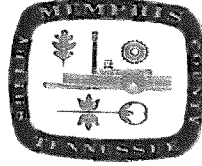




PARKS COMMITTEE



Memphis City Council Summary Sheet

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

Resolution appropriating funds for parks major maintenance- Levitt Shell

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

Parks

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

N/A

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

District 5, Super District 9

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

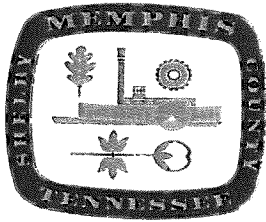
N/A

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

Requires expenditure of 300,000 General Obligation Bonds.

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

N/A



Resolution appropriates funds to address major maintenance issues at Levitt Shell.

WHEREAS, the Council of the City of Memphis did allocate \$300,000.00 (three hundred thousand dollars) for maintenance at Levitt Shell as part of the Fiscal Year 2022 Capital Improvement Program; and

WHEREAS, the City of Memphis has an existing management contract with the Friends of the Levitt Pavilion in which the City commits to funding major maintenance of this amenity; and

WHEREAS it is necessary to appropriate \$300,000.00, Contract Construction, funded by G.O. Bonds General, in Construction funds for Fiscal Year 2022 CIP Project Number PK07110.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby allocated and appropriated the sum of \$300,000.00, **Contract Construction**, funded by G. O. Bonds General, chargeable to the Fiscal Year 2022 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Levitt Shell
Project Number:	PK07110
Amount:	\$300,000.00 for Contract Construction

CITY OF MEMPHIS, TENNESSEE

FY 2023 CIP Budget Allocation

Division Parks

CIP PROJECT NO. PK07110

Public Use Projects

PROJECT NAME LEVITT SHELL

TOTAL ESTIMATED PROJECT COST: \$ 300,000.00
DATE OF THIS DECLARATION December 20, 2022

The purpose of this questionnaire is to determine the tax status of projects to be financed with the proceeds of City of Memphis General Obligation Bonds and Bond Anticipation Notes based on the public or private use associated with those projects. The questions below relate to the project referenced above.

1. Narrative Project Description:

Description of project.

This project provides construction funds for repairs at MRPP parks.

2(a). Project Status	Planning Stage	Construction Stage	Completed Project
Check appropriate box	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b). Project estimated completion date: June 2023

3. Intended Use of the Project:

For use of the general public.

4. Intended <u>Users</u> of the Project:	City Public Use	Other Gov't Public Use	Private Entity*
Check appropriate box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Completed Date: 12/20/2022

DocuSigned by:

Mike Walker

NAME

Director, Memphis Parks

*If Private Use, please complete separate form

Detore

CITY OF MEMPHIS

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

Report Date: Thursday, January 19 2023 Project Status: APPROVED

Memphis Parks

PK07110 Levitt Shell

Project Status: APPROVED

Description	Current Allocations	Total Appropriations	Current Mth Cost	Project Cost	Encumbered Commitments	Unencumbered Appropriations	Unappropriated Allocations
Awards 11004	0	0	0	0	0	0	0
Total Awards	0	0	0	0	0	0	0
Funding Sources							
General Obligation Bonds	300,000	0	0	0	0	0	300,000
Local Other CIP	0	0	0	0	0	0	0
Total Funding Sources	300,000	0	0	0	0	0	300,000
Construction							
Contract Construction	300,000	0	0	0	300,000	<300,000>	300,000
Total Construction	300,000	0	0	0	300,000	<300,000>	300,000
Total Project Costs:	300,000	0	0	0	300,000	<300,000>	300,000
Net Funding & Costs:	0	0	0	0	<300,000>	300,000	0



**ECONOMIC
DEVELOPMENT
COMMITTEE**



Memphis City Council Summary Sheet

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

For B&G Partnership to Lease approximately 2,517.80 acres; Term of 5 years 1/1/23 to 1/31/27, with two 1-year renewal options. Rent shall be \$168.86 per plantable acre per year.

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

Memphis and Shelby County Port Commission

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

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

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

Council District 6 and Super District 8

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

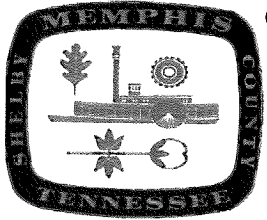
New Contract

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

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

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

N/A



**A Resolution APPROVING LEASE AGREEMENT WITH
B&G PARTNERSHIP OF LAND SITUATED IN PRESIDENTS ISLAND**

WHEREAS, the Memphis and Shelby County Port Commission (the “Port Commission”) is the owner of approximately 3,184.62 acres of crop land more or less situated in Presidents Island in City of Memphis, County of Shelby, State of Tennessee of which 2,517.80 are plantable acres (the “Premises”); and

WHEREAS, B&G Partnership (the “Partnership”) desires to lease said Premises for agricultural use pursuant to a response to a Request for Proposals issued by the Port Commission (“the Lease”); and

WHEREAS, The Port Commission approves the Lease of the Premises to the Partnership for the purpose as stated under the following terms and conditions:

1. The Lease shall be for a term of five (5) years commencing on January 1, 2023 and terminating on December 31, 2027. If not in default, the Partnership, upon approval by the Commission, shall have the option of renewing the Lease for two (2) additional, successive terms of one (1) year each by giving notice of the exercise of such renewal to the Port Commission not less than six (6) months prior to the expiration of the then expiring term and subject to any rental adjustments.
2. The rental payment shall be One Hundred Sixty-Eight and 86/100 Dollars (\$168.86) per plantable acre per year; and

WHEREAS, the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee (“EDGE”) approved the Lease on behalf of the Port Commission at its meeting of October 26, 2022; and

WHEREAS, said proposed Lease is in the best interests of the Port Commission and promotes the economic development of the Industrial Subdivision and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MEMPHIS, on recommendation of the Port Commission, that the proposed Lease Agreement with B&G Partnership is hereby approved.

City Council Resolution

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

BE IT FURTHER RESOLVED, that this action is subject to concurrence by Shelby County.



ECONOMIC DEVELOPMENT
GROWTH ENGINE
FOR MEMPHIS & SHELBY COUNTY



**EDGE RESOLUTION ON BEHALF OF THE MEMPHIS AND SHELBY COUNTY
PORT AUTHORIZING THE MEMPHIS AND SHELBY COUNTY PORT
COMMISSION TO ENTER LEASE WITH B&G PARTNERSHIP
OF LAND SITUATED IN PRESIDENTS ISLAND**

WHEREAS, the Memphis and Shelby County Port Commission (the “Port Commission”) is the owner of approximately 3,184.62 acres of crop land more or less situated in Presidents Island in City of Memphis, County of Shelby, State of Tennessee of which 2,517.80 are plantable acres (the “Premises”); and

WHEREAS, B&G Partnership (the “Partnership”) desires to lease said Premises for agricultural use pursuant to a response to a Request for Proposals issued by the Port Commission (“the Lease”); and

WHEREAS, in accordance with the terms and provisions of that certain service agreement dated as of January 1, 2013, by and between the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee (“EDGE”) and the Port Commission (the “Service Agreement”), EDGE is directed to provide “common management to” the Port Commission. Included in the “common management” was the vesting of the right of governance to EDGE;

WHEREAS, pursuant to that certain Service Agreement, EDGE is authorized to act on behalf of the Port Commission.

**NOW, THEREFORE BE IT RESOLVED BY EDGE ON BEHALF OF THE
MEMPHIS AND SHELBY COUNTY PORT COMMISSION, THAT:**

1. The Port Commission approves the Lease of the Premises to the Partnership for the purpose as stated under the following terms and conditions:

2. The Lease shall be for a term of five (5) years commencing on January 1, 2023 and terminating on December 31, 2027. If not in default, the Partnership, upon approval by the Commission, shall have the option of renewing the Lease for two (2) additional, successive terms of one (1) year each by giving notice of the exercise of such renewal to the Port Commission not less than six (6) months prior to the expiration of the then expiring term and subject to any rental adjustments.

2. The rental payment shall be One Hundred Sixty-Eight and 86/100 Dollars (\$168.86) per plantable acre per year.

3. The Port Commission recommends that the City of Memphis and the County of Shelby, as joint owners also approve the lease.

4. The Chairman and any other officer of the Port Commission are authorized to execute any and all documents related to the Lease contemplated by this Resolution.

Approved October 26, 2022

AGRICULTURAL LEASE AGREEMENT

THIS AGREEMENT ("Agreement"), made and entered into as of the _____ day of _____, _____ by and between **MEMPHIS AND SHELBY COUNTY PORT COMMISSION**, an organization created by Chapters 500 and 529 of the Private Acts of Tennessee of 1947, as amended (the "Port Commission"), the **CITY OF MEMPHIS**, a municipal corporation, and the **COUNTY OF SHELBY, TENNESSEE** one of the counties of the State of Tennessee (collectively, "Lessors") and **B&G PARTNERSHIP**, a Kentucky partnership ("Lessee").

W I T N E S S E T H:

1. That Lessors, in consideration of rents and covenants herein agreed to be paid and performed by the Lessee, do hereby lease unto said Lessee for the initial term beginning January 1, 2023 and ending December 31, 2027, the following property situated in the City of Memphis, County of Shelby, Tennessee (the "Leased Premises"):

Certain tracts of land located in Presidents Island by the Memphis office of the U.S. Department of Agriculture, Farm Services Agency ("FSA") within Farm numbered 2908 and 2932. The combined Farm contains approximately 3,184.62 acres of crop land as reflected on the maps attached as Exhibits "A" and "B." There will be a 216.82-acre reduction for field 30 and a 450-acre flood damage reduction discount for a first-year total of 2,517.80 plantable acres. The existing flood damage reduction discount will be examined on an annual basis after the first year. Any changes to the existing flood damage discount will be made based on an examination of planting records obtained from the Shelby County FSA office. Approval of any such change is at the sole discretion of the Port Commission.

The initial term of this lease is for a period of five (5) years beginning January 1, 2023 and ending December 31, 2027. If not in default, Lessee, upon approval by Lessors, shall have the option of renewing this Agreement for two (2) additional, successive terms of one year, each by giving notice of the exercise of such renewal to Lessors not less than six (6) months prior to the expiration of the then expiring term but subject to the rental adjustment provisions of Paragraph 2 below.

2. The Lessee agrees to pay to Lessors for the initial term and any renewal thereof as annual rent for the Leased Premises the sum of One Hundred Sixty-Eight and 86/100 Dollars \$168.86 per acre to be computed by Lessors on an annual rate based on the cropland acreage reported each year by the Shelby County Farm Services Agency office in Memphis, Tennessee ("FSA") with the acreage discounts described in paragraph 1.

3. (a) Payment of annual rent for each calendar year will be paid by Lessee as follows: The Lessee shall pay the amount of Seventy-Five Thousand and NO/100 Dollars (\$75,000.00) on or before the first day of January of each year during the initial term or any extension thereof with the balance due on or before the first day of the following December. The balance due shall be calculated on a year-to-year basis according to the per acre rental price described above. The first payment of Seventy-Five Thousand and NO/100 Dollars (\$75,000.00) shall be made on or before January 1, 2023. Unless advised to the contrary in writing Lessee shall make all rental payments to the Memphis and Shelby County Port Commission, 1115 Riverside Boulevard, Memphis, Tennessee 38106-2504.

(b) The Lessee hereby agrees to be responsible for any and all personal property taxes and/or special assessments which are now or hereafter assessed against the Leased Premises or any improvements hereafter installed by Lessee on the Leased Premises during the term of this Lease Agreement and any extended terms thereof. Lessee shall pay for all necessary utility services and all other services and installations to the Leased Premises required for its use of the premises. Lessee at its expense shall promptly make and pay for all necessary repairs and replacements to the Leased Premises whether interior, exterior, or underground, ordinary or extraordinary, or structural or non-structural, including the reimbursement to Lessors or its tenants for any crop losses, fence damage or other damages due to its activities on the Leased Premises. The Lessee shall not drill nor install any wells on the Leased Premises without Lessor's prior written approval. The Lessee shall at all times during the lease term, at its expense, put and maintain in thorough repair and in good and safe condition all improvements on the Leased Premises and equipment and appurtenances, both inside, outside and underground, structural and non-structural, extraordinary and ordinary, however the necessity or desirability for repairs may occur and regardless of whether necessitated by wear, tear, obsolescence, or defects, latent or otherwise. The quality and class of all repairs and replacements shall be equal to that of the original work and Lessee shall maintain the Leased Premises in good repair and in at least as good as condition as that in which they were delivered, normal wear and tear resulting from activities unassociated with Lessee's activities excepted. Lessee shall, at the expiration or earlier termination of this Agreement, surrender the Leased Premises in at least as good as condition as that in which they were delivered,

normal wear and tear resulting from activities unassociated with Lessee's activities excepted.

(c) No sign of any type, except that described above in Section 4, will be placed on any portion of the Leased Premises without the express written consent of the Port Commission regarding the size, general design and placement of said sign. Any such signs shall be used exclusively by Lessee to advertise Lessee's own business. Upon the expiration of this Agreement or any extension thereof, Lessee, at Lessee's expense, shall remove all signs placed or erected on the said Leased Premises during the term of this Agreement, and repair all damage to the Leased Premises due to the erection and subsequent removal of same.

(d) Any rent or other sum (including taxes) payable to Lessors by Lessee under the terms of this Agreement which Lessee does not pay within ten (10) days of the date it becomes due and owing shall bear interest in favor of Lessors from the due date at the rate of ten percent (10%) per annum.

4. Lessee shall use the Leased Premises solely for customary agricultural and pasturage operations, and Lessee shall not operate or permit to be operated upon the Leased Premises any type of hunting or any private or commercial fishing, or permit the operation of any facilities for any type of fishing or hunting. Lessee shall post "No Hunting" signs so as to adequately serve notice that no hunting is allowed. Controlled hunting under any circumstances requires written consent of the Port Commission, which may be approved or denied in the sole discretion of the Lessor.

5. The Lessee will not make or permit to be made any alterations, additions, or additional permanent improvements to said Leased Premises, nor assign, mortgage, or pledge this Lease, nor sublet the whole or any part of the Leased Premises without the Lessors' written consent. Consent by the Lessors shall apply only to the particular transaction consented to and

shall not constitute a waiver by the Lessors of the provisions of this Agreement. Any transfer or assignment of this Agreement or any interest hereunder or subleasing shall be subject to the terms of the Agreement and approval by Lessors and shall not relieve the Lessee of its liability for payment of the rent or prefinance of any covenant or other obligation imposed by Lessee by this Agreement.

6. The Lessee shall maintain all of the improvements now on the Leased Premises and return them to the Lessors at the termination of this Agreement, or any extensions thereof, in as good condition as when received, reasonable wear and tear and damage by fire, unless caused by Lessee's negligence, or the elements or Acts of God, excepted. The type of farming conducted on the Leased Premises shall be determined by Lessee and at the same time will not be destructive to the fertility of the Leased Premises as determined by Lessor. However, Lessee shall till all areable land on the Leased Property at least one (1) time per year whether or not a crop is produced. Lessee gives the unrestricted right to the Lessors to access all U.S. Department of Agriculture, FSA documents related to the Presidents Island Farm, currently numbered as farm 2908. The Lessee shall have the right to fully utilize all Agricultural Department allotments on the acreage. So long as Lessee shall not be in default in the performance of its obligations under this Agreement, Lessors agree that they will keep Lessee in the sole, quiet and peaceful possession of said Leased Premises.

7. All improvements which are desired by Lessee and made upon the Leased Premises by Lessee, shall be installed and maintained at Lessee's expense. No alteration, addition or improvement to the Leased Premises shall be made by the Lessee without the written consent of the Lessors. Any alterations, addition or improvements made by the Lessee

after such consent shall have been given, and any fixtures installed as part hereof, at once become the absolute property of the Lessors without payment of any kind therefore. Lessee shall maintain farm roads in a manner commensurate with standard farm practices. Except as otherwise provided herein, Lessors shall not be responsible for any damage occasioned by Lessee; for loss of profits; lack of accessibility to subject premises, to equipment or otherwise by any event including flood or action of the Mississippi River or its backwaters.

8. Lessors and its agents, surveyors, and workmen may at all reasonable times during the said term hereof, enter upon the subject premises to inspect the same and to cut and remove any and all timber and other trees. Lessors shall have the right to go upon said premises at any time and perform such work thereon as it may deem advisable, which does not prevent the Lessee from carrying out the terms and conditions of this Lease.

9. No land will be cleared or timber cut regardless of size nor any wildlife habitat unnecessarily disturbed without the written consent of the Port Commission. Lessee shall commit no waste or contamination of the Leased Premises and shall not dispose of petroleum products or agricultural chemicals in an unauthorized or unlawful manner and it shall be its duty and right to prevent the use of any portion of the Leased Premises by unauthorized persons. Lessee shall have no rights or claim to the shoreline along the Mississippi River.

10. Lessee shall indemnify, protect and hold harmless the Lessors against all liability, loss, costs, damage, expense or penalty sustained by Lessors, including attorneys' fees and other expenses of litigation arising, including that:

(a) For any violation of any law or regulation of the United States, the State of Tennessee, or any of the local laws, County and City, including, but not limited to, a violation of

Applicable Environmental Laws, as defined herein in Section 17 by Lessee or its employees or agents or of those holding or occupying under Lessee.

(b) Arising out of, or directly or indirectly due to, any accident or other occurrence causing injury to any person or persons (including death) or property resulting from the use, occupancy, maintenance or repair of the Leased Premises or any part thereof, by Lessee or its employees or agents or by any person or persons holding or occupying under or employed by Lessee.

(c) On account of or through the use, occupancy, maintenance, or repair of the Leased Premises or improvements or any part thereof by Lessee or its employees or agents or by any other person or persons holding or occupying under or employed by Lessee for any purpose inconsistent with the provisions of this Lease.

(d) Against all liens and charges of any and every nature that may at any time be established against the Leased Premises or any improvements thereon or any part thereof as a consequence, direct or indirect, of any act or omission of Lessee or any person or persons holding or occupying under or employed by Lessee or as a consequence, direct or indirect, of the existence of Lessee's interest under this under this Lease, except that Lessee shall not be liable for any income tax that may be imposed on Lessors as a result of Lessee's payment of rent to Lessors .

(e) Arising out of, or directly or indirectly due to, any failure of Lessee in any respect promptly and faithfully to satisfy their obligations under this Agreement.

11. Lessee also shall indemnify Lessors against all liens and charges of any and every nature that may at any time be established against the Leased Premises or any improvements thereon or any part thereof as a consequence, direct or indirect, of any act or

omission of Lessee or any person or persons holding or occupying under or employed by Lessee or as a consequence, direct or indirect, of the existence of Lessee's interest under this Agreement.

12. (a) Lessee at its own risk and expense, during the period of this Lease or any extended term of this Agreement, shall provide liability insurance in the minimum amounts of TWO MILLION DOLLARS (\$2,000,000) combined single limits covering property damage and bodily injury with the CITY OF MEMPHIS, COUNTY OF SHELBY, ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (EDGE) and the MEMPHIS AND SHELBY COUNTY PORT COMMISSION named as an additional insured with equal coverage; this policy will fully protect Lessors from any and all claims for damages to property or persons, including death, which may arise from Lessee's or any sublessee's operations on the Leased Premises or adjacent thereto, whether such operations are by Lessee or by anyone directly or indirectly employed or licensed by Lessee or acting under Lessee's authority or orders. Further, this policy shall be written with insurance companies satisfactory to the Port Commission.

(b) Within thirty (30) days prior to the commencement of this Agreement, the Lessee shall deliver to Lessors certificates of insurance certifying that such insurance is in full force and effect and naming Lessors as additional insured.

(c) At least thirty (30) days prior to the expiration of any policy of insurance the Lessee is obligated to carry under this Lease, the Lessee shall furnish a binder to the Lessors renewing each such policy. Each policy and/or binder shall provide for at least thirty

(30) days' notice to the Lessors of any change or cancellation thereof. Lessee shall promptly deliver to Lessors a certificate from the insurance carrier evidencing the renewal of the policy and the payment of premium.

13. Lessors reserve the right of ingress and egress over and across the Leased Premises for property protection, maintenance, and showing sites to prospective industrial users. This Lease is subject to any existing easements or uses of record in the Register's Office of Shelby County, Tennessee, and the rights of ingress and egress are reserved for the holders of these easements.

14. (a) If the whole of the Leased Premises, or such portion thereof as will render the premises unsuitable for the purposes herein leased, is taken or condemned for any public use or purpose by any legally constituted authority, then in either of such events, this Agreement shall cease from the time when possession was taken by such public authority and rents shall be accounted for between Lessors and Lessee, as of such date. Such termination shall be without prejudice to the rights of either Lessors or Lessee to recover compensation for any loss or damage caused by such condemnation. Neither Lessors nor Lessee shall have any right in or to any award made to the other by the condemning authority.

(b) In the event that the Leased Premises, or any part thereof, is partially taken or condemned for any public use or purpose by any legally constituted authority, but not thereby rendered unsuitable for the purposes for which leased, then Lessee shall receive a fair and proper abatement of rental from and after the time when possession was taken by such public authority.

15. Should the Lessors need any portion of the Leased Premises in connection with

the development, operation, management and control of any of the properties under the jurisdiction of the Memphis and Shelby County Port Commission prior to the termination of the Agreement, any portion of the Leased Premises so required shall be surrendered immediately by the Lessee upon receipt of written notice and an adjustment in rent shall be made. If such surrender occurs, Lessors shall pay Lessee the fair market value of any unharvested crops located on Leased Premises and planted by Lessee during the current year only and, upon such payment, all such unharvested crops shall become the property of the Lessors.

16. The Lessee shall comply with and cause to be complied with, all statutes, regulations, ordinances and other requirements of any government, whether federal, state or local, as amended from time to time, relating to the Leased Premises and the use there of or any part thereof, including, without limitation, 42 U.S.C. § 9601 *et seq.*, 42 U.S.C. § 6901 *et seq.*, 33 U.S.C. § 1251 *et seq.*, T.C.A. § 68-212-201 *et seq.*, T.C.A. § 68-212-101 *et seq.*, T.C.A. § 68-215-101 *et seq.*, T.C.A. § 69-3-101 *et seq.*, and all other applicable federal, state and local health or environmental statutes and regulations. Lessee shall also comply with all restrictive covenants and other such restrictions of record and shall meet and comply with all requirements of federal and state common law, *e.g.*, Statutes and Regulations and the Applicable Environmental Common Law together are referred to herein as the "Applicable Environmental Laws." Lessee covenants that all reporting requirements of Applicable Environmental Laws shall be complied with and all spills shall be cleaned and removed in a manner in compliance with the Applicable Environmental Laws even if Lessee is no longer in

possession under the Agreement.

17. In case Lessee, during the term of this Lease, shall cause a default hereunder by committing one or more of the following:

- (a) file a voluntary petition in bankrupt or if proceedings be instituted by anyone else to adjudge Lessee a bankrupt; or
- (b) make an assignment for the benefit of creditors; or
- (c) be adjudicated a bankrupt; or
- (d) be declared insolvent; or
- (e) abandon the Leased Premises; or
- (f) fail to perform any material part of this Agreement including the payment of rent heretofore agreed;

and such default shall continue for fifteen (15) days after the Port Commission has given written notice of such default to Lessee, then and henceforth, in any of said events, the Port Commission at its option has the right to cancel this Lease or the Port Commission may reenter and resume possession of same, and may, at its option, relet premises as agent of Lessee but in name of Lessors and receive rent thereof, applying the same, the first, to payment of expenses to which it may be put in reentering and reletting, and then to payment of rent due by these presents, remainder, if any, to be paid over to Lessee, who shall be liable for any deficiency, the execution of a new lease for the same premises being permitted without terminating Lessee's liability or obligation hereunder. The Lessee waives service of any notice of intention to reenter, or of instituting legal proceedings to that end.

18. (a) The right in the Lessors to cancel this Agreement as herein set forth is in addition to and not in exhaustion of such rights that the Lessors have or causes of action that

may accrue to the Lessors because of the Lessee's failure to fulfill, perform or observe the obligations, agreements or covenants of this Lease, and the exercise or pursuit by the Lessors of any of the rights or causes of action accruing hereunder shall not be in exhaustion of such other rights or causes of action that the Lessors might otherwise have.

(b) If the Lessee defaults in the observance or performance of any term or covenant on the Lessee's part to be observed or performed under any of the terms or provisions in any paragraph of this Lease, the Lessors may immediately or at any time thereafter and without notice, perform the same for the account of the Lessee, and if the Lessors make any expenditures or incur any obligations for the payment of money in connection therewith, including, but not limited to, attorney fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred with interest and costs shall be deemed to be additional rent hereunder and shall be paid by the Lessee to the Lessors.

19. It is hereby covenanted and agreed that no waiver of a breach of any of the covenants of this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other covenant.

21. Any rent or other sum (including taxes) payable to Lessors by Lessee under the terms of this Lease which Lessee does not pay within ten (10) days of the date it becomes due and owing shall bear interest in favor of Lessors from the due date at the rate of ten percent (10%) per annum. Additionally, Lessee agrees to pay all reasonable costs of collection, including reasonable attorneys' fees, if all or any part of the rent reserved herein is collected after maturity with the aid of an attorney; also, Lessee agrees to pay reasonable attorney fees in the event it becomes necessary for Lessors to employ an attorney to enforce any of the covenants, obligations or conditions imposed in this Agreement.

22. If the Lessee defaults in the observance or performance of any term or covenant

on the Lessee's part to be observed or performed under any of the terms or provisions in any paragraph of this Lease, the Lessors may immediately or at any time thereafter and without notice, perform the same for the account of the Lessee, and if the Lessors make any expenditures or incur any obligations for the payment of money in connection therewith, including, but not limited to, attorney fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred with interest and costs shall be deemed to be additional rent hereunder and shall be paid by the Lessee to the Lessors.

23. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

24. Until further notice of change of address, any notice in writing given under this Agreement shall be sufficient if sent by mail, postage prepaid and addressed as follows:

(a) Lessors: Chairman
Memphis and Shelby County
Port Commission
1115 Riverside Boulevard
Memphis, Tennessee 38106-2504

and

(b) Lessee: B&G Partnership
1928 State Route 3309
Hickman, KY 42050

25. It is specifically agreed between the parties that *this* contract and the enforcement of any of the provisions thereof shall be construed and enforced in accordance with the laws of the State of Tennessee.

26. This writing constitutes the entire agreement by and between the parties and no renewal, extension or amendment of this Lease shall be binding unless in writing and signed by all of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the representation of others or already duly authorized so to do, effective on the day and year first stated above.

[Signature Pages to Follow]

ATTEST:

LESSOR:
MEMPHIS AND SHELBY COUNTY PORT
COMMISSION

Lawrence Jones
Secretary-Treasurer

By: Thomas Dyer
Chairman

APPROVED AS TO FORM:

[Signature]
Port Commission Attorney

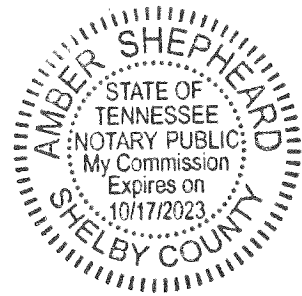
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared Thomas Dyer, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Chairman of the Memphis and Shelby County Port Commission, created by Chapters 500 and 529 of the Private Acts of Tennessee of 1947, as amended, and that he as such chairman being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Memphis and Shelby County Port Commission by himself as chairman.

WITNESS my hand and seal of office at Memphis, Tennessee, this the 14th day of December, 2022.

My commission expires 10/17/23

[Signature]
Notary Public



LESSOR:

CITY OF MEMPHIS

ATTEST:

City Comptroller

By: _____
Jim Strickland, Mayor

APPROVED AS TO FORM:

City Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Jim Strickland**, and with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the City of Memphis, a municipal corporation of the State of Tennessee, and that he as mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as mayor thereof.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 2022.

Notary Public

My commission expires: _____

APPROVED AS TO FORM
AND LEGALITY:

LESSOR:
COUNTY OF SHELBY

Contract Administrator
Assistant County Attorney

By: _____
Lee Harris, Mayor

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a notary public within and for said state and county, at Memphis, Tennessee, duly commissioned and qualified, personally appeared **Lee Harris**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the Mayor of the County of Shelby, State of Tennessee, and that he as such mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Shelby County by himself as mayor thereof.

WITNESS my hand and seal of office at Memphis, Tennessee, this the _____ day of _____, 2022.

Notary Public

My commission expires: _____

LESSEE:

B&G Partnership

By: Doug Goodman
Doug Goodman, Owner/President

STATE OF TENNESSEE

COUNTY OF shelby

Before me, a notary public within and for said state and county, duly commissioned and qualified, personally appeared Doug Goodman with whom I am personally acquainted, and who upon oath acknowledged himself to be the OWNER of **B&G Partnership**, a Kentucky partnership and that he as OWNER being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as OWNER.

WITNESS my hand and seal of office at 115 Riverside Blvd. 38016, this 14th day of _____, 2022.

A Shepherd
Notary Public

My commission expires: 10/17/23

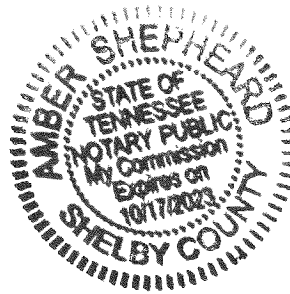
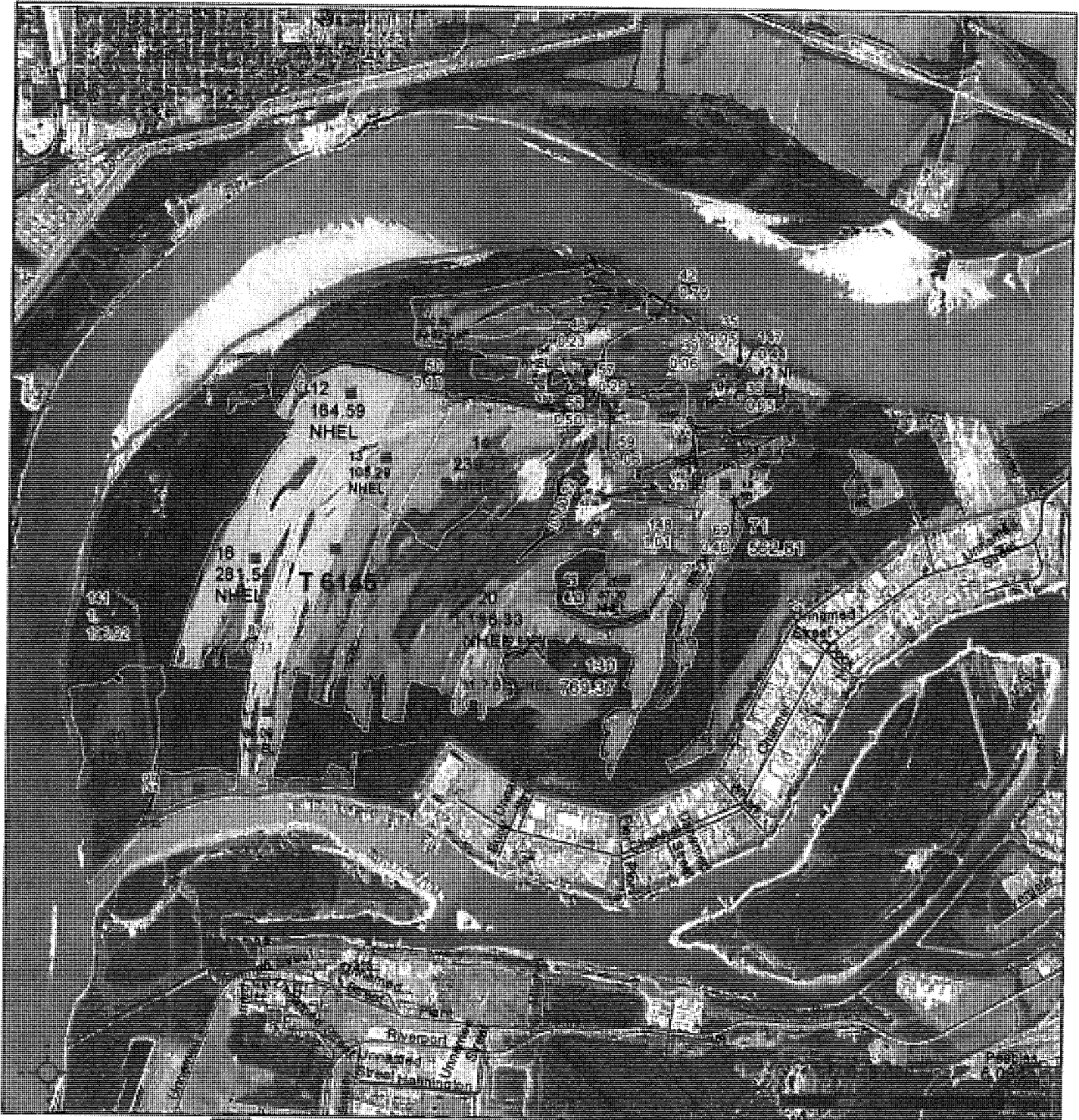


EXHIBIT A

Farm Tract 2908

Maps and Report of Commodities



Common Land Unit Tract Boundary

2021 NAIP Imagery

2022 Program Year

Map Created May 16, 2022

Non-Cropland; Cropland
 street_dm_l_tn157

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Farm 2908
Tract 6145

Tract Cropland Total: 3118.93 acres

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data "as is" and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



2021 NAIP Imagery

2022 Program Year

Map Created May 16, 2022

Common Land Unit

Non-Cropland, Cropland

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Farm 2908

Tract 176

Tract Cropland Total: 3.60 acres

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) Imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Shelby, Tennessee

FSA - 578 (09-13-16)

Farm Number: 2908

REPORT OF COMMODITIES

FARM AND TRACT DETAIL LISTING

PROGRAM YEAR: 2021

DATE: 06/07/2022

PAGE: 1

Original: ARE
Revision: _____
Cropland: 3,122.53
Farmland: 5,808.13

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	Planting End Date
176	1	GRASS	NAG	LS	N	N	C	N	IV	A	3.60	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01

Tract 176 Summary

Share 100.00 FSA Physical Location Shelby, Tennessee

NAP Unit 1417 Signature Date 07/26/2021

PP Cr/Cc	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Cc	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Cc	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty			
01	GRASS	NAG	LS	N	A	3.60	01	GRASS	NAG	LS	N	A	3.60	01	GRASS	NAG	LS	N	A	3.60

Photo Number/Legal Description: G12 (F-11)
Cropland: 3.60

Reported on Cropland: 3.60

Difference: 0.00

Reported on Non-Cropland: 0.00

6145	1A	SOYBN	COM	GR	N	C	N	I	A	A	74.00	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
1B	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	26.80	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
2	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	27.97	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
3	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	15.46	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
4	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	87.54	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
5	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	5.81	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
6	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	62.03	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
7	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	190.97	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
8	Producer	SOYBN	COM	GR	Share 100.00	C	N	I	A	A	45.37	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
9	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	9.42	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
10	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	1.91	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01
11	Producer	GRASS	NAG	LS	Share 100.00	C	N	IV	A	A	7.01	Yes	Yes	N	N	NAP Unit 1417	Signature Date 07/26/2021	01

REPORT OF COMMODITIES

Farm Number: 2908

FARM AND TRACT DETAIL LISTING

DATE: 06/07/2022

PAGE: 2

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Lrr. Pr.	Org Set	Nat. Snd	C/C Stat	Rpt Unit	Rpt Qty	Der Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
6145	12	SOYBN	COM	GR	N	N	C	N	I	A	164.59		Yes	N	N	05/22/2021	01	
Producer	13	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	108.29		Yes	N	N	05/22/2021	01	
Producer	14A	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	120.00		Yes	N	N	05/22/2021	01	
Producer	14B	GRASS	NAG	LS	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I V	A	119.77		Yes	N	N	05/22/2021	01	
Producer	16	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	281.54		Yes	N	N	05/23/2021	01	
Producer D	17	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	86.09		Yes	N	N	05/23/2021	01	
Producer	18	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	36.59		Yes	N	N	05/23/2021	01	
Producer	19	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	17.13		Yes	N	N	05/23/2021	01	
Producer	20A	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	950.00		Yes	N	N	05/24/2021	01	
Producer	20B	GRASS	NAG	LS	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I V	A	238.33		Yes	N	N	05/24/2021	01	
Producer	21	GRASS	NAG	LS	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I V	A	6.09		Yes	N	N	05/24/2021	01	
Producer	22	GRASS	NAG	LS	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I V	A	17.85		Yes	N	N	05/24/2021	01	
Producer	23	GRASS	NAG	LS	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I V	A	18.01		Yes	N	N	05/24/2021	01	
Producer	24	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	12.19		Yes	N	N	05/20/2021	01	
Producer	25	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	33.29		Yes	N	N	05/20/2021	01	
Producer	26	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	67.30		Yes	N	N	05/20/2021	01	
Producer	28	SOYBN	COM	GR	Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	
					N	N	C	N	I	A	38.20		Yes	N	N	05/20/2021	01	
Producer					Share 100.00		FSA Physical Location Shelby, Tennessee									NAP Unit 1417	Signature Date 07/26/2021	

FSA - 578 (09-13-16)

Farm Number: 2908

REPORT OF COMMODITIES

PROGRAM YEAR: 2021

FARM AND TRACT DETAIL LISTING

DATE: 06/07/2022
PAGE: 3

Tract Number	Field	Crop/Commodity	Var/Type	Int Use	Act Use	Int. Pr.	Org Stat	Nat Stat	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date	
6145	29	GRASS	NAG	LS		N	C	N	IV	A	17.54		Yes	N			01		
Producer																			
30		GRASS	NAG	LS	Share 100.00	N	C	N	IV	A	216.82		Yes	NAP Unit 1417	N	Signature Date 07/26/2021	01		
Producer																			
31		GRASS	NAG	LS	Share 100.00	N	C	N	IV	A	1.72		Yes	NAP Unit 1417	N	Signature Date 07/26/2021	01		
Producer																			
33		GRASS	NAG	LS	Share 100.00	N	C	N	IV	A	3.45		Yes	NAP Unit 1417	N	Signature Date 07/26/2021	01		
Producer																			
34		GRASS	NAG	LS	Share 100.00	N	C	N	IV	A	9.85		Yes	NAP Unit 1417	N	Signature Date 07/26/2021	01		
Producer																			
Tract 6145 Summary																			
PP Cr/Cd	Var/Type	IntUse	IntPr	RptUnit	RptQty	PP Cr/Cd	Var/Type	IntUse	IntPr	RptUnit	RptQty	PP Cr/Cd	Var/Type	IntUse	IntPr	RptUnit	RptQty		
01 GRASS	NAG	LS	N	A	1,084.35	01 SOYBN	COM	GR	N	A	2,034.58								
Photo Number/Legal Description: R4.E10.E11																			
Cropland: 3,118.93										Reported on Cropland: 3,118.93									
										Difference: 0.00									
										Reported on Non-Cropland: 0.00									

Shelby, Tennessee

FSA - 578 (09-13-16)

Farm Number: 2908

Operator Name and Address

REPORT OF COMMODITIES

FARM SUMMARY

PROGRAM YEAR: 2021

DATE: 06/07/2022

PAGE: 4

Original: ARE
Revision:
Cropoland: 3.122.53
Famland: 5.808.13

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 718, the Farm Security and Rural Investment Act of 2002 (Pub L. 107-171), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to collect producer certification of the report of acreage of crops/commodities and land use data which is needed in order to determine producer eligibility to participate in and receive benefits under FSA programs. The information collected on the form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information may result in a denial of the producer's request to participate in and receive benefits under FSA programs. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0175. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

Planting Period	Crop/Commodity	Variety/Type	Int Use	Irr Prac	Reporting Unit	Share	Crop/Commodity	Variety/Type	Share	Rpt Exp	Det Exp	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Rpt Vol	Det Vol	Rpt NA	Det NA
01	GRASS	NAG	LS	N	A	100.00	SOYBN	COM	100.00												

CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops/commodities and land uses listed herein are true and correct and that all required crops/commodities and land uses have been reported for the farm as applicable. Absent any different or contrary prior subsequent certification filed by any producer for any crop for which NAP coverage has been purchased, I certify that the applicable crop, type, practice, and intended use is not planted if it is not included on the Report of Commodities for this crop year. The signing of this form gives FSA representatives authorization to enter and inspect crops/commodities and land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By) _____ Title/Relationship of Individual Signing in the Representative Capacity _____ Date _____

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

EXHIBIT B

Farm Tract 2932

Map and Report of Commodities



Common Land Unit Tract Boundary

2021 NAIP Imagery

2022 Program Year

Map Created May 16, 2022

Non-Cropland; Cropland
— street_dm_l_tn157

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Farm 2932
Tract 5934

Tract Cropland Total: 62.09 acres

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Shelby, Tennessee
FSA - 578 (09-13-16)

REPORT OF COMMODITIES FARM AND TRACT DETAIL LISTING

PROGRAM YEAR: 2021

DATE: 06/07/2022
PAGE: 1

Farm Number: 2932

Operator Name and Address

Original: ARE
Revision: _____
Cropland: 62.09
Farmland: 192.50

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
5934	1	SOYBN	COM	GR		N	C	N	I	A	62.09		Yes		N	05/20/2021	01	
Producer Tract 5934 Summary Share 100.00 FSA Physical Location Shelby, Tennessee NAP Unit 1417 Signature Date 07/26/2021																		

PP Cr/Co	Var/Type	Int Use	Irr.Pr	Rpt Unit	PP Cr/Co	Var/Type	Int Use	Irr.Pr	Rpt Unit	Rpt Qty
01	SOYBN	COM	GR	N	A					

Photo Number/Legal Description: E8/F11
Cropland: 62.09

Reported on Cropland: 62.09
Difference: 0.00
Reported on Non-Cropland: 0.00

REPORT OF COMMODITIES FARM SUMMARY

Shelby, Tennessee
FSA - 578 (09-13-16)
Farm Number: 2932

Operator Name and Address

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Planting Period	Crop/Commodity	Variety/Type	Irrigation Practice	Intended Use	Share	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Irrigation Practice	Intended Use	Reporting Unit	Reported Quantity	Determined Quantity
01	SOYBN	COM	N	GR	100.00	SOYBN	COM							A	62.09	

CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops/commodities and land uses listed herein are true and correct and that all required crops/commodities and land uses have been reported for the farm as applicable. Absent any different or contrary prior subsequent certification filed by any producer for any crop for which NAP coverage has been purchased, I certify that the applicable crop, type, practice, and intended use is not planted if it is not included on the Report of Commodities for this crop year. The signing of this form gives FSA representatives authorization to enter and inspect crops/commodities and land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By) _____ Date _____
Title/Relationship of Individual Signing in the Representative Capacity _____

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PUBLIC WORKS COMMITTEE



City Council Item Routing Sheet

Division GS Committee PW, Trans, GS Hearing Date _____

District 4 Super District 8

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

Item Description :

This is a Resolution requesting the approval to sell a 3.52 Acre city owned property located at 0 Southwall Street in Memphis, Shelby County, Tennessee 38114 and further described as Parcel #073087 00003

Recommended Council Action:

Approve

Status of MWBE planned expenditures funding, if applicable:

N/A

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

No previous actions have been taking by any other entity.

Does this item require city expenditure? No

\$ Amount _____

\$ Revenue to be received \$32,000

Source and Amount of Funds

\$ Operating Budget

\$ CIP Project #

\$ Federal/State/Other

Approvals

Director _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Deputy Financial Officer _____ Date _____

Chief Legal Officer _____ Date _____

Chief Administrative Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

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

A Resolution approving the sale of a City owned property known as 0 Southwall Street Memphis, TN 38114, Parcel 073087 00003.

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

General Services

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

N/A

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

District 4/ Super District 8

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

N/A

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

N/A

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

N/A



City Council Resolution

A Resolution requesting the approval for the sale of a 3.52 Acre City owned parcel located at 0 Southwall Street, Memphis, Shelby County, Tennessee and further described as Parcel ID # 073087 00003

Whereas Antonio Tate and Kevin Perry Sr., on behalf of Delivering Major Goods, Inc. have submitted an offer of Thirty-Two Thousand Dollar (\$32,000.00) for the Parcel along with Three Thousand Two Hundred Dollar (\$3,200.00) Earnest Money deposit to the City of Memphis Real Estate Center,

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

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that this request be considered subject to terms and conditions set forth in the Offer to Purchase and City Ordinance 2-16-1(A)

Now, therefore be it resolved by the Council of the City of Memphis that the offer submitted by Delivering Major Goods Inc., on the above-described Parcels is hereby accepted subject to City Ordinance 2-16- 1(A), which states in part, " The city real estate manager shall place a value on all properties being considered for sale. However, on all properties having a probable value of \$10,000.00 or more or on properties having a value of less than \$10,000.00 where the real estate manager determines that an independent valuation is needed, the services of a qualified independent real estate appraiser may be obtained. After a valuation has been placed on the property by the city real estate manager, he or she shall be authorized to make and approve the sale of such properties subject to the other provisions of this section."

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



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: MEMPHIS CITY OF TAX SALE #3
EXH #7755

Parcel Address: 0 SOUTHWALL ST

Parcel ID: 073087 00003

2022 Appraisal: \$22,700

Tax District: MEMPHIS

Year Built:

Lot Number: 0 1

Subdivision: INMANS INTERSTATE INDUSTRIAL PARK

Plat BK & PG: UNKNOWN

Dimensions:

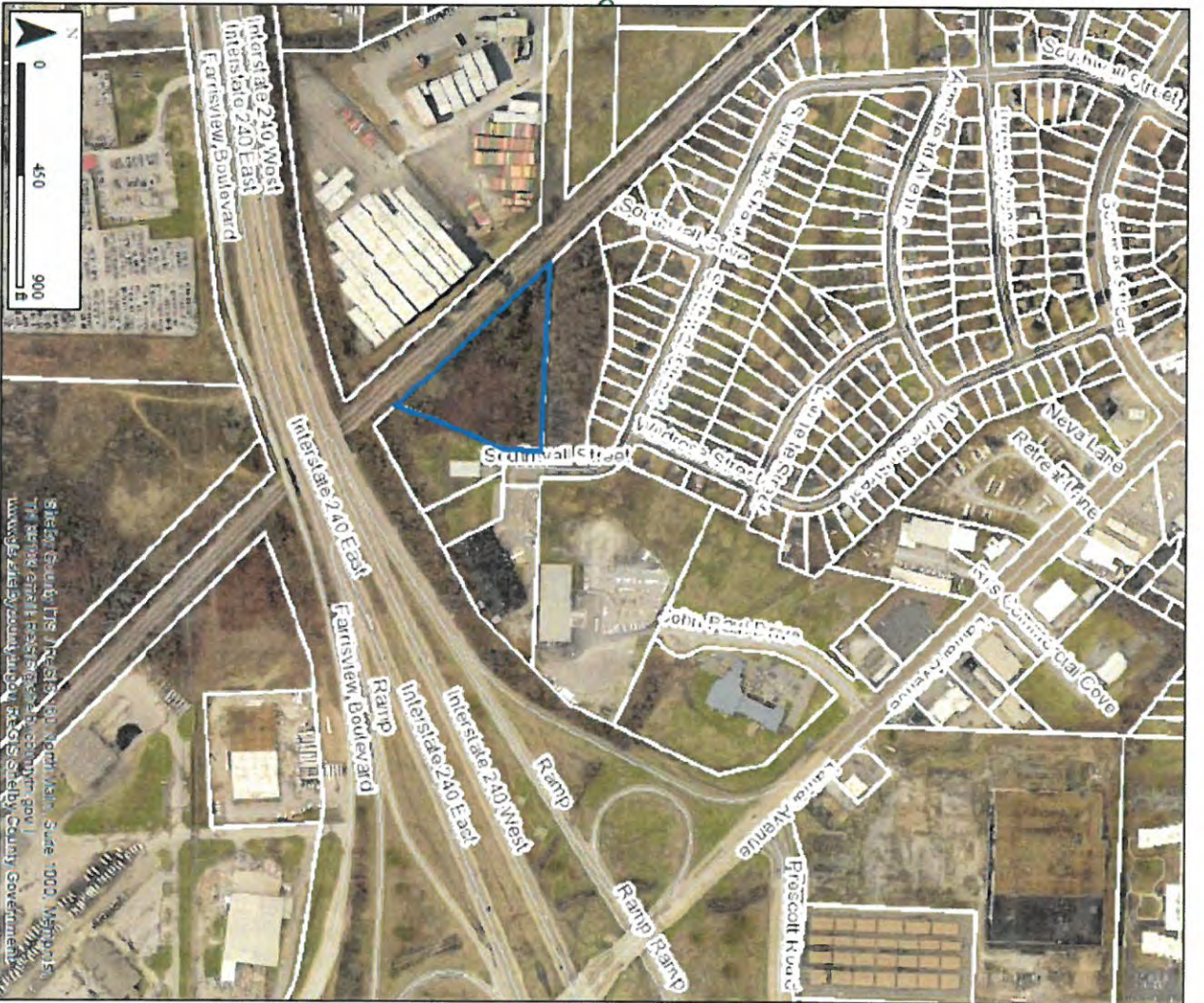
Total Acres: 3.512

Owner Address: 125 N MAIN ST

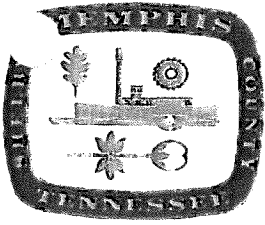
MEMPHIS TN

38103 2026

Map prepared on 12/16/2022



Shelby County GIS Records, 100 North Main, Suite 1000, Memphis, TN 38102
www.shelbycountytexas.gov



City Council Resolution

A Resolution requesting the approval for the sale of a 0.121 Acre City owned parcel located at 0 Baltimore, Memphis, Shelby County, Tennessee and further described as Parcel ID # 029074 00043

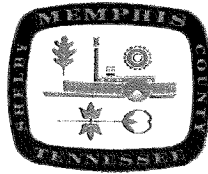
Whereas an adjoining property owner, Charmita Hobson, has submitted an offer of One Thousand Five Hundred Dollars (\$1,500.00) for the Parcel along with a One Hundred Fifty Dollar (\$150.00) Earnest Money deposit to the City of Memphis Real Estate Center,

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

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

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

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



Memphis City Council Summary Sheet

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

A Resolution approving the sale of a City owned property known as 0 Baltimore Street Memphis, TN 38114, Parcel 029074 00043.

