from Arnold Road looking south (yellow line to delineate western property line)



Aerial view of subject property from Shelby Drive looking north (shape is approximate)

STAFF ANALYSIS

Request

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

The request is to rezone +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP).

Review Criteria

Staff disagrees 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 subject property is +/- 33.8 acres located west side Getwell Road fronting on both Arnold Road on the north side and East Shelby Drive on the south side. The site is currently undeveloped and vacant with a heavy number of trees. The site is currently zoned Residential Urban – 3 (RU-3) and immediately abuts similar light industrial uses to the east. There are residential uses across Arnold Road to the northwest and further west from this site.

Site Zoning History

On February 4, 1997 the Memphis City Council approved the Shelby Drive Business Park Planned Development (PD 96-348) to allow light industrial uses. The PD was never acted on, and therefore expired. See the Council Resolution images below for more information:

R E S O L U T I O N

WHEREAS, Section 14 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064, dated October 7, 1980, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and,

WHEREAS, Application has been made for a planned development for property located on the north side of East Shelby Drive, beginning 836.24 feet east of Sugar Creek Road, extending north to Arnold Road; and,

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 14 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and,

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 12, 1996 and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and,

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

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

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

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: Building Official
City Engineer
Office of Planning and Development

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

Date FEB 4 1997


Deputy Comptroller - Council Records

Shelby Drive Business Park Planned Development
Outline Plan Conditions

PD 96-348
Page 1

I. USES PERMITTED:

A. Any use permitted by right, administrative site plan approval in the I-L Light Industrial District with the following exceptions:

1. Amusements, commercial indoor and outdoor
2. Heliport
3. Campground, travel trailer park
4. Drive-in theater
5. Lumberyard
6. Mobile home sales
7. Motor Vehicles sales
8. Sheet metal shop
9. Undertaking establishment
10. Brewery
11. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer and abrasive products
12. Contractor's Storage, Outdoor
13. Adult Entertainment
14. Tavern, Cocktail Lounge, Nightclub
15. Video Arcade
16. Commercial Parking Garage
17. Taxicab Dispatch Station
18. Beverage Container Collection or Recycling Center
19. Motor Vehicle Sales or Service
20. Pawn shops
21. Flea Markets, Used Goods, or Second Hand Sales
22. Tobacco Products Manufacture
23. Landfill
24. Bus Terminal or Service Facility
25. Garbage or refuse collection service

B. Uses requiring a Special Use Permit shall be approved in accordance with Section 9 of the Zoning Ordinance-Regulations unless specifically excluded above.

II. BULK REGULATIONS

A. The bulk regulations for the I-L Light Industrial District in Chart 2 of the Zoning Regulations shall govern the development with the following exceptions:

1. Minimum Yard Requirements:

West PD boundary	- 50 feet
Arnold Road	- 50 feet
East PD boundary	- 30 feet
801.43' South PD boundary	- 30 feet
East Shelby Drive	- 30 feet
Prescott Road	- 30 feet

Conclusions

The request is to rezone +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP).

Historically, there was a previously approved planned development in early 1997 (PD 1996-348) for light industrial uses on this site. Though it has since expired, this request is in line with this previously approved outline plan (Shelby Drive Business Park).

The underlying purpose of this request is to allow the applicant to create a light industrial development, similar to those just to the east of the property. From the letter of intent, “If successfully rezoned, we plan on improving the site with a 450,000 square foot warehouse. Based on comparable sites in the immediate vicinity, we expect this development to produce approximately \$450,000 in City and County taxes on an annual basis. As \$781.17 in taxes are currently paid, this represents a 576-fold increase. In addition, we anticipate a warehouse of this size generating several hundred jobs.”

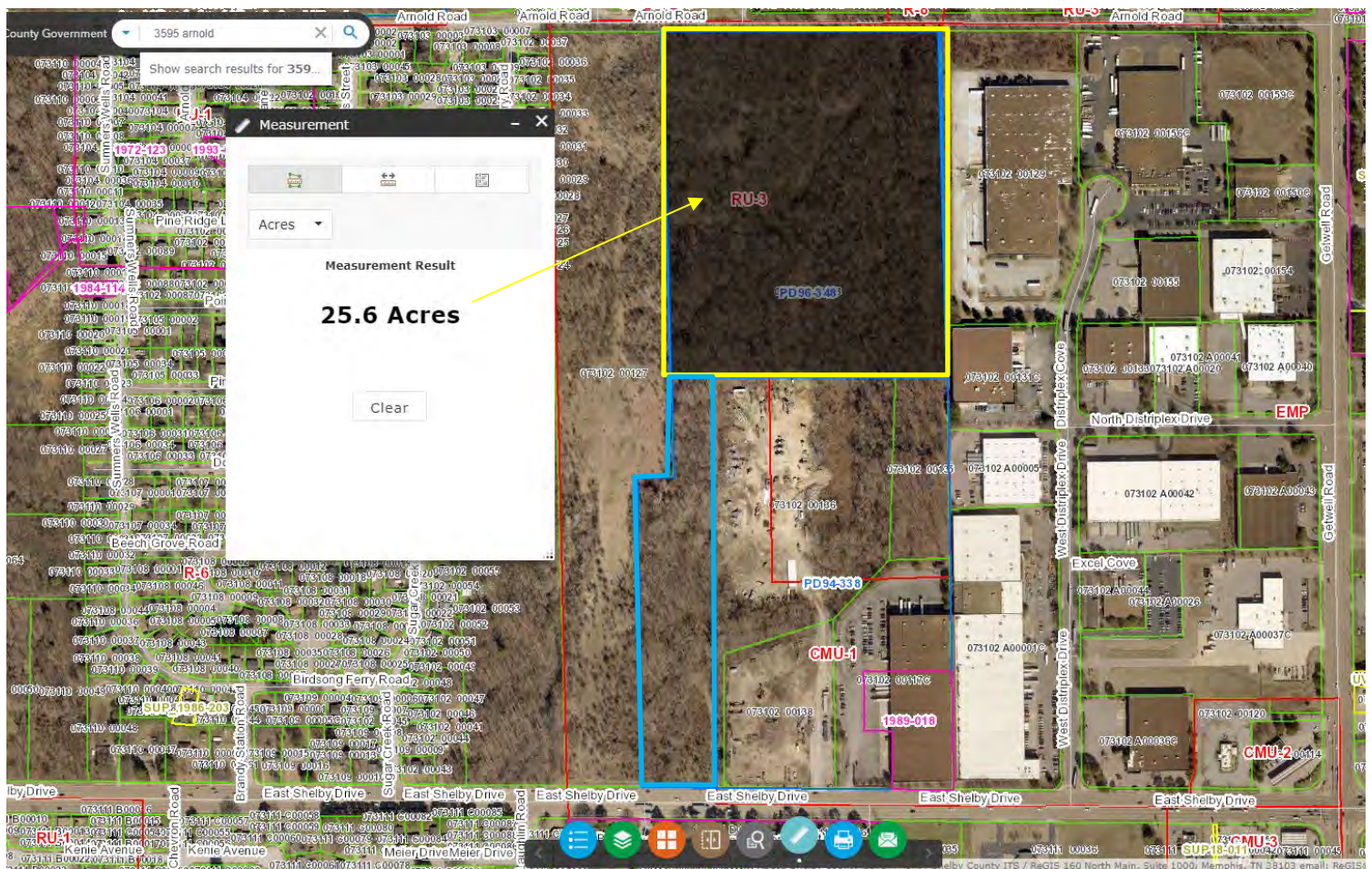
This site abuts existing light industrial uses and zoning along its entire eastern border, and would continue to provide a transition from the heavier industrial uses to the northeast along Raines Road. However, the site is adjacent and abutting multiple residential uses, the closest being a single-family use to the north across Arnold Road.

Moreover, this request was ultimately found to be inconsistent with the Memphis 3.0 plan due to the Future Land Use designating this site for multifamily (see pp. 14-16). Given the case and the need to be consistent with local plans, staff must recommend rejection, though staff feels that the case could be somewhat approvable given other parameters.

RECOMMENDATION

Staff recommends rejection.

However, staff feels that given the issue of “split” compatibility and incompatibility with nearby uses, approval for Employment (EMP) for the northern (roughly 25.6 acres) portion of the site, and the southern portion remaining Residential Urban – 3 (RU-3) could be a possible compromise. Staff feels this could still allow the development and promote the zoning nearest to the existing EMP uses to the east, while keeping the residential portion closest to the surrounding similar uses more toward the west. See the image below to see a graphic interpretation for the approval:



The yellow denotes the portion of the site to be approved for the Employment (EMP) zoning. The remaining southern portion (blue) would remain Residential Urban – 3 (RU-3).

Alternatively, the applicant could refile the application as a Planned Development. This would allow conditions of approval to provide flexibility in the approval and use of the southern portion of the site.

DEPARTMENTAL COMMENTS

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

- City/County Engineer:** No comments received.
- 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:

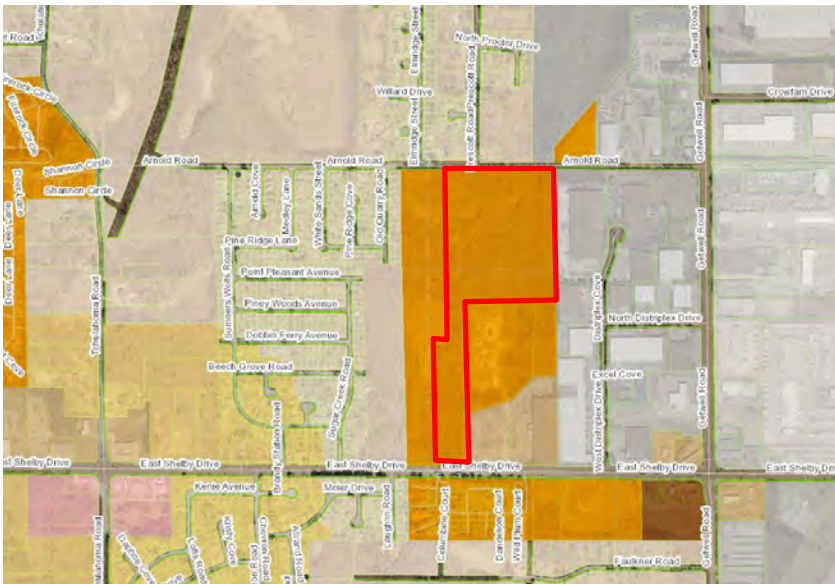
Site Address/location: 0 Arnold Road.

Land Use Designation (see page 88 for details): Primarily Multifamily Neighborhood (NM)

Based on the future land use and existing, adjacent land uses 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:

Multifamily Neighborhoods are characterized by their house and block size buildings that are a combination of attached, detached and semi attached homes. These neighborhoods are major residential hubs that consist of apartment complexes and condominiums and located greater than a 10-minute walk outside of the closest anchor. See graphic portrayal to the right.



“NM” Goals/Objectives:

Preservation/maintenance of existing multi-family housing.

“NM” Form & Location Characteristics:

Attached, semi-detached, and detached House-scale and some block-scale buildings. Primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map. 1-3+ stories height Beyond 1/2 mile from a Community Anchor.

The applicant is seeking to rezone 33.8 acres from Residential Urban-3 (RU-3) to Employment (EMP) at 0 Arnold Road.

The request does not meet the criterial of NM because the proposed use will be a warehouse, serving mostly as an industrial land use. The addition of this development will disrupt the buffer between the low intensity single family uses on the west and high intensity industrial uses to the east.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Industrial, and Vacant. The subject site is surrounded by the following zoning districts: RU-3, R-6, and CMU-1. This requested land use is not compatible with the adjacent land uses because *some existing land uses surrounding the parcels is not similar in nature to the requested use.*

4. Degree of Change map



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

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal is **NOT CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL, 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR REZONING APPROVAL

Date: April 18, 2022

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Zero Arnold Road, LLC Phone #: _____

Mailing Address: P.O Box 848 City/State: Lakewood, NJ Zip 08701-0848

Property Owner E-Mail Address: _____

Applicant: Jonathan Whitman Phone # _____

Mailing Address: same as above City/State: _____ Zip _____

Applicant E- Mail Address: jonathan.whitman@yahoo.com

Representative: Josh Whitehead Phone #: 901-524-5127

Mailing Address: 130 North Court Ave. City/State: Memphis, TN Zip 38103

Representative E-Mail Address: jwhitehead@memphistn.gov

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	33.8 acres	_____	_____
Existing Zoning:	RU-3 multi-family	_____	_____
Existing Use of Property	vacant	_____	_____
Requested Use of Property	warehouse	_____	_____
Requested Zoning	EMP employment	_____	_____

Pre-Application Conference held on: April 11, 2022 with Lucas Skinner

Neighborhood Meeting Requirement Met: Yes or Not Yet or Not Required (see below)
(If yes, documentation must be included with application materials)

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

<u>0 ARNOLD ROAD, LLC</u>	<u>04/27/22</u>	<u>Jonathan Whitman</u>	<u>04/27/22</u>
Property Owner of Record	Date	Applicant	Date

LETTER OF INTENT



Josh Whitehead
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

May 5, 2022

Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main Street, Suite 468
Memphis, TN 38103

RE: proposed rezoning on north side of Shelby between Tchulahoma and Getwell

Mr. Ragsdale:

On behalf of Zero Arnold Road, LLC and Jonathan Whitman, I am pleased to submit the attached application for a rezoning on the north side of Shelby Drive between Tchulahoma and Getwell.

This 33.8-acre site is currently zoned Residential Urban-3 (RU-3), which allows for multi-family uses. We believe those uses permitted in the Employment (EMP) district would have a greater positive effect on both the immediate neighborhood and the city as a whole than an apartment community at this location. Indeed, Oakhaven has been and remains one of the strongest employment zones in metropolitan Memphis, a major factor in the neighborhood's continued stabilization.

The Memphis 3.0 General Plan's Future Land Use Planning Map identifies the subject parcel as it is zoned, as multi-family housing (see Exhibit A). However, the parcel is adjacent, both to the north and to the east, to properties identified in the Future Land Use Planning Map as "industrial flex," a light industrial land use designation. The current land use and zoning of adjacent properties is one of the key factors for determining consistency with the Memphis 3.0 General Plan. The subject site is immediately adjacent to industrial zoning districts and/or industrial conditional zoning (see Exhibit B).

If successfully rezoned, we plan on improving the site with a 450,000 square foot warehouse. Based on comparable sites in the immediate vicinity, we expect this development to produce approximately \$450,000 in City and County taxes on an annual basis. As \$781.17 in taxes are currently paid, this represents a 576-fold increase. In addition, we anticipate a warehouse of this size generating several hundred jobs.

We believe that the proposed rezoning is not only consistent with Memphis 3.0, but also with previous actions taken on the subject parcel. On February 4, 1997, the Memphis City Council approved an industrial planned development at this location (case no. PD 96-348), but that entitlement has long since expired. Many of the innovations incorporated into the Unified Development Code (the "UDC") when it was adopted in 2010, such as increased streetscape and landscaping requirements, were meant to lessen the community's reliance on the planned development tool. We believe the UDC's EMP district, which replaced the former zoning code's Light Industrial district, serves as an ideal transitional zoning between the industrial uses to the east of the site and residential uses to its west.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Whitehead".

Josh Whitehead

May 5, 2022
Page 2

Exhibit A: Memphis 3.0 Future Land Use Planning Map of the area (subject site is indicated by a star; orange equates to multi-family future land uses and grey equates to “industrial flex”)

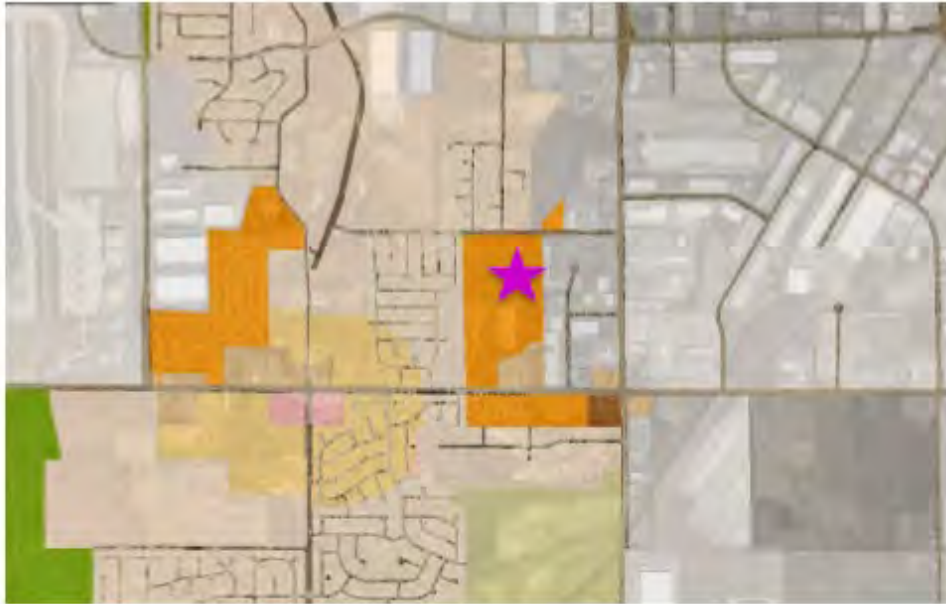
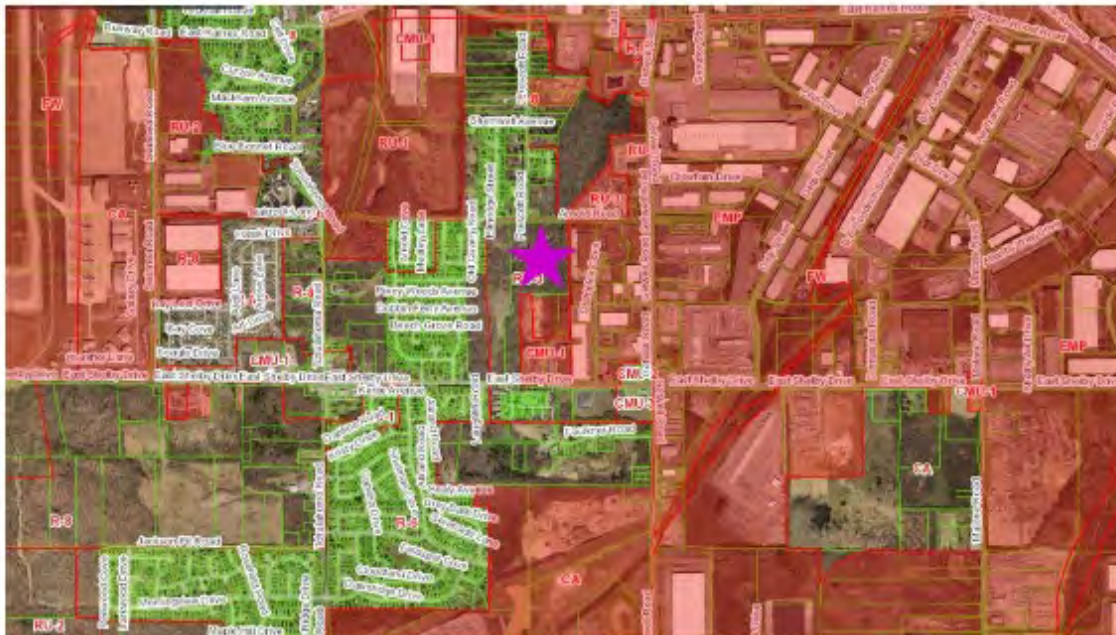


Exhibit B: industrial zoning and industrial conditional zoning in the area (indicated in red; the subject site is indicated by a star)



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Josh Whitehead, being duly sworn, depose and say that at 1:00 am/pm on the 20th day of May, 2022, I posted 2 Public Notice Sign(s) pertaining to Case No. Z 22-04 at Arnold + Shelby Drive providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

May 20, 2022
Date

Subscribed and sworn to before me this 20th day of May, 2022.

[Signature]
Notary Public

My commission expires: 2/2/26





LETTERS RECEIVED

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



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

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

June 14, 2022

Jonathan Whitman – Zero Arnold Road, LLC.

Sent via electronic mail to: jonathan.whitman@yahoo.com

Case Number: Z 2022-004

LUCB Recommendation: Rejection

Dear applicant,

On Thursday, June 9, 2022, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your rezoning application located at 3595 Arnold Road to be changed from Residential Urban – 3 (RU-3) to Employment (EMP).

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Lucas Skinner
Municipal Planner
Land Use and Development Services

Letter to Applicant
Z 2022-004

Division of Planning and Development

Cc: Josh Whitehead – Burch Porter Johnson
File

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, **October 11, 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 2022-004
LOCATION: 3595 Arnold Road - South side of Arnold Road +/-1,259 feet west of Getwell Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Jonathan Whitman
REPRESENTATIVE: Josh Whitehead – Burch, Porter, Johnson
REQUEST: Rezoning of +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP)
RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: ***Rejection***

Memphis and Shelby County Land Use Control Board: ***Rejection***

NOW, THEREFORE, you will take notice that on Tuesday, October 11, 2022, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

