

PERSONNEL COMMITTEE

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

January 17, 2023

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

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Gina Neely

be appointed to the Memphis and Shelby County Film and Television Commission with a term expiration date of September 30, 2025.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS & SHELBY COUNTY FILM and TELEVISION
COMMISSION**

(22) Member Board

(11) City & (11) County

3 Year Term

Purpose:

To encourage the growth and development of the film industry in Memphis and Shelby County, and act as representative for film, television and digital media production in the Memphis and Shelby County area.

Brooks, Kevin	M/B	09-30-19
Carson, Gale	F/B	09-30-19
Crystal, Emma	F/B	09-30-25
Robin Orgel	F/W	09-30-25
George, Alicia	F/W	09-30-19
Gordon, Robert	M/W	09-30-19
Mitchell, Lawrence "Boo"	M/B	09-30-19
Vacancy	F/W	09-30-19
Tashie, James	M/W	09-30-19
Ross, Richard	M/W	09-30-22
Williams Kelly, Pamela	F/B	09-30-19

2023 Council Liaison: JB Smiley, Jr.

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

January 18, 2023

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

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Jatin Kumar

be appointed to the Memphis and Shelby County Economic Development Growth Engine, as a county appointee, with a term expiration date of December 31, 2027.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

PUBLIC WORKS COMMITTEE

Summary Notes for Sale of 2140 S Third Street

Requesting the acceptance of the property located at 2140 S Third St. ID#'s 050088 00012, 050088 00010C, and 050088 00013 totaling 9.022 Acres.

Seller/Donator: LFM, (A Belz Company)

Council District 4 (Jana Swearengen-Washington)

Super District 8 (Smiley, Johnson, Jones, Johnson)

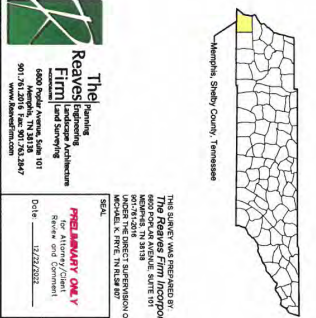
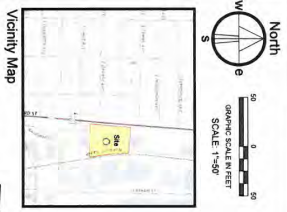
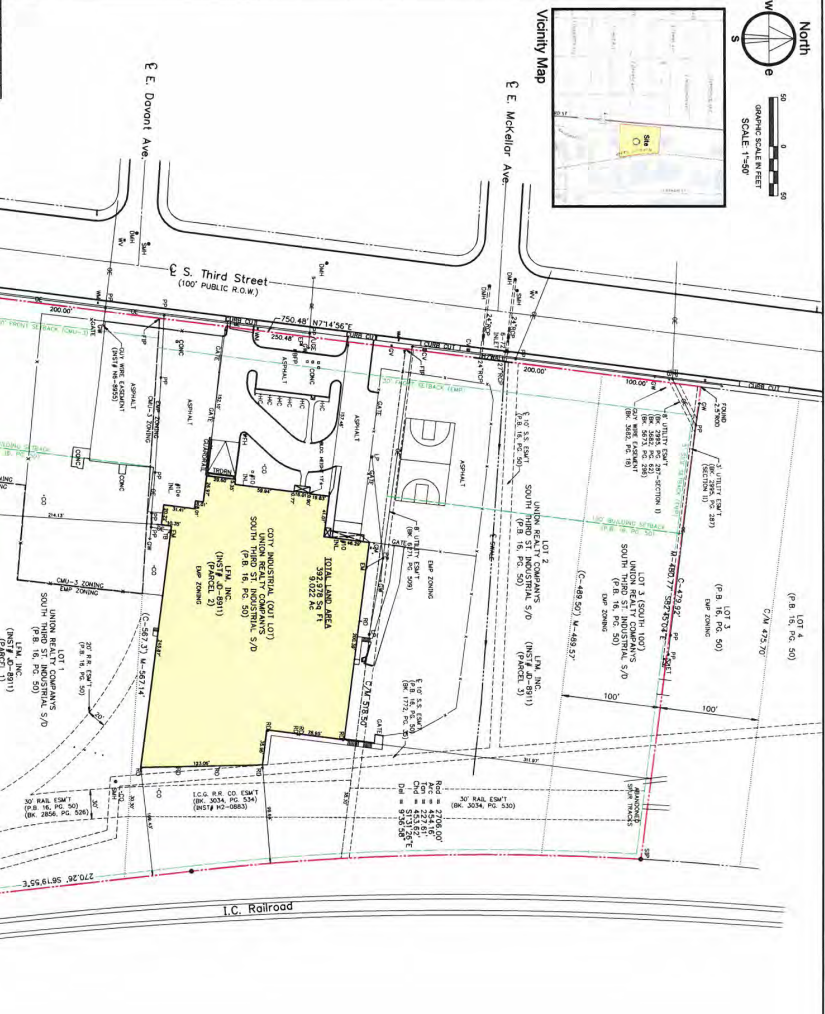
The acceptance of this property will fill the void of the search for a facility to relocate Engineering Sign Shop and Engineering Signal Maintenance Departments. These two shops are currently operating out of 425 & 435 Manassas. These facilities are currently owned by Alsac/St Jude and are needing to relocate as soon as possible.

The donator is seeking the tax benefits from the transfer of the properties. The donator has done the due diligence and provided the necessary documentation, studies and appraisals for this transaction to take place. (See Attached)

Requesting Council to approve the acceptance of 2140 S Third Street.



NO.	DATE	REVISION DESCRIPTION



The Ravens Firm
 Landmark Architecture
 3000 Memphis, TN 38103
 901.313.2019 Fax: 901.263.2847
 www.ravensfirm.com

PROJECT: SURVEY OF 2140 SOUTH THIRD STREET, MEMPHIS, SHELBY COUNTY, TENNESSEE
FOR: BELZ ENTERPRISES
SHEET TITLE: ALTA SURVEY SHEET NAME 2

DATE: 1/27/2023

SCALE: 1"=50'
 DATE PLOTTED: 1/25/2023
 PLOTTED BY: CAMERON
 SHEET NO.: 20480
 SHEET NO. OF 1

PROPERTY DESCRIPTION:

THIS SURVEY WAS PERFORMED TO DETERMINE THE BOUNDARIES OF LOT 1, LOT 2, LOT 3, AND LOT 4, AND THE SOUTH 200 FEET OF LOT 1, THE SOUTH 100 FEET OF LOT 2, THE SOUTH 100 FEET OF LOT 3, AND THE SOUTH 100 FEET OF LOT 4, ALL OF WHICH ARE PART OF THE 2140 SOUTH THIRD STREET, MEMPHIS, SHELBY COUNTY, TENNESSEE, AS SHOWN ON THE PLAT OF THE SURVEY OF 2140 SOUTH THIRD STREET, MEMPHIS, SHELBY COUNTY, TENNESSEE, DATED AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, IN BOOK 298, PAGE 578, AND AS SHOWN HEREON.

THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON, AND IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.

THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON, AND IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.

THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON, AND IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.

- NOTES:**
1. THIS IS A SURVEY OF EASEMENTS AND INTERESTS WITHIN THE CITY OF MEMPHIS, TENNESSEE, AND IS NOT A SURVEY OF TITLE.
 2. ANY EASEMENTS OR INTERESTS NOT SHOWN ON THIS SURVEY ARE THE RESPONSIBILITY OF THE PARTY CLAIMING THEM.
 3. INTERESTS SHOWN ON THIS SURVEY ARE THE RESPONSIBILITY OF THE PARTY CLAIMING THEM.
 4. THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.
 5. THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.
 6. THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.
 7. ALL EASEMENTS SHOWN ON THIS SURVEY ARE THE RESPONSIBILITY OF THE PARTY CLAIMING THEM.
 8. THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.
 9. THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.
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 20. THE SURVEYED PROPERTY IS SUBJECT TO THE EIGHT (8) FIRST EASEMENTS AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SHELBY COUNTY, TENNESSEE, AS SHOWN HEREON.



STATE OF TENNESSEE
TENNESSEE DIVISION OF ENVIRONMENT AND CONSERVATION
Division of Remediation
William R. Snodgrass Tennessee Tower, 14th Floor
312 Rosa Parks Avenue
Nashville, TN 37243

December 1, 2014

Benne C. Hutson
McGuireWoods LLP
201 N. Tryon Street
Suite 3000
Charlotte, North Carolina 28202

RE: Completion of Brownfield Program Requirements for Former Checks, Inc. Site (2140 South Third Street), Memphis, Shelby County, Tennessee – Site Number: SRP #0423

Dear Mr. Hutson:

This letter confirms that pursuant to sub-section F.4. of the Brownfield Order & Administrative Settlement, which has an effective date of March 20, 2013 (the "Brownfield Order"), relating to the above-referenced site, Harland-Clarke Corp, f/k/a John H Harland Company, a California corporation ("Harland"), Rexam, Inc. f/k/a Rexham, Inc., a Delaware corporation ("Rexam"), and Rexam Holding Company, a Delaware corporation ("Rexam Holding"), collectively, as participants under the Brownfield Order, have fulfilled the requirements of the Brownfield Order and no further action is required regarding the contamination or threat of contamination identified and addressed by the Brownfield Order. The completed actions include the implementation of the Final Remediation Plan, as described in the Brownfield Order, and the other agreed actions set forth in the Brownfield Order.

Please note that the issuance of this letter does not relieve any existing or future owner(s) of the site from responsibilities for the continued adherence to and enforcement of the recorded land use restrictions.

Please contact Chris Lagan of my staff at (615) 532-0883 should you have any questions concerning this matter.

Sincerely,

Robert A. Binford
Director
Division of Remediation

cc: SRP Files



A Resolution accepting the donation of Real Property located at 2140 S Third Street, 9.02 Acres, Memphis, TN 38109

Whereas, LFM, Inc. is the owner of the property located at 2140 S Third Street, also known as parcel ID#'s 050088 00012, 050088 00010C, and 050088 00013 totaling 9.022 Acres and desires to donate the subject property to the City of Memphis for the use of the Engineering Division;

Whereas, the City of Memphis has done its due diligence regarding the status of the Property before accepting it;

Whereas, the City of Memphis' Engineering Division would use this property to house its Sign Shop, Signal Maintenance, Traffic Dept and various other service centers;

Whereas, it is in the best interest of the City to accept the donation of this property to further facilitate the operations of the City of Memphis Division of Engineering;

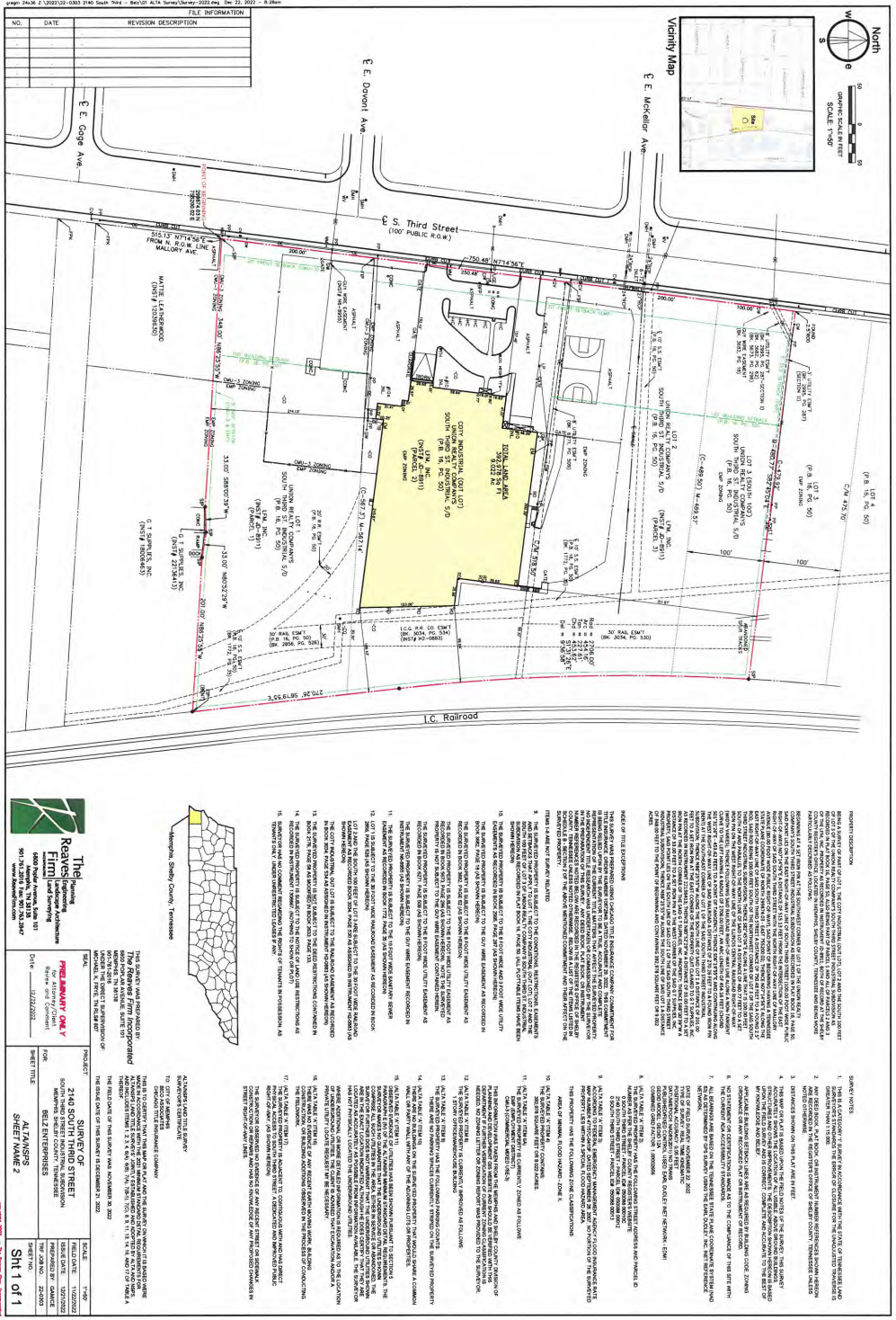
Whereas, City Engineering Sign Shop and Signal Maintenance Service Centers are scheduled to relocate from their current locations at 425-435 Manassas as part of the agreement with ALSAC/St Jude approved by City Council Resolution dated April 10, 2018.

Whereas, it is deemed to be in the best interest of the City of Memphis to receive the property to meet the growing needs of the community it serves.

Now, Therefore, Be It Resolved that the Council of the City of Memphis hereby approves the request to receive real property for City Engineering Division; and

Be It Further Resolved, the City of Memphis Real Estate Department or designee shall prepare and arrange for the execution of the deed of transfer, and any other documents incidental to the completion of the purchase, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale.

Exhibit A



FILE INFORMATION	
NO.	DATE

REVISION DESCRIPTION	
NO.	DATE

The Planning Firm
 Planning & Surveying
 1400 Tyler Ave, Suite 101
 Raleigh, NC 27601
 919.333.3333
 www.theplanningfirm.com



1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE STATE OF NORTH CAROLINA AND HAS FOUND THAT THE RECORDS CONTAIN THE FOLLOWING INFORMATION:
2. THE RECORDS SHOW THAT THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS PART OF LOT 1 OF THE SOUTH HALF OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 10 WEST, COUNTY OF WAKE, STATE OF NORTH CAROLINA.
3. THE RECORDS SHOW THAT THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS PART OF LOT 1 OF THE SOUTH HALF OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 10 WEST, COUNTY OF WAKE, STATE OF NORTH CAROLINA.
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DATE	11/18/2022
PROJECT	2140 SOUTH THIRD STREET
CLIENT	AL TAVENS
SHEET TITLE	SHEET NAME 2
DATE	11/18/2022
PROJECT	2140 SOUTH THIRD STREET
CLIENT	AL TAVENS
SHEET TITLE	SHEET NAME 2

P & Z

COMMITTEE



MEMPHIS CITY COUNCIL

Resolution

WHEREAS, when noteworthy circumstances arise, the Memphis City Council honors citizens of our communities and of our great city; and sees fit to recognize the achievements of one **Dr. Gloria Pryor-Lewis**; and

WHEREAS, having grown up in South Memphis, **Dr. Gloria Pryor-Lewis** graduated from Booker T. Washington High School in 1971 and as a young mother, she continued her studies and went on to graduate cum laude in 1975 from LeMoyne-Owen College with a Bachelor of Science in Natural Science; and

WHEREAS, after graduating from college, **Dr. Gloria Pryor-Lewis** moved to Nashville, TN and matriculated at Meharry Medical College and attained Doctor of Dental Surgery degree in 1979 and returned home to begin a career as one (1) of only three (3) African American female dentists in the City of Memphis; and

WHEREAS, practicing dentistry for forty-two (42) years in the North Memphis area of Hollywood where she feels this is her true calling, while her colleagues chose the suburbs and more affluent areas, she found her niche in mentoring and supporting young lives encountered in daily practice; and

WHEREAS, being the middle child of seven (7) children of Mr. Van & Lillie Pryor, **Gloria Pryor-Lewis** was taught to share and reach out to others with a “you can do it” attitude and has inspired some young patients to become physicians, dentists, registered nurses, educators, lawyers, ministers, and coaches;

WHEREAS, when returning home in 1979, **Dr. Gloria Pryor-Lewis** rekindled her relationship with her college sweetheart, Osie B. Lewis, Jr. and married and from this union, raised five (5) sons, Ramon, Osie, III, Nigel, Alexis, and Jordan and a daughter, Greta Jeanette and two (2) grandsons, Delano and Alexis, Jr., who affectionately call her “GiGi”; and

WHEREAS, being a dedicated member of historic St. John Baptist Church-Vance, **Dr. Gloria Pryor-Lewis** serves as parliamentarian of the Trustee Board, secretary of the Usher Board, president of the Deaconess Board, member of the OWH handbell choir, and a flautist with civic honors include recognition from the NAACP, NCBW-100, and the Memphis Silver Star news.

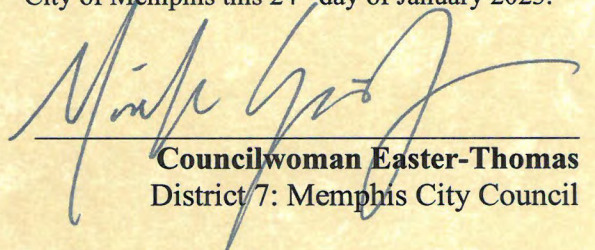
WHEREAS, being a forty-nine (49) year member of Alpha Kappa Alpha Sorority, Incorporated where she served as President in both undergraduate and graduate chapters and numerous positions, **Dr. Gloria Pryor-Lewis** is a charter member of Phi Lambda Omega Chapter.

NOW, THEREFORE, BE IT RESOLVED, that we honor **Dr. Gloria Pryor-Lewis** for her service, and as a testament to her achievements and contributions, Chelsea Avenue between Harrison Street and N. Hollywood Street in the City of Memphis, be declared and designated

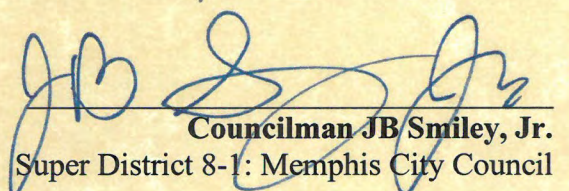
“Dr. Gloria Pryor-Lewis Street”

BE IT FURTHER RESOLVED, the City Engineer is requested to affix suitable signs designating this public road in honor of **Dr. Gloria Pryor-Lewis**.

Given by my hand and under the great seal of the City of Memphis this 24th day of January 2023.



Councilwoman Easter-Thomas
District 7: Memphis City Council



Councilman JB Smiley, Jr.
Super District 8-1: Memphis City Council



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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 1/10/2023

DATE

PUBLIC SESSION: 1/10/2023

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Annual amendments to the Memphis and Shelby County Unified Development. The following item was heard by the Land Use Control Board and a recommendation made. (LUCB DATE: Nov. 10, 2022)

CASE NUMBER: ZTA 22-1

LOCATION: City of Memphis and unincorporated Shelby County

COUNCIL DISTRICTS: None

APPLICANT: Brett Ragsdale, Zoning Administrator

REPRESENTATIVES: Brett Ragsdale, Zoning Administrator

REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code.

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – January 10, 2023
Second reading – January 24, 2023
Third reading – February 7, 2023
Publication in a Newspaper of General Circulation **Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
11/10/2022 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
<u>Brett Ragsdale</u>	<u>01/03/2023</u>	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(Zoning Text Amendment)**

You will take notice that a public hearing will be held by the Memphis City Council in session in the City Council Chambers, 125 North Main Street, Memphis City Hall, First Floor., on **Monday, February 7, 2023, at 3:30 P.M.**, in the matter of granting an application for amendments to the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010 to revise and enhance the joint zoning and subdivision regulations as recommended by the Memphis and Shelby County Division of Planning & Development and the Land Use Control Board, applying to all unincorporated territory in Shelby County, Tennessee, by which it is sought to approve the following text amendments:

CASE NO.: **ZTA 22-1**

LOCATION: **City of Memphis and Unincorporated Shelby County**

APPLICANT: **Division of Planning and Development**

REQUEST: Under this proposal, the Memphis and Shelby County Unified Development Code will be amended to reflect the annual list of updates proposed by the Division of Planning and Development. To view these amendments, please visit the following website: <http://www.shelbycountyttn.gov/Blog.aspx?CID=7> or the Division of Planning and Development at 125 N. Main Street, Suite 468, Memphis, TN 38103.

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 **Monday, February 7, 2023, at 3:30 P.M.** the Memphis City Council will be in session at the City Council Chambers, Memphis City Hall First Floor, 125 North Main Street, Memphis, Tennessee, to hear remonstrance's or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

TO BE PUBLISHED, _____, in the Daily News. Please furnish Mr. Walter Person, Interim Comptroller, 125 North Main Street, Memphis, Tennessee, with 5 tear sheets.



Memphis City Council Summary Sheet

ZTA 22-1

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

1. Ordinance to approve a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development.
2. Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
3. This particular set of amendments will revise regulations regarding housing types allowed in certain zoning districts; include a new Transit Overlay District; revisions to Contextual Infill Standards; and other provisions of the Code.
4. The Memphis and Shelby County Land Use Control Board held a public hearing on **Nov. 10, 2022**, and approved the Text Amendment by a vote of 8 to 0.
5. No contracts are affected by this item.
6. No expenditure of funds/budget amendments are required by this item.

Joint Ordinance No.: _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Zoning Administrator is one of the entities and individuals identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Zoning Administrator submitted his request to amend the Unified Development Code in such a way that would reflect amendments that will revise regulations regarding housing types

allowed in certain zoning districts; include a new Transit Overlay District; revisions to Contextual Infill Standards; and other provisions of the Code; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Zoning Administrator; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its Nov.10, 2022, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Ordinance Nos. 5367 and 397, are hereby amended as follows:

SECTION 1, CASE NO. ZTA 22-1. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective _____, 2023.

Chair
Cheyenne Johnson

APPENDIX A

(additions to the Code, as presently written, are indicated in **bold, underline;** deleted language is indicated in ~~**bold-strikethrough.**~~)

1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

In April 2022, the Division of Housing and Community Development and Division of Planning and Development published the Memphis and Shelby County Joint Housing Policy Plan. This plan provides an assessment of the existing housing stock in Memphis and Shelby County and provides key objectives that the City and County can act on to address housing challenges. The study finds the current housing market in Shelby County is not meeting the needs of large sections of the community. More specifically, the housing market does not support investment in the production or maintenance of quality housing in many neighborhoods throughout the county. The cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible. Further, the cost of significant home improvement is often greater than the value of the improvement, limiting the ability to maintain and improve existing housing. This leads to a cycle of underinvestment, decline, blight, and desertion that threatens entire neighborhoods.

The plan's main objectives are to improve housing quality, support homeownership, diversify housing stock, and increase quality low-income housing through funding, financing, land use regulations, land activation, and tax reform. The following proposals would address Housing Policy Plan Priority 3 to update land use regulations to permit more options for housing production and lower the cost of building new housing. If the City and County changes regulations to allow more housing diversity in more areas, it is expected to lead to new housing at lower price points for renters and owners. Cost of housing has become a local and national concern. This amendment aims to address the recommendation to reform land use regulations that will allow for new types of housing that are economically viable by reducing development costs and simplifying the entitlement process.

2.5.2, 3.6.1, 3.7.1 and 3.7.2: Permitted Housing Types and Bulk Regulations

This proposal would allow cottages by right in the R-6 district and allow townhouses by right in the RU-1 district. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "by-right" symbol, "■"). This proposal would also allow stacked townhouses and large homes in the RU-1 district, both by conditional use permit only. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "conditional use permit" symbol "C").

This proposal would also require changes in the R-6 table in Section 3.6.1:

Housing Types	Conventional (w/ public water & decentralized sewer)	Conventional (w/ public water & public sewer)	Side Yard (w/ public water & public sewer)	<u>Cottage</u> <u>(w/ public water</u> <u>& public sewer)</u>
R-6 District				
Tract or Lot (min)				
Area (sq. ft.)	6,000	6,000	6,000	<u>3,000</u>
Width (ft.)	45	45	45	<u>30 min / 45 max</u>
Building setback (min ft.)				
Front (without alley access)	20	20	20	<u>20*</u>
Front (with alley access)	15	15	15	<u>15</u>
Side (interior alley/no alley)	3.5/5	3.5/5	0	<u>3.5/5</u>
Side (total alley/no alley)	7/10	7/10	7/10	<u>7/10</u>
Side (street)	10	10	10	<u>10</u>
Rear	15	15	15	<u>15</u>
Height (max ft.)	40	40	40	<u>30</u>
Curb and Gutter required	Yes	Yes	Yes	<u>Yes</u>

***Cottages without alley access are limited to corner lots.**

This proposal would also require changes to the RU-1 tables in Section 3.7.1 and 3.7.2 to include Townhouses, Large Homes and Stacked Townhouses. Table 3.7.2 also has changes to the bulk regulations for certain housing types in the RU-1, RU-2, and RU-3 Districts. More specifically, minimum lot size has been reduced for to 2,500 sq. ft. for cottages, 6,000 sq. ft. for two-family homes, and 8,000 sq. ft. for large homes in each district. Additionally, the lot minimum widths and maximum heights have been reduced in each district. RU-1 sees cottages now have a maximum height of 25 feet as opposed to the previous 30, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. RU-2 and RU-3 sees cottages now have a minimum width of 25 feet as opposed to the previous 35, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. Cottages in the RU-1, RU-2, and RU-3 districts are proposed to also have reduced side (interior) setbacks of 2.5 feet and side (total) setbacks of 5 feet.

3.7.1 Permitted Housing Types

Housing Type	RU-1	RU-2	RU-3	RU-4	RU-5
Conventional	■	■	■	■	--
Side Yard House	■	■	■	■	--
Cottage	■	■	■	■	--
Semi-Attached	■	■	■	■	--
Two-Family	■	■	■	■	--
Townhouse	■	■	■	■	■
Large Home	C	■	■	■	■
Stacked Townhouse	C	■	■	■	■
Apartment	--	--	■	■	■

■ = Permitted -- = not permitted C = permitted by Conditional Use Permit

3.7.2 Building Regulations for Permitted Housing Types

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-House ¹	Large Home	Stacked Townhouse ¹
RU-1 District								
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	<u>4,000</u>	3,000	<u>8,000</u>	<u>1,500</u>	<u>8,000</u>	<u>1,500</u>
Width (ft.)	45	45	<u>30</u> 35	30	<u>45</u> 50	<u>20</u>	<u>50</u>	<u>20</u>
Unit width (ft.)	--	--	--	--	--	<u>20</u>	--	<u>20</u>
Height (max ft.) see also 3.2.6	40	40	30	40	<u>40</u> 45	<u>45</u>	<u>45</u>	<u>45</u>
Building setback (min ft.)								
Front (without alley access)	20	20	20	20	20	--	<u>20</u>	--
Front (with alley access)	15	15	15	15	15	<u>2-20</u>	--	<u>2-20</u>
Side (interior)	5	0	<u>3.5</u>	5	5	<u>5</u>	<u>5</u>	<u>5</u>
Side (total)	10	10	<u>7</u> 10	5	10	<u>10</u>	<u>10</u>	<u>10</u>
Side (street)	10	10	10	10	10	<u>10</u>	<u>10</u>	<u>10</u>
Rear	20	20	20	20	20	<u>20</u>	<u>20</u>	<u>20</u>
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	<u>20%</u>	<u>20%</u>	<u>30%</u>

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-House ¹	Large Home	Stacked Townhouse ¹
RU-2 District								
Tract or Lot (min)			<u>4,000</u>		<u>8,000</u>		<u>12,000</u>	
Area (sq. ft.)	6,000	6,000	<u>2,500</u>	3,000	<u>6,000</u>	1,500	<u>8,000</u>	1,500
Width (ft.)	45	45	<u>25</u> 35	30	<u>45</u> 50	20	50	20
Unit width (ft.)	--	--	--	--	--	20	--	20
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45
Building setback (min ft.)								
Front (without alley access)	20	20	--	20	20	--	20	--
Front (with alley access)	15	15	15	15	15	--	15	--
Front (min/max)*	--	--	--	--	--	2-20	--	2-20
Required building frontage**	--	--	--	--	--	80%	--	80%
Side (interior)	5	0	<u>2.5</u>	5	5	5	5	5
Side (total)	10	10	<u>5</u> 10	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	20%	20%	30%

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-house ¹	Large Home	Stacked Townhouse ¹	Apartment ¹
RU-3 District									
Tract or Lot (min)			4,000		8,000		10,000		
Area (sq. ft.)	6,000	6,000	2,500	3,000	6,000	1,300	8,000	1,300	10,000
Width (ft.)	45	45	25-35	30	45-50	18	50	18	50
Unit width (ft.)	--	--	--	--	--	18	--	18	--
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45	45
Building setback (min ft.)									
Front (without alley access)	20	20	--	20	20	--	20	--	--
Front (with alley access)	15	15	15	15	15	--	15	--	--
Front (min/max)*	--	--	--	--	--	2-20	--	2-20	2-20
Required building frontage**	--	--	--	--	--	80%	--	80%	50%
Side (interior)	5	0	2.5	5	5	5	5	5	5
Side (total)	10	10	5-10	--	10	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	15	15
% of Housing Types									
More than 10 acres (max)	50%	50%	50%	60%	70%	80%	80%	80%	70%

2.7.2D: Accessory Dwelling Units

Currently, the regulations for accessory dwelling units are very restrictive. This proposal will alter the current regulations on accessory dwelling units to make them less limiting.

2.7.2D: Accessory dwelling units shall only be permitted as accessory to single-family detached dwellings that do not contain multiple dwelling units. No more than one accessory dwelling unit shall be permitted per lot. Accessory dwelling structures shall be subject to administrative site plan review as well as the standards of this Section.

1. The living area of the accessory dwelling unit may not exceed the living area of the principal structure.
 - a. On residential lots of less than ~~10 6,000~~ 6,000 square feet, no accessory dwelling units may be constructed, ~~after March 11, 2014. No existing accessory dwelling units on lots of this size constructed prior to March 11, 2014, may be enlarged or expanded in size.~~
 - b. On residential lots of at least ~~10 6,000~~ 6,000 square feet but less than 1.5 acres, the total floor area of the accessory dwelling unit shall not exceed 700 square feet, or 1/3 of the ground gross floor area of the principal dwelling structure on the lot, whichever is ~~smaller~~ greater.
 - c. On residential lots of 1.5 acres or greater, the total floor area of the accessory dwelling unit shall not exceed 50% of the ground gross floor area of the principal dwelling structure on the lot.
2. One additional parking space on the same premises shall be required ~~for each 500 square feet of an accessory dwelling unit, with a maximum number of three additional parking spaces if the accessory dwelling unit~~

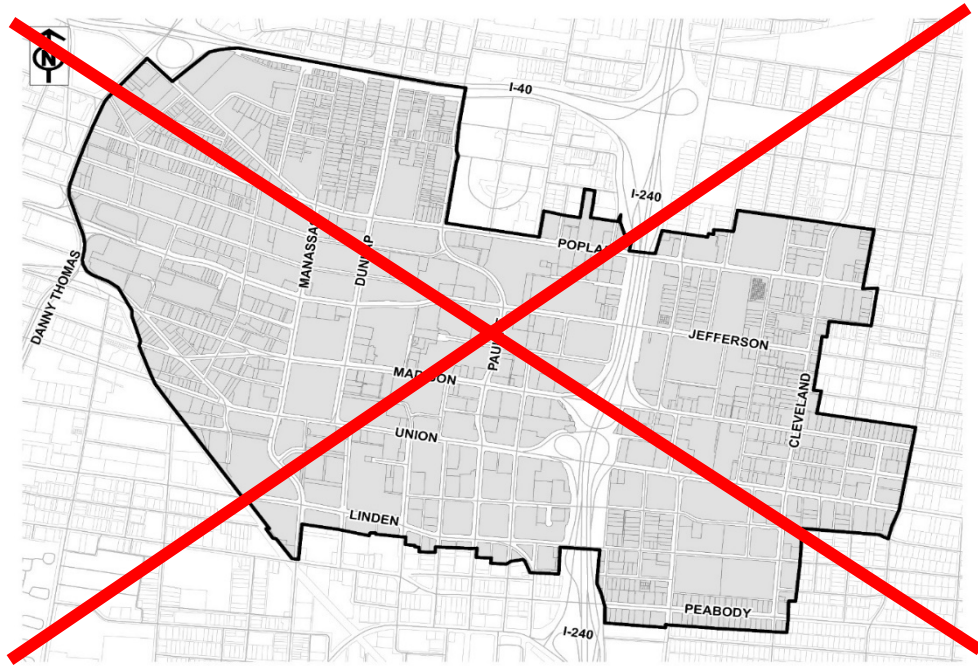
reduces the existing parking below what is required by underlying zoning. Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

3. An accessory dwelling shall not be located within the principal structure.
4. The height of a principal structure may not be exceeded by any accessory dwelling, **except where required parking is provided on the ground floor of the accessory dwelling structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.**
5. The accessory dwelling unit shall be architecturally consistent with the principal structure.
6. No windows besides clerestory windows shall be permitted along any portion of the walls of an accessory dwelling unit that is within 10 feet of an abutting parcel that is zoned single-family residential.

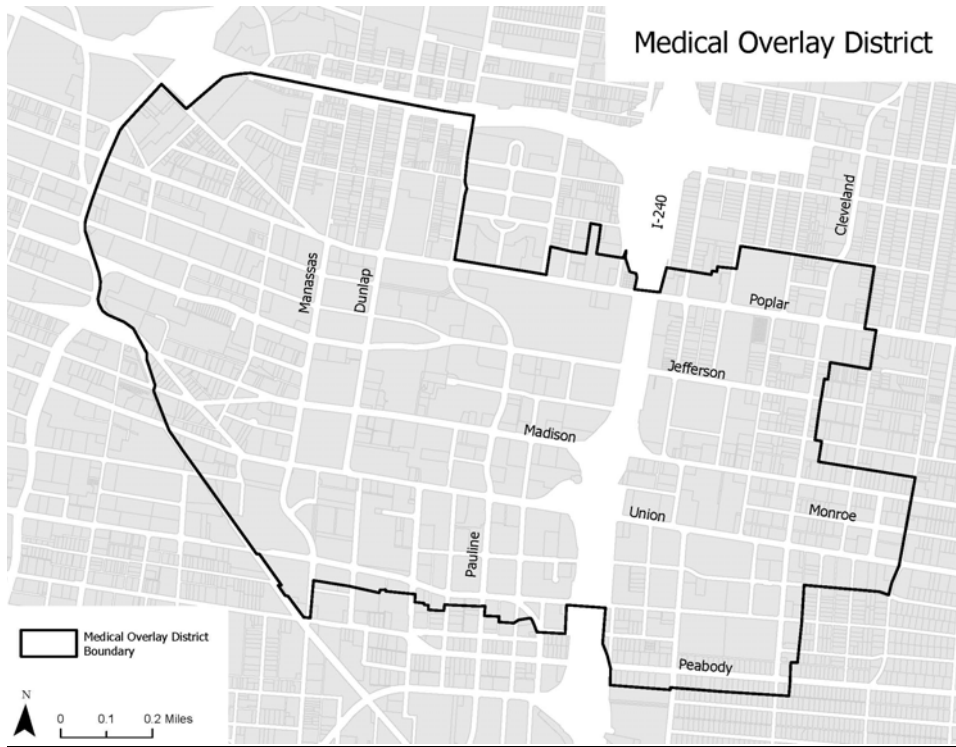
2. Transit Oriented Development Plan Recommendations

The Memphis Innovation Corridor Transit Oriented Development Plan envisions increased density around Bus Rapid Transit (BRT) stations, making it possible for surrounding residents to access daily needs with less dependency on personal vehicles. In 2014, the Memphis Area Transit Authority (MATA) identified the 8-mile route from Downtown to the University of Memphis as the first route for BRT and in 2016 BRT was adopted as the preferred high-capacity transit service and the route identified became known as the Memphis Innovation Corridor. A transit vision study in 2017 and 2018 recommended short-term and long-term network changes to increase frequency of service. The corridor was broken into six sub areas and existing land use conditions and development opportunities were explored for each sub area. The Station Area Concept Plan for each sub area identifies potential future land uses and developments based on the station typology, market potential, and planned future developments. Zoning along the Memphis Innovation Corridor varies significantly along the length of the corridor. While residential and commercial mixed-use zoning districts are the most widespread, almost all districts identified in the Unified Development Code are represented within a quarter of a mile of the corridor. This creates challenges when implementing preferred TOD standards due to the differences in setbacks, height maximums, and other building requirements set out in each of the different zoning districts. In order to address these challenges, a Transit Overlay District is proposed to address these inconsistencies and create a more cohesive corridor. Also proposed are changes to the frontage maps in the Medical District and Midtown District for areas that run along the BRT route.

8.2.2 Medical Overlay District Boundary Map:

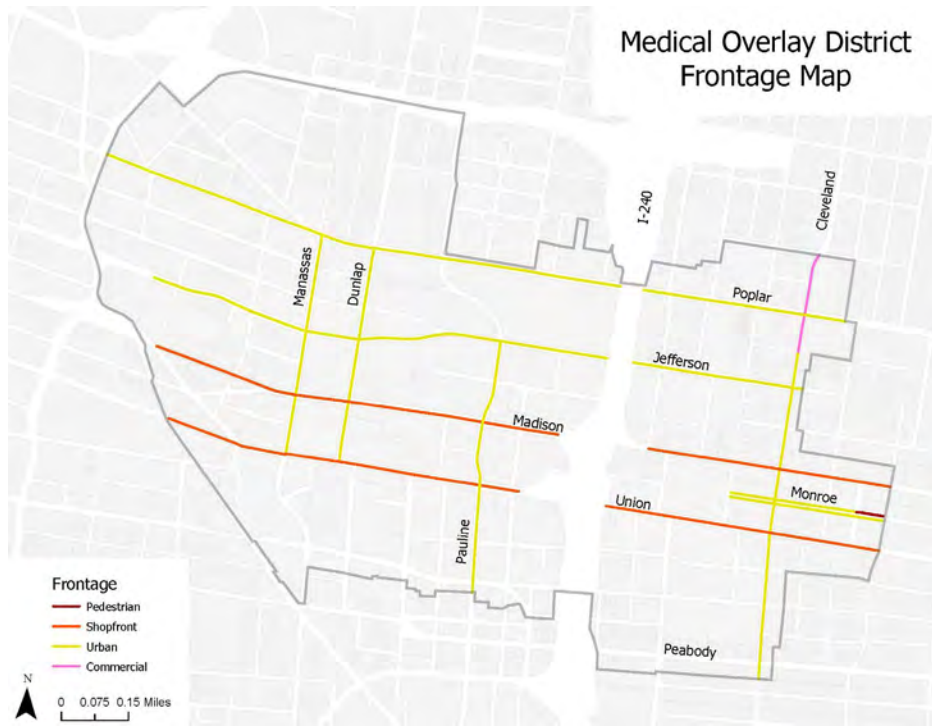
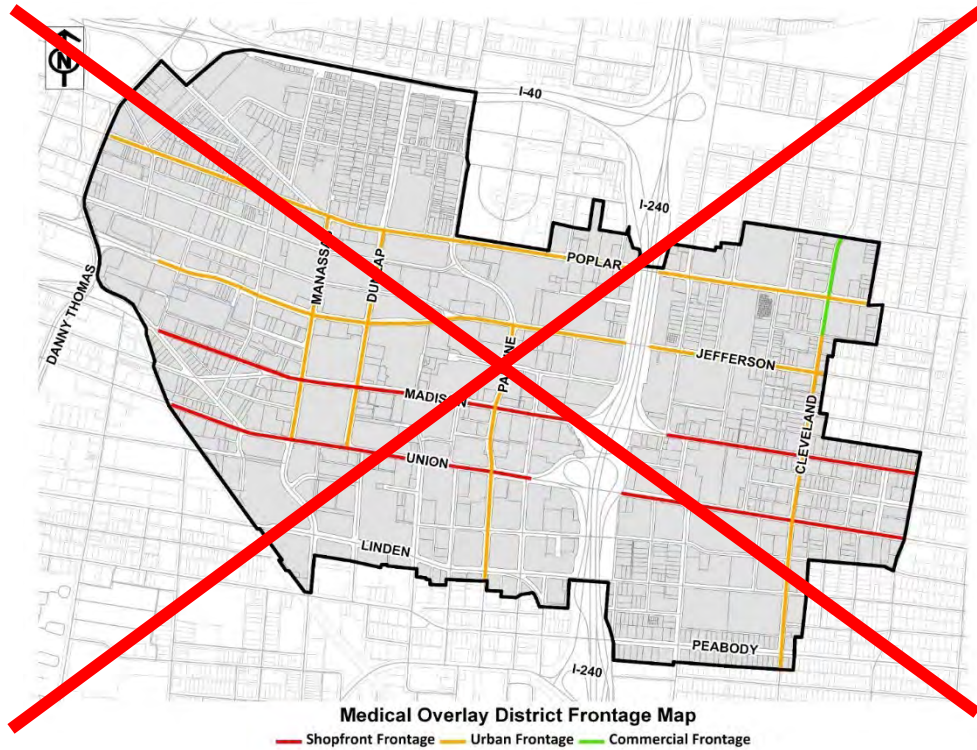


Medical Overlay District (-MO)



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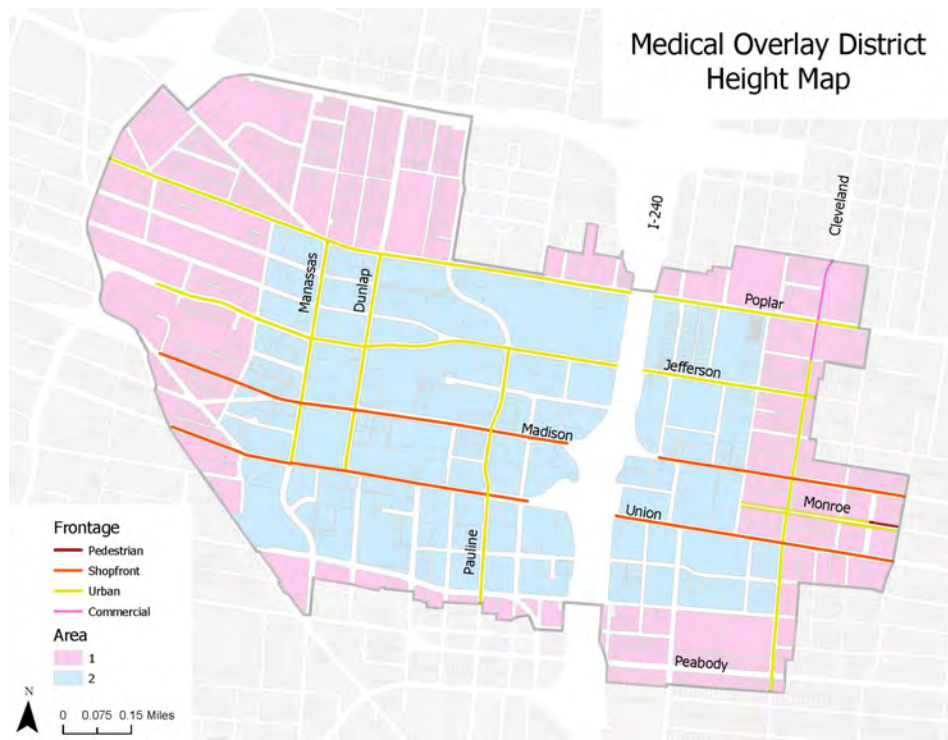
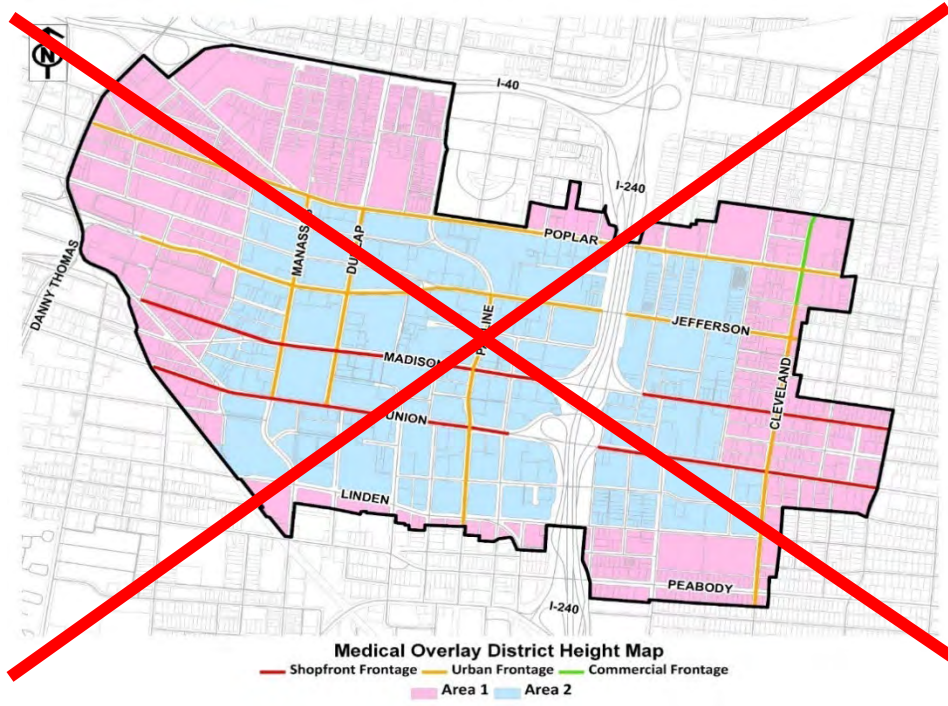
8.2.5B Medical Overlay District Frontage Map:



(NEW IMAGE)

Note: Frontages have been added to Monroe Ave, east of I240.

8.2.6 Medical Overlay District Height Map:



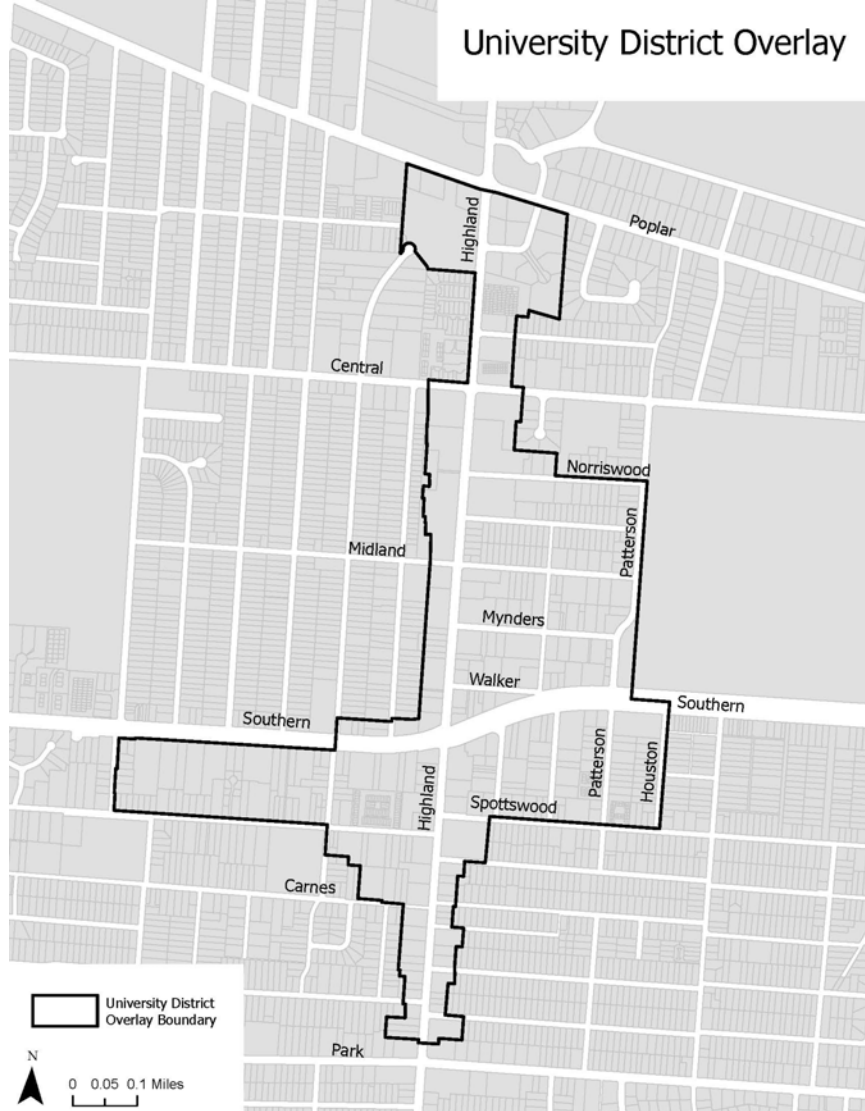
(NEW IMAGE)

8.3.6B University District Boundary Map:

University District Overlay (UDO)

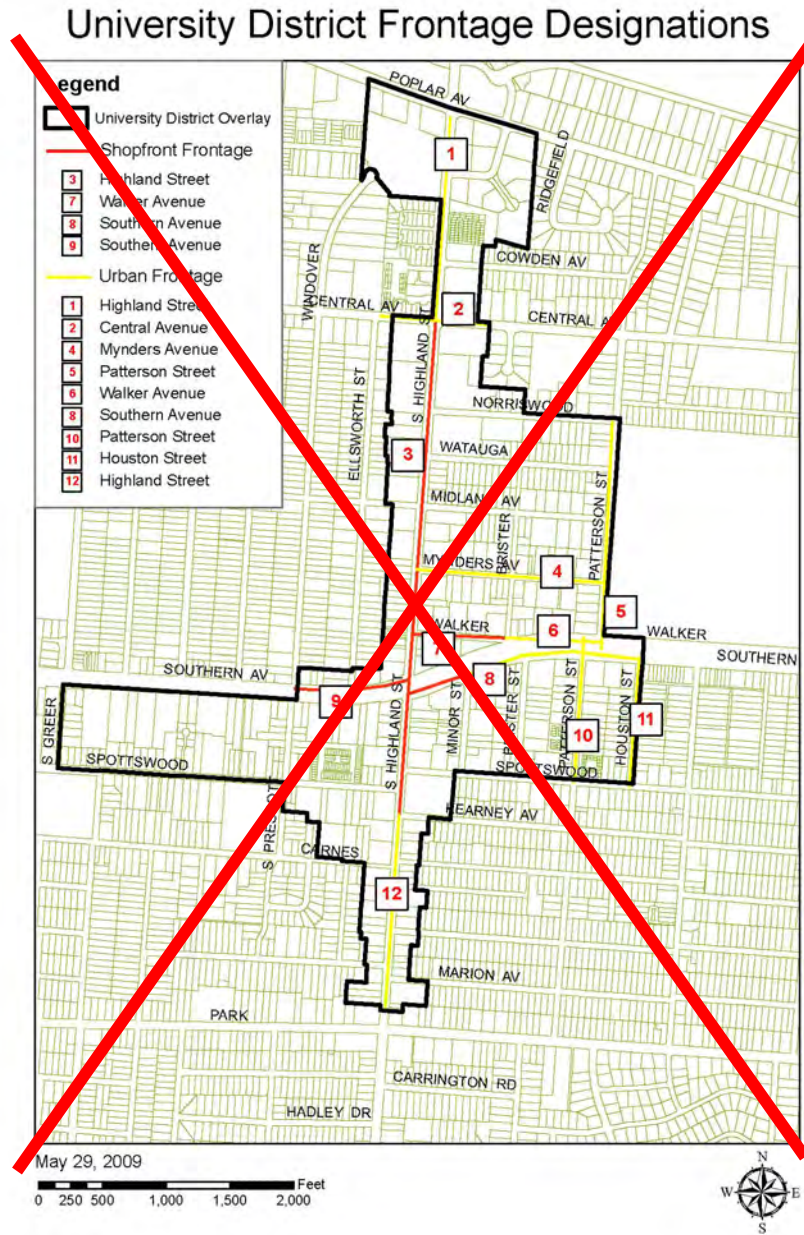


University District Overlay



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8.3.6C University District Frontage Map:



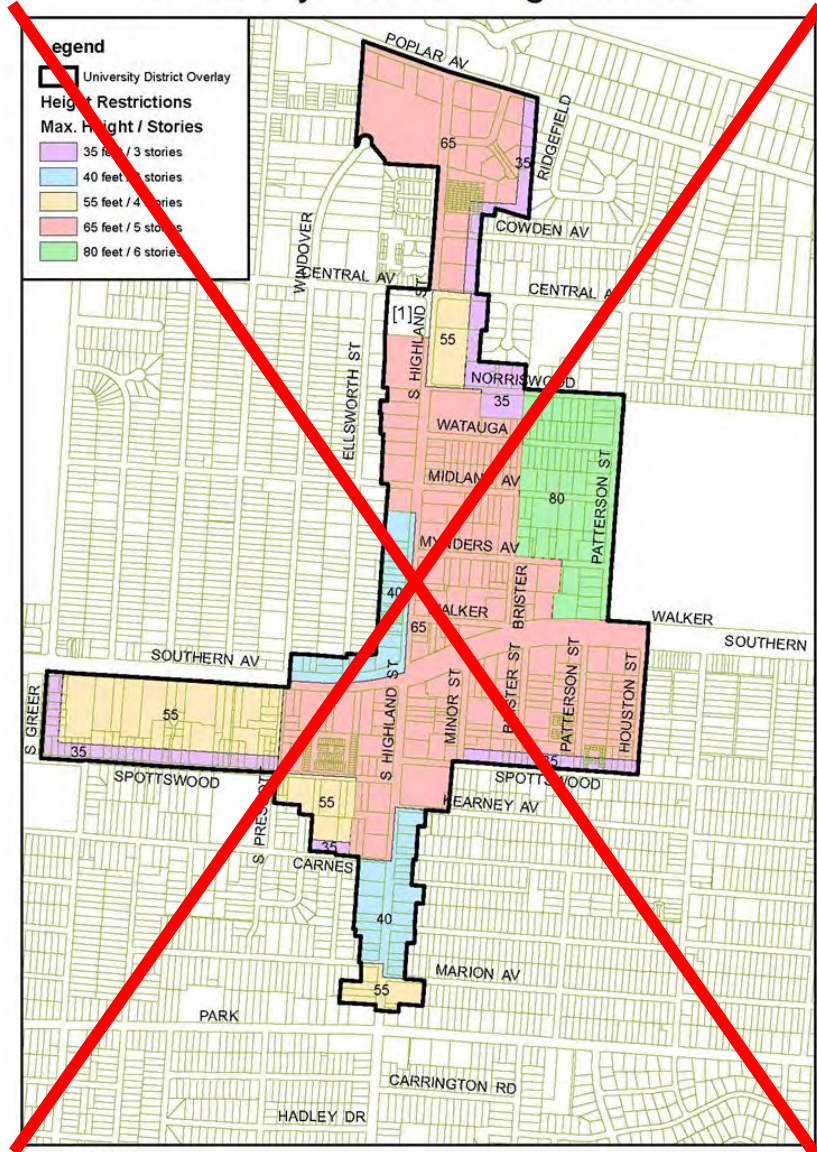
University District Overlay Frontage Map



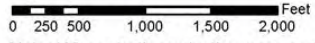
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8.3.7 University District Height Map:

University District Height Limits

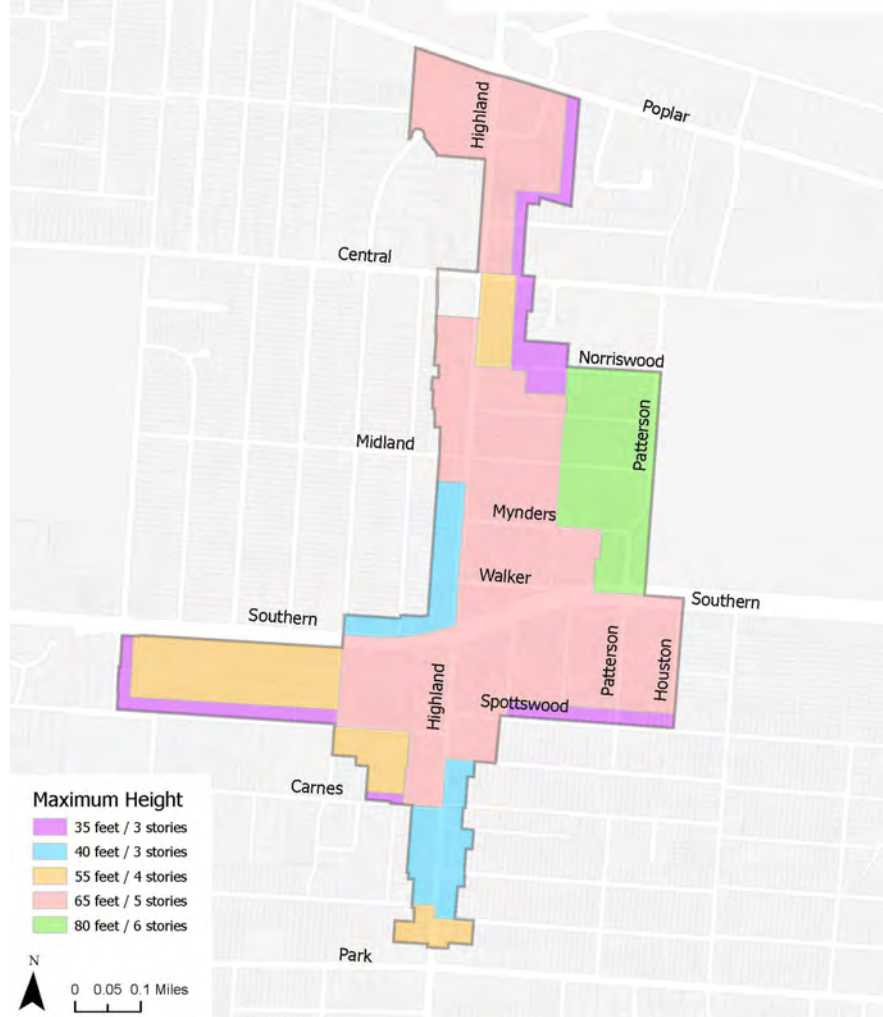


May 29, 2009



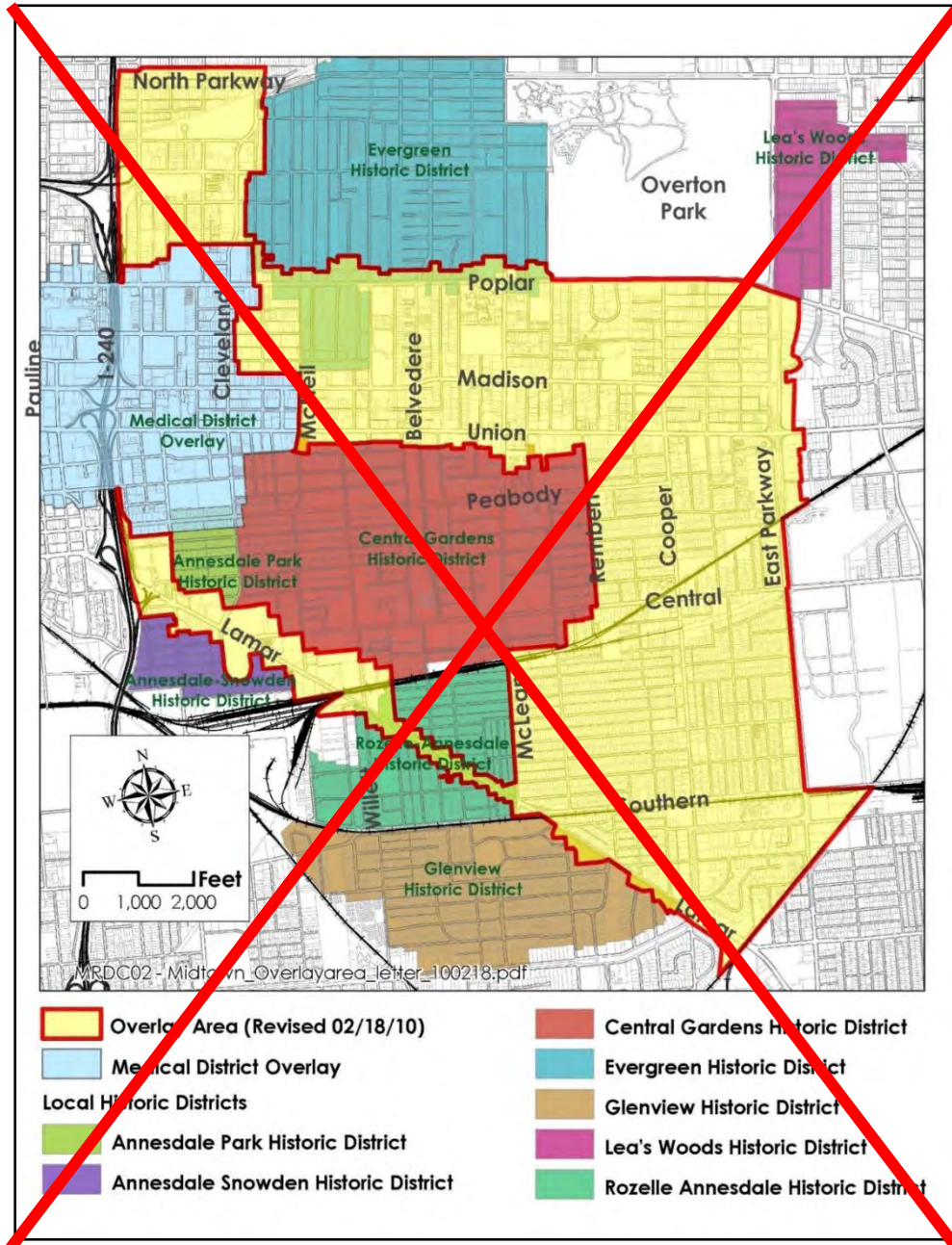
Note: Where both apply, the more restrictive of the Height Map or Bulk Plane regulations control. Refer to section 1.7.2 Bulk Plane.
 [1] Height governed by underlying zoning bulk regulations.

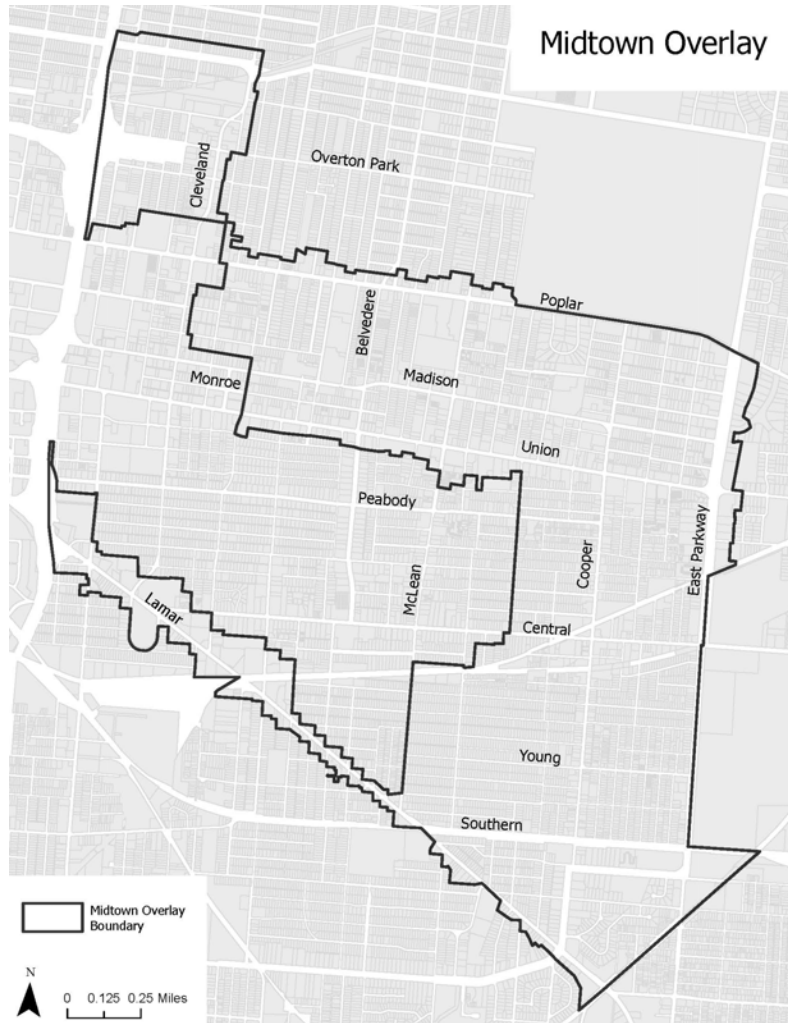
University District Overlay Height Map



(NEW IMAGE)

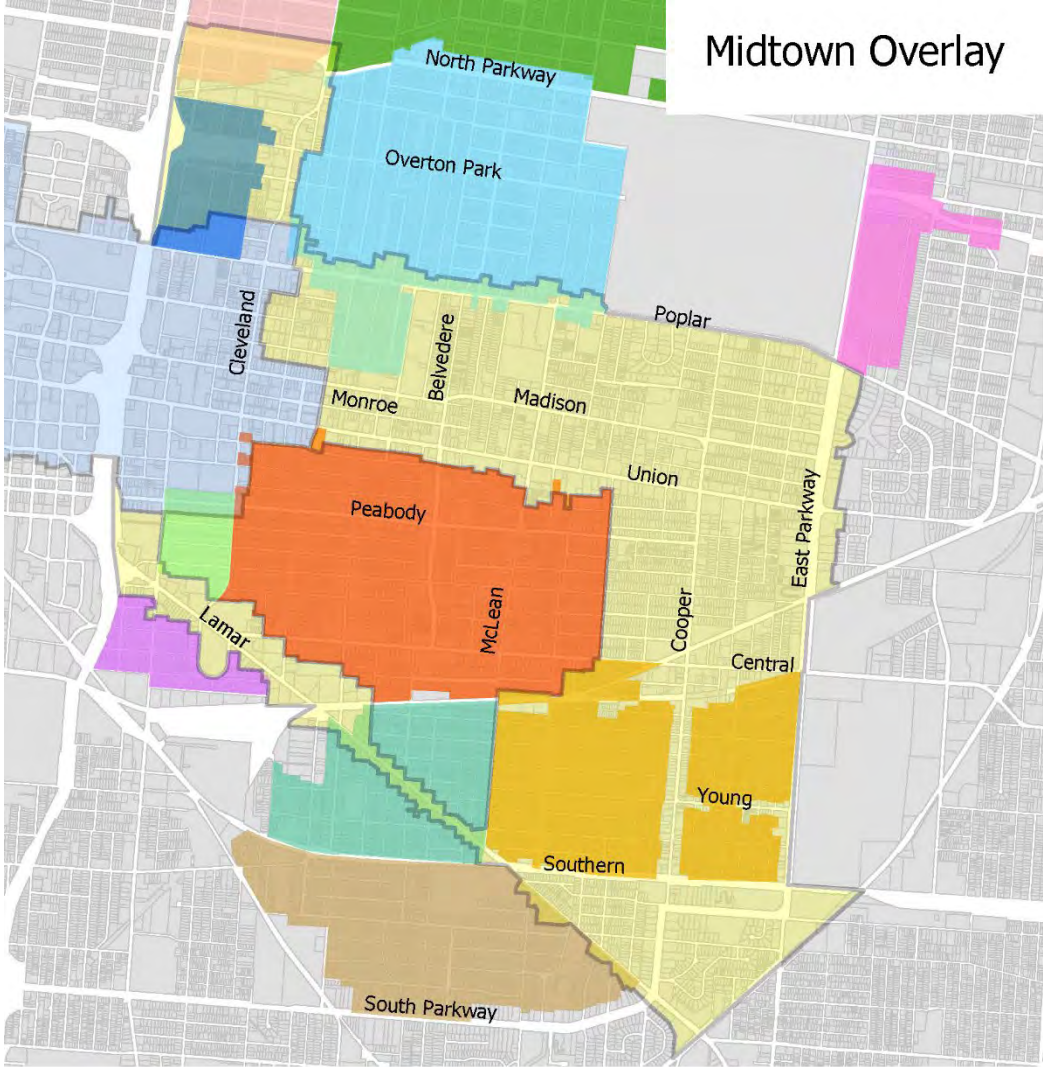
8.4.8A Midtown District Boundary Map



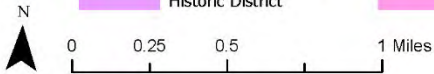


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Midtown Overlay



- | | | |
|---|---|---|
|  Midtown Overlay Boundary |  Central Gardens Historic District |  Rozelle Annesdale Historic District |
|  Medical District Overlay |  Evergreen Historic District |  Cooper Young Historic District |
|  Annesdale Park Historic District |  Glenview Historic District |  Vollintine Evergreen Historic District |
|  Annesdale Snowden Historic District |  Lea's Woods Historic District |  Crosstown Historic District |
| | |  Speedway Terrace Historic District |

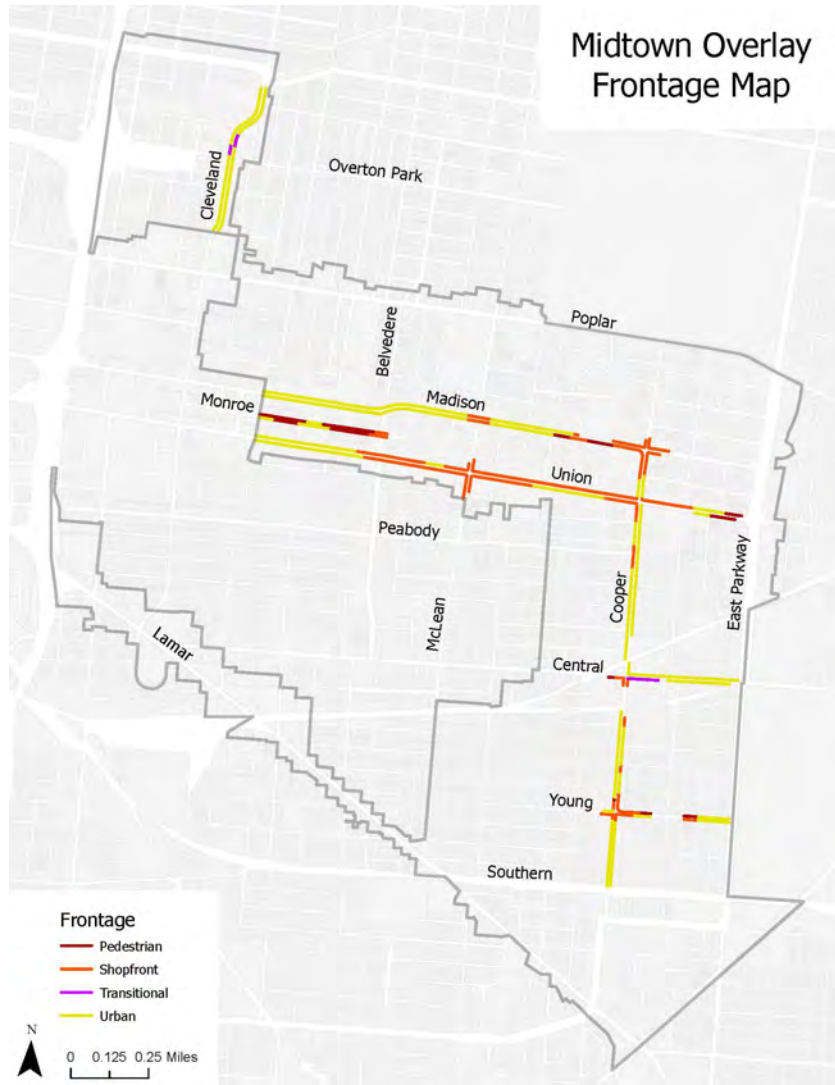


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8.4.8B Midtown District Frontage Map:



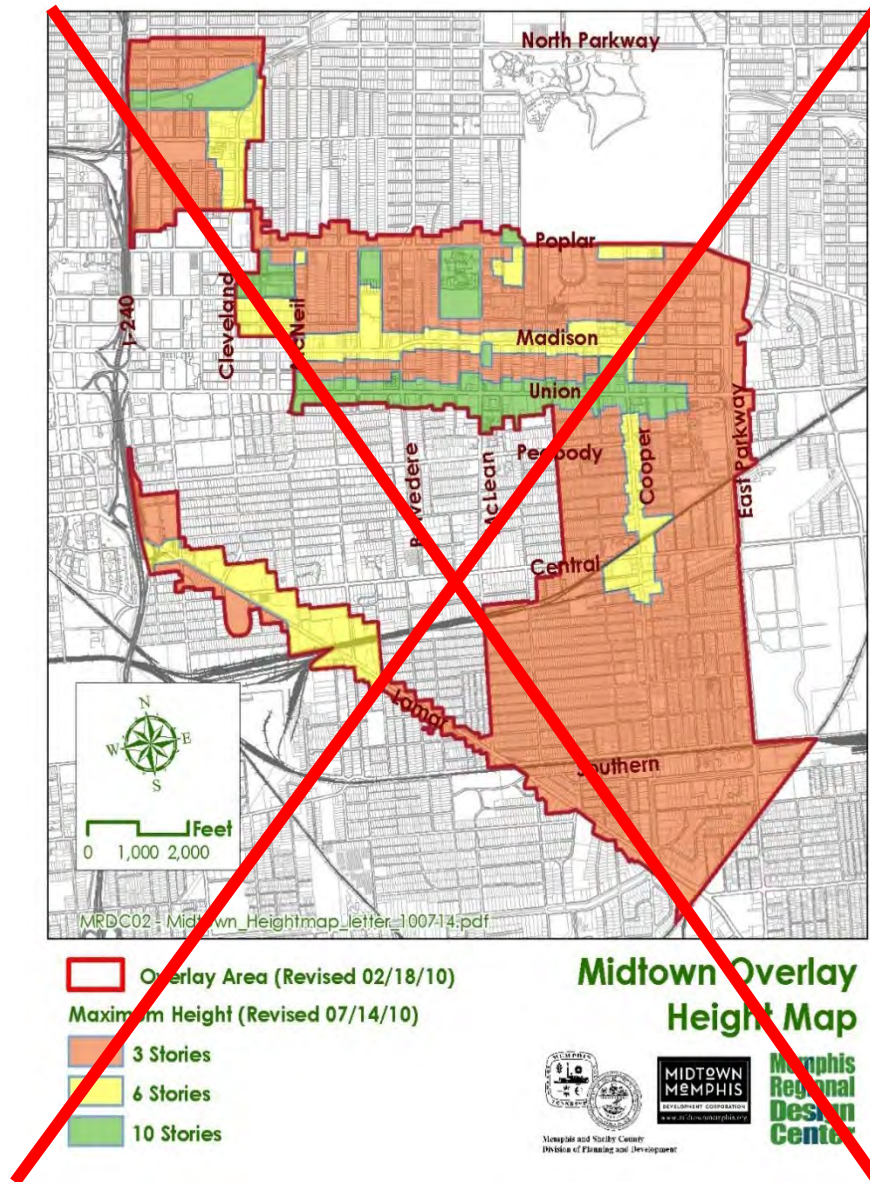
Midtown Overlay Frontage Map

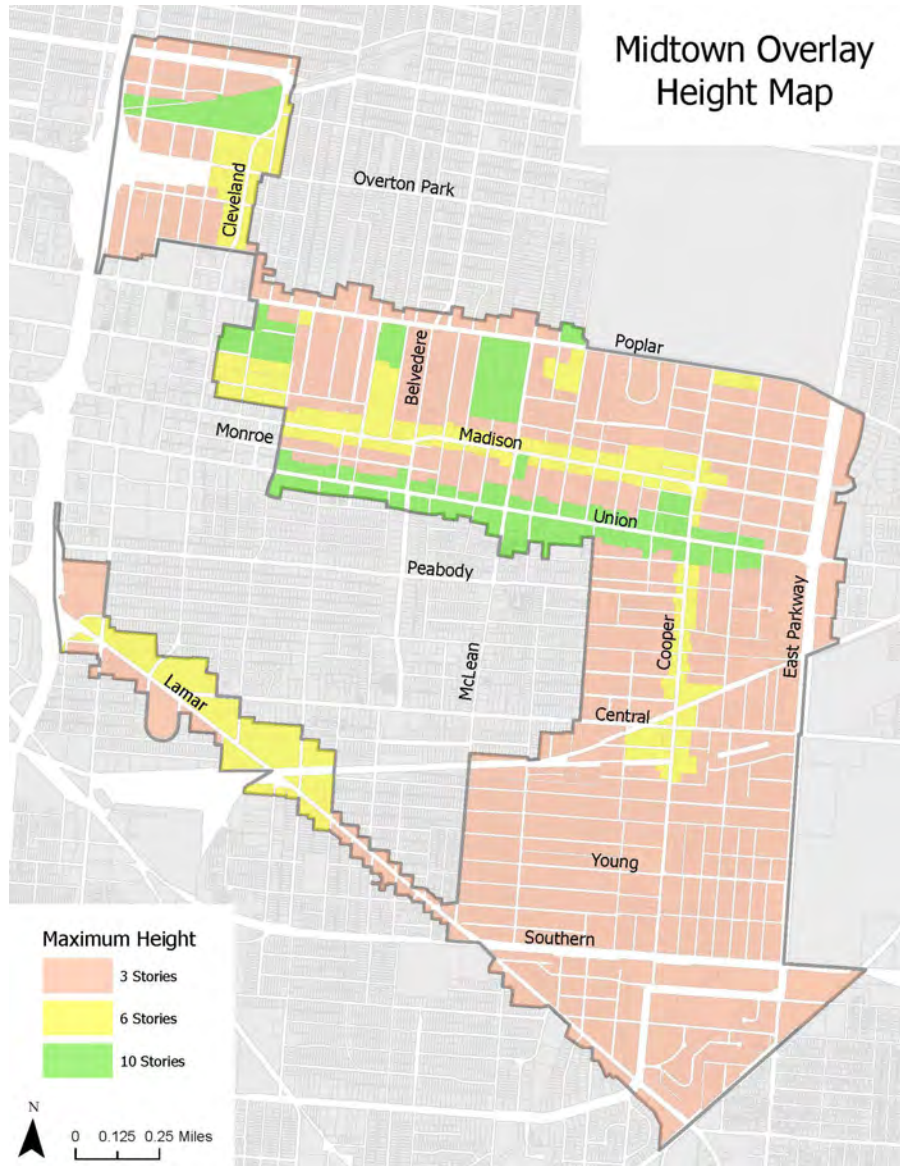


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Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





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8.13 Transit Overlay District

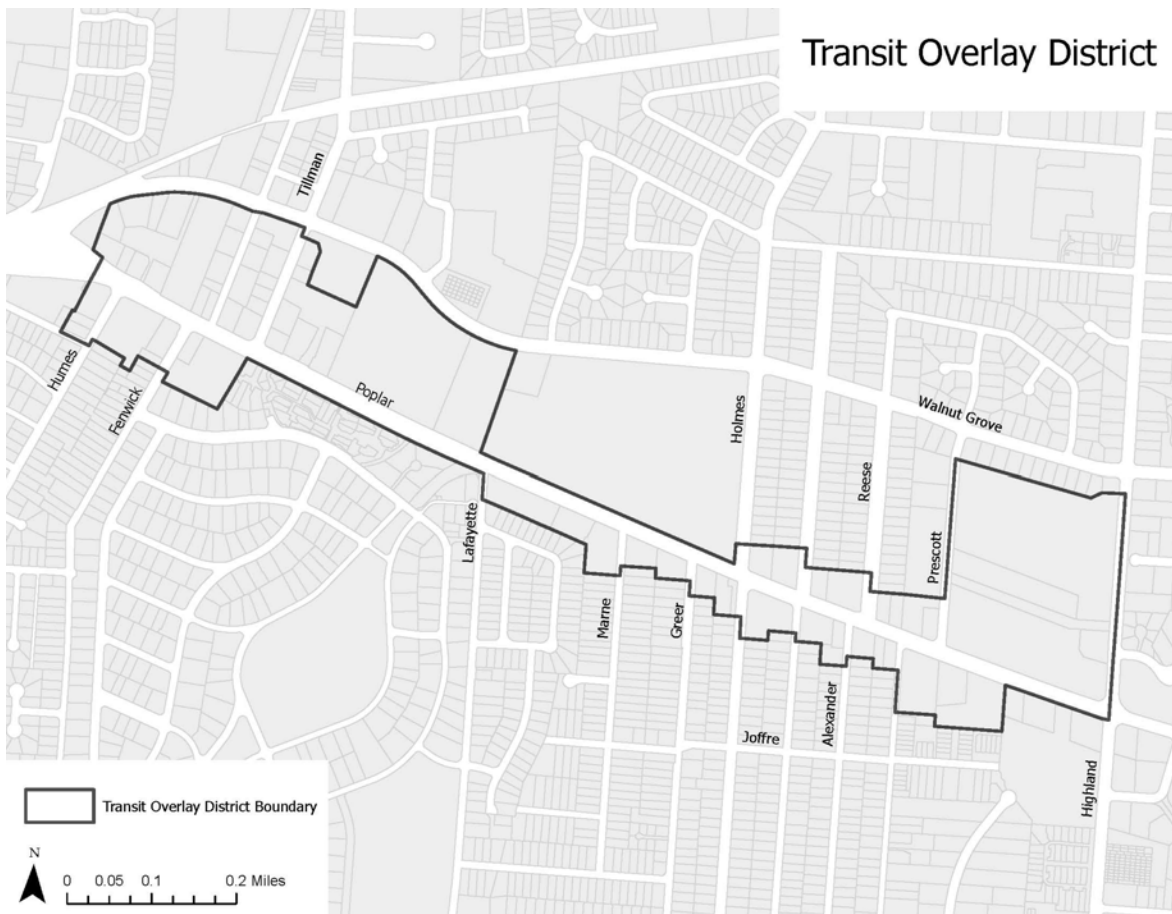
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

Article 2. Purpose

The purpose of this Chapter is to provide standards that support transit-oriented development in locations of the city where there is existing or planned high frequency transit service, such as bus rapid transit (BRT). These areas are intended to be mixed-use and urban and sustain an accessible shopfront corridor. The district's emphasis on pedestrian-oriented land use will complement the planning goals of high frequency transit, enhancing community character and quality of life. This Chapter is intended to serve as a guide to assist property owners, developers, architects, builders, business owners, public officials, and other interested citizens when considering rehabilitation, redevelopment or new construction in transit-oriented development areas.

