

Item 5-See Committee Documents

A REFERENDUM ORDINANCE AMENDING THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO RE-ESTABLISH THE OFFICE OF CITY COURT CLERK AS AN ELECTED OFFICE OF THE CITY OF MEMPHIS

WHEREAS, by Ordinance No. 926 adopted April 27, 1971 the Memphis City Council ratified the creation of a traffic violations bureau, which was then under the budget and finance department of the City and transferred supervision of and operation thereof as a division within the city court clerk's office separate from the functions of the City Courts; and

WHEREAS, the Council adopted Ordinance No. 2246 on April 29, 1975 providing, inter alia, for the election of a City Court Clerk and for the selection of separate deputy clerks to supervise (1) the Traffic Violations Bureau and (2) the clerical functions of the City Court's per se; and

WHEREAS, the City's attorneys have advised the Council that as a part of their review of the City's charter and ordinances in connection with the 2021 Codification project that Ordinance No. 2246 was not properly adopted as a charter amendment pursuant to Article XI, section 9 of the Tennessee Constitution and therefore may be invalid and void in whole or in part; and

WHEREAS, the Council put forth Ordinance No. 5874 on May 16, 2023, that, in relevant part, effectively eliminated the Office of City Court Clerk as an elected office of the City of Memphis; the Ordinance was passed on third and final reading on at the regular meeting of the City Council on June 27, 2023; and

WHEREAS, it is the intent of the Council that the Office of City Court Clerk be reinstated as an elected office, so that the people of Memphis may exercise their right to choose the individual who holds this office.

Section 1. Proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS and submitted by the City of Memphis to its qualified voters at the first general state 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.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on August 1, 2024, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 1st day of August 2024:

Shall the Charter of the City of Memphis be amended to establish the position of City Court Clerk as an elected official of the City of Memphis?

FOR	(YES) _____	
AGAINST	(NO) _____	

Section 5. Effective date of Charter amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August, 2024, the public welfare, requiring it. Provided that this charter amendment is approved by the qualified voters of the City of Memphis, the election for the City Court Clerk shall be voted in by special election, to be held on the 5th day of November 2024; the City Court Clerk shall be sworn in on January 1, 2025; the individual elected to this position shall only serve until the next municipal election, along with the election of the Mayor and the City Council.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election 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 upon adoption of this Home Rule Amendment, 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, and all laws in conflict therewith are hereby repealed.

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 effect 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.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this 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.

Chairman:
Martavius Jones

A REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO REQUIRE ALL PERSONS EMPLOYED PRIMARILY BY THE CITY OF MEMPHIS TO LIVE WITHIN SHELBY COUNTY, TENNESSEE.

WHEREAS, Section 190 of the Memphis City Charter was amended by Home Rule Ordinance No. 5345 and a referendum ordinance of November 2, 2010, was approved by the voters requiring that all employees solely employed by the City of Memphis must live and maintain a residence within the boundaries of Shelby County, Tennessee.

Section 1. Proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 5, 2024, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall Article 27, Section 190 of the Charter of the City of Memphis, Tennessee be deleted by substituting the following language, which would expand the residency requirement, to read as follows:

“Section 190. Residence requirements of persons employed solely by city and board and commission members.

(a) Hereafter all persons, employed primarily by the City of Memphis or any of its departments, boards, bureaus or commissions, with the exception of Public Safety employees, such as the Division of Police Services and the Division of Fire Services, shall be required to live and maintain a residence within the boundaries of Shelby County, Tennessee, as now defined or as may be hereafter defined. The City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for Shelby County outside the territorial limits therein. For the purposes of this Ordinance, City of Memphis Divisions include:

1. Executive
2. Legislative
3. General Services
4. Public Works
5. Solid Waste
6. Finance
7. City Attorney
8. City Court Clerk
9. City Court Judges

10. Human Resources
11. Light, Gas, and Water
12. City Engineering
13. Library
14. Parks
15. Information Technology
16. Housing & Community Development

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 5, 2024, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 5th day of November 2024:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

Said ordinance of the City of Memphis was adopted on the 5th day of November 2024, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

“(a) Hereafter all persons, employed primarily by the City of Memphis or any of its divisions, departments, boards, bureaus or commissions, with the exception of Public Safety employees, such as the Division of Police Services and the Division of Fire Services, shall be required to live and maintain a residence within the boundaries of Shelby County, Tennessee, as now defined or as may be hereafter

defined and except that the City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for the city outside the territorial limits therein. For the purposes of this Ordinance, City of Memphis Divisions include:

17. Executive
18. Legislative
19. General Services
20. Public Works
21. Solid Waste
22. Finance
23. City Attorney
24. City Court Clerk
25. City Court Judges
26. Human Resources
27. Light, Gas, and Water
28. City Engineering
29. Library
30. Parks
31. Information Technology
32. Housing & Community Development

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

FOR	(YES) _____	
AGAINST	(NO) _____	

Section 5. Effective date of Charter amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 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 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 upon adoption of this Home Rule Amendment, 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, and all laws in conflict therewith are hereby repealed.

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 effect 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.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this 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.

Chairman:

Martavius Jones

Item 8-See Committee Documents

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: August 8, 2023
DATE

PUBLIC SESSION: August 8, 2023
DATE

ITEM (CHECK ONE)

ORDINANCE	X	RESOLUTION	X	REQUEST FOR PUBLIC HEARING
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ITEM DESCRIPTION:	Resolution approving the appeal of Ann Burgess seeking to amend the Memphis and Shelby County Land Use Control Board's conditions of approval of the site plan of a proposed apartment complex at 3581 Tournament Dr. S. and two adjacent parcels, known as case number MJR 23-12 (correspondence to PD 94-356 CC aka Tournament Trails Center Planned Development)
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CASE NUMBER: MJR 23-13 (PD 94-356 CC CORRES.)

DEVELOPMENT: Tournament Trails Center Planned Development

LOCATION: 3581 Tournament Dr. S. and two adjacent parcels

COUNCIL DISTRICTS: District 2 and Super District 9

APPELLANT: Ann Burgess

REQUEST: Amend the Memphis and Shelby County Land Use Control Board's conditions of approval of the site plan of a proposed apartment complex, specifically by reducing the maximum number of dwelling units from 500 to 279 and including three new conditions

AREA: 17.8 acres

RECOMMENDATION:	The Division of Planning and Development recommended:	<i>Approval with conditions</i>
	The Land Use Control Board:	<i>Approved with conditions</i>

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set public hearing – July 25, 2023
Public hearing – August 8, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>May 11, 2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

\$ _____	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

MJR 23-13 (PD 94-356 CC CORRES.)

RESOLUTION APPROVING THE APPEAL OF ANN BURGESS SEEKING TO AMEND THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD'S CONDITIONS OF APPROVAL OF THE SITE PLAN OF A PROPOSED APARTMENT COMPLEX AT 3581 TOURNAMENT DR. S. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER MJR 23-12 (CORRESPONDENCE TO PD 94-356 CC AKA TOURNAMENT TRAILS CENTER PLANNED DEVELOPMENT)

- This item is a resolution to amend the Memphis and Shelby County Land Use Control Board's conditions of approval of the site plan of a proposed apartment complex, specifically by reducing the maximum number of dwelling units from 500 to 279 and including three new conditions;
- The Land Use Control Board held a public hearing on May 11, 2023, and approved said site plan subject to four site plan conditions;
- Cindy Reaves of SR Consulting, LLC, appeared at said public hearing on behalf of the applicant TTL Development, LLC; and
- An appeal of the Land Use Control Board decision was filed on May 24, 2023, by Ann Burgess, who appeared in opposition at said public hearing.

LAND USE CONTROL BOARD DECISION

At its regular meeting on ***Thursday, May 11, 2023***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	MJR 23-13 (PD 94-356 CC CORRES.)
LOCATION:	3581 Tournament Dr. S. and two adjacent parcels
COUNCIL DISTRICTS:	District 2 and Super District 9
OWNER/APPLICANT:	TTL Development, LLC
REPRESENTATIVE:	Cindy Reaves of SR Consulting, LLC
REQUEST:	Site plan approval of an apartment complex
EXISTING ZONING:	Conservation Agriculture within PD 94-356 CC
AREA:	17.8 acres

The following spoke in support of the application: Cindy Reaves, Priyank Shah, and Josh Whitehead

The following spoke in opposition to the application: Jesse Baker, Ann Burgess, and Lew Wardlaw

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to approve with conditions as recommended by staff.

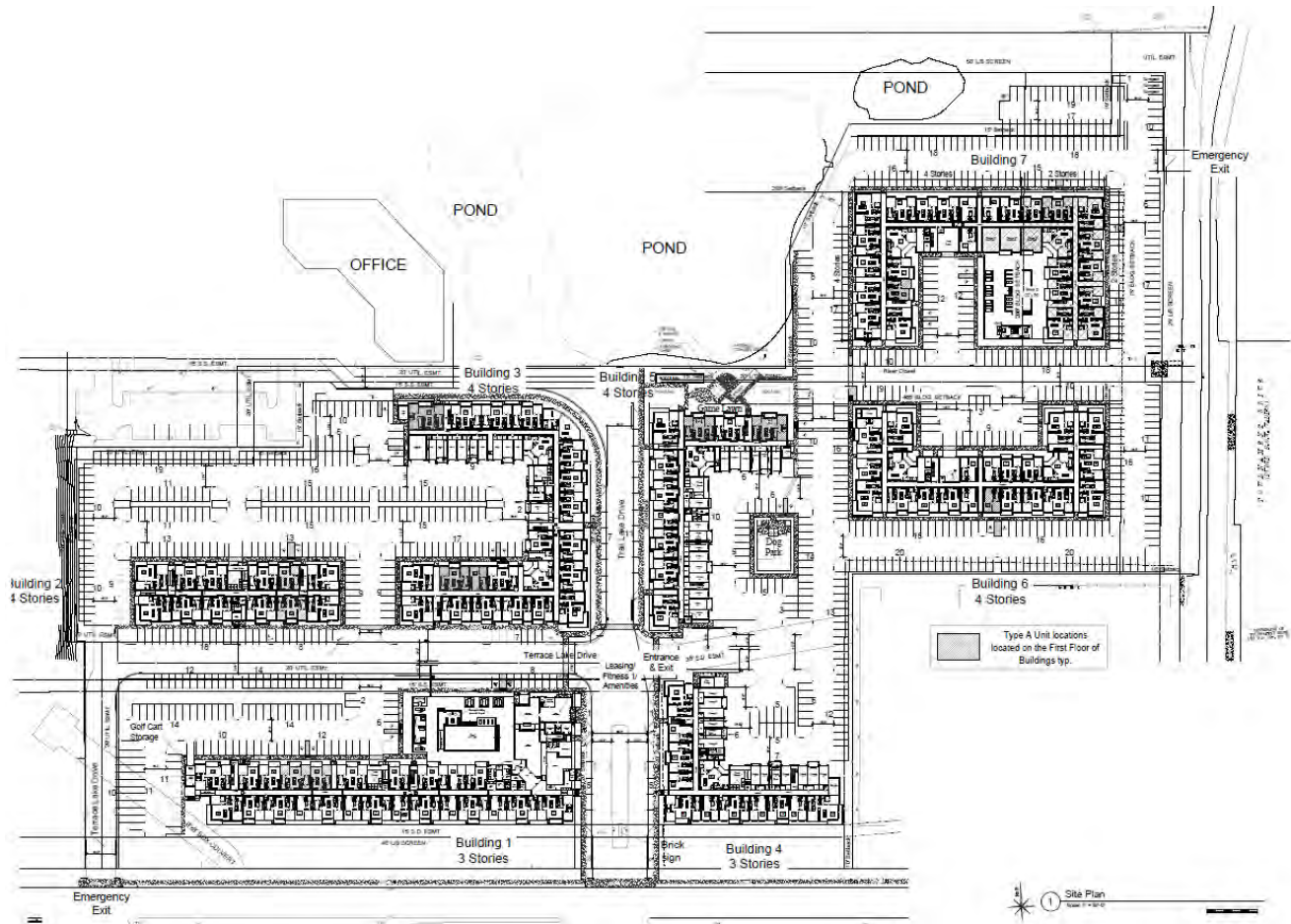
The motion passed by a unanimous vote of 9-0 on the regular agenda.

No changes to the outline plan conditions were approved, but the following site plan conditions were imposed:

1. A maximum of 500 dwelling units shall be permitted.
2. Parking shall be set back a minimum of 8' from Terrace Lake, Trail Lake, Tournament, and Winchester, and a minimum of 5' from other property lines.
3. No parking shall be allowed between any building and Tournament or Winchester. Parking may be permitted between a building and Terrace Lake or Trail Lake, provided that it is not located between the front façade and the street, and that appropriate streetscaping is provided.
4. The above provisions do not apply to parallel parking, nor do they change minimum building setbacks or parking ratios (1.5 spaces per dwelling unit).

The site plan may be found on the following page.

SITE PLAN



RESOLUTION APPROVING THE APPEAL OF ANN BURGESS SEEKING TO AMEND THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD'S CONDITIONS OF APPROVAL OF THE SITE PLAN OF A PROPOSED APARTMENT COMPLEX AT 3581 TOURNAMENT DR. S. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER MJR 23-12 (CORRESPONDENCE TO PD 94-356 CC AKA TOURNAMENT TRAILS CENTER PLANNED DEVELOPMENT)

WHEREAS, TTL Development, LLC, filed a site plan approval application with the Memphis and Shelby County Division of Planning and Development; and

WHEREAS, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards of the Memphis and Shelby County Unified Development Code and submitted its findings and recommendation 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 May 11, 2023, and said Board approved the request of the applicant subject to four site plan conditions; and

WHEREAS, Ann Burgess, filed an appeal on May 24, 2023, with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis amend the conditions of approval of the Memphis and Shelby County Land Use Control Board; and

WHEREAS, the appellant's requested amendments to the conditions are, more specifically, the reduction of the maximum number of permitted dwelling units from 500 to 279, and the inclusion of the following three site plan conditions:

- Maintain 2-story buildings on the north and east sides of the property per the current plan submitted.
- Move the first responder emergency access closer to Winchester by modifying building locations and orientations.
- Place 'No Parking' signs on both sides of Tournament Dr.

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

WHEREAS, upon evidence presented at this public hearing by the appellant, the City Council of the City of Memphis, concludes the appeal herein should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the appeal of Ann Burgess is granted and the conditions of approval of the Memphis and Shelby County Land Use Control Board on May 11, 2023, are hereby amended.

BE IT FURTHER RESOLVED, that this resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the Council of the City of Memphis.

ATTEST:

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

AGENDA ITEM: 5

CASE NUMBER: MJR 23-13 (PD 94-356 CC CORRES.) **L.U.C.B. MEETING:** May 11, 2023

DEVELOPMENT: Tournament Trails Center Planned Development

LOCATION: 3581 Tournament Dr. S. and two adjacent parcels

OWNER/APPLICANT: TTL Development, LLC

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Site plan approval of an apartment complex

AREA: 17.8 acres

EXISTING ZONING: Conservation Agriculture within PD 94-356 CC

CONCLUSIONS

1. TTL Development, LLC, has requested Land Use Control Board site plan approval of a 540-dwelling-unit apartment complex on three parcels within the Tournament Center Trails Planned Development.
2. Staff finds that the proposal is compatible with nearby land uses, and that it would not result in undue injury to the surrounding area, given the recommended conditions of a maximum of 500 dwelling units and a prohibition on parking between buildings and public streets.

CONSISTENCY WITH MEMPHIS 3.0

The Dept. of Comprehensive Planning did not comment on this request. Plan consistency is not required for site plan reviews.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Winchester Rd.	(Principal Arterial)	595 + 257 linear feet
	Tournament Dr. S.	(local street)	678 linear feet

Note: The three parcels also all have frontage on Trail Lake Dr. and Terrace Lake Dr., both of which are private streets.

Zoning Atlas Page: 2355

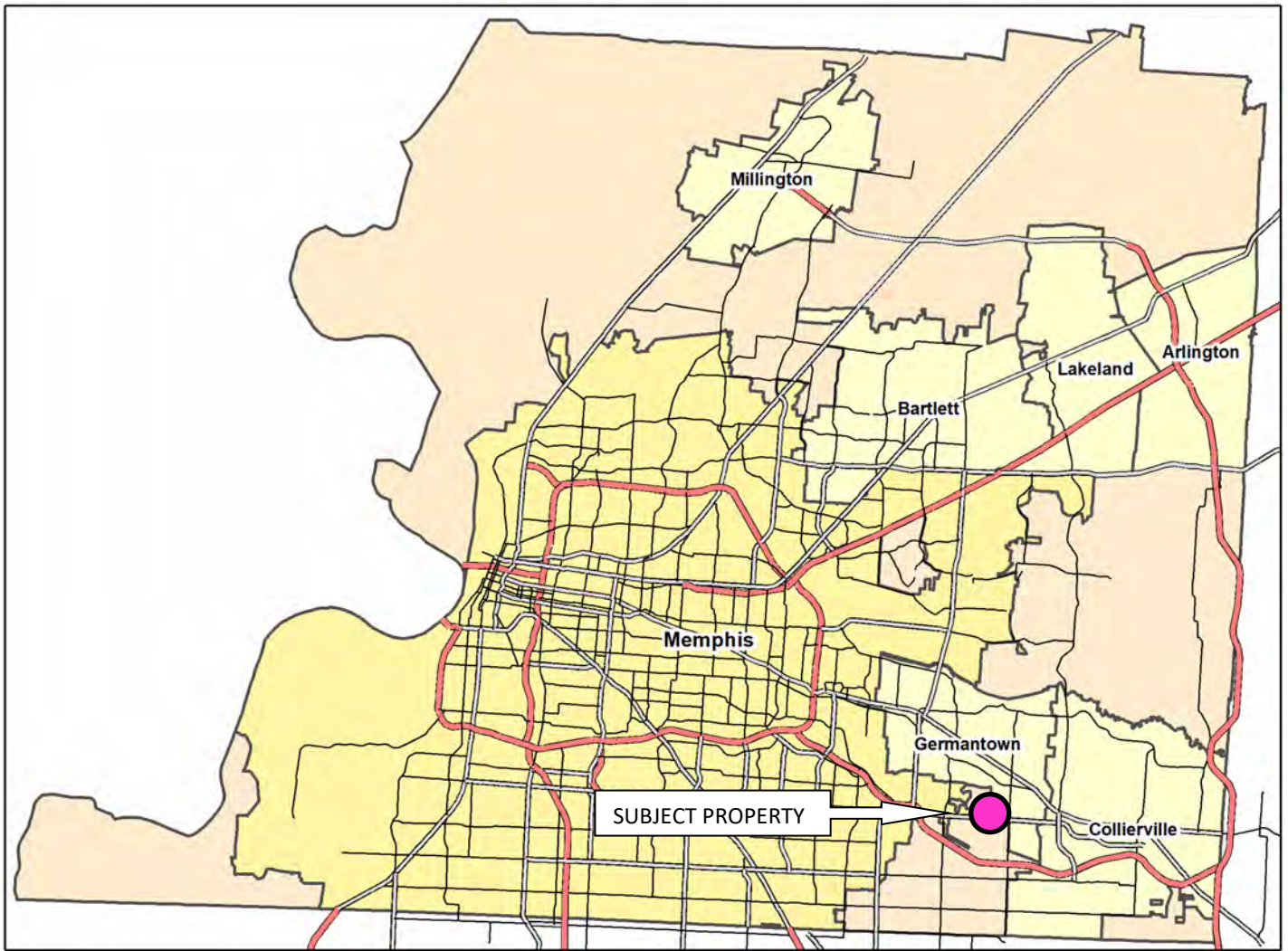
Parcel ID: 081093 00006, 081093 00007, and 081093 00204

Existing Zoning: Conservation Agriculture within PD 94-356

PUBLIC NOTICE

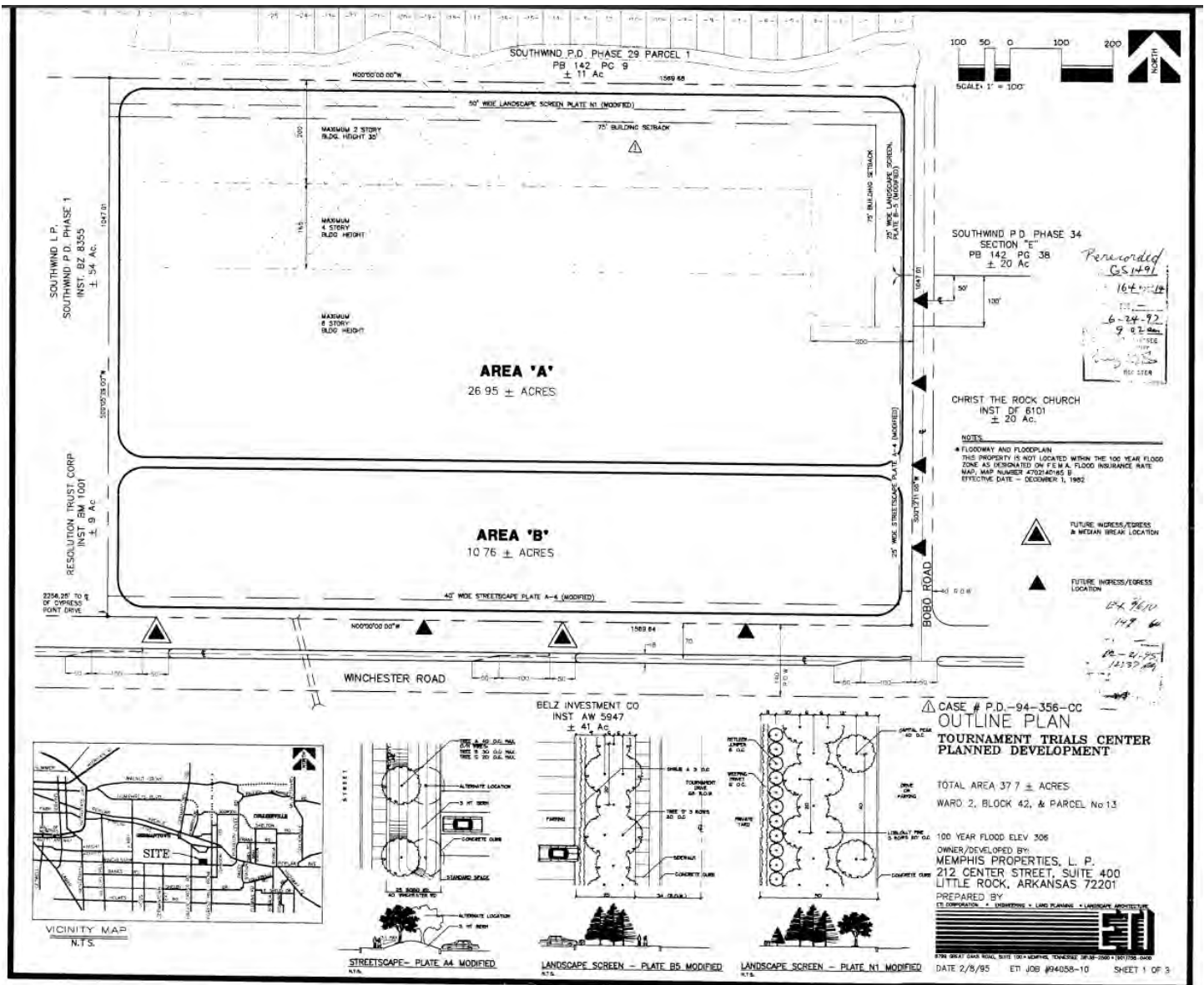
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 11 notices were mailed on March 28, 2023, and 3 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



