

SHEET NO.  
**A001**

PROJECT NUMBER  
20029

PROJECT TITLE  
ARCHITECTURAL SITE PLAN

© 2022 ANF ARCHITECTS INC.

NO. DATE DESCRIPTION  
REVISIONS

DATE  
12/21/2022

SCALE

PROJECT NAME  
**P.U.R.E.**

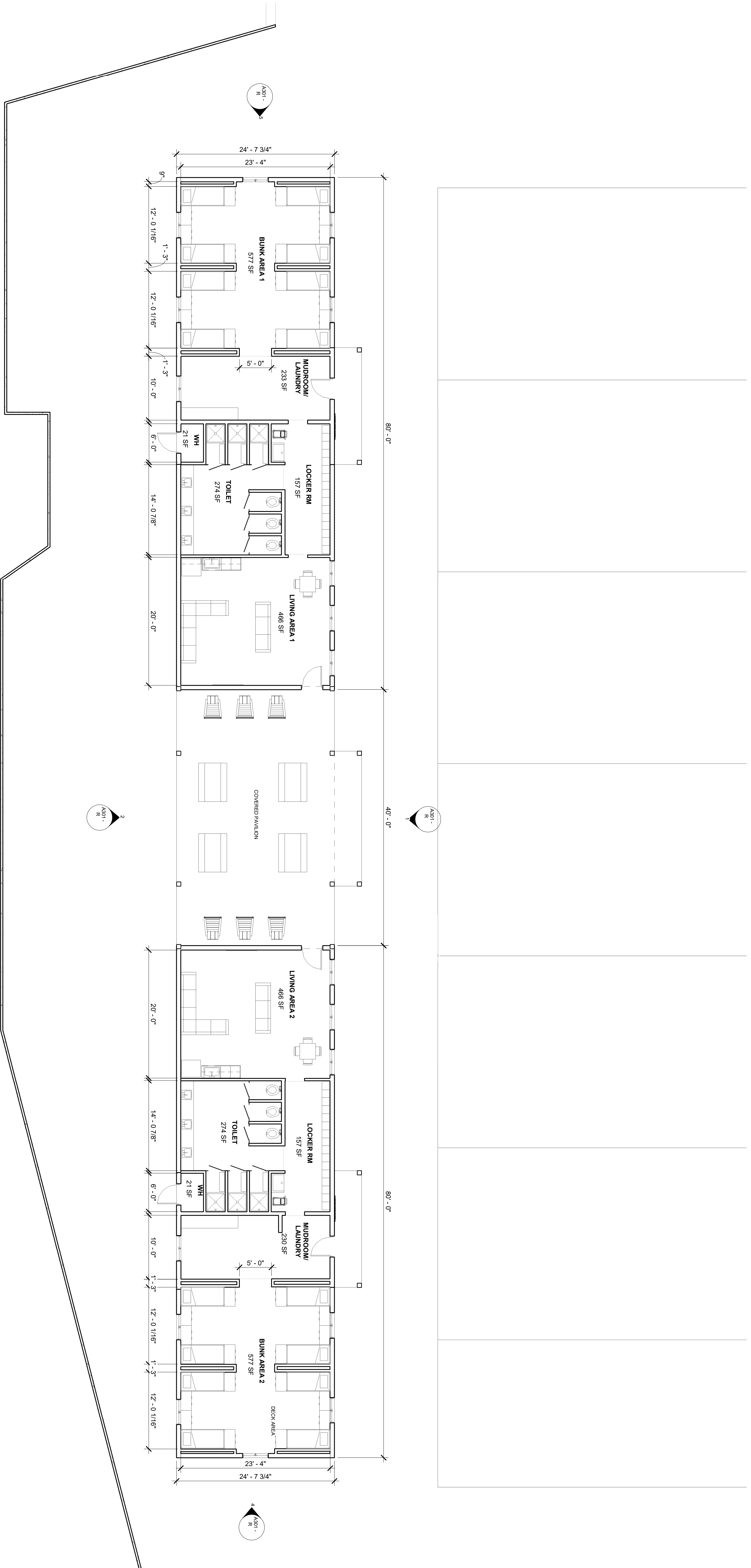
4847 AMEY RD.  
MEMPHIS, TN

PROJECT STATUS  
**DESIGN DEVELOPMENT**

1500 Union Avenue  
Memphis, TN 38104  
901.278.6868



1 FIRST FLOOR PLAN - DORMITORY  
1/8" = 1'-0"



1500 Union Avenue  
 Memphis, TN 38104  
 901.278.6868

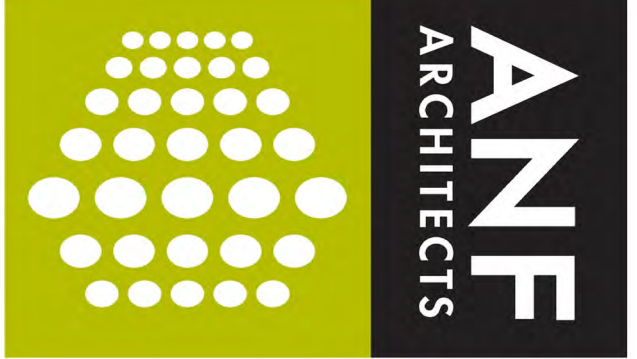
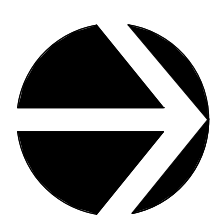
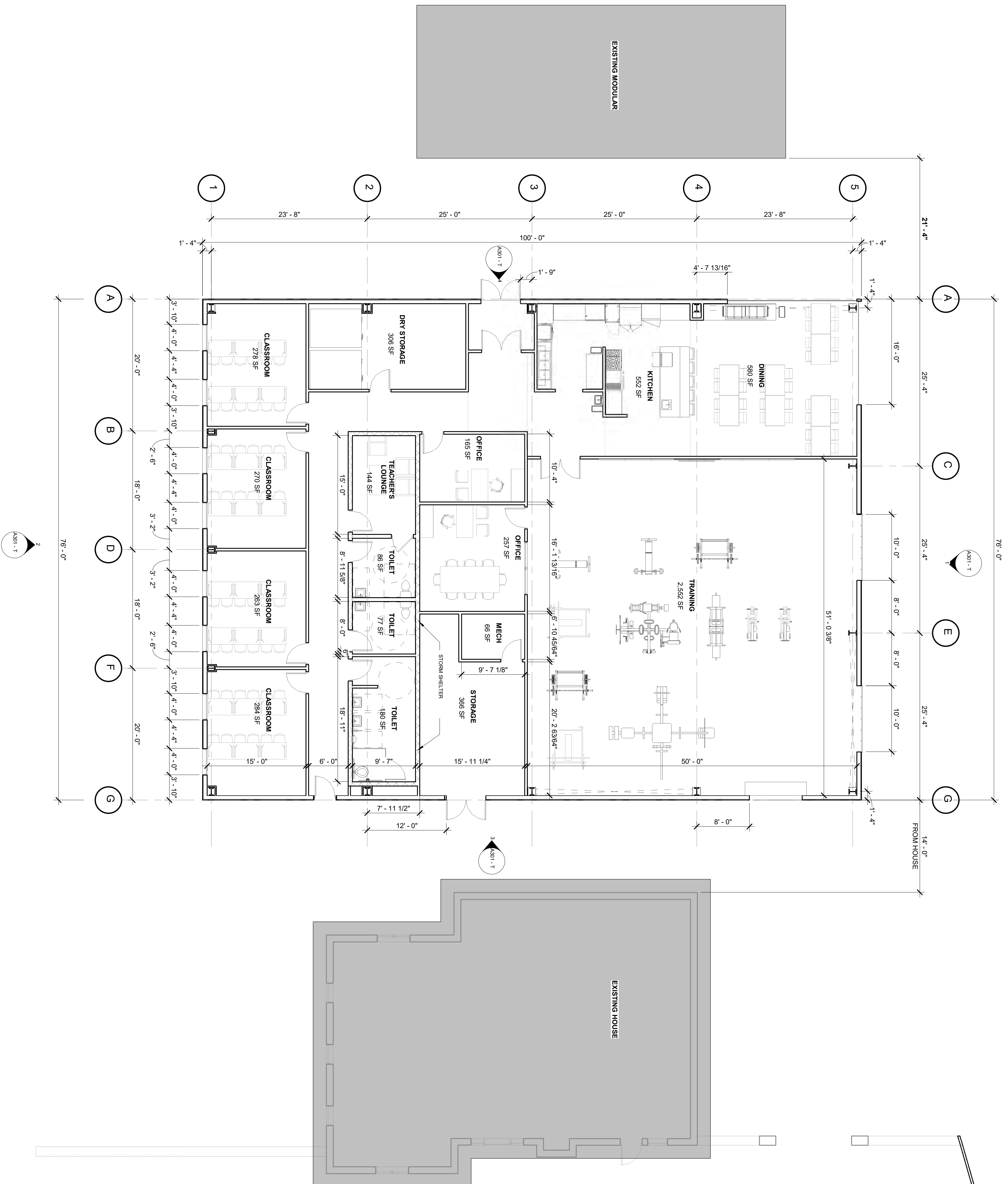
PROJECT NAME  
**P.U.R.E.**  
 4847 AMEY RD.  
 MEMPHIS, TN  
 PROJECT STATUS  
**DESIGN DEVELOPMENT**

NO. DATE DESCRIPTION  
 REVISIONS  
 DATE 12/21/2022  
 SCALE

PROJECT NUMBER  
 20029  
 SHEET TITLE  
 FIRST FLOOR PLAN -  
 DORMS

SHEET NO.  
**A101-R**  
 © 2022 ANF ARCHITECTS INC.

1 FIRST FLOOR PLAN - TRAINING  
1/8" = 1'-0"



1500 Union Avenue  
Memphis, TN 38104  
901.278.6868

PROJECT NAME  
**P.U.R.E.**

4847 AMEY RD.  
MEMPHIS, TN

PROJECT STATUS  
**DESIGN DEVELOPMENT**

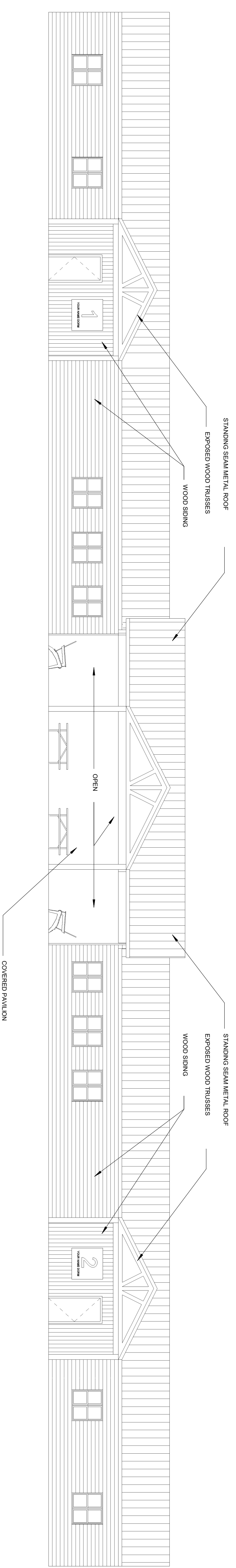
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DATE REVISIONS  
12/21/2022

PROJECT NUMBER  
20009

PROJECT DESCRIPTION  
FIRST FLOOR PLAN -  
TRAINING

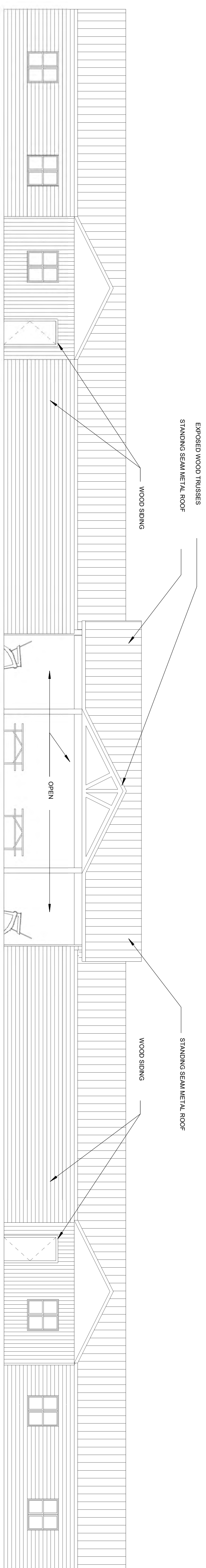
SHEET NO.  
**A101-T**

© 2022 ANF ARCHITECTS INC.



1 WEST ELEVATION - DORMS  
1/8" = 1'-0"

--- TRAINING ROOF  
15'-0"  
--- DORM ROOF  
9'-0"  
--- FIRST FLOOR  
0'-0"

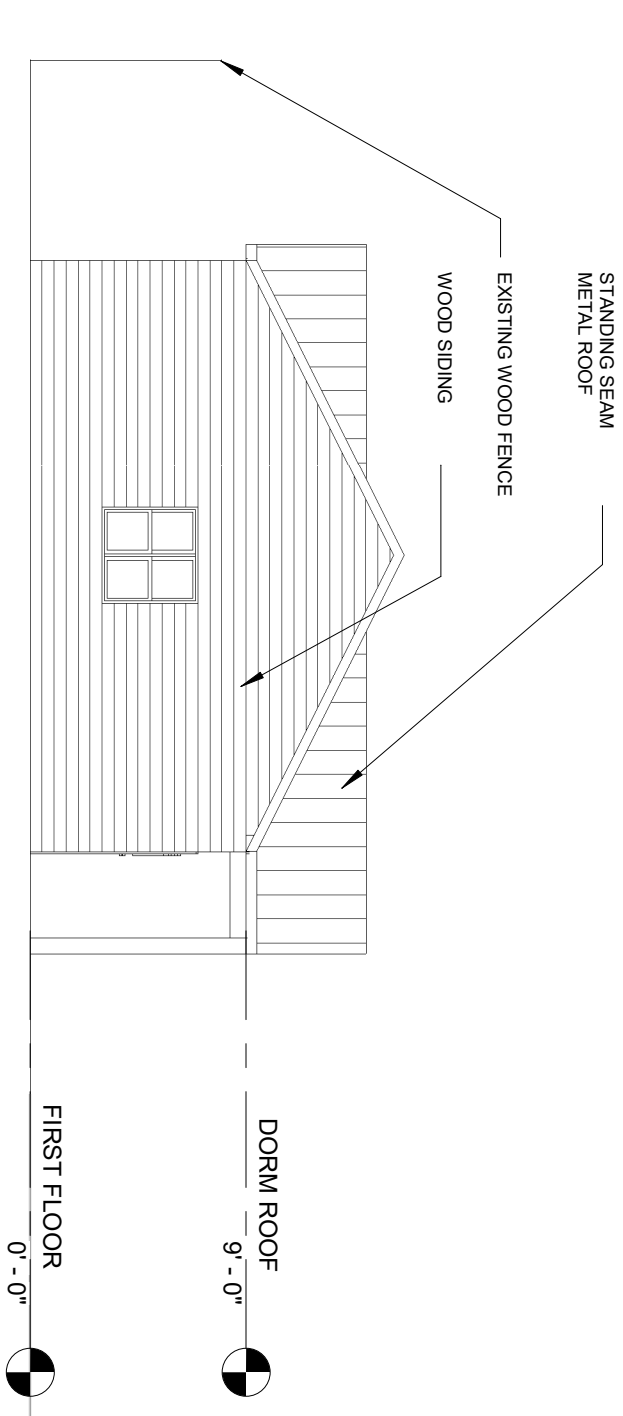


2 EAST ELEVATION - DORMS  
1/8" = 1'-0"

--- TRAINING ROOF  
15'-0"  
--- DORM ROOF  
9'-0"  
--- FIRST FLOOR  
0'-0"

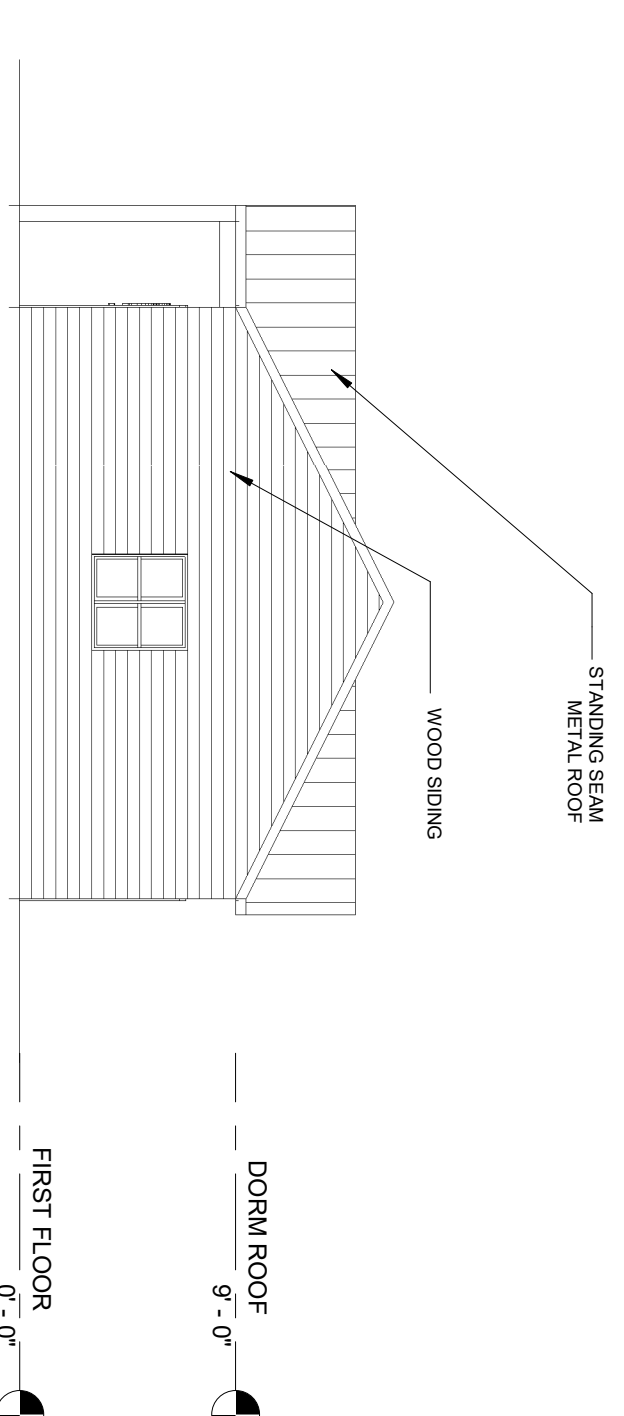


4 NORTH ELEVATION DORMS  
1/8" = 1'-0"



--- DORM ROOF  
9'-0"  
--- FIRST FLOOR  
0'-0"

5 SOUTH ELEVATION DORMS  
1/8" = 1'-0"



--- DORM ROOF  
9'-0"  
--- FIRST FLOOR  
0'-0"



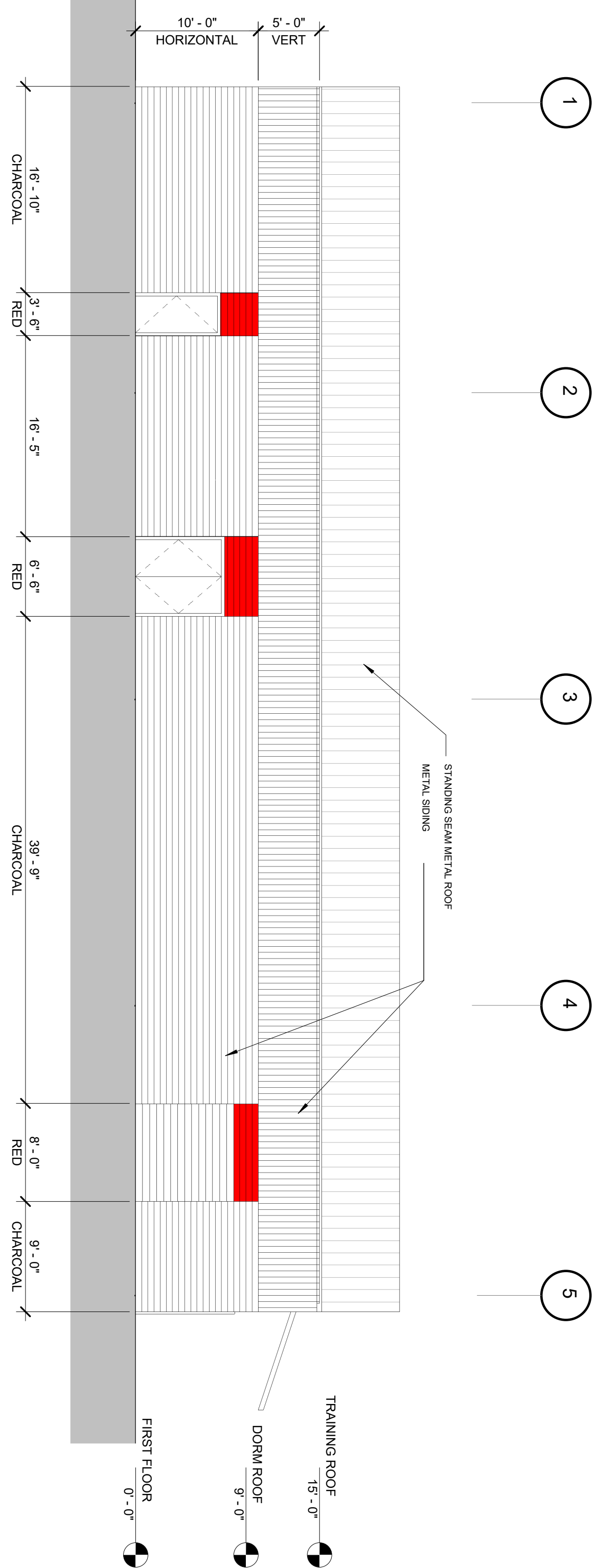
1500 Union Avenue  
Memphis, TN 38104  
901.278.6868

PROJECT NAME  
**P.U.R.E.**  
4847 AMEY RD.  
MEMPHIS, TN  
PROJECT STATUS  
**DESIGN DEVELOPMENT**

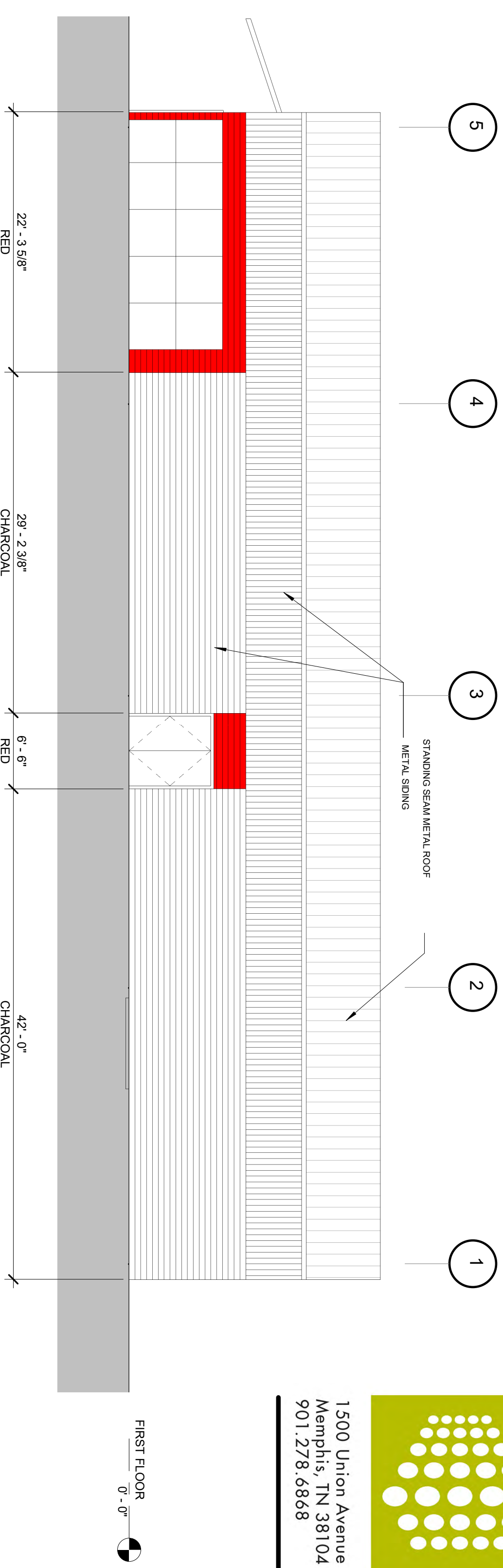
NO. DATE DESCRIPTION  
DATE 12/21/2022  
SCALE

PROJECT NUMBER  
20029  
SHEET FOR  
ELEVATIONS - DORMS

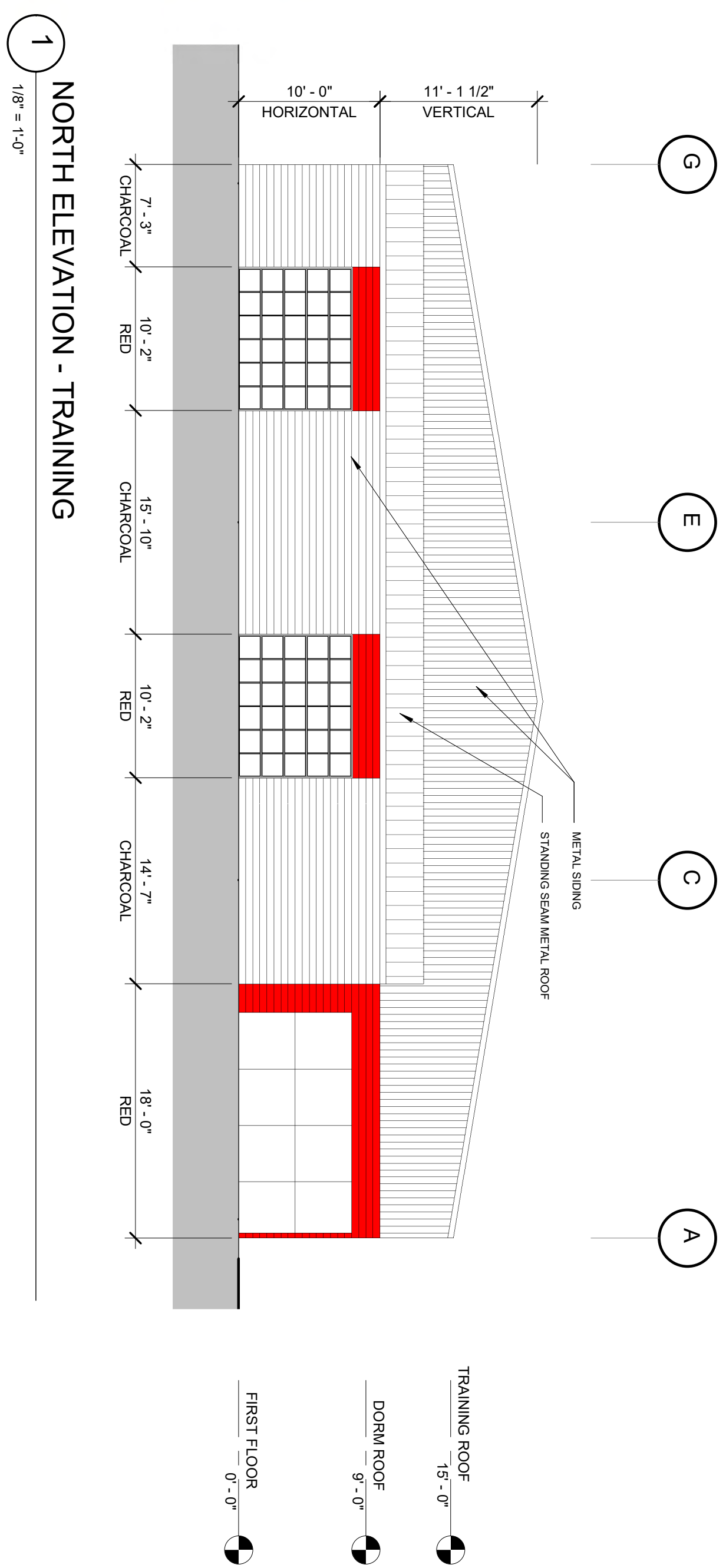
SHEET NO.  
**A301 - R**  
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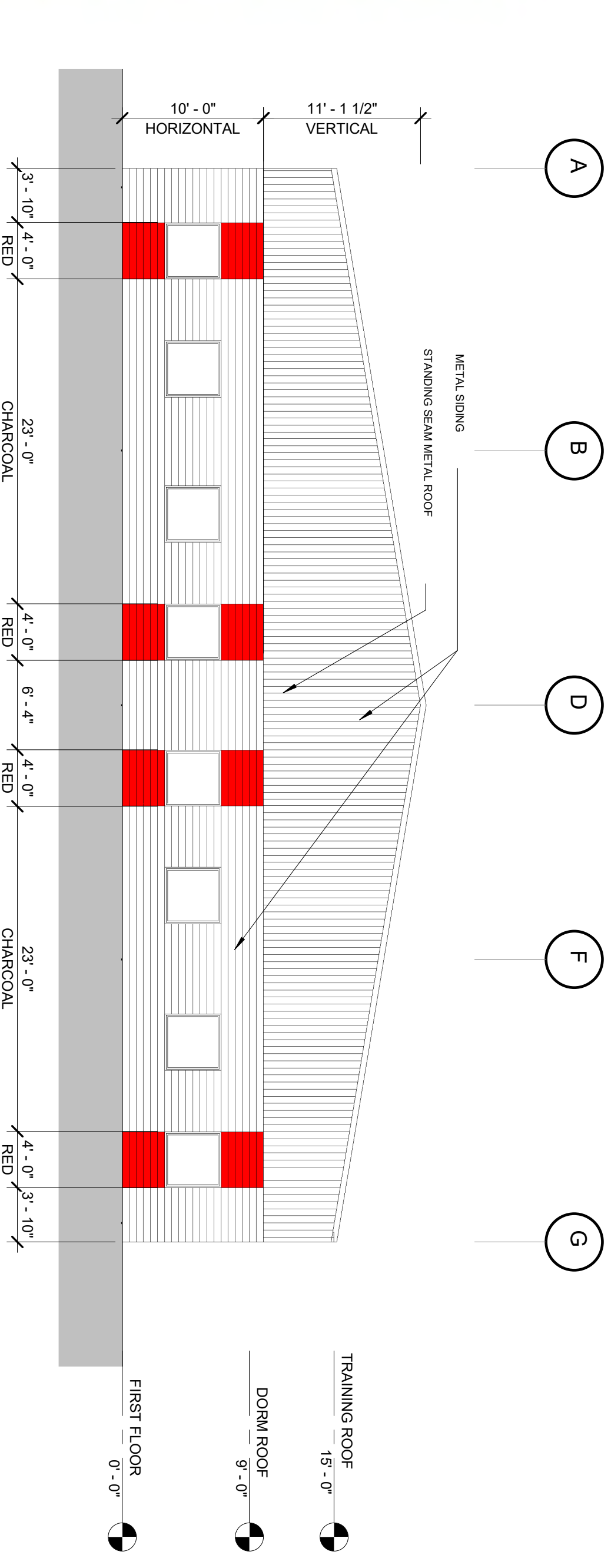
3 EAST ELEVATION - TRAINING  
1/8" = 1'-0"



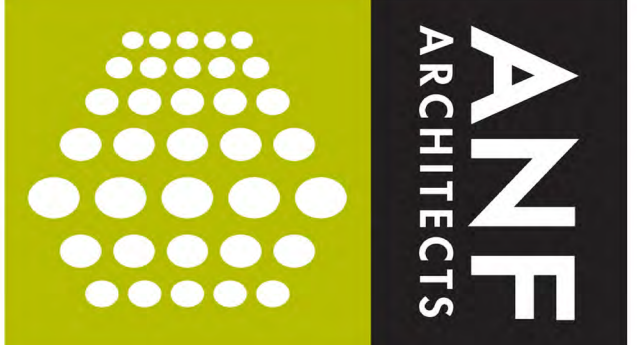
4 WEST ELEVATION - TRAINING  
1/8" = 1'-0"



1 NORTH ELEVATION - TRAINING  
1/8" = 1'-0"



2 SOUTH ELEVATION - TRAINING  
1/8" = 1'-0"



1300 Union Avenue  
Memphis, TN 38104  
901.278.6868

PROJECT NAME  
**P.U.R.E.**  
4847 AMEY RD.  
MEMPHIS, TN  
PROJECT STATUS  
**DESIGN DEVELOPMENT**

NO. DATE DESCRIPTION  
REVISIONS  
DATE 12/21/2022  
SCALE

PROJECT NUMBER  
20029

SHEET NO.  
**A301 - T**

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**STUDENT DORMITORY**  
DECEMBER 22, 2022





**TRAINING FACILITY**  
DECEMBER 22, 2022



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 03/07/2023  
DATE  
PUBLIC SESSION: 03/07/2023  
DATE**

**ITEM (CHECK ONE)**

ORDINANCE       CONDEMNATIONS       GRANT ACCEPTANCE / AMENDMENT  
 RESOLUTION       GRANT APPLICATION       REQUEST FOR PUBLIC HEARING  
 OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution approving a new planned development for PURE Academy  
**CASE NUMBER:** PD 2022-006  
**DEVELOPMENT:** PURE Academy Planned Development  
**LOCATION:** 4815, 4825, and 4847 Amey Road and 748 Wilson Road  
**COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** John and Tammy Golwen  
**REPRESENTATIVE:** Joel Johnson, B. Taylor Gray, and John Golwen  
**EXISTING ZONING:** Residential Single-Family – 6 (R-6)  
**REQUEST:** Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)  
**AREA:** +/-2.07 acres  
**RECOMMENDATION:** The Division of Planning and Development recommended *Approval with conditions*  
The Land Use Control Board recommended *Approval with conditions*  
**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
04/14/2022 \_\_\_\_\_ DATE  
(1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
_____ Lucas Skinner _____	02/23/2023	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>





## Memphis City Council Summary Sheet

### ***PD 2022-006 – PURE Academy Planned Development***

Resolution requesting a planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.):

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s): John and Tammy Golwen; Applicant(s): John and Tammy Golwen; and Representative(s): Joel Johnson, B. Taylor Gray, and John Golwen; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, April 14, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 2022-006
<b>DEVELOPMENT:</b>	PURE Academy Planned Development
<b>LOCATION:</b>	4815, 4825, and 4847 Amey Road and 748 Wilson Road
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	John and Tammy Golwen
<b>REPRESENTATIVE:</b>	Joel Johnson, B. Taylor Gray, and John Golwen
<b>REQUEST:</b>	Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)
<b>EXISTING ZONING:</b>	Residential Single-Family – 6 (R-6)
<b>AREA:</b>	+/-2.07 acres

---

**The following spoke in support of the application:** John Golwen, Melvin Cole

**The following spoke in opposition the application:** Raquel Scott, Shirley Holliday

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

**The motion passed by a vote of 7-2 on the regular agenda.**

Respectfully,



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

Cc: Committee Members  
File

## **Outline Plan Conditions**

PD 2022-006

PURE Academy Planned Development

Outline Plan Conditions

### I. Uses Permitted

- A. Educational Facility
- B. Dormitory accessory to an educational facility
- C. Other accessory uses to an educational facility, including recreation fields (without lights)
- D. All other uses permitted by the Residential Single Family– 6 (R-6) District

### II. Bulk Regulations

The bulk regulations of the R-6 district shall govern except where noted below:

- A. Setbacks
  - i. Minimum front and rear setback of 20 feet
  - ii. Minimum parking setback of 20 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the R-6 district.
- D. Building materials shall be consistent with the surrounding area.

### III. Access and Circulation

- A. Internal circulation shall be shown on final plan.
- B. Vehicular access shall contain a two-way entrance.
- C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. Parking shall be provided as shown on final plat.

### IV. Landscaping and Screening

- A. A detailed landscaping plan shall be submitted with the final plan.

### V. Signs

- A. Any signs shall be regulated by the R-6 district.

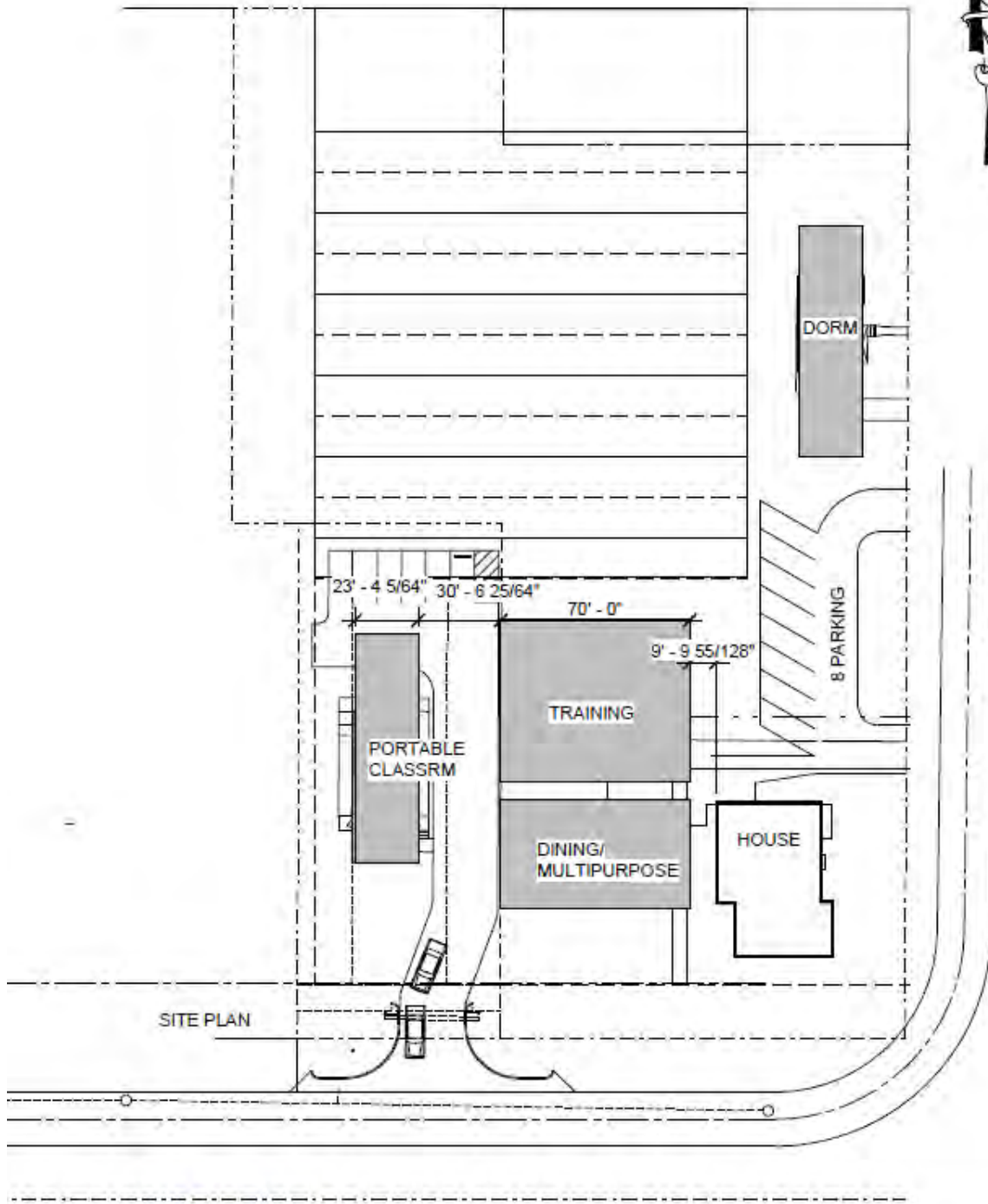
### VI. Drainage and Sanitary Sewer

- A. 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 plan.

- 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 Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. 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 lots, buildable areas, parking areas, drives, and required landscaping.
  - D. The location and ownership, whether public or private of any easement.
  - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - F. The 100-year flood elevation.

CONCEPT PLAN

WHITEHAVEN LANE



PURE  
4847 AMEY RD.  
MEMPHIS, TN

SITE PLAN 1" = 50'-0"

PROJECT NO.	DATE	SHEET NO.
20029	02/16/22	1

**RESOLUTION APPROVING THE PURE ACADEMY PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4815, 4825, AND 4847 AMEY ROAD AND 748 WILSON ROAD, KNOWN AS CASE NUMBER PD 2022-006.**

---

**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 John and Tammy Golwen filed an application with the Memphis and Shelby County Division of Planning and Development for a planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.); 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 April 14, 2022, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

JPD  
B. Renner  
#5

***ATTEST:***

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

Date           MAY 24 2022          

*Valerie C. Snipes*

Deputy Comptroller-Council Records

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

## **OUTLINE PLAN CONDITIONS**

PD 2022-006

PURE Academy Planned Development

Outline Plan Conditions

### **I. Uses Permitted**

- A. Educational Facility with a maximum of 30 students. Any additional students may be requested subject to City Council approval.
- B. Dormitory accessory to an educational facility
- C. Other accessory uses to an educational facility, including recreation fields (without lights)
- D. All other uses permitted by the Residential Single Family– 6 (R-6) District

### **II. Bulk Regulations**

The bulk regulations of the R-6 district shall govern except where noted below:

- A. Setbacks
  - i. Minimum front and rear setback of 20 feet
  - ii. Minimum parking setback of 20 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the R-6 district.
- D. Building materials shall be consistent with the surrounding area.

### **III. Access and Circulation**

- A. Internal circulation shall be shown on final plan.
- B. Vehicular access shall contain a two-way entrance.
- C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. Parking shall be provided as shown on final plat.

### **IV. Landscaping and Screening**

- A. A detailed landscaping plan shall be submitted with the final plan.
- B. Fencing shall be stepped back at a depth of 3 feet in equal widths with a maximum of 24 foot sections along each fence line facing the public right of way to allow additional landscaping within the step-back.

### **V. Signs**

- A. Any signs shall be regulated by the R-6 district.

### **VI. Drainage and Sanitary Sewer**

- A. 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 plan.



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 Memphis City Council.

VIII. Final Plan

A. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

B. Final plat shall be subject to City Council approval.

IX. 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 lots, buildable areas, parking areas, drives, and required landscaping.

D. The location and ownership, whether public or private of any easement.

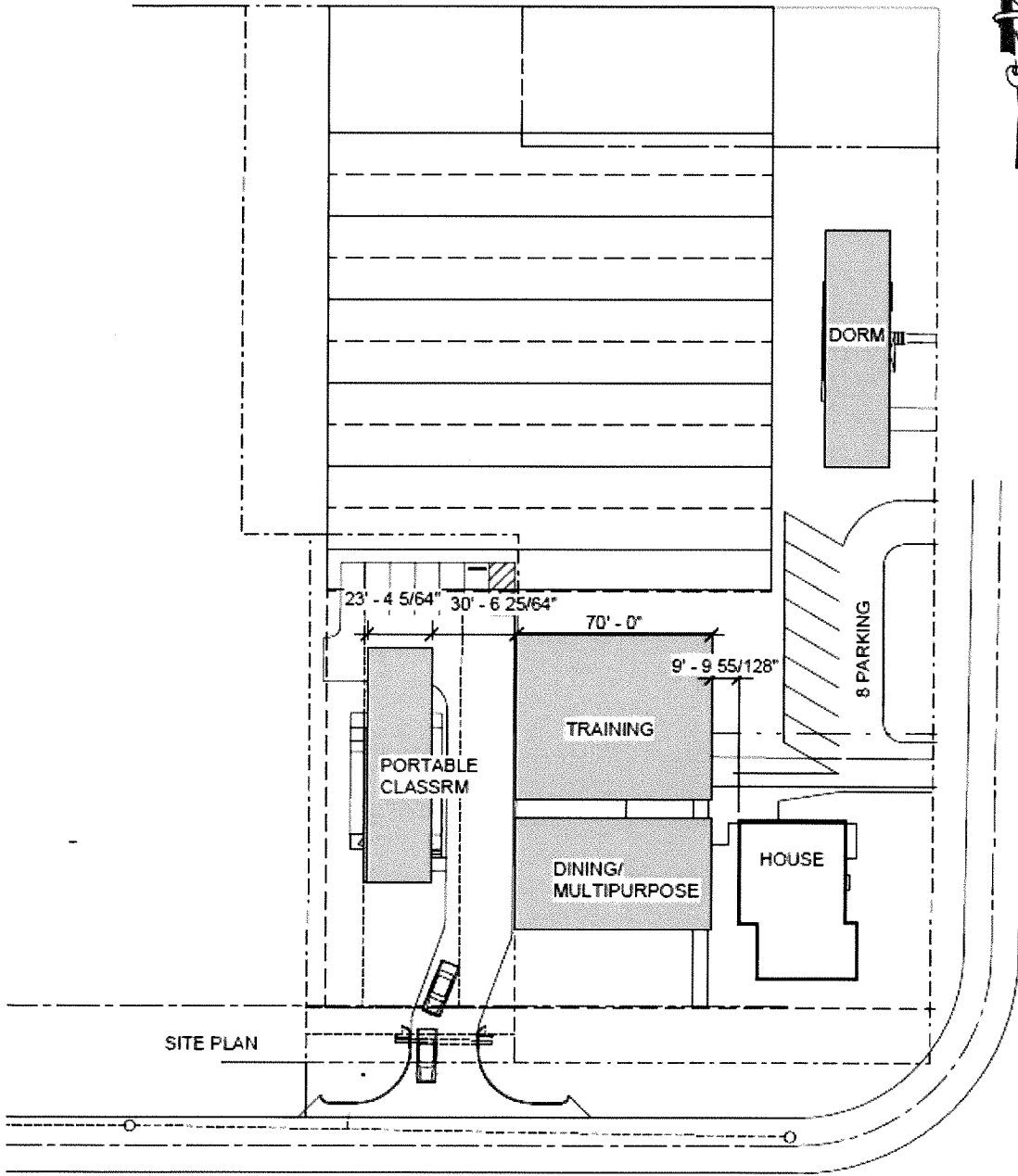
E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.

F. The 100-year flood elevation.

G. Proposed building elevations of all new structures.

# CONCEPT PLAN

WHITE HAVEN LANE



PURE  
4847 AMEY RD.  
MEMPHIS, TN

SITE PLAN 1" = 50'-0"

PROJECT NO.	DATE	SHEET NO.
20029	02/16/22	1

AGENDA ITEM: 16

**CASE NUMBER:** PD 2022-006 **L.U.C.B. MEETING:** April 14, 2022

**DEVELOPMENT:** PURE Academy Planned Development

**LOCATION:** 4815, 4825, and 4847 Amey Road and 748 Wilson Road

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

**OWNER/APPLICANT:** John and Tammy Golwen

**REPRESENTATIVE:** Joel Johnson and B. Taylor Gray

**REQUEST:** Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)

**AREA:** +/-2.07 acres

**EXISTING ZONING:** Residential Single-Family – 6 (R-6)

## CONCLUSIONS

1. The applicant is requesting a new multi-use planned development for PURE Academy on four parcels located at 4815, 4825, and 4847 Amey Road and 748 Wilson Road, on the west side of Amey Road south of Whitehaven Lane and north of Wilson Road.
2. The site has an existing house structure, and the planned development is looking to approve a new dormitory, portable classroom, dining/multipurpose building, and training facility for a total of 5 structures on the site. Along with these structures there will be a practice football field with no lights. Staff would like to note that the portable classroom has already been reviewed and approved from both a zoning and building permitting standpoint as of March, 2022.
3. The planned development calls to maintain most of the bulk regulations and general aesthetics of the underlying residential zoning, including setbacks and height of structures as well as materials being used.
4. Staff feels given the vacancy of lots to the west as well as the three-sided roadway buffer with additional unique landscaping, that this request provides a very creative and fairly low-level occupancy use for this site. It should be noted that given “historical” imagery, a portion of this use (including signage) has been at this site since at least 2019 (see first site photo on page 9).
5. The proposed addition of creative and unique landscaping will create a more desirable and aesthetically pleasing buffer in the neighborhood, especially given the three road frontages.
6. 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.
7. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** Whitehaven Lane +/- 284.5 linear feet  
Amey Road +/- 380.1 linear feet  
Wilson Road +/- 229.3 linear feet

**Zoning Atlas Page:** 2430

**Parcel ID:** 077067 00024, 077067 00023, 077067 00019C, 077067 00020

**Existing Zoning:** Residential Single-Family – 6 (R-6)

**NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Monday, April 4, 2022, on site at 4847 Amey Road.

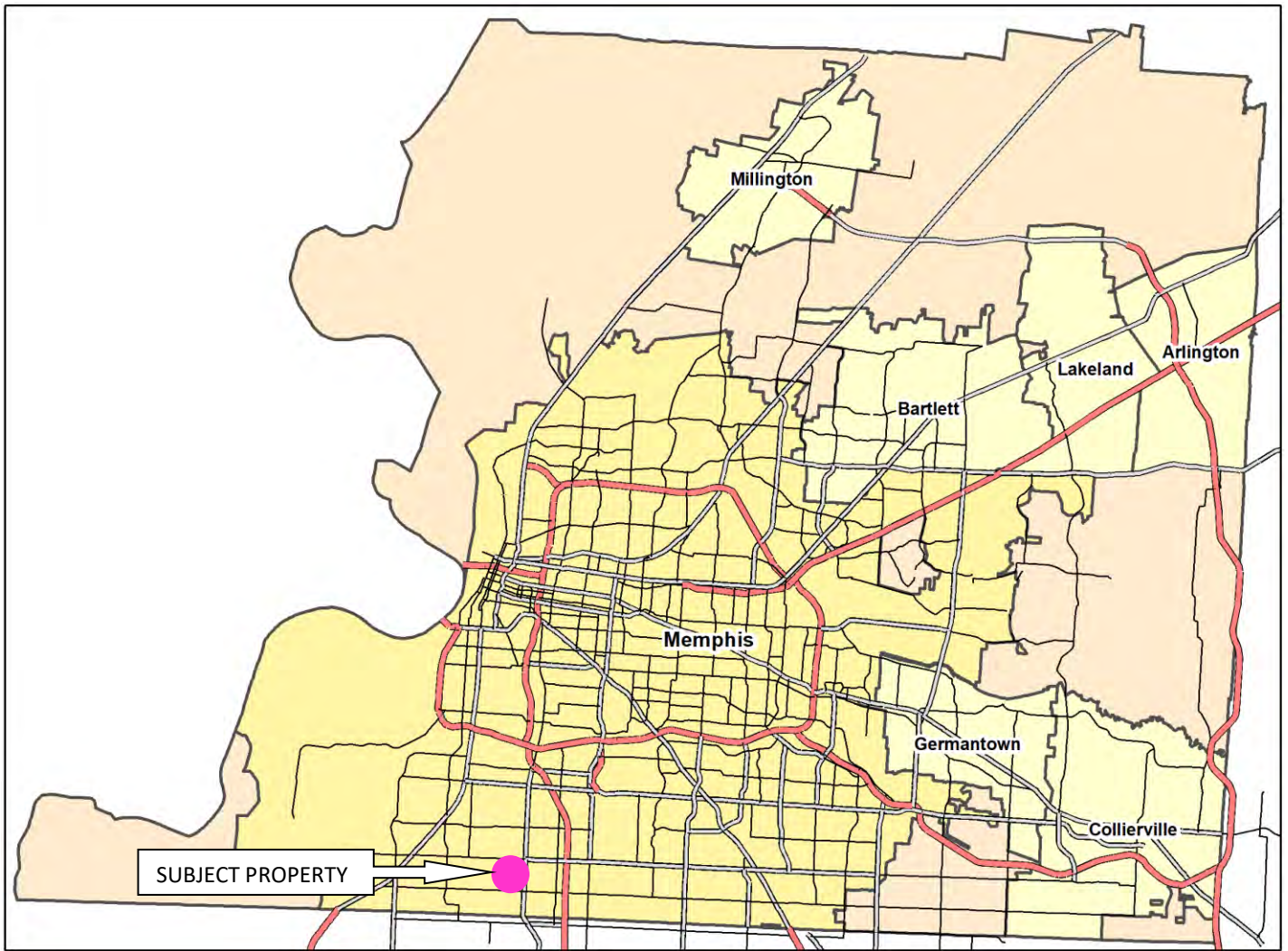
**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 97 notices were mailed on March 31, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**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.

**LOCATION MAP**



Subject property located within the pink circle, Whitehaven neighborhood

**VICINITY MAP**



Subject property highlighted in yellow

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Residential Single-Family – 6 (R-6)

**Surrounding Zoning**

**North:** R-6

**East:** R-10

**South:** R-6

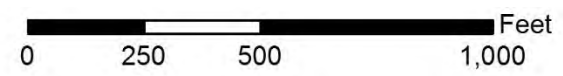
**West:** R-6












LAND USE MAP



LandUse



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



Subject property indicated by a pink star

**SITE PHOTOS**



View of the subject property from Whitehaven Lane and Amey Road looking west



View of the subject property from Whitehaven Lane and Amey Road looking west



View of the subject property from Amey Road looking west

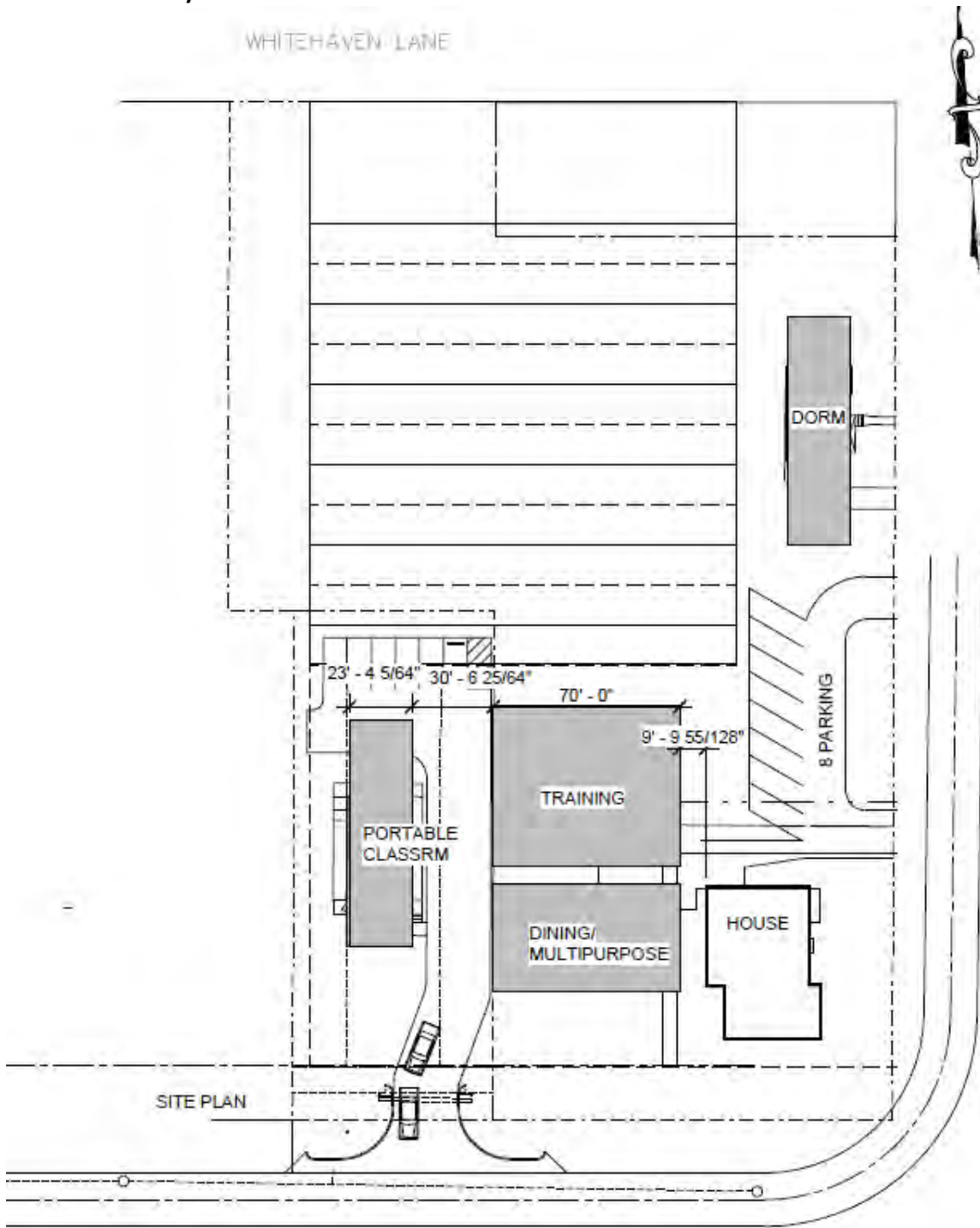


View of the subject property from Wilson Road looking north



View of subject property from Whitehaven Lane looking south

CONCEPT PLAN / SITE PLAN

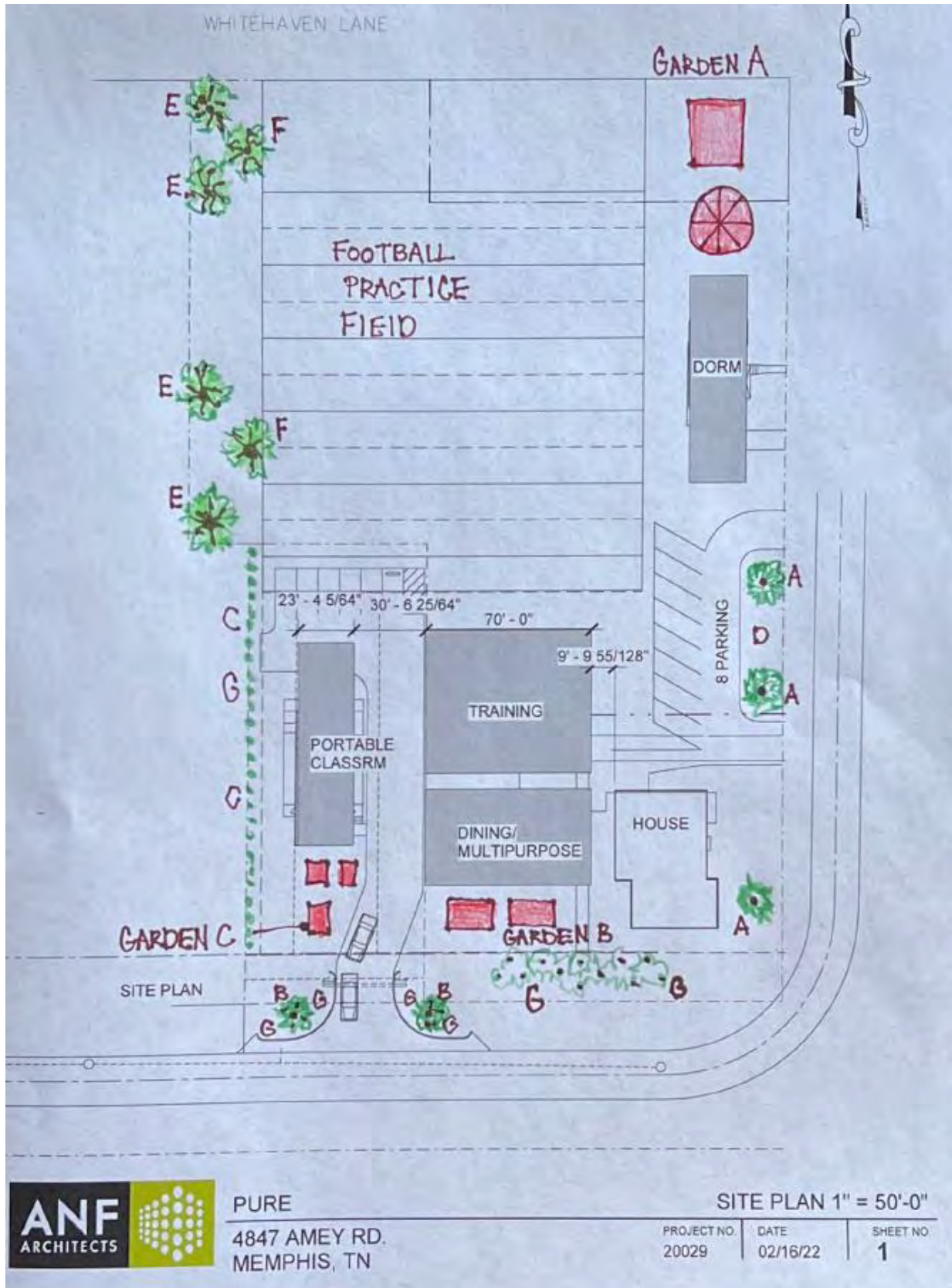


PURE  
4847 AMEY RD.  
MEMPHIS, TN

SITE PLAN 1" = 50'-0"

PROJECT NO.	DATE	SHEET NO.
20029	02/16/22	1

LANDSCAPE PLAN



**PLANT SCHEDULE**

**PURE Academy Plant and Garden Schedule**

Garden A	Perennial Flower, Herbs and Fruit	
Garden B	Vegetable and Herb Kitchen Garden	
Garden C	Pollination Garden	
Plant A	Sweetbay Magnolia - Magnolia Virginiana	Quantity 3
Plant B	Yaupon Holly Tree - Ilex vomitoria	Quantity 2
Plant C	Nellie Stevens Holly - Ilex "Nellie R. Stevens" 3-4 ft tall plants spaced 6 feet apart	Quantity 31
Plant D	Wintercreeper - Euonymus fortunei	Quantity 15
Plant E	Honeycrisp Apple Tree - Malus domestica 5 ft tall tree planted 20 ft apart	Quantity 4
Plant F	Crapapple Tree - Malus spp. 5 ft tall tree planted 20 ft apart	Quantity 2
Plant G	Limelight - Panicle Hydrangea 3 gallon - plant 8 ft apart	Quantity 16

## **STAFF ANALYSIS**

### **Request**

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

The request is for a multi-use planned development to allow a dorm, education facilities, and athletic facilities for PURE Academy.

### **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 abut 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 +/- 2.07 acres comprised of 4 separate parcels on the west side of Amey Road between Whitehaven Lane to the north and Wilson Road to the south. The site is currently zoned Residential Single Family – 6 (R-6) with multiple structures existing throughout the site. The site is surrounded by residential zoning and uses on most sides, with a church across Amey Road to the southeast. To the west, there are several vacant parcels before another house.

### **Site Plan Review**

- The site plan contains 5 structures, some permitted under existing zoning, and other permitted with if PD approved
- Structures include an existing house, a portable classroom, a dining facility, a dorm, and a training facility
- Size of structures range in size from +/- 1,780 sq. ft. to +/- 3,990 sq. ft.
- Total parking provided 14 spaces

- General bulk regulations and materials used will be consistent with the underlying Residential zoning
- Unique landscaping will be added, more so than what was existing
- The setbacks are met
- Proposed buildings will all be far less than 40 feet in height (per R-6 regulations)

**Supplementary**

As determined by the former Zoning Administrator, the portable classroom on the 748 Wilson site has been approved under Administrative Deviation (AD) 2021-19 as an accessory building to the primary house structure on the lot. The building has also been reviewed under ASPR 2022-008, and since permitted under building permit COM-NEW-21-000320.

**Consistency with Memphis 3.0**

Site Address/location: 4825 Amey Rd.

Land Use Designation (see page 86 for details): Primarily Single-Unit Neighborhood (NS)

**Based on the future land use and existing adjacent land use the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

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

**1. FUTURE LAND USE PLANNING MAP**



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

## 2. Land use description & applicability:

Primarily Single-Unit Neighborhoods are located greater than a half mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.



than a half  
residences,  
the typical  
from an

### “NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods

### “NS” Form & Location Characteristics:

Primarily detached. House-scale buildings. Primarily residential. 1-3 stories. Beyond 1/2 mile from a Community Anchor.

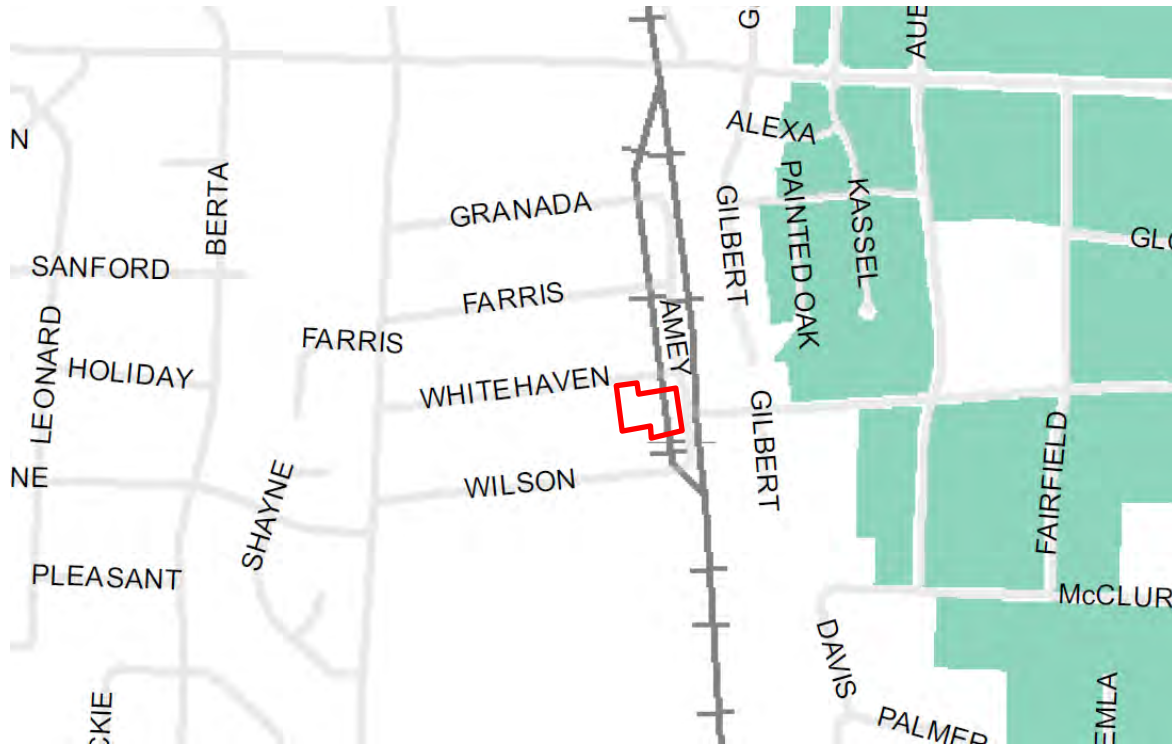
*The applicant is seeking approval for a planned development amendment with the intention of combining properties 748 Wilson Road, 4847 Amey Road, 4825 Amey Road and 4815 Amey Road for the purpose of PURE operating a school for its participants, therefore seeking permission to use the property as an Education Facility. The applicant will utilize the southern portion of the PD for two classrooms, a multi-use structure for student’s classroom instruction and dining. Additionally, a separate structure for student’s physical fitness and athletic training and in the north-eastern part of the site for accessory use as a dormitory for students and faculty.*

*Although the request does not meet the criteria of NS, the proposal complies to the objectives and actions articulated in Goal 1. Complete, Cohesive Communities. Specifically, Objective 1.3 – Develop strategies that reduce blight and vacancy. Additionally, it serves to decrease blight by promoting infill on vacant lots.*

## 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Vacant and Parking. The subject site is surrounded by the following zoning districts: CMU-1 and R-10. This requested land use is not compatible with the adjacent land uses because *existing land uses surrounding the parcels is not similar in nature to the requested use.*

## 4. Degree of Change map



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

#### 5. Degree of Change Descriptions

N/A

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

Summary Compiled by: Andrea Jimenez, Comprehensive Planning.

