

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 6/27/2023  
DATE  
PUBLIC SESSION: 6/27/2023  
DATE

**ITEM (CHECK ONE)**

X ORDINANCE      \_\_\_\_\_ RESOLUTION      X 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 Airways Boulevard and East Person Avenue. By taking the land out of the Commercial Mixed Use – 1 (CMU-1) Use District and including it in the Employment (EMP) Use District, known as case number Z 23-006

**CASE NUMBER:** Z 23-006  
**LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue (1645 Airways Blvd.)

**COUNCIL DISTRICTS:** District 4 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

**REPRESENTATIVES:** Cindy Reaves for SR Consulting, LLC

**REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) 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 – May 16, 2023  
Second reading – June 13, 2023  
Third reading – June 27, 2023

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 _____	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>Kendora Colby</u>	<u>5/8/23</u>	PLANNER III
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt</u>	<u>5/8/23</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 23-006**

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 AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

- 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, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 23-006

**LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue

**COUNCIL DISTRICT(S):** District 4, Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

**REPRESENTATIVE:** Cindy Reaves for SR Consulting, LLC

**REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) 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.

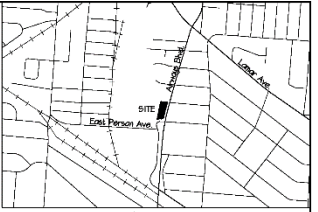
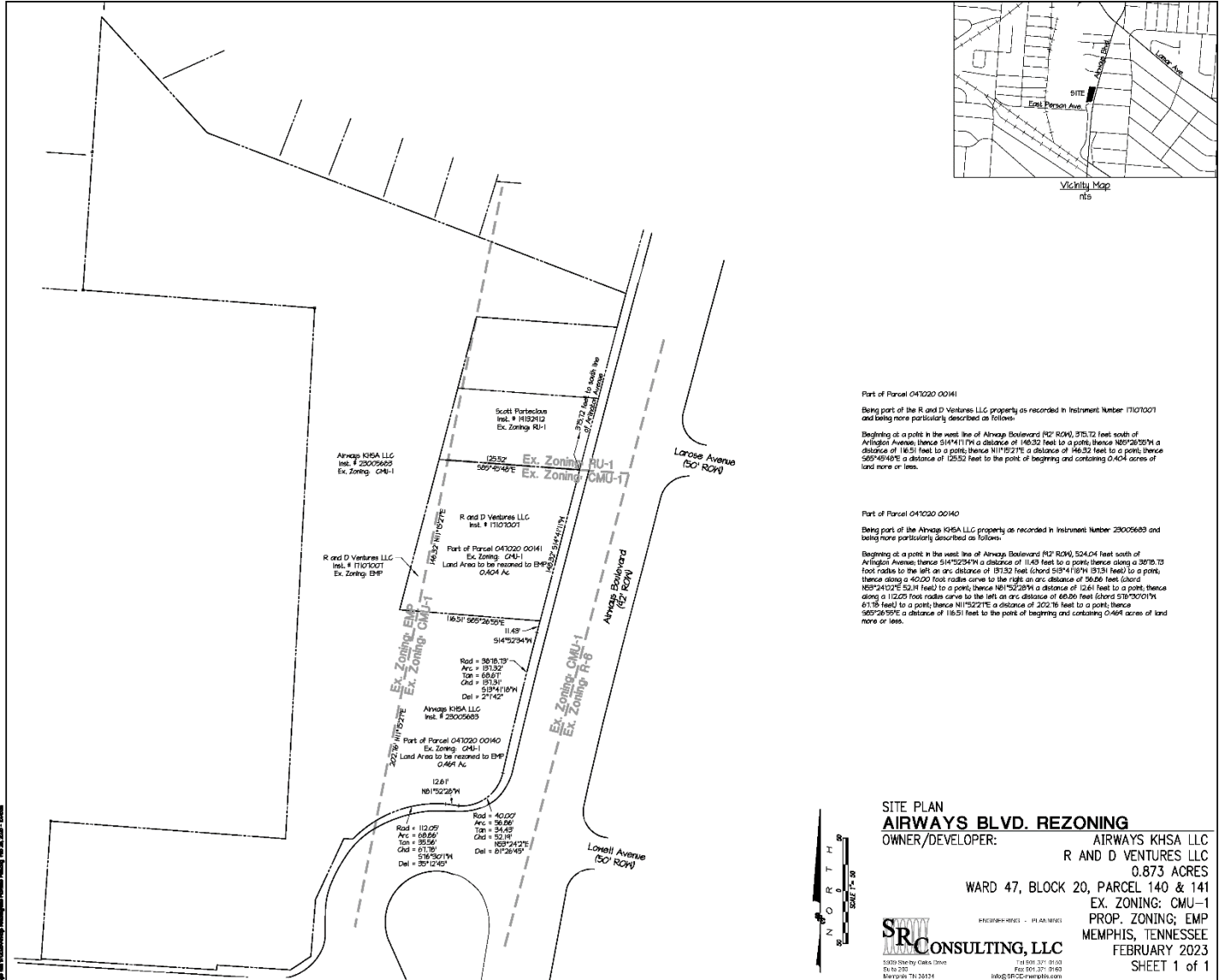
**The motion passed by a unanimous vote of 7-0 on the consent agenda.**

Respectfully,  
*Kendra Cobbs*

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

Cc: Committee Members  
File

# PLOT PLAN



Part of Parcel 041020 0014  
 Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:  
 Beginning at a point in the west line of Airways Boulevard (R2) R240, 375.72 feet south of Arlington Avenue, thence S14°41'11"N a distance of 146.32 feet to a point, thence N82°26'55"W a distance of 18.51 feet to a point, thence N11°52'27"E a distance of 146.32 feet to a point, thence S87°49'40"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 041020 0014  
 Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:  
 Beginning at a point in the west line of Airways Boulevard (R2) R240, 524.04 feet south of Arlington Avenue, thence S14°52'34"W a distance of 11.43 feet to a point, thence along a 3878.73 foot radius to the left on an arc distance of 151.52 feet (chord S53°41'01"W 151.51 feet) to a point, thence along a 4020 foot radius curve to the right on an arc distance of 36.86 feet (chord N57°24'02"E 52.14 feet) to a point, thence N61°52'28"W a distance of 12.61 feet to a point, thence along a 11220 foot radius curve to the left on an arc distance of 48.59 feet (chord S71°35'01"W 61.18 feet) to a point, thence N1°52'27"E a distance of 202.18 feet to a point, thence S87°49'40"E a distance of 116.51 feet to the point of beginning and containing 0.404 acres of land more or less.

**SITE PLAN**  
**AIRWAYS BLVD. REZONING**  
 OWNER/DEVELOPER: AIRWAYS KHSA LLC  
 R AND D VENTURES LLC  
 0.873 ACRES  
 WARD 7, BLOCK 20, PARCEL 140 & 141  
 EX. ZONING: CMU-1  
 PROP. ZONING: EMP  
 MEMPHIS, TENNESSEE  
 FEBRUARY 2023  
 SHEET 1 of 1

ENGINEER-REG. - PE AA 19161  
**SRV CONSULTING, LLC**  
 5070 Shelby Oaks Drive | 901.931.371 | 91.03  
 Bldg. 205 | 901.931.371 | 91.03  
 Memphis, TN 38134 | info@srvc.com | srvc.com



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 AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006**

---

**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 23-006**; 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 COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.**

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

**PARCEL 1**

PART OF PARCEL 047020 00141

BEING PART OF THE R AND D VENTURES LLC PROPERTY AS RECORDED IN INSTRUMENT

NUMBER 17107007 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 375.72 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°41'11"W A DISTANCE OF 148.32 FEET TO A POINT; THENCE N85°26'55"W A DISTANCE OF 116.51 FEET TO A POINT; THENCE N11°15'27"E A DISTANCE OF 146.32 FEET TO A POINT; THENCE S85°45'48"E A DISTANCE OF 125.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.404 ACRES OF LAND MORE OR LESS.

**PARCEL 2**

PART OF PARCEL 047020 00140

BEING PART OF THE AIRWAYS KHSA LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 23005683 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 524.04 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°52'34"W A DISTANCE OF 11.43 FEET TO A POINT; THENCE ALONG A 3878.73 FOOT RADIUS TO THE LEFT AN ARC DISTANCE OF 137.32 FEET (CHORD S13°41'18"W 137.31 FEET) TO A POINT; THENCE ALONG A 40.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 56.86 FEET (CHORD N53°24'02"E 52.19 FEET) TO A POINT; THENCE N81°52'28"W A DISTANCE OF 12.61 FEET TO A POINT; THENCE ALONG A 112.05 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 68.86 FEET (CHORD S76°30'01"W 67.78 FEET) TO A POINT; THENCE N11°52'27"E A DISTANCE OF 202.76 FEET TO A POINT; THENCE S85°26'55"E A DISTANCE OF 116.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.469 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.

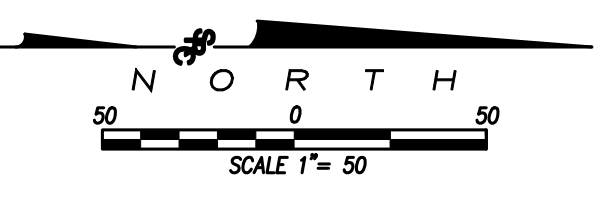
**SECTION 3:**

**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  
– Office of Construction Enforcement  
Shelby County Assessor**

**//: ATTACHMENT  
Plot Plan**



Part of Parcel 041020 00141  
 Being part of the R and D Ventures LLC property as recorded in Instrument Number 11101001  
 and being more particularly described as follows:  
 Beginning at a point in the west line of Airways Boulevard (92' ROW) 375.72 feet south of  
 Arlington Avenue; thence S14°41'11"W a distance of 146.32 feet to a point; thence N85°26'55"W a  
 distance of 116.51 feet to a point; thence N11°52'27"E a distance of 146.32 feet to a point; thence  
 S85°45'49"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of  
 land more or less.

Part of Parcel 041020 00140  
 Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and  
 being more particularly described as follows:  
 Beginning at a point in the west line of Airways Boulevard (92' ROW) 524.04 feet south of  
 Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3818.73  
 foot radius to the left on arc distance of 1371.32 feet (chord S13°41'18"W 1371.31 feet) to a point;  
 thence along a 440.00 foot radius curve to the right on arc distance of 56.86 feet (chord  
 N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence  
 along a 112.05 foot radius curve to the left on arc distance of 68.86 feet (chord S16°30'01"W  
 61.76 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence  
 S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.464 acres of land  
 more or less.

**SITE PLAN**  
**AIRWAYS BLVD. REZONING**  
 OWNER/DEVELOPER: AIRWAYS KHSA LLC  
 R AND D VENTURES LLC  
 0.873 ACRES

WARD 47, BLOCK 20, PARCEL 140 & 141  
 EX. ZONING: CMU-1  
 PROP. ZONING: EMP  
 MEMPHIS, TENNESSEE  
 FEBRUARY 2023  
 SHEET 1 of 1

**SR**  
**CONSULTING, LLC**  
 ENGINEERING - PLANNING  
 5909 Shelby Oaks Drive  
 Suite 200  
 Memphis TN 38134  
 Tel 901.371.0150  
 Fax 901.371.0160  
 info@SRCE-memphis.com



**AGENDA ITEM:** 29

**CASE NUMBER:** Z 2023-006 **L.U.C.B. MEETING:** April 13, 2023

**LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue

**COUNCIL DISTRICT:** District 4 and Super District 8

**OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

**REPRESENTATIVE:** Cindy Reaves for SR Consulting, LLC

**REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

## CONCLUSIONS

1. The request is to rezone +/- 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).
2. The request consists of two parcels: a portion of Parcel ID 047020 00140 and the entirety of Parcel ID 047020 00141.
3. EMP zoning would allow for consistent zoning on the larger parcel (047020 00140), which is already largely zoned EMP.
4. Of the 3.899 acres of the larger parcel (047020 00140), only 0.469 acres are zoned CMU-1.
5. The entirety of Parcel 047020 00141, 0.404 acres, is zoned CMU-1.
6. EMP and Heavy Industrial (IH) zoning exists to the immediate south and west of the subject properties.

## 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 13-15 of this report.

## RECOMMENDATION

*Approval*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Airways Boulevard East Person Avenue	+/-148.74 linear feet +/-138.33 curvilinear feet
<b>Zoning Atlas Page:</b>	2135	
<b>Parcel ID:</b>	047020 00140 and 047020 00141	
<b>Area:</b>	+/-0.873 acres	
<b>Existing Zoning:</b>	Commercial Mixed Use – 1 (CMU-1)	
<b>Requested Zoning:</b>	Employment (EMP)	

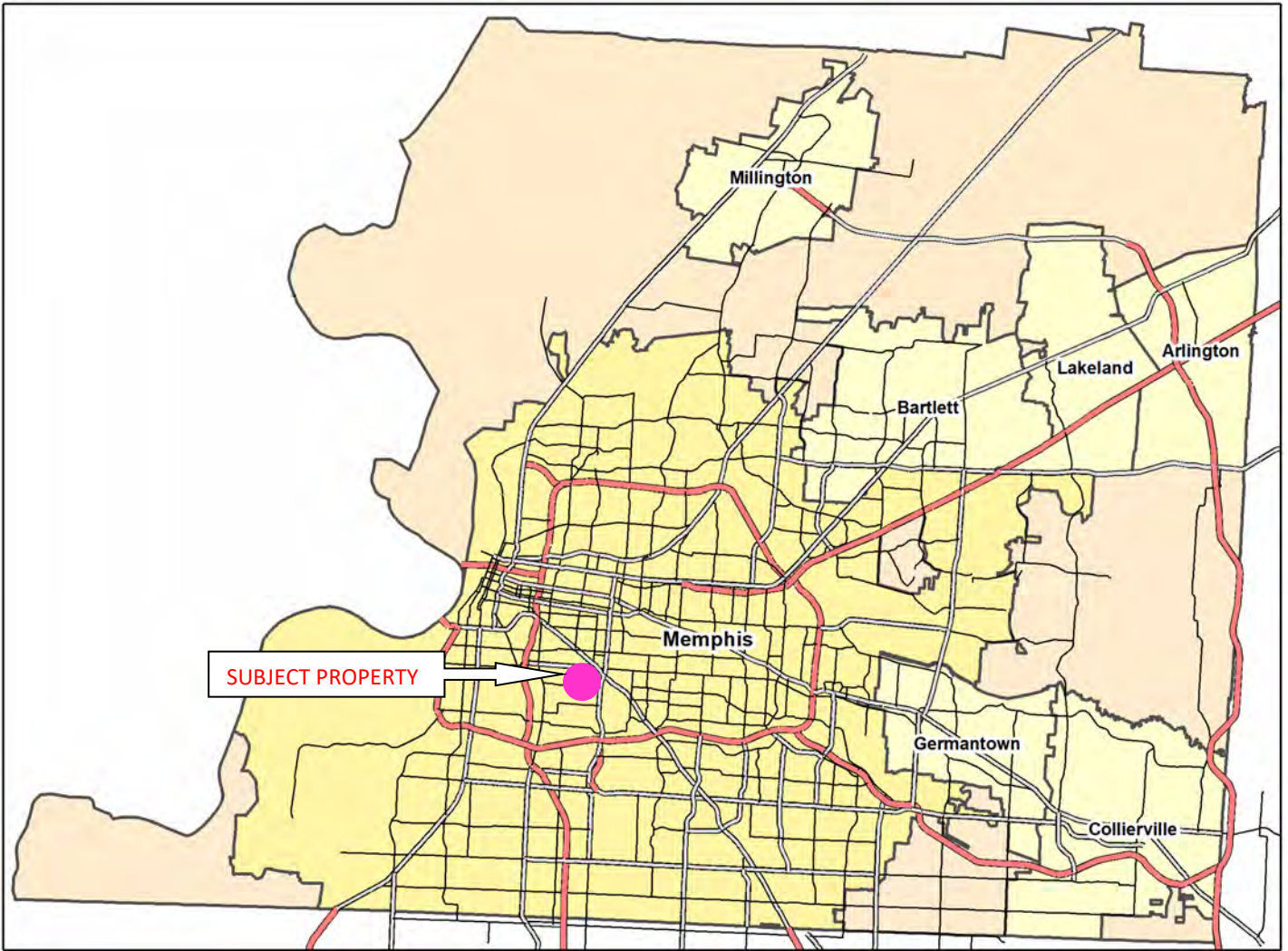
**NEIGHBORHOOD MEETING**

Not required, zoning change is in compliance with the Memphis 3.0 Comprehensive Plan.

**PUBLIC NOTICE**

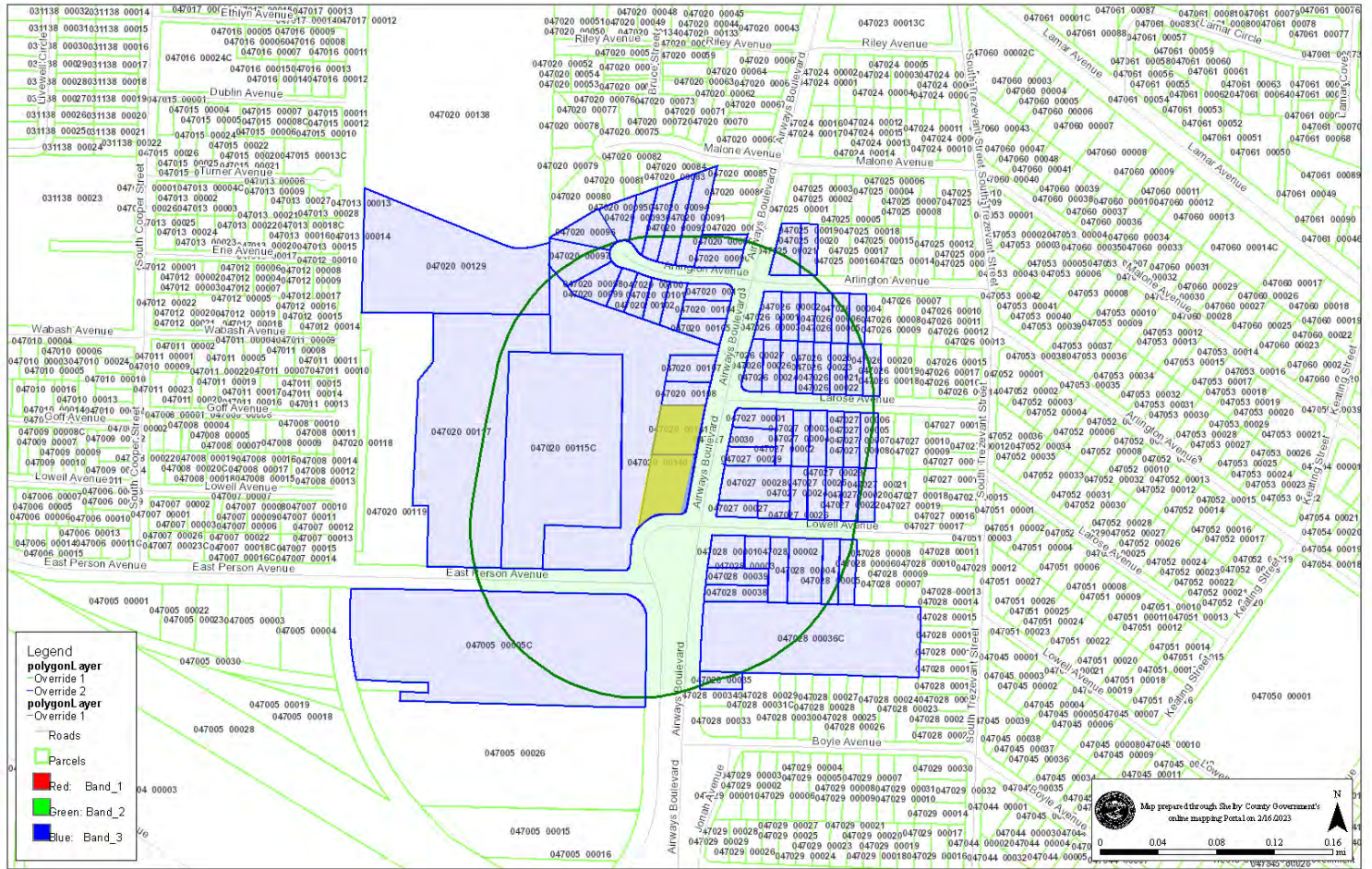
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 70 notices were mailed on March 28, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle, Castalia Heights neighborhood

VICINITY MAP



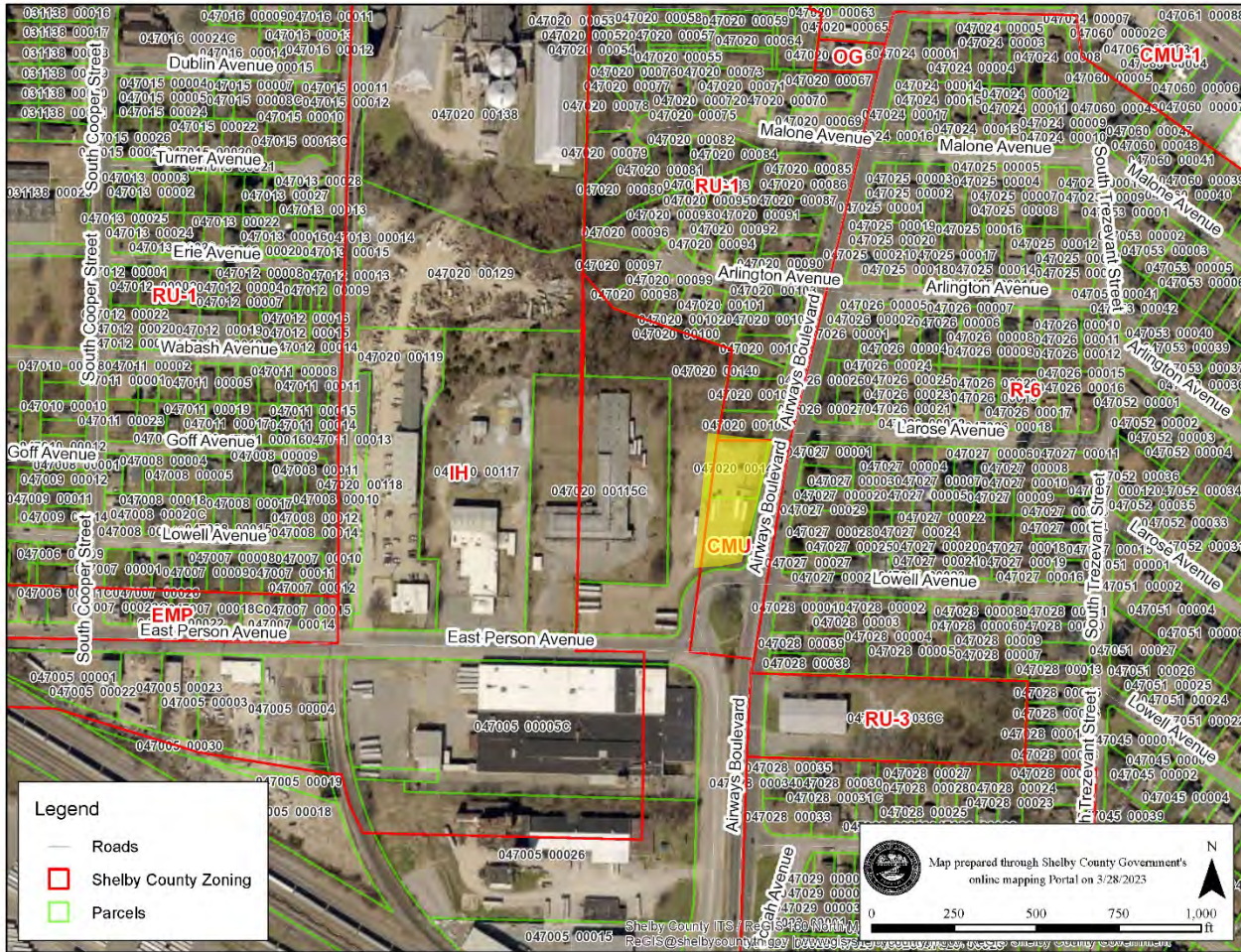
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Commercial Mixed Use – 1 (CMU-1)

**Surrounding Zoning**

**North:** Residential Urban – 1 (RU-1)

**East:** Residential Single-Family – 6 (R-6)

**South:** Employment (EMP)

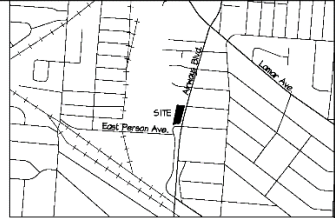
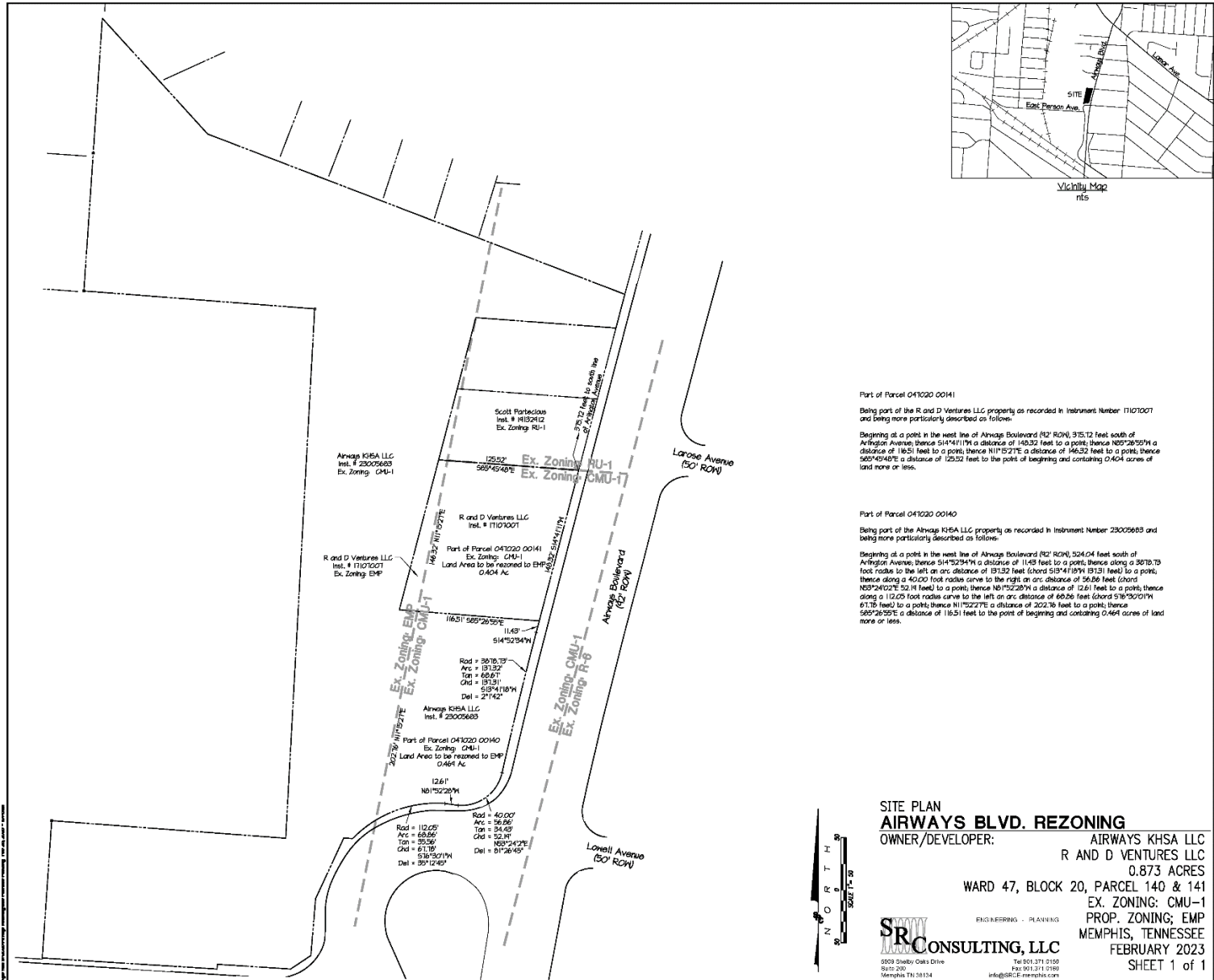
**West:** Employment (EMP)

**LAND USE MAP**



Subject property outlined in electric blue and indicated by pink stars

PLOT PLAN



Part of Parcel 041020 00141  
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:  
Beginning at a point in the west line of Airways Boulevard (R2' ROW), 375.12 feet south of Airways Avenue; thence S14°41'17\"

Part of Parcel 041020 00140  
Being part of the Airways KHSa LLC property as recorded in Instrument Number 23005685 and being more particularly described as follows:  
Beginning at a point in the west line of Airways Boulevard (R2' ROW), 524.04 feet south of Airways Avenue; thence S14°52'34\"

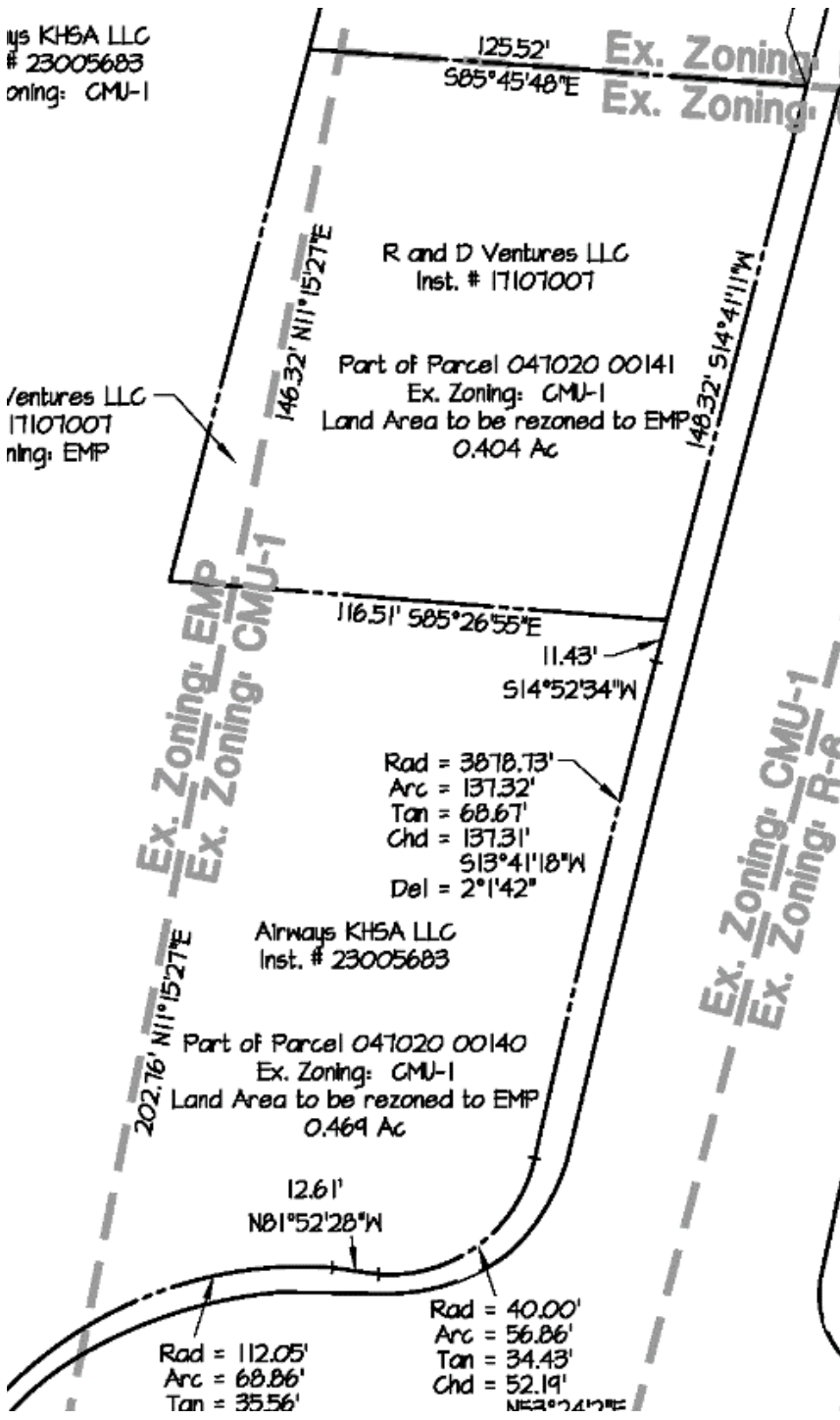
**SITE PLAN**  
**AIRWAYS BLVD. REZONING**  
OWNER/DEVELOPER: AIRWAYS KHSa LLC  
R AND D VENTURES LLC  
0.873 ACRES  
WARD 47, BLOCK 20, PARCEL 140 & 141  
EX. ZONING: CMU-1  
PROP. ZONING: EHP  
MEMPHIS, TENNESSEE  
FEBRUARY 2023  
SHEET 1 of 1

ENGINEERING - PLANNING  
**SR CONSULTING, LLC**  
6009 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134  
Tel 901.371.0100  
Fax 901.371.0180  
info@srconsulting.com

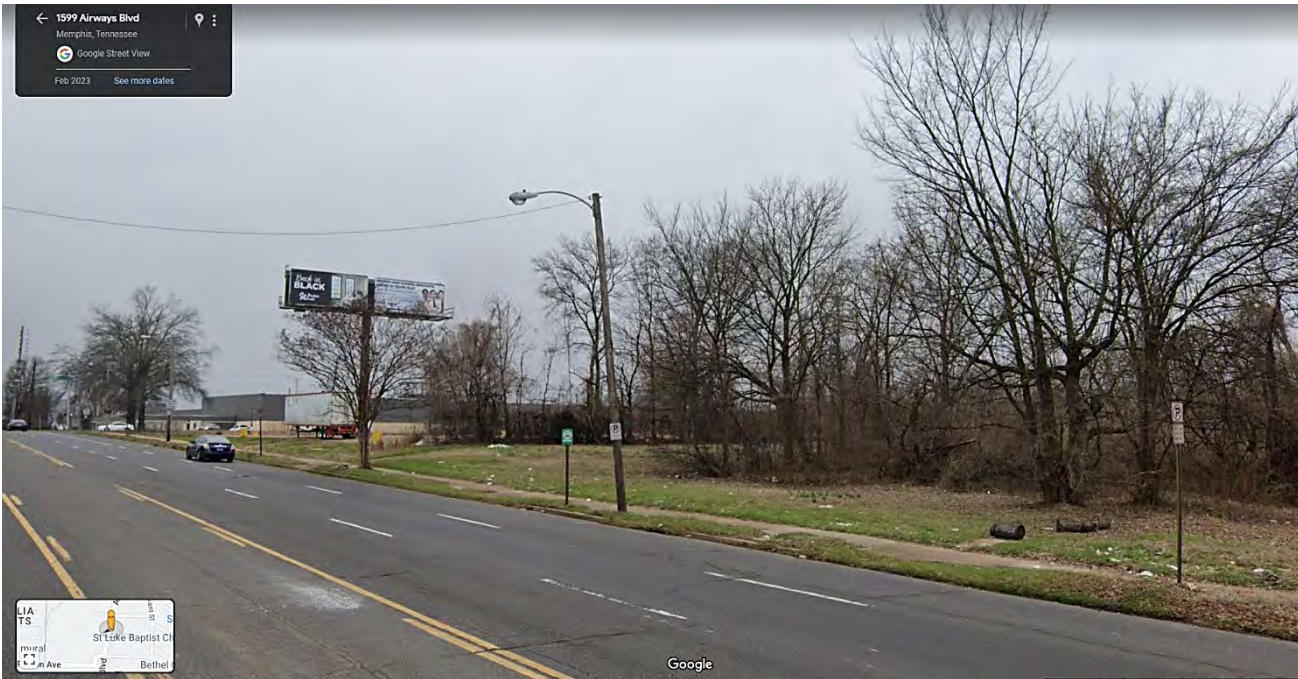


PLOT PLAN SUBJECT AREA - MAGNIFIED

airs KHS A LLC  
# 23005683  
oning: CMU-1



**SITE PHOTOS**



View of subject property from Airways Boulevard looking south



View of subject property from Airways Boulevard looking northwest



View of subject property from East Person Avenue looking north



View of subject property from Lowell Avenue looking west

## **STAFF ANALYSIS**

### **Request**

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

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) 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 consists of two parcels a portion being 0.469 acres of Parcel 047020 00140 and the whole of Parcel 047020 00141, which is 0.404 acres. Therefore, the request is for a total of +/-0.873 acres. The parcels are located at the northwest corner of Airways Boulevard and East Person Road. The site is currently vacant land with a concrete pad for truck equipment storage. The off-premise advertising sign approved in Docket BOA 86-41 (see Site Zoning History) also exists on Parcel 047020 00141.