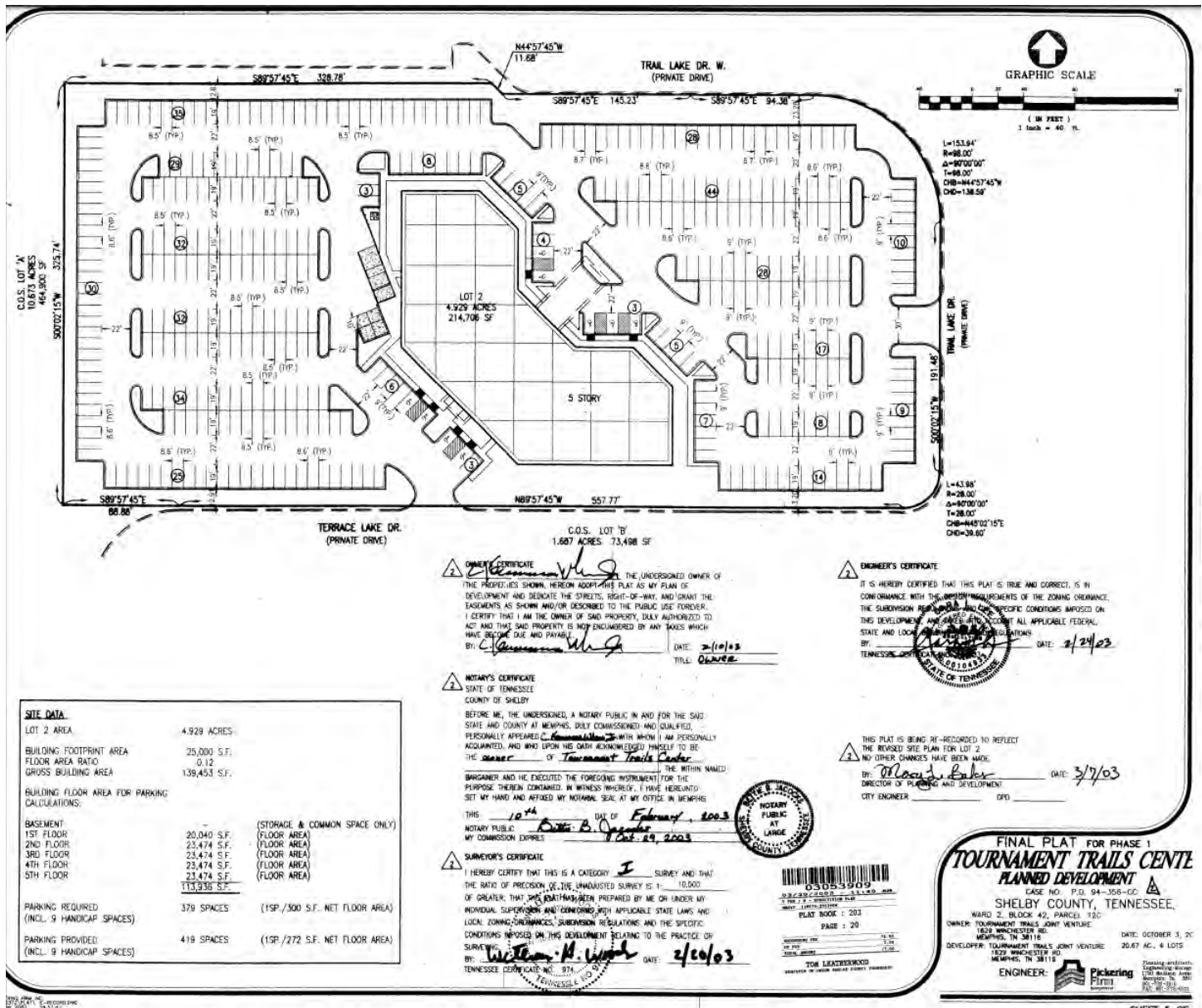
Subject property located within Memphis, adjacent to unincorporated Southwind neighborhood

TOURNAMENT TRAILS CENTER P.D., OUTLINE PLAN (1995; RERECORDED 1997)



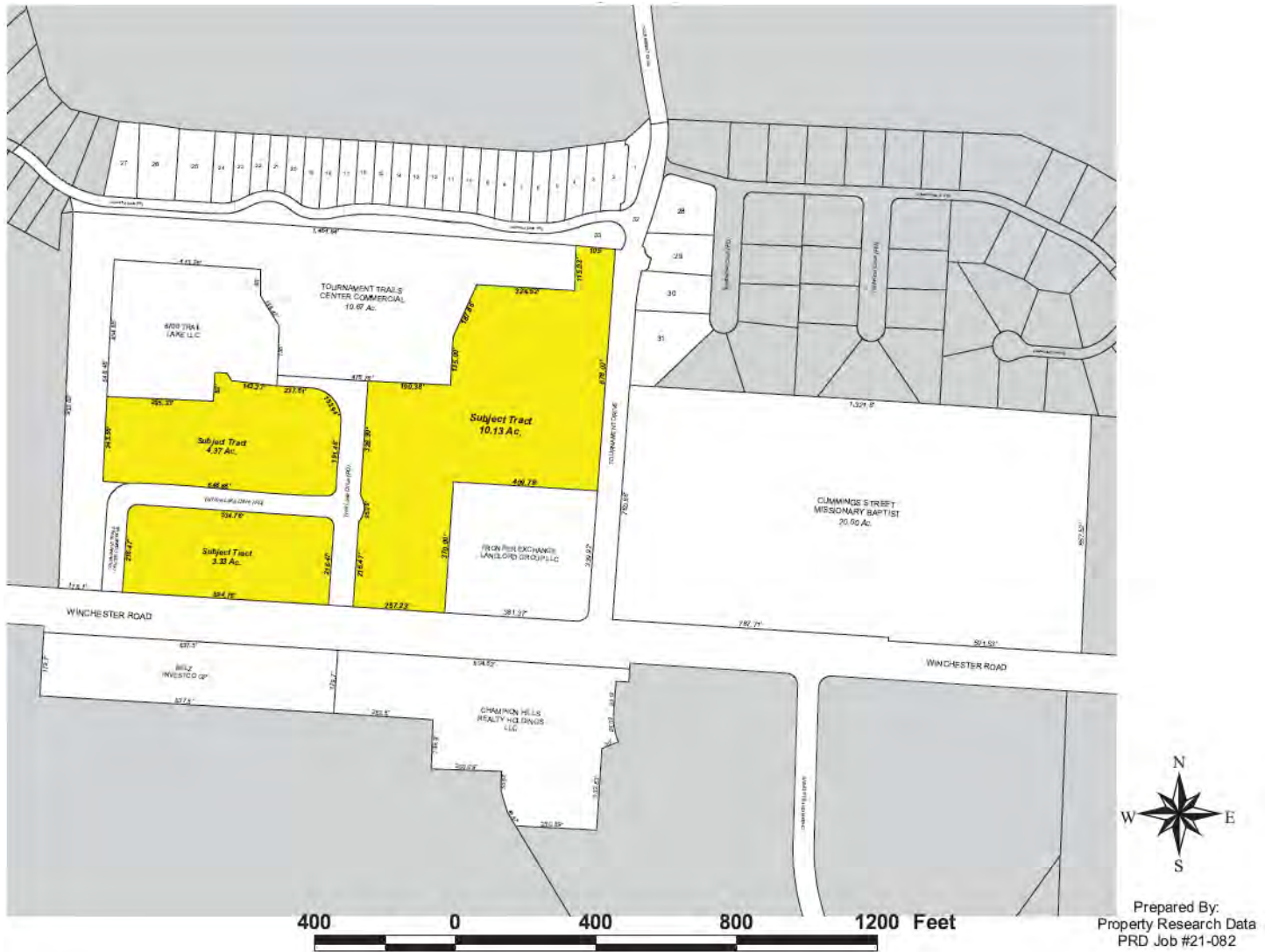
The outline plan has not yet been re-recorded to reflect the City Council's approval of MJR 21-45 upon appeal, allowing an apartment complex on the subject land.

TOURNAMENT TRAILS CENTER P.D., FINAL PLAN OF LOT 2 OF PHASE 1 (2000; RERECORDED 2003)



Parcel 081093 00006 is governed by the final plan of Phase 1. The other two subject parcels are not within a recorded final plan.

VICINITY MAP



Not all properties highlighted in white received a notice of public hearing; only those properties adjacent – either abutting or across the right-of-way – to one of the three subject parcels received a notice.

Surrounding Zoning

East: Conservation Agriculture within PD 94-356 CC
Conservation Agriculture within PD 94-326 CC

West: Conservation Agriculture within PD 94-356 CC

LAND USE MAP



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

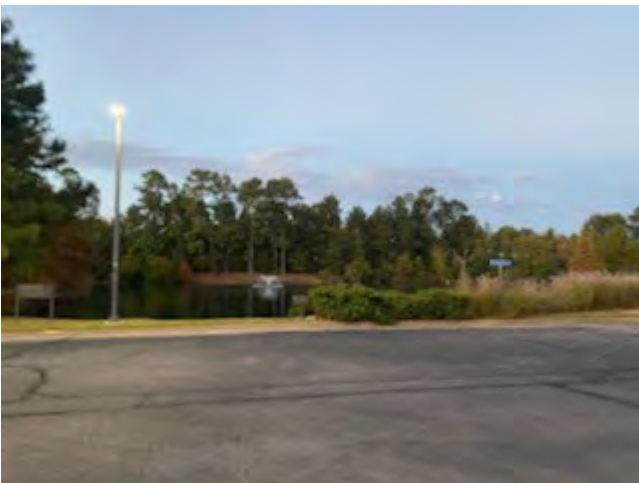
SITE PHOTOS



Views of subject land with the adjacent office building in the background



Views of subject land with the adjacent memory care facility in the background



Views of subject land in context of the adjacent lake



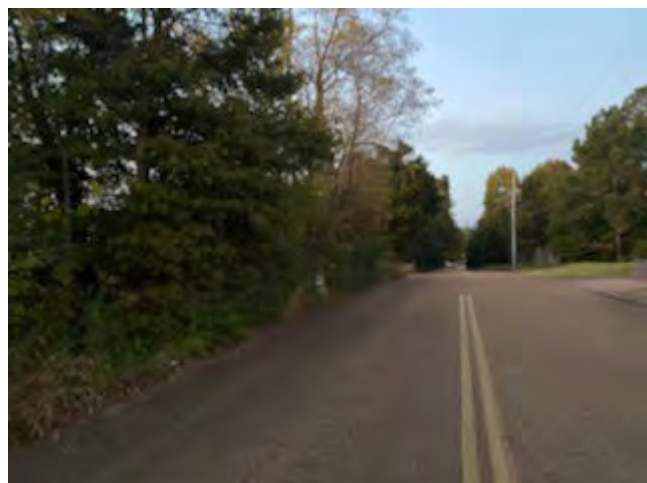
Views of Trail Lake Dr.



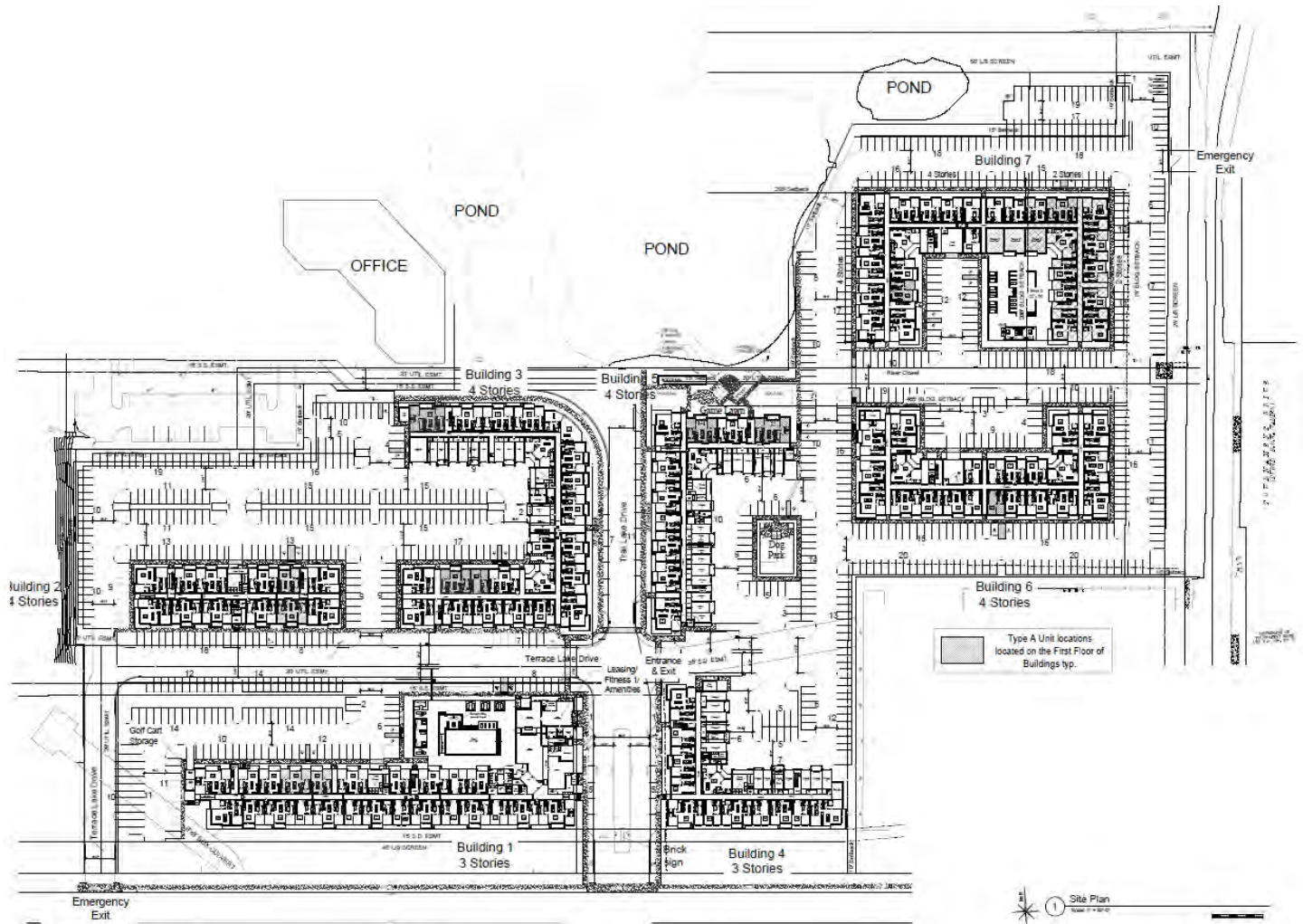
Views of the Terrace Lake Dr. Subject land is on both sides of the road, with Winchester to the far left.



Views north down Tournament Dr. S.



SITE PLAN



SITE PLAN (COLOR)



FLOOR AREA RATIO ANALYSIS

Total FAR Available Per PUD	619,790
Office Building	62,748
<i>First Floor</i>	<i>19,626</i>
<i>Second Floor</i>	<i>21,189</i>
<i>Thirs Floor</i>	<i>21,933</i>
Alzheimer's Facility	15,733
Proposed Multifamily	540,845
Total FAR Used	619,326
<i>Over / (Under) Total FAR Available</i>	<i>(464)</i>

FAR Definition

FLOOR AREA: The sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

1. Open exterior balconies or other covered open spaces;
2. Uncovered terraces, patios, porches, atria or steps;
3. Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles;
equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units;
5. Areas of common special purpose used by a substantial portion of the occupants of the premises, including, but not limited to the following: laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

SITE TOTALS

Area Calculations: APARTMENT TOTALS		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	3	750	802	88	890	2,250	2,406	264	2,670
1-D; Type A	2	660	709	0	709	1,320	1,418	0	1,418
2-A; Type A	5	1,107	1,172	88	1,260	5,535	5,860	440	6,300
3-A; Type A	2	1,313	1,386	100	1,486	2,626	2,772	200	2,972
1-A; Type B	104	750	802	88	890	78,000	83,408	9,152	92,560
1-A1; Type B	2	825	883	88	971	1,650	1,766	176	1,942
1-B; Type B	14	734	792	0	792	10,276	11,088	0	11,088
1-D; Type B	64	660	709	0	709	42,240	45,376	0	45,376
2-A; Type B	129	1,107	1,172	88	1,260	142,803	151,188	11,352	162,540
2-A1; Type B	37	1,080	1,145	88	1,233	39,960	42,365	3,256	45,621
2-A2; Type B	1	1,217	1,282	95	1,377	1,217	1,282	95	1,377
2-A3; Type B	9	1,195	1,267	88	1,355	10,755	11,403	792	12,195
2-A4; Type B	9	1,168	1,240	88	1,328	10,512	11,160	792	11,952
2-A5; Type B	3	1,224	1,298	88	1,386	3,672	3,894	264	4,158
2-A6; Type B	1	1,326	1,255	95	1,350	1,326	1,255	95	1,350
2-B; Type B	79	1,212	1,279	231	1,510	95,748	101,041	18,249	119,290
2-C; Type B	31	1,095	1,161	159	1,320	33,945	35,991	4,929	40,920
2-D; Type B	1	1,420	1,496	80	1,576	1,420	1,496	80	1,576
2-E; Type B	5	1,107	1,173	0	1,173	5,535	5,865	0	5,865
2-F; Type B	4	1,153	1,224	0	1,224	4,612	4,896	0	4,896
2-G; Type B	11	1,256	1,345	0	1,345	13,816	14,795	0	14,795
3-A; Type B	23	1,313	1,386	100	1,486	30,199	31,878	2,300	34,178
3-B; Type B	1	1,428	1,500	129	1,629	1,428	1,500	129	1,629
APARTMENT TOTALS	540					540,845	574,103	52,565	626,668

Area Calculations: Building 1		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	1	750	802	88	890	750	802	88	890
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
1-A; Type B	13	750	802	88	890	9,750	10,426	1,144	11,570
1-A1; Type B	2	825	883	88	971	1,650	1,766	176	1,942
1-B; Type B	2	734	792	0	792	1,468	1,584	0	1,584
1-D; Type B	14	660	709	0	709	9,240	9,926	0	9,926
2-A; Type B	24	1,107	1,172	88	1,260	26,568	28,128	2,112	30,240
2-A1; Type B	6	1,080	1,145	88	1,233	6,480	6,870	528	7,398
2-A2; Type B	1	1,217	1,282	95	1,377	1,217	1,282	95	1,377
2A-6; Type B	1	1,326	1,255	95	1,350	1,326	1,255	95	1,350
2-B; Type B	3	1,212	1,279	231	1,510	3,636	3,837	693	4,530
2-C; Type B	2	1,095	1,161	159	1,320	2,190	2,322	318	2,640
2-D; Type B	1	1,420	1,496	80	1,576	1,420	1,496	80	1,576
2-G; Type B	6	1,256	1,345	0	1,345	7,536	8,070	0	8,070
3-A; Type B	6	1,313	1,386	100	1,486	7,878	8,316	600	8,916
3-B; Type B	1	1,428	1,500	129	1,629	1,428	1,500	129	1,629
APARTMENT TOTALS	84					83,644	88,752	6,146	94,898
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			11,855
						Enclosed Stair			2,731
						Elevator			90
						Leasing Office			1,980
						Club Room			1,149
						Fitness/ Yoga			1,991
						Internet Lounge			490
						Golf Simulator			1,015
						Mail Room/ Package Storage			465
						Restrooms			598
						Non-Conditioned Areas			
						Bldg 1 Golf Cart			163
						Rentable Storage			526
						Trash			838
						Utilities			809
						Pool Pump & Storage			152
						Fire Pump Room			124
						Pergola			101
						Air Space Between Units			308
						Total Residential SF			120,283

Area Calculations: Building 2		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	1	750	802	88	890	750	802	88	890
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
1-A; Type B	7	750	802	88	890	5,250	5,614	616	6,230
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
2-A; Type B	19	1,107	1,172	88	1,260	21,033	22,268	1,672	23,940
2-A1; Type B	4	1,080	1,145	88	1,233	4,320	4,580	352	4,932
2-B; Type B	16	1,212	1,279	231	1,510	19,392	20,464	3,696	24,160
APARTMENT TOTALS	51					54,054	57,276	6,512	63,788
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			6,338
						Enclosed Stair			2,348
						Elevator			90
						Zoom Rooms			322
						Mail Room			114
						Non-Conditioned Areas			
						Rentable Storage			131
						Trash			838
						Utilities			558
						Air Space Between Units			124
						Total Residential SF			74,651

Area Calculations: Building 3		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-D; Type A	1	660	709	0	709	660	709	0	709
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
3-A; Type A	1	1,313	1,386	100	1,486	1,313	1,386	100	1,486
1-A; Type B	12	750	802	88	890	9,000	9,624	1,056	10,680
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
1-D; Type B	6	660	709	0	709	3,960	4,254	0	4,254
2-A; Type B	42	1,107	1,172	88	1,260	46,494	49,224	3,696	52,920
2-A1; Type B	5	1,080	1,145	88	1,233	5,400	5,725	440	6,165
2-A3; Type B	3	1,195	1,267	88	1,355	3,585	3,801	264	4,065
2-A4; Type B	6	1,168	1,240	88	1,328	7,008	7,440	528	7,968
2-A5; Type B	3	1,224	1,298	88	1,386	3,672	3,894	264	4,158
2-B; Type B	12	1,212	1,279	231	1,510	14,544	15,348	2,772	18,120
2-C; Type B	8	1,095	1,161	159	1,320	8,760	9,288	1,272	10,560
2-F; Type B	4	1,153	1,224	0	1,224	4,612	4,896	0	4,896
3-A; Type B	3	1,313	1,386	100	1,486	3,939	4,158	300	4,458
APARTMENT TOTALS	110					116,256	123,295	10,780	134,075
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			17,772
						Enclosed Stair			3,479
						Elevator			96
						Mail Room/ Package Storage			470
						Zoom Rooms			187
						Non-Conditioned Areas			
						Garage			4,542
						Rentable Storage			2,920
						Trash			838
						Utilities			783
						Fire Pump Room			157
						Pergola			100
						Air Space Between Units			359
						Total Residential SF			165,778

Area Calculations: Building 4		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type B	3	750	802	88	890	2,250	2,406	264	2,670
1-D; Type B	10	660	709	0	709	6,600	7,090	0	7,090
2-A; Type B	11	1,107	1,172	88	1,260	12,177	12,892	968	13,860
2-A1; Type B	3	1,080	1,145	88	1,233	3,240	3,435	264	3,699
2-B; Type B	6	1,212	1,279	231	1,510	7,272	7,674	1,386	9,060
2-C; Type B	3	1,095	1,161	159	1,320	3,285	3,483	477	3,960
2-E; Type B	2	1,107	1,173	0	1,173	2,214	2,346	0	2,346
2-G; Type B	5	1,256	1,345	0	1,345	6,280	6,725	0	6,725
3-A; Type B	3	1,313	1,386	100	1,486	3,939	4,158	300	4,458
APARTMENT TOTALS	46					47,257	50,209	3,659	53,868
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			
						Enclosed Stair			
						Elevator			
						Mail Room			
						Zoom Room			
						Non-Conditioned Areas			
						Garage			
						Rentable Storage			
						Trash			
						Utilities			
						Fire Pump Room			
						Pergola			
						Air Space Between Units			
						Total Residential SF			
						69,472			