#### Conclusions

The applicant is requesting a new multi-use planned development for PURE Academy on four parcels located at 4815, 4825, and 4847 Amey Road and 748 Wilson Road, on the west side of Amey Road south of Whitehaven Lane and north of Wilson Road.

The site has an existing house structure, and the planned development is looking to approve a new dormitory, portable classroom, dining/multipurpose building, and training facility for a total of 5 structures on the site. Along with these structures there will be a practice football field with no lights. Staff would like to note that the portable classroom has already been reviewed and approved from both a zoning and building permitting standpoint as of March, 2022.

The planned development calls to maintain most of the bulk regulations and general aesthetics of the underlying residential zoning, including setbacks and height of structures as well as materials being used.

Staff feels given the vacancy of lots to the west as well as the three-sided roadway buffer with additional unique landscaping, that this request provides a very creative and fairly low-level occupancy use for this site. It should

be noted that given “historical” imagery, a portion of this use (including signage) has been at this site since at least 2019 (see first site photo on page 9).

The proposed addition of creative and unique landscaping will create a more desirable and aesthetically pleasing buffer in the neighborhood, especially given the three road frontages.

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**

PD 2022-006  
PURE Academy Planned Development  
Outline Plan Conditions

- I. Uses Permitted
  - A. Educational Facility
  - B. Dormitory accessory to an educational facility
  - C. Other accessory uses to an educational facility, including recreation fields (without lights)
  - D. All other uses permitted by the Residential Single Family– 6 (R-6) District

- II. Bulk Regulations

The bulk regulations of the R-6 district shall govern except where noted below:

- A. Setbacks
  - i. Minimum front and rear setback of 20 feet
  - ii. Minimum parking setback of 20 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the R-6 district.
- D. Building materials shall be consistent with the surrounding area.

- III. Access and Circulation

- A. Internal circulation shall be shown on final plan.

- B. Vehicular access shall contain a two-way entrance.
  - C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - D. Parking shall be provided as shown on final plat.
- IV. Landscaping and Screening
- A. A detailed landscaping plan shall be submitted with the final plan.
- V. Signs
- A. Any signs shall be regulated by the R-6 district.
- VI. Drainage and Sanitary Sewer
- A. 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 plan.
- 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 Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. 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 lots, buildable areas, parking areas, drives, and required landscaping.
  - D. The location and ownership, whether public or private of any easement.
  - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - F. The 100-year flood elevation.

## DEPARTMENTAL COMMENTS

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

### City/County Engineer:

CASE: PD-22-006 NAME: PURE Academy

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

#### Sewers:

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

3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

#### Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

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

#### Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.

7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.



**Curb Cuts/Access:**

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

**Drainage:**

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. The site is located in a sensitive drainage basin (South Cypress Creek 11-L). Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

**General Notes:**

15. On street parking is not guaranteed. Developer shall provide enough off-street parking for facilities.

**City/County Fire Division:**

Address or Site Reference: 4852 Amey

- 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.

- 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:**

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

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

The proposed outline plan increases the impervious surface on the parcels, but also adds small gardens, shrubs, and deciduous trees. The parcels' current landscaping consists of grass.

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

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding or ecological damage. The proposed permeable surfaces on the site plan will help mitigate stormwater runoff from the proposed impervious surface, improve air quality, and improve ecological health. The proposed deciduous trees will also help reduce the surface temperature on the lots (Section 5.7 Trees).

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

Increasing the green infrastructure through planting the proposed trees and bushes will expand the urban tree canopy (Priority Action E.7). In addition to the benefits mentioned above, expanding the tree canopy increases carbon emission capture and reduces energy costs depending on the surrounding site conditions and proximity to buildings.

Recommendations: Staff recommends incorporating the proposed landscaping screening in the outline plan conditions.

**APPLICATION**



**MEMPHIS AND SHELBY COUNTY**

**Record Summary for Planned Development**

**Record Detail Information**

Record Type: Planned Development

Record Status: Assignment

Opened Date: March 10, 2022

Record Number: PD 2022-006

Expiration Date:

Record Name: PURE Academy

Description of Work: Combined properties 4847 Amey Road, 4825 Amey Road, 4815 Amey Road, and 748 Wilson Road for school.

Parent Record Number:

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Address: 4825 AMEY RD, MEMPHIS 38109

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**Owner Information**

Primary	Owner Name	Owner Address	Owner Phone
Yes	GOLWEN JOHN S & TAMMY P	3590 Central Avenue, MEMPHIS, TN 38111	(901) 647-3005

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**Parcel Information**

Parcel No:  
077067 00019C

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**Contact Information**

Name	Organization Name	Contact Type	Phone
John Golwen	GOLWEN JOHN S & TAMMY P	Applicant	(901) 647-3005

Suffix:

Address  
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117  
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117  
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117  
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117  
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117  
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1366661	Intergovernmental Fee	1	300.00	INVOICED	300.00	03/10/2022		PLNGPUD04
1366661	Credit Card Use Fee (.026 x fee)	1	46.80	INVOICED	46.80	03/10/2022		PLNGPUD08
1366661	Planned Development - 5 acres or less	1	1,500.00	INVOICED	1,500.00	03/10/2022	Acres	PLNGPUD01

Total Fee Invoiced: \$1,846.80

Total Balance: \$1,846.80

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner Jeffrey Penzes

Date of Meeting 02/17/2022

**GENERAL PROJECT INFORMATION**

Planned Development Type -

Previous Docket / Case Number -

Medical Overlay / Uptown -

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) -

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

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A

The uses will be self-contained and will not substantially increase traffic counts or require substantial parking. Rather, many of the boys attending the proposed school will be housed on-site in the proposed accessory dormitory. The property is currently under-utilized and will be revitalized through infill that supports the City's long-term growth strategy of denser development, but existing utility facilities are adequate for the anticipated uses. Adjacent property values will increase as the result of the investment in the neighborhood and renewed interest and attention of City leadership and administration. The overall safety and welfare of the area will rise as the result of the positive impact of the strategic objectives of PURE as outlined in the letter of intent.

UDC Sub-Section 9.6.9B

Comprising an entire block, the project will not interfere with the development and use of adjacent property, which is largely undeveloped or institutional in use. Buildings on the proposed plan are located on the southern and eastern portions of the property, away from the existing residential property to the north and northwest. The southern buildings are to be located across the street from vacant property that is owned by Middle Baptist Church. The church also owns the property to the east and has been a longtime supporter of PURE's mission and activities.

UDC Sub-Section 9.6.9C

The site is bordered by paved City of Memphis streets. Parking will be added, stormwater will be managed in accordance with the City of Memphis Stormwater Manual. City of Memphis provides fire protection and emergency services. MLGW provides water to the site. The sanitary sewer is connected to City of Memphis.

UDC Sub-Section 9.6.9D

There are no significant features on the project site of natural, scenic or historic importance.

UDC Sub-Section 9.6.9E

Compliance with the standards or approved alternatives to be satisfied during further consultation with planning staff and finalized prior to Land Use Control Board hearing.

UDC Sub-Section 9.6.9F

Applicant is not aware of any adverse impact on the Whitehaven District Plan (the Whitehaven-Levi Planning District Comprehensive Plan) or Memphis 3.0 or any currently established standards for development of adjacent properties other than any R-6 district standards to be modified for this project. Rather, the adjacent property is largely undeveloped or separated by the large greensward on-site that will be developed as the proposed athletic field. Accordingly, no adverse impact is anticipated, and the project is consistent with the Memphis 3.0 objectives to reduce blight and vacancy, improve access to quality education, promote development without displacement for communities with infill opportunity, and provide an anchor for the local community by creating a productive community asset from underutilized land.

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**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A

-

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

-

**GIS INFORMATION**

Central Business Improvement District	No
Case Layer	BOA1955-125-CO
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	-
Subdivision	PT TOM FLEMING SUBDIVISION UNREC
Planned Development District	-

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LETTER OF INTENT

**JOHN S. GOLWEN**  
**3590 Central Avenue**  
**Memphis, Tennessee 38111**  
**(901) 647-3005**

March 9, 2022

Memphis and Shelby County  
Division of Planning & Development  
125 N. Main Street  
Suite 468  
Memphis, Tennessee 38103

**Re: Letter of Intent – 748 Wilson Road; 4847 Amey Road; 4825 Amey Road; and 4815 Amey Road, Memphis, Tennessee.**

To Division of Planning & Development:

This constitutes our letter of intent in conjunction with our application for Planned Development for the referenced properties. The subject properties are owned by John and Tammy Golwen. They are subject of a Lease Purchase Agreement by and between the Golwens and a 501(c)(3) Tennessee not for profit corporation, PURE Youth Athletic Alliance, Inc. ("PURE"). PURE has served under-privileged youth primarily grades 9 through 12 to break the cycle of generational poverty through mentoring, education and athletics. Since 2011, PURE has helped inner city boys escape life in gangs and send them on a trajectory to college education and productive manhood.

The property owners through this application intend to combine the referenced properties in a PD for purposes of PURE operating a school for its participants. PURE submits this application after receiving funding to move forward with construction of Education Facility and certification by the State of Tennessee as a Category II Non-public School. The properties are zoned R-6 and are currently used for single family residential, and the applicants seek permission to use the property as an Education Facility.


Specifically, applicants intend to utilize the southern portion of the PD for two classrooms, a multi-use structure for students' classroom instruction and dining, and a separate structure for students' physical fitness and athletic training. In conjunction with this use, the PD would include the expansion of an existing structure in the north-eastern portion of the site for accessory use as a dormitory for students or faculty.

The northern portion of the property also includes a fifty (50) yard athletic practice field, a potential fruit tree orchard with six trees and a raised-bed garden. The latter two items will be used in conjunction with the agricultural instruction that is a key part of the curriculum for PURE's students.



We look forward to the opportunity to explain further and answer any questions. Your consideration of this application is greatly appreciated.

Sincerely,



John S. Golwen

cc: Tammy Golwen  
Joel Johnson  
B. Taylor Gray  
Amanda Whitaker  
Rebecca Conrad

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Tammy Golwen, being duly sworn, depose and say that at 1:15 am/pm on the 4th day of April, 2022, I posted 3 Public Notice Sign(s) pertaining to Case No. 2022-006 at 4847/4825/4815 Arney Road and 748 Wilson Road\*, providing notice of a Public Hearing before the X Land Use Control Board,        Memphis City Council,        Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development,        Special Use Permit,        Zoning District Map Amendment,        Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Tammy Golwen  
\_\_\_\_\_  
Owner, Applicant or Representative

April, 2022  
\_\_\_\_\_  
Date

Subscribed and sworn to before me this 4th day of April, 2022.

Kristy Tyler  
\_\_\_\_\_  
Notary Public

My commission expires: 11/18/2024



\* along the Whitehaven Lane, Arney Road, and Wilson Road rights-of-way





**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

April 14, 2022

John and Tammy Golwen  
3590 Central Avenue  
Memphis, TN 38111

*Sent via electronic mail to: [jgolwen@bassberry.com](mailto:jgolwen@bassberry.com)*

PURE Academy Planned Development  
Case Number: PD 2022-006  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 14, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development amendment application for the PURE Academy Planned Development, subject to the attached 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 [lucas.skinner@memphistn.gov](mailto:lucas.skinner@memphistn.gov).

**Letter to Applicant**  
**PD 2022-006**

Respectfully,

A handwritten signature in cursive script that reads "Lucas Skinner". The signature is written in black ink and is positioned above the typed name.

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

## Letter to Applicant

PD 2022-006

### Outline Plan Conditions

PD 2022-006

PURE Academy Planned Development

Outline Plan Conditions

- I. Uses Permitted
  - A. Educational Facility
  - B. Dormitory accessory to an educational facility
  - C. Other accessory uses to an educational facility, including recreation fields (without lights)
  - D. All other uses permitted by the Residential Single Family– 6 (R-6) District

- II. Bulk Regulations

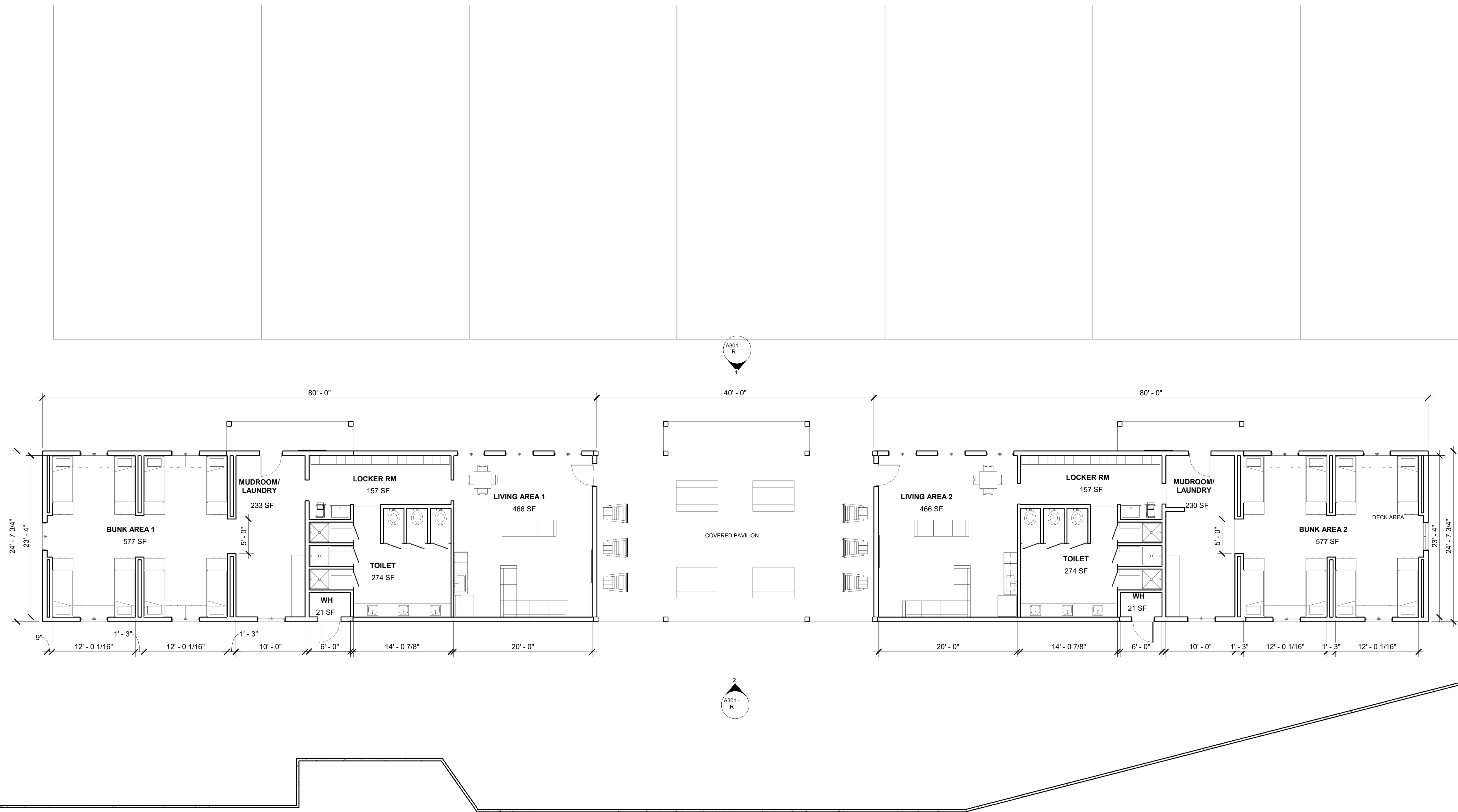
The bulk regulations of the R-6 district shall govern except where noted below:

- A. Setbacks
    - i. Minimum front and rear setback of 20 feet
    - ii. Minimum parking setback of 20 feet
  - B. The overall lot size and width shall be as depicted on the outline plan.
  - C. Building height shall be governed by the R-6 district.
  - D. Building materials shall be consistent with the surrounding area.
- III. Access and Circulation
  - A. Internal circulation shall be shown on final plan.
  - B. Vehicular access shall contain a two-way entrance.
  - C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - D. Parking shall be provided as shown on final plat.
- IV. Landscaping and Screening
  - A. A detailed landscaping plan shall be submitted with the final plan.
- V. Signs
  - A. Any signs shall be regulated by the R-6 district.
- VI. Drainage and Sanitary Sewer
  - A. 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 plan.



**Letter to Applicant**  
**PD 2022-006**

- 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 Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. 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 lots, buildable areas, parking areas, drives, and required landscaping.
  - D. The location and ownership, whether public or private of any easement.
  - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - F. The 100-year flood elevation.



PROJECT NAME  
**P.U.R.E.**  
4847 AINEY RD.  
MEMPHIS, TN  
PROJECT STATUS  
**DESIGN DEVELOPMENT**

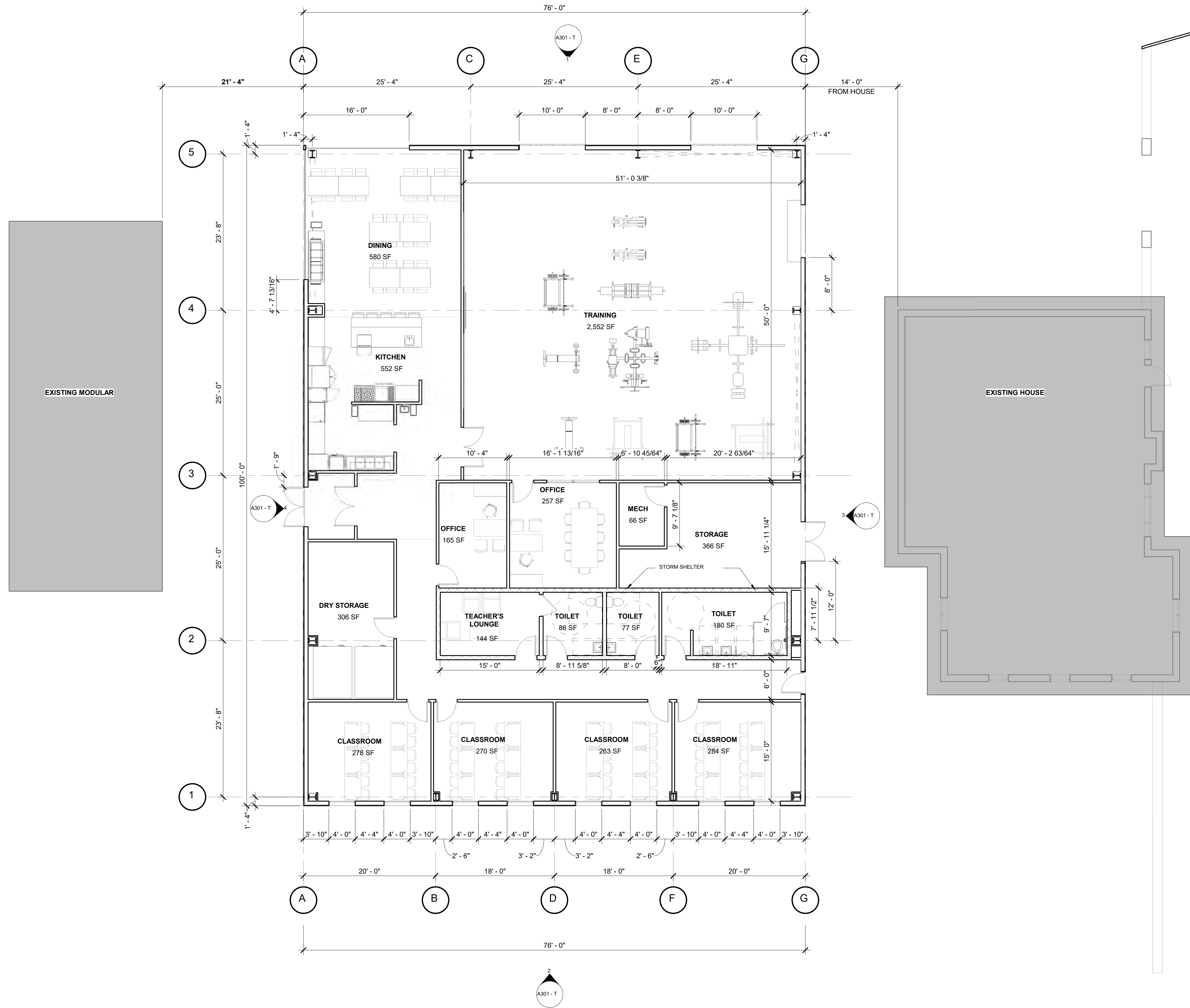
NO.	DATE	DESCRIPTION
1	12/21/2022	FIRST FLOOR PLAN - DORMS

PROJECT NUMBER  
20029  
SHEET TITLE  
FIRST FLOOR PLAN - DORMS

SHEET NO.  
**A101- R**

**1 FIRST FLOOR PLAN - DORMITORY**

1/8" = 1'-0"



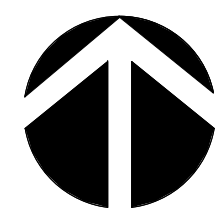
PROJECT NAME  
**P.U.R.E.**  
4847 ANEY RD.  
MEMPHIS, TN  
PROJECT STATUS  
**DESIGN DEVELOPMENT**

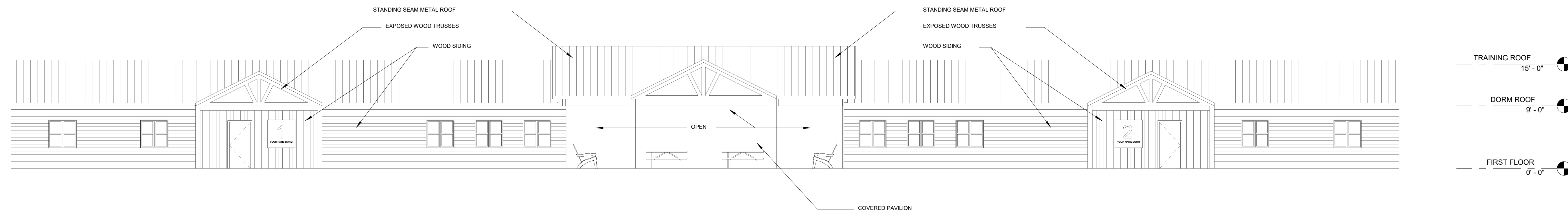
NO.	DATE	DESCRIPTION
1	12/21/2022	12/21/2022

PROJECT NUMBER  
20029  
SHEET TITLE  
FIRST FLOOR PLAN -  
TRAINING

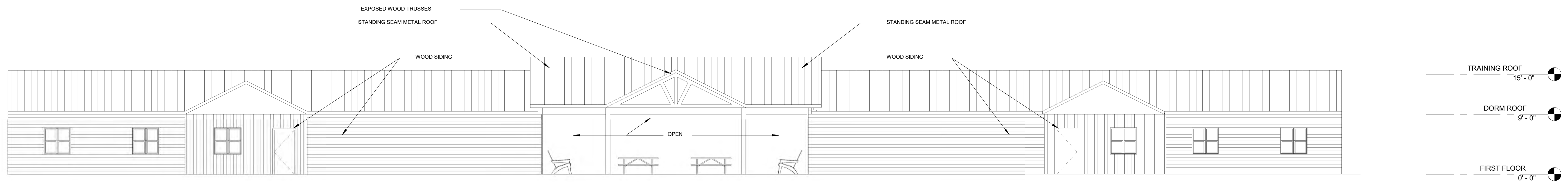
SHEET NO.  
**A101- T**

© 2022 ANF ARCHITECTS INC.

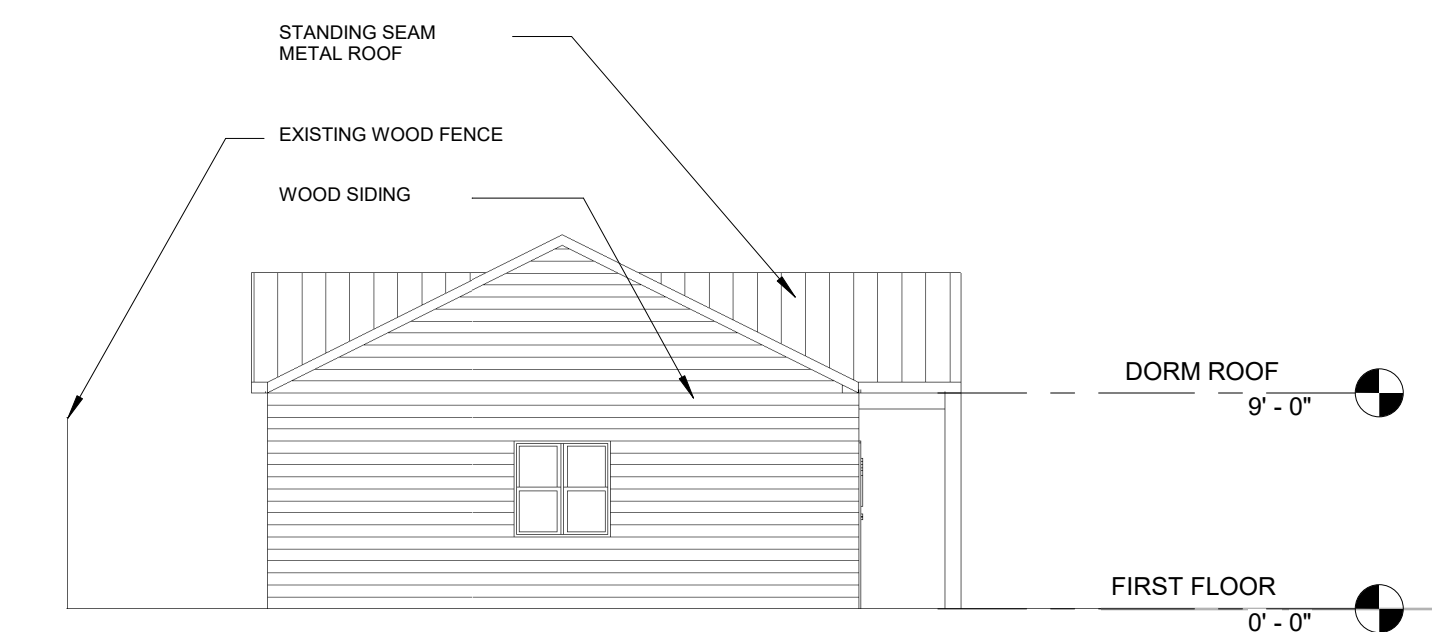




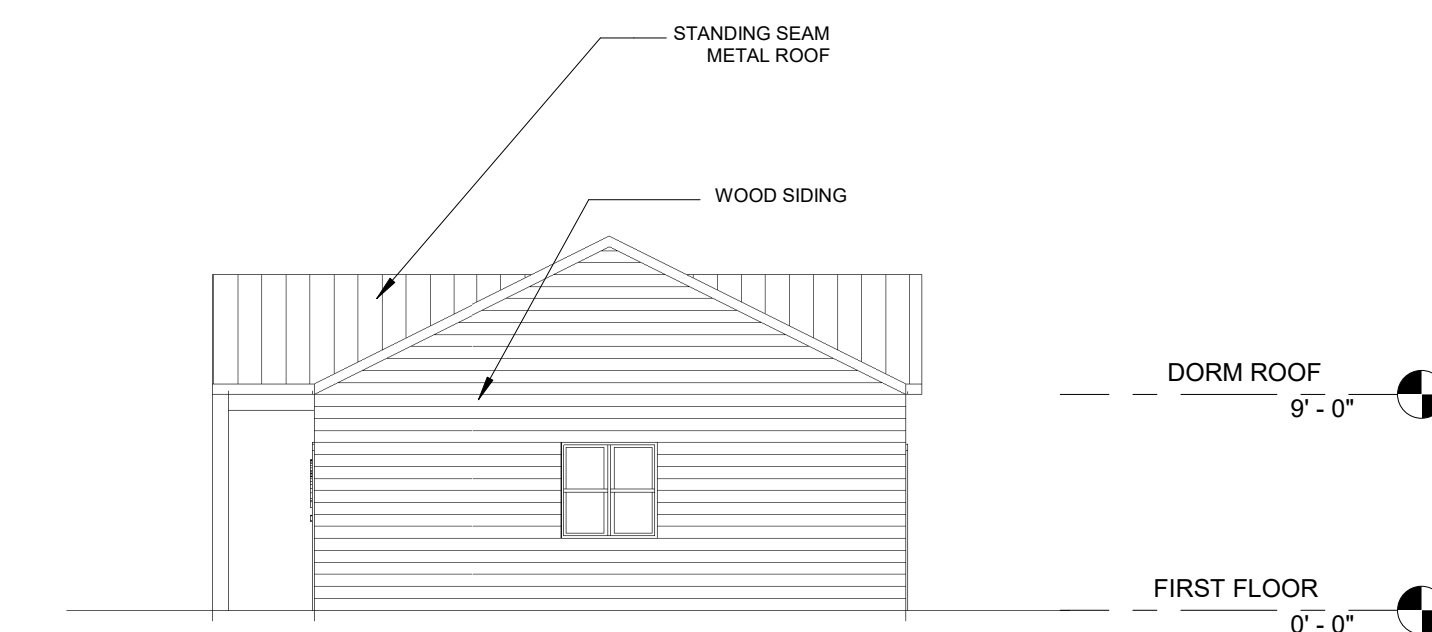
1 WEST ELEVATION - DORMS  
1/8" = 1'-0"



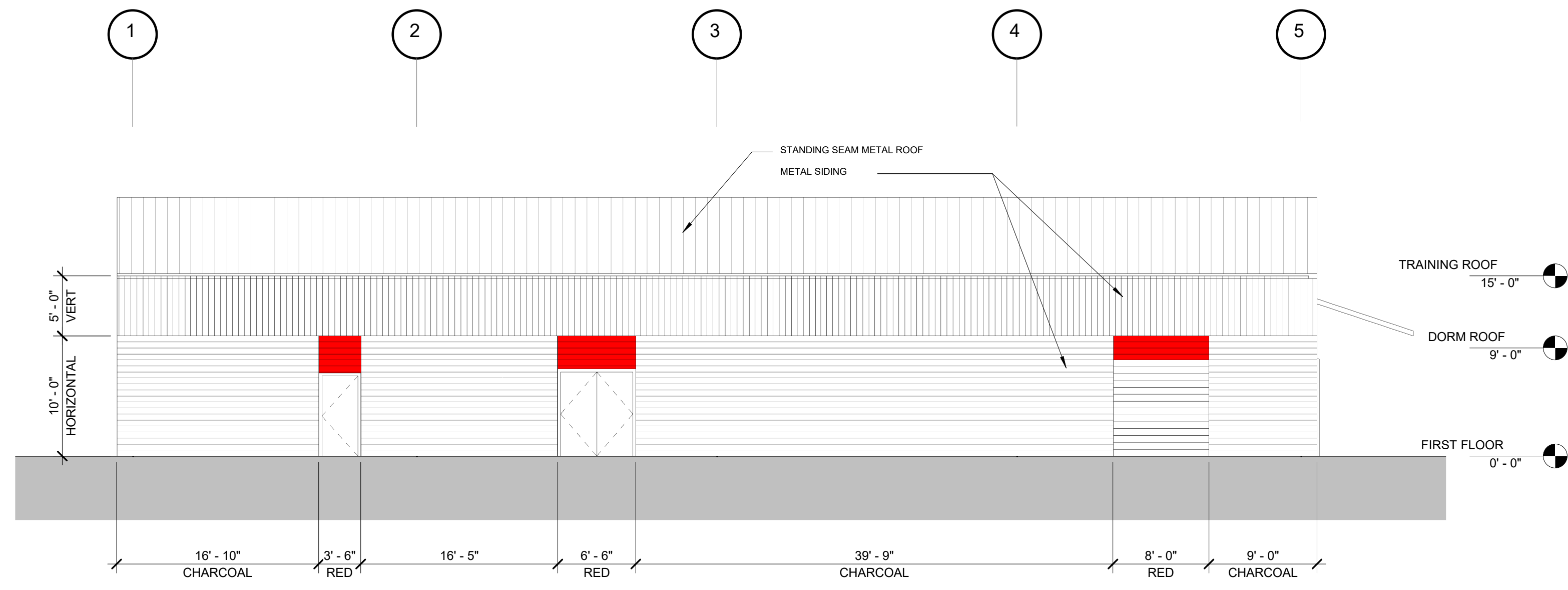
2 EAST ELEVATION - DORMS  
1/8" = 1'-0"



4 NORTH ELEVATION DORMS  
1/8" = 1'-0"

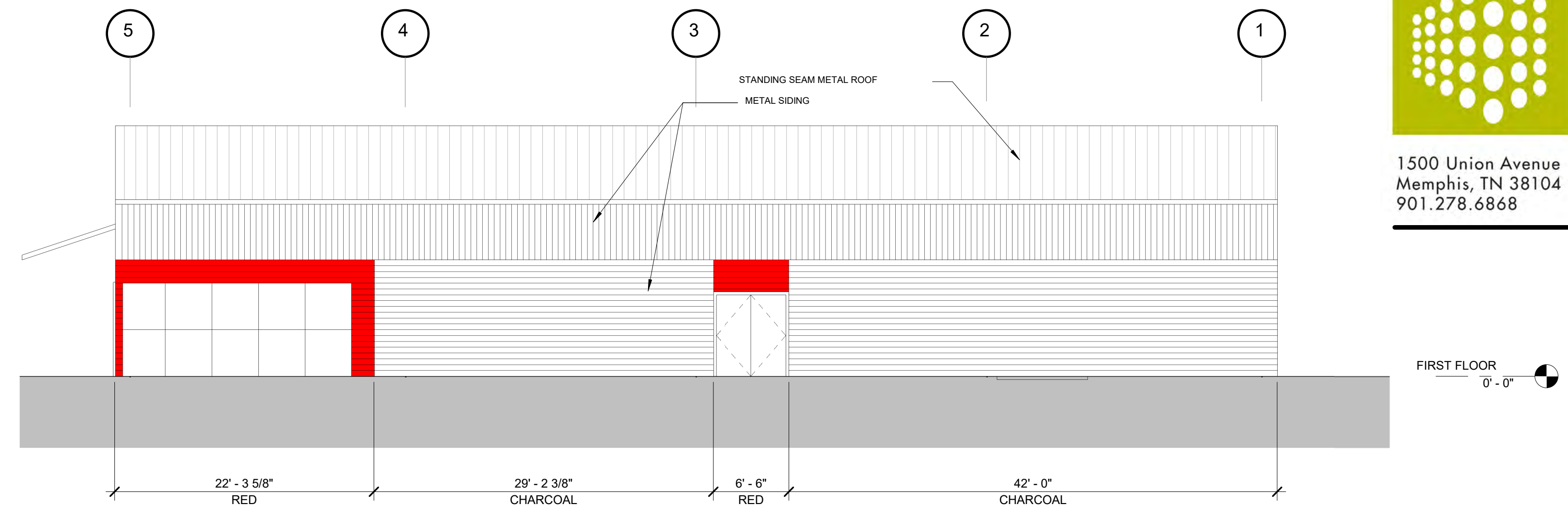


5 SOUTH ELEVATION DORMS  
1/8" = 1'-0"



3 EAST ELEVATION - TRAINING

1/8" = 1'-0"

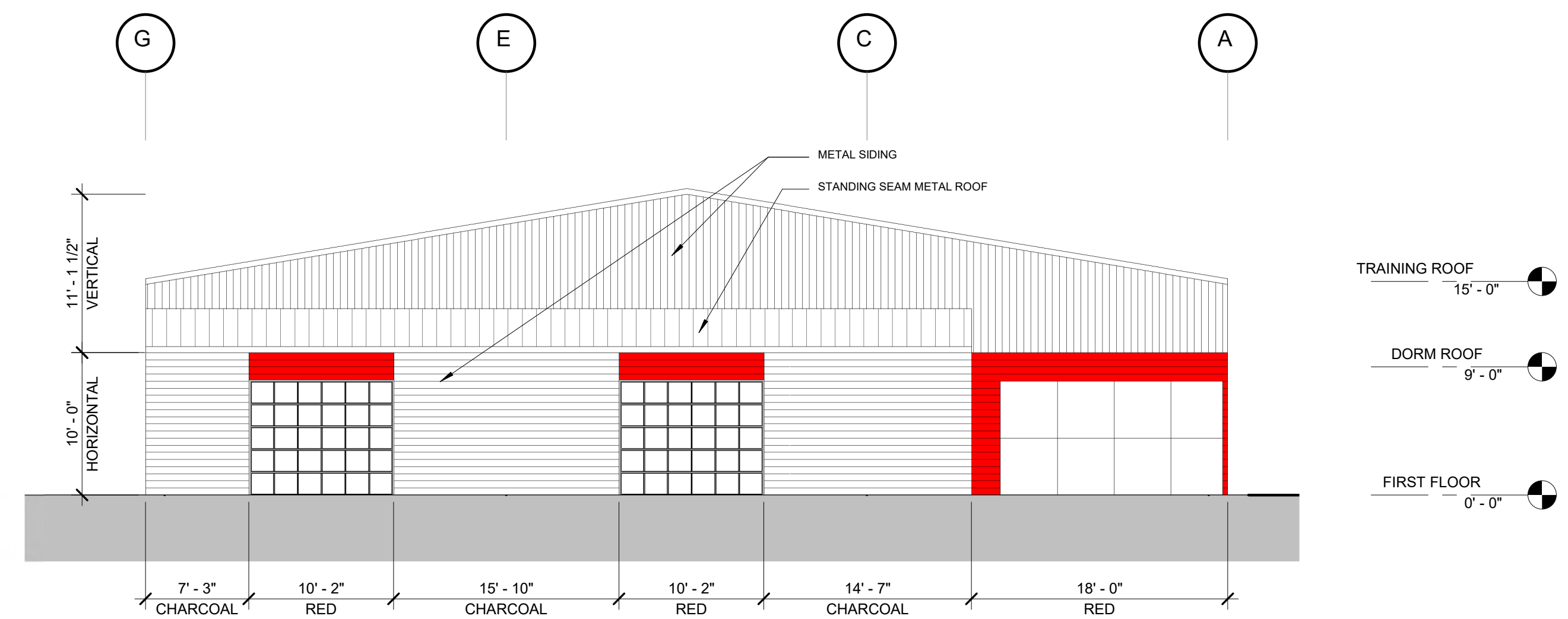


4 WEST ELEVATION - TRAINING

1/8" = 1'-0"

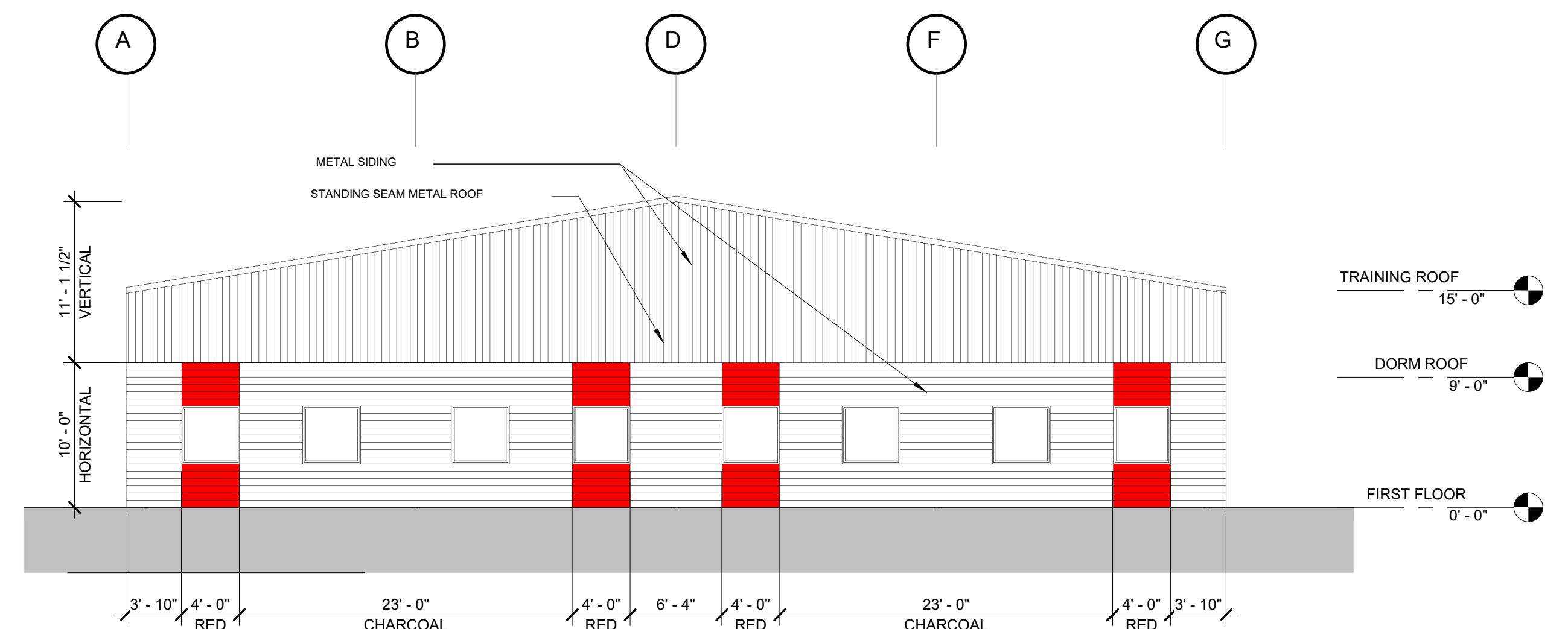


12/21/2022 1:21:39 PM



1 NORTH ELEVATION - TRAINING

1/8" = 1'-0"



2 SOUTH ELEVATION - TRAINING

1/8" = 1'-0"

PROJECT NAME  
**P.U.R.E.**  
4847 AINEY RD.  
MEMPHIS, TN  
PROJECT STATUS  
**DESIGN DEVELOPMENT**

NO.	DATE	REVISIONS	DESCRIPTION
	12/21/2022		SEAL

PROJECT NUMBER  
20029  
SHEET TITLE  
EXTERIOR  
ELEVATIONS -  
TRAINING

SHEET NO.  
**A301 - T**

**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.

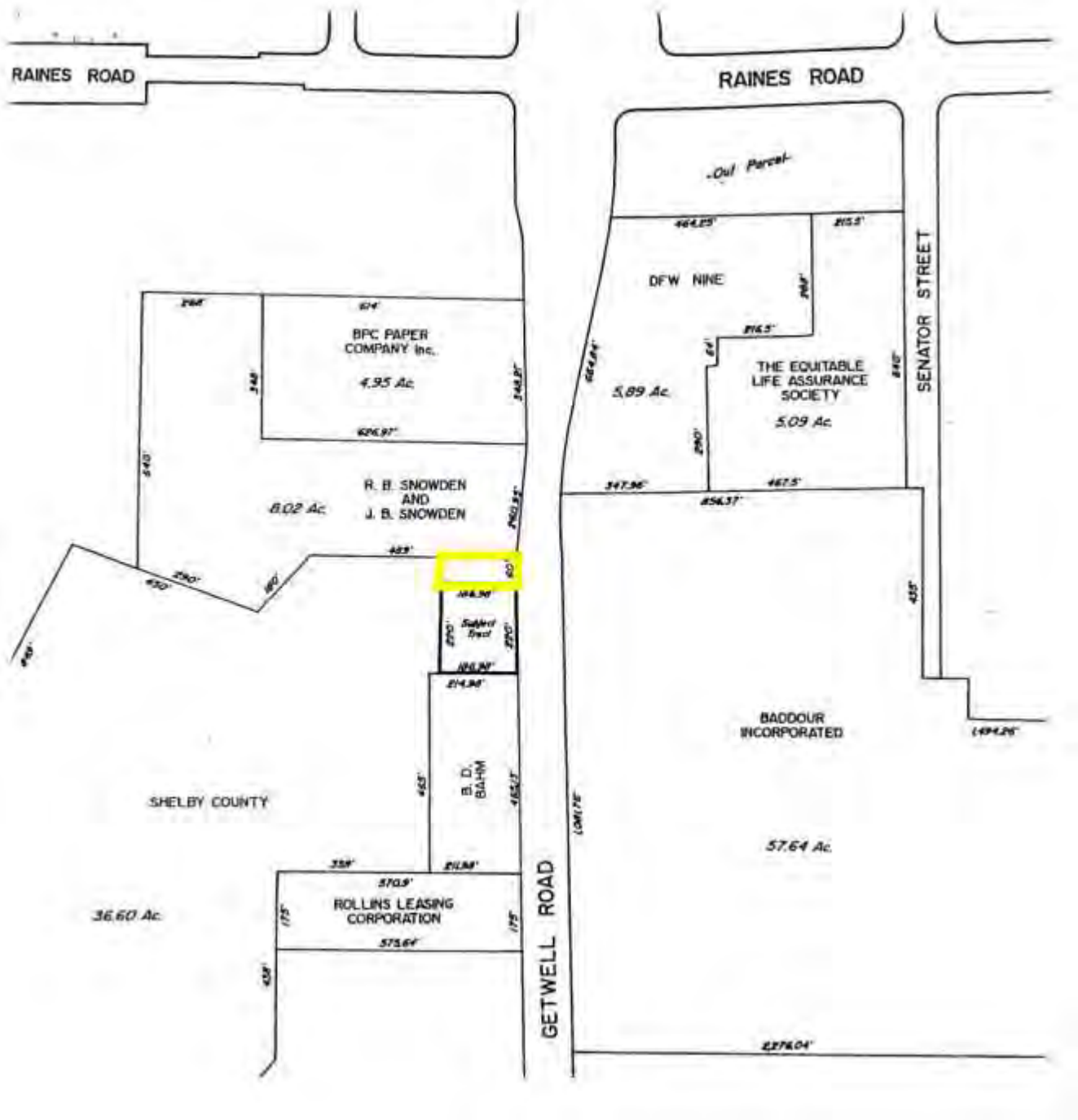
**The motion passed by a unanimous vote of 8-0 on the consent agenda.**

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**

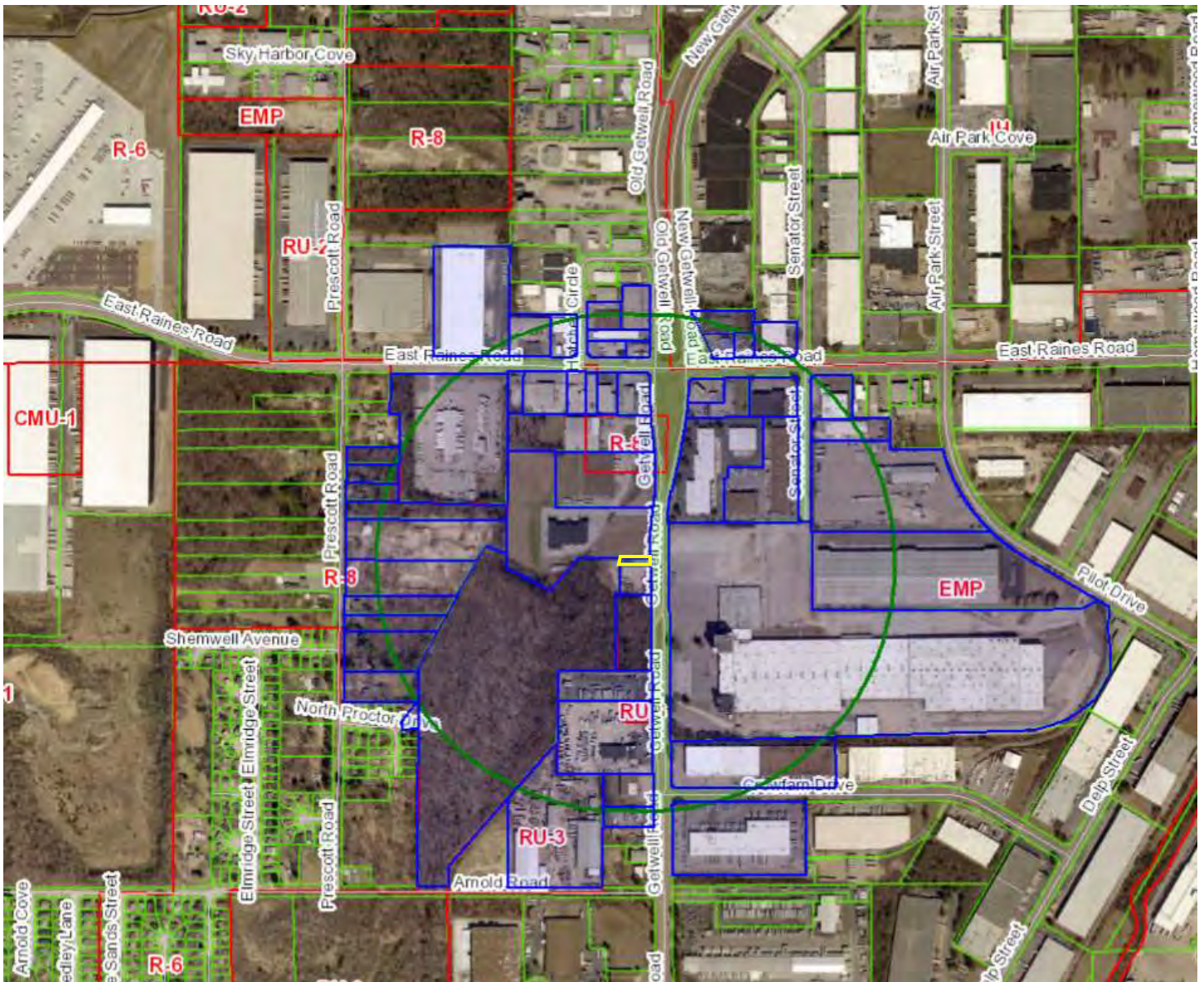
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of **53** notices were mailed on **December 29, 2022**, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this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

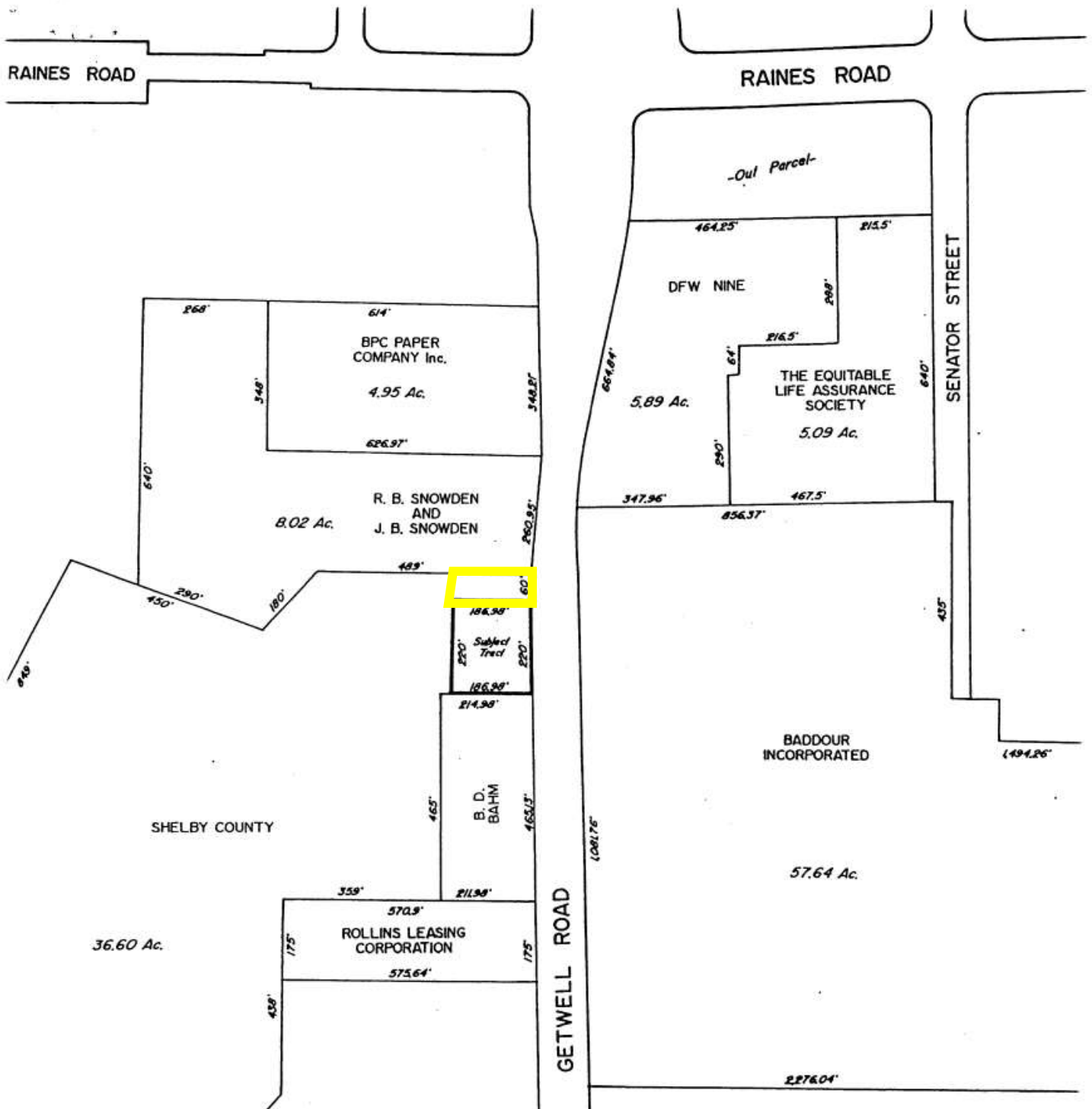
**West:** Residential Single-Family – 8 (R-8)

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](http://brenda@solomitolandplanning.com) | 901.755.7495

**SIGN AFFIDAVIT**

*Howler*

AFFIDAVIT

Shelby County  
State of Tennessee

I Steve Zagan, being duly sworn deposes and says that at 7:30 am/pm on the 29<sup>th</sup> 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 31<sup>st</sup> 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](mailto: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](mailto: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




**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

## MEMORANDUM

To: Members of the Memphis City Council

From: John Zeanah, Director, Division of Planning and Development 

Date: February 16, 2023

Subject: Changes to ZTA 22-1 As Introduced

On February 10, 2023, I sent you a memorandum regarding accepted and proposed changes to ZTA 22-1 as requested by Councilwoman Johnson. As it was noted, proposed changes have been made primarily through discussions with one group, MidtownMemphis.org in their role representing multiple neighborhoods in Midtown Memphis. This group has made additional requests which are listed as items 8 and 9 which I have simply added to the list contained in the original memo.

### CHANGES REQUESTED BY CITY COUNCIL

1. Stacked Townhouses and Multifamily Large Homes are allowed in the RU-1 district only by Special Use Permit, as opposed to Conditional Use Permit as originally proposed. This change was moved by Councilman Warren and approved as an amendment to the ZTA on first reading.
2. In Residential Urban districts, all single family detached and attached housing types in shall have at least one primary entrance on the front building façade. This change was moved by Councilman Warren and approved as an amendment to the ZTA on second reading.
3. Mailed notice for all required public hearings shall be sent at least 25 days before the hearing, instead of 10 days. This change was requested by Councilwoman Johnson but has not yet been adopted into the ZTA.

### ORIGINAL CHANGES ACCEPTED THROUGH CORRESPONDENCE WITH MIDTOWN

4. Chapter 3.4 on Housing Types will be modified as follows:
  - a. Adding a clarifying statement that all written standards in this Chapter shall be followed.
  - b. The definition of Single-Family Attached – Two-Family (aka “duplex”) shall include the following statement: “The building shall have at least one street-facing primary entrance. Units may share a common primary entrance or have separate primary entrances on or within 15’ of the front façade.”

- c. The definitions for Townhouses and Stacked Townhouses shall include the following statement: "Each building shall be located on its own, separate lot."
5. The minimum lot width for a cottage lot in R-6 has been changed to 35' or 30' where access from improved alley or private drive is provided.
6. Minimum lot size for Townhouses and Stacked Townhouses in the RU-1 district has been changed to 2,000 square feet and minimum setback to 20 feet.
7. Minimum lot size for Accessory Dwelling Units has been reduced to 7,000 square feet instead of the proposed 6,000 square feet. Total size of ADUs shall not exceed 700 square feet, or 1/3 of the gross floor area of the principal structure, whichever is smaller.

**\*NEW: ADDITIONAL CHANGES ACCEPTED THROUGH CORRESPONDENCE WITH MIDTOWN**

8. Multifamily-Large Homes and Multifamily-Stacked Townhouses shall be limited to major roads in the RU-1 district, except on corner lots (where Large Homes would be limited to four units). Both housing types would still require a Special Use Permit.
9. Alleys or private drives meeting the standard for required rear access in the Contextual Infill area would be defined as having a minimum width of 12 feet.

**To summarize actions necessary to effectuate these changes, items 3-9 need to be amended into the ZTA at third reading.** Items 1 and 2 are already included in the pending ZTA. Finally, I am attaching the original Staff Report as Exhibit A as a refresher. In addition to the items noted above, Page 1 of the Staff Report includes a summary of all notable changes contained in ZTA 22-1. Please let me know if you have any questions.

