

WHEREAS, the Memphis City Council holds in the highest regard those individuals whose unwavering dedication has profoundly shaped and enriched our community, and Mrs. Virginia B. Wilson stands as a beacon of service and excellence, having devoted 23 years to the City of Memphis with unparalleled commitment, steadfast leadership, and an enduring passion for public service and community engagement; and

WHEREAS, her commitment to lifelong learning is reflected in her academic achievements, including a Bachelor of Arts in Business Administration from LeMoyne-Owen College, a Master of Education in Education Management from Strayer University, and a Leadership Certificate from Harvard University; and

WHEREAS, in her most recent role as Executive Director of the Police Advisory Review Committee (PARC), formerly known as the Civilian Law Enforcement Review Board (CLERB), she provided invaluable leadership in fostering transparency and accountability by overseeing the review of citizen concerns related to law enforcement interactions; and

WHEREAS, throughout her career with the City of Memphis, she also served as the Intergovernmental Affairs Coordinator, Executive Liaison to the Memphis City Council, Renewal Community Coordinator, and Risk Management Analyst, playing a key role in strengthening relationships and improving city operations; and

WHEREAS, her impact extended beyond city government through her service on several prominent boards and committees, including the Workforce Investment Network (WIN), Mid-South Minority Business Council (MSMBC), Delta Leadership Institute (DLI), and the Downtown Commission (formerly the Center City Commission); and

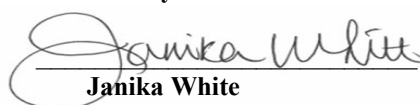
WHEREAS, as a dedicated mentor, she has volunteered in Memphis Shelby County Schools, including Humes High School, Westside Elementary School, Ida B. Wells Academy, and Northside High School, shaping the lives of countless students; and

WHEREAS, her extraordinary contributions to the community have been celebrated with numerous prestigious accolades, each a testament to her unwavering dedication, visionary leadership, and tireless commitment to elevating Memphis as a vibrant, thriving, and more compassionate place to live and work; and

WHEREAS, beyond her professional achievements, she is a devoted family member, the daughter of the late Mr. Perry and Mrs. Willie Bell Bowie, the seventh of ten children, a loving wife to Reverend Bobby G. Wilson, a proud mother to Lakendrick M. (Shauna) Wilson and Falondria S. Wilson, and a cherished grandmother to Jordyn Nicole and Nicholas Maxwell Wilson.

NOW, THEREFORE, BE IT RESOLVED, that the Memphis City Council honors and commends Mrs. Virginia B. Wilson for her 23 years of dedicated service to the City of Memphis, her outstanding leadership in public service, and her unwavering commitment to the betterment of our city.

**Given by my hand and under the
great seal of the City of Memphis
this 25th day of March 2025.**


**Janika White
Memphis City Council
Super District 8-3**

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 12/17/2024

DATE

PUBLIC SESSION: 01/07/2025

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 East Shelby Drive, +/- 700 feet west of Tchulahoma Road, known as case number PD 2024-013

CASE NUMBER: PD 2024-013

DEVELOPMENT: Shelby Drive Drop Yard Planned Development

LOCATION: East Shelby Drive, +/- 700 feet west of Tchulahoma Road

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

OWNER/APPLICANT: Stephen Christides, Capital Drop Yard, LLC

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: New Planned Development to allow a drop yard

AREA: +/-9.18 acres

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

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required
Hearing – January 07, 2025

PRIOR ACTION ON ITEM:

(2)
11/14/2024
(1) Land Use Control Board

APPROVAL - (1) APPROVED (2) DENIED
DATE
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

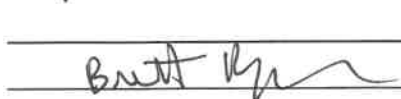
\$
\$
\$

OPERATING BUDGET
CIP PROJECT #
FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:



DATE **POSITION**
12/9/24 PLANNER



12/9/24 DEPUTY ADMINISTRATOR
ADMINISTRATOR

 DIRECTOR (JOINT APPROVAL)

 COMPTROLLER

 FINANCE DIRECTOR

 CITY ATTORNEY

 CHIEF ADMINISTRATIVE OFFICER

 COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2024-013

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 EAST SHELBY DRIVE, +/- 700 FEET WEST OF TCHULAHOMA ROAD, KNOWN AS CASE NUMBER PD 2024-013

- This item is a resolution with conditions to allow a drop yard planned development; 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, November 14, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2024-013
DEVELOPMENT:	Shelby Drive Drop Yard Planned Development
LOCATION:	East Shelby Drive, +/- 700 feet west of Tchulahoma Road
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Stephen Christides, Capital Drop Yard, LLC
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New Planned Development to allow a drop yard
EXISTING ZONING:	Residential Single-Family – 8 (R-8)
AREA:	+/-9.18 acres

The following spoke in support of the application: None

The following spoke in opposition the application: Mary Donald

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

The motion failed by a vote of 4-6-0 on the consent agenda.

Respectfully,



Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

CONDITIONS

Outline/General Plan Conditions

I. USES PERMITTED:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened ~~through the use of~~ using fencing or landscaping. If roof mounted, the equipment shall be screened ~~through the use of~~ using an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.
- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.
- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.

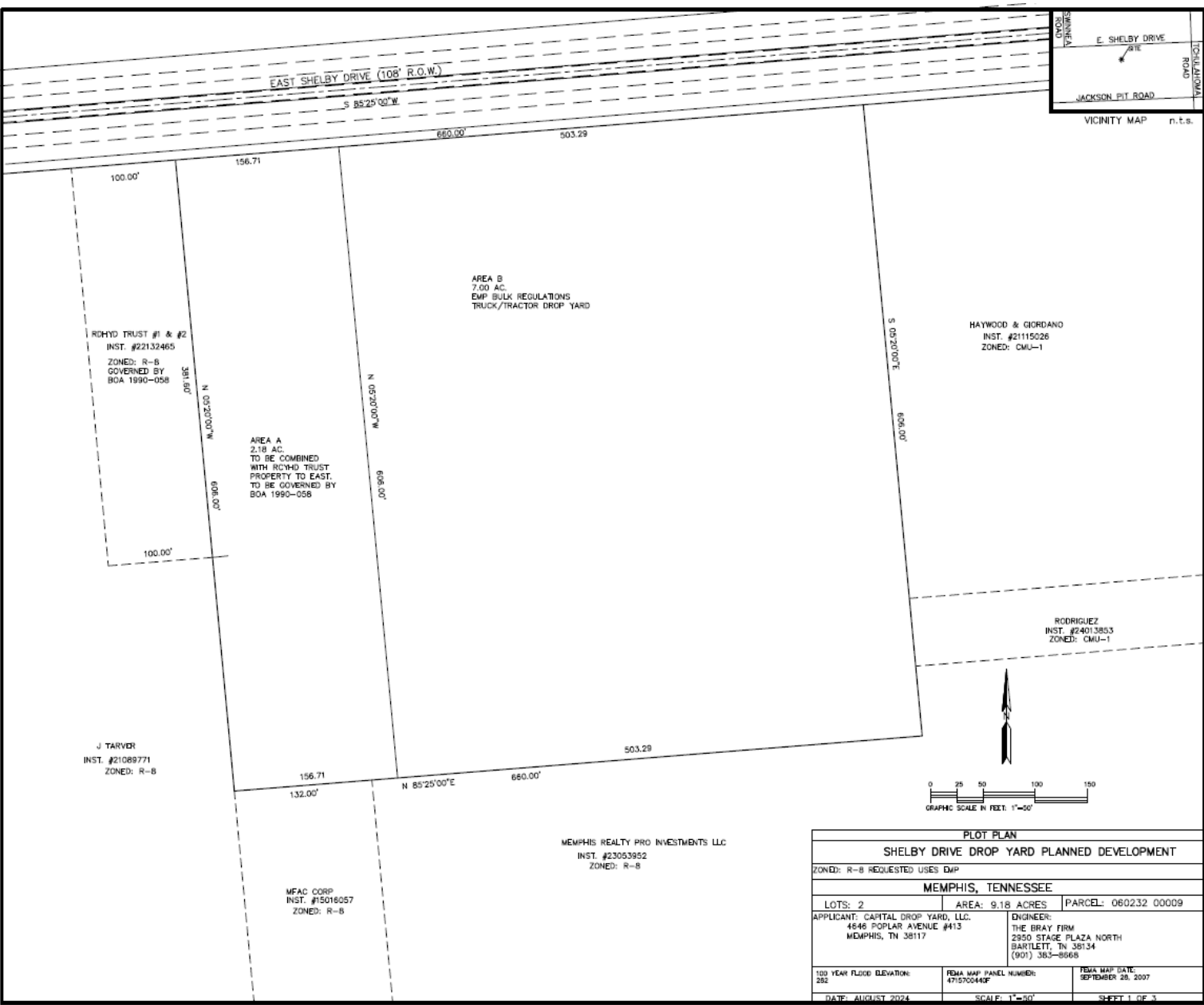
3. A detailed landscaping plan including the species and diameter of any new plants.
 4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle foot at the property line.
- B. The site plan shall be reviewed based on the following criteria:
1. Conformance with the Outline Plan Conditions.
 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
 3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 4. Adequate access shall be provided to the site as determined by the City Engineer.

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

VII. Any final plan shall include the following:

- A. The Outline Plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
 - D. The number of parking spaces
 - E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed ~~so as to~~ to ensure the system operates in accordance with the approved plan on file in the City 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.

CONCEPT PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT EAST SHELBY DRIVE, +/- 700 FEET WEST OF TCHULAHOMA ROAD, KNOWN AS CASE NUMBER PD 2024-013

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 Stephen Christides, Capital Drop Yard, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drop yard; 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 November 14, 2024, 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.

OUTLINE PLAN CONDITIONS

I. USES PERMITTED:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened through the use of using fencing or landscaping. If roof mounted, the equipment shall be screened through the use of using an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.
- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.
- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.
- 4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

- 1. Conformance with the Outline Plan Conditions.
- 2. Compatibility with existing properties surrounding the site as well as a compatible internal

arrangement of uses.

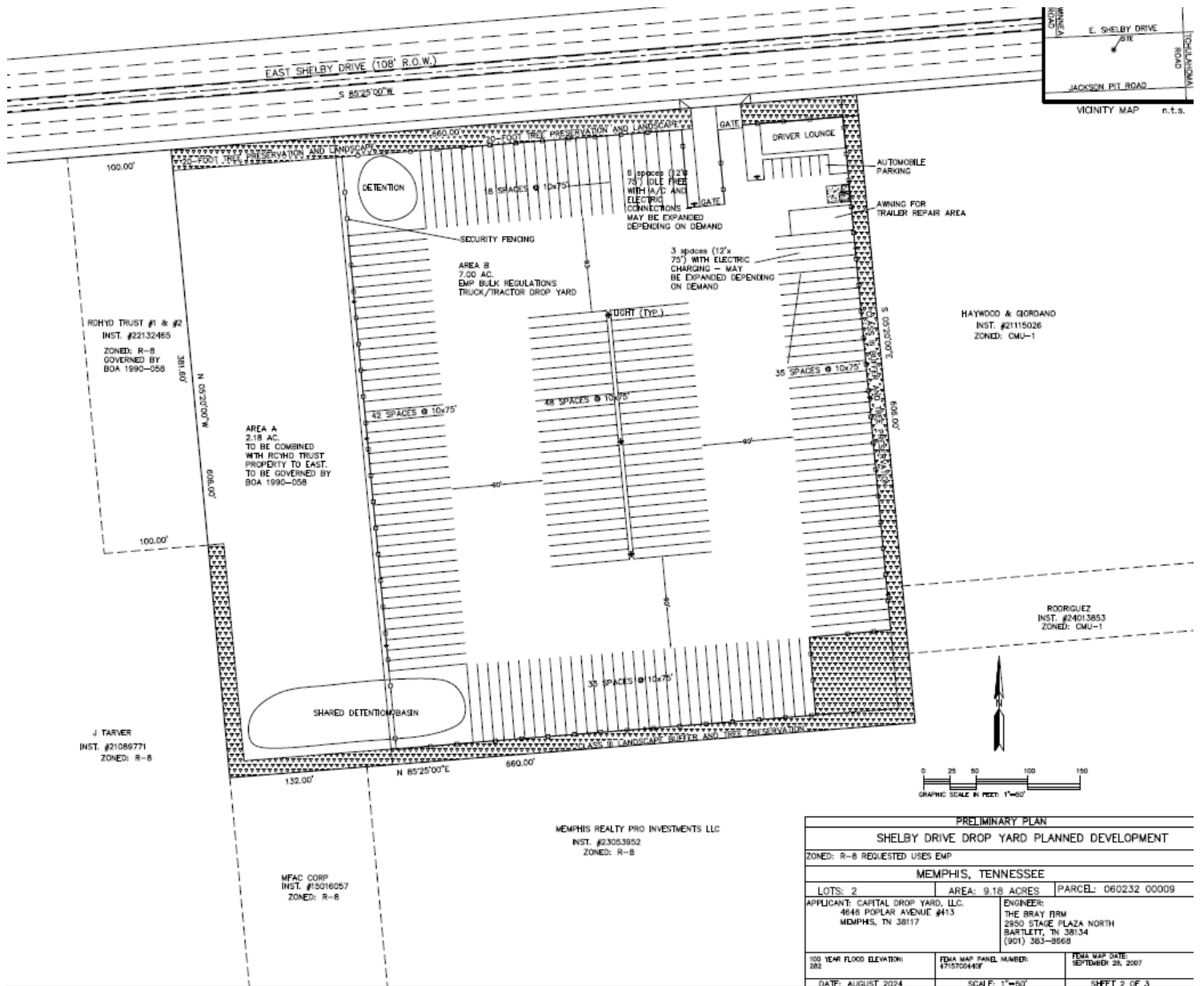
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
4. Adequate access shall be provided to the site as determined by the City Engineer.

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

VII. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City 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.

CONCEPT PLAN



PRELIMINARY PLAN		
SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT		
ZONED: R-8 REQUESTED USES EMP		
MEMPHIS, TENNESSEE		
LOTS: 2	AREA: 9.18 ACRES	PARCEL: 060232 00009
APPLICANT: CAPITAL DROP YARD, LLC. 4646 POPULAR AVENUE #413 MEMPHIS, TN 38117		ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 363-3868
100 YEAR FLOOD ELEVATION: 282	FEMA MAP PANEL NUMBER: 47557004H	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: AUGUST 2024	SCALE: 1"=50'	SHEET 2 OF 3

ATTEST:

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

AGENDA ITEM: 3 **L.U.C.B. MEETING:** November 14, 2024

CASE NUMBER: PD 2024 – 013

DEVELOPMENT: Shelby Drive Drop Yard Planned Development

LOCATION: East Shelby Drive, +/- 700 feet west of Tchulahoma Road (Parcel Tax ID: 060232 00009)

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

OWNER/APPLICANT: Stephen Christides, Capital Drop Yard, LLC

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: New Planned Development to allow a drop yard

EXISTING ZONING: Residential Single – Family – 8 (R-8)

CONCLUSIONS

1. On October 16, 1990, City Council approved a Planned Development (PD 1990-349) to allow uses permitted in the Light Industrial zoning district. Staff was unable to locate the original staff report to include further details.
2. On April 11, 2002, Memphis and Shelby County Land Use Control Board recommended approval of Zoning application (Z 2002-102) that proposal rezoning of the subject property to split zone the western portion light industrial and the eastern portion office general. Final disposition from City Council ruling was not found.
3. The applicant is proposing to subdivide the subject property into two areas, 'Area A' and 'Area B'. Proposed area 'B' will be regulated by Employment (EMP) zoning uses. Area 'A' will be governed by BOA 1990-058 along with the neighboring property located west.
4. The applicant is not proposing fueling services.
5. The proposed drop yard will be located within area 'B'.
6. The project will 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.

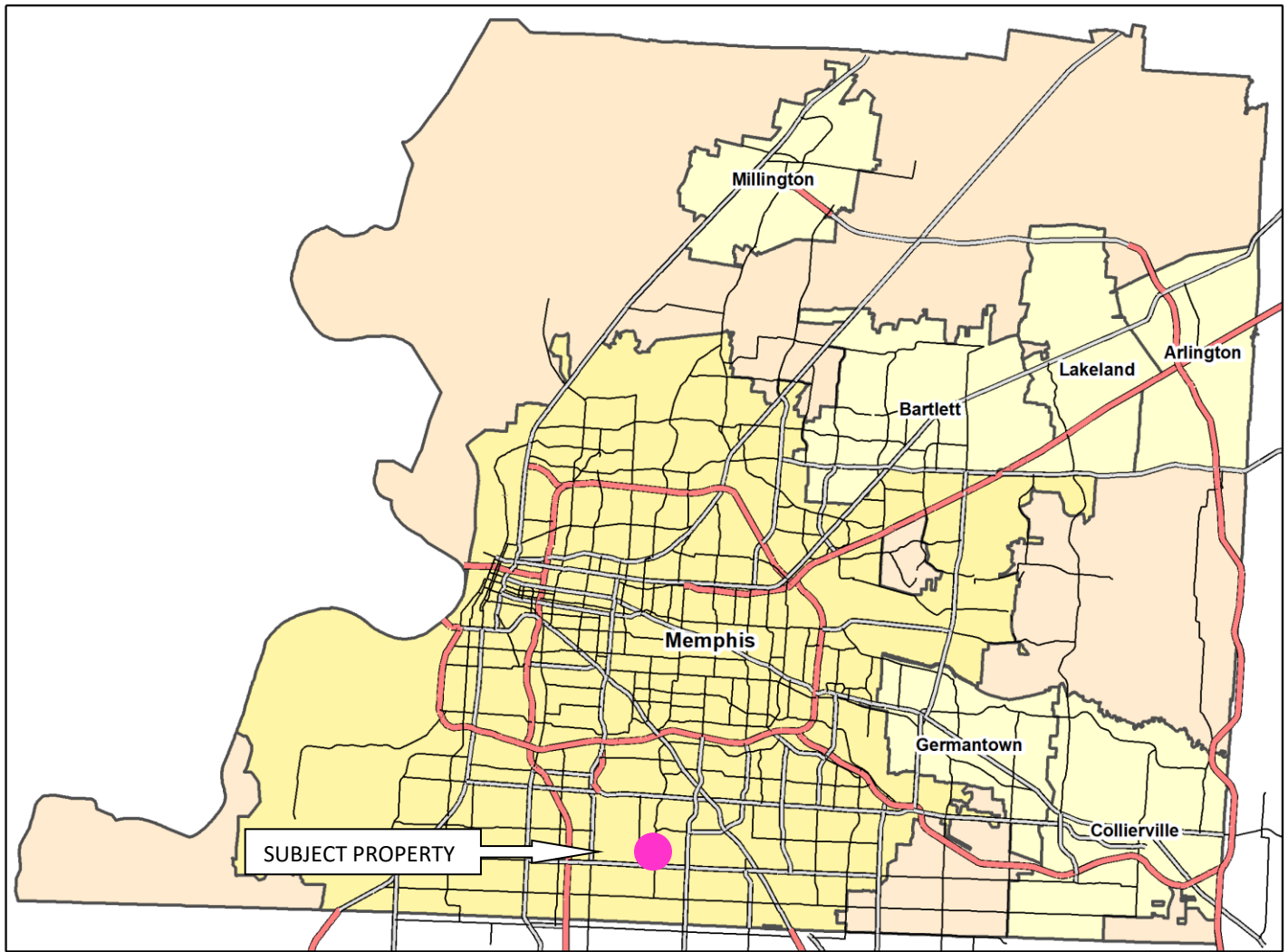
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 21 – 23 of this report.

