

WHEREAS, on occasion the Memphis City Council has seen fit to honor citizens who have served this community and **Davina Jones** is one such citizen whose contributions to the City of Memphis are certainly worthy of recognition; and

WHEREAS, **Davina Jones** was born and raised in Memphis, Tennessee, and learned at a very young age the importance of volunteer work and giving back to the community; **Davina Jones** believes that it is an economic and moral imperative to generate new opportunities for individuals and she lives by the quote “A determined mind and a strong will bear endless possibilities”; and

WHEREAS, **Davina Jones** is known by family and friends as a compassionate, hard-working, devoted woman who dedicated her time and endless wisdom to the many roles that she played in the lives of others both professionally and personally; and

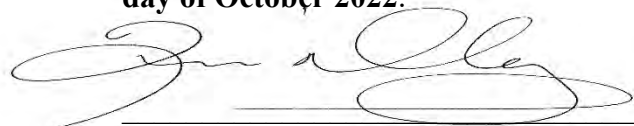
WHEREAS, in 2014, **Davina Jones** founded Couture Cares, an organization created to embody her unique vision to plant seeds of change in the minds, hearts and lives of youth, regardless of race, color or religion; Couture Cares sponsors programs such as Her Prom Closet, Floating Kitchen 901, College & Career Readiness Program, and Financial Literacy; and

WHEREAS, it is no question that **Davina Jones** is a perfect example of what it means to serve, wholeheartedly and with great diligence to her colleagues and her community; **Davina Jones** volunteers with Chick-fil-A Mid-South, the National Civil Right Museum, Memphis Shelby County Schools, and New Direction Christian Church; and

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council honors **Davina Jones** for her dedicated service and contribution to the City of Memphis with the utmost and most sincere respect; and

BE IT FURTHER RESOLVED, though ink and parchment are most inadequate to highlight such devotion to others, we, nonetheless, spread upon the records of the City of Memphis these words with sincere admiration and gratitude as we honor **Davina Jones**.

Given by my hand and under the great seal of the City of Memphis, this 11th day of October 2022.



Teri Dockery
Memphis City Council



Resolution to Approve Expenditures for Renovation of the Little Red Schoolhouse. [District 5, Super District 9].

WHEREAS, the FY23 Capital Improvement Budget included \$2,600,000 in funding for Council District Specific Projects for improvements to Parks, Libraries, and Neighborhoods; and

WHEREAS, the City of Memphis owns the Little Red Schoolhouse, which operated on Presidents Island as a one-room, segregated schoolhouse for African American students until the mid-1900s; and

WHEREAS, the Little Red Schoolhouse is currently stored on City of Memphis property and has fallen into disrepair; and

WHEREAS, the City of Memphis desires to relocate the Little Red Schoolhouse to the Museum of Science and History, restore the structure, and operate it as a historical outdoor exhibit for the continued education of museum visitors; and

WHEREAS, the Administration requests that Council approve the expenditure of up to \$200,000 for the restoration of the Little Red Schoolhouse;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that it hereby approves the expenditure of up to \$200,000 from Council District Specific Projects for the restoration of the Little Red Schoolhouse.

**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:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>05/12/2022</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

<u> </u>	<u>DATE</u>	<u>POSITION</u>
<u>Lucas Skimmer</u>	<u>09/19/2022</u>	MUNICIPAL PLANNER
<u> </u>	<u> </u>	DEPUTY ADMINISTRATOR
<u> </u>	<u> </u>	ADMINISTRATOR
<u> </u>	<u> </u>	DIRECTOR (JOINT APPROVAL)
<u> </u>	<u> </u>	COMPTROLLER
<u> </u>	<u> </u>	FINANCE DIRECTOR
<u> </u>	<u> </u>	CITY ATTORNEY
<u> </u>	<u> </u>	CHIEF ADMINISTRATIVE OFFICER
<u> </u>	<u> </u>	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,



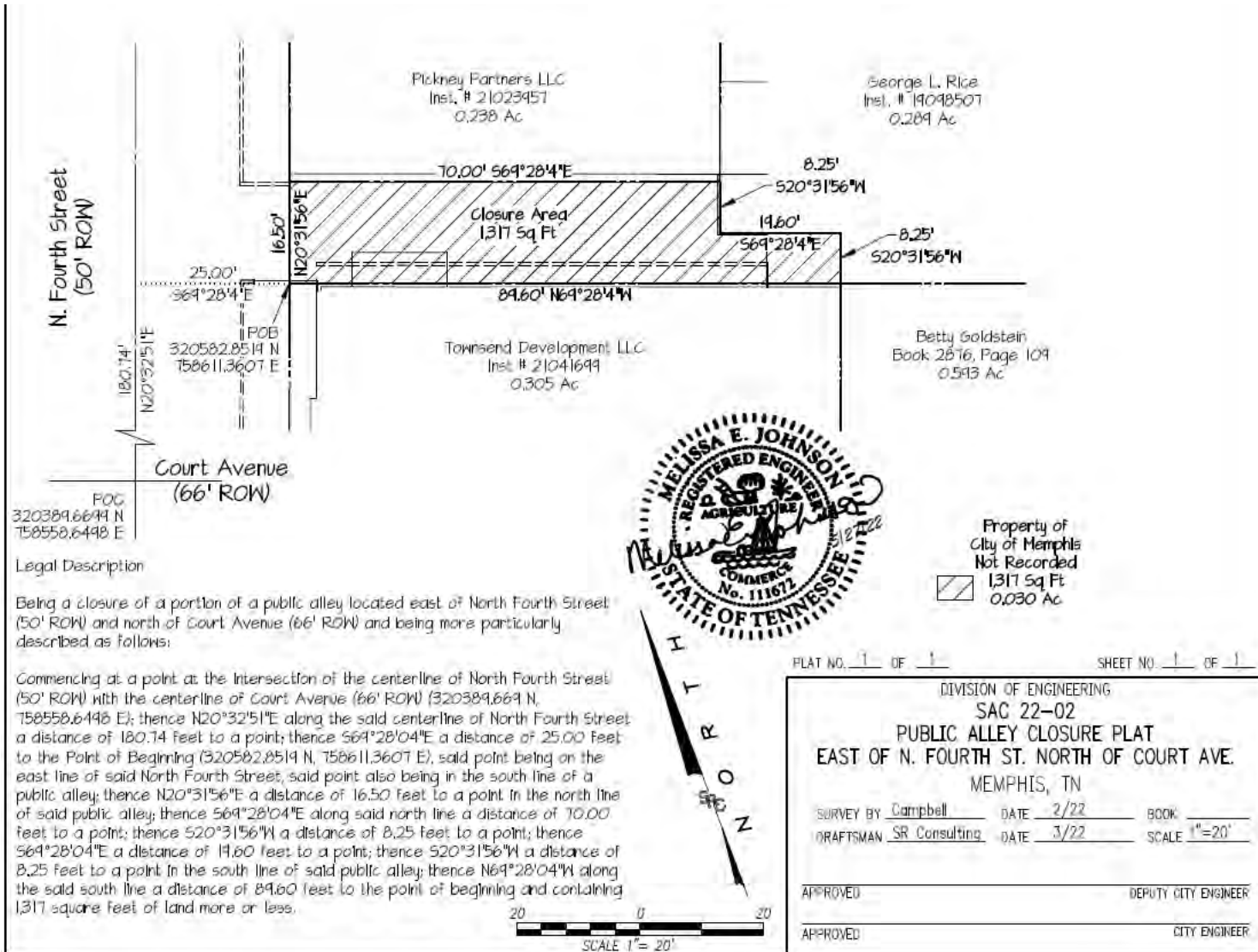
Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

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) (320389.669 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 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.



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

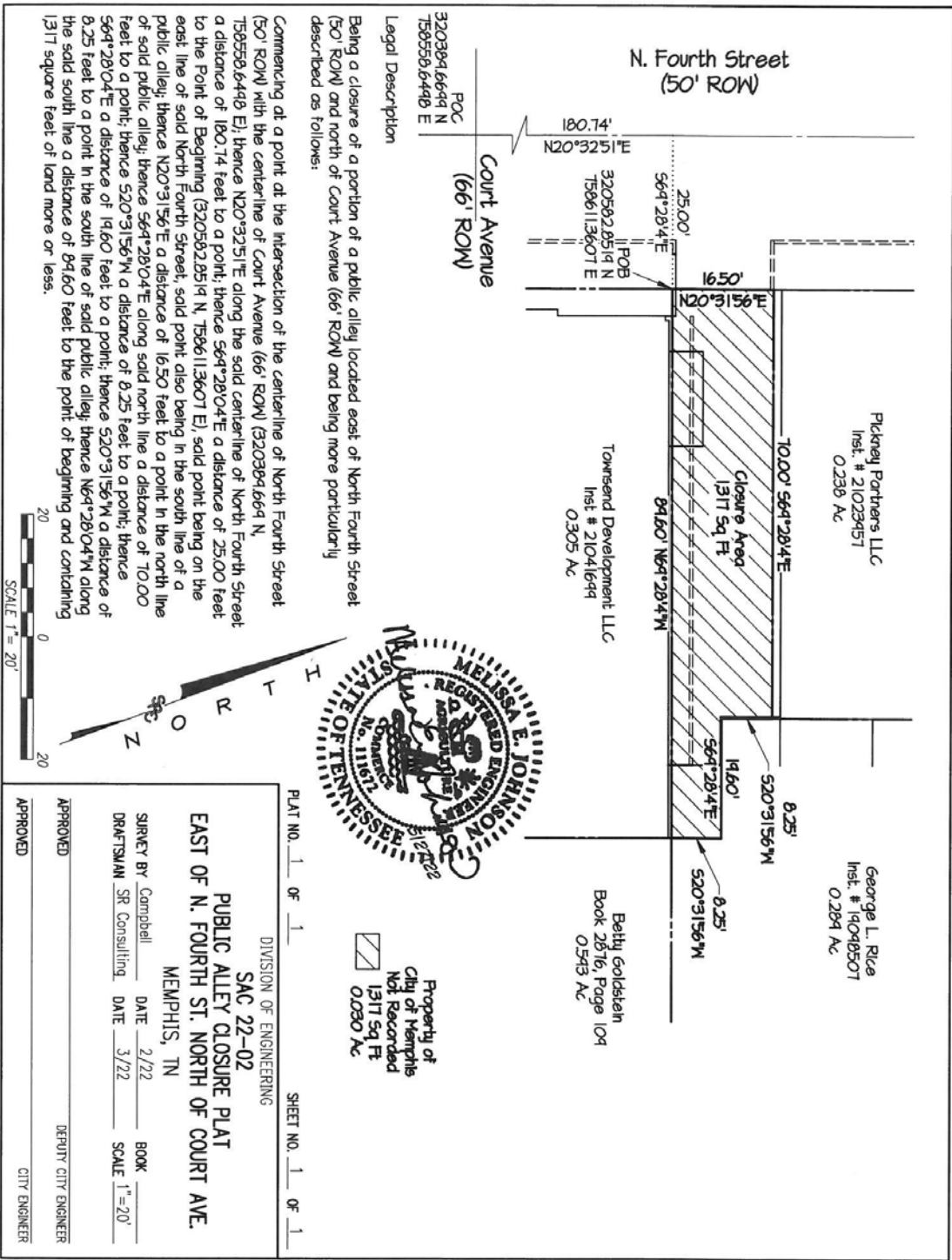
WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on May 12, 2022, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

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 (3205828519 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 10.00 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

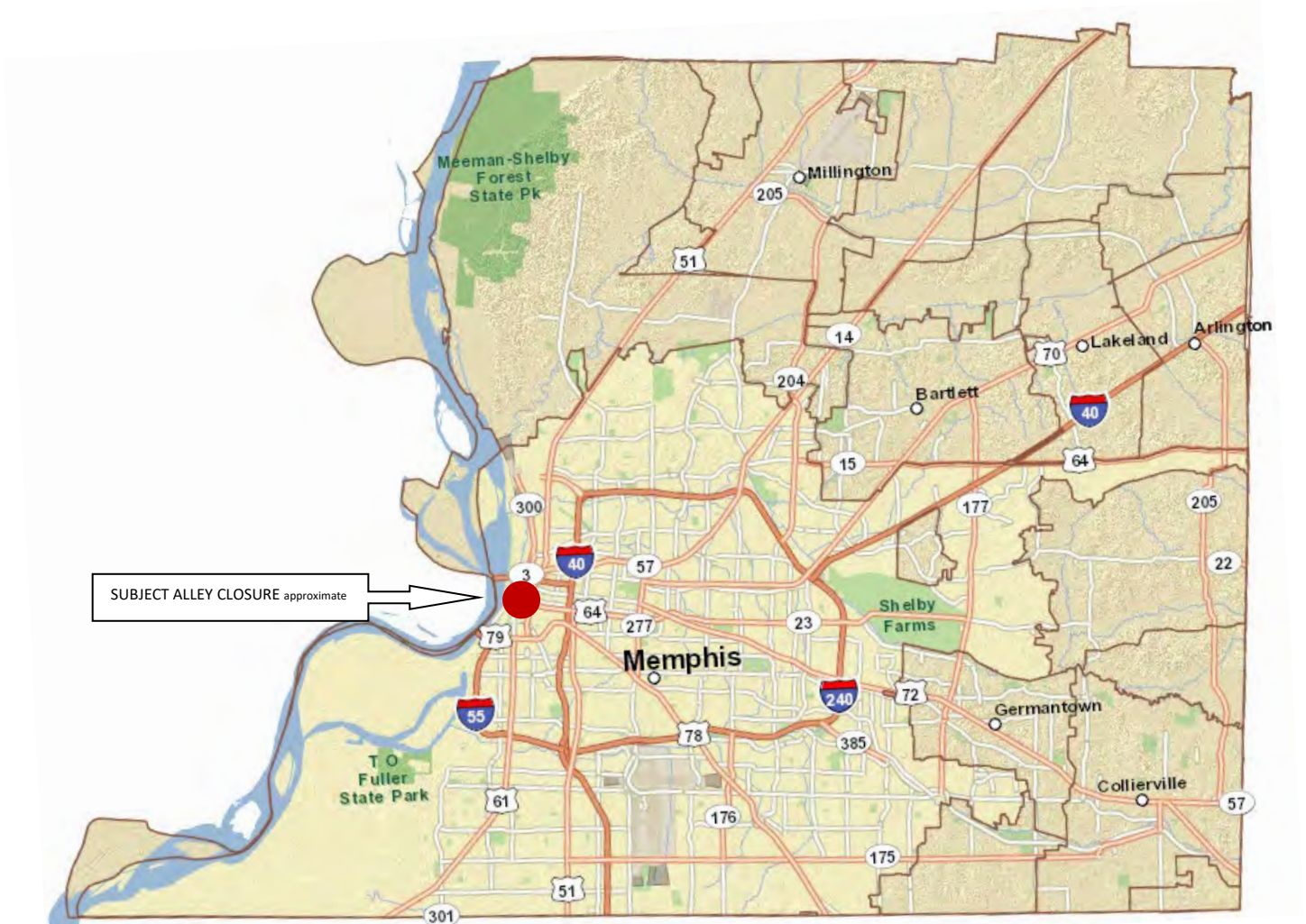


Figure 1 Subject alley closure located within the circle, Central Business District

PLAN OF MEMPHIS (1858)