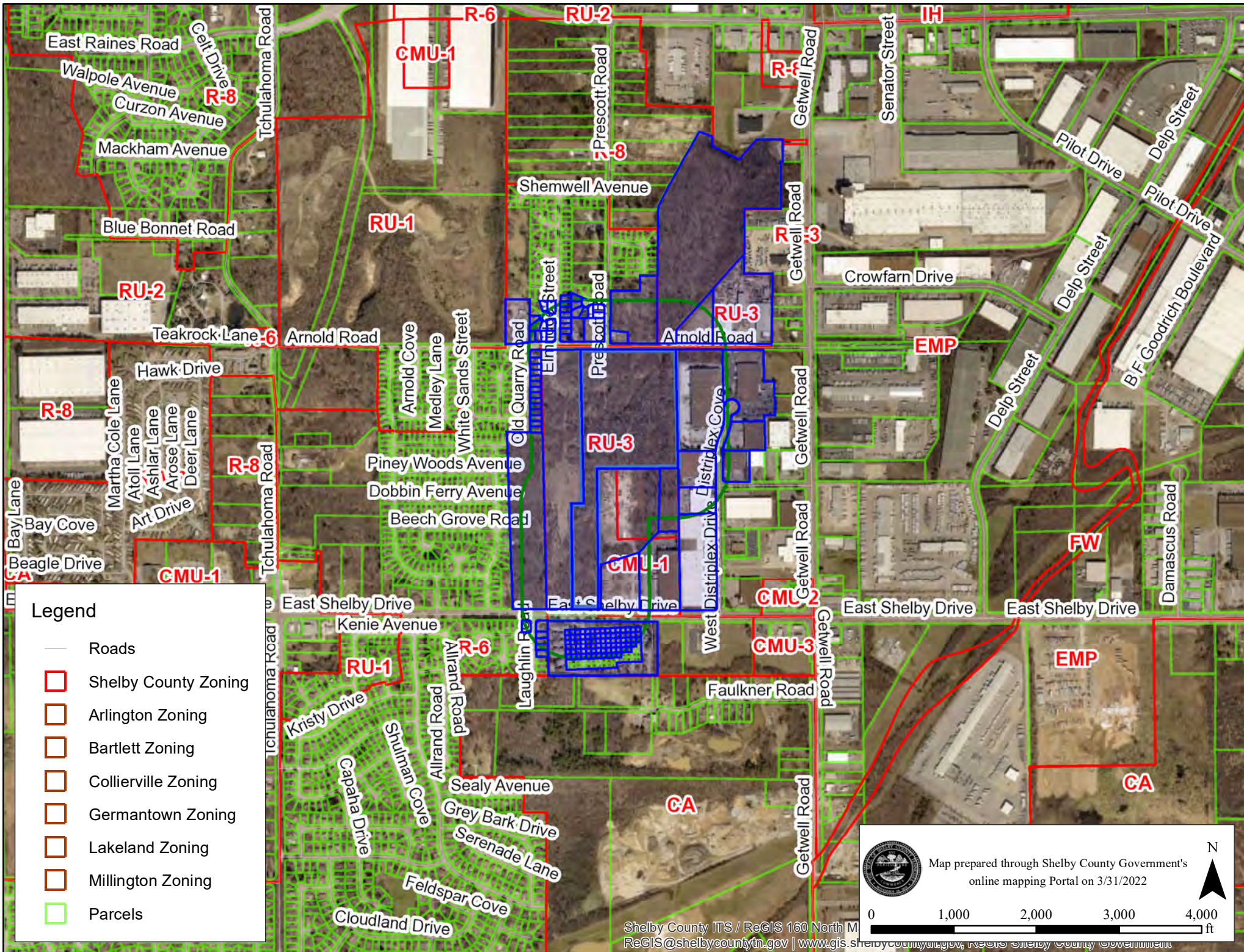
THIS THE August 31, 2022

MARTAVIUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

- 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 3/31/2022



DRAGON WOODLAND SAWMILL CORP
129 N WASHINGTON ST #
WEST HELENA AR 72390

EDWARDS MARY J AND EDITH EDWARDS AND
3529 ARNOLD RD #
MEMPHIS TN 38118

LOVE JACKIE
8863 MISSION HILLS DR #
MEMPHIS TN 38125

HOWELL BEATRICE
4322 PROCTOR DR N
MEMPHIS TN 38118

ZERO ARNOLD ROAD LLC
PO BOX 848 #
LAKEWOOD NJ 8701

SELF LAFREDERICK
4697 QUEENS LACE CT #
MEMPHIS TN 38118

ODENEAL REAFEDELL
4377 ELMRIDGE ST #
MEMPHIS TN 38118

CARTER PERRY AND GIOVANNI WOODHOUSE
4424 OLD QUARRY RD #
MEMPHIS TN 38118

DAVIS CURTIS L
5406 JORDAN DR #
MEMPHIS TN 38116

MASUYAMA IKUO

WOODS WILLIAM C & CHARLINE
4470 OLD QUARRY RD #
MEMPHIS TN 38118

JONES MICHAEL A
4703 QUEEN LACE CT #
MEMPHIS TN 38118

TAYLOR STANFORD & DENISE
3585 CARLOCK CV #
MEMPHIS TN 38118

BROWN MAE B
4476 OLD QUARRY RD #
MEMPHIS TN 38118

MILES GWENDOLYN V
4707 QUEENS LACE CT #
MEMPHIS TN 38118

MOORE MICHAELA E AND MALAIKE E MOORE AND
3581 CARLOCK CV #
MEMPHIS TN 38118

HURT ALICE Y
3520 OLD GETWELL RD #
MEMPHIS TN 38118

JACKSON CRYSTAL R
4721 QUEENS LACE CT #
MEMPHIS TN 38118

WILLIAMS JUAQUANNA
4397 ELMRIDGE ST #
MEMPHIS TN 38118

HAILEY JESSE E AND DEBBRA R HAILEY
4687 LAUGHLIN RD #
MEMPHIS TN 38118

LEE LAWRENCE H III
3962 GLENDALE #
MEMPHIS TN 38128

CHRIST REVIVAL TEMPLE MINISTRIES INC
4448 PINE RIDGE CV #
MEMPHIS TN 38118

WATKINS CATHERINE
4688 LAUGHLIN RD #
MEMPHIS TN 38118

TOLLIVER BRIAN
4735 QUEENS LACE CT #
MEMPHIS TN 38118

LEGACY ENDURES INVESTMENTS LLC
2031 JANIS DR #
MEMPHIS TN 38116

RODRIGUEZ JOSE L & GUILLERMINA HERNANDEZ
4406 PRESCOTT RD #
MEMPHIS TN 38118

TATE REGENIA H
4697 COLUMBINE CT #
MEMPHIS TN 38118

KIEFFER INVESTMENTS LLC
5683 S ZANTE CIR #
AURORA CO 80015

AZIZ FUAD I & LESLIE R
3526 ARNOLD #
MEMPHIS TN 38118

LANEHART SHIRLEY A
4701 COLUMBINE CT #
MEMPHIS TN 38118

JONES KORDOREO
3567 MORNING DEW CT
MEMPHIS TN 38118

SHELBY MEADOWS CONDOMINIUMS INC
165 MADISON AVE #
MEMPHIS TN 38103

HERNANDEZ CARLOS R AND LEIDY S GONZALES
1515 BALTIMORE ST #
MEMPHIS TN 38114

WALKER WILLIE B JR & DEBRA M
3299 LUCIBILL RD #
MEMPHIS TN 38116

GRIFFIN DARTHIA J
4750 HORN LAKE RD #
MEMPHIS TN 38109

GRAYER MARGARET A
4373 ELMRIDGE #
MEMPHIS TN 38118

DURR-PERRY JENNIFER
3558 FIELD FLOWERS CT
MEMPHIS TN 38118

TOWNSEND BRIAN
4718 QUINTELL AVE
MEMPHIS TN 38128

WILSON PATRICIA A
4372 ELMRIDGE ST #
MEMPHIS TN 38118

JOHNSON KENNETH E
5409 PRECIOUS STONE CV #
MEMPHIS TN 38109

MOORE DOROTHY M
4697 WILD PLUM CT #
MEMPHIS TN 38118

BOLDEN MELVIN L & ARA ANNA S
4377 PRESCOTT RD #
MEMPHIS TN 38118

BIRCHDALE LLC
1661 INTERNATIONAL PLACE DR #400
MEMPHIS TN 38120

MCMILLIAN GAIL L
1536 EDGESIDE CT #
RALEIGH NC 27609

STRONG OPHELIA A AND OPHELIA ROBINSON
3575 CARLOCK CV #
MEMPHIS TN 38118

CARTWRIGHT RICHARD SR
5473 LASTRADA #
MEMPHIS TN 38116

LEAKE MELVENA (2/3%) AND YVETTE LEAKE
4632 HONEY SUCKLE LN #
MEMPHIS TN 38109

SHEFFA L C & ZONNIE B
4378 ELMRIDGE ST #
MEMPHIS TN 38118

RHODES PROPERTIES 1 LLC
PO BOX 2010 #
OLIVE BRANCH MS 38654

COLLIER TRENT A
7545 BRITNEYWOODS CIR #
ARLINGTON TN 38002

WILSON JANICE A
4384 ELMRIDGE ST #
MEMPHIS TN 38118

WALLER JAMES E AND JEREMY J WALLER (RS)
3557 FIELD FLOWER CT #
MEMPHIS TN 38118

DAVIS LEWIS A
3612 ORANGE BLOSSOM CT #
MEMPHIS TN 38118

BOLDEN MELVIN & ARA
4377 PRESCOTT RD #
MEMPHIS TN 38118

WAINWRIGHT JOHN H & CHERYSE F
3563 FIELD FLOWER CT #
MEMPHIS TN 38118

JOHNSON KENNETH E
5409 PRECIOUS STONE CV #
MEMPHIS TN 38109

MCKIE KEVIN
64564 RESEARCH RD #
BEND OR 97703

RHODES PROPERTIES 1 LLC
PO BOX 2010 #
OLIVE BRANCH MS 38654

ATKINS ANCHERNYCE T R & CALVIN
6572 KIRBY GATE CV #
MEMPHIS TN 38119

ARANDA LEONARDO
4389 ELMRIDGE ST #
MEMPHIS TN 38118

RODGERS ISAAC H & VERLEE L
3560 ARNOLD RD #
MEMPHIS TN 38118

EDWARDS BONITA K
4482 OLD QUARRY RD #
MEMPHIS TN 38118

MILLER JOYCE A
4721 COLUMBINE CT #
MEMPHIS TN 38118

FOOTS SHELLEY L
4393 ELMRIDGE ST #
MEMPHIS TN 38118

GOPALSAMY GOVINDARAJAN
6156 W BRANCH RD #
SAN RAMON CA 94582

HELAND INVESTMENTS LLC
5810 SHELBY OAKS DR #B
BARTLETT TN 38134

TWEDT DANIEL J
5136 OVERVIEW RDG #
MEMPHIS TN 38141

MCNEAL LASALLE
3842 OAKSHIRE ST #
MEMPHIS TN 38109

MOODY VINCENT C
3331 BESTWAY DR #
MEMPHIS TN 38118

TWEDT DANIEL
5136 OVERVIEW RDG #
MEMPHIS TN 38141

4660 REALTY CORP
4660 DISTRIplex DR W
MEMPHIS TN 38118

BRANCH HOLDINGS LLC
778 E SHELBY DR #
MEMPHIS TN 38116

BUTLER PROPERTIES LLC
4435 SUMMER AVE #
MEMPHIS TN 38122

MCKAY DIANNE
4707 LAUGHLIN RD #
MEMPHIS TN 38118

BONNER ROBERT
4735 COLUMBINE CT #
MEMPHIS TN 38118

LUMPKIN SHELIA L
4430 OLD QUARRY RD #
MEMPHIS TN 38118

TRISTAR DISTRIplex LLC
2283 GOBER RD #
BISHOP GA 30621

GASTON LAVESTIA
12555 RIVER BEND DR #
OLIVE BRANCH MS 38654

SEGURA JOSE
1544 W 94TH ST #
LOS ANGELES CA 90047

M E D PROPERTIES LLC
3740 ARNOLD RD #
MEMPHIS TN 38118

LOPEZ-GLENN ANGELLA
1834 KENDALE AVE #
MEMPHIS TN 38114

MOORE CHARLES D
PO BOX 986 #
COLLIERVILLE TN 38027

INGRAM WILLIE F
3532 ARNOLD RD #
MEMPHIS TN 38118

SMITH CLARENCE JR AND ALLEAN BENSON
8845 TCHULAHOMA RD #
SOUTHAVEN MS 38671

KEY AMY S
4460 OLD QUARRY RD #
MEMPHIS TN 38118

4660 REALTY CORP
4660 DISTRIplex DR W
MEMPHIS TN 38118

STORY JEANETTE G
4872 HIGH POINT CV #
MEMPHIS TN 38109

NINE ZERO ONE HOLDINGS LLC
PO BOX 17573 #
MEMPHIS TN 38187

KEYS RENETTA L
4709 COLUMBINE CT #
MEMPHIS TN 38118

VAUGHAN INVESTMENT CORP
4593 TAMMY LN #
MEMPHIS TN 38116

HALL FLORENCE
3555 MORNING DEW CT #
MEMPHIS TN 38118

THOMPSON CONNIE
1997 MOORE RD #
RED BANKS MS 38661

SANDERS LORETTA R
4723 MORNING GLORY CT #
MEMPHIS TN 38118

REED MICHAEL
PO BOX 751164 #
MEMPHIS TN 38175

ROSS CEDRIC L
3229 E RAINES RD #
MEMPHIS TN 38118

PARTEE BOBBY
2459 TARBET DR #
MEMPHIS TN 38119

SANDERS KATHERINE
3561 MORNING DEW CT #
MEMPHIS TN 38118

DARBY KOREY
37 ASPINWALL RD #
BOSTON MA 2124

GARNER SHERRI E
4729 MORNING GLORY CT #
MEMPHIS TN 38118

WOODS CECELIA
3563 MORNING DEW CT #
MEMPHIS TN 38118

HARRIS HARRY & ANITA
3556 MORNING DEW CT #
MEMPHIS TN 38118

WALTON FELECIA L
4735 MORNING GLORY CT #
MEMPHIS TN 38118

JOHNSON REGINALD
4146 CARROLL DR W
HORN LAKE MS 38637

TOLLIVER BRIAN
3562 MORNING DEW CT #
MEMPHIS TN 38118

ESTATE VENTURES LLC TR
PO BOX 751224
MEMPHIS TN 38175

COLLIER TRENT A
7545 BRITNEYWOODS CIR #
ARLINGTON TN 38002

ESTATE VENTURES LLC
PO BOX 751225
MEMPHIS TN 38175

MYRA LLC
PO BOX 281
ASHBURN VA 20148

LEWIS DARRYL & LASAVIA
1389 SANDY STONE LN
CORDOVA TN 38016

FOXTROT REAL ESTATE LLC
7185 E DRY CREEK CIR #
CENTENNIAL CO 80112

BOUIE-PALMER KIM
4734 MORNING GLORY CT #
MEMPHIS TN 38118

EASTER DOROTHY M
P O BOX 30642 #
MEMPHIS TN 38130

CRAWFORD DONALD S II
4702 LAUGHLIN RD #
MEMPHIS TN 38118

GAUSE RAYMOND
4736 MORNING GLORY CT
MEMPHIS TN 38118

JONES VERONICA W
10435 ASHBORO DR #
COLLIERVILLE TN 38017

HYDE LAWARNER J
4708 LAUGHLIN RD #
MEMPHIS TN 38118

HOLMES RALPH W
3622 ORANGE BLOSSOM CT #
MEMPHIS TN 38118

BRIGHT ALVINOR & RUBY
8066 DOGWOOD VILLA #
GERMANTOWN TN 38138

STRICKLAND RICKY V
4716 LAUGHLIN RD #
MEMPHIS TN 38118

CLEABORN CAROLYN
PO BOX 16021 #
MEMPHIS TN 38186

WARD YOLANDA
3618 ORANGE BLOSSOM CT #
MEMPHIS TN 38118

WILLIAMS REALTY AND INVESTMENTS LLC
941 E RAINES RD #
MEMPHIS TN 38116

PREMSRIRUT RUTT
3993 HOWARD HUGHES PKWY #140
LAS VEGAS NV 89169

W N WINTCO
3431 HOMBLY RD #
HOUSTON TX 77066

DAVIS WILLIE JR
2030 MCPHERSON RD #
MEMPHIS TN 38116

HALL RODNEY
5535 KINDLE HILL ST
MEMPHIS TN 38141

BRUCE JUEL L
418 N ARMISTEAD ST #T4
ALEXANDRIA VA 22312

TALIAFERRO KEDRICK
4734 COLUMBINE CT #
MEMPHIS TN 38118

BRIGHT DOOR PROPERTY LLC
3380 KEYSTONE AVE
MEMPHIS TN 38128

BANKS SYLVIA M
3613 ORANGE BLOSSOM CT #
MEMPHIS TN 38118

4660 REALTY CORPORATION
4660 DISTRIplex DR W
MEMPHIS TN 38118

DAVIS WILLIE JR
2030 MCPHERSON RD
MEMPHIS TN 38116

GRIFFIN WILLIAM
5049 GOLDEN OAKS #
MEMPHIS TN 38118

ALTO ASSET CO 1 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

APPICE CARMINE JR LIVING TRUST
16633 VENTURA BLVD #1450
ENCINO CA 91436

GRIFFIN WILLIAM
5049 GOLDEN OAKS #
MEMPHIS TN 38118

ARMM ASSET CO 1 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

COLLIER TRENT
7545 BRITNEYWOODS CIR
ARLINGTON TN 38002

WILLIAMS FAMILY RLT 2020
687 OASIS CV #
CORDOVA TN 38018

NM PLEX LLC
1605 LBJ FWY #710
DALLAS TX 75234

AUTRY KENNETH M
4707 WILD PLUM CT #100
MEMPHIS TN 38118

CRUTCHFIELD WALTER
4726 QUEENS LACE CT #
MEMPHIS TN 38118

SEALY DISTRIplex DR WEST ONE LLC
333 TEXAS ST #1050
SHREVEPORT LA 71101

CHINA MANUFACTURER'S ALLIANCE LLC
406 E HUNTINGTON DR #200
MONROVIA CA 91016

YAHN ROBERT
3198 OLD BROWNSVILLE RD #
BARTLETT TN 38134

SAINI INVESTMENTS LLC
5015 PEACH BLOSSOM CV #200
MEMPHIS TN 38125

SEALY DISTRIplex COVE LLC
333 TEXAS ST #1050
SHREVEPORT LA 71101

DOUGLAS ISIAHA
1413 PRESTON ST #
MEMPHIS TN 38106

JETT MARICO
7857 ELLEN DR #8
SOUTHAVEN MS 38671

SEALY DISTRIplex DR NORTH ONE LLC
333 TEXAS ST #1050
SHREVEPORT LA 71101

SEALY DISTRIplex DRIVE W TWO L L C
333 TEXAS ST #1050
SHREVEPORT LA 71101

HURLEY TARCHA
4524 SPRING VIEW LN #4300
KELLER TX 76244

PLYMOUTH 3650 DISTRIplex TN LLC
20 CUSTOM HOUSE ST #11
BOSTON MA 2110

WILLIAMS ROBERT L JR
8747 TANOAK DR
GERMANTOWN TN 38138

PLYMOUTH 3650 DISTRIplex TN LLC
20 CUSTOM HOUSE ST #11
BOSTON MA 2110

CLEABORN CAROLYN
PO BOX 16021
MEMPHIS TN 38186

SHELBY COUNTY
160 N MAIN ST #350
MEMPHIS TN 38103

ECONOMIC DEV GROWTH ENGINE INDUSTRIAL
100 PEABODY PL #1100
MEMPHIS TN 38103

SHELBY MEADOWS CONDOMINIUMS INC
3092 POPLAR AVE #17
MEMPHIS TN 38111

SHELBY MEADOWS CONDOMINIUMS INC
3092 POPLAR AVE #17
MEMPHIS TN 38111

REDICK BRIAN
3380 KEYSTONE AVE
MEMPHIS TN 38128

SHELBY MEADOWS CONDOMINIUMS INC
3092 POPLAR AVE #17
MEMPHIS TN 38104

HAMMOND SHERRY T
3560 MORNING DEW CT #13
MEMPHIS TN 38118

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 09/13/2022
DATE
PUBLIC SESSION: 10/11/2022
DATE**

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, 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 use district reclassification for land located at 5481 Davidson Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 2022-005

CASE NUMBER: Z 2022-005

LOCATION: 5481 Davidson Road

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

OWNER/APPLICANT: Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties

REPRESENTATIVES: Josh Whitehead – Burch Porter Johnson

REQUEST: Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employment (EMP)

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 – September 13, 2022
Second reading – September 27, 2022
Third reading – October 11, 2022

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
08/11/2022 _____ 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>
<u>Lucas Skinner</u>	<u>08/31/2022</u>	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2022-005

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, 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 USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5481 DAVIDSON ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-005

- 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, August 11, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2022-005

LOCATION: 5481 Davidson Road

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

OWNER/APPLICANT: Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties

REPRESENTATIVE: Josh Whitehead – Burch Porter Johnson

REQUEST: Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employment (EMP)

The following spoke in support of the application: Josh Whitehead, Tom McCrary

The following spoke in opposition of the application: Angie Staggs, Y.C. Cox, Gary Votter

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

The motion passed by a vote of 7-0 on the regular agenda.

Respectfully,

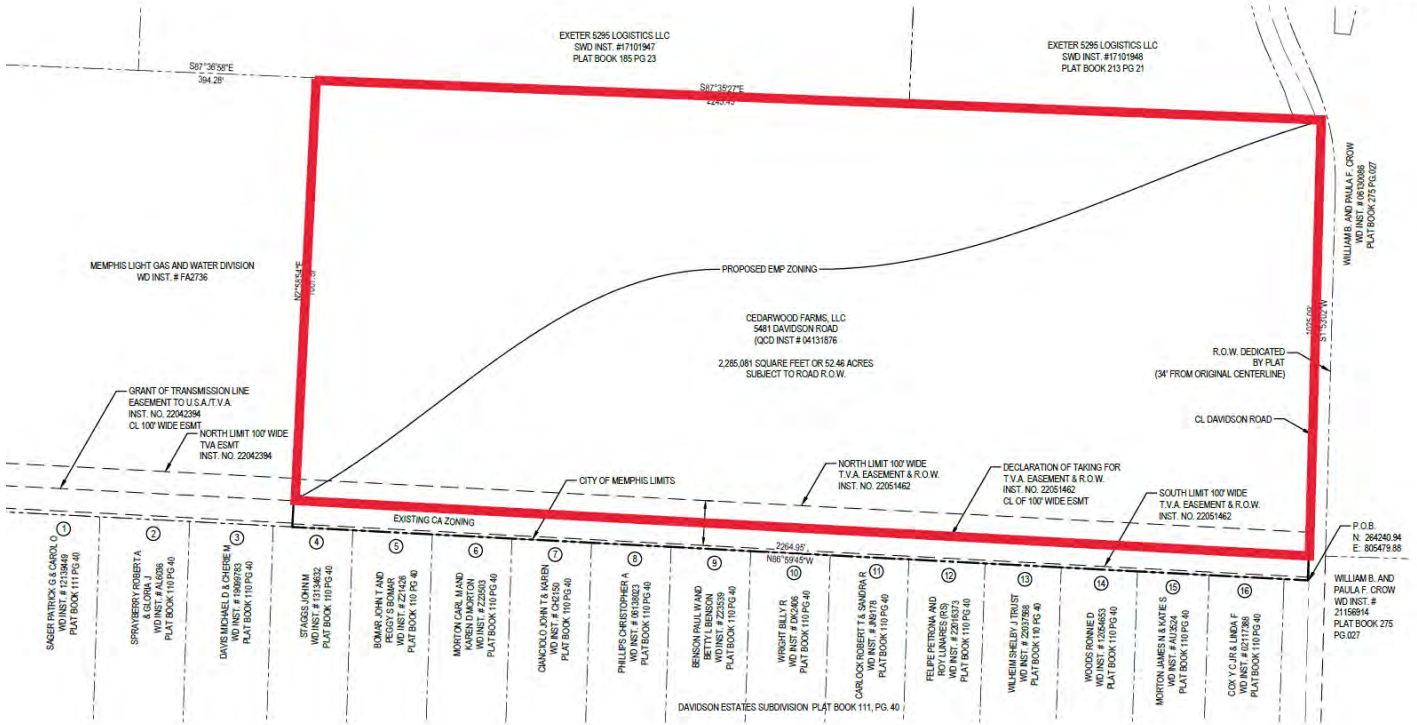


Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN

1 INCH = 150 FT



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, 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 USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5481 DAVIDSON ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-005

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 2022-005**; 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 CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

PARCEL 1

BEING A LEGAL DESCRIPTION OF PART OF THE PROPERTY CONVEYED TO CEDARWOOD FARMS, LLC, OF RECORD IN QUIT CLAIM DEED INSTRUMENT NO.04131876 IN THE REGISTER'S OFFICE OF SHELBY COUNTY (S.C.R.O.) TENNESSEE AND SAID PROPERTY BEING LOCATED IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING

PART OF SECTION 13, TOWNSHIP 1-SOUTH, RANGE 7 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE CENTER OF DAVIDSON ROAD AS PLATTED AT THE NORTHEAST CORNER OF DAVIDSON ESTATES SUBDIVISION AS RECORDED IN PLAT BOOK 111, PAGE 40 AND SAID POINT HAVING TENNESSEE STATE PLANE COORDINATES (NAD 83) OF 264,240.9415 FEET NORTH AND 805,479.8782 FEET EAST;

THENCE NORTH 01 DEGREES 53 MINUTES 02 SECONDS EAST ALONG SAID CENTERLINE 57.01 TO A POINT IN THE CENTERLINE OF A 100 FOOT WIDE TVA EASEMENT OF RECORD IN INSTRUMENT NUMBER 22051462; SAID POINT BEING THE POINT OF BEGINNING AND HAVING TENNESSEE STATE PLANE COORDINATES (NAD 83) OF 264,297.9216 FEET NORTH AND 805,481.7525 FEET EAST;

THENCE NORTH 86 DEGREES 59 MINUTES 45 SECONDS WEST ALONG THE SAID TVA EASEMENT 2,263.86 FEET TO A POINT AT THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED TO THE CITY OF MEMPHIS FOR THE USE AND BENEFIT OF MEMPHIS LIGHT, GAS AND WATER DIVISION (MLGW) PER INSTRUMENT NO. FA 2736;

THENCE ALONG THE EAST LINE OF SAID MLGW PROPERTY (LEAVING THE CENTERLINE OF TVA EASEMENT) NORTH 02 DEGREES 58 MINUTES 54 SECONDS EAST 944.57 FEET TO THE NORTHEAST CORNER OF SAID MLGW PROPERTY AND BEING IN THE SOUTH LINE OF FINAL PLAT- PHASE 3 OF DAVIDSON ROAD INDUSTRIAL PARK P. D. AMENDED RECORDED IN PLAT BOOK 185, PAGE 23 (S.C.R.O.);

THENCE SOUTH 87 DEGREES 35 MINUTES 27 SECONDS EAST ALONG SAID SOUTH LINE AND THEN ALONG THE SOUTH LINE OF FINAL PLAT- PHASE 5 OF DAVIDSON ROAD INDUSTRIAL PARK P. D. AMENDED RECORDED IN PLAT BOOK 213, PAGE 21 (S.C.R.O.) AND THE PROJECTION THEREOF 2,245.43 FEET TO THE CALL EAST LINE OF SAID SECTION 13 AND BEING IN THE CENTERLINE OF DAVIDSON ROAD PRIOR TO IMPROVEMENTS;

THENCE SOUTH 01 DEGREES 53 MINUTES 02 SECONDS WEST ALONG SAID SECTION LINE AND FORMER CENTERLINE OF DAVIDSON ROAD PRIOR TO IMPROVEMENTS 968.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,156,010 SQUARE FEET OR 49.50 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY IN DAVIDSON ROAD.

NOTE: BEARINGS ARE BASED UPON TN STATE PLANE GRID (NAD 83)

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.

ATTEST:

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

//: ATTACHMENTS

AGENDA ITEM: 10

CASE NUMBER: Z 2022-005

L.U.C.B. MEETING: August 11, 2022

LOCATION: 5481 Davidson Road

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

OWNER/APPLICANT: Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties

REPRESENTATIVE: Josh Whitehead – Burch Porter Johnson

REQUEST: Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone 52.46 acres from Conservation Agriculture (CA) to Employment (EMP).
2. The subject property is currently used as a residential site with horse stables on the property.
3. The underlying purpose of this request is to create a new site for future light industrial uses and warehousing, similar to what is happening around the site. Other than the homes to the south, the rest of the area is heavily commercialized and industrialized.
4. Staff finds the request is consistent with Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses. There were no other plans to relate this case to.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 12-14 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Davidson Road +/-1,025.09 linear feet
Zoning Atlas Page: 2540 and 2545
Parcel ID: 094200 00391
Area: +/-52.46 acres
Existing Zoning: Conservation Agriculture (CA)
Requested Zoning: Employment (EMP)

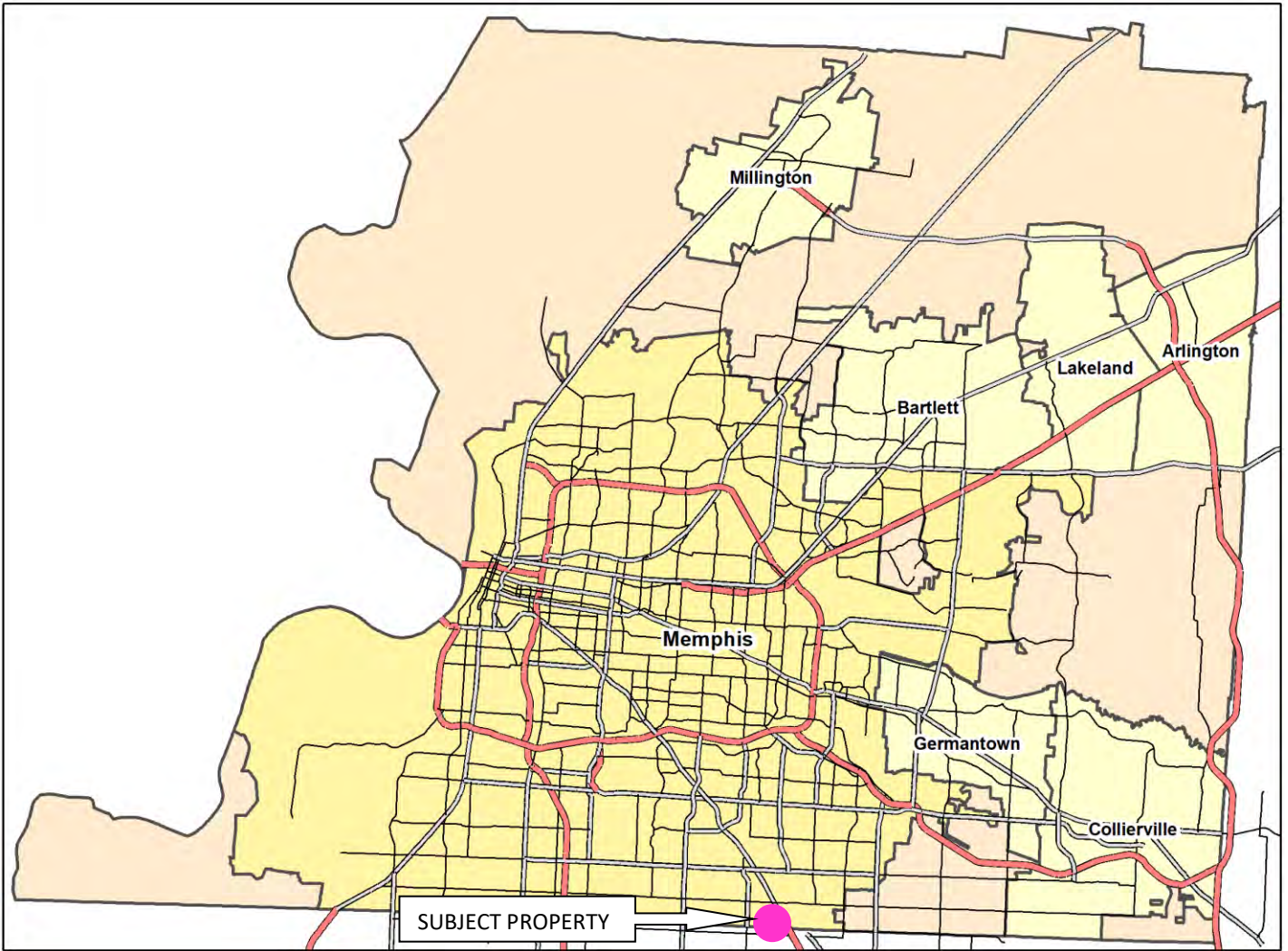
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with all local plans including Memphis 3.0.

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 26 notices were mailed on July 28, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



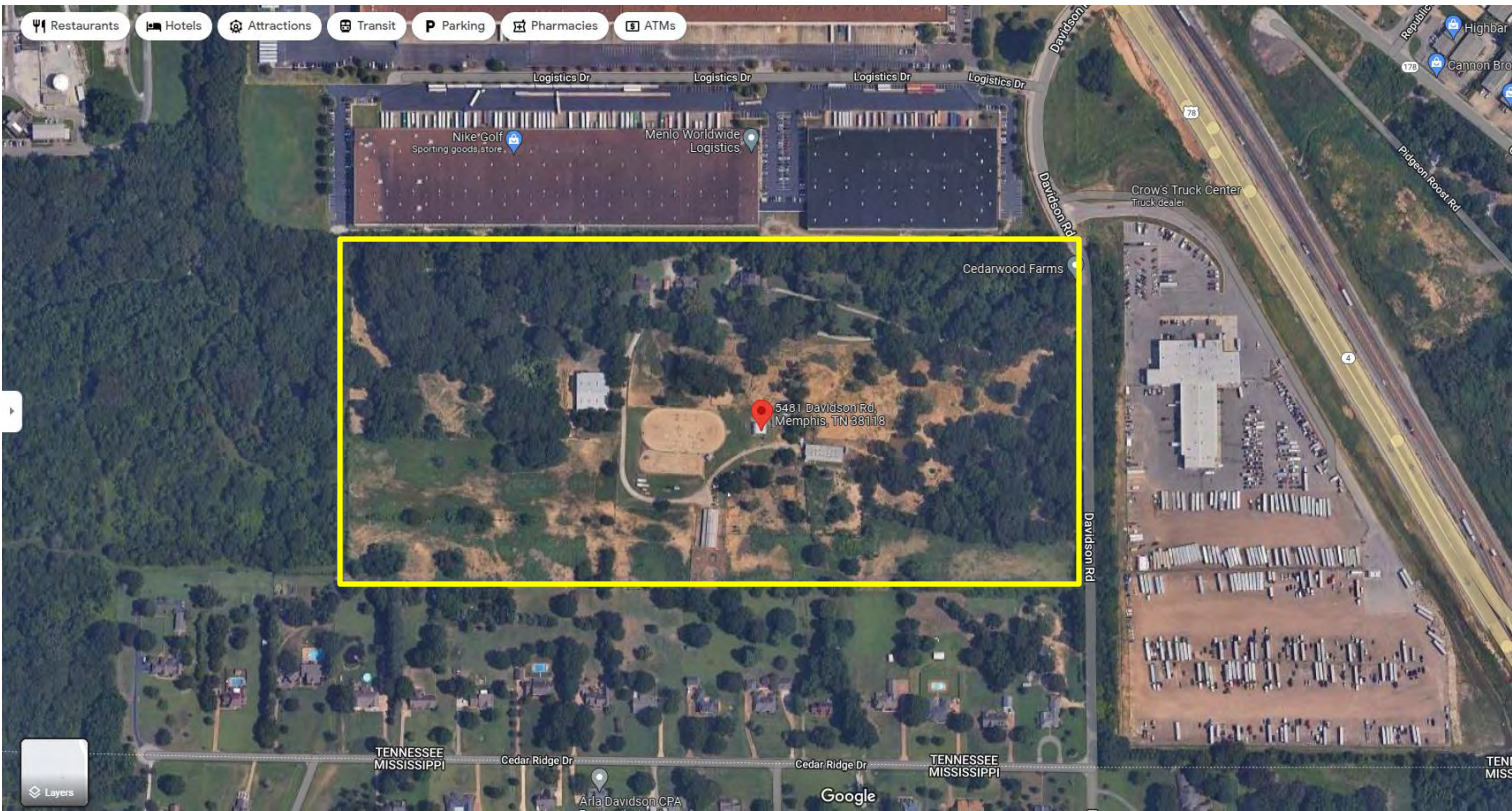
Subject property located within the pink circle, Southeast Memphis neighborhood

VICINITY MAP



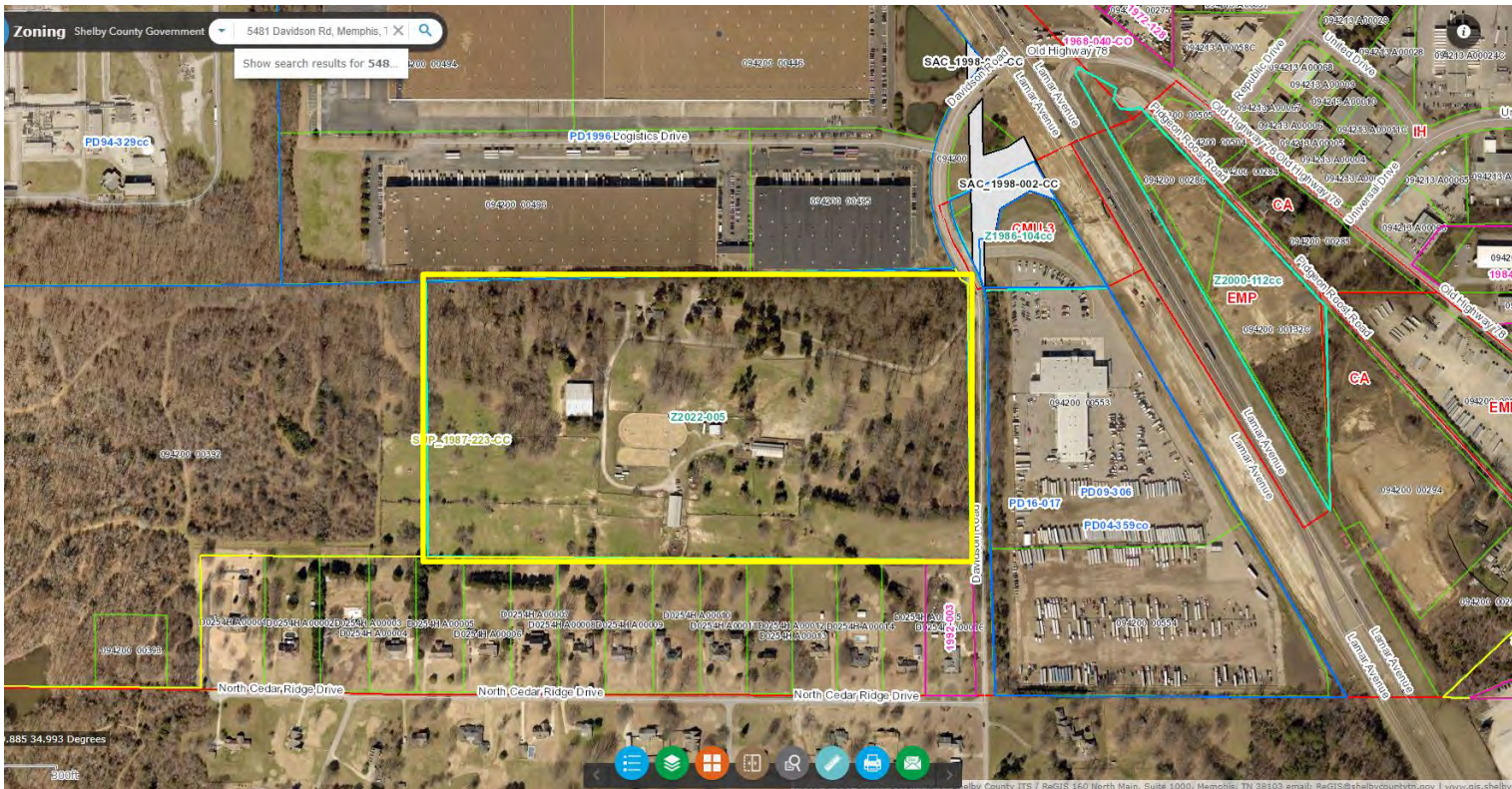
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

