

**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.

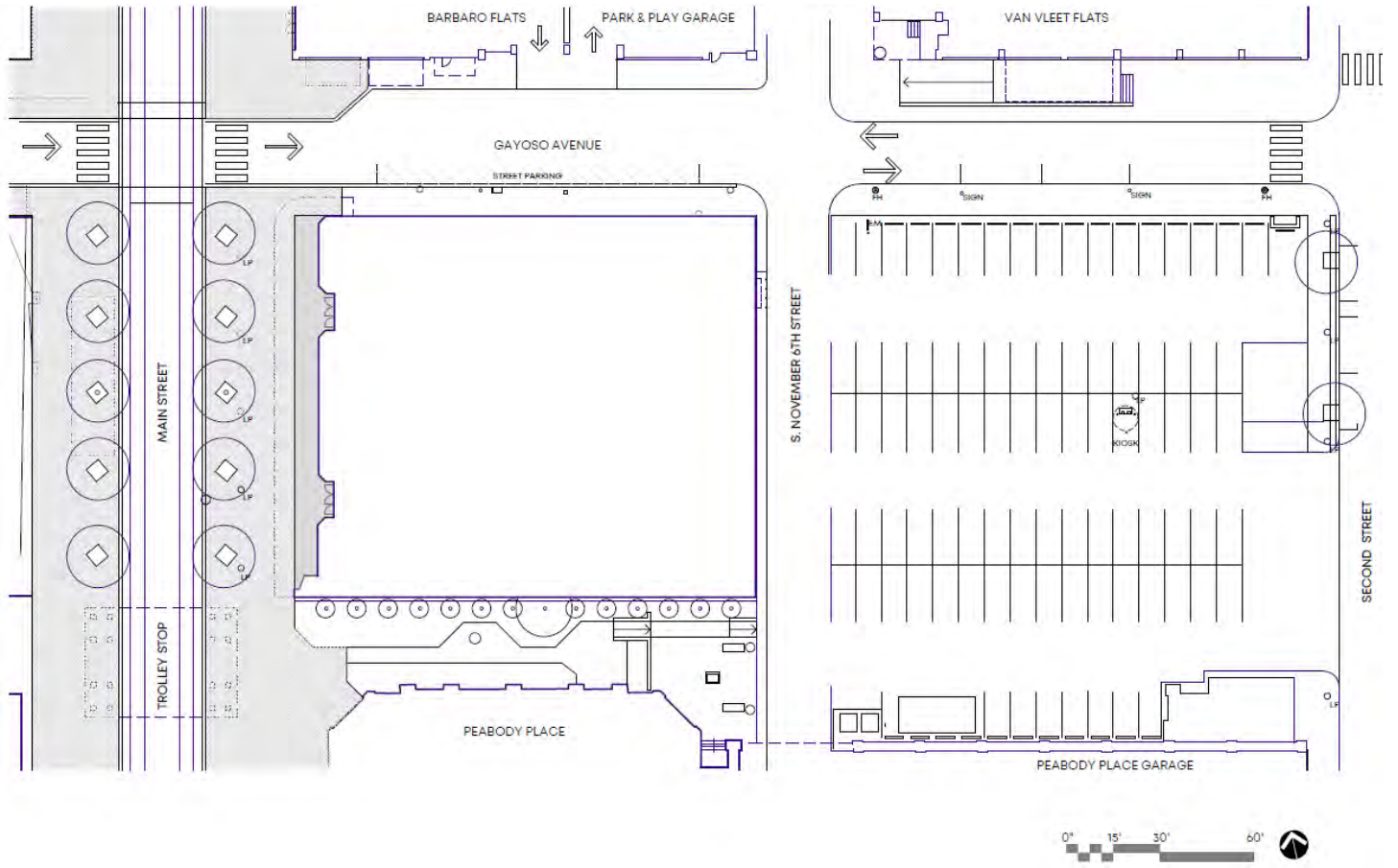
CONDITIONS

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.
5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
7. A final plan set shall be submitted for administrative approval prior to permitting.

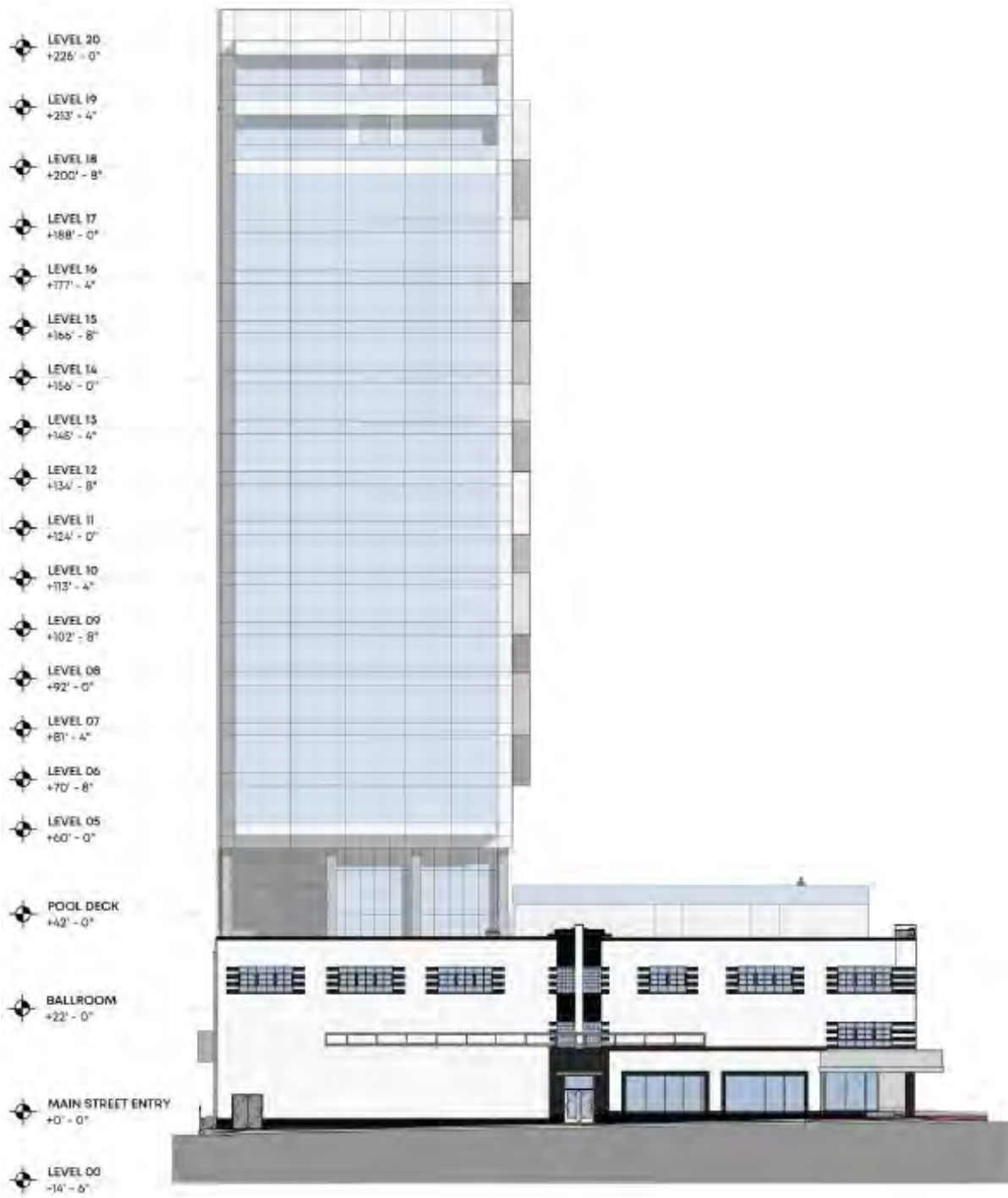
ATTEST:

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

CONCEPTUAL SITE PLAN



CONCEPTUAL ELEVATIONS



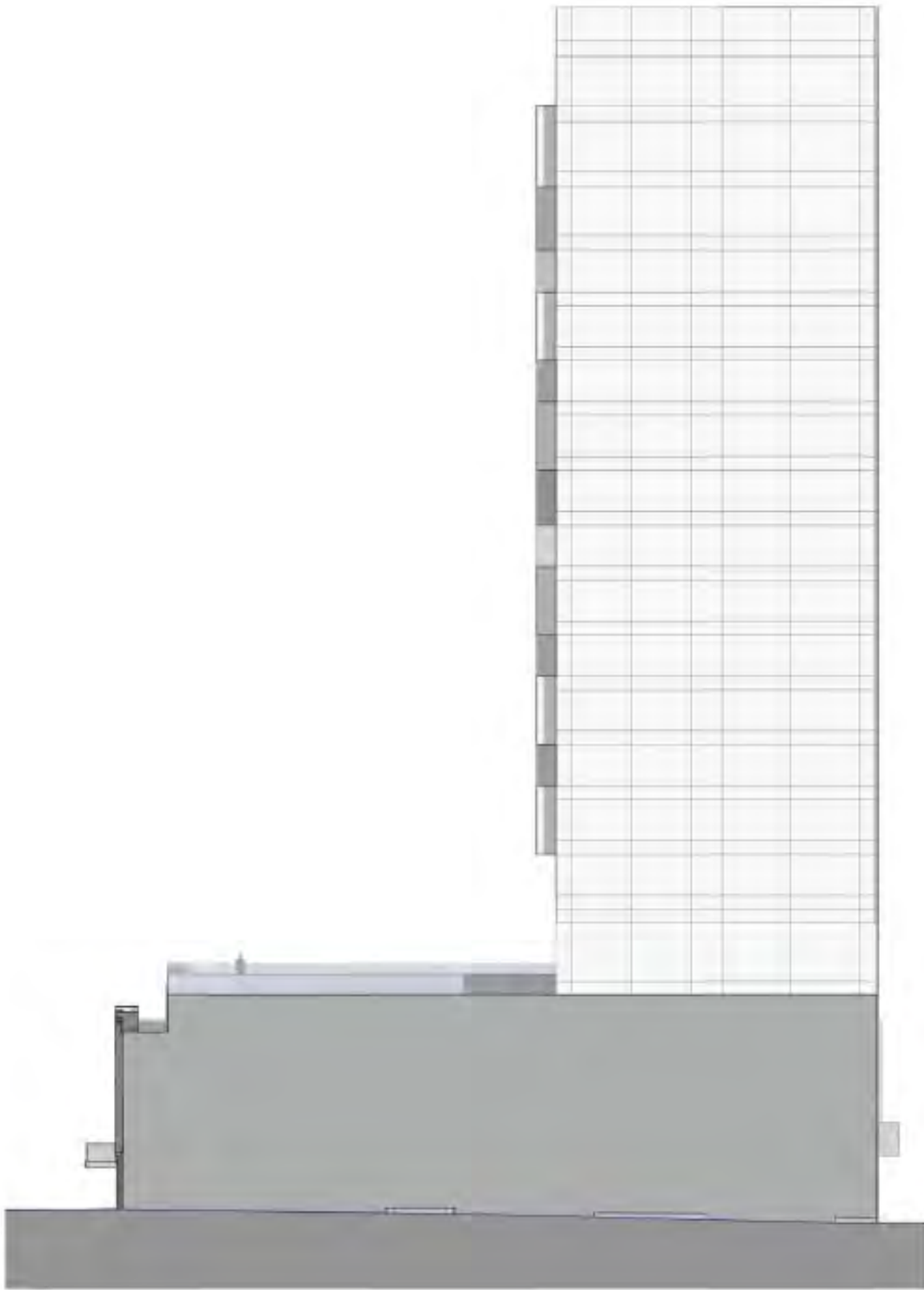
NORTH ELEVATION

SCALE: 1" = 20'-0"



WEST ELEVATION

SCALE: 1" = 20'-0"



SOUTH ELEVATION

SCALE: 1" = 20'-0"



EAST ELEVATION

SCALE: 1" = 20'-0"

AGENDA ITEM: 15

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

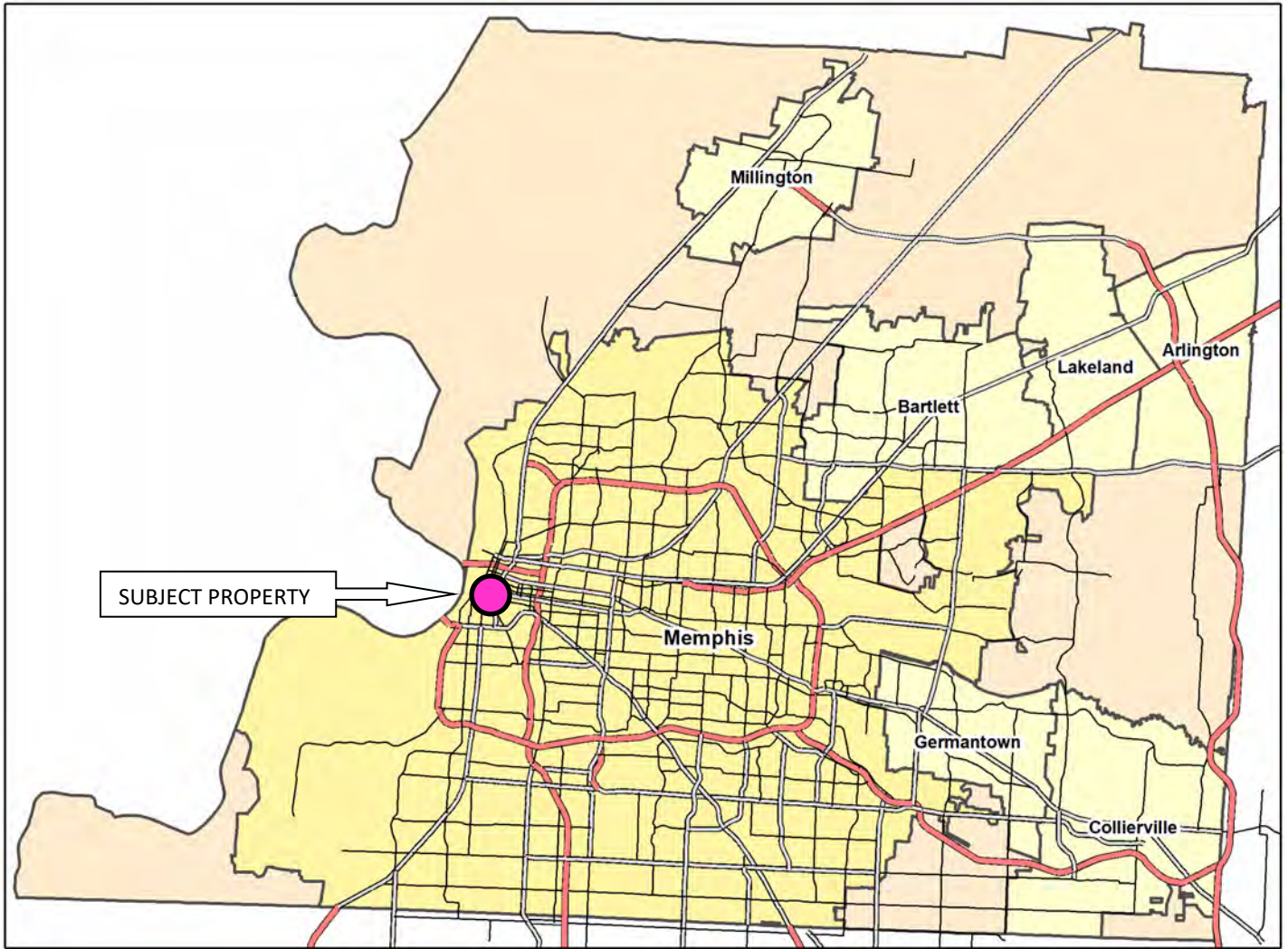
NEIGHBORHOOD MEETING

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

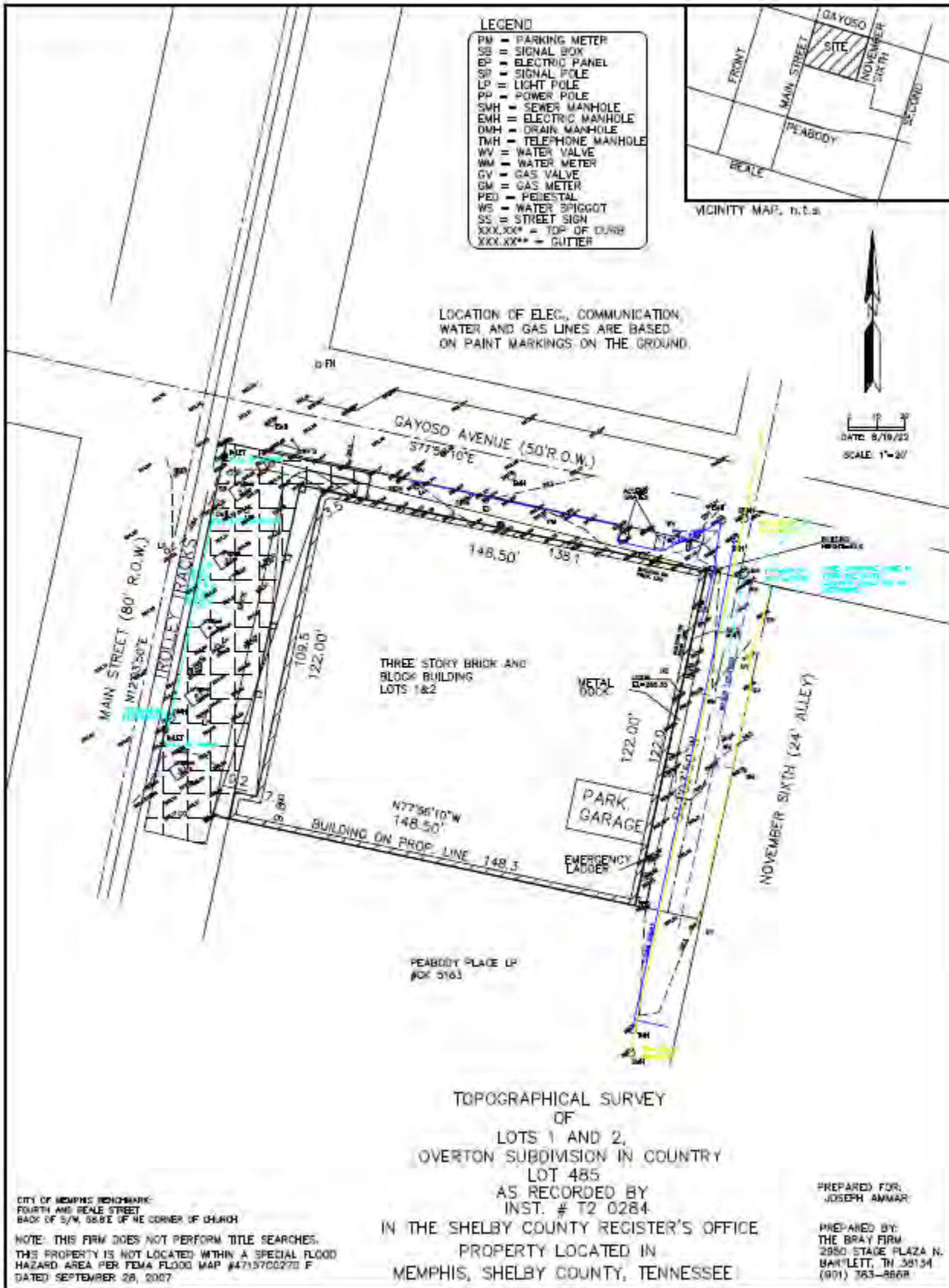


Gayoso Ave. frontage

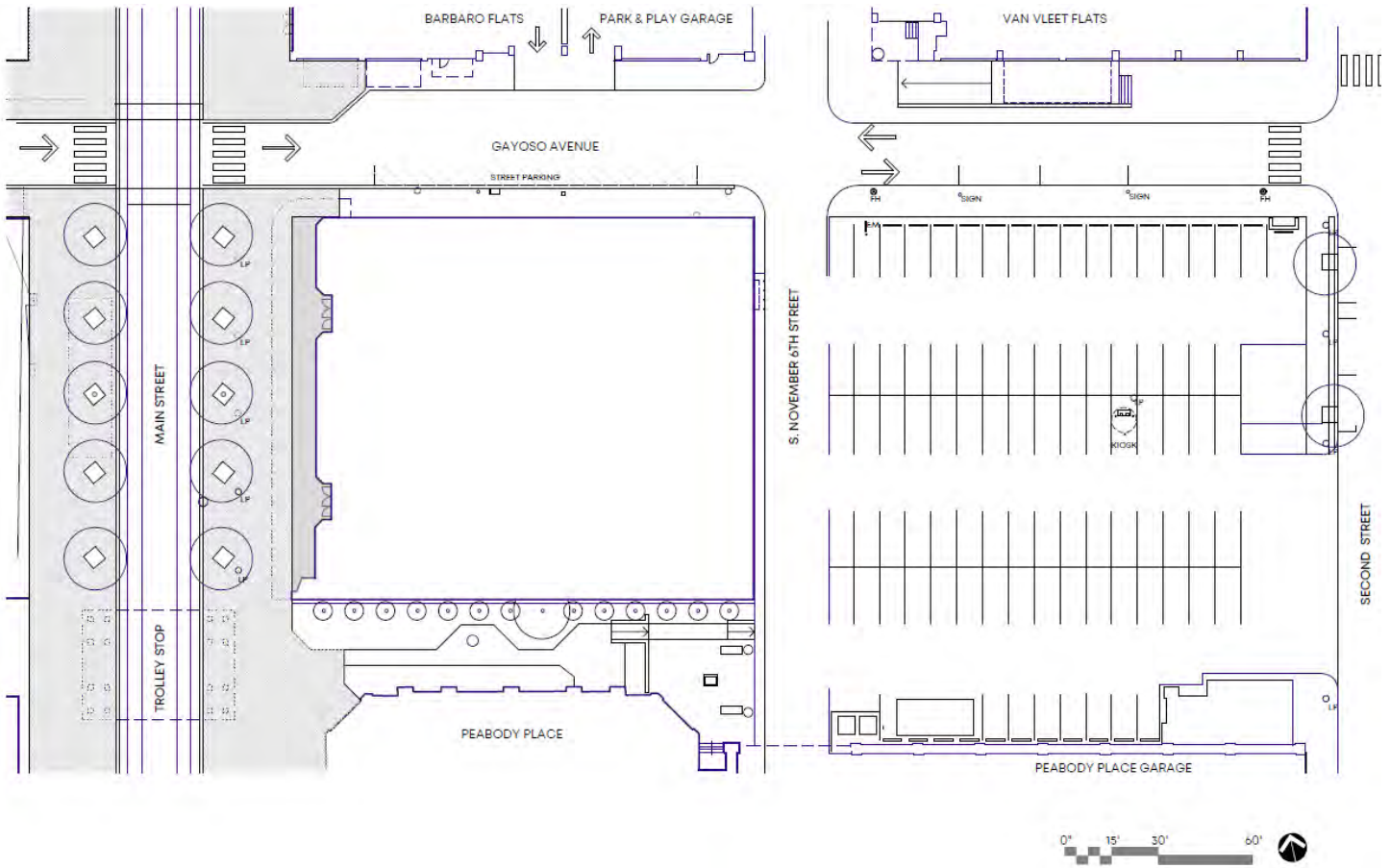


S. November 6th St. frontage

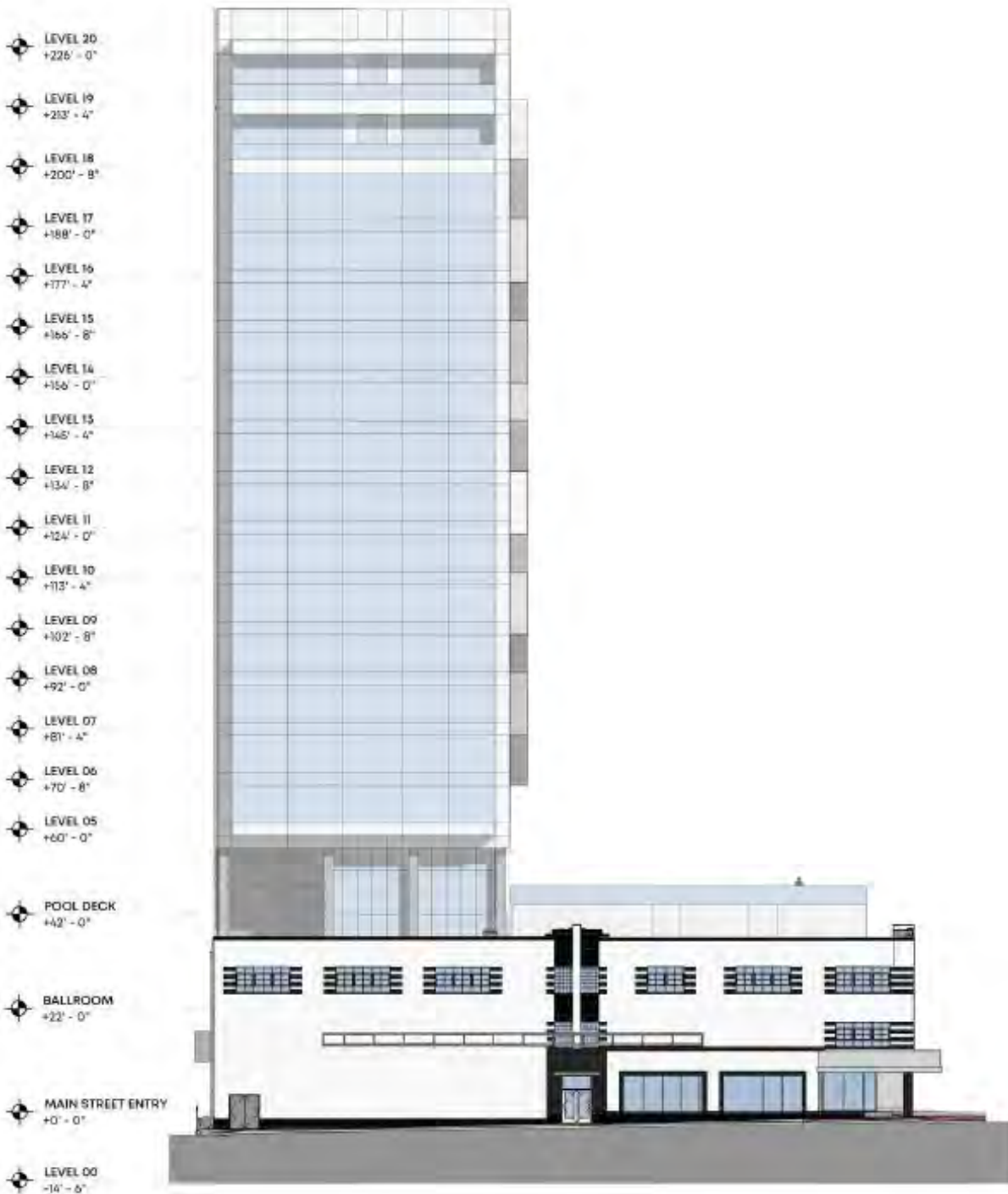
SURVEY



SITE PLAN

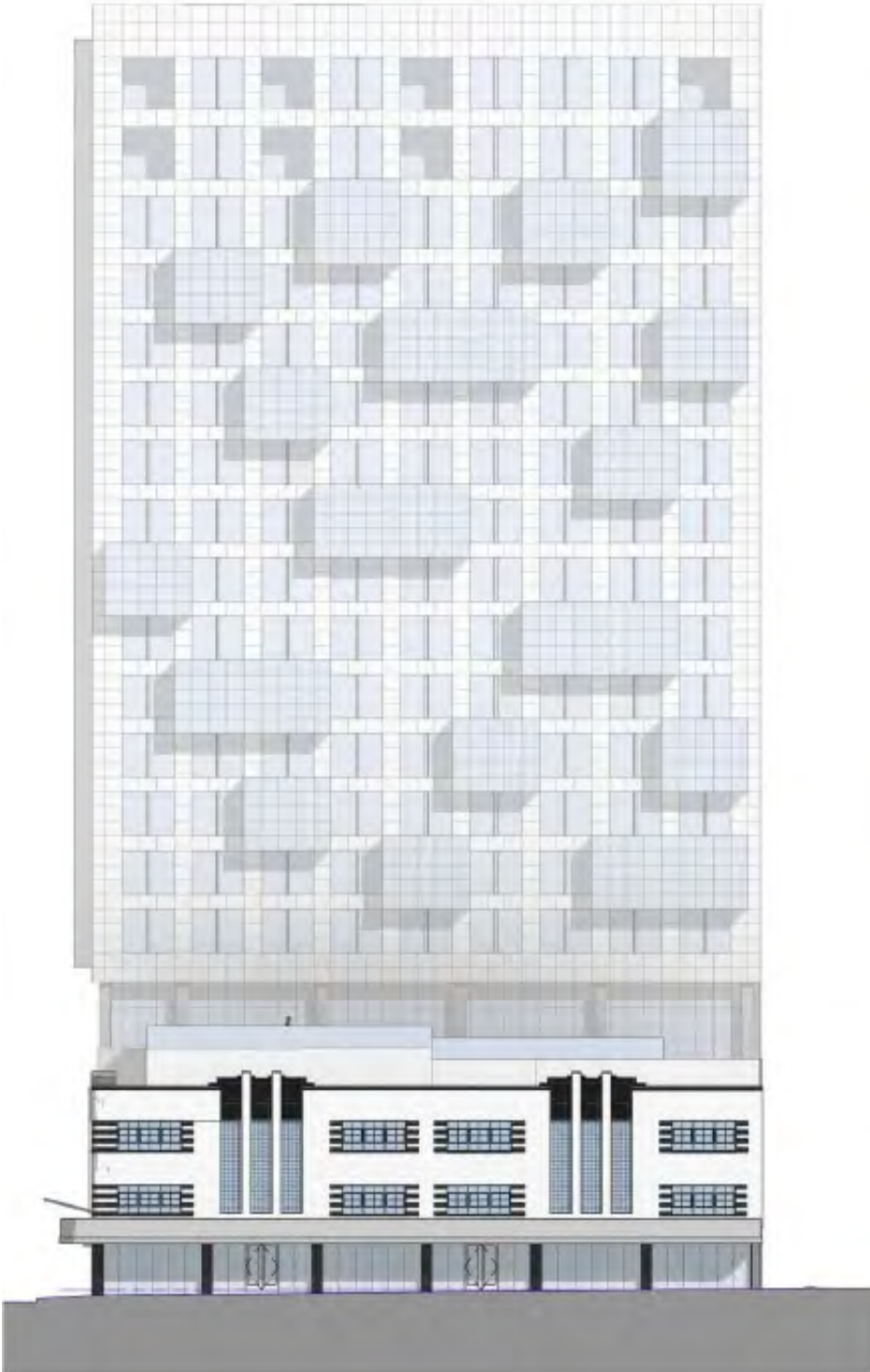


ELEVATIONS



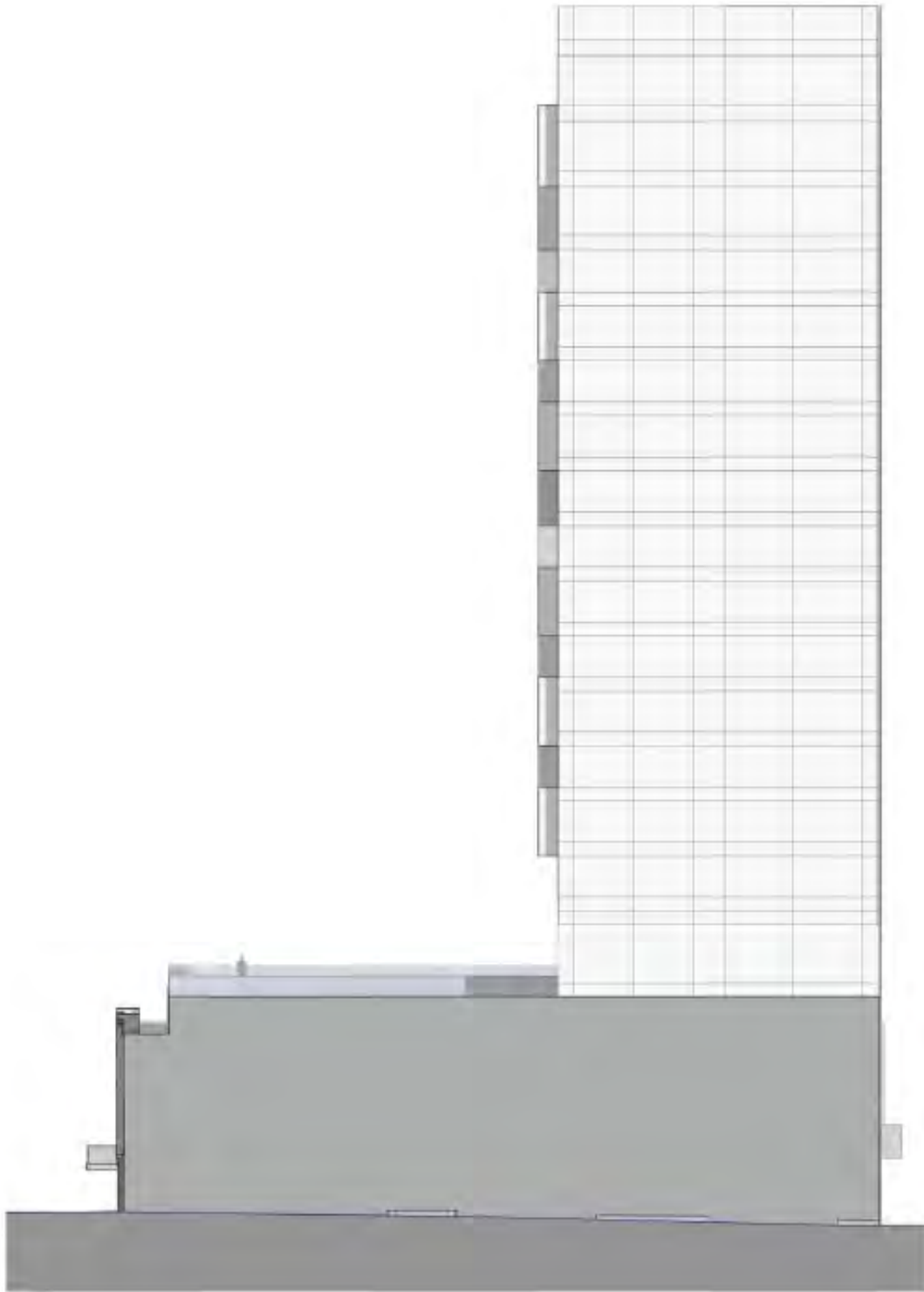
NORTH ELEVATION

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.

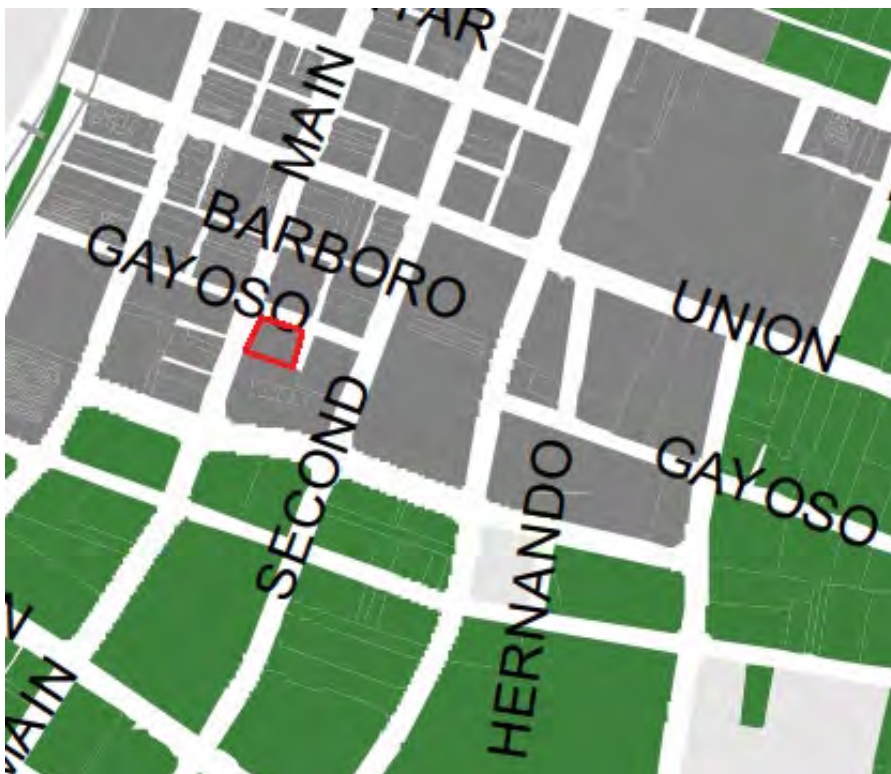
Existing, Adjacent Land Use and Zoning

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.

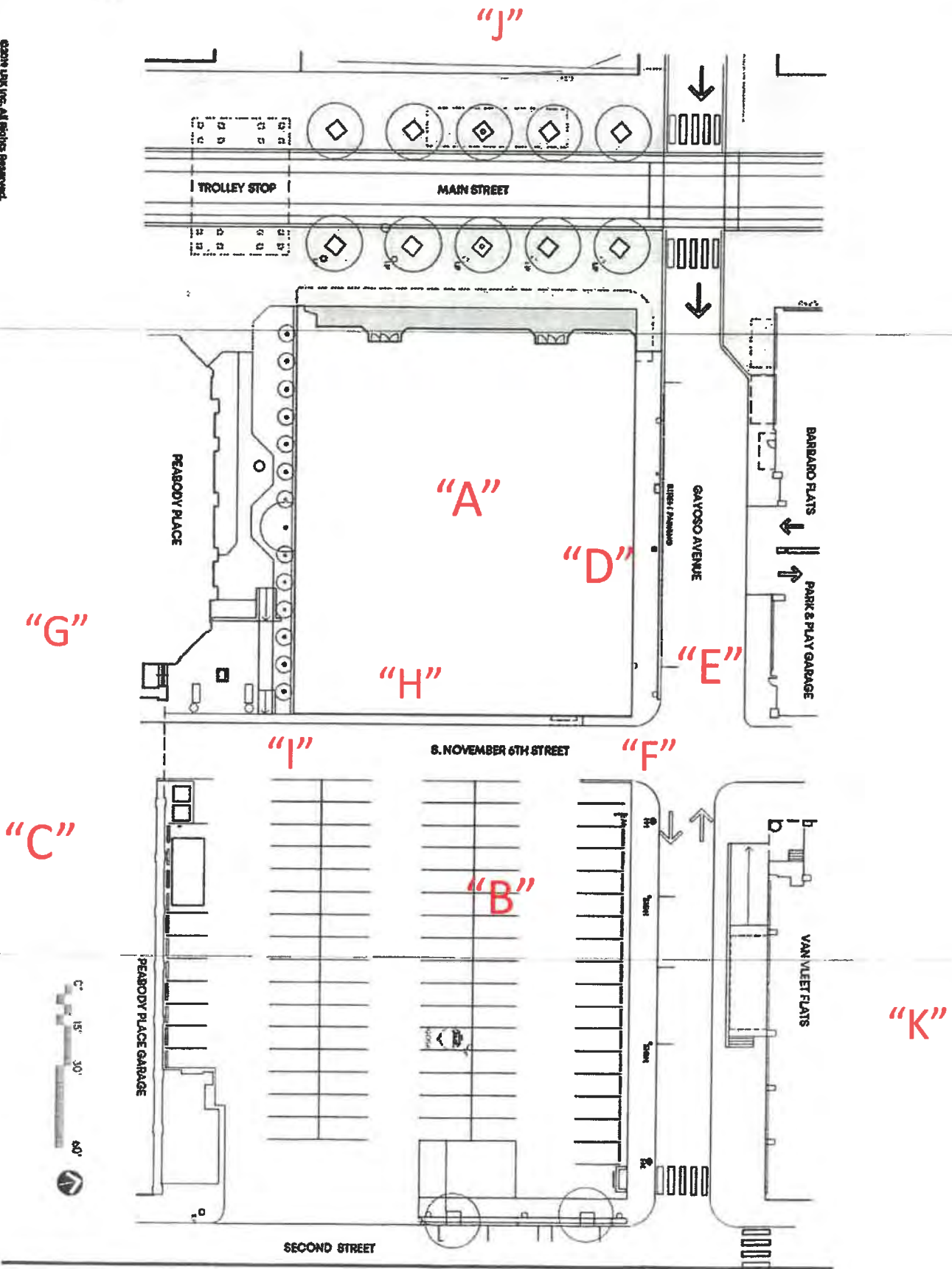
Without addressing these matters, the operation of this proposed project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking and other matters affecting

	<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: 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) _____ January 12, 2023	APPROVAL - (1) APPROVED (2) DENIED 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		

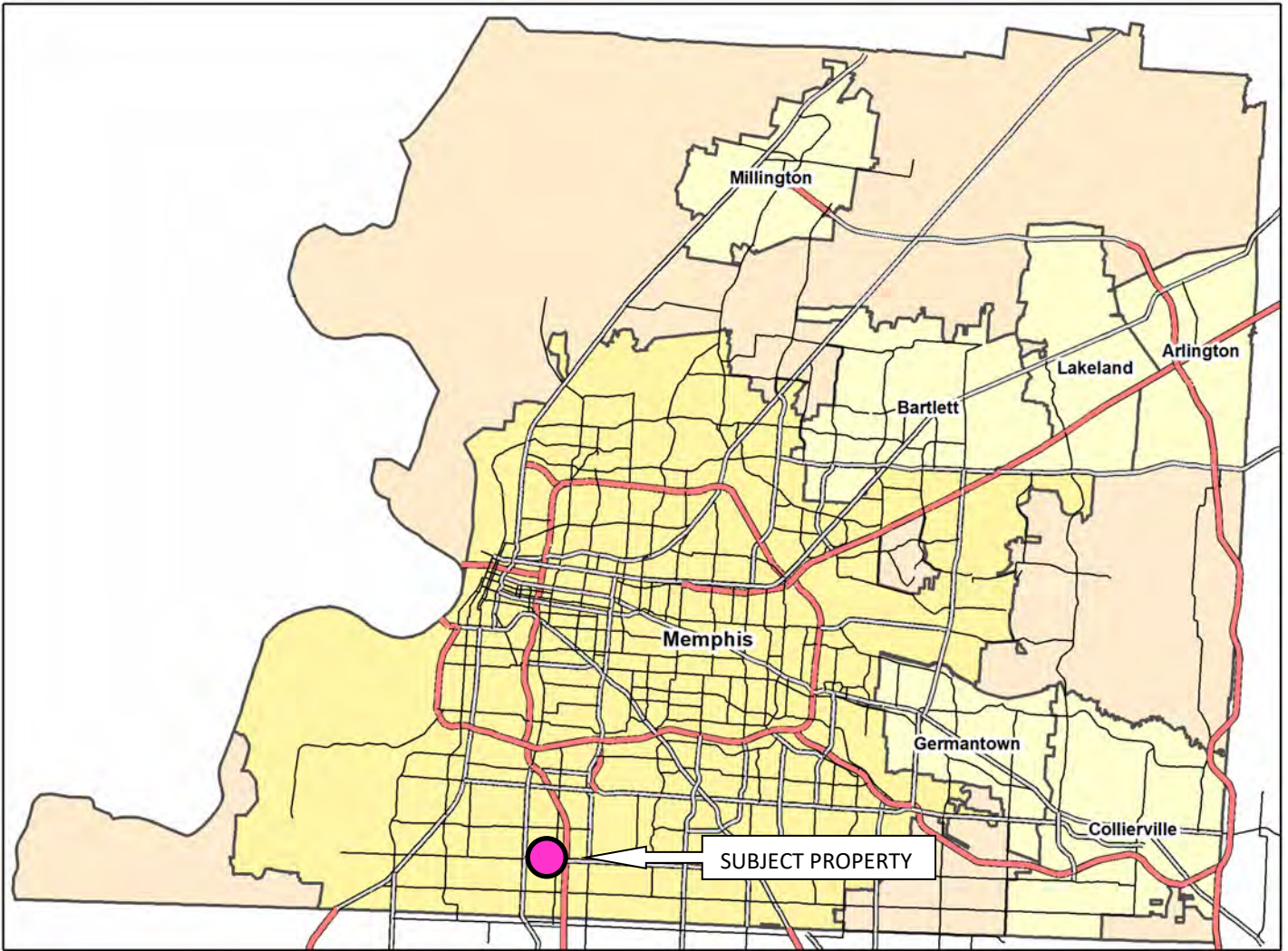
NEIGHBORHOOD MEETING

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 [Signature]

APPROVED October 29, 1972 (WITL)
[Signature] by John E. Bliffen (RECORD)
MEMPHIS AND SHELBY COUNTY PLANNING DEPT.