### **Site Zoning History**

On April 23, 1986, the Board of Adjustment approved Docket BOA 86-41 for a variation at 1645 Airways Boulevard (northwest corner of Airways Boulevard and East Person Avenue) to allow a 600 square foot, two-faced, off-premise advertising sign. See page 16 of this report for said notice of disposition.

### **Conclusions**

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

The purpose of this request is to allow for consistent zoning for future development.

Staff finds the request is consistent with the Memphis 3.0 Comprehensive Plan and is appropriate zoning being that EMP District zoning is immediately adjacent and west of that is heavy industrial zoning.

The subject property is vacant at this time.

## **RECOMMENDATION**

Staff recommends approval.

**DEPARTMENTAL COMMENTS**

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

**City/County Engineer:** See comments as follows:  
CASE: Z-23-006 NAME: 1645 Airways Blvd, CASTALIA HEIGHTS

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
2. No further City Engineering comments provided for rezone.

**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.

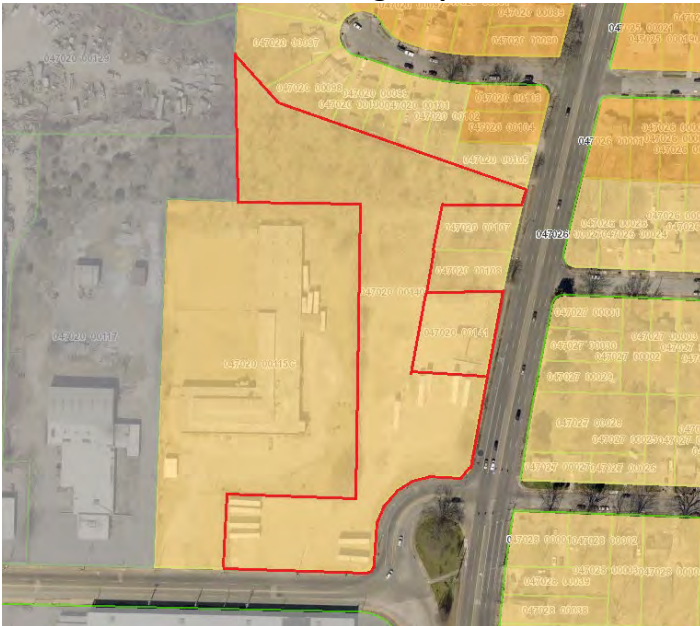
**Memphis Light, Gas and Water:** No comments received.

**Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:** See comments as follows:  
Site Address/Location: 1629 and 0 Airways (Parcel IDs: 047020 00141, 047020 00140)  
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District or Flood Zone  
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)  
Street Type: Avenue & Parkway

*The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.*  
The following information about the land use designation can be found on pages 76 – 122:

## 1. Future Land Use Planning Map



Red polygons indicate the application sites on the Future Land Use Map.

## 2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



### “AN-S” Form & Location Characteristics

NURTURE, ACCELERATE, and SUSTAIN

Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

### “AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1, EMP

Adjacent Land Use and Zoning: Vacant, Industrial, Single-Family, CMU-1, EMP, R-6, RU-1

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.*

### 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 rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.*

### 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 to rezone sections of the subject parcels from CMU-1 to EMP.*

*This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.*

*The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.*

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

**BOA 86-41 NOTICE OF DISPOSITION**



# MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

SUITE 517 CITY HALL • 125 NORTH MID AMERICA MALL  
MEMPHIS, TENNESSEE 38103

## NOTICE OF DISPOSITION

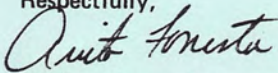
TO: Aubrey Howard DATE: April 25, 1986  
Belz/Curtis Outdoor Advertising Co.  
Suite 209 RE: DOCKET 86-41 City  
5130 Park Avenue  
Memphis, TN 38117 LOCATION 1645 Airways Boulevard, (at the  
northwest corner of Airways Boulevard and East  
Person Avenue)

On April 23, 1986, \_\_\_\_\_ the Memphis and Shelby County Board of Adjustment approved your application requesting a variation from the Zoning Regulations to allow the erection of a six hundred (600) square foot, two-faced, off-premises advertising sign; subject to the following condition:

1. The revised site plan submitted at the hearing is the plan herein approved and is so marked and made a part of the records of this case.

All appeals and applications GRANTED are expressly conditioned upon the applicant obtaining the permit requested or other order within one (1) year from the date of the decision of the Board of Adjustment.

The resolution of the Board is subject to your inspection at the office of the Board of Adjustment.

Respectfully,  
  
 Anita Forrester  
 Secretary of the Board of Adjustment



**APPLICATION**



**Record Summary for Rezoning**

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

---

**Address:**

1645 AIRWAYS BLVD, MEMPHIS 38114

**Owner Information**

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

---

**Parcel Information**

047020 00140

---

**Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

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 BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Address: 0 Airways Blvd.

Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

**Contact Information**

Name

HAROON HAIMED

Contact Type

APPLICANT

Address

Phone

-

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452305	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/02/2023
1452422	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

**LETTER OF INTENT**



Date: February 21, 2023  
To: Division of Planning & Development  
From: Cindy Reaves  
Re: Airways Blvd. Rezoning

**LETTER OF INTENT**

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.

**SIGN AFFIDAVIT**

**AFFIDAVIT**

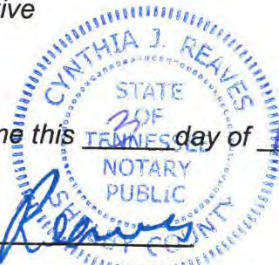
Shelby County  
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 1:52 pm on the 30th day of March, 2023. I posted one Public Notice Sign pertaining to Case No. Z 23-006 in front of the property located at 1629 Airways providing notice of a Public Hearing before the April 13, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Zoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves  
\_\_\_\_\_  
Owner, Applicant or Representative

04/03/2023  
\_\_\_\_\_  
Date

Subscribed and sworn to before me this 30 day of April, 2023



Cynthia J. Reaves  
\_\_\_\_\_  
Notary Public  
My commission expires: 9/29/23



**LETTERS RECEIVED**

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



## Record Summary for Rezoning

### Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

### Address:

1645 AIRWAYS BLVD, MEMPHIS 38114

### Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

### Parcel Information

047020 00140

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

#### 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 BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Address: 0 Airways Blvd.

Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

**Contact Information**

Name

HAROON HAIMED

Contact Type

APPLICANT

Address

Phone

-

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452305	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/02/2023
1452422	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00



---

**Payment Information****Payment Amount**

\$1,000.00

**Method of Payment**

Check

**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, Khalid Hamed  
(Print Name)

  
(Sign Name)

state that I have read the definition of

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

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

of the property located at 0 Airways Blvd.

and further identified by Assessor's Parcel Number 047020 00140

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

Subscribed and sworn to (or affirmed) before me this 29<sup>th</sup> day of Feb in the year of 2023

  
Signature of Notary Public

  
MY COMMISSION EXPIRES 9/27/23  
My Commission Expires

**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, Ricky Tony Aik Tom (Print Name)  (Sign Name), state that I have read the definition of

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

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

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

of the property located at 1629 Airways Blvd.

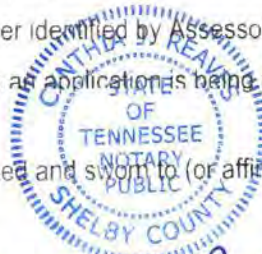
and further identified by Assessor's Parcel Number 047020 00141

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

Subscribed and sworn to (or affirmed) before me this 28<sup>th</sup> day of Feb. in the year of 23

  
Signature of Notary Public

9/27/23  
My Commission Expires





ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://www.SRCE-memphis.com)

Date: February 21, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Airways Blvd. Rezoning

## **LETTER OF INTENT**

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.



Vicinity Map  
nts



Part of Parcel 041020 00141

Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence 514°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence 585°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 041020 00140

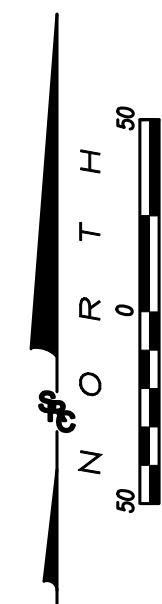
Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence 514°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord 513°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S16°30'01"W 67.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence 585°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.

SITE PLAN  
**AIRWAYS BLVD. REZONING**

OWNER/DEVELOPER: AIRWAYS KHSA LLC  
R AND D VENTURES LLC  
0.873 ACRES

WARD 47, BLOCK 20, PARCEL 140 & 141  
EX. ZONING: CMU-1  
PROP. ZONING; EMP  
MEMPHIS, TENNESSEE  
FEBRUARY 2023  
SHEET 1 of 1



**SRCONSULTING, LLC**  
ENGINEERING - PLANNING  
5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134  
Tel 901.371.0150  
Fax 901.371.0160  
info@SRCE-memphis.com

Part of Parcel 047020 00141

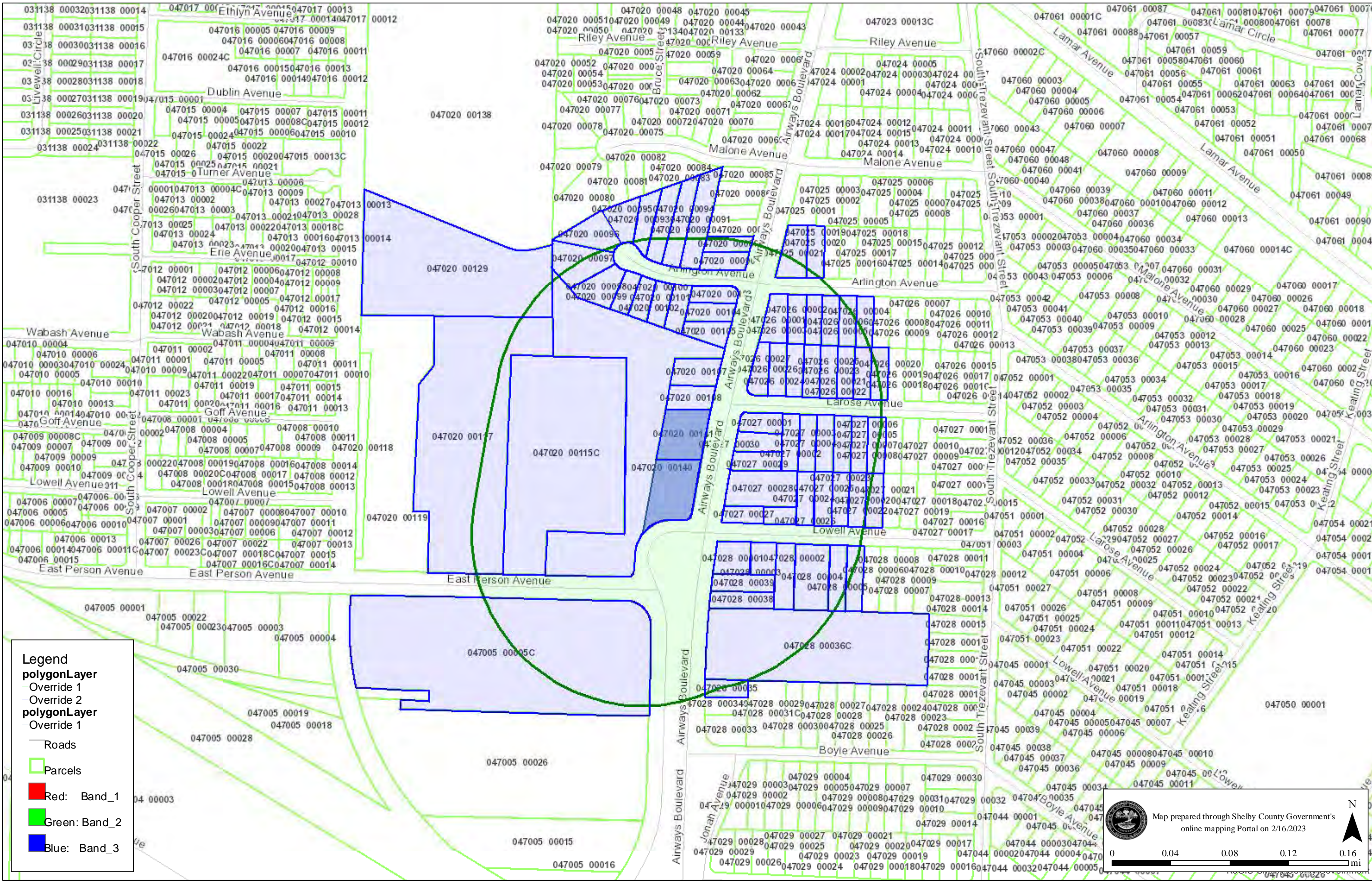
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence S14°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence S85°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 047020 00140


Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord S13°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S76°30'01"W 67.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.



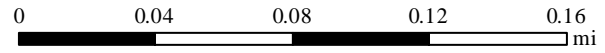
**Legend**

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



Map prepared through Shelby County Government's  
online mapping Portal on 2/16/2023

N



SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

Airways KHASA LLC  
986 Hollis F Price St.  
Memphis, TN 38126-5910

Airways KHASA LLC  
986 Hollis F Price St.  
Memphis, TN 38126-5910

Airways KHASA LLC  
986 Hollis F Price St.  
Memphis, TN 38126-5910

Airways KHASA LLC  
986 Hollis F Price St.  
Memphis, TN 38126-5910

Airways KHASA LLC  
986 Hollis F Price St.  
Memphis, TN 38126-5910

R & D Ventures LLC  
5031 Anchor Cv.  
Memphis, TN 38117-3404

R & D Ventures LLC  
5031 Anchor Cv.  
Memphis, TN 38117-3404

R & D Ventures LLC  
5031 Anchor Cv.  
Memphis, TN 38117-3404

R & D Ventures LLC  
5031 Anchor Cv.  
Memphis, TN 38117-3404

R & D Ventures LLC  
5031 Anchor Cv.  
Memphis, TN 38117-3404



STOL RENTALS LLC  
137 HIDDEN ACRES DR #  
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)  
2308 LAROSE AVE #  
MEMPHIS TN 38114

TATE RUTHIE  
1670 AIRWAYS BLVD #  
MEMPHIS TN 38115

WALKER GEORGE R  
2231 ARLINGTON AVE #  
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D  
2312 LAROSE AVE #  
MEMPHIS TN 38114

BOLDEN DONALD G  
1678 AIRWAYS BLVD #  
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA  
2237 ARLINGTON AVE #  
MEMPHIS TN 38114

TATE DORIS  
2318 LAROSE AVE #  
MEMPHIS TN 38114

MENJIVAR MARIA  
3099 KEMPER DR #  
MEMPHIS TN 38115

HOYLE CAROLYN M  
2241 ARLINGTON AVE #  
MEMPHIS TN 38114

MALLORY LEE R  
4577 HANCOCK DR #  
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA  
2294 LAROSE AVE #  
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A  
2247 ARLINGTON AVE #  
MEMPHIS TN 38114

HUERTA VICTOR S  
1632 AIRWAYS BLVD #  
MEMPHIS TN 38114

HAYES DORA P & DANESE F  
502 W ARBUTUS ST #  
COMPTON CA 90220

CURRY LAURA  
1589 AIRWAYS BLVD #  
MEMPHIS TN 38114

BEAUREGARD MURLENE  
2325 LAROSE AVE #  
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y  
2026 WILSON RD #  
MEMPHIS TN 38116

PINSON RUTHIE M  
1593 AIRWAYS BLVD #  
MEMPHIS TN 38114

BOLDS CARRIE E  
1640 AIRWAYS BLVD #  
MEMPHIS TN 38114

FERRELL PAVING INC  
2174 E PERSON AVE #  
MEMPHIS TN 38114

EL-TAYECH MAHMOUD  
4253 RHODES AVE #  
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA  
2308 LOWELL AVE #  
MEMPHIS TN 38114

FIFER CARLOS  
723 BRISTON LN  
COLLIERVILLE TN 38017

MARSHALL TONYA M W  
7469 MORGAN HOUSE DR #  
MEMPHIS TN 38125

STALLINGS VINCENT T  
2302 LOWELL AVE #  
MEMPHIS TN 38114

BOONE EARNEST E  
2238 ARLINGTON AVE #  
MEMPHIS TN 38114

NEELY GERALD  
PO BOX 34277 #  
MEMPHIS TN 38184

GFM INVESTMENTS LLC  
2130 PENDLETON ST #  
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET  
7938 US HIGHWAY 70 #  
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M  
2296 ARLINGTON AVE #  
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA  
2311 ARLINGTON #  
MEMPHIS TN 38114

CLEAVES DEAN  
2321 LAROSE AVE #  
MEMPHIS TN 38114

WHITCOMB BLAKE  
440 GAREDEN ST #  
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR  
2317 ARLINGTON AVE #  
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)  
1640 AIRWAYS BLVD #  
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD  
1989 E PERSON AVE #  
MEMPHIS TN 38114

JOHNSON RICHARD D  
2196 E PERSON AVE #  
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP  
4935 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

MILES RON  
1989 E PERSON AVE #  
MEMPHIS TN 38114

SURGEON CORY J  
3110 SEMINARY CV #  
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS  
2312 LOWELL AVE #  
MEMPHIS TN 38114

R AND D VENTURES LLC  
5031 ANCHOR CV #  
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO  
PO BOX 140188 #  
MEMPHIS TN 38114

PEARCE RICHARD  
596 WARING RD #  
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD  
2253 ARLINGTON AVE #  
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE  
2328 LAROSE AVE #  
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A  
2257 ARLINGTON AVE #  
MEMPHIS TN 38114

FREEMAN MELODY  
7727 DRISCOLL ST  
MEMPHIS TN 38125

FIFER CARLOS  
723 BRISTON LN #  
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL  
8310 RAMBLING ROSE DR #  
OOLTEWAH TN 37363

UPCHURCH BRANETTE M  
1634 BONNIE DR #  
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND  
1658 AIRWAYS BLVD #  
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L  
2301 ARLINGTON AVE #  
MEMPHIS TN 38114

FREEMAN MELODY  
7727 DRISCOLL ST  
MEMPHIS TN 38125

HENDERSON LYJUANICA D  
4620 CEDAR BRANCH CIR #  
MEMPHIS TN 38128

CARPENTER ALONZA  
6822 17TH ST S  
SAINT PETERSBURG FL 33712

BOOKER JANET D  
2317 LAROSE AVE #  
MEMPHIS TN 38114

SENENSE TARYN  
2293 LOWELL AVE #  
MEMPHIS TN 38114

LEON FIDEL P  
2301 LOWELL AVE #  
MEMPHIS TN 38114

CARRUTHERS GRACIE  
2307 LOWELL AVE #  
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F  
1628 CASTALIA #  
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC  
318 WINCHESTER RD #  
MEMPHIS TN 38109

END TIME CHURCH (TRS)  
4651 BARKLEY GLEN DR #  
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE  
5160 SANDERLIN AVE #1  
MEMPHIS TN 38117


SCOTT PARTECIOUS  
3260 KIRBY PKWY #4  
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS  
5160 SANDERLIN #1  
MEMPHIS TN 38117



*Tom Leatherwood*  
Shelby County Register / Archives

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

	
<b>17107007</b>	
<b>10/17/2017</b>	<b>02:03 PM</b>
<b>7 PGS</b>	
<b>MELISA 1660883-17107007</b>	
<b>VALUE</b>	<b>400000.00</b>
<b>MORTGAGE TAX</b>	<b>0.00</b>
<b>TRANSFER TAX</b>	<b>1480.00</b>
<b>RECORDING FEE</b>	<b>35.00</b>
<b>DP FEE</b>	<b>2.00</b>
<b>REGISTER'S FEE</b>	<b>1.00</b>
<b>WALK THRU FEE</b>	<b>0.00</b>
<b>TOTAL AMOUNT</b>	<b>1518.00</b>
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This instrument prepared by:  
Hartman Simons & Wood LLP  
6400 Powers Ferry Road, Suite 400  
Atlanta, Georgia 30339

After recording return to:  
Greg Voehringer, Esq.  
The Voehringer Law Firm, PC  
4917 William Arnold Road  
Memphis, TN 38117

**ADDRESS NEW OWNER:**  
R&D Ventures, LLC  
5031 Anchor Cove  
Memphis, TN 38117

**SEND TAX BILLS TO:**  
R&D Ventures, LLC  
5031 Anchor Cove  
Memphis, TN 38117

**PARCEL ID:**  
096-400-00135  
060-222-00377  
060-220-00038  
068-001-00005  
020-086-00013 & 00014  
088-035-00051  
047-020-00141  
060-227-00008 (easement)  
089-002-A00007

STATE OF TENNESSEE  
COUNTY OF SHELBY

The actual consideration or value, whichever is greater, for this transfer is \$400,000.00.



*[Signature]*  
\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this the 17 day of October, 2017.

*[Signature]*  
\_\_\_\_\_  
Notary Public

My Commission Expires: 11/22/18

**SPECIAL WARRANTY DEED**

FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00), cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **RREF ST-TN WHT, LLC**, a Tennessee limited liability company, hereinafter called "GRANTOR," has bargained and sold, and by these presents does transfer and convey unto **R&D VENTURES, LLC**, a Tennessee limited liability company, hereinafter called "GRANTEE," its successors and assigns, certain real property in Shelby County, State of Tennessee, described as follows (the "Property") together with all rights, interests, easements and hereditaments appurtenant thereto:

SEE EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF BY THIS REFERENCE.

Parcels 1-8 being the same parcels 1, 3, 6, 10, 11, 12, 16 and 17 conveyed to GRANTOR by Deed of record at Instrument Number 15072931 and re-recorded at Instrument Number 15095740 in the Shelby County Register's Office; and Parcel 9 being the same property conveyed to GRANTOR by Deed of record at Instrument Number 15090600 in the Shelby County Register's Office.

The Property is transferred subject to the limitations, restrictions, and encumbrances ("Permitted Exceptions") set forth as follows:

- (a) Real property taxes and assessments for the year 2018 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters that would be disclosed by an accurate survey;
- (d) Rights of tenants in possession (if any);
- (e) Any plat affecting the Property; and
- (f) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR does covenant with said GRANTEE that it is lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is free from all encumbrances made or suffered by Grantor, except for the Permitted Exceptions; and GRANTOR does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the Property to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

*(signature page follows)*

WITNESS its hand this the 16 day of October, 2017.

RREF ST-TN WHT, LLC, a Tennessee limited liability company

By: RREF ST ACQUISITIONS, LLC, a Delaware limited liability company, Its Sole Member

By: RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as its attorney in fact

By: \_\_\_\_\_ (Seal)  
Name: Aaron Davis, Authorized Signatory  
Title: Authorized Signatory

Signed sealed and delivered in the presence of:

By: \_\_\_\_\_ (Seal)  
Name: Stephen Tyde, Authorized Signatory  
Title: Authorized Signatory

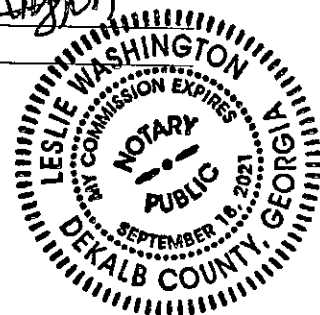
Signature: \_\_\_\_\_  
Print Name: Moby Wagner

Signature: \_\_\_\_\_  
Print Name: Kim Tucker

STATE OF GEORGIA )  
 ) SS.  
COUNTY OF FULTON )

The foregoing instrument was acknowledged before me this 12 day of October, 2017, by Aaron Davis and Stephen J. Tyde, as Authorized Agents of RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as the Attorney in Fact for RREF ST ACQUISITIONS, LLC, a Delaware limited liability company, the Sole Member of RREF SB SBL-TN, LLC, a Tennessee limited liability company, on behalf of the company. They  are personally known to me or  has produced a drivers license as identification.

\_\_\_\_\_  
Notary Public  
Print Name: Leslie Washington  
Serial No. (if any): \_\_\_\_\_



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel 1- 0 Collierville-Arlington Road, Memphis, TN**

BEGINNING at a set 1/2" iron pin on the North line of Collierville Arlington Road (State Highway 205) (40' wide R.O.W.), a distance of 1,044.13 feet West of the Centerline point where said road makes a 90 degree turn in a Northward direction in the unincorporated town of Eads, as measured along said North line, said point also being on the West line of the Patriola McIntyre property project Southwardly as described in Deed of record in Instrument Number BR 0408, at the Shelby County Register's Office, said point also being 60 feet South of the centerline of the old L & N Railroad 100' wide R.O.W. (Abandoned); thence Westwardly along the said North line of Collierville Arlington Road (20' North of the Centerline) and parallel to said L & N Railroad and along the arc of a curve to the right having a radius of 5,790.00 feet, an arc length of 730.41 feet and a chord of 729.93 feet (South 83 degrees 18 minutes 38 seconds West) to a set 1/2" iron pin at the point of tangency; thence South 86 degrees 55 minutes 28 seconds West along the North line of said Collierville Arlington Road and parallel to and 60' South of the centerline of said Railroad, a distance of 673.72 feet in a set 1/2" iron pin on the East line of the Rosewood Estate Partnership tract (Instrument Number KH 1572) thence North 3 degrees 55 minutes 13 seconds East along the East line of said Tract and crossing the said Railroad 1,101.07 feet to a set 1/2" iron pin at the Southwest corner of the Rosewood Estate Partnership property described in Instrument Number KH 1573; thence South 89 degrees 12 minutes 42 seconds East along the South line of said property 776.00 feet to a found 1/2" iron pipe at the Southwest corner of Lot 3, Section "A", Evelyn Byrd Subdivision of record in Plat Book 92, Page 48; thence South 87 degrees 01 minutes 55 seconds East along the South line of said Lot 3, a distance of 438.64 feet to a set 1/2" iron pin on the West line of the State of Tennessee property (Instrument Number 02074473), said point being on the West line of proposed State Highway 385; thence South 19 degrees 49 minutes 56 seconds East along said West line, a distance of 217.88 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 03 minutes 32 seconds East along said West line, 109.03 feet to a set 1/2" iron pin at the beginning of a curve to the left; thence Southwardly along said West line and along the arc of said curve having a radius of 6,594.48 feet, an arc length of 182.97 feet and a chord of 182.96 feet (South 03 degrees 51 minutes 13 seconds East) to a set 1/2" iron pin at the point of tangency; thence South 04 degrees 38 minutes 50 seconds East along said West line, a distance of 312.83 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 45 minutes 55 seconds West along said West line, a distance of 136.04 feet to the point of beginning, containing 31.942 acres, more or less.

Being all or part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 02210814 in said Register's Office.

**Parcel 2- 0 Elvis Presley Blvd., Memphis, TN**

Lot 3, Elvis Presley Boulevard Industrial Subdivision as shown on Plat of record in Plat Book 220, Page 19, in Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.



Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 04135027 in said Register's Office.

**Parcel 3- 0 Childress, Memphis, TN**

Lot 3 of the Skyview Subdivision of record in Plat Book 14, Page 59, in the Register's Office of Shelby County, Tennessee, to which Plat reference is hereby made for a more particular description of the property.

Being part of the same property conveyed to William H. Thomas, Jr. by Special Warranty Deed with Reservation of Avigation Easement of record as Instrument Number 04047682 in said Register's Office.

**Parcel 4- 0 I-40, Memphis, TN**

Located adjacent to the east right-of-way line of the I-240 (N. bound) and I-40 (East bound) ramp. Western limit of property is generally the center line of the old Wolf River. Property is part of a 380 ft. wide permanent drainage easement acquired by the State of Tennessee recorded in Book 4516, page 445 as Parcel No. E-1E, and as amended in Book 4520, page 220 in the property of Frank M. Weathersby, Love Brooks, and Lavelle S. Brooks as recorded in Book 3034, page 575; Book 3193, page 328; and Book 3328, page 476, in the Shelby County Register's Office and more particularly described as follows:

Beginning at a point in the east right-of-way line of Interstate Highway Route No. FAI 511-B north 29 degrees 45 minutes 57 seconds west 143.16 feet and north 6 degrees 48 minutes 18 seconds west 164.22 feet from the north line of the N.C. and St. L. Railroad as measured along the east right-of-way line of the Interstate Highway and running thence with the east right-of-way line of the Interstate Highway north 6 degrees 48 minutes 18 seconds west 61.79 feet to an angle point in said right-of-way line; thence with said right-of-way line north 7 degrees 00 minutes 26 seconds east 620 feet to a point; thence leaving said rights-of-way south 82 degrees 59 minutes 34 seconds east 380 feet to a point; thence south 7 degrees 00 minutes 26 seconds west 125 feet more or less to the centerline of Wolf River; thence westwardly, southwardly and eastwardly with the meanders of the center line of Wolf River 980 feet more or less to a point in the east line of the 380 ft. wide permanent drainage easement; thence with said line south 7 degrees 00 minutes 26 seconds west 35 feet more or less to a point; thence north 82 degrees 59 minutes 34 seconds west 365.25 feet to the beginning. Containing 107,200 square feet more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 04160715 in said Register's Office.

**Parcel 5- 0 N. Waldran St., Memphis, TN**

Lots 20 and 21, McKeon & Cross Subdivision, as shown on plat of record in Plat Book 2, Page 28, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Less and Except that portion of the said property conveyed to The State of Tennessee by Instruments Number 02035230 and 04136592, in the Register's Office.

Being the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05148298 in said Register's Office.

**Parcel 6- 0 I-240, Memphis, TN**

Commencing at the point of intersection of the centerline of Tant Avenue and the centerline of Palm Avenue; thence south along the centerline of Tant Avenue approximately 184 feet to a point, said point being the intersection of the centerline of Tant Avenue and the north right-of-way of I-240, thence along the north right-of-way of I-240 approximately 1800 feet to a POINT OF BEGINNING, said point being the northwest corner of said property and the north ROW line of I-240; thence N30°32'32"E a distance of 455.29 feet; S29°00'40"E a distance of 427.88 feet; thence S55°22'20"W a distance of 296.82 feet; thence S50°52'20"W a distance of 48.97 feet; thence N31°53'40"W a distance of 82.97 feet; thence S87°40'20"W a distance of 135.56 feet; thence N30°58'40"W a distance of 417.76 feet to a POINT OF BEGINNING. Containing 217,762 Sq. Ft. (5.00 Acres) more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05021028, and also re-conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 08019586, and re-recorded as Instrument Number 08124255 in said Register's Office.