Article 3. Boundaries

Boundaries of the Transit Overlay District(s):



(NEW IMAGE)

Article 4. Applicability

Within the Transit Overlay District, the use and sign standards of this Chapter shall apply to all land. All other standards shall apply to:

- A. All new building construction.
- B. All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.
- C. Any site not subject to this chapter's non-use standards per the above provisions, but which does not conform to its underlying zoning district, shall be governed by Article 10.

Article 5. Administration

A. Site Plan Approval

1. The Zoning Administrator is authorized to approve site plans within the Transit Overlay District in accordance with Chapter 9.13.

2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.

3. Any planned development or use requiring a special use permit shall be subject to site plan review.

B. Administrative Deviations

The Zoning Administrator is authorized to approve administrative deviations in accordance with Chapter 9.21. The Zoning Administrator is also authorized to approve administrative deviations from any platted front setback, provided that the setbacks of this overlay district are maintained.

C. Special Exceptions

The Land Use Control Board is authorized to approve special exceptions to any height and parking standards found within this Chapter in accordance with Chapter 9.14.

Article 6. Uses

Uses shall be permitted in accordance with Section 2.5.2, unless modified by this Chapter's use table, which shall apply to all nonresidential zoning districts.

<u>Transit Overlay District Use Table</u>			
<u>Uses</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Special Use Approval</u>
<u>Multifamily (Large Home, Stacked Townhouse, Apartment)</u>	<u>X</u>		
<u>All commercial parking</u>		<u>X</u>	
<u>Restaurants, drive-in or drive-thru</u>			<u>X</u>
<u>All other drive-thru uses, non-restaurant</u>			<u>X</u>

<u>Convenience stores with gas pumps, gas station, commercial electric vehicle charging station</u>		<u>X</u>	
<u>Payday loan, title loan, and flexible loan plan establishments</u>		<u>X</u>	
<u>Pawnshop</u>		<u>X</u>	
<u>Vehicle parts and accessories</u>			<u>X</u>
<u>All self-service storage</u>		<u>X</u>	
<u>All vehicle service (including vehicle wash establishment)</u>		<u>X</u>	
<u>All vehicle repair</u>		<u>X</u>	
<u>All vehicle sales, rental, leasing</u>		<u>X</u>	
<u>All warehouse and distribution</u>		<u>X</u>	

Article 7. Building Envelope Standards

The Urban frontage standards of Section 3.10.3 shall supersede the building envelope standards of all nonresidential zoning districts. Where that section and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

Article 8. General Development Standards

A. Applicability

The following general development standards shall supplement underlying standards in all nonresidential districts within the Transit Overlay District.

- 1. Fences and walls shall not be constructed in any clear sight triangle.**

B. Parking

- 1. A development must provide a minimum of 75% and a maximum of 110% of the number of parking spaces that would be required by Sub-Section 4.5.3B, taking into account any available parking reduction allowances per Sub-Section 4.5.3E.**

C. Signage

- 1. Signs should incorporate high quality materials (such as neon, hand painting, some metals, or well-crafted wood), exterior lighting, unique shapes, and outstanding graphic composition. Signs should be scaled to fit their context, complement the principal structure, and not obstruct architectural details.**
- 2. Plastic signage shall be prohibited.**
- 3. Text on signs shall be limited to the name of the establishment only.**
- 4. Pole signs and similar sign types shall be prohibited.**

5. Where Chapter 4.9 and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

D. Multi-modal Connectivity

Development shall foster a walkable and bicycle-friendly environment that is designed to be safe, comfortable, and functional.

1. Pedestrian Connectivity

A. Robust pedestrian facilities shall be provided in accordance with Sub-Section 4.5.5M. Developers shall be encouraged to utilize unique pavers or other such like materials, where appropriate to demarcate pedestrian facilities.

B. Any development that has a property line within 300 feet of the edge of an existing or proposed transit station or shelter shall repair and/or replace sidewalk – whether or not adjacent to the subject property – as needed to provide a path between the development and the station or shelter that conforms with local and federal sidewalk standards.

C. Pedestrian-scale lighting shall be provided along pedestrian facilities, where appropriate. The Zoning Administrator may require a lighting plan during site plan review.

2. Bicycle Parking

A. Bicycle parking shall be provided in accordance with Sub-Section 4.5.3C, except as modified below.

1. Multifamily residential uses within nonresidential zoning districts shall provide a minimum of 1 bicycle parking space per 4 dwelling units. All fractions shall round up to the next whole number.

2. Between 70% and 80% of the minimum number of bicycle parking spaces for multifamily residential and office uses shall be designated as “limited-access bicycle parking.” Up to 20% of the minimum number of bicycle parking spaces for other uses may be provided as limited-access parking. Limited-access bicycle parking shall meet the following standards.

a. Limited-access bicycle parking may be provided in the following locations: within the building, co-located with off-street automobile parking (such as within a parking garage), or elsewhere subject to administrative approval.

b. Limited-access bicycle parking shall be limited-access, well-lit, and protected from the elements.

c. An unobstructed path shall be maintained between the building entrance and any indoor, limited-access bicycle parking.

d. Limited-access bicycle parking within a parking lot or

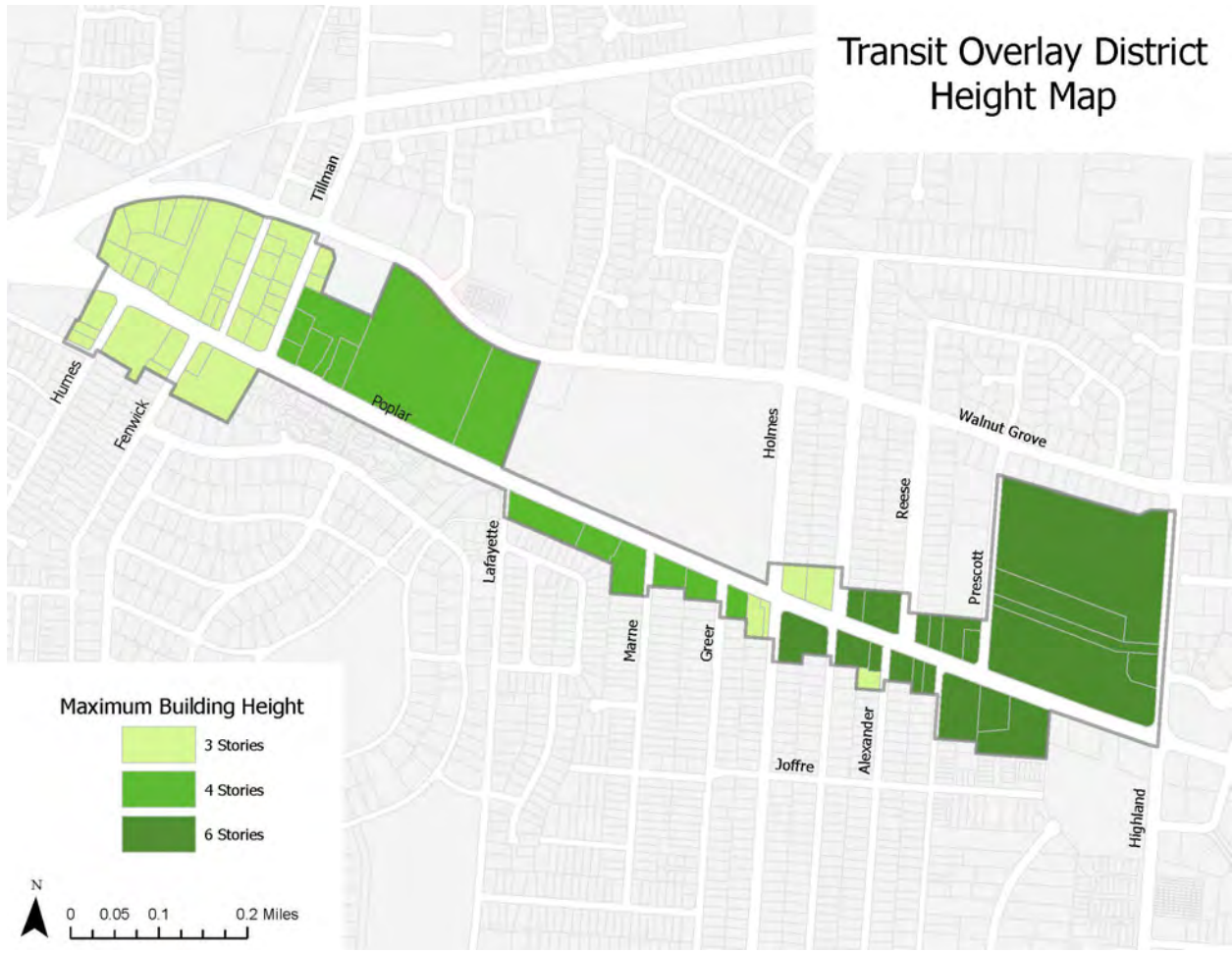
parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

3. Bicycle parking that is not designated as “limited access bicycle parking” shall be considered “general access bicycle parking.” Such parking shall be publicly accessible, and within a well-lit and highly trafficked location. Such parking shall be clearly visible from the principal building entrance, or else signage shall be posted that indicates its location. Special consideration shall be given to sidewalk accessibility standards when placing bicycle parking within the right-of-way.

E. Streetscape Standards

Underlying streetscaping standards shall apply, with the exception that the minimum sidewalk width shall be 6 feet.

Article 9. Height Standards



(NEW IMAGE)

3. 1.9D: Language change

The following plans ~~shall~~ may be considered in any decisions under this development code.

4. 2.2.3C, 2.3.4 and 2.3.6: Mixed Use Districts

This proposal would add the Mixed Use (MU) district as Sub-Section 2.2.3C and would reconfigure the list to push Commercial Mixed Use (CMU-) districts from Sub-Section 2.2.3C to become Sub-Section 2.2.3D. This proposal would also add the Mixed Use (MU) district to the list of Mixed Use Districts in Section 2.3.4 and Non-Residential Districts in Section 2.3.6.

2.2.3C:

C. Mixed Use (MU)

The MU District is intended to accommodate physically integrated uses. Permitted land use types include commercial, townhouses, apartments, and institutions. The ideal model consists of building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors.

☞ D. Commercial Mixed Use (CMU-)

5. 2.3.2: Single-Family Districts

Currently, the Residential Urban – 1 (RU-1) district is not included in the single-family district grouping, even though its permitted residential uses are all single-family. This proposal would create Sub-Section 2.3.2H: ‘Residential Urban – 1’ to provide additional protections in this zoning district in certain situations.

6. 2.4.2: Zoning Map

Currently, the divestiture of a parcel of land is not covered under Section 2.4. This proposal would add deannexed land as Sub-Section 2.4.2B and would mirror the foregoing current Section 2.4.2 “Omitted Land” (proposed Sub-Section 2.4.2A) which requires such land to be zoned as Conservation Agriculture (CA) District.

2.4.2: Omitted Land

A. It is the intent of this development code that the entire area of the City of Memphis and Shelby County, except any incorporated territory outside the Memphis City limits, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this development code. Any area not shown on the Zoning Map as being included in any such district shall be classified in the CA District.

B. It is the intent of this development code that any deannexed land from the municipalities of Arlington, Bartlett, Collierville, Lakeland, or Millington or any State or Federal property divestiture outside of an incorporated municipality of Shelby County be classified as Conservation Agriculture (CA) district by default unless an application has been made and approved by the appropriate governing body of a higher classification prior to such deannexation.

7. 2.6.3J(2)(d)(iii): Convenience Stores with Gas Pumps, missing reference:

Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

8. 2.6.3J(2)(d)(i) and 7.2.5B(2): Misspelling of complementary

2.6.3J(2)(d)(i): Establishments permitted by right
The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be ~~complimentary~~ complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

7.2.5B(2): Land Use Objectives
To include a variety of land uses that are compatible with the existing buildings and ~~complimentary~~ complementary to the unique architectural characteristics of the Loft Residential Area.

9. 2.6.3Q(1) and 9.2.2: Outdated Terminology

This proposal would update the use of outdated terminology of “Director of Planning” to the current title of “Zoning Administrator” and from “Office of Planning and Development (OPD)” to “Division of Planning and Development (DPD)”.

2.6.3Q(1): Due to the positive community relationships that are attributable to neighborhood-based farmers markets as evidenced in Memphis, Shelby County and throughout the nation, and due to the general decline in civic involvement that has occurred specifically in Memphis and Shelby County over the course of time, farmers markets shall be permitted by right in certain zoning districts as delineated in the Use Table, Section 2.5.2, if operated by a neighborhood-based, not-for-profit, entity such as a civic organization, neighborhood or homeowners association, Community Development Corporation or similar

organization as determined by the ~~Director of Planning~~ **Zoning Administrator**. Any farmers market that does not adhere to the provisions of this Sub-Section shall require a Special Use Permit.

9.2.2: The second footnote in Section 9.2.2 refers to the outdated acronym for the Office of Planning and Development, OPD. This proposal would change this to refer to the current acronym for the updated division title, Division of Planning and Development or “DPD”.

10. 2.6.3S: Inconsistency

Currently, smoke shop locational standards apply only to schools and parks, per this Sub-Section. Elsewhere in the code, locational standards are more stringent, extending to places of worship and day care facilities also. This proposal would have the more stringent locational standard applied to smoke shops to be consistent with the rest of the code.

2.6.3S: Smoke shops not covered by an exception below shall be located no closer than 1320 feet from any school, **place of worship, day care facility** or park, as measured from the parcel that contains the smoke shop and the parcel that contains the school, place of worship, day care facility or park.

11. 2.6.3U: Truck Stop and Tractor-Trailer

This proposal would help to clarify the definitions of Truck Stop and Tractor-Trailer by referencing the applicable definitions section of the UDC.

2.6.3U: Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a). **See Section 12.3.1 for the definitions of Truck Stop and Tractor-Trailer.**

12. 2.6.4D(3), 4.5.5D(2)(b), 5.5.5B(3), 6.5.1F, 7.2.9D(5), 8.4.4E(4), 8.6.2A(3), 8.12.7F, 9.6.9G, 9.6.12E(3)(b), 9.6.12C(3), 9.12.4B(1), 9.13.5F, 9.13.7B(1), and 9.24.6G: Misspelling of “ensure”

- 2.6.4D(3) Prior to the commencement of landfill operations, the applicant for the special use permit shall submit to the building official a primary reclamation performance bond in the amount of \$3,500 per acre for each acre to be excavated, less the amount of bond held by the state, increasing \$100 per acre per year from the date of adoption of this Article, for landfill operations to ~~insure~~ ensure that the land shall be restored, regraded and resloped as provided in this section when such operations cease. Said bond shall not be released until the work it secures is completed or a substitute serial bond is received by the appropriate government official which shall secure all remaining work under the original bond and all bonds submitted pursuant to this section and shall so state. Such primary reclamation performance bond may be on a serialized basis in five year increments. Such primary reclamation performance bond shall be released after primary reclamation activities are complete and the condition, grade and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of not to exceed 60% of said primary reclamation bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.
- 4.5.5.D(2)(b). If seeking preservation credits for an existing tree located in an interior island, terminal island, or perimeter island then such island must provide a nonpaved area no nearer than three feet inside the tree dripline but no less than ten feet from the centerline of the tree or a distance of nine times the diameter of the trunk (DBH) in feet, whichever is less, or as may be required to ~~insure~~ ensure the survival of the preserved tree, subject to the approval of the Zoning Administrator.
- 5.5.5B(3) If a security has been provided to ~~insure~~ ensure performance of the improvements specified under the contract and the security is inadequate to cover the cost of said uncompleted improvements at the time the extension is sought, the applicant shall provide additional security to cover current cost projections as made by the City or County.
- 6.5.1F Prior to the commencement of sand, gravel or other extraction operations, the applicant for the special use permit shall submit to the Building Official a performance bond in the amount of \$3,500 per acre, increasing \$100 per acre per year from the date of

adoption of this Article, for each acre proposed to be used for sand, gravel or other extraction operations to ~~insure~~ ensure that the land shall be restored, re-graded and re-sloped as provided in this Chapter when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of such bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.

- 7.2.9D(5) 5The Division of Planning and Development and Land Use Control Board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID.
- 8.4.4E(4) The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this Chapter.
- 8.6.2A(3) To ~~insure~~ ensure compatibility and to create an aesthetic atmosphere within a Historic Overlay District;
- 8.12.7F The governing body may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.12E(3)(b) The Zoning Administrator may include conditions to ~~insure~~ ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.12C(3) The Zoning Administrator may include conditions to ~~insure~~ ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
- 9.12.4B(1) 1The proposed development shall be reviewed to ~~insure~~ ensure compliance with the requirements of the development code

- including any dedications or improvements required under Article 5.
- 9.13.5F The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ **ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the district.
- 9.13.7B(1) The proposed development shall be reviewed to ~~insure~~ **ensure** compliance with the requirements of the development code including any dedications or improvements required under Article 5.
- 9.24.6G The Board of Adjustment may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ **ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

13. 2.7.2B: Height restrictions on accessory structures in the CA district and formatting inconsistency.

This proposal will reduce the height restrictions on accessory structures in the CA district. In this Sub-Section, there is no Paragraph 2.7.2B(1), although there are paragraphs (2) and (3). The problem with this is that 2.7.2B(3) refers to the nonexistent paragraph (1). Therefore, this proposal will also update the numbering of paragraphs (2) and (3), so that (2) becomes (1), and (3) becomes (2). This proposal will also delete the phrase 'not including any exceptions articulated in Paragraph 2.7.2B(1)' from the latter paragraph, as its intent is unknown, and the standard is already clear.

- ~~2.~~ **1.** In Relation to the Principal Structure. Except as provided in Sub-Sections 2.6.2H, 2.6.2I, 3.2.6A and Section 2.7.9, the height of an accessory structure shall not exceed the height of the principal structure, except for in the CA district, where the accessory structure shall not exceed 1.5 times the height of the principal structure.
- ~~3.~~ **2.** Height and Setback. Accessory structures shall be at least five feet from the side and rear property lines. Any portion of an accessory structure over 20 feet in height shall be located at least 20 feet from all side and rear property lines that do not abut an alley. For the purpose of this paragraph, height shall be measured from the highest point of the accessory structure, ~~not including any exceptions articulated in Paragraph 2.7.2B(1).~~

14. 2.9.2A: Household Living

This proposal changed the language of the first footnote to make it less restrictive.

Principal Uses	Accessory Uses
Single-Family Detached Conventional Side Yard House Cottage Single-Family Attached Semi-attached Two-Family Townhouse Multifamily Large Home Stacked Townhouse Apartment Upper-Story Residential Live/Work Manufactured, Modular Home Mobile Home Manufactured Home Park	Accessory dwelling unit (see Sub-Section 2.7.2D)* Apiary (see Section 2.7.12) Chickens (see Section 2.7.11)* Dish antenna under one meter Gardening Home occupation (see Section 2.7.4) Private community center** Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool, outdoor kitchen, pool house Off-street parking On premise residential leasing office Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit Leasing/Management Office
*These are <i>only</i> permitted as accessory structures to single-family detached and attached uses dwelling units . ** These may be included in common areas of subdivisions, not as accessory structures on single-family lots.	

15. 2.9.4F: Commercial Parking

This proposal would add “parking garage” to the list of types of “commercial parking” and clarify that tractor-trailer parking is not included as a type of “commercial parking”.

2.9.4F: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged (**tractor-trailer parking not included**).

Principal Uses	Accessory Uses
Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility (truck and motor freight trailer parking not included) Park-and-ride facility Motor vehicle parking lot Surface parking lot <u>Parking garage</u>	Structure intended to shield parking attendants from the weather Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit

16. 2.9.4H: Retail Sales and Service

This proposal would add “truck stop” to the list of principal uses of “Retail Sales and Service”.

Principal Uses	Accessory Uses
Sales-Oriented Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, ammunition, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, firearms, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, videos, and related products Art or photo studio, gallery Convenience store with gas pumps, gas station, electronic vehicle service station Convenience store without gas pumps Consignment store Greenhouse or nursery, commercial, garden center Pawnshop Payday loans, title loan establishments Photo finishing pickup station, photo finishing by computer and retail sales Retail Sales Outdoor (vendor), Flea Market, Farmers Market, Farm Stand, Open Air Market, Vehicle parts and accessories, Wholesale club Service-Oriented Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care	Artisan manufacturing Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area Gardening Off-street parking On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit

<p>Dance, martial arts, music studio or classroom, personal trainer or gym Catering establishment, small-scale Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Quick-sign service, printing and publishing Post office, Taxidermist Tattoo shop, palmist, psychic, medium Truck stop, Tractor-trailers (fueling of) Wedding chapel</p> <p>Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, locksmith</p>	
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17. 3.2.9E(4)(b): Grammatical error

Covered, unenclosed porches attached to the principal structure may encroach a maximum of eight feet into ~~a~~ required front, rear and side setbacks, provided a five-foot separation is maintained between the porch and property line.

18. 3.9.1C: Garage and Carport Placement

This proposal would clarify when a street facing garage and carport would be allowed through specific language of “when allowed per Section 3.9.2” as opposed to “when provided”.

3.9.1C: Street-facing garages and carports, when ~~provided~~ **allowed per Section 3.9.2** must be positioned as set forth below, however, carports may not be permitted in the carriage court form.

19. 3.9.2: Contextual Infill Standards & 8.10.5 Special Development Standards

This proposal will simplify the contextual infill standards to include all residential site less than two-acres in size and in the area identified on the map. This proposal will also update the setback requirements for corner lots and lots “where the calculation of a range of setbacks is not practicable”, as well as updating the requirements for street-facing garages to be only allowed if an alley is not present and more than, rather than “at least”, half of the structures on the same block face have street facing garages or carports.

- 3.9.2B: 1. The contextual infill development standards shall be used on any residential site less than two acres and within the area identified on the map below ~~that meets the following conditions:~~
- ~~a. For sites within an existing subdivision or planned development, no front setbacks are indicated on the plat or plan,~~
 - ~~b. The site is less than two acres in size,~~
 - ~~c. The site is within the area identified on the map below; and~~
 - ~~d. The site is abutted on two or more sides by parcels containing existing single-family detached or single-family attached dwellings that were built on lots platted or established by deed before 1950 in a residential zoning district. For the purpose of this item, the term "abut" shall include parcels directly across any street from the site.~~

3.9.2E: Structures shall be located within the range of front setbacks on the street. This range of setbacks is measured on the basis of the four lots surrounding the project site (the two closest lots in either direction along the street). The new structure shall be located within the range of setbacks (no closer than the narrowest setback, no further than the deepest setback). Where a setback in these four lots is significantly out of the range of setbacks along the street, it may be eliminated from the range. Instances where the subject lot(s) is on or within two lots of a corner, the setback shall align with the nearest adjacent lot(s). Where the calculation of a range of setbacks is not practicable, such as instances where there are no adjacent lots with existing structures ~~the subject lot(s) is on or within two lots of a corner~~, the structure shall be located a minimum of 20 feet from the front property line.

3.9.2H: Street-facing garages and carports may be allowed if an alley is not present and ~~at least~~ more than half of the structures on the same block face feature street-facing garages or carports. In these instances, the garage or carport placement must meet the standards of Section 3.9.1. In all other instances, street-facing garages and carports are only permitted if they are located at least 100 feet from the right-of-way and at least 50 feet behind the front façade of the structure.

20. 4.4.7A: Clear Sight Triangle

The three tables in Sub-Section 4.4.7A do not address streets with speed limits over 40 miles-per-hour. This proposal will change the tables to address these streets, as well as changing the "unposted" value to be the same as "20-25 MPH" instead of the current "30 MPH".

ONE APPROACHING TRAFFIC LANE ON THROUGH STREET

<i>Type of Sign Controlling Intersection</i>	Posted Speed of Through Street	Length of Side in Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 20-25 MPH	13'	175'	14'	105'
	Unposted or 30 MPH	14'	200'	14'	130'
	35 MPH	14'	250'	14'	160'
	40± MPH	14'	275'	14'	180'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	140'
	30 MPH	24'	230'	24'	170'
	35 MPH	24'	280'	24'	205'
	40± MPH	24'	320'	24'	240'

TWO APPROACHING TRAFFIC LANES ON THROUGH STREET

<i>Type of Sign Controlling Intersection</i>	Posted Speed of Through Street	Length of Side In Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 20-25 MPH	13'	175'	14'	75'
	Unposted or 30 MPH	14'	200'	14'	90'
	35 MPH	14'	250'	14'	110'
	40± MPH	14'	275'	14'	125'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	105'
	30 MPH	24'	230'	24'	130'
	35 MPH	24'	280'	24'	130'
	40± MPH	24'	320'	24'	180'

<i>Intersecting Streets</i>	Posted Speed of Through Street	Length of Side In Feet	
		Sides	
		A – B and D – E	A – C and D – F
Street 1	Unposted or 20-25 MPH	13'	175'
	Unposted or 30 MPH	14'	200'
	35 MPH	14'	250'
	40± MPH	14'	275'
Street 2	Unposted or 20-25 MPH	13'	175'
	Unposted or 30 MPH	14'	200'
	35 MPH	14'	250'
	40± MPH	14''	275'

21. 4.5.2C(2)(e)(5): Incorrect placement of provision

Currently, the placement of provision seems incorrect. This sub-item does not fit within its item, which concerns requirements of off-site parking. This proposal would convert Sub-Item 4.5.2C(2)(e)(5) into Item 4.5.2C(2)(f).

4.5.2C(2)(f): **5. f.** For Townhouse and Stacked Townhouse housing types, street-facing garages and carports are not permitted (see Section 3.9.1 for specific parking placement requirements).

22. 4.5.3C(1) and 4.5.3C(2): Bicycle parking

This proposal would update bicycle parking regulations to include the Mixed-Use (MU) zoning district.

1. All nonresidential developments with required minimum parking spaces pursuant to Sub-Section 4.5.3B in the RW, OG, **MU**, CMU-1, CMU-2, CMU-3, EMP and WD districts must provide a minimum of four bicycle parking spaces.
2. Nonresidential development in the RW, OG, **MU**, CMU-1, CMU-2, CMU-3, EMP and WD districts providing more than 20 but less than 100 vehicle parking spaces are required to provide six bicycle parking spaces. An additional bicycle space must be provided for each additional 15 vehicle parking spaces, or fraction thereof. A maximum of 24 bicycle parking spaces is required. Bicycle parking facilities must be located within 200 feet of at least one functioning building entrance, except for shared parking facilities, which may be located anywhere on the same site as the uses sharing the facilities, provided it lies within 200 feet of any entrance.

23. 4.5.4B(3) and 4.5.3C(2): incorrect order of words, should read:

Required off-street parking spaces may be permitted by the Zoning Administrator on a separate site from the site on which the principal use is located if the off-site parking complies with ~~the~~ all of ~~the~~ following standards:

24. 4.5.5D(3)(b): Inconsistency between Items

Currently Item 4.5.5D(3)(b) conflicts with Item 4.5.5D(3)(a) in term of minimum width, inside curb, minimum caliper and maximum spacing. This proposal would remove the inconsistency from Item 4.5.5D(3)(b) by removing everything from this provision that follows "... per Tree C..." and rely on the standards set forth in Item 4.5.5D(3)(a).

- b. Unless otherwise approved by the Zoning Administrator, each island must contain a minimum of 450 square feet per Tree A; 300 square feet per Tree B; or 150 square feet ~~per Tree C with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 2½ inches. Planting islands must be evenly distributed throughout the parking area, with no parking space located more than 120 feet from a planting island.~~

25. 4.6.5C(1): Buffer Planting Specifications

This proposal would rectify the requirements of Buffer Class III Type C. As more trees, shrubs and width is required in the Type C Buffer, it should require a less intense fence than in Type B. This proposal would change the current “sight proof fence” to “chain link fence”.

	Type A	Type B	Type C
Class I	Width: 7 feet Evergreen Trees: 2 Shrubs: 0 Barrier: Sight proof fence 6’ to 9’ high	Width: 10 feet Evergreen Trees: 2 Shrubs: 24 Barrier: Chain link fence 6’ to 9’ high	Width: 15 feet Evergreen Trees: 4 Shrubs: 30 Barrier: No wall or fence
Class II	Width: 7 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Masonry wall 6’ to 9’ high	Width: 10 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Sight proof fence 6’ to 9’ high	Width: 15 feet Evergreen Trees: 6 Shrubs: 24 Barrier: Chain link fence 6’ to 9’ high
Class III	Width: 7 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Masonry wall 6’ to 9’ high	Width: 10 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Sight proof fence 6’ to 9’ high	Width: 15 feet Evergreen Trees: 7 Shrubs: 24 Barrier: <u>Chain link fence 6’ to 9’ high</u> Sight proof fence 6’ to 9’ high

26. 4.9.3B(5), 4.9.3B(6) and 4.9.11D: Sign Violations

Previously, it has been an issue for Zoning Inspectors to cite a business owner for failing to pay their annual sign renewal fee since the sign renewal fee is included in the building code and therefore requires a Building Inspector to cite the business. This proposal would add a reference to Appendix A, Section 8(b) of the building code that requires an annual sign renewal fee to these sections of the UDC so failure to pay the annual fee would in fact also be a zoning code violation.

4.9.3B(5): New Section:

Except for the signs listed in Sub-Sections 4.9.2 B, C, and D, all signs shall be required to obtain a license on an annual basis subject to annual re-inspection as required by Sub-Section 4.9.15G and associated fees required by the City and County Building Code.

4.9.3B(6): New Section:

The Zoning Administrator shall not be required to issue an annual license for any sign unless such sign complies with the provisions of this Chapter, and all other applicable ordinances and regulations of the city and county.

4.9.11D:

- D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit **or annual license** has lapsed;

4.9.15F(1)(e): New Sub-Item

- d.** Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this Paragraph.
- e.** **If a nonconforming sign fails to obtain an annual license as required by Sub-Section 4.9.3 B within any calendar year, the nonconforming sign must be removed. This restriction is not intended to prevent the future erection of other signs that conform fully with the provisions of this ordinance.**

27. 4.9.7D(2)(a): Clarification between Mixed Use (MU)and Commercial Mixed Use (CMU-) districts

This provision is intended to apply to the Commercial Mixed Use districts, per Chapter 2.1, not the Mixed Use (MU) zoning district. The proposal is to change the statement to the following:

The maximum gross surface area of attached signs in the Commercial Mixed Use Districts (Excluding OG and RW) and Industrial Districts ~~are~~ is not regulated.

28. 4.10.3C: Misspelling

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

29. 5.2.17B(2): Correction to cross-reference

Private streets shall be reserved for use by owners and residents served by such private streets and all governmental entities providing services and regulatory enforcement, as well as private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a model approved by the appropriate fire department. The location of the gate shall meet the requirements outlined in section ~~4.4.8~~ ~~4.5.6~~.

30. 7.1F(1) and 7.1G(1): Special Purpose Districts

- 7.1F(1) The provisions of this Article shall apply to the following development, ~~including single family and two family housing types~~:
- 7.1G(1) All development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, that meets the applicability of Sub-Section 7.1F shall be processed through the Special District Administrative Site Plan Review provisions as established in Chapter 9.13.

31. 8.2.3A and 8.3.4A: Medical and University Overlay Districts

A. **Authority**

1. The Zoning Administrator is authorized to approve site plans within the Medical Overlay District in accordance with Chapter 9.13.
2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.

32. 8.4.4D(3), 8.4.6B(1), 8.4.6B(2), 8.4.6B(5): Outdated Terminology

This proposal would update the use of outdated terminology of “Director of Planning” to the current title of “Zoning Administrator” and from “Office of Planning and Development (OPD)” to “Division of Planning and Development (DPD)”.

- 8.4.4D(3) The Division of Planning and Development or any affected property owner within the notification area appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing comments to the ~~Director of Planning~~ Zoning Administrator and submitted within ten working days of the Board’s action.
- 8.4.6B(1) An owner or other person who has a contractual interest in the property may file an application with the ~~Office~~ Division of Planning and Development. A site plan shall be submitted and reviewed in accordance with Section 8.4.4 above.
- 8.4.6B(2) The ~~Office~~ Division of Planning and Development shall forward the site plan and a request for special exception to the Land Use Control Board.
- 8.4.6B(5) The ~~Office~~ Division of Planning and Development or any individual appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing to the ~~Director of Planning~~ Zoning Administrator and submitted within 10 working days of the Board’s decision. The City Council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

33. 8.12.9C(3): Grammar

This proposal added a space between “of” and “the”, as well as correcting the spelling of “ensure” as below:

3. The Zoning Administrator in consultation with the Wellhead Administrator may include conditions to ~~insure~~ ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.

34. 9.3.2A(1): Neighborhood Meeting Requirement

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning changes ~~is not in compliance with any plans to be considered (see Chapter 1.9);~~

35. 9.3.3B, 9.12.3, 9.12.3C and 9.12.3E: Administrative Site Plan Review

Now that Land Use and Development Services reviews Administrative Site Plan Reviews (ASPR), these sections regarding ASPRs need to change the person to whom these site plans are filed from the “Building Official” to the “Zoning Administrator”. Paragraph 9.12.3A(3) should state that action should be taken on administrative site plans within ten days upon submittal of all required documents. Finally, Paragraph 9.12.3C(2) contains a misspelling of the word “ensure”.

9.3.3B:

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	■
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

9.12.3A:

1. An application for an administrative site plan shall be submitted in accordance with Section 9.3.3, Application Requirements.

2. The ~~Building Official~~ **Zoning Administrator** has established specific submittal requirements for an administrative site plan application (see Application for requirements).
3. The ~~Building Official~~ **Zoning Administrator** shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days ~~of their receipt~~ **upon submittal of all required documents**, except for those site plans that require City or County Engineering or Technical Review Committee review. The Building Official shall provide written notice of his decision to the applicant within two working days of the date of his decision.

9.12.3C:

1. The ~~Building Official~~ **Zoning Administrator** or designee shall review all administrative site plans for compliance with all applicable requirements of this development code including but not limited to Article 3 and Article 4.
2. The approving entity may recommend improvements to the site plan to impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ **ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

9.12.3E:

If the ~~Building Official~~ **Zoning Administrator** does not approve the application, the applicant may appeal to the Memphis and Shelby County Board of Adjustment in accordance with Chapter 9.23 of this development code.

36. 9.3.4 Public Hearing and Notification

This proposal would require neighborhood associations to be notified of comprehensive rezoning and would fix the misspelling of the word “objection” in the legend.

37. 9.3.4C(2)(a): Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no ~~closer~~ **further** than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

38. 9.6.3: Neighborhood Notification and Meeting

Special Use Permit major modifications do not require neighborhood meetings per Sub-Section 9.3.2A whereas amendments do. This proposal would change “major modification” to “amendment” to reflect this.

An applicant requesting a special use permit or **amendment** ~~major modification~~ to a special use permit shall notify the surrounding neighborhood(s) (see Section 9.3.2).

39. 9.6.12E(2)(e): Planned Development

This proposal would maintain the intensity of use of a planned development, containing the allowed usage change by major modification to not only equal or lower-intensity but to the same Use Category as explained by Chapter 2.5.

Changing the permitted uses in a planned development may be processed as a major modification if uses of a lower classification are being changed to uses of a higher classification, **but only within the same Use Category pursuant to Chapter 2.5. The Zoning Administrator shall determine whether a proposed use is of a higher classification as compared to the existing use on a case-by-case basis.** ~~See Sub-Section 10.2.5B for classifications of uses.~~

40. 9.6.13A: Language Change

If the governing body votes to deny an application, there may be no subsequent similar application submitted by any party for any part of the subject property until 5 years have elapsed from the date of denial, or from the date any appeal thereof becomes final, whichever is later. This 5-year period shall also apply to: 1) those cases on which the Land Use Control Board ~~conducts a vote~~ **votes** but are withdrawn before the governing body may act and 2) those cases involving modifications (see Sub-Section 9.6.11E and Section 9.6.12) and appeals (see Sub-Section 9.23.1C) on which the Land Use Control Board conducts a vote and no further action by the governing body is taken. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so. For the purpose of this Sub-Section, “similar application” shall be interpreted to include, but is not limited to, the following:

41. 9.12.3B(3): Engineering Review

3. City or County Engineer Action. Only the following administrative site plans shall be reviewed by the City or County Engineer:
 - a. For sites that require the dedication of public right-of-way.
 - b. For sites within sensitive drainage basins, as defined by the City or County Engineer, any new development or redevelopment that involves a disturbance of one or more acres.
 - c. For sites outside of the sensitive drainage basins, projects requiring public impacts defined as construction involving sewer, drainage or right-of-way improvements, but not including sidewalk construction, sewer and water taps and other improvements that shall be reviewed through the street cut or sidewalk permitting process.
 - d.** The City or County Engineer shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days of their receipt. The City or County Engineer shall provide written notice of his decision to the applicant within two working days of the date of his decision.
 - e. Any development deemed appropriate by the Zoning Administrator.**

42. 9.21.2: Misspelling

The Zoning Administrator shall review the request in light of the intent and purpose of district requirements. The Zoning Administrator shall have the authority to approve an **administrative** ~~administration~~ deviation **from** ~~for~~ the following standards...

43. 10.3.3: Nonconforming structures

This section needs to be reworded to remove the contradiction between 10.3.3A and B, and 10.3.3C. 10.3.3C was initially written so that damage to a structure could not exceed 75% of the value of that structure without forfeiting its right to be restored but was modified so that damage to a structure could not exceed 75% of the value of all structures on the lot/tract without forfeiting said right. This change made it easier to rebuild nonconforming accessory structures. This proposal would reword 10.3.3A and 10.3.3B to remove this contradiction and remove 10.3.3C as it would then be redundant.

- A. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the

total fair market value of ~~such structure~~ **all buildings on the lot or tract** immediately prior to such damage, such structure shall not be restored unless it will conform to the regulations of the district in which it is located. The prohibition against restoration within this Sub-section shall not apply to the restoration or repair of any damaged or destroyed public utility facility built prior to the effective date of this development code.

B. ~~When such nonconforming structure~~ **In the event that any nonconforming structure** is damaged or destroyed, by any means, ~~by to the extent of~~ **75% or less of the total** fair market value of ~~the structure all buildings on the lot or tract~~ immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within 12 months of the date of such damage.

~~C. For the purpose of this Section, the calculation of 75% shall be determined as a percentage of the total fair market value of all buildings on the lot or tract.~~

44. 11.3.2: List configuration

This proposal would change the lettering of the list so it would start with the letter “A” and not the letter “B”.

Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City and/or County shall include, but not be limited to the following:

- ~~B.~~ **A.** Issuing a stop-work order for any and all work on any signs on the same tract or lot;
- ~~C.~~ **B.** Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity;
- ~~D.~~ **C.** Imposing any penalties that can be imposed directly by the City and/or County under this development code;
- ~~E.~~ **D.** Seeking in court the imposition of any penalties that can be imposed by such court under this development code; and
- ~~F.~~ **E.** In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City and County under the applicable provisions of this development code and the building code for such circumstances.

45. 12.3.1: Corrections to General Definitions

The current definition of boarding house contains a reference to “rooming house” which is a separate use, this proposal would replace the reference to “rooming house” with “boarding house”.

BOARDING HOUSE: A building where lodging, with or without meals, is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided. Evidence that a property is being utilized as a ~~rooming~~ **boarding** house may include, but is not limited to, the following: keyed locks on interior doors, number of mailboxes or mail receptacles, excessive parking and signs indicating individual rooms for rent.

This proposal would include “property listings on a web-based hosting platform” in the list of evidence that a special event is taking place on a commercial basis for home-based wedding and event centers.

HOME-BASED WEDDING AND EVENT CENTER: An establishment that caters to weddings or other occasional special events for large groups of individuals, including but not limited to the following: weddings, birthdays, reunions, church events, company events and anniversaries, either on a commercial or non-commercial basis. This use shall be limited to those special events that occur at a frequency of more than one time per calendar year. All other events are permitted as a matter of right.

Furthermore, this use shall be limited to those special events that occur largely outdoors or in structures that are open-air. For the purpose of this definition, “large groups of individuals” shall mean, for those special events operated on a non-commercial basis, at least 50 individuals present on the site at any one time and, for those special events operated on a commercial basis, at least 5 individuals present on the site at any one time. Home-based wedding and event centers may or may not occur on the same site that is occupied by a single-family residence. Evidence of whether a special event is operated on a commercial basis may include the following: paid admission for attendees, **property listing on a web-based hosting platform**, advertising on social or other media that indicates paid admission and placement of temporary restrooms on the site.

This proposal would fix a misspelling from “at last ten years” to “at least ten years” as below:

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

This proposal clarifies the definition as below:

TRUCK STOP: An establishment, or any portion thereof, that provides fueling, bathing options, ~~or and~~ other conveniences to tractor-trailers and their operators. This definition includes any overnight parking of recreational vehicles and tractor-trailers in non-industrial zoning districts, with the exception of hotels, motels and other similar places of overnight lodging.

46. Revisions to the Medical Overlay District:

- 8.2.5C: Building Regulation chart, delete maximum 12 ft. Upper floor height in Shopfront, Urban, and Commercial.
- And on the following three pages (Building and Parking Placement) in “Floor Height” section delete item 3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.

47. Revisions to the University District Overlay:

- 8.3.6D: Building Regulation chart, change Upper Floor Height (floor to floor) to 9’ for both Shopfront and Urban frontages.
- And on the following two pages (Building and Parking Placement) add a “Floor Height” section to read: “FLOOR HEIGHT: At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.”
- **8.3.10.E.2 Parking:** Increase the required on-site parking spaces from 0.5 spaces per bedroom to 0.65 spaces per bedroom.

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 22-2

At its regular meeting on **November 10, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting amendments to the Memphis and Shelby County Unified Development Code described as follows:

APPLICANT: Brett Ragsdale, Zoning Administrator

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

The following spoke in support of the application:

Brett Ragsdale, John Zeanah, and Christina Crutchfield

The following spoke in opposition to the application:

Robert Gordon and Don Jones

The Land Use Control Board reviewed the application of the Memphis and Shelby County Zoning Administrator requesting amendments to the Memphis and Shelby County Unified Development Code and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed (8-0).

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

A handwritten signature in black ink that reads "Brett Ragsdale". The signature is written in a cursive, slightly slanted style with a long horizontal stroke at the end.

Brett Ragsdale
Zoning Administrator

CASE NUMBER: ZTA 22-1

L.U.C.B. MEETING: November 10, 2022

AGENDA NO: 6

APPLICANT:

Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE:

Brett Ragsdale, Zoning Administrator

REQUEST:

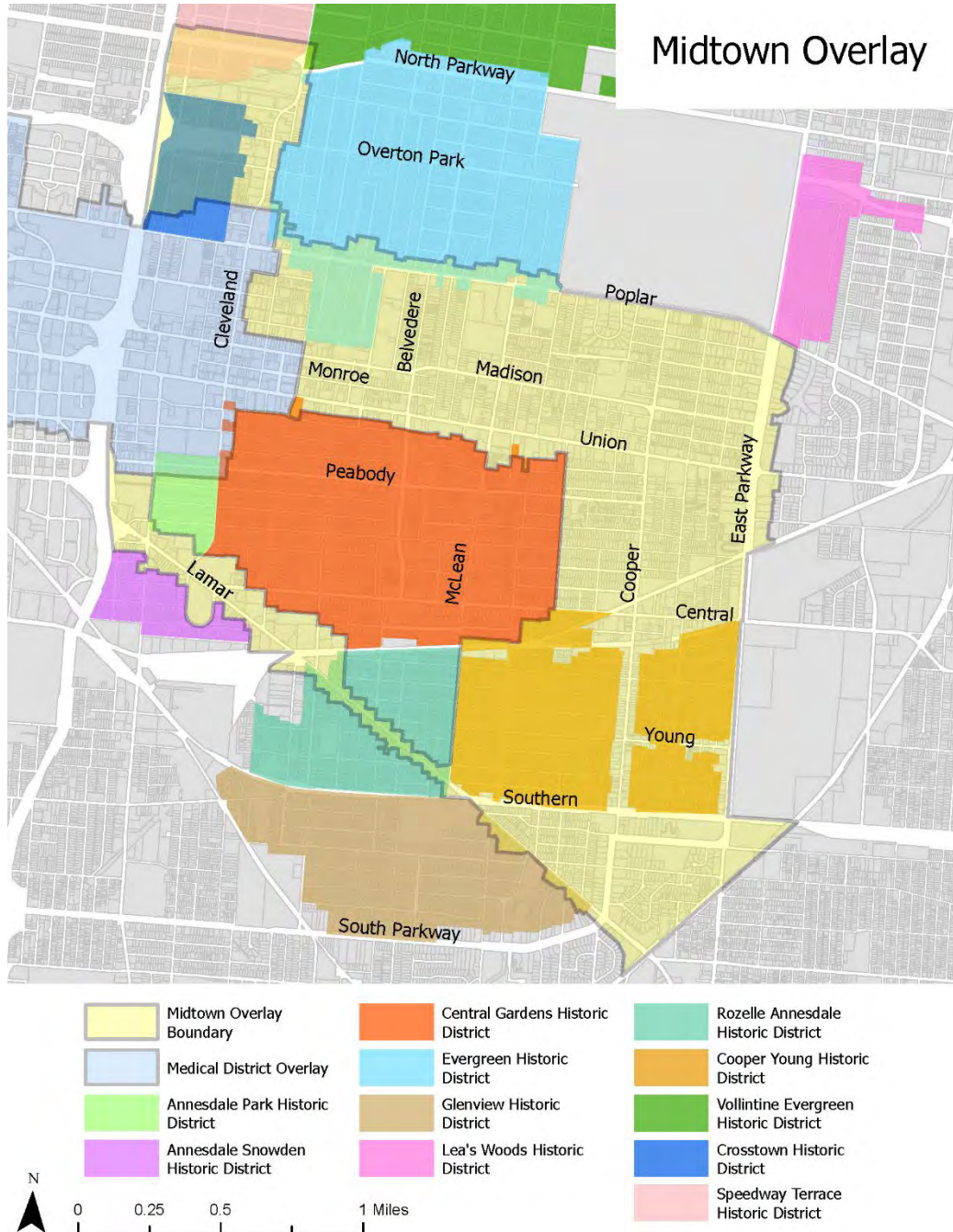
Adopt Annual List of Amendments to the Memphis and Shelby County Unified Development Code (the "UDC")

1. Listed below are the more significant amendments associated with this zoning text amendment, or "ZTA." All other items are explained in greater detail in the staff report. Proposed new language is indicated in **bold, underline** while proposed deletions are indicated in ~~**bold strikethrough**~~. All proposed changes are reflected in a copy of the complete UDC at the end of this report.
2. Item 1 is the product of Memphis and Shelby County Joint Housing Policy Plan. Under the proposed amendments to the Code, this proposal would allow cottages by right in the R-6 district and allow townhouses by right in the RU-1 district; Large Homes and stacked townhouses would be eligible to seek a conditional use permit to locate in the RU-1 district; lot sizes would be reduced to allow higher-density housing on smaller lots in certain districts; and changes to development standards for Accessory Dwelling Units (ADUs) would allow these uses to be built in more locations.
3. Item 2 is a product of the Memphis Innovation Corridor: Transit Oriented Development Plan. Under the amendment, a Transit Overlay District is proposed to address inconsistencies, create more opportunities for transit-oriented development around BRT stations, and create a more cohesive corridor. Also proposed are changes to the frontage maps in the Medical Overlay District and Midtown District to promote transit-oriented development in areas along the BRT route. All other overlay maps are replaced purely for the sake of consistency and clarity.
4. Item 6 would add the Mixed Use (MU) district as Sub-Section 2.2.3C and would reconfigure the list to push Commercial Mixed Use (CMU-) districts from Sub-Section 2.2.3C to become Sub-Section 2.2.3D. This proposal would also add the Mixed Use (MU) district to the list of Mixed Use Districts in Section 2.3.4 and Non-Residential Districts in Section 2.3.6.
5. Item 19 would simplify the contextual infill standards to include all residential site less than two-acres in size and in the area identified on the map. This proposal will also update the setback requirements for corner lots and lots "where the calculation of a range of setbacks is not practicable", as well as clarifying the requirements for street-facing garages
6. Item 20 would address streets with speed limits of above 40 MPH and change the tables in UDC Section 4.4.7 to address these streets, as well as changing the "unposted" value to be the same as "20-25 MPH" instead of the current "30 MPH".
7. Item 25 adds the annual sign renewal requirements found in the Memphis and Shelby County Building Code (Appendix A, Section 8(b)) to sections of the UDC to clarify the requirement of a sign owner to obtain an annual license and pay annual renewal and inspection fee and to establish the failure to renew the sign license or pay the annual fee would be a zoning code violation.
8. Item 33 would require a neighborhood meeting for any proposed zoning change.

RECOMMENDATION: *Approval*

Note: the following items are updates to the original DRAFT staff report published for the October 13, 2022, meeting:

- Updated Midtown Overlay District Map to show Speedway Terrace Historic District.



- Revisions to the Medical Overlay District:
 - 8.2.5C: Building Regulation chart, delete maximum 12 ft. Upper floor height in Shopfront, Urban, and Commercial.
 - And on the following three pages (Building and Parking Placement) in “Floor Height” section delete item 3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.

- Revisions to the University District Overlay:
 - 8.3.6D: Building Regulation chart, change Upper Floor Height (floor to floor) to 9’ for both Shopfront and Urban frontages.
 - And on the following two pages (Building and Parking Placement) add a “Floor Height” section to read: “FLOOR HEIGHT: At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.”
 - **8.3.10.E.2 Parking:** Increase the required on-site parking spaces from 0.5 spaces per bedroom to 0.65 spaces per bedroom.

- Revisions to Item 1 related to the Memphis and Shelby County Joint Housing Policy Plan Recommendations:
 - 3.6.1: The R-6 table has been modified to require a minimum Cottage lot size of 3,000 square feet and minimum lot width of 30 feet. A footnote has been added to this table to confirm Cottage lots without alley access are limited to corner lots pursuant to the definition of a Cottage in section 3.4. The same updates have been copied to the RU-1 table in section 3.7.2.
 - 2.7.2D: The standards relating to Accessory Dwelling Units have been modified to:
 - Remove the option to add an ADU to a lot where the principal use is single-family attached;
 - Reduce the maximum square footage allowed from 800 to 700 or 1/3 of the gross floor area of the principal structure;
 - Remove the option to add an attached ADU;
 - Clarify the height of the ADU may not exceed the height of the principal structure, except when required parking is provided on the ground floor of the accessory structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.

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

1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

In April 2022, the Division of Housing and Community Development and Division of Planning and Development published the Memphis and Shelby County Joint Housing Policy Plan. This plan provides an assessment of the existing housing stock in Memphis and Shelby County and provides key objectives that the City and County can act on to address housing challenges. The study finds the current housing market in Shelby County is not meeting the needs of large sections of the community. More specifically, the housing market does not support investment in the production or maintenance of quality housing in many neighborhoods throughout the county. The cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible. Further, the cost of significant home improvement is often greater than the value of the improvement, limiting the ability to maintain and improve existing housing. This leads to a cycle of underinvestment, decline, blight, and desertion that threatens entire neighborhoods.

The plan's main objectives are to improve housing quality, support homeownership, diversify housing stock, and increase quality low-income housing through funding, financing, land use regulations, land activation, and tax reform. The following proposals would address Housing Policy Plan Priority 3 to update land use regulations to permit more options for housing production and lower the cost of building new housing. If the City and County changes regulations to allow more housing diversity in more areas, it is expected to lead to new housing at lower price points for renters and owners. Cost of housing has become a local and national concern. This amendment aims to address the recommendation to reform land use regulations that will allow for new types of housing that are economically viable by reducing development costs and simplifying the entitlement process.

2.5.2, 3.6.1, 3.7.1 and 3.7.2: Permitted Housing Types and Bulk Regulations

This proposal would allow cottages by right in the R-6 district and allow townhouses by right in the RU-1 district. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "by-right" symbol, "■"). This proposal would also allow stacked townhouses and large homes in the RU-1 district, both by conditional use permit only. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "conditional use permit" symbol "C").

This proposal would also require changes in the R-6 table in Section 3.6.1:

Housing Types	Conventional (w/ public water & decentralized sewer)	Conventional (w/ public water & public sewer)	Side Yard (w/ public water & public sewer)	<u>Cottage</u> <u>(w/ public water & public sewer)</u>
R-6 District				
Tract or Lot (min) Area (sq. ft.)	6,000	6,000	6,000	3,000
Width (ft.)	45	45	45	30 min / 45 max
Building setback (min ft.)				
Front (without alley access)	20	20	20	20*
Front (with alley access)	15	15	15	15
Side (interior alley/no alley)	3.5/5	3.5/5	0	3.5/5
Side (total alley/no alley)	7/10	7/10	7/10	7/10
Side (street)	10	10	10	10
Rear	15	15	15	15
Height (max ft.)	40	40	40	30
Curb and Gutter required	Yes	Yes	Yes	Yes

***Cottages without alley access are limited to corner lots.**

This proposal would also require changes to the RU-1 tables in Section 3.7.1 and 3.7.2 to include Townhouses, Large Homes and Stacked Townhouses. Table 3.7.2 also has changes to the bulk regulations for certain housing types in the RU-1, RU-2, and RU-3 Districts. More specifically, minimum lot size has been reduced for to 2,500 sq. ft. for cottages, 6,000 sq. ft. for two-family homes, and 8,000 sq. ft. for large homes in each district. Additionally, the lot minimum widths and maximum heights have been reduced in each district. RU-1 sees cottages now have a maximum height of 25 feet as opposed to the previous 30, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. RU-2 and RU-3 sees cottages now have a minimum width of 25 feet as opposed to the previous 35, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. Cottages in the RU-1, RU-2, and RU-3 districts are proposed to also have reduced side (interior) setbacks of 2.5 feet and side (total) setbacks of 5 feet.

3.7.1 Permitted Housing Types

Housing Type	RU-1	RU-2	RU-3	RU-4	RU-5
Conventional	■	■	■	■	--
Side Yard House	■	■	■	■	--
Cottage	■	■	■	■	--
Semi-Attached	■	■	■	■	--
Two-Family	■	■	■	■	--
Townhouse	■	■	■	■	■
Large Home	C	■	■	■	■
Stacked Townhouse	C	■	■	■	■
Apartment	--	--	■	■	■

■ = Permitted -- = not permitted C = permitted by Conditional Use Permit

3.7.2 Building Regulations for Permitted Housing Types

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-House ¹	Large Home	Stacked Townhouse ¹
RU-1 District								
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	4,000	3,000	8,000	<u>1,500</u>	<u>8,000</u>	<u>1,500</u>
Width (ft.)	45	45	30-35	30	45-50	<u>20</u>	<u>50</u>	<u>20</u>
Unit width (ft.)	--	--	--	--	--	<u>20</u>	--	<u>20</u>
Height (max ft.) see also 3.2.6	40	40	30	40	40-45	<u>45</u>	<u>45</u>	<u>45</u>
Building setback (min ft.)								
Front (without alley access)	20	20	20	20	20	--	<u>20</u>	--
Front (with alley access)	15	15	15	15	15	<u>2-20</u>	--	<u>2-20</u>
Side (interior)	5	0	<u>3.5</u>	5	5	<u>5</u>	<u>5</u>	<u>5</u>
Side (total)	10	10	7-10	5	10	<u>10</u>	<u>10</u>	<u>10</u>
Side (street)	10	10	10	10	10	<u>10</u>	<u>10</u>	<u>10</u>
Rear	20	20	20	20	20	<u>20</u>	<u>20</u>	<u>20</u>
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	<u>20%</u>	<u>20%</u>	<u>30%</u>

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-House ¹	Large Home	Stacked Townhouse ¹
RU-2 District								
Tract or Lot (min)			<u>4,000</u>		<u>8,000</u>		<u>12,000</u>	
Area (sq. ft.)	6,000	6,000	<u>2,500</u>	3,000	<u>6,000</u>	1,500	<u>8,000</u>	1,500
Width (ft.)	45	45	25-35	30	45-50	20	<u>50</u>	20
Unit width (ft.)	--	--	--	--	--	20	--	20
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45
Building setback (min ft.)								
Front (without alley access)	20	20	--	20	20	--	20	--
Front (with alley access)	15	15	15	15	15	--	15	--
Front (min/max)*	--	--	--	--	--	2-20	--	2-20
Required building frontage**	--	--	--	--	--	80%	--	80%
Side (interior)	5	0	<u>2.5</u>	5	5	5	5	5
Side (total)	10	10	5-10	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	20%	20%	30%

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-house ¹	Large Home	Stacked Townhouse ¹	Apartment ¹
RU-3 District									
Tract or Lot (min)			4,000		8,000		10,000		
Area (sq. ft.)	6,000	6,000	2,500	3,000	6,000	1,300	8,000	1,300	10,000
Width (ft.)	45	45	25-35	30	45-50	18	50	18	50
Unit width (ft.)	--	--	--	--	--	18	--	18	--
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45	45
Building setback (min ft.)									
Front (without alley access)	20	20	--	20	20	--	20	--	--
Front (with alley access)	15	15	15	15	15	--	15	--	--
Front (min/max)*	--	--	--	--	--	2-20	--	2-20	2-20
Required building frontage**	--	--	--	--	--	80%	--	80%	50%
Side (interior)	5	0	2.5	5	5	5	5	5	5
Side (total)	10	10	5-10	--	10	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	15	15
% of Housing Types									
More than 10 acres (max)	50%	50%	50%	60%	70%	80%	80%	80%	70%

2.7.2D: Accessory Dwelling Units

Currently, the regulations for accessory dwelling units are very restrictive. This proposal will alter the current regulations on accessory dwelling units to make them less limiting.

2.7.2D: Accessory dwelling units shall only be permitted as accessory to single-family detached dwellings that do not contain multiple dwelling units. No more than one accessory dwelling unit shall be permitted per lot. Accessory dwelling structures shall be subject to administrative site plan review as well as the standards of this Section.

1. The living area of the accessory dwelling unit may not exceed the living area of the principal structure.
 - a. On residential lots of less than ~~10~~ 6,000 square feet, no accessory dwelling units may be constructed after March 11, 2014. ~~No existing accessory dwelling units on lots of this size constructed prior to March 11, 2014, may be enlarged or expanded in size.~~
 - b. On residential lots of at least ~~10~~ 6,000 square feet but less than 1.5 acres, the total floor area of the accessory dwelling unit shall not exceed 700 square feet, or 1/3 of the ground gross floor area of the principal dwelling structure on the lot, whichever is ~~smaller~~ greater.
 - c. On residential lots of 1.5 acres or greater, the total floor area of the accessory dwelling unit shall not exceed 50% of the ground gross floor area of the principal dwelling structure on the lot.
2. One additional parking space on the same premises shall be required ~~for each 500 square feet of an accessory dwelling unit, with a maximum~~

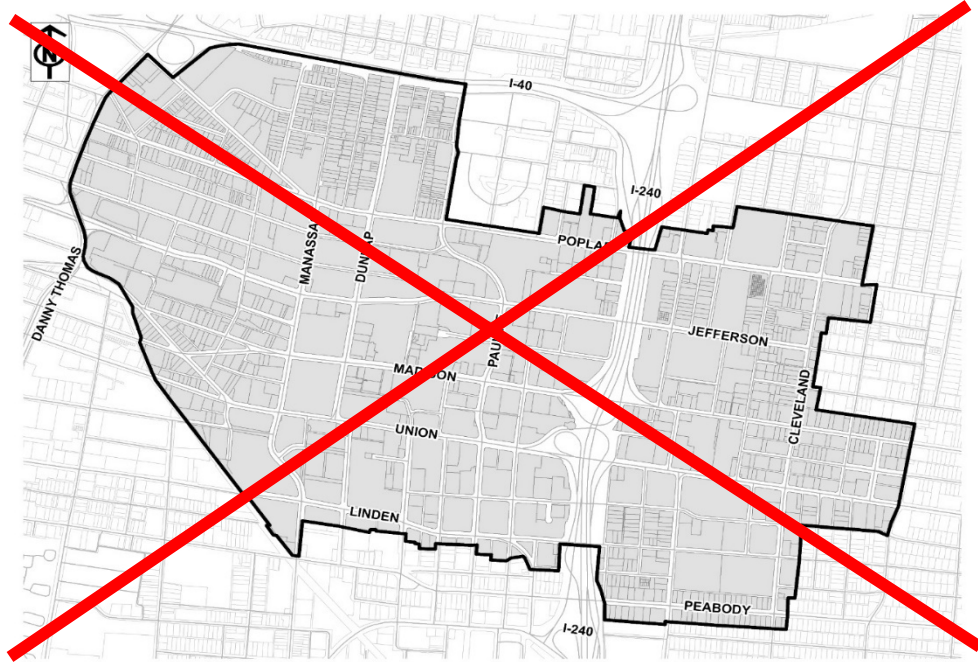
number of three additional parking spaces if the accessory dwelling unit reduces the existing parking below what is required by underlying zoning. Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

3. An accessory dwelling shall not be located within the principal structure.
4. The height of a principal structure may not be exceeded by any accessory dwelling, **except where required parking is provided on the ground floor of the accessory dwelling structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.**
5. The accessory dwelling unit shall be architecturally consistent with the principal structure.
6. No windows besides clerestory windows shall be permitted along any portion of the walls of an accessory dwelling unit that is within 10 feet of an abutting parcel that is zoned single-family residential.

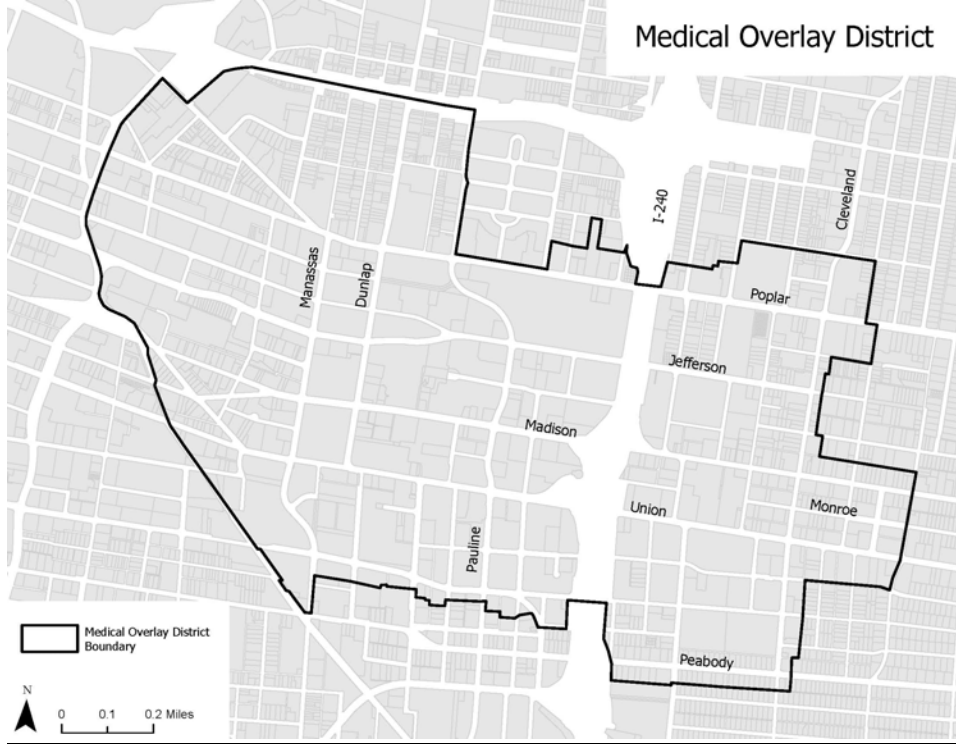
2. Transit Oriented Development Plan Recommendations

The Memphis Innovation Corridor Transit Oriented Development Plan envisions increased density around Bus Rapid Transit (BRT) stations, making it possible for surrounding residents to access daily needs with less dependency on personal vehicles. In 2014, the Memphis Area Transit Authority (MATA) identified the 8-mile route from Downtown to the University of Memphis as the first route for BRT and in 2016 BRT was adopted as the preferred high-capacity transit service and the route identified became known as the Memphis Innovation Corridor. A transit vision study in 2017 and 2018 recommended short-term and long-term network changes to increase frequency of service. The corridor was broken into six sub areas and existing land use conditions and development opportunities were explored for each sub area. The Station Area Concept Plan for each sub area identifies potential future land uses and developments based on the station typology, market potential, and planned future developments. Zoning along the Memphis Innovation Corridor varies significantly along the length of the corridor. While residential and commercial mixed-use zoning districts are the most widespread, almost all districts identified in the Unified Development Code are represented within a quarter of a mile of the corridor. This creates challenges when implementing preferred TOD standards due to the differences in setbacks, height maximums, and other building requirements set out in each of the different zoning districts. In order to address these challenges, a Transit Overlay District is proposed to address these inconsistencies and create a more cohesive corridor. Also proposed are changes to the frontage maps in the Medical District and Midtown District for areas that run along the BRT route.

8.2.2 Medical Overlay District Boundary Map:

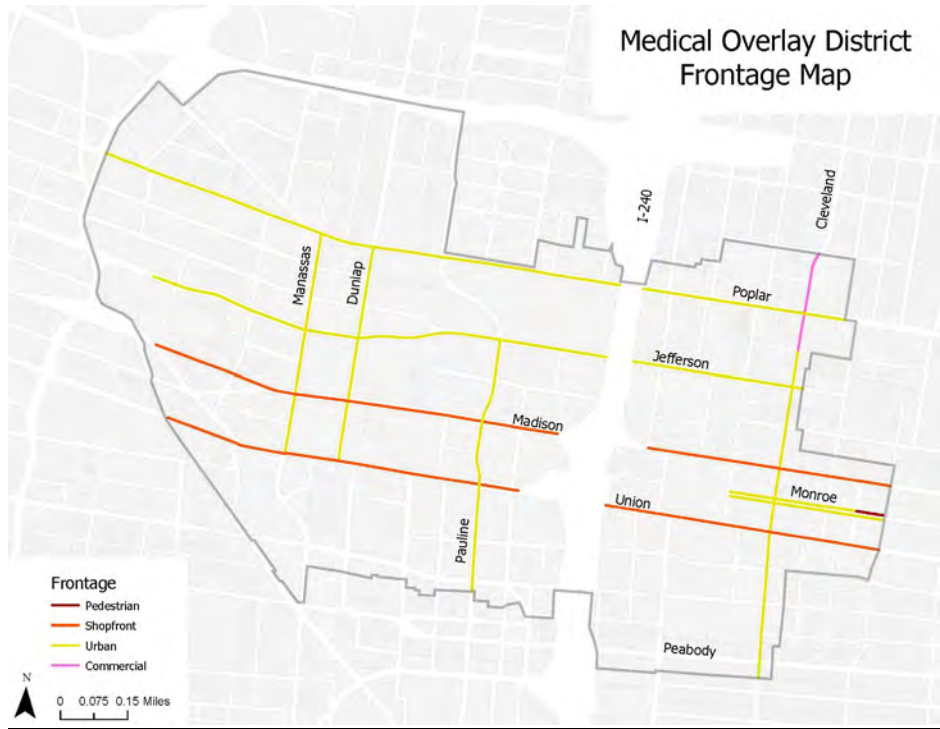
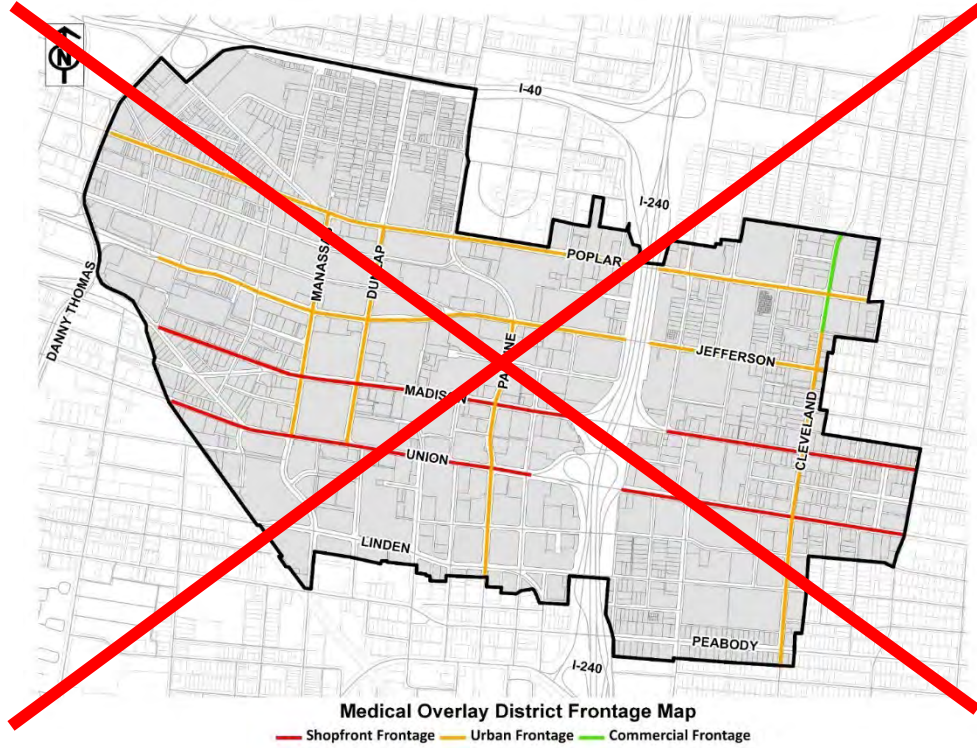


Medical Overlay District (-MO)



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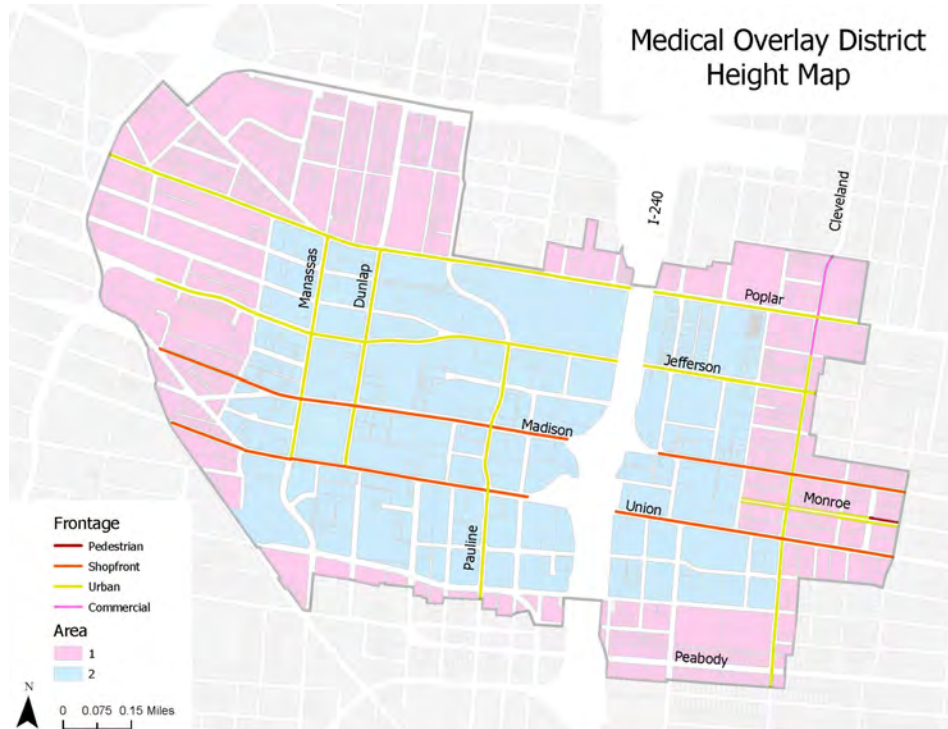
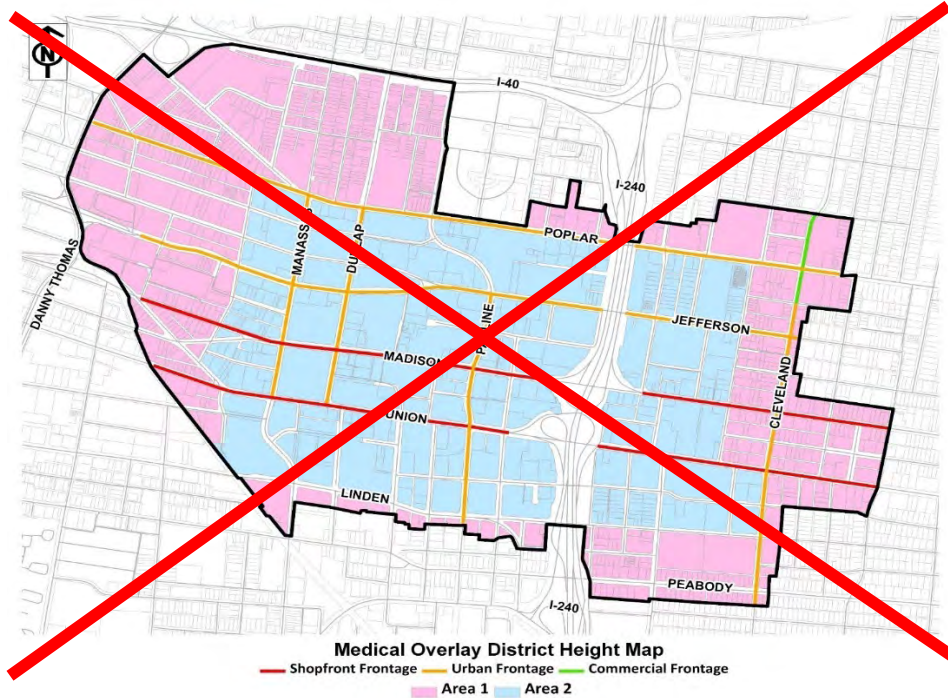
8.2.5B Medical Overlay District Frontage Map:



(NEW IMAGE)

Note: Frontages have been added to Monroe Ave, east of I240.