Area Calculations: Building 5		Individual Unit SF (auto-populated except Patio/Balcony)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
3-A; Type A	1	1,313	1,386	100	1,486	1,313	1,386	100	1,486
1-D; Type B	4	660	709	0	709	2,640	2,836	0	2,836
2-A; Type B	24	1,107	1,172	88	1,260	26,568	28,128	2,112	30,240
2-A1; Type B	5	1,080	1,145	88	1,233	5,400	5,725	440	6,165
2-A3; Type B	6	1,195	1,267	88	1,355	7,170	7,602	528	8,130
2-A4; Type B	3	1,168	1,240	88	1,328	3,504	3,720	264	3,984
2-B; Type B	8	1,212	1,279	231	1,510	9,696	10,232	1,848	12,080
2-C; Type B	4	1,095	1,161	159	1,320	4,380	4,644	636	5,280
2-E; Type B	3	1,107	1,173	0	1,173	3,321	3,519	0	3,519
3-A; Type B	3	1,313	1,386	100	1,486	3,939	4,158	300	4,458
APARTMENT TOTALS	62					69,038	73,122	6,316	79,438
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			11,575
						Enclosed Stair			1,631
						Elevator			91
						Mail Room/ Package Storage			213
						Zoom Rooms			225
						Pet Spa			107
						Non-Conditioned Areas			
						Garage			5,561
						Rentable Storage			1,964
						Trash			862
						Utilities			439
						Air Space Between Units			173
						Total Residential SF			102,279

Area Calculations: Building 6		Individual Unit SF (auto-populated except Patio/Balcony)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-D; Type A	1	660	709	0	709	660	709	0	709
1-A; Type B	28	750	802	88	890	21,000	22,456	2,464	24,920
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
1-D; Type B	15	660	709	0	709	9,900	10,635	0	10,635
2-A; Type B	4	1,107	1,172	88	1,260	4,428	4,688	352	5,040
2-A1; Type B	8	1,080	1,145	88	1,233	8,640	9,160	704	9,864
2-B; Type B	20	1,212	1,279	231	1,510	24,240	25,580	4,620	30,200
2-C; Type B	8	1,095	1,161	159	1,320	8,760	9,288	1,272	10,560
3-A; Type B	4	1,313	1,386	100	1,486	5,252	5,544	400	5,944
APARTMENT TOTALS	91					85,082	90,436	9,812	100,248

Area Calculations: Building 7		Individual Unit SF (auto-populated except Patio/Balcony)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	1	750	802	88	890	750	802	88	890
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
1-A; Type B	41	750	802	88	890	30,750	32,882	3,608	36,490
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
1-D; Type B	15	660	709	0	709	9,900	10,635	0	10,635
2-A; Type B	5	1,107	1,172	88	1,260	5,535	5,860	440	6,300
2-A1; Type B	6	1,080	1,145	88	1,233	6,480	6,870	528	7,398
2-B; Type B	14	1,212	1,279	231	1,510	16,968	17,906	3,234	21,140
2-C; Type B	6	1,095	1,161	159	1,320	6,570	6,966	954	7,920
3-A; Type B	4	1,313	1,386	100	1,486	5,252	5,544	400	5,944
APARTMENT TOTALS	96					85,514	91,013	9,340	100,353

MASTER REFERENCE LIST

Unit Designation	Unit Type		Unit Net SF	Unit Gross SF	Unit Patio/Balcony	Unit Total SF
1-A	Type A	1-A; Type A	750	802	88	890
1-D	Type A	1-D; Type A	660	709	0	709
2-A	Type A	2-A; Type A	1,107	1,172	88	1,260
3-A	Type A	3-A; Type A	1,313	1,386	100	1,486
1-A	Type B	1-A; Type B	750	802	88	890
1-A1	Type B	1-A1; Type B	825	883	88	971
1-B	Type B	1-B; Type B	734	792	0	792
2-F	Type B	2-F; Type B	1,153	1,224	0	1,224
1-D	Type B	1-D; Type B	660	709	0	709
2-A	Type B	2-A; Type B	1,107	1,172	88	1,260
2-A1	Type B	2-A1; Type B	1,080	1,145	88	1,233
2-A2	Type B	2-A2; Type B	1,217	1,282	95	1,377
2-A3	Type B	2-A3; Type B	1,195	1,267	88	1,355
2-A4	Type B	2-A4; Type B	1,168	1,240	88	1,328
2-A5	Type B	2-A5; Type B	1,224	1,298	88	1,386
2A-6	Type B	2A-6; Type B	1,326	1,255	95	1,350
2-B	Type B	2-B; Type B	1,212	1,279	231	1,510
2-C	Type B	2-C; Type B	1,095	1,161	159	1,320
2-D	Type B	2-D; Type B	1,420	1,496	80	1,576
2-E	Type B	2-E; Type B	1,107	1,173	0	1,173
2-G	Type B	2-G; Type B	1,256	1,345	0	1,345
3-A	Type B	3-A; Type B	1,313	1,386	100	1,486
3-B	Type B	3-B; Type B	1,428	1,500	129	1,629

SITE DATA

Unit Count Data: Building 1, (3 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	32	38%
2 Bedrooms	45	54%
3 Bedrooms	7	8%
Total Units	84	100%
Parking Count: Building 1, (3 Stories)		
Required Parking		
1 Bedroom - 32 x 1.5 =	48	
2 Bedrooms - 45 x 1.5 =	67.5	
3 Bedrooms - 7 x 1.5 =	10.5	
Leasing Office - Office 1.0 per 300 SF FA		
6,964 / 300 =	23.2	
Guest Parking 0.15 x 84	12.6	
Total Required Parking for Building 1	161.8	

Unit Count Data: Building 2, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	11	22%
2 Bedrooms	40	78%
Total Units	51	100%
Parking Count: Building 2, (4 Stories)		
Required Parking		
1 Bedroom - 11 x 1.5 =	16.5	
2 Bedrooms - 40 x 1.5 =	60	
Guest Parking 0.15 x 51	7.65	
Total Required Parking for Building 2	84.15	

Unit Count Data: Building 3, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	22	20%
2 Bedrooms	84	76%
3 Bedrooms	4	4%
Total Units	110	100%
Garages	11	
Parking Count: Building 3, (4 Stories)		
Required Parking		
1 Bedroom - $22 \times 1.5 =$	33	
2 Bedrooms - $84 \times 1.5 =$	126	
3 Bedrooms - $4 \times 1.5 =$	6	
Guest Parking 0.15×110	16.5	
Total Required Parking for Building 3	181.5	

Unit Count Data: Building 4, (3 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	13	28%
2 Bedrooms	30	65%
3 Bedrooms	3	7%
Total Units	46	100%
Garages	13	

Parking Count: Building 4, (3 Stories)		
Required Parking		
1 Bedroom - $13 \times 1.5 =$		19.5
2 Bedrooms - $30 \times 1.5 =$		45
3 Bedrooms - $3 \times 1.5 =$		4.5
Guest Parking 0.15×46		6.9
Total Required Parking for Building 4		75.9

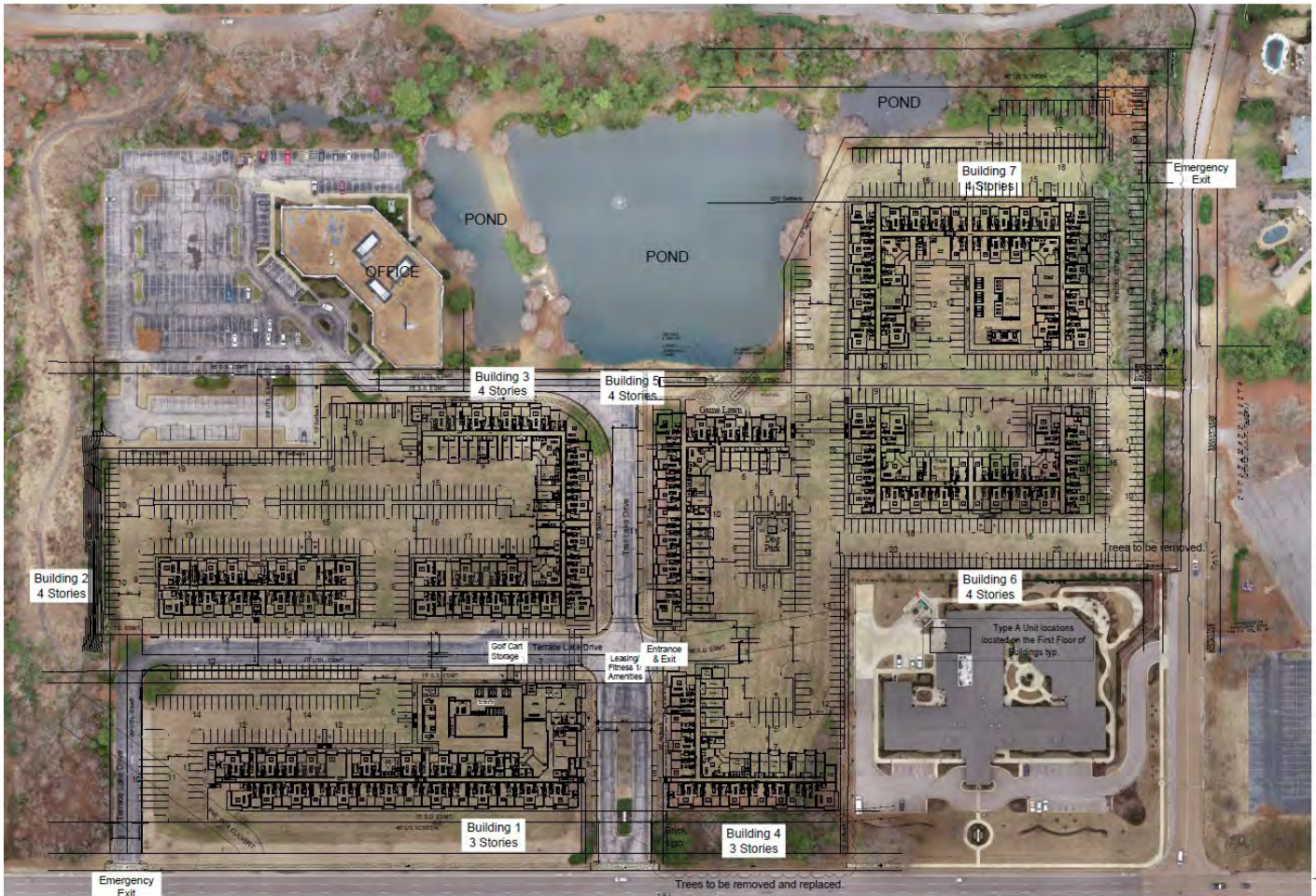
Unit Count Data: Building 5, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedrooms	4	6.5%
2 Bedrooms	54	87%
3 Bedrooms	4	6.5%
Total Units	62	100%
Garages	16	
Parking Count: Building 5, (4 Stories)		
Required Parking		
1 Bedrooms - 4 x 1.5 =	6	
2 Bedrooms - 54 x 1.5 =	81	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 62	9.3	
Total Required Parking for Building 5	102.3	

Unit Count Data: Building 6, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	47	52%
2 Bedrooms	40	44%
3 Bedrooms	4	4%
Total Units	91	100%
Parking Count: Building 6, (4 Stories)		
Required Parking		
1 Bedroom - 47 x 1.5 =	70.5	
2 Bedrooms - 40 x 1.5 =	60	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 91	13.65	
Total Required Parking for Building 6	150.15	

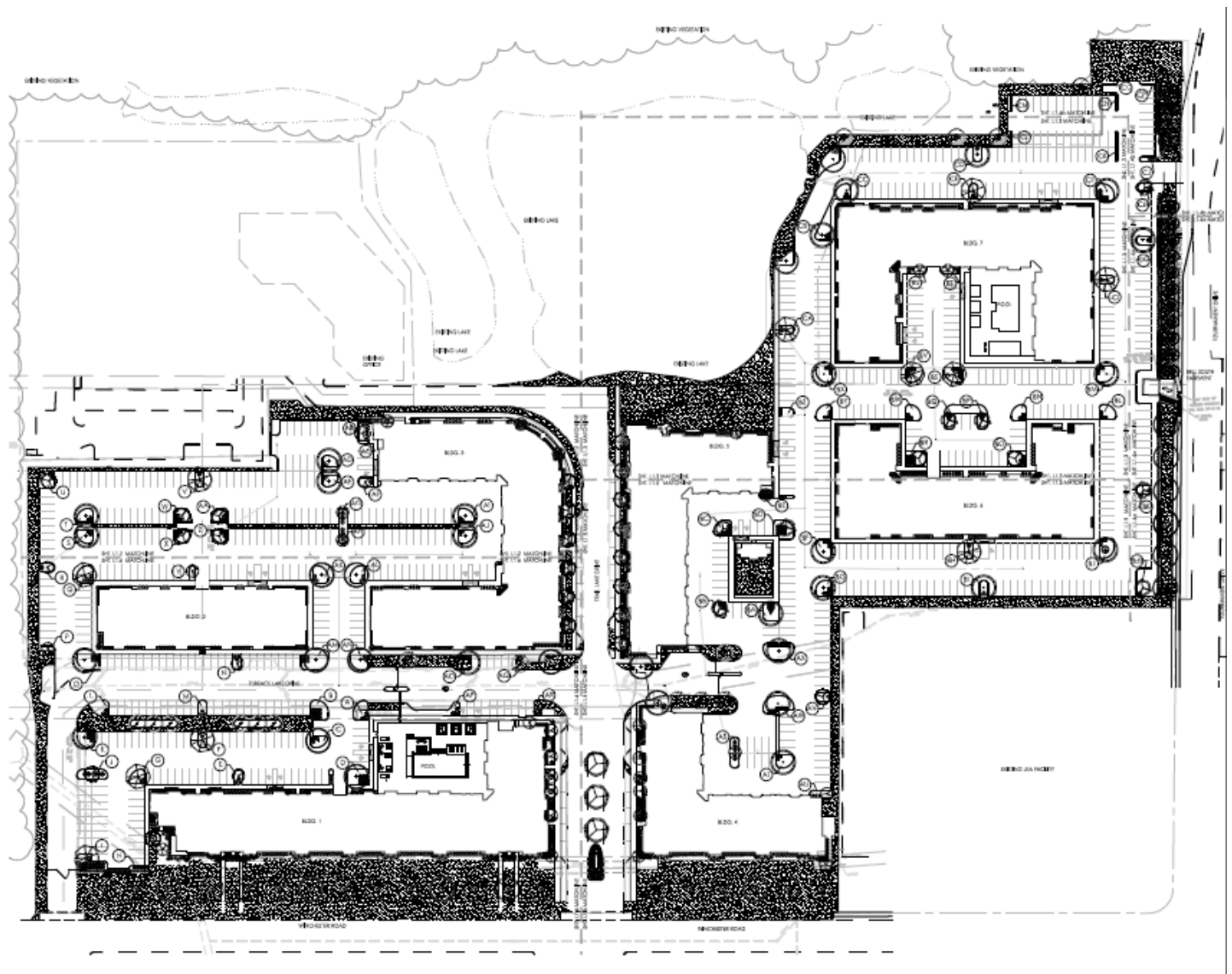
Unit Count Data: Building 7, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	60	63%
2 Bedrooms	32	33%
3 Bedrooms	4	4%
Total Units	96	100%
Fitness/ Pool Baths (3) 1 Bedroom unit		
Parking Count: Building 7, (2 & 4 Stories)		
Required Parking		
1 Bedroom 60 x 1.5 =	90	
2 Bedrooms - 32 x 1.5 =	48	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 96	14.4	
Total Required Parking for Building 7	158.4	

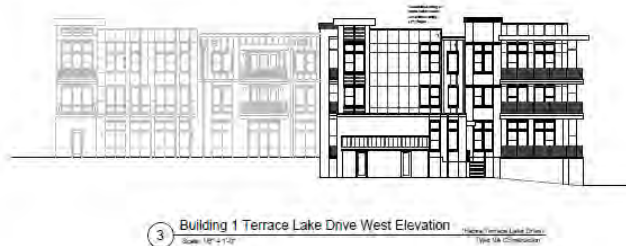
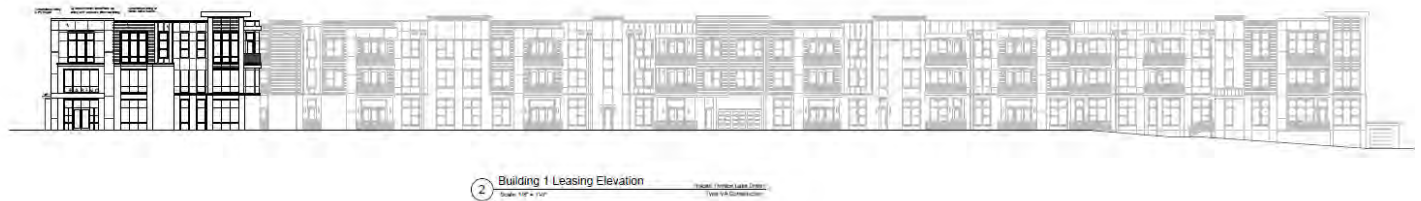
Total Site Data:		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	189	35%
2 Bedrooms	325	60%
3 Bedrooms	26	5%
Total Units	540	100%
Total Required Parking	915	
Total Garage Parking	40	
Total Surface Parking	910	
Total Parking Provided	950	
Parking Ratio $927 / 540 = 1.72$ spaces per unit. This ratio does not include parking for Leasing Office		

TREE REMOVAL PLAN



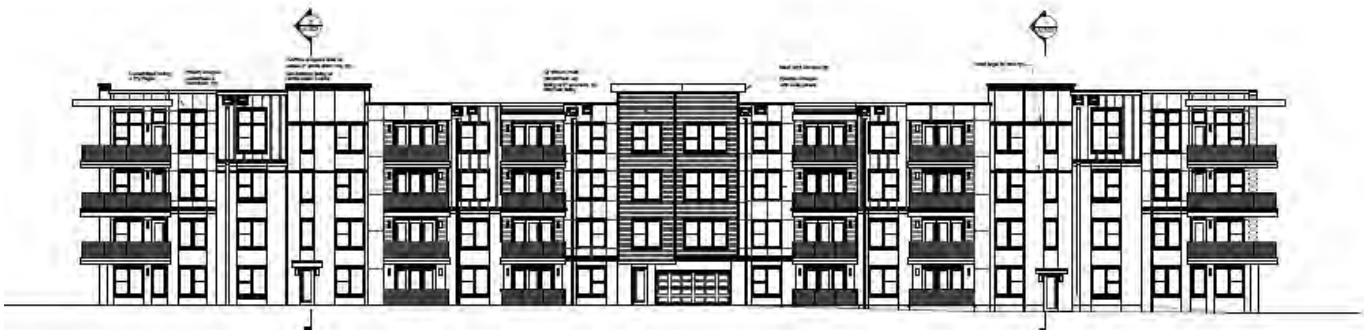
LANDSCAPE PLAN







1 Building 2 Terrace Lake Drive South Elevation
 Scale: 1/8" = 1'-0" Type VA Construction



2 Building 2 Parking Lot North Elevation
 Scale: 1/8" = 1'-0" Type VA Construction



3 Building 2 Parking Lot East Elevation
 Scale: 1/8" = 1'-0" Type VA Construction



4 Building 2 Parking Lot West Elevation
 Scale: 1/8" = 1'-0" Type VA Construction



1 Building 3 Parking Lot South Elevation
Scale: 1/8" = 1'-0"



2 Building 3 Trail Lake Drive East Elevation
Scale: 1/8" = 1'-0"



3 Building 3 Parking Lot North Elevation
Scale: 1/8" = 1'-0"



4 Building 3 Trail Lake Drive North Elevation
Scale: 1/8" = 1'-0"



5 Building 3 Terrace Lake Drive South Elevation
Scale: 1/8" = 1'-0"



7 Building 3 Interior Corner Elevation
Scale: 1/8" = 1'-0"



6 Building 3 Parking Lot West Elevation
Scale: 1/8" = 1'-0"



1 Building 4 Front Elevation
Scale: 1/8" = 1'-0"



2 Building 4 Left Side Elevation
Scale: 1/8" = 1'-0"



3 Building 4 Right Elevation
Scale: 1/8" = 1'-0"



4 Building 4 Rear Elevation
Scale: 1/8" = 1'-0"



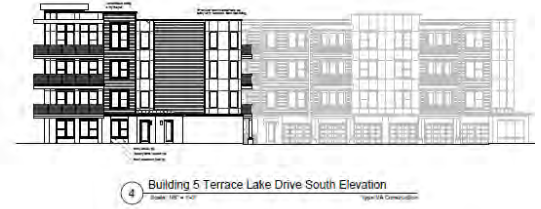
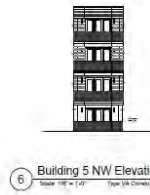
5 Building 4 Right Elevation
Scale: 1/8" = 1'-0"



6 Building 4 Rear Elevation
Scale: 1/8" = 1'-0"



7 Building 4 South West Elevation
Scale: 1/8" = 1'-0"



[illegible]