RECOMMENDATION:

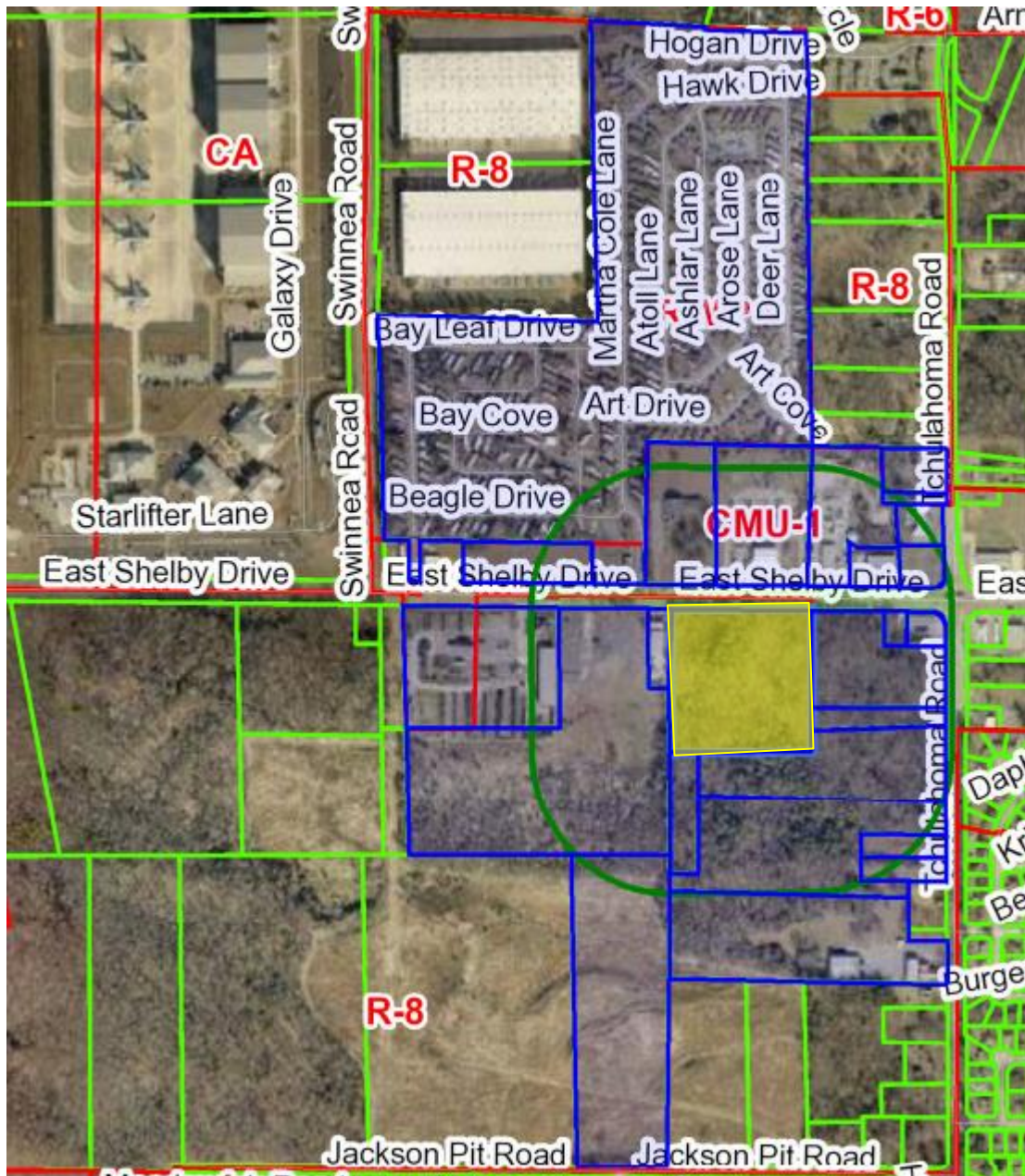
Rejection; however, if approved, staff recommends outline plan conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

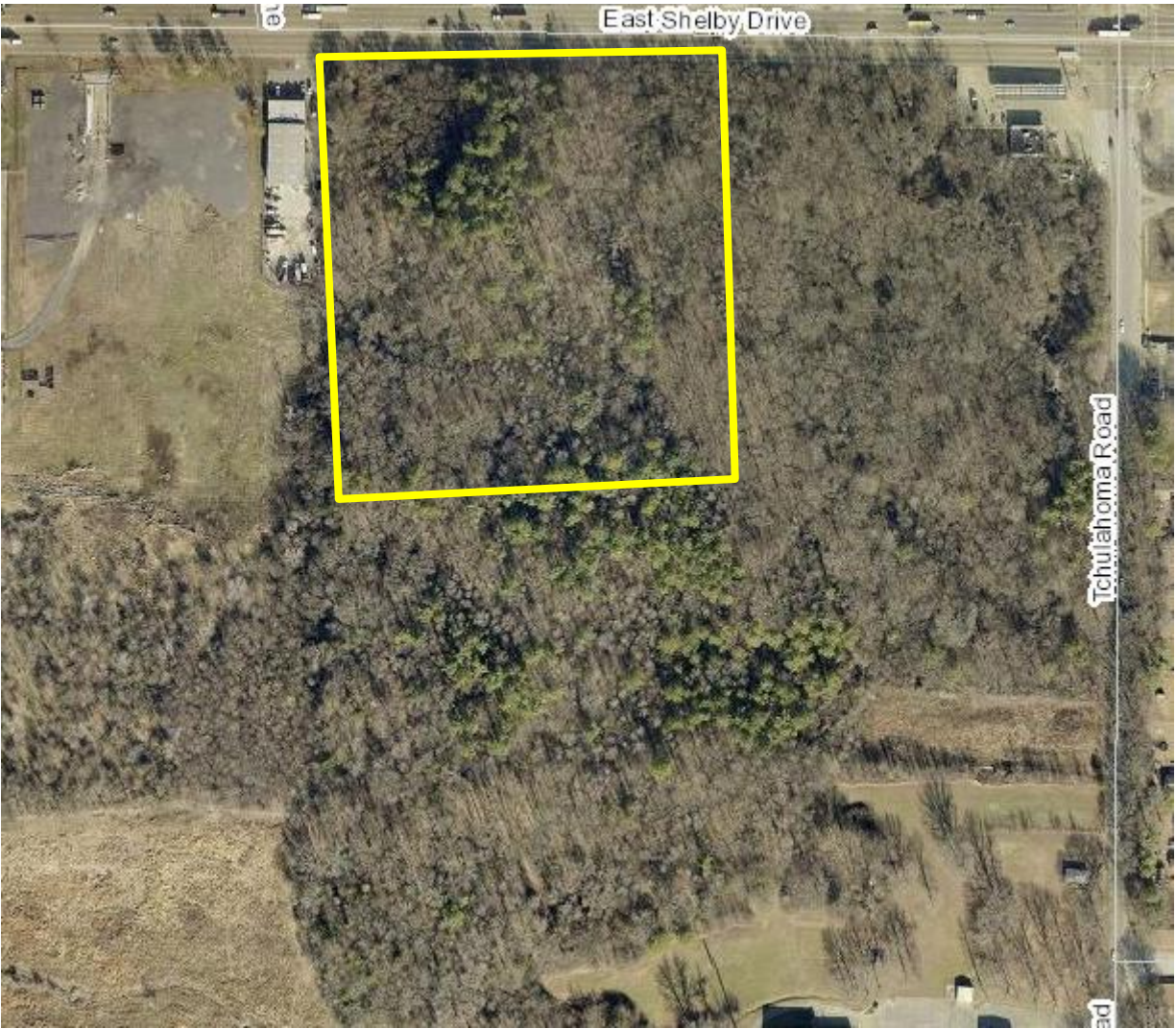
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 25 notices were mailed on August 16, 2024, see page 22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

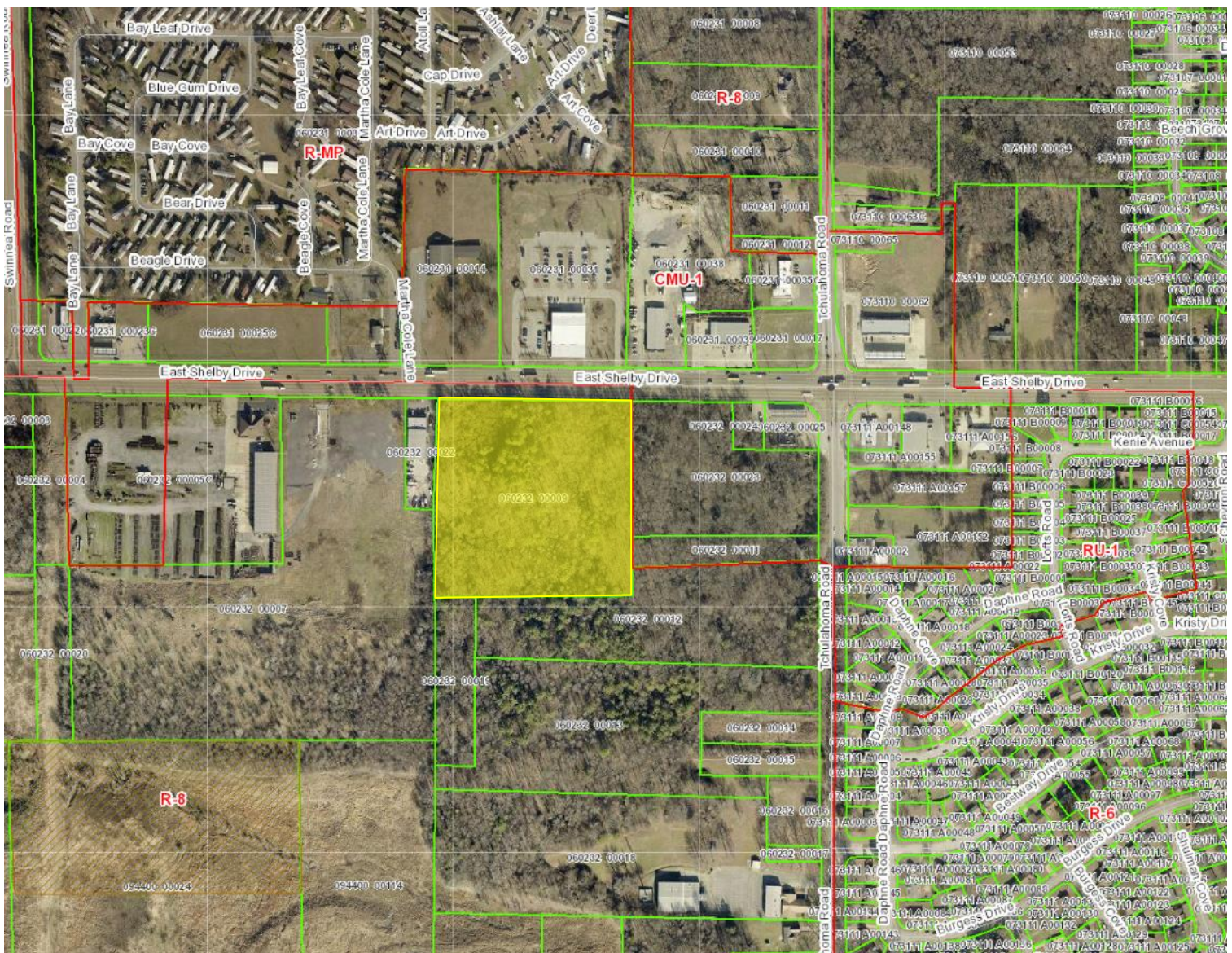
The meeting was held on Tuesday, August 27, 2024.

AERIAL



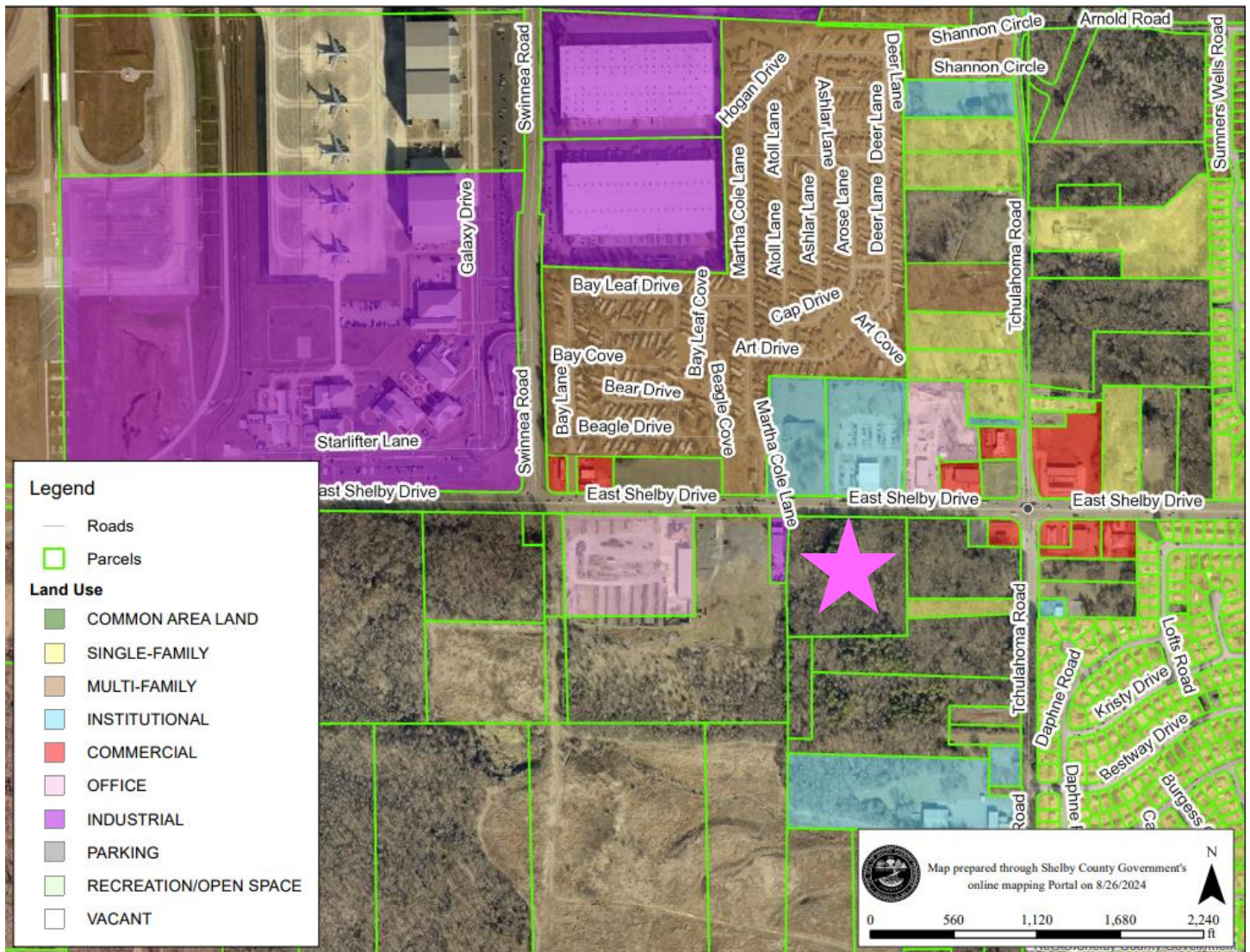
Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP

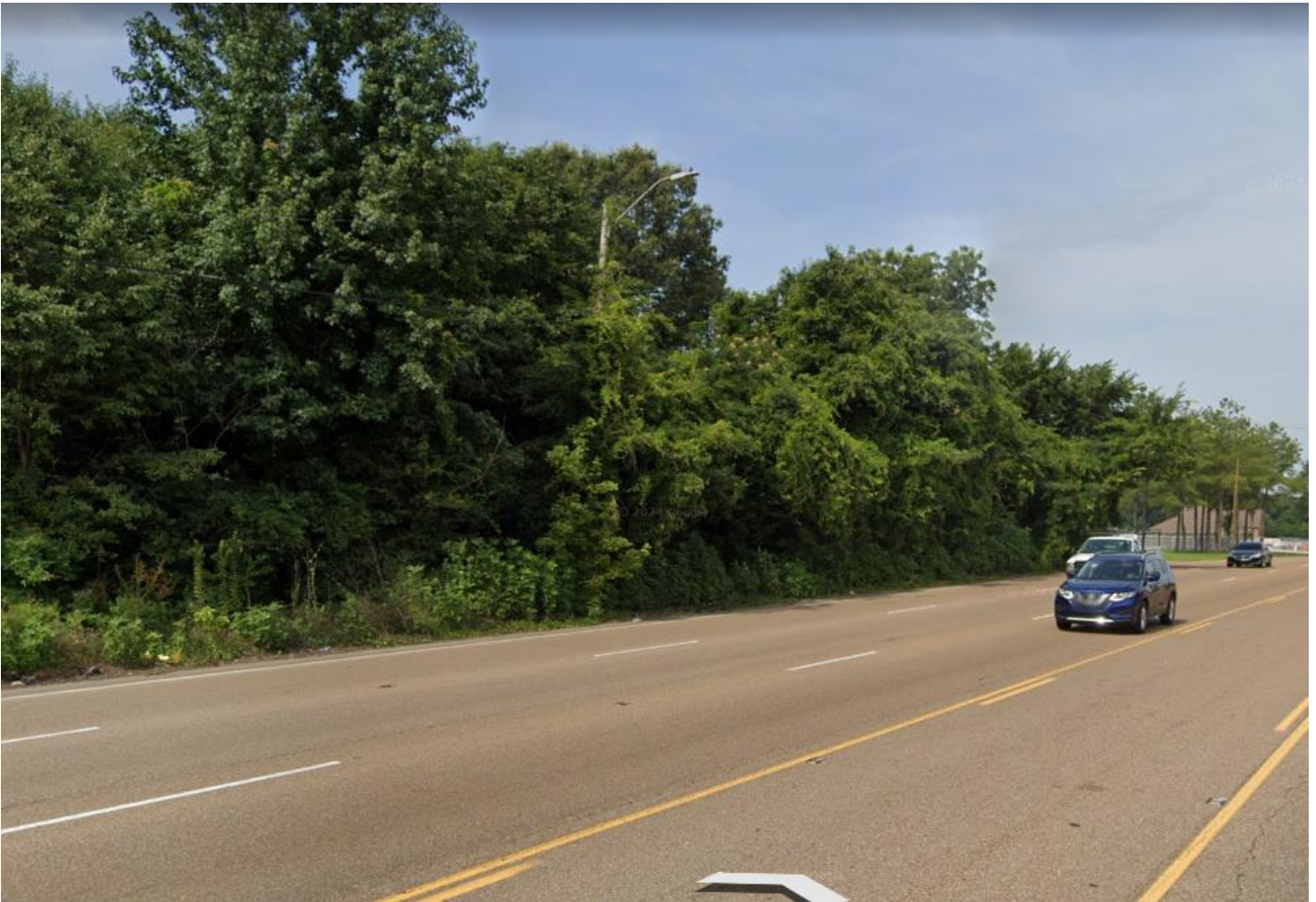


Subject property indicated by a pink star

SITE PHOTOS

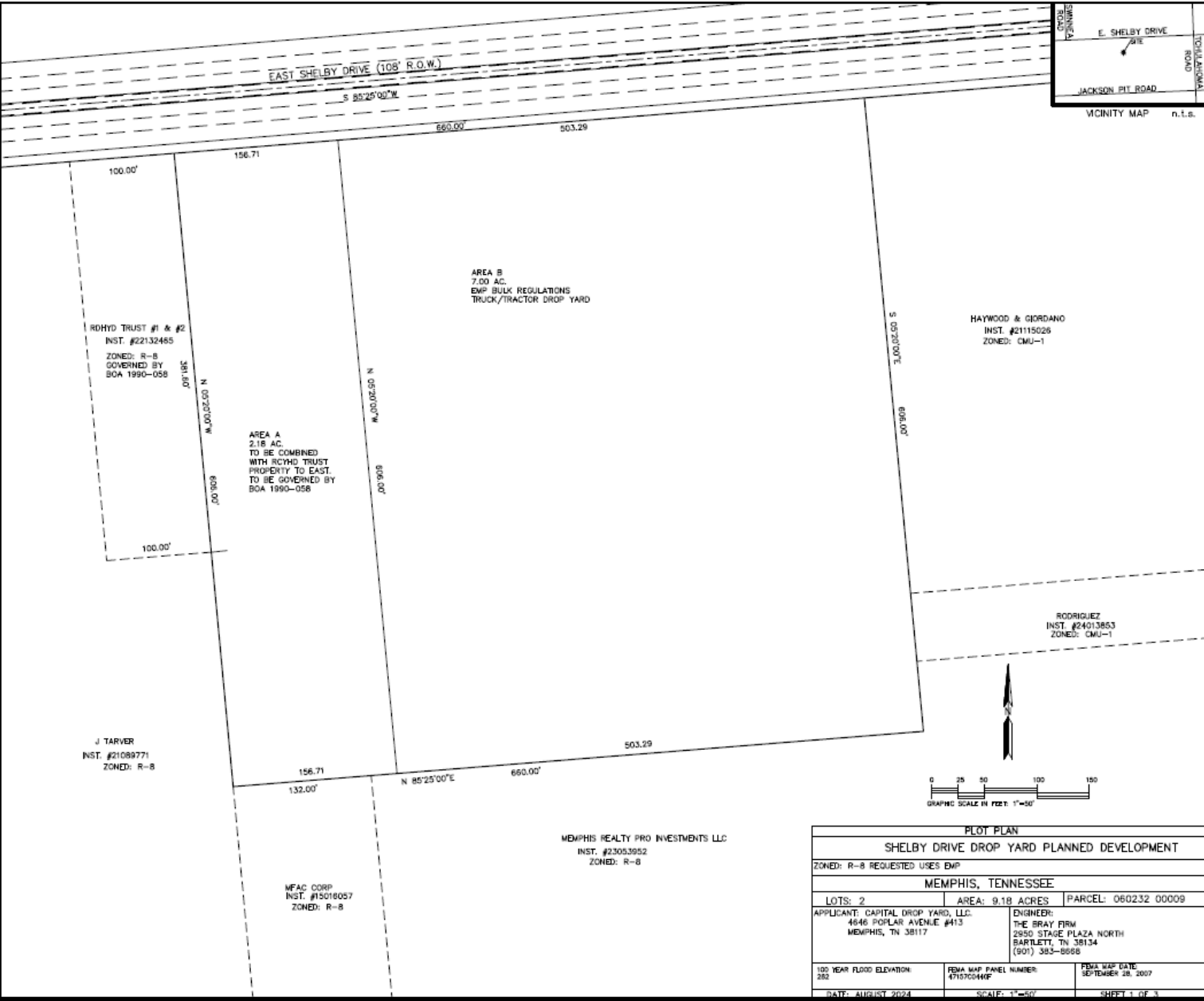


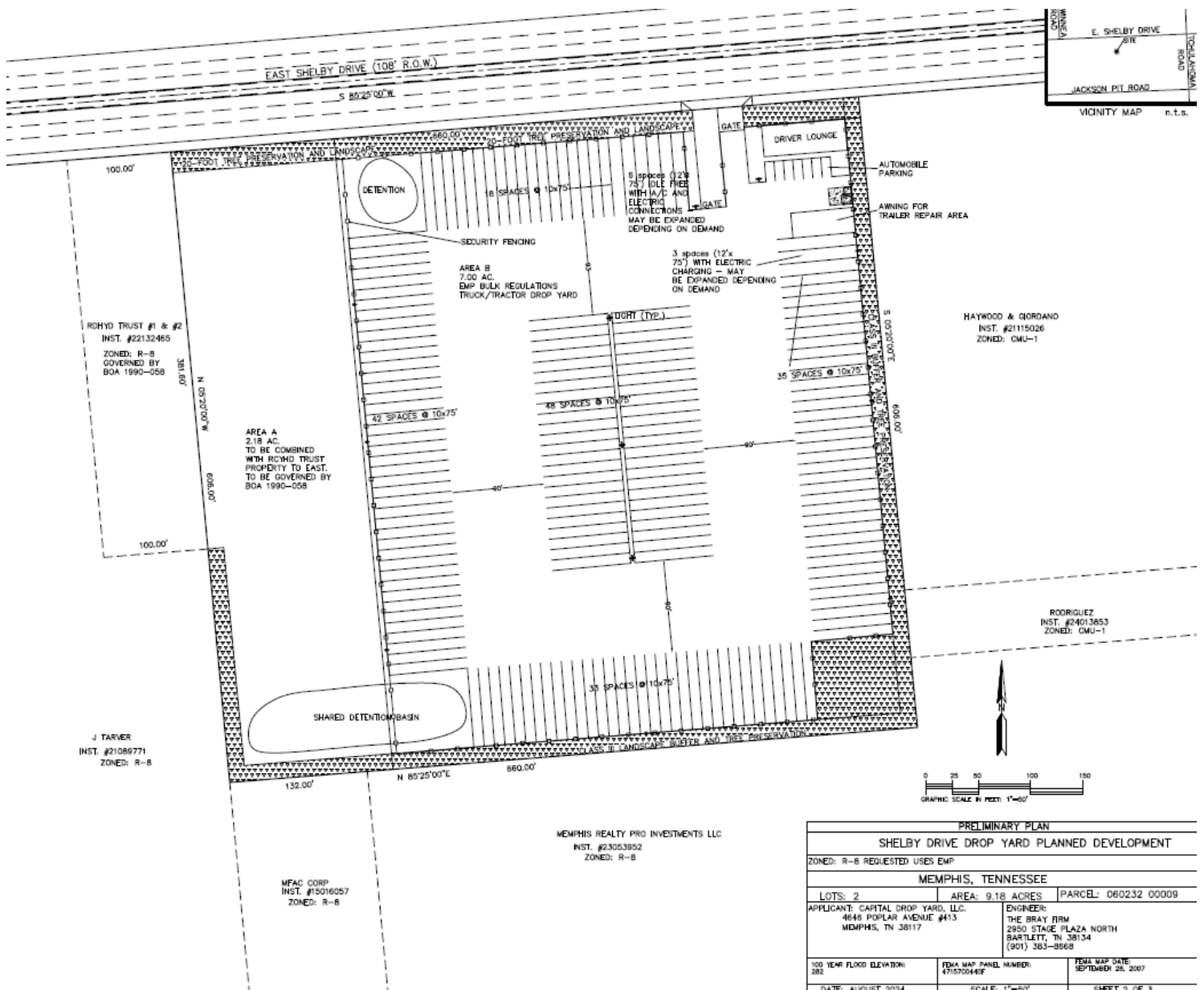
View of subject property from East Shelby Drive looking north.