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
CITY

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

• PROPERTY OWNER: SHELBY DRIVE DEVELOPMENT CO. •

ALL SITE INFORMATION TAKEN FROM SURVEY OF PROPERTY BY W.H. FORTER, CONSULTING ENGINEER, AND OTHER DOCUMENTS, 1968. PARKWAY ROAD EXTENSION SURVEYED AND DESIGNED BY ELLIOTT, REAVES, FANNING AND OAKLEY, CONSULTING ENGINEERS, AND PETER JONES, P.E., BOUNDARY SURVEY FIELD VERIFIED BY ELLIOTT, REAVES, FANNING & OAKLEY, INC. IN JULY, 1971.

• DRAINAGE AREA •
ENTERING: 17.8 ACRES LEAVING: 80.64 ACRES
DRAINAGE INFORMATION TAKEN FROM DIST. E. 26' W. 10' 0" OF THE CITY OF MEMPHIS AND SHELBY COUNTY ZONING MAPS, 11-500

he-recorded
Plat 49-58
H31409

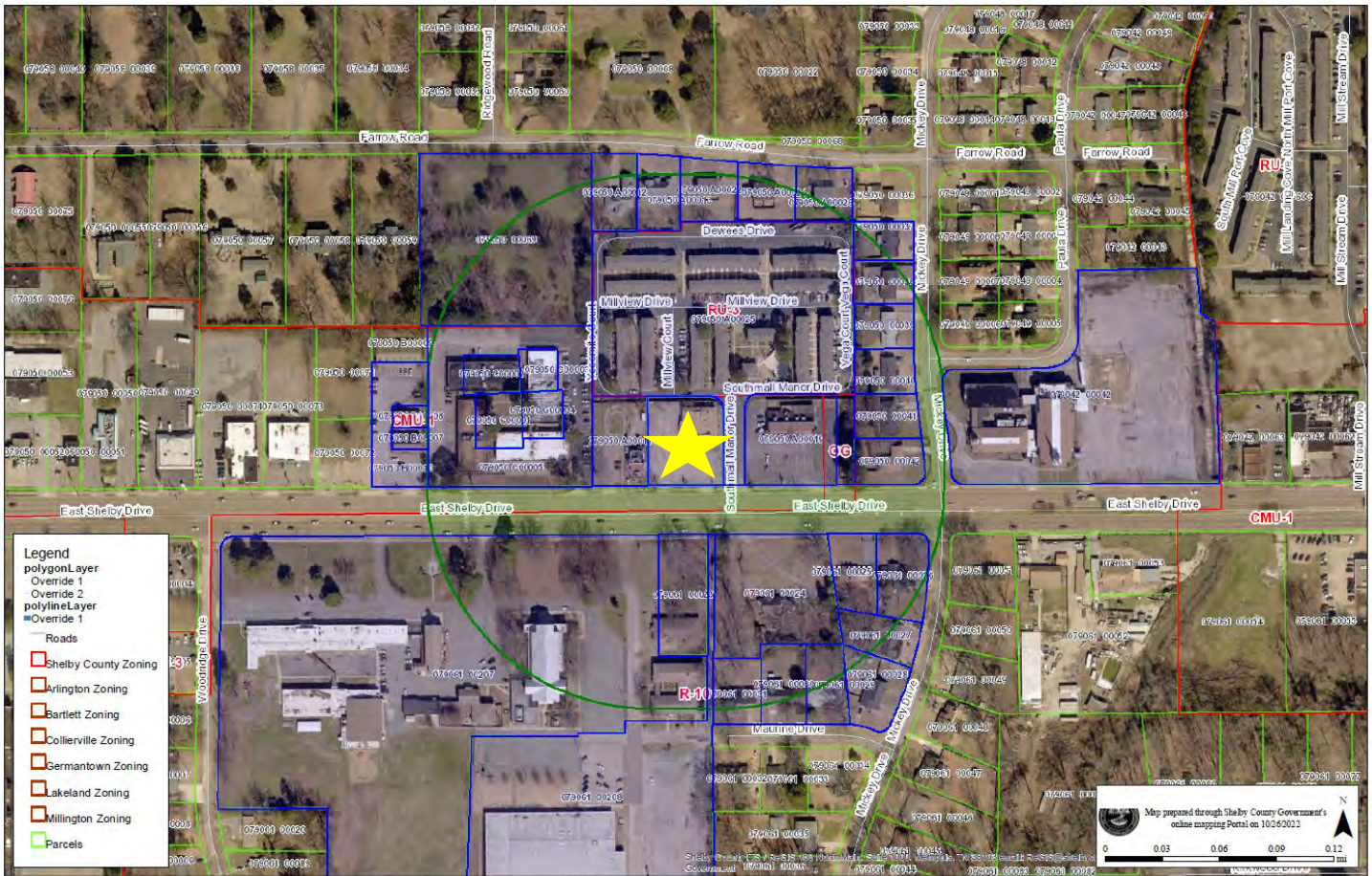
STATE TAX _____
REGISTRAR'S FEE _____
RECORDING FEE 15.00
Oct 6 10 04 S A 72
STATE OF TENNESSEE
SHELBY COUNTY
[Signature]

1972-12-12
PLAT NO. 49-58
RECORDING FEE 15.00
DATE 10-6-72
WE [Signature]
STATE OF TENNESSEE
[Signature]

dr. by John E. Bliffen date 8/2/71 sheet 1 of 1
ck. by _____ 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

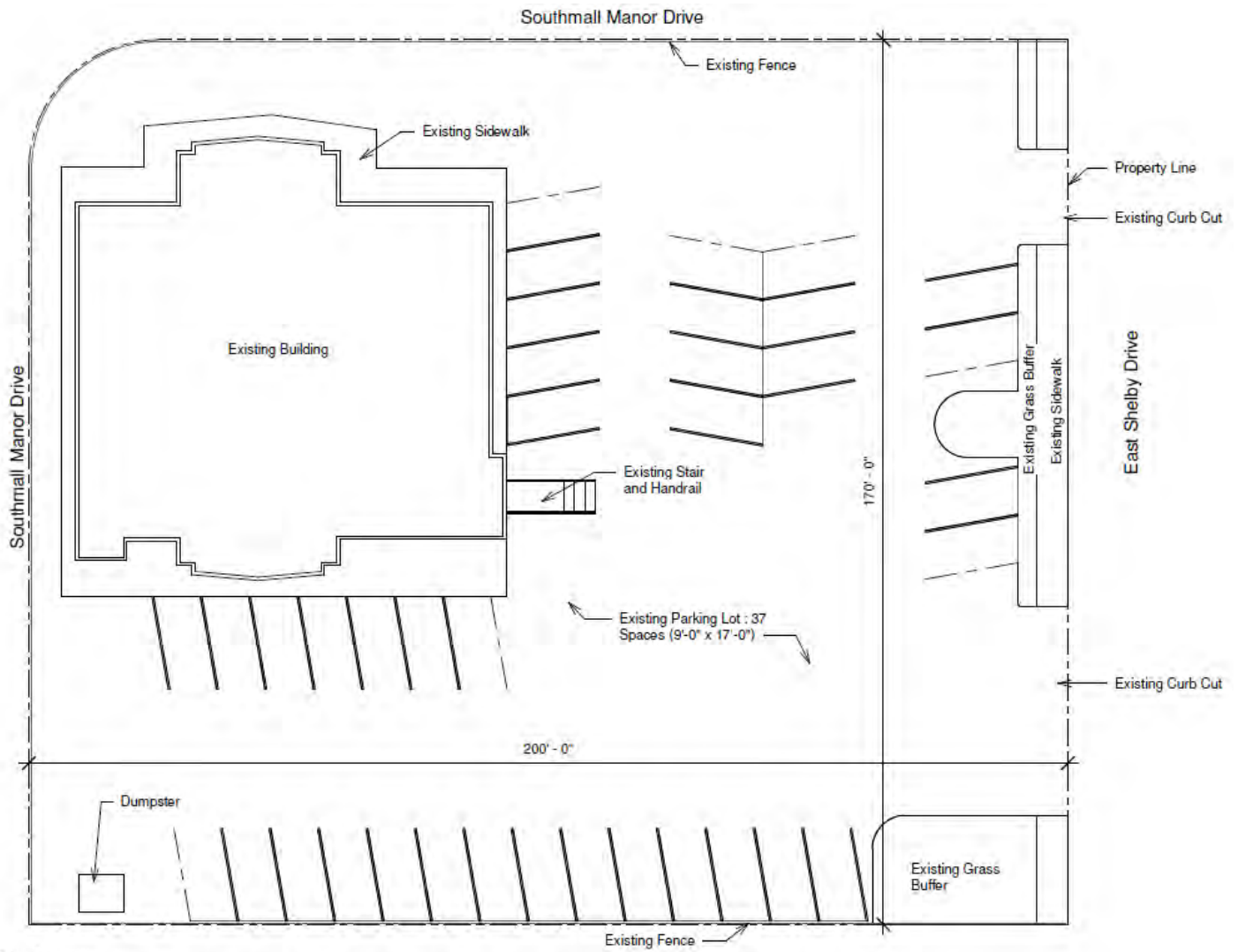


View west down Shelby



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

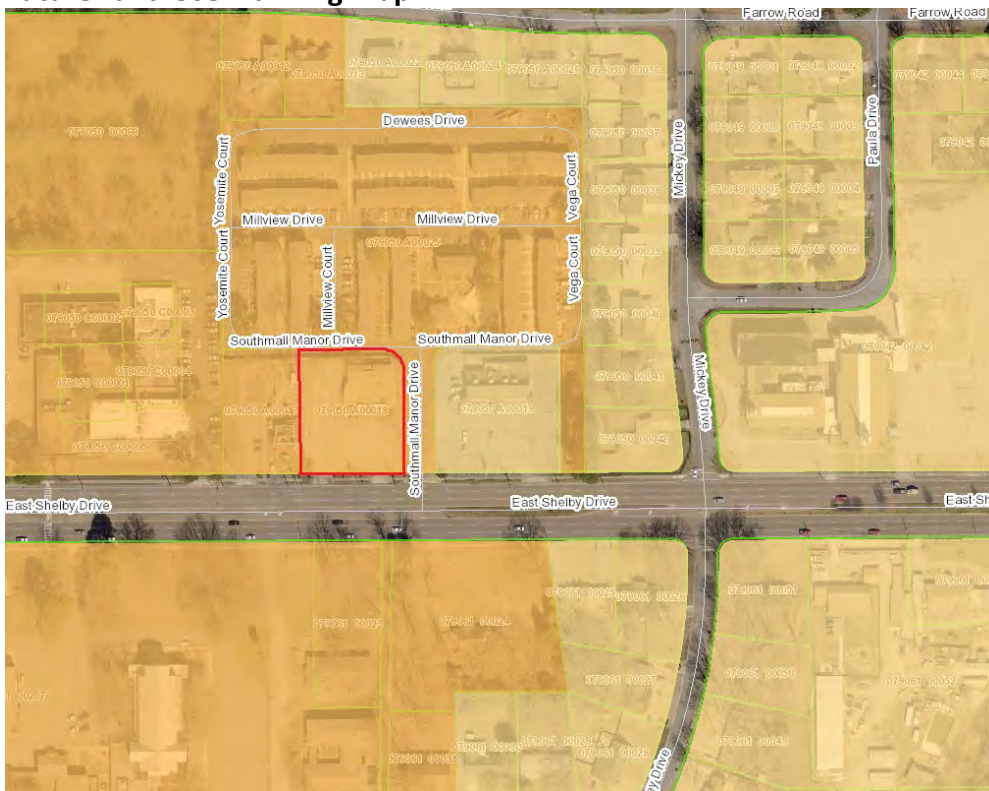
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

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.

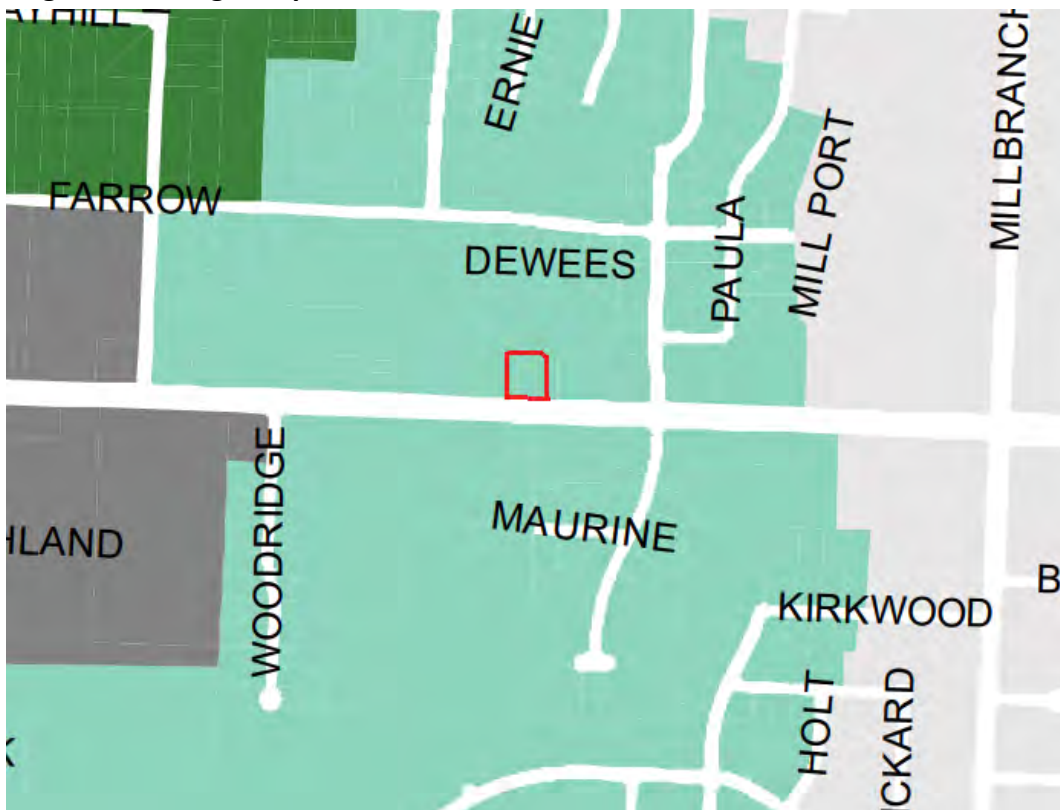
Existing, Adjacent Land Use and Zoning

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	Owner Phone
2884 WALNUT GROVE RD, MEMPHIS, TN 38111	

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 LIVE ENTERTAINMENT LLC	Contact Type 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 \$513.00	Method of Payment Credit Card
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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



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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, 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

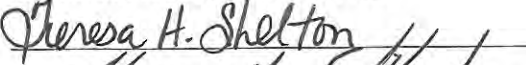

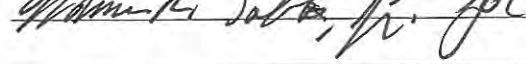
FUNDING:

(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>1/30/2023</u>	PRINCIPAL PLANNER
	<u>01/30/23</u>	DEPUTY ADMINISTRATOR
	<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

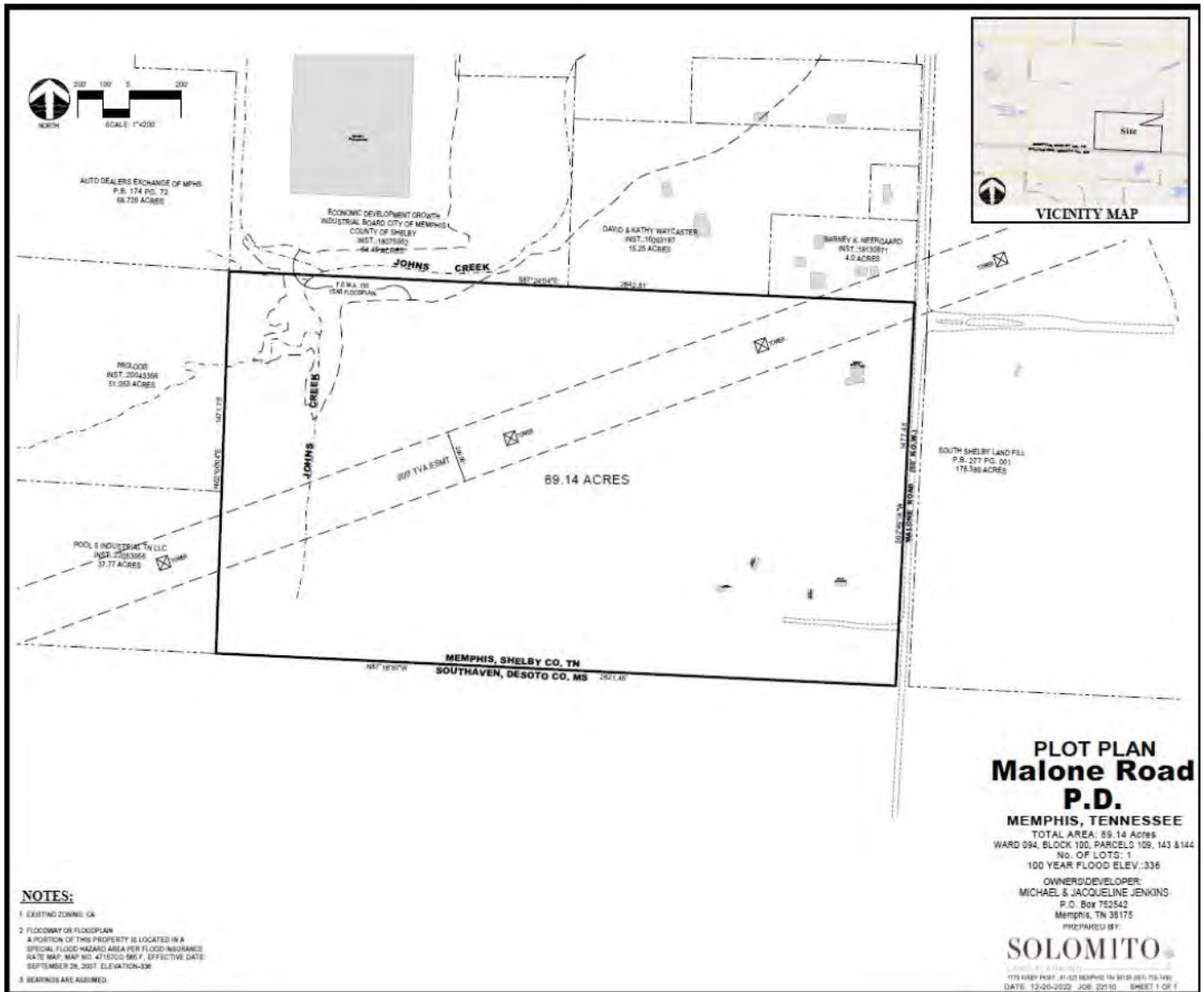
- A. Signage shall be in conformance with the EMP District regulations.

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)

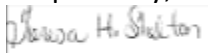
The following spoke in support of the application: None

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 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.

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

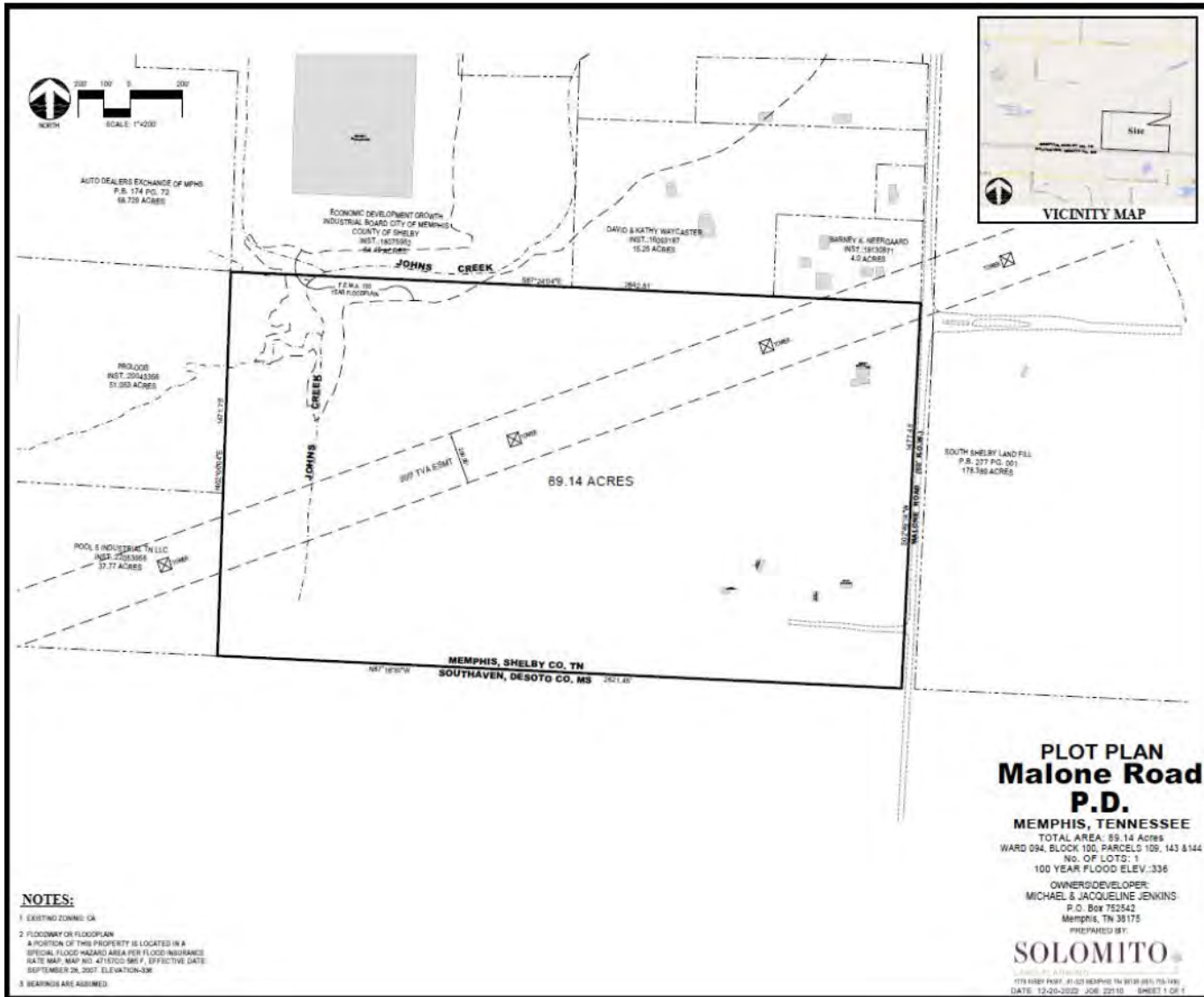
- A. Signage shall be in conformance with the EMP District regulations.

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: 69.14 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)

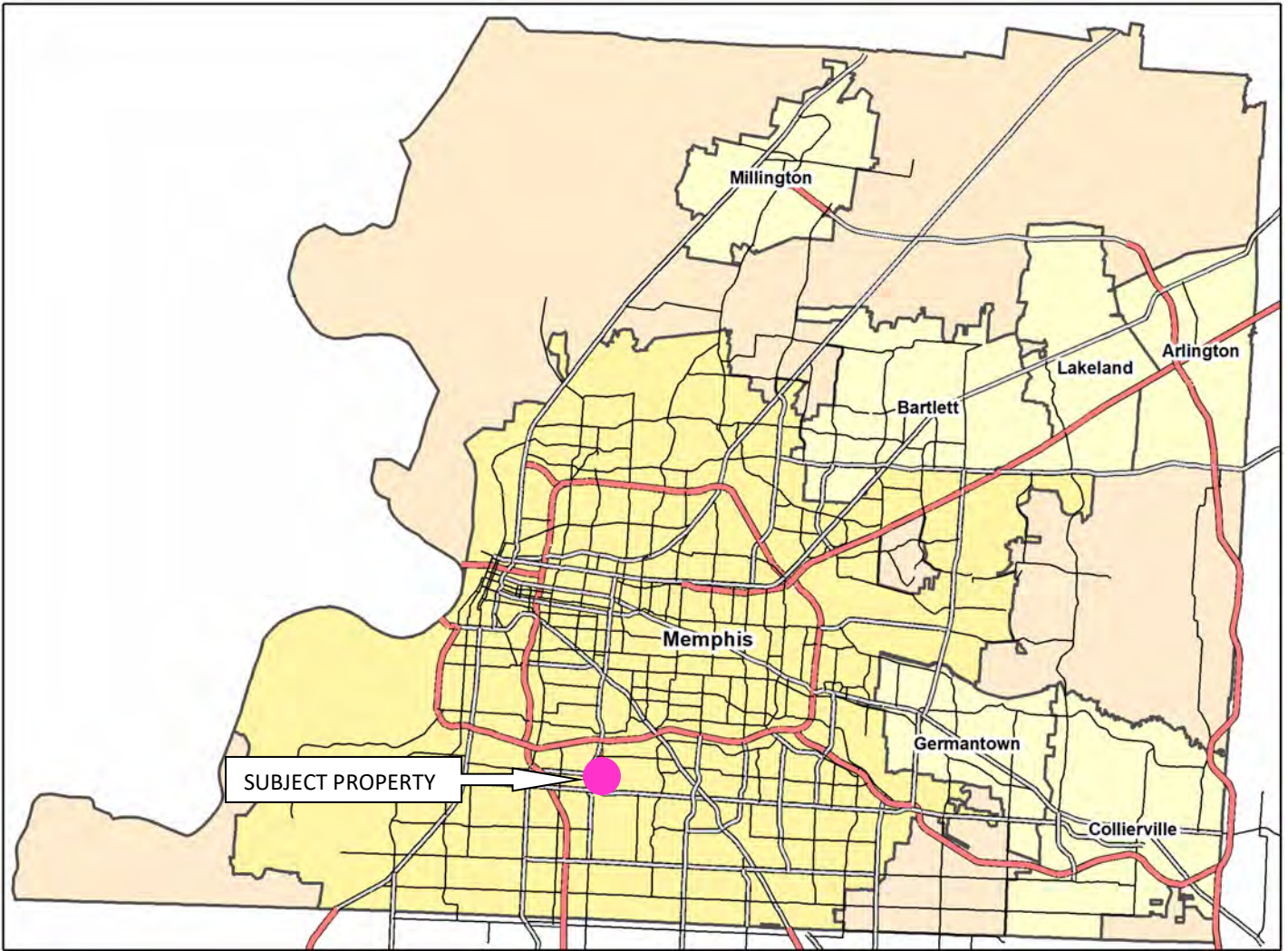
NEIGHBORHOOD MEETING

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

PUBLIC NOTICE

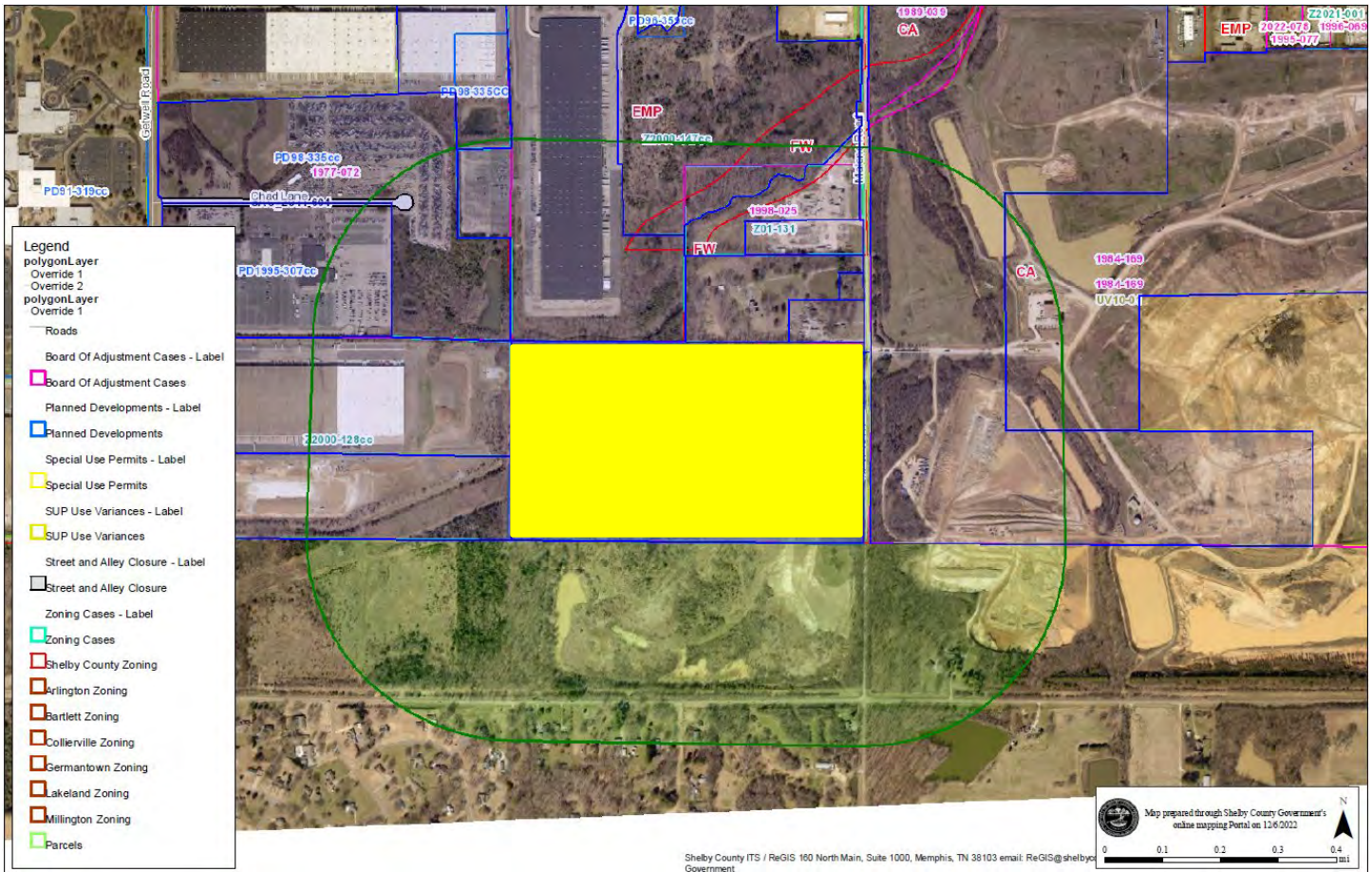
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 17 notices were mailed on December 30, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



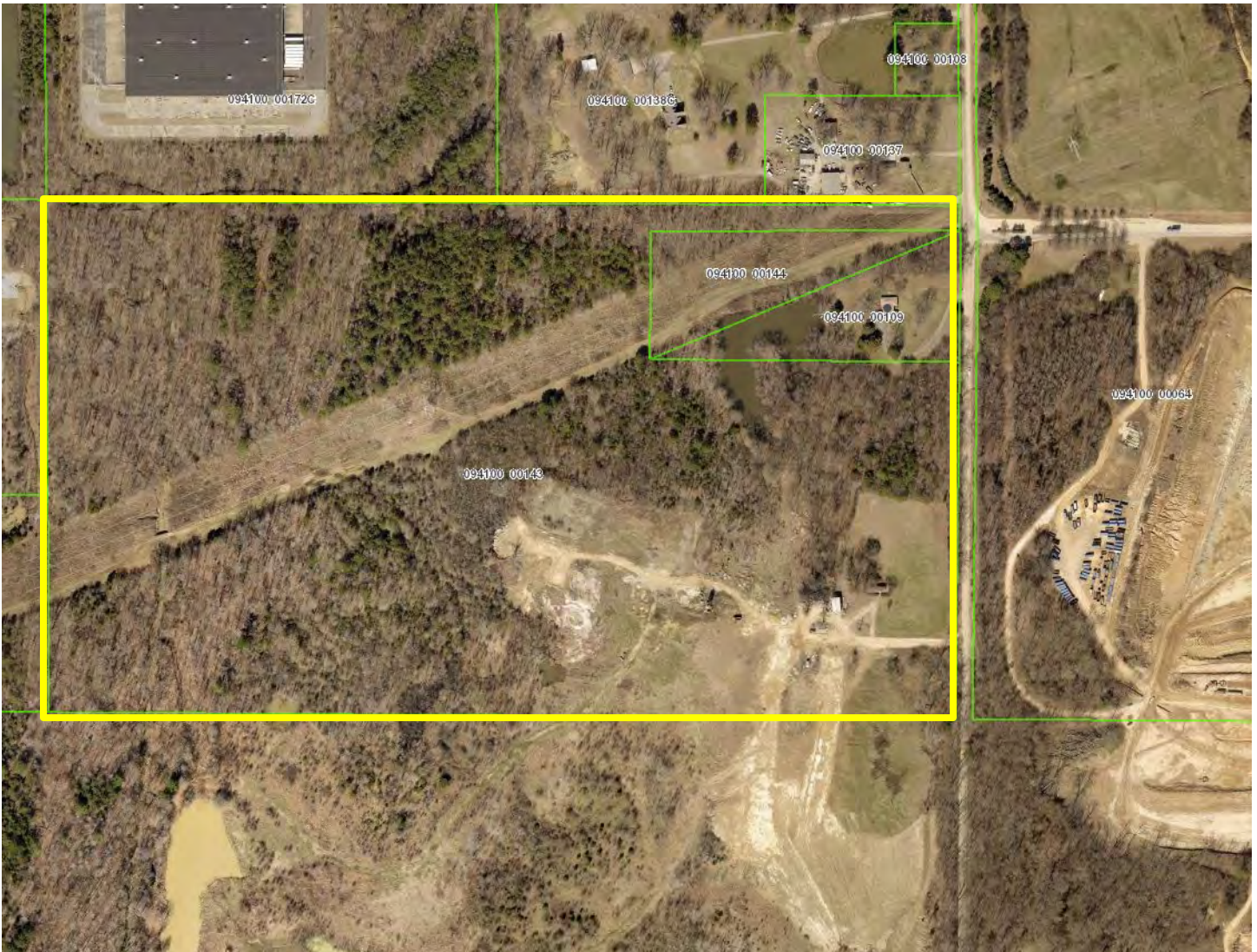
Subject property located within the pink circle

VICINITY MAP



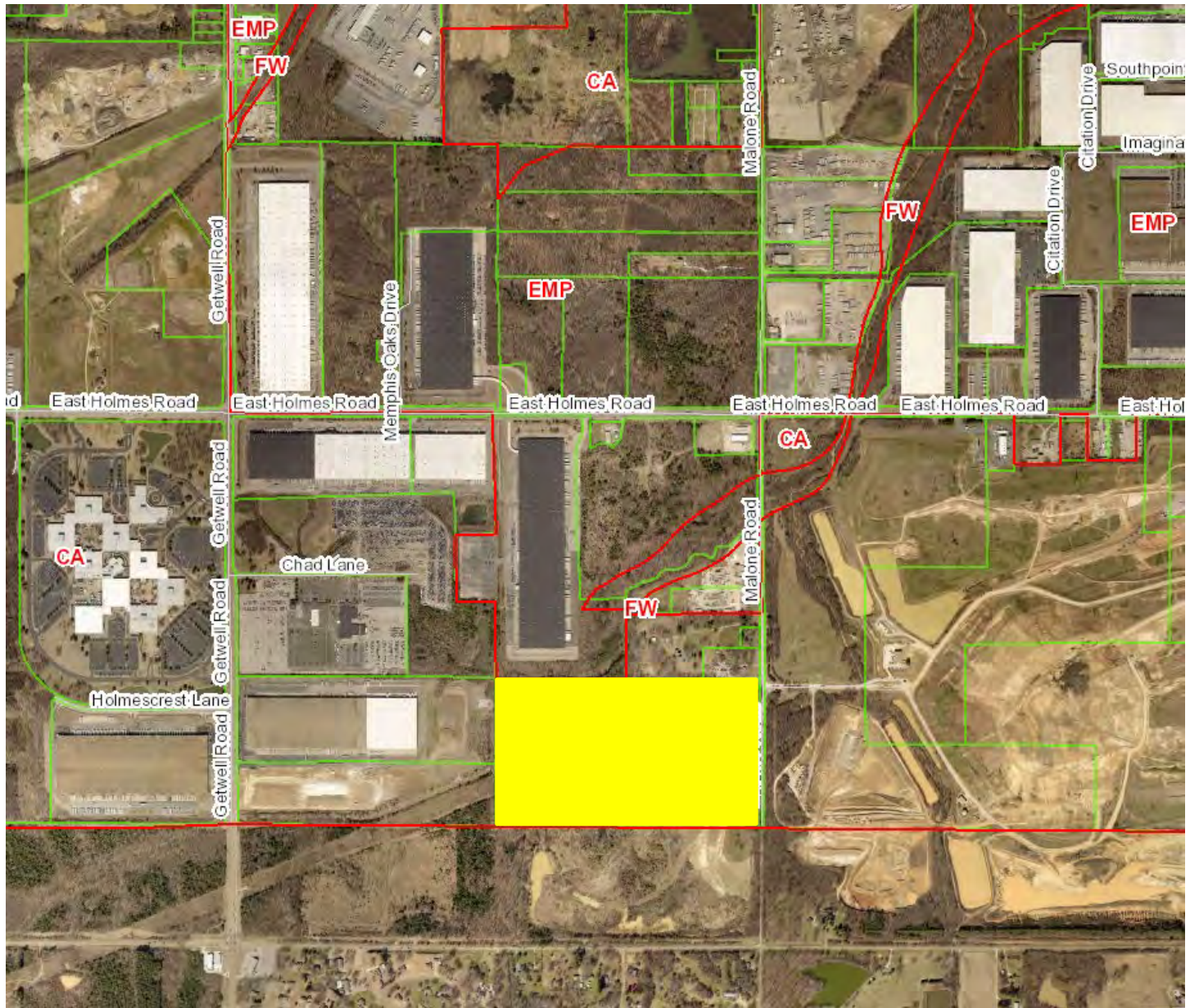
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