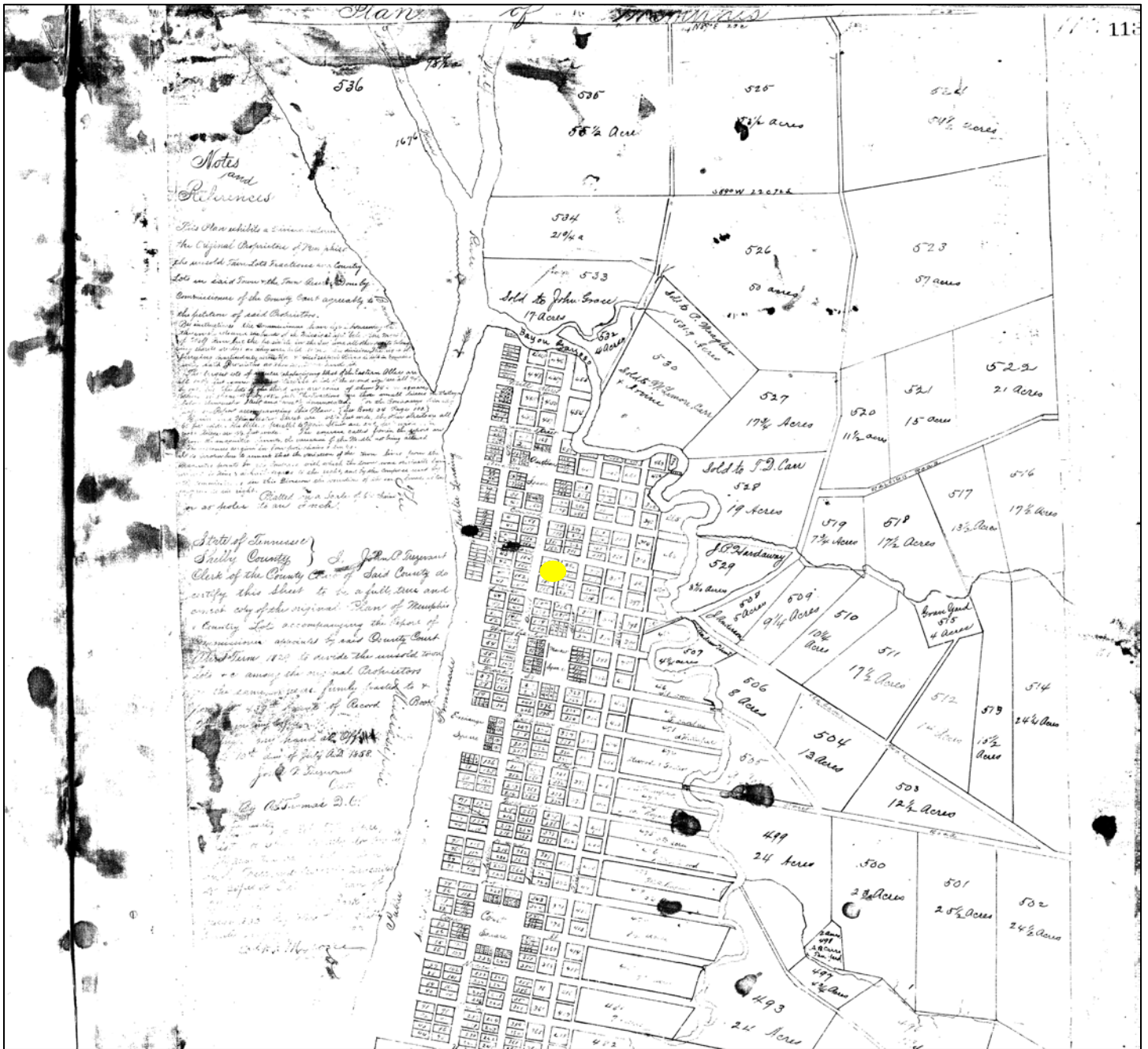


Figure 2 Approximate location of subject right-of-way highlighted in yellow

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

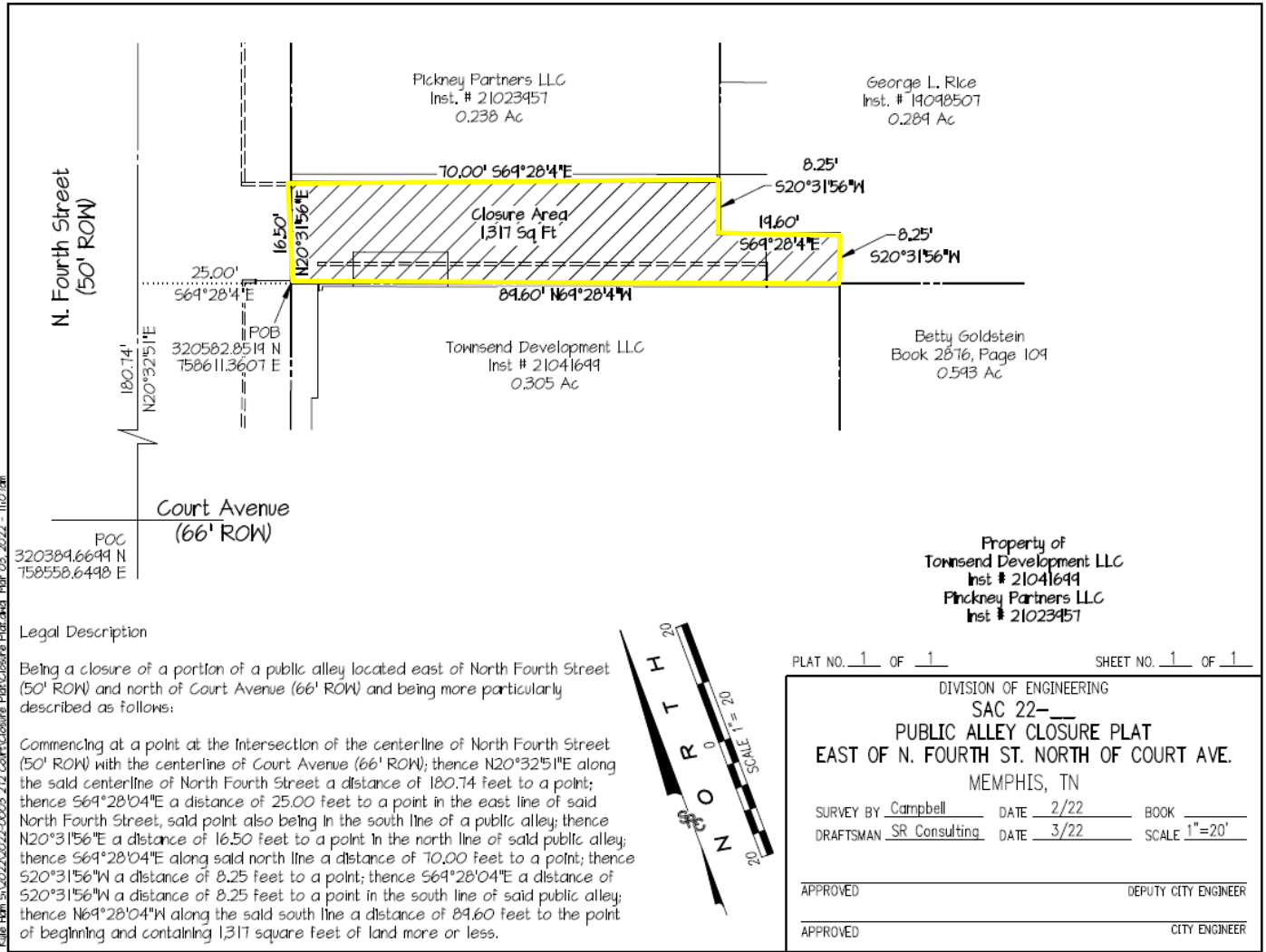


Figure 9 Subject right-of-way highlighted in yellow

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			

Name	Organization Name	Contact Type	Phone
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	-
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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 28th 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

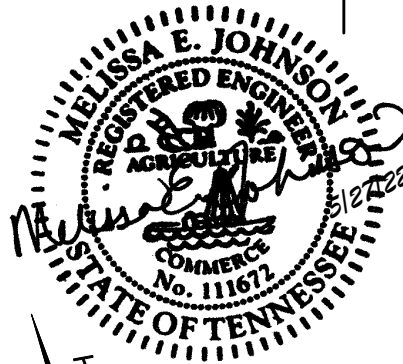
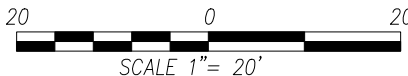
Court Avenue
(66' ROW)

POC
320389.6699 N
758558.6498 E

Legal Description

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Property of
City of Memphis
Not Recorded
1,317 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



**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.

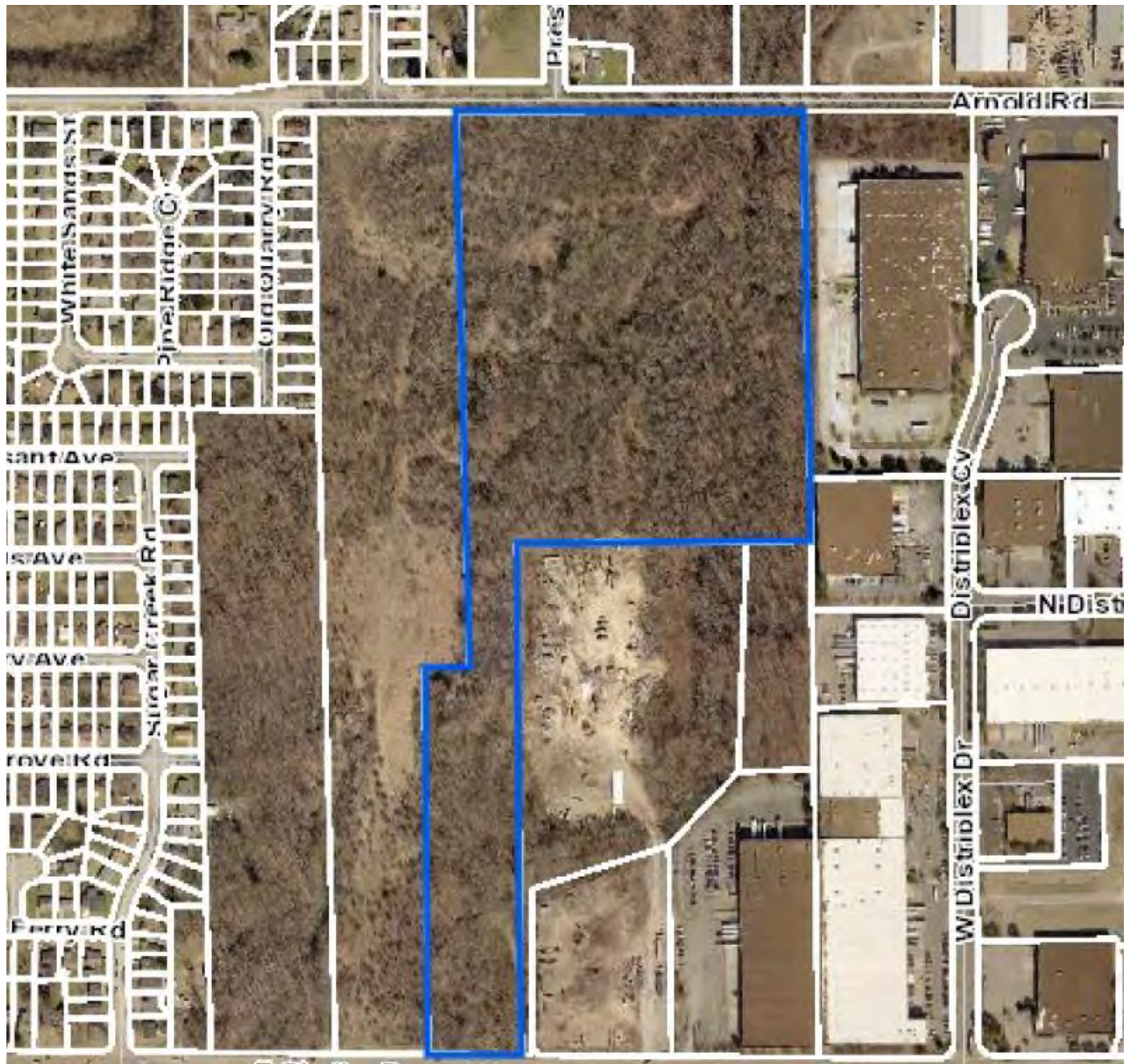
Respectfully,



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)