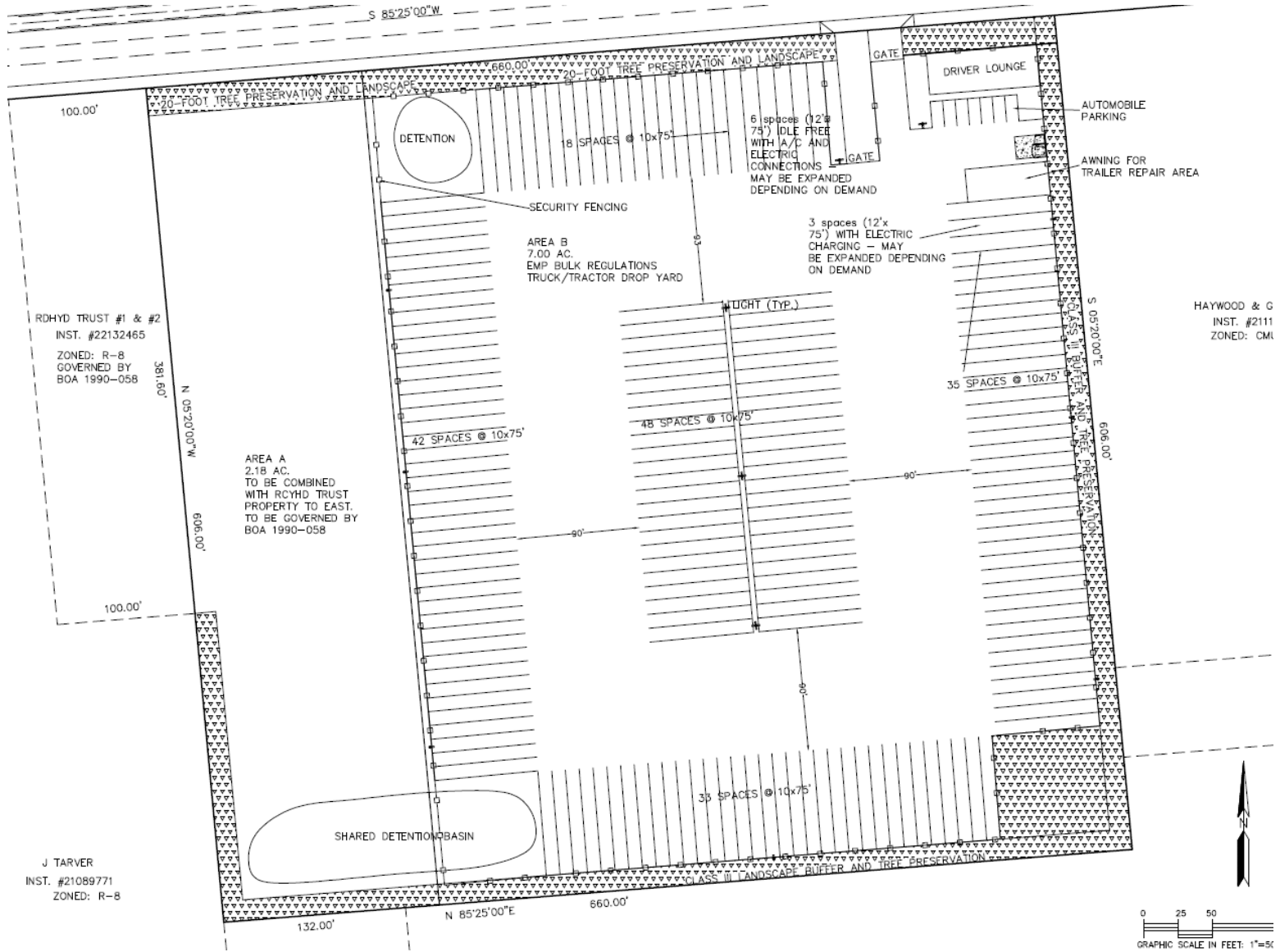
View of subject property from East Shelby Drive looking south.

PLOT PLAN





CONCEPT PLAN – MAGNIFIED



CASE REVIEW

Request

The request is a new planned development to allow a drop yard.

Applicability

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

4.10.2 Applicability

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

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

A. *Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. *Display of Merchandise*

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. *Accessibility*

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. *Landscaping*

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff 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 ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the*

Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Details

Address:

East Shelby Drive, +/- 700 feet west of Tchulahoma Road

Parcel ID:

060232 00009

Area:

+/-9.18 acres

Description:

The subject property is located on the south side of East Shelby Drive, +/- 700 feet west of Tchulahoma Road. The property is currently vacant and encompassed with matured landscaping. The lot has +/- 645.8 feet of frontage along East Shelby Drive. This property is currently zoned Residential Single – Family – 8 with a vacant designated land use. The surrounding properties are a mix of residential (single-family and multi-family), industrial, institutional (place of worship) and vacant designated land uses.

Site Zoning History

On October 16, 1990, City Council approved a Planned Development (PD 1990-349) to allow uses permitted in the Light Industrial zoning district. Staff was unable to locate the original staff report to include further details.

On April 11, 2002, Memphis and Shelby County Land Use Control Board recommended approval of Zoning application (Z 2002-102) that proposal rezoning of the subject property to split zone the western portion light industrial and the eastern portion office general.

On September 03, 2002, City Council rejected approval of Z 2002-102.

Concept Plan Review

- There will be a total of 200 spaces on the lot.
 - o 6 spaces (12' x 75') idle free with A/C and electric connections. (May be expanded based on demand)
 - o 7 spaces will be for automobile parking.
 - o 3 spaces (12' x 75') electric charging. (May be expanded based on demand)
- There is a proposed curb cut located north east of the lot along East Shelby Drive.
 - o Proposed entrance gate
- There is designated 20-foot tree preservation and landscaping buffering along East Shelby Drive.
- Class III buffers and tree preservation along the eastern and southern property lines.
- Security fencing along the western property line separating proposed Area 'A' and Area 'B'.
- Designated detention located at the northwest portion of the proposed boundary of Area 'B'.
- Designated shared detention basin located in the southwest portion of proposed of Area 'B' that will encompasses majority of the southern portion of Area 'A' stretching from east to west.
- Awning provided for trailer repair area along the northeast area of area 'B'.

Analysis

East Shelby Drive is a prominent area for a lot of freight traffic. The applicant is proposing to utilize +/- 7.00 acres for the idle-free drop yard development in which truckers will be able to park, rest and utilize the driver lounge. The applicant has identified three (3) major infrastructure challenges that the proposed development will address, see page 31 – 36 for their findings. The remaining +/-2.18 acres will be combined with the neighboring property located west and governed by BOA 1990-058. Unlike the previously proposed and approved planned development, the current plan proposes adequate space to accomplish the goal of alleviating traffic and congestion of the other truck stops within the area.

This proposal was deemed inconsistent with Memphis 3.0. The proposed use does not align with the Oakhaven/Parkway Village Planning District priority to “preserve and protect residential neighborhoods from industrial uses with natural barriers. See page 21 – 23 for said analysis.

The project will 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.

RECOMMENDATION

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

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold-strikethrough**~~

I. USES PERMITTED:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened ~~through the use of~~ **using** fencing or landscaping. If roof mounted, the equipment shall be screened ~~through the use of~~ **using** an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

1. The exact location and dimensions including height of all buildings.
2. The number, location, and dimensions of parking spaces within proposed structures / lots.
3. A detailed landscaping plan including the species and diameter of any new plants.
4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.
2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
4. Adequate access shall be provided to the site as determined by the City Engineer.

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

VII. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed ~~so as to~~ to ensure the system operates in accordance with the approved plan on file in the City 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.

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. The availability of City sanitary sewer is unknown at this time.
3. The developer's engineer needs to submit a sewer availability request to the Sewer Design Dept. for sewer system capacity.
4. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

Roads:

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.
12. Will require engineering ASPR.

Drainage:

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

General Notes:

18. Development is greater than 1 acre and requires detention.
19. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
20. All connections to the sewer shall be at manholes only.
21. 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.
22. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division:

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

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2024-013 Parkway Village

Site Address/Location: 0 Shelby Drive

Overlay District/Historic District/Flood Zone: N/A

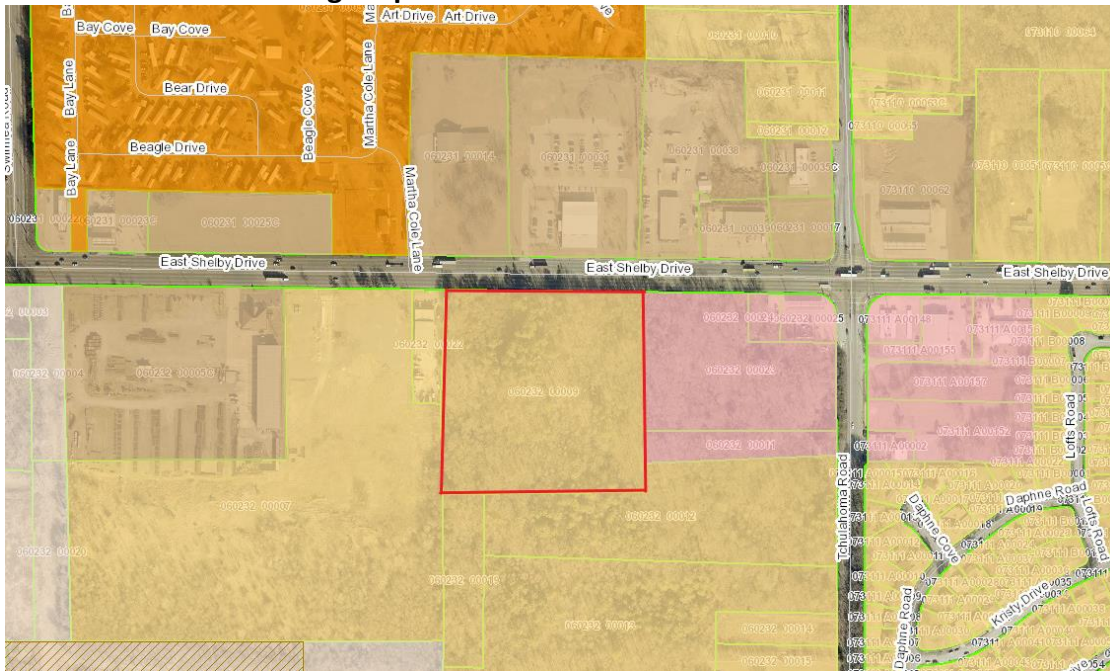
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)

Street Type: N/A

Applicant is seeking a Planned Development to develop an industrial truck drop yard.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“AN-S” Form & Location Characteristics

NURTURE

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor. Height: 1-2 stories. Scale: house-scale.

“AN-S” Zoning Notes

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

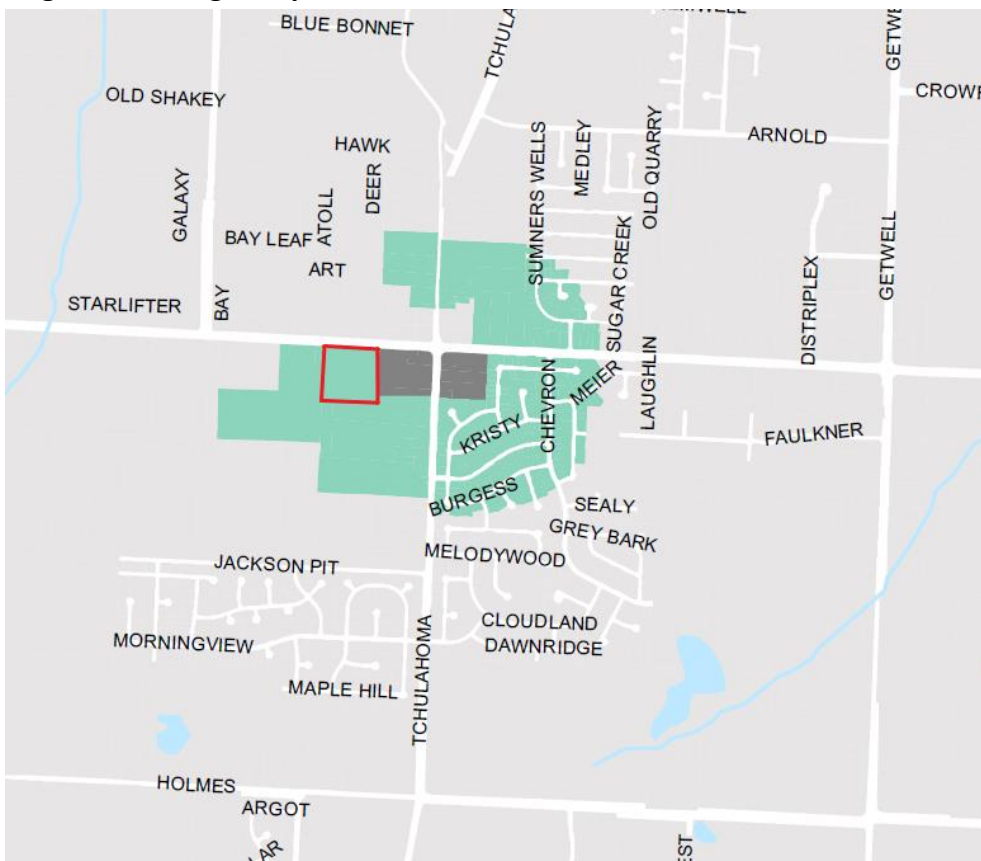
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-Family, Multi-Family, Commercial; RU-1, R-MP, CMU-1

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not compatible with future land use designation. This area is designated Anchor Neighborhood – Primarily Single Unit.*

3. Degree of Change Map



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

4. Degree of Change Description

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed use is a private investment and not compatible with stabilization of existing land use patterns.*

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

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

The parcel is located in the Oakhaven/Parkway Village Planning District and the requested use is not consistent with Oakhaven/Parkway Village Planning District Priority – “Preserve and protect residential neighborhoods from industrial uses with natural barriers.”

Consistency Analysis Summary

Applicant is seeking a Planned Development to develop an industrial truck drop yard.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not compatible with future land use designation. This area is designated Anchor Neighborhood – Primarily Single Unit.

The proposed use is a private investment and not compatible with stabilization of existing land use patterns.

The parcel is located in the Oakhaven/Parkway Village Planning District and the requested use is not consistent with Oakhaven/Parkway Village Planning District Priority – “Preserve and protect residential neighborhoods from industrial uses with natural barriers.”

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, September 4, 2024 at 8 AM.**

CASE NUMBER: PD 2024-013
ADDRESS: South side of East Shelby Drive, +/- 700 feet west of Tchulahoma
REQUEST: Planned Development: Allow a drop yard
APPLICANT: Stephen Christides, Capital Drop Yard, LLC

Meeting Details

Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, Sept. 12

Staff Planner Contact:

Alexis Longstreet
✉ alexis.longstreet@memphistn.gov
☎ (901) 636-7120



VICINITY MAP



To learn more about this proposal,
contact the staff planner or use the
QR code to view the full application.



25 Notices Mailed 08/16/2024

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, STEPHEN CHRISTIDES, being duly sworn, depose and say that at 12:41 am/pm on the 29th day of AUGUST, 2024, I posted a Public Notice Sign(s) pertaining to Case No. PD 2024-013 at PARCEL 060232022229 providing notice of a Public Hearing before the 7 Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Stephen Christides
Owner, Applicant or Representative

8-29-24
Date

Subscribed and sworn to before me this 29th day of August, 2024.
Debra Orme
Notary Public

My commission expires: 10/21/24



APPLICATION



Memphis and Shelby County Division of
Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development	Record Status: Processing
	Opened Date: August 9, 2024
Record Number: PD 2024-013	Expiration Date:
Record Name: Shelby Drive Drop Yard Planned Development	
Description of Work: New planned development on the south side of Shelby Drive	
Parent Record Number:	

Address:
38118

Owner Information

Primary	Owner Name	
Y	WILLIAMS STEVIE AND NATHANIEL PARTEE	
Owner Address	Owner Phone	
4651 SUNSET RD, NESBITT, MS 38651		

Parcel Information

060232 00009

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Lucas Skinner
Date of Meeting	06/10/2024
Pre-application Meeting Type	Email

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	n/a
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	n/a

GENERAL PROJECT INFORMATION

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

n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

This project is consistent with development patterns
along this portion of Shelby Drive

UDC Sub-Section 9.6.9B

Type III landscape buffers are included along
adjacent residentially zoned property.

UDC Sub-Section 9.6.9C

All public utilities and services are available to this
site. Shelby Drive is fully developed along the
subject property.

UDC Sub-Section 9.6.9D

agreed

UDC Sub-Section 9.6.9E

agreed

UDC Sub-Section 9.6.9F

agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

This project will be compatible with existing uses
along this portion of Shelby Drive.

B) An approved water supply, community waste
water treatment and disposal, and storm water
drainage facilities that are adequate to serve the
proposed development have been or will be
provided concurrent with the development

All public utilities are available to this site.
Detention will be installed at the southwest corner of
the site and along the north property line at the
connection to existing storm sewer.

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

Proposed landscaping meets the UDC standards
along street frontage and perimeter property lines.
Lighting will be directed inward and will meet the
foot candle standards of the UDC.

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

agreed

E) Homeowners' associations or some other
responsible party shall be required to maintain
any and all common open space and/or common
elements

A property owners association will maintain the
common detention basin.

F) Lots of record are created with the recording
of a planned development final plan

Agreed

GIS INFORMATION

Case Layer

Z02-102, Z05-122, Z07-107

GIS INFORMATION

Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-8
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name

STEPHEN CHRISTIDES

Contact Type

APPLICANT

Address

Phone

-

Name

THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1584854	Planned Development - each additional or fractional acres above 5	5	500.00	INVOICED	0.00	08/09/2024
1584854	Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
1584854	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024

Total Fee Invoiced: \$2,052.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$2,052.00

Method of Payment

Credit Card

OWNER 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, STEPHEN CHRISTIDES Stephen Christides, state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 0 SHELBY DRIVE MEMPHIS, TN
and further identified by Assessor's Parcel Number 060232022229,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 11th day of August in the year of 2024.

Leanne Langston Beard
Signature of Notary Public



11-1-27
My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

August 9, 2024

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

RE: Shelby Drive Drop Yard Planned Development
Parcel 060232 00009
Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development on the south side of Shelby Drive between Airways and Tchulahoma. The site is immediately adjacent to the River City Hydraulics facility located at 3135 E. Shelby Drive. That site operates under a BOA approval from 1990. At this time, RCH is seeking to expand their facilities and will be utilizing the western 2.18 acres (Area A) of the planned development. Expansion of their operations would be governed by the existing BOA conditions of approval. The remaining 7 acres of the parent tract (Area B) would be utilized for a truck/trailer drop yard. As you are aware, truck parking is underserved in our metro area creating an ongoing problem of illegal parking from shopping centers to residential streets to vacant properties. The developers are seeking to bring a high quality drop yard with amenities not found at similar facilities. The site is conveniently located along a major corridor and is less than one mile from the airport and less than 2.5 miles to the interstate. In addition to traditional parking facilities the site will include the following: driver lounge, at least six (6) spaces with air conditioning and electrical connections to allow occupied trucks to not be in idle mode (thus reducing pollution), at least three spaces for EV charging as new electric trucks enter our market, and an area for trailer repair by an independent contractor. Both the non-idle spaces and EV charging stations may be expanded depending on demand. The site will be well lit internally with LED lighting but will be designed to not impact surrounding properties. Security fencing will be installed around the site but will be internal to the landscaping (20 foot landscape plate along Shelby Drive frontage and 15 foot Class III buffer along east and south property lines). Existing trees within the landscape areas will be preserved where possible.

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

Sincerely,

David Gean Bray, P.E.

COMPANY FLYER



Memphis is North America's Logistics Capital because of its access to runway, rail, road, and port. We are one of the few inland ports in the country with 5 Class I railroads (BNSF, CN, CSX, NS and UP). A few miles away, the Memphis International Airport (MEM) is the busiest cargo airport in North America and the second-

busiest in the world. The vast majority of this logistics is in district 3 in or near the Lamar Avenue Corridor.

Our market analysis underscores a critical shortfall in the availability of environmentally sustainable truck parking in the Memphis area. The U.S. Department of Transportation reported last year [2023] that for the roughly 3.5 million truck drivers in the U.S., there are only about 313,000 truck parking spaces (that's one spot for every 11 trucks). Until this year Memphis had just two major truck stops (Pilot Travel Center & Loves on Lamar Ave) to service driver's needs for things like diesel fuel, food, showers and overnight parking. Last year one of those 2 truck stops (Pilot Travel Center) was demolished leaving just one major truck stop to serve 20,000 truckers that come to or through Memphis on a daily basis. Drivers are legally required to rest 10 hours for every 11 on the road, so they rotate in and out of the parking spaces at different times as spots come available. However, due to the parking shortage you often see these trucks parked along Interstate exit and entry ramps, in vacant lots and other unsafe locations, particularly at night.