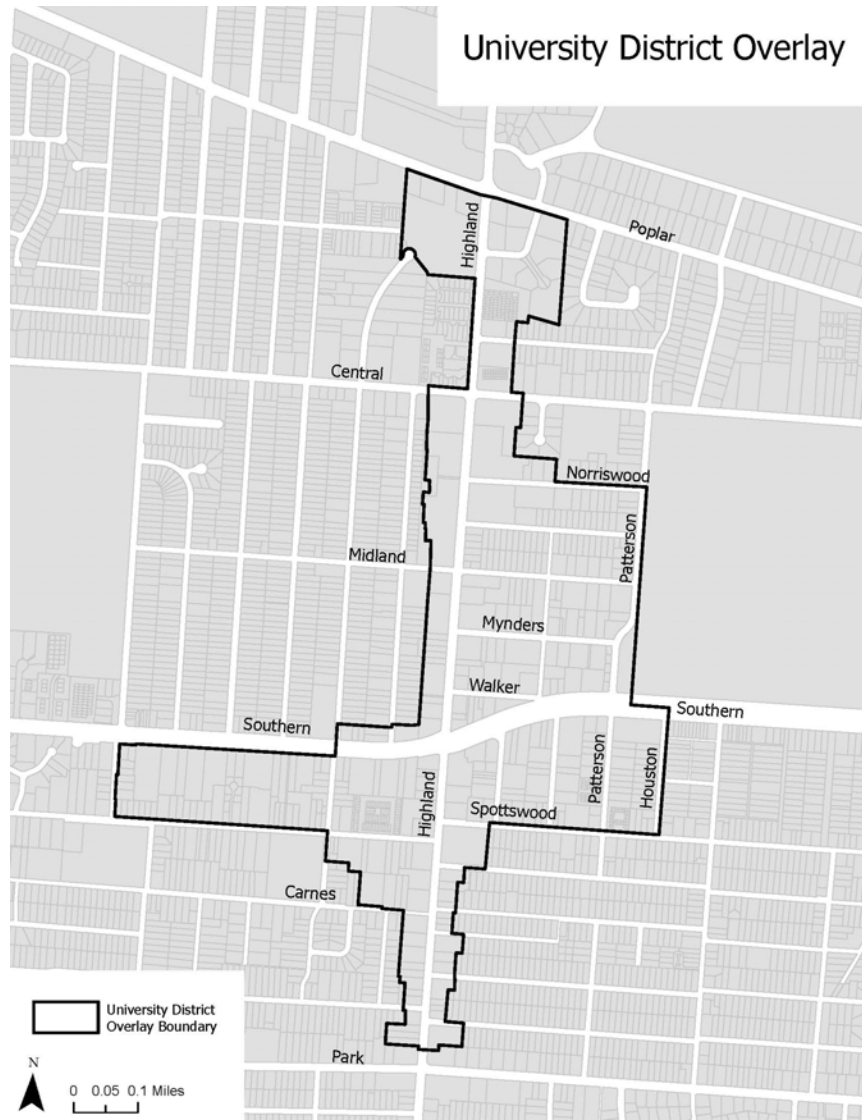
8.2.6 Medical Overlay District Height Map:



(NEW IMAGE)

8.3.6B University District Boundary Map:





(NEW IMAGE)

8.3.6C University District Frontage Map:

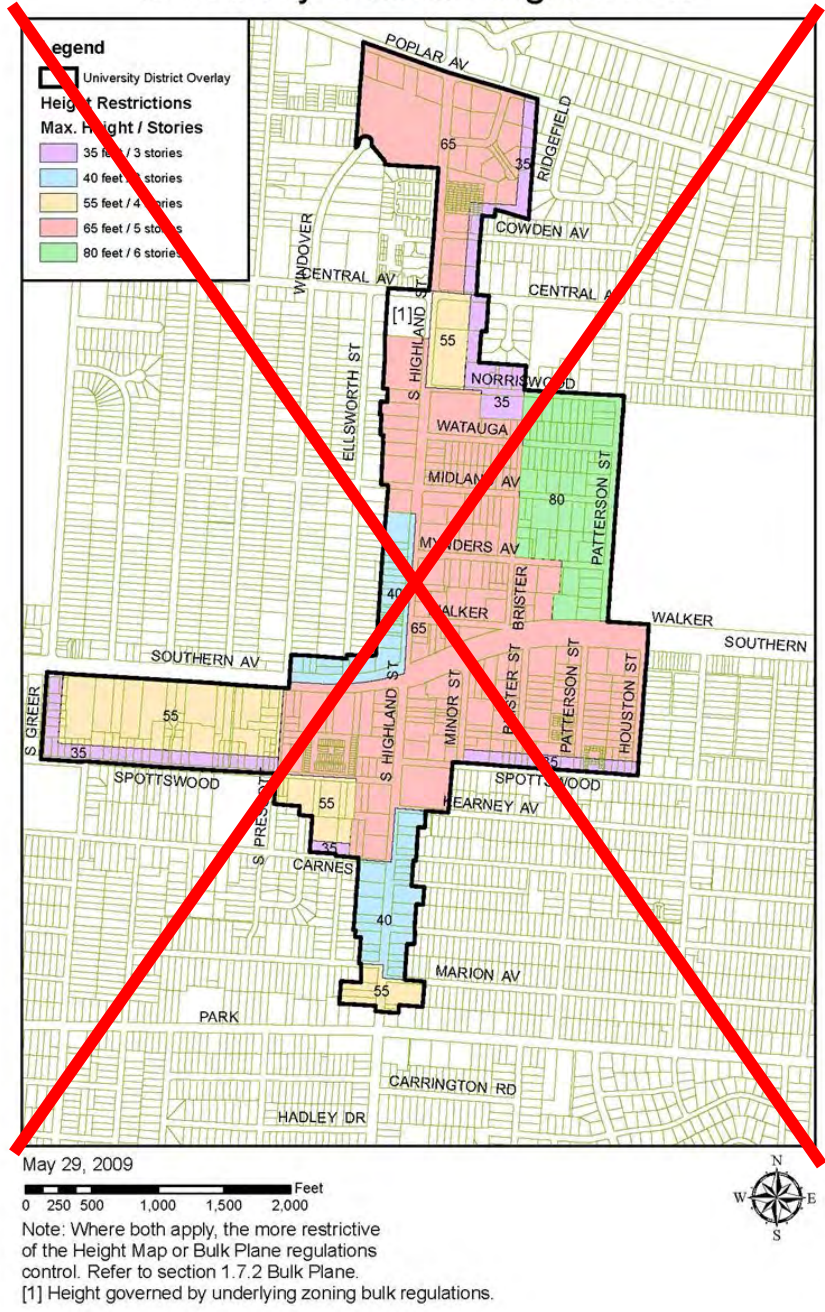


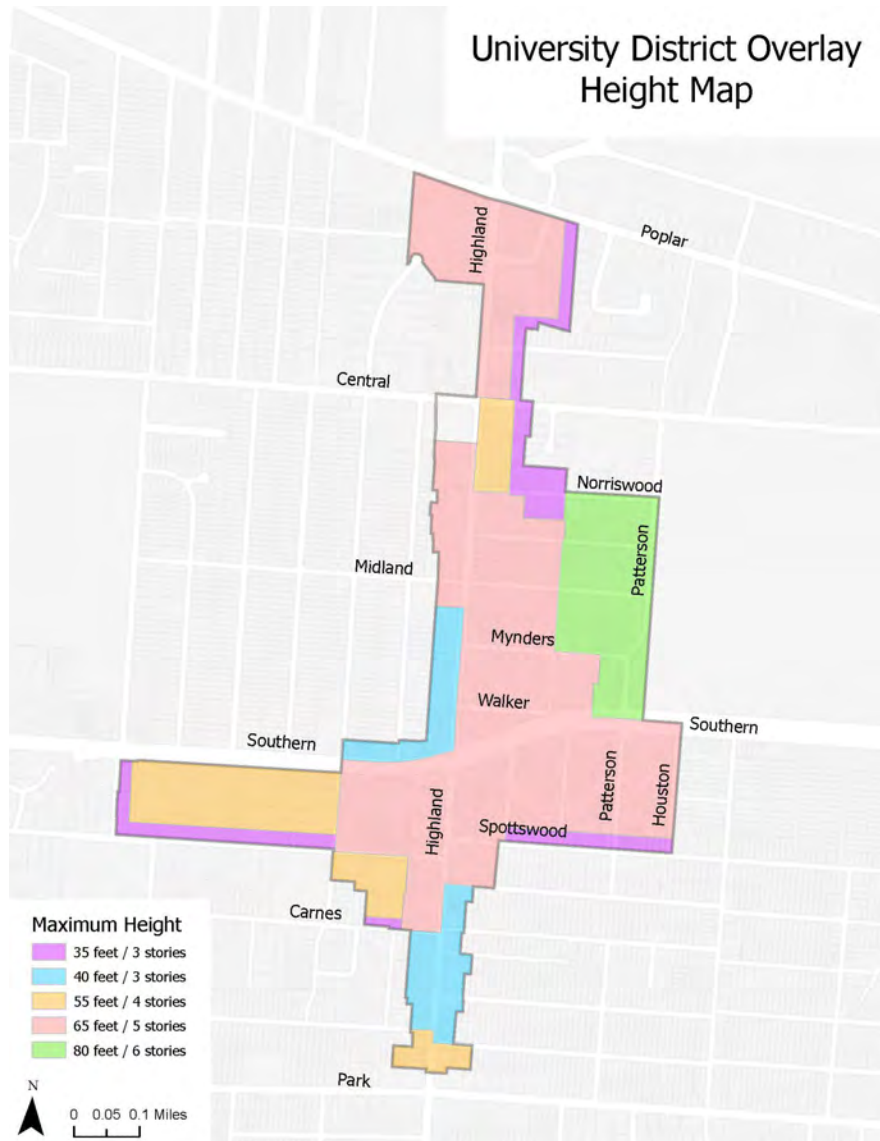


(NEW IMAGE)

8.3.7 University District Height Map:

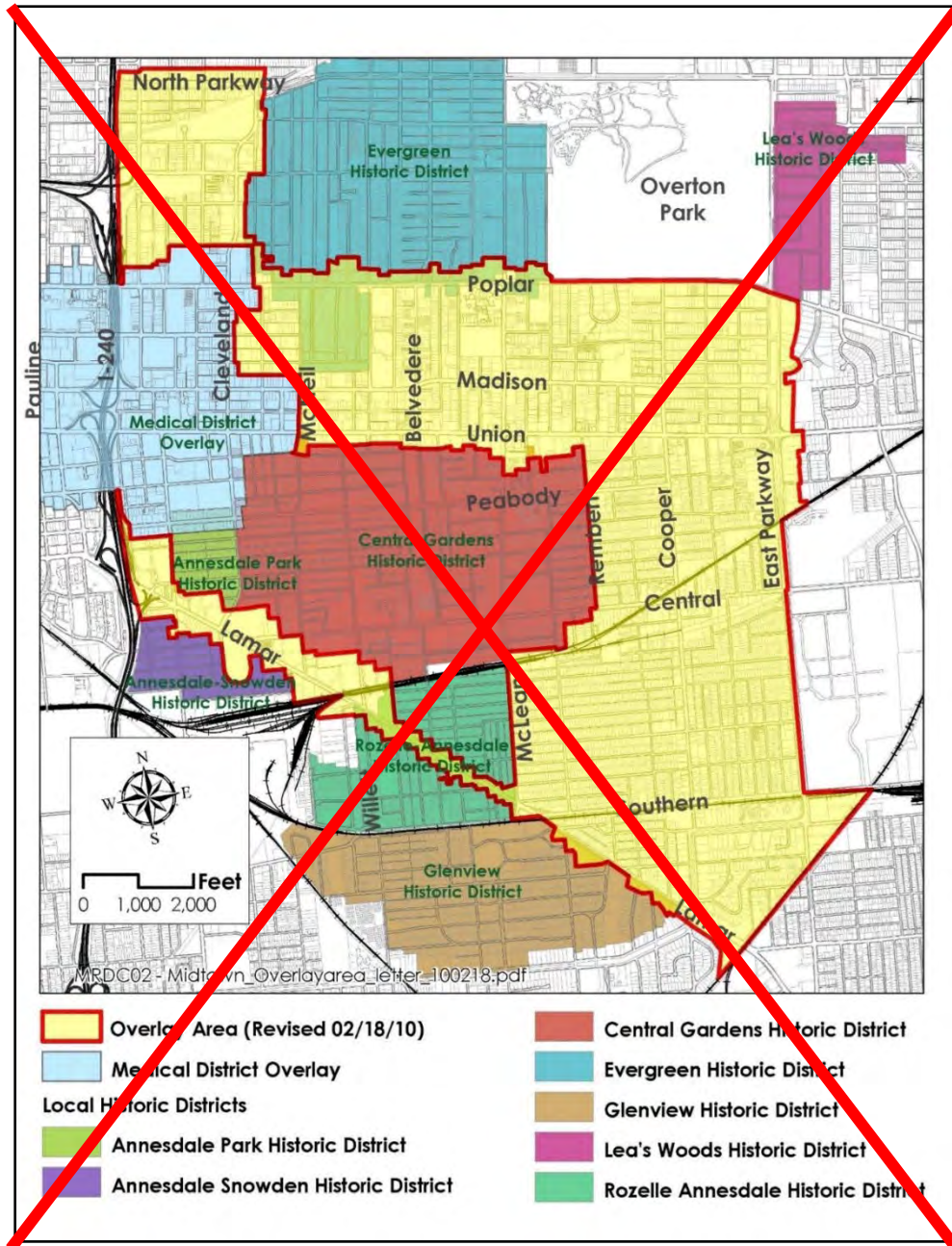
University District Height Limits

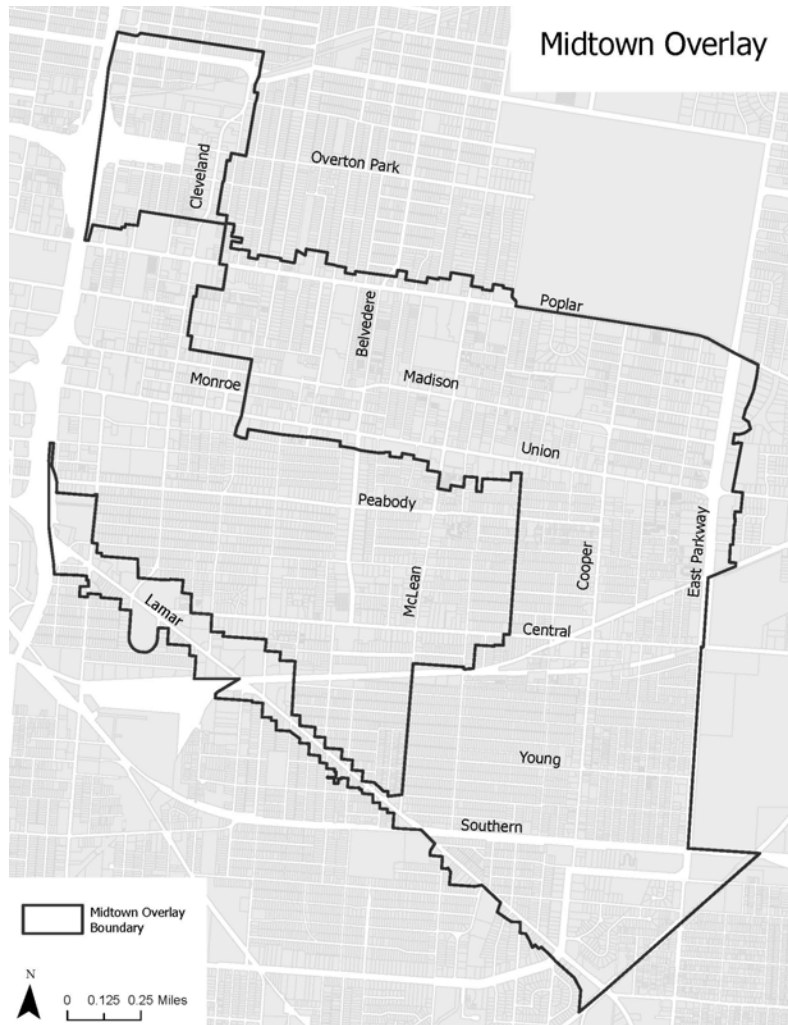




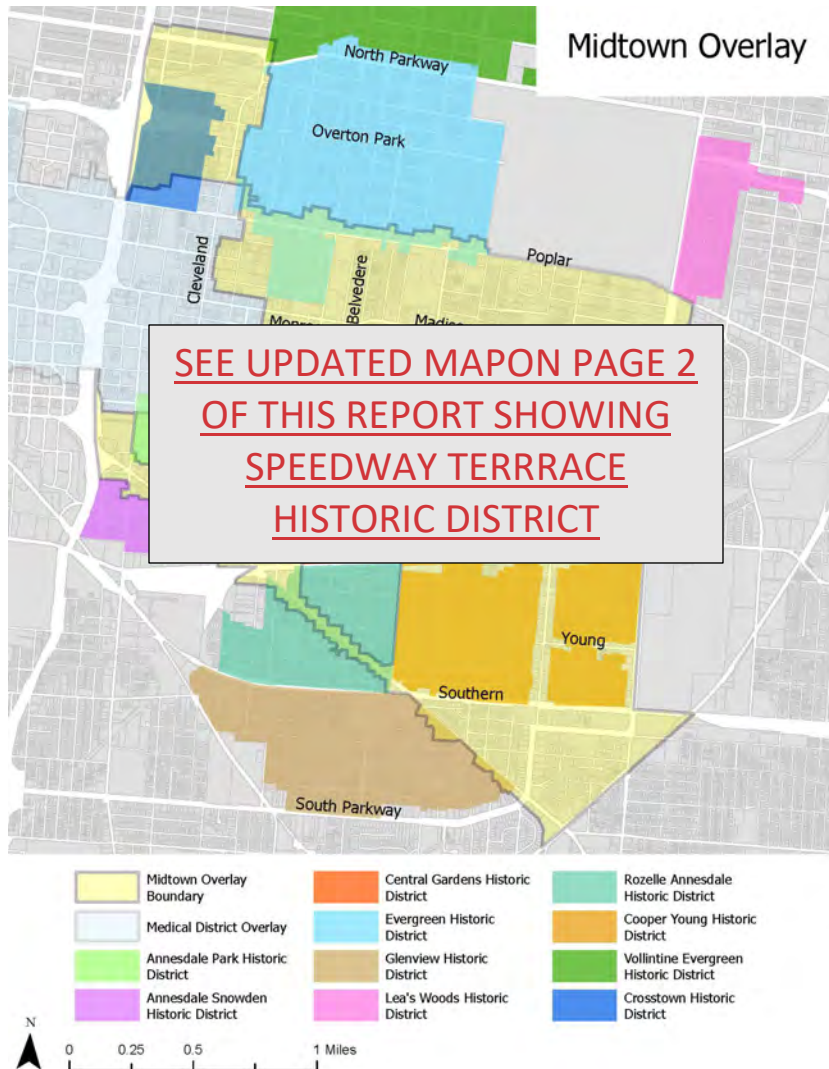
(NEW IMAGE)

8.4.8A Midtown District Boundary Map





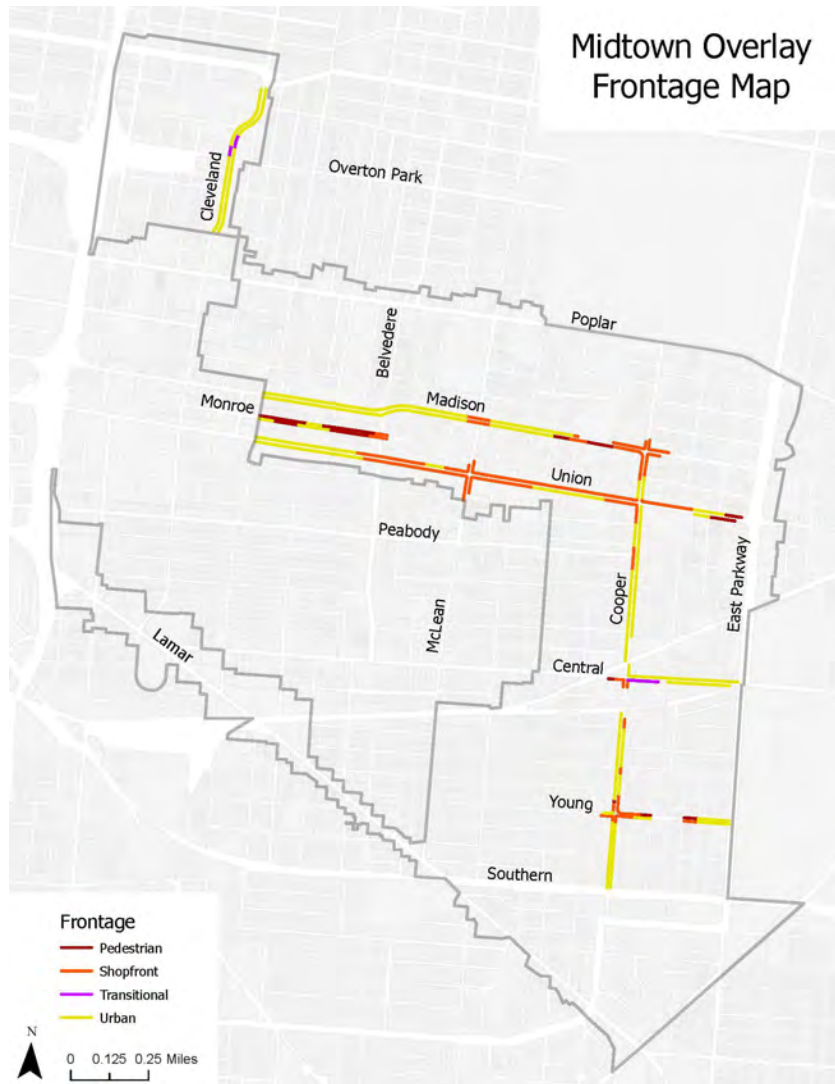
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8.4.8B Midtown District Frontage Map:

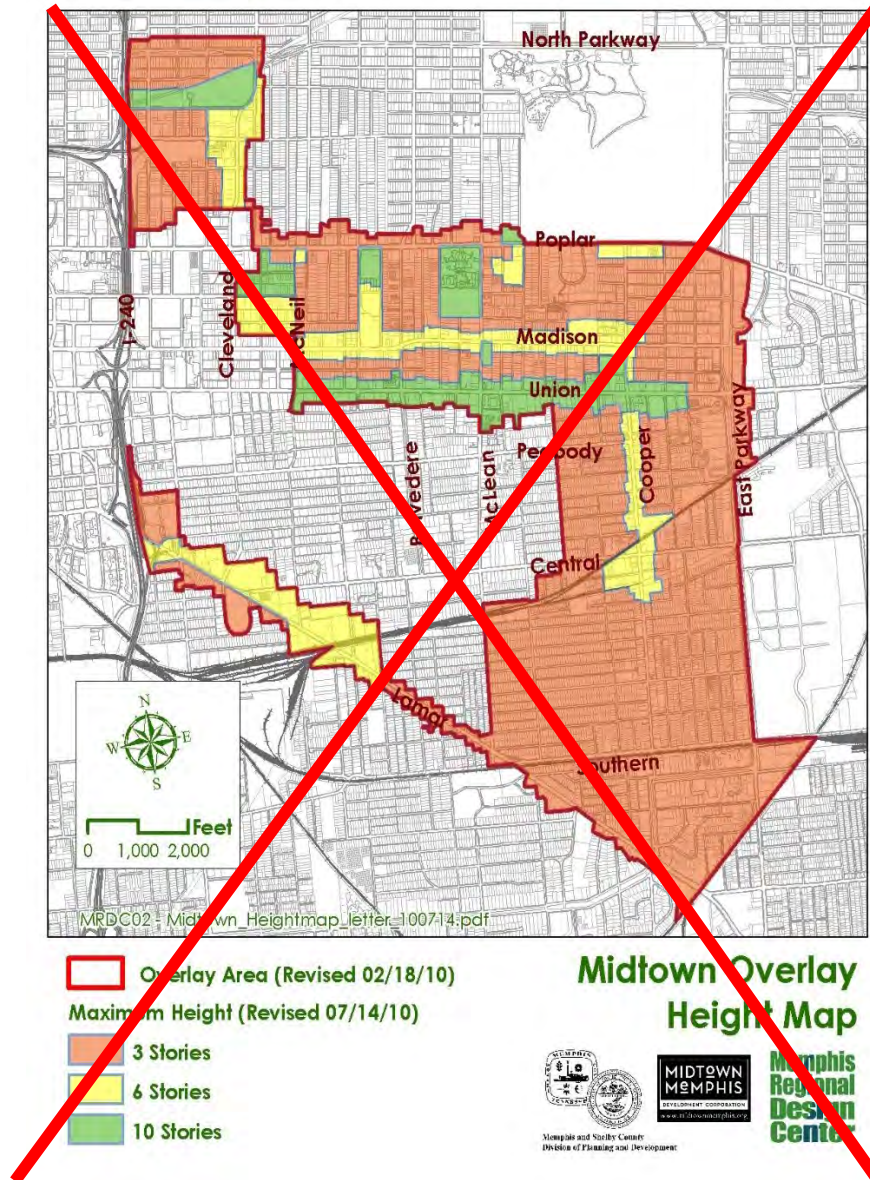


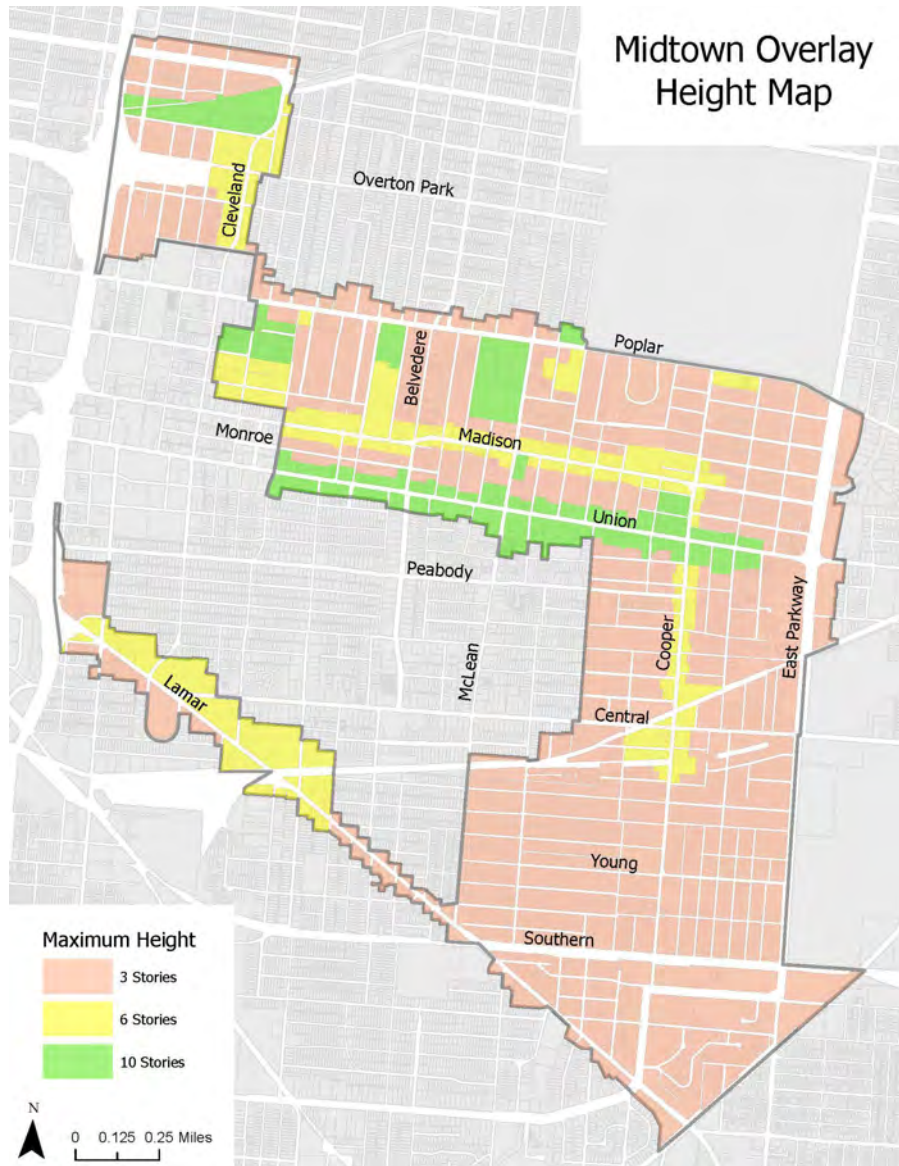


(NEW IMAGE)

Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





(NEW IMAGE)

8.13 Transit Overlay District

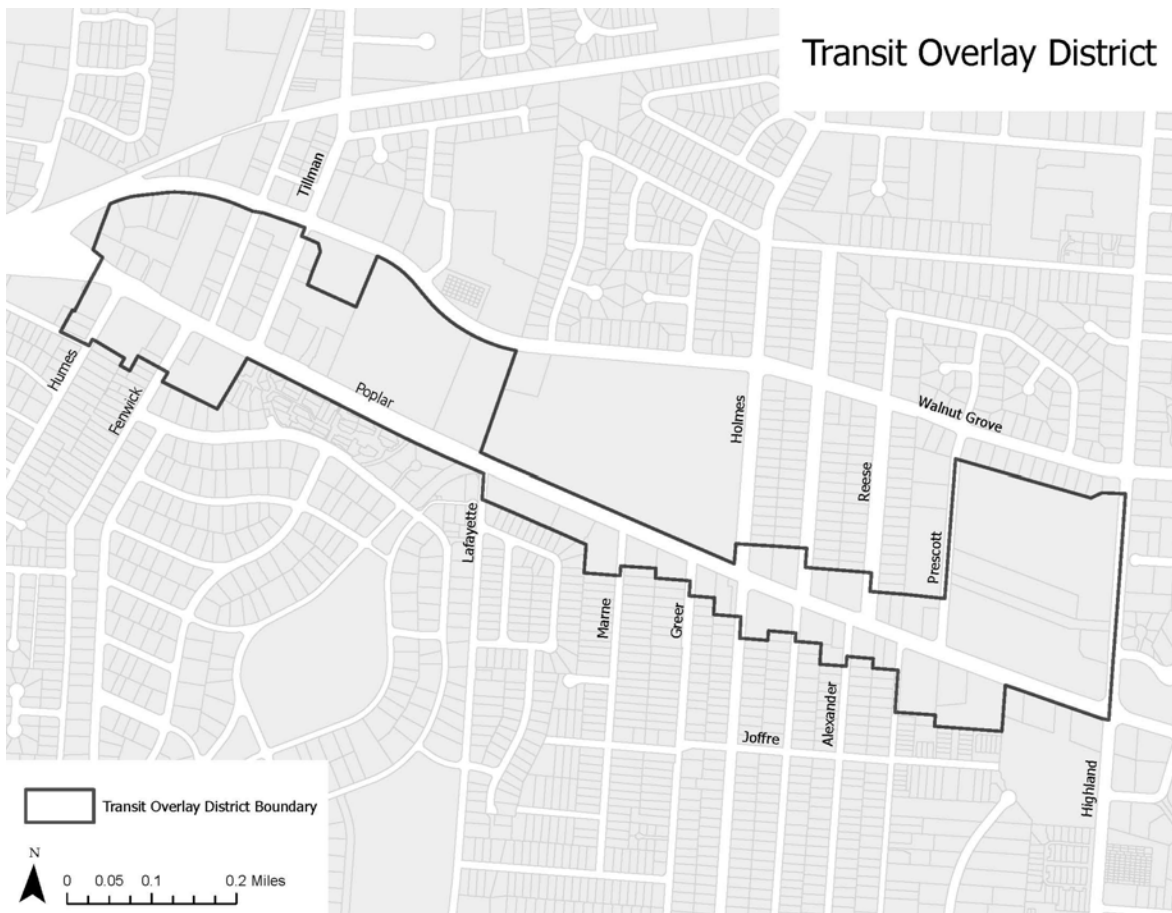
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

Article 2. Purpose

The purpose of this Chapter is to provide standards that support transit-oriented development in locations of the city where there is existing or planned high frequency transit service, such as bus rapid transit (BRT). These areas are intended to be mixed-use and urban and sustain an accessible shopfront corridor. The district's emphasis on pedestrian-oriented land use will complement the planning goals of high frequency transit, enhancing community character and quality of life. This Chapter is intended to serve as a guide to assist property owners, developers, architects, builders, business owners, public officials, and other interested citizens when considering rehabilitation, redevelopment or new construction in transit-oriented development areas.

Article 3. Boundaries

Boundaries of the Transit Overlay District(s):



(NEW IMAGE)

Article 4. Applicability

Within the Transit Overlay District, the use and sign standards of this Chapter shall apply to all land. All other standards shall apply to:

- A. **All new building construction.**
- B. **All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.**
- C. **Any site not subject to this chapter’s non-use standards per the above provisions, but which does not conform to its underlying zoning district, shall be governed by Article 10.**

Article 5. Administration

A. Site Plan Approval

- 1. The Zoning Administrator is authorized to approve site plans within the Transit Overlay District in accordance with Chapter 9.13.**
- 2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.**
- 3. Any planned development or use requiring a special use permit shall be**

subject to site plan review.

B. Administrative Deviations

The Zoning Administrator is authorized to approve administrative deviations in accordance with Chapter 9.21. The Zoning Administrator is also authorized to approve administrative deviations from any platted front setback, provided that the setbacks of this overlay district are maintained.

C. Special Exceptions

The Land Use Control Board is authorized to approve special exceptions to any height and parking standards found within this Chapter in accordance with Chapter 9.14.

Article 6. Uses

Uses shall be permitted in accordance with Section 2.5.2, unless modified by this Chapter’s use table, which shall apply to all nonresidential zoning districts.

<u>Transit Overlay District Use Table</u>			
<u>Uses</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Special Use Approval</u>
<u>Multifamily (Large Home, Stacked Townhouse, Apartment)</u>	<u>X</u>		
<u>All commercial parking</u>		<u>X</u>	
<u>Restaurants, drive-in or drive-thru</u>			<u>X</u>

<u>All other drive-thru uses, non-restaurant</u>			<u>X</u>
<u>Convenience stores with gas pumps, gas station, commercial electric vehicle charging station</u>		<u>X</u>	
<u>Payday loan, title loan, and flexible loan plan establishments</u>		<u>X</u>	
<u>Pawnshop</u>		<u>X</u>	
<u>Vehicle parts and accessories</u>			<u>X</u>
<u>All self-service storage</u>		<u>X</u>	
<u>All vehicle service (including vehicle wash establishment)</u>		<u>X</u>	
<u>All vehicle repair</u>		<u>X</u>	
<u>All vehicle sales, rental, leasing</u>		<u>X</u>	
<u>All warehouse and distribution</u>		<u>X</u>	

Article 7. Building Envelope Standards

The Urban frontage standards of Section 3.10.3 shall supersede the building envelope standards of all nonresidential zoning districts. Where that section and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

Article 8. General Development Standards

A. Applicability

The following general development standards shall supplement underlying standards in all nonresidential districts within the Transit Overlay District.

- 1. Fences and walls shall not be constructed in any clear sight triangle.**

B. Parking

- 1. A development must provide a minimum of 75% and a maximum of 110% of the number of parking spaces that would be required by Sub-Section 4.5.3B, taking into account any available parking reduction allowances per Sub-Section 4.5.3E.**

C. Signage

- 1. Signs should incorporate high quality materials (such as neon, hand painting, some metals, or well-crafted wood), exterior lighting, unique shapes, and outstanding graphic composition. Signs should be scaled to fit their context, complement the principal structure, and not obstruct architectural details.**
- 2. Plastic signage shall be prohibited.**

3. Text on signs shall be limited to the name of the establishment only.

4. Pole signs and similar sign types shall be prohibited.

5. Where Chapter 4.9 and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

D. Multi-modal Connectivity

Development shall foster a walkable and bicycle-friendly environment that is designed to be safe, comfortable, and functional.

1. Pedestrian Connectivity

A. Robust pedestrian facilities shall be provided in accordance with Sub-Section 4.5.5M. Developers shall be encouraged to utilize unique pavers or other such like materials, where appropriate to demarcate pedestrian facilities.

B. Any development that has a property line within 300 feet of the edge of an existing or proposed transit station or shelter shall repair and/or replace sidewalk – whether or not adjacent to the subject property – as needed to provide a path between the development and the station or shelter that conforms with local and federal sidewalk standards.

C. Pedestrian-scale lighting shall be provided along pedestrian facilities, where appropriate. The Zoning Administrator may require a lighting plan during site plan review.

2. Bicycle Parking

A. Bicycle parking shall be provided in accordance with Sub-Section 4.5.3C, except as modified below.

1. Multifamily residential uses within nonresidential zoning districts shall provide a minimum of 1 bicycle parking space per 4 dwelling units. All fractions shall round up to the next whole number.

2. Between 70% and 80% of the minimum number of bicycle parking spaces for multifamily residential and office uses shall be designated as “limited-access bicycle parking.” Up to 20% of the minimum number of bicycle parking spaces for other uses may be provided as limited-access parking. Limited-access bicycle parking shall meet the following standards.

a. Limited-access bicycle parking may be provided in the following locations: within the building, co-located with off-street automobile parking (such as within a parking garage), or elsewhere subject to administrative approval.

b. Limited-access bicycle parking shall be limited-access, well-lit, and protected from the elements.

c. An unobstructed path shall be maintained between the

building entrance and any indoor, limited-access bicycle parking.

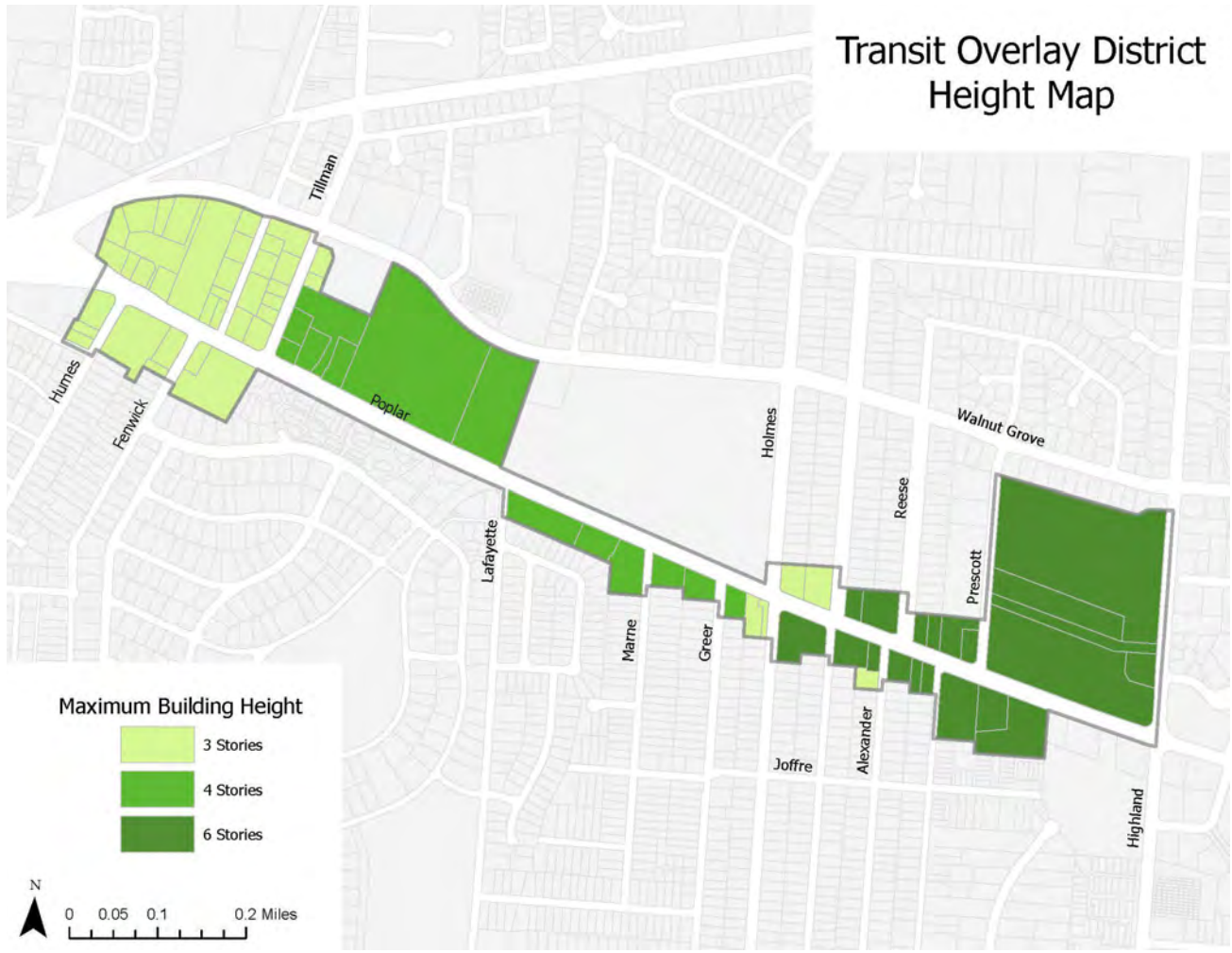
d. Limited-access bicycle parking within a parking lot or parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

3. Bicycle parking that is not designated as “limited access bicycle parking” shall be considered “general access bicycle parking.” Such parking shall be publicly accessible, and within a well-lit and highly trafficked location. Such parking shall be clearly visible from the principal building entrance, or else signage shall be posted that indicates its location. Special consideration shall be given to sidewalk accessibility standards when placing bicycle parking within the right-of-way.

E. Streetscape Standards

Underlying streetscaping standards shall apply, with the exception that the minimum sidewalk width shall be 6 feet.

Article 9. Height Standards



(NEW IMAGE)

3. 1.9D: Language change

The following plans ~~shall~~ may be considered in any decisions under this development code.

4. 2.2.3C, 2.3.4 and 2.3.6: Mixed Use Districts

This proposal would add the Mixed Use (MU) district as Sub-Section 2.2.3C and would reconfigure the list to push Commercial Mixed Use (CMU-) districts from Sub-Section 2.2.3C to become Sub-Section 2.2.3D. This proposal would also add the Mixed Use (MU) district to the list of Mixed Use Districts in Section 2.3.4 and Non-Residential Districts in Section 2.3.6.

2.2.3C:

C. Mixed Use (MU)

The MU District is intended to accommodate physically integrated uses. Permitted land use types include commercial, townhouses, apartments, and institutions. The ideal model consists of building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors.

D. Commercial Mixed Use (CMU-)

5. 2.3.2: Single-Family Districts

Currently, the Residential Urban – 1 (RU-1) district is not included in the single-family district grouping, even though its permitted residential uses are all single-family. This proposal would create Sub-Section 2.3.2H: ‘Residential Urban – 1’ to provide additional protections in this zoning district in certain situations.

6. 2.4.2: Zoning Map

Currently, the divestiture of a parcel of land is not covered under Section 2.4. This proposal would add deannexed land as Sub-Section 2.4.2B and would mirror the foregoing current Section 2.4.2 “Omitted Land” (proposed Sub-Section 2.4.2A) which requires such land to be zoned as Conservation Agriculture (CA) District.

2.4.2: Omitted Land

A. It is the intent of this development code that the entire area of the City of Memphis and Shelby County, except any incorporated territory outside the Memphis City limits, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this development code. Any area not shown on the Zoning Map as being included in any such district shall be classified in the CA District.

B. It is the intent of this development code that any deannexed land from the municipalities of Arlington, Bartlett, Collierville, Lakeland, or Millington or any State or Federal property divestiture outside of an incorporated municipality of Shelby County be classified as Conservation Agriculture (CA) district by default unless an application has been made and approved by the appropriate governing body of a higher classification prior to such deannexation.

7. 2.6.3J(2)(d)(iii): Convenience Stores with Gas Pumps, missing reference:

Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

8. 2.6.3J(2)(d)(i) and 7.2.5B(2): Misspelling of complementary

2.6.3J(2)(d)(i): Establishments permitted by right
The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be ~~complimentary~~ complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

7.2.5B(2): Land Use Objectives
To include a variety of land uses that are compatible with the existing buildings and ~~complimentary~~ complementary to the unique architectural characteristics of the Loft Residential Area.

9. 2.6.3Q(1) and 9.2.2: Outdated Terminology

This proposal would update the use of outdated terminology of “Director of Planning” to the current title of “Zoning Administrator” and from “Office of Planning and Development (OPD)” to “Division of Planning and Development (DPD)”.

2.6.3Q(1): Due to the positive community relationships that are attributable to neighborhood-based farmers markets as evidenced in Memphis, Shelby County and throughout the nation, and due to the general decline in civic involvement that has occurred specifically in Memphis and Shelby County over the course of time, farmers markets shall be permitted by right in certain zoning districts as delineated in the Use Table, Section 2.5.2, if operated by a neighborhood-based, not-for-profit, entity such as a civic

organization, neighborhood or homeowners association, Community Development Corporation or similar organization as determined by the ~~Director of Planning~~ **Zoning Administrator**. Any farmers market that does not adhere to the provisions of this Sub-Section shall require a Special Use Permit.

9.2.2: The second footnote in Section 9.2.2 refers to the outdated acronym for the Office of Planning and Development, OPD. This proposal would change this to refer to the current acronym for the updated division title, Division of Planning and Development or “DPD”.

10. 2.6.3S: Inconsistency

Currently, smoke shop locational standards apply only to schools and parks, per this Sub-Section. Elsewhere in the code, locational standards are more stringent, extending to places of worship and day care facilities also. This proposal would have the more stringent locational standard applied to smoke shops to be consistent with the rest of the code.

2.6.3S: Smoke shops not covered by an exception below shall be located no closer than 1320 feet from any school, **place of worship, day care facility** or park, as measured from the parcel that contains the smoke shop and the parcel that contains the school, place of worship, day care facility or park.

11. 2.6.3U: Truck Stop and Tractor-Trailer

This proposal would help to clarify the definitions of Truck Stop and Tractor-Trailer by referencing the applicable definitions section of the UDC.

2.6.3U: Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a). **See Section 12.3.1 for the definitions of Truck Stop and Tractor-Trailer.**

12. 2.6.4D(3), 4.5.5D(2)(b), 5.5.5B(3), 6.5.1F, 7.2.9D(5), 8.4.4E(4), 8.6.2A(3), 8.12.7F, 9.6.9G, 9.6.12E(3)(b), 9.6.12C(3), 9.12.4B(1), 9.13.5F, 9.13.7B(1), and 9.24.6G: Misspelling of “ensure”

- 2.6.4D(3) Prior to the commencement of landfill operations, the applicant for the special use permit shall submit to the building official a primary reclamation performance bond in the amount of \$3,500 per acre for each acre to be excavated, less the amount of bond held by the state, increasing \$100 per acre per year from the date of adoption of this Article, for landfill operations to ~~insure~~ ensure that the land shall be restored, regraded and resloped as provided in this section when such operations cease. Said bond shall not be released until the work it secures is completed or a substitute serial bond is received by the appropriate government official which shall secure all remaining work under the original bond and all bonds submitted pursuant to this section and shall so state. Such primary reclamation performance bond may be on a serialized basis in five year increments. Such primary reclamation performance bond shall be released after primary reclamation activities are complete and the condition, grade and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of not to exceed 60% of said primary reclamation bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.
- 4.5.5.D(2)(b). If seeking preservation credits for an existing tree located in an interior island, terminal island, or perimeter island then such island must provide a nonpaved area no nearer than three feet inside the tree dripline but no less than ten feet from the centerline of the tree or a distance of nine times the diameter of the trunk (DBH) in feet, whichever is less, or as may be required to ~~insure~~ ensure the survival of the preserved tree, subject to the approval of the Zoning Administrator.
- 5.5.5B(3) If a security has been provided to ~~insure~~ ensure performance of the improvements specified under the contract and the security is inadequate to cover the cost of said uncompleted improvements at the time the extension is sought, the applicant shall provide additional security to cover current cost projections as made by the City or County.
- 6.5.1F Prior to the commencement of sand, gravel or other extraction operations, the applicant for the special use permit shall submit to the Building Official a performance bond in the amount of \$3,500 per acre, increasing \$100 per acre per year from the date of adoption of this Article, for each acre proposed to be used for sand, gravel or other extraction operations to ~~insure~~ ensure that the land

- shall be restored, re-graded and re-sloped as provided in this Chapter when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of such bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.
- 7.2.9D(5) 5The Division of Planning and Development and Land Use Control Board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID.
- 8.4.4E(4) The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this Chapter.
- 8.6.2A(3) To ~~insure~~ ensure compatibility and to create an aesthetic atmosphere within a Historic Overlay District;
- 8.12.7F The governing body may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.12E(3)(b) The Zoning Administrator may include conditions to ~~insure~~ ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.12C(3) The Zoning Administrator may include conditions to ~~insure~~ ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
- 9.12.4B(1) 1The proposed development shall be reviewed to ~~insure~~ ensure compliance with the requirements of the development code including any dedications or improvements required under Article 5.

- 9.13.5F The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ **ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the district.
- 9.13.7B(1) The proposed development shall be reviewed to ~~insure~~ **ensure** compliance with the requirements of the development code including any dedications or improvements required under Article 5.
- 9.24.6G The Board of Adjustment may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ **ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

13. 2.7.2B: Height restrictions on accessory structures in the CA district and formatting inconsistency.

This proposal will reduce the height restrictions on accessory structures in the CA district. In this Sub-Section, there is no Paragraph 2.7.2B(1), although there are paragraphs (2) and (3). The problem with this is that 2.7.2B(3) refers to the nonexistent paragraph (1). Therefore, this proposal will also update the numbering of paragraphs (2) and (3), so that (2) becomes (1), and (3) becomes (2). This proposal will also delete the phrase 'not including any exceptions articulated in Paragraph 2.7.2B(1)' from the latter paragraph, as its intent is unknown, and the standard is already clear.

- ~~2.~~ **1.** In Relation to the Principal Structure. Except as provided in Sub-Sections 2.6.2H, 2.6.2I, 3.2.6A and Section 2.7.9, the height of an accessory structure shall not exceed the height of the principal structure, **except for in the CA district, where the accessory structure shall not exceed 1.5 times the height of the principal structure.**
- ~~3.~~ **2.** Height and Setback. Accessory structures shall be at least five feet from the side and rear property lines. Any portion of an accessory structure over 20 feet in height shall be located at least 20 feet from all side and rear property lines that do not abut an alley. For the purpose of this paragraph, height shall be measured from the highest point of the accessory structure, **not including any exceptions articulated in Paragraph 2.7.2B(1).**

14. 2.9.2A: Household Living

This proposal changed the language of the first footnote to make it less restrictive.

Principal Uses	Accessory Uses
Single-Family Detached Conventional Side Yard House Cottage Single-Family Attached Semi-attached Two-Family Townhouse Multifamily Large Home Stacked Townhouse Apartment Upper-Story Residential Live/Work Manufactured, Modular Home Mobile Home Manufactured Home Park	Accessory dwelling unit (see Sub-Section 2.7.2D)* Apiary (see Section 2.7.12) Chickens (see Section 2.7.11)* Dish antenna under one meter Gardening Home occupation (see Section 2.7.4) Private community center** Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool, outdoor kitchen, pool house Off-street parking On premise residential leasing office Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit Leasing/Management Office
*These are <i>only</i> permitted as accessory structures to single-family detached and attached uses dwelling units . ** These may be included in common areas of subdivisions, not as accessory structures on single-family lots.	

15. 2.9.4F: Commercial Parking

This proposal would add “parking garage” to the list of types of “commercial parking” and clarify that tractor-trailer parking is not included as a type of “commercial parking”.

2.9.4F: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged **(tractor-trailer parking not included)**.

Principal Uses	Accessory Uses
Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility (truck and motor freight trailer parking not included) Park-and-ride facility Motor vehicle parking lot Surface parking lot <u>Parking garage</u>	Structure intended to shield parking attendants from the weather Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit

16. 2.9.4H: Retail Sales and Service

This proposal would add “truck stop” to the list of principal uses of “Retail Sales and Service”.

Principal Uses	Accessory Uses
<p>Sales-Oriented Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, ammunition, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, firearms, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, videos, and related products Art or photo studio, gallery Convenience store with gas pumps, gas station, electronic vehicle service station Convenience store without gas pumps Consignment store Greenhouse or nursery, commercial, garden center Pawnshop Payday loans, title loan establishments Photo finishing pickup station, photo finishing by computer and retail sales Retail Sales Outdoor (vendor), Flea Market, Farmers Market, Farm Stand, Open Air Market, Vehicle parts and accessories, Wholesale club</p> <p>Service-Oriented Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care Dance, martial arts, music studio or classroom, personal trainer or gym Catering establishment, small-scale Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Quick-sign service, printing and publishing Post office, Taxidermist Tattoo shop, palmist, psychic, medium Truck stop, Tractor-trailers (fueling of) Wedding chapel</p> <p>Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio,</p>	<p>Artisan manufacturing Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area Gardening Off-street parking On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit</p>

shoe, television or watch repair, tailor, milliner, upholsterer, locksmith	
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17. 3.2.9E(4)(b): Grammatical error

Covered, unenclosed porches attached to the principal structure may encroach a maximum of eight feet into ~~a~~ required front, rear and side setbacks, provided a five-foot separation is maintained between the porch and property line.

18. 3.9.1C: Garage and Carport Placement

This proposal would clarify when a street facing garage and carport would be allowed through specific language of “when allowed per Section 3.9.2” as opposed to “when provided”.

3.9.1C: Street-facing garages and carports, when ~~provided~~ **allowed per Section 3.9.2** must be positioned as set forth below, however, carports may not be permitted in the carriage court form.

19. 3.9.2: Contextual Infill Standards & 8.10.5 Special Development Standards

This proposal will simplify the contextual infill standards to include all residential site less than two-acres in size and in the area identified on the map. This proposal will also update the setback requirements for corner lots and lots “where the calculation of a range of setbacks is not practicable”, as well as updating the requirements for street-facing garages to be only allowed if an alley is not present and more than, rather than “at least”, half of the structures on the same block face have street facing garages or carports.

3.9.2B: 1. The contextual infill development standards shall be used on any residential site **less than two acres and within the area identified on the map below that meets the following conditions:**

- ~~a. For sites within an existing subdivision or planned development, no front setbacks are indicated on the plat or plan,~~
- ~~b. The site is less than two acres in size,~~
- ~~c. The site is within the area identified on the map below; and~~
- ~~d. The site is abutted on two or more sides by parcels containing existing single family detached or single family attached dwellings that were built on lots platted or established by deed before 1950 in a residential zoning district. For the purpose of this item, the term “abut” shall include parcels directly across any street from the site.~~

3.9.2E: Structures shall be located within the range of front setbacks on the street. This range of setbacks is measured on the basis of the four lots surrounding the project site (the two closest lots in either direction along the street). The new structure shall be located within the range of setbacks (no closer than the narrowest setback, no further than the deepest setback). Where a setback in these four lots is significantly out of the range of setbacks along the street, it may be eliminated from the range. **Instances where the subject lot(s) is on or within two lots of a corner, the setback shall align with the nearest adjacent lot(s).** Where the calculation of a range of setbacks is not practicable, such as instances where **there are no adjacent lots with existing structures** ~~the subject lot(s) is on or within two lots of a corner~~, the structure shall be located a minimum of 20 feet from the front property line.

3.9.2H: Street-facing garages and carports may be allowed if an alley is not present and ~~at least~~ **more than** half of the structures on the same block face feature street-facing garages or carports. In these instances, the garage or carport placement must meet the standards of Section 3.9.1. In all other instances, street-facing garages and carports are only permitted if they are located at least 100 feet from the right-of-way and at least 50 feet behind the front façade of the structure.

20. 4.4.7A: Clear Sight Triangle

The three tables in Sub-Section 4.4.7A do not address streets with speed limits over 40 miles-per-hour. This proposal will change the tables to address these streets, as well as changing the “unposted” value to be the same as “20-25 MPH” instead of the current “30 MPH”.

ONE APPROACHING TRAFFIC LANE ON THROUGH STREET

<i>Type of Sign Controlling Intersection</i>	Posted Speed of Through Street	Length of Side in Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 20-25 MPH	13'	175'	14'	105'
	Unposted or 30 MPH	14'	200'	14'	130'
	35 MPH	14'	250'	14'	160'
	40+ MPH	14'	275'	14'	180'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	140'
	30 MPH	24'	230'	24'	170'
	35 MPH	24'	280'	24'	205'
	40+ MPH	24'	320'	24'	240'

TWO APPROACHING TRAFFIC LANES ON THROUGH STREET

Type of Sign Controlling Intersection	Posted Speed of Through Street	Length of Side In Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 20-25 MPH	13'	175'	14'	75'
	Unposted or 30 MPH	14'	200'	14'	90'
	35 MPH	14'	250'	14'	110'
	40+ MPH	14'	275'	14'	125'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	105'
	30 MPH	24'	230'	24'	130'
	35 MPH	24'	280'	24'	130'
	40+ MPH	24'	320'	24'	180'

Intersecting Streets	Posted Speed of Through Street	Length of Side In Feet	
		Sides	
		A – B and D – E	A – C and D – F
Street 1	Unposted or 20-25 MPH	13'	175'
	Unposted or 30 MPH	14'	200'
	35 MPH	14'	250'
	40+ MPH	14'	275'
Street 2	Unposted or 20-25 MPH	13'	175'
	Unposted or 30 MPH	14'	200'
	35 MPH	14'	250'
	40+ MPH	14'	275'

21. 4.5.2C(2)(e)(5): Incorrect placement of provision

Currently, the placement of provision seems incorrect. This sub-item does not fit within its item, which concerns requirements of off-site parking. This proposal would convert Sub-Item 4.5.2C(2)(e)(5) into Item 4.5.2C(2)(f).

4.5.2C(2)(f): **5.f.** For Townhouse and Stacked Townhouse housing types, street-facing garages and carports are not permitted (see Section 3.9.1 for specific parking placement requirements).

22. 4.5.3C(1) and 4.5.3C(2): Bicycle parking

This proposal would update bicycle parking regulations to include the Mixed-Use (MU) zoning district.

1. All nonresidential developments with required minimum parking spaces pursuant to Sub-Section 4.5.3B in the RW, OG, **MU**, CMU-1, CMU-2, CMU-

3, EMP and WD districts must provide a minimum of four bicycle parking spaces.

2. Nonresidential development in the RW, OG, **MU**, CMU-1, CMU-2, CMU-3, EMP and WD districts providing more than 20 but less than 100 vehicle parking spaces are required to provide six bicycle parking spaces. An additional bicycle space must be provided for each additional 15 vehicle parking spaces, or fraction thereof. A maximum of 24 bicycle parking spaces is required. Bicycle parking facilities must be located within 200 feet of at least one functioning building entrance, except for shared parking facilities, which may be located anywhere on the same site as the uses sharing the facilities, provided it lies within 200 feet of any entrance.

23. 4.5.4B(3) and 4.5.3C(2): incorrect order of words, should read:

Required off-street parking spaces may be permitted by the Zoning Administrator on a separate site from the site on which the principal use is located if the off-site parking complies with ~~the~~ all of ~~the~~ following standards:

24. 4.5.5D(3)(b): Inconsistency between Items

Currently Item 4.5.5D(3)(b) conflicts with Item 4.5.5D(3)(a) in term of minimum width, inside curb, minimum caliper and maximum spacing. This proposal would remove the inconsistency from Item 4.5.5D(3)(b) by removing everything from this provision that follows "... per Tree C..." and rely on the standards set forth in Item 4.5.5D(3)(a).

- b. Unless otherwise approved by the Zoning Administrator, each island must contain a minimum of 450 square feet per Tree A; 300 square feet per Tree B; or 150 square feet ~~per Tree C with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 2½ inches. Planting islands must be evenly distributed throughout the parking area, with no parking space located more than 120 feet from a planting island.~~

25. 4.6.5C(1): Buffer Planting Specifications

This proposal would rectify the requirements of Buffer Class III Type C. As more trees, shrubs and width is required in the Type C Buffer, it should require a less intense fence than in Type B. This proposal would change the current "sight proof fence" to "chain link fence".

	Type A	Type B	Type C
Class I	Width: 7 feet Evergreen Trees: 2 Shrubs: 0 Barrier: Sight proof fence 6' to 9' high	Width: 10 feet Evergreen Trees: 2 Shrubs: 24 Barrier: Chain link fence 6' to 9' high	Width: 15 feet Evergreen Trees: 4 Shrubs: 30 Barrier: No wall or fence
Class II	Width: 7 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Masonry wall 6' to 9' high	Width: 10 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Sight proof fence 6' to 9' high	Width: 15 feet Evergreen Trees: 6 Shrubs: 24 Barrier: Chain link fence 6' to 9' high
Class III	Width: 7 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Masonry wall 6' to 9' high	Width: 10 feet Evergreen Trees: 4 Shrubs: 0 Barrier: Sight proof fence 6' to 9' high	Width: 15 feet Evergreen Trees: 7 Shrubs: 24 Barrier: <u>Chain link fence 6' to 9' high</u> Sight proof fence 6' to 9' high

26. 4.9.3B(5), 4.9.3B(6) and 4.9.11D: Sign Violations

Previously, it has been an issue for Zoning Inspectors to cite a business owner for failing to pay their annual sign renewal fee since the sign renewal fee is included in the building code and therefore requires a Building Inspector to cite the business. This proposal would add a reference to Appendix A, Section 8(b) of the building code that requires an annual sign renewal fee to these sections of the UDC so failure to pay the annual fee would in fact also be a zoning code violation.

4.9.3B(5): New Section:

Except for the signs listed in Sub-Sections 4.9.2 B, C, and D, all signs shall be required to obtain a license on an annual basis subject to annual re-inspection as required by Sub-Section 4.9.15G and associated fees required by the City and County Building Code.

4.9.3B(6): New Section:

The Zoning Administrator shall not be required to issue an annual license for any sign unless such sign complies with the provisions of this Chapter, and all other applicable ordinances and regulations of the city and county.

4.9.11D:

- D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit **or annual license** has lapsed;

4.9.15F(1)(e): New Sub-Item

- d.** Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this Paragraph.
- e.** **If a nonconforming sign fails to obtain an annual license as required by Sub-Section 4.9.3 B within any calendar year, the nonconforming sign must be removed. This restriction is not intended to prevent the future erection of other signs that conform fully with the provisions of this ordinance.**

27. 4.9.7D(2)(a): Clarification between Mixed Use (MU) and Commercial Mixed Use (CMU-) districts

This provision is intended to apply to the Commercial Mixed Use districts, per Chapter 2.1, not the Mixed Use (MU) zoning district. The proposal is to change the statement to the following:

The maximum gross surface area of attached signs in the **Commercial Mixed Use Districts** (Excluding OG and RW) and Industrial Districts **are is** not regulated.

28. 4.10.3C: Misspelling

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

29. 5.2.17B(2): Correction to cross-reference

Private streets shall be reserved for use by owners and residents served by such private streets and all governmental entities providing services and regulatory enforcement, as well as private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a model approved by the appropriate fire department. The location of the gate shall meet the requirements outlined in section ~~4.4.8~~ ~~4.5.6~~.

30. 7.1F(1) and 7.1G(1): Special Purpose Districts

7.1F(1) The provisions of this Article shall apply to the following development, ~~including single family and two family housing types:~~

7.1G(1) All development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, that meets the applicability of Sub-Section 7.1F shall be processed through the Special District Administrative Site Plan Review provisions as established in Chapter 9.13.

31. 8.2.3A and 8.3.4A: Medical and University Overlay Districts

Authority

1. The Zoning Administrator is authorized to approve site plans within the Medical Overlay District in accordance with Chapter 9.13.
2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.

32. 8.4.4D(3), 8.4.6B(1), 8.4.6B(2), 8.4.6B(5): Outdated Terminology

This proposal would update the use of outdated terminology of “Director of Planning” to the current title of “Zoning Administrator” and from “Office of Planning and Development (OPD)” to “Division of Planning and Development (DPD)”.

8.4.4D(3) The Division of Planning and Development or any affected property owner within the notification area appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing comments to the ~~Director of Planning~~ Zoning Administrator and submitted within ten working days of the Board’s action.

- 8.4.6B(1) An owner or other person who has a contractual interest in the property may file an application with the **Office Division** of Planning and Development. A site plan shall be submitted and reviewed in accordance with Section 8.4.4 above.
- 8.4.6B(2) The ~~Office Division~~ of Planning and Development shall forward the site plan and a request for special exception to the Land Use Control Board.
- 8.4.6B(5) The **Office Division** of Planning and Development or any individual appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing to the ~~Director of Planning~~ **Zoning Administrator** and submitted within 10 working days of the Board's decision. The City Council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

33. 8.12.9C(3): Grammar

This proposal added a space between “of” and “the”, as well as correcting the spelling of “ensure” as below:

3. The Zoning Administrator in consultation with the Wellhead Administrator may include conditions to ~~insure~~ **ensure** compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.

34. 9.3.2A(1): Neighborhood Meeting Requirement

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
1. Zoning changes ~~is not in compliance with any plans to be considered (see Chapter 1.9);~~

35. 9.3.3B, 9.12.3, 9.12.3C and 9.12.3E: Administrative Site Plan Review

Now that Land Use and Development Services reviews Administrative Site Plan Reviews (ASPR), these sections regarding ASPRs need to change the person to whom these site plans are filed from the “Building Official” to the “Zoning Administrator”. Paragraph 9.12.3A(3) should state that action should be taken on administrative site plans within ten days upon

submittal of all required documents. Finally, Paragraph 9.12.3C(2) contains a misspelling of the word “ensure”.

9.3.3B:

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	■
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

9.12.3A:

1. An application for an administrative site plan shall be submitted in accordance with Section 9.3.3, Application Requirements.
2. The ~~Building Official~~ Zoning Administrator has established specific submittal requirements for an administrative site plan application (see Application for requirements).
3. The ~~Building Official~~ Zoning Administrator shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days ~~of their receipt~~ upon submittal of all required documents, except for those site plans that require City or County Engineering or Technical Review Committee review. The Building Official shall provide written notice of his decision to the applicant within two working days of the date of his decision.

9.12.3C:

1. The ~~Building Official~~ Zoning Administrator or designee shall review all administrative site plans for compliance with all applicable requirements of this development code including but not limited to Article 3 and Article 4.
2. The approving entity may recommend improvements to the site plan to impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ~~insure~~ ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

9.12.3E: If the ~~Building Official~~ Zoning Administrator does not approve the application, the applicant may appeal to the Memphis and Shelby County Board of Adjustment in accordance with Chapter 9.23 of this development code.

36. 9.3.4 Public Hearing and Notification

This proposal would require neighborhood associations to be notified of comprehensive rezoning and would fix the misspelling of the word “objection” in the legend.

37. 9.3.4C(2)(a): Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no ~~closer~~ further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as

otherwise determined to be needed by the Zoning Administrator.

38. 9.6.3: Neighborhood Notification and Meeting

Special Use Permit major modifications do not require neighborhood meetings per Sub-Section 9.3.2A whereas amendments do. This proposal would change “major modification” to “amendment” to reflect this.

An applicant requesting a special use permit or **amendment** ~~major modification~~ to a special use permit shall notify the surrounding neighborhood(s) (see Section 9.3.2).

39. 9.6.12E(2)(e): Planned Development

This proposal would maintain the intensity of use of a planned development, containing the allowed usage change by major modification to not only equal or lower-intensity but to the same Use Category as explained by Chapter 2.5.

Changing the permitted uses in a planned development may be processed as a major modification if uses of a lower classification are being changed to uses of a higher classification, **but only within the same Use Category pursuant to Chapter 2.5. The Zoning Administrator shall determine whether a proposed use is of a higher classification as compared to the existing use on a case-by-case basis.** ~~See Sub-Section 10.2.5B for classifications of uses.~~

40. 9.6.13A: Language Change

If the governing body votes to deny an application, there may be no subsequent similar application submitted by any party for any part of the subject property until 5 years have elapsed from the date of denial, or from the date any appeal thereof becomes final, whichever is later. This 5-year period shall also apply to: 1) those cases on which the Land Use Control Board ~~conducts a vote~~ **votes** but are withdrawn before the governing body may act and 2) those cases involving modifications (see Sub-Section 9.6.11E and Section 9.6.12) and appeals (see Sub-Section 9.23.1C) on which the Land Use Control Board conducts a vote and no further action by the governing body is taken. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so. For the purpose of this Sub-Section, “similar application” shall be interpreted to include, but is not limited to, the following:

41. 9.12.3B(3): Engineering Review

3. City or County Engineer Action. Only the following administrative site plans shall be reviewed by the City or County Engineer:
 - a. For sites that require the dedication of public right-of-way.
 - b. For sites within sensitive drainage basins, as defined by the City or County Engineer, any new development or redevelopment that involves a disturbance of one or more acres.
 - c. For sites outside of the sensitive drainage basins, projects requiring public impacts defined as construction involving sewer, drainage or right-of-way improvements, but not including sidewalk construction, sewer and water taps and other improvements that shall be reviewed through the street cut or sidewalk permitting process.
 - d.** The City or County Engineer shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days of their receipt. The City or County Engineer shall provide written notice of his decision to the applicant within two working days of the date of his decision.
 - e.** **Any development deemed appropriate by the Zoning Administrator.**

42. 9.21.2: Misspelling

The Zoning Administrator shall review the request in light of the intent and purpose of district requirements. The Zoning Administrator shall have the authority to approve an **administrative** ~~administration~~ deviation **from** ~~for~~ the following standards...

43. 10.3.3: Nonconforming structures

This section needs to be reworded to remove the contradiction between 10.3.3A and B, and 10.3.3C. 10.3.3C was initially written so that damage to a structure could not exceed 75% of the value of that structure without forfeiting its right to be restored but was modified so that damage to a structure could not exceed 75% of the value of all structures on the lot/tract without forfeiting said right. This change made it easier to rebuild nonconforming accessory structures. This proposal would reword 10.3.3A and 10.3.3B to remove this contradiction and remove 10.3.3C as it would then be redundant.

- A. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the

~~total~~ fair market value of ~~such structure~~ all buildings on the lot or tract immediately prior to such damage, such structure shall not be restored unless it will conform to the regulations of the district in which it is located. The prohibition against restoration within this Sub-section shall not apply to the restoration or repair of any damaged or destroyed public utility facility built prior to the effective date of this development code.

B. ~~When such nonconforming structure~~ In the event that any nonconforming structure is damaged or destroyed, by any means, ~~by to the extent of~~ 75% or less of the ~~total~~ fair market value of ~~the structure all buildings on the lot or tract~~ immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within 12 months of the date of such damage.

~~C. For the purpose of this Section, the calculation of 75% shall be determined as a percentage of the total fair market value of all buildings on the lot or tract.~~

44. 11.3.2: List configuration

This proposal would change the lettering of the list so it would start with the letter “A” and not the letter “B”.

Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City and/or County shall include, but not be limited to the following:

- ~~B.~~ A. Issuing a stop-work order for any and all work on any signs on the same tract or lot;
- ~~C.~~ B. Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity;
- ~~D.~~ C. Imposing any penalties that can be imposed directly by the City and/or County under this development code;
- ~~E.~~ D. Seeking in court the imposition of any penalties that can be imposed by such court under this development code; and
- ~~F.~~ E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City and County under the applicable provisions of this development code and the building code for such circumstances.

45. 12.3.1: Corrections to General Definitions

The current definition of boarding house contains a reference to “rooming house” which is a separate use, this proposal would replace the reference to “rooming house” with “boarding house”.

BOARDING HOUSE: A building where lodging, with or without meals, is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided. Evidence that a property is being utilized as a **rooming boarding** house may include, but is not limited to, the following: keyed locks on interior doors, number of mailboxes or mail receptacles, excessive parking and signs indicating individual rooms for rent.

This proposal would include “property listings on a web-based hosting platform” in the list of evidence that a special event is taking place on a commercial basis for home-based wedding and event centers.

HOME-BASED WEDDING AND EVENT CENTER: An establishment that caters to weddings or other occasional special events for large groups of individuals, including but not limited to the following: weddings, birthdays, reunions, church events, company events and anniversaries, either on a commercial or non-commercial basis. This use shall be limited to those special events that occur at a frequency of more than one time per calendar year. All other events are permitted as a matter of right.

Furthermore, this use shall be limited to those special events that occur largely outdoors or in structures that are open-air. For the purpose of this definition, “large groups of individuals” shall mean, for those special events operated on a non-commercial basis, at least 50 individuals present on the site at any one time and, for those special events operated on a commercial basis, at least 5 individuals present on the site at any one time. Home-based wedding and event centers may or may not occur on the same site that is occupied by a single-family residence. Evidence of whether a special event is operated on a commercial basis may include the following: paid admission for attendees, **property listing on a web-based hosting platform**, advertising on social or other media that indicates paid admission and placement of temporary restrooms on the site.

This proposal would fix a misspelling from “at last ten years” to “at least ten years” as below:

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

This proposal clarifies the definition as below:

TRUCK STOP: An establishment, or any portion thereof, that provides fueling, bathing options, ~~or and~~ other conveniences to tractor-trailers and their operators. This definition includes any overnight parking of recreational vehicles and tractor-trailers in non-industrial zoning districts, with the exception of hotels, motels and other similar places of overnight lodging.

LETTERS RECEIVED

Ten (10) letters were received at the time of completion of this report and have subsequently been attached. Three (3) letters of support and seven (7) letters of opposition were received.



November 1, 2022

To:
Brett Ragsdale
Zoning Administrator
Division of Planning and Development
Brett.Ragsdale@memphistn.gov

From:
Deveney Perry
BLDG Memphis
1680 Jackson Avenue
Memphis, TN 38107
Deveney@bldgmemphis.org

Re: Land Use Control Board Zoning Text Amendment Application ZTA 22-1
09/08/2022

On behalf of BLDG Memphis, I write to provide full support for the text amendments of the Unified Development Code (UDC). The proposed changes provide an assessment of the existing housing stock in Memphis and Shelby County and provide key zoning objectives that the City and County can act on to address housing challenges experienced by non-profit developers and others within the local community development industry.

BLDG Memphis is an organization that drives investment in Memphis neighborhoods through building capacity in members, public policy and civic engagement. We value the importance of strong neighborhoods and community-informed approaches. We are specifically designed to represent and support local community development corporations (CDCs) as they conduct a number of community development activities in disinvested neighborhoods: developing affordable housing, counseling future homeowners, providing access to home ownership and improvement financing, improving public spaces and corridors, and improving access to healthy food are the most common ones.

We agree with the findings, as the current housing market in Shelby County is not meeting the needs of large sections of the community. More specifically, the housing market does not support needed investment in the production or maintenance of quality housing in many neighborhoods throughout the county.

The community development sector can confirm that the cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible.

Re: BLDG Memphis Support for LUCB Zoning Text Amendment Application
ZTA 22-1 09/08/2022

As BLDG Memphis calls attention to local needs for improving housing affordability, we hope to communicate that this will require better alignment of three policy tools: reforming land use regulation to allow smaller, more compact housing; addressing taxes on expensive, underused land; and expanding housing subsidies to low-income households.

BLDG Memphis is encouraged by the proposed recommendations that will permit more options for housing production and lower the cost of building new housing. We are hopeful these changes will support a clearer path to our goals of increased affordability, density, and inventory in the city's housing stock.

As a voice for the community development industry in Memphis, BLDG Memphis welcomes the opportunity to support the Division's proposed amendments to the UDC and to ensure we will work towards maximizing the benefits.