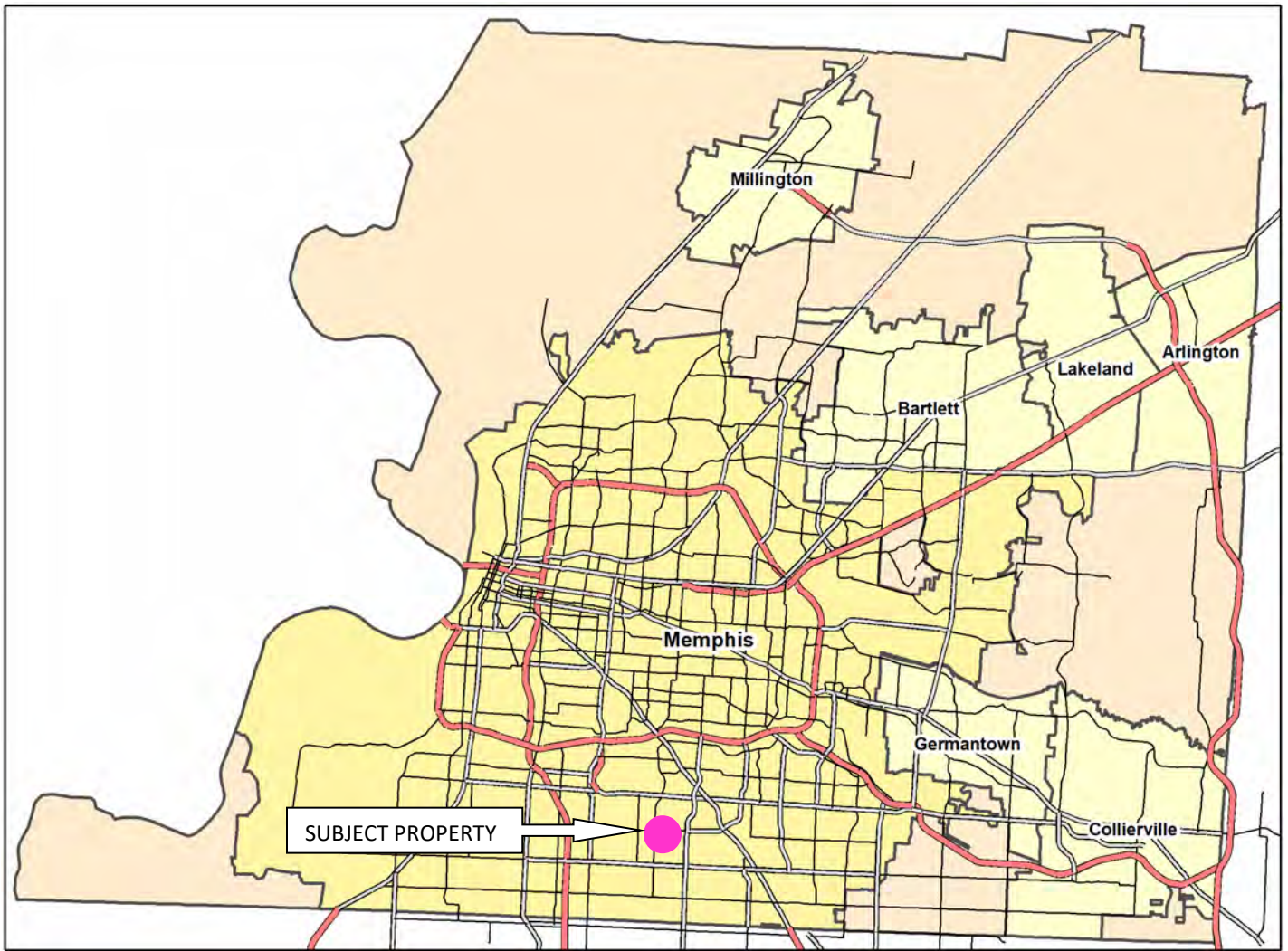
NEIGHBORHOOD MEETING

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

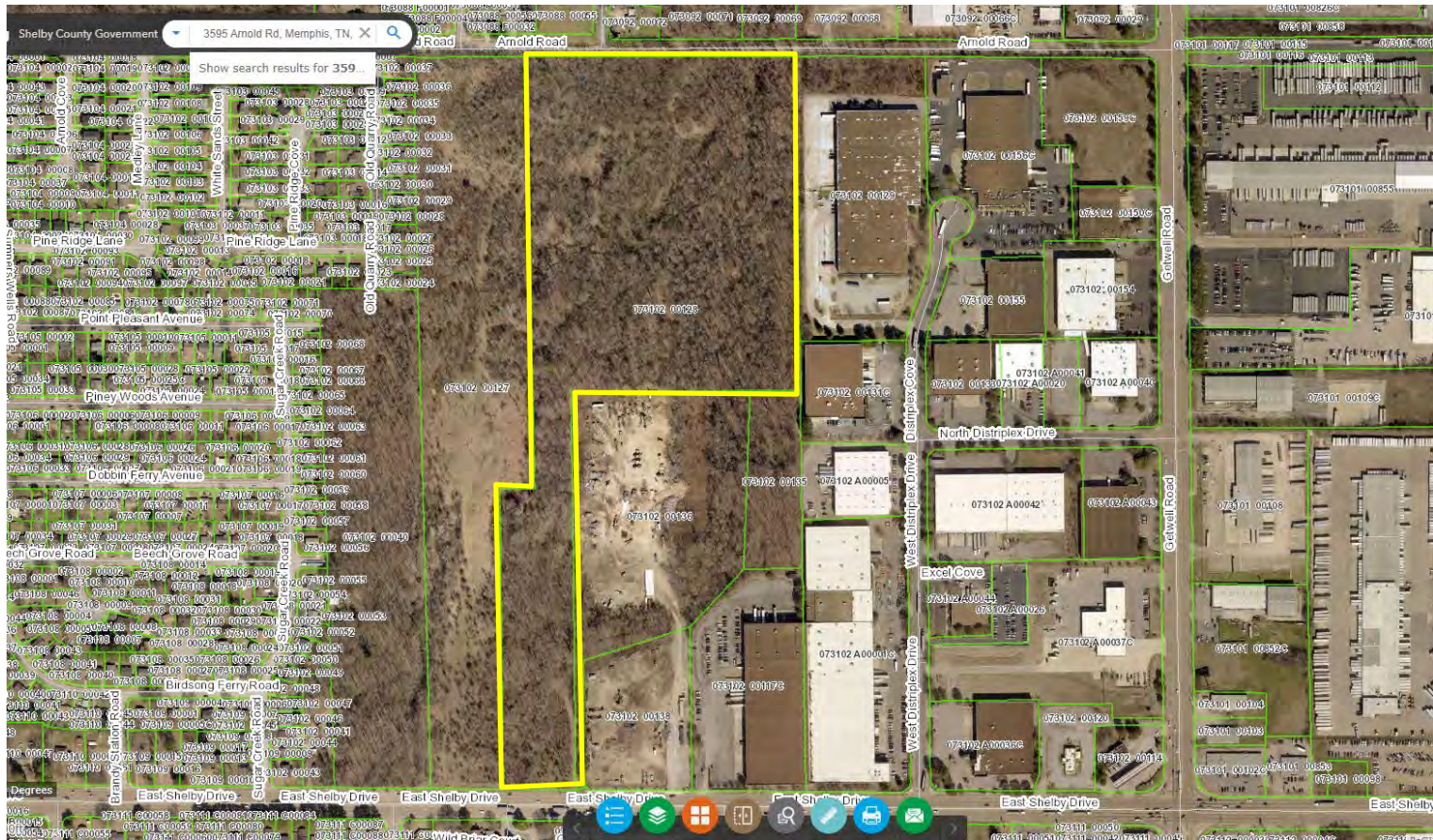
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 163 notices were mailed on May 25, 2022, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



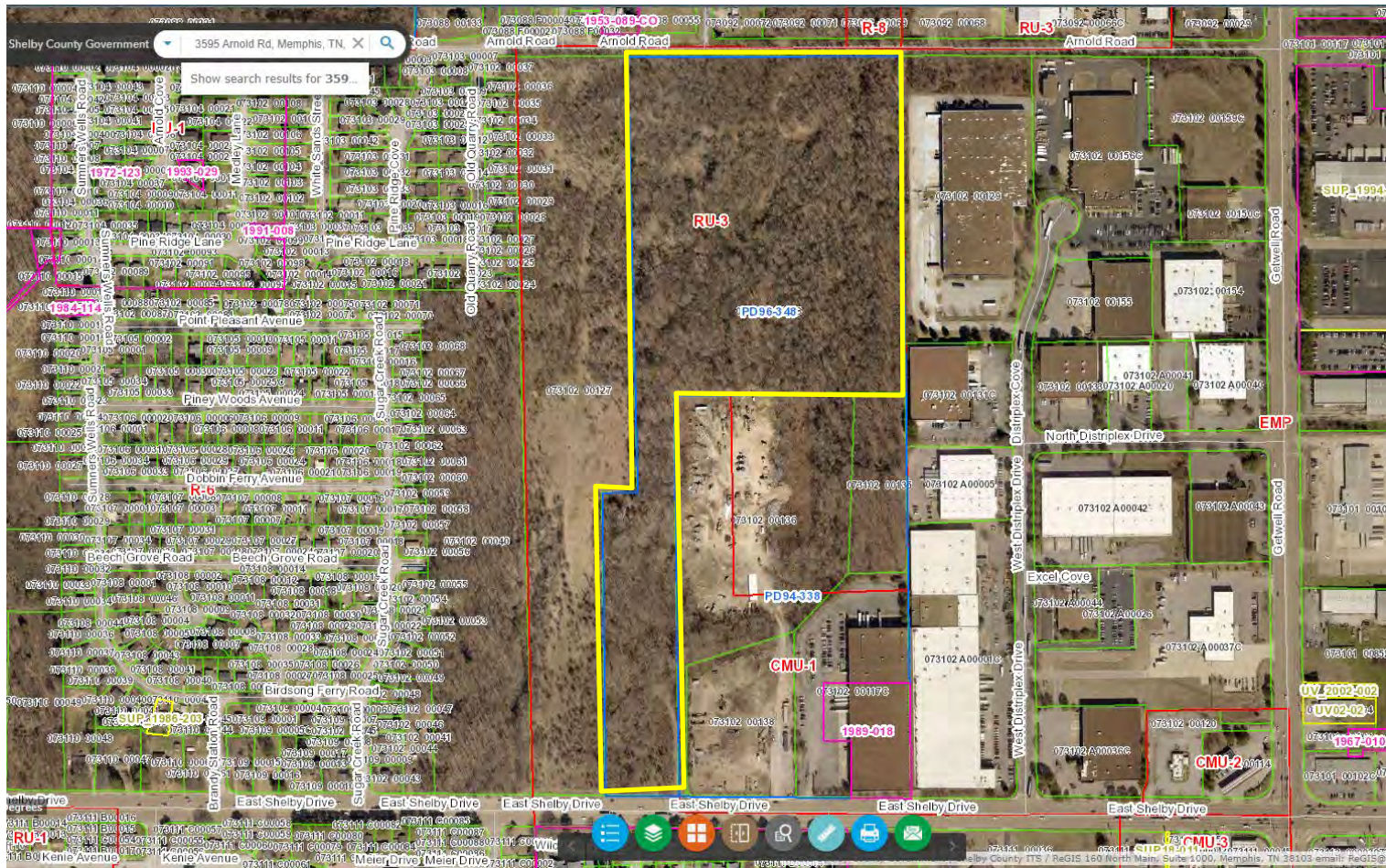
Subject property located within the pink circle, Oakhaven neighborhood

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

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

Surrounding Zoning

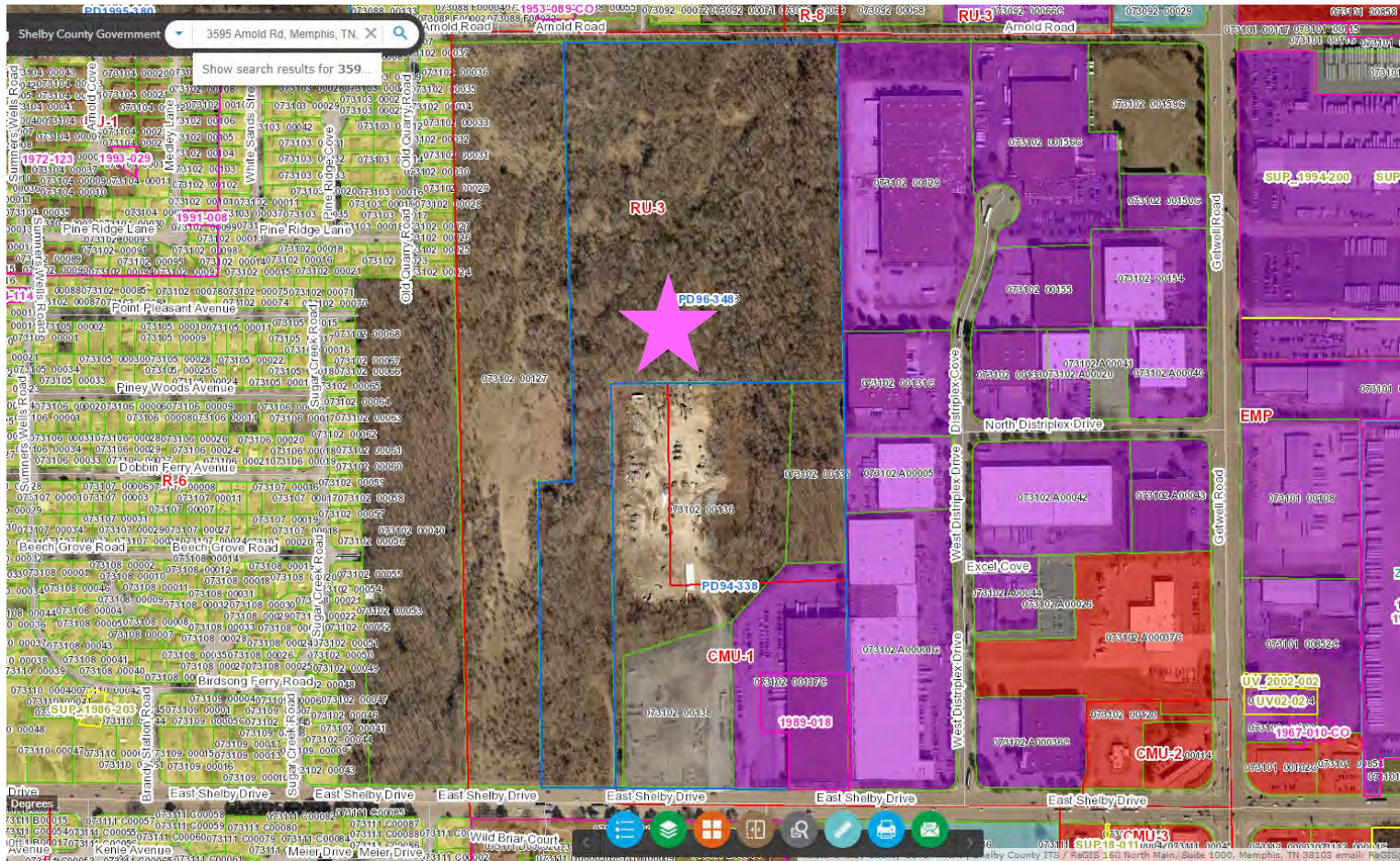
North: Residential Single-Family – 8 (R-8) and RU-3

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.”

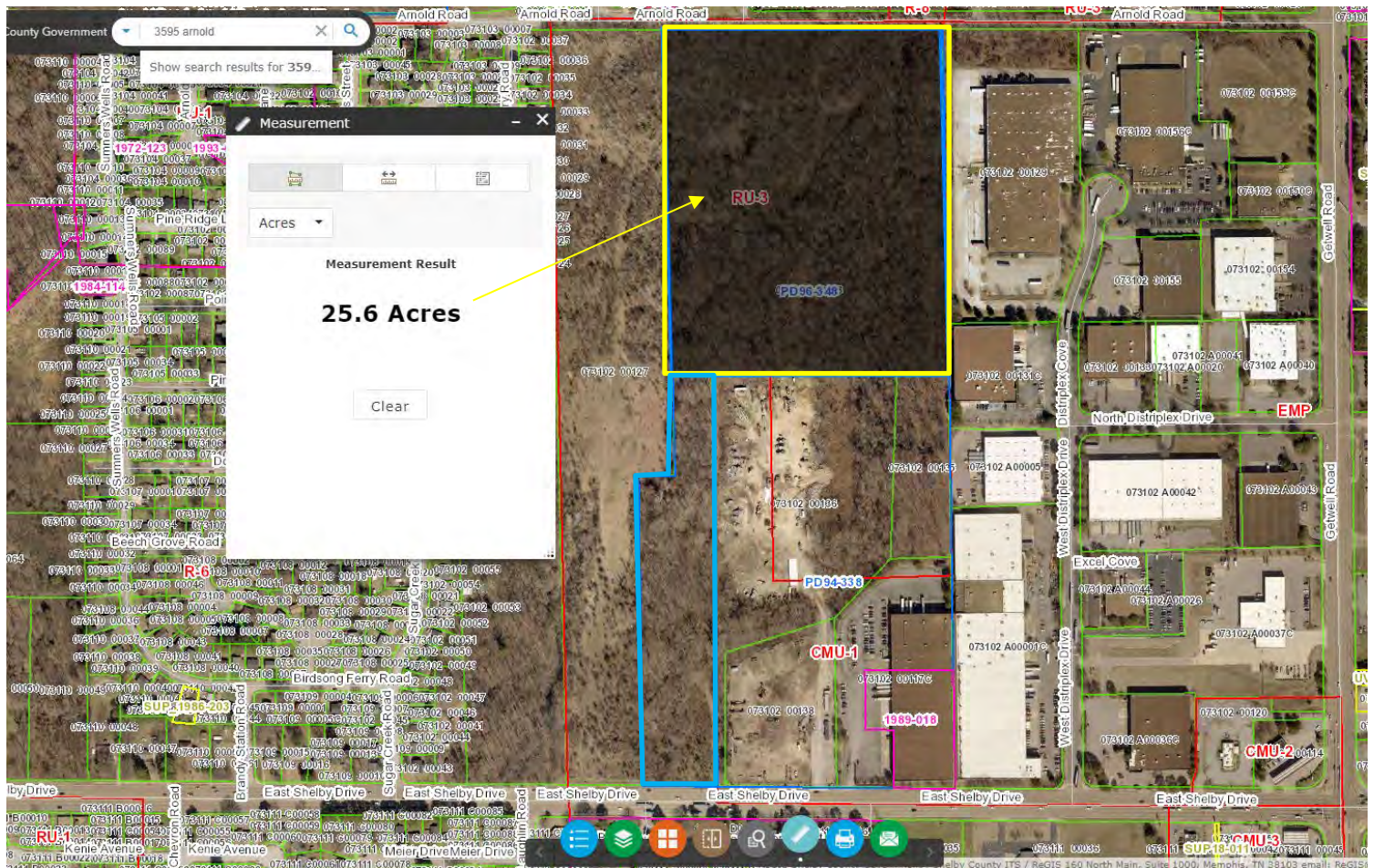
This site abuts existing light industrial uses and zoning along its entire eastern border, and would continue to provide a transition from the heavier industrial uses to the northeast along Raines Road. However, the site is adjacent and abutting multiple residential uses, the closest being a single-family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

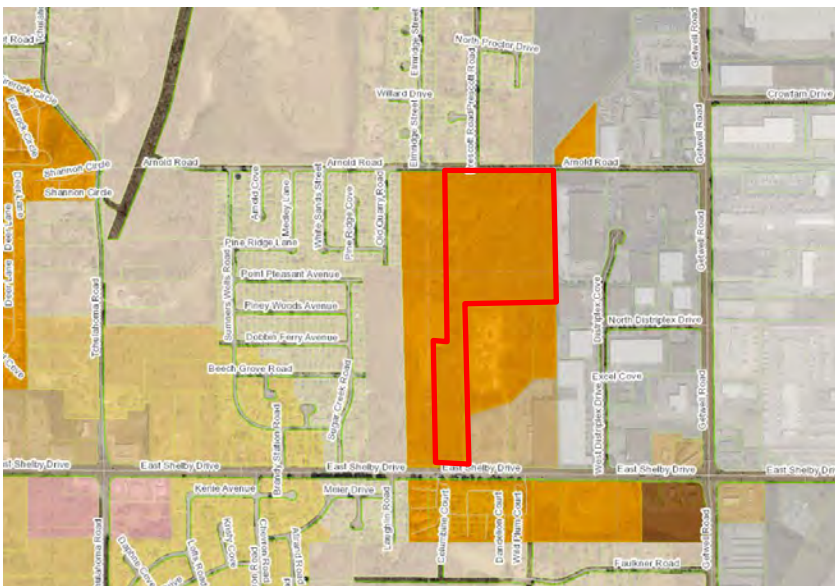
Site Address/location: 0 Arnold Road.