Capital Drop Yard LLC has applied for rezoning and approval from the City of Memphis to develop 7 acres of land on East Shelby Drive - Parcel ID: 060232022229 (4 miles west of the Lamar Corridor) into an environmentally friendly, highly secured, completely fenced and gated, lighted and monitored, full service semi truck parking facility. This 200-space facility will be the only facility in the country to offer truckers truly idle-free solutions enabling them to turn their trucks off and still have the comforts of electric and HVAC in their sleeper cabs. We have identified 3 critical areas of Memphis' logistics infrastructure that we feel that our parking facility can significantly improve.

Challenge #1: Idling Trucks create Harmful Emissions & Noise Pollution in our Communities

Drive through any truck stop with your window down and you will hear almost every truck engine is idling. On any given day thousands of truckers that deliver to Memphis shippers and receivers are parked and idling their engines as they take their 10-hour break, await appointment times or their next dispatch. In addition to the noise pollution, each idling truck consumes about 1 gallon of diesel fuel per hour which emits 18 - 25 pounds of carbon dioxide (CO₂) and countless cancer causing air pollutants into the air. Diesel truck idling is among the worst sources of pollution for our community and the atmosphere. The EPA estimates that a typical 100-space travel plaza, with an average 66% occupancy rate, generates over 2,500 tons of emissions at that location each year from idling, burning over 240,000 gallons of diesel fuel.

At this time there is no truck parking facility that offers drivers of diesel powered trucks idle free parking solutions; not in Memphis and not in the country! Some truck stops offer electric hookups for trucks (TSE) however electricity alone does not provide essential air conditioning or heating to the driver's cab since virtually all diesel powered semi trucks on the road today require that their engines be running in order to provide air or heat to the driver's cab.

Studies show that people are disproportionately impacted by air pollution, including those who live in low-income communities. The EPA has reported that people living near sources of air pollution including major roadways, ports, rail yards, and industrial facilities [such as those

facilities concentrated in District 3] are at higher risk of falling victim to health effects like asthma, reduced lung function, cardiovascular disease, and premature death.

Our Solution: Capital Drop Yard will provide diesel powered truckers with the only truly idle-free truck parking facility in the country. Our easy to use proprietary HVAC & Power stations will allow truck drivers to park in our safe and secure yard, turn off their diesel engines and connect the window mounted control module to the passenger window. The control module provides the driver with 120-volt electrical outlets, a thermostat, carbon monoxide / smoke detector and a fresh air vent. The driver simply sets the desired temperature on the control module and the system pumps fresh / filtered air conditioning or heat through the hose so that the driver can remain comfortable with their engine turned off.

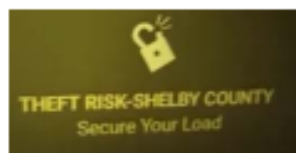
Our HVAC system is a 15,000 BTU closed filtered system that draws air from inside the cab and filters it about once a minute. The filtered air is then cooled or heated and treated with ultraviolet light to kill bacteria, viruses, and spores. Use of the system will greatly diminish both air and noise pollution and increase fuel conservation and will therefore have beneficial effects not only for the environment, but also for neighborhood residents and drivers. Truck drivers save money and get better sleep without the engine noise, vibration, and exhaust fumes from idling. Better rest for drivers will make for safer drivers. Electric hookups for refrigerated trailers will be phased in as well.

Together, we can save millions of tons of dangerous emissions from polluting our environment and contributing to climate change.

Challenge #2: Cargo Theft and Crime in the Lamar Avenue Corridor

Truck stops such as Loves and Pilot provide a lifeline of essential resources for hard working truckers, particularly for long haul truckers that live in their cabs while over the road. Due to the severe shortage of overnight parking in the Memphis area many of these truckers are forced to park illegally and in unsecured areas that are not designated for trucks. The very few truckers that are fortunate to find an overnight parking spot at the Loves Truck Stop on Lamar Ave often find themselves victims of cargo theft and crimes against drivers due to the unsecured nature of these truck stops.

While filling a valuable void, truck stops lack the fencing / gates, electric fencing, adequate lighting necessary to safely secure the valuable cargo that is parked on their lots. Data Hub reports that in the past year Love's Truck Stop on Lamar was the site of 137 police reports, dozens of which were related to semi trailer break-ins. **These thefts are often tied to highly sophisticated organized crime operations, some even located in other countries.** Memphis is in the top 10 cities in the country for cargo theft according to FBI statistics. Countless shooting deaths and serious injuries take place at the Lamar Ave Loves on a regular basis. This year alone shooting deaths were reported at the truck stop on March 17 and July 2.



Our Solution: Our plan is to provide truckers with a safer and more secure alternative to parking at truck stops which lack necessary deterrents and barriers to keep thieves out. Capital Drop Yard will have 8ft high chain link fencing with razor wire, 7,000 volt electric fencing, gated entrance and exits, bright LED lighting, perimeter motion sensors and state-of-the-art CCTV camera systems which feature AI for intruder detection and 60 day backup footage. About half of the parking spots will have backup bumpers that prevent thieves from opening the doors on loaded trailers.

Challenge #3: Congestion in Lamar Avenue Corridor & Lack of Semi Truck Parking

Congestion in and around the I-55 at I-40 connection ranked No. 42 on the American Transportation Research Institute's list of top 100 worst bottlenecks in the country for 2022. The congestion and parking shortage is particularly acute along the heavily trafficked 5 mile stretch of Lamar Ave in the Lamar Avenue Corridor. To address the severe congestion in the area, The Lamar Avenue Corridor project was recently funded in part by a \$71.1 million grant from The U.S. Department of Transportation to alleviate congestion and improve the flow of commerce through our "logistics corridor." The U.S. Department of Transportation reported in 2023 that for the roughly 3.5 million truck drivers in the U.S., there are only about 313,000 truck parking spaces (that's one spot for every 11 trucks). For this reason truck drivers give up an average of 56 minutes of their available 11 hour drive time per day parking early rather than risking not being able to find parking down the road. The time spent looking for available truck parking costs the average driver about \$5,500 annually in lost compensation and thousands of dollars in overnight parking fees charged by truck stops, according to American Trucking Associations. The shortage of safe and environmentally sustainable idle-free parking and resources for these drivers is occurring in the context of a burgeoning freight transportation sector which is set to intensify the demand for additional parking solutions. Last year [2023] the Arkansas Department of Transportation opened an 84-space commercial truck park in West Memphis. The \$6 million facility provides a rest area for the more than 20,000 commercial trucks that pass through West Memphis each day.

On any given day there can be hundreds of truckers that are contracted to provide time sensitive ad hoc freight services to Fedex or UPS. These drivers are required to be in close proximity to the Memphis Airport to provide immediate service for shipments that cannot be shipped by air. Due to the time sensitive nature of these shipments truckers generally sit at or around the Loves on Lamar idling their engines awaiting dispatch from FedEx / UPS, further exacerbating the congestion in the area.

Our Solution: Capital Drop Yard, if approved by the City of Memphis, will be conveniently located 4 miles west of the congested Lamar Corridor yet in close proximity to the Memphis Airport. We will provide a full-service drop yard facility that leverages many years of relationships with local vendors to provide on-site services to truckers. The full service nature(see below) of the parking facility means drivers will be on local roads less, resulting in greater driver efficiencies and considerably less congestion in and around the Lamar Corridor. The site location sits less than 1/8 of a mile from the Memphis International Airport, this will serve as a perfect location for Fedex and UPS ad hoc drivers.

Drop Yard Services Available to Truckers (onsite):

- DOT Inspections -- Rescue Repair Service
- Tire Pressure Management
- Truck and Trailer Wash -- Rescue Repair Service
- On-site Cross Dock & Freight Storage (in rental trailers)
- Windshield Repair / Replacement -- Universal Glass Repair
- Brake & Tire Service for trucks and trailers -- Rescue Repair Service
- Full Service Trailer Shop (partner / vendor on site) -- Rescue Repair Service
- Pre & Post-Trip Inspections (trucks and trailers) -- Rescue Repair Service
- Safety & Compliance Services -- Thompson DOT Safety & Compliance
- Permitting / Tag / Fuel Tax Services available to carriers -- Perfect Choice Permitting
- Insurance -- MidSouth Truckers Group / Lipscomb & Pitts Insurance
- Dispatch / Load Planning Services to maximize driver efficiencies
- Regular peer group meetings with guest experts / leaders from the industry to discuss best practices for small trucking business - 90% of small trucking companies fail
- Partnership with The Transformation Doctor to help educate drivers on diet & fitness

I-55 RAMP	2.4 miles
BNSF RAILROAD	1.8 miles
FEDEX WORLD HUB	2.8 miles
UPS AIR HUB	1.6 miles
DHL EXPRESS HUB	2.6 miles
MEMPHIS AIRPORT	0.2 mile

Our onsite **Driver lounge** will be available to all drivers that pay to park with us:

- Free Private Showers
- Free Laundry
- Restrooms
- Conference Room / Business Center / Free Wifi
- Fitness / workout room
- Kitchen - meal prep recipes and healthy eating classes for drivers

Almost all of our partner vendors are local business that we have developed relationships with over many years. All except for one below are located in District 3.

Partner Vendors:

Rescue Repair Service
3441 Knight Arnold Rd
Memphis, TN 38118

Perfect Choice Permitting
3865 Viscount Ave
Memphis, TN 38118

Thompson DOT Safety & Compliance
3131 Farrisview Road
Memphis, TN 38118

Universal Glass
3695 Lamar Ave
Memphis, TN 38118

Lipscomb & Pitts Insurance
2670 Union Ave Ste 100
Memphis, TN 38112



If you have any questions or would like to discuss this with me further I can be reached on my cell phone at 901-305-1456 or by email at capitallogisticsgroup@yahoo.com

Stephen Christides

Capital Drop Yard LLC / Capital Logistics LLC

Online at www.capitaldropyard.com



LETTERS RECEIVED

Two letters of opposition were received at the time of completion of this report and have subsequently been attached.

TCHULAHOMA CORRIDOR COMMENTS

August 23, 2024
Re: Case PD 2024-013

Memphis and Shelby County
Division of Planning and Development

Attn: Alexis Longstreet, Staff Planner

Howdy and good day to you!

I hope all is well with you today.

I am Mary Donald; my address 3183 Blue Bonnet Rd., 38118.
The purpose of this writing is to submit my comments in reference to the aforementioned case.

After reviewing the application, the following comments will apply:

- Location – 700 ft. West of Tchulahoma Rd. (East side of Shelby Dr.)
 - The nearby intersection (Shelby Dr. and Tchulahoma Rd.) is currently being reconfigured under the Memphis 3.0 plan.
 - The location will be too close to the Oakhaven residential area.
 - The location could be used for commercial entities that are sorely needed and would better serve the Oakhaven community (groceries, clothing, etc.).
 - Adding a drop yard in an area with an overabundance of 18-wheeler/tractor trailer vehicles would create more unneeded traffic and create additional safety issues.

I appreciate the opportunity to submit these comments.

Have a good week.
Blessings!



OPPOSITION

1MFAC CORP., INC.

37678 NEW GETWELL ROAD • MEMPHIS, TN 38118 • 1-901/795-3110

August 28, 2024

Mrs. Pearl Walker,
City Council Member, Dist. 3,
Memphis City Council,
125 North Main Street, Room 514,
Memphis, TN 38103.

RE: PD 2024-013-Drop Yard --- LOT#060-232-00019 LANDLOCKED... Request for help...
Council Member Walker:

As City Council Member representing District 3, I hereby request your assistance.

I am the owner of property, Ward/Parcel No **060-232-00019**, (Lot #19 *hereafter*) located in the SW Quadrant of Shelby Drive and Tchulahoma Road, at the south corner of the subject (PD) property Ward/Parcel/ID #060-232-00009 (Lot#9 *hereafter*) which fronts on to Shelby Drive. My property, Lot #19, is Landlocked. Allowing the Planned Development (PD *hereafter*) will reinforce landlocked status of Lot #19. There will be no ingress/egress for Lot#19.

By letter dated August 23, 2024 addressed to Messrs Brett Ragsdale and John Zeanah, Memphis and Shelby County, Division of Planning and Development, Attention Ms. Alexis Longstreet: I gave Notice of the Landlocked status of my property, Lot #19, and that therefor the PD is OBJECTED to; that if it is to be approved, a Right-of-Way (R.O.W) [of **necessity**] to eliminate the Landlocked status of my Lot #19 be incorporated, *or* condition of Approval.

Specifically, I am asking your help in getting a proper (50') **Right-of-Way** of '**Necessity**', incorporated, so that I may have ingress/egress to my Lot#19 property. To be sure, attached hereto is a sketch of the of hatched **ROW** being sought. The need for this ROW easement is absolutely necessary to have access to ingress/egress to the only City Street, Shelby Drive.

The PD 2024-013 will come before the City Council on Thursday, September 12, 2024 @ 0900 hours; with a September 4, 2024 @ 0800 hours Comment cut-off date. Your assistance is much appreciated. I can be reached at 901/795-4405.

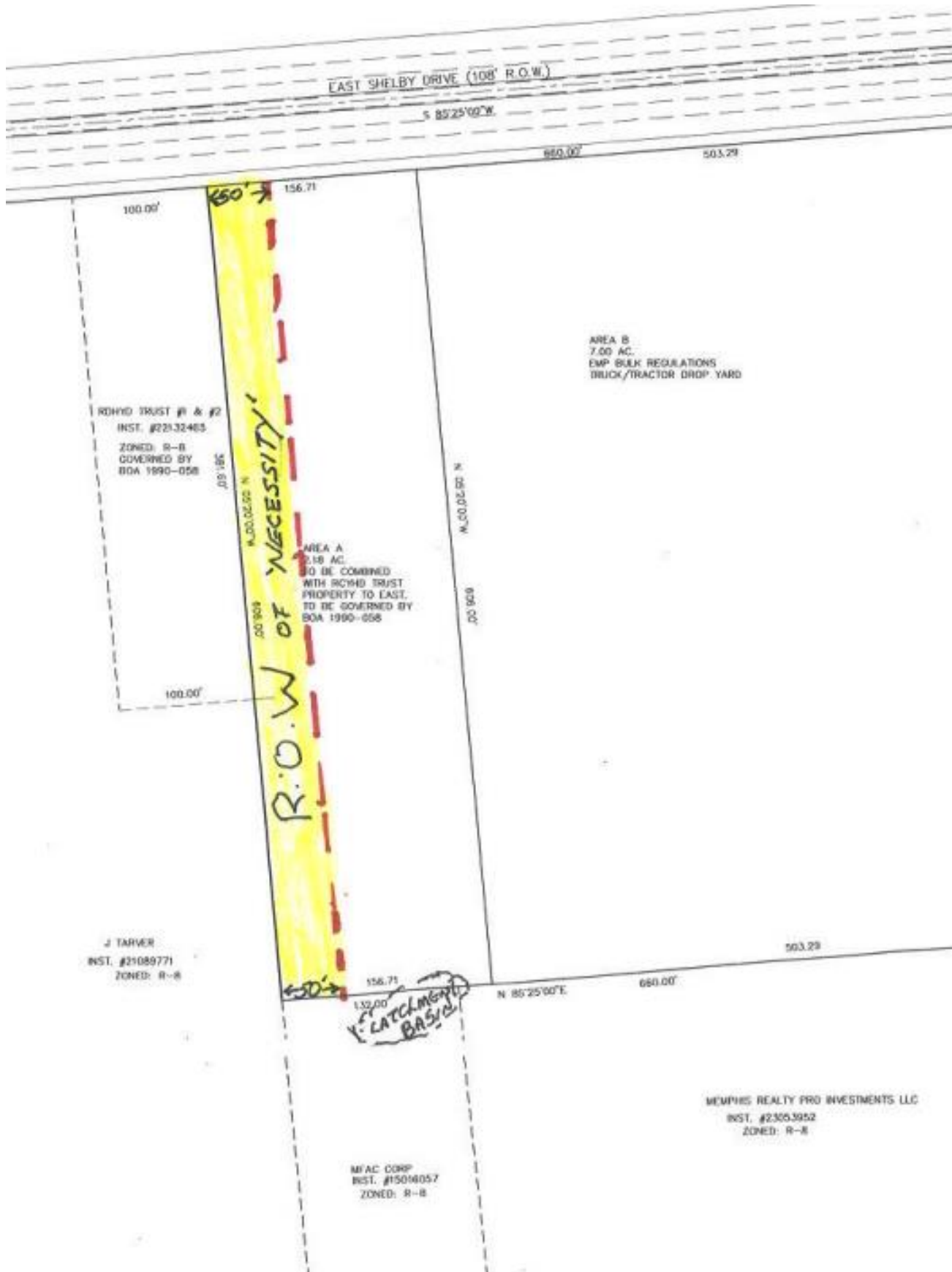
Thanks.

Respectfully,



O'Rand M. Cornish, Sr.
Property Owner.

Attach: Sketch
cc:





Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: August 9, 2024

Record Number: PD 2024-013

Expiration Date:

Record Name: Shelby Drive Drop Yard Planned Development

Description of Work: New planned development on the south side of Shelby Drive

Parent Record Number:

Address:

38118

Owner Information

Primary Owner Name

Y WILLIAMS STEVIE AND NATHANIEL PARTEE

Owner Address

4651 SUNSET RD, NESBITT, MS 38651

Owner Phone

Parcel Information

060232 00009

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

06/10/2024

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

n/a

Medical Overlay / Uptown

No

If this development is located in unincorporated
Shelby County, is the tract at least three acres?

n/a

(Note a tract of less than three acres is not

GENERAL PROJECT INFORMATION

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

n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

This project is consistent with development patterns along this portion of Shelby Drive

UDC Sub-Section 9.6.9B

Type III landscape buffers are included along adjacent residentially zoned property.

UDC Sub-Section 9.6.9C

All public utilities and services are available to this site. Shelby Drive is fully developed along the subject property.

UDC Sub-Section 9.6.9D

agreed

UDC Sub-Section 9.6.9E

agreed

UDC Sub-Section 9.6.9F

agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

This project will be compatible with existing uses along this portion of Shelby Drive.

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

All public utilities are available to this site.

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

Detention will be installed at the southwest corner of the site and along the north property line at the connection to existing storm sewer.

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

Proposed landscaping meets the UDC standards along street frontage and perimeter property lines. Lighting will be directed inward and will meet the foot candle standards of the UDC.

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

agreed

A property owners association will maintain the common detention basin.

F) Lots of record are created with the recording of a planned development final plan

Agreed

GIS INFORMATION

Case Layer

Z02-102, Z05-122, Z07-107

GIS INFORMATION

Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-8
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information**Name**

STEPHEN CHRISTIDES

Contact Type

APPLICANT

Address**Phone**

-

Name

THE BRAY FIRM

Contact TypeARCHITECT / ENGINEER /
SURVEYOR**Address**

2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1584854	Planned Development - each additional or fractional acres above 5	5	500.00	INVOICED	0.00	08/09/2024
1584854	Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
1584854	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024