Thank you for your time and consideration,

Deveney Perry
Executive Director
BLDG Memphis
Cc: Christina Crutchfield
Director of Neighborhood Planning

2022 - 2023 BLDG Memphis Members

Community Development Organizations

- Alcy Ball Development Corporation
- Binghampton Development Corporation
- Center for Transforming Communities
- Crosstown Community Development Corporation
- Downtown Memphis Commission
- Frayser Community Development Corporation
- Habitat for Humanity of Greater Memphis
- Heights Community Development Corporation
- Jacobs Ladder Community Development Corporation
- Kingdom Community Builders
- Klondike Smokey City Community Development Corporation
- Memphis Medical District Collaborative
- Midtown Memphis Development Corporation
- Mustard Seed, Inc.
- NHO Management
- Oasis of Hope
- Pigeon Roost Community Development Corporation
- Raleigh Community Development Corporation
- South Memphis Alliance
- The Works, Inc.
- United Housing, Inc.
- Victorian Village Community Development Corporation
- Vollintine Evergreen Community Association



Brett Ragsdale
Zoning Administrator
Division of Planning and Development
Brett.Ragsdale@memphistn.gov

Dear Administrator Ragsdale ,

Re: Land Use Control Board Zoning Text Amendment Application ZTA 22-1 09/08/2022

On behalf of United Housing, Inc. (UHI), I offer my full support for the text amendments of the Unified Development Code (UDC). The proposed changes provide an assessment of the existing housing stock in Memphis and Shelby County and provide key zoning objectives that the City and County can act on to address housing challenges experienced by non-profit developers and others within the local community development industry.

UHI is a nonprofit organization, home builder, housing counseling agency and nonprofit lender. We provide financial literacy, homeownership education, and mortgage products to individuals outside of the traditional banking and homeownership market. Our capital projects include single-family scattered-site development and subdivisions in Frayser, Raleigh, and Westwood. UHI plans to increase our “missing middle” housing projects due to the changing economic environment and changing market for walkable, smaller, smartly designed homes and low-scale multifamily housing in our legacy neighborhoods.

UHI can confirm that the cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible. Our funding gap is often between \$25,000-\$50,000 depending on the project size and location. The housing market alone does not support needed investment in the production or maintenance of quality housing in many neighborhoods throughout the county.

Reforming land use regulation to allow smaller, more compact housing; addressing taxes on expensive, underused land; and expanding housing subsidies to low-income households will allow organizations like UHI to provide the affordability our clients need, allow us to finance, design and build a diversity of homes on infill sites and lots more readily.

UHI is encouraged by the proposed recommendations that will permit more options for housing production and lower the cost of building new housing. We are hopeful these changes will support a clearer path to our goals of increased affordability, density, and inventory in the city’s housing stock.

Sincerely,

Amy Schaftlein
Executive Director

From: [MARY OGLE](#)
To: [Zeanah, John](#)
Subject: RE: Zoning and development
Date: Friday, November 4, 2022 7:58:12 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Thank you, Mr. Zeanah.

Please do include my **revised comment (below)** in that staff report - and please let me know when and whether there is anyone else I should contact to get this done.

I changed the last sentence of the second paragraph to say: I don't think anyone of any age or physical ability would not prefer a single-family unattached home to any kind of shared-wall building (including duplexes, attached housing such as townhouse rows or apartment rows, apartment buildings, or congregate housing). I inserted two additional paragraphs after that.

Revised comment:

Memphis needs more small affordable zero lot line single-family houses, nice but no luxury finishes or fixtures, single-story and ADA compliant including ADA compliant kitchens and bathrooms (curbless showers), screened front porches large enough for a few chairs, and attached garages - start near Poplar, Summer Avenue, and Park Avenue corridor areas and expand from there.

Why? Significant population of older residents who want to downsize but remain near areas where they live or work now (including me!), and need for more ADA housing for those older residents and for those of any age who need that. I don't think anyone of any age or physical ability would not prefer a single-family unattached home to any kind of shared-wall building (including duplexes, attached housing such as townhouse rows or apartment rows, apartment buildings, or congregate housing).

I believe the best bath/bedroom ratio would be a mix of primarily 1 bath/1bedroom, with a lesser amount of 1 or 2bath/2bedroom, and a maximum of 2 bath/3 bedroom.

I suggest requiring a gas connection for a cooktop or gas range or a built-in gas cooktop or range, because gas allows instant heat control for cooking (electric doesn't) and gas can be used to cook during power outages (electric can't).

What I have in mind would have as a starting point houses like Dwayne Jones has been doing in Orange Mound (but with attached garages), or like Malone Park Commons (but with ramps, or slab construction, no entry-way stairs).

Mary Ogle

3776 Carnes, 38111

On 11/03/2022 12:55 PM Zeanah, John <john.zeanah@memphistn.gov> wrote:

Thank you for your comments, Ms. Ogle. The Division has proposed zoning amendments that would permit structures such as those you describe to be built in many residential areas throughout the City. The current zoning code restricts single family to be more conventional in nature (larger lots), so this change would be an opportunity to allow builders to develop this style of housing more affordably. I can add your comments to the staff report that goes with our proposal.



John Zeanah, AICP

Director

Division of Planning and Development

125 N. Main, Ste. 468 Memphis, TN 38103

Phone: 901-636-7167

Email: john.zeanah@memphistn.gov



Visit our [website](#)



TO: Land Use Control Board
Re: ZTA-22-01
Attn: Brett.Ragsdale@memphistn.gov

LUCB:

Thanks to the public meeting given by John Zeanah and Brett Ragsdale, we have a better understanding of the proposed changes to the UDC.

We have these comments to submit by deadline:

The recent growth of out of town owners of midtown properties and their efforts to do the minimum work for the maximum profit suggests that granting the “by right” opportunity to, essentially, double their housing income will in no way increase affordable housing in midtown.

We believe that granting the “by right” opportunity to add a cottage to a single family lot in R6 or a full-sized ADU in RU-1 will damage the look and feel of Midtown, especially the Historic Districts. Further, this change will put undue pressure on the Memphis Landmarks Commission, which is already short-staffed, underfunded and overworked.

Our broad suggestion, and the easiest one, is to **exclude the area of the Midtown overlay from the ZTA proposals.**

Out of town owners have proven that they will not heed Historic District guidelines and would rather create their profit potential and then beg forgiveness. Enough! Drive through midtown and see the results of their work—painted brick; older homes with smaller than appropriate windows; fences that are not allowed; porches that don’t fit in with the rest of the neighborhood; and we could list many more.

We believe another approach toward achieving the same goals could rely on the comprehensive plan, Memphis 3.0, which identifies various anchors throughout the city and unincorporated county. Associated with these anchors is a Degree of Change Map which identifies anchors that are strong and also those that need some public and private investment. Instead of a blanket approach that creates a “by-right” housing style and reduced lot, consider using 3.0 to identify areas that need this treatment and then use the zoning process to change the zoning where the Degree of Change Map indicates the change is warranted.

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- Octavia Young

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Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

[www.facebook.com/Midtown
Memphis.MMDC/](https://www.facebook.com/MidtownMemphis.MMDC/)

On a positive note, we came away from the meeting with a better understanding of the need for smaller homes in less developed areas. As OPD and some members of our audience made clear, if the comps in, for example, Orange Mound, don't allow for a loan of a full-sized home on a full-sized lot, then development will be slow or not occur. There, it may make sense to encourage smaller homes on smaller lots. We understand that there are neighborhoods that will benefit from these proposals, but we urge you to see what we believe is obvious: **these changes will harm the character of the thriving and successful neighborhoods, and especially those with historical look and style.**

We ask that ZTA 22-01 be amended to exclude the area within the Midtown overlay.

Thank you,

Porsche Stevens

Porsche Stevens
Chairperson



Robert Gordon
P&D Committee Chair

CC:

Vaughan Dewar (Lea's Woods) <vaughandewar@bellsouth.net>;
Emily Bishop (Rozelle-Annesdale) <cybishop@comcast.net>;
GlenviewCodeTeam@gmail.com <glenviewcodeteam@gmail.com>;
Earlice Taylor (Glenview) <earlice@yahoo.com>;
Justin Gillis (Speedway Terrace) <jusgillis@gmail.com>;
Sharon Younger (East End) <sharon@younger-associates.com>;
Suzy Askew (VECA) <siaskew@comcast.net>;
Jeremy Williams (Evergreen) <jeremywilliams76@gmail.com>;
Don Jones (Evergreen) <jonesdon928@gmail.com>;
Shelly Rainwater Central Gardens) <shellyrainwater@gmail.com>;
Steve Redding (Central Gardens) <redding901@gmail.com>;
Cathy Winterburn (Annesdale Park) <cathywinter@yahoo.com>;
Martin E Lipinski (Annesdale-Snowden) <mlipinsk@memphis.edu>;
Karen Edwards (VECA) <kdendeavors7@gmail.com>;
Jennifer Amido (Crosstown) <jenniferamido@gmail.com>;
Vicki Loveland (Lenox) <joghappy@comcast.net>;
Robert Montague (Binghampton) <robert@bdcmemphis.org>;
Leah Fox-Greenberg (Memphis Heritage)
<leah@memphisheritage.org>



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

John R. Zeanah, AICP
Director
125 North Main Street, Suite 468
Memphis, Tennessee 38103
John.Zeanah@memphistn.gov

November 7, 2022

Robert Gordon
P&D Committee Chair
MidtownMemphis.org

Mr. Gordon,

First, I want to thank you for organizing and moderating the meeting on ZTA 22-01 held on Thursday, November 3. Mr. Ragsdale and I found the audience welcoming and the discussion constructive. It is evident all of us care deeply for our city and neighborhoods. I look forward to more opportunities to engage with Midtown neighborhood leaders in the future.

The purpose of this letter is to advise you on modifications we intend to make to the final proposal that will be presented to the Land Use Control Board on November 10, 2022. The proposed modifications only apply to changes within item 1 of the staff report dealing with recommendations of the Memphis and Shelby County Joint Housing Policy Plan. We are in receipt of your letter dated November 4 requesting a modification to ZTA 22-01 to exclude the area within the Midtown Overlay from proposals of ZTA 22-01. We assume this to mean your request is only related to item 1.

Upon review of your request, it was brought to my attention the Midtown Overlay chapter of the Unified Development Code (UDC) contains its own use chart, including residential uses. Since no amendments were proposed to the Midtown Overlay's use chart, this does in effect exclude this area from most of the recommendations of item 1 of ZTA 22-01 with the exception of recommendations on Accessory Dwelling Units (ADUs). However, our own proposed changes deal mostly with ADUs, so it is our hope you find this to be a suitable compromise.

With respect to the proposed changes related to ADUs, the following modifications have been made in our revised proposal:

- Removed the option to add an ADU to a lot where the principal use is single-family attached;
- Reduced the maximum square footage allowed from 800 to 700 or 1/3 of the gross floor area of the principal structure;
- Removed the option to add an attached ADU;
- Clarified the height of the ADU may not exceed the height of the principal structure, except when required parking is provided on the ground floor of the accessory structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.

We believe these modifications to best address the concerns expressed by many in the audience on Thursday evening, while still allowing Accessory Dwelling Units to become more available as an option to address our city and county's housing needs.

We have also made modifications to the dimensional standards for "cottage" lots. As I stated above, the use chart in the Midtown Overlay does not allow these structures in the subject area, so in effect your suggested modification has been accepted here. However, since this was a topic of conversation, I wanted to share we are proposing to align the required side setbacks to the same standards required of conventional single family homes in the R-6 district, increasing the minimum lot size to 3,000 square feet, and increasing the minimum lot width to 30 feet. We are also adding a footnote to the dimensional standards to clarify alley access is required unless the subject property is a corner lot.

Finally, we also took to heart many of the issues expressed related to enforcement of Certificates of Appropriateness at the time of construction. I have already begun discussions with senior leadership in our Construction Enforcement department regarding improvements we can make to the inspection process to address these issues earlier and more effectively. Once we have a proposed solution to this matter, I will respond with another letter to advise you of our actions.

Once again, thank you for hosting the conversation Thursday evening and your willingness to work toward solutions on this and future planning issues in our community.

Sincerely,

A handwritten signature in black ink, appearing to read "JZ", with a long horizontal flourish extending to the right.

John Zeanah

From: vaughandewar@bellsouth.net
To: [Ragsdale, Brett](#)
Cc: ["Robert Gordon"; ndorsey@me.com](#)
Subject: Concerns on the proposed UDC changes, under ZTA-22-01
Date: Thursday, October 20, 2022 4:42:18 PM

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

Dear Brett Ragsdale & LUCB members,

I request more time and more information about the **proposed UDC changes, under ZTA-22-01**. At our meeting of Neighborhood Associations, many representatives were unaware of how these proposed changes would affect their streets, and since some of what you are proposing appears to be highly unusual, we wondered if you'd be able to have a community meeting to explain the reasoning behind some of these changes. Such a meeting could be a city-wide meeting, or Midtown oriented.

Following are some observations and concerns:

- Broadly, our concerns in R-6 and RU-1 are about housing type, minimum lot size and lot width. We also have concern about the minimum lot size required for an Accessory Dwelling Unit and the changes allowed for the sizes of those units.
- We see you stating that your proposal to allow cottages will promote affordable housing, however **this change seems more about promoting density**, and not assuring affordability.
 - One need only look at many of the new structures in non-Historic Districts of midtown to see how expensive (and sometimes how large) a home on a small lot can be.
 - We are not comfortable with cottages being allowed by right on 50' lots. Midtown is predominantly R6 and R8.
 - Suddenly, vacant lots and large size lots will be allowed to subdivide to less than half the size that's been historically allowed. By, essentially, making subdivision possible by right, we anticipate a major transformation of the Memphis and Midtown landscape with little to no oversight.
 - Your proposal seems to encourage front-facing garages, short driveways that stop at the front of homes, and street parking;
 - This would degrade the historic feel that makes Memphis neighborhoods so attractive to visitors (and locals), we find your proposal puzzling.
(Front facing garages tend to bring a commercial feel to neighborhoods.)

We'd like OPD to protect what makes Memphis the attraction it is, and not dilute that and make us into another Nashville, Atlanta or Austin.

By allowing their proliferation on lots of 6000 square feet, and by encouraging larger, taller buildings, you are making an area zoned single family into a duplex district; duplexes, in fact, can add a third unit. This proposal seems to invite privacy issues and parking issues.

We recognize that we may not have understood your proposals correctly, and that is why we request a presentation that addresses these and other important issues; also, the opportunity for us to directly question someone about the proposals.

Please support Memphis, Midtown and Historic Districts by delaying this vote and giving the citizens more information about the reasoning behind these proposals.

Respectfully,

Vaughan Dewar, Lea's Wood's Historical District Representative

Vaughan Dewar, PMP®

VaughanDewar@bellsouth.net

2368 Circle Ave, Memphis, TN 38112

901 692 7777



Cooper-Young Community Association
2298 Young Ave
Memphis, TN 38104
901-272-2922
info@cooperyoung.org

October 20, 2022

TO: Land Use Control Board

RE: Case Number ZTA 22-01

Land Use Control Board:

The Cooper-Young Community Association Development Committee respectfully requests ZTA 22-01 be held to allow more time for clarification of the proposed changes to the UDC. **We ask you to hold a community meeting prior to this being heard at the Land Use Control Board to present information and address questions & concerns from neighborhoods & residents regarding these proposed amendments** which could dramatically alter our Midtown streetscapes.

Cooper-Young predominantly consists of R-6 lots, thus we have potential concerns regarding allowable housing types, minimum lot size, and lot width. Further, the proposed changes affecting accessory dwelling units is also potentially detrimental to our community and those around us. Previous to Cooper-Young being designated a Landmarks District, we experienced first-hand the ill affects allowing large scale structures on 'skinny' lots, which did not meet minimum lot or width requirements as stipulated in the UDC at the time; they were only allowed via a loophole in the UDC. The proposed changes seem to legalize this loophole to the detriment of our established & inviting streetscapes, among other effects.

Once again, we urge you to hold a community meeting to ensure confidence in the changes you are outlining in ZTA 22-01 in order to secure community buy-in from relative stakeholders who champion Memphis neighborhoods.

Respectfully,

Cooper-Young Community Association Development Committee
Olivia Wall, Development Committee Chair and CYCA President

EVERGREEN
HISTORIC DISTRICT ASSOCIATION
P.O. BOX 41375 MEMPHIS, TN 38174-1375



October 19, 2022

Mr. Brett Ragsdale, Zoning Administrator
Memphis and Shelby County Land Use and
Development Services
125 N. Main Street
Memphis, TN 38103

RE: ZTA 22-01

Administrator Ragsdale:

The EHDA Board has reviewed the proposed changes to the Unified Development Code with particular attention to the changes to the R-6 District, the RU-1 District, the Accessory Dwelling Units and the Contextual Infill Standards.

As I am sure you will agree, that even with some experience in zoning matters, these are some pretty significant changes to review and absorb. The EHDA Board respectfully requests that you continue this matter for a future meeting with the Memphis and Shelby County Land Use Control Board. We would appreciate some additional time to review the existing zoning pattern in our neighborhood and when and where these proposed changes could impact our neighborhood.

Additionally, we would like to set up a meeting with you either in-person or by zoom to discuss the reasons and intentions behind these changes and how they will impact any review by the Memphis Landmarks Commission.

You should anticipate a similar request from the Midtown Memphis Inc organization. EHDA participated in a zoom call with representatives of some of the Midtown Neighborhoods and we concluded that more information and more time is needed to assess the impacts.

We look forward to a thorough discussion with you and your staff and appreciate your consideration on this matter.

Regards:

John D. Jones

John D. (Don) Jones, Chairman
Planning, Zoning, Landmarks, and Code Enforcement Committee

CC: Jeremy Williams, President

TO: Land Use Control Board
Re: ZTA-22-01
Attn: Brett.Ragsdale@memphistn.gov



LUCB:

We are writing to ask for both more time and more information about the proposed UDC changes. At our meeting of Neighborhood Associations, many representatives were unaware of how these proposed changes would affect their streets, and since some of what you are proposing appears to be pretty radical, we wondered if you'd be able to have a community meeting to explain the reasoning behind some of these changes. This meeting could be a city-wide meeting, or Midtown oriented.

We wanted to share with you a few of our observations and concerns.

Broadly, our concerns in R-6, R-8 and RU-1 are about housing type, minimum lot size and lot width. We also have concern about the minimum lot size required for an Accessory Dwelling Unit and the changes allowed for the sizes of those units.

We see you stating that your proposal to allow cottages in R-6 and RU-1 will promote affordable housing, however this change seems more about promoting density; we don't see where there's anything assuring affordability. One need only look at many of the new structures in non-Historic Districts of midtown to see how expensive (and sometimes how large) a home on a small lot can be.

We are not comfortable with cottages being allowed by right on 50' lots. Midtown is predominantly R6 and R8. Allowing cottages is presently possible in Midtown by application —and rarely pursued. Suddenly, vacant lots and large size lots will be allowed to subdivide to less than half the size that's been historically allowed. By, essentially, making subdivision possible by right, we anticipate a major transformation of the Memphis and Midtown landscape with no oversight. Presently, the application process guarantees civic oversight.

Further to the "cottage" issue, where cottages have required an alley or corner lot, your proposal seems to encourage front-facing garages, and/or short driveways that stop at the front of homes and result in more street parking. Since these front-loading garages would quickly decimate the historic feel that makes Memphis neighborhoods so attractive to visitors (and locals), we find your proposal puzzling. Front facing garages tend to bring a commercial feel to neighborhoods. They're appropriate to downtown, not to Midtown Historic Districts.

Finally, this proposal puts undue pressure on the already stressed MLC. **We encourage you to see Historic Districts as an asset**; scan the internet and read the reviews and comments by visitors to Memphis and you will see that the historical neighborhood charm here is winning, it's a positive factor. We'd like OPD to protect what makes Memphis the attraction it is, and not dilute that. We don't want to stress MLC with unnecessary "by right" proposals that are clearly inappropriate.

EXECUTIVE COMMITTEE

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Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

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Memphis.MMDC/](https://www.facebook.com/MidtownMemphis.MMDC/)

We are also concerned about your proposal for accessory dwelling units. By allowing their proliferation on lots of 6000 square feet, and by encouraging larger, taller buildings, you are making an area zoned single family into a duplex district; duplexes, in fact, can add a third unit. As well, the possibility of Air BnB-type units proliferating is not good; google the problems of the residents of New Orleans if you need confirmation of the harm those can do to a neighborhood when allowed to proliferate unchecked. This proposal seems to invite privacy issues and parking issues.

We recognize that we may not have understood your proposals correctly, and that is why we request a presentation that addresses these and other important issues; also, the opportunity for us to directly question someone about the proposals. Please support Memphis, Midtown and Historic Districts by delaying this vote and giving the citizens more information about the reasoning behind these proposals.

Thank you,

Porsche Stevens

Porsche Stevens
Chairperson



Robert Gordon
P&D Committee Chair

CC:

Vaughan Dewar (Lea's Woods) <vaughandewar@bellsouth.net>;
Emily Bishop (Rozelle-Annesdale) <cybishop@comcast.net>;
GlenviewCodeTeam@gmail.com <glenviewcodeteam@gmail.com>;
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Sharon Younger (East End) <sharon@younger-associates.com>;
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Shelly Rainwater Central Gardens) <shellyrainwater@gmail.com>;
Steve Redding (Central Gardens) <redding901@gmail.com>;
Cathy Winterburn (Annesdale Park) <cathywinter@yahoo.com>;
Martin E Lipinski (Annesdale-Snowden) <mlipinsk@memphis.edu>;
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Jennifer Amido (Crosstown) <jenniferamido@gmail.com>;
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Robert Montague (Binghampton) <robert@bdcmemphis.org>;
Leah Fox-Greenberg (Memphis Heritage)
<leah@memphisheritage.org>

From: [Martin E Lipinski \(mlipinsk\)](#)
To: [Ragsdale, Brett](#)
Cc: [Robert Gordon](#)
Subject: Proposed changes to UDC i ZTA 22-01
Date: Thursday, October 20, 2022 12:01:52 PM

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

The Annesdale- Snowden Historic District requests that a vote on this matter be delayed until there is sufficient opportunity to ask questions regarding the reason and potential impact of these changes.

We do not support the change sin R-6 and RU-1 districts that allow cottages on smaller lots.

We also do not support the changes proposed regarding Accessory Dwelling Units being able to be larger and more easily constructed without oversight.

Martin E. Lipinski, P.E., Ph.D.
Board Member
Annesdale-Snowden Historic District
mlipinsk@memphis.edu
901-619-4449

From: [Steve Redding](#)
To: [Ragsdale, Brett](#)
Cc: [Zeanah, John](#)
Subject: UDC changes
Date: Thursday, October 20, 2022 3:55:42 PM

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

Hi Brett,

Just a brief note to express some concerns I have regarding the proposed changes to the UDC.

Regarding accessory dwelling units, it appears to me changes allowing for larger and taller ADUs on smaller lots may detract from the appeal of many neighborhoods. Specifically, privacy, parking, and protecting historic district guidelines may become problematic. Similarly, I have questions about allowing small cottages by right.

Along with other Midtowners, I believe we need more information on these changes, and very likely a conversation with OPD and neighborhood representatives before the LUCB takes action.

Thanks,
Steve

Sent from my iPhone
Steve Redding
Redding Consulting Group

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: December 20, 2022
DATE
PUBLIC SESSION: December 20, 2022
DATE**

ITEM (*CHECK ONE*)
_____ ORDINANCE X RESOLUTION _____ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a hotel at 122 S. Main St., known as case number SUP 22-30

CASE NUMBER: SUP 22-30

LOCATION: 122 S. Main St.

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER/APPLICANT: S Main 122, LLC

REPRESENTATIVE: Will Garavelli

REQUEST: Special use permit for a hotel

AREA: 0.4 acres

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

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

PRIOR ACTION ON ITEM:

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

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 22-30

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A HOTEL AT 122 S. MAIN ST., KNOWN AS CASE NUMBER SUP 22-30

- This item is a resolution, with conditions, for a special use permit for a hotel; and
- The item will not require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SUP 22-30
LOCATION:	122 S. Main St.
COUNCIL DISTRICTS:	District 6 and Super District 8
OWNER/APPLICANT:	S Main 122, LLC
REPRESENTATIVE:	Will Garavelli
REQUEST:	Special use permit for a hotel
EXISTING ZONING:	Central Business District
AREA:	0.4 acres

The following spoke in support of the application: No one

The following spoke in opposition the application: No one

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

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

RECOMMENDED CONDITIONS

1. A minimum transparency of 20%, as measured from floor to floor, shall be provided on all new upper floors along all facades adjacent to a right-of-way.
2. Blank lengths of wall exceeding 30' are prohibited on all new upper floors along all facades adjacent to a right-of-way.
3. Each new upper floor shall have a floor-to-floor height of at least 9'.
4. All sidewalks adjacent to the site shall be repaired or replaced as needed. Streetscaping and passenger loading facilities may be required, subject to administrative approval.
5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
7. A final plan set shall be submitted for administrative approval prior to permitting.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A HOTEL AT 122 S. MAIN ST., KNOWN AS CASE NUMBER SUP 22-30

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

WHEREAS, S Main 122, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a hotel; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and consistency of its design and amenities 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 8, 2022, and said Board has submitted its recommendation concerning the above application to the Council of the City of Memphis; and

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

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

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

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, a Building Permit, and/or other required permits and approvals, provided that no such Certificate of Occupancy be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring the same.

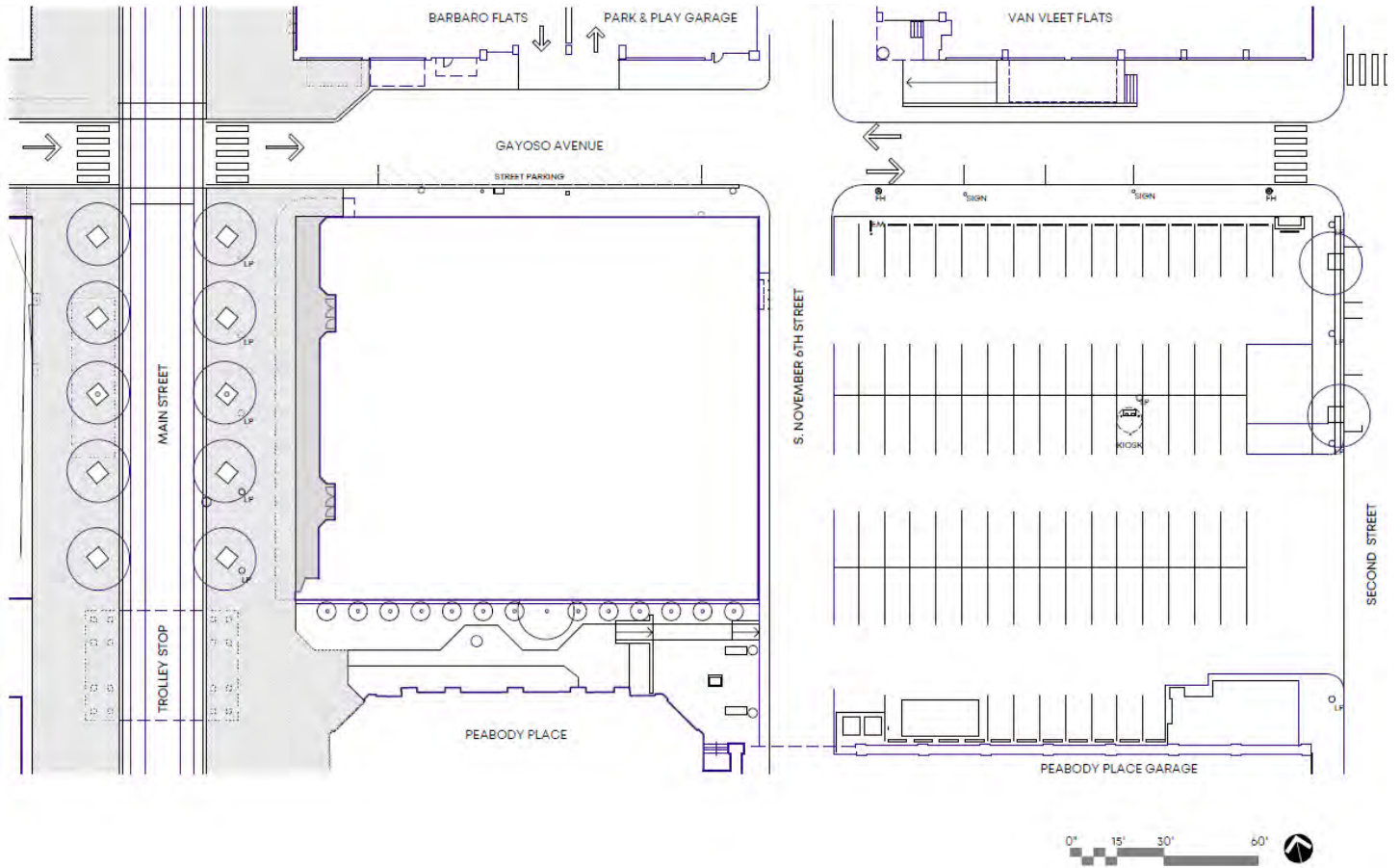
CONDITIONS

1. A minimum transparency of 20%, as measured from floor to floor, shall be provided on all new upper floors along all facades adjacent to a right-of-way.
2. Blank lengths of wall exceeding 30' are prohibited on all new upper floors along all facades adjacent to a right-of-way.
3. Each new upper floor shall have a floor-to-floor height of at least 9'.
4. All sidewalks adjacent to the site shall be repaired or replaced as needed. Streetscaping and passenger loading facilities may be required, subject to administrative approval.
5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
7. A final plan set shall be submitted for administrative approval prior to permitting.

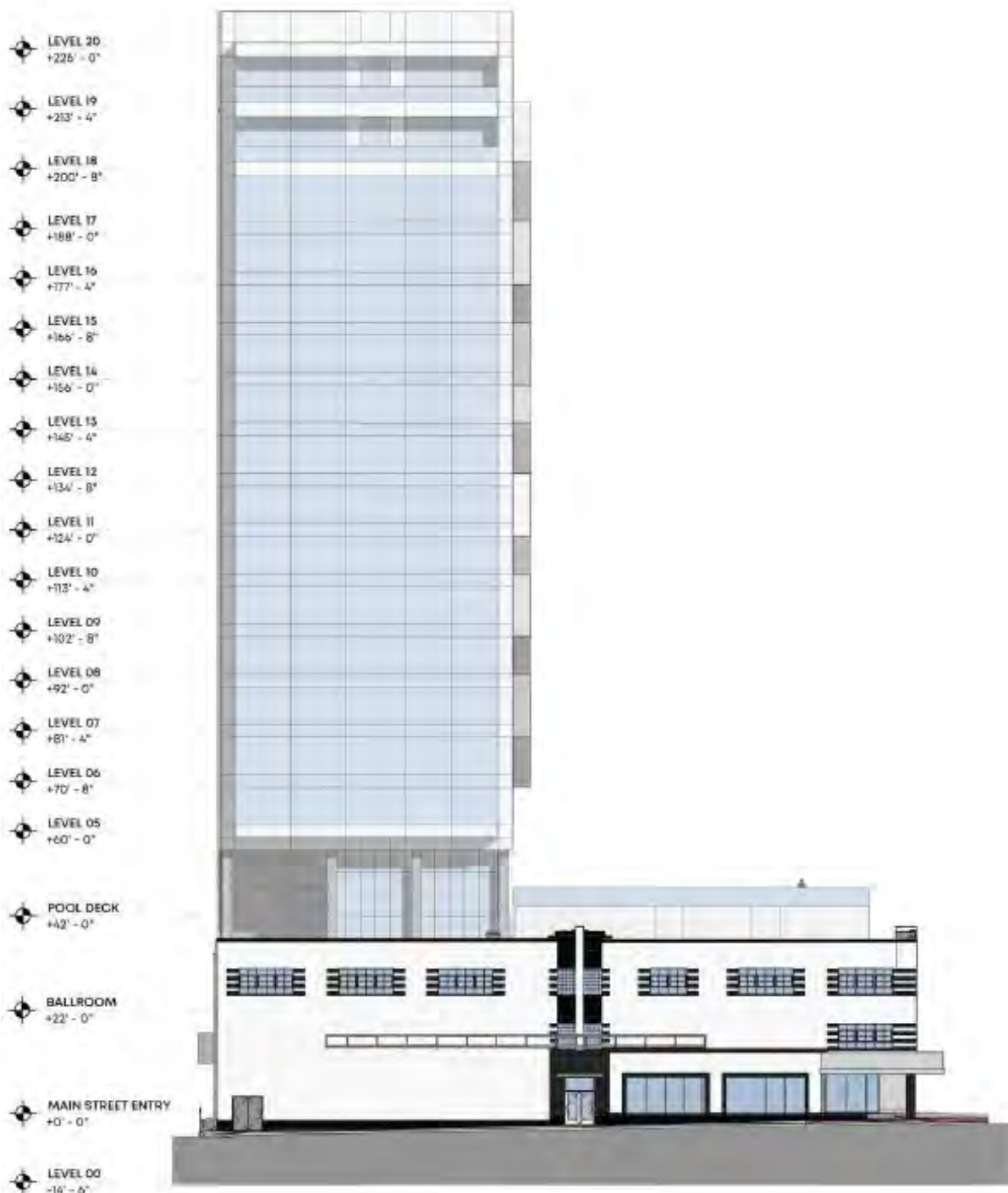
ATTEST:

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

CONCEPTUAL SITE PLAN

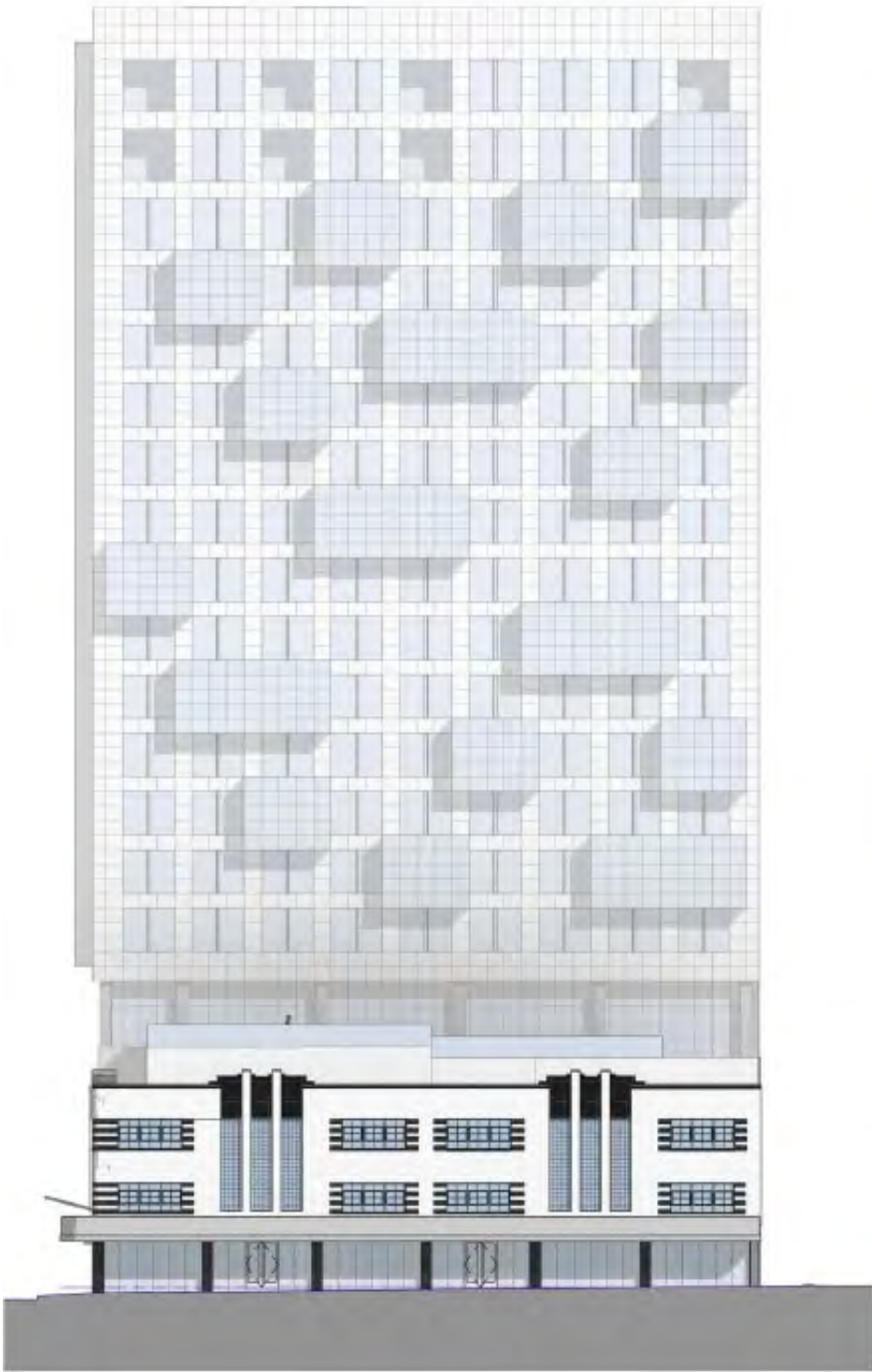


CONCEPTUAL ELEVATIONS



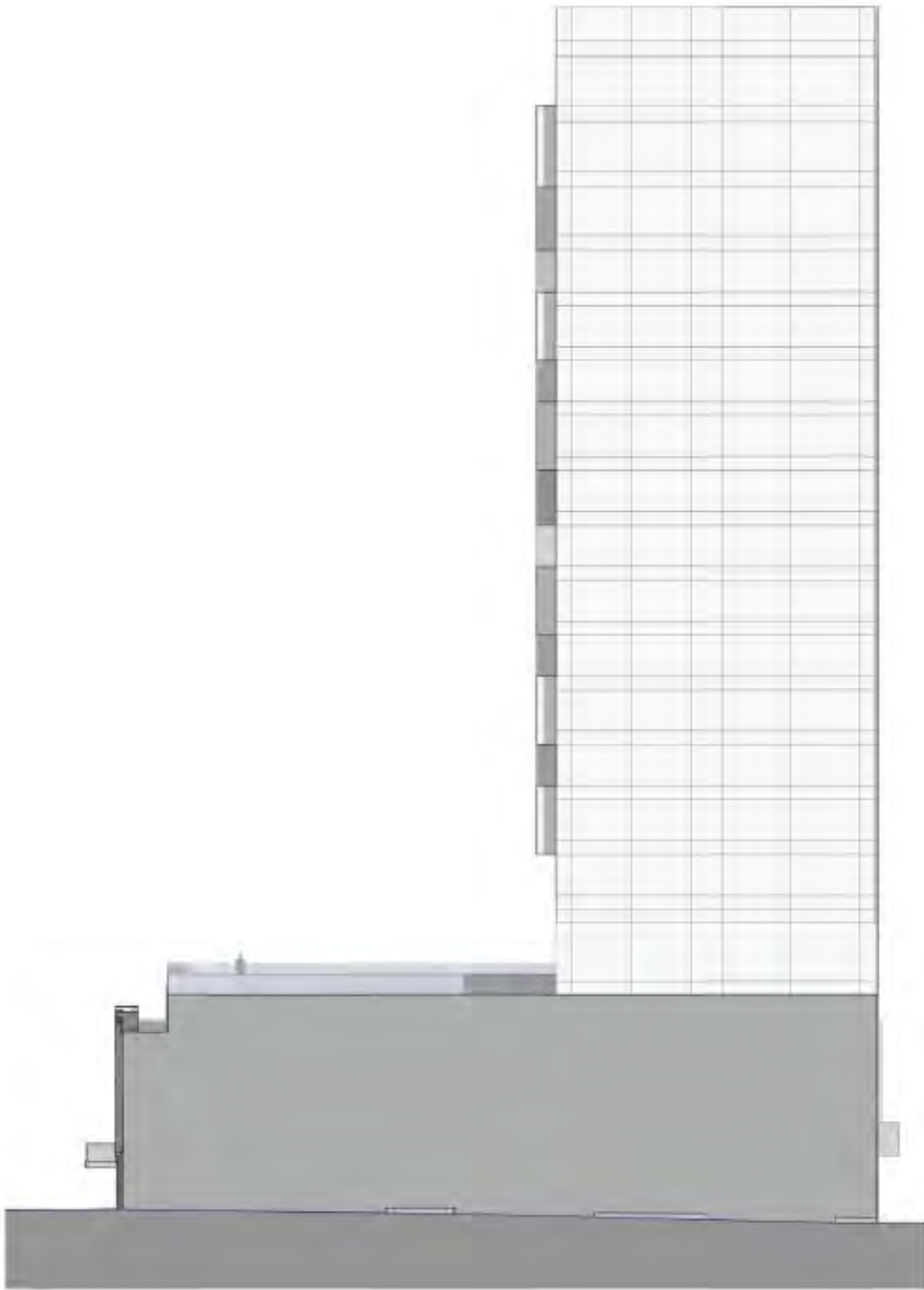
NORTH ELEVATION

SCALE: 1" = 20'-0"



WEST ELEVATION

SCALE: 1" = 20'-0"



SOUTH ELEVATION

SCALE: 1" = 20'-0"



EAST ELEVATION

SCALE: 1" = 20'-0"

AGENDA ITEM: 15

CASE NUMBER: SUP 22-30

L.U.C.B. MEETING: December 8, 2022

LOCATION: 122 S. Main St.

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: S Main 122, LLC

REPRESENTATIVE: Will Garavelli

REQUEST: Special use permit for a hotel

AREA: 0.4 acres

EXISTING ZONING: Central Business District

CONCLUSIONS

1. S Main 122, LLC, has requested a special use permit for a hotel at 122 S. Main St. The development would also include by-right uses such as apartment residential and ground-floor commercial.
2. As proposed, the existing Royal Furniture building would be incorporated as the base of a 20-story structure.
3. Staff finds that this request is consistent with the character of the neighborhood and would not have a detrimental impact on its vicinity.

CONSISTENCY WITH MEMPHIS 3.0

Per the Dept. of Comprehensive Planning, this request is *consistent* with Memphis 3.0.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	S. Main. St.	pedestrian mall	122'
	Gayoso Ave.	local street	148.5'
	S. November 6 th St.	local street	122'

Zoning Atlas Page: 2025

Parcel ID: 002049 00001

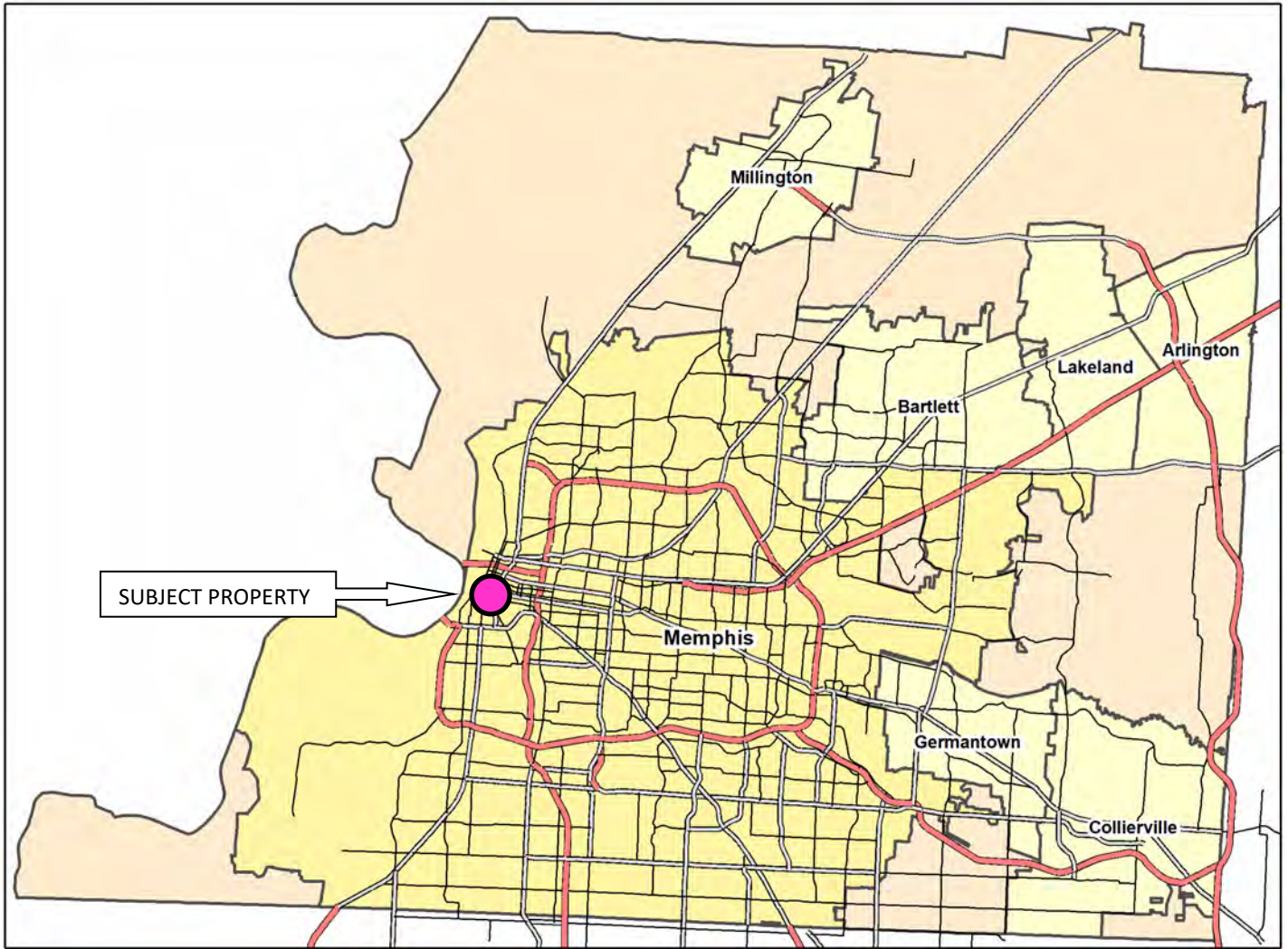
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 3 p.m. on Monday, November 28, 2022, at the LRK office at 50 S. B.B. King Blvd., Ste. 600.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 102 notices were mailed on November 17, 2022, and three notices posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP

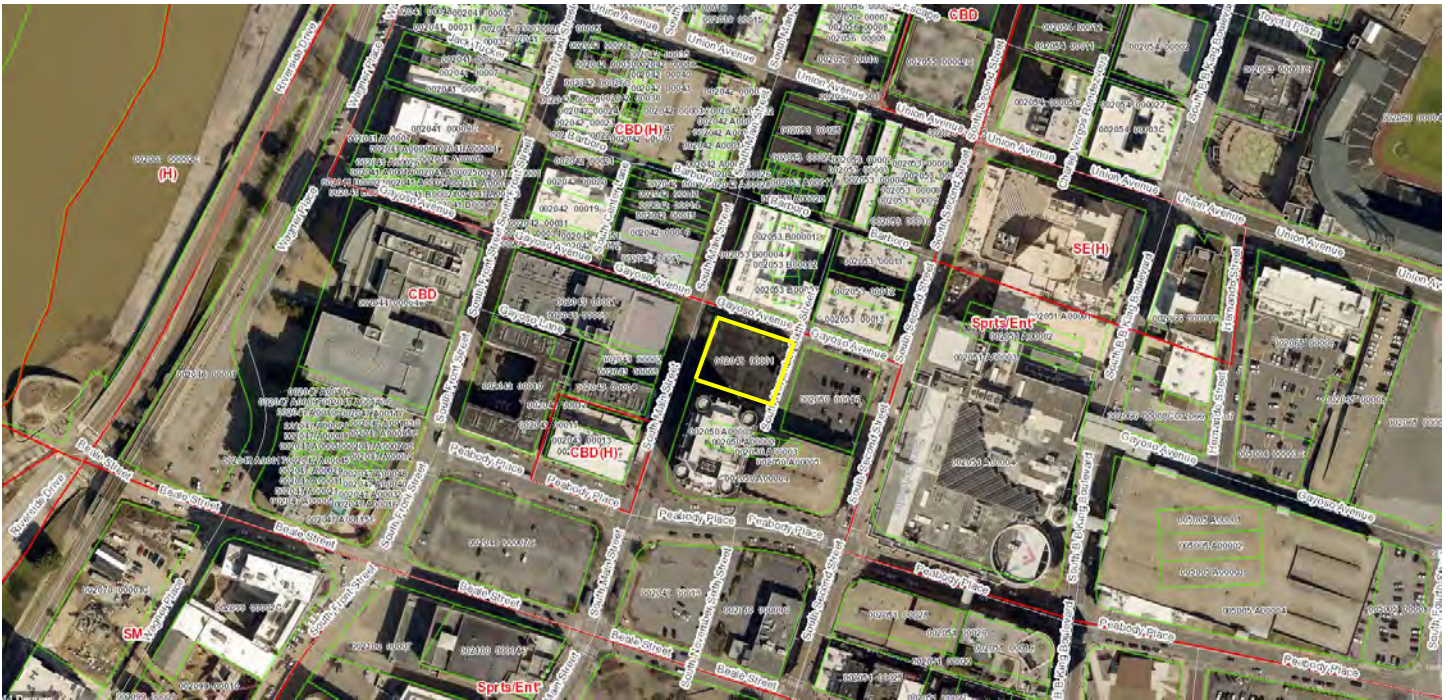


Subject property located Downtown

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Central Business District

Surrounding Zoning

North: Central Business District (Historic)











East: Central Business District

South: Central Business District

West: Central Business District

LAND USE MAP



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

SITE PHOTOS



S. Main St. frontage

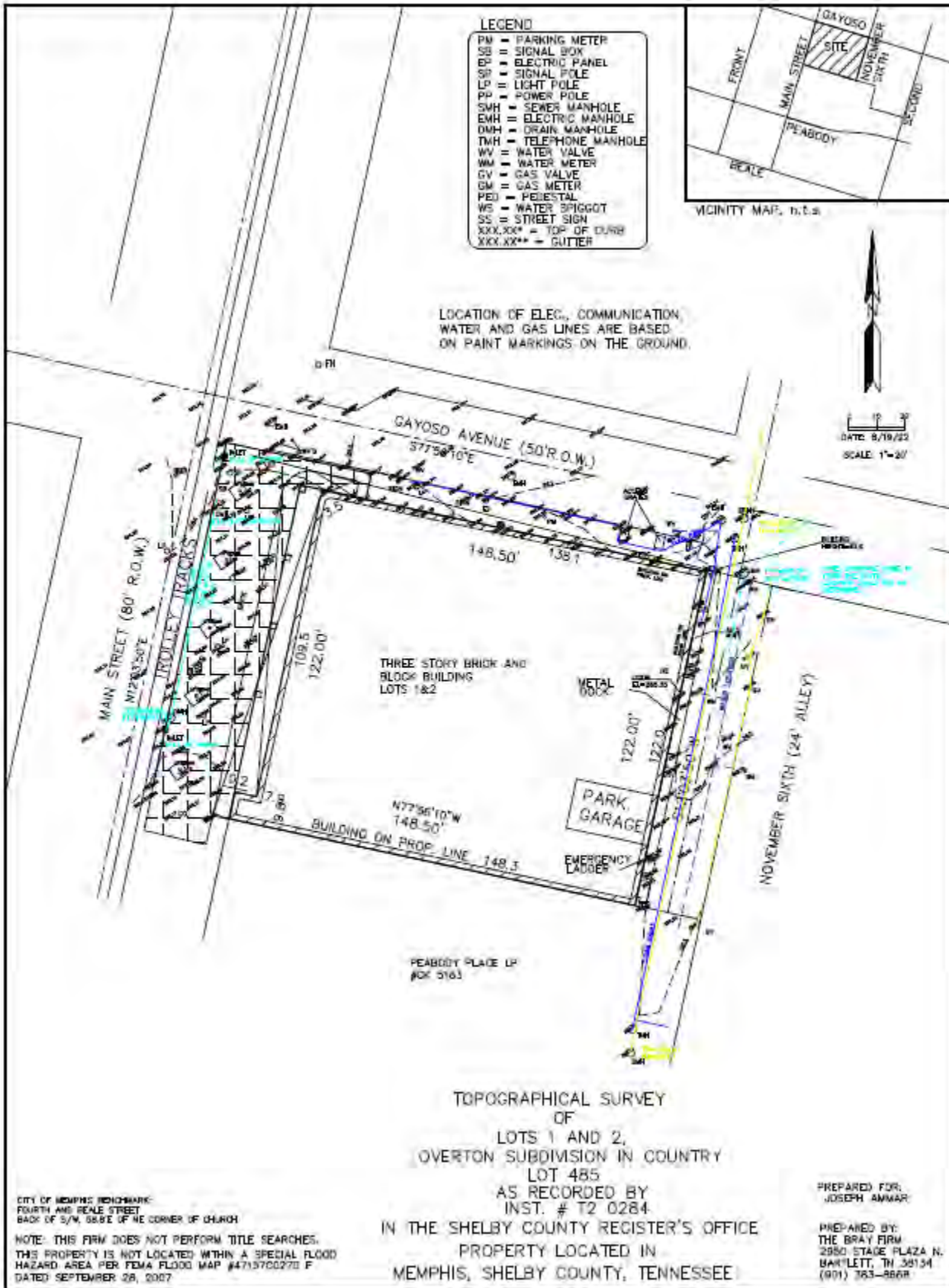


Gayoso Ave. frontage

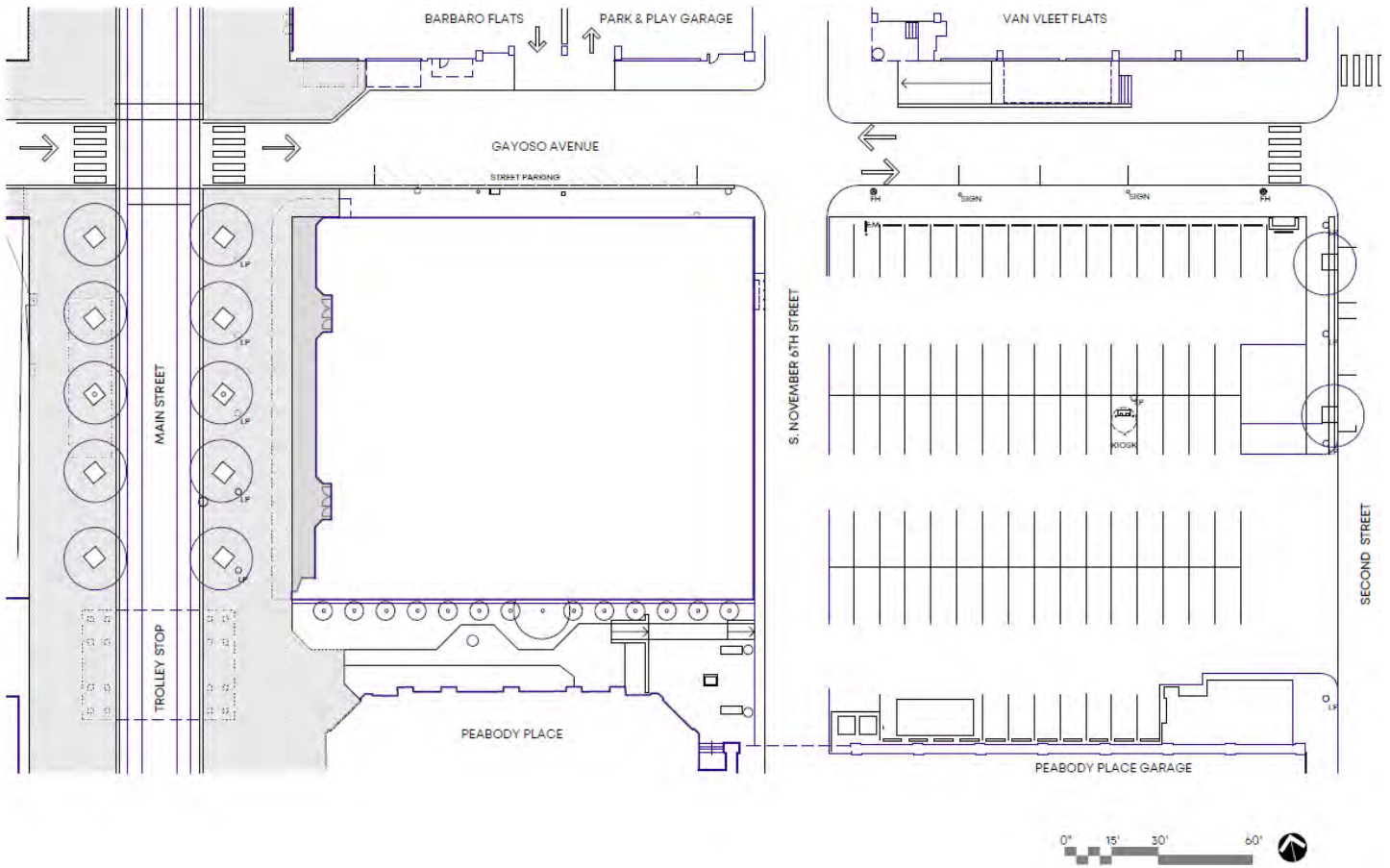


S. November 6th St. frontage

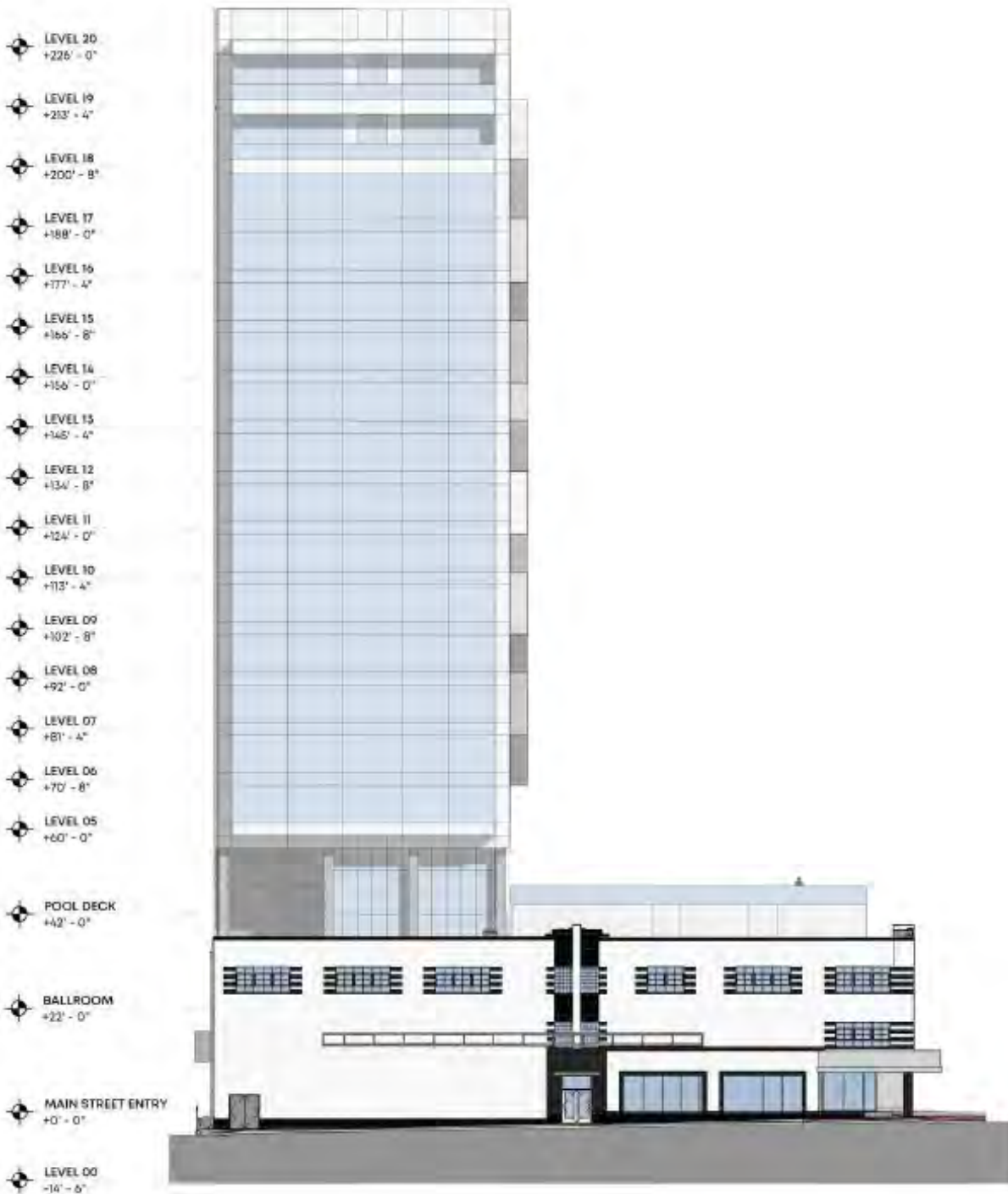
SURVEY



SITE PLAN

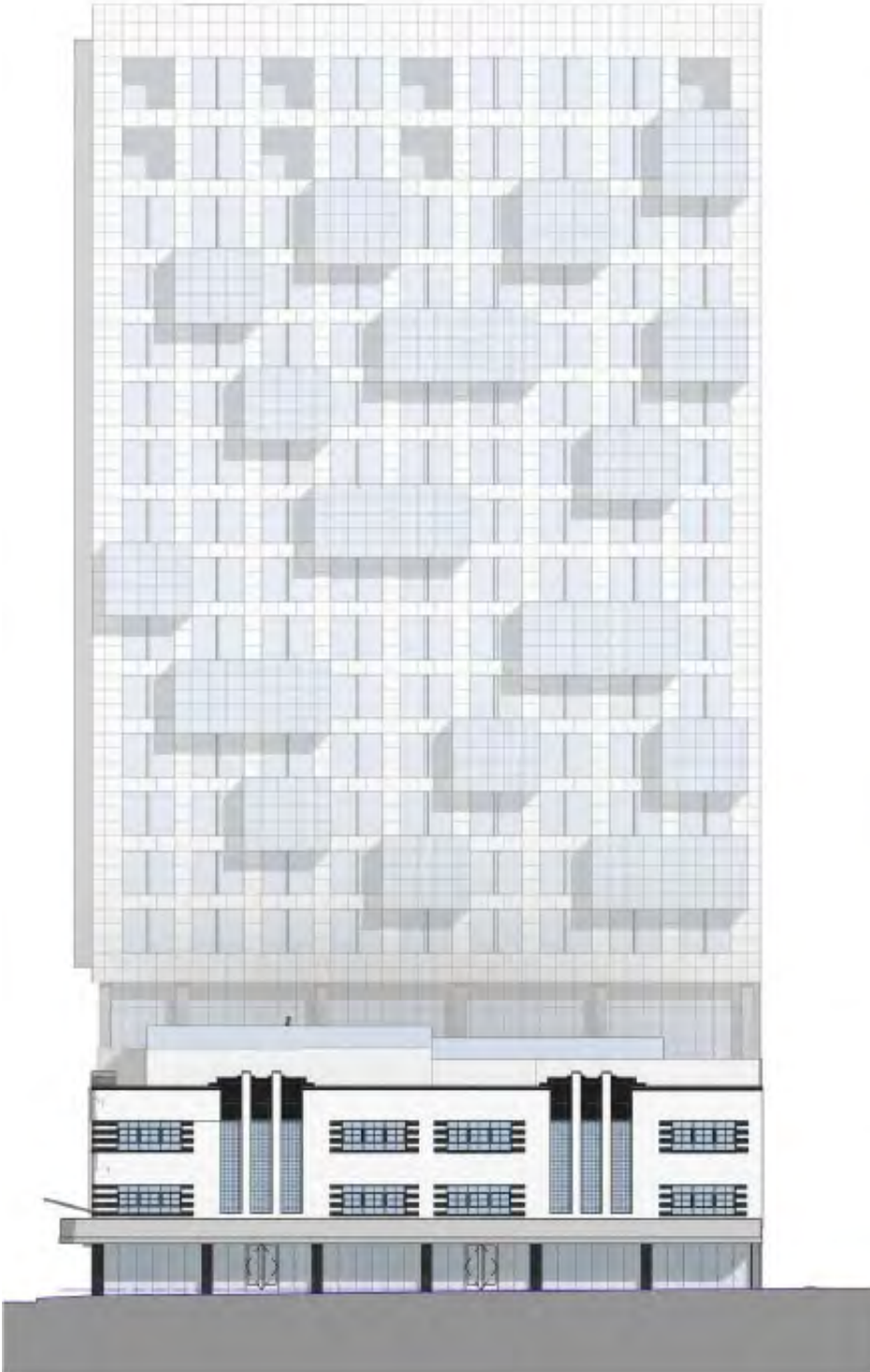


ELEVATIONS



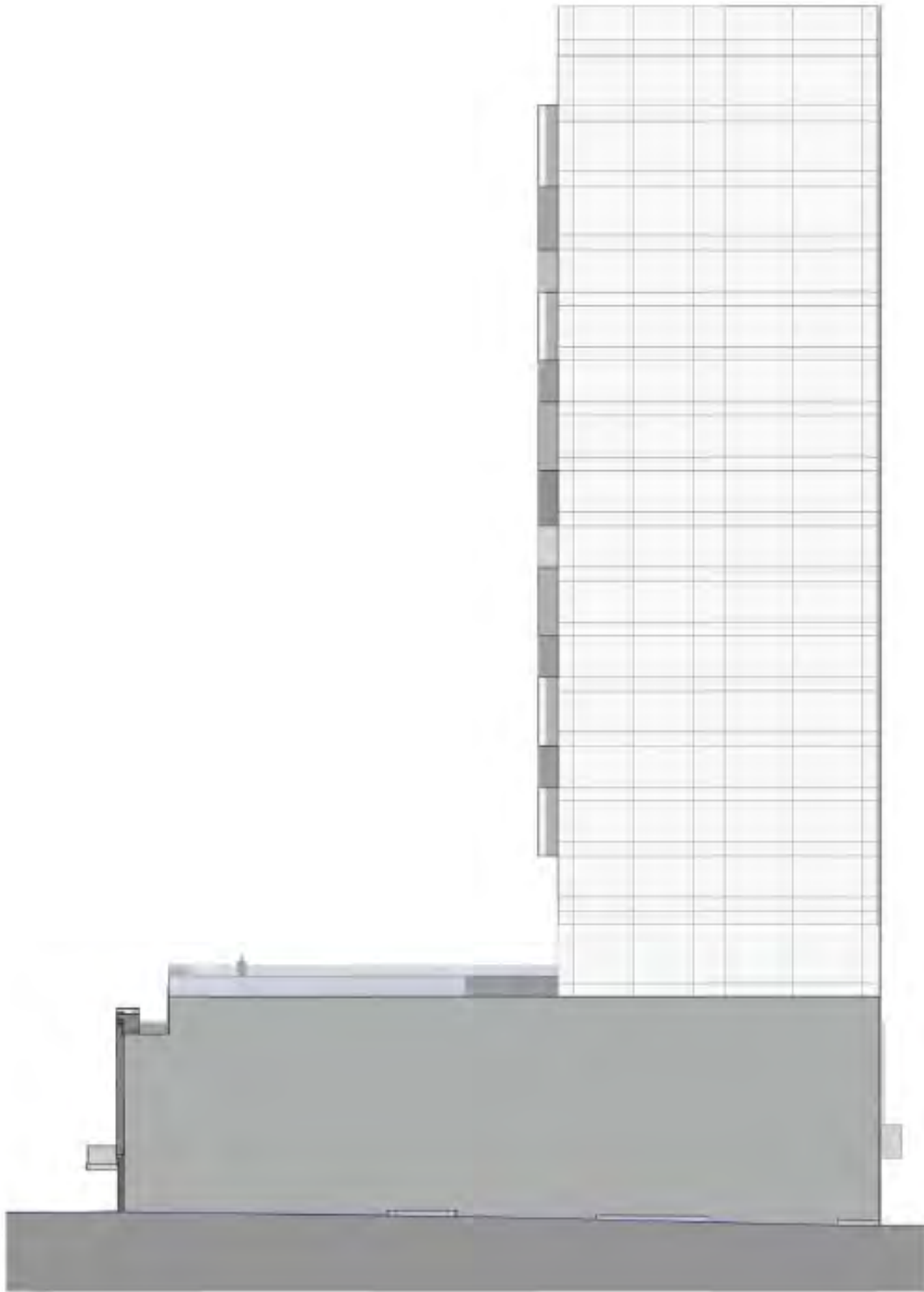
NORTH ELEVATION

SCALE: 1" = 20'-0"



WEST ELEVATION

SCALE: 1" = 20'-0"



SOUTH ELEVATION

SCALE: 1" = 20'-0"



EAST ELEVATION

SCALE: 1" = 20'-0"

STAFF ANALYSIS

Request

The request is for a special use permit for a hotel.

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

Approval Criteria

Staff **agrees** the approval criteria for special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Conclusions

S Main 122, LLC, has requested a special use permit for a hotel at 122 S. Main St. The development would also include by-right uses such as apartment residential and ground-floor commercial.

As proposed, the existing Royal Furniture building would be incorporated as the base of a 20-story structure.

Staff finds that this request is consistent with the character of the neighborhood and would not have a detrimental impact on its vicinity.

RECOMMENDATION

Staff recommends ***approval*** with the following conditions:

1. A minimum transparency of 20%, as measured from floor to floor, shall be provided on all new upper floors along all facades adjacent to a right-of-way.
2. Blank lengths of wall exceeding 30' are prohibited on all new upper floors along all facades adjacent to a right-of-way.
3. Each new upper floor shall have a floor-to-floor height of at least 9'.
4. All sidewalks adjacent to the site shall be repaired or replaced as needed. Streetscaping and passenger loading facilities may be required, subject to administrative approval.
5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
7. A final plan set shall be submitted for administrative approval prior to permitting.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

9. The City Engineer shall approve the design, number, and location of curb cuts.

10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Fire Department:

Reviewed by: J. Stinson

Address or Site Reference: 122 S Main

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Dept. of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 22-30: Downtown

Site Address/Location: 122 S Main St.

Overlay District/Historic District/Flood Zone: Located in the Central Business Improvement District, South City District and Downtown Fire District, not in a Historic District or Flood Zone.

Future Land Use Designation: Urban Core/Downtown (A-DT)

Street Type: N/A

The applicant is requesting approval for a special use permit to allow a mixed-use development consisting of hotel, apartments, guest amenities, restaurants, etc.

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

Urban Core/Downtown (A-DT) is the walkable anchor for the City of Memphis. It is characterized by multi-story buildings with a vertical mix of uses and civic and institutional buildings that attract people from the entire region. Graphic portrayal of A-DT is to the right.



“A-DT” Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings primarily attached, Block-scale buildings, Mix of uses, High-rise, Multiple blocks of extent

“A-DT” Zoning Notes

Generally compatible with the following zone districts CBD and SE in accordance with Form and characteristics listed above.

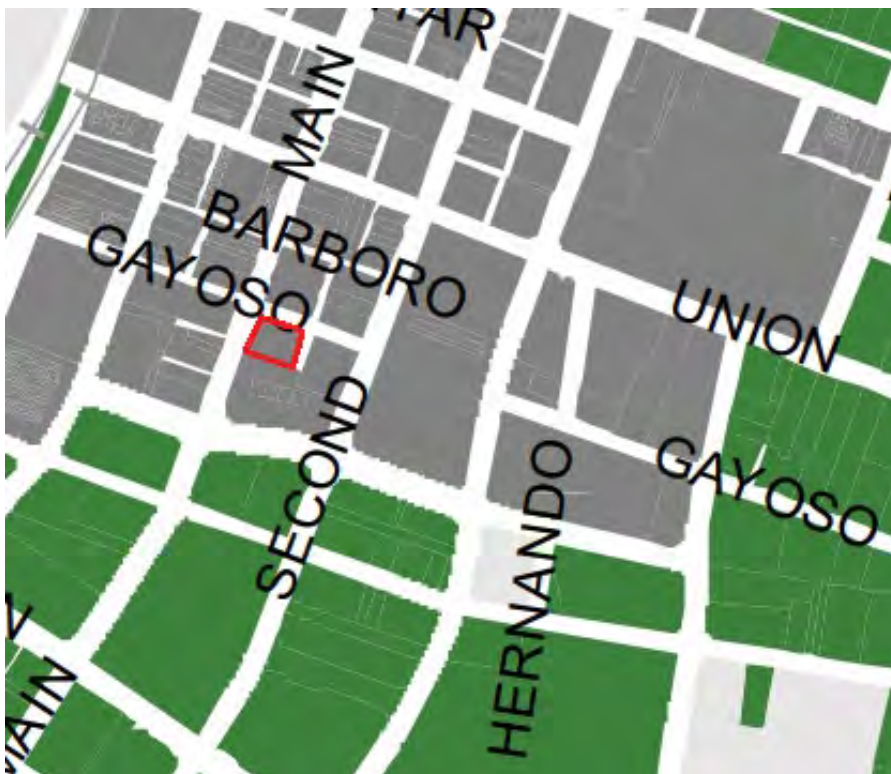
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CBD

Adjacent Land Use and Zoning: Parking, Office, Institutional, Recreation/Open Space, Multi-Family, Commercial, CBD, CBD (H), Sports/Ent*

Overall Compatibility: *The requested uses are compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed uses include a vertical mix of uses that attract people from the entire region and are contextually compatible with the surrounding neighborhood.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed application is a private investment that will increase the mix of uses and speed up development activity in the area.

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

The requested use is not consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation.

Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

The parcel is located in the Downtown anchor and the requested use is consistent with the anchor goal to “Incentivize the rehab and adaptive reuse of structures to reference the character of the neighborhood.”

Consistency Analysis Summary

The applicant is requesting approval for a special use permit to allow a mixed-use development consisting of hotel, apartments, guest amenities, restaurants, etc.

The requested uses are compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed uses include a vertical mix of uses that attract people from the entire region and are contextually compatible with the surrounding neighborhood.

The proposed application is a private investment that will increase the mix of uses and speed up development activity in the area.

The requested use is not consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation.

The parcel is located in the Downtown anchor and the requested use is consistent with the anchor goal to “Incentivize the rehab and adaptive reuse of structures to reference the character of the neighborhood.”

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

Dept. of Sustainability and Resilience:



Leigh Huffman
Municipal Planner
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Leigh.Huffman@memphistn.gov

MEMORANDUM

To: Brett Davis, Principal Planner
From: Leigh Huffman, Municipal Planner
Date: November 22, 2022
Subject: OSR Comments on SUP 22-30: DOWNTOWN

General Comments & Analysis:

Located in Zone 2 of the Resilience Zone Framework:

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

The lot is impervious due to the existing structure that was built to the lot lines. The Applicant expressed intent to preserve the existing building façade. Therefore, impervious surface will not be increased on the lot.

The building does have an existing below-grade parking garage, but the Applicant has not provided information on plans for renovations or continued use for that part of the building. The application materials do mention that hotel guests will use adjacent, off-site parking.

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

The special use permit request to allow a hotel use is generally consistent with the Mid-South Regional Resilience Master Plan. Increasing density and a mixture of uses in parts of the city that are already urbanized helps limit expansion of impervious surface and reduces energy consumption (Section 4.2 Smart Growth).

While the special use request is consistent with the Plan, Staff also acknowledges that the proposed development is located in an area with a high urban heat island effect and known drainage issues. Specifically, Staff is concerned that the drainage issues may impact the existing parking deck during storm events with heavy precipitation.



Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations:

Due to the known drainage issues in the area where the parcel is located, Staff recommends that the developer consider green roofs and designing planting strips in the adjacent surface parking lot to act as stormwater bioretention, both of which provide cooling benefits in addition to stormwater mitigation.

APPLICATION FORM



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: November 3, 2022

Record Number: SUP 2022-030

Expiration Date:

Record Name: Dream Hotel

Description of Work: The project consists of a multi-use development located at the site of the existing and vacant Royal Furniture store located at 122 S. Main Street in downtown Memphis. The project will incorporate the primary existing building facades of the three story building as practical and add a 16-story tower above the existing building. The project is anticipated to consisting of approximately 181 hotel rooms, two floors of apartments, on-site restaurants, and guest amenities.

Parent Record Number:

Address:

122 S MAIN ST, MEMPHIS 38103

Owner Information

Primary	Owner Name
Y	S MAIN 122 LLC

Owner Address	Owner Phone
390 SOUTH MAIN, MEMPHIS, TN 38103	

Parcel Information

002049 00001

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

N/A

PREAPPLICATION MEETING

Date of Meeting -

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case -

Number(s) related to previous applications on this site -

Is this application in response to a citation, stop work order, or zoning letter No

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any -

other relevant information -

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

The proposed hotel use will have a positive impact on the character of the neighborhood by supporting increased tourism and improving the safety of the area with more activity.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

The proposed hotel will complement the surrounding area by providing downtown business patrons and other tourists with a convenient place to stay in the heart of the city. Its location on Main Street will encourage pedestrian activity and patronage of nearby destinations.

UDC Sub-Section 9.6.9C

As a part of the City Approval process, the applicant will ensure the project is designed to be served adequately by public facilities, emergency services, and utilities. There are existing water, sewer, gas and electric utilities in the public rights-of-way adjacent to the property that the project will request connection to.

UDC Sub-Section 9.6.9D

All necessary environmental permitting will be prior to the development of the subject property and as required by federal, local, and state agencies. All necessary actions will be taken as required during the permitting process.

UDC Sub-Section 9.6.9E

The applicant will ensure the project complies with all additional standards imposed by any particular provisions authorizing the proposed hotel use.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The proposed use will not adversely affect the overall character of the area. Dream Hotel plans to develop the site with the spirit of Memphis at the forefront of the design by incorporating existing facades and site features as practical. The presence of a top tier hotel in the heart of the city will greatly enhance the entire downtown area for residents, business patrons, surrounding employees, and tourists alike.