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")

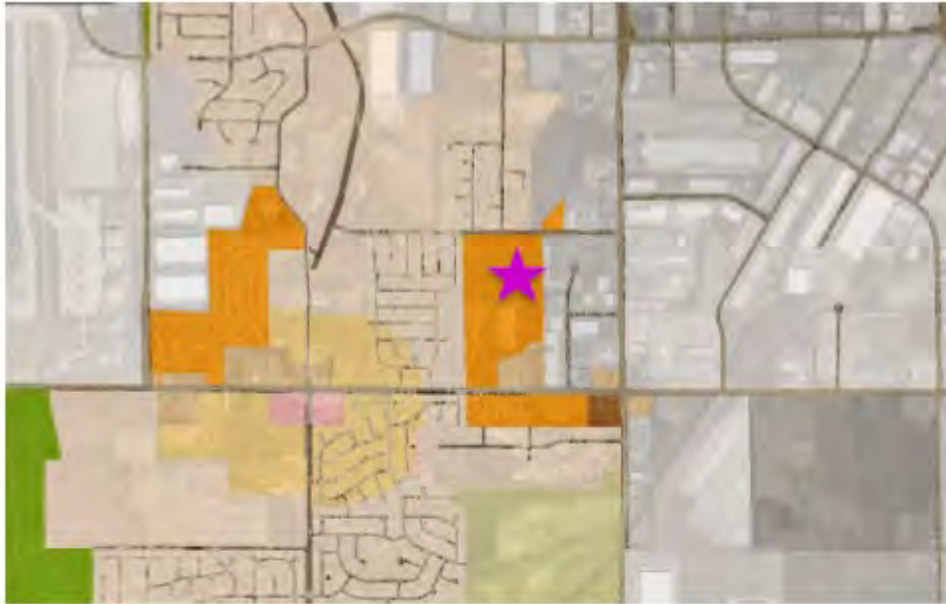
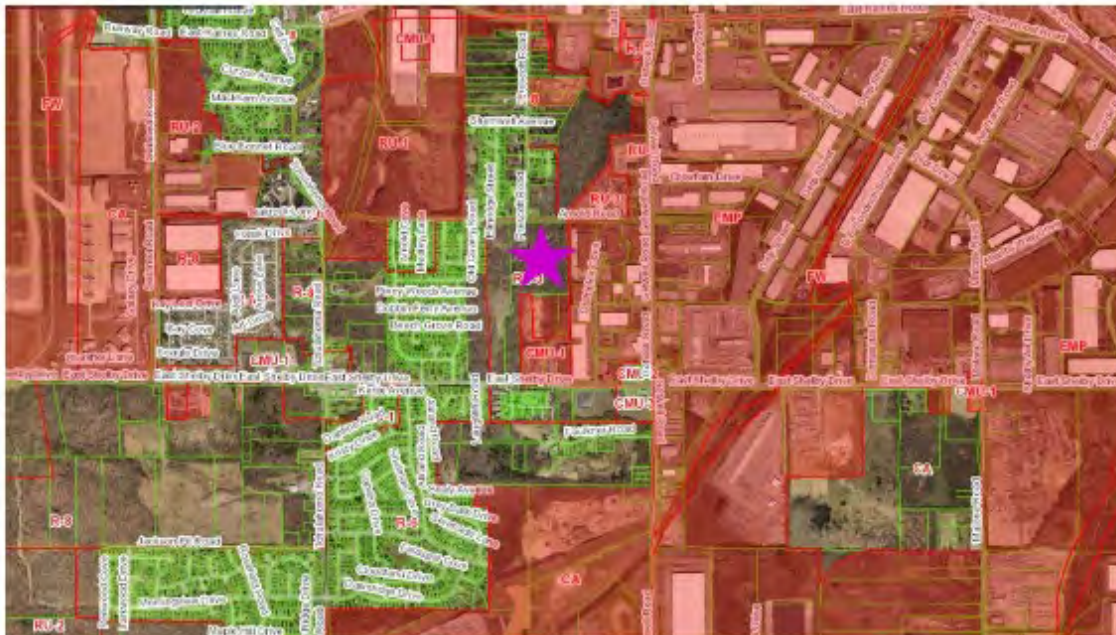


Exhibit B: industrial zoning and industrial conditional zoning in the area (indicated in red; the subject site is indicated by a star)



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.

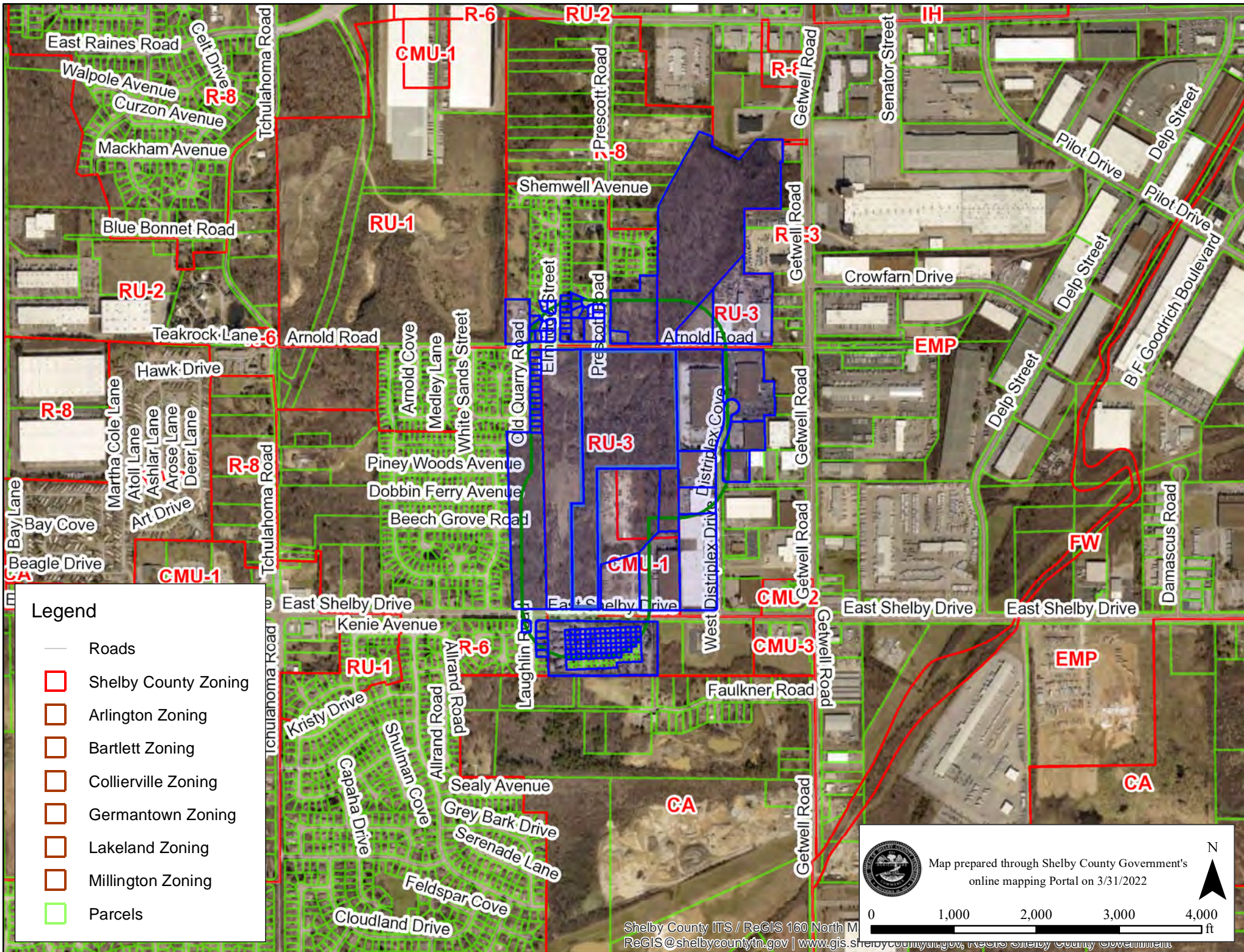
THIS THE August 31, 2022

**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

0 1,000 2,000 3,000 4,000 ft


 N

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 HOMBLD 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,

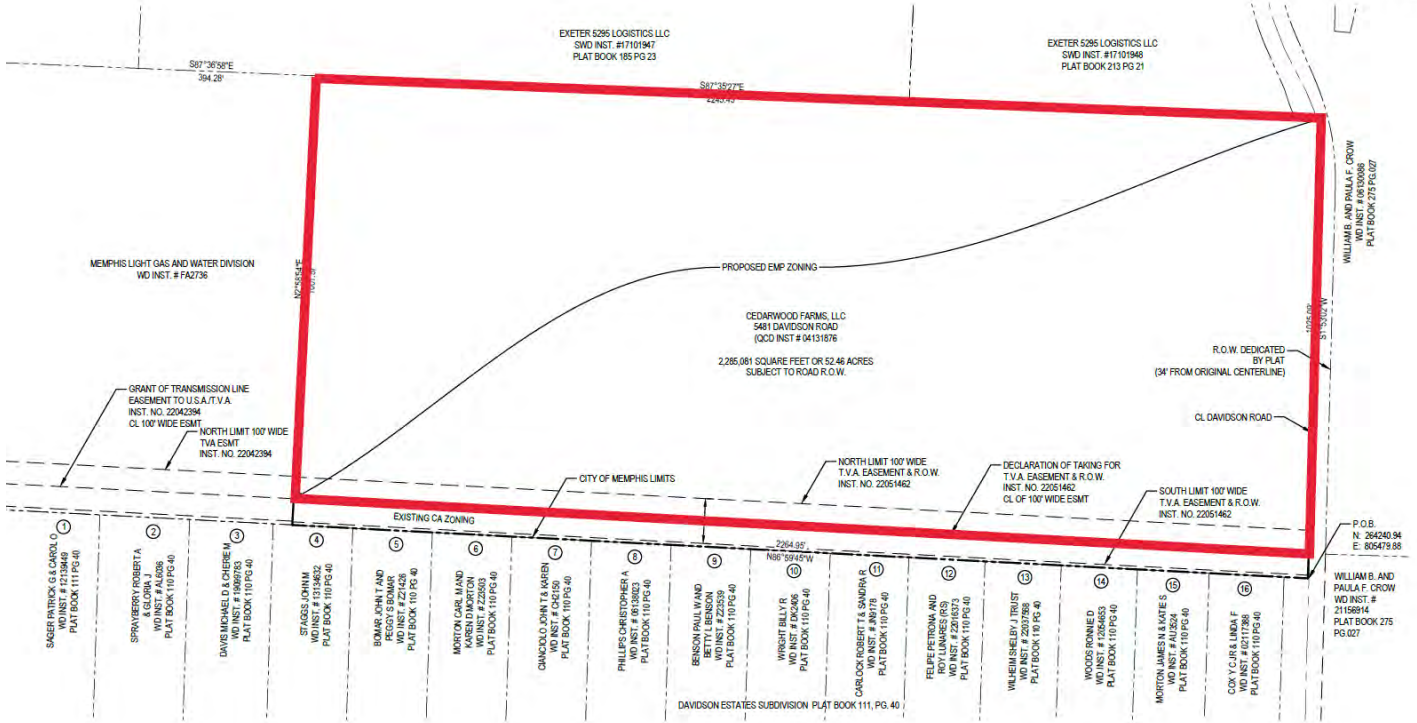


Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

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

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)