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

General Services

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

N/A

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

District 4/ Super District 8

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

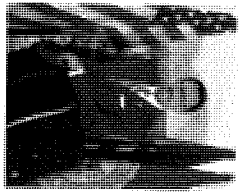
N/A

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

N/A

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

N/A



Willie F. Brooks, Jr.
Shelby County Register of Deeds

MEMPHIS CITY OF

Owner:
Parcel Address: 0 BALTIMORE
Parcel ID: 029074 00043
2022 Appraisal: \$3,600
Tax District: MEMPHIS
Year Built:
Lot Number: 12-13
Subdivision: BELT LINE BLK E
Plat BK & PG: UNKNOWN
Dimensions: 50 X 106
Total Acres: 0.121
Owner Address: 125 N MAIN ST STE 568
MEMPHIS TN
38103 2026

Map prepared on 12/8/2022





PESONNEL COMMITTEE

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

January 30, 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:

Vonesha Mitchell

be, along with Shelby County Mayor Lee Harris, jointly appointed to the Memphis and Shelby County Center City Revenue Finance Corporation Board with a term expiration date of December 31, 2026.

I have attached biographical information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

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

Purpose:

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

		Term ends:
Floyd, Glenn	M/W	12-31-20
Patrick Hillard	M/B	12-31-26
Dana Pointer	F/B	12-31-26
Jeri Moskovitz	F/W	12-31-26

Joint Appointment:

Vacancy	F/B	12-31-20	6yr. Term
----------------	------------	-----------------	------------------

Updated 013023

City of Memphis

TENNESSEE

JIM STRICKLAND
MAYOR

January 30, 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:

Lauran Stimac

be appointed to the Memphis and Shelby County Downtown Memphis Commission with a term expiration date of December 31, 2025.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS & SHELBY COUNTY
DOWNTOWN MEMPHIS COMMISSION
20 Member Board
(5) Appointed by City Mayor
(5) Appointed by County Mayor
3 Year Term**

The purpose of the Downtown Memphis Commission is to market and develop downtown Memphis.

		Term ends:
Young, Victoria	F/B	12-31-22
Vacancy	F/W	12-31-22
Vacancy	F/B	12-31-22
Deni C. Reilly	F/W	12-31-22
Orgel, Benjamin	M/W	12-31-22

Ashley Cash, Mayor's Liaison

2023 Council Liaison: Cheyenne Johnson

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

January 30, 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:

Michael Chance

be appointed to the Memphis and Shelby County Downtown Mobility Authority with a term expiration date of December 31, 2023.

I have attached biographical information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS AND SHELBY COUNTY DOWNTOWN MOBILITY
AUTHORITY**

7 Member Board

(3) City & (3) County (1) Joint Appointment

6 Year Term

Purpose:

The mission of the Downtown Mobility Authority (formerly known as the Downtown Parking Authority) is to use public parking as a catalyst for development, and to ensure that there is an adequate supply of public parking to support a growing Downtown. The DMA establishes parking and mobility policies and coordinates parking management.

Queen Titile Keskessa	F/B	12-31-27
Elliot Embry	M/W	12-31-27
Vacancy	M/B	12-31-23

Joint Appointment: West, Robert Wayne **M/W** **12/4/23**



PUBLIC SAFETY COMMITTEE

ORDINANCE TO ESTABLISH A PROCEDURE FOR THE MEMPHIS POLICE DEPARTMENT TO CONDUCT AN ANNUAL INDEPENDENT REVIEW OF THE POLICE TRAINING ACADEMY AND ALL TRAINING TECHNIQUES

WHEREAS, the Memphis City Council recognizes a need and the public’s desire for reforming the practices of the Memphis Police Department to ensure the safety and welfare of the people of Memphis; and

WHEREAS, it is of paramount importance that the training of the Memphis Police Department reflects best practices to make certain that officers are adequately equipped uphold their duty to protect and serve, and to ensure the safety of all members of the community; and

WHEREAS, the employment and training of officers is codified under Tennessee Code Annotated Title 38, Chapter 8; Part I of this Chapter provides that law enforcement agencies, including the Memphis Police Department, must provide training to its officers regarding de-escalation, the duty to intervene, and mental illness training; and

WHEREAS, the Jerry F. Agee Tennessee Law Enforcement Training Academy (TLETA), codified in Tennessee Code Annotated Section 38-8-201, was created for the purpose of training police and law enforcement officers in the methods of maintaining law enforcement services in state, municipal, county, and metropolitan jurisdictions; and

WHEREAS, Section 38-8-104 vests the authority to establish uniform standards and curriculum requirements for the employment and training of police recruits and police officers with the Commission, the composition of which is stipulated in Section 38-8-102(b)(1); this commission is required by statute to “Consult and cooperate with municipalities . . .” regarding the training of police recruits and police officers; thus, it is imperative the Memphis Police Department diligently review its training techniques and practices to adequately meet the current needs of the City of Memphis regarding its safety and welfare; and

WHEREAS, it is the intent of the Memphis City Council to ensure that the training provided to current officers and those enrolled in the training academy is in accordance with state law and best practices by conducting a regular audit thereof, by an independent third party with adequate expertise on the subject matter, to determine whether such training techniques and procedures are aligned with best practices.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of the City Code relating to the Division of Police Services be hereby amended to add a new section that shall read as follows:

_____ Audit of the Memphis Police Department Training Practices

The Director of the City of Memphis Division of Police Services shall conduct an audit of the training techniques taught to police recruits and police officers biennially to assess whether such

training is in accordance with Tennessee law and best practices. The audit shall be conducted by an independent third party to be selected by the Chief of Police and the Mayor. Any recommendations and reports prepared as a result of the audit shall be presented to the Members of the Memphis City Council.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor(s):
Chase Carlisle
JB Smiley, Jr.
J. Ford Canale

Chairman:
Martavius Jones

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH A PUBLIC SAFETY REPORTING PROTOCOL
IN REGARD TO THE DISPOSITION BY THE MEMPHIS POLICE
DEPARTMENT OF RECOMMENDATIONS BY THE CIVILIAN LAW
ENFORCEMENT REVIEW BOARD (CLERB) TO THE MEMPHIS POLICE
DEPARTMENT REGARDING CLERB'S DISPOSITION OF COMPLAINTS
INVOLVING POLICE MISCONDUCT, THE USE OF DEADLY FORCE BY
POLICE OFFICERS AND DEATHS OR INJURIES OF PERSONS OCCURRING
WHILE IN POLICE CUSTODY**

WHEREAS, the Civilian Law Enforcement Review Board (CLERB) is a joint citizens' law enforcement review board for oversight of law enforcement that is authorized by ordinance to investigate Complaints filed by citizens alleging police misconduct by officers of the Memphis Police Department (MPD)

WHEREAS, CLERB is also authorized to receive, investigate, hear cases, make findings and recommend action on complaints regarding excessive and deadly force, deaths and injuries to persons occurring while in police custody, harassment by police, improper arrests, inadequate investigations, or any other misconduct by a member of MPD; and

WHEREAS, the Memphis City Council believes it is of paramount importance that the Council and citizens of Memphis are made aware of the disposition by the Memphis Police Department of the recommendations of CLERB made to the Director of the Memphis Police Department as provided by ordinance to ensure that recommendations are taken seriously, acted on in a timely manner, and there is accountability for misconduct of MPD officers; and

WHEREAS, it is the desire of the Memphis City Council to establish a public safety reporting protocol in relation to CLERB's recommendations to MPD to include the recommendations from CLERB in response to an Inspectional Services Bureau (ISB) case brought before the board, the disposition of CLERB's recommendations, and the rationale for the actions taken by MPD in response to CLERB's recommendations.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Memphis that

Section 1. Pursuant to City of Memphis Ordinance No. 5620, Section 28-161, the Memphis Police Department shall report, in writing, on a bimonthly (occurring every two (2) months) basis the disposition of recommendations made by Civilian Law Enforcement Review Board (CLERB) to the Director (Chief) of the Memphis Police Department regarding Inspectional Services Bureau (ISB) cases in which the

complaint was found to be “sustained” by CLERB. The report shall include the following information:

- Inspectional Services Bureau (ISB) case number
- Description of the ISB case
- CLERB hearing date for the ISB case
- CLERB disposition and recommendations for the ISB case
- Disposition/Result of each CLERB recommendation and associated date(s) of enactment or deferral for each recommendation
- Rationale for why each CLERB recommendation was enacted or deferred

Section 2. Each report shall be made available to the City Council members and posted on the CLERB, City Council, and Memphis Police Department websites.

Section 3. The City Council reserves the right to request a presentation regarding any report to be held in City Council committee or full Council meetings.

Section 4. Severability. All provisions of this Ordinance are hereby severable and if any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR
JB Smiley, Jr.
Chase Carlisle

CHAIRMAN
Martavius Jones



P & Z

COMMITTEE

**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**

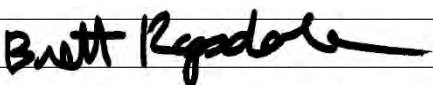
PRIOR ACTION ON ITEM:

(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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
	<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	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	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	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~~ 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~~

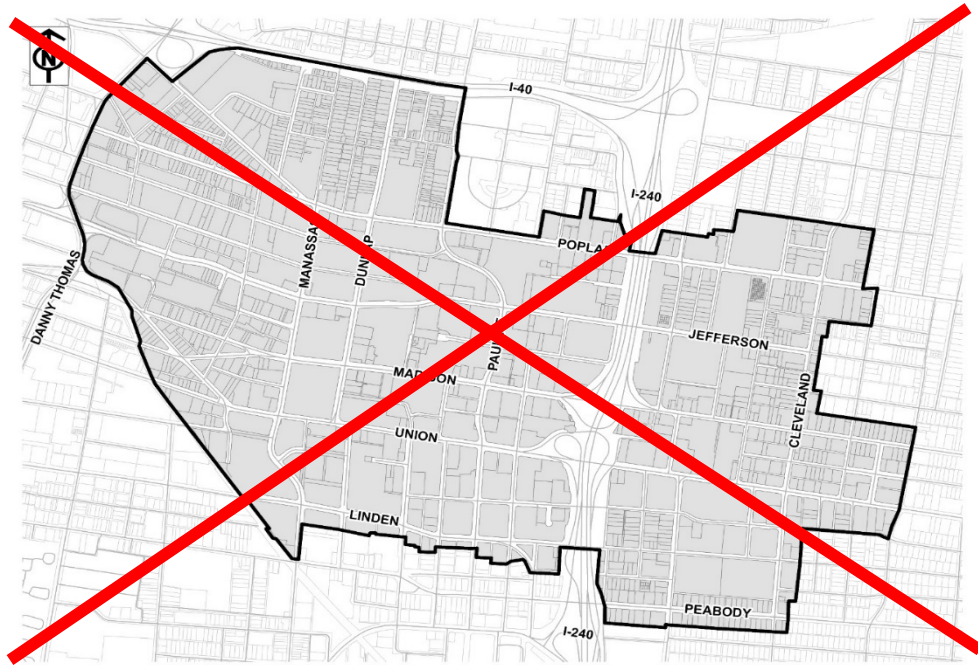
reduces the existing parking below what is required by underlying zoning. Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

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.

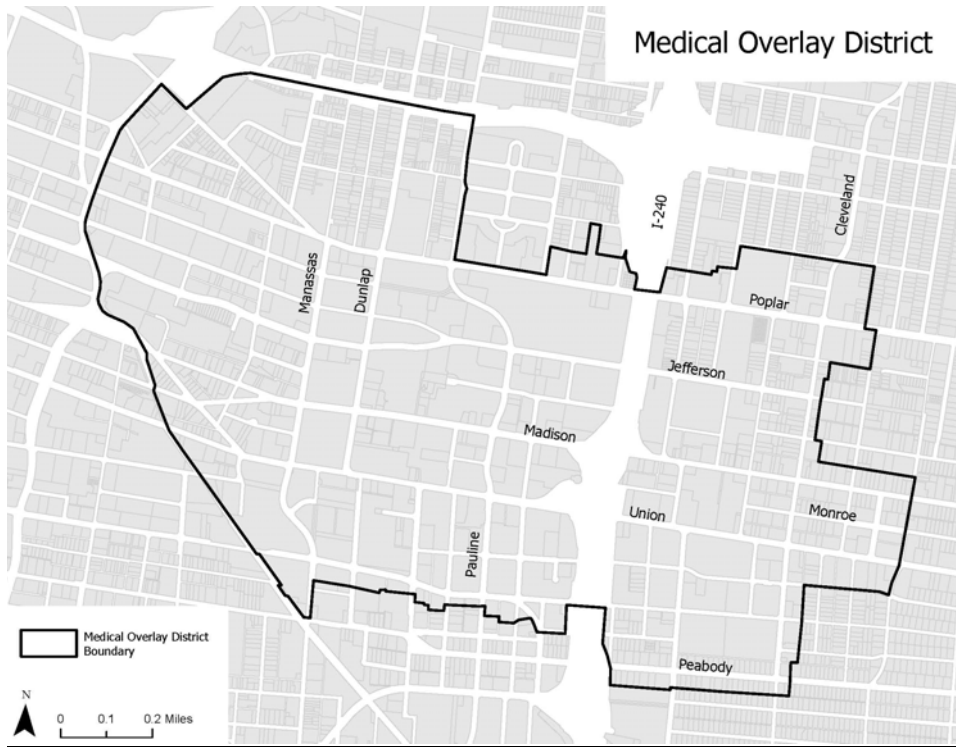
2. Transit Oriented Development Plan Recommendations

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:

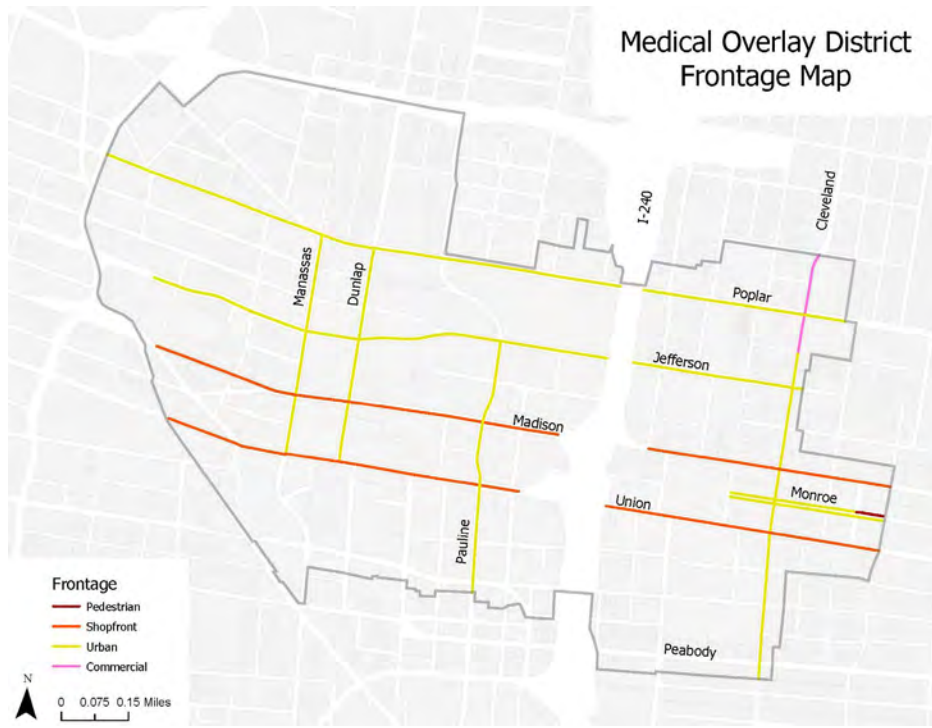
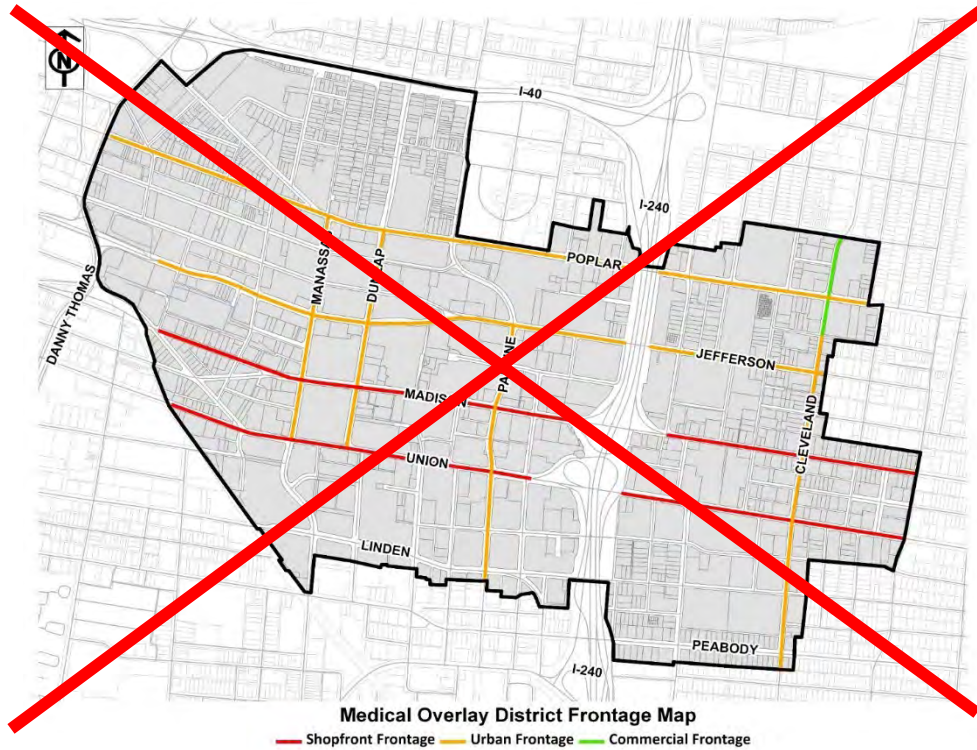


Medical Overlay District (-MO)



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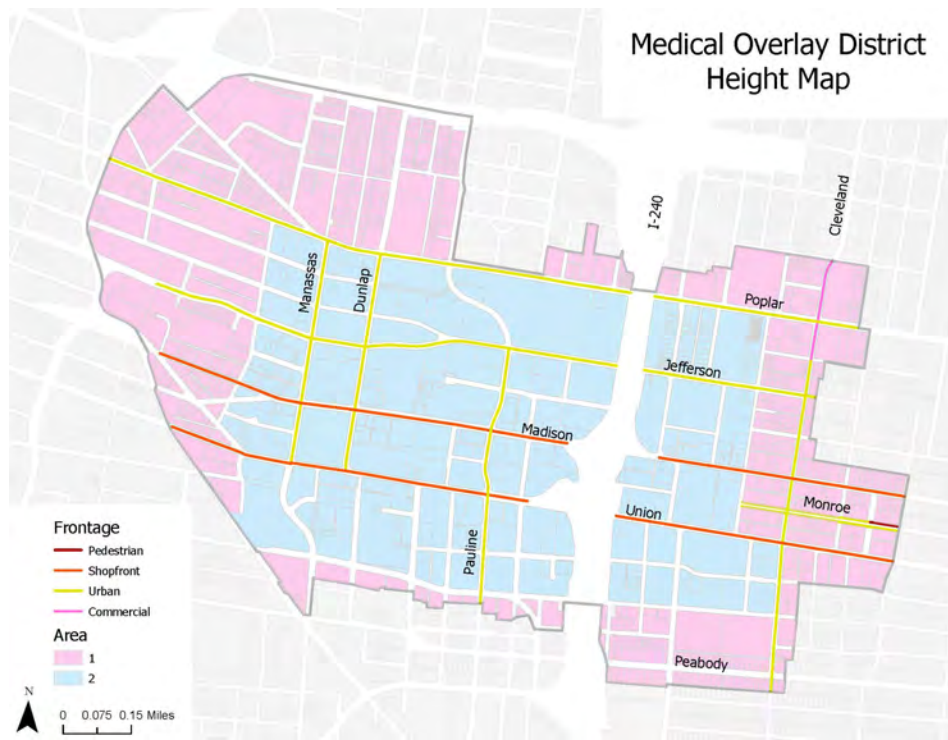
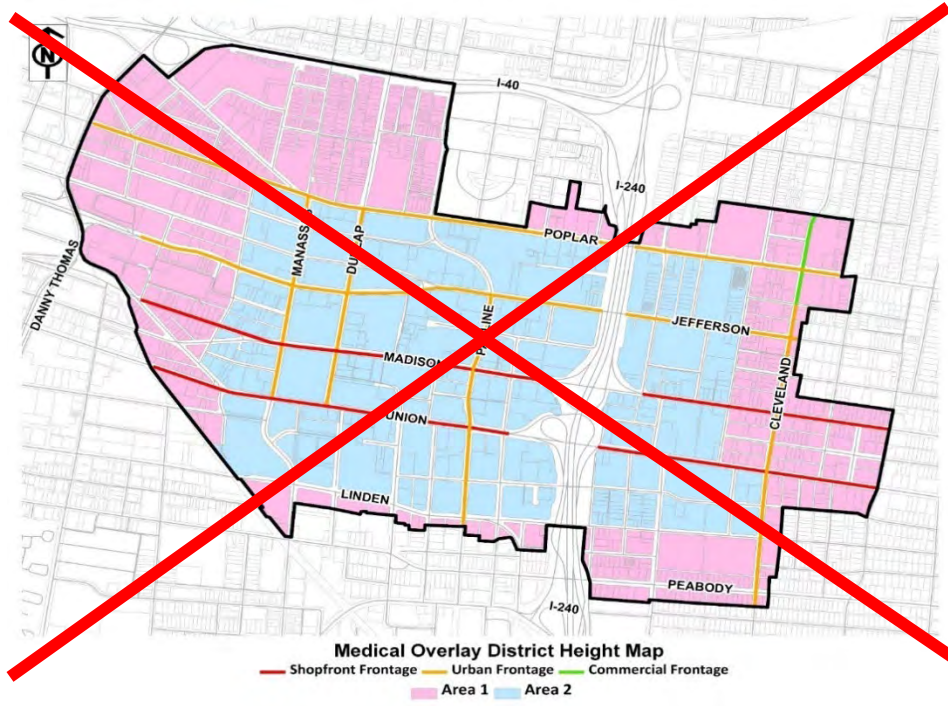
8.2.5B Medical Overlay District Frontage Map:



(NEW IMAGE)

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

8.2.6 Medical Overlay District Height Map:



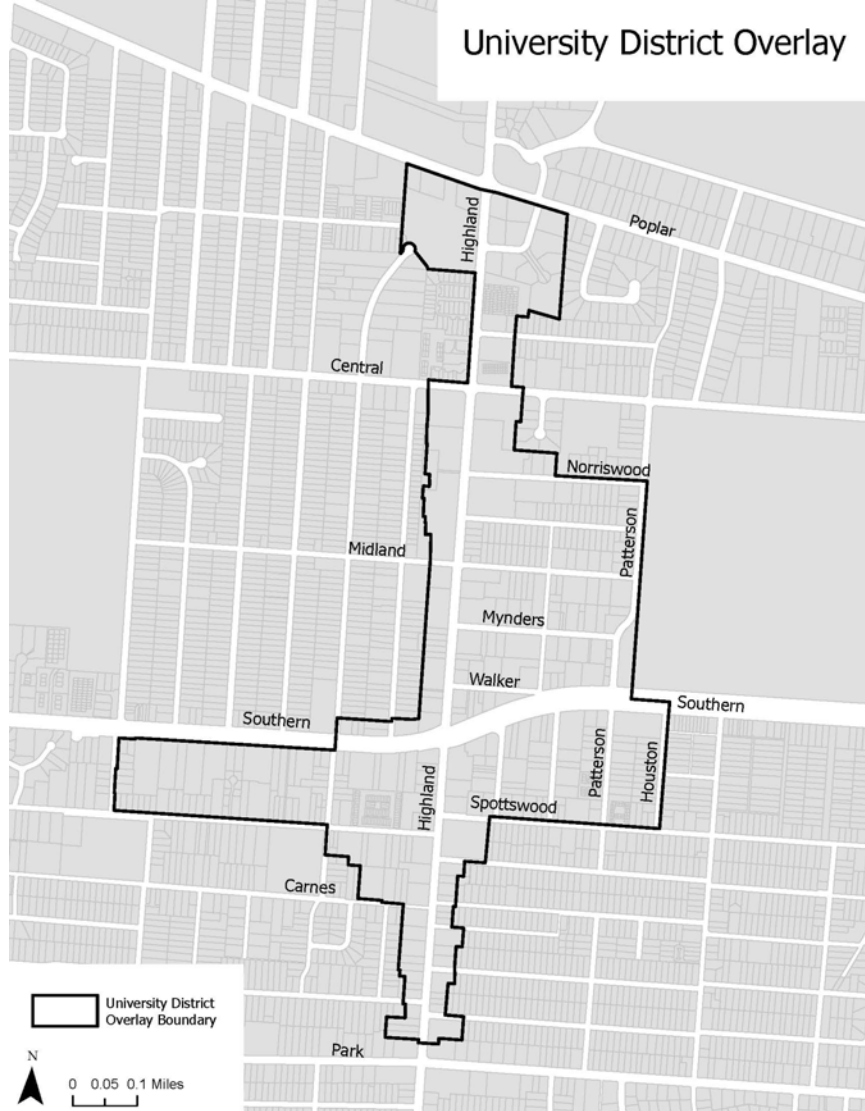
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8.3.6B University District Boundary Map:

University District Overlay (UDO)

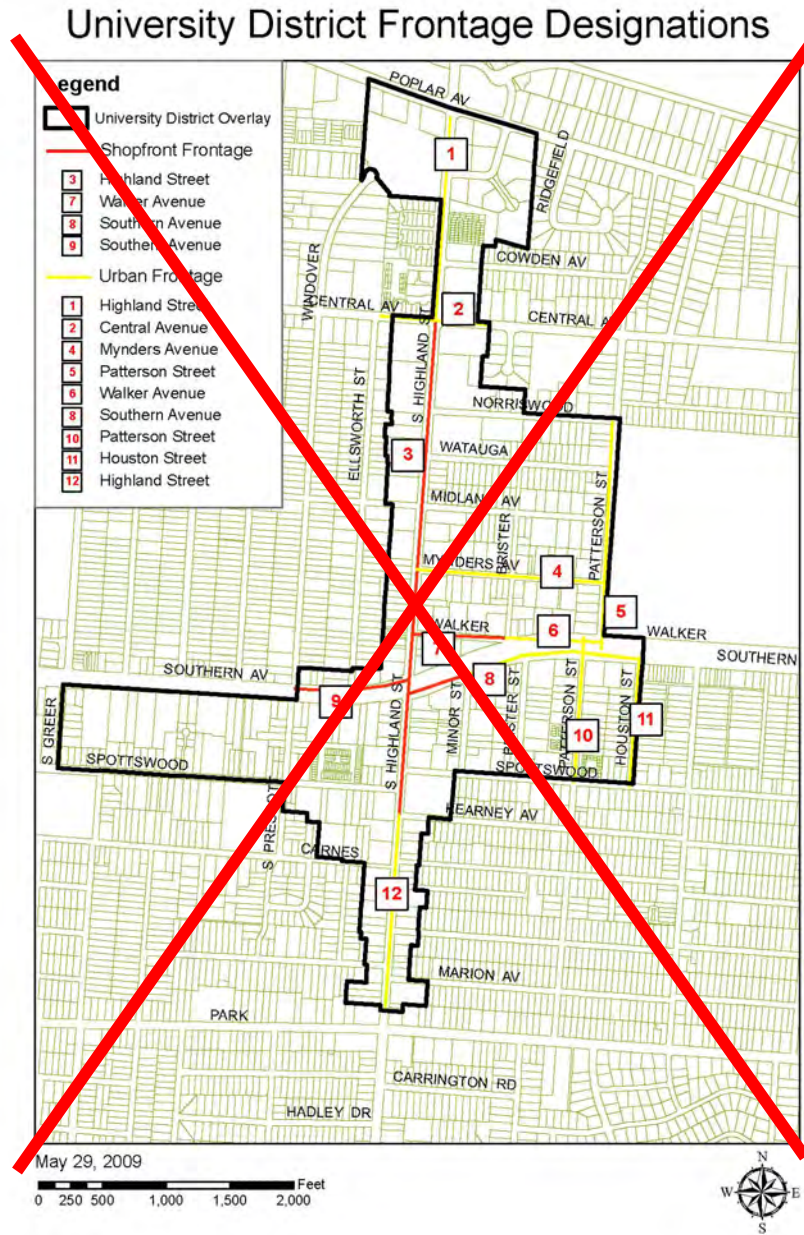


University District Overlay



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8.3.6C University District Frontage Map:



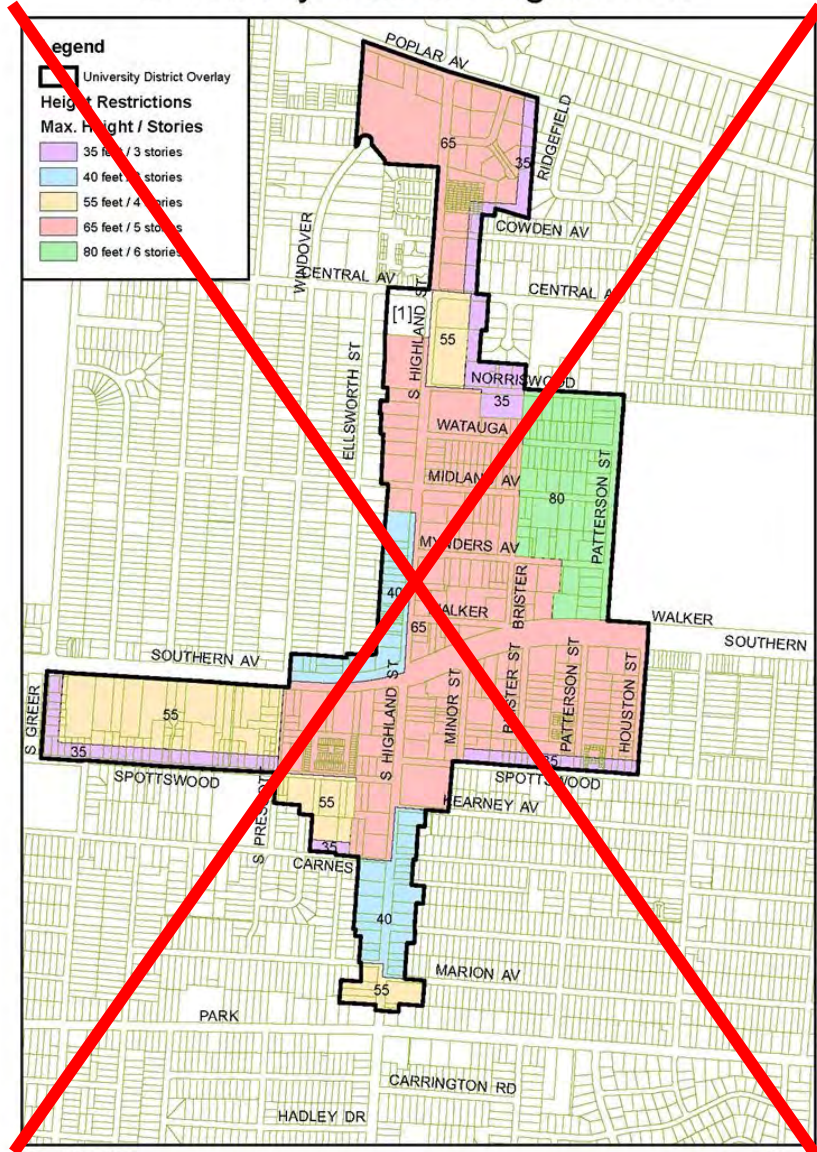
University District Overlay Frontage Map



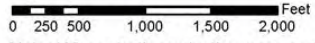
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8.3.7 University District Height Map:

University District Height Limits

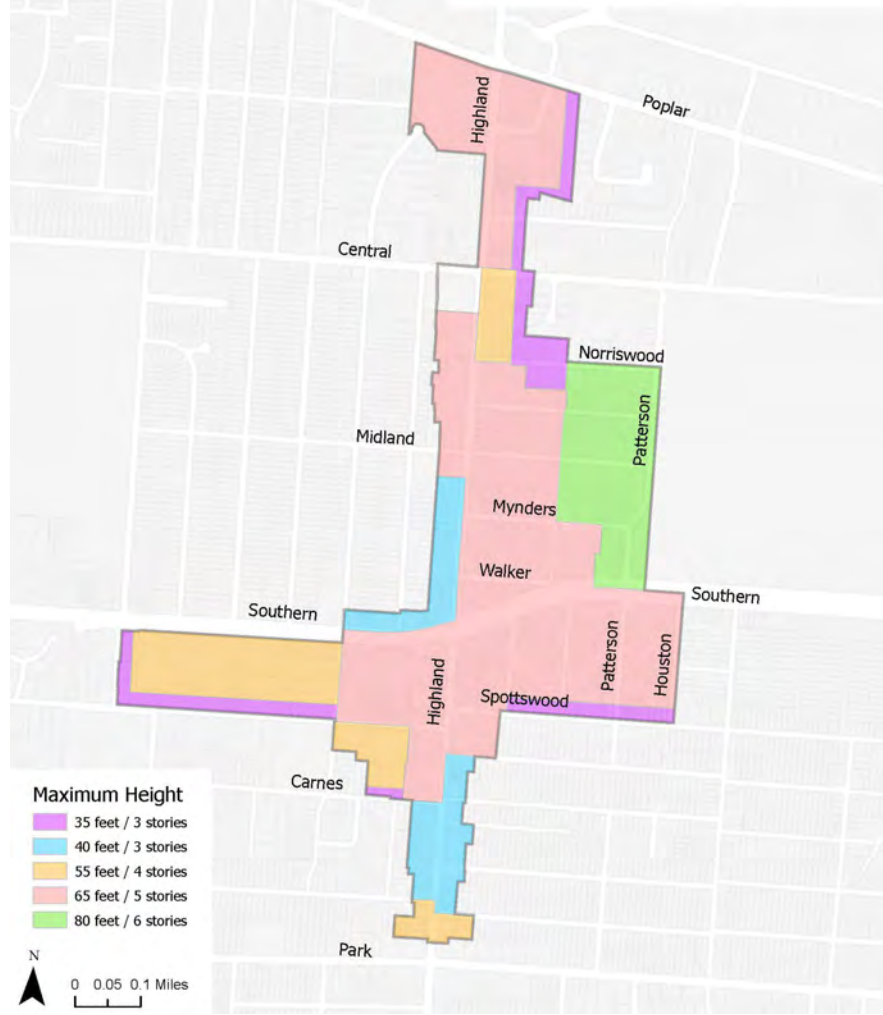


May 29, 2009



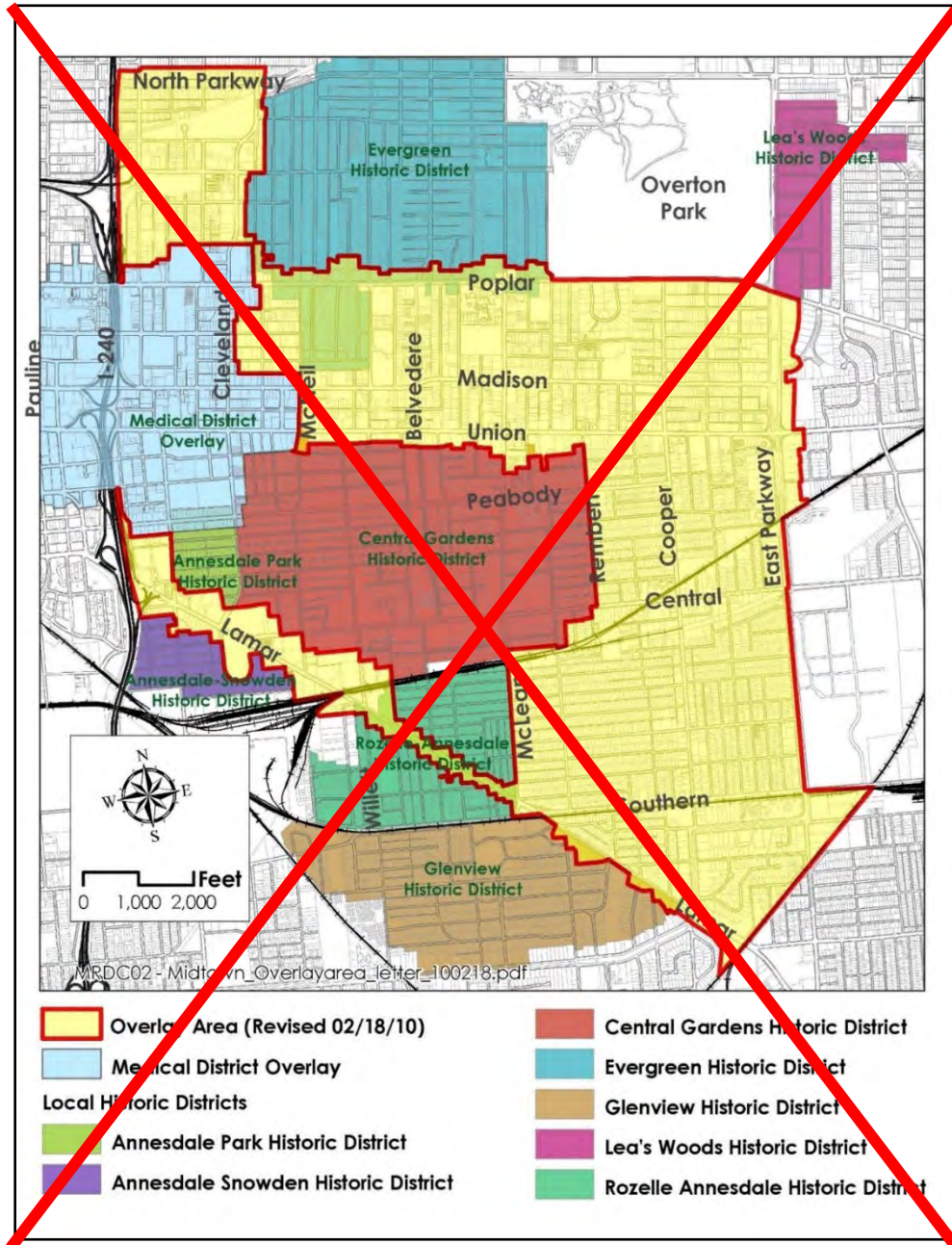
Note: Where both apply, the more restrictive of the Height Map or Bulk Plane regulations control. Refer to section 1.7.2 Bulk Plane.
 [1] Height governed by underlying zoning bulk regulations.

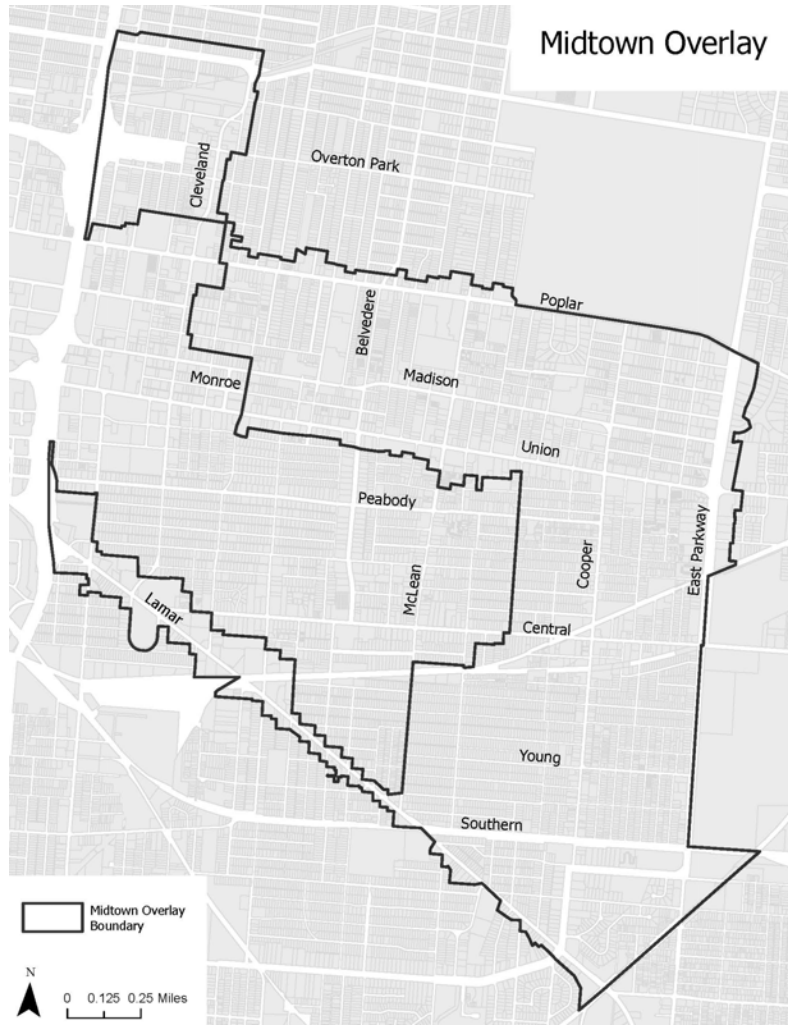
University District Overlay Height Map



(NEW IMAGE)

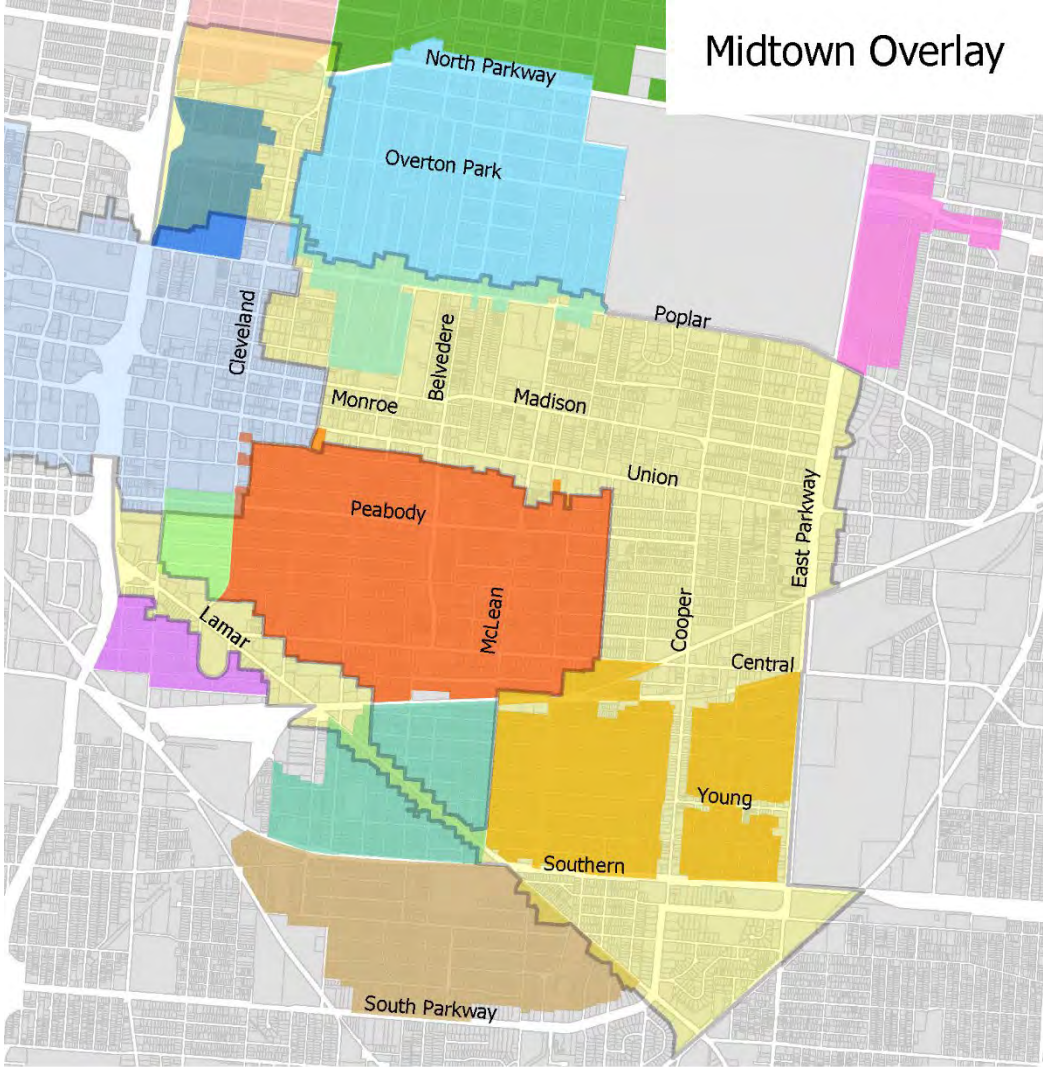
8.4.8A Midtown District Boundary Map



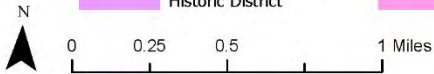


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Midtown Overlay



- | | | |
|---|---|---|
|  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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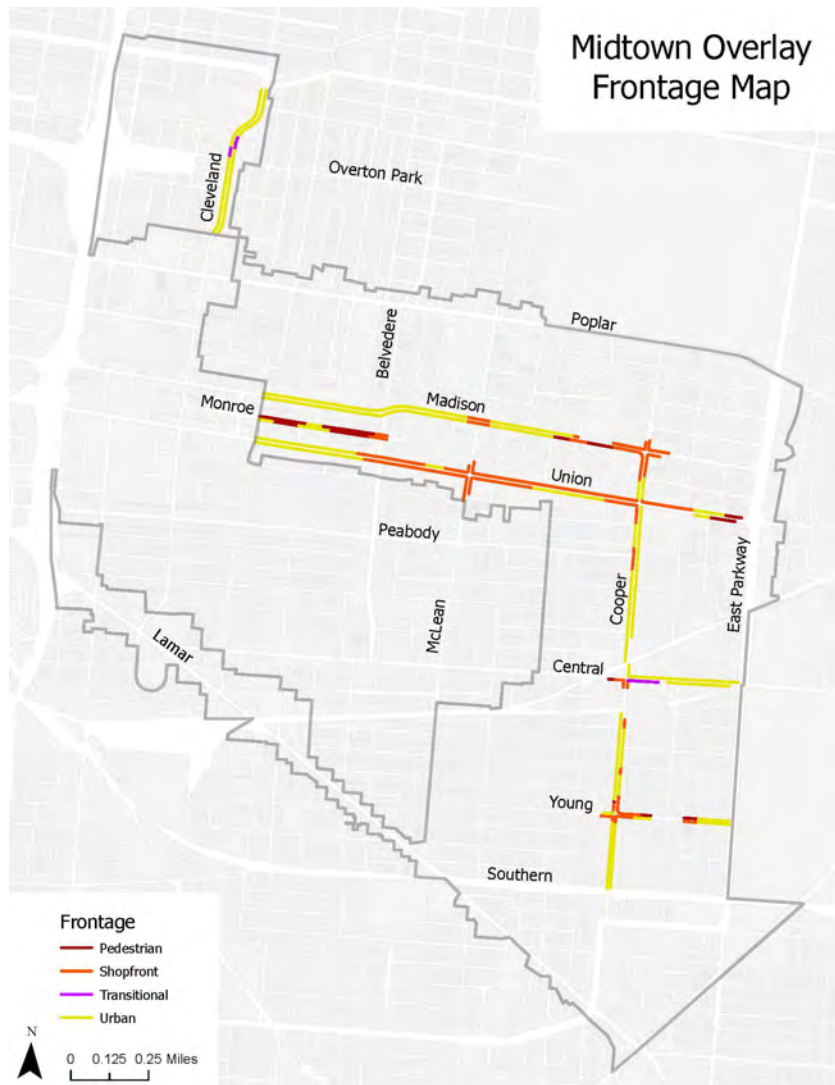
8.4.8B Midtown District Frontage Map:



Midtown Plan -

Frontage Map

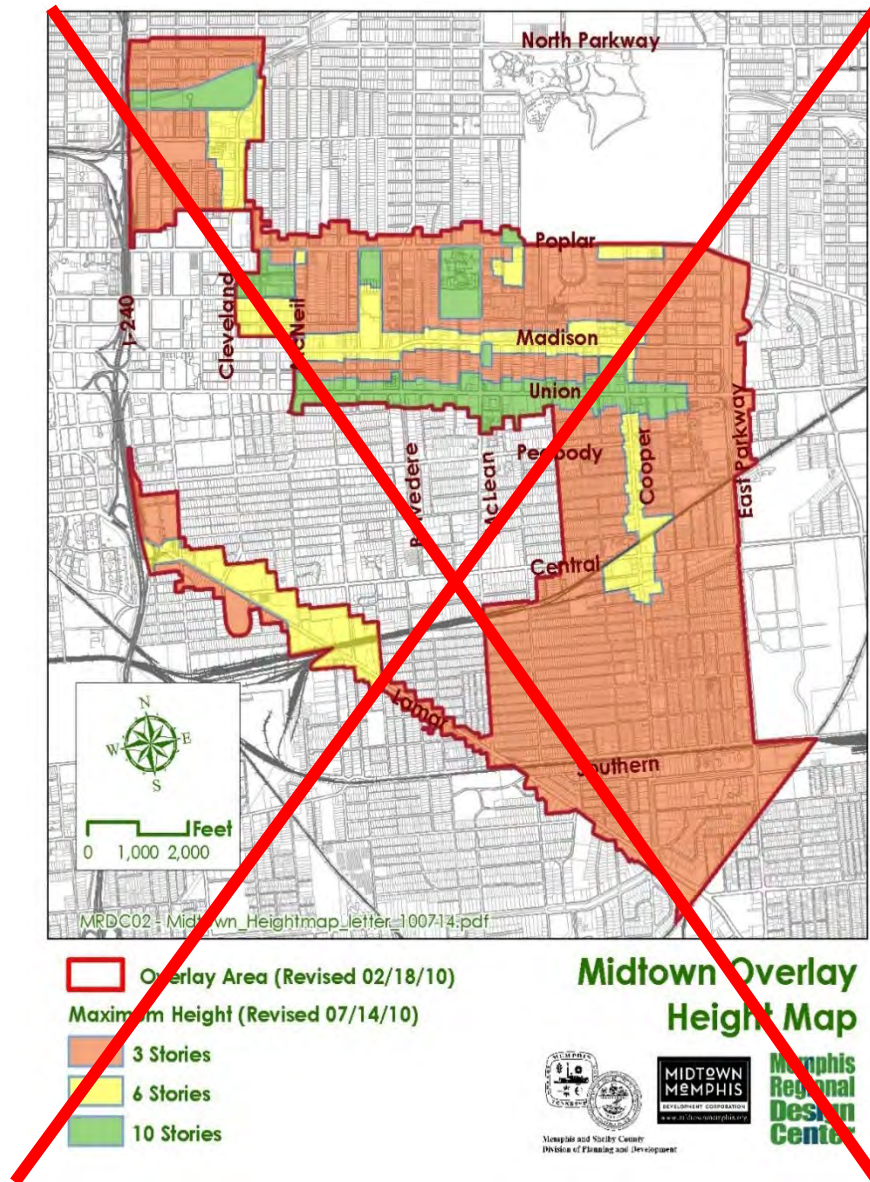
Midtown Overlay Frontage Map

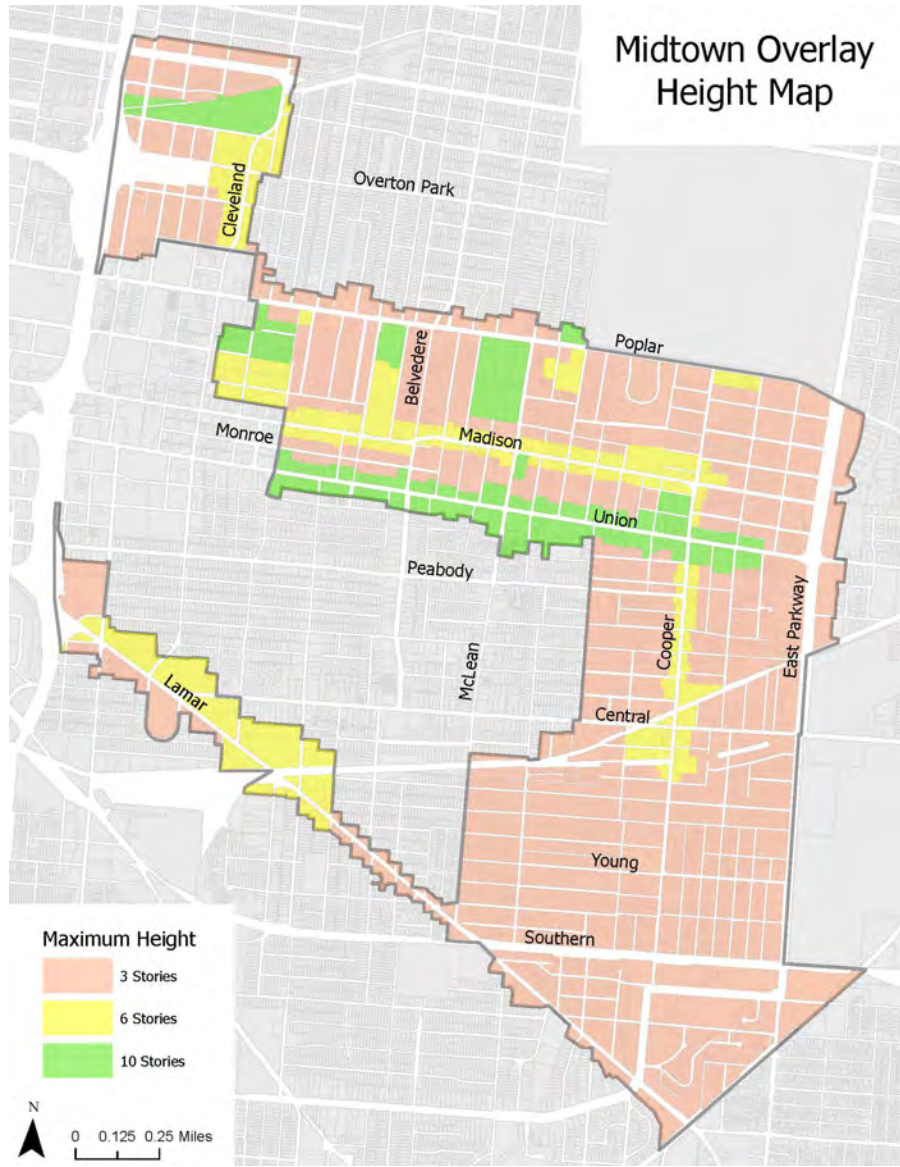


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Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





(NEW IMAGE)

8.13 Transit Overlay District

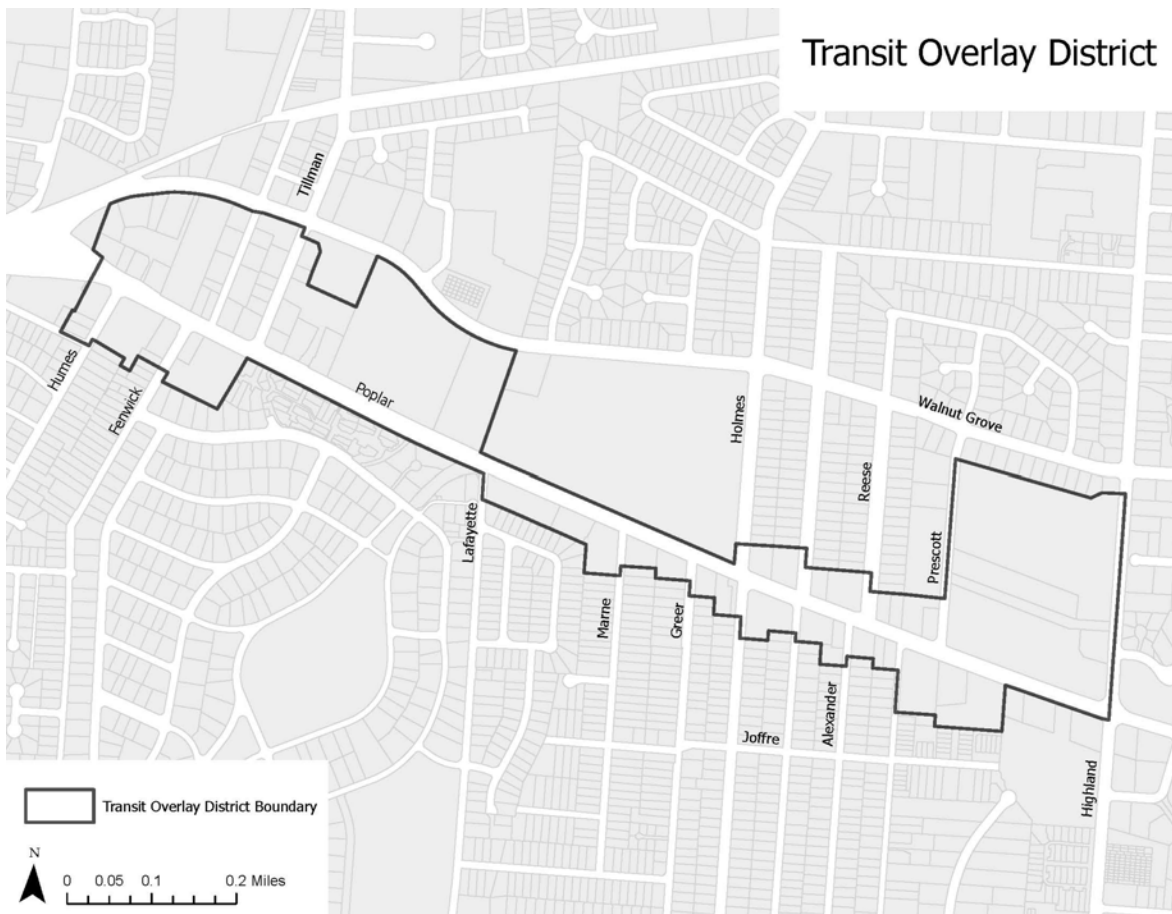
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

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

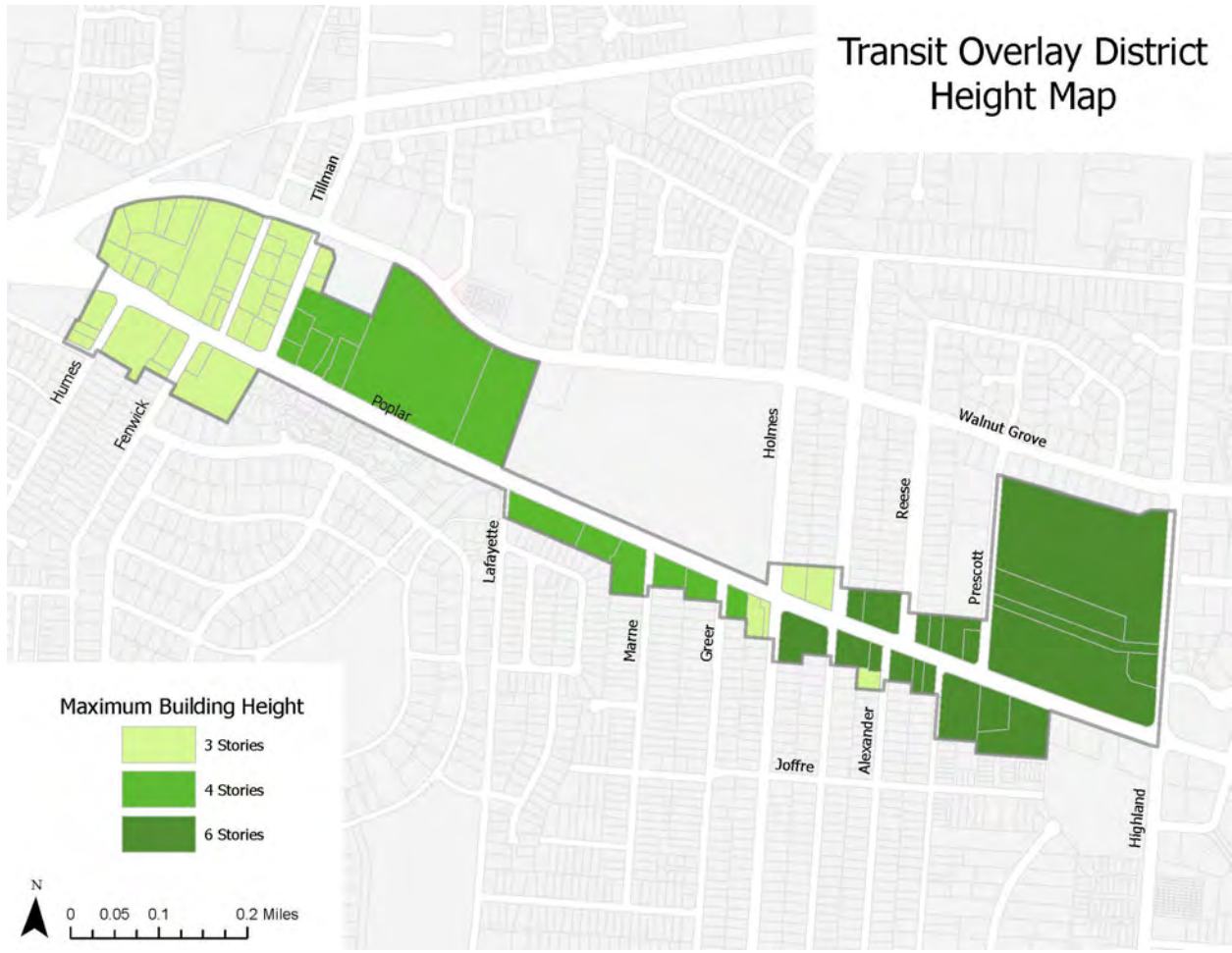
parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

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
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:

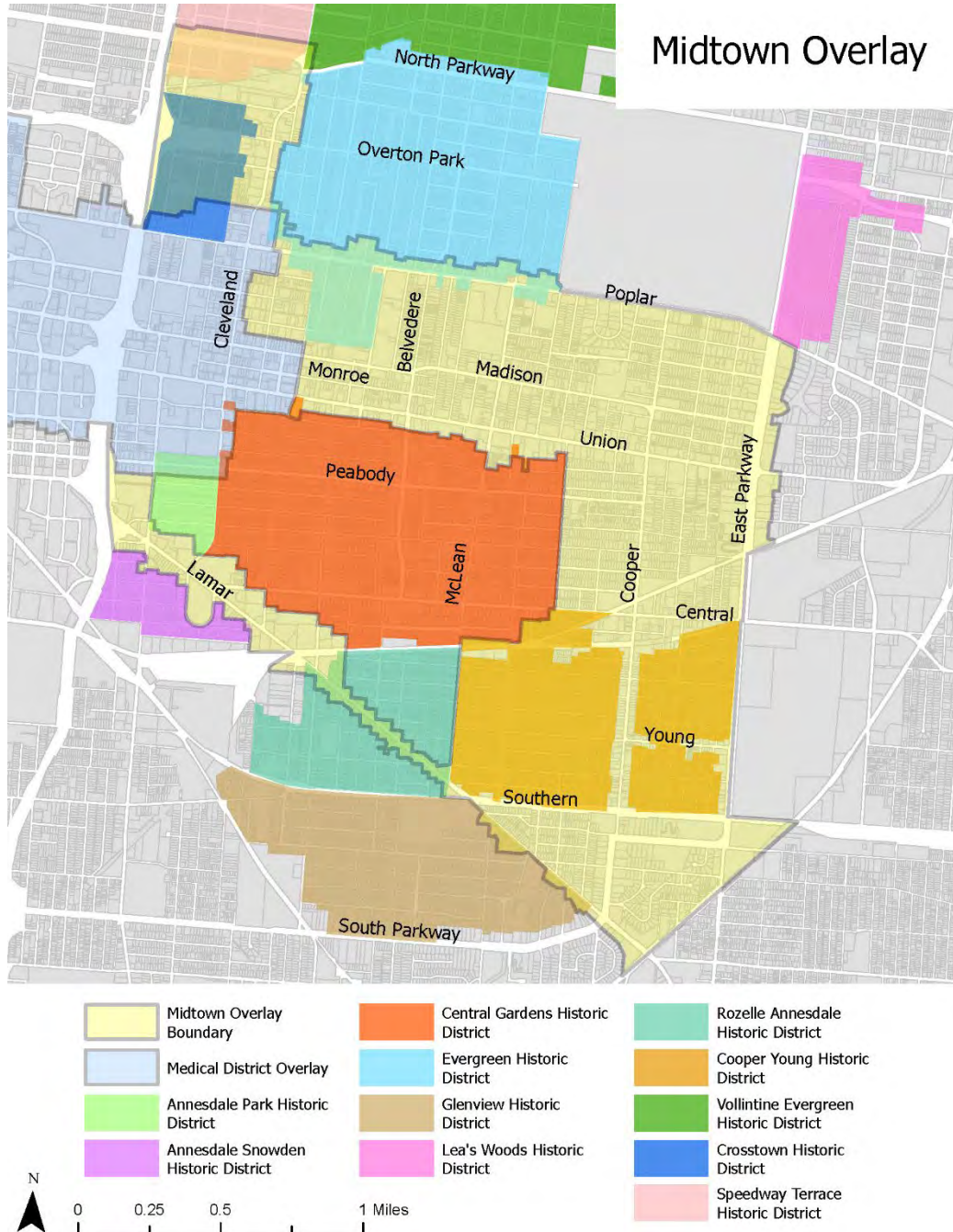
Adopt Annual List of Amendments to the Memphis and Shelby County Unified Development Code (the "UDC")

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</u> <u>& 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~~

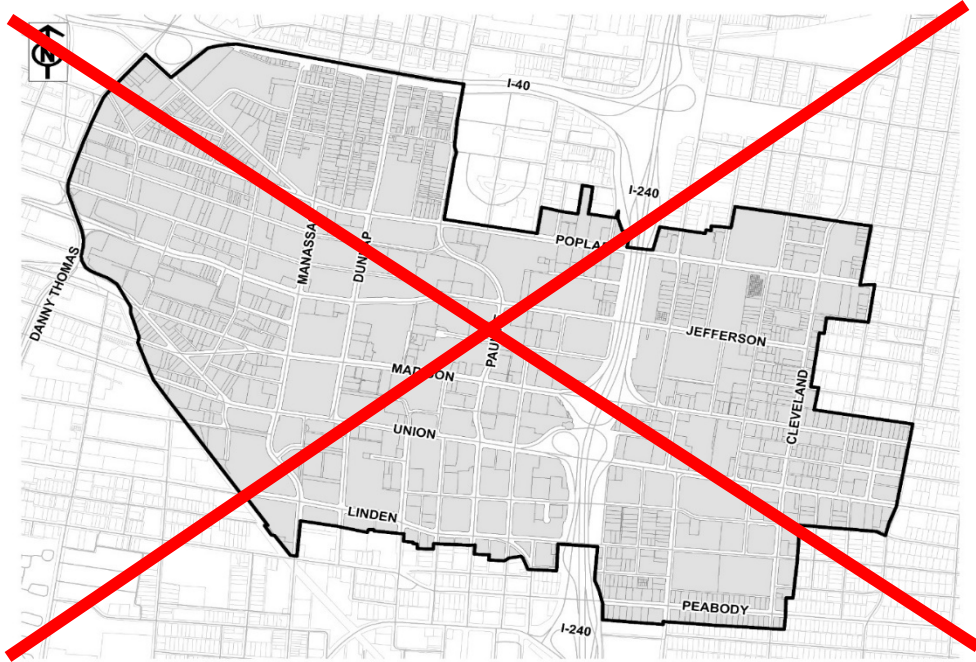
~~number of three additional parking spaces~~ **if the accessory dwelling unit reduces the existing parking below what is required by underlying zoning.** Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

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.

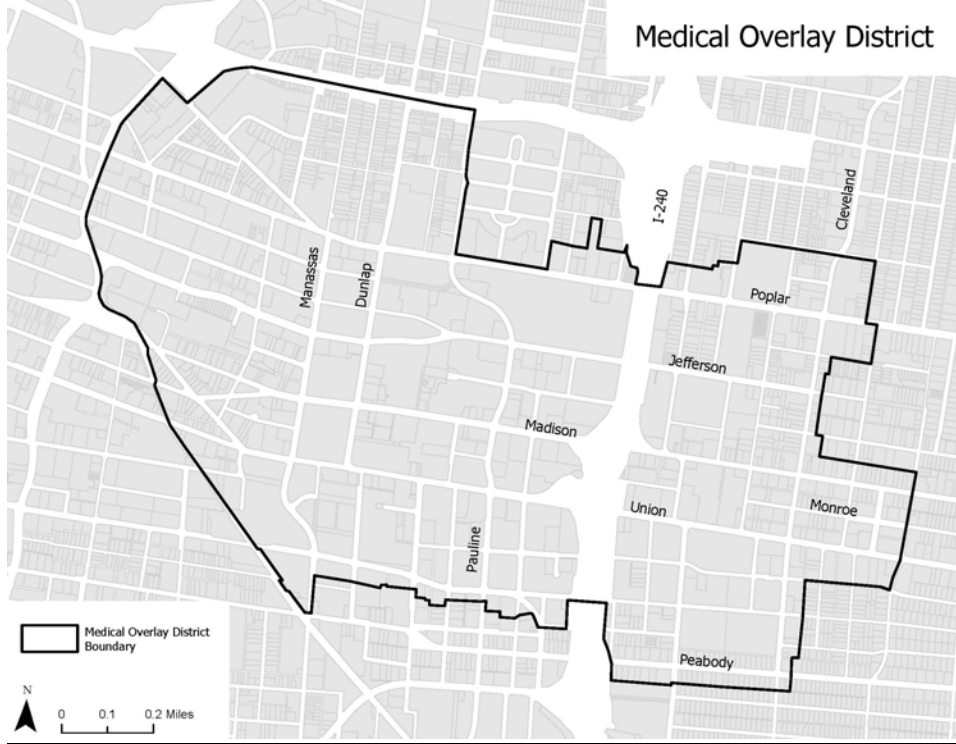
2. Transit Oriented Development Plan Recommendations

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:

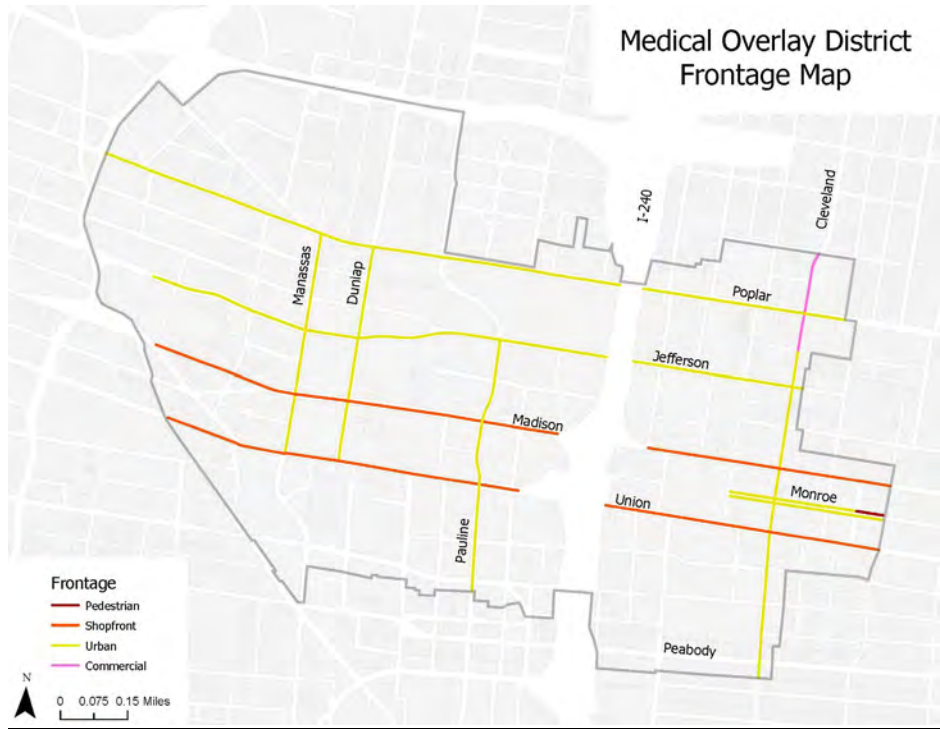
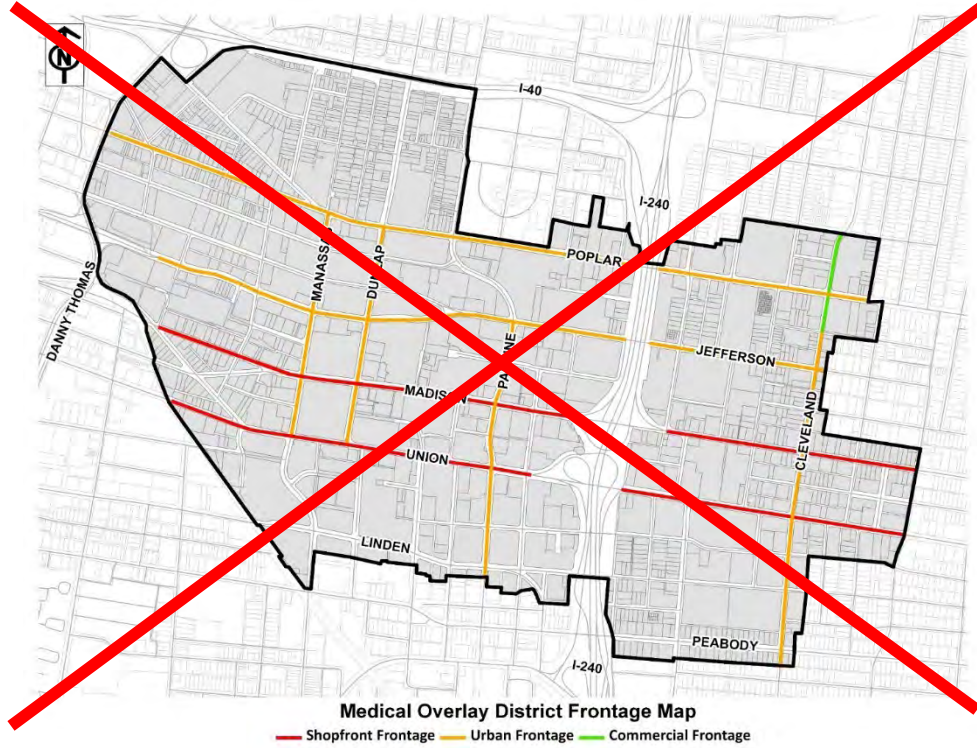


Medical Overlay District (-MO)



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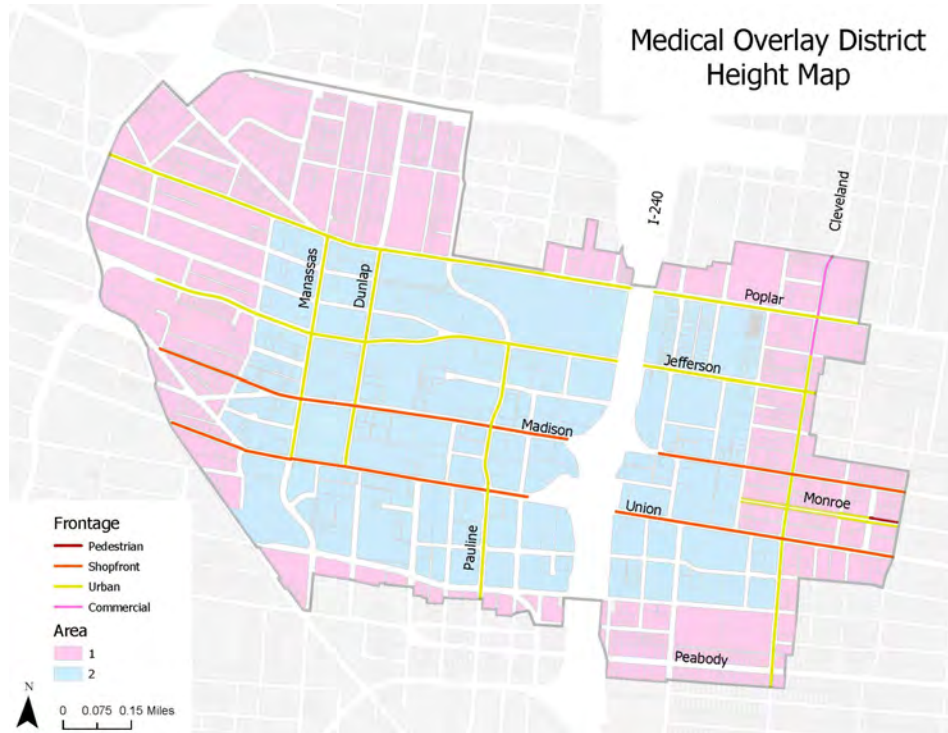
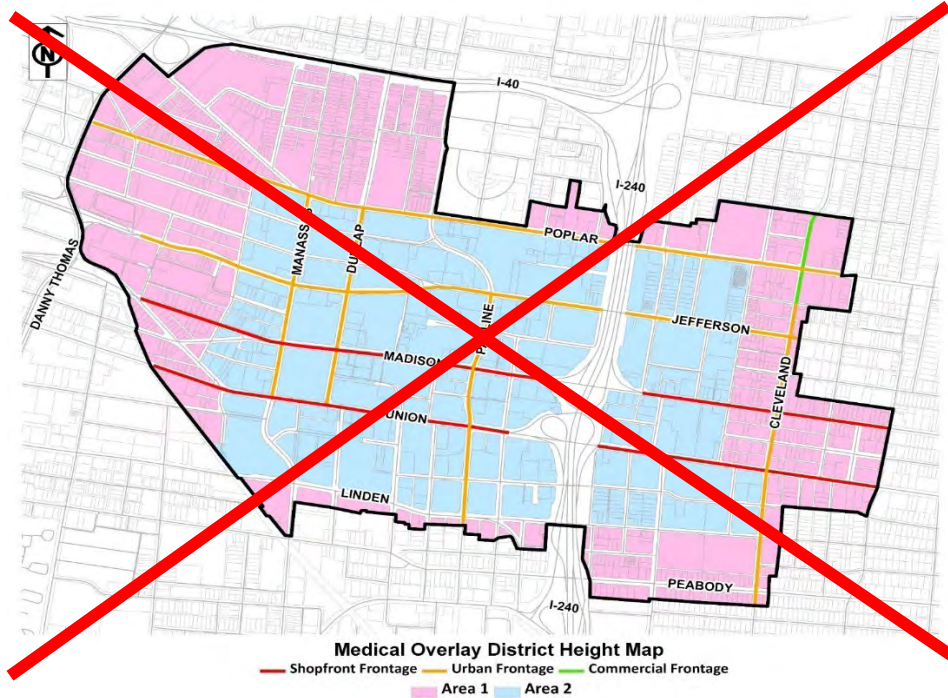
8.2.5B Medical Overlay District Frontage Map:



(NEW IMAGE)

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

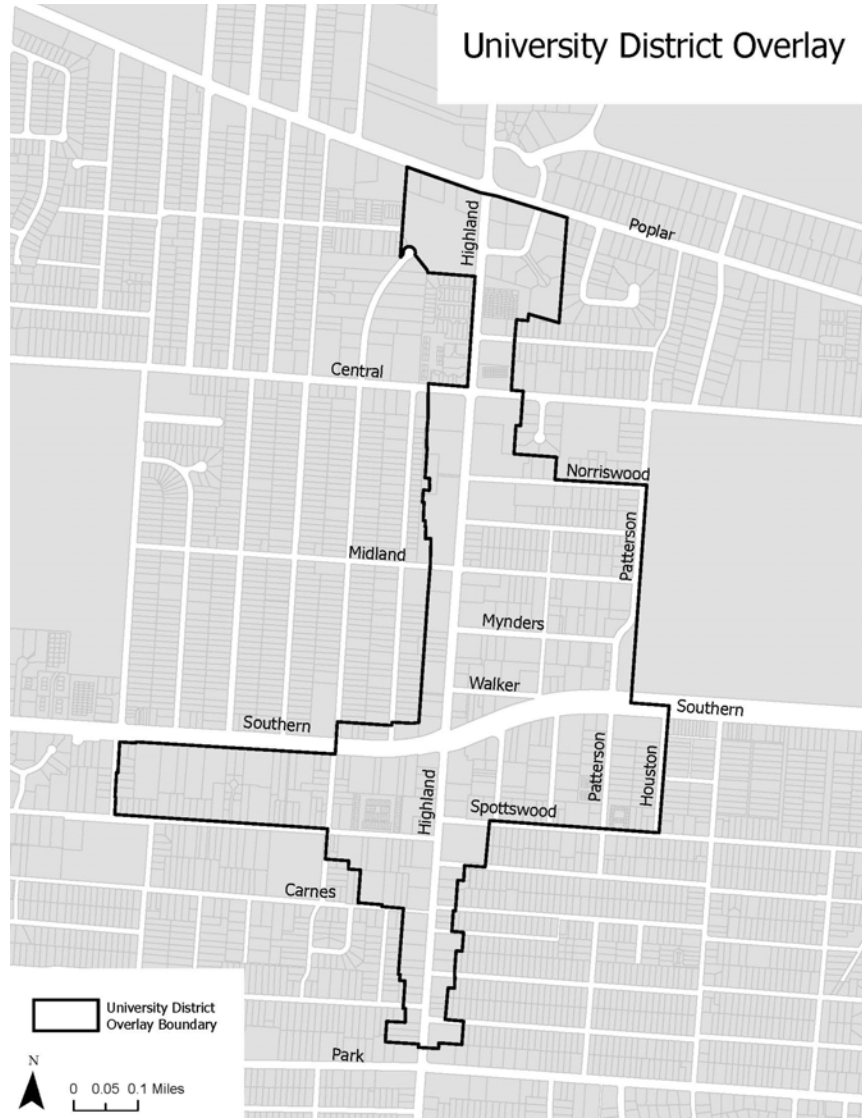
8.2.6 Medical Overlay District Height Map:



(NEW IMAGE)

8.3.6B University District Boundary Map:





(NEW IMAGE)

8.3.6C University District Frontage Map:

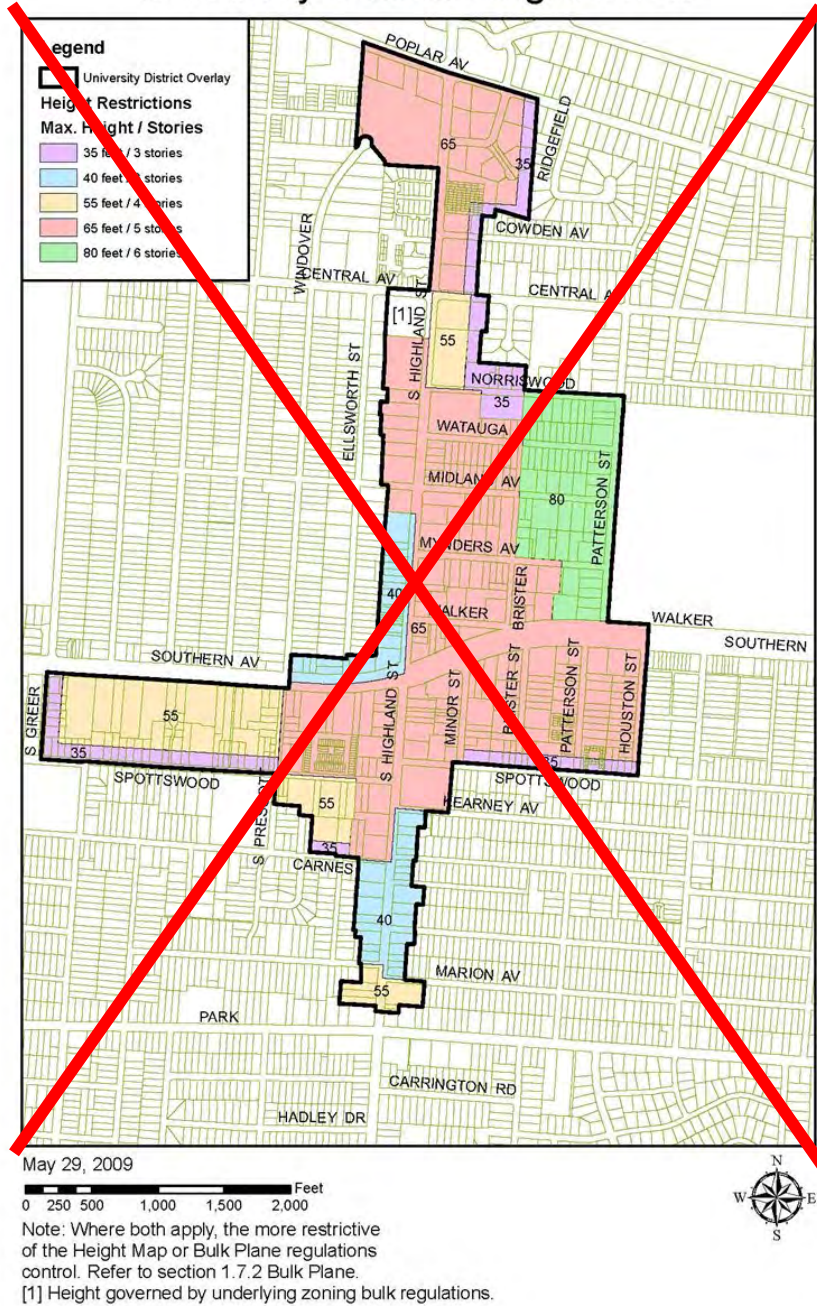


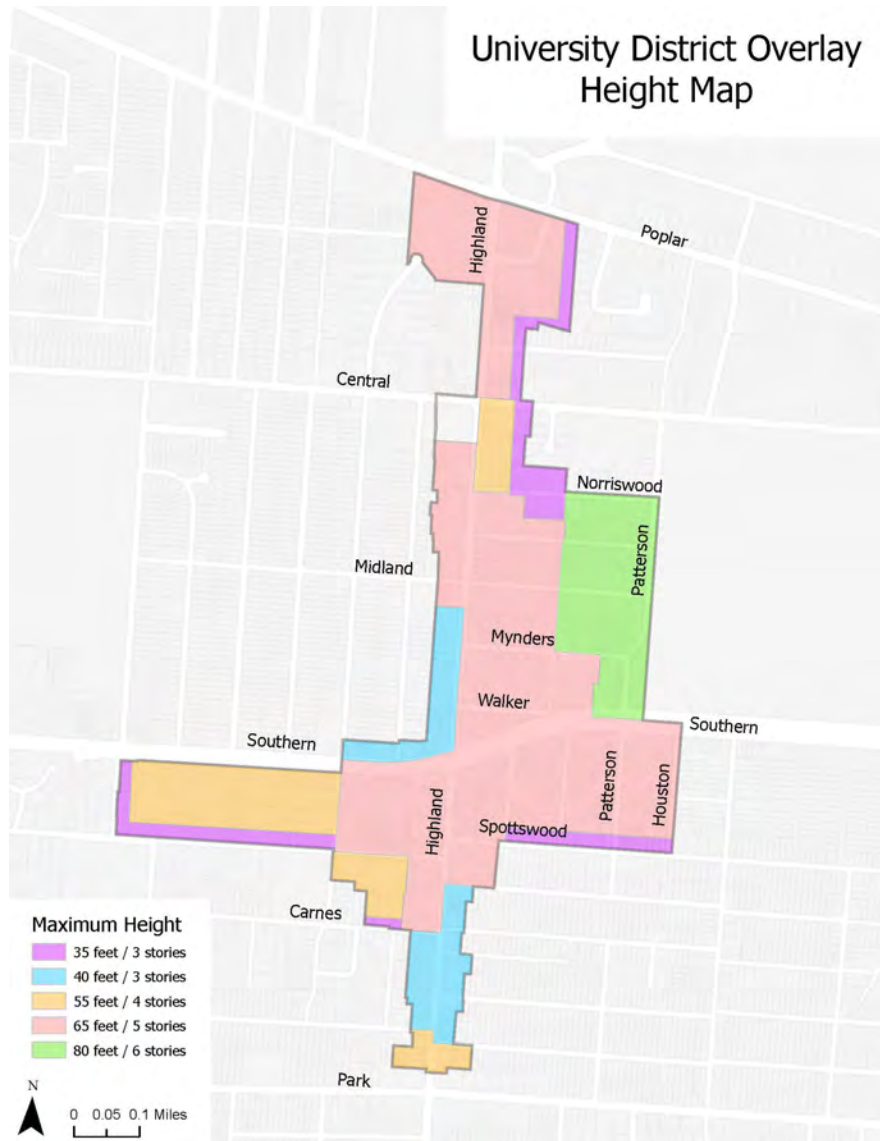


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8.3.7 University District Height Map:

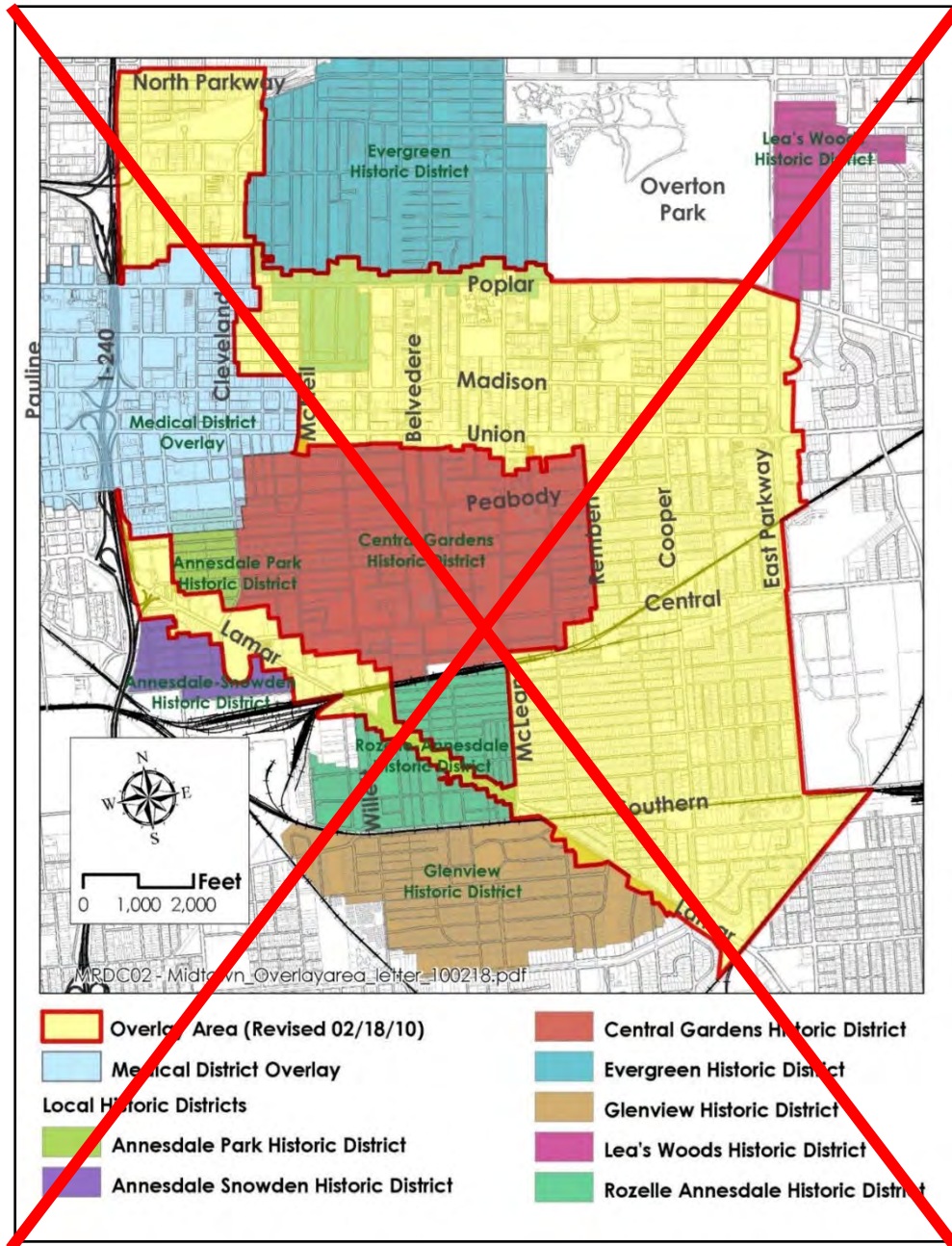
University District Height Limits

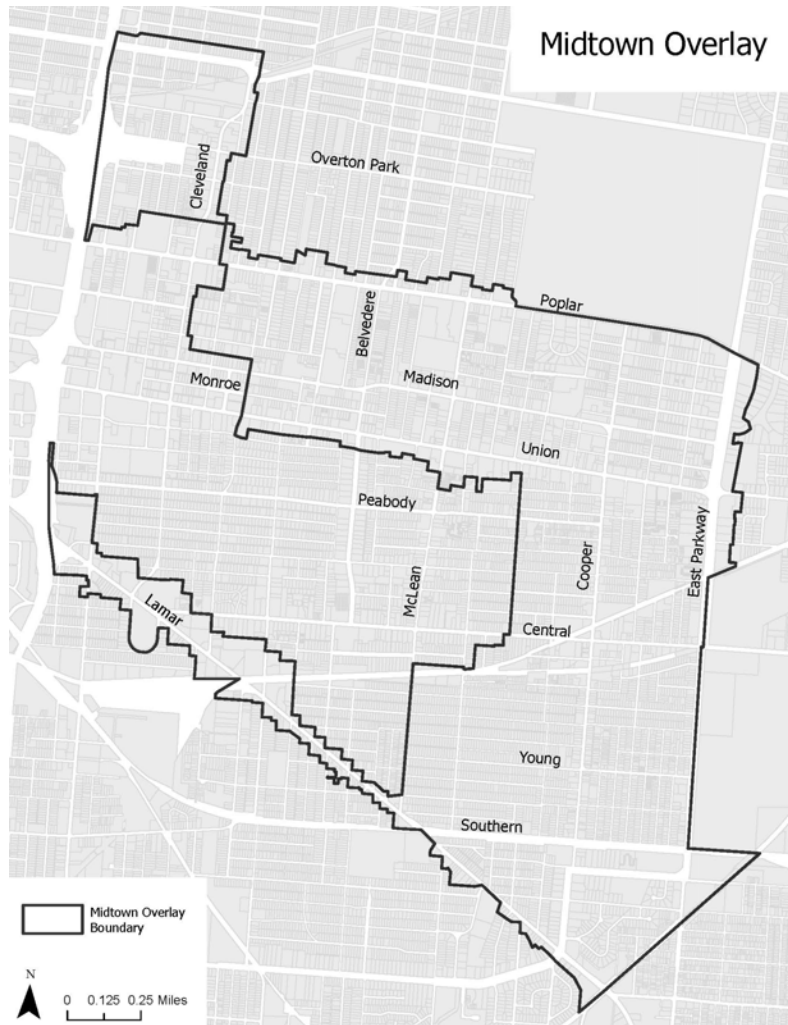




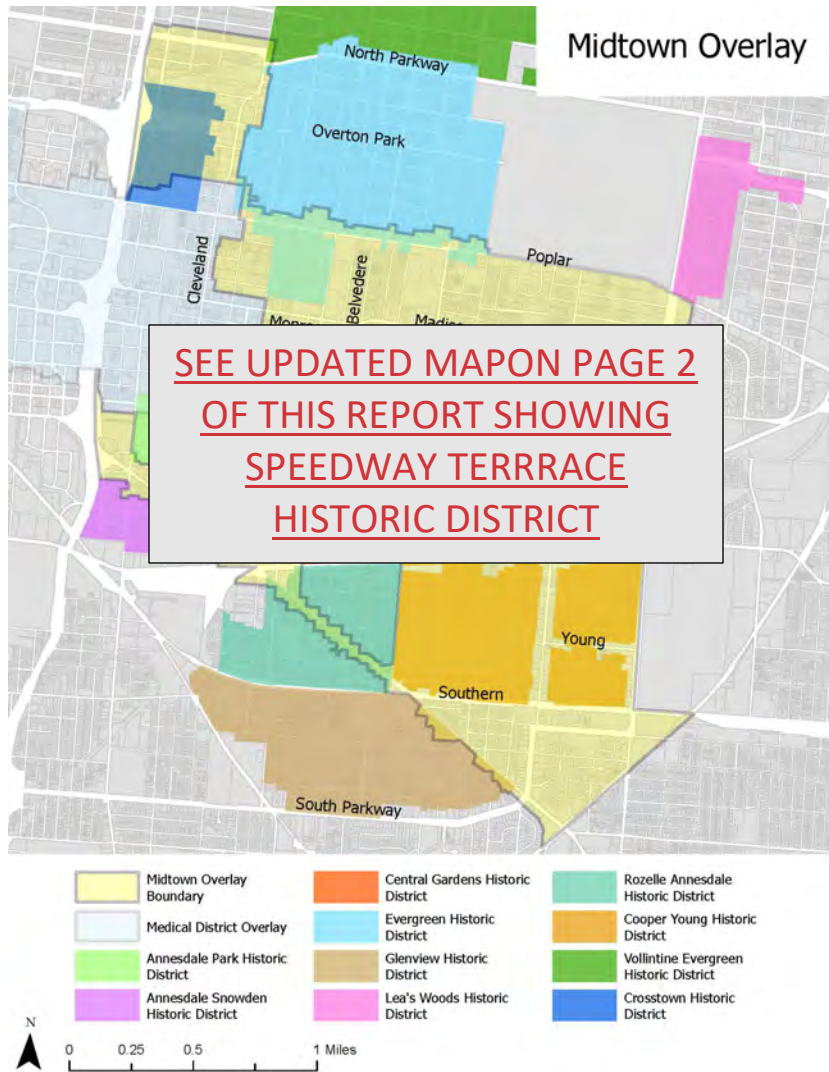
(NEW IMAGE)