**Parcel 7- 1629 Airways Blvd., Memphis, TN**

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92' R.O.W.); Thence S 10°39'33"W along the west R.O.W. for said Airways Boulevard a distance of 130.51' to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch distance of 17.81 feet (chord of S10°31'40"W, 17.81 feet) along the west R.O.W. for said Airways Boulevard to a point; Thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and/or 0.500 ac.

Being part of the same property conveyed to 1699 Airways Warehouse, LLC, by Special Warranty Deed of record as Instrument Number 06006701 in said Register's Office.

**Parcel 8 (Easement Only)- 0 Hernando Rd., Memphis, TN**

EASEMENT GRANTED BY INSTRUMENT NO. 06000853, AS RE-RECORDED IN INSTRUMENT NO. 06070160, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN THE SAID PROPERTY:

BEGINNING at a metal pipe found in the east margin of Interstate I-240 and being in the north line of the Sander-Ellis property as described in Deed Book 3434, Page 192 and Deed Book 5102, Page 192, also being the southwest corner of the Clark property as described in Deed Book 5803, Page 83 in the Register's Office of Shelby County, Tennessee, of which the certificate more particularly describes; runs thence with the margin of Interstate I-240, north 23 degrees 05 minutes 17 seconds east 407.50 feet; thence north 56 degrees 29 minutes 47 seconds east 555.65 feet to an iron pin found; runs thence south 86 degrees 25 minutes 02 seconds east 104.76 feet to a 4 inch pipe found in the west margin of Old Hernando Road (25 feet from the centerline); runs thence with the west margin of Old Hernando Road, south 3 degrees 14 minutes 58 seconds west 707.93 feet to an iron pin, set in Sanders-Ellis' north line, runs thence with Sanders-Ellis' north line, north 87 degrees 21 minutes 57 seconds west 688.20 feet to the point of beginning containing 7.8873 acres as surveyed by Surveying Services, Inc., 41 Heritage Square, Jackson, Tennessee 38305 (654-0807)

Being the same property upon which William H. Thomas, Jr. was granted perpetual easements pursuant to that certain Agreement Granting Perpetual Easements of record as Instrument Number 06000853, re-recorded as Instrument Number 06070160, and re-recorded again as Instrument Number 12075753.

**Parcel 9- 0 Shelby Oaks Drive**

Lot 7, I-40/Shelby Oaks Drive Subdivision, Section A, as recorded in Plat Book 228, Page 31, 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 part of the same property conveyed to the party of the first party by Quit Claim Deed of record at Instrument Number 03161839 in the Register's Office of Shelby County, Tennessee.



# Shelby County Tennessee

*Willie F. Brooks, Jr.*

Shelby County Register

---

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

23005683

01/20/2023 - 09:17:30 AM



5 PGS

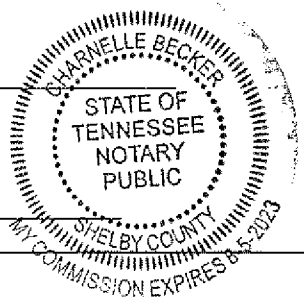
HERTHA 2536830-23005683

VALUE	115000.00
MORTGAGE TAX	0.00
TRANSFER TAX	425.50
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	455.50

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

<h2 style="margin: 0;">SPECIAL WARRANTY DEED</h2>	State of Tennessee County of Shelby  The actual consideration or value, whichever is greater, for this transfer is <b>\$115,000.00</b> .   _____ Affiant			
Subscribed and sworn to before me, this <u>19<sup>th</sup></u> day of January, 2023   _____ Notary Public My Commission Expires: <u>08/05/2023</u> _____ (Affix Seal)				
<b>This Instrument Was Prepared By:</b> <b>Byrne &amp; Associates, PLLC</b> <b>File No. MT-2211-19</b>				
1326 Hardwood Trail Cordova, TN 38016 (901) 737-2911	51 N. Cooper St. Memphis, TN 38104 (901) 572-1419	404 Galleria Ln, Ste 1 Oxford, MS 38655 (662) 238-7773	5960 Getwell Rd, Ste 113 Southaven, MS 38672 (662) 300-6550	118 E Mulberry St. Ste 201 Collierville, TN 38017 (901) 436-1410
<b>Return To:</b> <b>Byrne &amp; Associates, PLLC</b> <b>51 North Cooper Street</b> <b>Memphis, TN 38104</b> <b>File No. MT-2211-19</b>				
Address of New Owner(s) as Follows:	Send Tax Notices To:	Map-Parcel Numbers:		
Airways KHSA, LLC 986 Doctor Hollis F Price Street Memphis, TN 38126	Airways KHSA, LLC 986 Doctor Hollis F Price Street Memphis, TN 38126	047-020-00140		



For and consideration of the sum of ten dollars, cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, **Community Bank of Mississippi, hereafter referred to as "Grantor,"** have bargained and sold, and by these presents do transfer and convey unto new owner(s) as follows:

**Airways KHSA, LLC, a Tennessee Limited Liability Company , hereinafter referred to as "Grantee",** their heirs and assigns, a certain tract of parcel of land in **SHELBY** County, State of **TENNESSEE**, described as follows, to-wit:

**SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION**

This conveyance is made subject to Subdivision Restrictions, Building Lines and easements of record in Plat Book 11 Page 3 and Plat Book 11 Page 38; plus any additional covenants etc., all in said Register's Office, and except for 2023 Memphis City Taxes and 2023 Shelby County Taxes, not yet due and payable, which Grantee assumes and agree to pay.

IMPROVED  
  X   UNIMPROVED 0 Airways Boulevard NW Memphis, TN 38114

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, their heirs and assigns forever; and I/we do covenant with said Grantee that I/we are lawfully seized and possessed of said land in fee simple, have a good right to convey said land, and the same is unencumbered unless otherwise herein set out, and I/we do further covenant with Grantee that Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

If there are multiple Grantors, the term "Grantor" as used herein shall collectively refer to each Grantor. If there are multiple Grantees, the term "Grantee" as used herein shall collectively refer to each Grantee.

Witness my hand this January 19<sup>th</sup>, 2023.

Community Bank of Mississippi  
By: [Signature]  
Simon Weir, Authorized Signatory

State of MS §

County of Desoto §

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared Simon Weir, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Authorized Signatory of Community Bank of Mississippi, the within named bargainor, and that he as such Authorized Signatory, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Community Bank of Mississippi, by himself as such Authorized Signatory.

Witness my hand and notarial seal this January 19<sup>th</sup>, 2023.

[Signature]  
Notary Public  
My Commission Expires: 3-24-23



**EXHIBIT "A"****TRACT II:**

Being part of Lots 1, 2, and 3 of the Belz Person Avenue Subdivision (Plat Book 11, Page 38, Shelby County Register's Office, part of Lots 3, 4, 5, 6 and 7 of the Wallace Johnson Homes, Inc. Subdivision (Plat Book 11, Page 3, S.C.R.O.), and part of Lots 3 and 4 of the Dunlap Subdivision (unrecorded) in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a crow's foot chisel mark found at the back of a concrete sidewalk on the north line of Person Avenue (71 foot wide right-of-way), said chisel mark being on the west line of Lot 3 of the Belz Person Avenue Subdivision; thence N 89 degrees 36" 56" E along the north line of Person Avenue 166.50 feet (measured and called) to a point on the west line of Lot 1, Belz Person Avenue Subdivision; thence N 0 degrees 03" 40" W along the west line of Lot 1, 4.5 feet (called 5.5 feet) to a point on the north line of Person Avenue (right-of-way width changes from 71 feet to 75.5 feet); thence N 89 degrees 36" 56" E along the north line of Person Avenue 70.00 feet (called 70.21 feet) to a point; thence N 52 degrees 23" 09" E 23.13" (called 22.14 feet) to a point on the east line of Lot 1; thence N 00 degrees 46" 56" E along the east line of Lot 1, 54.00 feet (called and measured) to a point; thence N 20 degrees 52" 24" E 63.30 feet (called 65.00 feet); to the northeast corner of Lot 1 and the southwest corner of Lot 7 of the Wallace Johnson Homes, Inc. Subdivision; thence N 89 degrees 36" 56" E along the south line of Lot 7, 8.2. feet (measured and called) to a point at the back of sidewalk on the north line of Airways Boulevard-west approach; thence northeastwardly with a 112.00 foot radius curve to the right an arc distance of 97.23 feet (called 98.78 feet) (Chord of N 65 degrees 11" 24" E, 94.26 feet) to the point of tangency; thence S 85 degrees 55" 03" E, 12.61 feet (called 14.43 feet) to a point of curvature; thence northeastwardly along a 40 foot radius curve to the left, an arc distance 56.86 feet (called 49.62 feet) (chord of N 49 degrees 21" 27" E, 52.19 feet) to a point of reverse curvature on the west line of Airways Boulevard (92 foot wide right-of-way); thence northwardly with the west line of Airways Boulevard along a 3883.29 foot radius curve to the right, an arc distance of 137.32 feet (called 133.45 feet) (chord of N 09 degrees 38" 44" E, 137.31 feet) to the point of tangency; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 159.76 feet (called 166.83 feet) to a crow's foot chisel mark found on the north line of Lot 3; thence N 89 degrees 48" 23" W, 133.91 feet (measured and called) to the southwest corner of Lot 2; thence N 10 degrees 39" 33" E along the west line of Lots 2 and 1, 140.03 feet (called 140.00 feet) to the northwest corner of Lot 1; thence 89 degrees 48" 23" east along the north line of Lot 1, 133.91 feet (called and measured) to a crow's foot chisel mark found on the west line of Airways Boulevard; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 35.20 feet (called 35.12 feet) to the southeast corner of the Robert Davis, et ux, property (Instrument U6-0385) said corner being 1 .09 feet north of the crow's foot chisel mark on the west line of Airway Boulevard; thence N 73 degrees 01" 18" W with the centerline of a concrete ditch along the south lines of the Davis property and Lot 27 thru 23 of the Lenow Brothers ReSubdivision (Plat Book 14 Page 58) 425.19 feet (called 430.71 feet) to an angle point in the south line of Lot 23; thence N 46 degrees 22" 34" N along the south lines of Lot 23 and 22 148.99 feet (called 143.88 feet) to the southwest corner of Lot 22, said corner being on the east line of Lincoln Street (closed); thence E 00 degrees 11" 17" E along the east line of Lincoln Street 260.00 feet (called and measured) to a point on the north line of the Professional Specialties, Inc. property (Instrument M6 6659) thence S 89 degrees 48" 23" E 220.6 feet to the northeast corner of the Professional Specialties Inc. property; thence E 00 degrees 54" 16" E 504.85 (called 502.36 feet) to the southeast corner of the Professional Specialties Inc. property, said corner being on the north line of Lot 1 of the Belz Person Avenue Subdivision; thence S 89 degrees 36" 56" W along the north line of Lots 1, 2 and 3 of the Belz Person Avenue Subdivision 323.96 feet (measured and called) to an iron pin at the northwest corner of Lot 3; thence E 00.03" 41" E 131.30 feet (called 131.60 feet) to the point of beginning.

LESS AND EXCEPT Part Sold as follows:

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92" R.O.W.); Thence S 10 degrees 39" 33" W along the west R.O.W. for said Airways Boulevard a distance of 130.51 to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch

distance of 17.81 feet (chord of S 10°31'40"W 17.81 feet) along the West R.O.W. for said Airways Boulevard to a point; thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S 89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and or 0.500 ac.

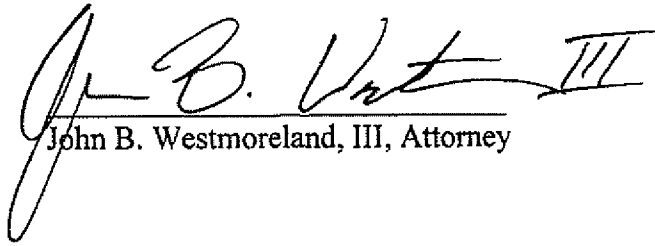
Being the same property conveyed to Community Bank of Mississippi by Trustee's Deed of record at Instrument No. 22110778, dated 09/27/2022 and recorded 10/03/2022, in the Register's Office of Shelby County, Tennessee.

Property Address: 0 Airways Boulevard NW, Memphis, TN 38114

Tax Parcel ID No: 047-0200-0-00140-0



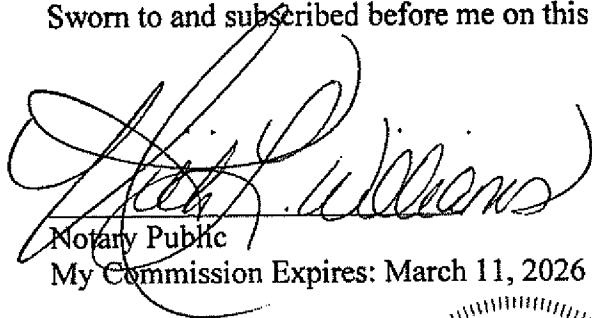
I, John B. Westmorland, III, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 19th day of January, 2023.

  
John B. Westmoreland, III, Attorney

Date January 19th, 2023

State of TENNESSEE  
County of SHELBY

Sworn to and subscribed before me on this 19th day of January, 2023

  
Notary Public  
My Commission Expires: March 11, 2026

Notary's Seal





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

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

April 27, 2023

SR Consulting, LLC  
5909 Shelby Oaks Dr.  
Memphis, TN 38134

*Sent via electronic mail to: [cindy.reaves@srce-memphis.com](mailto:cindy.reaves@srce-memphis.com)*

Case Number: Z 23-006  
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at the northwest corner of Airways Boulevard and East Person Avenue to be included in the Employment (EMP) Zoning District.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [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 23-006**

Division of Planning and Development

Cc: Melanie Jones, SR Consulting, LLC  
File

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, \_\_\_\_\_ 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 23-006  
**LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue  
**COUNCIL DISTRICTS:** District 4 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed  
**REPRESENTATIVE:** Cindy Reaves for SR Consulting, LLC  
**REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

**RECOMMENDATIONS:**

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

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

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_, 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.

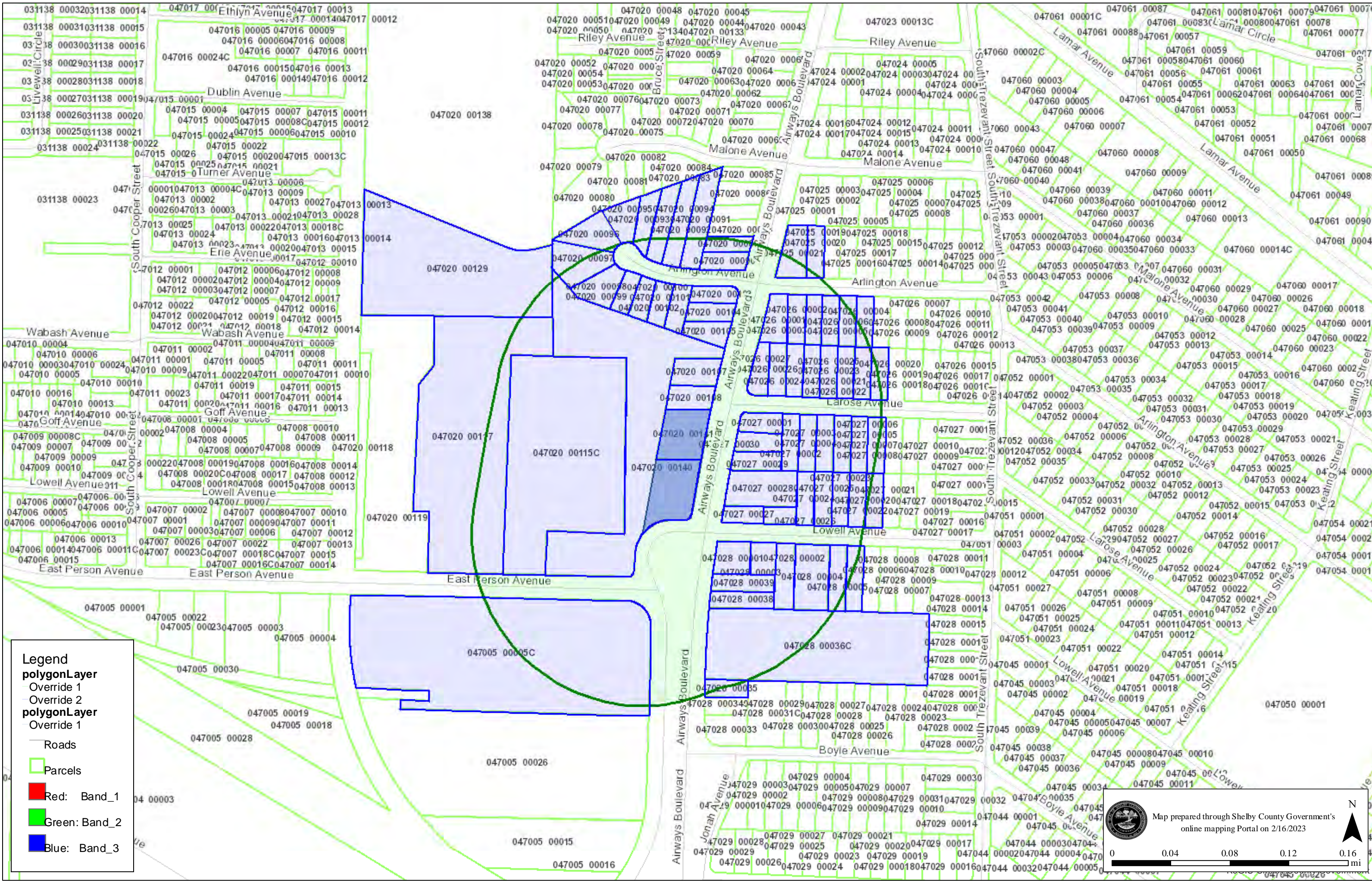
**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**MARTAVIOUS JONES**  
***CHAIRMAN OF COUNCIL***

**ATTEST:**


**WALTER PERSON**  
***CITY COMPTROLLER***


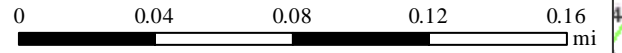
**TO BE PUBLISHED:** \_\_\_\_\_



**Legend**

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3


 Map prepared through Shelby County Government's online mapping Portal on 2/16/2023


  

 0 0.04 0.08 0.12 0.16 mi

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

Airways KHSa LLC  
986 Hollis F Price St.  
Memphis, TN 38126-5910

R & D Ventures LLC  
5031 Anchor Cv.  
Memphis, TN 38117-3404

STOL RENTALS LLC  
137 HIDDEN ACRES DR #  
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)  
2308 LAROSE AVE #  
MEMPHIS TN 38114

TATE RUTHIE  
1670 AIRWAYS BLVD #  
MEMPHIS TN 38115

WALKER GEORGE R  
2231 ARLINGTON AVE #  
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D  
2312 LAROSE AVE #  
MEMPHIS TN 38114

BOLDEN DONALD G  
1678 AIRWAYS BLVD #  
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA  
2237 ARLINGTON AVE #  
MEMPHIS TN 38114

TATE DORIS  
2318 LAROSE AVE #  
MEMPHIS TN 38114

MENJIVAR MARIA  
3099 KEMPER DR #  
MEMPHIS TN 38115

HOYLE CAROLYN M  
2241 ARLINGTON AVE #  
MEMPHIS TN 38114

MALLORY LEE R  
4577 HANCOCK DR #  
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA  
2294 LAROSE AVE #  
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A  
2247 ARLINGTON AVE #  
MEMPHIS TN 38114

HUERTA VICTOR S  
1632 AIRWAYS BLVD #  
MEMPHIS TN 38114

HAYES DORA P & DANESE F  
502 W ARBUTUS ST #  
COMPTON CA 90220

CURRY LAURA  
1589 AIRWAYS BLVD #  
MEMPHIS TN 38114

BEAUREGARD MURLENE  
2325 LAROSE AVE #  
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y  
2026 WILSON RD #  
MEMPHIS TN 38116

PINSON RUTHIE M  
1593 AIRWAYS BLVD #  
MEMPHIS TN 38114

BOLDS CARRIE E  
1640 AIRWAYS BLVD #  
MEMPHIS TN 38114

FERRELL PAVING INC  
2174 E PERSON AVE #  
MEMPHIS TN 38114

EL-TAYECH MAHMOUD  
4253 RHODES AVE #  
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA  
2308 LOWELL AVE #  
MEMPHIS TN 38114

FIFER CARLOS  
723 BRISTON LN  
COLLIERVILLE TN 38017

MARSHALL TONYA M W  
7469 MORGAN HOUSE DR #  
MEMPHIS TN 38125

STALLINGS VINCENT T  
2302 LOWELL AVE #  
MEMPHIS TN 38114

BOONE EARNEST E  
2238 ARLINGTON AVE #  
MEMPHIS TN 38114

NEELY GERALD  
PO BOX 34277 #  
MEMPHIS TN 38184

GFM INVESTMENTS LLC  
2130 PENDLETON ST #  
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET  
7938 US HIGHWAY 70 #  
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M  
2296 ARLINGTON AVE #  
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA  
2311 ARLINGTON #  
MEMPHIS TN 38114

CLEAVES DEAN  
2321 LAROSE AVE #  
MEMPHIS TN 38114

WHITCOMB BLAKE  
440 GAREDEN ST #  
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR  
2317 ARLINGTON AVE #  
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)  
1640 AIRWAYS BLVD #  
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD  
1989 E PERSON AVE #  
MEMPHIS TN 38114

JOHNSON RICHARD D  
2196 E PERSON AVE #  
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP  
4935 ELVIS PRESLEY BLVD #  
MEMPHIS TN 38116

MILES RON  
1989 E PERSON AVE #  
MEMPHIS TN 38114

SURGEON CORY J  
3110 SEMINARY CV #  
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS  
2312 LOWELL AVE #  
MEMPHIS TN 38114

R AND D VENTURES LLC  
5031 ANCHOR CV #  
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO  
PO BOX 140188 #  
MEMPHIS TN 38114

PEARCE RICHARD  
596 WARING RD #  
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD  
2253 ARLINGTON AVE #  
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE  
2328 LAROSE AVE #  
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A  
2257 ARLINGTON AVE #  
MEMPHIS TN 38114

FREEMAN MELODY  
7727 DRISCOLL ST  
MEMPHIS TN 38125

FIFER CARLOS  
723 BRISTON LN #  
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL  
8310 RAMBLING ROSE DR #  
OOLTEWAH TN 37363

UPCHURCH BRANETTE M  
1634 BONNIE DR #  
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND  
1658 AIRWAYS BLVD #  
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L  
2301 ARLINGTON AVE #  
MEMPHIS TN 38114

FREEMAN MELODY  
7727 DRISCOLL ST  
MEMPHIS TN 38125

HENDERSON LYJUANICA D  
4620 CEDAR BRANCH CIR #  
MEMPHIS TN 38128

CARPENTER ALONZA  
6822 17TH ST S  
SAINT PETERSBURG FL 33712

BOOKER JANET D  
2317 LAROSE AVE #  
MEMPHIS TN 38114

SENENSE TARYN  
2293 LOWELL AVE #  
MEMPHIS TN 38114



LEON FIDEL P  
2301 LOWELL AVE #  
MEMPHIS TN 38114

CARRUTHERS GRACIE  
2307 LOWELL AVE #  
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F  
1628 CASTALIA #  
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC  
318 WINCHESTER RD #  
MEMPHIS TN 38109

END TIME CHURCH (TRS)  
4651 BARKLEY GLEN DR #  
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE  
5160 SANDERLIN AVE #1  
MEMPHIS TN 38117

SCOTT PARTECIOUS  
3260 KIRBY PKWY #4  
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS  
5160 SANDERLIN #1  
MEMPHIS TN 38117

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

ONE ORIGINAL |  
ONLY STAPLED |  
TO DOCUMENTS |

Planning & Development  
**DIVISION**

Planning & Zoning COMMITTEE: 4/25/2023

DATE

PUBLIC SESSION: 4/25/2023

DATE

**ITEM (CHECK ONE)**

\_\_\_\_ ORDINANCE      RESOLUTION     \_\_\_\_ REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 110 Byfield Drive, known as case number PD 2023-005

**CASE NUMBER:** PD 2023-005

**DEVELOPMENT:** Byfield Drive Planned Development

**LOCATION:** 110 Byfield Drive

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

**OWNER/APPLICANT:** Thornton Realty and Property Solutions

**REPRESENTATIVE:** Delinor Smith, Smith Building Design and Associates

**REQUEST:** Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

**AREA:** +/- .355 acres

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

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

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED

04/13/2023 \_\_\_\_\_ DATE

(1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION

\_\_\_\_\_ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) \_\_\_\_\_ REQUIRES CITY EXPENDITURE - (1) YES (2) NO

\$ \_\_\_\_\_ AMOUNT OF EXPENDITURE

\$ \_\_\_\_\_ REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ \_\_\_\_\_ OPERATING BUDGET

\$ \_\_\_\_\_ CIP PROJECT # \_\_\_\_\_

\$ \_\_\_\_\_ FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

DATE POSITION

\_\_\_\_\_ PRINCIPAL PLANNER

\_\_\_\_\_ DEPUTY ADMINISTRATOR

\_\_\_\_\_ ADMINISTRATOR

\_\_\_\_\_ DIRECTOR (JOINT APPROVAL)

\_\_\_\_\_ COMPTROLLER

\_\_\_\_\_ FINANCE DIRECTOR

\_\_\_\_\_ CITY ATTORNEY

\_\_\_\_\_ **CHIEF ADMINISTRATIVE OFFICER**

\_\_\_\_\_ **COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### PD 2023-005

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 110 BYFIELD, KNOWN AS CASE NUMBER PD 2023-005

- This item is a resolution with conditions to allow a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6); 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 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 2023-005
<b>DEVELOPMENT:</b>	Byfield Drive Planned Development
<b>LOCATION:</b>	110 Byfield Drive
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Thornton Realty and Property Solutions
<b>REPRESENTATIVE:</b>	Delinor Smith, Smith Building Design and Associates
<b>REQUEST:</b>	Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)
<b>EXISTING ZONING:</b>	Residential Single-Family – 6 (R-6)
<b>AREA:</b>	+/- .355 acres

---

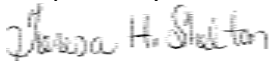
**The following spoke in support of the application:** None

**The following spoke in opposition the application:** None

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

**The motion passed by a unanimous vote of 7-0 on the consent agenda.**

Respectfully,



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

Cc: Committee Members  
File

**PD 2023-005  
CONDITIONS**

**Outline Plan Conditions**

- I. Permitted Uses
  - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
    1. All offices
    2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
    3. Pharmacy
    4. Bakery, retail
    5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
    6. Medical or Dental Laboratory
  - B. The following uses are strictly prohibited.
    1. Payday loans, title loans and flexible loan plan establishments
    2. Vehicle service and repair
    3. Microbrewery and micro distillery
    4. Farmers Market
    5. Tattoo, Palmist, Psychic or Medium
    6. Retail Sales Outdoor (vendor), Flea market
    7. Smoke shop
    8. All Vehicle Sales, Rental, Leasing
    9. Vehicle parts and accessories
    10. Indoor multi-story
    11. Vehicle wash establishment
    12. All Vehicle Service
    13. Lumberyard and wood products
    14. Neighborhood Garden
    15. Radio, TV, or Recording Studio
    16. All other funeral establishments, including crematorium and pet crematorium
    17. CMCS tower and facilities
    18. Amateur Radio Operator Tower (65' or less)
    19. All minor utilities
    20. Light manufacturing or assembly of equipment, instruments, or goods
    21. Reservoir, Control Structure, Water Supply, Water Well
    22. Recreation Field with or without lights
    23. All parks and open areas
    24. Restaurant with sale of alcoholic beverages, Brew Pub
    25. Restaurant, Drive-in
    26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
    27. Cemetery, Mausoleum, Columbarium, Memorial Park
    28. Group Living

- 29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
- 30. Restaurant, Drive-in

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut permitted on Horn Lake Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- E. A standard subdivision contract.
- F. The exact location, number and dimension of all parking spaces and access drive.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

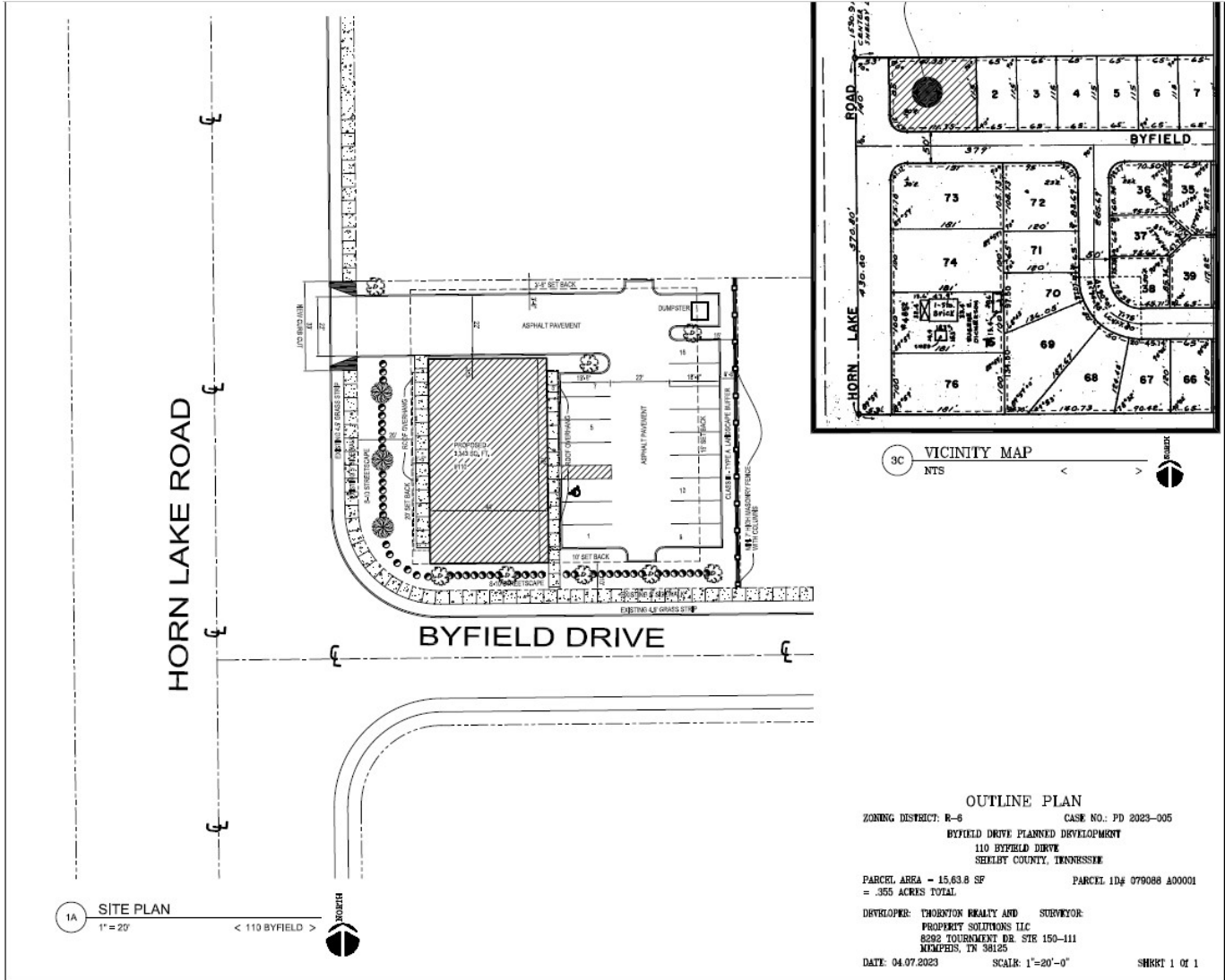
- A. Signage shall be in conformance with the CMU-1 District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the