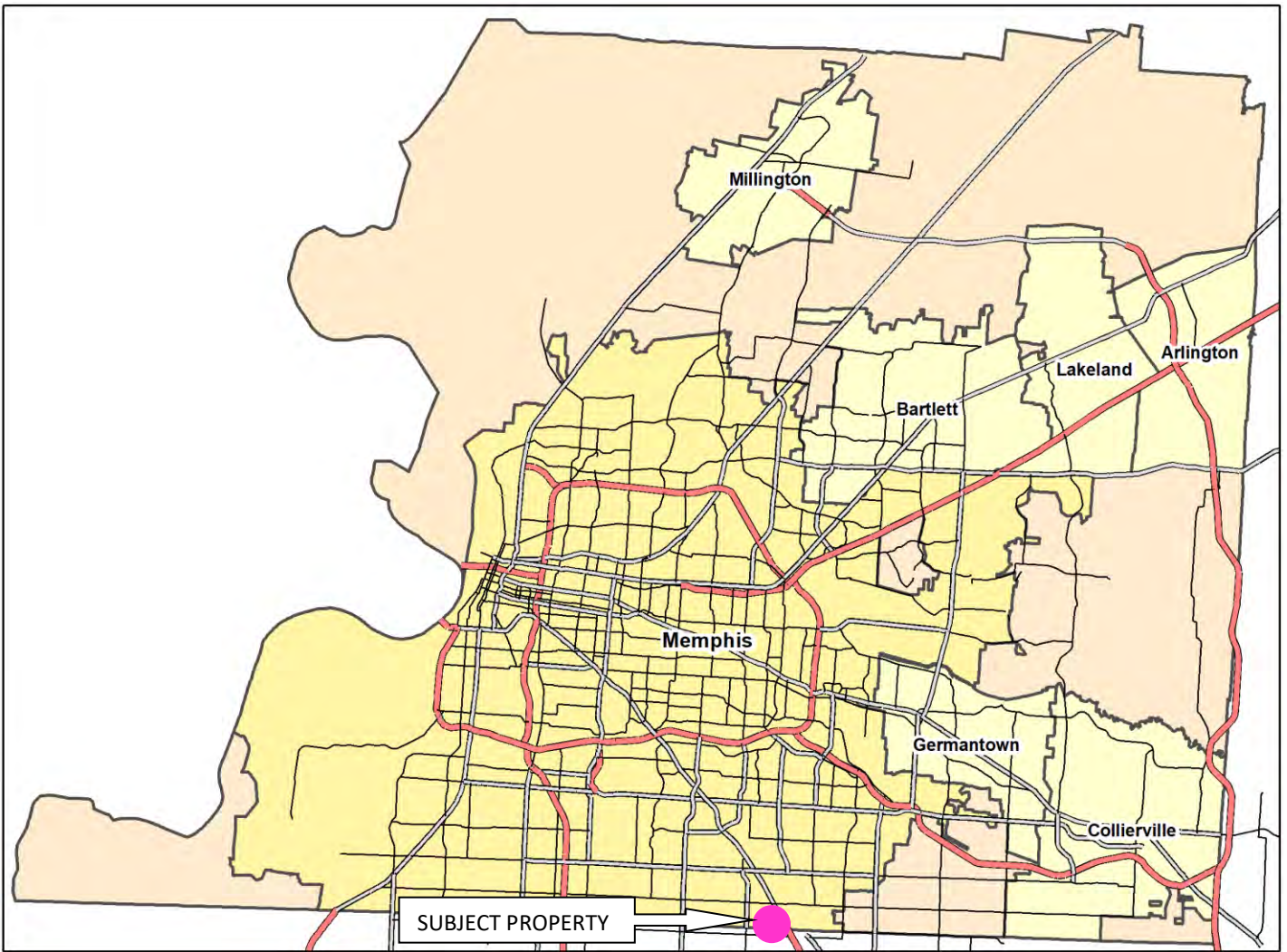
NEIGHBORHOOD MEETING

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

PUBLIC NOTICE

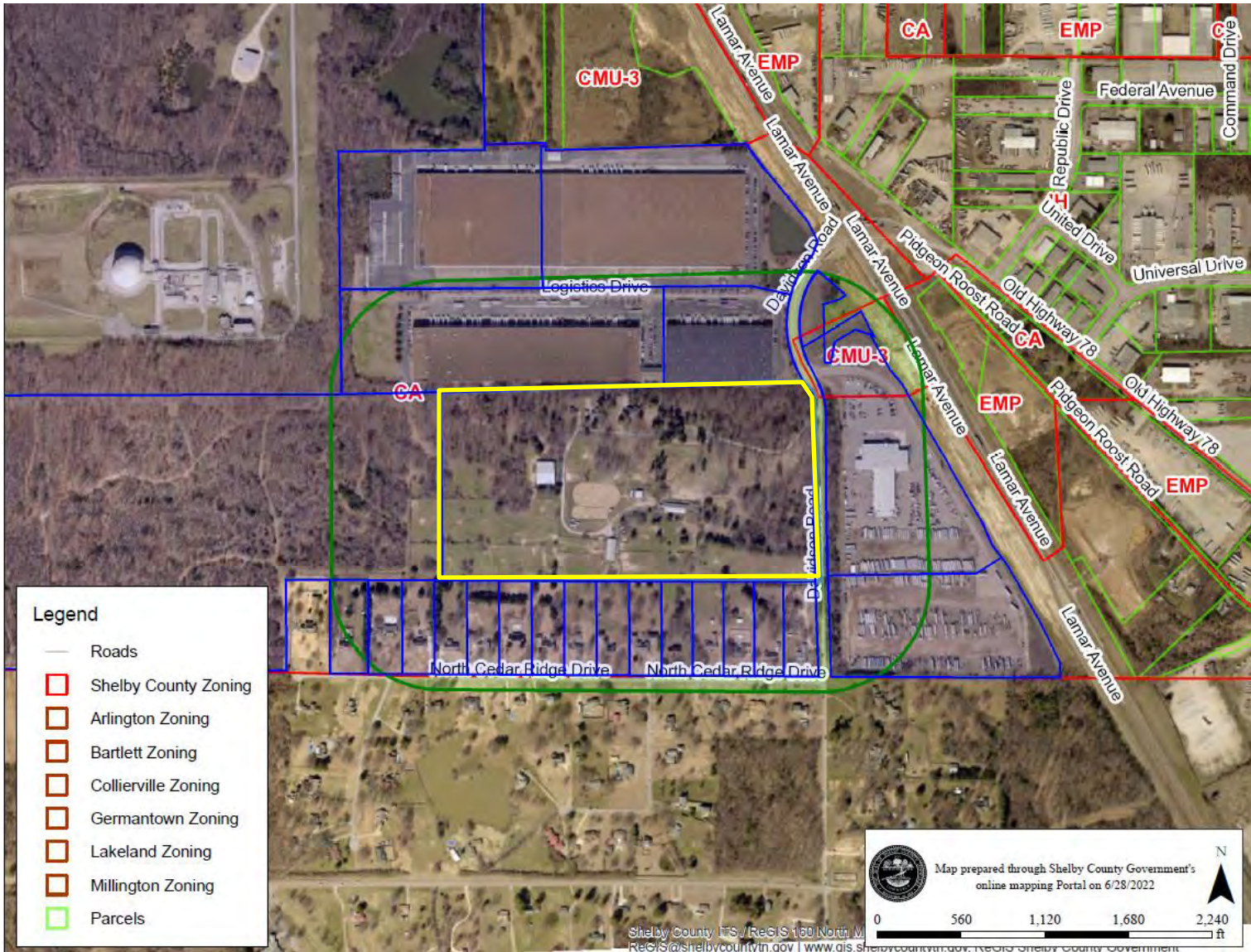
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 26 notices were mailed on July 28, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



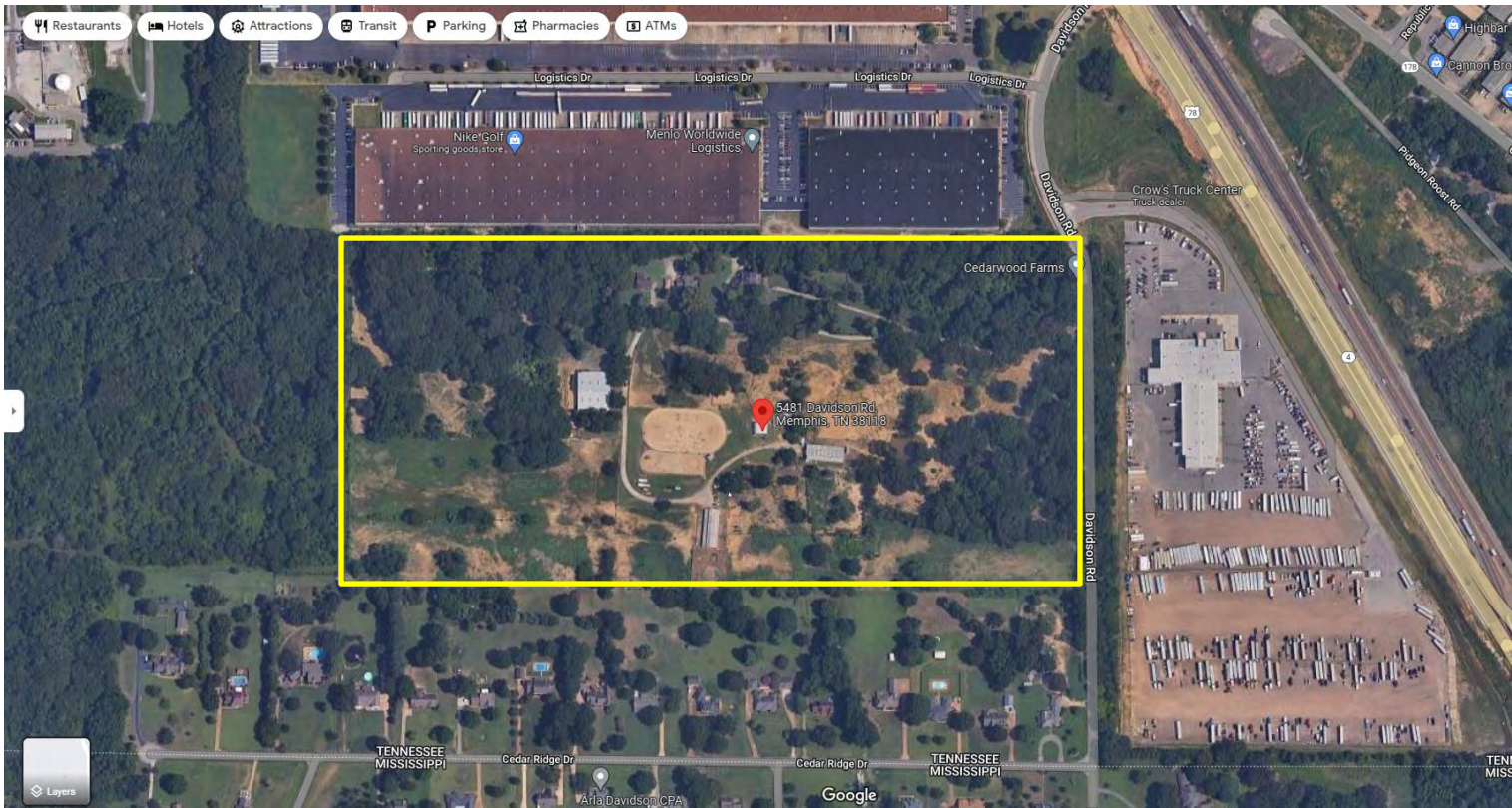
Subject property located within the pink circle, Southeast Memphis neighborhood

VICINITY MAP



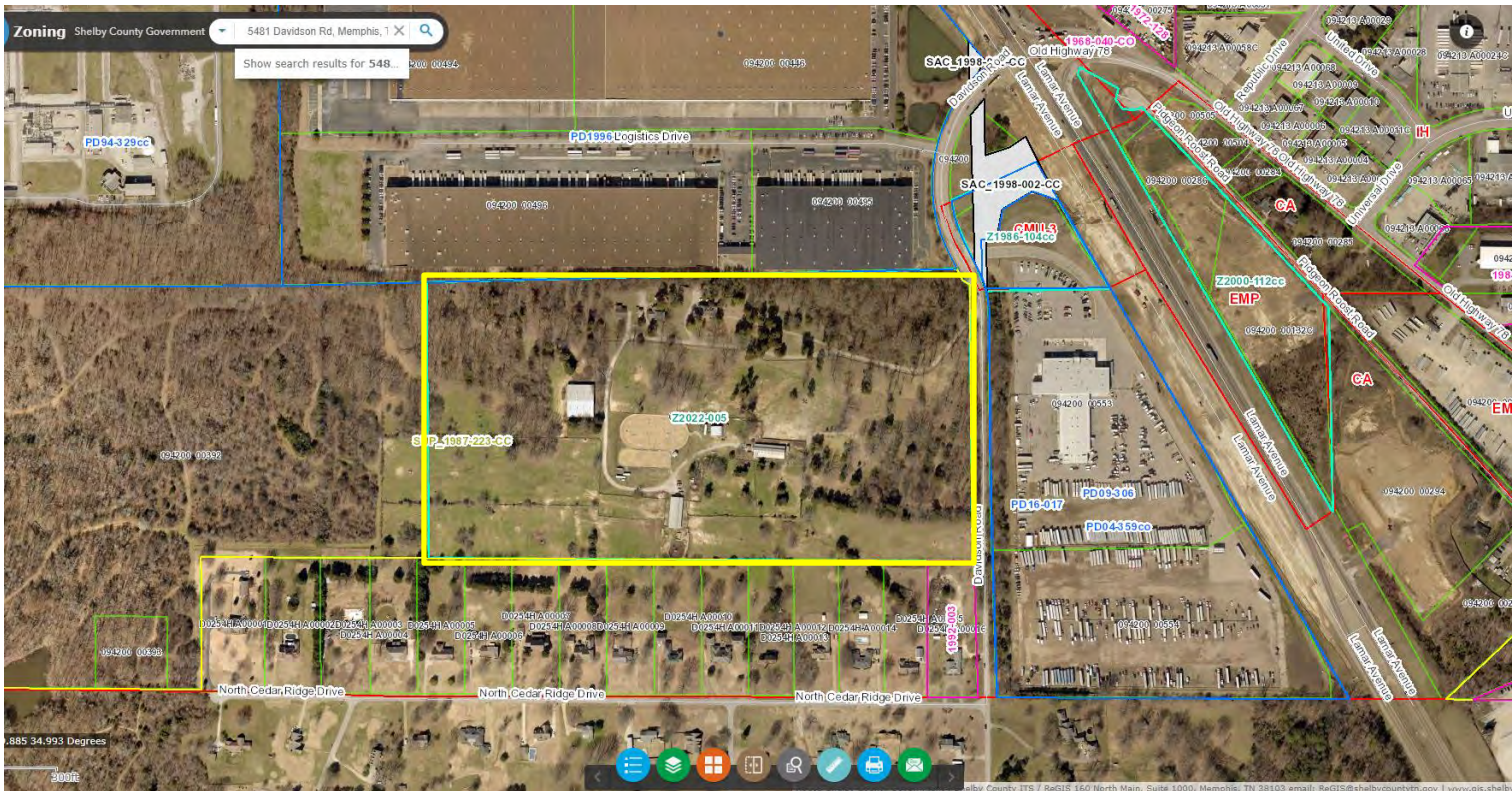
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

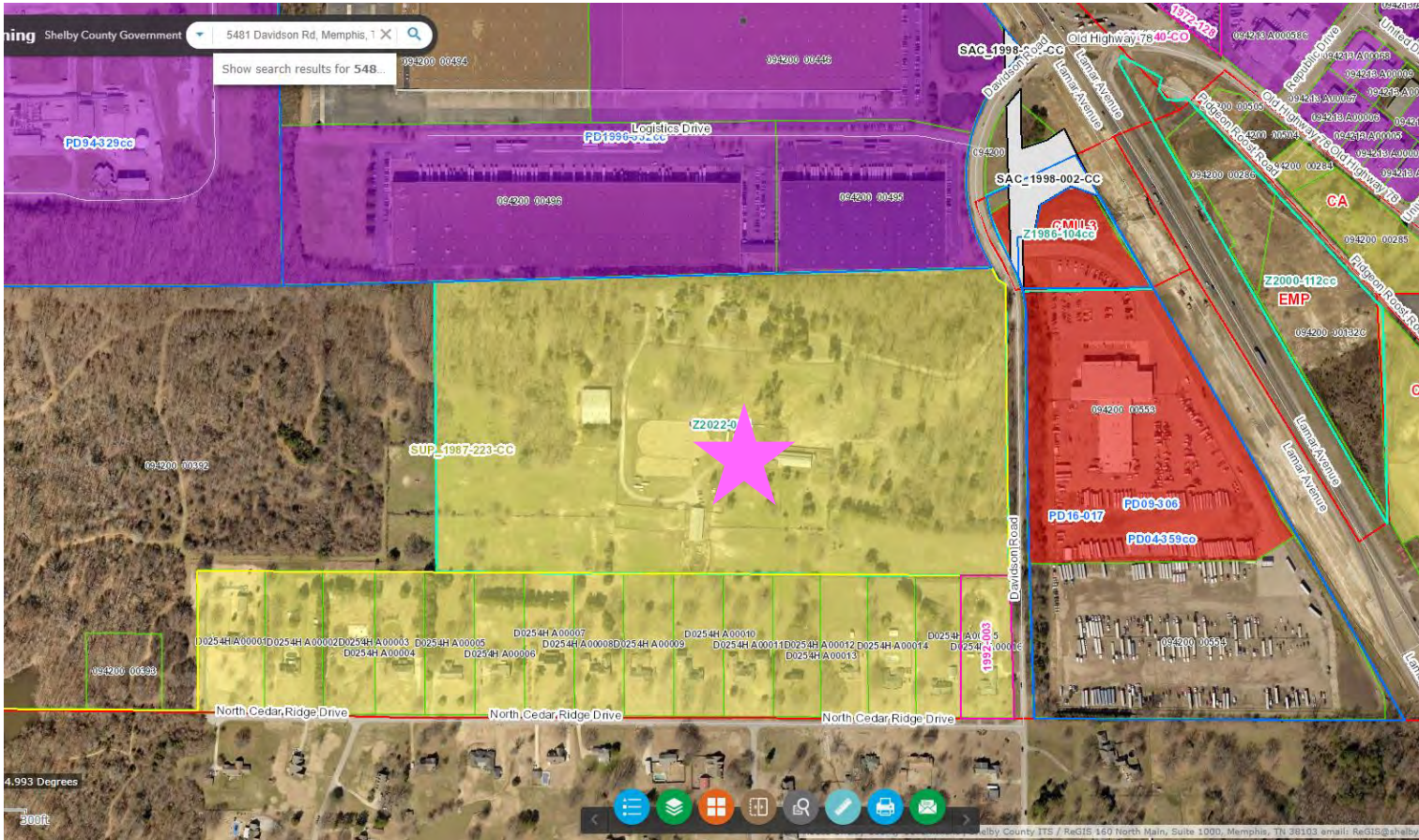
North: PD 1996-332 CC (EMP)

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

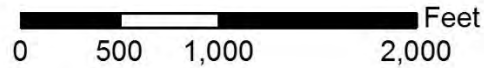
South: CA










West: CA

LAND USE MAP



LandUse

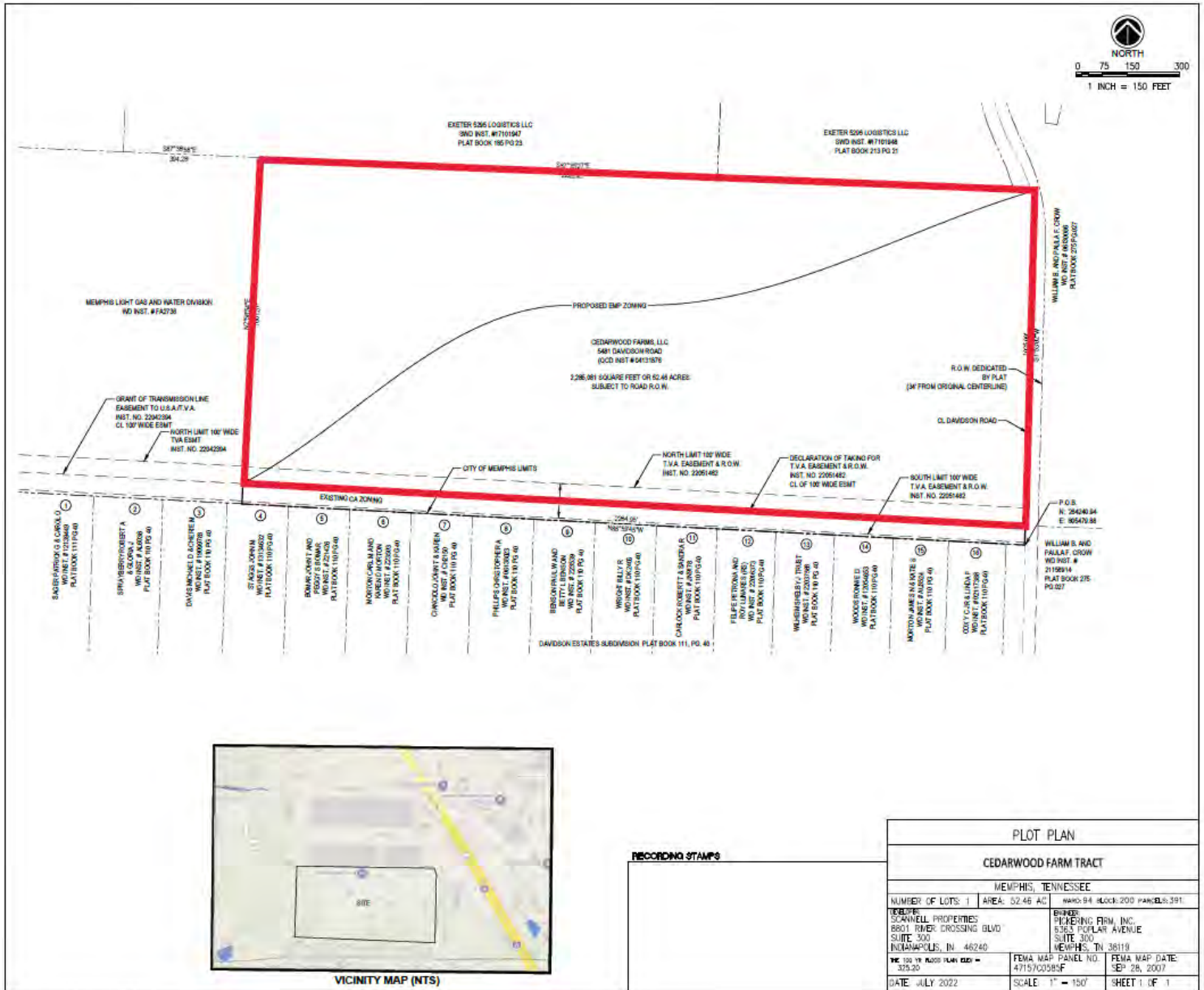


 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	



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
TELUS SKARNELL PROPERTIES 8801 RIVER CROSSING BLVD SUITE 300 INDIANAPOLIS, IN 46240	ENRICH PICKERING FIRM, INC. 8353 POPP AVENUE SUITE 300 MEMPHIS, TN 38119	
REC. 150 19 PLANS PLAN EXP = 325.20 DATE: JULY 2022	FEMA MAP PANEL NO. 4715/02185F SCALE: 1" = 150'	FEMA MAP DATE: SEP 28, 2007 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.