8.4.8A Midtown District Boundary Map





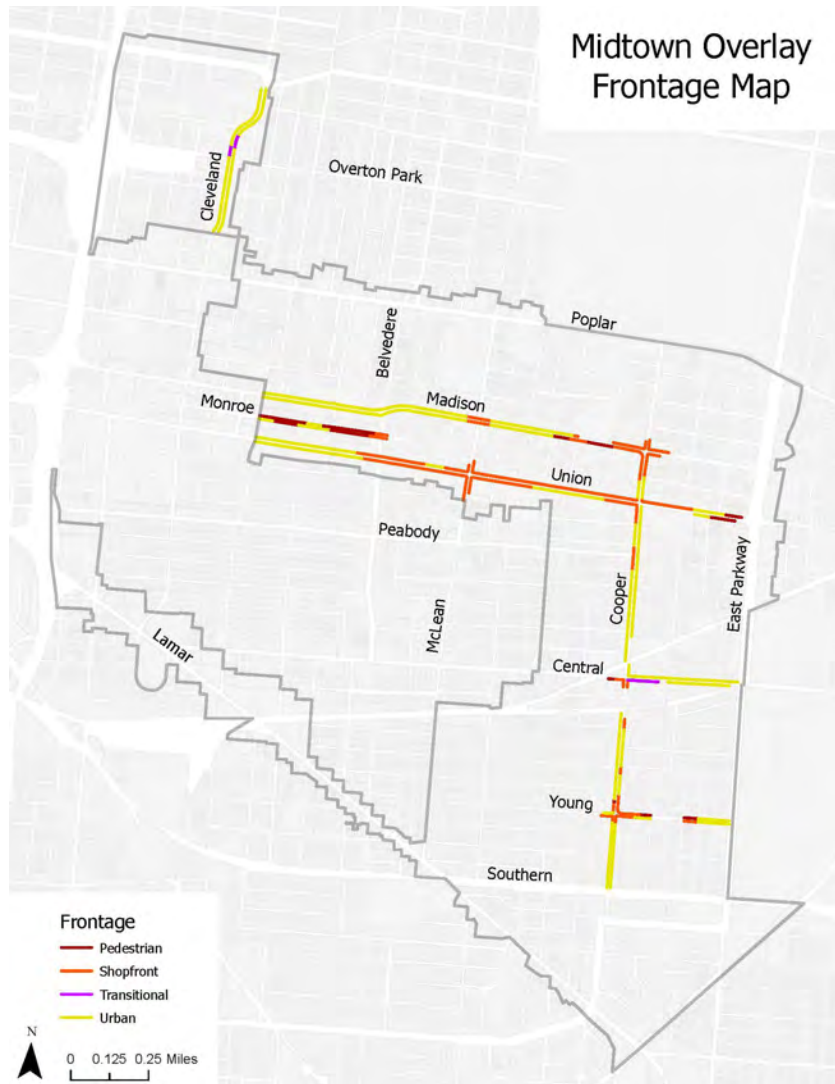
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8.4.8B Midtown District Frontage Map:

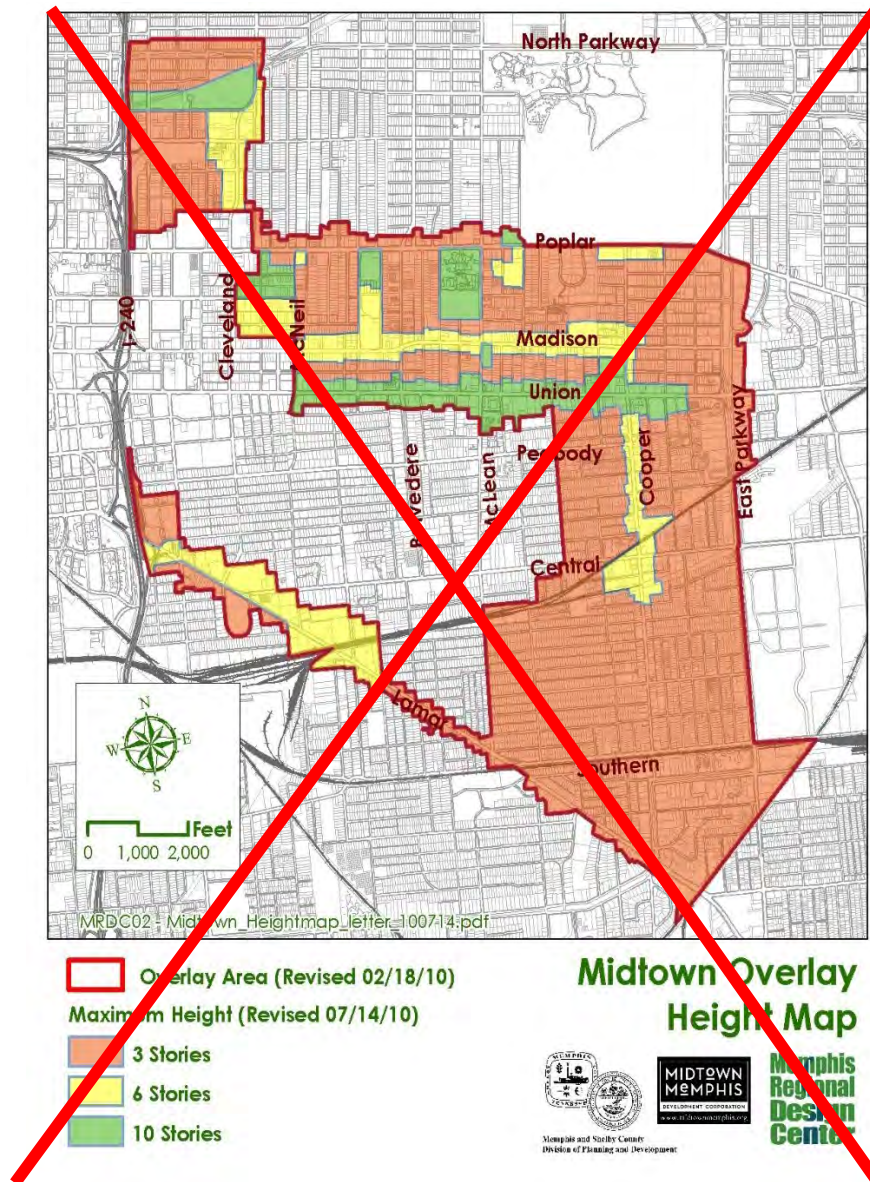


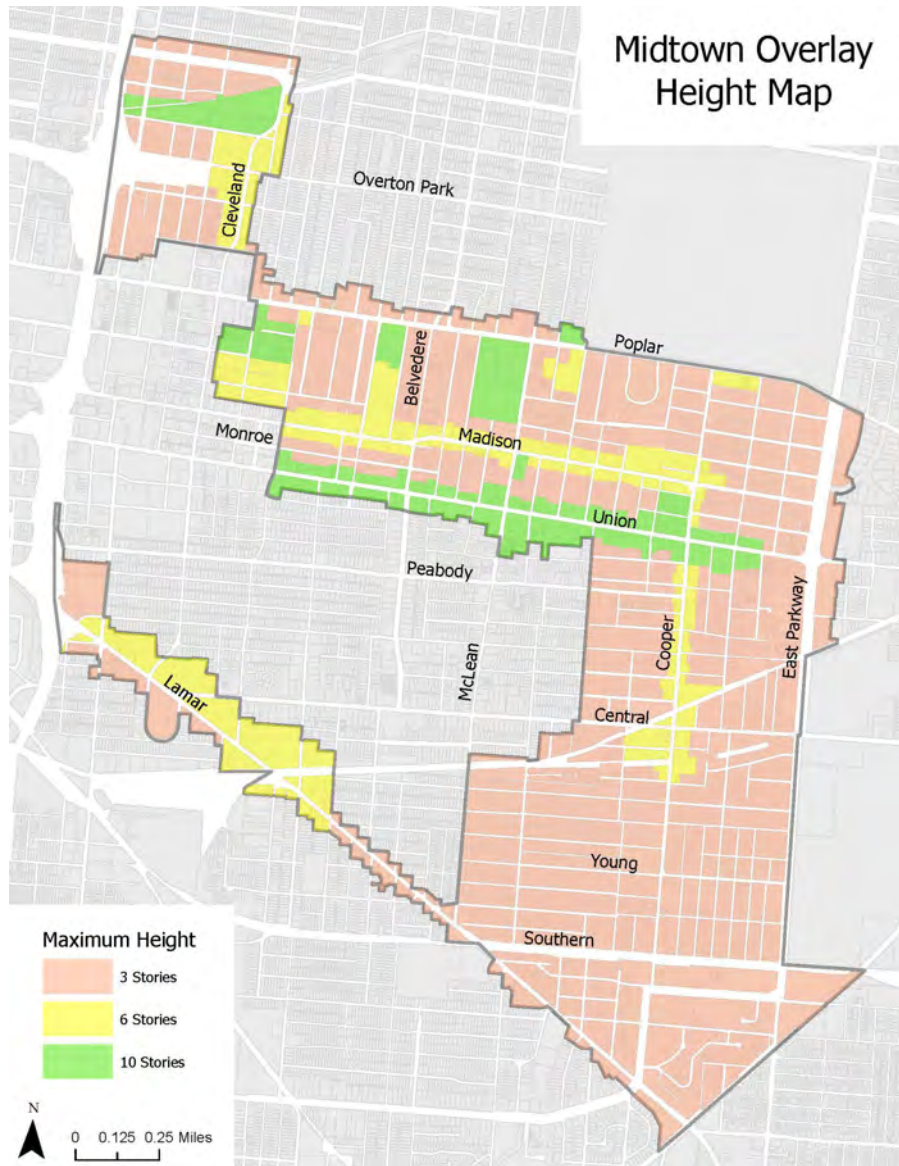


(NEW IMAGE)

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

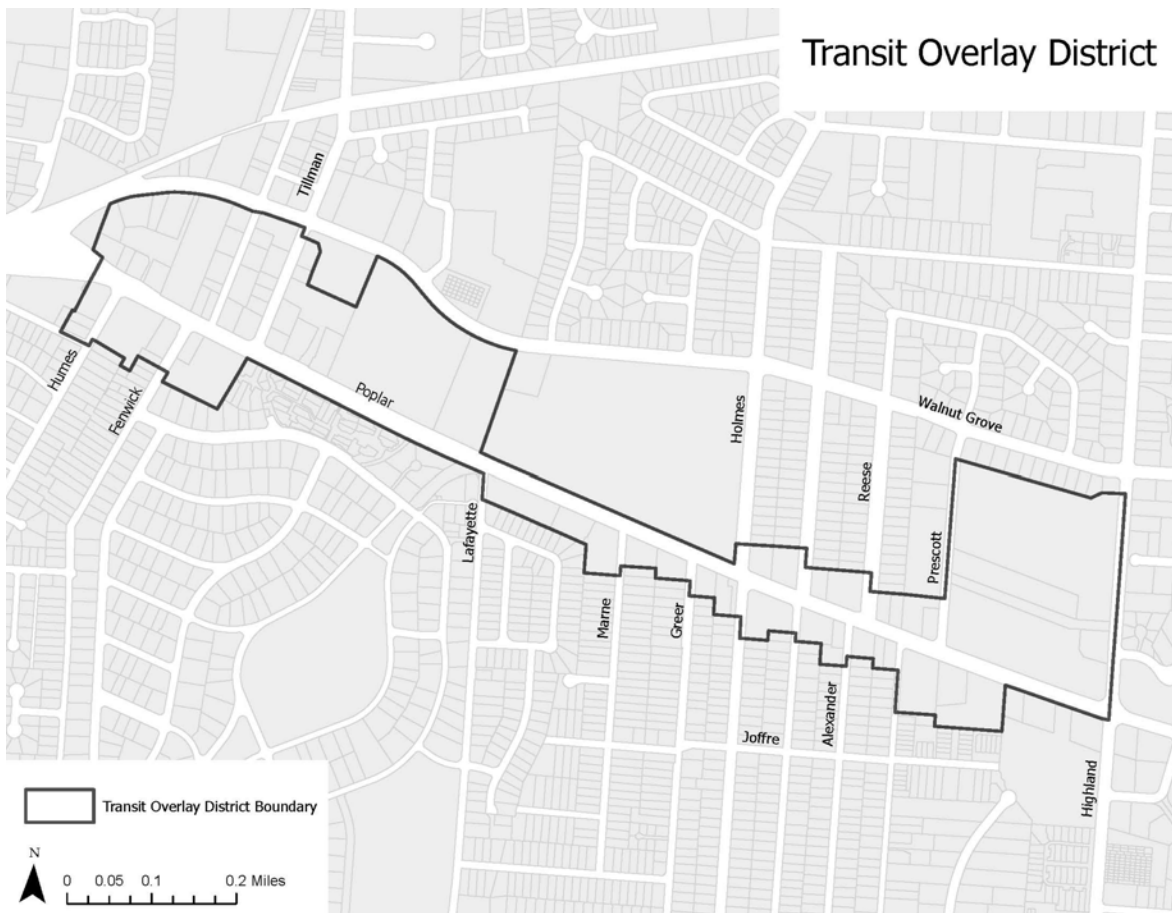
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

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.

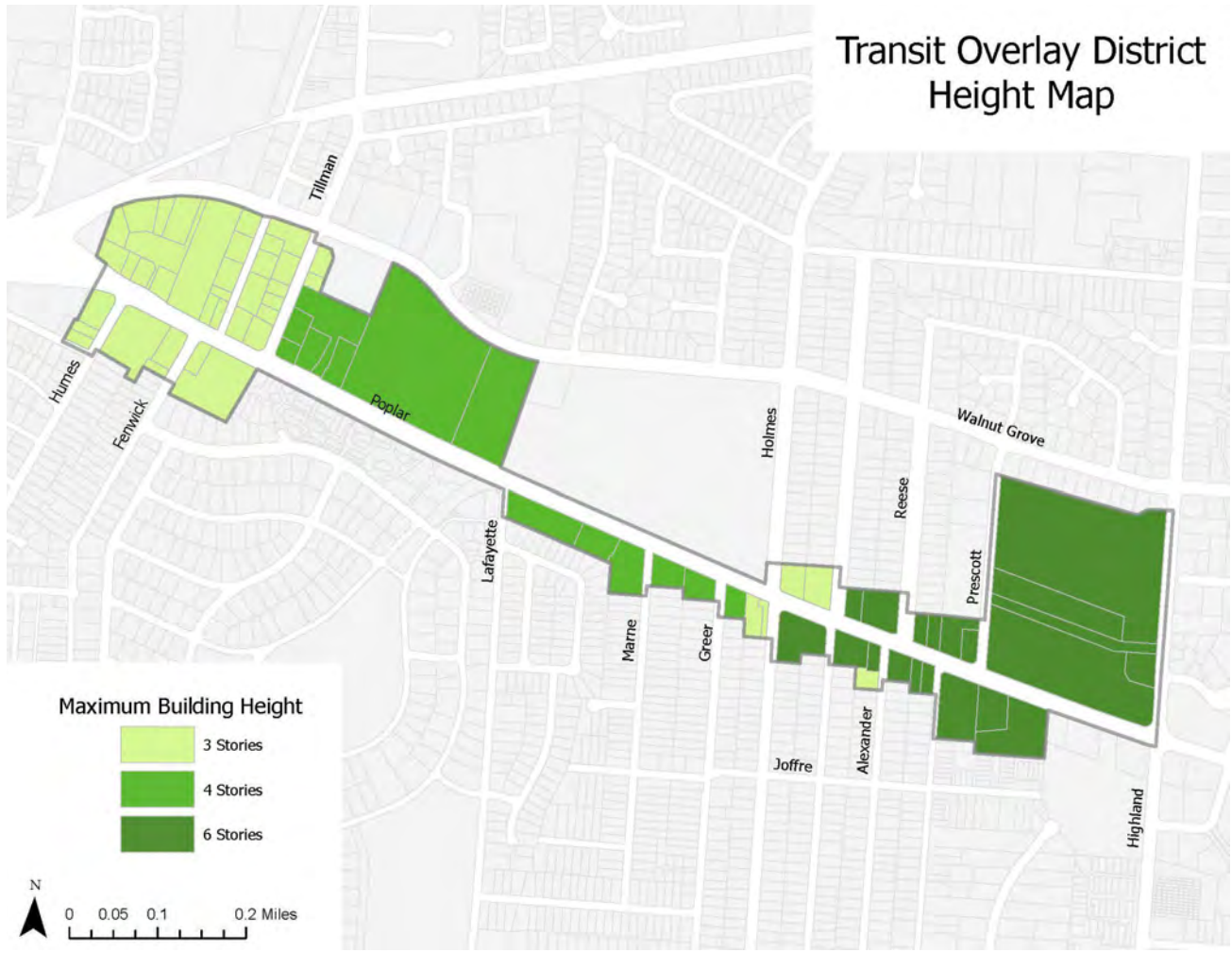
d. Limited-access bicycle parking within a parking lot or parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

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 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 Schafflein
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](#)

You don't often get email from mogle1@comcast.net. [Learn why this is important](#)

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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 allows 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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66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

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

Chip Clay

Mark Fleischer

Andy Kitsinger

Gayle Moore

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Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

[www.facebook.com/Midtown
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>;
Earlice Taylor (Glenview) <earlice@yahoo.com>;
Justin Gillis (Speedway Terrace) <jugillis@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>

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:

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

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>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.

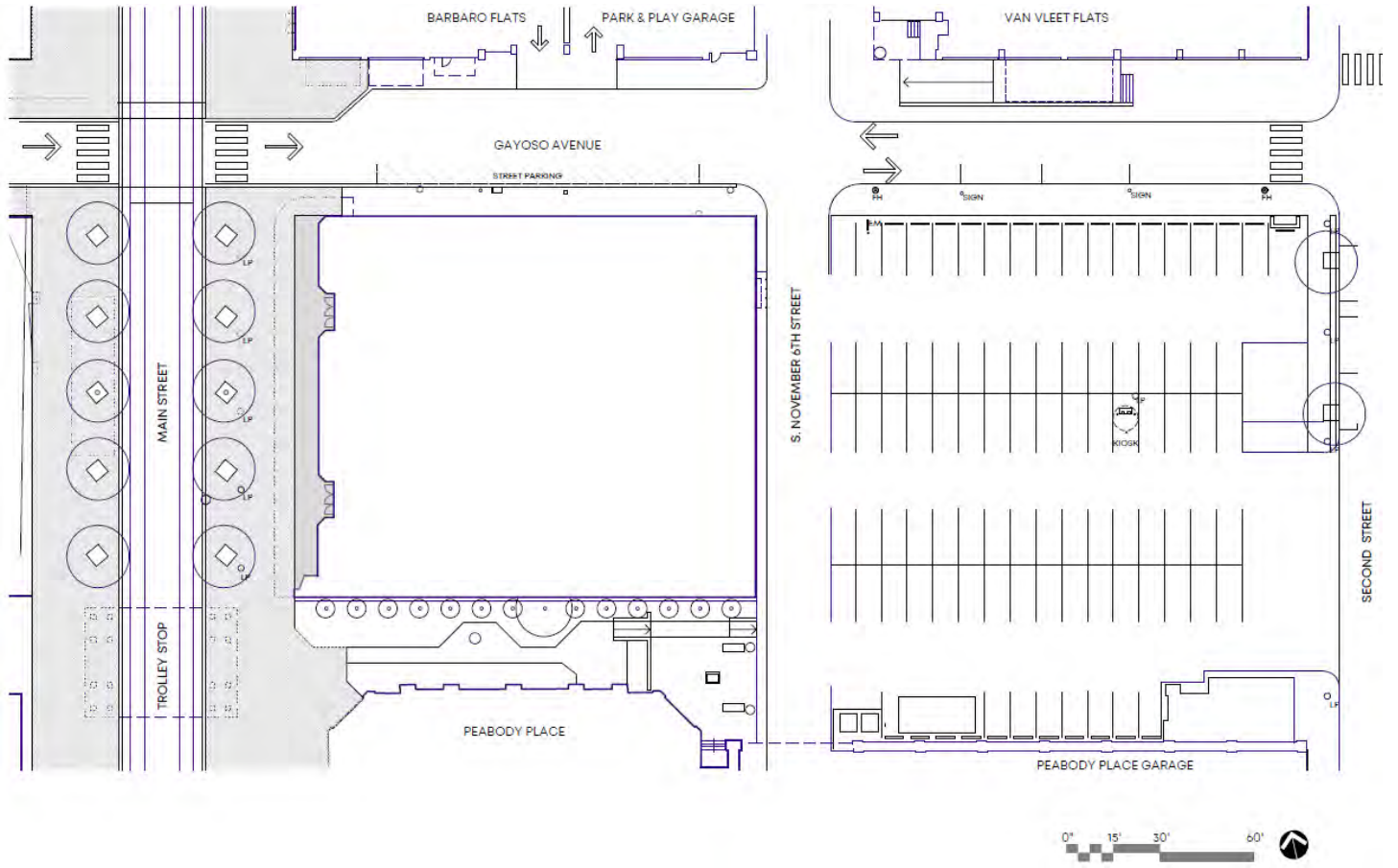
CONDITIONS

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.
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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.

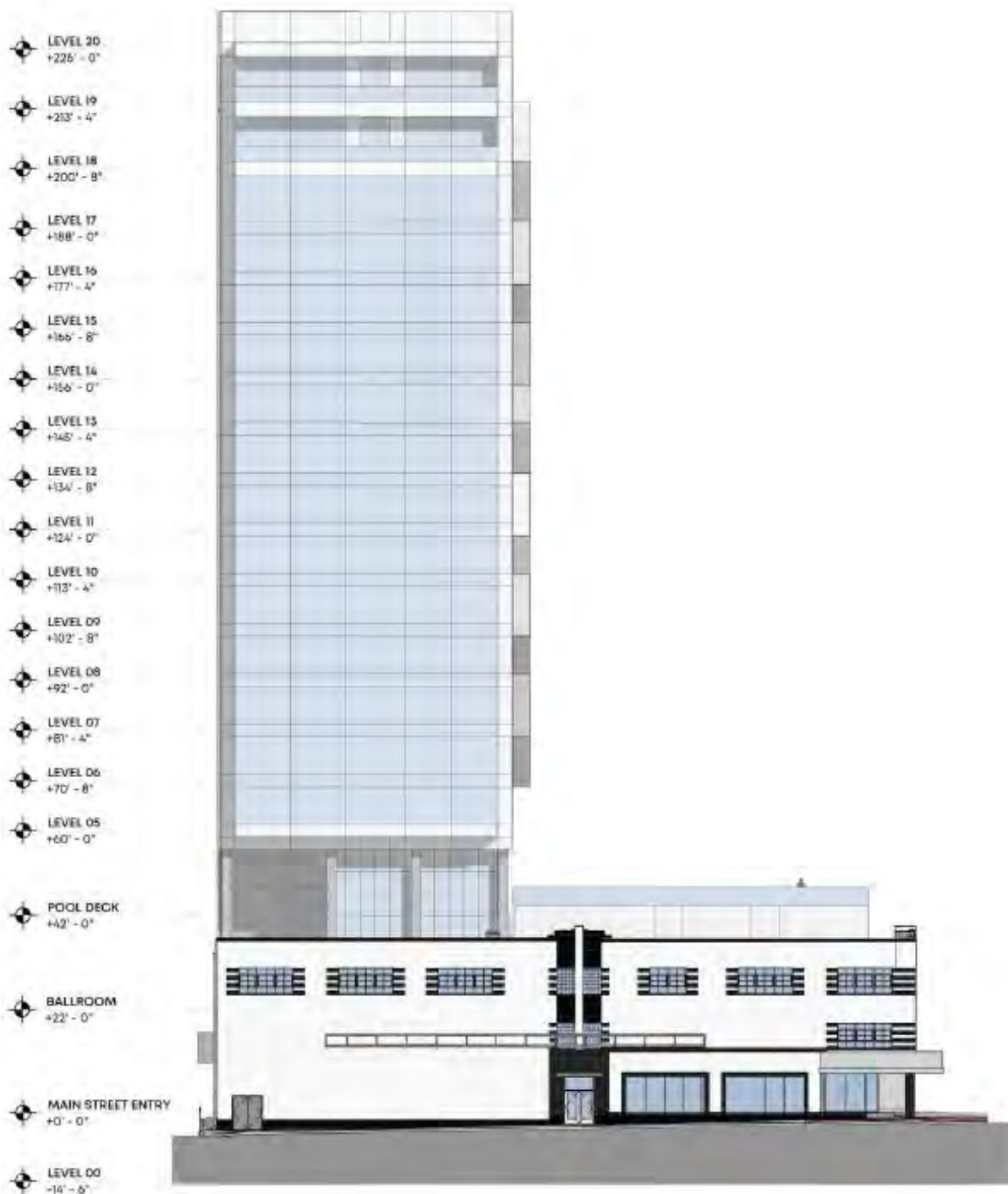
ATTEST:

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

CONCEPTUAL SITE PLAN



CONCEPTUAL ELEVATIONS



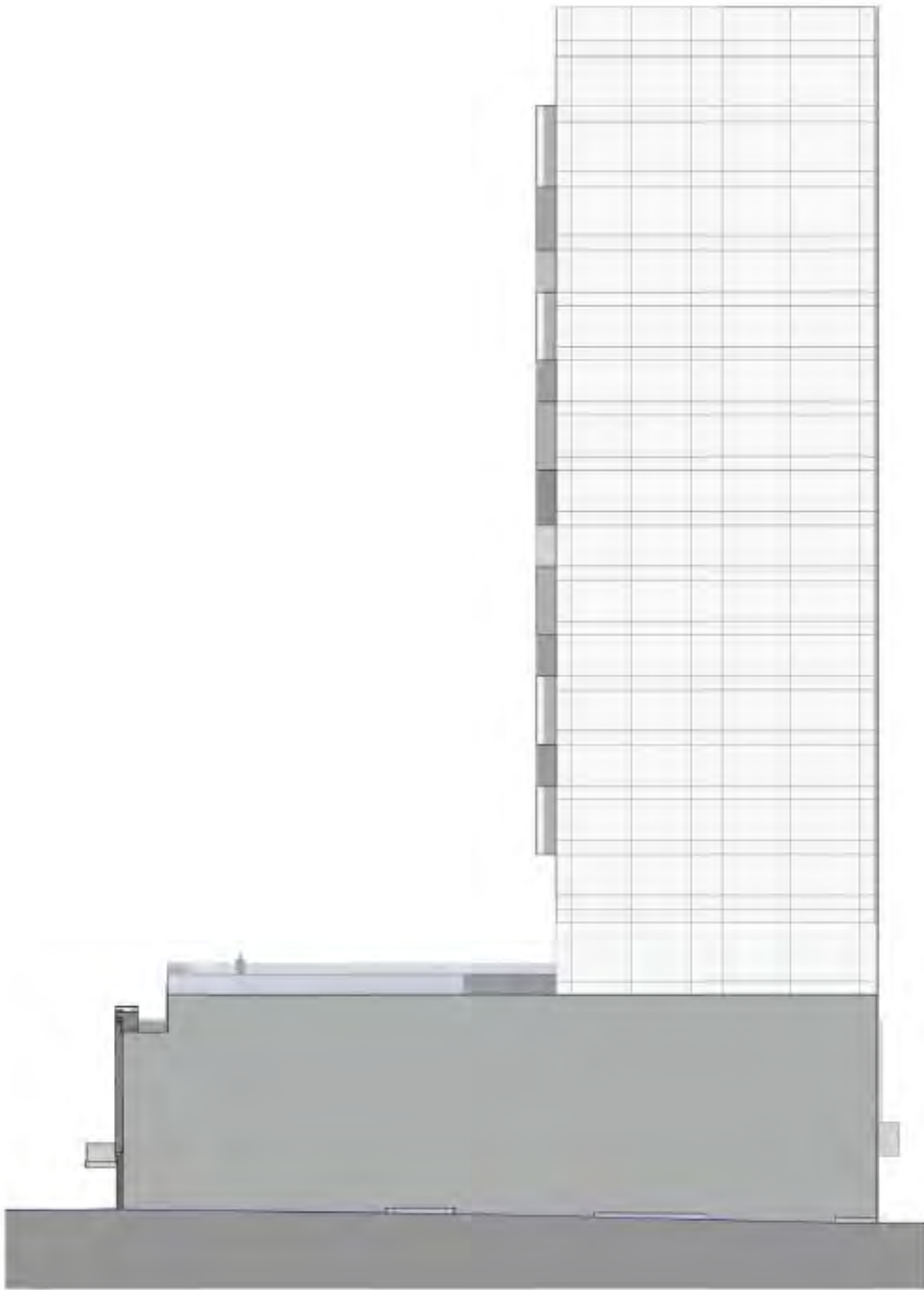
NORTH ELEVATION

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

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

CASE NUMBER: SUP 22-30
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

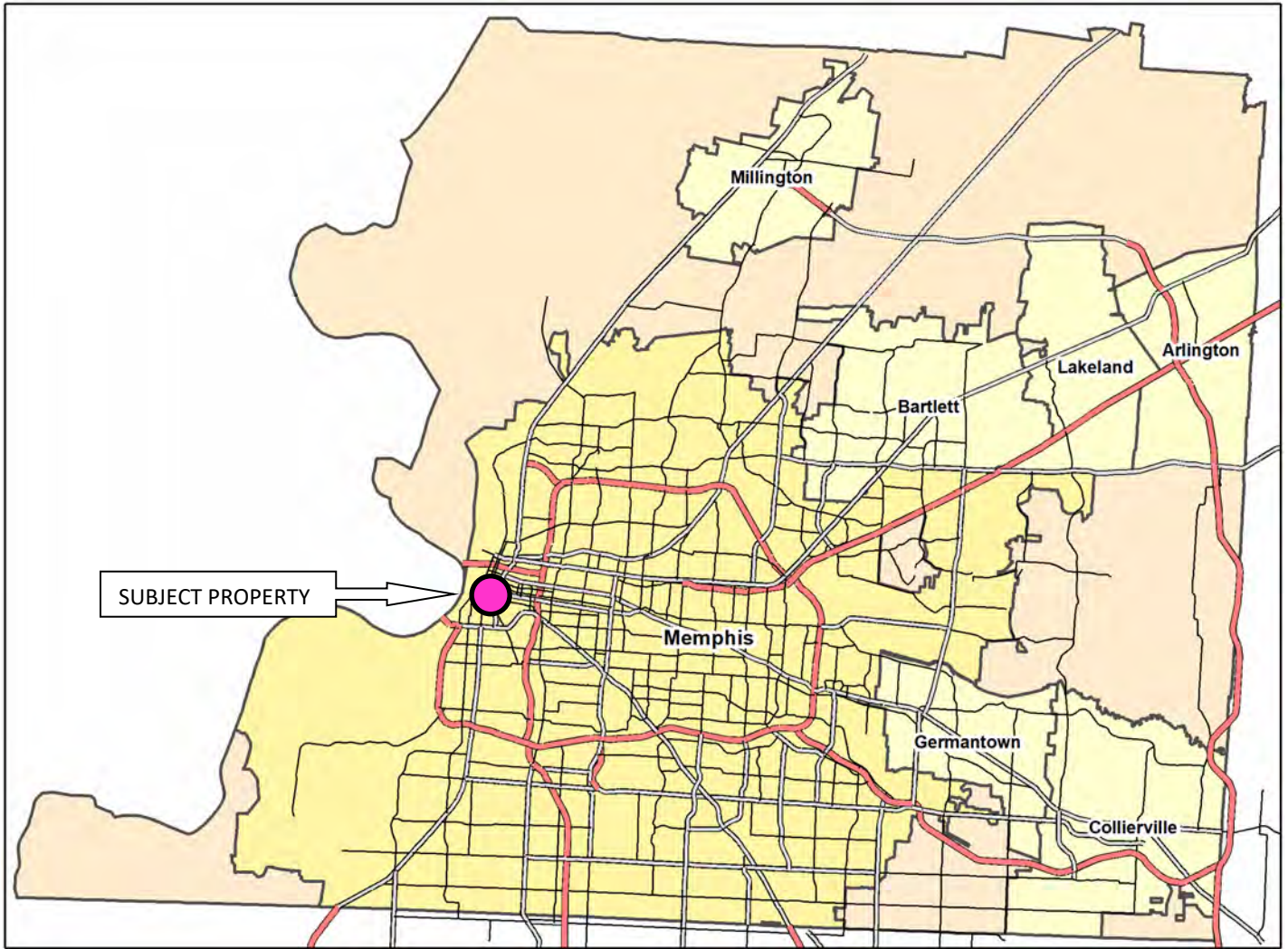
NEIGHBORHOOD MEETING

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

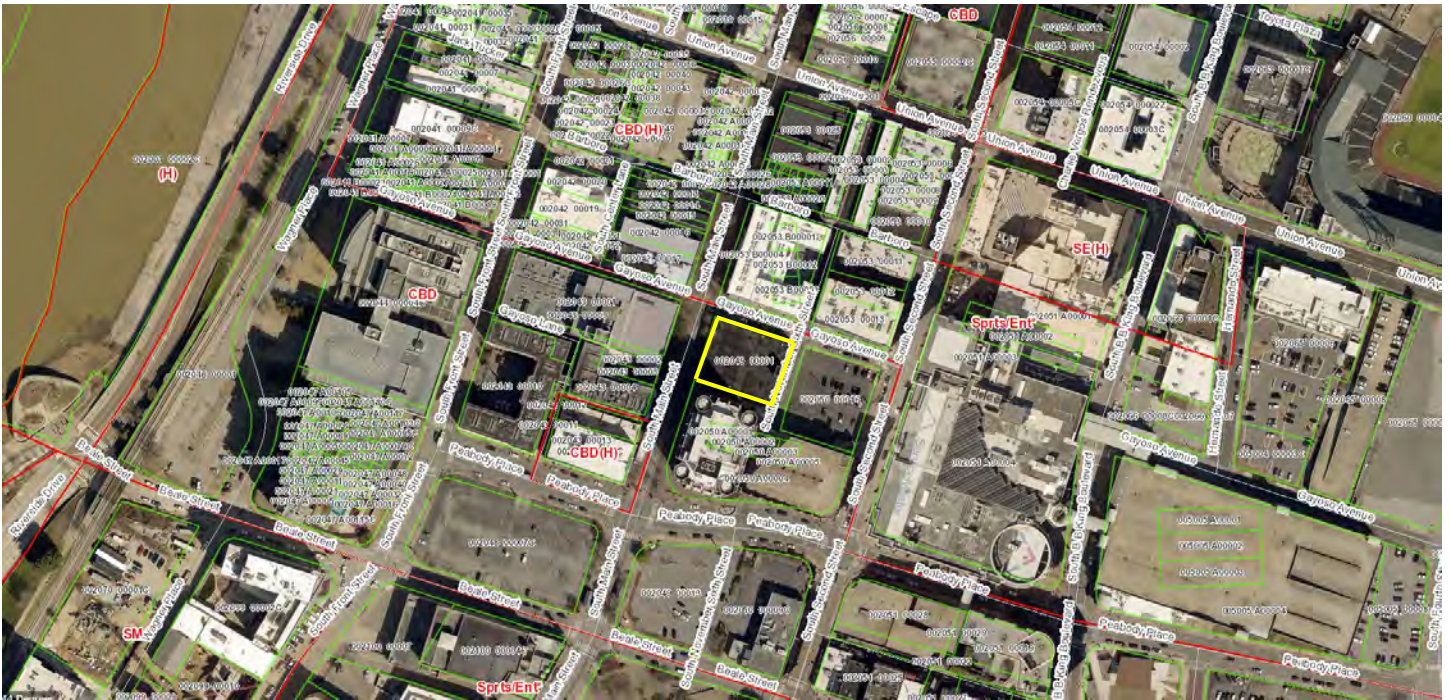


Subject property located Downtown

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

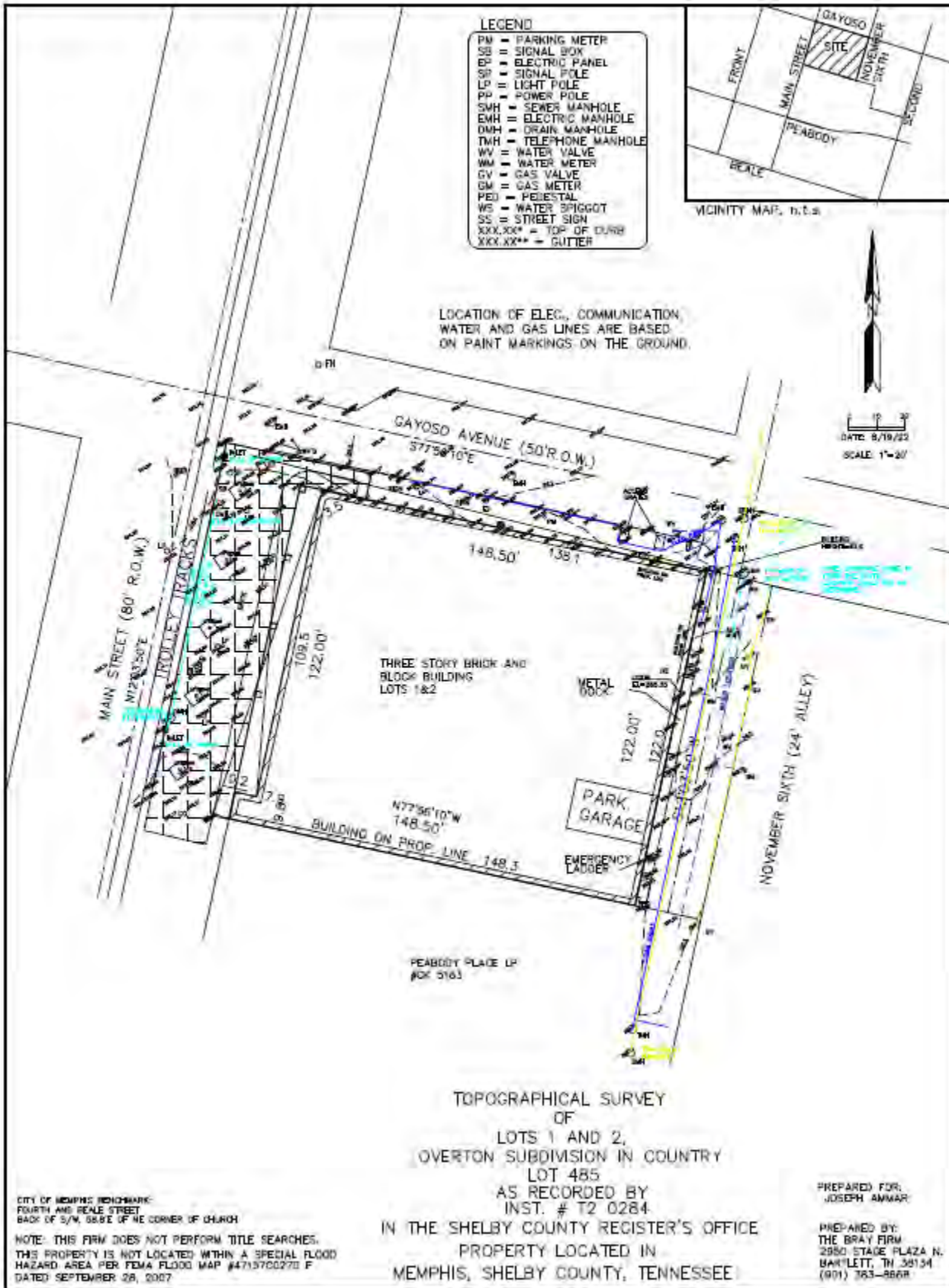


Gayoso Ave. frontage

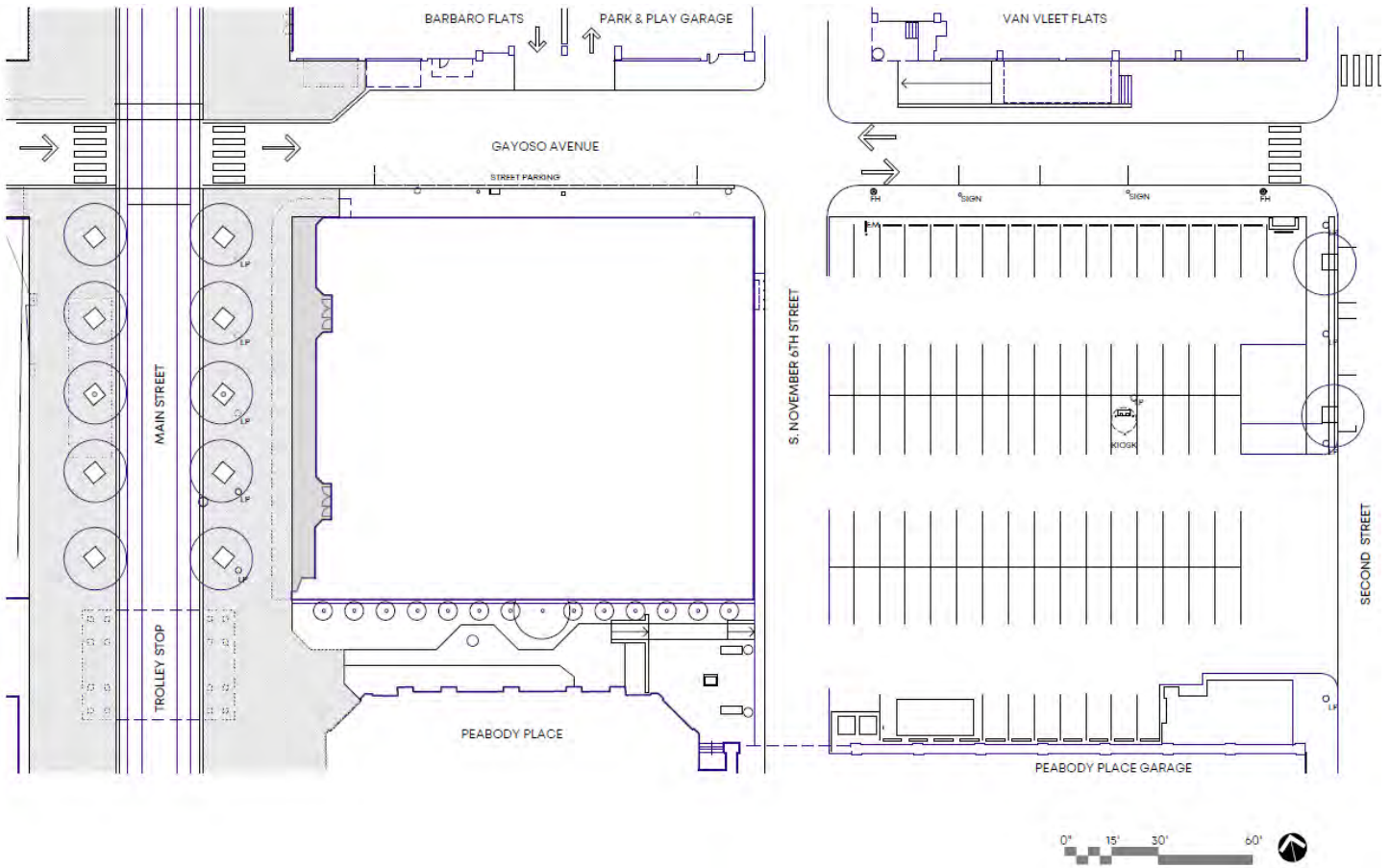


S. November 6th St. frontage

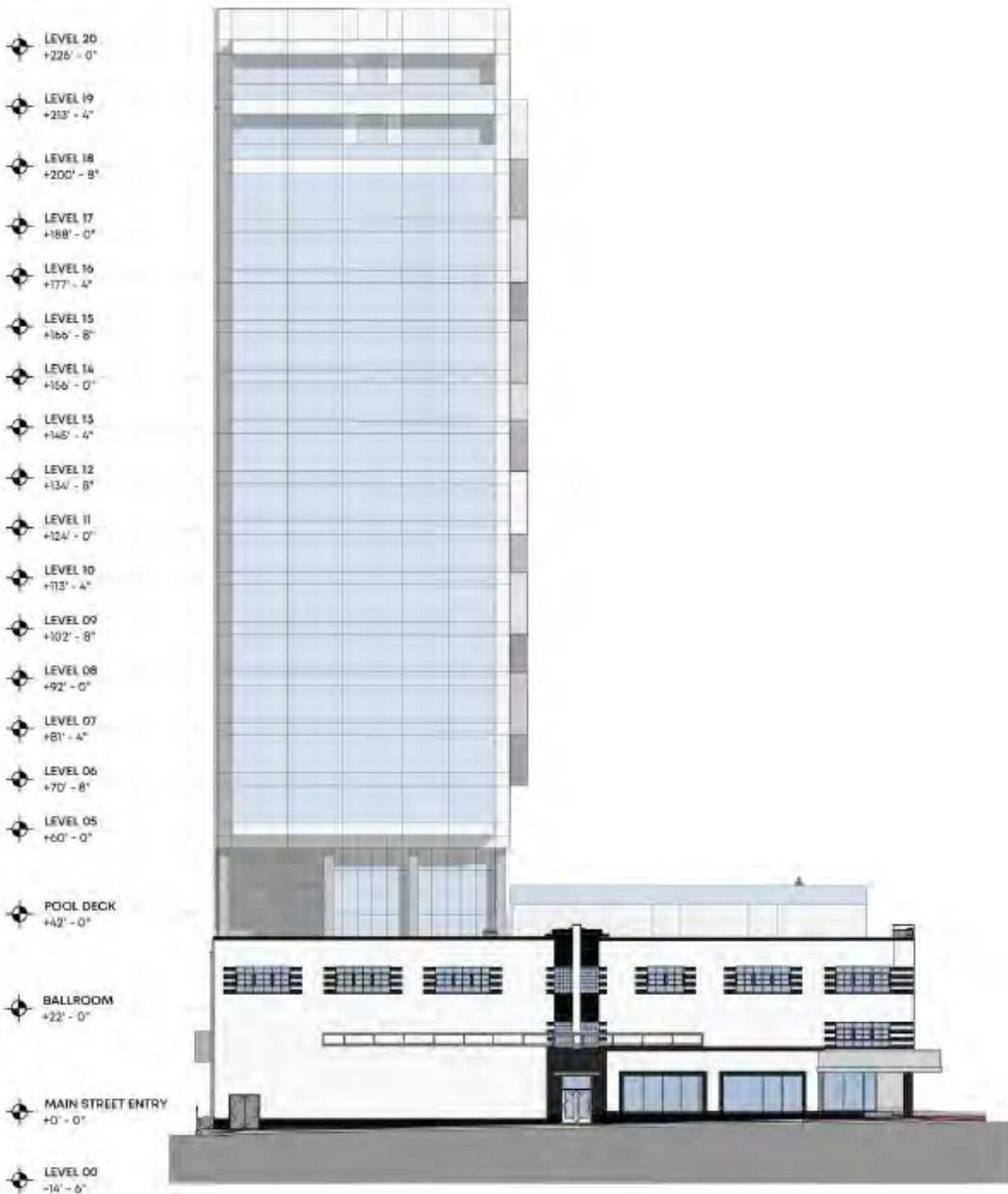
SURVEY



SITE PLAN

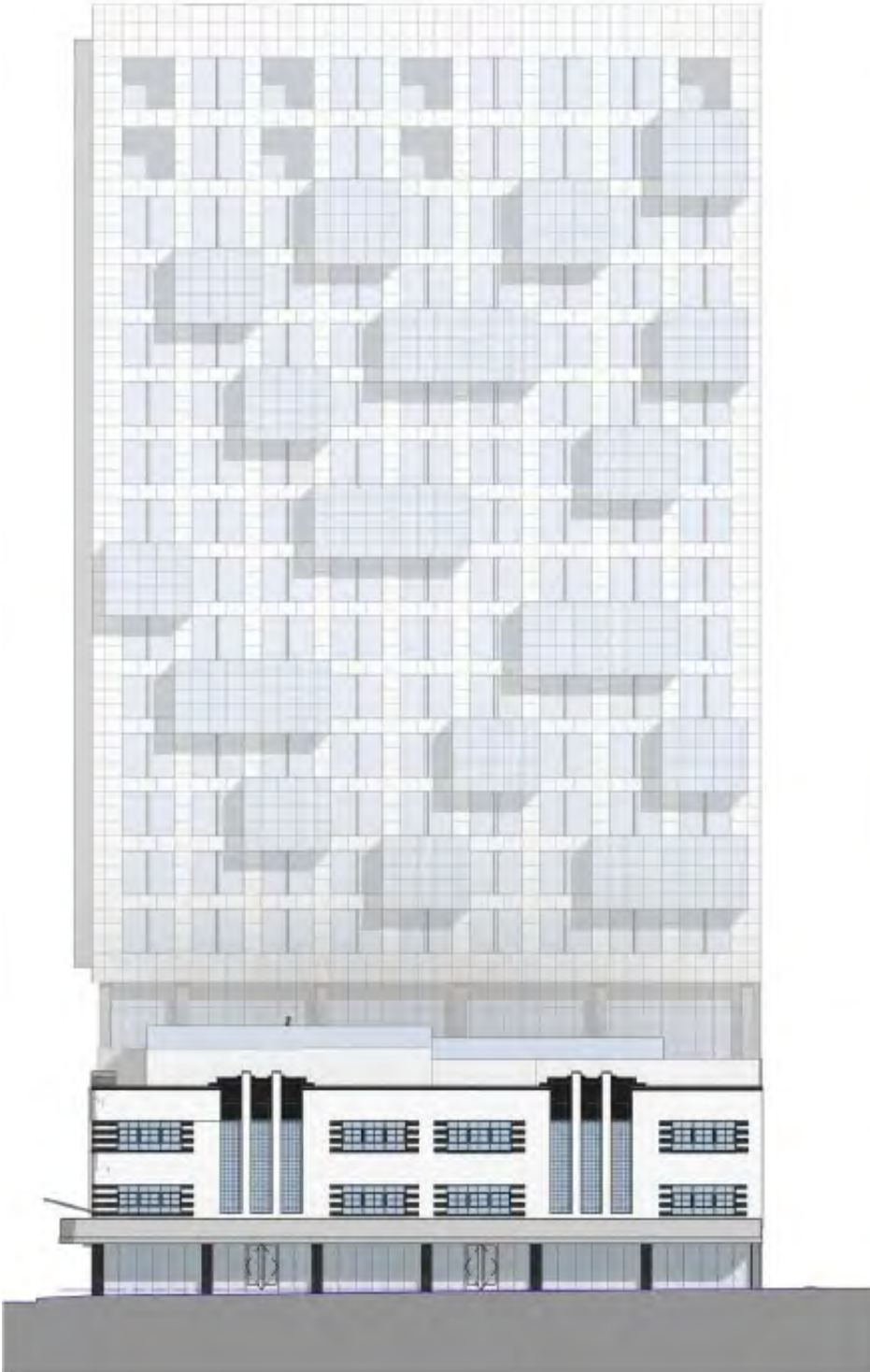


ELEVATIONS



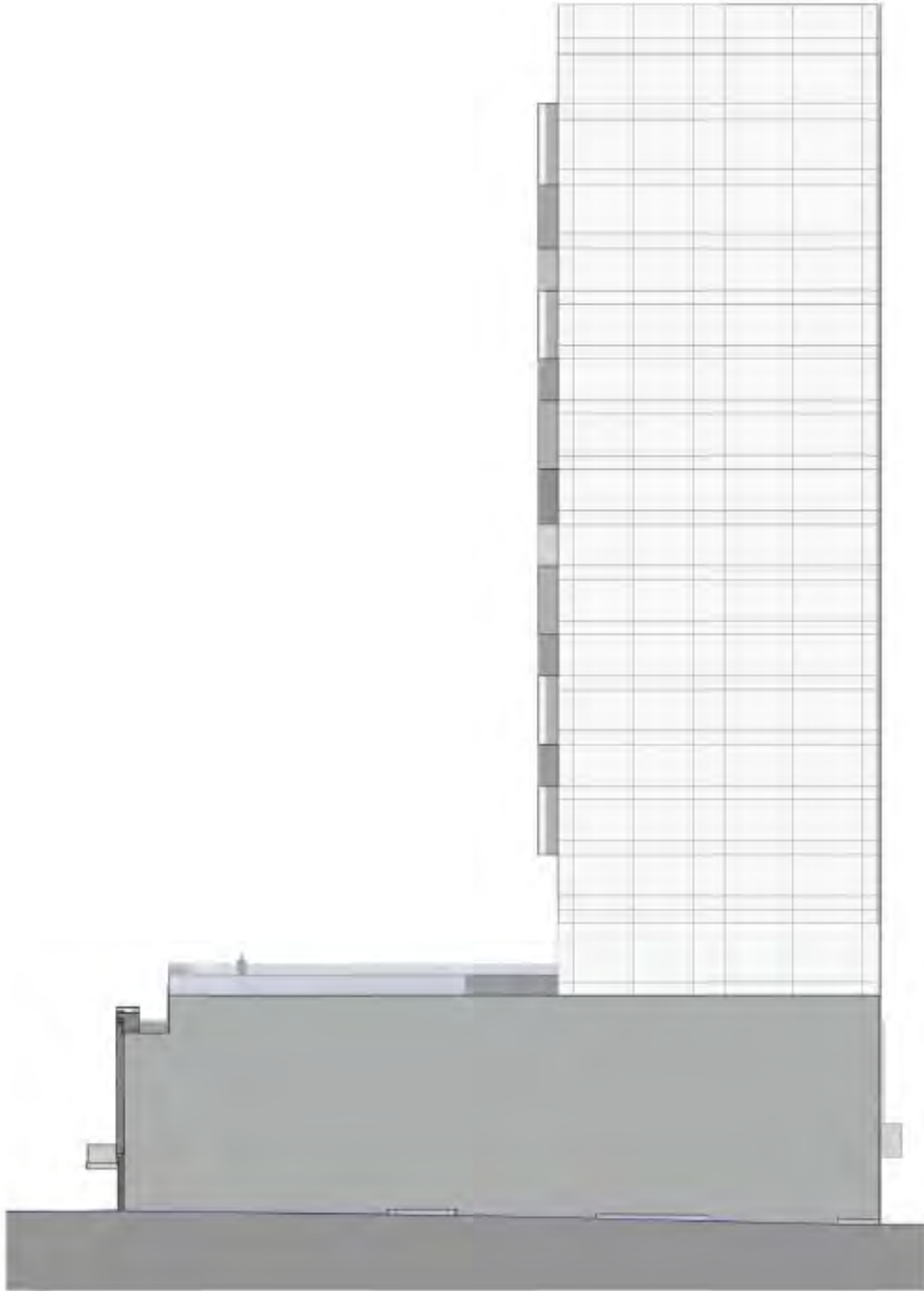
NORTH ELEVATION

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.