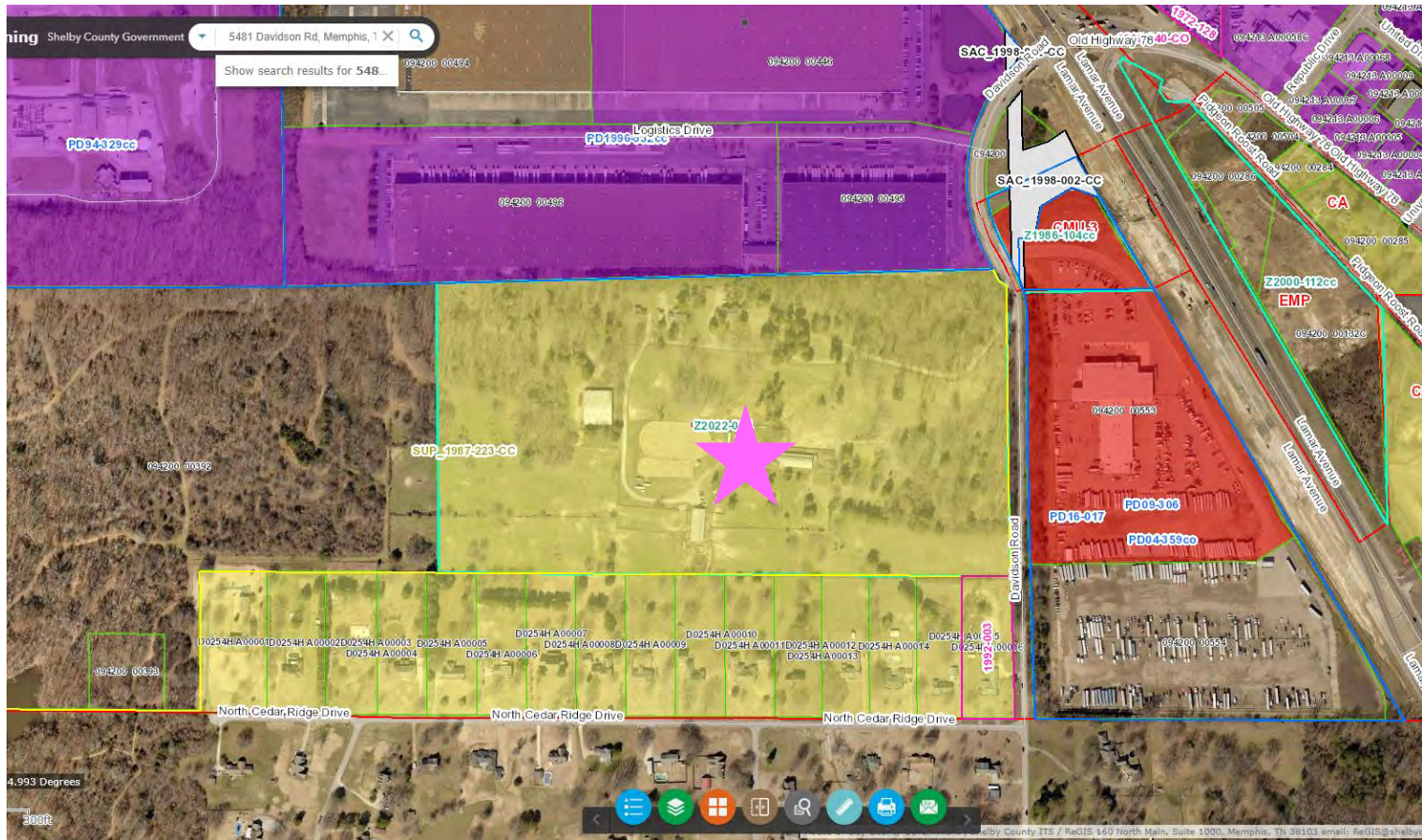
North: PD 1996-332 CC (EMP)

East: PD 16-017 (CMU-3, EMP)

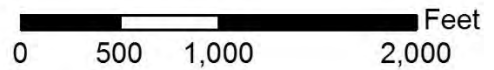
South: CA










West: CA

LAND USE MAP



LandUse

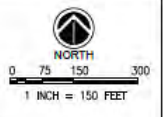
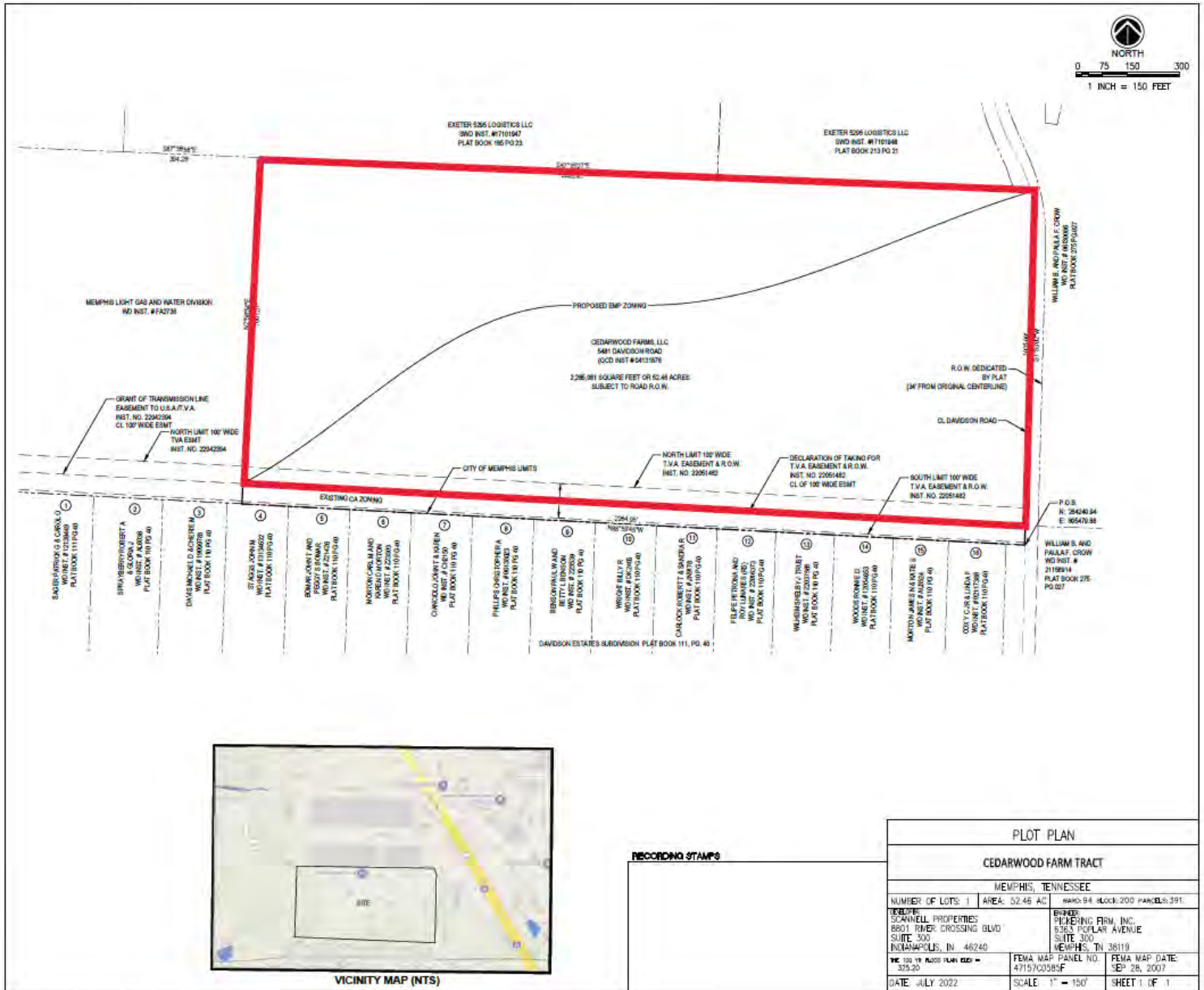


- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property indicated by pink star

PLOT PLAN



VICINITY MAP (NTS)

RECORDING STAMPS

Blank area for recording stamps.

PLOT PLAN		
CEDARWOOD FARM TRACT		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	AREA: 52.46 AC	WARD: 94 BLOCK: 200 PARCELS: 391
TELETYPE SKARNELL PROPERTIES 8801 RIVER CROSSING BLVD INDIANAPOLIS, IN 46240	ENGINEER PICKERING FIRM, INC. 8353 POPP AVENUE SUITE 300 MEMPHIS, TN 38119	DATE JULY 2022
FE 150 1/8 PLAN EXP - 325-20	FEMA MAP PANEL NO. 4715/02058F	FEMA MAP DATE SEP 28, 2007
DATE: JULY 2022	SCALE: 1" = 150'	SHEET 1 OF 1

SITE PHOTOS



View of subject property from Davidson Road looking west



View of subject property from Davidson Road looking west



View of subject property from residential properties from Davidson Road looking northwest

STAFF ANALYSIS

Request

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

The request is to rezone 52.46 acres from Conservation Agriculture (CA) to Employment (EMP).

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 subject property is +/-52.46 acres located on the west side of Davidson Road at 5481 Davidson. The site is currently zoned Conservation Agriculture (CA) and remains the last large-lot residential site in the area. The site has a 100-foot TVA easement along the south side of the property. The property is surrounded by light industrial uses to the north and to the east across Davidson Road. To the south, there are residential properties, however they are in the County and not within the City limits. The site is heavily wooded along Davidson Road.

Conclusions

The request is to rezone 52.46 acres from Conservation Agriculture (CA) to Employment (EMP).

The subject property is currently used as a residential site with horse stables on the property.

The underlying purpose of this request is to create a new site for future light industrial uses and warehousing, similar to what is happening around the site. Other than the homes to the south, the rest of the area is heavily commercialized and industrialized.

Staff finds the request is consistent with Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses. There were no other plans to relate this case to.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CASE: Z-22-005 NAME: 5481 Davidson Rd (CA to EMP)

Sewers:

1. A sewer extension of approximately 2,000 feet will be required to serve this development.

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:

Site Address/Location: 5481 Davidson Rd

Overlay District/Historic District/Flood Zone: Not in an overlay district, historic district, or flood zone.

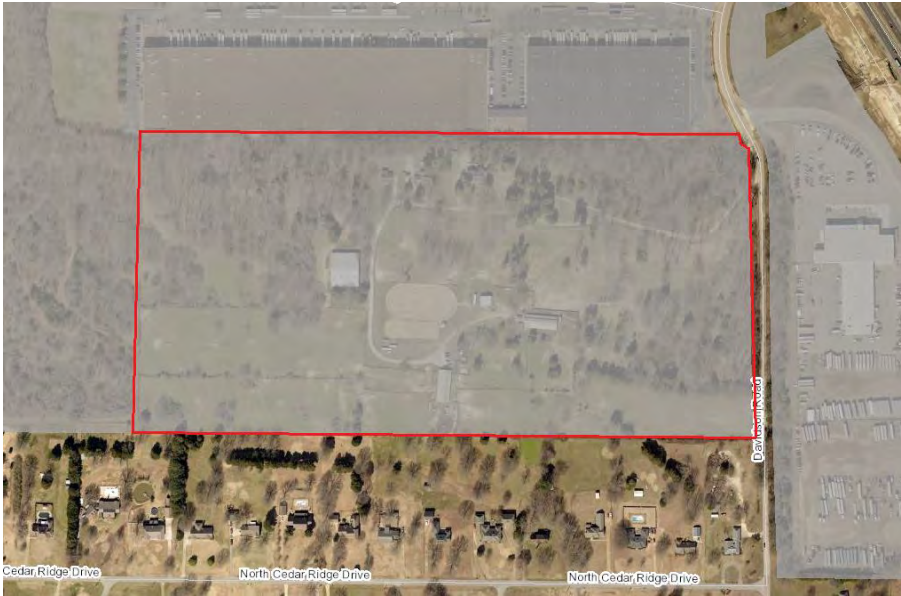
Future Land Use Designation: Industrial (I)

Street Type: Avenue/Rural

The applicant is requesting to rezone most of the subject parcel from Conservation Agriculture (CA) to Employment (EMP). The applicant is requesting that the southernmost 57-feet of the parcel retain the CA zoning designation to serve as a buffer between the parcel's industrial use and the residential properties to the south of the parcel.

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 site on the Future Land Use Map.

2. Land Use Description/Intent

Higher intensity industrial areas. Graphic portrayal of I is to the right.



“I” Form & Location Characteristics

Industrial, 1-10 stories.

“I” Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, CA

Adjacent Land Use and Zoning: Single-Family, Industrial and Commercial; CA and CMU-3

Overall Compatibility: *This requested rezoning is compatible with the future land use description/intent, form & location characteristics, and zoning notes as the EMP zoning district allows for industrial uses. The existing, adjacent land uses to the north and east are also consistent with this rezoning, and the residential land uses to the south of the parcel will be preserved by the 57-feet of the parcel that are requested to remain in the current CA zoning district.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is requesting to rezone most of the subject parcel from Conservation Agriculture (CA) to Employment (EMP). The applicant is requesting that the southernmost 57-feet of the parcel retain the CA zoning designation to serve as a buffer between the parcel's industrial use and the residential properties to the south of the parcel.

This requested rezoning is compatible with the future land use description/intent, form & location characteristics, and zoning notes as the EMP zoning district allows for industrial uses. The existing, adjacent land uses to the north and east are also consistent with this rezoning, and the residential land uses to the south of the parcel will be preserved by the 57-feet of the parcel that are requested to remain in the current CA zoning district.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: June 28, 2022

Record Number: Z 2022-005

Expiration Date:

Record Name: Davidson Road rezoning

Description of Work: Reclassifying a portion of the property located at 5481 Davison Road from the CA, Conservation Agriculture, district to the EMP, Employment, district.

Parent Record Number:

Address: 5481 DAVIDSON RD, MEMPHIS 38118

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	CEDARWOOD FARMS LLC	6485 POPLAR AVE, MEMPHIS, TN 38119	

Parcel Information

Parcel No:
094200 00391

Contact Information

Name	Organization Name	Contact Type	Phone
Tom McCary	Scannell Properties	Applicant	(763) 251-6300

Suffix:
Address

Josh Whitehead	Representative	(901) 524-5127
----------------	----------------	-------------------

Address
130 E Court Ave., 130 East Court Avenue, 130 E Court Ave., Memphis, TN 38103

Bob Pitts	Pickering Engineering	Architect / Engineer / Surveyor	(901) 726-0810
-----------	-----------------------	---------------------------------------	-------------------

Address

Kannon Conway	CEDARWOOD FARMS LLC	Owner	(901) 435-0150
---------------	---------------------	-------	-------------------

Address
6485 POPLAR AVE, JERRE M FREEMAN, MEMPHIS, TN, MEMPHIS, TN 38119

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1396171	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	07/07/2022		PLNGREZON E02
1396171	Non-Residential Rezoning - each additional acre or fraction above 5	45	4,450.00	INVOICED	0.00	07/07/2022	Acres	PLNGREZON E04
1396171	Credit Card Use Fee (.026 x fee)	1	141.70	INVOICED	0.00	07/07/2022		PLNGREZON E09

Total Fee Invoiced: \$5,591.70 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$5,591.70	Credit Card

Data Fields

LETTER OF INTENT



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

July 7, 2022

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main Street, Suite 468
Memphis, TN 38103

RE: Rezoning of 5481 Davidson Road

Mr. Ragsdale:

On behalf of Scannell Properties, I am pleased to submit the attached application to reclassify a portion of the property at 5481 Davidson Road from the Conservation Agriculture ("CA") zoning district to the Employment ("EMP") zoning district.

The property is bordered on two sides by industrial uses, to its north and its east. In addition, it is bordered on the west side by land owned by the Memphis, Light, Gas and Water Division adjacent to, and likely the expansion area for, its Capleville Liquefied Gas Facility. The Memphis 3.0 General Plan identifies the future land use for the subject site as industrial (see Exhibits A & B, attached). We are pleased that the proposal to rezone the property to the EMP zoning district is consistent with the Memphis 3.0 General Plan.

Along the southern boundary of the property are several homes located in unincorporated Shelby County that face North Cedar Ridge Road. Our rezoning proposal involves a 57-foot setback from the rear property lines of these homes by leaving this area within the CA zoning district. This will result in a strip 57 feet in width that will have no buildings, drive aisles or any other accessory EMP uses adjacent to the residences along North Cedar Ridge Road.

The northern 50 feet of our proposed 57-foot buffer will be part of a 100-foot Tennessee Valley Authority (TVA) easement; the southern 7 feet will involve a landscaped buffer. To memorialize this 57-foot buffer, we will submit an application for an administrative deviation with the Division of Planning and Development pursuant to Section 4.6.5M of the Memphis and Shelby County Unified Development Code (the "UDC"), given the presence of the adjacent 100-foot utility easement. We believe the administrative deviation process gives us an opportunity to ensure a buffer that exceeds the requirements of the UDC that is not typically available during the rezoning process.

I appreciate your and the Land Use Control Board's consideration on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Whitehead", written over a light blue horizontal line.

Josh Whitehead

July 7, 2022
Page 2

EXHIBITS A & B



This screenshot of the subject property, identified here with a yellow star, shows its classification in the Memphis 3.0 Future Land Use and Planning Map as “Industrial,” the most intense of the three employment future land uses identified in the Plan. *Source: Shelby County GIS/Memphis and Shelby County Division of Planning and Development*



This is a zoomed-out screenshot of the Memphis 3.0 Future Land Use and Planning Map showing the subject site’s relationship within the greater Lamar industrial corridor. *Source: Shelby County GIS/Memphis and Shelby County Division of Planning and Development*

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Josh Whitehead, being duly sworn, depose and say that at 9:15 am on the 31st day of July, 2022, I posted 1 Public Notice Sign(s) pertaining to Case No. Z 22-05 at the entrance of Cedarwood on the west side of Davidson Road providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, 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

7-1-2022
Date

Subscribed and sworn to before me this 1st day of August, 2022

[Signature]
Notary Public

My commission expires: 2/2/20



LETTERS RECEIVED

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



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

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

August 12, 2022

Tom McCrary – Scannell Properties

Sent via electronic mail to: tomm@scannellproperties.com

Case Number: Z 2022-005

LUCB Recommendation: Approval

Dear applicant,

On Thursday, August 11, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 5481 Davidson Road to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Letter to Applicant
Z 2022-005

Cc: Josh Whitehead – Burch Porter Johnson
File

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, October 11, 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 2022-005
LOCATION: 5481 Davidson Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties
REPRESENTATIVE: Josh Whitehead – Burch Porter Johnson
REQUEST: Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employment (EMP)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, October 11, 2022, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

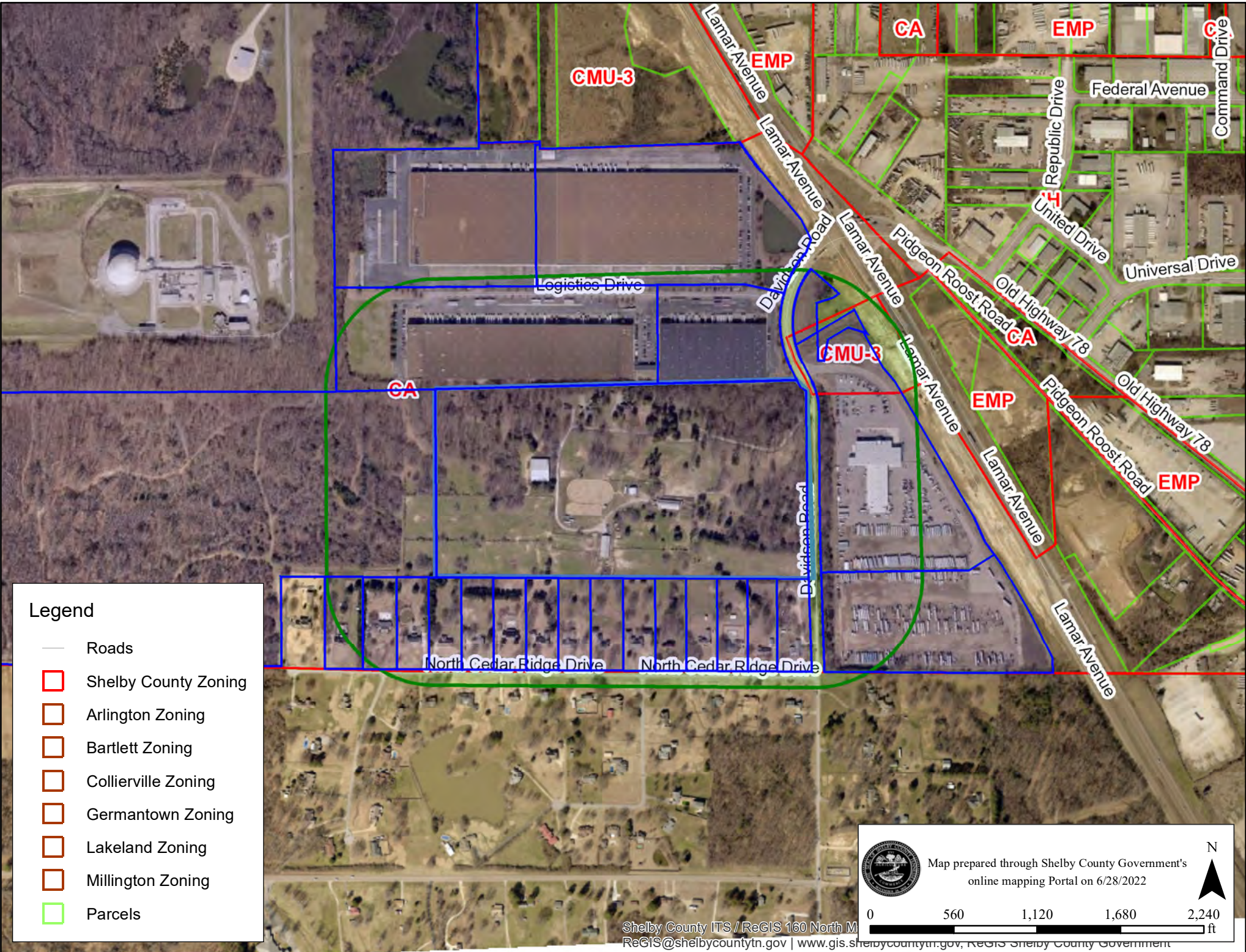
THIS THE August 31, 2022

**MARTAVIUS JONES
*CHAIRMAN OF COUNCIL***

ATTEST:

**DYWUANA MORRIS
*CITY COMPTROLLER***

TO BE PUBLISHED:

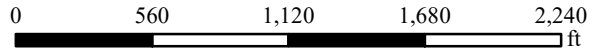


Legend

- 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 6/28/2022



MORTON CARL M AND KAREN D MORTON
5216 N CEDAR RIDGE DR #
MEMPHIS TN 38118

BOMAR JOHN T AND PEGGY S BOMAR
5200 N CEDAR RIDGE DR #
MEMPHIS TN 38118

CROW WILLIAM B & PAULA F
5500 DAVIDSON RD #
MEMPHIS TN 38118

PHILLIPS CHRISTOPHER A
5250 N CEDAR RIDGE DR #
MEMPHIS TN 38118

CIANCIOLO JOHN T & KAREN
5232 N CEDAR RIDGE DR #
MEMPHIS TN 38118

CROW WILLIAM B & PAULA F
5500 DAVIDSON RD #
MEMPHIS TN 38118

HOOD WILTON T SR
5316 N CEDAR RIDGE DR #
MEMPHIS TN 38118

BENSON PAUL W AND BETTY L BENSON
5266 N CEDAR RIDGE DR #
MEMPHIS TN 38118

EXETER DAVIDSON LAND LLC
101 W ELM ST #600
CONSHOHOCKEN PA 19428

WILHEIM SHELBY J
5330 N CEDAR RIDGE DR #
MEMPHIS TN 38118

WRIGHT BILLY R
5282 N CEDAR RIDGE DR #
MEMPHIS TN 38118

EXETER 5295 LOGISTICS LLC
101 W ELM ST #600
CONSHOHOCKEN PA 19428

MEMPHIS INDUSTRIAL PARK INVESTORS INC
PO BOX 1368 #
CARLSBAD CA 92018

CARLOCK ROBERT T & SANDRA R
5300 N CEDAR RIDGE DR #
MEMPHIS TN 38118

EXETER 5295 LOGISTICS LLC
101 W ELM ST #600
CONSHOHOCKEN PA 19428

MEMPHIS LIGHT GAS AND WATER DIVISION
200 N MAIN ST #
MEMPHIS TN 38103

WOODS RONNIE D
5346 CEDAR RIDGE RD #
MEMPHIS TN 38118

ECONOMIC DEVELOPMENT GROWTH ENGINE
100 PEABODY PL #1100
MEMPHIS TN 38103

CEDARWOOD FARMS LLC
6485 POPLAR AVE #
MEMPHIS TN 38119

MORTON JAMES N & KATIE S
5360 N CEDAR RIDGE DR #
MEMPHIS TN 38118

SPRAYBERRY ROBERT A & GLORIA J
5146 N CEDAR RIDGE DR #
MEMPHIS TN 38118

COX Y C JR & LINDA F
5376 N CEDAR RIDGE DR #
MEMPHIS TN 38118

DAVIS MICHAEL D & CHERIE M
5166 CEDAR RIDGE DR #
MEMPHIS TN 38118

ALLEN DAVID S
5500 DAVIDSON RD #
MEMPHIS TN 38118

STAGGS JOHN M
5184 N CEDAR RIDGE DR #
MEMPHIS TN 38118

MEMPHIS CITY OF FOR MEMPHIS L G & W DIV
125 N MAIN ST #
MEMPHIS TN 38103



RESOLUTION approving the final plat for:
Vada Subdivision
and accepting Bond as security

WHEREAS, **Eddie Kircher Construction Company, LLC.**, is the Developer of a certain property in the present limits of the City of Memphis as reflected on the plat and located on the east side of Charles Bryan Road approximately 200 feet north of Elmore Road in Memphis, Tennessee and

WHEREAS, the developer desires to develop the property reflected on the engineering plans; and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Eddie Kircher Construction Company, LLC.**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat for **Vada Subdivision** is hereby approved.

BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accepts the Ohio Casualty Insurance Company Performance Bond No. **8201254-977264** in the amount of **\$100,200.00** as security for project.



RESOLUTION accepting public improvements for :
Pinnacle Bank (155 Rozelle) [CR-5275]
and approve **release of Bond**

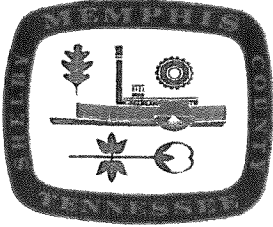
WHEREAS, **Pinnacle Bank** is the Developer of certain property within the present limits of the City of Memphis, as shown on the engineering plans entitled **Pinnacle Bank (155 Rozelle) [CR-5275]** and located at the southwest corner of Union Avenue and Rozelle Street Lane, in Memphis, Tennessee

and

WHEREAS, all of the public improvements required by the Standard Improvement Contract for the project are completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Pinnacle Bank (155 Rozelle) [CR-5275]** and the completion of the public improvements therein, are and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Pinnacle Bank Letter of Credit No. 600774950** in the amount of **\$44,200.00**, held as security for the Standard Improvement Contract, is **hereby ordered released**.



A resolution accepting and appropriating the sum of \$75,000.00 funded by National Endowment for the Arts, chargeable to the FY23 budget for the National Endowment for the Arts grant to support the Memphis Heritage Trail: Arts Colab.

WHEREAS, the City of Memphis has sought to support redevelopment activities for targeted communities within its inner-city boundaries; and

WHEREAS, as part of the initiative, the City of Memphis has undertaken efforts to promote public improvements, amenities, and options for said targeted communities; and

WHEREAS, the Memphis Heritage Trail is a culture district redevelopment project; and

WHEREAS, the City of Memphis has received these funds through a competitive grant application process; and

WHEREAS, these funds will be used by the Division of Housing and Community Development (HCD) to support the Memphis Heritage Trail Arts Collab, an intergenerational arts engagement project that serves as a gateway for African American art and cultural in 3 historic underserved neighborhoods (Orange Mound, South City and Soulsville).

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2023 Operating Budget to establish funds for the National Endowment for the Arts Grant, and

WHEREAS, It is necessary to allocate and appropriate the FY23 grants funds in the amount of Seventy-Five Thousand Dollars (\$75,000) for the Memphis Heritage Trail Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the National Endowment for the Arts grant to support the Memphis Heritage Trail Arts Collab in the amount of Seventy-Five Thousand Dollars (\$75,000) be accepted by the City of Memphis.

BE IT FUTHER RESOLVED that the Fiscal year 2023 Operating Budget be and is hereby amended by accepting and appropriating the Revenue and Expenditures for National Endowment for the Arts grant to support the Memphis Heritage Trail Arts Collab in the amount of Seventy-Five Thousand Dollars (\$75,000) as follows:

Project Title: Memphis Heritage Trail: Arts Collab

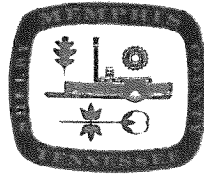
Project Number: CD90153

Revenues

State of Tennessee	<u>\$75,000.00</u>
Total	\$75,000.00

Expenditures

Program	<u>\$75,000.00</u>
Total	\$75,000.00



Memphis City Council Summary Sheet

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

Resolution accepting and appropriating the sum of \$75,000.00 funded by National Endowment for the Arts, chargeable to the FY23 budget for the National Endowment for the Arts grant to support the Memphis Heritage Trail: Arts Collab .

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

The Division of Housing and Community Development Planning & Grants

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

Not applicable.

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

Council District 6, Super 8

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

New contracts and contract amendments will be required.

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

Expenditure of funds will be required.

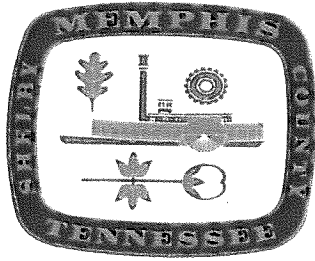
7. If applicable, please list the MWBE goal and any additional information needed.

Not applicable to MWBE.



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of grant funds from the State of Tennessee in the amount of \$1,495,200.00 specifically for the In-Service Training Program for training of 1,804 commissioned officers.
2. The City of Memphis Division of Police Services requests approval of the grant per project PD90261.
3. The resolution amends FY2023 Operating budget to establish and appropriate grant funds.
4. Resolution will not change an existing ordinance or resolution.
5. Resolution will not require a new contract or amendment to an existing contract.
6. This grant requires an expenditure of grant funds for payment to commissioned officers who completed In-Service Training in calendar year 2021, but will not require a budget amendment.