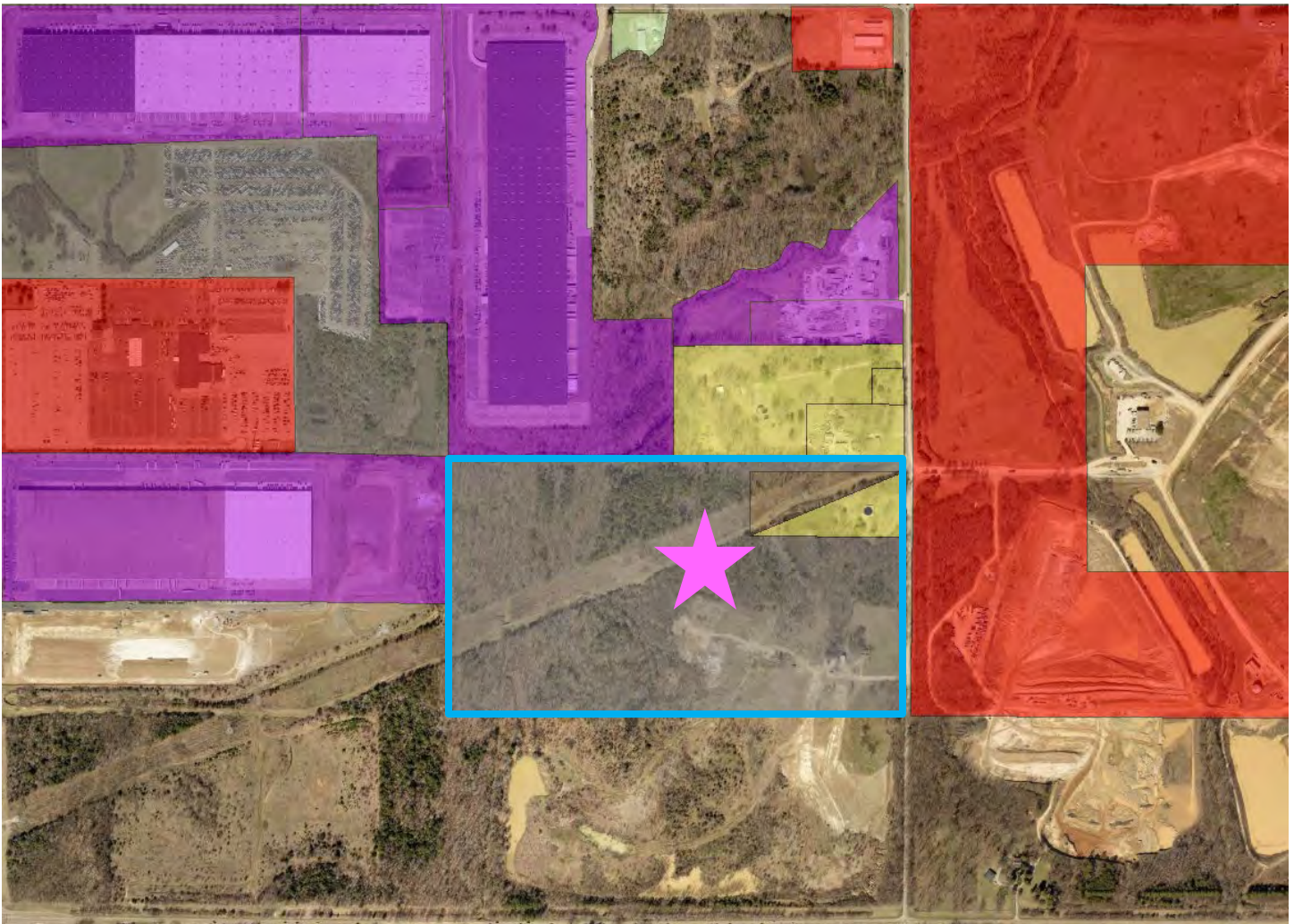
North: FW

East: CA

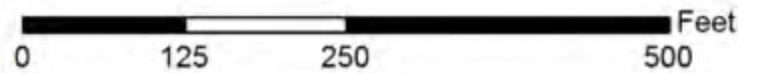
South: CA

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

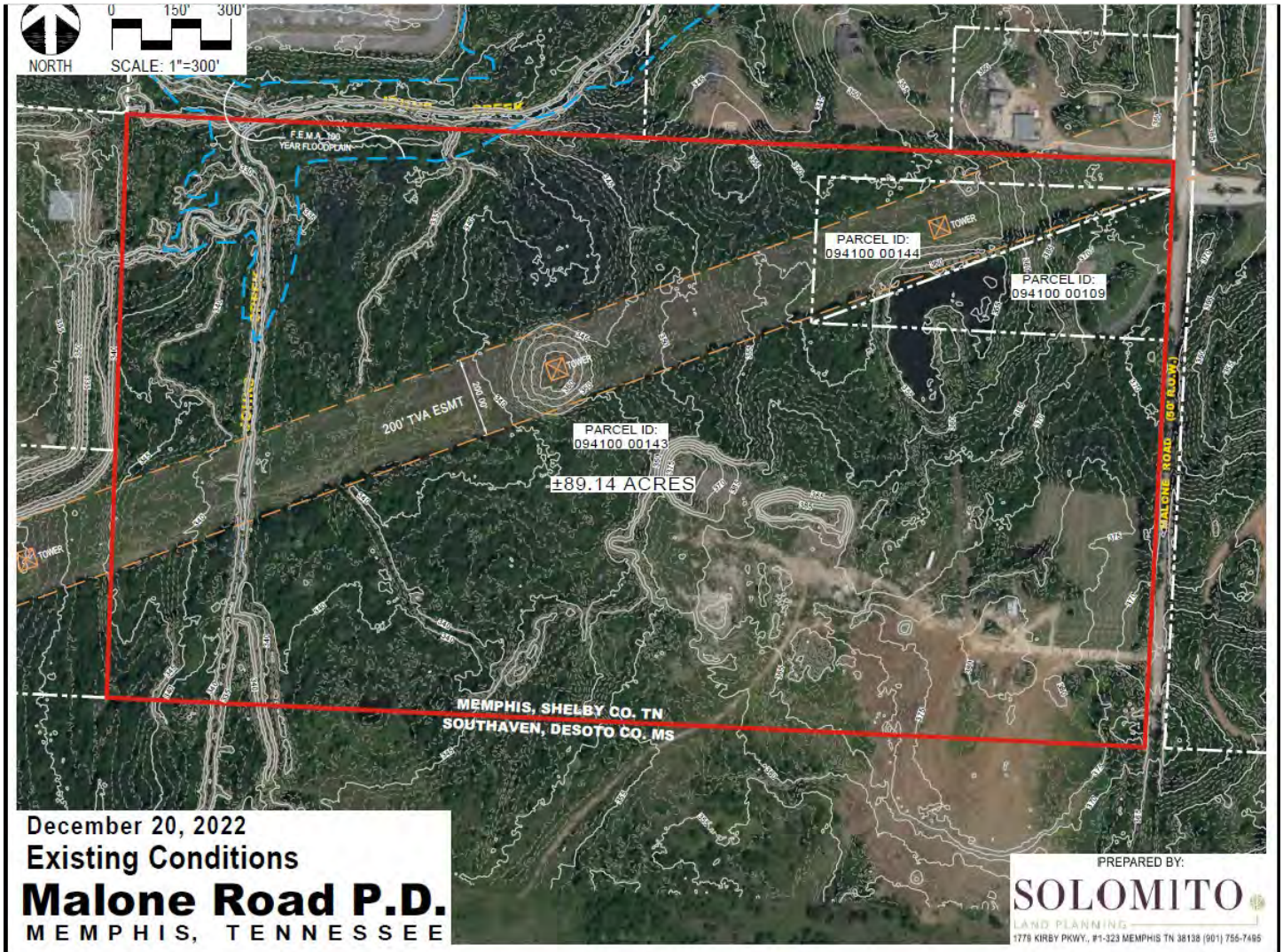


View of subject property from Malone Rd. looking north

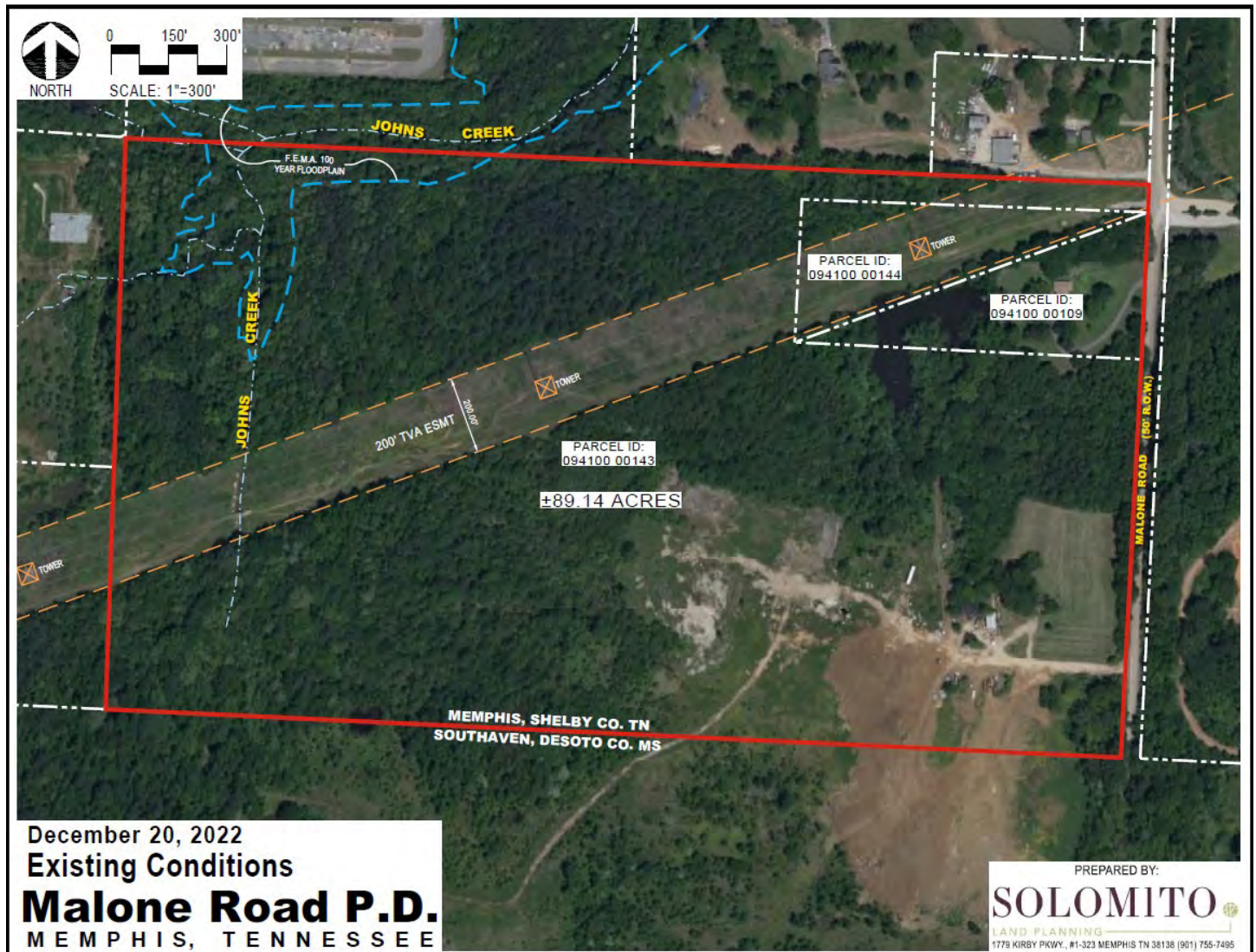


View of subject property from Malone Rd. looking northwest

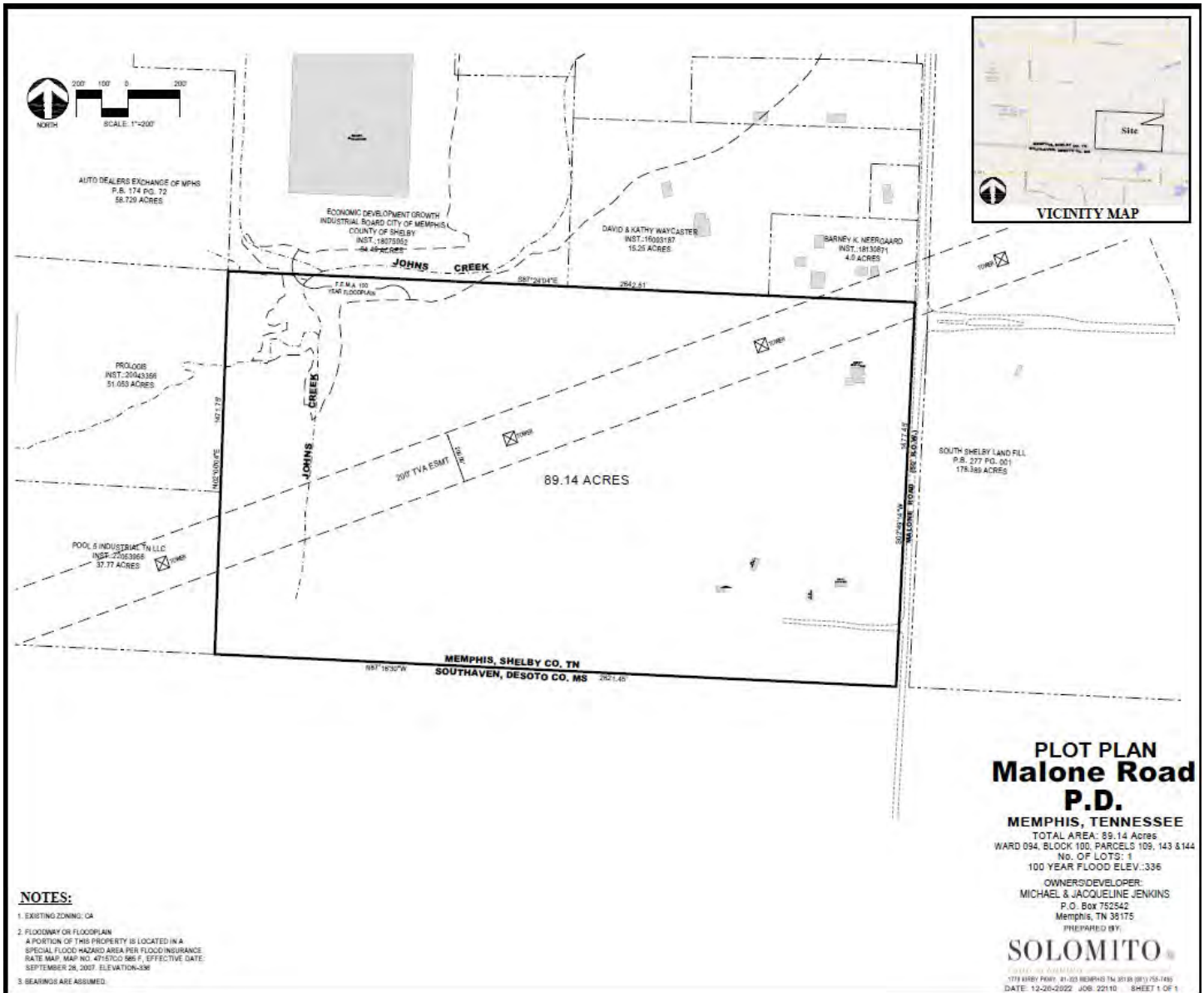
EXISTING CONDITIONS (TOPO)



EXISTING CONDITIONS



PLOT PLAN

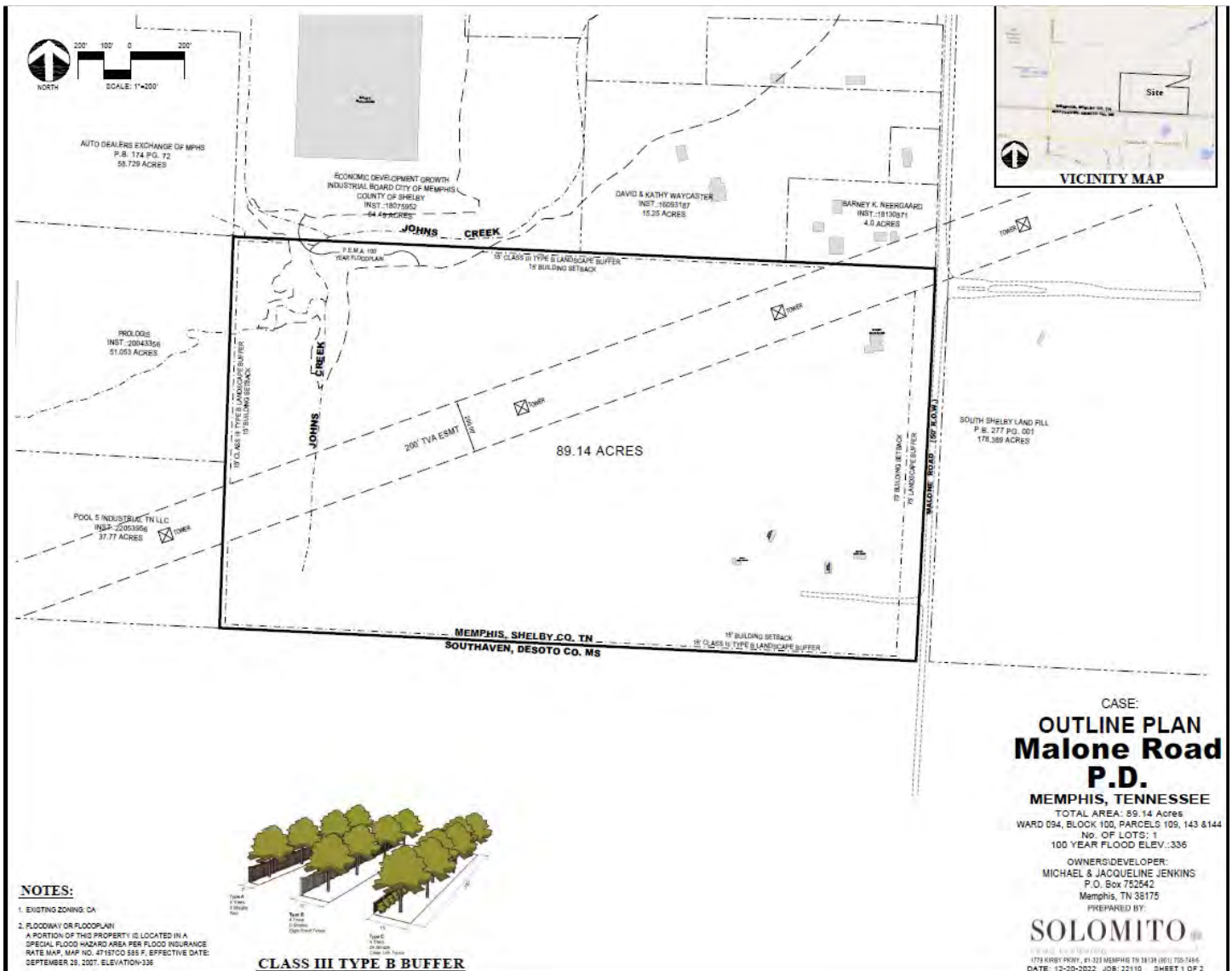


NOTES:

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: _____

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 _____

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: 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 in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

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

4.10.3 General Provisions

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

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

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

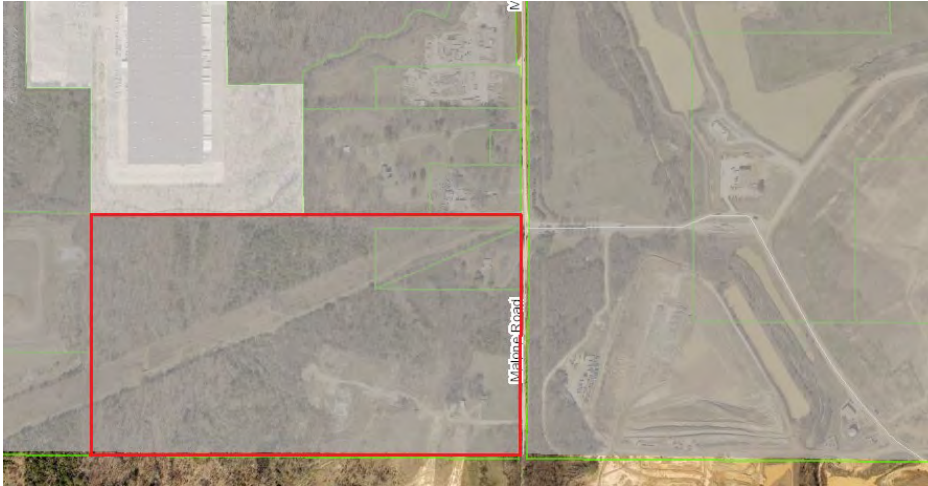
Future Land Use Designation: Industrial (I)

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.

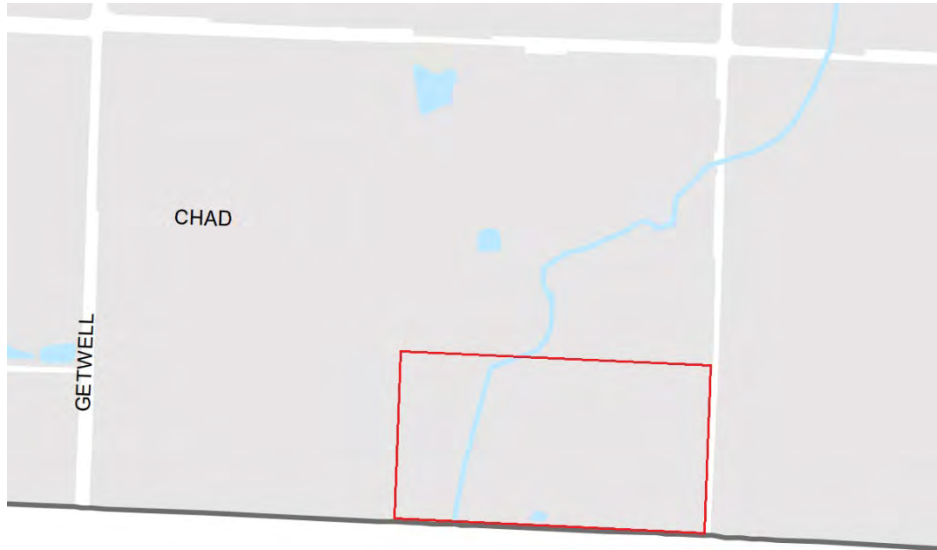
Existing, Adjacent Land Use and Zoning

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.

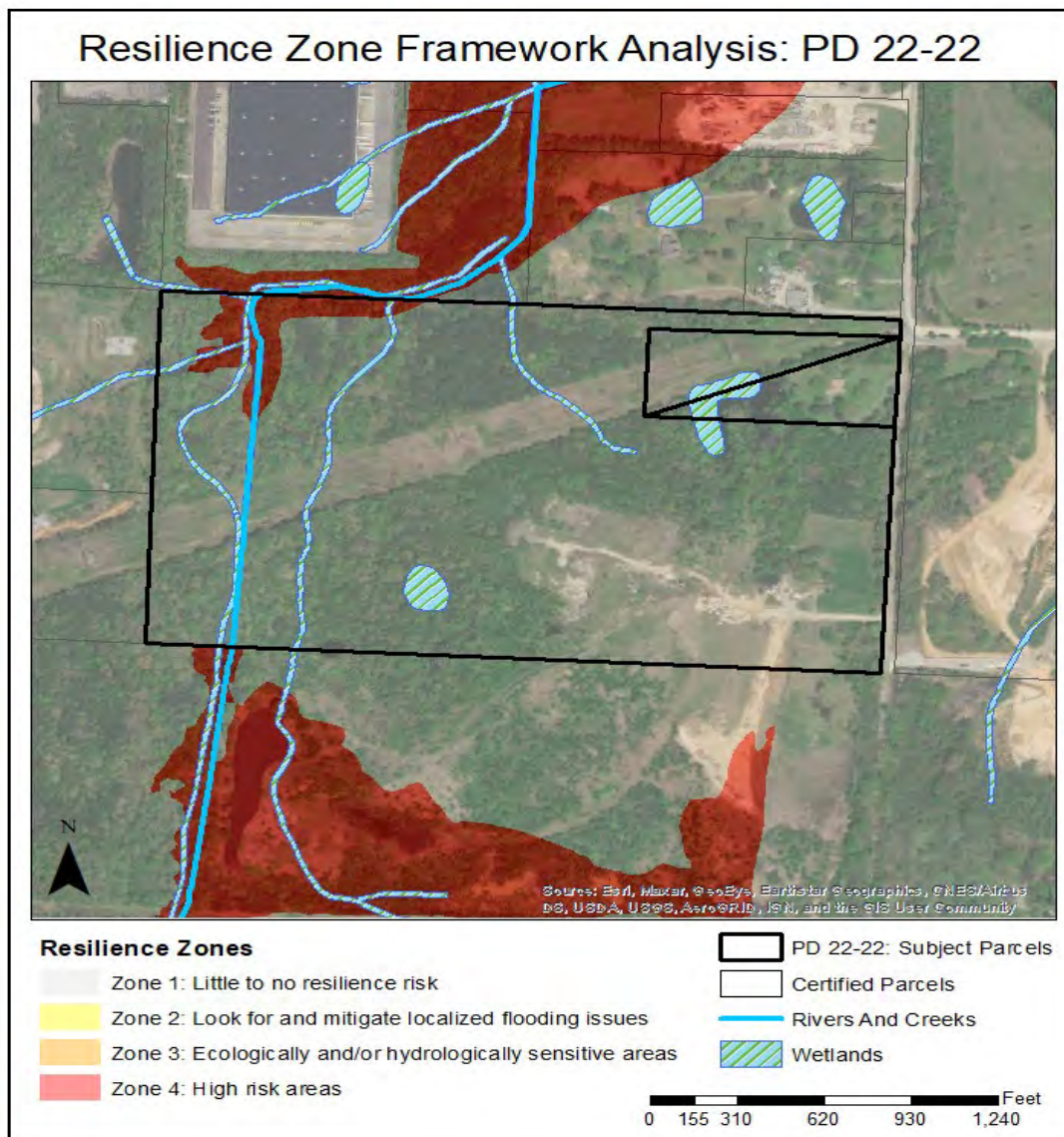
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure 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](#)

Date: 12/08/2022

BOA 1972- 051
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.

- 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.

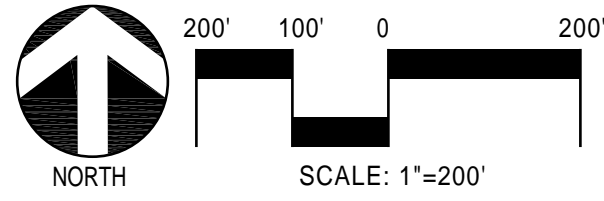
Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

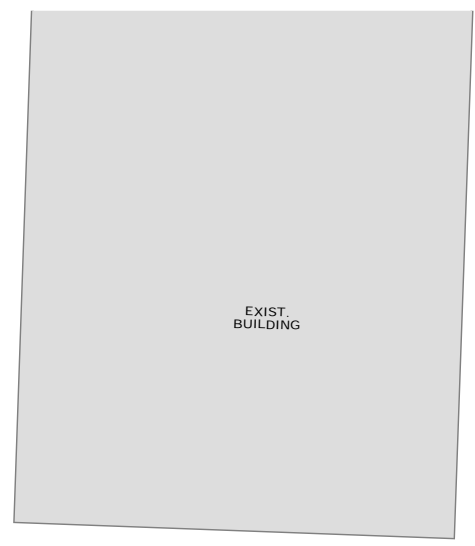
SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner



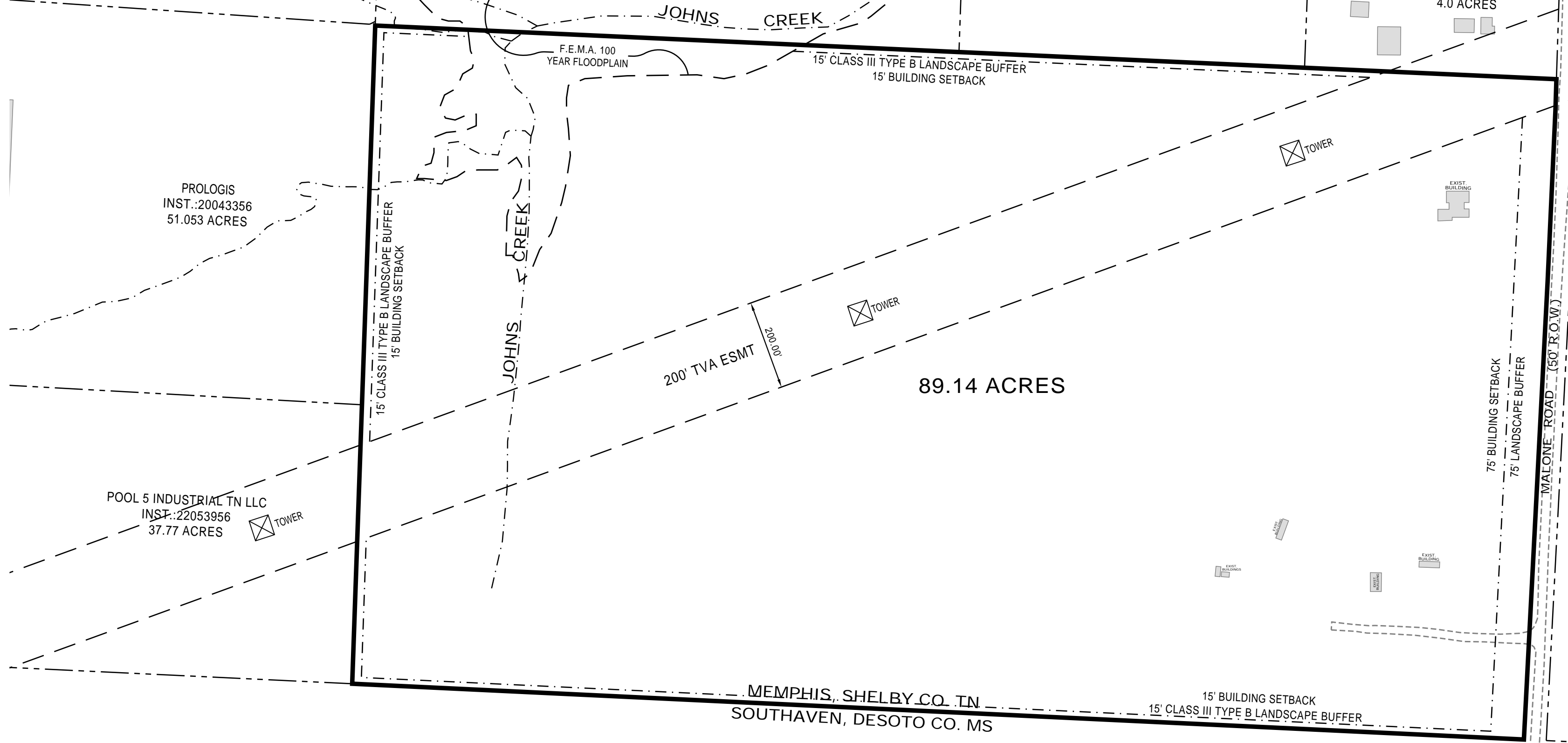
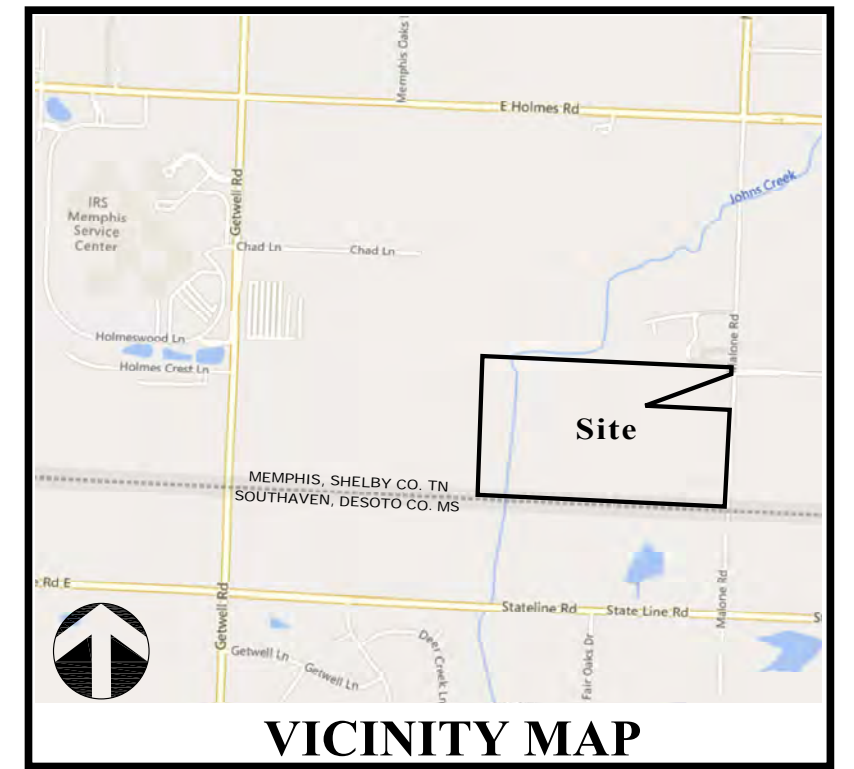
AUTO DEALERS EXCHANGE OF MPHS
P.B. 174 PG. 72
58.729 ACRES



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

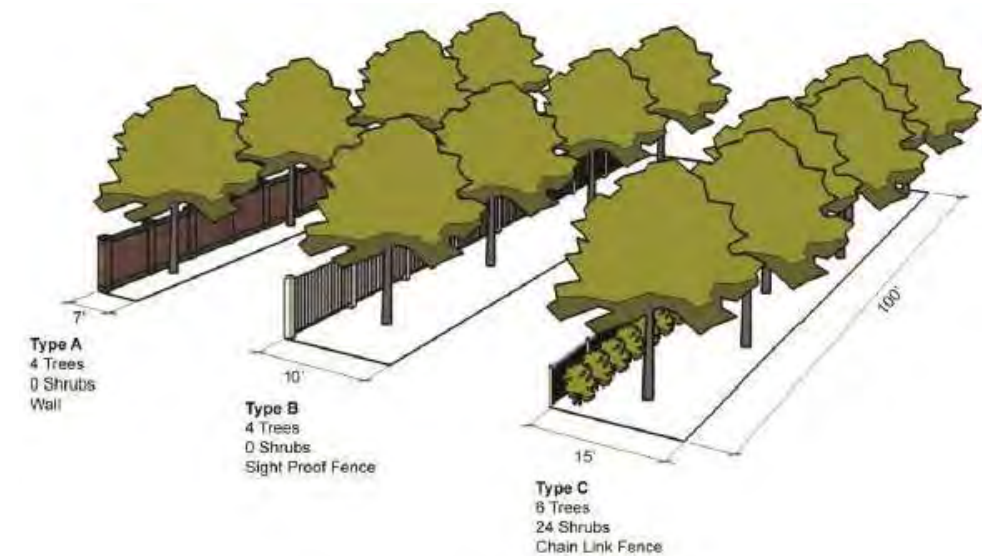
OWNERS/DEVELOPER:
MICHAEL & JACQUELINE JENKINS
P.O. Box 752542
Memphis, TN 38175

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

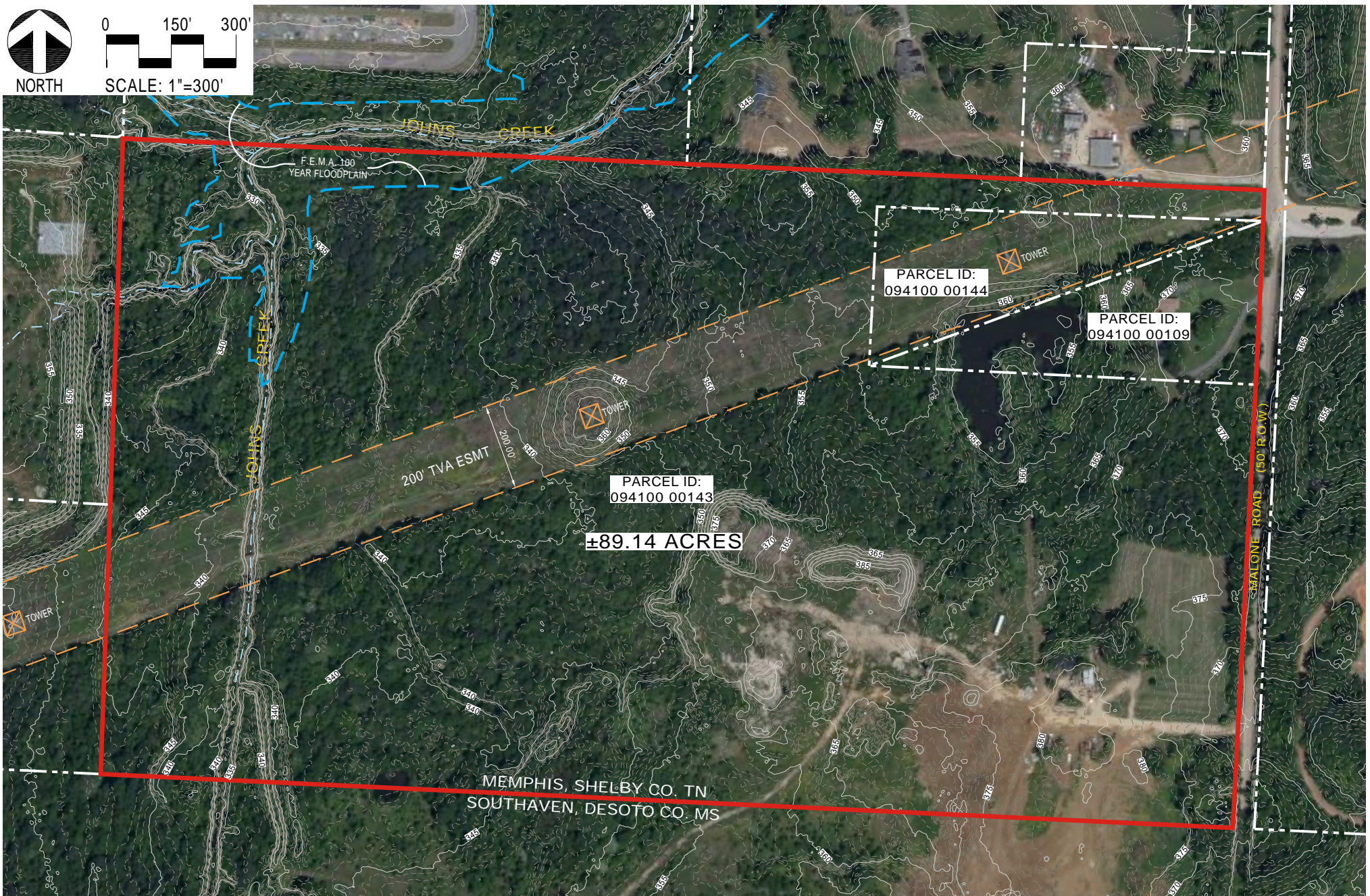
DATE: 12-20-2022 JOB: 22110 SHEET 2 OF 2



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

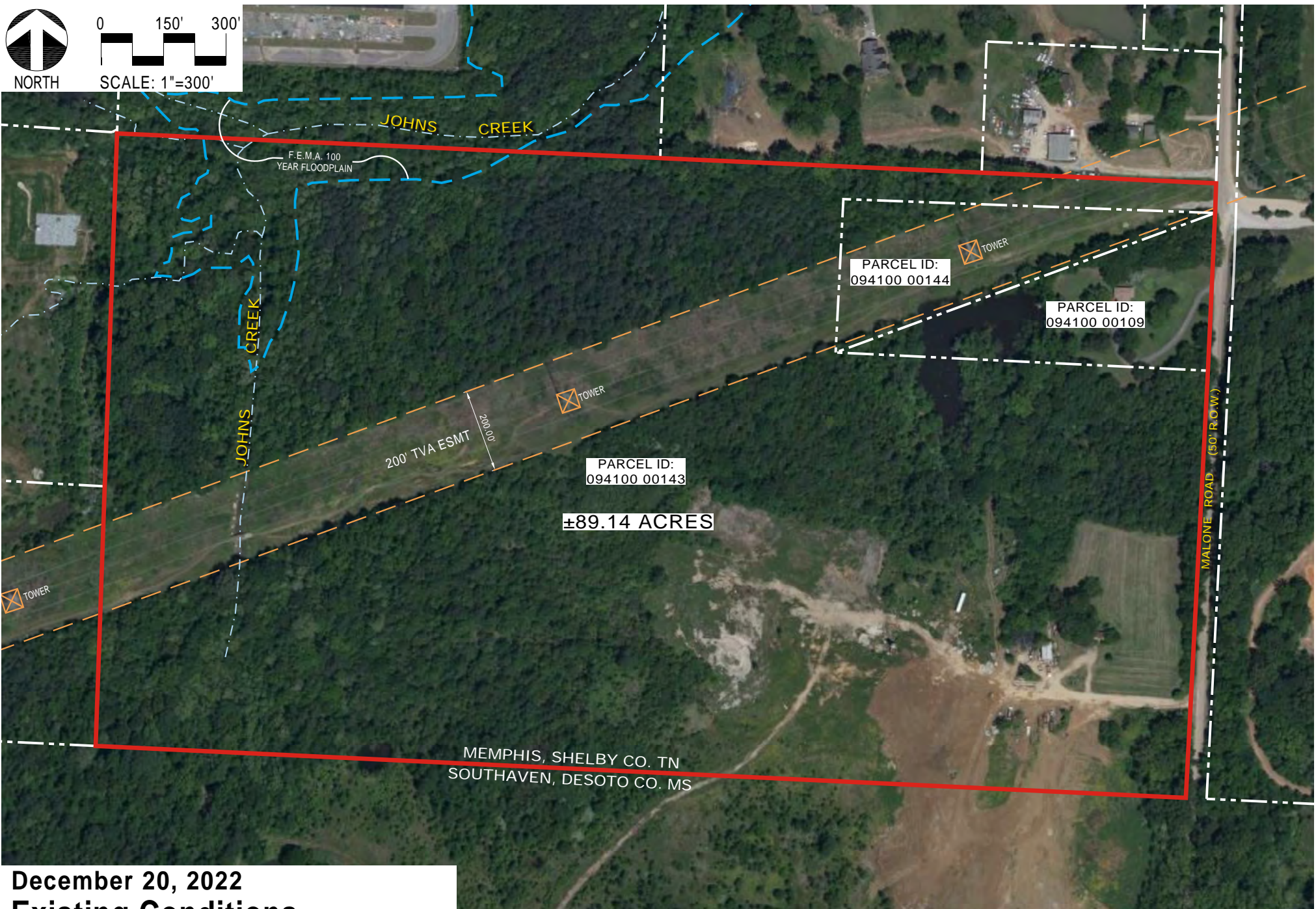
DWG. NAME: 22110-Outline.dwg



NORTH

0 150' 300'

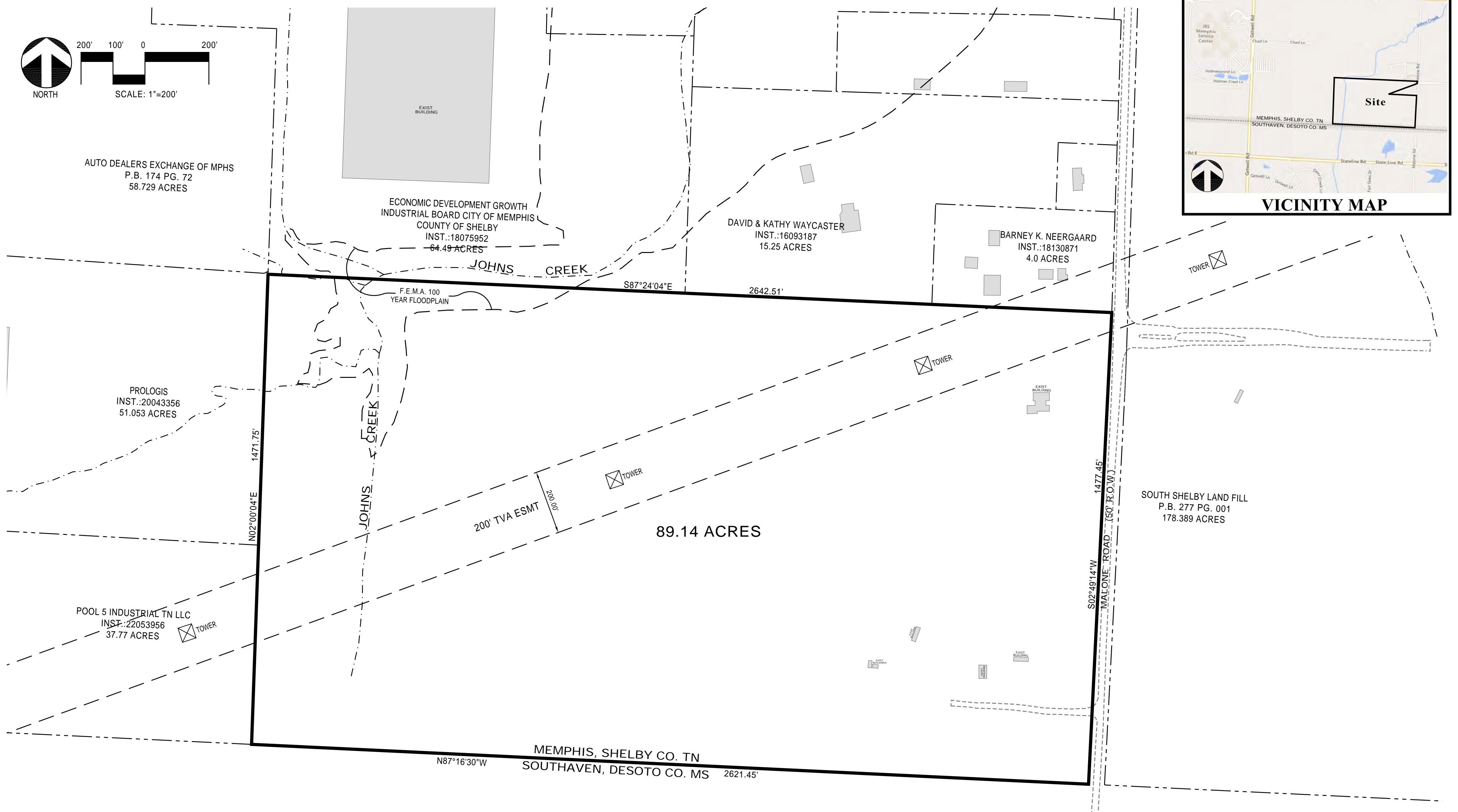
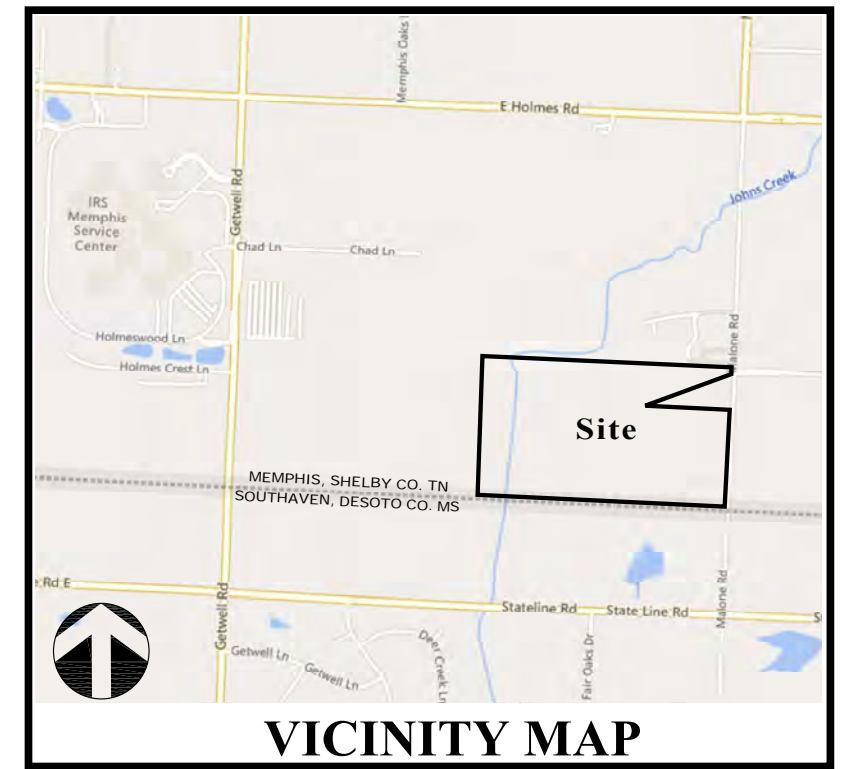
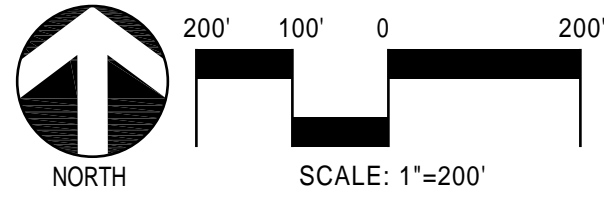
SCALE: 1"=300'



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



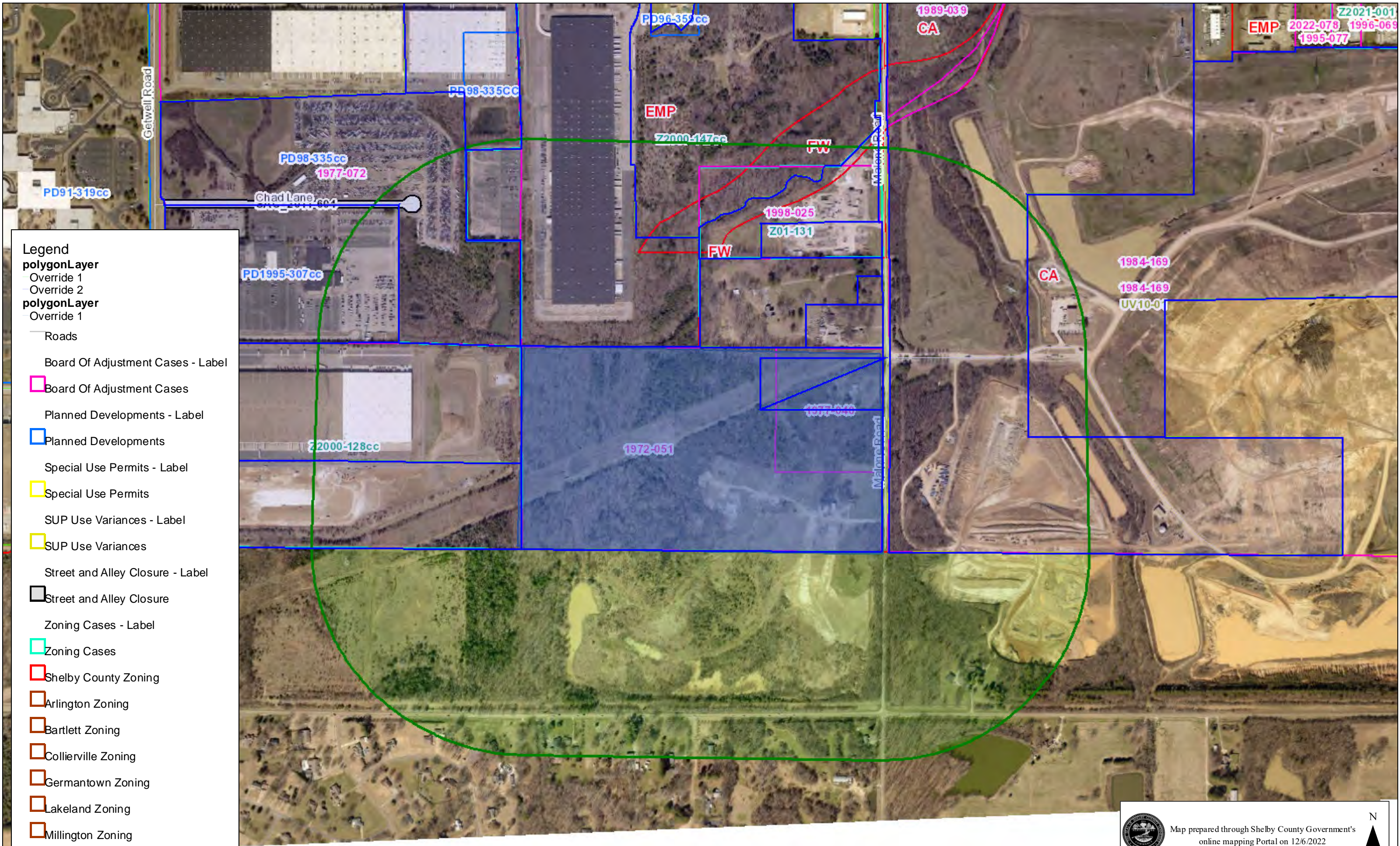
**PLOT PLAN
Malone Road
P.D.
MEMPHIS, TENNESSEE**

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

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 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


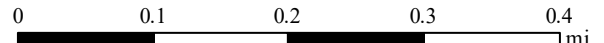
Lakeland Zoning

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):

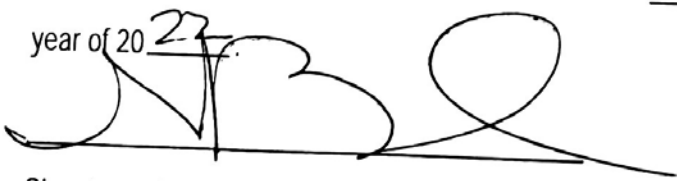
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in 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 2023.



