

**Items 2-4**

**(See Committee Documents)**

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 7/11/2023**

**DATE**

**PUBLIC SESSION: 7/11/2023**

**DATE**

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 3337 Overton Crossing St., known as case PD 23-09

**CASE NUMBER:** PD 23-09

**LOCATION:** 3337 Overton Crossing St.

**COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Cash America Central, Inc.

**REPRESENTATIVE:** SR Consulting

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1)

**REQUEST:** New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

**AREA:** +/-0.543 acres

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

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**  
Hearing – July 11, 2023

**PRIOR ACTION ON ITEM:**

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>06/8/2023</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**

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

**ADMINISTRATIVE APPROVAL:**

<u>      </u>	<u>      </u>	<u>      </u>
	<b>DATE</b>	<b>POSITION</b>
<u>      </u>	<u>      </u>	PLANNER III
<u>      </u>	<u>      </u>	DEPUTY ADMINISTRATOR
<u>      </u>	<u>      </u>	ADMINISTRATOR
<u>      </u>	<u>      </u>	DIRECTOR (JOINT APPROVAL)
<u>      </u>	<u>      </u>	COMPTROLLER
<u>      </u>	<u>      </u>	FINANCE DIRECTOR
<u>      </u>	<u>      </u>	CITY ATTORNEY

              **CHIEF ADMINISTRATIVE OFFICER**

              **COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### PD 23-09

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3337 OVERTON CROSSING STREET, KNOWN AS CASE PD 23-09

- This item is a resolution with conditions to allow a new planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing Street; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, June 8, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** PD 23-09

**LOCATION:** 3337 Overton Crossing St.

**COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Cash America Central, Inc.

**REPRESENTATIVE:** SR Consulting

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1)

**REQUEST:** New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

**AREA:** +/-0.543 acres

**The following spoke in support of the application:** Cindy Reaves

**The following spoke in opposition the application:** Anthony Anderson

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

**The motion passed by a vote of 4-2 with one member abstaining on the regular agenda.**

Respectfully,



Seth Thomas  
Planner III  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File



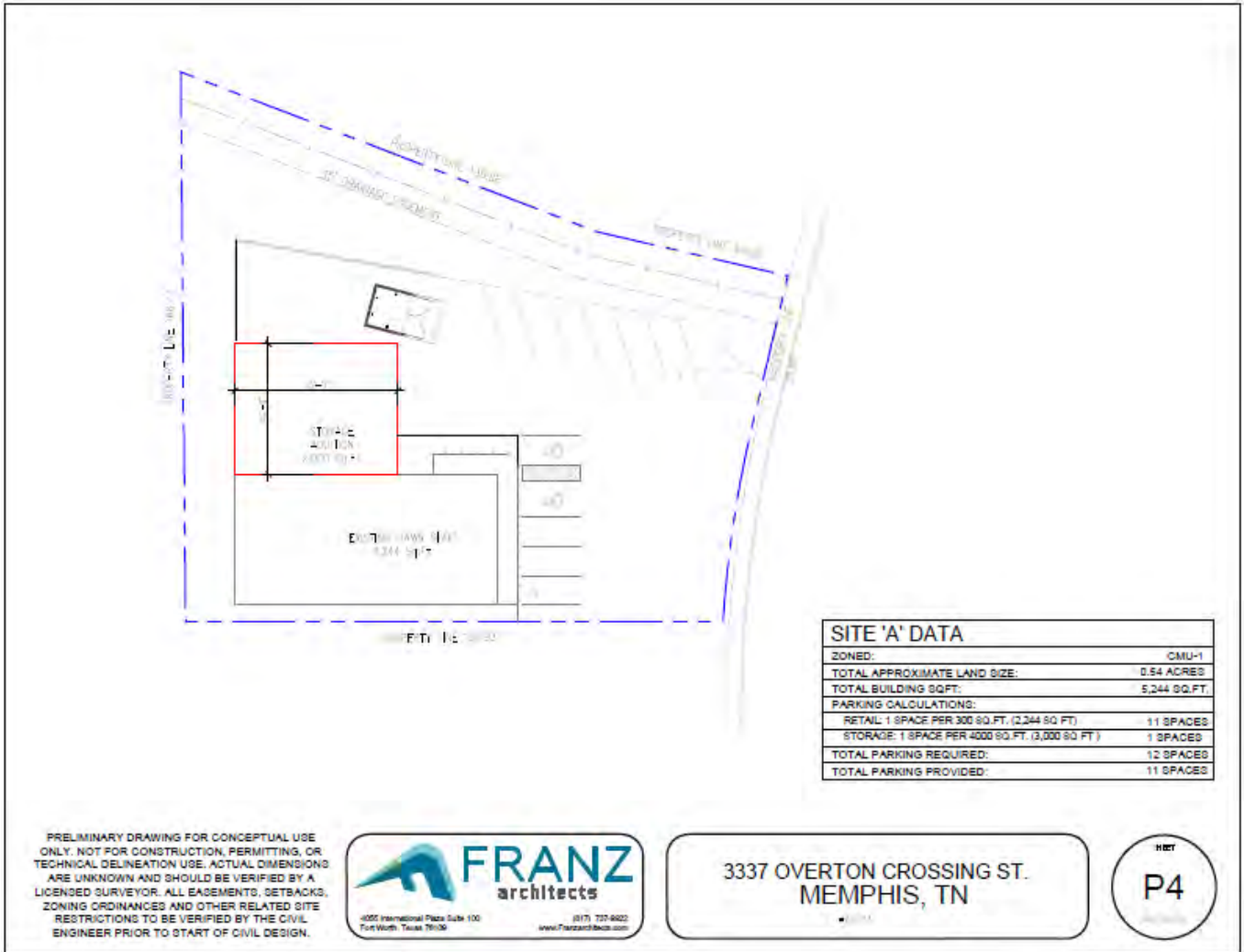
**PD 23-09  
CONDITIONS**

Outline Plan Conditions

- I. Uses Permitted:
  - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
  - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
  - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
  - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - C. 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.
- IV. Landscaping, Screening & Lighting:
  - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
  - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
  - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
  - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
  - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.

- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
  - A. The Outline Plan Conditions.
  - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
  - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
  - D. The number of employee parking, loading and docking spaces.
  - E. The location and ownership, whether public or private of any easement(s).
  - F. The one-hundred (100) year flood elevation.
  - G. 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 plan.
  - H. Landscape Plan and elevations shall be recorded with the final plat.

# CONCEPT PLAN



SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQ.FT.:	5,244 SQ.FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ. FT. (2,244 SQ. FT.)	11 SPACES
STORAGE: 1 SPACE PER 4000 SQ. FT. (2,000 SQ. FT.)	1 SPACES
TOTAL PARKING REQUIRED:	12 SPACES
TOTAL PARKING PROVIDED:	11 SPACES

PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.



3337 OVERTON CROSSING ST.  
MEMPHIS, TN



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3337 OVERTON CROSSING STREET, KNOWN AS CASE NUMBER PD 23-09**

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**WHEREAS**, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, the Cash America Central Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow a new planned development and outline plan conditions to allow the expansion of an existing pawn shop and

**WHEREAS**, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 8, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

***ATTEST:***

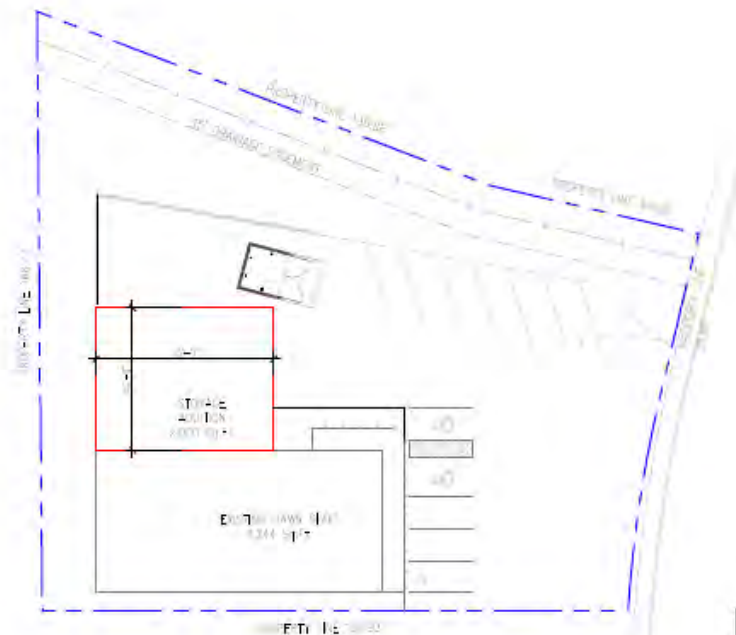
**CC: Division of Planning and Development  
– Land Use and Development Services  
– Office of Construction Enforcement**

## Outline Plan Conditions

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  - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
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- VIII. Any final plan shall include the following:
  - A. The Outline Plan Conditions.
  - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
  - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
  - D. The number of employee parking, loading and docking spaces.
  - E. The location and ownership, whether public or private of any easement(s).
  - F. The one-hundred (100) year flood elevation.
  - G. 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 plan.
  - H. Landscape Plan and elevations shall be recorded with the final plat.

# CONCEPT PLAN



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3337 OVERTON CROSSING ST.  
MEMPHIS, TN





AGENDA ITEM: 9

**CASE NUMBER:** PD 2023-09 **L.U.C.B. MEETING:** June 8, 2023

**DEVELOPMENT:** Cash America Planned Development

**LOCATION:** 3337 Overton Crossing

**COUNCIL DISTRICT:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Cash America Central, Inc.

**REPRESENTATIVE:** SR Consulting

**REQUEST:** New planned development and outline plan conditions to allow the expansion of an existing pawn shop

**AREA:** +/-0.543 acres

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1)

## CONCLUSIONS

1. The applicant is requesting a new planned development to allow for the expansion of a legal nonconforming pawn shop.
2. The applicant intends to convert the site into a new prototype building. The proposed outline plan condition will remove the buildings legal nonconforming status and bring other aspects of the site into conformity with the Unified Development Code.
3. In staff's opinion, the proposed development will unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 19-21 of this report.

## RECOMMENDATION

*Rejection*

**GENERAL INFORMATION**

**Street Frontage:** Overton Crossing Street +/-103.2 curvilinear feet  
**Zoning Atlas Page:** 1735  
**Parcel ID:** 072011 00048  
**Existing Zoning:** Commercial Mixed Use – 1 (CMU-1)

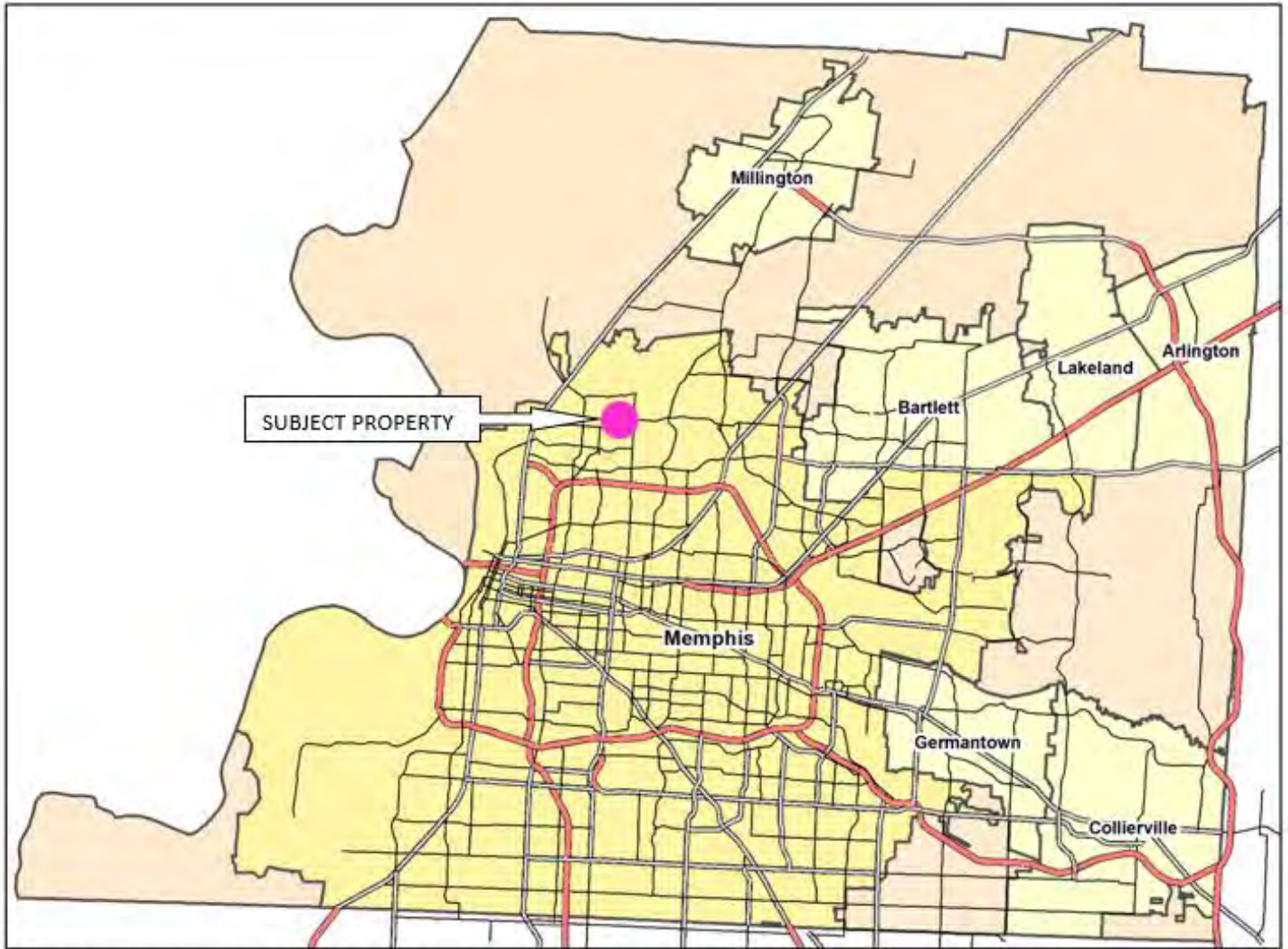
**NEIGHBORHOOD MEETING**

The meeting was held at 5:30 PM on Wednesday, June 25, 2023, at 3337 Overton Crossing.

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 50 notices were mailed on May 22, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle, Frayser neighborhood

VICINITY MAP



Subject property highlighted in yellow

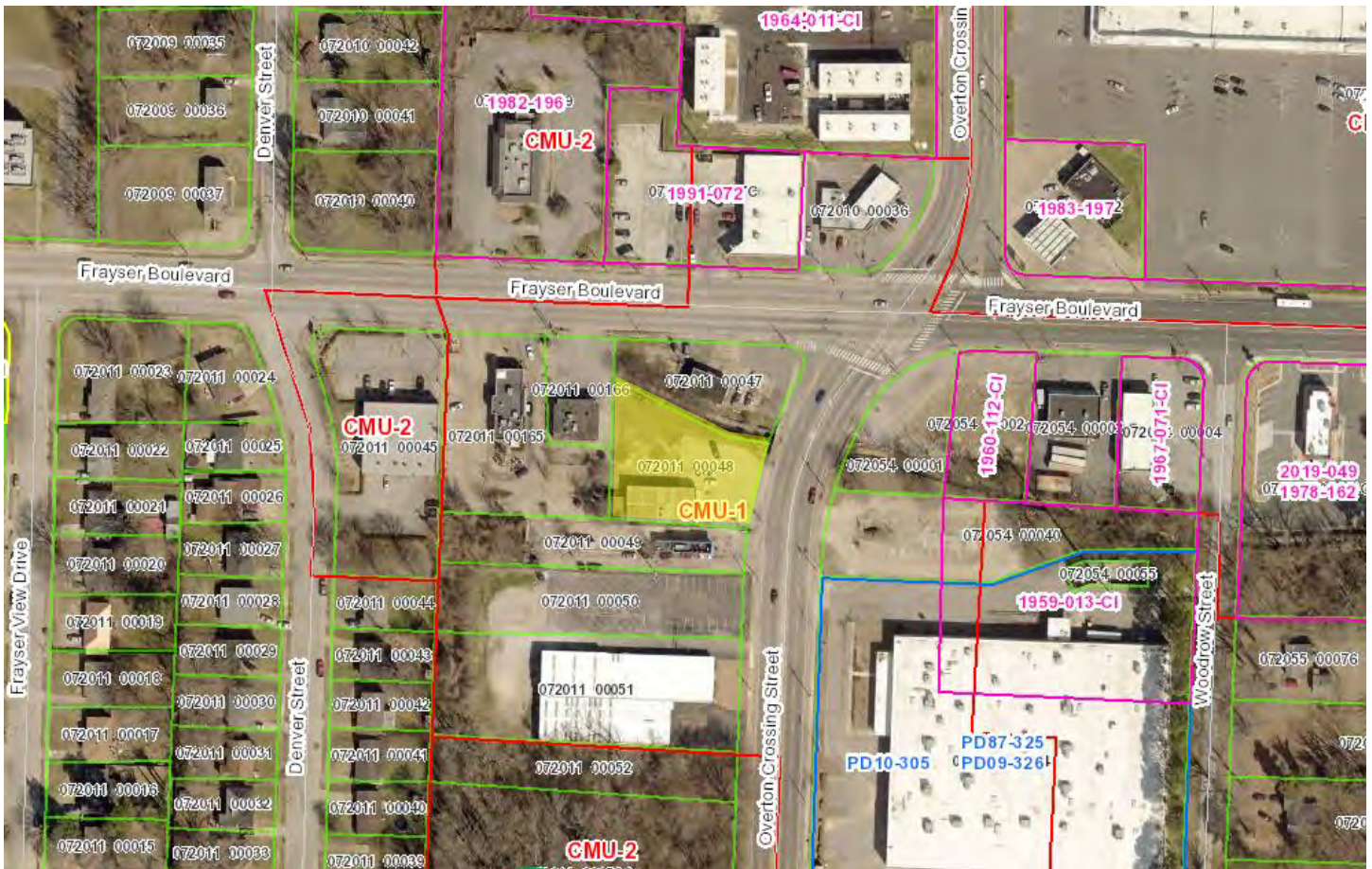


**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

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

**Surrounding Zoning**

**North:** CMU-1, CMU-2, Office General, BOA 91-072, BOA 82-196

**East:** CMU-1, PD 10-305, BOA 60-112, BOA 58-013

**South:** CMU-1 and CMU-2

**West:** CMU-2 and R-6



**LAND USE MAP**



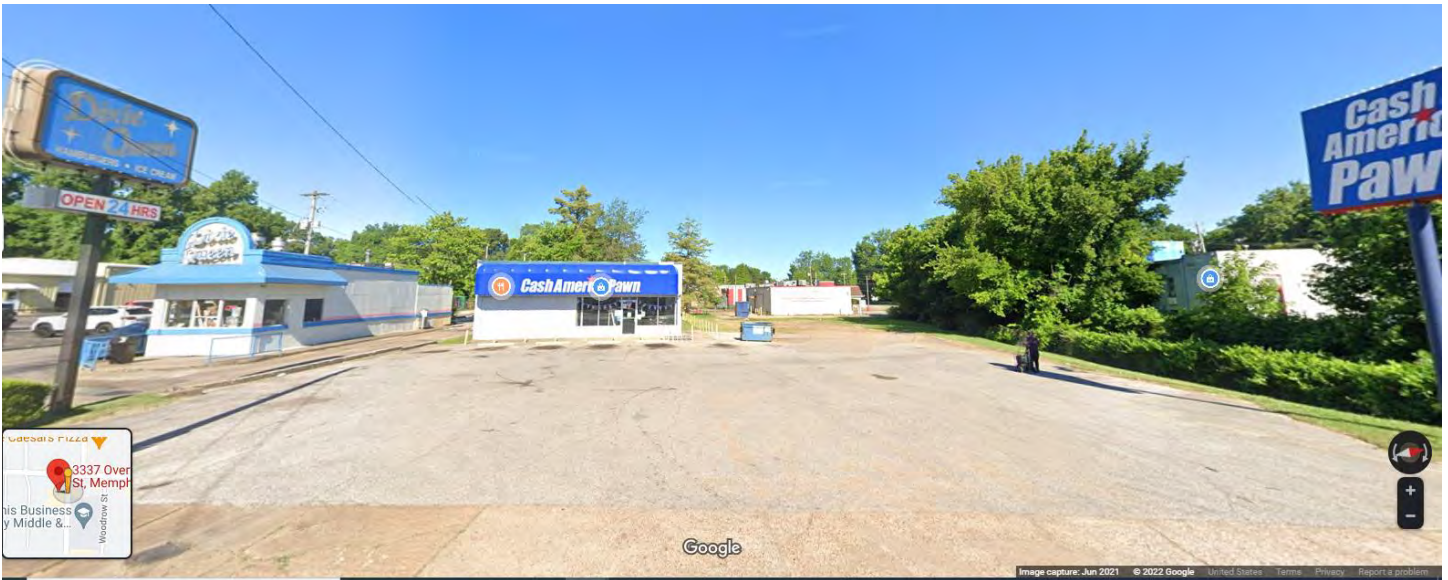
**LandUse**

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

Subject property indicated by a pink star



**SITE PHOTOS**

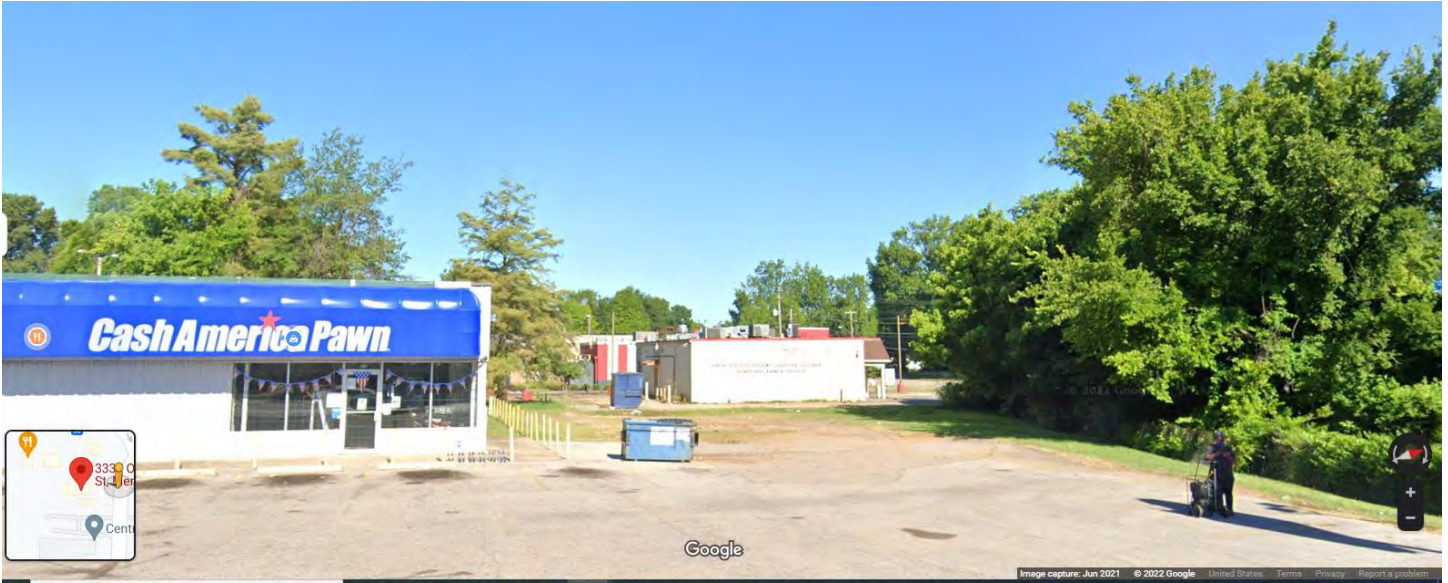


View of subject property from Overton Crossing Street looking west.



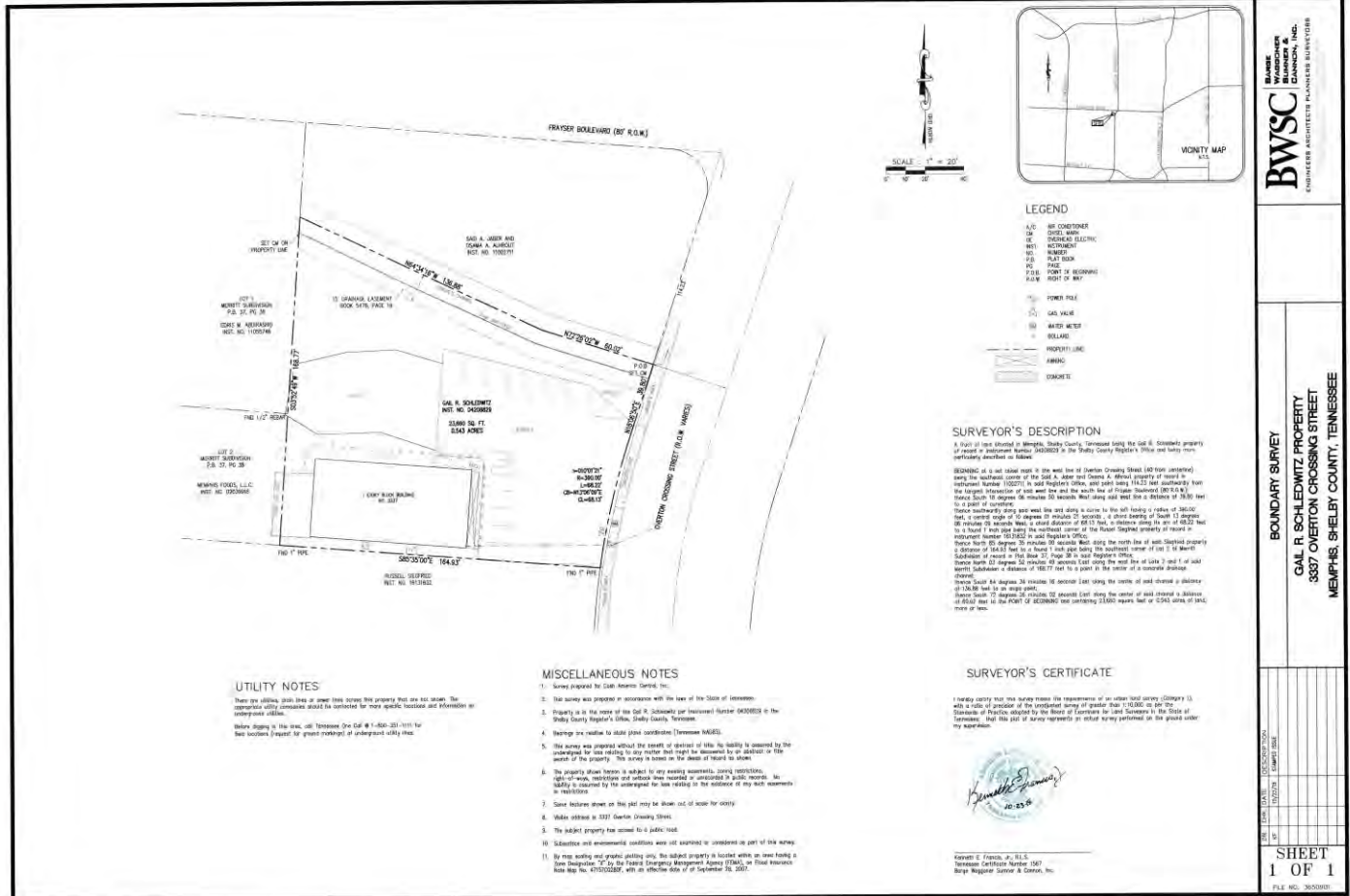
View of subject property from Overton Crossing Street looking southwest.