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

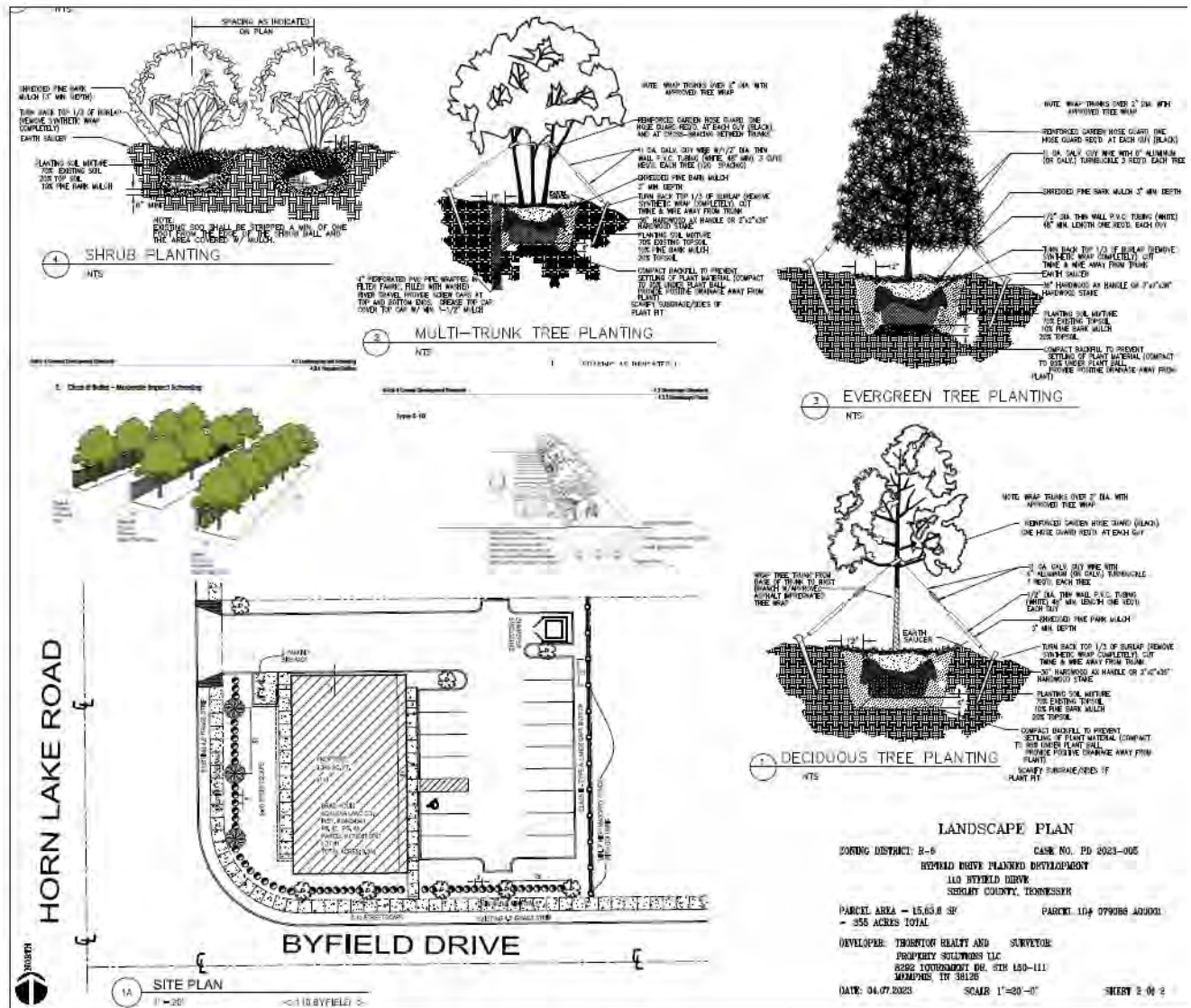
- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation,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

**OUTLINE PLAN**





# LANDSCAPE PLAN



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 110 BYFIELD DRIVE, KNOWN AS CASE NUMBER PD 2023-005**

---

**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 Thornton Realty and Property Solutions filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6); 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 13, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

**ATTEST:**

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

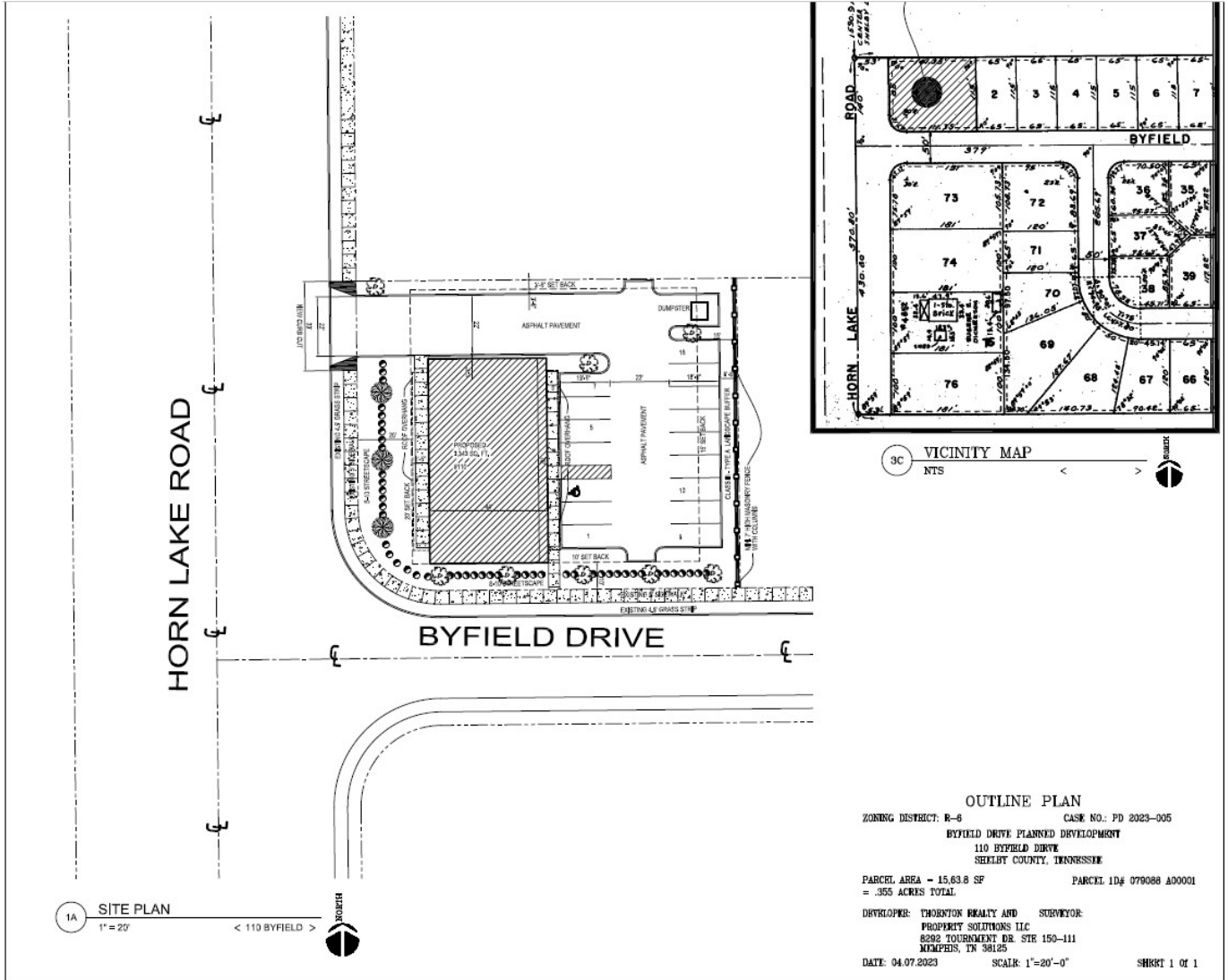
## OUTLINE PLAN CONDITIONS

- I. Permitted Uses
  - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
    1. All offices
    2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
    3. Pharmacy
    4. Bakery, retail
    5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
    6. Medical or Dental Laboratory
  - B. The following uses are strictly prohibited.
    1. Payday loans, title loans and flexible loan plan establishments
    2. Vehicle service and repair
    3. Microbrewery and micro distillery
    4. Farmers Market
    5. Tattoo, Palmist, Psychic or Medium
    6. Retail Sales Outdoor (vendor), Flea market
    7. Smoke shop
    8. All Vehicle Sales, Rental, Leasing
    9. Vehicle parts and accessories
    10. Indoor multi-story
    11. Vehicle wash establishment
    12. All Vehicle Service
    13. Lumberyard and wood products
    14. Neighborhood Garden
    15. Radio, TV, or Recording Studio
    16. All other funeral establishments, including crematorium and pet crematorium
    17. CMCS tower and facilities
    18. Amateur Radio Operator Tower (65' or less)
    19. All minor utilities
    20. Light manufacturing or assembly of equipment, instruments, or goods
    21. Reservoir, Control Structure, Water Supply, Water Well
    22. Recreation Field with or without lights
    23. All parks and open areas
    24. Restaurant with sale of alcoholic beverages, Brew Pub
    25. Restaurant, Drive-in
    26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
    27. Cemetery, Mausoleum, Columbarium, Memorial Park
    28. Group Living
    29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
    30. Restaurant, Drive-in

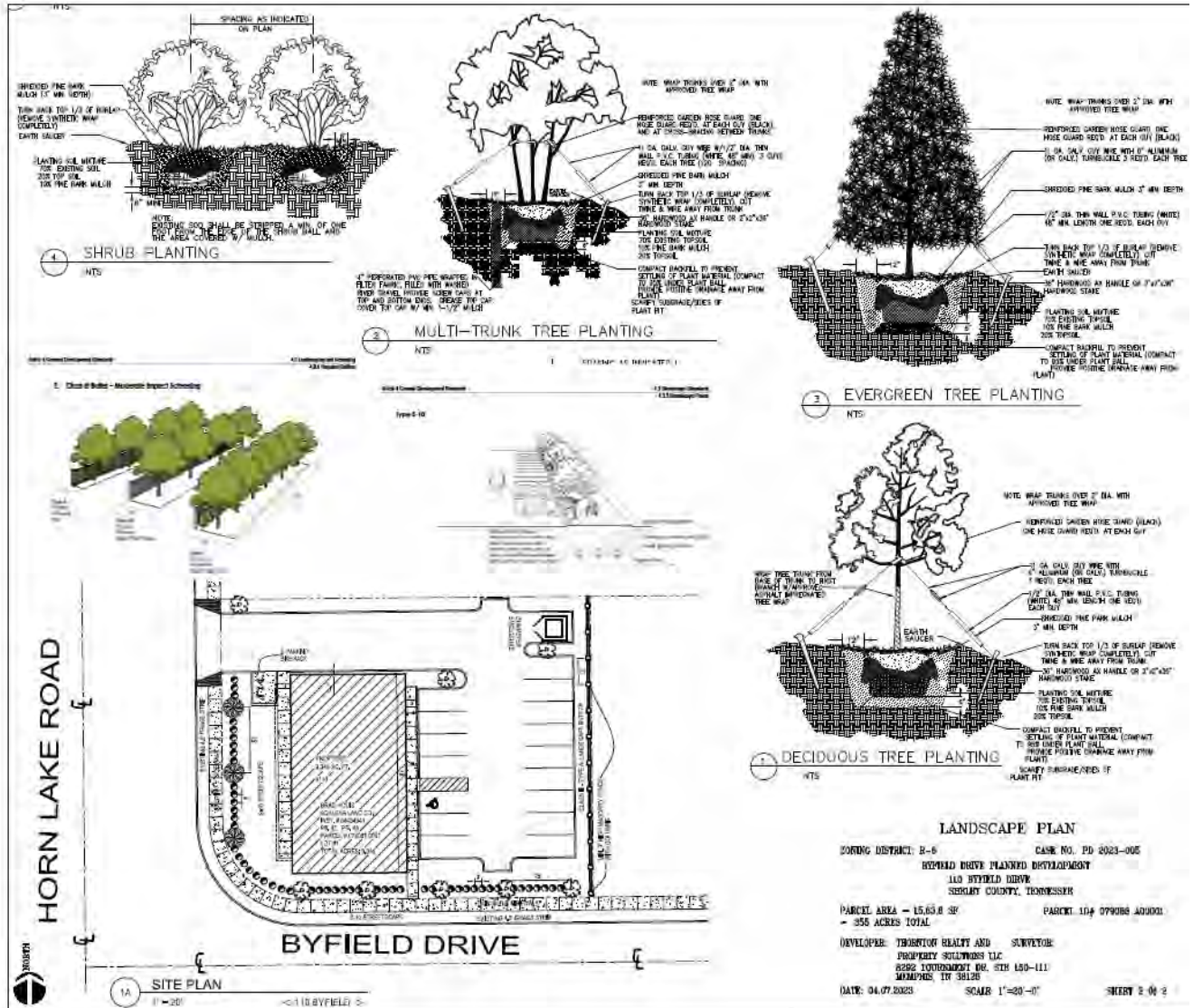
- II. Bulk Regulations
  - A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.
  
- III. Access, Parking and Circulation
  - A. One curb cut permitted on Horn Lake Road.
  - B. The design and location of the curb cut shall be approved by the City Engineer.
  - C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
  - D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
  - E. A standard subdivision contract.
  - F. The exact location, number and dimension of all parking spaces and access drive.
  
- IV. Drainage
  - A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
  - B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
  - C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
  - D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
  
- V. Landscaping
  - A. Landscaping shall be provided as illustrated on the Outline Plan.
  - B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
  - C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.
  
- VI. Signs
  - A. Signage shall be in conformance with the CMU-1 District regulations.
  
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

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

# OUTLINE PLAN



# LANDSCAPE PLAN





**AGENDA ITEM:** 2

**CASE NUMBER:** PD 2023-005 **L.U.C.B. MEETING:** April 13, 2023

**DEVELOPMENT:** Byfield Drive Planned Development

**LOCATION:** 110 Byfield

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

**OWNER/APPLICANT:** Thornton Realty and Property Solutions

**REPRESENTATIVE:** Delinor Smith, Smith Building Design and Associates

**REQUEST:** Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

**AREA:** +/- .355 acres

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

## CONCLUSIONS

1. The applicant is requesting a planned development of +/- .355 acres to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).
2. The purpose of this request is to develop a small retail shopping center with at least 3 to 4 rental spaces.
3. This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than commercial. However, the existing, adjacent land use to the north side of the parcel is zoned CMU-1.
4. The subject property is vacant at this time.

## 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

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** W. Byfield Drive +/-128.6 linear feet  
Horn Lake Road +/-124.1 curvilinear feet

**Zoning Atlas Page:** 2425

**Parcel ID:** 076088 A00001

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

**NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Monday, March 27, 2023, at Whitehaven Branch Library, 4120 Millbranch Road.

March 17, 2023

You are invited to a neighborhood meeting to discuss a Planned Development Application filed with the Memphis and Shelby County Division of Planning and Development. The site is located at 110 Byfield Drive. We are requesting this planned development to include retail shopping center use that is permitted in the CMU-1 zoning district, where the current zoning is R-6.

**NEIGHBORHOOD MEETING NOTICE**

Subject: Planned Development – 110 Byfield Dr.

**(DPD Case # PD 23-05)**

Date: Monday, March 27, 2023

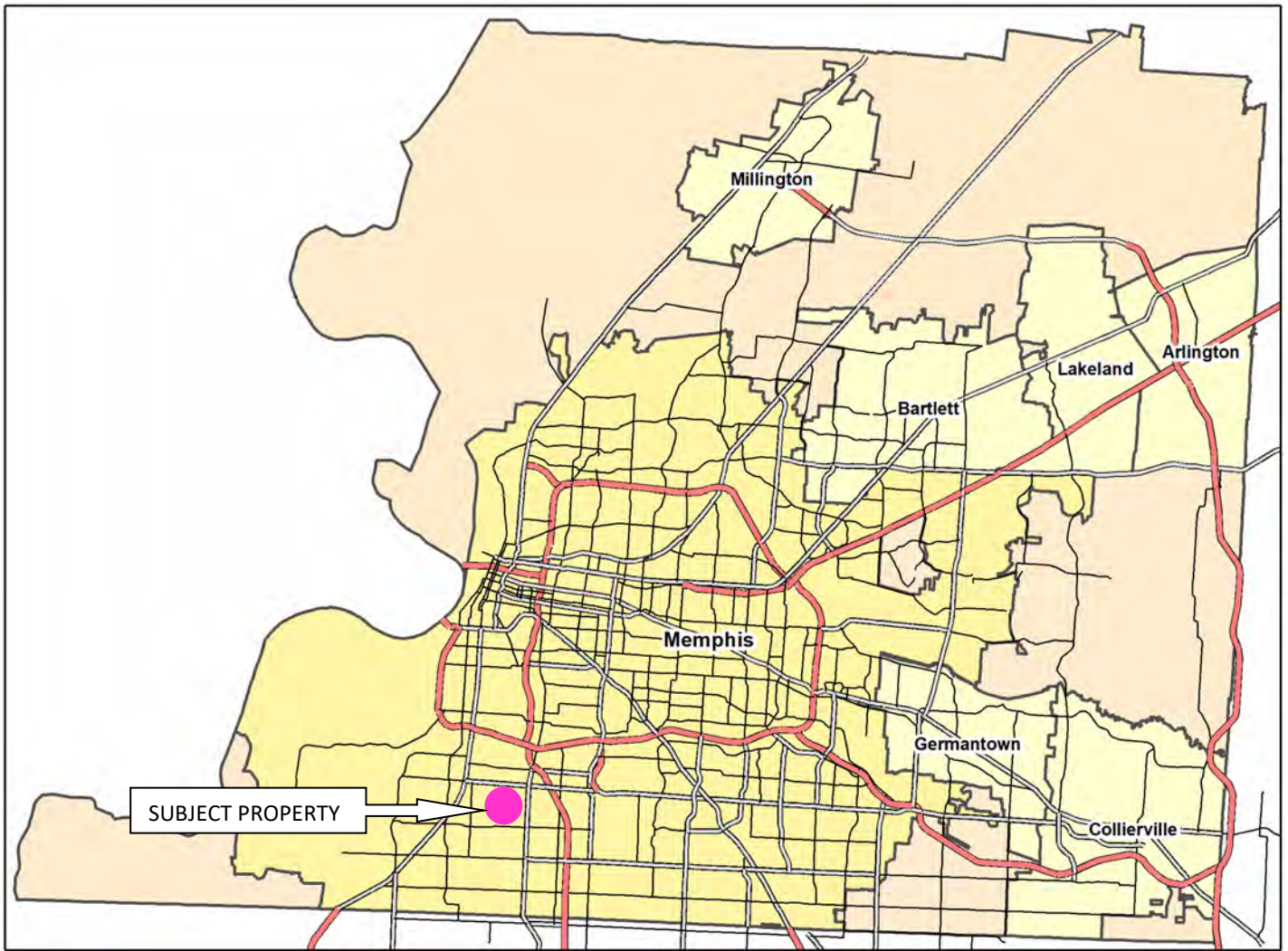
Time: 5pm to 6pm

Location: Whitehaven Branch Library  
4120 Millbranch Rd.  
Memphis, TN 38116

**PUBLIC NOTICE**

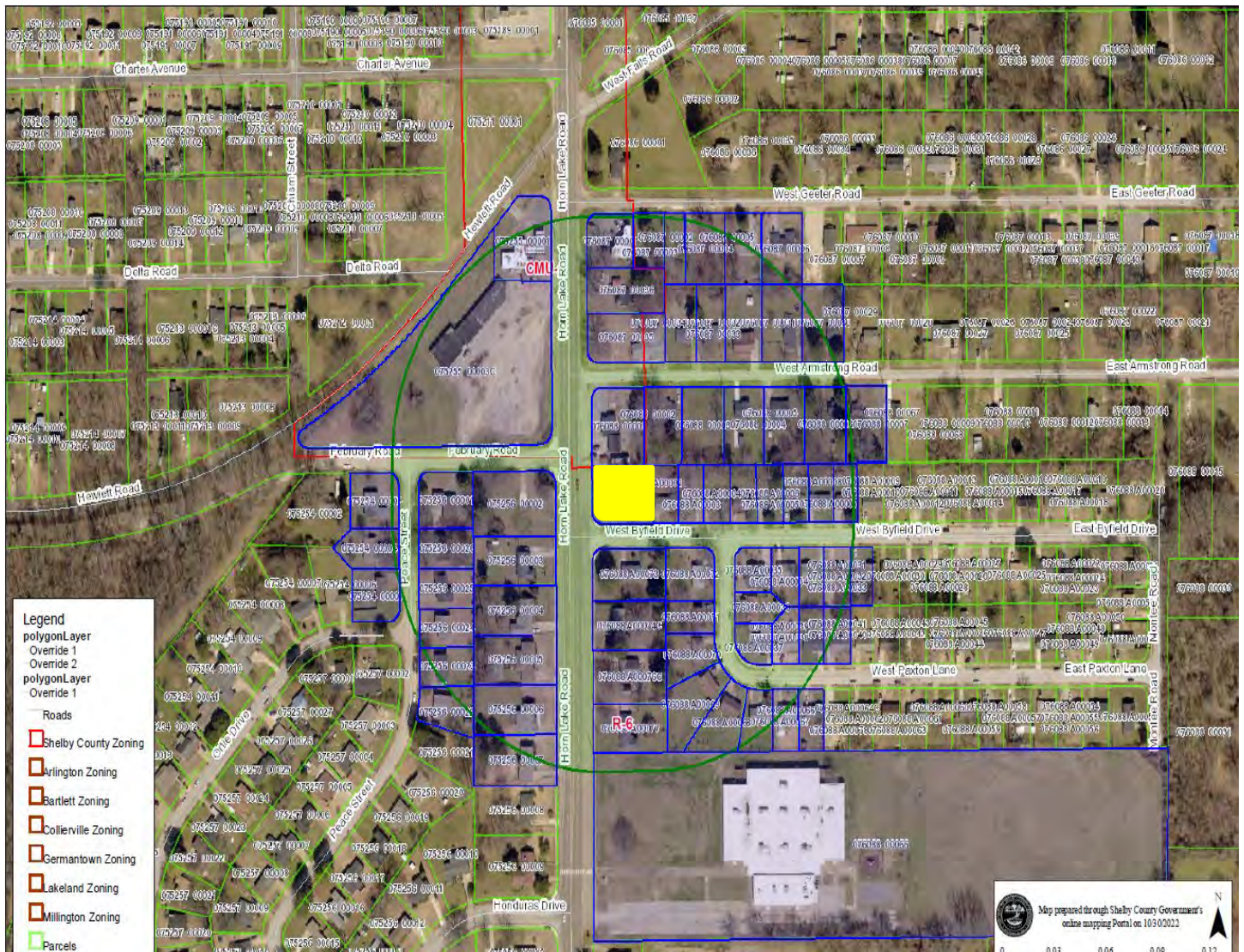
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 69 notices were mailed on March 23, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle

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:** CMU-1

**East:** R-6

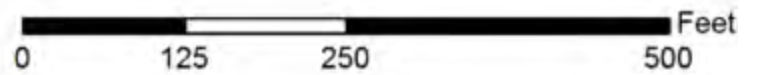
**South:** R-6

**West:** R-6

**LAND USE MAP**



**LandUse**



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



Subject property outlined in electric blue indicated by a pink star

**SITE PHOTOS**



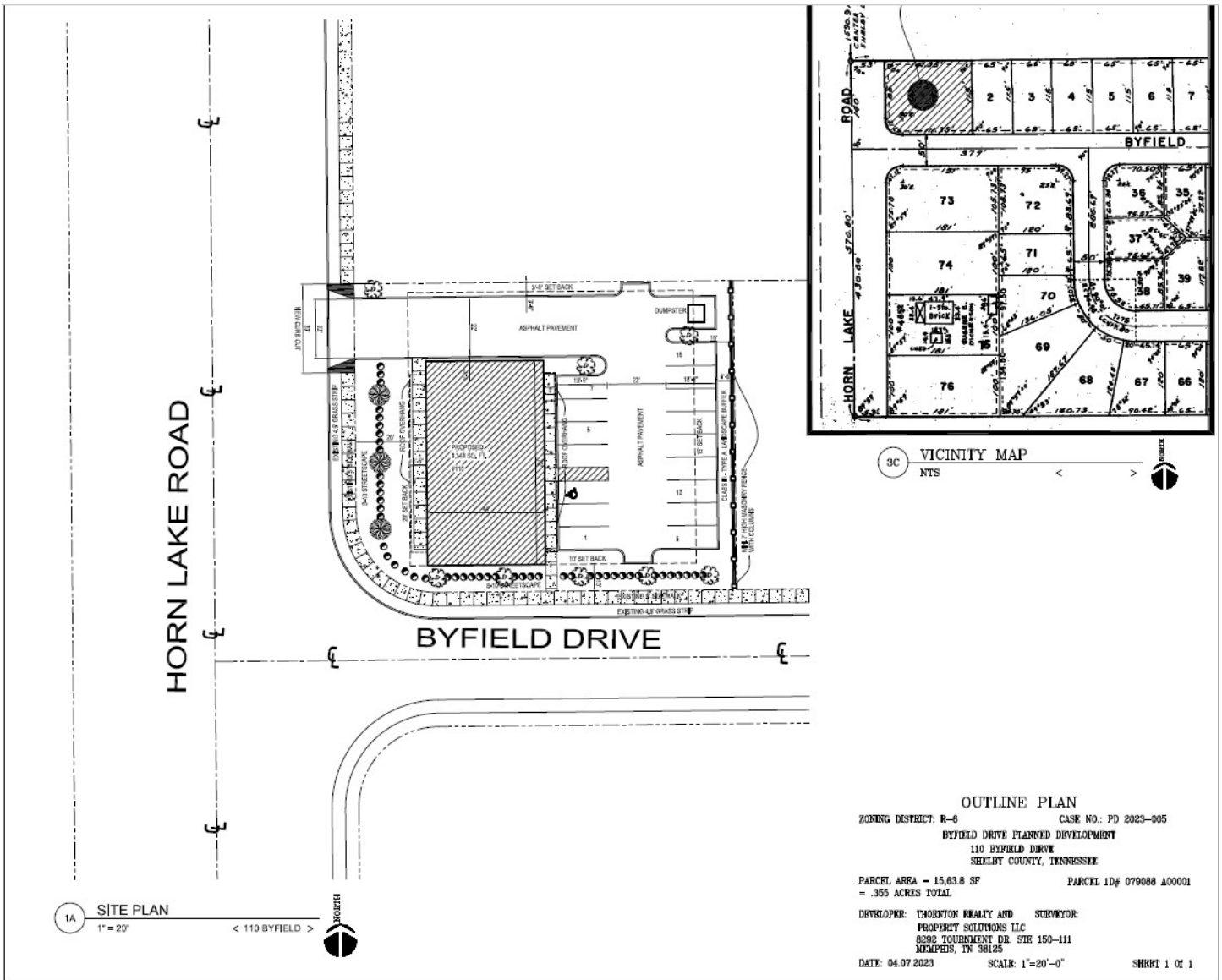
View of subject property from Horn Lake Rd. looking east





View of subject property from W Byfield looking north

OUTLINE PLAN





## **STAFF ANALYSIS**

### **Request**

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

The request is for a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).

### **Applicability**

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

#### *4.10.2 Applicability*

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

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

### **General Provisions**

Staff agrees/disagrees 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 wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- 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 ensure 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 +/- .355 acres located 110 Byfield Drive at the corner of Horn Lake Rd and Byfield. The site is currently zoned Residential – 6 (R-6) and it is vacant lot.

## **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 PD 23-05 Whitehaven

Site Address/Location: 110 Byfield Dr.

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

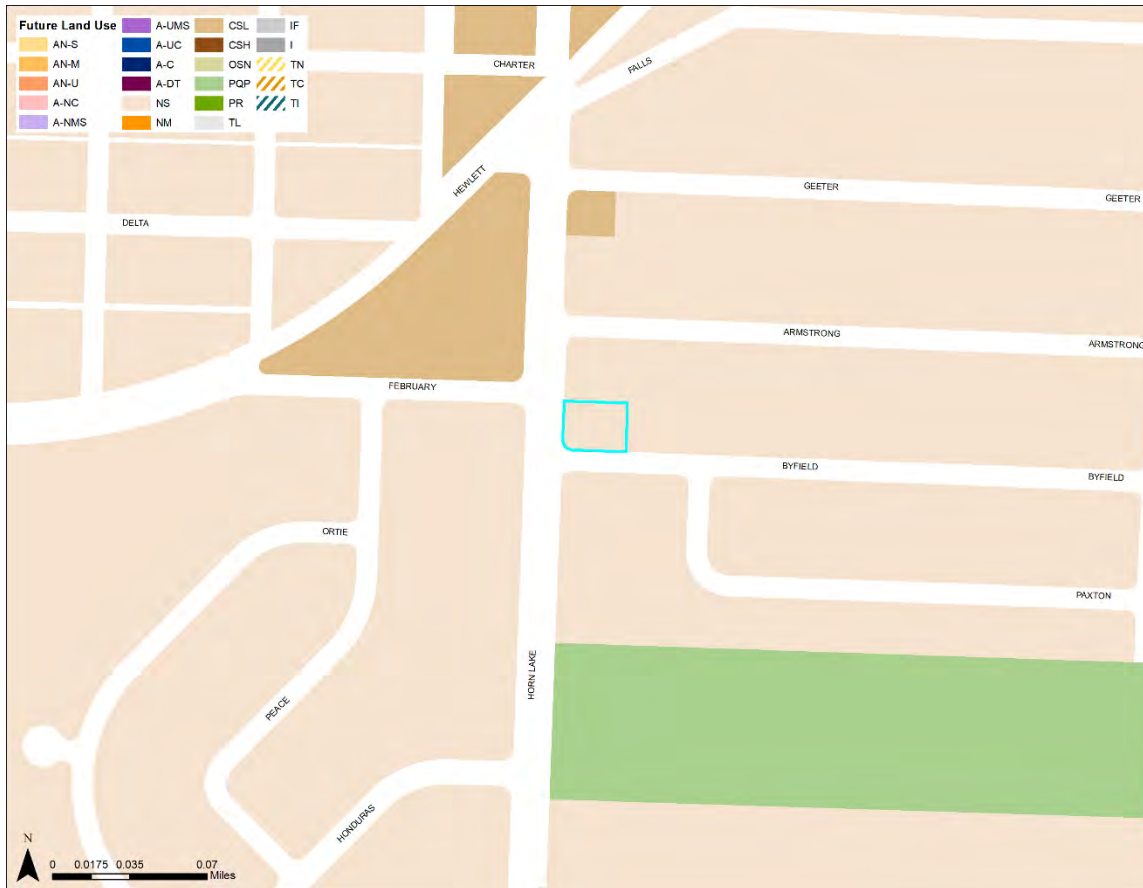
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Avenue

The applicant is requesting a planned development with the intention of constructing a small shopping center.

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

**1. Future Land Use Planning Map**



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

**2. Land Use Description/Intent**

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



consisting Graphic

**“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.

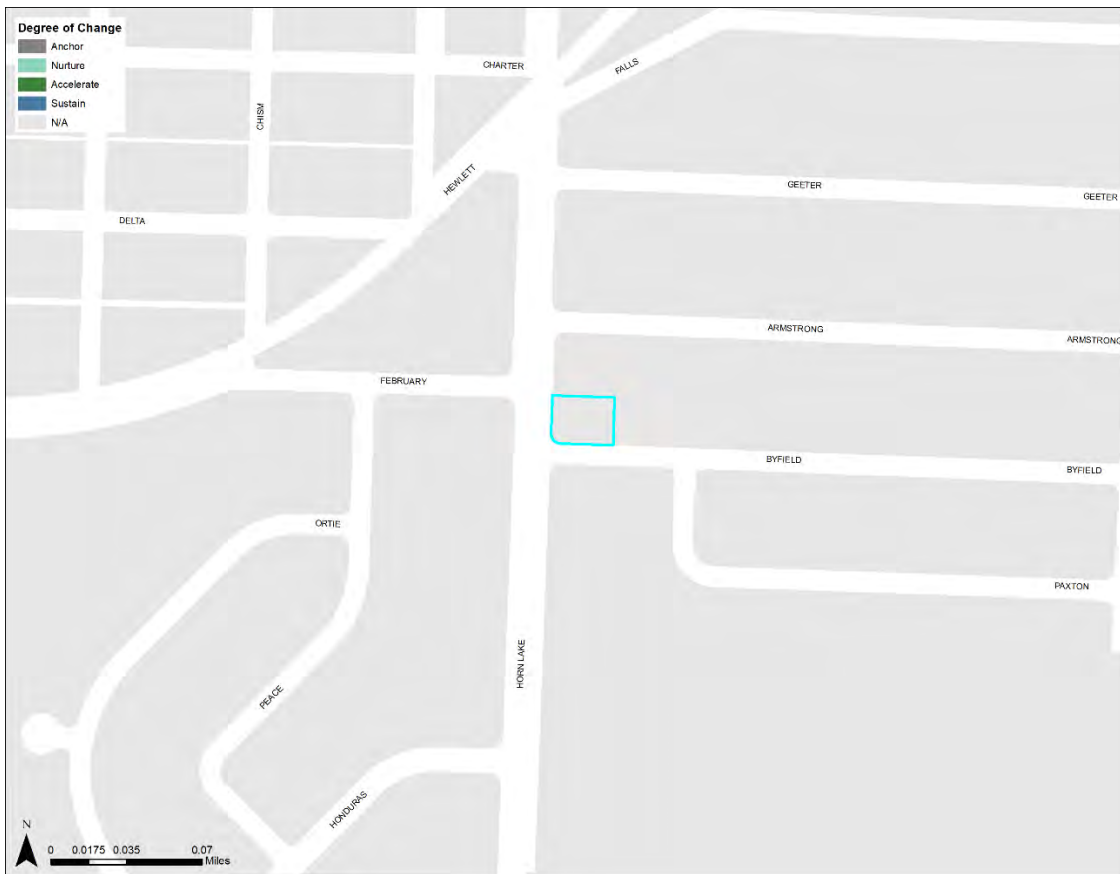
**Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Vacant, R-6

Adjacent Land Use and Zoning: Office and Single-Family; R-6, CMU-1

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. However, it is consistent with adjacent land use and zoning.*

**Degree of Change Map**



Blue 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 planned development with the intention of constructing a small shopping center. This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes.*



*However, it is consistent with adjacent land use and zoning. Additionally, the subject site is directly south of existing CMU-1 zoning and a commercial use. Therefore, the request is consistent.*

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

Summary Compiled by: Bradyn Carson, Comprehensive Planning.