**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:**

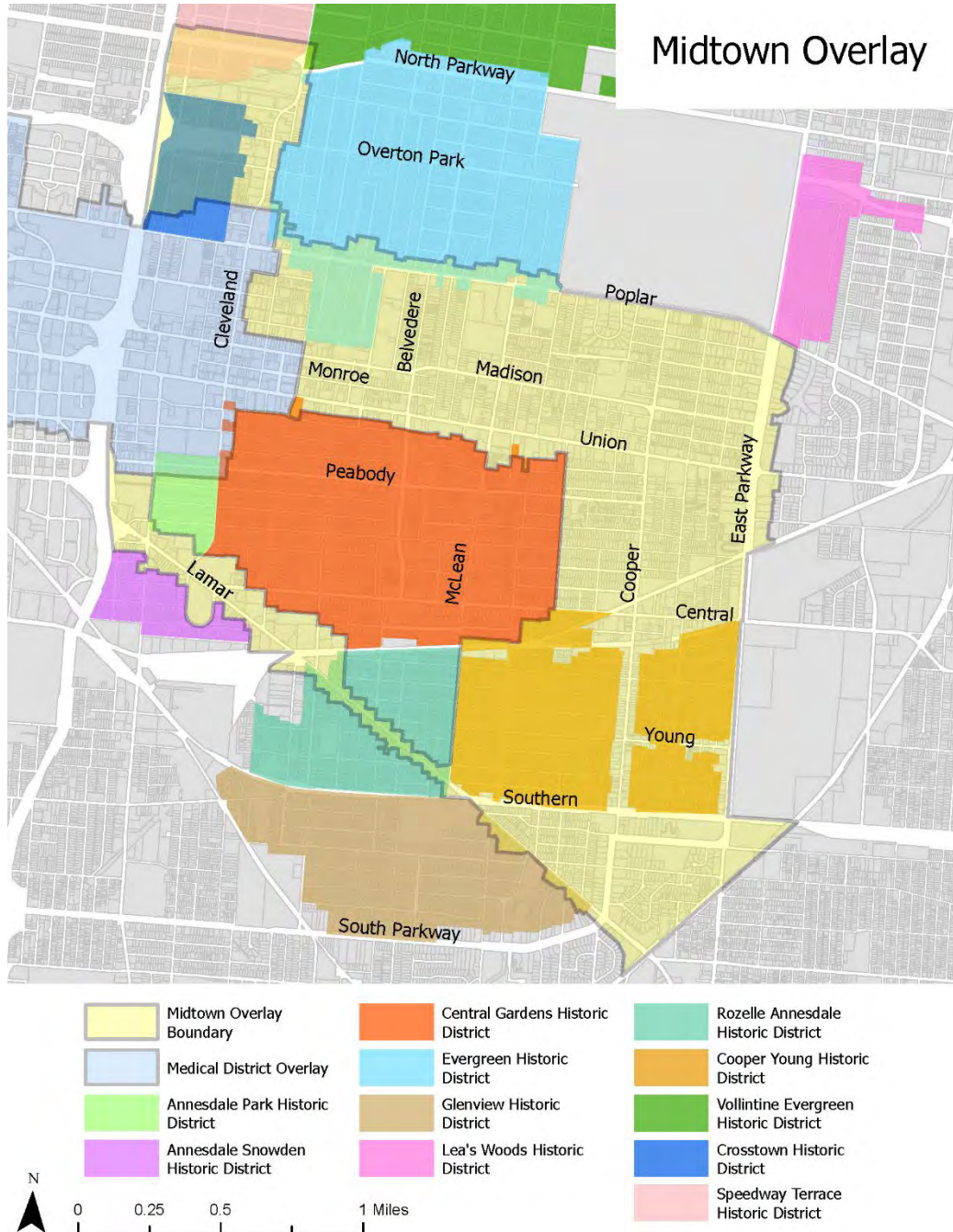
Adopt Annual List of Amendments to the Memphis and Shelby County Unified Development Code (the "UDC")

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

**\*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	<u>C</u>	■	■	■	■
Stacked Townhouse	<u>C</u>	■	■	■	■
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>
<b>RU-1 District</b>								
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	<del>4,000</del>	3,000	<del>8,000</del>	<u>1,500</u>	<u>8,000</u>	<u>1,500</u>
Width (ft.)	45	45	<del>30/35</del>	30	<del>45/50</del>	<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	<u>30</u>	40	<del>40/45</del>	<u>45</u>	<u>45</u>	<u>45</u>
<b>Building setback (min ft.)</b>								
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	<del>7/10</del>	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>
<b>% of Housing Types</b>								
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>
<b>RU-2 District</b>								
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	<del>25/35</del>	30	<del>45/50</del>	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
<b>Building setback (min ft.)</b>								
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	<del>5/10</del>	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
<b>% of Housing Types</b>								
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>	Apartment <sup>1</sup>
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.**

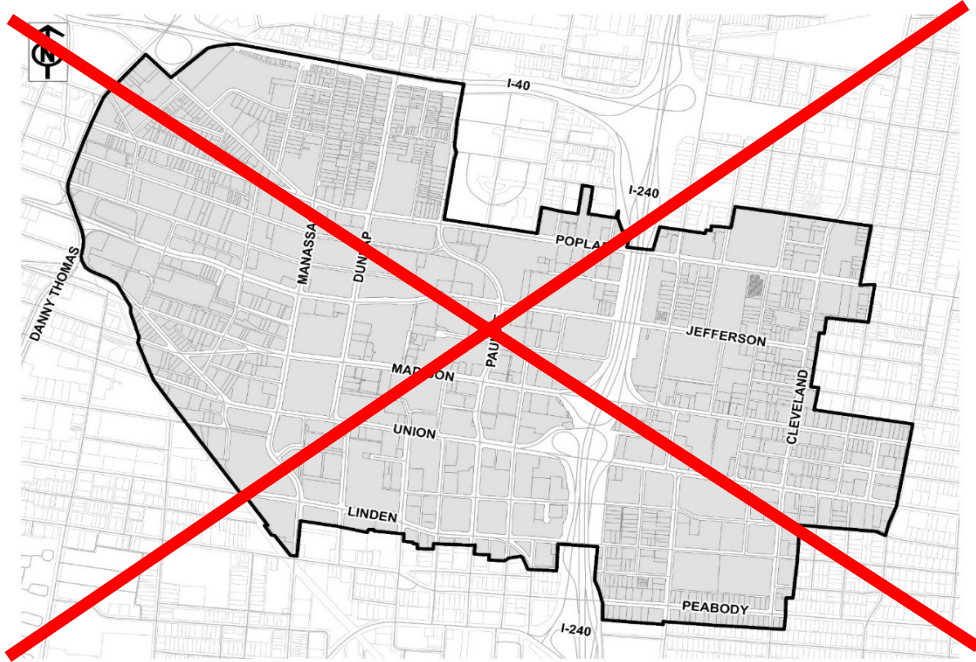
3. An accessory dwelling shall not be located within the principal structure.
4. The height of a principal structure may not be exceeded by any accessory dwelling, **except where required parking is provided on the ground floor of the accessory dwelling structure. In no instance shall the height of an 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

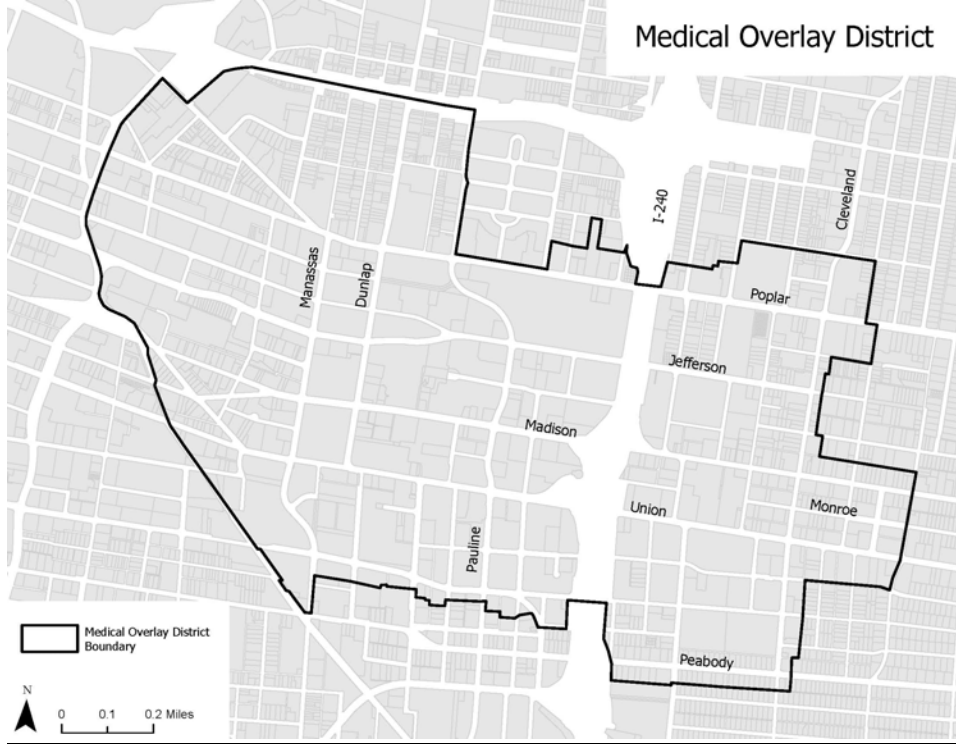
The Memphis Innovation Corridor Transit Oriented Development Plan envisions increased density around Bus Rapid Transit (BRT) stations, making it possible for surrounding residents to access daily needs with less dependency on personal vehicles. In 2014, the Memphis Area Transit Authority (MATA) identified 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:



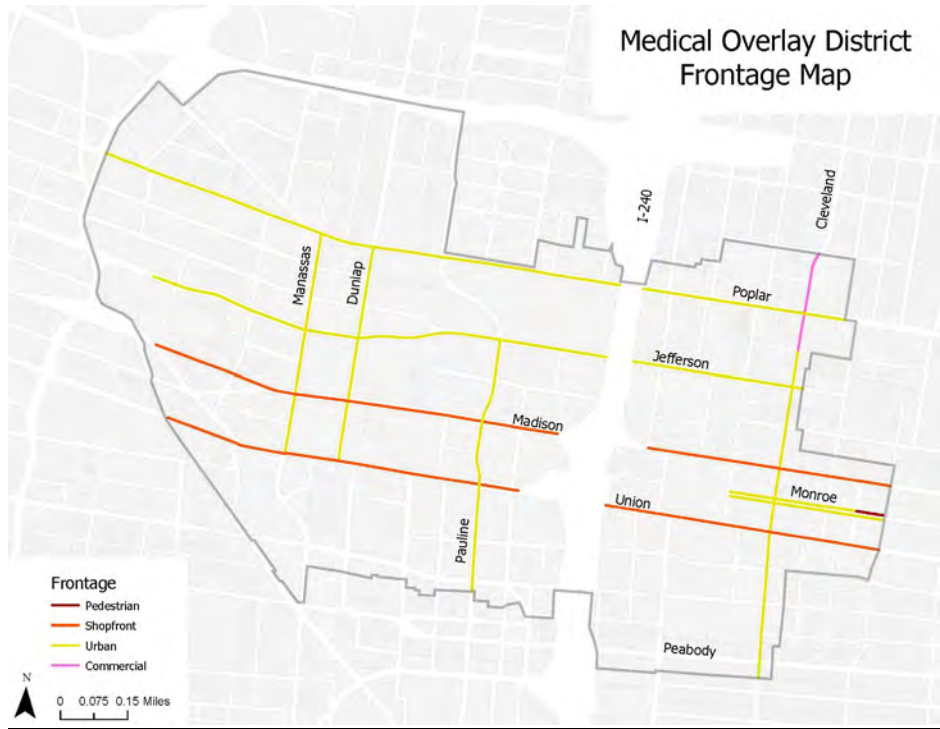
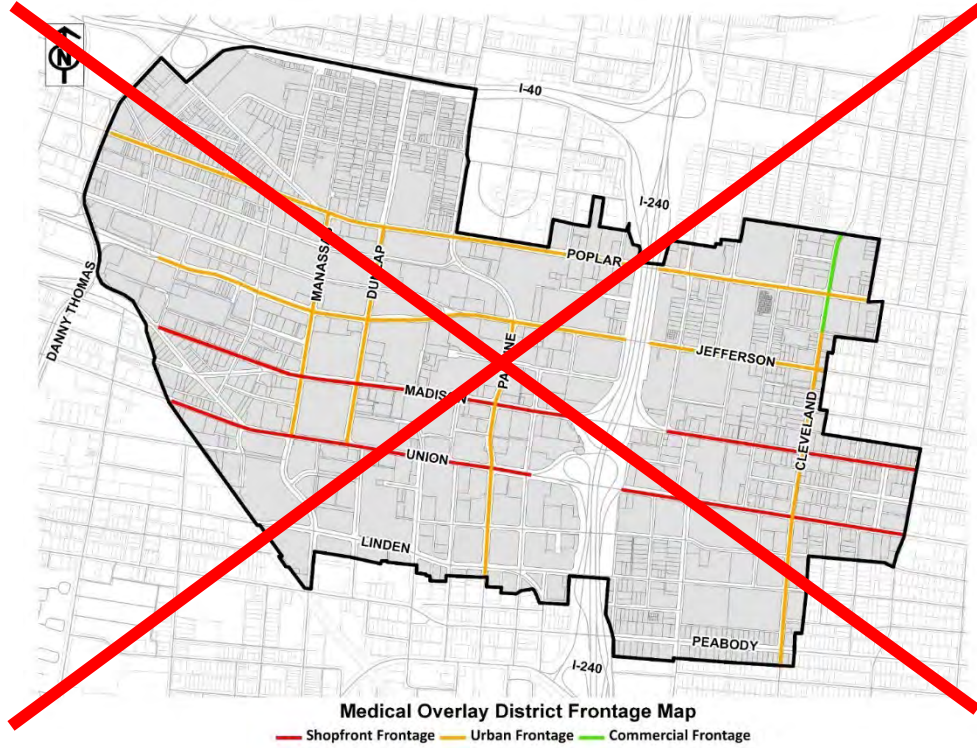
**Medical Overlay District (-MO)**



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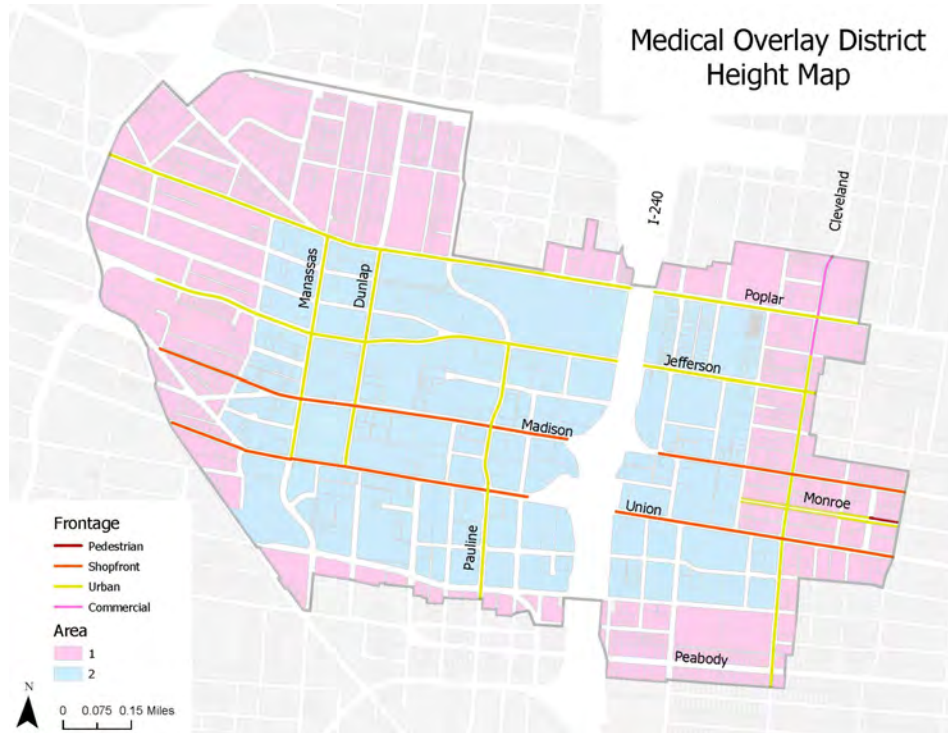
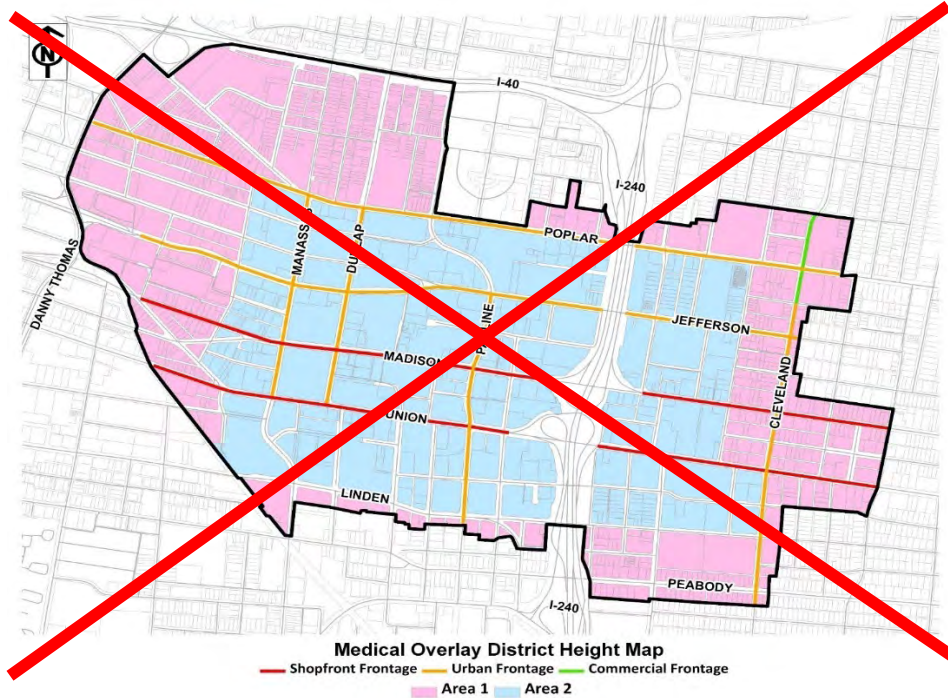
8.2.5B Medical Overlay District Frontage Map:



**(NEW IMAGE)**

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

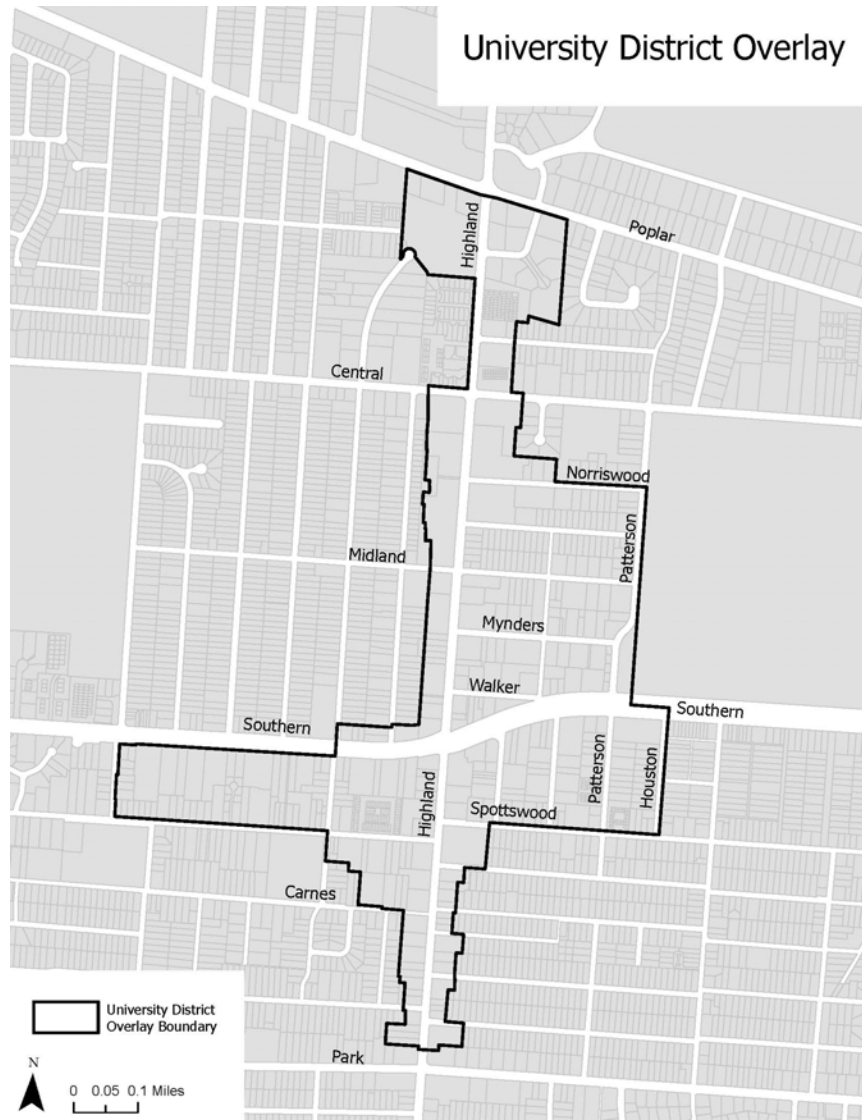
8.2.6 Medical Overlay District Height Map:



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8.3.6B University District Boundary Map:





**(NEW IMAGE)**

8.3.6C University District Frontage Map:

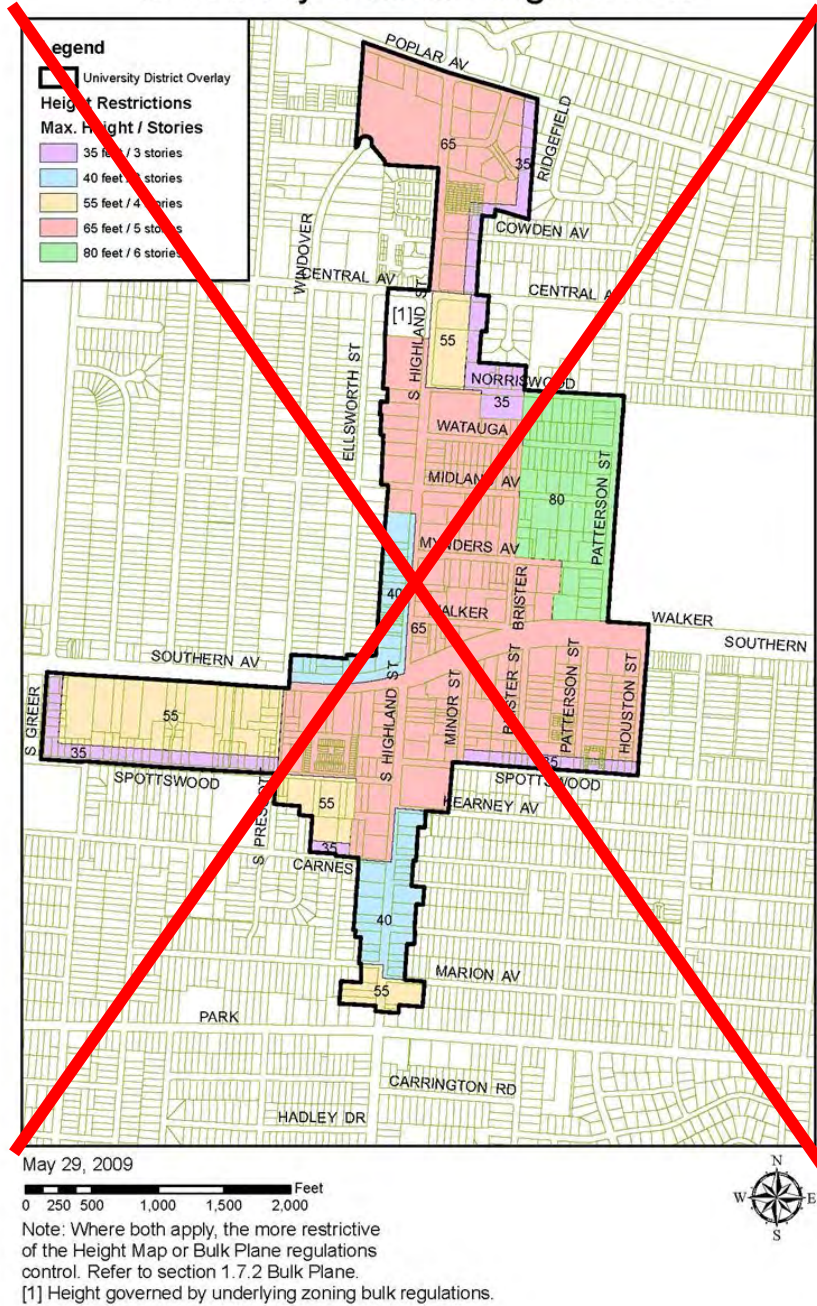


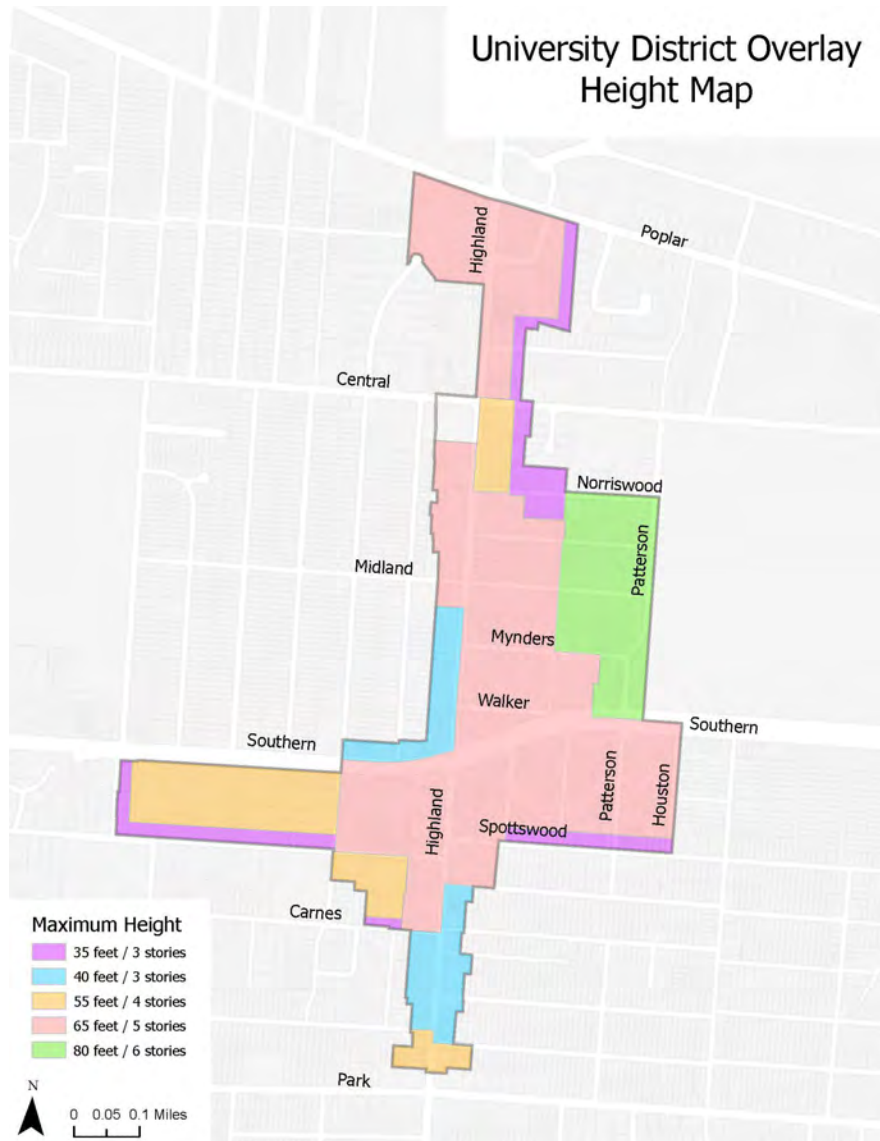


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8.3.7 University District Height Map:

### University District Height Limits

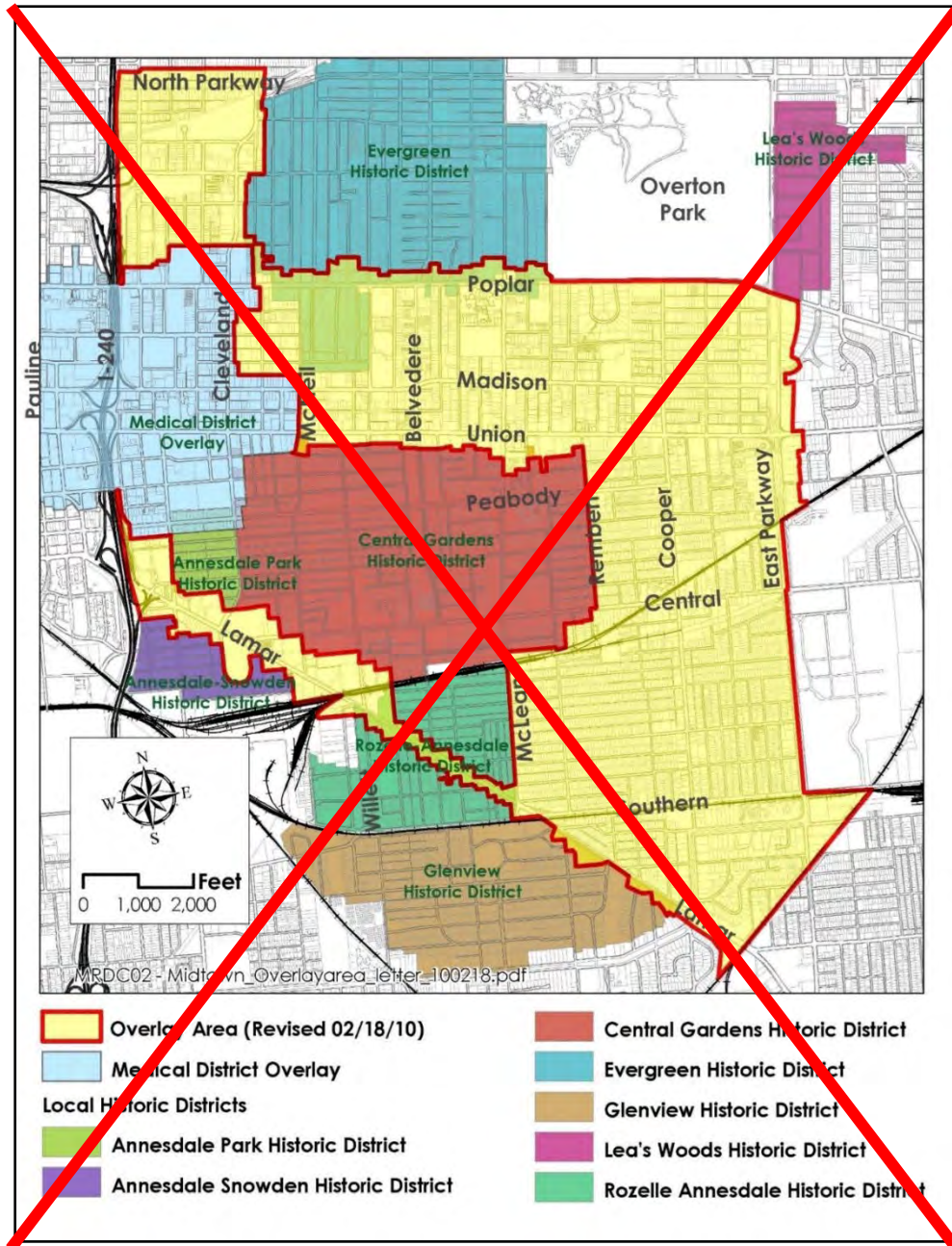


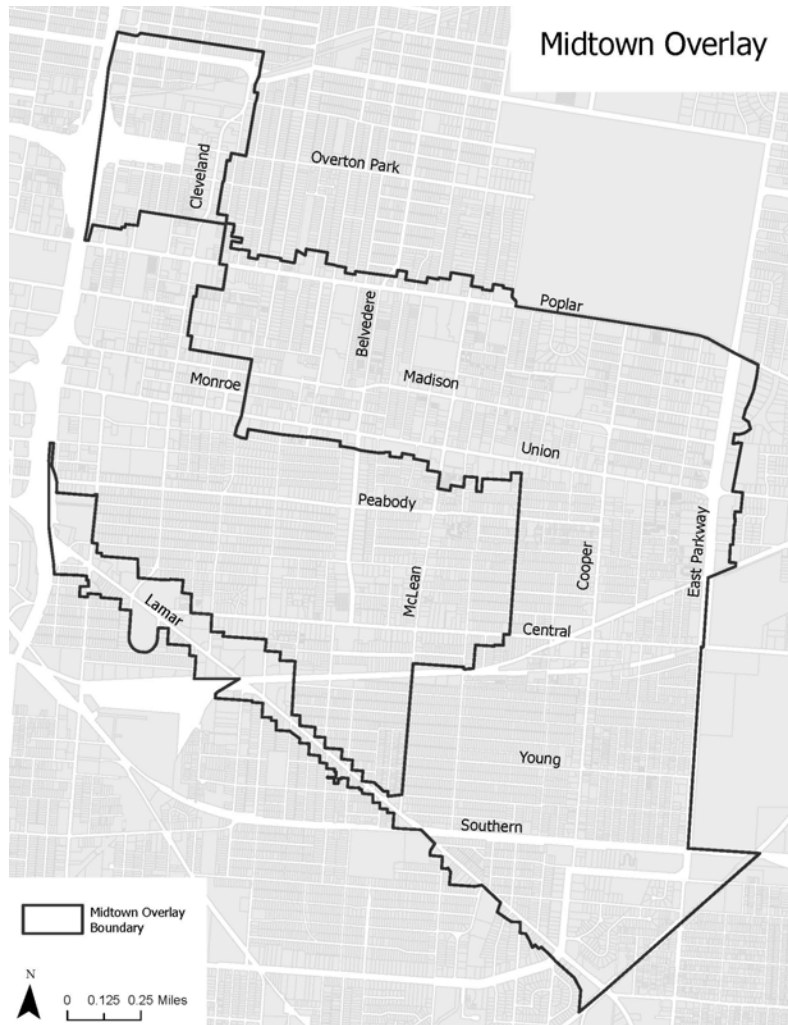


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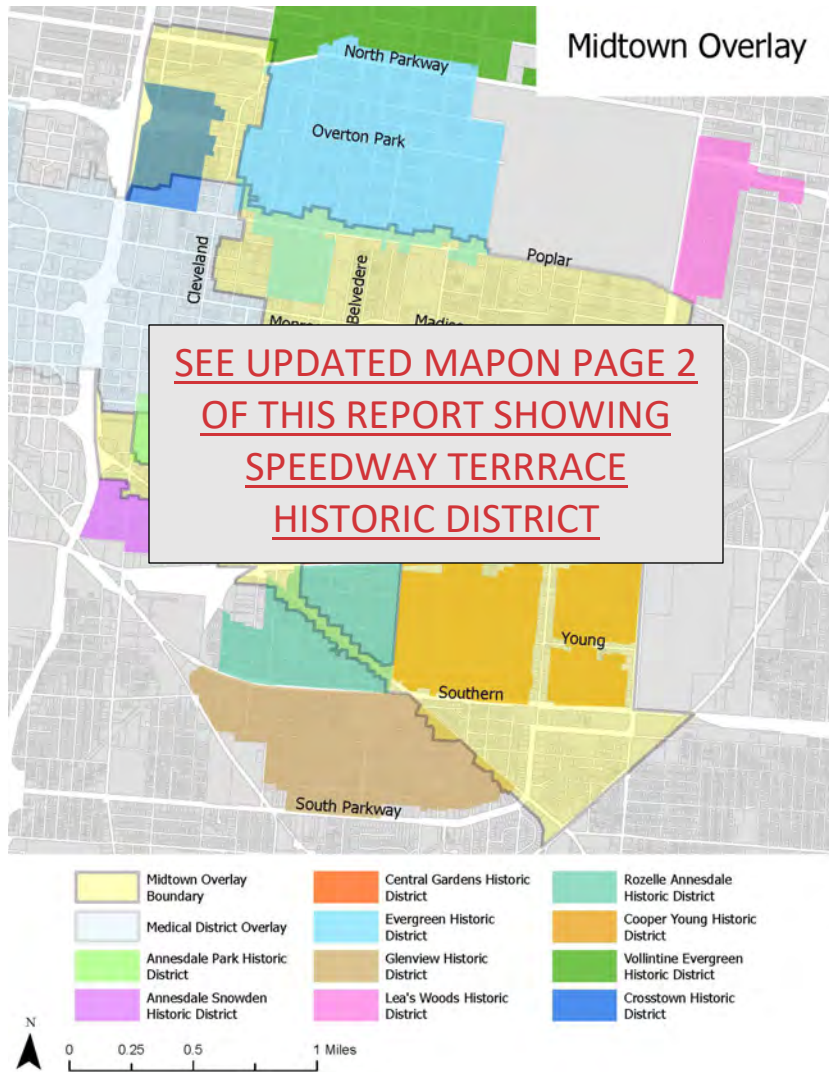


8.4.8A Midtown District Boundary Map





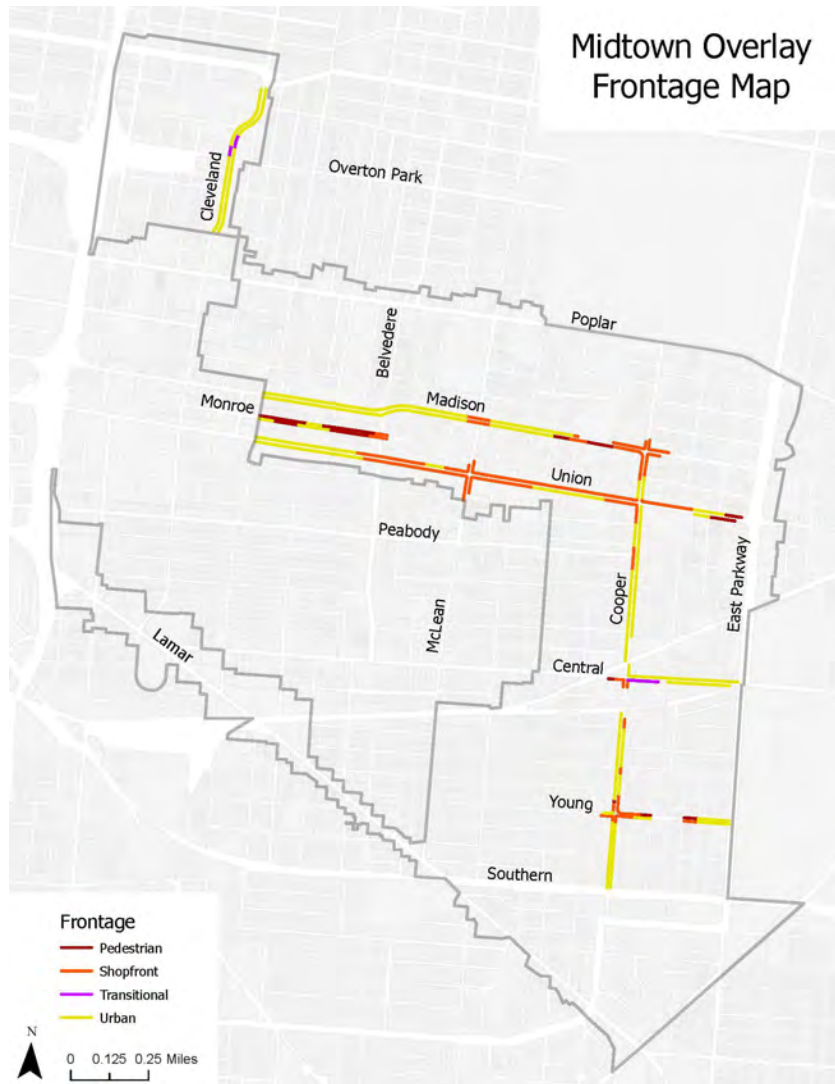
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8.4.8B Midtown District Frontage Map:

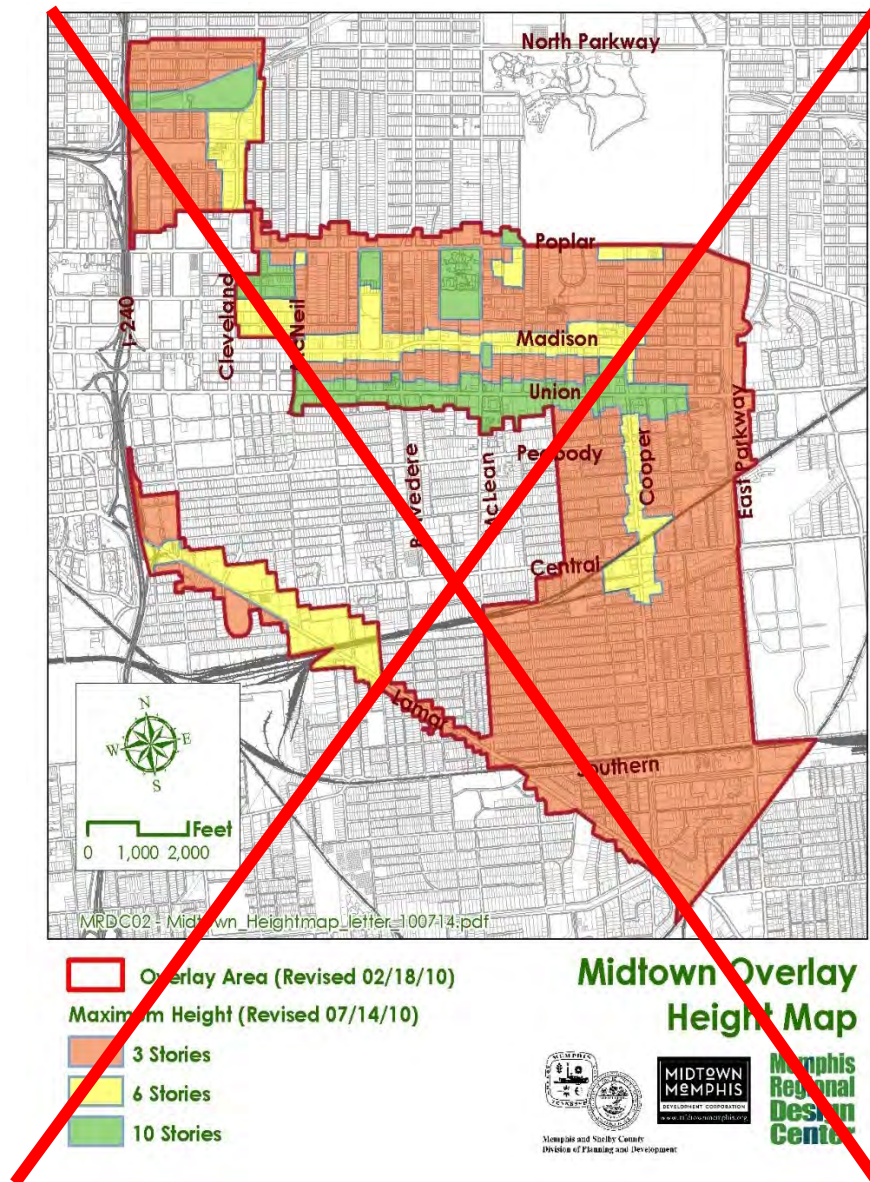


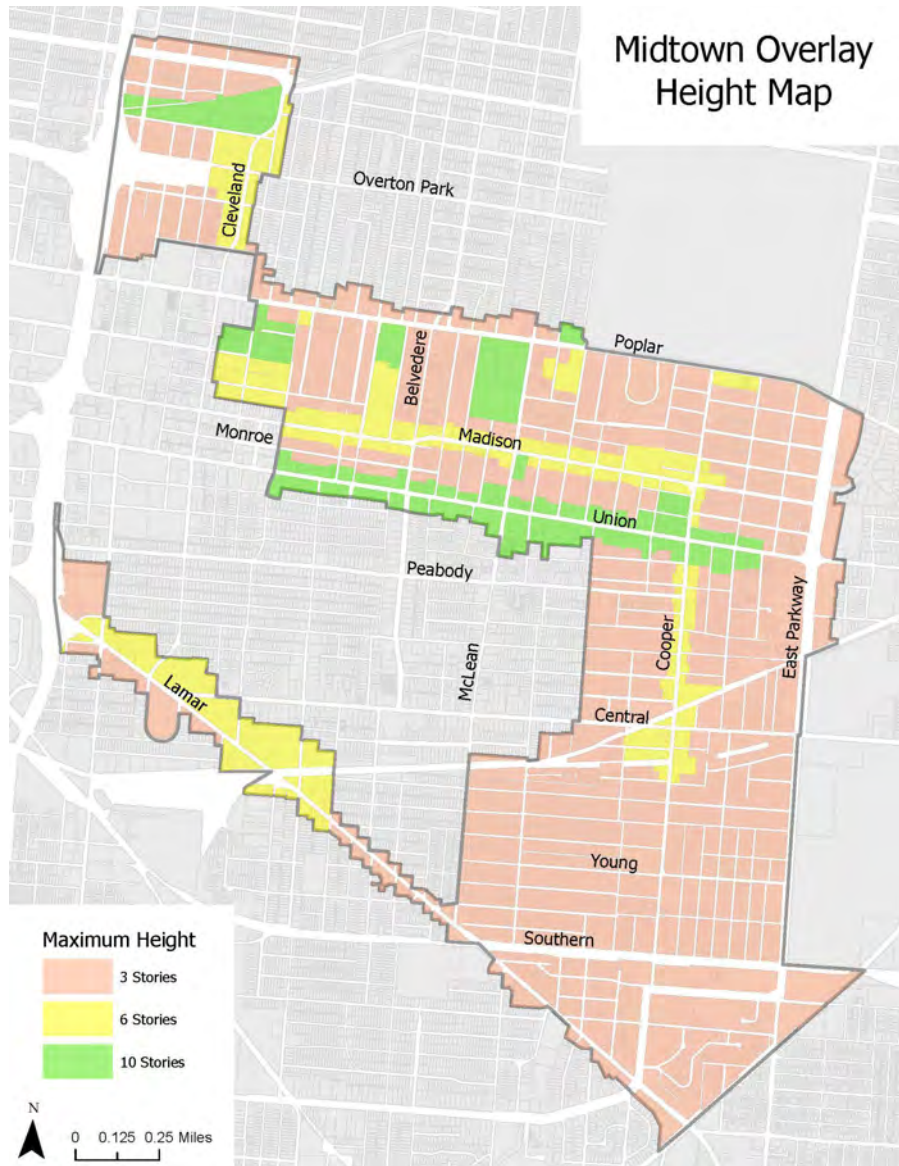


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Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





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### 8.13 Transit Overlay District

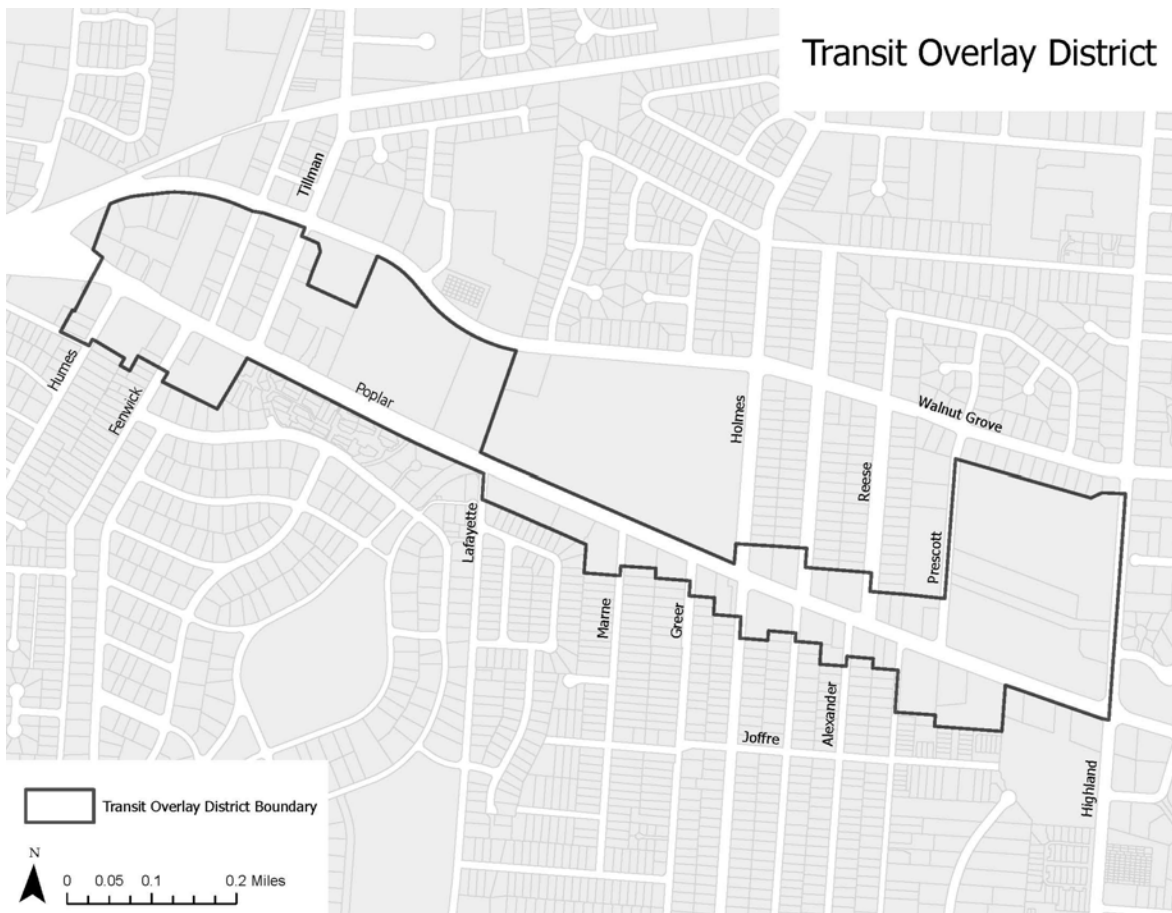
#### Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

#### Article 2. Purpose

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

#### Article 3. Boundaries

#### Boundaries of the Transit Overlay District(s):



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**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.**

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

<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.**

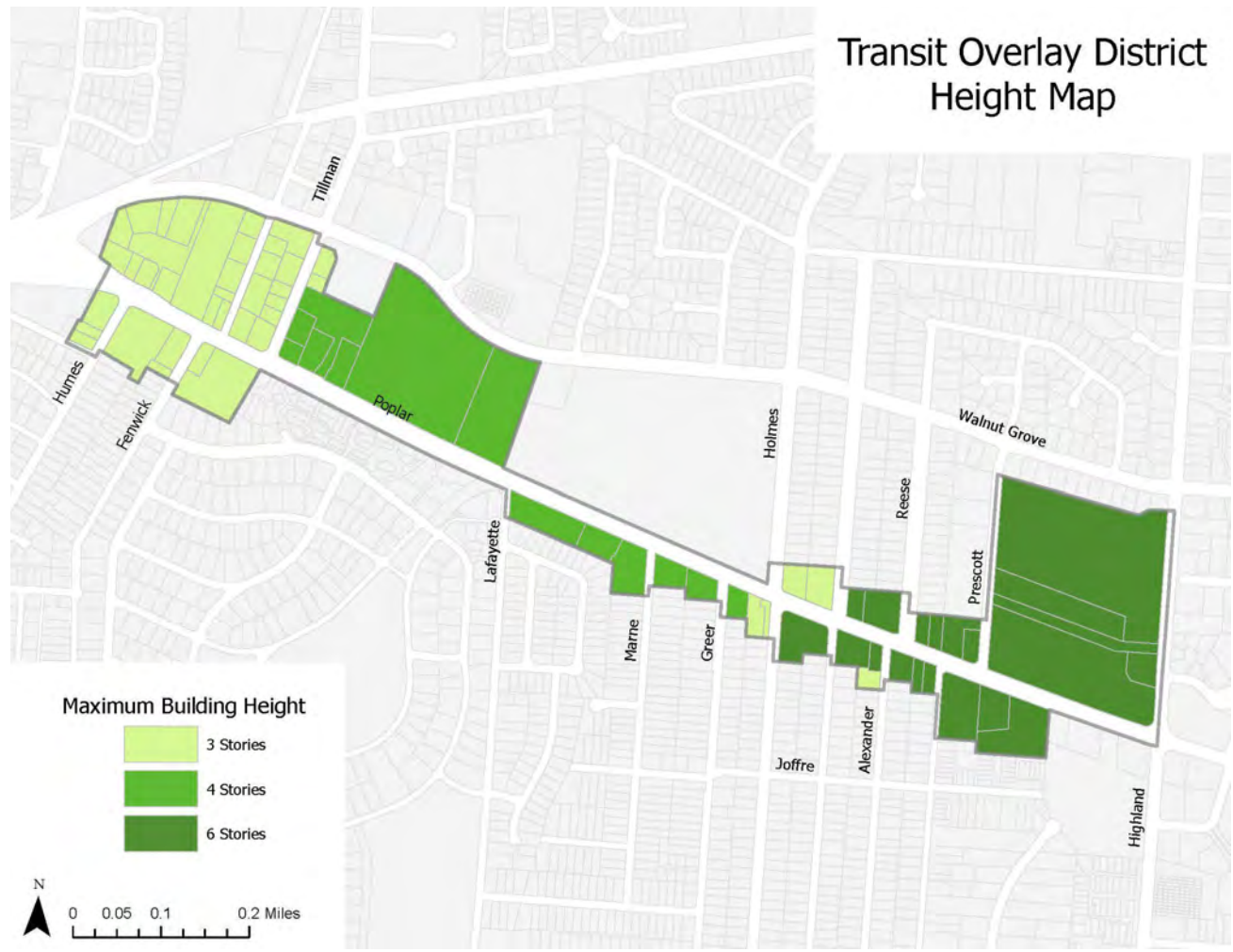
**d. Limited-access bicycle parking within a parking lot or parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.**

**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 <b>and attached uses dwelling units</b> . ** 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 ( <del>truck and motor freight trailer parking not included</del> ) 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><b>Sales-Oriented</b> 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</p> <p>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><b>Service-Oriented</b> 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 <u>Truck stop</u>, Tractor-trailers (fueling of) Wedding chapel</p> <p><b>Repair-Oriented</b> 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”.

<b>ONE APPROACHING TRAFFIC LANE ON THROUGH STREET</b>					
<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	<u>Unposted</u> or 20-25 MPH	13'	175'	14'	105'
	<del>Unposted</del> or 30 MPH	14'	200'	14'	130'
	35 MPH	14'	250'	14'	160'
	40+ MPH	14'	275'	14'	180'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	140'
	30 MPH	24'	230'	24'	170'
	35 MPH	24'	280'	24'	205'
	40+ MPH	24'	320'	24'	240'

TWO APPROACHING TRAFFIC LANES ON THROUGH STREET

Type of Sign Controlling Intersection	Posted Speed of Through Street	Length of Side In Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	<del>Unposted or</del> 20-25 MPH	13'	175'	14'	75'
	<del>Unposted or</del> 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	<del>Unposted or</del> 20-25 MPH	13'	175'
	<del>Unposted or</del> 30 MPH	14'	200'
	35 MPH	14'	250'
	40+ MPH	14'	275'
Street 2	<del>Unposted or</del> 20-25 MPH	13'	175'
	<del>Unposted or</del> 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	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 2 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6' to 9' high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 2 <b>Shrubs:</b> 24 <b>Barrier:</b> Chain link fence 6' to 9' high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 30 <b>Barrier:</b> No wall or fence
Class II	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Masonry wall 6' to 9' high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6' to 9' high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 6 <b>Shrubs:</b> 24 <b>Barrier:</b> Chain link fence 6' to 9' high
Class III	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Masonry wall 6' to 9' high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6' to 9' high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 7 <b>Shrubs:</b> 24 <b>Barrier:</b> <u>Chain link fence 6' to 9' high</u> <del>Sight proof fence 6' to 9' high</del>

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.

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 1/10/2023  
DATE  
PUBLIC SESSION: 1/10/2023  
DATE**

**ITEM (CHECK ONE)**

ORDINANCE     RESOLUTION     REQUEST FOR PUBLIC HEARING

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

**CASE NUMBER:** ZTA 22-1

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

**COUNCIL DISTRICTS:** None

**APPLICANT:** Brett Ragsdale, Zoning Administrator

**REPRESENTATIVES:** Brett Ragsdale, Zoning Administrator

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

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

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

**PRIOR ACTION ON ITEM:**

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

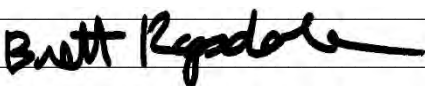
**FUNDING:**

(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 DIRECTOR
	<u>01/03/2023</u>	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**  
\_\_\_\_\_  
**COMMITTEE CHAIRMAN**

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

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

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

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

**APPLICANT:**               **Division of Planning and Development**

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

**RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development:

***Approval***

Memphis and Shelby County Land Use Control Board:

***Approval***

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

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



## Memphis City Council Summary Sheet

### ZTA 22-1

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

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

**Joint Ordinance No.:** \_\_\_\_\_

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

---

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

**BE IT FURTHER ORDAINED,** That this Ordinance shall become effective \_\_\_\_\_, 2023.

---

Chair  
Cheyenne Johnson

## APPENDIX A

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

### 1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

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

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

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

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

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

Housing Types	Conventional (w/ public water & decentralized sewer)	Conventional (w/ public water & public sewer)	Side Yard (w/ public water & public sewer)	<u>Cottage</u> <u>(w/ public water</u> <u>&amp; 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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>
<b>RU-1 District</b>								
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	<u>4,000</u>	3,000	<u>8,000</u>	<u>1,500</u>	<u>8,000</u>	<u>1,500</u>
Width (ft.)	45	45	<u>30</u> <del>35</del>	30	<u>45</u> <del>50</del>	<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	<u>30</u>	40	<u>40</u> <del>45</del>	<u>45</u>	<u>45</u>	<u>45</u>
<b>Building setback (min ft.)</b>								
Front (without alley access)	20	20	20	20	20	--	<u>20</u>	--
Front (with alley access)	15	15	15	15	15	<u>2-20</u>	--	<u>2-20</u>
Side (interior)	5	0	<u>3.5</u>	5	5	<u>5</u>	<u>5</u>	<u>5</u>
Side (total)	10	10	<u>7.4</u> <del>10</del>	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>
<b>% of Housing Types</b>								
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>
<b>RU-2 District</b>								
Tract or Lot (min)			<u>4,000</u>		<u>8,000</u>		<u>12,000</u>	
Area (sq. ft.)	6,000	6,000	<u>2,500</u>	3,000	<u>6,000</u>	1,500	<u>8,000</u>	1,500
Width (ft.)	45	45	<u>25</u> <del>35</del>	30	<u>45</u> <del>50</del>	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
<b>Building setback (min ft.)</b>								
Front (without alley access)	20	20	--	20	20	--	20	--
Front (with alley access)	15	15	15	15	15	--	15	--
Front (min/max)*	--	--	--	--	--	2-20	--	2-20
Required building frontage**	--	--	--	--	--	80%	--	80%
Side (interior)	5	0	<u>2.5</u>	5	5	5	5	5
Side (total)	10	10	<u>5.4</u> <del>10</del>	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
<b>% of Housing Types</b>								
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>	Apartment <sup>1</sup>
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~~

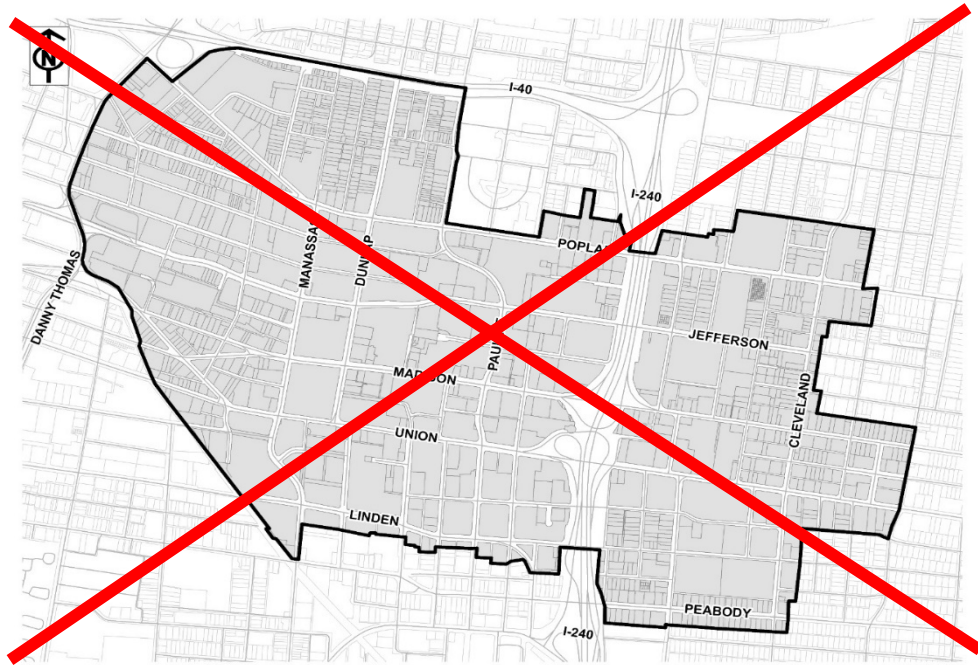
**reduces the existing parking below what is required by underlying zoning.** Said parking spaces shall be located in the side or rear yards **or on the ground floor of the accessory dwelling structure.**

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.

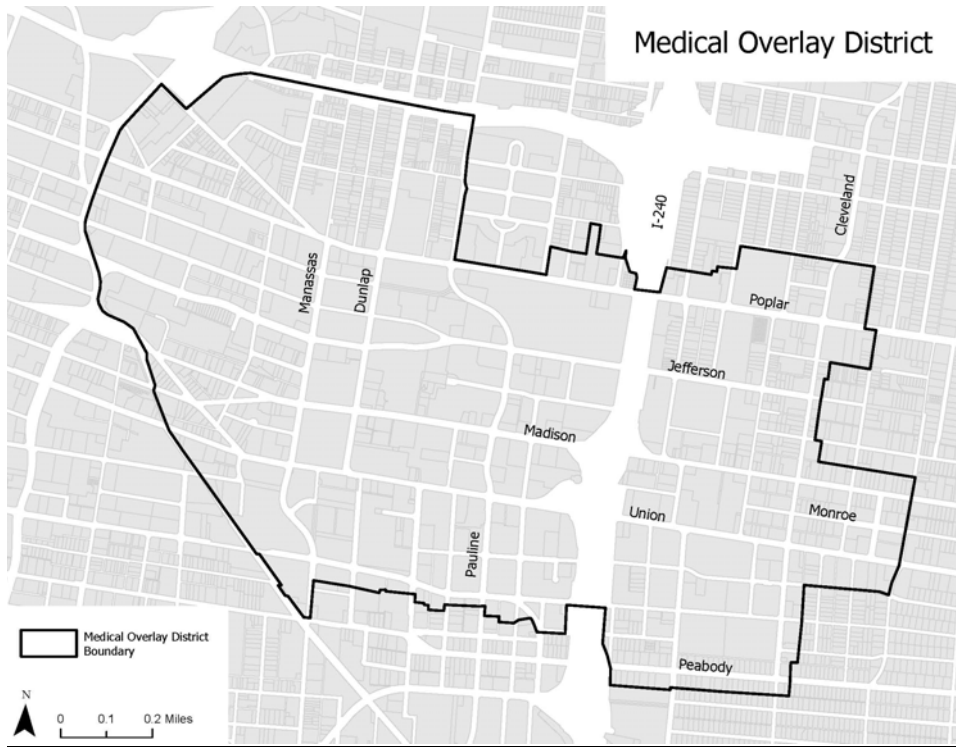
## 2. Transit Oriented Development Plan Recommendations

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:

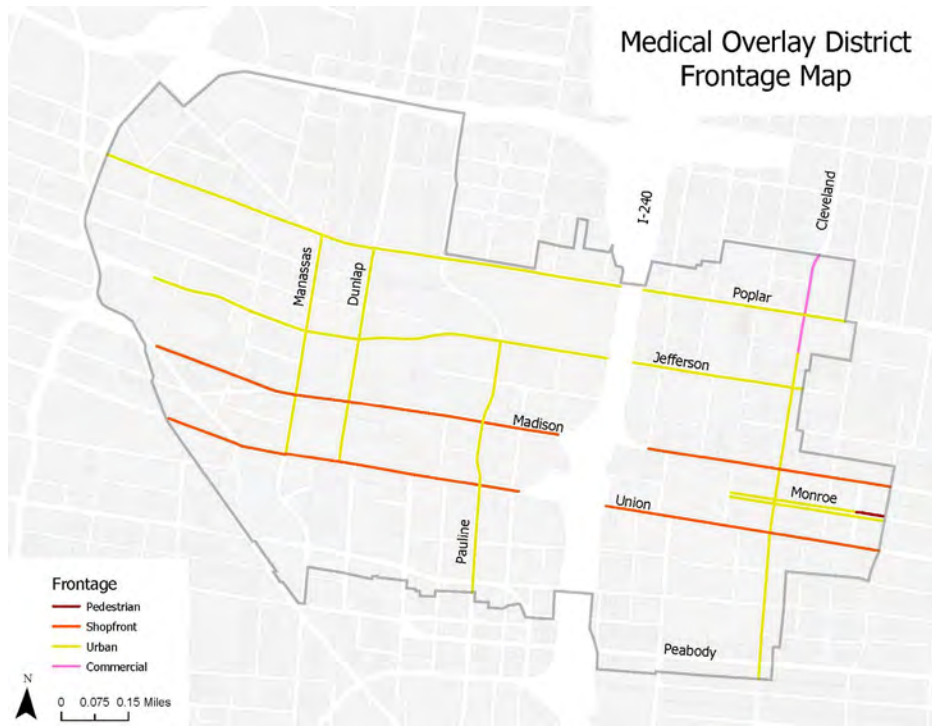
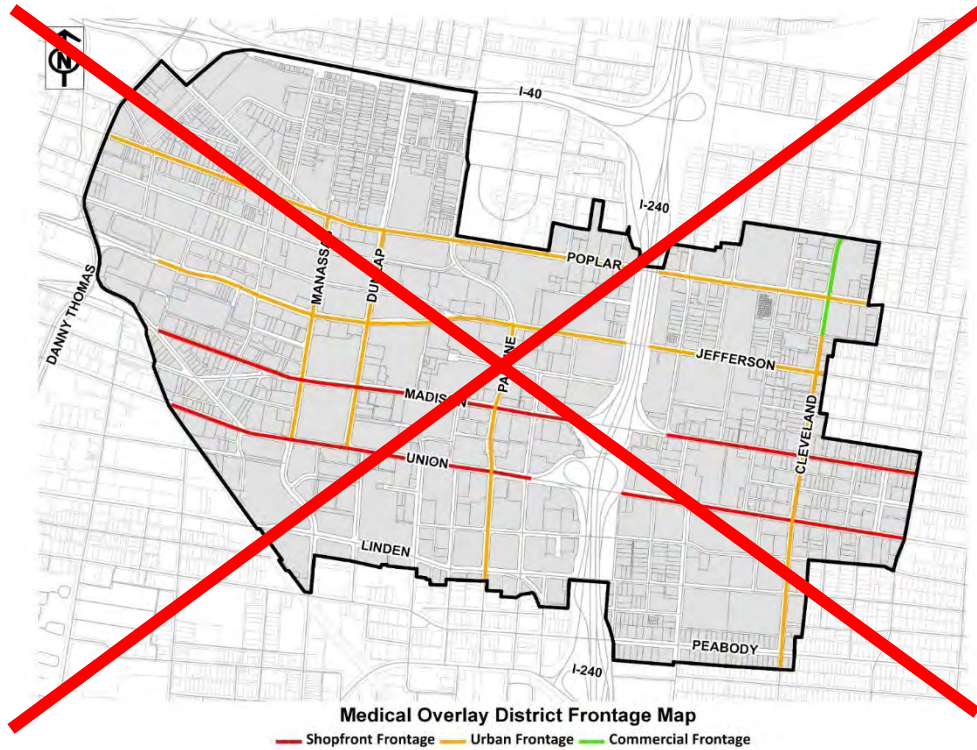


**Medical Overlay District (-MO)**



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8.2.5B Medical Overlay District Frontage Map:

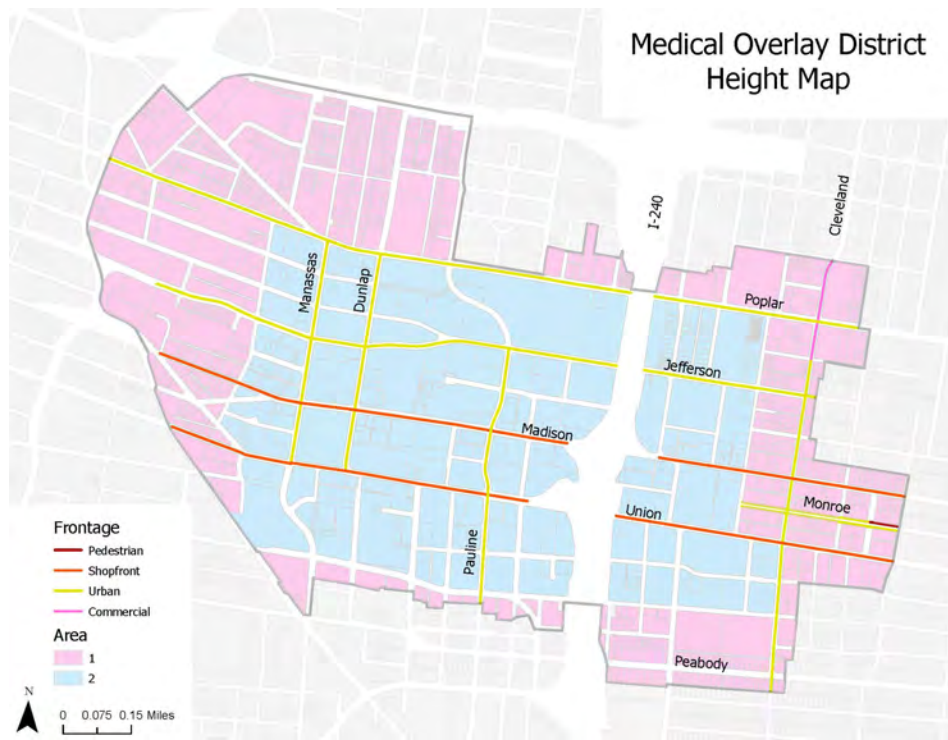
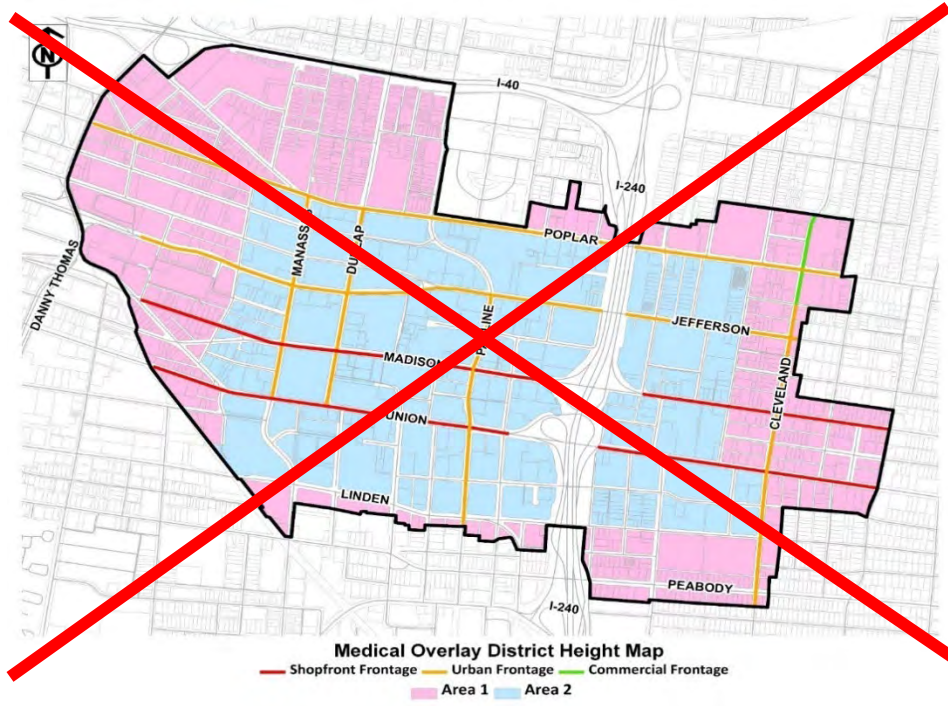


**(NEW IMAGE)**

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

8.2.6 Medical Overlay District Height Map:





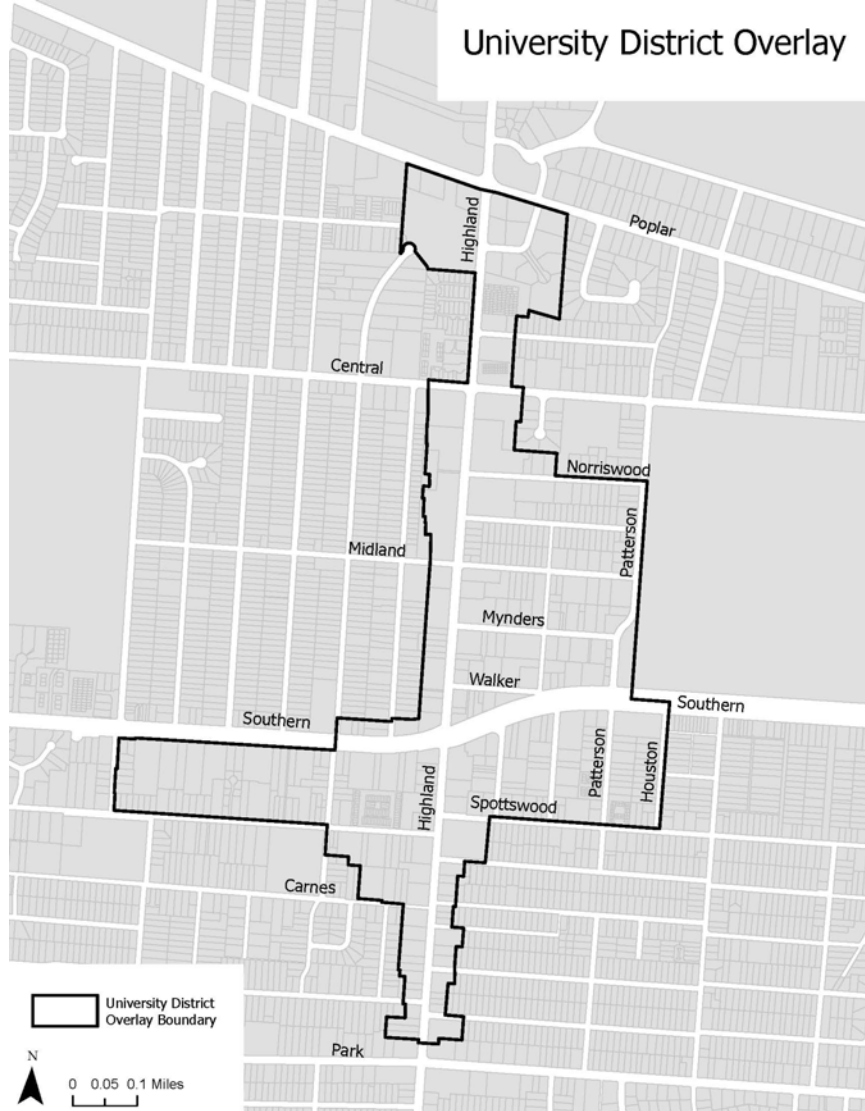
**(NEW IMAGE)**

8.3.6B University District Boundary Map:

University District Overlay (UDO)

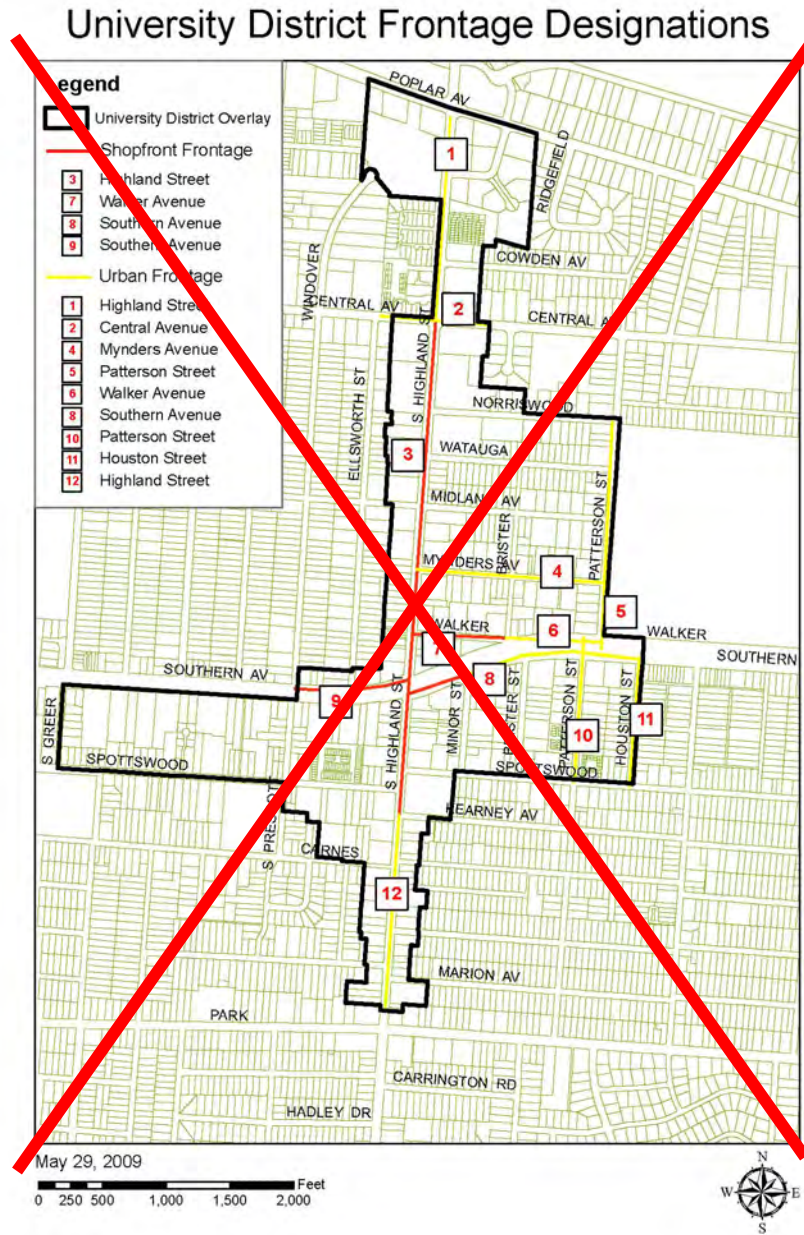


# University District Overlay



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8.3.6C University District Frontage Map:



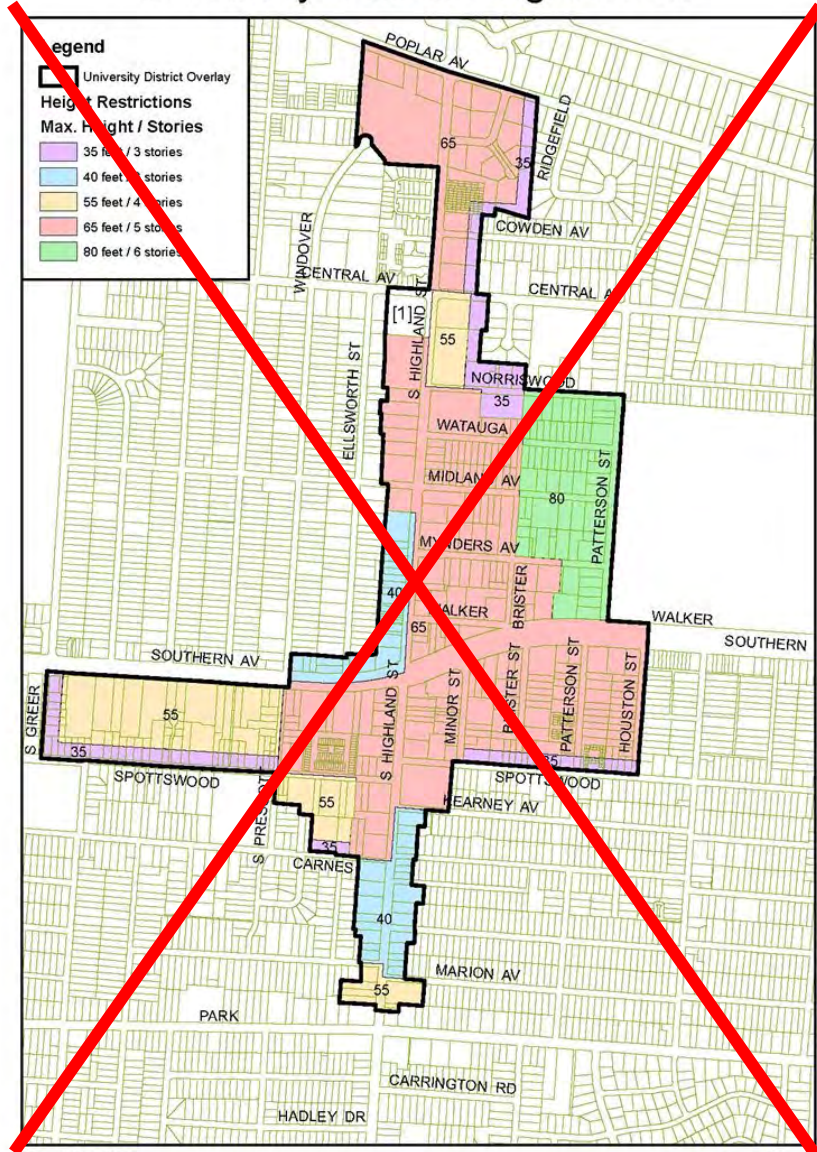
# University District Overlay Frontage Map



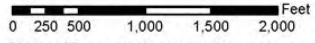
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8.3.7 University District Height Map:

### University District Height Limits

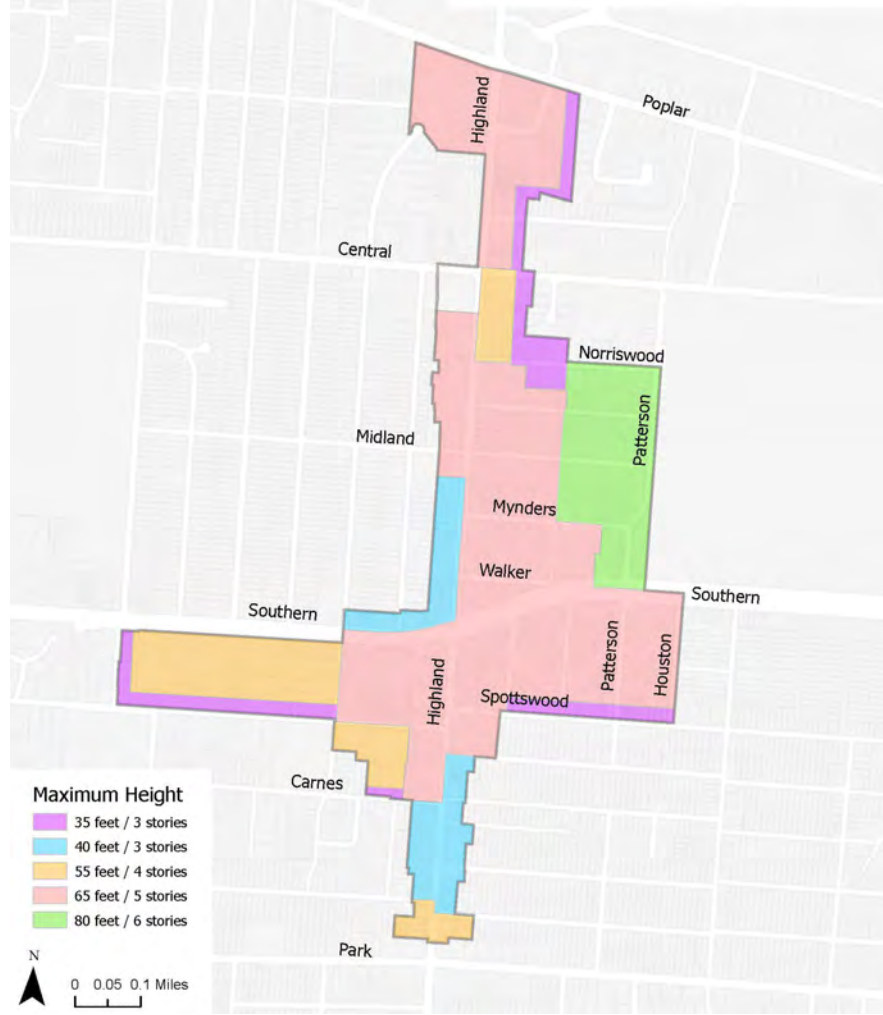


May 29, 2009



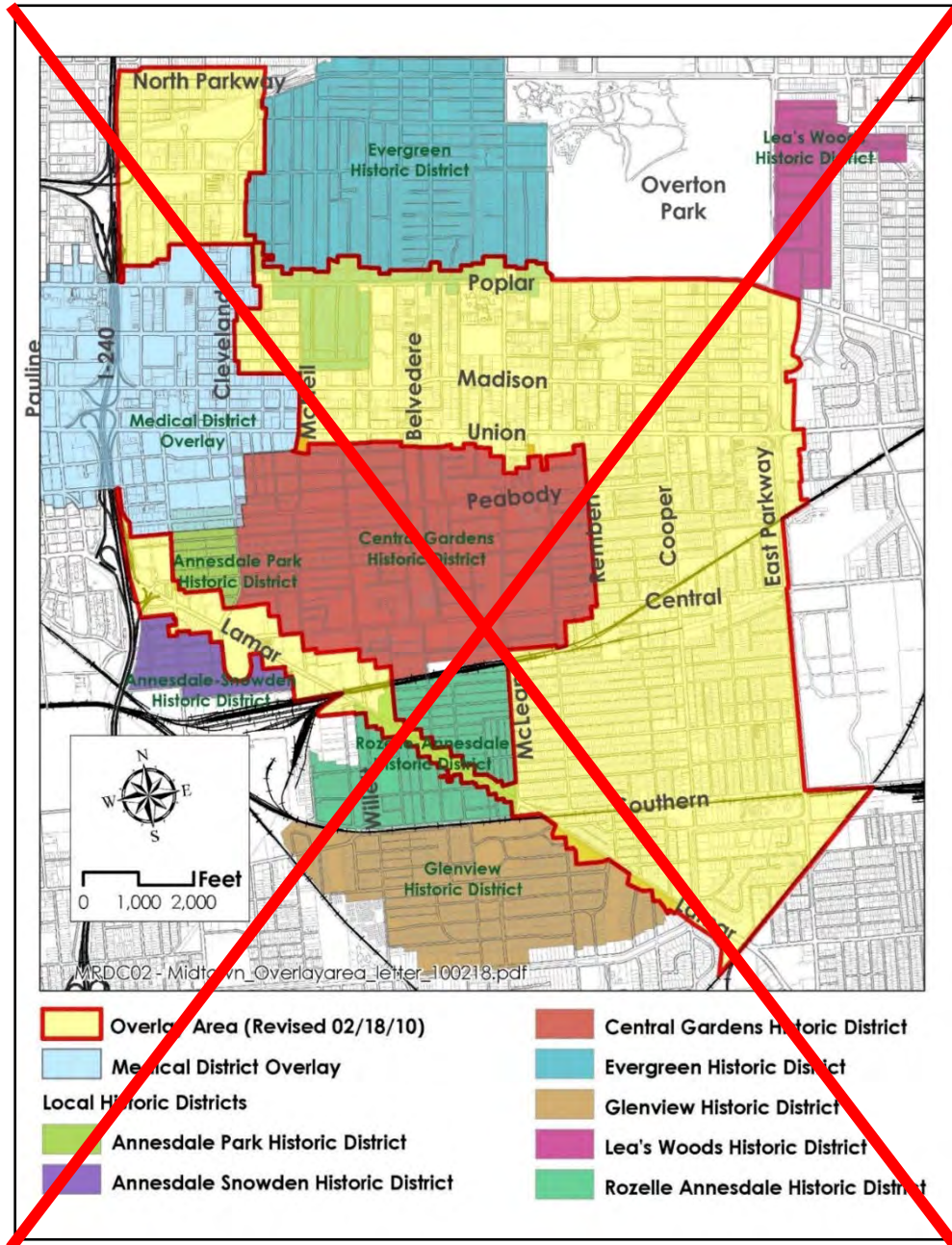
Note: Where both apply, the more restrictive of the Height Map or Bulk Plane regulations control. Refer to section 1.7.2 Bulk Plane.  
 [1] Height governed by underlying zoning bulk regulations.

# University District Overlay Height Map

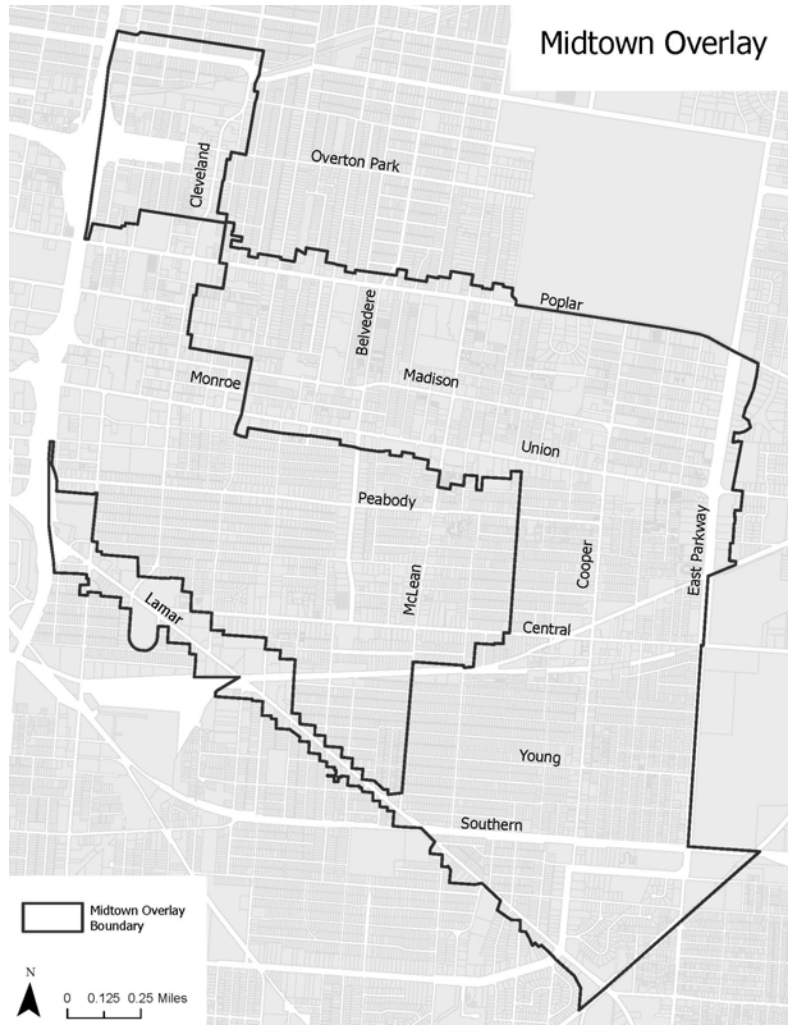


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8.4.8A Midtown District Boundary Map

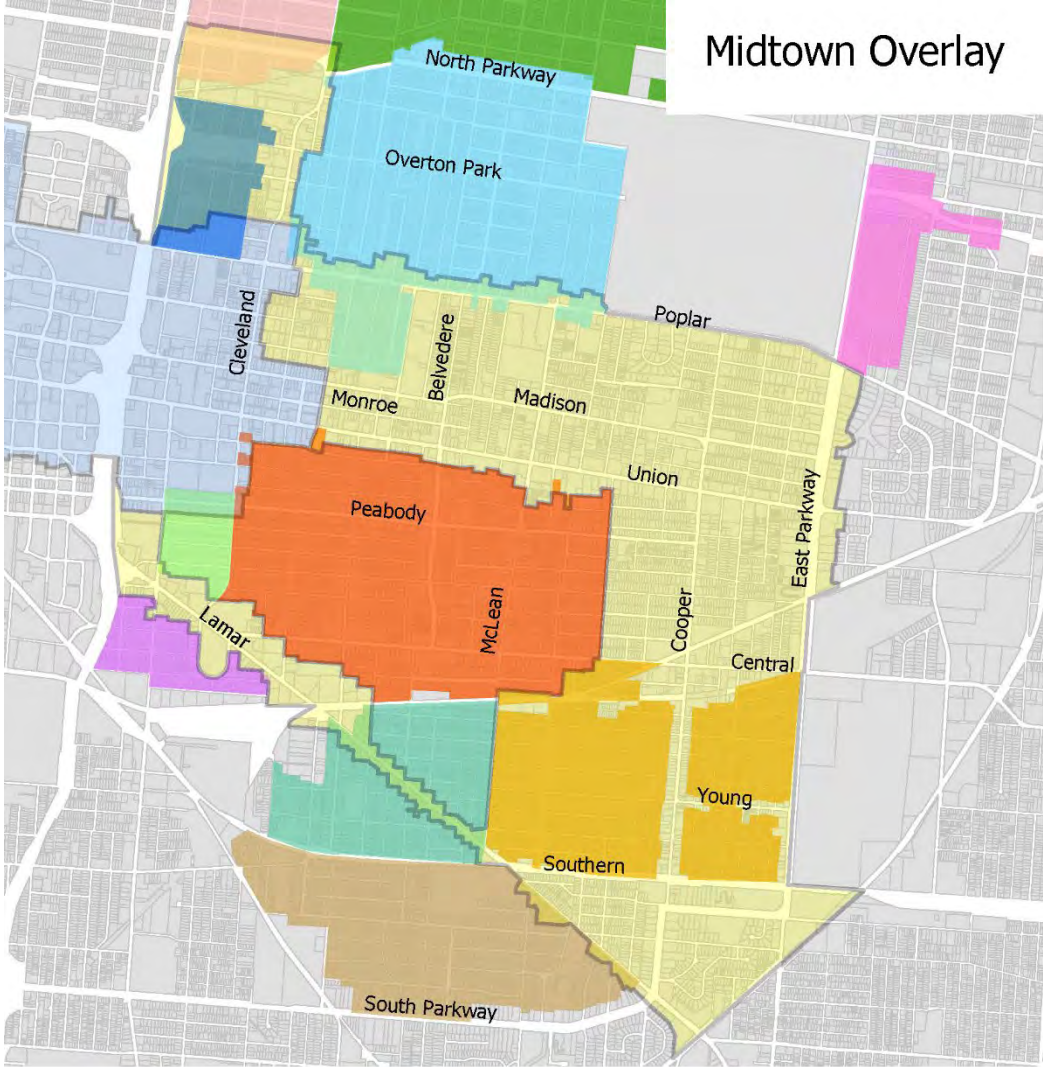




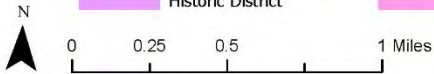


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# Midtown Overlay



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

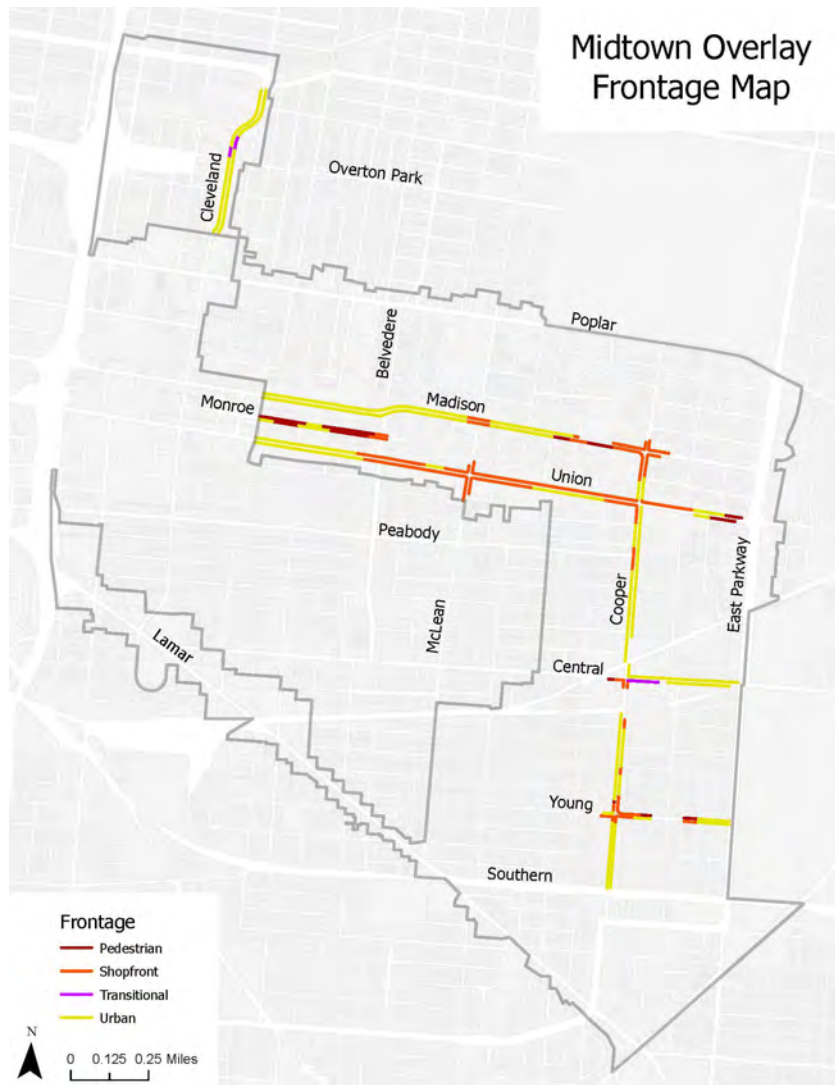


**(NEW IMAGE)**

8.4.8B Midtown District Frontage Map:



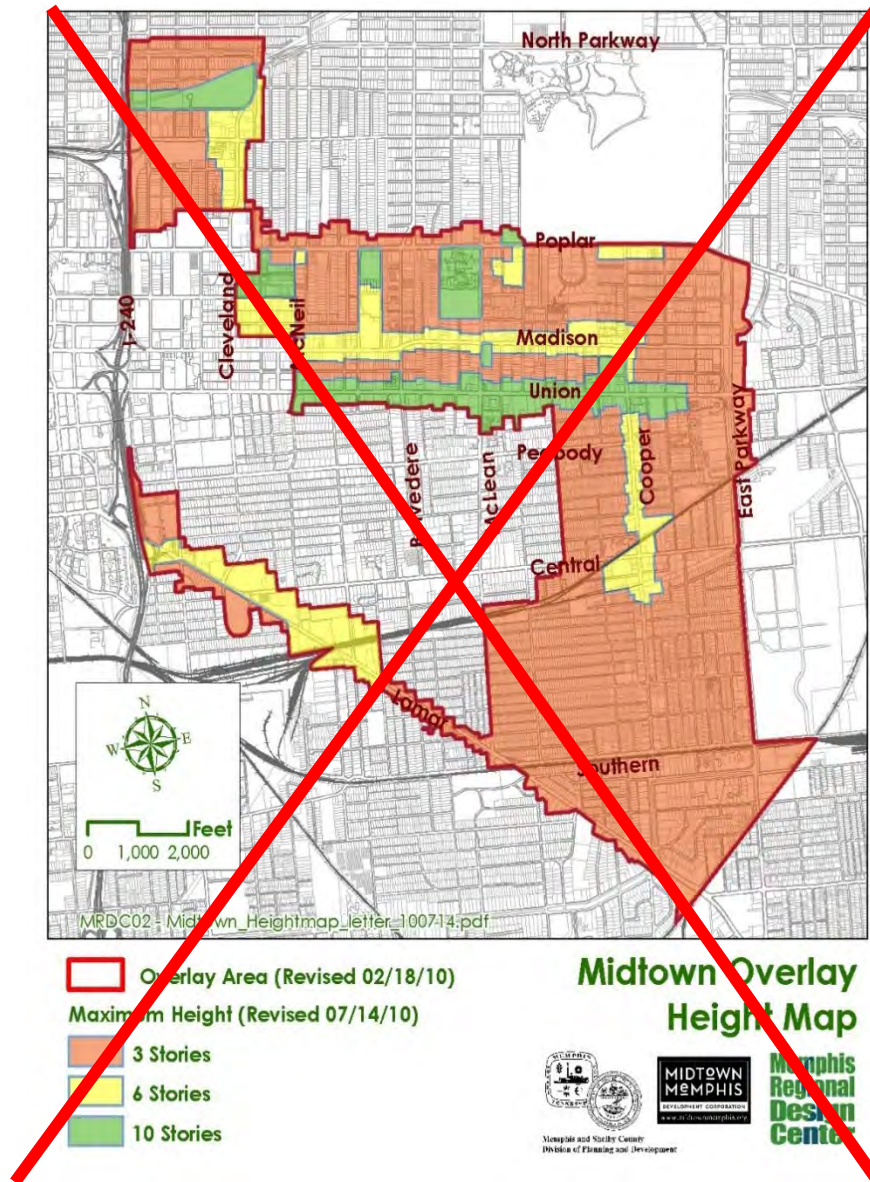
# Midtown Overlay Frontage Map

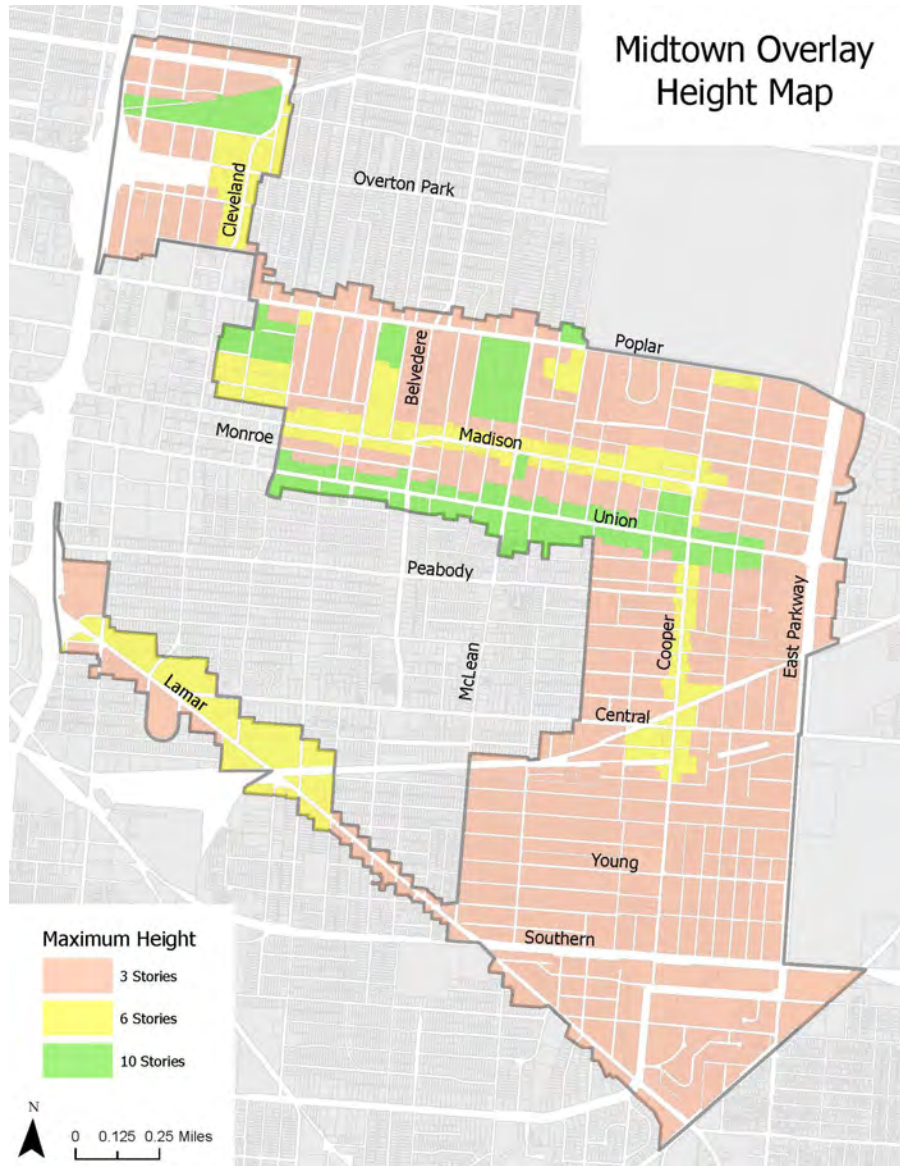


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Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

### 8.4.9 Height Standards





**(NEW IMAGE)**

8.13 Transit Overlay District

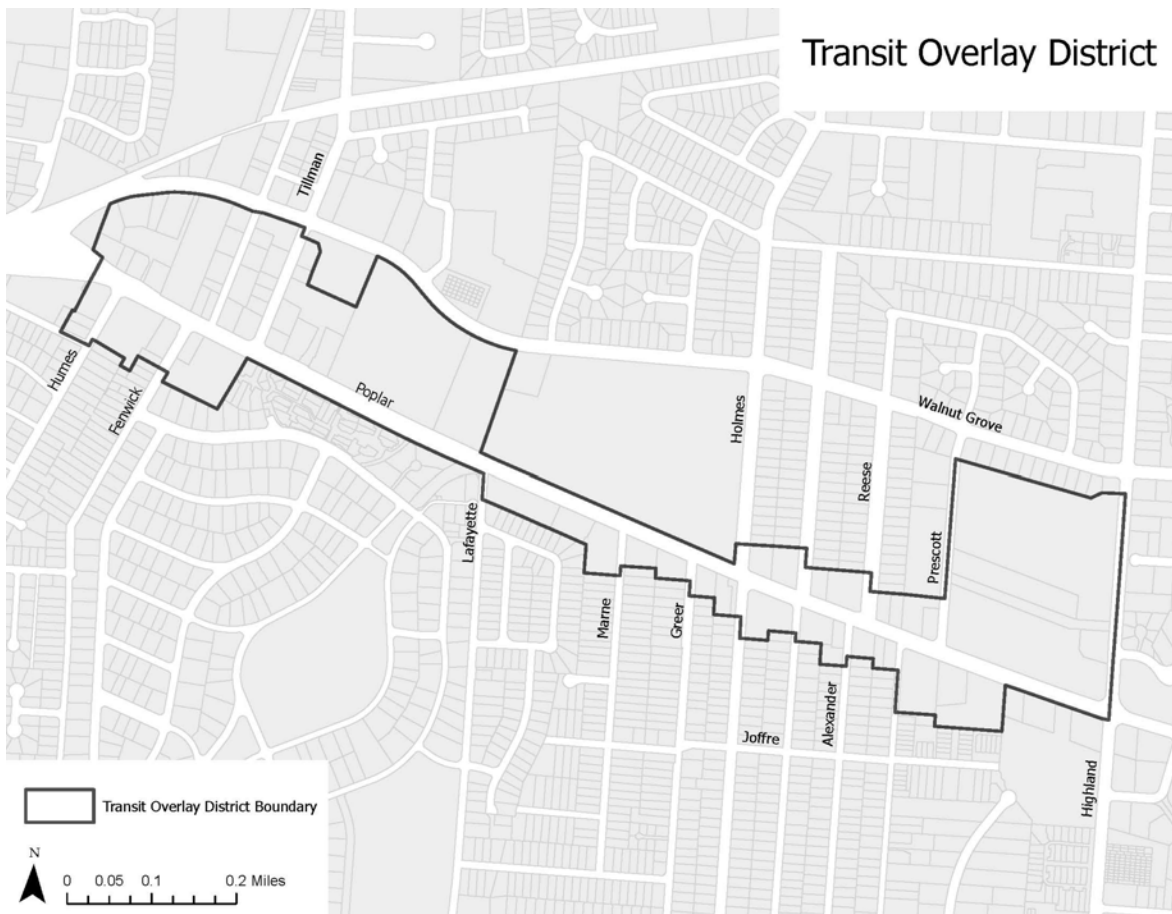
## Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

### 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**

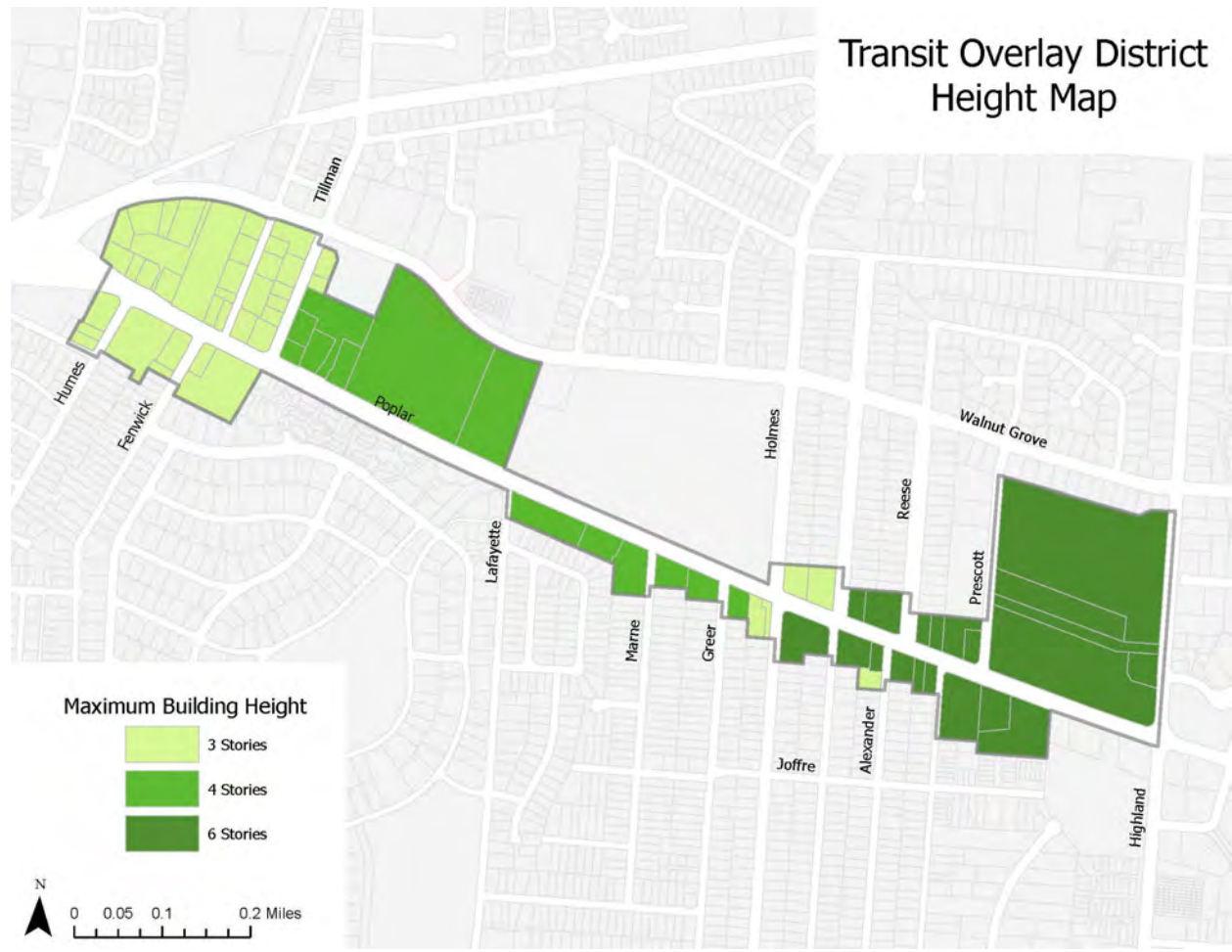
parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

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

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><b>Sales-Oriented</b></p> <p>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</p> <p>Art or photo studio, gallery</p> <p>Convenience store with gas pumps, gas station, electronic vehicle service station</p> <p>Convenience store without gas pumps</p> <p>Consignment store</p> <p>Greenhouse or nursery, commercial, garden center</p> <p>Pawnshop</p> <p>Payday loans, title loan establishments</p> <p>Photo finishing pickup station, photo finishing by computer and retail sales</p> <p>Retail Sales Outdoor (vendor), Flea Market, Farmers Market, Farm Stand, Open Air Market, Vehicle parts and accessories, Wholesale club</p> <p><b>Service-Oriented</b></p> <p>Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care</p>	<p>Artisan manufacturing</p> <p>Associated office</p> <p>Automatic one bay car wash facility</p> <p>Drive-thru facility</p> <p>Food preparation or dining area</p> <p>Gardening</p> <p>Off-street parking</p> <p>On-site day care where children are cared for while parents or guardians are occupied on the premises</p> <p>Repackaging of goods for on-site sale</p> <p>Storage of goods</p> <p>Solar (photovoltaic) panels</p> <p>Building-mounted wind energy system</p> <p>Electric vehicle charging unit</p>

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

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

18. 3.9.1C: Garage and Carport Placement

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

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

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

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

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

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

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

## 20. 4.4.7A: Clear Sight Triangle

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

**ONE APPROACHING TRAFFIC LANE ON THROUGH STREET**

<i>Type of Sign Controlling Intersection</i>	Posted Speed of Through Street	Length of Side in Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	<del>Unposted or</del> 20-25 MPH	13'	175'	14'	105'
	<del>Unposted or</del> 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	<del>Unposted or</del> 20-25 MPH	13'	175'	14'	75'
	<del>Unposted or</del> 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	<del>Unposted or</del> 20-25 MPH	13'	175'
	<del>Unposted or</del> 30 MPH	14'	200'
	35 MPH	14'	250'
	40± MPH	14'	275'
Street 2	<del>Unposted or</del> 20-25 MPH	13'	175'
	<del>Unposted or</del> 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	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 2 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6’ to 9’ high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 2 <b>Shrubs:</b> 24 <b>Barrier:</b> Chain link fence 6’ to 9’ high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 30 <b>Barrier:</b> No wall or fence
Class II	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Masonry wall 6’ to 9’ high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6’ to 9’ high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 6 <b>Shrubs:</b> 24 <b>Barrier:</b> Chain link fence 6’ to 9’ high
Class III	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Masonry wall 6’ to 9’ high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6’ to 9’ high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 7 <b>Shrubs:</b> 24 <b>Barrier:</b> <u>Chain link fence 6’ to 9’ high</u> <del>Sight proof fence 6’ to 9’ high</del>

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

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

4.9.3B(5): New Section:

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

4.9.3B(6): New Section:

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

4.9.11D:

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

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

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

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

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

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

28. 4.10.3C: Misspelling

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

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

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

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

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

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

A. **Authority**

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

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

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

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

33. 8.12.9C(3): Grammar

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

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

34. 9.3.2A(1): Neighborhood Meeting Requirement

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

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

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

9.3.3B:

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

9.12.3A:

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

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

9.12.3C:

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

9.12.3E:

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

36. 9.3.4 Public Hearing and Notification

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

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

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

38. 9.6.3: Neighborhood Notification and Meeting

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

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

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

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

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

#### 40. 9.6.13A: Language Change

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



#### 41. 9.12.3B(3): Engineering Review

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

#### 42. 9.21.2: Misspelling

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

#### 43. 10.3.3: Nonconforming structures

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

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

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

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

#### 44. 11.3.2: List configuration

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

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

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

#### 45. 12.3.1: Corrections to General Definitions

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

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

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

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

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

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

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

This proposal clarifies the definition as below:

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

46. Revisions to the Medical Overlay District:

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

47. Revisions to the University District Overlay:

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

## LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 22-2

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

**APPLICANT:** Brett Ragsdale, Zoning Administrator

**REPRESENTATIVE:** Brett Ragsdale, Zoning Administrator

The following spoke in support of the application:

Brett Ragsdale, John Zeanah, and Christina Crutchfield

The following spoke in opposition to the application:

Robert Gordon and Don Jones

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

The motion passed (8-0).

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

Respectfully submitted,

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

Brett Ragsdale  
Zoning Administrator

**CASE NUMBER:** ZTA 22-1

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

**AGENDA NO:** 6

**APPLICANT:**

Memphis and Shelby County Division of Planning and Development

**REPRESENTATIVE:**

Brett Ragsdale, Zoning Administrator

**REQUEST:**

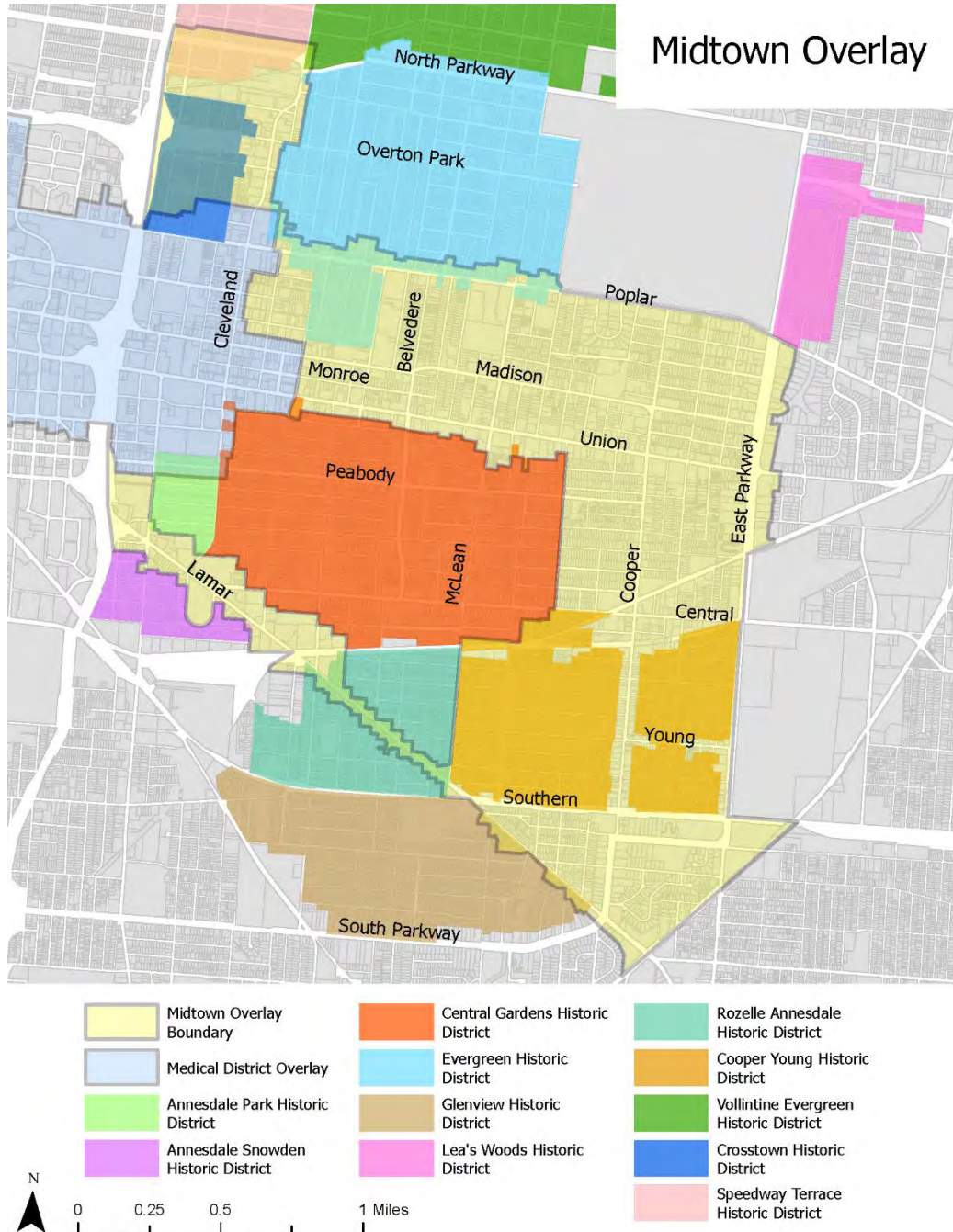
Adopt Annual List of Amendments to the Memphis and Shelby County Unified Development Code (the "UDC")

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

**RECOMMENDATION: *Approval***

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

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



- Revisions to the Medical Overlay District:
  - 8.2.5C: Building Regulation chart, delete maximum 12 ft. Upper floor height in Shopfront, Urban, and Commercial.
  - And on the following three pages (Building and Parking Placement) in “Floor Height” section delete item 3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
  
- Revisions to the University District Overlay:
  - 8.3.6D: Building Regulation chart, change Upper Floor Height (floor to floor) to 9’ for both Shopfront and Urban frontages.
  - And on the following two pages (Building and Parking Placement) add a “Floor Height” section to read: “FLOOR HEIGHT: At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.”
  - **8.3.10.E.2 Parking:** Increase the required on-site parking spaces from 0.5 spaces per bedroom to 0.65 spaces per bedroom.
  
- Revisions to Item 1 related to the Memphis and Shelby County Joint Housing Policy Plan Recommendations:
  - 3.6.1: The R-6 table has been modified to require a minimum Cottage lot size of 3,000 square feet and minimum lot width of 30 feet. A footnote has been added to this table to confirm Cottage lots without alley access are limited to corner lots pursuant to the definition of a Cottage in section 3.4. The same updates have been copied to the RU-1 table in section 3.7.2.
  - 2.7.2D: The standards relating to Accessory Dwelling Units have been modified to:
    - Remove the option to add an ADU to a lot where the principal use is single-family attached;
    - Reduce the maximum square footage allowed from 800 to 700 or 1/3 of the gross floor area of the principal structure;
    - Remove the option to add an attached ADU;
    - Clarify the height of the ADU may not exceed the height of the principal structure, except when required parking is provided on the ground floor of the accessory structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.



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

## 1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

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

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

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

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

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

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

**\*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	<u>C</u>	■	■	■	■
Stacked Townhouse	<u>C</u>	■	■	■	■
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>
<b>RU-1 District</b>								
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	<del>4,000</del>	3,000	<del>8,000</del>	<u>1,500</u>	<u>8,000</u>	<u>1,500</u>
Width (ft.)	45	45	<del>30/35</del>	30	<del>45/50</del>	<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	<u>30</u>	40	<del>40/45</del>	<u>45</u>	<u>45</u>	<u>45</u>
<b>Building setback (min ft.)</b>								
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	<del>7/10</del>	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>
<b>% of Housing Types</b>								
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>
<b>RU-2 District</b>								
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	<del>25/35</del>	30	<del>45/50</del>	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
<b>Building setback (min ft.)</b>								
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	<del>5/10</del>	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
<b>% of Housing Types</b>								
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 <sup>1</sup>	Large Home	Stacked Townhouse <sup>1</sup>	Apartment <sup>1</sup>
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.**

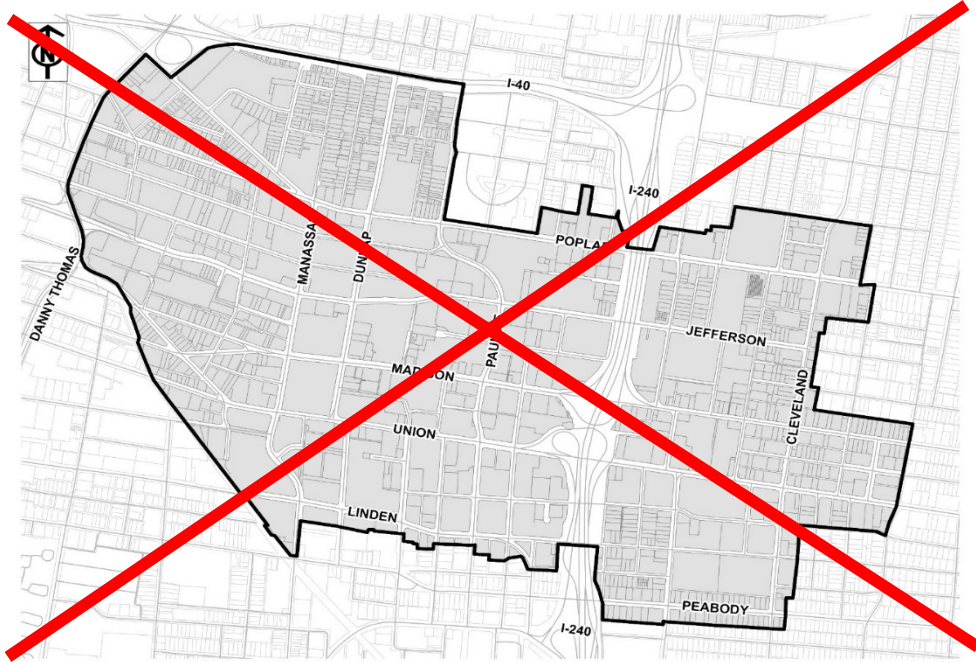
3. An accessory dwelling shall not be located within the principal structure.
4. The height of a principal structure may not be exceeded by any accessory dwelling, **except where required parking is provided on the ground floor of the accessory dwelling structure. In no instance shall the height of an 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

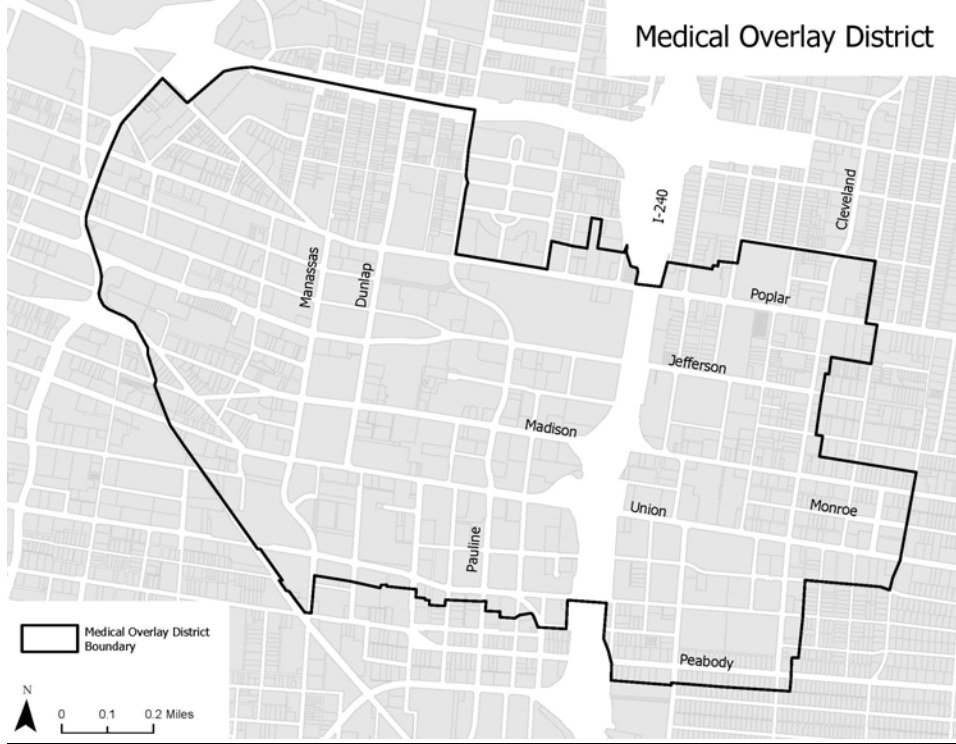
The Memphis Innovation Corridor Transit Oriented Development Plan envisions increased density around Bus Rapid Transit (BRT) stations, making it possible for surrounding residents to access daily needs with less dependency on personal vehicles. In 2014, the Memphis Area Transit Authority (MATA) identified 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:

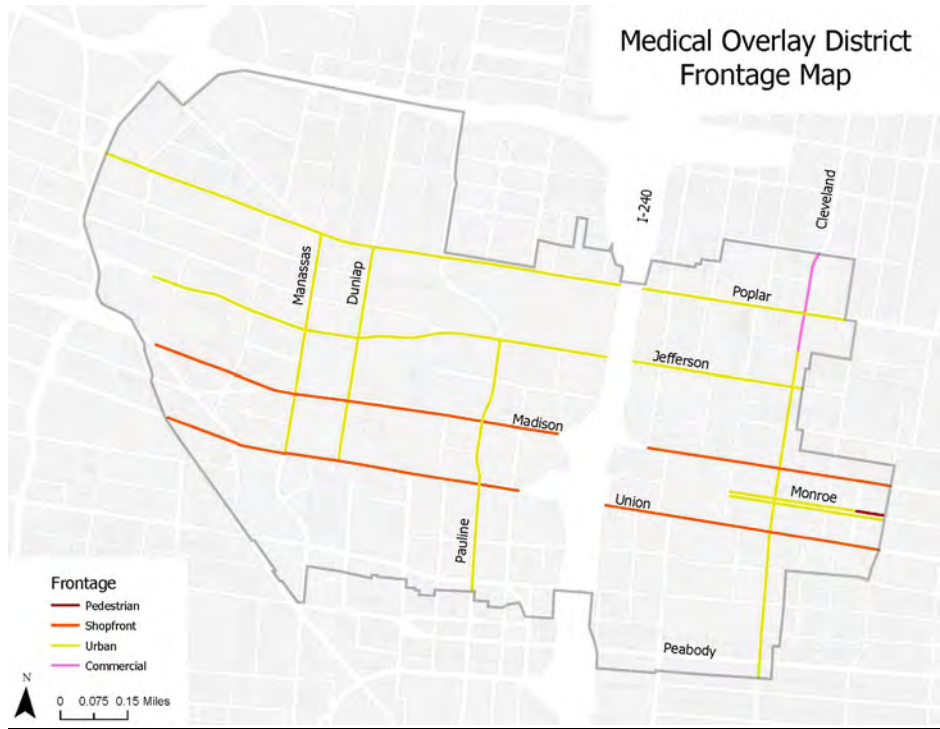
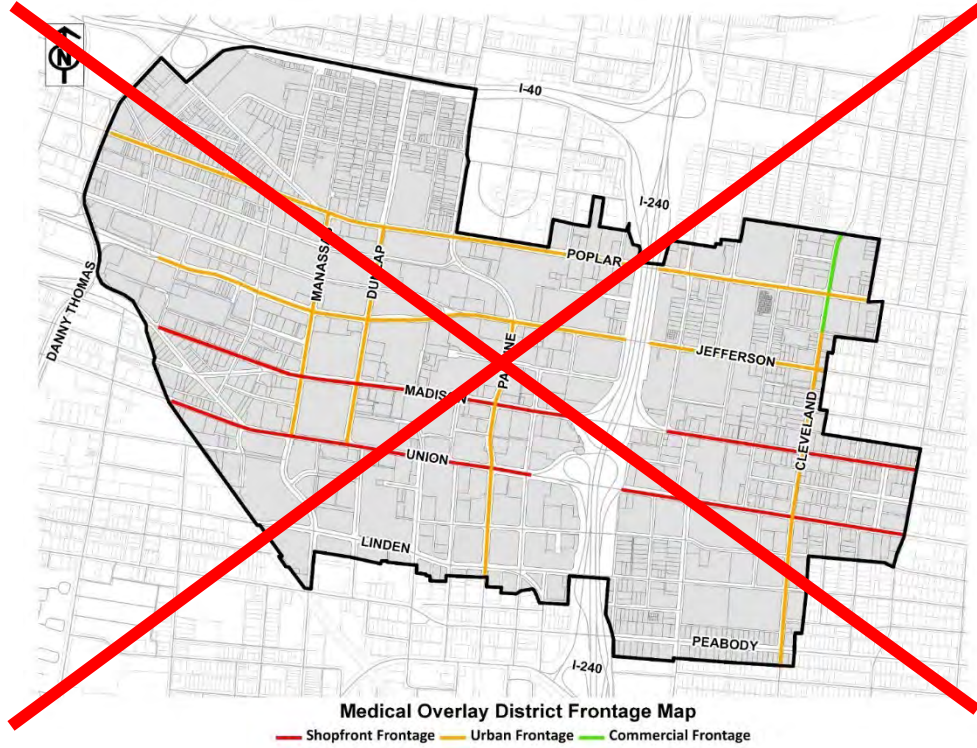


**Medical Overlay District (-MO)**



**(NEW IMAGE)**

8.2.5B Medical Overlay District Frontage Map:

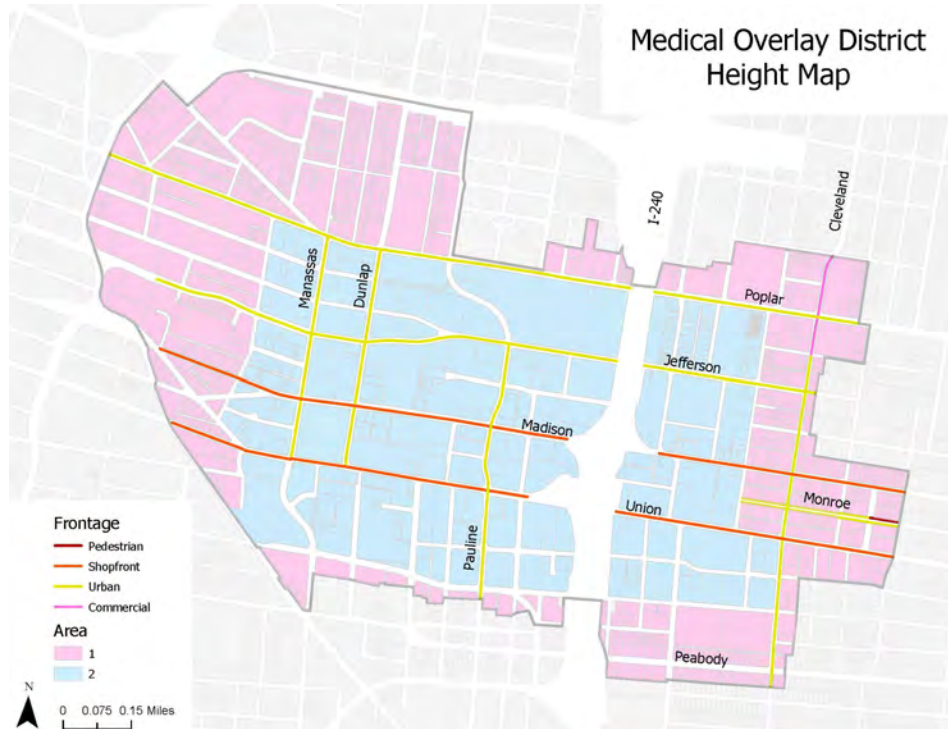
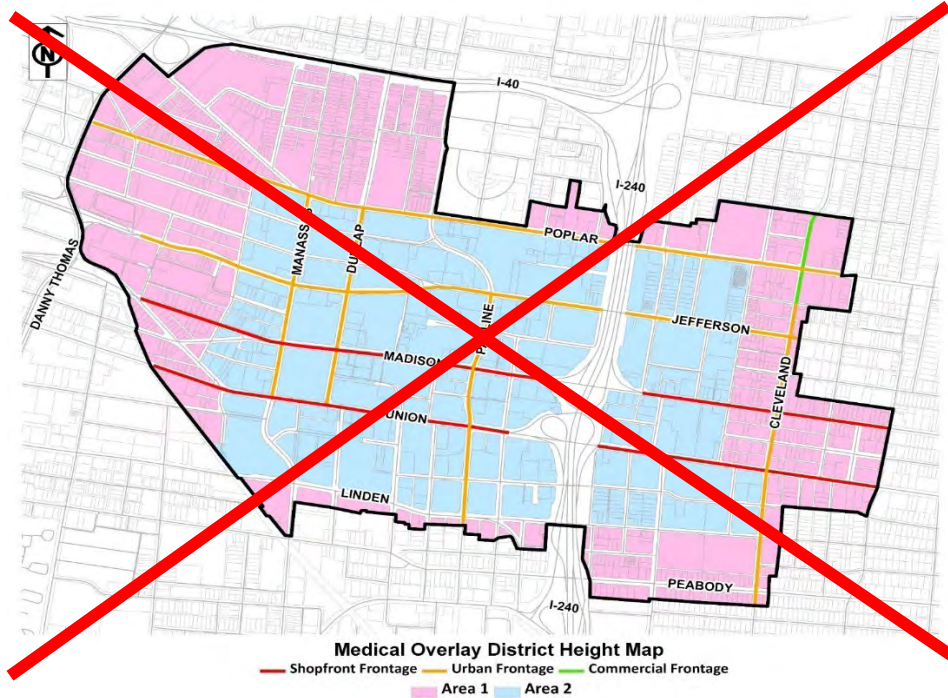


**(NEW IMAGE)**

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



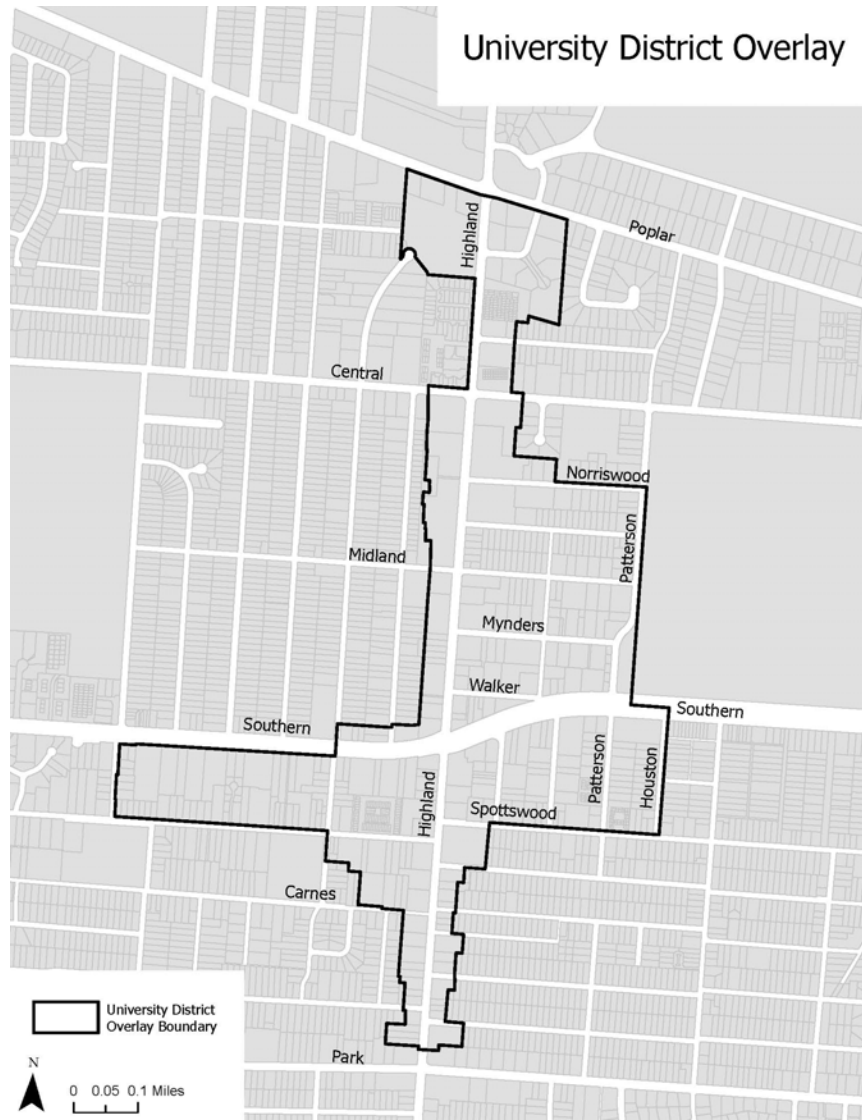
8.2.6 Medical Overlay District Height Map:



**(NEW IMAGE)**

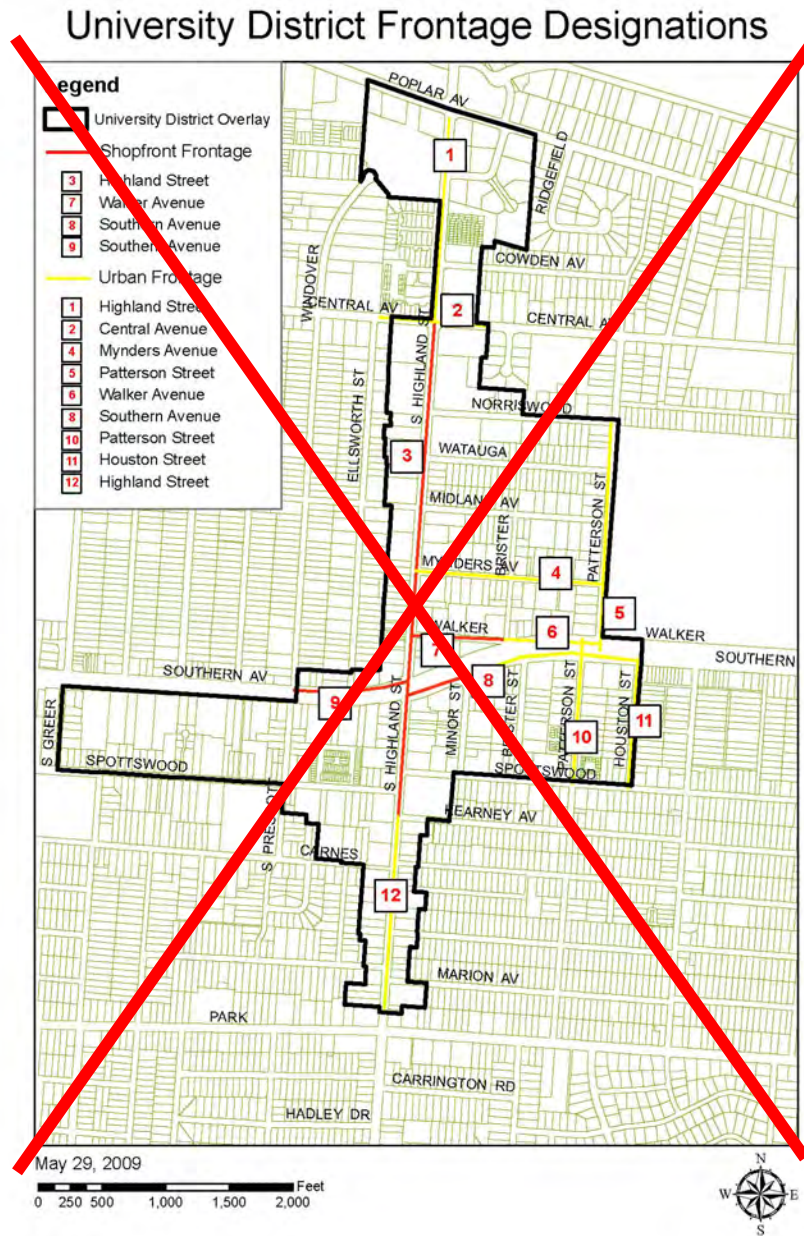
8.3.6B University District Boundary Map:





**(NEW IMAGE)**

8.3.6C University District Frontage Map:

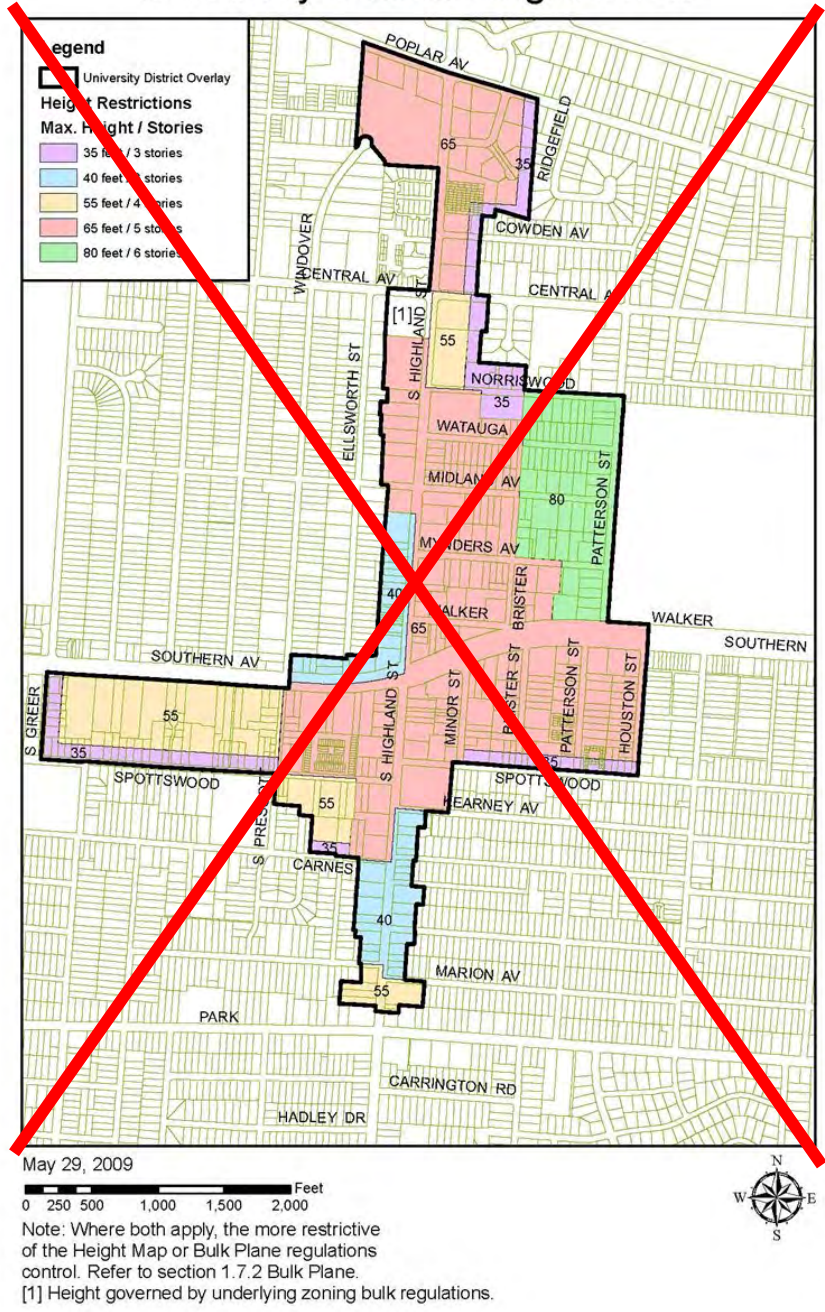


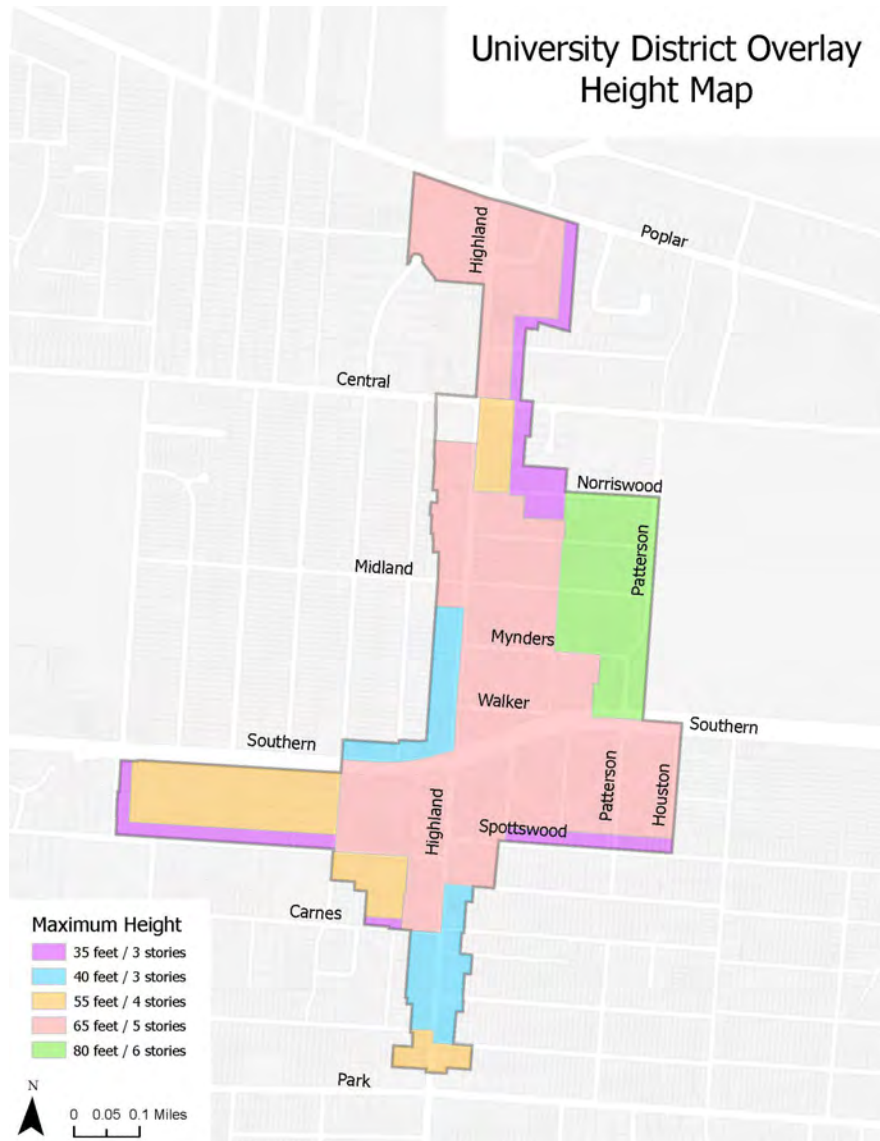


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8.3.7 University District Height Map:

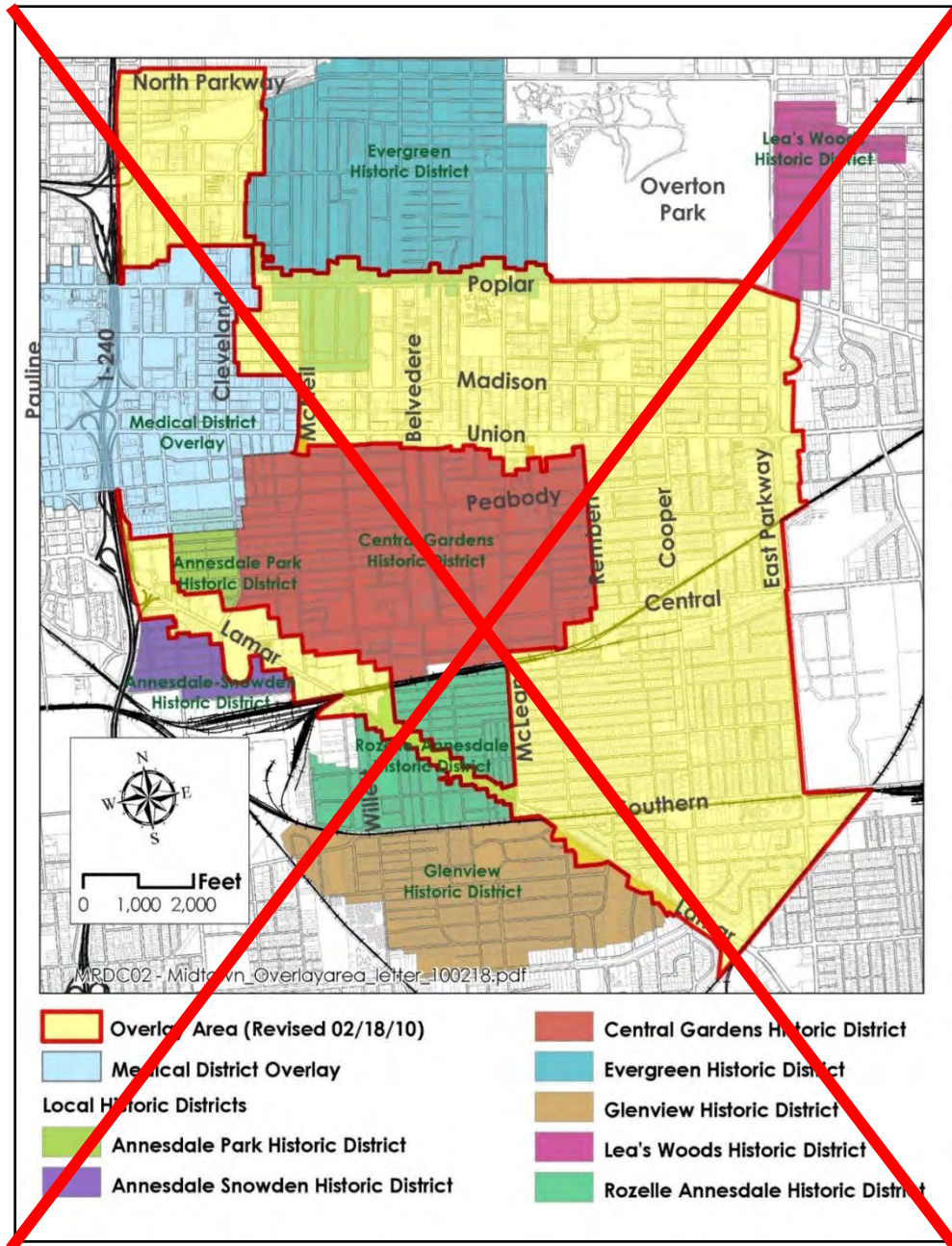
### University District Height Limits



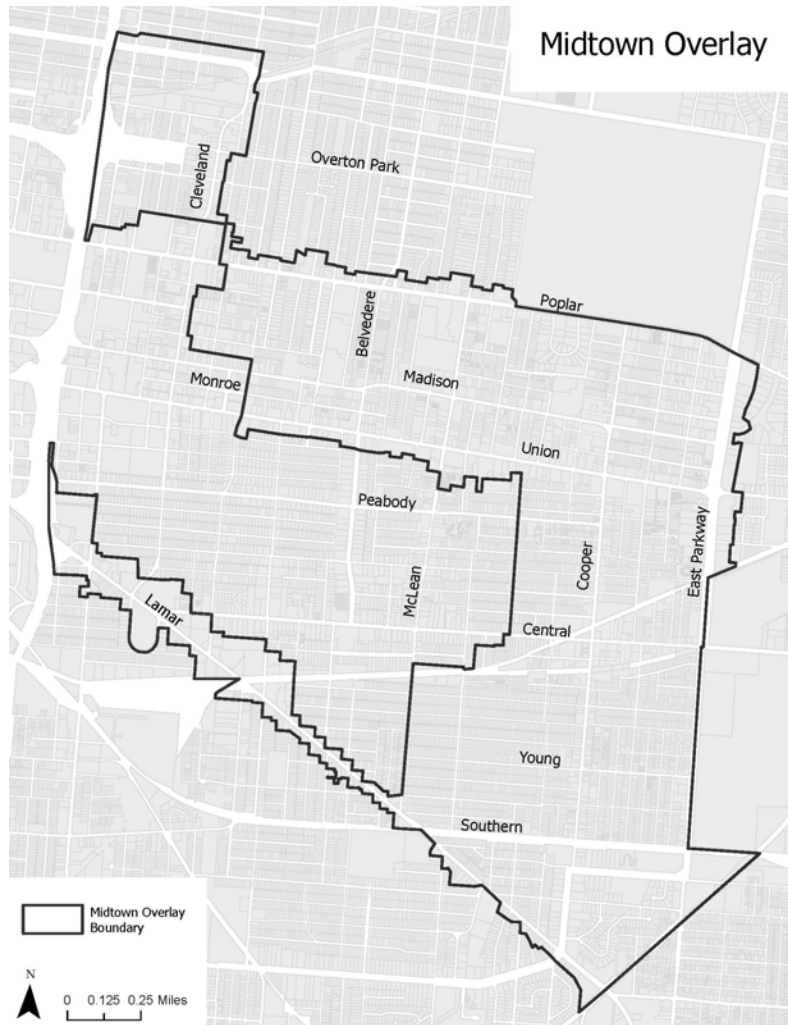


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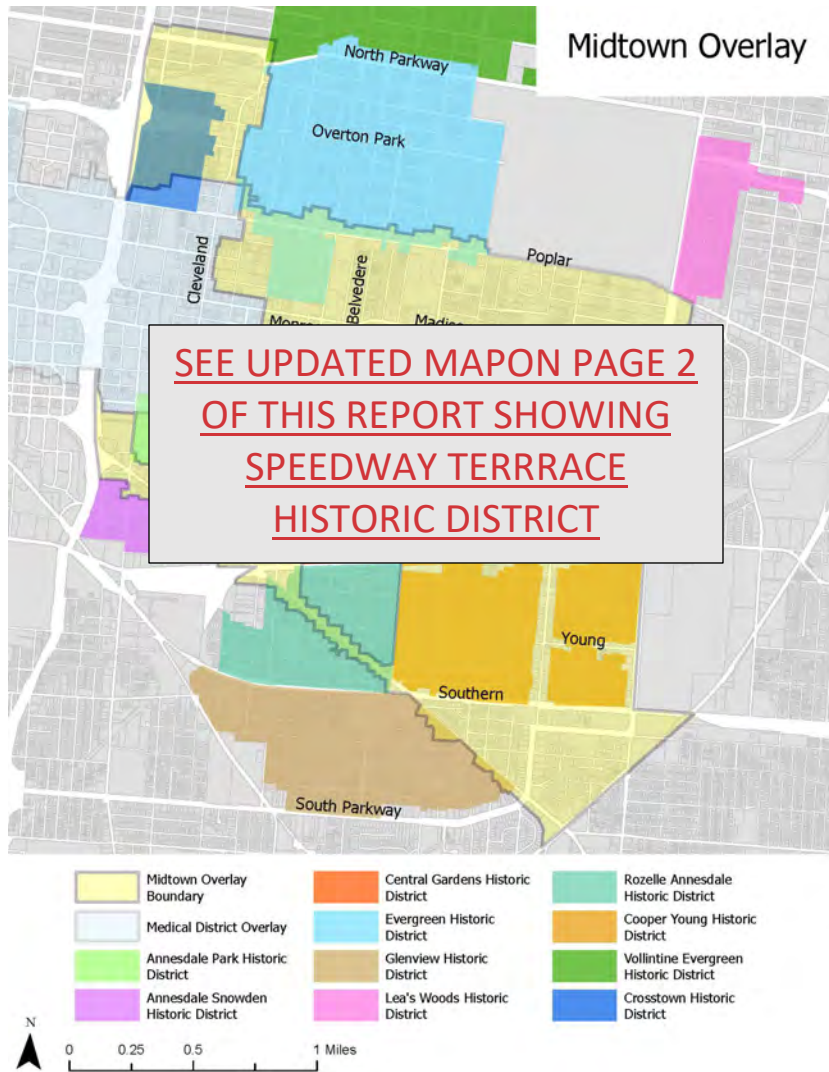
8.4.8A Midtown District Boundary Map







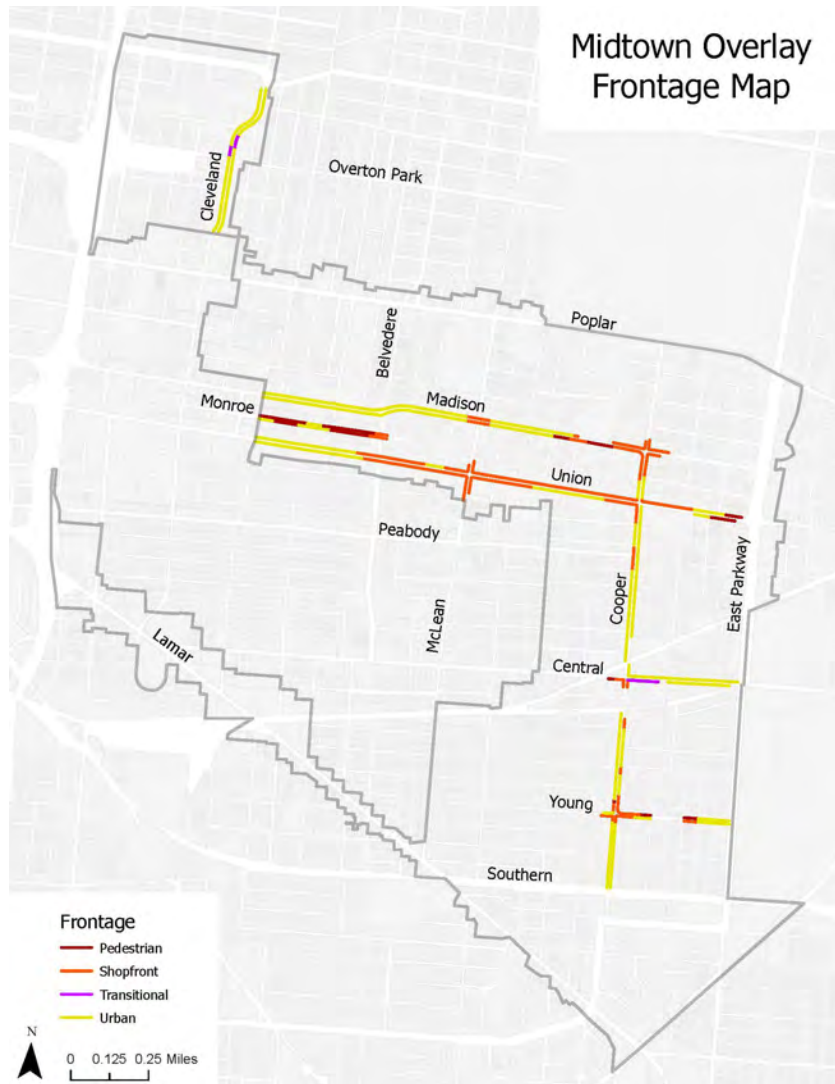
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8.4.8B Midtown District Frontage Map:

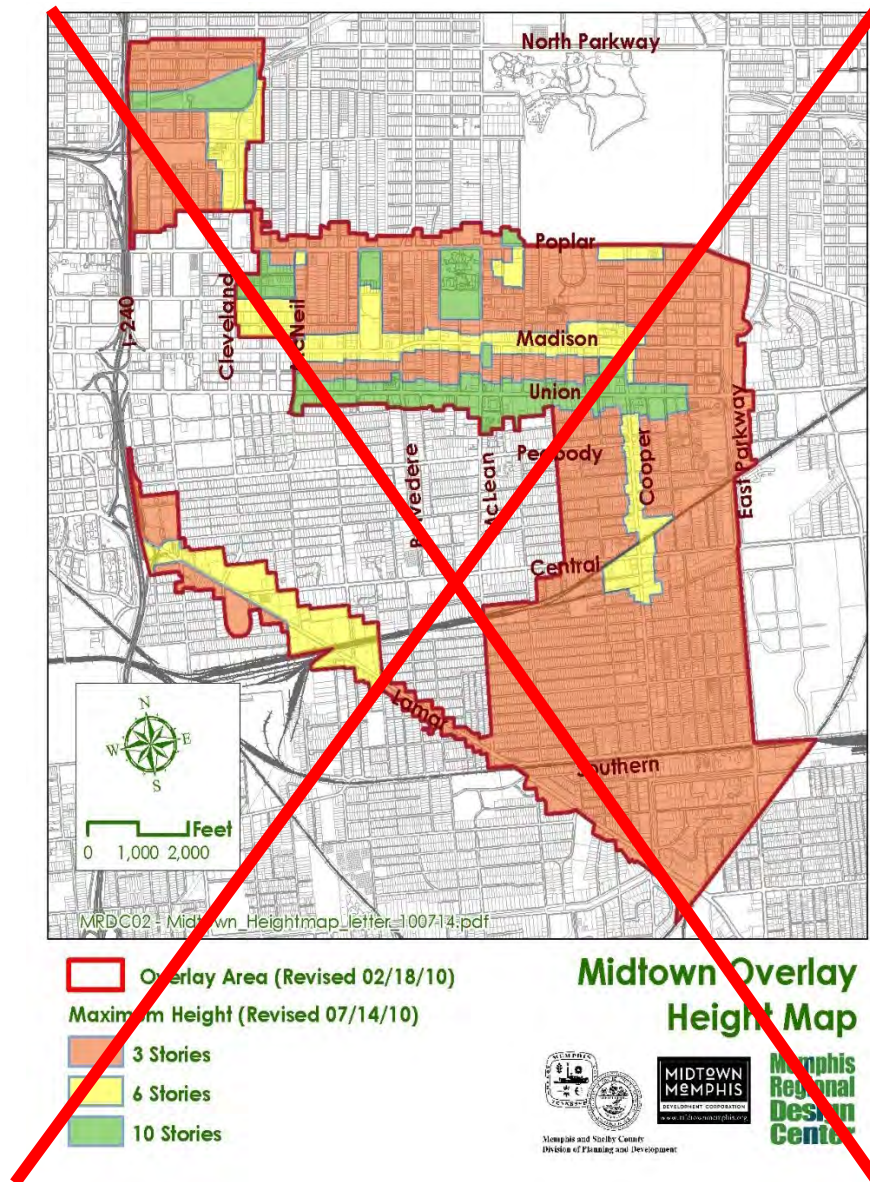


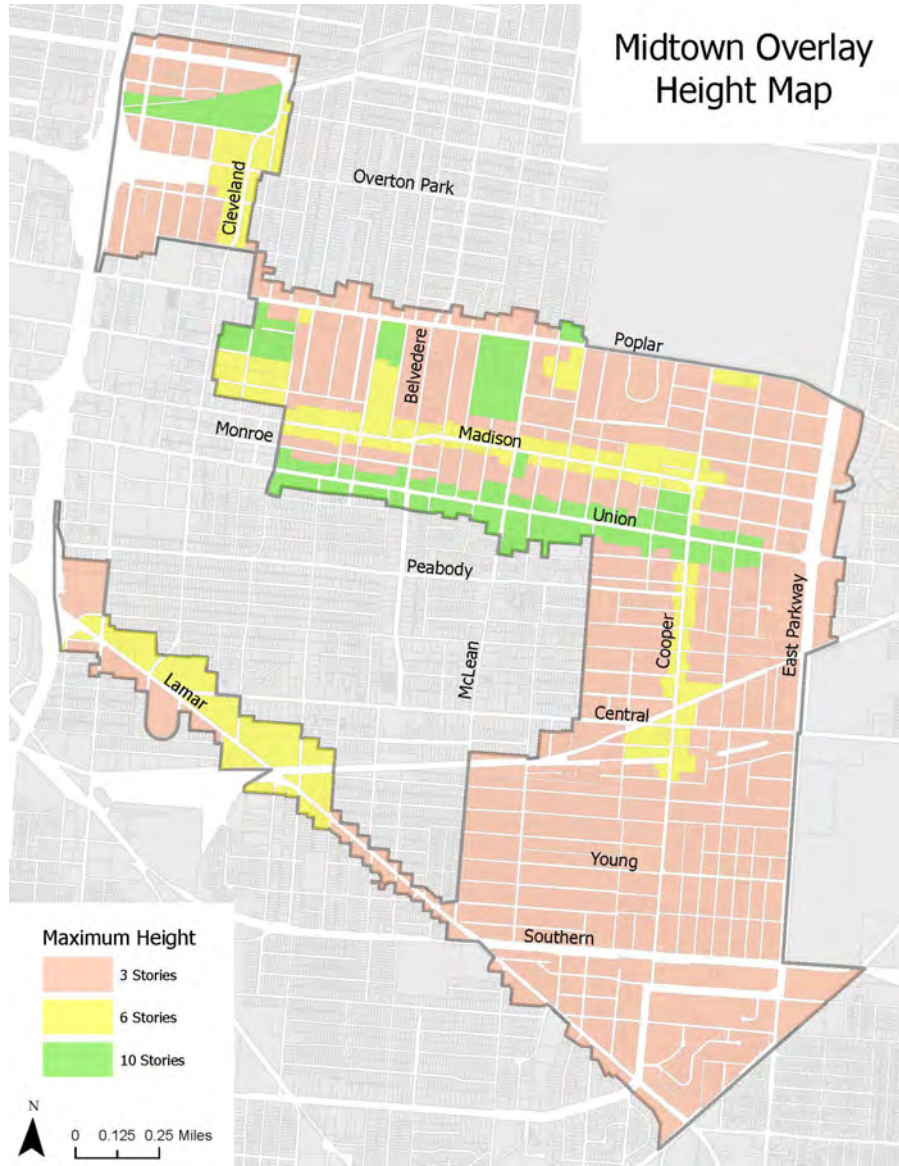


**(NEW IMAGE)**

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

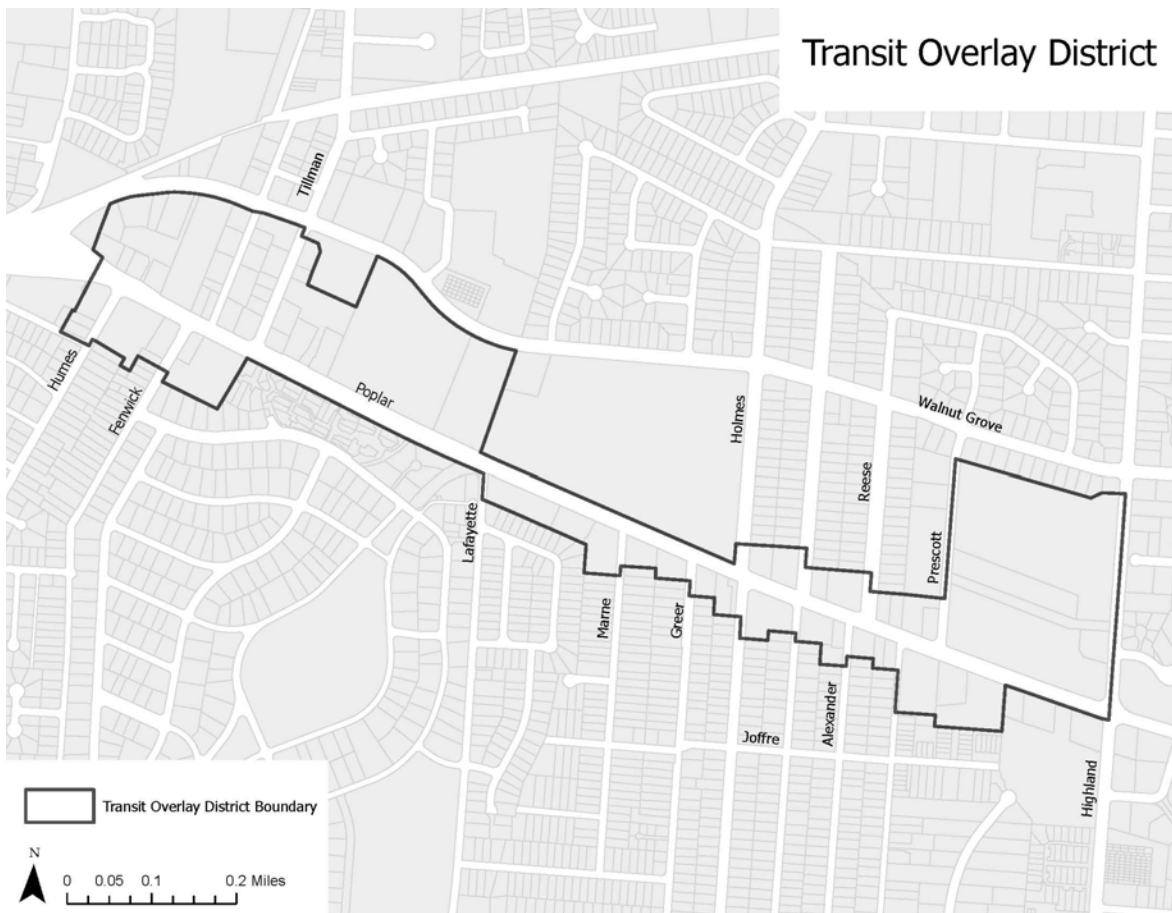
#### Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

#### 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.**

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



<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.**

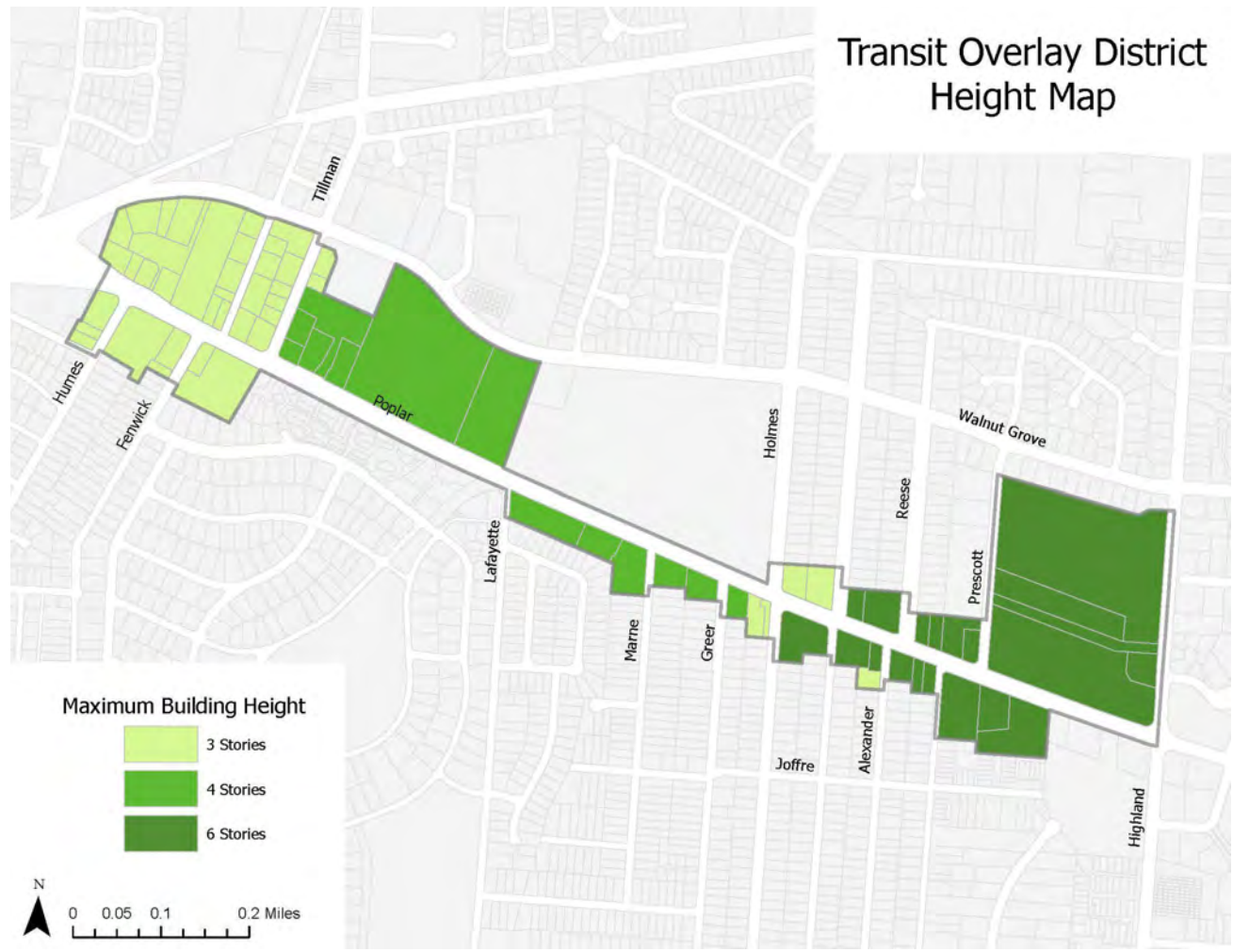
**d. Limited-access bicycle parking within a parking lot or parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.**

**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 <del>and attached uses dwelling units.</del> ** 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 <del>(truck and motor freight trailer parking not included)</del> 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><b>Sales-Oriented</b> 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><b>Service-Oriented</b> 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 <u>Truck stop</u>, Tractor-trailers (fueling of) Wedding chapel</p> <p><b>Repair-Oriented</b> 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	<u>Unposted</u> or 20-25 MPH	13'	175'	14'	105'
	<del>Unposted</del> or 30 MPH	14'	200'	14'	130'
	35 MPH	14'	250'	14'	160'
	40+ MPH	14'	275'	14'	180'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	140'
	30 MPH	24'	230'	24'	170'
	35 MPH	24'	280'	24'	205'
	40+ MPH	24'	320'	24'	240'

TWO APPROACHING TRAFFIC LANES ON THROUGH STREET

Type of Sign Controlling Intersection	Posted Speed of Through Street	Length of Side In Feet			
		Sides			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	<del>Unposted or</del> 20-25 MPH	13'	175'	14'	75'
	<del>Unposted or</del> 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	<del>Unposted or</del> 20-25 MPH	13'	175'
	<del>Unposted or</del> 30 MPH	14'	200'
	35 MPH	14'	250'
	40+ MPH	14'	275'
Street 2	<del>Unposted or</del> 20-25 MPH	13'	175'
	<del>Unposted or</del> 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	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 2 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6' to 9' high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 2 <b>Shrubs:</b> 24 <b>Barrier:</b> Chain link fence 6' to 9' high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 30 <b>Barrier:</b> No wall or fence
Class II	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Masonry wall 6' to 9' high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6' to 9' high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 6 <b>Shrubs:</b> 24 <b>Barrier:</b> Chain link fence 6' to 9' high
Class III	<b>Width:</b> 7 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Masonry wall 6' to 9' high	<b>Width:</b> 10 feet <b>Evergreen Trees:</b> 4 <b>Shrubs:</b> 0 <b>Barrier:</b> Sight proof fence 6' to 9' high	<b>Width:</b> 15 feet <b>Evergreen Trees:</b> 7 <b>Shrubs:</b> 24 <b>Barrier:</b> <u>Chain link fence 6' to 9' high</u> <del>Sight proof fence 6' to 9' high</del>

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

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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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**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.

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](mailto: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](mailto:john.zeanah@memphistn.gov)



Visit our [website](#)

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

EXECUTIVE COMMITTEE

Chip Clay

Mark Fleischer

Andy Kitsinger

Gayle Moore

Porsche Stevens

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Memphis, TN 38104

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[MidtownMemphis.org](http://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>;  
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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](mailto: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

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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](mailto:Brett.Ragsdale@memphistn.gov)



LUCB:

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

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

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

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

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

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

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

EXECUTIVE COMMITTEE

Chip Clay

Mark Fleischer

Andy Kitsinger

Gayle Moore

Porsche Stevens

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

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

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

Thank you,

*Porsche Stevens*

Porsche Stevens  
Chairperson



Robert Gordon  
P&D Committee Chair

CC:

Vaughan Dewar (Lea's Woods) <vaughandewar@bellsouth.net>;  
Emily Bishop (Rozelle-Annesdale) <cybishop@comcast.net>;  
GlenviewCodeTeam@gmail.com <glenviewcodeteam@gmail.com>;  
Earlice Taylor (Glenview) <earlice@yahoo.com>;  
Justin Gillis (Speedway Terrace) <jugillis@gmail.com>;  
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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

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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

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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





## Memphis City Council Summary Sheet

### **Z 23-1**

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 CHANGE FROM RESIDENTIAL SINGLE-FAMILY – 10 TO COMMERCIAL MIXED USE – 1 AT 2245 FRAYSER BLVD., KNOWN AS CASE NUMBER Z 23-1

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

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, February 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 23-1

**LOCATION:** 2245 Frayser Blvd.

**COUNCIL DISTRICTS:** District 7 and Super District 8

**OWNER/APPLICANT:** Legacy of Legends Community Development Corporation

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Zoning change from Residential Single-Family–10 to Commercial Mixed Use–1

---

**The following spoke in support of the application:** No one

**The following spoke in opposition of 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 of the application.

The motion **passed** by a unanimous vote on the consent agenda.



**PLOT PLAN**

**PLOT PLAN  
LOT 2  
COLLIER GLEN SUBDIVISION  
AS RECORDED AT THE  
SHELBY COUNTY REGISTER'S OFFICE  
P.B. 27, PG. 33  
MEMPHIS, SHELBY COUNTY, TN**

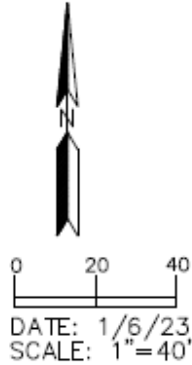
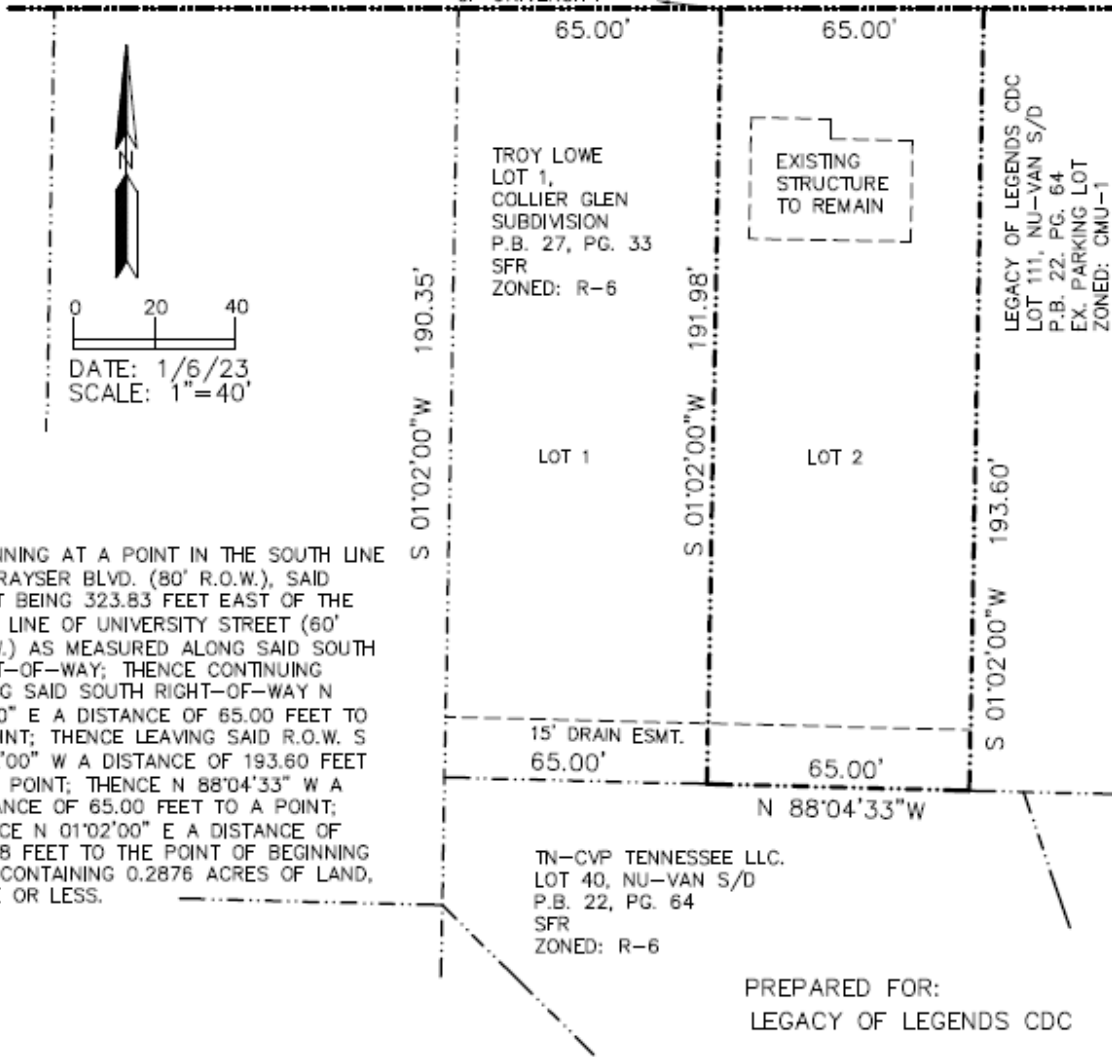
CNL NET LEASE FUNDING  
LOT 94, WESTWOOD  
MANOR, 2ND ADD.  
P.B. 24, PG. 27  
FAST FOOD  
ZONED: CMU-1

EDWARD DOUGLAS  
& ARTIS TAYLOR  
LOT 95, PT. 94  
WESTWOOD MANOR  
2ND ADDITION  
P.B. 25, PG. 75  
VACANT  
ZONED: CMU-1

FRAYSER BLVD. (80' R.O.W.)

N 90°00'00"E

323.83' TO EAST LINE  
OF UNIVERSITY



BEGINNING AT A POINT IN THE SOUTH LINE OF FRAYSER BLVD. (80' R.O.W.), SAID POINT BEING 323.83 FEET EAST OF THE EAST LINE OF UNIVERSITY STREET (60' R.O.W.) AS MEASURED ALONG SAID SOUTH RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY N 90°0'0" E A DISTANCE OF 65.00 FEET TO A POINT; THENCE LEAVING SAID R.O.W. S 01°02'00" W A DISTANCE OF 193.60 FEET TO A POINT; THENCE N 88°04'33" W A DISTANCE OF 65.00 FEET TO A POINT; THENCE N 01°02'00" E A DISTANCE OF 191.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.2876 ACRES OF LAND, MORE OR LESS.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F DATED SEPTEMBER 28, 2007.

PREPARED BY:  
THE BRAY FIRM  
2950 STAGE PLAZA N.  
BARTLETT, TN 38134  
(901) 383-8668

**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 CHANGE FROM RESIDENTIAL SINGLE-FAMILY – 10 TO COMMERCIAL MIXED USE – 1 AT 2245 FRAYSER BLVD., KNOWN AS CASE NUMBER Z 23-1**

---

**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 23-1**; 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 – 10 USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 USE DISTRICT.**

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

BEGINNING AT A POINT IN THE SOUTH LINE OF FRAYSER BLVD. (80' R.O.W.), SAID POINT BEING 323.83 FEET EAST OF THE EAST LINE OF UNIVERSITY STREET (60' R.O.W.) AS MEASURED ALONG SAID SOUTH RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY N 90°0'0" E A DISTANCE OF 65.00 FEET TO A POINT; THENCE LEAVING SAID R.O.W. S 01°02'00" W A DISTANCE OF 193.60 FEET TO A POINT; THENCE N 88°04'33" W A DISTANCE OF 65.00 FEET TO A POINT; THENCE N 01°02'00" E A DISTANCE OF 191.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.2876 ACRES OF LAND, MORE OR LESS.

**SECTION 2:**

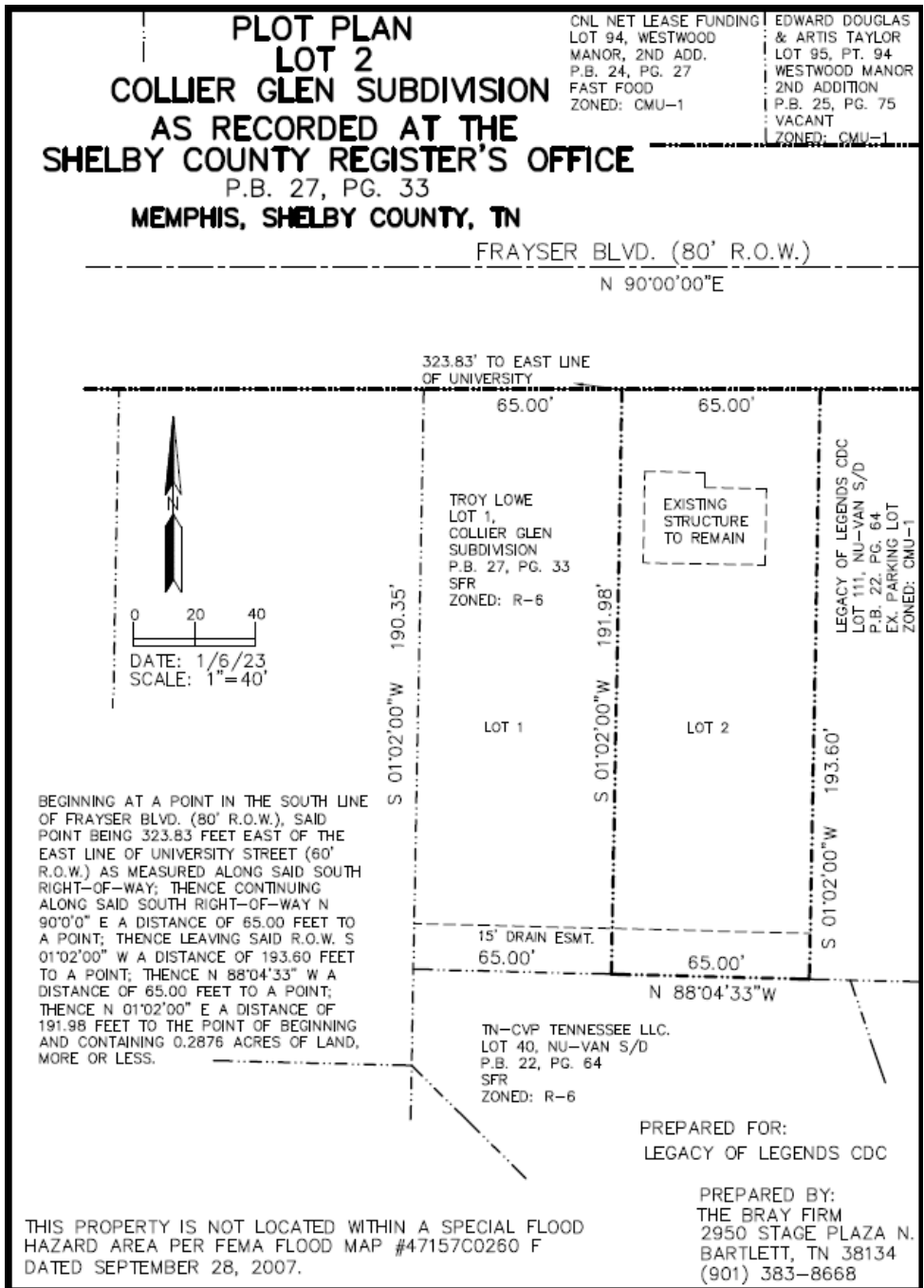
**THAT**, the Zoning Administrator of the Division of Planning and Development be and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and 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:

CC: Division of Planning and Development  
- Land Use and Development Services  
Shelby County Assessor



AGENDA ITEM: 15

**CASE NUMBER:** Z 23-1 **L.U.C.B. MEETING:** February 9, 2023

**LOCATION:** 2245 Frayser Blvd.

**COUNCIL DISTRICT:** District 7 and Super District 8

**OWNER/APPLICANT:** Legacy of Legends Community Development Corporation

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Zoning change from Residential Single-Family – 10 to Commercial Mixed Use – 1

## CONCLUSIONS

1. Legacy of Legends Community Development Corporation has requested the zoning change of Lot 2 of Collier Glen Subdivision from Residential Single-Family – 10 to Commercial Mixed Use – 1.
2. The applicant intends to utilize the existing structure as an office. Note, however, that this request is not tied to any specific use or structure.
3. This request is consistent with the Memphis 3.0 Comprehensive Plan and would not have a detrimental impact on its vicinity.

## CONSISTENCY WITH MEMPHIS 3.0

This request is *consistent* with Memphis 3.0 according to Comprehensive Planning staff.

## RECOMMENDATION

*Approval*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Frayser Blvd.	(Minor Arterial)	65'
<b>Zoning Atlas Page:</b>	1735		
<b>Parcel ID:</b>	072058 00046		
<b>Area:</b>	0.29 acres		
<b>Existing Zoning:</b>	Residential Single-Family – 10		
<b>Requested Zoning:</b>	Commercial Mixed Use – 1		

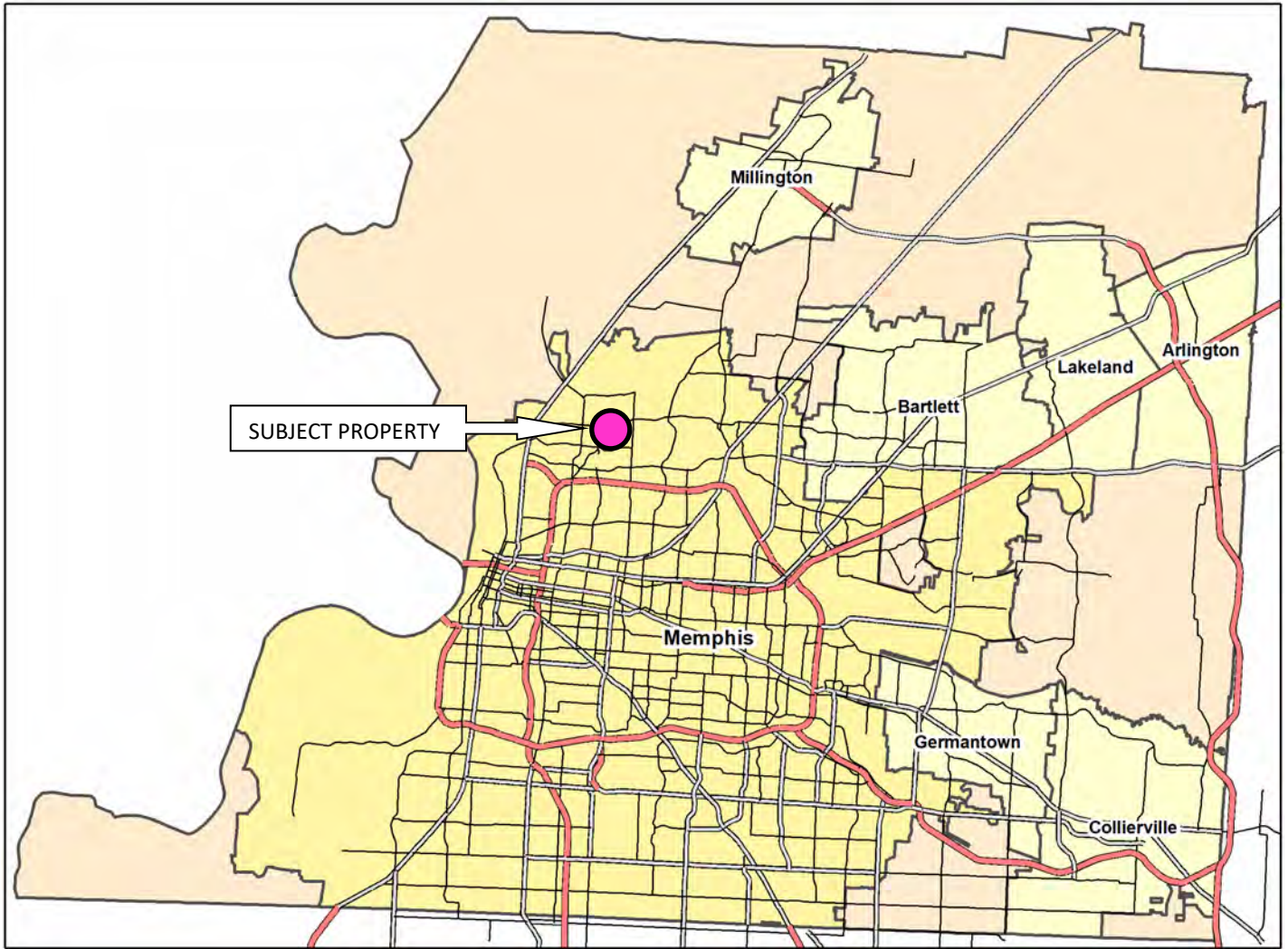
**NEIGHBORHOOD MEETING**

The required neighborhood meeting was held on site at 7 p.m. on Monday, January 30, 2023.

**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. 54 notices were mailed on January 30, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within Frayser

**COLLIER GLEN SUBDIVISION (1963)**

I, L. K. COLLIER, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HERON, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION AND DEDICATE THE STREET AS SHOWN TO THE PUBLIC USE FOREVER, AND HEREBY CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THE PROPERTY AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY MORTGAGES OR TAXES THAT HAVE BECOME DUE AND PAYABLE.

L. K. Collier, OWNER  
L. K. COLLIER

STATE OF TENNESSEE,  
COUNTY OF SHERIFF:

ON THIS 7 DAY OF FEBRUARY, 1963, BEFORE ME PERSONALLY APPEARED L. K. COLLIER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN, AND WHO EXECUTED, THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE DAY AND YEAR ABOVE WRITTEN.

Jack Schweitzer  
NOTARY PUBLIC

MY COMMISSION EXPIRES: August 1, 1966

CERTIFICATE OF SURVEY:

THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY SHOWN HERON AND THAT THIS PLAT CORRECTLY REPRESENTS THE SURVEY THEREOF.

PIGOTT AND PORTER, ENGINEERS  
BY: W. S. Pigott  
W. S. PIGOTT, CIVIL ENGINEER  
TENNESSEE LICENSE NO. 1099

APPROVED BY THE MEMPHIS AND SHERIFF COUNTY PLANNING COMMISSION:

DATE: JANUARY 17, 1963

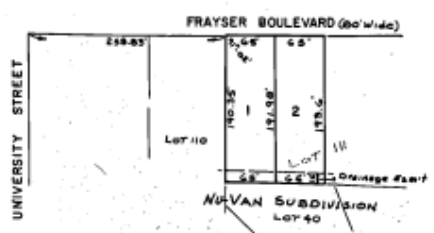
Jessie A. Moore  
DIRECTOR

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT SAID DOCUMENT WAS APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS IN REGULAR SESSION ON THIS 17 DAY OF JAN, 1963.

Comptroller  
COMPTROLLER

2427

RECORDED  
INDEXED  
FEB 17 1963  
MEMPHIS, TENNESSEE  
COUNTY CLERK  
OFFICE

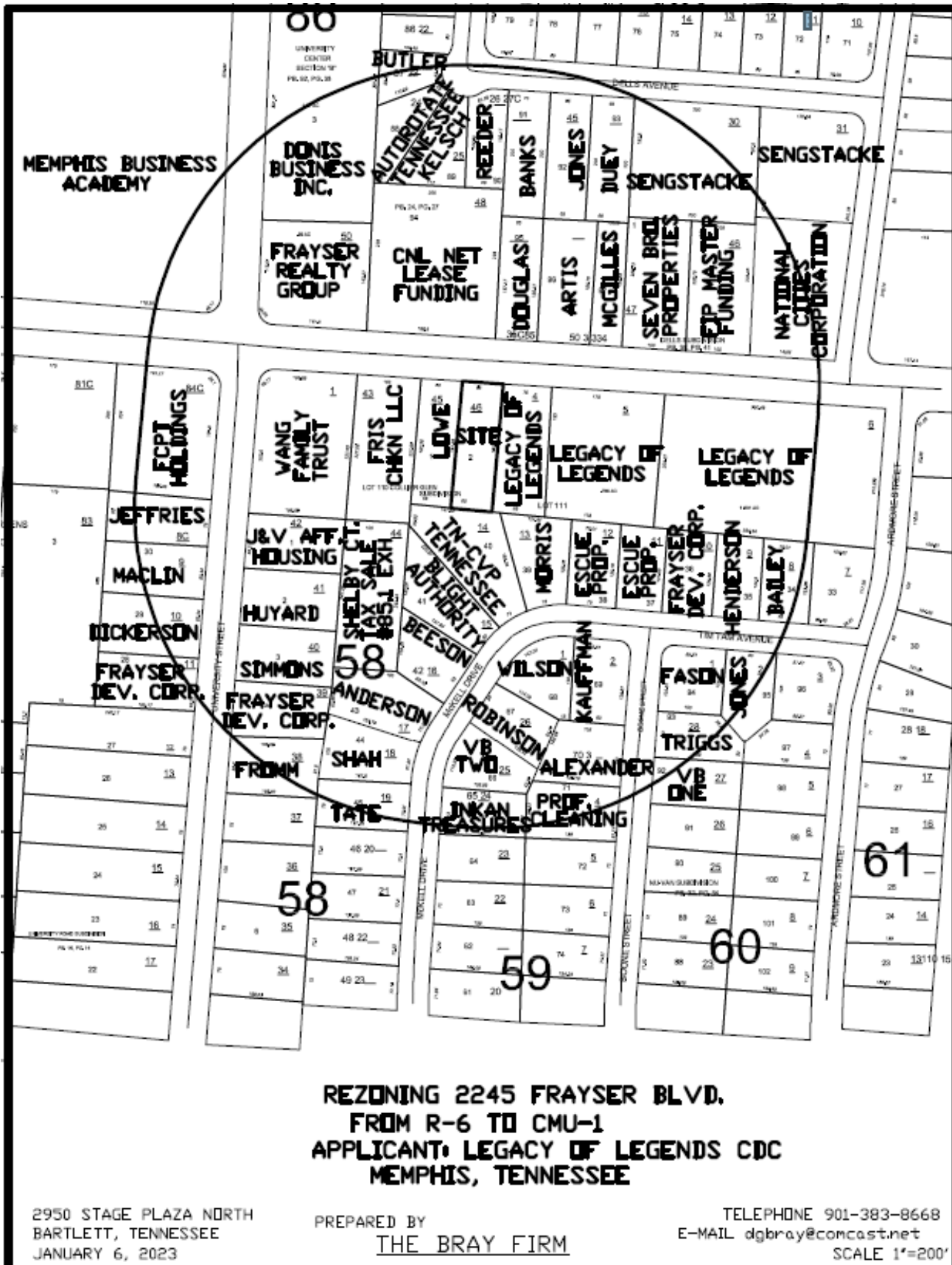


**COLLIER GLEN SUBDIVISION**  
MEMPHIS, TENNESSEE  
L.K. COLLIER DEVELOPER  
PIGOTT & PORTER, ENGINEERS  
ZONE R-1 0.6 ACRES FEB. 1963  
Scale: 1" = 100'

Subject property is Lot 2.



VICINITY MAP



**SATELLITE PHOTO WITH ZONING**



*Subject lot highlighted in green*

**Existing Zoning:** Residential Single-Family – 10

**Surrounding Zoning**

**North:** Commercial Mixed Use – 1











**East:** Commercial Mixed Use – 1

**South:** Residential Single-Family – 10

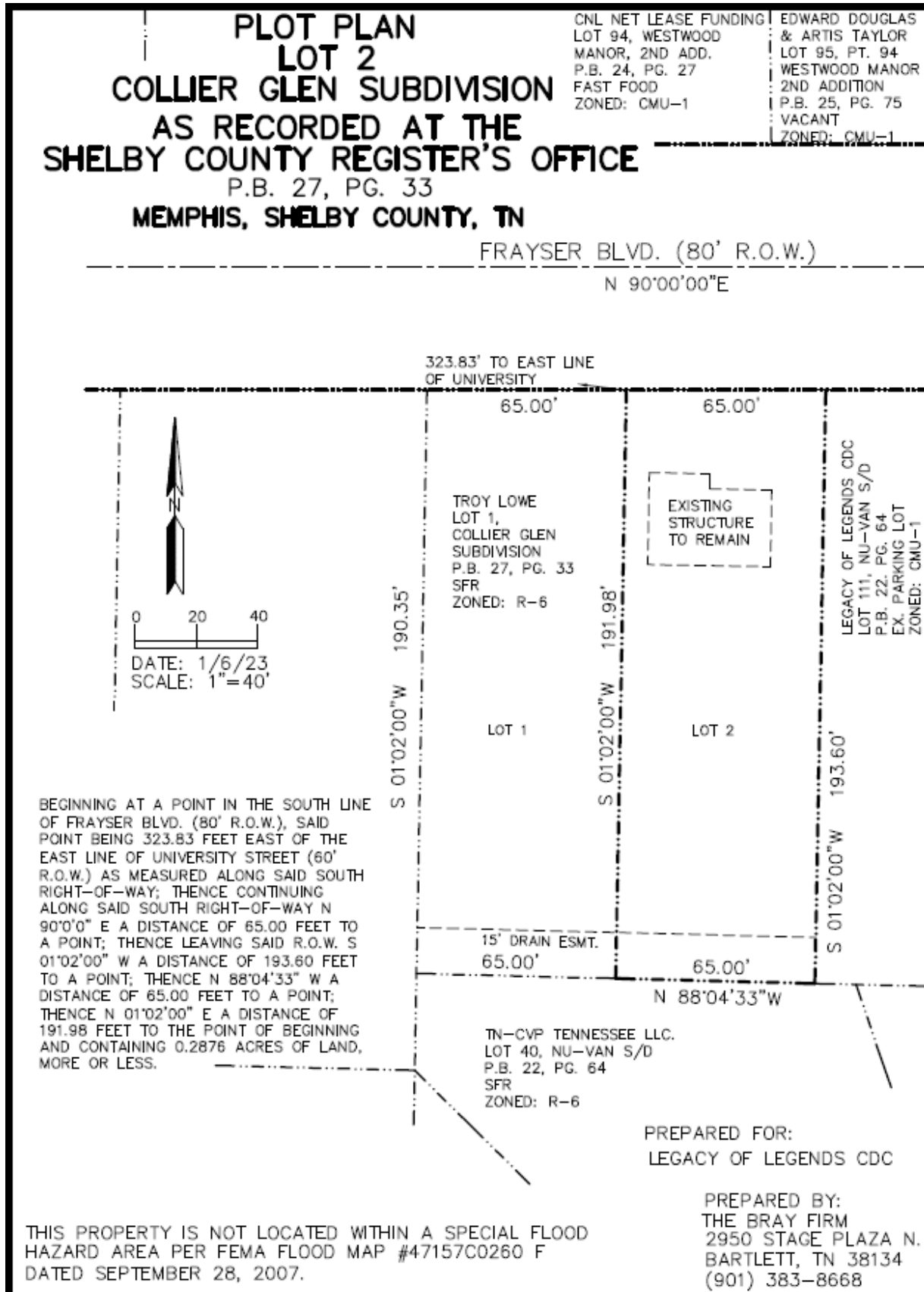
**West:** Residential Single-Family – 10

**LAND USE MAP**



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

PLOT PLAN



**SITE PHOTOS**



View of existing structure from Frayser



Border with residential use to rear



Rear of existing structure



View west down Frayser



## STAFF ANALYSIS

### Request

The request is the rezoning of Lot 2 of Collier Glen Subdivision from Residential Single-Family – 10 to Commercial Mixed Use – 1.

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

### 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 contains a 950-sf frame house built in 1964.

### Conclusions

Legacy of Legends Community Development Corporation has requested the zoning change of Lot 2 of Collier Glen Subdivision from Residential Single-Family – 10 to Commercial Mixed Use – 1.

The applicant intends to utilize the existing structure as an office. Note, however, that this request is not tied to any specific use or structure.

This request is consistent with the Memphis 3.0 Comprehensive Plan and would not have a detrimental impact on its vicinity.