View of proposed expansion area from Overton Crossing Street looking west.

**SURVEY**



**CONCEPT PLAN**



① PROPOSED ELEVATION



② EXISTING ELEVATION

EXTERIOR FINISH SCHEDULE			
ITEM	LOCATION	MANUFACTURER	FINISH
SP. 01	CONCRETE CURB	Y	CONCRETE
SP. 02	CONCRETE DRIVE	Y	CONCRETE
SP. 03	CONCRETE SIDEWALK	Y	CONCRETE
SP. 04	CONCRETE DRIVE	Y	CONCRETE
SP. 05	CONCRETE DRIVE	Y	CONCRETE
SP. 06	CONCRETE DRIVE	Y	CONCRETE
SP. 07	CONCRETE DRIVE	Y	CONCRETE
SP. 08	CONCRETE DRIVE	Y	CONCRETE
SP. 09	CONCRETE DRIVE	Y	CONCRETE
SP. 10	CONCRETE DRIVE	Y	CONCRETE
SP. 11	CONCRETE DRIVE	Y	CONCRETE
SP. 12	CONCRETE DRIVE	Y	CONCRETE
SP. 13	CONCRETE DRIVE	Y	CONCRETE
SP. 14	CONCRETE DRIVE	Y	CONCRETE
SP. 15	CONCRETE DRIVE	Y	CONCRETE
SP. 16	CONCRETE DRIVE	Y	CONCRETE
SP. 17	CONCRETE DRIVE	Y	CONCRETE
SP. 18	CONCRETE DRIVE	Y	CONCRETE
SP. 19	CONCRETE DRIVE	Y	CONCRETE
SP. 20	CONCRETE DRIVE	Y	CONCRETE



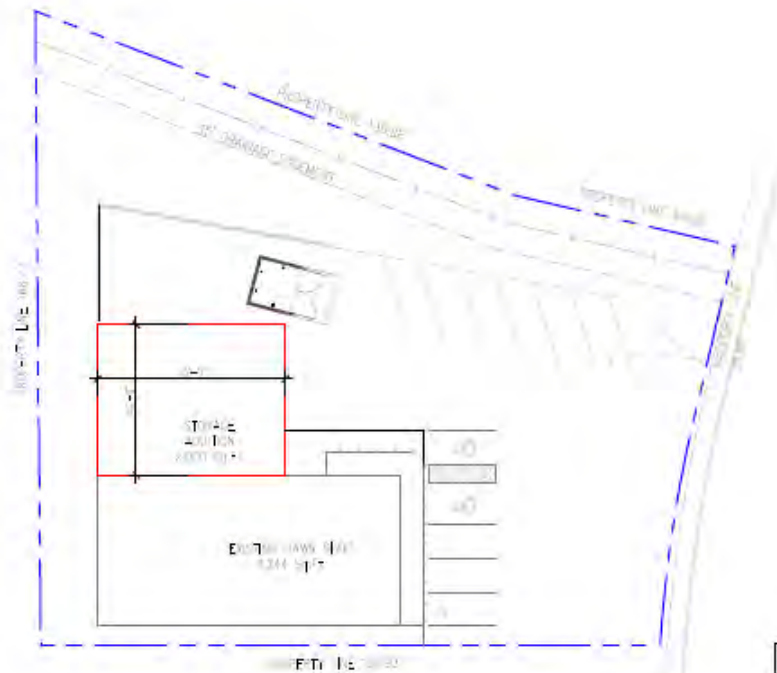


1 PROPOSED ELEVATION



2 EXISTING ELEVATION

**SITE PLAN**



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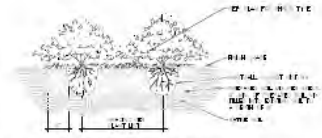
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3337 OVERTON CROSSING ST.  
 MEMPHIS, TN



LANDSCAPE PLAN



3 SHRUB/GROUND COVER DETAIL

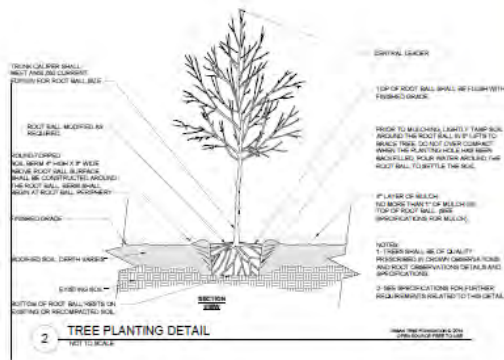
**MAINTENANCE NOTE:**  
 1. ALL PLANTINGS SHALL BE MAINTAINED FOR A PERIOD OF 12 MONTHS FROM THE DATE OF PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, FERTILIZING, AND WEED CONTROL DURING THIS PERIOD. THE CONTRACTOR SHALL SUBMIT A MAINTENANCE REPORT TO THE CITY ENGINEER AT THE END OF EACH MONTH AND AT THE END OF THE 12-MONTH PERIOD. THE REPORT SHALL INCLUDE A PHOTOGRAPH OF EACH PLANTING AND A DESCRIPTION OF THE MAINTENANCE ACTIVITIES PERFORMED.

**PLANTING SPECIFICATIONS:**

1. ALL PLANTINGS SHALL BE MAINTAINED FOR A PERIOD OF 12 MONTHS FROM THE DATE OF PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, FERTILIZING, AND WEED CONTROL DURING THIS PERIOD. THE CONTRACTOR SHALL SUBMIT A MAINTENANCE REPORT TO THE CITY ENGINEER AT THE END OF EACH MONTH AND AT THE END OF THE 12-MONTH PERIOD. THE REPORT SHALL INCLUDE A PHOTOGRAPH OF EACH PLANTING AND A DESCRIPTION OF THE MAINTENANCE ACTIVITIES PERFORMED.

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2 TREE PLANTING DETAIL

ITEM	DESCRIPTION	QUANTITY	UNIT
1	SHRUB/GROUND COVER	100	SQ. FT.
2	TREE PLANTING	10	EA.
3	TOP SOIL	1000	CY.
4	SUBSTRATE	1000	CY.
5	EXISTING GRADE	1000	SQ. FT.
6	ROOT BALL	100	EA.
7	TOP SOIL	1000	CY.
8	SUBSTRATE	1000	CY.
9	EXISTING GRADE	1000	SQ. FT.
10	ROOT BALL	100	EA.



1 LANDSCAPE PLANTING PLAN

## STAFF ANALYSIS

### Request

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

The request is a new planned development and outline plan conditions to allow the expansion of an existing pawn shop

### Applicability

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

#### *4.10.2 Applicability*

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

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

### General Provisions

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

#### *4.10.3 General Provisions*

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

contained in this Chapter.

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

### **Commercial or Industrial Criteria**

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

#### *4.10.5 Planned Commercial or Industrial Developments*

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

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



*of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.*

### **Approval Criteria**

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

#### **9.6.9 Approval Criteria**

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

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

### **Site Description**

The subject property is located at 3337 Overton Crossing, zoning Commercial Mixed Use - 1 (CMU-1), in the Frayser Neighborhood. The site is +/-0.543 acres with an existing 3,280 square foot commercial structure. The property has an existing drainage easement that runs along the north property line.

**Conclusions**

The applicant is requesting a new planned development to allow for the expansion of a legal nonconforming pawn shop.

The applicant intends to convert the site into a new prototype building. The proposed outline plan condition will removing the buildings legal nonconforming status and bring other aspects of the site into conformity with the Unified Development Code.

In staff's opinion, the proposed development will unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

**RECOMMENDATION**

Staff recommends rejection; however, if approved, staff recommends the following outline plan conditions:

**Outline Plan Conditions**

- I. Uses Permitted:
  - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
  - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
  - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
  - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - C. 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.
- IV. Landscaping, Screening & Lighting:
  - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
  - B. All outdoor lighting shall be directed downward to the extent possible and

shall not glare into public rights-of-way or onto adjacent properties.

- C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
  - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
- A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
- A. The Outline Plan Conditions.
  - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
  - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
  - D. The number of employee parking, loading and docking spaces.
  - E. The location and ownership, whether public or private of any easement(s).
  - F. The one-hundred (100) year flood elevation.
  - G. 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 plan.
  - H. Landscape Plan and elevations shall be recorded with the final plat.

## **DEPARTMENTAL COMMENTS**

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

### **City/County Engineer:**

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

### **Sewers:**

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

### **Roads:**

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

### **Traffic Control Provisions:**

7. 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.
8. 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.
9. 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:**

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

**Drainage:**

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.

**General Notes:**

15. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
16. All connections to the sewer shall be at manholes only.
17. 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.
18. Required landscaping shall not be placed on sewer or drainage easements.

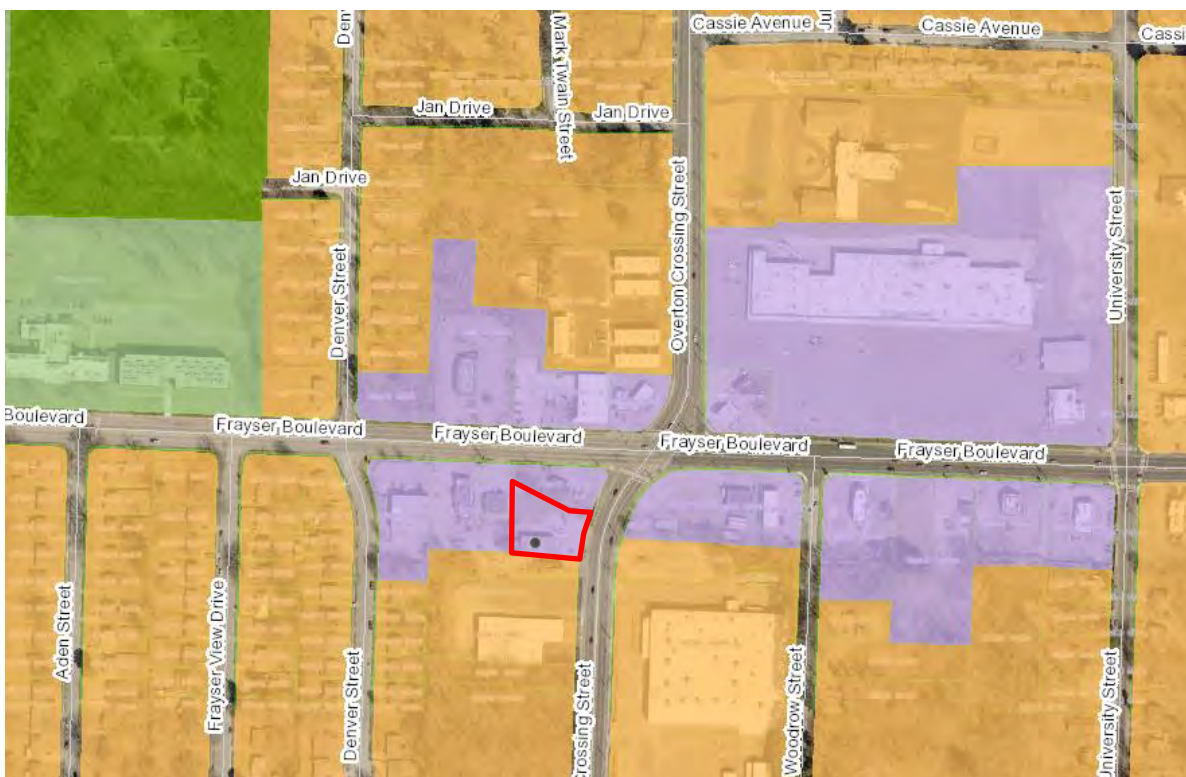
**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

- Shelby County Schools:** No comments received.
- Construction Code Enforcement:** No comments received.
- Memphis Light, Gas and Water:** No comments received.
- Office of Sustainability and Resilience:** No comments received.
- Office of Comprehensive Planning:**

### 1. Future Land Use Planning Map



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

### 2. Land Use Description/Intent

Anchor Neighborhood Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.



#### “A-NMS” Form & Location Characteristics

ACCELERATE - Detached and attached single family, duplexes, triplexes, quadplexes, large homes and apartments, including those with active ground floor commercial uses (including live/work) along sidewalk, as

well as commercial and institutional uses. Height: 1-5 stories. Scales: house-scale and block-scale.

### “A-NMS” Zoning Notes

Generally compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

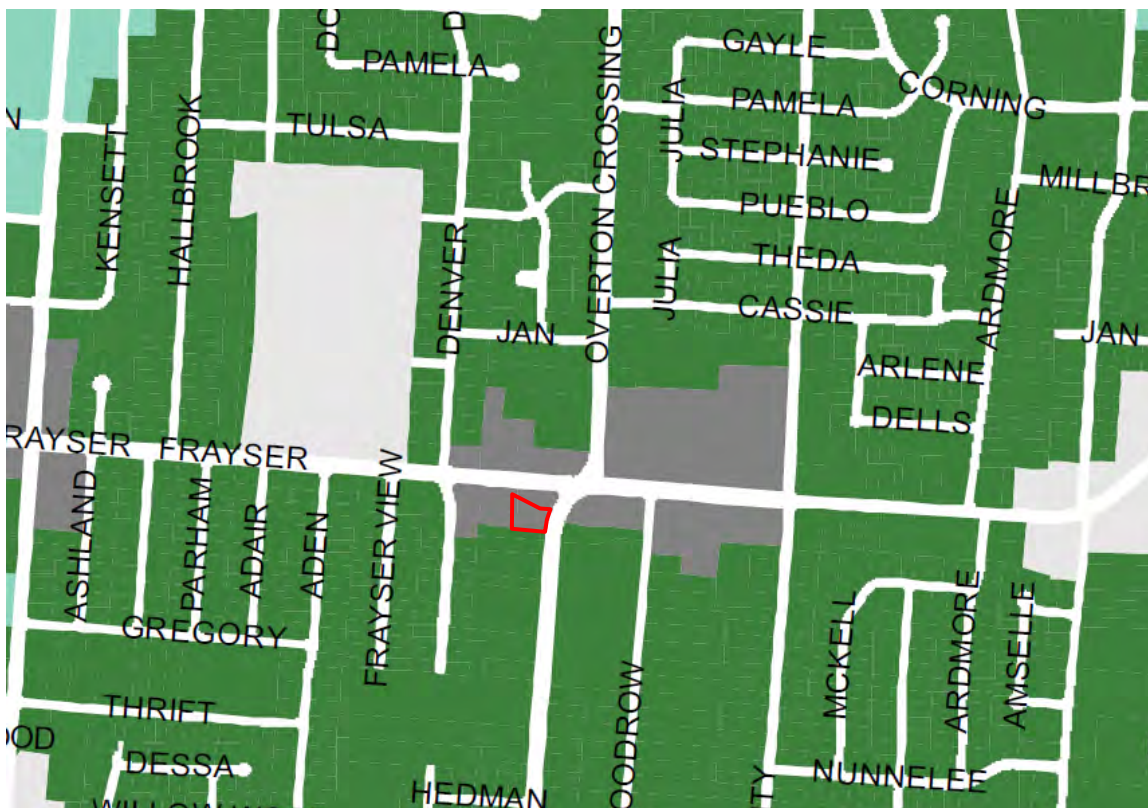
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional and Single-Family, CMU-1, CMU-2 and R-6

**Overall Compatibility:** *This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning. However, it is not compatible with the zoning notes as a pawn shop is not allowed in the CMU-1.*

### 3. Degree of Change Map



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

### 4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

*The proposed application is a private investment. However the proposed development does not promote pedestrian-oriented infill development or attract retail and service uses that cater to large-scale markets.*

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

N/A

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

The parcel is located in the Frayser Planning District and the requested use is not consistent with Frayser Planning District Priority – *Improve the quality of commercial, retail, and restaurant options. Additionally, the proposed use does not align with the vision and desired actions for the Frayser Plaza anchor, which focuses on pedestrian friendly commercial development.*

### Consistency Analysis Summary

*The applicant is seeking a variance to allow expansion and renovation to the existing pawnshop building and site within the CMU-1 zoning district. This analysis will address the consistency of the expansion of the existing building.*

*This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.*

*The proposed application is a private investment. However the proposed development does not promote pedestrian-oriented infill development or attract retail and service uses that cater to large-scale markets.*

*The parcel is located in the Frayser Planning District and the requested use is not consistent with Frayser Planning District Priority – *Improve the quality of commercial, retail, and restaurant options.**

*Additionally, the proposed use does not align with the vision and desired actions for the Frayser Plaza anchor, which focuses on pedestrian friendly commercial development.*

*Overall the proposed development is not consistent with the future land use in many aspects.*

**Based on the information provided, the proposal is NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.



**APPLICATION**



**Record Summary for Planned Development**

**Record Detail Information**

**Record Type:** Planned Development

**Record Status:** Assignment

**Opened Date:** April 26, 2023

**Record Number:** PD 2023-009

**Expiration Date:**

**Record Name:** First Cash 3337 Overton Crossing

**Description of Work:** Use variance to allow expansion of the existing pawn shop.

**Parent Record Number:** BOA 2023-0011

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**Address:**

3337 OVERTON CROSSING ST, MEMPHIS 38127

**Owner Information**

**Primary Owner Name**

Y CASH AMERICA CENTRAL INC

**Owner Address:**

1800 W 7TH ST, FORT WORTH, TX 76102

**Owner Phone**

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**Parcel Information**

072011 00048

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**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Seth Thomas

Date of Meeting

-

Pre-application Meeting Type

-

**GENERAL PROJECT INFORMATION**

Planned Development Type

New Planned Development (PD)

**GENERAL PROJECT INFORMATION**

Previous Docket / Case Number	-
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	0.543 ACRES
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A	SEE APPLICATION
UDC Sub-Section 9.6.9B	SEE APPLICATION
UDC Sub-Section 9.6.9C	SEE APPLICATION
UDC Sub-Section 9.6.9D	SEE APPLICATION
UDC Sub-Section 9.6.9E	SEE APPLICATION
UDC Sub-Section 9.6.9F	SEE APPLICATION

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A	SEE APPLICATION
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development	SEE APPLICATION
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	SEE APPLICATION
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest	SEE APPLICATION
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements	SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan	SEE APPLICATION

**CIS INFORMATION**

Central Business Improvement District	No
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**GIS INFORMATION**

Case Layer -  
 Class C  
 Downtown Fire District No  
 Historic District -  
 Land Use COMMERCIAL  
 Municipality MEMPHIS  
 Overlay/Special Purpose District -  
 Zoning CMU-1  
 State Route -  
 Lot 0 20  
 Subdivision KNIGHT & GUY  
 Planned Development District -  
 Wellhead Protection Overlay District -

**Contact Information**

**Name** FIRST CASH **Contact Type** APPLICANT  
**Address**  
**Phone**

**Fee Information**

Invoice #	Fee Item	Quantity	Fee	Status	Balance	Date Assessed
1484787	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	04/28/2023
1484787	Adjustment Fee	500	500.00	INVOICED	0.00	04/28/2023
Total Fee Invoiced:			\$513.00	Total Balance:		\$0.00

**Payment Information**

**Payment Amount** \$513.00 **Method of Payment** Credit Card

**LETTER OF INTENT**





Date: June 1, 2023  
To: Division of Planning & Development  
From: Cindy Reaves  
Re: 3337 Overton Crossing Street

### **LETTER OF INTENT**

We are submitting a Planned Development application for property at 3337 Overton Crossing Street. The property is within the CMU-1 zoning district and the existing pawn shop was previously an approved use in the zoning district. We originally filed a Board of Adjustment case to expand a nonconforming use because they were closing a shop across the street at 2198 Frayser Blvd. but it was converted to a use variance instead of an expansion. A Planned Development will be a better fit for a use variance since it is more restrictive and our proposed enlargement of the building will be a more aesthetically pleasing site for the area than the current site. Section 10.3.2. Enlargement, Repair, Alterations of the UDC seems to allow "Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure." The enlargement of the building to add storage will not increase the degree of the existing nonconformity.

The proposed improvements to the existing building are only cosmetic improvements. They propose to raise the existing parapets to help hide the roof, paint the building and add a thin stone wainscot. These improvements and the expansion will not extend the eventual elimination of the building. The existing building is a very solid structure that was built in 1971. The addition will not extend the life of this building and no structural repairs will be done to the existing building. This will allow us to convert the site to their new prototype building and allow expansion for storage instead of continuing to operate in the current building that needs more storage area. This will not increase the business by adding storage. It will allow for a more orderly way to display their merchandise with storage in the rear expansion area and allow customers a more comfortable environment.

First Cash/Cash America Pawn has been in business since 1988 and has been in the Memphis area for over 25 years with 49 stores in Tennessee with 16 stores in Memphis. First Cash is a leading international operator of pawn stores with over 2,800 locations and 16,000 employees.

The Company's primary business line continues to be the operation of retail pawn stores, also known as "pawnshops," which focus on serving cash and credit-constrained consumers. Pawn stores are neighborhood based retail stores that help customers meet small short-term cash needs by providing

non-recourse pawn loans and buying merchandise directly from customers. Personal property, such as jewelry, electronics, tools, appliances, sporting goods and musical instruments, is pledged and held as collateral for the pawn loans over the typical 30-day term of the loan. Pawn stores also generate retail sales primarily from the merchandise acquired through collateral forfeitures and over-the-counter purchases from customers.

Pawn stores also provide a quick and convenient source of small, secured consumer loans, also known as pawn loans, to unbanked, under-banked and credit-constrained customers. Pawn loans are safe and affordable non-recourse loans for which the customer has no legal obligation to repay. The Company does not engage in post-default collection efforts, does not take legal actions against its customers for defaulted loans, does not ban its customers for nonpayment, nor does it report any negative credit information to credit reporting agencies, but rather, relies only on the resale of the pawn collateral for recovery. Cash America Pawn/First Cash is not a high interest payday loan shop and they do not sell guns or ammunition at this location. Their hours of operation are 9:00 to 6:00 and closed on Sundays.

I have included a document that gives you the background of their corporation along with before and after photos of a few of their renovated locations including the interior look they are looking for the Cash America Site.

The nearby location at 2198 Frayser Blvd., within 1300 feet of the subject tract, will be closed at the same time and the inventory will go to this store that First Cash owns. The nearest pawnshop from the Overton Park site is 5.2 miles at 3305 Austin Peay or 3202 Jackson Ave. is 6.8 miles. This area is not saturated with Pawn shops and the expansion will allow for storage space; it is not to add more retail space. The requested improvements are needed to improve safety, security and accessibility of the site. Improvements to the building, parking, landscaping and irrigation will be made and a masonry dumpster enclosure will be added. This will create a much more appealing site than the existing store and making the improvements of the new prototype building is much more desirable for the area.

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

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:32 pm on the 24th day of May, 2023 I posted one Public Notice Sign pertaining to Case No. PD 23-009 on the property located at 3337 Overton Crossing providing notice of a Public Hearing before the June 8, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development), 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

05/25/2023

Date

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

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









**LETTERS RECEIVED**

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



## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: April 26, 2023

Record Number: PD 2023-009

Expiration Date:

Record Name: First Cash 3337 Overton Crossing

Description of Work: Use variance to allow expansion of the existing pawn shop.

Parent Record Number: BOA 2023-0011

---

### Address:

3337 OVERTON CROSSING ST, MEMPHIS 38127

### Owner Information

Primary Owner Name

Y CASH AMERICA CENTRAL INC

Owner Address

1600 W 7TH ST, FORT WORTH, TX 76102

Owner Phone

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### Parcel Information

072011 00048

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### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Seth Thomas

Date of Meeting

-

Pre-application Meeting Type

-

#### GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

**GENERAL PROJECT INFORMATION**

Previous Docket / Case Number -  
Medical Overlay / Uptown No  
If this development is located in unincorporated Shelby County, is the tract at least three acres? 0.543 ACRES  
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)  
Is this application in response to a citation, stop work order, or zoning letter No  
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A SEE APPLICATION  
UDC Sub-Section 9.6.9B SEE APPLICATION  
UDC Sub-Section 9.6.9C SEE APPLICATION  
UDC Sub-Section 9.6.9D SEE APPLICATION  
UDC Sub-Section 9.6.9E SEE APPLICATION  
UDC Sub-Section 9.6.9F SEE APPLICATION

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A SEE APPLICATION  
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development SEE APPLICATION  
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation SEE APPLICATION  
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest SEE APPLICATION  
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION  
F) Lots of record are created with the recording of a planned development final plan SEE APPLICATION

**GIS INFORMATION**

Central Business Improvement District No

**GIS INFORMATION**

Case Layer -  
Class C  
Downtown Fire District No  
Historic District -  
Land Use COMMERCIAL  
Municipality MEMPHIS  
Overlay/Special Purpose District -  
Zoning CMU-1  
State Route -  
Lot 0 20  
Subdivision KNIGHT & GUY  
Planned Development District -  
Wellhead Protection Overlay District -

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**Contact Information**

Name FIRST CASH Contact Type APPLICANT

Address

Phone

-

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1464787	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	04/26/2023
1464787	Adjustment Fee	500	500.00	INVOICED	0.00	04/26/2023
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

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**Payment Information**

Payment Amount \$513.00 Method of Payment Credit Card

#2720

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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, R. Douglas Orr (Print Name)  (Sign Name), state that I have read the definition of

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

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

of the property located at 3337 Overton Crossing St.  
 and further identified by Assessor's Parcel Number 072-011-00048  
 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23rd day of September in the year of 2022

  
 Signature of Notary Public

9/24/2022  
 My Commission Expires



Date: April 28, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 3337 Overton Crossing Street

## **LETTER OF INTENT**

We are submitting a Planned Development application for property at 3337 Overton Crossing Street. The property is within the CMU-1 zoning district and the existing use was previously an approved use in the zoning district. We originally filed a Board of Adjustment case to expand a nonconforming use but it was converted to a use variance. We feel a Planned Development would be a better fit for a use variance since it is more restrictive and our proposed improvements with the addition will be a major improvement. This will allow us to convert this site to their new prototype building and allow expansion and renovation instead of continuing to operate in the current building.