GIS INFORMATION

Case Layer	SUP_3186
Central Business Improvement District	Yes
Class	C
Downtown Fire District	Yes
Historic District	-
Land Use	COMMERCIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	Downtown Fire District
Zoning	CBD
State Route	-
Lot	C 485
Subdivision	OVERTON
Planned Development District	-
Wellhead Protection Overlay District	-

Contact Information

Name	Contact Type
S MAIN 122 LLC	APPLICANT
Address	
390 SOUTH MAIN, MEMPHIS, TN, 38103	
Phone	
(901)523-1000	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1426595	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/03/2022
1426595	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	11/03/2022

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

LETTER OF INTENT



November 3, 2022

Mr. John Zeanah, AICP, Director
Memphis and Shelby County Division of Planning and Development
City Hall, 125 North Main Street, Suite 477
Memphis, Tennessee 38103

**RE: Letter of Intent
Dream Hotel – Special Use Permit**

Dear Mr. Zeanah:

On behalf of the applicant, 5 Main 122 LLC, we are submitting the enclosed application for consideration by the Land Use Control Board for a Special Use Permit (SUP) from the Unified Development Code (UDC). The project will consist of a hotel with associated amenities including an apartments and onsite restaurants. The project is located at the following parcel according to the Shelby County Assessor's website: 002049 00004. The street address is 122 S. Main Street in downtown Memphis, TN. The site is at the southeast corner of S. Main Street and Gayoso Avenue and comprises approximately 0.41 acres of land.

The project is located downtown and zoned Commercial Business District (CBD) according to the City of Memphis' Zoning Atlas. This application is for a Special Use Permit to allow a hotel use on the existing property. Currently the site consists of an abandoned Royal Furniture Store that will be redeveloped with a multi-use development. The hotel will consist of approximately 181 hotel rooms, two floors of apartments, with an onsite restaurants, a café, lobby bar, ballroom/banquet spaces, and guest amenities including pool deck. The proposed structure will be a sixteen story tower with hotel and apartments over the existing three story building.

This parcel currently comprises underutilized property and will be developed with a top tier hotel that is an international and fast growing hotel chain. In keeping with Memphis 3.0, this development provides an active node where visitors can gather and stay in the Urban Core of Memphis.

Driveway placement and pedestrian crosswalks, lighting, and facilities will be evaluated during design to ensure a safe and pedestrian friendly environment. Parking to be dedicated to hotel use in offsite proximate public parking lots.

For the project to move forward, a Special Use Permit request is being made for the Land Use Control Board to consider. Our team appreciates your consideration of this case.

The consultants involved in the proposed development are as follows:

LRK – Architecture
Kimley-Horn and Associates, Inc – Civil Engineering

Will Sorrenti
11/3/2022

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John McFall, being duly sworn, depose and say that at 12:25 am/pm on the 28 day of NOVEMBER, 2022, I posted 3 Public Notice Sign(s) pertaining to Case No. 2022-030 at 122 S Main St., providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

11-29-22
Date

Subscribed and sworn to before me this 29 day of November, 2022

[Signature]
Notary Public

My commission expires: 07-14-2026



LETTERS RECEIVED

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

From: [Vicki Boykin](#) on behalf of [John Dudas](#)
To: dlyleswallaace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; mwsharp@bellsouth.net; [Scott Fleming](#); brown@gillprop.com; Tolesassoc@aol.com
Cc: [Davis, Brett](#); [Zeanah, John](#); [Ron Belz](#); [John Dudas](#)
Subject: FW: Special Use Permit 22-30 Dream Hotel
Date: Wednesday, December 7, 2022 6:41:39 PM
Attachments: [Special Use and Planned Development Review-969-UDC 38-12-7-22.docx](#)
[Dream Hotel-Site Plan w-letters.pdf](#)

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

Dear LUCB Board Members,

Attached please find a chart we prepared utilizing the “Approval Criteria” from Section 9.6.9 of the UDC. We included a column with “Belz Comments” corresponding to each of the six “Approval Criteria”.

In summary, according to the criteria described in 9.6.9 A and B , the proposed project will clearly have a” substantial adverse effect” upon adjacent property, the character of the neighborhood, traffic conditions and parking. We did not evaluate the impact on utilities, drainage, public health and safety. And, due to the limited capacity and function of Gayoso Avenue and November 6th Street, it will be difficult to provide adequate access for essential services to the proposed project on a consistent basis (9.6.9 C). In terms of 9.6.9 D, there is concern regarding the impact of the proposed 19-story tower on the existing historic buildings in the area. Regarding the impact on adjacent properties (9.6.9 F), the siting and scale of the proposed 19- story tower could have an adverse effect on the development potential of the approximate half-acre parcel to the east of the subject.

Thank you,

John Dudas

John J. Dudas
Vice President & Director of
Strategic Planning
Belz Enterprises
100 Peabody Place, Suite 1400
Memphis, TN 38103
(901) 260-7244
John.dudas@belz.com

SUP 22-30 – DREAM HOTEL

9.6 SPECIAL USE AND PLANNED DEVELOPMENT REVIEW

9.6.9 APPROVAL CRITERIA

	Belz Comments
<p>A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.</p>	<p>A. Parking Issues. The CCRFC application does not indicate any on-site parking spaces in the proposed project (“A”) on the “Site Plan”. There are a few spaces beneath the existing building, however it is uncertain whether they will exist or be practical for guest parking in the future.</p> <p>From a commonsense perspective, given the urban location, it is easy to expect parking demands for 175 vehicles for the variety of anticipated users.</p> <p>From our vantage point, the only potential supply within a reasonable distance for these vehicles is in the Mobility Center. We do not know whether the DMA has committed part of its space to support this project. However, this requirement is simply too important to not have a firm understanding and agreement.</p> <p>Traffic Issues. The only vehicular access to the proposed project site is via Gayoso Avenue, (“E”) which is a one-way, two-lane, east-west street from Front Street to November 6th Alley and November 6th, (“F”) which is a 24’ north-south alley which runs from Gayoso to Peabody Place Avenue. It appears that the primary vehicular arrival point (“D”) for guests and visitors to this project is planned to be on Gayoso Avenue, which would add to the congestion of this</p>

narrow street. The primary service, loading and waste removal area (“H”) appears to be on November 6th Street. This would result in a complete breakdown of the north ingress/egress connection to the Tower and its garage.

November 6th Street is one of only two ingress/egress points to serve the 700-car 110 Peabody Place parking garage (“C”) and the loading and service functions for the 180,000 SF Tower at Peabody Place and associated ground floor commercial spaces in the Tower at Peabody Place. (“G”) This alley becomes very congested every afternoon Monday through Friday and most evenings. The garage accommodates many attendees of events at the FedEx Forum, Orpheum Theatre, restaurants, and other venues in that section of Downtown. It would be very difficult for Gayoso and November 6th streets, both very narrow, to serve the additional needs of a hotel, ballroom and restaurants based on the current utilization of these streets.

November 6th Street is only 24’ wide. It must remain open for two-way traffic at ALL TIMES for vehicles accessing the 110 PP parking garage and the loading dock and service area of the Tower at Peabody Place.

A hotel of this size will require very frequent deliveries and removal of waste. The application shows a space identified as “Service Ent” on the east side of the first floor of the building adjoining November 6th Street. (“H”) (The proposed plan appears to show a truck parked in November 6th Street next to be the service entry to the proposed project.). If the proposed project were to utilize the alley as an active loading and unloading zone it would seriously disrupt the operations of both the 110 PP

parking garage and the Tower at Peabody Place. Incidentally, the Tower at Peabody Place has a separate loading area located entirely within the footprint of the office building property and not on the Right of Way. ("G") No active loading/unloading should occur in the November 6th Street right of way. The Developer must make whatever accommodations must be made within the property lines of the proposed development.

OUTCOME:

The problems would likely cascade and cause traffic within the garage to backup inside the facility while waiting on access to Peabody Place at Main which is already overwhelmed by traffic. The traffic along Peabody Place and Main area will only become worse when the Mobility Center opens, which is adding over 900 new spaces. The only loading dock to The Tower is on November 6th Street within the footprint of the garage and on our Tower property. Truck and delivery traffic is constantly using this area and requires November 6th Street to reach our loading area. Obstructing this Right of Way while actively loading will affect the USPS (the only downtown retail center) and many of the businesses within the Office Tower. In summary, both problems – parking and loading and blocking the Right of Way - would be a direct result of this project, and neither are acceptable outcomes.

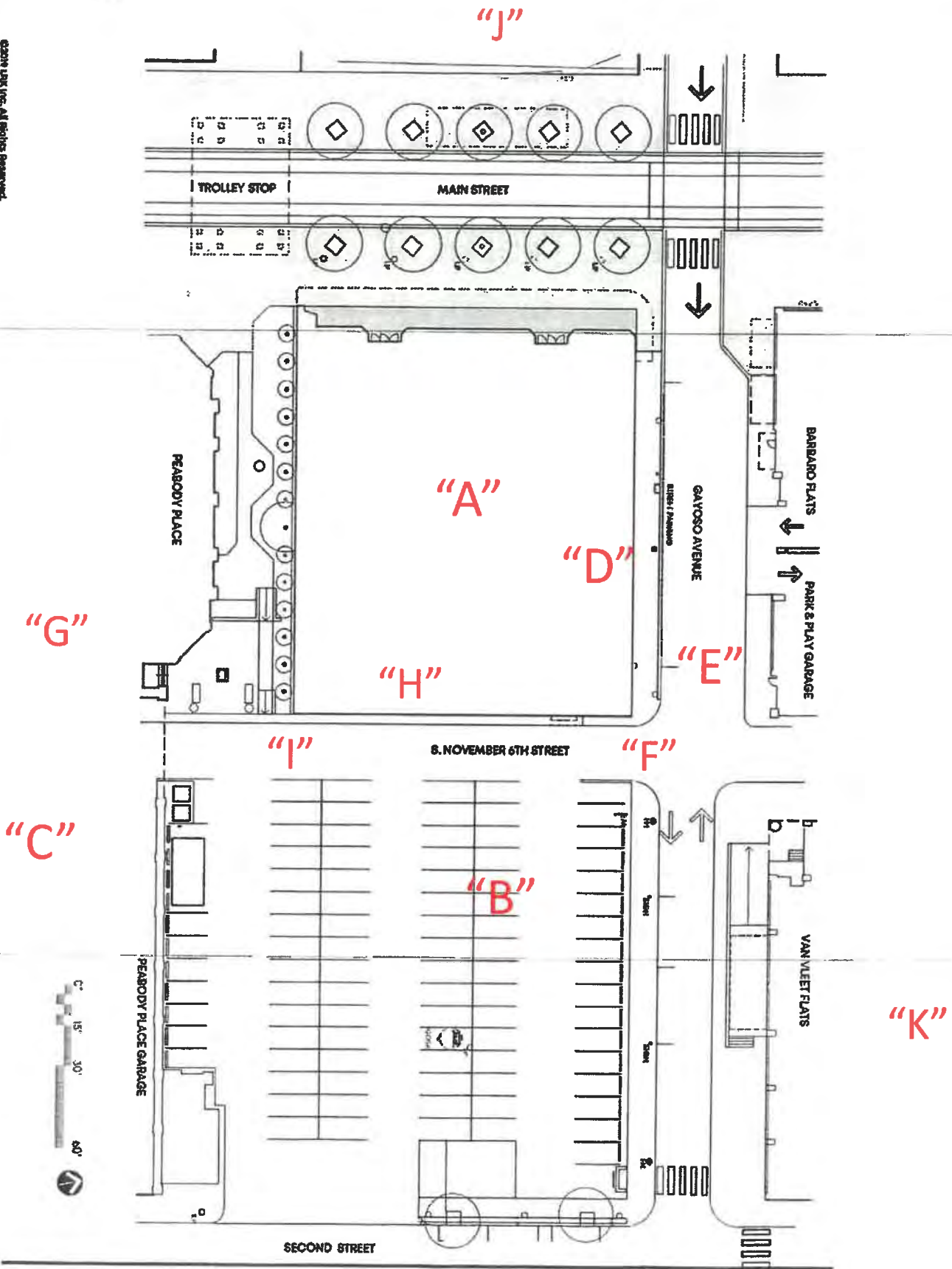
Without addressing these matters, the operation of this proposed project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking and other matters affecting

	<p>the public health, safety, and general welfare.</p>
<p>B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.</p>	<p>B. In addition to the on-going operational issues discussed in “A” above, the construction process could cause serious disruption to November 6th Street and Gayoso Avenue. The existing Jolly Royal building footprint extends to November 6th Street which could require construction equipment, cranes etc. to utilize the November 6th Street right of way as a staging area. (“I”) As was stated in “A” above, November 6th Street must remain open at all times to accommodate the 110 PP parking garage and Tower at Peabody Place. Due to the scale and design of the project as presented the construction of the project will dramatically interfere with the use of the adjacent property for about 2 years or more (“B”) .</p>
<p>C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.</p>	<p>C. As was stated in “A” above, due to the lack of adequate vehicular access to the subject site, it is difficult to understand how guests could properly access a 181-room hotel, ballroom and restaurants and how these facilities could be adequately serviced in terms of waste disposal, deliveries and other services.</p> <p>Fire and emergency services. The application does not deal with how ladder fire trucks could access the proposed 19-story tower with only a 24’ alley adjoining the high-rise portion of the project</p>
<p>D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.</p>	<p>D. Historical significance. The application does not address how the proposed structural modifications to the 122 S. Main building will impact the architectural and historic nature of the existing building.</p> <p>The three historic buildings located on the west side of Main Street, (“J”) across from proposed development, as well as the historic structure located on the north</p>

	<p>side of Gayoso, (“K”) were all restored according to the policies and procedures of the National Trust for Historic Preservation. They reflect a high quality of design and historic preservation which received numerous awards from national and local organizations involved in design and historic restoration development. It is not clear how a new 16 story modern tower inserted within a three-story historic structure will be compatible with the existing historic structure at 122 S. Main or the historic structures in the immediate area.</p>
<p>E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.</p>	<p>N/A</p>
<p>F. The request will not adversely affect any plans to be considered, (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.</p>	<p>Development of Adjacent Properties. There is an approximate one - half acre parcel on the east side of the subject site which currently functions as a parking lot (2nd/Gayoso parcel). (“B”) This site has the potential for development as a mixed-use project. Locating a 19-story tower approximately 24’ from the west property line of the 2nd/Gayoso parcel could limit the optimum development potential of this site. Furthermore, when a new structure is developed on the 2nd/Gayoso parcel it will obstruct the views from the hotel rooms and apartments on the east side of the proposed Dream Hotel project.</p>

SITE PLAN

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LDK
SITE PLAN
 Dream Hotel Memphis
 Memphis, TN | 01.19084.00 | 11/03/22



CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 01/24/2023

DATE

PUBLIC SESSION: 01/24/2023

DATE

ITEM (CHECK ONE)

ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 526 Weakley Avenue, known as case number SUP 22-31

CASE NUMBER: SUP 18-13

LOCATION: 526 Weakley Avenue

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Omnisource Southwest LLC

REPRESENTATIVE: Evans Petree

REQUEST: Special use permit to allow for the expansion of a metal recycling facility

AREA: +/- 4.7

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

If public hearing is not required:

Hearing – January 24, 2023

PRIOR ACTION ON ITEM:

(1) APPROVAL - (1) APPROVED (2) DENIED
01/12/2023 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

MUNICIPAL PLANNER
DEPUTY ADMINISTRATOR
ADMINISTRATOR
DIRECTOR (JOINT APPROVAL)
COMPTROLLER
FINANCE DIRECTOR
CITY ATTORNEY
CHIEF ADMINISTRATIVE OFFICER
COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 22-31

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 526 WEAKLEY AVENUE, KNOWN AS CASE NUMBER SUP 22-31

- This item is a resolution with conditions for a special use permit to allow the expansion of a metal recycling facility; and
- The item may require future public improvement contracts.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 526 WEAKLEY AVENUE, KNOWN AS CASE NUMBER SUP 22-31

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

WHEREAS, Omnisource Southwest LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow for the expansion of a metal recycling facility; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on January 12, 2023, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

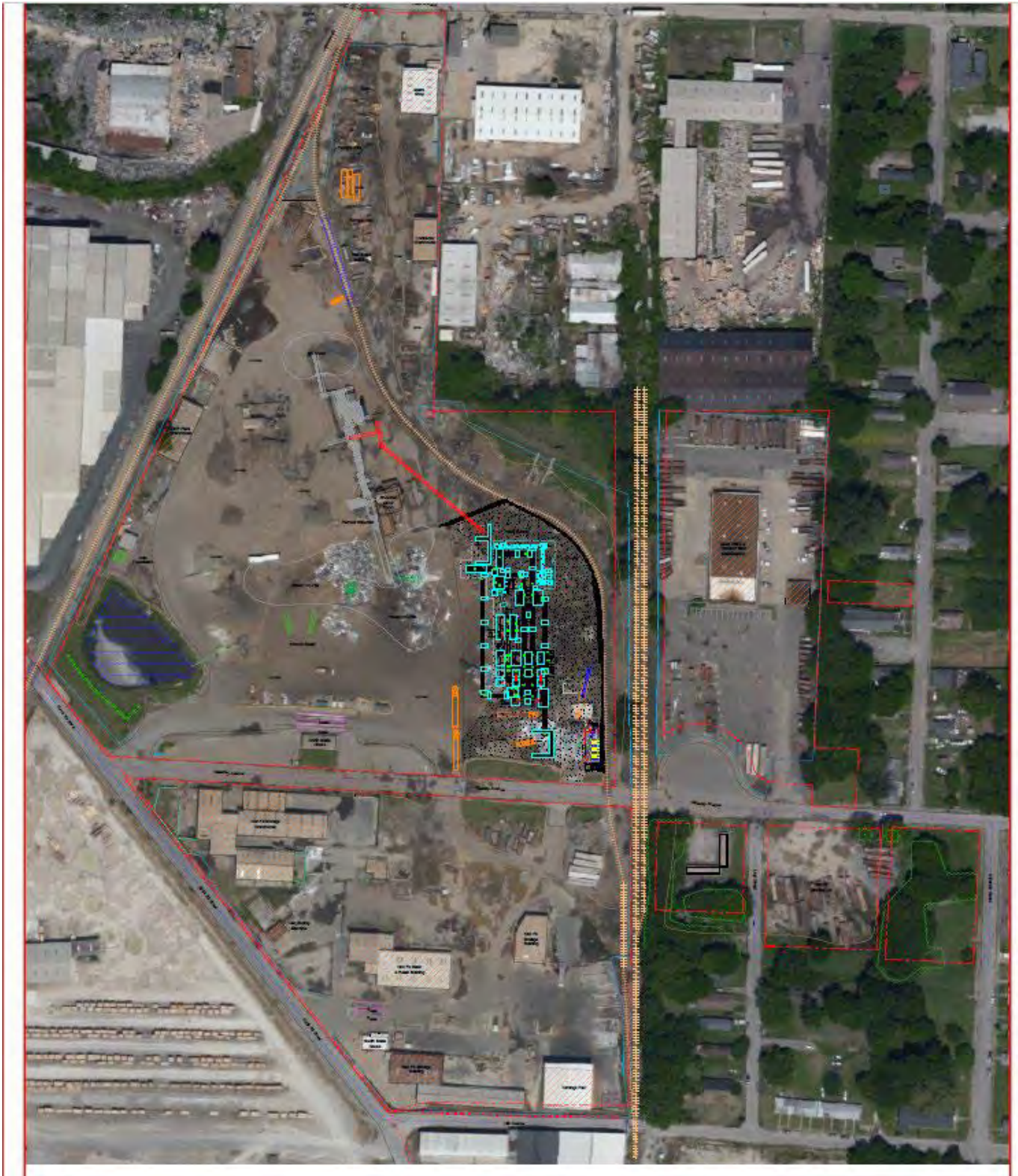
ATTEST:

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

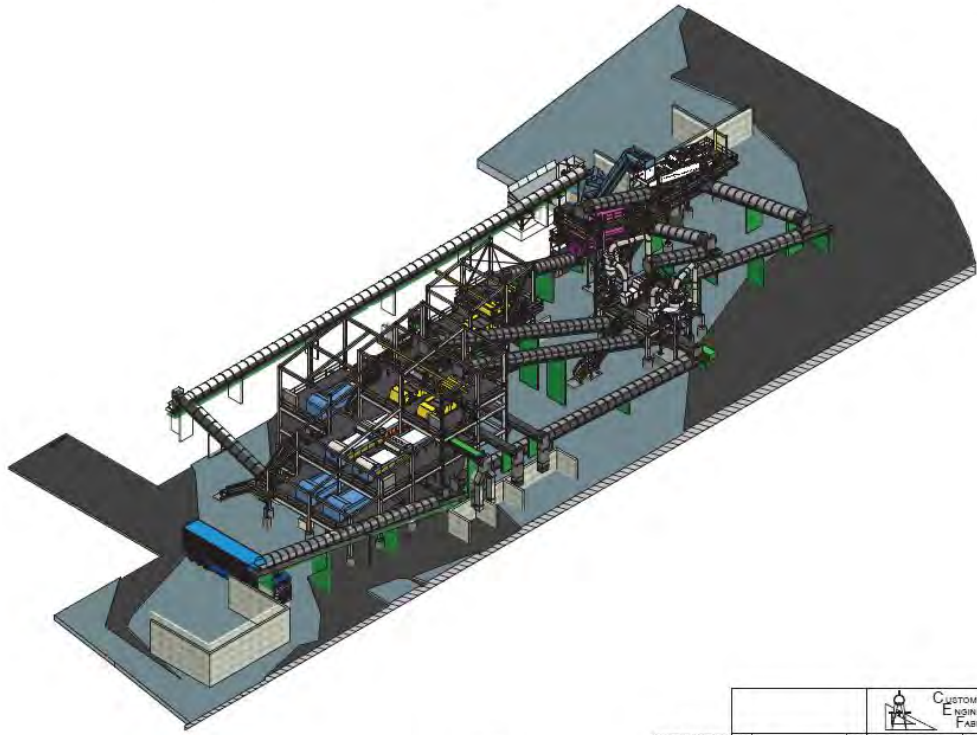
CONDITIONS

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

SITE PLAN



Site Plan - P. 2 of 3



VIEW#29
SCALE 1/160

		CUSTOM ENGINEERING & FABRICATION, INC. JOB# 2565 DATE 3 / 20 PRELIM #3
421 INDUSTRIAL STREET SUITE 100 FORT WORTH, TX 76104 TEL: 817-335-1111 FAX: 817-335-1111	2001 W. 15TH STREET SUITE 100 FORT WORTH, TX 76104 TEL: 817-335-1111 FAX: 817-335-1111	GENERAL@CUSTOMER.COM DATE 10/15/2012 PROJECT 2565- 01-CBP-3

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2565

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, January 12, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2022-031
LOCATION: 526 Weakley Avenue
COUNCIL DISTRICT: District 7
OWNER/APPLICANT: Omnisource Southwest LLC
REPRESENTATIVE: Evans Petree
REQUEST: Special use permit to allow for the expansion of a metal recycling facility
AREA: +/-4.7
EXISTING ZONING: Heavy Industrial (IH)

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



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

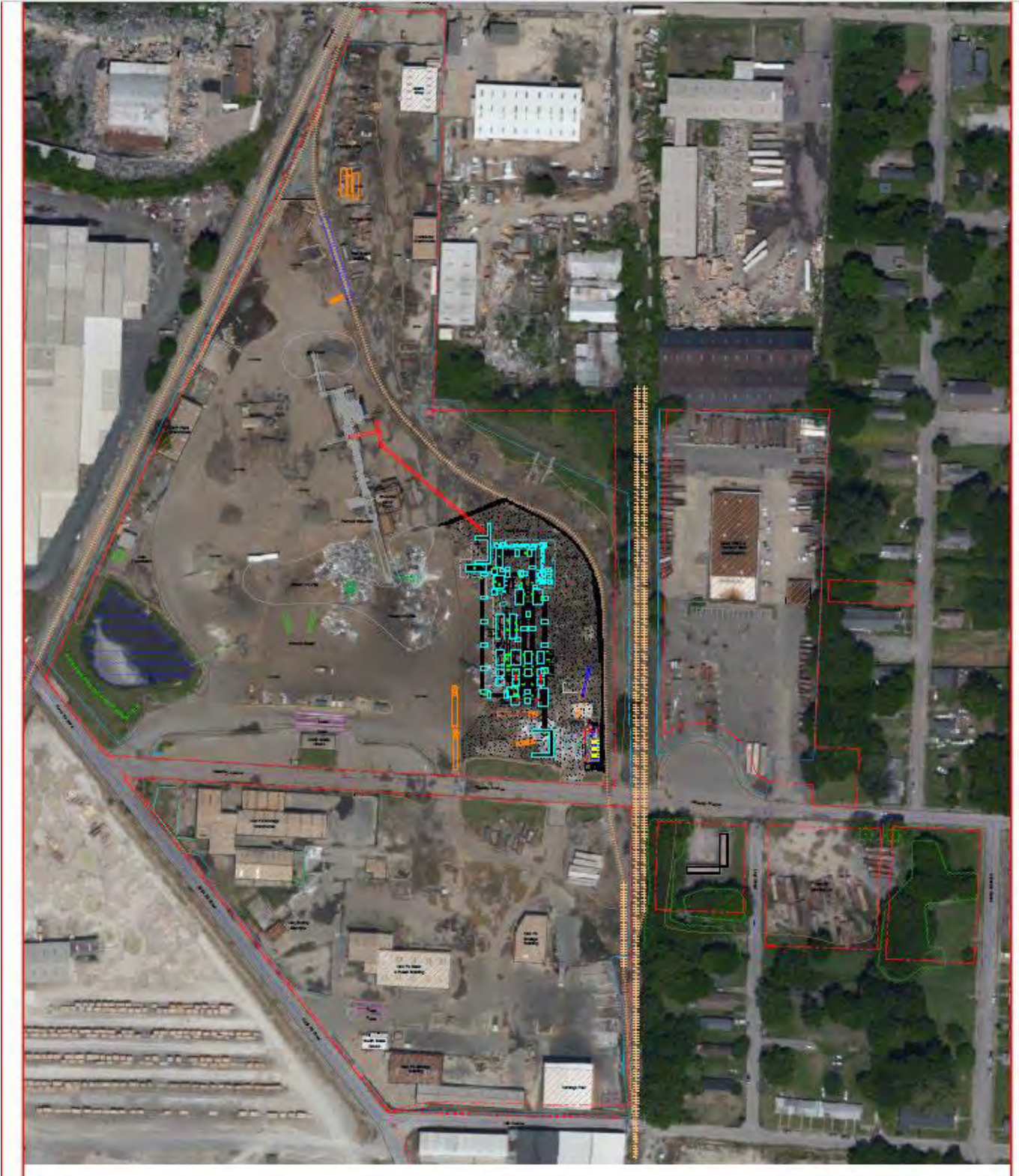
Cc: Committee Members
File

SUP 22-31
CONDITIONS

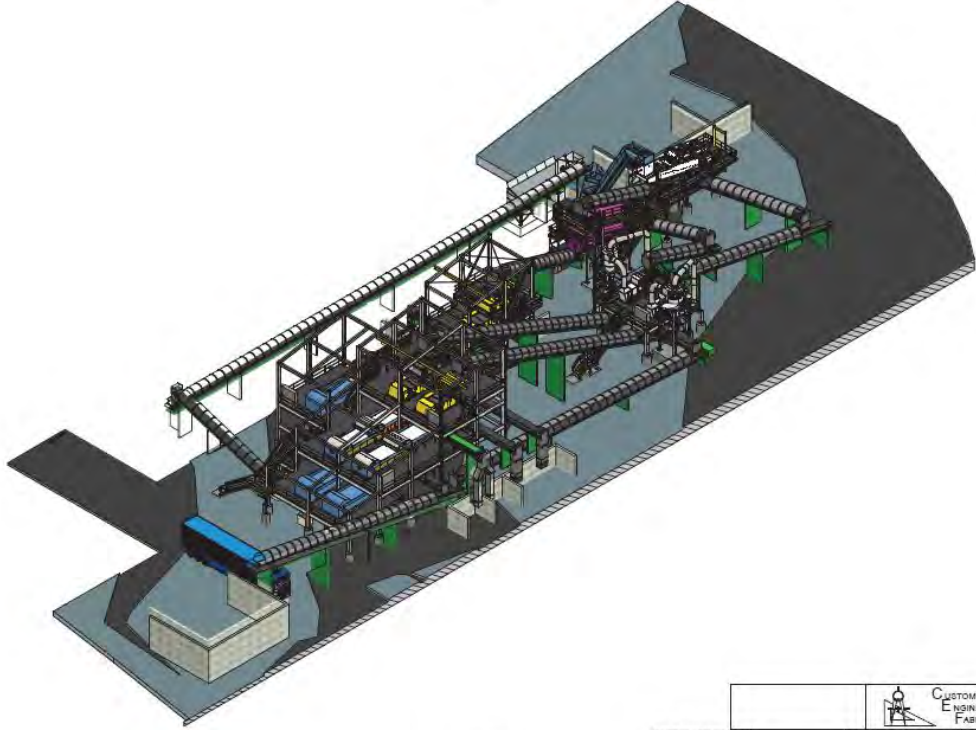
CONDITIONS

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

SITE PLAN



Site Plan - P. 2 of 3



VIEW#29
SCALE 1/180

CUSTOM ENGINEERING & FABRICATION, INC. 221 WEDDIE STREET, Box 12401, Ft. Worth, TX 76112-0241 TEL: (817) 424-4444 FAX: (817) 424-4444 WWW: WWW.CEFINC.COM		JOB# 2565 DATE 3/20 SHEET# 03
POLYMERES GROUP 4210761 200 2000 20000 200000 2000000	1/1 1/2 1/4 1/8 1/16 1/32	GENERAL/STANDARD CON DATE 10/13/2012 2565- 01-CBF-3

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2565

AGENDA ITEM: 23

CASE NUMBER: SUP 2022-031 **L.U.C.B. MEETING:** January 12, 2022

LOCATION: 526 Weakley Avenue

COUNCIL DISTRICT: District 7

OWNER/APPLICANT: Omnisource Southwest LLC

REPRESENTATIVE: Evans Petree

REQUEST: Special use permit to allow for the expansion of a metal recycling facility

AREA: +/-4.7

EXISTING ZONING: Heavy Industrial (IH)

CONCLUSIONS

1. The applicant is a special use permit to allow the expansion of a metal recycling facility at 526 Weakley Avenue.
2. Properties to the north and west of the subject property located at 1280 North Seventh Street and 485 Plum Avenue received a Special Use Permit for metal recycling in 1995. This application is being filed by the owner of those properties to expand that use.
3. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 17-20 of this report

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Weakly Avenue +/- 285.7 Linear feet

Zoning Atlas Page: 1830

Parcel ID: 039020 00004

Existing Zoning: Heavy Industrial (IH)

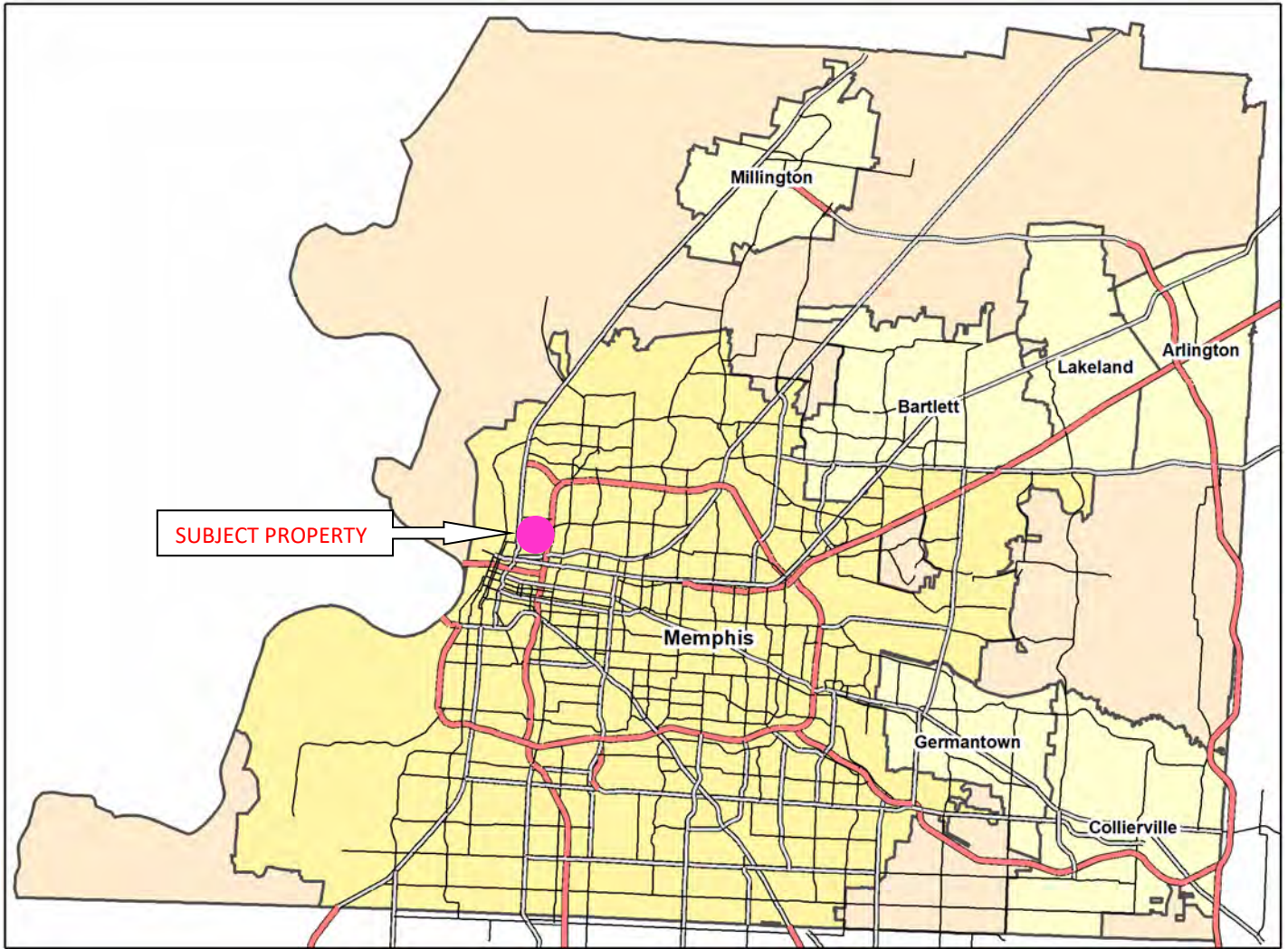
NEIGHBORHOOD MEETING

The meeting was held at 3:00 PM on Wednesday, December 28, 2022, at 526 Weakley Avenue.

PUBLIC NOTICE

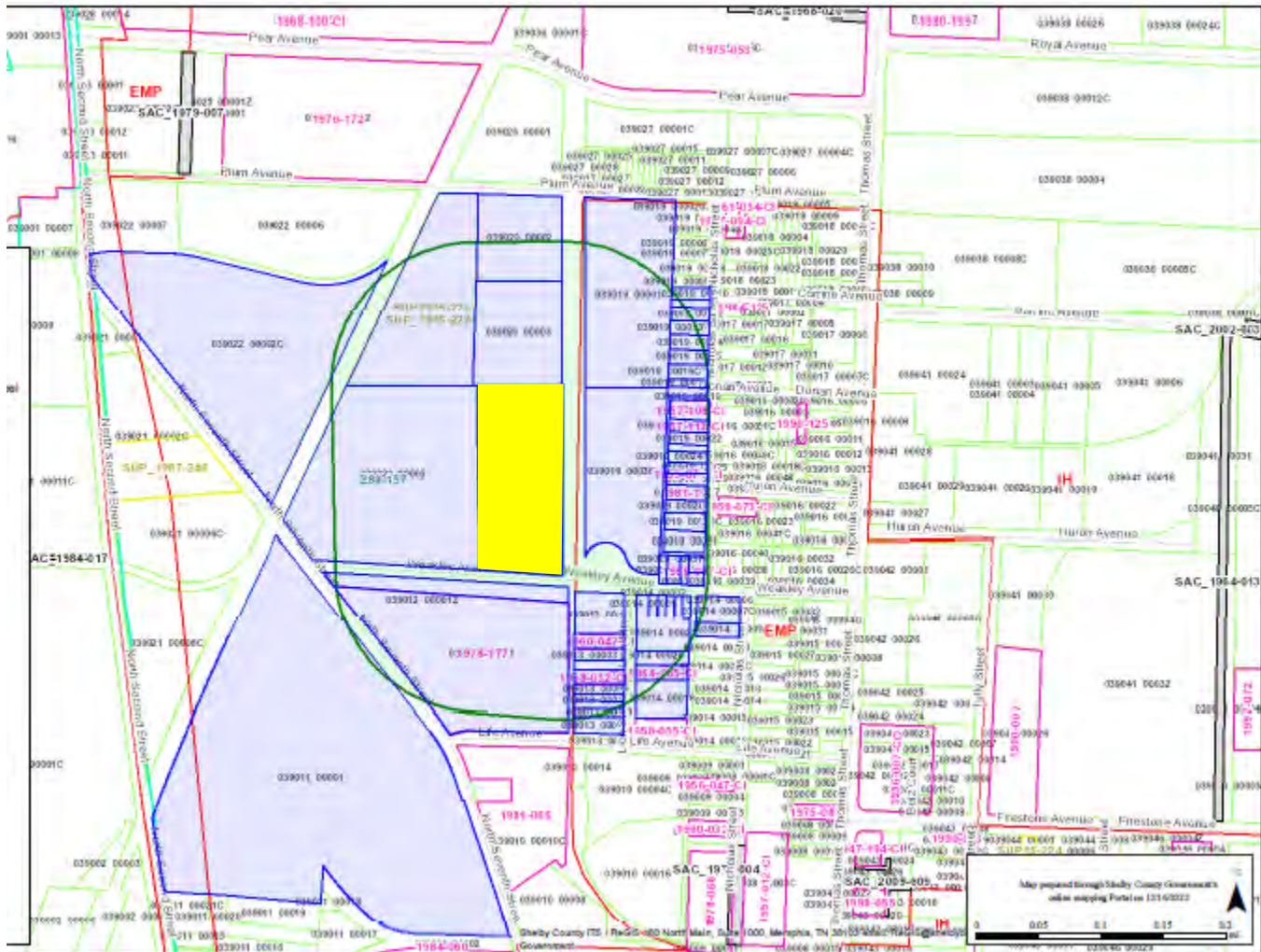
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 58 notices were mailed on December 29, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



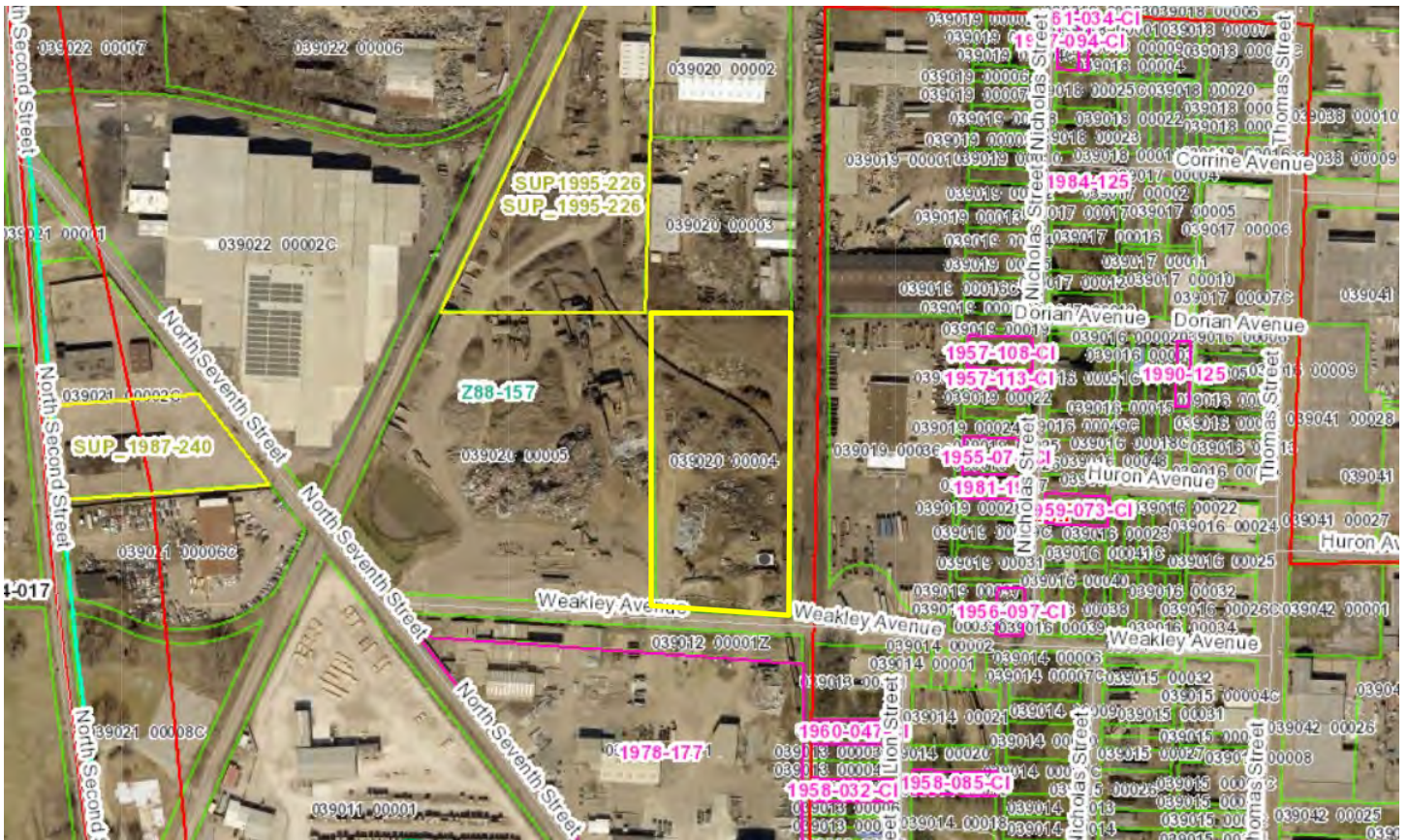
Site highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property outlined in yellow

Existing Zoning: Heavy Industrial (IH)

Surrounding Zoning

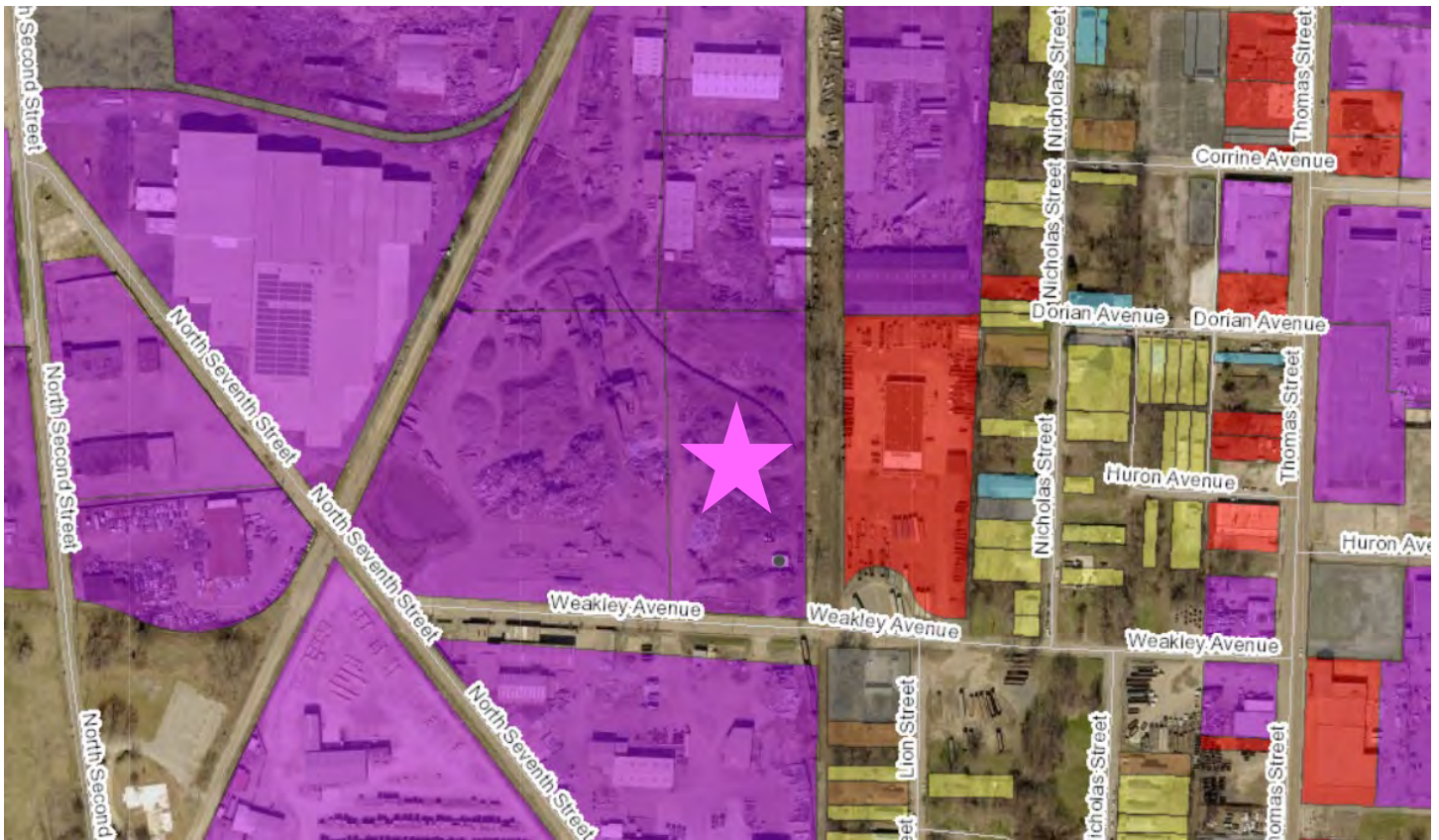
North: Heavy Industrial (IH) and SUP 1995-226

East: Employment (EMP)

South: Heavy Industrial (IH) and BOA 1878-177

West: Heavy Industrial (IH)

LAND USE MAP



Subject property indicated by a pink star

LandUse

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

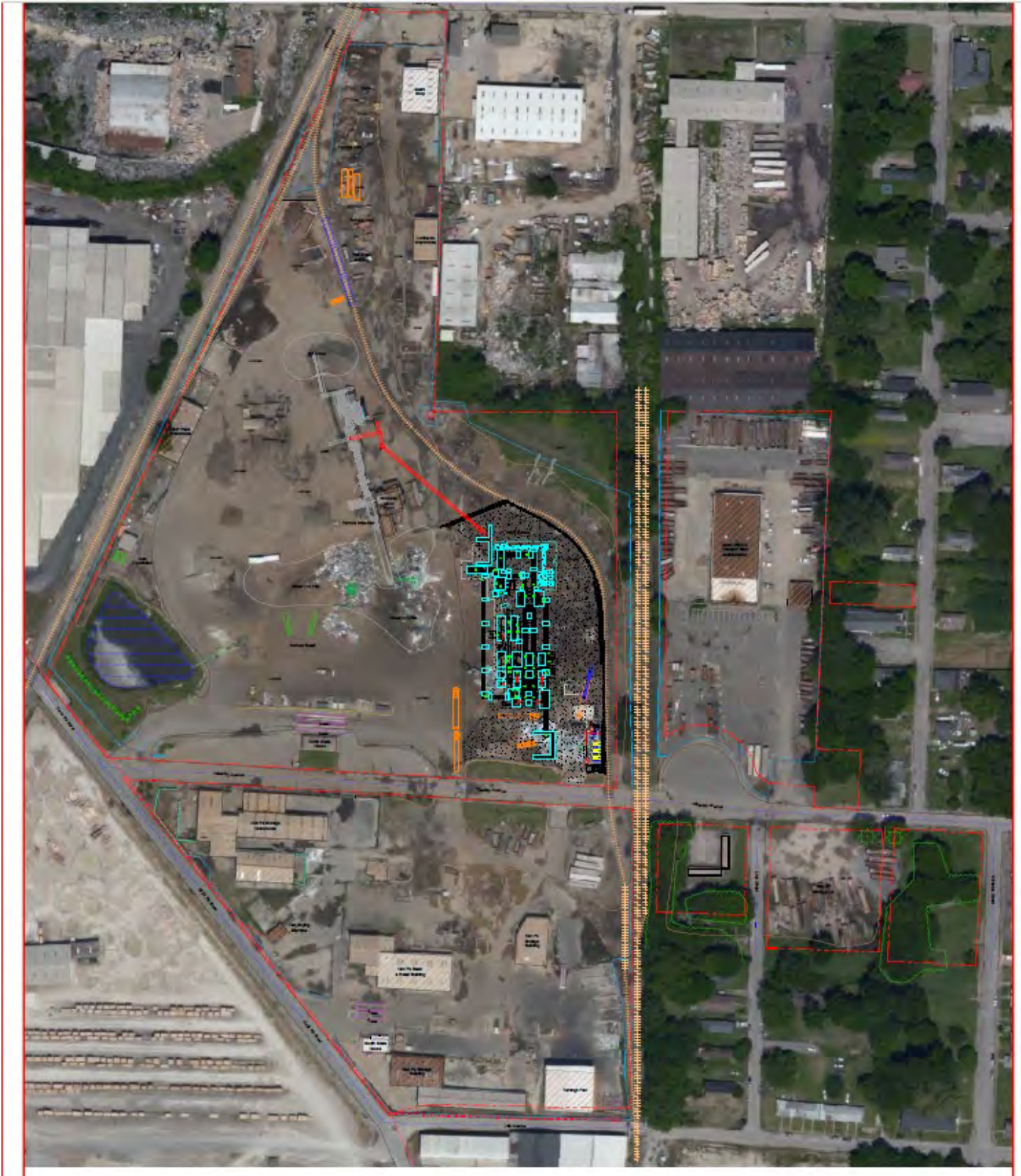
SITE PHOTO

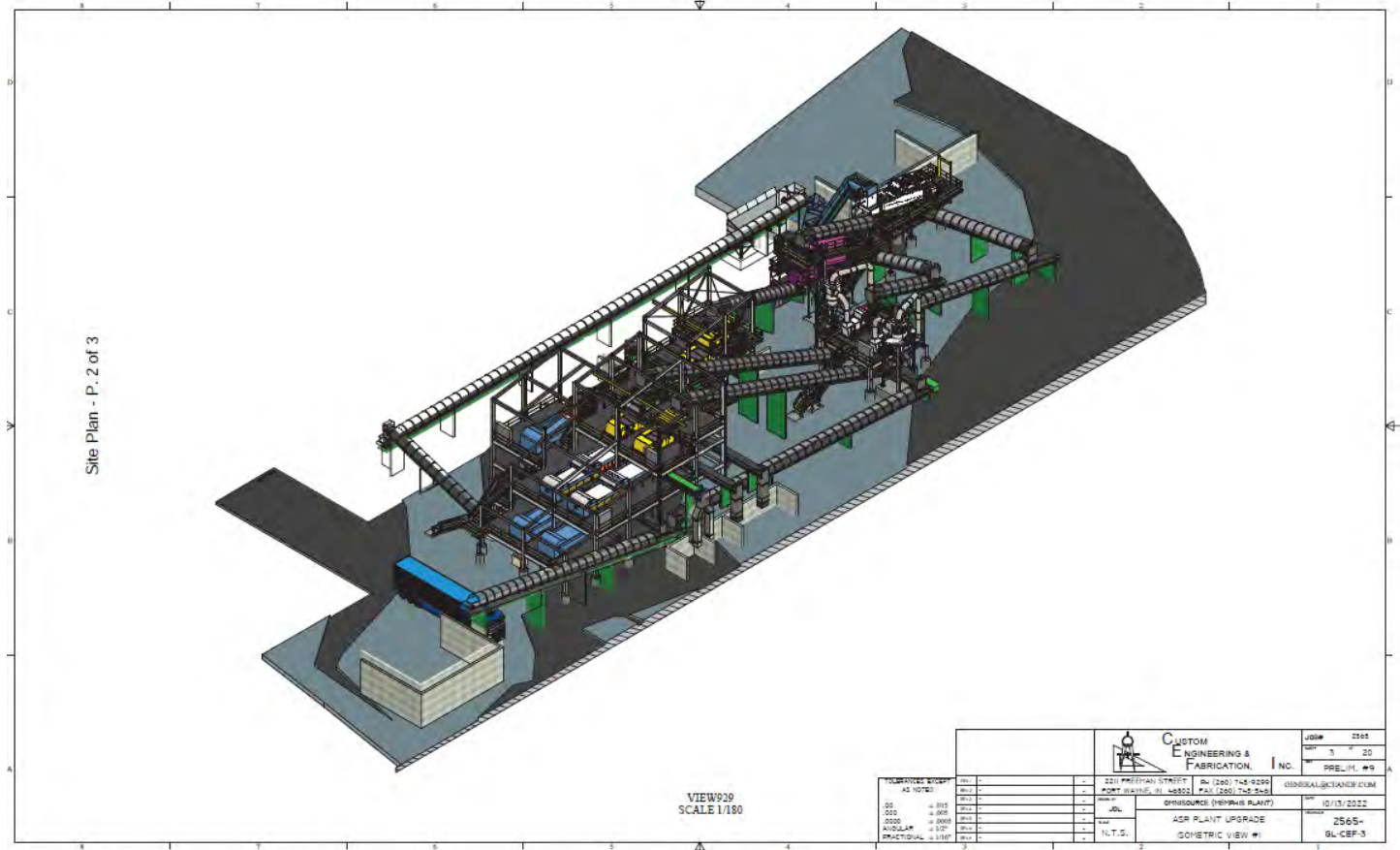


View of the subject properties entrance from Collierville Arlington Road facing west.



SITE PLAN





CUSTOM ENGINEERING & FABRICATION, INC. 221 PREPARI STREET, SU 100, TACOMA, WA 98402 PHONE: (253) 465-1111 FAX: (253) 796-2442 WWW: CEFINC.COM		JOB# 2205 DATE 3/20 PBL/H #9
TOLERANCES UNLESS NOTED: DIM. ± .015 DIM. ± .010 DIM. ± .008 DIM. ± .005 DIM. ± .002 DIM. ± .001 DIM. ± .0005 DIM. ± .0002 DIM. ± .0001	DESIGNED BY: JDL CHECKED BY: N.T.S. DATE: 10/13/2022	GENERAL CONDITIONS: CUM PROJECT: ASR PLANT UPGRADE DRAWING: ISOMETRIC VIEW #1 JOB# 2565-9L-CBP-3

This drawing includes principles of design, is property of and submitted by Custom Engineering & Fabrication Inc. with the agreement that it is not to be reproduced, copied or loaned, in part or whole. It is not to be used in any manner that may constitute a detriment directly or indirectly to Custom Engineering & Fabrication Inc. Acceptance of this drawing will be construed as an agreement.

2565

STAFF ANALYSIS

Request

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

The request is for a Special use permit to allow the expansion of a metal recycling facility.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-4.7 acres located at 526 Weakley Avenue (039020 00004) between Mud Island and New Chicago. The property is zoned Heavy Industrial (IH) and is surrounded by heavy industrial and light industrial uses. Per the Assessor's Office, the principal structure on the site was built in 1972 and the site has three accessory buildings.

Conclusions

The applicant is a special use permit to allow the expansion of a metal recycling facility at 526 Weakley Avenue.

Properties to the north and west of the subject property located at 1280 North Seventh Street and 485 Plum Avenue received a Special Use Permit for metal recycling in 1995. This application is being filed by the owner of those properties to expand that use.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with one condition.

Conditions

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

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:

MEMORANDUM

To: Seth Thomas, Municipal Planner

From: Leigh Huffman, Municipal Planner

Date: January 3, 2023

Subject: OSR Comments on SUP 22-31: NORTH MEMPHIS

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

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

The Applicant is proposing to upgrade an existing aluminum sorting and recycling with new equipment that will improve the speed in which the recycled materials can be processed. The area in which the equipment will be installed is currently used for storage of materials waiting to be processed.

The Applicant is not proposing any changes to the existing impervious surface on the parcel.

There are several existing single-family homes located within a quarter mile of the facility. Staff recommends including the Health Department in discussions to determine the impact of such an expansion of the facility on air quality in surrounding neighborhoods.

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

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding, and it is already in use as an aluminum recycling facility.

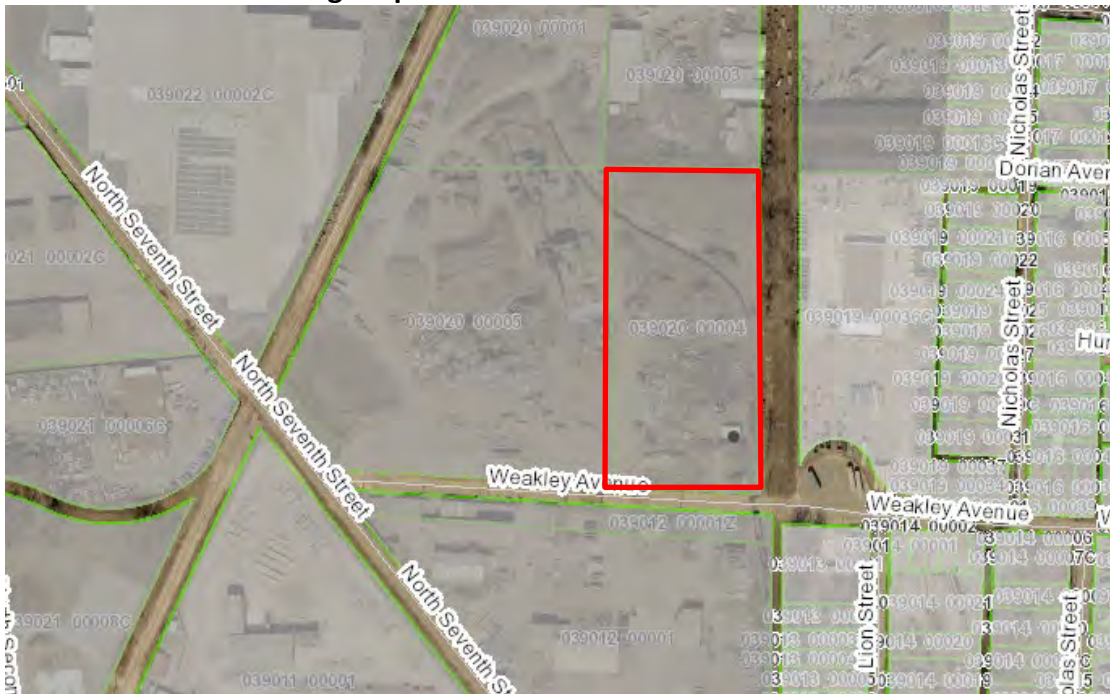
Consistent with the Memphis Area Climate Action Plan best practices: Yes

The Memphis Area Climate Action Plan calls for supporting the creation of circular economies and generating revenue streams from those products. Improving a business that diverts waste from landfills is another step toward the goal of a zero-waste future. The expansion of an aluminum recycling facility aligns with Priority Action W.3 Divert Greater Amounts of Inorganic Materials from Landfills.

Recommendations: Staff recommends that the applicant work closely with City of Memphis Engineering, Shelby County Health Department, and the Tennessee Department of Environment and Conservation to obtain all applicable permits and approvals from state, local, and federal agencies for the operation of an aluminum recycling business.

Office of Comprehensive Planning:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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: Industrial, IH

Adjacent Land Use and Zoning: Industrial, Employment, Commercial, EMP, CMU-3, MU

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is like the existing use.*

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 seeking a special use permit to upgrade the recycling equipment on the parcel.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is like the existing use.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: December 7, 2022

Record Number: SUP 2022-031

Expiration Date:

Record Name: Memphis ASR Plant Upgrade

Description of Work: Installation of a new ASR process that will include 54 pieces of equipment, replacing the existing plant containing 8 pieces of equipment currently located at 540 Weakley Avenue, Memphis, TN. The new process like the current one is only for separation of materials. Conveyors, screens, eddy current and sensor sorters are the technologies used in this process.

Parent Record Number:

Address:

526 WEAKLEY AVE, MEMPHIS 38107

Owner Information

Primary Owner Name

Y OMNISOURCE SOUTHWEST LLC

Owner Address

7575 W JEFFERSON BLVD, FORT WAYNE, IN 46804

Owner Phone

Parcel Information

039020 00004

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Seth Thomas

Date of Meeting

12/05/2022

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case Number(s) related to previous applications on this site

-

Is this application in response to a citation, stop work order, or zoning letter

Yes

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

April 7, 2016 letter

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

The project will improve the area with updated machinery, causing less needed storage of materials to be processed. It will keep these jobs in Memphis, which currently total forty-one (41).

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

The project melds with the current uses of the immediate vicinity, which is metals processing. The larger plant with new equipment will reduce the shifts to one per day initially, with the same number of employees but shorter hours of operation.

UDC Sub-Section 9.6.9C

We believe the project will not need additional essential public facilities, and if so needed, applicant will provide for these.

UDC Sub-Section 9.6.9D

The property is currently used for storage of equipment and scrap metals, and the new equipment will reduce the need for such storage.

UDC Sub-Section 9.6.9E

The existing plant complies with such standards as will the new plant.

UDC Sub-Section 9.6.9F

The project is self-contained and will not adversely affect or violate the character of adjacent properties which are heavy industrial zoned.

GIS INFORMATION

Case Layer

Z88-157

Central Business Improvement District

Yes

Class

I

Downtown Fire District

No

Historic District

-

Land Use

INDUSTRIAL

Municipality

MEMPHIS

Overlay/Special Purpose District

Central Business Improvement District

Zoning

IH

State Route

-

Lot

PTS12-13

Subdivision

WEAKLEY

Planned Development District

-

GIS INFORMATION

Wellhead Protection Overlay District

Contact Information

Name

OMNISOURCE, LLC

Contact Type

APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1434522	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/07/2022
1434522	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	12/07/2022

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

LETTER OF INTENT



1204 OFFICE PARK DRIVE, UNIT B
OXFORD, MS 38655 | 662.546.4655
EVANSPETREE.COM

December 7, 2022

Memphis and Shelby County
Division of Planning and Development
Land Use Control Board
125 N. Main, Suite 468
Memphis, TN 38103

Re: Special Use Permit for 526 Weakley Avenue

To Whom it May Concern:

This letter of intent is to summarize the proposed project by OmniSource, LLC. We are proposing installation of a new ASR process that will include 54 pieces of equipment, replacing the existing plant containing 8 pieces of equipment currently located at 540 Weakley Ave, Memphis, TN. The new process like the current one is only for separation of materials. Conveyors, screens, eddy current and sensor sorters are the technologies used in this process.

We appreciate your consideration and look forward to working with you.

Sincerely,

/s/ Paul F. T. Edwards, Esq.

SIGN AFFIDAVIT



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Fastsigns

834 Mt. Moriah
 Memphis, TN 38117
 ph: (901)682-3366
 fax: (901)682-8686
 Email: 15@fastsigns.com

Page 1 of 1

015 - 50017

Customer: **Evans / Petree, PC** ph: (901) 521-4570 x Direct
 Contact: Lisa Sisson Customer: 19543 fax: (901) 374-7516
 Description: 36*24 PUBLIC NOTICE Sign; Case #SUP 22-031
 Sales Person: Joedy White
 Clerk: Joedy White email: lsisson@evanspetree.com

Dear Lisa:

Thank You For The Opportunity To Bid On This Order
 Please Do Not Hesitate To Call With Any Questions or Comments @ 682-3366
 Quote Good For 60 Days, Prices May Change Thereafter.

Sincerely,

Joedy White

	Product	Qty	Sides	H x W	Unit Cost	Totals
1	Coroplast 4mm Description: Coroplast 4mm with cut or printed vinyl applied. Color: 4CP on White, Bold ---- Text: (See Attached)	1	1	36 x 24	\$110.02	\$110.02
2	STEP STAKE Description: 4' STEP STAKE Color: BLACK	1	1	0 x 0	\$22.00	\$22.00

Notes:

Thank you for the opportunity to provide you with A Quality Sign That's Right...On Time. See our website at www.fastsigns.com/15 or e-mail - 15@fastsigns.com.

PROOF & PRODUCTION POLICY :

We are happy to provide up to three free proofs with your order. Any revised proofs thereafter are \$25 each and will delay the production of your order. Revisions can take up to 24 hours to get back from our designers. Final examination for accuracy is your responsibility. Revisions requested after we receive your approval will result in additional charges. Production starts after approval is received.

Per Shelby County Code, all temporary signs are not permitted. FASTSIGNS assumes no liability nor suitability for their display.

CUSTOMER AGREES TO PAY ALL COSTS OF COLLECTION IN THE EVENT OF DEFAULT OF PAYMENT, INCLUDING BUT NOT LIMITED TO COURT COSTS AND REASONABLE ATTORNEY'S FEES. DELINQUENT ACCOUNTS WILL BE CHARGED 1.5% INTEREST PER MONTH.

Line Item Total:	\$132.02
Subtotal:	\$132.02
Taxes:	\$12.89
Total:	\$144.91

PAID

Bill To: Evans / Petree, PC
 Lisa Sisson
 1715 Aaron Brenner Drive
 Suite 800
 Memphis, TN 38120

Payment due upon completion of order.

Received/Accepted By: *[Signature]* 12/22/2022

SYSTEMFASTSIGNS_CRYSTAL_Estimate01

More than fast. More than signs.



LETTERS RECEIVED

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



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Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: December 7, 2022

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Owner Information

Primary Owner Name

Y OMNISOURCE SOUTHWEST LLC

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7575 W JEFFERSON BLVD, FORT WAYNE, IN 46804

Owner Phone

Parcel Information

039020 00004

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Seth Thomas

Date of Meeting

12/05/2022

GENERAL PROJECT INFORMATION

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List any relevant former Docket / Case Number(s) related to previous applications on this site -

Is this application in response to a citation, stop work order, or zoning letter Yes

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information April 7, 2016 letter

APPROVAL CRITERIA

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GIS INFORMATION

Case Layer Z88-157

Central Business Improvement District Yes

Class I

Downtown Fire District No

Historic District -

Land Use INDUSTRIAL

Municipality MEMPHIS

Overlay/Special Purpose District Central Business Improvement District

Zoning IH

State Route -

Lot PTS12-13

Subdivision WEAKLEY

Planned Development District -

GIS INFORMATION

Wellhead Protection Overlay District

-

Contact Information

Name

OMNISOURCE, LLC

Contact Type

APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$513.00

Total Balance: \$0.00


Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, John Moffitt for Omnisorce, LLC , state that I have read the definition of
(Print Name) (Sign Name)

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):


I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 526 Weakley Ave. Memphis, TN 38107
and further identified by Assessor's Parcel Number 039020 00004

for which an application is being made to the Division of Planning and Development.

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


Signature of Notary Public



December 7, 2022

Memphis and Shelby County
Division of Planning and Development
Land Use Control Board
125 N. Main, Suite 468
Memphis, TN 38103

Re: Special Use Permit for 526 Weakley Avenue

To Whom it May Concern:

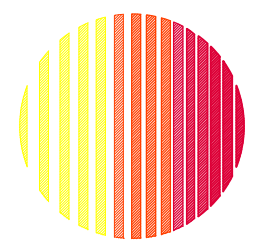
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We appreciate your consideration and look forward to working with you.

Sincerely,

/s/ Paul F. T. Edwards, Esq.

Site Plan - P. 1 of 3



OmniSource
 "The Best in Metals Recycling"

ISSUE	DATE	TYPE
1	11/28/22	1

ISSUE RECORD

TYPE	DESCRIPTION
B	BIDDING
A	FOR APPROVAL
I	INFO/REF
M	MATERIAL ORDERING
P	PRELIMINARY
R	REVISION
C	CONSTRUCTION

DRAWN BY: K.D.E.
 CHECKED BY: K.D.E.
 SCALE: 1" = 60'

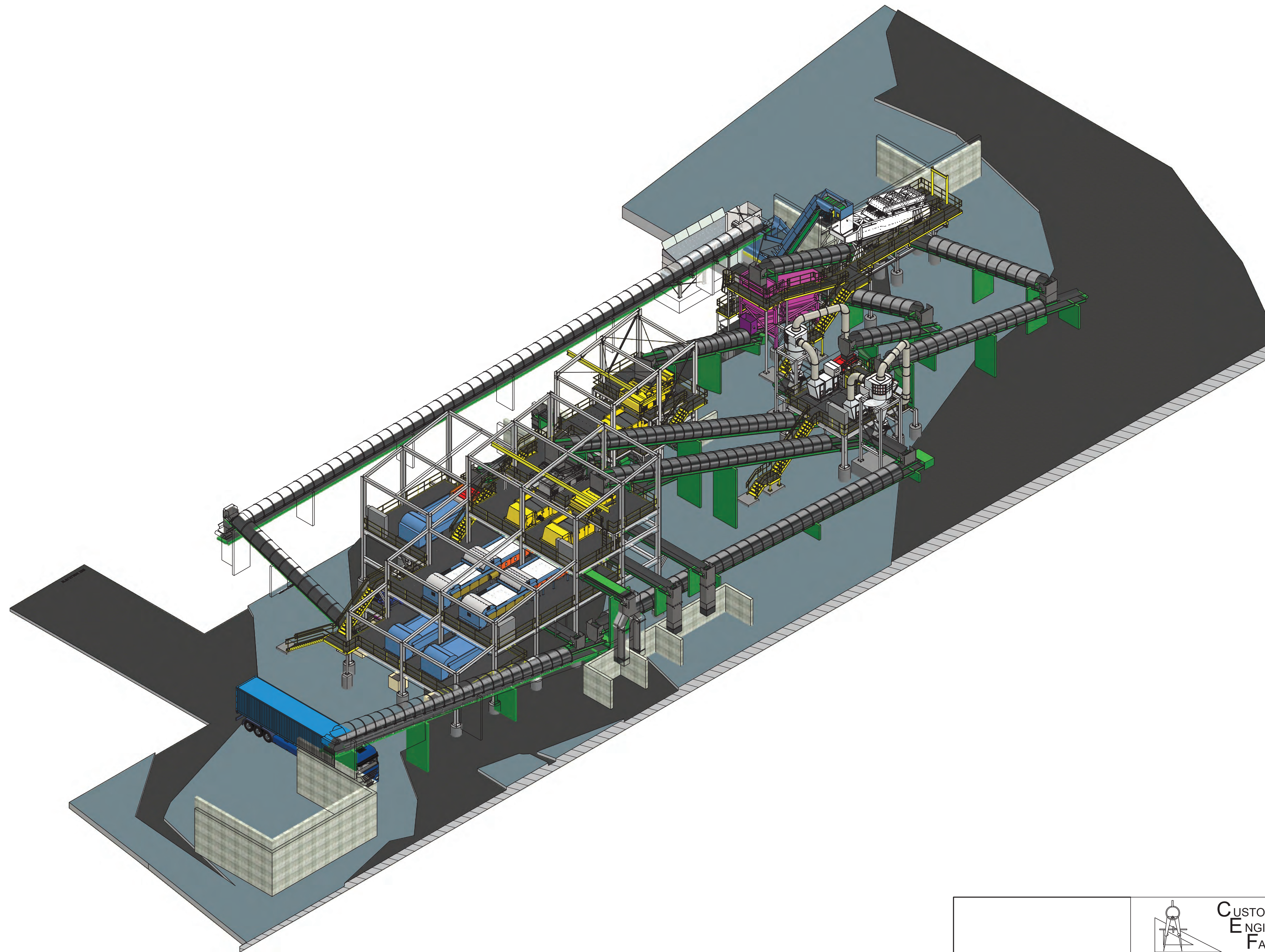
Proposed New Site Plan / ASR System Move

OmniSource Southwest
OmniSource Corporation
 540 Weakley Avenue, Memphis, TN 38107

C2

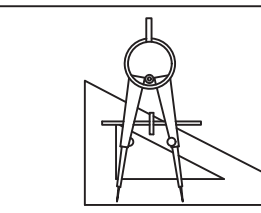
THIS DRAWING AND ALL INFORMATION ON IT IS THE PROPERTY OF OMNISOURCE CORPORATION AND MUST BE RETURNED UPON REQUEST. NEITHER THIS DRAWING NOR ANY INFORMATION CONCERNING IT, MAY BE COPIED, EXHIBITED, OR FURNISHED TO OTHERS WITHOUT THE PRIOR WRITTEN CONSENT OF OMNISOURCE.

Site Plan - P. 2 of 3



VIEW929
SCALE 1/180

TOLERANCES EXCEPT AS NOTED	
.00	± .015
.000	± .005
.0000	± .0005
ANGULAR	± 1/2°
FRACTIONAL	± 1/16"

REV.1	*	*	 CUSTOM ENGINEERING & FABRICATION, INC. 2211 FREEMAN STREET FORT WAYNE, IN 46802 PH (260) 745-9299 FAX (260) 745-5461 GENERAL@CEANDF.COM	JOB#	2565
REV.2	*	*		SHEET	3 OF 20
REV.3	*	*		REV	PRELIM. #9
REV.4	*	*		DRAWN BY	JDL
REV.5	*	*		SCALE	N.T.S.
REV.6	*	*		DATE	10/13/2022
REV.7	*	*		DRAWING#	2565-GL-CEF-3
DRAWN BY JDL SCALE N.T.S.			OMNISOURCE (MEMPHIS PLANT) ASR PLANT UPGRADE ISOMETRIC VIEW #1	GENERAL@CEANDF.COM DATE 10/13/2022 DRAWING# 2565-GL-CEF-3	

2565



RECORD DESCRIPTION

PARCEL 1: (Special Warranty Deed FC 6955) Beginning at a cotton picker spindle in the north line of Weakley Avenue (20 feet wide), said point being 165.00 feet west of the centerline of Nicholas Street (30 feet wide); thence North 89°34'55" West along the north line of Weakley Avenue, a distance of 278.92 (call=272.94) feet to a cotton picker spindle set in the east line of the Union Railroad right-of-way (50 feet wide); thence North 1°51'15" West along the east right-of-way line of the Union Railroad, a distance of 660.60 feet to an iron pin; thence South 89°33'31" East, a distance of 297.72 (call=296.0) feet to an iron pin set on the northeast corner of Lot 12 of the Robert Weakley (unrecorded) Subdivision; thence South 07°12'24" East along the east line of said Lot 12, a distance of 660.00 feet to the point of beginning, containing 190,289 square feet or 4.3684 acres of Land, more or less.

PARCEL 2, 3, 4, & 6: (Special Warranty Deed HW 7607 & Quit Claim Deed HW 7608) Being part of the Southern Tin Compress Corporation property described as part of Lots 9 and 10, Weakley Subdivision (Unrecorded Subdivision) in Book 1611 - Page 416 of the Shelby County Register's Office (SCRO), less that part dedicated for the widening of North Seventh Street in Plat Book 155 - Page 30 (SCRO), together with the Southern Tin Compress Corporation property described as part of the Robert Weakley Subdivision in Instrument Number 89-7853 (SCRO), together with the Southern Tin Compress Corporation property described as part of Lots 12 and 13 of the said Robert Weakley Subdivision in Book 2651 - Page 177 (SCRO), together with the Perico L.C.C. property described as the George J. Sander part of Lot 16, Robert Weakley Subdivision in Instrument Number FF-5668 (SCRO), together with the Southern Tin Compress Corporation property described in Instrument Number 80-8375 (SCRO), being the remainder of Weakley Avenue (as closed by Memphis City Council Resolution), all of the above property being situated in Memphis, Shelby County, Tennessee and said parcel being more particularly described as follows:

Beginning at a set iron pin at the intersection of the present northeasterly right of way line of North Seventh Street (public, paved road - 56.5 foot right of way, as widened) and the southeasterly line of the Illinois Central Gulf Railroad right of way (50 feet wide); thence North 22 degrees 49 minutes 33 Seconds East along the said southeasterly line of said railroad - 1237.87 feet to the south line of Plum Street (public, paved road - right of way varies); thence South 89 degrees 56 minutes 01 seconds East along the said south line of Plum Street - 144.80 feet to a set iron pin in the west line of the Todd O. Schoeffer and wife Camille M. Schoeffer property, (Instrument Number FC-7382, SCRO); thence South 00 degrees 40 minutes 08 seconds East along the west line of said Schoeffer property and also along the west line of the Joel Porter, et al, Trustee's property (Instrument Number AT-3675 SCRO) - 652.07 feet to a set iron pin at the southwest corner of said Porter property; thence South 89 degrees 22 minutes 39 seconds East along the south line of said Porter property 41 degrees 19 minutes 44 seconds West along the west line of the Union Railway right of way (50 feet wide); thence South 02 degrees 27 minutes 46 seconds East along said west line of railroad - 1202.61 feet to a set iron pin in the north line of Life Avenue (public, paved road - 25 foot right of way); thence North 89 degrees 29 minutes 31 seconds West along said north line of Life Avenue - 385.55 feet to a set iron pin in the said present northeasterly line of North Seventh Street; thence North 02 degrees 27 minutes 46 seconds West along said northeasterly line - 949.37 feet to the point of beginning. Containing 25.211 acres, more or less.

LESS AND EXCEPT that portion of the property conveyed for North Seventh Street, as shown on Plat of record in Plat Book 155, Page 30, in the Register's Office of Shelby County, Tennessee. NOTE: The Land described above is not insurable in its present form but is subject to an acceptable current survey by a licensed civil engineer.

PARCEL 5: (Warranty Deed FF 5666) The George J. Sander part of Lot 16, Robert Weakley Subdivision, lying east of the Illinois Central Rail road Company's 50 foot right-of-way, and being more particularly described as follows:

Beginning at the intersection of Plum Avenue and the east boundary of the Illinois Central Railroad right-of-way and continuing east with the south line of Plum Avenue 144.8 feet to point; thence south at an approximate 90 degree angle to Plum 652 feet; thence west parallel to Plum 425.2 feet to the east boundary of the Illinois Central Railroad right-of-way; thence in a northerly direction with said right-of-way 709.35 feet to the point of beginning.