## RECOMMENDATION

Staff recommends **approval**.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

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

### 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: LUCB Case Z 2023-01: Frayser

Site Address/Location: 2245 Frayser Blvd

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

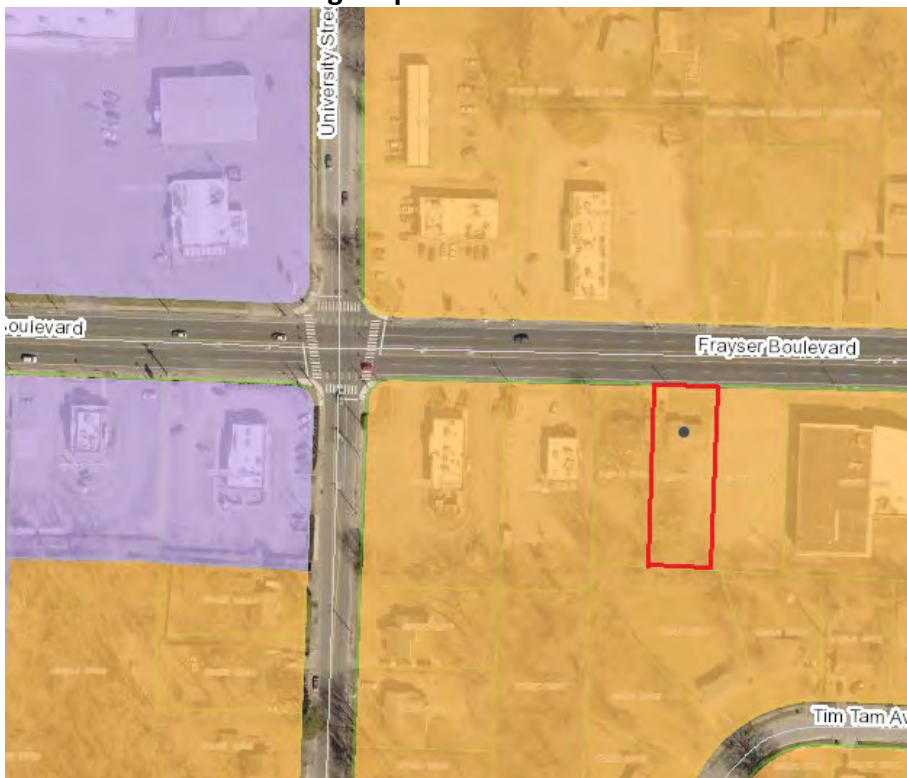
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Parkway

*The applicant is seeking approval to rezone the subject parcel from the R-10 zoning district to the CMU-1 zoning district.*

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

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

### “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: Single-Family, R-10

Adjacent Land Use and Zoning: Single-Family, Vacant, Commercial, and Institutional; R-10 and CMU-1

**Overall Compatibility:** *This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed CMU-1 zoning district is present on adjacent parcels and is compatible with the future land use zoning notes.*

## 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 in the area.*

#### 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 to rezone the subject parcel from the R-10 zoning district to the CMU-1 zoning district.*

*This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed CMU-1 zoning district is present on adjacent parcels and is compatible with the future land use zoning notes.*

*The proposed application is a private investment that will increase the mix of uses in the area.*

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

**APPLICATION FORM**



**Record Summary for Rezoning**

**Record Detail Information**

Record Type: Rezoning

Record Status: Assignment

Opened Date: January 6, 2023

Record Number: Z 2023-001

Expiration Date:

Record Name: 2245 Frayser Blvd. rezoning

Description of Work: Rezoning of 0.2876 acre tract from R-6 to CMU-1

Parent Record Number:

**Address:**

2245 FRAYSER BLVD, MEMPHIS 38127

**Owner Information**

Primary Owner Name

Y LEGACY OF LEGENDS CDC

Owner Address

2025 CLIFTON AVE, MEMPHIS, TN 38127

Owner Phone

**Parcel Information**

072058 00046

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Seth Thomas

Date of Meeting

11/14/2022

**GENERAL INFORMATION**

Is this application in response to a citation from  
Construction Code Enforcement or Zoning

No

**GENERAL INFORMATION**

Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

**GIS INFORMATION**

Central Business Improvement District No

Case Layer -

Class R

Downtown Fire District No

Historic District -

Land Use SINGLE-FAMILY

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning R-10

State Route -

Lot 0 2

Subdivision COLLIER GLEN RE PT LOT 111

Planned Development District -

Wellhead Protection Overlay District -

**Contact Information**

Name

LEGACY OF LEGENDS CDC

Contact Type

APPLICANT

Address

Phone

-

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1440831	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	01/06/2023
1440831	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	01/06/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

**Payment Information**

Payment Amount

\$1,026.00

Method of Payment

Credit Card

LETTER OF INTENT



---

Telephone 901-383-8668  
2950 Stage Plaza North  
Bartlett, Tennessee 38134

January 6, 2023

Brett Ragsdale  
Memphis and Shelby County  
Division of Planning and Development  
125 North Main Street  
Memphis, Tennessee 38103

**RE: Re-zoning application for 2245 Frayser Boulevard**  
**Existing zoning: R-6**  
**Proposed zoning: CMU-1**

Mr. Ragsdale;

Please find attached the above referenced application for a rezoning of the subject property, a 0.2876 acre tract, from R-6 to CMU-1. The subject property has frontage on Frayser Boulevard and with the exception of the this tract and the tract immediately to the west all of the properties along the portion of Frayser Boulevard to Ardmore Street are zoned CMU-1 or CMU-2. This rezoning would be compatible with surrounding land uses.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

*\*Staff commentary\* This letter contains inaccuracies. The subject site is currently zoned Residential Single-Family – 10, not Residential Single-Family – 6. Additionally, most of this block-face has residential, not commercial, zoning.*

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Charlie Caswell, being duly sworn, depose and say that at 11 AM am/pm on the 23<sup>rd</sup> day of January, 2023, I posted Public Notice Sign(s) pertaining to Case No. Z 23-01 at 2245 Frayser Blvd., providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]  
Owner, Applicant or Representative

1-23-23  
Date

Subscribed and sworn to before me this 24 day of January, 2023

[Signature]  
Notary Public

My commission expires: April 6, 2025





**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, Charlie Caswell [Signature], state that I have read the definition of  
(Print Name) (Sign Name)

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

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 2245 Frayser Blvd. Memphis, TN 38127  
and further identified by Assessor's Parcel Number 072058 00046  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 9 day of January in the year of 2023

[Signature]  
Signature of Notary Public



April 6, 2025  
My Commission Expires

**LETTERS RECEIVED**

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

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

Notice is hereby given that a Public Hearing will be held by the Council of the City of Memphis in the Council Chambers on the First Floor of City Hall at 125 North Main Street, Memphis, Tennessee, 38103 on Tuesday, March 21, 2023 at 3:30 p.m., concerning a proposed amendment to the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 23-1

**LOCATION:** 2245 Frayser Blvd.

**COUNCIL DISTRICTS:** District 7 and Super District 8

**OWNER/APPLICANT:** Legacy of Legends Community Development Corporation

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Zoning change from Residential Single-Family – 10 to Commercial Mixed Use – 1

**RECOMMENDATIONS:**

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

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

**NOW, THEREFORE,** you will take notice that on Tuesday, March 21, 2023, at 3:30 p.m. the Council of the City of Memphis, Tennessee, will be in session on the First Floor of City Hall at 125 North Main Street, Memphis, Tennessee, 38103, to hear those in support of or opposition to the making of such changes; either by personal appearance, or by attorneys, or by petition, and then and there you will be present if you wish to be heard on the same.

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

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

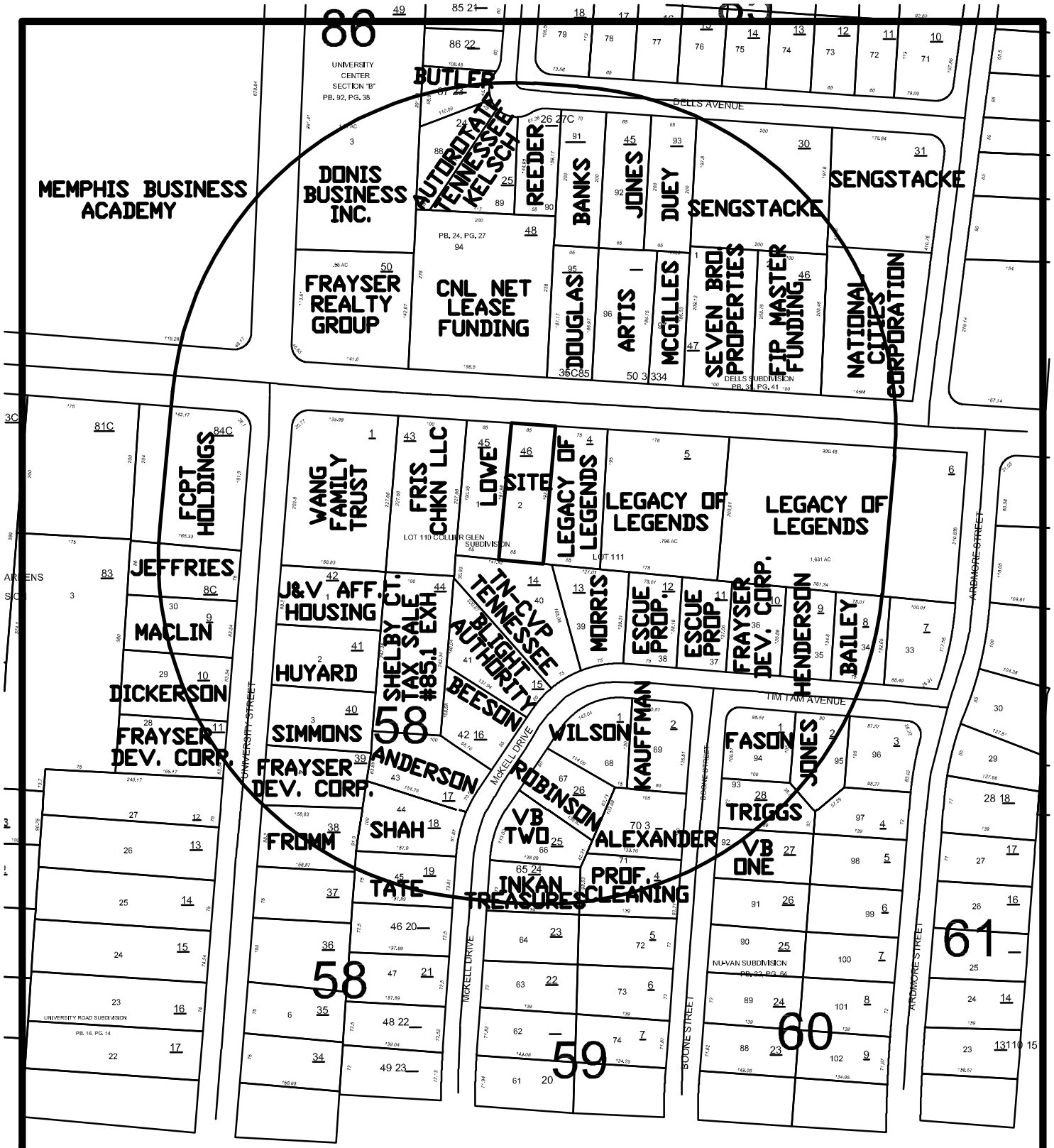
**MARTAVIUS JONES**  
***CHAIRMAN OF COUNCIL***

***ATTEST:***

**DYWUANA MORRIS**  
***CITY COMPTROLLER***

**TO BE PUBLISHED:**

---



**REZONING 2245 FRAYSER BLVD.**  
**FROM R-6 TO CMU-1**  
**APPLICANT: LEGACY OF LEGENDS CDC**  
**MEMPHIS, TENNESSEE**

2950 STAGE PLAZA NORTH  
 BARTLETT, TENNESSEE  
 JANUARY 6, 2023

PREPARED BY  
**THE BRAY FIRM**

TELEPHONE 901-383-8668  
 E-MAIL [dgbray@comcast.net](mailto:dgbray@comcast.net)  
 SCALE 1"=200'

Legacy of Legends CDC  
2025 Clifton Ave.  
Memphis, TN 38127-9003

The Bray Firm  
2950 Stage Plaza North  
Bartlett, TN 38134

Owner

Engineer

Richard Bailey & Angela Frazier  
2300 Tim Tam Ave.  
Memphis, TN 38127-6641

Ira Henderson  
2292 Tim Tam Ave.  
Memphis, TN 38127-6641

Frayser Community Dev. Corp.  
3684 N. Watkins  
Memphis, TN 38127

Resident  
2284 Tim Tam Ave.  
Memphis, TN 38127

Escue Properties LLC  
2551 Flowering Tree Dr.  
Bartlett, TN 38134-5455

Resident  
2276 Tim Tam Ave.  
Memphis, TN 38127

Ophelia M. Morris & Wardell Carpenter  
2260 Tim Tam Ave.  
Memphis, TN 38127-6641

TN-CVP Tennessee LLC  
430 Keoniana St.  
Honolulu, HI 96815-2076

Resident  
2254 Tim Tam Ave.  
Memphis, TN 38127

Blight Authority of Memphis, Inc.  
480 Dr. ML King Jr. Ave  
Memphis, TN 38126-1944

Robert Beeson II  
2125 Black Oak Dr.  
Memphis, TN 38119-5602

Resident  
3301 McKell Dr.  
Memphis, TN 38127

Janet Anderson  
3295 McKell Dr.  
Memphis, TN 38127-6626

Khusboo & Amar Shah  
4 Merker Dr.  
Edison, NJ 08837-2732

Resident  
3289 McKell Dr.  
Memphis, TN 38127

AnnTate  
3283 McKell Dr.  
Memphis, TN 38127

Inkan Treasures LLC  
876 River Park Dr.  
Memphis, TN 38103-0804

Resident  
3284 McKell Dr.  
Memphis, TN 38127

VB Two LLC  
3500 Park Center Dr.  
Ste. 100  
Dayton, OH 45414-2680

Resident  
3292 McKell Dr.  
Memphis, TN 38127

Camille Robinson  
3298 McKell Dr.  
Memphis, TN 38127

Emily Wilson  
3304 McKell Dr.  
Memphis, TN 38127-6627

Steven Kauffman  
125 Stony Ridge Dr.  
Centre Hill, PA 16828-8101

Resident  
2271 Tim Tam Ave.  
Memphis, TN 38127

Ruthie Alexander  
12251 Afton Pl  
Arlington, TN 38002-8746

Resident  
3295 Boone St.  
Memphis, TN 38127

Professional Cleaning Corp.  
P.O. Box 754566  
Memphis, TN 38175-4566

Resident  
3285 Boone St.  
Memphis, TN 38127

VB One LLC  
3500 Park Center Dr.  
Ste. 100  
Dayton, OH 45414-2680

Resident  
3292 Boone St.  
Memphis, TN 38127

Jermaine Triggs  
3300 Boone St.  
Memphis, TN 38127-6665

Andrea Fason  
3308 Boone St.  
Memphis, TN 38127-6665

Shaundra Jones  
2295 Tim Tam Ave.  
Memphis, TN 38127-6642

Troy Lowe  
7264 Gail Dr.  
Memphis, TN 38133-3925

Resident  
2241 Frayser Blvd.  
Memphis, TN 38127

Fris Chkn LLC  
980 Hammond Dr. NE  
Ste. 1100  
Atlanta, GA 30328

Wang Family Trust  
2221 Frayser Blvd.  
Memphis, TN 38127-5745

J & V Affordable Housing LLC  
4876 Applestone St.  
Memphis, TN 38109

Resident  
3322 University St.  
Memphis, TN 38127

Stephen Huyard Jr.  
355 N Railroad Ave.  
New Holland, PA 17557-9381

Billy Simmons Jr.  
3304 University St.  
Memphis, TN 38127

Andrew & Julia Fromm  
200 Addison Ave.  
Franklin, TN 37064-8637

Shelby County Tax Sale #85.1 EXH  
#8007  
160 N. Main St.  
Memphis, TN 38103-1866

Reginal Dickerson  
3307 University St.  
Memphis, TN 38127-6630

Purvis Maclin Jr.  
4529 Auburn Rd.  
Memphis, TN 38116-7004

Resident  
3315 University St.  
Memphis, TN 38127

Anthony Jeffries  
2896 Rosemore Cv.  
Memphis, TN 38128-5410

Resident  
3325 University St.  
Memphis, TN 38127

2245 Frayser

Page 3 of 3

FCPT Holdings  
P.O. Box 6969  
Syracuse, NY 13217-6969

Memphis Business Academy  
3306 Overton Crossing St.  
Memphis, TN 38127-6549

Frayser Realty Group  
11731 Farmers Blvd.  
Saint Albans, NY 11412

Donis Business Inc.  
499 Bedlington Dr.  
Cordova, TN 38018-6749

CNL NET Lease Funding 2003 LLC  
5858 Ridgeway Center Pkwy  
Memphis, TN 38120-4004

Edward Douglas & Taylor Artis  
2882 Dodge Dr.  
Memphis, TN 38128-5949

Taylor Artis & Edward Douglas  
5367 Twin Valley Ln  
Bartlett, TN 38135-2808

Joel McGilles  
2058 Dartmoth Way  
Villa Rica, GA 30180-5860

Resident  
2264 Frayser Blvd.  
Memphis, TN 38127

Seven Brothers Properties LLC  
6926 E. Shelby Dr.  
Memphis, TN 38141-0265

FIP Master Funding I LLC  
5840 Fairwood Ln  
Memphis, TN 38120-3005

National Cities Corporation  
2641 Union Ext. Ave.  
Memphis, TN 38112

Fredrick Sengstacke  
180 Waring Rd.  
Memphis, TN 38117-2436

Fredrick Sengstacke  
780 Waring Rd.  
Memphis, TN 38117-2436

Jonathan Duey  
17252 Septo St.  
Northridge, CA 91325-1671

Athena Jones  
2267 Dells Ave.  
Memphis, TN 38127-5812

Resident  
2273 Dells Ave.  
Memphis, TN 38127-5812

Hubert Banks  
2259 Dells Ave.  
Memphis, tN 38127-5812

Carolyn Reeder  
2253 Dells Ave.  
Memphis, TN 38127

Tennessee Kelsch Holdings LLC  
3148 W 13640 S.  
Riverton, UT 84065-5960

Olan Butler  
14362 W 142<sup>nd</sup> St.  
Olathe, KS 66062-5802

Resident  
3397 Edgar St.  
Memphis, TN 38127

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 2/21/2023  
DATE**

**PUBLIC SESSION: 3/21/2023  
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 the Northwest corner of Kilarney Avenue and Airways Boulevard – +/-1,363 feet north of Tennessee state border line. By taking the land out of the Residential Single-Family – 8 (R-8) Use District and including it in the Employment (EMP) and Conservation Agriculture (CA) Use District, known as case number Z 22-10

**CASE NUMBER:** Z 22-10

**LOCATION:** Northwest corner of Kilarney Avenue and Airways Boulevard – +/-1,363 feet north of Tennessee state border line

**COUNCIL DISTRICTS:** District 3 and Super District 8

**OWNER/APPLICANT:** Memphis Shelby County Airport Authority/Memphis Airways Investors, LLC

**REPRESENTATIVES:** Dedrick Brittenum, Jr. of Brittenum Law PLLC and Josh Whitehead, AICP of Burch, Porter & Johnson, PLLC

**REQUEST:** Rezoning from Residential Single-Family – 8 (R-8) to +/-48.13 acres Employment (EMP) and +/-9.87 acres Conservation Agriculture (CA)

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

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

**PRIOR ACTION ON ITEM:**

(2) \_\_\_\_\_ 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


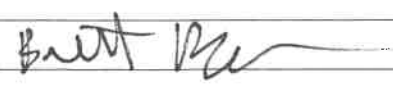
**FUNDING:**

(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>2/13/23</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>2/13/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>





## Memphis City Council Summary Sheet

### Z 22-10

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 THE NORTHWEST CORNER OF KILARNEY AVENUE AND AIRWAYS BOULEVARD – +/-1,363 FEET NORTH OF TENNESSEE STATE BORDER LINE. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) AND CONSERVATION AGRICULTURE (CA) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-10

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

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

- CASE NUMBER:** Z 22-10
- LOCATION:** Northwest corner of Kilarney Avenue and Airways Boulevard – +/-1,363 feet north of Tennessee state border line
- COUNCIL DISTRICT(S):** District 3, Super District 8
- OWNER/APPLICANT:** Memphis Shelby County Airport Authority/Memphis Airways Investors, LLC
- REPRESENTATIVES:** Dedrick Brittenum, Jr. of Brittenum Law PLLC and Josh Whitehead, AICP of Burch, Porter & Johnson, PLLC
- REQUEST:** Rezoning from Residential Single-Family – 8 (R-8) to +/-48.13 acres Employment (EMP) and +/-9.87 acres Conservation Agriculture (CA)

**The following spoke in support of the application:** Dedrick Brittenum, Brad Kaaber and Josh Whitehead

**The following spoke in opposition of the application:** Charles Hudson, Vicki Smith and Gwendolyn Keys

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

**The motion failed by a unanimous vote of 9-0 on the regular agenda.**

Respectfully,  
*Kendra Cobbs*

Kendra Cobbs, AICP  
Planner III  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File



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 THE NORTHWEST CORNER OF KILARNEY AVENUE AND AIRWAYS BOULEVARD – +/-1,363 FEET NORTH OF TENNESSEE STATE BORDER LINE. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) AND CONSERVATION AGRICULTURE (CA) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-10**

---

**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 22-10**; 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) AND CONSERVATION AGRICULTURE (CA) USE DISTRICT.**

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

BEING THE MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY PROPERTY AS RECORDED IN INSTRUMENT NUMBERS JW-8678, JX-0573, EB-2939, AK-8199, AS-5605 AND INCLUDING LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 OF SHAMROCK VILLAGE SUBDIVISION AS RECORDED IN PLAT BOOK 58, PAGE 23 ALL OF RECORD IN THE

REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2-INCH IRON ROD (THY, INC) AT THE SOUTHEAST CORNER OF SAID MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY PROPERTY AS RECORDED IN INSTRUMENT NUMBER AS-5605, SAID POINT BEING IN THE WEST LINE OF AIRWAYS BOULEVARD (108' PUBLIC R.O.W.) AND HAVING A NORTHING OF 266705.54 FEET AND AN EASTING OF 773718.40 FEET IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM OF 1983; THENCE WITH SAID WEST LINE OF AIRWAYS BOULEVARD, N87° 43' 10"W - 3.01 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID SHAMROCK VILLAGE SUBDIVISION; THENCE CONTINUING WITH SAID WEST LINE OF AIRWAYS BOULEVARD, S2° 39' 28"W - 68.23 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 62.99 FEET, A RADIUS OF 40.00 FEET AND A CHORD BEARING AND DISTANCE OF S47° 32' 49"W - 56.68 FEET TO A POINT OF TANGENCY IN THE NORTH LINE OF KILARNEY AVENUE (60' PUBLIC R.O.W.); THENCE WITH THE SAID NORTH LINE OF KILARNEY AVENUE, N87° 20' 15"W - 327.42 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 131.34 FEET, A RADIUS OF 430.00 FEET AND A CHORD BEARING AND DISTANCE OF S83° 54' 45"W - 130.83 FEET TO A POINT OF TANGENCY; THENCE S75° 09' 45"W - 208.44 FEET TO A POINT OF CURVATURE; THENCE LEAVING SAID NORTH LINE OF KILARNEY AND WITH THE EAST LINE OF SHEPHERDS TREE STREET (60' R.O.W.) ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 47.72 FEET, A RADIUS OF 30.00 FEET AND A CHORD BEARING AND DISTANCE OF N59° 16' 13"W - 42.84 FEET TO A POINT OF COMPOUND CURVE; THENCE WITH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 105.86 FEET, A RADIUS OF 370.00 FEET AND A CHORD BEARING AND DISTANCE OF N5° 30' 24"W - 105.50 FEET TO A POINT OF TANGENCY; THENCE N2° 39' 45"E - 61.40 FEET TO A SET 1/2-INCH IRON ROD AT THE END OF SAID SHEPHERDS TREE STREET; THENCE ALONG A NORTH LINE OF SAID STREET, N87° 43' 10"W - 60.00 FEET TO A SET 1/2-INCH IRON ROD; THENCE ALONG THE WEST LINE OF SAID STREET S2° 39' 45"W - 61.00 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 125.20 FEET, A RADIUS OF 430.00 FEET AND CHORD BEARING AND DISTANCE OF S5° 40' 27"E - 124.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE LEAVING SAID WEST LINE OF SHEPHERDS TREE STREET ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 46.69 FEET, A RADIUS OF 30.00 FEET AND A CHORD BEARING AND DISTANCE OF S30° 34' 25"W - 42.12 FEET TO A POINT OF TANGENCY IN THE SAID NORTH LINE OF KILARNEY AVENUE; THENCE WITH THE SAID NORTH LINE OF KILARNEY AVENUE, S75° 09' 45"W - 28.48 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.39 FEET, A RADIUS OF 370.00 FEET AND A CHORD BEARING AND DISTANCE OF S81° 13' 55"W - 78.24 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID SHAMROCK VILLAGE SUBDIVISION; THENCE WITH THE EAST LINE OF SAID LOT 12 AND LOT 13 OF SHAMROCK VILLAGE SUBDIVISION, N2° 39' 45"E (PASSING A 1/2" IRON ROD AT 73.35 FEET) A TOTAL OF 245.03 FEET TO A FOUND 1/2-INCH IRON ROD; THENCE WITH THE

NORTH LINE OF LOTS 14, 15, 19, 20, 21, 22, 24, AND 25 OF SAID SHAMROCK VILLAGE SUBDIVISION, N87° 43' 10"W - 862.14 FEET TO A SET 1/2-INCH IRON ROD IN THE EAST LINE OF LOT 168 OF HOLMESDALE SUBDIVISION AS RECORDED IN PLAT BOOK 30, PAGE 74 AND HAVING A NORTHING OF 266776.33 AND AN EASTING OF 771940.86 FEET IN SAID COORDINATE SYSTEM; THENCE WITH THE EAST LINE OF LOTS 168, 167, 166, 165, 164, 163, AND 162 OF SAID HOLMESDALE SUBDIVISION, N4° 47' 00"E - 454.17 FEET TO A SET 1/2-INCH IRON ROD; THENCE CONTINUING WITH SAID EAST LINE OF LOT 162 AND WITH THE EAST LINE OF LOTS 160, 161, 159, 158, 157, 156, 154 AND 153 OF SAID HOLMESDALE SUBDIVISION, N2° 07' 00"E - 901.20 FEET TO A SET 1/2-INCH IRON ROD AT THE SOUTH LINE OF HOLMESDALE SUBDIVISION SECTION "A" AS RECORDED IN PLAT BOOK 30, PAGE 45; THENCE, WITH THE SOUTH LINE OF SAID SUBDIVISION AND WITH THE SOUTH LINE OF THE ELMER MITCHELL PROPERTY AS RECORDED IN INSTRUMENT NUMBER 05130778, THE SOUTH LINE OF SHEPHERDS TREE STREET, THE SOUTH LINE OF CANTERBURY PLACE AS RECORDED IN PLAT BOOK 107, PAGE 40 AND THE SOUTH LINE OF THE JOHN KRAG PROPERTY AS RECORDED IN INSTRUMENT NUMBER HY-4531, S87° 47' 34"E - 1766.13 FEET TO A FOUND 1/2-INCH IRON ROD (THY, INC) IN THE SAID WEST LINE OF AIRWAYS BOULEVARD; THENCE WITH THE SAID WEST LINE OF AIRWAYS BOULEVARD, S2° 28' 03"W - 1357.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,513,626 SQ. FT. OR 57.70 ACRES, MORE OR LESS, WITHIN THESE BOUNDS

#### **SECTION 2:**

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

#### **SECTION 3:**

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

**ATTEST:**

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

**//: ATTACHMENT  
Plot Plan**





**AGENDA ITEM:** 7

**CASE NUMBER:** Z 2022-010 **L.U.C.B. MEETING:** January 12, 2023

**LOCATION:** Northwest corner of Kilarney Avenue and Airways Boulevard –  
+/-1,363 feet north of Tennessee state border line

**COUNCIL DISTRICT:** District 3 and Super District 8

**OWNER/APPLICANT:** Memphis Shelby County Airport Authority/Memphis Airways Investors, LLC

**REPRESENTATIVE:** Dedrick Brittenum, Jr. of Brittenum Law PLLC

**REQUEST:** Rezoning from Residential Single-Family – 8 (R-8) to +/-48.13 acres Employment (EMP) and +/-9.87 acres Conservation Agriculture (CA)

## CONCLUSIONS

1. The request is to rezone multiple lots comprised of a total of 58 acres from Residential Single-Family – 8 (R-8) to two different zoning districts: Employment (EMP) and Conservation Agriculture (CA).
2. 48.13 of the acreage is proposed to be EMP and 9.87 acres are proposed to be CA.
3. The request for CA zoning extends to the perimeter of the subject property and is intended to serve as a buffer between EMP District uses and the abutting neighborhood.
4. The EMP District is an industrial zoning district permitting a range of commercial and industrial uses, while the CA District allows for virtually no intensity with its purpose being to conserve natural areas.
5. Despite the proposed buffer along the perimeter, staff believes Employment District uses are incompatible with the character of surrounding land uses.
6. The request is inconsistent with the Memphis Airport Area Land Use Study Final Report, the Whitehaven-Levi Planning District Comprehensive Plan and Memphis 3.0.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 14-16 of this report.

## RECOMMENDATION

*Rejection*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Airways Boulevard Kilarney Avenue	+/-1,425 linear feet +/-643 curvilinear feet
<b>Zoning Atlas Page:</b>	2350 and 2535	
<b>Parcel ID:</b>	079148 00106, 079148 00107, 079148 00108, 079148 00010, 079148 00008C, 079148 B00001 - 079148 B00011	
<b>Area:</b>	+/-58 acres	
<b>Existing Zoning:</b>	Residential Single-Family – 8 (R-8)	
<b>Requested Zoning:</b>	Employment (EMP) and Conservation Agriculture (CA)	

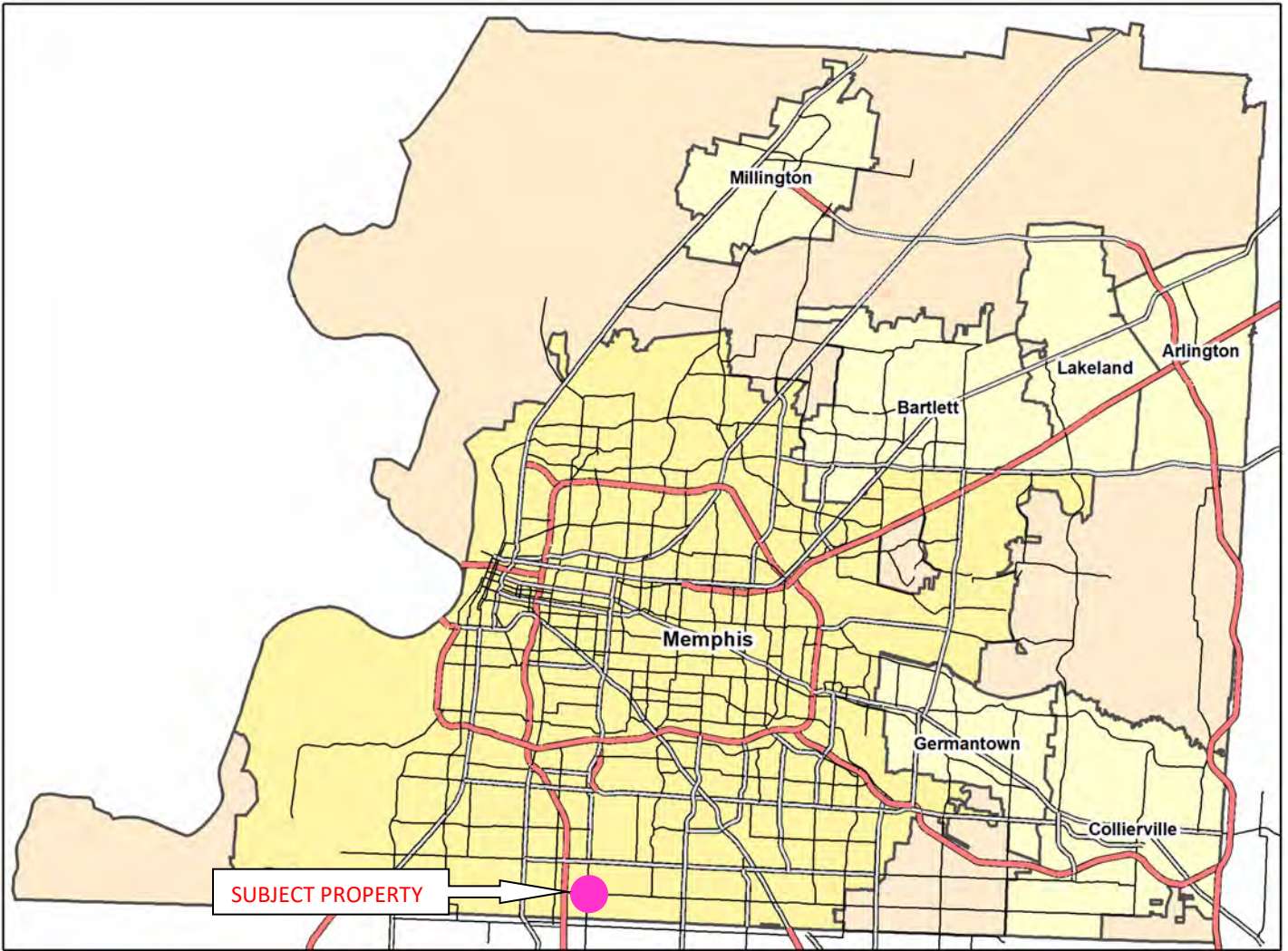
**NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Monday, November 28, 2022, at the Airport Project Center, 4225 Airways Boulevard.

**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 131 notices were mailed on November 18, 2022, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



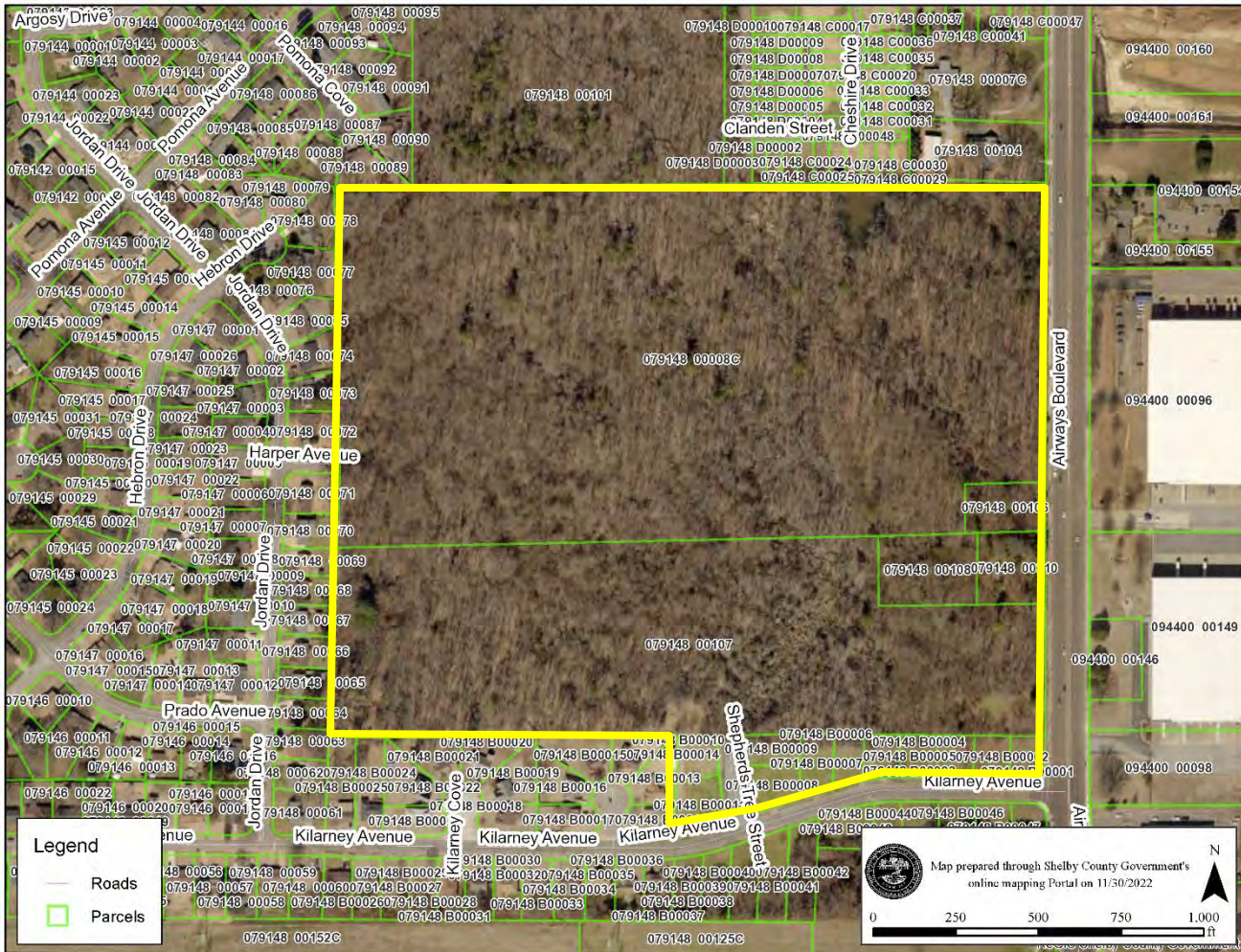
Subject property located within the pink circle, Airport Adjacent

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Residential Single-Family – 8 (R-8)

**Surrounding Zoning**

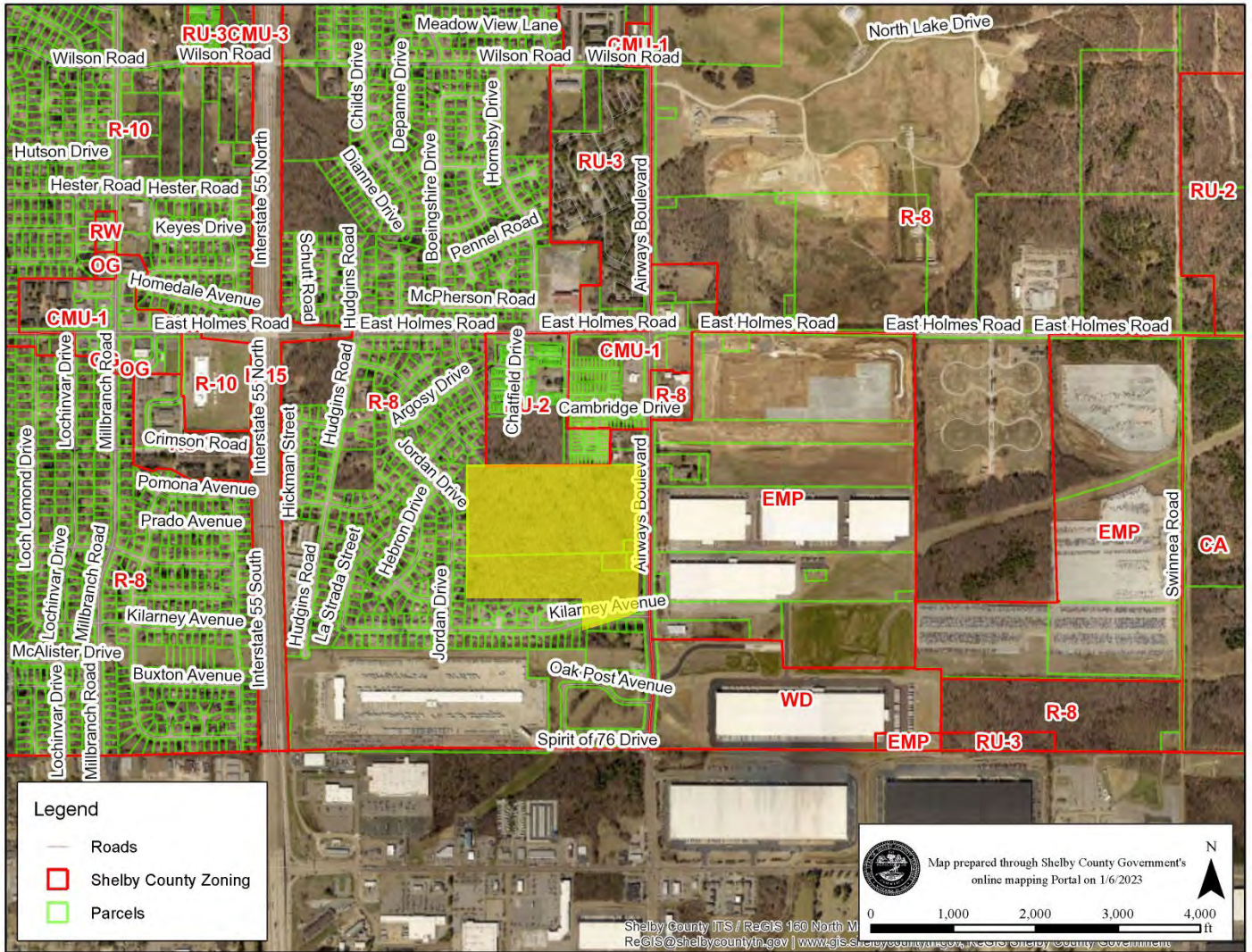
**North:** Residential Urban – 2 (RU-2) and Residential Single-Family – 8 (R-8)

**East:** Employment (EMP)

**South:** Residential Single-Family – 8 (R-8)

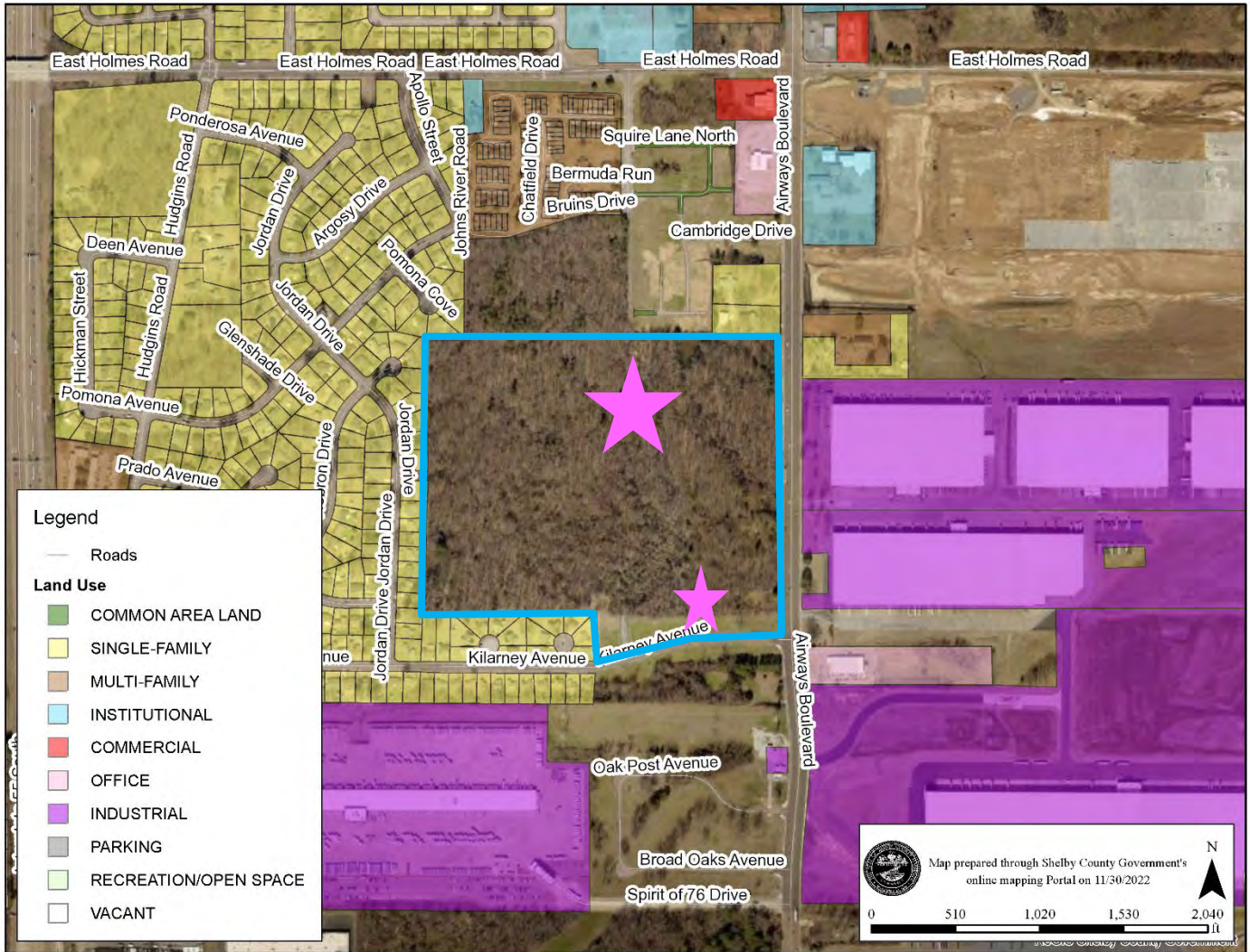
**West:** Residential Single-Family – 8 (R-8)

**ZONING EAST AND WEST OF AIRWAYS BOULEVARD**



Subject property highlighted in yellow

LAND USE MAP



Subject property outlined in electric blue and indicated by pink stars



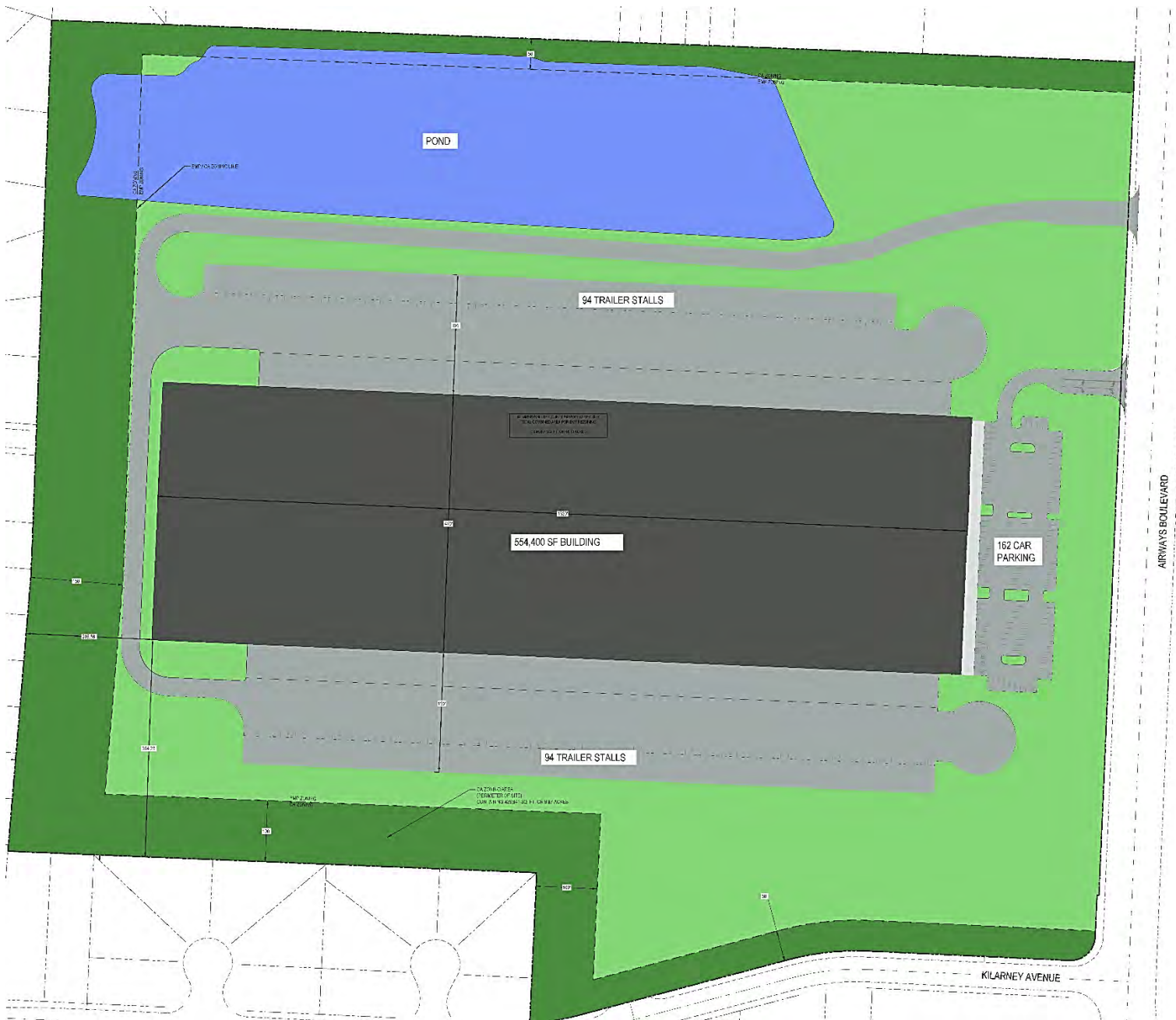




SITE PLAN



**SITE PLAN ZOOMED IN**



**SITE PHOTOS**



View of subject property from Airways and Kilarney Avenue looking northwest



View of subject property from Kilarney Avenue looking east



View of subject property from Kilarney Avenue looking north



View of subject property from Airways Boulevard looking south

## **STAFF ANALYSIS**

### **Request**

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

The request is to rezone 58 acres from Residential Single-Family – 8 (R-8) to Employment (EMP) and Conservation Agriculture (CA).

### **Review Criteria**

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

#### *9.5.7B Review Criteria*

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

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### **Site Description**

The subject property is +/-58 acres and comprised of 16 parcels located at the northwest corner of Kilarney Avenue and Airways Boulevard. It is approximately 1,363 feet north of the Tennessee state border line. The site is composed of a mostly wooded area and currently zoned Residential Single-Family – 8. The wooded lots are interior to the site, north of Kilarney Avenue. There are a number of previously platted lots for single-family development fronting Kilarney Avenue and Shepherd's Tree Street. An established residential neighborhood, Holmesdale Neighborhood, exists to the south and west of the site, while a few residential properties and vacant land are to the immediate north. Industrial businesses occupy the east across Airways Boulevard.

### **Site Zoning History**

On April 8, 2004, the Land Use Control Board held a public hearing on item PD 04-310, Airways South Planned Development, requesting a warehouse planned development. The request included 76 acres, which made up the entirety of subject site plus additional properties to the north of the current subject site. The Board recommended to City Council that the application be rejected. After review of the application and public hearing, City Council rejected approving the application.

### **Memphis Airport Area Land Use Study Final Report**

The Memphis Airport Area Land Use Study Final Report was adopted by Council of the City of Memphis in August of 1992 and by the Shelby County Commission in June 1992. This report indicates that residential uses are inappropriate for the area in which the subject property lies. The plan indicates Planned Business Park would be more appropriate, however, this is a zoning category that was never codified.

### **Whitehaven-Levi Planning District Study**

On January 21, 2003, the Council of the City of Memphis adopted the Whitehaven-Levi Planning District Comprehensive Plan. The plan provided guidelines for future growth and development of the area bound by

Nonconnah Creek, the Mississippi State Line, Airways Boulevard and I.C. Railroad. The subject site falls within this boundary area. Office uses are recommended for this area.

### **Further Analysis**

In preparation for the January 12<sup>th</sup> LUCB meeting, staff received the revised plot plan and documentation referencing noise pollution and a buyout program, as a result of the Memphis International Airport being located within the vicinity. The documentation states that the subject property cannot be developed for residential uses, due to the buyout program.

However, the applicant's request for rezoning to the EMP District is contrary to the nature of EMP zoning within the City. As an industrial zoning district, EMP zoning tends to be situated away from residentially developed properties. While EMP zoning does exist across Airways Boulevard, east of the subject property, Airways Boulevard is an approximately 100 foot-wide right-of-way, a significant distance that buffers the predominant residential uses west of Airways. There are a few areas southeast of Airways and East Holmes Road that are zoned EMP. Alternatively, the areas to the north and west of the subject property are largely residential with pockets of planned developments and commercial (see map on page 7).

### **Conclusions**

The request is to rezone 58 acres from Residential Single-Family – 8 (R-8) to Employment (EMP) and Conservation Agriculture (CA).

48.13 of the acreage is proposed to be EMP and 9.87 acres are proposed to be CA.

The request for CA zoning extends to the perimeter of the subject property and is intended to serve as a buffer between EMP District uses and the abutting neighborhood.

The EMP District is an industrial zoning district permitting a range of commercial and industrial uses, while the CA District allows for virtually no intensity with its purpose being to conserve natural areas.

Despite the proposed buffer along the perimeter, staff believes Employment District uses are incompatible with the character of surrounding land uses.

As found within Article 2 of the Memphis and Shelby County Unified Development Code, the Employment District is an industrial zoning district permitting a range of commercial and industrial uses. Whereby rezoning to such would permit a use as intense as chemical manufacturing activities.

Furthermore, the overall intent of the Employment District is to “accommodate office, light manufacturing, research and development, warehousing, wholesale, processing and commercial uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.”

Therefore, staff believes Employment District uses are incompatible with the immediate land uses.

Staff also finds the request is inconsistent with the Memphis Airport Area Land Use Study Final Report, the Whitehaven-Levi Planning District Comprehensive Plan and Memphis 3.0.



**RECOMMENDATION**

Staff recommends rejection.

**DEPARTMENTAL COMMENTS**

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

**City/County Engineer:** See comments as follows:

CASE: **Z-22-010** NAME: **KEARNEY/AIRWAYS REZONE**

**Sewers:**

1. 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.
2. 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.

**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.

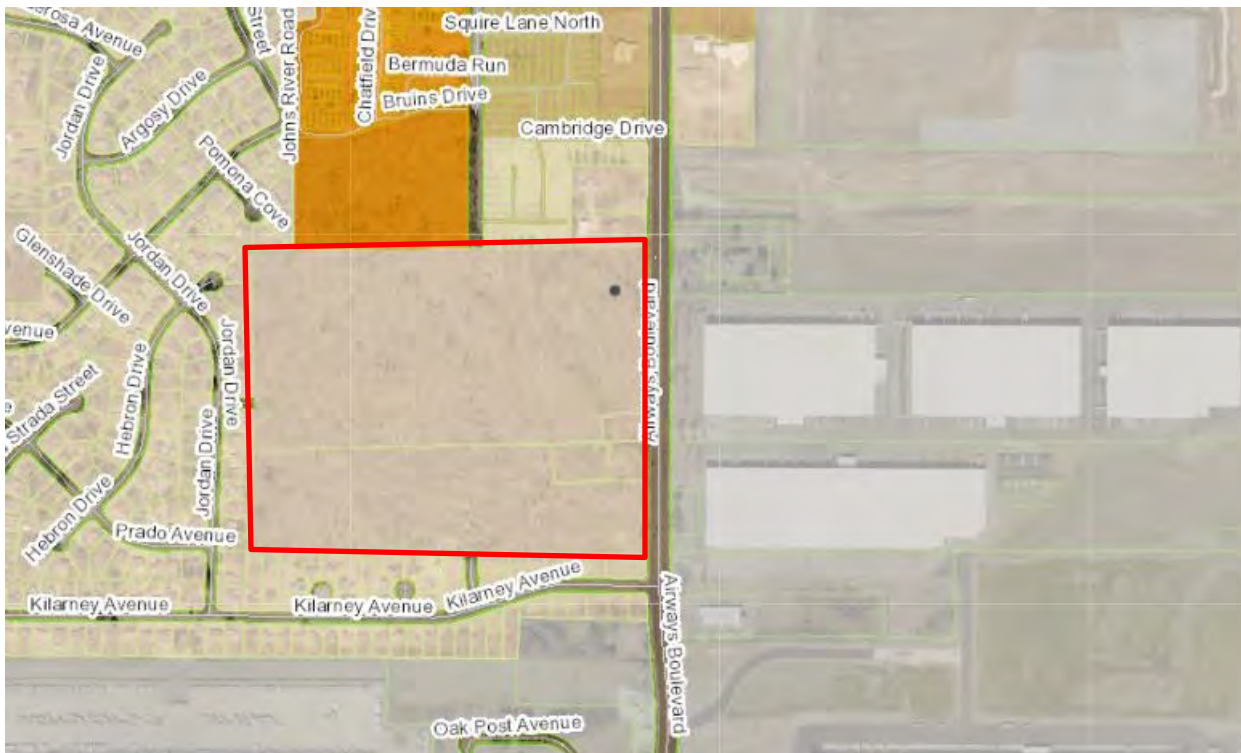
**Office of Comprehensive Planning:** See comments as follows:

Site Address/Location: 5351 Airways Blvd.  
Overlay District/Historic District/Flood Zone: Not located in the Flood Hazard Zone.  
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)  
Street Type: N/A

*The applicant is requesting a rezoning of subject property from R-8 to EMP zoning district at the intersection of Airways Boulevard and Kilarney Road.*

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**

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



**“NS” Form & Location Characteristics**

Primarily detached, House scale buildings, Primarily residential, 1 – 3 stories. Beyond ½ mile from a Community Anchor

**“NS” Zoning Notes**

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

**Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-Family, Vacant and Industrial, RU-2 and EMP

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing land use and zoning as the proposal will be to rezone the subject property from residential to employment to permit a range of land uses like light manufacturing-modern logistics space, office-flex, medical or dental, research, testing and development laboratory, warehouse/showroom, and distribution businesses. The rezoning request to EMP may also create a nuisance to the adjacent abutting single-family residences on the north, west, and south.*

**Degree of Change Map**



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

**3. Degree of Change Description**

N/A

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

N/A

**5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations**

N/A

### **Consistency Analysis Summary**

*The applicant is requesting a rezoning of subject property from R-8 to EMP zoning district at the intersection of Airways Boulevard and Kilarney Road.*

*This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing land use and zoning as the proposal will be to rezone the subject property from residential to employment to permit a range of land uses like light manufacturing-modern logistics space, office-flex, medical or dental, research, testing and development laboratory, warehouse/showroom, and distribution businesses. The rezoning request to EMP may also create a nuisance to the adjacent abutting single-family residences on the north, west, and south.*

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

Summary Compiled by: Faria Naz Urmy, Comprehensive Planning.

**APPLICATION**



**Record Summary for Rezoning**

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: November 3, 2022

Record Number: Z 2022-010

Expiration Date:

Record Name: Airways / Kilamey Rezoning

Description of Work: Rezoning of subject property to EMP zoning district

Parent Record Number:

**Address:**

5351 AIRWAYS BLVD, MEMPHIS 38116

**Owner Information**

Primary Owner Name

Y MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY

Owner Address

2491 WINCHESTER RD, MEMPHIS, TN 38116

Owner Phone

**Parcel Information**

079148 00008C

**Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 09/27/2022

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning No

**GENERAL INFORMATION**

Letter? No  
 Have you held a neighborhood meeting? No  
 If yes, please provide additional information -  
**GIS INFORMATION**  
 Central Business Improvement District No  
 Case Layer BOA1961-040-CO, BOA1960-023-CO,  
 PD04-310  
 Class E  
 Downtown Fire District No  
 Historic District -  
 Land Use VACANT  
 Municipality MEMPHIS  
 Overlay/Special Purpose District -  
 Zoning R-8  
 State Route -  
 Lot -  
 Subdivision -  
 Planned Development District -  
 Wellhead Protection Overlay District -

**Contact Information**

Name MEMPHIS AIRWAYS INVESTORS, LLC Contact Type APPLICANT  
 Address 1776 PEACHTREE STREET NW, SUITE 100, ATLANTA, GA, 30309  
 Phone (770)436-3400

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1426645	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	11/03/2022
1426645	Non-Residential Rezoning - each additional acre or fraction above 5	52	5,200.00	INVOICED	0.00	11/03/2022
1426645	Credit Card Use Fee (.026 x fee)	1	161.20	INVOICED	0.00	11/03/2022
			<b>Total Fee Invoiced: \$6,361.20</b>	<b>Total Balance: \$0.00</b>		

**Payment Information**

Payment Amount \$6,361.20 Method of Payment Credit Card



**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, Brad Kaaber *Brad Kaaber*, state that I have read the definition of  
(Print Name) (Sign Name)

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

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 Airways Boulevard  
and further identified by Assessor's Parcel Numbers 079148 00107, 108, 010, 106, B00009, B00008, B00007, B00006, B00005, B00004, B00003, B00002, B00001,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to before me on this 2ND day of NOVEMBER in the year of 2022.

*Susan Utter*  
Signature of Notary Public

MARCH 08, 2026  
My Commission Expires



LETTER OF INTENT

**Brittenum**

**Law pllc**

ATTORNEY AT LAW  
Airways Professional Center – Aerotropolis  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116 USA  
Telephone 901.347.3978  
Facsimile 901.800.1927  
db@brittenumlaw.com

3 November 2022

Via Hand Delivery

Brett Ragsdale  
Zoning Administrator  
Memphis & Shelby County Division of Planning and Development  
City Hall, 125 North Main Street, Suite 468  
Memphis, TN 38103

RE: 0 Airways Boulevard at Kilarney Road – MSCAA Property: 57.03 Acres  
Applications for Rezoning & SAC Approval

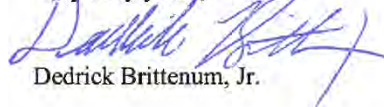
Dear Administrator Ragsdale:

I represent Memphis Airways Investors, LLC for rezoning and street closure applications to redevelop the above tract for employment district (EMP) uses. This is another rare site inside the interstate loop near the airport which use as residential is prohibited by the FAA according to the buyout provisions. The applications request approval to EMP zoning district and the closure of Shepards Tree Street. The Airport Master Plan recommends reinvestment and development to encourage employment growth. The Memphis Airport Area Land Use Study shows Planned Office. Upon approval, this property will enhance area jobs creation. Enclosed are the rezoning and street closure applications. Please consider these applications as companion cases.

The subject property was part of a noise buyout area west of Airways Boulevard along the adjacent north south flight path. The few homes on the tract have been removed and the lots are vacant with remaining curb, gutter and roadways. The applicant is working with the City Engineer to mitigate flooding north of the site in the Apollo Street and Pomona Avenue vicinity to provide higher levels of flood protection for structures, intersections and roadways. This a great opportunity to change this site on the tax rolls from exempt to nonexempt and taxable.

TPA respectfully requests your recommendations of approval. Thanks for your attention and should you have any questions or comments, please advise. I remain,

Very truly yours,

  
Dedrick Brittenum, Jr.

enclosure

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Marvin Brown, being duly sworn, depose and say that at 1:30 am/pm on the 18<sup>th</sup> day of November, 2022, I posted 2 Public Notice Sign(s) pertaining to Case No. 2-22-10 at Kilmer Ave / Airways Blvd. 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

11/18/2022  
Date

Subscribed and sworn to before me this 18<sup>th</sup> day of November, 2022.

Catherine Crawford  
Notary Public

My commission expires: 7-1-2023



My Comm. Exp. 7-1-2023





**LETTERS RECEIVED**

Fourteen letters of opposition in the form of electronic mail were received at the time of completion of this report and have subsequently been attached.



# Shelby County Board of Commissioners

DR. EDMUND FORD, JR.

Commissioner  
District 9

November 28, 2022

Memphis and Shelby County Office of Planning and Development  
125 N. Main Street, Suite 477  
Memphis, TN 38103  
Attn: Kendra Cobbs

VIA: [Kendra.Cobbs@memphistn.gov](mailto:Kendra.Cobbs@memphistn.gov)

RE: REZONING OF AIRPORT "BUY-OUT" PARCEL INTERSECTION OF AIRWAYS  
BOULEVARD AND KILARNEY ROAD

Dear Ms. Cobbs,

I have been contacted by several constituents from District 9 regarding the rezoning from Residential to Employment to Permit Light manufacturing of a parcel located at the intersection of Airways Boulevard and Kilarney Road. It is my understanding that Neighborhood Meeting Notice was mailed out by Memphis Airways Investors, LLC scheduled for tonight at 5:00 p.m. Please note in the letter the number listed to contact you, (901) 576-6601, is disconnected.

As this parcel is located in my County Commission District 9, I am sending this letter to inform you and the Land Use Control Board that I join the residents surrounding the area in opposition to the above rezoning request. My research shows rezoning this property would be an infringement on the residential properties. It will alter the community esthetics by displacing wildlife along with the mature woodland which surrounds the neighborhood homes. This neighborhood is well established, and many homeowners are on a fixed income. I stand in solidarity with the residents and oppose the rezoning of this property as is.

I encourage both the Land Use Control Board members and the Memphis City Council to vote NO on this rezoning case as is. Moreover, I would strongly encourage constituents and community leaders to reach out to not only the City Council representatives for this area (District 3, Super District 8), but also the other nine Council members on this matter because with a body of thirteen, seven NO votes are required.

With best regards,

Dr. Edmund Ford, Jr.  
Shelby County Board of Commissioners

cc: Memphis City Council

## Cobbs, Kendra

---

**From:** Andrew Terry <terryaj@bellsouth.net>  
**Sent:** Thursday, December 1, 2022 10:02 PM  
**To:** Cobbs, Kendra  
**Subject:** The rezoning of the NW corner of Airways Blvd, and Kilarney Ave

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

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---

I live at 5428 Hebron Dr. and I am asking you to vote in opposition or no to re-zoning this area. We in our neighborhood have had to endure the noise, exhaust, and loud talking on the intercom of Old Dominion Truck Line since it was built in our neighborhood. We don't want warehouses put right at the back-doors of some of our neighbors and the loud noises from the warehouses that would come about in the event of this proposal is passed. Also the animals that will be misplaced from their places that they live will begin to try and live in our Holmes as some of us in the neighborhood have experienced. we moved into this neighborhood because it was quiet and a very pleasant place to live and we want to keep it that way. Thank You very much, Andrew J, Terry Jr.

## Cobbs, Kendra

---

**From:** Beverly Boyd <bjanisbb@gmail.com>  
**Sent:** Wednesday, November 30, 2022 1:16 PM  
**To:** Cobbs, Kendra  
**Subject:** Rezoning of Northwest Corner of Killarney and Airways

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I am Beverly Boyd a 45 year resident of this area. My address is 5433 Hebron Drive.

I am sending this email to express my strong opposition to the case #Z22-010 rezoning of the aforementioned area. That rezoning will negatively impact our residential area and is so sad

that we have to fight another thoughtless, inconsiderate issue affecting our neighborhood. Issues like companies wanting to put a Pull a Part used auto parts facility, Kemmons Wilson and trailer homes being built near our decent homes. Thank God those were thwarted. Unfortunately, we are dealing with Old Dominion Truck lines who eased into our neighborhood with loud noises and distractions. We are dreading the negative consequences being so near businesses. The traffic, noise, trash, unsavory people and devaluation of our properties are the concerns. Many of us, years ago, moved from areas like that to this tranquil, clean and respectful neighborhood hoping to live comfortably. Now the big powers that be, are trying to rob us of that.