The existing building is constructed of split block and is a very solid structure that was built in 1971. The addition will not extend the life of this building and no structural repairs will be done to the existing building. First Cash has been in business since 1988 and has been in the Memphis area for over 25 years with 49 stores in Tennessee with 16 stores in Memphis. First Cash is a leading international operator of pawn stores with over 2,800 locations and 16,000 employees. The Company's primary business line continues to be the operation of retail pawn stores, also known as "pawnshops," which focus on serving cash and credit-constrained consumers. Pawn stores are neighborhood based retail stores that help customers meet small short-term cash needs by providing non-recourse pawn loans and buying merchandise directly from customers. Personal property, such as jewelry, electronics, tools, appliances, sporting goods and musical instruments, is pledged and held as collateral for the pawn loans over the typical 30-day term of the loan. Pawn stores also generate retail sales primarily from the merchandise acquired through collateral forfeitures and over-the-counter purchases from customers.

Pawn stores also provide a quick and convenient source of small, secured consumer loans, also known as pawn loans, to unbanked, under-banked and credit-constrained customers. Pawn loans are safe and affordable non-recourse loans for which the customer has no legal obligation to repay. The Company does not engage in post-default collection efforts, does not take legal actions against its customers for defaulted loans, does not ban its customers for nonpayment, nor does it report any negative credit information to credit reporting agencies, but rather, relies only on the resale of the

pawn collateral for recovery. Cash America Pawn/First Cash is not a high interest payday loan shop and they do not sell guns or ammunition at this location.

I have included a document that gives you the background of their corporation along with before and after photos of a few of their renovated locations including the interior look they are looking for the Cash America Site.

A nearby location at 2198 Frayser Blvd., within 1300 feet of the subject tract, will be closed at the same time and the inventory will go to this store that First Cash owns. The expansion is needed to improve safety, security and accessibility of the site. Improvements to the building, parking, landscaping and irrigation will be made and a masonry dumpster enclosure will be added. This will create a much more appealing site than the existing store and making the improvements of the new prototype building is much more desirable for the area.

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





WHO WE ARE AND THE NEIGHBORHOOD SERVICES WE PROVIDE



---

## FIRSTCASH AT A GLANCE

FIRSTCASH IS A LEADING INTERNATIONAL OPERATOR OF PAWN STORES WITH OVER 2,800 RETAIL PAWN LOCATIONS AND 16,000 EMPLOYEES IN 25 U.S. STATES, THE DISTRICT OF COLUMBIA AND FOUR COUNTRIES IN LATIN AMERICA INCLUDING MEXICO, GUATEMALA, COLOMBIA AND EL SALVADOR

### PAWN INDUSTRY



PAWN STORES ARE NEIGHBORHOOD-BASED RETAIL LOCATIONS THAT BUY AND SELL PRE-OWNED CONSUMER PRODUCTS SUCH AS JEWELRY, ELECTRONICS, TOOLS, APPLIANCES, SPORTING GOODS AND MUSICAL INSTRUMENTS, AND MAKE SMALL CONSUMER PAWN LOANS

### MISSION



PROVIDE A QUICK AND CONVENIENT LOCATION TO BUY AND SELL VALUE-PRICED MERCHANDISE AND OBTAIN SMALL SECURED CONSUMER LOANS, ALSO KNOWN AS PAWN LOANS, TO UNBANKED, UNDER-BANKED AND CREDIT-CHALLENGED CUSTOMERS

### BUSINESS STRATEGY



GROW REVENUES AND INCOME BY OPENING NEW RETAIL PAWN LOCATIONS, ACQUIRING EXISTING PAWN STORES IN STRATEGIC MARKETS AND INCREASING REVENUE AND OPERATING PROFITS IN EXISTING STORES

*"ABOUT 53 MILLION U.S. ADULTS DON'T HAVE CREDIT SCORES. ANOTHER ROUGHLY 56 MILLION HAVE SUBPRIME SCORES. SOME HAVE A CHECKERED BORROWING HISTORY OR HIGH DEBT LOADS. BUT OTHERS, BANKS POINT OUT, JUST DON'T HAVE TRADITIONAL BORROWING BACKGROUNDS, OFTEN BECAUSE THEY ARE NEW TO THE U.S. OR PAY FOR MOST EXPENSES WITH CASH"*

*— THE WALL STREET JOURNAL*



# FIRSTCASH HISTORY

LONG-TERM BUSINESS PLAN IS TO GROW REVENUES AND INCOME BY OPENING NEW (“DE NOVO”) RETAIL PAWN LOCATIONS, ACQUIRING EXISTING PAWN STORES IN STRATEGIC MARKETS, DRIVING SAME-STORE SALES, AND STRATEGIC ACQUISITIONS

**American First Finance**  
 AMERICAN FIRST FINANCE ACQUISITION:  
 (ENTRANCE INTO POS PAYMENTS MARKET)

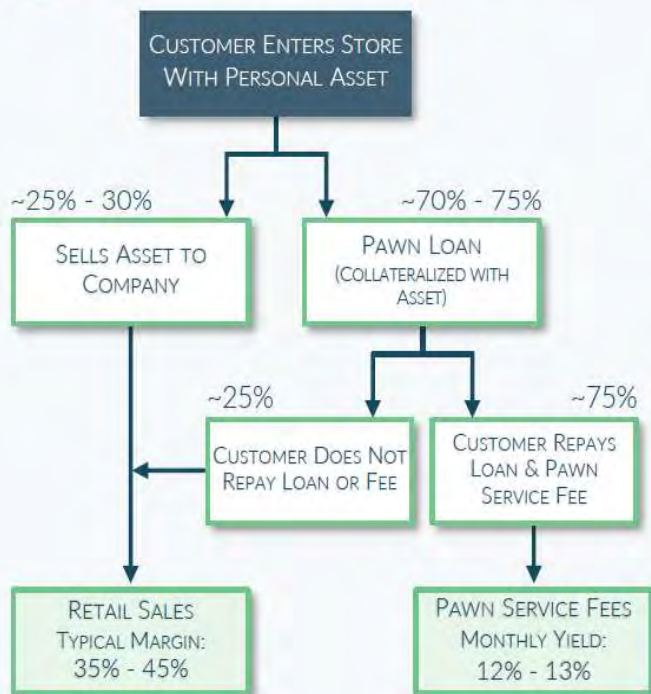


# PAWN LOAN OVERVIEW

NON-RECOURSE LOANS FULLY COLLATERALIZED WITH PERSONAL PROPERTY

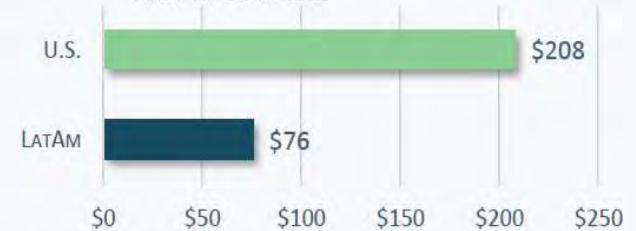
## TYPICAL PAWN TRANSACTION CYCLE

TOTAL TRANSACTION TIME LESS THAN 15 MINUTES



## PAWN LOANS ARE SMALL AND AFFORDABLE WITH A SHORT DURATION

- TYPICALLY 30-TO-60-DAY TERM
- AVERAGE LOAN SIZE:



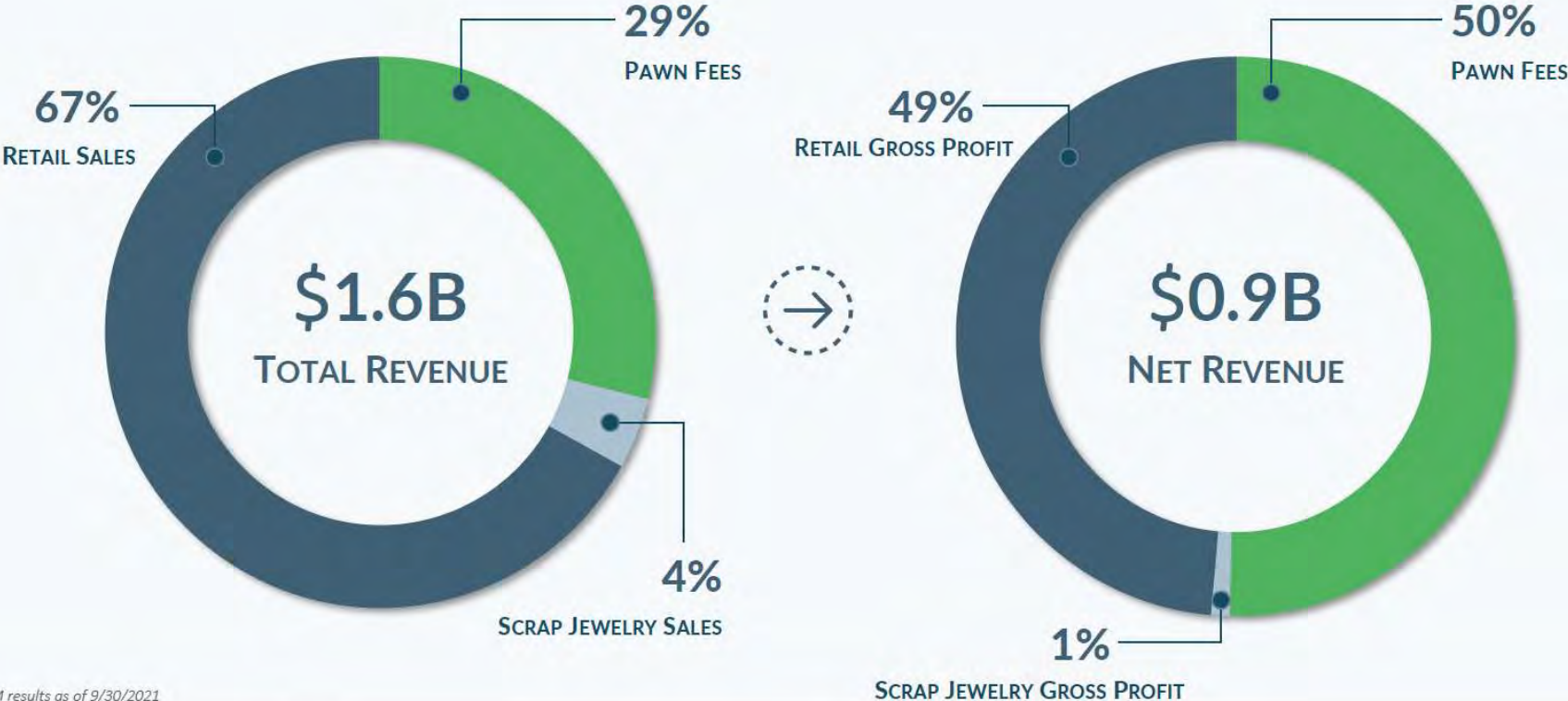
As of 9/30/2021

## FIRSTCASH SERVES UNDERBANKED AND CASH CONSTRAINED CONSUMERS

- DESIGNATED ESSENTIAL BUSINESS IN MOST JURISDICTIONS
- COLLATERAL HELD IN SECURE BACKROOM OF STORE
- RAPID LIQUIDATION OF FORFEITED COLLATERAL THROUGH PAWNSHOP RETAIL OPERATIONS

# DIVERSIFIED REVENUE STREAM

RETAIL SALES AND PAWN LENDING



TTM results as of 9/30/2021



# ESG: COMMITMENT TO SOCIAL RESPONSIBILITY



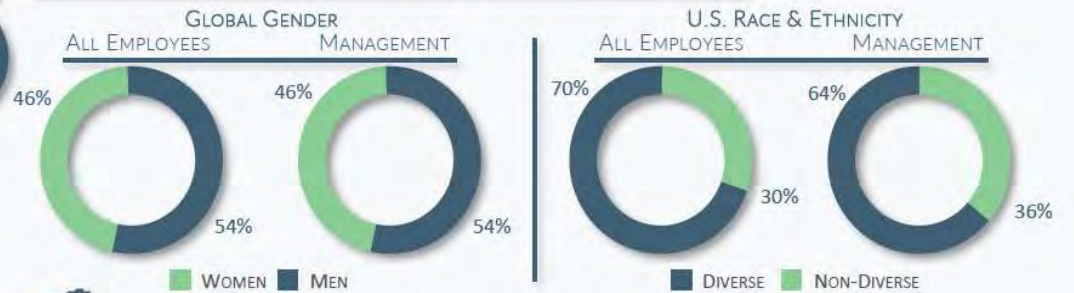
## EMPLOYEE EMPOWERMENT

- EMPLOYEE-TRAINING PROGRAMS THAT PROMOTE CUSTOMER SERVICE AND PROFESSIONALISM
- SPECIALIZED SKILL TRAINING PROGRAMS IN LENDING PRACTICES, MERCHANDISE VALUATION AND REGULATORY COMPLIANCE
- PROFIT SHARING, INCENTIVE AND BONUS PROGRAMS WHICH PAY ON AVERAGE 4-5% OF GROSS PROFIT DIRECTLY TO EMPLOYEES

## CUSTOMER AND EMPLOYEE PROTECTIONS

- STRICT COVID-19 SAFETY PROTOCOLS
- ROBUST CONSUMER AND CORPORATE COMPLIANCE PROGRAMS
- PRIVACY AND DATA PROTECTION POLICIES

## DIVERSE WORKPLACE



All Demographics as of 12/31/2020

# ESG: SUSTAINABILITY IS CORE TO FIRSTCASH

REPLACING TAKE → MAKE → DISPOSE WITH BUY → USE → RETURN

## PAWNSHOPS PIONEERED CIRCULAR ECONOMY

NEIGHBORHOOD-BASED STORES CONTRIBUTE TO THE MODERN "CIRCULAR ECONOMY"

## EXTENDING LIFE CYCLE OF CONSUMER PRODUCTS

INVENTORY IS PRE-OWNED MERCHANDISE WHICH IS SOURCED AND THEN RECYCLED WITHIN EACH STORE'S GEOGRAPHIC NEIGHBORHOOD

## SAVING WATER AND CARBON EMISSIONS WITH NO PACKAGING OR HAZARDOUS WASTE

LOCAL SOURCING OF PRE-OWNED GOODS ELIMINATES CARBON FOOTPRINT OF MANUFACTURING FACILITIES, DISTRIBUTION CENTERS AND TRANSPORTATION SERVICES

## SAFE ENVIRONMENT

BUY AND RESELL POPULAR CONSUMER PRODUCTS IN A SAFE AND SECURE ENVIRONMENT FOR EMPLOYEES AND CUSTOMERS





## Proposed Conversion Enhancements For 3337 Overton Crossing



### Site

- Address any overgrown or neglected plants and deliver a green scape consistent with the city of Memphis requirements. Assure that proper irrigation is in good working order and meets the needs of any new and existing landscaping,
- Assure that drainage meets or exceeds any retention associated with the impervious conditions that currently exist. Make any repairs to the parking lot to assure the personal and automobile safety.
- Dedicate handicapped parking that allows the simplest and safest access to the building.
- Retrofit the existing site lighting to LED for nighttime safety.
- Build masonry dumpster enclosure that meets city requirements.

## **Building**

- Redesign the exterior to add a retail presence.
- Remove any fixed security bars added on the windows and doors. Interior roll down grills added for afterhours protection.
- Environmentally friendly interior design using polished concrete floors and LED lighting with sensor and motion controls.

## **Signage**

- Remove the existing fabric awning. Install turnbuckle awning and new LED Channel letters to the entrance side of the fascia. Copy would be Cash America Pawn.



## Before and After



### Aransas Pass, TX

SWC of Hwy 361 and Harrison Blvd

Former 4,000 SF Vacant Boat Restoration Industrial Building converted to new 6,500 SF Cash America retail center. New Parking Lot, Façade of Stone and Stucco, new landscape and trees added.

Completed 2013



**Cash America**  
Cash America International, Inc.



## Charlotte, NC

NEC of Albemarle and N Sharon Amity Rd

Former 6,000 SF Vacant Restaurant/Retail Building converted to new 8,000 SF Cash America retail center. New Parking Lot, Façade of Stone and Stucco, new landscape and trees added.

Completed 2012/2013



**Cash America**<sup>®</sup>  
Cash America International, Inc.





## Midland, TX

2613 W. Wall St.

*Former used car lot Converted  
Into Cash America Pawn*





## Jacksonville, FL

4460 Blanding Blvd

Former Liquor Store Converted  
Into Cash America Pawn

**Cash America**  
Cash America International, Inc.





Retail Sales













# Untitled Map

Write a description for your map.

## Legend

-  3337 Overton Crossing St
-  O'Reilly Auto Parts



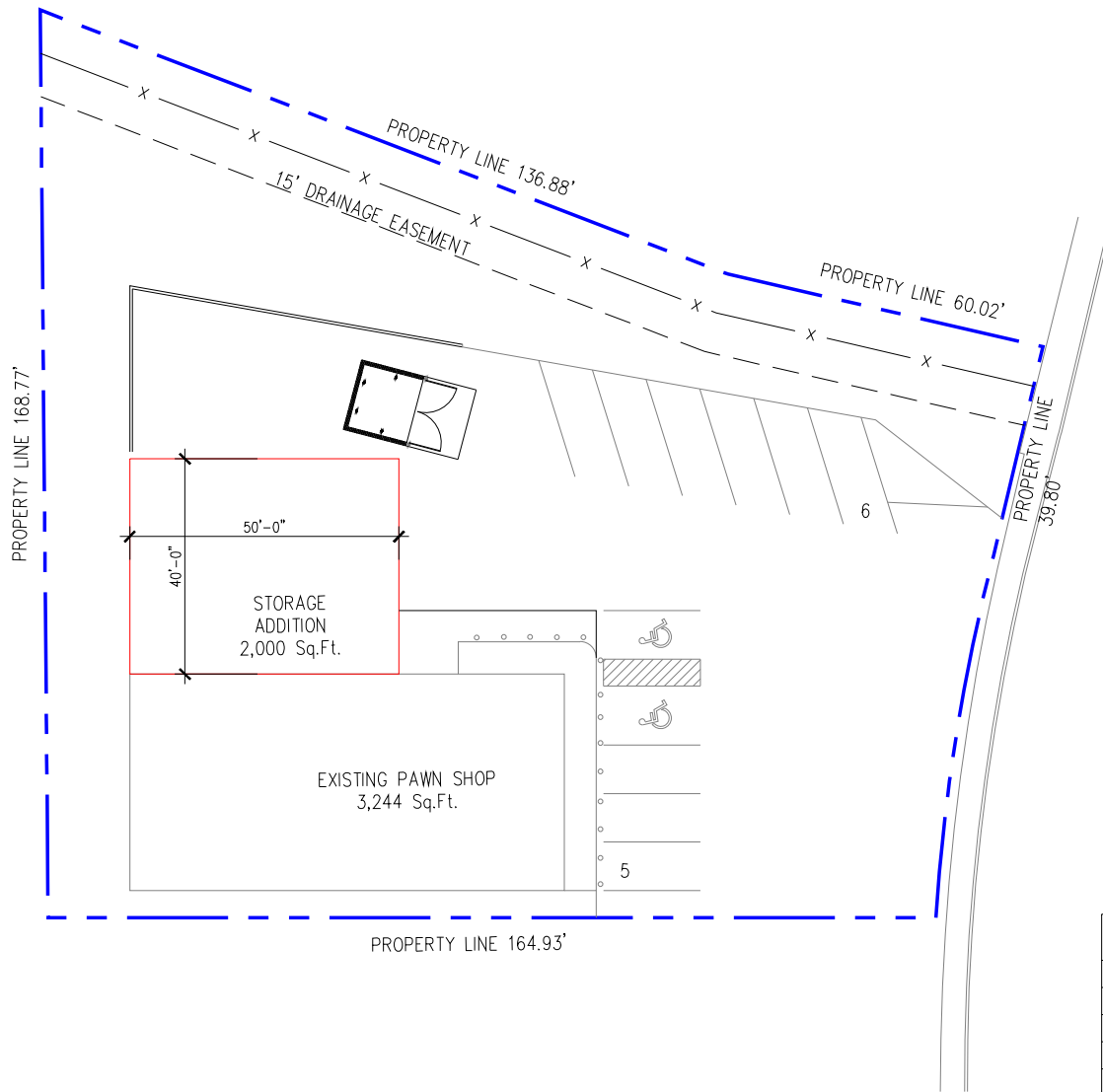




# Codes Chart 1

Footnotes	AG	RSE	RS15	RS10	RS8	RS6	RD	RTII	RML	RMI	RMI	RMO	OL	OG	CP	CL	CH	CBD	IL	III	II	CU	FW	P	SMSD	CBID	
Tire Motor vehicle sales & Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P*	X	X	X	X	-	-	-	-	-	X	
Transmission	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	X	X	X	X	-	-	-	-	-	X	
Truck service exceeds 3/4 ton	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	X	X	X	X	-	-	-	-	-	X	
Tune up	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	J*	X	X	X	X	-	-	-	-	-	X	
Upholstery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	X	X	X	X	-	-	-	-	-	X	
Motor vehicle wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	X	
Music or dancing academy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Night club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	X	X	X	X	-	-	-	-	X	
<i>NOTE! Night Club provides entertainment in addition to or without alcoholic beverages (on premises)</i>																											
Offices	-	-	-	-	-	-	-	-	S	S	S	-	P	P	P	X	X	X	X	X	P	P	-	P	X	X	
Pawn shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Personal service establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Palmist(TDN)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Tattoo (\$10.00)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Massage parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
<i>Shall be in compliance with Code Codes Chapter 19</i>																											
Photo finishing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X	X	-	-	-	-	-	X	
Photo finishing pickup station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Photo finishing by computer & Retail sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	X	X	X	X	X	-	-	-	-	-	X	
Plumbing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X	X	-	-	-	-	-	X	
<i>Page 130</i>																											
Private sales (D & E)14	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	





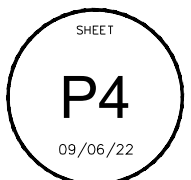
SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQFT:	5,244 SQ.FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ FT)	11 SPACES
STORAGE: 1 SPACE PER 4000 SQ.FT. (3,000 SQ FT )	1 SPACES
TOTAL PARKING REQUIRED:	12 SPACES
TOTAL PARKING PROVIDED:	11 SPACES

PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.