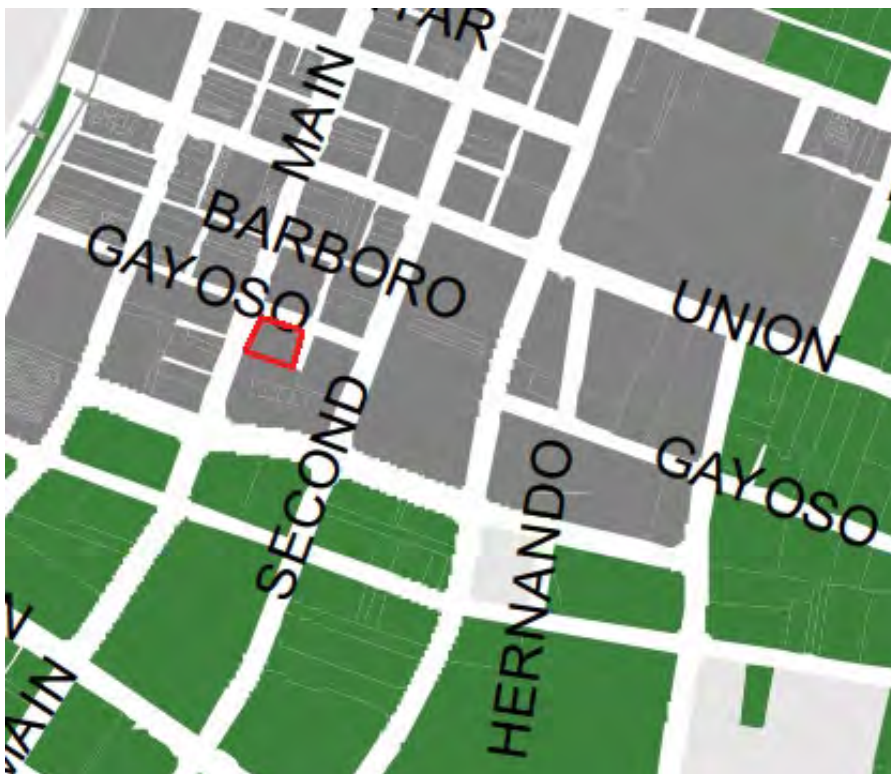
Existing, Adjacent Land Use and Zoning

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.

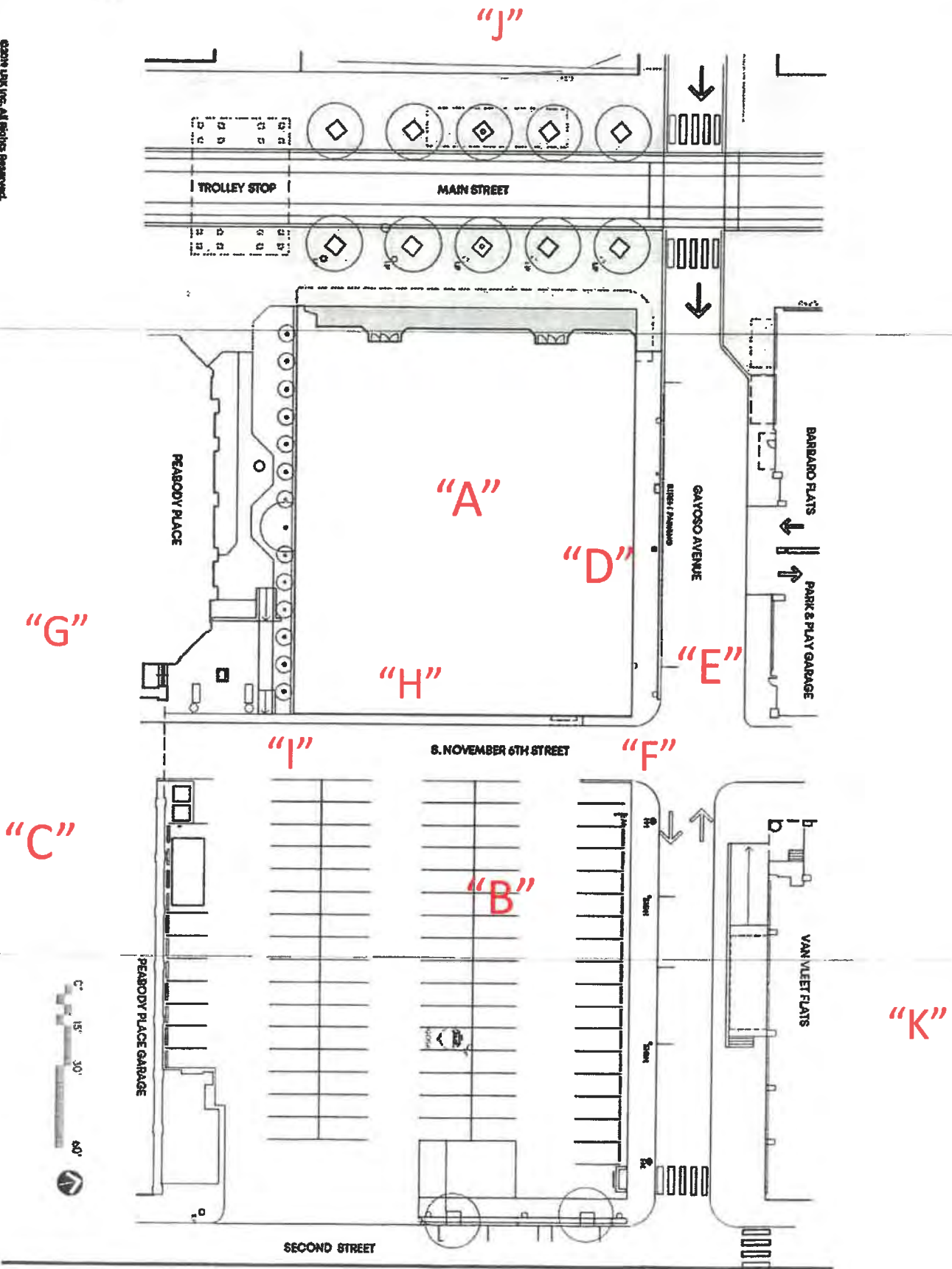
Without addressing these matters, the operation of this proposed project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking and other matters affecting

	<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: 02/07/2023

DATE

PUBLIC SESSION: 02/07/2023

DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 4225 Getwell Road. By taking the land out of the Residential Single-Family – 8 (R-8) Use District and including it in the Employment (EMP) Use District, known as case number Z 22-012

CASE NUMBER: Z 22-012

LOCATION: 4225 Getwell Road

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

OWNER/APPLICANT: Hometown Disposal LLC

REPRESENTATIVES: Brenda Solomito Basar

REQUEST: Rezoning of +/- .25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – February 7, 2023
Second reading – February 21, 2023
Third reading – March 7, 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:

	<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

Z 22-012

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 4225 GETWELL ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-012

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

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 4225 GETWELL ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-012

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 22-012**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

BOUNDARY

DESCRIPTION OF A 0.94 ACRE PARCEL OF LAND LOCATED AT 4225 GETWELL ROAD, MEMPHIS, SHELBY COUNTY, TENNESSEE AND RECORDED IN INSTRUMENT NO. 21049305, SAID 0.94 ACRE PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF GETWELL ROAD, SAID POINT BEING THE COMMON LINE WITH THE JOHN MCCOMMON JR. PROPERTY, PARCEL I.D. 073092 00023; THENCE NORTHWARDLY ALONG THE WEST LINE OF GETWELL ROAD A DISTANCE OF 220.06 FEET TO A POINT, SAID POINT BEING THE COMMON LINE WITH THE LLOYD A. CHISM PROPERTY, PARCEL I.D. 073092 00065C; THENCE WESTWARDLY ALONG SAID COMMON LINE A DISTANCE OF 186.98 FEET TO A POINT; THENCE SOUTHWESTWARDLY ALONG THE COMMON LINE OF THE SHELBY COUNTY PROPERTY, PARCEL I.D. 073092 00069 FOR A DISTANCE OF 220.06 FEET TO A POINT IN THE NORTH LINE OF THE JOHN MCCOMMON JR. PROPERTY; THENCE SOUTHEASTWARDLY ALONG SAID COMMON LINE FOR A DISTANCE OF 186.98 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 41,135 SQUARE FEET OR 0.94 ACRES OF LAND, MORE OR LESS.

SECTION 2:

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

SECTION 3:

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

ATTEST:

//: ATTACHMENTS

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: Z 22-012

LOCATION: 4225 Getwell Road

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

OWNER/APPLICANT: Hometown Disposal LLC

REPRESENTATIVE: Brenda Solomito Basar

REQUEST: Rezoning of +/- .25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

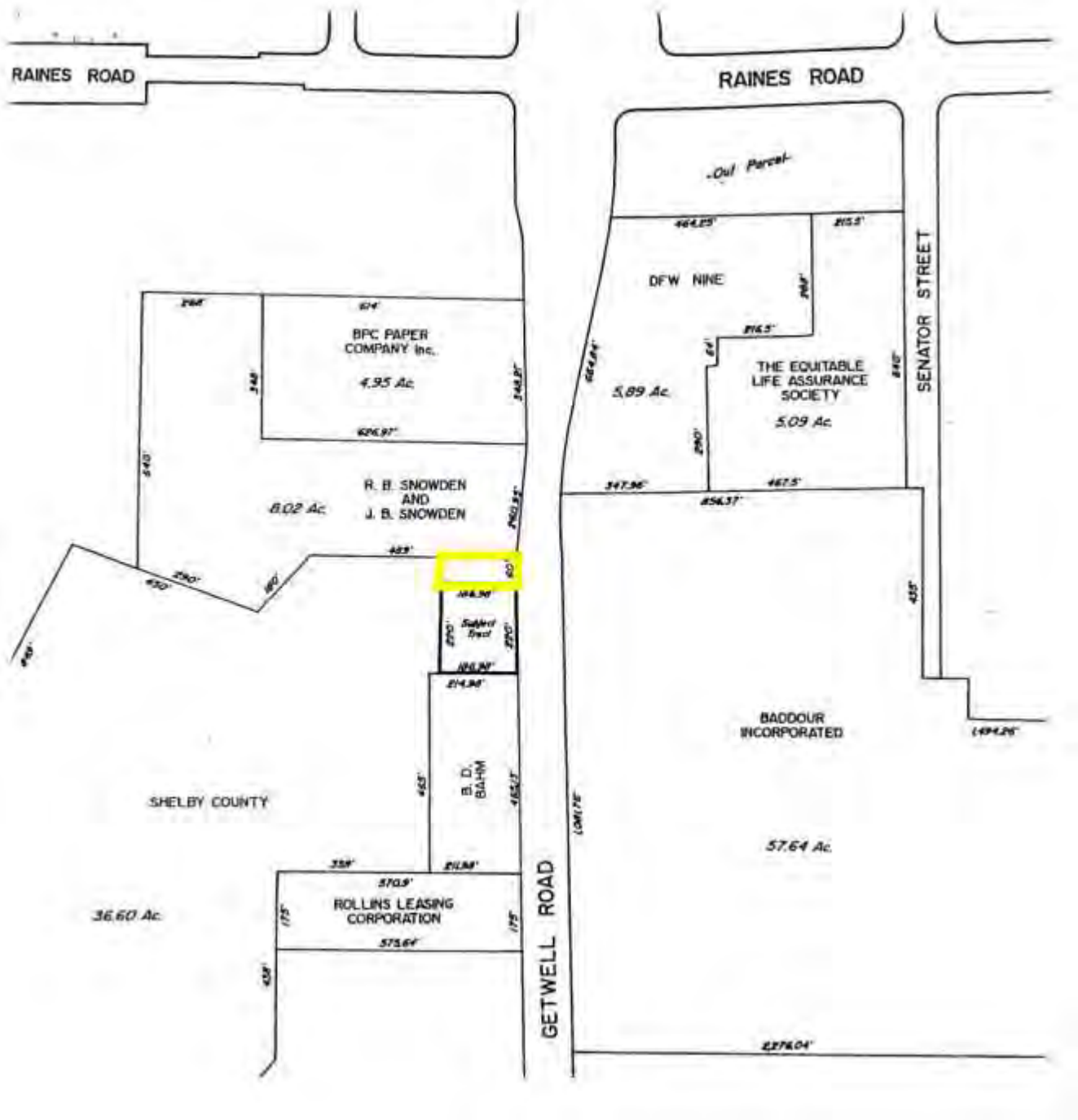
The motion passed by a unanimous vote of 8-0 on the consent agenda.

Respectfully,



Jordan McKenzie
Principal Planner
Land Use and Development Services
Division of Planning and Development

PLOT PLAN



AGENDA ITEM: 25

CASE NUMBER: Z 2022-012 **L.U.C.B. MEETING:** January 12, 2023

LOCATION: 4225 Getwell Road (Northernmost Portion)

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

OWNER/APPLICANT: Hometown Disposal LLC

REPRESENTATIVE: Brenda Solomito Basar

REQUEST: Rezoning of +/- .25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone .25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP).
2. The underlying purpose of this request is to correct the split zoning situation on the parcel and bring it completely under one zoning classification. There's no plans for expansion of operations on this site.
3. Staff finds the request is consistent with the Memphis 3.0 Comprehensive Plan and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
4. The property is currently being occupied for industrial use, which is allowed by right

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 page 12-15 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Getwell Road +/- 220.6 linear feet
Zoning Atlas Page: 2440
Parcel ID: 073092 00022
Area: +/- .25 acres
Existing Zoning: Residential Single-Family – 8 (R-8)
Requested Zoning: Employment (EMP)

NEIGHBORHOOD MEETING

The meeting was held at 6:30 PM on Tuesday, December 27, 2022

PUBLIC NOTICE

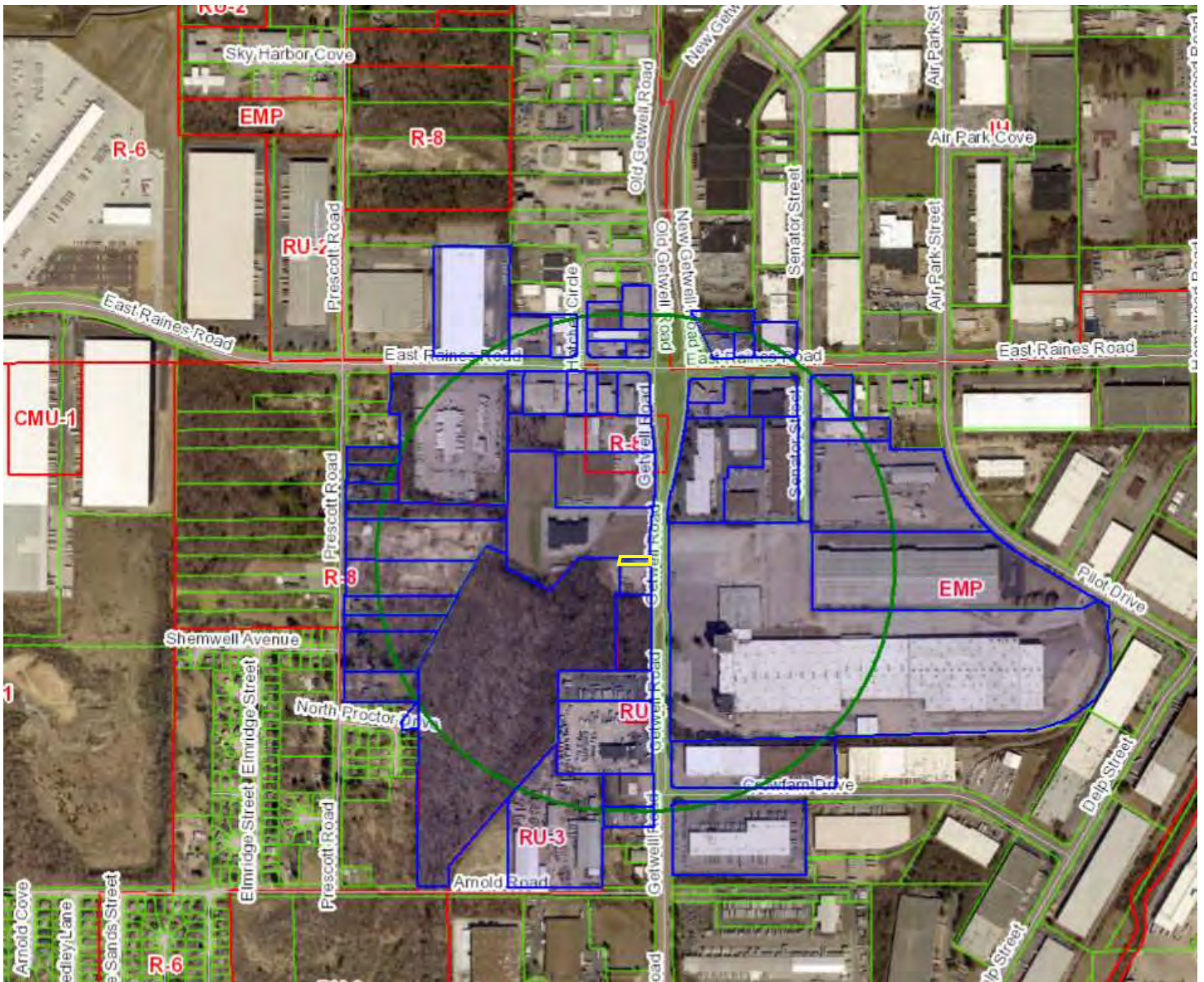
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of **53** notices were mailed on **December 29, 2022**, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, near Victory Heights.

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from January 4, 2023

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Single-Family – 8 (R-8) / Employment (EMP)

Surrounding Zoning

North: Employment (EMP)

East: Employment (EMP)

South: Employment (EMP)

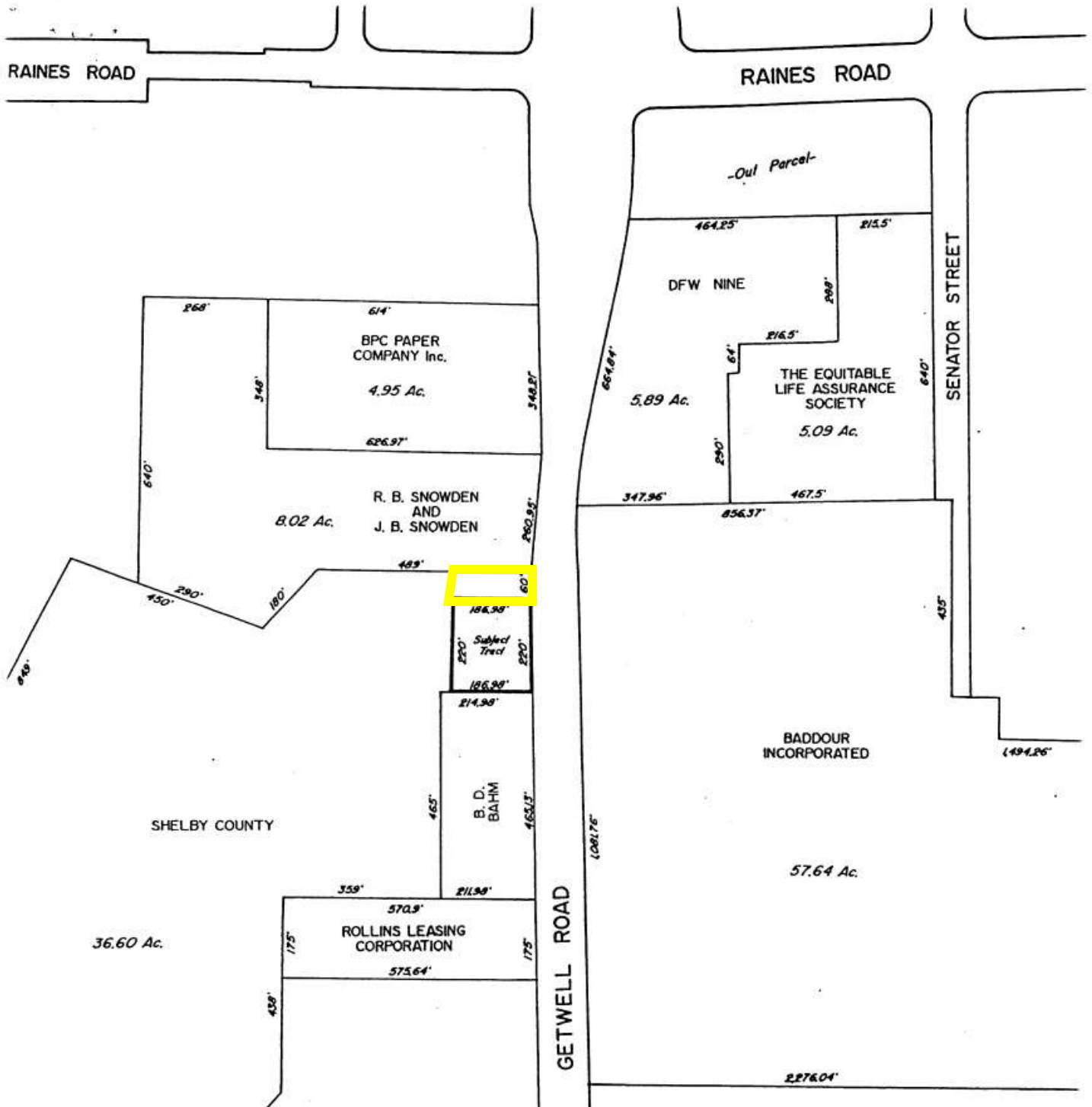
West: Residential Single-Family – 8 (R-8)

LAND USE MAP



Subject property indicated by pink stars

SITE PLAN



SITE PHOTOS



View of subject property from Getwell Road looking West



View of subject property from Getwell Road looking Northwest



View of subject property from Getwell Road looking South



View of parcel across the street from Getwell Road property

STAFF ANALYSIS

Request

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

The request is to rezone 0.25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP).

Review Criteria

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

9.5.7B Review Criteria

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

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/- .944 acres located on the west side of Getwell Road with roughly 221 feet of frontage and approximately 1,200 feet from Raines Road. The site has a zoning of EMP with .25 acres of the property being Residential Single-Family 8 (R-8), resulting in a split zoning for the property currently. There are two existing curb cuts on the north and south ends of the site's frontage along Getwell Road and the parcel abuts dense vegetation on its southern line.

Site Zoning History

In 1996, the Council of the City of Memphis amended Ordinance Number 3064 which allowed for the rezoning of the property from Residential to Industrial Light (Now known as Employment – EMP) (Z 1996-145).

Conclusions

The request is to rezone .25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP).

The underlying purpose of this request is to correct the split zoning situation on the parcel and bring it completely under one zoning classification. There's no plans for expansion of operations on this site.

Staff finds the request is consistent with the Memphis 3.0 Comprehensive Plan and is an appropriate zoning district for the area that is compatible with the surrounding land uses.

The property is currently being occupied for industrial use, which is allowed by right.

RECOMMENDATION

Staff recommends approval

DEPARTMENTAL COMMENTS

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

City/County Engineer:

Sewers:

1. City sanitary sewers are available to serve this development.

General Notes:

2. The width of all existing off-street sewer easements shall be widened to meet current city standards.
3. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
4. All connections to the sewer shall be at manholes only.
5. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
6. Required landscaping shall not be placed on sewer or drainage easements.

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:

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: LUCB Case Z 22-12: Oakhaven

Site Address/Location: 4225 Getwell Rd.

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone

Future Land Use Designation: Industrial Flex (IF)

Street Type: N/A

The applicant is requesting to rezone the northern portion of their parcel from R-8 to EMP.

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

Lower intensity industrial areas with a mix of uses and building that are generally compatible with nearby neighborhoods. Graphic of IF is to the right.



scales
portrayal

“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider establishing Industrial mixed-use zones or CMU-zones that can accommodate compatible production-oriented facilities related to neighborhoods, using EMP more specifically to certain kinds of development (at the time of a small area plan).

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, EMP and R-8

Adjacent Land Use and Zoning: Industrial, Parking, Commercial; EMP and R-8

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 all adjacent, developed parcels are zoned EMP, and the EMP zoning designation is compatible with the IF future land use.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting to rezone the northern portion of their parcel from R-8 to EMP.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as all adjacent, developed parcels are zoned EMP, and the EMP zoning designation is compatible with the IF future land use.

When the subject parcel was initially rezoned to EMP in 1996, the parcel did not include the northernmost area currently zoned as R-8. At some point after the 1996 rezoning, the parcel owner to the west of the subject

parcel granted this northern area to this parcel, but it retained its previous R-8 zoning. This rezoning would effectively extend the previous rezoning to reflect current parcel boundaries.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: December 7, 2022

Record Number: Z 2022-012

Expiration Date:

Record Name: Hometown Disposal Rezoning

Description of Work: Rezone approximately 10,600 sf of property for Hometown Disposal, LLC to match existing zoning.

Parent Record Number:

Address:

4225 GETWELL RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y HOME TOWN DISPOSAL LLC

Owner Address

4225 S GETWELL RD, MEMPHIS, TN 38118

Owner Phone

Parcel Information

073092 00022

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Josh Whitehead

Date of Meeting

11/11/2021

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No
If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
Case Layer Z96-145
Class C
Downtown Fire District No
Historic District -
Land Use OFFICE
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning EMP
State Route 1
Lot 42
Subdivision VICTORY HEIGHTS
Planned Development District -
Wellhead Protection Overlay District -

Contact Information

Name HOMETOWN DISPOSAL, LLC **Contact Type** APPLICANT
Address

Phone
(901)794-9096

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1434567	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	12/07/2022
1434812	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	12/08/2022

Total Fee Invoiced: \$1,000.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,000.00 **Method of Payment** Check

LETTER OF INTENT

December 8, 2022

Mr. Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

RE: Application for Partial Rezoning
4225 Getwell Rd. Memphis, TN

Dear Brett:

We are pleased to submit an application for Partial Rezoning on behalf of Mr. Barry Thomas, the owner of Hometown Disposal, LLC. Hometown Disposal, LLC has operated on the property since 2016.

The property is located on the west side of Getwell Rd approximately 1,199.6' +/- south of the centerline of East Raines Rd. The principal structure was constructed in 1946 and the accessory structures were built in 1950. The existing zoning on the majority of the property is Employment (EMP). However, there is a strip of Residential Single-Family - (R-8) zoning, approximately 45' wide, along the northern property line.

The purpose of this application is to request the rezoning of the northernmost section of the R-8 property to be rezoned to EMP to match the remainder of the site. Memphis 3.0 designates this property's future land use as Industrial Flex (IF).

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner

SOLOMITO

brenda@solomitolandplanning.com | 901.755.7495

SIGN AFFIDAVIT

Howler

AFFIDAVIT

Shelby County
State of Tennessee

I Steve Zapp, being duly sworn deposes and says that at 7:30 am/pm on the 29th day of December he/she posted a Public Notice Sign(s) pertaining to case number Z 2022-012 at (address) 4225 Coburn, providing notice of a Public Hearing before the Land Use Control Board , Memphis City Council , Shelby County Board of Commissioners for consideration of a proposed land use action (Planned Development _____, Use Variance _____, Zoning District map Amendment _____, a photograph of said sign(s) being attached hereon and a copy of the signs purchase receipt or rental contract attaches hereto.

[Signature] _____ 12-29-22
Owner, Applicant or Representative Date

Subscribed and sworn to before me on this 31st day of December, 2007. 2022

Notary Public [Signature]
My Commission Expires: 1/1/2025



LETTERS RECEIVED

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

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

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

January 18, 2023

Hometown Disposal, LLC
4225 S. Getwell Road
Memphis. TN 38118

Sent via electronic mail to: brenda@solomitolandplanning.com

Case Number: Z 22-012
LUCB Recommendation: Approval

Dear applicant,

On Thursday, January 12, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located on .25 acres at 4225 S. Getwell Road from Residential Single-Family 8 (R-8) to Employment (EMP)

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-7120 or via email at jordan.mckenzie@memphistn.gov.

Respectfully,



Jordan McKenzie

Letter to Applicant
Z 22-012

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

THORNBURG PROPERTIES (PSO)
4076 HATCHER CIR #
MEMPHIS TN 38118

PROCESS SYSTEMS INCORPORATED
3732 E RAINES RD #
MEMPHIS TN 38118

SHARHAN MUTAHAR M
2271 KHUSHBOO CV #
SOUTHAVEN MS 38671

MATUS CARMEN AND JOSE HOVEC (RS)
4170 PRESCOTT RD #
MEMPHIS TN 38118

THORNBURG PROPERTIES
3744 E RAINES RD #
MEMPHIS TN 38118

B G B PROPERTIES LLC
PO BOX 1927 #
JONESBORO AR 72403

BANDITH BOUAVANH
3587 PRESCOTT RD #
MEMPHIS TN 38112

ITAYEM ADEL
4080 NEW GETWELL RD #
MEMPHIS TN 38118

KOK KIN PROPERTIES LLC
24479 N 120TH PL #
SCOTTSDALE AZ 85255

ROMERO GERARDO
3020 DANVILLE RD #
MEMPHIS TN 38118

ITAYEM ADEL
9384 GREEN KNOLL DR #
GERMANTOWN TN 38138

SHARHAN MOHAMED M
2271 KHUSHBOO CV #
SOUTHAVEN MS 38671

VEGA JUAN C
4288 PRESCOTT RD #
MEMPHIS TN 38118

TOM'S BAR-B-Q & DELI LLC
4087 OLD GETWELL RD #
MEMPHIS TN 38118

S3 PROPERTIES LLC
1898 NEWFIELDS RD #
GERMANTOWN TN 38139

THORNBURG PROPERTIES PARTNERSHIP
4076 HATCHER CIR #
MEMPHIS TN 38118

VETERANS FOREIGN WARS ARMSTRONG ROUSSEAU
3709 E RAINES RD #
MEMPHIS TN 38118

ADSIT HOLDINGS LLC
311 GERMANTOWN BEND CV #
CORDOVA TN 38018

REED DONALD L & DIANNE A
4068 HATCHER CIR #
MEMPHIS TN 38118

TUTTLE SANDRA J AND BOBBY R BLACKBURN
3729 E RAINES RD #
MEMPHIS TN 38118

SWIFT TRANSPORTATION CO INC
PO BOX 29243 #
PHOENIX AZ 85038

BLACKBURN BARRY K AND TIMOTHY J SMITH
9059 BAYNARD LOOP N
GERMANTOWN TN 38139

TUTTLE SANDRA J AND BOBBY R BLACKBURN
3729 E RAINES RD #
MEMPHIS TN 38118

ADSIT HOLDINGS LLC
311 GERMANTOWN BEND CV #
CORDOVA TN 38018

ROLLINS LEASING CORP
2675 MORGANTOWN RD #
READING PA 19607

BRADFIELD STEVEN M
11218 CAHILL CV #
ARLINGTON TN 38002

OLYMBEC GETWELL LLC
1004 E BROOKS RD #
MEMPHIS TN 38116

DELTA WHOLESALE LIQUORS INC
3676 E RAINES RD #
MEMPHIS TN 38118

ITAYEM ADEL
4087 NEW GETWELL RD #
MEMPHIS TN 38118

INTERNATIONAL COTTON DEPOTS INC
3965 PILOT DR #
MEMPHIS TN 38118

ROMERO GERARDO
3020 DANVILLE RD #
MEMPHIS TN 38118

SALIM YOUSEF
5039 MEADOW POINTE DR #
SOUTHAVEN MS 38672

G&I X INDUSTRIAL MEMPHIS LLC
111 W FISHER AVE #27
GREENSBORO NC 27401

LOONEY PHILLIP
4238 PRESCOTT RD #
MEMPHIS TN 38118

ROLLINS PROPERTIES INC
2675 MORGANTOWN RD #
READING PA 19607

SHELBY COUNTY
160 N MAIN ST #350
MEMPHIS TN 38103

DOYLE JOSHUA
7803 WINDERSGATE W #
OLIVE BRANCH MS 38654

GAMES MARTA & EMMANUEL (RS)
4276 PRESCOTT RD
MEMPHIS TN 38118

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

MCCOMMON JOHN R JR
PO BOX 1498 #
RIDGELAND MS 39158

MILLER DARRELL B
163 TUCKAHOE LN #
MEMPHIS TN 38117

G & I IX 3845 CROWFARN LLC
10123 ALLIANCE RD #300
CINCINNATI OH 45242

JONES DERRICK I
4322 PROCTOR DR N
MEMPHIS TN 38118

WILSON TRUCKING CORP
PO BOX 1079 #
FISHERSVILLE VA 22939

HOME TOWN DISPOSAL LLC
4225 S GETWELL RD
MEMPHIS TN 38118

ARG PROPERTIES LLC
4141 GETWELL RD #
MEMPHIS TN 38118

ADVANCED PLASTICS CO INC
7360 COCKRILL BEND BLVD #
NASHVILLE TN 37209

G AND I IX SENATOR LLC
10123 ALLIANCE RD #300
CINCINNATI OH 45242

HAGMAIER JAMES
8212 PARK RIDGE DR #
GERMANTOWN TN 38138

BRE SPACE CROWFARN LLC
222 RIVERSIDE PLZ #2000
CHICAGO IL 60606

CHISM LLOYD A (ESTATE OF)
8720 HWY 39 #
MERIDIAN MS 39305

STREULI LAURENCE M
177 N HIGHLAND ST #4302
MEMPHIS TN 38111

INDUSTRIAL PROPERTIES
1898 ELM TREE DR #
NASHVILLE TN 37210

TOMILY INVESTMENT GROUP LTD
8841 MACOMB ST #269
GROSSE ILE MI 48138

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: February 7, 2023

DATE

PUBLIC SESSION: February 7, 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 for a bar at 1482 E. Shelby Dr., known as case number SUP 22-28

CASE NUMBER: SUP 22-28

LOCATION: 1482 E. Shelby Dr.

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER: James Skefos

APPLICANT: Live Entertainment, LLC

REPRESENTATIVE: John Hawkins

REQUEST: Special use permit for a bar

AREA: +/-0.8 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – February 7, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
January 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:

	<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 22-28

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY
UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A BAR AT 1482
E. SHELBY DR., KNOWN AS CASE NUMBER SUP 22-28

- This item is a resolution, with conditions, for a special use permit for a bar; 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 FOR A BAR AT 1482 E. SHELBY DR., KNOWN AS CASE NUMBER SUP 22-28

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, Live Entertainment, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a bar; 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 consistency of the 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 January 12, 2023, and said Board has submitted its 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 Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of 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.

CONDITIONS

1. The eastern curb cut shall be closed with the relevant streetscape plate. The western curb cut, if noncompliant, shall be brought into conformance with local standards. All curb and sidewalk shall be repaired and/or replaced as needed to meet local standards.
2. The nonconforming detached sign shall be removed. Any future detached sign shall be duly permitted.
3. Any chain link fencing shall be removed. Any future fencing shall be duly permitted.

ATTEST:

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

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 22-28

LOCATION: 1482 E. Shelby Dr.

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER: James Skefos

APPLICANT: Live Entertainment, LLC

REPRESENTATIVE: John Hawkins

REQUEST: Special use permit for a bar

The following spoke in support of the application: No one

The following spoke in opposition to 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 subject to the following conditions:

1. The eastern curb cut shall be closed with the relevant streetscape plate. The western curb cut, if noncompliant, shall be brought into conformance with local standards. All curb and sidewalk shall be repaired and/or replaced as needed to meet local standards.
2. The nonconforming detached sign shall be removed. Any future detached sign shall be duly permitted.
3. Any chain link fencing shall be removed. Any future fencing shall be duly permitted.

The motion passed unanimously on the consent agenda.

Respectfully,

Brett Davis
Principal Planner
Land Use and Development Services
Division of Planning and Development

AGENDA ITEM: 2

CASE NUMBER: SUP 22-28 **L.U.C.B. MEETING:** January 12, 2023

LOCATION: 1482 E. Shelby Dr.

COUNCIL DISTRICT: District 3 and Super District 8

OWNER: James Skefos

APPLICANT: Live Entertainment, LLC

REPRESENTATIVE: John Hawkins

REQUEST: Special use permit for a bar

AREA: 0.8 acres

EXISTING ZONING: Commercial Mixed Use – 1

CONCLUSIONS

1. Live Entertainment, LLC, has requested a special use permit for a bar.
2. Staff is sensitive to the potential for negative externalities affecting nearby residents, particularly those related to noise and parking. However, staff has not received any letters of opposition nor has any opponent appeared at a public hearing.
3. Staff recommends approval with conditions related to bringing certain site components (curb cuts, signage, and fencing) into compliance. (As recommended, other noncompliant site components, including parking design and the lack of a dumpster enclosure, may remain.)

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:	E. Shelby Dr.	(Principal Arterial)	175 linear feet
Zoning Atlas Page:	2430		
Parcel ID:	079050 A00018		

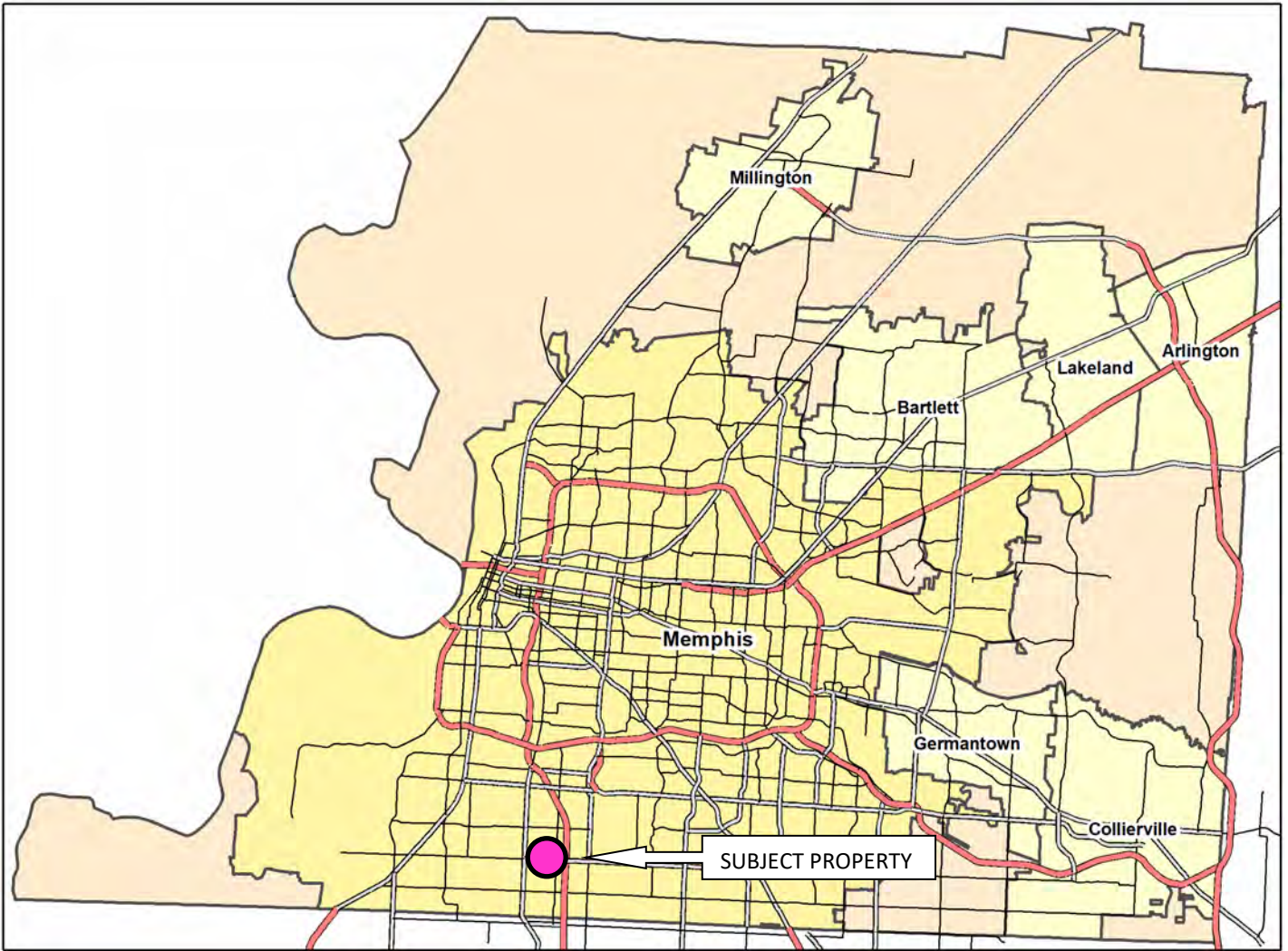
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 5:30 p.m. on Monday, November 28, 2022, on site.

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. 31 letters were mailed on October 26, 2022, and three signs posted. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Whitehaven neighborhood

SOUTHMALL MANOR SUBDIVISION (1972)

WE THE UNDERSIGNED, SHELBY DRIVE DEVELOPMENT COMPANY, OWNERS OF THE PROPERTY SHOWN, HEREBY ADOPT THIS AS OUR PLAN OF SUBDIVISION AND DEDICATE THE STREETS AND EASEMENTS AS SHOWN TO THE PUBLIC USE FOREVER. WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY IN THE WHOLE, FULLY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: E.D. FRANKLIN, PRESIDENT
STATE OF TENNESSEE, COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED

E.D. FRANKLIN, A.D. COLLINS & R.A. WOODWARD
WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO, UPON OATH, ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED AS HIS OWN FREE ACT AND DEED.

MY HAND AND NOTARIAL SEAL ON THIS 7 DAY OF NOVEMBER MY COMMISSION EXPIRES NOVEMBER 08, 1978

NOTARY PUBLIC John R. Williams

WE, THE UNDERSIGNED, R.A. WOODWARD AND R.D. WOODLAND MORTGAGEES OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN AS OUR PLAN OF SUBDIVISION AND DEDICATE THE STREETS AND EASEMENTS AS SHOWN TO THE PUBLIC USE FOREVER. WE HEREBY CERTIFY THAT WE ARE THE MORTGAGEES FULLY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: R.A. Woodward
R.D. Woodland

IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION

BY: M. Jace Oakley
TENN. CERTIFICATE NO. 5745

APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION
DATE July 1, 1971 BY: [Signature]

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT THE SAID DOCUMENT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS IN REGULAR SESSION ON THE 1 DAY OF July, 1971.

COMPTROLLER

NOTE:
SITE PLAN REVISED 8/1/72. TOTAL NUMBER OF LOTS IN PROJECT REDUCED FROM 12 TO 9 TO 9 LOTS THEREBY INCREASING WIDTH OF C-1 LOTION SHELBY DRIVE AND REMOVING 26' WIDE PERMISSIBLE DRIVE EASEMENT.