RESOLUTION

WHEREAS, the City of Memphis Division of Police Services receives funds for In-Service Training for Commissioned Officers; and

WHEREAS, 1,869 Memphis Police Commissioned Officers have successfully completed their In-Service Training at a unit price per Officer of \$800.00 for a total of \$1,495,200.00; and

WHEREAS, it is necessary for the Memphis Police Division to accept State funds for In-Service Training for Commissioned Officers; and

WHEREAS, it is necessary to appropriate Special Revenue funding of One Million Four Hundred Ninety-Five Thousand Two Hundred Dollars (\$1,495,200.00) in Fiscal Year 2023 Operating Budget for the Police In-Service Training as stated in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Special Revenue be for the Police In-Service Training; be accepted by the City of Memphis.

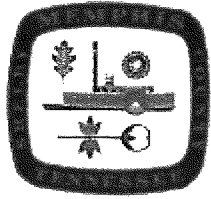
BE IT FURTHER RESOLVED, that the Fiscal year 2023 Operating Budget be and is hereby amended by appropriating the Revenues for Special Revenue as follows:

REVENUES

In-Service Grant	\$1,495,200.00
Total Special Revenues	\$1,495,200.00

EXPENDITURES

Personnel	\$1,495,200.00
Total Expenditures	\$1,495,200.00



RESOLUTION

Resolution to accept \$4,921,000 million in pledge donations from the University of Memphis, Auxiliary Services Foundation, from private donors and a \$50,000 donation from Grinder Tabor Grinder and Fleming Architects in support of the construction of the new Leftwich Tennis Center, CIP Project PK03005.

WHEREAS, in August 2019, Mayor Strickland proposed, and the City Council approved a \$3 million allocation of capital funds plus approximately \$1million of in-kind public works improvements to a public-private partnership to build a new tennis center at Audubon Park, to replace the current Leftwich Tennis Center, to be the home of Tennis Memphis' city-wide outreach, and to serve as the competition and practice home of the University of Memphis teams. (The center will maintain the name "Leftwich Tennis Center," which honors Lt. Col. William G. Leftwich); and

WHEREAS, the construction is being funded, in substantial part, by private donors; and

WHEREAS, the new Leftwich Tennis Center will enable a 300 percent increase in court availability for Memphis citizens, it will host the life changing work of Tennis Memphis, the nonprofit operator of City courts that positively affects hundreds of Memphis children each year with its programming; and

WHEREAS, the new Leftwich Tennis Center is another step of an ongoing partnership between the City Council and Mayor Strickland's administration to refurbish tennis courts citywide since 2016; and

WHEREAS, to-date private donors have pledged \$15,208,500 of which \$8,066,078 has been collected by the University of Memphis, and \$2,500,000 has already been transferred to the City for the project;

NOW, THEREFORE, BE IT RESOLVED, to continue construction and remain on schedule for the construction of the new Leftwich Tennis Center, the Memphis City Council hereby approves acceptance of \$4,921,000.00 in pledges from the University of Memphis, Auxiliary Services Foundation, and a \$50,000 donation from Grinder Tabor Grinder and Fleming Architects for the use and benefit of the Leftwich Tennis Center, CIP Project PK03005.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Memphis City Council authorizes and approves the City to accept the remaining balances of the pledges as they are collected by the

University of Memphis, Auxiliary Services Foundation, and are available to transfer to the City of Memphis for the use and benefit of the Leftwich Tennis Center, CIP Project PK03005.

Sponsor: Administration

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 6 to Contract No. 11462, Electronic Board Agenda Solution with Granicus (formerly Accela, Incorporated), in the funded amount of \$39,866.19. (This change is to renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2022, through October 31, 2023.)

2. Additional Information

The project scope is to provide implementation of an Electronic Agenda Management Solution with Vote Recording and Optional Audio and Video Streaming.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 7, 2022 approved Change No. 6 to Contract No. 11462, Electronic Board Agenda Solution with Granicus *(formerly Accela, Incorporated)* to renew the current contract in the funded amount of \$39,866.19, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide implementation of an Electronic Agenda Management Solution with VoteRecording and Optional Audio and Video Streaming. This change is to renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2022 through October 31, 2023 in the funded amount of \$39,866.19, with a 0.11% increase in rates from the previous term. MLGW is requesting approval of the acquired system, which can only be performed by Granicus *(formerly Accela, Incorporated)*. This single source renewal complies with all applicable laws and policies. The new contract value is \$405,099.83; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 6 to Contract No. 11462, Electronic Board Agenda Solution with Granicus *(formerly Accela, Incorporated)* to renew the current contract in the funded amount of \$39,866.19 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 6 to Contract No. 11462, Electronic Board Agenda Solution with Granicus (*formerly Accela, Incorporated*) to renew the current contract in the funded amount of \$39,866.19.

The project scope is to provide implementation of an Electronic Agenda Management Solution with VoteRecording and Optional Audio and Video Streaming. This change is to renew the current contract for annual software maintenance, fees, and support services for the period covering November 1, 2022 through October 31, 2023 in the funded amount of \$39,866.19, with a 0.11% increase in rates from the previous term. MLGW is requesting approval of the acquired system, which can only be performed by Granicus (*formerly Accela, Incorporated*). This single source renewal complies with all applicable laws and policies. The new contract value is \$405,099.83.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 6 to Contract No. 11462, Electronic Board Agenda Solution, with Granicus (*formerly Accela, Incorporated*) to renew the current contract in the funded amount of \$39,866.19, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 7th day of September, 2022, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 7 to Contract No. 11752, Software License and Services Agreement with HansenCIS to renew the current contract in the funded amount of \$169,719.91. (This change is to renew the current contract for annual maintenance, license and support services for the period covering January 1, 2023, through December 31, 2025.)

2. Additional Information

The project scope is to provide maintenance, license and support services for the Hansen SAP Postalsoft Bundle product, BillGen Software. The CIS Complex Billing Application is used to calculate commercial and industrial utility bills.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 7, 2022 approved Change No. 7 to Contract No. 11752, Software License and Services Agreement with HansenCIS to renew the current contract in the funded amount of \$169,719.91, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide maintenance, license and support services for the Hansen SAP Postalsoft Bundle product, BillGen Software. The CIS Complex Billing Application is used to calculate commercial and industrial utility bills. The initial term of this contract provided annual software maintenance, license and support services. This change is to renew the current contract for annual maintenance, license and support services for the period covering January 1, 2023 through December 31, 2025 in the funded amount of \$169,719.91. This renewal reflects a 5% increase for each year from the previous renewal fees based on the Consumer Pricing Index (CPI). The initial increase for annual maintenance, license and support services increased to 9.06%; however, MLGW negotiated and the percent increase was decreased to 5%; which resulted in a \$22,341.67 savings. MLGW is requesting continuous maintenance of this software, which can only be provided by HansenCIS. This sole source renewal complies with all applicable laws and policies. The new contract value is \$556,810.19; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 7 to Contract No. 11752, Software License and Services Agreement with HansenCIS to renew the current contract in the funded amount of \$169,719.91 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 7 to Contract No. 11752, Software License and Services Agreement with HansenCIS to renew the current contract in the funded amount of \$169,719.91.

The project scope is to provide maintenance, license and support services for the Hansen SAP Postalsoft Bundle product, BillGen Software. The CIS Complex Billing Application is used to calculate commercial and industrial utility bills. The initial term of this contract provided annual software maintenance, license and support services. This change is to renew the current contract for annual maintenance, license and support services for the period covering January 1, 2023 through December 31, 2025 in the funded amount of \$169,719.91. This renewal reflects a 5% increase for each year from the previous renewal fees based on the Consumer Pricing Index (CPI). The initial increase for annual maintenance, license and support services increased to 9.06%; however, MLGW negotiated and the percent increase was decreased to 5%; which resulted in a \$22,341.67 savings. MLGW is requesting continuous maintenance of this software, which can only be provided by HansenCIS. This sole source renewal complies with all applicable laws and policies. The new contract value is \$556,810.19.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 7 to Contract No. 11752, Software License and Services Agreement with HansenCIS to renew the current contract in the funded amount of \$169,719.91, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 7th day of September 2022, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to LightSpeed Technologies, Inc., for multiprotocol label switching (MPLS) network expansion equipment in the amount of \$469,769.00.

2. Additional Information

The multiprotocol label switching network expansion equipment is needed to transport voice and data communication from MLGW's various facilities and substations utilizing the fiber infrastructure. The equipment will expand the existing MPLS infrastructure and provide backup access to the Tropos Networks and Distribution Automation.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 7, 2022 approved a purchase order for multiprotocol label switching (MPLS) network equipment and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the MLGW 2023 fiscal year budget contingent upon approval; and

WHEREAS, the multiprotocol label switching network equipment is needed to transport voice and data communication from MLGW'S various facilities and substations utilizing the fiber infrastructure. The equipment will expand the existing MPLS infrastructure and provide backup access to the Tropos Networks and Distribution Automation; and

WHEREAS, bids were opened on July 27, 2022. Notice to Bidders was advertised. Nine (9) bids were solicited, and six (6) bids were received with the lowest and best complying bidder being the firm of LightSpeed Technologies, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for multiprotocol label switching (MPLS) network expansion equipment from LightSpeed Technologies, Inc. in the sum of \$469,769.00. Due to the delivery time funds for this equipment will be requested for carry over to the 2023 budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to LightSpeed Technologies, Inc. in the amount of \$469,769.00 for multiprotocol label switching (MPLS) network expansion equipment.

The multiprotocol label switching network expansion equipment is needed to transport voice and data communication from MLGW's various facilities and substations utilizing the fiber infrastructure. The equipment will expand the existing MPLS infrastructure and provide backup access to the Tropos Networks and Distribution Automation.

Bids were opened on July 27, 2022. Notice to Bidders was advertised. Nine (9) bids were solicited and six (6) bids were received with the lowest and best complying bidder being the firm of LightSpeed Technologies, Inc. This award complies with all applicable laws and policies.

The 2022 budgeted amount for Telecommunications Networks is \$4,477,800.00: the amount spent-to-date is \$3,023,505.35; leaving a balance of \$1,454,294.65 available to be spent in 2022; of which \$469,769.00 will be requested for carry over to the 2023 budget due to the delivery time for this equipment; leaving a balance of \$984,525.65 after award; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to LightSpeed Technologies, Inc. is approved for furnishing:

100 – SAR-Hc with redundant (20-75V) DC power feeds. DIN rail or panel mountable. Node has 6 10/100/1000 Mbps Ethernet ports (2 SFP, 2 RJ45, 2 POE RJ45), and 2 RS232 ports, Part #3HE07353AA,

110 – 7705 SAR Release 21.x OS License, Part #3HE02784PA,

10 – 6 port E&M analog voice interface card configurable for 2 or 4 wire operation. Supports Type I, II and V signaling. Part # 3HE03126AA,

10 – 3HE06791AA, 7705 SAR-8 SHELF V2 - SAR-8 Shelf V2 that accepts redundant DC-power feeds and up to 2 CSMs (V1 or V2) and up to 6 interface cards. Fan Module must be version associated with this V2 shelf. 6 Blanking plates included. Part # 3H,

25 – 3HE02774AB, Control Switch Module (CSM) Version 2 for redundancy, Part #3HE02774AB,

20 – 3HE06792EA, Fan Module For SAR-8 V2 Shelf (EXT. TEMP -48 VDC), Part #3HE06792EA,

30 – 3HE06151AC, 8-port GigE SFP Enhanced Performance Ethernet Card v3 w. Large Tables, supporting Ethernet/VLAN services. Includes 8 SyncE capable GigE ports. This card is supported in both -48 VDC and +24 VDC systems. Part #3HE06151AC,

1,220 – NSP License Point, Part #3HE16254AA

1,220 – NSP Classic Management FP, Part #3HE16001AA,

1,220 – NSP Network Infrastructure Management FP, Part #3HE16003AA,

4 – 8 Port C37.94 Teleprotection Card. Supports multi and single-mode C37.94 optics. Requires Rel 9.0r4 Software. Part # 3HE12504AA,

20 – 3HE06006AA, 8 port multi-function card with 2 x FXS and 2 x FXO ports for analog voice, 2 x G.703 co-directional ports and 2 x C37.94 optical teleprotection ports. -48VDC Part # 3HE06006AA,

4 – 3HE02782AA, Packet Microwave Card has two 10/100/1000 RJ45 ports and six GigE SFP ports. The two RJ45 ports and the first two SFP ports can be connected to MPR-e radio with microwave awareness capabilities. Each port can be used for access.

Total award is \$469,769.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; delivery in 12-14 weeks; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 7th day of September, 2022 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving plans to issue tax-exempt obligations in an original aggregated principal amount of not to exceed \$50,000,000. (The Division intends to use all or a portion of the proceeds of the obligations to reimburse the Division for costs incurred prior to the issuance of the obligations. Under federal tax law, in order for the proceeds of tax-exempt obligations to be used to reimburse the Division for prior expenditures, the Division and the City must declare their official intent to reimburse the Division for prior expenditures with proceeds of the obligations. This resolution will constitute such declaration of official intent and will allow the Division to utilize all or a portion of the proceeds from the obligations to reimburse the Division for capital expenditures incurred on or after the date that is sixty days prior to the approval date of this Resolution by the City.)

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 7, 2022, adopted the resolution listed below (the "Resolution") and is now recommending to the Council of the City of Memphis that it approve and adopt the said Resolution in connection with the proposed issuance of tax-exempt obligations all as more particularly described below.

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF THE CITY OF MEMPHIS, TENNESSEE (THE "CITY"), AND THE BOARD OF LIGHT, GAS AND WATER COMMISSIONERS (THE "BOARD") OPERATING AS THE GOVERNING BODY OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION (THE "DIVISION"), DECLARING THE PRESENT INTENT OF THE COUNCIL AND THE BOARD THAT THE CITY ISSUE TAX-EXEMPT OBLIGATIONS IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIFTY MILLION DOLLARS (\$50,000,000) (THE "OBLIGATIONS"); EVIDENCING THE PRESENT INTENT OF THE COUNCIL AND THE BOARD THAT ALL OR A PORTION OF THE PROCEEDS FROM THE SALE OF THE OBLIGATIONS BE APPLIED TO REIMBURSE THE DIVISION FOR CERTAIN EXPENDITURES MADE FOR CAPITAL IMPROVEMENTS AND ORIGINALLY PAID FROM OTHER FUNDS ON OR AFTER THE DATE OF THIS RESOLUTION OR, TO THE EXTENT PERMITTED BY FEDERAL TAX LAW, PRIOR TO SUCH DATE; AND OTHER RELATED MATTERS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the Resolution listed above, on behalf of the Light, Gas and Water Division, in connection with the proposed issuance of the tax-exempt obligations.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Secretary-Treasurer has recommended that the Board adopt the resolution listed below (the "Resolution") and recommend to the Council of the City of Memphis the forms, terms and conditions of the document listed below in connection with the proposed issuance of tax-exempt obligations.

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF THE CITY OF MEMPHIS, TENNESSEE (THE "CITY"), AND THE BOARD OF LIGHT, GAS AND WATER COMMISSIONERS (THE "BOARD") OPERATING AS THE GOVERNING BODY OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION (THE "DIVISION"), DECLARING THE PRESENT INTENT OF THE COUNCIL AND THE BOARD THAT THE CITY ISSUE TAX-EXEMPT OBLIGATIONS IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIFTY MILLION DOLLARS (\$50,000,000) (THE "OBLIGATIONS"); EVIDENCING THE PRESENT INTENT OF THE COUNCIL AND THE BOARD THAT ALL OR A PORTION OF THE PROCEEDS FROM THE SALE OF THE OBLIGATIONS BE APPLIED TO REIMBURSE THE DIVISION FOR CERTAIN EXPENDITURES MADE FOR CAPITAL IMPROVEMENTS AND ORIGINALLY PAID FROM OTHER FUNDS ON OR AFTER THE DATE OF THIS RESOLUTION OR, TO THE EXTENT PERMITTED BY FEDERAL TAX LAW, PRIOR TO SUCH DATE; AND OTHER RELATED MATTERS.

NOW THEREFORE, BE IT RESOLVED, THAT, the Board of Light, Gas & Water Commissioners hereby adopts the Resolution listed above, recommends the forms, terms and conditions set forth therein to the Council of the City of Memphis for approval, and to the extent required by the City's Charter and applicable law requests approval by the Council of the City of Memphis.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 7th day of September 2022 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12371, System Furniture to Office Interiors in the funded amount of \$1,500,000.00. The term of this contract is 60 months from the date of the Notice to Proceed.

2. Additional Information

The project scope is to allow Office Interiors, as a sole source provider, to purchase and install modular furniture and acoustical partition systems. Furniture systems shall include all furniture elements such as workstations for closed and open office layouts, filing systems, chairs, and conference tables.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 7, 2022, awarded Contract No. 12371, System Furniture to Office Interiors in the funded amount of \$1,500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to allow Office Interiors, as a sole source provider, to purchase and install modular furniture and acoustical partition systems. Furniture systems shall include all furniture elements such as workstations for closed and open office layouts, filing systems, chairs and conference tables. MLGW is requesting approval of this sole source award, which can only be provided by Office Interiors due to the need for compatibility with existing specifications already established with the company. Office Interiors is the only Vendor that provides the furniture that is currently installed throughout the Division, making it possible for the Vendor to provide warranty services for new and existing furniture items. MLGW will be able to purchase new and replacement items that match our existing specifications. The total funded amount of this award is \$1,500,000.00. The term of this contract is for 60 months from the date of the Notice to Proceed. This sole source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12371, System Furniture to Office Interiors in the funded amount of \$1,500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12371, System Furniture to Office Interiors in the funded amount of \$1,500,000.00.

The project scope is to allow Office Interiors, as a sole source provider, to purchase and install modular furniture and acoustical partition systems. Furniture systems shall include all furniture elements such as workstations for closed and open office layouts, filing systems, chairs and conference tables. MLGW is requesting approval of this sole source award, which can only be provided by Office Interiors due to the need for compatibility with existing specifications already established with the company. Office Interiors is the only Vendor that provides the furniture that is currently installed throughout the Division, making it possible for the Vendor to provide warranty services for new and existing furniture items. MLGW will be able to purchase new and replacement items that match our existing specifications. The total funded amount of this award is \$1,500,000.00. The term of this contract is for 60 months from the date of the Notice to Proceed. This sole source award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12371, System Furniture to Office Interiors in the funded amount of \$1,500,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 7th day of September 2022, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12281, Hickory Hill Service Center Repaving with A & B Construction Company, Inc., to change the current contract in the funded amount of \$218,634.55. (The contract term will remain through January 14, 2023.)

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and materials to remove and dispose of the existing pavement and replace the pavement for designated portions of the main drives, storage, and parking area at MLGW's Hickory Hill Service Center located at 6012 Winchester Road, Memphis, TN 38115.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 7, 2022 approved Change No. 2 to Contract No. 12281, Hickory Hill Service Center Repaving with A & B Construction Company, Inc. to change the current contract in the funded amount of \$218,634.55, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and materials to remove and dispose of the existing pavement and replace the pavement for designated portions of the main drives, storage, and parking area at MLGW's Hickory Hill Service Center located at 6012 Winchester Road, Memphis, TN 38115. This change is to expand the scope of the contract to extend the current paving area north of the original design area in the funded amount of \$218,634.55. The original design area terminated at the stored transformer area. The new paving area will continue upward and around the transportation garage and additional asphalt drives will be replaced as well. The contract term will remain through January 14, 2023. This change complies with all applicable laws and policies. The new contract value is \$741,082.67; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12281, Hickory Hill Service Center Repaving with A & B Construction Company, Inc. to change the current contract in the funded amount of \$218,634.55 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12281, Hickory Hill Service Center Repaving with A & B Construction Company, Inc. to change the current contract in the funded amount of \$218,634.55.

The project scope is to furnish supervision, labor, transportation, equipment, and materials to remove and dispose of the existing pavement and replace the pavement for designated portions of the main drives, storage, and parking area at MLGW's Hickory Hill Service Center located at 6012 Winchester Road, Memphis, TN 38115. This change is to expand the scope of the contract to extend the current paving area north of the original design area in the funded amount of \$218,634.55. The original design area terminated at the stored transformer area. The new paving area will continue upward and around the transportation garage and additional asphalt drives will be replaced as well. The contract term will remain through January 14, 2023. This change complies with all applicable laws and policies. The new contract value is \$741,082.67.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, the approval of Change No. 2 to Contract No. 12281, Hickory Hill Service Center Repaving with A & B Construction Company, Inc. to change the current contract in the funded amount of \$218,634.55, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Change.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 7th day of September, 2022, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution to approve the law firm of Stephanie Green Cole to be employed on an "as needed" basis at the hourly rates not exceeding \$300.00 as Partner for legal services rendered concerning legal matters uniquely related to the utility industry.

CITY COUNCIL RESOLUTION

WHEREAS, on September 7, 2022 the Vice President and General Counsel (Compliance Officer) recommended to the Board of Light, Gas and Water Commissioners, that the hourly rates for work performed by the law firm of Stephanie Green Cole, be increased to the following rate:

Partner - \$300.00

NOW THEREFORE BE IT RESOLVED BY the Council of the City of Memphis that MLGW is authorized to employ the law firm of Stephanie Green Cole on an "as needed" basis at the new hourly rate set forth in the foregoing preamble.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 7, 2022

The Vice President and General Counsel (Compliance Officer) submitted for Board approval an amended rate schedule for the law firm of Stephanie Green Cole for legal services rendered concerning legal matters uniquely related to the utility industry.

The Vice President and General Counsel (Compliance Officer) recommends that the law firm of Stephanie Green Cole be employed on an "as needed" basis at the following hourly rate:

Partner - \$300.00

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, the law firm of Stephanie Green Cole shall be employed on an "as needed" basis at the hourly rate set forth in the foregoing preamble.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 7th day of September 2022 at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

August 16, 2022

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

Dear Chairman Easter-Thomas:

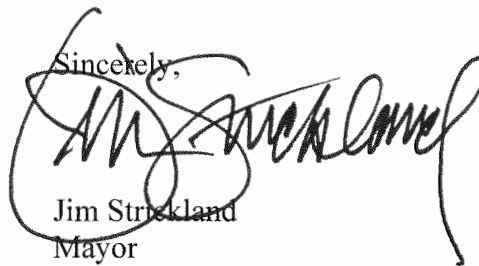
Subject to Council approval, I hereby recommend that:

Queen Titilé Keskessa

be appointed to the Memphis & Shelby Downtown Mobility Authority with a term expiration date of December 31, 2027.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS AND SHELBY COUNTY DOWNTOWN MOBILITY
AUTHORITY
7 Member Board
(3) City & (3) County (1) Joint Appointment
6 Year Term**

Purpose:

The mission of the Downtown Mobility Authority (formerly known as the Downtown Parking Authority) is to use public parking as a catalyst for development, and to ensure that there is an adequate supply of public parking to support a growing Downtown. The DMA establishes parking and mobility policies and coordinates parking management.

Vacancy (Goldin)	F/W	12-31-21
Elliot Embry	M/W	12-31-27
Green, Travis	M/B	12-31-23

Joint Appointment: West, Robert Wayne M/W 12/4/23

Updated 080522

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

August 16, 2022

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

Dear Chairman Easter-Thomas:

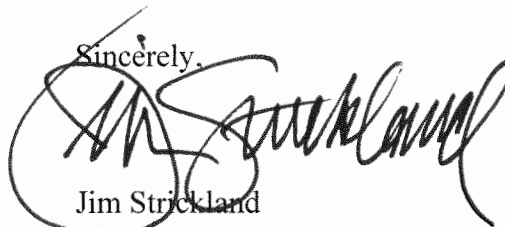
Subject to Council approval, I hereby recommend that:

Gideon Sarpong

be jointly appointed to the Memphis & Shelby County Air Pollution Control Board with a term expiration date of October 24, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

MEMPHIS & SHELBY COUNTY AIR POLLUTION CONTROL BOARD
9 Member Board
(8) Jointly Appointed by City of Memphis & Shelby County Mayors
(1) Appointed by the Executive Committee of the Memphis Area
Association of Governments
4 Year Term

Purpose:
To grant, deny, or revoke variance applications

Boyd, Doris F.	F/B	08-14-21
Vacancy-Citizen at large	M/W	10-24-21
Lin, Louie	M/A	08-29-21
Tidquist, Eric	M/W	08-29-20
Vacancy	M/W	10-24-22
Womack, Randall	M/W	10-24-22
Douglas Dugard	M/W	08-29-17
Vacancy –Medical Dr. position		08-29-20
Harvell, George R.	M/W	MAAG appointee No Expiration

Updated 12-27-20



RESOLUTION approving the acceptance and future
maintenance of newly dedicated sewer line on
Macon View Drive

WHEREAS, **Coastal Fuels, Inc.**, is the Developer of a certain property in the present limits of Shelby County as reflected on the plat, Woodland Hills PD Phase 14 Part of Parcels 4 and 5, and located south of Macon Road on Macon View Drive in Shelby County, Tennessee

and

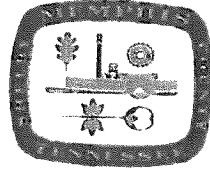
WHEREAS, a public improvement contract entitled, CR-4550 - Woodland Hills PD Phase 14 Part of Parcels 4 & 5, was executed, completed and finally released by Council, December 18, 2001.

WHEREAS, the developer desires to dedicate 1,726 feet of existing and formerly private sewer line on a public street to the City of Memphis, the City accepts as public sewer and

and

WHEREAS, the terms and conditions of the acceptance are in accordance with the policies of the City of Memphis for acceptance.

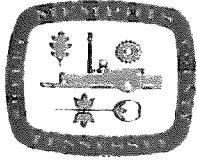
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **dedication of sewer line on Macon View Road to the City of Memphis** is hereby approved.



Memphis City Council Summary Sheet

1. **Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested*
A resolution transferring allocations from CIP project number GS23100, FY2023 Major Modification, a cover line, to establish GS23101 Major Modification (Roofing) and appropriating \$510,755 in Engineering – Architecture and \$2,894,276 in Contract Construction funded by G O Bonds – General for roof renovations, repair for various buildings throughout the City by applying waterproofing roof coating and/or roof replacement.
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.**
Districts 1,5,6,7 and Super Districts 8 & 9
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 transfer FY23 allocations.
7. **If applicable, please list the MWBE goal and any additional information needed**
N/A

City Council Resolution – Establishing GS23101 FY2023 Major Modification (Roofing)



A Resolution establishing CIP project number GS23101 FY2023 Major Modification (Roofing) by transferring FY2023 allocations and appropriating the transferred allocations for roof renovations, repairs for various buildings throughout the City by applying waterproofing roof coating and/or roof replacement.

WHEREAS, the Council of the City of Memphis did include FY2023 Major Modification, project number GS23100, as part of the FY 2023 Capital Improvement Program budget; and

WHEREAS, FY2023 Major Modification, Project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$3,405,031 to establish CIP project GS23101, FY2023 Major Modification (Roofing); and

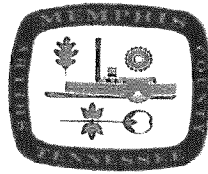
WHEREAS, it is necessary to appropriate a sum of \$510,755 in Engineering-Architecture and \$2,894,276 in Contract Construction funded by G O Bonds – General in FY2023 Major Modification (Roofing), CIP project number GS23101 for roof renovations, repairs for various buildings throughout the City by applying waterproofing roof coating and/or roof replacement.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$3,405,031 from CIP project FY2023 Major Modification, GS23100 to CIP project FY2023 Major Modification (Roofing), CIP project number GS23101; and

BE IT FURTHER RESOLVED, that the sum of \$510,755 in Engineering-Architecture and \$2,894,276 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

Project Title:	FY23 Major Modification (Roofing)
Project Number:	GS23101
Amount:	\$3,405,031

City Council Resolution – Establishing GS23102 FY2023 Major Modification (Electric)



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested*

A resolution transferring allocations from CIP Project number GS23100, FY2023 Major Modification, a cover line, to establish GS23102 FY2023 Major Modification (Electric) and appropriating \$81,075 in Engineering – Architecture and \$459,425 in Contract Construction funded by G O Bonds – General for replacement generators and overhead doors at various Fire Station locations throughout the City.
- 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.**

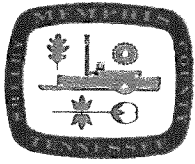
Districts 3,4,5,7 and Super Districts 8 & 9
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**

Requires new contracts
- 6. State whether this requires an expenditure of funds/requires a budget amendment**

A budget amendment is needed to transfer FY23 allocations.
- 7. If applicable, please list the MWBE goal and any additional information needed**

N/A

City Council Resolution – Establishing GS23102 FY2023 Major Modification (Electric)



A Resolution establishing CIP project number GS23102 FY2023 Major Modification (Electric) by transferring FY 2023 allocations and appropriating the transferred allocations for replacement generators and overhead doors at various Fire Station locations throughout the City.

WHEREAS, the Council of the City of Memphis did include FY2023 Major Modification, project number GS23100, as part of the FY 2023 Capital Improvement Program budget; and

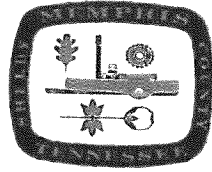
WHEREAS, FY23 Major Modification, project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$540,500 to establish CIP Project GS23102, FY2023 Major Modification (Electric); and

WHEREAS, it is necessary to appropriate a sum of \$81,075 in Engineering-Architecture and \$459,425 in Contract Construction funded by G O Bonds – General in FY2023 Major Modification (Electric), CIP project number GS23102 for replacement generators and overhead doors at various Fire Stations locations throughout the City.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$540,500 from CIP project number FY2023 Major Modification, GS23100 to CIP project FY2023 Major Modification (Electric), CIP project number GS23102; and

BE IT FURTHER RESOLVED, that the sum of \$81,075 in Engineering-Architecture and \$459,425 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

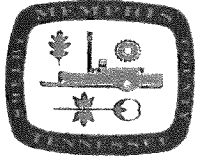
Project Title:	Electric
Project Number:	GS23102
Amount:	\$540,500



Memphis City Council Summary Sheet

1. **Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested*
A Resolution transferring allocations from CIP Project number GS23100, FY2023 Major Modification, a cover line, to establish GS23103 FY2023 Major Modification (Plumbing) and appropriating \$24,150 in Engineering – Architecture and \$136,850 in Contract Construction funded by G O Bonds – General for pool filtration system replacements at various Memphis Community Centers and Parks (Ed Rice, Lester and Willow).
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.**
Districts 5,7 and Super Districts 8,9
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 transfer FY23 allocations.
7. **If applicable, please list the MWBE goal and any additional information needed**
N/A

City Council Resolution – Establishing GS23103 FY2023 Major Modification (Plumbing)



A Resolution establishing CIP project GS23103, FY2023 Major Modification (Plumbing) by transferring FY 2023 allocations and appropriating the transferred allocations for pool filtration system replacements at various Memphis Community Centers and Parks (Ed Rice, Lester and Willow).