### **Conclusions**

The applicant is requesting a planned development of +/- .355 acres to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).

The purpose of this request is to develop a small retail shopping center with at least 3 to 4 rental spaces.

This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than commercial. However, the existing, adjacent land use to the north side of the parcel is zoned CMU-1.

The subject property is vacant at this time.

### **RECOMMENDATION**

Staff recommends approval with outline plan conditions.

### **OUTLINE PLAN CONDITIONS**

- I. Permitted Uses
  - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
    1. All offices
    2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
    3. Pharmacy
    4. Bakery, retail
    5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
    6. Medical or Dental Laboratory
  - B. The following uses are strictly prohibited.
    1. Payday loans, title loans and flexible loan plan establishments
    2. Vehicle service and repair
    3. Microbrewery and micro distillery
    4. Farmers Market
    5. Tattoo, Palmist, Psychic or Medium
    6. Retail Sales Outdoor (vendor), Flea market
    7. Smoke shop
    8. All Vehicle Sales, Rental, Leasing

9. Vehicle parts and accessories
10. Indoor multi-story
11. Vehicle wash establishment
12. All Vehicle Service
13. Lumberyard and wood products
14. Neighborhood Garden
15. Radio, TV, or Recording Studio
16. All other funeral establishments, including crematorium and pet crematorium
17. CMCS tower and facilities
18. Amateur Radio Operator Tower (65' or less)
19. All minor utilities
20. Light manufacturing or assembly of equipment, instruments, or goods
21. Reservoir, Control Structure, Water Supply, Water Well
22. Recreation Field with or without lights
23. All parks and open areas
24. Restaurant with sale of alcoholic beverages, Brew Pub
25. Restaurant, Drive-in
26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
27. Cemetery, Mausoleum, Columbarium, Memorial Park
28. Group Living
29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
30. Restaurant, Drive-in

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut permitted on Horn Lake Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- E. A standard subdivision contract.
- F. The exact location, number and dimension of all parking spaces and access drive.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- C. All drainage emanating on-site shall be private in nature and no easements will be accepted.

- D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the CMU-1 District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

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

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

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

**DEPARTMENTAL COMMENTS**

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

**City/County Engineer:**

DATE: 4/6/2023

CASE: PD 23-005

NAME: Byfield Drive Planned Development

**Roads:**

1. 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.

2. 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 construction, reconstruction, or repair necessary to meet City standards.

**Traffic Control Provisions:**

3. 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. If the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

4. 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.

5. 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:**

6. 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.

**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 PAGES 14-17

APPLICATION

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

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

Date: 2/16/2023

Previous Case/Docket #: Z 2022-011

PLEASE TYPE OR PRINT

Property Owner of Record: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 8295 TOURNAMENT DR City/State: MEMPHIS Zip: 38125

Property Owner Email Address: \_\_\_\_\_

Applicant: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 2570 OVERLOOK DRIVE City/State: GERMANTOWN, TN Zip: 38138

Applicant Email Address: \_\_\_\_\_

Representative: DELINOR SMITH, SMITH BUILDING DESIGN AND ASSOCIATES Phone #: 901-690-3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS Zip: 38128

Representative Email Address: dsmith920@comcast.net

Architect/Engineer/Surveyor: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Architect/Engineer/Surveyor Email Address: \_\_\_\_\_

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 110 BYFIELD DRIVE AT THE CORNER OF BYFIELD AND HORN LAKE ROAD

Parcel ID: 076088 A00001

Project Name: BYFIELD PLANNED DEVELOPMENT

Project Description: PLANNED DEVELOPMENT TO INCLUDE RETAIL SHOPPING CENTER USE THAT IS PERMITTED IN CMU-1, WHERE THE CURRENT ZONING IS R-6

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

Planner: TERESA SHELTON Date of Meeting: 10/05/2022

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

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? NO (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? NO (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>0.355</u>	_____	_____
Existing Use of Property:	<u>R-6</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

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

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

**APPROVAL CRITERIA (UDC Section 9.6.9)**

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

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare: The project will not have undue adverse effects upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and the 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: This project will be compatible with the use of adjacent properties along Horn Lake Road.

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: The public facilities and services are adequate and will meet the needs for this project.

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: This project will not have any negative affects on any feature that the governing bodies determined to be of significant natural, scenic of historic importance.

---

---

---

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: This project shall be constructed and operated according to all prevailing local codes and state regulations governing this type of business.

---

---

---

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: This project will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

---

---

---

**GENERAL PROVISIONS (UDC Section 4.10.3)**

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

A) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County: This development will not 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 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: All public facilities are adequate for this type of business.

---

---

---



- 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: A site plan shall be submitted for approval to satisfy the parking, lighting, landscaping, required buffers and streetscapes.  

---

---

---

---
- 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: Any modifications to the district standards shall be submitted to the governing boards for approval before constructing.  

---

---

---

---
- E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: The owner shall be responsible for the maintenance of the structure and property.
- F) Lots of record are created with the recording of a planned development final plan: Once the request is approved the final plat shall be recorded.

**LETTER OF INTENT**

2/16/2023

Mr. Brett Ragsdale  
Zoning Administrator  
Division of Planning and Development  
125 N. Main St., Ste. 477  
Memphis, TN 38103

RE: 110 Byfield Dr.

Dear Brett:

On behalf of the applicant, Mrs. Vernita Thornton, Thornton Realty and Property Solutions, LLC., we are requesting a Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The proposed planned development of the subject property is to build a small retail shopping center and will be in accordance with the four already existing properties along Horn Lake Road that are currently zoned CMU-1, with one of the properties known as, "T's Tires located at 4804 Horn Lake Rd which is adjacent to the subject property. We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood but will enhance the neighborhood by bringing more retail to the area. I have attached photos of the properties that are already zoned CMU-1 in this area.

We are asking that you please consider this letter of intent as our formal request for this re-zoning of this property.

Thank you,



Delinor Smith, Smith Building Design and Associates

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, DELINOR SMITH, being duly sworn, depose and say that at 6:30pm am/pm on the 28 day of MARCH, 2023, I posted a Public Notice Sign(s) pertaining to Case No. PD 2023-005 at 110 BYFIELD ROAD (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council,        Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development,        Special Use Permit,        Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

*Delnor Smith*  
Owner, Applicant or Representative

3-29-2023  
Date

Subscribed and sworn to before me this 29 day of March, 2023.

*Shane Roe*  
Notary Public

MY COMMISSION EXPIRES MAY 17, 2026

My commission expires: \_\_\_\_\_



**LETTERS RECEIVED**

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

**From:** [Nina G](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Re: 71 W Byfield Dr  
**Date:** Tuesday, April 04, 2023 8:54:36 PM  
**Attachments:** [Outlook-gm1mb0mu.png](#)  
[Outlook-ghqgrgh2w.png](#)  
[Outlook-mu1yrkp.png](#)  
[Outlook-ta3hebyo.png](#)

**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.

To Whom It May Concern:

I own 71 W Byfield Dr 38109.

I am writing to state my opposition to the following:  
Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.


The reasons include noise, traffic, lower property value, and the potential for increased crime. I prefer to maintain the area as a single-family residential.

Thank you for hearing my concerns.


Soawanee Greene

On Mon, Apr 3, 2023 at 10:40 AM Shelton, Teresa <[Teresa.Shelton@memphistn.gov](mailto:Teresa.Shelton@memphistn.gov)> wrote:

An email is sufficient.



Teresa Shelton  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development  
125 N. Main, Ste. 468 Memphis, TN 38103  
Phone: 901-636-6621  
Email: [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov)




Visit our [website](#)

**From:** Nina G <[greenemangoes@gmail.com](mailto:greenemangoes@gmail.com)>  
**Sent:** Monday, April 3, 2023 9:33 AM  
**To:** Shelton, Teresa <[Teresa.Shelton@memphistn.gov](mailto:Teresa.Shelton@memphistn.gov)>

**From:** [Denise S. Richardson](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** PD 23-005 110 Byfield  
**Date:** Thursday, April 6, 2023 3:18:31 PM

---

 The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender [deniserich7.rev@gmail.com](mailto:deniserich7.rev@gmail.com)

**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.

---

I and my neighbors are in complete opposition to this planned Development to build a retail shopping center with 3-4 rental spaces for the following reasons:

It will cause dangerous traffic congestion. The speed limit is already at 45 on this street. Most people actually already travel 55.

The lot is too small to accomodate sufficient parking, ingress and egress.

We, the homeowners and inhabitants of this community have not been made aware of the types of businesses allowed in this small space.

It may bring an undesirable transient group of people to the area which exposes us to more crime.

Please vote no on this proposal.

Sincerely,

Joyce Springfield Collins  
4859 Horn Lake Road

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

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

April 17, 2023

Thornton Realty and Property Solutions  
110 Byfield Dr.  
Memphis, TN 38109

*Sent via electronic mail to: [dsmith920@comcast.net](mailto:dsmith920@comcast.net)*

Byfield Drive Planned Development  
Case Number: PD 23-005  
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Byfield Drive Planned Development, subject to the attached outline plan conditions.

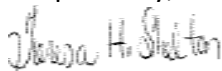
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Teresa Shelton  
Municipal Planner  
Land Use and Development Services

**Letter to Applicant**  
**PD 23-005**

Division of Planning and Development

Cc: Delinor Smith, Smith Building Design and Associates  
File



## Letter to Applicant

PD 23-005

### Outline Plan Conditions

#### I. Permitted Uses

A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.

1. All offices
2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
3. Pharmacy
4. Bakery, retail
5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
6. Medical or Dental Laboratory

B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
2. Vehicle service and repair
3. Microbrewery and micro distillery
4. Farmers Market
5. Tattoo, Palmist, Psychic or Medium
6. Retail Sales Outdoor (vendor), Flea market
7. Smoke shop
8. All Vehicle Sales, Rental, Leasing
9. Vehicle parts and accessories
10. Indoor multi-story
11. Vehicle wash establishment
12. All Vehicle Service
13. Lumberyard and wood products
14. Neighborhood Garden
15. Radio, TV, or Recording Studio
16. All other funeral establishments, including crematorium and pet crematorium
17. CMCS tower and facilities
18. Amateur Radio Operator Tower (65' or less)
19. All minor utilities
20. Light manufacturing or assembly of equipment, instruments, or goods
21. Reservoir, Control Structure, Water Supply, Water Well
22. Recreation Field with or without lights
23. All parks and open areas
24. Restaurant with sale of alcoholic beverages, Brew Pub
25. Restaurant, Drive-in
26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
27. Cemetery, Mausoleum, Columbarium, Memorial Park
28. Group Living
29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station

30. Restaurant, Drive-in

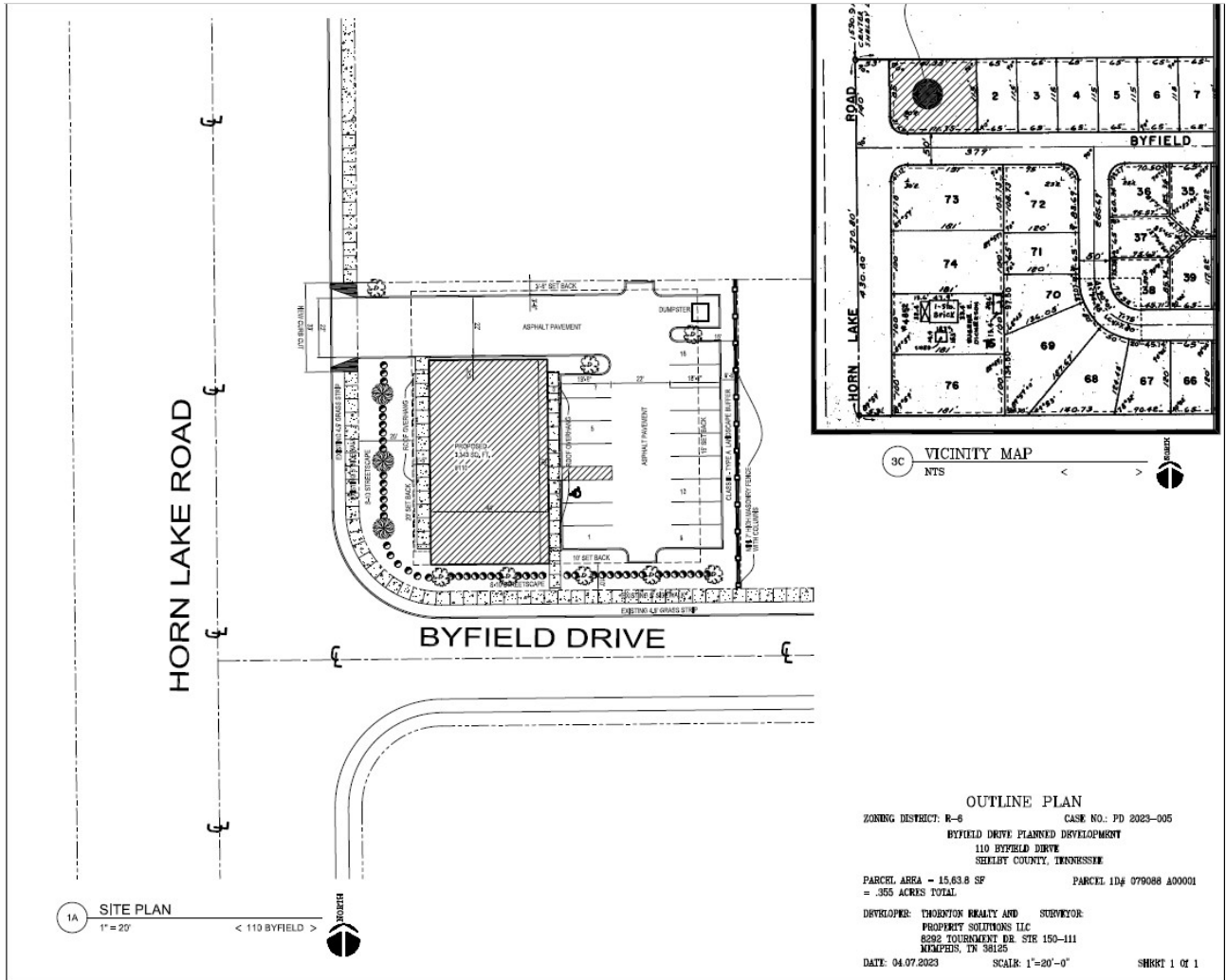
- II. Bulk Regulations
  - A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.
  
- III. Access, Parking and Circulation
  - A. One curb cut permitted on Horn Lake Road.
  - B. The design and location of the curb cut shall be approved by the City Engineer.
  - C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
  - D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
  - E. A standard subdivision contract.
  - F. The exact location, number and dimension of all parking spaces and access drive.
  
- IV. Drainage
  - A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
  - B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
  - C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
  - D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
  
- V. Landscaping
  - A. Landscaping shall be provided as illustrated on the Outline Plan.
  - B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
  - C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.
  
- VI. Signs
  - A. Signage shall be in conformance with the CMU-1 District regulations.
  
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of

**Letter to Applicant**  
**PD 23-005**

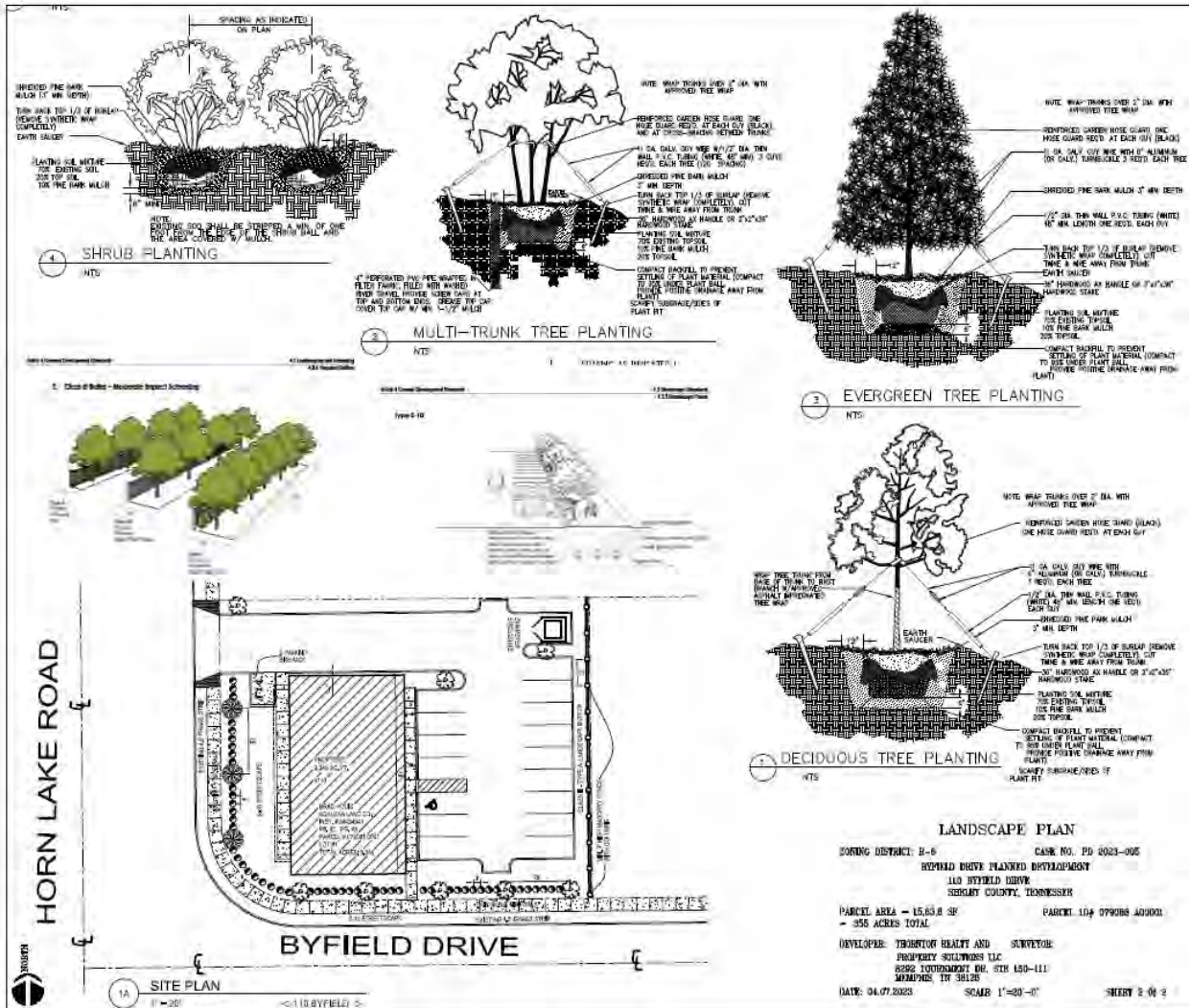
the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

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

OUTLINE PLAN



LANDSCAPE PLAN





## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: November 28, 2022

Record Number: PD 2023-005

Expiration Date:

Record Name: 110 Byfield Drive Re-zoning

Description of Work: The request is to re-zone +/-0.355 acres from Residential Single Family - 6 (R-6) to Commercial Mixed Use - 1 to build a small retail shopping center with 3 to 4 rental spaces.

Parent Record Number:

---

### Address:

110 BYFIELD DR, MEMPHIS 38109

### Owner Information

Primary Owner Name

Y THORNTON REALTY AND PROPERTY SOLUTIONS

Owner Address

8295 TOURNAMENT DR, MEMPHIS, TN 38125

Owner Phone

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner Teresa Shelton

Date of Meeting 10/05/2022

Pre-application Meeting Type -

#### GENERAL PROJECT INFORMATION

Planned Development Type -

Previous Docket / Case Number -

Medical Overlay / Uptown -

**GENERAL PROJECT INFORMATION**

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 -

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 -

UDC Sub-Section 9.6.9B -

UDC Sub-Section 9.6.9C -

UDC Sub-Section 9.6.9D -

UDC Sub-Section 9.6.9E -

UDC Sub-Section 9.6.9F -

**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 -

Class R

**GIS INFORMATION**

Downtown Fire District No  
Historic District -  
Land Use VACANT  
Municipality MEMPHIS  
Overlay/Special Purpose District -  
Zoning R-6  
State Route -  
Lot 0 1  
Subdivision WILSHIRE OAKS TERRACE  
Planned Development District -  
Wellhead Protection Overlay District -

---

**Contact Information**

**Name** THORNTON REALTY AND PROPERTY SOLUTIONS, LLC. **Contact Type** APPLICANT  
**Address** 2570 OVERLOOK DRIVE, GERMANTOWN, TN, 38138  
**Phone** (901)485-9655

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1448909	Adjustment Fee	750	750.00	INVOICED	0.00	02/14/2023
1448909	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	02/14/2023

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

---

**Payment Information**

**Payment Amount** \$769.50 **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

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

Date: 2/16/2023

Previous Case/Docket #: Z 2022-011

PLEASE TYPE OR PRINT

Property Owner of Record: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 8295 TOURNAMENT DR City/State: MEMPHIS Zip: 38125

Property Owner Email Address: \_\_\_\_\_

Applicant: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 2570 OVERLOOK DRIVE City/State: GERMANTOWN, TN Zip: 38138

Applicant Email Address: \_\_\_\_\_

Representative: DELINOR SMITH, SMITH BUILDING DESIGN AND ASSOCIATES Phone #: 901-690-3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS Zip: 38128

Representative Email Address: dsmith920@comcast.net

Architect/Engineer/Surveyor: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Architect/Engineer/Surveyor Email Address: \_\_\_\_\_

**PREMISES LOCATION** (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 110 BYFIELD DRIVE AT THE CORNER OF BYFIELD AND HORN LAKE ROAD

Parcel ID: 076088 A00001

Project Name: BYFIELD PLANNED DEVELOPMENT

Project Description: PLANNED DEVELOPMENT TO INCLUDE RETAIL SHOPPING CENTER USE THAT IS PERMITTED IN CMU-1, WHERE THE CURRENT ZONING IS R-6

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

Planner: TERESA SHELTON Date of Meeting: 10/05/2022

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

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? NO (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? NO (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>0.355</u>	<u></u>	<u></u>
Existing Use of Property:	<u>R-6</u>	<u></u>	<u></u>
Requested Use of Property:	<u>CMU-1</u>	<u></u>	<u></u>

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

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

\_\_\_\_\_  
\_\_\_\_\_

**APPROVAL CRITERIA** (UDC Section 9.6.9)

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

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare: The project will not have undue adverse effects upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and the 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: This project will be compatible with the use of adjacent properties along Horn Lake Road.

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: The public facilities and services are adequate and will meet the needs for this project.

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: This project will not have any negative affects on any feature that the governing bodies determined to be of significant natural, scenic of historic importance.

---

---

---

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: This project shall be constructed and operated according to all prevailing local codes and state regulations governing this type of business.

---

---

---

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: This project will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

---

---

---

**GENERAL PROVISIONS (UDC Section 4.10.3)**

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

A) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County: This development will not 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 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: All public facilities are adequate for this type of business.

---

---

---

- 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: A site plan shall be submitted for approval to satisfy the parking, lighting, landscaping, required buffers and streetscapes.
- 
- 
- 
- 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: \_\_\_\_\_  
Any modifications to the district standards shall be submitted to the governing boards for approval before constructing.
- 
- 
- 
- E) Homeowners’ associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: \_\_\_\_\_  
The owner shall be responsible for the maintenance of the structure and property.
- F) Lots of record are created with the recording of a planned development final plan: Once the request is approved the final plat shall be recorded.

## LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE

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

### **GENERAL INFORMATION**

#### **UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:**

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

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

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

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

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

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

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

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

### **REQUIRED DOCUMENTS**

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

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

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

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

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

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

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

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

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

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

2/16/2023

Mr. Brett Ragsdale  
Zoning Administrator  
Division of Planning and Development  
125 N. Main St., Ste. 477  
Memphis, TN 38103

RE: 110 Byfield Dr.

Dear Brett:

On behalf of the applicant, Mrs. Vernita Thornton, Thornton Realty and Property Solutions, LLC., we are requesting a Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The proposed planned development of the subject property is to build a small retail shopping center and will be in accordance with the four already existing properties along Horn Lake Road that are currently zoned CMU-1, with one of the properties known as, "T's Tires located at 4804 Horn Lake Rd which is adjacent to the subject property. We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood but will enhance the neighborhood by bringing more retail to the area. I have attached photos of the properties that are already zoned CMU-1 in this area.

We are asking that you please consider this letter of intent as our formal request for this re-zoning of this property.

Thank you,

A handwritten signature in blue ink, appearing to read "Delinor Smith". The signature is fluid and cursive, with a large initial "D" and "S".

Delinor Smith, Smith Building Design and Associates



T's Tire - 4804 Horn Lake Rd zoned CMU-1 next to subject property



Abandoned shopping center on the other side of Horn Lake from subject property zoned CMU-1 4777 Horn Lake Rd



Service Station at 4775 Horn Lake next to 4777 Horn Lake zoned CMU-1



Community Grocery located at 4770 Horn Lake zoned CMU-1

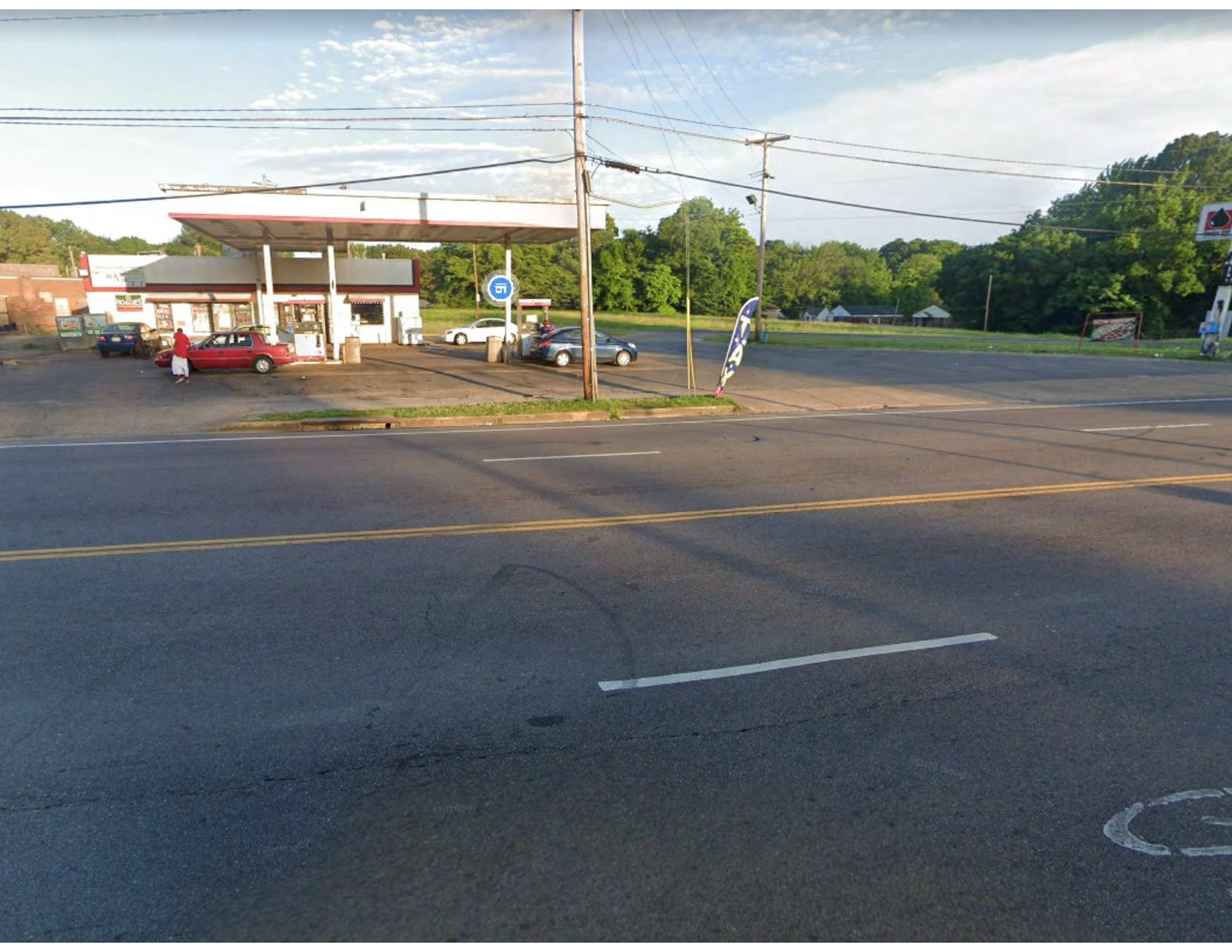




T'S TIRES  
WHEEL ALIGNMENT  
WAX & POLISH  
WASH & WAX









PIZZA  
GYROS  
COLD CUTS

**COMMUNITY GI**

DISCOUNT CIGS  
COLD BEER  
WE ACCEPT EBT



**HOT PIZZA  
WINGS & WINGBITES**

Hot to Go



**BUNNY BROTHERS  
PIZZA**

ATM

430.000

449

W

524 459





T's Tire - 4804 Horn Lake Rd zoned CMU-1 next to subject property



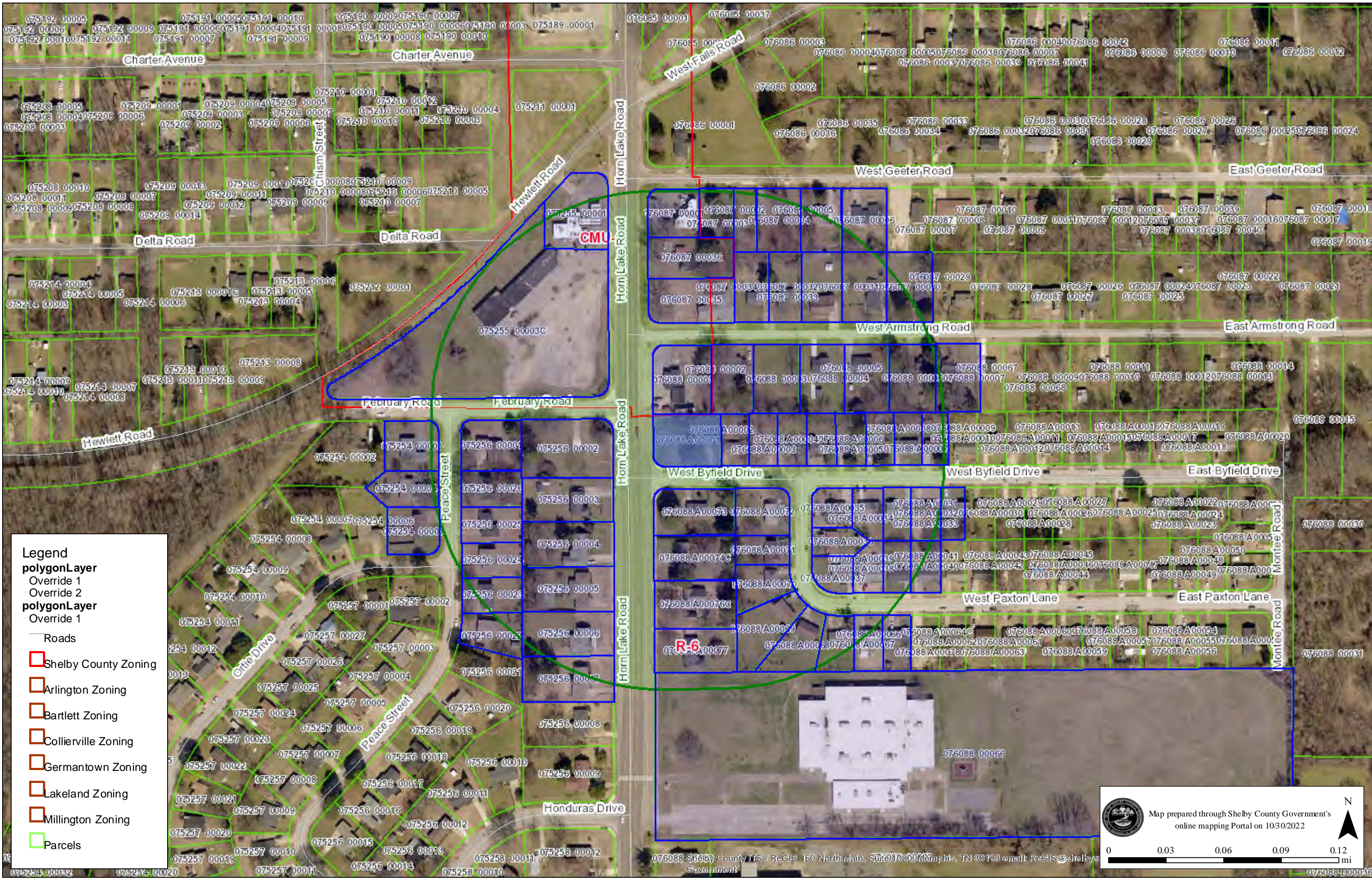
Abandoned shopping center on the other side of Horn Lake from subject property zoned CMU-1 4777 Horn Lake Rd