Signature of Notary Public

07-14-2023
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.

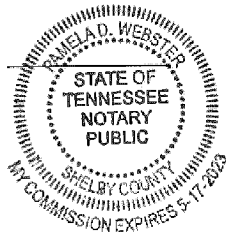
[Signature]
Affiant

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

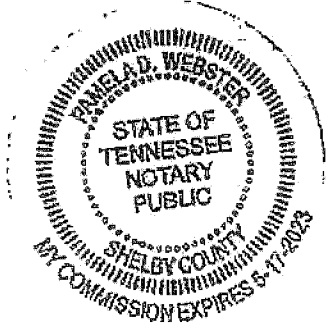
State of TN

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

Ordinance No. _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$1,000,000, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of City-owned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$1,000,000.

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

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification of such land, building, or facility without prior authorization of

the Memphis City Council if the cost associated therewith is in excess of one million (\$1,000,000) dollars.

Section 2. Severability. The provisions of this Ordinance are hereby severable. 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 the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors:
Martavius Jones
Edmund Ford, Sr.
Cheyenne Johnson
Rhonda Logan
Jana Swearngen-Washington
Dr. Jeff Warren

Chairman:
Martavius Jones

Contract Number	Creation Date	Partner	Location	Expiration
27593A	23-Sep-21	ALZHEIMER'S DAY SERVICES OF MEMPHIS, INC.	inside of Kennedy Park	3/7/2031
N14555		CHILDREN'S MUSEUM OF MEMPHIS, THE	Children's Museum of Memphis	
N14514	25-Jan-06	CHRIST COMMUNITY HEALTH SERVICES	near Orange Mound Community Center	12/31/2024
28131	7-Jul-11	GLOBAL SPECTRUM LP	Simmons Bank Stadium	6/30/2026
39374	29-Mar-22	SIMMONS BANK	Simmons Bank Stadium	2/28/2032
34345	25-Jul-17	The University of Memphis	Simmons Bank Stadium	1/1/2021
28278	17-Aug-11	GOODWILL HOMES COMMUNITY SERVICES,INC	in Walter Chandler Park	6/30/2026
22188	13-Jul-06	MEMPHIS BOTANIC GARDEN FOUNDATION	inside Audubon Park	none
25792	31-Jul-09	MEMPHIS BOYS ATHLETIC ASSOCIATION	Halle Fields	8/12/2023
22650A	9-Jun-17	MEMPHIS BROOKS MUSEUM OF ART	inside Overton Park	none
29131		Memphis Chapter of the Association for the Preservation of Tennessee Antiquities (APTA)	Historic Homes	5/21/2062
38393	23-Apr-21	MEMPHIS LITTLE LEAGUE	Will Carruthers Softball Complex	4/30/2026
N15428		Memphis river parks partnership	Riverfront parks	6/30/2021
N10713	3-Dec-14	MEMPHIS ZOOLOGICAL SOCIETY	in Overton Park	none
39428	25-Apr-22	NATIONAL ORNAMENTAL METAL MUSEUM	in Chickasaw Heritage Park	5/5/2082
38966	6-Oct-21	OASIS OF HOPE	Bickford Community Center	12/23/2026
28839A	18-Oct-13	OVERTON PARK CONSERVANCY	Overton Park	1/13/2032
N9755	3-Dec-14	PINK PALACE SYSTEM OF MUSEUMS	Pink Palace Museums	none
23856		Promise Academy INC	land near former head start building, Chelsea & Merton	
29279	22-May-12	TRI-STATE YOUTH BASEBALL ACADEMY, INC.	in Jesse Turner Park	5/30/2022
22649	7/1/2039	Friends of the Levitt Pavilion	in Overton Park	7/1/2039
in progress		Knowledge Quest	former headstart at Gaston Community Center	
N16089	44427	Tennis Memphis	tennis facilities	6/30/2022
38285	4-Mar-21	TENNESSEE GOLF FOUNDATION	Whitehaven Golf- sharing space only	12/31/2024
37893	4-Dec-20	UNIVERSITY OF TENNESSEE	space at Davy Crockett Park- community garden	11/30/2023
36865	1-Nov-19	MID-SOUTH TRAILS ASSOCIATION	space at Davy Crockett Park- mountain bike trail	11/25/2023
in progress		Memphis Bears (formerly pals)	Greenhill Stadium	

Ordinance No. _____

**ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET
AND G.E. PATTERSON AVENUE AS REP. BARBARA COOPER STREET**

WHEREAS, the process for naming and renaming streets and other thoroughfares within the City of Memphis has been established by Chapters 2 and 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council possesses naming powers when the City acquires any street or other thoroughfare by purchase or dedication, per Section 12-16-2 of the City of Memphis Code of Ordinances; and

WHEREAS, under *Tennessee Code Annotated*, Section 7-86-127, “unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of ... municipalities within their incorporated boundaries;” and

WHEREAS, the Memphis City Council, on September 1, 2020, by Ordinance No. 5759 duly passed, amended the City of Memphis Code of Ordinances thereby vesting street, park, and public place/property name change powers in the Memphis City Council; and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapters 2 and 12 of the City of Memphis Code of Ordinances to honor the life and legacy of Tennessee State Representative Barbara Cooper - a Memphis native, educator, and civil rights activist; Rep. Cooper represented the 86th District for 26 years.

NOW THEREFORE BE IT RESOLVED, that South Second Street between Beale Street and G.E. Patterson Avenue be officially renamed “Rep. Barbara Cooper Street.”

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs officially designating this public road, effective with the passage of this ordinance.

Sponsored by:
Edmund Ford, Sr.

**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.

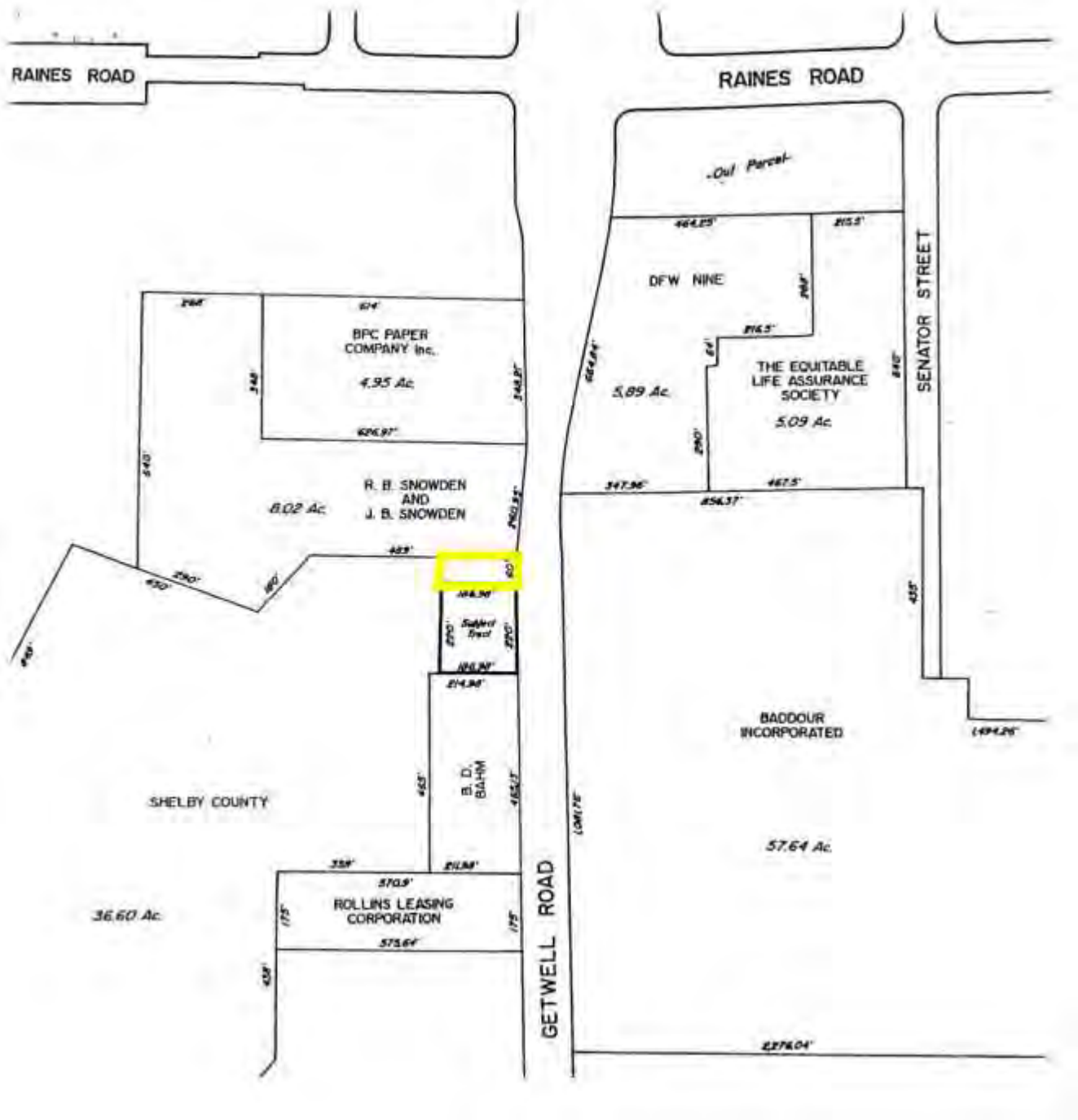
The motion passed by a unanimous vote of 8-0 on the consent agenda.

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

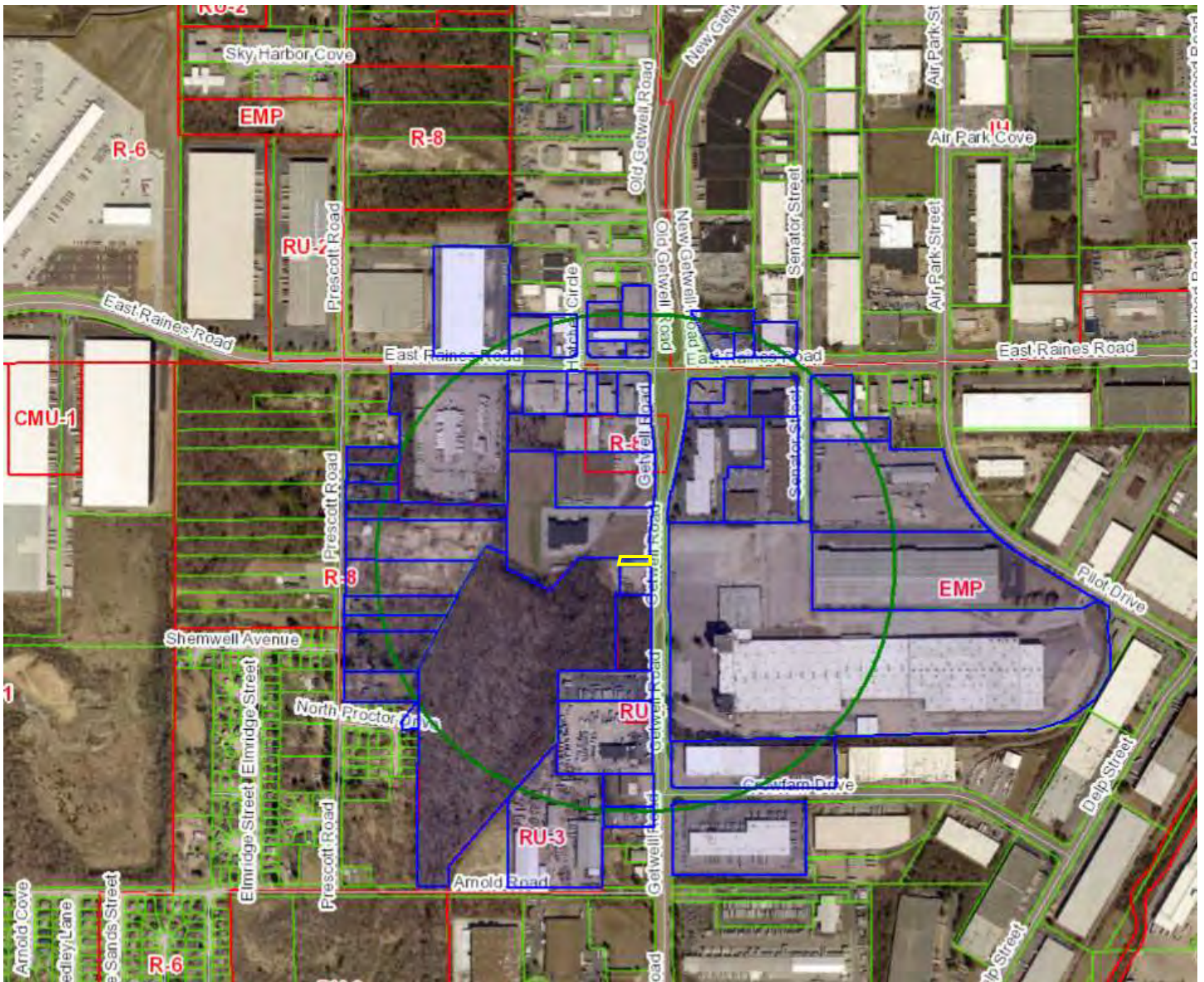
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of **53** notices were mailed on **December 29, 2022**, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this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

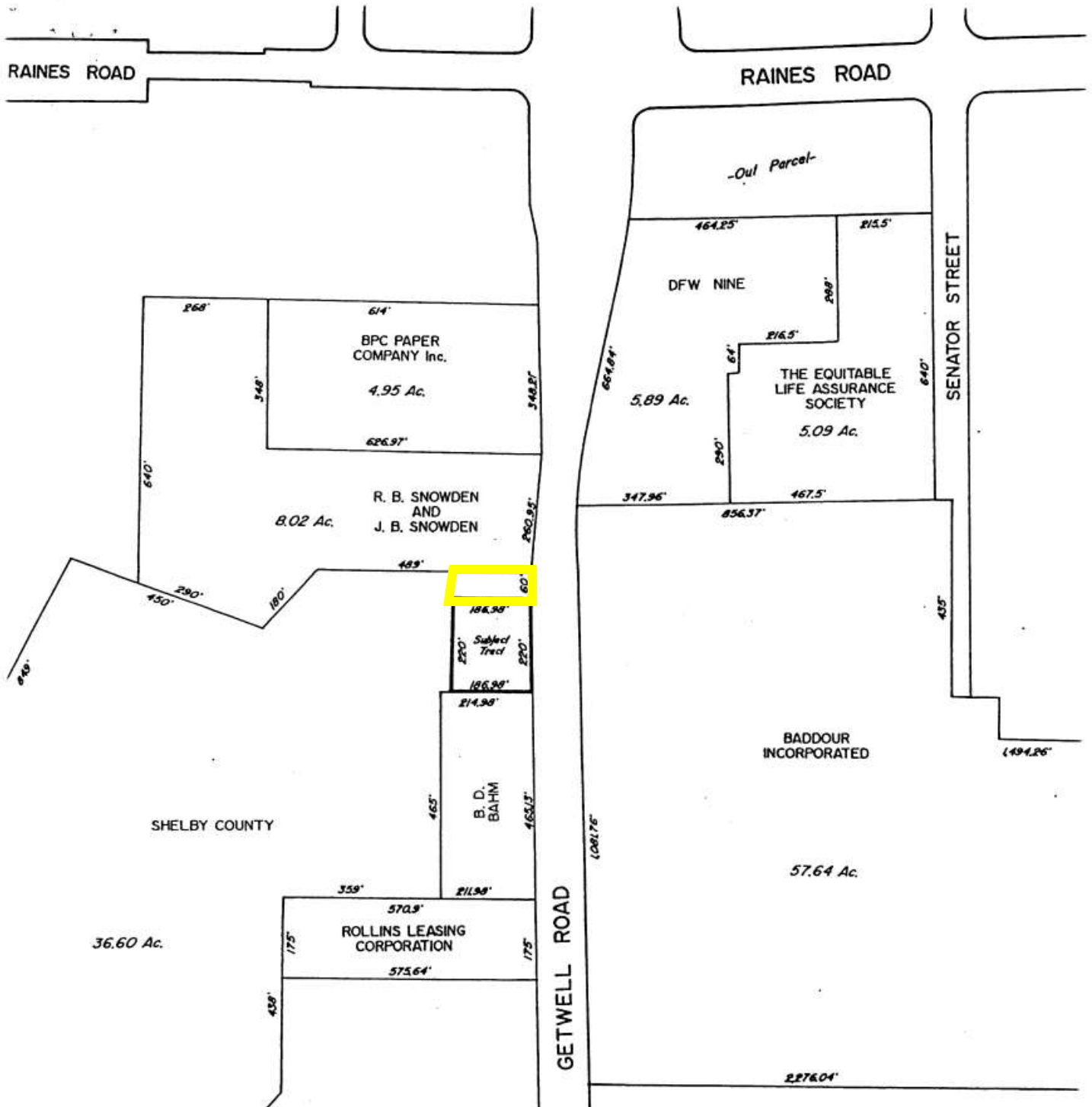
West: Residential Single-Family – 8 (R-8)

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: 1/10/2023

DATE

PUBLIC SESSION: 1/10/2023

DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X 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
<u>11/10/2022</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS	
\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER _____

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
<u>Brett Ragsdale</u>	<u>01/03/2023</u>	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN

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

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

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

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

APPLICANT: **Division of Planning and Development**

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

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development:

Approval

Memphis and Shelby County Land Use Control Board:

Approval

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

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



Memphis City Council Summary Sheet

ZTA 22-1

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

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

Joint Ordinance No.: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair
Cheyenne Johnson

APPENDIX A

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

1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

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

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

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

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

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

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

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

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

3.7.1 Permitted Housing Types

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

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

3.7.2 Building Regulations for Permitted Housing Types

Housing Type	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-House ¹	Large Home	Stacked Townhouse ¹
RU-1 District								
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	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 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~~

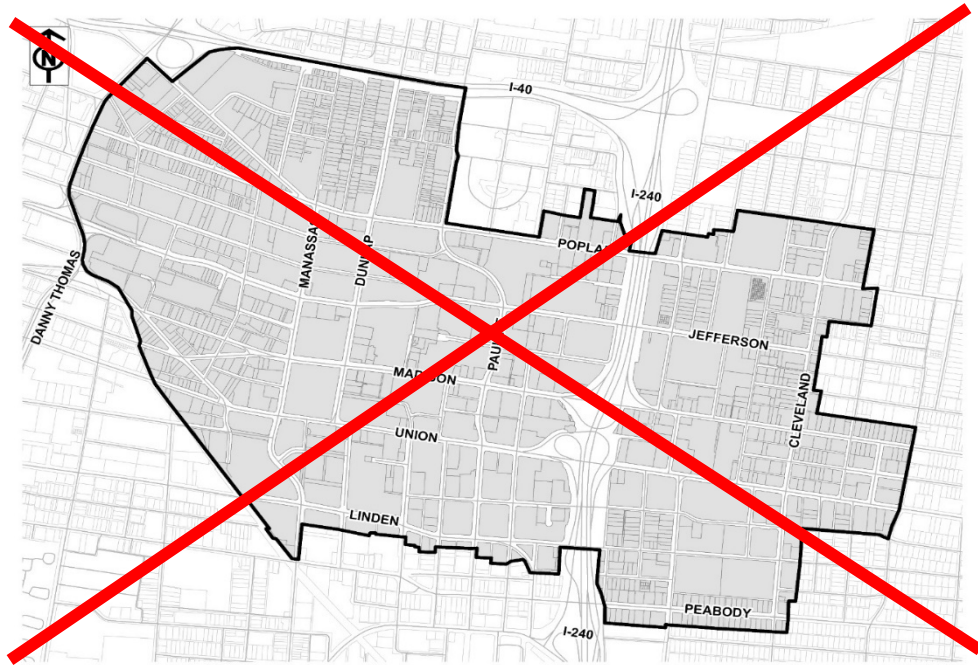
reduces the existing parking below what is required by underlying zoning. Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

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.

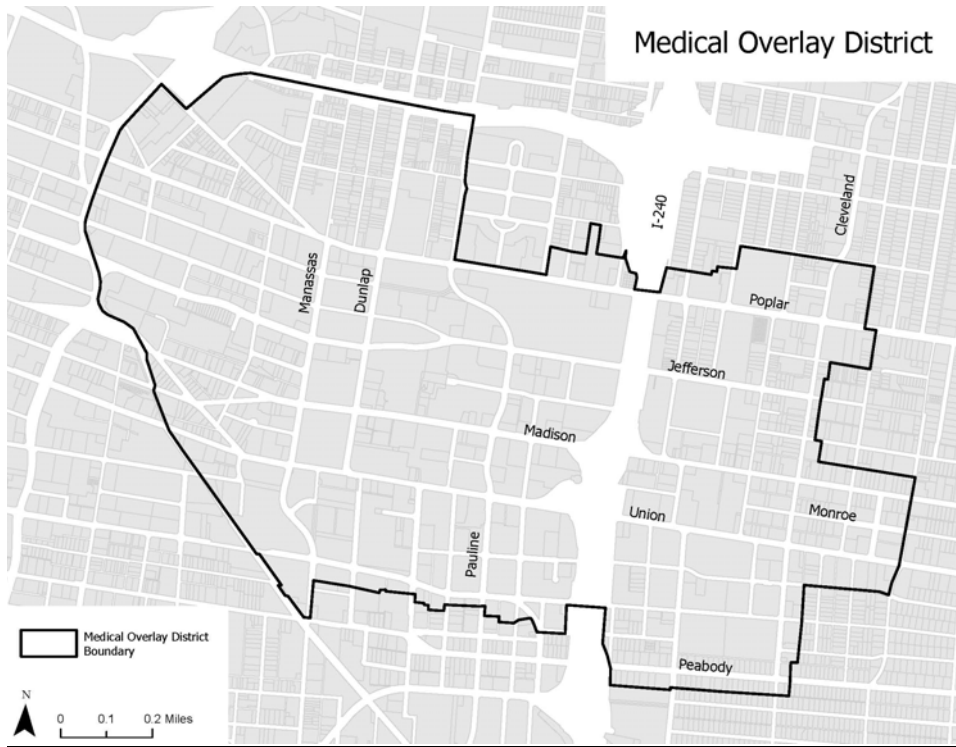
2. Transit Oriented Development Plan Recommendations

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:

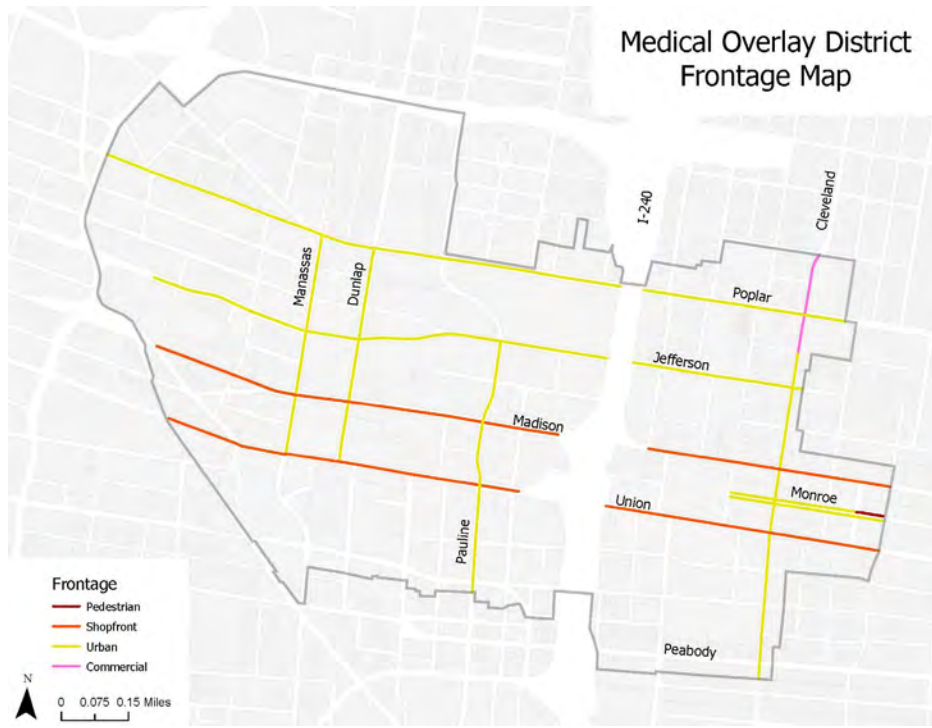
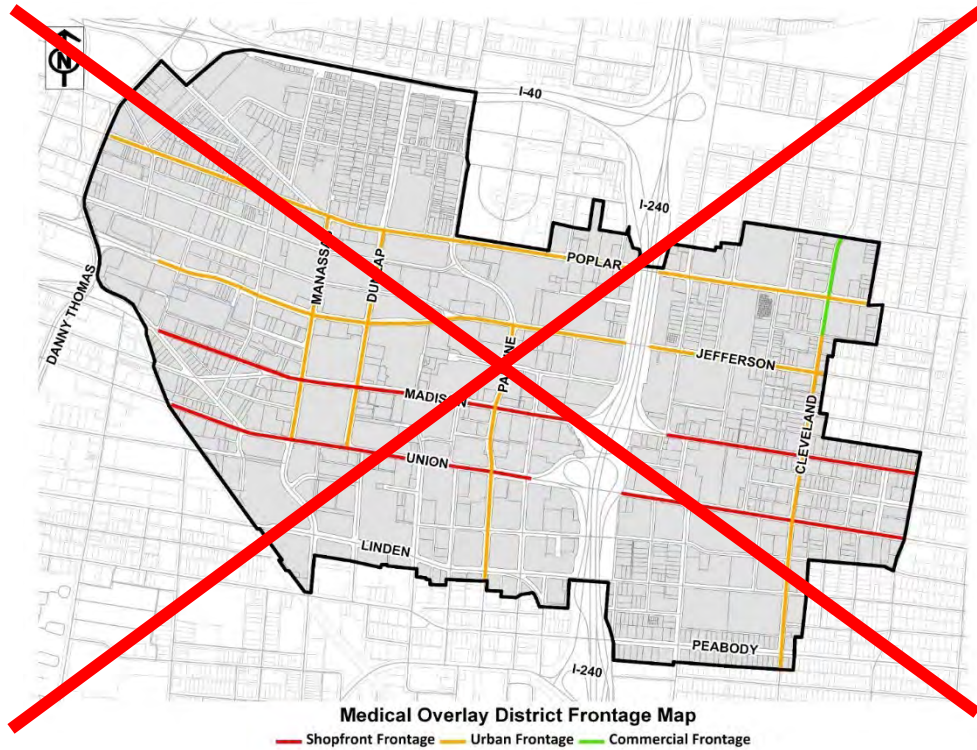


Medical Overlay District (-MO)



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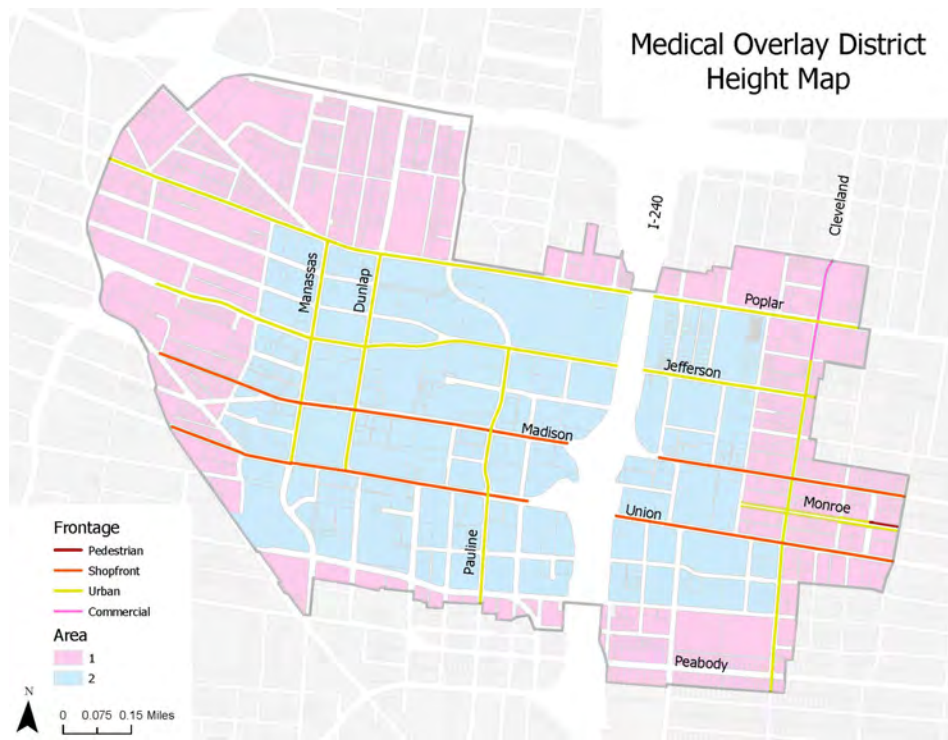
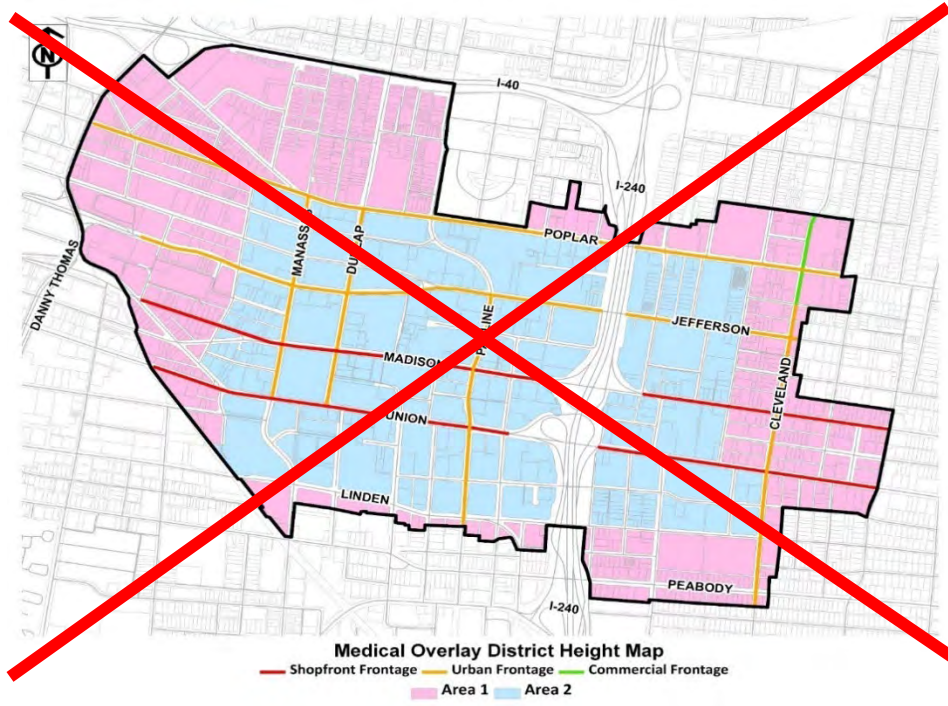
8.2.5B Medical Overlay District Frontage Map:



(NEW IMAGE)

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

8.2.6 Medical Overlay District Height Map:



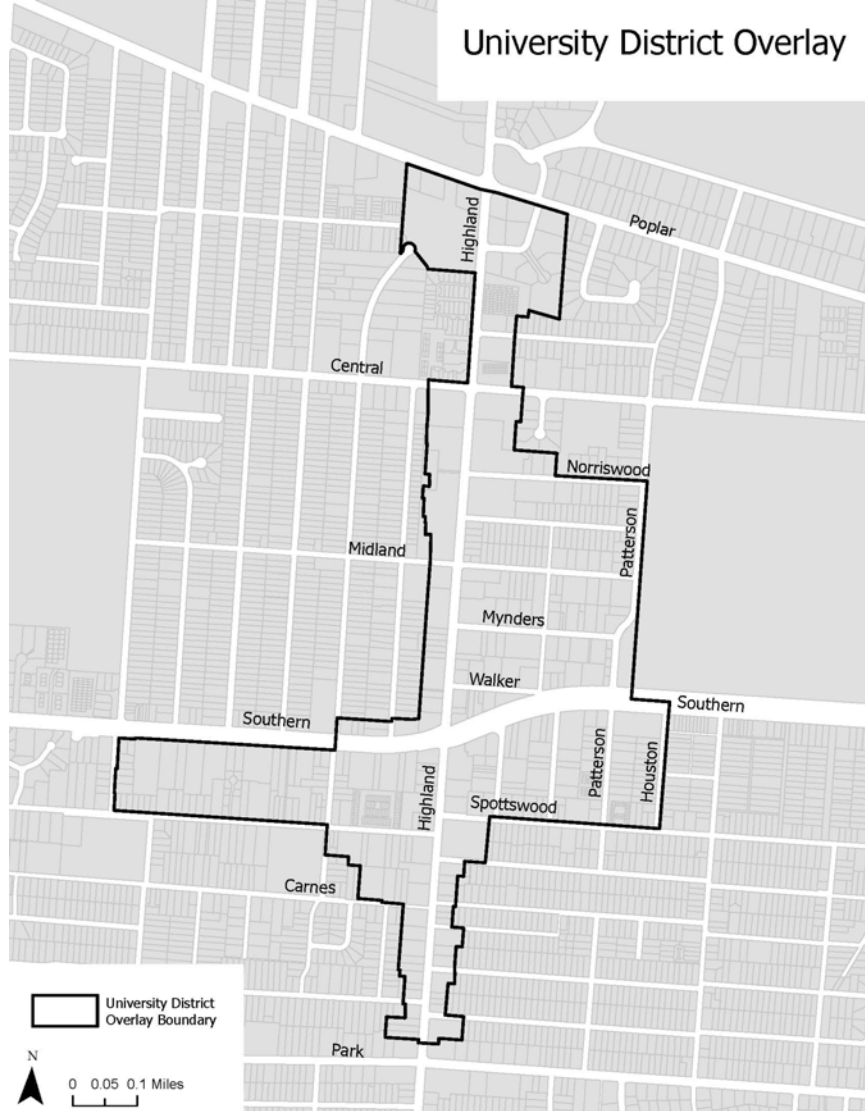
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8.3.6B University District Boundary Map:

University District Overlay (UDO)

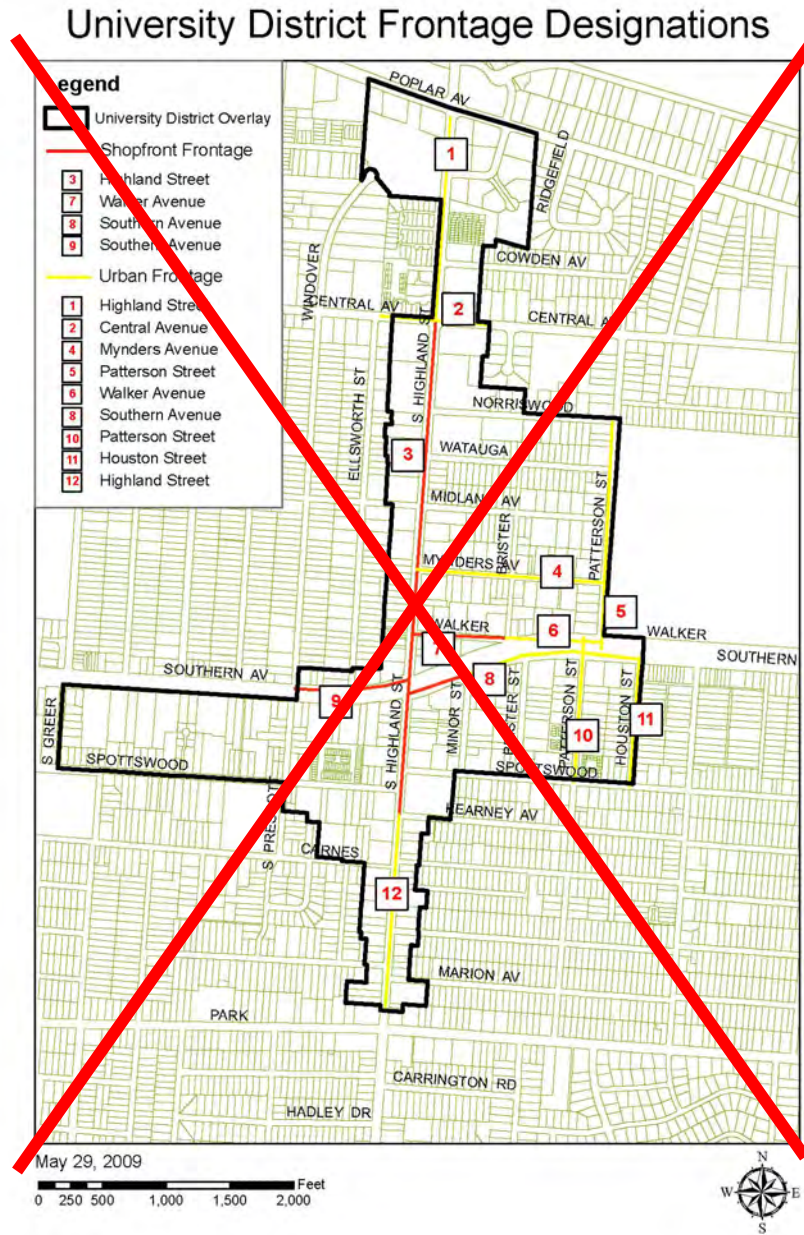


University District Overlay



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8.3.6C University District Frontage Map:



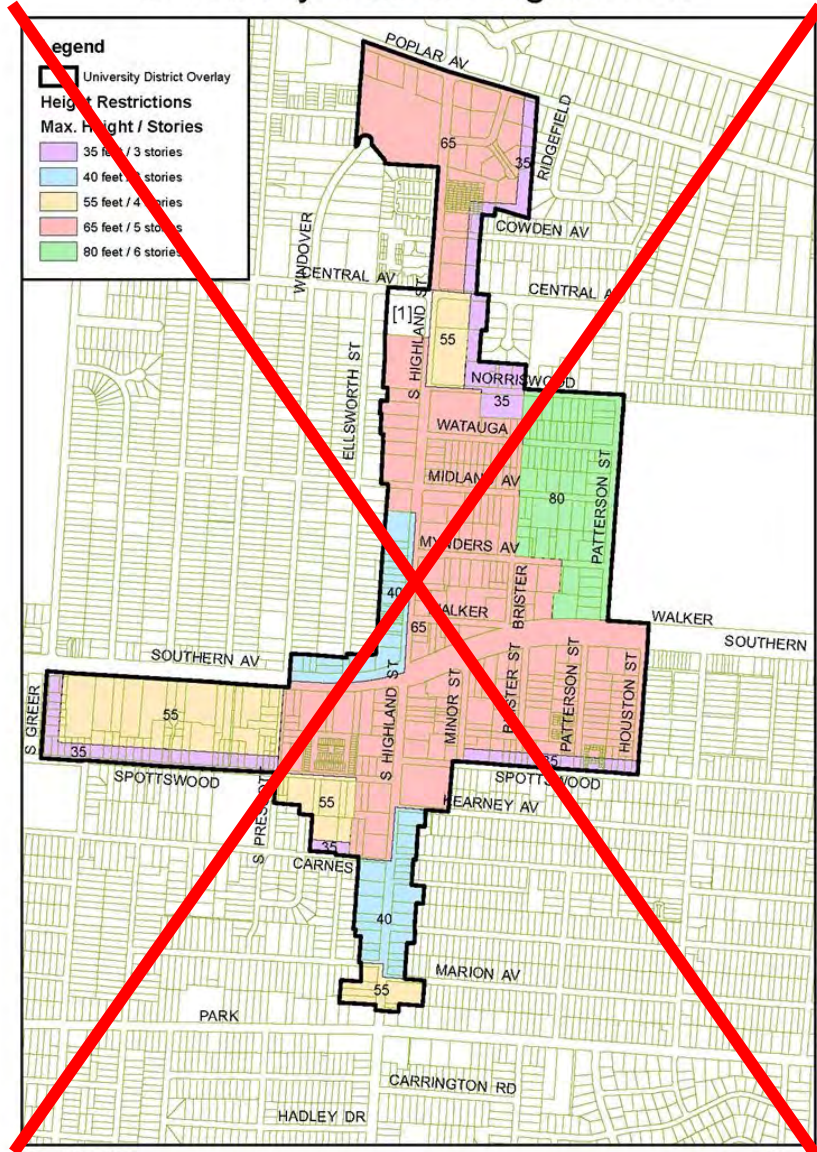
University District Overlay Frontage Map



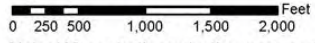
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8.3.7 University District Height Map:

University District Height Limits

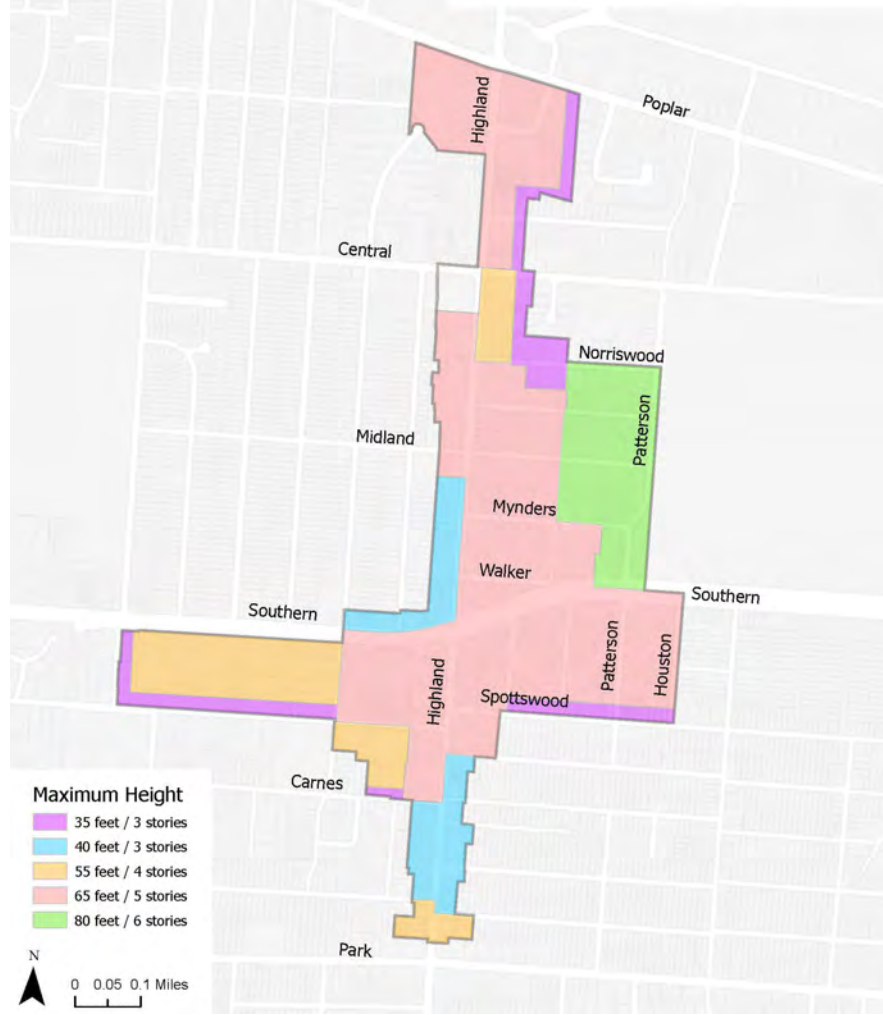


May 29, 2009



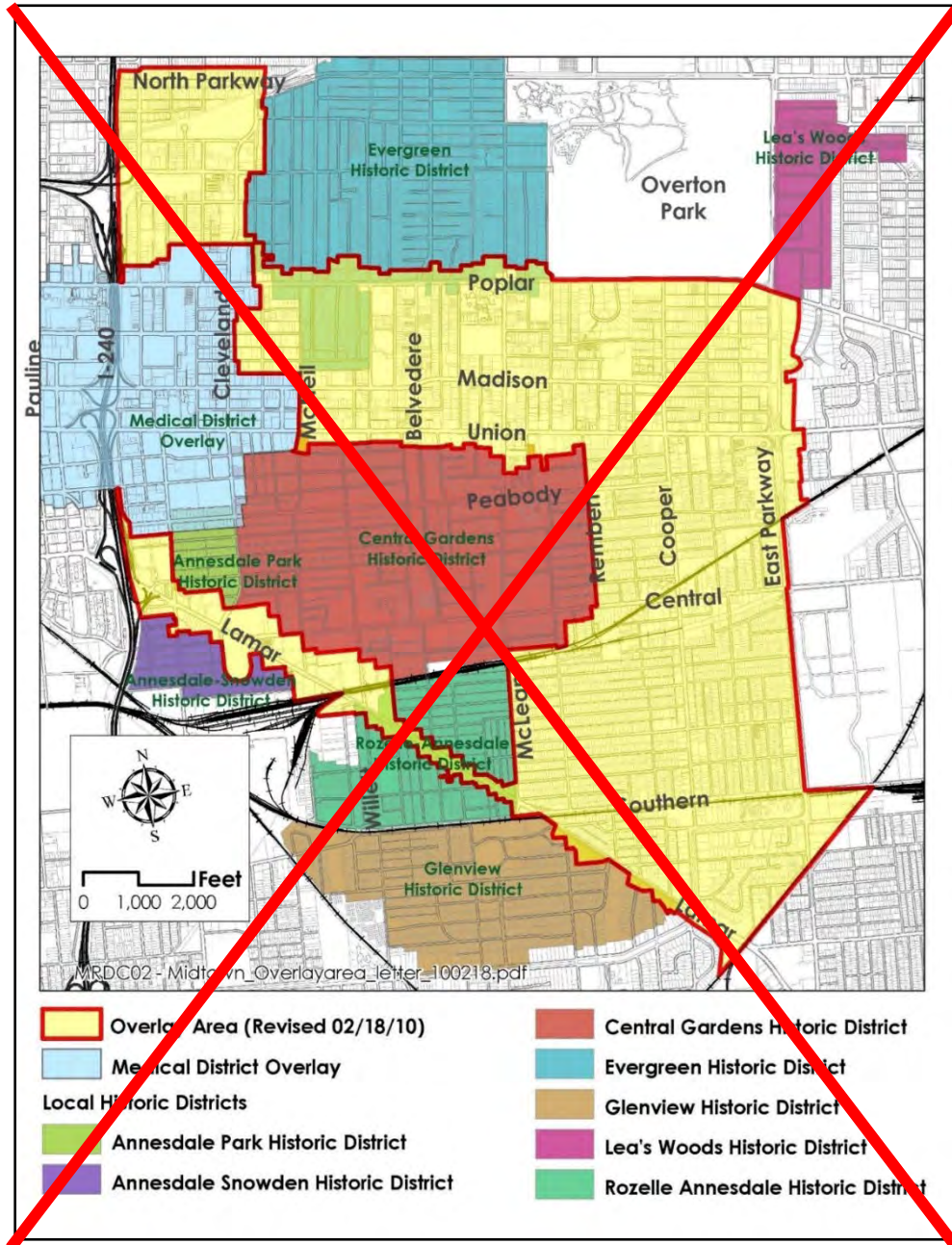
Note: Where both apply, the more restrictive of the Height Map or Bulk Plane regulations control. Refer to section 1.7.2 Bulk Plane.
 [1] Height governed by underlying zoning bulk regulations.

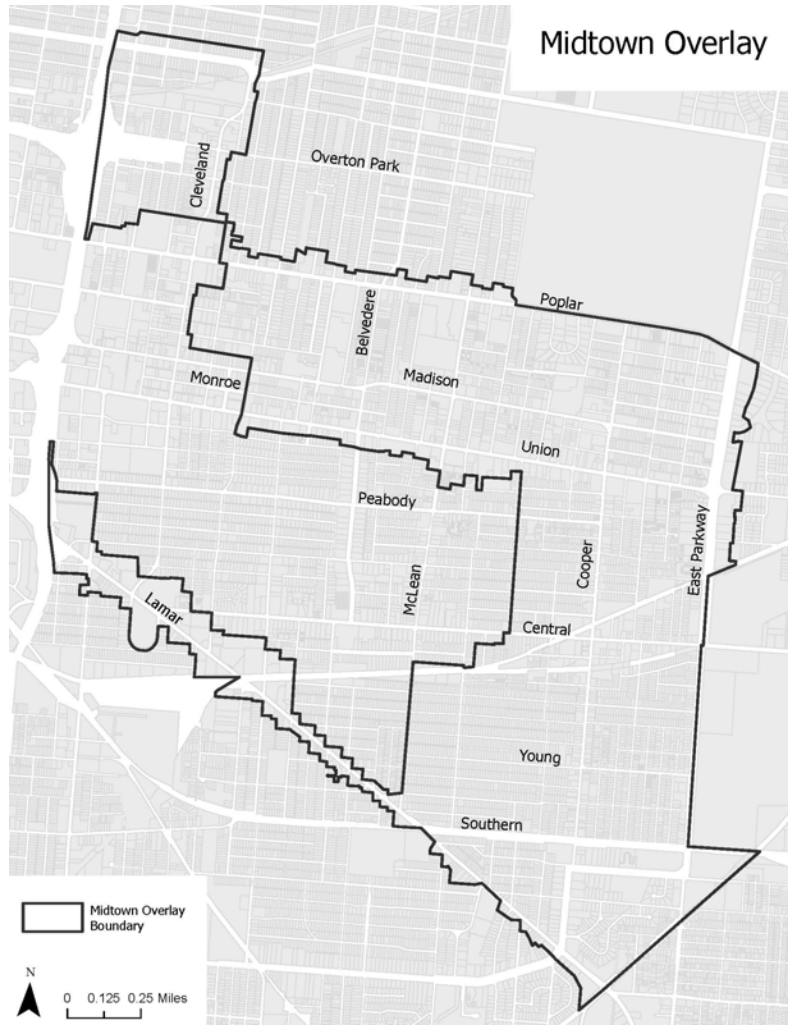
University District Overlay Height Map



(NEW IMAGE)

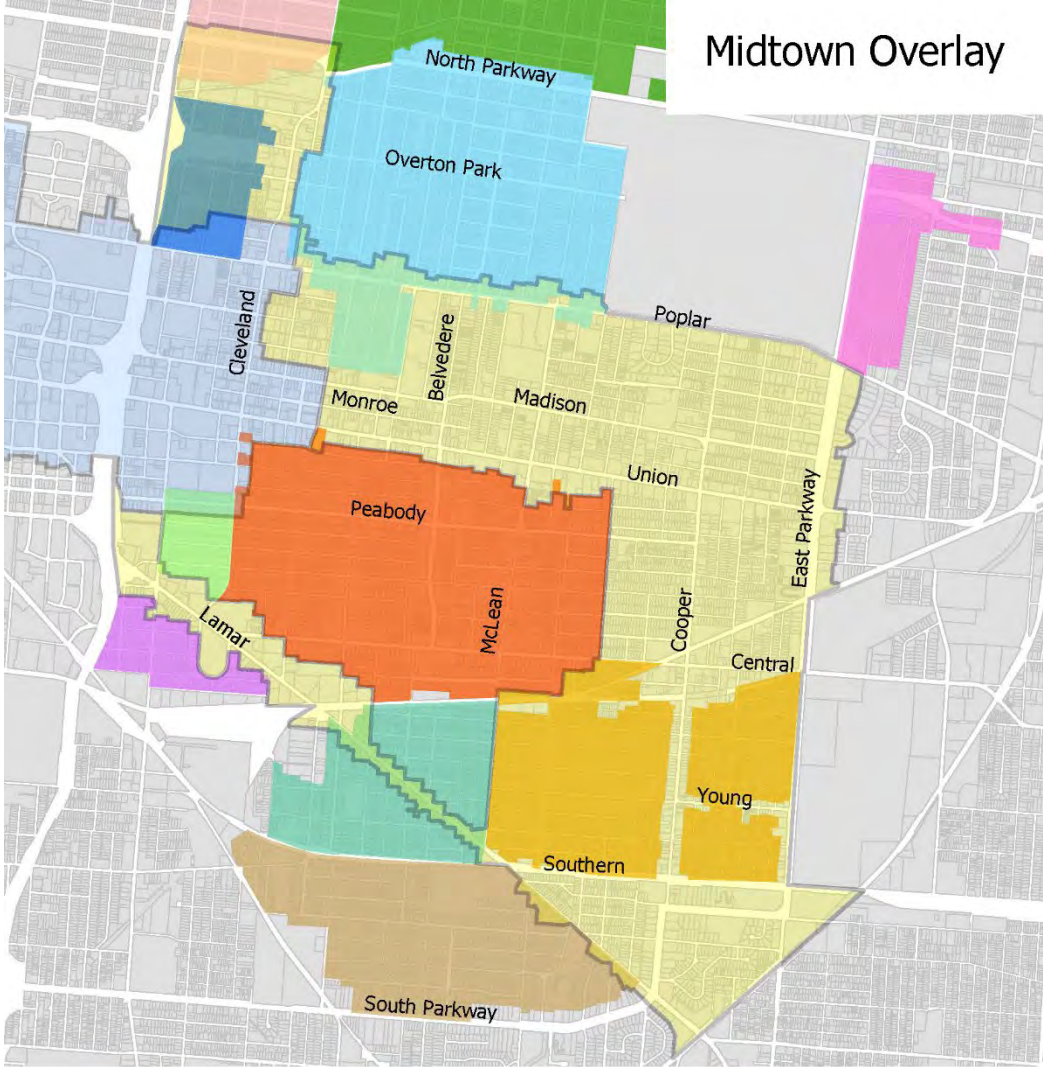
8.4.8A Midtown District Boundary Map


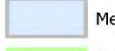
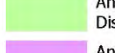






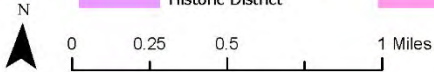


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Midtown Overlay



- | | | |
|---|---|---|
|  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 |



(NEW IMAGE)

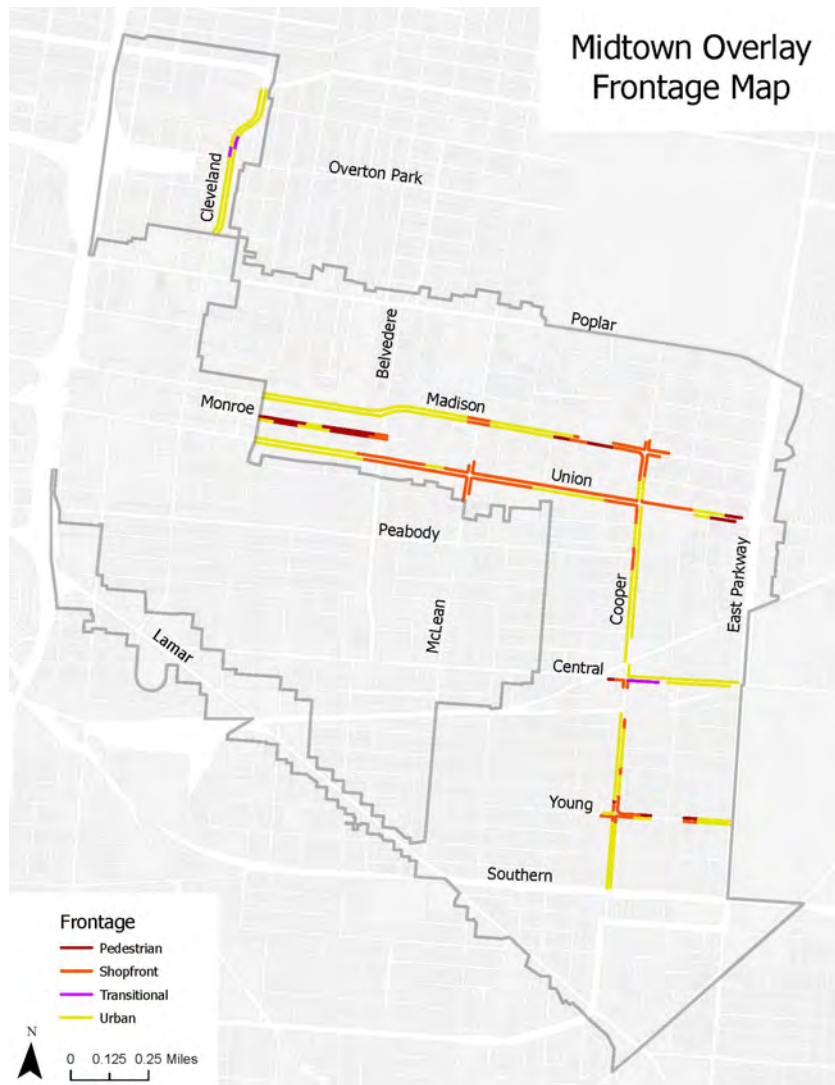
8.4.8B Midtown District Frontage Map:



Midtown Plan -

Frontage Map

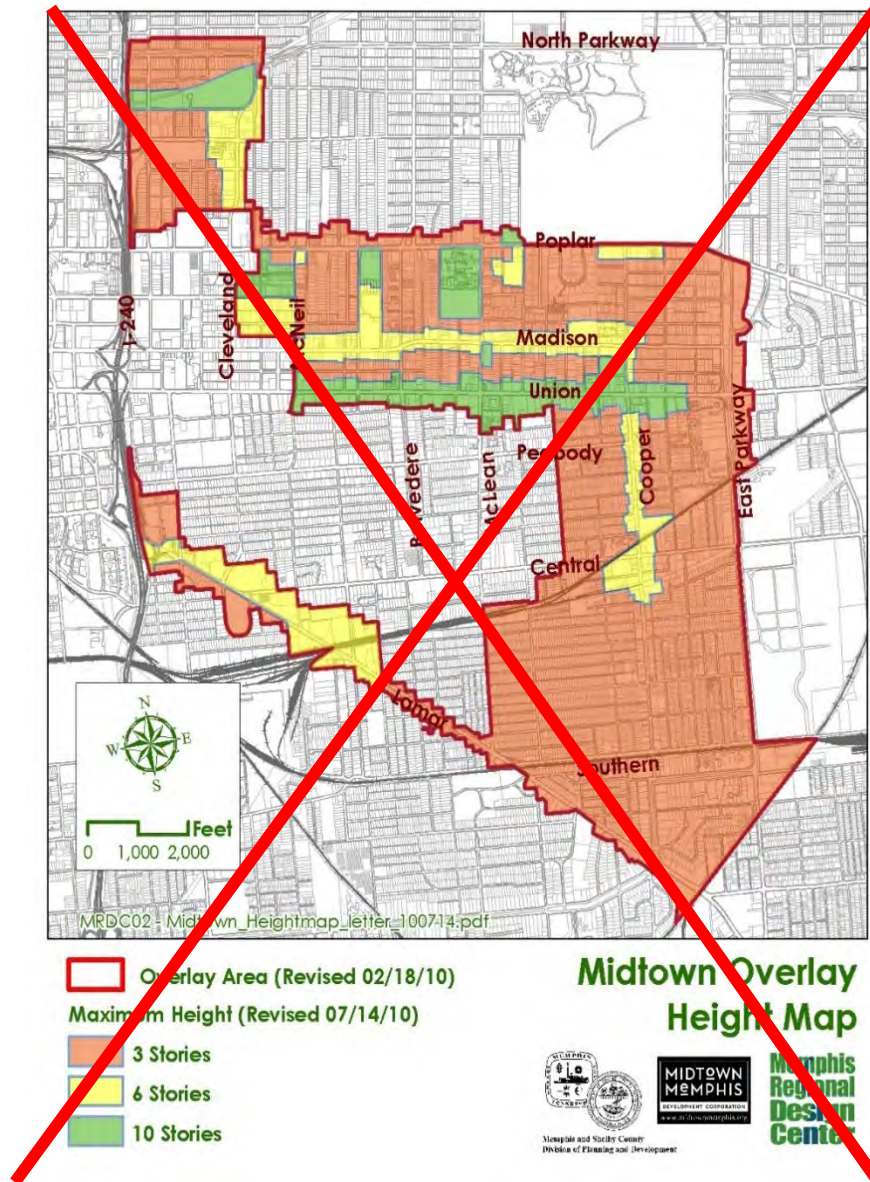
Midtown Overlay Frontage Map

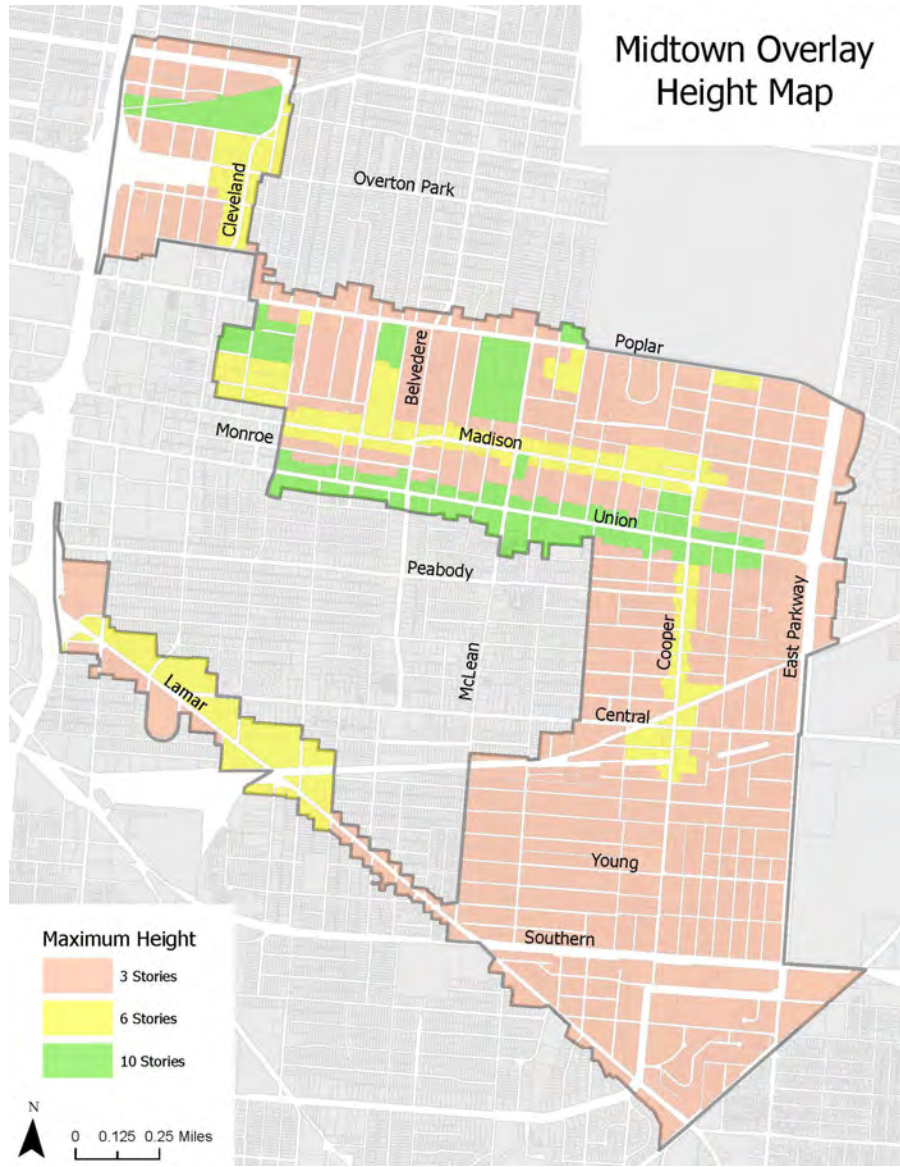


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Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





(NEW IMAGE)

8.13 Transit Overlay District

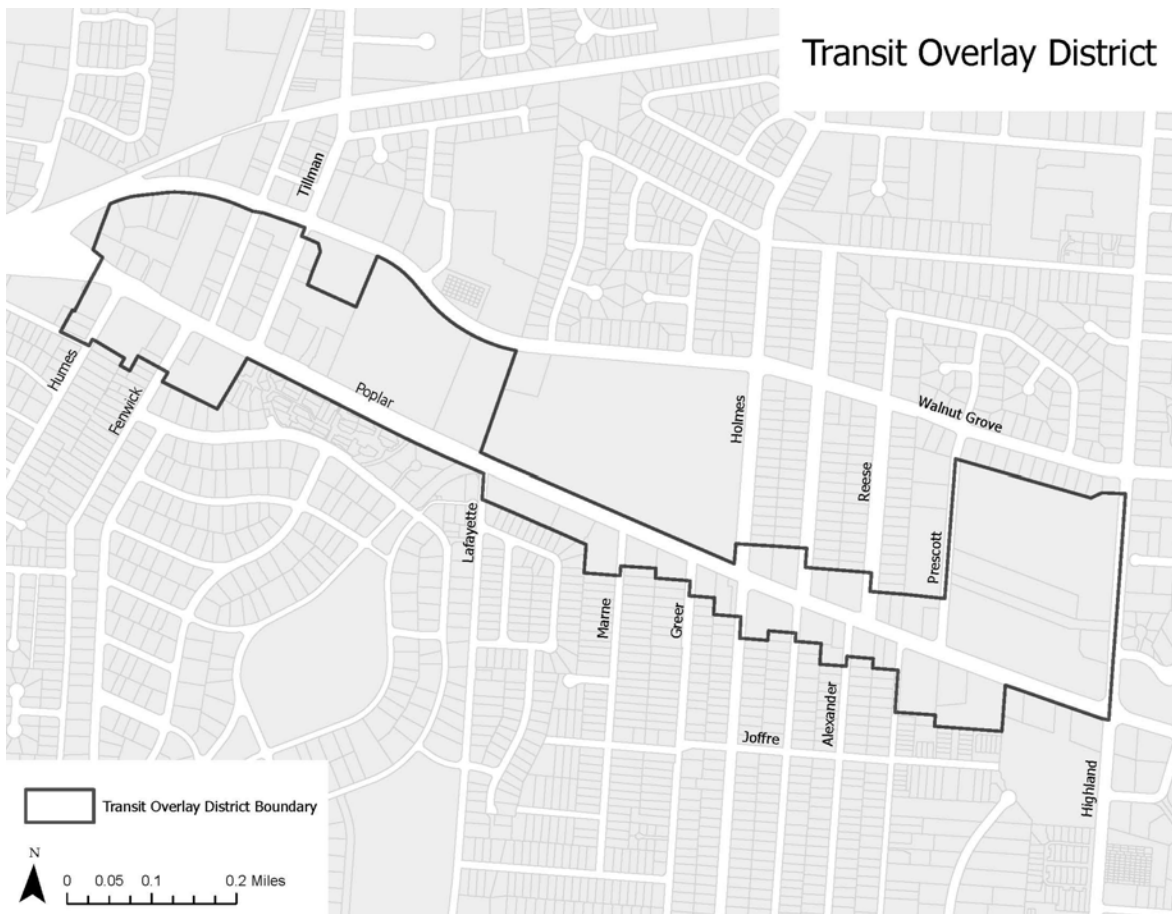
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

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

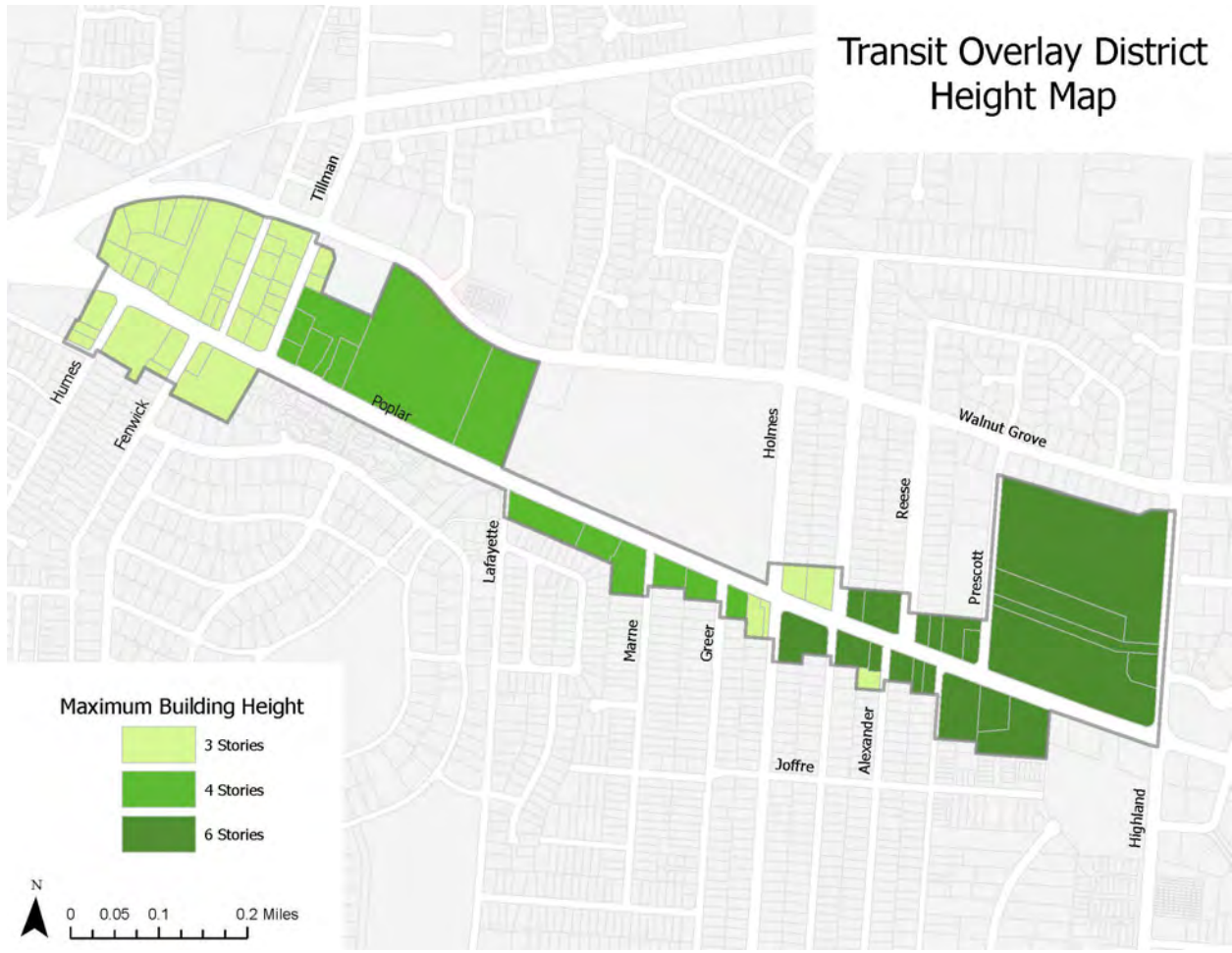
parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

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

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 Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, 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

<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 flourish extending to the right.

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:

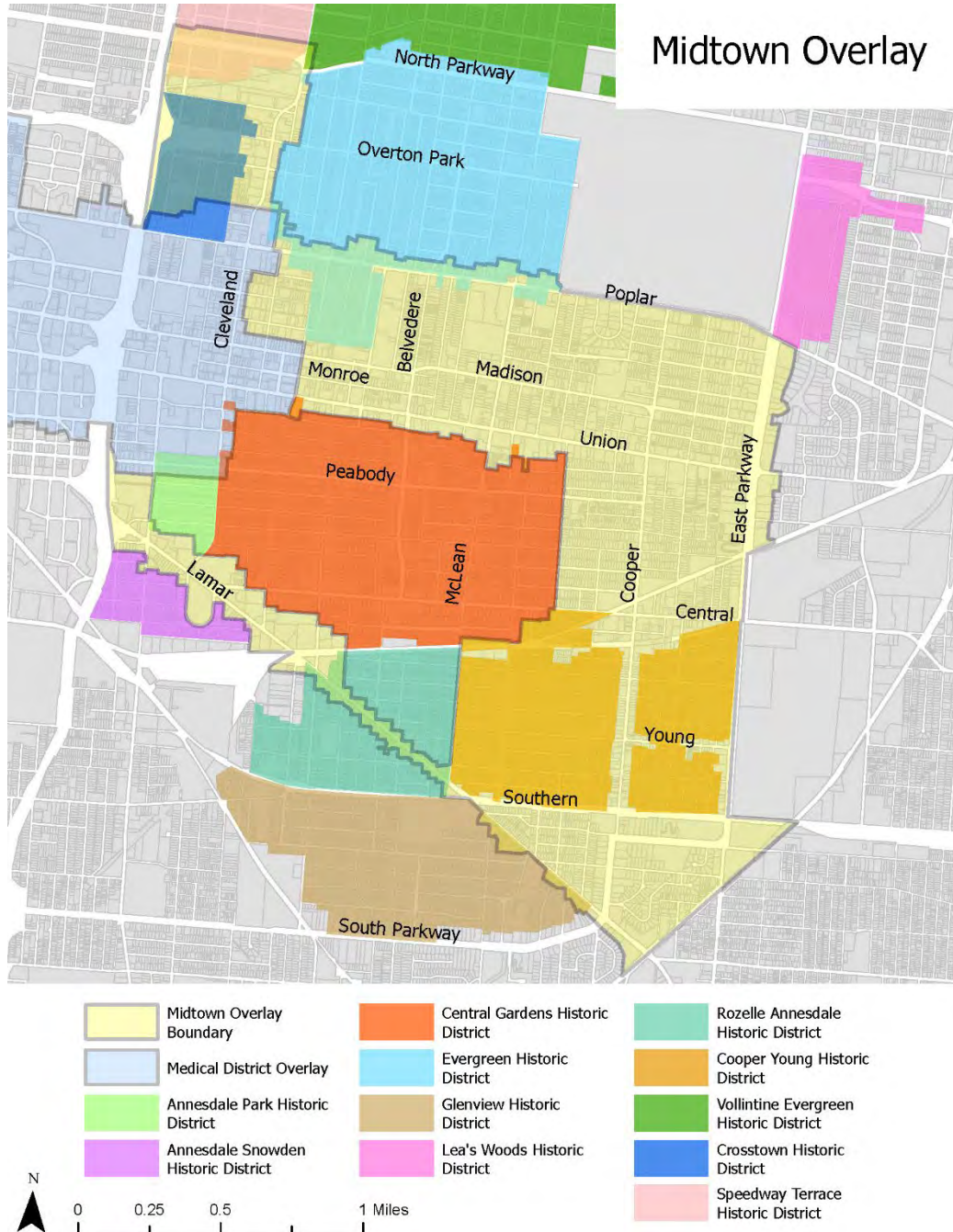
Adopt Annual List of Amendments to the Memphis and Shelby County Unified Development Code (the "UDC")

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~~

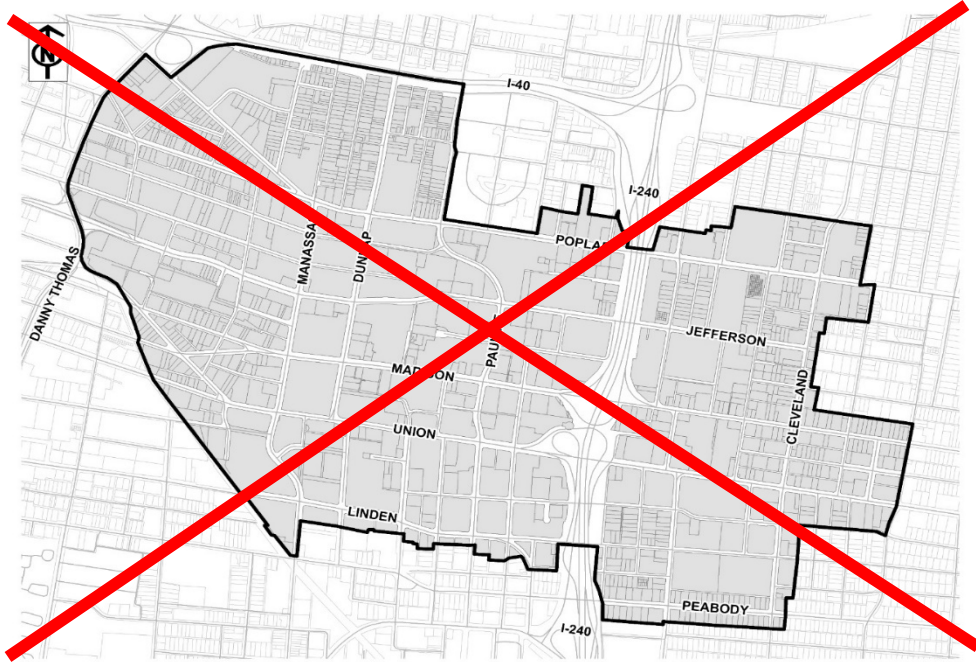
~~number of three additional parking spaces~~ **if the accessory dwelling unit reduces the existing parking below what is required by underlying zoning.** Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

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.