WHEREAS, the Council of the City of Memphis did include FY2023 Major Modification, project number GS23100, as part of the FY 2023 Capital Improvement Program budget; and

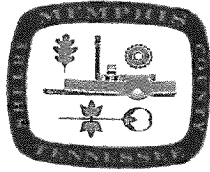
WHEREAS, FY23 Major Modification, project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$161,000 to establish CIP Project GS23103, FY2023 Major Modification (Plumbing); and

WHEREAS, it is necessary to appropriate a sum of \$24,150 in Engineering-Architecture and \$136,850 in Contract Construction funded by G O Bonds – General in FY2023 Major Modification (Plumbing), CIP project number GS23103 for pool filtration system replacements at various Memphis Community Centers and Parks (Ed Rice, Lester and Willow).

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$161,000 from CIP project FY23 Major Modification, GS23100 to CIP project FY2023 Major Modification (Plumbing), CIP project number GS23103; and

BE IT FURTHER RESOLVED that the sum of \$24,150 in Engineering-Architecture and \$136,850 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

Project Title:	Plumbing
Project Number:	GS23103
Amount:	\$161,000



Memphis City Council Summary Sheet

1. **Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested*
A Resolution transferring allocations from CIP project number GS23100, FY23 Major Modification, a cover line, to establish GS23104 FY2023 Major Modification (HVAC) and appropriating \$324,407 in Engineering – Architecture and \$1,838,312 in Contract Construction funded by G O Bonds – General for HVAC replacement and/or upgrades for AHU's, RTU's, WMC's, Boiler and Chiller replacements at various Fire Stations, Community Centers and Parks locations throughout the City.
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.**
Districts 1,2,3,4,5,7 and Super Districts 8,9
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 transfer FY2023 allocations.
7. **If applicable, please list the MWBE goal and any additional information needed**
N/A

City Council Resolution – Establishing GS23104 FY2023 Major Modifications (HVAC)



A Resolution establishing CIP project number GS23104, FY23 Major Modification (HVAC) by transferring FY 2023 allocations and appropriating the transferred allocations for HVAC replacement and/or upgrades for AHU's, RTU's, WMC's, Boiler and Chiller replacements at various Fire Stations, Community Centers and Parks locations throughout the City.

WHEREAS, the Council of the City of Memphis did include CIP project number GS23100, FY2023 Major Modification, a cover line, as part of the FY 2023 Capital Improvement Program budget; and

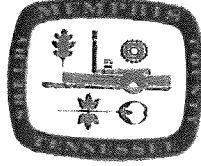
WHEREAS, FY2023 Major Modification, project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$2,162,719 to establish CIP Project GS23104, FY2023 Major Modification (HVAC); and

WHEREAS, it is necessary to appropriate a sum of \$324,407 in Engineering-Architecture and \$1,838,312 in Contract Construction funded by G O Bonds – General in FY2023 Major Modification (HVAC), CIP project number GS23104 for HVAC replacement and/or upgrades for AHU's, RTU's, WMC's, Boiler and Chiller replacements at various Fire Stations, Community Centers and Parks locations throughout the City.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$2,162,719 from CIP project FY2023 Major Modification, CIP project number GS23100 to CIP project FY2023 Major Modification (HVAC), CIP project number GS23104; and

BE IT FURTHER RESOLVED that the sum of \$324,407 in Engineering-Architecture and \$1,838,312 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

Project Title:	HVAC
Project Number:	GS23104
Amount:	\$2,162,719



Memphis City Council Summary Sheet

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

This resolution amends the FY23 CIP Budget by accepting and appropriating Railroad Safety Improvement funds from TDOT for Traffic Signal Improvements at Various Locations along Riverside Dr.

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

This project is being initiated by the Division of Engineering.

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

This project does not involve a change to an existing ordinance or resolution.

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

This project is in Council District 6 and Super District 8

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

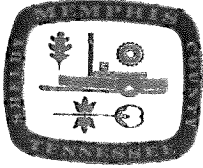
A Grant Agreement with the Tennessee Department of Transportation will be required.

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

This project does require an amendment to the FY 2023 CIP Budget and an allocation of \$276,106.75 for a local match.

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

The MWBE Goal for this project has not been set at this point.



A Resolution to amend the Fiscal Year 2023 CIP Budget by accepting and appropriating Railroad Safety Improvement funds from the Tennessee Department of Transportation (TDOT) for Traffic Signal Improvements at Various Locations along Riverside Dr. (EN01114)

WHEREAS, the City of Memphis, Division of Engineering has received notification from the Tennessee Department of Transportation (TDOT) related to required safety improvements at various intersections adjacent to railroad crossings along Riverside Dr.; and

WHEREAS, the City of Memphis will enter into a grant agreement with the Tennessee Department of Transportation (TDOT) to add new Traffic Signals at the intersections of Monroe at Riverside Dr. and Court at Riverside Dr., as well as improve the Traffic Signal at the intersection of Union at Riverside Dr.; and

WHEREAS, it is necessary to accept One Million, One Hundred Four Thousand, Four Hundred Twenty-Seven Dollars and 00/000 (\$1,104,427.00) in grant funding and amend the Fiscal Year 2023 CIP Budget to establish funding for Traffic Signal Improvements at Various Locations along Riverside Dr. (EN01114); and

WHEREAS, a 20% local match in the amount of Two Hundred Seventy-Six Thousand, One Hundred and Six Dollars and 75/000 (\$276,106.75) will be required for this project; and

WHEREAS, it is necessary to appropriate funding in the sum amount of One Million, Three Hundred Eighty Thousand, Five Hundred Thirty-Three Dollars and 75/000 (\$1,380,533.75) for Traffic Signal Improvements at Various Locations along Riverside Dr. (EN01114)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that Railroad Safety Improvement funding in the amount of One Million, One Hundred Four Thousand, Four Hundred Twenty-Seven Dollars and 00/000 (\$1,104,427.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the fiscal year 2023 CIP Budget be and is hereby amended by allocating and appropriating Two Hundred Seventy-Six Thousand, One Hundred and Six Dollars and 75/000 (\$276,106.75) in GO Bond funding for the Local Match.

BE IT FURTHER RESOLVED, that the fiscal year 2023 CIP Budget be and is hereby amended by appropriating the Expenditures and Revenues for Traffic Signal Improvements at Various Locations along Riverside Dr. in the amount of One Million, Three Hundred Eighty Thousand, Five Hundred Thirty-Three Dollars and 75/000 (\$1,380,533.75) as follows:

Revenue

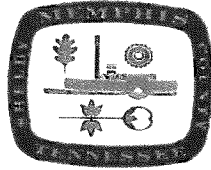
Tennessee Department of Transportation	\$1,104,427.00
GO Bond Local Match	<u>\$276,106.75</u>
	\$1,380,533.75

Expenditure

Contract Construction	\$1,380,533.75
-----------------------	----------------

Council Resolution Caption (Riverside Traffic Signals)

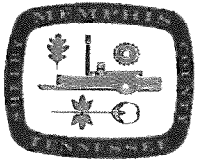
Resolution amending the FY23 CIP Budget by accepting and appropriating Railroad Safety Improvement funds from the Tennessee Department of Transportation (TDOT) for Traffic Signal Improvements at Various Locations along Riverside Dr. (EN01114)



Memphis City Council Summary Sheet

- Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested*
A resolution transferring allocations from CIP project number GS23100, FY 2023 Major Modification, a cover line, to establish GS23105 FY2023 Major Modification (Carpentry) and appropriating \$35,362 in Engineering-Architecture and appropriating \$200,388 in Contract Construction funded by G O Bonds General for interior walls repairs at the Central Library, exterior door and wood placement/upgrades to the Repelling Tower and Indoor Firing Range at the Police Training Academy.
- Initiating Party (e.g. Public Works, at request of City Council, etc.)**
General Services
- State whether this is a change to an existing ordinance or resolution, if applicable.**
Does not change an existing ordinance
- State whether this will impact specific council districts or super districts.**
District 5,7 and Super District 8 & 9
- State whether this requires a new contract, or amends an existing contract, if applicable.**
Requires new contracts
- State whether this requires an expenditure of funds/requires a budget amendment**
A budget amendment is needed to transfer FY2023 allocations.
- If applicable, please list the MWBE goal and any additional information needed**
N/A

City Council Resolution – Establishing GS23105 FY2023 Major Modification (Carpentry)



A Resolution establishing CIP project number GS23105, FY2023 Major Modification (Carpentry) by transferring FY2023 allocations and appropriating the transferred allocations for various renovations throughout the City including (but not limited to) interior wall replacement/upgrades at the Central Library, wood and exterior door replacement/upgrades to the Repelling Tower and Indoor Firing Range at the Police Training Academy.

WHEREAS, the Council of the City of Memphis did include FY2023 Major Modification, project number GS23105, as part of the FY 2023 Capital Improvement Program budget; and

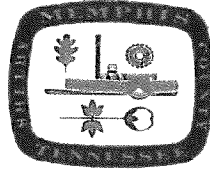
WHEREAS, FY2023 Major Modification, project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$235,750 to establish CIP project number GS23105, Major Modification (Carpentry); and

WHEREAS, it is necessary to appropriate a sum of \$35,362 in Engineering-Architecture and \$200,388 in Contract Construction funded by G O Bonds – General in FY2023 Major Modification (Carpentry), CIP project number GS23105 for various renovations throughout the City including (but not limited to) interior wall replacement/upgrades at the Central Library, exterior door and wood replacement/upgrades to the Repelling Tower and Indoor Firing Range at the Police Training Academy.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$235,750 from CIP Project FY2023 Major Modification, GS23100 to CIP project FY2023 Major Modification (Carpentry), CIP project number GS23105; and

BE IT FURTHER RESOLVED that the sum of \$35,362 Engineering-Architecture and \$200,388 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

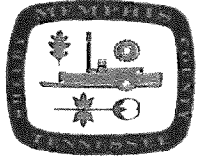
Project Title:	Carpentry
Project Number:	GS23105
Amount:	\$235,750



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested*
A resolution transferring allocations from CIP Project number GS23100, FY2023 Major Modification, a cover line, to establish GS23106 FY2023 Major Modification (Asphalt) and appropriating \$100,000 in Engineering – Architecture and \$1,395,000 in Contract Construction funded by G O Bonds – General for Phase II repaving the entire Police Impound Lot.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
General Services
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
Does not change an existing ordinance
- 4. State whether this will impact specific council districts or super districts.**
District 7 and Super District 8
- 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 transfer FY23 allocations.
- 7. If applicable, please list the MWBE goal and any additional information needed**
N/A

City Council Resolution – Establishing GS23106 FY2023 Major Modification (Asphalt)



A Resolution establishing CIP project number GS23106, FY2023 Major Modification (Asphalt) by transferring FY2023 allocations and appropriating the transferred allocations for Phase II repaving the entire Police Impound Lot.

WHEREAS, the Council of the City of Memphis did include FY2023 Major Modification, project number GS23100 as part of the FY 2023 Capital Improvement Program budget; and

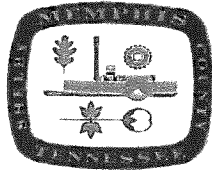
WHEREAS, FY2023 Major Modification, project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$1,495,000 to establish CIP Project number GS23106, Major Modification (Asphalt); and

WHEREAS, it is necessary to appropriate a sum of \$100,000 in Engineering-Architecture and \$1,395,000 in Contract Construction funded by G O Bonds – General in FY2023 Major Modification (Asphalt), CIP project number GS23106 for Phase II repaving the entire Police Impound Lot.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$1,495,000 from CIP project FY2023 Major Modification, CIP project number GS23100 to CIP project FY2023 Major Modification (Asphalt), CIP project number GS23106; and

BE IT FURTHER RESOLVED, that the sum of \$100,000 in Engineering-Architecture and \$1,395,000 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

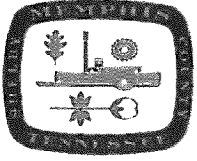
Project Title:	Asphalt
Project Number:	GS23106
Amount:	\$1,495,000



Memphis City Council Summary Sheet

1. **Description of the Item (Resolution, Ordinance, etc.)** *Same Night Minutes requested by Division*
A Resolution appropriating FY 2023 allocations, in the amount of \$1,000,000, in CIP project number GS22107 – Contingency for emergency repairs for various buildings throughout the City.
2. **Initiating Party (e.g. Public Works, at request of City Council, etc.)**
General Services
3. **State whether this is a change to an existing ordinance or resolution, if applicable.**
Does not change an existing ordinance
4. **State whether this will impact specific council districts or super districts.**
*(All)
Various and All (Both)*
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 transfer funds from a cover line project.
7. **If applicable, please list the MWBE goal and any additional information needed**
N/A

City Council Resolution - Appropriating FY 2023 Funds – GS22107 – Contingency



A Resolution appropriating FY 2023 allocations, in the amount of \$1,000,000, in CIP project number GS22107 – Contingency for emergency repairs for various buildings throughout the City.

WHEREAS, the Council of the City of Memphis did include the FY2023 Major Modification, Project number GS23100, as part of the FY 2023 Capital Improvement Program budget; and

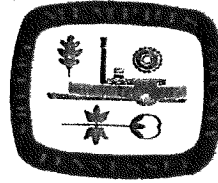
WHEREAS, FY2023 Major Modification, Project number GS23100 is a cover line, it is necessary to transfer allocations totaling \$1,000,000 to CIP project GS22107 – Contingency; and

WHEREAS, it is necessary to appropriate FY 2023 allocations in the sum of \$1,000,000 in Contract Construction funded by G O Bonds – General in CIP project number GS22107 – Contingency for emergency repairs for various buildings throughout the City.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby transferred allocations totaling \$1,000,000 from CIP project FY2023 Major Modification, GS23100 to CIP project number GS22107 – Contingency; and

BE IT FURTHER RESOLVED, that the sum of \$1,000,000 in Contract Construction funded by G O Bonds – General are appropriated and credited as follows:

Project Title:	Contingency
Project Number:	GS22107
Amount:	\$1,000,000



Memphis City Council Summary Sheet

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

A Resolution approving the donation of a city owned property located at 1099 S. Wellington Street, Memphis, Shelby County, Tennessee and further described as Parcel ID # 013047 00022

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

General Services

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

N/A

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

District 6 and Super District 8

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

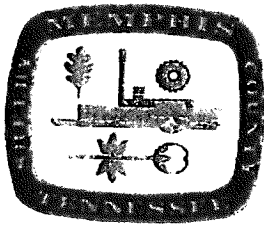
N/A

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

N/A

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

N/A



A Resolution approving the donation of a city owned property located at 1099 S. Wellington Street, Memphis, Shelby County, Tennessee 38126 and further described as Parcel ID # 013047 00022

WHEREAS, the City of Memphis owns the property located at 1099 S. Wellington Street, Memphis, TN 38126 ("The Property") and is further identified as Parcel ID: 013047 00022;

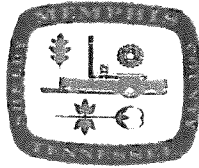
WHEREAS, 1099 S. Wellington was acquired by the City of Memphis on behalf of the Memphis Housing and Community Developments project and Greater Mount Moriah Baptist Church has made several improvements on the parcel and wants to extend the parking area;

WHEREAS, Greater Mount Moriah Baptist Church is the owner of 1081 S. Wellington and has requested that 1099 S. Wellington Street be donated and subsequently consolidated; and

WHEREAS, it is deemed to be in the best interest of the citizens of the City of Memphis and County of Shelby that this request be considered subject to the terms and conditions set forth in the Offer to Purchase and in City Ordinance 5637 section 2-16-1(F).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the offer made by Greater Mount Moriah Baptist Church for the above-described property is hereby accepted subject to the City Ordinance 5637, section 2-16-1(E) which states in part, "The city real estate manager shall be authorized to convey property to a selected adjacent property owner, without necessity of competitive bidding, for approval by the city council with one reading, which reading shall be final."

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



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution approving proposed Consolidated Plan, FY2023 Annual Action Plan and appropriating federal entitlement funds to the FY2023 Housing and Community Development Budget.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
The Division of Housing and Community Development
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**

Not applicable.
- 4. State whether this will impact specific council districts or super districts.**
Various council districts or super districts may be impacted.
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**

New contracts and contract amendments will be required.
- 6. State whether this requires an expenditure of funds/requires a budget amendment.**

Expenditure of funds will be required.
- 7. If applicable, please list the MWBE goal and any additional information needed.**
Some funding will be applicable to MWBE goals once awarded.

**RESOLUTION APPROVING PROPOSED CONSOLIDATED PLAN
FY 2023 ANNUAL ACTION PLAN
AND APPROPRIATING FEDERAL ENTITLEMENT FUNDS TO THE FY 2023
HOUSING AND COMMUNITY DEVELOPMENT BUDGET**

WHEREAS, the purpose of the City of Memphis' Consolidated Plan for Housing and Community Development is to foster the development of viable urban neighborhoods that include decent housing for everyone, a suitable living environment, and expanded economic opportunities, especially for low and moderate-income citizens; and

WHEREAS, specific projects and activities within the Consolidated Plan FY 2023 Annual Action Plan address the needs of low and moderate-income persons through goals, objectives, priorities, and strategies for housing, community and public services, assistance for the homeless and special needs populations, neighborhood, economic and community development; and

WHEREAS, projects and activities proposed to be implemented in the Consolidated Plan FY 2023 Annual Action Plan will draw upon and augment the resources of the public, private, and nonprofit sectors to meet low and moderate income needs in the community; and

WHEREAS, the plan contains a description of anticipated federal, state, and local housing resources for FY 2023, including Community Development Block Grant (CDBG) funds received under Title I of the Housing and Community Development Act of 1974, HOME funds received under Title II of the National Affordable Housing Act of 1990, Emergency Solutions Grant (ESG) funds authorized under the HEARTH Act of 2009, and Housing Opportunities for Person With AIDS (HOPWA) funds, as shown in the following tables:

Estimated FY 2023 Funds to be received from HUD

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$6,397,301.00	46%
Prior Year Income – Section 108	\$131,420.00	1%
Bass Pro - PI	\$750,000.00	6%
HOME Program	\$2,097,404.00	15%
Program Income (HOME)	\$737,919.00	5%
Emergency Solutions Grant Program (ESG)	\$578,222.00	4%
HOPWA	\$3,153,062.00	23%
TOTAL	\$13,845,328.00	100%

; and

WHEREAS, the plan identifies and describes the following priority areas of projects and activities to be implemented in FY 2023 by the federal entitlement funds received from the U.S Department of Housing and Urban Development (HUD):

FY 2023 Priority Areas

Priority Need Category	Proposed Expenditures	Percentages
Housing	\$3,597,639.00	26%
Homeless	\$839,855.00	6%
Special Needs	\$3,408,471.00	25%
Neighborhood, Economic, & Community Development	\$4,167,258.00	30%
General Administration & Planning	\$1,832,105.00	13%
TOTAL	\$13,845,328.00	100.00%

; and

WHEREAS, the Consolidated Plan FY 2023 Annual Action Plan includes and was developed within a framework of a citizen participation plan, requiring consultation with citizens and other social service and housing agencies; and

WHEREAS, the Consolidated Plan FY 2023 Annual Action Plan was available for a 30-day public review and comment period beginning June 15, 2022 and ending July 15, 2022; and

WHEREAS, the CDBG entitlement, estimated program income, the HOME, ESG, and HOPWA entitlement grants must be appropriated in the FY 2023 Operating Budget for HCD;

NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby adopt and approve the proposed Consolidated Plan FY 2023 Annual Action Plan.

BE IT FURTHER RESOLVED that there be and is hereby accepted and appropriated the amount of **\$13,845,328.00** by federal resources for FY 2023, including Community Development Block Grant (CDBG) funds, Projected Program Income from CDBG and HOME, HOME Program funds, Emergency Solutions Grant (ESG) funds, and Housing Opportunities for Person With AIDS (HOPWA) chargeable to the FY 2023 Operating Budget and credited as follows:

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$6,397,301.00	46%
Projected CDBG Program Income	\$ 881,420.00	7%
HOME Program	\$2,097,404.00	15%
Projected HOME Program Income	\$737,919.00	5%
ESG Program	\$578,222.00	4%
HOPWA	\$3,153,062.00	23%
TOTAL	\$13,845,328.00	100%

- *Figures are rounded to the nearest whole number.*

**RESOLUTION APPROVING PROPOSED CONSOLIDATED PLAN
FY 2023 ANNUAL ACTION PLAN
AND APPROPRIATING FEDERAL ENTITLEMENT FUNDS TO THE FY 2023
HOUSING AND COMMUNITY DEVELOPMENT BUDGET**

WHEREAS, the purpose of the City of Memphis' Consolidated Plan for Housing and Community Development is to foster the development of viable urban neighborhoods that include decent housing for everyone, a suitable living environment, and expanded economic opportunities, especially for low and moderate-income citizens; and

WHEREAS, specific projects and activities within the Consolidated Plan FY 2023 Annual Action Plan address the needs of low and moderate-income persons through goals, objectives, priorities, and strategies for housing, community and public services, assistance for the homeless and special needs populations, neighborhood, economic and community development; and

WHEREAS, projects and activities proposed to be implemented in the Consolidated Plan FY 2023 Annual Action Plan will draw upon and augment the resources of the public, private, and nonprofit sectors to meet low and moderate income needs in the community; and

WHEREAS, the plan contains a description of anticipated federal, state, and local housing resources for FY 2023, including Community Development Block Grant (CDBG) funds received under Title I of the Housing and Community Development Act of 1974, HOME funds received under Title II of the National Affordable Housing Act of 1990, Emergency Solutions Grant (ESG) funds authorized under the HEARTH Act of 2009, and Housing Opportunities for Person With AIDS (HOPWA) funds, as shown in the following tables:

Estimated FY 2023 Funds to be received from HUD

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$6,397,301.00	46%
Prior Year Income – Section 108	\$131,420.00	1%
Bass Pro - PI	\$750,000.00	6%
HOME Program	\$2,097,404.00	15%
Program Income (HOME)	\$737,919.00	5%
Emergency Solutions Grant Program (ESG)	\$578,222.00	4%
HOPWA	\$3,153,062.00	23%
TOTAL	\$13,845,328.00	100%

; and

WHEREAS, the plan identifies and describes the following priority areas of projects and activities to be implemented in FY 2023 by the federal entitlement funds received from the U.S Department of Housing and Urban Development (HUD):

FY 2023 Priority Areas

Priority Need Category	Proposed Expenditures	Percentages
Housing	\$3,597,639.00	26%
Homeless	\$839,855.00	6%
Special Needs	\$3,408,471.00	25%
Neighborhood, Economic, & Community Development	\$4,167,258.00	30%
General Administration & Planning	\$1,832,105.00	13%
TOTAL	\$13,845,328.00	100.00%

; and

WHEREAS, the Consolidated Plan FY 2023 Annual Action Plan includes and was developed within a framework of a citizen participation plan, requiring consultation with citizens and other social service and housing agencies; and

WHEREAS, the Consolidated Plan FY 2023 Annual Action Plan was available for a 30-day public review and comment period beginning June 15, 2022 and ending July 15, 2022; and

WHEREAS, the CDBG entitlement, estimated program income, the HOME, ESG, and HOPWA entitlement grants must be appropriated in the FY 2023 Operating Budget for HCD;

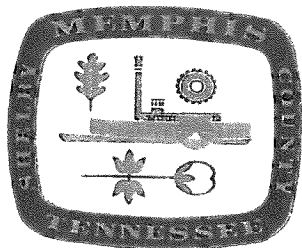
NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby adopt and approve the proposed Consolidated Plan FY 2023 Annual Action Plan.

BE IT FURTHER RESOLVED that there be and is hereby accepted and appropriated the amount of **\$13,845,328.00** by federal resources for FY 2023, including Community Development Block Grant (CDBG) funds, Projected Program Income from CDBG and HOME, HOME Program funds, Emergency Solutions Grant (ESG) funds, and Housing Opportunities for Person With AIDS (HOPWA) chargeable to the FY 2023 Operating Budget and credited as follows:

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$6,397,301.00	46%
Projected CDBG Program Income	\$ 881,420.00	7%
HOME Program	\$2,097,404.00	15%
Projected HOME Program Income	\$737,919.00	5%
ESG Program	\$578,222.00	4%
HOPWA	\$3,153,062.00	23%
TOTAL	\$13,845,328.00	100%

- *Figures are rounded to the nearest whole number.*

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$1,000,000.00 in Architecture/ Engineering and \$3,000,000.00 in Contract Construction from FY23 PK01036 Lester Community Center Replacement, Architecture/Engineering and Contract Construction.

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

Memphis Parks

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

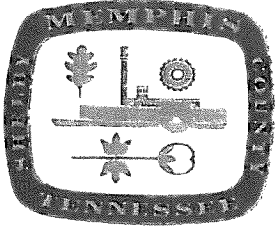
(Not Applicable)

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

This will require a construction contract and an A/E contract.

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

This will require an expenditure of \$4,000,000.00



Resolution to Allocate and Appropriate funds for the Lester Community Center Replacement PK01036

WHEREAS, the Council of the City of Memphis did include Lester Community Center Replacement, CIP Project Number PK01036, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$4,000,000.00 in Fiscal Year 2023 CIP Project Number PK01036, Lester Community Center Replacement, Architecture/Engineering and Contract Construction, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council to approve the Allocation and Appropriation of \$1,000,000.00 in Architecture/Engineering and \$3,000,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK01036, Lester Community Center Replacement, to fund the design and partial construction of the new Lester Community Center.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$1,000,000.00 in Architecture/Engineering and \$3,000,000.00 in Contract Construction from Fiscal Year 2023 CIP Project Number PK01036, Lester Community Center Replacement, Architecture/Engineering and Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lester Community Center
Project Number:	PK01036
Amount:	\$4,000,000.00 A/E- Contract Construction

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK01036

Public Use Projects

PROJECT NAME Lester Community Center Replacement

TOTAL ESTIMATED PROJECT COST: \$ 4,000,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides A/E and construction funds for the Lester Community Center Replacement.

2(a). Project Status

Planning Stage

Construction Stage

Completed Project

Check appropriate box

(b). Project estimated completion date: December 2024

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City Public Use

Other Gov't Public Use

Private Entity*

Check appropriate box

Completed this 8th day of August 2022.

Marsha E. A.

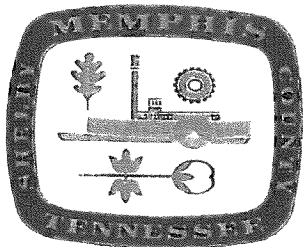
NAME

Deputy
Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$750,000.00 from FY23 PK03004 Tennis Major Maintenance, Architecture/Engineering and Contract Construction.

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

Memphis Parks

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

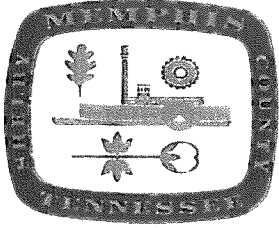
(Not Applicable)

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

This will require a construction contract.

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

This will require an expenditure of \$750,000.00



***Resolution to Allocate and Appropriates funds for Tennis
Major Maintenance PK03004***

WHEREAS, the Council of the City of Memphis did include Tennis Major Maintenance CIP Project Number PK03004, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$750,000.00 in Fiscal Year 2023 CIP Project Number PK03004, Tennis Major Maintenance, Contract Construction, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council to approve the Allocation and Appropriation of \$750,000.00 in Architecture/Engineering and Contract Construction in Fiscal Year 2023 CIP Project Number PK03004, Tennis Major Maintenance, to complete major maintenance at courts in Gaisman and Glenview Parks.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$750,000.00 from Fiscal Year 2023 CIP Project Number PK03004, Tennis Major Maintenance, Architecture/Engineering and Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Tennis Major Maintenance
Project Number:	PK03004
Amount:	\$750,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK03004

Public Use Projects

PROJECT NAME Tennis Major Maintenance

TOTAL ESTIMATED PROJECT COST: \$ 750,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for tennis major maintenance at courts at Gaisman and Glenview Parks

2(a). Project Status

Planning
Stage

Construction
Stage

Completed
Project

Check appropriate box

(b). Project estimated completion date: April 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City
Public Use

Other Gov't
Public Use

Private Entity*

Check appropriate box

Completed this 8th day of August 2022.

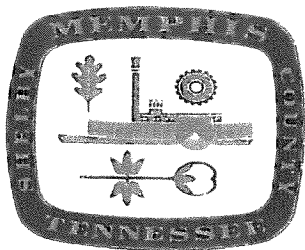
Marche Q. Al
NAME

Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$1,200,000.00, Contract Construction from FY23, CIP Project Number PK04018 Douglass Park Splash Pad.

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

Memphis Parks

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

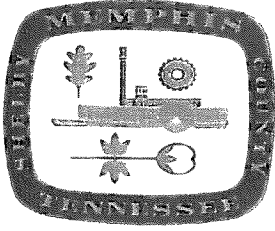
(Not Applicable)

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

This will require a construction contract and an A/E contract.

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

This will require an expenditure of \$1,200,000.00



Resolution to Allocate and Appropriate funds for Douglass Park Splash Pad PK04018

WHEREAS, the Council of the City of Memphis did include Douglass Park Splash Pad, CIP Project Number PK04018, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$1,200,000.00 in Fiscal Year 2023 CIP Project Number PK04018, Douglass Park Splash Pad, Contract Construction, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council to approve the Allocation and Appropriation of \$1,200,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK04018, Douglass Park Splash Pad, to fund the design and construction of the new park amenity;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$1,200,000.00 in Contract Construction from Fiscal Year 2023 CIP Project Number PK04018, Douglass Park Splash Pad, Contract Construction, funded by an Operating Transfer-In, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Douglass Park Splash Pad
Project Number:	PK04018
Amount:	\$1,200,000.00 Contract Construction

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK04018

Public Use Projects

PROJECT NAME Douglass Park Splash Pad

TOTAL ESTIMATED PROJECT COST: \$ 1,200,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for the Douglass Park Splash Pad

2(a). Project Status	Planning Stage	Construction Stage	Completed Project
Check appropriate box	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b). Project estimated completion date: **June 2024**

3. Intended Use of the Project:

For use of the general public.

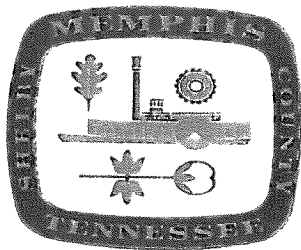
4. Intended <u>Users</u> of the Project:	City Public Use	Other Gov't Public Use	Private Entity*
Check appropriate box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Completed this 8th day of August 2022.