RENDERINGS





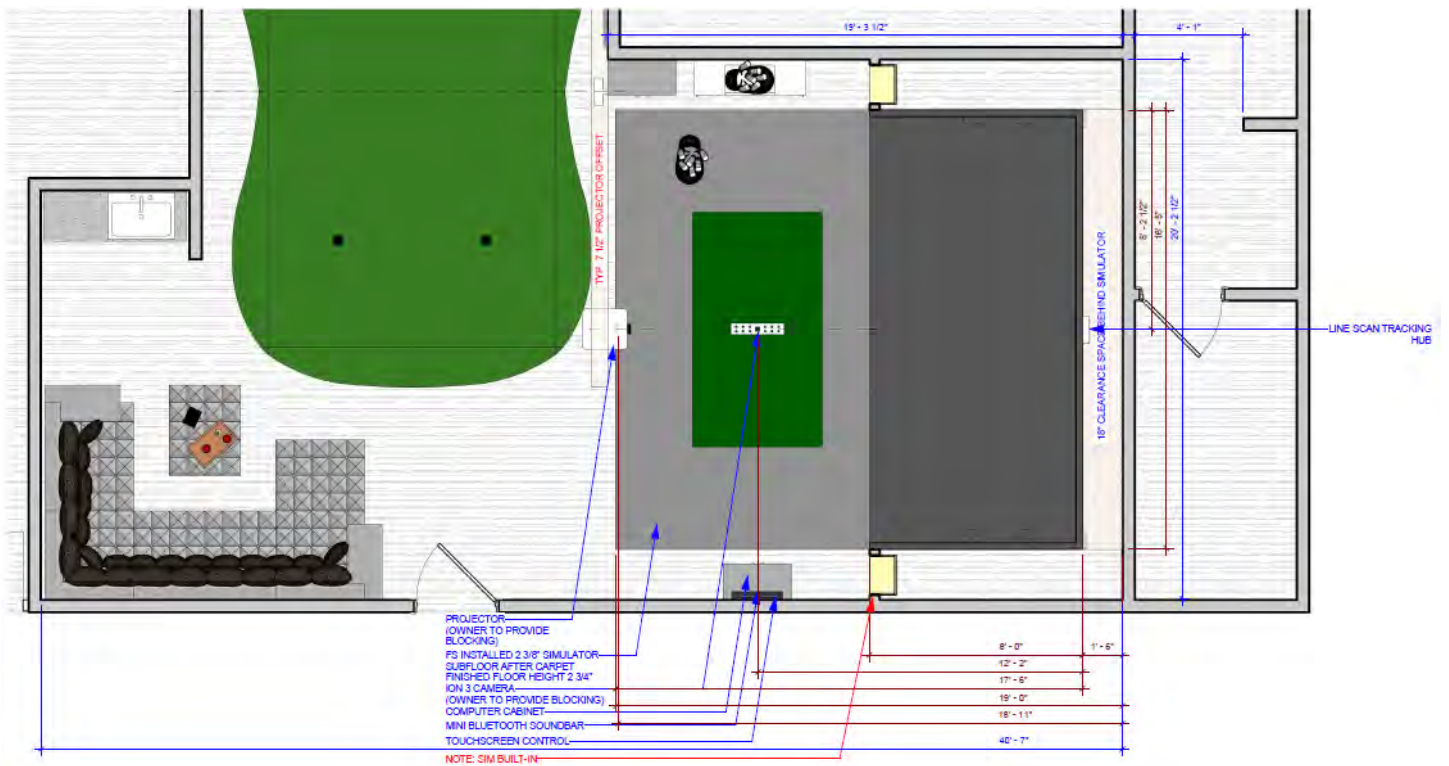
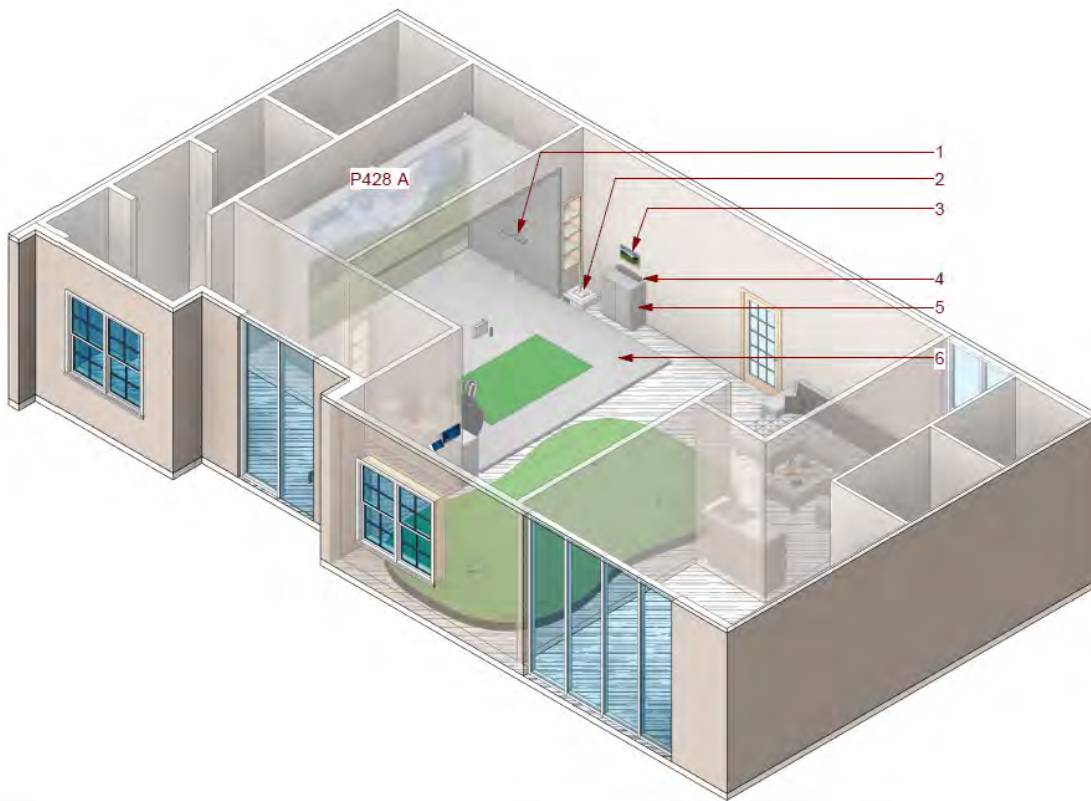


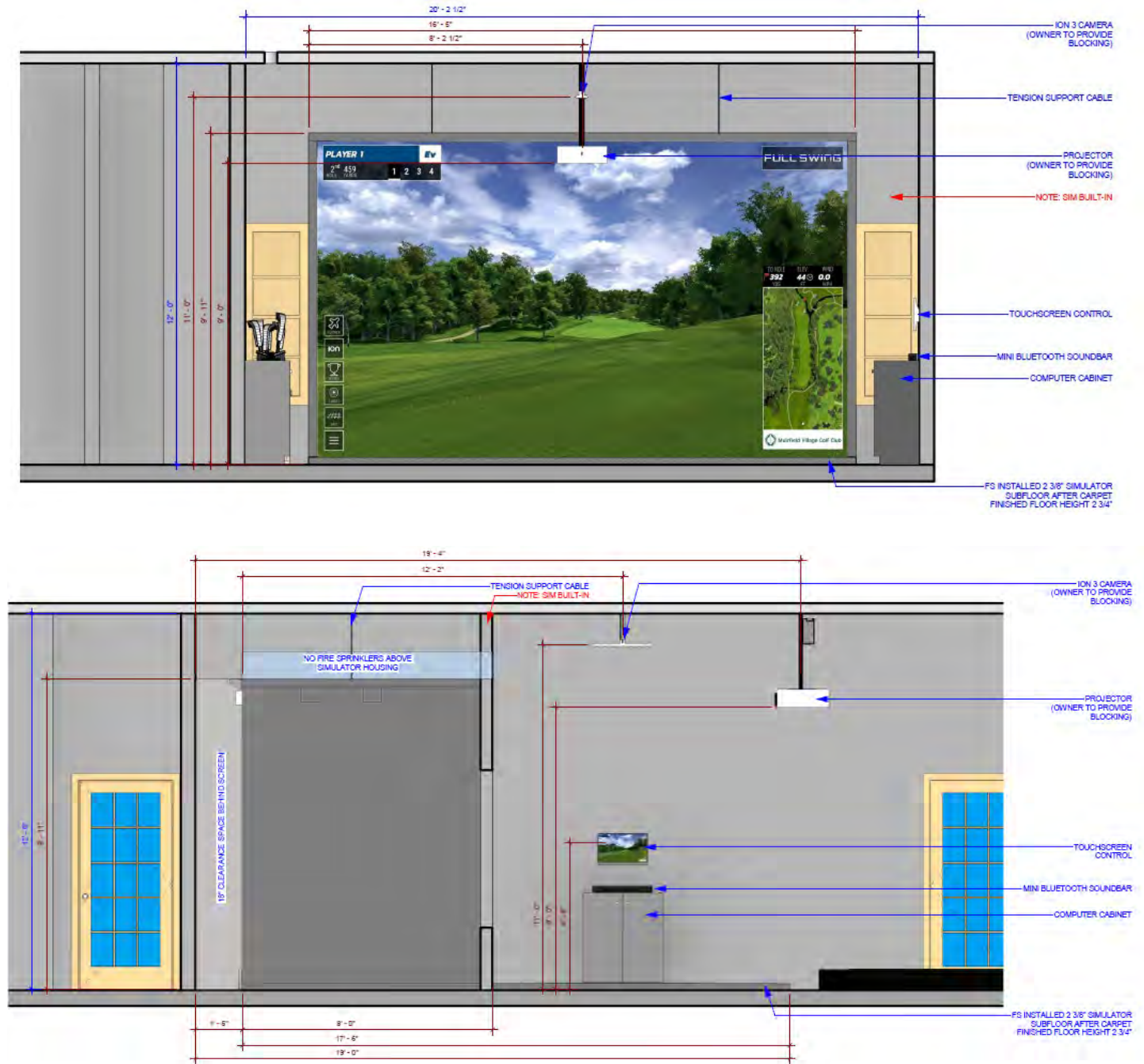




PROPOSED AMENITIES



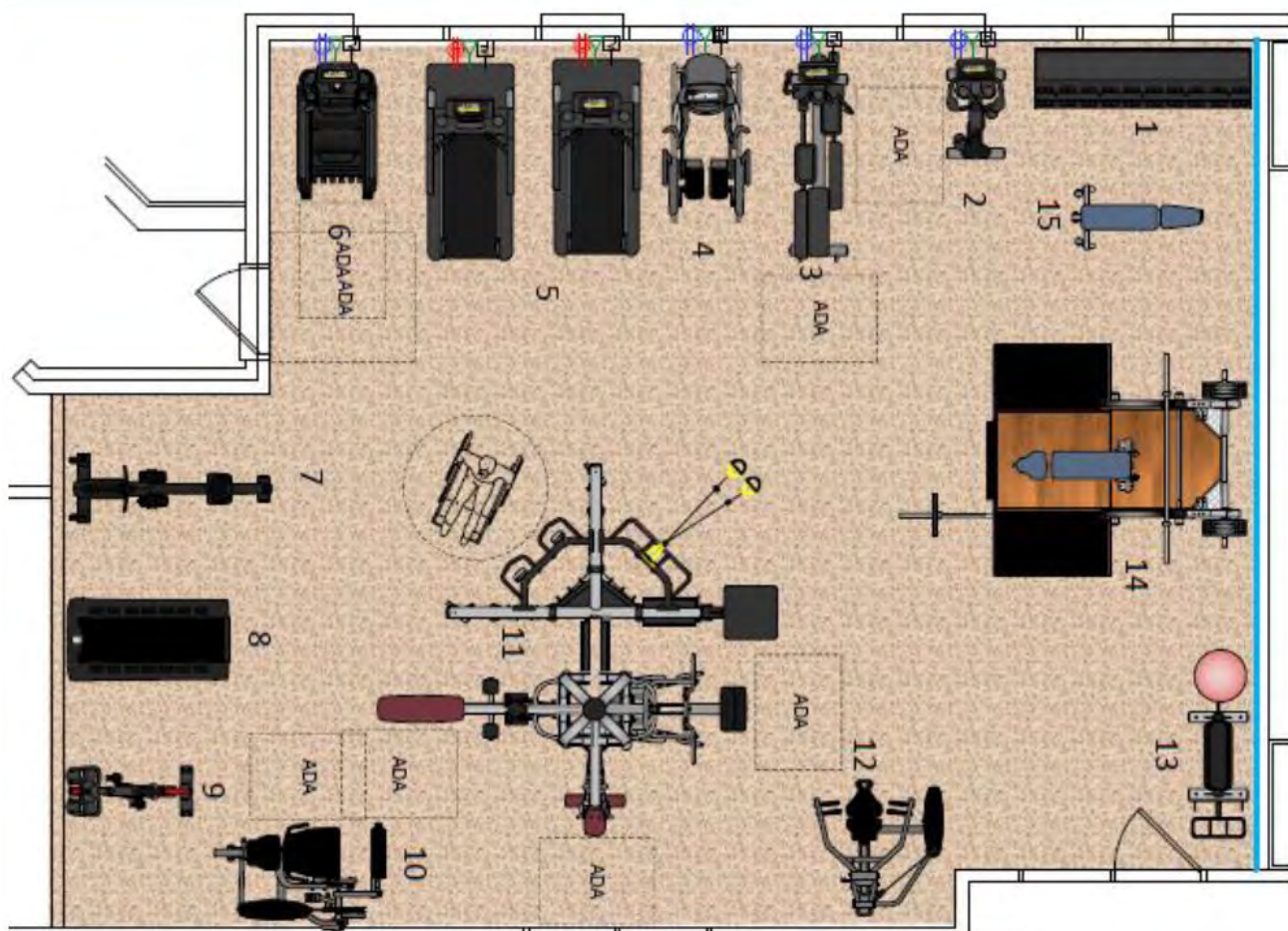




Pet Spa
(illustrative image below)



~1,260 Fitness Center



**Dedicated Yoga Space
(illustrative image below)**



**Leasing Center and concierge area
(illustrative image below)**



**Modern Club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
(illustrative image below)**



**Modern Club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
(illustrative image below)**



**Modern Club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
(illustrative image below)**



**Internet lounge with private zoom rooms for video calls
(illustrative image below)**



STAFF ANALYSIS

Request and Justification

The request is for Land Use Control Board site plan approval of an apartment complex on three parcels within the Tournament Trails Center Planned Development as required by the outline plan conditions.

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

Zoning History

In 2022, the Memphis City Council approved on appeal a major modification (*docket MJR 21-45*) to allow the requested use (*apartment*) on these three parcels. The Land Use Control Board had earlier that year unanimously rejected that request. Although a 279-dwelling-unit conceptual site plan (*pasted below*) was included in that application submittal, that request concerned only allowed uses (*i.e., the site plan was neither reviewed nor considered binding*), whereas the present request concerns only site plan review.



Total Site Data:		
Number of bedrooms per unit	Shown	
	number of units	
1 Bedroom	87	32%
2 Bedrooms	136	51%
3 Bedrooms	56	17%
Total Units	279	100%

Ari Investment
The Tournament at Germantown
Memphis, Tennessee
Shapiro & Company Architects, p.c.
December 10, 2021

Site Description

The subject site consists of three grassy parcels within the Tournament Trails Center Planned Development. The three parcels are bisected by two private roads: Trail Lake Dr. and Terrace Lake Dr. One parcel is within the final plan of Phase 1, whereas the other two parcels are not within a final plan. Public frontages include Winchester Rd. (principal arterial) and Tournament Dr. S. (local street). Adjacent uses within the center include an office building, a memory care facility, and a lake. Germantown begins less than 2000 feet to the east along Winchester, and unincorporated Shelby County – in particular, the gated Southwind neighborhood – begins just to the north along Tournament. The subject land itself is within Memphis.

Site Plan Review

- Dedicate and improve Tournament Dr. 34' from center line. This may have an impact on minimum building setbacks.
- Further administrative review may be necessary during final plan review to ensure compliance with the outline plan conditions, including landscaping provisions.

Conclusions

TTL Development, LLC, has requested Land Use Control Board site plan approval of a 540-dwelling-unit apartment complex on three parcels within the Tournament Center Trails Planned Development.

Staff finds that the proposal is compatible with nearby land uses, and that it would not result in undue injury to the surrounding area, given the recommended conditions of a maximum of 500 dwelling units and a prohibition on parking between buildings and public streets.

RECOMMENDATION

Staff recommends ***approval*** with site plan conditions. Staff does not recommend any change to the outline plan conditions.

Site Plan Conditions

1. A maximum of 500 dwelling units shall be permitted.
2. Parking shall be set back a minimum of 8' from Terrace Lake, Trail Lake, Tournament, and Winchester, and a minimum of 5' from other property lines.
3. No parking shall be allowed between any building and Tournament or Winchester. Parking may be permitted between a building and Terrace Lake or Trail Lake, provided that it is not located between the front façade and the street, and that appropriate streetscaping is provided.
4. The above provisions do not apply to parallel parking, nor do they change minimum building setbacks or parking ratios (1.5 spaces per dwelling unit).

DEPARTMENTAL COMMENTS

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

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 3581 Tournament

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

City Engineering:

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

Sewers:

2. The sanitary sewer capacity is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

Roads:

3. 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.
4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
6. 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.
7. 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:

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

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

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

APPLICATION FORM



Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Assignment

Opened Date: March 3, 2023

Record Number: MJR 2023-013

Expiration Date:

Record Name: Tournament Trails Center PD

Description of Work: Site Plan Review

Parent Record Number:

Address:

3581 TOURNAMENT DR, MEMPHIS 38125

Owner Information

Primary Owner Name

Y TTL DEVELOPMENT LLC

Owner Address

12406 HOGANS ALY, CHESTER, VA 23836

Owner Phone

Parcel Information

081093 00204

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

N/A

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL INFORMATION

Justification for Request

Site Plan Review

GENERAL INFORMATION

List any relevant former Docket / Case Number(s) related to previous applications on this site	PD 94-356
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

GIS INFORMATION

Case Layer	PD94-356cc
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
Lot	-
State Route	-
Subdivision	TOURNAMENT TRAILS CENTER PD OUTLINE
Planned Development District	-
Wellhead Protection Overlay District	-

Data Tables

ADDRESS AND PARCEL LIST

Property Address:	3581 Tournament Dr
Property Parcel Number:	081093 00204

Property Address:	0 Winchester Rd
Property Parcel Number:	081093 00006

Property Address:	0 Winchester Rd
Property Parcel Number:	081093 00007

Contact Information

Name	Contact Type
TTL DEVELOPMENT LLC	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452688	Major Modification Fee	1	300.00	INVOICED	0.00	03/03/2023
1452688	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	03/03/2023

Total Fee Invoiced: \$307.80

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$307.80	Credit Card

LETTER OF INTENT



Date: February 24, 2023
To: Division of Planning & Development
From: Cindy Reaves
Re: Tournament Trails Center PD
Job #: 21-0108

LETTER OF INTENT

We are submitting a Site Plan Review application for Tournament Trails Center PD, located on Winchester Road, west of Tournament Drive.

The proposed multifamily development is a Class A community with state of the art amenities and modern architecture that boast three-story and four-story buildings with elevators, and interior climate controlled corridors. With a heightened focus on security, the community will feature three access controlled checkpoints for all residents and visitors:

- main entry gates which will feature top-rated security technology
- key-fobs to open access controlled entrances for individual buildings
- key-fobs to operate the elevators

The community will feature a rich amenity package consisting of:

- Two swimming pools with an in-water pool lounge, cabanas, and grilling areas
- Recessed and covered sitting area with a firepit adjacent to the pool
- Two fitness centers
- Yoga room
- Golf Simulator
- Pet spa
- ~5,000 SF dog park with covered seating and separate spaces for small dogs and large dogs
- ~11,000 SF waterfront game lawn featuring a pickle ball court, bocce ball turf, corn hole turf, covered seating areas with fire pits, and adirondack chairs
- Internet lounge with private zoom rooms for video calls
- Two-story club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
- Two-story lobby and concierge area
- Dedicated package rooms, package lockers, and internal mail rooms
- Internal trash shoots

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

LETTER REGARDING BREACH HYDROGRAPH REQUIREMENT

From: Henry Porter <hporter@whporter.com>
Sent: Tuesday, April 18, 2023 4:28 PM
To: Priyank Shah <priyank.shah@ari-investment.com>
Cc: 'Michael Haden' <MHaden@ShapiroAndCo.com>
Subject: Tournament Trails - Dam Breach

Good Afternoon Priyank,

We spoke yesterday regarding the requirement for a dam breach study on Tournament Trails PD. A dam breach study is not necessary for the exiting site because there is no dam present. Per the Tennessee Safe Dams Act, a dam is defined as any structure that is at least 20 feet high or that can impound at least 30 acre-feet of water. The maximum height of the embankment around the largest pond is 9-ft. Additionally, per the approved grading plan (circa 10-18-00). The maximum impounded water is approximate 15.5 ac-ft.

If a dam breach was required, it is my opinion it would have been necessary for the lake that pre-existed the overall development.

Thank you,

Henry L. Porter, P.E.
W. H. Porter Consultants, PLLC
901.363.9453

APPLICANT'S ANALYSIS OF PROJECT DENSITY

PUD Overview

The PUD is comprised of:

- 1) The current office building on Parcel 081093 00005
- 2) The current senior living facility on Parcel 081093 00205
- 3) The proposed multifamily development on Parcel 081093 00006, Parcel 081093 00007 & Parcel 081093 00204
- 4) The Detention Pond and Greenspace on Parcel 081093 00004
- 5) The Internal Streets on Parcel 081093 00008

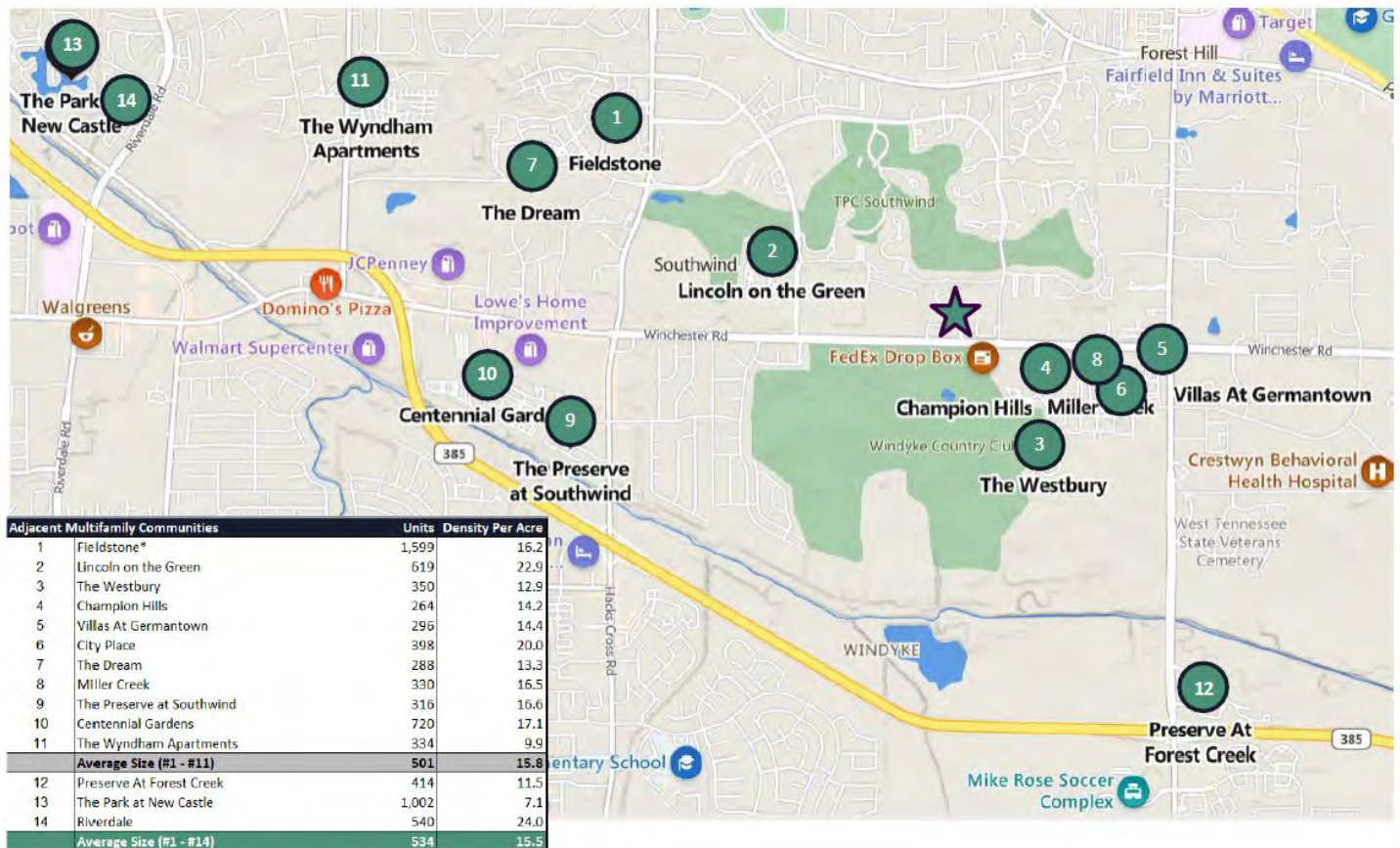


Density Per Acre Calculation

The Detention Pond & Green Space Parcel, and the Internal Streets Parcel are jointly owned and maintained (on a pro-rata basis) by the owners of the Office Parcel, Senior Living Facility Parcel and Multifamily Development Parcels. As such, the Multifamily Development density per acre calculation below takes into account the Multifamily Development's pro-rata share of the Detention Pond & Green Space Parcel and the Internal Streets Parcel.