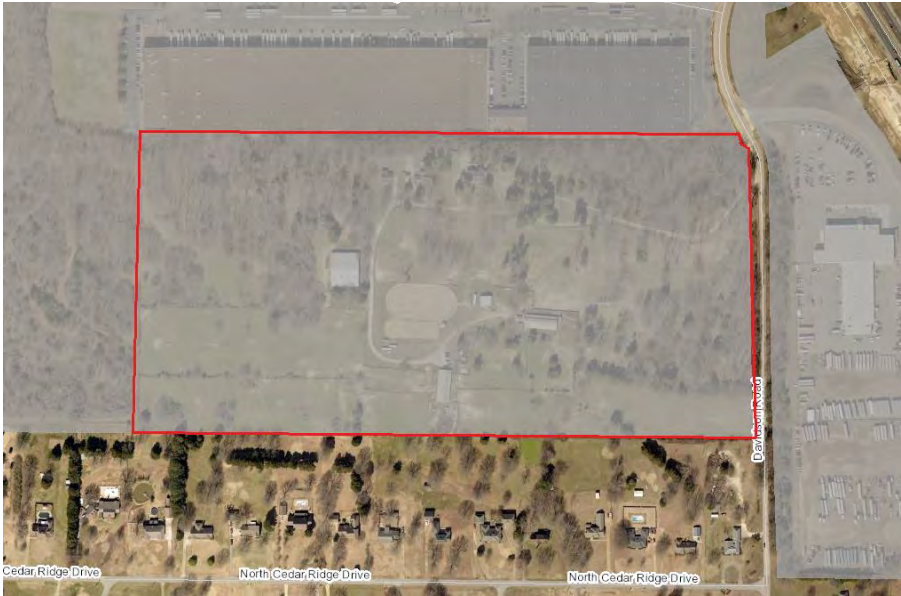
Future Land Use Designation: Industrial (I)

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/pm 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]

7-1-2022

Owner, Applicant or Representative

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.

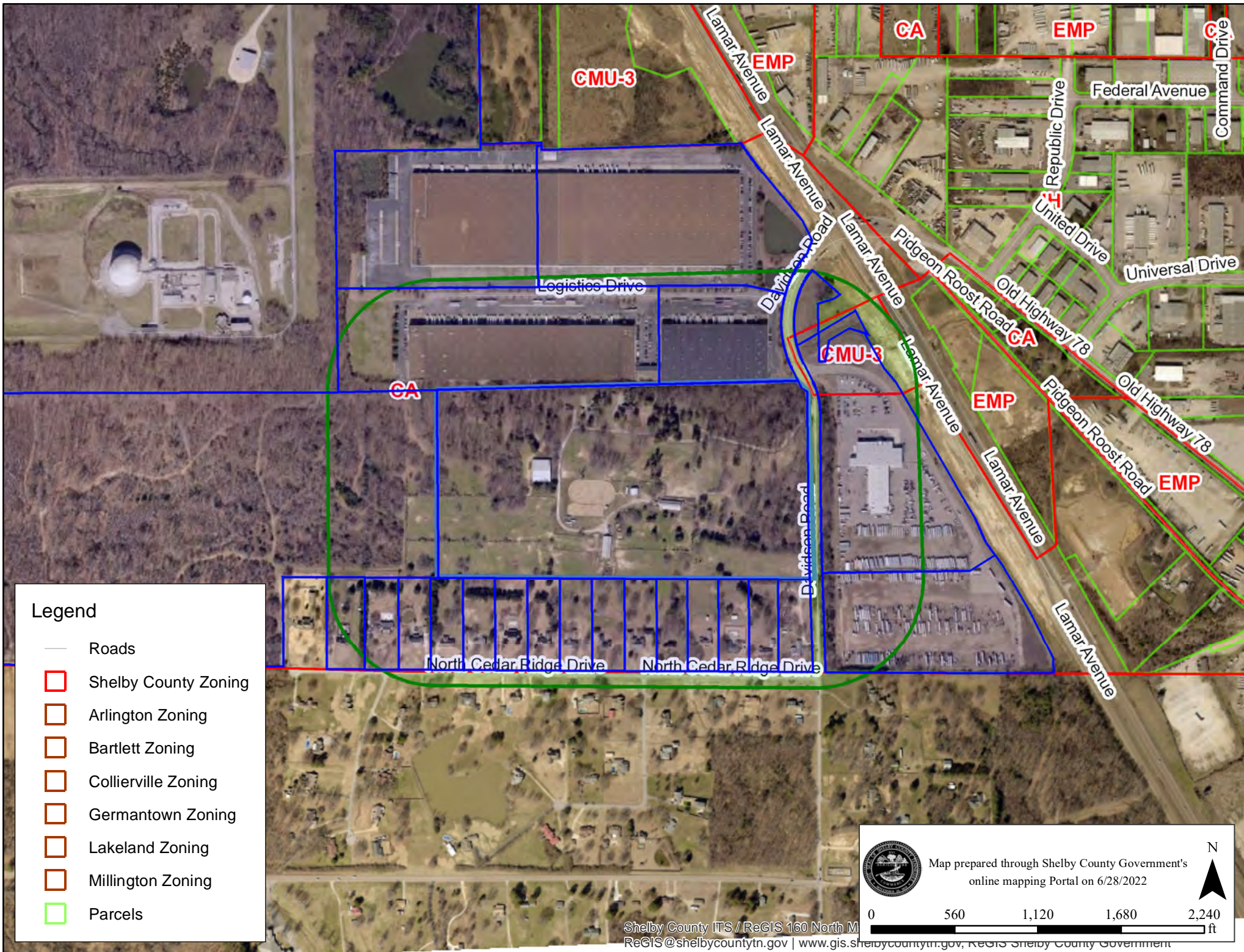
THIS THE August 31, 2022

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

N

0 560 1,120 1,680 2,240

ft

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

October 3, 2022

Ms. Maya Donald
Council Records Office

RE: October 11th Agenda Items

Hello Ms. Maya,

Engineering has 7 for the October 11th Council Agenda. In hopes of saving confusion, I have divided them into 3 sections, the categories in which they will fall into.

2 NEW IMPROVEMENT CONTRACTS CRs:

- COLONIAL COUNTRY CLUB P.D PART OF AREA I PHASE I
- MINERAL WELLS II

2 SUPPLEMENTAL AGREEMENT FOR EXISTING CRs:

- CR-5384AM - 7 VANCE CIVIL PLANS PHASE I – SUPPLEMENTAL AGREEMENT #1
(PROJECT EXTENSION)
- CR-5426AM - CLARKE ROAD INDUSTRIAL – SUPPLEMENTAL AGREEMENT #1
(BOND TYPE CHANGE)

3 BOND RELEASES:

- CR-5309 - 4840 HOLMES ROAD
- CR-5331 – RENASANT BANK (5575 POPLAR AVE)
- CR-5336 - SINGLETON-AUSTIN PEAY COMMERCIAL P.D.

Thank You!



Philip Inman,
Land Development Coordinator
City of Memphis – Engineering Division
Office/Direct: 901-636-6957
Email: philip.inman@memphistn.gov



RESOLUTION approving the final plat for:
Colonial Country Club P.D. Part of Area 1, Phase 1
and accepting Bond as security

WHEREAS, **CC Club Holdings, 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 northern terminus of Countrywood Parkway, 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 **CC Club Holdings, 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 **Colonial Country Club P.D. Part of Area 1, Phase 1** 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 **Performance Bond No. 2336661** in the amount of **\$289,900.00** as security for project.



RESOLUTION approving the Engineering plans for:
Mineral Wells II
and accepting Bond as security

WHEREAS, **Scannell Properties #616, LLC.**, is the Developer of a certain property within the present limits of the City of Memphis, and located at 5633 Mineral Wells 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 **Scannell Properties #616, 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 engineering plans for **Mineral Wells II** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Performance Bond No. 14249125** in the amount of **\$228,400.00** as security for project



RESOLUTION approving
**Supplemental Agreement #1 for
CR-5384 - 7 Vance Civil Plans Phase 1**

WHEREAS, **7V Devco, LLC**, the Developer of certain property within the present limits of the City of Memphis, located at 63 North B.B. King Blvd in the City of Memphis, Tennessee

and

WHEREAS, the Developer entered into a Standard Improvement Contract (CR-5384) on October 5, 2021, covering all public improvements required as part of developing the Project;

and

WHEREAS, attached hereto is a **Supplemental Agreement #1 for CR-5384 - 7 Vance Civil Plans Phase 1**, entered into between **7V Devco, LLC** and the City of Memphis covering extending the project three hundred sixty-five days due to supply chain issues and delays stemming from the COVID-19 pandemic.

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 **Supplemental Agreement #1 for CR-5384 - 7 Vance Civil Plans Phase 1** are hereby approved.



RESOLUTION approving **Supplemental Agreement #1**
for **CR-5426 - Clarke Road Industrial**

WHEREAS, **TPP 419 Presley Logistics, LLC**, the Developer of certain property within the present limits of the City of Memphis, located at the intersection of Tillman Street and Tillman Cove in the City of Memphis, Tennessee and

WHEREAS, the Developer entered into a Standard Improvement Contract (CR-5426) on September 26, 2022, covering all public improvements required as part of developing the Project; and

WHEREAS, attached hereto is a Supplemental Agreement #1 to CR-5426, entered into between **TPP 419 Presley Logistics, LLC** and the City of Memphis covering a requested bond surety type change

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 **Supplemental Agreement #1** for **CR-5426 Clarke Road Industrial** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute acceptance of Simmons Bank, **Letter of Credit No. 69762474** with matching amount of **\$134,000.00** and release of existing **Cash Bond** to its provider, TriGate Capital, Inc.



RESOLUTION accepting public improvements for
4840 Holmes Road [CR-5309]
and authorizes **release of Bond**

WHEREAS, **AABN Holmes Properties, LLC** is the Developer of certain property within the present limits of the City of Memphis, as indicated on the plat and located at the intersection of East Holmes Road and Pleasant Hill Road (northwest corner lot) 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 **4840 Holmes Road [CR-5309]** 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. 90452202** in the amount of **\$66,700.00**, held as security for the Standard Improvement Contract, is hereby **ordered released**.



RESOLUTION accepting public improvements for
Renasant Bank - 5575 Poplar [CR-5331]
and authorizes **release of Bond**

WHEREAS, **Renasant Bank** is the Developer of certain property within the present limits of the City of Memphis, as shown on the engineering plans entitled **Renasant Bank - 5575 Poplar [CR-5331]** and located at 5575 Poplar Avenue, 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 **Renasant Bank - 5575 Poplar [CR-5331]** and the completion of the public improvements therein, are and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Travelers Performance Bond No. 107187765** in the amount of **\$144,900.00**, held as security for the Standard Improvement Contract, is **hereby ordered released**.



RESOLUTION accepting public improvements for
Singleton-Austin Peay Commercial PD (PD 17-02) [CR-5336]
and authorizes **release of Bond**

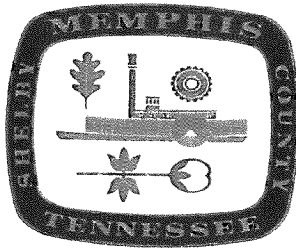
WHEREAS, **Markle, LTD** is the Developer of certain property within the present limits of the City of Memphis, as indicated on the plat and located approximately 892 linear feet northeast of Singleton Parkway and Austin Peay Highway intersection in Memphis, Tennessee.

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 **Singleton-Austin Peay Commercial PD (PD 17-02) [CR-5336]** and the completion of the public improvements therein, are and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **First Horizon Letter of Credit No. 7441** in the amount of **\$230,200.00**, held as security for the Standard Improvement Contract, is hereby **ordered released**.



Memphis City Council Summary Sheet

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

Resolution accepting, allocating, and appropriating grant funds in the amount of \$450,000.00 from the Kresge Foundation via Innovate Memphis for expenses related to improving transportation and mobility planning and project delivery.

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

Division of Planning and Development

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.

This will affect all districts.

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

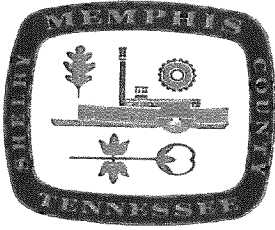
This resolution does not require a new contract nor amend an existing contract.

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

This resolution requires a budget amendment.

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

This grant does not have EBO participation.



A Resolution to accept, allocate and appropriate grant funds in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) from Kresge Foundation passed through to Innovate Memphis for City of Memphis' initiative to improve transportation and mobility planning and project delivery.

WHEREAS, the Memphis and Shelby County Division of Planning and Development have been awarded grant funds in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) through the Kresge Foundation via Innovate Memphis; and

WHEREAS, these funds will be used to improve transportation and mobility planning and project delivery; and

WHEREAS, it is necessary to accept the grant funding and amend the FY 2023 Operating Budget grant funds in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) for expenses related to personnel and other costs to improve transportation and mobility planning and project delivery;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Innovate Memphis grant funds in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2023 Grant Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Transportation Planning Initiative Grant as follows:

Revenues

Innovate Memphis	\$ 450,000.00*
TOTAL	<u>\$ 450,000.00</u>

Expenditures

Personnel Costs	\$188,200.00
Total	\$188,200.00

Professional Services	\$200,000.00
Travel Expense	\$ 32,000.00
Materials/Supplies/Printing	\$ 29,800.00
TOTAL	<u>\$450,000.00</u>

*Kresge awarded \$480,000 to Innovate Memphis; Innovate Memphis awarded \$450,000 to City of Memphis

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12304 (Formerly Purchase Order #7015763), Veeam Backup and Replication Enterprise Plus Annual Production with Logicalis, Inc., in the funded amount of \$100,539.40. (This change is to renew annual maintenance for Veeam software support and maintenance services and to co-term Veeam license agreement 2521483 for the period covering November 13, 2022, through November 14, 2023.)