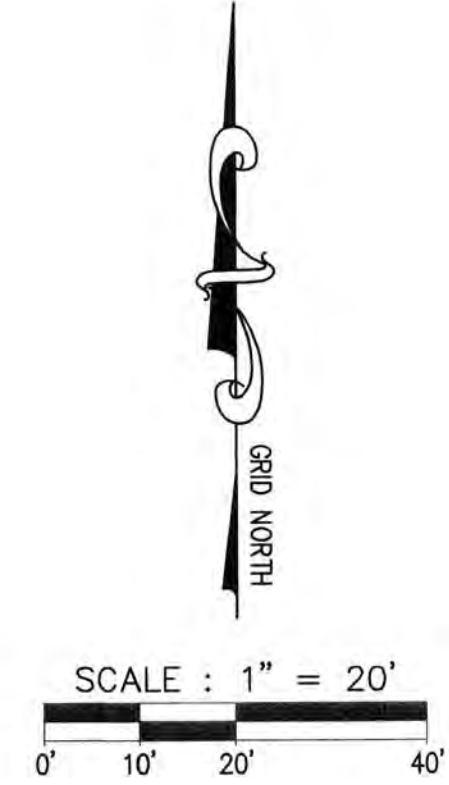
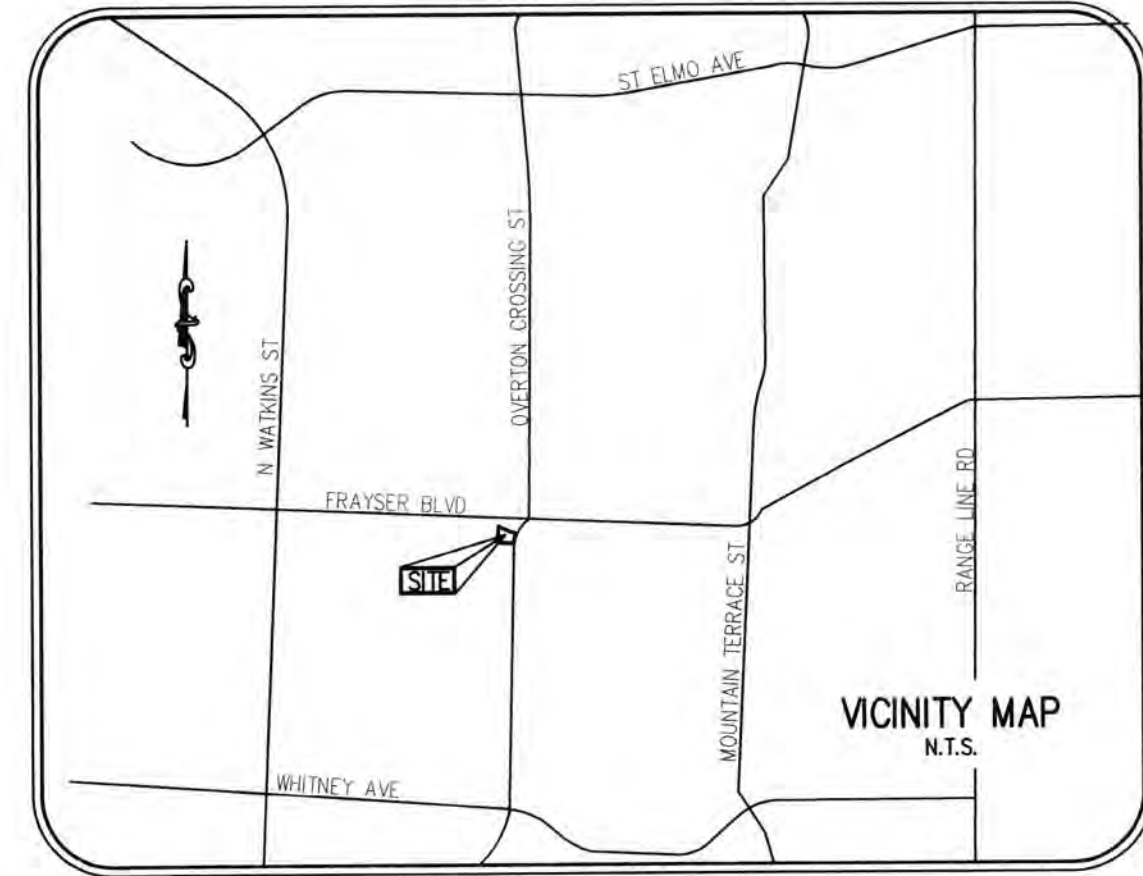
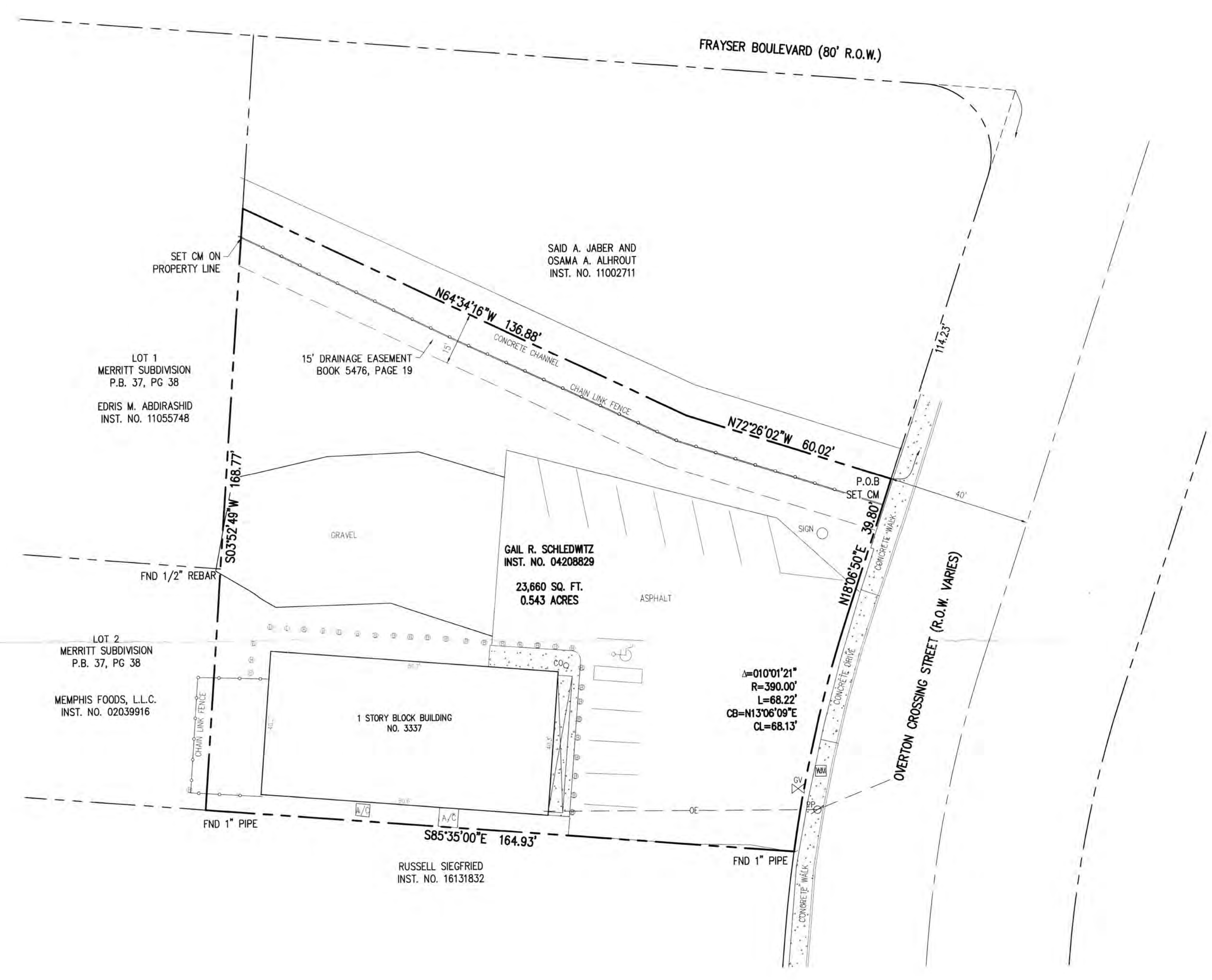


3337 OVERTON CROSSING ST.  
MEMPHIS, TN

#22243







**LEGEND**

- A/C AIR CONDITIONER
- CM CHISEL MARK
- OE OVERHEAD ELECTRIC
- INST. INSTRUMENT
- NO. NUMBER
- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY

- PP POWER POLE
- GV GAS VALVE
- WM WATER METER
- B BOLLARD
- PROPERTY LINE
- AWNING
- CONCRETE

**SURVEYOR'S DESCRIPTION**

A tract of land situated in Memphis, Shelby County, Tennessee being the Gail R. Schledwitz property of record in Instrument Number 04208829 in the Shelby County Register's Office and being more particularly described as follows:

BEGINNING at a set chisel mark in the west line of Overton Crossing Street (40' from centerline) being the southeast corner of the Said A. Jaber and Osama A. Alhrouf property of record in Instrument Number 11002711 in said Register's Office, said point being 114.23 feet southwardly from the tangent intersection of said west line and the south line of Frayser Boulevard (80' R.O.W.); thence South 18 degrees 06 minutes 50 seconds West along said west line a distance of 39.80 feet to a point of curvature; thence southwardly along said west line and along a curve to the left having a radius of 390.00 feet, a central angle of 10 degrees 01 minutes 21 seconds, a chord bearing of South 13 degrees 06 minutes 09 seconds West, a chord distance of 68.13 feet, a distance along its arc of 68.22 feet to a found 1 inch pipe being the northeast corner of the Russel Siegfried property of record in Instrument Number 16131832 in said Register's Office; thence North 85 degrees 35 minutes 00 seconds West along the north line of said Siegfried property a distance of 164.93 feet to a found 1 inch pipe being the southeast corner of Lot 2 of Merritt Subdivision of record in Plat Book 37, Page 38 in said Register's Office; thence North 03 degrees 52 minutes 49 seconds East along the east line of Lots 2 and 1 of said Merritt Subdivision a distance of 168.77 feet to a point in the center of a concrete drainage channel; thence South 64 degrees 34 minutes 16 seconds East along the center of said channel a distance of 136.88 feet to an angle point; thence South 72 degrees 26 minutes 02 seconds East along the center of said channel a distance of 60.02 feet to the POINT OF BEGINNING and containing 23,660 square feet or 0.543 acres of land, more or less.

**SURVEYOR'S CERTIFICATE**

I hereby certify that this survey meets the requirements of an urban land survey (Category 1), with a ratio of precision of the unadjusted survey of greater than 1:10,000 as per the Standards of Practice adopted by the Board of Examiners for Land Surveyors in the State of Tennessee; that this plat of survey represents an actual survey performed on the ground under my supervision.



Kenneth E. Francis, Jr., R.L.S.  
Tennessee Certificate Number 1567  
Barge Waggoner Sumner & Cannon, Inc.

**UTILITY NOTES**

There are utilities, drain lines or sewer lines across this property that are not shown. The appropriate utility companies should be contacted for more specific locations and information on underground utilities.  
Before digging in this area, call Tennessee One Call @ 1-800-351-1111 for field locations (request for ground markings) of underground utility lines.

**MISCELLANEOUS NOTES**

1. Survey prepared for Cash America Central, Inc.
2. This survey was prepared in accordance with the laws of the State of Tennessee.
3. Property is in the name of the Gail R. Schledwitz per Instrument Number 04208829 in the Shelby County Register's Office, Shelby County, Tennessee.
4. Bearings are relative to state plane coordinates (Tennessee NAD83).
5. This survey was prepared without the benefit of abstract of title. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of the property. This survey is based on the deeds of record as shown.
6. The property shown hereon is subject to any existing easements, zoning restrictions, right-of-ways, restrictions and setback lines recorded or unrecorded in public records. No liability is assumed by the undersigned for loss relating to the existence of any such easements or restrictions.
7. Some features shown on this plat may be shown out of scale for clarity.
8. Visible address is 3337 Overton Crossing Street.
9. The subject property has access to a public road.
10. Subsurface and environmental conditions were not examined or considered as part of this survey.
11. By map scaling and graphic plotting only, the subject property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 47157C0280F, with an effective date of of September 28, 2007.

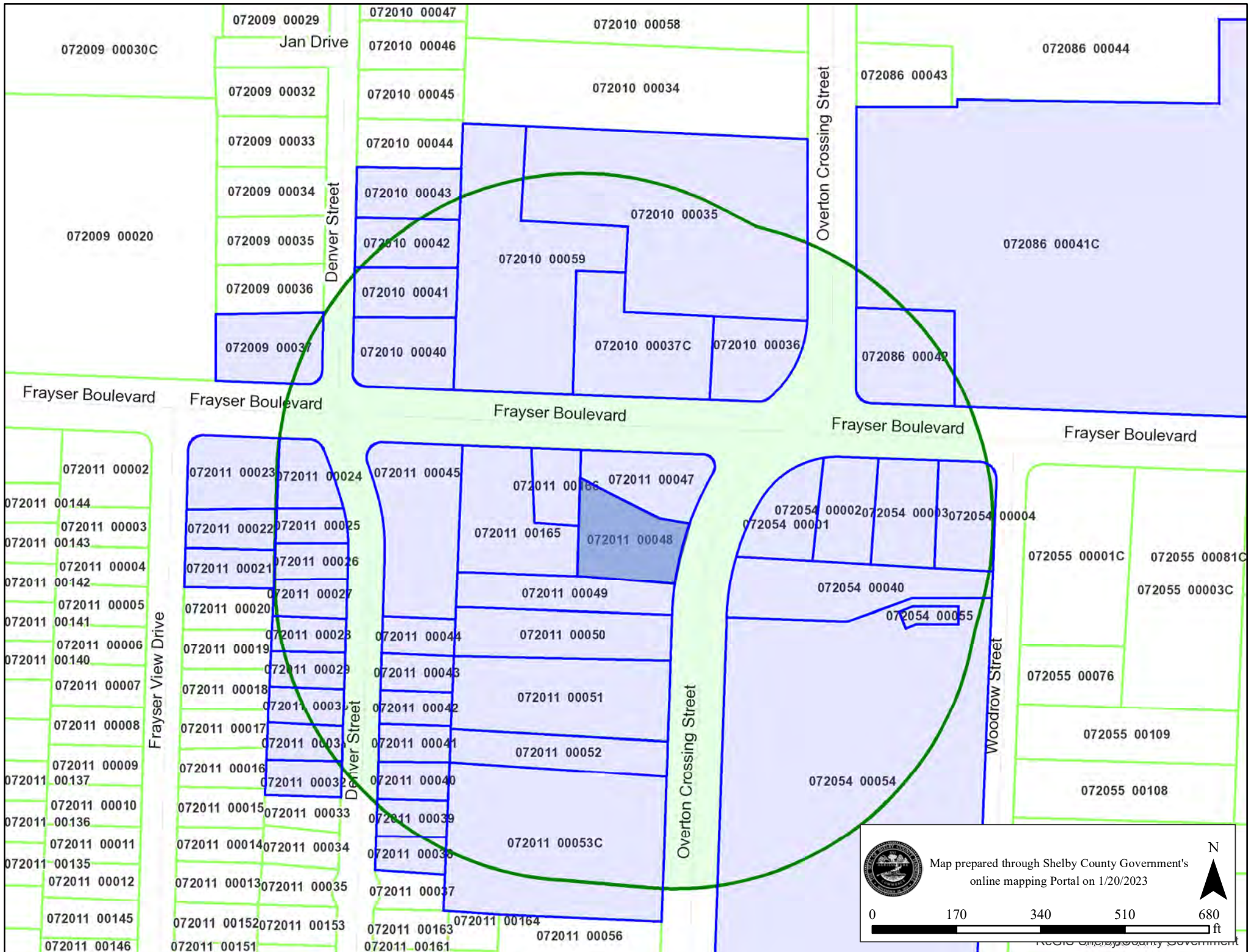
**BWSC**  
BARGE WAGGONER SUMNER & CANNON, INC.  
ENGINEERS ARCHITECTS PLANNERS SURVEYORS  
69 Demartiniway Court, Suite 100 Memphis, Tennessee 38132  
Phone: (901)852-7146 Fax: (901)852-7844


**BOUNDARY SURVEY**  
GAIL R. SCHLEDWITZ PROPERTY  
3337 OVERTON CROSSING STREET  
MEMPHIS, SHELBY COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION
KF		10/23/18	STAMPED ISSUE

**SHEET**  
1 OF 1  
FILE NO. 3650901






 Map prepared through Shelby County Government's  
 online mapping Portal on 1/20/2023

0 170 340 510 680 ft

N

© 2023 Shelby County Government

072086 00041C - MEMPHIS BUSINESS ACADEMY  
072010 00035 - J AND R LIBERI LLC  
072010 00043 - WARE ELIZABETH J  
072010 00041 - MITCHELL HERBERT L & PARTHENIA  
072009 00037 - MITCHELL HERBERT & PARTHENIA  
072011 00024 - HATCHETT CASSANDRA  
072011 00045 - FULTHEIM GARY  
072011 00165 - MEMPHIS FOODS LLC  
072011 00047 - JABER SAID A AND OSAMA ALHROUT A  
072054 00001 - S AND R OVERTON LLC  
072054 00004 - TRAN HAI X  
072011 00025 - CAPLES CASSIE W  
072011 00026 - SLAYDEN AARON  
072011 00050 - GALLAGHER FAMILY LEASING CO LLC  
072011 00028 - DE JESUS AUBREY N  
072011 00044 - LOPEZ PAUL JR & TERESA J  
072011 00051 - GALLAGHER FAMILY LEASING CO LLC  
072011 00030 - CLAYBORNE CHENELL  
072011 00042 - FRAYSER COMMUNITY DEVELOPMENT  
072011 00031 - COTTON JARVIOUS C & SABRINA SMITH  
072011 00041 - VB ONE LLC  
072011 00052 - GALLAGHER FAMILY LEASING CO LLC  
072011 00032 - COLLINS JAMES E  
072011 00053C - HUBBARD JANE  
072011 00039 - SHELBY COUNTY TAX SALE 17.01

072011 00038 - CLARK DORIS M AND CHARLES E CLARK JR  
072010 00059 - BHA INVESTMENT GROUP LLC  
072010 00040 - GAMBLE FLORA J  
072086 00042 - MAPCO PETROLEUM INC  
072010 00036 - SHELLY DEBORAH  
072011 00023 - HUGHES ERIC  
072011 00166 - ABDIRASHID EDRIS M  
072054 00002 - ALQIRM SALAH AND RAFAT M MASOUD  
072054 00003 - AWWAD MAJDI  
072011 00048 - CASH AMERICA CENTRAL INC  
072011 00022 - PATTERSON BEVERLY AND DARYL L JOHNSON  
072054 00040 - MEMPHIS BUSINESS ACADEMY  
072011 00049 - SIEGFRIED RUSSELL  
072011 00027 - MOORE DEMETRIUS R  
072011 00029 - WILLIAMS ESTER  
072011 00040 - JACKSON NESBY E  
072010 00042 - BATTLE JOHN AND SHEILA BATTLE REVOCABLE  
072054 00055 - MEMPHIS BUSINESS ACADEMY  
072054 00054 - MEMPHIS BUSINESS ACADEMY  
072011 00021 - BAF 1 LLC  
072011 00043 - DMJL CORP  
072010 00037C - AUTOZONE INC



MEMPHIS BUSINESS ACADEMY  
3306 OVERTON CROSSING ST #  
MEMPHIS TN 38127

TRAN HAI X  
454 POLO CLUB DR #  
GLENDALE HEIGHTS IL 60139

VB ONE LLC  
5550 HUBER RD #  
HUBER HEIGHTS OH 45424

J AND R LIBERI LLC  
16192 COASTAL HWY #  
LEWES DE 19958

CAPLES CASSIE W  
3339 DENVER ST #  
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC  
3315 OVERTON CROSSING ST #  
MEMPHIS TN 38127

WARE ELIZABETH J  
3398 DENVER ST #  
MEMPHIS TN 38127

SLAYDEN AARON  
3333 DENVER ST #  
MEMPHIS TN 38127

COLLINS JAMES E  
815 NE 123 ST #  
SEATTLE WA 98125

MITCHELL HERBERT L & PARTHENIA  
3371 DENVER ST #  
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC  
3315 OVERTON CROSSING ST #  
MEMPHIS TN 38127

HUBBARD JANE  
8607 LOXLEY FAIRWAY #  
CORDOVA TN 38018

MITCHELL HERBERT & PARTHENIA  
3371 DENVER ST #  
MEMPHIS TN 38127

DE JESUS AUBREY N  
2912 WHEELER ST #  
HOUSTON TX 77004

SHELBY COUNTY TAX SALE 17.01  
PO BOX 2751  
MEMPHIS TN 38101

HATCHETT CASSANDRA  
3351 DENVER ST #  
MEMPHIS TN 38127

LOPEZ PAUL JR & TERESA J  
22265 DELTA CT #  
TEHACHAPI CA 93561

CLARK DORIS M AND CHARLES E CLARK JR  
3288 DENVER ST #  
MEMPHIS TN 38127

FULTHEIM GARY  
PO BOX 06116 #  
CHICAGO IL 60606

GALLAGHER FAMILY LEASING CO LLC  
3315 OVERTON CROSSING ST #  
MEMPHIS TN 38127

BHA INVESTMENT GROUP LLC  
518 WINOKA CV E  
COLLIERVILLE TN 38017

MEMPHIS FOODS LLC  
139 SOUTHWEST DR #  
JONESBORO AR 72401

CLAYBORNE CHENELL  
3311 DENVER ST #  
MEMPHIS TN 38127

GAMBLE FLORA J  
4393 BRIGHT RD #  
HERNANDO MS 38632

JABER SAID A AND OSAMA ALHROUT A  
9100 GROVELAWN CV #  
GERMANTOWN TN 38139

FRAYSER COMMUNITY DEVELOPMENT  
3684 N WATKINS ST #  
MEMPHIS TN 38127

MAPCO PETROLEUM INC  
2424 RIDGE RD  
ROCKWALL TX 75087

S AND R OVERTON LLC  
9375 OWL HILL DR #  
ARLINGTON TN 38002

COTTON JARVIOUS C & SABRINA SMITH  
3303 DENVER ST  
MEMPHIS TN 38127

SHELLY DEBORAH  
5769 SPRINGLAKE RD #  
BARTLETT TN 38135

HUGHES ERIC  
555 W 23RD ST #S-6D  
NEW YORK NY 10011

JACKSON NESBY E  
3298 DENVER ST #  
MEMPHIS TN 38127

ABDIRASHID EDRIS M  
2067 FRAYSER BLVD #  
MEMPHIS TN 38127

BATTLE JOHN AND SHEILA BATTLE REVOCABLE  
4938 KIMBALL AVE #  
MEMPHIS TN 38117

ALQIRM SALAH AND RAFAT M MASOUD  
9375 OWL HILL DR #  
LAKELAND TN 38002

MEMPHIS BUSINESS ACADEMY  
2450 FRAYSER BLVD #  
MEMPHIS TN 38127

AWWAD MAJDI  
2125 FRAYSER BLVD #  
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY  
2450 FRAYSER BLVD #  
MEMPHIS TN 38127

CASH AMERICA CENTRAL INC  
1600 W 7TH ST #  
FORT WORTH TX 76102

BAF 1 LLC  
5001 PLAZA ON THE LAKE #200  
AUSTIN TX 78746

PATTERSON BEVERLY AND DARYL L JOHNSON  
3340 FRAYSER VIEW DR #  
MEMPHIS TN 38127

DMJL CORP  
4535 W SAHARA AVE #200  
LAS VEGAS NV 89102

MEMPHIS BUSINESS ACADEMY  
3306 OVERTON CROSSING #  
MEMPHIS TN 38127

AUTOZONE INC  
PO BOX 2198 #8088  
MEMPHIS TN 38101

SIEGFRIED RUSSELL  
5764 RAYBEN CIR #  
MEMPHIS TN 38115

MOORE DEMETRIUS R  
2841 RUSSELL BOND RD #  
MILLINGTON TN 38053

WILLIAMS ESTER  
3317 DEVER ST #  
MEMPHIS TN 38127

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

Cash America Central, Inc.  
1600 West 7<sup>th</sup> Street  
Fort Worth, Texas 76102

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1600 West 7<sup>th</sup> Street  
Fort Worth, Texas 76102

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1600 West 7<sup>th</sup> Street  
Fort Worth, Texas 76102

Cash America Central, Inc.  
1600 West 7<sup>th</sup> Street  
Fort Worth, Texas 76102



Shelby County Tennessee  
*Shelandra Y. Ford*  
 Shelby County Register

---

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

18124276

12/05/2018 - 02:04 PM

6 PGS	
LAKECIA	1813379-18124276
VALUE	1230000.00
MORTGAGE TAX	0.00
TRANSFER TAX	4551.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	4584.00

**SHELANDRA Y FORD**

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



**PREPARED BY AND AFTER  
RECORDING RETURN TO:**

Cash America Central, Inc.  
1600 West 7<sup>th</sup> Street  
Fort Worth, Texas 76102  
ATTN: Chris Lee

GENERAL WARRANTY DEED

STATE OF TENNESSEE           §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF SHELBY       §

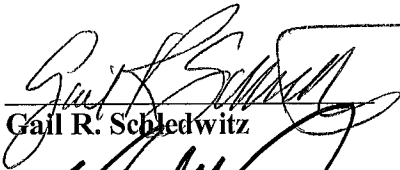
That **Gail R. Schledwitz** (“Grantor”) and spouse, **Karl Schledwitz**, for and in consideration of the sum of ten and no/100 dollars (\$10.00) and other good and valuable consideration to Grantor paid by **Cash America Central, Inc., a Tennessee corporation** (“Grantee”), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee all of the real property in Shelby County, Tennessee, described in Exhibit “A” attached hereto and made a part hereof, together with all improvements attached thereto (collectively, the “Property”), subject to the items in Exhibit “B” attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee’s successors and assigns forever; and Grantor does hereby bind Grantor and Grantor’s successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee’s successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Title to the above described property is vested in Gail R. Schledwitz. Karl Schledwitz, husband of Gail R. Schledwitz, joins herein to grant, sell and convey, and does hereby grant, sell and convey, all right, title and interest he may have in said property by virtue of his marriage to the said Gail R. Schledwitz, but does not join in the covenants or warranties of this indenture.

Executed and effective as of the 3<sup>rd</sup> day of December, 2018.

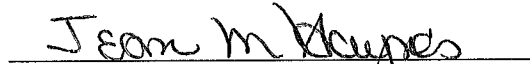
THOMAS TITLE & ESCROW  
6 FF# 1089N7L

  
Gail R. Schledwitz

  
Karl Schledwitz

STATE OF TENNESSEE   §  
  §  
COUNTY OF SHELBY   §

This instrument was acknowledged before me this 3 day of December, 2018, by **Gail R. Schledwitz and Karl Schledwitz**, known to me personally or proved to me to be the persons stated in the herein described instrument, and acknowledged before me on this day that, being informed of the contents of the conveyance, they executed same voluntarily as a free act and deed.

  
Notary Public in and for the State of Tennessee

My Commission Expires October 19, 2022



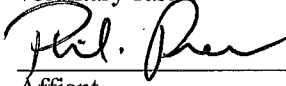
Property Address:  
**3337 Overton Crossing Street,  
Memphis, TN 38127  
And  
1302 Poplar Avenue  
Memphis, TN 38104**

Name and Address of the Property Owner:  
**Cash America Central, Inc. a Texas corporation  
1600 West 7<sup>th</sup> Street  
Fort Worth, TX 76102**

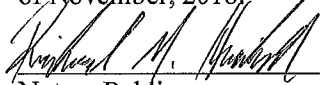
Name & Address of the Person or Entity Responsible  
for Payment of Real Property Taxes:  
**Cash America Central, Inc. a Texas corporation  
1600 West 7<sup>th</sup> Street  
Fort Worth, TX 76102**

Tax Parcel ID Number.:  
**072011 0048 & 020025 00009**

I, or we, hereby swear or affirm that to the best  
of affiant's knowledge, information, and belief,  
the actual consideration for this transfer or value  
of the property transferred, whichever is greater,  
is \$1,230,000.00, which amount is equal to or  
greater than the amount which the property  
transferred would command at a fair and  
voluntary sale

  
\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this 4<sup>th</sup> day  
of November, 2018,

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

My commission expires:

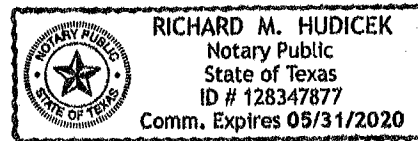


EXHIBIT "A"

Tract 1:

Part of Lot 20, Knight & Guy Subdivision, in Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in Overton Crossing Road 135 feet south of the south line of Raleigh-Frayser Road, as measure in a straight line; thence southwardly with Overton Crossing Road 103 feet to a point;

thence westwardly parallel with Raleigh Frayser Road 200 feet to a stake; thence northwardly parallel to the east line of Lot 20, 174 feet to a point;

thence southeastwardly 212.3 feet to the point of beginning.

Being the same property conveyed to Gail R. Schledwitz in Quit Claim Deed filed for record 12-15-2004 at Instrument Number 04208829 as shown in the Register's Office of Shelby County, Tennessee.

Tract 2:

Parts of Lots 7 and 8 and 1/2 of Alley to North, JOHN BROWN Subdivision, of Lots 4 and 5, WILLIAM LAWRENCE Subdivision, City of Memphis, Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the present north line of Poplar Avenue 23 feet eastwardly from the intersection of said present north line of Poplar Avenue with the east line of North Claybrook Street;

thence eastwardly along the present north line of Poplar Avenue 77 feet to a P.K. Nail in the line dividing Lots 6 and 7;

thence northwardly with said dividing line and continuing in a straight line and parallel to North Claybrook Street 152.07 feet to a stake;

thence westwardly parallel to Poplar Avenue 100 feet to a chisel mark in the east line of North Claybrook Street;

thence southwardly along said east line of North Claybrook Street 129.07 feet to a point of curve; thence southeastwardly along a curve to the left having a radius of 23 feet 36.13 feet to the point of beginning.

Being the same property conveyed to Gail R. Schledwitz in Warranty Deed filed for record 12-31-1991 at Instrument Number CP 2737 as shown in the Register's Office of Shelby County, Tennessee.