Service Station at 4775 Horn Lake next to 4777 Horn Lake zoned CMU-1



Community Grocery located at 4770 Horn Lake zoned CMU-1



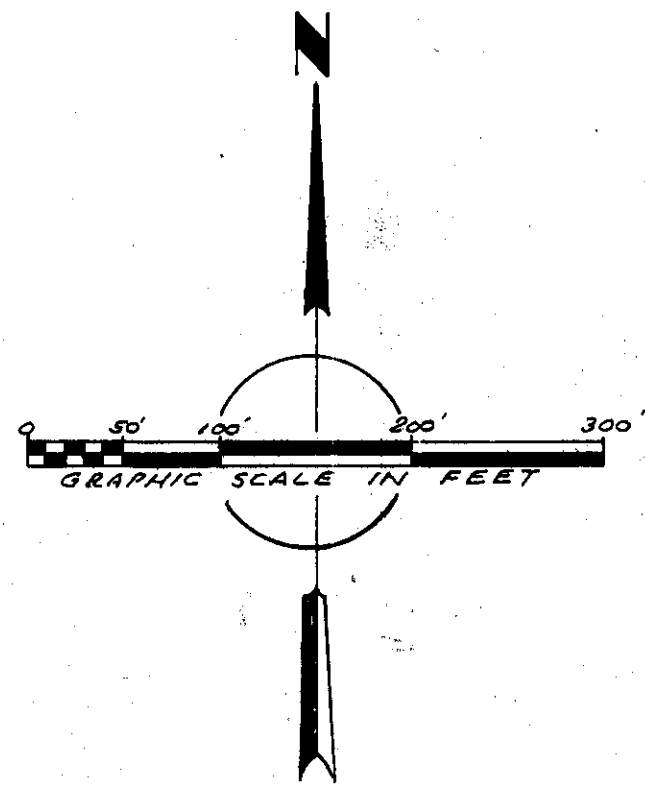
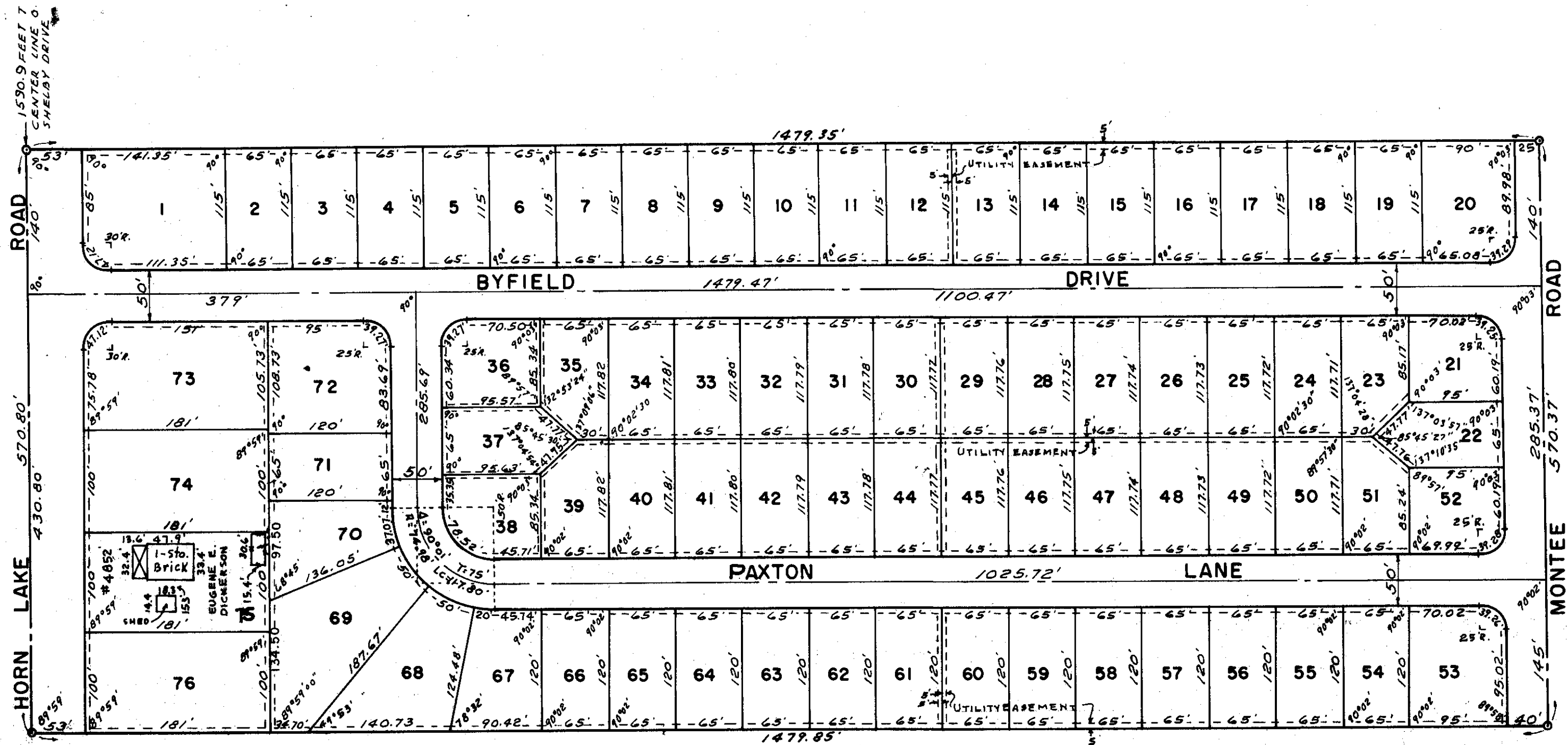
- Legend**
- polygonLayer**
  - Override 1
  - Override 2
  - polygonLayer**
  - Override 1
  - Roads
  - Shelby County Zoning
  - Arlington Zoning
  - Bartlett Zoning
  - Collierville Zoning
  - Germantown Zoning
  - Lakeland Zoning
  - Millington Zoning
  - Parcels

Map prepared through Shelby County Government's  
online mapping Portal on 10/30/2022

N

0    0.03    0.06    0.09    0.12

mi



NOTE: 5' UTILITY EASEMENT IN FRONT & REAR OF EACH LOT.

**RESTRICTIONS**

- A. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING LOT OTHER THAN SINGLE FAMILY DWELLINGS NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NO MORE THAN TWO CARS AND ONE SERVANTS ROOM.
- B. THE SETBACK FROM STREET TO BUILDING SHALL MEET THE APPROVAL OF THE BUILDING DEPARTMENT.
- C. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- D. NO TRAILER, BASEMENT, TENT, SHACK, BARN, OR OTHER OUTBUILDING ERECTED IN THE TRACT SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE.
- E. THERE IS A PERPETUAL EASEMENT AS SHOWN ON THE RECORDED PLAN OF SUBDIVISION RESERVED FOR UTILITY INSTALLATION AND MAINTENANCE AND DRAINAGE.
- F. THE MINIMUM GROUND FLOOR AREA OF SINGLE FAMILY RESIDENCES, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES SHALL BE 800 SQUARE FEET FOR A ONE-STORY BUILDING AND 700 SQUARE FEET FOR A ONE AND ONE-HALF OR TWO STORY BUILDING.
- G. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2000, AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE TEN YEAR PERIODS, UNLESS BY A VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE LOTS IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
- H. IF THE PARTIES HERETO OR ANY OF THEM OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION.
- I. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

WE, STAR DEVELOPMENT COMPANY, INC., AND EUGENE E. DICKERSON AND WIFE, MARTHA LOUISE DICKERSON, OWNERS OF THE PROPERTY SHOWN HEREON AND SUPREME MORTGAGE AND REALTY COMPANY, INC., MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS AS OUR PLAN OF SUBDIVISION AND DEDICATE THE STREETS, RIGHT-OF-WAY, BASEMENTS AND RIGHTS OF ACCESS AS SHOWN AND /OR DESCRIBED TO THE PUBLIC USE FOREVER. WE HEREBY CERTIFY THAT WE ARE THE OWNERS AND MORTGAGEE, DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

STAR DEVELOPMENT COMPANY, INC.  
BY: [Signature] PRESIDENT  
A. W. WILLIS, JR.  
ATTEST BY: [Signature]  
JESSE H. TURNER, SECRETARY

[Signature]  
EUGENE E. DICKERSON  
[Signature]  
MARTHA LOUISE DICKERSON

SUPREME MORTGAGE AND REALTY COMPANY, INC.  
BY: [Signature] PRESIDENT  
ATTEST BY: [Signature]  
A. WESTLEY, SECRETARY -TREASURER

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED A. W. WILLIS, JR., WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF STAR DEVELOPMENT COMPANY, INC., THE WITHIN NAMED BARGAINOR, AND THAT HE AS SUCH PRESIDENT, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SUBSCRIBING THERETO THE NAME OF SAID CORPORATION, BY THE PRESIDENT AND ATTEST BY THE SECRETARY -TREASURER.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT OFFICE IN MEMPHIS THIS 10th DAY OF July 1970.  
MY COMMISSION EXPIRES: June 12, 1971 [Signature] NOTARY PUBLIC

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED EUGENE E. DICKERSON AND MARTHA LOUISE DICKERSON, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON OATH ACKNOWLEDGED THEMSELVES TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS THEIR FREE ACT AND DEED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MEMPHIS THIS THE 10th DAY OF July 1970.  
MY COMMISSION EXPIRES: June 12, 1971 [Signature] NOTARY PUBLIC

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED A. W. WILLIS, JR., WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF SUPREME MORTGAGE AND REALTY COMPANY, INC., THE WITHIN NAMED BARGAINOR, AND THAT HE AS SUCH PRESIDENT, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SUBSCRIBING THERETO THE NAME OF SAID CORPORATION, BY THE PRESIDENT AND ATTEST BY THE SECRETARY -TREASURER.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT OFFICE IN MEMPHIS, THIS DAY OF June 1970.  
MY COMMISSION EXPIRES: June 12, 1971 [Signature] NOTARY PUBLIC

**CERTIFICATE OF SURVEY:**

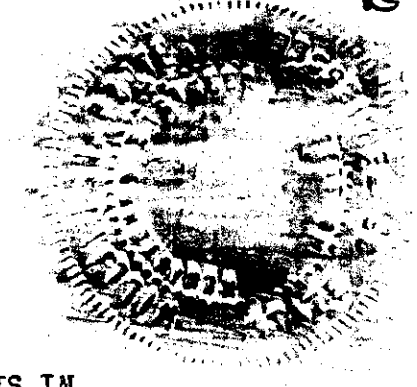
THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY SHOWN HEREON IN WILSHIRE OAKS TERRACE SUBDIVISION AND THAT THIS PLAN REPRESENTS THE SURVEY THEREOF.

APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION:  
DATE: APRIL 2, 1970 [Signature] DIRECTOR

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT SAID DOCUMENT WAS APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS IN REGULAR SESSION ON THE 24th DAY OF November 1970.

RE-CORDED TO SHOW ADDITIONAL EASEMENTS FOR UNDERGROUND TELEPHONE CABLES.  
APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION:  
DATE: FEB 24, 1971 [Signature] DIRECTOR

[Signature]  
W. H. PORTER, CIVIL ENGINEER  
TENNESSEE LICENSE NO. 1195



RECORDED  
94536  
STATE TAX  
BOOK 42  
PAGE 48

WILSHIRE OAKS TERRACE SUBDIVISION  
MEMPHIS, TENNESSEE  
APRIL 1970 SCALE 1" = 100"  
W.H. PORTER, CONSULTING ENGINEER  
MEMPHIS, TENNESSEE  
17.12 ACRES ZONED - R-2



## LEGAL DESCRIPTION

Lot I, Wilshire Oaks Terrace Subdivision, as per plat recorded in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

---

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

21122259

09/30/2021 - 07:32:30 AM

---

4 PGS

---

LINDA 2310047-21122259

---

VALUE	4200.00
MORTGAGE TAX	0.00
TRANSFER TAX	15.54
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	40.54

---

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Instrument Prepared by:  
Apperson Crump, PLC  
6000 Poplar Avenue – Suite 150  
Memphis, TN 38119  
File Number: AC21090133

After Recording Return To:  
Apperson Crump, PLC  
6000 Poplar Avenue  
Suite 150  
Memphis, TN 38119

---

### Warranty Deed

THIS INDENTURE made and entered into as of this 24th day of September, 2021, by and between Sherrie Adams, a single woman, (henceforth referred to as “Grantor”), and Thornton Realty and Property Solutions LLC, a Tennessee Limited Liability Company, (henceforth referred to as “Grantee”),

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and grant all of its interest in the following described real estate situated and being in Shelby County, Tennessee:

Lot I, Wilshire Oaks Terrace Subdivision, as per plat recorded in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

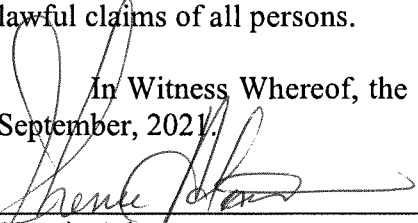
Being the same property conveyed to Sherrie Adams by Quitclaim Deed dated May 22, 2019 from Shelby County, recorded May 28, 2019, in Instrument Number 19051698, in the Official Records of Shelby County, Tennessee.

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 Grantee, his, her, its, successors and assigns in fee simple forever.

And the Grantor does hereby covenant with the said Grantee that he, she, they, it is lawfully seized in fee of the aforescribed real estate; that Grantor has a good right to sell and convey the same; that the same is unencumbered except for the following: The lien of the following general and special taxes for the year or years specified and subsequent years: 2022 City of Memphis and Shelby County taxes, being liens not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee; Amendment to Subdivision Restrictions of record as Instrument No. G5 9409, 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.

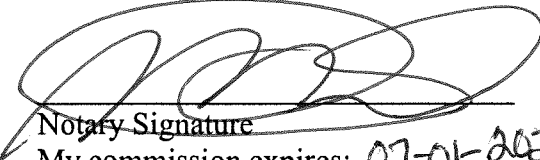
In Witness Whereof, the said, Grantor(s), has executed this instrument this 24th day of September, 2021.

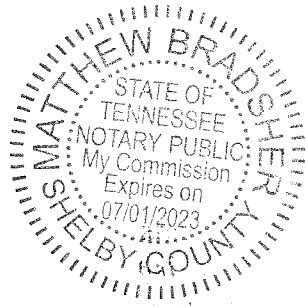
  
\_\_\_\_\_  
Sherrie Adams

STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 24th day of September, 2021, before me personally appeared Sherrie Adams, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 24th day of September, 2021.

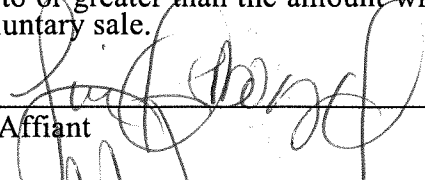
  
\_\_\_\_\_  
Notary Signature  
My commission expires: 07-01-2023



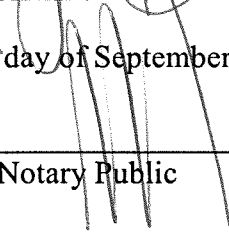
\*\*\*\*\*

State of Tennessee  
County of Shelby

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$4,200.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

  
\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this 24 day of September, 2021.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 11/21/2024

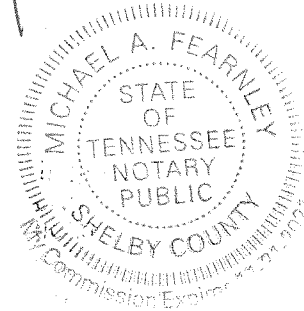
New Owner's Name & Address:

Thornton Realty and Property Solutions LLC  
8295 TOURNAMENT DRIVE SUITE 150-111  
MEMPHIS, TN 38125

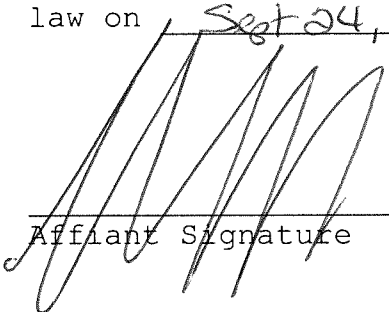
Mail Tax Bills to:  
THORNTON REALTY & PROPERTY SOULTIONS LLC  
8295 TOURNAMENT DRIVE SUITE150-111  
MEMPHIS, TN 38125

Property Address(es):  
110 West Byfield Drive, Memphis, TN 38109

Tax Parcel ID #(s):  
076088 A00001



I, Robert E. Tribble, Jr., do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on Sept 24, 2021.

  
\_\_\_\_\_  
Affiant Signature

Sept 28, 2021  
Date

State of Tennessee  
County of Shelby

Sworn to and subscribed before me this 28th day of September, 2021.

  
\_\_\_\_\_  
Notary's Signature

MY COMMISSION EXPIRES: 11/21/2021



**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, Vernita Thornton Vernita Thornton, 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):  
(Print Name) (Sign Name) At Thornton Realty Property Solutions

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

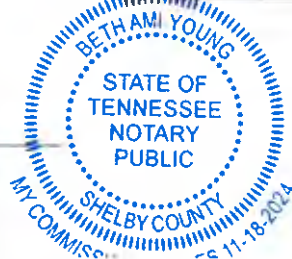
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in 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 110 W. Byfield Dr. Memphis, TN 38109  
and further identified by Assessor's Parcel Number 076088 A 00 001  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of October in the year of 2022

Betham Young  
Signature of Notary Public



11/18/24  
My Commission Expires

075255 00001 - KHMOUS RAFAT  
076087 00001 - CHANG ANDREW C & MI HYONG  
076087 00036 - RAYBORN CLAUDE AND MARILYN D HARPER  
076087 00033 - LLOYD-HUDSON JANET D  
076088 00001 - TURNER ALICE F  
076088 00003 - DUNBAR DARRELL D  
076088 00006 - CAMPBELL LOUISE AND JOHNNIE I MELTON AND  
075254 00003 - SNIPES MARCUS  
075256 00002 - COBBINS DARRELL T  
076088 A00006 - LINDIMENT LIZZIE B ETAL  
075256 00003 - CONOVER THERESA  
076088 A00073 - CONSTABLE JASON R  
076088 A00072 - FITZPATRICK KELSA & MATTIE M  
076088 A00033 - MICKENS CONSTANCE D  
076088 A00031 - BURNS UTHUR & MARTHA M  
075256 00004 - WEBB KRYSTAL M  
075256 00024 - OSBORNE HAROLD H & EDITH I  
076088 A00071 - HAYES EDITH M  
076088 A00037 - FOUSE GEORGE A & SUSIE M  
075256 00005 - WESTLEY CECELIA AND ELLA W HORTON (RS)  
076088 A00068 - WILLIAMS LAURA  
075256 00007 - WRING REAL ESTATE LLC  
076087 00002 - CHANG ANDREW CHA  
076087 00004 - CLAYTON TERRY R  
076087 00034 - PARHAM COLLIS AND ADLINE PHAIRMS



076087 00035 - RAYBORN BONNIE  
076088 00004 - WOODARD SANDRA AND MELVIN WOODARD  
076088 00005 - MCGOWAN HERBERT JR  
076088 00007 - WHITE TERINA  
075256 00001 - BOSHWIT BROS MORTGAGE CORP  
076088 A00001 - THORNTON REALTY AND PROPERTY SOLUTIONS  
076088 A00002 - 102 WEST BYFIELD LLC  
076088 A00003 - SHELBY COUNTY TAX SALE 0803 EXH #332305  
076088 A00004 - KEMP JENNIFER  
076088 A00005 - RIZZATO ALEX C  
076088 A00007 - MAURER JAMES I & LYNN E  
076088 A00008 - JACKSON PHALON  
076088 A00009 - PERRY ARTHUR JR  
075254 00004 - ROWLAND MICHEAL A  
075256 00026 - MCMORRIS SHIRLEY N  
076088 A00035 - THOMPSON VERNEDA L  
075254 00005 - GLOBAL PROPERTIES LLC  
076088 A00034 - GREENE SOAWANEE  
076088 A00032 - BANKS LUE D  
075256 00025 - JONES ROBERT L & VERA M  
076088 A00036 - MARR ROOSEVELT & LORRAINE R  
076088 A00038 - KABUKI TN LLC  
076088 A00040 - 58 WEST PAXTON LANE TRUST  
076088 A00070 - MOSLEY MELANIE L  
075256 00023 - DUNLAP VALERIE L

076088 A00076C - MCCOLLUM JEFFERY & CHERYL  
076088 A00069 - WADE TYRIE & PATRICIA B  
075256 00022 - DAVIS PATRICIA B  
075256 00006 - SPRINGFIELD-COLLINS JOYCE CLIVING TRUST  
076088 A00067 - FEILD JEANNINE P  
076088 A00066 - TAYLOR LOIS L  
076088 A00078 - WHITE RAYFORD  
076088 A00077 - STANLEY JAMES R JR & JENNY M  
076087 00030 - SLAUGHTER WASH & FANNIE M  
076087 00031 - MOORE CAROLYN H AND SAMUEL W HARRISON  
076087 00032 - MELTON TONYA  
076087 00006 - PIGFORD MARY G  
076087 00005 - PIGFORD MARY G  
075255 00003C - FLEMING RICHARD  
076087 00003 - CLAYTON TERRY R  
076088 00002 - DUNBAR DARRALL  
076088 A00074C - TRUE CORE TN REI LLC  
076088 A00039 - ENTRUST GROUP FBO WILLIAM J LEACH IRA  
076088 00066 - MEMPHIS CITY OF FOR BD OF EDUC

KHMOUS RAFAT  
4775 HORN LAKE RD #  
MEMPHIS TN 38109

CONOVER THERESA  
4829 HORN LAKE RD #  
MEMPHIS TN 38109

WILLIAMS LAURA  
81 W PAXTON LN #  
MEMPHIS TN 38109

CHANG ANDREW C & MI HYONG  
1480 JOHN RIDGE DR #  
COLLIERVILLE TN 38017

CONSTABLE JASON R  
10045 REMINGTON DR #  
RIVERVIEW FL 33578

WRING REAL ESTATE LLC  
5524 RIVERDALE RD #  
MEMPHIS TN 38141

RAYBORN CLAUDE AND MARILYN D HARPER  
2510 DOVERGLEN DR #  
MISSOURI CITY TX 77489

FITZPATRICK KELSA & MATTIE M  
97 PAXTON LN #  
MEMPHIS TN 38109

CHANG ANDREW CHA  
1480 JOHN RIDGE DR #  
COLLIERVILLE TN 38017

LLOYD-HUDSON JANET D  
88 W ARMSTRONG RD #  
MEMPHIS TN 38109

MICKENS CONSTANCE D  
65 W BYFIELD DR #  
MEMPHIS TN 38109

CLAYTON TERRY R  
3776 MARYDALE DR  
NASHVILLE TN 37207

TURNER ALICE F  
1053 HESTER #  
MEMPHIS TN 38116

BURNS UTHUR & MARTHA M  
51 BYFIELD DR #  
MEMPHIS TN 38109

PARHAM COLLIS AND ADLINE PHAIRMS  
90 ARMSTRONG RD #  
MEMPHIS TN 38109

DUNBAR DARRELL D  
99 W ARMSTRONG RD #  
MEMPHIS TN 38109

WEBB KRYSTAL M  
4839 HORN LAKE RD #  
MEMPHIS TN 38109

RAYBORN BONNIE  
9368 FOREST WIND DR #  
COLLIERVILLE TN 38017

CAMPBELL LOUISE AND JOHNNIE I MELTON AND  
1502 LEHR DR #  
MEMPHIS TN 38116

OSBORNE HAROLD H & EDITH I  
4842 PEACE ST #  
MEMPHIS TN 38109

WOODARD SANDRA AND MELVIN WOODARD  
1495 BROWNWOOD #  
MEMPHIS TN 38116

SNIPES MARCUS  
4819 PEACE ST #  
MEMPHIS TN 38109

HAYES EDITH M  
93 PAXTON LN #  
MEMPHIS TN 38109

MCGOWAN HERBERT JR  
73 W ARMSTRONG RD #  
MEMPHIS TN 38109

COBBINS DARRELL T  
1331 UNION AVE #  
MEMPHIS TN 38104

FOUSE GEORGE A & SUSIE M  
80 PAXTON LN #  
MEMPHIS TN 38109

WHITE TERINA  
1258 CUMMINGS ST #  
MEMPHIS TN 38106

LINDIMENT LIZZIE B ETAL  
76 BYFIELD DR #  
MEMPHIS TN 38109

WESTLEY CECELIA AND ELLA W HORTON (RS)  
4849 HORN LAKE RD #  
MEMPHIS TN 38109

BOSHWIT BROS MORTGAGE CORP  
2595 BROAD AVE #  
MEMPHIS TN 38112

THORNTON REALTY AND PROPERTY SOLUTIONS  
8295 TOURNAMENT DR #150-111  
MEMPHIS TN 38125

THOMPSON VERNEDA L  
98 PAXTON LN #  
MEMPHIS TN 38109

MCCOLLUM JEFFERY & CHERYL  
4852 HORN LAKE RD #  
MEMPHIS TN 38109

102 WEST BYFIELD LLC  
400 NEWMAN ST #  
WHEAT RIDGE CO 80033

GLOBAL PROPERTIES LLC  
PO BOX 38895 #  
GERMANTOWN TN 38183

WADE TYRIE & PATRICIA B  
85 PAXTON LN #  
MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 0803 EXH #332305  
PO BOX 2751 #  
MEMPHIS TN 38101

GREENE SOAWANEE  
2694 BRADFORDT DR #  
MELBOURNE FL 32904

DAVIS PATRICIA B  
4856 PEACE ST #  
MEMPHIS TN 38109

KEMP JENNIFER  
4652 SWEET WHISPER LN #  
MEMPHIS TN 38125

BANKS LUE D  
59 W BYFIELD DR #  
MEMPHIS TN 38109

SPRINGFIELD-COLLINS JOYCE CLIVING TRUST  
PO BOX 671 #  
MEMPHIS TN 38101

RIZZATO ALEX C  
637 ADAIR CT  
MORGAN HILL CA 95037

JONES ROBERT L & VERA M  
4834 PEACE ST #  
MEMPHIS TN 38109

FEILD JEANNINE P  
79 PAXTON LN #  
MEMPHIS TN 38109

MAURER JAMES I & LYNN E  
2436 PUUNI AVE #  
HONOLULU HI 96817

MARR ROOSEVELT & LORRAINE R  
9122 TRIPLE CROWN LOOP W  
SOUTHAVEN MS 38671

TAYLOR LOIS L  
71 PAXTON LN #  
MEMPHIS TN 38109

JACKSON PHALON  
3339 FOGGY RIDGE CV #  
MEMPHIS TN 38115

KABUKI TN LLC  
5189 VIA DEL VALLE ST  
LA VERNE CA 91750

WHITE RAYFORD  
4311 WHISPER TRL #  
OLIVE BRANCH MS 38654

PERRY ARTHUR JR  
3609 GRACELAND DR #  
MEMPHIS TN 38116

58 WEST PAXTON LANE TRUST  
90 W 84TH AVE  
THORNTON CO 80260

STANLEY JAMES R JR & JENNY M  
4862 HORN LAKE RD #  
MEMPHIS TN 38109

ROWLAND MICHEAL A  
4827 PEACE ST #  
MEMPHIS TN 38109

MOSLEY MELANIE L  
89 PAXTON LN #  
MEMPHIS TN 38109

SLAUGHTER WASH & FANNIE M  
60 W ARMSTRONG RD #  
MEMPHIS TN 38109

MCMORRIS SHIRLEY N  
2105 LAKELAND CV #  
HORN LAKE MS 38637

DUNLAP VALERIE L  
4850 PEACE ST #  
MEMPHIS TN 38109

MOORE CAROLYN H AND SAMUEL W HARRISON  
PO BOX 41406  
MEMPHIS TN 38174

MELTON TONYA  
64 PARK AVE #C7  
BLOOMFIELD NJ 7003

PIGFORD MARY G  
2004 NELLIE RD #  
MEMPHIS TN 38116

PIGFORD MARY G  
2004 NELLIE RD #  
MEMPHIS TN 38116

FLEMING RICHARD  
1279 DOGWOOD DR  
MEMPHIS TN 38111

CLAYTON TERRY R  
3776 MARYDALE DR  
NASHVILLE TN 37207

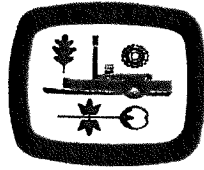
DUNBAR DARRALL  
12963 RUNWAY RD #409  
LOS ANGELES CA 90094

TRUE CORE TN REI LLC  
172 CENTER ST #202  
JACKSON WY 83001

ENTRUST GROUP FBO WILLIAM JLEACH IRA  
555 12TH ST #900  
OAKLAND CA 94607

MEMPHIS CITY OF FOR BD OF EDUC  
2597 AVERY AVE #218  
MEMPHIS TN 38112

**TOTAL 69**



## Memphis City Council Summary Sheet

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

This is a Resolution to transfer and appropriate additional construction funds in the amount of \$380,573.00 from FY23 Bridge Repair Coverline, #PW23400 to Holmes BNSF Approach Repair, #PW04122 to repair bridges.

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

This project is being initiated by the Public Works Division with the Engineering Division administering the project.

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

NA

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

This project will impact Districts 3, 6 and Super District 8.

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

This project will require an amendment to an existing construction contract.

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

This resolution requires the amendment of the FY23 Capital Budget to transfer and appropriate construction funds in the amount of \$380,573.00.

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

The recommended MWBE goals are split with MBE at 6% and WBE at 1%.  
The Contractor responded with 24% MBE and 1% WBE.



# RESOLUTION

This is a Resolution to transfer and appropriate additional construction funds in the amount of \$380,573.00 from FY23 Bridge Repair Coverline, Project Number PW23400 to Holmes BNSF Approach Repair, Project Number PW04122 to repair bridges. This project is in Council Districts 3, 6 and Super District 8.

**WHEREAS**, the Council of the City of Memphis approved FY23 Bridge Repair Coverline, Project Number PW23400 and Holmes BNSF Approach Repair, Project Number PW04122 as part of the Fiscal Year 2023 Capital Improvement Budget; and

**WHEREAS**, the Council of the City of Memphis approved appropriations on May 18, 2021, (amount of \$800,000) and October 18, 2022, (amount of \$419,427) for the purpose as stated above. Total amount of appropriations for the purpose as stated above being \$1,219,427.

**WHEREAS**, it is now necessary to transfer an additional construction allocation in the amount of \$380,573.00 funded by G.O. Bonds from FY23 Bridge Repair Coverline, Project Number PW23400, to Holmes BNSF Approach Repair, Project Number PW04122, to attain additional funding for the purpose as stated above to complete project number PW04122; and

**WHEREAS**, it is necessary to appropriate the additional construction funding in amount of \$380,573.00 funded by G.O. Bonds from FY23 Bridge Repair Coverline, Project Number PW23400, to Holmes BNSF Approach Repair, Project Number PW04122, to attain the additional construction funds for the purpose as stated above; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a construction allocation in the amount of \$380,573.00 funded by G.O. Bonds from FY23 Bridge Repair Coverline, Project Number PW23400 to Holmes BNSF Approach Repair, Project Number PW04122 to attain the additional construction funds for the purpose as stated above; and

**BE IT FURTHER RESOLVED** that there be and is hereby appropriated the sum of \$380,573.00 funded by G.O. Bonds chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>Holmes BNSF Approach Repair</b>
<b>Project Number</b>	<b>PW04122</b>
<b>Total Amount</b>	<b>\$380,573.00</b>

Ordinance No. \_\_\_\_\_

**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, CHAPTER 9-58, TIRE BUSINESS AND TIRE HAULER REGULATION, TO PROVIDE FURTHER REQUIREMENTS FOR TIRE BUSINESS RETAILERS REGARDING THE STORAGE AND HAULING OF TIRES**

**WHEREAS**, it is the desire of the Memphis City Council to take action to reduce the amount of illegal dumping in the City of Memphis, especially as it pertains to tires, in order to help improve blight that is present in Memphis neighborhoods on public property, sidewalks, vacant lots, and abandoned properties; and

**WHEREAS**, the improper placement of tires on sidewalks, streets, utility easements, vacant lots, public rights of way, and in other areas destructive to neighborhoods, contributes to blight and the propagation of illegal dumping.

**WHEREAS**, it is necessary to amend certain sections of the Memphis City Code Chapter 9-58, Tire Business and Tire Hauler Regulation, to provide further requirements for tire business retailers regarding the storage and hauling of tires.

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

**Section 1. Chapter 9, Article 58, “Tire Business and Tire Hauler Regulation” of the official Memphis Code of Ordinances, is hereby amended as follows:**

**Sec. 9-58-1. Purpose and intent.**

It is declared to be the purpose and intent of the city to protect the public health, safety, and welfare of its citizens, prevent the spread of disease and creation of nuisances, and to protect and enhance the quality of its environment. The purpose of this chapter is to institute and maintain a comprehensive city-wide program for tire disposal which will ensure that the storage, transportation, collection, processing and disposal of tires does not adversely affect the health, safety, and well-being of the public and does not degrade the quality of the environment.

**Sec. 9-58-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dump means to throw, discard, place, deposit, discharge, bury, or dispose of.

Elements of nature means rainfall, snow, sleet, hail or other natural precipitation.



Manifest means a form or document used for identifying the quantity and the origin, routing, and destination of tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer.

Person means any and all persons, natural or artificial, including any individual, firm or association.

Storage means to place, collect or accumulate tires that are not for sale or resale as tires, whether the tires are directly on the ground, in roll-off containers, or otherwise.

Tire means a continuous solid or pneumatic rubber, covering encircling the wheel of a bicycle, motorcycle, automobile, truck, trailer, tractor or other vehicle.