2. Additional Information

The project scope is for annual maintenance and support for Veeam software. The software is used to back up virtual and physical servers used by the Customer Information System (CIS), Geographical Information System (GIS), Smart Meter, and other applications.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022 approved Change No. 2 to Contract No. 12304 (*Formerly Purchase Order #7015763*), Veeam Backup and Replication Enterprise Plus Annual Production with Logicalis, Inc. to renew the current contract in the funded amount of \$100,539.40, 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 for annual maintenance and support for Veeam software. The software is used to back up virtual and physical servers used by the Customer Information System (CIS), Geographical Information System (GIS), Smart Meter, and other applications. This change is to renew annual maintenance for Veeam software support and maintenance services and to co-term Veeam license agreement 2521483 for the period covering November 13, 2022 through November 14, 2023 in the amount of \$100,539.40, with a 14% increase in rates from the previous term. MLGW attempted to negotiate the rate increase; however, Logicalis, Inc. declined to negotiate due to Veeam's new firm pricing of the licenses that was effective on July 1, 2022. This renewal complies with all applicable laws and policies. The new contract value is \$254,056.21; 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. 12304 (*Formerly Purchase Order #7015763*), Veeam Backup and Replication Enterprise Plus Annual Production with Logicalis, Inc. to renew the current contract in the funded amount of \$100,539.40 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 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. 12304 (*Formerly Purchase Order #7015763*), Veeam Backup and Replication Enterprise Plus Annual Production with Logicalis, Inc. to renew the current contract in the funded amount of \$100,539.40.

The project scope is for annual maintenance and support for Veeam software. The software is used to back up virtual and physical servers used by the Customer Information System (CIS), Geographical Information System (GIS), Smart Meter, and other applications. This change is to renew annual maintenance for Veeam software support and maintenance services and to co-term Veeam license agreement 2521483 for the period covering November 13, 2022 through November 14, 2023 in the amount of \$100,539.40, with a 14% increase in rates from the previous term. MLGW attempted to negotiate the rate increase; however, Logicalis, Inc. declined to negotiate due to Veeam's new firm pricing of the licenses that was effective on July 1, 2022. This renewal complies with all applicable laws and policies. The new contract value is \$254,056.21.

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. 2 to Contract No 12304 (*Formerly Purchase Order #7015763*), Veeam Backup and Replication Enterprise Plus Annual Production with Logicalis, Inc. to renew the current contract in the funded amount of \$100,539.40, 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 21st 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. 1 to Contract No. 12038, Group Term, Voluntary Life and Accidental Death and Dismemberment with UNUM Insurance Company in the estimated funded amount of \$8,460,000.00. (This change is to renew the current contract for the first and final renewal covering a 24-months period from January 1, 2023, through December 31, 2024).

2. Additional Information

The project scope is to provide MLGW with Group Term Life, Voluntary Life and Accidental Death and Dismemberment insurance coverage. The Division will pay 51% of the employee's annual premium in the estimated amount of \$4,314,600.00 and the MLGW employees will be responsible for 49% of the annual premiums through payroll deduction in the estimated amount of \$4,145,400.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022 approved Change No. 1 to Contract No. 12038, Group Term, Voluntary Life and Accidental Death and Dismemberment with UNUM Insurance Company in the estimated funded amount of \$8,460,000.00, 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 MLGW with Group Term Life, Voluntary Life and Accidental Death and Dismemberment insurance coverage. This change is to renew the current contract for the first and final renewal covering a 24-months period from January 1, 2023 through December 31, 2024 in the estimated funded amount of \$8,460,000.00, with no increase in rates from the initial term. The Division will pay 51% of the employee's annual premium in the estimated amount of \$4,314,600.00 and the MLGW employees will be responsible for 49% of the annual premiums through payroll deduction in the estimated amount of \$4,145,400.00. This renewal complies with all applicable laws and policies. The new contract value is \$23,400,450.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12038, Group Term, Voluntary Life and Accidental Death and Dismemberment with UNUM Insurance Company in the estimated funded amount of \$8,460,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12038, Group Term, Voluntary Life and Accidental Death and Dismemberment with UNUM Insurance Company in the estimated funded amount of \$8,460,000.00.

The project scope is to provide MLGW with Group Term Life, Voluntary Life and Accidental Death and Dismemberment insurance coverage. This change is to renew the current contract for the first and final renewal covering a 24-months period from January 1, 2023 through December 31, 2024 in the estimated funded amount of \$8,460,000.00, with no increase in rates from the initial term. The Division will pay 51% of the employee's annual premium in the estimated amount of \$4,314,600.00 and the MLGW employees will be responsible for 49% of the annual premiums through payroll deduction in the estimated amount of \$4,145,400.00. This renewal complies with all applicable laws and policies. The new contract value is \$23,400,450.00.

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 approval of Change No. 1 to Contract No. 12038, Group Term, Voluntary Life and Accidental Death and Dismemberment with UNUM Insurance Company to renew the current contract in the estimated funded amount of \$8,460,000.00 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 21st 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. 1 to Contract No. 12037, Short and Long Term Disability with UNUM Insurance Company in the estimated funded amount of \$10,292,000.00. (This change is to renew the current contract for the first and final renewal covering a 24-months period from January 1, 2023, through December 31, 2024).

2. Additional Information

The project scope is to provide a short and long term disability salary continuation plan at 60% of an employee's salary for approximately 2,600 employees. The Division will pay 50% of the employee's annual premium in the estimated amount of \$5,146,000.00 and the MLGW employees will be responsible for 50% of the annual premiums through payroll deduction in the estimated amount of \$5,146,000.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022 approved Change No. 1 to Contract No. 12037, Short and Long Term Disability with UNUM Insurance Company in the estimated funded amount of \$10,292,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, project scope is to provide a short and long term disability salary continuation plan at 60% of an employee's salary for approximately 2,600 employees. This change is to renew the current contract for the first and final renewal covering a 24-months period from January 1, 2023 through December 31, 2024 in the estimated funded amount of \$10,292,000.00, with no increase in rates from the initial term. The Division will pay 50% of the employee's annual premium in the estimated amount of \$5,146,000.00 and the MLGW employees will be responsible for 50% of the annual premiums through payroll deduction in the estimated amount of \$5,146,000.00. This renewal complies with all applicable laws and policies. The new contract value is \$24,685,520.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12037, Short and Long Term Disability with UNUM Insurance Company in the estimated funded amount of \$10,292,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12037, Short and Long Term Disability with UNUM Insurance Company in the estimated funded amount of \$10,292,000.00.

The project scope is to provide a short and long term disability salary continuation plan at 60% of an employee's salary for approximately 2,600 employees. This change is to renew the current contract for the first and final renewal covering a 24-months period from January 1, 2023 through December 31, 2024 in the estimated funded amount of \$10,292,000.00, with no increase in rates from the initial term. The Division will pay 50% of the employee's annual premium in the estimated amount of \$5,146,000.00 and the MLGW employees will be responsible for 50% of the annual premiums through payroll deduction in the estimated amount of \$5,146,000.00. This renewal complies with all applicable laws and policies. The new contract value is \$24,685,520.00.

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 approval of Change No. 1 to Contract No. 12037, Short and Long Term Disability with UNUM Insurance Company to renew the current contract in the estimated funded amount of \$10,292,000.00 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 21st 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. 12024, MLGW Employee Dental Plan with Cigna Health and Life Insurance Company in the funded amount of \$2,795,345.00. (This change is to renew the current contract for the second and final annual renewal covering the period January 1, 2023, through December 31, 2023).

2. Additional Information

The project scope is to provide insured dental services to eligible MLGW active and retired employees, as well as their spouses and/or dependents.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022 approved Change No. 2 to Contract No. 12024, MLGW Employee Dental Plan with Cigna Health and Life Insurance Company to renew the current contract in the funded amount of \$2,795,345.00, 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 insured dental services to eligible MLGW active and retired employees, as well as, their spouses and/or dependents. This change is to renew the current contract for the second and final annual renewal covering the period January 1, 2023 through December 31, 2023, with no increase in rates. The Division's annual contribution will be \$10.00 per active employee per month. Active employees will pay the balance of the monthly premium. The retirees will pay 100% of their premium. This renewal complies with all applicable laws and policies. The new contract value is \$13,603,550.24; 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. 12024, MLGW Employee Dental Plan with Cigna Health and Life Insurance Company to renew the current contract in the funded amount of \$2,795,345.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 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. 12024, MLGW Employee Dental Plan with Cigna Health and Life Insurance Company to renew the current contract in the funded amount of \$2,795,345.00.

The project scope is to provide insured dental services to eligible MLGW active and retired employees, as well as, their spouses and/or dependents. This change is to renew the current contract for the second and final annual renewal covering the period January 1, 2023 through December 31, 2023, with no increase in rates. The Division's annual contribution will be \$10.00 per active employee per month. Active employees will pay the balance of the monthly premium. The retirees will pay 100% of their premium. This renewal complies with all applicable laws and policies. The new contract value is \$13,603,550.24.

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. 2 to Contract No. 12024, MLGW Employee Dental Plan with Cigna Health and Life Insurance Company to renew the current contract in the funded amount of \$2,795,345.00 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 21st 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 the execution of Contract No. 12398 between Memphis Light, Gas and Water Division and Texas Gas Transmission, LLC, in the amount of \$47,000,000.00 approximately. (This contract will be for 201,225 MMBtu/day during the winter season and 52,558 MMBtu/day during the summer. This contract is an extension to our No-Notice Service transportation agreement and includes a Discount Letter. The contract term is for three years, effective November 1, 2023, and ending October 31, 2026).

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at its meeting held September 21, 2022, approved Contract No. 12398 between Memphis Light, Gas and Water Division and Texas Gas Transmission, LLC in the amount of \$47,000,000.00 approximately; and further,

WHEREAS, this contract will be for 201,225 MMBtu/day during the winter season and 52,558 MMBtu/day for the summer. This contract is an extension to our NNS (No-Notice Service) transportation agreement and includes a Discount Letter; and further,

WHEREAS, the contract term is for three years, effective November 1, 2023 and ending October 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that Contract No. 12398 with Texas Gas Transmission, LLC in the amount of \$47,000,000.00 is approved and the President or his designated representative is authorized to execute the contract.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 2022

The Vice President, Engineering and Operations presented for consideration of the Board approval of Contract No. 12398 between Memphis Light, Gas and Water Division and Texas Gas Transmission, LLC in the amount of \$47,000,000.00 approximately. This contract will be for 201,225 MMBtu/day during the winter season and 52,558 MMBtu/day during the summer. This contract is an extension to our NNS (No-Notice Service) transportation agreement and includes a Discount Letter.

The contract term is for three years, effective November 1, 2023 and ending October 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the City Council of the City of Memphis, Contract No. 12398 with Texas Gas Transmission, LLC in the amount of \$47,000,000.00 is approved as outlined in the foregoing preamble; and further,

THAT, The President or his designated representative is authorized to execute the contract.

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 21st 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. 12386 (solicited under Contract No.12302), Substation Engineering Services (Substation) to Allen & Hoshall, Inc., in the funded not-to-exceed amount of \$300,000.00.

2. Additional Information

The project scope is to provide substation engineering services including but not limited to the design of electrical apparatus installation/replacement in substation switchyards (air disconnect switches, power circuit breakers, power transformer, batteries, etc.), design of bus systems, site design involving drainage, grading, erosion control, landscaping, and driveways; structural design of steel support structures, foundations, hand-holes, and cable trench, curbs, inlets, oil spill traps, fencing; and training of MLGW employees to perform design work in electrical, mechanical and civil engineering disciplines in accordance with applicable standards and established MLGW design practices.

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of September 21, 2022, awarded Contract No. 12386 (*solicited under Contract No.12302*), Substation Engineering Services (Substation) to Allen & Hoshall, Inc. in the funded not-to-exceed amount of \$300,000.00, 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 provide substation engineering services including but not limited to the design of electrical apparatus installation/replacement in substation switchyards (air disconnect switches, power circuit breakers, power transformer, batteries, etc.), design of bus systems, site design involving drainage, grading, erosion control, landscaping, and driveways; structural design of steel support structures, foundations, hand-holes, and cable trench, curbs, inlets, oil spill traps, fencing; and training of MLGW employees to perform design work in electrical, mechanical and civil engineering disciplines in accordance with applicable standards and established MLGW design practices; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on February 15, 2022. MLGW solicited eight (8) companies (*solicited under Contract No. 12302*); received eight (8) qualifications on March 7, 2022; and four (4) firms made the shortlist. After evaluation and completion of the scoring, the most responsive qualification was received from Allen & Hoshall, Inc. in the funded not-to-exceed amount of \$300,000.00. Qualifications were evaluated on the following criteria: 1) Resumes defining qualifications and experience; 2) Substation and Transmission Engineering experience for one (1) or more Design Services; and 3) Ability to provide on-site personnel. The term of this contract is for one (1) year from the date of the Notice to Proceed with the option of four (4) annual renewal terms. 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 an award Contract No. 12386 (*solicited under Contract No.12302*), Substation Engineering Services (Substation) to Allen & Hoshall, Inc. in the funded not-to-exceed amount of \$300,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners, that it awards Contract No. 12386 (*solicited under Contract No.12302*), Substation Engineering Services (Substation) to Allen & Hoshall, Inc. in the funded not-to-exceed amount of \$300,000.00.

The project scope is to provide substation engineering services including but not limited to the design of electrical apparatus installation/replacement in substation switchyards (air disconnect switches, power circuit breakers, power transformer, batteries, etc.), design of bus systems, site design involving drainage, grading, erosion control, landscaping, and driveways; structural design of steel support structures, foundations, hand-holes, and cable trench, curbs, inlets, oil spill traps, fencing; and training of MLGW employees to perform design work in electrical, mechanical and civil engineering disciplines in accordance with applicable standards and established MLGW design practices.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on February 15, 2022. MLGW solicited eight (8) companies (*solicited under Contract No. 12302*); received eight (8) qualifications on March 7, 2022; and four (4) firms made the shortlist. After evaluation and completion of the scoring, the most responsive qualification was received from Allen & Hoshall, Inc. in the funded not-to-exceed amount of \$300,000.00. Qualifications were evaluated on the following criteria: 1) Resumes defining qualifications and experience; 2) Substation and Transmission Engineering experience for one (1) or more Design Services; and 3) Ability to provide on-site personnel. The term of this contract is for one (1) year from the date of the Notice to Proceed with the option of four (4) annual renewal terms. This 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. 12386 (*solicited under Contract No. 12302*), Substation Engineering Services (Substation) to Allen & Hoshall, Inc. in the funded not-to-exceed amount of \$300,000.00, 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 ~~regular~~-special meeting held on 21st 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. 12302, Substation Engineering Services (Protection) to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00.

2. Additional Information

The project scope is to provide protection engineering services including but not limited to creating/updating protection once lines, schematics, and wiring drawings; installation and replacement of protective relays, remote terminal units, fault recorders, control board panels, and equipment wiring; developing relay settings for electromechanical and digital relays.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022, awarded Contract No. 12302, Substation Engineering Services (Protection) to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00, 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 provide protection engineering services including but not limited to creating/updating protection once lines, schematics, and wiring drawings; installation and replacement of protective relays, remote terminal units, fault recorders, control board panels, and equipment wiring; developing relay settings for electromechanical and digital relays; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on February 15, 2022. MLGW solicited eight (8) companies; received eight (8) qualifications on March 7, 2022. MLGW will enter into separate contracts with four (4) Short Listed companies; with one (1) being awarded to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00. Qualifications were evaluated on the following criteria: 1) Resumes defining qualifications and experience; 2) Substation and Transmission Engineering experience for one (1) or more Design Services; and 3) Ability to provide on-site personnel. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will 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. 12302, Substation Engineering Services (Protection) to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12302, Substation Engineering Services (Protection) to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00.

The project scope is to provide protection engineering services including but not limited to creating/updating protection once lines, schematics, and wiring drawings; installation and replacement of protective relays, remote terminal units, fault recorders, control board panels, and equipment wiring; developing relay settings for electromechanical and digital relays.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on February 15, 2022. MLGW solicited eight (8) companies; received eight (8) qualifications on March 7, 2022. MLGW will enter into separate contracts with four (4) Short Listed companies; with one (1) being awarded to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00. Qualifications were evaluated on the following criteria: 1) Resumes defining qualifications and experience; 2) Substation and Transmission Engineering experience for one (1) or more Design Services; and 3) Ability to provide on-site personnel. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will 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. 12302, Substation Engineering Services (Protection) to Fisher & Arnold, Inc. in the funded not-to-exceed amount of \$300,000.00, 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 21st 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 Rush Truck Centers of Tennessee for the purchase of six-yard and ten-yard dump trucks in the amount of \$346,721.00.