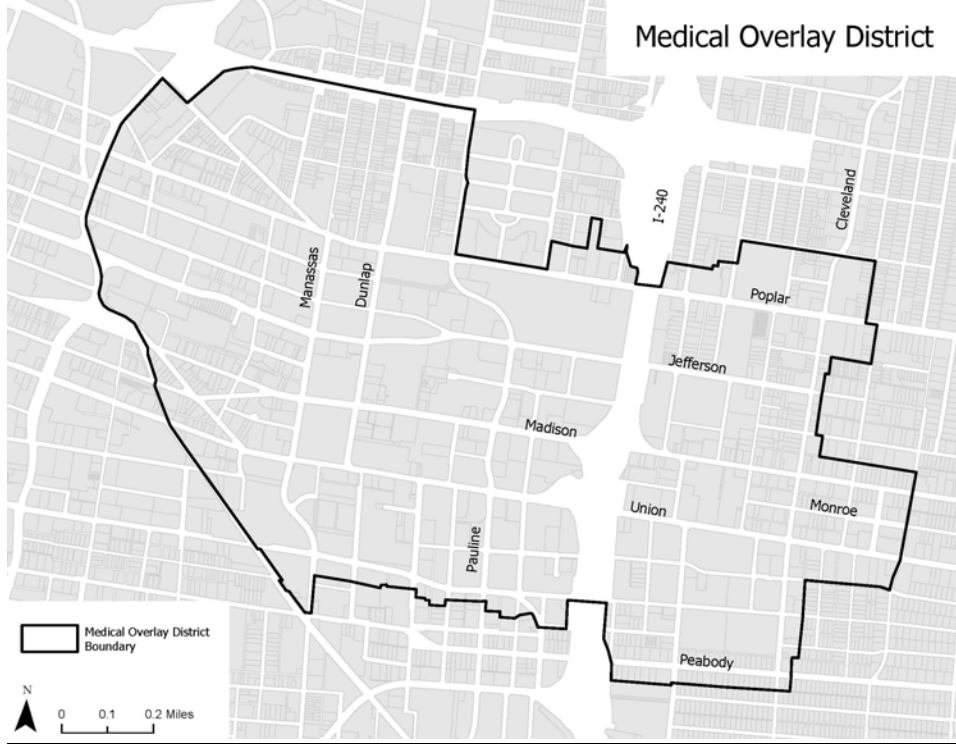
2. Transit Oriented Development Plan Recommendations

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:

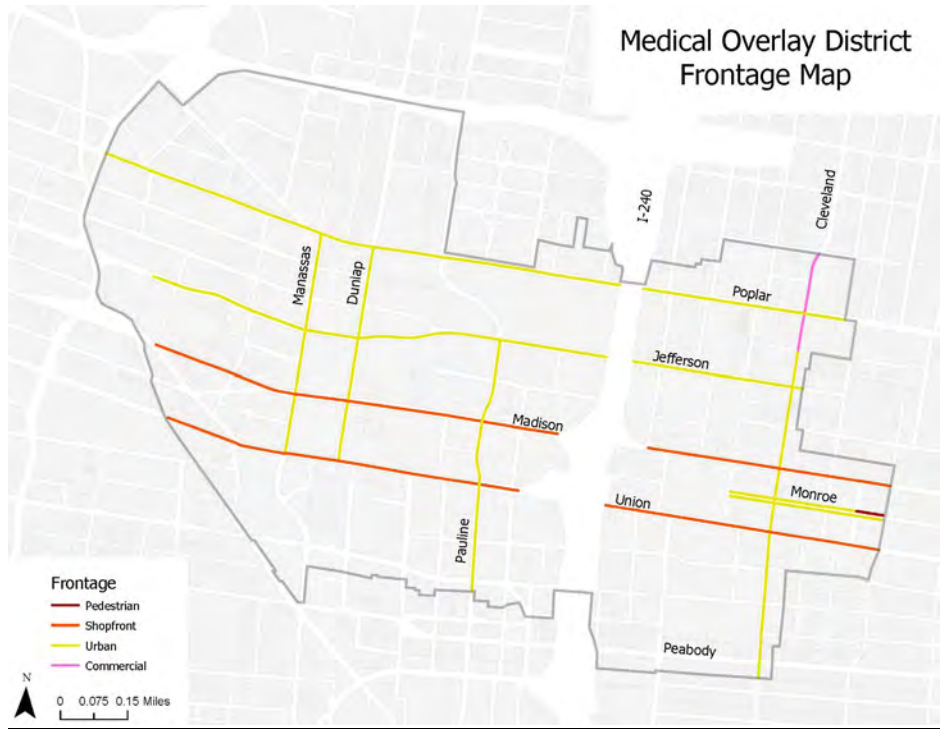
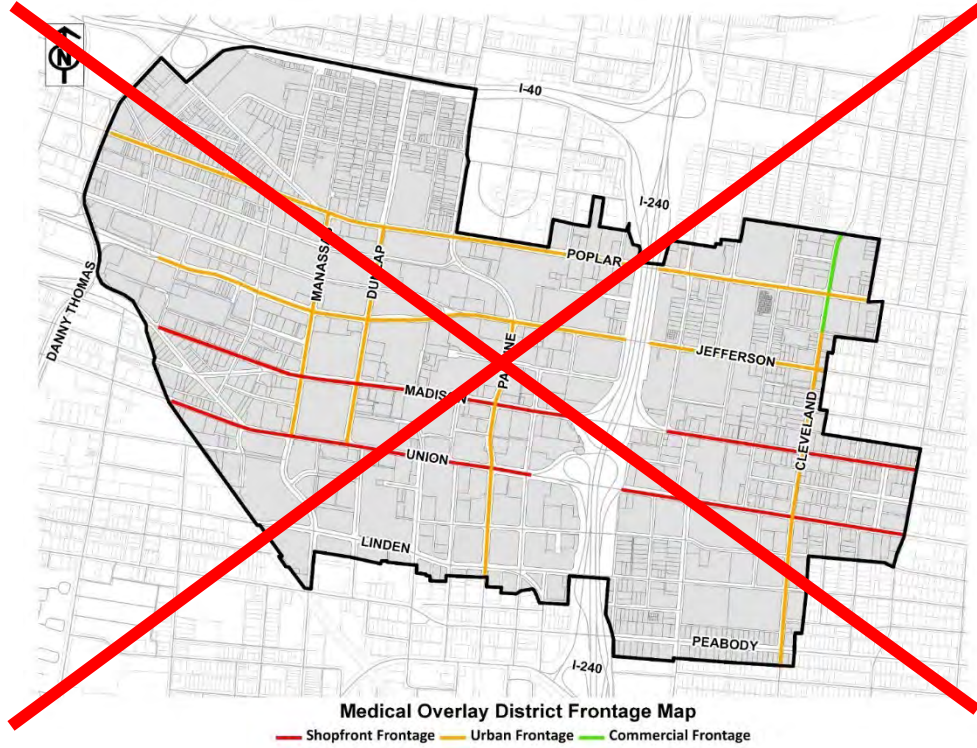


Medical Overlay District (-MO)



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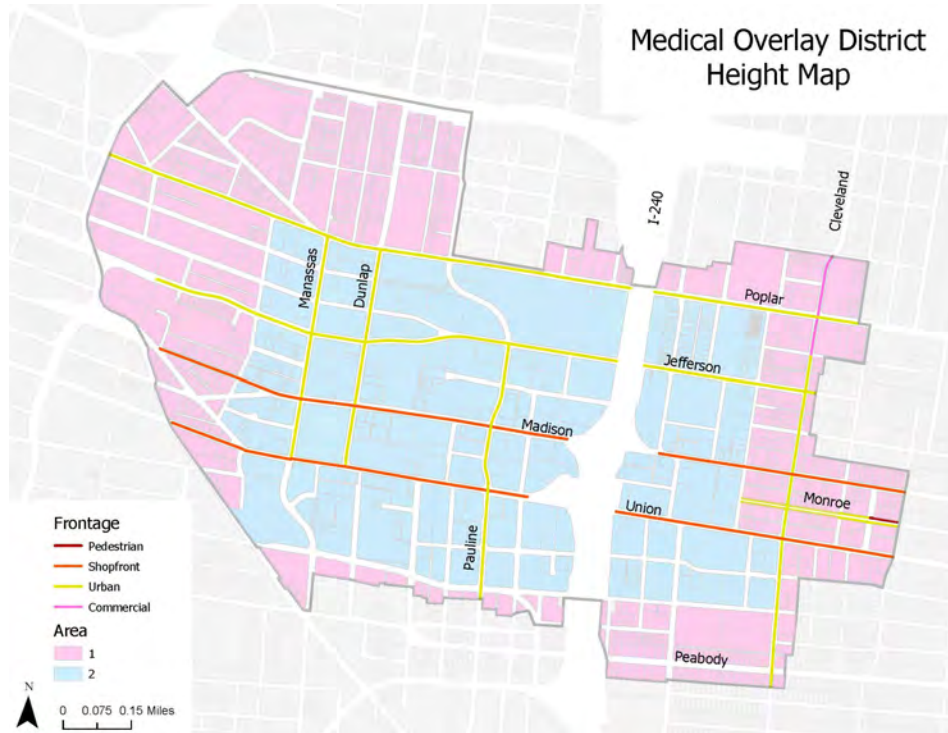
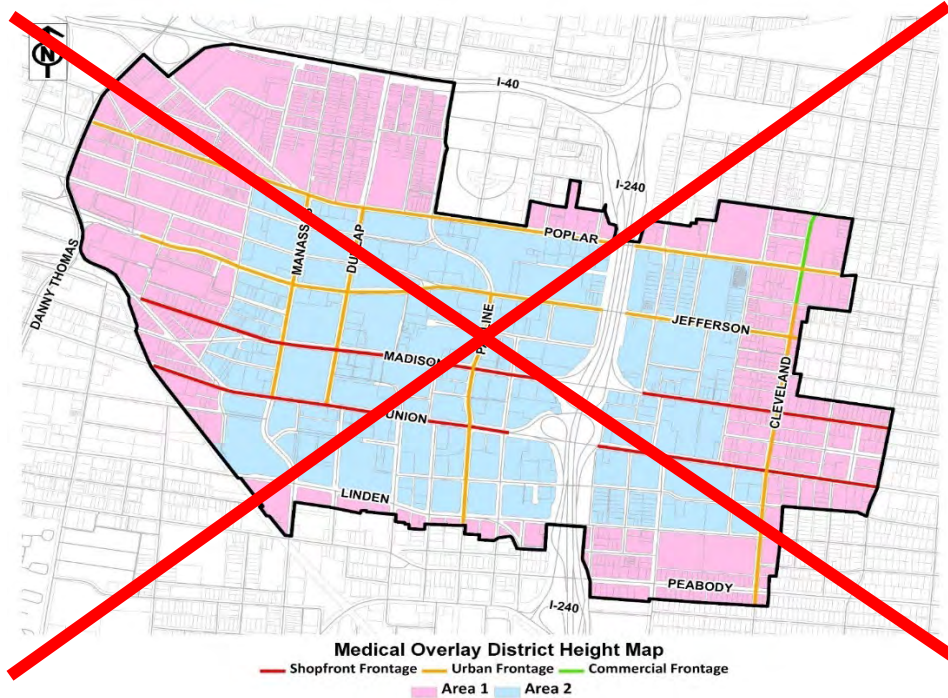
8.2.5B Medical Overlay District Frontage Map:



(NEW IMAGE)

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

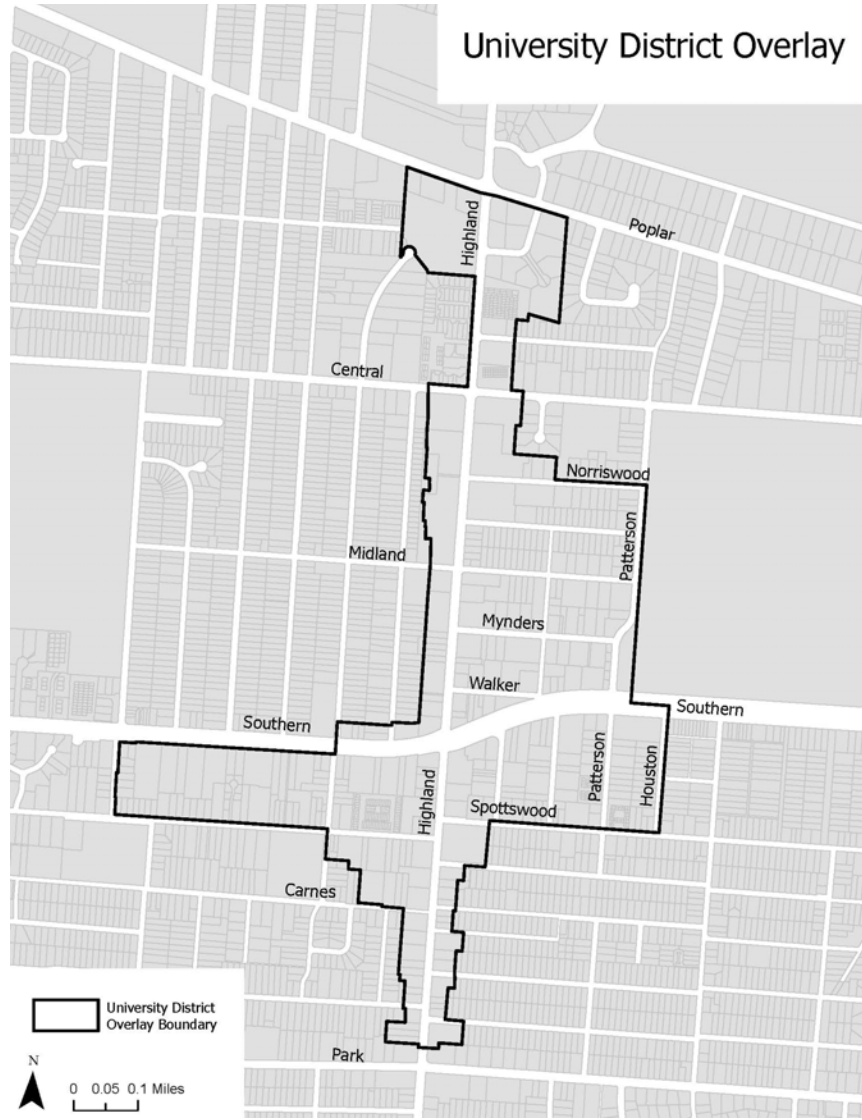
8.2.6 Medical Overlay District Height Map:



(NEW IMAGE)

8.3.6B University District Boundary Map:





(NEW IMAGE)

8.3.6C University District Frontage Map:

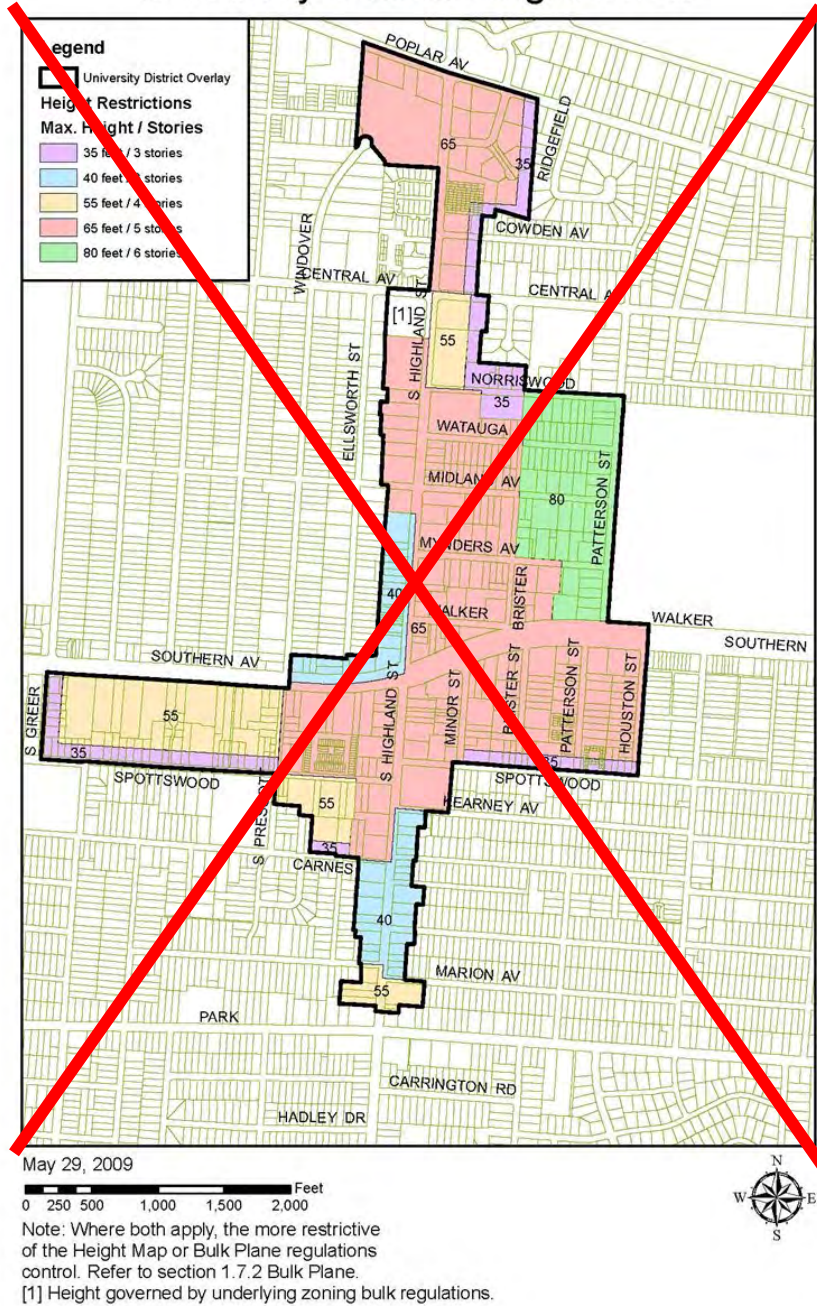


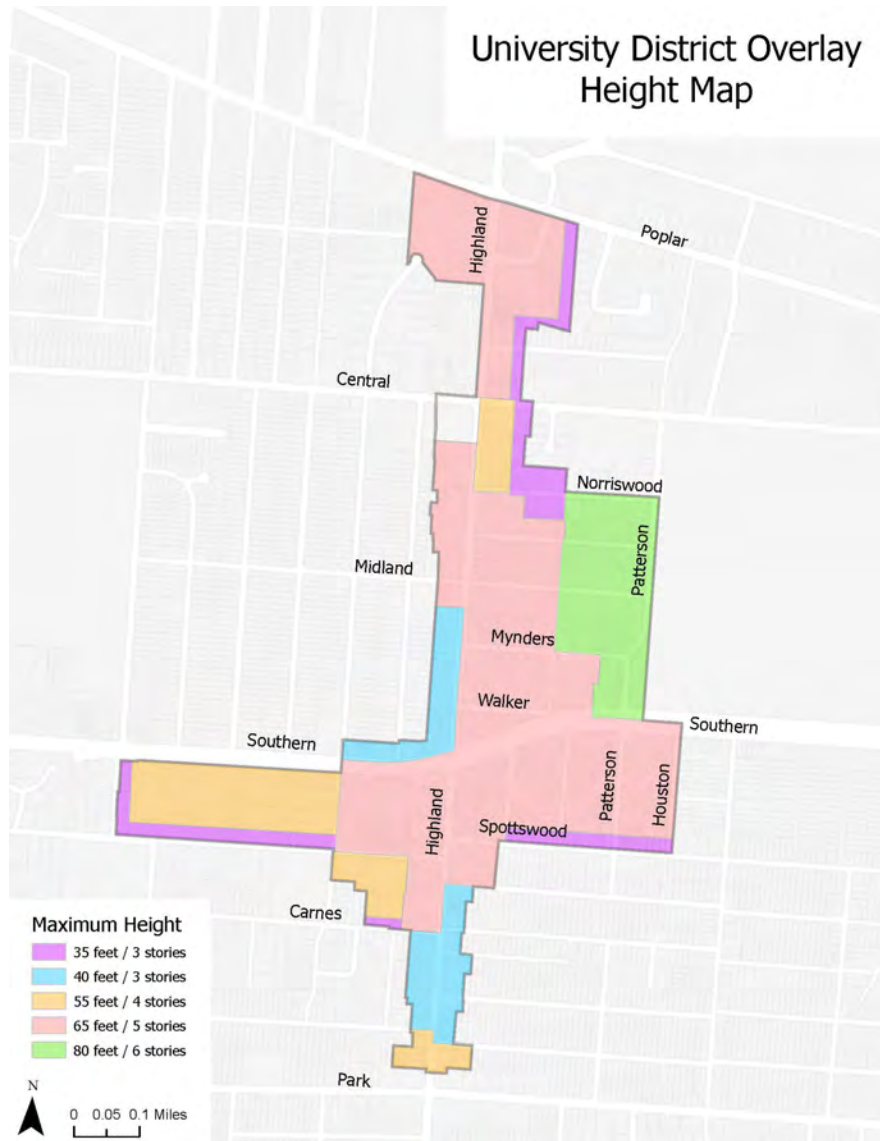


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8.3.7 University District Height Map:

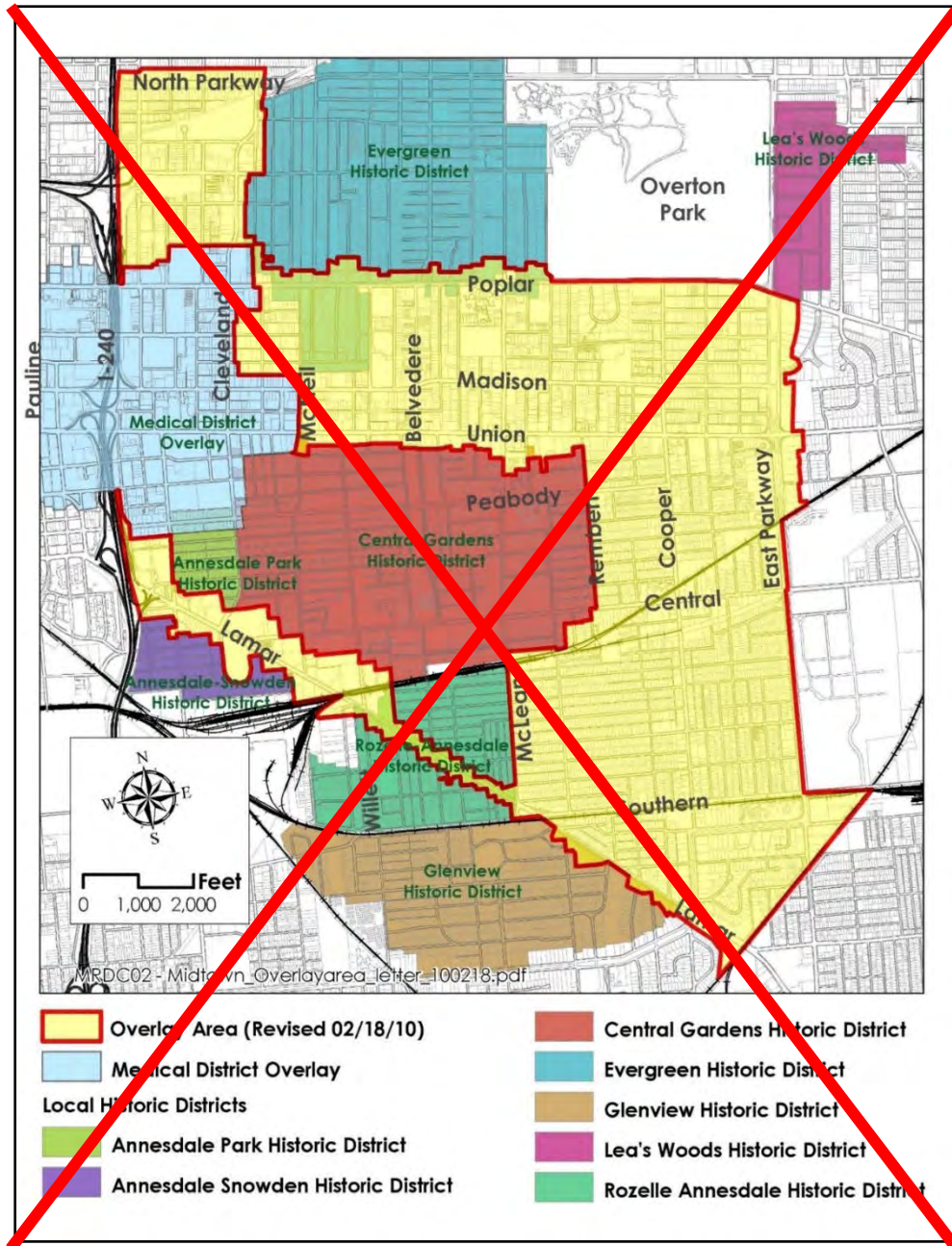
University District Height Limits

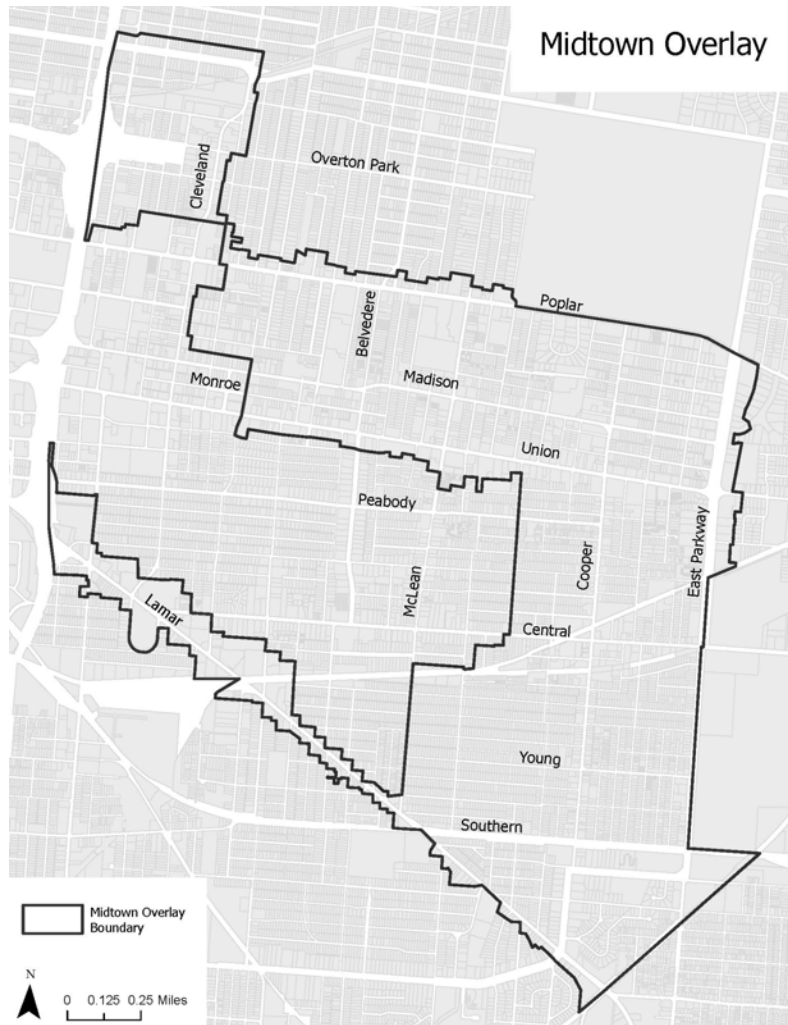




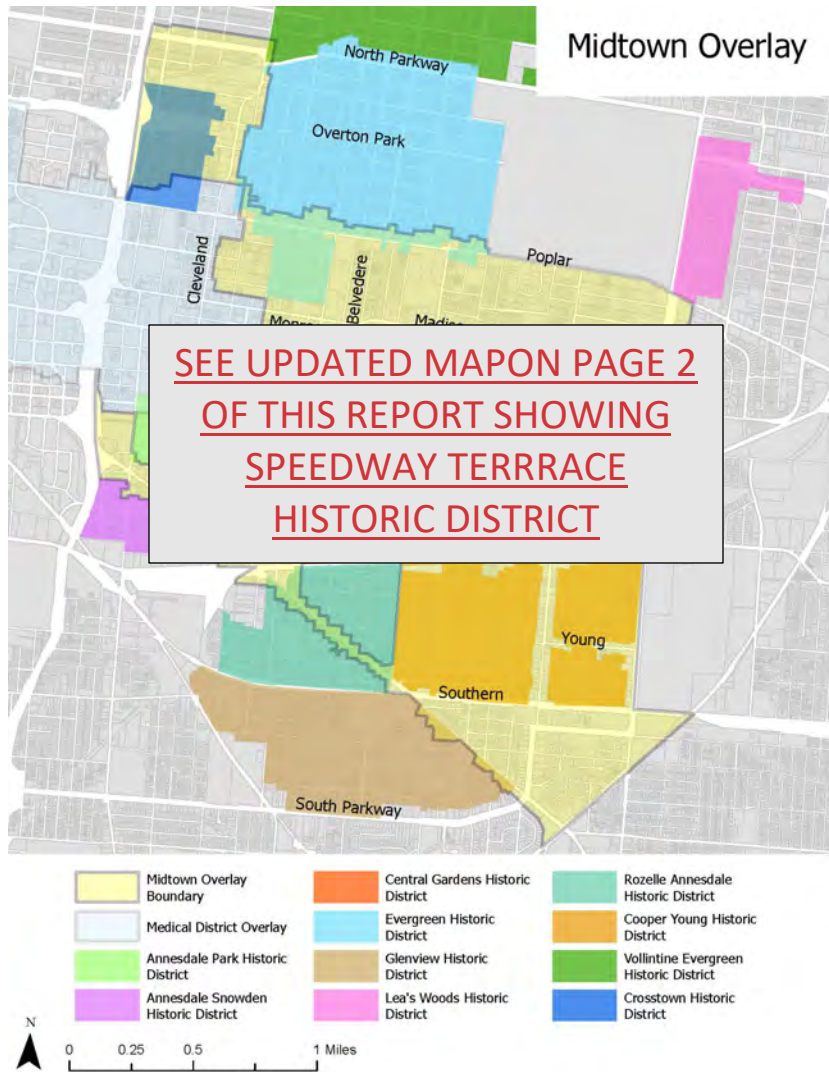
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8.4.8A Midtown District Boundary Map





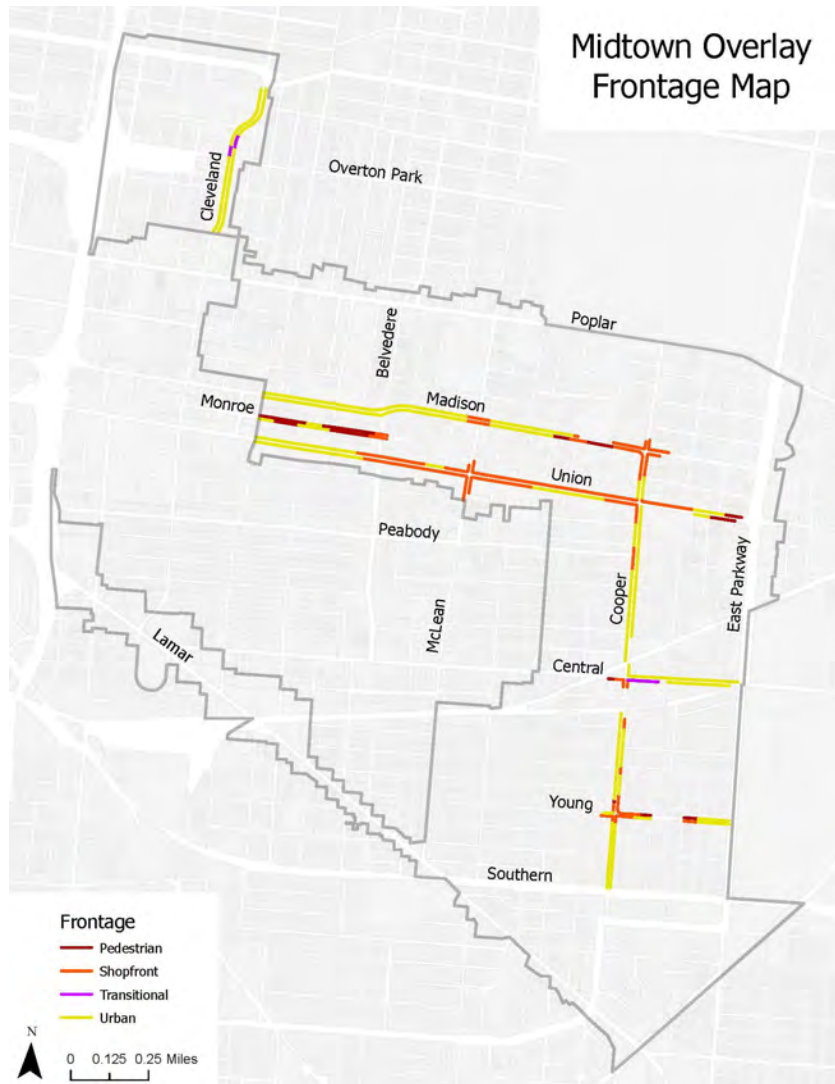
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8.4.8B Midtown District Frontage Map:

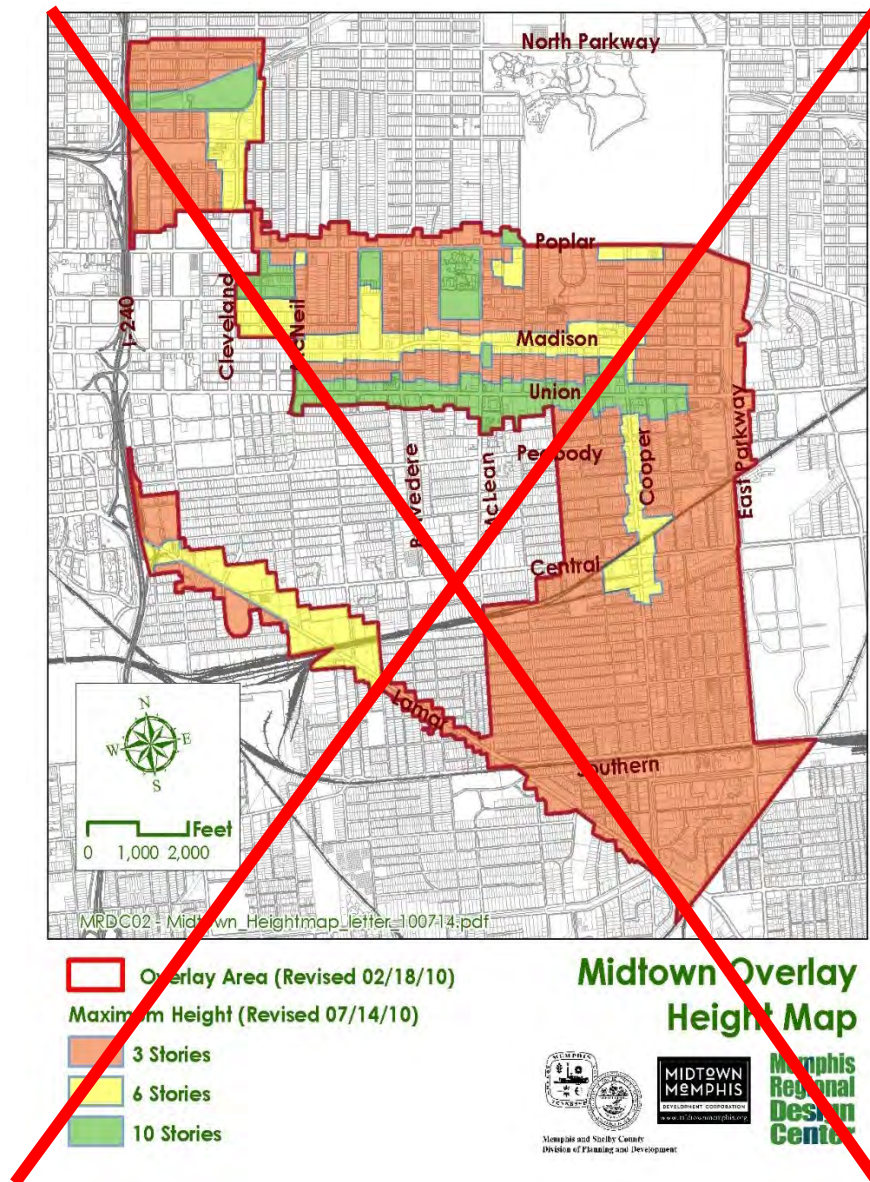


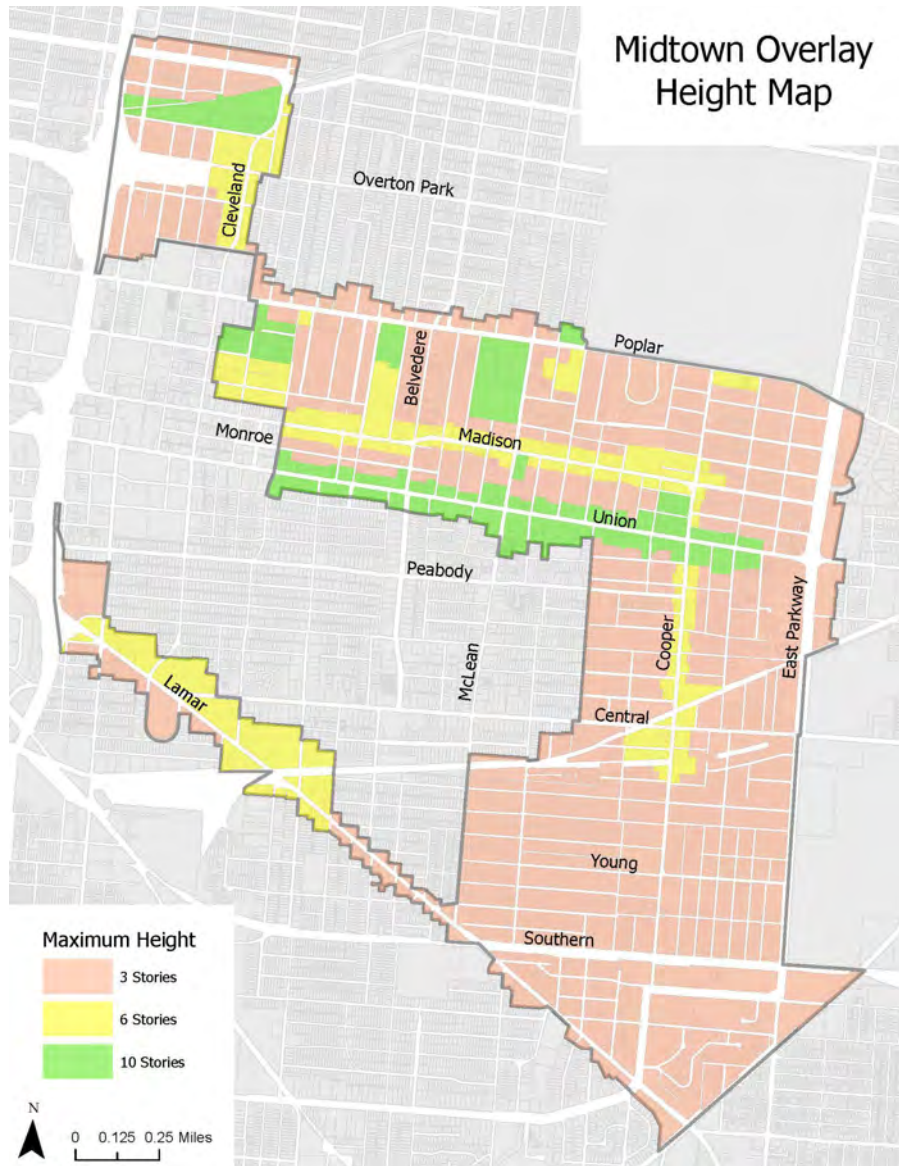


(NEW IMAGE)

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

8.4.9 Height Standards





(NEW IMAGE)

8.13 Transit Overlay District

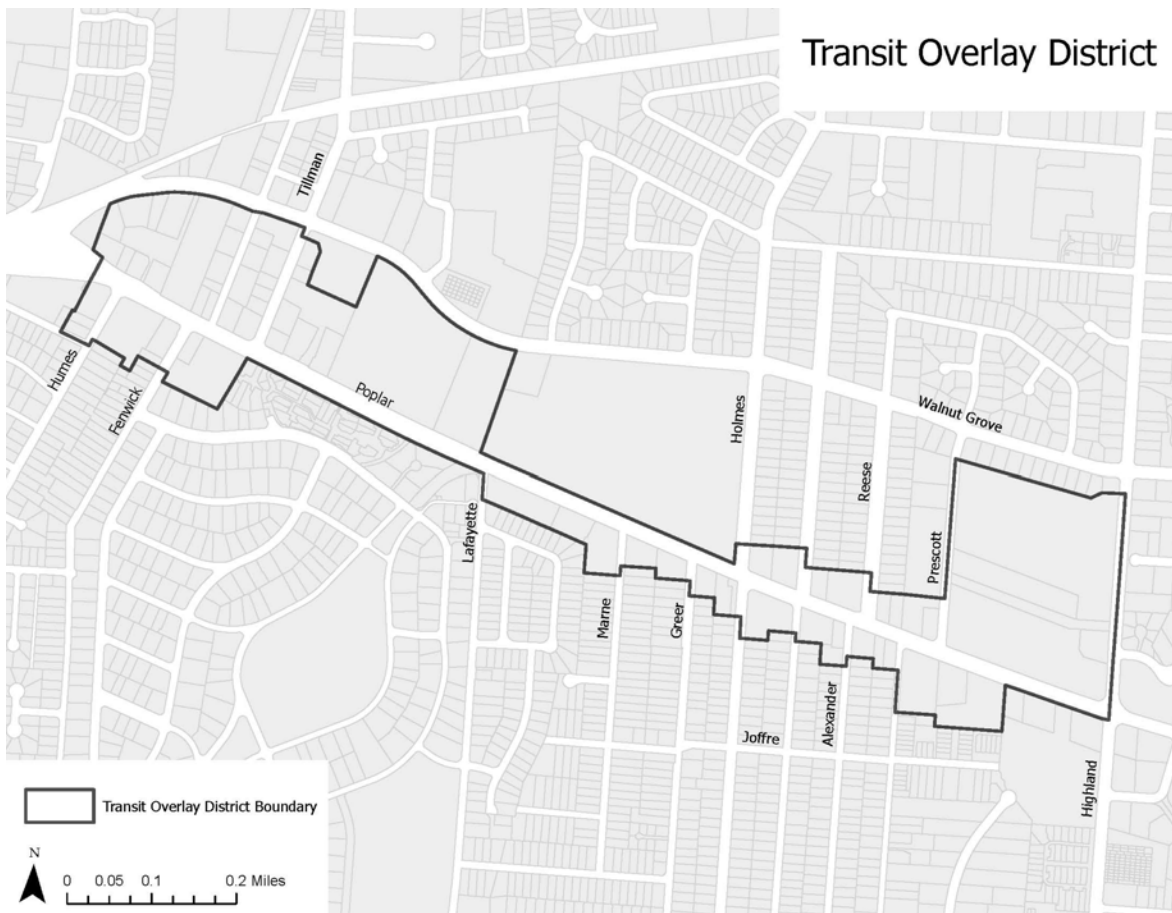
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

Article 2. Purpose

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

Article 3. Boundaries

Boundaries of the Transit Overlay District(s):



(NEW IMAGE)

Article 4. Applicability

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

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

Article 5. Administration

A. Site Plan Approval

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

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

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

B. Administrative Deviations

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

C. Special Exceptions

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

Article 6. Uses

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

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

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

Article 7. Building Envelope Standards

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

Article 8. General Development Standards

A. Applicability

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

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

B. Parking

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

C. Signage

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

2. Plastic signage shall be prohibited.

- 3. Text on signs shall be limited to the name of the establishment only.**
- 4. Pole signs and similar sign types shall be prohibited.**
- 5. Where Chapter 4.9 and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.**

D. Multi-modal Connectivity

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

1. Pedestrian Connectivity

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

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

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

2. Bicycle Parking

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

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

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

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

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

c. An unobstructed path shall be maintained between the

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

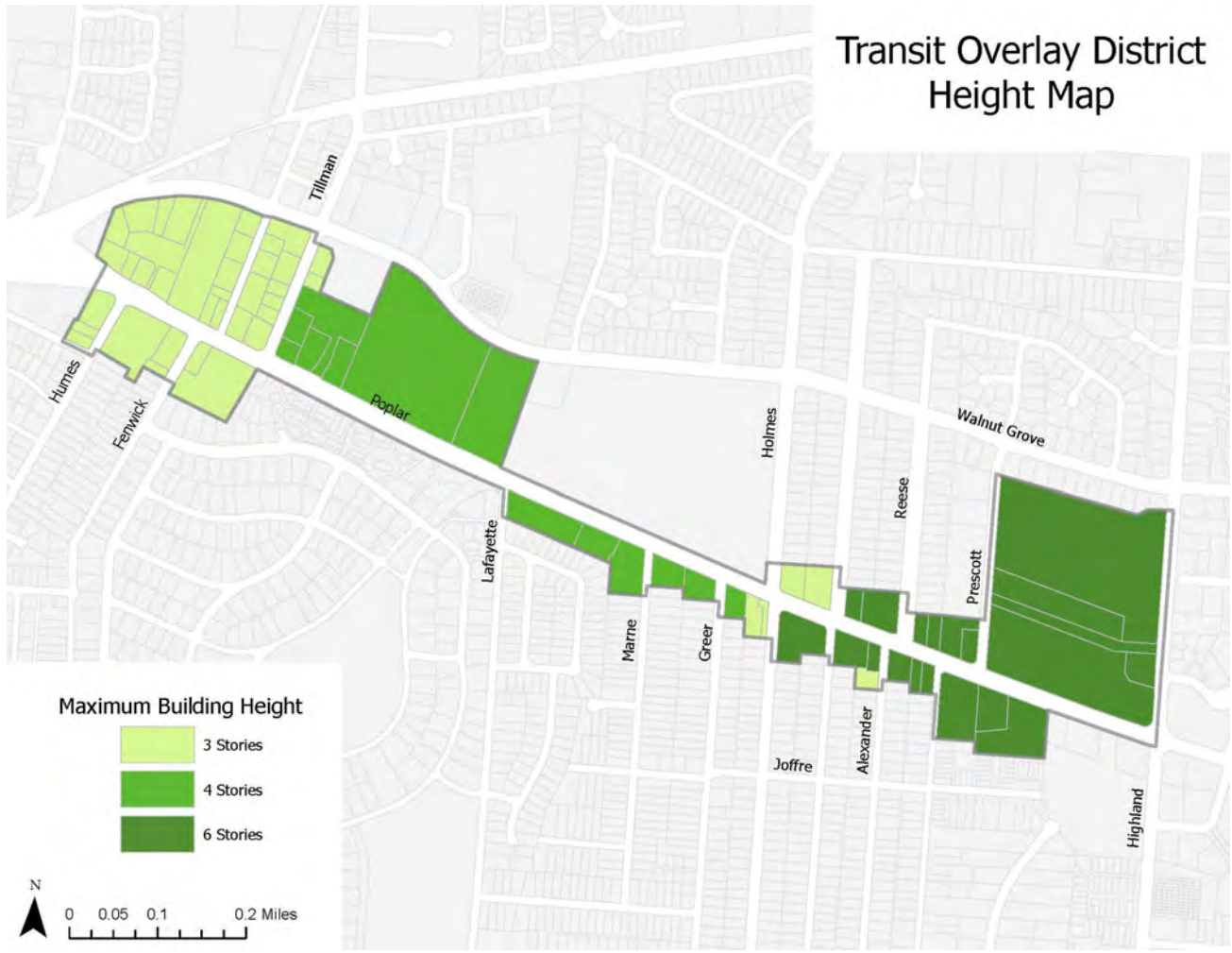
d. Limited-access bicycle parking within a parking lot or parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

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

E. Streetscape Standards

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

Article 9. Height Standards



(NEW IMAGE)

3. 1.9D: Language change

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

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

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

2.2.3C:

C. Mixed Use (MU)

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

D. Commercial Mixed Use (CMU-)

5. 2.3.2: Single-Family Districts

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

6. 2.4.2: Zoning Map

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

2.4.2: Omitted Land

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

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

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

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

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

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

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

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

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

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

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

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

10. 2.6.3S: Inconsistency

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

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

11. 2.6.3U: Truck Stop and Tractor-Trailer

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

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

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

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

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

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

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

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

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

14. 2.9.2A: Household Living

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

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

15. 2.9.4F: Commercial Parking

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

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

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

16. 2.9.4H: Retail Sales and Service

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

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

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

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

18. 3.9.1C: Garage and Carport Placement

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

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

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

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

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

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

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

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

20. 4.4.7A: Clear Sight Triangle

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

ONE APPROACHING TRAFFIC LANE ON THROUGH STREET

<i>Type of Sign Controlling Intersection</i>	Posted Speed of Through Street	Length of Side in Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 30 MPH Unposted or 20-25 MPH	13'	175'	14'	105'
	35 MPH	14'	200'	14'	130'
	40± MPH	14'	250'	14'	160'
		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](#)

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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).