Tire business means and includes any place or establishment engaged in the business of reselling tires or that generates waste tires and is occupied, used or maintained for the purpose of offering, transporting, repairing, processing, storing, utilizing, and disposing of any and all types of such tires.

Tire marking means the marking of a tire with the tire business permit number.

Tire recycling facility means a county facility, mandated and licensed pursuant to the Tennessee Solid Waste Management Act, which recycles or properly disposes of tires.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. The term "waste tire" also includes any tire that is destined for a tire disposer or reprocessor (i.e., recapper).

Waste tire hauler means any person or entity permitted by the City engaged in the business of picking up or transporting waste tires for the purpose of removal to a tire recycling facility, waste tire disposer, processor, end user, or disposal facility.

Waste tire disposer means any person who is approved by the state department of environment and conservation to receive waste tires from waste tire generators or waste tire haulers for the purpose of waste tire processing, shredding or otherwise facilitating recycling or resource recovery techniques for waste tires.

Waste tire generator means any person or entity that generates waste tires. Generators may include, but are not limited to, retail tire dealers, retreaders, waste tire disposers not approved by the state department of environment and conservation, automobile dealers, private company vehicle maintenance shops, garages, and service stations.

### **Sec. 9-58-3. Tire business permits.**

All tire businesses located within the city limits engaging in the resale of tires or the generation of waste tires shall be issued a permit annually by the city, by and through its permits office for a nonrefundable fee of \$25.00. Tire businesses with multiple locations must purchase a permit for each location. Tire businesses that have their own trucks utilized to transport waste tires will

receive one decal included with the permit fee. A separate decal must be purchased by such business for any additional truck utilized by the tire business to transport waste tires at a cost of \$15.00 per decal. The city will conduct random inspections of such tire businesses for the sake of monitoring compliance with the foregoing requirement. **Tire business permits issued under this article are personal to the applicant and may not be transferred, leased assigned, or given away or sold in any manner or under any circumstance. It shall be the duty of each registrant and permittee to advise the permits office in writing in ten business days of any change to any item for which representation or response was made in its application for registration or permit.**

A. Application. Every person, firm or corporation obligated to comply with the permit requirement set forth herein shall make written application to the city. The application shall be made on a form obtained from the city permits office setting forth, among other things, the following:

1. Name, physical address, telephone and facsimile number of the applicant;
2. Tax identification number or taxpayer identification number;
3. Proof of current county business license, issued to the applicant at the proposed business address;
4. County code enforcement use and occupancy certificate;
5. Name, mailing address, telephone and facsimile number of the owner of the tire business (if different from subsection A.1 of this section);
6. **Name, mailing address, telephone, facsimile number and copy of a valid City of Memphis tire hauler permit of the owner of the waste tire hauler who will be transporting tires and waste tires to and from the tire business.**
7. The estimated maximum number of tires that will be stored on site;
8. The current physical address of the site;
9. A statement setting forth and describing the available space for properly accommodating and protecting all tires;
10. Proof of insurance required in accordance with the state financial responsibility laws;
11. Such other and further information as the permits office may require.

B. Annual fees.

1. All permit and decal fees are due annually by July 1 of each calendar year at the city permits office. These annual fees shall be paid in advance of the issuance of such permit and decal and shall be prorated as necessary.
2. A current valid permit or decal may be replaced by the permits office for a fee of \$15.00.

C. Issuance. The permits office shall issue a permit and decal to a tire business which submits the required and completed application, pays to the city the fee as required in this chapter, and has demonstrated compliance with this chapter and all applicable city ordinances. Each tire business registered in accordance with the provisions of this chapter shall immediately post such permit and decal in a prominent manner, or cause such permit to be posted in a conspicuous place within the premises where such tire business is thereby authorized to be established, maintained or operated. The decal shall be conspicuously displayed on each vehicle owned by such tire business that is utilized to transport used or waste tires. Any permit or decal issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without approval by the city permits office and shall expire upon termination of the existence of the tire business or revocation of such business' permit.

D. Effective period. The permit shall be effective beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void.

#### **Sec. 9-58-4. Tire hauler permit.**

All tire haulers, not affiliated with a tire business that is properly permitted as required herein, transporting used or waste tires within the city limits shall be issued a permit and decal annually by the city, by and through its permits office for a nonrefundable fee of \$250.00. Tire haulers with multiple locations must purchase a permit for each location. Tire haulers will receive one decal included with the permit fee. A separate decal must be purchased by such hauler for any additional vehicles utilized by the hauler to transport waste tires at a cost of \$15.00 per decal.

**Tire hauler permits issued under this article are personal to the applicant and may not be transferred, leased assigned, or given away or sold in any manner or under any circumstance. It shall be the duty of each registrant and permittee to advise the permits office in writing in ten business days of any change to any item for which representation or response was made in its application for registration or permit.**

A. *Application.* Every person, firm or corporation obligated to comply with the permit and decal requirement set forth herein shall make written application to the city. The application shall be made on a form obtained from the city permits office setting forth, among other things, the following:

1. Name, physical address, telephone and facsimile number of the applicant;
  2. Tax identification number or taxpayer identification number (if applicable);
  3. Proof of current county business license, issued to the applicant at the proposed business address;
  4. Proof of insurance required in accordance with the state financial responsibility laws;
  5. Such other and further information as the permits office may require.
- B. Annual fees.

1. All permit and decal fees are due annually by July 1 of each calendar year at the city permits office. These annual fees shall be paid in advance of the issuance of such permit, and such fee shall be prorated as necessary.

2. A current valid permit or decal may be replaced by the permits office for a fee of \$15.00.

C. *Issuance.* The permits office shall issue a permit and decal to a tire hauler who submits the required and completed application, pays to the city the fee as required in this chapter, and has demonstrated compliance with this chapter and all applicable city ordinances. Each waste tire hauler registered in accordance with the provisions of this chapter shall conspicuously post and maintain such decal in his or her vehicle which is used for transporting tires at all times. Any permit or decal issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without approval by the city permits office and shall expire upon termination of the tire hauler's business or revocation of such hauler's permit.

D. *Effective period.* The permit shall be effective beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void.

E. *Permit exemptions.* The following persons are exempt from the tire hauler permit requirements set forth herein:

1. A tire hauler who is regulated or licensed by, and is currently in compliance with, state or federal agencies such as the department of transportation;

2. A private individual transporting the individual's own waste tires to an approved tire disposal or tire recycling facility;

3. Haulers removing four or less tires from a residential location, which is under contract to remove that residence's solid waste; or

4. Anyone transporting four or fewer used tires directly from a used tire generator facility to a point of re-use or proper storage prior to their re-use.

#### **Sec. 9-58-5. Denial of permit or renewal; suspension or revocation of permit.**

In addition to the penalties set forth in section 9-58-12, the permits office may refuse to issue or renew a tire business or tire hauler permit or may suspend or revoke such permit if:

A. The applicant or permit holder refuses to allow entry into the tire business by the authorized representatives of the city or otherwise willfully obstructs the inspection of the tire business;

B. There are repeated or serious violations of any city ordinance by the tire business or tire hauler;

C. The tire business or tire hauler fails to comply with any provisions of this chapter and/or any other applicable city ordinance;

D. The tire business or tire hauler fails to comply with any applicable state or federal law, rule or regulation, **including state and local traffic laws**; or

E. The tire business knowingly authorizes a tire hauler who is not properly permitted as required in section 9-58-4 to transport tires on behalf of such business.

#### **Sec. 9-58-6. Destruction of tires.**

Any tire that is no longer suitable for its original intended purpose or deemed unfit for resale by a tire business shall be rendered unusable and properly disposed of at an authorized tire disposal or recycling facility. Such unusable and unfit tires may not be returned to the customer for disposal by that customer, but the customer may, in writing, request their return for continued use and, in so doing, releases the facility from all liability for that reuse. Each tire business shall have six months from the effective date of the ordinance from which this chapter is derived to comply with this provision. Failure to comply with this requirement shall be grounds for revocation of the permit holder's permit in accordance with section 9-58-5.

#### **Sec. 9-58-7. Storage of tires.**

Tire businesses shall properly store tires at each facility in accordance with local, state and federal laws. Prior to storage, each tire shall be permanently marked with the **tire business** permit number. To eliminate potential nuisances of litter, insect breeding, fire hazards and other health risks, each tire business shall at all times during storage:

A. Store tires in covered or enclosed areas, or under an impermeable cover, in accordance with applicable health and safety laws, including but not limited to the city's fire prevention code, **to prevent the exposure to and collection of elements of nature**, and accumulation of water, **dirt or other foreign materials**;

B. **Tires stored outside shall be screened from public view.**

C. Secure tires at each facility to prevent easy access or theft (lock, chain, or store inside a building or other securable structure);

D. **Used tires, waste tires and tire pieces shall be stored separately.**

E. Accumulate tires in piles in accordance with the city's fire prevention code, **but not in excess of seven feet in height**;

F. Isolate tires from other stored materials that may create hazardous products if there is a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers;

G. Store no more than 100 tires in each bay ~~or 100 tires per 1,500 square feet of inside storage space~~ and a maximum of 300-500 tires total.

**Sec. 9-58-8. Transport and place for disposal of tires.**

A. All tires and waste tires shall be covered and secured during transport upon any public highway by a permitted waste tire hauler.

B. It shall be unlawful for any person or tire business to cause, suffer or allow the dumping of tires at any place in the city, including, without limitation, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, any public or private property in the city or any waters in the city. Notwithstanding the foregoing, residential property owners within the city may properly discard up to four rimless used or waste tires on the curbside immediately in front of the property owner's residence for normal trash pickup without violating this provision; provided that such tires are discarded for removal within 24 hours of the property owner's designated day for trash pickup.

C. It shall be unlawful for any person or tire business to cause, suffer, or allow the disposal of whole tires in a landfill.

D. Tires shall be properly disposed of in accordance with section 9-58-9 by the delivery and manifesting of tires to an authorized tire disposal or tire recycling facility designated by the city. Tire businesses contracting with a tire hauler for the proper disposal of tires generated by such business shall require such hauler utilize a transmittal manifest documenting the pickup and delivery of the tires to an authorized tire disposal or tire recycling facility.

E. It shall be unlawful for any person, tire business, or tire hauler to transport or dispose of tires or waste tires that are not marked with the tire business permit number.

**Sec. 9-58-9. Disposal records/transmittal manifest.**

A. Tire businesses shall keep disposal records in the form of a daily transmittal manifest, as prescribed by the city, of the numbers of tires and waste tires received and transported away at each business location for a minimum of three years and make such records readily available upon request at reasonable hours for inspection by representatives of the city. The daily manifest must be maintained legibly and signed by an authorized representative of the tire business and clearly state the following:

1. Name, address, telephone number, permit number and authorized signature of the tire hauler;
2. Name, address, telephone number, and authorized signature of the tire business who is contracting for the removal of the tires along with the permit number for such business;
3. Date and time of removal/transport and the number of tires being transported;
4. Name, address, and telephone number of the location where the tires are to be delivered; and

5. Upon delivery, the name and signature of the person accepting the tires, including the date of acceptance, **the number of tires received, and certification the received tires are properly marked with permit numbers.**

B. The manifest required by this section shall at all times accompany tires while in transit. Any tire business directly delivering waste or used tires generated at its business location to a tire disposal or tire recycling facility must also utilize the **daily** transmittal manifest and make such manifest available for production or inspection by representatives of the city, upon request. The original manifest shall be maintained by the tire business evidencing all information and signatures required herein, notwithstanding the use of a tire hauler or direct delivery by the tire business. A tire hauler contracted to deliver tires to a recycling facility or disposal facility must maintain a duplicate copy of the manifest reflecting the delivery of such tires for proper disposal. The tire recycling or tire disposal facility shall sign the manifest upon acceptance of the tires and also maintain a copy of the manifest for the facility's records.

C. **It shall be unlawful for tire businesses to accept delivery of tires or waste tires without tire markings. All tire businesses shall immediately report to City of Memphis code enforcement if tires or waste tires are delivered without tire markings.**

#### **Sec. 9-58-10. Redemption program.**

A. For the purpose of assisting with the proper disposal of waste or scrap tires, any county resident, other than a tire business or waste tire carrier, generator, hauler, disposer, or sorter, presenting an illegally disposed used or waste tire to an authorized tire disposal or recycling facility shall receive a redemptive value of \$1.00 per tire. The tire disposal or tire recycling facility receiving such tires shall require that the person presenting such tires for redemption execute an affidavit certifying that the tires were not stolen and that such person was not hired to haul such used or waste tires for disposal. Upon execution of such affidavit, the permits office is hereby authorized to make payment to the affiant after five calendar days and shall properly record and retain documentation reflecting such payment for a period of 12 months. Any person presenting a used or waste tire for redemption shall present valid Tennessee identification evidencing a Shelby County address. Information regarding the location of authorized tire disposal and tire recycling facilities shall be made available through the permits office.

B. The redemption program established in subsection A of this section shall commence immediately upon the effective adoption of the ordinance from which this chapter is derived and shall expire within 12 months of same, unless prior to such date the city council, after conducting public hearings, finds that the purpose of the program has yet to be fully achieved, in which case it may extend the effective period of the program for an additional two years.

C. **Tire businesses and haulers may dispose of up to ten tires every thirty days at a City of Memphis owned and operated convenience center for no associated cost.**

**Sec. 9-58-11. Administration/enforcement.**

A. Administration and enforcement of this chapter shall be the responsibility of the city permits office, city police department, public works division, and community enhancement division. The city, by and through its authorized representatives, is hereby authorized to enter any property regulated by this chapter, at reasonable or necessary times in order to properly inspect for violations.

B. The permits office is hereby authorized to promulgate all such rules and regulations considered necessary and proper to effectuate the implementation and enforcement of this chapter.

**Sec. 9-58-12. Violations and penalties.**

A. The improper storage of one or more used tires shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each improperly stored tire on the location of the tire business. Each day of continued violation of this subsection constitutes a separate offense.

B. The transport of one or more tires without the required permit and decal shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire being transported in violation of this chapter. Each day of continued violation of this subsection constitutes a separate offense. In addition, if the improper transport of one or more tires was done from an identified motor vehicle, with the aid of an identified motor vehicle, or in connection with an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 for each offense of a tire or tires being transported in violation of this chapter. Furthermore, such traffic citation for improper dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in section 11-40-27.

C. The improper transporting or dumping of a tire shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire found improperly dumped. Each day of continued violation of this subsection constitutes a separate offense. In addition, if the improper transporting or dumping of one or more tires was done from an identified motor vehicle, with the aid of an identified motor vehicle, or in connection with an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 for each tire being transported in violation of this chapter. Furthermore, such traffic citation for improper transporting or dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in section 11-40-27.

**Sec. 9-58-13. Injunctive relief.**

In addition to, and cumulative of, all other penalties herein provided, the city shall have the right to seek injunctive relief, for any violation of this chapter.



**Sec. 9-58-14. Tire disposal fund.**

All funds received by the city pursuant to this chapter shall solely be used to pay for the administrative and operational costs resulting from the enforcement and implementation of this chapter. The city shall also contribute \$50,000.00 for the establishment of a special fund designated by the city comptroller as the tire disposal fund which shall be used to fund the city's share of the redemption program.

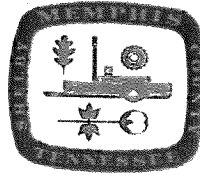
**SPONSORS**

Rhonda Logan

Jana Swearngen-Washington

**CHAIRMAN**

Martavius Jones



## Memphis City Council Summary Sheet

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

Resolution approving proposed consolidated plan PY23/FY24 Annual Action Plan and appropriating federal entitlement funds to the PY23/FY24 Housing and Community Development budget.

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

The Division of Housing and Community Development

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

Not applicable.

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

Various council districts or super districts may be impacted.

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

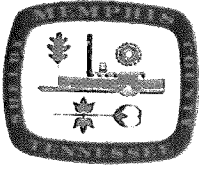
New contracts and contract amendments will be required.

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

Expenditure of funds will be required.

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

Some funding may be applicable to MWBE goals once awarded.



A resolution approving proposed consolidated plan PY23/FY24 Annual Action Plan and appropriating federal entitlement funds to the PY23/FY24 Housing and Community Development budget.

**WHEREAS**, the purpose of the City of Memphis' Consolidated Plan for Housing and Community Development is to foster the development of viable urban neighborhoods which include decent housing for everyone, a suitable living environment, and expanded economic opportunities, especially for low and moderate-income citizens; and

**WHEREAS**, specific projects and activities within the Consolidated Plan PY23/FY24 Annual Action Plan address the needs of low-and moderate-income persons through goals, objectives, priorities, and strategies for housing, community and public services, assistance for the homeless and special needs populations, neighborhood, economic and community development; and

**WHEREAS**, projects and activities proposed to be implemented in the Consolidated Plan PY23/FY24 Annual Action Plan will draw upon and augment the resources of the public, private, and nonprofit sectors to meet low and moderate income needs in the community; and

**WHEREAS**, the plan contains a description of anticipated federal, state, and local housing resources for PY23/FY24, including Community Development Block Grant (CDBG) funds received under Title I of the Housing and Community Development Act of 1974, HOME funds received under Title II of the National Affordable Housing Act of 1990, Emergency Solutions Grant (ESG) funds authorized under the HEARTH Act of 2009, and Housing Opportunities for Person with AIDS (HOPWA) funds, as shown in the following tables:

Estimated FY2023 Funds to be received from HUD

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$ 6,437,795.00	42%
Bass Pro - PI	\$ 750,000.00	5%
HOME Program	\$ 3,884,058.00	25%
HOME Program Income	\$ 277,880.00	2%
Emergency Solutions Grant Program (ESG)	\$ 562,255.00	4%
HOPWA	\$ 3,497,115.00	23%
<b>Total</b>	<b>\$ 15,409,103.00</b>	<b>100%</b>

**WHEREAS**, in PY23/FY24, the expected program income for the Community Development Block Grant (CDBG) will be to the amount of \$1m, and not to exceed \$1.2m.  
;and

**WHEREAS**, the plan identifies and describes the following priority areas of projects and activities to be implemented in PY23/FY24 by the federal entitlement funds received from the U.S Department of Housing and Urban Development (HUD):

FY2024 Priority Areas

Program Name	Estimated Funds	Percent of Total
Housing	\$ 4,662,260.00	30%
Homeless	\$ 825,086.00	5%
Special Needs	\$ 3,767,202.00	24%
Neighborhood, Economic, & Community Development	\$ 4,109,517.00	27%
General Administration & Planning	\$ 2,045,038.00	13%
<b>Total</b>	<b>\$ 15,409,103.00</b>	<b>100%</b>

and,

**WHEREAS**, the Consolidated Plan PY23/FY24 Annual Action Plan includes and was developed within a framework of a citizen participation plan, requiring consultation with citizens and other social service and housing agencies; and

**WHEREAS**, the Consolidated Plan PY23/FY24 Annual Action Plan was available for a 30-day public review and comment period beginning April 14, 2023 and ending May 14, 2023, and

**WHEREAS**, the CDBG entitlement, estimated program income, the HOME, ESG, and HOPWA entitlement grants must be appropriated in the FY 2024 Operating Budget for HCD.

**NOW, THEREFORE, BE IT RESOLVED** that the Council and the City of Memphis hereby adopts and approves the proposed Consolidated Plan PY23/FY24 Annual Action Plan.

**BE IT FURTHER RESOLVED** that there be and is hereby accepted and appropriated the amount of **\$15,409,103.00.00** by federal resources for FY2024, including Community Development Block Grant (CDBG) funds, Projected Program Income from CDBG and HOME, HOME Program funds, Emergency Solutions Grant (ESG) funds, and Housing Opportunities for Person with AIDS (HOPWA) chargeable to the FY2024 Operating Budget and credited as follows:

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$ 6,437,795.00	42%
Bass Pro - PI	\$ 750,000.00	5%
HOME Program	\$ 3,884,058.00	25%
HOME Program Income	\$ 277,880.00	2%
Emergency Solutions Grant Program (ESG)	\$ 562,255.00	4%
HOPWA	\$ 3,497,115.00	23%
<b>Total</b>	<b>\$ 15,409,103.00</b>	<b>100%</b>



# SECTION 8 HOME OWNERSHIP ASSISTANCE PROGRAM (S.H.A.P.E.)

THE SHAPE OF THINGS TO COME.....


DEXTER D. WASHINGTON, CHIEF EXECUTIVE OFFICER

# Homeownership Program: An Overview

The Homeownership Program provides qualified Housing Choice Voucher (HCV) families with the opportunity to own a home. The process of purchasing a home through this program is similar to the conventional home buying process, and families anywhere within MHA's jurisdiction.



# BASIC CONCEPT



Instead of using voucher subsidy to help family with rent, homeownership option allows first-time homeowner to use voucher subsidy to meet monthly homeownership expenses.

Most families utilize the voucher to pay a portion of their mortgage for up to 15 years\* – the same way families use a voucher to pay a portion of their rent.

\* Seniors and disabled persons may be eligible for an additional term of mortgage assistance.

# QUALIFYING FOR THE HOMEOWNERSHIP PROGRAM

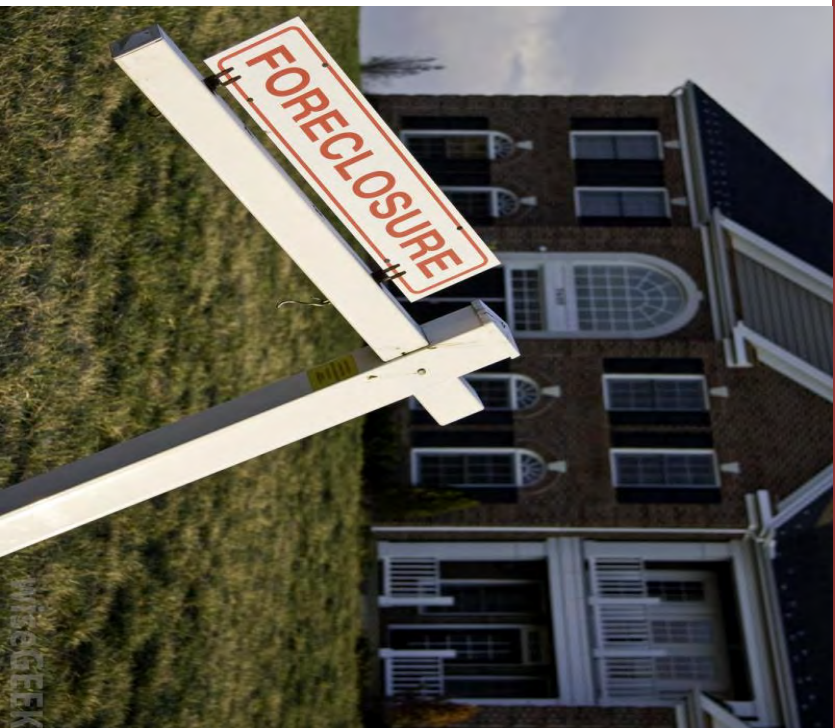
To qualify for the Homeownership program, the family must:

- Be a HCV voucher holder who is eligible to move.
- Have been employed continuously on a full-time basis for at least one year.
  - Not less than an average of 30 hours per week
- Have a minimum yearly income of \$14,500 annually.
  - Seniors/disabled persons exempt.
- Income cannot exceed 50% of the median area income limit.
- Complete a certified homeownership counseling program.
- Be a first-time homebuyer or have not owned a home in the last three years .
  - May not have a “present ownership interest” in the residence of any family member.
- Be enrolled in or has completed a MHA-approved Preparatory Program, e.g. RISE Foundation.



## QUALIFYING FOR THE HOMEOWNERSHIP PROGRAM

Family is not eligible if any family member who was an adult family member at time of default has received homeownership assistance and defaulted on a mortgage.



**Mortgage Default =  
INELIGIBLE**

# HUD MINIMUM INCOME REQUIREMENTS

## Non-Disabled Families

- Federal minimum wage multiplied by 2,000 hours  
 **$(\$7.25 \times 2000) = \$14,500$**

## Disabled Families

- Monthly Federal Supplemental Security Income (SSI) benefit for individual living alone multiplied by 12  
 **$(\$771 \times 12) = \$9,252$**

***Except for elderly and disabled families, welfare assistance may not be considered in determining if family meets requirement.***

# WHAT ARE THE BENEFITS OF THE PROGRAM?

**MHA will make monthly homeownership**

**assistance payments on behalf of the homeowner directly to the family.**

In addition to financial assistance toward the mortgage payment, the program provides pre- and post-purchase home buyer education, credit counseling and other services to help families navigate the home-buying process and increase their chances of success.

# MORTGAGE TERM LIMITS

The maximum term of homeownership assistance shall be:

- **15 years for mortgage terms greater than 20 years**
- **10 years for mortgage terms less than 15 years.**

The maximum term for homeownership assistance does not apply to an elderly family or a disabled family. In the case of an elderly family, this exception is only applied if the family qualifies as an elderly family at the commencement of home ownership.

If, during the course of homeownership assistance the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the initial purchase date.

## FAMILY SHARE

- Family must pay a share of the mortgage.
  - Amount is typically based on 30% of the family's adjusted income.
  - *The voucher covers the rest.*
- Family is responsible for all homeownership expenses not covered by the homeownership assistance payment.
- If homeownership expenses exceed the payment standard, family pays the difference out-of-pocket in addition to TTP (total tenant payment).



# HOMEOWNERSHIP EXPENSES

Covered monthly housing expenses include:

- Mortgage Payment
  - Principal, Interest, Real Estate Taxes & Insurance
- Homeowners Insurance
- Allowances to cover utility costs and repairs (\$75)
- Cost to make a home accessible to a person with disabilities

***ALL OF THESE EXPENSES must fit within the current***

***voucher payment standard.***



## MORTGAGE SUBSIDY

- Payment Standard determines the maximum mortgage subsidy in voucher program.
  - Payment standard for a family is the **lower** of the payment standard for the family unit size or the payment standard for the size of the home
- The payment standard for a family is the greater of the payment standard at the commencement of homeownership assistance for occupancy of the home or the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.
  - *Payment Standard will never be less than payment standard at the time homeownership assistance commences for the home.*

# HOMEOWNERSHIP ASSISTANCE PAYMENT

## *Subsidy Calculation Example:*

*Applicable Payment Standard \$753 (3 bedroom)*

*(Use the lower payment standard of the actual unit size or voucher size)*

**Less Total Tenant Payment \$258 (30% of Minimum monthly income)**

**MHA subsidy amount (HAP) - \$495**

***Upon the participant securing an approval for a mortgage, MHA will forward evidence of the Homeownership Option Voucher to the Lender.***



# FINDING A HOME WITH A VOUCHER

- The housing search process is the same for a family with a homeownership voucher in most respects.
- MHA may set a time limit for families to locate and purchase a home and/or require periodic reports on a family's progress towards finding and purchasing a home.
- Although the family is responsible for finding an eligible unit to purchase, the home search process is relatively complex, so realtor assistance is strongly recommended to guide the family through the purchase process.

- Type of home a family can purchase:

- \* Single-family homes

- \* Condominiums

- \* Townhomes

- \* Cooperative Units

- \* Units currently under a lease-purchase agreement



# APPLYING FOR A MORTGAGE WITH A VOUCHER

- A homeownership voucher increases the monthly amount that an assisted home buyer can pay, and the cost of the home that the family can afford.
- To determine the total amount that the assisted family can pay, however, the family must know not only how much they can borrow based on their own income, but also how a prospective lender will treat the housing assistance payment (HAP) in calculating the total amount that the family can borrow.
- There are several models lenders may use when underwriting a loan using the housing choice voucher homeownership option program.
  - Housing Assistance Payment as Income (Gross-up income Model)
  - Housing Assistance Payment as Offset

# TWO HOME INSPECTIONS



- Housing Quality Standards Inspection and Independent Professional Home Inspection
- MHA conducts housing quality standard inspection to determine if current conditions is decent, safety and sanitary
  - No annual HQS inspection requirement
  - Independent professional inspection assesses adequacy and life span of major systems.

***Any repairs noted by either inspector must be corrected prior to the purchase of the home.***

# DOWNPAYMENT REQUIREMENT

*Family is responsible for making any downpayment required for the loan.*

- Participants are required to make a minimum downpayment of three (3%) percent
- At least one (1%) percent of the downpayment must come from personal savings.



- The balance of the downpayment may be advanced from the FSS escrow account, gift, or other sources, such as City of Memphis, HCD Division, Down Payment Assistance Program, Tennessee Housing Development Agency Program and non-profit organizations.

# MORTGAGE CLOSING

- Once the family secures for a mortgage, MHA will remit the monthly homeownership assistance payment to the participating family.
- The homeowner will be responsible for mailing their portion and the homeownership assistance payment to the mortgage company. The two payments, when combined, should equal the entire amount of the mortgage payment due for the month.

# HOMEOWNER OBLIGATIONS

- Before commencement of homeownership assistance, the family must execute a statement of family obligation and agree to comply with all obligations.



- Homeowner Obligations include:
- Comply with the terms of the mortgage;
  - Family's only residence/no other ownership interest;
  - Report changes in income and composition;
  - No subletting or leasing.



## Questions and Answers

# THANK YOU FOR YOUR TIME!







## Memphis City Council Summary Sheet

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

A resolution to transfer a portion of the City of Memphis Division of Police Services CIP Project PD02018, Violent Crimes Unit Renovation from Construction to Architecture and Engineering. The cost of the Architect was

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

The Division of Police Services is the initiating party of this resolution.

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

There is no change to an existing ordinance or resolution.

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

This will impact all districts.

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

There resolution does not require a new contract, or amendments to existing contract(s).

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

The resolution does require an expenditure of funds.

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



## RESOLUTION

**WHEREAS**, A Resolution to transfer a portion of the City of Memphis Division of Police Services CIP Project PD02018, Violent Crimes Unit Renovation from the Construction line to Architecture and Engineering (A&E) line based on the quote received; and

**WHEREAS**, the transfer of Four Thousand Dollars and 00/100 (\$4,000.00) will be transferred from CIP Project PD02018 Construction line to A&E line; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring \$4,000.00 from PD02018, Construction to A&E funded by G.O. Bonds from Violent Crimes Unit Renovation, Project PD02018.

AN ORDINANCE TO AMEND CHAPTER 41- WRECKERS OR TOWING OPERATORS OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, SO AS TO UPDATE FEES PRESCRIBED

**WHEREAS**, the Memphis City Council strives to ensure our laws are clear, current and relevant to keep our citizens safe and best serve our business community, assisting them in operating in accord with the laws contained within the Tennessee Code Annotated and the Code of Ordinances of Memphis, Tennessee; and

**WHEREAS**, the City of Memphis has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

**WHEREAS**, Chapter 41 of the Code of Ordinances of Memphis, Tennessee, allows the Memphis City Council to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the City; and

**WHEREAS**, the fees charged for non-consensual wreckers and towing operators within the City of Memphis have not been updated since 2006; in contrast, the cost of doing business has steadily risen since 2006, and current inflation and materials pricing have raised that cost even higher; and

**WHEREAS**, steady or increasing calls for service, coupled with space and staffing shortages at the City of Memphis Impound Lot require Towing Company drivers to spend more time dropping vehicles on the lot, thus further eroding the profitability of the business; and

**WHEREAS**, the Memphis City Council has heard the pleas of the city's Towing Operators to raise fees for their service to sustainable levels;

**NOW, THEREFORE,**

**Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 41 - Wreckers and Towing Operators, of the Code of Ordinances, is hereby amended as follows:

**Article 1, Section 41-6. Wrecker Fees Prescribed**

(1) Class A Wrecker Service: The maximum charge for Class A wrecker services, except in those instances which require the use of heavy-duty equipment as provided for in paragraph (2)(a) of this section, shall be as follows within the corporate limits of the city:

Year	Fee
2023	Two hundred and twenty-five dollars (225.00)
and all the years thereafter, until further amended	

The fee for towing required on a Night/ Weekend/ Holiday shall be two hundred and fifty dollars (\$250.00). For purposes of this and Sections 1-41-6-2 and 1-41-6-3, "Night" shall be defined as the hours

between 6 PM and 6 AM daily; "Weekend" shall be defined as the hours between 6 PM Friday and 6 AM Monday; "Holiday" shall be defined as any paid holiday recognized by the U.S. Federal or Tennessee State Governments.

The applicable fee shall include the point of final destination given to the wrecker driver in accordance with section 41-12(a).

Should the vehicle to be towed require extra winching, an additional one-hundred dollar (\$100.00) fee shall be assessed.

(2) Class B Wrecker Service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Five hundred dollars (500.00) per hour

The fee for towing by a Class B Wrecker required on a Night/ Weekend/ Holiday shall be five hundred twenty-five dollars (\$525.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and for each additional hour thereafter.

The fee for extra winching for a Class B Wrecker shall be three hundred dollars (\$300.00) per hour

The fee for the use of a licensed driver helper will be sixty dollars (\$60.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

(3) Class C Wrecker service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Six hundred seventy-five dollars (\$675.00) per hour

The fee for towing by a Class C Wrecker required on a Night/ Weekend/ Holiday shall be seven hundred dollars (\$700.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and each additional hour for the use of the wrecker.

The fee for the use of a licensed driver helper will be one hundred dollars (\$100.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

#### **Airbag Fee**

Should the tow require the use of Airbags, an additional fee of \$1,500 per hour shall be assessed.

This fee amount shall be for the first hour or any portion thereof and each additional hour for the use of the Airbags.