PARCEL 7: (Warranty Deed FE 0404) Lots 1, 2, 3, 4, 5, and 6 of Zierman's Weakley Street Subdivision as shown on map or plat of record in Plat Book 3, Page 65, in the Register's Office of Shelby County, Tennessee, more particularly described as:

Beginning at the intersection of the southerly line of Weakley Avenue with the westerly line of Lion Street; thence southerly along the westerly line of Lion Street 147 feet (call 150) to a point; thence westwardly parallel with the southerly line of Weakley Avenue 150 feet to a point in the easterly line of the Union Railroad 50 feet right of way; thence northwardly along the easterly line of the Union Railroad right of way 147 feet. (Call 150) to a point in the southerly line of Weakley Avenue; thence easterly along the southerly line of Weakley Avenue 150 feet to the point of beginning.

PARCEL 8: (Warranty Deed 06044350) Part of Lot 10 of the Weakley Subdivision and more particularly described as follows: Beginning at a point where the south line of Weakley Avenue intersects the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 45.5 feet to a point; thence southerly 80 feet to a point; thence westwardly 43.32 feet to a point in the west line of Lion Street; thence northwardly along the east line of Lion Street 80 feet to the point of beginning.

PARCEL 9: (Warranty Deed 06084830) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows: Beginning at a point in the south line of Weakley Avenue 45.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence westwardly along the south line of Weakley Avenue 31 feet to a point; thence southerly 80 feet to a point; thence westwardly 31 feet to a point; thence northwardly 80 feet to the point of beginning.

PARCEL 10: (Warranty Deed 08009922) Part of Lot 10 of the Weakley Subdivision and more particularly described as follows: Beginning at a point where the south line of Weakley Avenue 76.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, thence eastwardly along the south line of Weakley Avenue 29 feet to a point; thence southerly 80 feet to a point; thence westwardly 29 feet to a point; thence northwardly 80 feet to the point of beginning.

PARCEL 11: (Quit Claim Deed 06084830) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows Beginning at a point in the south line of Weakley Avenue 105 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southerly 80 feet to a point; thence westwardly 30 feet to the point of beginning.

PARCEL 12: (Quit Claim Deed 06093376) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows: Beginning at a point in the south line of Weakley Avenue 135.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southerly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

PARCEL 13: (Quit Claim Deed 06084830) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows: Beginning at a point in the south line of Weakley Avenue 165.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, thence eastwardly along the south line of Weakley Avenue 32.42 feet to the west line of a 13 foot alley; thence eastwardly along the west line of said alley 80 feet to a point; thence westwardly 31 feet to a point, thence northwardly 80 feet to the point of beginning.

PARCEL 14: (Quit Claim Deed 06136606) Lot 3, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 15: (Warranty Deed 06100032) Lot 4 and the north 1/2 of Lot 5 of Scott Oberst & Nichols Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, which plat reference is hereby made for a more particular description of said property.

PARCEL 16: (Warranty Deed 08037072) Lot 7, Scott, Oberst & Nichols Subdivision of Lots 7 and 8 of the Robert Weakley Subdivision of the Weakley and McLemore Grant as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 17: (Warranty Deed 08009922) Lot 8, Scott and Oberst Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 18: (Warranty Deed 07112592) INTENTIONALLY DELETED

PARCEL 19: (Quit Claim Deed 06044351) Part of Lot 10 of the Robert Weakley Tract, a plat of which is of record in Plat Book 3, Page 65, in the Register's Office of said ShelbyCounty and more particularly described as follows:

Beginning at a point in the east line of Lion Street 90 feet south of the original south line of Weakley Avenue, formerly known as First Street, said beginning point being 80 feet south of the south line of said Weakley Avenue as widened; thence southerly along the east line of Lion Street 123.89 feet, more or less, to the north line of Lot 15 of the Charles Zierman Subdivision; thence eastwardly along the north line of said lot 15 and parallel with the south line of Weakley Avenue, as widened, 188.5 feet, more or less, to the west line of an alley; thence northwardly with the west line of said alley 123.88 feet, more or less, to a point 80 feet south of the south line of Weakley Avenue, as widened; thence westwardly parallel with the south line of Weakley Avenue 194 feet, more or less, to the point of beginning.

PARCEL 20: (Quit Claim Deed 06136605) Lots 1 & 2, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 21: (Warranty Deed 09031487) Being the east 30 feet of Lot 13 of E. W. and George Dorion subdivision on the north side of Weakley Avenue, a plat which is recorded in Plat Book 4, Page 6 in the Register's Office of Shelby County, Tennessee. BEGINNING at a stake in the north line of Weakley Avenue 160 feet west of the west line of Thomas Street; running thence north, with the west line of 811 alley, 142 feet to a stake; thence west 30 feet to a stake; thence south 142 feet to a stake in the line of Weakley Avenue; thence east along the line of Weakley Avenue 30 feet to the point of beginning.

PARCEL 22: (Quit Claim Deed 11076253) Lot 95 and 96 Holmes Subdivision, as per plat recorded in Plat Book 4, Page 6, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property. Said parcel fronts 50 on the North side of Weakley Avenue and extends back 111 feet.

Being the same property as described in Book 1726 Page 288. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

NOTE: The Land described above is not insurable in its present form but is subject to an acceptable current survey by a licensed civil engineer.

RECORD DESCRIPTION (CONTINUED)

PARCEL 23: (Quit Claim Deed 08105194) Lots 22-24, C W Holmes Unrecorded Subdivision of the S W Moore Subdivision, being more particularly described as follows: Beginning at a point in the west side of Nicholas St., 348 feet north of Weakley Avenue, and having a frontage of 37.5 feet and a depth of 138 feet, being Lots 22-24, Holmes Subdivision.

NOTE: The Land described above is not insurable in its present form but is subject to an acceptable current survey by a licensed civil engineer.

PARCEL 24: (INTENTIONALLY DELETED)

PARCEL 25: (Quit Claim Deed 7112926) Lots 44 and 45, C.W. Holmes Weakley Avenue Subdivision (less part to Avenue), being more particularly described as follows: Beginning at a point in the North line of Weakley Avenue 90 feet westwardly from the center line of Nicholas Street; said point being in the west line of Lot 46; thence westwardly with the North line of Weakley Avenue 50 feet to the East line of Lot 43; thence Northwardly with East line of Lot 43, 100.8 feet to the south line of an alley; thence eastwardly with the south line of said alley 50 feet to the west line of Lot 46; thence Southwardly with the west line of Lot 46, 101.4 feet to the point of beginning.

PARCEL 26: (Quit Claim Deed 06105158) Lot 43, C.W. Holmes Weakley Avenue Subdivision, and the west half of Lot 4 of the Weakley Tract, being the same property described in Warranty Deed of record in Book 1534, Page 124, in the Register's Office of Shelby County, Tennessee.

Being the same tract of land described in Chicago Title Insurance Company Commitment No. 21600708, with an effective date of July 14, 2016.

AS-SURVEYED DESCRIPTION

PARCEL 1: Commencing at the intersection of the North Right-of-way of Weakley Avenue (as widened) with the West Right-of-way of Nicholas Street; thence run S 89° 48' 35" W along the North Right-of-way of Weakley Avenue (as widened) for a distance of 156.28' to the Point of Beginning; thence continue along said North Right-of-way for a distance of 272.54' to the East Right-of-way of Union Railway; thence leaving Weakley Avenue run N 02° 35' 34" W along the East Right-of-way of Union Railway for a distance of 653.27' to a point; thence leaving East Right-of-way of Union Railway run S 89° 56' 11" E for a distance of 297.72' to the Point of Beginning; thence run S 00° 23' 02" E for a distance of 652.04' to the Point of Beginning, Containing 186,004.10± square feet or 4.270 acres.

PARCELS 2,3,4,5,6: Beginning at a 3/4" Iron Pin on the South line of Plum Street, located 143.34' Eastwardly from the intersection of the South line of Plum Street and the East line of Illinois Central Railroad; Thence run S 00°40'08" E along a chain link fence for a distance of 656.39' to a point; thence North 02° 35' 34" E along said chain link fence for a distance of 331.41' to a point on the West Right-of-way line of Union Railway (50' wide), said point being 18.0' from the centerline of the "Main Track"; Thence continue S 02° 35' 34" E along said right-of-way for a distance of 1189.77' to a point on the North Right-of-way line of Life Street and the West Right-of-way line of Union Railway (50' wide), said point being located 18.0' from the centerline of the "Main Track"; Thence leaving Railroad Right-of-way, run S 89° 49' 19" W along the Northern Right-of-way of Life Street for a distance of 385.55' to a point at the intersection of the Northern Right-of-way of Life Street and the Eastern Right-of-way of North 7th Street (as widened); Thence run N 40° 46' 45" W along the East Right-of-way of North 7th Street (as widened) for a distance of 959.60' to a point at the intersection of the East Right-of-way of North 7th Street (as widened) and the East Right-of-way of the Illinois Central Railroad; Thence running N 22° 42' 08" E along the East Right-of-way of the Illinois Central Railroad for a distance of 1233.91' to a point at the intersection of the East Right-of-way of the Illinois Central Railroad and the South Right-of-way line of Plum Street; Thence run S 89° 56' 01" E for a distance of 143.34' to the true point of beginning, Containing 1,097,565.93± square feet or 25.196± acres.

PARCEL 5: (Warranty Deed FF 5666) The George J. Sander part of Lot 16, Robert Weakley Subdivision, lying east of the Illinois Central Rail road Company's 50 foot right-of-way, and being more particularly described as follows:

Beginning at the intersection of Plum Avenue and the east boundary of the Illinois Central Railroad right-of-way and continuing east with the south line of Plum Avenue 144.8 feet to a point; thence south at an approximate 90 degree angle to Plum 652 feet; thence west parallel to Plum 425.2 feet to the east boundary of the Illinois Central Railroad right-of-way; thence in a northerly direction with said right-of-way 709.35 feet to the point of beginning.

PARCEL 7: (Warranty Deed FE 0404) Lots 1, 2, 3, 4, 5 and 6 of Zierman's Weakley Street Subdivision as shown on map or plat of record in Plat Book 3, Page 65, in the Register's Office of Shelby County, Tennessee, more particularly described as:

Beginning at the intersection of the southerly line of Weakley Avenue with the westerly line of Lion Street; thence southerly along the westerly line of Lion Street 147 feet (call 150) to a point; thence westwardly parallel with the southerly line of Weakley Avenue 150 feet to a point in the easterly line of the Union Railroad 50 feet right of way; thence northwardly along the easterly line of the Union Railroad right of way 147 feet (call 150) to a point in the southerly line of Weakley Avenue; thence easterly along the southerly line of Weakley Avenue 150 feet to the point of beginning.

PARCEL 8: (Warranty Deed 06044350) Part of Lot 10 of the Weakley Subdivision and more particularly described as follows: Beginning at a point where the south line of Weakley Avenue intersects the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 45.5 feet to a point; thence southerly 80 feet to a point; thence westwardly 43.32 feet to a point in the west line of Lion Street; thence northwardly along the east line of Lion Street 80 feet to the point of beginning.

PARCEL 9: (Warranty Deed 06084830) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows: Beginning at a point in the south line of Weakley Avenue 45.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence westwardly along the south line of Weakley Avenue 31 feet to a point; thence southerly 80 feet to a point; thence westwardly 31 feet to a point; thence northwardly 80 feet to the point of beginning.

PARCEL 10: (Warranty Deed 08009922) Part of Lot 10 of the Weakley Subdivision and more particularly described as follows: Beginning at a point where the south line of Weakley Avenue 76.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, thence eastwardly along the south line of Weakley Avenue 29 feet to a point; thence southerly 80 feet to a point; thence westwardly 29 feet to a point; thence northwardly 80 feet to the point of beginning.

PARCEL 11: (Quit Claim Deed 06084830) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows Beginning at a point in the south line of Weakley Avenue 105 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southerly 80 feet to a point; thence westwardly 30 feet to the point of beginning.

PARCEL 12: (Quit Claim Deed 06093376) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows: Beginning at a point in the south line of Weakley Avenue 135.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southerly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

PARCEL 13: (Quit Claim Deed 06084830) Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows: Beginning at a point in the south line of Weakley Avenue 165.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, thence eastwardly along the south line of Weakley Avenue 32.42 feet to the west line of a 13 foot alley; thence eastwardly along the west line of said alley 80 feet to a point; thence westwardly 31 feet to a point, thence northwardly 80 feet to the point of beginning.

PARCEL 14: (Quit Claim Deed 06136606) Lot 3, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 15: (Warranty Deed 06100032) Lot 4 and the north 1/2 of Lot 5 of Scott Oberst & Nichols Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, which plat reference is hereby made for a more particular description of said property.

PARCEL 16: (Warranty Deed 08037072) Lot 7, Scott, Oberst & Nichols Subdivision of Lots 7 and 8 of the Robert Weakley Subdivision of the Weakley and McLemore Grant as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 17: (Warranty Deed 08009922) Lot 8, Scott and Oberst Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 18: (Warranty Deed 07112592) INTENTIONALLY DELETED

SIGNIFICANT OBSERVATIONS

THE SURVEYOR HAS FOUND NO VISUAL OBSERVATIONS OF ENCROACHMENTS AFFECTING THE SUBJECT PROPERTY.

AS-SURVEYED DESCRIPTION (CONTINUED)

PARCEL 19: Part of Lot 10 of the Robert Weakley Tract, a plat of which is of record in Plat Book 3, Page 65, in the Register's Office of said ShelbyCounty and more particularly described as follows:

Beginning at a point in the east line of Lion Street 90 feet south of the original south line of Weakley Avenue, formerly known as First Street, said beginning point being in the East line of Lot 15 of the Charles Zierman Subdivision; thence S 02°47'26" E along the east line of Lion Street 123.92 feet to the north line of Lot 15 of the Charles Zierman Subdivision; thence N 89°43'51" E along the north line of said Lot 15 a distance of 187.64 feet to the west line of an alley; thence N 00°57'29" E with the west line of said alley 123.83 feet to a point 80.17 feet south of the south line of Weakley Avenue, as widened; thence S 89°43'51" W a distance of 195.75 feet to the point of beginning. Containing 23,732± square feet or 0.545± acres.

PARCEL 20: (Quit Claim Deed 06136605) Lots 1 & 2, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

PARCEL 21: (Warranty Deed 09031487) Being the east 30 feet of Lot 13 of E. W. and George Dorion subdivision on the north side of Weakley Avenue, a plat which is recorded in Plat Book 4, Page 6 in the Register's Office of Shelby County, Tennessee. BEGINNING at a stake in the north line of Weakley Avenue 160 feet west of the west line of Thomas Street; running thence north, with the west line of 811 alley, 142 feet to a stake; thence west 30 feet to a stake; thence south 142 feet to a stake in the line of Weakley Avenue; thence east along the line of Weakley Avenue 30 feet to the point of beginning.

PARCEL 22: Beginning at a point being the Southeast corner of Lot 6 (S.W. Moore) Subdivision, recorded in Plat Book 3, Page 117, of the Register's Office of Shelby County, Tennessee; thence run N 89° 37' 45" E along the North Right-of-way line of Weakley Avenue for a distance of 50.00' to a point; thence leaving said Right-of-way run S 00° 11' 55" W for a distance of 109.23' to a point; thence run S 89°37'54" W for a distance of 50.00' to a point; thence run N 00° 11' 24" E for a distance of 110.12' to the true Point of Beginning, Containing 5,483.0± square feet or 0.125 acres.

PARCEL 23: (Quit Claim Deed 08105194) Lots 22-24, C W Holmes Unrecorded Subdivision of the S W Moore Subdivision, being more particularly described as follows: Beginning at a point in the west side of Nicholas St., 348 feet north of Weakley Avenue, and having a frontage of 37.5 feet and a depth of 138 feet, being Lots 22-24, Holmes Subdivision.

NOTE: The Land described above is not insurable in its present form but is subject to an acceptable current survey by a licensed civil engineer.

PARCEL 24: (INTENTIONALLY DELETED)

PARCEL 25: (Quit Claim Deed 7112926) Lots 44 and 45, C.W. Holmes Weakley Avenue Subdivision (less part to Avenue), being more particularly described as follows: Beginning at a point in the North line of Weakley Avenue 90 feet westwardly from the center line of Nicholas Street; said point being in the west line of Lot 46; thence westwardly with the North line of Weakley Avenue 50 feet to the East line of Lot 43; thence Northwardly with East line of Lot 43, 100.8 feet to the south line of an alley; thence eastwardly with the south line of said alley 50 feet to the west line of Lot 46; thence Southwardly with the west line of Lot 46, 101.4 feet to the point of beginning.

PARCEL 26: (Quit Claim Deed 06105158) Lot 43, C.W. Holmes Weakley Avenue Subdivision, and the west half of Lot 4 of the Weakley Tract, being the same property described in Warranty Deed of record in Book 1534, Page 124, in the Register's Office of Shelby County, Tennessee.

Being the same tract of land described in Chicago Title Insurance Company Commitment No. 21600708, with an effective date of July 14, 2016.

Notes Corresponding to Schedule B

- 9. Easements reserved in that part of the property underlying North Seventh Street and Weakley Avenue, as shown in Plat Book 155, Page 30, and as to Weakley Avenue in Quit Claim Deed recorded at Instrument No. GB 8375, both recordings in the Register's Office of Shelby County, Tennessee. APPLIES AND AFFECTS THE SUBJECT PROPERTY, BLANKET IN NATURE
10. Possible right of the Railroads to increase their right-of-ways to the full extent of their charters. APPLIES AND AFFECTS THE SUBJECT PROPERTY, BLANKET IN NATURE
11. Fifteen foot MLGW Easement of record in Book 2029, Page 571, in the Register's Office of Shelby County, Tennessee. DOES NOT AFFECT THE SUBJECT PROPERTY
12. MLGW Easement of record at Instrument No. FT 9943, in the aforesaid Register's Office. APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN.
13. Easements of record in Book 4956, Page 236, and Book 2922, Page 203, both recordings in the aforesaid Register's Office. BOOK 4956, PAGE 236 APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN. BOOK 2922, PAGE 203 THE DESCRIPTION OF THE PROPERTY THIS EASEMENT LIES ACROSS IS ILLEGIBLE AND THEREFORE CANNOT BE PLOTTED.
14. Four foot gas and water easement of record in Book 1807, Page 435, in the aforesaid Register's Office. APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN.
15. Eight foot utility easement of record in Book 2469, Page 522, in the aforesaid Register's Office. DOES NOT AFFECT THE SUBJECT PROPERTY
16. Eight foot MLGW Easement of record in Book 5427, Page 316, in the aforesaid Register's Office. APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN.
17. Anchor guy easement of record in Book 1875, Page 63, in the aforesaid Register's Office. APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN.
18. Easements of record at Instrument Numbers GM 3315 and GM 3316, both recordings in the aforesaid Register's Office. APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN.
19. Driveway easement of record in Book 1117, Page 605, in the aforesaid Register's Office. DOCUMENT IS ILLEGIBLE AND THEREFORE CANNOT BE PLOTTED
20. MLG&W Easement of record at Instrument No. E7 0613, in the aforesaid Register's Office. APPLIES AND AFFECTS THE SUBJECT PROPERTY, AND IS PLOTTED AS SHOWN.
21. Notice that the dwelling located on premises is considered unfit for human habitation and fixing lien for removal thereof, of record at Instrument No. 14033410, in the aforesaid Register's Office, as to Parcel 17. APPLIES AND AFFECTS THE SUBJECT PROPERTY, BLANKET IN NATURE
22. Subdivision restrictions, building lines and easements of record in Plat Book 4, Page 6; Plat Book 3, Page 65; Plat Book 3, Page 138, all recordings in the Register's Office of Shelby County, Tennessee. APPLIES AND AFFECTS THE SUBJECT PROPERTY, BLANKET IN NATURE

MISCELLANEOUS NOTES

- MN1 The Surveyor has not conducted a title examination and has relied upon the Title Commitment as to recorded matters of easements, setbacks and restrictions.
MN2 The developer, owner and zoning board is responsible for interpreting the zoning manual and if the current use of the subject property meets zoning requirements.
MN3 It is the intent to locate all structures visibly observed on the property. However, there may be structures or utilities present that were not visibly observed due to the size of the project, an obstruction by a larger object, or by very thick vegetation. For purposes of illustration, an example might be a sewer manhole located underneath a parked automobile or a meter obscured by vegetation. All large structures such as buildings, mobile storage facilities, etc. are shown on this plat.
MN4 There was no observable evidence of the site used as a solid waste dump, sump or sanitary landfill.
MN5 There was no observable evidence of earth moving work, building construction or building additions within recent months.
MN6 All statements within the certification, and other references located elsewhere hereon, related to: utilities, easements, servitudes, and encroachments; are based solely on aboveground, visible evidence, unless another source of information is specifically referenced hereon.
MN7 There was no visible evidence that the subject property was used as a cemetery.
MN8 All field measurements matched record dimensions within the precision requirements of ALTA/NSPS specifications unless otherwise shown.
MN9 The Record Description shown hereon is from the subject title commitment. Some of the parcels described within the Record Description do not form a mathematically closed figure. An As-Surveyed Description of Parcels 1-6, 19 and 22 has been provided. All other parcels match the Record Descriptions. The As-Surveyed Descriptions form a mathematically closed figure.
MN10 There were no changes in street right-of-way lines, either completed or proposed and available from the controlling jurisdiction, and observed in the field.
MN11 The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible by visible observation. The surveyor has not physically located any underground utilities.
MN12 The subject property has direct access to Plum Avenue, Weakley Avenue, N. 7th Street, Nicholas Street, and Lion Street, all dedicated public streets or highways.
MN13 The building street numbers provided to the surveyor are shown.
MN14 All tax parcel numbers, and (Now or Formerly) ownership names are, based from the County tax accessor information available to the surveyor.
MN15 The surveyor is unaware of any offsite easements regarding the subject property, nor was he provided any such easements by the client.
MN16 The land described in the As-Surveyed legal description is the same land described in the Record Description.

ALTA/NSPS LAND TITLE SURVEY

Sims Metal Management Project B&C Project No. 201600835-003 490 Weakley Avenue Memphis, Tennessee

Based upon Chicago Title Insurance Company Commitment No. 21600708, with an effective date of July 11, 2016.

Surveyor's Certification

To: Metall Management, Inc.; Metal Dynamics Detroit LLC; Metal Management Ohio, Inc.; SMM Gulf Coast LLC; SMM South Corporation; Metal Management Memphis, L.L.C.; Proler southwest corporation; Omnisource Corporation; Steel Dynamics, Inc.; Steel Dynamics Columbus, LLC; Omnisource Southwest, LLC, Chicago Title Insurance Company, and Bock & Clark Corporation.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6b, 7a, 7b1, 7b2, 7c, 8, 9, 11, 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on May 3, 2016.

Date of Map: August 12, 2016

Christopher S. Denham

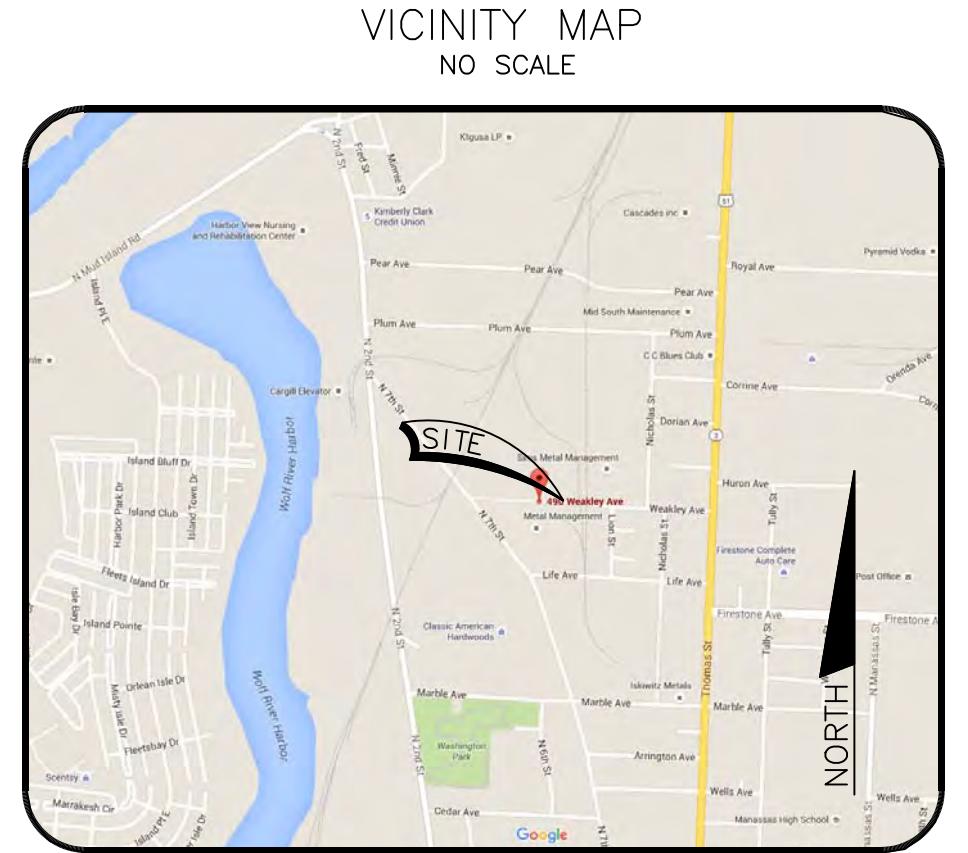
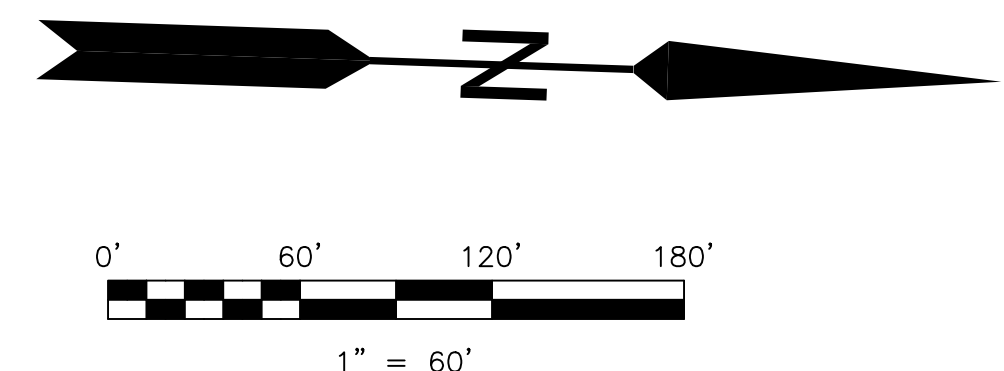


Christopher S. Denham, RLS Tennessee Reg. No. 20012 In the State of Tennessee Date of Last Revision: August 12, 2016 Denham Project No. 1602

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 Point of Beginning For Your Surveying Needs



LEGEND OF SYMBOLS & ABBREVIATIONS

—○— OVERHEAD ELECTRIC	☐ TELEPHONE BOX	⊗ POWERPOLE
—X— FENCE	⊠ TRANSFORMER	⊙ LIGHT POLE
— — GATE	⊞ ELECTRIC METER	⊙ FIRE HYDRANT
L/S LANDSCAPING	⊞ WATER METER	⊙ CLEAN OUT
● MONUMENT AS STATED	⊞ GAS METER	⊙ MONITORING WELL
○ MONUMENT SET	⊞ TRAFFIC SIGNAL POLE	⊙ AIR CONDITION UNIT
(R) RECORD DATA	⊞ GRATE INLET	⊙ SANITARY SEWER MANHOLE
(M) MEASURED DATA	⊞ IRRIGATION CONTROL VALVE	⊙ STORM DRAIN MANHOLE
R/W RIGHT-OF-WAY	⊞ GAS VALVE	⊙ MANHOLE
⊗ STANDARD PARKING SPACES	⊞ WATER VALVE	⊙ HANDICAP
⊗ HANDICAP PARKING SPACES	⊞ CENTERLINE	⊙ DUMPSTER
⊞ CONCRETE	P/L PROPERTY LINE	⊙ CONCRETE BOLLARD

SURVEYED AREA

TOTAL LAND AREA:
 1,417,639± Square Feet
 32.545± Acres

FLOOD DATA

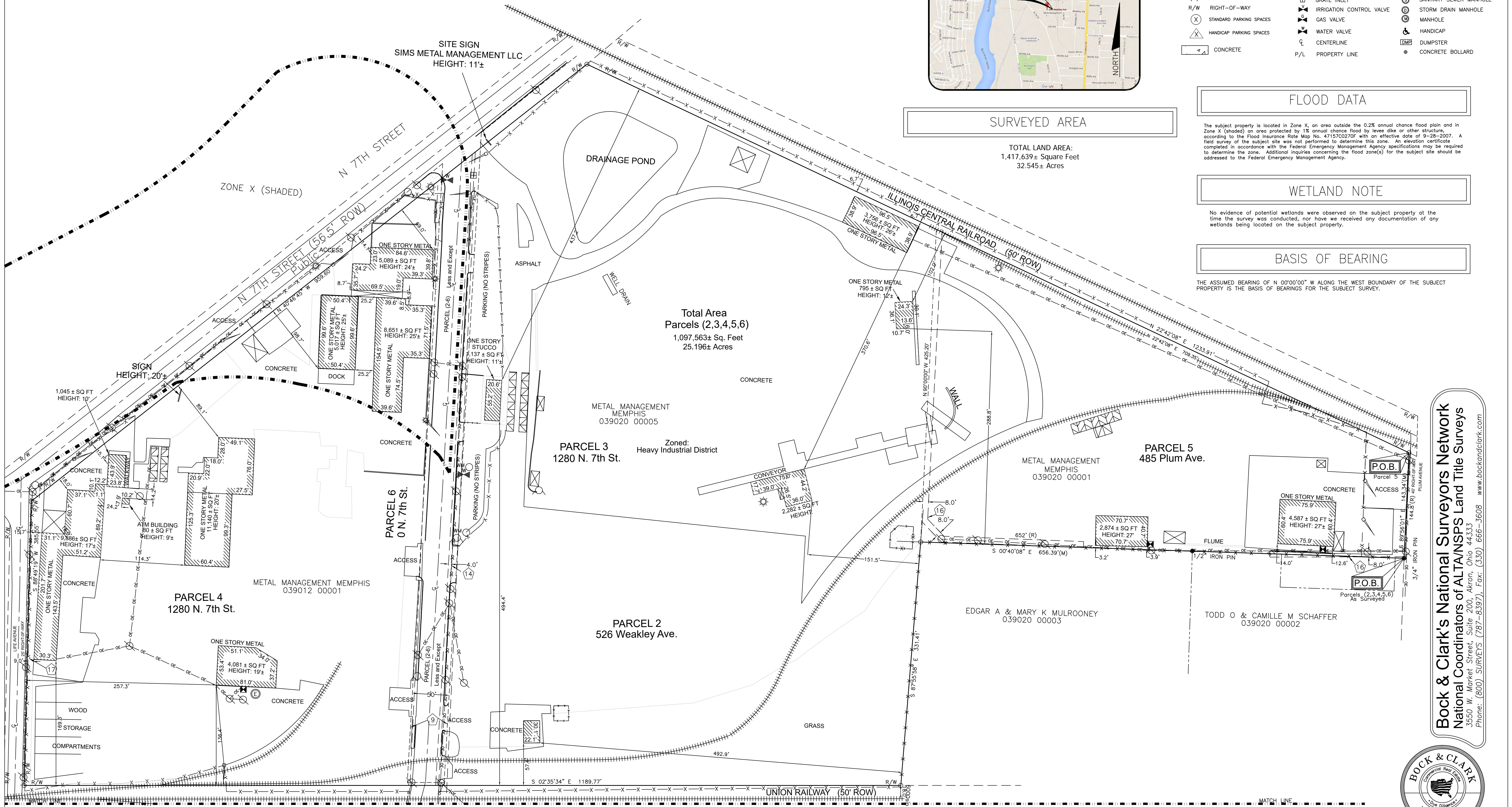
The subject property is located in Zone X, an area outside the 0.2% annual chance flood plain and in Zone X (shaded) an area protected by 1% annual chance flood by levee dike or other structure, according to the Flood Insurance Rate Map No. 47157C0270F with an effective date of 9-28-2007. A field survey of the subject site was not performed to determine this zone. An elevation certificate completed in accordance with the Federal Emergency Management Agency specifications may be required to determine the zone. Additional inquiries concerning the flood zone(s) for the subject site should be addressed to the Federal Emergency Management Agency.

WETLAND NOTE

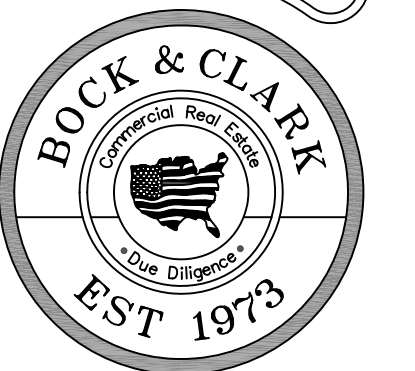
No evidence of potential wetlands were observed on the subject property at the time the survey was conducted, nor have we received any documentation of any wetlands being located on the subject property.

BASIS OF BEARING

THE ASSUMED BEARING OF N 00°00'00" W ALONG THE WEST BOUNDARY OF THE SUBJECT PROPERTY IS THE BASIS OF BEARINGS FOR THE SUBJECT SURVEY.



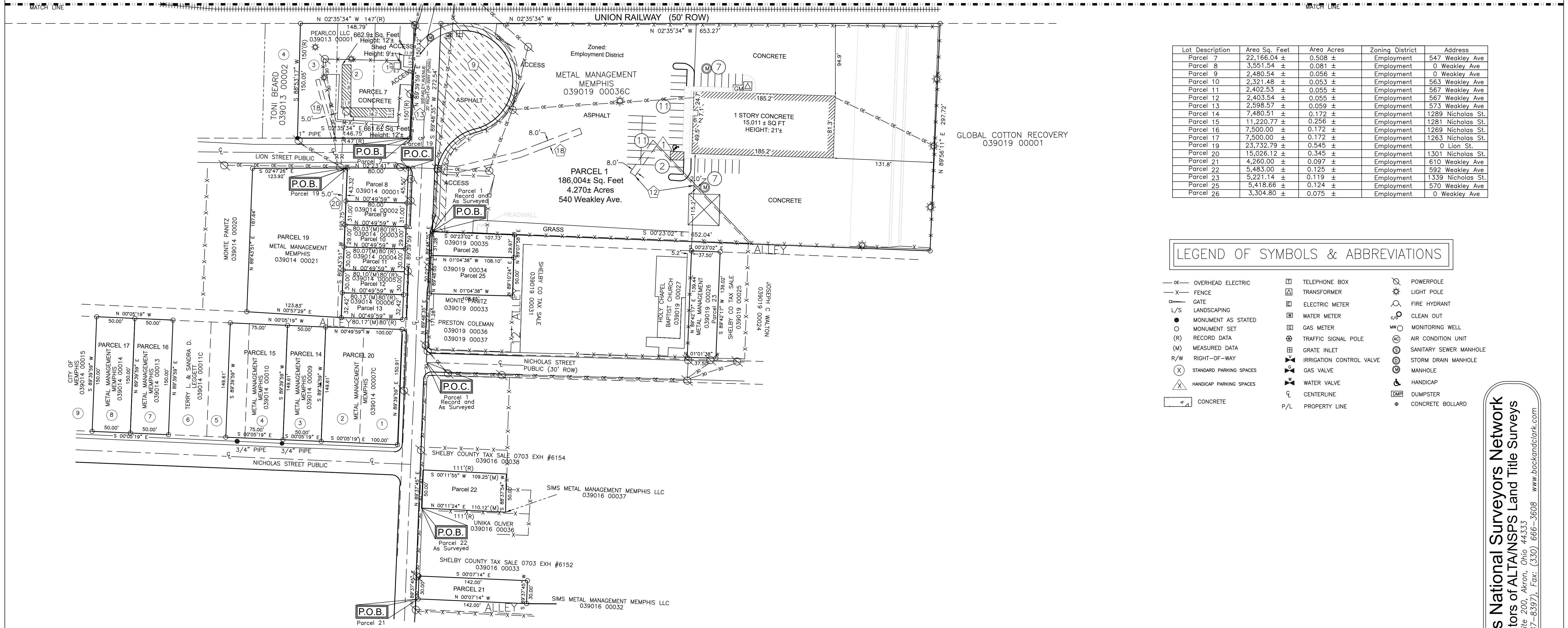
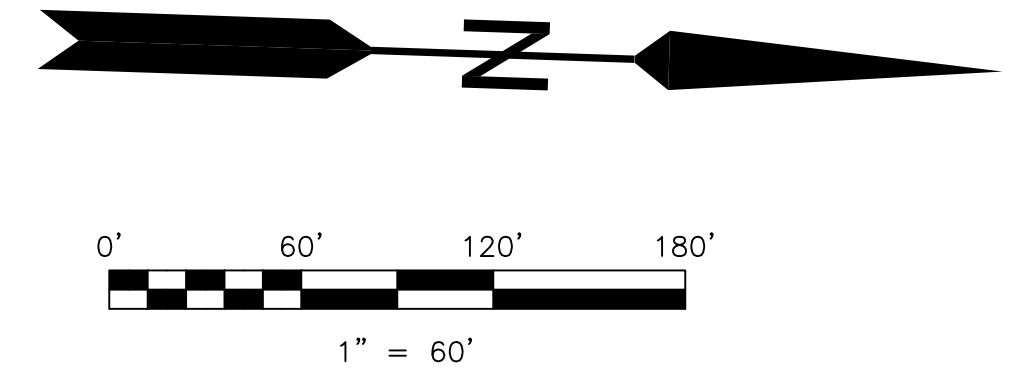
Bock & Clark's National Surveyors Network
 National Coordinators of ALTA/NSPS Land Title Surveys
 3550 W. Market Street, Suite 200, Akron, Ohio 44333
 Phone: (800) SURVEYS (287-8397), Fax: (330) 666-3608
 www.bockandclark.com



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DENHAM Since 1978
 Land Surveyors LLC
 1733 Winchester Road
 Huntsville, Alabama 35811
 (256) 851-2623
 (256) 851-2633 Fax
 email: chris@denham-surveyors.com
 website: www.denham-surveyors.com
 Point of Beginning For Your Surveying Needs



Lot Description	Area Sq. Feet	Area Acres	Zoning District	Address
Parcel 7	22,186.04 ±	0.508 ±	Employment	547 Weakley Ave
Parcel 8	3,551.54 ±	0.081 ±	Employment	0 Weakley Ave
Parcel 9	2,480.54 ±	0.056 ±	Employment	0 Weakley Ave
Parcel 10	2,321.48 ±	0.053 ±	Employment	563 Weakley Ave
Parcel 11	2,402.53 ±	0.055 ±	Employment	567 Weakley Ave
Parcel 12	2,403.54 ±	0.055 ±	Employment	567 Weakley Ave
Parcel 13	2,598.57 ±	0.059 ±	Employment	573 Weakley Ave
Parcel 14	7,480.51 ±	0.172 ±	Employment	1289 Nicholas St.
Parcel 15	11,220.77 ±	0.256 ±	Employment	1281 Nicholas St.
Parcel 16	7,500.00 ±	0.172 ±	Employment	1269 Nicholas St.
Parcel 17	7,500.00 ±	0.172 ±	Employment	1263 Nicholas St.
Parcel 19	23,732.79 ±	0.545 ±	Employment	0 Lion St.
Parcel 20	15,026.12 ±	0.345 ±	Employment	1301 Nicholas St.
Parcel 21	4,260.00 ±	0.097 ±	Employment	610 Weakley Ave
Parcel 22	5,483.00 ±	0.125 ±	Employment	592 Weakley Ave
Parcel 23	5,221.14 ±	0.119 ±	Employment	1339 Nicholas St.
Parcel 25	5,418.66 ±	0.124 ±	Employment	570 Weakley Ave
Parcel 26	3,304.80 ±	0.075 ±	Employment	0 Weakley Ave

LEGEND OF SYMBOLS & ABBREVIATIONS

- OVERHEAD ELECTRIC
- X— FENCE
- L/S GATE
- LANDSCAPING
- MONUMENT AS STATED
- (R) MONUMENT SET
- (M) RECORD DATA
- R/W MEASURED DATA
- ⊗ RIGHT-OF-WAY
- ⊗ STANDARD PARKING SPACES
- ⊗ HANDICAP PARKING SPACES
- CONCRETE
- TELEPHONE BOX
- TRANSFORMER
- ELECTRIC METER
- WATER METER
- GAS METER
- TRAFFIC SIGNAL POLE
- GRATE INLET
- IRRIGATION CONTROL VALVE
- GAS VALVE
- WATER VALVE
- CENTERLINE
- PROPERTY LINE
- ⊗ POWERPOLE
- ⊗ LIGHT POLE
- ⊗ FIRE HYDRANT
- ⊗ CLEAN OUT
- ⊗ MONITORING WELL
- ⊗ AIR CONDITION UNIT
- ⊗ SANITARY SEWER MANHOLE
- ⊗ STORM DRAIN MANHOLE
- ⊗ MANHOLE
- ⊗ HANDICAP
- ⊗ DUMPSTER
- ⊗ CONCRETE BOLLARD


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Tom Leatherwood
Shelby County Register / Archives

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

	
16086506	
08/24/2016 - 09:44 AM	
17 PGS	
LYNDAL	1500694-16086506
VALUE	2000000.00
MORTGAGE TAX	0.00
TRANSFER TAX	7400.00
RECORDING FEE	85.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	7488.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Prepared by:

Kathryn E. Johnstone
Baker & McKenzie LLP
300 East Randolph Street, Suite 5000
Chicago, IL 60601, USA

RETURN TO:
CHICAGO TITLE INSURANCE CO.
6060 POPLAR AVE-SUITE LL37
MEMPHIS, TN 38119-0916

5691227 mjb

SPECIAL WARRANTY DEED

Address of New Owners:

OmniSource Southwest LLC
7575 W. Jefferson Blvd.
Ft. Wayne, IN 46804

Send Tax Bills to:

OmniSource Southwest LLC
7575 W. Jefferson Blvd.
Ft. Wayne, IN 46804

Map No.

Parcel No.

SEE EXHIBIT "A"
attached hereto.

FOR AND IN CONSIDERATION of the sum of Ten dollars and no/100 (\$10.00), cash in hand paid by the Grantee(s) and other good and valuable considerations accepted as cash; the receipt and sufficiency of which is hereby acknowledged, we, Metal Management Memphis, L.L.C., a Tennessee limited liability company, f/k/a Perlco, L.L.C., a Tennessee limited liability company, as to Parcels 1, 2, 3, 4, 5, 6, and 7 and Metal Management Memphis, L.L.C. a/k/a Metal Management Memphis, LLC, a Tennessee limited liability company, as to Parcels 8, 9, 10, 11, 13, 15, 16, 17, and 19 and Metal Management Memphis, L.L.C., a Tennessee limited liability company, a/k/a Sims Metal Management Memphis, LLC, as to Parcels 21 and 22, collectively known as the Grantors, have this day bargained and sold, and do hereby transfer and convey OMNISOURCE SOUTHWEST, LLC, an Indiana limited liability company, Grantees, their (successors), heirs and assigns, certain real estate in Shelby County, Tennessee, as follows:

See Exhibit "A" attached hereto

STATE OF Illinois
COUNTY OF DePage

The actual consideration or value, whichever is greater, for this transfer is \$2,000,000.00.

[Signature]
Affiant

11th day of August, 2016

[Signature]
Notary Public

Subscribed and sworn to before me this the _____ day of _____, 2016.
My Commission Expires 06/09/2020
Notary Public State of Illinois
Patricia J Casey
Official Seal
My commission expires: _____

This is ()unimproved (x)improved property known as 540 Weakley Avenue, Memphis, TN 38107; 1280 North Seventh Street, Memphis, TN 38107; North Seventh Street, Memphis, TN 38107; 526 Weakley Avenue, Memphis, TN 38107; 485 Plum Avenue, Memphis, TN 38107; 547 Weakley Avenue, Memphis, TN 38107; 0 Weakley Avenue, Memphis, TN 38107; 563 Weakley Avenue, Memphis, TN 38107; 567 Weakley Avenue, Memphis, TN 38107; 573 Weakley Avenue, Memphis, TN 38107; 1289 Nicholas Street, Memphis, TN 38107; 1281 Nicholas Street, Memphis, TN 38107; 1269 Nicholas Street, Memphis, TN 38107; 1263 Nicholas Street, Memphis, TN 38107; 0 Lion Street, Memphis, TN; 1301 Nicholas Street, Memphis, TN 38107; 610 Weakley Avenue, Memphis, TN 38107; 592 Weakley Avenue, Memphis, TN 38107; 1339 Nicholas Street, Memphis, TN 38107; 570 Weakley Avenue, Memphis, TN 38107.

This is () unimproved (x) improved property known as 540 Weakley Avenue, Memphis, TN 38107; 1280 North Seventh Street, Memphis, TN 38107; North Seventh Street, Memphis, TN 38107; 526 Weakley Avenue, Memphis, TN 38107; 485 Plum Avenue, Memphis, TN 38107; 547 Weakley Avenue, Memphis, TN 38107; 0 Weakley Avenue, Memphis, TN 38107; 563 Weakley Avenue, Memphis, TN 38107; 567 Weakley Avenue, Memphis, TN 38107; 573 Weakley Avenue, Memphis, TN 38107; 1289 Nicholas Street, Memphis, TN 38107; 1281 Nicholas Street, Memphis, TN 38107; 1269 Nicholas Street, Memphis, TN 38107; 1263 Nicholas Street, Memphis, TN 38107; 0 Lion Street, Memphis, TN; 1301 Nicholas Street, Memphis, TN 38107; 610 Weakley Avenue, Memphis, TN 38107; 592 Weakley Avenue, Memphis, TN 38107; 1339 Nicholas Street, Memphis, TN 38107; 570 Weakley Avenue, Memphis, TN 38107.

TO HAVE AND TO HOLD said real estate, with the appurtenance, estate, title and interest thereto belonging, to the Grantees their (successors), heirs and assigns forever. We covenant that we are lawfully seized and possessed of said real estate in fee simple, have a good right to convey it, and that the same is unencumbered, except for those encumbrances set forth on Exhibit "B" attached hereto and incorporated herein by reference.

We further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to said real estate to said Grantees, their (successors), heirs and assigns, against the lawful claims of all persons claiming by, through, or under Grantor, but no others.

Whenever used, the singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

Transfer Tax Due: \$7,400.00

Witness our hand this 9th day of August, 2016, the corporate party, if any, having caused its name to be signed hereto by its duly authorized officers on said day and date.

METAL MANAGEMENT MEMPHIS, L.L.C.,
a Tennessee limited liability company

By: [Signature]
Name: Scott Miller
Title: Authorized Signatory

STATE OF NEW YORK
COUNTY OF NEW YORK

Before me, CECIL DARYDEEN, a Notary Public of the State and County aforesaid, personally appeared SCOTT MILLER, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be Authorized Signatory of Metal Management Memphis, L.L.C., the within named bargainor, a corporation, and that ~~she~~ he as such authorized Signatory, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/~~herself~~ as Authorized Signatory

Witness my hand and official seal at NEW YORK, this 9th day of August, 2016.

[Signature]
Notary Public

My Commission Expires:

2/28/19

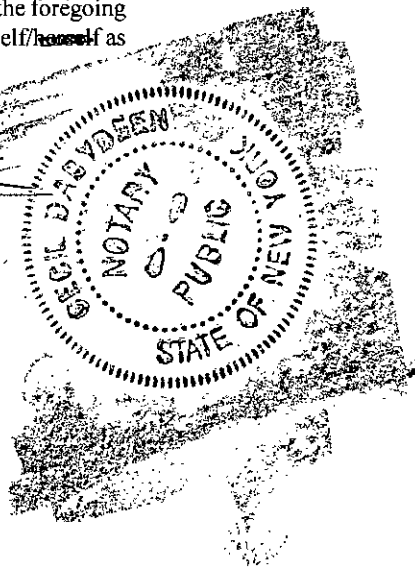


EXHIBIT A
Legal Description

Land situated in Shelby County, Tennessee:

PARCEL 1: (Special Warranty Deed FC 6955)

Beginning at a cotton picker spindle in the north line of Weakley Avenue (20 feet wide), said point being 165.00 feet west of the centerline of Nicholas Street (30 feet wide); thence North 89°34'55" West along the north line of Weakley Avenue, a distance of 278.92 (call=272.94) feet to a cotton picker spindle set in the east line of the Union Railroad right-of-way (50 feet wide); thence North 1°51'15" West along the east right-of-way line of the Union Railroad, a distance of 660.60 feet to an iron pin; thence South 89°33'31" East, a distance of 297.72 (call=296.0) feet to an iron pin set on the northeast corner of Lot 12 of the Robert Weakley (unrecorded) Subdivision; thence South 0°13'25" East along the east line of said Lot 12, a distance of 660.00 feet to the point of beginning, containing 190,289 square feet or 4.3684 acres of Land, more or less,

540 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039019-00036C

PARCEL 2, 3, 4, & 6: (Special Warranty Deed HW 7607 & Quit Claim Deed HW 7608)

Being part of the Southern Tin Compress Corporation property described as part of Lots 9 and 10, Weakley Subdivision (Unrecorded Subdivision) in Book 1611 - Page 416 at the Shelby County Register's Office (SCRO), less that part dedicated for the widening of North Seventh Street in Plat Book 155 - Page 30 (SCRO), together with the Southern Tin Compress Corporation property described as part of the Robert Weakley Subdivision in Instrument Number S9-7853 (SCRO), together with the Southern Tin Compress Corporation property described as part of Lots 12 and 13 of the said Robert Weakley Subdivision in Book 2651 - Page 177 (SCRO), together with the Perlco L.C.C. property described as the George J. Sander part of Lot 16, Robert Weakley Subdivision in Instrument Number FF-5666 (SCRO), together with the Southern Tin Compress Corporation property described in Instrument Number BG-8375 (SCRO), being the remainder of Weakley Avenue (as closed by Memphis City Council Resolution), all of the above property being situated in Memphis, Shelby County, Tennessee and said parcel being more particularly described as follows:

Beginning at a set iron pin at the intersection of the present northeasterly right of way line of North Seventh Street (public, paved road - 56.5 foot right of way, as widened) and the southeasterly line of the Illinois Central Gulf Railroad right of way (50 feet wide); thence North 22 degrees 49 minutes 33 Seconds East along the said southeasterly line of said railroad- 1237.87 feet to the south line of Plum Street (public, paved road - right of way varies); thence South 89 degrees 56 minutes 01 seconds East along the said south line of Plum Street - 144.80 feet to a set iron pin in the west line of the Todd O. Schaeffer and wife Camille M. Schaeffer property (Instrument Number FC-7382, SCRO); thence South 00 degrees 40 minutes 08 seconds East along the west line of said Schaeffer property and also along the west line of the Joel Porter, et al, Trustees property (Instrument Number AT-3675 SCRO) - 652.07 feet to a set iron pin at the southwest corner of said Porter property; thence

South 89 degrees 22 minutes 39 seconds East along the south line of said Porter - 328.20 feet to a set iron pin in the west line of the Union Railway right of way (50 feet wide); thence South 02 degrees 27 minutes 46 seconds East along said west line of railroad - 1202.61 feet to a set iron pin

in the north line of Life Avenue (public, paved road - 25 foot right of way); thence North 89 degrees 29 minutes 31 seconds West along said north line of Life Avenue - 385.55 feet to a set iron pin in the said present northeasterly line of North Seventh Street; thence North 41 degrees 19 minutes 44 seconds West along said northeasterly line - 949.37 feet to the point of beginning. Containing 25.211 acres, more or less.

LESS AND EXCEPT that portion of the property conveyed for North Seventh Street, as shown on Plat of record in Plat Book 155, Page 30, in the Register's Office of Shelby County, Tennessee.

Parcel 2 Address: 1280 North Seventh Street, Memphis, TN 38107
Parcel 2 Tax Identification No.: 039012-00001

Parcel 3 Address: North Seventh Street, Memphis, TN 38107
Parcel 3 Tax Identification No.: 039012-00001Z

Parcel 4 Address: 526 Weakley Avenue, Memphis, TN 38107
Parcel 4 Tax Identification No.: 039020-00004

Parcel 6 Address: 1280 North Seventh Street, Memphis, TN 38107
Parcel 6 Tax Identification No.: 039020-00005

PARCEL 5: (Warranty Deed FF 5666)

The George J. Sander part of Lot 16, Robert Weakley Subdivision, lying east of the Illinois Central Railroad Company's 50 foot right-of-way, and being more particularly described as follows:

Beginning at the intersection of Plum Avenue and the east boundary of the Illinois Central Railroad right-of-way and continuing east with the south line of Plum Avenue 144.8 feet to a point; thence south at an approximate 90 degree angle to Plum 652 feet; thence west parallel to Plum 425.2 feet to the east boundary of the Illinois Central Railroad right-of-way; thence in a northerly direction with said right-of-way 709.35 feet to the point of beginning.

Address: 485 Plum Avenue, Memphis, TN 38107
Tax Identification No.: 039020-00001

PARCEL 7: (Warranty Deed FE 0404)

Lots 1, 2, 3, 4, 5 and 6 of Zierman's Weakley Street Subdivision as shown on map or plat of record in Plat Book 3, Page 65, in the Register's Office of Shelby County, Tennessee, more particularly described as:

Beginning at the intersection of the southerly line of Weakley Avenue with the westerly line of Lion Street; thence southwardly along the westerly line of Lion Street 147 feet (call 150) to a point; thence westwardly parallel with the southerly line of Weakley Avenue 150 feet to a point in the easterly line of the Union Railroad 50 feet right of way; thence northwardly along the easterly line of the Union Railroad right of way 147 feet (call 150) to a point in the southerly line of Weakley Avenue; thence easterly along the southerly line of Weakley Avenue 150 feet to the point of beginning.

Address: 547 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039013-00001

PARCEL 8: (Warranty Deed 06044350)

Part of Lot 10 of the Weakley Subdivision and more particularly described as follows:

'Beginning' at a point where the south line of Weakley Avenue intersects the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 45.5 feet to a point; thence southwardly 80 feet to a point; thence westwardly 43.32 feet to a point in the west line of Lion Street; thence northwardly along the east line of Lion Street 80 feet to the point of beginning.

Address: 0 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00001

PARCEL 9: (Warranty Deed 06084830 Tract1)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 45.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence westwardly along the south line of Weakley Avenue 31 feet to a point; thence southwardly 80 feet to a point; thence westwardly 31 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 0 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00002

PARCEL 10: (Warranty Deed 06044351 Parcel 2)

Part of Lot 10 of the Weakley Subdivision and more particularly described as follows:

Beginning at a point where the south line of Weakley Avenue 76.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, thence eastwardly along the south line of Weakley Avenue 29 feet to a point; thence southwardly 80 feet to a point; thence westwardly 29 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 563 Weakley Avenue, Memphis, TN 38107

Tax Identification No: 039014-00003

PARCEL 11: (Quit Claim Deed 06084830 Tract 2)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 105 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southwardly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 567 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00004

PARCEL 12: (Quit Claim Deed 06093376)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 135.5 feet east of the intersection of the south line of

Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southwardly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 567 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00005

PARCEL 13: (Quit Claim Deed 06084830 Tract 3)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 165.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion street, thence eastwardly along the south line of Weakley Avenue 32.42 feet to the west line of a 13 foot alley; thence southwardly along the west line of said alley 80 feet to a point; thence westwardly 31 feet to a point, thence northwardly 80 feet to the point of beginning.

Address: 573 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00006

PARCEL 14: (Quit Claim Deed 06136606)

Lot 3, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Address: 1289 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-00009

PARCEL 15: (Warranty Deed 06100032)

Lot 4 and the north 1/2 of Lot 5 of Scott Oberst & Nichols Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, which plat reference is hereby made for a more particular description of said property.

Address: 1281 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-000010

PARCEL 16: (Warranty Deed 08037072)

Lot 7, Scott, Oberst & Nichols Subdivision of Lots 7 and 8 of the Robert Weakley Subdivision of the Weakley and McLemore Grant as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Address: 1269 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-000013

PARCEL 17: (Warranty Deed 08009922)

Lot 8, Scott and Oberst Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is made for a more particular description of said property.

Address: 1263 Nicholas Street, Memphis, TN 38107
Tax Identification No.: 039014-000014

PARCEL 18: (Warranty Deed 07112592) **INTENTIONALLY DELETED**

PARCEL 19: (Quit Claim Deed 06044351 Parcel 3)

Part of Lot 10 of the Robert Weakley Tract, a plat of which is of record in Plat Book 3, Page 65, in the Register's Office of said Shelby County and more particularly described as follows:

Beginning at a point in the east line of Lion Street 90 feet south of the original south line of Weakley Avenue, formerly known as First Street, said beginning point being 80 feet south of the south line of said Weakley Avenue as widened; thence southwardly along the east line of Lion Street 123.89 feet, more or less, to the north line of Lot 15 of the Charles Zierman Subdivision; thence eastwardly along the north line of said lot 15 and parallel with the south line of Weakley Avenue, as widened, 188.5 feet, more or less, to the west line of an alley; thence northwardly with the west line of said alley 123.98 feet, more or less, to a point 80 feet south of the south line of Weakley Avenue, as widened; thence westwardly parallel with the south line of Weakley Avenue 194 feet, more or less, to the point of beginning.

Address: 0 Lion Street, Memphis, TN
Tax Identification No.: 03914-00021

PARCEL 20: (Quit Claim Deed 06136605)

Lots 1 & 2, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particularly description of said property.

Address: 1301 Nicholas Street, Memphis, TN 38107
Tax Identification No.: 039014-00007C

PARCEL 21: (Warranty Deed 09031487)

Being the east 30 feet of Lot 13 of E. W. and George Dorion subdivision on the north side of Weakley Avenue, a plat which is recorded in Plat Book 4, Page 6 in the Register's Office of Shelby County, Tennessee. BEGINNING at a stake in the north line of Weakley Avenue 160 feet west of the west line of Thomas Street; running thence north, with the west line of 811 alley, 142 feet to a stake; thence west 30 feet to a stake; thence south 142 feet to a stake in the line of Weakley Avenue; thence east along the line of Weakley Avenue 30 feet to the point of beginning.

Address: 610 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039016-000032

PARCEL 22: (Quit Claim Deed 11076253)

Lot 95 and 96 Holmes Subdivision, as per plat recorded in Plat Book 4, Page 6, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property. Said parcel fronts 50 on the North side of Weakley Avenue and extends back 111 feet.

Being the same property as described in Book 1726 Page 298. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

Address: 592 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 03916-000037

Exhibit "A"
Legal Description

PARCEL 12: (Quit Claim Deed 06093376)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 135.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southwardly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: *567 Weakley Ave., Memphis, TN 38107*
Tax ID No.: *039014-00005*

PARCEL 14: (Quit Claim Deed 06136606)

Lot 3, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Address: *1289 Nicholas St., Memphis, TN 38107*
Tax ID No.: *039014-00009*

PARCEL 20: (Quit Claim Deed 06136605)

Lots 1 & 2, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particularly description of said property.

Address: *1301 Nicholas St., Memphis, TN 38107*
Tax ID No.: *039014-00007C*

PARCEL 23: (Quit Claim Deed 08105194)

Lots 22-24. C W Holmes Unrecorded Subdivision of the S W Moore Subdivision, being more particularly described as follows:

Beginning at a point in the west side of Nicholas St., 348 feet north of Weakley Avenue, and having a frontage of 37.5 feet and a depth of 138 feet, being Lots 22-24, Holmes Subdivision.

NOTE: The Land described above is not insurable in its present form but is subject to an acceptable current survey by a licensed civil engineer.

Address: *1339 Nicholas St., Memphis, TN 38107*
Tax ID No.: *039019-000026*

PARCEL 23: (Quit Claim Deed 08105194)

Lots 22-24, C W Holmes Unrecorded Subdivision of the S W Moore Subdivision, being more particularly described as follows:

Beginning at a point in the west side of Nicholas St., 348 feet north of Weakley Avenue, and having a frontage of 37.5 feet and a depth of 138 feet, being Lots 22-24, Holmes Subdivision.

Address: 1339 Nicholas Street, Memphis, TN 38107
Tax Identification No.: 039019-000026

PARCEL 24: (INTENTIONALLY DELETED)

PARCEL 25: (Quit Claim Deed 07112926) *16086505*

Lots 44 and 45, C.W. Holmes Weakley Avenue Subdivision (less part to Avenue), being more particularly described as follows:

Beginning at a point in the North line of Weakley Avenue 90 feet westwardly from the center line of Nicholas Street; said point being in the west line of Lot 46; thence westwardly with the North line of Weakley Avenue 50 feet to the East line of Lot 43; thence Northwardly with East line of Lot 43, 100.8 feet to the south line of an alley; thence eastwardly with the south line of said alley 50 feet to the west line of Lot 46; thence Southwardly with the west line of Lot 46, 101.4 feet to the point of beginning.

Address: 0 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039019-000035

PARCEL 26: (Quit Claim Deed 06105158) *16086505*

Lot 43, C.W. Holmes Weakley Avenue Subdivision, and the west half of Lot 4 of the Weakley Tract, being the same property described in Warranty Deed of record in Book 1534, Page 124, in the Register's Office of Shelby County, Tennessee.

Address: 570 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039019-000034

ALL OF THE FOREGOING BEING MORE ACCURATELY DESCRIBED PURSUANT TO A SURVEY PREPARED BY DENHAM LAND SURVEYORS, LLC DATED AUGUST 12, 2016 AS JOB NUMBER 16024, AS FOLLOWS:

PARCEL 1:

Commencing at the intersection of the North Right-of-way of Weakley Avenue (as widened) with the West Right-of-way of Nicholas Street; thence run S 89° 48' 35" W along the North Right-of-way of Weakley Avenue (as widened) for a distance of 156.28' to the Point of Beginning; Thence continue along said North Right-of-way for a distance of 272.54' to the East Right-of-way of Union Railway; Thence leaving Weakley Avenue run N 02° 35' 34" W along the East Right-of-way of Union Railway for a distance of 653.27' to a point; Thence leaving East Right-of-way of Union Railway run N 89° 56' 11" E for a distance of 297.72' to a point; Thence run S 00° 23' 02" E for a distance of 652.04' to the Point of Beginning, Containing 186,004.10± square feet or 4.270 acres.

540 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039019-00036C

PARCELS 2,3,4,5,6:

Beginning at a 3/4" Iron Pin on the South line of Plum Street, located 143.34' Eastwardly from the intersection of the South line of Plum Street and the East line of Illinois Central Railroad; Thence run S 00°40'08" E along a chain link fence for a distance of 656.39' to a fence corner; thence run S 87° 55' 58" E along a chain link fence for a distance of 331.41' to a point on the West Right-of-way line of Union Railway (50' wide), said point being 18.0' from the centerline of the "Main Track"; Thence continue S 02° 35' 34" E along said Right-of-way for a distance of 1189.77' to a point on the North Right-of-way line of Life Street and the West Right-of-way line of Union Railway (50' wide), said point being located 18.0' from the centerline of the "Main Track"; Thence leaving Railroad Right-of-way, run S 88° 49' 19" W along the Northern Right-of-way of Life Street for a distance of 385.55' to a point at the intersection of the Northern Right-of-way of Life Street and the Eastern Right-of-way of North 7th Street (as widened); Thence run N 40° 46' 45" W along the East Right-of-way of North 7th Street (as widened) for a distance of 959.60' to a point at the intersection of the East Right-of-way of North 7th Street (as widened) and the East Right-of-way of the Illinois Central Railroad; Thence running N 22° 42' 08" E along the East Right-of-way of the Illinois Central Railroad for a distance of 1233.91' to a point at the intersection of the East Right-of-way of the Illinois Central Railroad and the South Right-of-way line of Plum Street; Thence run S 89° 56' 01" E for a distance of 143.34' to the true point of beginning, Containing 1,097,563.93± square feet or 25.196± acres.

Parcel 2 Address: 1280 North Seventh Street, Memphis, TN 38107

Parcel 2 Tax Identification No.: 039012-00001

Parcel 3 Address: North Seventh Street, Memphis, TN 38107

Parcel 3 Tax Identification No.: 039012-00001Z

Parcel 4 Address: 526 Weakley Avenue, Memphis, TN 38107

Parcel 4 Tax Identification No.: 039020-00004

Parcel 6 Address: 1280 North Seventh Street, Memphis, TN 38107

Parcel 6 Tax Identification No.: 039020-00005

PARCEL 5: (Warranty Deed FF 5666)

The George J. Sander part of Lot 16, Robert Weakley Subdivision, lying east of the Illinois Central Railroad Company's 50 foot right-of-way, and being more particularly described as follows:

Beginning at the intersection of Plum Avenue and the east boundary of the Illinois Central Railroad right-of-way and continuing east with the south line of Plum Avenue 144.8 feet to a point; thence south at an approximate 90 degree angle to Plum 652 feet; thence west parallel to Plum 425.2 feet to the east boundary of the Illinois Central Railroad right-of-way; thence in a northerly direction with said right-of-way 709.35 feet to the point of beginning.

Address: 485 Plum Avenue, Memphis, TN 38107

Tax Identification No.: 039020-00001

PARCEL 7: (Warranty Deed FE 0404)

Lots 1, 2, 3, 4, 5 and 6 of Zierman's Weakley Street Subdivision as shown on map or plat of record in Plat Book 3, Page 65, in the Register's Office of Shelby County, Tennessee, more particularly described as:

Beginning at the intersection of the southerly line of Weakley Avenue with the westerly line of Lion Street; thence southwardly along the westerly line of Lion Street 147 feet (call 150) to a point; thence westwardly parallel with the southerly line of Weakley Avenue 150 feet to a point in the easterly line of the Union Railroad 50 feet right of way; thence northwardly along the easterly line of the Union Railroad right of way 147 feet (call 150) to a point in the southerly line of Weakley Avenue: thence easterly along the southerly line of Weakley Avenue 150 feet to the point of beginning.

Address: 547 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039013-00001

PARCEL 8: (Warranty Deed 06044350)

Part of Lot 10 of the Weakley Subdivision and more particularly described as follows:

Beginning at a point where the south line of Weakley Avenue intersects the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 45.5 feet to a point; thence southwardly 80 feet to a point; thence westwardly 43.32 feet to a point in the west line of Lion Street; thence northwardly along the east line of Lion Street 80 feet to the point of beginning.

Address: 0 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00001

PARCEL 9: (Warranty Deed 06084830)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 45.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence westwardly along the south line of Weakley Avenue 31 feet to a point; thence southwardly 80 feet to a point; thence westwardly 31 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 0 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00002

PARCEL 10: (Warranty Deed 08009922)

Part of Lot 10 of the Weakley Subdivision and more particularly described as follows:

Beginning at a point where the south line of Weakley Avenue 76.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, thence eastwardly along the south line of Weakley Avenue 29 feet to a point; thence southwardly 80 feet to a point; thence westwardly 29 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 563 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00003

PARCEL 11: (Quit Claim Deed 06084830)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows Beginning at a point in the south line of Weakley Avenue 105 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southwardly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 567 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00004

PARCEL 12: (Quit Claim Deed 06093376)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 135.5 feet east of the intersection of the south line of Weakley Avenue and the east line of Lion Street, running thence eastwardly along the south line of Weakley Avenue 30 feet to a point; thence southwardly 80 feet to a point; thence westwardly 30 feet to a point; thence northwardly 80 feet to the point of beginning.

Address: 567 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00005

PARCEL 13: (Quit Claim Deed 06084830)

Part of Lot 10 of the Weakley Subdivision and being more particularly described as follows:

Beginning at a point in the south line of Weakley Avenue 165.5 feet east of the intersection of the south line of

Weakley Avenue and the east line of Lion street, thence eastwardly along the south line of Weakley Avenue 32.42 feet to the west line of a 13 foot alley; thence southwardly along the west line of said alley 80 feet to a point; thence westwardly 31 feet to a point, thence northwardly 80 feet to the point of beginning.

Address: 573 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039014-00006

PARCEL 14: (Quit Claim Deed 06136606)

Lot 3, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Address: 1289 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-00009

PARCEL 15: (Warranty Deed 06100032)

Lot 4 and the north 1/2 of Lot 5 of Scott Oberst & Nichols Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, which plat reference is hereby made for a more particular description of said property.

Address: 1281 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-000010

PARCEL 16: (Warranty Deed 08037072)

Lot 7, Scott, Oberst & Nichols Subdivision of Lots 7 and 8 of the Robert Weakley Subdivision of the Weakley and McLemore Grant as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Address: 1269 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-000013

PARCEL 17: (Warranty Deed 08009922)

Lot 8, Scott and Oberst Subdivision, as shown on plat of record in Plat Book 3, Page 138, in the Register's Office of Shelby County, Tennessee, to which plat reference is made for a more particular description of said property.

Address: 1263 Nicholas Street, Memphis, TN 38107

Tax Identification No.: 039014-000014

PARCEL 18: (Warranty Deed 07112592) INTENTIONALLY DELETED

PARCEL 19: Part of Lot 10 of the Robert Weakley Tract, a plat of which is of record in Plat Book 3, Page 65, in the Register's Office of said Shelby County and more particularly described as follows:

Beginning at a point in the east line of Lion Street 90 feet south of the original south line of Weakley Avenue, formerly known as First Street, said beginning point being N 02°23'41" W and 80.00 feet south of the south line of said Weakley Avenue as widened; thence S 02°47'26" E along the east line of Lion Street 123.92 feet to the north line of Lot 15 of the Charles Zierman Subdivision; thence N 89°43'51" E along the north line of said Lot 15 a distance of 187.64 feet to the west line of an alley; thence N 00°57'29" E with the west line of said alley 123.83 feet to a point 80.17 feet south of the south line of Weakley Avenue, as widened; thence S 89°43'51" W a distance of 195.75 feet to the point of beginning. Containing 23,732± square feet or 0.545± acres.

Address: 0 Lion Street, Memphis, TN

Tax Identification No.: 03914-00021

PARCEL 20: (Quit Claim Deed 06136605)

Lots 1 & 2, of Scott-Oberst and Nichols Subdivision, as per plat recorded in Plat Book 3, Page 138, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particularly description of said property.

Address: 1301 Nicholas Street, Memphis, TN 38107
Tax Identification No.: 039014-00007C

PARCEL 21: (Warranty Deed 09031487)

Being the east 30 feet of Lot 13 of E. W. and George Dorion subdivision on the north side of Weakley Avenue, a plat which is recorded in Plat Book 4, Page 6 in the Register's Office of Shelby County, Tennessee. BEGINNING at a stake in the north line of Weakley Avenue 160 feet west of the west line of Thomas Street; running thence north, with the west line of 811 alley, 142 feet to a stake; thence west 30 feet to a stake; thence south 142 feet to a stake in the line of Weakley Avenue; thence east along the line of Weakley Avenue 30 feet to the point of beginning.

Address: 610 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039016-000032

PARCEL 22:

Beginning at a point being the Southeast corner of Lot 6 (S. W. Moore) Subdivision, recorded in Plat Book 3, Page 117, of the Register's Office of Shelby County, Tennessee; thence run N 89° 37' 45" E along the North Right-of-way line of Weakley Avenue for a distance of 50.00' to a point; thence leaving said Right-of-way run S 00° 11' 55" W for a distance of 109.25' to a point; thence run S 88° 37' 54" W for a distance of 50.00' to a point; thence run N 00° 11' 24" E for a distance of 110.12' to the true Point of Beginning, Containing 5,483.0± square feet or 0.125 acres.

Address: 592 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 03916-000037

PARCEL 23: (Quit Claim Deed 08105194)

Lots 22-24, C W Holmes Unrecorded Subdivision of the S W Moore Subdivision, being more particularly described as follows:

Beginning at a point in the west side of Nicholas St., 348 feet north of Weakley Avenue, and having a frontage of 37.5 feet and a depth of 138 feet, being Lots 22-24, Holmes Subdivision.

Address: 1339 Nicholas Street, Memphis, TN 38107
Tax Identification No.: 039019-000026

PARCEL 24: (INTENTIONALLY DELETED)

PARCEL 25: (Quit Claim Deed 7112926)

Lots 44 and 45, C.W. Holmes Weakley Avenue Subdivision (less part to Avenue), being more particularly described as follows:

Beginning at a point in the North line of Weakley Avenue 90 feet westwardly from the center line of Nicholas Street; said point being in the west line of Lot 46; thence westwardly with the North line of Weakley Avenue 50 feet to the East line of Lot 43; thence Northwardly with East line of Lot 43, 100.8 feet to the south line of an alley; thence eastwardly with the south line of said alley 50 feet to the west line of Lot 46; thence Southwardly with the west line of Lot 46, 101.4 feet to the point of beginning.

Address: 0 Weakley Avenue, Memphis, TN 38107
Tax Identification No.: 039019-000035

PARCEL 26: (Quit Claim Deed 06105158)

Lot 43, C.W. Holmes Weakley Avenue Subdivision, and the west half of Lot 4 of the Weakley Tract, being the same property described in Warranty Deed of record in Book 1534, Page 124, in the Register's Office of Shelby County, Tennessee.

Address: 570 Weakley Avenue, Memphis, TN 38107

Tax Identification No.: 039019-000034

EXHIBIT B
Permitted Exceptions

1. Shelby County taxes for the year 2016, liens not due and payable until October 31, 2016 and subsequent years not yet due or payable.

City of Memphis taxes for the year 2016, lien due and payable but not delinquent until August 31, 2016 and subsequent years not yet due or payable.
2. Supplemental, Revised and/or Corrected Assessments pursuant to T.C.A. Section 67-5-509 and 67-5-603 et seq. or Back Assessments pursuant to T.C.A. Section 67-1-1001 et seq., not now due and payable.
3. Easements reserved in that part of the property underlying North Seventh Street and Weakley Avenue, as shown in Plat Book 155, Page 30, and as to Weakley Avenue in Quit Claim Deed recorded at Instrument No. GB 8375, both recordings in the Register's Office of Shelby County, Tennessee.
4. Possible right of the Railroads to increase their right-of-ways to the full extent of their charters.
5. MLGW Easement of record at instrument No. F7 9943, in the aforesaid Register's Office.
6. Easements of record in Book 4956, Page 236, and Book 2922, Page 203, both recordings in the aforesaid Register's Office,
7. Four foot gas and water easement of record in Book 1807, Page 435, in the aforesaid Register's Office.
8. Eight foot MLGW Easement of record in Book 5427, Page 316, in the aforesaid Register's Office.
9. Anchor guy easement of record in Book 1875, Page 63, in the aforesaid Register's Office.
10. Easements of record at Instrument Numbers GM 3315 and GM 3316, both recordings in the aforesaid Register's Office.
11. Driveway easement of record in Book 1117, Page 605, in the aforesaid Register's Office.
12. MLG&W Easement of record at Instrument No. E7 0613, in the aforesaid Register's Office.
13. Notice that the dwelling located on premises is considered unfit for human habitation and fixing lien for removal thereof, of record at Instrument No. 14033410, in the aforesaid Register's Office, as to Parcel 17.

14. Subdivision restrictions, building lines and easements of record in Plat Book 4, Page 6; Plat Book 3, Page 65; Plat Book 3, Page 138, all recordings in the Register's Office of Shelby County, Tennessee.
15. Reference to acreage or square footage contained in the description of the Land is merely for convenience in identifying the Land.
16. Matters, as disclosed by that ALTA/ACSM Survey by Harbor Environmental Inc. for Bock & Clark's National Surveyor Network dated August 11, 2016, and designated as Project No. 201600835-003:
 - a) Encroachment of various fences over easterly, westerly and southerly lot lines;
 - b) Encroachment of sign over southerly lot line;
 - c) Encroachment of conveyor over easement noted above at exception 16;
 - d) Any rights associated with various spur tracks that cross Parcels 2, 3, 4, 5 and 6.



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

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

January 13, 2023

OMNISOURCE SOUTHWEST
7575 W JEFFERSON BLVD
FORT WAYNE, IN 46804

Sent via electronic mail to: jon.kunze@omnisource.com

Case Number: SUP 22-31
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, January 12, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow for the expansion of a metal recycling facility located at 526 Weakley Avenue, subject to the following condition:

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

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

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

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

Letter to Applicant
SUP 22-31

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

Respectfully,

A handwritten signature in black ink, appearing to read "Seth Thomas", written in a cursive style.

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

Cc: Paul Edwards; Evans Petree PC
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 01/24/2023

DATE

PUBLIC SESSION: 01/24/2023

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 8349 Macon Road, known as case number PD 22-24

CASE NUMBER: PD 22-24

DEVELOPMENT: Macon Terrace Planned Development

LOCATION: 8349 Macon Road

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

OWNER/APPLICANT: Melvin E Johnson Jr.

REPRESENTATIVE: ETI Corporation

REQUEST: Redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.

AREA: +/-0.9975

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – January 24, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>01/12/2023</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>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 22-24

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 8349 MACON ROAD, KNOWN AS CASE NUMBER PD 22-24

- This item is a resolution with conditions to allow the Redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 8349 MACON ROAD, KNOWN AS CASE NUMBER PD 22-24

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

WHEREAS, the ETI Corporation filed an application with the Memphis and Shelby County Division of Planning and Development to allow the redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on January 12, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

ATTEST:

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

Outline Plan Conditions

- I. Uses Permitted
 - A. Lower level 3,000 square foot commercial uses including office/medial office, retail sales, and services or any use permitted in the CMU-1 zoning district with a 3,000 square foot second-floor residential unit.
 - B. Two-story 3,600 square foot (1,800 square foot per unit) duplexes facing the roadways.
- II. Bulk Regulations
 - A. Building height shall not exceed two stories.
 - B. Elevation plans shall be submitted to the Office of Planning and Development for their review and shall be subject to approval by Land Use Control Board at a public hearing.
 - C. Minimum Building Setback:
 1. Macon Terrace = 10-feet
 2. Macon Road = 10-feet
 - D. All merchandise shall be displayed within a completely enclosed building. Outdoor display is not permitted.
- III. Parking, Access, and Circulation
 - A. A maximum of two curb cuts are permitted on Macon Road and Macon Terrace.
 - B. Each duplex shall have two covered parking stalls. A minimum of 13 surface parking spaces are intended for the office/residential structure.
- IV. Landscaping
 - A. The Macon Terrace and Macon Road frontage shall be landscaped as depicted in the site plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.
- V. Lighting Requirements

- A. All exterior lighting will be directed away from residential uses on adjacent property.
- B. Light standards shall not exceed 20-feet in height.