Total Fee Invoiced: \$2,052.00

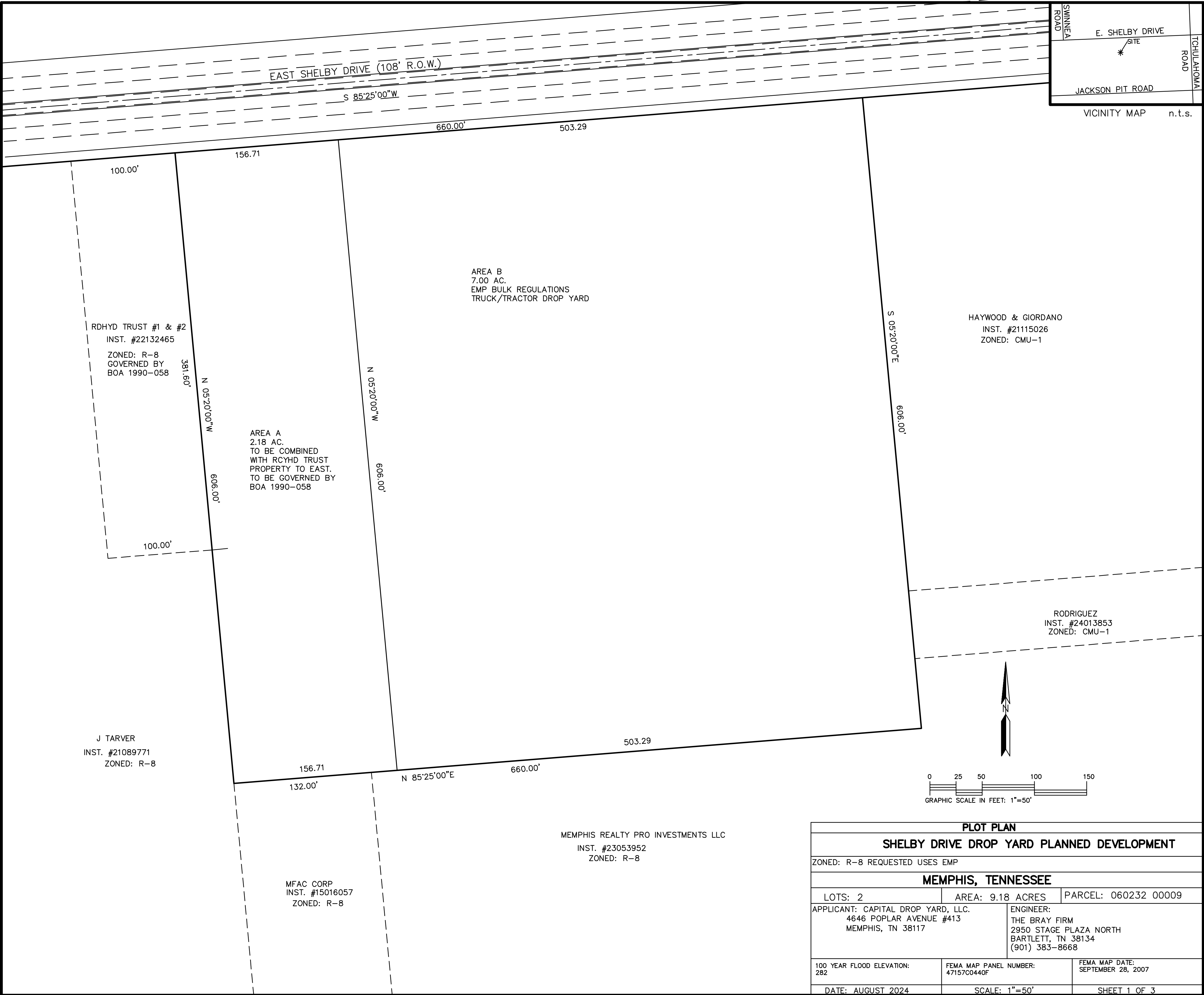
Total Balance: \$0.00

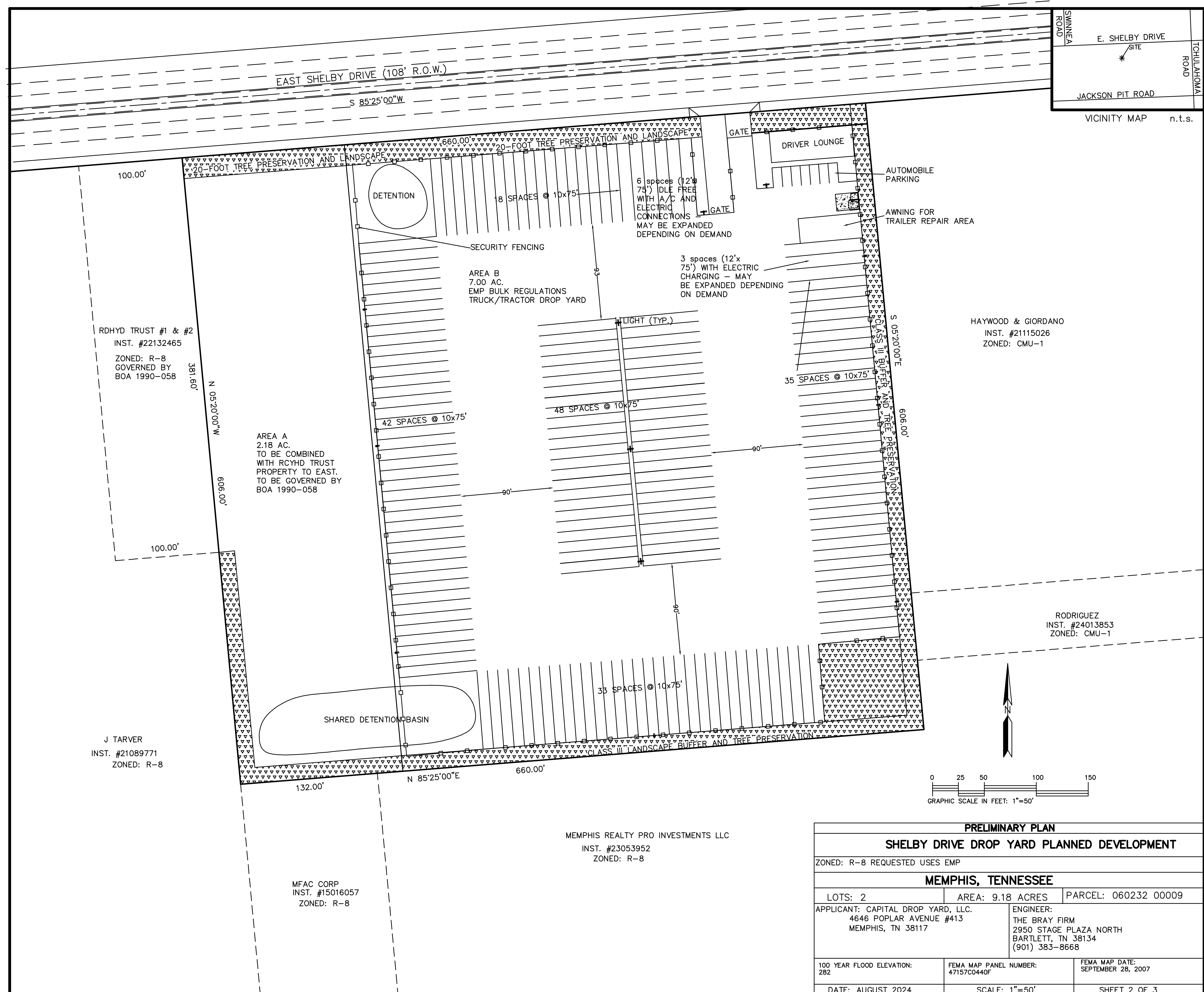
Payment Information**Payment Amount**

\$2,052.00

Method of Payment

Credit Card





OUTLINE PLAN CONDITIONS
SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT

- I. USES PERMITTED:
- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - Truck/tractor drop yard and accessory uses
- II. BULK REGULATIONS:
- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - The bulk regulations of the EMP zoning district shall apply.
- III. ACCESS AND CIRCULATION:
- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.
- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.
- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

- V. Site Plan Review:
- A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.
- A. The Site plan shall include:
1. The exact location and dimensions including height of all buildings.
 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
 3. A detailed landscaping plan including the species and diameter of any new plants.
 4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.
- B. The site plan shall be reviewed based on the following criteria:
1. Conformance with the Outline Plan Conditions.
 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
 3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 4. Adequate access shall be provided to the site as determined by the City Engineer.

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

- VII. Any final plan shall include the following:
- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City 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.

PRELIMINARY PLAN		
SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT		
ZONED: R-8 REQUESTED USES EMP		
MEMPHIS, TENNESSEE		
LOTS: 2	AREA: 9.18 ACRES	PARCEL: 060232 00009
APPLICANT: CAPITAL DROP YARD, LLC. 4646 POPLAR AVENUE #413 MEMPHIS, TN 38117		ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668
100 YEAR FLOOD ELEVATION: 282	FEMA MAP PANEL NUMBER: 47157C0440F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: AUGUST 2024	SCALE: NONE	SHEET 3 OF 3

OUTLINE PLAN CONDITIONS

SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT

I. USES PERMITTED:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.
- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.

- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

1. The exact location and dimensions including height of all buildings.
2. The number, location, and dimensions of parking spaces within proposed structures / lots.
3. A detailed landscaping plan including the species and diameter of any new plants.
4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.
2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
4. Adequate access shall be provided to the site as determined by the City Engineer.

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

VII. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City 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.



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

August 9, 2024

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

RE: Shelby Drive Drop Yard Planned Development
Parcel 060232 00009
Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development on the south side of Shelby Drive between Airways and Tchulahoma. The site is immediately adjacent to the River City Hydraulics facility located at 3135 E. Shelby Drive. That site operates under a BOA approval from 1990. At this time, RCH is seeking to expand their facilities and will be utilizing the western 2.18 acres (Area A) of the planned development. Expansion of their operations would be governed by the existing BOA conditions of approval. The remaining 7 acres of the parent tract (Area B) would be utilized for a truck/trailer drop yard. As you are aware, truck parking is underserved in our metro area creating an ongoing problem of illegal parking from shopping centers to residential streets to vacant properties. The developers are seeking to bring a high quality drop yard with amenities not found at similar facilities. The site is conveniently located along a major corridor and is less than one mile from the airport and less than 2.5 miles to the interstate. In addition to traditional parking facilities the site will include the following: driver lounge, at least six (6) spaces with air conditioning and electrical connections to allow occupied trucks to not be in idle mode (thus reducing pollution), at least three spaces for EV charging as new electric trucks enter our market, and an area for trailer repair by an independent contractor. Both the non-idle spaces and EV charging stations may be expanded depending on demand. The site will be well lit internally with LED lighting but will be designed to not impact surrounding properties. Security fencing will be installed around the site but will be internal to the landscaping (20 foot landscape plate along Shelby Drive frontage and 15 foot Class III buffer along east and south property lines). Existing trees within the landscape areas will be preserved where possible.

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

Sincerely,

David Gean Bray, P.E.

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, STEPHEN CHRISTIDES Stephen Christides, state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 0 SHELBY DRIVE MEMPHIS, TN
and further identified by Assessor's Parcel Number 060232022229,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 7th day of August in the year of 2024.

Leanne D. Beard
Signature of Notary Public



11-1-27
My Commission Expires



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.



22069418

06/22/2022 - 04:12:39 PM

1 PGS	
BRIAN 2448940 - 22069418	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by and return to:
Thomas Branch, Attorney at Law
 22 North Front Street, Suite 790
 Memphis, Tennessee 38103
 (901) 525-3450

PARCEL ID NUMBER: 06002320009

QUIT CLAIM DEED

-THIS DEED PREPARED WITHOUT BENEFIT OF TITLE SEARCH-

Know all men by these presents, that **MATTHEW WILLIAMS**, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, do hereby bargain, sell, remise, release, quit claim and **convey unto NATHANIEL PARTEE**, all right, title and interest in and to the following described real estate located in the City of Memphis, County of Shelby, State of Tennessee, to wit:

A PART of the Charley Jackson Estate in Section B, Township one (1), Range 7 in the Second Civil District of Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point in Whitehaven- Capleville Road, said point being the north line of said Section 8 and 660 feet westwardly from the northeast corner of said Section 8; thence south 5 degrees 25 minutes west and parallel with the north line of said Section 660 feet to an iron pin; thence north 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence north 85 degrees 25 minutes east along said road 660 feet to the point of beginning, containing 10.0 acres of land, more or less, LESS AND EXCEPT that portion taken by City of Memphis in Circuit Court Judgment of record as instrument No. W-9 7973, in the Register's Office of Shelby County, Tennessee, and being the same property described in and conveyed by Warranty Deed of record as Instrument No. 01002676, in said Register's Office, LESS AND EXCEPT that portion taken by City of Memphis of record as instrument No. W9-7973, in said Register's Office.

Grantor Matthew Williams was determined to be the legal heir of R. D. Williams, a/k/a Ricky D. Williams by decree discharging Administrator and closing estate and other relief, dated December 20, 2012 in Cause No. 16-CV-1782 in the Chancery Court of DeSoto County, Mississippi

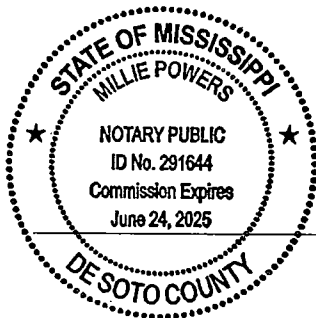
I do hereby quit claim the title herein conveyed against the lawful claims of all persons claiming the same by, through or under me, but not further or otherwise.

In Testimony Whereof, I have executed the instrument this 22 day of June, 2022.

Matthew Williams

MATTHEW WILLIAMS

State of MS
 County of DeSoto



Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **MATTHEW WILLIAMS** to me known to be the person described herein and who executed the same as HIS free act and deed.

Witness my hand and Notarial Seal at office this 22 day of June, 2022.

Millie Powers
 Notary Public - My Commission Expires: 06/24/2025

Property known as: VACANT LOT, WHITEVILLE- CAPLEVILLE RD., MEMPHIS, TN / (PARCEL ID NUMBER:06002320009)

Mail tax notice to: (OWNERS) NATHANIEL PARTEE
4651 SUNSET RD., NESBIT, MISSISSIPPI

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is ZERO Dollars (\$0).

Nathaniel ParTEE
 Affiant -

Subscribed and sworn to before me this 22 day of June, 2022.

Millie Powers
 Notary Public - My Commission Expires: 06/24/2025



STEVIE WILLIAMS & NATHANIEL PARTEE 4651 SUNSET RD NESBIT, MS 38651	The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134	CAPITAL DROP YARD, LLC. 4646 Poplar Avenue #413 Memphis, TN 38117
OWNER	Engineer	APPLICANT
HAYWOOD & GIORDANO 7731 HWY 301 WALLS, MS 38680	MAPCO PETROLEUM INC 2424 RIDGE RD ROCKWALL, TX 75087	QCSI FOUR LLC 2424 RIDGE RD ROCKWALL, TX 75087
RESIDENT 3271 SHELBY DR MEMPHIS, TN 38118	PEDRO & MAGDELENA RODRIGUEZ 4757 TCHULAHOMA RD MEMPHIS, TN 38118	MEMPHIS REALTY PRO INVESTMENTS LLC 3746 BONNER DR OLIVE BRANH, MS 38654
MFAC CORP 4791 TCHULAHOMA RD MEMPHIS, TN 38118	EASTHAVEN CHURCH OF CHRIST 4833 TCHULAHOMA RD MEMPHIS, TN 38118	MFAC CORP 3767 NEW GETWELL RD MEMPHIS, TN 38118
RESIDENT 4833 TCHULAHOMA RD MEMPHIS, TN 38118	INDEPENDENT POLE BEARERS 4819 TCHULAHOMA RD MEMPHIS, TN 38118	SHELBY COUNTY 160 N. MAIN ST MEMPHIS, TN 38103
RESIDENT 1376 JACKSON PIT RD MEMPHIS, TN 38118	J. TARVER 3021 SHELBY DR MEMPIS, TN 38118	RCHYD TRUST #1 & #2 2025 MADISON LAYNE CT SHERWOOD, AR 72120
RESIDENT 3135 SHELBY DR MEMPHIS, TN 38118	JOHN & KIRK TARVER 2100 WOODCREEK DR GERMANTOWN, TN 38138	RESIDENT 3021 SHELBY DR MEMPHIS, TN 38118
OAKHAVEN MOBILE HOME PARK 3080 SHELBY DR MEMPHIS, TN 38118	KENDALL MEMPHIS PARTNERS 17300 RED HILL AVE STE 280 IRVINE, CA 92614	TRUE VICTORY CHURCH 3150 SHELBY DR MEMPHIS, TN 3818

CITY OF MEMPHIS
125 N. MAIN ST
MEMPHIS, TN 38103

RESIDENT
3200 SHELBY DR
MEMPHIS, TN 38118

ENLIGHTMENT INC
3220 SHELBY DR
MEMPHIS, TN 38118

MTNI INC
4505 WASATCH BLVD #350
SALT LAKE CITY, UT 84124

RESIDENT
3250 SHELBY DR
MEMPHIS, TN 38118

SHARHAN MUTAHAR
2271 KHUSH BOO CV
SOUTHAVEN, MS 38671

RESIDENT
4635 TCHULAHOMA RD
MEMPHIS, TN 38118

ASSOC. OF ISLAMIC CHARITABLE
PROJECTS
4609 TCHULAHOMA RD
MEMPHIS, TN 38118

MELISSA & LORENZO MYRICK
4609 TCHULAHOMA RD
MEMPHIS, TN 38118

DARRELL THOMAS
4597 TCHULAHOMA RD
MEMPHIS, TN 38118

NEW DEVELOPMENT LLC
3264 W. SARAZENS CIR
MEMPHIS, TN 38125

RESIDENT
3292 SHELBY DR
MEMPHIS, TN 38118

RONALD & PATRICIA SOLBERG
PO BOX 751510
MEMPHIS, TN 38175

RESIDENT
3285 SHELBY DR
MEMPHIS, TN 38118

REALTY INCOME PROPERTIES 17
LLC
500 VOLVO PKWY
CHESAPEAKE, VA 23320

RESIDENT
3315 SHELBY DR
MEMPHIS, TN 38118

TAYLOR'ED GYMNASTICS
4906 STIRRUP DR
MEMPHIS, TN 38125

JOSE BOLANOS
3003 SUMMER AVE
MEMPHIS, TN 38112

RESIDENT
4730 TCHULAHOMA RD
MEMPHIS, TN 38118

MICHAEL WILLIAMS
3300 DAPHNE CV
MEMPHIS, TN 38118

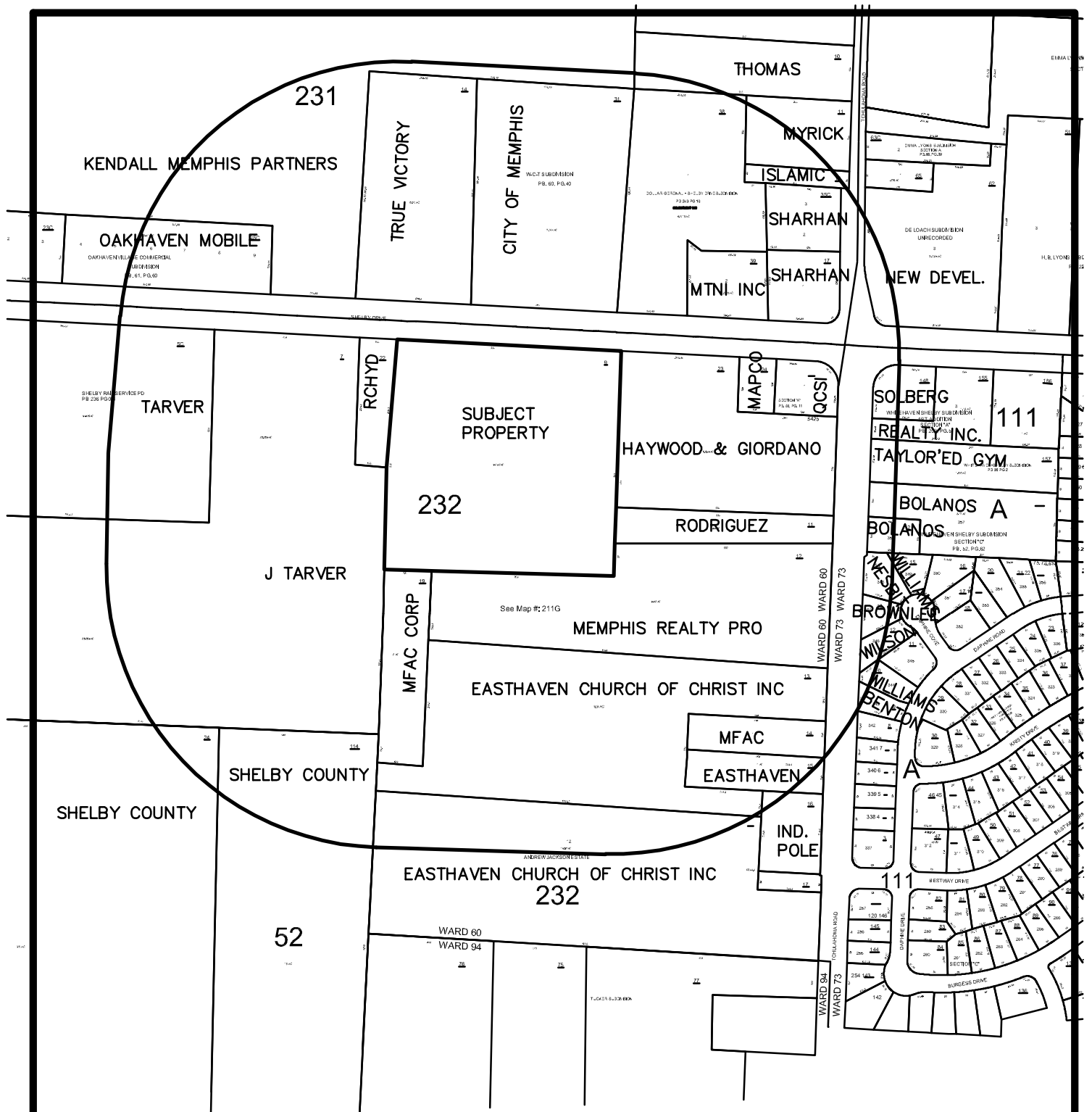
SANDRA NESBIT
3301 DAPHNE CV
MEMPHIS, TN 38118

STANLEY & SCOTTY BROWNLEE
3305 DAPHNE CV
MEMPHIS, TN 38118

PAULA WILSON
3309 DAPHNE CV
MEMPHIS, TN 38118

CAROLYN WILLIAMS
4787 DAPHNE RD
MEMPHIS, TN 38118

RICHARD & ROBYN BENTON
4793 DAPHNE RD
MEMPHIS, TN 38118



PD APPLICATION: 0 SHELBY DRIVE
APPLICANT: CHRISTIDES

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 AUGUST 7, 2024

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=400'



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

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

November 14, 2024

Stephen Christides, Capital Drop Yard, LLC

Sent via electronic mail to: capitallogisticsgroup@yahoo.com , dqbray@comcast.net

Shelby Drive Drop Yard Planned Development

Case Number: PD 2024-013

LUCB Recommendation: Rejection

Dear applicant,

On Thursday, November 14, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your planned development application for the Shelby Drive Drop Yard Planned Development, subject to the attached outline plan conditions.

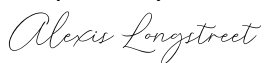
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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 alexis.longstreet@memphistn.gov.

Respectfully,



Alexis Longstreet

Planner II

Land Use and Development Services

Division of Planning and Development

Letter to Applicant
PD 2024-013

Cc: David Bray, The Bray Firm
File

Letter to Applicant

PD 2024-013

Outline Plan Conditions

I. USES PERMITTED:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - Truck/tractor drop yard and accessory uses

II. BULK REGULATIONS:

- A. AREA A - To be governed by approval conditions of BOA 1990-058
- B. AREA B - The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened ~~through the use of~~ using fencing or landscaping. If roof mounted, the equipment shall be screened ~~through the use of~~ using an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.
- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.
- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

1. The exact location and dimensions including height of all buildings.
2. The number, location, and dimensions of parking spaces within proposed structures / lots.
3. A detailed landscaping plan including the species and diameter of any new plants.

Letter to Applicant
PD 2024-013

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.
- B. The site plan shall be reviewed based on the following criteria:
 1. Conformance with the Outline Plan Conditions.
 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
 3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 4. Adequate access shall be provided to the site as determined by the City Engineer.

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

VII. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed ~~so as to~~ to ensure the system operates in accordance with the approved plan on file in the City 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.