#### **“Oil-Dri” Fee**

When a wrecker service is required to use “Oil-Dri” to remove fluids from the scene of a tow, the fee for such use shall be fifteen dollars (\$15.00) per bag.

#### **Wreck Cleanup Fee**

Should the tow require of the wrecker service the cleanup of debris from a wreck or collision, an additional fee of \$45 shall be assessed.

#### **Fee To Drop Vehicle Before Departing.**

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee. If the owner or operator of the vehicle is present after the towing vehicle has been connected to the vehicle to be towed, the vehicle shall not be towed, but the owner or operator of the vehicle shall be liable for a reasonable fee not to exceed seventy-five dollars (\$75.00), in lieu of towing, provided the owner or operator of the vehicle forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains. In the event that a tow is disregarded, the wrecker owner/operator responding to the call shall be rotated back to the top of the City's Wrecker Rotation List.

#### **Bi-Annual Fee Review**

The fees prescribed in this Chapter, including the foregoing and any prescribed in the Chapter's subsequent Articles or Sections, shall be subject to review by the Memphis City Council once every two years, to ensure parity with Towing Operator business costs.

### **Section 41-7. City Impound Lot Storage Fees, Private Lot Fees, and Administrative Fees**

(a) An administrative fee of seventy-five dollars (\$75.00) will be assessed for each tow ticket processed at the Memphis Police Department (City Impound Lot Facility). Such fee shall be charged to the consumer.

(b) The storage of a vehicle by a wrecker operator on any municipally operated vehicle storage or impound lot shall be forty dollars (\$40.00) for each twenty-four (24) hour period, or fraction thereof, after the first two (2) hours of impoundment. All vehicles shall be towed to the City Impound Lot except vehicles which have been damaged in an accident and cannot be safely driven. Such vehicles shall be removed from the scene of the accident by a wrecker service owner or operator and towed to such wrecker owner or operator's private wrecker lot, provided that, such wrecker owner or operator has not been notified by the Memphis Police Department that the vehicle is needed for evidentiary or investigative purposes.

(c) The storage fee for tractor trailer trucks shall be seventy dollars (\$70.00) for the rig and seventy dollars (\$70.00) for the trailer, for each twenty-four hour period, or fraction thereof. All vehicles must be stored behind the fence of the vehicle storage lot.

(d) A "Gate Fee" of fifty dollars (\$50.00) shall be charged to release any car from the Impound Lot during business hours. Should a release be required during hours defined as "Night," "Weekend" or "Holiday" in 1-41-6-1, a Gate Emergency Release Fee of \$100 shall be charged.

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

**Section 3. BE IT FURTHER ORDAINED,** That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the comptroller, and becomes effective as otherwise provided by law.

Sponsor:

Ford Canale

REFERENDUM ORDINANCE NO. \_\_\_\_\_

A REFERNDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO [ARTICLE XI, § 9](#) OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE PROVISIONS FOR THE REGULATION OF DEADLY WEAPONS

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provide by Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of regulating deadly weapons in the City of Memphis.

Section 1. Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 1, 2024, and which shall be held at least sixty (60) days after such publication.

Section 2. Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

Section 3. Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 1, 2024, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 1st day of August 2024, which question(s) shall read as follows:

“Shall the Charter of the City of Memphis be amended to read:

1. No person shall be allowed to carry a handgun in the City of Memphis without possessing a valid handgun carry permit.
2. No person shall be allowed to carry, store, or travel with a handgun in a vehicle in the City of Memphis without possessing a valid handgun permit.”

***I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.***

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

“Shall the Charter of the City of Memphis be amended to read:

1. Hereafter, the Commercial Sale of Assault Rifles within the City of Memphis is unlawful and is hereby prohibited.
2. The provisions of this Chapter shall not apply to the Commercial Sale of Assault Rifles to:
  - 2.1 Any federal, state, local law enforcement agency;
  - 2.2 The United States Armed Forces or department or agency of the United States;
  - 2.3 Illinois National Guard, or a department, agency, or political subdivision of a state; or
  - 2.4 A Law Enforcement Officer.
3. Pre-existing owners that can demonstrate that the Commercial Sale of an Assault Rifle was completed prior to the Effective Date of January 1, 2025, which means that prior to January 1, 2025, the purchaser completed an application, passed a background check, and has a receipt or purchase order for said purchase, without regard to whether the purchaser has actual physical possession of the Assault Rifle, shall be considered a pre-existing purchaser.”

***I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.***

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____



Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein on January 1, 2025, after approval by a majority of the qualified voters voting thereon in an election to be held on the 1<sup>st</sup> day of August 2024, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting – Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City’s Charter for all ordinances adopted by the City Council.

Section 10. Enactment of Referendum Ordinance.

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

SPONSORS

JB Smiley, Jr.  
Jeff Warren

CHAIRMAN

MARTAVIUS JONES



## Memphis City Council Summary Sheet

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

Initial resolution authorizing the incurrence of indebtedness by the City of not to exceed \$6,800,000 by the execution of a loan agreement with The Public Building Authority of the City of Clarksville to fund public works projects.

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

The Finance Division is the initiating party.

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

N.A.

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

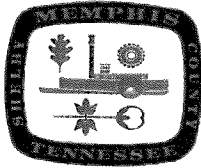
N.A.

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

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

This requires an amendment to the FY 2023 CIP Budget.

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



**INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY THE CITY OF MEMPHIS, TENNESSEE, OF NOT TO EXCEED \$6,800,000, BY THE EXECUTION WITH THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, OF A LOAN AGREEMENT TO PROVIDE FUNDING FOR PUBLIC WORKS PROJECTS**

**WHEREAS**, it is necessary and in the public interest of the City of Memphis, Tennessee (the "City"), to incur indebtedness, through the execution with The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement, for the purpose of financing public works projects as hereinafter more fully described.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Memphis, Tennessee, as follows:

**SECTION 1.** For the purpose of financing the acquisition of various vehicles for the Solid Waste Division of the City, including but not limited to, single axle dump trucks, packer trucks, lightening loaders, and a roll-off truck, the acquisition of other property real and personal appurtenant thereto and connected with such work, and to pay costs incident thereto and costs in connection with the incurrence of the indebtedness (the "Project"), the City is hereby authorized to incur indebtedness in the amount of not to exceed \$6,800,000, for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a fixed rate, which shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

**SECTION 2.** The indebtedness evidenced by the Loan Agreement shall be payable from funds of the City legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the City, without limitation as to time, rate, and amount and for the punctual payment of said principal of, and interest on, the Loan Agreement, the full faith and credit of the City will be irrevocably pledged.

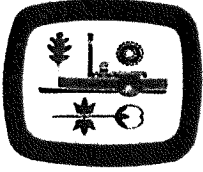
**SECTION 3.** The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

**SECTION 4.** After the adoption of this Resolution, the Comptroller is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the City.

**NOTICE**

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of the City of Memphis, Tennessee, shall have been filed with the Comptroller of the City of Memphis, Tennessee, protesting the incurrence of the indebtedness by the execution of the Loan Agreement, such Loan

**SECTION 5.** This Resolution shall take effect from and after its adoption, the welfare of the City requiring it.



**A resolution to amend the Fiscal Year 2023 CIP Budget by allocating and appropriating Six Million Eight Hundred Thousand Dollars (\$6,800,000) in funds for the purchase of various vehicles and equipment through incurrence of indebtedness via the execution of a loan agreement through the Tennessee Municipal Bond Fund.**

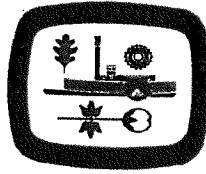
**WHEREAS** it is necessary and in the public interest that the City of Memphis Solid Waste Division incur indebtedness through the execution of a loan agreement through the Tennessee Municipal Bond Fund for the purpose of financing Solid Waste projects as hereinafter more fully described;

**WHEREAS** the Solid Waste Division is committed to the improvement of quality of life for all citizens of the City of Memphis; and

**WHEREAS** it is necessary for the financing to procure various vehicles for the Solid Waste Division, including but not limited to, single axle dump trucks, garbage packer trucks, lightening loaders, and a roll-off truck, and to pay costs incident thereto and costs in connection with the incurrence of the indebtedness, in the amount of Six Million Eight Hundred Thousand Dollars (\$6,800,000), through the execution of a loan agreement through the Tennessee Municipal Bond Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2023 CIP Budget be and is hereby amended by allocating and appropriating Six Million Eight Hundred Thousand Dollars (\$6,800,000) in funds for the purchase of various vehicles and equipment for the Solid Waste Division.

Project Title	Vehicle & Equipment Purchase
Project Number	SW Acquisition TMBF Loan
Total Amount	\$6,800,000.00



## Memphis City Council Summary Sheet

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

A resolution to amend the Fiscal Year 2023 CIP Budget by allocating and appropriating \$6,800,000.00 in funds for the purchase of various vehicles equipment through incurrence of indebtedness via the execution of a loan loan agreement through the Tennessee Municipal Bond Fund.
- 2. Initiating Party (e.g., Public Works, at request of City Council, etc.)**

The Finance Division is the initiating party.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**

N/A
- 4. State whether this will impact specific council districts or super districts.**

All council/super districts will benefit.
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**

This project requires an amendment to the FY23 CIP Budget.
- 6. State whether this requires an expenditure of funds/requires a budget amendment**

Yes, this project requires an amendment to the FY23 CIP Budget.
- 7. If applicable, please list the MWBE goal and any additional information needed**

N/A

**RESOLUTION TO ALLOCATE AND APPROPRIATE AMERICAN RESCUE PLAN  
ACT FUNDS FOR A SHELBY COUNTY ENVIRONMENTAL COURT INDIGENT  
FUND**

**WHEREAS**, the City Council has made it a top priority to address blight remediation, alleviate the prevalence of neglected properties, and take proactive steps to beautify the city; and

**WHEREAS**, there currently exists a need for funding at Shelby County Environmental Court, which maintains a waiting-list of citizens willing to remediate blight on their properties but are unable to do so due to the cost; and

**WHEREAS**, the City of Memphis American Rescue Plan Act funding previously allocated to the “Community Micro Grocery Initiative” will no longer be able to be completed, making these funds now available for reallocation.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Memphis ARPA allocations shall be amended by reallocating and reappropriating \$150,000.00 from the Community Micro Grocery Initiative project line item to the Shelby County Environmental Court for the purposes of establishing an indigent fund to help citizens remediate blighted properties.

Sponsors  
Rhonda Logan

Chairman  
Martavius Jones

# City of Memphis



TENNESSEE

**JIM STRICKLAND**  
MAYOR

April 18, 2023

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

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Laurie Hall**

be appointed to the Memphis Civil Service Commission with a term expiration date of November 30, 2025.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp or seal.

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**CIVIL SERVICE COMMISSION**  
**14 Member Board**  
**3 Year Staggered Terms**  
**Oath of Office Required**

The Civil Service Commission conducts hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of the Charter and Code.

At least seven (7) of Commissioners shall be licensed attorneys, current or former judges and/or individuals with prior experience as an administrative law judge for any local, state or federal agency

<b>Chris Williams</b>	<b>M/W</b>	<b>11-30-2025</b>	
<b>Jayniece Harris</b>	<b>F/B</b>	<b>11-30-2026</b>	
<b>Sarah Johnson Carter</b>	<b>F/W</b>	<b>11-30-2023</b>	<b>Chair</b>
<b>Vacancy</b>	<b>M/W</b>	<b>11-30-2022</b>	
<b>Vacancy</b>	<b>F/B</b>	<b>11-30-2021</b>	
<b>Vacancy</b>	<b>M/W</b>	<b>11-30-2020</b>	
<b>Brandon Ingram</b>	<b>M/B</b>	<b>11-30-2020</b>	
<b>Robert Mebane</b>	<b>M/B</b>	<b>11-30-2022</b>	
<b>Jeffrey Land</b>	<b>M/W</b>	<b>11-30-2022</b>	
<b>Mark Allen</b>	<b>M/B</b>	<b>11-30-2022</b>	
<b>Vacancy</b>	<b>M/B</b>	<b>11-30-2022</b>	
<b>Laurice Smith</b>	<b>F/B</b>	<b>11-30-2022</b>	
<b>Vacancy</b>	<b>F/B</b>	<b>11-30-2020</b>	
<b>Edward L. Vaughn</b>	<b>M/B</b>	<b>11-30-2020</b>	

Updated May 2023



# City of Memphis



TENNESSEE

**JIM STRICKLAND**  
MAYOR

May 9, 2023

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

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**James Lewellen**

be appointed to the Memphis Light, Gas, and Water Commission as a non-voting County wide advisory member with a term expiration date of July 30, 2026.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp.

Jim Strickland  
Mayor

**MEMPHIS LIGHT, GAS & WATER COMMISSION**  
**Oath of Office Required**  
**5 Member Board**  
**3 Year Term**

Purpose:

The Memphis Light, Gas & Water Board is responsible for providing oversight to the municipal utility system which provides electricity, natural or artificial gas, or water to the citizens of Memphis

		Term ends:	Terms served:
<b>Leon Dickinson, Sr</b>	<b>M/B</b>	<b>10-30-25</b>	
<b>Mitch Graves</b>	<b>M/W</b>	<b>06-30-25</b>	
<b>Carl Person</b>	<b>M/B</b>	<b>10-30-25</b>	
<b>Cheryl Pesce</b>	<b>F/B</b>	<b>10-30-25</b>	
<b>Pohlman, Michael</b>	<b>M/W</b>	<b>07-30-23</b>	

**Non-voting County Wide Advisory Members:**

<b>Vacancy</b>	<b>M/W</b>	<b>07-30-20</b>
<b>Kevin Young</b>	<b>M/B</b>	<b>07-30-20</b>

**2023 Council Liaison: Patrice Robinson**

Updated 050922

## Summary of proposed amendments Pension System 5.3.2023 (v. 2)

To: Alex Smith  
From: Frank N. Stockdale Carney  
Date: May 3, 2023

1. **Sec. 4-25-1(11).** For all plans the proposed amendment clarifies that an award of backpay is credited to each year to which the backpay pertains rather than the year in which the award is paid. This is consistent with plan administration, Department of Labor notices and other authorities. Otherwise including all years of backpay in one single year (the year in which it is paid) misstates the pension benefit and is inconsistent with how the pay is credited to the participant (and would have otherwise been credited) if paid when originally earned), rather than the year it was paid.

The Pension System does not include overtime in pay for determining a participant's pension benefit. No deductions are made from a participant's overtime to contribute to the pension nor does the city make any payment to the pension system on a participant's overtime. This proposed amendment clarifies that overtime is pay for hours in excess of 40 hours a week regardless of the rate of pay for any hours over 40 hours a week.

2. **Sec. 4-25-1(17).** The plan is being amended per the Mayor's announcement to add as eligible participants in the 1978 Plan those employees eligible to make the elections under Section 4-25-160(F), which includes Commissioned Police Officers, Firefighters, Police Dispatchers, Fire Dispatchers, Fire Alarm Operators, and Paramedics:
  - a. hired on or after July 1, 2016 and on or before June 30, 2023 who are currently in the 2016 plan but who elect within the required time limit to return to the 1978 to transfer the employee's total account balances in the 2016 Plan to the 1978 Plan and thereafter the employee to be solely a 1978 Plan participant; and those
  - b. hired on or after July 1, 2023 who elect upon their employment to participate in the 1978 Plan rather than the 2016 plan to opt out of the 2016 Plan and elect to a participant under the 1978 Plan.

The manner, method, forms and time requirement within which election must be set by Pension Board and communicated to eligible public safety employees.

3. **Sec. 4-25-1(30).** The proposed amendment clarifies in the 2016 plan that there is no 5% per year reduction on a 25-year retirement like there is in the 1978 plan.

4. **Sec. 4-25-2.** The current plan provides for five employee members on the Pension Board. The proposed amendment provides one of these members must be a participant in the 2016 plan with at least four years of service.
5. **Sec. 4-25-48.** For both 1978 Plan and 2016 Plan the proposed amendment incorporates into the plan the Tenn. Code Ann. §8-36-918 requirement that a participant convicted of a felony for malfeasance in office forfeits his/her monthly pension benefit.
6. **Sec. 4-25-160.** The proposed amendment adds a section that permits employees hired on or after July 1, 2023 as Commissioned Police Officers, Firefighters, Police Dispatchers, Fire Dispatchers, Fire Alarm Operators, and Paramedics to opt out of the 2016 plan and participate instead in the 1978 Plan. The election is irrevocable and must be effectuated at employment before the first deduction from the employee's paycheck..

This proposed amendment also adds a section that permits employees hired as a Commissioned Police Officer, Firefighter, Police Dispatcher, Fire Dispatcher, Fire Alarm Operator, and Paramedics on or after July 1, 2016 and on or before June 30, 2023 who is currently in the 2016 plan elect to transfer all his/her accounts in the 2016 plan to the 1978 plan and return to the 1978 Plan. The election is irrevocable. This class of employees that were hired prior to July 1, 2016 were already given a one-time irrevocable election to return to the 1978 Plan. That earlier election was irrevocable and those employees thus do not qualify to change their earlier irrevocable election in this election. The proposed ordinance permits the Pension Board to establish a deadline by which this election must be made and the manner, method and forms on which the election must be made.

As required by the Comptroller and consistent with the earlier provision permitting these employees hired prior to July 1, 2016 to elect to return to the 1978 Plan, this proposed amendment is limited to the additional available funds in the Special Revenue Fund created in the Sales Tax Referendum for public safety employees. If in any one Plan Year the amounts that the city would otherwise contribute to the 2016 Plan for these employees plus the additional sums made available in the Special Revenue Fund for pension benefits for these employees is not adequate for the required city contribution to fund the pension benefits of these employees in the 1978 Plan, then the benefits of these employees is adjusted as follows:

1. The sum of the following is determined:
  - a. The amount that the city would have contributed to the pension account of these employees if they were in the 2016 plan, plus
  - b. The 1.5% city defined contribution amount that the city would have contributed to the 2016 plan accounts for these employees, plus

- c. The additional amounts in the Special Revenue Fund provided for pension benefits for these employees.
  2. If in any one Plan Year that sum is not adequate to fund the pension benefits for these employees in the 1978 Plan, then the pension benefit formula for these employees is adjusted as follows:
    - a. The accrual benefit factor is reduced in 10 basis point increments (but not below zero) until the available funds in (1)(a), (b), and (c) are sufficient to fund the pension benefits in the 1978 plan for these employees.
7. **Sec. 4-25-192.** In both the 1978 Plan and 2016 Plan the proposed amendment provides that a divorce terminates a beneficiary designation of an ex-spouse unless the participant after the divorce executes a new beneficiary designation naming the ex-spouse as beneficiary. This proposed amendment helps avoid a situation where a participant fails to change his/her beneficiary designation after a divorce. Currently the Sixth Circuit has ruled that regardless of a divorce, a pension system must pay the named beneficiary on a beneficiary designation.
8. **Sec. 4-25-194.** Conforms the plan section to the change noted in no. 7 above.
9. **Sec. 4-25-212.** The plan had a one-time provision permitting a police or firefighter who terminated employment prior to July 1, 2016 and received a refund but who was reemployed subsequent to 2016 and thus would otherwise become a 2016 plan participant to repay the refund prior to July 20, 2018 and reenter the 1978 Plan. The proposed amendment permits any police or firefighter who terminated employment prior to July 1, 2016 and received a refund but who is reemployed subsequent to July 1, 2023 to repay the refund in a lump sum and reenter the 1978 plan.
10. **Sec. 4-25-253.** Conform the plan section to the change noted in no. 7 above.
11. **Sec. 4-25-254** the plan section to the change noted in no. 7 above.

**An Ordinance to Amend Chapter 25—Pension and Retirement System  
of the City of Memphis, Tennessee**

WHEREAS, the City of Memphis, Tennessee (the “Employer”) has adopted a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, including police officers and firefighters, as subsequently amended and restated from time to time, and consisting of a 1948 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-60 through 4-25-99) and a 1978 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-160 through 4-25-199), as amended in 2012, and a 2016 plan (that part of the plan benefiting employees participating under the provisions of sections through 4-25-210 through 4-25-274), currently codified and established under City Ordinance Chapter 25, Articles I through VII, Division 1 and Division 2 and Division 3 (collectively, “the Pension System”); and

WHEREAS, the Employer desires to amend the Pension System as provided herein,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS that the Pension and Retirement System of the City of Memphis be amended as follows:

1. **Sec. 4-25-1(11) Compensation shall be amended by addition of the following subparagraph as subparagraph (e) and subparagraph (f) thereto:**

(e) Back pay. For purposes of determining average monthly compensation under section 4-25-1(1), and section 4-25-1(4) pay awarded by an administrative agency or court or pursuant to a bona fide agreement by the city to compensate a participant for lost wages shall be credited as pay to each individual year to which the award or agreement for back pay pertains, rather than to the year in which the award, agreement or payment is made.

(f) Overtime pay. For purposes of determining average monthly compensation under section 4-25-1(1) and section 4-25-1(4) “overtime pay” constitutes pay in excess of forty (40) hours a week regardless of the rate for which such hours are paid.

2. **Sec. 4-25-1(17) References, construction and definitions - Employee** as presently written shall be amended and restated in its entirety and the following provision shall be substituted in lieu thereof:

**17. Employee** means, except for any such employee who is eligible to make and has duly made the election provided in sections 4-25-160(E) and 4-25-160(F) hereof, any person hired on or before June 30, 2016, but who as of June 30, 2016 has seven and one-half (7.5) or more years of service with the city and who was

on June 30, 2016 a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, in the regular, full-time employ of the city to the extent that the city contributes to the salary of such employee in a job classification or title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification.

The term “employee” shall also not include any person who is a leased employee within the meaning of code section 414(n). Leased employee means any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person (“leasing organization”) has performed services for the recipient (or for the recipient and related persons determined in accordance with code section 414(n)(6)) on a substantially full-time basis for a period of at least one year, and such services are performed under primary direction or control by the recipient. Contributions or benefits provided a leased employee by the leasing organization which are attributable to services performed for the recipient employer shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee (unless otherwise specifically covered by the pension system) of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent of compensation, as defined in code section 415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludible from the employee's gross income under code section 125, code section 1320, code section 401(k), code section 402(h) or code section 403(b), (2) immediate participation, and (3) full and immediate vesting; and (ii) leased employees do not constitute more than 20 percent of the recipient's non-highly compensated workforce.

3. **Sec. 4-25-1(30) Normal retirement date** shall be amended by addition thereto as subsection (d) the following subsection (d) to read as follows:

d. 2016 Plan. “Normal retirement date” for participants of the 2016 Cash Balance Plan/Defined Contribution Plan means:

i. General employees: the first day of the month coincident with or next following earliest date on which the participant, other than a commissioned police officer or firefighter:

Attains:

(A) Age 65 and completes five years of service; or

(B) Twenty-five (25) years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

ii. Police officers and firefighters: the first day of the month coincident with or next following earliest date on which the participant:

Attains:

(A) Age 55 and ten years of service; or

(B) Twenty-five (25) years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

4. **Sec. 4-25-2 Board of Administration created; composition; election and term of members**, as presently written shall be repealed in its entirety and the following provision shall be substituted in lieu thereof and designated as Section Sec. 4-25-2:

**Sec. 4-25-2 – Board of Administration created; composition; election and terms of members.**

There is created and established a board of administration which, under the provisions of this title and the direction of the mayor, shall administer the plan and the trust fund created by this title. The board shall consist of the mayor or the mayor's designee, the officer in charge of the division of personnel or that officer's designee, the comptroller, four five-employees of the city with at least ten years of service, one employee of the city who is a participant in the 2016 plan with at least four years of service, a citizen member of the city, a retiree of the plan, and a member of the city council. The member of city council shall be an ex officio member without a vote. The officer in charge of the division of personnel or that officer's designee shall be an ex officio member without a vote. The employee, citizen and retiree members of the board shall be appointed on the first Tuesday in December in odd-numbered years by the council on the recommendation of the mayor, for two year appointments which shall begin on the January 1 next following the appointments. The council member of the board shall be the chair of the city council or the chair's designee, who will be appointed each December, to serve for one year beginning on the January 1 next following the appointments. Each of the employee, citizen, retiree member, and city council member of the board shall serve until his or her successor is duly appointed. Vacancies during the term of any employee, citizen, retiree and/or city council member shall be filled by appointment in the same manner as provided for the original appointment except that such appointment shall be made as soon as reasonably feasible after such vacancy occurs (regardless of the year or when in the year such vacancy occurs). The term of such member shall begin effective immediately upon such



appointment, and such member so appointed shall serve for the unexpired term of the original member or until a successor to such member is duly appointed. Until a vacancy is filled as provided herein the action of a quorum of the members as provided in section 4-25-7 shall be and constitute a valid and binding action of the board notwithstanding that a position is vacant.

5. **Sec. 4-25-48** shall be added as follows:

**Sec. 4-25-48. Disqualified Participants.** Any participant who is convicted in any state or federal court of a felony arising out of the participant's employment or official capacity with the city constituting malfeasance in office shall forfeit the participant's retirement pension benefits hereunder. Such participant's rights shall be governed by Sec. 8-36-918 of the Tennessee Code Annotated, as amended, and any successor statute thereto.

6. **Sec. 4-25-160 Participation** shall be amended by addition thereto as subsection (F) the following subsection (F) to read as follows:

**F. Commissioned Police Officer, Firefighter, Police Dispatcher, Fire Dispatcher, Fire Alarm Operators, and Paramedics.**

1. **Hire dates on or after July 1, 2023.** Each employee who is hired on or after July 1, 2023 as a commissioned police officer, firefighter, police dispatcher, fire dispatcher, fire alarm operator, or paramedic (for purposes of this subsection referred to as an "eligible public safety employee") may make a one-time irrevocable election upon the eligible public safety employee's date of hire in the form and manner and within the time prescribed by the Board to opt out of participation in the 2016 Plan and elect in lieu thereof to participate in the 1978 Plan provided that the rate of employee contributions required of the eligible public safety employee is identical in each Plan regardless of participation in the 1978 Plan or 2016 Plan.

2. **Hire dates on or after July 1, 2016 and on or before June 30, 2023.** Provided that the rate of employee contributions required of the eligible public safety employee is identical in each Plan regardless of participation in the 1978 Plan or 2016 Plan, each employee who is hired as a commissioned police officer, firefighter, police dispatcher, fire dispatcher, fire alarm operator, or paramedic on or after July 1, 2016 and on or before June 30, 2023 who meets each and all of the following listed criteria may make a one-time irrevocable election in the form and manner and within the time prescribed by the Board to have his or her entire 2016 Plan cash balance account plus his or her entire 2016 defined contribution plan account balance transferred to the 1978 Plan, whereupon his or her participation in the 2016 Plan and any and all rights and benefits thereunder shall cease and such participant shall participate in the 1978 Plan, the same as if he or she had never participated in the 2016 Plan. To make such election, such participant must meet each and all of the following criteria:

Formatted: Font: 12 pt, Italic

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

- a. Since such employee's date of hire such employee has continuously been employed by the city in full-time employment as a commissioned police officer, firefighter, police dispatcher, or fire dispatcher;
- b. Such employee has not experienced a severance date as such term is defined in section 4-25-1(39); ~~and~~
- c. Such employee has not withdrawn any amount of his or her cash balance account or separate defined contribution plan account from the 2016 Plan; ~~and~~
- ~~e.d. Has not otherwise made an election under Section 4-25-160(E)-~~

3. As required by T.C.A. §9-3-506(a)(3) and the Comptroller of the State of Tennessee, the pension benefits of the eligible public safety employees making the irrevocable election provided in this subsection (F) shall be funded by and only to the extent of the city contribution to the cost of the pension benefits that would otherwise have accrued for such employees in the 2016 Plan plus the available funds allocated for the cost of pension benefits of these employees in the Special Revenue Fund created pursuant to the referendum passed October 3, 2019 increasing the sales and use tax in the City of Memphis by 0.5% from 2.25% to 2.75% to restore pension benefits of public safety employees from and after the date of such referendum. In the event the cost of the pension benefits for the eligible employees making the irrevocable election provided in this subsection (F) in the 1978 Plan in any Plan Year (based on the city's funding policy in effect for such Plan Year adopted pursuant to T.C.A. §9-3-504, as amended) exceeds: (i) the cost of the pension benefits for these employees had they participated in the 2016 Plan (based on the city's funding policy in effect for such plan year adopted pursuant to T.C.A. §9-3-504, as amended) rather than the 1978 Plan, plus (ii) the city's required 1.5% of compensation defined contribution plan contribution otherwise allocable to 2016 plan defined contribution accounts of these employees (as provided in section 4- 25-231) had they participated in the 2016 Plan rather than the 1978 Plan, plus (iii) the amount allocated in the Special Revenue Fund for the cost of the pension benefits for public safety employees in the 1978 Plan, then the following steps shall automatically apply in determining the pension benefit of such eligible public safety employees for such Plan Year:

- a. The retirement allowance formula for the pension benefit of these employees for such Plan Year will be reduced from 2.25% or 2.50%, as applicable, in ten basis point increments, to such lesser amount (but not below zero) as is necessary so that the costs of benefits for these employees does not exceed does not exceed the sum of (i), (ii), and (iii) immediately above;

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

b. The adjustment provided above shall be effective as of July 1 next following the determination of the cost of benefits, and shall not reduce the accrued pension benefit of any such eligible public safety employee earned immediately prior to the effective date of the adjustment.

4. The elections provided in this subsection (F) once made shall be irrevocable and may not be subsequently modified or rescinded by the employee. If an employee eligible to make an election hereunder makes such an election as provided herein, all rights and benefits upon subsequent retirement or other termination of employment of such employee shall be governed solely and exclusively by the terms and provisions of the plan to which the employee elected and such employee shall have no rights under any other plan of the pension system.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

7. **Sec. 4-25-192 Refund upon death** subsection "B" shall be deleted in its entirety and the following Section 4-25-192 subsection "B" substituted therefor as subsection "B":

B. The beneficiaries of the refund under subsection A of this section shall be the person so designated by the participant in writing, or, if no such designation, his or her estate. Notwithstanding the foregoing, however, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree.

8. **Sec. 4-25-194 Residual benefits and refund of employee contributions** subsection "b" shall be deleted in its entirety and the following Section 4-25-194 subsection "b" substituted therefor as subsection "b":

b. For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under section 4-25-194(a) hereof) shall be:

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a

notary public or by the Benefits Manager of the City, the Total Rewards Officer of the city, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in section 4-25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in section 4-25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the plan is the legally recognized spouse or child of the participant. Notwithstanding the foregoing, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

9. **Sec. 4-25-212** shall be amended and restated in its entirety and the following deleted in its entirety and the following Section 4-25-192 subsection “B” substituted therefor:

Except as provided in section 4-25-211(B), any former participant under this 2016 plan or the 1978 plan, as amended in 2012, or the 1948 plan of this chapter who is reemployed as an employee shall enter this 2016 plan as a participant upon his/her reemployment commencement date. His/her years of service shall be determined as provided under section 4-25-1(45).

Notwithstanding the foregoing, a police officer or firefighter who was a participant in the 1978 Plan who terminated employment prior to July 1, 2016 and received a lump sum withdrawal or refund of employee contributions pursuant section 4-25-185 of the 1978 Plan, and who is reemployed as a police officer or firefighter on or after July 1, 2023 shall have the right to be a participant in the 1978 Plan upon such reemployment provided such police officer or firefighter (i) ~~is subsequently reemployed as a police officer or firefighter on or prior to December 31, 2017, (ii) as of June 30, 2016 such reemployed participant had seven and one-half or more years of service (including the years of service for which such participant repays the plan as provided below), (iii) such participant~~ elects in writing in the manner, method, within the time limit, and on such forms as prescribed by the board to repay the trust as provided below; and (ii) such participant repays in full to the trust pursuant to such election ~~by no later than June 30, 2018~~ in a single lump sum an amount equal to the withdrawal or refunded amount with compounded interest, from the date of withdrawal or refund to the date of repayment, at the rate established by the board. Upon fulfillment of all conditions above (i) such participant shall be an Employee for purposes of Section 1-25-1(1 7), (ii) such participant shall be a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, Division 2, as applicable, and shall not participate in the 2016 plan, and (iii) the years of service of such participant in the 1978 Plan prior to the participant’s termination of employment that would otherwise be disregarded because of his/her prior termination of employment shall be restored. Absent fulfillment of the conditions above such police officer or firefighter upon his/her reemployment shall enter this 2016 Plan.

10. **Sec. 4-25-253** *Residual benefits* shall be deleted in its entirety and the following Section 4-25-253 substituted therefor:

Notwithstanding any other sections of this 2016 plan, a participant's beneficiaries, in the order of priority as set forth in section 4-25-254 hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 2016 plan made

to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals. Notwithstanding the foregoing, however, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree.

11. **Sec. 4-25-254** *Employee contributions refund upon death* subsection "B" shall be deleted in its entirety and the following Section 4-25-254:

For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under section 4-28-20(A) hereof) shall be:

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by the benefits manager of the city, the total rewards officer of the city, or such other person representing the board as duly designated by the board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in [https://library.municode.com/tn/memphis/codes/code\\_of\\_ordinances?no\\_deId=TIT4PERESY\\_CH4-4DEGEPR\\_S4-4-1RECODE](https://library.municode.com/tn/memphis/codes/code_of_ordinances?no_deId=TIT4PERESY_CH4-4DEGEPR_S4-4-1RECODE) section 4-25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in section 4-25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the plan is the legally recognized spouse or child of the participant. Notwithstanding the foregoing, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.