Multifamily Density Per Acre Calculation		Acres	Pro-Rata Share
Office Parcel		3.9	15.1%
Subtotal Office Parcel		3.9	15.1%
Senior Living Facility Parcel		3.6	14.0%
Subtotal Senior Living Facility Parcel		3.6	14.0%
Multifamily Development Parcel 1		4.4	16.8%
Multifamily Development Parcel 2		3.9	15.1%
Multifamily Development Parcel 3		10.1	38.9%
Subtotal Multifamily Development Parcel		18.4	70.9%
Total Office & Multifamily Development Parcel		26.0	100.0%
Detention Pond		10.7	
<i>Office Parcel Pro-Rata Share</i>		1.6	
<i>Senior Living Facility Parcel Pro-Rata Share</i>		1.5	
<i>Multifamily Development Parcel Pro-Rata Share</i>		7.6	
Internal Streets		1.7	
<i>Office Parcel Pro-Rata Share</i>		0.3	
<i>Senior Living Facility Parcel Pro-Rata Share</i>		0.2	
<i>Multifamily Development Parcel Pro-Rata Share</i>		1.2	
Total Office Parcel (With Pro-Rata Share of Detention Pond & Internal Streets)		5.8	
Total Senior Living Facility Parcel (With Pro-Rata Share of Detention Pond & Internal Streets)		5.4	
Total Multifamily Development Parcel (With Pro-Rata Share of Detention Pond & Internal Streets)		27.2	
Multifamily Development Parcel Density Per Acre (Assuming 540 Multifamily Units)		19.9	Units Per Acre

Size of Adjacent Multifamily Communities



*Fieldstone has 1,399 units and 200 units under development

TRAFFIC IMPACT STUDY EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

A traffic impact study has been prepared for the proposed Tournament Trails development in Memphis, Tennessee. It is located in southeast Memphis and includes multi-family residential units that will be developed over a five-year time frame in two phases. It will be served by one full access and two gated emergency accesses located on Winchester Road and Tournament Drive.

The purpose of this study is to assess the potential traffic impacts of the proposed development on the transportation network through the study area. Analysis of the existing traffic conditions was conducted, and trips expected to be generated by the proposed development were calculated and assigned to the roadway network. Analysis of the roadway network using existing, no build, and build traffic volumes was conducted. Improvements to the study area network needed to mitigate the impacts of the new development were then evaluated.

Traffic Counts

Traffic counts are collected to determine the existing conditions of the roadway network. Turning movement counts were conducted during peak hours at five intersections and one bi-directional tube count was collected on Winchester Road. The count locations included:

1. Winchester Road + Avenue of Commerce / Burning Tree Lane
2. Winchester Road + Terrace Lake Drive
3. Winchester Road + Trail Lake Drive
4. Winchester Road + Tournament Drive/Office Access
5. Winchester Road + Champion Hills Drive/Church Access
6. Winchester Road Bi-Directional Tube Count (between Tournament Drive and Champion Hills Drive)

Background Growth

Based on historical TDOT traffic counts and coordination with the City of Memphis, it was determined a growth factor of 2.0% per year should be applied to the existing traffic volumes.

Proposed Development

Applying the industry standard methodology, using the *ITE Trip Generation Manual*, the trips expected to be generated by the development were calculated for auto vehicles. Phase 1 of the proposed development is expected to generate a total of 138 AM peak hour trips and 176 PM peak hour trips. Phase 2 is expected to generate 90 AM peak hour trips and 113 PM peak hour trips. These trips were then distributed and assigned to the network in the study area.

Analysis

Intersection analysis was conducted for the study area using the methodology outlined in the *HCM Manual, 6th Edition*. The results for the Existing, No Build, and Build scenarios show that the following recommendations will help traffic operations in the study area after the proposed development is open.



Recommendations

Based on the traffic volumes expected to be generated by the proposed development and the results of the analysis, the following recommendations are expected to provide safe and efficient traffic operations within the study area upon completion of the proposed development:

Winchester Rd + Avenue of Commerce:

- Optimize Signal Timings during the AM and PM peak hours.

Winchester Rd + Terrace Lake Drive:

- Install a gated emergency access on Terrace Lake Drive that provides one entering and one exiting lane.
- Remove left turn arrow and "ONLY" pavement marking for eastbound left turn lane. Install channelization markings to remove storage.
- Install Emergency Vehicles Only sign facing northbound traffic at the emergency access about 50 feet from Winchester Road. This sign will be installed on private property not maintained by the City.

Winchester Rd + Trail Lake Drive:

- Provide pavement markings to separate southbound right and left turn lanes at Winchester Road.
- Remove and replace the stop sign facing the southbound approach according to MUTCD standards and guidelines. This sign is installed on private property not maintained by the city.

Tournament Trail Drive and Emergency Access:

- Install a gated emergency access on Tournament Trail Drive that provides one entering and one exiting lane.
- Install a stop sign facing eastbound exiting vehicles according to MUTCD standards and guidelines. This sign will be installed on private property not maintained by the city.
- Install Emergency Vehicles Only sign facing westbound traffic at the access about 50 feet from Tournament Drive. This sign will be installed on private property not maintained by the city.

Design the access according to federal, state, and local standards, including *Roadway Design Guidelines* (Tennessee Department of Transportation), *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2018), and *Manual on Uniform Traffic Control Devices* (FHWA, 2009).

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 2:46 pm on the 30th day of March, 2023. I posted three Public Notice Signs pertaining to Case No. MJR 23-013 one on Tournament Drive South and two on Winchester providing notice of a Public Hearing before the April 13, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development Major Modification), 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 3 day of April, 2023

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



OWNER'S AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Priyank Shah state that I have read the definition of
(Print Name) (Sign Name)

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

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

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

of the property located at 0 Winchester Rd. & 3581 Tournament Dr.

and further identified by Assessor's Parcel Number 081093 00006, 7, 204

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

Subscribed and sworn to (or affirmed) _____ day of March in the year of 2023

Signature of Notary Public



06/30/2025
My Commission Expires

LETTERS RECEIVED

41 letters of opposition were received by the time of publication of this report. They have been pasted below.

Mr. Davis,

I am a resident of Southwind and I am EXTREMELY CONCERNED about the apartment project planned for land adjacent to the southeast side of Southwind. This has been a classic example of "bait and switch". TTL (the developer) basically agreed to virtually anything our HOA requested so that there would be little or no objection to getting the rezoning passed through the Memphis City Council. TTL proposed 279 units that would be only 2 stories high with minimal line of sight to Southwind residents and only endcaps facing Southwind homes. They have now proposed a 561 unit project with 4 story buildings which is more than 2 times the plan they used to get the rezoning. This significantly changes the plan for which they were approved for and limits green space. **The number of apartments should match the plan that was used to achieve the zoning change.**

As I mentioned above, this is a classic example of "bait and switch". TTL bent over backwards to prevent our HOA from objecting to this project so they could attain the rezoning. Now they are not interested in communicating with the HOA about our concerns at all.

I am sure that you will see this for what it is and reject any modifications to MJR 2023-13.

Please let me know if you have any questions.

Chris Moore

Chris Moore
8709 Players Fairway
Memphis, TN 38125
chrismoore@623@gmail.com
cell-901-483-0418

Dear Shelby County Land Use Control Board,

3/31/2023

I am writing to express my concern regarding the proposed detailed site plan submitted by TTL, reference MJR 2023-13. As a concerned resident in the area, I believe it is important to voice my opinion about the potential impact of this development on the community.

Firstly, I oppose the proposed plan due to the potential negative impact it may have on the environment. The development of apartments may lead to increased traffic, and I am concerned that the current infrastructure may not be equipped to handle this increased flow of vehicles. Additionally, the drainage system in the area may not be sufficient to handle the additional water runoff caused by the development, which could lead to flooding and other related issues.

Secondly, I am worried about the density of the proposed development. The number of units per acre may be too high for the area, leading to overcrowding and a strain on local resources. Moreover, the proposed development may not be in compliance with the existing zoning laws, which could negatively affect the character of the neighborhood.

Finally, I am concerned about the location of the proposed development. The crossroads of Memphis, Germantown, Collierville, and unincorporated Shelby County is already congested area, and adding more units may exacerbate the noise levels and traffic congestion in the area.

I urge the Land Use Control Board to take these concerns into consideration when evaluating the proposed site plan. It is important to prioritize the well-being of the community and ensure that any development is sustainable and compatible with the surrounding environment.

Thank you for your attention to this matter.

Sincerely,



James Wachob
3252 Wedge Hill Cove
Memphis, TN 38125

March 31, 2023

Subj: MJR 2023-13

Mr. Davis,

We are residents of the Southwind community and are OPPOSED to the modification. We are willing to work with TTL, however a major modification to the exact site plan that the rezoning was based on is disingenuous and lacks integrity. Our arguments opposing are listed below.

1. Loss of Trust in the Approval Process: Most concerning is the loss of trust that now exists between TTL, MCC, LUCB, and Southwind HOA. The approval process is designed to ensure that new developments align with the needs and values of the community, and this would appear to have been a malicious bait-and-switch tactic to rezone and modify.
2. Drainage Issues: The modification will further complicate drainage issues for Southwind. The new site plan adds more buildings and asphalt surfaces in lieu of the planned detention pond at the west end of the property; this will undoubtedly increase the drainage issues that plague our community and caused our home (and others in Southwind) to flood in 2019.
3. Lack of Community Input: The modification has been submitted without any accepted input from Southwind HOA. Although opposed to the development, we are willing to find a middle ground. TTL has outright rejected all reasonable requests from the Southwind HOA while disingenuously modifying the exact plan that the rezoning was based upon.

In conclusion, adding density to a development plan after it has been approved will cause significant negative consequences. From increased traffic and strain on infrastructure to a reduction in quality of life and a loss of trust in the approval process, this modification is not in keeping with the integrity of the approval process nor the best interests of the community. TTL must be held accountable for the plans they submit, and any changes made to those plans must be subject to the same scrutiny as the original proposal. We urge the LUCB and MCC to hold TTL to their approved site plan that was the premise for the rezoning approval.

Sincerely,

Michael & Diana Galdieri
8614 Southwind Drive

Good afternoon. I'm writing to voice our opposition regarding the out of state developer (ARI Investments, now TTL) that we previously met in 2021 regarding the apartment complex they want to build behind our neighborhood of Southwind on Winchester.

During the meeting, (The Developer and Southwind residents) promises were made by the developer that appears are no longer on the table. To be honest what has been approved by City Council is **not** what the out of state developer agreed to with Southwind residents. Perhaps the City Council wasn't aware about the previous promises made and pushed ahead with approval. The following are multiple issues:

1. City Council approved a zoning change plan that referenced site development that is no longer accurate in MJR 21-45.
2. The units being built that were presented to us for land use approval were **279**. Surprised to see that the new plans call for **561** units. **Density is two times the original plan in MJR 21-45 (31.4 versus 15.6 per acre).**
3. Typical density of RU-3 apartments is 15.5, which matches the plan the Council reviewed for the zoning change. How can an out of state developer think they can get away with this bait and switch tactic. Our Land Use Board and the Council are surely smarter than TTL thinks.
4. The developer agreed to limit the number of units facing Southwind homes to end units and only have **2 floors** of units. Now it appears all units built in the blocks facing Southwind **will have 4 floors!**
5. The top floors of those units that back to Southwind may even be able to see the golf course which may degrade holes 16, 17 and the tee for 18. The PGA Tournament which brings in revenue for the City of Memphis may not "look" as prestigious with apartments looming over homes that do face the course.
6. This issue was discussed at the 2021 meeting with the developer and he ignored his previous concessions too Southwind. Say one thing to owners and something else to the Council to get approval. Doesn't seem right does it?
7. There is also not enough green space in an area that already has drainage issues with 1,000 parking spaces..... **1,000 parking spaces**. It appears that for 561 units, they are projecting at least 2 cars per unit. That's a lot of cars and pollution. Winchester already has traffic issues in an area where speed limits are 50 MPH.

In conclusion the new proposed plan in 2023 13 is so significantly different from the design presented MLJ 21-45 for a zoning change!.....Way too many apartments, parking spaces and not what was utilized to gain City Council approval.

1. Density is double
2. 4 stories versus 2 facing Tournament Drive South
3. Not enough green space
4. Double the number of units.
5. Double the parking spaces

We do not approve the new plan and are disappointed in the approach the developer is taking to gain approval from Council while ignoring what was approved. Would be interesting if the Council rescinded the rezoning due to the out-of-state developer not following through with what was proposed. Interesting tactic to gain approval.

Thank you for reading, we appreciate your review of MJR 2023 13 and hope you will support our efforts to reduce the development to what was originally planned and presented for this space. We cannot not support 561 units with double the density of RU-3 apartments.

Mark and Abby Montsinger
3274 Wind Shadow Cove
Memphis, TN 38125
901-210-2277

Dear Board Members,

My name is Graham Askew. My wife, our three young children and I live at 3595 Southlinks Cv. in the Southwind neighborhood. The purpose of this email is to let you know of our opposition to the planned four story apartment development immediately adjacent to my back yard.

One of the reasons we elected to move to this neighborhood after living downtown was to provide a safe and private place for our three young children to grow up. The planned apartment complex - because of its height - will look directly into our back yard where our children play each day and eliminates any sense of privacy in our home. For many years, I lived in apartments and condos. I am certainly not opposed to that lifestyle and hope to return to it once our children are grown. That said, my understanding of zoning is that we as a community strive to be strategic about how we create a rational and pleasant place to live for all of our residents.

Thank you in advance for your consideration.

Graham Askew

901.258.4607

grahamwaskew@gmail.com

Shelby County Land Use Control Board:

In 2021 your Board did the right thing and turned down the zoning request from what is now the TTL company to put apartments on Winchester where Tournament Drive intersects. Unfortunately, the Memphis City Council overrode your vote.

TTL has come back with a revised plan that has twice the density of their original proposal. It now has a density proposal that is even more than the typical density of RU-3 apartments.

They also had the original plan with only the end caps of two buildings facing Southwind Drive. Now the entire length of a building faces Southwind Drive.

And, finally, 2 stories in the original proposal is now 4 stories.

This appears to be a classic bait and switch!!! We are not sure that this drastic revision in plans is typical in the apartment construction industry, but it is certainly not a positive change for our area.

TTL has turned down any negotiations offered by Southwind's board.

Please again do the right thing and turn down the new proposal.

Thank you for your careful consideration.

Joe and Beth Edmondson
3543 Windgarden Cove
Memphis, TN 39125

March 31, 2023

William B. James
3675 Classic Drive S.
Memphis, TN, 38125

Shelby County Land Use Control Board
Via Email Brett.Davis@memphistn.gov

Re: MJR 2023-13

Mr. Davis,

I am writing to express my opposition to a proposed development (MJR 2023-13) modification.

I live in the Southwind community whose property adjoins the proposed development site.

This is a proposal to build a major apartment complex. The developer originally offered a plan and made assurances to our homeowner's association board prior to seeking a zoning change to allow apartments to be built. The zoning change was approved vs the original plan and we did not object given the assurances which were made to us.

Now, the developer has come back and is offering a plan which is vastly different from the original proposal and far more detrimental to our community and frankly the community at large. The assurances which were made to us are now being ignored and the developer has rejected any further input from our board.

My opposition is based on:

1. The number of apartments should match the plan that was used to achieve the zoning change
2. That number has more than doubled with the new plan.
3. Density now is more than twice the original plan.
4. The new plan shows a significant shortage of green space.
5. The new plan is much more intrusive into our neighborhood with no attempt to minimize sightlines into our community. The buildings overlooking us are in fact twice as tall as proposed in the "zoning" change plan.
6. The new plan includes claims that security and traffic will not be affected adversely. That seems counter intuitive to me.

I appreciate your consideration of this objection. Please include this in your staff report.

Thank you,



March 31, 2023

Reference MJR 2023-13

Home Owner: Jettie Thomas, N.D.

8301 Silverwind Drive

Memphis, TN 38125

SRPA Board@gmail.com

Attn: Brett.@memphistn.gov

To Whom It may concern:

My concerns about this project are overwhelming because of the density (units/acre) and line of sight to Southwind.

The number of units have also increased greatly. The number of apartments should match the plan that was used to achieve the zoning change.

The plans are visually different on paper.

Please stick to the original plan on paper.

Thank you very much.

For consideration of the Shelby County Land Use Control Board in reference to MJR 2023-13

As a resident of Southwind, and particularly one who lives across Southwind Drive from the proposed area of construction for the TTL high-density housing complex, I am opposed to the site plan as is now proposed. I would respectfully request that SCLUCB be consistent in its opposition to this proposed development as it was when MJR 21-45 was considered previously.

TTL, at best, had a poorly comprised plan when MJR 21-45 was proposed and they sought a major modification to the allowed zoning.

At worst, TTL executed a bait-and-switch in order to secure the major modification approval knowing full well that the plan as now sited in MJR 2023-13 would never have been approved.

This new siting request is extremely high density (31.4) to the extent that it has no place this far outside of the compact downtown corridor. In addition to creating significant traffic congestion with 561 units (many of which are multi-bedroom) that are non-walkable to employment or food of any type, providing limited green space and lacking mitigation of runoff which will result in further drainage issues due to pre-existing drainage limitations southward under Winchester Road, and creating a high-density enclave that violates step-down requirements, approval of this plan would create a precedence of willful disregard for any and all zoning practice under the current Memphis and Shelby County UDC.

Simply put, while there are clearly strong tax revenue incentives to approving MJR 2023-13, TTL either has an unmitigated desire to expand the scope of their project regardless of existing code or they sold the Memphis City Council the version of the project they thought was most likely to get approval with an intent to deceive. Regardless, this project as proposed should be rejected.

Respectfully,
Jesse Baker
3566 Windgarden Cove
Memphis, TN 38125

As residents of the Southwind community, we wish to verbally articulate our opposition to the major modification of the original outline for this area (MJR 2023-13). This proposal by TTL has significant differences from the plan presented to our community. It is considerably larger than the original presentation, much denser and distracts from our gated Southwind community. Green space has been lessened and the entrance to the community has been compromised by the cluttered view and abuse of space.

We respectfully request that the original design plan that was presented to the community be followed and maintain the line of sight into our community.

We appreciate your attention to this matter. Thank you.

Dan & Shirley Mullally
3473 Windgarden Cove
Memphis, Tenn. 38125

April 3, 2023

Mr. Brett Davis
Staff Planner
Memphis/Shelby County Land Use Control Board

Subject – Proposed Development – Tournament Trails Center – MJR2023-13

Dear Mr. Davis,

We are writing to express our concerns with the most recent site plans for the subject development. Back in 2021, the developers of this project presented plans that were very different when they were trying to successfully secure approval for this project. Now two years later and the developers have drastically altered their original plans for this project.

Following are our major items of concern:

- Original plan called for a total of 4 – buildings, now there 7.
- The number of units has doubled from 279 to 561.
- Typical density for apartments such as these is 15. 5, however this revised plan's density is 31.4.
- The original plan provided for minimized line of sight from the project's units for Southwind Drive and Southlinks Cove. Revised plan greatly increases this.
- The revised plan seems to have considerably less green space relative to the original design.

We feel the developer should hold to their original plan which they presented for the zoning change approval in 2021. Increasing the number of units by a factor of two does not seem to be reasonable given the land available.

Thank you for your time and consideration of our concerns. Please let us know if you have any questions or comments.

Best Regards,

Carolyn Comella
James G. Comella
3244 Pointe Hill Cove
Memphis, TN 38125
901-355-0490

Hello Brett,

Although the zoning change should not have been approved at all, evidenced by Shelby County LUCB unanimously rejecting it, **the number of apartments most certainly must match the plan used to achieve the zoning change** by the Memphis City Council.

Please do not allow the development to double the density in this small space. The plans submitted are vastly different than what was submitted to achieve the zoning change in MJR21-45. They have more than doubled the number of units, which leads to overcrowding the space, a great lack of green space, and way too much traffic for the area. The once tranquil area for the memory care facility and office building will be no more. The traffic in the area will certainly cause traffic accidents. There are so many people that do U-turns in that area from the office buildings and adding 561 living units will certainly complicate an already worrisome issue.

Truly elite developments should be smaller in number of units and larger in green space. They certainly should not be 4 stories high and tower over neighboring houses. **Please ensure the stories, number of units and placement/orientation is changed back to the original zoning-change application.**

Thank you,

Traci Edwards, Pfizer CPA, PMP, Project Manager, Corporate Finance Transformation
[Global Business Services | Transformation & Project Management \(T&PM\)](#)

Mr. Davis,

We live in Southwind neighborhood and are writing in objection to this proposal. We have fought from the beginning against this type of zoning out our back gate. It was rezoned from commercial to residential and although we objected, it was passed to be such. The developer came to our H.O.A. meeting and presented the original plan which was composed of 279 apartment units. We were only expecting a 2 story building which would have had more limited visibility with a wall that was to be built to assure our privacy. It was approved by the Memphis City Council as this such plan. However, this developer is now moving forward with a new plan for 561 apartment units, and a density of two times the original plan. There will be hardly any green space and a huge concern for a traffic safety and congestion. This plan was not the original plan that was approved through your council. We hold our neighborhood dear to us and are in hopes that the board will move swiftly to oppose these new changes. Thank you for your time and consideration in this matter.

Sincerely,
William and Rena Baker

Mr. Davis,

Please oppose the request from TTL to significantly revise their formerly approved development plan for project MJR 2023-13.

The proposed new plans virtually double the density and multiple safety issues considered at the time of approval.

It would seem that the number of apartments and design issues should reasonably match the plan used to achieve the zoning change. It appears that the new plan does not meet that desired standard.

Thank you for your consideration.

Ben Bryant & Martha Bryant
3440 Pinebrake Cove
31 yr Southwind resident
901-277-1365

Mr. Davis,

My family lives in the Southwind community at 3506 Windgarden Cove. I'm emailing you again to express my opposition to the proposed plan presented by TTL (formerly ARI Investments) to build apartments at the rear entrance of the Southwind community.

The new proposal by the ARI/TTL investment company is **NOT AT ALL** what they originally communicated to us.

- Over 2 X's the units (561 vs 279)
- Over 2 X's the density (31/4 vs 15.6)
- 4 stories instead of 2
- Lines of site have changed from end caps facing Southwind houses to the full sides of the buildings
- The 4 story design is also a major line of site issue

The developers have rejected every request our homeowners association has brought to the table. And they don't seem at all interested in being good neighbors or working with our HOA to figure out some compromises.

I understand these people need to make money, but this feels like a bait-and-switch. And this is where we need our government officials to step in and protect us. At the very least, the number of apartments should correspond with the original plan that was used to justify the zoning change.

I appreciate your consideration of the above concerns and I am grateful for all you do for us. Please feel free to contact me with any questions or concerns.

Thanks,
Ed Gillentine, MBA, CFP®, CAP®, ChFC®
Principal



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April 4th, 2023

To: Shelby County Land Use Control Board Members,

My wife Kathy and I have been recently made aware of the proposed changes to MJR 2023-13 as submitted by TTL Investments (formally ARI Investments). To see the significant changes from the original approved project is unsettling to say the least. How can the proposed change from 279 units to 561 units have not been anything other than subterfuge and outright deception on the developers part to fool the board into "getting their foot in the door" in hopes of to getting a significantly different project "amended" into what otherwise would never had been approved? In addition to doubling the density of the project the greenspace would be also be significantly reduced, adding to the entire massive and overwhelming apartment load and look to the site. Like the proverbial frog on a slow boil, now we are looking at a project that would never had been considered appropriate in the first place.