[Signature] DIRECTOR
MEMPHIS

• SOUTHMALL MANOR SUBDIVISION •
• SITE DEVELOPMENT PLAN •
SCALE: 1" = 100' 0"

• PROPERTY OWNER: SHELBY DRIVE DEVELOPMENT CO. •

• DRAINAGE AREA: •
ENTERING: 17.8 ACRES LEAVING: 80.64 ACRES
DRAINAGE INFORMATION TAKEN FROM DIST. E. 25.00' WEST OF THE CITY OF MEMPHIS AND SHELBY COUNTY ZONING MAPS, 1" = 500'

• DRAINAGE AREA: •
ENTERING: 17.8 ACRES LEAVING: 80.64 ACRES
DRAINAGE INFORMATION TAKEN FROM DIST. E. 25.00' WEST OF THE CITY OF MEMPHIS AND SHELBY COUNTY ZONING MAPS, 1" = 500'

Plat 49-58
H31409

STATE TAX _____
REGISTRAR'S FEE _____
RECORDING FEE 1500
Oct 6 10 04 S A 72
STATE OF TENNESSEE
SHELBY COUNTY
[Signature]

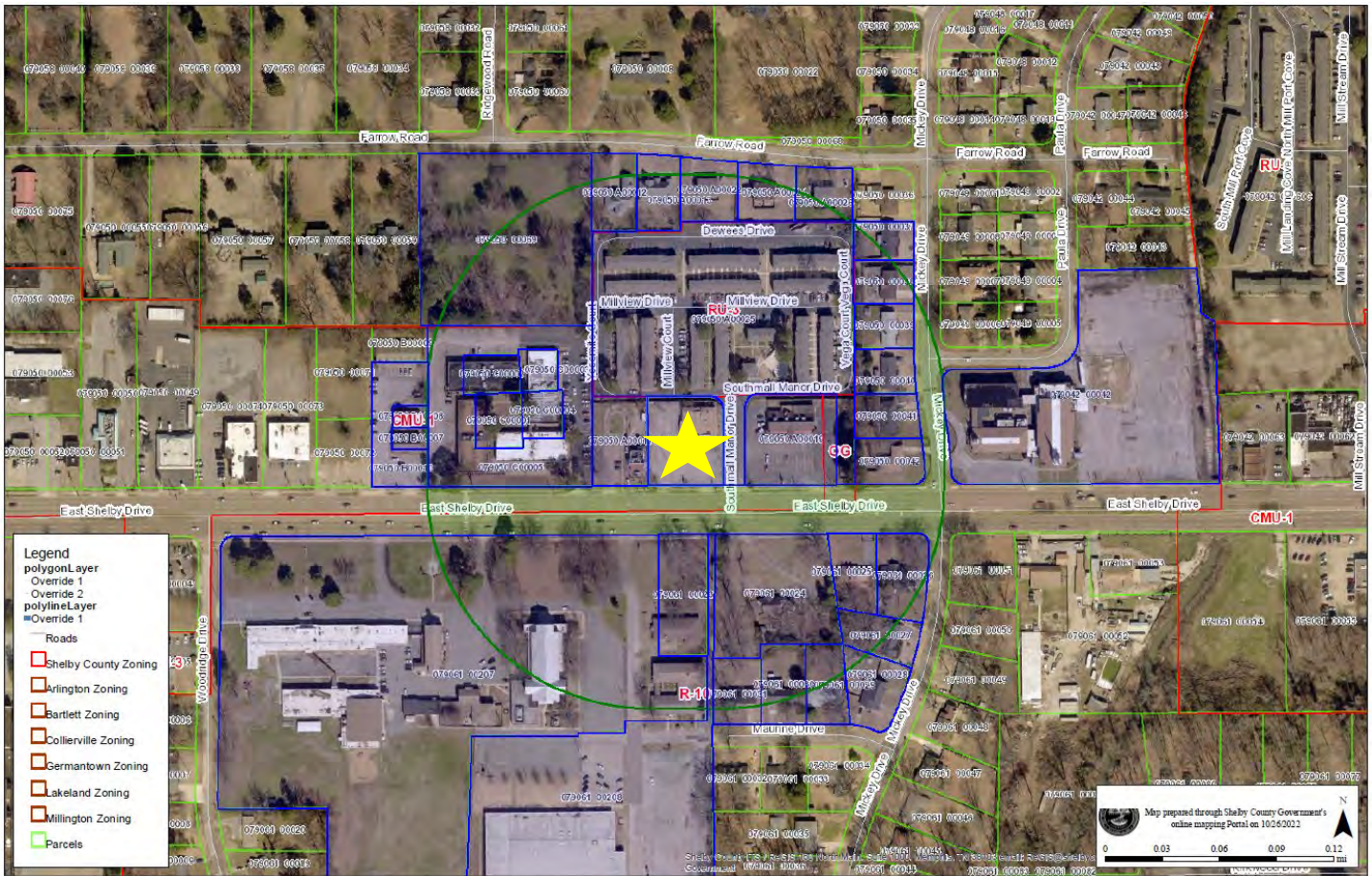
APPROVED October 29, 1992 (DATE)
[Signature] BY John E. Bliffen (RECORD)
MEMPHIS AND SHELBY COUNTY PLANNING DEPT.

• VICINITY MAP •
SCALE: 1" = 0.6 MILES

dr. by [Signature] date 8/8/71 sheet 1 of 1
ck. by [Signature] revised 8/1/72 commission number _____

Subject property is Lot 4

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Commercial Mixed Use – 1

Surrounding Zoning

North: Residential Urban – 3











East: Commercial Mixed Use – 1

South: Residential Single-Family – 10

West: Commercial Mixed Use – 1

LAND USE MAP



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

SITE PHOTOS



Principal structure

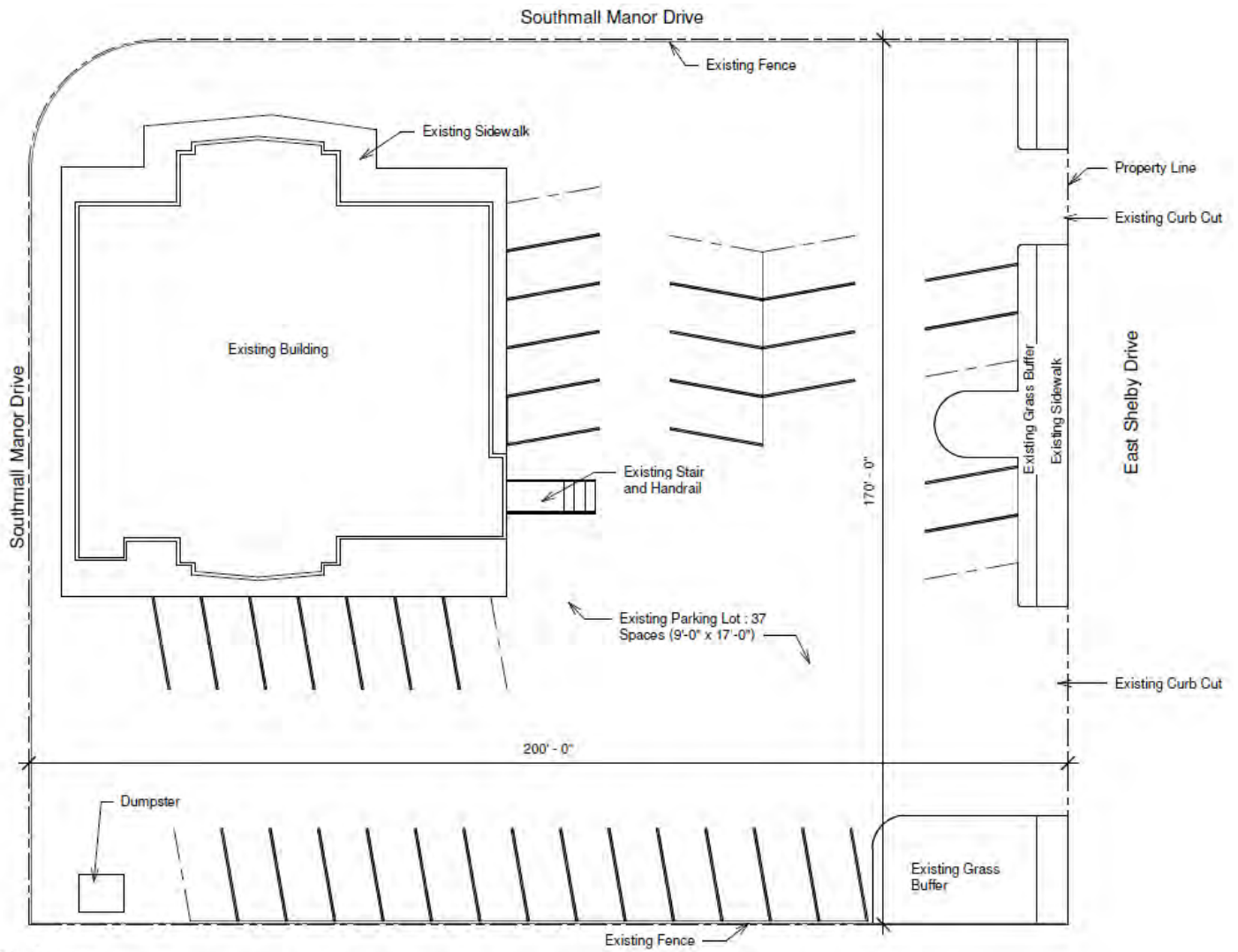


View west down Shelby



Dumpster area

SITE PLAN



① Site Plan
1" = 20'-0"



STAFF ANALYSIS

Request

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

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

Approval Criteria

Staff **agrees** the approval criteria with regard to 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 Lot 4 of the SouthMall Manor Subdivision. It contains a 5514-sf structure built in 1973.

Conclusions

Live Entertainment, LLC, has requested a special use permit for a bar.

Staff is sensitive to the potential for negative externalities affecting nearby residents, particularly those related to noise and parking. However, staff has not received any letters of opposition nor has any opponent appeared at a public hearing.

Staff recommends approval with conditions related to bringing certain site components (curb cuts, signage, and fencing) into compliance. (As recommended, other noncompliant site components, including parking design and the lack of a dumpster enclosure, may remain.)

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The eastern curb cut shall be closed with the relevant streetscape plate. The western curb cut, if noncompliant, shall be brought into conformance with local standards. All curb and sidewalk shall be repaired and/or replaced as needed to meet local standards.
2. The nonconforming detached sign shall be removed. Any future detached sign shall be duly permitted.
3. Any chain link fencing shall be removed. Any future fencing shall be duly permitted.

DEPARTMENTAL COMMENTS

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

Dept. of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Case SUP 22-28: Whitehaven

Site Address/Location: 1482 E Shelby Dr

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District or Flood Zone

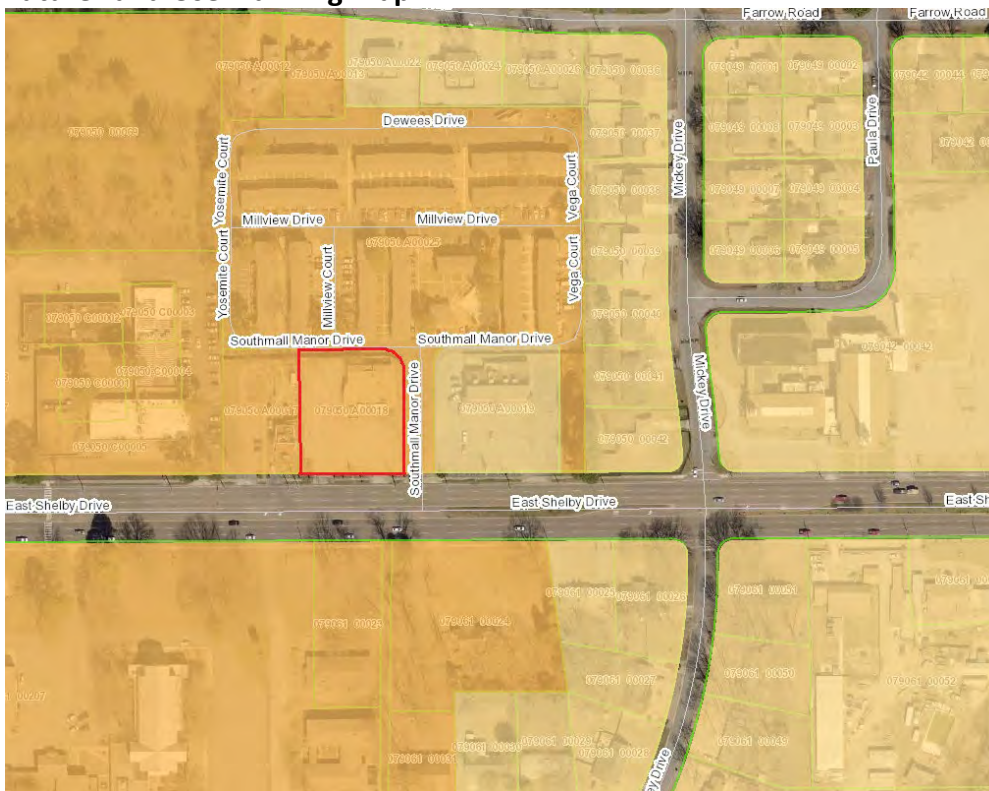
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Parkway

The applicant is seeking a special use permit to allow a bar, tavern, cocktail lounge, night club at the subject site.

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

Anchor Neighborhood-Mix of Building Types (AN-M) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.



“AN-M” Form & Location Characteristics

NURTURE/SUSTAIN - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

“AN-M” Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

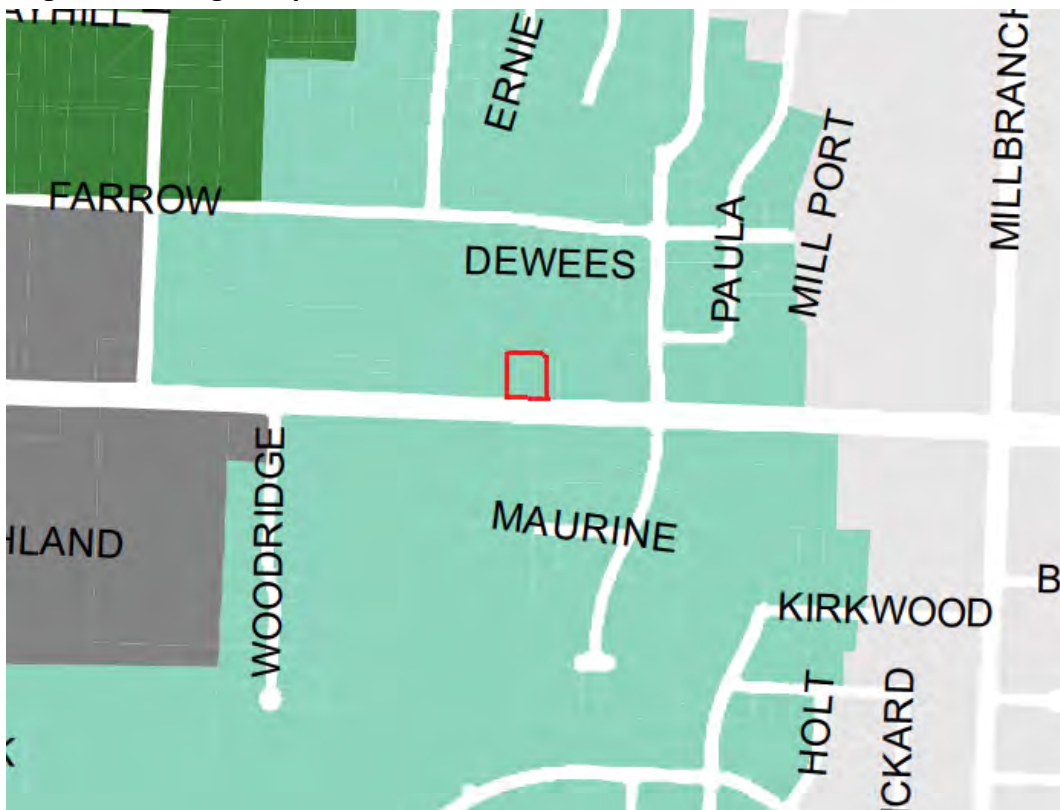
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Multi-Family, Institutional, Single-Family and Office; CMU-1, RU-3, and R-10

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 commercial, located along a parkway, with other commercial uses present on one or more adjacent parcels.*

3. Degree of Change Map



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

4. Degree of Change Description

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed application is a private investment that will promote activities that will stimulate market activity.*

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

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors. The proposed use would allow for the intensified use of a currently underutilized commercial property within a community anchor.

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

N/A

Consistency Analysis Summary

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 commercial, located along a parkway, with other commercial uses present on one or more adjacent parcels.

The proposed application is a private investment that will promote activities that will stimulate market activity. The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors. The proposed use would allow for the intensified use of a currently underutilized commercial property within a community anchor.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

City Engineer:

Sewers:

1. City sanitary sewers are available to serve this development.

Roads:

2. 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.
3. 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:

4. 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.
5. 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.
6. 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:

7. The City Engineer shall approve the design, number, and location of curb cuts.
8. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
9. One curb cut on Shelby Drive will be permitted.
10. Close curb farthest east with curb gutter and sidewalk.

APPLICATION FORM



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: September 14, 2022

Record Number: SUP 2022-028

Expiration Date:

Record Name: Sell Alcoholic Beverages

Description of Work: To be able to sell alcoholic beverages as limited service restaurants.

Parent Record Number:

Address:

1482 E SHELBY DR, MEMPHIS 38116

Owner Information

Primary	Owner Name
Y	SKEFOS JAMES J

Owner Address
2884 WALNUT GROVE RD, MEMPHIS, TN 38111

Owner Phone

Parcel Information

079050 A00018

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner	unknown
Date of Meeting	10/13/2022

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case	COO-22-000252

GENERAL PROJECT INFORMATION

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 N/A

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 lounge will be open when the adjacent properties are closed and will not affect 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

Live Entertainment will not interfere with the development of any of the adjacent property. Live Entertainment will be in accordance with applicable district regulations.

UDC Sub-Section 9.6.9C

Live Entertainment will provide adequately for such services.

UDC Sub-Section 9.6.9D

The lounge will not participate in any destruction, loss or damage to natural, scenic, historic.

UDC Sub-Section 9.6.9E

The project will comply with all additional standards.

UDC Sub-Section 9.6.9F

The lounge will not affect or violate existing standards of the adjacent properties.

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision SOUTHMALL MANOR REV

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

AREA INFORMATION

Name: Southland Mall

Size (Acres): 1

Existing Use of Property: Lounge
Requested Use of Property: Limited Service Restaurants

Contact Information

Name	Contact Type
LIVE ENTERTAINMENT LLC	APPLICANT
Address	
1482 E SHELBY DRIVE, MEMPHIS, TN, 38116	
Phone	
(901)859-3024	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1414131	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	09/14/2022
1415005	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	09/15/2022
1415005	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	09/15/2022
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

LETTER OF INTENT

Special Use Permit Application

Letter of Intent

Live Entertainment LLC

To whom it may concern,

Please accept this as a letter of intent to obtain a special use permit for the sale of alcoholic beverage at Live Entertainment LLC. The purpose of my request and my intent to my customer who come to enjoy music and dancing. Live Entertainment will not have any negative impact on the traffic or the surrounding neighbors. In fact, by brining entertainment closer will reduce the distance and cost of travel and encourage safer ways of getting home. We believe the survey will show we fall within all zoning guidelines.

Thanks, you for continued time in this matter.

John Hawkins

Owner of Live Entertainment LLC

(901) 859-3024

OWNER'S AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, James Skefos (Print Name) James Skefos (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 1482 E Shelby Drive Memphis, TN 38116
and further identified by Assessor's Parcel Number 0

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

Subscribed and sworn to (or affirmed) before me this 5 day of September in the year of 2022

Jessica P Calderon
Signature of Notary Public April 29, 2026
My Commission Expires



SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, John Hawkins, being duly sworn, depose and say that at am am/pm on the 17th day of November, 2022, I posted 3 Public Notice Sign(s) pertaining to Case No. SUP2022-028 at 1482 SHELBY DRIVE MEMPHIS, TN 38116, 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

11/30/22
Date

Subscribed and sworn to before me this 30th day of November, 2022.

[Signature]
Notary Public

My commission expires: 05/08/2023



LETTERS RECEIVED

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

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 02/07/2023
DATE
PUBLIC SESSION: 02/07/2023
DATE

ITEM (CHECK ONE)
_____ ORDINANCE 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 5505 Malone Road, known as case number PD 2022-22

CASE NUMBER: PD 2022-22

DEVELOPMENT: Malone Road Planned Development

LOCATION: 5505 Malone Road

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

OWNER/APPLICANT: Jacqueline Jenkins

REPRESENTATIVE: Brenda Solomito-Basar, Solomito Land Planning

REQUEST: Planned Development to permit limited EMP uses

AREA: +/-81.56 acres (Area A), +/-4.22 acres (Area B), +/-4.218 acres (Area C)

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
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:

	<u>DATE</u>	<u>POSITION</u>
<u>Theresa H. Shelton</u>	<u>1/30/2023</u>	PRINCIPAL PLANNER
<u>Wanda L. Smith, Jr.</u>	<u>01/30/23</u>	DEPUTY ADMINISTRATOR
<u>Wanda L. Smith, Jr.</u>	<u>01/30/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2022-22

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 5505 MALONE ROAD, KNOWN AS CASE NUMBER PD 2022-22

- This item is a resolution with conditions to permit limited EMP use; 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 5505 MALONE ROAD, KNOWN AS CASE NUMBER PD 2022-22

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 Jacqueline Jenkins/Brenda Solomito-Basar, Solomito Land Planning filed an application with the Memphis and Shelby County Division of Planning and Development to permit limited EMP uses; 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 (Malone Road Planned Development)

- I. Use Permitted
 - A. Any use permitted by right in the Employment (EMP) District including the following specifically permitted uses.
 1. Vehicle service and repair
 2. Contractors' outdoor storage
 3. Warehousing and Distribution
 4. Container storage
 - B. The following uses are strictly prohibited.
 1. Payday loans, title loans and flexible loan plan establishments
 2. Pawn shop
 3. Tattoo, Palmist, Psychic or Medium
 4. Vapor shop
 5. Heliport
 6. Drive-in theater
 7. Campground
 8. Undertaking establishment
 9. Garbage/refuse collection
 10. Adult entertainment
 11. Landfill
 12. Off-premise advertising signs
 13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes
boat rental, sales, or storage.
 14. Tavern, cocktail lounge, or night club
- II. Bulk Regulations
 - A. The development shall comply with the bulk requirements of the Employment (EMP) District.
- III. Access, Parking and Circulation
 - A. Two curb cuts are permitted on Malone Road.
 - B. The design and location of the curb cut shall be approved by the City Engineer.
 - C. Internal circulation between adjacent phases, lots, sections shall be provided.

- D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- E. All required parking shall be as Illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- F. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- D. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

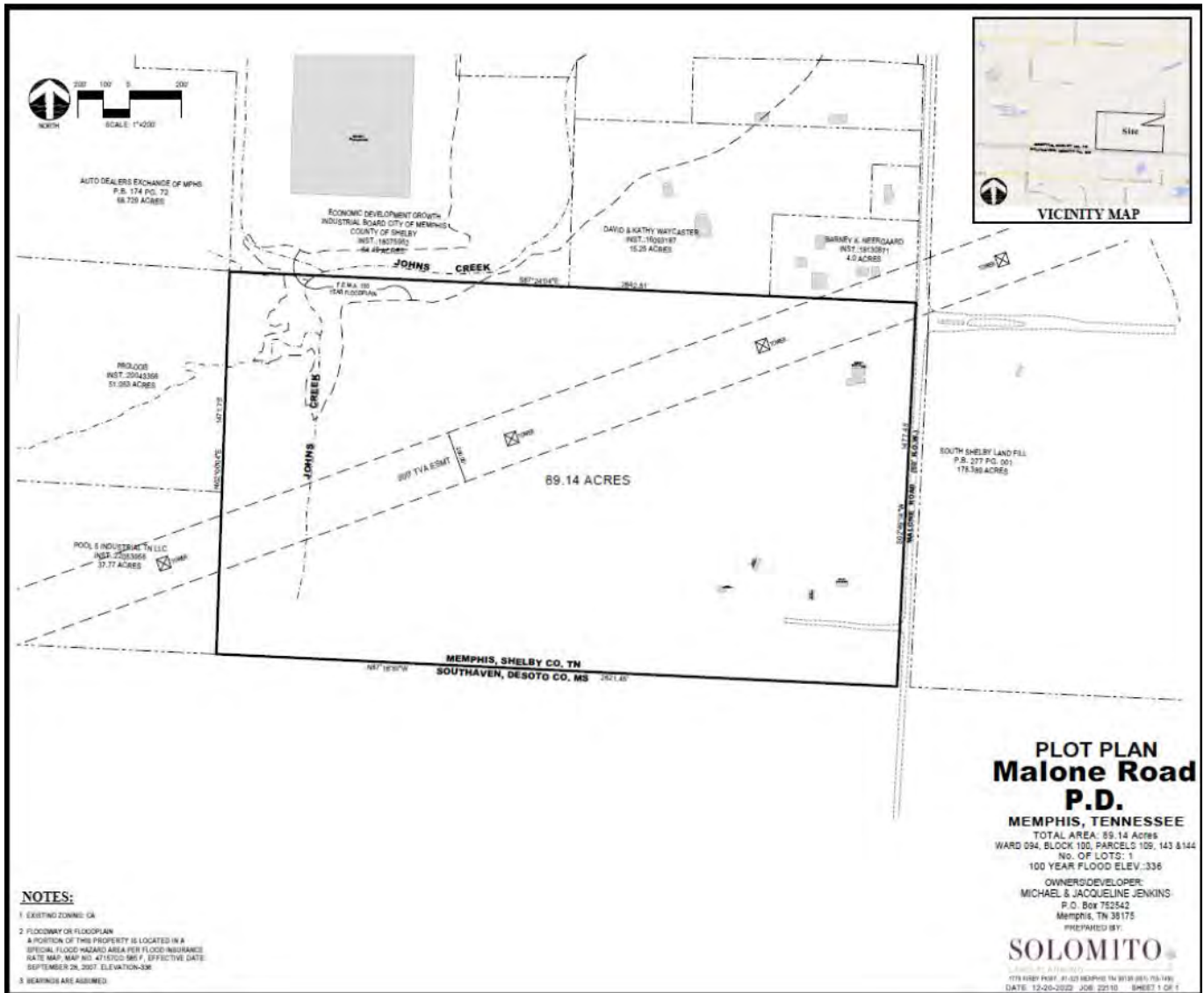
- A. Signage shall be in conformance with the EMP District regulations.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign 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 the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. 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 all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.

PLOT 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 2022-22

DEVELOPMENT: Malone Road Planned Development

LOCATION: 5505 Malone Road

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

OWNER/APPLICANT: Jaqueline Jenkins

REPRESENTATIVE: Brenda Solomito-Basar, Solomito Land Planning

REQUEST: Planned Development to permit limited EMP uses

EXISTING ZONING: Conservation Agriculture (CA)

AREA: +/-81.56 acres (Area A), +/-4.22 acres (Area B), +/-4.218 acres (Area C)

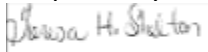
The following spoke in support of the application: None

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 9-0 on the consent agenda.

Respectfully,



Teresa H. Shelton

Planner I

Land Use and Development Services

Division of Planning and Development

Cc: Committee Members

File

**PD 2022-22
CONDITIONS**

Outline Plan Conditions (Malone Road Planned Development)

- I. Use Permitted
 - A. Any use permitted by right in the Employment (EMP) District including the following specifically permitted uses.
 - 1. Vehicle service and repair
 - 2. Contractors' outdoor storage
 - 3. Warehousing and Distribution
 - 4. Container storage
 - B. The following uses are strictly prohibited.
 - 1. Payday loans, title loans and flexible loan plan establishments
 - 2. Pawn shop
 - 3. Tattoo, Palmist, Psychic or Medium
 - 4. Vapor shop
 - 5. Heliport
 - 6. Drive-in theater
 - 7. Campground
 - 8. Undertaking establishment
 - 9. Garbage/refuse collection
 - 10. Adult entertainment
 - 11. Landfill
 - 12. Off-premise advertising signs
 - 13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes
boat rental, sales, or storage.
 - 14. Tavern, cocktail lounge, or night club
- II. Bulk Regulations
 - A. The development shall comply with the bulk requirements of the Employment (EMP) District.
- III. Access, Parking and Circulation
 - A. Two curb cuts are permitted on Malone Road.
 - B. The design and location of the curb cut shall be approved by the City Engineer.
 - C. Internal circulation between adjacent phases, lots, sections shall be provided.

- D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- E. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- F. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- D. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the EMP District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is

dissatisfied with the modifications of the Land Use Control Boar hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. 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 all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public pr private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.

Outline Plan Conditions (Malone Road Planned Development)

I. Use Permitted

- A. Any use permitted by right in the Employment (EMP) District including the following specifically permitted uses.
1. Vehicle service and repair
 2. Contractors' outdoor storage
 3. Warehousing and Distribution
 4. Container storage

B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
2. Pawn shop
3. Tattoo, Palmist, Psychic or Medium
4. Vapor shop
5. Heliport
6. Drive-in theater
7. Campground
8. Undertaking establishment
9. Garbage/refuse collection
10. Adult entertainment
11. Landfill
12. Off-premise advertising signs
13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes

boat rental, sales, or storage.

14. Tavern, cocktail lounge, or night club

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Employment (EMP) District.

III. Access, Parking and Circulation

- A. Two curb cuts are permitted on Malone Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. Internal circulation between adjacent phases, lots, sections shall be provided.
- D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- E. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- F. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- D. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

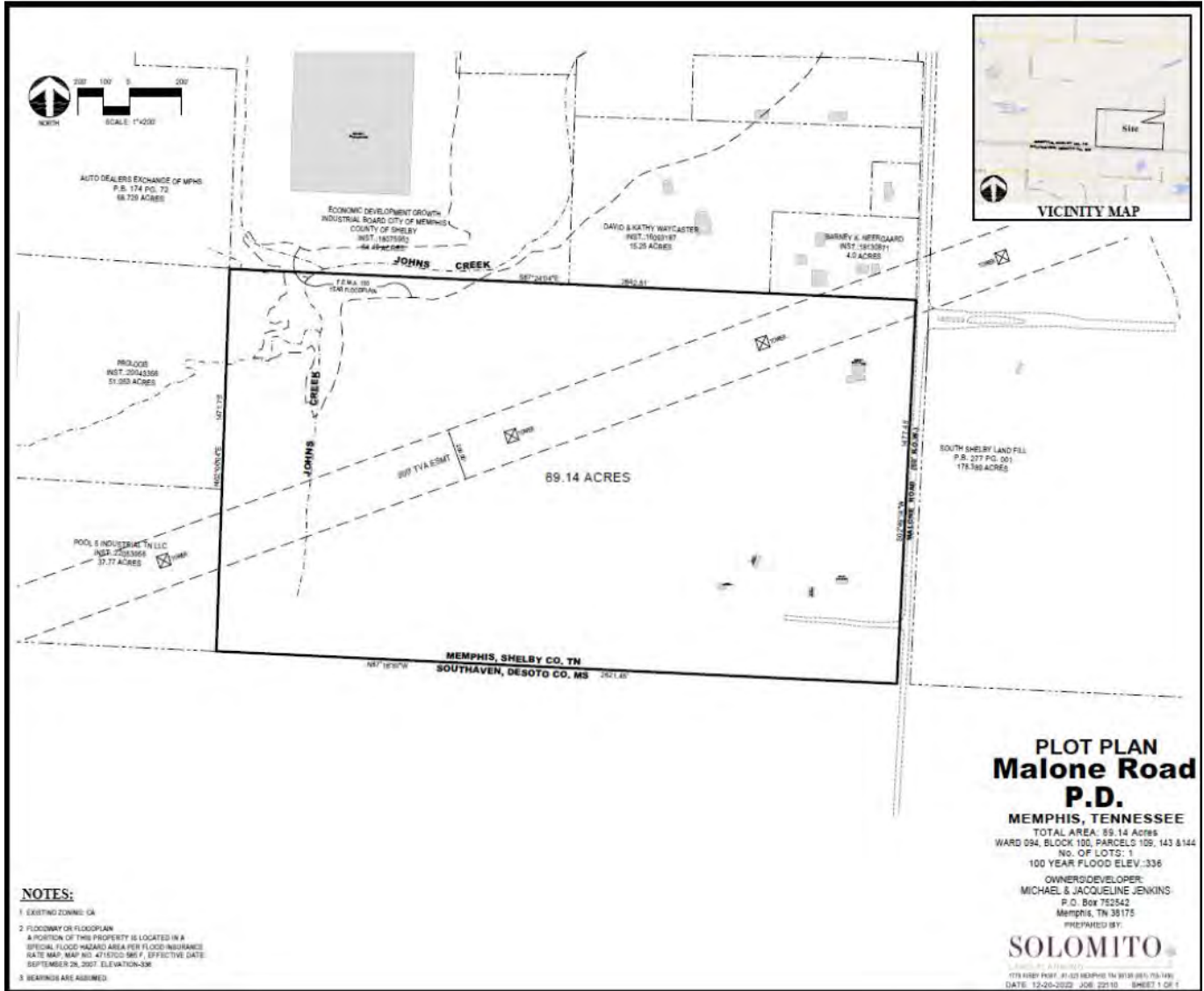
- A. Signage shall be in conformance with the EMP District regulations.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign 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 the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. 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 all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.

PLOT PLAN



NOTES:

1. EXISTING ZONING: CA
2. FLOODWAY OR FLOODPLAIN
A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157C03 985 F, EFFECTIVE DATE: SEPTEMBER 28, 2017, ELEVATION: 336
3. SEARCHES ARE ASSUMED.

PLOT PLAN
Malone Road
P.D.
MEMPHIS, TENNESSEE
 TOTAL AREA: 89.14 Acres
 WARD 094, BLOCK 100, PARCELS 109, 143 & 144
 NO. OF LOTS: 1
 100 YEAR FLOOD ELEV.: 336
 OWNER/DEVELOPER:
 MICHAEL & JACQUELINE JENKINS
 P.O. Box 752542
 Memphis, TN 38175
 PREPARED BY:
SOLOMITO
1779 RIDGE PARK, #1-025 MEMPHIS, TN 38119 901.755.1490
 DATE: 12-20-2022 JOB: 22110 SHEET 1 OF 1

AGENDA ITEM: 17

CASE NUMBER: PD 2022-22 **L.U.C.B. MEETING:** January 12, 2023

DEVELOPMENT: Malone Road Planned Development

LOCATION: 5505 Malone Road

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

OWNER/APPLICANT: Jacqueline Jenkins

REPRESENTATIVE: Brenda Solomito-Basar, Solomito Land Planning

REQUEST: Planned Development to permit limited EMP uses

AREA: +/-81.56 acres (Area A), +/-4.22 acres (Area B), +/-4.218 acres (Area C)

EXISTING ZONING: Conservation Agriculture (CA)

CONCLUSIONS

1. The applicant is requesting a Planned Development to permit limited EMP uses.
2. The purpose of this application is to gain entitlements consistent with Memphis 3.0 recommendation for Logistic uses and uses permitted in the EMP zoning district with a few additional restrictions.
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 17-19 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Malone Road +/-382.3 curvilinear feet
Zoning Atlas Page: 2540
Parcel ID: 094100 00109, 094100 00143, 094100 00144
Existing Zoning: Conservation Agriculture (CA)

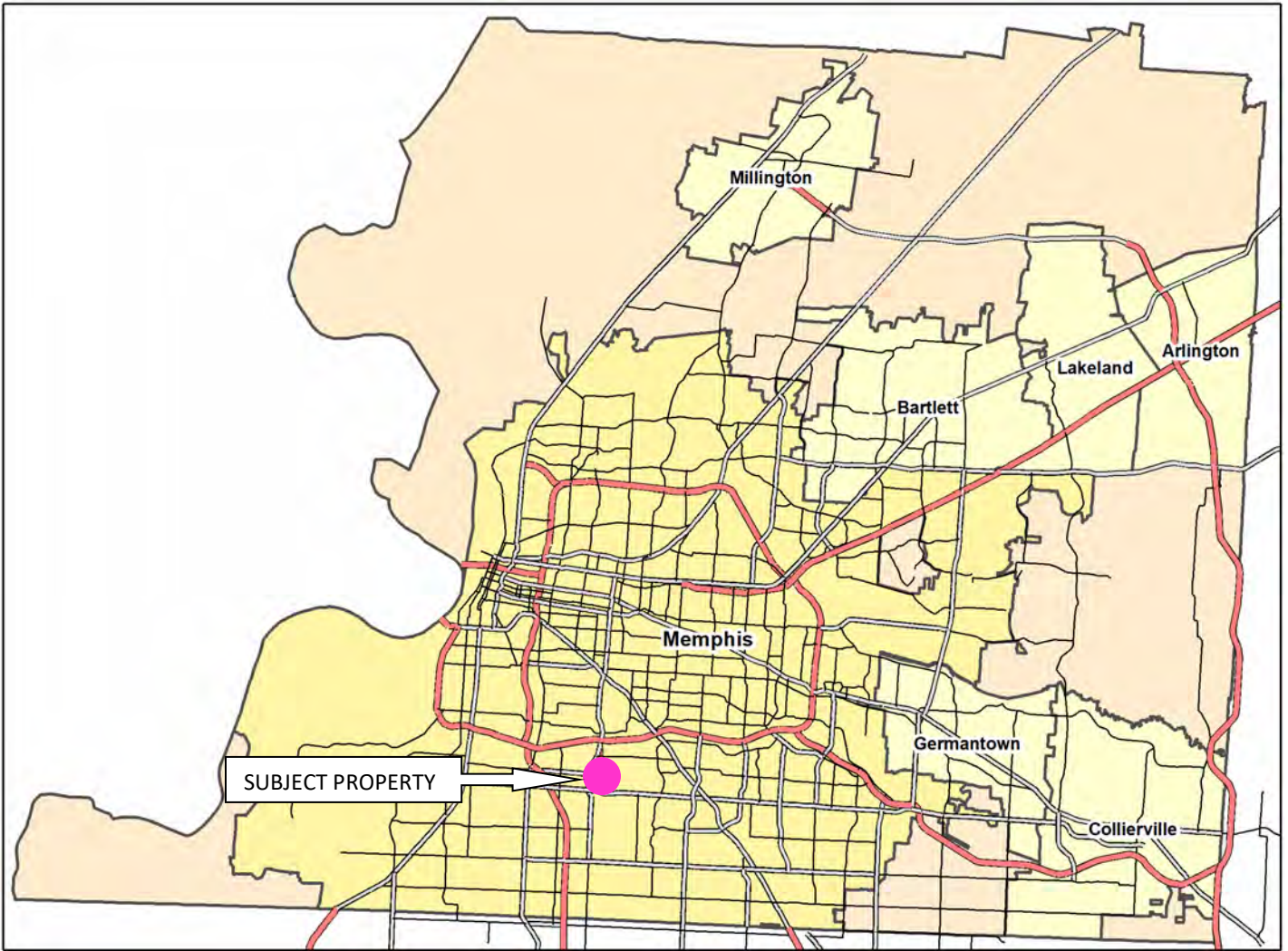
NEIGHBORHOOD MEETING

The meeting was held at 6:30 PM on Wednesday, December 28, 2022, at the property located at 5623 Malone Rd.

PUBLIC NOTICE

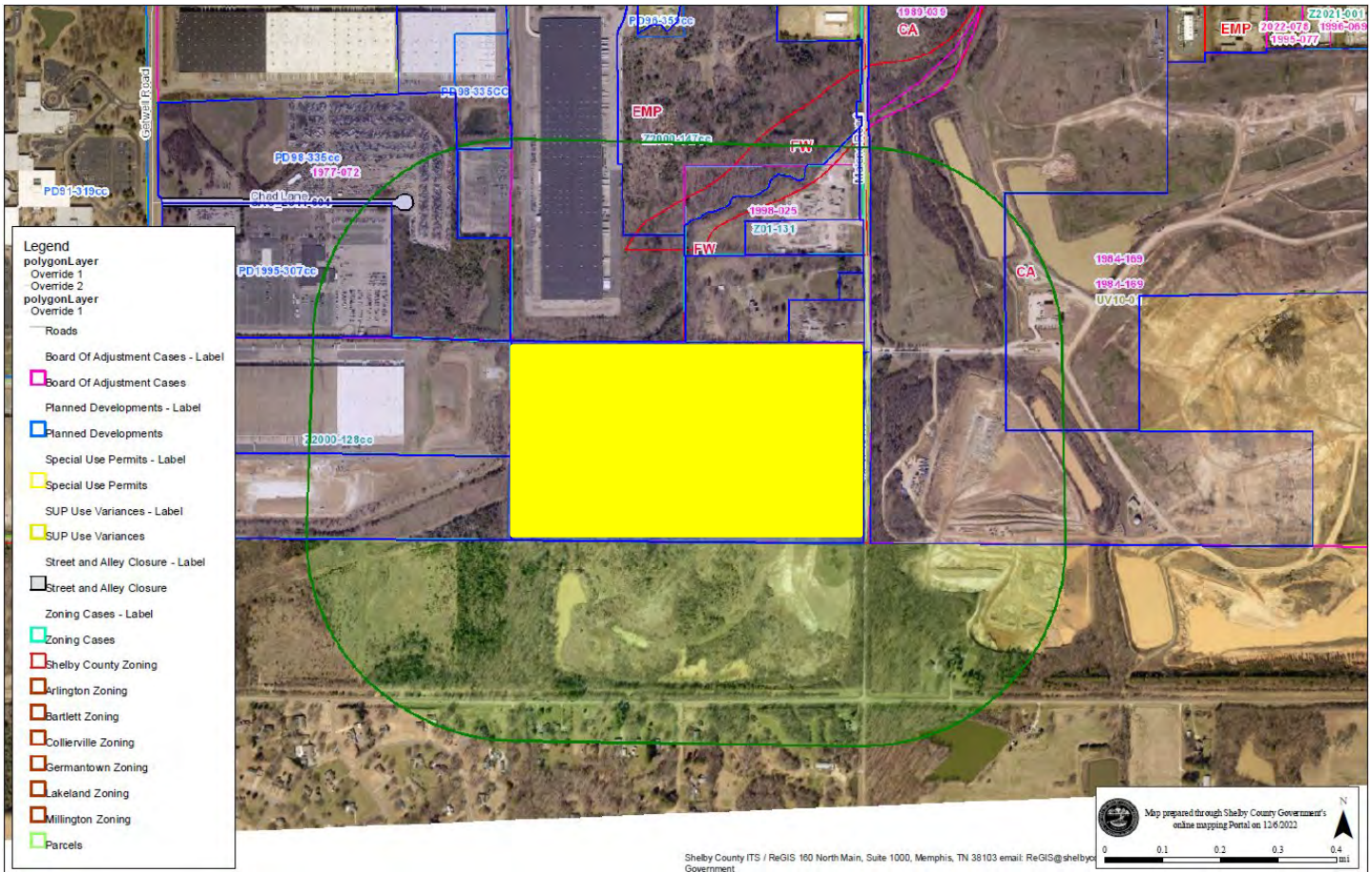
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 17 notices were mailed on December 30, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



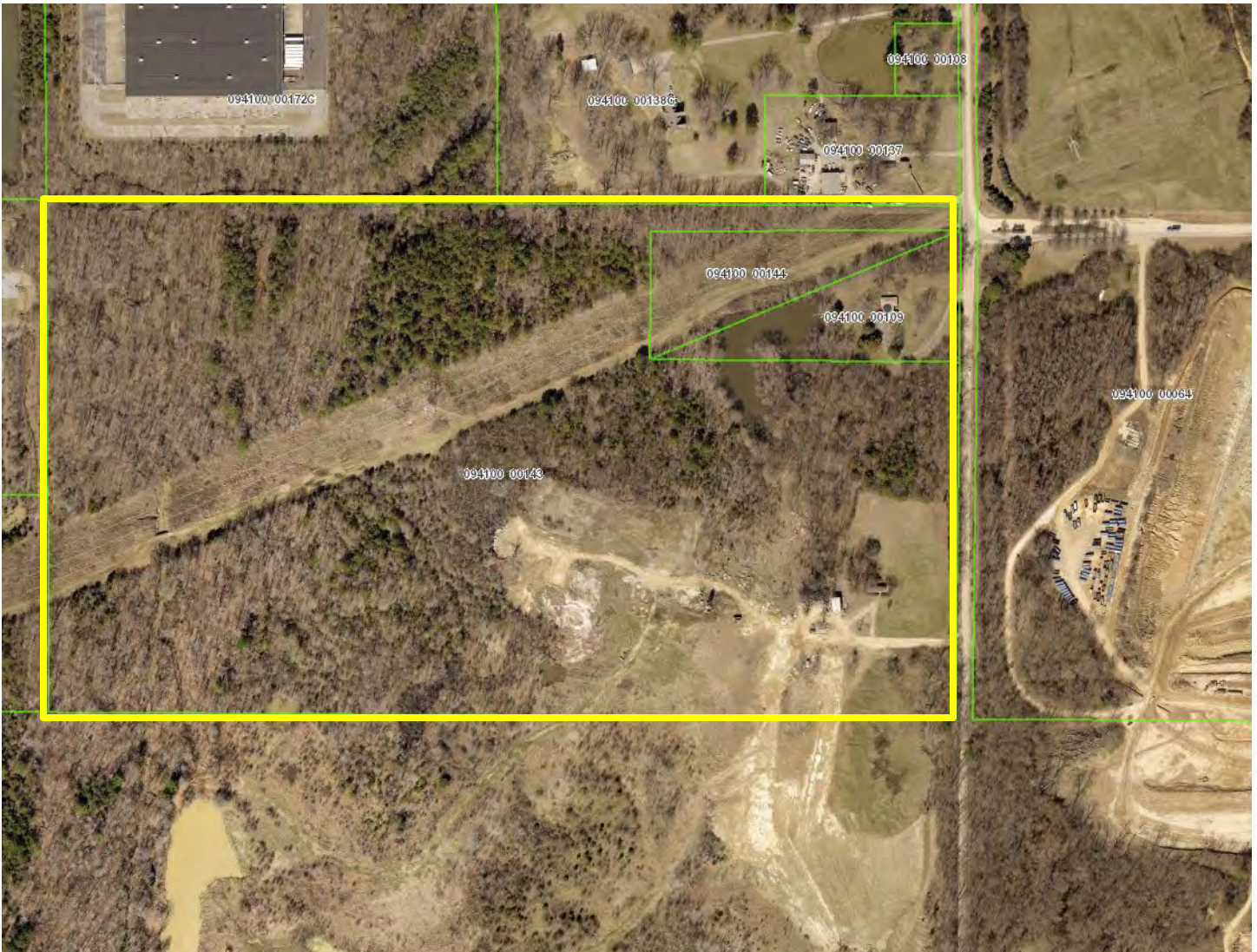
Subject property located within the pink circle

VICINITY MAP



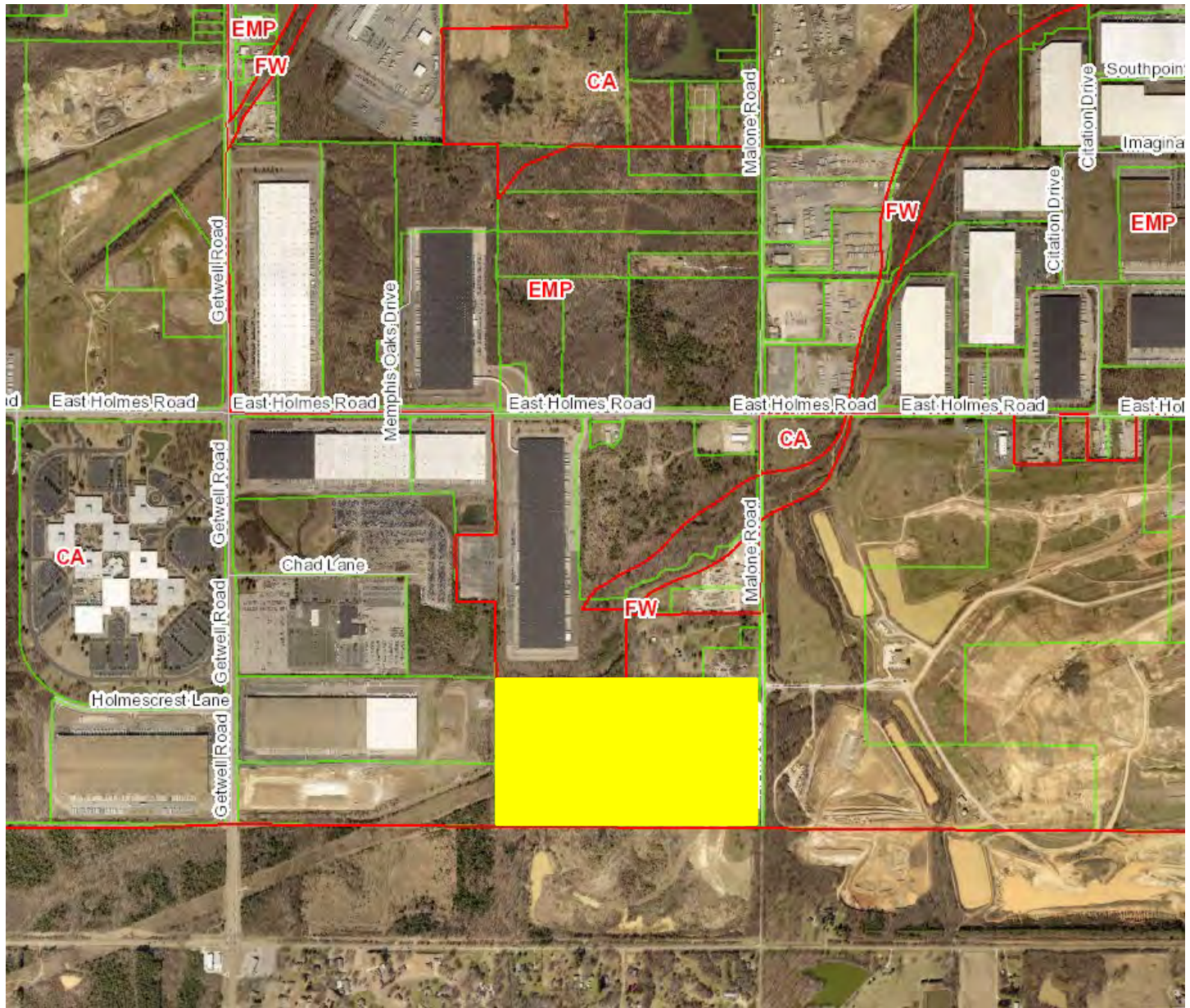
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