2. Additional Information

This purchase is for six-yard and ten-yard dump body trucks which will be used to maintain the electric, gas and water systems and for various customer service functions throughout Memphis and Shelby County. This equipment will replace existing equipment that will be retired from service based on age and operational ability to meet work needs.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022 approved the purchase of six-yard and ten-yard dump trucks and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2022 fiscal year budget; and

WHEREAS, this purchase is for one six-yard and two ten-yard dump body trucks which will be used to maintain the electric, gas and water systems and for various customer service functions throughout Memphis and Shelby County. This equipment will replace existing equipment that will be retired from service based on age and operational ability to meet work needs; and

WHEREAS, bids were opened on July 20, 2022. Notice to Bidders was advertised. Six (6) bids were solicited and three (3) bids were received with the lowest and best complying bidder being the firm of Rush Truck Centers of Tennessee. 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 the purchase of one, six-yard, and two, ten-yard dump trucks from Rush Truck Centers of Tennessee for the sum of \$346,721.00. 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 21, 2022

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Rush Truck Centers of Tennessee in the amount of \$346,721.00 for the purchase of six-yard and ten-yard dump trucks.

This purchase is for six-yard and ten-yard dump body trucks which will be used to maintain the electric, gas and water systems and for various customer service functions throughout Memphis and Shelby County. This equipment will replace existing equipment that will be retired from service based on age and operational ability to meet work needs.

Bids were opened on July 20, 2022. Notice to Bidders was advertised. Six (6) bids were solicited, and three (3) bids were received with the lowest and best complying bidder being the firm of Rush Truck Centers of Tennessee. This award complies with all applicable laws and policies.

The 2022 budgeted amount for Transportation and Fleet Services is \$8,938,000.00; the amount spent to date is \$1,150,005.46; of which \$346,721.00 has been requested for carry over to the 2023 budget due the delivery time of the dump trucks; leaving a balance of \$7,441,273.54 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 Rush Truck Centers of Tennessee is approved for furnishing:

1-Dump truck, six-yard with high 'n slide tailgate; single axle dump truck with six-yard water level dump body with curbside swing gate;

2-Dump trucks, ten-yard; tandem axle dump truck with ten-yard water level dump body;

Totaling \$346,721.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; price being firm; delivery 180-210 days after receipt of purchase order; 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 21st 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 to Cooper Power Systems-Eaton for the purchase of network protectors for a sixty (60) month period in the amount of \$3,265,618.13.

2. Additional Information

The network protectors are placed on network transformers and protects MLGW's secondary network by automatically disconnecting the associated power transformer when the power starts flowing in a reverse direction. Order quantities are based upon historical usage and scheduled projects.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 21, 2022 approved a sixty (60) month contract for the purchase of network protectors and is now recommending to the Council of the City of Memphis that it approve said purchase as approved in the 2022 fiscal year budget and subsequent budget years as approved; and

WHEREAS, the network protectors are placed on network transformers and protects MLGW's secondary network by automatically disconnecting the associated power transformer when the power starts flowing in a reverse direction. Order quantities are based upon historical usage and scheduled projects; and

WHEREAS, bids were opened on May 25, 2022. Notice to Bidders was advertised, seven bids were solicited, and two bids were received with the most responsive and best complying bidder being the firm of Cooper Power Systems-Eaton. 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 the purchase of network protectors from Cooper Power Systems-Eaton in the sum of \$267,677.00 chargeable to the MLGW 2022 fiscal year budget and \$2,997,941.13 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 21, 2022

The Manager, Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a contract to Cooper Power Systems-Eaton in the amount of \$3,265,618.13 for the purchase of network protectors for a sixty (60) month period.

The network protectors are placed on network transformers and protects MLGW's secondary network by automatically disconnecting the associated power transformer when the power starts flowing in a reverse direction. Order quantities are based upon historical usage and scheduled projects.

Bids were opened on May 25, 2022. Notice to Bidders was advertised, seven bids were solicited and two bids were received with the most responsive and best complying bidder being the firm of Cooper Power Systems-Eaton. This award complies with all applicable laws and policies.

The 2022 budget amount for Substation is \$30,007,000.00; the amount spent to date is \$6,475,238.54; of which \$267,677.00 will be spent on this purchase order in 2022; leaving a balance of \$23,264,084.46 after award; the remaining balance of \$2,997,941.13 will be spent from subsequent budget years as approved; 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 contract to Cooper Power Systems-Eaton is approved for furnishing:

Sixty (60) month purchase order for providing network protectors by Cooper

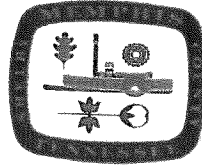
Power Systems-Eaton as released by MLGW. A copy of all unit prices to be placed on file in MLGW's Accounting Department.

The total award for sixty (60) months is approximately \$3,265,618.13; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; delivery 10-25 weeks after receipt of order; 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 ~~regular~~-special meeting held on 21st day of September, 2022, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer



Memphis City Council Summary Sheet

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

A resolution to transfer and appropriate \$685,000 in CIP funding from the Traffic Safety Development Cover Line, EN23400 to Traffic Signals (FY23) (EN01112) to implement safety improvements at various locations across the City.

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 will impact all Council Districts.

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

Appropriation of funds in FY23 Capital Budget will result in an expenditure and a budget amendment.


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

N/A

Council Resolution Caption (EN23400 – Traffic Safety Development)

A resolution to transfer and appropriate \$685,000 in CIP funding from the Traffic Safety Development Cover Line, EN23400 to Traffic Signals (FY23) (EN01112) to implement safety improvements at various locations across the City.

MEMORANDUM

From: Manny Belen, PE, Director of Engineering 

To: Jim Strickland, Mayor

Via: Doug McGowen, Chief Operating Officer

DATE: September 15, 2022

SUBJECT: Council Resolution to Transfer and Appropriate Construction Funds for EN23400

Parts of the Decision Brief/Memo

1. Problem Statement or Opportunity

This is a resolution to transfer and appropriate \$685,000 in CIP funding from the Traffic Safety Development Cover Line, EN23400 to Traffic Signals (FY23) (EN01112) to implement safety improvements at various locations across the City.

2. Recommendation

The Division of Engineering recommends forwarding to City Council for approval.

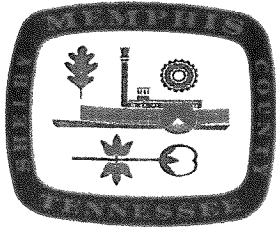
3. Prior Coordination

The funding was allocated by City Council as a part of the FY23 CIP budget. Funding is to be utilized at the direction of City Council and split evenly across all council districts.

4. Additional Information

N/A

R.7.



A resolution to transfer and appropriate \$685,000 in GO Bond funding for safety improvements at various locations.

WHEREAS, the Council of the City of Memphis previously allocated \$750,000 in GO Bond funding for the Traffic Safety Development Cover Line, Project Number EN23400; and

WHEREAS, This funding is to be used at the discretion of the various members of the City Council to implement traffic safety improvements where they deem necessary; and

WHEREAS, it is necessary to transfer \$100,000 in A&E funding from the Traffic Safety Development Cover Line, Project Number EN23400 to Construction to increase the total construction appropriation available; and

WHEREAS, it is necessary to transfer an allocation of \$685,000 funded by G.O. Bonds – from the Traffic Safety Development Cover Line, Project Number EN23400 to Traffic Signals (FY23), Project Number EN01112; and

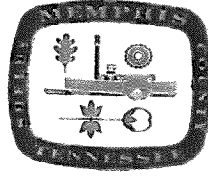
WHEREAS, it is necessary to appropriate \$685,000 funded by G.O. Bonds in Traffic Signals (FY23), Project Number EN01112 as follows:

Contract Construction \$685,000

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 an allocation of \$685,000 funded by G.O. Bonds from the Traffic Safety Development Cover Line, Project Number EN23400 to Traffic Signals (FY23), Project Number EN01112.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$685,000.00 funded by G.O. Bonds and chargeable to the Fiscal Year 2023 Capital Improvement Budget and credited as follows:

Project Title:	Traffic Signals (FY23)
Project Number:	EN01112
Total Amount:	\$685,000.00



Memphis City Council Summary Sheet

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

A Resolution approving a 5 year lease for the use of the right-of-way on the west side of Wagner place, consisting of 11 parking spaces in Memphis, TN 38103 *Same night minutes*

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

General Service

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

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

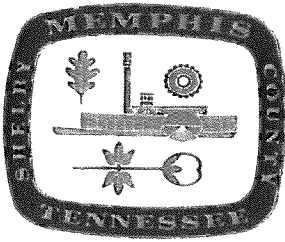
6. State whether this requires an expenditure of funds/requires a budget amendment

This sale does not require an expenditure of funds or budget amendment.

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

N/A

City Council Resolution



A Resolution approving a 5 year lease for the use of the right-of-way on the west side of Wagner Place, consisting of 11 parking spaces in Memphis, Tennessee 38103

Whereas, the City of Memphis controls the right-of-way on Wagner Place, east of Riverside Drive and south of Union Avenue; and

Whereas, 99-105 FRONT STREET, LLC desires to lease the space located on the west side of Wagner Place consisting of 11 parking spaces that will be used as parking for tenants and guests; and

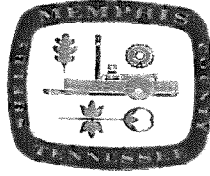
Whereas, Engineering has approved this request and has requested Real Estate to draft an agreement to lease the City's right-of-way for the aforementioned parking spaces; and

Whereas, the leasing of City controlled right-of-way will generate revenue for the City of Memphis in the amount of \$27,500 annually or \$2,500 per month; 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 to provide safe parking for citizens and subject to the terms and conditions set forth in the Lease Agreement and City Ordinance 2-16 (J).

Now, therefore, be it resolved by the Council of the City of Memphis that the request for 99-105 FRONT STREET, LLC to lease the above-described property is hereby approved subject to the City Ordinance 2-16 (J) which states in part, "any lease or license agreement two years or more shall be considered a conveyance and shall be submitted to City Council for approval, except for right of entry agreements, encroachment agreements, and easement agreements. Any extensions or renewals bringing the total term to two years or more shall be included as a conveyance."

BE IT FURTHER RESOLVED, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the lease agreement and shall initiate any request or any other documents needed to finalize the agreement, and the Mayor of the City of Memphis is hereby authorized to execute said lease agreement or any other documents necessary to fulfill this request to lease from the City.



Memphis City Council Summary Sheet

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

This is a Resolution requesting the approval of the sale of city owned property located at 0 Peach Avenue in Memphis, Shelby County, Tennessee 38112 and further described as Parcel #020066 00027

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

General Service

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

N/A

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

District 5 and Super District 9

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

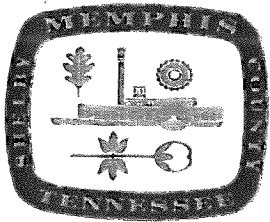
N/A

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



Council Resolution

A Resolution approving the sale of a city owned property known as 0 Peach Avenue, Memphis, TN 38112, Parcel ID# 020066 00027

WHEREAS, the City of Memphis owns the property known as 0 Peach Avenue, Memphis, TN 38112 (“The Property”) and is further identified by Shelby County Tax Assessor as Parcel # 020066 00027 containing 0.2189 acres, more or less;

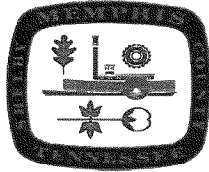
WHEREAS, the sale of the subject Property will increase the City’s General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis;

WHEREAS, Benjamin Racher, an adjoining property owner, submitted an offer of Thirty-Three Thousand Four Hundred Dollars (\$33,400.00) along with a Three Thousand three hundred forty Dollar (\$3,340.00) Earnest Money deposit to the City of Memphis Real Estate Office; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the offer made by Benjamin Racher, on the above-described property is hereby accepted subject to the City Ordinance 5637, Amendment to section 2-291-1(A) which states in part, “The city real estate manager shall determine if an independent valuation is needed; the services of a qualified independent real estate appraisal may be obtained.”

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



Memphis City Council Summary Sheet

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

A Resolution to appropriate the sum of \$400,000.00 in Other Project Cost to implement the FY23 Urban Art Plan, CIP Project Number EN23301 funded by G.O. Bonds. *Same Night Minutes requested - see Item #7*

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

The Engineering Division is the initiating party of this resolution.

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

There is no change to an existing ordinance or resolution.

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

District and Super Districts are not applicable for this project.

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

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

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

This resolution requires an appropriation of \$400,000.00 in CIP funds, funded by G.O. Bonds chargeable to the FY23 Capital Improvement Budget.

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

MWBE goal is 6% - Same night minutes are requested for this resolution.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Urban Art, CIP Number EN23300 as part of the FY 2023 Capital Improvement Budget; and

WHEREAS, it is necessary to transfer funds EN23300 Coverline to EN23301 and appropriate those funds in the amount of \$400,000.00 funded by G.O. Bonds General in other project costs of EN23301 to continue the implementation of the Urban Art Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$400,000.00 in Other Cost funded by G.G. Bonds General, chargeable to FY 2023 Capital Improvement Budget with said appropriation being Credited as follows:

Project Title:	Urban Art	\$400,000.00
Project Number:	EN23301	G.O. Bonds



Resolution to Approve Expenditures for Renovation of the Little Red Schoolhouse. [District 5, Super District 9].

WHEREAS, the FY23 Capital Improvement Budget included \$2,600,000 in funding for Council District Specific Projects for improvements to Parks, Libraries, and Neighborhoods; and

WHEREAS, the City of Memphis owns the Little Red Schoolhouse, which operated on Presidents Island as a one-room, segregated schoolhouse for African American students until the mid-1900s; and

WHEREAS, the Little Red Schoolhouse is currently stored on City of Memphis property and has fallen into disrepair; and

WHEREAS, the City of Memphis desires to relocate the Little Red Schoolhouse to the Museum of Science and History, restore the structure, and operate it as a historical outdoor exhibit for the continued education of museum visitors; and

WHEREAS, the Administration requests that Council approve the expenditure of up to \$200,000 for the restoration of the Little Red Schoolhouse;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that it hereby approves the expenditure of up to \$200,000 from Council District Specific Projects for the restoration of the Little Red Schoolhouse.

Resolution requesting the Memphis Police Department to enforce the curfews of the Child Curfew Act of 1995 and work with the City of Memphis Administration on a proposal to open one or more curfew centers in the City of Memphis

WHEREAS, comprehensive, community-based juvenile curfew programs can help reduce juvenile crime and delinquency, the victimization of minors and save young lives by reducing chances of violent incidents and, or accidental injury; and

WHEREAS, in 1996 the City of Memphis adopted Ordinance No. 4430, establishing curfews for individuals under the age of 18 and the age of 17 respectively, as authorized by Tenn. Code Ann. § 39-17-1701, also known as the Child Curfew Act of 1995; and

WHEREAS, Tenn. Code Ann. § 39-17-1701 was amended in 2015 by adding the following subsection regarding minors in violation: “(2) Take the minor into custody and transport the minor to a designated curfew center”; and

WHEREAS, in cities like Philadelphia and Minneapolis, curfew centers serve as overnight resource centers for youth that have violated curfew as well as young people looking for evening recreational activities like midnight basketball leagues; often a public and non-profit partnership, these centers provide safe spaces for youth that does not involve the juvenile court system; and

WHEREAS, since the adoption of City of Memphis Ordinance No. 4430 in 1996, there have been substantial developments in State law authorizing municipalities to develop alternative penalties for curfew violation that assist youth and families without court involvement and are not intended to be punitive; it is the wish of the Memphis City Council that local policies are reflective of these changes.

NOW, THEREFORE BE IT RESOLVED, in response to public safety concerns and the critical need for increased youth intervention, the Memphis City Council requests the Memphis Police Department to strongly enforce minor curfews as established in the Child Curfew Act of 1995.

BE IT FURTHER RESOLED, the Memphis City Council requests the Memphis Police Department to work with the City of Memphis Administration on a proposal to open one or more overnight curfew center(s) in the City of Memphis and to present the proposal during the October 11th Public Safety Committee of the Memphis City Council.

Sponsor
Rhonda Logan

Chair
Martavius Jones