**A JOINT ORDINANCE OF THE CITY OF MEMPHIS AND COUNTY OF
SHELBY COUNTY, TENNESSEE ENACTED PURSUANT TO THE
COMMUNITY REDEVELOPMENT ACT OF 1998 AND THE
UNIFORMITY IN TAX INCREMENT FINANCING ACT OF 2012;
PROVIDING FOR THE ESTABLISHMENT OF THE CLEVELAND
STREET CORRIDOR REDEVELOPMENT TRUST FUND**

WHEREAS, pursuant to the Community Redevelopment Act of 1998 (the “Act”) Shelby County, Tennessee (the "County") and the City of Memphis, Tennessee (the "City") established a joint Community Redevelopment Agency ("CRA") to ameliorate the slum and blight conditions within the City of Memphis and the unincorporated areas of Shelby County; and

WHEREAS, on January 9, 2025, pursuant to Section 11 of the Act and the provisions of the Uniformity in Tax Increment Financing Act of 2012 (the “TIF Uniformity Act”), the CRA approved a proposal to establish the Cleveland Street Corridor Tax Increment Financing District (the “Cleveland Street Corridor TIF”) pursuant to the Cleveland Street Corridor Redevelopment Area (the “Plan);

WHEREAS, the City Council (the “Council”) of the City of Memphis, Tennessee considered the adoption of the Cleveland Street Corridor Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee (the "Board") considered the adoption of the Cleveland Street Corridor Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, this Ordinance shall not become effective until after the adoption of the Plan by the Board and the Council; and

NOW, THEREFORE, BE IT RESOLVED by The Council Of The City Of Memphis And The Board Of County Commissioners Of Shelby County, Tennessee that the Community Redevelopment Plan for Cleveland Street Corridor Area be established as follows:

SECTION 1. COMMUNITY REDEVELOPMENT AREA

The Cleveland Street Corridor Community Redevelopment Area shall be as shown in the Legal Description attached as Exhibit A.

SECTION 2. FUNDING OF THE REDEVELOPMENT TRUST FUND

Pursuant to the provisions of Section 21 of the Community Redevelopment Act of 1998 the hereby Redevelopment Trust Fund for the Cleveland Street Corridor Community Redevelopment Area shall include the increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of the community redevelopment under the Act.

Pursuant to the requirements of the Act, each taxing authority located within the Cleveland Street Corridor Community Redevelopment Area shall by January 1 of each year commencing January 1, 2025 appropriate to the Redevelopment Trust Fund for the Cleveland Street Corridor Area for so long as any indebtedness pledging increment revenue to the payment thereof is outstanding the earliest of thirty (30) years or January 1, 2055, a sum that is no less than the increment as defined and described in this Section accruing to such taxing authority.

SECTION 3. DISCRETION TO GRANT EXEMPTIONS

Subject to further proceedings of the Council and the Board pursuant to the requirements of Section 21(b)(4) of the Act, the City and the County reserve the discretion to grant an exemption to any special district that levies taxes within the Cleveland Street Corridor Community Redevelopment Area from the funding requirements of Section 5 of this Ordinance; provided such grant of an exemption shall not violate Article 1, Section 20 of the Tennessee Constitution or Article 1, Section 10 of the United States Constitution, relating to impairment of contracts.

SECTION 4. TERM OF THE REDEVELOPMENT TRUST FUND

The Redevelopment Trust Fund for the Cleveland Street Corridor Area shall remain in existence for thirty (30) years after the date of adoption of the original Plan. Notwithstanding anything in this Ordinance to contrary, the obligation to fund the Redevelopment Trust Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the CRA incurred as a result of redevelopment in a Community Redevelopment Area have been paid. Upon termination of the Redevelopment Trust Fund, subject to payment of all amounts required to be paid from such Redevelopment Trust Fund, any remaining moneys in the Redevelopment Trust Fund shall be returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Redevelopment Trust Fund by all taxing authorities within the Cleveland Street Corridor Community Redevelopment Area during that year of the last appropriation.

SECTION 5. EXPENDITURE OF MONEYS IN THE REDEVELOPMENT TRUST FUND

A. Moneys in the Redevelopment Trust Fund may be expended from time to time for the

following purposes, when directly related to financing or refinancing of redevelopment in a Community Redevelopment Area pursuant to the Plan:

- (a) administrative and overhead expenses necessary or incidental to the implementation of Plan pursuant to the Uniformity in Tax Increment Financing Act of 2012 (the "TIF Uniformity Act").
- (b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement of the City or the County or the CRA for such expenses incurred before the Plan was approved and adopted.
- (c) the acquisition of real property in the Community Redevelopment Area.
- (d) The clearance and preparation of any portion of the Community Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 17 of the Act.
- (e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness.
- (f) All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of CRA bonds, bond anticipation notes or other form of indebtedness, including fund or any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness.
- (g) The development of affordable housing within the Community Redevelopment Area.

B. On the last day of each fiscal year of the CRA, any money which remains in the Cleveland Street Corridor Redevelopment Trust Fund after the payment of expenses pursuant to subsection "A" of this Section 5 for such year shall be:

- (a) returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the Cleveland Street Corridor Community Redevelopment Area for that year;
- (b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- (c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
- (d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

C. As allowed in Section 2 of the "Uniformity in Tax Increment Financing Act of 2012" a total of up to five percent (5%) of incremental tax revenues will be set aside for administrative expenses incurred by the CRA (Tennessee Code Annotated 9- 23-104).

D. As allowed in the "Uniformity in Tax Increment Financing Act of 2012" the tax increment base and dedicated taxes shall be calculated on the basis of each parcel within the area subject to the Community Redevelopment Plan for the Cleveland Street Corridor Area (Tennessee Code Annotated 9-23-102).

E. In accordance with the provisions of the Act and the TIF Uniformity Act, the City and the County shall cause the CRA to provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Redevelopment Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The CRA shall provide a copy of the report to each taxing authority.

BE IT FURTHER ORDAINED, that to the extent that the CRA shall approve developers to execute the redevelopment, said developers shall provide annual financial statements, including balance sheets and detailed income and expense statements to the CRA Board.

BE IT FURTHER ORDAINED, that this joint ordinance shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the concurring and separate passage thereof by the Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance are severable and that any portion declared or found to be unlawful shall not affect the remaining portions.

Sponsor:
Dr. Michalyn Easter-Thomas

Chair:
J Ford Canale

Ordinance No: _____

AN ORDINANCE TO AMEND Title 9- Chapter 16 – Health and Sanitation OF THE CITY OF MEMPHIS CODE OF ORDINANCES RELATIVE TO THE ASSESSMENT OF FEES TO PROPERTY OWNERS WITH AN ABANDONED OR VACANT PROPERTY OR PROPERTIES WITHIN THE CITY OF MEMPHIS LIMITS

WHEREAS, the City of Memphis has ordinances in place and has adopted property maintenance codes to regulate building standards for the exterior of structures and conditions of properties as a whole; and

WHEREAS, the City observes the conditions of properties within the City limits and assesses fees for services rendered to properties for reasons such as weed cutting, grass mitigation, environmental billing, boarding and securing properties, demolition of properties due to condemnation, clearing sidewalk obstructions and sanitation including, but not limited to, cleanup of yard waste composting and household waste that may be hazardous; and

WHEREAS, the City of Memphis as the authority under Tennessee Code § 6-54-113 to assess fees for the removal of debris, trash, litter, or garbage from properties where such conditions endanger the health, safety, or welfare of citizens, and to recover the costs incurred through an assessment against the property owner, including placing a lien on the property for unpaid costs; and

WHEREAS, the City also incurs a cost and must employ multiple divisions to maintain or care for abandoned properties and vacant properties to include, but not limited to:

(1) Staff time, resources, monetary costs, and opportunity costs incurred by the City, including but not limited to public safety officers addressing unlawful occupancy, illegal activities, or hazards in abandoned buildings; receiving and addressing complaints; reviewing, investigating, documenting, and issuing warnings or citations; cleaning, clearing, and removing refuse or illegally dumped items; patrolling properties; addressing pest control or similar issues; and repairing City infrastructure and structures damaged due to vagrancy or other activities on such properties; and

(2) administrative costs

WHEREAS, the purpose of this ordinance is to address illegal or unwanted dumping and abandoned or vacant properties by assessing a fee to the owners of abandoned or vacant properties;

WHEREAS, another purpose of this ordinance is to hold out-of-state and absentee property owners accountable for neglecting properties that fall into disrepair, causing safety hazards, reduced property values, and other quality-of-life concerns for entire neighborhoods.

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

SECTION 1. Title 9- Chapter~~000~~ 16 –Health and Sanitation– of the Code of Ordinances of Memphis, Tennessee is hereby amended to add sections 16-506 – 16-511 to read as follows:

Sec. 16-506 Purpose and Intent.

It is declared to be the purpose and intent of Chapter 16, Section 16-506 – 16-511 that all owners of abandoned or vacant properties within the limits of the City of Memphis are hereby assessed an annual deeper property in order to remediate the cost effects to the City of Memphis caused by illegal dumping at abandoned or vacant properties.

Sec. 16-507 Definitions.

The following words and terms shall have the meanings herein, except where otherwise specifically indicated.

- (a) Abandoned Real Property means any real property, commercial or residential, that is vacant, is subject to unauthorized occupancy and, has been determined abandoned by evidence of an affidavit by an agent or officer of the City of Memphis Housing Code Enforcement. Bulky Refuse means discarded appliances such as stoves, refrigerators, water tanks, washing machines, and discarded furniture or similar materials having a weight greater than 75 pounds and/or volume greater than 35 gallons.
- (b) Evidence of Vacancy means any condition that, on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; electricity, water or other utilities turned off, stagnant swimming pool; or statement by neighbors, passers-by, delivery agents or government agents.
- (c) Garbage includes every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, use of cooking, dealing in storage of meat, fish, fowl, fruits, or vegetables, cans or other containers originally used for foodstuffs.

- (d) Hazardous Waste means a hazardous waste as defined in T.C.A. § 68-46-104.
- (e) Industrial Waste means solid waste produced in, or generated by, industrial or manufacturing processes. The term does not include commercial or domestic waste as defined in T.C.A. § 68-211-802(a)(10)(E).
- (f) Owner means any person who alone, jointly, or severally with others:
 - i. Has legal title to the property, with or without accompanying actual possession thereof;
 - ii. Has charge, care or control of the property as owner or agent of the owner or an executor, administrator, trustee or guardian of the estate of the owner; or
 - iii. Is the agent or the owner for the purpose of managing, controlling the property or collecting rents, or is any other person managing or controlling the property or is any person entitled to the control or direction of the management or disposition of the property. This ordinance definition excludes Real Estate Listing Agents when acting exclusively in that capacity.
- (g) Property means any real, residential, commercial, industrial property, or portion thereof, located within the City of Memphis, including buildings or structures situated on the property.
- (h) Refuse is a comprehensive term meaning any worthless leaving to be discarded; including, but not limited to, garbage, bulky refuse, rubbish, and industrial and hazardous waste.
- (i) Rubbish/trash includes all non-putrescible solid waste except building material, bulky refuse, hazardous waste, and industrial waste.
- (j) Vacant means any building or structure that is not lawfully occupied or inhabited as evidenced by the conditions set forth in the definition of "Evidence of Vacancy" in Sec. 16-507(c) and as defined in § T.C.A. 13-21-202.

Sec. 16-508 Determination of Abandoned or Vacant Properties.

(a) Annual Compilation of the List -Each year, no later than January 31, the Division of Public Works shall compile a list of abandoned or vacant properties within the City of Memphis limits. The determination of whether a property is considered abandoned or vacant shall be in accordance with the definitions outlined in this section.

(b) Composition of the List- The list shall include properties identified as abandoned or vacant during the current calendar year. The list may also include properties from previous years that have retained their abandoned or vacant designation due to the property owner's failure to remediate the conditions. The final determination of whether a property is included on the list shall be made by the Division of Public Works.

(c) Estimated Cost of Remediation- The list shall include, for each property, an estimated cost to remediate the conditions that led to the property being identified as abandoned or vacant. The Division of Public Works may, at its discretion, maintain an itemized estimation of costs based on the types of services required, such as the removal and mitigation of refuse.

(d) Additions to the List- The Division of Public Works may make additions to the list of abandoned or vacant properties throughout the year. When such additions occur, the provisions of Section 16-509 – Notice to the Owners of Abandoned or Vacant Properties shall apply.

(e) Collaboration with Memphis Light, Gas and Water (MLGW)-The Division of Public Works may collaborate with Memphis Light, Gas, and Water (MLGW) to identify properties that have previously had utility service but have remained without electricity or water for over six (6) months, as this may indicate the property is vacant.

Sec. 16-509 Notice to the Owners of Abandoned or Vacant Properties.

- (a) Provision of Notice –** The Division of Public Works shall provide notice to the owner of an abandoned or vacant property or properties as defined herein to remedy the condition immediately if it is determined that the owner has created, maintained or permitted to be maintained on such property the accumulation of refuse, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals.
- (b) Method of Notice –** The Division of Public Works shall publish the notice in a newspaper of general circulation in the City of Memphis where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record when the required attempt at notification by United States mail addressed to the last known address of the owner fails or no valid last known address exists for the owner of record.
- (c) Content of Notice –** The notice shall state that the owner of the property is entitled to a hearing and shall also include, but not be limited to, the following:

- (1) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition; and
 - (2) The person, office, address, and telephone number of the Division of Public Works as the issuer of the notice; and
 - (3) The list of abandoned or vacant properties created by the Office of Neighborhood Improvement within the Division of Public Works; and
 - (4) A cost estimate for remedying the noted condition; and
 - (5) A place where the property owner may return a copy of the notice, within fourteen (14) business days of receipt, indicating the desire for a hearing/meeting of consideration regarding fees; and
 - (6) The rules for hearings/meetings of consideration regarding abandoned or vacant property fees, as determined by the Division of Public Works.
- (d) **Receipt of Notice** – Receipt of notice shall be considered effective on the date of the second consecutive publication of the notice in a newspaper of general circulation in the county where the property sits and immediately upon delivery when the notice is by personal delivery.

Sec. 16-510 Fee for Abandoned or Vacant Properties.

(a) Fee Assessment

- i. **Yearly Fee** - The City of Memphis shall assess a fee each year of \$300 per property to the owners of abandoned and vacant properties situated within the limits of the City of Memphis that are included on the list of abandoned and vacant properties for that year.
- ii. **Monthly Fee** - The City of Memphis may in its discretion, instead of a yearly fee of \$300, assess a fee each month of \$25 per property to the owners of abandoned and vacant properties situated within the limits of the City of Memphis if the property owner demonstrates hardship.
- iii. **Hearing/Meeting of Consideration Regarding Fees** - The Division of Public Works shall determine and provide rules for hearings/meetings of consideration regarding abandoned or vacant property fees. These rules shall be included within the notice sent to the property owner and shall also be made available to any person requesting a hearing/meeting of consideration regarding fees, either by providing a physical copy upon request at the Division of Public Works office, by mail, or electronically via email or a designated online portal.

(b) Billing of Fees

- i. The Division of Public Works shall create and provide to the Office of the City of Memphis Treasurer a bill outlining the fee assessed and the requirement to pay for the owner of each property on the abandoned or vacant property list. The bill shall be included as an insert with the City of Memphis tax bill but not included on the bill as a tax or fee associated with the collection of taxes for the year.
- ii. The Division of Public Works may, in lieu of providing the bill insert to the Office of the Treasurer, directly provide the bill to the owner of each property on the abandoned or vacant property list. The bill shall reflect the fee amount determined by the results of the hearing conducted by the Division of Public Works, which may be either a one-time payment of \$300 or a \$25 monthly payment for a period of twelve (12) months. Any changes to the structure or frequency of billing shall be included in the notice for abandoned or vacant properties for the subsequent year.

(c) Method of Receiving Payment – The owner of each property on the abandoned or vacant property list shall render payment of the fee directly to the Division of Public Works Office of Neighborhood Improvement. The funds shall be collected through the Finance Division and shall be accounted on the appropriations statement for Code Enforcement. Within thirty (30) days of collection, the funds shall then be placed in the City of Memphis General Fund.

(d) Failure of a Property Owner to Pay the Abandoned or Vacant Property Fee – The City of Memphis shall have the option to place a lien against any property owner who fails to pay the required abandoned or vacant property fee.

(e) Allocation of Collected Fees

- i. The first \$200,000 collected annually from the abandoned and vacant property fees shall be allocated exclusively to the Shelby County Environmental Court Foundation to assist senior citizens in addressing issues related to blighted properties. Assistance shall not exceed \$25,000 per property, and these funds may not be used for any purpose other than assisting senior citizens with blighted property remediation.
- ii. The Shelby County Environmental Court must submit an annual written report detailing the usage of these funds to the Memphis City Council no later than January 31st of each year. This report must include the total

amount distributed, the number of senior citizens assisted, and a record of the priority given to local Minority and Women-Owned Business Enterprises (MWBE) for these projects.

- iii. Additionally, the report must be accompanied by an in-person presentation delivered by the presiding judge or an appointed representative of the Environmental Court at the last Council meeting in January of each year. This ensures accountability and transparency regarding the allocation and usage of these funds.

Sec. 16-511 Standard Provisions for Fees Not Associated with the Abandoned or Vacant Property Fee.

- (a) The owners of properties who receive notice under this section, for which a City of Memphis division, office, or area renders or causes to be rendered services to a property on the abandoned or vacant properties list, shall be charged the single \$300 fee. This fee will be collected by the Division of Public Works or the Office of the Treasurer.
- (b) The \$300 fee covers the initial cost of services rendered under this section; however, if the total cost of services performed by the City exceeds this amount, the property owner may be billed for the full cost of services rendered at the discretion of the Division of Public Works. Additionally, if the property is later brought into compliance and subsequently falls back into non-compliance, the Division of Public Works may assess a new fee as deemed necessary.
- (c) If the property owner does not resolve the issues defined in Section 16-507, as outlined in the official notice, within ten (10) days of receiving it, the appropriate city department will arrange for the necessary remediation or removal of the condition at a cost that reflects fair and standard rates for such services.
- (d) Each City of Memphis Division rendering services to an abandoned or vacant property may provide a record of the services it provides to the properties on the abandoned or vacant properties list and the cost for such services to the Division of Public Works by the last day of each month. The Division of Public Works shall retain this information for its records.

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 as amended the remaining provisions of CHAPTER 16 remain in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance amends Chapter 16 of the Official City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City's Ordinances in the Official City Code, as amended from time to time, for the convenience of the public. The Official City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City's Comptroller in the Office of Council Records.

SECTION 5. 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 and shall remain effective and operative unless and until the City Council alters, amends clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

SPONSOR:
Jerri Green

J. Ford Canale
CHAIRMAN

ORDINANCE NO. _____**ORDINANCE TO AMEND TITLE 5, CHAPTER 5-20 OF
THE MEMPHIS MUNICIPAL CODE TO INCREASE
THE EXISTING HOTEL/MOTEL OCCUPANCY TAX TO 4.0%**

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, particularly including Section 67-4-1402 of the Tennessee Code Annotated, as amended, a municipality is authorized to impose a hotel/motel occupancy tax in an amount up to four percent (4%) of the consideration charged to a transient by each hotel operator; and

WHEREAS, for the express purpose of establishing a hotel/motel occupancy tax for the City of Memphis, Tennessee (the “**City**”), Ordinance No. 4824 was duly adopted and enacted by the Council of the City of Memphis, Tennessee (the “**City Council**”), on November 7, 2000; and

WHEREAS, pursuant to and in accordance with Ordinance No. 4824, the City initially imposed a hotel/motel occupancy tax in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the hotel operator against each transient occupying a hotel room within the municipal limits of the City; and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 4824 was amended by Ordinance No. 4939 and was duly adopted and enacted by the City Council on May 21, 2002, which specified, among other things, the distribution of all proceeds of the City’s hotel/motel occupancy tax and eliminated the sunset provision set forth in Ordinance No. 4824; and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 4939 was amended by Ordinance No. 5596 and was duly adopted and enacted by the City Council on September 1, 2015, which specified, among other things, that the then-existing hotel/motel tax set at one and seven-tenths percent (1.7%) shall be increased by one and eight-tenths percent (1.8%) to a total of three and one-half percent (3.5%); and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 5596 was amended by Ordinance No. 5619 and was duly adopted and enacted by the City Council on July 5, 2016, which specified, among other things, that the City could apply the additional revenues received from the one and eight-tenths percent (1.8%) portion of the total three and one-half percent (3.5%) towards funding immediate repairs required for the convention center, for the period from December 1, 2015 through June 30, 2016, and thereafter, on and after July 1, 2016, to permit City to apply the same additional revenues to fund additional construction or renovation of convention or meeting facilities in conformity with the terms and provisions of the Amended And Restated Interlocal Agreement Relating To The Financing Of The Proposed Sports And Basketball Arena To Be Financed By The Memphis And Shelby County Sports Authority, Inc., dated May 15, 2002, as heretofore amended and supplemented; and

WHEREAS, the City Council believes that it is appropriate and in the best interests of the citizens of the City that the existing hotel/motel tax be increased by one-half of one percent (0.5%) to a total of four percent (4.0%); and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 5619 is proposed to be adopted and enacted by the City Council to increase the existing hotel/motel tax to the maximum amount of four percent (4%).

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that Part 1, Section 2 of Ordinance No. 4824, as amended, codified as Section 5-20-2 of the Memphis Municipal Code is hereby amended to read as follows:

Section 2. Levy of Occupancy Tax.

The City levies a privilege tax upon the privilege of occupancy in a hotel of each transient. Except as provided below, such tax shall be in the amount of four percent (4%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

Notwithstanding the foregoing, the City levies a privilege tax upon the privilege of occupancy in a hotel of each transient in a hotel which is in: (i) a Tourism Development Zone and subject to the maximum privilege tax; and (ii) a Tourism Surcharge District as described in Ordinance No. 5583 existing on July 1, 2015. Such tax shall be in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that Part 1, Section 9 of Ordinance No. 4824, as amended, and codified as Section 5-20-9 of the Memphis Municipal Code is hereby amended to read as follows:

Section 9. Allocation of Funds.

The proceeds of the four percent (4%) tax levied under this section shall be collected by the City and distributed as follows:

(a) From July 1, 2016, and thereafter, the first one and seven-tenths percent (1.7%) tax of the total four percent (4%) tax levied hereunder shall be collected by the City and applied to payment of bonded indebtedness, principal and interest, of the bond sale or sales by The Memphis and Shelby County Sports Authority, Inc. (the "Sports Authority Bonds") for the purpose of development and construction costs of a new Memphis Sports Arena, built by the New Memphis Arena Public Building

Authority, to fund the construction of the National Basketball Association Arena, until paid in full, and thereafter to such other projects and purposes as the City Council shall determine.