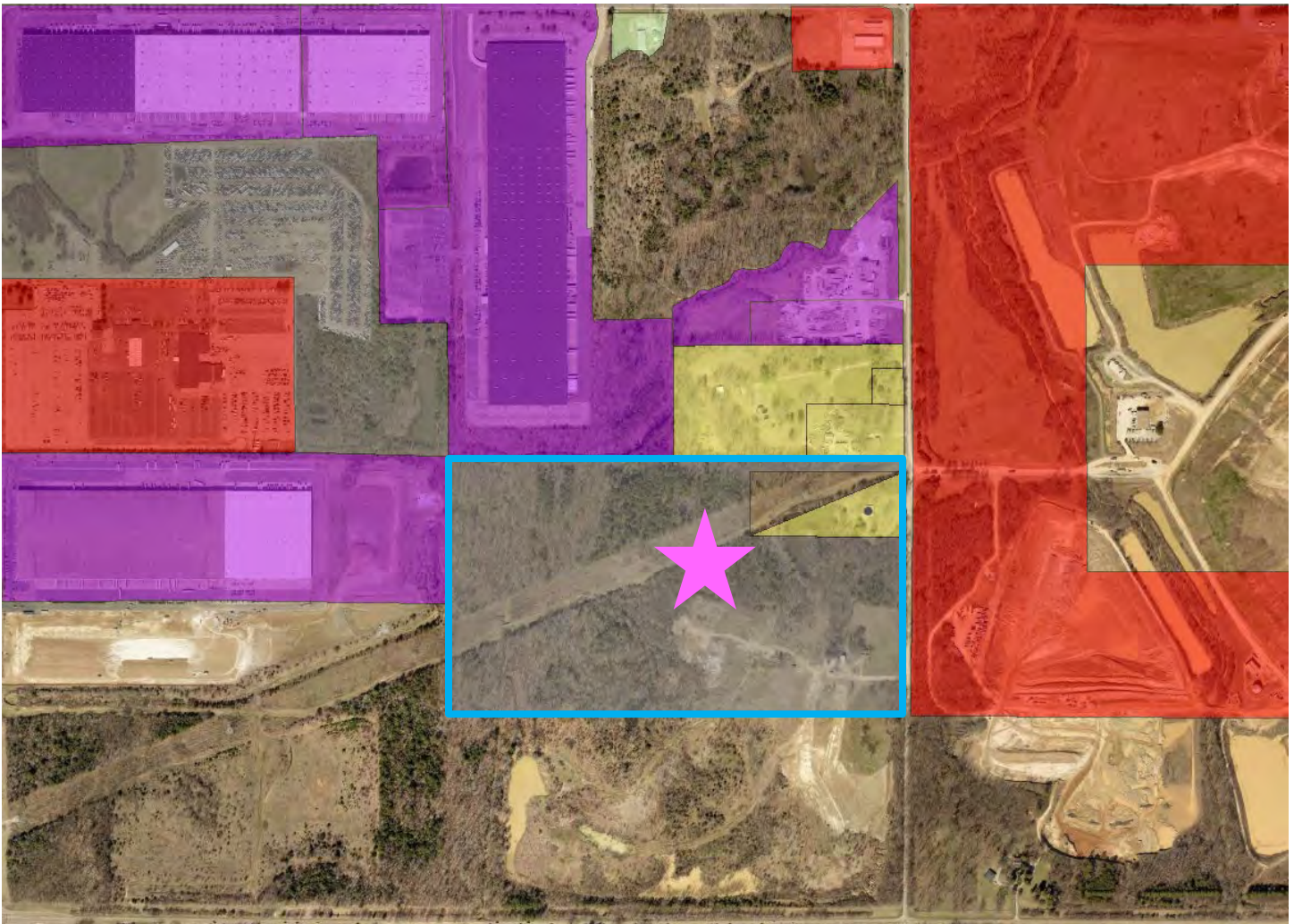
North: FW

East: CA

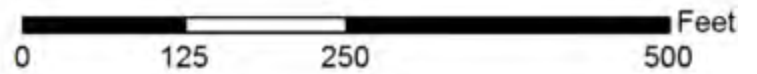
South: CA

West: CA

LAND USE MAP



LandUse



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



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS

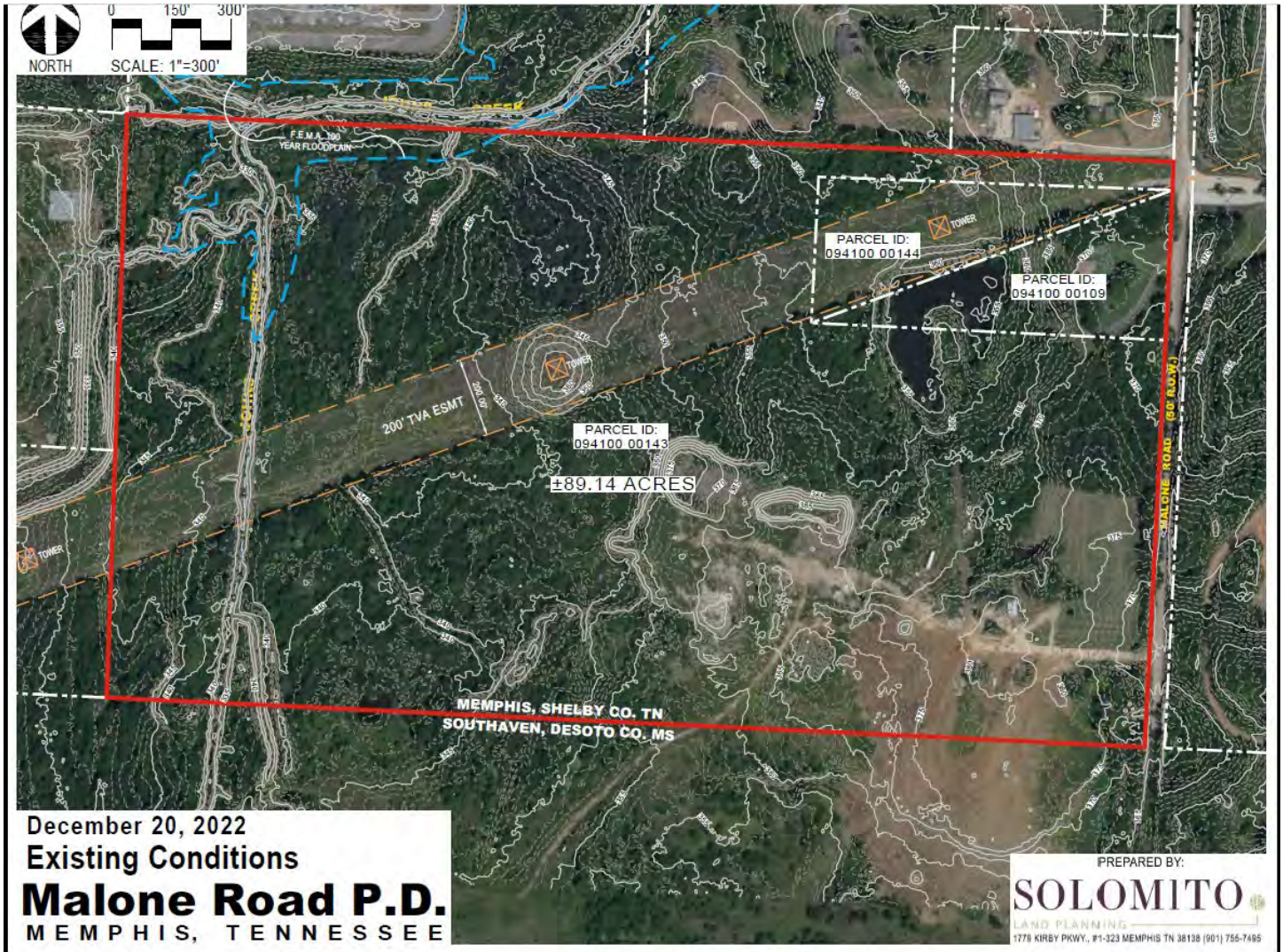


View of subject property from Malone Rd. looking north

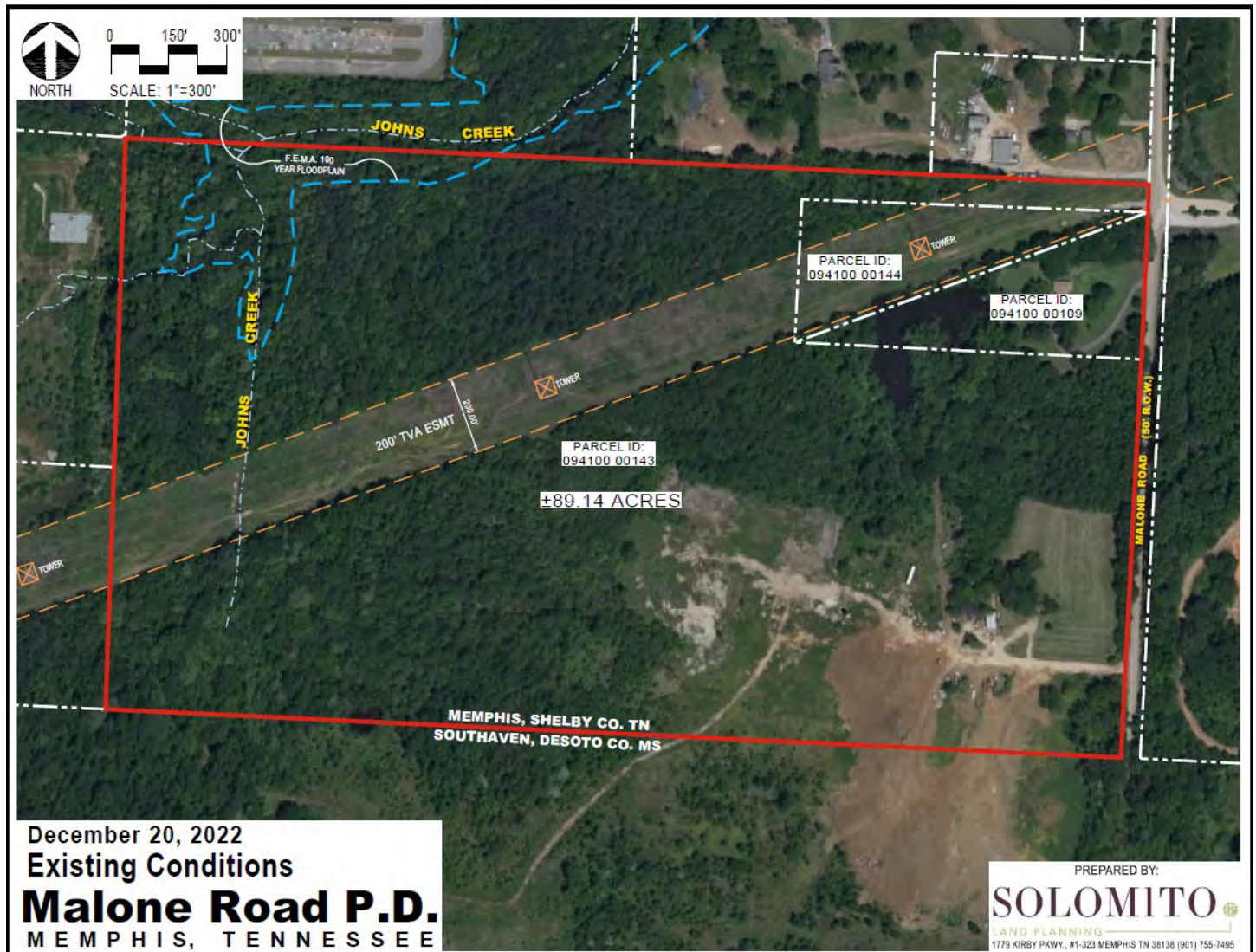


View of subject property from Malone Rd. looking northwest

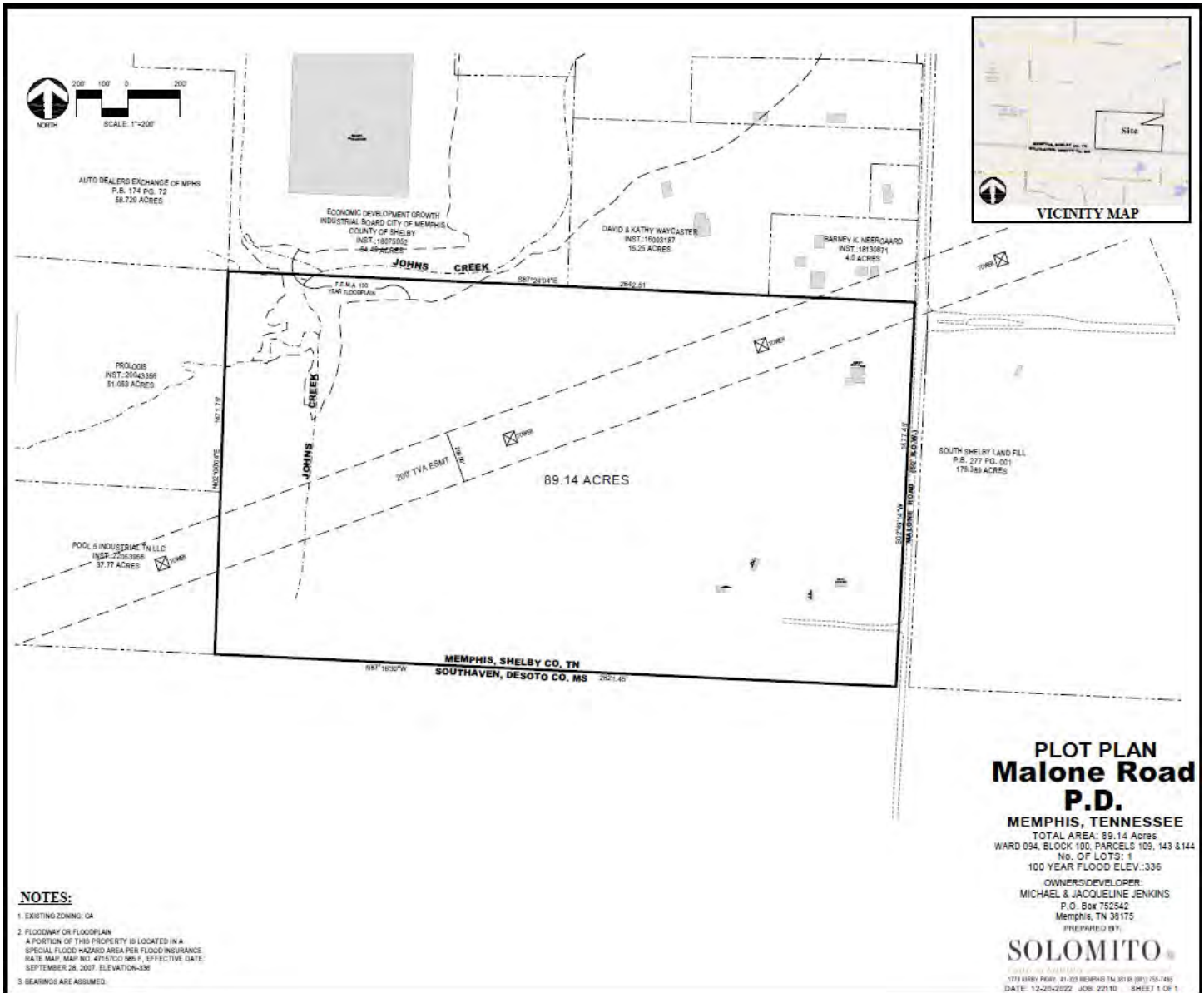
EXISTING CONDITIONS (TOPO)



EXISTING CONDITIONS



PLOT PLAN



NOTES:

1. EXISTING ZONING: CA
2. FLOODWAY OR FLOODPLAIN
 A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD-HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157C 066 F, EFFECTIVE DATE: SEPTEMBER 28, 2007, ELEVATION: 336
3. BEARINGS ARE ASSUMED.

PLOT PLAN
Malone Road
P.D.
MEMPHIS, TENNESSEE
 TOTAL AREA: 89.14 Acres
 WARD 094, BLOCK 100, PARCELS 109, 143 & 144
 No. OF LOTS: 1
 100 YEAR FLOOD ELEV.: 336
 OWNER/DEVELOPER:
 MICHAEL & JACQUELINE JENKINS
 P.O. Box 752542
 Memphis, TN 38175
 PREPARED BY:
SOLOMITO
CREATED BY SOLOMITO
 1719 BRINY PERRY, #1-203 MEMPHIS TN 38118 (901) 758-1763
 DATE: 12-20-2022, JOB: 22110, SHEET 1 OF 1

PROPOSED OUTLINE PLAN



PROPOSED OUTLINE PLAN (CONTD.)

CONDITIONS

Owner's Certificate

I, _____ the undersigned owner of the property shown, hereby adopt this plat as our 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 the owner of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

By: _____ Date _____
NAME: _____ TITLE: _____

Engineer's Certificate

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and takes into account all applicable federal, state and local building laws and regulations.

By: _____
Tennessee Certificate No. _____

Surveyor's Certificate

For Outside Boundary Only

I hereby certify that this is a Category I survey and that the ratio of precision of the unadjusted survey is 1:10,000 or greater; that this plat is in conformance with the survey 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: _____ (Seal) (Date)
Tennessee Certificate No. _____

Notary's Certificate

Before me, the undersigned, a Notary Public in and for the State of Tennessee and Shelby County at Memphis, duly commissioned and qualified, personally appeared _____ with whom I am personally acquainted, and who upon his oath acknowledged himself to be _____ the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained, in witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this _____ day of _____, 2022.

Notary Public _____
My Commission expires _____

CASE:
OUTLINE PLAN
Malone Road
P.D.
MEMPHIS, TENNESSEE
TOTAL AREA: 59.14 Acres
WARD 054, BLOCK 100, PARCELS 109, 143 & 144
No. OF LOTS: 1
100 YEAR FLOOD ELEV.: 336
OWNERS/DEVELOPER:
MICHAEL & JACQUELINE JENKINS
P. O. Box 752542
Memphis, TN 38175
PREPARED BY:
SOLOMITO

STAFF ANALYSIS

Request

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

The request is Planned Development to permit limited EMP Uses.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is comprised of three parcels located at 5505 Malone Road. When combined, the three parcels total +/-89.998 acres. The site is currently zoned CA with a structure on parcel #094100 00109 and parcel #'s 094100 00143 and 094100 00144 as vacant land.

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: LUCB Case PD 22-22: SE Memphis

Site Address/Location: 5505 Malone Rd. (Parcel IDs: 094100 00143, 094100 00144, 094100 00109)

Overlay District/Historic District/Flood Zone: In a Flood Zone, not in an Overlay or Historic District

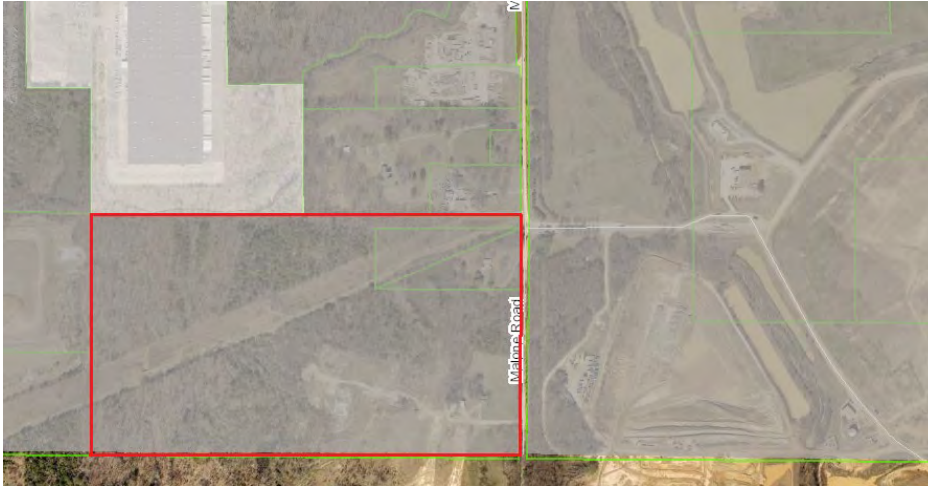
Future Land Use Designation: Industrial (I)

Street Type: Avenue

The applicant is seeking approval for a planned development to allow limited EMP uses at the subject parcels.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“I” Form & Location Characteristics

Industrial, 1-10 stories.

“I” Zoning Notes

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

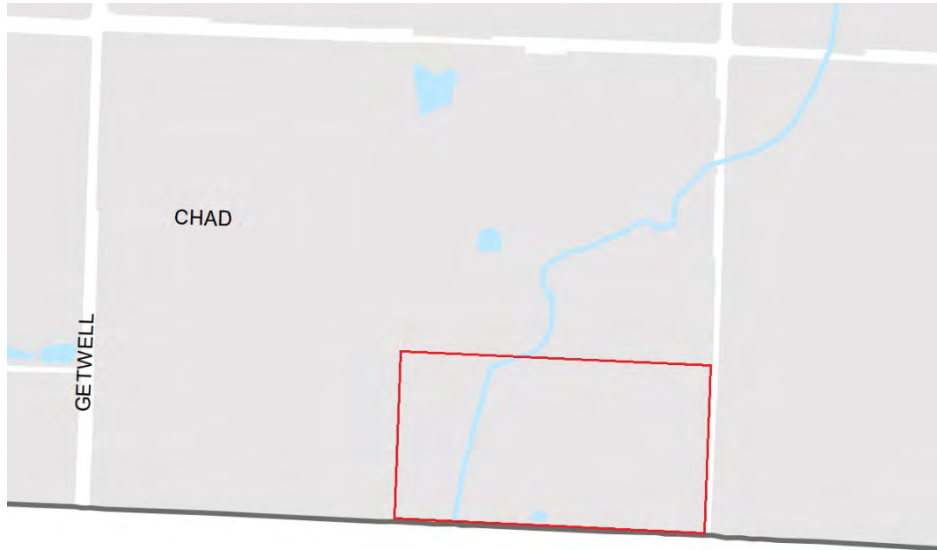
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, Vacant and Parking; CA

Adjacent Land Use and Zoning: Single-Family, Industrial, Vacant and Commercial; CA and EMP

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 industrial development is located on a parcel with an industrial future land use and is located near other industrial uses.*

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 approval for a planned development to allow limited EMP uses at the subject parcels.

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 industrial development is located on a parcel with an industrial future land use and is located near other industrial uses.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

Conclusions

The applicant is requesting a Planned Development to permit limited EMP uses.

The purpose of this application is to gain entitlements consistent with Memphis 3.0 recommendation for Logistic uses and uses permitted in the EMP zoning district with a few additional restrictions.

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

development policies and plans of the City and County.

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

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions (Malone Road Planned Development)

- I. Use Permitted
 - A. Any use permitted by right in the Employment (EMP) District including the following specifically permitted uses.
 1. Vehicle service and repair
 2. Contractors' outdoor storage
 3. Warehousing and Distribution
 4. Container storage
 - B. The following uses are strictly prohibited.
 1. Payday loans, title loans and flexible loan plan establishments
 2. Pawn shop
 3. Tattoo, Palmist, Psychic or Medium
 4. Vapor shop
 5. Heliport
 6. Drive-in theater
 7. Campground
 8. Undertaking establishment
 9. Garbage/refuse collection
 10. Adult entertainment
 11. Landfill
 12. Off-premise advertising signs
 13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes
boat rental, sales, or storage.
 14. Tavern, cocktail lounge, or night club
- II. Bulk Regulations
 - A. The development shall comply with the bulk requirements of the Employment (EMP) District.
- III. Access, Parking and Circulation
 - A. Two curb cuts are permitted on Malone Road.
 - B. The design and location of the curb cut shall be approved by the City Engineer.
 - C. Internal circulation between adjacent phases, lots, sections shall be provided.

- D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- E. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- F. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- D. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the EMP District regulations.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign 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 the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. 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 all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CASE: PD-22-022

NAME: SOUTHEAST MEMPHIS

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.

Roads:

5. 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.
6. 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.
7. Dedicate 54 feet from centerline of MALONE RD and improve in accordance the requirements of the Unified Development Code.

Traffic Control Provisions:

8. 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.
9. 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.

10. 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:

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

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

Drainage:

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

14. 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.

15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

16. 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.

17. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

18. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

19. Residential lots with individual curb cuts to an arterial street must have a minimum 100 feet, a minimum lot depth of 150 feet, and provide an on-site turn around area permitting egress by forward motion. A note to this effect shall appear on the final plat in accordance with Section 403.4.A of the Unified Development Code.

20. Residential lots with individual curb cuts to a collector street should provide adequate width and front yard depth to provide an on-site turn around area permitting egress by forward motion.
21. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
22. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

23. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
24. All connections to the sewer shall be at manholes only.
25. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division:

Case Number: PD 2022-22

Date Reviewed: 1/6/23

Reviewed by: J. Stinson

Address or Site Reference: 5505 Malone

- 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.

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:

From: Leigh Huffman, Municipal Planner

Date: January 4, 2023

Subject: OSR Comments on PD 22-22: SE MEMPHIS

General Comments & Analysis:

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

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

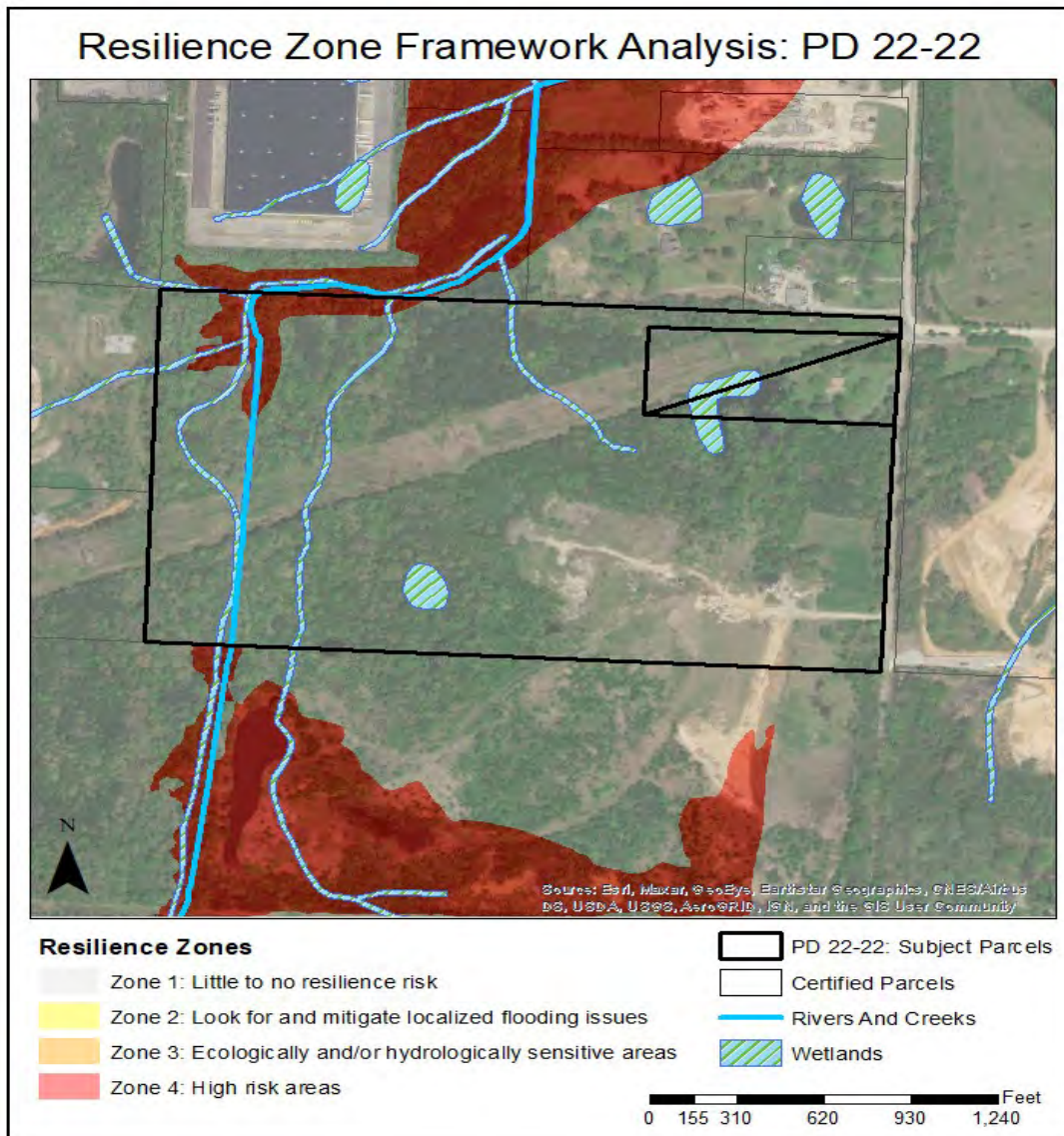
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure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

The portion of the proposed planned development that is located in Zone 4 is due to the 100-year floodplain (1% annual chance of flooding).

The parcels that the Applicant would like to include in the planned development are currently zoned Conservation Agriculture. The types, area, and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas, especially areas located in sensitive environmental contexts such as floodplains.

The parcels are heavily vegetated. Johns Creek runs through the western portion of the planned development. In addition, there are several potential wetlands identified by the U.S. Geological Survey throughout the property. Construction and development in wetland areas requires review and approval from both the Tennessee Department of Environment and Conservation (TDEC) and the U.S. Army Corps of Engineers.

The Applicant submitted proposed conditions stating that landscaping and existing trees to be preserved are indicated on the Outline Plan. The Outline Plan only shows buffers around the outside boundaries of the planned development without accounting for the stream or potential wetlands throughout the site. There is no mention of floodplain or stream buffers in the proposed conditions.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This planned development request is not consistent with the Mid-South Regional Resilience Master Plan because a portion of the parcels are located in Zone 4 of the resilience zone framework, which recommends limiting development in areas that have a high chance of flooding. Staff is most concerned with the lack future

development sites, landscaping, and proposed stormwater detention on the Outline Plan. In addition, the outline plan conditions do not mention provisions for stream buffers or development in the floodplain or wetlands. Without this information, it is difficult to know how future development on this site will impact our community's resilience to future extreme weather events.

Section 4.3 Flood Smart Development recommends that currently vacant parcels in the floodplain should be preserved. Staff acknowledges that the eastern portion of the proposed planned development has been previously developed and it is the area furthest away from the existing sensitive environmental areas. Based on this information, the most appropriate part of the parcel for future development is the southeast corner, as development there will result in the smallest impact on the trees, wetlands, stream, and floodplain.

The following sections of the Plan recommend protection of areas similar to the northeast portion of the site: Section 2.2.1 Wetland Protection and Restoration and Section 5.7 Trees.

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

The Memphis Area Climate Action Plan calls for increasing the urban tree canopy from 37% coverage to 60% coverage countywide by 2050 (Priority Action E.7). Without an outline plan demonstrating where future development will occur on the parcel it is not possible to determine how much of the tree canopy has the potential to be removed.

Recommendations: Staff recommends that different zones be applied to the PD, with the southeast corner of the parcel most open to future development, and the northwest corner of the parcel remaining similar to the existing Conservation Agriculture zoning. Staff recommends including the following conditions:

- The development shall comply with UDC Section 6.4 Stream Buffers.
- Any development of land within the 100-year floodplain will be compliant with UDC Chapter 8.8 (Floodplain Development Overlay District).
- Prior to final plan approval, the Property Owner/Developer shall obtain all applicable permits and approvals from local, state, and federal agencies for development in the Special Flood Hazard Area and near wetlands.

As landscaping planning moves forward on this planned development, efforts should be made to ensure that existing trees are preserved, and that new species of trees planted are diverse and well-maintained.

In addition, Staff urges the Applicant to use Low Impact Development (LID) techniques for managing and filtering the stormwater runoff, and to preserve the existing vegetation as much as possible. Specific suggestions include designing parking lots to allow stormwater to flow into the parking lot landscaped areas and using a combination of asphalt and a permeable paving system for the parking lot.

Office of Comprehensive Planning: See pages 17-19

APPLICATION



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

LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)

BOA 1972- 051

Date: 12/08/2022

Previous Case/Docket #: BOA 1977-040

PLEASE TYPE OR PRINT

Property Owner of Record: Jacqueline Jenkins Phone #: 901-503-3830

Mailing Address: 5318 Cherokee Rose City/State: Memphis, TN Zip: 38125

Property Owner Email Address: jjenkins18@comcast.net

Applicant: Same Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Applicant Email Address: _____

Representative: Brenda Solomito Basar, Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 1779 Kirby Parkway #1-323 City/State: Memphis, TN Zip: 38138

Representative Email Address: brenda@solomitolandplanning.com

Architect/Engineer/Surveyor: Mark Underwood, Property Solutions Phone #: 901-230-5867

Mailing Address: 784 Dean's Creek Drive City/State: Collierville, TN Zip: 38017

Architect/Engineer/Surveyor Email Address: underwoodm@earthlink.net

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): West side of Malone St., North of Stateline Rd.

Parcel ID: 094100 00143, 094100 00144, and 094100 00109

Project Name: Malone Road Planned Development

Project Description: Planned Development to permit limited EMP Uses

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: _____ Date of Meeting: _____

Type of Planned Development (PD) (check one)? New PD Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? No (yes or 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)? _____ (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>81.56</u>	<u>4.22</u>	<u>4.218</u>
Existing Use of Property:	<u>Vacant</u>	<u>Vacant</u>	<u>Single Family</u>
Requested Use of Property:	_____	_____	_____

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

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

APPROVAL CRITERIA (UDC Section 9.6.9)

No 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: _____

GENERAL PROVISIONS (UDC Section 4.10.3)

No planned development shall be approved unless the following findings are made concerning the application:

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 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: _____

- 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: _____

LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE

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

GENERAL INFORMATION

UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

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

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

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than one hundred twenty (120) days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

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

LETTER OF INTENT

December 20, 2022

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Application for Planned Development
5623 Malone Road

Dear Brett:

We are pleased to submit an application for Planned Development on behalf of the owner, Ms. Jacquelin Jenkins. The property is located on the west side of Malone Road approximately 2,630' +/- south of the southern right of way line of line of East Holmes Road. The property is zoned Conservation Agricultural (CA) but has been used for Light Industrial/Employment District uses since the 1980's.

The purpose of this application is to gain entitlements consistent with Memphis 3.0 recommendation for Logistic Uses and uses permitted in the EMP District with a few additional restrictions.

Consistency with Memphis 3.0

Memphis 3.0 recommends Logistic Uses. The existing site has been used for non-agricultural uses since at least the 1980s and the adjacent land use to east, BFI landfill, is an industrial use.

In accordance with the Approval Criteria (UDC Section 9.6.9)

- 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 property maintained EMP type uses for many years. This application is to obtain approval for other similar EMP uses. Future development of the site will be compatible with the surrounding uses. All services and public facilities are in place. It was determined in 2019 that 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:

Future development of the site will be compatible with the immediate vicinity as approved by the BOA in 2019. Provisions for buffers and increased setbacks as originally approved have been included in the proposed outline plan conditions.

- 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.

All public facilities and services are in place.

December 20, 2022
Page 2

- 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:

No significant features will be damaged as a result of the granting of this PD.

- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

The project complies with all applicable regulations.

- 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:

The project complies with all applicable plans to be considered.

General Provisions (UDC Section 4.10.3)

- 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:

The granting of this PD project would 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 wastewater 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:

All utilities are available and adequate to serve this site.

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner

SIGN AFFIDAVIT

Justin Holden

AFFIDAVIT

Shelby County
State of Tennessee

I *Steve Basan*, being duly sworn deposes and says that at *7:40* am, *pm* on the *29th* day of *December* he/she posted a Public Notice Sign(s) pertaining to case number *PA 2022-22* at (address) *5073 Alden Rd*, providing notice of a Public Hearing before the Land Use Control Board *✓*, Memphis City Council *✓*, Shelby County Board of Commissioners for consideration of a proposed land use action (Planned Development _____, Use Variance _____, Zoning District map Amendment _____, a photograph of said sign(s) being attached hereon and a copy of the signs purchase receipt or rental contract attaches hereto.

[Signature]
Owner, Applicant or Representative

12-31-22
Date

Subscribed and sworn to before me this *31st* day of *December*, 2007. *2022*

Notary Public

My Commission Expires: _____




[Signature]

8/17/2025

LETTERS RECEIVED

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



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

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

January 13, 2023

Jacqueline Jenkins
5318 Cherokee Rose
Memphis, TN 38125

Sent via electronic mail to: brenda@solomitolandplanning.com

Malone Road Planned Development
Case Number: PD 2022-22 – 5505 Malone Rd.
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, January 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Malone Road Planned Development to permit limited EMP uses, 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 teresa.shelton@memphistn.gov.

Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Letter to Applicant
PD 22-22

Cc: Brenda Solomito-Basar, Solomito Land Planning
File

Letter to Applicant

PD 22-22

Outline Plan Conditions

- I. Use Permitted
 - A. Any use permitted by right in the Employment (EMP) District including the following specifically permitted uses.
 1. Vehicle service and repair
 2. Contractors' outdoor storage
 3. Warehousing and Distribution
 4. Container storage
 - B. The following uses are strictly prohibited.
 1. Payday loans, title loans and flexible loan plan establishments
 2. Pawn shop
 3. Tattoo, Palmist, Psychic or Medium
 4. Vapor shop
 5. Heliport
 6. Drive-in theater
 7. Campground
 8. Undertaking establishment
 9. Garbage/refuse collection
 10. Adult entertainment
 11. Landfill
 12. Off-premise advertising signs
 13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes boat rental, sales, or storage.
 14. Tavern, cocktail lounge, or night club
- II. Bulk Regulations
 - A. The development shall comply with the bulk requirements of the Employment (EMP) District.
- III. Access, Parking and Circulation
 - A. Two curb cuts are permitted on Malone Road.
 - B. The design and location of the curb cut shall be approved by the City Engineer.
 - C. Internal circulation between adjacent phases, lots, sections shall be provided.
 - D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
 - E. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
 - F. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.

Letter to Applicant

PD 22-22

- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- D. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the EMP District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign 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 the

Letter to Applicant

PD 22-22

Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.

X. 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 all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: December 7, 2022

Record Number: PD 2022-022

Expiration Date:

Record Name: Malone Road Planned Development

Description of Work: Planned Development to permit limited EMP Uses.

Parent Record Number:

Address:

5505 MALONE RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y Jacqueline Jenkins

Owner Address

5318 CHEROKEE ROSE, MEMPHIS, TN 38125

Owner Phone

Parcel Information

094100 00109

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

11/01/2022

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number	BOA 1972-051 BOA 1977-040
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	See Attached
UDC Sub-Section 9.6.9B	See Attached
UDC Sub-Section 9.6.9C	See Attached
UDC Sub-Section 9.6.9D	See Attached
UDC Sub-Section 9.6.9E	See Attached
UDC Sub-Section 9.6.9F	See Attached

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	See Attached
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	See Attached
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	See Attached
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	See Attached
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements	Yes
F) Lots of record are created with the recording of a planned development final plan	Yes

GIS INFORMATION

GIS INFORMATION

Central Business Improvement District	No
Case Layer	BOA1972-051, BOA1977-040
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	-

Data Tables

AREA INFORMATION

Name:	094100 00144
Size (Acres):	4.22
Existing Use of Property:	Vacant
Requested Use of Property:	PD

Name:	094100 00143
Size (Acres):	81.56
Existing Use of Property:	Vacant
Requested Use of Property:	PD

Contact Information

Name	Contact Type
JACQUELINE JENKINS	APPLICANT
Address	
Phone	
(901)503-3830	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1434572	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	12/07/2022
1434811	Planned Development - each additional or fractional acres above 5	85	8,500.00	INVOICED	8,500.00	12/08/2022
1434811	Credit Card Use Fee (.026 x fee)	1	260.00	INVOICED	260.00	12/08/2022
1434811	Planned Development - 5 acres or less	1	1,500.00	INVOICED	1,500.00	12/08/2022

Total Fee Invoiced: \$10,260.00

Total Balance: \$10,260.00



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

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

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

BOA 1972- 051

Date: 12/08/2022

Previous Case/Docket #: BOA 1977-040

PLEASE TYPE OR PRINT

Property Owner of Record: Jacqueline Jenkins Phone #: 901-503-3830

Mailing Address: 5318 Cherokee Rose City/State: Memphis, TN Zip: 38125

Property Owner Email Address: jjenkins18@comcast.net

Applicant: Same Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Applicant Email Address: _____

Representative: Brenda Solomito Basar, Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 1779 Kirby Parkway #1-323 City/State: Memphis, TN Zip: 38138

Representative Email Address: brenda@solomitolandplanning.com

Architect/Engineer/Surveyor: Mark Underwood, Property Solutions Phone #: 901-230-5867

Mailing Address: 784 Dean's Creek Drive City/State: Collierville, TN Zip: 38017

Architect/Engineer/Surveyor Email Address: underwoodm@earthlink.net

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): West side of Malone St., North of Stateline Rd.

Parcel ID: 094100 00143, 094100 00144, and 094100 00109

Project Name: Malone Road Planned Development

Project Description: Planned Development to permit limited EMP Uses

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: _____ Date of Meeting: _____

Type of Planned Development (PD) (check one)? New PD Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? No (yes or 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)? _____ (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>81.56</u>	<u>4.22</u>	<u>4.218</u>
Existing Use of Property:	<u>Vacant</u>	<u>Vacant</u>	<u>Single Family</u>
Requested Use of Property:	_____	_____	_____

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

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

APPROVAL CRITERIA (UDC Section 9.6.9)

No 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: _____

GENERAL PROVISIONS (UDC Section 4.10.3)

No planned development shall be approved unless the following findings are made concerning the application:

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 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: _____

- 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: _____

LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE

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

GENERAL INFORMATION

UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

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

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

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than one hundred twenty (120) days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

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

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

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

POSTED NOTICE – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

REQUIRED DOCUMENTS

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

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

OUTLINE PLAN – An outline plan consists of the following documents:

- A. CONCEPT PLAN** – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.
- B. LANDSCAPE PLAN** – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.
- C. PROPOSED OUTLINE PLAN CONDITIONS IN WORD** – The proposed outline plan conditions must be submitted in the Microsoft Word format.

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

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

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

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

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

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

December 20, 2022

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Application for Planned Development
5623 Malone Road

Dear Brett:

We are pleased to submit an application for Planned Development on behalf of the owner, Ms. Jacquelin Jenkins. The property is located on the west side of Malone Road approximately 2,630' +/- south of the southern right of way line of line of East Holmes Road. The property is zoned Conservation Agricultural (CA) but has been used for Light Industrial/Employment District uses since the 1980's.

The purpose of this application is to gain entitlements consistent with Memphis 3.0 recommendation for Logistic Uses and uses permitted in the EMP District with a few additional restrictions.

Consistency with Memphis 3.0

Memphis 3.0 recommends Logistic Uses. The existing site has been used for non-agricultural uses since at least the 1980s and the adjacent land use to east, BFI landfill, is an industrial use.

In accordance with the Approval Criteria (UDC Section 9.6.9)

- 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 property maintained EMP type uses for many years. This application is to obtain approval for other similar EMP uses. Future development of the site will be compatible with the surrounding uses. All services and public facilities are in place. It was determined in 2019 that 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:

Future development of the site will be compatible with the immediate vicinity as approved by the BOA in 2019. Provisions for buffers and increased setbacks as originally approved have been included in the proposed outline plan conditions.

- 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.

All public facilities and services are in place.

- 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:

No significant features will be damaged as a result of the granting of this PD.

- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

The project complies with all applicable regulations.

- 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:

The project complies with all applicable plans to be considered.

General Provisions (UDC Section 4.10.3)

- 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:

The granting of this PD project would 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 wastewater 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:

All utilities are available and adequate to serve this site.