Indeed, the character of the developer in refusing any sort of dialog and rejection of any of SPRA suggested improvements or details in their plans only serves to hi-light their lack of concern or care for their largest neighbor and its residents. To extend the height of the project to 4 stories vs the 2 originally approved and to rotate those structures to have sides fully face Southwind homes, underscores that lack of respect and responsibility to us and our property values. Indeed, this proposal would line the developers pockets at the direct expense of the Southwind neighborhood. As you know, we have been long time tax paying property owners and as such deserve our interests to be protected. Therefore, we respectfully ask you to do so by rejecting these proposed changes. We thank you in advance for all your time and concern in this matter.

Respectfully submitted,

John and Kathy Haase
[3604 Classic Drive South](#)
[Memphis, TN. 38125](#)

Mr. Davis,

I am an owner of property in Southwind located at 3550 Windgarden Cove.

I am disappointed to see the newly published changes in the plans for the apartments about to be developed on Winchester near Tournament Drive.

Of great concern to me are the following:

1. The height of the buildings changed from two story to four story. This is totally unacceptable next to single family homes.
2. Windows and balconies from these apartments facing the single family homes.
3. The total change in number of apartments to more than double the original number.
4. The placement of a driveway exiting directly in front of the back gate of our community. There is not now, and would appear there will not be, a light at Tournament Drive and Winchester (because of placement of current traffic lights)
This little section of street is not conducive to handle the number of vehicles from the apartment complex. It simply will not work and traffic accidents are bound to impact everyone, Southwind residents and department dwellers as well.
5. Removal of trees will open our residents to remarkable intrusion of privacy.
6. Drainage plans are of utmost importance to Southwind Drive residents.
7. Security without the proper barrier is of great concern to all residents.

Item #4 is of great concern to all Southwind residents. It will make it impossible to use our back entrance.

The changes made to this plan by the developer are extensive, improper, and blatantly arrogant to the City Council and all others concerned.

I would like to know if anyone has been to this site in person to see exactly what they are voting on. Nothing on paper even comes close to the magnitude of change to our area. Again, In my opinion, it simply is not going to work.

I thank you in advance for your consideration in this matter and look forward to a fair resolution.


Kathleen A. Edelmuth
3550 Windgarden Cove
Memphis, Tennessee 38125
(901)270 - 3745

To whom it may concern,

My name is Meatha Tapley and I reside at 8871 Prestancia Cv S; Memphis, TN 38125 within Southwind neighborhood. I am writing today to voice that I oppose the detailed site plan for the ARI Investments/TTL group plan having to do with apartments off of Winchester Road known as MJR 2023-13.

The new plan is very different from the plan that obtained the recent zoning approval. The proposed TTL plan has more than doubled the number of units and the density. This area is known to have water/drainage/flash flooding types of issues and increasing apartment units and density will have a negative impact on all surrounding businesses, homes and community. This issue should be further investigated for wise infrastructure and growth. In addition to the very real concerns over infrastructure, I find the change to allow for a 4 story design and less green space unacceptable. TTL's choice to completely change their plan very much feels like an old school bait and switch and causes me to question their future intentions.

I appreciate your time in considering my concerns.

--

Meatha Haynes Tapley

Dear Land Use Control Board -

In these days, when confidence in government, and other big social institutions is at an all time low, it is so disillusioning that one set of plans could be agreed upon in good faith, and then another set of plans substituted that are a significant variation!

We appreciated the initial unanimous rejection of the zoning change by the Shelby County Land Use Committee. The zoning request was then approved by the Memphis City Council. Significant time and negotiations were done by Southwind residents and ARI, now TLL, to work out an agreement on property/building development specifications.

The MJR 2023-13 change of plans is not at all what was agreed upon. Crucial changes in the plans include having a four-story building instead of the approved two-story building. This doubles the density. Beyond the impact to Southwind as an adjacent neighbor, the proposed changes would turn this new property into one giant apartment complex. We all know the eyesore and issues of the valley of apartments a little further down Winchester.

This whole exercise in democracy would seem pointless if agreements are reached, and then a totally different plan is approved that substantially and negatively changes the way in which the property is developed. If approved by the Shelby County Land Use Committee, it would mean that our voices as citizens using the approved process had no meaning and no weight.

Please don't let this become a meaningless effort on the part of residents and citizens. Please help make sure that this property is developed in a way that protects and enhances the land usage. Please reject the changes being proposed in MJR 2023-13.

Sincerely, and respectfully submitted,
Jack and Karin Henderson

Mr. Brett Davis

Land Use Control Board

Regarding MJR 2023-13

Dear Mr. Davis:

I was saddened to learn of the changes now considered for the construction of apartments on Winchester, south of our development. Increased density of population, removal of sight and sound barriers and the increased height and opening of the north end of the proposed buildings would all have a negative affect on the livability now enjoyed by those of us who moved here because of what Southwind offered. The change will affect the environment that attracted Federal Express to play its grand tournament in Memphis. I do not play golf, but built my house here because it is an oasis of greenery and of a quiet life in an otherwise ever encroaching turmoil that marks much of urban life, including our own. Southwind is a buffer that should be appreciated and maintained against the march of urban sprawl with its depreciation of land values, increased crime and flight to suburban municipalities. I hope you will oppose the new, destructive plans for the apartments on our Southern border. I greatly appreciate your consideration.

Sincerely,

Hubert L. Dellinger Jr. MD

[8678 Southwind Dr.](#)

[Memphis, Tn. 38125](#)

April 5, 2023

Attn: Land Use Control Board
Re: MJR 2023-13

This letter is in regard to the ever changing use of the property at the back gate of Southwind, which also is directly behind my property located at 8744 Southwind.

I am already subjected to the traffic issues and difficulty turning off of Tournament Dr., loud and racing vehicles on Winchester, gunshots, loud music, and crime in the surrounding apartment communities. Adding this new property not only makes these even more so, but also depreciates my property because the open space and views I enjoy will be gone.

The builders of this community have changed the zoning once to accommodate them and once again are trying to change what they had proposed to benefit them even further in their financial growth. Most changes also go against their good faith word to limit the effect on Southwind residents. I'm not sure I would trust them to follow any rules and regulations at this point. More likely that they would break them and only have to deal with a fine once it is completed.

I have a RING doorbell which reports crimes by other users in the area. Please refer to available information and crime reports as samples of what this project will add to Southwind and literally at my doorstep.

Please decline the proposed changes. I'm sure you will agree that there are elements that will negatively affect our neighborhood. I'm also doubtful that the final project will follow what has been proposed and many gray areas still exist.

This is bad in so many ways and only increases the issues our city is trying put a stop to in terms of crime, shootings, car theft, and more. Do what's right for making Memphis better, safer, and beautiful with green spaces and appropriate building codes as originally established prior to this project.

Thank you,

Jeff Klayman
8744 Southwind Dr.
Memphis, TN 38125

I am opposed to the TTL plan for the following reasons:

1. The proposed plan is significantly different from the design presented to achieve a zoning change in MJR 21-45 2. There are more than two times the number of units (561 versus 279) 3. Density is two times the original plan in MJR 21-45 (31.4 versus 15.6) 4. Typical density of RU-3 apartments is 15.5 which matches the plan that at the time of the zoning change 5. Significant shortage of green space 6. TTL has not provided a design that minimizes line of sight along Tournament Dr. Overlooking Southlinks Cv. And Southwind Dr.

The design is now 4 stories instead of 2 stories

The design is oriented so it is no longer simply end caps facing Southwind houses rather full sides of buildings

CONCLUSION: THE NUMBER OF APARTMENTS SHOULD MATCH THE PLAN THAT WAS USED TO ACHIEVE THE ZONING CHANGE.

MY WIFE AND I HAVE LIVED IN SOUTHWIND, A GATED COMMUNITY, FOR THIRTY PLUS YEARS AND HATE TO SEE THE PRESTIGE OF OUR PROPERTY RUINED BY TTL.

Once this company got permission from the city council to build, promises that were made were not kept despite numerous requests from our board. This, in my opinion, is a breach of contract and should not be allowed to go forward.

The plan has been significantly modified from the one they presented in order to get the zoning changed. I'm not sure that anything this company says is actually the truth. Lying to get permission to build and lying to get the zoning laws changed should be a breach of contract and TTL should not be allowed to go forward with this project without drastic modifications closely resembling those originally presented.

Sincerely, Dr and Mrs Robert P Lorentz

Mr. Davis,

My name is Liz Gillentine. My family lives at 3506 Windgarden Cove at Southwind.

This email is to let you know that I strongly oppose the proposed plan presented by TTL developers to build apartments at the rear entrance of Southwind on Winchester.

The new proposal is way different than the original. 561 units versus 279. Density of 31.4 instead of 15.6. 4 story units not 2 story units. 7 buildings not 4 buildings. This is not at all what the gentleman told us when he met with us last year. They also are ignoring/not responding to any request by our HOA.

I'm pretty upset with how this has developed. At the very least, the number of apartments should be close to the original plan that was used to change the zoning. We need you guys to protect us from this kind of situation because right now, I feel like there's not much we can do.

Thank you for your help in this matter. Please feel free to contact me with any questions or concerns.

Liz

Members of the Shelby County Land Use Control Board:

We are writing in reference to the proposed changes to modify MJR 21-45 to the NEW proposal MJR2023-13.

At the time these changes were approved we were concerned with the drainage, traffic, density of the units per acre, noise and traffic. but changes were made to take these factors into consideration.

The MJR 21-45 plan was approved and the above concerns were addressed.

With the proposed new changes the above items are now become a concern again especially the fact that they are changing from 249 units to 561 units and eliminating all green space from the development.

Before there were 15.6 units per acre and now going to 31.5 units per acre with all of the traffic having to go onto Winchester drive through one exit. As we understand the usual density of RU-3 Apartments is 15.5. If the usual density is 15.5 why are they doubling this figure?

On a personal note since we live on Southwind Drive we were fine with the 2 story building overlooking our street but 4 stories is just too much. Since the plan MJR 21-45 was approved to achieve the zoning change we feel that it should be the one that continues to exist. We don't understand why it should change.

Would you please consider rejecting the proposal MJR 2023-13 and continue with the original (MJR-21-45) with 249 units as was original approved for the zoning change.

Thank you for your consideration.

Ed and Trudi Pierami

[8712 Southwind Drive](#)

[Memphis, TN 38125](#)

Mr. Davis,

I am respectfully writing you in regard to a serious situation regarding a land proposal on the south side of our Southwind Gated Community.

Being a resident in this community for over 20 years, I have experienced many changes in and around Southwind, but this new proposed plan(MJR2023-13) will have a negative effect on all Southwind residents..

My number one concern is the increase in traffic on Tournament Drive outside our back gate.....this back gate is my daily way to many of my shopping needs including drug store prescriptions, necessary food items, and also medical needs at various doctor's offices.

When the traffic increases on Tournament Drive and Winchester, there will be longer wait times and increased safety concerns as each resident exits through the back gate. Currently, it has always been difficult to exit Tournament Drive onto Winchester due to traffic, and this will make it much worse with the addition of the 561 apartment units instead of the 279 units on the original plan(MJR 21-45).

In addition to my primary concern about an increase in traffic safety, the design of 4 story apartments will definitely decrease privacy with noise elements rising for my Southwind neighbors on the south side of Southwind.

Consequently, I'm writing you on this new proposal being a detriment to the future of our beautiful community.

A Concerned Southwind Resident,

Dave Wells
[3338 Gallery Drive](#)
[Memphis, TN 38125-8834](#)

Marianne Parrs <marianneparrs@gmail.com>

I am writing to express my serious concern with the proposed detailed site plan submitted by TTL to the county as a major modification.

I am a resident of Southwind and I live at 3492 Windgarden Cove. I use the "backgate" of Southwind to enter and leave my community via Tournament Dr. heading to Winchester. I will be directly impacted by the changes to the plan.

My biggest concern is that there will be more than 2 times the number of units (561 versus 279) and twice the density proposed in the original plan MJR 21-45 (31.4 versus 15.6), I understand the typical density of RU-3 apartments is 15.5 which matches the previous plan that was submitted to support the zoning change.

I have to believe the zoning change would never have been approved if this new plan had been used to justify the change.

I ask you to please reject this new plan and require a plan that is consistent with the one submitted to justify the zoning change.

As the owner of 8688 Southwind Drive, an adjoining property, I write to object to the proposed detailed plan (MJR 2023-13) that TTL has submitted for consideration at the April 13 meeting of the Shelby County Land Use Control Board. That plan is a classic example of bait-and-switch in that it significantly differs from the design TTL's affiliate ARI Investments presented in connection with its application (MJR 21-45) to re-zone the subject property RU-3. The proposed detailed plan calls for more than twice the number of units (561 versus 279) and a density twice that depicted in MJR 21-45 (31.4 versus 15.6). The typical density of RU-3 apartments is 15.5, which matches the plan ARI Investments provided in connection with its zoning change application. Moreover, the proposed detailed plan calls for a substantially more intrusive project when viewed from adjoining properties on Southwind Drive, such as mine. The design now calls for four-story buildings rather than the two-story buildings depicted in the plan accompanying MJR 21-45. The proposed design also orients the substantially larger buildings so that full sides of buildings rather than end caps face houses in the Southwind subdivision. In addition, the proposed design also significantly reduces the amount of green space that had been depicted in the MJR 21-45 plan. I understand that TTL representatives have rebuffed out of hand all efforts by members of the Board of the Southwind Residential Property Association to negotiate modifications to the proposed detailed plan that would make the project more acceptable to adjoining Southwind property owners. I, therefore, respectfully request that the Land Use Control Board require TTL to adjust its proposed detailed plan to be consistent with the MJR 21-45 accompanying plan.

Ronald J. Kwoka

April 7, 2023

[8718 Southwind Drive](#)
[Memphis, TN 38125](#)

Referencing: MJR 2023-13

Dear Mr. Davis and Honorable members of the Memphis City Council,

We are writing to voice opposition, to the latest proposal offered by TTL, to be heard April 13, 2023.

The concern is not a "Not in My Backyard" concern though the proposed property would literally be the setting from my front yard. We are not opposed to controlled growth benefiting both the local region nor the city of Memphis. This proposal, if approved, will do neither. We are gravely concerned with their "egregious breach of good faith".

TTL has demonstrated that breach by proposing a project now twice the size of the original proposal made to the Council to obtain a change in zoning. Previous discussions and assurances made by TTL to the SRPA Board are now outright rejected. Assurances made in the past to both MCC and SRPA are being dismissed by TTL who clearly now feel they can violate trust and goodwill to promote a project in their best interest;

- Density at more than two times the original number far exceeding typical RU-3 density (31.4 vs 15.3)
- A change to a four story height completely destroying sight lines for home owners, who have invested greatly to benefit regional home value within Southlinks Cove and Southwind Drive.
- No incorporation of greenspace
- Drainage, security and traffic studies submitted by a company now, with demonstrated disregard and concern, to fulfill past assurances and promises.
- Have meaningful CC&R's with consequences been submitted that run with the land regardless of ownership to ensure the projects appearance will be ensured over time?

Please step back.

- Does the MCC rest assured that studies submitted by TTL can be believed and relied upon without at least a second company hired to provide the same assessments?
- Please consider the negative impact upon so many that reside in the surrounding area
- Winchester road is presently in dire need of overhaul. Traffic flow is already terrible. This project will require significant City expense to rebuild Winchester Road. Several expensive improvements will be required and will still not prevent Winchester Road from becoming gridlocked from the 385 off ramp (including the exit ramp) to at least Forest Hill Irene Road.
- Reassess your faith in the words and proposals of TTL
- Can the MCC believe this company in your hearts?
- Will Memphis and the surrounding communities truly realize enhancement or a future blight upon the City?
- Will allowing this proposal encourage people to relocate to our city or decide against it?
- Require TTL to submit a plan matching the original to obtain the zoning change and agree to incorporating past promises made to the SRPA Board
- Ensure any use of the land makes the citizens of Memphis proud

Respectfully,

John W. and Renee L. Frogge

John and I are homeowners at 8684 Southwind Dr, 38125 and are very concerned about the NEW proposal to double the density of the project for apartments across the street from us.

We were at the meeting where TTL laid out the plans for the development and while we were not enthusiastic about having the apartments built, we agreed that they were keeping homeowners in mind and building "upscale" units and the height would be two stories.

They now have decided to double the density of that development and make the buildings four stories. While we realize that may mean more tax dollars for the City of Memphis, we question if that is truly in the best interest of all concerned. More density brings more issues to be dealt with.

We question the integrity of the developer to make these radical changes after having the original plan approved.

Please do not approve this significant change to the original plan. It will have a very negative impact on our property value and while that may not be a major concern for the City, we feel this increase is not even good for the City. Winchester has experienced a LOT of multi-level housing in recent years and truly does not need any more.

Thank you for your consideration.

Shirley Williams

As a property owner I'm writing to voice my concerns over a major change to the apartment development planned off of Winchester and located next to Southwind. This new plan is vastly different than what was approved. It will almost triple the size of the development from 279 units to a four story complex with over 560 units. This will significantly impact the traffic and safety of the community in a number of ways:

1. Exit for the planned apartment complex is very close to the back gate entrance for Southwind. This will cause backups and congestion at heavy commuting times of the day.
2. There is no traffic signal for what will be a very busy road. We already have traffic issues without a light and given the excessive spreading on Winchester, more wrecks are bound to happen.
3. Access to Southwind for Emergency services will be difficult.
4. The high density of such a project will limit privacy and no doubt increase noise.
5. There are already drainage problems on the planned apartment complex. Almost tripling the size of the development will impact drainage.

This list is in no way exhaustive. But, in closing, I'm very concerned how such a departure from what was originally planned for this development can possibly go forward without any kind of new oversight from government officials and adjacent residents.

Please do not allow yet another large apartment developer to walk all over us residents and government officials.

Sincerely,

Alan and Victoria Bush
3495 Windgarden Cove
Memphis, TN 38125

Dear Brett Davis,

I am writing to you regarding the development of the land located at 3581 Tournament Dr. I am very disappointed the Memphis City Council voted to allow this parcel's zoning to be changed from CA- conservation Agriculture to multi-family apartments. But I am even more disappointed the council decided to not follow Mayor Strickland's executive order directing each division and agency of city government to work together to implement Memphis 3.0 future land use plan. Please help to correct this decision.

I was very excited when Mayor Strickland pushed our city to create a development plan but in the case of MJR 2023-13 we are going against this vision and breaking the trust of all those who worked tirelessly to develop it.

I will summarize what the American Planning Association said about Memphis 3.0 when it awarded the city the Daniel Burnham award for planning.

- Memphis lacked a comprehensive development plan for 40 years
- Adopted in 2019
- Plan focuses growth on pedestrian oriented "anchors"
- "Sustain" for areas that have reached maturity in character
- These anchors, or walkable centers of activity, would adapt to accommodate new populations and anticipated development while **remaining true to the neighborhood's distinct character**
- In 2019, Mayor Strickland drafted an executive order adopting the plan and directing each division and agency of city government to work together in implementing it
- The plan's success creates **a long-term culture of planning built on community trust and support.**

Source: <https://www.planning.org/awards/2020/excellence/memphis-3-0/>

My question is why is the city council not following Mayor Strickland's executive order to follow the Memphis 3.0 Plan? Memphis 3.0 designated parcels (081093 0024, 081093 00004) as "Open Space Natural" and parcels (081093 00006, 081093 00007) as "Low Intensity Commercial Services". The development TTL is proposing does not fit the Memphis 3.0 Plan, nor does it fit in with the neighborhoods distinct character and if approved, breaks the trust and support of the community that helped create the Memphis 3.0 vision.

TTL's new plan significantly decreases green space, goes from 2 story to 4 story buildings, and has design features that do not follow "walkable centers of activity" nor matches the current neighborhood's distinct character.

I am asking you to please not allow TTL to move further away from the Memphis 3.0 vision. We need more open natural spaces not less and we need to follow the plan our major has asked us all to follow.

Best Regards,

Alex Oliphant

8910.BENT.GRASS.CIR

April 9, 2023

[8638 Southwind Drive](#)

[Memphis, TN 38125](#)

Referencing: MJR 2023-13

Dear Mr. Brett Davis, Members of the Memphis City Council,
and Shelby County and Land Use Control Board

We are Jim and Sue Perrin. We have lived in Southwind for 19 years. First at 8734 Southwind Drive (10 years) and then at 8638 Southwind Drive (9 years). I retired from Junior Achievement after 32 years; the last assignment was in Memphis as President and CEO (21 years). Sue worked for SYSCO Food Service of Memphis for 35 years, retiring as Vice President of Health Care Sales.

With that said, we are writing to voice opposition to the recently modified plans that call for 561 apartments from the previously approved plan of 279 units. The size of this project is in fact twice the size that was previously approved!

At our current residence (8638 Southwind Drive), we have experienced significant financial loss due to the flooding of the drainage creek and storm sewers. Such a development is not feasible without substantial investment for infrastructure and proper storm drainage from the developer. We would really like to see how this issue (561 units) is being addressed.

This new plan also exacerbates every potential problem brought forth with the original plan of 279 units.

With 561 units, here are potentially serious problems for Southwind homeowners:

*Security and traffic problems

*No incorporation of greenspace.

*It far exceeds the typical density of all other apartments in the immediate area.

*In other words, these are not LUXUARY APARTMENTS as originally proposed by the developer

*A change in the height to four-stories will destroy the sight lines for the homeowners on Southwind Drive

In summary, Southwind Homeowners believe we have been presented with a proposal that in no way represents the original promises from this developer. In fact, the LUCB did not approve apartments in this space and so close to Southwind in the first place. We believe that the original proposal submitted by the developer (TTL) and ratified by Memphis City Council should satisfy all parties involved.

Lastly, Sue and I appreciate the opportunity to share our concerns with you and the board. We look forward to a positive response from the board as we continue to enjoy our home here in Southwind.

Sincerely,

Jim and Sue Perrin

[8638 Southwind Drive](#)

[Memphis, TN 38125](#)

Phone: 901-485-9106

Email: jim.perrin@att.net

Dear Members of the Land Control Use Board:

I am in opposition of the plan put forth by TTL. While the zoning change was approved by Memphis City Council in 2021, the detailed plan does not resemble the approved plan.

The plan presently being put forth is twice the number of units, and twice the density of the previously approved plan submitted for the zoning change. Additionally, the buildings have been reoriented on the property, and then have doubled in height.

Our area is struggling with major apartment complexes surrounding it. Champion Hills, Millers Creek, The Villas, Westbury, Lincoln on the Green, Dream Germantown and Fieldstone. Please do not dump a complex that is too large to suit the neighborhood and the needs of our community.

I am disappointed that this plan as put forth would even warrant consideration. ARI Investments (Now TTL??) had met with our neighborhood, and I was present at that meeting, and at each council meeting. ARI Investments spoke about how they planned on staying with their development for the long term, and this submission is from a new entity. The present plan is unrecognizable to me.

I will be in attendance of the upcoming meeting.

I appreciate your careful consideration.

Sincerely,

Michelle Grady
3558 Windgarden Cove
Southwind
Memphis TN

Dear Mr. Davis & Shelby County Land Use Control Board,
Reference: MJR 2023-13

The LUCB should only approve the original 279 upscale apartment complex the developer received a zoning change from Memphis City Council to build.

As President of the Southwind HOA, I have been involved from the beginning negotiating on behalf of our neighbors with Ari Investments, now TTL. They presented the 279 unit plan to our neighborhood to achieve an agreement with our HOA to not oppose their development. We have in good faith tried to negotiate this proposed final site plan, only to be flatly denied all requests to protect the HOA and our residents. Their proposal to develop 561 apartments is more than double the original number of units. With this doubled amount of apartments, density is far grater than any other property in the county. It is not in keeping with the zone change request that was presented to Memphis City Council.

Please do not approve this site plan, send them back to the table to formulate a development all Shelby County can agree is workable. Protect Shelby County residents and have the developer honor the planned number of units with which they achieved the zoning change.