(b) From July 1, 2016, and thereafter, the second one and eight-tenths percent (1.8%) tax of the total four percent (4%) tax levied hereunder shall be used for the purpose of funding the following:

1. To make up any deficiencies in the payment of administrative expenses of The Memphis and Shelby County Sports Authority, Inc.'s payments to the Bond Fund, Rebate Fund, or Debt Service Reserve Fund for the Sports Authority Bonds;
2. To reimburse, on a pro rata basis, monies paid by the City or by Shelby County, Tennessee, to replenish the Debt Service Reserve Fund for the Sports Authority Bonds; and
3. For deposit to the Capital Improvement Reserve Fund to make capital improvements, to pay administrative costs, and/or to purchase or redeem the Sports Authority Bonds, as directed by The Memphis and Shelby County Sports Authority, Inc.

(c) Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from the taxes levied under this chapter over and above the sum of (i) that amount which satisfies subsections (b)1, (b)2, and (b)3 of this section, and (ii) the greater of: (x) the amount of such tax revenue projected for the current fiscal year at the time of the original issuance of the Sports Authority Bonds and (y) the amount the one and seven-tenths percent (1.7%) tax rate would have provided for such fiscal year, shall be applied to the payment of principal of and interest on additional bonded indebtedness, and non-capitalized expenses of the bond sale or sales and bond-related continuing costs, to fund additional construction or renovation of convention or meeting facilities.

(d) Upon the effective date of this Ordinance, the remaining one-half of one percent (0.5%) tax of the total four percent (4%) tax levied hereunder shall be used by the City for the use and purpose of funding the following:

1. To fund ongoing obligations pertaining to the National Basketball Association Arena including, but not limited to, the payment of bonded indebtedness, capital repairs, improvements, replacements, and ongoing maintenance, including the professional services rendered for the design, architectural, engineering, management and oversight associated therewith; and
2. To fund such other projects and purposes, as the City shall determine, for the purposes of promoting tourism and tourism development, as permitted by state law.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that the provisions of this Ordinance shall not be effective unless and until the execution and delivery, hereby authorized on behalf of the City, of an agreement or agreements by and among the City, Shelby County, Tennessee, and The Memphis and Shelby County Sports Authority, Inc. consistent with the provisions hereof, either in addition to or by amendment of the Amended And Restated Interlocal Agreement Relating To The Financing Of The Proposed Sports And Basketball Arena To Be Financed By The Memphis And Shelby County Sports Authority, Inc., dated May 15, 2002, as heretofore amended and supplemented, or both.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, 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 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that all parts of Ordinance No. 4824, Ordinance No. 4939, Ordinance No. 5596, and Ordinance No. 5619, except as amended herein, shall remain in full force and effect.

SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the City Council, certified and delivered to the Office of the Mayor in writing by the City Comptroller, and become effective as otherwise provided by law.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 03/25/25
DATE**

**PUBLIC SESSION: 04/08/25
DATE**

ITEM (CHECK ONE)

 X ORDINANCE RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on 0 Mt. Moriah Ext, north of Kirby Terrace Drive By taking the land out of the Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) Use Districts and including it in the Commercial Mixed-Use – 3 (CMU-3) Use District, known as case number Z 2024-009

CASE NUMBER: Z 2024-009

LOCATION: 0 Mt. Moriah Ext, north of Kirby Terrace Drive

COUNCIL DISTRICTS: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Prentiss Mitchell

REPRESENTATIVES: N/A

REQUEST: Rezoning of +/-22.96 acres from Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) to Commercial Mixed-Use – 3 (CMU-3)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – March 18, 2025
Second reading – March 25, 2025
Third reading – April 8, 2025

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
02/13/2025 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Chloe Christion</u>	<u>3/10/2025</u>	PLANNER II
		DEPUTY ADMINISTRATOR
<u>Brett Repdale</u>	<u>3/10/2025</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2024-009

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON 0 MT. MORIAH EXT, NORTH OF KIRBY TERRACE DRIVE. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8), RESIDENTIAL URBAN – 2 (RU-2), CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-009

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 13, 2025** the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	Z 2024-009
LOCATION:	0 Mt. Moriah Ext, north of Kirby Terrace Drive
COUNCIL DISTRICT(S):	District 2, Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Prentiss Mitchell
REPRESENTATIVE:	N/A
REQUEST:	Rezoning of +/-22.96 acres from Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) to Commercial Mixed-Use – 3 (CMU-3)

The following spoke in support of the application: Prentiss Mitchell

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 failed by a unanimous vote of 0-9.

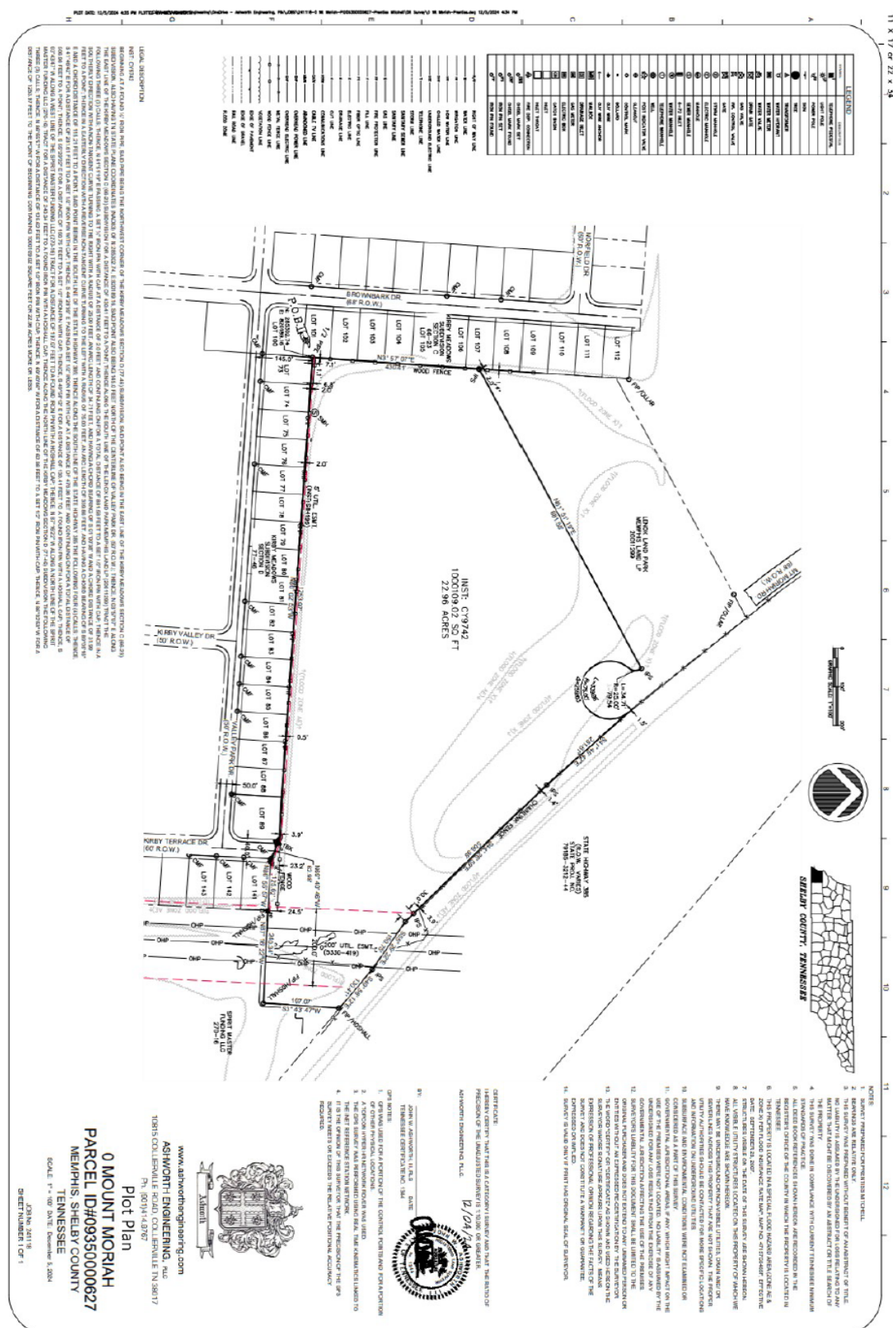
Respectfully,



Chloe Christion
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 0 MT. MORIAH EXT, NORTH OF KIRBY TERRACE DRIVE BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8), RESIDENTIAL URBAN – 2 (RU-2), CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-009.

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 2024-009**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 8 (R-8), RESIDENTIAL URBAN – 2 (RU-2), CONSERVATION AGRICULTURE (CA) AND RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 3 (CMU-3) USE DISTRICT.

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

BEGINNING AT A FOUND ½" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY

MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT; THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°00'38" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, S 41°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 49°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'46" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.

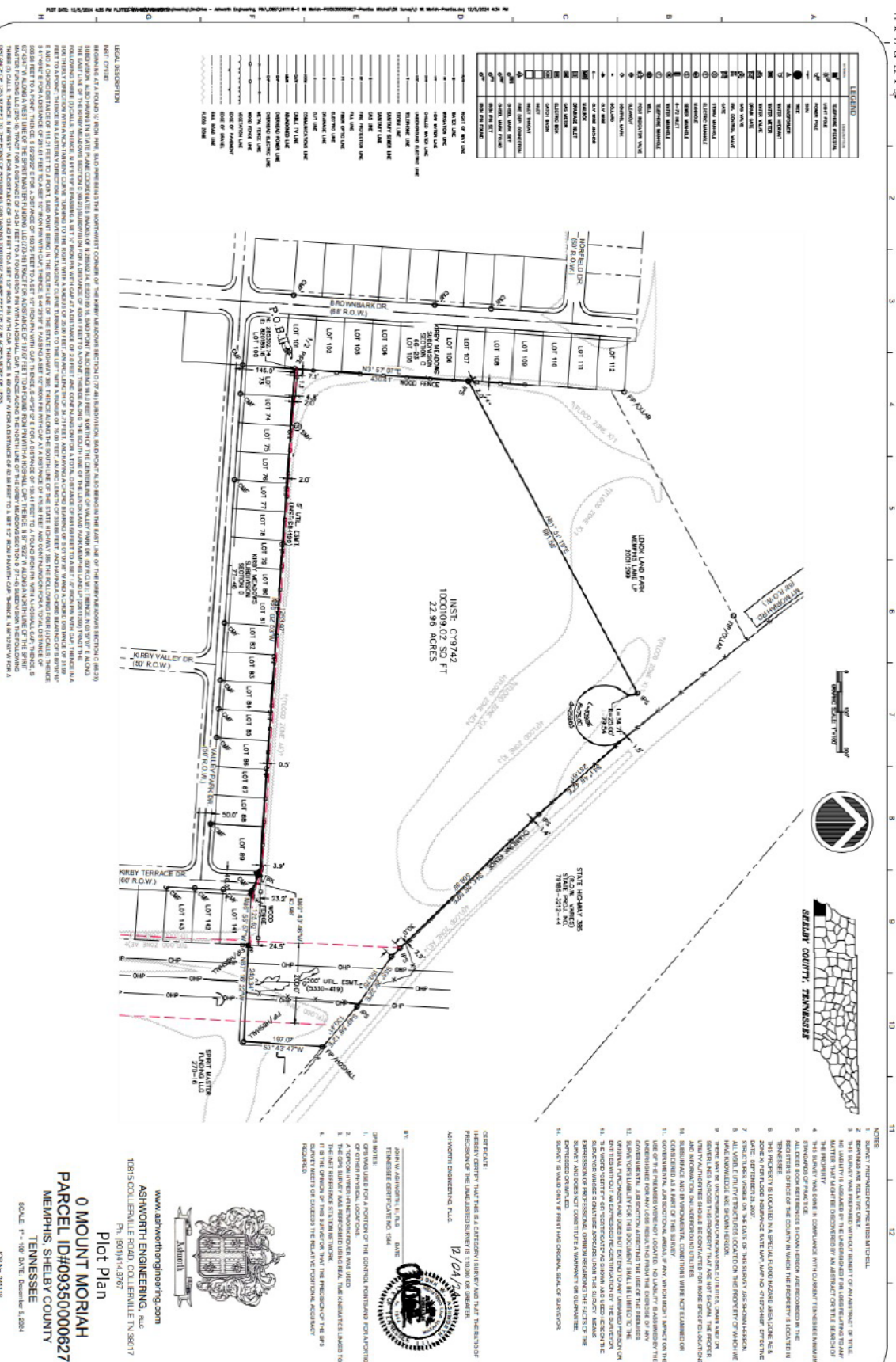
SECTION 2:

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

SECTION 3:

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

PLOT PLAN



ATTEST:

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



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

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

February 14, 2025

Prentiss Mitchell, Delta Area Holdings LLC
Horn Lake, Mississippi 38637

Sent via electronic mail to: mimllcmemphis@gmail.com

Case Number: Z 2024-009
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, February 13, 2025, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your rezoning application located southeast of Mount Moriah Road Extension to be included in the Commercial Mixed-Use - 3 (CMU-3) Zoning District.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chloe.christion@memphistn.gov.

Respectfully,



Chloe Christion
Planner II
Land Use and Development Services
Division of Planning and Development
Cc:
File

AGENDA ITEM: 6 **L.U.C.B. MEETING:** February 13, 2025

CASE NUMBER: Z 2024-009

LOCATION: 0 Mt. Moriah Ext, north of Kirby Terrace Drive

COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Prentiss Mitchell

REPRESENTATIVE: N/A

REQUEST: Rezoning of +/-15.6 acres from Residential Single-Family – 8 (R-8), +/- 6.97 acres from Residential Urban – 2 (RU-2), +/- 0.44 acres from Conservation Agriculture (CA) and +/- 0.27 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed-use – 1 (CMU-1)

CONCLUSIONS

1. The request is a rezoning from multiple residentially-oriented zoning districts to Commercial Mixed-use – 3 (CMU-3).
2. When asked what the purpose of this rezoning was, the applicant responded that he does not know what intended uses would occur if the rezoning were to be approved. With no direction as to what development may take place at the subject property, this rezoning to high-intensity commercial would permit a variety of undesirable uses such as a nightclub, tavern, or used tire shop.
3. The subject property is located within a floodplain in which development of any kind, especially large-scale commercial development, is strongly discouraged.
4. The proposed rezoning to Commercial Mixed-Use – 3 is not in keeping with the nature of the surrounding residential and office land uses of the subject property. Therefore, staff is recommending rejection of the rezoning.

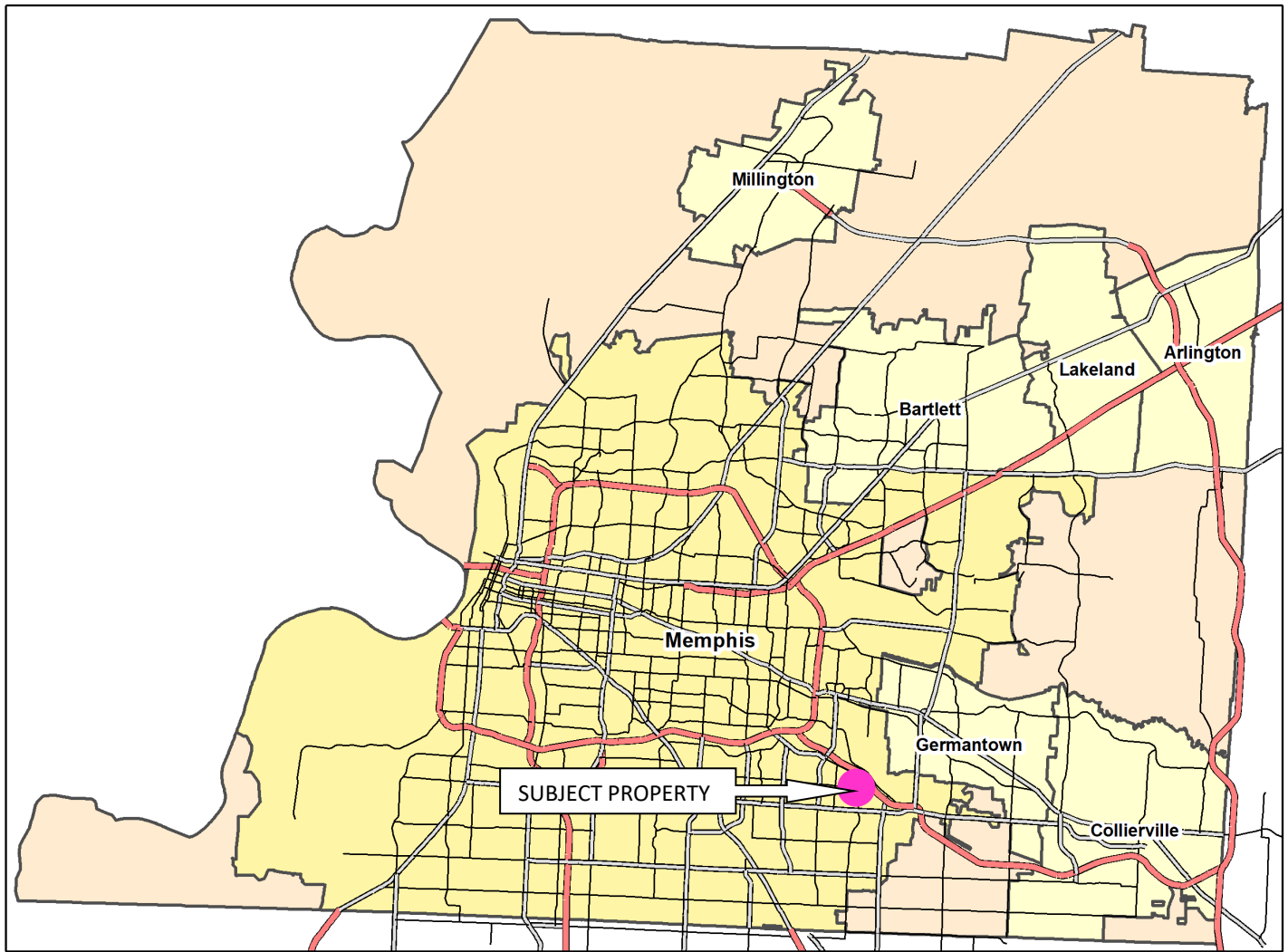
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property outlined in red.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 190 notices were mailed on December 17, 2024, see page 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 8:05 AM on Saturday December 21, 2024, at the Home Depot at 3469 Riverdale Road.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



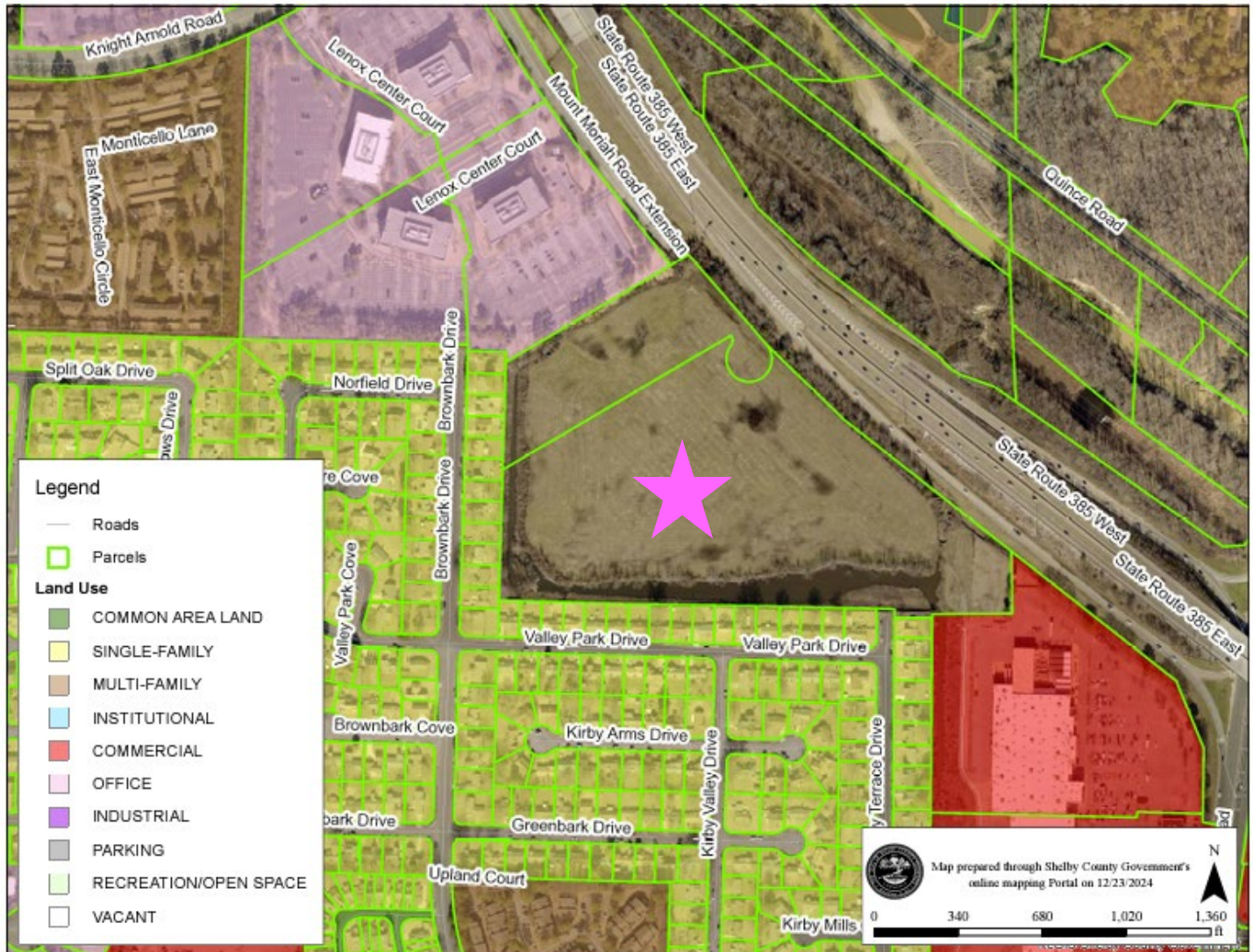
Subject property highlighted in yellow

FEMA MAP



Subject property outlined in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