Mancha Garcia
 NAME
Deputy
Director, Memphis Parks
 TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$4,000,000.00 Contract Construction from FY23 PK06018 Audubon Golf Course Redesign, Contract Construction.

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

Memphis Parks

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

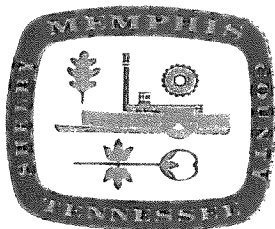
(Not Applicable)

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

This will require a construction contract and an A/E contract.

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

This will require an expenditure of \$4,000,000.00



Resolution to Allocate and Appropriate funds for Audubon Golf Course Redesign and Construction PK06018

WHEREAS, the Council of the City of Memphis did include Audubon Golf Course Redesign and Construction, CIP Project Number PK06018, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$4,000,000.00 in Fiscal Year 2023 CIP Project Number PK06018, Audubon Golf Course Redesign and Construction, Contract Construction, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council to approve the Allocation and Appropriation of \$4,000,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK06018, Audubon Golf Course Redesign and Construction, to fund the design and construction of the new Audubon Golf Course;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$4,000,000.00 in Contract Construction from Fiscal Year 2023 CIP Project Number PK06018, Audubon Golf Course Redesign and Construction, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Audubon Golf Course Redesign And Construction
Project Number:	PK06018
Amount:	\$4,000,000.00 Contract Construction

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK06018

Public Use Projects

PROJECT NAME Audubon Golf Course Redesign and Construction

TOTAL ESTIMATED PROJECT COST: \$ 4,000,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides A/E and construction funds for the Audubon Golf Course replacement

2(a). Project Status

Planning Stage

Construction Stage

Completed Project

Check appropriate box

(b). Project estimated completion date: June 2024

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City Public Use

Other Gov't Public Use

Private Entity*

Check appropriate box

Completed this 02th day of August 2022.

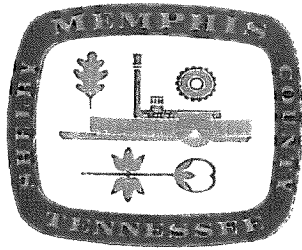
Marcha E. A.
NAME

Director, Memphis Parks
TITLE

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$300,000.00 in Contract Construction from FY23 CIP Number PK07126, Ida B. Wells Memorial, Contract Construction.

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

Memphis Parks

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

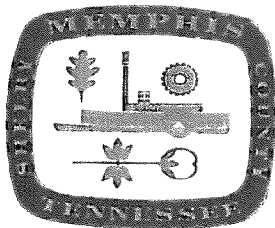
(Not Applicable)

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

This will require a construction contract.

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

This will require an expenditure of \$300,000.00



Resolution to Allocate and Appropriate funds for Ida B. Wells Memorial PK07126

WHEREAS, the Council of the City of Memphis did include Ida B. Wells Memorial, CIP Project Number PK07126, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$300,000.00 in Fiscal Year 2023 CIP Project Number PK07126, Ida B. Wells Memorial, Contract Construction, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council to approve the Allocation and Appropriation of \$300,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK07126, Ida B. Wells, to fund the design and construction of the new park amenity;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$300,000.00 in Contract Construction from Fiscal Year 2023 CIP Project Number PK07126, Ida B. Wells Memorial, Contract Construction, funded by an Operating Transfer-In, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Ida B. Wells Memorial
Project Number:	PK07126
Amount:	\$300,000.00 Contract Construction

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK07126

Public Use Projects

PROJECT NAME **Ida B. Wells Memorial**

TOTAL ESTIMATED PROJECT COST: **\$ 300,000.00**
DATE OF THIS DECLARATION **August 2, 2022**

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for the Ida B. Wells memorial.

2(a). Project Status

Planning
Stage

Construction
Stage

Completed
Project

Check appropriate box

(b). Project estimated completion date: **June 2024**

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City
Public Use

Other Gov't
Public Use

Private Entity*

Check appropriate box

Completed this 8th day of August 2022.

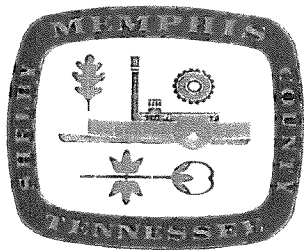
Marche A. ...
NAME

Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

\$1,000,000.00 Allocation and Appropriation of funds from the FY23 CIP, Project Number PK07127, Contract Construction, Wolf River Greenway Phase 6.

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

Memphis Parks

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

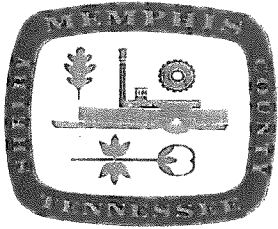
No it is not.

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

No it does not.

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

This Resolution will result in the expenditure of \$1,000,000.00.



***Resolution Allocates and Appropriates funds for
improvements to the Wolf River Greenway Phase 6***

WHEREAS, the Council of the City of Memphis did include Wolf River Greenway, CIP Project Number PK07127 as part of the Fiscal Year 2023 Capital Improvement Program; and

WHEREAS, the City of Memphis has entered into an agreement with the Wolf River Conservancy which provides for the procedures for the use and payment of the current and future Capital Appropriations as related to construction of new trail segments; and

WHEREAS it is necessary to Allocate and appropriate \$1,000,000.00, Contract Construction, funded by G.O. Bonds General, in Construction funds for the Wolf River Greenway Phase 6, Fiscal Year 2023 CIP Project Number PK07127.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby Allocated and Appropriated the sum of \$1,000,000.00 for Wolf River Greenway, CIP Project Number PK07127, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Wolf River Greenway
Project Number:	PK07127
Amount:	\$1,000,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK07127

Public Use Projects

PROJECT NAME Wolf River Greenway- Phase 6

TOTAL ESTIMATED PROJECT COST: \$ 1,000,000.00
DATE OF THIS DECLARATION August 2, 2023

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for the Wolf River Greenway Phase 6

2(a). Project Status

Planning Stage

Construction Stage

Completed Project

Check appropriate box

(b). Project estimated completion date: June 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City Public Use

Other Gov't Public Use

Private Entity*

Check appropriate box

Completed this 8th day of August, 2022.

Maucha E. Allen

NAME

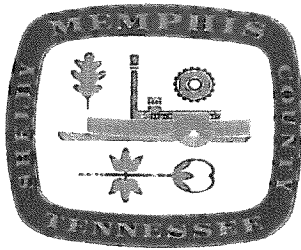
Deputy

Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$500,000.00 from FY23 PK08037 Lichterman Major Maintenance, Contract Construction.

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

Memphis Parks

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

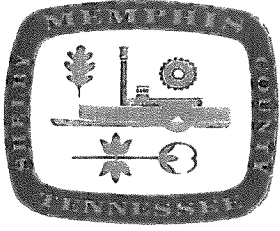
(Not Applicable)

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

This will require a construction contract

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

This will require an expenditure of \$500,000.00



Resolution to Allocate and Appropriates funds for Lichterman Nature Center Major Maintenance PK08037

WHEREAS, the Council of the City of Memphis did include Lichterman Nature Center Major Maintenance CIP Project Number PK08037, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$500,000.00 in Fiscal Year 2023 CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council to approve the Allocation and Appropriation of \$500,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, to fund dredging of the lake at the nature center and repairs to the board walk, deferred major maintenance items at the Lichterman Nature Center.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$500,000.00 from Fiscal Year 2023 CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lichterman Major Maintenance
Project Number:	PK08037
Amount:	\$500,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK08037

Public Use Projects

PROJECT NAME Lichterman Nature Center Major Maintenance

TOTAL ESTIMATED PROJECT COST: \$ 500,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for maintenance projects at Lichterman Nature Center.

2(a). Project Status	Planning Stage	Construction Stage	Completed Project
Check appropriate box	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b). Project estimated completion date: June 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended <u>Users</u> of the Project:	City Public Use	Other Gov't Public Use	Private Entity*
Check appropriate box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Completed this 8th day of August 2022.

Marcha Q

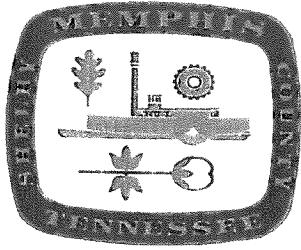
NAME

Deputy
Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

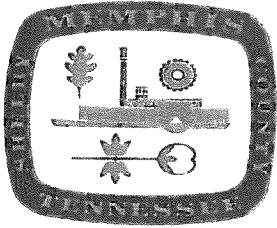
- 1. Description of the Item (Resolution, Ordinance, etc.)**
\$250,000.00 transfer of funds to the Memphis Zoological Society for various maintenance issues.

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

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
No it is not.

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
No it does not.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This Resolution will result in the expenditure of \$250,000.00.



Resolution appropriates funds for improvements and to address major maintenance issues at the Memphis Zoo.

WHEREAS, the Council of the City of Memphis did include Zoo Major Maintenance, CIP Project Number PK09002 as part of the Fiscal Year 2023 Capital Improvement Program; and

WHEREAS, the City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the procedures for the use and payment of the current and future Capital Appropriations; and

WHEREAS it is necessary to appropriate \$250,000.00, Contract Construction, funded by G.O. Bonds General, in Construction funds for Zoo Major Maintenance, Fiscal Year 2023 CIP Project Number PK09002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$250,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Zoo Major Maintenance
Project Number:	PK09002
Amount:	\$250,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK09002

Public Use Projects

PROJECT NAME Zoo Major Maintenance

TOTAL ESTIMATED PROJECT COST: \$ 250,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for repairs at the Memphis Zoo.

2(a). Project Status

Planning
Stage

Construction
Stage

Completed
Project

Check appropriate box

(b). Project estimated completion date: June 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City
Public Use

Other Gov't
Public Use

Private Entity*

Check appropriate box

Completed this 8th day of August, 2022.

Maucha Garcia

NAME

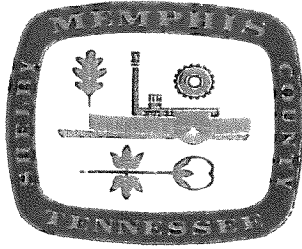
Deputy

Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

\$350,000.00 Allocation, Appropriation and transfer of funds from FY2023 CIP Project Number PK23100 Park Cover Line A/E to FY2023 CIP Project Number PK23101 Park Cover Line A/E.

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

Memphis Parks

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

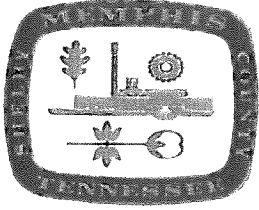
No it is not.

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

This may require an A/E contract.

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

This Resolution will result in the expenditure of \$350,000.00.



***Resolution to Appropriate Park Cover Line
Architecture/Engineering Fees PK23101***

WHEREAS, the Council of the City of Memphis did include Park Services Cover Line, CIP Project Number PK23100, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Council of the City of Memphis did provide an Allocation of \$350,000.00 for Architecture/Engineering funds in Fiscal Year 2023 CIP Project Number PK23100, Park Services Cover Line, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Administration desires to Allocate, Appropriate and transfer \$350,000.00 for Architecture/Engineering funds from Fiscal Year 2023, CIP Project Number PK23100 to Fiscal Year 2023 CIP Project PK23101, Park Cover Line Architecture/Engineering funds.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation, Appropriation and transfer of \$350,000.00 for Architecture/Engineering funds from Fiscal Year 2023 CIP Project Number PK23100, Park Services Cover Line, to Fiscal Year 2023 CIP Project Number PK23101, Park Cover Line Architecture/Engineering funds, funded by G.O. Bonds General.

Project Title:	Park Cover Line Architecture/Engineering Funds
Project Number:	PK23101
Appropriation	\$350,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK23101

Public Use Projects

PROJECT NAME Park Cover Line Architecture/Engineering Funds

TOTAL ESTIMATED PROJECT COST: \$ 350,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This Resolution provides A/E funds for Park Cover Line projects.

2(a). Project Status	Planning Stage	Construction Stage	Completed Project
Check appropriate box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b). Project estimated completion date: June 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended <u>Users</u> of the Project:	City Public Use	Other Gov't Public Use	Private Entity*
Check appropriate box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

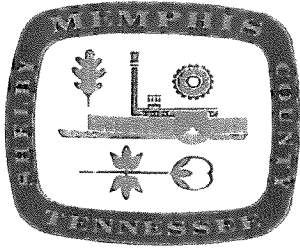
Completed this 8th day of August, 2022.

Marcha G. O...
NAME

Deputy
Director, Memphis Parks
TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

\$600,000.00 Allocation, Appropriation and transfer of funds from FY2023 CIP PK23100 Park Cover Line Contract Construction to FY2023 CIP Project Number PK23102 Sports Lighting Installation, Contract Construction.

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

Memphis Parks

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

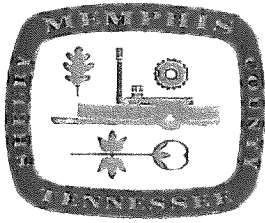
No it is not.

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

It will require a construction contract.

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

This Resolution will result in the expenditure of \$600,000.00.



Resolution to Allocate and Appropriate funds for Sports Lighting Installation PK23102

WHEREAS, the Council of the City of Memphis did include Park Cover Line, CIP Project Number PK23100, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did provide an Allocation of \$600,000.00 in Fiscal Year 2023 CIP Project Number PK23100, Park Cover Line, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, as part of the HUD Resiliency Grant work at Rodney Baber Park and Kennedy Park, it is the Administration's desire to install new sports lighting poles and fixtures at Rodney Baber Park, Kennedy Park and Jesse Turner Park; and

WHEREAS, the Administration requests that Council approve the Allocation and Appropriation and transfer of \$600,000.00 in Contract Construction funds in Fiscal Year 2023 CIP Project Number PK23100 Park Cover Line, to Fiscal Year 2023 CIP Project Number PK23102, Sports Lighting Installation, Contract Construction.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation, Appropriation and transfer of \$600,000.00 in Contract Construction from Fiscal Year 2023 CIP Project Number PK23100 Park Cover Line, to Fiscal Year 2023 CIP Project Number PK23102, Sports Lighting Installation, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Sports Lighting Installation
Project Number:	PK23102
Amount:	\$600,000.00 Contract Construction

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK23102

Public Use Projects

PROJECT NAME Sports-Lighting Installation

TOTAL ESTIMATED PROJECT COST: \$ 600,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides funds for the installation of sports-lighting at new and existing fields.

2(a). Project Status

Planning
Stage

Construction
Stage

Completed
Project

Check appropriate box

(b). Project estimated completion date: **June 2023**

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City
Public Use

Other Gov't
Public Use

Private Entity*

Check appropriate box

Completed this 8th day of August, 2022

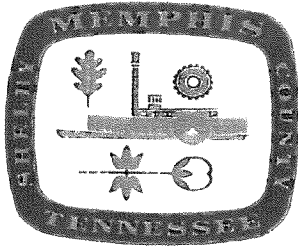
Marchanda
NAME

Director, Memphis Parks

TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

\$2,150,000.00 Allocation, Appropriation and transfer of funds from FY2023 CIP Project Number PK23100 Park Cover Line Contract Construction to FY2023 CIP Project Number PK23103 Miscellaneous Park Improvements, Contract Construction.

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

Memphis Parks

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

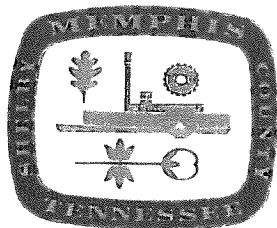
No it is not.

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

No it does not.

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

This Resolution will result in the expenditure of \$2,150,000.00.



A Resolution to Appropriate Funds for Miscellaneous Park Improvements PK23103

WHEREAS, the Council of the City of Memphis did include Park Cover Line, CIP Project Number PK23100, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did provide an Allocation of \$2,150,000.00 for Contract Construction in Fiscal Year 2023 CIP Project Number PK23100, Park Cover Line, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Administration has multiple repairs and improvements that need to be addressed at parks in every Council District; and

WHEREAS, the Administration desires to Allocate, Appropriate and transfer \$2,150,000.00 from Fiscal Year 2023 CIP Project Number PK23100, Park Cover Line, Contract Construction, to Fiscal Year 2023 CIP Project Number PK23103, Miscellaneous Park Improvements, Contract Construction;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation, Appropriation and transfer of \$2,150,000.00 from Fiscal Year 2023 CIP Project Number PK23100, Park Cover Line, Contract Construction to Fiscal Year 2023 CIP Project Number PK23103, Miscellaneous Park Improvements, Contract Construction, funded by G.O. Bonds and an Operating Transfer-In, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Misc. Park Improvements
Project Number:	PK23103
Appropriation:	\$2,150,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK23103

Public Use Projects

PROJECT NAME Miscellaneous Park Improvements

TOTAL ESTIMATED PROJECT COST: \$ 2,150,000.00
DATE OF THIS DECLARATION August 2, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides Contract Construction funds for miscellaneous park improvements

2(a). Project Status

Planning Stage	Construction Stage	Completed Project
Check appropriate box <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b). Project estimated completion date: June 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City Public Use	Other Gov't Public Use	Private Entity*
Check appropriate box <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

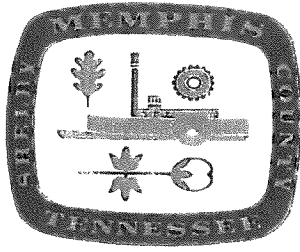
Completed this 02nd day of August, 2022.

Marsha E. [Signature]
NAME

Deputy
Director, Memphis Parks
TITLE

*If Private Use, please complete separate form

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

\$400,000.00 Allocation, Appropriation and transfer of funds from FY2023 CIP PK23100 Park Cover Line FFE to FY2023 CIP Project Number PK23104 Community Center/Park FFE, Fixtures Furniture and Equipment.

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

Memphis Parks

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

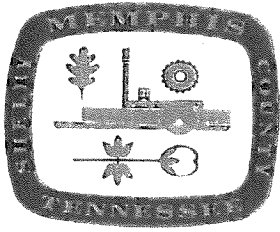
No it is not.

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

It may require a contract.

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

This Resolution will result in the expenditure of \$400,000.00.



***Resolution to Appropriate FFE Funds for
PK23104 Community Center/Park
Furniture Fixtures and Equipment***

WHEREAS, the Council of the City of Memphis did include Park Services Cover Line, CIP Project Number PK23100, as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Council of the City of Memphis did provide an Allocation of \$400,000.00 for Furniture Fixtures and Equipment funds in Fiscal Year 2023 CIP Project Number PK23100, Park Services Cover Line, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Administration desires to Allocate, Appropriate and transfer \$400,000.00 for Furniture Fixtures and Equipment funds from Fiscal Year 2023, CIP Project Number PK23100 to Fiscal Year 2023 CIP Project PK23104, Community Center/Park FFE; Furniture Fixtures and Equipment.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the Allocation, Appropriation and transfer of \$400,000.00 for Furniture Fixtures and Equipment funds from Fiscal Year 2023 CIP Project Number PK23100, Park Services Cover Line, to Fiscal Year 2023 CIP Project Number PK23104, Community Center/Park FFE funds, Furniture Fixtures and Equipment, funded by G.O. Bonds General.

Project Title:	Community Center/Park FFE
Project Number:	PK23104
Appropriation	\$400,000.00

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Memphis Parks

CIP PROJECT NO. PK23104

Public Use Projects

PROJECT NAME **Fixtures Furniture and Equipment**

TOTAL ESTIMATED PROJECT COST: \$ **400,000.00**
DATE OF THIS DECLARATION **August 2, 2022**

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides Contract Construction funds for the purchase of FFE at various community centers and parks.

2(a). Project Status

Planning
Stage

Construction
Stage

Completed
Project

Check appropriate box

(b). Project estimated completion date: **March 2023**

3. Intended Use of the Project:

For use of the general public.

4. Intended Users of the Project:

City
Public Use

Other Gov't
Public Use

Private Entity*

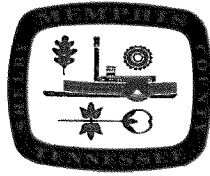
Check appropriate box

Completed this 8th day of August, 2022.

Marsha E. O.
NAME

Deputy
Director, Memphis Parks
TITLE

*If Private Use, please complete separate form



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 \$845,830.00 to fund the repair of Humphreys Boulevard Bridge over Sweetbriar Creek; ST Bridge Repairs, Project Number ST17110.

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

Public Works at the recommendation of the Engineering Division

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

NA

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

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

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

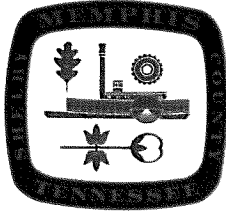
This will require a new contract. Low bidder was Chris-Hill Construction for \$768,940.

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

Estimated project will require construction funds of \$845,830 which includes a 10% contingency. Funds to be allocated and appropriated from ST03216 Bridge Repair ST.

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

Recommend MWBE goal is split. MBE goal of 9% and WBE goal of 1% was achieved.



RESOLUTION

This is a resolution to transfer and appropriate construction funds in the amount of \$845,830.00 to fund the repair of Humphreys Boulevard Bridge over Sweetbriar Creek Wingwall Replacement; ST Bridge Repairs, Project Number ST17110. This project is in Council District 2 and Super District 9.

WHEREAS, the Council of the City of Memphis approved Bridge Repair ST, Project Number ST03216 and ST Bridge Repairs, Project Number ST17110 as part of the Public Works Fiscal Year 2022 Capital Improvement Budget; and

WHEREAS, bids were received for the repair of Humphreys Boulevard Bridge over Sweetbriar Creek Wingwall Replacement with the lowest complying bid being \$768,940 submitted June 1, 2022 by Chris-Hill Construction with a ten percent project contingencies; and

WHEREAS, it is necessary to transfer a construction allocation of \$845,830 funded by Storm Water Revenue Bonds from Bridge Repair ST, Project Number ST03216 to ST Bridge Repairs, Project Number ST17110 for the purpose stated above; and

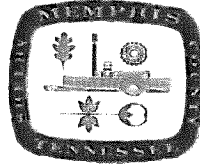
WHEREAS, it is necessary to appropriate \$845,830 funded by Storm Water Revenue Bonds in ST Bridge Repairs, Project Number ST17110 as follows:

Contract Amount	\$768,940.00
Project Contingencies	<u>\$76,890.00</u>
Total Amount	\$845,830.00

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 in the amount of \$845,830 funded by Storm Water Revenue Bonds from Bridge Repair ST, Project Number ST03216 to ST Bridge Repairs, Project Number ST17110 for the purpose stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$845,830 funded by Storm Water Revenue Bonds chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

Project Title:	ST Bridge Repairs
Project Number:	ST17110
Amount:	\$845,830.00



Memphis City Council Summary Sheet

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

Resolution approving the Lease of the Premises to Jason Chrestman for the purpose of for hay cutting approved by the Board of Commissioners of the Port Commission on June 15, 2022 (Request for same night minutes).

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

Memphis and Shelby County Port Commission

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 6 and Super District 8

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

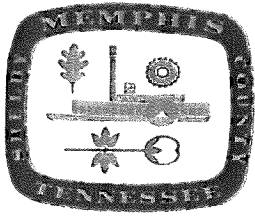
new contract.

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

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

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

N/A



City Council Resolution

**A Resolution APPROVING LEASE AGREEMENT WITH
Jason Chrestman**

WHEREAS, the Memphis and Shelby County Port Commission (the “Commission”), the City of Memphis and Shelby County (the “Lessors”) are the owners of approximately 330 acres, more or less, along portions of an 11-mile-long main line levee on the Pidgeon Industrial Area situated in the City of Memphis, County of Shelby, State of Tennessee (the “Premises”); and

WHEREAS, Jason Chrestman (“Lessee”) desires to lease said Premises for hay cutting pursuant to a response to a Request for Proposals issued by the Commission (“the Lease”); and

WHEREAS, the Memphis and Shelby County Port Commission approved the Lease at its meeting of June 15, 2022; and

WHEREAS, said proposed Lease is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of the Industrial Subdivision and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MEMPHIS, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with Jason Chrestman is hereby approved.

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

BE IT FURTHER RESOLVED, that this action is subject to concurrence by Shelby County.



RESOLUTION AUTHORIZING THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION TO ENTER LEASE WITH JASON CHRESTMAN OF LAND SITUATED IN THE FRANK C. PIDGEON INDUSTRIAL AREA

WHEREAS, the Memphis and Shelby County Port Commission (the “Commission”), the City of Memphis and Shelby County (the “Lessors”) are the owners of approximately 330 acres, more or less, along portions of an 11-mile-long main line levee on the Pidgeon Industrial Area situated in the City of Memphis, County of Shelby, State of Tennessee (the “Premises”); and

WHEREAS, Jason Chrestman (“Lessee”) desires to lease said Premises for hay cutting pursuant to a response to a Request for Proposals issued by the Commission (“the Lease”); and

NOW THEREFORE, the Lessors approve the Lease of the Premises to Lessee for the purpose as stated under the following terms and conditions:


1. The Lease shall be for a term of five (5) years commencing on July 1, 2022 and terminating on June 30, 2027. If not in default, Lessee, upon approval by the Lessors, shall have the option of renewing the Lease for one (1) additional, successive term of three (3) years by giving notice of the exercise of such renewal to Lessors not less than six (6) months prior to the expiration of the expiring term.

2. The rental payment shall be Three Thousand, Six Hundred and Fifty and 00/100 Dollars (\$3,650.00) per year.

3. The Commission recommends that the City of Memphis and the County of Shelby, as joint owners also approve the lease.

4. The Chairman and any other officer of the Commission are authorized to execute any and all documents related to the Lease contemplated by this Resolution.

Approved: June 15, 2022



Thomas Dyer
Port Commission Board Chairman

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") made and entered into as of this ____ day of _____, 2022, by and between the **MEMPHIS AND SHELBY COUNTY PORT COMMISSION**, an organization created by Chapter 500 and 529 of the Private Acts of Tennessee of 1947, as amended, **ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE** ("EDGE"), the **CITY OF MEMPHIS**, a municipal corporation, and the **COUNTY OF SHELBY**, one of the counties of the State of Tennessee, (hereinafter referred to as "Lessors") and **JASON CHRESTMAN**, a Tennessee resident, (hereinafter referred to as "Lessee").

WITNESSETH:

WHEREAS, the Lessors are the owners and have management and control of certain lands situated, Consisting of approximately 330 acres, more or less, along portions of an 11-mile-long main line levee on the Pidgeon Industrial Area shown on the map hereto attached and incorporated as Exhibit A ("Leased Premises").

WHEREAS, Lessee desires to lease the Leased Premises for the use and purposes and for the rental and upon the terms and conditions hereinafter set forth:

NOW THEREFORE, in consideration of the premises, the mutual advantage accruing each to the other, and for good and valuable consideration, the adequacy of which and the receipt of which the parties hereto acknowledge from the other, the parties, intending to be legally bound, agree as follows:

1. Term. The term of this Agreement shall commence on July 1, 2022 (the "Effective Date") and shall be for an initial period of five (5) years.

2. Rental.

(a) The rental for the initial period from **July 1, 2022 through June 30, 2027** is **three thousand six hundred and fifty and no/100 Dollars (\$3,650.00)** each year, which first year rental is to be paid on July 1, 2022. If not in default, Lessee, upon approval by Lessors, shall have the option of renewing this Agreement for one (1) additional, successive term of three (3) years by giving notice of the exercise of such renewal to Lessors not less than six (6) months prior to the expiration of the expiring term. Unless advised to the contrary in writing, Lessee shall make all rental payments to the Memphis and Shelby County Port Commission, 1115 Riverside Boulevard, Memphis, Tennessee 38106-2504.

(b) The Lessee hereby agrees to be responsible for any and all property taxes and/or special assessments which are now assessed or hereafter assessed against the Leased Premises or any improvements hereafter installed by Lessee on the Leased Premises during the term of this Agreement and any extended terms thereof. It is specifically recognized and agreed that in the event property taxes and/or special assessments are not specifically assessed against the Leased Premises, then Lessee will be responsible only for the pro-rata share of the assessment based on the percentage the Leased Premises bares

to the entirety of the assessed area.

(c) Lessee shall pay for all necessary utility services and all other services and installations to the Leased Premises required for its use of the premises. Lessee at its expense shall promptly make and pay for all necessary repairs and replacements to the Leased Premises whether interior, exterior, or underground, ordinary or extraordinary, or structural or non-structural, including the reimbursement to Lessors or its tenants for any crop losses, fence damage or other damages due to its activities on the Leased Premises. The Lessee shall at all times during the lease term, at its expense, put and maintain in thorough repair and in good and safe condition all improvements on the Leased Premises and equipment and appurtenances, both inside, outside and underground, structural and non-structural, extraordinary and ordinary, however the necessity or desirability for repairs may occur and regardless of whether necessitated by wear, tear, obsolescence, or defects, latent or otherwise. The quality and class of all repairs and replacements shall be equal to that of the original work and Lessee shall maintain the Leased Premises in good repair and in at least as good as condition as that in which they were delivered, normal wear and tear resulting from activities unassociated with Lessee's activities excepted. Lessee shall, at the expiration or earlier termination of this Agreement, surrender the Leased Premises in at least as good as condition as that in which they were delivered, normal wear and tear resulting from activities unassociated with Lessee's activities excepted.

3. Grant and Lease. The Lessors do hereby grant, demise and lease unto the said Lessee the Leased Premises owned, controlled or to which the Lessors are authorized to lease to third parties and described on Exhibit A attached, situated in the City of Memphis, County of Shelby, State of Tennessee in its "as is, where is" condition and "with all faults," for the purpose of agricultural and pasturage operations.

4. Improvements and Usage.

(a) The Lessee will not make or permit to be made any alterations, additions, or additional permanent improvements to said premises, nor assign, mortgage, or pledge this Lease, nor sublet the whole or any part of the premises without the Lessors' written consent. Consent by the Lessors shall apply totally to the particular transaction consented to and shall not constitute a waiver by the Lessors of the provisions of this Lease. Any transfer or assignment of this Lease or any interest hereunder or subleasing shall be subject to the terms of the Lease and not relieve the Lessee of its liability for payment of the rent or performance of any covenant or other obligation imposed by Lessee by this Lease.

(b) The Lessee shall maintain all of the improvements now on the Leased Premises and return them to the Lessors at the termination of this Lease, or any extensions thereof, in as good condition as when received, reasonable wear and tear and damage by fire, unless caused by Lessee's negligence, or the elements or Acts of God, excepted. So long as Lessee shall not be in default in the performance of its obligations under this Lease, Lessors agree that they will keep Lessee in the sole, quiet and peaceful possession of said premises.

(c) All improvements which are desired by Lessee and made upon the premises by him, shall be installed and maintained at Lessee's expense. No alteration, addition or improvement to the leased property shall be made by the Lessee without the written consent of the Lessors. Any alterations, addition or improvements made by the Lessee after such consent shall have been given, and any fixtures

installed as part hereof, at once become the absolute property of the Lessors without payment of any kind therefore.