Respectfully,
Bobby Solberg
Southwind HOA President
[8672 Classic Drive](#)
[Memphis, TN 38125](#)

April 10, 2023

Ann Burgess
3496 Windgarden Cove
Memphis, TN 38125

Dear Mr. Brett Davis,

I am writing in regard to MJR 2023-13 to provide information and data that explain my opposition to the proposed detailed plan. I appreciate the work you are doing in evaluating the submission and I also thank you for meeting with me in March to discuss my concerns in person.

I want you to know that I support the key elements of the previous plan submitted just last year in MJR 21-45 to obtain a zoning change but not those in MJR 2023-13. My key points are as follows.

- **To obtain the zoning change via MJR 21-45, TTL argued a vastly different plan in front of Shelby County Land Use Control Board, Memphis City Council and neighbors with adjacent properties**
- **The significant differences in the plans presented in MJR 2023-13 and MJR 21-45 are:**
 - Over 100% increase in units – 561 versus 279
 - Density increased to 31.4 units/acre versus 15.6 units/acre
 - This is higher than the max allowed density in multifamily downtown per Unified Code!
 - Parcels are less than 2,000 feet from the Memphis City Limit yet a downtown design is proposed
 - 75% increase in number of buildings – 7 versus 4
 - Almost all buildings are 4 stories whereas previous plan included 2, 3 and 4 story buildings
 - Previous green space was ~40% of property. Current estimate is about 1-2% with very little within complex.
- **TTL uses misleading information in MJR 2023-13 on page 30 because proper use of the data does not support their story**
 - Due to the obvious outlier of 1500 units, accurate analysis of the data would be to use median instead of average. Median yields 334 units for comparison not the overstated 501 units.
 - Furthermore, “number of units” is irrelevant. “Density” is key. The proposed density of 31.4 units/acre is two times the density of nearby RU-3 properties (~15.5 units/acre) and is unlike any other RU-3 property in Shelby County. In fact the 1500 unit complex has a low density of 14 units/acre illustrating further that their submission is truly misleading.
- **TTL uses deceptive calculations and justifications by incorporating parcels that they do NOT OWN and are NOT ZONED RU-3**
 - TTL owns exactly 17.829 acres and only these 17.829 acres have been zoned RU-3 in Tournament Trails
 - No other value of acreage applies to MJR 2023-13
- **TTL has not met the requirement of Item 4 of the recorded declarations for these parcels**

Please reject MJR 2023-13.

Also, attached please find a file that includes additional data to support the summary information above. I would appreciate it if you would include this detailed information in the staff report along with my letter.

Thank you for your consideration of these extraordinary changes in plan as you evaluate MJR 2023-13.

Sincerely,

Ann Burgess

MJR 2023-13

Supporting data for opposition letter from Ann Burgess

New submission after zoning change via MJR 21-45

Developer: TTL

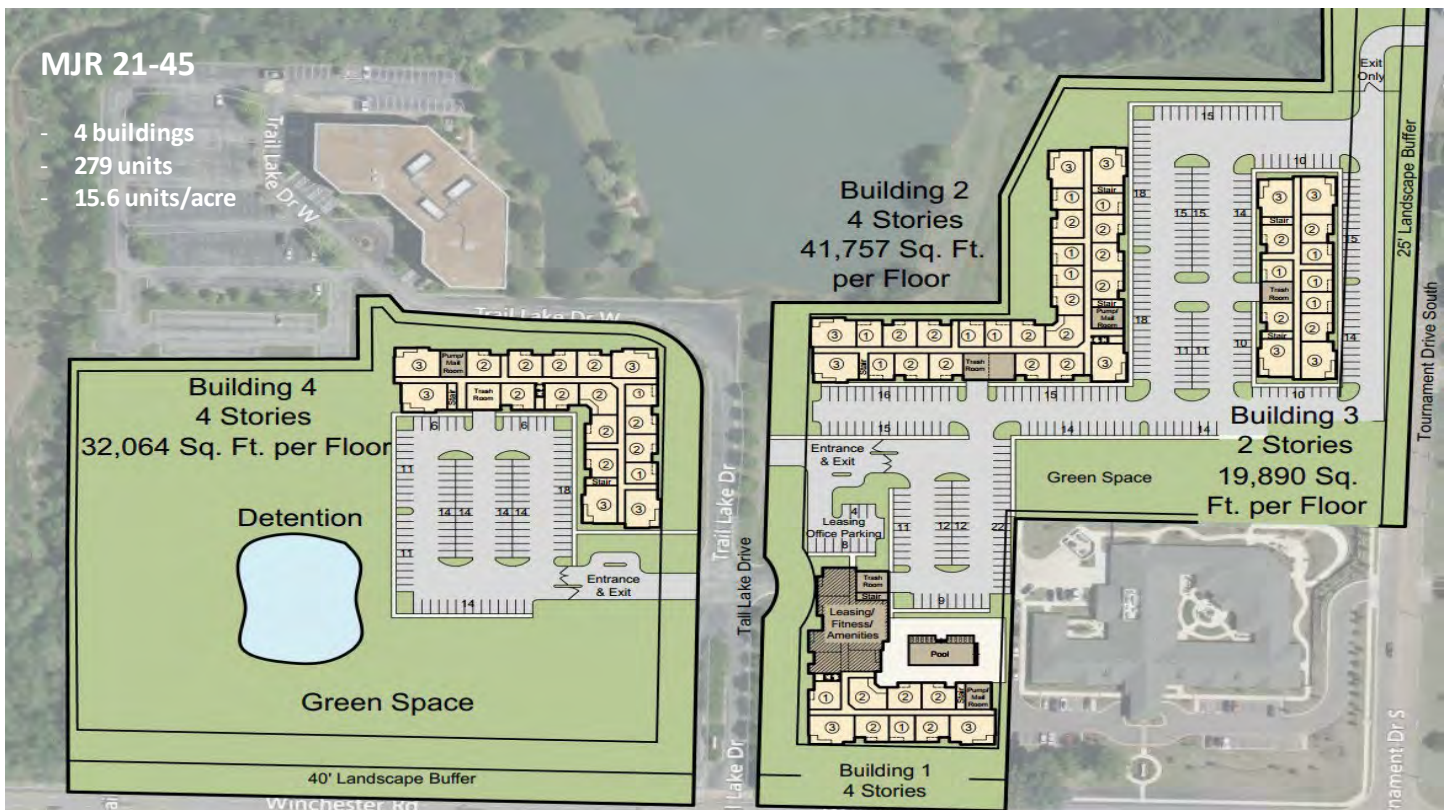
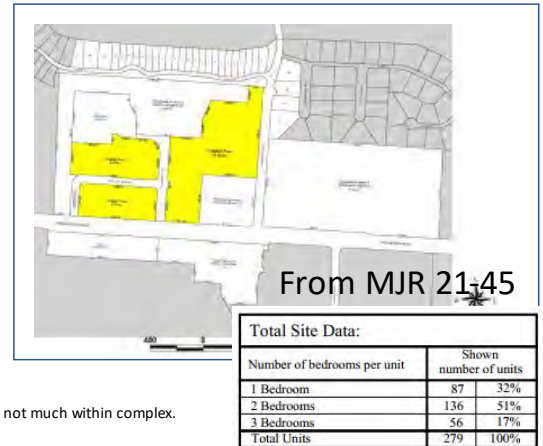
3 parcels zoned RU-3 (17.829 acres total)

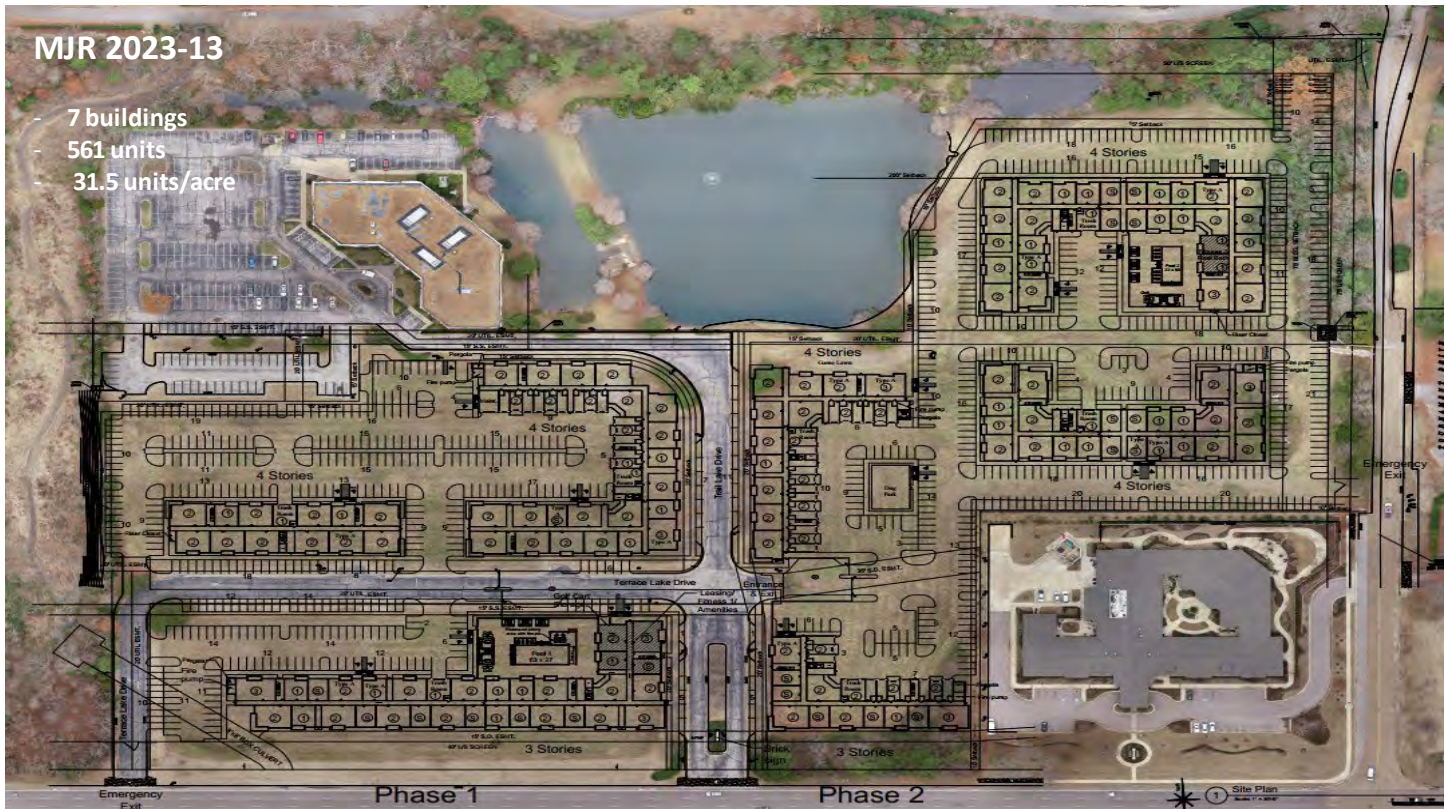
MJR 2023-13 versus MJR 2145

- Over 100% increase in units
- Density increased to 31.4 units/acre versus 15.6 units/acre
- 75% increase in number of buildings
- Almost all 4 story buildings whereas previously plan included 2, 3 and 4 story buildings
- Previous green space was ~40% of property. I estimate current to be about 1 -2%. Almost all along Winchester – not much within complex.
- Almost 1,000 parking spaces to accommodate increase in units

Current concerns

- Significantly increased density
 - o No similar density found after extensive review across Shelby County
 - o Greater than downtown high density multi-family maximum cap of 30 units/acre
 - o Property is located less than 2,000 feet from edge of city (per MJR 21-45)
- Misleading information in submission
- Incorrect use of non-owned acreage
- Location of emergency access on Tournament Drive does not meet contractual requirement by developer to use location close to Alzheimer's unit
- Lack of green space within complex
- Poor line of sight to adjacent homes on Southwind Drive and Southlinks Cove
- No clear improvement of Tournament Drive (requirement listed in MJR 21-45)
- Traffic – Request synching of lights now; future study and possible stop light based on actual growth in area
- Request No Parking Signs on Tournament Drive - previous discussion with DPD





Parcel information	Acreage / Units / Density	Comments
TTL owns 3 parcels	4.374	
	3.33	Previous location of concept detention pond
	10.125	
Total	17.829 acres	Number used for density calculations
MJR 21-45 detention pond	Located on 3.33 parcel	Pond no longer needed to achieve drainage objectives thereby increasing available acre for complex by 18.7%
Architectural plans in MJR 2023 are incorrect	Using 18.59 acres	TTL has improperly increased their total acre by combining TT-owned land with Tournament Trails Center Commercial Property Owner's Association owned land with different zoning
MJR 21-45 concept plan density	15.6 (279 units / 17.829 acres)	Successfully obtained zoning change with the proposed density which is a typical density of RU-3 complexes across entire county
MJR 2023-13 proposed plan density	31.5 (561 units / 17.829 acres)	<ul style="list-style-type: none"> - More than two times the density of the concept plan - Greater than High Density Residential District for multifamily (30 units/acre max) - Max RU3 density I found is 22.9

Prepared by Ann Burgess
3496 Windgarden Cove
901-734-1256

MJR 2023-13 page 30 is misleading.

“Number of units” is irrelevant

- Use of “average” is incorrect due to outlier
- Instead, use of “median” would be correct
 - Misleading average = 501
 - Median = 334

Applicable, meaningful data should be used instead

- Density (units per acre) is relevant
- Density from 10 nearby complexes
 - Average = 15.5*
 - Median = 14.7
 - MJR 21-45 = 15.6
 - MJR 2023-13 = 31.4
 - HDR: Max for Multi-family Downtown = 30**
- My review of RU-3 complexes across Shelby County resulted in densities ranging from 8 to 22.9
- Conclusion: The proposed density of 31.4 units/acre is not appropriate for RU-3

Examples from MJR 2023-13	Density (units/acre)	MJR 2023-13 pg. 30	Comments
Fieldstone	11.5 – 14.8	1500	Density ranges based on different phase. High units but low density
Lincoln on the Green	22.9	619	Highest density found for RU complexes
Champion Hills	14.0	264	
Villas at Germantown	14.4	296	
City Place	20.0	398	City Place acreage is 89% of TTL property. If TTL matches density, it would be 356 units
Centennial Gardens	14.1 - 16.8	720	
Preserve at Southwind	16.0	316	
The Westbury (8883 Grand Slam Dr)	14.7	350	
Miller Creek	16.5	330	

* Used highest number if range within complex based on phases
** Page 307 Shelby County Unified Code

Mr. Davis,
Hello.

I am a resident of Southwind plus a member of the SRPA Board. I have seen first hand what the Board and TTL has discussed. We have made many many concessions and we thought TTL had too. The original concept was to be 279 units. We agreed on height, balconies, use of emergency exits on tournament drive etc. Their new proposal is totally different. The new layout is congested, over done in the land area and has increased to 561 units. As I understand it's density is more than anywhere else in the county.

We believed in this developer with all that was agreed upon. The new proposal is not acceptable and we are hoping you feel the same way. We are asking for this not to be approve.

Thank you,
Natalie Lefkowitz
[3228 S. Silverwind Cove](#)
[Memphis, TN 38125](#)

NATALIE LEFKOWITZ
901.355.4599

Greetings,

My name is Beverly W. McCraw. I am a resident of Southwind at 3178 N. Avenel Cove.

I am writing to let you know that I am not in favor of the proposed design plan for the apartment complex behind Southwind, which is a beautiful residential community.

The original design plan was for an apartment complex with 2-story buildings adjacent to Southwind. However, that plan has been changed to 4-story buildings adjacent to Southwind. The erection of these 4-story buildings with full sides facing Southwind will be in clear view of many Southwind homeowners.

Another discrepancy from the original design plan and the proposed design plan is the number of apartment units, which is more than 2 times in number....561 units vs. 279 units. This high density is very concerning to me.

This will be a massive apartment complex with a shortage of green space. Most importantly it is NOT the design plan that was submitted in order to get the change in zoning. Actually, it is not even close to matching the submitted plan at the time of the zoning change.

I know that growth in a community is very important. However, I am opposed to the submission of one design plan; yet, the proposal of an entirely different design plan. This action seems both deceptive and misleading to me.

Thank you for letting me express my views & opinions on this very important matter that will affect our community.

Sincerely,
Beverly W. McCraw

4/10/2023

Mr. Brett Davis
Staff Planner
Planning & Zoning Committee
125 N Main Street Memphis, TN 38103
Brett.Davis@memphistn.gov

Dear Mr. Davis:

I am a homeowner on Southwind Drive and am writing to oppose the approval of the new site plan, MJR 2023-13. I am opposed to the new plan for the following reasons and would ask the committee not approve the new amended plan.

1. The new plan is significantly different from the approved plan. The major modifications appear to create an entirely new plan that has no resemblance to the original plan: the number of apartments should match the plan that was submitted for the zoning change this proposal are different structures in many respects and creates undue burden on homeowners within the Southwind community and especially for us along Southwind Drive.
2. Line of sight issues for Southwind drive residents. We appreciated the original plan's consideration of the aesthetics and line of sight for our community by limiting the original plan to 2 stories for buildings facing Southwind Drive. The new plan is oriented so it is no longer simply end caps facing Southwind houses rather full sides of buildings with 4 stories and creates structures that tower above existing structures on Southwind drive; our hedges and existing trees along Southwind Drive will not block such tall structures. It is not reasonable to have such large structures facing our homes.
3. The amount of population density created by the additional apartments is out of line with our community, the amount of noise, traffic and congestion will be problematic with the new plan that doubles the number of apartments from the original plan.

Respectfully,



Larry Foster
8668 Southwind Drive
Memphis, TN 38125
ljfoster@outlook.com
901-288-5002

Mr. Davis:

My name is Virginia Costa and I am a resident of Southwind subdivision. I respectfully request that you oppose the site-planned 561 apartments for the project above.

- The proposed plan is significantly different from the design presented to gain a zoning change in MJR 21-45
- The number of units have more than doubled, from 279 to 561
- Density is now two times the original plan in MJR 21-45
- The plan provided at the time of zoning change was 15.5
- A shortage of green space
- The developer has not provided a design that minimizes the line of sight along Tournament Drive overlooking Southlinks Cove and Southwind Dr.
The design is now 4 stories instead of 2 and instead of end caps facing Southwind houses it is full sides of the buildings

The number of apartments should match the plan that was originally submitted for zoning change. If the plans submitted to achieve a zoning change were completely different after the fact than originally submitted, why go through the process?

Thank you in advance for your time and consideration.

Sincerely,

V Costa
3221 Club Breeze
Memphis, TN 38125
901-484-3258

Dear Mr. Davis

As concerned residents of Southwind, we are disheartened that the new proposal is far different from the design presented re: MJR 21-45. It doubles the number of units resulting in a density higher than the city of Memphis. Additionally this design doubles the number of stories relative to the original proposal. All said this would result in an absence of green space, not to mention line of sight issues. We feel the number of apartments should responsibly match the plan used to achieve the zoning change.

Thank you for consideration.

Yours truly,
Charles and Nancy Gordon
[3237 S Silverwind Cove](#)
[Memphis, Tn. 38125](#)

Dear Brett Davis:

I hope this letter finds you well. As a homeowner at 8708 Southwind Drive, this proposed development by TTL directly affects our household's welfare and the safety of our neighborhood. I'm writing to express serious concerns about the significant design changes.

The new plan deviates significantly from the original design presented during the MJR 21-45 zoning change. Notably, the number of units has more than doubled from 279 to 561 and the density likewise doubled. This increase in density—from 15.6 to 31.4—significantly surpasses the typical density of RU-3 apartments, which is 15.5. Such a dramatic increase not only places undue strain on our local infrastructure but could also negatively impact our quality of life. These changes might, in turn, result in lower assessed property taxes and revenues for the County.

The proposed reduction in green space, coupled with the change from 2-story to 4-story buildings overlooking Southlinks Cove and Southwind Drive, disrupts the character and tranquility of our neighborhood. Furthermore, the increased building height raises safety concerns, specifically the potential for stray bullets entering our residential area. Having managed a 200+ unit apartment building for over 13 years, I have personally witnessed the consequences of both accidental and intentional weapon discharges.

In conclusion, I respectfully request the number of apartments to match the original plan used for the zoning change, and I urge TTL to revise their proposal in line with the initial commitments and the above suggestions.

Thank you for your attention to this important matter.

Sardorbek Umarov
8708 Southwind Drive,
Memphis, TN 38125



Date: May 24, 2023

To: Mr. Brett Davis, Principal Planner
Memphis and Shelby County Division of Planning and Development

From: Ann Burgess
3496 Windgarden Cove
Memphis, TN 38125

Topic: MJR 23-13

Dear Brett,

After attending the Shelby County Land Use Control Board (SCLUCB) meeting on May 11 and speaking in opposition to MJR 23-13, I am formally appealing the decision of SCLUCB that was the approval of the final design plan with staff conditions per the staff report presented at the meeting.

Please let me know if you have any questions or need additional information from me.

Sincerely,

Ann Burgess

July 7, 2023

MJR 23-13: Appeal to Memphis City Council

Growth is very exciting for everyone in Memphis and last year, Memphis City Council approved a zoning change switching out restaurant for apartment based on a plan presented by a Virginia developer that included a 279 unit complex on 17.8 acres (MJR 21-45). The developer presented the 279 unit plan to Shelby County Land Use Control Board, to Memphis City Council and to neighbors during an in-person neighborhood meeting to garner support. Memphis City Council liked the plan and approved the change. Neighbors agreed with the plan with conditions outlined and agreed to by the developer as discussed during the Memphis City Council meeting last year.

The developer has now completely changed the plan and has increased the number of apartments significantly. DPD did not approve of the extensive increase of almost two times the units and recommended approval of a plan with conditions including a maximum of 500 units. The 500 unit proposal is still significantly higher than what Memphis City Council approved last year. We respectfully request that the original plan of 279 units be approved again by Memphis City Council. Specifically, we request Memphis City Council's approval with the following additional conditions to those already in the staff report:

- Maximum number of units of 279 (density of 15 units/acre)
- Require the applicant to maintain 2-story buildings on the north and east sides of the property per the current plan submitted
- Require the applicant to move the first responder emergency access closer to Winchester by modifying building locations and orientation
- Place "No Parking" signs on both sides of Tournament Drive

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(APPEAL OF LAND USE CONTROL BOARD ACTION)**

You will take notice that a public hearing will be held by the Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103, on Tuesday, August 8, 2023, at 3:30 p.m., in the matter of granting an application for an appeal of the decision made by the Memphis and Shelby County Land Use Control Board, as follows:

CASE NUMBER: MJR 23-13 (PD 94-356 CC CORRES.)