VI. Signs

- A. Signs shall comply with the CMU-1 District regulations.
- B. Outdoor advertising (billboards), temporary and portable signs are prohibited.

VII. Drainage

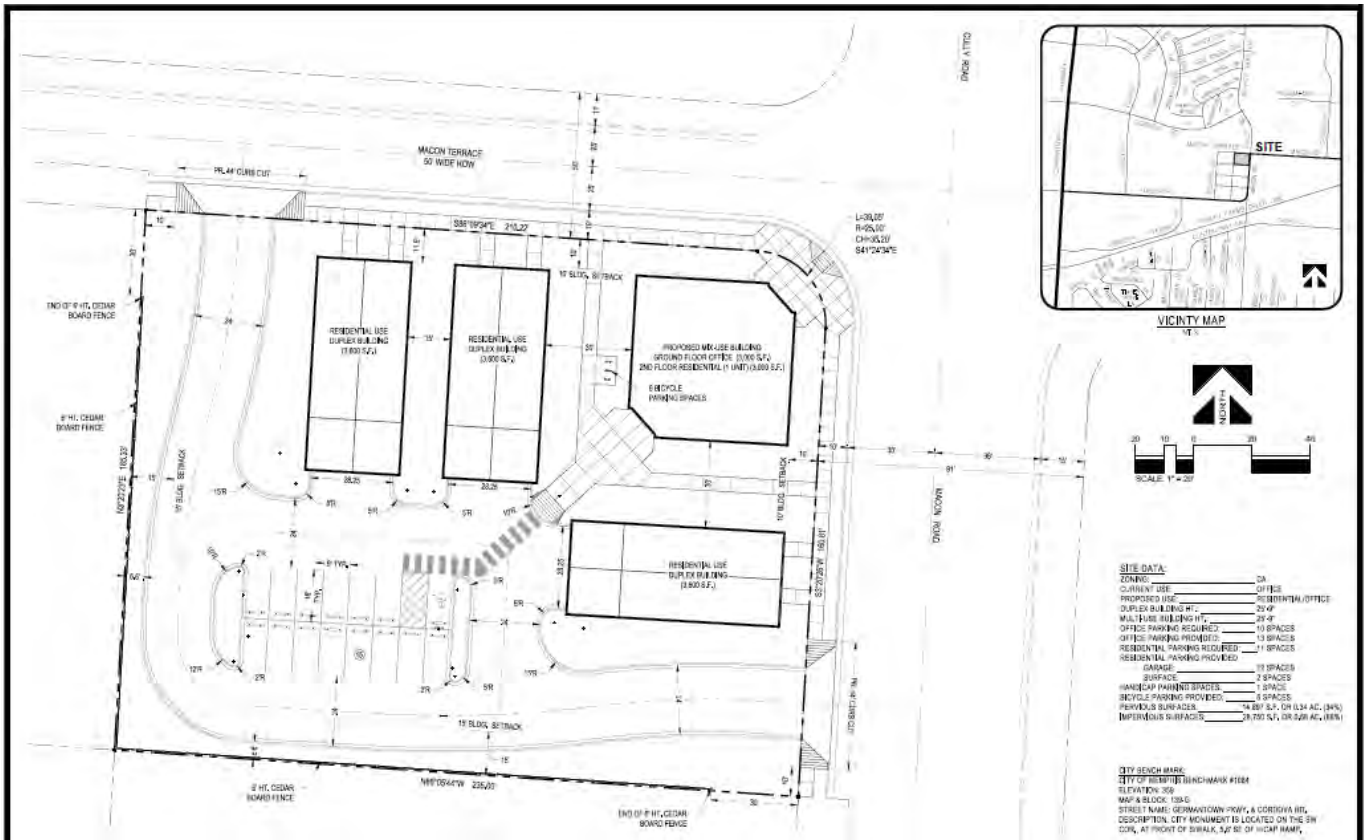
- A. Design of the stormwater conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.

VIII. Site Plan Review

- A. The site plan shall include the following:
 - 1. The location of existing and proposed public roadways on or adjacent to the subject property.
 - 2. The location, dimensions and floor area of all buildings, structures, and parking areas.
 - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
 - 4. The location of pedestrian systems.
 - 5. Internal and perimeter landscaping.
 - 6. The location, diameter and species name of all trees and plants, the identification of plants to be preserved and methods intended to be used to protect plants during construction.
 - 7. Building elevations which depict an architectural design and materials compatible with the adjacent residential property.
- B. The site plan shall be reviewed based on the following criteria:
 - 1. Conformance with the outline plan conditions.

- IX. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity, building height and setback requirements if equivalent alternatives are presented.
- X. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- XI. Any final plan shall include the following:
 - A. The outline plan conditions
 - B. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives required landscaping.
 - C. The number of parking spaces.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
 - F. An elevation plan for all buildings.
 - G. Location and design of exterior lighting

CONCEPT PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, January 12, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 22-24

DEVELOPMENT: Macon Terrace Planned Development

LOCATION: 8349 Macon Road

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

OWNER/APPLICANT: Melvin E Johnson Jr.

REPRESENTATIVE: ETI Corporation

REQUEST: Redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.

AREA: +/-0.9975

EXISTING ZONING: Uses Permitted by the Cordova Grove Planned Development Outline Plan Conditions

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

**PD 22-24
CONDITIONS**

Outline Plan Conditions

- I. Uses Permitted
 - A. Lower level 3,000 square foot commercial uses including office/medial office, retail sales, and services or any use permitted in the CMU-1 zoning district with a 3,000 square foot second-floor residential unit.
 - B. Two-story 3,600 square foot (1,800 square foot per unit) duplexes facing the roadways.
- II. Bulk Regulations
 - A. Building height shall not exceed two stories.
 - B. Elevation plans shall be submitted to the Office of Planning and Development for their review and shall be subject to approval by Land Use Control Board at a public hearing.
 - C. Minimum Building Setback:
 - 1. Macon Terrace = 10-feet
 - 2. Macon Road = 10-feet
 - D. All merchandise shall be displayed within a completely enclosed building. Outdoor display is not permitted.
- III. Parking, Access, and Circulation
 - A. A maximum of two curb cuts are permitted on Macon Road and Macon Terrace.
 - B. Each duplex shall have two covered parking stalls. A minimum of 13 surface parking spaces are intended for the office/residential structure.
- IV. Landscaping
 - A. The Macon Terrace and Macon Road frontage shall be landscaped as depicted in the site plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.

V. Lighting Requirements

- A. All exterior lighting will be directed away from residential uses on adjacent property.
- B. Light standards shall not exceed 20-feet in height.

VI. Signs

- A. Signs shall comply with the CMU-1 District regulations.
- B. Outdoor advertising (billboards), temporary and portable signs are prohibited.

VII. Drainage

- A. Design of the stormwater conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.

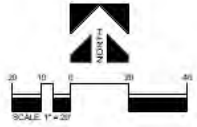
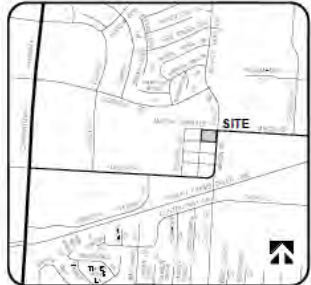
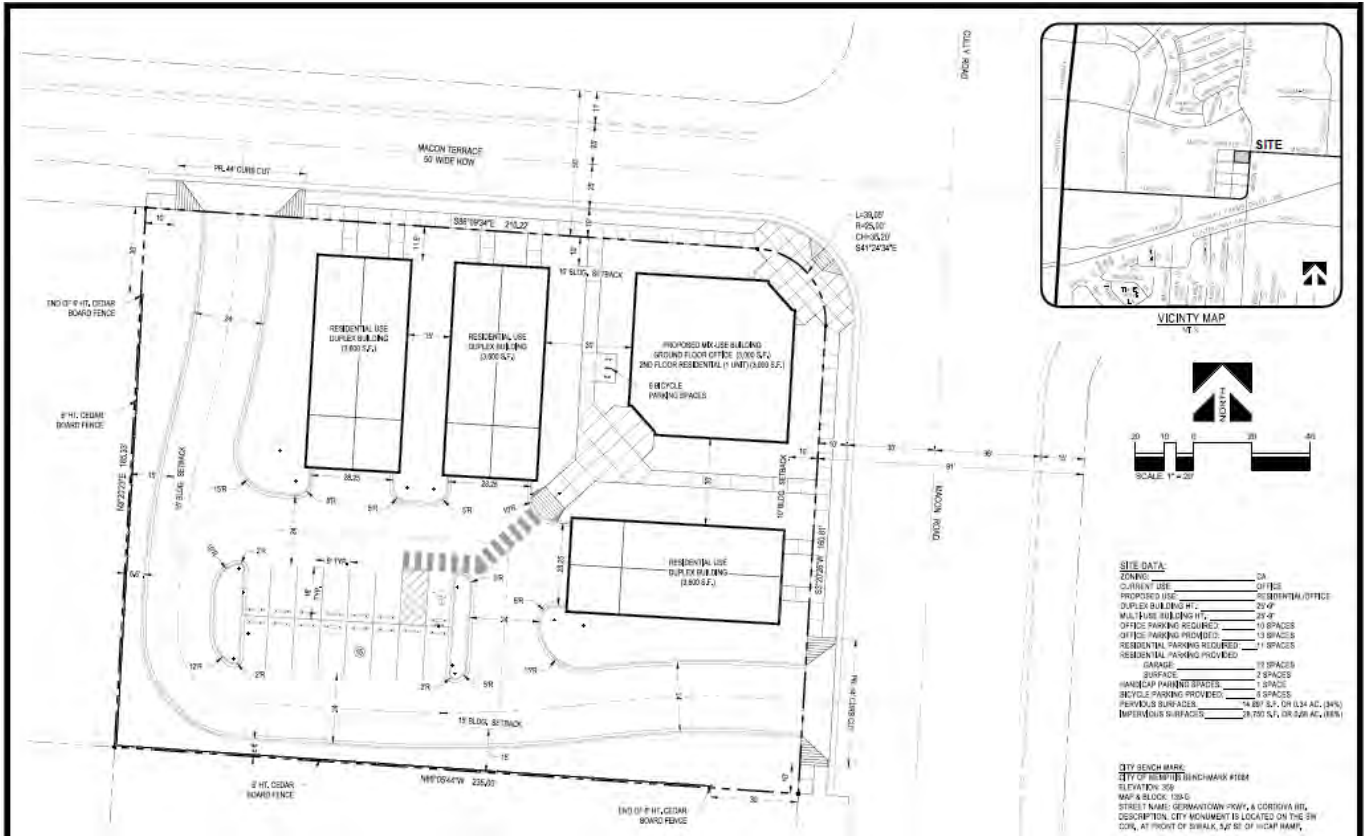
VIII. Site Plan Review

- A. The site plan shall include the following:
 - 1. The location of existing and proposed public roadways on or adjacent to the subject property.
 - 2. The location, dimensions and floor area of all buildings, structures, and parking areas.
 - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
 - 4. The location of pedestrian systems.
 - 5. Internal and perimeter landscaping.
 - 6. The location, diameter and species name of all trees and plants, the identification of plants to be preserved and methods intended to be used to protect plants during construction.
 - 7. Building elevations which depict an architectural design and materials compatible with the adjacent residential property.
- B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the outline plan conditions.

- IX. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity, building height and setback requirements if equivalent alternatives are presented.
- X. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- XI. Any final plan shall include the following:
 - A. The outline plan conditions
 - B. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives required landscaping.
 - C. The number of parking spaces.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
 - F. An elevation plan for all buildings.
 - G. Location and design of exterior lighting

CONCEPT PLAN



SITE DATA:

ZONING	OS
EXISTING USE	OFFICE
PROPOSED USE	RESIDENTIAL/OFFICE
DUPLEX BUILDING HT.	20' 0"
MIXED USE BUILDING HT.	20' 0"
OFFICE PARKING REQUIRED	10 SPACES
OFFICE PARKING PROVIDED	10 SPACES
RESIDENTIAL PARKING REQUIRED	21 SPACES
RESIDENTIAL PARKING PROVIDED	21 SPACES
BIKEWAY	10 SPACES
SURFACE	2 SPACES
IMPERVIOUS PARKING SURFACES	1 SPACE
BIKEWAY PROVIDED	6 SPACES
PERVIOUS SURFACES	74,887 S.F. OR (3.4 AC. (34%))
IMPERVIOUS SURFACES	28,750 S.F. OR (6.6 AC. (68%))

377 BENCH MARK
CITY OF DENVER BENCHMARK #184
ELEVATION: 509'
MAP & BLOCK: 133 & C
STREET NAME: GERMAN TOWN PKWY. & CORONA HTL.
DESCRIPTION: CITY MONUMENT IS LOCATED ON THE SW COR. AT POINT OF BIRKBECK, 5/2 SE OF HIGHWAY.

AGENDA ITEM: 19

CASE NUMBER: PD 2022-024 **L.U.C.B. MEETING:** January 12, 2022

DEVELOPMENT: Macon Terrace Planned Development

LOCATION: 8349 Macon Road

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

OWNER/APPLICANT: Melvin E Johnson Jr.

REPRESENTATIVE: ETI Corporation

REQUEST: Redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.

AREA: +/-0.9975

EXISTING ZONING: Uses Permitted by the Cordova Grove Planned Development Outline Plan Conditions

CONCLUSIONS

1. The applicant is requesting a new Planned Development to allow for a mixed-use site with three residential duplexes and one mixed use building with commercial on the first floor and a dwelling unit on the top floor.
2. If approved, this site will be removed from the existing Cordova Grove Planned Development and will exist under its own outline plan conditions.
3. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
4. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 24-27 of this report.

RECOMMENDATION
Approval with conditions

GENERAL INFORMATION

Street Frontage:	Macon Terrace	+/-2210/22 linear feet
	Macon Road	+/-160.81 linear feet
Zoning Atlas Page:	2255	
Parcel ID:	091009 00008	
Existing Zoning:	Uses Permitted by the Cordova Grove Planned Development Outline Plan Conditions	

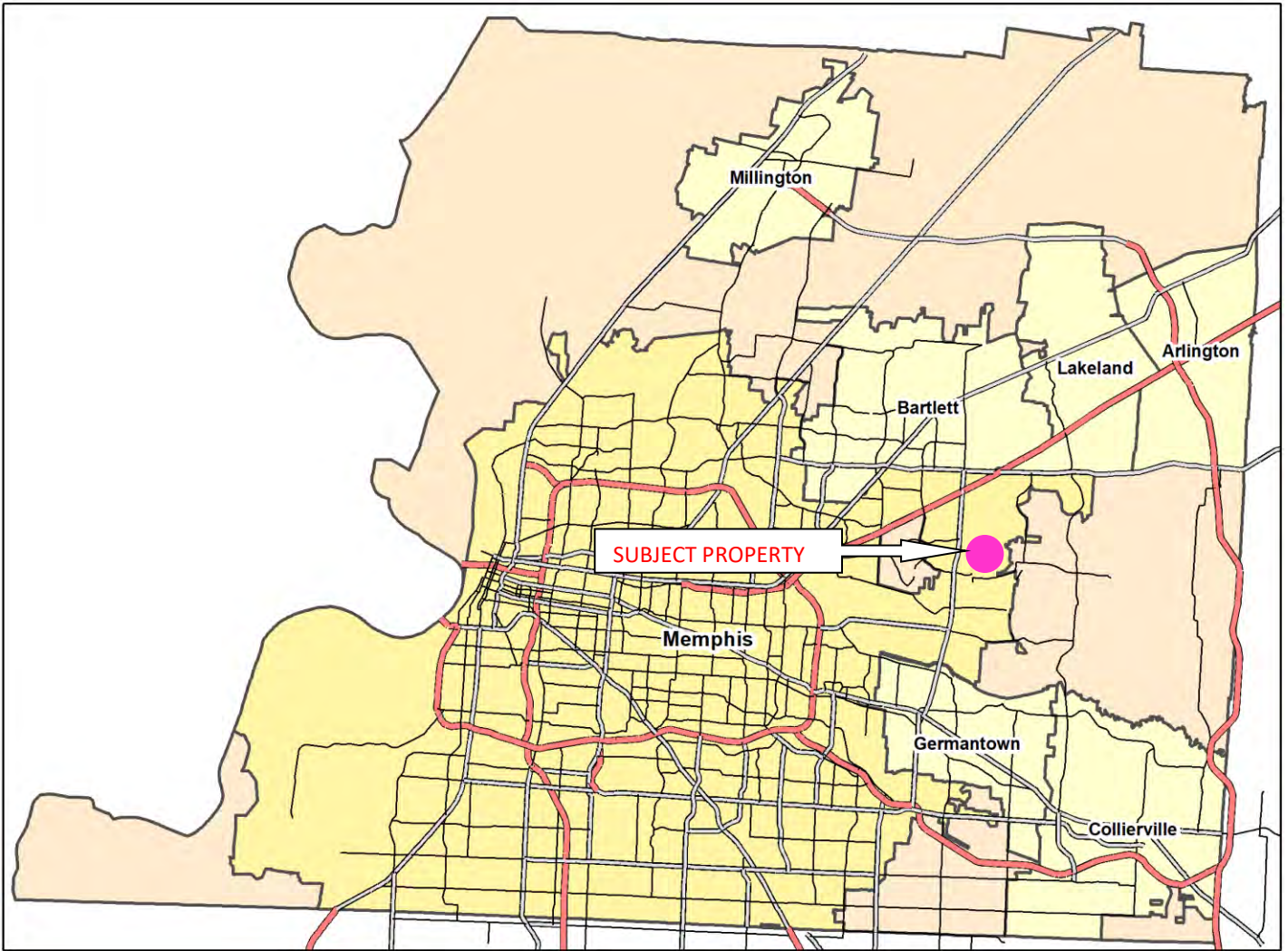
NEIGHBORHOOD MEETING

The meeting was held at 6:30 PM on Tuesday, December 22, 2022, at 8348 Macon Road.

PUBLIC NOTICE

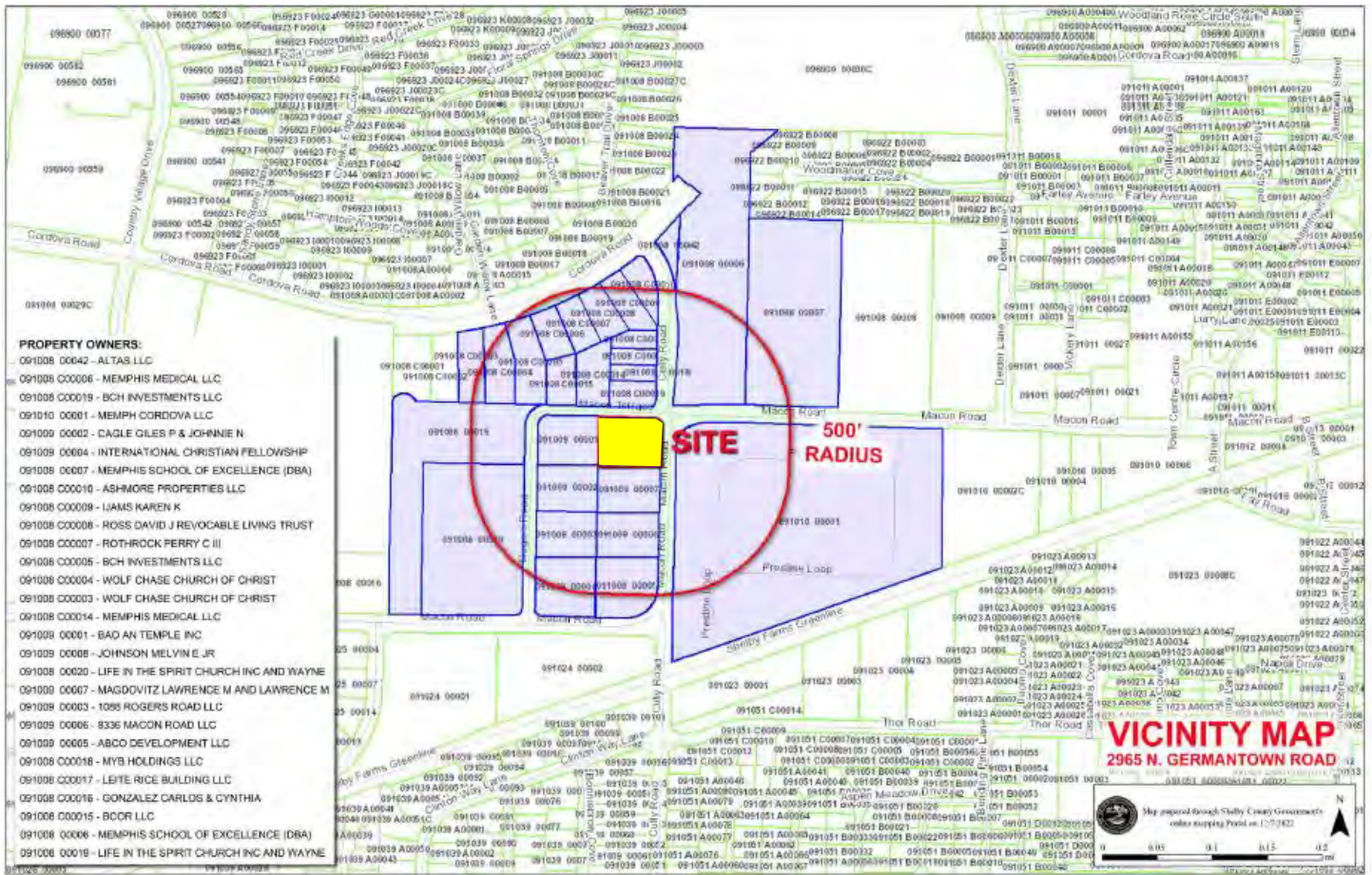
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 28 notices were mailed on December 29, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Cordova Neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Uses Permitted by the Cordova Grove Planned Development Outline Plan Conditions

Surrounding Zoning

North: PD 97-333, R-6, and SUP 2021-202

East: R-6, RU-2, and PD 1995-322

South: PD 03-303, CA, and PD 00-375

West: R-8

LAND USE MAP



LandUse

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

Subject property outlined in blue

SITE PHOTOS

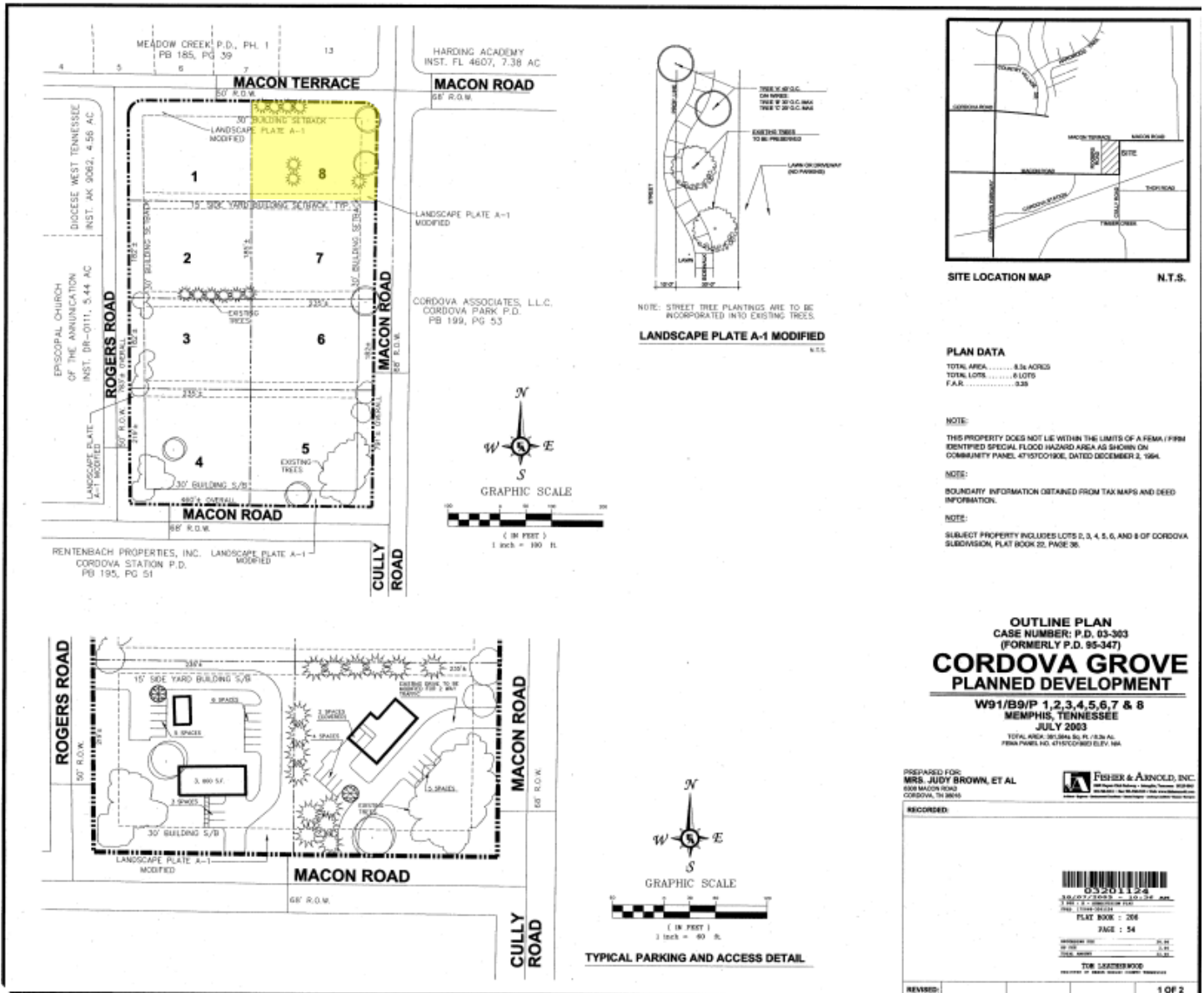


View of the center of the subject property from Macon Road facing west

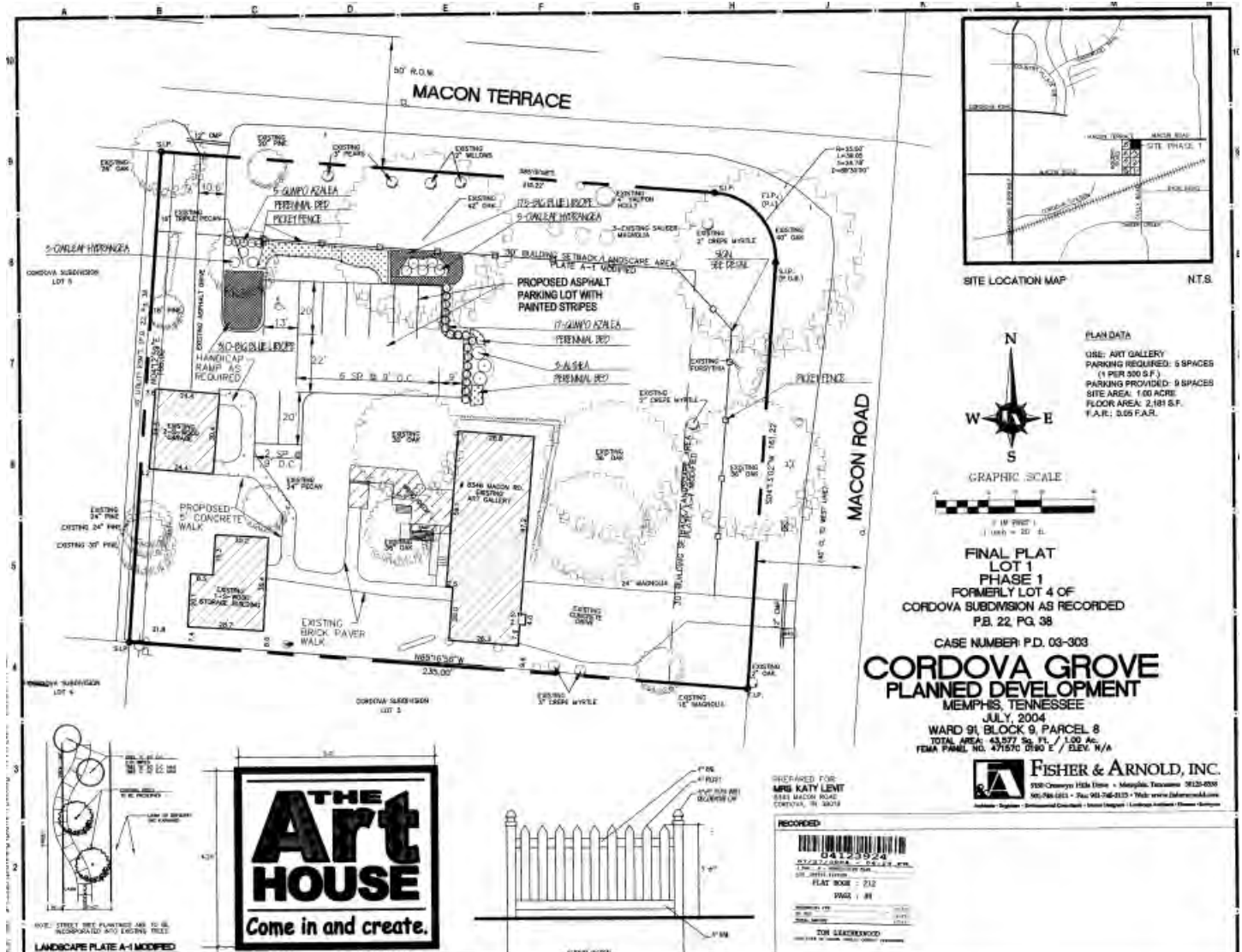


View of the property from Macon Terrace facing southwest

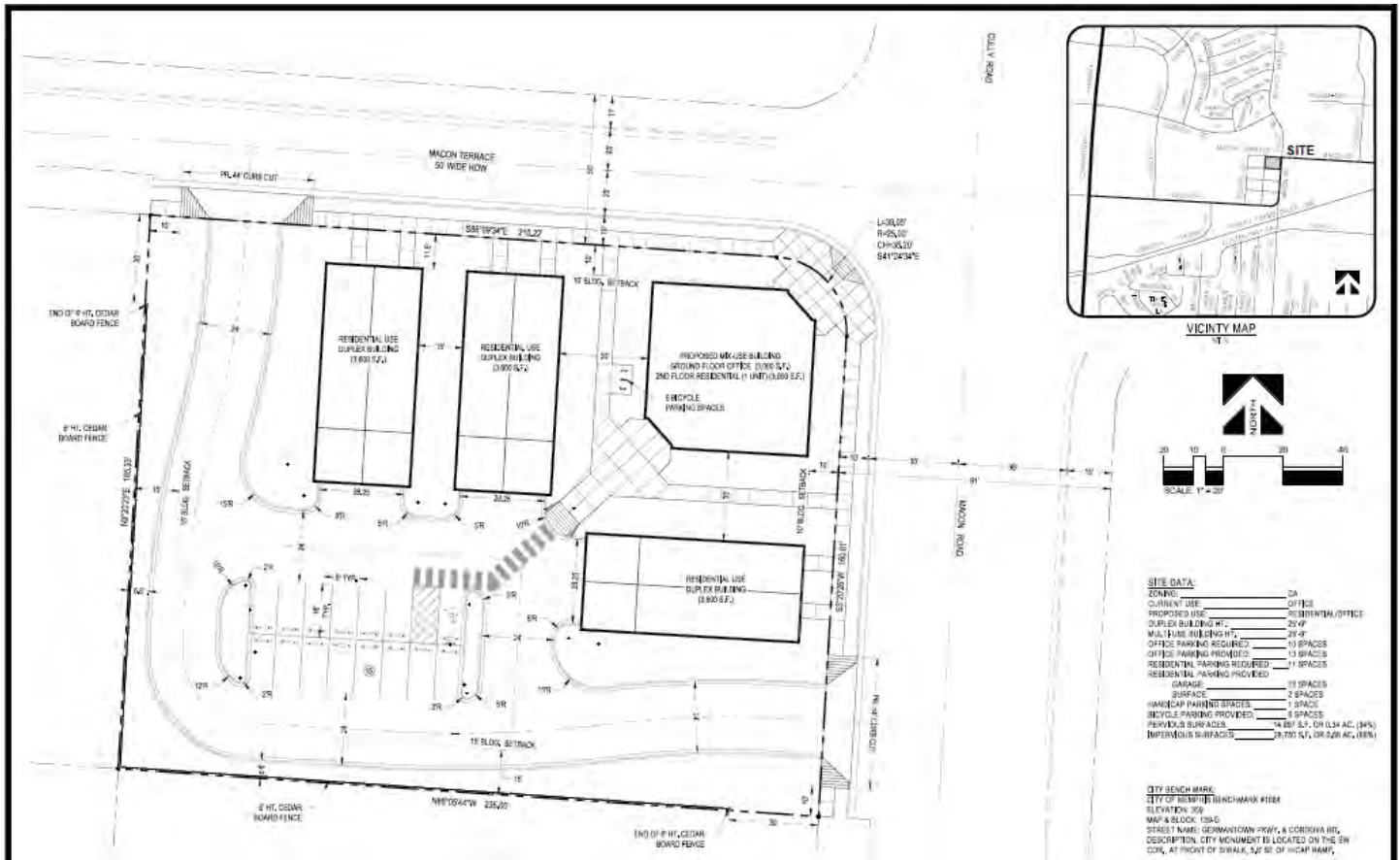
OUTLINE PLAN

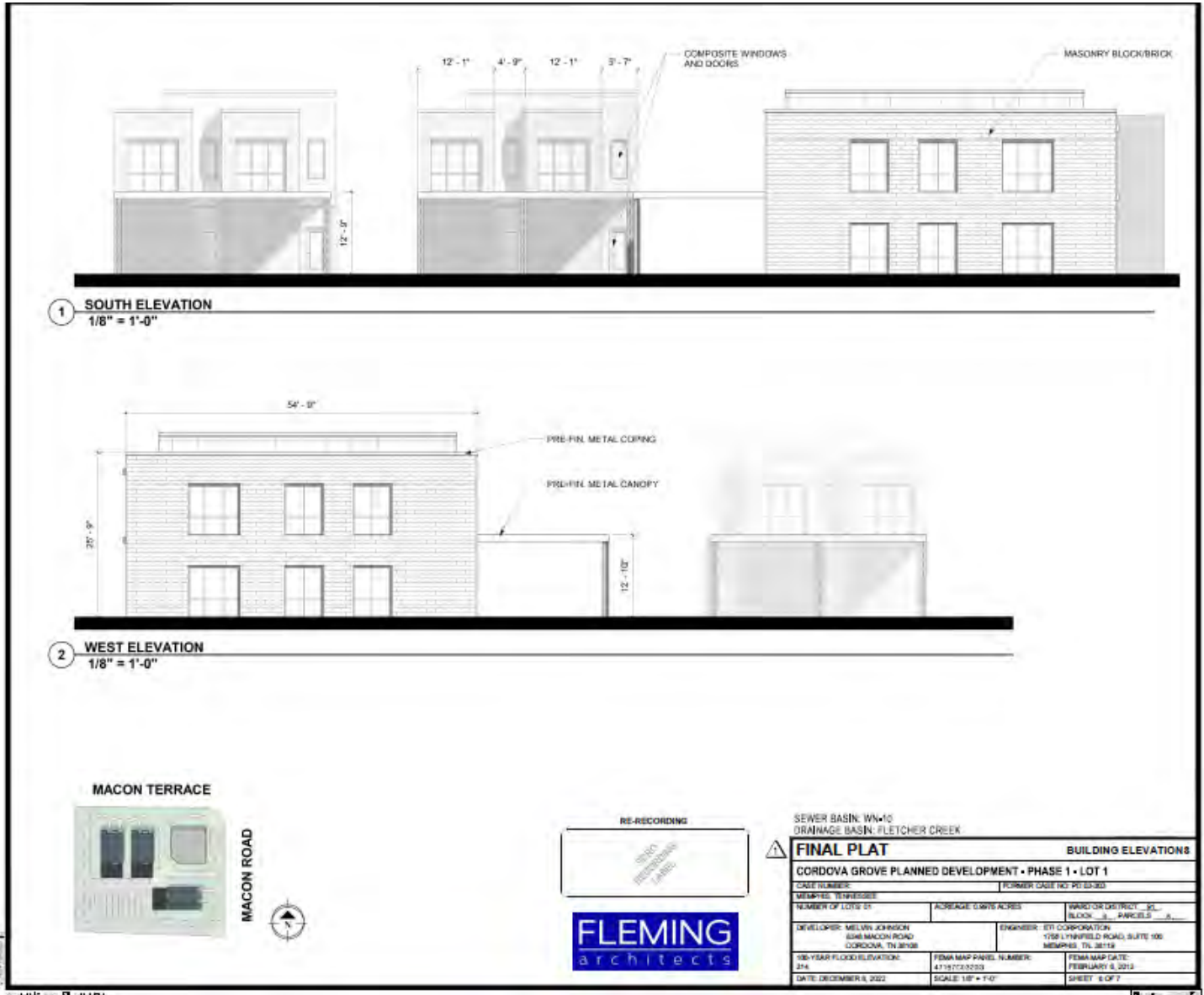


CURRENT FINAL PLAT



CONCEPT PLAN





RE-RECORDING

2022
 12/22/22

FLEMING
 architects

SEWER BASIN: W4-10
 DRAINAGE BASIN: FLETCHER CREEK

FINAL PLAT		BUILDING ELEVATIONS
CORDOVA GROVE PLANNED DEVELOPMENT - PHASE 1 - LOT 1		
CASE NUMBER:	FORMER CASE NO. PD 22-024	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 01	ACREAGE: 0.075 ACRES	WARD/DISTRICT: 31
DEVELOPER: MELVIN JOHNSON 8348 MACON ROAD CORDOVA, TN 38128		ENGINEER: STI CORPORATION 1758 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN 38119
100-YEAR FLOOD ELEVATION: 314	FIRM MAP PANEL NUMBER: 41181713253	FIRM MAP DATE: FEBRUARY 4, 2013
DATE: DECEMBER 8, 2022	SCALE: 1/8" = 1'-0"	SHEET: 6 OF 7

STAFF ANALYSIS

Request

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

The request is the redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable

district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

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

Residential Criteria

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

4.10.4 Planned Residential Developments

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

- A. Formal Open Space*

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.
- B. Accessibility of Site*

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.
- C. Off-Street Parking*

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
- D. Pedestrian Circulation*

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

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

F. Distance Requirements

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

A. Screening

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

B. Display of Merchandise

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

C. Accessibility

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

D. Landscaping

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/- .9975 acres located at the southwestern corner of Macon Terrace and Macon Road. The site is part of the Cordova Grove Planned Development (PD 03-303) with the referenced underlying zoning of Office General (O-G). The site has two existing curb cuts for entry to the property one from Macon Road and the other from Macon Terrace. The site contains a sprinkling of mature trees and shrubs.

Site Zoning History

On June 17, 2003, the Council of the City of Memphis approved Planned Development 2003-303 which allowed the property to be developed under the General Office (OG) zoning district.

Conclusions

The applicant is requesting a new Planned Development to allow for a mixed-use site with three residential duplexes and one mixed use building with commercial on the first floor and a dwelling unit on the top floor.

If approved, this site will be removed from the existing Cordova Grove Planned Development and will exist under its own outline plan conditions.

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

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

RECOMMENDATION

Staff recommends approval with revisions to the outline plan conditions.

Site Conditions

1. The Cordova Grove Outline Plan will need to be re-recorded showing the removal of the lot in question before the final plat is recorded

Outline Plan Conditions

- I. Uses Permitted
 - A. Lower level 3,000 square foot office including medial office, retail sales, and services or any use permitted in the CMU-1 zoning district with a 3,000 square foot second-floor residential unit.
 - B. Two-story 3,600 square foot (1,800 square foot per unit) duplexes facing the roadways.
- II. Bulk Regulations
 - A. Building height shall not exceed two stories.
 - B. Elevation plans shall be submitted to the Office of Planning and Development for their review and shall be subject to approval by Land Use Control Board at a public hearing.
 - C. Minimum Building Setback:
 1. Macon Terrace = 10-feet
 2. Macon Road = 10-feet
 - D. All merchandise shall be displayed within a completely enclosed building. Outdoor display is not permitted.
- III. Parking, Access, and Circulation
 - A. A maximum of two curb cuts are permitted on Macon Road and Macon Terrace.
 - B. Each duplex shall have two covered parking stalls. A minimum of 13 surface parking spaces are intended for the office/residential structure.

IV. Landscaping

- A. The Macon Terrace and Macon Road frontage shall be landscaped as depicted in the site plan.
- B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.

V. Lighting Requirements

- A. All exterior lighting will be directed away from residential uses on adjacent property.
- B. Light standards shall not exceed 20-feet in height.

VI. Signs

- A. Signs shall comply with the CMU-1 District regulations.
- B. Outdoor advertising (billboards), temporary and portable signs are prohibited.

VII. Drainage

- A. Design of the stormwater conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.

VIII. Site Plan Review

- A. The site plan shall include the following:
 - 1. The location of existing and proposed public roadways on or adjacent to the subject property.
 - 2. The location, dimensions and floor area of all buildings, structures, and parking areas.
 - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
 - 4. The location of pedestrian systems.
 - 5. Internal and perimeter landscaping.
 - 6. The location, diameter and species name of all trees and plants, the identification of plants to be preserved and methods intended to be used to protect plants during construction.

7. Building elevations which depict an architectural design and materials compatible with the adjacent residential property.
- B. The site plan shall be reviewed based on the following criteria:
1. Conformance with the outline plan conditions.
- IX. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity, building height and setback requirements if equivalent alternatives are presented.
- X. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- XI. Any final plan shall include the following:
- A. The outline plan conditions
 - B. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives required landscaping.
 - C. The number of parking spaces.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
 - F. An elevation plan for all buildings.
 - G. Location and design of exterior lighting

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CITY ENGINEERING COMMENTS-13 DATE: 12/20/2022

CASE: PD-22-024 (PD-03-303) NAME: Cordova Grove PD

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

3. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

5. This development may/will require the installation of a pump. The City will require a five-year maintenance agreement and fee of the Developer.

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

Roads:

7. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

8. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

9. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and

curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

10. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

11. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

12. The City Engineer shall approve the design, number, and location of curb cuts.

13. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Drainage:

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

15. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

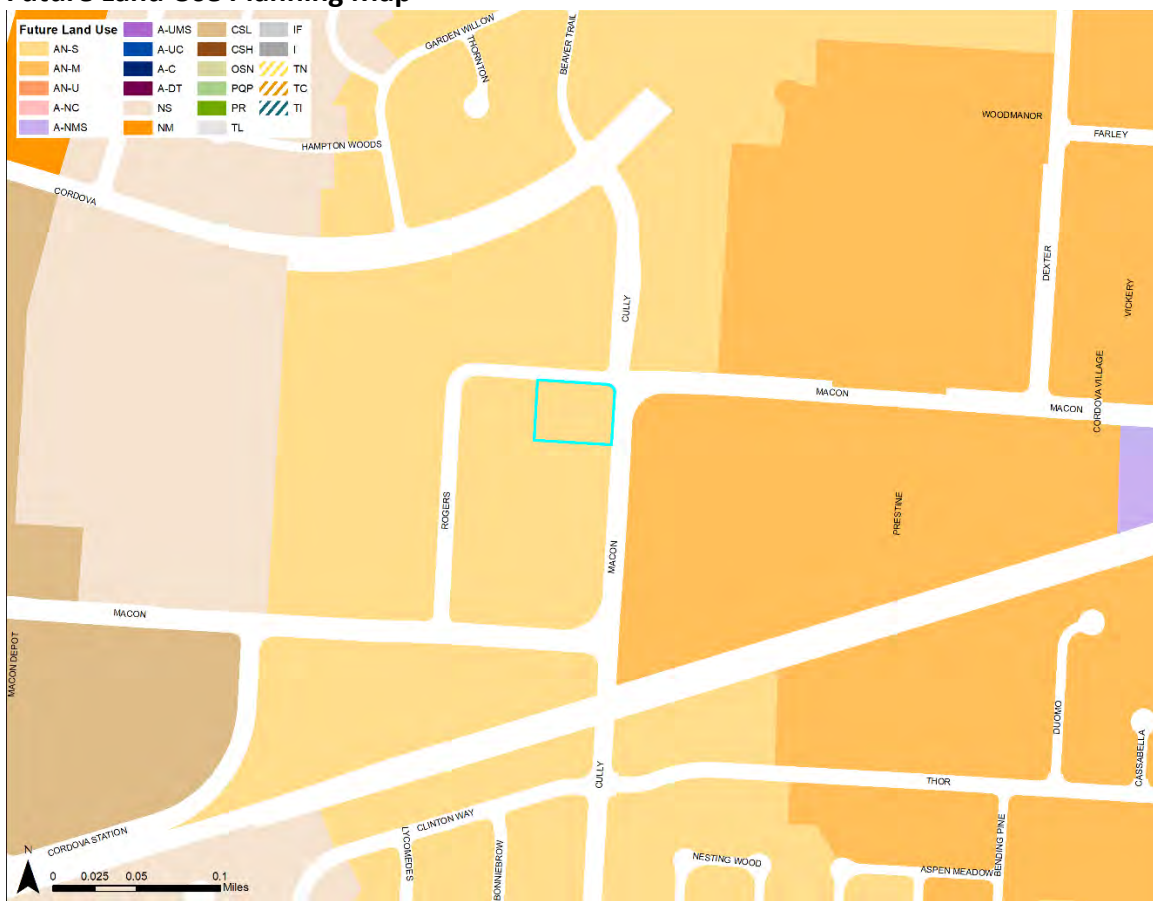
16. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

17. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those

parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

- 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:**

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor. Height: 1-2 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, R-8

Adjacent Land Use and Zoning: Institutional, Single-Family and Multi-Family; RU-2, R-6, CMU-2

Overall Compatibility: *This requested use is not compatible with the land use description/intent, and form & location characteristics. However, it is compatible with the zoning notes, and existing, adjacent land use and zoning.*

3. Degree of Change Map



Blue polygon denotes the proposed site in Degree of Change area. The Degree of Change is Nurture.

4. Degree of Change Description

Nature areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed building is a private investment and will allow increased density and building height.*

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

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.

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

N/A

Consistency Analysis Summary

The applicant is proposing to redevelop existing retail/office into a mix of uses that contains three, two-story residential buildings and a two-story mixed-use building on the corner with ground floor office and upper-floor residential. This requested use is not compatible with the land use description/intent, and form & location characteristics. However, it is compatible with the zoning notes, and existing, adjacent land use and zoning. The proposed building is a private investment and will allow increased density and building height.

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density. The commercial portion of the proposal also is consistent with the existing and adjacent office uses to the north and south of the site.

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

Summary Compiled by: Bradyn Carson, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: December 8, 2022

Record Number: PD 2022-024

Expiration Date:

Record Name: CORDOVA GROVE P.D. - PH. 1 - LOT 1

Description of Work: Redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.

Parent Record Number:

Address:

8348 MACON RD, CORDOVA 38018

Owner Information

Primary **Owner Name**

Y JOHNSON MELVIN E JR

Owner Address

8348 MACON RD, CORDOVA, TN 38018

Owner Phone

9013600084

Parcel Information

091009 00008

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Saliba & Ragsdale

Date of Meeting

07/18/2022

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	PD03-03
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	N/A

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The Cordova Grove planned development request does not unduly injure or damage the use, value, and enjoyment of the surrounding property nor hinder or prevent the development of the neighboring property in accordance with the current development policies and plans of the City and the County. The proposed residential and office/retail use provides the property with a net increase of residents and patrons that will continue to drive investment in the adjacent properties and benefit the adjacent properties and uses.
UDC Sub-Section 9.6.9B	Cordova Grove will be created so that it not only preserves and protects but, in fact, enhances the surrounding commercial, residential and multi-family properties with the construction of a higher-valued office and residential establishment.
UDC Sub-Section 9.6.9C	As stated, sewer and storm facilities will be in place within the public right of way and sufficiently service the proposed mixed use. Engineered construction documents shall be submitted for approval once the planned development is approved. It is likely that the site will need permeable surfaces to help mitigate storm water runoff from the impervious surface.
UDC Sub-Section 9.6.9D	As stated earlier, this project will not result in the loss or damage of any natural, scenic, or historical significance.
UDC Sub-Section 9.6.9E	The Cordova Grove planned development meets the intent and purposes of the code for residential and office/retail development. All requests are reasonable and appropriate, given the location and proximity of office, commercial and multi-family uses.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The assimilation of uses is often necessary to help preserve, protect, and improve property values for future development. The mixed-use project is a straightforward development to assimilate and transition residential from single-family (west) to multifamily (east) and commercial to the north and south. The proposed plan also meets the intent and purpose of the primarily residential as guided by Memphis 3.03.0. Primarily residential mixed-use encouraged along avenues, boulevards and parkways as identified in the Street Types Map.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

The developed use continues to serve the interest and needs of the Memphis community. Therefore, it will not unduly injure or damage the use, value, and enjoyment of the surrounding properties, nor hinder the development/redevelopment of the surrounding properties following the zoning and land use plans. In addition, the proposed residential and office/retail spaces are consistent with the surrounding uses and will continue to drive investment in the neighborhood.

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

Sewer and storm facilities are or will be in place within the public right of way and are adequate to service the proposed residential and office development. This development is located within the sensitive Fletcher Creek sewer basin and the proposed sewer system will be designed as required by Memphis/Shelby Engineering guidelines. Engineered construction documents shall be submitted for approval once the planned development is approved.

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

This project will be a high-quality residential and office site and will not create any inconsistencies with the public interest. Access will be provided from Macon Terrace and Macon Road. Adjacent properties will benefit from a six-foot fence which will serve as an adequate buffer between the parcels.

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

This amendment would allow duplexes and offices to be permitted within the Planned Development at the proposed location. In addition, the size of the lot creates an optimal opportunity for a residential and office layout which makes the structure arrangement compatible with adjacent properties and seamlessly transitions into the surrounding uses.

LETTER OF INTENT



PRINCIPALS

Matthew D. Wolfe
Christopher E. Perry
Douglas M. Baker
Steve R. Hooper
Dr. David M. Doucette

Office of Planning and Development
125 N. Main Street, Room 477
Memphis, TN 38103

RE: Letter of Intent and Justification
Application for Planned Development
8348 Macon Road, Memphis Tn

On behalf of Melvin Johnson, ETI Corporation is submitting a Planned Development application to facilitate the redevelopment of an existing commercial corner lot into a mixed residential and office/retail development. The nearly one-acre property is near the intersection of Macon Terrace and Macon Road and was part of the Cordova Grove Planned Development project was approved in 2003 and featured an existing art gallery, parking lot and storage building. The site is zoned CA and is guided as Anchor Neighborhood-Primarily Single-Unit, according to Memphis 3.0.

The Applicant proposes to redevelop the under-utilized area by building thoughtfully designed residential units and a mixed-use office and residential building as allowed within typical commercial mixed-use districts. The suitability of the standards requested is to accommodate an office or retail compatible with the character of the existing neighborhood. This district standard also accommodates apartments and upper-story residential, promoting live/work and mixed-use opportunities. This development is not dominated by any one particular use but successfully integrates different types of compatible uses together. To accommodate these uses, a request to approve a new planned development allows a mix of residential and office/retail as a permitted use and unique standards to ensure a cohesive neighborhood feel is being sought.

Neighborhood Combability. Like the other residential and business uses adjacent to this project, the site will conform to all building development standards for the zoning district and outline plan, along with parking requirements, building materials, and landscaping. The mixed development creates a logical transition of uses, including single-family to the west, office uses to the north and south, and multi-family uses to the east.

The proposed development will consist of three-two story (3,600 square foot) duplexes, a 3,000 square foot office/retail space, with another 3,000 square feet of residential space on the second floor of the office building. The building materials consist of masonry block/brick, and metal canopies. To create a pedestrian-friendly feel, the buildings have shallow (10-foot) setbacks from the right-of-way. A series of sidewalks connect the residential units and office/retail space. They are supported with 13 free-standing, onsite parking spaces and covered parking for the freestanding residential units. Access to the development will be accommodated with an entrance on Macon Terrace and Macon Road. A six-foot privacy fence will be installed along the westerly and southerly property boundary to provide adequate buffering between the adjacent lots.

This project meets the following Planned Development General Provisions in UDC Section 4.10.3 and 4.10.2

The proposed development will not unduly injure or damage the use, value, and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the City and County's current development policies and plans. The developed use continues to serve the interest and needs of the Memphis community. Therefore, it will not unduly injure or damage the use, value, and enjoyment of the surrounding properties, nor hinder the development/redevelopment of the surrounding properties following the zoning and land use plans. In

December 8, 2022
Page 2 of 4

addition, the proposed residential and office/retail spaces are consistent with the surrounding uses and will continue to drive investment in the neighborhood.

An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or will be provided concurrently with the development. Sewer and storm facilities are or will be in place within the public right of way and are adequate to service the proposed residential and office development. This development is located within the sensitive Fletcher Creek sewer basin and the proposed sewer system will be designed as required by Memphis/Shelby Engineering guidelines. Engineered construction documents shall be submitted for approval once the planned development is approved.

The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C). This project will be a high-quality residential and office site and will not create any inconsistencies with the public interest. Access will be provided from Macon Terrace and Macon Road. Adjacent properties will benefit from a six-foot fence which will serve as an adequate buffer between the parcels.

Any modification of the district standards that would otherwise be applicable to the site is warranted by the outline plan's design and the amenities incorporated therein and are not inconsistent with the public interest. This amendment would allow duplexes and offices to be permitted within the Planned Development at the proposed location. In addition, the size of the lot creates an optimal opportunity for a residential and office layout which makes the structure arrangement compatible with adjacent properties and seamlessly transitions into the surrounding uses.

Homeowners' associations or some other responsible party shall be required to maintain any and all common open spaces and/or common elements. The applicant and the property owner will maintain all landscaping, parking areas, and new buildings.

Lots of records are created with the recording of a planned development final plan. A lot of record will be made with the recording of the planned development final plan.

This planned development meets the following 4.10.5 objectives:

Screening When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies. As required, the screening will be provided on the west and south sides of the property by installing a six-foot privacy fence along with appropriate and tastefully designed landscaping.

Display of Merchandise All business, manufacturing, and processing shall be conducted. All merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area that is thoroughly screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure. The proposed development will meet this requirement and does not plan to have any merchandise or materials on the property.

Accessibility The site shall be accessible from the proposed street network in the vicinity, which will be adequate to carry the anticipated traffic of the proposed development. In addition, the streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development. The Cordova Grove planned development and site plan meet this requirement and objective.

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. The residential uses will be screened by constructing a six-foot privacy fence and providing landscaping. Objectional views and noises are not anticipated with this development

This planned development meets the following UDS Section 9.6.9 objectives:

A. The project will not have a substantial or undue adverse effect upon adjacent property, neighborhood character, traffic conditions, parking, utility facilities, and other matters affecting public health, safety, and general welfare. As described above, the Cordova Grove planned development request does not unduly injure or damage the use, value, and enjoyment of the surrounding property nor hinder or prevent the development of the neighboring property in accordance with the current development policies and plans of the City and the County. The proposed residential and office/retail use provides the property with a net increase of residents and patrons that will continue to drive investment in the adjacent properties and benefit the adjacent properties and uses.

B. The project will be constructed, arranged, and operated to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations. Cordova Grove will be created so that it not only preserves and protects but, in fact, enhances the surrounding commercial, residential and multi-family properties with the construction of a higher-valued office and residential establishment.

C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection, emergency services, water, and sewers, or the Applicant will provide adequately for such services. As stated, sewer and storm facilities will be in place within the public right of way and sufficiently service the proposed mixed use. Engineered construction documents shall be submitted for approval once the planned development is approved. It is likely that the site will need permeable surfaces to help mitigate stormwater runoff from the impervious surface.

D. The project will not result in the destruction, loss, or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historical importance. As stated earlier, this project will not result in the loss or damage of any natural, scenic, or historical significance.

E. The project complies with all additional standards imposed by any particular provisions authorizing such use. The Cordova Grove planned development meets the intent and purposes of the code for residential and office/retail development. All requests are reasonable and appropriate, given the location and proximity of office, commercial and multi-family uses.

F. The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for the development of the adjacent properties. The assimilation of uses is often necessary to help preserve, protect, and improve property values for future development. The mixed-use project is a straightforward development to assimilate and transition residential from single-family (west) to multifamily (east) and commercial to the north and south. The proposed plan also meets the intent and purpose of the primarily residential as guided by Memphis 3.03.0. Primarily residential mixed-use encouraged along avenues, boulevards and parkways as identified in the Street Types Map.

G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or public facilities and ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code. The proposed conditions ensure compatibility and maximize the buildability of the property. Additional reasonable conditions may be considered which are not detrimental to the projects.

H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns. Not applicable to this proposed planned development.

December 8, 2022
Page 4 of 4

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

A. Formal Open Space A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. Not applicable to this proposed development.

B. Accessibility of Site All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development.

C. Off-Street Parking Off-street parking will be conveniently accessible to all dwelling units and the office space. The interior parking and service areas are adequately screened with the construction of a fence and landscaping.

D. Pedestrian Circulation The pedestrian circulation system and walkways are separated from the vehicular street system to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy The planned development provides reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development through the construction of a privacy fence and landscaping.

We are requesting support and approval for this planned development. This will ensure that the applicant may repurpose the current commercial property into a much-needed mixed-use development. Please get in touch with me if we can provide additional information or respond to any questions you have concerning this application at aarchambeau@eticorp.com or 320-267-4411.

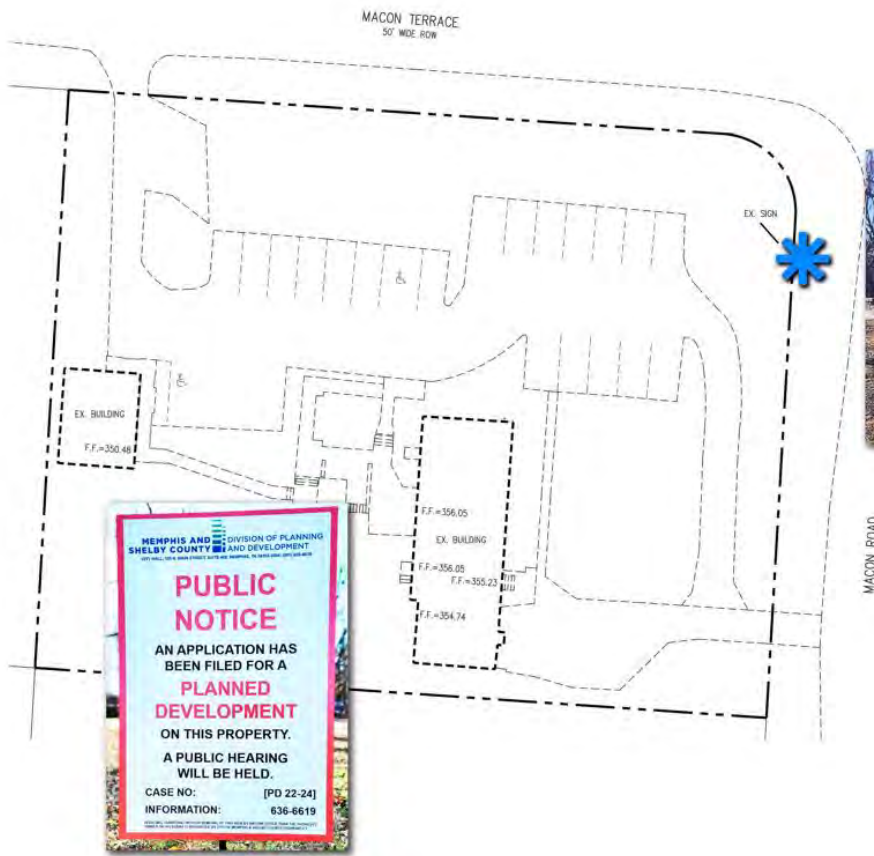
With best regards,

ETI CORPORATION



Anita M. Archambeau, DPA AICP
Urban Planner

SIGN AFFIDAVIT



PUBLIC NOTICE SIGN POSTING

**CASE NO. PD 22-24
CORDOVA GROVE P.D.
PHASE 1 - LOT 1
12-15-22**

LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: December 8, 2022

Record Number: PD 2022-024

Expiration Date:

Record Name: CORDOVA GROVE P.D. - PH. 1 - LOT 1

Description of Work: Redevelopment of an existing retail/office space into a mix of uses including three two-story residential buildings which are 3,600 sf in size. Additionally, the development will contain a corner office building with residence space on the second floor.

Parent Record Number:

Address:

8348 MACON RD, CORDOVA 38018

Owner Information

Primary Owner Name

Y JOHNSON MELVIN E JR

Owner Address

8348 MACON RD, CORDOVA, TN 38018

Owner Phone

9013600064

Parcel Information

091009 00008

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Saliba & Ragsdale

Date of Meeting

07/18/2022

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	PD03-03
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	N/A

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The Cordova Grove planned development request does not unduly injure or damage the use, value, and enjoyment of the surrounding property nor hinder or prevent the development of the neighboring property in accordance with the current development policies and plans of the City and the County. The proposed residential and office/retail use provides the property with a net increase of residents and patrons that will continue to drive investment in the adjacent properties and benefit the adjacent properties and uses.
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UDC Sub-Section 9.6.9D	As stated earlier, this project will not result in the loss or damage of any natural, scenic, or historical significance.
UDC Sub-Section 9.6.9E	The Cordova Grove planned development meets the intent and purposes of the code for residential and office/retail development. All requests are reasonable and appropriate, given the location and proximity of office, commercial and multi-family uses.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The assimilation of uses is often necessary to help preserve, protect, and improve property values for future development. The mixed-use project is a straightforward development to assimilate and transition residential from single-family (west) to multifamily (east) and commercial to the north and south. The proposed plan also meets the intent and purpose of the primarily residential as guided by Memphis 3.03.0. Primarily residential mixed-use encouraged along avenues, boulevards and parkways as identified in the Street Types Map.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

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This project will be a high-quality residential and office site and will not create any inconsistencies with the public interest. Access will be provided from Macon Terrace and Macon Road. Adjacent properties will benefit from a six-foot fence which will serve as an adequate buffer between the parcels.

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

This amendment would allow duplexes and offices to be permitted within the Planned Development at the proposed location. In addition, the size of the lot creates an optimal opportunity for a residential and office layout which makes the structure arrangement compatible with adjacent properties and seamlessly transitions into the surrounding uses.

GENERAL PROVISIONS

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

The applicant and the property owner will maintain all landscaping, parking areas, and new buildings.

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

A lot of record will be made with the recording of the planned development final plan.

GIS INFORMATION

Central Business Improvement District	No
Case Layer	PD03-303
Class	C
Downtown Fire District	No
Historic District	-
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	Fletcher Creek Overlay
Zoning	CA
State Route	-
Lot	1
Subdivision	CORDOVA GROVE PD PHASE 1
Planned Development District	-
Wellhead Protection Overlay District	-

Contact Information

Name	Contact Type
ETI CORPORATION	APPLICANT

Address

Phone

(901)383-3250

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1434817	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	12/08/2022
1434817	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	12/08/2022

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,539.00	Credit Card


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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Melvin Johnson (Print Name)  (Sign Name) state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

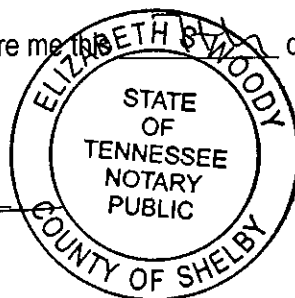
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 8348 Macon Road, Memphis TN 38018
and further identified by Assessor's Parcel Number 091009 00008
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 18 day of Dec in the year of 2022


Signature of Notary Public



4/22/2025
My Commission Expires



PRINCIPALS

Mathew D. Wolfe
Christopher E. Perry
Douglas M. Baker
Steve R. Hooper
Dr. David M. Docauer

Office of Planning and Development
125 N. Main Street, Room 477
Memphis, TN 38103

RE: Letter of Intent and Justification
Application for Planned Development
8348 Macon Road, Memphis Tn

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The Applicant proposes to redevelop the under-utilized area by building thoughtfully designed residential units and a mixed-use office and residential building as allowed within typical commercial mixed-use districts. The suitability of the standards requested is to accommodate an office or retail compatible with the character of the existing neighborhood. This district standard also accommodates apartments and upper-story residential, promoting live/work and mixed-use opportunities. This development is not dominated by any one particular use but successfully integrates different types of compatible uses together. To accommodate these uses, a request to approve a new planned development allows a mix of residential and office/retail as a permitted use and unique standards to ensure a cohesive neighborhood feel is being sought.

Neighborhood Combability. Like the other residential and business uses adjacent to this project, the site will conform to all building development standards for the zoning district and outline plan, along with parking requirements, building materials, and landscaping. The mixed development creates a logical transition of uses, including single-family to the west, office uses to the north and south, and multi-family uses to the east.

The proposed development will consist of three-two story (3,600 square foot) duplexes, a 3,000 square foot office/retail space, with another 3,000 square feet of residential space on the second floor of the office building. The building materials consist of masonry block/brick, and metal canopies. To create a pedestrian-friendly feel, the buildings have shallow (10-foot) setbacks from the right-of-way. A series of sidewalks connect the residential units and office/retail space. They are supported with 13 free-standing, onsite parking spaces and covered parking for the freestanding residential units. Access to the development will be accommodated with an entrance on Macon Terrace and Macon Road. A six-foot privacy fence will be installed along the westerly and southerly property boundary to provide adequate buffering between the adjacent lots.

This project meets the following Planned Development General Provisions in UDC Section 4.10.3 and 4.10.2

The proposed development will not unduly injure or damage the use, value, and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the City and County's current development policies and plans. The developed use continues to serve the interest and needs of the Memphis community. Therefore, it will not unduly injure or damage the use, value, and enjoyment of the surrounding properties, nor hinder the development/redevelopment of the surrounding properties following the zoning and land use plans. In

addition, the proposed residential and office/retail spaces are consistent with the surrounding uses and will continue to drive investment in the neighborhood.

An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or will be provided concurrently with the development+0. Sewer and storm facilities are or will be in place within the public right of way and are adequate to service the proposed residential and office development. This development is located within the sensitive Fletcher Creek sewer basin and the proposed sewer system will be designed as required by Memphis/Shelby Engineering guidelines. Engineered construction documents shall be submitted for approval once the planned development is approved.

The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C). This project will be a high-quality residential and office site and will not create any inconsistencies with the public interest. Access will be provided from Macon Terrace and Macon Road. Adjacent properties will benefit from a six-foot fence which will serve as an adequate buffer between the parcels.

Any modification of the district standards that would otherwise be applicable to the site is warranted by the outline plan's design and the amenities incorporated therein and are not inconsistent with the public interest. This amendment would allow duplexes and offices to be permitted within the Planned Development at the proposed location. In addition, the size of the lot creates an optimal opportunity for a residential and office layout which makes the structure arrangement compatible with adjacent properties and seamlessly transitions into the surrounding uses.

Homeowners' associations or some other responsible party shall be required to maintain any and all common open spaces and/or common elements. The applicant and the property owner will maintain all landscaping, parking areas, and new buildings.

Lots of records are created with the recording of a planned development final plan. A lot of record will be made with the recording of the planned development final plan.

This planned development meets the following 4.10.5 objectives:

Screening When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies. As required, the screening will be provided on the west and south sides of the property by installing a six-foot privacy fence along with appropriate and tastefully designed landscaping.

Display of Merchandise All business, manufacturing, and processing shall be conducted. All merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area that is thoroughly screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure. The proposed development will meet this requirement and does not plan to have any merchandise or materials on the property.

Accessibility The site shall be accessible from the proposed street network in the vicinity, which will be adequate to carry the anticipated traffic of the proposed development. In addition, the streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development. The Cordova Grove planned development and site plan meet this requirement and objective.

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. The residential uses will be screened by constructing a six-foot privacy fence and providing landscaping. Objectional views and noises are not anticipated with this development

This planned development meets the following UDS Section 9.6.9 objectives:

A. The project will not have a substantial or undue adverse effect upon adjacent property, neighborhood character, traffic conditions, parking, utility facilities, and other matters affecting public health, safety, and general welfare. As described above, the Cordova Grove planned development request does not unduly injure or damage the use, value, and enjoyment of the surrounding property nor hinder or prevent the development of the neighboring property in accordance with the current development policies and plans of the City and the County. The proposed residential and office/retail use provides the property with a net increase of residents and patrons that will continue to drive investment in the adjacent properties and benefit the adjacent properties and uses.

B. The project will be constructed, arranged, and operated to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations. Cordova Grove will be created so that it not only preserves and protects but, in fact, enhances the surrounding commercial, residential and multi-family properties with the construction of a higher-valued office and residential establishment.

C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection, emergency services, water, and sewers, or the Applicant will provide adequately for such services. As stated, sewer and storm facilities will be in place within the public right of way and sufficiently service the proposed mixed use. Engineered construction documents shall be submitted for approval once the planned development is approved. It is likely that the site will need permeable surfaces to help mitigate stormwater runoff from the impervious surface.

D. The project will not result in the destruction, loss, or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historical importance. As stated earlier, this project will not result in the loss or damage of any natural, scenic, or historical significance.

E. The project complies with all additional standards imposed by any particular provisions authorizing such use. The Cordova Grove planned development meets the intent and purposes of the code for residential and office/retail development. All requests are reasonable and appropriate, given the location and proximity of office, commercial and multi-family uses.

F. The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for the development of the adjacent properties. The assimilation of uses is often necessary to help preserve, protect, and improve property values for future development. The mixed-use project is a straightforward development to assimilate and transition residential from single-family (west) to multifamily (east) and commercial to the north and south. The proposed plan also meets the intent and purpose of the primarily residential as guided by Memphis 3.03.0. Primarily residential mixed-use encouraged along avenues, boulevards and parkways as identified in the Street Types Map.

G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or public facilities and ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code. The proposed conditions ensure compatibility and maximize the buildability of the property. Additional reasonable conditions may be considered which are not detrimental to the projects.

H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns. Not applicable to this proposed planned development.

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

A. Formal Open Space A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. Not applicable to this proposed development.

B. Accessibility of Site All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development.

C. Off-Street Parking Off-street parking will be conveniently accessible to all dwelling units and the office space. The interior parking and service areas are adequately screened with the construction of a fence and landscaping.

D. Pedestrian Circulation The pedestrian circulation system and walkways are separated from the vehicular street system to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy The planned development provides reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development through the construction of a privacy fence and landscaping.

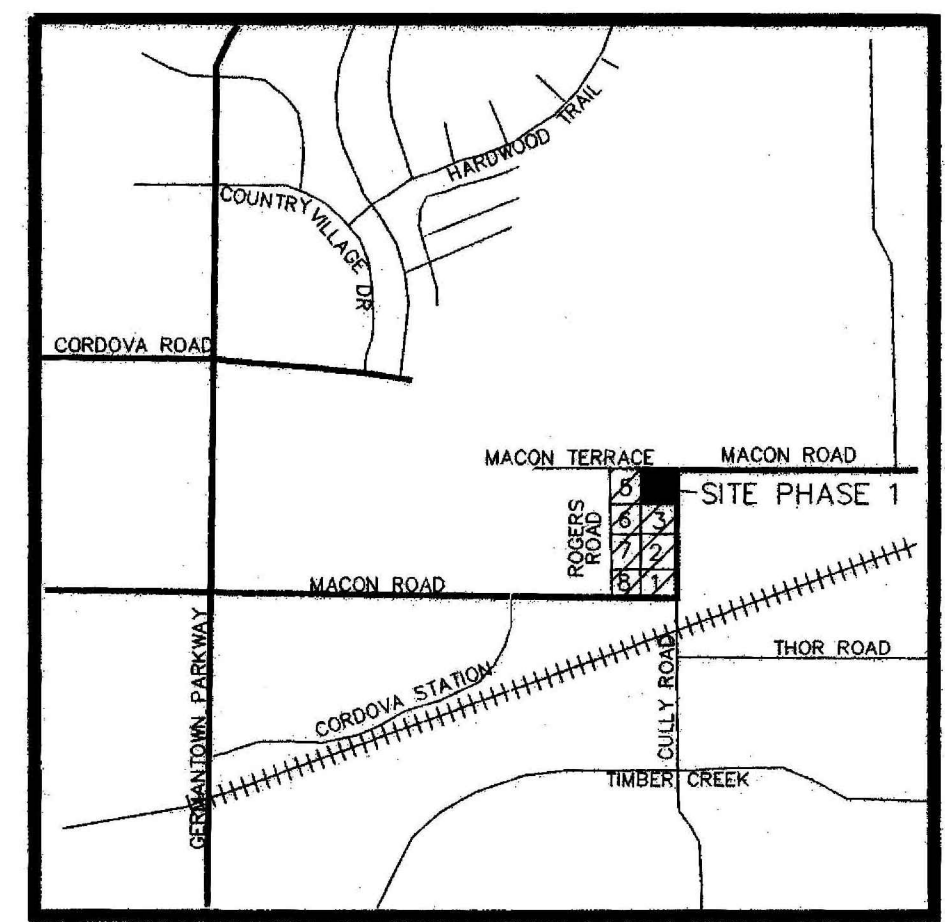
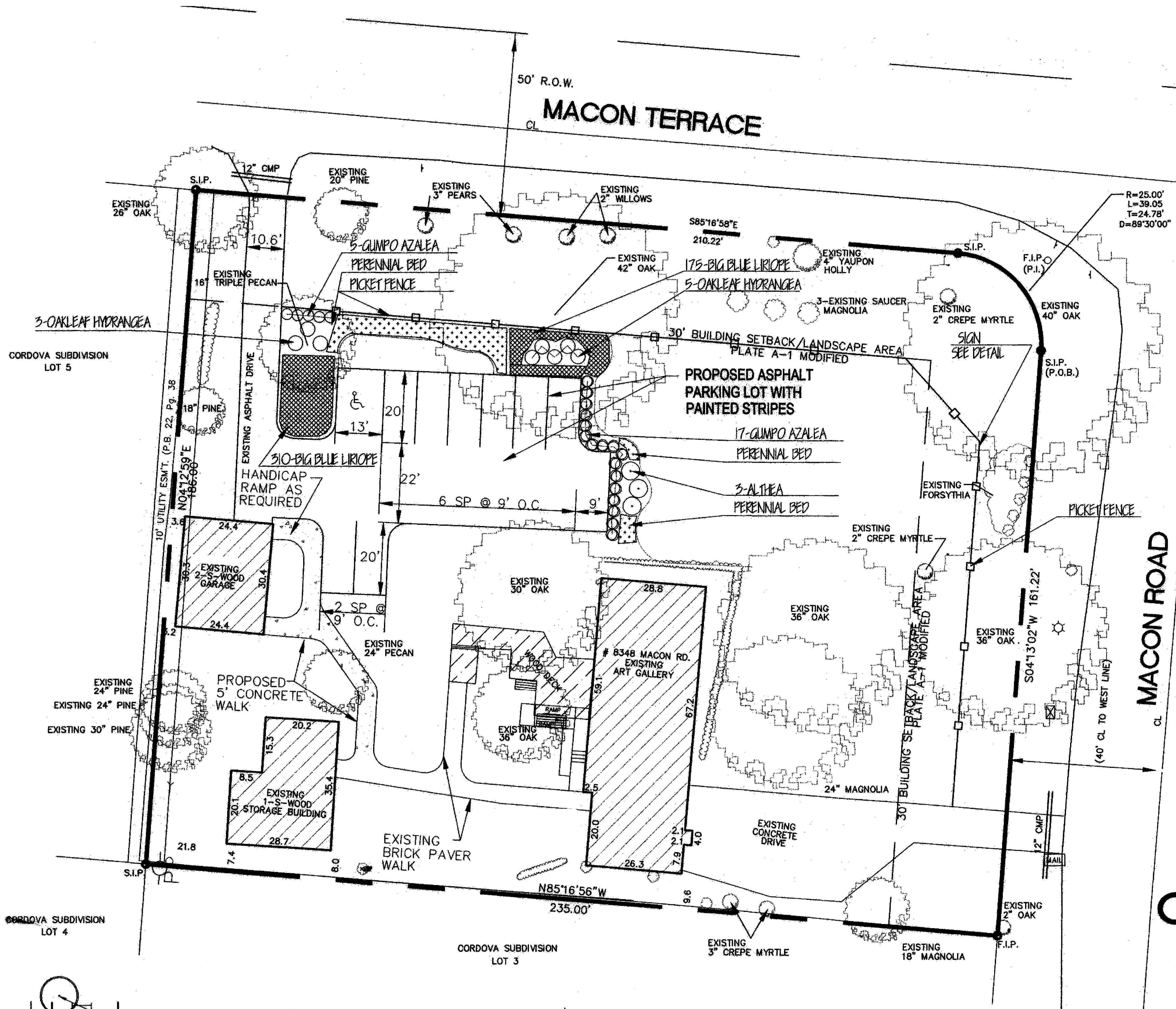
We are requesting support and approval for this planned development. This will ensure that the applicant may repurpose the current commercial property into a much-needed mixed-use development. Please get in touch with me if we can provide additional information or respond to any questions you have concerning this application at aarchambeau@eticorp.com or 320-267-4411.