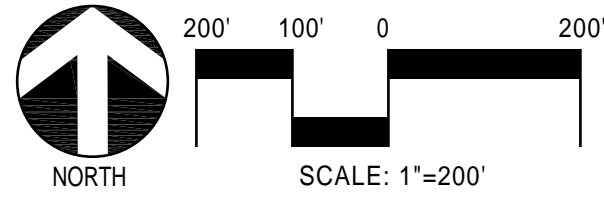
Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

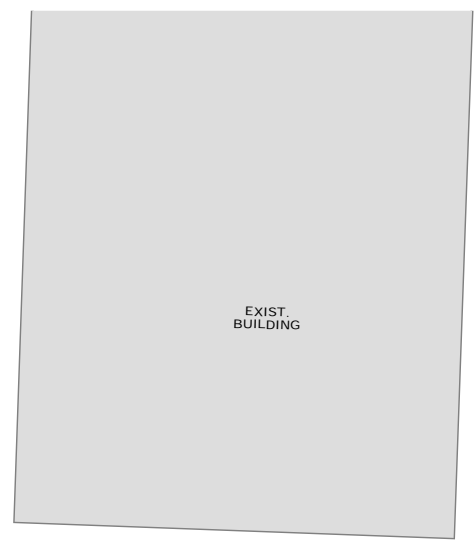
SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner



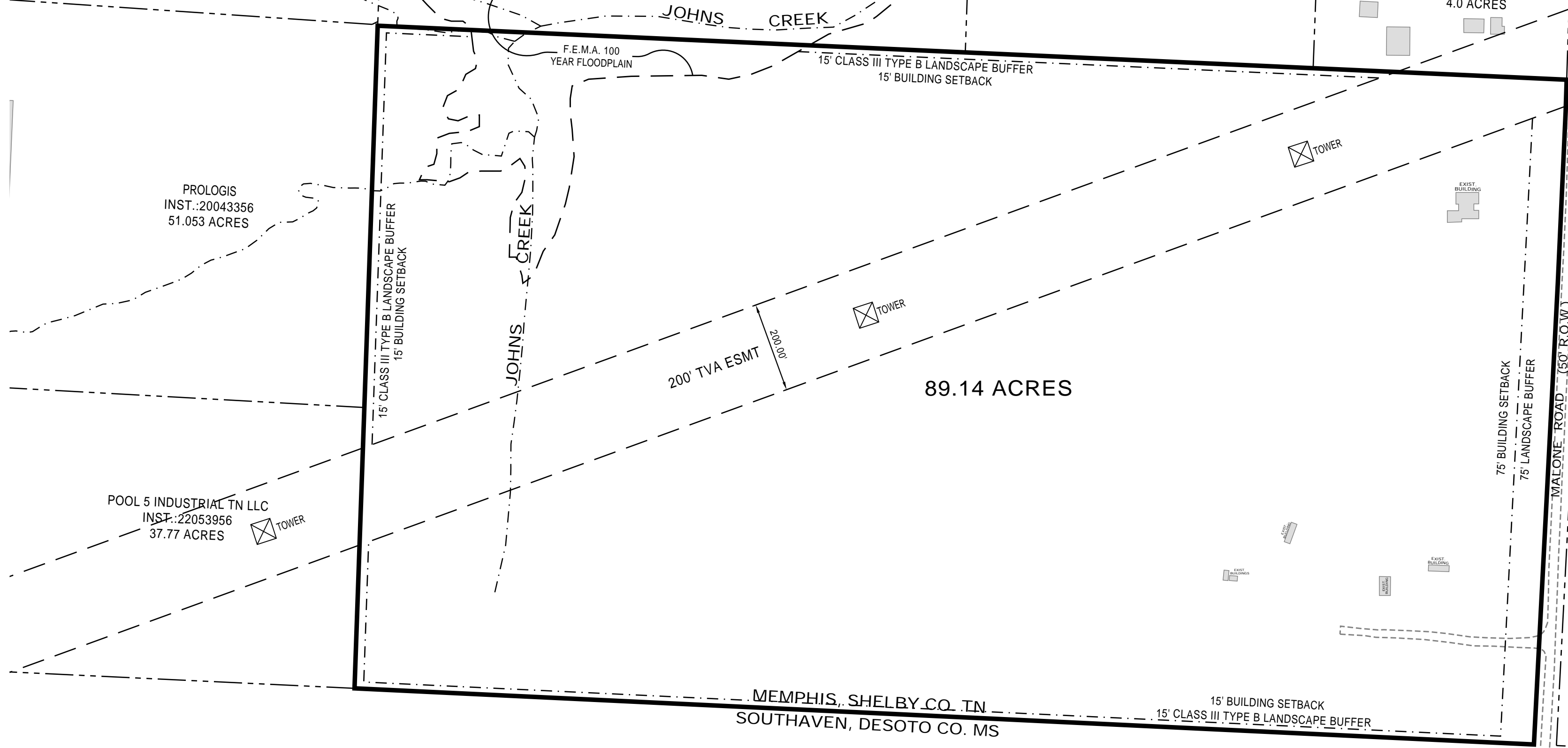
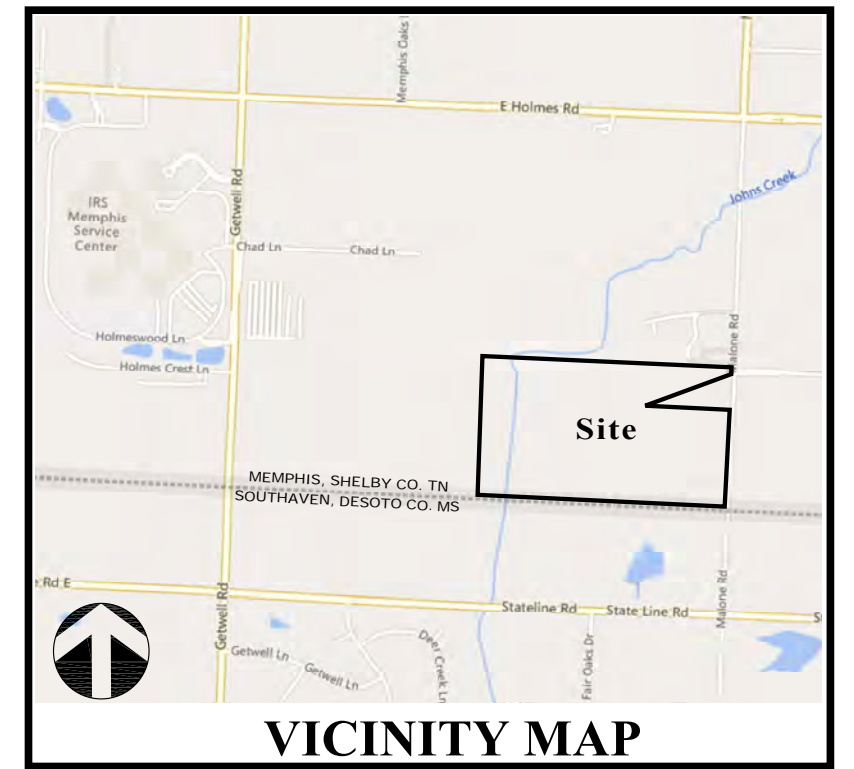
AUTO DEALERS EXCHANGE OF MPHS
P.B. 174 PG. 72
58.729 ACRES



ECONOMIC DEVELOPMENT GROWTH
INDUSTRIAL BOARD CITY OF MEMPHIS
COUNTY OF SHELBY
INST.:18075952
64.49 ACRES

DAVID & KATHY WAYCASTER
INST.:16093187
15.25 ACRES

BARNEY K. NEERGAARD
INST.:18130871
4.0 ACRES



PROLOGIS
INST.:20043356
51.053 ACRES

POOL 5 INDUSTRIAL TN LLC
INST.:22053956
37.77 ACRES

SOUTH SHELBY LAND FILL
P.B. 277 PG. 001
178.389 ACRES

89.14 ACRES

MEMPHIS, SHELBY CO. TN
SOUTHAVEN, DESOTO CO. MS

CASE:
**OUTLINE PLAN
Malone Road
P.D.
MEMPHIS, TENNESSEE**

TOTAL AREA: 89.14 Acres
WARD 094, BLOCK 100, PARCELS 109, 143 & 144
No. OF LOTS: 1
100 YEAR FLOOD ELEV.:336

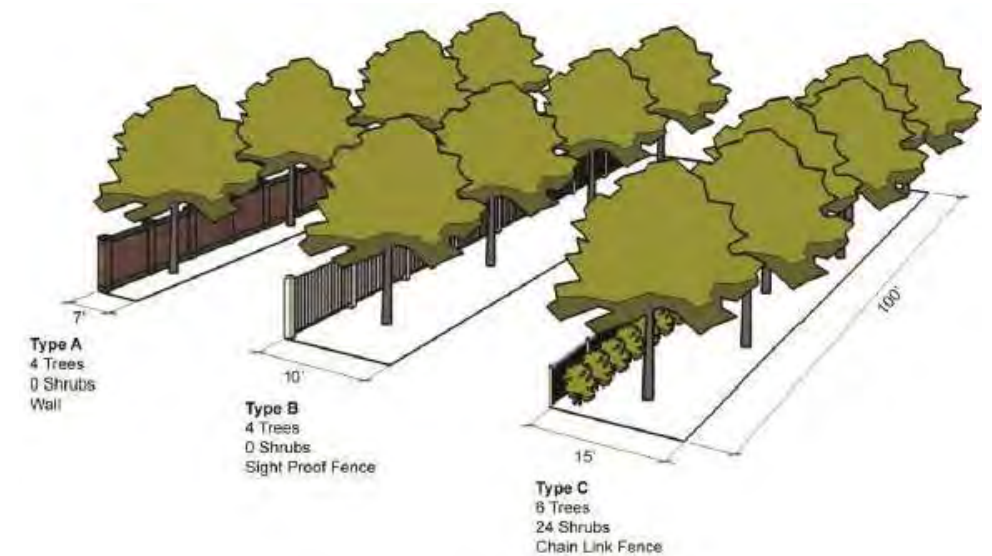
OWNERS/DEVELOPER:
MICHAEL & JACQUELINE JENKINS
P.O. Box 752542
Memphis, TN 38175

PREPARED BY:

SOLOMITO

LAND PLANNING
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495
DATE: 12-20-2022 JOB: 22110 SHEET 1 OF 2

- NOTES:**
- EXISTING ZONING: CA
 - FLOODWAY OR FLOODPLAIN
A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 585 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-336



CLASS III TYPE B BUFFER

CONDITIONS

Owner's Certificate

I, _____ the undersigned owner of the property shown, hereby adopt this plat as our 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 the owner of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

By: _____
NAME: _____ Date _____
TITLE: _____

Notary's Certificate

Before me, the undersigned, a Notary Public in and for the State of Tennessee and Shelby County at Memphis, duly commissioned and qualified, personally appeared _____, with whom I am personally Acquainted, and who upon his oath acknowledged himself to be _____ the within named bargainer, and that he executed the forgoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this _____ day of _____ 2022.

Notary Public _____
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 laws and regulations.

By: _____
Tennessee Certificate No. _____

Surveyor's Certificate

For Outside Boundary Only

I hereby certify that this is a Category I survey and that the ratio of precision of the unadjusted survey is 1:10,000 or greater; that this plat is in conformance with the survey 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: _____ (Seal) (Date)
Tennessee Certificate No. _____

CASE:
**OUTLINE PLAN
Malone Road
P.D.
MEMPHIS, TENNESSEE**

TOTAL AREA: 89.14 Acres
WARD 094, BLOCK 100, PARCELS 109, 143 &144
No. OF LOTS: 1
100 YEAR FLOOD ELEV.:336

OWNERS\DEVELOPER:
MICHAEL & JACQUELINE JENKINS
P.O. Box 752542
Memphis, TN 38175

PREPARED BY:

SOLOMITO

LAND PLANNING

1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

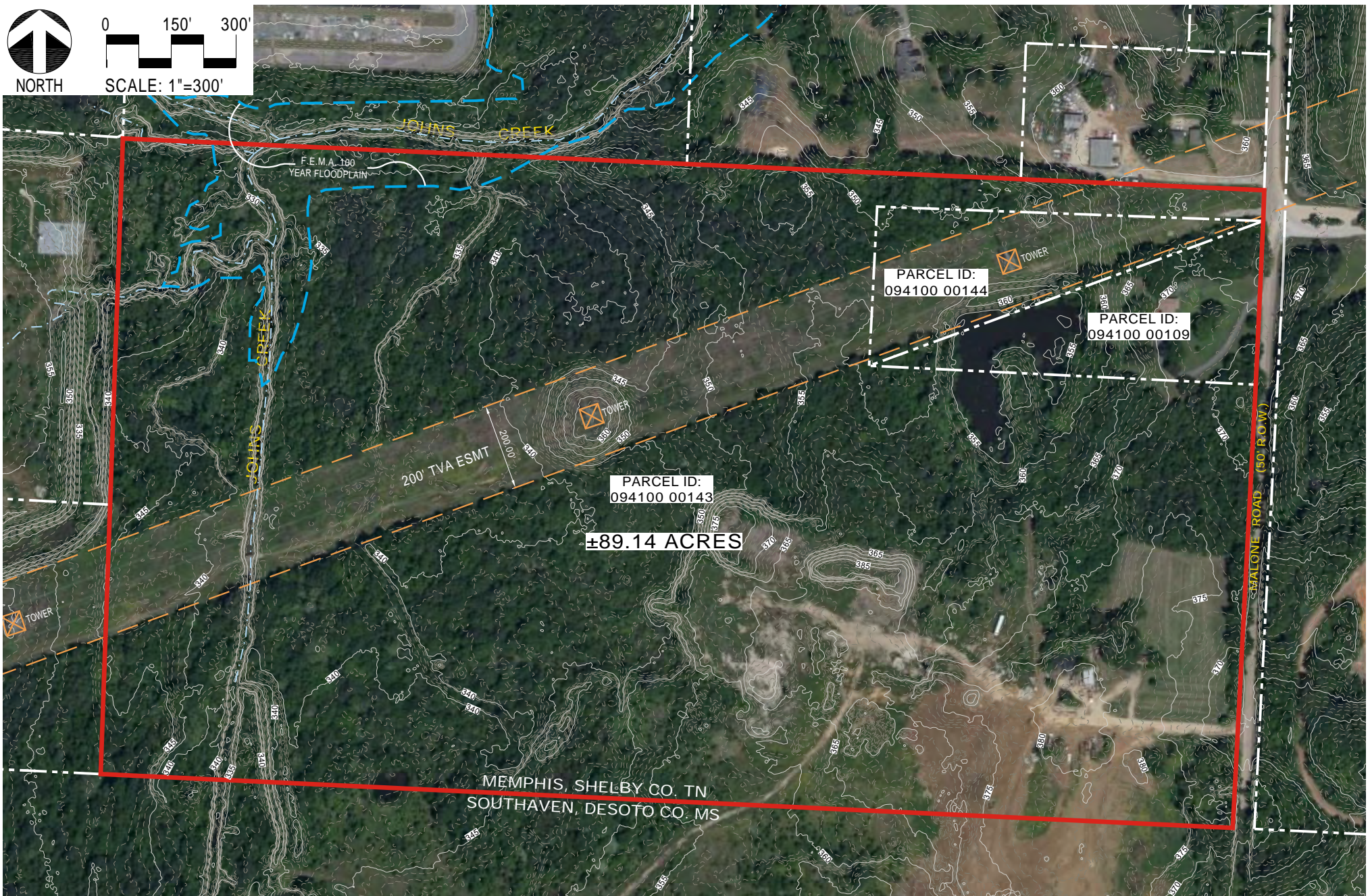
DATE: 12-20-2022 JOB: 22110 SHEET 2 OF 2



NORTH

0 150' 300'

SCALE: 1"=300'



December 20, 2022
 Existing Conditions
Malone Road P.D.
 MEMPHIS, TENNESSEE

PREPARED BY:
SOLOMITO
 LAND PLANNING
 1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

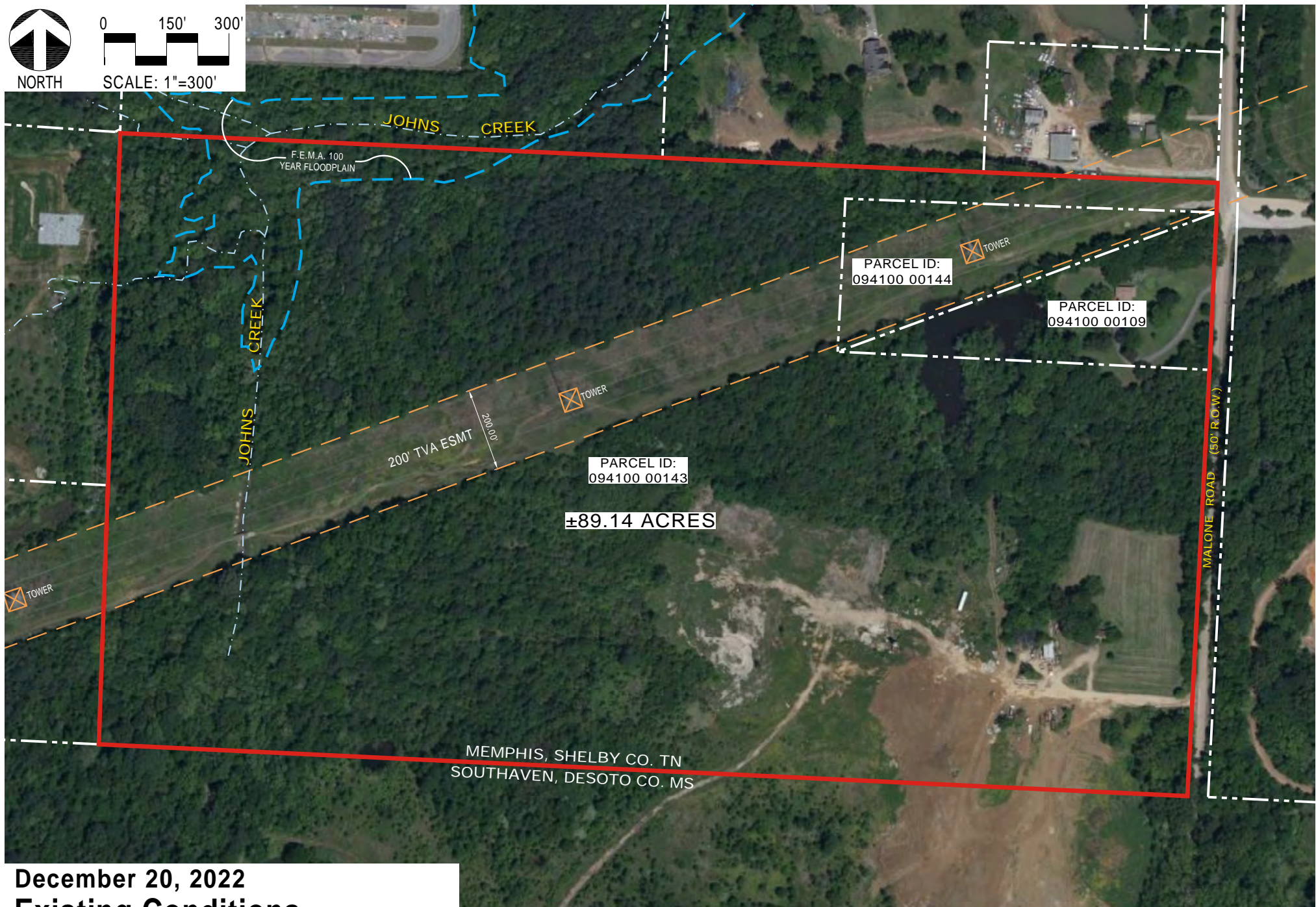
DWG. NAME: 22110-Outline.dwg



NORTH

0 150' 300'

SCALE: 1"=300'



±89.14 ACRES

MEMPHIS, SHELBY CO. TN
SOUTHAVEN, DESOTO CO. MS

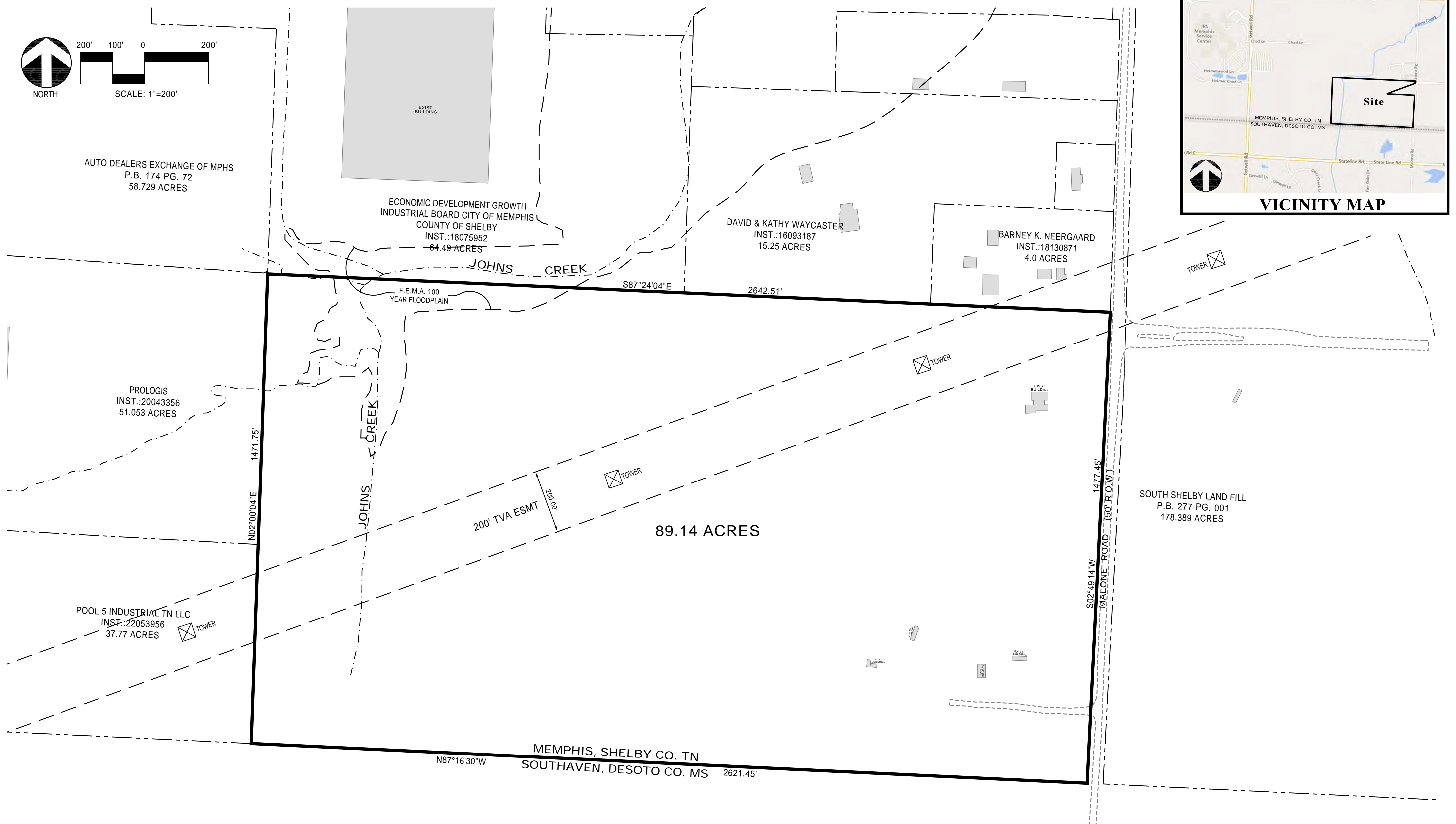
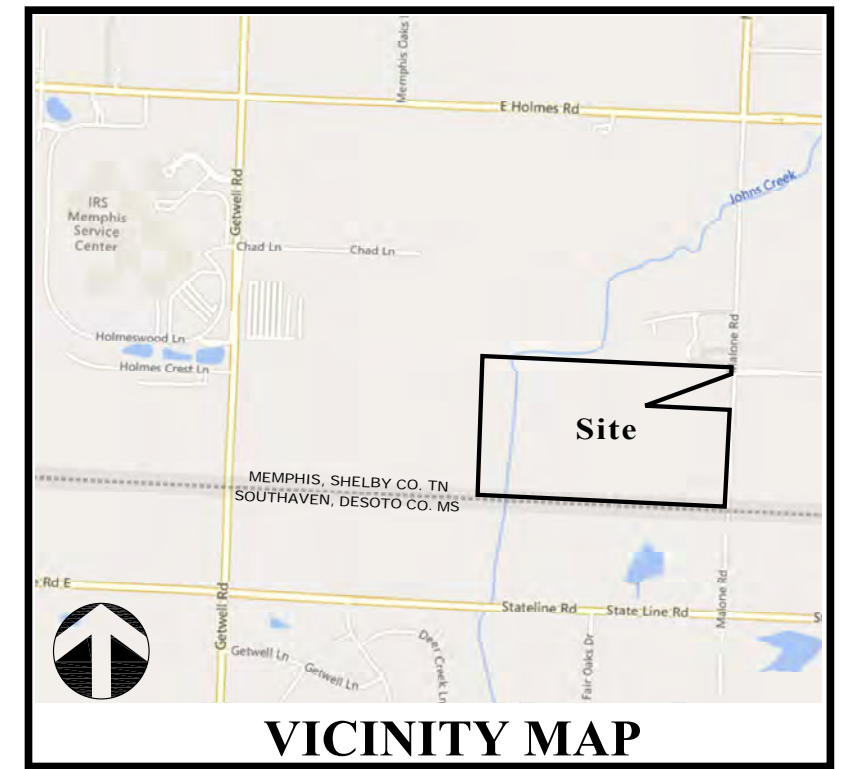
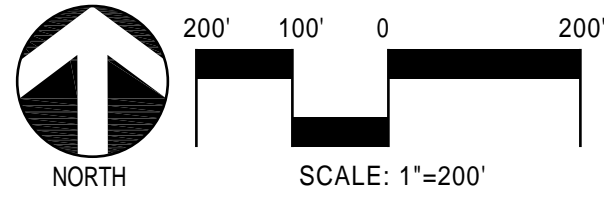
December 20, 2022
Existing Conditions
Malone Road P.D.
MEMPHIS, TENNESSEE

PREPARED BY:

SOLOMITO

LAND PLANNING
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

DWG. NAME: 22110-Outline.dwg



AUTO DEALERS EXCHANGE OF MPHS
P.B. 174 PG. 72
58.729 ACRES

ECONOMIC DEVELOPMENT GROWTH
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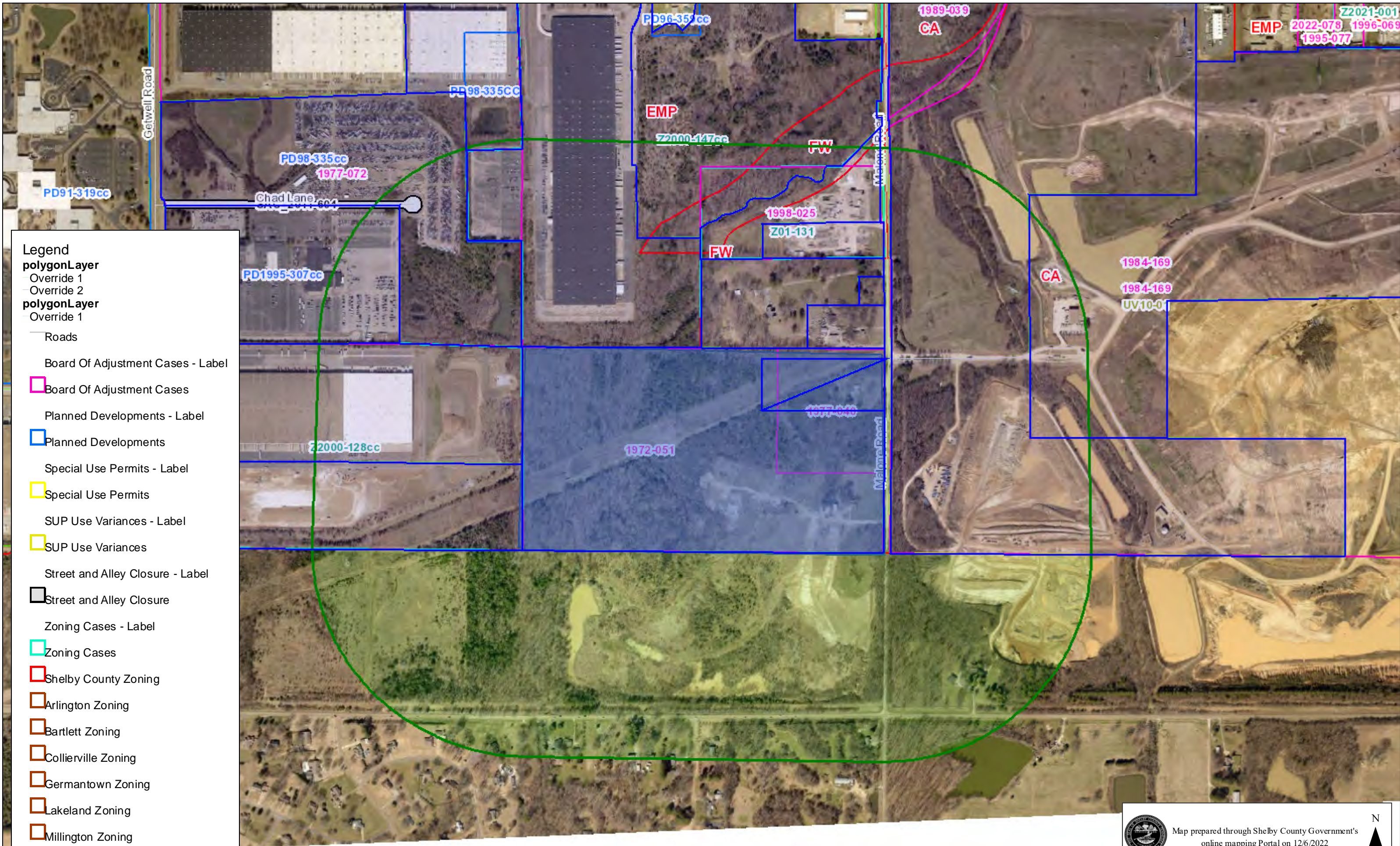
PLOT PLAN Malone Road P.D. MEMPHIS, TENNESSEE

TOTAL AREA: 89.14 Acres
WARD 094, BLOCK 100, PARCELS 109, 143 & 144
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OWNERS/DEVELOPER:
MICHAEL & JACQUELINE JENKINS
P.O. Box 752542
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PREPARED BY:

SOLOMITO
LAND PLANNING
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495
DATE: 12-20-2022 JOB: 22110 SHEET 1 OF 1

- NOTES:**
- EXISTING ZONING: CA
 - FLOODWAY OR FLOODPLAIN
A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 585 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-336
 - BEARINGS ARE ASSUMED.



- Legend**
- polygonLayer**
 - Override 1
 - Override 2
 - polygonLayer**
 - Override 1
 - Roads
 - Board Of Adjustment Cases - Label
 - Board Of Adjustment Cases
 - Planned Developments - Label
 - Planned Developments
 - Special Use Permits - Label
 - Special Use Permits
 - SUP Use Variances - Label
 - SUP Use Variances
 - Street and Alley Closure - Label
 - Street and Alley Closure
 - Zoning Cases - Label
 - Zoning Cases
 - Shelby County Zoning
 - Arlington Zoning
 - Bartlett Zoning
 - Collierville Zoning
 - Germantown Zoning
 - Lakeland Zoning
 - Millington Zoning
 - Parcels

Map prepared through Shelby County Government's online mapping Portal on 12/6/2022

**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

In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

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 last 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, Jacqueline Jenkins, 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 (c/o Malone Rd) 5623 Malone Rd - Memphis, TN 38118 and further identified by Assessor's Parcel Number 094100 00143, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 10 day of November in the

year of 2027.



Signature of Notary Public

07-14-2026
My Commission Expires





Shelby County Tennessee

Willie F. Brooks, Jr.

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.

22125334
11/16/2022 - 08:51:30 AM

4 PGS

BRANDON 2514901-22125334

VALUE	175000.00
MORTGAGE TAX	0.00
TRANSFER TAX	647.50
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	672.50

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared By:
Lawrence F. Hatten, III
Guardian Title, LLC
6080 Getwell Road, Ste. 300
Southaven, MS 38672

After Recording Return To:
Preferred Title & Escrow
7894 Winchester Road, Suite 500
Memphis, TN 38125
901-624-6041

Address of New Owner:
P.O. Box 752542
Memphis, TN 38175

Please send Tax Notice to:
Jacqueline Jenkins
P.O. Box 752542
Memphis, TN 38175

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, **Barbara A Loeffler**, hereinafter called Grantor(s), has bargained and sold, and by these presents do hereby transfer and convey unto **Jacqueline Jenkins**, hereinafter called Grantee, his/her heirs and assigns, a certain tract or parcel of land, together with all tenements, hereditaments and appurtenances thereto, located in **SHELBY COUNTY, STATE OF TENNESSEE**, more particularly described as follows:

Property 1:

Being a portion of that certain property shown as Parcel 11B" on the survey dated July 3, 2002 by Pickering Firm and lying in the of the southeast quarter of Section 15, Township 1, Range 7 West, and being more particularly described as follows:

Beginning at a point in the east line of Section 15, said line also being the centerline of Malone Road, 2707.3 feet south of the centerline of Holmes Road, said point also being in the south line of a two hundred foot wide transmission line easement; thence South 0 degrees 02 minutes 04 seconds West along the centerline of Malone Road a distance of 385.14 feet to a point; thence North 89 degrees 57 minutes 56 seconds West a distance of 954.17 feet to a point in the south line of said transmission line easement; thence North 68 degrees 03 minutes 13 seconds East along the south line of the transmission line easement a distance of 1,028.96 feet to the point of beginning.

Parcel No.: 094100 00109

Being property known as 0 Malone Rd., Memphis, TN 38118

Being the same property conveyed to Clifford D. Loeffler and wife, Barbara A. Loeffler by Della O. Pasino in an instrument dated Mary 30, 1995 and recorded June 6, 1995 in Instrument FC5158. By way of explanation, Clifford D. Loeffler passed away on or about July 26, 2019.

Property 2:

The following described real estate located in the County of Shelby, State of Tennessee, to wit:

Being a portion of that certain property shown as Parcel 11811 on the survey dated July 3, 2002 by Pickering Firm , and lying in the southeast quarter of Section 15, Township 1, Range 7 west, and being more particularly described as follows:

Beginning at a point in the east line of Section 15, said line also being the center line of Malone Road, 2707.3 feet south of the center line of Holmes Road, said point also being in the south line of a 200 foot wide transmission line easement; thence south 0 degrees 02 minutes 04 seconds west along the center line of Malone Road a distance of 385. 14 feet to a point; thence north 89 degrees 57 minutes 56 seconds west a distance of 954.17 feet to a point in the south line of said transmission line easement, said point being the Point of beginning; thence north 0 degrees 02 minutes 04 seconds east along the line parallel to the center line of Malone Road a distance of 385.14 feet to a point; thence south 89 degrees 57 minutes 56 seconds west a distance of 954.17 feet to a point where the south line of said transmission line meets the center line of said Malone Road; thence south 68 degrees 03 minutes 13 seconds west along the south line of said transmission line easement a distance of 1028.96 feet to the point of beginning.

Parcel No.: 094100 00144

Being property known as 5505 Malone Rd, Memphis, TN 38118

Being the same property conveyed to Clifford D Loeffler and wife, Barbara A Loeffler by Raymond J Pasino in an instrument dated October 27, 1978 and recorded October 27, 1978 in Instrument N7-4616. By way of explanation, Clifford D. Loeffler passed away on or about July 26, 2019.

To have and to hold the said tract or parcel of land, with all the appurtenances, estate, title and interest thereto belonging to the said Grantee, his/her heirs and assigns, forever; and I do covenant with the said Grantee that I am lawfully seized and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out; and I do further covenant and bind myself, my heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, his/her heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS THE UNDERSIGNED SIGNATURE(S) THIS 7th day of October, 2022.

Barbara A. Loeffler
Barbara A Loeffler

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 7th day of October, 2022, within my jurisdiction, the within named Barbara A. Loeffler, who acknowledged that she executed the above and foregoing instrument.

Jeff Scott McCaskill
Notary Public

My Commission Expires: 9/24/2025



OATH OF VALUE

State of TN
County of Shelby

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief the actual consideration for this transfer or value of the property transferred, whichever is greater is, \$175,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

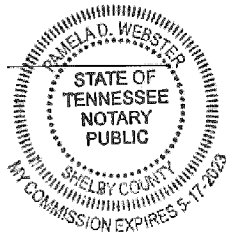
[Signature]
Affiant

Subscribed and sworn to before me, this 7 day of October, 2022.

[Signature]
Notary Public

My Commission Expires:

(SEAL)



True Copy Certification

I, Natasha Day, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

[Handwritten Signature]
Signature

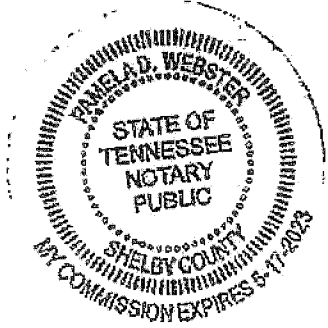
State of TN

County of Shelby

Personally appeared before me, [Name of Notary], a notary public for this county and state, [name of person making certification] who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

[Handwritten Signature]
Notary's Signature

My Commission Expires: _____
Notary Seal (if on paper)



094100 00063 - BFI WASTE SYSTEMS OF NORTH AMERICAN INC
094100 00138C - WAYCASTER DAVID & KATHY
094100 00137 - NEERGAARD BARNEY K
094100 00144 - LOEFFLER CLIFFORD D & BARBARA A
094100 00109 - LOEFFLER CLIFFORD D
094100 00172C - ECONOMIC DEVELOPMENT GROWTH INDUSTRIAL
094100 00064 - BFI WASTE SYSTEMS OF NORTH AMERICA IN
094100 00182 - CRUM ROBERT & TERESA A
094100 00108 - BFI WASTE SYSTEMS
094100 00298 - BUZZI READY MIX LLC
094100 00148 - AUTO DEALERS EXCHANGE OF MPHS INC
094100 00152 - AUTO DEALERS EXCHANGE OF MPHS INC
094100 00165C - NEW DEVELOPMENT LLC
094100 00070 - ECONOMIC DEV GROWTH ENGINE INDUSTRIAL
094100 00155 - ECONOMIC DEVELOPMENT GROWTH ENGINE INDUS
094100 00143 - PASINO RAYMOND J
094100 00069 - EXETER GETWELL LAND LLC

BFI WASTE SYSTEMS OF NORTH AMERICAN INC
PO BOX 29246 #
PHOENIX AZ 85038

AUTO DEALERS EXCHANGE OF MPHS INC
13085 HAMILTON CROSSING BLVD #
CARMEL IN 46032

WAYCASTER DAVID & KATHY
5433 MALONE RD #
MEMPHIS TN 38118

AUTO DEALERS EXCHANGE OF MPHS INC
13085 HAMILTON CROSSING BLVD #
CARMEL IN 46032

NEERGAARD BARNEY K
9480 FORESTWOOD RD #
GERMANTOWN TN 38138

NEW DEVELOPMENT LLC
3264 W SARAZENS CIR #
COLLIERVILLE TN 38017

LOEFFLER CLIFFORD D & BARBARA A
5505 MALONE RD #
MEMPHIS TN 38118

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

LOEFFLER CLIFFORD D
5505 MALONE RD #
MEMPHIS TN 38118

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

ECONOMIC DEVELOPMENT GROWTH INDUSTRIAL
PO BOX 56607 #
ATLANTA GA 30343

PASINO RAYMOND J
5505 MALONE RD
MEMPHIS TN 38118

BFI WASTE SYSTEMS OF NORTH AMERICA IN
PO BOX 29246 #
PHOENIX AZ 85038

EXETER GETWELL LAND LLC
101 W ELM ST #60
CONSHOHOCKEN PA 19428

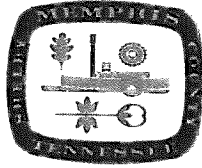
CRUM ROBERT & TERESA A
190 WOODLAND CV #
BYHALIA MS 38611

BFI WASTE SYSTEMS
PO BOX 29246 #
PHOENIX AZ 85038

BUZZI READY MIX LLC
1029 JOHN A DENIE DR #
MEMPHIS TN 38134



BUDGET COMMITTEE



Memphis City Council Summary Sheet

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

Report on Debt Obligation for the authorization to issue up to \$150,000,000 General Obligation Commercial Paper, Series A and Series B.

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

The Finance Division is the initiating party of this resolution.

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

N.A.

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

N.A.

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

N.A.

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

N.A.

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

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-134)

1. Public Entity:
 Name: Memphis, Tennessee
 Address: 125 North Main Street
Memphis, Tennessee 38103
 Debt Issue Name: General Obligation Commercial Paper, Series A and B
 If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.

2. Face Amount: \$ 150,000,000.00
 Premium/Discount: \$ 0.00

3. Interest Cost: _____ % Tax-exempt Taxable
 TIC NIC
 Variable: Index _____ plus _____ basis points; or
 Variable: Remarketing Agent Goldman Sachs & Co., LLC
 Other: _____

4. Debt Obligation:
 TRAN RAN CON
 BAN CRAN GAN
 Bond Loan Agreement Financing Lease
 If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Division of Local Government Finance ("LGF").

5. Ratings:
 Unrated
 Moody's P-1 Standard & Poor's A-1+ Fitch _____

6. Purpose:

		BRIEF DESCRIPTION
<input checked="" type="checkbox"/> General Government	<u>100.00</u> %	<u>General public works and capital projects</u>
<input type="checkbox"/> Education	_____ %	_____
<input type="checkbox"/> Utilities	_____ %	_____
<input type="checkbox"/> Other	_____ %	_____
<input type="checkbox"/> Refunding/Renewal	_____ %	_____

7. Security:
 General Obligation General Obligation + Revenue/Tax
 Revenue Tax Increment Financing (TIF)
 Annual Appropriation (Financing Lease Only) Other (Describe): _____

8. Type of Sale:
 Competitive Public Sale Interfund Loan
 Negotiated Sale Loan Program
 Informal Bid

9. Date:
 Dated Date: 01/04/2023 Issue/Closing Date: 01/04/2023

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-134)

12. Recurring Costs:

No Recurring Costs

	AMOUNT (Basis points/\$)	FIRM NAME (If different from #11)
Remarketing Agent	<u>7bps</u>	<u>Goldman Sachs & Co., LLC</u>
Paying Agent / Registrar	<u>2500</u>	<u>U.S. Bank N.A.</u>
Trustee		
Liquidity / Credit Enhancement	<u>36bps</u>	<u>State Street Bank and Trust Company</u>
Escrow Agent		
Sponsorship / Program / Admin		
Other	<u>38000</u>	<u>Moody's/S&P</u>

13. Disclosure Document / Official Statement:

None Prepared

EMMA link _____ or

Copy attached _____

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? Yes No

Is there a continuing disclosure obligation agreement related to this debt? Yes No

If yes to either question, date that disclosure is due See attachment

Name and title of person responsible for compliance André D. Walker, Deputy Chief Financial

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 02/02/2021

Is the debt obligation in compliance with and clearly authorized under the policy? Yes No

16. Written Derivative Management Policy:

No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? Yes No

17. Submission of Report:

To the Governing Body: on _____ and presented at public meeting held on _____

Copy to Director, Division of Local Govt Finance: on _____ either by:

Mail to: _____ OR Email to: LGF@cot.tn.gov

Cordell Hull Building
425 Rep. John Lewis Parkway N., 4th Floor
Nashville, TN 37243-3400

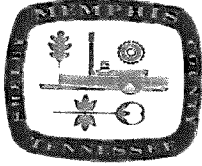
18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Jim Strickland</u>	<u>Geoffrey Morris</u>
Title	<u>Mayor</u>	<u>Attorney</u>
Firm	<u>City of Memphis</u>	<u>Butler Snow LLP</u>
Email	<u>mayor@memphistn.gov</u>	<u>geoffrey.morris@butlersnow.com</u>
Date	_____	_____

ATTACHMENT TO

**Report on Debt Obligation – State Form NO. CT-0253
City of Memphis Tennessee
General Obligation Commercial Paper, Series A and Series B
Initial Draw January 4, 2023**

- Item 4: **Debt Obligation:** A form of master note under the City's 2012 commercial paper resolution is attached. The commercial paper that is the subject of this report is being issued pursuant to an initial resolution of the City dated October 11, 2022, and approval from the State of Tennessee Office of State and Local Finance dated November 15, 2022, and it is being issued under a draw down borrowing program (the "Borrowing Program") initially begun by the City in 2012.
- Item 10: **Maturity Dates, Amounts and Interest Rates:** Under the Borrowing Program, a maximum amount of \$150,000,000 of bond anticipation notes issued as commercial paper may be outstanding at any one time. The interest rate of any commercial paper is determined at the time of each draw and rollover draw of such commercial paper. Any commercial paper shall mature not later than 270 days from its date of issuance and not later than two (2) years from the initial date of the original draw of commercial paper.
- Item 14: **Continuing Disclosure Obligations:** Some continuing disclosure obligations relating to outstanding general obligation debt of the City require annual filings by December 30 of each year. Other continuing disclosure obligations relating to outstanding general obligation debt of the City, including this debt, require annual filings by April 30 of each year.



Memphis City Council Summary Sheet

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

Report on Debt Obligation for the issuance of the \$138,010,000 General Improvement Bonds, Series 2022A.

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

The Finance Division is the initiating party.

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

N.A.

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

N.A.

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

N.A.

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

N.A.

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

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-134)

1. Public Entity:		
Name:	<u>Memphis, Tennessee</u>	
Address:	<u>125 North Main Street</u> <u>Memphis, Tennessee 38103</u>	
Debt Issue Name:	<u>General Improvement Bonds, Series 2022A</u>	
If disclosing initially for a program, attach the form specified for updates, indicating the frequency required		
2. Face Amount: \$ <u>138,010,000.00</u>		
Premium/Discount:	\$ <u>12,667,984.95</u>	
3. Interest Cost: <u>4.1809</u> %		
<input checked="" type="checkbox"/> TIC	<input type="checkbox"/> NIC	
<input checked="" type="checkbox"/> Tax-exempt	<input type="checkbox"/> Taxable	
<input type="checkbox"/> Variable: Index _____ plus _____ basis points; or		
<input type="checkbox"/> Variable: Remarketing Agent _____		
<input type="checkbox"/> Other: _____		
4. Debt Obligation:		
<input type="checkbox"/> TRAN	<input type="checkbox"/> RAN	<input type="checkbox"/> CON
<input type="checkbox"/> BAN	<input type="checkbox"/> CRAN	<input type="checkbox"/> GAN
<input checked="" type="checkbox"/> Bond	<input type="checkbox"/> Loan Agreement	<input type="checkbox"/> Financing Lease
If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Division of Local Government Finance ("DLGF").		
5. Ratings:		
<input type="checkbox"/> Unrated		
Moody's <u>Aa2</u>	Standard & Poor's <u>AA</u>	
	Fitch _____	
6. Purpose:		
<input type="checkbox"/> General Government	_____ %	BRIEF DESCRIPTION
<input type="checkbox"/> Education	_____ %	
<input type="checkbox"/> Utilities	_____ %	
<input type="checkbox"/> Other	_____ %	
<input checked="" type="checkbox"/> Refunding/Renewal	<u>100.00</u> %	
		<u>Payment of General Obligation Commercial Paper</u>
7. Security:		
<input checked="" type="checkbox"/> General Obligation	<input type="checkbox"/> General Obligation + Revenue/Tax	
<input type="checkbox"/> Revenue	<input type="checkbox"/> Tax Increment Financing (TIF)	
<input type="checkbox"/> Annual Appropriation (Financing Lease Only)	<input type="checkbox"/> Other (Describe): _____	
8. Type of Sale:		
<input checked="" type="checkbox"/> Competitive Public Sale	<input type="checkbox"/> Interfund Loan _____	
<input type="checkbox"/> Negotiated Sale	<input type="checkbox"/> Loan Program _____	
<input type="checkbox"/> Informal Bid		
9. Date:		
Dated Date: <u>12/07/2022</u>	Issue/Closing Date: <u>12/07/2022</u>	

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-134)

12. Recurring Costs:

No Recurring Costs

	AMOUNT (Basis points/\$)	FIRM NAME (If different from #11)
Remarketing Agent		
Paying Agent / Registrar	\$600/year	Regions Bank
Trustee		
Liquidity / Credit Enhancement		
Escrow Agent		
Sponsorship / Program / Admin		
Other		

13. Disclosure Document / Official Statement:

None Prepared
 EMMA link
 Copy attached

<chrome-extension://oemmnndcbldboiebfnladdacbfmadadm/https://em> or

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? Yes No

Is there a continuing disclosure obligation agreement related to this debt? Yes No

If yes to either question, date that disclosure is due See attachment

Name and title of person responsible for compliance André D. Walker, Deputy Chief Financial

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 02/02/2021

Is the debt obligation in compliance with and clearly authorized under the policy? Yes No

16. Written Derivative Management Policy:

No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? Yes No

17. Submission of Report:

To the Governing Body: on _____ and presented at public meeting held on _____

Copy to Director, Division of Local Govt Finance: on _____ either by:

Mail to: Cordell Hull Building
425 Rep. John Lewis Parkway N., 4th Floor
Nashville, TN 37243-3400

OR Email to: LGF@cot.tn.gov

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Jim Strickland</u>	<u>Geoffrey Morris</u>
Title	<u>Mayor</u>	<u>Attorney</u>
Firm	<u>City of Memphis</u>	<u>BUTLER SNOW LLP</u>
Email	<u>mayor@memphistn.gov</u>	<u>geoffrey.morris@butlersnow.com</u>
Date	_____	_____

ATTACHMENT TO FORM CT-0253 REPORT ON DEBT OBLIGATION

Relating to

\$138,010,000

**City of Memphis, Tennessee
General Improvement Bonds
Series 2022A**

10. **Maturity Dates, Amounts and Interest Rates:** See attached. Bond Pricing schedule showing Maturity Dates, Amounts and Interest Rates.

11. **Other Costs:**

\$2,500	DAC
\$1,500	Ipreo/Comp Bidding Platform
<u>\$4,078</u>	<u>Miscellaneous</u>
\$8,078	TOTAL

14. **Continuing Disclosure Obligations:** Some continuing disclosure obligations relating to outstanding general obligation debt of the City require annual filings by December 30 of each year. Other continuing disclosure obligations relating to outstanding general obligation debt of the City, including this debt, require annual filings by April 30 of each year.

<i>Bond Component</i>	<i>Maturity Date</i>	<i>Amount</i>	<i>Rate</i>
Serial Bonds:			
	10/01/2025	3,280,000	5.000%
	10/01/2026	3,445,000	5.000%
	10/01/2027	3,625,000	5.000%
	10/01/2028	3,810,000	5.000%
	10/01/2029	4,005,000	5.000%
	10/01/2030	4,210,000	5.000%
	10/01/2031	4,425,000	5.000%
	10/01/2032	4,655,000	5.000%
	10/01/2033	4,890,000	5.000%
	10/01/2034	5,140,000	5.000%
	10/01/2035	5,405,000	5.000%
	10/01/2036	5,680,000	5.000%
	10/01/2037	5,975,000	5.000%
	10/01/2038	6,280,000	5.000%
	10/01/2039	6,600,000	5.000%
	10/01/2040	6,940,000	5.000%
	10/01/2041	7,295,000	5.000%
	10/01/2042	7,670,000	5.000%
	10/01/2043	8,065,000	5.000%
	10/01/2044	8,480,000	5.000%
	10/01/2045	<u>8,915,000</u>	5.000%
		118,790,000	
2047 Term Bond:			
	10/01/2046	9,370,000	5.000%
	10/01/2047	<u>9,850,000</u>	5.000%
		19,220,000	
		<u>138,010,000</u>	

A resolution to amend the Council FY23 grant allocations

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

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

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

WHEREAS, in instances where certain nonprofit organizations are awarded grant funds in excess of the maximum amount of funding it was eligible to receive, Council Members must reduce their original allocation, so organizations may receive eligible funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of the following funds for the Christian Development Outreach Center be reallocated and approved as follows:

ORGANIZATION NAME – Christian Development Outreach Center	Original Allocation	New Allocation
Councilwoman Robinson	\$10,000	\$4,500
Councilwoman Johnson	\$5,000	\$3,000
Councilman Warren	\$3,000	\$2,000
TOTAL	\$15,000	\$9,500

Sponsors:
Patrice Robinson
Cheyenne Johnson
Jeff Warren

Chairman:
Martavius Jones

A resolution to amend the Council FY23 grant allocations

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

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

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

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

ORGANIZATION NAME	AMOUNT
Streets Ministries	\$33,000
For the Kingdom	\$30,500
TOTAL	\$63,500

Sponsor:
Chase Carlisle