No we can't or really want to leave our paid for homes. Please, please take our concerns into careful consideration and reject this item.



**From:** [A.S](#)  
**To:** [Sr.; garrisonmrlg@aol.com](mailto:garrisonmrlg@aol.com); [Lareasa Leatherwood](#); [Robinson, Patrice](#); [Edmund.ford@shelbycountyttn.gov](mailto:Edmund.ford@shelbycountyttn.gov); [Cobbs, Kendra](#); [stumpdaddy@comcast.net](mailto:stumpdaddy@comcast.net)  
**Subject:** Fwd: Concerned Whitehaven Residents  
**Date:** Monday, November 21, 2022 9:47:54 PM

---

Some people who received this message don't often get email from [aliciasaulsberry@gmail.com](mailto:aliciasaulsberry@gmail.com). [Learn why this is important](#)

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Hi Ms. Cobbs,

The notice of Public Hearing from Memphis and Shelby County Division of a planning and Development was received today, November 21, 2022 for a public hearing on December 8, 2022 at 9:00 a.m.

\*The notice from Pickering Firm, Inc. has 9:30 a.m. Are there two different meetings, or was there a change in meeting times?

This letter is being submitted in opposition of Case Number:SAC 22-008 for the request to close and vacate Shepherds Tree Street north of Kilarney Avenue and Case Number: Z 22-010 for the request to rezone +/- 58 acres from Residential Single Family -8 (R-8) to Employment (EMP) on behalf of myself, my spouse, and my neighbors.

My name is Alicia Saulsberry, and I along with my husband, Rodney Saulsberry and neighbors (all of Kilarney Cove, Blimey Cove, Kilarney Avenue, and Jordan) would like to express our concerns about the letter we received on November 19, 2022 from Pickering Firm, Inc. Most of us received the letter from Pickering Firm "inviting" us to a neighborhood meeting to discuss a rezoning application that has been filed. The subject of the letter was Rezoning of Airport "buy-out" parcel intersection of Airways Boulevard and Kilarney Road. The date of the meeting is November 28, 2022 at 5:00 p.m.; the location of the meeting is listed as the Airport Project Center. According to the letter, the rezoning application will also be heard at the Land Use Control Board meeting on Thursday, December 8th at 9:30 a.m. at City Council Chambers. These dates give many working people less than a week or two to respond if they have not received the letter and no advance notice to leave work. It appears that no true concern is being given to the members of the neighborhood. The letter was just a formality to let us know this is what is occurring.

Rezoning us would surround many of our homes by industry, ruin the habitat of the deer and other wildlife within the trees, and possibly create a situation where there is additional crime (vandalism, theft, burglary, etc.). When we purchased our homes, they were surrounded by trees and good neighbors; this is also our current status almost 20 years later. There is joy in knowing and trusting your neighbors. The letter states that the request is to rezone the property from Residential to Employment to permit light manufacturing - Modern Logistics Space, office flex, medical or dental, research, testing, and development laboratory, warehouse/showroom and

distribution businesses. The list seems exhaustive, and it could include anything which means it could bring anyone into our immediate area. We enjoy seeing our children and grandchildren play in our neighborhood; there is a reduced sense of security when introducing industry into our backyards. This also has the potential of lowering our property value. We did not agree with Old Dominion being allowed to build directly behind our homes. They did so, and everyone had to purchase new HVAC units and roofs as the dust from the building lifted the shingles and clogged the systems of our units. These were not paid for by Old Dominion, but hard working people who live in the community. Many of those individuals are older and on fixed incomes. Old Dominion informed us that the people who would be hired were not necessarily going to be Memphians. These companies are probably going to be private entities as well who will reserve the right to hire others who do not live in Memphis. Therefore, they will earn their living here and pay taxes elsewhere.

Potholes are an additional issue that comes with logistical companies being so close. The potholes were not repaired as promised, and we have had to service our vehicles for alignment more than usual. Out of town truckers have changed our quiet neighborhood and introduced a new element to our children. Prior to the police camera being installed, some truckers were using it as a personal hotel for meeting women.

We were not heard with Old Dominion when we met, and the potholes still exist on Airways as I exit my home. Please consider and provide ample opportunity for the voices of my neighbors to be heard.

I am attaching a copy of the letter and the picture that we received. Please note that the picture was dated existing conditions - June 12, 2021.

I can be reached at 9014121482. Rodney can be reached at 9013314361. If you need the names and numbers of our neighbors, please let us know.

Thank you for your assistance.

Sincerely,

Alicia Saulsberry

## Cobbs, Kendra

---

**From:** Dorothy Boggan <dorothyboggan@yahoo.com>  
**Sent:** Wednesday, November 30, 2022 6:55 PM  
**To:** Cobbs, Kendra  
**Subject:** Rezoning of the Northwest Corner of Airways Blvd. and Kilarney Ave.

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---

Dorothy L. Boggan  
5394 Hebron Dr.  
Memphis, TN. 38116-9306

Memphis and Shelby County  
Division of Planning and Development

Ms. Cobbs,

This email is in regard to the consideration of the rezoning of the northwest corner of Airways Blvd. and Kilarney Ave. (also known as Case# Z22-010).

This matter is very personal and important to me, because I am a lifelong resident of that area. For over 29 years, I have enjoyed living in a nice, relatively crime free area and the introduction of a commercial building close to my dwelling would change it all.

There is significant evidence suggesting that negative consequences are unavoidable in this type of situation. The prices of the homes would decrease. A once quiet and quaint community would become industrial. There are no curbs or sidewalks, and the streets are narrow which would make it detrimental to the residents with increased traffic. The area was created for families.

Please vote against the rezoning and leave our community as it is. Thank you.

## Cobbs, Kendra

---

**From:** Gwendolyn Keys <gkeys51@yahoo.com>  
**Sent:** Wednesday, November 30, 2022 1:48 PM  
**To:** Cobbs, Kendra  
**Subject:** Fwd: Division of Planning & Development Rezoning of Residential area at Airways & Kilarney

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---

Sent from my iPhone

Begin forwarded message:

**From:** Gwendolyn Keys <gkeys51@yahoo.com>  
**Date:** November 30, 2022 at 11:53:40 AM CST  
**To:** Kendra Cobbs <Kendra.Cobbs@memphis.gov>  
**Subject:** **Division of Planning & Development Rezoning of Residential area at Airways & Kilarney**

Dear Ms. Kendra Cobbs,

My name is Gwendolyn Keys. Thank you for responding to my voicemail that I left on 11/18/22 and listening to my concerns regarding the Rezoning issues (case#Z22-010) on the Northwest corner of Airways Blvd. & Kilarney Ave.

Ms. Cobbs, I have been a resident of the Holmesdale neighborhood since 1978. Moved in my home (5425 Hebron Dr.) as a newlywed and raised three daughters, which are now productive and successful adults due in part to the wonderful neighbors that surrounded them.

I have seen how development projects in this area such as 1. Kimmons-Wilson attempting to build trailer homes on that stretch of Kilarney presently in question 2. Old Dominion trucking line impacting the south side of Kilarney with bright lights and noise on a continuous basis, 3. Multiple warehouses on east side of Airways, and 4. the possible demolition of the Longstreet church at the corner of Airways & Holmes Rd. This church served as a community meeting place and a place for voting.

Placing a warehouse or any large facility for mass production will NOT enhance our neighborhood.

It will depreciate the value of our homes, increase traffic down Kilarney and into the other corridors of the Holmesdale neighborhood,

increase in traffic means increase in crime, increase in crime means increase in trashing the area and an increase in trash leads to an unhealthy neighborhood.

We are middle class/working class neighbors that take pride in where

we live. Approximately 75% of us

are senior citizens and are very anxious about this proposal that would definitely be a negative impact on our way of life.

We will be attending the meeting on Dec. 8th to voice our concerns in front of the division of planning & development.

Thank you for your attention to this matter of great importance.

Sincerely,

Gwendolyn Keys

Sent from my iPhone

## Cobbs, Kendra

---

**From:** Jo Barrow <jobarrowss@yahoo.com>  
**Sent:** Wednesday, November 30, 2022 6:09 PM  
**To:** Edmund.ford@shelbycountyttn.gov; Cobbs, Kendra; Robinson, Patrice  
**Subject:** Rezoning of the neighborhood - Holmesdale

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To whom it may concern:

My name is Jimmie Dodd, Sr. I am writing to state that I disagree with the proposed rezoning. I live at 5474 Kilarney Cove. Jo-Ann Barrow and I along with my neighbors (all of Kilarney Cove, Blimey Cove, Kilarney Avenue, and Jordan) would like to express our concerns about the letter we received on November 19, 2022 from Pickering Firm, Inc. Most of us received the letter from Pickering Firm "inviting" us to a neighborhood meeting to discuss a rezoning application that has been filed. The subject of the letter was Rezoning of Airport "buy-out" parcel intersection of Airways Boulevard and Kilarney Road.

The meeting was held last night, and it did not answer the questions that we have about our homes. The barrier being 50 feet is absolutely unfair to myself and my neighbors; it is a true disturbance of the neighborhood. The dates of the meeting give many working people less than a week to respond if they have not received the letter and no advance notice to leave work. It appears that no true concern is being given to the members of the neighborhood. The letter was just a formality to let us know this is what is occurring.

Rezoning us would surround many of our homes by industry, ruin the habitat of the deer and other wildlife within the trees, and possibly create a situation where there is additional crime (vandalism, theft, burglary, etc.). When we purchased our homes, they were surrounded by trees and good neighbors; this is also our current status almost 20 years later. There is joy in knowing and trusting your neighbors. The letter states that the request is to rezone the property from Residential to Employment to permit light manufacturing - Modern Logistics Space, office flex, medical or dental, research, testing, and development laboratory, warehouse/showroom and distribution businesses. The list seems exhaustive, and it could include anything which means it could bring anyone into our immediate area. We enjoy seeing our children and grandchildren play in our neighborhood; there is a reduced sense of security when introducing industry into our backyards. This also has the potential of lowering our property value. We did not agree with Old Dominion being allowed to build directly behind our homes. They did so, and everyone had to purchase new HVAC units and roofs as the dust from the building lifted the shingles and clogged the systems of our units. These were not paid for by Old Dominion, but hard working people who live in the community. Many of those individuals are older and on fixed incomes. Old Dominion informed us that the people who would be hired were not necessarily going to be Memphians. These companies are probably going to be private entities as well who will reserve the right to hire others who do not live in Memphis. Therefore, they will earn their living here and pay taxes elsewhere. Potholes are an additional issue that comes with logistical companies being so close. The potholes were not repaired as promised, and we have had to service our vehicles for alignment more than usual. Out of town truckers have changed our quiet neighborhood and introduced a new element to our children. Prior to the police camera being installed, some truckers were using it as a personal hotel for meeting women.

We were not heard with Old Dominion when we met, and the potholes still exist on Airways as I exit my home. Please consider and provide ample opportunity for the voices of my neighbors to be heard.

I can be reached at 9015986449. Jo-Ann can be reached at 6628204608. If you need the names and numbers of our neighbors, please let us know.

Thank you for your assistance.

## Cobbs, Kendra

---

**From:** McGill, Joyce B. <Joyce.McGill2@va.gov>  
**Sent:** Thursday, December 1, 2022 7:03 AM  
**To:** Cobbs, Kendra  
**Cc:** j6mcgill@aol.com  
**Subject:** Rezoning of the Northwest corner of Airways Blvd and Kilarney Ave

**Importance:** High

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Good Morning Ms. Cobbs,

I am writing to express my opposition to the rezoning of the Northwest corner of Airways and Kilarney Ave. I am a homeowner, having resided at 5360 Jordan Ave. for 30 years. I oppose this rezoning for the following reasons:

- Our community is a residential community with families that include young children and this rezoning would result in increased traffic in the neighborhood, causing increased danger to the children.
- The rezoning will result in decreasing the value of our homes.
- Increased traffic on Airways and Kilarney result in wear and tear on the streets which resulting in damage to our vehicles.
- Our neighborhood is a quiet one and I would like to keep it so.

There are numerous other reasons why this rezoning should not take place that I do not have the time to list. Please consider my request in your recommendation to the City of Memphis for rezoning. Your help is greatly appreciated.

Respectfully submitted by,

*Joyce B. McGill*  
**Concerned Citizen**  
**Telephone 901 496-1734**  
**E-mail [j6mcgill@aol.com](mailto:j6mcgill@aol.com)**



## Cobbs, Kendra

---

**From:** Joyce H. Terry <jeherry@bellsouth.net>  
**Sent:** Thursday, December 1, 2022 10:41 AM  
**To:** Cobbs, Kendra  
**Subject:** Rezoning NW corner Airways & Kilarney

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Good morning Ms. Cobbs,

My name is Joyce Terry and I live at 5428 Hebron Drive 38116, in the Holmesdale Subdivision. I am sending this in opposition of Case # Z-22-10. Many of my neighbors, as well as myself, do not want the +/- 58 acres located at the NW corner of Airways and Kilarney to be rezoned as Employment. We want it to remain **Residential**. We do appreciate the notification some of us received, via letter, of the up coming hearing to be held December 8th, 2022 at 9:00 am. This is something we did not get when the Old Dominion Truck Lines built their facility. That notice was only received by a few households after the foundation was laid. The noise factor from Old Dominion Truck Lines is unbelievable, especially at night and early morning. Many of my neighbors are not sleeping very well any more. Many of us are older people who have paid off our mortgages and only want to live in peace. I implore you not to recommend approval of the rezoning. Building warehousing or any other large businesses on the acreage will only serve destroy our neighborhood as well as the homes of the wildlife who live in the forestry. Also the vacate and close a city street at the convenience of developers and people who do not live here would be a slap in the face of Memphians.

Sincerely,

Joyce H. Terry  
5428 Hebron Drive  
Memphis, TN 38116  
jeherry@bellsouth.net

**From:** [Jt Sherman](#)  
**To:** [Cobbs, Kendra](#)  
**Subject:** Project  
**Date:** Monday, November 28, 2022 5:07:55 PM

---

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---

Regarding to the construction of whatever is trying to be build behind our neighborhood. I like for that to NOT HAPPEN, if they want to build it so much they can build it down Holmes road since everything there is being build.

So that is a no for me. Thank you and have a wonderful day.

## Cobbs, Kendra

---

**From:** lareasa I <dr.lareasa.leatherwood@gmail.com>  
**Sent:** Monday, November 28, 2022 8:39 AM  
**To:** Cobbs, Kendra; edmund.ford@shelbycounty.gov; Robinson, Patrice

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Dear Government Officials,

I am writing this letter in regards to information I received about plans to rezone an area in my neighborhood.

My name is Lareasa Leatherwood and I reside at 5478 Kilarney Cove Memphis, Tennessee 38116. I have lived in my home since 2005. During this time unfortunately we have seen many businesses and the changes that they brought come close to our previously very quiet county-like neighborhood. However this plan is simply too much. I do not have the time to enumerate the many reasons it is not in our best interest but I infaticly do NOT wish to see this plan to rezone this area go forth. Not only does it infringe on the practical nature of a neighborhood but it also introduces elements of environmental damage and crime to our area. It is unfair us the hard working, tax-paying, homeowing voters who live there. It will bring down our property value and lessen the opportunity to resale when necessary.

I beg of you to please do not entertain this plan to rezone this area.

Respectfully yours,  
Dr. Lareasa Leatherwood  
901-233-0719

From: Charles Hudson & Alice Hudson([chashudson@bellsouth.net](mailto:chashudson@bellsouth.net))([alfay46@gmail.com](mailto:alfay46@gmail.com))  
To: Mrs. Kendra Cobbs ([Kendra.Cobbs@memphis.gov](mailto:Kendra.Cobbs@memphis.gov))

Subject: **Division of Planning & Development Rezoning Residential Area at Airways & Kilarney**

My name is Charles Hudson, my wife Alice and I presently live in the Memphis Homesdale community at 1915 Pomona Ave. I am 78 years old and moved here from Richmond, Virginia in 1977. After looking over the City of Memphis we chose the Homesdale community 45 years ago because we felt it was a safe place to raise our three girls.

My concern is the impact that such a facility will have on our neighborhood. Once this is allowed there will be others coming in trying to rezone the area also. We have spent years improving and upgrading our properties to add value and now we have a company that wants to come in and devalue our homes. We have already been duped once when the Airport buy-out took place to make room for the Boeing Plane that never materialized. Many families were displaced not because they wanted to move but because of corporate greed and many were not adequately reimbursed for their uprooting. Instead of building warehouses why not replace the area with homes like the ones that were previously there. Plus there are a lot of vacant areas north of Shelby Drive on Airways up to Winchester and going east on Holmes Road pass Airways that could be used as well, which is not immediately near homes. The noise level, high traffic from 18 wheelers, trash, and bright lights will cause a big disruption to our peace and tranquility, devalue our home, as well as put our safety in jeopardy.

We also have a number of animals (deer, raccoon, opossum, rabbits etc), that will be displaced and perhaps become road kill because of the high traffic. We are already blocked in by numerous warehouses on Airways, a trucking company (Old Dominion) flanking the back of the homes on the south side of Kilarney. With the addition of this proposed warehouse our neighborhood would be completely blocked in.

Our neighbors and I are very much concerned about this matter and we would appreciate you getting back with me immediately about the matter. Thank you in advance.

Yours truly,

Charles and Alice Hudson  
901.345.6085 Home  
901.951.4653 Charles Cell  
901.232.9483 Alice Cell `

## Cobbs, Kendra

---

**From:** Mamie Jones <jone8185@bellsouth.net>  
**Sent:** Wednesday, November 30, 2022 11:35 PM  
**To:** Cobbs, Kendra  
**Subject:** Rezoning northwest corner of Airways Blvd and Kilarney Road

You don't often get email from jone8185@bellsouth.net. [Learn why this is important](#)

**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.

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Case Number: Z22-010

This email is to notify you that I Mamie Jones and my husband Johnny Jones submit this email in opposition to the proposed rezoning of the northwest corner of Airways Blvd and Kilarney Road. We have lived in this neighborhood for approximately 35 years, and we fear this rezoning will depreciate the value of our property, bring in more traffic and crime.

Please reconsider this rezoning.

Thanks

[Sent from AT&T Yahoo Mail on Android](#)

## Cobbs, Kendra

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**From:** Mary Ewing <maryteewing@yahoo.com>  
**Sent:** Monday, November 28, 2022 9:57 AM  
**To:** Cobbs, Kendra  
**Cc:** K.T. Ewing  
**Subject:** Case Number Z 22-010 Rezoning on Northwest Corner of Airways Boulevard and Kilarney Avenue

You don't often get email from maryteewing@yahoo.com. [Learn why this is important](#)

**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.

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Dear Ms. Kendra Cobbs,

I hope this message finds you and your loved ones well.

It is my sincere hope that this email reaches you, because several of us in the neighborhood have been unable to reach you by phone. We recognize that this is a busy time, so we hope that our email allows you to hear from us as you've offered in the public notice.

My name is Mary T. Ewing, and I am a resident of the neighborhood that will be directly impacted by the current proposed rezoning and development on the west side of Airways Boulevard at the intersection of Kilarney Avenue. I have owned a home within walking distance of this intersection since the late 1970s, and I have witnessed how development projects over the years, including the recent warehouses on the east and west sides of Airways have negatively impacted our community.

Several neighbors and I plan to attend today's meeting, but we are deeply concerned about the scheduled day/time. This is a Monday following a holiday weekend when many are traveling. Additionally, the majority of our neighbors are working class. Therefore, 9:30 am (December 8<sup>th</sup>) and 5:00 pm (November 28<sup>th</sup>) meetings on a weekday do not allow for sufficient inclusion of interested parties.

We have already witnessed the economic and environmental fallout of construction and operation of the latest Old Dominion warehouse, and we are anxious to voice our concerns about this new proposal. If possible, we would like to request another meeting time(s) to ensure maximum neighborhood input. Considering the impact to our neighborhood, we deserve a full and fair chance to voice our concerns and ask that our council members act favorably on our behalf.

Thank you for your time and attention.

Sincerely,  
Mary T. Ewing

## Cobbs, Kendra

---

**From:** Tracy Fox <catreal@aol.com>  
**Sent:** Wednesday, November 30, 2022 9:12 PM  
**To:** Cobbs, Kendra  
**Subject:** Rezoning of Airport "buy-out"

You don't often get email from catreal@aol.com. [Learn why this is important](#)

**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.

Good evening Mrs. Cobbs. My name is Ms. Tracy Fox. I am a resident of the Holmesdale Block Community. My address is 5385 Hebron Drive. I am writing to express my concerns about the proposal to rezone a section of our neighborhood from residential to employment. It saddens me that anyone would feel okay within their heart about barging into any residential area and building a warehouse. I have lived in this neighborhood for 21 years. I love it here! My home is just about paid for and I will be retiring in less than 3 years. It has been my dream to wake up everyday and just enjoy my home that is in this fine, fine, best kept secret in the city of Memphis. We are a very close knit neighborhood; looking after each others' well being and doing what we can to keep this neighborhood a safe and clean place to live. I ask that you and others, please think about what a warehouse will do to our neighborhood. It will bring traffic, trash, noise, lower our property values, and very likely, crime.

This is our home. This is all that most of us have. With times being how they are today; most of us can't afford to pack up and just go and buy another home in a so-called better area. Our neighborhood we live in now is "better" for us. Whitehaven is already an area where most have fled from and settled to areas of what they consider "better". We have chosen to stay right here and make the most of our community. We are all good citizens who participate in National Night Out, Neighborhood Watch, and etc. in an effort to keep where we live a great area.

There are other areas surrounding the airport where there are no homes in close proximity that can be used for building a warehouse. Please understand that this is where we live. This is our home. We are already burdened with the noise from the airplanes flying over and the thunderous sounds that arise from the trucking line that sits right in my Kilarney Street neighbors' backyards. Although the airport causes disturbances, we understand that air travel is necessary, but a warehouse is not so necessary that it has to be built in our backyards. We hardly get a good night's rest as it is. I ask you to please not rezone our community as "employment". Those of us that still work, leave our homes and go to industrial and commercial areas to work. That is how it is supposed to be. It is not fair to allow others to make the neighborhood, our home, the place where others come to work. We like having our peace when we are at home. Don't take that away from us.

Thanks so much.

Sincerely,

Tracy Fox  
5385 Hebron Drive  
Memphis, TN 38116  
901-870-3242

# Petitions

WE, THE RESIDENTS OF THE HOLMESDALE SUBDIVISION IN THE CITY OF MEMPHIS, THE COUNTY OF SHELBY, IN THE STATE OF TENNESSEE, ARE OPPOSED TO THE RE-ZONING OF THE +/- 58 ACRES AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND KILARNEY AVENUE FROM RESIDENTIAL SINGLE FAMILY -8 (R-8) TO EMPLOYMENT (EMP) OR ANY OTHER. WE ARE A STABLE NEIGHBORHOOD AND WE WOULD LIKE TO KEEP IT AS SUCH. WE HAVE ALREADY BEEN IMPOSED UPON BY OVERHEAD AIR TRAFFIC, THE OLD DOMONION TRUCK LINES AND WAREHOUSING ON THE EAST SIDE OF AIRWAYS AND DO NOT WISH NOR WELCOME ANY MORE.

THE AREA IS IN ITS NATURAL STATE AND IS HOME TO WILDLIFE SUCH AS DEER, RACCOON, OPPOSUM, AND OTHERS. MANY HAVE BEEN RUN FROM THEIR PREVIOUS NATURAL HOMES BY THE OVER DEVELOPMENT INTO WAREHOUSING ALONG AIRWAYS BOULEVARD SOUTH OF HOLMES ROAD.

	NAME	ADDRESS	PHONE/EMAIL
1.	Lola Fields	4267 Auburn Rd	901-570-0174
2.	Eddie Fields	4267 Auburn Rd	FieldsEddie02@gmail.com
3.	Jacquelyn Rosser	1341 Richland Dr	901-387-8814
4.	Eugene Rosser	1341 Richland Dr.	901-485-4845
5.	Susan Bellamy	5253 Algiers	901 517-1655
6.	Charles Hudson	1915 Pomona Ave.	901-581-4653
7.	Alice Hudson	1915 Pomona Ave.	901-232-9483
8.	Evelyn Isbell	2059 Argosy Dr.	901 497-8164
9.	Walter M. Bobo	5313 Jordan Dr.	901-569-1198
10.	William Morris	5401 Hebron Dr.	W.Morris15@comcast.net
11.	Jane McGill	5310 Jordan Dr	901 496-1734
12.	Bonnie C. Johnson	5315 Algiers Dr	901-359-5486
13.	Lisa Dye	2021 Prado Ave	901-643-1732
14.	Willie J. Hilliard	5434 Hebron Dr	901 210-5862
15.	Glenn Hilliard	5434 Hebron Dr.	901 828-1431
16.	Glenn Hilliard	1980 Prado Ave.	901-201-0878
17.	Jarvis Brooks	5318 Jordan Dr.	901 210 8317
18.	Mamie Jones	5371 Hebron Dr	901-345-3445
19.	Johanny Jones	5371 Hebron Dr	"
20.	DARREY + CHARLOTTE BOND	1890 POMONA	332-1333



WE, THE RESIDENTS OF THE HOLMESDALE SUBDIVISION IN THE CITY OF MEMPHIS, THE COUNTY OF SHELBY, IN THE STATE OF TENNESSEE, ARE OPPOSED TO THE RE-ZONING OF THE +/- 58 ACRES AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND KILARNEY AVENUE FROM RESIDENTIAL SINGLE FAMILY -8 (R-8) TO EMPLOYMENT (EMP) OR ANY OTHER. WE ARE A STABLE NEIGHBORHOOD AND WE WOULD LIKE TO KEEP IT AS SUCH. WE HAVE ALREADY BEEN IMPOSED UPON BY OVERHEAD AIR TRAFFIC, THE OLD DOMONION TRUCK LINES AND WAREHOUSING ON THE EAST SIDE OF AIRWAYS AND DO NOT WISH NOR WELCOME ANY MORE.

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	NAME	ADDRESS	PHONE/EMAIL
1.	Grandolyn Keys	5425 Hebron Dr	901-806-4836
2.	Jeff Ferguson	1941 KILARNEY	901-455-1014 / 4000@com
3.	<del>John &amp; Marnie Jones</del>	<del>5371 Hebron Dr</del>	<del>901-346-7667</del>
4.	John & Marnie Jones	5371 Hebron Dr	
5.	Builde Hunt	5371 Hebron Dr	901-488-1969
6.	Mary T. Ewing	5416 Jordan Dr	901-581-7479
7.	Blair Hunt	5424 Jordan Dr.	901-406-6412
8.	Donald Atkins	5357 Hebron Dr	901-412-3502
9.	Tracy Fox	5385 Hebron Dr.	901-870-3292
10.	Angela Bayne	5410 Hebron Dr	(901) 215-8839
11.	Cornelia Skipper	5402 Hebron Dr.	(901) 398-2596
12.	CHARLIE GIBBETT	1933 KILARNEY AVE	901-301-1552
13.	ERNEST LABRIEL	#2954 JORDAN DR.	213-732-6817
14.	Rodney Saulsberry	5484 Kilamey Cove	901-205-9821
15.	Alicia Saulsberry	5484 Kilamey Cove	" " "
16.	Trevor Watters Saulsberry	5484 Kilamey Cove	901-736-0576
17.	Curtis L. Davis	5201 Jordan Dr	901-346-7332
18.	Killian M. Dalmeida	5435 Jordan Dr.	
19.	J. Merrigall	5399 Jordan Dr.	901-288-8083
20.	Heather Soudou	5435 Jordan Dr	901-398-8502

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	NAME	ADDRESS	PHONE/EMAIL
1.	John Turner	5443 Jordan Dr.	(901) 346-8253
2.	Richard Carlough	5473 LaStrada Dr	901-283-8560
*3.	Stephanie Lee	2019 Kilarney Ave	901-240-7051
4.	Keith Lee Sr	2019 Kilarney Ave	901-240-7003
5.	Ranora Carlough	5473 LaStrada St	901-438-8570
6.	Dr. Lareasa Leatherwood	5478 Kilarney Cove	901-348-2391
7.	Jimmy Dodd	5474 Kilarney Cove	901-598-6449
8.	Brendalynn Garrison	5479 Kilarney Cove	550-1587
9.	Mr. Garrison, Lawrence	5479 Kilarney Cove	550-1587
10.	Carla Towner	1976 Kilarney Ave	(901) 283-2512
11.	Darrin Mathis	1979 Pomona Ave	carlatowner@aiff.net 901-907-3532
12.	Clyde Phillips	2014 Pomona Ave	901-409-4536
13.	Cyathia Newsome	2036 Pomona Ave.	901-864-6311
14.	Gregory C. Newsome	2036 Pomona Ave	901-848-2460
15.	Dianne Deason	5478 Blimey Cove	901-262-8272
16.	Marshall Phillips	2014 Pomona Ave	901-396-6601
17.	GARRY K NOLAN	5476 Hebron	901-240-5732
18.	Amiel Brooks	5368 Jordan Dr	901-210-8317
19.	Rakiaes Washington	5385 Hebron Dr.	901-281-6563
20.	Jeremy Fox	5385 Hebron DR.	304-3845

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	NAME	ADDRESS	PHONE/EMAIL
1.	Lisa Dye	2001 Prado Ave	901-643-1732
2.	Crystal Simerall		901-650-5434
3.	Reginald Dye	2001 Prado Ave	901-643-1383
4.	Beverly Boyd	5433 Hebron Dr	901-608-2099
5.	Jermaine Whitley	5425 Hebron Dr	901-438-7697/djett@78156.com
6.	Marissa Keys-Whitley	5425 Hebron Dr	901-282-1218
7.	<del>Robert Smith</del>	4961 Millbrook Rd.	901-831-8530
8.	Jana Proby	5422 Hebron	901-352-3995
9.	Emma Proby	5422 Hebron	901-332-3995
10.	John Caruthers	5450 Hebron Dr	901-376-8451
11.	Anderson Johnson	5457 Hebron	901-345-7637
12.	CIARA Johnson	5457 Hebron	901-345-7637
13.	ANTONIO Johnson	5457 Hebron	901-345-7637
14.	JUSTIN J. PEARSON	3831 MASTERSON STREET	901-254-9689 JUSTIN.PEARSON@Gmail.com
15.	Blanch Thomas	4513 Dorff Dr. 38116	901-398-4577
16.	Bonnie C. Johnson	5315 Algiers Dr 38116	baj33054@aol.com
17.	Iva Norman	1748 Santa Clara 38116	901-346-8883
18.	Juliette Summers	2916 Meadowfair Rd Memphis Tenn	38118 800-1126
19.	JB Smiley Jr.	701 N. Mississippi Blvd	
20.	Alexis Morris	70 S 4th St Memphis 38103	901-937-9130

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	NAME	ADDRESS	PHONE/EMAIL
1.	Joyce Terry	5428 Helton 38116	901 734 8944 jeherry@bellsouth.net
2.	Patricia Underick	5237 Jordan Dr 38116	901-619-3273 pherdricks218@gmail.com
3.	William B. Thompson	5242 Jordan Dr.	901-946-0944 vlot6406@comcast.net
4.	meana williams	5233 Jordan Dr.	901.921.9888/ info@meashaw.com
5.	Wayne Williams	5232 Jordan Dr.	901.499.9012/waynewillijr@gmail.com
6.	J. Brock	5229 Jordan Dr.	901-417-1549/jbrock7@comcast.net
7.	David Brock	5229 Jordan Dr.	901-644-5795 pearlbrock@icloud.com
8.	Carol Jackson	5228 Jordan Dr.	901-346-0170
9.	Birdie Wadlington	5228 Jordan Dr.	901-346-0170
10.	Doretta Wilkins	5343 Jordan Dr.	901 837 0149
11.	Terry Carter	5270 JORDAN DR	901-413-6581
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	NAME	ADDRESS	PHONE/EMAIL
1.	Clifford Lewis	4515 Sewan	901 282 1800
2.	Reginald Williams	5168 DePanne Rd	901-396-4385
3.	Tiffen Williams	5168 DePanne Rd	901-396-4385
4.	Otis E Tidwell	1908 Pomona Ave.	901-396-1843
5.	<del>Roosevelt Allen</del>		
6.	Roosevelt Allen	5311 Hudgins	901-463-623
7.	Carolyn Allen	↓	901-474-475
8.	Ambi Phillips	2014 Pomona Ave/38116	901-218-8666
9.	BARBARA FLYAR		901-216-1119
10.	Vicki Smith	5065 Cedar Valley Dr 38116	901-562-739
11.	Ernie Jackson	1979 Teardo Ave. 38116	(901) 346-2194
12.	K. Dudell Cowan	1591 LEHR	901-491-1004 KCOWAN@HEAL901.ORG
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	NAME	ADDRESS	PHONE/EMAIL
1.	Mary T. Ewing	5416 Jordan Av	901-581-7479
2.	Jim Coleman	5413 Jordan	901-279-2925
3.	Curtis Davis	5406 Jordan Dr	901-258-3083
4.	John Turner	5443 Jordan Dr	346-8253
5.	Abraham Calmore Jr.	5435 Jordan Drive	581-0690
6.	Ejennie Johnson	5248 Jordan Drive	Memphis, TN 38116
7.	Sheileen Johnson	5247 Jordan Drive	38116 <del>38116</del> Sheileen Johnson @ yahoo.com
8.	Jonathan Coleman	1972 Ponderosa	Memphis TN 38116
9.	Mysia Coleman	1972 Ponderosa	Memphis TN 38116
10.	DeShawn Myers	5248 Jordan Drive,	38116
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**MEMPHIS AND  
SHELBY COUNTY** **DIVISION OF PLANNING  
AND DEVELOPMENT**

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

January 19, 2023

Memphis Airways Investors, LLC  
1776 Peachtree Street NW, Suite 100  
ATLANTA, GA 30309

Sent via electronic mail to: [jwhitehead@BPJLAW.COM](mailto:jwhitehead@BPJLAW.COM) and [db@brittenumlaw.com](mailto:db@brittenumlaw.com)

Case Number: Z 22-10  
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, January 12, 2023, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your rezoning application located at the northwest corner of Airways Boulevard and Kilarney Avenue to be included in the Employment (EMP) and Conservation Agriculture (CA) Zoning Districts.

This application will be forwarded, for final action, to the Council of the City of Memphis for the February 21<sup>st</sup> Council meeting. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [Kendra.Cobbs@memphistn.gov](mailto:Kendra.Cobbs@memphistn.gov).

Respectfully,  
*Kendra Cobbs*

Kendra Cobbs, AICP  
Planner III  
Land Use and Development Services

**Letter to Applicant**

**Z 22-10**

Division of Planning and Development

Cc: File





## Record Summary for Rezoning

### Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: November 3, 2022

Record Number: Z 2022-010

Expiration Date:

Record Name: Airways / Kilarney Rezoning

Description of Work: Rezoning of subject property to EMP zoning district

Parent Record Number:

---

### Address:

5351 AIRWAYS BLVD, MEMPHIS 38116

### Owner Information

Primary Owner Name

Y MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY

Owner Address

2491 WINCHESTER RD, MEMPHIS, TN 38116

Owner Phone

---

### Parcel Information

079148 00008C

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/27/2022

#### GENERAL INFORMATION

Is this application in response to a citation from  
Construction Code Enforcement or Zoning

No

**GENERAL INFORMATION**

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

**GIS INFORMATION**

Central Business Improvement District No  
Case Layer BOA1961-040-CO, BOA1960-023-CO, PD04-310  
Class E  
Downtown Fire District No  
Historic District -  
Land Use VACANT  
Municipality MEMPHIS  
Overlay/Special Purpose District -  
Zoning R-8  
State Route -  
Lot -  
Subdivision -  
Planned Development District -  
Wellhead Protection Overlay District -

**Contact Information**

**Name** MEMPHIS AIRWAYS INVESTORS. LLC **Contact Type** APPLICANT

**Address**  
1776 PEACHTREE STREET NW, SUITE 100, ATLANTA, GA, 30309

**Phone**  
(770)436-3400

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1426645	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	11/03/2022
1426645	Non-Residential Rezoning - each additional acre or fraction above 5	52	5,200.00	INVOICED	0.00	11/03/2022
1426645	Credit Card Use Fee (.026 x fee)	1	161.20	INVOICED	0.00	11/03/2022

Total Fee Invoiced: \$6,361.20 Total Balance: \$0.00

**Payment Information**

**Payment Amount** \$6,361.20 **Method of Payment** Credit Card

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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Brad Kaaber (Print Name) *Brad Kaaber* (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 0 Airways Boulevard  
and further identified by Assessor's Parcel Numbers 079148 00107, 108, 010, 106, B00009, B00008, B00007, B00006, B00005, B00004, B00003, B00002, B00001,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 2<sup>ND</sup> day of NOVEMBER in the year of 2022.

*Susan Utter*  
Signature of Notary Public



MARCH 08, 2026  
My Commission Expires

# Brittenum

## Law pllc

ATTORNEY AT LAW  
Airways Professional Center – Aerotropolis  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116 USA  
Telephone 901.347.3978  
Facsimile 901.800.1927  
[db@brittenumlaw.com](mailto:db@brittenumlaw.com)

3 November 2022

Via Hand Delivery

Brett Ragsdale  
Zoning Administrator  
Memphis & Shelby County Division of Planning and Development  
City Hall, 125 North Main Street, Suite 468  
Memphis, TN 38103

RE: 0 Airways Boulevard at Kilarney Road – MSCAA Property: 57.03 Acres  
Applications for Rezoning & SAC Approval

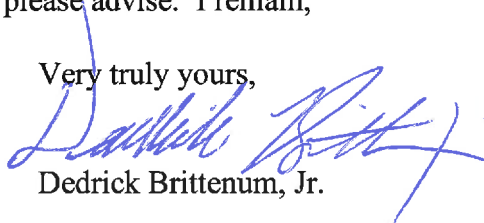
Dear Administrator Ragsdale:

I represent Memphis Airways Investors, LLC for rezoning and street closure applications to redevelop the above tract for employment district (EMP) uses. This is another rare site inside the interstate loop near the airport which use as residential is prohibited by the FAA according to the buyout provisions. The applications request approval to EMP zoning district and the closure of Shepards Tree Street. The Airport Master Plan recommends reinvestment and development to encourage employment growth. The Memphis Airport Area Land Use Study shows Planned Office. Upon approval, this property will enhance area jobs creation. Enclosed are the rezoning and street closure applications. Please consider these applications as companion cases.

The subject property was part of a noise buyout area west of Airways Boulevard along the adjacent north south flight path. The few homes on the tract have been removed and the lots are vacant with remaining curb, gutter and roadways. The applicant is working with the City Engineer to mitigate flooding north of the site in the Apollo Street and Pomona Avenue vicinity to provide higher levels of flood protection for structures, intersections and roadways. This a great opportunity to change this site on the tax rolls from exempt to nonexempt and taxable.

TPA respectfully requests your recommendations of approval. Thanks for your attention and should you have any questions or comments, please advise. I remain,

Very truly yours,



Dedrick Brittenum, Jr.

enclosure



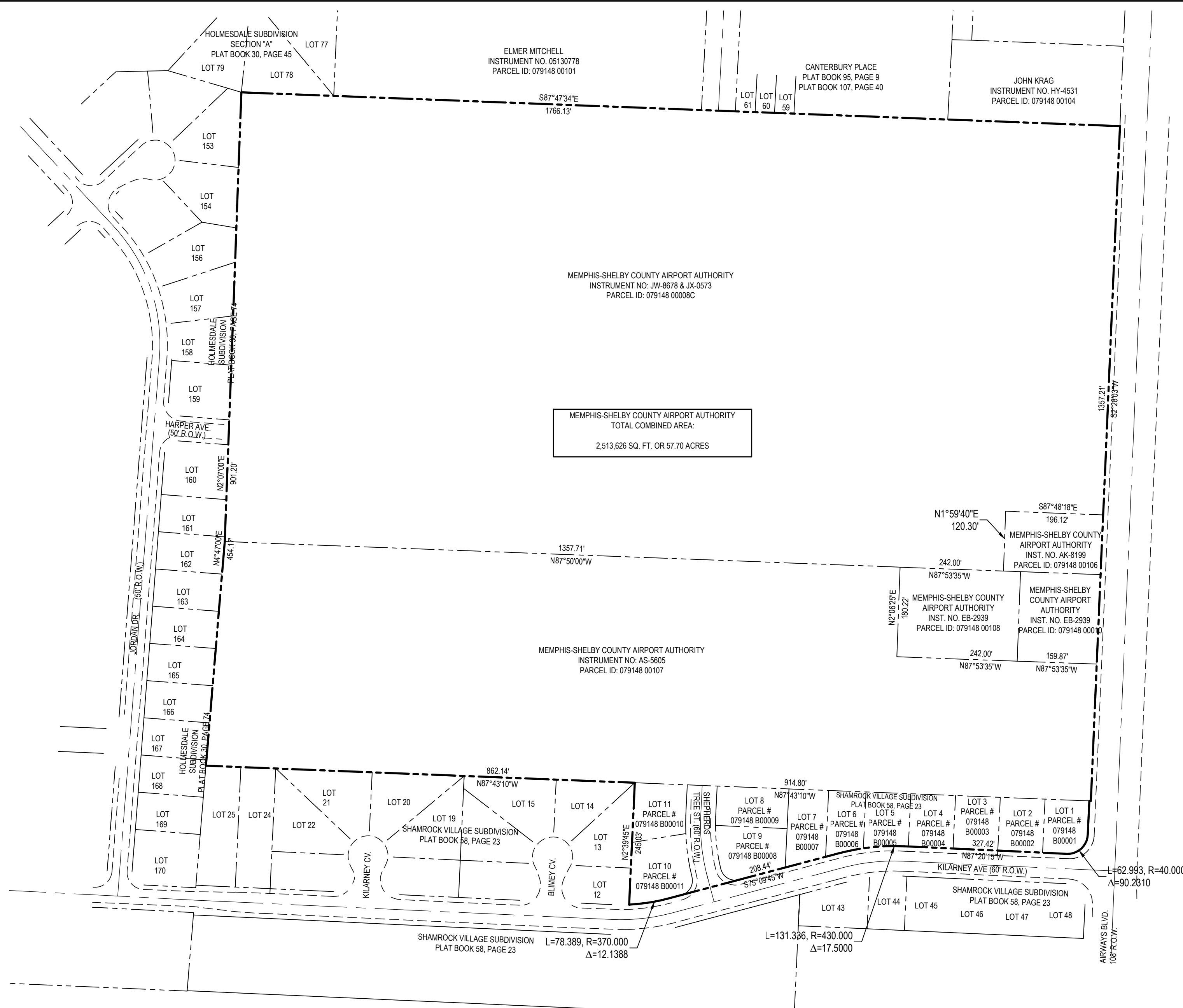
NORTH

0 75 150 300

1 INCH = 150 FEET

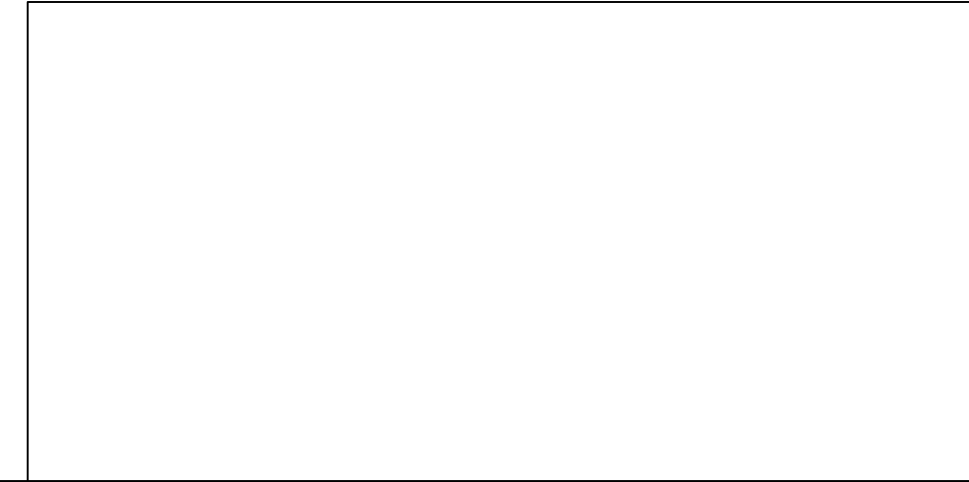


VICINITY MAP (NTS)



MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY  
TOTAL COMBINED AREA:  
2,513,626 SQ. FT. OR 57.70 ACRES

RECORDING STAMPS



PLOT PLAN		
MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 16	AREA: 57.70 AC	WARD: 79 BLOCK: 148 PARCELS: 107, 108, 106, 010, 08C, B009, B010, B011, B008, B006, B005, B004, B003, B002, B001
DEVELOPER: TPA GROUP 1776 PEACHTREE STREET NW SUITE 100 ATLANTA, GA 30309	ENGINEER: PICKERING FIRM, INC. 6363 POPLAR AVENUE SUITE 300 MEMPHIS, TN 38119	
THE 100 YR FLOOD PLAIN ELEV = 261.00	FEMA MAP PANEL NO. 47157C0440F	FEMA MAP DATE: 9/28/2007
DATE: OCT 2022	SCALE: 1" = 150'	SHEET 1 OF 1



PROPERTY DESCRIPTION

BEING THE MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY PROPERTY AS RECORDED IN INSTRUMENT NUMBERS JW-8678, JX-0573, EB-2939, AK-8199, AS-5605 AND INCLUDING LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 OF SHAMROCK VILLAGE SUBDIVISION AS RECORDED IN PLAT BOOK 58, PAGE 23 ALL OF RECORD IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2-INCH IRON ROD (THY, INC) AT THE SOUTHEAST CORNER OF SAID MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY PROPERTY AS RECORDED IN INSTRUMENT NUMBER AS-5605, SAID POINT BEING IN THE WEST LINE OF AIRWAYS BOULEVARD (108' PUBLIC R.O.W.) AND HAVING A NORTHING OF 266705.54 FEET AND AN EASTING OF 773718.40 FEET IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM OF 1983; THENCE WITH SAID WEST LINE OF AIRWAYS BOULEVARD, N87° 43' 10"W - 3.01 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID SHAMROCK VILLAGE SUBDIVISION; THENCE CONTINUING WITH SAID WEST LINE OF AIRWAYS BOULEVARD, S2° 39' 28"W - 68.23 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 62.99 FEET, A RADIUS OF 40.00 FEET AND A CHORD BEARING AND DISTANCE OF S47° 32' 49"W - 56.68 FEET TO A POINT OF TANGENCY IN THE NORTH LINE OF KILARNEY AVENUE (60' PUBLIC R.O.W.); THENCE WITH THE SAID NORTH LINE OF KILARNEY AVENUE, N87° 20' 15"W - 327.42 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 131.34 FEET, A RADIUS OF 430.00 FEET AND A CHORD BEARING AND DISTANCE OF S83° 54' 45"W - 130.83 FEET TO A POINT OF TANGENCY; THENCE S75° 09' 45"W - 208.44 FEET TO A POINT OF CURVATURE; THENCE LEAVING SAID NORTH LINE OF KILARNEY AND WITH THE EAST LINE OF SHEPHERDS TREE STREET (60' R.O.W.) ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 47.72 FEET, A RADIUS OF 30.00 FEET AND A CHORD BEARING AND DISTANCE OF N59° 16' 13"W - 42.84 FEET TO A POINT OF COMPOUND CURVE; THENCE WITH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 105.86 FEET, A RADIUS OF 370.00 FEET AND A CHORD BEARING AND DISTANCE OF N5° 30' 24"W - 105.50 FEET TO A POINT OF TANGENCY; THENCE N2° 39' 45"E - 61.40 FEET TO A SET 1/2-INCH IRON ROD AT THE END OF SAID SHEPHERDS TREE STREET; THENCE ALONG A NORTH LINE OF SAID STREET, N87° 43' 10"W - 60.00 FEET TO A SET 1/2-INCH IRON ROD; THENCE ALONG THE WEST LINE OF SAID STREET S2° 39' 45"W - 61.00 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 125.20 FEET, A RADIUS OF 430.00 FEET AND CHORD BEARING AND DISTANCE OF S5° 40' 27"E - 124.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE LEAVING SAID WEST LINE OF SHEPHERDS TREE STREET ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 46.69 FEET, A RADIUS OF 30.00 FEET AND A CHORD BEARING AND DISTANCE OF S30° 34' 25"W - 42.12 FEET TO A POINT OF TANGENCY IN THE SAID NORTH LINE OF KILARNEY AVENUE; THENCE WITH THE SAID NORTH LINE OF KILARNEY AVENUE, S75° 09' 45"W - 28.48 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.39 FEET, A RADIUS OF 370.00 FEET AND A CHORD BEARING AND DISTANCE OF S81° 13' 55"W - 78.24 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID SHAMROCK VILLAGE SUBDIVISION; THENCE WITH THE EAST LINE OF SAID LOT 12 AND LOT 13 OF SHAMROCK VILLAGE SUBDIVISION, N2° 39' 45"E (PASSING A 1/2" IRON ROD AT 73.35 FEET) A TOTAL OF 245.03 FEET TO A FOUND 1/2-INCH IRON ROD; THENCE WITH THE

NORTH LINE OF LOTS 14, 15, 19, 20, 21, 22, 24, AND 25 OF SAID SHAMROCK VILLAGE SUBDIVISION, N87° 43' 10"W - 862.14 FEET TO A SET 1/2-INCH IRON ROD IN THE EAST LINE OF LOT 168 OF HOLMESDALE SUBDIVISION AS RECORDED IN PLAT BOOK 30, PAGE 74 AND HAVING A NORTHING OF 266776.33 AND AN EASTING OF 771940.86 FEET IN SAID COORDINATE SYSTEM; THENCE WITH THE EAST LINE OF LOTS 168, 167, 166, 165, 164, 163, AND 162 OF SAID HOLMESDALE SUBDIVISION, N4° 47' 00"E - 454.17 FEET TO A SET 1/2-INCH IRON ROD; THENCE CONTINUING WITH SAID EAST LINE OF LOT 162 AND WITH THE EAST LINE OF LOTS 160, 161, 159, 158, 157, 156, 154 AND 153 OF SAID HOLMESDALE SUBDIVISION, N2° 07' 00"E - 901.20 FEET TO A SET 1/2-INCH IRON ROD AT THE SOUTH LINE OF HOLMESDALE SUBDIVISION SECTION "A" AS RECORDED IN PLAT BOOK 30, PAGE 45; THENCE, WITH THE SOUTH LINE OF SAID SUBDIVISION AND WITH THE SOUTH LINE OF THE ELMER MITCHELL PROPERTY AS RECORDED IN INSTRUMENT NUMBER 05130778, THE SOUTH LINE OF SHEPHERDS TREE STREET, THE SOUTH LINE OF CANTERBURY PLACE AS RECORDED IN PLAT BOOK 107, PAGE 40 AND THE SOUTH LINE OF THE JOHN KRAG PROPERTY AS RECORDED IN INSTRUMENT NUMBER HY-4531, S87° 47' 34"E - 1766.13 FEET TO A FOUND 1/2-INCH IRON ROD (THY, INC) IN THE SAID WEST LINE OF AIRWAYS BOULEVARD; THENCE WITH THE SAID WEST LINE OF AIRWAYS BOULEVARD, S2° 28' 03"W - 1357.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,513,626 SQ. FT. OR 57.70 ACRES, MORE OR LESS, WITHIN THESE BOUNDS





**LEGEND**

- PARCELS WITHIN 500 FEET OF SUBJECT PROPERTY
- PARCELS
- SUBJECT PROPERTY

Map prepared through Shelby County Government's online mapping Portal on 10/25/2022

0 0.06 0.12 0.18 0.24 mi

N

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

MONTGOMERY SIDNEY & WANDA S  
5361 JORDAN DR #  
MEMPHIS TN 38116

COLEMAN LOVELL & YVETTE  
1985 PRADO AVE #  
MEMPHIS TN 38116

HOWARD ELVIS  
2037 POMONA AVE #  
MEMPHIS TN 38116

WILKINS BILLY J SR & DORETHA  
5373 JORDAN DR #  
MEMPHIS TN 38116

LEATHERWOOD KESHIA D  
5468 JORDAN DR #  
MEMPHIS TN 38116

JOHNSON PHYLLIS A  
5300 POMONA CV #  
MEMPHIS TN 38116

FIELDS LARRY D & CAROLYN  
5382 JORDAN DR #  
MEMPHIS TN 38116

GARRISON LAWRENCE E JR AND LAWRENCE E  
5479 KILARNEY CV #  
MEMPHIS TN 38116

CASTLEBERRY WAYNE P & THELMA B  
5312 POMONA CV #  
MEMPHIS TN 38116

NESBIT ARON AND CHARETA NESBIT  
5383 JORDAN DR #  
MEMPHIS TN 38116

BLAKEMORE LISA R  
5475 KILARNEY CV #  
MEMPHIS TN 38116

KRAG JOHN C  
5307 AIRWAYS BLVD #  
MEMPHIS TN 38116

VAN BUREN RUBEN J AND CATHERINE E  
5391 HEBRON DR #  
MEMPHIS TN 38116

DODSON DEREK & DIANNE  
5478 BLIMEY CV #  
MEMPHIS TN 38116

SAUNDERS MICHAEL  
1998 POMONA AVE #  
MEMPHIS TN 38116

PARSLEY MILLARD B & ROSEMARY R  
5391 JORDAN DR #  
MEMPHIS TN 38116

WILLIAMS TONYA  
5479 BLIMEY CV #  
MEMPHIS TN 38116

SHAW REGINALD A  
5309 POMONA CV #  
MEMPHIS TN 38116

GALMORE ABRAHAM JR & LILLIAN M  
5435 JORDAN DR #  
MEMPHIS TN 38116

RODGERS ROXANNE  
5474 JORDAN DR #  
MEMPHIS TN 38116

BAILEY ANDREA R  
5326 JORDAN DR  
MEMPHIS TN 38116

JOHNSON JUANITA  
5444 JORDAN DR #  
MEMPHIS TN 38116

WRIGHT AELIX D & CYNTHIA E  
1982 KILARNEY AVE #  
MEMPHIS TN 38116

GRAY KENNETH L & CORNELIA O  
5318 POMONA CV #  
MEMPHIS TN 38116

HILL BELINDA AND MARILYN H MOORE  
1980 PRADO AVE #  
MEMPHIS TN 38116

TAYLOR-CRAWFORD SHEQUITA S AND RAY  
5485 BLIMEY CV #  
MEMPHIS TN 38116

BOLDEN VENITA  
5348 JORDAN DR #  
MEMPHIS TN 38116

READ WILLIE M AND TONYA L BARNES AND  
5452 JORDAN DR #  
MEMPHIS TN 38116

HERNANDEZ DOMINGA S LIVING TRUST AND  
318 GROVE HILL PL #  
MEMPHIS TN 38120

WALKER ALBERT & GLORIA J  
2011 KILARNEY AVE #  
MEMPHIS TN 38116

ROOP ROBERT L  
5348 AIRWAYS BLVD #  
MEMPHIS TN 38116

MCDONALD WAYMON  
2007 POMONA AVE #  
MEMPHIS TN 38116

LEE KEITH D SR & STEPHANIE A  
2019 KILARNEY AVE #  
MEMPHIS TN 38116

NEWSOME GREGORY C & CYNTHIA Y  
2036 POMONA AVE #  
MEMPHIS TN 38116

PARKER LINDA J  
2001 POMONA AVE #  
MEMPHIS TN 38116

MOORE FELECIA A  
893 EYERS RD #  
MEMPHIS TN 38109

TRIPLETT JONATHAN (50%) AND GWYNDELLA B  
2030 POMONA AVE #  
MEMPHIS TN 38116

MARTIN RICKY B & PAMELA D B  
5313 POMONA CV #  
MEMPHIS TN 38116

WALLACE KENDREA  
2063 KILARNEY AVE #  
MEMPHIS TN 38116

BOYD ARTHUR & CAROLYN M  
2024 POMONA AVE #  
MEMPHIS TN 38116

COX EVENATINA AND APRIL COX  
1997 POMONA AVE #  
MEMPHIS TN 38116

CROSS MELANIE  
2077 KILARNEY AVE #  
MEMPHIS TN 38116

SMITH GLENDORA  
2020 POMONA AVE #  
MEMPHIS TN 38116

MONTGOMERY STREET HOMES LLC  
300 MONTGOMERY ST #1200  
SAN FRANCISCO CA 94104

MITCHEL ELMER  
1130 KEOUGH RD #  
COLLIERVILLE TN 38017

PHILLIPS MARSHALL & CLYDIA  
2014 POMONA AVE #  
MEMPHIS TN 38116

KRAG JOHN C  
5333 AIRWAYS BLVD #  
MEMPHIS TN 38116

OLD DOMINION FREIGHT LINE INC  
500 OLD DOMINION WAY #  
THOMASVILLE NC 27360

COLLINS LOUISE H  
2008 POMONA AVE #  
MEMPHIS TN 38116

BROWN NATHANIEL & DELORES  
5338 JORDAN DR #  
MEMPHIS TN 38116

ROOP ROBERT L AND LAURA R ROBBINS AND  
5348 AIRWAYS BLVD #  
MEMPHIS TN 38116

BRISCOE YVONNE L  
5308 POMONA CV #  
MEMPHIS TN 38116

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

S & S HOLDINGS  
P O BOX 30817 #  
MEMPHIS TN 38130

CLARK OLIVER D & FAY E  
2002 POMONA AVE #  
MEMPHIS TN 38116

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

S & S HOLDINGS  
PO BOX 30817 #  
MEMPHIS TN 38130

BRIDGEFORTH JOHN L JR & MICHELLE S  
2015 POMONA AVE #  
MEMPHIS TN 38116

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

JONES JOHNNY L & MAMIE A  
5371 HEBRON DR #  
MEMPHIS TN 38116

SKIPPER CORNELIUS H & BEVERLY E  
5402 HEBRON DR #  
MEMPHIS TN 38116

BARLOW JOHN W & BONNIE L  
5343 HEBRON DR #  
MEMPHIS TN 38116

FOSTER BARRY W  
5368 HEBRON DR #  
MEMPHIS TN 38116

DAVIS CURTIS L AND MARIA S DAVIS  
5406 JORDAN DR #  
MEMPHIS TN 38116

JONES SELMER K AND TANGIE C SMITH JONES  
5339 HEBRON DR #  
MEMPHIS TN 38116

HENTZ BURBLE  
5377 HEBRON DR #  
MEMPHIS TN 38116

AVERY BETTYE (LE) AND TONYA L AVERY  
5405 JORDAN DR #  
MEMPHIS TN 38116

JEFFERIES FASONTA  
5340 HEBRON DR #  
MEMPHIS TN 38116

MARTIN VERNA R  
5378 HEBRON DR #  
MEMPHIS TN 38116

BOYCE ANGELA W  
5410 HEBRON DR #  
MEMPHIS TN 38116

EDWARDS JEWEL JR & CHARLENE L  
1979 POMONA AVE #  
MEMPHIS TN 38116

FOX TRACY C  
5385 HEBRON DR #  
MEMPHIS TN 38116

COLEMAN KIM  
5413 JORDAN DR #  
MEMPHIS TN 38116

ATKINS DONALD  
5357 HEBRON DR #  
MEMPHIS TN 38116

RAY WELTON L  
5388 HEBRON DR #  
MEMPHIS TN 38116

EWING MARY T  
5416 JORDAN DR #  
MEMPHIS TN 38116

BANKS KIMBERLY J  
5344 HEBRON DR #  
MEMPHIS TN 38116

PERKINS PAMELA D  
5390 JORDAN DR #  
MEMPHIS TN 38116

NOLAN GARRY K  
5416 HEBRON DR #  
MEMPHIS TN 38116

MCGILL JOYCE B  
5360 JORDAN DR #  
MEMPHIS TN 38116

BOGGAN DOROTHY L  
5394 HEBRON DR #  
MEMPHIS TN 38116

SHERMAN SHIRLEY L  
5421 JORDAN DR #  
MEMPHIS TN 38116

C & J PROPERTY LLC  
2865 MALLARD LN #  
GERMANTOWN TN 38138

HUGHES JACQUELINE  
5399 HEBRON LN #  
MEMPHIS TN 38116

PRESLEY JAMES O & EMMA J  
5422 HEBRON DR #  
MEMPHIS TN 38116

BROOKS JARVIS D  
5368 JORDAN DR #  
MEMPHIS TN 38116

BRANCH MARIONETTA  
5399 JORDAN DR #  
MEMPHIS TN 38116

WEBB GLENN D  
5424 JORDAN DR #  
MEMPHIS TN 38116

LABRIEL ERNEST M  
5124 HILLCREST DR #  
LOS ANGELES CA 90043

PAYNE JOE M JR & CHERYL M  
5460 JORDAN DR #  
MEMPHIS TN 38116

S & S HOLDINGS  
PO BOX 30817 #  
MEMPHIS TN 38130

TERRY ANDREW J JR & JOYCE H  
5428 HEBRON DR #  
MEMPHIS TN 38116

WILLIAMS ROBERT T JR  
1991 PRADO AVE #  
MEMPHIS TN 38116

BRAXTON MARY J  
1990 KILARNEY AVE #  
MEMPHIS TN 38109

COLEMAN MARVA A  
5430 JORDAN DR #  
MEMPHIS TN 38116

DYE REGINALD C & LISA  
2001 PRADO AVE #  
MEMPHIS TN 38116

MCGEE TAKEELER  
1998 KILARNEY AVE #  
MEMPHIS TN 38116

HILLIARD WILLIE J & GLORIA J  
5434 HEBRON DR #  
MEMPHIS TN 38116

ALAMEDA PROPERTY SOLUTIONS LLC  
121 BRADFORD PL #  
MIDWEST CITY OK 73130

SOKOLGZ JAMI M  
5483 JORDAN DR #  
MEMPHIS TN 38116

HAMER ANGELA Y  
5438 JORDAN DR #  
MEMPHIS TN 38116

TAYLOR WILLIE C AND VIVIAN TAYLOR (RS)  
2036 KILARNEY AVE #  
MEMPHIS TN 38116

JONES GRAYLING  
4846 WHITE OAK DR #  
MEMPHIS TN 38116

ALEXANDER HELEN  
2000 PRADO AVE #  
MEMPHIS TN 38116

JENKINS EARNESTINE L  
2044 KILARNEY AVE #  
MEMPHIS TN 38116

LAVENDER SONJA A  
5485 KILARNEY CV #  
MEMPHIS TN 38116

TURNER JOHN L  
5443 JORDAN DR #  
MEMPHIS TN 38116

DODD JIMMIE  
5474 KILARNEY CV #  
MEMPHIS TN 38116

COLE-WATTERS ALICIA  
5484 KILARNEY CV #  
MEMPHIS TN 38116

PHILLIPS WILLIAM J  
1990 PRADO AVE #  
MEMPHIS TN 38116

LEATHERWOOD LAREASA L  
5478 KILARNEY CV #  
MEMPHIS TN 38116

BOUEY RODNEY  
5484 BLIMEY CV #  
MEMPHIS TN 38116

MEMPHIS CITY OF (MLG&W)  
125 N MAIN ST #  
MEMPHIS TN 38103

DAVIS JEROME  
5475 BLIMEY CV #  
MEMPHIS TN 38116

ANDERSON CLARK K & YVONNE  
1995 KILARNEY AVE #  
MEMPHIS TN 38116

RAYBORN DOUGLAS G & CAROL B  
5453 JORDAN DR #  
MEMPHIS TN 38116

WHITE PATSY Y  
5474 BLIMEY CV #  
MEMPHIS TN 38116

SALTERS MELVIN & DEBRA M  
2003 KILARNEY AVE #  
MEMPHIS TN 38116

WALL JERRY M  
2027 KILARNEY AVE #  
MEMPHIS TN 38116

MOORE PHILANDER JR  
495 WOLF VIEW CV #  
CORDOVA TN 38018

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

GOFF PEGGY S  
126 SUNFLOWER #  
HOT SPRINGS NATIONAL PARK AR 71901

COUNCIL OF CO OWNERS  
3290 NEW GETWELL RD #  
MEMPHIS TN 38118

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

WASHINGTON TN LLC  
853 BROADWAY #5  
NEW YORK NY 10003

ROBERTSON RAY A & VENITA  
2047 POMONA AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

WILLIAMS MARY E  
2049 KILARNEY AVE #  
MEMPHIS TN 38116

HOLMES LAND INVESTORS LLC  
1776 PEACHTREE ST NW  
ATLANTA GA 30309

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

RUFFIN JESSE J & DEMETRIUS R  
2071 KILARNEY AVE #  
MEMPHIS TN 38116

HOLMES AIRWAYS PARTNERS LLC  
1776 PEACHTREE ST NW #100  
ATLANTA GA 30309

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

WILLIAMS RONALD  
2083 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

BRYANT AL C JR  
2099 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

SUMERALL CRYSTAL  
2107 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

PREWITT KENNETH  
2113 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

LONGSTREET METHODIST CHURCH TR  
5268 AIRWAYS BLVD #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116







MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

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

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

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2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

JW 8678  
5**WARRANTY DEED**

THIS INDENTURE, made and entered into as of the 29th day of November, 1999, by and between **Robert L. Giordano, Lisa Giordano Mitchell, formerly known as Lisa Giordano, Amy Theresa Giordano, Carolyn G. Kelly, being one and the same person as Mary Carolyn Kelly, Colleen Kelly Lockard, formerly known as Colleen Kelly, and Shawn Kelly,** party of the first part, and **Memphis-Shelby County Airport Authority, a body politic organized and existing under the laws of the State of Tennessee, Shelby County, Tennessee,** party of the second part,

**WITNESSETH:** That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Beginning at a set iron pin in the intersection of the north line of the Robert L. Giordano et al property as recorded in Instrument No. FM 4483 in the Register's Office of Shelby County, Tennessee and the present west right of way (row) of Airways Road, also being a new southeast corner of John C. Krag property as recorded in Instrument DU 0611 in the said Register's Office, thence southwestwardly along the west right of way line of Airways Road (100 feet wide) being the east line of the Giordano property, South 2 degrees 28 minutes 09 seconds West, along the general alignment of the back of walk, 782.01 feet to a set iron pin being the new southeast corner of Giordano, also being a northeast corner of the Memphis Shelby County Airport Authority (MSCAA) property as recorded in Instrument AK 8199 in the said Register's Office, thence southeastwardly along the north line of MSCAA, also being an interior line of Giordano, South 87 degrees 48 minutes 12 seconds East, 200.12 feet to a set iron pin being an interior corner of Giordano and the northwest corner of MSCAA, thence southwestwardly along the west line of MSCAA, also being an interior line of Giordano, South 01 degrees 59 minutes 42 seconds West, 120.30 feet to a set iron pin being the southwest corner of MSCAA, the southernmost southeast corner of Giordano and in the north line of MSCAA as recorded in Instrument AS 5605 in the said Register's Office, thence northwestwardly along the south line of Giordano, and a north line of MSCAA, South 87 degrees 53 minutes 33 seconds West, 1565.56 feet to a set iron pin being the southwest corner of Giordano, and in the east line of Lot 162 of Homesdale Subdivision, Section B as recorded in Plat Book 30, Page 74 in the said Register's Office, thence northeastwardly along the west line of Giordano, also being the east line of Homesdale Subdivision, North 04 degrees 42 minutes 23 seconds East, 2.23 feet to a chain link fence corner being the northeast corner of Lot 162 and the southeast corner of Lot 161 and being an angle point in the east line of said subdivision, thence continuing along the aforescribed line, North 02 degrees 09 minutes 51 seconds East, 895.77 feet to a found iron pin being the northwest corner of Giordano and being a common corner of Lots 153 and 179 of Homesdale subdivision, thence southeastwardly along the north line of Giordano, also being a south line of Homesdale Subdivision, G.T. Nickey (Instrument No. J2 1094), Canterbury Place Subdivision (Plat Book 95, Page 10) now owned by MSCAA and J.C. Krag (Instrument No. DU 0611), South 88 degrees 01 minutes 17 seconds East, 1769.40 feet to the point of beginning and containing approximately 35.957 acres.