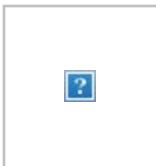
What I have in mind would have as a starting point houses like Dwayne Jones has been doing in Orange Mound (but with attached garages), or like Malone Park Commons (but with ramps, or slab construction, no entry-way stairs).

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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Porsche Stevens

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info@midtownmemphis.org

MidtownMemphis.org

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

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

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

Thank you,

Porsche Stevens

Porsche Stevens
Chairperson



Robert Gordon
P&D Committee Chair

CC:

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



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

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

November 7, 2022

Robert Gordon
P&D Committee Chair
MidtownMemphis.org

Mr. Gordon,

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

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

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

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

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

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

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

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

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

Sincerely,

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

John Zeanah

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

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

Dear Brett Ragsdale & LUCB members,

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

Following are some observations and concerns:

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

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

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

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

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

Respectfully,

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

Vaughan Dewar, PMP®

VaughanDewar@bellsouth.net

2368 Circle Ave, Memphis, TN 38112

901 692 7777



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

October 20, 2022

TO: Land Use Control Board

RE: Case Number ZTA 22-01

Land Use Control Board:

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

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

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

Respectfully,

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

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



October 19, 2022

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

RE: ZTA 22-01

Administrator Ragsdale:

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

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

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

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

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

Regards:

John D. Jones

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

CC: Jeremy Williams, President

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



LUCB:

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

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

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

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

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

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

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

EXECUTIVE COMMITTEE

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Mark Fleischer

Andy Kitsinger

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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



RESOLUTION accepting public improvements for
Morning Woods PD, Phase 2 Parcel 1 (PD-99-330 [CR-5312]
and authorizes **release of Bond**

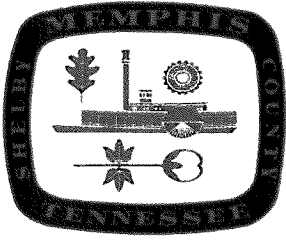
WHEREAS, **Lightman Sixty-Four Co.**, is the Developer of certain property within the present limits of the City of Memphis, as reflected on the final plat entitled **Morning Woods PD, Phase 2 Parcel 1 (PD-99-330 [CR-5312]**, and located on the south side of US Highway 64 approximately 550 linear feet east of the Morning Sun and Highway 64 intersection in Memphis, Tennessee

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Morning Woods PD, Phase 2 Parcel 1 (PD-99-330 [CR-5312]** and the completion of the public improvements therein, are and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Cash Bond** in the amount of **\$122,200.00** held as security for the Standard Improvement Contract, is **hereby ordered released**.



A Resolution to accept grant funds in the amount of Thirty- Five Thousand Dollars (\$35,000.00) from the Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security.

WHEREAS, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Thirty-Five Thousand Dollars (\$35,000.00) from the Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security for the FY2023 Bicycle and Pedestrian Enforcement and Education Grant; and

WHEREAS, this award will provide for funding personnel salaries; and

WHEREAS, it is necessary to accept the grant funding and amend FY2023 Operating Budget to establish funds for the FY2023 Tennessee Highway Safety Office (THSO) grant project – Bicycle and Pedestrian Enforcement and Education Grant; and

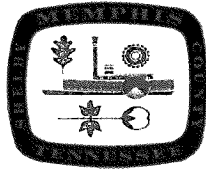
WHEREAS, it is necessary to appropriate the FY2023 grant funds in the amount of Thirty-Five Thousand Dollars (\$35,000.00) for the FY2023 Tennessee Highway Safety Office (THSO) grant project – Bicycle and Pedestrian Enforcement and Education Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY2023 Tennessee Highway Safety Office (THSO) grant project- Bicycle and Pedestrian Enforcement and Education Grant Program funds in the amount of Thirty-Five Thousand Dollars (\$35,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, That the Fiscal Year 2023 Operating Budget for Grant Funds 205 be and is hereby amended by appropriating the Expenditures and Revenues for the FY2023 Tennessee Highway Safety Office (THSO) grant project – Bicycle and Pedestrian Enforcement and Education Grant Program in the amount of Thirty-Five Thousand Dollars (\$35,000.00) as follows:

REVENUE	
Tennessee Department of Safety and Homeland Security	<u>\$35,000.00</u>
TOTAL	<u>\$35,000.00</u>

Expenditures	
Salaries	<u>\$35,000.00</u>
Total	<u>\$35,000.00</u>



Memphis City Council Summary Sheet

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

This is a resolution to accept grant funds from the Tennessee Department of Safety and Homeland Security in the amount of Thirty-Five Thousand Dollars (\$35,000.00) to provide for Salaries.

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

The City of Memphis Division of Police Services is awarded this grant from the Tennessee Department of Safety and Homeland Security.

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

This item does not change an existing ordinance or resolution.

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

All Districts

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

This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY 2023 Operating Budget to appropriate the funds.

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

Not Applicable.



September 6, 2022

Re: Tennessee Highway Safety Office FFY 2023 Grant Award

Dear Highway Safety Partner,

We are excited to offer your agency an FFY 2023 grant award with the Tennessee Highway Safety Office (THSO). We look forward to working with you throughout the year and thank you for your shared commitment to highway safety.

With this partnership comes an important responsibility on the part of every grantee. Please be advised that funding has been approved for the receipt of the above referenced highway safety grant for the period of October 1, 2022 through September 30, 2023.

Effective with the fully signed contract, but no earlier than October 1, 2022, you may incur costs and expend funds for those specific purposes stated in the grant language governing this award. In keeping with usual practice, your allowable expenditures will be reimbursed for actual costs incurred after that date.

The following items are important and expected of all grantees:

1. Monthly/quarterly claims and status reports must be kept current and filed promptly through the TN Grants management system, www.thsogrants.org. Failure to report promptly may result in the cancellation of your grant.
2. All documents, papers, accounting records, and other such records pertaining to costs incurred and to such materials must be made available to the THSO upon request, with or without notice, at any time over the course of the grant period and for three years from the date of final audit disposition. Failure to follow these instructions may result in a requested reimbursement of grant monies to the THSO.
3. Grant records are subject to review and audit by the State of Tennessee, the National Highway Traffic Safety Administration, or any other authorized representative of the state or federal government at any time and without prior notification.
4. This agreement encompasses the time period specified in the contract. No continuation or extension of the project, express or implied, is provided for in the agreement.
5. Every grant **must** have a project director with subject matter expertise in the area of monitoring grants and providing timely, appropriate feedback. Please do not hesitate to reach out to your assigned THSO program manager; our staff is here to assist you.
6. Prior to any news releases or press conferences relative to this grant, you **must** submit a working copy of draft language to your assigned THSO program manager who will review with the THSO Public Information Officer. Further, any release of written material for the purpose of



the grant, which also includes social media posts, brochures, etc. also must have prior written approval of the THSO, whether by letter or email.

If you have any questions, please do not hesitate to contact your assigned THSO program manager. Working together, we will make Tennessee roads safer for everyone.

Respectfully,


Buddy Lewis
Director



GOVERNMENTAL GRANT CONTRACT

(cost reimbursement grant contract with a federal or Tennessee local governmental entity or their agents and instrumentalities)

Begin Date October 01, 2022	End Date September 30, 2023	Agency Tracking # Z23THS374	Edison ID 23-74581 (PT)
---------------------------------------	---------------------------------------	---------------------------------------	-----------------------------------

Grantee Legal Entity Name Memphis Police Department	Edison Vendor ID 4104
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Subrecipient or Recipient <input checked="" type="checkbox"/> Subrecipient <input type="checkbox"/> Recipient	Assistance Listing # (formerly CFDA#) 20.616
	Grantee's fiscal year end 06/30

Service Caption (one line only)
Bicycle and Pedestrian Enforcement and Education

Funding —					
FY	State	Federal	Interdepartmental	Other	TOTAL Grant Contract Amount
2023		\$35,000.00			\$35,000.00
TOTAL:		\$35,000.00			\$35,000.00

Grantee Selection Process Summary

Competitive Selection

Grants will be awarded based on the highest scores, data, and funding availability. Law enforcement grants will be awarded based on data provided by the Department of Safety and Homeland Security's Tennessee Integrated Traffic Analysis Network (TITAN) business unit. Data is imported into a funding allocation tool which places a dollar amount per county based on the data provided by TITAN.

Non-competitive Selection

Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.

CPO USE - GG

Speed Chart (optional)	Account Code (optional) 71302000
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**GRANT CONTRACT
BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
AND
Memphis Police Department**

This grant contract ("Grant Contract"), by and between the State of Tennessee, Department of Safety and Homeland Security, hereinafter referred to as the "State" or the "Grantor State Agency" and Memphis Police Department, hereinafter referred to as the "Grantee," is for the provision of implementing a highway safety grant, as further defined in the "SCOPE OF SERVICES AND DELIVERABLES."

Grantee Edison Vendor ID # 4104

A. SCOPE OF SERVICES AND DELIVERABLES:

- A.1. The Grantee shall provide the scope of services and deliverables ("Scope") as required, described, and detailed in this Grant Contract.
- A.2. The Grantee shall undertake Highway Safety Project(s) as defined in the Tennessee Highway Safety Plan and will include one or more of the following services: building and implementation of safe community coalitions and partnerships; building coalitions based on diversity issues; provide educational resources, public information and education; collect and evaluate data for allocation resources; provide and manage certified training.
- A.3. General Grant Requirements. The Grantee shall prepare and submit to the State claims and status reports at a minimum of quarterly on the form specified by the State, for the quarters of the Federal Fiscal Year ending December 31, March 31, June 30, and September 30. All claims and status reports are due in the State office no later than the first (1st) of the second month following the end of the covered reporting period as shown below:

Monthly Claims and Status Reports	
Reporting Period	Due Date
October	December 1st
November	January 1st
December	February 1st
January	March 1st
February	April 1st
March	May 1st
April	June 1st
May	July 1st
June	August 1st
July	September 1st
August	October 1st
September	November 1st

Quarterly Claims and Status Reports	
Reporting Period	Due Date
October 1 through December 31	February 1st

January 1 through March 31	May 1st
April 1 through June 30	August 1st
July 1 through September 30	November 1st

The Grantee agrees:

- a. To prepare and submit to the State a final report for each grant, on the form specified by the State, thirty (30) days following the final quarter.
- b. That all manufactured products used in implementing the project which is funded under this Grant Contract are produced in the United States, in accordance with Section 165 of the Surface Transportation Act of 1982 (Pub.L. 97-424; 96 Stat. 2097), unless the Secretary of Transportation has determined under Section 165 that it is appropriate to waive this requirement.
- c. To comply with the Buy America requirement (23 U.S.C. § 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than twenty-five percent (25%). In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
- d. To comply with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- e. To not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
- f. That it is encouraged to adopt and enforce, in accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. Information and resources on traffic safety programs and policies for employers, including information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives, are available from the Network of Employers for Traffic Safety (NETS®, <https://trafficsafety.org/>), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. Information on statistics, campaigns, and program evaluations and references are available through NHTSA (www.nhtsa.gov).
- g. That, to receive funds under this Grant Contract, it has an acceptable financial management system pursuant to 49 CFR § 18.20.
- h. To identify, report, and use any Program Income generated from grant funds as defined in 23 CFR Part 1200.34.
- i. That, to receive funds under this Grant Contract, it has an acceptable procurement system pursuant to 49 CFR § 18.36.

- j. To assist the State in meeting the requirements of subrecipient monitoring and to permit the State and the U.S. Department of Transportation to inspect the Grantee's records as deemed necessary for grant monitoring purposes. The Grantee shall be aware that subrecipient monitoring is not the same as program monitoring and is conducted independently, although some Grantee activities may be monitored by both State program personnel and State subrecipient monitoring personnel. One aspect of the Grantee's assistance shall be that the Grantee have a written policy, and submit it to the State upon request, that clearly explains how the Grantee meets the U.S. Department of Labor's Fair Labor Standards Act's requirements for hours of work and overtime pay (see <https://www.dol.gov/agencies/whd/flsa>).
- k. That facilities and equipment acquired under this Grant Contract for use in the highway safety program shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of the Grantee, may cause the same to be used and kept in operation for highway safety purposes.
- l. That, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing the project funded in whole or in part with federal funds, such documents clearly state: 1) the percentage of the total cost of the project which will be financed with federal funds, and 2) the dollar amount of federal funds for the project.
- m. All law enforcement grantees must submit campaign data into the State's Tennessee Highway Safety Office ("THSO") website within two (2) weeks following conclusion of a National Highway Transportation Safety Administration ("NHTSA") campaign.

A.4. Drug-Free Workplace. The Grantee further agrees:

- a. To notify each employee engaged in the performance of this Grant Contract and to notify each such employee that as a condition of employment, he or she will abide by the terms of the Drug-Free Workplace Statement and notify his or her employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Notification by Grantee to employee shall take place by delivering a copy of the Drug-Free Workplace Guidelines established by the Tennessee Department of Human Resources to each employee.
- b. That, upon notification from an employee of any criminal drug statute conviction, the Grantee shall notify the State within ten (10) days after receiving notice from an employee of any criminal drug statute conviction.
- c. To take the following two (2) actions, within thirty (30) days of receiving notice from an employee of any criminal drug statute conviction, as provided in the second preceding paragraph:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination: or
 - (2) Requiring such employees to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- d. To make a good faith effort to continue to maintain a drug free workplace through implementation of the subject matter of the three (3) preceding paragraphs.

A.5. Interacting with individuals under eighteen (18) years of age. This provision shall only apply if it is indicated that a purpose of any or all of the activities to be carried out under this Grant Contract is to benefit a set of individuals under eighteen (18) years of age ("Participating Minors"). If the purpose of any or all of the activities to be carried out under this Grant Contract is to benefit a set

of Participating Minors, the Grantee, and any Subgrantee, shall make determinations of suitability for interacting with Participating Minors as set forth in federal guidelines. This determination of suitability must be made before individuals, regardless of employment status with the Grantee or Subgrantee, may interact with Participating Minors.

- A.6. Incorporation of Additional Documents. Each of the following documents is included as a part of this Grant Contract by reference or attachment. In the event of a discrepancy or ambiguity regarding the Grantee's duties, responsibilities, and performance hereunder, these items shall govern in order of precedence below.
- a. This Grant Contract document with any attachments.
 - b. The Tennessee Highway Safety Office Grants Management Manual located at <http://tntrafficsafety.org/grant-management-manual>.
 - c. The Grantee's application as marked "Grant Awarded" in TN Grants located at www.THSOGrants.org.
- A.7. Incorporation of Federal Award Identification Worksheet. The federal award identification worksheet, which appears as Attachment Two, is incorporated in this Grant Contract.

B. TERM OF CONTRACT:

This Grant Contract shall be effective on October 01, 2022 ("Effective Date") and extend for a period of twelve (12) months after the Effective Date ("Term"). The State shall have no obligation to the Grantee for fulfillment of the Scope outside the Term.

C. PAYMENT TERMS AND CONDITIONS:

- C.1. Maximum Liability. In no event shall the maximum liability of the State under this Grant Contract exceed Thirty Five Thousand Dollars and Zero Cents (\$35,000.00) ("Maximum Liability"). The Grant Budget, attached and incorporated as Attachment One is the maximum amount due the Grantee under this Grant Contract. The Grant Budget line-items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.
- C.2. Compensation Firm. The Maximum Liability of the State is not subject to escalation for any reason unless amended. The Grant Budget amounts are firm for the duration of the Grant Contract and are not subject to escalation for any reason unless amended, except as provided in Section C.6.
- C.3. Payment Methodology. The Grantee shall be reimbursed for actual, reasonable, and necessary costs based upon the Grant Budget, not to exceed the Maximum Liability established in Section C.1. Upon progress toward the completion of the Scope, as described in Section A of this Grant Contract, the Grantee shall submit invoices prior to any reimbursement of allowable costs.
- C.4. Travel Compensation. Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.
- C.5. Invoice Requirements. The Grantee shall invoice the State no more often than monthly, with all necessary supporting documentation, and present such to:
Tennessee Department of Safety and Homeland Security
Tennessee Highway Safety Office
Tennessee Tower, 25th Floor

312 Rosa L. Parks Avenue
Nashville, TN 37243

- a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).
- (1) Invoice/Reference Number (assigned by the Grantee).
 - (2) Invoice Date.
 - (3) Invoice Period (to which the reimbursement request is applicable).
 - (4) Grant Contract Number (assigned by the State).
 - (5) Grantor: Tennessee Department of Safety and Homeland Security, Tennessee Highway Safety Office.
 - (6) Grantor Number (assigned by the Grantee to the above-referenced Grantor).
 - (7) Grantee Name.
 - (8) Grantee Tennessee Edison Registration ID Number Referenced in Preamble of this Grant Contract.
 - (9) Grantee Remittance Address.
 - (10) Grantee Contact for Invoice Questions (name, phone, or fax).
 - (11) Itemization of Reimbursement Requested for the Invoice Period— it must detail, at minimum, all of the following:
 - i. The amount requested by Grant Budget line-item (including any travel expenditure reimbursement requested and for which documentation and receipts, as required by "State Comprehensive Travel Regulations," are attached to the invoice).
 - ii. The amount reimbursed by Grant Budget line-item to date.
 - iii. The total amount reimbursed under the Grant Contract to date.
 - iv. The total amount requested (all line-items) for the Invoice Period.
- b. The Grantee understands and agrees to all of the following.
- (1) An invoice under this Grant Contract shall include only reimbursement requests for actual, reasonable, and necessary expenditures required in the delivery of service described by this Grant Contract and shall be subject to the Grant Budget and any other provision of this Grant Contract relating to allowable reimbursements.
 - (2) An invoice under this Grant Contract shall not include any reimbursement request for future expenditures.
 - (3) An invoice under this Grant Contract shall initiate the timeframe for reimbursement only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this Section C.5.
- C.6. Budget Line-item. Expenditures, reimbursements, and payments under this Grant Contract shall adhere to the Grant Budget. The Grantee may request revisions of Grant Budget line-items by letter, giving full details supporting such request, provided that such revisions do not increase total Grant Budget amount. Grant Budget line-item revisions may not be made without prior, written approval of the State in which the terms of the approved revisions are explicitly set forth. Any increase in the total Grant Budget amount shall require a Grant Contract amendment.
- C.7. Disbursement Reconciliation and Close Out. The Grantee shall submit any final invoice and a grant disbursement reconciliation report within sixty (60) days of the Grant Contract end date, in form and substance acceptable to the State.
- a. If total disbursements by the State pursuant to this Grant Contract exceed the amounts permitted by the Section C., payment terms and conditions of this Grant Contract, the

Grantee shall refund the difference to the State. The Grantee shall submit the refund with the final grant disbursement reconciliation report.

- b. The State shall not be responsible for the payment of any invoice submitted to the State after the grant disbursement reconciliation report. The State will not deem any Grantee costs submitted for reimbursement after the grant disbursement reconciliation report to be allowable and reimbursable by the State, and such invoices will NOT be paid.
 - c. The Grantee's failure to provide a final grant disbursement reconciliation report to the State as required by this Grant Contract shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and the Grantee shall be required to refund any and all payments by the State pursuant to this Grant Contract.
 - d. The Grantee must close out its accounting records at the end of the Term in such a way that reimbursable expenditures and revenue collections are NOT carried forward.
- C.8. Indirect Cost. Should the Grantee request reimbursement for indirect costs, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency or the cognizant state agency, as applicable. The Grantee will be reimbursed for indirect costs in accordance with the approved indirect cost rate and amounts and limitations specified in the attached Grant Budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the Term. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency or the cognizant state agency, as applicable. If the indirect cost rate is provisional during the Term, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.
- C.9. Cost Allocation. If any part of the costs to be reimbursed under this Grant Contract are joint costs involving allocation to more than one program or activity, such costs shall be allocated and reported in accordance with the provisions of Department of Finance and Administration Policy Statement 03 or any amendments or revisions made to this policy statement during the Term.
- C.10. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any reimbursement, invoice, or related matter. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount as an allowable cost.
- C.11. Non-allowable Costs. Any amounts payable to the Grantee shall be subject to reduction for amounts included in any invoice or payment that are determined by the State, on the basis of audits or monitoring conducted in accordance with the terms of this Grant Contract, to constitute unallowable costs.
- C.12. State's Right to Set Off. The State reserves the right to set off or deduct from amounts that are or shall become due and payable to the Grantee under this Grant Contract or under any other agreement between the Grantee and the State of Tennessee under which the Grantee has a right to receive payment from the State.
- C.13. Prerequisite Documentation. The Grantee shall not invoice the State under this Grant Contract until the State has received the following, properly completed documentation.
- a. The Grantee shall complete, sign, and return to the State an "Authorization Agreement for Automatic Deposit (ACH Credits) Form" provided by the State. By doing so, the Grantee acknowledges and agrees that, once this form is received by the State, all payments to the Grantee under this or any other grant contract will be made by automated clearing house ("ACH").

- b. The Grantee shall complete, sign, and return to the State the State-provided W-9 form. The taxpayer identification number on the W-9 form must be the same as the Grantee's Federal Employer Identification Number or Social Security Number referenced in the Grantee's Edison registration information.

D. STANDARD TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Grant Contract until it is signed by the parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this Grant Contract, the officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.2. Modification and Amendment. This Grant Contract may be modified only by a written amendment signed by all parties and approved by the officials who approved the Grant Contract and, depending upon the specifics of the Grant Contract as amended, any additional officials required by Tennessee laws and regulations (the officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.3. Termination for Convenience. The State may terminate this Grant Contract without cause for any reason. A termination for convenience shall not be a breach of this Grant Contract by the State. The State shall give the Grantee at least thirty (30) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service that has not been rendered. The final decision as to the amount for which the State is liable shall be determined by the State. The Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount for the State's exercise of its right to terminate for convenience.
- D.4. Termination for Cause. If the Grantee fails to properly perform its obligations under this Grant Contract, or if the Grantee violates any terms of this Grant Contract, the State shall have the right to immediately terminate this Grant Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the exercise of the State's right to terminate this Grant Contract for cause, the Grantee shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Grant Contract by the Grantee.
- D.5. Subcontracting. The Grantee shall not assign this Grant Contract or enter into a subcontract for any of the services performed under this Grant Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this Grant Contract pertaining to "Conflicts of Interest," "Lobbying," "Nondiscrimination," "Public Accountability," "Public Notice," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Grantee shall remain responsible for all work performed.
- D.6. Conflicts of Interest. The Grantee warrants that no part of the total Grant Contract Amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Grantee in connection with any work contemplated or performed relative to this Grant Contract.
- D.7. Lobbying. The Grantee certifies, to the best of its knowledge and belief, that:

- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352.

- D.8. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by email or facsimile transmission with recipient confirmation. All communications, regardless of method of transmission, shall be addressed to the respective party as set out below:

The State:

Clyde "Buddy" Lewis, Director
 Tennessee Department of Safety and Homeland Security
 Tennessee Highway Safety Office
 Tennessee Tower, 25th Floor
 312 Rosa L. Parks Avenue
 Nashville, Tennessee 37243
 Telephone #: (615) 741-2589
 FAX #: (615) 253-5523

The Grantee:

Brooklynn Griffin, Grants Admin Specialist
 Memphis Police Department
 170 N Main Street
 Floor 11 Room 1121
 Memphis, Tennessee 38103
 brooklynn.griffin@memphistn.gov
 Telephone # () -
 FAX # () -

A change to the above contact information requires written notice to the person designated by the other party to receive notice.

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

- D.9. Subject to Funds Availability. This Grant Contract is subject to the appropriation and availability of State or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate this Grant Contract upon written notice to the Grantee. The State's right to terminate this Grant Contract due to lack of funds is not a breach of this Grant Contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant Contract. Should such an event occur, the Grantee shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Grantee shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- D.10. Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee state constitutional, or statutory law. The Grantee shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- D.11. HIPAA Compliance. The State and the Grantee shall comply with obligations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Health Information Technology for Economic and Clinical Health Act (HITECH) and any other relevant laws and regulations regarding privacy (collectively the "Privacy Rules"). The obligations set forth in this Section shall survive the termination of this Grant Contract.
- a. The Grantee warrants to the State that it is familiar with the requirements of the Privacy Rules and will comply with all applicable HIPAA requirements in the course of this Grant Contract.
 - b. The Grantee warrants that it will cooperate with the State, including cooperation and coordination with State privacy officials and other compliance officers required by the Privacy Rules, in the course of performance of this Grant Contract so that both parties will be in compliance with the Privacy Rules.
 - c. The State and the Grantee will sign documents, including but not limited to business associate agreements, as required by the Privacy Rules and that are reasonably necessary to keep the State and the Grantee in compliance with the Privacy Rules. This provision shall not apply if information received by the State under this Grant Contract is NOT "protected health information" as defined by the Privacy Rules, or if the Privacy Rules permit the State to receive such information without entering into a business associate agreement or signing another such document.
- D.12. Public Accountability. If the Grantee is subject to Tenn. Code Ann. § 8-4-401 *et seq.*, or if this Grant Contract involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program. The Grantee shall also display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least eleven inches (11") in height and seventeen inches (17") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER

TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454.

The sign shall be on the form prescribed by the Comptroller of the Treasury. The Grantor State Agency shall obtain copies of the sign from the Comptroller of the Treasury, and upon request from the Grantee, provide Grantee with any necessary signs.

- D.13. Public Notice. All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Grantee in relation to this Grant Contract shall include the statement, "This project is funded under a grant contract with the State of Tennessee." All notices by the Grantee in relation to this Grant Contract shall be approved by the State.
- D.14. Licensure. The Grantee, its employees, and any approved subcontractor shall be licensed pursuant to all applicable federal, state, and local laws, ordinances, rules, and regulations and shall upon request provide proof of all licenses.
- D.15. Records. The Grantee and any approved subcontractor shall maintain documentation for all charges under this Grant Contract. The books, records, and documents of the Grantee and any approved subcontractor, insofar as they relate to work performed or money received under this Grant Contract, shall be maintained in accordance with applicable Tennessee law. In no case shall the records be maintained for a period of less than five (5) full years from the date of the final payment. The Grantee's records shall be subject to audit at any reasonable time and upon reasonable notice by the Grantor State Agency, the Comptroller of the Treasury, or their duly appointed representatives.
- The records shall be maintained in accordance with Governmental Accounting Standards Board (GASB) Accounting Standards or the Financial Accounting Standards Board (FASB) Accounting Standards Codification, as applicable, and any related AICPA Industry Audit and Accounting guides.
- In addition, documentation of grant applications, budgets, reports, awards, and expenditures will be maintained in accordance with U.S. Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.
- Grant expenditures shall be made in accordance with local government purchasing policies and procedures and purchasing procedures for local governments authorized under state law.
- The Grantee shall also comply with any recordkeeping and reporting requirements prescribed by the Tennessee Comptroller of the Treasury.
- The Grantee shall establish a system of internal controls that utilize the COSO Internal Control - Integrated Framework model as the basic foundation for the internal control system. The Grantee shall incorporate any additional Comptroller of the Treasury directives into its internal control system.
- Any other required records or reports which are not contemplated in the above standards shall follow the format designated by the head of the Grantor State Agency, the Central Procurement Office, or the Commissioner of Finance and Administration of the State of Tennessee.
- D.16. Monitoring. The Grantee's activities conducted and records maintained pursuant to this Grant Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.17. Progress Reports. The Grantee shall submit brief, periodic, progress reports to the State as requested.
- D.18. Annual and Final Reports. The Grantee shall submit, within three (3) months of the conclusion of each year of the Term, an annual report. For grant contracts with a term of less than one (1) year,

the Grantee shall submit a final report within three (3) months of the conclusion of the Term. For grant contracts with multiyear terms, the final report will take the place of the annual report for the final year of the Term. The Grantee shall submit annual and final reports to the Grantor State Agency. At minimum, annual and final reports shall include: (a) the Grantee's name; (b) the Grant Contract's Edison identification number, Term, and total amount; (c) a narrative section that describes the program's goals, outcomes, successes and setbacks, whether the Grantee used benchmarks or indicators to determine progress, and whether any proposed activities were not completed; and (d) other relevant details requested by the Grantor State Agency. Annual and final report documents to be completed by the Grantee shall appear on the Grantor State Agency's website or as an attachment to the Grant Contract.

- D.19. Audit Report. The Grantee shall be audited in accordance with applicable Tennessee law. If the Grantee is subject to an audit under this provision, then the Grantee shall complete Attachment Three.

When a federal single audit is required, the audit shall be performed in accordance with U.S. Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

A copy of the audit report shall be provided to the Comptroller by the licensed, independent public accountant. Audit reports shall be made available to the public.

- D.20. Procurement. If other terms of this Grant Contract allow reimbursement for the cost of goods, materials, supplies, equipment, or contracted services, such procurement shall be made on a competitive basis, including the use of competitive bidding procedures, where practical. The Grantee shall maintain documentation for the basis of each procurement for which reimbursement is paid pursuant to this Grant Contract. In each instance where it is determined that use of a competitive procurement method is not practical, supporting documentation shall include a written justification for the decision and for use of a non-competitive procurement. If the Grantee is a subrecipient, the Grantee shall comply with 2 C.F.R. §§ 200.317—200.326 when procuring property and services under a federal award.

The Grantee shall obtain prior approval from the State before purchasing any equipment under this Grant Contract.

For purposes of this Grant Contract, the term "equipment" shall include any article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds five thousand dollars (\$5,000.00).

- D.21. Strict Performance. Failure by any party to this Grant Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Grant Contract is not a waiver or relinquishment of any term, covenant, condition, or provision. No term or condition of this Grant Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties.
- D.22. Independent Contractor. The parties shall not act as employees, partners, joint venturers, or associates of one another in the performance of this Grant Contract. The parties acknowledge that they are independent contracting entities and that nothing in this Grant Contract shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.
- D.23. Limitation of State's Liability. The State shall have no liability except as specifically provided in this Grant Contract. In no event will the State be liable to the Grantee or any other party for any lost revenues, lost profits, loss of business, loss of grant funding, decrease in the value of any securities or cash position, time, money, goodwill, or any indirect, special, incidental, punitive,

- exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Grant Contract or otherwise. The State's total liability under this Grant Contract (including any exhibits, schedules, amendments or other attachments to the Contract) or otherwise shall under no circumstances exceed the Maximum Liability originally established in Section C.1. of this Grant Contract. This limitation of liability is cumulative and not per incident.
- D.24. Force Majeure. "Force Majeure Event" means fire, flood, earthquake, elements of nature or acts of God, wars, riots, civil disorders, rebellions or revolutions, acts of terrorism or any other similar cause beyond the reasonable control of the party except to the extent that the non-performing party is at fault in failing to prevent or causing the default or delay, and provided that the default or delay cannot reasonably be circumvented by the non-performing party through the use of alternate sources, workaround plans or other means. A strike, lockout or labor dispute shall not excuse either party from its obligations under this Grant Contract. Except as set forth in this Section, any failure or delay by a party in the performance of its obligations under this Grant Contract arising from a Force Majeure Event is not a default under this Grant Contract or grounds for termination. The non-performing party will be excused from performing those obligations directly affected by the Force Majeure Event, and only for as long as the Force Majeure Event continues, provided that the party continues to use diligent, good faith efforts to resume performance without delay. The occurrence of a Force Majeure Event affecting Grantee's representatives, suppliers, subcontractors, customers or business apart from this Grant Contract is not a Force Majeure Event under this Grant Contract. Grantee will promptly notify the State of any delay caused by a Force Majeure Event (to be confirmed in a written notice to the State within one (1) day of the inception of the delay) that a Force Majeure Event has occurred, and will describe in reasonable detail the nature of the Force Majeure Event. If any Force Majeure Event results in a delay in Grantee's performance longer than forty-eight (48) hours, the State may, upon notice to Grantee: (a) cease payment of the fees until Grantee resumes performance of the affected obligations; or (b) immediately terminate this Grant Contract or any purchase order, in whole or in part, without further payment except for fees then due and payable. Grantee will not increase its charges under this Grant Contract or charge the State any fees other than those provided for in this Grant Contract as the result of a Force Majeure Event.
- D.25. Tennessee Department of Revenue Registration. The Grantee shall comply with all applicable registration requirements contained in Tenn. Code Ann. §§ 67-6-601 through 67-6-608. Compliance with applicable registration requirements is a material requirement of this Grant Contract.
- D.26. Charges to Service Recipients Prohibited. The Grantee shall not collect any amount in the form of fees or reimbursements from the recipients of any service provided pursuant to this Grant Contract.
- D.27. No Acquisition of Equipment or Motor Vehicles. This Grant Contract does not involve the acquisition and disposition of equipment or motor vehicles acquired with funds provided under this Grant Contract.
- D.28. State and Federal Compliance. The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract. The U.S. Office of Management and Budget's Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards is available here: http://www.ecfr.gov/cgi-bin/text-idx?SID=c6b2f053952359ba94470ad3a7c1a975&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
- D.29. Governing Law. This Grant Contract shall be governed by and construed in accordance with the laws of the State of Tennessee, without regard to its conflict or choice of law rules. The Grantee agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Grant Contract. The Grantee acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any

remedies arising there from, shall be subject to and limited to those rights and remedies, if any, available under Tenn. Code Ann. §§ 9-8-101 through 9-8-408.

- D.30. Completeness. This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions agreed to by the parties. This Grant Contract supersedes any and all prior understandings, representations, negotiations, or agreements between the parties, whether written or oral.
- D.31. Severability. If any terms and conditions of this Grant Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions shall not be affected and shall remain in full force and effect. To this end, the terms and conditions of this Grant Contract are declared severable.
- D.32. Headings. Section headings are for reference purposes only and shall not be construed as part of this Grant Contract.
- D.33. Iran Divestment Act. The requirements of Tenn. Code Ann. § 12-12-101, *et seq.*, addressing contracting with persons as defined at Tenn. Code Ann. §12-12-103(5) that engage in investment activities in Iran, shall be a material provision of this Grant Contract. The Grantee certifies, under penalty of perjury, that to the best of its knowledge and belief that it is not on the list created pursuant to Tenn. Code Ann. § 12-12-106.
- D.34. Debarment and Suspension. The Grantee certifies, to the best of its knowledge and belief, that it, its current and future principals, its current and future subcontractors and their principals:
- a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency;
 - b. have not within a three (3) year period preceding this Grant Contract been convicted of, or had a civil judgment rendered against them from commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or grant under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c. are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses detailed in section b. of this certification; and
 - d. have not within a three (3) year period preceding this Grant Contract had one or more public transactions (federal, state, or local) terminated for cause or default.

The Grantee shall provide immediate written notice to the State if at any time it learns that there was an earlier failure to disclose information or that due to changed circumstances, its principals or the principals of its subcontractors are excluded or disqualified, or presently fall under any of the prohibitions of sections a-d.

- D.35. Confidentiality of Records. Strict standards of confidentiality of records and information shall be maintained in accordance with applicable state and federal law. All material and information, regardless of form, medium or method of communication, provided to the Grantee by the State or acquired by the Grantee on behalf of the State that is regarded as confidential under state or federal law shall be regarded as "Confidential Information." Nothing in this Section shall permit Grantee to disclose any Confidential Information, regardless of whether it has been disclosed or made available to the Grantee due to intentional or negligent actions or inactions of agents of the

State or third parties. Confidential Information shall not be disclosed except as required or permitted under state or federal law. Grantee shall take all necessary steps to safeguard the confidentiality of such material or information in conformance with applicable state and federal law.

The obligations set forth in this Section shall survive the termination of this Grant Contract.

E. SPECIAL TERMS AND CONDITIONS:

E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, the special terms and conditions shall be subordinate to the Grant Contract's other terms and conditions.

E.2. [This provision only applies if the Maximum Liability in Section C.1. is \$30,000.00 or more]

Federal Funding Accountability and Transparency Act (FFATA). This Grant Contract requires the Grantee to provide supplies or services that are funded in whole or in part by federal funds that are subject to FFATA. The Grantee is responsible for ensuring that all applicable FFATA requirements, including but not limited to those below, are met and that the Grantee provides information to the State as required.

The Grantee shall comply with the following:

- a. Reporting of Total Compensation of the Grantee's Executives.
- (1) The Grantee shall report the names and total compensation of each of its five most highly compensated executives for the Grantee's preceding completed fiscal year, if in the Grantee's preceding fiscal year it received:
 - i. 80 percent or more of the Grantee's annual gross revenues from Federal procurement contracts and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and sub awards); and
 - ii. \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and sub awards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(a), 78o(d)) or § 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

As defined in 2 C.F.R. § 170.315, "Executive" means officers, managing partners, or any other employees in management positions.

- (2) Total compensation means the cash and noncash dollar value earned by the executive during the Grantee's preceding fiscal year and includes the following (for more information see 17 CFR § 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

- iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.
- b. The Grantee must report executive total compensation described above to the State by the end of the month during which this Grant Contract is established.
 - c. If this Grant Contract is amended to extend its term, the Grantee must submit an executive total compensation report to the State by the end of the month in which the amendment to this Grant Contract becomes effective.
 - d. The Grantee will obtain a Unique Entity Identifier (SAM) and maintain its number for the term of this Grant Contract. More information about obtaining a Unique Entity Identifier can be found at: <http://www.sam.gov>.

The Grantee's failure to comply with the above requirements is a material breach of this Grant Contract for which the State may terminate this Grant Contract for cause. The State will not be obligated to pay any outstanding invoice received from the Grantee unless and until the Grantee is in full compliance with the above requirements.

IN WITNESS WHEREOF,

Memphis Police Department:

GRANTEE SIGNATURE **DATE**

PRINTED NAME AND TITLE OF GRANTEE SIGNATORY (above)

DEPARTMENT OF SAFETY AND HOMELAND SECURITY:

JEFF LONG, COMMISSIONER **DATE**

GRANT BUDGET
Agency Name: Memphis Police Department
Project Title: Bicycle and Pedestrian Enforcement and Education
The grant budget line-item amounts below shall be applicable only to expense incurred during the following
Applicable Period: BEGIN: 10/01/2022 END: 09/30/2023

POLICY 03 Object Line-item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY ¹	GRANT CONTRACT	GRANTEE PARTICIPATION	TOTAL PROJECT
1 & 2	Salaries, Benefits & Taxes	\$35,000.00	\$0.00	\$35,000.00
4, 15	Professional Fee, Grant & Award ²	\$0.00	\$0.00	\$0.00
5, 6, 7, 8, 9, 10	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications	\$0.00	\$0.00	\$0.00
11, 12	Travel, Conferences & Meetings	\$0.00	\$0.00	\$0.00
13	Interest ²	\$0.00	\$0.00	\$0.00
14	Insurance	\$0.00	\$0.00	\$0.00
16	Specific Assistance To Individuals	\$0.00	\$0.00	\$0.00
17	Depreciation ²	\$0.00	\$0.00	\$0.00
18	Other Non-Personnel ²	\$0.00	\$0.00	\$0.00
20	Capital Purchase ²	\$0.00	\$0.00	\$0.00
22	Indirect Cost	\$0.00	\$0.00	\$0.00
24	In-Kind Expense	\$0.00	\$0.00	\$0.00
25	GRAND TOTAL	\$35,000.00	\$0.00	\$35,000.00

1. Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, Uniform Reporting Requirements and Cost Allocation Plans for Sub-recipients of Federal and State Grant Monies, Appendix A. (posted on the Internet at: https://www.tn.gov/content/dam/tn/finance/documents/fa_policies/policy3.pdf).
2. Applicable detail follows this page if line-item is funded.

ATTACHMENT TWO

Federal Award Identification Worksheet

Subrecipient's name (must match name associated with its Unique Entity Identifier (SAM))	Memphis Police Department
Subrecipient's Unique Entity Identifier (SAM)	19-255-4913
Federal Award Identification Number (FAIN)	69A3752230000405DTNL
Federal award date	10/01/2022
Subaward Period of Performance Start and End Date	10/01/2022 - 09/30/2023
Subaward Budget Period Start and End Date	10/01/2022 - 09/30/2023
Assistance Listing number (formerly known as the CFDA number) and Assistance Listing program title	20.616, National Priority Safety Programs
Grant contract's begin date	10/01/2022
Grant contract's end date	09/30/2022
Amount of federal funds obligated by this grant contract	\$35,000.00
Total amount of federal funds obligated to the subrecipient	\$35,000.00
Total amount of the federal award to the pass-through entity (Grantor State Agency)	\$3,405,059.37
Federal award project description (as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA))	National Priority Safety Programs
Name of federal awarding agency	National Highway Traffic Safety Administration (NHTSA)
Name and contact information for the federal awarding official	Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303 Phone: (404) 562-3739 Fax: (404) 562-3763 E-mail: Region4@dot.gov
Name of pass-through entity	Tennessee Department of Safety and Homeland Security, Tennessee Highway Safety Office
Name and contact information for the pass-through entity awarding official	Buddy Lewis, Director Tennessee Highway Safety Office Tennessee Tower, 25th Floor 312 Rosa L. Parks Avenue Nashville, TN 37243 Telephone #: (615) 741-2589 FAX #: (615) 253-5523
Is the federal award for research and development?	No
Indirect cost rate for the federal award (See 2 C.F.R. §200.331 for information on type of indirect cost rate)	%

ATTACHMENT THREE

Parent Child Information

The Grantee should complete this form and submit it with the Grant Contract. The Grantee should submit only one, completed "Parent Child Information" document to the State during the Grantee's fiscal year.

"Parent" means an entity whose IRS filing contains the information of at least one other entity.

"Child" means an entity whose information is contained in another entity's IRS filing.

Grantee's Edison Vendor ID number: 4104

Is Memphis Police Department a parent? Yes No

If yes, provide the name and Edison Vendor ID number, if applicable, of any child entities.

Is Memphis Police Department a child? Yes No

If yes, complete the fields below.

Parent entity's name: City of Memphis

Parent entity's tax identification number: 62-6000361

Note: If the parent entity's tax identification number is a social security number, this form must be submitted via US mail to:

Central Procurement Office, Grants Program Manager
3rd Floor, WRS Tennessee Tower
312 Rosa L Parks Avenue
Nashville, TN 37243

Parent entity's contact information

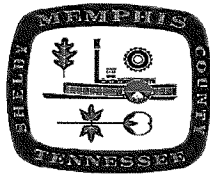
Name of primary contact person: Jim Strickland

Address: 125 N. Main, Room 700

Phone number: (901) 636-6000

Email address: jim.strickland@memphistn.gov

Parent entity's Edison Vendor ID number, if applicable: 4104



Memphis City Council Summary Sheet

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

Resolution to accept and appropriate an allocation of donated revenue in the amount of \$100,000 from Living Cities for the establishment of Contractor's University.