**EXHIBIT "B"**

1. Taxes for the year 2019, a lien, not yet due and payable.
2. Deed restrictions recorded at Warranty Deed of record in Book 5091, Page 35 as recorded in the Register's Office of Shelby County, Tennessee. (TRACT 2)
3. Todd Creek Drainage District Easement recorded at Book 5476, Page 19 as shown in the Register's Office of Shelby County, Tennessee. (TRACT 1)
4. Reservation of Easement granted for establishing maintenance of public utilities, service for sewers, light, telephone and telegraph pole lines, underground conduits, etc. of record in Quit Claim Deed recorded in Book 1823, Page 506, in the Register's Office of Shelby County, Tennessee. (TRACT 2)

Tennessee Certification of Electronic Document

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

Philip Prentice  
Signature

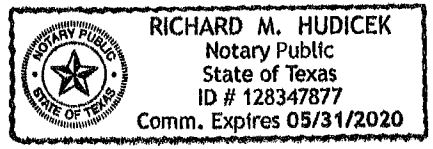
State of Texas  
County of Dallas

Personally appeared before me, Richard M. Hudicek, a notary public for this county and  
Notary's Name  
state, Philip Prentice, who acknowledges that this certification of an electronic  
Signer's Name  
document is true and correct and whose signature I have witnessed.

Richard M. Hudicek  
Notary Signature

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY'S SEAL





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

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

June 20, 2023

Cash America Central Inc.  
1600 W 7<sup>th</sup> Street  
Fort Worth, TX 76102

*Sent via electronic mail to: [jeff.cullum@firstcash.com](mailto:jeff.cullum@firstcash.com)*

Cash America Planned Development  
Case Number: PD 23-09  
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, June 8, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Cash America Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Seth Thomas

**Letter to Applicant**  
**PD 23-09**

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

Cc: Cindy Reaves, SR Consulting, LLC  
File



## Letter to Applicant

PD 23-09

### Outline Plan Conditions

- I. Uses Permitted:
  - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
  - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
  - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
  - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - C. 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.
- IV. Landscaping, Screening & Lighting:
  - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
  - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
  - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
  - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
  - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.

**Letter to Applicant**  
**PD 23-09**

- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
- A. The Outline Plan Conditions.
  - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
  - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
  - D. The number of employee parking, loading and docking spaces.
  - E. The location and ownership, whether public or private of any easement(s).
  - F. The one-hundred (100) year flood elevation.
  - G. 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 plan.
  - H. Landscape Plan and elevations shall be recorded with the final plat.

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: August 22, 2023**

**DATE**

**PUBLIC SESSION: August 22, 2023**

**DATE**

**ITEM (CHECK ONE)**

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

**ITEM CAPTION:**      Zoning ordinance amending Ordinance No. 5367 of Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 5420 Knight Arnold Rd. by taking the land out of the Residential Single-Family – 6 Use District and including it in the Commercial Mixed Use – 1 Use District, known as case number Z 23-7

**CASE NUMBER:**      Z 23-7

**LOCATION:**      5420 Knight Arnold Rd.

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

**OWNER/APPLICANT:**      Hector Garcia

**REPRESENTATIVES:**      David Bray of the Bray Firm

**REQUEST:**      Rezoning of 0.6 acres from Residential Single-Family – 6 to Commercial Mixed Use – 1

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

**RECOMMENDED COUNCIL ACTION:**      **Public Hearing Required**  
Set date for first reading – July 25, 2023  
Second reading – August 8, 2023  
Third reading – August 22, 2023

**PRIOR ACTION ON ITEM:**

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

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

**ADMINISTRATIVE APPROVAL:**

**DATE**

**POSITION**

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



## Memphis City Council Summary Sheet

### Z 23-7

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5420 KNIGHT ARNOLD RD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 USE DISTRICT, KNOWN AS CASE NUMBER Z 23-7

- This item is a resolution changing the zoning district of a parcel at the request of the property owner.



## **LAND USE CONTROL BOARD RECOMMENDATION**

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:** Z 23-7

**LOCATION:** 5420 Knight Arnold Rd.

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

**OWNER/APPLICANT:** Hector Garcia

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

**REQUEST:** Rezone from Residential Single-Family – 6 to Commercial Mixed Use – 1

---

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

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

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

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

**ORDINANCE NO: \_\_\_\_\_**

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5420 KNIGHT ARNOLD RD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 USE DISTRICT, KNOWN AS CASE NUMBER Z 23-7**

---

**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-7**; and

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

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

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

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

**SECTION 1:**

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

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 USE DISTRICT.**

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

Being the east part of Lot 103, Section "D", Fox Meadows Subdivision, as shown on plat of record in Plat Book 28, Page 38. Register's Office of Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point in the north line of Knight-Arnold Road which said point is the southwest corner of Lot 96, Section "D", Fox Meadows Subdivision, and said point also being the southeast corner of said Lot

103; thence northwardly along the east line of said Lot 103, 177.23 feet to the northeast corner of said Lot 103; thence westwardly along the north line of said Lot 103 a distance of 155.63 feet to a point, the said point being the northeast corner of the Church lot; thence southwardly along the west line of the Church lot 210.2 feet to a point in the north line of Knight-Arnold Road, which said point is 77 .21 feet east of the southwest corner of said Lot 103 as measured along the north line of Knight-Arnold Road; thence eastwardly along the north line of Knight-Arnold Road 121.49 feet to the point of beginning, and being further described as all of said Lot 103 less and excepting that portion conveyed in Warranty Deed of record in Book 5673, page 289, Register's Office of Shelby County, Tennessee.

**SECTION 2:**

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

**SECTION 3:**

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

**ATTEST:**

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

**AGENDA ITEM:** 18

**CASE NUMBER:** Z 23-7 (formerly BOA 23-42)      **L.U.C.B. MEETING:** May 11, 2023

**LOCATION:** 5420 Knight Arnold Rd.

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

**OWNER/APPLICANT:** Hector Garcia

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

**REQUEST:** Rezone from Residential Single-Family – 6 to Commercial Mixed Use – 1

## CONCLUSIONS AND PLAN CONSISTENCY

1. Hector Garcia has requested the rezoning of the parcel addressed as 5420 Knight Arnold Rd. from Residential Single-Family – 6 to Commercial Mixed Use – 1.
2. In 1968, the Memphis City Council approved a Special Permit (docket Z 1216-SP) to allow a medical/dental clinic in a single-family residential district at the subject site. The existing structure was built the next year under that authorization. At the time, the applicant argued that this was an appropriate transitional use between commercial and residential. Any other uses, with the exception of those permitted by right such as a house or place of worship, that have been in operation at the site, including the temp agency and beauty salon currently operating in each bay, are illegal from the perspective of the zoning regime.
3. The request is consistent with the Memphis 3.0 Comprehensive Plan Future Land Use Map, which designates this parcel as 'Low Intensity Commercial and Services,' roughly equivalent to the Commercial Mixed Use – 1 zoning district. It also matches the general character of development along this stretch of Knight Arnold, which is predominantly single-family residential directly to its east but commercial to its west. Staff does not feel there is a compelling reason to limit this property to medical/dental clinic uses only.
4. No site plan is associated with this request. However, future development would need to comply with present zoning standards, including landscape buffers along residential borders, parking setbacks, and so forth. The lot meets the Commercial Mixed Use – 1 minimum lot size standards.

## RECOMMENDATION

*Approval*



**GENERAL INFORMATION**

<b>Street Frontage:</b>	North Second Street	(Minor Arterial)	121'
<b>Zoning Atlas Page:</b>	2345		
<b>Parcel ID:</b>	074074 00026		
<b>Area:</b>	0.6 acres		
<b>Existing Zoning:</b>	Residential Single-Family – 6		
<b>Requested Zoning:</b>	Commercial Mixed Use – 1		

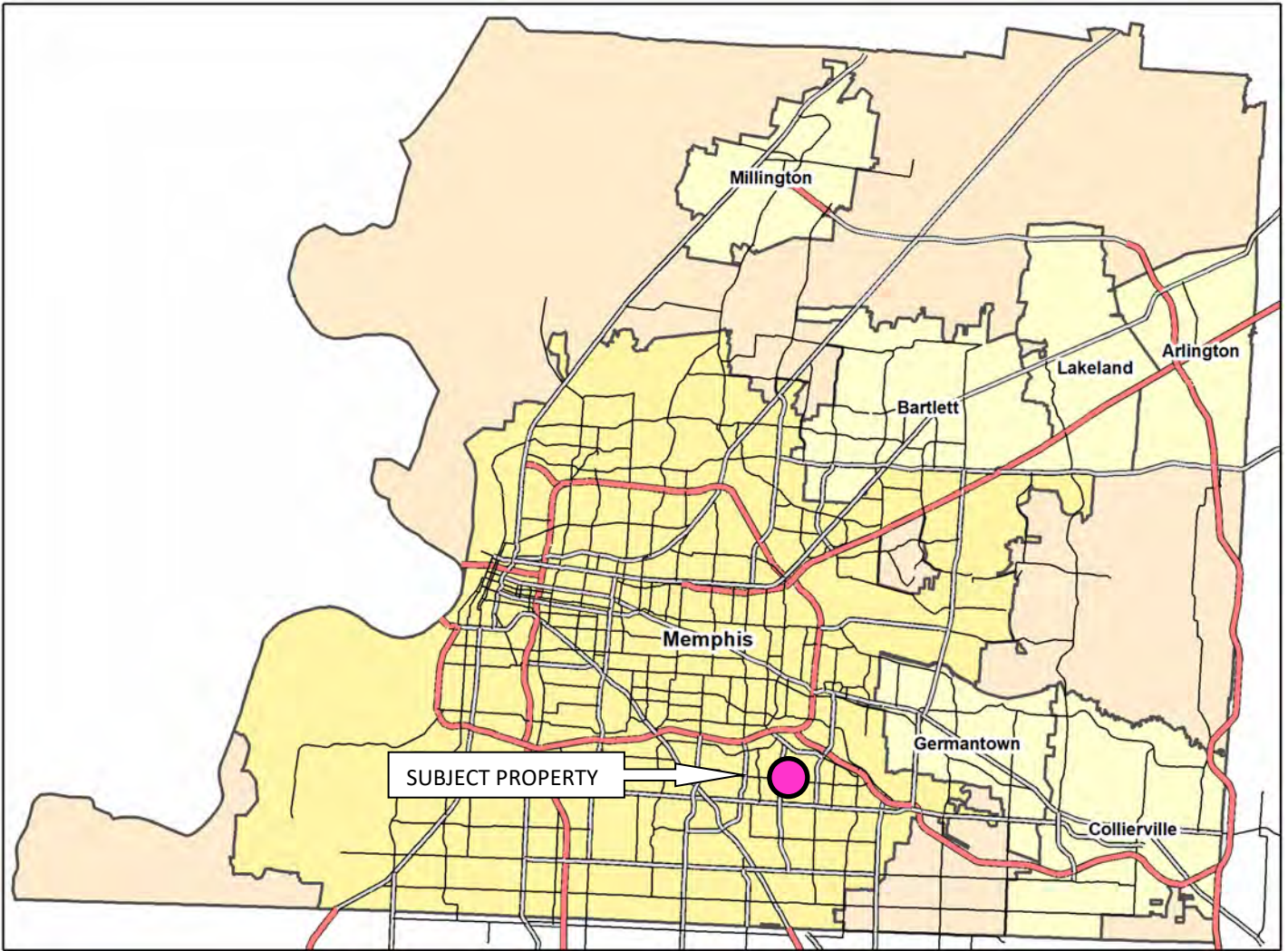
**NEIGHBORHOOD MEETING**

The required neighborhood meeting was held on site at 5:30 p.m. on Monday, May 1, 2023.

**PUBLIC NOTICE**

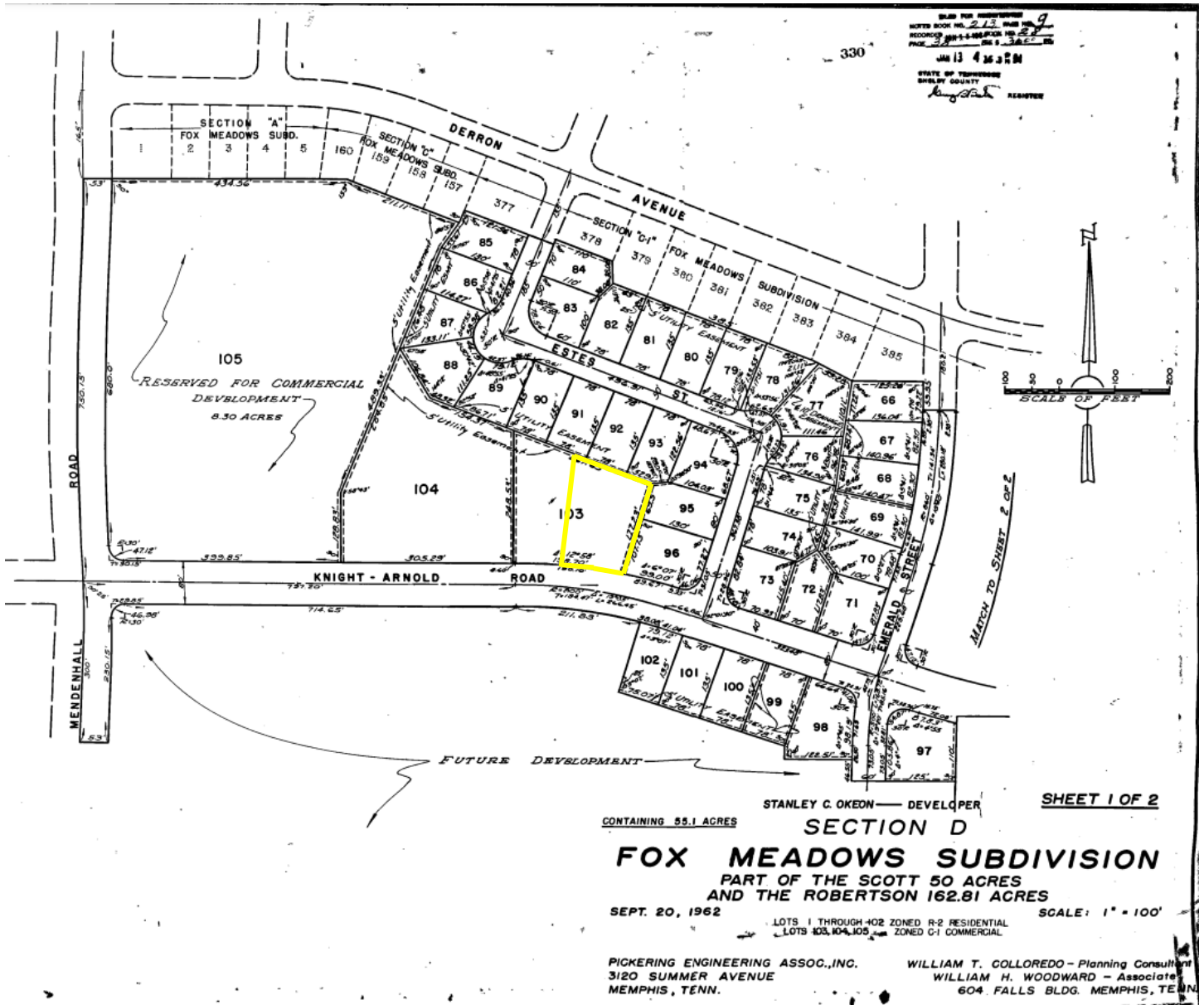
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 72 notices were mailed on April 14, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



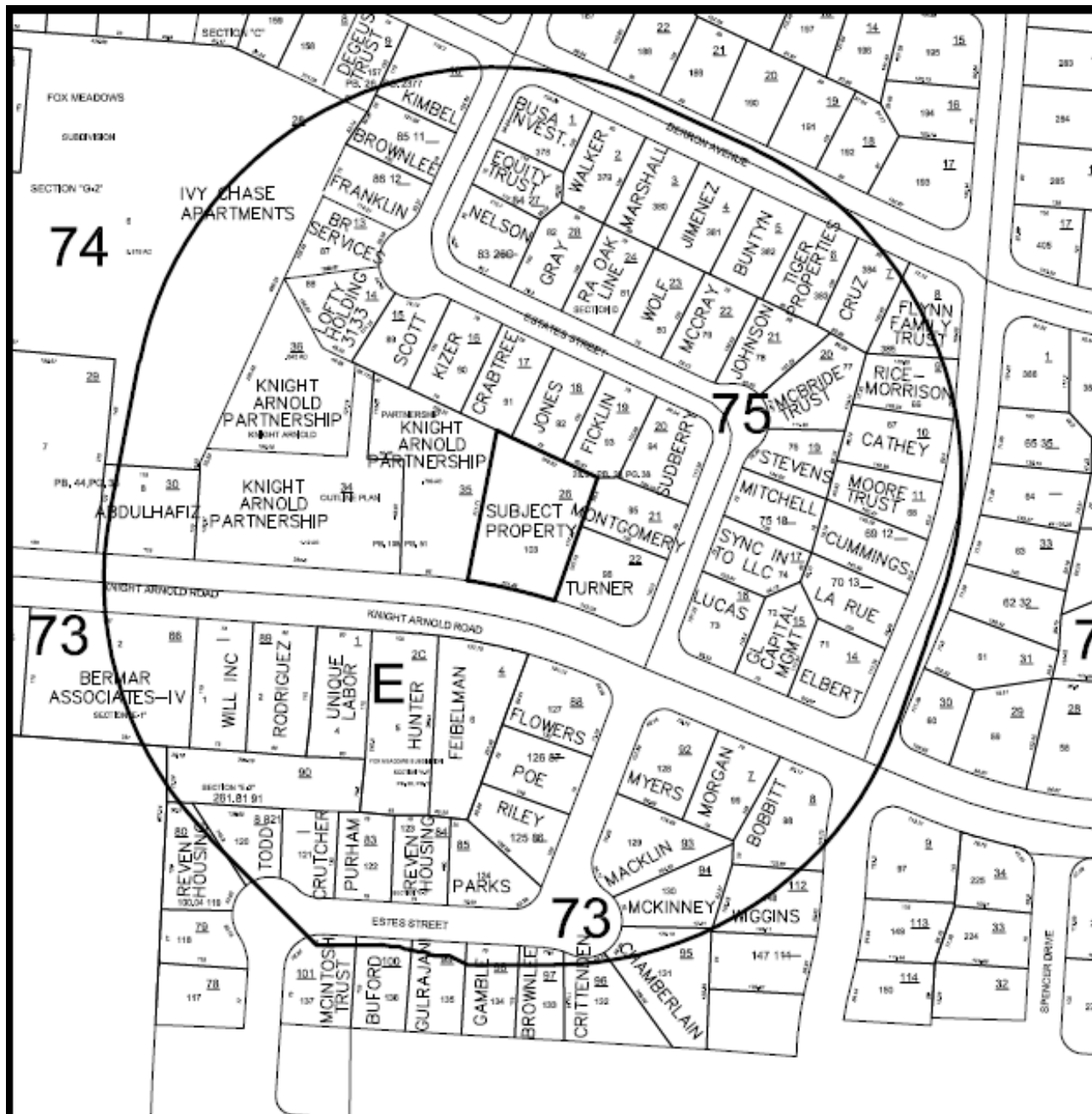
Subject property located within Hickory Hill neighborhood

**SECTION D OF FOX MEADOWS SUBDIVISION (1962)**



Subject property, highlighted approximately in yellow, comprises the eastern part of Lot 103. It is exempt from the subdivision requirement by recorded deed.

VICINITY MAP



**BOA APPLICATION – 5422 KNIGHT ARNOLD**  
**APPLICANT: HECTOR GARCIA**

**MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES  
2950 STAGE PLAZA NORTH  
BARTLETT, TENNESSEE  
MARCH 21, 2023

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



**SATELLITE PHOTO WITH ZONING**



**Existing Zoning:** Residential Single-Family – 6

**Surrounding Zoning**

**North:** Residential Single-Family – 6

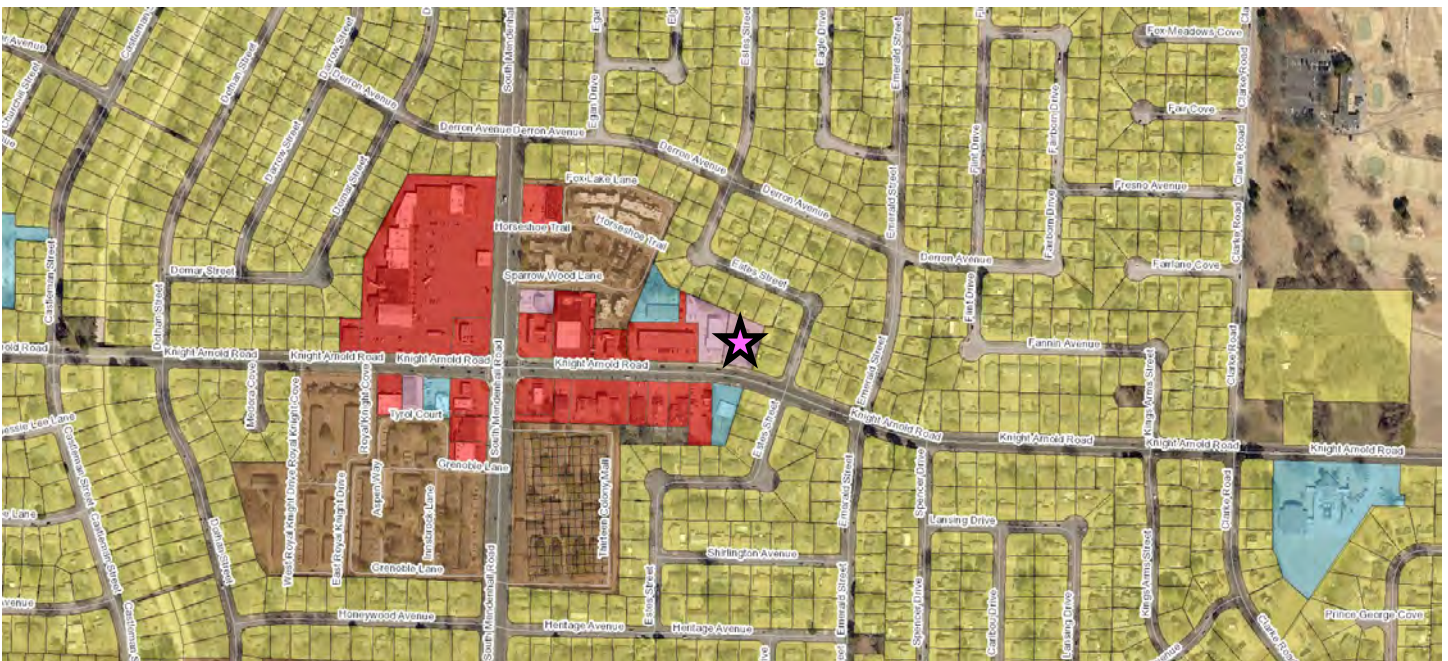
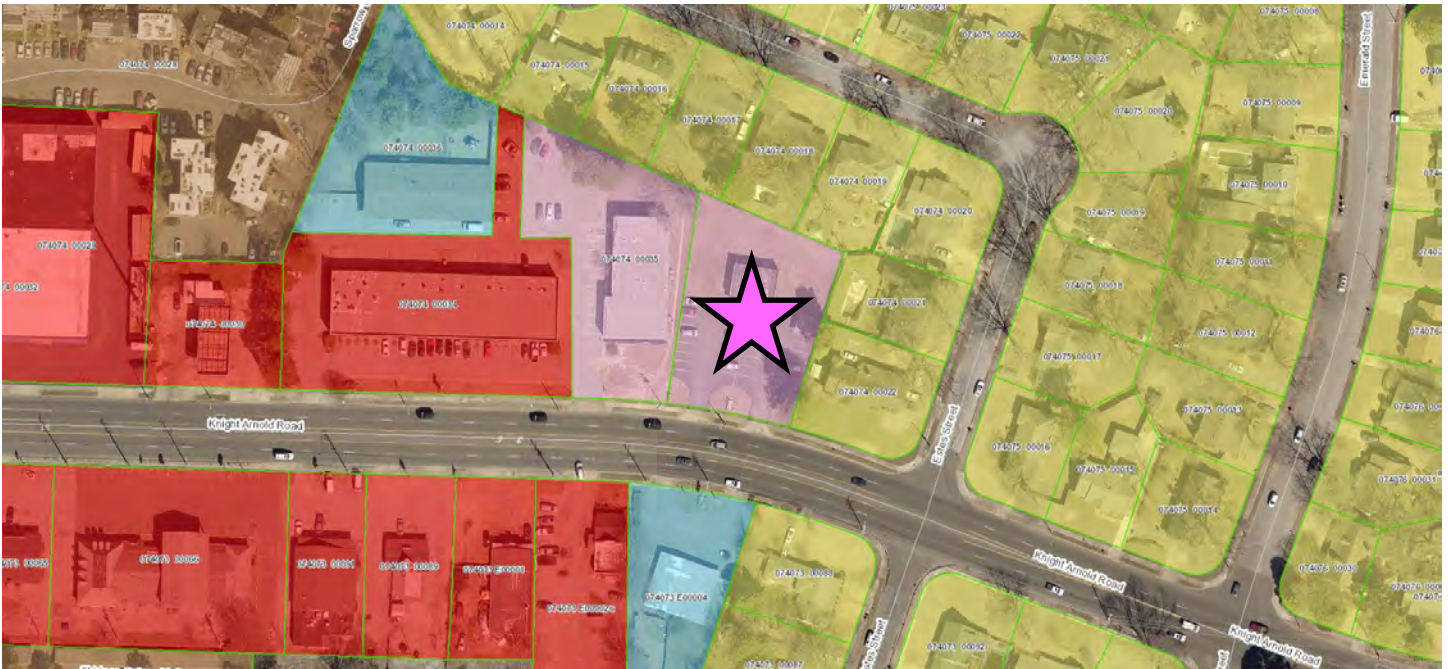
**East:** Residential Single-Family – 6

**South:** Commercial Mixed Use – 1 and Residential Single-Family – 6

**West:** Residential Single-Family – 6 (PD 85-320)

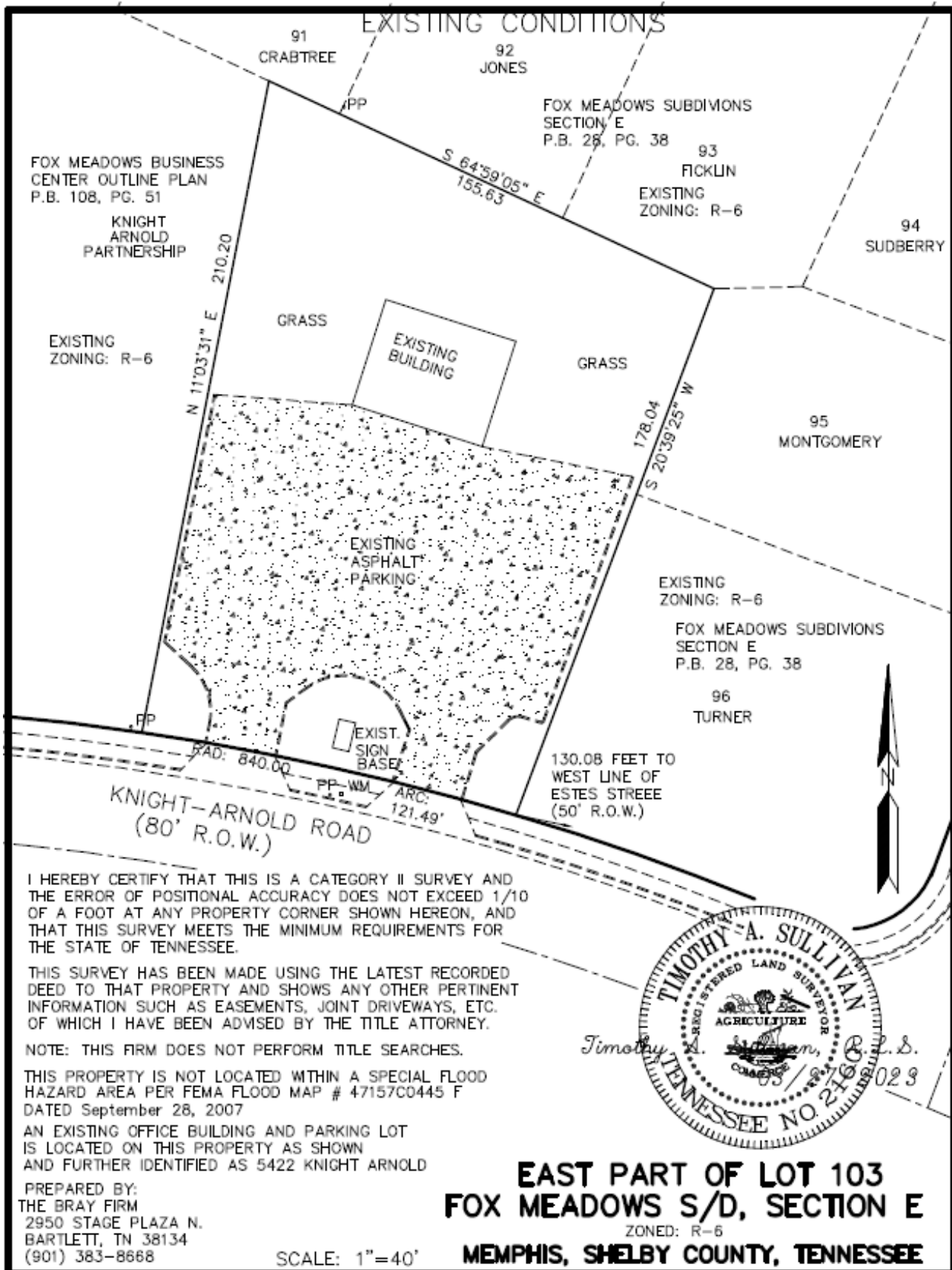


LAND USE MAPS



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

**SURVEY**





**SITE PHOTO**





## STAFF ANALYSIS

### **Request**

The request is to rezone the parcel addressed as 5420 Knight Arnold Rd. from Residential Single-Family – 6 to Commercial Mixed Use – 1. The application form and letter of intent have been added to this report.