With best regards,

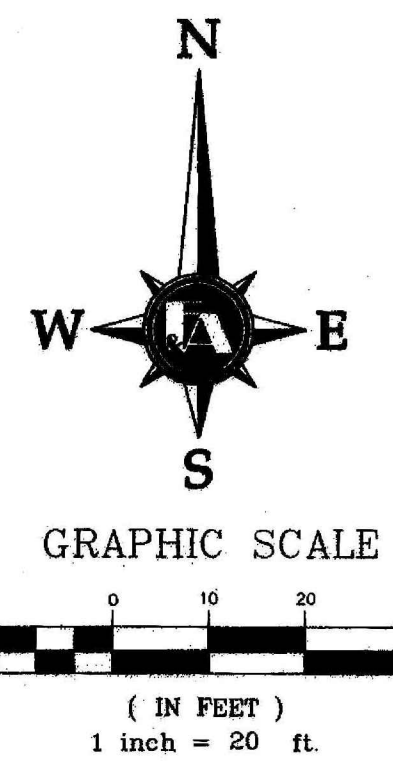
ETI CORPORATION



Anita M. Archambeau, DPA AICP
Urban Planner



SITE LOCATION MAP N.T.S.



PLAN DATA
 USE: ART GALLERY
 PARKING REQUIRED: 5 SPACES
 (1 PER 500 S.F.)
 PARKING PROVIDED: 9 SPACES
 SITE AREA: 1.00 ACRE
 FLOOR AREA: 2,181 S.F.
 F.A.R.: 0.05 F.A.R.

FINAL PLAT
LOT 1
PHASE 1
 FORMERLY LOT 4 OF
 CORDOVA SUBMISION AS RECORDED
 P.B. 22, PG. 38

CASE NUMBER: P.D. 03-303
CORDOVA GROVE
PLANNED DEVELOPMENT
 MEMPHIS, TENNESSEE
 JULY, 2004
 WARD 91, BLOCK 9, PARCEL 8
 TOTAL AREA: 43,577 Sq. Ft. / 1.00 Ac.
 FEMA PANEL NO. 47157C 0190 E / ELEV. N/A

FISHER & ARNOLD, INC.
 9180 Creechwyn Hills Drive • Memphis, Tennessee 38125-8538
 901-748-1811 • Fax: 901-748-3115 • Web: www.fisherarnold.com
 Architects • Engineers • Environmental Consultants • Interior Designers • Landscape Architects • Planners • Surveyors

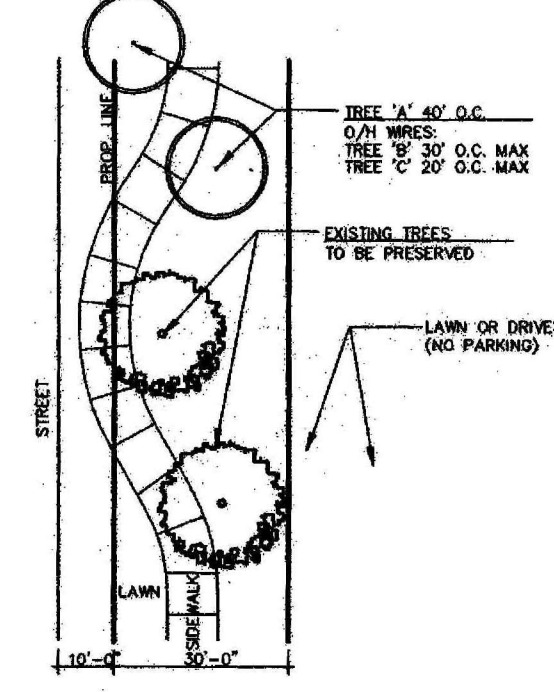
PREPARED FOR:
MRS. KATY LEVIT
 8343 MACON ROAD
 CORDOVA, TN 38018

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LSE 286915-4123924	
PLAT BOOK : 212	
PAGE : 40	
RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

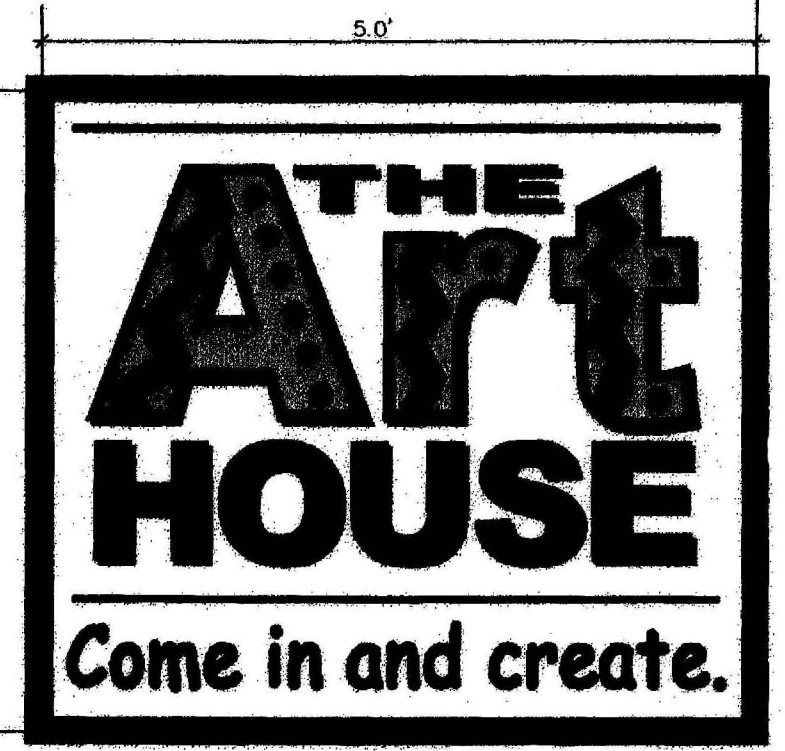
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SCRO RECORDING LABEL

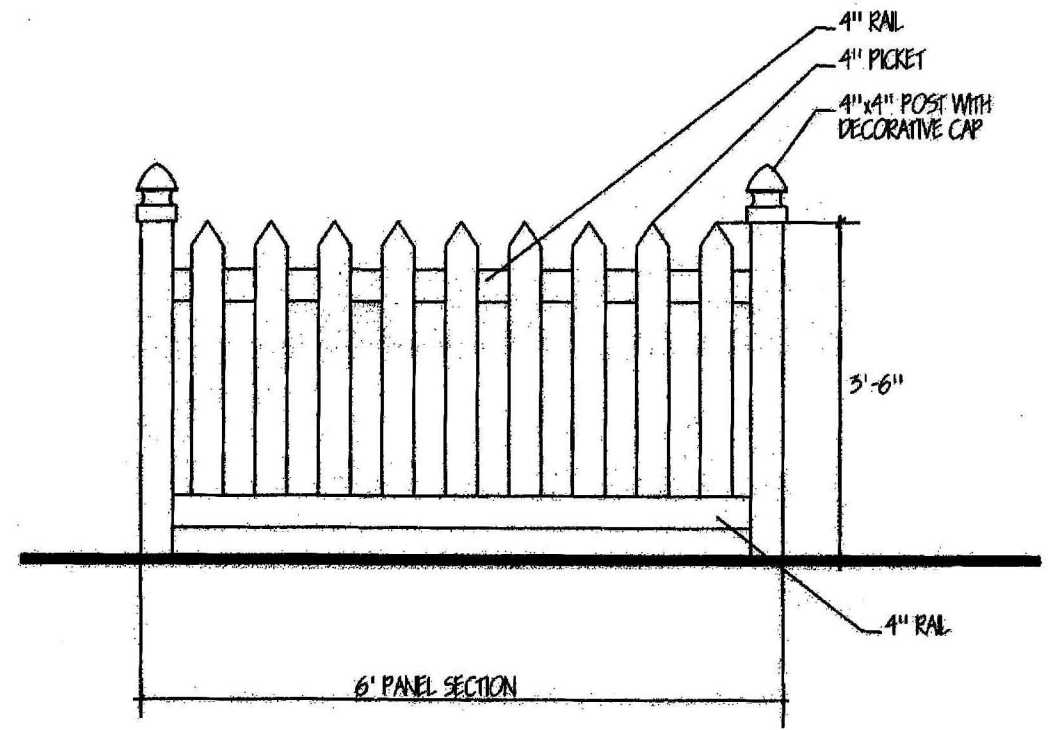
SEE SHEET 3 FOR UPDATED SITE PLAN



NOTE: STREET TREE PLANTINGS ARE TO BE INCORPORATED INTO EXISTING TREES.
LANDSCAPE PLATE A-1 MODIFIED
 (SEE ALTERNATIVE LANDSCAPE PLAN)
 N.T.S.



SIGN DETAIL
 NOT TO SCALE



VINYL FENCE DETAIL
 SCALE 1/2" = 1'-0"

NOTE:
 THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FEMA / FIRM IDENTIFIED SPECIAL FLOOD HAZARD AREA AS SHOWN ON COMMUNITY PANEL 47157C0190E, DATED DECEMBER 2, 1994.

I. Uses Permitted:

- A. Any use permitted by right or administrative site plan review in accordance with the General Office (O-G) District Regulations, including the following additional uses:
1. Bed and breakfast inn
 2. Day spa and salon
 3. Beauty shop
 4. Music or dance academy
 5. Art or photo gallery and / or studio
 6. Antique sales
 7. Bookstore
 8. Restaurant without drive-thru service window
 9. Catering service
 10. Cleaning pick-up station
 11. Flower or plant store
 12. Pet grooming and boarding (no outdoor kennels)
 13. Veterinary clinic (no outdoor kennels)

B. Any use permitted by right or administrative site plan review in accordance with the Estate Residential (R-E) District.

C. Accessory uses governed by the O-G and R-S Districts.

II. Bulk Regulations in accordance with the General Office (O-G) District with the following exceptions:

- A. Maximum gross floor area ratio: .25
- B. Maximum Height: 35 feet
- C. Minimum Setback from the right-of-way of public streets - 30 feet
- D. Maximum gross floor area for any building - 10,000 square feet
- E. Minimum Side yard Setback - 15 feet

III. Access and Circulation:

- A. Macon Road shall be dedicated and improved thirty-six (36) feet from the centerline in accordance with the Subdivision Regulations. Improvements shall be deferred until such time as an existing structure is expanded or demolished for redevelopment.
- B. Cully Road shall be dedicated and improved forty (40) feet from the centerline in accordance with the Subdivision Regulations. Improvements shall be deferred until such time as an existing structure is expanded or demolished for redevelopment.
- C. Rogers Road and Macon Terrace Road shall be dedicated and improved twenty-five (25) feet from centerline in accordance with the Subdivision Regulations. Improvements shall be deferred until such time as an existing structure is expanded or demolished for redevelopment.
- D. In the case of re-use of an existing structure, one (1) curb-cut shall be permitted for each adjacent street.
- E. In the case of an expansion of an existing structure or the demolition of a structure and redevelopment of the site, access to Macon Road and Cully Road shall be limited to shared curb-cuts located at or adjacent to the common lot lines between Lots 1 and 8, Lots 1 and 2 and Lots 3 and 4. The location and design of curb-cuts shall be subject to approval by the City Engineer at time of Site Plan Review.
- F. Internal circulation shall be provided between all phases / sections / lots in the development at such time as the existing structure is expanded or demolished for redevelopment.
- G. Parking and circulation areas shall be designed to insure an integrated and interconnected parking and circulation system as each structure is expanded or demolished for redevelopment.
- H. All parking and circulation shall conform to the standards in the Zoning Ordinance, except that parking shall be prohibited within the required thirty (30) foot front yard and the public right-of-way.
- I. An alternative sidewalk or pedestrian walkway system is encouraged to save trees and add to enhanced site design.

IV. Landscaping and Screening: In accordance with the Landscape Ordinance and the following additional requirements:

- A. A thirty (30) foot wide landscaped setback shall be provided and maintained on all lots along all the public streets. A detailed plan shall for this landscaped setback shall be shown on each final plan.
- B. Internal landscaping shall be provided at a minimum ratio of 200 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces. Internal landscaping shall be provided exclusive of the required landscaped setbacks along the public roads.
- C. Refuse containers shall be screened from view from adjacent properties and from public roads.
- D. All heating and air conditioning equipment including that located on the roof shall be hidden from view through the use of architectural features.
- E. Utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.

V. Signs:

- A. Signs shall be limited to one (1) monument style sign for each lot and a maximum of six (6) feet in height.

B. The minimum sign setback shall be fifteen (15) feet from street rights-of-way.

C. City of Memphis standard decorative street light poles and acorn fixtures shall be installed at the applicant's expense at such time as a final plan is approved.

D. Site and parking area light standards shall be designed and located to avoid glare onto adjoining residential lots and shall be limited to twenty (20) feet in height.

VI. Design:

A. Building designs shall reflect typical traditional single family residential architecture and shall be constructed predominantly of brick and / or stucco-like exterior materials.

B. A rendering of all elevations of the exterior appearance of proposed buildings and signs with proposed siding and roof materials labeled shall be provided on any final plan subject to the approval of the Office of Planning and Development.

VII. Drainage:

Drainage improvements, including possible on-site detention shall be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signs, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the City Council.

IX. Site Plan Review by the Land Use Control Board:

A. For any final proposing expansion of an existing structure or demolition and redevelopment, a site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and approval of the Land Use Control Board. Notice of the site plan review application shall be mailed to the Alliance of Cordova Association.

B. The site plan shall include the following information:

1. The location, dimensions, floor area and height of all buildings, structures, signs and parking areas.
2. Specific plans for internal and perimeter landscaping and screening including plant material types and sizes.
3. Exterior appearance of buildings and signs.
4. The location of loading facilities and trash receptacles.
5. Proposed means of access and circulation of automobile and pedestrian traffic.

C. The site plan shall be reviewed based upon the following criteria:

1. Conformance with the Outline Plan conditions and with the conceptual plans submitted by the applicant in the application.
2. Conformance to the standards and criteria for commercial planned developments contained in Sections 14. C. and 14. E. of the Zoning Ordinance.
3. Compatibility with adjacent properties as judged from the final elements of site development.

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

XI. Any final plan shall include the following:

- A. The Outline Plan Conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, required landscaping and screening areas.
- D. The content of all landscaping and screening to be provided.
- E. The number of parking spaces.
- F. The location and ownership, whether public or private, of any easements.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.
- H. Building and sign illustrations as required by condition VI. B.

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

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

THIS PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD ON APRIL 10, 2003, AND BY THE MEMPHIS CITY COUNCIL ON JUNE 17, 2003

BY Mary L. Baker DATE 7/27/04
DIRECTOR OF PLANNING AND DEVELOPMENT CITY
ENGINEER [Signature], OPD [Signature]

OWNERS CERTIFICATE

I/WE, The ArtHouse, LLC THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN, HEREBY ADOPT THIS AS MY/OUR PLAN OF DEVELOPMENT. I/WE HEREBY CERTIFY THAT I/WE AM/ARE THE OWNER(S) OF SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES (OR MORTGAGES) THAT HAVE BECOME DUE AND PAYABLE.

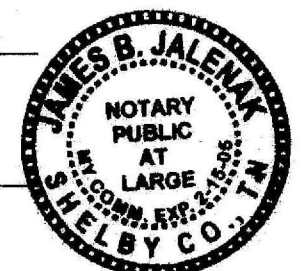
[Signature] PRESIDENT
SIGNATURE TITLE

NOTARY'S CERTIFICATE
STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED Catherine J. Levit, WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO, UPON HIS/HER OATH, the President of ACKNOWLEDGED HIMSELF/HERSELF TO BE THE OWNER OF THE PROPERTY, THE WITHIN NAMED BARGAINER AND HE/SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIX MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, THIS 16th DAY OF June, 2004.

[Signature]
NOTARY PUBLIC

2/15/05
MY COMMISSION EXPIRES



ENGINEER'S CERTIFICATE

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

BY: [Signature]

TENNESSEE CERTIFICATE NO. 00864
SURVEYOR'S CERTIFICATE

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

BY: [Signature]
TENNESSEE CERTIFICATE NO. 955



FINAL PLAN
LOT 1
PHASE 1

CASE NUMBER: P.D. 03-303

**CORDOVA GROVE
PLANNED DEVELOPMENT
MEMPHIS, TENNESSEE**

JULY, 2004
TOTAL AREA: 43,577 Sq. Ft. / 1.00 Ac.
FEMA PANEL NO. 47157C 0190 E/ ELEV. N/A

PREPARED FOR:
MRS. KATY LEVIT
8345 MACON ROAD
CORDOVA, TN 38018

FISHER & ARNOLD, INC.
9180 Creechway Hills Drive • Memphis, Tennessee 38125-8538
901-748-1811 • Fax: 901-748-3115 • Web: www.fisherandarnold.com
Architects • Engineers • Environmental Consultants • Interior Designers • Landscape Architects • Planners • Surveyors

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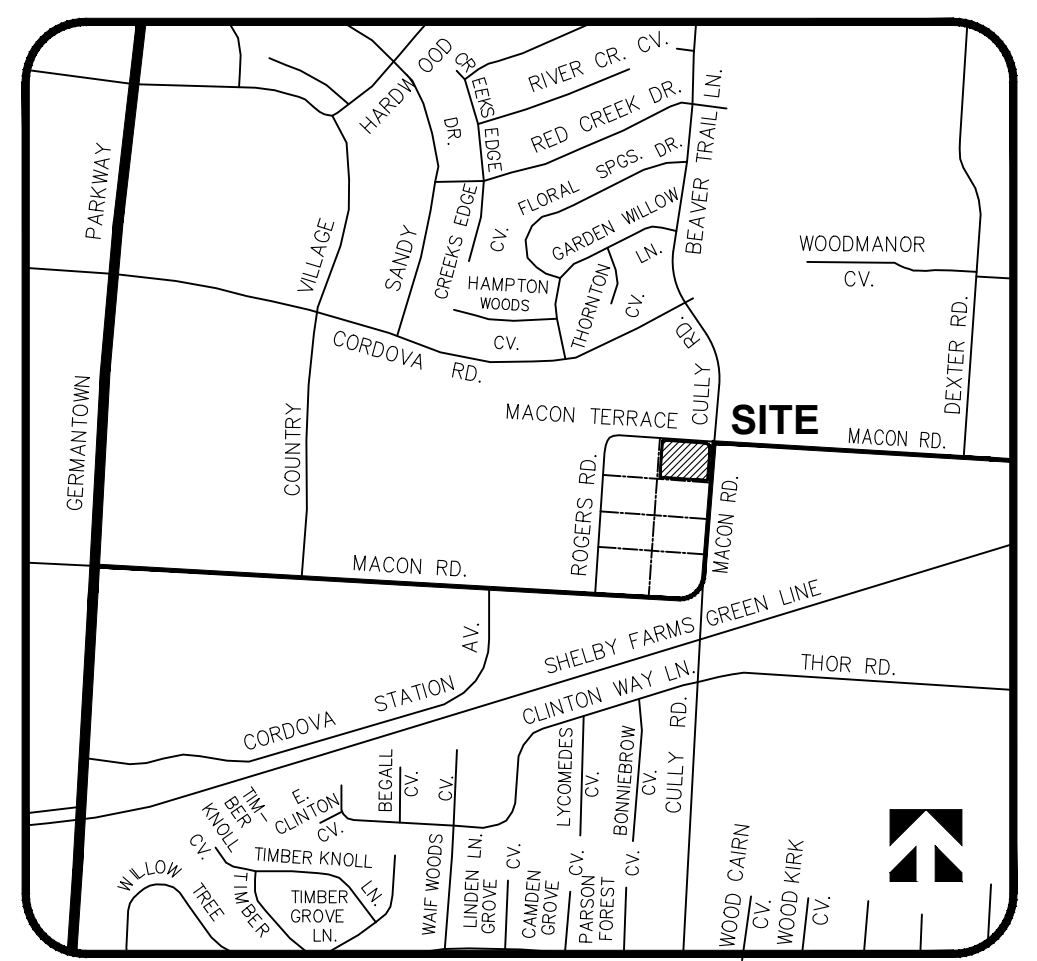
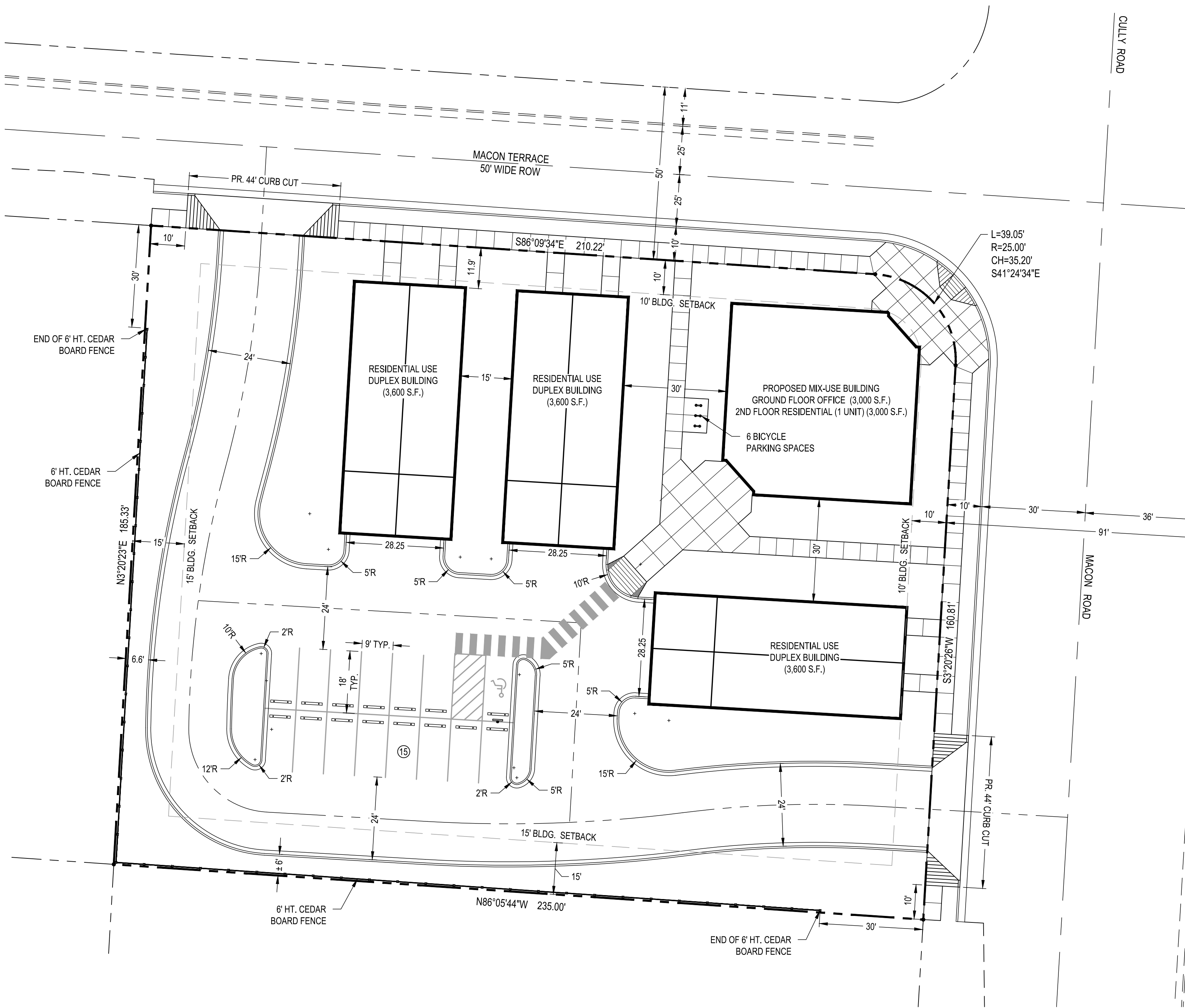
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LIS 246515-4123924
PLAT BOOK : 212
PAGE : 40
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

RE-RECORDING

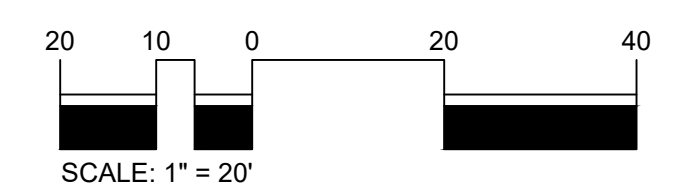
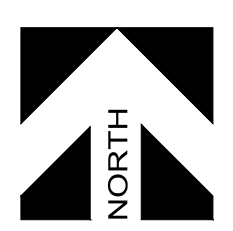


SEE SHEET 7 FOR
UPDATED CONDITIONS

REVISED:



VICINITY MAP
NT.S.



SITE DATA:

ZONING:	CA
CURRENT USE:	OFFICE
PROPOSED USE:	RESIDENTIAL/OFFICE
DUPLEX BUILDING HT.:	25'-9"
MULTI-USE BUILDING HT.:	25'-9"
OFFICE PARKING REQUIRED:	10 SPACES
OFFICE PARKING PROVIDED:	13 SPACES
RESIDENTIAL PARKING REQUIRED:	11 SPACES
RESIDENTIAL PARKING PROVIDED:	
GARAGE:	12 SPACES
SURFACE:	2 SPACES
HANDICAP PARKING SPACES:	1 SPACE
BICYCLE PARKING PROVIDED:	6 SPACES
PERVIOUS SURFACES:	14,897 S.F. OR 0.34 AC. (34%)
IMPERVIOUS SURFACES:	28,750 S.F. OR 0.66 AC. (66%)

CITY BENCH MARK:
CITY OF MEMPHIS BENCHMARK #1084
ELEVATION: 359
MAP & BLOCK: 139-G
STREET NAME: GERMANTOWN PKWY. & CORDOVA RD.
DESCRIPTION: CITY MONUMENT IS LOCATED ON THE SW COR., AT FRONT OF S/WALK, 5.6' SE OF H/CAP RAMP.

FEMA FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED WITHIN AN AREA DESIGNATED AS A "SPECIAL FLOOD HAZARD AREA" AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0320G DATED FEBRUARY 6, 2013.

PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT OF WAY (ROW) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO THE CITY OF MEMPHIS ROW INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVE APRONS AND UTILITY TIE-INS. ROW PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT (901) 636-6700.

PROPOSED SIDEWALK TABLE			
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION FROM BACK OF CURBLINE
MACON ROAD	5-FEET	WEST	4.5-Feet
MACON TERRACE	5-FEET	SOUTH	4.5-Feet

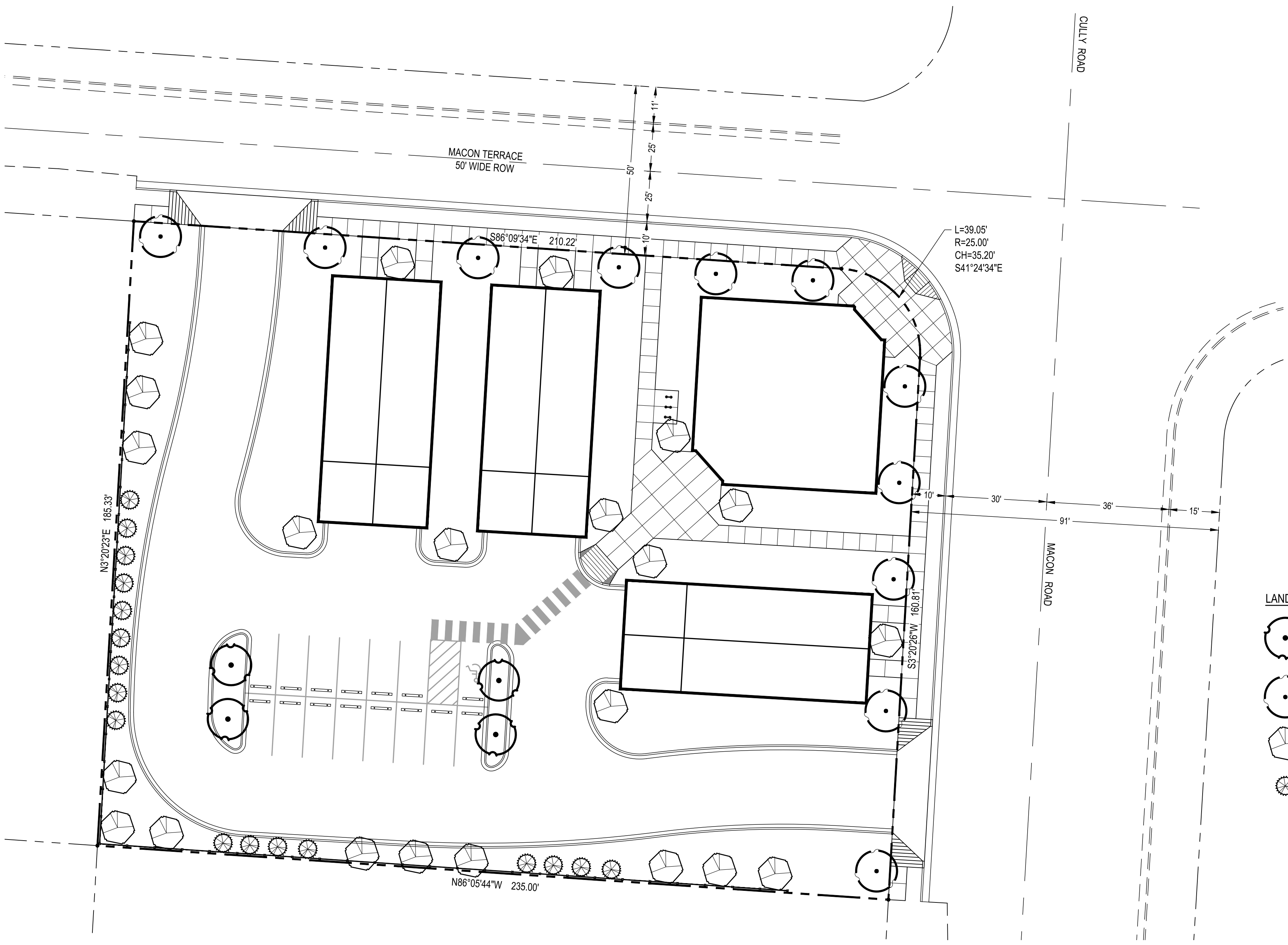
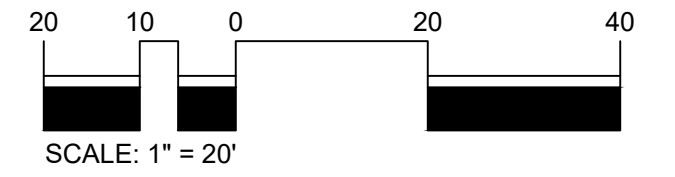
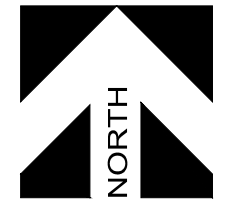
THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AN OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AN OCCUPANCY OF THE BUILDING.



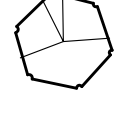

* NOTE: If there is no curblines measure from the edge of pavement.



SEWER BASIN: WN-10
DRAINAGE BASIN: FLETCHER CREEK

FINAL PLAT			CONCEPT PLAN
CORDOVA GROVE PLANNED DEVELOPMENT - PHASE 1 - LOT 1			
CASE NUMBER:		FORMER CASE NO: PD 03-303	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 01	ACREAGE: 0.9975 ACRES	WARD OR DISTRICT: 91	BLOCK: 9, PARCELS: 8
DEVELOPER: MELVIN JOHNSON 8348 MACON ROAD CORDOVA, TN 38108		ENGINEER: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119	
100-YEAR FLOOD ELEVATION: 314	FEMA MAP PANEL NUMBER: 47157C0320G	FEMA MAP DATE: FEBRUARY 6, 2013	
DATE: DECEMBER 8, 2022	SCALE: 1" = 20'	SHEET 3 OF 7	



- LANDSCAPE LEGEND:**
-  MEDIUM FLOWERING SHADE TREE
3" Caliper, 14'-16' Height, Field Grown
 -  MEDIUM DECIDUOUS SHADE TREE
3" Caliper, 14'-16' Height, Field Grown
 -  SMALL - MEDIUM FLOWERING OR ACCENT TREE
1.5" Caliper, 8' Height, Container
 -  LARGE EVERGREEN SHRUB
6' Height, Container

RE-RECORDING



SEWER BASIN: WN-10
DRAINAGE BASIN: FLETCHER CREEK

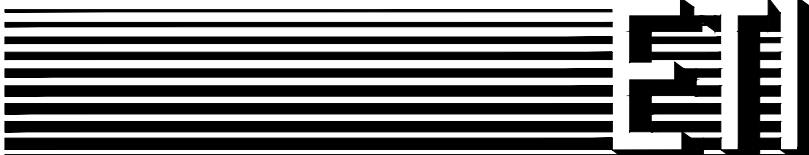


FINAL PLAT **CONCEPT LANDSCAPE PLAN**

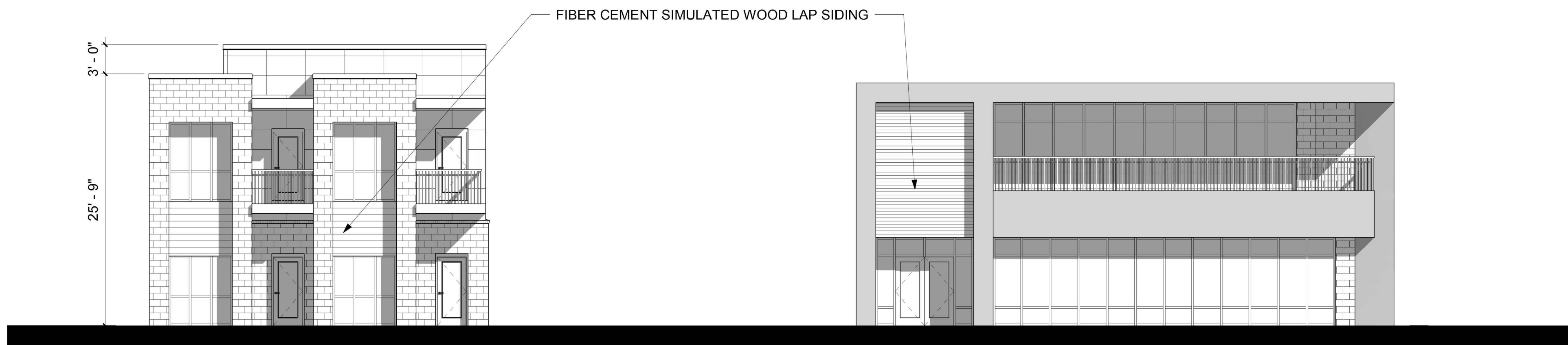
CORDOVA GROVE PLANNED DEVELOPMENT - PHASE 1 - LOT 1

CASE NUMBER:		FORMER CASE NO: PD 03-303
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 01	ACREAGE: 0.9975 ACRES	WARD OR DISTRICT <u>91</u> , BLOCK <u>9</u> , PARCELS <u>8</u>
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DATE: DECEMBER 8, 2022	SCALE: 1" = 20'	SHEET 4 OF 7

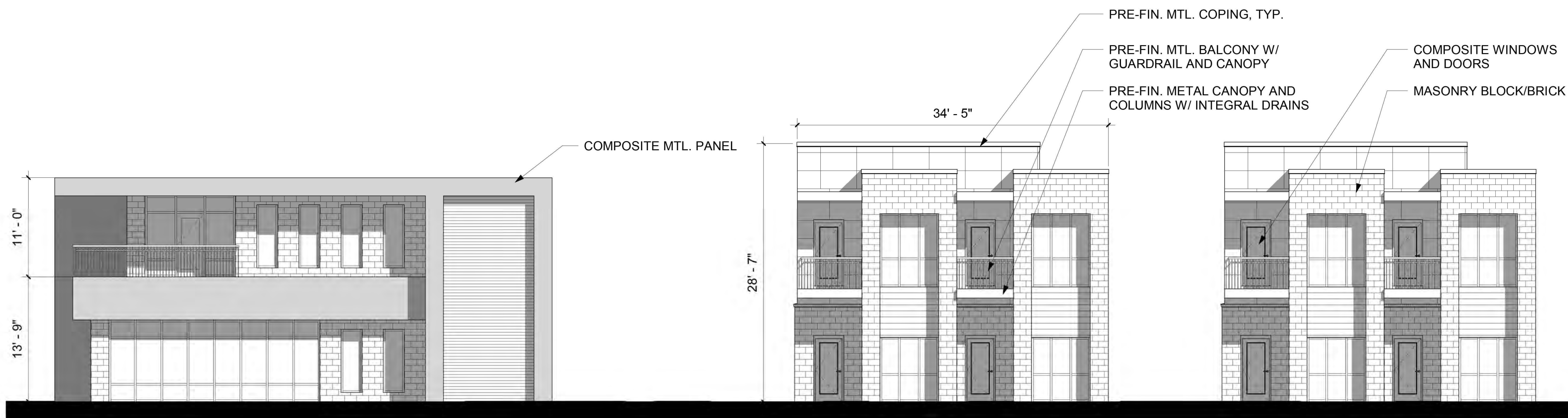
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1755 LYNNFIELD ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38119 • (901)758-0400 • ETICORP.COM

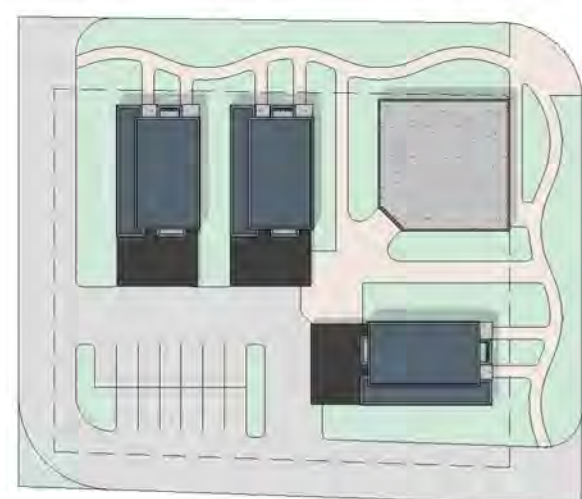


1 EAST ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"

MACON TERRACE



MACON ROAD



RE-RECORDING



SEWER BASIN: WN-10
DRAINAGE BASIN: FLETCHER CREEK

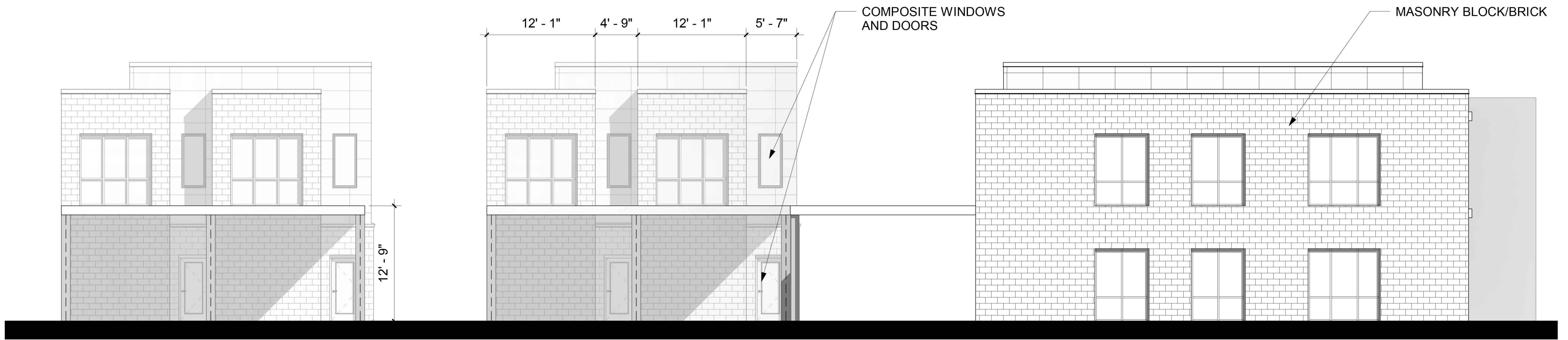


FINAL PLAT

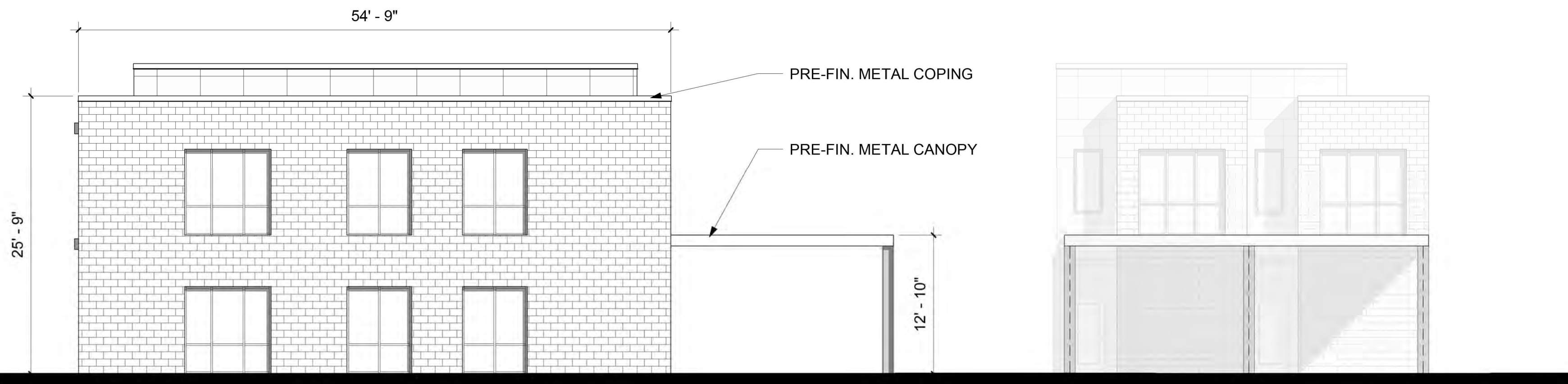
BUILDING ELEVATIONS

CORDOVA GROVE PLANNED DEVELOPMENT - PHASE 1 - LOT 1

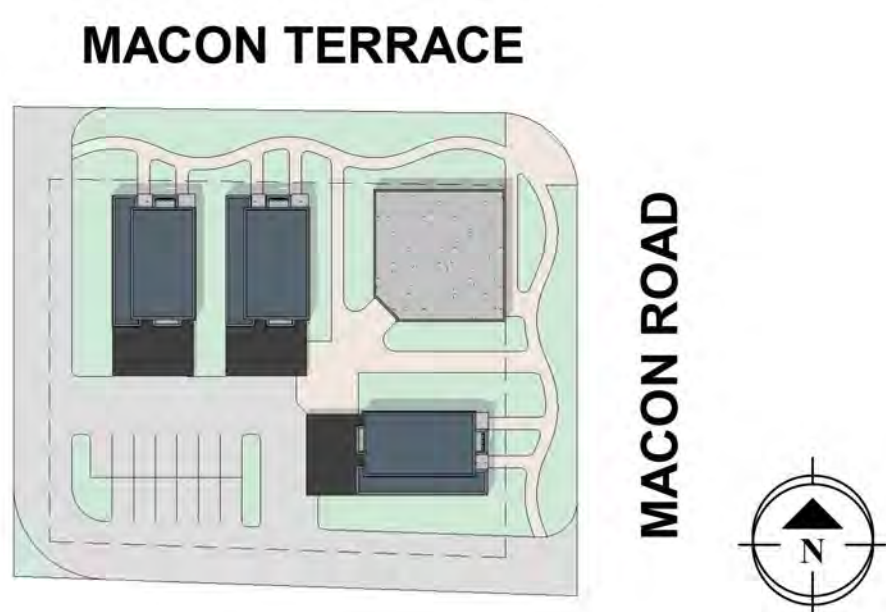
CASE NUMBER:		FORMER CASE NO: PD 03-303	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 01	ACREAGE: 0.9975 ACRES	WARD OR DISTRICT <u>91</u> , BLOCK <u>9</u> , PARCELS <u>8</u>	
DEVELOPER: MELVIN JOHNSON 8348 MACON ROAD CORDOVA, TN 38108		ENGINEER: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119	
100-YEAR FLOOD ELEVATION: 314	FEMA MAP PANEL NUMBER: 47157C0320G	FEMA MAP DATE: FEBRUARY 6, 2013	
DATE: DECEMBER 8, 2022	SCALE: 1/8" = 1'-0"	SHEET 5 OF 7	



1 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



RE-RECORDING
SCRO
RECORDING
LABEL



SEWER BASIN: WN-10
DRAINAGE BASIN: FLETCHER CREEK

FINAL PLAT		BUILDING ELEVATIONS
CORDOVA GROVE PLANNED DEVELOPMENT - PHASE 1 - LOT 1		
CASE NUMBER:		FORMER CASE NO: PD 03-303
MEMPHIS, TENNESSEE		
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DATE: DECEMBER 8, 2022	SCALE: 1/8" = 1'-0"	SHEET 6 OF 7

Outline Plan Conditions

- I. Uses Permitted
 - A. Lower level 3,000 square foot office or retail with a 3,000 square foot second-floor residential unit.
 - B. Two-story 3,600 square foot (1,800 square foot per unit) duplexes facing the roadways.
- II. Bulk Regulations
 - A. Building height shall not exceed two stories.
 - B. Elevation plans shall be submitted to the Office of Planning and Development for their review and shall be subject to approval by Land Use Control Board at a public hearing.
 - C. Minimum Building Setback:
 - 1. Macon Terrace = 10-feet
 - 2. Macon Road = 10-feet
 - D. All merchandise shall be displayed within a completely enclosed building. Outdoor display is not permitted.
- III. Parking, Access, and Circulation
 - A. A maximum of two curb cuts are permitted on Macon Road and Macon Terrace.
 - B. Each duplex shall have two covered parking stalls. A minimum of 13 surface parking spaces are intended for the office/residential structure.
- IV. Landscaping
 - A. The Macon Terrace and Macon Road frontage shall be landscaped as depicted in the site plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.
- V. Lighting Requirements
 - A. All exterior lighting will be directed away from residential uses on adjacent property.
 - B. Light standards shall not exceed 20-feet in height.
- I. Signs
 - A. Signs shall comply with the CMU-1 District regulations.
 - B. Outdoor advertising (billboards), temporary and portable signs are prohibited.
- II. Drainage
 - A. Design of the stormwater conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.
- III. Site Plan Review
 - A. The site plan shall include the following:
 - 1. The location of existing and proposed public roadways on or adjacent to the subject property.
 - 2. The location, dimensions and floor area of all buildings, structures, and parking areas.
 - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
 - 4. The location of pedestrian systems.
 - 5. Internal and perimeter landscaping.
 - 6. The location, diameter and species name of all trees and plants, the identification of plants to be preserved and methods intended to be used to protect plants during construction.
 - 7. Building elevations which depict an architectural design and materials compatible with the adjacent residential property.
 - B. The site plan shall be reviewed based on the following criteria:
 - 1. Conformance with the outline plan conditions.

- I. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity, building height and setback requirements if equivalent alternatives are presented.
- II. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- III. Any final plan shall include the following:
 - A. The outline plan conditions
 - B. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives required landscaping.
 - C. The number of parking spaces.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
 - F. An elevation plan for all buildings.
 - G. Location and design of exterior lighting



OWNER'S CERTIFICATE

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

MELVIN JOHNSON, OWNER



NOTARY CERTIFICATE

STATE OF TENNESSEE, SHELBY COUNTY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE OF ILLINOIS AND COOK COUNTY AT THE CITY OF CHICAGO, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED MELVIN JOHNSON, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON HIS OATH ACKNOWLEDGED HIMSELF TO BE THE PROPERTY OWNER, THE WITHIN NAMED BARGAINER, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS A CATEGORY I SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS, THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATING TO THE PRACTICE OF SURVEYING.

ETI CORPORATION
1755 LYNNFIELD ROAD, SUITE 100
MEMPHIS, TENNESSEE 38119

DATE ??/??/23

BY: CHRISTOPHER E. PERRY, RLS

TENNESSEE LICENSE NO. 2021



ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING LAWS AND REGULATIONS.

ETI CORPORATION

DATE ??/??/23

1755 LYNNFIELD ROAD, SUITE 100
MEMPHIS, TENNESSEE 38119

BY: MATTHEW DAVID WOLFE, P.E.

TENNESSEE LICENSE NO. 105709



LAND USE & DEVELOPMENT SERVICES CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON _____ AND APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS ON _____.

BY _____ DATE _____
ZONING ADMINISTRATOR

LUDS _____ DATE _____

CITY / COUNTY ENGINEER _____ DATE _____

RE-RECORDING



ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE



SEWER BASIN: WN-10
DRAINAGE BASIN: FLETCHER CREEK

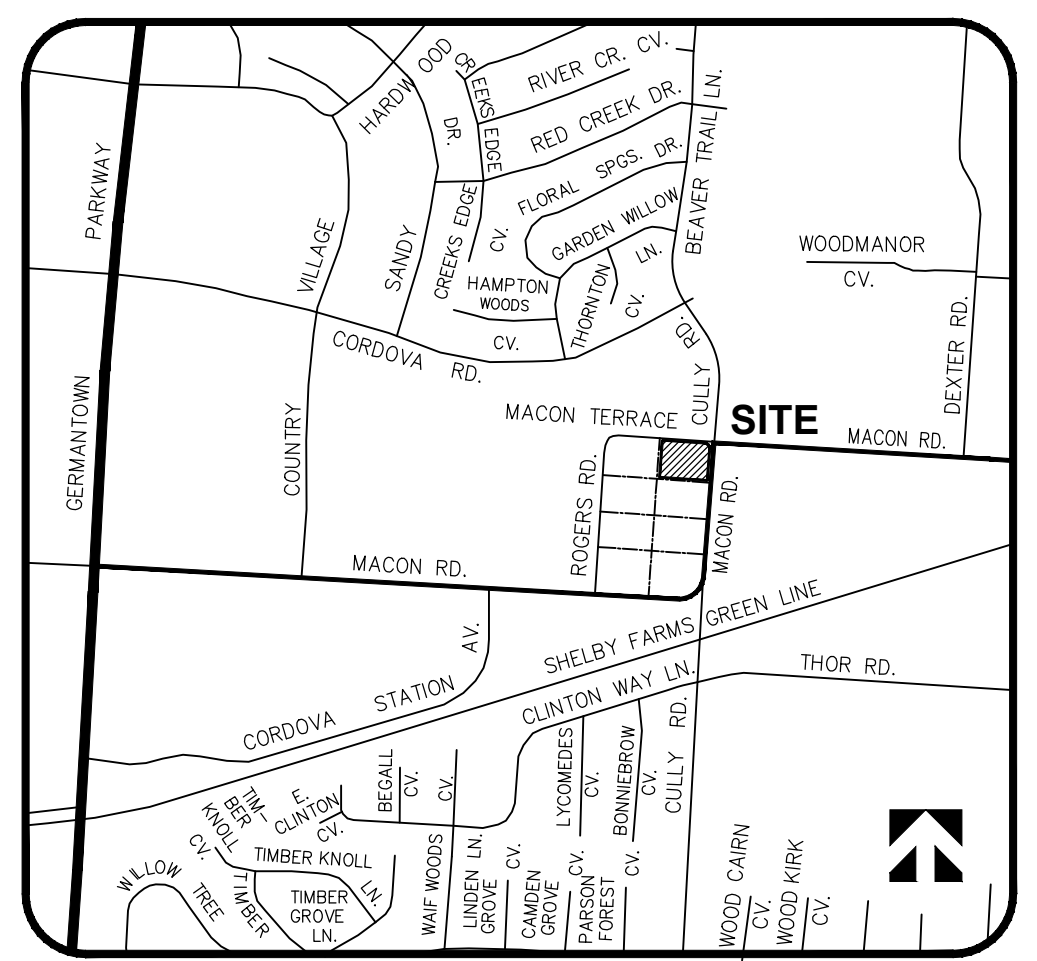
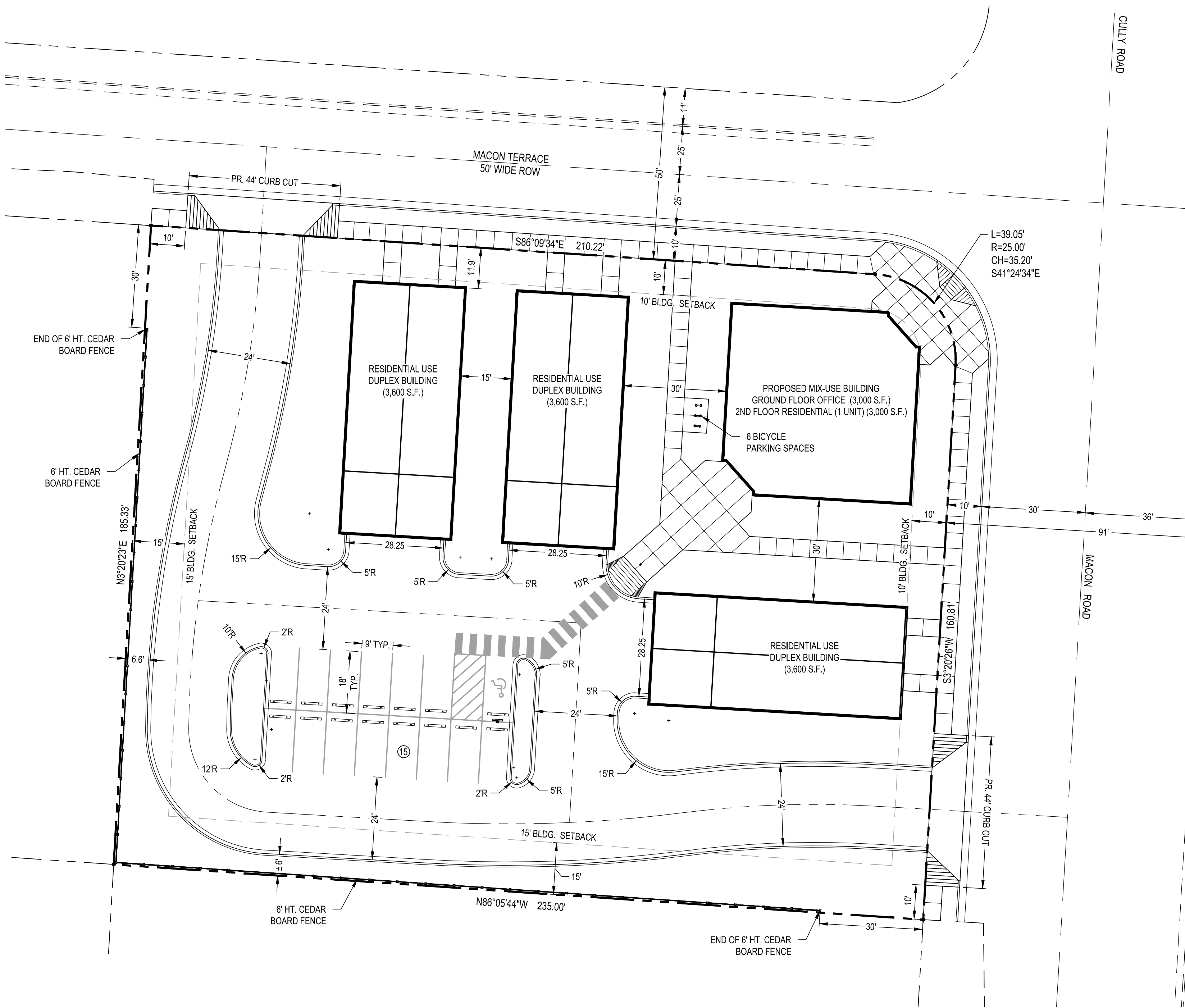


FINAL PLAT

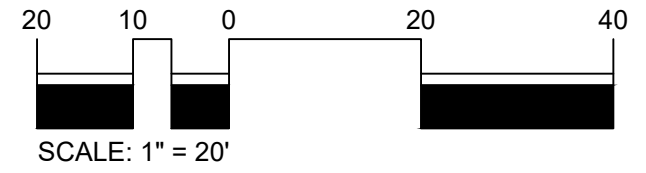
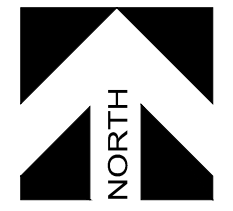
WRITTEN CONDITIONS & CERTIFICATES

CORDOVA GROVE PLANNED DEVELOPMENT - PHASE 1 - LOT 1

CASE NUMBER:		FORMER CASE NO: PD 03-303
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 01	ACREAGE: 0.9975 ACRES	WARD OR DISTRICT <u>91</u> , BLOCK <u>9</u> , PARCELS <u>8</u>
DEVELOPER: MELVIN JOHNSON 8348 MACON ROAD CORDOVA, TN 38108		ENGINEER : ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119
100-YEAR FLOOD ELEVATION: 314	FEMA MAP PANEL NUMBER: 47157C0320G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: NOVEMBER 3, 2022	SCALE: N/A	SHEET 7 OF 7



VICINITY MAP
NT.S.



SITE DATA:

ZONING:	CA
CURRENT USE:	OFFICE
PROPOSED USE:	RESIDENTIAL/OFFICE
DUPLEX BUILDING HT.:	25'-9"
MULTI-USE BUILDING HT.:	25'-9"
OFFICE PARKING REQUIRED:	10 SPACES
OFFICE PARKING PROVIDED:	13 SPACES
RESIDENTIAL PARKING REQUIRED:	11 SPACES
RESIDENTIAL PARKING PROVIDED:	
GARAGE:	12 SPACES
SURFACE:	2 SPACES
HANDICAP PARKING SPACES:	1 SPACE
BICYCLE PARKING PROVIDED:	6 SPACES
PERVIOUS SURFACES:	14,897 S.F. OR 0.34 AC. (34%)
IMPERVIOUS SURFACES:	28,750 S.F. OR 0.66 AC. (66%)

CITY BENCH MARK:
CITY OF MEMPHIS BENCHMARK #1084
ELEVATION: 359
MAP & BLOCK: 139-G
STREET NAME: GERMANTOWN PKWY. & CORDOVA RD.
DESCRIPTION: CITY MONUMENT IS LOCATED ON THE SW COR., AT FRONT OF S/WALK, 5.6' SE OF H/CAP RAMP.

FEMA FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED WITHIN AN AREA DESIGNATED AS A "SPECIAL FLOOD HAZARD AREA" AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0320G DATED FEBRUARY 6, 2013.

PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT OF WAY (ROW) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO THE CITY OF MEMPHIS ROW INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVE APRONS AND UTILITY TIE-INS. ROW PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT (901) 636-6700.

PROPOSED SIDEWALK TABLE			
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION FROM BACK OF CURBLINE
MACON ROAD	5-FEET	WEST	4.5-Feet
MACON TERRACE	5-FEET	SOUTH	4.5-Feet

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ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

1755 LYNNFIELD ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38119 • (901)758-0400 • ETICORP.COM

SEWER BASIN: WN-10
DRAINAGE BASIN: FLETCHER CREEK

FINAL PLAT		CONCEPT PLAN
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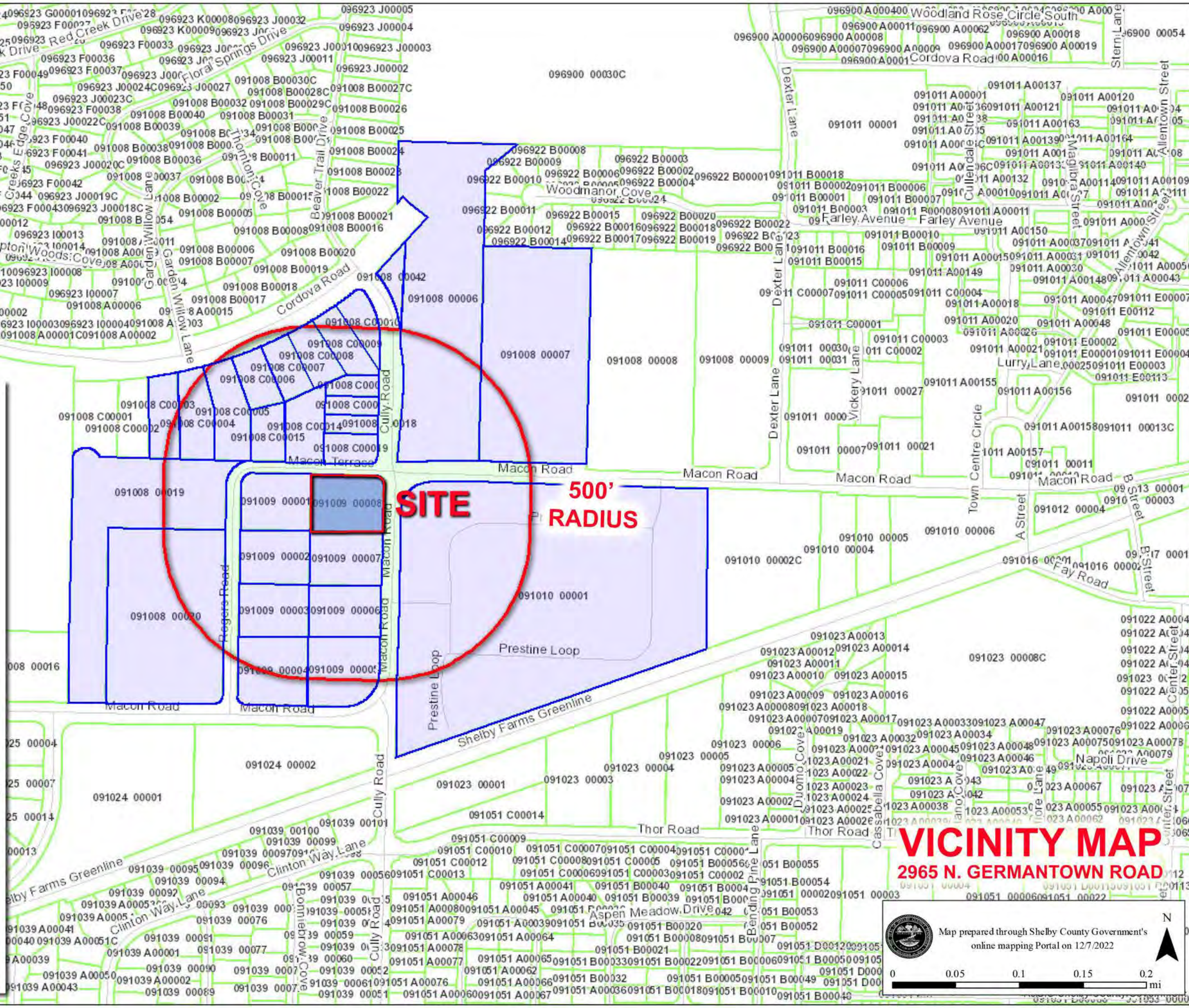
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 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
 - F. An elevation plan for all buildings.
 - G. Location and design of exterior lighting

PROPERTY OWNERS:

- 091008 00042 - ALTAS LLC
- 091008 C00006 - MEMPHIS MEDICAL LLC
- 091008 C00019 - BCH INVESTMENTS LLC
- 091010 00001 - MEMPH CORDOVA LLC
- 091009 00002 - CAGLE GILES P & JOHNNIE N
- 091009 00004 - INTERNATIONAL CHRISTIAN FELLOWSHIP
- 091008 00007 - MEMPHIS SCHOOL OF EXCELLENCE (DBA)
- 091008 C00010 - ASHMORE PROPERTIES LLC
- 091008 C00009 - IJAMS KAREN K
- 091008 C00008 - ROSS DAVID J REVOCABLE LIVING TRUST
- 091008 C00007 - ROTHROCK PERRY C III
- 091008 C00005 - BCH INVESTMENTS LLC
- 091008 C00004 - WOLF CHASE CHURCH OF CHRIST
- 091008 C00003 - WOLF CHASE CHURCH OF CHRIST
- 091008 C00014 - MEMPHIS MEDICAL LLC
- 091009 00001 - BAO AN TEMPLE INC
- 091009 00008 - JOHNSON MELVIN E JR
- 091008 00020 - LIFE IN THE SPIRIT CHURCH INC AND WAYNE
- 091009 00007 - MAGDOVITZ LAWRENCE M AND LAWRENCE M
- 091009 00003 - 1088 ROGERS ROAD LLC
- 091009 00006 - 8336 MACON ROAD LLC
- 091009 00005 - ABCO DEVELOPMENT LLC
- 091008 C00018 - MYB HOLDINGS LLC
- 091008 C00017 - LEITE RICE BUILDING LLC
- 091008 C00016 - GONZALEZ CARLOS & CYNTHIA
- 091008 C00015 - BCOR LLC
- 091008 00006 - MEMPHIS SCHOOL OF EXCELLENCE (DBA)
- 091008 00019 - LIFE IN THE SPIRIT CHURCH INC AND WAYNE



VICINITY MAP
2965 N. GERMANTOWN ROAD

Map prepared through Shelby County Government's online mapping Portal on 12/7/2022

ALTAS LLC
5235 SHADY GROVE RD #
MEMPHIS TN 38120

ROTHROCK PERRY C III
8309 CORDOVA RD #
CORDOVA TN 38016

8336 MACON ROAD LLC
2680 CALKINS RD #
GERMANTOWN TN 38139

MEMPHIS MEDICAL LLC
4105 EQUESTRIAN CT #
FLOWER MOUND TX 75028

BCH INVESTMENTS LLC
P O BOX 1900 #
CORDOVA TN 38088

ABCO DEVELOPMENT LLC
8326 MACON RD #
CORDOVA TN 38018

BCH INVESTMENTS LLC
PO BOX 1900 #
CORDOVA TN 38088

WOLF CHASE CHURCH OF CHRIST
7696 FAIRWAY FOREST DR N
CORDOVA TN 38016

MYB HOLDINGS LLC
1143 CULLY RD #
CORDOVA TN 38018

MEMPH CORDOVA LLC
VREELAND RD #
FLORHAM PARK NJ 7932

WOLF CHASE CHURCH OF CHRIST
7696 FAIRWAY FOREST DR N
CORDOVA TN 38016

LEITE RICE BUILDING LLC
275 JEFFERSON AVE #
MEMPHIS TN 38103

CAGLE GILES P & JOHNNIE N
1100 ROGERS RD #
CORDOVA TN 38018

MEMPHIS MEDICAL LLC
4105 EQUESTRIAN CT #
FLOWER MOUND TX 75028

GONZALEZ CARLOS & CYNTHIA
1155 CULLY RD #
CORDOVA TN 38018

INTERNATIONAL CHRISTIAN FELLOWSHIP
360 S FOREST HILL IRENE RD #
CORDOVA TN 38018

BAO AN TEMPLE INC
8307 MACON TER #
CORDOVA TN 38018

BCOR LLC
8304 MACON TER #
CORDOVA TN 38018

MEMPHIS SCHOOL OF EXCELLENCE (DBA)
4921 WINCHESTER RD #
MEMPHIS TN 38118

JOHNSON MELVIN E JR
8348 MACON RD #
CORDOVA TN 38018

MEMPHIS SCHOOL OF EXCELLENCE (DBA)
4921 WINCHESTER RD #
MEMPHIS TN 38118

ASHMORE PROPERTIES LLC
920 PERSON RD #
OAKLAND TN 38060

LIFE IN THE SPIRIT CHURCH INC AND WAYNE
8282 MACON RD #
CORDOVA TN 38018

LIFE IN THE SPIRIT CHURCH INC AND WAYNE
8282 MACON RD #
CORDOVA TN 38018

IJAMS KAREN K
10501 JARED MICHAEL LN #
CORDOVA TN 38016

MAGDOVITZ LAWRENCE M AND LAWRENCE M
1005 CORDOVA STATION AVE #
CORDOVA TN 38018


ROSS DAVID J REVOCABLE LIVING TRUST
985 VILLAGE OAK CV #
MEMPHIS TN 38120

1088 ROGERS ROAD LLC
1088 ROGERS RD
CORDOVA TN 38018



Tom Leatherwood
Shelby County Register

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

	
07155612	
10/09/2007 - 01:23 PM	
3 PGS : R - WARRANTY DEED	
KATHY 525853-7155612	
VALUE	375000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1387.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1405.50
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 4th day of October, 2007, by and between **The Art House, LLC**, a Tennessee limited liability company ("Grantor") and **Melvin E. Johnson, Jr.** ("Grantee").

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which Grantor hereby acknowledges, Grantor has bargained and sold, and does hereby bargain, sell, convey and confirm, unto Grantee, all of the real property located in Shelby County, Tennessee, and described as follows:

Lot 1, Phase 1, Cordova Grove Planned Development, as shown on plat of record in Plat Book 212, Page 40, (formerly Lot 4, Cordova Subdivision, as shown on plat of record in Plat Book 22, Page 38) in the Register's Office of Shelby County, Tennessee, to which plat reference is made for a more particular description of said property.

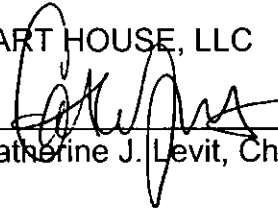
being all of the property conveyed to Grantor by warranty deed of record as Instrument No. 04063824, in the Register's Office of Shelby County, Tennessee (hereinafter called the "Real Estate").

TO HAVE AND TO HOLD the Real Estate, together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto Grantee and his heirs, successors, and assigns forever.

Grantor does hereby covenant with Grantee that it is lawfully seized in fee of the Real Estate; that it has good right to sell and convey the Real Estate; that the Real Estate is unencumbered, except for the restrictions, easements, and building lines of record in Plat Book 212, Page 40; Plat Book 206, Page 54; Plat Book 193, Page 7; Plat Book 161, Page 18; and Plat Book 22, Page 38, all in the office of the Register of Shelby County, Tennessee, (subject to all of which Grantee takes title to the Real Estate); and that the title and quiet possession Grantor will warrant and forever defend against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed on the day and year first above written.

THE ART HOUSE, LLC

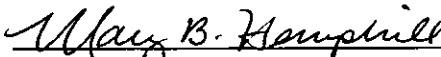
By: 
Catherine J. Levit, Chief Manager

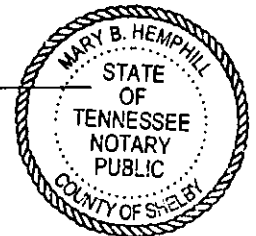
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Catherine J. Levit, with whom I am personally acquainted, and who, upon oath, acknowledged herself to be the Chief Manager of The Art House, LLC, the within named bargainor, a limited liability company, and that she, as such General Manager, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by herself as Chief Manager.

WITNESS my hand and Notarial Seal at office this 4TH day of October, 2007.

My Commission Expires: 5-31-2010


Notary Public



My Comm. Exp. 5-31-2010

**** Recording Data ****

Property Address: 8348 Macon Road, Cordova, Tennessee 38018

Mail Tax Bills To the following Person, who is Responsible for Payment of Taxes:

Melvin E. Johnson, Jr., 1660 Bonnie Lane, S. 106, Cordova, Tn 38016

The Name and Address of the property owner is:

Melvin E. Johnson, Jr.
8348 Macon Road
Cordova, Tennessee 38018

Tax Parcel Number(s): 09100900008

After recording: Return to: H. Mark Beanblossom, P.C., 1713 Kirby Parkway
Memphis, TN 38120

I hereby swear or affirm that, to the best of my knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$375,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

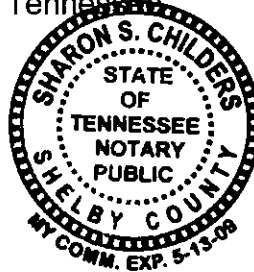
Kelley Fears
Affiant

Subscribed and Sworn to before me this 5th day of October, 2007.

Sharon S. Childers
Notary Public in and for Shelby County,
Tennessee

My Commission expires:

This Instrument was prepared by:
James B. Jalenak
Harris Shelton Hanover, Walsh, pllc
Suite 450, 6060 Poplar Avenue
Memphis, Tennessee 38119



State Tax	\$1,387.50
Register's Fee	2.00
DP Fee	1.00
Recording Fee	<u>15.00</u>
TOTAL	\$1,405.50

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

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

January 13, 2023

Melvin E Johnson Jr.
8348 Macon Road
Cordova, TN 38018

Sent via electronic mail to: aarchambeau@eticorp.com

Macon Terrace Planned Development
Case Number: PD 22-024
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, January 12, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for Macon Terrace Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Seth Thomas
Municipal Planner

Letter to Applicant
PD 22-24

Land Use and Development Services
Division of Planning and Development

Cc: Doug Baker, ETI Corporation
File

Letter to Applicant

PD 22-24

Outline Plan Conditions

- I. Uses Permitted
 - A. Lower level 3,000 square foot commercial uses including office/medial office, retail sales, and services or any use permitted in the CMU-1 zoning district with a 3,000 square foot second-floor residential unit.
 - B. Two-story 3,600 square foot (1,800 square foot per unit) duplexes facing the roadways.
- II. Bulk Regulations
 - A. Building height shall not exceed two stories.
 - B. Elevation plans shall be submitted to the Office of Planning and Development for their review and shall be subject to approval by Land Use Control Board at a public hearing.
 - C. Minimum Building Setback:
 1. Macon Terrace = 10-feet
 2. Macon Road = 10-feet
 - D. All merchandise shall be displayed within a completely enclosed building. Outdoor display is not permitted.
- III. Parking, Access, and Circulation
 - A. A maximum of two curb cuts are permitted on Macon Road and Macon Terrace.
 - B. Each duplex shall have two covered parking stalls. A minimum of 13 surface parking spaces are intended for the office/residential structure.
- IV. Landscaping
 - A. The Macon Terrace and Macon Road frontage shall be landscaped as depicted in the site plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.
- V. Lighting Requirements

Letter to Applicant
PD 22-24

- A. All exterior lighting will be directed away from residential uses on adjacent property.
- B. Light standards shall not exceed 20-feet in height.

VI. Signs

- A. Signs shall comply with the CMU-1 District regulations.
- B. Outdoor advertising (billboards), temporary and portable signs are prohibited.

VII. Drainage

- A. Design of the stormwater conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.

VIII. Site Plan Review

- A. The site plan shall include the following:
 - 1. The location of existing and proposed public roadways on or adjacent to the subject property.
 - 2. The location, dimensions and floor area of all buildings, structures, and parking areas.
 - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
 - 4. The location of pedestrian systems.
 - 5. Internal and perimeter landscaping.
 - 6. The location, diameter and species name of all trees and plants, the identification of plants to be preserved and methods intended to be used to protect plants during construction.
 - 7. Building elevations which depict an architectural design and materials compatible with the adjacent residential property.
- B. The site plan shall be reviewed based on the following criteria:

Letter to Applicant

PD 22-24

1. Conformance with the outline plan conditions.
-
- IX. The Land Use Control Board may modify the parking, access, landscaping, signage, amenity, building height and setback requirements if equivalent alternatives are presented.
 - X. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
 - XI. Any final plan shall include the following:
 - A. The outline plan conditions
 - B. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives required landscaping.
 - C. The number of parking spaces.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
 - F. An elevation plan for all buildings.
 - G. Location and design of exterior lighting

EXECUTIVE COMMITTEE

Resolution Establishing a Park Restoration Fund and Reallocating and Reappropriating \$500,000 from the FY23 CIP

WHEREAS, the City of Memphis has made a significant investment in the restoration of Tom Lee Park, an invaluable public park and riverfront asset (the “Park”); and

WHEREAS, a newly renovated park and its amenities, particularly young growth vegetation and infrastructure, are most vulnerable to damage in the first two years of its renovation; and

WHEREAS, the Park has been the home to a world famous festival, Memphis in May (the “Festival”), which brings thousands of people to the Park, and it is anticipated that Memphis in May will be held at the Park in years 2023 and 2024; and

WHEREAS, the newly improved Park will require a modified/new approach to Festival operations, as Park and Festival operators figure out how to “load-in” and integrate a festival into a reconfigured Park with more “damageable” amenities; and

WHEREAS, the City desires to mitigate risk to the vegetation and physical infrastructure, and also to minimize financial risk to both the Park and Festival operator; and

WHEREAS, the Memphis City Council, through the FY23 budget, allocated \$5.5M for the purposes of improvements to Mud Island; and

WHEREAS, uses for the \$5.5M allocated to Mud Island have yet to be identified; and

WHEREAS, the City of Memphis proposes to establish a \$500,000 Park Restoration Fund (“Fund”) that will be used to cover expenses to repair or mitigate damage resulting from the Festival for the first two years following the renovation, to operate as follows:

- a. The source of funds will be \$500,000 of the \$5.5M of FY23 CIP funds that were appropriated for the renovation of Mud Island.
- b. The City will assign \$350,000 of the restoration fund to year 1 (2023), and \$150,000 of the restoration to year 2 (2024).
- c. The Fund money will be the first dollars used to restore the Park from any Festival damage in 2023 and 2024.
- d. The Festival operator will be required to submit a damage deposit each year in the amount of \$250,000, to cover the costs of repairs in excess of the amount provided for annually in the Fund, but if costs to repair damage resulting from the Festival do not exceed the amount of the City’s Fund balance for either of the first two years, then none of the Festival operator’s damage deposit will be drawn upon to correct the damage.
- e. The use of the Funds is permissive, and the City of Memphis will have sole discretion to approve payment of restoration funds for damage incurred by the Festival, and may, at its sole discretion, exclude any damage caused by willful/ wanton destruction of property, or damage incurred due to gross negligence of the Festival operator. In the event the City does not distribute all of the money from the Fund in any given year for these

reasons, the deposit from the Festival Operator should be used to cover the cost of repairs.

- f. Should damages exceed the annual contribution by the City, plus the damage deposit by the Festival operator, the Memphis River Parks Partnership shall fund the balance of the restoration.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Chief Financial Officer shall create a "Park Restoration Fund," to be funded by allocating and appropriating \$500,000 from the FY23 CIP budget from Mud Island; and the funds from the Park Restoration Fund shall be distributed consistent with the manner described herein.

Sponsor:

Chair Martavius Jones
Councilman Chase Carlisle
City Administration