LOCATION: 3581 Tournament Dr. S. and two adjacent parcels

COUNCIL DISTRICTS: District 2 and Super District 9

APPELLANT: Ann Burgess

EXISTING ZONING: Conservation Agriculture within PD 94-356 CC

REQUEST: Amend the conditions of approval of the Memphis and Shelby County Land Use Control Board, including the reduction of the maximum number of permitted dwelling units from 500 to 279

AREA: 17.8 acres

The Division of Planning and Development recommended: ***Approval with conditions***

The Land Use Control Board: ***Approved with conditions***

NOW, THEREFORE, you will take notice that on Tuesday, August 8, 2023, at 3:30 p.m., the 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 remonstrances or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

THIS THE _____, _____

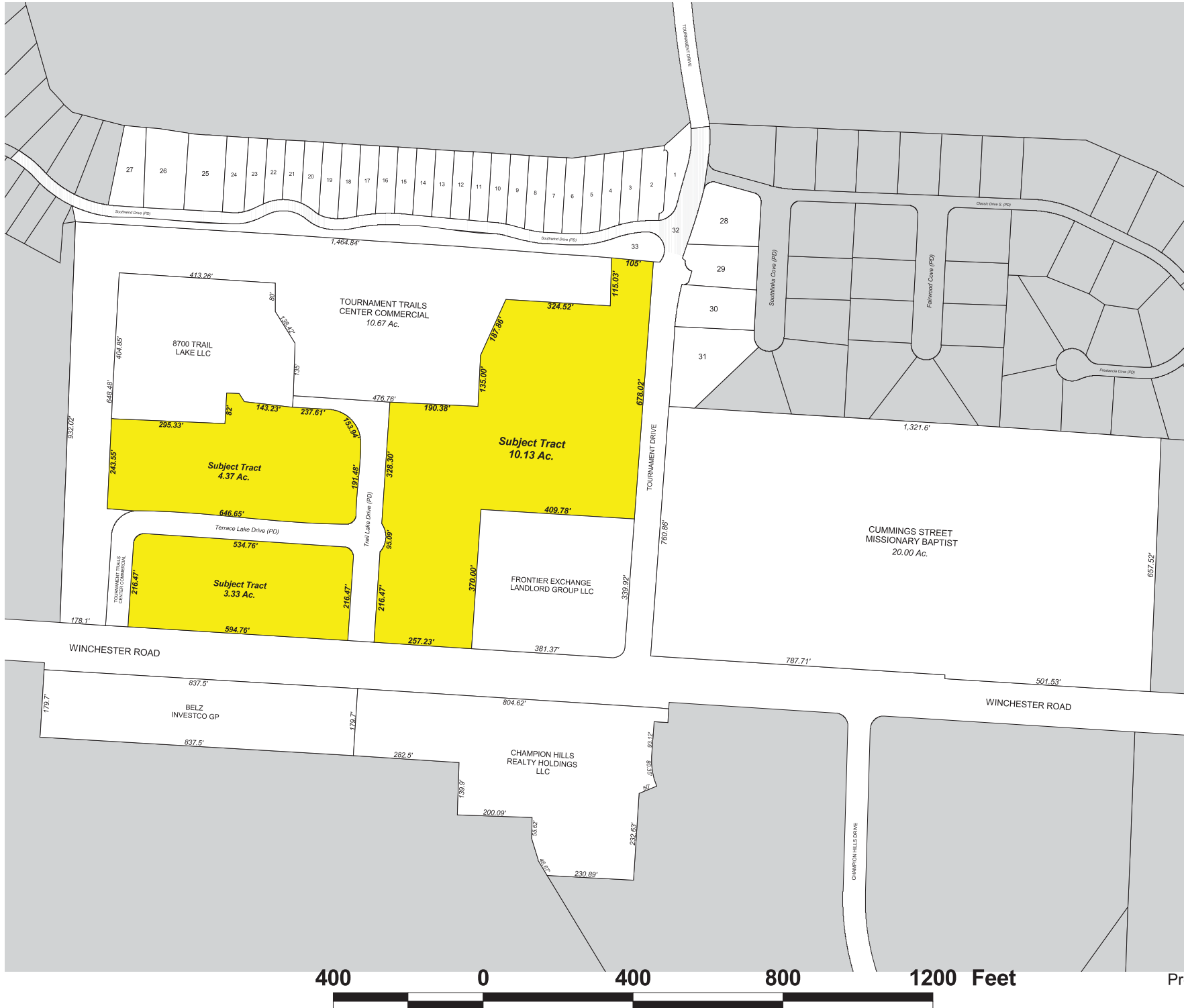
**MARTAVIUS JONES
CHAIRMAN OF COUNCIL**

ATTEST:

**WALTER PERSON
CITY COMPTROLLER**

TO BE PUBLISHED:

Vicinity Map



8700 Trail Lake LLC
102 Woodmont Boulevard, Ste. 100
Nashville, TN 37205-2216

Askew Graham W And Candace M Phillips
3595 Southlinks Cove
Memphis, TN 38125-0758

Barksdale Brian K
8724 Southwind Drive
Memphis, TN 38125

Belz Investco Gp
P O Box 3661
Memphis, TN 38173-0661

Bingham Rosie P & John J Davis
8738 Southwind Drive
Memphis, TN 38125-0751

Champion Hills Realty Holdings LLC
6389 N. Quail Hollow Road, Ste. 201
Memphis, TN 38120-1427

Clifton Maida
P O Box 383288
Germantown, TN 38183-3288

Cummings Street Missionary Baptist
8800 Winchester Road
Memphis, TN 38125-8229

Dellinger Hubert L
8678 Southwind Drive
Memphis, TN 38125-0749

Duffy Michael B & Carol A
8756 Southwind Drive
Memphis, TN 38125-0751

Buatt Hunter F & Cathy L
8698 Southwind Drive
Memphis, TN 38125-0749

Foster Larry & Sherri
8668 Southwind Drive
Memphis, TN 38125-0749

Frogge Renee & John
8718 Southwind Drive
Memphis, TN 38125-0751

Frontier Exchange Landlord Group LLC
4500 Dorr Street
Toledo, OH 43615-4040

Galdieri Michael And Diana Galdieri
8614 Southwind Drive
Memphis, TN 38125-0749

Shaffer Properties LLC
5521 Murray Ave
Memphis, TN 38119-3717

Klayman Jeffrey S
8744 Southwind Drive
Memphis, TN 38125-0751

Kwoka Ronald J Living Trust
8688 Southwind Drive
Memphis, TN 38125-0749

McGee Tracy R
3585 Southlinks Cove
Memphis, TN 38125-0758

McLaughlin James W And Bobbie W
8664 Southwind Drive
Memphis, TN 38125-0749

Mims Mario
3726 Classic Drive
Memphis, TN 38125-0755

Mjn Lr Trust And Rjn Lr Trust
8648 Southwind Drive
Memphis, TN 38125-0749

Perisho Bret L & Rebecca B V
8674 Southwind Drive
Memphis, TN 38125

Perrin James R Jr. & Mary S
8638 Southwind Drive
Memphis, TN 38125-0749

Pierami Gertrude A
8712 Southwind Drive
Memphis, TN 38125-0751

Riikola Robert W & Patricia M
8654 Southwind Drive
Memphis, TN 38125-0749

Shaban Nejad Arash
8644 Southwind Drive
Memphis, TN 38125-0749

Smith Matthew C
358 Providence Boulevard
Macon, GA 31210-9706

Southwind Residential Properties
3520 Piedmont Road, Ste. 120
Atlanta, GA 30305-1517

Tomlinson William & Sally
3605 Southlinks Cove
Memphis, TN 38125-0758

Tournament Trails Center Commercial
6363 Poplar Avenue, Ste. 400
Memphis, TN 38119

Tyler Vivian D
8728 Southwind Drive
Memphis, TN 38125-0751

Umarow Indira And Sardor Umarov
8708 Southwind Drive
Memphis, TN 38125

Westbrooks Living Trust
8694 Southwind Drive
Memphis, TN 38125-0749

Williams John M And Shirley H Williams
212 Eagle Drive
Miramar Beach, FL 32550-4854

Woldeslassie Solomon
8750 Southwind Drive
Memphis, TN 38125

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

TTL Development LLC
12406 Hogans Alley
Chester, VA 23836

TTL Development LLC
12406 Hogans Alley
Chester, VA 23836

TTL Development LLC
12406 Hogans Alley
Chester, VA 23836

TTL Development LLC
12406 Hogans Alley
Chester, VA 23836

TTL Development LLC
12406 Hogans Alley
Chester, VA 23836



RESOLUTION accepting public improvements for:
Clarke Road Industrial [CR-5426]
and **releasing Bond** held as security

WHEREAS, **TPP 419 Presley Logistics, LLC.**, is the Developer of a certain property within the present limits of the City of Memphis, as shown on the engineering plans and located at 4131 Clarke Road in Memphis, Tennessee.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Clarke Road Industrial [CR-5426]**, and the completion of the public improvements therein, are and the same, and are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the Simmons Bank **Letter of Credit No. 69762474**, in the amount of **\$134,00.00**, and held as security for the Standard Improvement Contract, is **hereby ordered released**.



JIM STRICKLAND
MAYOR

July 3, 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:

Roderick Motely

be appointed to the Memphis and Shelby County Economic Development Growth Engine, as a county appointee member with a term expiration date of December 31, 2028.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS AND SHELBY COUNTY (EDGE)

11 Member Board

5 City/5 County/1 Joint

6 Year Staggered Terms

Purpose:

EDGE is the economic development agency for the City of Memphis and Shelby County Government. EDGE provides and coordinates public resources to drive economic development in Memphis and Shelby County. EDGE leverages the benefits of economic development incentive programs to foster public/private partnerships that create jobs, grow the economy, revitalize neighborhoods, attract investments, spark innovation, and encourage entrepreneurship.

		Term ends:	Terms served:
Halperin, Mark J.	M/W	08-01-23	2 nd Term
Florence Jones	F/B	12-31-22	Partial
Holmes, Rodrick	M/B	08-01-25	Partial
Gerre Currie	F/B	08-01-25	Partial

2023 Council Liaison: Edmond Ford, Sr.

Bright, Al Jr. - Joint	M/B	08-01-25	3rd Term
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Updated: 080522



TENNESSEE

JIM STRICKLAND
MAYOR

July 3, 2023

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

Dear Chairman Easter-Thomas:

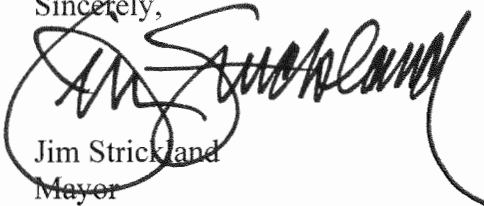
Subject to Council approval, I hereby recommend that:

Raymond P. Brown

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

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/ss

Cc: Council Members

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

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

Victoria Young	F/B	Term ends: 12-31-22
Lauran Stimac	F/W	12-31-25
Surayyah T. Hasan	F/B	12-31-25
Vacancy	F/W	12-31-22
Orgel, Benjamin	M/W	12-31-22
Current Chair		

Ashley Cash, Mayor's Liaison

2023 Council Liaison: Cheyenne Johnson

Updated 070523

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 and all the years thereafter, until further amended	Two hundred and twenty-five dollars (225.00)

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.

Dolly Fee

Should the tow require the use of dollies, an additional fee of \$45 shall be assessed.

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 ~~or private tow lot~~). Such fee shall be charged to the consumer.
- (b) The storage of a vehicle (~~excepting tractor trailer trucks~~) by a wrecker operator ~~on a private tow lot or 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 that have been damaged in an accident and cannot be safely driven shall be towed. 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 ~~on a private tow lot or any municipally operated vehicle storage or impound lot~~ 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) ~~Private property impounds shall be limited to a maximum charge of two hours, along with dolly charges, if applicable.~~
- (e) A "Gate Fee" of fifty dollars (\$50.00) shall be charged to release any car from ~~the Impound Lot a private tow lot or any municipally operated vehicle storage or 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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6, TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME

WHEREAS, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

WHEREAS, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

WHEREAS, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

WHEREAS, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of entertainment vehicles in the City of Memphis.

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

Article 1. Definitions.

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an entertainment transportation vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an entertainment transportation vehicle.

"Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a

wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriages, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary

use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Memphis Transportation Commission," also referred to as "MTC" or "the commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character. "Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

Article 2. Certificate of Public Convenience and Necessity

Section 1. Required and term.

A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTC.

C. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one entertainment transportation vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

D. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

Section 2. Findings - Issuance of certificate or additional permits.

A. If the MTC finds that further or additional entertainment transportation vehicle service within the Memphis City Limits is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

Section 3. Application - Information and fees required.

A. An application for a certificate of public convenience and necessity shall be filed with the MTC for each classification of service to be provided. Forms will be provided by the MTC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTC based the cost of processing the application.

B. The application shall require the following information:

1. Name and address of applicant;
 - a. Sole-proprietor: Name and address of the owner.
 - b. Partnership: Names and addresses of all partners.
 - c. Corporation or association: Names and addresses of all the officers, directors, and members.

2. Business name (d/b/a), business address and telephone number if different from above;

3. A background check of each person;

4. Proof of U.S. citizenship or legal residency;

5. Names and addresses of two references as to the applicant's financial responsibility;

6. Prior experience of applicant in transport of passengers;

7. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;

8. Procedures for training drivers;

9. Rules and regulations governing driver appearance and conduct;

10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;

11. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued;

12. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or the entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;

3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application.

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

Section 4. Issuance and Denial – Fees.

A. If the MTC or the MTC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTC or MTC director may issue a certificate.

B. The MTC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.

C. Any person whose application for a certificate is denied by the MTC director may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and appear in-person for consideration of the certificate application.

D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.

E. The MTC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.

Section 5. Annual renewal.

A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

Section 6. Insurance required.

A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment

transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

C. Such certificate will certify that the policy provides for a minimum of one million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.

D. The operation of any entertainment transportation vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.

E. Any changes in insurance must be reported to the commission immediately.

Section 7. Request for additional vehicle permits.

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this article must be filed with the MTC director. If approved, the established permit fee will be applied.

Section 8. Suspension and revocation.

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;
2. Violated any provision of this code or other ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;
3. Failed to pay assessments or taxes due to the City of Memphis; or
4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

Article 3. Vehicle and Driver Permits

Section 1. Permit required- Violations and term.

A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial driver's license. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTC.

B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Memphis City Limits without a driver's permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTC.

D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

Section 2. Application-Information and fees required.

A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under eighteen years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. The years of experience of the applicant in the transportation industry.
4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. A Social Security card or birth certificate.

3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.

4. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run;
- b. Driving under the influence of an alcoholic beverage or drug;
- c. Reckless or careless driving.

2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.

3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

Section 3. Fingerprint-based criminal background investigation.

A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Felony theft,

- Burglary,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two or more felony offenses within the past seven years.

4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTC for consideration.

Section 4. Application - Approval or disapproval.

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected

by the MTC staff may file an appeal within thirty days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

Section 5. Issuance - Permit contents and display.

A. Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.

B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

Section 6. Unpermitted drivers.

A. If any person is found operating any entertainment transportation vehicle within the Memphis City Limits without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B. A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the Memphis City Limits during the period of suspension.

Section 7. New application after denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

Section 8. Expiration - Issuance and replacement fee.

A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year.

B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTC plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval. A fee established by the MTC shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

Section 9. Suspension, revocation, and appeal.

A. The MTC director may suspend or revoke any applicant's certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTC director suspends or revokes a certificate, the applicant may appeal within ten days of such suspension or revocation to the MTC for a hearing to determine if such suspension or revocation is justified. The decision of the MTC shall be final, subject to any appropriate judicial review.

B. The MTC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The MTC director is also given authority to revoke any permit for failure to comply with the provisions of this article.

C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

D. The MTC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

E. The MTC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

F. Any permittee whose license has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten days. If an appeal is not made to the MTC within ten days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall

notify the MTC director and the applicant or permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

G. A driver whose permit is revoked may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

Section 10. Revocation of a valid driver's license.

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

Section 11. Conduct of drivers.

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;

4. Not permit any passenger sixteen years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
5. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.

Section 12. Return of passengers' property.

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty days, unless otherwise directed by the director.

Section 13. Compliance with provisions.

Every driver granted a permit under this article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

Article 4. Equipment and Operation

Section 1. Vehicle permit required.

Each entertainment transportation vehicle must have a permit issued by the MTC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders.

Section 2. Ownership and control of vehicles.

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

Section 3. Vehicle to display identification.

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

Section 4. Vehicle requirements; safety standards.

A. To the fullest extent permitted by Tennessee and federal law, prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall

deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC director, who shall authorize a permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTC, when ordered to do so by MTC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.

C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify to the MTC director compliance with this subsection.

F. The MTC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.

G. The MTC shall have the authority to promulgate rules and regulations related to vehicle safety that are consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

Section 5. Operating area.

Entertainment transportation vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (Core District, Edge/Medical District, and South District - see Exhibit A). Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 6. Operating hours.

Entertainment transportation vehicles shall operate between the hours of 11 AM to 11 PM. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 7. Records and reports.

A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the entertainment transportation vehicles operating each day;
2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

Section 8. Accidents

A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within seventy-two hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person, or
2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.

B. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.

Section 9. Passengers-Receiving and discharging by drivers.

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point.

Section 10. Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

Section 11. Soliciting business.

No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.

Section 12. Compliance with other laws.

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

Section 13. Enforcement.

A. The inspectors of the Memphis Transportation Commission are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under Article IV, Section 1 A.

B. In addition to the enforcement authority provided to MTC inspectors in subsection A. of this section, officers of the Memphis Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this chapter, may take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

Section 14. Limitation of service due to weather conditions.

Entertainment transportation vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in inclement weather conditions.

Article 5. Violations – Civil Penalty Schedules

Section 1. Violations-Penalties-Additional regulations.

A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in the Code of Ordinances of Memphis, Tennessee, 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter, and prior approval is obtained from the Memphis City Council.

Section 2. Severability.

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

Section 3. Effective Date.

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

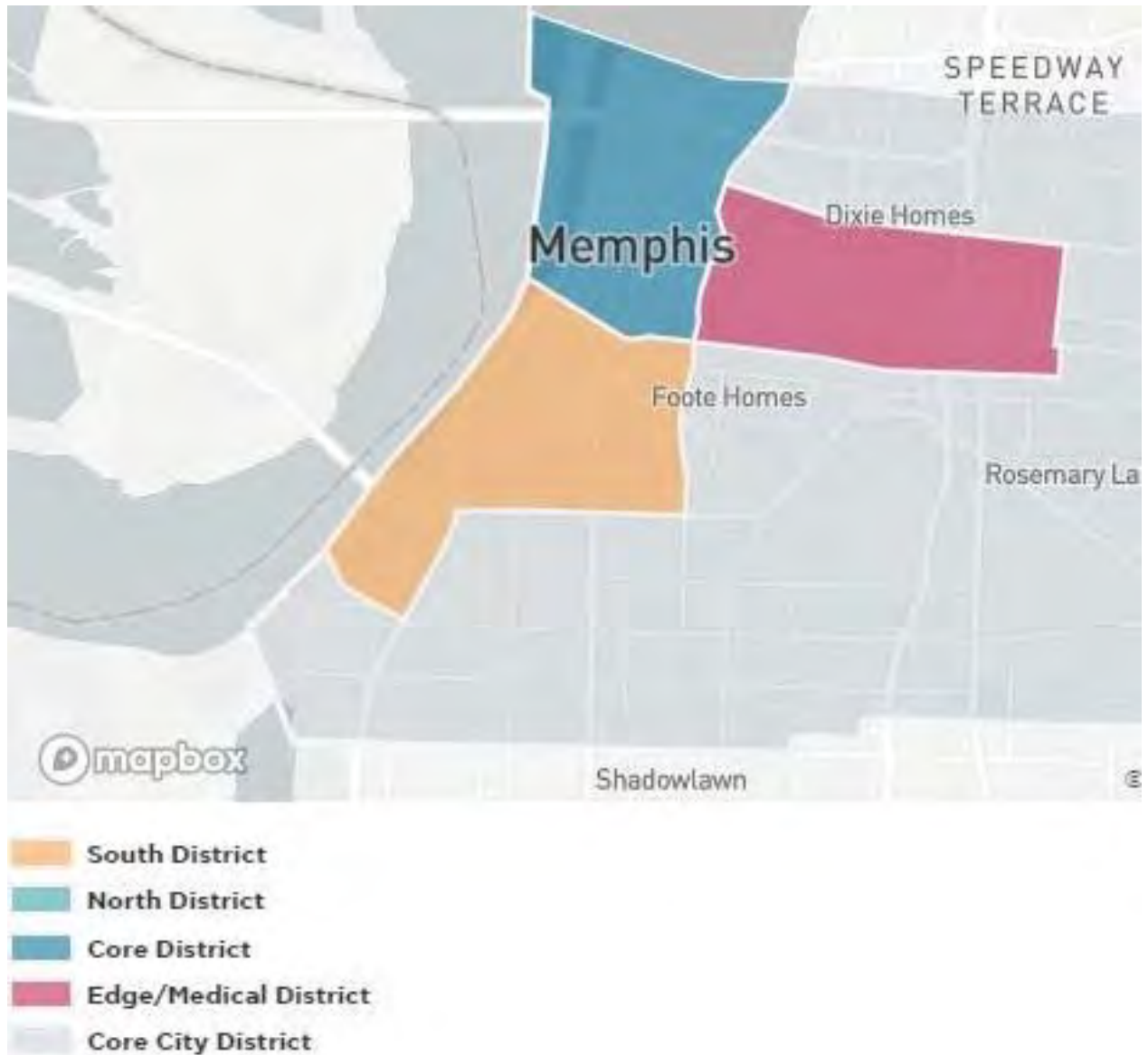
SPONSOR

Ford Canale

CHAIRMAN

Martavius Jones

Exhibit A



**RESOLUTION TO AMEND THE CITY OF MEMPHIS FY24 CAPITAL
IMPROVEMENT BUDGET**

WHEREAS, the Mayor submitted to the Council of the City of Memphis on April 25, 2023, a recommended Operating Budget and Capital Improvement Program Budget for the fiscal year ending June 30, 2024; and

WHEREAS, the Budget Committee of the Council has held meetings and thoroughly reviewed the recommended Operating and Capital Improvement Program Budgets and have proposed amendments thereto; and

WHEREAS, the Council has identified a need for funds to be allocated to other projects that serve the City of Memphis and significantly contribute to its growth and development; and

WHEREAS, the success of projects and programs designed to increase public safety, access to affordable housing and transportation, and the availability of programs for the benefit of youth and communities continues to be a priority for the Memphis City Council and the people of Memphis; and

WHEREAS, it is the intent of the Council to use its authority to ensure those priorities receive adequate resources to achieve the greatest impact.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the FY24 CIP budget by reducing the Memphis Parks FY24 Proposed CIP Budget by \$150,000.00 and allocates and appropriates to a Raleigh Community Center Coverline for additional safety and security measures.

SPONSORS
Rhonda Logan

CHAIRMAN
Martavius Jones

**SUBSTITTUE RESOLUTION TO AMEND THE CITY OF MEMPHIS FY24 CAPITAL
IMPROVEMENT BUDGET**

WHEREAS, the Council of the City of Memphis on June 27, 2023, approved the Operating Budget and Capital Improvement Program Budget for the fiscal year ending June 30, 2024; and

WHEREAS, the Council has identified a need for funds to be allocated to other projects that serve the City of Memphis and significantly contribute to its growth and development; and

WHEREAS, the success of projects and programs designed to increase public safety, access to affordable housing and transportation, and the availability of programs for the benefit of youth and communities continues to be a priority for the Memphis City Council and the people of Memphis; and

WHEREAS, it is the intent of the Council to use its authority to ensure those priorities receive adequate resources to achieve the greatest impact.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the City of Memphis FY24 Capital Improvement Budget:

- i.** Transfer \$150,000 from Project# PK23100 “Parks Coverline” to a new project to be named “Raleigh Community Center Coverline.”
- ii.** Transfer \$90,000 from Project# EN23200 “Traffic Calming Devices Coverline” to a new project to be named “Northlake Apartments Sidewalks.”

SPONSORS
Rhonda Logan

CHAIRMAN
Martavius Jones