### **Review Criteria**

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

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

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

### **Site Zoning History**

On May 28, 1968, the Memphis City Council approved a Special Permit (docket Z 1216-SP) to allow a medical/dental clinic in a single-family residential district at the subject site.

This case was originally filed as a use variance request (docket BOA 23-42) but was refiled by the applicant to allow for more flexibility in future site planning.

### **Conclusions**

Hector Garcia has requested the rezoning of the parcel addressed as 5420 Knight Arnold Rd. from Residential Single-Family – 6 to Commercial Mixed Use – 1.

In 1968, the Memphis City Council approved a Special Permit (docket Z 1216-SP) to allow a medical/dental clinic in a single-family residential district at the subject site. The existing structure was built the next year under that authorization. At the time, the applicant argued that this was an appropriate transitional use between commercial and residential. Any other uses, with the exception of those permitted by right such as a house or place of worship, that have been in operation at the site, including the temp agency and beauty salon currently operating in each bay, are illegal from the perspective of the zoning regime.

The request is consistent with the Memphis 3.0 Comprehensive Plan Future Land Use Map, which designates this parcel as ‘Low Intensity Commercial and Services,’ roughly equivalent to the Commercial Mixed Use – 1 zoning district. It also matches the general character of development along this stretch of Knight Arnold, which is predominantly single-family residential directly to its east but commercial to its west. Staff does not feel there is a compelling reason to limit this property to medical/dental clinic uses only.

No site plan is associated with this request. However, future development would need to comply with present zoning standards, including landscape buffers along residential borders, parking setbacks, and so forth. The lot meets the Commercial Mixed Use – 1 minimum lot size standards.

**RECOMMENDATION**

Staff recommends *approval*.

**DEPARTMENTAL COMMENTS**

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

**Office of Comprehensive Planning:**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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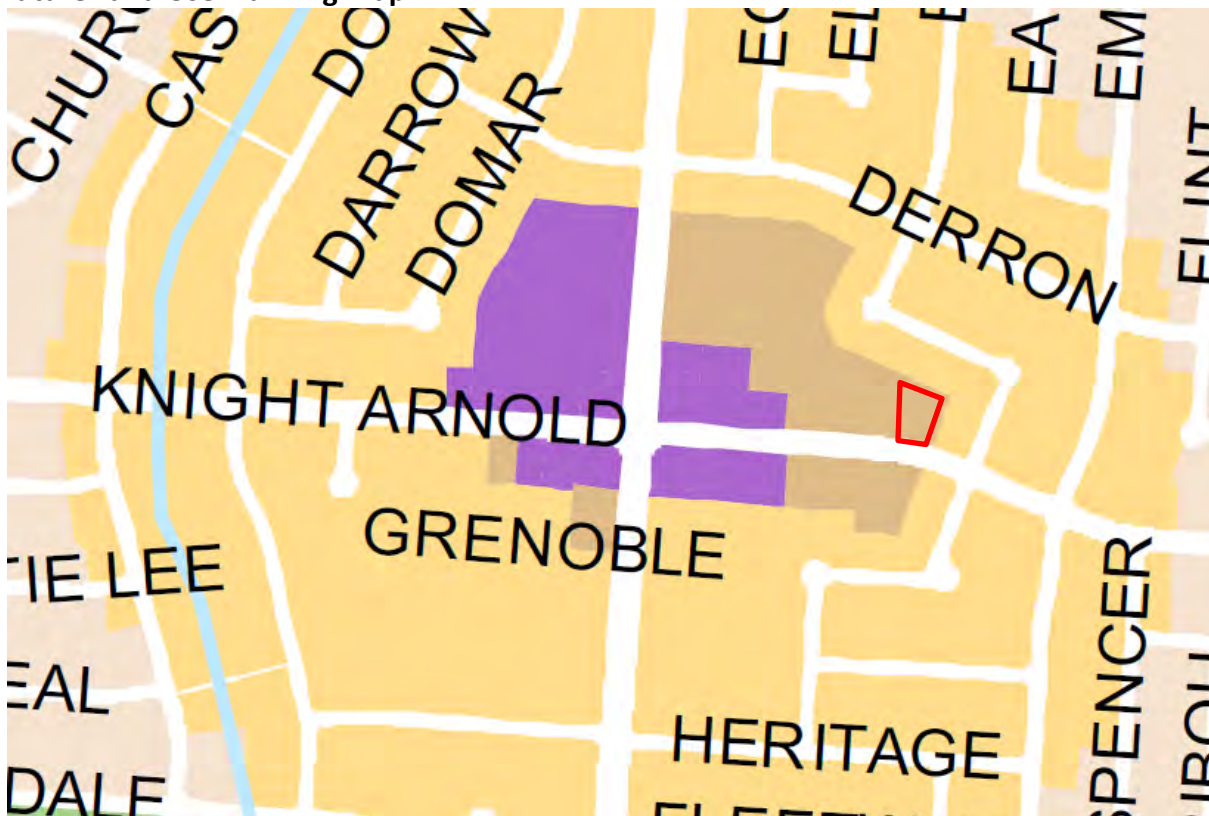
This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: BOA 2023-042 Hickory Ridge

Site Address/Location: 5422 Knight Arnold  
Overlay District/Historic District/Flood Zone: N/A  
Future Land Use Designation: Low Intensity Commercial & Services (CSL)  
Street Type: Avenue

*The applicant is seeking a variance to allow commercial uses in the R-6 zoning district.*

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

**1. Future Land Use Planning Map**



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

## 2. Land Use Description/Intent

Low Intensity Commercial and Service (CSL) areas are typically not associated with anchors. These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, and social service institutions. Graphic portrayal of CSL is to the right.



### “CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

### “CSL” Zoning Notes

Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

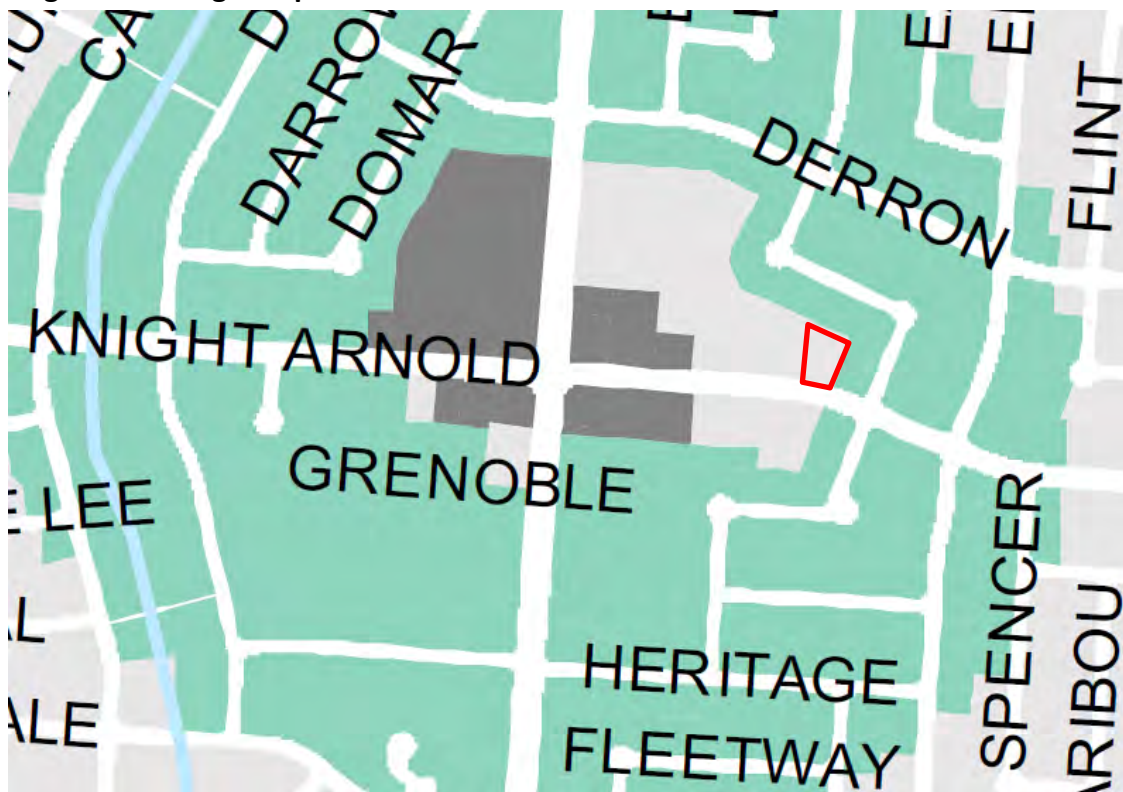
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, R-6

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

**Overall Compatibility:** *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposal is seeking to allow commercial uses in CSL where existing commercial is present.*

## 3. Degree of Change Map



Red polygon indicates the application site on the Degree of Change Map. There is no Degree of Change.

## 4. Degree of Change Description

N/A

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

N/A

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

N/A

**Consistency Analysis Summary**

*The applicant is seeking a variance to allow commercial uses in the R-6 zoning district.*

*This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposal is seeking to allow commercial uses in CSL where existing commercial is present.*

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

Summary Compiled by: Bradyn Carson, Comprehensive Planning.



**APPLICATION FORM**



**Record Summary for Rezoning**

**Record Detail Information**

Record Type: Rezoning

Record Status: Assignment

Opened Date: April 18, 2023

Record Number: Z 2023-007

Expiration Date:

Record Name: 5422 Knight Arnold

Description of Work: Rezoning request from R-6 to CMU-1

Parent Record Number: BOA 2023-0042

**Address:**

5420 KNIGHT ARNOLD RD, MEMPHIS 38115

**Owner Information**

Primary Owner Name

Y GARCIA HECTOR JR

Owner Address

5420 KNIGHT ARNOLD RD, MEMPHIS, TN 38115

Owner Phone

**Parcel Information**

074074 00026

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner	brett davis
Date of Meeting	04/17/2023
Pre-application Meeting Type	Phone

**GENERAL INFORMATION**

Is this application in response to a citation from No

**GENERAL INFORMATION**

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

**GIS INFORMATION**

Central Business Improvement District No

Case Layer -

Class C

Downtown Fire District No

Historic District -

Land Use OFFICE

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning R-6

State Route -

Lot E PT 103

Subdivision FOX MEADOWS

Planned Development District -

Wellhead Protection Overlay District Yes

**Contact Information**

Name GARCIA HECTOR JR Contact Type APPLICANT

Address

Phone

(901)553-2411

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1462473	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	04/18/2023
1462511	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	04/18/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

**Payment Information**

Payment Amount \$1,000.00 Method of Payment Fund Transfer

LETTER OF INTENT



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Telephone 901-383-8668

2950 Stage Plaza North  
Bartlett, Tennessee 38134

April 18, 2023

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

**RE: Rezoning request from R-6 to CMU-1**  
3525 Kimball  
Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a to rezone the above captioned property from R-6 to CMU-1. An application was previously filed for a use variance on this site but after consultation with staff it was decided to change the application to a zoning request.

The existing office/retail building and parking improvements were constructed by previous owners and have existed with office and retail uses for years in this location. To the east and north is an existing single family subdivision. The property to the west was included in a planned development to allow C-L uses and references this property as office but did not include the property within its confines. It appears that the building and corresponding use were allowed in error and have existed since that time as a permitted nonconforming use. This designation, however, limits the opportunities of the owner to expand the existing structure to meet current needs.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, PE



**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Hector Garcia Jr., being duly sworn, depose and say that at 2:00 am/pm on the 28<sup>th</sup> day of April, 2023, I posted a Public Notice Sign(s) pertaining to Case No. Z 2023-007 at 5422 Knight Arnold Rd Memphis TN 38115 providing notice of a Public Hearing before the \_\_\_\_\_ Land Use Control Board, \_\_\_\_\_ Memphis City Council, \_\_\_\_\_ Shelby County Board of Commisssioners for consideration of a proposed Land Use Action ( \_\_\_\_\_ Planned Development, \_\_\_\_\_ Special Use Permit, \_\_\_\_\_ Zoning District Map Amendment, \_\_\_\_\_ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Hector Garcia Jr.  
Owner, Applicant or Representative

5/3/23  
Date

Subscribed and sworn to before me this 3 day of May, 2023.

Angela Jacobs  
Notary Public

My commission expires: 2/2/26





**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, Hector Garcia Jr. Hector Garcia Jr., 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 5420 - 5422 Knight Arnold Rd Memphis TN 38115  
and further identified by Assessor's Parcel Number 074074 00026  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 28 day of March in the year of 2023.

[Signature]  
Signature of Notary Public



2/21/26  
My Commission Expires

**LETTERS RECEIVED**

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

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

Notice is hereby given that a Public Hearing will be held by the Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, August 22, 2023, at 3:30 p.m., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 23-7  
**LOCATION:** 5420 Knight Arnold Rd.  
**COUNCIL DISTRICTS:** District 4 and Super District 8  
**OWNER/APPLICANT:** Hector Garcia  
**REPRESENTATIVES:** David Bray of the Bray Firm  
**REQUEST:** Rezoning of 0.6 acres from Residential Single-Family – 6 to Commercial Mixed Use – 1  
**RECOMMENDATION:** The Division of Planning and Development recommended *Approval*  
The Land Use Control Board recommended *Approval*

**NOW, THEREFORE**, you will take notice that on Tuesday, August 22, 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 remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

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

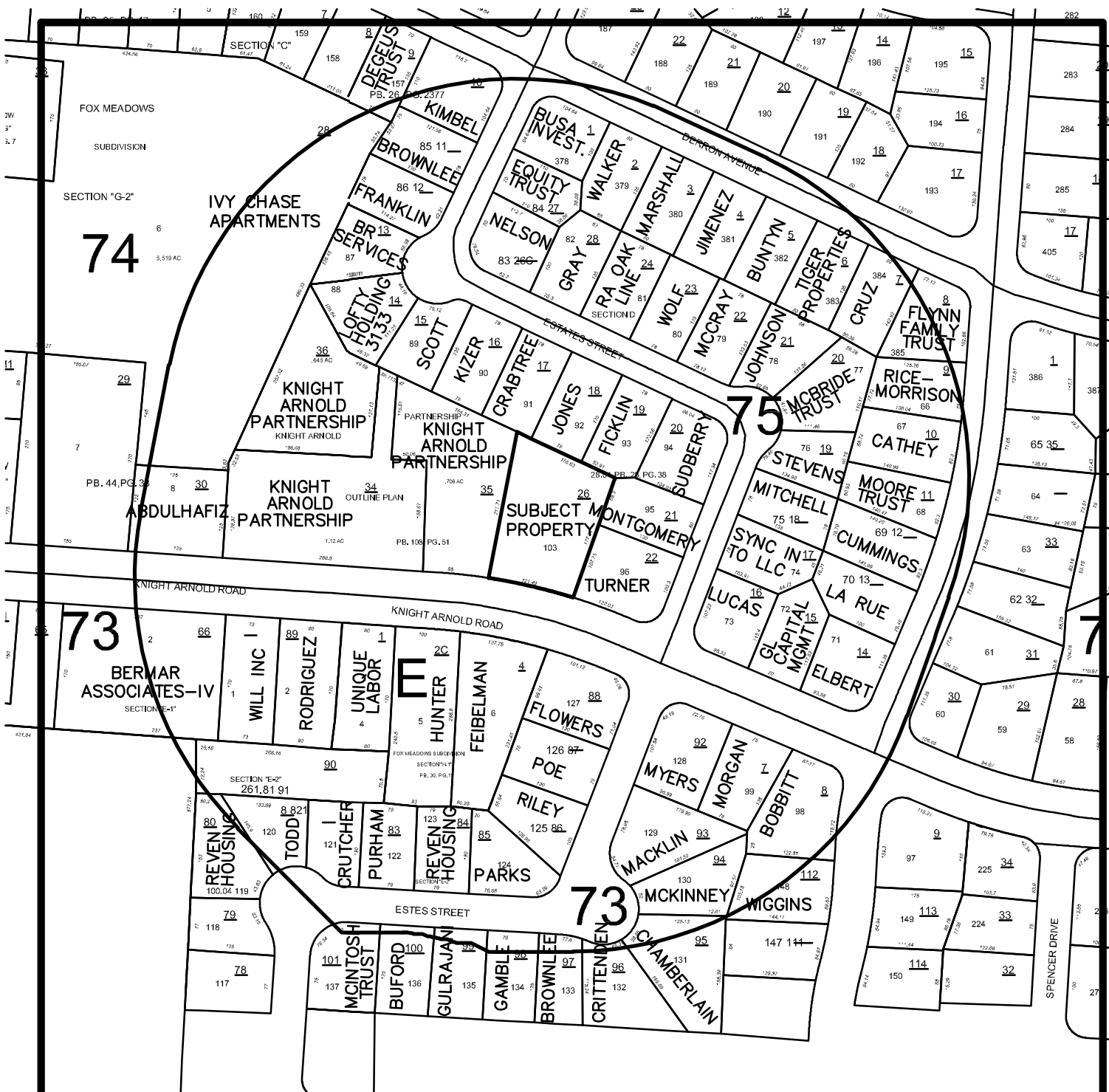
**MARTAVIUS JONES**  
***CHAIRMAN OF COUNCIL***

***ATTEST:***

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

---

**TO BE PUBLISHED:**



**BOA APPLICATION – 5422 KNIGHT ARNOLD**  
**APPLICANT: HECTOR GARCIA**

**MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES  
 2950 STAGE PLAZA NORTH  
 BARTLETT, TENNESSEE  
 MARCH 21, 2023

TELEPHONE 901-383-8668  
 E-MAIL dgbray@comcast.net  
 SCALE 1"=200'



Hector Garcia  
5422 Knight Arnold  
Memphis, TN 38115

The Bray Firm  
2950 Stage Plaza North  
Bartlett, TN 38134

Owner

Engineer

Toney T Turner  
5434 Knight Arnold Rd.  
Memphis, TN 38115-2817

Jerry III & Tracy R Montgomery  
3171 Estes  
Memphis, TN 38115

Randall H & Amanda Sudberry  
3159 Estes St.  
Memphis, TN 38115

Cynthia F Ficklin  
3153 Estes St.  
Memphis, TN 38115-2823

Yolanda D Jones  
3149 Estes St.  
Memphis, TN 38115-2823

Joseph F II & Jean F Crabtree  
3145 Estes St.  
Memphis, TN 38115-2823

Gwendolyn B Kizer  
3139 Estes St.  
Memphis, TN 38115

Spencer Scott  
93 Revere St.  
Apt. 1  
Boston, MA 02114-4407

Resident  
3135 Estes St.  
Memphis, TN 38115

Lofty Holding 3133 Estes Street DAO  
LLC  
30 N Gould St.  
Ste. R  
Sheridan, WY 82801-6317

Resident  
3133 Estes St.  
Memphis, TN 38115

BR Services Inc. Defined Benefit  
Pension Plan  
3278 Wilshire Blvd.  
Apt. 702  
Los Angeles, CA 90010-1425

Resident  
3131 Estes St.  
Memphis, TN 38115

Alton & Peggy Jo Franklin  
5101 Lechateau Cv.  
Memphis, TN 38125

Resident  
3125 Estes St.  
Memphis, TN 38115

Karen Brownlee  
3119 Estes St.  
Memphis, TN 38115-2823

Robert M Kimbel  
3111 Estes St.  
Memphis, TN 38115-2823

Megan T Degeus 2013 Living Trust  
2500 Still Meadow Rd.  
Edmond, OK 73013-6722

Resident  
5405 Derron Ave.  
Memphis, TN 38115

Ivy Chase Apartments LLC  
3130 S Mendenhall Rd.  
Memphis, TN 38115-2828

Knight Arnold Partnership  
2650 Thousand Oaks Blvd.  
Ste. 2350  
Memphis, TN 38118

Hajera Abdulhafiz  
5372 Knight Arnold Rd.  
Memphis, TN 38115-2817

Bermar Associates-IV LLC  
4942 William Arnold Rd.  
Memphis, TN 38117-4238

Will Inc.  
5385 Knight Arnold Rd.  
Memphis, TN 38115-2816

Orlando A Rodriguez  
5393 Knight Arnold Rd.  
Memphis, TN 38115-2816

Unique Labor Inc.  
5422 Knight Arnold Rd.  
Memphis, TN 38115-2817

Vernon P Hunter  
3019 Ridgeway Rd.  
Memphis, TN 38115-2726

Joseph E Feibelman  
5657 Rich Rd.  
Memphis, TN 38120-2075

Michael R Flowers  
3187 Estes St.  
Memphis, TN 38115-2906

Brian & Toni Poe  
3191 Estes St.  
Memphis, TN 38115

Wilbert L & Dorothy M Riley  
3199 Estes St.  
Memphis, TN 38115-2906

Deborah A Parks  
3213 Estes St.  
Memphis, TN 38115-2906

Reven Housing Tennessee LLC  
P.O. Box 1459  
La Jolla, CA 92038-1459

Resident  
3219 Estes St.  
Memphis, TN 38115

Sonja Purham  
3225 Estes St.  
Memphis, TN 38115

A T & Geneva Crutcher  
3229 Estes St.  
Memphis, TN 38115-2906

Inez L Todd  
3231 Estes St.  
Memphis, TN 38115-2906

Resident  
3233 Estes St.  
Memphis, TN 38115

Mattie & Darnell McIntosh Revocable  
Living Trust  
3240 Estes St.  
Memphis, TN 38115

Braderick & Janet J Buford  
3222 Estes St.  
Memphis, TN 38115-2903

Ramesh & Ritika Gulrajani & Nitin  
Chhoda  
1301 Windsor Ct.  
Denville, NJ 07834-3445

Resident  
3218 Estes St.  
Memphis, TN 38115

Vernice L Gamble  
234 W 136<sup>th</sup> St.  
New York, NY 10030-2602

Resident  
3214 Estes St.  
Memphis, TN 38115

Estate of John & Willie Brownlee  
3210 Estes ST.  
Memphis, TN 38115

Sonya Crittenden  
3206 Estes St.  
Memphis, TN 38115-2903

William & Wilma Chamberlain  
3204 Estes St.  
Memphis, TN 38115-2903

Michael McKinney  
8893 Valley Creek Dr.  
Arlington, TN 38002-4483

Resident  
3202 Estes St.  
Memphis, TN 38115

William E Macklin Jr.  
8998 River Pine Dr.  
Cordova, TN 38016-7143

Resident  
3194 Estes St.  
Memphis, TN 38115

Kelvin & Patricia Myers & Mary Gary  
3188 Estes St.  
Memphis, TN 38115-2903

Robert G & Glenda Morgan  
5459 Knight Arnold Rd.  
Memphis, TN 38115-2818

Larry & Vanessa Bobbitt  
3199 Emerald St.  
Memphis, TN 38115-2904

Henry & Clara Wiggins  
3211 Emerald St.  
Memphis, TN 38115

Karen Elbert  
3187 Emerald St.  
Memphis, TN 38115-2325

Linda LaRue  
3177 Emerald St.  
Memphis, TN 38115-2325

Peatron N Cummings  
3171 Emerald St.  
Memphis, TN 38115-2325

Aubrey G Moore Trust  
12214 Tobacco Rd.  
Soddy Daisy, TN 37379-7546

Resident  
3163 Emerald St.  
Memphis, TN 38115

Marnicia & Kevin Cathey  
3155 Emerald St.  
Memphis, TN 38115-2325

Kierisha Rice-Morrison & Michael Morrison  
3147 Emerald St.  
Memphis, TN 38115-2325