(d) Lessee shall use the Leased Premises solely to cut the grass for hay. Lessee shall not allow any grazing of the Leased Premises nor shall it use the Leased Premises for any other purpose, commercial or otherwise, including, but not limited to, use of Leased Premises to raise any other crop or to ride any vehicles or animals on the Leased Premises. No fires may be built on the Leased Premises. Additionally, Lessee shall not operate or permit to be operated upon the Leased Premises any type of hunting or any private or commercial fishing, or permit the operation of any facilities for any type of fishing or hunting. Lessor shall post "No Hunting" signs so as to adequately serve notice that no hunting is allowed. Controlled hunting under any circumstances requires written consent of the Memphis and Shelby County Port Commission.

(e) The Permittee agrees to the following performance standards. The entire levee will be cut at least 2 times a year. The Permittee agrees to weed spray the entire levee annually at the Permittees expense. The Permittee will bushhog any locations with the cutting area that are not harvested. The Permittee is responsible for repair of damage to the cutting area and/or Levee Road caused by the operations of the Permittee. All harvesting and removal of all hay bales shall be completed by October 31st of the current year.

(f) No land will be cleared or timber cut regardless of size nor any wildlife habitat unnecessarily disturbed without the written consent of the Memphis and Shelby County Port Commission. Lessee shall commit no waste or contamination of the Leased Premises and shall not dispose of petroleum products or agricultural chemicals in an unauthorized or unlawful manner and it shall be Lessee's duty and right to prevent the use of any portion of the Leased Premises by unauthorized persons. However, Lessee is expected to utilize fertilizer and other ordinary chemicals on the Leased Premises to stimulate the growth of grass for hay. Tenant may also use fertilizer and other ordinary chemicals at framers' discretion on the Leased Premises to control weeds in the grass.

5. Signage. No sign of any type, except that described above in Section 4(d), will be placed on any portion of the Leased Premises without the express written consent of the Port Commission regarding the size, general design and placement of said sign. Any such signs shall be used exclusively by Lessee to advertise Lessee's own business. Upon the expiration of this Agreement or any extension thereof, Lessee, at Lessee's expense, shall remove all signs placed or erected on the said Leased Premises during the term of this Agreement, and repair all damage to the Leased Premises due to the erection and subsequent removal of same.

6. Transfer. Lessee may not sell, transfer, or assign this Agreement or any interest of Lessee hereunder or sublease the whole or part of the Leased Premises to any person or entity without the prior written approval of the Port Commission. Any transfer or assignment of this Agreement or any interest hereunder or subleasing shall be subject to the terms of this Agreement and not relieve the Lessee of its liability for payment of the rent or performance of any covenant or other obligation imposed upon Lessee by this Agreement.

7. Indemnity. Lessee shall, at all times prior to the termination of the Lease and to the delivery to Lessors of possession of the demised premises and all improvements thereon, indemnify Lessor against all liability, loss, cost, damage, expense or penalty sustained by Lessor, including attorneys' fees and other expenses of litigation, arising during the lease term prior to termination of the lease and delivery to Lessors of possession of the premises:

(a) For any violation of any law of the United States, the State of Tennessee, or any of the local laws, County and City, if occasioned by the neglect and fault of Lessee or of those holding or occupying under Lessee.

(b) Arising out of, or directly or indirectly due to, any accident or other occurrence causing injury to any person or persons (including death) or property resulting from the use, occupancy, maintenance or repair of the demised premises or any part thereof, by Lessee or by any person or persons holding or occupying under or employed by Lessee.

(c) On account of or through the use, occupancy, maintenance, or repair of the demised premises or improvements or any part thereof by Lessee or by any other person or persons holding or occupying under or employed by Lessee for any purpose inconsistent with the provisions of this Lease.

(d) Arising out of, or directly or indirectly due to, any failure of Lessee in any respect promptly and faithfully to satisfy their obligations under this Lease.

(e) Against all liens and charges of any and every nature that may at any time be established against the Leased Premises or any improvements thereon or any part thereof as a consequence, direct or indirect, of any act or omission of Lessee or any person or persons holding or occupying under or employed by Lessee or as a consequence, direct or indirect, of the existence of Lessee's interest under this Lease, except that Lessee shall not be liable for any income tax that may be imposed on Lessors as a result of Lessee's payment of rent to Lessors .

(f) On account of Lessee's failure to comply with its obligations under paragraph 18 herein including the Applicable Environmental Laws.

(g) Except as otherwise provided herein, Lessors shall not be responsible for any damage occasioned by Lessee; for loss of profits, lack of accessibility to Leased Premises, to equipment or otherwise, by any action of the Mississippi River or its backwaters, including flood, except as otherwise provided herein.

8. Condemnation.

(a) If the whole of the Leased Premises, or such portion thereof as will render the premises unsuitable for the purposes herein leased, is taken or condemned for any public use or purpose by any legally constituted authority, then in either of such events, this Lease shall cease from the time when possession was taken by such public authority and rents shall be accounted for between Lessors and Lessee, as of such date. Such termination shall be without prejudice to the rights of either Lessors or Lessee to

recover compensation for any loss or damage caused by such condemnation. Neither Lessors nor Lessee shall have any right in or to any award made to the other by the condemning authority.

(b) In the event that the Leased Premises demised, or any part thereof, are partially taken or condemned for any public use or purpose by any legally constituted authority, but not thereby rendered unsuitable for the purposes for which leased, then, Lessee shall receive a fair and proper abatement of rental as provided in Section 8(d) from and after the time when possession was taken by such public authority.

(c) Should the Lessors need any portion of the Leased Premises in connection with the development, operation, management and control of any of the properties under the jurisdiction of the Memphis and Shelby County Port Commission prior to the termination of the Lease, any portion of the property so required shall be surrendered immediately by the Lessee and an adjustment in rent shall be made in accordance with Section 8(d) hereof. If such surrender occurs, Lessors shall pay Lessee the fair market value of any unharvested crops located on Leased Premises and planted by Lessee during the current year only and, upon such payment, all such unharvested crops shall become the property of the Lessors.

(d) In the event it is necessary to adjust the rent or compensate Lessee for land required by Lessors as provided in Paragraphs 8(a), (b) and (c) of this Agreement, and the parties are unable to agree upon a fair and equitable compensation, including, but not limited to crop loss, then either party may request mediation to resolve the question regarding the fair adjustment or compensation with such mediator to be agreed upon by the parties. The expenses of mediation shall be shared equally by the Lessors and the Lessee. Neither party shall be prohibited from filing an action in a court of competent jurisdiction in the event mediation efforts are unsuccessful.

9. Lessor's Use of Leased Premises. If Lessors need any portion of the Leased Premises in connection with the development, operation, management and control of any of the properties under the jurisdiction of the Port Commission prior to the termination of this Agreement, any portion of the Leased Premises so required shall be surrendered immediately by the Lessee and an adjustment in the rent described herein shall be made. If such surrender to Lessors occurs, Lessors shall pay Lessee the fair market value of any unharvested crops located on the Leased Premises and planted by Lessee during the current year only and, upon such payment, all such unharvested crops shall become the property of Lessors.

10. Insurance.

(a) Lessee at its own risk and expense, during the period of this Lease or any extended term of this Lease, shall provide liability insurance in the minimum amounts of TWO MILLION DOLLARS (\$2,000,000) combined single limits covering property damage and bodily injury with the CITY OF MEMPHIS, COUNTY OF SHELBY, MEMPHIS AND SHELBY COUNTY PORT COMMISSION, and ECONOMIC DEVELOPMENT GROWTH ENGINE (EDGE) named as an additional insured; this policy will fully protect Lessors from any and all claims for damages to property or persons, including death, which may arise from Lessee's or any sublessee's operations on the Leased Premises or adjacent thereto, whether such operations are by Lessee or by anyone directly or indirectly employed or licensed by Lessee or by anyone directly or indirectly employed or licensed by Lessee or acting under Lessee's authority or

orders. Further, this policy shall be written with insurance companies satisfactory to the MEMPHIS AND SHELBY COUNTY PORT COMMISSION.

(b) Upon the execution of this Lease, the Lessee shall deliver to Lessors certificates of insurance certifying that such insurance is in full force and effect and naming Lessors as additional insured.

(c) At least thirty (30) days prior to the expiration of any policy of insurance the Lessee is obligated to carry under this Lease, the Lessee shall furnish a binder to the Lessors renewing each such policy. Each policy and/or binder shall provide for at least thirty (30) days' notice to the Lessors of any change or cancellation thereof. Lessee shall promptly deliver to Lessors a certificate from the insurance carrier evidencing the renewal of the policy and the payment of premium.

(d) At least thirty (30) days prior to the Effective Date, the Lessee shall deliver to Lessors certificates of insurance which satisfy the conditions of sub-paragraph (a) of this paragraph and which certifies that such insurance is in full force and effect.

(e) Lessors may at any time upon reasonable notice and at principal office where such items are normally maintained, review and inspect pertinent sections of all required policies under this Agreement.

11. Inspections.

(a) Lessors and their agents, surveyors, and workmen may at all reasonable times during the term hereof, enter upon the subject premises to inspect the same and to cut and remove any and all timber and other trees. Lessors shall have the right to go upon said premises at any time and perform such work thereon as they may deem advisable, which does not prevent the Lessee from carrying out the terms and conditions of this Lease.

(b) Lessors reserve the right of ingress and egress over and across the Leased Premises for property protection, maintenance, and showing sites to prospective industrial users. This Lease is subject to any existing easements or uses of record in the Register's Office of Shelby County, Tennessee, and the rights of ingress and egress are reserved for the holders of these easements.

12. Default.

1. In case Lessee, during the term of this Agreement shall cause a default hereunder by committing one or more of the following:
 - (a) file a voluntary petition in bankruptcy or if proceedings be instituted by anyone to adjudge Lessee a bankrupt; or
 - (b) make an assignment for the benefit of creditors; or
 - (c) be adjudicated a bankrupt; or

- (d) be declared insolvent; or
- (e) abandon the Leased Premises; or
- (f) fail to perform any material part of this Agreement including the payment of rent heretofore agreed following 60 days prior written notice from Lessors;

and such default shall continue for fifteen (15) days after the Memphis and Shelby County Port Commission has given written notice of such default to Lessee, then and henceforth, in any of said events, the Memphis and Shelby County Port Commission at its option has the right to cancel this Lease or the Memphis and Shelby County Port Commission may reenter and resume possession of same, and may, at its option, relet premises as agent of Lessee but in name of Lessor and receive rent thereof, applying the same, the first, to payment of expenses to which it may be put in reentering and reletting, and then to payment of rent due by these presents, remainder, if any, to be paid over to Lessee, who shall be liable for any deficiency, the execution of a new lease for the same premises being permitted without terminating Lessee's liability or obligation hereunder. The Lessee waives service of any notice of intention to reenter, or of instituting legal proceedings to that end.

2. The right in the Lessors to cancel this Lease as herein set forth is in addition to and not in exhaustion of such rights that the Lessors have or causes of action that may accrue to the Lessors because of the Lessee's failure to fulfill, perform or observe the obligations, agreements or covenants of this Lease, and the exercise or pursuit by the Lessors of any of the rights or causes of action accruing hereunder shall not be in exhaustion of such other rights or causes of action that the Lessors might otherwise have.
3. If the Lessee defaults in the observance or performance of any term or covenant on the Lessee's part to be observed or performed under any of the terms or provisions in any paragraph of this Lease, the Lessors may immediately or at any time thereafter and without notice, perform the same for the account of the Lessee, and if the Lessors make any expenditures or incur any obligations for the payment of money in connection therewith, including, but not limited to, attorney fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred with interest and costs shall be deemed to be additional rent hereunder and shall be paid by the Lessee to the Lessors.

13. Interest. Any rent or other sum (including taxes) payable to Lessors by Lessee under the terms of this Lease which Lessee does not pay within ten (10) days of the date it becomes due and owing shall bear interest in favor of Lessors from the due date at the rate of ten percent (10%) per annum.

14. Payment. No payment by Lessee, or acceptance by Lessors, of a lesser amount of rent than shall be due from Lessee to Lessors shall be treated otherwise than as a payment on account. The acceptance by Lessors of a check for a lesser amount with an endorsement or statement thereon, or upon any letter accompanying such check that such lesser amount shall constitute payment in full, shall be given no effect and Lessors may accept such payment without prejudice to any other rights or remedies which Lessors may have against Lessee. Any payment, however designated, may be accepted by Lessors and applied against any part of Lessee's then existing and then due rent obligations, and Lessors may apply such payment

against any sum then due or may retain such payment (without interest) as a credit against Lessee's accruing future obligations.

15. Rights. The right in the Lessors to terminate this Agreement as herein set forth is in addition to and not in exhaustion of such rights that the Lessors have or causes of action that may accrue to the Lessors because of the Lessee's failure to fulfill, perform or observe the obligations, agreements or covenants of this Agreement, and the exercise or pursuit by the Lessors of any of the rights or causes of action accruing hereunder shall not be in exhaustion of such other rights or causes of action that the Lessors might otherwise have.

16. Waivers. It is hereby covenanted and agreed that no waiver of a breach of any of the covenants of this Lease shall be construed to be a waiver of any succeeding breach of the same or any other covenant.

17. Collection Costs. Lessee agrees to pay all reasonable costs of collection, including reasonable attorney's fees, if all or any part of the rent reserved herein is collected after maturity with the aid of an attorney; also, Lessee agrees to pay reasonable attorney fees in the event that it becomes necessary for Lessors to employ an attorney to enforce any of the covenants, obligations or conditions imposed in this Agreement.

18. Compliance with Laws. The Lessee shall comply with and cause to be complied with, all statutes, regulations, ordinances and other requirements of any government, whether federal, state or local, as amended from time to time, relating to the Leased Premises and the use there of or any part thereof, including, without limitation, 42 U.S.C. § 9601 et seq., 42 U.S.C. § 6901 et seq., 33 U.S.C. § 1251 et seq., T.C.A. § 68-212-201 et seq., T.C.A. § 68-212-101 et seq., T.C.A. § 68-215-101 et seq., T.C.A. § 69-3-101 et seq., and all other applicable federal, state and local health or environmental statutes and regulations. Lessee shall also comply with all restrictive covenants and other such restrictions of record and shall meet and comply with all requirements of federal and state common law, e.g. Statutes and Regulations and the Applicable Environmental Common Law together are referred to herein as the "Applicable Environmental Laws." Lessee covenants that all reporting requirements of Applicable Environmental Laws shall be complied with and all spills shall be cleaned and removed in a manner in compliance with the Applicable Environmental Laws even if Lessee is no longer in possession under this Lease.

19. Notices. Until further notice of change of address, any notice in writing given under this Agreement shall be sufficient if sent by mail, postage prepaid, and addressed as follows:

Lessors: Chairman
Memphis and Shelby County Port Commission
1115 Riverside Blvd.
Memphis, Tennessee 38106-2504

Lessee: Jason Chrestman
3087 Chism Lake Road
Ripley, TN 38063

20. Choice of Law and Venue. It is specifically agreed between the parties that this contract and the enforcement of any of the provisions thereof shall be construed and enforced in accordance with the laws of the State of Tennessee. All actions, whether sounding in contract or in tort, relating to the validity, construction, interpretation and enforcement of this Agreement shall be instituted and litigated in the courts of the State of Tennessee, located in Shelby County, Tennessee, without regard to conflicts of laws principles. In accordance herewith, the parties to this Agreement submit to the jurisdiction of the courts of the State of Tennessee located in Shelby County, Tennessee.

21. Entire Agreement. This writing constitutes the entire agreement by and between the parties and no renewal, extension or amendment of this Agreement shall be binding unless in writing and signed by all of the parties hereto.

22. Binding Nature. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers or officials, duly authorized so to do, on the day and year indicated below.

[SIGNATURE PAGES TO FOLLOW]

ATTEST:

LESSOR:
MEMPHIS AND SHELBY COUNTY PORT
COMMISSION

Lourence Jones
Secretary-Treasurer

By: Jim R Dyer
Chairman

APPROVED AS TO FORM:

[Signature]
Port Commission Attorney

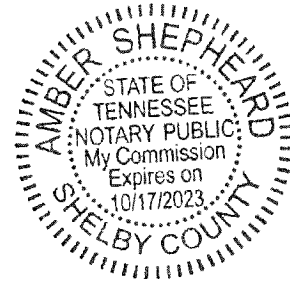
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **TOM D. DYER**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Chairman of the Memphis and Shelby County Port Commission, created by Chapters 500 and 529 of the Private Acts of Tennessee of 1947, as amended, and that he as such chairman being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Memphis and Shelby County Port Commission by himself as chairman.

WITNESS my hand and seal of office at Memphis, Tennessee, this the 15th day of June, 2022.

[Signature]
Notary Public

My commission expires October 17, 2022



LESSOR:

ATTEST:

CITY OF MEMPHIS

City Comptroller

By: _____
Jim Strickland, Mayor

APPROVED AS TO FORM:

City Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Jim Strickland**, and with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the City of Memphis, a municipal corporation of the State of Tennessee, and that he as mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as mayor thereof.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 2022.

Notary Public

My commission expires: _____

APPROVED AS TO FORM
AND LEGALITY:

LESSOR:
COUNTY OF SHELBY

Contract Administrator
Assistant County Attorney

By: _____
Lee Harris, Mayor

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Lee Harris**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the County of Shelby, State of Tennessee, and that he as such mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Shelby County by himself as mayor thereof.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 2022.

Notary Public

My commission expires: _____

LESSEE:

Jason Chrestman

By: Jason Chrest

STATE OF TENNESSEE

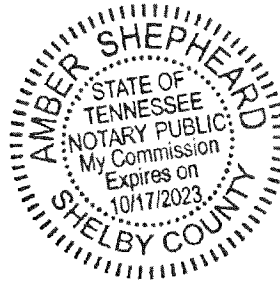
COUNTY OF Shelby

Before me, a notary public within and for said state and county, duly commissioned and qualified, personally appeared Jason Chrestman with whom I am personally acquainted, and who upon oath acknowledged himself to be **Jason Chrestman**, an individual and that he is authorized to execute the foregoing instrument for the purposes therein contained, by signing the document.

WITNESS my hand and seal of office at 1115 Riverside Blvd. 38106, this 17th day of May, 2022.

Amber Shephard
Notary Public

My commission expires: 10/17/23



LESSOR:
ECONOMIC DEVELOPMENT GROWTH ENGINE
INDUSTRIAL DEVELOPMENT BOARD OF THE CITY
OF MEMPHIS AND COUNTY OF SHELBY,
TENNESSEE

By: _____
Al Bright, Jr.
Chairman

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared **AL BRIGHT, JR.**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President of the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee, a public not-for-profit corporation of the State of Tennessee, the within named bargainor, and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the bargainor by himself as such officer.

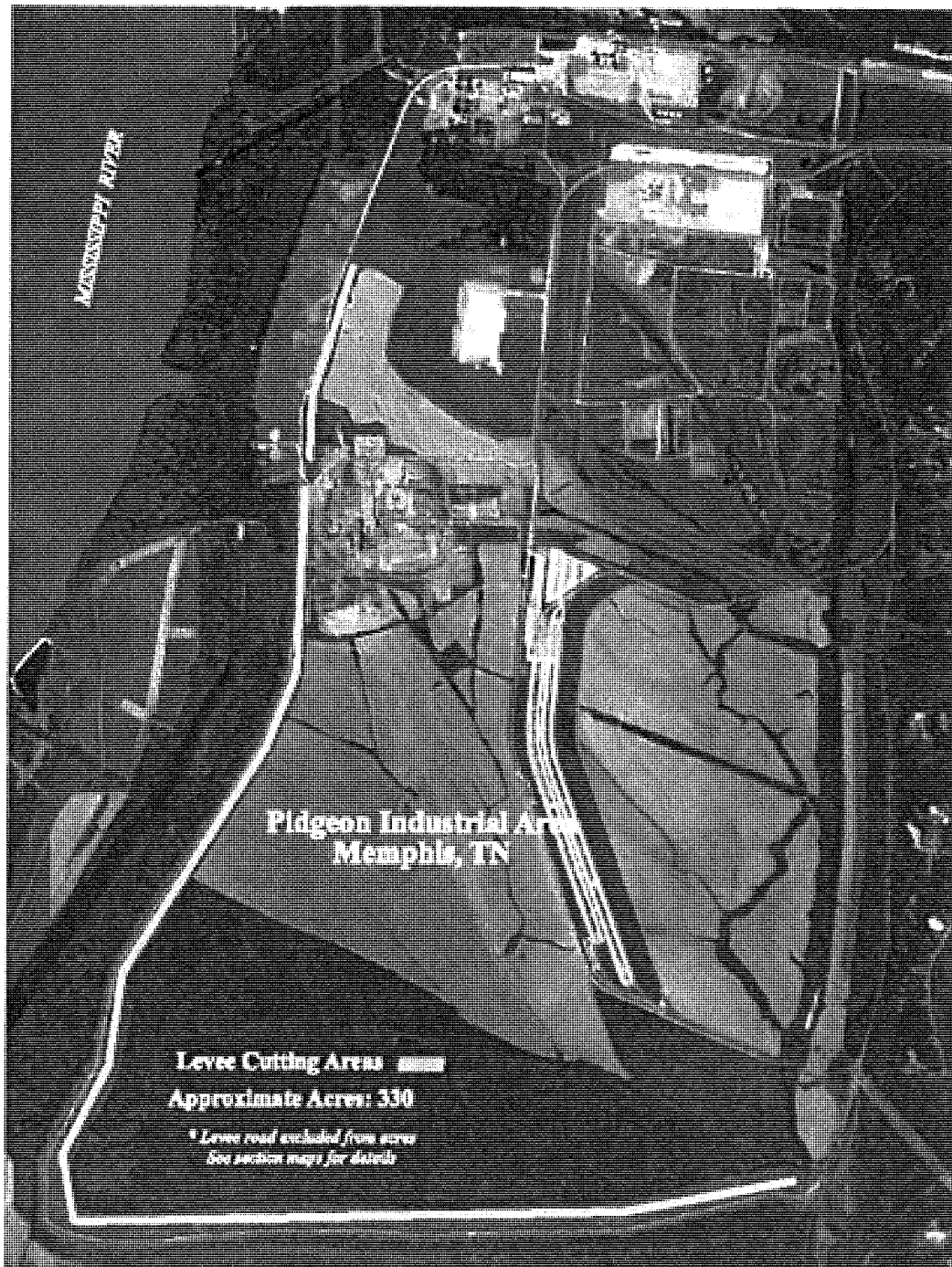
WITNESS my hand and seal at office on this, the ____ day of _____, 2022.

NOTARY PUBLIC

My Commission Expires:

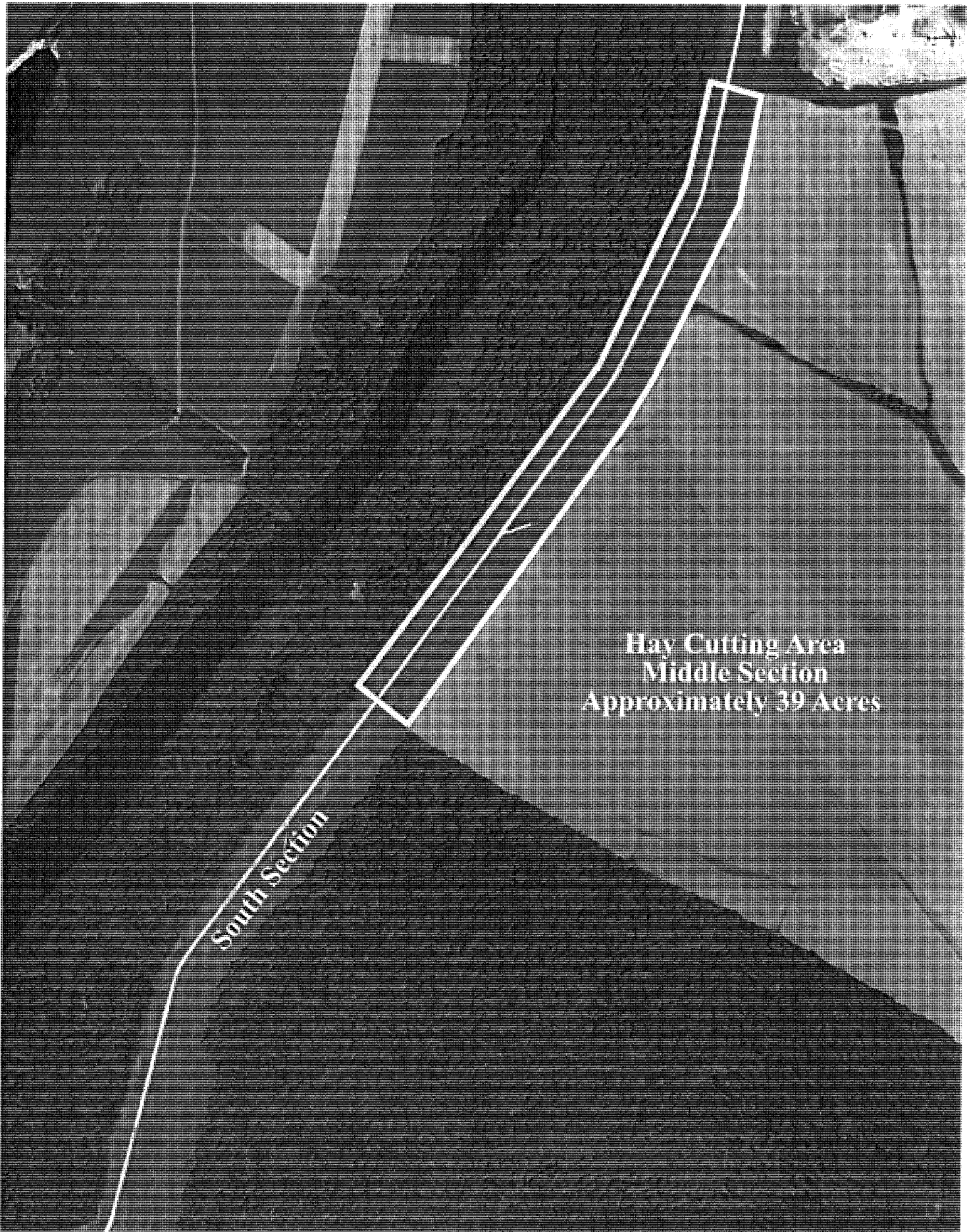
Exhibit A
Leased Property to Follow

Exhibit A



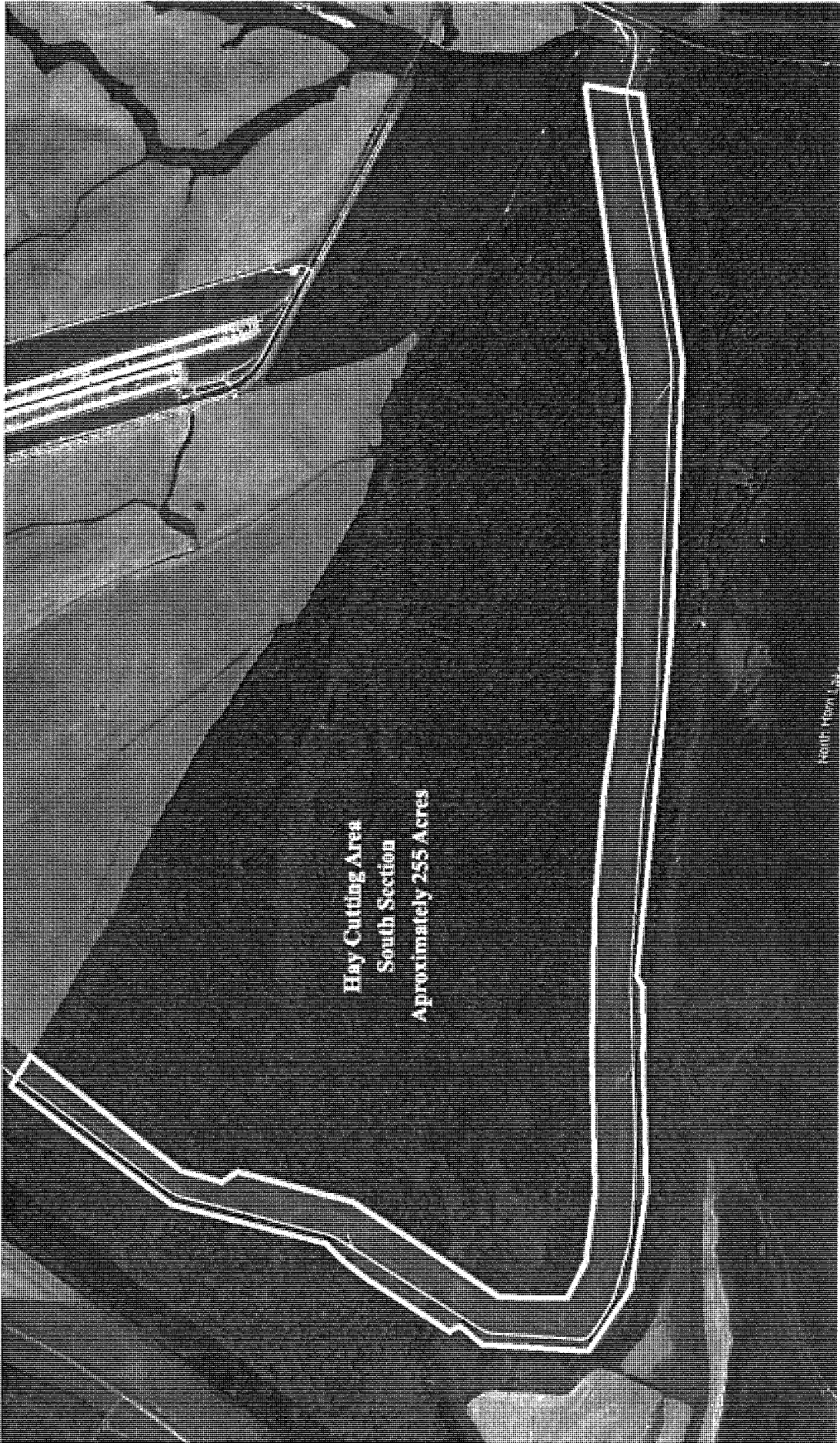


**Hay Cutting Area
North Section
36 Acres**



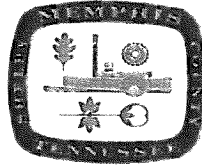
**Hay Cutting Area
Middle Section
Approximately 39 Acres**

South Section



**Hay Cutting Area
South Section
Approximately 255 Acres**

North Hwy 1, 199



Memphis City Council Summary Sheet

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

Resolution approving the Second Amendment to Lease Agreement between the Port Commission and Wefer Marine, Inc. as approved by the Board of the Port Commission on June 15, 2022(Request for same night minutes).