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

Finance

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

This Resolution does not change an existing ordinance or resolution.

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

This Resolution will impact all council districts and super districts.

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

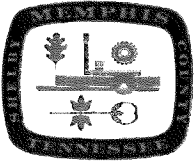
This Resolution requires a new contract.

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

There are no MWBE goals associated with this Resolution.



RESOLUTION to accept and appropriate an allocation of grant funds in the amount of \$100,000 from Living Cities for the establishment of Contractor's University

WHEREAS, the City of Memphis' Division of Finance Office of Business Diversity & Compliance is a member of the Living Cities' Closing the Gaps Network, a ten-year initiative committed to closing racial inequities in income, wealth building, and access to affordable housing and is focused on increasing homeownership and business growth through transforming government policies, practices and operations.

WHEREAS, the purpose of the program is for the City of Memphis Office of Business Diversity & Compliance to create generational change within various industries, by supporting underrepresented BIPOC contractors and assisting their businesses in maximizing opportunities to partner with the City of Memphis, and to connect and do business with one another; and

WHEREAS, the program will provide contractors with educational workshops, and a network for business partnerships. The program will also provide leadership development skills needed to assist BIPOC entrepreneurs to launch and grow successfully as a business and leader in business; and

WHEREAS, the City of Memphis will work to develop business relationships and strengthen the contractor community with education, training, networking, and mentorship; and

WHEREAS, a cohort of five to ten companies will be selected to participate in a pilot offering of Contractor's University with more one-on-one personalized services, including scheduled City and supplier meetings.

NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby adopts and approves the proposed establishment of Contractor's University, a training program for BIPOC entrepreneurs and that the \$100,000 in grant funds from Living Cities be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the FY2023 Operating Budget be and is hereby amended by allocating and appropriating the Revenues and Expenditures from the Living Cities Closing the Gap Network to support the City of Memphis Office of Business Diversity & Compliance's establishment of the Contractor's University as follows:

Project Title: Contractor's University

Revenues

Living Cities \$100,000.00

Total \$100,000.00

Expenditures

Project \$100,000.00

Total \$100,000.00

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12341, Overhead Storage Tank Painting for Arlington-LNG with G & L Tank Sandblasting and Coatings, LLC to change the scope of work in the not-to-exceed amount of \$100,000.00. (The term of the contract will remain through September 30, 2024).

2. Additional Information

The project scope is to furnish supervision, labor, transportation, tools, materials and equipment for the preparation and application of coatings for MLGW Arlington-LNG potable water storage tank to include repairs to the interior and exterior of the tank.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 18, 2023 approved Change No. 1 to Contract No. 12341, Overhead Storage Tank Painting for Arlington-LNG with G & L Tank Sandblasting and Coatings, LLC to change the scope of work in the not-to-exceed amount of \$100,000.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, tools, materials and equipment for the preparation and application of coatings for MLGW Arlington-LNG potable water storage tank to include repairs to the interior and exterior of the tank. This change is to modify the scope of work to reflect the Contractor will be performing a full interior blasting and coating of the Arlington LNG tank instead of the specified sweep blast of the interior in the amount of \$67,000.00. This change is due to the thickness of the existing interior coating requiring additional labor and material costs to complete this task. MLGW is also requesting contingency funds in the amount of \$33,000.00 to cover any additional repairs that may be necessary. The total funded amount of this change is not-to-exceed \$100,000.00. The term of the contract will remain through September 30, 2024. This change complies with all applicable laws and policies. The new contract value is \$332,870.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 Contract No. 12341, Overhead Storage Tank Painting with Arlington-LNG to G & L Tank Sandblasting and Coatings, LLC to change the current scope of work in the not-to-exceed amount of \$100,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 18, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12341, Overhead Storage Tank Painting for Arlington-LNG with G & L Tank Sandblasting and Coatings, LLC to change the scope of work in the not-to-exceed amount of \$100,000.00.

The project scope is to furnish supervision, labor, transportation, tools, materials and equipment for the preparation and application of coatings for MLGW Arlington-LNG potable water storage tank to include repairs to the interior and exterior of the tank. This change is to modify the scope of work to reflect the Contractor will be performing a full interior blasting and coating of the Arlington LNG tank instead of the specified sweep blast of the interior in the amount of \$67,000.00. This change is due to the thickness of the existing interior coating requiring additional labor and material costs to complete this task. MLGW is also requesting contingency funds in the amount of \$33,000.00 to cover any additional repairs that may be necessary. The total funded amount of this change is not-to-exceed \$100,000.00. The term of the contract will remain through September 30, 2024. This change complies with all applicable laws and policies. The new contract value is \$332,870.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12341, Overhead Storage Tank Painting with Arlington-LNG to G & L Tank Sandblasting and Coatings, LLC to change the current scope of work in the not-to-exceed amount of \$100,000.00, as outlined in the above preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 18th day of January, 2023, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12240, Overhead Water Storage Tank Painting Inspections with Mid-South Tank Consultants to expand the scope and increase the current contract value in the funded not-to-exceed amount of \$251,700.00. (The term of the contract will remain for the period covering September 20, 2021, through September 19, 2026).

2. Additional Information

The project scope is to furnish supervision, labor, transportation, tools, materials and equipment to inspect various MLGW overhead water storage tanks on an as needed basis due to tanks being painted, tank wash-outs or planned/emergency maintenance repairs in establishing a standard for inspecting water tank painting, interior and exterior coating repairs, interior coating wash-outs as well as provide a one (1) year inspection after a tank has been painted.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 18, 2023 approved Change No. 1 to Contract No. 12240, Overhead Water Storage Tank Painting Inspections with Mid-South Tank Consultants to expand the scope and increase the current contract value in the funded not-to-exceed amount of \$251,700.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, tools, materials and equipment to inspect various MLGW overhead water storage tanks on an as needed basis due to tanks being painted, tank wash-outs or planned/emergency maintenance repairs in establishing a standard for inspecting water tank painting, interior and exterior coating repairs, interior coating wash-outs as well as provide a one (1) year inspection after a tank has been painted. This change is to expand the scope of work and increase the contract value in the funded not-to-exceed amount of \$251,700.00. Additional funding is being requested to cover the cost of added inspection time for three (3) tanks due to extensive painting and repairs by the tank painting Contractor and the addition of inspection services for Arlington LNG Tank for regulatory compliance in the amount of \$202,200.00. MLGW is also requesting contingency funds for any miscellaneous tank inspection services needed in the amount of \$49,500.00. The total funded amount for this change is not-to-exceed \$251,700.00. The term of the contract will remain for the period covering September 20, 2021 through September 19, 2026. This change complies with all applicable laws and policies. The new contract value is \$514,400.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12240, Overhead Water Storage Tank Painting Inspections with Mid-South Tank Consultants to expand the scope and increase the current contract value in the funded not-to-exceed amount of \$251,700.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 18, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12240, Overhead Water Storage Tank Painting Inspections with Mid-South Tank Consultants to expand the scope and increase the current contract value in the funded not-to-exceed amount of \$251,700.00.

The project scope is to furnish supervision, labor, transportation, tools, materials and equipment to inspect various MLGW overhead water storage tanks on an as needed basis due to tanks being painted, tank wash-outs or planned/emergency maintenance repairs in establishing a standard for inspecting water tank painting, interior and exterior coating repairs, interior coating wash-outs as well as provide a one (1) year inspection after a tank has been painted. This change is to expand the scope of work and increase the contract value in the funded not-to-exceed amount of \$251,700.00. Additional funding is being requested to cover the cost of added inspection time for three (3) tanks due to extensive painting and repairs by the tank painting Contractor and the addition of inspection services for Arlington LNG Tank for regulatory compliance in the amount of \$202,200.00. MLGW is also requesting contingency funds for any miscellaneous tank inspection services needed in the amount of \$49,500.00. The total funded amount for this change is not-to-exceed \$251,700.00. The term of the contract will remain for the period covering September 20, 2021 through September 19, 2026. This change complies with all applicable laws and policies. The new contract value is \$514,400.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12240, Overhead Water Storage Tank Painting Inspections with Mid-South Tank Consultants to expand the scope and increase the current contract value in the funded not-to-exceed amount of \$251,700.00, as outlined in the above preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special- meeting held on 18th day of January, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 19 to Contract No. 9955, Partial Funding of Pollution Control-Ground Water Quality Control Program with Memphis & Shelby County Health Department, to authorize the annual fee payment in the funded amount of \$141,512.25. (This change is based on fiscal year 2022 data, covering January 1, 2022, through October 31, 2022, with an decrease in meters from 258,524 to 257,295 from the previous year).

2. Additional Information

The project scope is to implement a comprehensive aquifer protection program as mandated by local ordinance and regulations promulgated by the Shelby County Groundwater Quality Control Board. Joint funding is provided by MLGW and the incorporated towns of Bartlett, Collierville, Germantown, and Millington.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 18, 2023 approved Change No. 19 to Contract No. 9955, Partial Funding of Pollution Control, Ground Water Quality Control Program with Memphis & Shelby County Health Department to authorize the annual fee payment in the funded amount of \$141,512.25, and is now recommending to the Council of the City of Memphis that it approve said payment as funded in the 2023 budget; and

WHEREAS, the project scope is to implement a comprehensive aquifer protection program as mandated by local ordinance and regulations promulgated by the Shelby County Groundwater Quality Control Board. Joint funding is provided by MLGW and the incorporated towns of Bartlett, Collierville, Germantown, and Millington. The annual fee assessed to MLGW is based on an adjusted number of meter connections and the current per meter charge. This change is to authorize the annual payment in the funded amount of \$141,512.25 based on Fiscal Year 2022 data, covering January 1, 2022 through December 31, 2022, with a decrease in meters from 258,524 to 257,295 from the previous year. This payment request complies with all applicable laws and policies. The new contract value is \$2,245,618.65; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby Change No. 19 to Contract No. 9955, Partial Funding of Pollution Control, Ground Water Quality Control Program with Memphis & Shelby County Health Department to authorize the annual fee payment in the funded amount of \$141,512.25 chargeable to the 2023 budget as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 18, 2023

The Manager of Procurement and Contracts has recommended to the Board of Light, Gas and Water Commissioners that it award the approval of Change No. 19 to Contract No. 9955, Partial Funding of Pollution Control-Ground Water Quality Control Program with Memphis & Shelby County Health Department to authorize the annual fee payment in the funded amount of \$141,512.25.

The project scope is to implement a comprehensive aquifer protection program as mandated by local ordinance and regulations promulgated by the Shelby County Groundwater Quality Control Board. Joint funding is provided by MLGW and the incorporated towns of Bartlett, Collierville, Germantown, and Millington. The annual fee assessed to MLGW is based on an adjusted number of meter connections and the current per meter charge. This change is to authorize the annual payment in the funded amount of \$141,512.25 based on Fiscal Year 2022 data, covering January 1, 2022 through December 31, 2022, with a decrease in meters from 258,524 to 257,295 from the previous year. This payment request complies with all applicable laws and policies. The new contract value is \$ 2,245,618.65.

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

THAT, the approval of Change No. 19 to Contract No. 9955, Partial Funding of Pollution Control-Ground Water Quality Control Program with Memphis & Shelby County Health Department to request payment in the funded amount of \$141,512.25, as outlined in the above preamble is approved; and further,

That the President or his designated representative is authorized to execute Payment.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special- meeting held on 18th day of January, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 20 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$49,471.24. (This change is for the period covering May 1, 2023, through April 30, 2024).

2. Additional Information

The project scope is to upgrade the existing Cashiering System with new technology at all MLGW Community Offices as well as provide annual hardware, software maintenance and support services. The Creditron Software and Opex Hardware are used to process customer mailed payments received via the U.S. Postal Service in one (1) central system for efficiency.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting on January 18, 2023 approved Change No. 20 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$49,471.24, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to upgrade the existing Cashiering System with new technology at all MLGW Community Offices as well as provide annual hardware, software maintenance and support services. The Creditron Software and Opex Hardware are used to process customer mailed payments received via the U.S. Postal Service in one (1) central system for efficiency. This change is to renew annual hardware, software maintenance, and support services for the Creditron Software and Opex Hardware (Item Age Express) for the period covering May 1, 2023 through April 30, 2024 in the amount of \$49,471.24, which reflects an 8% increase in rates from the previous renewal term. The yearly increase is warranted to offset reasonable labor costs incurred by System Innovators to perpetuate the delivery of consistent and effective support. MLGW is requesting continuous maintenance of the acquired systems, which can only be performed by System Innovators and the third-party providers. This single source renewal complies with all applicable laws and policies. The new contract value is \$1,781,682.88; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 20 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$49,471.24 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 18, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 20 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$49,471.24.

The project scope is to upgrade the existing Cashiering System with new technology at all MLGW Community Offices as well as provide annual hardware, software maintenance and support services. The Creditron Software and Opex Hardware are used to process customer mailed payments received via the U.S. Postal Service in one (1) central system for efficiency. This change is to renew annual hardware, software maintenance, and support services for the Creditron Software and Opex Hardware (Item Age Express) for the period covering May 1, 2023 through April 30, 2024 in the amount of \$49,471.24, which reflects an 8% increase in rates from the previous renewal term. The yearly increase is warranted to offset reasonable labor costs incurred by System Innovators to perpetuate the delivery of consistent and effective support. MLGW is requesting continuous maintenance of the acquired systems, which can only be performed by System Innovators and the third-party providers. This single source renewal complies with all applicable laws and policies. The new contract value is \$1,781,682.88.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 20 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$49,471.24, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 16th day of January 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

SUPPLEMENTAL ADOPTING ORDINANCE
ORDINANCE NO. _____

***An Ordinance Supplementing and Amending the 2021 Memphis
Municipal Code of Ordinances of the City of Memphis,
Tennessee relative to Animals and Horse Drawn Carriages;
Providing for the Repeal of Certain Ordinances Not
Included herein; and Providing when such Amendments to the
Code and this Ordinance Shall Become Effective***

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, on February 15, 2022 the Council adopted a new Code of Ordinances, consisting of Titles 1 through 15, each inclusive, and the errata thereto, as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney the City Attorney and the Council's Attorney have only presented for codification two (2) Titles, namely "Title 1-General Provisions" and "Title 4-Pension and Retirement System.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances

adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, the City Attorney and the Council's Attorney have been authorized and directed to periodically provide for adoption by the Council of supplementary codification ordinances to supplement the codification approved in Ordinance No. 5669.

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Titles 6-Business Licenses and Regulations and Title 8-Animals.

Be It Ordained by the Council of the City of Memphis That

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of Titles 6 and 8, each inclusive, and the errata thereto, is hereby adopted and enacted. Titles 6 and 8 as proposed for adoption are attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Supplemental Ordinance the titles and chapters of the 2021 Code so approved hereby shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified titles and chapters or to the extent such ordinances are inconsistent with the provisions of the titles and chapters so codified.

Section 3. All provisions of the Titles and Chapters of this Supplement to the 2021 Code adopted and codified

by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. the codification of any ordinances pursuant to the Adopting Ordinance and this Supplemental Adopting Ordinance are required by the City's Charter to be recorded in a well-bound book kept by the City Comptroller.

Section 6. Any such codified ordinances as maintained by the City Comptroller may be relied on by the City or any person and may be read in evidence in any court of this State, unless there is a bona fide dispute as to the meaning of any such ordinance being consistent with the Council's intent. In any such case, the City Attorney shall present such ordinance(s) to the Council for a determination of the consistency of the ordinance(s) with the Council's intent as appearing in the record of its proceedings and for any further action that the Council deems appropriate in accordance with its authority under City Charter § 361.

Section 7. Three (3) copies of the 2021 Code, as supplemented hereby, shall be kept on file in the

office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the official publication of the 2021 Code and supplements as approved by the Council. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the unofficial republication of the 2021 Code and supplements as approved by the Council in electronic format.

Section 8. It shall be the express duty of the comptroller or someone authorized by him or her to insert in such copies and in their designated places all amendments or ordinances which the council has specifically codified and approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for inspection in accordance with law by all persons desiring to examine the same.

Section 9. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be published and maintained, in written or electronic form, by authority of the City of Memphis shall be

conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of the Adopting Ordinance and any Supplemental Adopting Ordinances.

Section 10. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 11. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 13. Effective Date. The provisions of 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:
Carlisle

MARTAVIUS JONES
CHAIRMAN

Title 6 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 HORSE-DRAWN CARRIAGES

DEFINITIONS

Sec. 6-1-1. Definitions.

POWERS OF DIRECTOR—REGULATIONS

Sec. 6-1-2. Rules and regulations of the director of police services relative to horse-drawn

Sec. 6-1-3. City treasurer—Powers; appeal of decisions.

Sec. 6-1-4. Duty of vehicle for hire inspectors to enforce chapter.

Sec. 6-1-5. Certificate required; exceptions.

CERTIFICATION REQUIREMENTS

Sec. 6-1-6. Application for certificate.

Sec. 6-1-7. Standards for issuance of certificate.

Sec. 6-1-8. Certificate issued to owner only.

Sec. 6-1-9. Fee.

Sec. 6-1-10. Business license.

Sec. 6-1-11. Insurance.

Sec. 6-1-12. Business to be conducted by certificate holder; agreement with drivers.

Sec. 6-1-13. Increase in number of carriages after issuance; enlargement of authority.

Sec. 6-1-14. Replacement of vehicles.

Sec. 6-1-15. Accident reports.

Sec. 6-1-16. Assignment or transfer of certificates.

Sec. 6-1-17. Expiration and renewal of the certificate.

Sec. 6-1-18. Fines, suspension and revocation of certificates.

Sec. 6-1-19. Horse-drawn carriage stands—Use by other vehicles prohibited.

DRIVERS AND CONDUCTORS

Sec. 6-1-20. Vehicle drivers.

Sec. 6-1-21. Application for a driver's permit.

Sec. 6-1-22. Application for a carriage driver's training permit.

Sec. 6-1-23. Applicant to fill out identification questionnaire and be fingerprinted.

Sec. 6-1-24. Investigation; issuance; not to issue to certain persons.

Sec. 6-1-25. Notification of arrest or indictment.

Sec. 6-1-26. Notification of company change of driver.

Sec. 6-1-27. Permit fee.

Sec. 6-1-28. Form, size, design and contents.

Sec. 6-1-29. Possession of permit.

Sec. 6-1-30. Expiration and renewal.

Sec. 6-1-31. Fines, suspension and revocation of permit.

Sec. 6-1-32. Unauthorized use of permit; defacing or removing permit.

Sec. 6-1-33. Standards of appearance and conduct of drivers.

Sec. 6-1-34. Total passengers in vehicle; carrying passengers on driver's seat prohibited.

Sec. 6-1-35. Consent required for horse-drawn carriage driver to pick up additional passen

- Sec. 6-1-36. Drivers not to work more than 12 hours out of 24.
- Sec. 6-1-37. Solicitation of passengers by drivers; drivers to remain in or near carriage.
- Sec. 6-1-38. Drivers of horse-drawn carriages.

VEHICLES

- Sec. 6-1-39. Carriage safety equipment.
- Sec. 6-1-40. Television equipment.
- Sec. 6-1-41. Horse-drawn carriage maintenance.

CARE OF ANIMALS

- Sec. 6-1-42. Proper care of animals used for horse-drawn carriages for hire.
- Sec. 6-1-43. Conditions for horse-drawn carriages for hire.
- Sec. 6-1-44. Harnesses for horse-drawn carriages for hire.
- Sec. 6-1-45. Whip.
- Sec. 6-1-46. Food, water and exercise.
- Sec. 6-1-47. Stalls and stables.
- Sec. 6-1-48. Litter.
- Sec. 6-1-49. Immediate cleanup of waste products.

Title 8—ANIMALS

CHAPTER 8-1. DEFINITIONS

Sec. 8-1-1. Definitions.

CHAPTER 8-2. ANIMALS GENERALLY

Sec. 8-2-1. General maintenance requirements for animals and fowl.

Sec. 8-2-2. Running at large of livestock and fowl prohibited.

Sec. 8-2-3. Impoundment, redemption and disposition.

Sec. 8-2-4. Destruction of abandoned or neglected animals.

Sec. 8-2-5. Cruelty to animals.

Sec. 8-2-6. Trapping animals.

Sec. 8-2-7. Striking or hitting animal with moving vehicle.

Sec. 8-2-8. Killing birds—Prohibited generally.

Sec. 8-2-9. Killing birds-Removal of pigeons and birds from private, residential and commercial property.

Sec. 8-2-10. Keeping of livestock within 1,000 feet of residence or place of business.

Sec. 8-2-11. Disposal of animals.

Sec. 8-2-12. Unlawful to sell fowl as pets or novelties.

Sec. 8-2-13. Roadside sale of animals prohibited.

CHAPTER 8-3 MEMPHIS ANIMAL SHELTER

Sec. 8-3-1. Establishment and supervision.

Sec. 8-3-2. Business hours.

Sec. 8-3-3. Badges, uniforms and police power of shelter officers.

Sec. 8-3-4. Resisting or interfering with animal shelter employee.

Sec. 8-3-5. Animal shelter advisory committee—Creation.

Sec. 8-3-6. Animal shelter advisory committee—Chairperson and secretary.

Sec. 8-3-7. Animal shelter advisory committee—Rules and regulations.

Sec. 8-3-8. Animal shelter advisory committee—Powers and duties.

CHAPTER 8-4. DOGS AND CATS

Sec. 8-4-1. Evidence of ownership of animals.

Sec. 8-4-2. Dog license tags required—Fees—Exceptions—Cat rabies vaccination required.

Sec. 8-4-3. Examination for rabies.

Sec. 8-4-4. Kennel license fees.

Sec. 8-4-5. Duplicate dog licenses or tags.

Sec. 8-4-6. Dogs running at large.

Sec. 8-4-7. Impoundment and redemption of dogs.

Sec. 8-4-8. Adoption of animals.

Sec. 8-4-9. Defecation by dogs or cats.

Sec. 8-4-10. Adequate food, water, shelter, care and conditions—Defined—Penalties.

Sec. 8-16-11. Impoundment and redemption of cats.

CHAPTER 8-5. DANGEROUS AND VICIOUS ANIMALS

Sec. 8-5-1. Definitions.

- Sec. 8-5-2. Determination of dangerous/vicious dog or animal.
- Sec. 8-5-3. Dog or animal declared dangerous/vicious.
- Sec. 8-5-4. Duty of owner of dangerous/vicious dog or animal.
- Sec. 8-5-5. Surrender of dog or animal.
- Sec. 8-5-6. Unowned or abandoned dog or animal.
- Sec. 8-5-7. Dogs or animals not declared dangerous/vicious.
- Sec. 8-5-8. Exemptions.
- Sec. 8-5-9. Duties of animal control officer.
- Sec. 8-5-10. Violation—Penalty.
- Sec. 8-5-11. Guard dogs.
- CHAPTER 8-6. ENFORCEMENT
- Sec. 8-6-1. Official to designate special officers.
- Sec. 8-6-2. Issuance of ordinance summons.
- Sec. 8-6-3. Procedures applicable to summonses and animal citations.
- Sec. 8-6-4. Animal violation forfeiture schedule.
- Sec. 8-6-5. Limitation on action for violations—When action deemed commenced—Service of summons.
- Sec. 8-6-6. Dismissal or entering a nolle prosequi of citation/summonses not prohibited.
- Sec. 8-6-7. Aid and assistance.
- CHAPTER 8-7. MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS
- Sec. 8-7-1. Spay and neuter requirement.
- Sec. 8-7-2. Owner.
- Sec. 8-7-3. Exemption for certain animals.
- Sec. 8-7-4. Fertile animal permits.
- Sec. 8-7-5. Enforcement.
- Sec. 8-7-6. Proof of compliance to enforcement agents, including ACOs.
- Sec. 8-7-7. Penalties.
- Sec. 8-7-8. Data.
- CHAPTER 8-8. CRUELTY TO ANIMALS
- Sec. 8-8-1. Cruelty to animals.
- Sec. 8-8-2. Cock and animal fighting.
- Sec. 8-8-3. Penalty.

RESOLUTION TO REALLOCATE AND APPROPRIATE \$2 MILLION TO THE WORKS, INC, TO ASSIST IN
THE COMPLETION OF THE PEACH TREE SENIOR DEVELOPMENT

WHEREAS, the Memphis City Council recognizes the current state of the economy and the negative impact it has on individuals' ability to obtain affordable housing; the Council is committed to supporting projects that seek to address this issue by developing housing that is both accessible and affordable; the Council continues to be willing to lend its support to those efforts that contribute to, and have a lasting positive impact on, the development, growth, and well-being of the City of Memphis and the people who are part of this community; and

WHEREAS, in the summer of 2015, Neighborhood Preservation, Inc. and The Works, Inc., in partnership with ComCap Partners, formulated an anchor-based strategy in the Frayser community, called the "Frayser Neighborhood Initiative;" this initiative targets blighted and dilapidated properties within a one-mile radius of the neighborhood schools, MLK College Prep and Frayser-Corning Elementary; the primary objective of this effort was to improve the built environment around schools to help provide a more stable living environment for students and their families; and

WHEREAS, this project would help to fulfill a significant need in the community and also complement the family-oriented Renaissance at Steele development that was completed 2021, and is located directly across Steele Street; and

WHEREAS, Peach Tree Senior Development is a proposed 79-unit senior housing development in the Frayser community; the development will be new construction, situated on an approximate 2.4 area site, and will be three stories; the building will consist of 76 one-bedroom units and 3 two-bedroom units; utilities will be provided to each tenant, and the building will include amenities such a community gathering space, on-site management, fitness facility, laundry rooms on each floor, and more; The Works will also offer a wide range of services to the senior residents to include health screenings, computer lab and training and group fitness activities; and

WHEREAS, the project is anticipated to be ready for occupancy by 2024; it is the intent of the Memphis City Council to provide the additional resources needed to ensure this project is completed and is able to provide much-needed housing to the seniors of the City of Memphis.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby reallocates and appropriates \$400,000 from Accelerate Memphis- Affordable Housing Fund.

BE IT FURTHER RESOLVED that the Memphis City Council hereby amends the CIP budget to allocate an additional \$1,000,000 from the City Council's Capital Pay Go fund for Council Directed Improvements to The Works, Inc.

BE IT FURTHER RESOLVED that the Memphis City Council hereby requests that the City of Memphis Finance Division create a line item in its FY24 Budget, allocating \$600,000 to The Works, Inc., for a total grant of \$2 million to be used in the development of the Peach Tree Senior Development.

Sponsor(s):

J. Ford Canale

Chase Carlisle

Michalyn Easter-Thomas

Edmund Ford, Sr.

Cheyenne Johnson

Martavius Jones

Rhonda Logan

JB Smiley, Jr.

Jana Swearengen-Washington

Dr. Jeff Warren



**Peach Tree Senior Development
Project Overview
December 2022**

Project Name/Project Type: Peach Tree Senior Development
Affordable Multifamily Senior Housing

Project Address: 3180 Steele Street
Memphis, Tennessee 38127

Project Description: In the summer of 2015, Neighborhood Preservation, Inc. and The Works, Inc., in partnership with ComCap Partners, formulated an anchor-based strategy in the Frayser community in Memphis, TN. The *Frayser Neighborhood Initiative* targets blighted and dilapidated properties within a one-mile radius of the neighborhood schools, MLK College Prep and Frayser-Corning Elementary. The primary objective of this effort was to improve the built environment around schools to help provide a more stable living environment for students and their families.

Peach Tree Senior Development is a proposed 79-unit senior housing development in the Frayser community. The development would help fill a significant need in the community and also complement the family-oriented Renaissance at Steele development, completed 2021, directly across Steele Street. Peach Tree will be co-developed by The Works, Inc. and ComCap Partners, which has a long history of affordable housing development and consulting.

The development will be new construction, situated on an approximate 2.4 area site. The development will be three stories and consists of 76 one-bedroom units and 3 two-bedroom units. Amenities will include a community gathering space, on-site management, fitness facility, laundry rooms on each floor, outdoor gathering spaces and energy efficient appliances. Utilities will be provided to each tenant. The Works will also offer a wide range of services to the senior residents to include health screenings, computer lab and training and group fitness activities.

It is anticipated that the project will be completed and ready for occupancy by the end of 2024.

Sources and Uses: The anticipated funding sources are as follows: a low-interest bank loan, using the Community Investment Tax Credit program administered by the THDA, equity from the syndication of (9%) Low-Income Housing Tax Credits and Project Based Vouchers (PBV) from the Memphis Housing Authority. Currently, the project has a funding gap of ~\$4.8 million. The Works, Inc. is requesting support from the City to help with the funding gap. The Works will also seek additional funding from our philanthropic partners. Please see the attached debt and equity commitment letters for more detail.



**Peach Tree Senior Development
Project Overview
December 2022**

Estimated Sources

LIHTC Equity (9%)	\$11.2 million (committed)
Permanent Financing	2.3 million (committed)
Other Sources	~4.8 million

Estimated Uses

Acquisition	\$1.1M
Site Work	790,000
Hard Construction Costs	11.6 million
Soft Costs	2.9 million
Transaction Costs	694,000
Contingency and Reserves	1.2 million

Total Project Costs \$18.3 million

Unit Mix

Unit Type		Number of Units	Unit Square Footage (SF)	Total Unit Square Footage (SF)
1 BD	1 BA	76	563	42,788
2 BD	1 BA	3	837	2,511
Totals		79		45,299

Utilities available to PBV contract units:

Specification of utility services (owner): Owner to provide utilities for each tenant.

Specification of utility services (tenant): Utility costs are included in tenant rent.

Estimated initial rents:

HOUSING UNIT TYPE	AMI	Unit Count	Monthly Rent (includes utilities)
1 Bedroom, 1 Bath	50%	16	645
2 Bedroom, 1 Bath	50%	1	700
1 Bedroom, 1 Bath	60%	60	700
2 Bedroom, 1 Bath	60%	2	750

MEMPHIS HOUSING AUTHORITY



700 Adams Avenue
Memphis, Tennessee 38105
(901) 544-1102

DEXTER D. WASHINGTON
CHIEF EXECUTIVE OFFICER

MHA BOARD OF
COMMISSIONERS

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www.MemphisHA.org



September 7, 2022

Roshun Austin
ComCap Partners
1708 Monroe Ave
Memphis, TN 38104

Reference: Solicitation no. PB 22-R-00647; Request for Project Based Voucher Program

Dear Ms. Austin:

Please be advised that the Memphis Housing Authority has approved the use of 79-project based vouchers for Peach Tree Senior, your anticipated new construction units on 3816 Steele Street. Before an Agreement for Housing Assistant Payment (AHAP) can be signed the Memphis Housing Authority must complete a subsidy layer review as required by HUD. Once this review is completed the AHAP agreement will be signed. I will reach out to your firm via email to begin the review process.

We appreciate your interest in this solicitation. If there are additional questions or concerns, please contact me for more details.

Sincerely,

David Walker
Contracting Officer



Tennessee Housing Development Agency

502 Deaderick Street, 3rd Floor
Nashville, Tennessee 37243
(615) 815-2200

Bill Lee
Governor

Ralph M. Perrey
Executive Director

2022 LOW-INCOME HOUSING CREDIT RESERVATION NOTICE

THDA BIN Number: **TN22-010**

The Tennessee Housing Development Agency (“THDA”) hereby reserves competitive 2022 Low-Income Housing Credit (“LIHC”) in the amount of \$1,300,000.00 to The Works, Inc. (“Owner”) for Peach Tree Senior Development (“Development”) located in Shelby County. This Reservation Notice is subject to Owner's full and timely compliance with the terms, conditions, and requirements contained herein.

Owner shall furnish all information required by this Reservation Notice by the dates specified herein. THDA will not send reminders. This reservation of LIHC reflected in this Reservation Notice is from Regional Pool 1 of the New Construction Pool as described in the THDA LIHC 2022 Qualified Allocation Plan (“2022 QAP”).

1. Owner must submit the following items no later than: **Monday, October 3, 2022**
 - This Reservation Notice, fully executed by Owner; and
 - Pursuant to Section 5-C of the 2022 QAP, a non-refundable Reservation Fee in the amount of \$81,250.00 in the form of a wire transfer
2. Owner must submit the following items no later than: **Tuesday, October 18, 2022**
 - Statement of Application and Certification
 - Carryover Application in the Tennessee Housing Online Management Application System (“THOMAS”) data must be entered during the period from October 04, 2022 12:00 AM Central Time to October 18, 2022 through 11:59 PM Central Time.
 - Firm commitment letter(s) for construction financing, executed by all parties and otherwise in a form and with substance acceptable to THDA in its sole discretion.
 - Detailed Information about the syndication transaction including, without limitation a firm commitment


letter from the purchaser of the housing credits executed as specified in the Carryover Allocation Agreement

- Most recent utility allowance documents from USDA/RD, HUD, local PHA, or utility company indicating the basis for calculations of utility costs for the size and type of units proposed as indicated in the Initial Application.
 - 30 Year Operating Proforma for Income and Expenses
 - IRS documentation reflecting Employer Identification Number for Owner. **This is the identification number THDA will use on the Carryover Allocation Agreement.**
3. Following full satisfaction of the requirements of this Reservation Notice and any other requirements THDA, in its sole discretion, deems necessary, a Carryover Allocation Agreement may be issued for Development. Additional Carryover Allocation Agreement requirements may apply as specified in Section 16 of the 2022 QAP. Failure to fully satisfy the requirements of this Reservation Notice may result in cancellation of this Reservation Notice pursuant to Section 15-I of the 2021 QAP.
 4. By accepting this Reservation Notice, Owner understands and accepts the risk that the U.S. Department of Treasury or the Internal Revenue Service may change LIHC requirements at any time and any such changes may negatively affect the Development and/or the LIHC reserved hereunder. Owner further acknowledges that a tax advisor of Owner's choosing has been consulted as to any consequences related to the LIHC, any changes thereto, or cost breakdowns per building.
 5. Owner acknowledges and agrees that THDA shall have no liability for any adverse consequences to Owner if Owner chooses to proceed with Development based on this Reservation Notice. THDA shall evaluate Development prior to issuing IRS Form(s) 8609 and such evaluation may result in the denial of LIHC or a reduction in the amount of LIHC allocated to Development. Developments utilizing Rural Development, HUD, or other financing or credit enhancements are subject to review and recommendations by such provider and the LIHC reservation hereunder is subject to satisfying all recommendations or issues identified by such provider.

TENNESSEE HOUSING DEVELOPMENT AGENCY SIGNATURE PAGE

Executed this 27th day of September, 2022.

BY:



Felita Hamilton
Program Allocation Manager

APPLICANT SIGNATURE PAGE

BY: _____
Roshun Austin, Director

Executed this _____ day of _____, 2022.

May 25, 2022

Roshun Austin
President/CEO
The Works, Inc.
1471 Genesis Circle
Memphis, TN 38106

Re: Peach Tree Senior Development

Dear Roshun:

Pinnacle Bank is pleased to provide this proposal for a CITC construction/permanent loan up to \$2,700,000 to finance the development of Peach Tree Senior Development in Memphis, TN. The loan is for construction of a 79-unit senior apartment property and will be 100% LIHTC affordable housing utilizing a 40 at 60% set aside.

The loan will be secured by a first mortgage, assignment of rents, leases, and contracts. The project will require funding from multiple sources, including equity provided by the tax credit investor. All sources of funding must be committed, available and structured acceptable to Pinnacle prior to funding. Guaranty to be structured acceptable to Pinnacle.

The proposal is subject to change based on Lender's further analysis, current interest rates, and underwriting of the appraisal and market conditions. All conditions are subject to review and final approval of Pinnacle.

Sincerely,



Stacey Fantom
Senior Vice President



May 25, 2022

Roshun Austin
President/CEO
The Works, Inc.
1471 Genesis Circle
Memphis, TN 38106

Re: Peach Tree Senior Development

Dear Roshun:

Pinnacle Bank is pleased to provide this proposal to purchase the federal low-income housing tax credits which will be allocated to the above referenced property should the project be successful in receiving a reservation of 9% tax credits from Tennessee Housing Development Agency in the amount of \$1,300,000. Based on annual LIHTC allocation of \$1,300,000, capital contributions to the limited partnership would total \$11,200,000 (\$.86 per dollar of tax credit).

The project is a 79-unit senior apartment property and will be 100% LIHTC affordable housing utilizing 40 at 60% set aside. The development will require funding from multiple sources, including a CITC construction/permanent loan from a lender acceptable to Pinnacle. All sources of funding must be committed, available and structured acceptable to Pinnacle prior to funding.

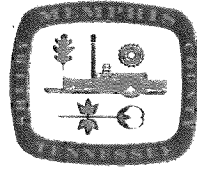
The proposal is subject to change based on Pinnacle's further analysis, market conditions, and underwriting of the development. All conditions are subject to review and final approval of Pinnacle.

Sincerely,



Stacey Fantom
Senior Vice President





Memphis City Council Summary Sheet

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

A resolution to transfer funds in the amount of \$451,027.45 from The Affordable Housing contribution from unassigned fund balance into the Memphis Housing Trust Fund in support of the continuance of affordable housing activity in the City of Memphis.

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

The Division of Housing and Community Development

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

Not applicable.

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

City Wide

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

New contracts and contract amendments will be required.

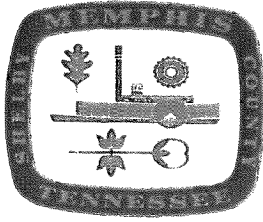
6. State whether this requires an expenditure of funds/requires a budget amendment.

Expenditure of funds will be required.

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

Not applicable to MWBE.

Division of Housing and Community Development-Resolution



A resolution to transfer funds in the amount of \$451,027.45 from The Affordable Housing contribution from unassigned fund balance into the Memphis Housing Trust Fund in support of the continuance of affordable housing activity in the city of Memphis.

WHEREAS, an agreement establishing a Non-Profit Organization Advised Fund of the Community Foundation of Greater Memphis was entered into September 23, 1993, by and between Community Foundation of Greater Memphis, Inc. and City of Memphis, Division of Housing and Community Development for the furthering of economic development through local small business job creation in the City of Memphis; and

WHEREAS, on June 4, 2019, the City Council approved the resolution creating an Affordable Housing Trust Fund (AHTF) account as part of the Advised Fund of the Community Foundation of Greater Memphis for the purpose of supporting Affordable Housing activities within the City of Memphis; and

WHEREAS, the FY2020 Budget Appropriation Ordinance 5725 established The Affordable Housing Fund which was budgeted to receive approximately \$795,715.00 for affordable housing expenditures in the City of Memphis; and

WHEREAS, the FY2020 Fixing Tax Rate of the City of Memphis Ordinance 5726 Section 3 established that the taxes levied in Section 1 of the Ordinance when collected should be apportioned for the Affordable Housing Fund, \$0.006667 on each ONE HUNDRED DOLLARS (\$100.00) of assessed valuation; and

WHEREAS, from FY1999 through FY2002, the City of Memphis, through the Division of Housing and Community Development administered the Memphis Middle Income Housing Program (MIDPA) in partnership with Fannie Mae using bond proceeds to provide Down Payment Assistance loans to individuals purchasing homes in the City limits; and

Division of Housing and Community Development-Resolution

WHEREAS, In August 2014, the Fannie Mae bond loan guaranty was satisfied from the repayment of defaulted Middle Income Down Payment Assistance loans with general funds; and

WHEREAS, the City of Memphis, Division of Housing and Community Development has successfully collected over \$364,285.00 on defaulted Middle-Income Housing Down Assistance loans, and deposited such collections in the Affordable Housing Fund; and

WHEREAS, The Affordable Housing Fund was not able to spend its funding, for the designated purpose, and the additional collections from the Middle-Income Down Payment Assistance collections in FY20 and therefore all income was returned to the fund's balance; and

WHEREAS, at year end of FY22 The Affordable Housing Fund remaining balance of the taxes levied was not expensed, therefore the remaining balance of \$451,027.45 was returned to the fund's balance; and

WHEREAS, the City of Memphis, Division of Housing and Community Development now desires to use from The Affordable Housing contribution from unassigned fund balance, \$451,027.45 for the Affordable Housing Trust Fund account established at the Community Foundation of Greater Memphis to continue affordable housing efforts in the City of Memphis.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Memphis approves the transfer from The Affordable Housing contribution from unassigned fund balance, \$451,027.45 to the Memphis Housing Trust Fund account for purposes of payment to the AHTF account of the Advised Fund of the Community Foundation of Greater Memphis in support of Affordable Housing Activities within the City of Memphis.

REVENUES

Contribution from unassigned Fund Balance (Fund 0270)	<u>\$451,027.45</u>
TOTAL	\$451,027.45

EXPENDITURES

Affordable Housing Trust Fund (Fund 0270)	<u>\$451,027.45</u>
TOTAL	\$451,027.45

Resolution Establishing a Park Restoration Fund and Reallocating and Reappropriating \$500,000 from the FY23 CIP

WHEREAS, the City of Memphis has made a significant investment in the restoration of Tom Lee Park, an invaluable public park and riverfront asset (the “Park”); and

WHEREAS, a newly renovated park and its amenities, particularly young growth vegetation and infrastructure, are most vulnerable to damage in the first two years of its renovation; and

WHEREAS, the Park has been the home to a world famous festival, Memphis in May (the “Festival”), which brings thousands of people to the Park, and it is anticipated that Memphis in May will be held at the Park in years 2023 and 2024; and

WHEREAS, the newly improved Park will require a modified/new approach to Festival operations, as Park and Festival operators figure out how to “load-in” and integrate a festival into a reconfigured Park with more “damageable” amenities; and

WHEREAS, the City desires to mitigate risk to the vegetation and physical infrastructure, and also to minimize financial risk to both the Park and Festival operator; and

WHEREAS, the Memphis City Council, through the FY23 budget, allocated \$5.5M for the purposes of improvements to Mud Island; and

WHEREAS, uses for the \$5.5M allocated to Mud Island have yet to be identified; and

WHEREAS, the City of Memphis proposes to establish a \$500,000 Park Restoration Fund (“Fund”) that will be used to cover expenses to repair or mitigate damage resulting from the Festival for the first two years following the renovation, to operate as follows:

- a. The source of funds will be \$500,000 of the \$5.5M of FY23 CIP funds that were appropriated for the renovation of Mud Island.
- b. The City will assign \$350,000 of the restoration fund to year 1 (2023), and \$150,000 of the restoration to year 2 (2024).
- c. The Fund money will be the first dollars used to restore the Park from any Festival damage in 2023 and 2024.
- d. The Festival operator will be required to submit a damage deposit each year in the amount of \$250,000, to cover the costs of repairs in excess of the amount provided for annually in the Fund, but if costs to repair damage resulting from the Festival do not exceed the amount of the City’s Fund balance for either of the first two years, then none of the Festival operator’s damage deposit will be drawn upon to correct the damage.
- e. The use of the Funds is permissive, and the City of Memphis will have sole discretion to approve payment of restoration funds for damage incurred by the Festival, and may, at its sole discretion, exclude any damage caused by willful/ wanton destruction of property, or damage incurred due to gross negligence of the Festival operator. In the event the City does not distribute all of the money from the Fund in any given year for these

reasons, the deposit from the Festival Operator should be used to cover the cost of repairs.

- f. Should damages exceed the annual contribution by the City, plus the damage deposit by the Festival operator, the Memphis River Parks Partnership shall fund the balance of the restoration.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Chief Financial Officer shall create a "Park Restoration Fund," to be funded by allocating and appropriating \$500,000 from the FY23 CIP budget from Mud Island; and the funds from the Park Restoration Fund shall be distributed consistent with the manner described herein.

Sponsor:

Chair Martavius Jones
Councilman Chase Carlisle
City Administration