Being the same property conveyed to the party of the first part by Warranty Deed of record in Instrument No. G9 3231; Warranty Deed of record in Instrument No. G7 9711; Quit Claim Deed of record at Instrument No's. U2 2554, U2 2555, U2 2556, and U2 2557; and Quit Claim Deed of record at Instrument No's. CD 5438, EM 0863, and FM 4483 all in the Shelby County Register's Office of Shelby County, Tennessee.

Carolyn G. Kelly further warrants and covenants that she is one and the same person as

JW 8678

Mary Carolyn Kelly, one of the grantees in Quit Claim Deed recorded at Instrument No. U2 2556 and Instrument No. U2 2557 in the said Register's Office of Shelby County, Tennessee.

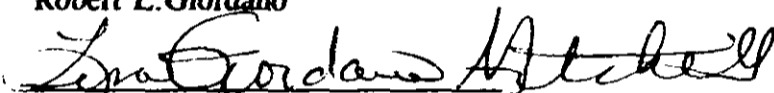
TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

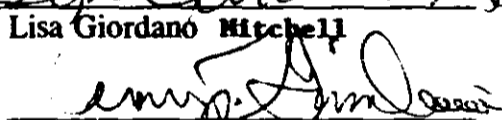
The said party of the first part does hereby covenant with the said party of the second part that they are lawfully seized in fee of the aforescribed real estate; that they have a good right to sell and convey the same; that the same is unencumbered, EXCEPT Easements of record in Book 5941, Page 49; and Book 5793, Page 280; Slope easement and construction easement in favor of the State of Tennessee of record at Instrument No. FS 3473; Permanent drainage easement, slope easement, and construction easement in favor of the State of Tennessee of record at Instrument No. FU 1323, all in the Register's Office of Shelby County, Tennessee; and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

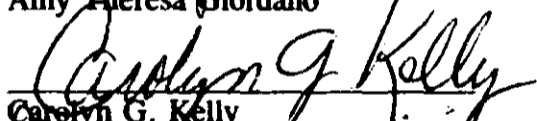
The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according in their proper gender and number according to the context hereof.

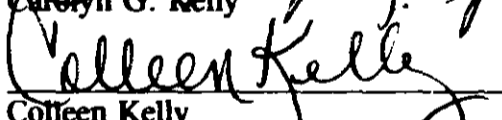
WITNESS the signature of the said party of the first part the day and year first above written.

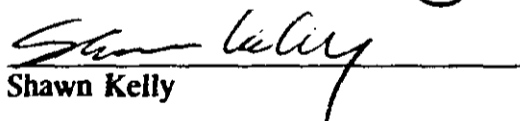
  
Robert L. Giordano

  
Lisa Giordano Mitchell

  
Amy Theresa Giordano

  
Carolyn G. Kelly

  
Colleen Kelly

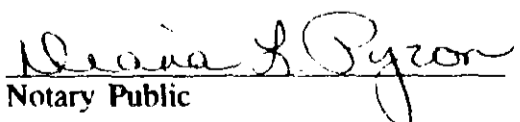
  
Shawn Kelly

\*\*\*\*\*

STATE OF ARKANSAS  
COUNTY OF GARLAND

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Robert L. Giordano to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument and who acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 12 day of NOVEMBER, 1999.

  
Notary Public

DIANA L. PYRON  
NOTARY PUBLIC-ARKANSAS  
MY COMMISSION EXPIRES OCTOBER 1, 2000  
GARLAND COUNTY

My Commission expires: \_\_\_\_\_

JW 8678

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Lisa Giordano to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument and who acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial Seal at office this 30 day of November, 1999.

  
Notary Public Barbara S. Gardner

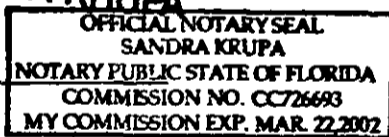
My Commission expires: May 14, 2003

STATE OF FLORIDA  
COUNTY OF Hillsborough

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Amy Theresa Giordano to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument and who acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial Seal at office this 23 day of November, 1999.

  
Notary Public **SANDRA KRUPA**

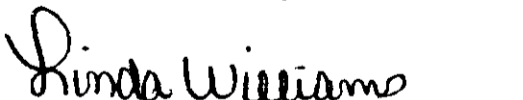


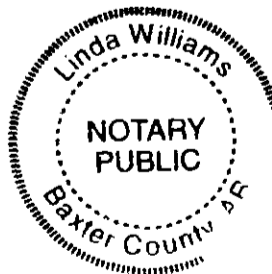
My Commission expires:

STATE OF ARKANSAS  
COUNTY OF Baxter

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Carolyn G. Kelly to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument and who acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial Seal at office this 17<sup>th</sup> day of November, 1999.

  
Notary Public LINDA WILLIAMS



My Commission expires: April 20, 2009

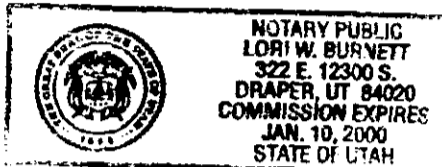
JW 8678

STATE OF UTAH  
COUNTY OF Salt Lake

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Colleen Kelly to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument and who acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial Seal at office this 26<sup>th</sup> day of Nov., 1999.

Lori W. Burnett  
Notary Public



My Commission expires: Jan. 10, 2000

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Shawn Kelly to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument and who acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 29 day of November, 1999.

[Signature]  
Notary Public Barbara S. Gardner

My Commission expires: May 14, 2003

\*\*\*\*\*

**(FOR RECORDING DATA ONLY)**

Property Address:  
5351/5409 Airways Blvd.  
Memphis, TN

TF# 99-07-05

LTIF# 398663

Property Owner:  
Memphis-Shelby County Airport Authority,  
2491 Winchester Road  
Suite 106  
Memphis, TN 38116-3856

Ward, Block & Parcel Number:  
79-148-8C

Mail tax bills to: (Person or Agency  
responsible for payment of taxes)  
Memphis-Shelby County Airport Authority,

JW 8678

2491 Winchester Road  
Suite 106  
Memphis, TN 38116-3856

JW

This instrument prepared by and return to:

Barbara S. Gardner, Atty.  
International Place, Tower II  
6410 Poplar Avenue, Suite 190  
Memphis, TN 38119

Title Transfer		JW 8678
Warranty Deed		
B/C: IS - JENNIE LITTLE		11
VALUATION	N/A	
TN MORTGAGE TAX	N/A	
TN TRANSFER TAX	N/A	
RECORDING FEE		20.00
DP FEE		2.00
REGISTER'S FEE	N/A	
WALK THRU FEE	N/A	
TOTAL AMOUNT		22.00
FROM COUNTY: STATE OF TENNESSEE, COUNTY OF SHELBY		
Guy B. Bates, REGISTER		

JW8678

SHELBY COUNTY  
REGISTER OF DEEDS  
99 DEC -7 AM 9:21

LT.

EB 2939

2

## WARRANTY DEED

THIS INDENTURE, made and entered into on this 17th day of December, 1993, by and between JAMES E. BROUGHTON AND WIFE, KAY T. BROUGHTON, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

## PARCEL I:

Part of the Mrs. E. Raines Luther Goodman Property, being more particularly described as follows:

Beginning at an old axle in the west line of Airways Road 2232 feet southwardly from the center line of Holmes Road, said point being 23 feet westwardly from the present center line of Airways Road and said point being in the north line of said Goodman Property; thence southwardly with the west line of Airways Road 180 feet; thence westwardly parallel to the north line of said Goodman Property 196 feet to an iron pin; thence northwardly parallel to the west line of Airways Road 180 feet to an iron pin in the north line of said Goodman Property; thence eastwardly 196 feet to the point of beginning. LESS AND EXCEPT that part conveyed to the City of Memphis in Warranty Deed recorded under Register's No. CU 6988, in said Register's Office.

## PARCEL II:

A One Acre tract of land, having no road frontage, lying to the immediate west of the property known as 5433 Airways, Memphis, Tennessee, as conveyed to James L. Broughton and wife, Kay T. Broughton, by Warranty Deed recorded as Instrument No. H5 9179, of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point which is the Northwest corner of the above mentioned property, which point is also 196 feet west of the west line of Airways Road; thence west 242 feet to a point; thence south 180 feet to a point; thence east 242 feet to a point, which is the southwest corner of said above mentioned tract of land; thence north 180 feet to the point of beginning.

Being the same property conveyed to grantors herein by Warranty Deeds recorded at Instrument Numbers H5 9179 and T5 4103, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Temporary Easement of record at Instrument Number CU 6988, in said Register's Office, as to Parcel I; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

(Continued)

(continued)

EB 2939

WITNESS the signature of the party of the first part the day and year first above written.

James E. Broughton  
James E. Broughton

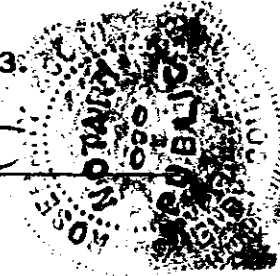
Kay T. Broughton  
Kay T. Broughton

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, JAMES E. BROUGHTON AND WIFE, KAY T. BROUGHTON, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 17th day of December, 1993.

Rosemary Scott  
Notary Public



My Commission expires: 08/08/95

(FOR RECORDING DATA ONLY)

Property Address: 5433 Airways & adjacent 1 acre  
Memphis, TN 38116

Tax Parcel Identification Number: 79-148-10 and 79-148-108

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):

NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Fearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 290861

RETURN TO ROSEMARY SCOTT

<b>EB 2939</b>	
D/C	2 00 8
Prs.	2
Val	- 0 -
REGISTRATION FEE	
RECORDING FEE	8.00
NOTARY FEE	
TOTAL	
STATE OF TENNESSEE GUY B. JES REGISTER	

msc

EB2939

SHelBY COUNTY  
REGISter of DEEDS  
93 DEC 21 AM 9:01



DN 2390

3

This Instrument Prepared By:  
D. Beecher Smith II, Esq.  
44 North Second, Suite 1000  
Memphis, TN 38103

**CORRECTED  
QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that Robert L. Giordano of the County of Shelby and State of Tennessee, for and in consideration of the sum of Ten Dollars cash in hand paid, does hereby bargain, sell, release, remise, quit claim and convey unto D. Beecher Smith II, as Conservator of the person and estate of Theresa R. Giordano, having been appointed by Order of the Probate Court of Shelby County, Tennessee, in Cause No. B-18474 on January 7, 1992, all his right, title and interest in and to the following described real estate located in Shelby County, Tennessee, to wit:

PARCEL 1: Beginning as a point in the center line of Airways Boulevard, said point being 1781.6 feet south of the center line of Holmes Road, and said point of beginning being the southeast corner of the Harry D. King 18.80 acre tract; thence from said point at an interior angle of the 89 degrees 52 minutes 20 seconds a distance of 1820 feet to an iron pin; thence with an interior angle of 90 degrees 07 minutes 40 seconds along the fence a distance of 449 feet to an iron pin; thence with an interior angle of 89 degrees 56 minutes 10 seconds a distance of 1820 feet to the point in the center line of Airways Boulevard; thence with an interior angle of 90 degrees 03 minutes 50 seconds a distance of 451 feet to the point of beginning, and containing 18.80 acres, the same being that interest in the same property heretofore conveyed to the Grantor by Quit Claim Deed recorded as Instrument No. CD 5437 in the Register's Office of Shelby County, Tennessee.

The parcel identification number assigned by the county assessor of property is 079 148 008 (South Section).

PARCEL 2: The North 18.75 acres of the Harry D. King 36 acre tract in the northeast quarter of Section 13, Township 1, Range 8 West, Chickasaw Cession, being more particularly described as follows:

Beginning at a point in the center line of Airways Road 451 feet northwardly from the southeast corner of the said Harry D. King 36 acres, said point being also in the east line of the said section 13, said point also being the northeast corner of the property conveyed to William A. Carmack, et ux by Warranty Deed recorded in Book 3400, Page 309, of the Register's Office of Shelby County, Tennessee, thence running northwardly along the center line of Airways Road 451 feet to the northeast corner of the said Harry D. King 36 acre tract; thence westwardly along the said north line 1815 feet to the northwest corner of said Harry D. King 36 acre tract; thence running southwardly 449 feet to the northwest corner of the aforesaid tract conveyed to William A. Carmack; running thence eastwardly along the north line of the said Carmack tract 1815 feet to point of beginning; same being that interest in the same property heretofore conveyed to the Grantor by Quit Claim Deed recorded as Instrument No. CD 5438 in the Register's Office of Shelby County, Tennessee.

The parcel identification number assigned by the county assessor of property is 079 148 105 (North Section).

Grantor does not hereby convey and holds and reserves unto Grantor all Grantor's right, title and interest in and to the subject property conveyed to him by Quit Claim Deeds of record as Instrument Nos. U2 5554, U2 5555, U2 5556 and U2 5557 in the Register's Office of Shelby County, Tennessee.

This Instrument corrects an inadvertent omission of the reservation by Grantor of Quit Claim Deed Nos. U2 5554 and U2 5555, and the Grantee hereby acknowledges the mutual mistake and correction of same. It is filed to correct and supersede Quit Claim Deed filed as Instrument No. DH 8443 in the Register's Office of Shelby County, Tennessee.

IN TESTIMONY WHEREOF we, Robert L. Giordano, Grantor and D. Beecher Smith II, Conservator of the person and estate of Theresa R. Giordano, have hereunto set our hands and seals this the 20th day of February, 1993.

  
Robert L. Giordano, Grantor

  
D. Beecher Smith II, Conservator

STATE OF TENNESSEE:  
COUNTY OF SHELBY :

On this 22<sup>nd</sup> day of ~~February~~ <sup>APRIL</sup>, 1993, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Robert L. Giordano, to me known to be the person described in and who executed the foregoing instrument on the day and year herein mentioned as his(her) free act and deed and for the purposes herein contained.

Rebecca A. Sutherland  
Notary Public



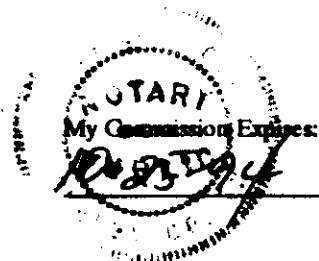
My Commission Expires:

May 24, 1994

STATE OF TENNESSEE:  
COUNTY OF SHELBY :

On this 26<sup>th</sup> day of ~~February~~ <sup>APRIL</sup>, 1993, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared D. Beecher Smith II, to me known to be the person described in and who executed the foregoing instrument on the day and year herein mentioned as his(her) free act and deed and for the purposes herein contained.

Jah Langford  
Notary Public



Property known as:      Parcel 1:      Vacant lot  
  
   Parcel 2:      5351 Airways Road  
                                Memphis, TN

Mail Tax Notice To:

D. Beecher Smith II, Conservator  
44 North Second, Suite 1000  
Memphis, TN 38103

State of Tennessee:  
County of Shelby :

DN 2390

I hereby swear or affirm that  
to the best of my knowledge,  
information and belief, no monetary  
consideration was given for this transfer

N. Beecher Smith II  
Affiant

Subscribed and sworn to before me  
this the 26<sup>th</sup> day of February, 1993.

Deak Langford  
Notary Public  
My commission expires:  
10-25-94

DN2390

SHELBY COUNTY  
REGISTER OF DEEDS  
93 MAY 13 PM 3:34

Return to:

D. Beecher Smith II, Conservator  
44 North Second, Suite 1000  
Memphis, TN 38103

giordan2.qcd

No.	DN 2390
D/C	C DR# 22
Pgs.	3 itm.
Val	0
STATE TAX	
REGISTER'S FEE	
RECORDING FEE	12.00
WT <input type="checkbox"/> MISC FEE	
TOTAL	
STATE OF TENNESSEE SHELBY COUNTY GUY B. GATES REGISTER	

8

AS 5605  
2**WARRANTY DEED**

THIS INDENTURE, made and entered into on this the 28th day of September, 1988,  
by and between **CLEO M. JONES, unmarried,**

party of the first part, and **MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY,**

party of the second part,

**WITNESSETH:** That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

16 Acres of the North half 18 Acres of the P.P. Luther Estate Tract of 36 Acres in Section 13, Township one, Range 8, West of the Chickasaw Cession Survey in Shelby County, Tennessee. Together with all the improvements thereon, situated on the west side of Airways Boulevard, formerly known as the Hollyford Road, and being 16 Acres of the 18 Acres mentioned in the Will of P.P. Luther deceased, as devised to E. Raines Luther, said will being in Will Book 52, Page 193, of the Will Records of the Probate Court of Shelby County, Tennessee. Beginning 180 feet south of the N.E. corner of said described property and continuing southerly along Airways Boulevard to the S.E. corner of said Luther Estate; thence westwardly to the S.W. corner; thence Northwardly to the N.W. corner; thence eastwardly to within 484 feet of Airways Boulevard; thence southerly 180 feet; thence 484 feet to the point of beginning.

Being the same property conveyed to Leonard N. Jones and wife, Cleo M. Jones in Warranty Deed recorded in Book 3546, Page 239, in the Register's Office of Shelby County, Tennessee.

Cleo M. Jones covenants and warrants that she and Leonard N. Jones were legally married at the time of acquiring the subject property and that their marriage continued uninterrupted until the death of Leonard N. Jones on or about July 14, 1972, a resident of Shelby County, Tennessee. The said Cleo M. Jones hereby conveys the above described property as surviving tenant by the entirety.

Grantors acknowledge that this land has been classified and assessed in accordance with the "Agricultural, Forest and Open Space Land Act of 1976" (TCA 67-654) and is subject to roll-back taxes. If such taxes are assessed against the subject property subsequent to this conveyance, the grantors covenant that they agree to pay same promptly when due.

**TO HAVE AND TO HOLD** The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except Easements recorded under Register's No. J9 6598, in the Register's Office of Shelby County, Tennessee.

and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

**WITNESS** the signature of the party of the first part the day and year first above written.

  
\_\_\_\_\_  
CLEO M. JONES

AS 5605

STATE OF TENNESSEE, COUNTY OF SHELBY

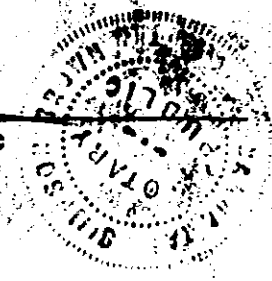
Personally appeared before me, a Notary Public in and for said State and County, \_\_\_\_\_

CLEO M. JONES

the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that \_\_\_\_\_ he \_\_\_\_\_ executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 28th day of September, 1988

*[Signature]*  
Notary Public  
Barbara Brown



My commission expires: 8-17-91

(FOR RECORDING DATA ONLY)

Property Address 5465 Airways

Mail Tax Bills to: (Person or Agency responsible for payment of taxes)

GOVERNMENT AUTHORITY - NONE

This instrument prepared by:

BARBARA BROWN, ATTORNEY

1200 ONE COMMERCE SQUARE

MEMPHIS, TENNESSEE 38103

State Tax ..... \$.....

Register's Fee .....

Recording Fee ..... 6.00

Total ..... \$ 6.00 .....

T.G. # 287072 (B.B.)

Return to: Mid-South Title Insurance Corporation

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

\$ \_\_\_\_\_ which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

AS 5605	
No.	_____
STATE TAX	_____
REGISTER'S FEE	_____
RECORDING FEE	6.00
TOTAL	_____
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY B. PATES	
<i>[Signature]</i>	

AS 5605

SHELBY COUNTY REGISTER OF DEEDS  
1988 SEP 28 PM 2:49

COMPLIMENTS OF MID-SOUTH TITLE INSURANCE CORPORATION



EB 2939

2

## WARRANTY DEED

THIS INDENTURE, made and entered into on this 17th day of December, 1993, by and between JAMES E. BROUGHTON AND WIFE, KAY T. BROUGHTON, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

## PARCEL I:

Part of the Mrs. E. Raines Luther Goodman Property, being more particularly described as follows:

Beginning at an old axle in the west line of Airways Road 2232 feet southwardly from the center line of Holmes Road, said point being 23 feet westwardly from the present center line of Airways Road and said point being in the north line of said Goodman Property; thence southwardly with the west line of Airways Road 180 feet; thence westwardly parallel to the north line of said Goodman Property 196 feet to an iron pin; thence northwardly parallel to the west line of Airways Road 180 feet to an iron pin in the north line of said Goodman Property; thence eastwardly 196 feet to the point of beginning. LESS AND EXCEPT that part conveyed to the City of Memphis in Warranty Deed recorded under Register's No. CU 6988, in said Register's Office.

## PARCEL II:

A One Acre tract of land, having no road frontage, lying to the immediate west of the property known as 5433 Airways, Memphis, Tennessee, as conveyed to James L. Broughton and wife, Kay T. Broughton, by Warranty Deed recorded as Instrument No. H5 9179, of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point which is the Northwest corner of the above mentioned property, which point is also 196 feet west of the west line of Airways Road; thence west 242 feet to a point; thence south 180 feet to a point; thence east 242 feet to a point, which is the southwest corner of said above mentioned tract of land; thence north 180 feet to the point of beginning.

Being the same property conveyed to grantors herein by Warranty Deeds recorded at Instrument Numbers H5 9179 and T5 4103, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Temporary Easement of record at Instrument Number CU 6988, in said Register's Office, as to Parcel I; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

(Continued)

(continued)

EB 2939

WITNESS the signature of the party of the first part the day and year first above written.

James E. Broughton  
James E. Broughton

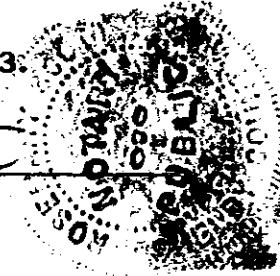
Kay T. Broughton  
Kay T. Broughton

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, JAMES E. BROUGHTON AND WIFE, KAY T. BROUGHTON, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 17th day of December, 1993.

Rosemary Scott  
Notary Public



My Commission expires: 08/08/95

(FOR RECORDING DATA ONLY)

Property Address: 5433 Airways & adjacent 1 acre  
Memphis, TN 38116

Tax Parcel Identification Number: 79-148-10 and 79-148-108

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):

NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Fearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 290861

RETURN TO ROSEMARY SCOTT

<b>EB 2939</b>	
D/C	2 00 8
Prs.	2
Val	- 0 -
REGISTRATION FEE	
RECORDING FEE	8.00
NOTARY FEE	
TOTAL	
STATE OF TENNESSEE GUY B. JES REGISTER	

msc

EB2939

SHELBY COUNTY  
REGISTER OF DEEDS  
93 DEC 21 AM 9:01

# WARRANTY DEED

BT 5592

2

THIS INDENTURE, made and entered into this 5th day of July, 1990, by and between

**ELLIE L. CRAWFORD, JR. and wife, DAPHNE O. CRAWFORD,** party of the first part, and  
**MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY,** party of the second part.

**WITNESSETH:** That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis County of Shelby, State of Tennessee.

**Lot 1, SHAMROCK VILLAGE SUBDIVISION,** as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantors herein by Warranty Deed recorded as Instrument Number V9-1120, in the Register's Office of Shelby County, Tennessee.

**TO HAVE AND TO HOLD** the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforesaid real estate; that he has good right to sell and convey the same; that the same is unencumbered, Except Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23 as amended under Register's Number S6-3057; Easements of record in Book 3843, Page 351 and Book 6243, Page 431, all in the Register's Office of Shelby County, Tennessee,

and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

**WITNESS** the signature of the party of the first part the day and year first above written.

*Ellie L. Crawford Jr.*  
Ellie L. Crawford, Jr.  
*Daphne O. Crawford*  
Daphne O. Crawford

### STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared.....

Ellie L. Crawford, Jr. and Daphne O. Crawford

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

**WITNESS** my hand and Notarial Seal at office this 5th day of July, 1990

My commission expires August 29, 1992

*Letha D. Walker*  
Letha D. Walker

(Parcel I.D.#: 079-148B-001) (FOR RECORDING DATA ONLY)

Property address 2206 Kilarney Avenue

Mail tax bills to: (Person or Agency responsible for payment of taxes)

Governmental Agency - NONE

This instrument prepared by:  
Barbara Simpson, Attorney  
Lawyers Title Insurance Corp.

State tax..... \$ 0.00  
Register's fee.....  
Recording fee..... \$6.00  
Total..... \$ 6.00

T.G. # 305557

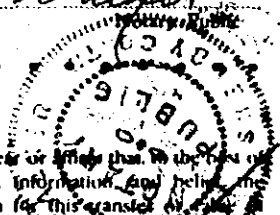
Return to: Lawyers Title Insurance Corporation (B.S.)

Form 85 Revised 4/10/79

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public  
Commission expires \_\_\_\_\_





BT 5592

WARRANTY DEED




Compliments of

Wm. South Gill

Memphis, Tennessee

Page 24

<b>BT 5592</b>	
No.	_____
STATE TAX	_____
REGISTER'S FEE	_____
RECORDING FEE	6.00
TOTAL	_____
STATE OF TENNESSEE	
SHELBY COUNTY	
JIMMY B. BAYLOR	
REGISTER	
By	 DR

BT5592

SHELBY COUNTY  
REGISTER OF DEEDS  
90 JUL -6 PM 1:58

BV 4216  
2**WARRANTY DEED**

THIS INDENTURE, made and entered into on this 22nd day of August, 1990  
by and between **ARTIS PARKER d/b/a PARKER CONSTRUCTION COMPANY,**

party of the first part, and **MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY,**  
party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Lot 2, SHAMROCK VILLAGE SUBDIVISION, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor herein by Warranty Deed recorded as Instrument Number U9-3045, in the Register's Office of Shelby County, Tennessee.

Title to the aforescribed real property is vested in Artis Parker d/b/a Parker Construction Company. Barbara A. Parker, wife of Artis Parker, for the consideration hereinafter expressed, joins herein for the purpose of granting, bargaining, selling, conveying and confirming and does hereby grant, bargain, sell, convey and confirm unto the party of the second part, its heirs and assigns, all rights, claims and interests of every kind, character and description whatsoever which she now has or hereafter may acquire by virtue of her marriage, including but not limited to homestead as provided by the laws of the State of Tennessee, but the said Barbara A. Parker does not join in the covenants and warranties of this indenture.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23 as amended under Register's Number 86-3057; Easements of record in Book 6243, Page 431 and Book 3843, Page 351, all in the Register's Office of Shelby County, Tennessee,

and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

  
\_\_\_\_\_  
Artis Parker

  
\_\_\_\_\_  
Barbara A. Parker


BV 4216

STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, \_\_\_\_\_

Artis Parker and Barbara A. Parker, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that the Y executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 22nd day of August, 1990

  
Notary Public  
Barbara S. Simpson-Brown

My commission expires: August 17, 1991

(Parcel No.: 079-148B-002) (FOR RECORDING DATA ONLY)

Property Address 2196 Kilarney

Mail Tax Bills to: (Person or Agency responsible for payment of taxes)

Governmental Agency - NONE

This instrument prepared by:

Barbara Simpson, Attorney

Lawyers Title Insurance Corporation  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

State Tax ..... \$.....0.....

Register's Fee .....

Recording Fee ..... 6.00

Total ..... \$.....6.00.....

T.G. # 307347

BV4216

Return to: Lawyers Title Insurance Corporation (B.S.)

~~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 \$ \_\_\_\_\_ which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.~~

~~\_\_\_\_\_  
Affiant  
Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_~~

SHELBY COUNTY  
REGISTER OF DEEDS

90 AUG 24 AM 10:58

COMPLIMENTS OF MID-SOUTH TITLE INSURANCE CORPORATION



BV 4216  
STATE TAX \_\_\_\_\_  
REGISTER'S FEE \_\_\_\_\_  
RECORDING FEE \_\_\_\_\_  
TOTAL 6.00  
STATE OF TENNESSEE  
SHELBY COUNTY  
GUY B. GATES  
REGISTER

BV 4210

2

**WARRANTY DEED**

THIS INDENTURE, made and entered into on this 22nd day of August, 1990,  
by and between **ARTIS PARKER d/b/a PARKER CONSTRUCTION COMPANY,**

party of the first part, and **MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY,**  
party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Lot 3, SHAMROCK VILLAGE SUBDIVISION, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor herein by Warranty Deed recorded as Instrument Number U9-3045, in the Register's Office of Shelby County, Tennessee.

Title to the aforescribed real property is vested in Artis Parker d/b/a Parker Construction Company. Barbara A. Parker, wife of Artis Parker, for the consideration hereinafter expressed, joins herein for the purpose of granting, bargaining, selling, conveying and confirming and does hereby grant, bargain, sell, convey and confirm unto the party of the second part, its heirs and assigns, all rights, claims and interests of every kind, character and description whatsoever which she now has or hereafter may acquire by virtue of her marriage, including but not limited to homestead as provided by the laws of the State of Tennessee, but the said Barbara A. Parker does not join in the covenants and warranties of this indenture.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23 as amended under Register's Number 56-3057; Easements of record in Book 6243, Page 431 and Book 3843, Page 351, all in the Register's Office of Shelby County, Tennessee,

and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

  
\_\_\_\_\_  
Artis Parker

  
\_\_\_\_\_  
Barbara A. Parker


BV 4210

STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, \_\_\_\_\_

Artis Parker and Barbara A. Parker, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 22nd day of August, 1990

  
Notary Public  
Barbara S. Simpson-Brown

My commission expires: August 17, 1991

(Parcel No.: 79-148B-003) (FOR RECORDING DATA ONLY)

Property Address 2188 Kilarney

Mall Tax Bills to: (Person or Agency responsible for payment of taxes)

Governmental Agency - NONE

This instrument prepared by:

Barbara Simpson, Attorney

Lawyers Title Insurance Corporation  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

State Tax .....\$.....0.....

Register's Fee .....

Recording Fee .....6.00

Total .....\$ 6.00.....

T.G. # 307345

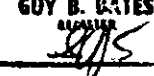
BV4210

Return to: Lawyers Title Insurance Corporation (B.S.)

~~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 \$ \_\_\_\_\_ which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.~~

~~\_\_\_\_\_  
Affiant  
Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_~~

SHELBY COUNTY  
REGISTER OF DEEDS  
90 AUG 24 AM 10:58

BV 4210  
STATE TAX \_\_\_\_\_  
REGISTER'S FEE \_\_\_\_\_  
RECORDING FEE \_\_\_\_\_  
TOTAL 6.00  
STATE OF TENNESSEE  
SHELBY COUNTY  
GUY B. BATES  
REGISTER  
 D.S.

COMPLIMENTS OF MID-SOUTH TITLE INSURANCE CORPORATION  


BV 4211

2

**WARRANTY DEED**

THIS INDENTURE, made and entered into on this 22nd day of August, 1990,  
by and between **ARTIS PARKER d/b/a PARKER CONSTRUCTION COMPANY,**

party of the first part, and **MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY,**  
party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Lot 4, SHAMROCK VILLAGE SUBDIVISION, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor herein by Warranty Deed recorded as Instrument Number U9-3045, in the Register's Office of Shelby County, Tennessee.

Title to the aforescribed real property is vested in Artis Parker d/b/a Parker Construction Company. Barbara A. Parker, wife of Artis Parker, for the consideration hereinafter expressed, joins herein for the purpose of granting, bargaining, selling, conveying and confirming and does hereby grant, bargain, sell, convey and confirm unto the party of the second part, its heirs and assigns, all rights, claims and interests of every kind, character and description whatsoever which she now has or hereafter may acquire by virtue of her marriage, including but not limited to homestead as provided by the laws of the State of Tennessee, but the said Barbara A. Parker does not join in the covenants and warranties of this indenture.

**TO HAVE AND TO HOLD** The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.


The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23 as amended under Register's Number S6-3057; Easements of record in Book 6243, Page 431 and Book 3843, Page 351, all in the Register's Office of Shelby County, Tennessee,

and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

  
\_\_\_\_\_  
Artis Parker

  
\_\_\_\_\_  
Barbara A. Parker

BV 4211

STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, \_\_\_\_\_

Artis Parker and Barbara A. Parker, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that the Y executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 22nd day of August, 1990

  
\_\_\_\_\_  
Notary Public  
Barbara S. Simpson-Brown

My commission expires: August 17, 1991

(FOR RECORDING DATA ONLY)

(Parcel No.: 079-148B-004)  
Property Address 2178 Kilarney

Mail Tax Bills to: (Person or Agency responsible for payment of taxes)

Governmental Agency - NONE

This instrument prepared by:

Barbara Simpson, Attorney

Lawyers Title Insurance Corporation  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

~~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 \$ \_\_\_\_\_ which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.~~

~~\_\_\_\_\_  
Affiant~~

~~Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_~~

~~\_\_\_\_\_  
Notary Public~~

~~My commission expires: \_\_\_\_\_~~

State Tax .....\$.....0.....

Register's Fee .....

Recording Fee .....6.00

Total .....\$.....6.00

T.G. # 307346

BV4211

SHELBY COUNTY  
REGISTER OF DEEDS

90 AUG 24 AM 10:58

Return to: Lawyers Title Insurance Corporation (B.S.)

COMPLIMENTS OF MID-SOUTH TITLE INSURANCE CORPORATION



BV 4211	
STATE TAX	_____
REGISTER'S FEE	_____
RECORDING FEE	_____
TOTAL	6.00
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY B. BATES	
REGISTER	
_____ P.S.	

CL 7808

WARRANTY DEED

THIS INDENTURE, made and entered into on this 21st day of October, 1991, by and between ERIC LEN HALL AND WIFE, PATRICIA SUE HALL, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Lot 5, Shamrock Village Subdivision, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.

Being the same property conveyed to Grantors herein by Warranty Deed of record at Register's No. V5 1662, in said Register's Office.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23, as amended at Register's No. S6 3057; and Easements of record in Book 3843, Page 351, and in Book 6243, Page 431, all of record in said Register's Office; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

Eric Len Hall  
Eric Len Hall

Patricia Sue Hall  
Patricia Sue Hall

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, ERIC LEN HALL AND WIFE, PATRICIA SUE HALL, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 21st day of October, 1991.

Anita M. Morton  
Anita M. Morton/Notary Public

My Commission expires: 10/27/93

(Continued)

6



(continued)

CL 7808

(FOR RECORDING DATA ONLY)

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 \$, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this 21st day of October, 1991.

\_\_\_\_\_  
Notary Public

My Commission expires:

Property Address: 2170 Kilamey  
Memphis, Tennessee 38116

Tax Parcel Identification Number: 79-1488-05

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):  
NONE - GOVERNMENT AGENCY

This instrument prepared by and return to:

Barbara S. Simpson, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, TN 38119

CASE # 309663

CL 7808	
No.	
STATE TAX	
REGISTER'S FE.	
RECORDING	600
TOTAL	
DATE	
BY	H4
DR	

CL7808

SHelBY COUNTY  
REGISTER OF DEEDS  
OCT 22 1991

DT 2145

## WARRANTY DEED

2

THIS INSTRUMENT, made and entered into on this 28th day of July, 1993, by and between DAISY H. RIVERS, a single person, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Lot 6, Shamrock Village Subdivision, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to grantor herein by Warranty Deed recorded at Instrument Number AR 7011, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforesaid real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23 and Easements recorded in Book 3843, Page 351 and in Book 6243, Page 431; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

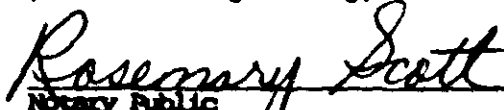
WITNESS the signature of the party of the first part the day and year first above written.

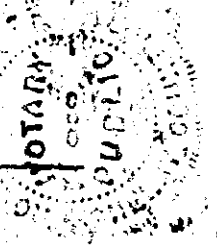
  
Daisy H. Rivers

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, DAISY H. RIVERS, a single person, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 28th day of July, 1993.

  
Rosemary Scott  
Notary Public



My Commission expires: 08/08/95

(Continued)

(continued)

(FOR RECORDING DATA ONLY)

DT 2145

Property Address: 2162 Kilarney  
Memphis, TN 38116

Tax Parcel Identification Number: 79-148B-6

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):  
NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Pearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 326797

RETURN TO ROSEMARY SCOTT

DT 2145	
D/C	DR # 8
Pgs. 2	Fee
Vol. 0	
STAMP	
ES. JENKINS FILE	8.00
VI	
TE	
GUY H. BATES REGISTER	

DT2145

SHELBY COUNTY  
REGISTER OF DEEDS

93 JUL 29 PM 12:34

MSY

DH 1578  
2

WARRANTY DEED

THIS INDENTURE, made and entered into on this 21st day of January, 1993, by and between LEONA J. SMITH, unmarried, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Lot 7, Shamrock Village Subdivision, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.

Being the same property conveyed to the grantor herein by warranty deed of record under instrument number AD 3479, in the said Register's Office.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23, and Easements of record in Book 3843, Page 351, Book 6243, Page 431, and at Register's No. S6 3057, all of record in said Register's Office, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

*Leona J. Smith*  
Leona J. Smith

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, LEONA J. SMITH, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 21st day of January, 1993.

*Anita M. Norton*   
Notary Public

My Commission expires: 10/27/93

(continued)

DH 1578

(FOR RECORDING DATA ONLY)

Property Address: 2154 Kilarney  
Memphis, Tennessee 38116

Tax Parcel Identification Number: 079-1488-0007

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):

NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Pearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 322742  
RETURN TO ANITA MORTON

DH1578

SHELBY COUNTY  
REGISTER OF DEEDS  
93 JAN 22 AM 10:29

DH 1578	
DATE	DEC 4
BOOK	2
PAGE	6
STAMP	
RECORDING FEE	
FILE	607
WT	<input type="checkbox"/> DIST FEE
TOTAL	
STATE OF TENNESSEE	
SHelBY COUNTY	
GUY L. BARR	

DS 3512

WARRANTY DEED

THIS INDENTURE, made and entered into on this 9th day of July, 1993, by and between REGINALD Q. TATE AND WIFE, SHERRY A. TATE, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Lot 9, Shamrock Village Subdivision, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor herein by warranty Deed of record at Register's No. AS 8446, in said Register's Office.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforesaid real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23, as amended at Register's No. S6 3057; and Easements of record in Book 6243, Page 431 and in Book 3843, Page 351, all of record in said Register's Office, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

*Reginald Q. Tate*  
Reginald Q. Tate

*Sherry A. Tate*  
Sherry A. Tate

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, REGINALD Q. TATE AND WIFE, SHERRY A. TATE, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 9th day of July, 1993.

*Christa M. Norton*  
Notary Public



My Commission expires: 10/27/93  
(Continued)

DS 3512

(continued)

(FOR RECORDING DATA ONLY)

Property Address: 2144 Kilarnay  
Memphis, TN 38116

Tax Parcel Identification Number: 079-148B-0008

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):  
NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Fearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 330162  
RETURN TO ANITA MORTON

Inst. #	DS 3512
D/A	0 01 8
Pps.	2 Hm.
Vol.	-0-
STAMP FEE	
REGISTRAR'S FEE	
NOTARY FEE	2.00
WT. INSURANCE FEE	
RECORDING FEE	
STATE OF TENNESSEE	
REGISTER	
GOV. B. BATES	

MS7v

DS3512

RECORDED  
93 JUL 13 11:12:11

CX 6283

J

## WARRANTY DEED

THIS INDENTURE, made and entered into on this 19th day of June, 1992, by and between ROY KEY, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Lot 8, Shamrock Village Subdivision, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.

Being the same property conveyed to the grantor herein by warranty deed of record under instrument number X8 4353, in the said Register's Office.

Roy Key further warrants and covenants that the above described property does not constitute any part of his homestead and that full and adequate consideration has been paid for said property.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23, as amended at Register's No. S6 3057, in said Register's Office, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

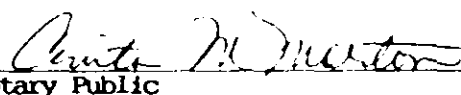
WITNESS the signature of the party of the first part the day and year first above written.

  
Roy Key

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, ROY KEY, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 19th day of June, 1992.

  
Anita M. Munton  
Notary Public

My Commission expires: 10/27/93

(Continued)



(continued)

CX 6283

(FOR RECORDING DATA ONLY)

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 \$, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this 19th day of June, 1992.

\_\_\_\_\_  
Notary Public

My Commission expires: 10/27/93

Property Address: Vacant Land

Tax Parcel Identification Number: 79-148B-0009

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):

NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Fearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 321706  
Return to Anita Morton

CX6283

SEARCHED  
INDEXED  
SERIALIZED  
92 JUN 22 11 11 AM '92

No.	<b>CX 6283</b>
STATE TAX	_____
REGISTER'S FEE	_____
RECORDING FEE	<u>6.00</u>
TOTAL	_____
STATE OF TENNESSEE SHELBY COUNTY GUY B. BALES REGISTER	
By <u>VA</u> 14 D.R.	

WARRANTY DEED

DS 6923

THIS INSTRUMENT, made and entered into on this 19th day of July, 1993, by and between JOHN WILLIE WEBBER, party of the first part, and MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

Lot 11, Shamrock Village Subdivision, as shown on plat of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to grantor herein by Warranty Deed recorded at Instrument Number AA 6922, in said Register's Office.

Alice H. Webber, wife of John Willie Webber, joins herein for the purpose of conveying whatever rights or interest she may have acquired in subject property by virtue of her marriage to John Willie Webber.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for Subdivision Restrictions, Building Lines and Easements of record in Plat Book 58, Page 23, as amended at Instrument Number 86 3057; and Easements recorded in Book 6243, Page 431 and in Book 3843, Page 351, all in the Register's Office of Shelby County, Tennessee; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

*John Willie Webber*  
John Willie Webber

*Alice H. Webber*  
Alice H. Webber

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, JOHN WILLIE WEBBER, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 19th day of July, 1993.

*Rosemary Scott*  
Notary Public

My Commission expires: 08/08/95

(Continued)

(continued)

DS 6923

(FOR RECORDING DATA ONLY)

Property Address: 5483 Shepherds Tree  
Memphis, TN 38116

Tax Parcel Identification Number: 79-148B-10

Mail Tax Bills to: (Person/Agency responsible for payment of taxes):

NONE - GOVERNMENT AGENCY

This instrument prepared by:

Michael A. Pearnley, Attorney  
LAWYERS TITLE INSURANCE CORPORATION  
6363 Poplar Avenue, Suite 108  
Memphis, Tennessee 38119

CASE # 330095  
ROSEMARY SCOTT

No. DS 6923	
D/C	2 OR 4
P/C	2
VAL	0
ST	
REG STAMP FEE	
REG CHG FEE	8.00
WT <input type="checkbox"/> MISC FEE	
TOTAL	
STATE OF TENNESSEE	
SHELBY COUNTY	
R. BALES	
REGISTER	

DS6923

REC'D  
93 JUL 20 11 54 AM '92

Case No.  
482-193069

## Cash Deed for Tennessee

CP 0371

J

This instrument was prepared by the Department of Housing and Urban Development

This Indenture, made and entered into this *26th* day of *December*, 19 *91*, by and between  
 Jack Kemp, Secretary of Housing and Urban Development, of Washington, D.C., party of the first part, and  
 Memphis-Shelby County Airport Authority, its heirs and assigns,  
 party(ies) of the second part,

Witnesseth: That for and in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party(ies) of the second part, the following described real estate situate, lying and being in the County of *Shelby*, State of Tennessee, to wit:

Lot 10, Shamrock Village Subdivision, of record in Plat Book 58, Page 23, in the Register's Office of said County, to which reference is here made for a more particular description thereof.

Subdivision restrictions, building lines, and easements of record in Plat Book 58, Page 23, in the Register's Office of Shelby County, Tennessee.

Property Address: 2124 Kilarney Avenue, Memphis, TN 38116.

Being the same property acquired by the party of the first part pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (42 U.S.C. 3531), by deed dated *Oct. 12, 1987* and recorded in ~~Inst. CK 2707~~ *Inst. CK 2707* Page *1068* Office of the Register, County of *Shelby*, State of Tennessee.

To Have and to Hold the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party(ies) of the second part, its heirs and assigns in fee simple forever.

CP 0371

Said Conveyance is made subject to all covenants, easements, restrictions, reservations, conditions and rights appearing of record against the above described property; also Subject to any state of facts which an accurate survey of said property would show

And the Said party of the first part does hereby covenant with the said party(ies) of the second part that he is lawfully seized in fee of the aforescribed real estate; that he has a good right to sell and convey the same; that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons, claiming same by, through or under him but no further or otherwise

In Witness Whereof the undersigned has set his hand and seal as Manager, HUD Office, Memphis Tennessee, for and on behalf of the said Secretary of Housing and Urban Development, under authority and by virtue of the Federal Register, Volume 35, Page 16106 (10-14-70), as amended

Signed, sealed and delivered in the presence of: Jack Kemp Secretary of Housing and Urban Development

By Robert D. Atkins (Seal) HUD Office, (Title)

Memphis, Tennessee

Return to: Lawyers Title Insurance Corporation 6303 Poplar, Suite 103 Memphis, TN 38119 TG# 31247 (02)

State of Tennessee ) County of Shelby )

Before me, Rannie Davis, Jr., a Notary Public in and for the State and County aforesaid, personally appeared Robert D. Atkins, Manager, HUD Office, Memphis Tennessee, and the person who executed the foregoing instrument bearing date

by virtue of the above cited authority and acknowledged the foregoing instrument to be his free act and deed as Manager for and on behalf of Jack Kemp, Secretary of Housing and Urban Development.

Witness my hand and official seal this 16th day of December, 1991.



Rannie Davis, Jr. Notary Public

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

(Seal) My Commission Expires: 1/26/1993 RETURN TO: Lowrance and Monpeny, P.C. 6075 Poplar, #402 Memphis, TN 38119 MAIL TAX BILLS TO: 2124 Kilarney Avenue Memphis, Tn 38116

Subscribed and sworn to before me this 16th day of December, 1991. My Comm. Expires: Notary

Table with columns for STATE TAX, REGISTER'S FEE, PUBLIC FEE, and TOTAL. Includes handwritten amounts and signatures.

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 22-10
- LOCATION:** Northwest corner of Kilarney Avenue and Airways Boulevard - +/- 1,363 feet north of Tennessee border line
- COUNCIL DISTRICTS:** District 3 and Super District 8
- OWNER/APPLICANT:** Memphis Shelby County Airport Authority/Memphis Airways Investors, LLC
- REPRESENTATIVE:** Dedrick Brittenum, Jr. of Brittenum Law PLLC and Josh Whitehead, AICP of Burch, Porter & Johnson, PLLC
- REQUEST:** Rezoning from Residential Single-Family – 8 (R-8) to +/-48.13 acres Employment (EMP) and +/-9.87 acres Conservation Agriculture (CA)

**RECOMMENDATIONS:**

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

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

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

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

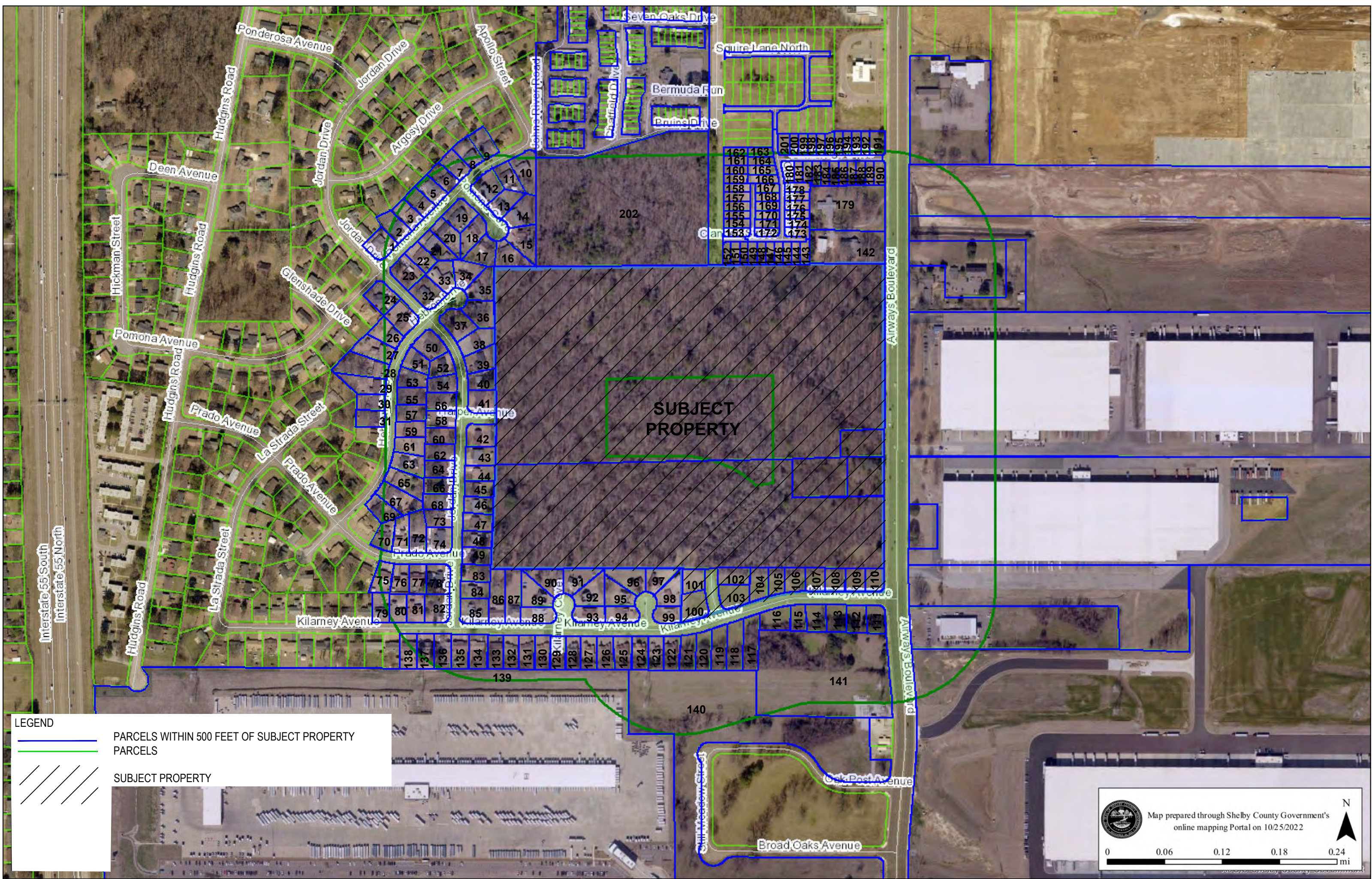
**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**MARTAVIOUS JONES**  
***CHAIRMAN OF COUNCIL***

***ATTEST:***

**DYWUANA MORRIS**  
***CITY COMPTROLLER***

**TO BE PUBLISHED:**



**SUBJECT  
PROPERTY**

**LEGEND**

- PARCELS WITHIN 500 FEET OF SUBJECT PROPERTY
- PARCELS
- / / / / / SUBJECT PROPERTY

Map prepared through Shelby County Government's online mapping Portal on 10/25/2022

0 0.06 0.12 0.18 0.24 mi

N

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

MONTGOMERY SIDNEY & WANDA S  
5361 JORDAN DR #  
MEMPHIS TN 38116

COLEMAN LOVELL & YVETTE  
1985 PRADO AVE #  
MEMPHIS TN 38116

HOWARD ELVIS  
2037 POMONA AVE #  
MEMPHIS TN 38116

WILKINS BILLY J SR & DORETHA  
5373 JORDAN DR #  
MEMPHIS TN 38116

LEATHERWOOD KESHIA D  
5468 JORDAN DR #  
MEMPHIS TN 38116

JOHNSON PHYLLIS A  
5300 POMONA CV #  
MEMPHIS TN 38116

FIELDS LARRY D & CAROLYN  
5382 JORDAN DR #  
MEMPHIS TN 38116

GARRISON LAWRENCE E JR AND LAWRENCE E  
5479 KILARNEY CV #  
MEMPHIS TN 38116

CASTLEBERRY WAYNE P & THELMA B  
5312 POMONA CV #  
MEMPHIS TN 38116

NESBIT ARON AND CHARETA NESBIT  
5383 JORDAN DR #  
MEMPHIS TN 38116

BLAKEMORE LISA R  
5475 KILARNEY CV #  
MEMPHIS TN 38116

KRAG JOHN C  
5307 AIRWAYS BLVD #  
MEMPHIS TN 38116

VAN BUREN RUBEN J AND CATHERINE E  
5391 HEBRON DR #  
MEMPHIS TN 38116

DODSON DEREK & DIANNE  
5478 BLIMEY CV #  
MEMPHIS TN 38116

SAUNDERS MICHAEL  
1998 POMONA AVE #  
MEMPHIS TN 38116

PARSLEY MILLARD B & ROSEMARY R  
5391 JORDAN DR #  
MEMPHIS TN 38116

WILLIAMS TONYA  
5479 BLIMEY CV #  
MEMPHIS TN 38116

SHAW REGINALD A  
5309 POMONA CV #  
MEMPHIS TN 38116

GALMORE ABRAHAM JR & LILLIAN M  
5435 JORDAN DR #  
MEMPHIS TN 38116

RODGERS ROXANNE  
5474 JORDAN DR #  
MEMPHIS TN 38116

BAILEY ANDREA R  
5326 JORDAN DR  
MEMPHIS TN 38116

JOHNSON JUANITA  
5444 JORDAN DR #  
MEMPHIS TN 38116

WRIGHT AELIX D & CYNTHIA E  
1982 KILARNEY AVE #  
MEMPHIS TN 38116

GRAY KENNETH L & CORNELIA O  
5318 POMONA CV #  
MEMPHIS TN 38116

HILL BELINDA AND MARILYN H MOORE  
1980 PRADO AVE #  
MEMPHIS TN 38116

TAYLOR-CRAWFORD SHEQUITA S AND RAY  
5485 BLIMEY CV #  
MEMPHIS TN 38116

BOLDEN VENITA  
5348 JORDAN DR #  
MEMPHIS TN 38116

READ WILLIE M AND TONYA L BARNES AND  
5452 JORDAN DR #  
MEMPHIS TN 38116

HERNANDEZ DOMINGA S LIVING TRUST AND  
318 GROVE HILL PL #  
MEMPHIS TN 38120



WALKER ALBERT & GLORIA J  
2011 KILARNEY AVE #  
MEMPHIS TN 38116

ROOP ROBERT L  
5348 AIRWAYS BLVD #  
MEMPHIS TN 38116

MCDONALD WAYMON  
2007 POMONA AVE #  
MEMPHIS TN 38116

LEE KEITH D SR & STEPHANIE A  
2019 KILARNEY AVE #  
MEMPHIS TN 38116

NEWSOME GREGORY C & CYNTHIA Y  
2036 POMONA AVE #  
MEMPHIS TN 38116

PARKER LINDA J  
2001 POMONA AVE #  
MEMPHIS TN 38116

MOORE FELECIA A  
893 EYERS RD #  
MEMPHIS TN 38109

TRIPLETT JONATHAN (50%) AND GWYNDELLA B  
2030 POMONA AVE #  
MEMPHIS TN 38116

MARTIN RICKY B & PAMELA D B  
5313 POMONA CV #  
MEMPHIS TN 38116

WALLACE KENDREA  
2063 KILARNEY AVE #  
MEMPHIS TN 38116

BOYD ARTHUR & CAROLYN M  
2024 POMONA AVE #  
MEMPHIS TN 38116

COX EVENATINA AND APRIL COX  
1997 POMONA AVE #  
MEMPHIS TN 38116

CROSS MELANIE  
2077 KILARNEY AVE #  
MEMPHIS TN 38116

SMITH GLENDORA  
2020 POMONA AVE #  
MEMPHIS TN 38116

MONTGOMERY STREET HOMES LLC  
300 MONTGOMERY ST #1200  
SAN FRANCISCO CA 94104

MITCHEL ELMER  
1130 KEOUGH RD #  
COLLIERVILLE TN 38017

PHILLIPS MARSHALL & CLYDIA  
2014 POMONA AVE #  
MEMPHIS TN 38116

KRAG JOHN C  
5333 AIRWAYS BLVD #  
MEMPHIS TN 38116

OLD DOMINION FREIGHT LINE INC  
500 OLD DOMINION WAY #  
THOMASVILLE NC 27360

COLLINS LOUISE H  
2008 POMONA AVE #  
MEMPHIS TN 38116

BROWN NATHANIEL & DELORES  
5338 JORDAN DR #  
MEMPHIS TN 38116

ROOP ROBERT L AND LAURA R ROBBINS AND  
5348 AIRWAYS BLVD #  
MEMPHIS TN 38116

BRISCOE YVONNE L  
5308 POMONA CV #  
MEMPHIS TN 38116

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

S & S HOLDINGS  
P O BOX 30817 #  
MEMPHIS TN 38130

CLARK OLIVER D & FAY E  
2002 POMONA AVE #  
MEMPHIS TN 38116

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

S & S HOLDINGS  
PO BOX 30817 #  
MEMPHIS TN 38130

BRIDGEFORTH JOHN L JR & MICHELLE S  
2015 POMONA AVE #  
MEMPHIS TN 38116

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

MEMPHIS CITY OF  
220 S MAIN ST #  
MEMPHIS TN 38103

JONES JOHNNY L & MAMIE A  
5371 HEBRON DR #  
MEMPHIS TN 38116

SKIPPER CORNELIUS H & BEVERLY E  
5402 HEBRON DR #  
MEMPHIS TN 38116

BARLOW JOHN W & BONNIE L  
5343 HEBRON DR #  
MEMPHIS TN 38116

FOSTER BARRY W  
5368 HEBRON DR #  
MEMPHIS TN 38116

DAVIS CURTIS L AND MARIA S DAVIS  
5406 JORDAN DR #  
MEMPHIS TN 38116

JONES SELMER K AND TANGIE C SMITH JONES  
5339 HEBRON DR #  
MEMPHIS TN 38116

HENTZ BURBLE  
5377 HEBRON DR #  
MEMPHIS TN 38116

AVERY BETTYE (LE) AND TONYA L AVERY  
5405 JORDAN DR #  
MEMPHIS TN 38116

JEFFERIES FASONTA  
5340 HEBRON DR #  
MEMPHIS TN 38116

MARTIN VERNA R  
5378 HEBRON DR #  
MEMPHIS TN 38116

BOYCE ANGELA W  
5410 HEBRON DR #  
MEMPHIS TN 38116

EDWARDS JEWEL JR & CHARLENE L  
1979 POMONA AVE #  
MEMPHIS TN 38116

FOX TRACY C  
5385 HEBRON DR #  
MEMPHIS TN 38116

COLEMAN KIM  
5413 JORDAN DR #  
MEMPHIS TN 38116

ATKINS DONALD  
5357 HEBRON DR #  
MEMPHIS TN 38116

RAY WELTON L  
5388 HEBRON DR #  
MEMPHIS TN 38116

EWING MARY T  
5416 JORDAN DR #  
MEMPHIS TN 38116

BANKS KIMBERLY J  
5344 HEBRON DR #  
MEMPHIS TN 38116

PERKINS PAMELA D  
5390 JORDAN DR #  
MEMPHIS TN 38116

NOLAN GARRY K  
5416 HEBRON DR #  
MEMPHIS TN 38116

MCGILL JOYCE B  
5360 JORDAN DR #  
MEMPHIS TN 38116

BOGGAN DOROTHY L  
5394 HEBRON DR #  
MEMPHIS TN 38116

SHERMAN SHIRLEY L  
5421 JORDAN DR #  
MEMPHIS TN 38116

C & J PROPERTY LLC  
2865 MALLARD LN #  
GERMANTOWN TN 38138

HUGHES JACQUELINE  
5399 HEBRON LN #  
MEMPHIS TN 38116

PRESLEY JAMES O & EMMA J  
5422 HEBRON DR #  
MEMPHIS TN 38116

BROOKS JARVIS D  
5368 JORDAN DR #  
MEMPHIS TN 38116

BRANCH MARIONETTA  
5399 JORDAN DR #  
MEMPHIS TN 38116

WEBB GLENN D  
5424 JORDAN DR #  
MEMPHIS TN 38116

LABRIEL ERNEST M  
5124 HILLCREST DR #  
LOS ANGELES CA 90043

PAYNE JOE M JR & CHERYL M  
5460 JORDAN DR #  
MEMPHIS TN 38116

S & S HOLDINGS  
PO BOX 30817 #  
MEMPHIS TN 38130

TERRY ANDREW J JR & JOYCE H  
5428 HEBRON DR #  
MEMPHIS TN 38116

WILLIAMS ROBERT T JR  
1991 PRADO AVE #  
MEMPHIS TN 38116

BRAXTON MARY J  
1990 KILARNEY AVE #  
MEMPHIS TN 38109

COLEMAN MARVA A  
5430 JORDAN DR #  
MEMPHIS TN 38116

DYE REGINALD C & LISA  
2001 PRADO AVE #  
MEMPHIS TN 38116

MCGEE TAKEELER  
1998 KILARNEY AVE #  
MEMPHIS TN 38116

HILLIARD WILLIE J & GLORIA J  
5434 HEBRON DR #  
MEMPHIS TN 38116

ALAMEDA PROPERTY SOLUTIONS LLC  
121 BRADFORD PL #  
MIDWEST CITY OK 73130

SOKOLGZ JAMI M  
5483 JORDAN DR #  
MEMPHIS TN 38116

HAMER ANGELA Y  
5438 JORDAN DR #  
MEMPHIS TN 38116

TAYLOR WILLIE C AND VIVIAN TAYLOR (RS)  
2036 KILARNEY AVE #  
MEMPHIS TN 38116

JONES GRAYLING  
4846 WHITE OAK DR #  
MEMPHIS TN 38116

ALEXANDER HELEN  
2000 PRADO AVE #  
MEMPHIS TN 38116

JENKINS EARNESTINE L  
2044 KILARNEY AVE #  
MEMPHIS TN 38116

LAVENDER SONJA A  
5485 KILARNEY CV #  
MEMPHIS TN 38116

TURNER JOHN L  
5443 JORDAN DR #  
MEMPHIS TN 38116

DODD JIMMIE  
5474 KILARNEY CV #  
MEMPHIS TN 38116

COLE-WATTERS ALICIA  
5484 KILARNEY CV #  
MEMPHIS TN 38116

PHILLIPS WILLIAM J  
1990 PRADO AVE #  
MEMPHIS TN 38116

LEATHERWOOD LAREASA L  
5478 KILARNEY CV #  
MEMPHIS TN 38116

BOUEY RODNEY  
5484 BLIMEY CV #  
MEMPHIS TN 38116

MEMPHIS CITY OF (MLG&W)  
125 N MAIN ST #  
MEMPHIS TN 38103

DAVIS JEROME  
5475 BLIMEY CV #  
MEMPHIS TN 38116

ANDERSON CLARK K & YVONNE  
1995 KILARNEY AVE #  
MEMPHIS TN 38116

RAYBORN DOUGLAS G & CAROL B  
5453 JORDAN DR #  
MEMPHIS TN 38116

WHITE PATSY Y  
5474 BLIMEY CV #  
MEMPHIS TN 38116

SALTERS MELVIN & DEBRA M  
2003 KILARNEY AVE #  
MEMPHIS TN 38116

WALL JERRY M  
2027 KILARNEY AVE #  
MEMPHIS TN 38116

MOORE PHILANDER JR  
495 WOLF VIEW CV #  
CORDOVA TN 38018

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

GOFF PEGGY S  
126 SUNFLOWER #  
HOT SPRINGS NATIONAL PARK AR 71901

COUNCIL OF CO OWNERS  
3290 NEW GETWELL RD #  
MEMPHIS TN 38118

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

WASHINGTON TN LLC  
853 BROADWAY #5  
NEW YORK NY 10003

ROBERTSON RAY A & VENITA  
2047 POMONA AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

WILLIAMS MARY E  
2049 KILARNEY AVE #  
MEMPHIS TN 38116

HOLMES LAND INVESTORS LLC  
1776 PEACHTREE ST NW  
ATLANTA GA 30309

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

RUFFIN JESSE J & DEMETRIUS R  
2071 KILARNEY AVE #  
MEMPHIS TN 38116

HOLMES AIRWAYS PARTNERS LLC  
1776 PEACHTREE ST NW #100  
ATLANTA GA 30309

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

WILLIAMS RONALD  
2083 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

BRYANT AL C JR  
2099 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

SUMERALL CRYSTAL  
2107 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

PREWITT KENNETH  
2113 KILARNEY AVE #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

LONGSTREET METHODIST CHURCH TR  
5268 AIRWAYS BLVD #  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116





MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

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

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116

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2491 WINCHESTER RD #113  
MEMPHIS TN 38116

MEMPHIS SHELBY COUNTY AIRPORT AUTHORITY  
2491 WINCHESTER RD #113  
MEMPHIS TN 38116