Flynn Family Trust  
9030 W Sahara Ave.  
#442  
Las Vegas, NV 89117-5744

Resident  
3137 Emerald St.  
Memphis, TN 38115

Maria T C Cruz  
5473 Derron Ave.  
Memphis, TN 38115-2803

Tiger Properties LLC  
375 N Avalon St.  
Memphis, TN 38112-5103

Resident  
5467 Derron Ave.  
Memphis, TN 38115

Sandra R Buntyn  
5459 Derron Ave.  
Memphis, TN 38115-2803

Juana E R Jimenez  
5451 Derron Ave.  
Memphis, TN 38115-2803

Andrea Marshall  
5445 Derron Ave.  
Memphis, TN 38115-2803

Kenneth & Donna Walker  
5437 Derron Ave.  
Memphis, TN 38115-2803

BUSA Investments LLC  
116 B Porter Ave.  
Nashville, TN 37206

Resident  
5427 Derron Ave.  
Memphis, TN 38115

Equity Trust Co. Cust FBO Shannon D Jones IRA  
1 Equity Way  
Westlake, OH 44145-1050

Resident  
3118 Estes St.  
Memphis, TN 38115

Leroy & Michelle Nelson  
3140 Estes St.  
Memphis, TN 38115-2815

Aquino & Akita Gray  
3146 Estes St.  
Memphis, TN 38115-2815

RA Oak Line LLC  
11 S Orleans St.  
Memphis, TN 38103-3320

Resident  
3150 Estes St.  
Memphis, TN 38115

Joyce Wolf  
6603 Blarwood Dr.  
Austin, TX 78745-4829

Resident  
3154 Estes St.  
Memphis, TN 38115

Candy L McCray  
1033 Bellevue Ave.  
Elgin, IL 60120-2405

Resident  
3158 Estes St.  
Memphis, TN 38115

Walter & Henrietta Johnson  
3162 Estes St.  
Memphis, TN 38115-2815

Robert & Nancy McBride Living Trust  
70 Windgrove Cv.  
Piperton, TN 38017-5270

Resident  
3164 Estes St.  
Memphis, TN 38115

Charles & Sonda Stevens  
3166 Estes St.  
Memphis, TN 38115-2815

James & Sheronda Mitchell  
3168 Estes St.  
Memphis, TN 38115

Sync In To Inc.  
2709 Jackson Pike  
Bidwell, OH 45614-9361

Resident  
3172 Estes St.  
Memphis, TN 38115

Delois A Lucas  
3176 Estes St.  
Memphis, TN 38115

GL Capital Management LLC  
7031 Cadmar Ln NW  
Seabeck, WA 98380-9518

Resident  
5458 Knight Arnold Rd.  
Memphis, TN 38115

Councilwoman Jana Swearengen-  
Washington  
125 N. Main St.  
Room 514  
Memphis, TN 38103

Chairman Martavius Jones  
125 N. Main St.  
Room 514  
Memphis, TN 38103

Vice Chairman JB Smiley Jr  
125 N. Main St.  
Room 514  
Memphis, TN 38103

Councilwoman Cheyenne Johnson  
125 N. Main St.  
Room 514  
Memphis, TN 38103



**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, RELATIVE TO THE REASONABLE AND NECESSARY FACILITIES AND OTHER CAPITAL ASSETS FOR THE MEMPHIS CITY COUNCIL TO CONDUCT ITS MEETING OBLIGATIONS AND OTHER LEGISLATIVE RESPONSIBILITIES VESTED IN THE COUNCIL BY THE CITY'S CHARTER**

**WHEREAS**, the Memphis City Council adopted Ordinance 5219 effective October 16, 2007 over the veto of then Mayor Willie Herenton to insure a separation of powers between the executive and legislative branches of City government pursuant to the Council's broad legislative authority under the City's Charter to establish rules and regulations to govern the affairs of the Council, including the creation, appointment and regulation of its own staff;

**WHEREAS**, Ordinance 5219 established that the Memphis City Council shall create, appoint and regulate its own staff;

**WHEREAS**, Ordinance 5219 created the following classifications of staff employees, Council Attorney, Council Administrator, Assistant Council Administrator and other positions as determined necessary by the Council Chairman;

**WHEREAS**, pursuant to the Council's broad legislative authority under the City's Charter, the Council has by resolution approved a staff restructure plan for the Council pursuant to which the City's Legislative authorized staff complement was increased from 28 to 31 full time positions, to add a legislative analyst, an assistant Council attorney and an office and grants administrator;

**WHEREAS**, the Council has determined that its current facilities are not reasonably adequate to accommodate the increase in its new staff complement and that its website and external communications with citizens of the City needs to be improved;

**WHEREAS**, in order to insure a separation of powers between the executive and legislative branches of City government as contemplated by the Tennessee Constitution, the Council desires to amend Chapter 2, Article II of the Code of Ordinances of the City of Memphis to establish and affirm the Council's authority to appropriate City funds and resources to provide the appropriate staff, facilities and assets that it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS** that consistent with the Tennessee Constitution, the City's Charter, Ordinance Nos. 5219 and 5670, the Code of Ordinances for the City of Memphis, Tennessee Chapter 2, Article II, is hereby amended to create a new Section 2-19 which shall read as follows:

**SECTION 1. Section 2-19. – Council Facilities**

The Memphis City Council does hereby ordain that the Council alone shall determine the appropriate staff, facilities and assets that it deems necessary from time to time to adequately and efficiently perform the legislative functions vested in it by the City's Charter:

- (a) The Chairman shall be authorized in consultation with the Vice-Chairman and the Chairman of the Council's Budget Committee to make a determination of the facilities and assets that it deems necessary from time to time to adequately and efficiently perform the legislative functions vested in it by the City's Charter and to insure that the necessary City funds and resources are included in the Legislative Divisions' operating and capital budgets contained in the City's Annual Appropriation Ordinance and/or Capital Budgets or in any amendments thereto to provide the Council with the facilities and assets it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter.
- (b) The Council has the authority under the City's Charter to approve and amend all budgets of the City and shall have the authority to amend the City's Annual Appropriation Ordinance and/or Capital Budgets to provide the Legislative Division with the facilities and assets it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter, including funding for independent intellectual technology services and equipment, architectural and web design services, leasing consulting services, appropriation of unused or underutilized office space in City Hall, or leasing of additional office space, if none is available in City Hall.
- (c) The City administration shall see that the provisions of the Code of Ordinances for the City of Memphis, Tennessee Chapter 2, Article II, as amended, are observed and implemented, as required by the City's Charter.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** 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 BY THE COUNCIL OF THE CITY OF MEMPHIS** that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

**SPONSORS:**

**JB SMILEY, JR.**

**CHASE CARLISLE**

**MARTAVIUS JONES**

**JANA SWEARENGEN-WASHINGTON**

**CHEYENNE JOHNSON**

**DR. JEFF WARREN**

**FORD CANALE**

**RHONDA LOGAN**

**MARTAVIUS JONES  
CHAIRMAN**



RESOLUTION approving the Engineering plans  
for: **Madison and Diana Mixed-Use**  
and accepting Bond as security

WHEREAS, **Caruthers Group/ViktorHall Construction**, is the Developer of a certain property in the present limits of the City of Memphis, as shown on the engineering plans, and located at 2041 Madison Avenue, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Caruthers Group/ViktorHall Construction**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Madison and Diana Mixed-Used**, are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Bond in the amount of \$42,100.00**, as security for project





RESOLUTION approving **Supplemental Agreement #1** for:  
**CR#5404 - Glide Xpress (1470 Germantown Parkway)**

WHEREAS, **Max Alley Investments, LLC.**, is the Developer of a certain property within the present limits of Memphis, located at 1470 Germantown Parkway in Memphis, Tennessee. and

WHEREAS, the developer desires to develop the property reflected on the engineering plans; and

WHEREAS, attached hereto is Supplemental Agreement #1 extending the standard improvement contract, **CR#5404 - Glide Xpress (1470 Germantown Parkway)**, entered into on June 7, 2022 by and between **Max Alley Investments, LLC.**, and the City of Memphis, and extend it through January 1, 2024, covering the public improvements as a part of developing the property; and

WHEREAS, the **U.S. Specialty Insurance Company Performance Bond No. 1001054258**, in the amount of **\$92,100.00** will remain in place, active throughout the term of the agreement and Liability Insurance has been updated and received.

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **Supplemental Agreement #1 for CR#5404 - Glide Xpress (1470 Germantown Parkway)** is hereby approved.



RESOLUTION approving **Supplemental Agreement #1** for:  
**CR#5414 - Epping Forest Section D** and reducing Bond

WHEREAS, **Beruk Construction, Inc.**, is the Developer of a certain property within the present limits of Memphis, located at the corner of Highland and James Road in Memphis, Tennessee. and

WHEREAS, the developer desires to develop the property reflected on the engineering plans; and

WHEREAS, attached hereto is Supplemental Agreement #1 extending the standard improvement contract, **CR#5414 - Epping Forest Section D**, entered into on July 12, 2022 by and between **Beruk Construction, Inc.**, and the City of Memphis, and extend it through February 18, 2024, covering the public improvements as a part of developing the property; and

WHEREAS, the **Great American Insurance Group Performance Bond No. E706763**, in the amount of **\$205,300.00** remains active throughout term of the agreement, and reduced to **\$39,000.00** due to Bonded work completed. New Liability Insurance form received.

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **Supplemental Agreement #1 for CR#5414 - Epping Forest Section D** is hereby approved.



RESOLUTION approving **Supplemental Agreement #1** for:  
**H2S Downtown Memphis 2022 [CR#5421]**

WHEREAS, **Baywood Hotels**, is the Developer of a certain property within the present limits of Memphis, located at 1470 Germantown Parkway in Memphis, Tennessee. and

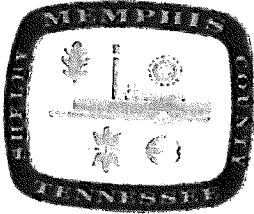
WHEREAS, the developer desires to develop the property reflected on the engineering plans; and

WHEREAS, attached hereto is **Supplemental Agreement #1** extending the standard improvement contract, **CR#5421 - H2S Downtown Memphis 2022**, entered into on August 23, 2022 by and between **Baywood Hotels**, and the City of Memphis, and extending it to August 22, 2024, covering the public improvements as a part of developing the property; and

WHEREAS, the **Merchants National Bonding Performance Bond No. NTN 1707**, in the amount of **\$82,700.00** to remain in place, active throughout the term of the agreement and Liability Insurance has been received and is current.

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **Supplemental Agreement #1 for H2S Downtown Memphis 2022 [CR#5421]** is hereby approved.



**A Resolution to accept, allocate and appropriate grant funds in the amount of Four Hundred Thirty Thousand Five Hundred Dollars and Zero Cents (\$430,500) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives.**

**WHEREAS**, the City of Memphis, Division of Library Services, Memphis Public Libraries has received grant funds in the amount of Four Hundred Thirty Thousand Five Hundred Dollars and Zero Cents (\$430,500) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives; and

**WHEREAS**, these funds will be used to purchase supplies, books and collection development materials; and

**WHEREAS**, it is necessary to amend the Fiscal Year 2024 Operating Budget to establish funds for the Supplies, Books and Collection Development Materials; and

**WHEREAS**, it is necessary to accept, allocate, and appropriate the grant funds in the amount of Four Hundred Thirty Thousand Five Hundred Dollars and Zero Cents (\$430,500) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives for the Supplies, Books and Collection Development Materials Grant;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Supplies, Books and Collection Development Materials Grant funds in the amount of Four Hundred Thirty Thousand Five Hundred Dollars and Zero Cents (\$430,500) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives to purchase supplies, books and collection development materials be accepted by the City of Memphis;

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2024 Operating Budget be and is hereby amended by allocating and appropriating the revenues and expenditures for the Supplies, Books and Collection Development Materials Grant funds in the amount of Four Hundred Thirty Thousand Five Hundred Dollars and Zero Cents (\$430,500) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives; as follows:

<u>Revenue</u>	
State Funds	\$ 420,500.00
Federal Funds	\$ 10,000.00
<b>TOTAL</b>	<b>\$ 430,500.00</b>

<u>Expenditures</u>	
Supplies, Books and Collection Development Materials	\$ 430,500.00





## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
Resolution to accept/allocate/appropriate grant funds in the amount of Four Hundred Thirty Thousand Five Hundred Dollars and Zero Cents (\$430,500) from the State of Tennessee, Tennessee State Library and Archives.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
Library Division
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
N/A
- 4. State whether this will impact specific council districts or super districts.**  
ALL
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**  
This requires a new contract between the City of Memphis and the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives
- 6. State whether this requires an expenditure of funds/requires a budget amendment**  
The FY24 Budget will need amending.
- 7. If applicable, please list the MWBE goal and any additional information needed**  
N/A

## **Memphis City Council Summary Sheet for MLGW Items**

### **1. Description of the Item**

Resolution approving the ratification of purchase order number 7044816 to WESCO Distribution, Inc., for smart meter water modules in the amount of \$2,970,000.00.

### **2. Additional Information**

The smart meter water modules are used to measure the consumption of water for customer billing. Failing water meter components impacted customer service deliveries, disrupted business operations, and created an emergency requiring immediate action. In accordance with MLGWS emergency policy, purchase order number 7044816 was issued to procure the smart meter water modules needed to replace defective modules. This ratification complies with all applicable laws and policies.

## **RESOLUTION**

**WHEREAS**, the Board of Light, Gas and Water Commissioners in their meeting of August 16, 2023 approved ratification of purchase order number 7044816 for smart meter water modules and is now recommending to the Council of the City of Memphis that it approves said ratification as approved in the 2023 fiscal year budget; and

**WHEREAS**, the smart meter water modules are used to measure the consumption of water for customer billing. Failing water meter components impacted customer service deliveries, disrupted business operations, and created an emergency requiring immediate action. In accordance with MLGW'S emergency policy, purchase order number 7044816 was issued to procure the smart meter water modules needed to replace defective modules. This ratification complies with all applicable laws and policies.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby approved ratification of purchase order number 7044816 for smart meter water modules in the amount of \$2,970,000.00 chargeable to the MLGW 2023 fiscal year budget.

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**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**August 16, 2023**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approves the ratification of purchase order number 7044816 to WESCO Distribution, Inc. for smart meter water modules in the amount of \$2,970,000.00.

The smart meter water modules are used to measure the consumption of water for customer billing. Failing water meter components impacted customer service deliveries, disrupted business operations, and created an emergency requiring immediate action. In accordance with MLGW'S emergency policy, purchase order number 7044816 was issued to procure the smart meter water modules needed to replace defective modules. This ratification complies with all applicable laws and policies.

The 2023 budgeted amount for Water Meter Shop – Previously Capital Item is \$1,922,000.00; of which \$1,922,000.00 was spent on this purchase order in 2023; and the overage of \$1,048,000.00 will be absorbed within the 2023 Water Capital budget; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis approve the ratification of purchase order number 7044816 with WESCO Distribution, Inc. for smart meter water modules is approved as outlined in the foregoing preamble.

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

  
SVP, CFO & CAO Secretary - Treasurer



## **Memphis City Council Summary Sheet for MLGW Items**

### **1. Description of the Item**

Resolution awarding Contract No. 12440, Master Asphalt Paving Program to Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the funded amount of \$16,150,666.25. (SAME NIGHT MINUTES REQUESTED)

### **2. Additional Information**

The project scope is to provide all supervision, labor, technical skills, tools, material, and equipment necessary for the milling and paving repairs, paving of excavation patches, and single-lane paving. All work will be performed along public streets within Shelby County, Tennessee, and within various MLGW work facilities as needed.

## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of August 16, 2023 awarded Contract No. 12440, Master Asphalt Paving Program to Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the funded amount of \$16,150,666.25 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide all supervision, labor, technical skills, tools, material, and equipment necessary for the milling and paving repairs, paving of excavation patches, and single-lane paving. All work will be performed along public streets within Shelby County, Tennessee, and within various MLGW work facilities as needed. The Contractor is responsible for set up, operation and take down of all equipment used during the execution of the Work; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on June 19, 2023. MLGW solicited 14 bids; and received three (3) bids on August 3, 2023. The lowest and best bid was received from Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the amount of \$16,150,666.25. The term of this contract is one (1) year from the date of the Notice to Proceed with an option of two (2) annual renewal terms. This award complies with all applicable laws and policies; and

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12440, Master Asphalt Paving Program to Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the funded amount of \$16,150,666.25.

**EXCERPT**  
**from**  
**MINUTES OF MEETING**  
**of**  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
**held**  
**August 16, 2023**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12440, Master Asphalt Paving Program to Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the funded amount of \$16,150,666.25.

The project scope is to provide all supervision, labor, technical skills, tools, material, and equipment necessary for the milling and paving repairs, paving of excavation patches, and single-lane paving. All work will be performed along public streets within Shelby County, Tennessee, and within various MLGW work facilities as needed. The Contractor is responsible for set up, operation and take down of all equipment used during the execution of the Work.

The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on June 19, 2023. MLGW solicited 14 bids; and received three (3) bids on August 3, 2023. The lowest and best bid was received from Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the amount of \$16,150,666.25. The term of this contract is one (1) year from the date of the Notice to Proceed with an option of two (2) annual renewal terms. This award complies with all applicable laws and policies.



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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12440, Master Asphalt Paving Program to Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the funded amount of \$16,150,666.25, as outlined in the foregoing preamble, is approved and further,

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

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

  
SVP, CFO & CAO Secretary - Treasurer

SAME DAY MINUTES APPROVED

## **Memphis City Council Summary Sheet for MLGW Items**

### **1. Description of the Item**

Resolution approving Change No. 3 to Contract No. 12154, Surveying Services with Ollar Surveying Company, LLC., (to renew the current contract for the third of four annual renewal terms for the period covering January 19, 2024 through January 18, 2025) in the funded amount of \$145,446.00.

### **2. Additional Information**

The project scope is to provide supervision, labor, material, tools, equipment, and transportation necessary to perform land surveying as required by the Division throughout Shelby County and various counties in Tennessee, Mississippi, and Arkansas

## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of August 16, 2023 approved Change No. 3 to Contract No. 12154, Surveying Services with Ollar Surveying Company, LLC to renew the current contract in the funded amount of \$145,446.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide supervision, labor, material, tools, equipment, and transportation necessary to perform land surveying as required by the Division throughout Shelby County and various counties in Tennessee, Mississippi, and Arkansas. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 19, 2024 through January 18, 2025 in the funded amount of \$145,446.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$571,763.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12154, Surveying Services with Ollar Surveying Company, LLC to renew the current contract in the funded amount of \$145,446.00 as approved.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**August 16, 2023**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12154, Surveying Services with Ollar Surveying Company, LLC to renew the current contract in the funded amount of \$145,446.00.

The project scope is to provide supervision, labor, material, tools, equipment, and transportation necessary to perform land surveying as required by the Division throughout Shelby County and various counties in Tennessee, Mississippi, and Arkansas. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 19, 2024 through January 18, 2025 in the funded amount of \$145,446.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$571,763.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 12154, Surveying Services with Ollar Surveying Company, LLC to renew the current contract in the funded amount of \$145,446.00, as outlined in the above preamble, is approved; and further

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

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

  
\_\_\_\_\_  
SVP, CFO & CAO Secretary - Treasurer

## **Memphis City Council Summary Sheet for MLGW Items**

### **1. Description of the Item**

Resolution awarding a purchase order for steel utility bodies to Utility Equipment Service, Inc., in the amount of \$41,046.00 and Scruggs Equipment Company in the amount of \$319,012.00.

### **2. Additional Information**

This purchase is for twelve steel utility bodies that will be used for various customer service functions by Division employees to maintain the electric, gas and water systems throughout Shelby County, Tennessee. The steel utility bodies will replace existing steel utility bodies that will be retired from service.



## **RESOLUTION**

**WHEREAS**, the Board of Light, Gas and Water Commissioners in their meeting of August 16, 2023 approved the purchase of steel utility bodies and is now recommending to the Council of the City of Memphis that it approve said purchase as approved in the 2023 fiscal year budget; and

**WHEREAS**, this purchase is for twelve steel utility bodies that will be used for various customer service functions by Division employees to maintain the electric, gas and water systems throughout Shelby County, Tennessee. The steel utility bodies will replace existing steel utility bodies that will be retired from service; and

**WHEREAS**, bids were opened on June 7, 2023. Notice to Bidders was advertised. Five bids were solicited and three bids were received with the lowest and best complying bidder for items one and two being the firm of Utility Equipment Service, Inc. The lowest and best complying bidder for items three and four being the firm of Scruggs Equipment Company. These awards comply with all applicable laws and policies; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby approved the purchase of two steel utility bodies from Utility Equipment Service, Inc. in the amount of \$41,046.00 and ten steel utility bodies from Scruggs Equipment Company in the amount of \$319,012.00. Due to the delivery time, funds for this equipment will be requested for carryover to the 2024 budget.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**August 16, 2023**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order for steel utility bodies to Utility Equipment Service, Inc. in the amount of \$41,046.00 and Scruggs Equipment Company in the amount of \$319,012.00.

This purchase is for twelve steel utility bodies that will be used for various customer service functions by Division employees to maintain the electric, gas and water systems throughout Shelby County, Tennessee. The steel utility bodies will replace existing steel utility bodies that will be retired from service.

Bids were opened on June 7, 2023. Notice to Bidders was advertised. Five bids were solicited and three bids were received with the lowest and best complying bidder for items one and two being the firm of Utility Equipment Service, Inc. The lowest and best complying bidder for items three and four being the firm of Scruggs Equipment Company. These awards comply with all applicable laws and policies.

The 2023 budgeted amount for the purchase of Transportation and Vehicle Acquisition and Training Services is \$9,156,766.00; the amount spent to date is \$2,024,059.64; leaving a balance available of \$7,132,706.36; of which \$360,058.00 has been requested for carryover to the 2024 budget due to delivery time for the utility steel bodies; and

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

**THAT,** subject to the consent and approval of the Council of the City of

Memphis, award of purchase order to Utility Equipment Service, Inc. is approved for furnishing:

1 – Service body / crane combination, 1-ton, dual wheel; service body with integrated corner mounted crane, 84 CA, super duty chassis at \$21,756.00 each,

1 – Service body, 102” CA, GM-500, same as 200-2196 with no top to carry reels at \$19,290.00 each,

Totaling \$41,046.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; prices being firm, delivery 25-30 weeks, terms net 30, and further,

Scruggs Equipment Company be, and is hereby, awarded purchase order for furnishing:

1 – Utility service body for 102” CA, per drawing No. GM-524 for water department full top at \$31,579.00 each,

9 – Utility service body for 102” CA, per drawing No. 525 for electric department, full top at \$31,937.00 each,

Totaling \$319,012.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; prices being firm, delivery 39-42 weeks, terms net 30 days.

Total of both awards amounts to \$360,058.00.

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

  
SVP, CFO & CAO Secretary - Treasurer

## **Memphis City Council Summary Sheet for MLGW Items**

### **1. Description of the Item**

Resolution approving the ratification of purchase order number 7046271 to Mansfield Oil Company of Gainesville, Inc., for unleaded and diesel fuel in the amount of \$539,977.86.

### **2. Additional Information**

In accordance with Tennessee Code Annotated §12-3-1004, Purchases for Other Local Government Units, MLGW, and the City of Memphis jointly solicited competitive bids for unleaded and diesel fuel. The contract was evaluated, and purchase order number 7046271 was issued to Mansfield Oil Company of Gainesville, Inc. The unleaded and diesel fuel is needed to fuel MLGW's fleet at various fuel pumping stations.



## **RESOLUTION**

**WHEREAS**, the Board of Light, Gas and Water Commissioners in their meeting of August 16, 2023 approved the ratification of purchase order number 7046271 for unleaded and diesel fuel and is now recommending to the Council of the City of Memphis that it approves said ratification as approved in the 2023 fiscal year budget; and

**WHEREAS**, in accordance with Tennessee Code Annotated §12-3-1004, Purchases for Other Local Government Units, MLGW, and the City of Memphis jointly solicited competitive bids for unleaded and diesel fuel. The contract was evaluated, and purchase order number 7046271 was issued to Mansfield Oil Company of Gainesville, Inc. The unleaded and diesel fuel is needed to fuel MLGW's fleet at various fuel pumping stations. This request covers the purchase of fuel through October 30, 2023 with the option to extend for two additional one year periods. This ratification complies with all applicable laws and policies; and

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby approved ratification of purchase order number 7046271 for unleaded and diesel fuel in the amount of \$539,977.86 chargeable to the MLGW 2023 fiscal year budget.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**August 16, 2023**

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The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approves the ratification of purchase order number 7046271 to Mansfield Oil Company of Gainesville, Inc. for unleaded and diesel fuel in the amount of \$539,977.86.

In accordance with Tennessee Code Annotated §12-3-1004, Purchases for Other Local Government Units, MLGW, and the City of Memphis jointly solicited competitive bids for unleaded and diesel fuel. The contract was evaluated, and purchase order number 7046271 was issued to Mansfield Oil Company of Gainesville, Inc. The unleaded and diesel fuel is needed to fuel MLGW's fleet at various fuel pumping stations. This request covers the purchase of fuel through October 30, 2023 with the option to extend for two additional one year periods. This ratification complies with all applicable laws and policies.

The 2023 budgeted amount for Fuel Management is \$4,395,663.00; the amount spent to date is \$3,237,516.67; leaving a balance available of \$1,158,146.33; of which \$539,977.86 will be spent on this purchase order in 2023; leaving a balance available of \$618,168.47 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, approves ratification of Purchase Order Number 7046271 to Mansfield Oil Company of Gainesville, Inc. for unleaded and diesel fuel as outlined in the foregoing preamble.

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

  
\_\_\_\_\_  
SVP, CFO & CAO Secretary - Treasurer

## **Memphis City Council Summary Sheet for MLGW Items**

### **1. Description of the Item**

Resolution approving Change No. 2 to Contract No. 12247, Gas Transmission ROW Mowing and Tree Trimming with ABC Professional Tree Services, Incorporated (to ratify and renew the current contract for the second of four annual renewal terms for the period covering August 16, 2023 through August 15, 2024) in the funded amount of \$769,948.36.