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

Memphis and Shelby County Port Commission

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

This is a change to an existing ordinance or resolution.

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

Council District 6 and Super District 8

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

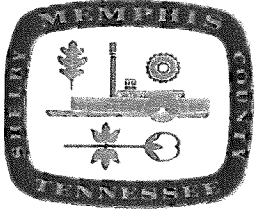
amends an existing contract.

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

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

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

N/A



City Council Resolution

**A Resolution APPROVING LEASE AGREEMENT WITH
Wepfer Marine, Inc.**

WHEREAS, the Memphis and Shelby County Port Commission (the "Commission"), the City of Memphis and Shelby County are owners of land along McKellar Lake in the Memphis and Shelby County Industrial Subdivision in the City of Memphis, County of Shelby, State of Tennessee (the "Premises"); and

WHEREAS, the Commission along with the City of Memphis and Shelby County entered a Lease with Wepfer Marine, Inc. ("Wepfer") to lease said Premises for mooring rights ("the Lease"); and

WHEREAS, said Lease was for a term of five (5) years beginning April 1, 2007 with two (2) options to renew for five (5) years each ending on March 31, 2022; and

WHEREAS, the Lease was amended to add three (3) additional five (5) year automatic renewals on December 21, 2021; and

WHEREAS, Wepfer has requested a second amendment to the Lease to add 750 feet to the Premises thereby increasing the Premises from 1700 feet along McKellar Lake to 2450 feet; and

WHEREAS, the Commission approves a second amendment of the Lease of the Premises to Wepfer for the purpose as stated under the following terms and conditions:

1. The Lease shall be amended to add 750 feet to the Premises resulting in the Premises encompassing 2450 feet along McKellar Lake as shown in that survey by Ashworth Engineering dated September 17, 2021; and

WHEREAS, the Memphis and Shelby County Port Commission approved the Lease at its meeting of June 15, 2022; and

WHEREAS, said proposed Lease Amendment is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of the Industrial Subdivision and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MEMPHIS, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with Wepfer Marine, Inc. is hereby approved.

City Council Resolution

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

BE IT FURTHER RESOLVED, that this action is subject to concurrence by Shelby County.

SECOND AMENDMENT TO LEASE FOR MOORING RIGHTS

This SECOND AMENDMENT TO LEASE FOR MOORING RIGHTS (this "Amendment") is made and entered into as of the ___ day of _____, 2022, by and between the MEMPHIS AND SHELBY COUNTY PORT COMMISSION, CITY OF MEMPHIS AND THE COUNTY OF SHELBY ("LESSORS") and WEPFER MARINE, INC. ("LESSEE").

RECITALS

A. WHEREAS, Lessors and Lessee entered into that certain Lease for Mooring Rights dated June 18, 2007 and amended on December 21, 2021, with respect to certain lands situated on President's Island in the County of Shelby, City of Memphis, State of Tennessee, as more particularly described in the Lease.

B. WHEREAS, Lessee and Lessors desire to amend the terms of the Lease as set forth in this Amendment.

NOW, THEREFORE, for and in consideration of the covenants and premises contained in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed by Lessee and Lessors, as follows:

LEASES

1. Defined Terms. All undefined capitalized terms in this Amendment shall have the same meanings as in the Lease, unless otherwise defined herein.

2. Amendment. The Lease is hereby amended to increase the land available to Lessee for mooring, from 1700 feet to 2450 feet thereby revising the Exhibit A - Memphis and Shelby County Port Commission Lease Area Description referred to in Section 3(a) of the Lease to reflect the 750' increase (revised Exhibit A attached). The Lease rent will be increased based on the addition being calculated using the current per linear foot rent on the existing frontage as provided in Section 2(a) and Exhibit B of the Lease.

3. Effect of Amendment. Except as specifically modified by this Amendment, all of the terms and conditions of the Lease remain in full force and effect, and are hereby ratified and confirmed by Lessee and Lessors. Notwithstanding the foregoing, in the event there is any conflict between the terms and provisions of the Lease and this Amendment, the terms and provisions of this Amendment shall control.

4. Modifications. This Amendment and the Lease cannot be modified in any manner other than by written modification executed by Lessee and Lessors.

5. Successors and Assigns. This Amendment is binding upon and inures to the benefit of Lessee and Lessors and their respective successors and assigns.

6. Representations and Warranties. Lessee and Lessors represent and warrant to each other respectively that they have the requisite power and authority to enter into this Amendment; that all necessary and appropriate approvals, authorizations and other steps have been taken to effect the legality of this Amendment; that the signatories executing this Amendment on behalf of Lessee and Lessors have been duly authorized and empowered to execute this Amendment on behalf of Lessee and Lessors, respectively; and that this Amendment is valid and shall be binding upon and enforceable against Lessee and Lessors and their respective successors and assigns and shall inure to the benefit of Lessee and Lessors and their respective successors and assigns.

[Remainder of page intentionally left blank; Signature pages to follow]

IN WITNESS WHEREOF, Lessee and Lessors have duly executed this Amendment as of the day and year first written above.

LESSORS:

MEMPHIS AND SHELBY COUNTY PORT COMMISSION

By: Tom Dyer

Title: Port Commission Board Chairman

ATTEST:

Florence Jones
Secretary-Treasurer

APPROVED AS TO FORM:

[Signature]
Port Commission Attorney

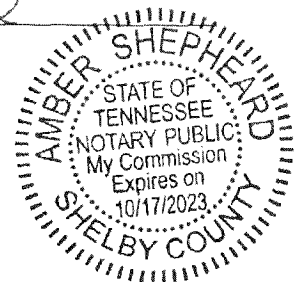
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared Tom Dyer with whom I am personally acquainted, and who upon oath acknowledged himself to be the Board Chairman of the Memphis and Shelby County Port Commission, created by Chapters 500 and 529 of the Private Acts of Tennessee of 1947, as amended, and that he as such president being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Memphis and Shelby County Port Commission by himself as president.

WITNESS my hand and seal of office at Memphis, Tennessee, this the 15th day of June 2022.

My commission expires October 17, 2022

Amber Sheppard
Notary Public



ATTEST:

CITY OF MEMPHIS, TENNESSEE

City Comptroller

By: _____
Jim Strickland, Mayor

APPROVED AS TO FORM:

City Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **JIM STRICKLAND**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the city of Memphis and that he as such mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the city of Memphis by himself as mayor.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 20____.

Notary Public

My commission expires _____

ATTEST:

COUNTY OF SHELBY

By: _____
Lee Ardrey Harris, Mayor

APPROVED AS TO FORM,
EFFICACY AND PROPRIETY:

Contract Administrator
Assistant County Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Lee Ardrey Harris**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the county of Shelby and that he as such mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the county of Shelby by himself as mayor.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 20____.

Notary Public

My commission expires _____

LESSEE:

WEPFER MARINE, INC.

By: 

STATE OF TN

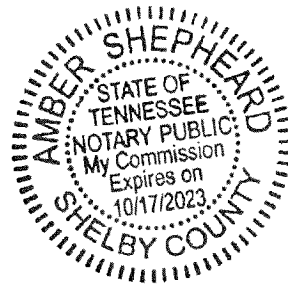
COUNTY OF Shelby

Before me, a notary public within and for said state and county, duly commissioned and qualified, personally appeared George Leavell with whom I am personally acquainted, and who upon oath acknowledged himself to be the President of **WEPFER MARINE, INC.**, and that he as President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as President.

WITNESS my hand and seal of office at 1115 Riverside Blvd. 30106 this 19th day of May, 20 22.


Notary Public

My commission expires: 10/17/23



LEGAL DESCRIPTION

SECTION 1

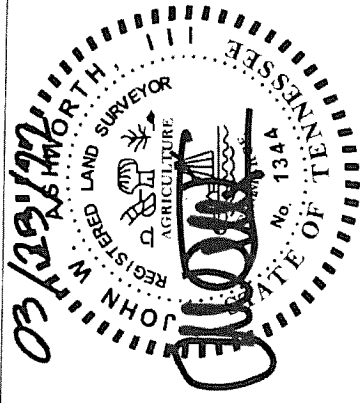
BEGINNING AT A POINT ON THE EAST LINE OF A TRANSMISSION LINE, SAID POINT BEING ON THE TOP OF BANK OF THE NORTH WEST SIDE OF MCKELLAR LAKE, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF **N:300430.49, E:727275.94**; THENCE, S 72° 07' 53" E ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 458.45 FEET TO A POINT; THENCE, S 79° 41' 56" E ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 633.27 FEET TO A POINT; THENCE, S 64° 30' 23" E ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 192.77 FEET TO A POINT; THENCE, S 84° 37' 15" E ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 141.09 FEET TO A POINT; THENCE, S 53° 56' 00" E ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 173.99 FEET TO A POINT; THENCE, S 25° 03' 21" E ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 100.43 FEET TO THE END POINT.

SECTION 2

BEGINNING AT A POINT ON THE WEST LINE OF A TRANSMISSION LINE, SAID POINT BEING ON THE TOP OF BANK OF THE NORTH WEST SIDE OF MCKELLAR LAKE, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF **N:300475.65, E:727130.95**; THENCE, N 72° 34' 19" W ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 253.02 FEET TO A POINT; THENCE, N 81° 58' 03" W ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 249.62 FEET TO A POINT; THENCE, N 84° 55' 05" W ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 230.19 FEET TO A POINT; THENCE, N 86° 52' 45" W ALONG THE TOP BANK OF MCKELLAR LAKE FOR A DISTANCE OF 267.17 FEET TO THE END POINT.

SECTION 3

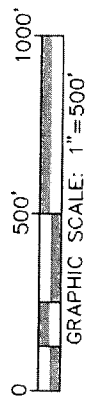
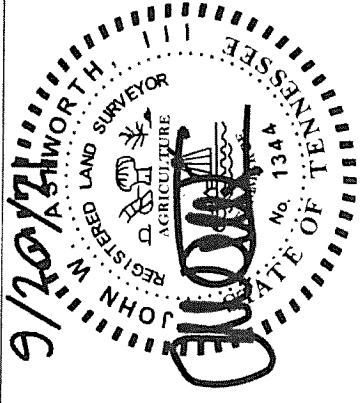
COMMENCING AT A POINT ON THE WEST LINE OF A TRANSMISSION LINE, SAID POINT BEING ON THE TOP OF BANK OF THE NORTH WEST SIDE OF MCKELLAR LAKE, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF **N:300475.65, E:727130.95**; THENCE ALONG THE TOP BANK OF MCKELLAR LAKE THE FOLLOWING FOUR CALLS; THENCE, N 72° 34' 19" W FOR A DISTANCE OF 253.02 FEET TO A POINT; THENCE, N 81° 58' 03" W FOR A DISTANCE OF 249.62 FEET TO A POINT; THENCE, N 84° 55' 05" W FOR A DISTANCE OF 230.19 FEET TO A POINT; THENCE, N 86° 52' 45" W FOR A DISTANCE OF 267.17 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE TOP BANK OF MCKELLAR LAKE THE FOLLOWING THREE CALLS; THENCE, S 89° 32' 15" W FOR A DISTANCE OF 326.90 FEET TO A POINT; THENCE, N 82° 26' 21" W FOR A DISTANCE OF 297.14 FEET TO A POINT; THENCE, S 87° 15' 15" W FOR A DISTANCE OF 125.96 FEET TO THE END POINT.



LEASE EXHIBIT "A"

FOR THE MEMPHIS & SHELBY COUNTY PORT COMMISSION

MEMPHIS, TENN.

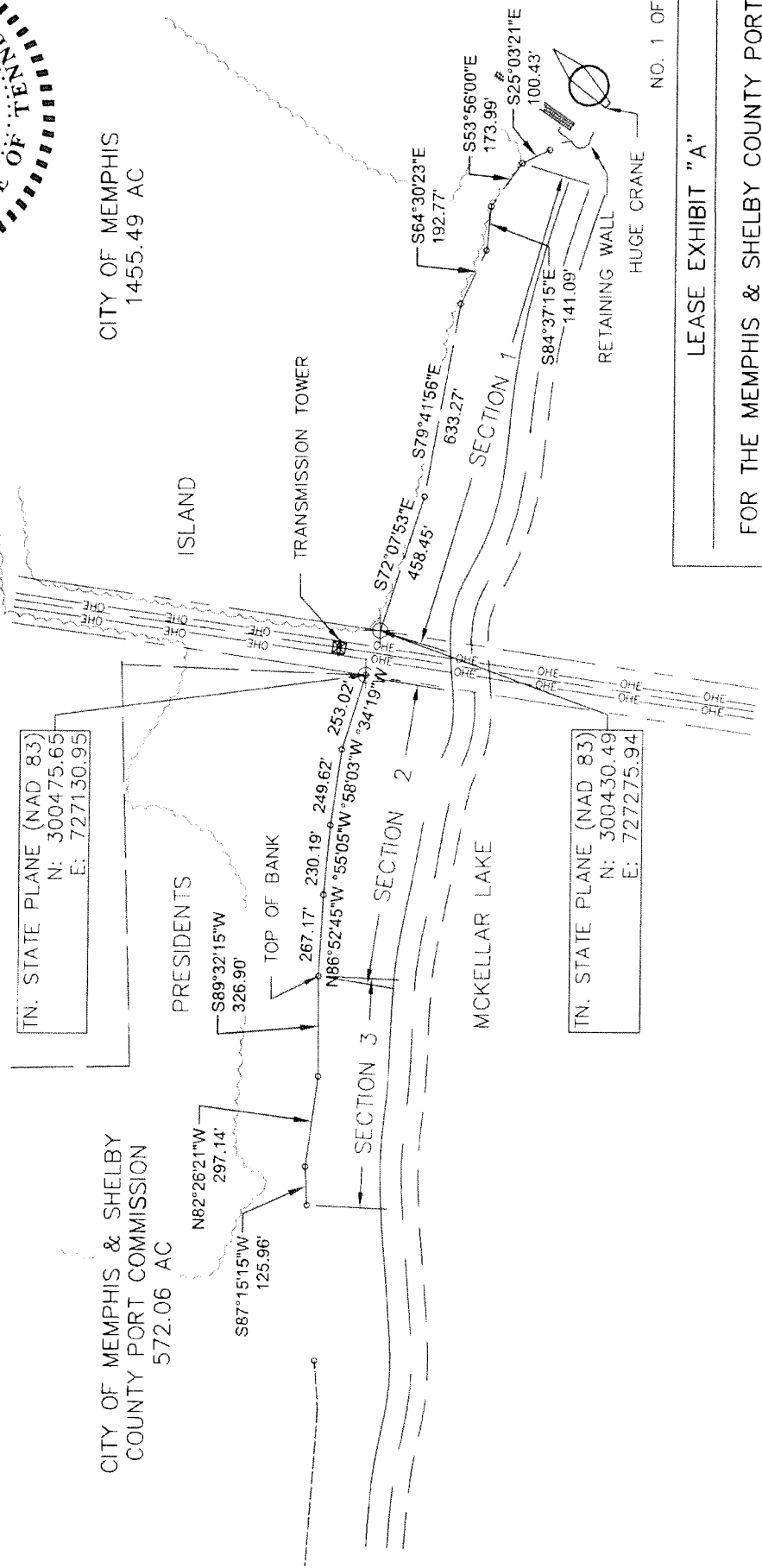


CITY OF MEMPHIS & SHELBY COUNTY PORT COMMISSION
572.06 AC

CITY OF MEMPHIS
1455.49 AC

TN. STATE PLANE (NAD 83)
N: 300475.65
E: 727130.95

TN. STATE PLANE (NAD 83)
N: 300430.49
E: 727275.94



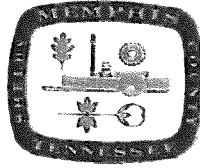
LEASE EXHIBIT "A"

FOR THE MEMPHIS & SHELBY COUNTY PORT COMMISSION

MEMPHIS, TENN.

SURVEY BY: ASHWORTH ENG. DATE: 9/16/21 BOOK:
DRAFTSMAN: JWA DATE: 9/17/21 SCALE: 1"=500'

NO. 1 OF 1



Memphis City Council Summary Sheet

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

Resolution approving the Collateral Access Agreement between the Port Commission and Maxim Crane Works, LP. as approved by the Board of the Port Commission on January 19, 2022 (Request for same night minutes).

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

Memphis and Shelby County Port Commission

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

This is a change to an existing ordinance or resolution.

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

Council District 6 and Super District 8

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

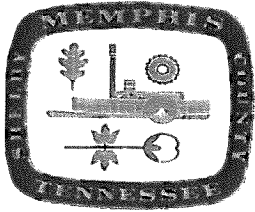
amends an existing contract.

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

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

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

N/A



City Council Resolution

**A Resolution APPROVING LEASE AGREEMENT WITH
Maxim Crane Works, LP.**

WHEREAS, the Memphis and Shelby County Port Commission (the "Commission") along with the City of Memphis (the "City") and Shelby County (the "County") are the owners of Lots 101-104 of the Memphis and Shelby County Industrial Subdivision, encompassing 3.67 acres of property situated in the City of Memphis, County of Shelby, State of Tennessee (the "Premises"); and

WHEREAS, the Commission along with the City and County (collectively the "Owners") entered a Lease with Maxim Crane Works, LP ("Maxim") to lease said Premises for the use and purposes of storage, repair and maintenance of cranes, trucks and trailers and all associated inventory ("the Lease"); and

WHEREAS, Maxim has secured financing from Wells Fargo Bank, National Association (the "Bank") providing as a security interest, the tangible personal property on or at the Premises, including without limitation, inventory, machinery, equipment, furniture and trade fixtures, together with all additions, substitutions, replacements and improvements to, and proceeds thereof (collectively, the "Collateral"); and

WHEREAS, Maxim wishes to enter into a Collateral Access Agreement to allow the Bank reasonable access to the Premises in order to exercise its rights with respect to the Collateral, including removing the Collateral from the Premises; and

WHEREAS, The Board of Commissioners of EDGE on behalf of The Memphis and Shelby County Port Commission approved the agreement at its meeting of January 19, 2022 for the purpose as stated under the following terms and conditions:

1. Reasonable access to the Premises will be permitted in order for the Bank to exercise its rights with respect to the Collateral, including removing the Collateral from the Premises;
2. In the event the Owners take possession of the Premises or the Lease is terminated, the Bank shall have access pursuant to the Agreement for a disposition Period of sixty (60) days, during which the Bank shall be liable for rent and all pass-through expenses for the period of time the Collateral remains on the Premises and shall promptly repair or shall reimburse Owners for the cost of any repair to the Premises caused by such removal of the collateral.

City Council Resolution

3. The Commission recommends that the City of Memphis and the County of Shelby, as joint owners also approve the Collateral Access Agreement.

4. The Chairman and any other officer of the Commission are authorized to execute any and all documents related to the Lease contemplated by this Resolution; and

WHEREAS, said proposed ~~Lease Amendment~~^{Agreement} is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of the Industrial Subdivision and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MEMPHIS, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Collateral Access Agreement with Maxim Crane Works, LP. is hereby approved.

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

BE IT FURTHER RESOLVED, that this action is subject to concurrence by Shelby County.



RESOLUTION AUTHORIZING THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION TO ENTER COLLATERAL ACCESS AGREEMENT WITH MAXIM CRANE WORKS, LP ON LAND SITUATED IN THE MEMPHIS AND SHELBY COUNTY INDUSTRIAL SUBDIVISION

WHEREAS, the Memphis and Shelby County Port Commission (the "Commission") along with the City of Memphis (the "City") and Shelby County (the "County") are the owners of Lots 101-104 of the Memphis and Shelby County Industrial Subdivision, encompassing 3.67 acres of property situated in the City of Memphis, County of Shelby, State of Tennessee (the "Premises"); and

WHEREAS, the Commission along with the City and County (collectively the "Owners") entered a Lease with Maxim Crane Works, LP ("Maxim") to lease said Premises for the use and purposes of storage, repair and maintenance of cranes, trucks and trailers and all associated inventory ("the Lease"); and

WHEREAS, Maxim has secured financing from Wells Fargo Bank, National Association (the "Bank") providing as a security interest, the tangible personal property on or at the Premises, including without limitation, inventory, machinery, equipment, furniture and trade fixtures, together with all additions, substitutions, replacements and improvements to, and proceeds thereof (collectively, the "Collateral") and

WHEREAS, Maxim wishes to enter into a Collateral Access Agreement to allow the Bank reasonable access to the Premises in order to exercise its rights with respect to the Collateral, including removing the Collateral from the Premises;

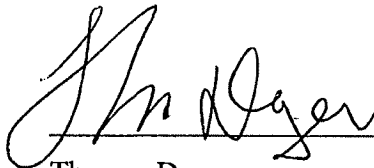
NOW THEREFORE, the Commission approves the Collateral Access Agreement for the purpose as stated under the following terms and conditions:

1. Reasonable access to the Premises will be permitted in order for the Bank to exercise its rights with respect to the Collateral, including removing the Collateral from the Premises;

2. In the event the Owners take possession of the Premises or the Lease is terminated, the Bank shall have access pursuant to the Agreement for a disposition Period of sixty (60) days, during which the Bank shall be liable for rent and all pass-through expenses for the period of time the Collateral remains on the Premises and shall promptly repair or shall reimburse Owners for the cost of any repair to the Premises caused by such removal of the collateral.

3. The Commission recommends that the City of Memphis and the County of Shelby, as joint owners also approve the Collateral Access Agreement.

4. The Chairman and any other officer of the Commission are authorized to execute any and all documents related to the Lease contemplated by this Resolution.



Thomas Dyer

Port Commission Board

Chairman

Approved January 19, 2022

COLLATERAL ACCESS AGREEMENT

THIS COLLATERAL ACCESS AGREEMENT (this "**Agreement**"), executed and delivered as of this 12th day of May, 2022, by and between the undersigned landlord ("Landlord"), and Maxim Crane Works, L.P., a Pennsylvania limited partnership ("Company").

WITNESSETH

A. Company is party to that certain Asset-Based Revolving Credit Agreement, dated as of July 29, 2016, by and among the Company, certain affiliates of the Company party thereto, certain financial institutions party thereto from time to time (collectively, the "**Lenders**"), and Wells Fargo Bank, National Association, in its capacity as agent for the Lenders (together with its successors and assigns, in such capacity, the "**Agent**"), as amended (such credit agreement as amended, modified, supplemented or restated from time to time, is referred to herein as the "**Credit Agreement**"), and together with the other agreements, documents and instruments in connection therewith the "**Loan Documents**"), pursuant to which, among other things, the Company granted to the Agent, for itself and the benefit of the Lenders, a security interest in, among other things, all of the Company's existing and hereafter acquired tangible personal property on or at the Premises, including without limitation, inventory, machinery, equipment, furniture and trade fixtures, together with all additions, substitutions, replacements and improvements to, and proceeds of, the foregoing (collectively, the "**Collateral**").

B. All or some of the Collateral is now or from time to time hereafter may be located at the premises described on Exhibit A (the "Premises"), and which Premises are owned and leased by Landlord to Company pursuant to the Lease described on Exhibit B (together with any and all renewals, extensions, amendments, modifications, substitutions, and replacements thereof, the "Lease").

C. As a condition precedent to certain transactions contemplated under the Loan Documents, the Agent and the Lenders require Landlord to enter into this Agreement.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Landlord covenants and agrees with Company and Agent as follows:

1. **Right of Access.** Landlord will permit the Agent reasonable access to the Premises from time to time in order to exercise the Agent's rights with respect to the Collateral and to permit the Agent to assemble, remove or deal with the Collateral from the Premises. If Landlord terminates the Lease or takes possession of the Premises for any reason, including because of termination of the Lease, Landlord will give Agent notice of same and will permit the Collateral to remain on the Premises for a period not to exceed one hundred twenty (120) days (the "**Disposition Period**") after the date that Agent receives such notice from Landlord, provided that, if Agent accesses the Premises during the Disposition Period in order to exercise rights with respect to the Collateral, except to the extent Landlord has otherwise been paid such amounts in respect of such period, Agent shall pay rent and all pass-through expenses set forth in the Lease on a per diem basis for the

period of time such Collateral remains on the Premises, without incurring any other liabilities of Debtor under the Lease. If Agent fails to remove any Collateral by the end of the Disposition Period, Landlord shall be entitled, though not obligated, to remove such Collateral and place same in off-site storage with reasonable costs of such removal and off-site storage to be borne by Agent until such time as Landlord has received written notice from Agent which notifies Landlord that Agent has disclaimed its right to such Collateral. Landlord subordinates to the liens and other rights of Agent each and every lien or other right which Landlord now has or hereafter may have under the laws of the State in which the Premises are located, or by virtue of the Lease, or by virtue of Company's occupation of the Premises or otherwise, in and to the Collateral. Except as expressly provided in the immediately preceding sentence, Landlord shall not, prior to the end of the Disposition Period, exercise any rights or remedies with respect to the Collateral. The provisions of this paragraph are made in favor, and shall inure to the benefit, of only the Agent and Lenders and their respective successors and assigns.

2. Repairs and Loss. Agent shall promptly repair or shall reimburse Landlord for the cost of any repair of any physical damage to the Premises actually caused by Agent's removal of the Collateral.
3. Continued Effectiveness. This Agreement shall continue in force until the Loan Documents have been terminated in accordance with their terms. This Agreement shall not be changed or terminated without the prior written consent of Landlord and Agent.
4. The Landlord agrees to send notice in writing of any default under the Lease to Agent, substantially contemporaneously with the notice of such default sent by Landlord to Company. Upon receipt of such notice by Agent, Agent shall have the right (but not the obligation) to cure such default within ten (10) days thereafter.
5. Notices. All notices given under this Agreement shall be sent either by U.S. mail, postage prepaid, certified, return receipt requested, or by Federal Express or other overnight courier service, to the addresses set forth below:

If to Agent: Wells Fargo Bank, National Association
1100 Abernathy Road Suite 1600
Atlanta, Georgia 30328
Attn: Portfolio Manager - Maxim

If to Landlord: Memphis and Shelby County Port Commission
1115 Riverside Boulevard
Memphis, TN 38106-2504
Attn: Amber Shephard

If to Company: Don E. Goebel

Maxim Crane Works, LP
1225 Washington Pike
Bridgeville, PA 15017

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Lessee and Lessors have duly executed this Agreement as of the day and year first written above.

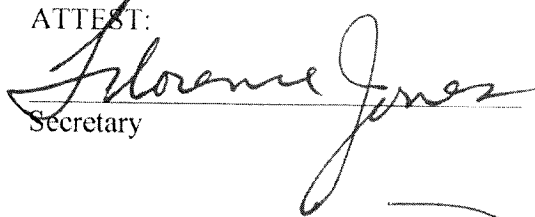
LESSORS:

MEMPHIS AND SHELBY COUNTY PORT COMMISSION

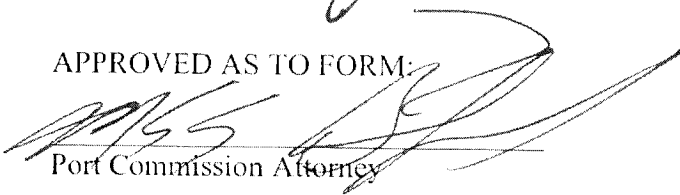
By: 

Title: Port Commission Chairman

ATTEST:


Secretary

APPROVED AS TO FORM:


Port Commission Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Tom Dyer**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Chairman of the Memphis and Shelby County Port Commission, created by Chapters 500 and 529 of the Private Acts of Tennessee of 1947, as amended, and that he as such Chairman being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Memphis and Shelby County Port Commission by himself as Chairman.

WITNESS my hand and seal of office at Memphis, Tennessee, this the 5th day of June, 2022


Notary Public

My commission expires October 17, 2023

CITY OF MEMPHIS, TENNESSEE

City Comptroller

By: _____
Jim Strickland, Mayor

APPROVED AS TO FORM:

City Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **JIM STRICKLAND**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the city of Memphis and that he as such mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the city of Memphis by himself as mayor.

WITNESS my hand and seal of office at Memphis, Tennessee, this the ____ day of _____, 20__.

Notary Public

My commission expires _____

ATTEST:

COUNTY OF SHELBY

By: _____
Lee Ardrey Harris, Mayor

APPROVED AS TO FORM,
EFFICACY AND PROPRIETY:

Contract Administrator
Assistant County Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Lee Ardrey Harris**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the county of Shelby and that he as such mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the county of Shelby by himself as mayor.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 20__.

Notary Public

My commission expires _____

ATTEST:

WELLS FARGO BANK, NATIONAL ASSOCIATION

By: Kristy Loucks

Title: SVP

STATE OF Georgia

COUNTY OF DeKalb

Before me, a notary public within and for said state and county, duly commissioned and qualified, personally appeared Kristy Loucks with whom I am personally acquainted, and who upon oath acknowledged himself to be the SVP of Wells Fargo Bank, National Association and that he as SVP being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as Kristy Loucks.

WITNESS my hand and seal of office at 1100 Abernathy Rd, this 10th day of May, 2023

[Signature]
Notary Public

My commission expires 2/28/2024

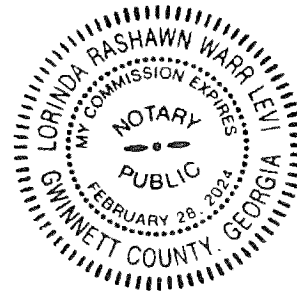


EXHIBIT A

1498 Channel Avenue, Memphis TN 38113



Memphis City Council Summary Sheet

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

Resolution appropriates \$400,000 for Renasant Convention Center and Cannon Center for the Performing Arts capital improvements.

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

Memphis Management Group, LLC., managers of the Renasant Convention Center and Cannon Center for the Performing Arts

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

No change

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

Benefits the entire city.

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

It does not.

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

Requires an appropriation of \$400,000 of budgeted allocated funds.

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

Goal is 20% of the above total.



Resolution appropriating funds for GS23300 Convention Center Coverline

WHEREAS, the Council of the City of Memphis did include Convention Center Coverline, CIP Project Number GS23300, as part of the Fiscal Year 2023 Capital Improvement Program Budget; and

WHEREAS, the Council of the City Of Memphis did provide an allocation of \$400,000 for additional necessary capital projects to maintain and further position the Renasant Convention Center and The Cannon Center for the Performing Arts as world class facilities; and

WHEREAS, Memphis Management Group, LLC., managers of the Renasant Convention Center and The Cannon Center for the Performing Arts, will use these funds primarily to purchase a necessary air handling unit not replaced during renovation, and acoustical upgrades to the main exhibit/banquet hall; and

WHEREAS, Memphis Convention Center Commission reviewed and approved these capital improvement Items.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that it hereby approves the appropriation in the amount of \$400,000 funded by G.O. Bonds and chargeable to the Fiscal Year 2023 Capital Improvement Budget and credited as follows:

Project Title	Convention Center Coverline
Project Number	GS23300
Appropriation	\$400,000