### **2. Additional Information**

The project scope is to furnish all supervision, labor, transportation, material, equipment, tools and supplies as required to perform grass mowing and tree trimming on MLGW's transmission line rights-of-way on an as-needed basis in Memphis and Shelby County, Tennessee.

## RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of August 16, 2023 approved Change No. 2 to Contract No. 12247, Gas Transmission ROW Mowing and Tree Trimming with ABC Professional Tree Services, Incorporated to ratify and renew the current contract in the funded amount of \$769,948.36, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, transportation, material, equipment, tools and supplies as required to perform grass mowing and tree trimming on MLGW's transmission line rights-of-way on an as-needed basis in Memphis and Shelby County, Tennessee. This change is to ratify and renew the current contract for the second of four (4) annual renewal terms for the period covering August 16, 2023 through August 15, 2024 in the amount of \$769,948.36, with a 2% overall increase in rates from the previous term due to increases in labor costs caused by competition for limited labor resources. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$2,186,656.36; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12247, Gas Transmission ROW Mowing and Tree Trimming with ABC Professional Tree Services, Incorporated to ratify and renew the current contract in the funded amount of \$769,948.36 as approved.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**August 16, 2023**

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The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12247, Gas Transmission ROW Mowing and Tree Trimming with ABC Professional Tree Services, Incorporated to ratify and renew the current contract in the funded amount of \$769,948.36.

The project scope is to furnish all supervision, labor, transportation, material, equipment, tools and supplies as required to perform grass mowing and tree trimming on MLGW's transmission line rights-of-way on an as-needed basis in Memphis and Shelby County, Tennessee. This change is to ratify and renew the current contract for the second of four (4) annual renewal terms for the period covering August 16, 2023 through August 15, 2024 in the amount of \$769,948.36, with a 2% overall increase in rates from the previous term due to increases in labor costs caused by competition for limited labor resources. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$2,186,656.36.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12247, Gas Transmission ROW Mowing and Tree Trimming with ABC Professional Tree Services, Incorporated to ratify and renew the current contract in the funded amount of \$769,948.36, as outlined in the above preamble, is approved; and further

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

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

  
\_\_\_\_\_  
SVP, CFO & CAO Secretary - Treasurer



# City of Memphis



TENNESSEE

**JIM STRICKLAND**  
MAYOR

August 1, 2023

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

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Michael P. Pfrommer**

be appointed to the Memphis Animal Services Advisory Board as a member with a term expiration date of July 30, 2024.

I have attached biographical information.

Sincerely,

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

Jim Strickland  
Mayor

JSS/sss

# **ANIMAL SHELTER ADVISORY BOARD**

**7 Member Board**

**2 Year Term**

## **Purpose of Board:**

The Animal Shelter Advisory Board shall assist the Animal Shelter staff in the investigation and prosecution, if necessary, of all complaints of cruelty or mistreatment of animals or fowl, and if necessary, take charge of and make proper disposition of the animals or fowl involved in such complaints, when so requested by the Director of Public Service; Advise the Director of Public Service and the Animal Shelter Administrator in matters relating to the efficient and humane operation of the Animal Shelter; and serve as advocates for the humane treatment of animals and fowl, as set out in this title, while maintaining an awareness of the needs to protect and enhance the total environment of the city.

<b>Shea Flinn</b>	<b>M/W</b>	<b>07-30-22</b>
<b>Vacancy-</b>	<b>F/W</b>	<b>07-30-22</b>
<b>Dr. Jennifer Karnes</b>	<b>F/W</b>	<b>07-30-22</b>
<b>Vacancy</b>	<b>F/W</b>	<b>07-30-22</b>
<b>London Shavers</b>	<b>M/B</b>	<b>07-30-22</b>
<b>Damon Williams</b>	<b>M/B</b>	<b>07-30-22</b>
<b>Vacancy</b>	<b>F/W</b>	<b>07-30-20</b>

Updated 03/01/23

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

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

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

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

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

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

**WHEREAS**, steady or increasing calls for service, coupled with space and staffing shortages at the City of Memphis Impound Lot require Towing Company drivers to spend more time dropping vehicles on the lot, thus further eroding the profitability of the business; and

**WHEREAS**, the Memphis City Council has heard the pleas of the city’s Towing Operators to raise fees for their service to sustainable levels;

**NOW, THEREFORE,**

**Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 41 - Wreckers and Towing Operators, of the Code of Ordinances, is hereby amended as follows:

**Article 1, Section 41-6. Wrecker Fees Prescribed**

- (1) Class A Wrecker Service: The maximum charge for Class A wrecker services, except in those instances which require the use of heavy-duty equipment as provided for in paragraph (2)(a) of this section, shall be as follows within the corporate limits of the city:

Year	Fee
2023	Two hundred and twenty-five dollars (225.00)
and all the years thereafter, until further amended	

The fee for towing required on a Night/ Weekend/ Holiday shall be two hundred and fifty dollars (\$250.00). For purposes of this and Sections 1-41-6-2 and 1-41-6-3, “Night” shall be defined as the hours

between 6 PM and 6 AM daily; "Weekend" shall be defined as the hours between 6 PM Friday and 6 AM Monday; "Holiday" shall be defined as any paid holiday recognized by the U.S. Federal or Tennessee State Governments.

The applicable fee shall include the point of final destination given to the wrecker driver in accordance with section 41-12(a).

Should the vehicle to be towed require extra winching, an additional one-hundred dollar (\$100.00) fee shall be assessed.

(2) Class B Wrecker Service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Five hundred dollars (500.00) per hour

The fee for towing by a Class B Wrecker required on a Night/ Weekend/ Holiday shall be five hundred twenty-five dollars (\$525.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and for each additional hour thereafter.

The fee for extra winching for a Class B Wrecker shall be three hundred dollars (\$300.00) per hour

The fee for the use of a licensed driver helper will be sixty dollars (\$60.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

(3) Class C Wrecker service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Six hundred seventy-five dollars (\$675.00) per hour

The fee for towing by a Class C Wrecker required on a Night/ Weekend/ Holiday shall be seven hundred dollars (\$700.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and each additional hour for the use of the wrecker.



The fee for the use of a licensed driver helper will be one hundred dollars (\$100.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

### **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.

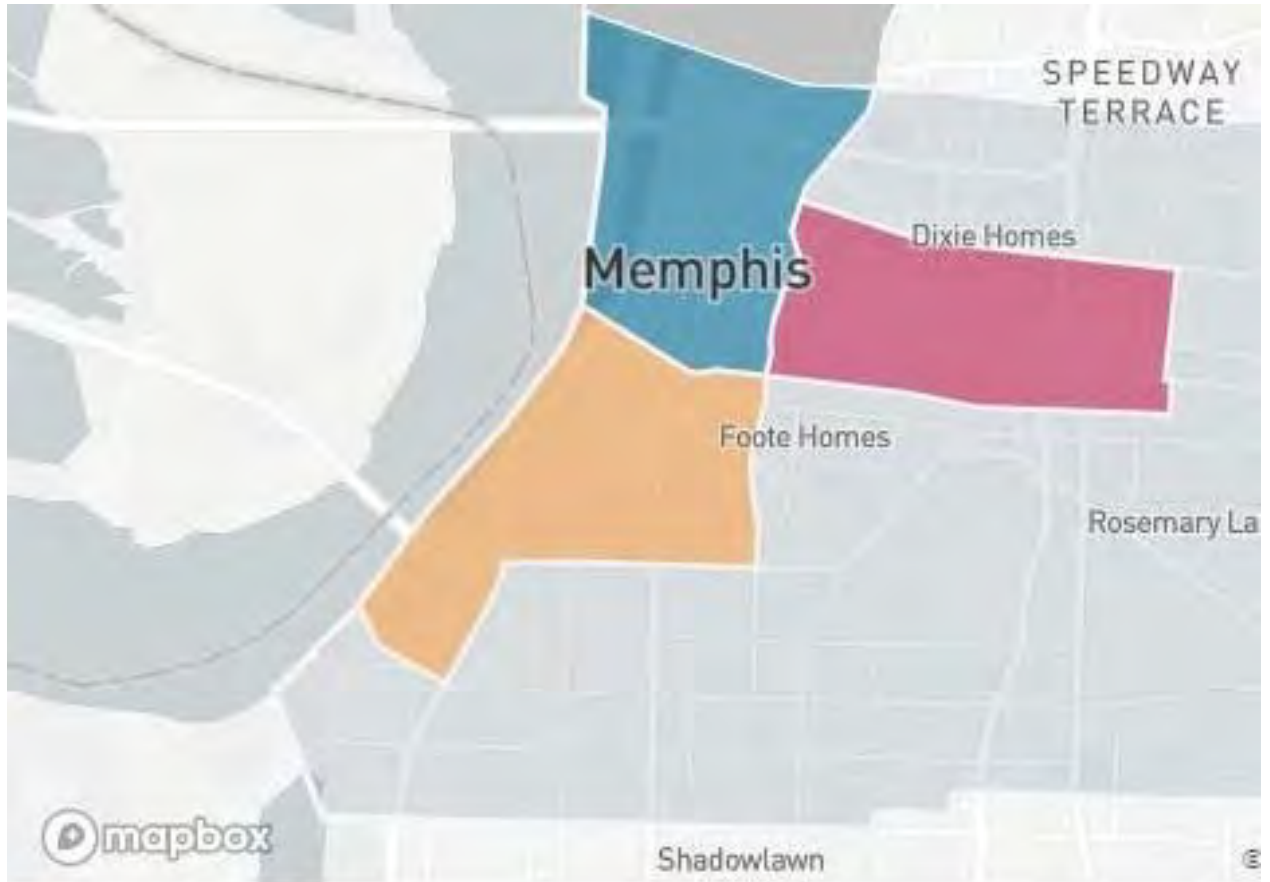
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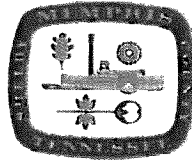
CHAIRMAN

Martavius Jones

Exhibit A



- South District
- North District
- Core District
- Edge/Medical District
- Core City District



## Memphis City Council Summary Sheet

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

A resolution to accept, allocate and appropriate funds from the Tennessee Emergency Management Agency's Hazardous Materials Emergency Preparedness (HMEP) in the amount of \$24,500 for training and equipment.

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

Memphis Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

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

All council districts and super district.

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

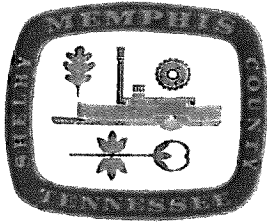
This request will not require a new contract.

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

This project requires an expenditure of funds and a budget adjustment.

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

There is no MWBE goal.



**A resolution to accept, allocate and appropriate funds from the Tennessee Emergency Management Agency’s Hazardous Materials Emergency Preparedness (HMEP) in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) to be used for training and equipment.**

**WHEREAS,** The City of Memphis Division of Fire Services has been awarded grant fund in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) from the Department of Transportation Pipeline and Hazardous Materials Safety Administration for training and equipment with a City match in the amount of Six Thousand One Hundred Twenty-Five Dollars and Zero Cents (\$6,125.00); and

**WHEREAS,** These funds will be used for training and equipment to strengthen the Special Operations Divisions ability to provide training to sort personnel in responding to flammable liquid incidents involving surface transportation: and

**WHEREAS,** It is necessary to accept the grant funding and amend the FY24 Misc. Grant Budget to establish funds for the Hazardous Materials Emergency Preparedness (HMEP) Grant; and

**WHEREAS,** It is necessary to appropriate the fund in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) for Fire Services; and

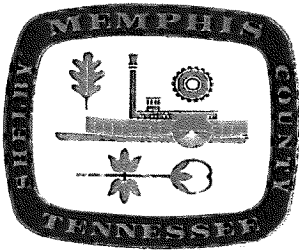
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Hazardous Materials Emergency Preparedness (HMEP)funds in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED,** that the FY24 Misc. Grant Budget be and is hereby amended by allocation and appropriating the Expenditures and Revenues for the Hazardous Materials Emergency Preparedness (HEMP)Grant Program as follows:

<b>Revenue</b>	
<b>Federal Grants</b>	<b>\$24,500.00</b>
<b>Expense</b>	
<b>Equipment</b>	<b>\$8,200.00</b>
<b>Professional Services</b>	<b>\$14,400.00</b>
<b>Supplies</b>	<b>\$1,900.00</b>

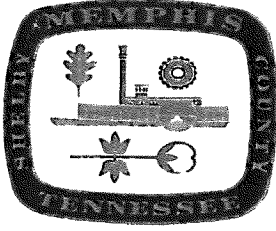


## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
Resolution to allocate and appropriate \$5,000,000.00 from FY24 PK01036 Lester Community Center, Contract Construction.
  
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
Memphis Parks
  
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
( Not Applicable )
  
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**  
These funds will require a construction contract.
  
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**  
This will require an expenditure of \$5,000,000.00



***Resolution to allocate and appropriate funds for the new  
Lester Community Center PK01036***

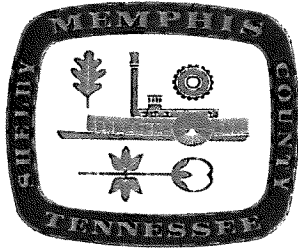
**WHEREAS**, the Council of the City of Memphis did include Lester Community Center CIP Project Number PK01036, as part of the Fiscal Year 2024 Capital Improvements Budget; and

**WHEREAS**, the Council of the City of Memphis has provided an additional allocation of \$5,000,000.00 in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, for Contract Construction as part of the Fiscal Year 2024 Capital Improvements Budget; and

**WHEREAS**, the Administration requests that Council approve the allocation and appropriation of \$5,000,000 in Contract Construction in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, to fund construction of the new community center at Howze Park.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that it hereby approves the allocation and appropriation of \$5,000,000.00 from Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Lester Community Center</b>
<b>Project Number:</b>	<b>PK01036</b>
<b>Amount:</b>	<b>\$5,000,000.00</b>



## Memphis City Council Summary Sheet

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

Resolution to allocate and appropriate \$600,000.00 from FY24 PK03004 Tennis Major Maintenance, Architecture/Engineering and Contract Construction.

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

Memphis Parks

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

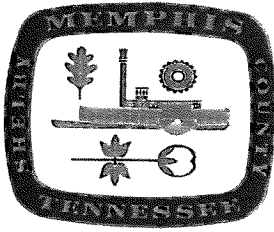
( Not Applicable )

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

This will require a construction contract.

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

This will require an expenditure of \$600,000.00



***Resolution to Allocate and Appropriates funds for Tennis Major Maintenance***

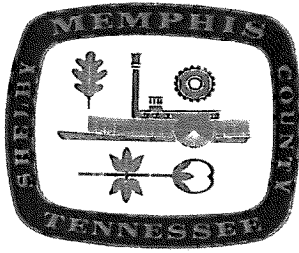
**WHEREAS**, the Council of the City of Memphis did include Tennis Major Maintenance CIP Project Number PK03004, as part of the Fiscal Year 2024 Capital Improvements Budget; and

**WHEREAS**, the Council of the City of Memphis did provide an allocation of \$600,000.00 in Fiscal Year 2024 CIP Project Number PK03004, Tennis Major Maintenance, Contract Construction and Architecture/Engineering, as part of the Fiscal Year 2024 Capital Improvements Budget; and

**WHEREAS**, the Administration requests that Council approve the Allocation and Appropriation of \$600,000.00, Contract Construction and Architecture/Engineering in Fiscal Year 2024 CIP Project Number PK03004, Tennis Major Maintenance, to complete major maintenance at the Bert Ferguson, Hickory Hill and Singleton Tennis Centers.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$600,000.00 from Fiscal Year 2024 CIP Project Number PK03004, Tennis Major Maintenance, Contract Construction and Architecture/Engineering, funded by G.O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Tennis Major Maintenance</b>
<b>Project Number:</b>	<b>PK03004</b>
<b>Amount:</b>	<b>\$600,000.00</b>



## Memphis City Council Summary Sheet

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

Allocates and Appropriates \$5,000,000.00 in FY24, CIP Project Number PK06018, for the Audubon Golf Course Redesign and Construction, Contract Construction and Architecture/Engineering.

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

Memphis Parks

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

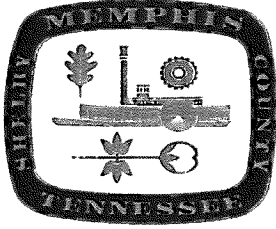
No it is not.

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

This expenditure will require a contract amendment.

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

This Resolution will result in the expenditure of \$5,000,000.00



***Resolution to Allocate and Appropriate funds for Audubon Golf Course Redesign and Construction PK06018***

**WHEREAS**, the Council of the City of Memphis did include Audubon Golf Course Redesign and Construction, CIP Project Number PK06018 as part of the Fiscal Year 2024 Capital Improvement Program; and

**WHEREAS**, the Council has provided an Allocation of \$5,000,000.00 in Fiscal Year 2024, CIP Project Number PK06018, Audubon Golf Course Redesign and Construction, Contract Construction and Architecture/Engineering, as part of the Fiscal Year 2024 Capital Improvement Budget; and

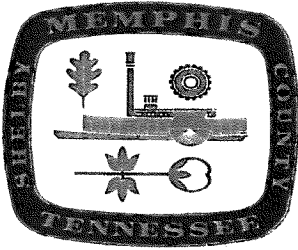
**WHEREAS**, the Administration requests that Council approve the Allocation and Appropriation of \$5,000,000.00 in Contract Construction in Fiscal Year 2024, CIP Project Number PK06018, Audubon Golf Course Redesign and Construction, Contract Construction and Architecture/Engineering, to fund the final phase of construction.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$5,000,000.00, funded by G. O. Bonds General, Contract Construction and Architecture/Engineering, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Audubon Golf Course Redesign</b>
<b>Project Number:</b>	<b>PK06018</b>
<b>Amount:</b>	<b>\$5,000,000.00</b>

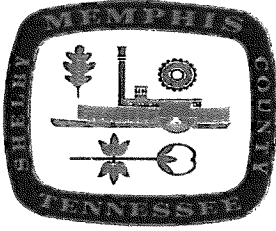


## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
Allocates and Appropriates \$1,500,000.00 in FY24, CIP Project Number PK07127, for the Wolf River Greenway Phase 12B, Contract Construction.
  
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
Memphis Parks
  
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
No it is not.
  
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**  
This expenditure will require a contract amendment.
  
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**  
This Resolution will result in the expenditure of \$1,500,000.00



***Resolution to Allocate and Appropriate funds for the Wolf River Greenway Phase 12B***

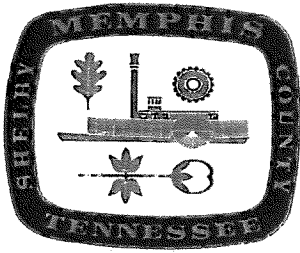
**WHEREAS**, the Council of the City of Memphis did include Wolf River Greenway Phase 12B, CIP Project Number PK07127 as part of the Fiscal Year 2024 Capital Improvement Program; and

**WHEREAS**, the Council has provided an Allocation of \$1,500,000.00 in Fiscal Year 2024, CIP Project Number PK07127, Wolf River Greenway Phase 12B, Contract Construction, as part of the Fiscal Year 2024 Capital Improvement Budget; and

**WHEREAS**, the Administration requests that Council approve the Allocation and Appropriation of \$1,500,000.00 in Contract Construction for Fiscal Year 2024, CIP Project Number PK07127, Wolf River Greenway Phase 12B.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,500,000.00, funded by G. O. Bonds General, Contract Construction, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Wolf River Greenway Phase 12B</b>
<b>Project Number:</b>	<b>PK07127</b>
<b>Amount:</b>	<b>\$1,500,000.00</b>



## Memphis City Council Summary Sheet

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

Allocation and Appropriation of \$250,000.00 for Fiscal Year 2024, CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction.

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

Memphis Parks

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

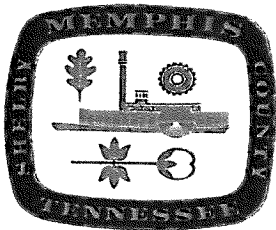
No it is not.

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

Yes a new construction contract will be required

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

This Resolution will result in the expenditure of \$250,000.00.



***Resolution to Allocate and Appropriate funds for the  
Lichterman Nature Center Major Maintenance PK08037***

**WHEREAS**, the Council of the City of Memphis did include Lichterman Nature Center Major Maintenance, CIP Project Number PK08037, as part of the Fiscal Year 2024 Capital Improvement Program; and

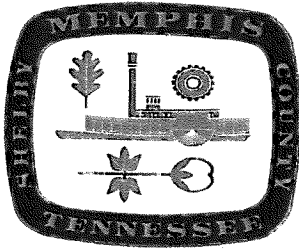
**WHEREAS**, the Council did provide an Allocation of \$250,000.00 in the Fiscal Year 2024, CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction and Architecture/Engineering, as part of the FY24 Capital Improvement Budget; and

**WHEREAS**, the Administration requests that Council approve the Allocation and Appropriation of \$250,000.00 in the Fiscal Year 2024, CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction and Architecture/Engineering, as part of the FY24 Capital Improvement Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$250,000.00, Contract Construction and Architecture/Engineering, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

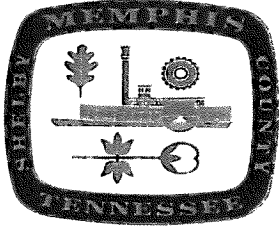
<b>Project Title:</b>	<b>Lichterman Nature Center Major Maintenance</b>
<b>Project Number:</b>	<b>PK08037</b>
<b>Amount:</b>	<b>\$250,000.00</b>

## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
\$250,000.00 transfer of funds to the Memphis Zoological Society for various maintenance issues.
  
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
Memphis Parks
  
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
No it is not.
  
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**  
No it does not.
  
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**  
This Resolution will result in the expenditure of \$250,000.00.



***Resolution appropriates funds for improvements and to address major maintenance issues at the Memphis Zoo.***

**WHEREAS**, the Council of the City of Memphis did include Zoo Major Maintenance, CIP Project Number PK09002 as part of the Fiscal Year 2024 Capital Improvement Program; and

**WHEREAS**, the City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the procedures for the use and payment of the current and future Capital Appropriations; and

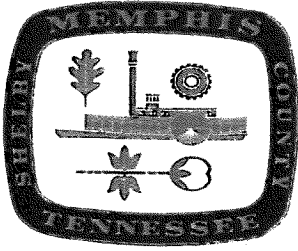
**WHEREAS** it is necessary to appropriate \$250,000.00, Contract Construction, funded by G.O. Bonds General, in Construction funds for Zoo Major Maintenance, Fiscal Year 2024 CIP Project Number PK09002.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$250,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Zoo Major Maintenance</b>
<b>Project Number:</b>	<b>PK09002</b>
<b>Amount:</b>	<b>\$250,000.00</b>

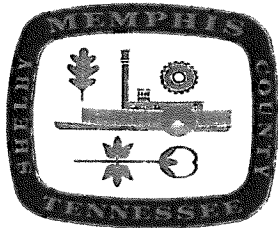


## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
Allocation and Appropriation of \$500,000.00 for Fiscal Year 2024, CIP Project Number PKTBD, Botanic Garden Infrastructure, Contract Construction.
  
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
Memphis Parks
  
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
No it is not.
  
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**  
This will require an MOU with the Botanic Garden Foundation.
  
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**  
This Resolution will result in the expenditure of \$500,000.00.



***Resolution to Allocate and Appropriate funds for Botanic Garden Infrastructure PKTBD***

**WHEREAS**, the Council of the City of Memphis did include Botanic Garden Infrastructure, CIP Project Number PKTBD, as part of the Fiscal Year 2024 Capital Improvement Program; and

**WHEREAS**, the Council did provide an Allocation of \$500,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, Botanic Garden Infrastructure, Contract Construction, as part of the FY24 Capital Improvement Budget; and

**WHEREAS**, the Administration requests that Council approve the Allocation and Appropriation of \$500,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, Botanic Garden Infrastructure, Contract Construction, as part of the FY24 Capital Improvement Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$500,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Botanic Garden Infrastructure</b>
<b>Project Number:</b>	<b>PKTBD</b>
<b>Amount:</b>	<b>\$500,000.00</b>

**RESOLUTION AUTHORIZING THE MEMPHIS & SHELBY COUNTY DIVISION OF PLANNING & DEVELOPMENT TO PROCEED WITH A COMPREHENSIVE REZONING STUDY AND SUBMITTAL OF AN APPLICATION FOR REZONING PROPERTIES THROUGHOUT THE CITY OF MEMPHIS**

**WHEREAS**, on December 3, 2019, the Memphis City Council adopted the Memphis 3.0 Comprehensive Plan to guide land use decisions and other built environment considerations throughout the City of Memphis; and

**WHEREAS**, since this adoption, the Memphis and Shelby County Division of Planning and Development (“DPD”) has led the study and adoption of comprehensive rezoning changes in certain areas to advance the recommendations of the comprehensive plan; and

**WHEREAS**, it is typical for municipalities to reconsider the application of zoning citywide following the adoption of a comprehensive plan; and

**WHEREAS**, DPD seeks to initiate a public process to generate community input to direct modifications to zoning in the form of zoning text amendments (“ZTA”) and zoning map amendments, otherwise known as a comprehensive rezoning as defined by Section 9.5.12 of the Unified Development Code (“UDC”); and

**WHEREAS**, Sub-Section 9.5.12A of the UDC states that only the legislative body may initiate a comprehensive rezoning; and

**WHEREAS**, pursuant to Sub-Section 9.5.12B of the UDC, comprehensive zoning changes will be organized by planning district as defined in the Memphis 3.0 Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Memphis City Council does hereby support the Memphis and Shelby County Division of Planning and Development to proceed with a public input process, which shall include at least one (1) community meeting in each Single Member District of the Memphis City Council, in coordination with the district representatives, to direct comprehensive zoning map amendments.

**BE IT FURTHER RESOLVED BY THE MEMPHIS CITY COUNCIL** that DPD shall provide an update on the results of the public process and comprehensive rezoning study to the Memphis City Council prior to the submittal of an application to the Memphis and Shelby County Land Use Control Board for rezoning properties throughout the City of Memphis.

**BE IT FURTHER RESOLVED BY THE MEMPHIS CITY COUNCIL** that the Memphis and Shelby County Division of Planning and Development shall consider the creation of new zoning districts or consolidated zoning districts as part of the public process, study, and proposal for comprehensive rezoning in order to best align with the Memphis 3.0 Comprehensive Plan.

Sponsors  
Cheyenne Johnson  
Frank Colvett, Jr.

Chairman  
Martavius Jones