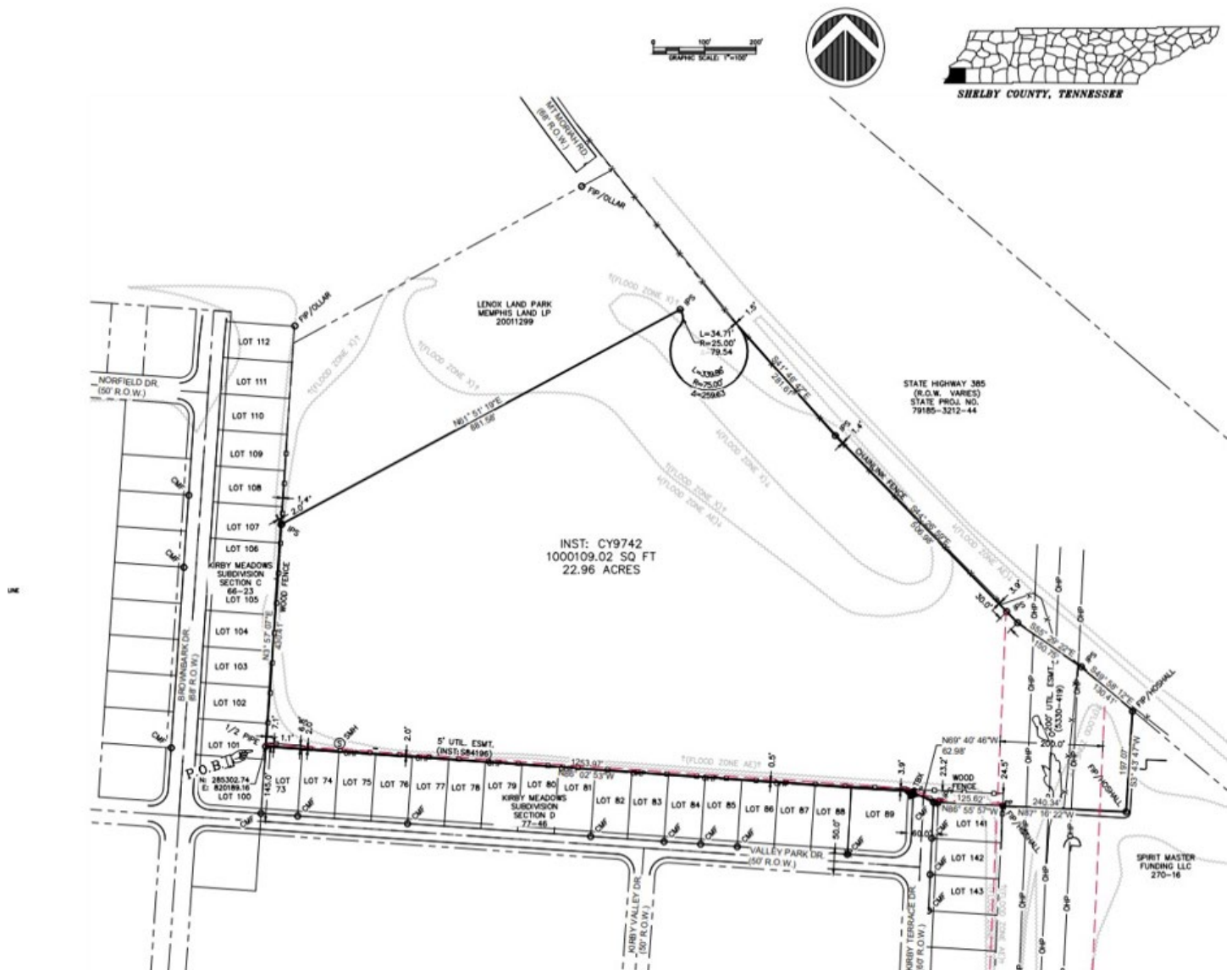


View of subject property from Kirby Terrace Drive looking north.



View of subject property from State Route 385 looking west.

PLOT PLAN



LEGAL DESCRIPTION

INST: CY9742

BEGINNING AT A FOUND ½" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT; THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET ½" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°00'38" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, S 41°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 49°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'46" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.

CASE REVIEW

Request

The request is a Rezoning of +/-15.6 acres from Residential Single-Family – 8 (R-8), +/- 6.97 acres from Residential Urban – 2 (RU-2), +/- 0.44 acres from Conservation Agriculture (CA) and +/- 0.27 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed-use – 1 (CMU-1)

Review Criteria

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

9.5.7B Review Criteria

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

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

Site Details

Address:

0 Mt. Moriah Ext.

Parcel ID:

093500 00627

Area:

+/-22.96 acres

Description:

The subject property is a vacant lot with a zoning of Residential Single-Family – 8 (R-8), Urban Residential – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15). The lot has one street frontage along State Route 385. The surrounding land uses are a mixture of single-family, commercial and office lots.

Analysis

When asked what the purpose of this rezoning was, the applicant responded that he does not know what intended uses would occur if the rezoning were to be approved. With no direction as to what development may take place at the subject property, this rezoning from predominately residential classification to high-intensity commercial would permit a variety of undesirable uses such as a nightclub, tavern, or used tire shop.

The subject property is located within a floodplain in which development of any kind, especially large-scale commercial development, is strongly discouraged. The Future Land Use Planning Goals of the Office of Comprehensive Planning's Memphis 3.0 plan also discourage development on the subject property as it is designated Open Spaces & Natural Features (OSN).

The site may also have a history of being used, at least in part, as a construction debris landfill. As of the release of this staff report, research to confirm this is ongoing. If confirmed, development of this site may be compromised if unstable soils are found. See below aerial photograph from 1996 which shows that this site was previously used as a borrow pit for fill dirt in the construction of Nonconnah Parkway and is believed to have been filled, in part, by construction debris.



It should also be mentioned that the site appears to be subject to development limitations in accordance with the Tennessee Scenic Highway System Act (TN Code 54-17-114(a)(1)(J) and 54-17-115(a)(1)(2)). These limitations restrict the height of a building to 35 feet. CMU-3 Zoning permits a maximum building height of 75 feet. This adds further validity that the subject property is not meant to be developed with the mass, height, and scale CMU-3 encourages.

Finally, the District Intent Statement for CMU-3 Zoning found in UDC Paragraph 2.2.3D(3) states the following: "The CMU-3 District is intended to accommodate a very broad range of high intensity commercial, office, and employment uses that require highly visible and highly accessible locations with direct access to arterials." The site has no direct access to an arterial street.

The proposed rezoning to Commercial Mixed-Use – 3 is not in keeping with the nature of the surrounding residential and office land uses of the subject property. Therefore, staff is recommending rejection of the rezoning.

RECOMMENDATION

Staff recommends rejection.

DEPARTMENTAL COMMENTS

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

City Engineer:

Basin/Lot/CD: Kirby, 18-A/23.5ac/2

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

Sewers:

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

General Notes:

3. Development is greater than 1 acre and will require detention when developed.

City Fire Division: No comments received.

City Real Estate: No comments received.

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:



Logan Landry
Planner I
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Logan.Landry@memphistn.gov

MEMORANDUM

To: Chloe Christion, Planner I
From: Logan Landry, Planner I
Date: December 31, 2024
Subject: OSR Comments on Z 24-09: SOUTHEAST

General Comments & Analysis:

Located in Zone 1 and Zone 4 of the Resilience Zone Framework:

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

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

Nearly the entirety of the parcel is located in Zone 4 which is due to its location in both the 100-year floodplain (1% annual chance of flooding) and the 500-year floodplain (.2% annual chance of flooding) for nearby Nonconnah Creek.

The parcel is currently zoned Residential (R-8) and the Applicant would like to rezone to Commercial Mixed Use (CMU-3). The land is currently vacant and undeveloped.

Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This rezoning request is generally not consistent with the Mid-South Regional Resilience Master Plan. The Plan designates the floodplain as an area where development should be restricted due to exposure to environmental hazards like flooding (Section 4.1 – Resilient Sites). Additionally, Section 4.3 – Flood Smart Development encourages preserving vacant parcels that are in the floodplain and avoiding development.



Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff does not recommend approval of this rezoning request.

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 2024-009 Southeast

The applicant is seeking a Rezoning from R-8 to CMU-3
The following information about the land use designation can be found on pages 76 – 122:

2. Land Use Description/Intent

Wildlands, waterways, and natural features with a focus on preservation and occasional opportunities for passive recreation. Conservation Agriculture. Graphic portrayal of OSN to the right.



“OSN” Form & Location Characteristics

Conservation and recreational uses.

“OSN” Zoning Notes

Generally compatible with the following zone districts: OS, FW, CA in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan. Analysis to understand how uses like wind farms, solar farms, stormwater facilities, community gardens/CSAs, apiaries, timber harvesting, or other similar uses are integrated into these zones.

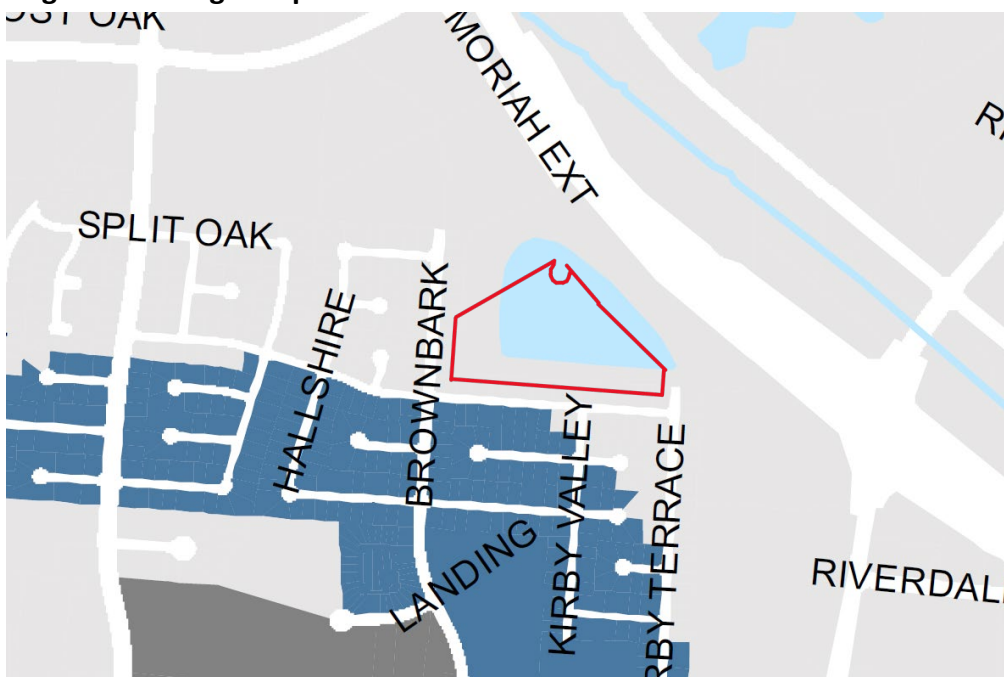
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-family Residential, Office, Commercial and Vacant, R-8, CA and FW

Overall Compatibility: This requested land use is not compatible with these adjacent land uses and zoning districts because there is no other CMU-3 district adjacent, and the creek serves as a natural barrier from the other commercial uses.

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

The requested use is not consistent with Action 1.3.13. "Apply nature lots and flood lots as transitional uses at community edges, particularly where communities border environmental hazards." This lot currently serves as a buffer lot in a large flood zone, the request if granted would be inconsistent with the Goal 1 Action. The requested use is also not consistent with Action 1.3.14. "Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues." Activating what is functioning as a floodlot for commercial use is inconsistent with the action.

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

The parcel is in the Open Space and Natural Features Future Land Use Category. The intent of this category is for areas that have been identified as wildlands, waterways, and natural features with a focus on preservation. This requested rezoning is not consistent with the goals of this Future Land use Category chiefly the goal of flood control.

Consistency Analysis Summary

The applicant is seeking a Rezoning from R-8 to CMU-3

This requested land use is not compatible with these adjacent land uses and zoning districts because there is no other CMU-3 district adjacent, and the creek serves as a natural barrier from the other commercial uses. The requested use is not consistent with Action 1.3.13. "Apply nature lots and flood lots as transitional uses at community edges, particularly where communities border environmental hazards." This lot currently serves as a buffer lot in a large flood zone, the request if granted would be inconsistent with the Goal 1 Action. The requested use is also not consistent with Action 1.3.14. "Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues." Activating what is functioning as a floodlot for commercial use is inconsistent with the action.

The parcel is in the Open Space and Natural Features Future Land Use Category. The intent of this category is for areas that have been identified as wildlands, waterways, and natural features with a focus on preservation. This requested rezoning is not consistent with the goals of this Future Land use Category chiefly the goal of flood control.

This proposed rezoning is also not consistent with Memphis 3.0 Goal 3: Sustainable and Resilient Communities Objective 3.3 Expand use and protection of natural landscapes and green infrastructure or Objective 3.5 Protect life, Property, infrastructure and environment from disaster events.

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

Summary Compiled by: Christina Edingborough, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Thursday, January 2, 2025 at 8 AM.**

CASE NUMBER: Z 2024-009
ADDRESS: 0 Mt. Moriah Road
REQUEST: Rezoning of approx. 22.9 acres from RU-2 and R-6 to CMU-3
APPLICANT: Prentiss Mitchell

Meeting Details

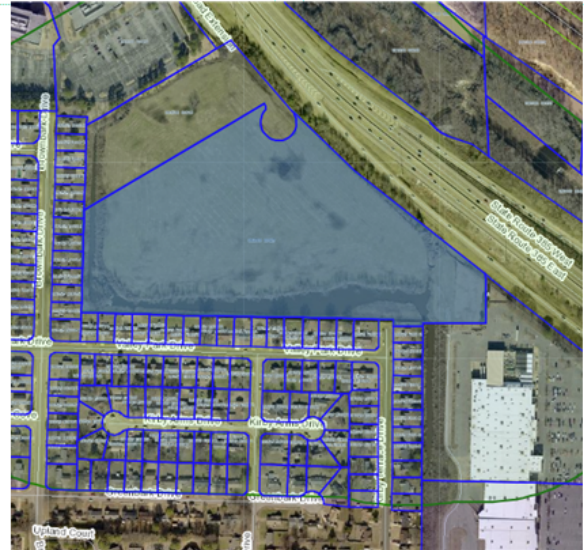
Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, Jan. 9, 2025

Staff Planner Contact:

Chloe Christion
✉ chloe.christion@memphistn.gov
☎ (901) 636-7494



VICINITY MAP—SUBJECT PROPOERTY HIGHLIGHTED IN BLUE



To learn more about this proposal,
contact the staff planner or use the
QR code to view the full application.



190 Notices Mailed 12/17/2024

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Prentiss Mitchell, being duly sworn, depose and say that at 3:30 am/pm on the 12 day of December, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. 22024-009 at 0 MT Moriah, Memphis TN providing notice of a Public Hearing before the (check one):

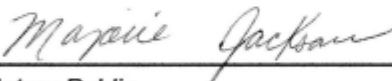
- ☒ Land Use Control Board
☐ Board of Adjustment
☐ Memphis City Council
☐ Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.


Owner, Applicant or Representative

12/13/2024
Date

Subscribed and sworn to before me this 13th day of December, 2024.


Notary Public

My commission expires: May 17, 2027



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: September 12, 2024

Record Number: Z 2024-009

Expiration Date:

Record Name: Riverdale & HWY 385

Description of Work: REZONING

Parent Record Number:

Address:

38115

Owner Information

Primary Owner Name

Y FARRELL PROPERTIES (PSO)

Owner Address

Owner Phone

2174 E PERSON AVE, MEMPHIS, TN 38114

Parcel Information

093500 00627

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chloe Christian

Date of Meeting

10/07/2024

Pre-application Meeting Type

Phone

GENERAL INFORMATION

Have you held a neighborhood meeting?

No

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

No

If yes, please provide additional information

-

GIS INFORMATION

GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-8
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 093500 00627

Property Address: 0 Mount Moriah

Contact Information

Name
PRENTISS MITCHELL

Contact Type
APPLICANT

Address

Phone
(901)305-5000

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1597845	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	10/07/2024
1597845	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	10/07/2024

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$769.50	Credit Card

OWNER AFFIDAVIT

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

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

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

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

of the property located at 0 Mount Moriah
and further identified by Assessor's Parcel Number 09350 00627
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 7th day of Oct in the year of 2024

[Signature]
Signature of Notary Public



My Commission Expires Aug 3, 2026
August 03, 2026

LETTER OF INTENT

Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste. 477 Memphis, TN 38103

Delta Area Holdings LLC
P.O. Box 488
Horn Lake, MS 38637

LETTER OF INTENT

RE: 0 Mt Moriah, Memphis TN 38125

Department of Planning and Development,

Delta Area Holdings LLC is applying for Rezoning at 0 Mt Moriah, Memphis TN 38125
(parcel # 093500 00627).

Best Regards,

Delta Area Holdings LLC

LETTERS RECEIVED

Two (2) letters of opposition have been received at the time of completion of this report and have subsequently been attached.



Case number Z 2024-009

From Sharon Robinson <sharonrobinson047@gmail.com>
Date Wed 1/22/2025 7:17 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc Sharonrobinson047@gmail.com <sharonrobinson047@gmail.com>

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

Good evening Mrs Chloe Christion I contacting you because I received a notice in the mail concerning a request to rezoning I am AGAINST IT. I do not want this and I need for the city council to know it. Please keep me informed on what I need to do to keep this from happening or taking place. Thank you for your time I can be contacted at (901)493-6311 if I'm not in leave a message and I will return your call.



Case Z 2024-009 rezoning RU-2 and R-6 to CMU

From keresia jones <keresiajns@yahoo.com>

Date Sat 1/25/2025 2:11 PM

To Christion, Chloe <Chloe.Christion@memphistn.gov>

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

I don't agree with rezoning. The gas line runs through my back yard and I don't want additional connections to raise concerns. I feel it will bring unwanted traffic to an already crowded area and crime increase. The rezoning would not benefit us in anyway! Keresia Jones 6780 kiby arms drive



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,
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Chloe Christion

Date of Meeting

10/07/2024

Pre-application Meeting Type

Phone

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Construction Code Enforcement or Zoning
Letter?

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If yes, please provide additional information

-

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Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-8
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-

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Contact Information**Name**

PRENTISS MITCHELL

Contact Type

APPLICANT

Address**Phone**

(901)305-5000

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Total Balance: \$0.00

Payment Information

Payment Amount

\$769.50






























Method of Payment

Credit Card

LEGAL DESCRIPTION

INST: CY9742

BEGINNING AT A FOUND ½" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO HAVING TN STATE PLANE COORDINATES (NAD83) OF N:285302.74, E:820189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.); THENCE, N 03°57'07" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT; THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET ½" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°00'38" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, S 41°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 49°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'46" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.

	RIGHT OF WAY LINE
	WATER LINE
	IRRIGATION LINE
	HOW WATER LINE
	CHILLED WATER LINE
	UNDERGROUND ELECTRIC LINE
	TELEPHONE LINE
	STORM LINE
	SANITARY SEWER LINE
	SANITARY LINE
	GAS LINE
	FIRE PROTECTION LINE
	FILL LINE
	FIBER OPTIC LINE
	ELECTRIC LINE
	DRAINAGE LINE
	OUT LINE
	COMMUNICATIONS LINE
	CABLE TV LINE
	ABANDONED LINE
	OVERHEAD POWER LINE
	OVERHEAD ELECTRIC LINE
	METAL FENCE LINE
	WOOD FENCE LINE
	VEGETATION LINE
	EDGE OF PAVEMENT
	EDGE OF GRAVEL
	RAIL ROAD LINE
	FLOOD ZONE

BEGINNING AT A FOUND 1/2" IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION, SAID POINT ALSO BEING IN THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION, ALSO LYING TN STATE PLANE COORDINATES (NAD83) OF N 285302.74, E 630189.16, SAID POINT ALSO BEING 145.0 FEET NORTH OF THE CENTERLINE OF VALLEY PARK DR. (50' R.O.W.), THENCE, N 03°57'06" E ALONG THE EAST LINE OF THE KIRBY MEADOWS SECTION C (66-23) SUBDIVISION FOR A DISTANCE OF 430.41 FEET TO A POINT, THENCE ALONG THE SOUTH LINE OF THE LENOX LAND PARK MEMPHIS LAND LP (20011299) TRACT THE FOLLOWING THREE (3) CALLS; THENCE, N 61°51'19" E PASSING A SET 3/4" IRON PIN WITH CAP AT A DISTANCE OF 2.0 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 881.58 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 34.71 FEET, AND HAVING A CHORD BEARING OF S 01°03'08" W AND A CHORD DISTANCE OF 31.99 FEET TO A POINT; THENCE IN A EASTERLY DIRECTION WITH A REVERSE NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 339.86 FEET, AND HAVING A CHORD BEARING OF S 89°05'16" E AND A CHORD DISTANCE OF 115.21 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF THE STATE HIGHWAY 385; THENCE ALONG THE SOUTH LINE OF THE STATE HIGHWAY 385 THE FOLLOWING FOUR (4) CALLS; THENCE, N 61°46'42" E FOR A DISTANCE OF 281.61 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 44°26'59" E PASSING A SET 1/2" IRON PIN WITH CAP AT A DISTANCE OF 476.98 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 506.98 FEET TO A POINT; THENCE, S 55°29'22" E FOR A DISTANCE OF 150.75 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, S 69°58'12" E FOR A DISTANCE OF 130.41 FEET TO A FOUND IRON PIN WITH A HOSHPALL CAP; THENCE, S 03°43'47" W ALONG A WEST LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 197.07 FEET TO A FOUND IRON PIN WITH A HOSHPALL CAP; THENCE, N 87°16'22" W ALONG A NORTH LINE OF THE SPIRIT MASTER FUNDING LLC (270-16) TRACT FOR A DISTANCE OF 240.34 FEET TO A FOUND IRON PIN WITH A HOSHPALL CAP; THENCE ALONG THE NORTH LINE OF THE KIRBY MEADOWS SECTION D (77-46) SUBDIVISION THE FOLLOWING THREE (3) CALLS; THENCE, N 86°55'57" W FOR A DISTANCE OF 125.62 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 69°40'48" W FOR A DISTANCE OF 62.98 FEET TO A SET 1/2" IRON PIN WITH CAP; THENCE, N 86°02'53" W FOR A DISTANCE OF 1253.97 FEET TO THE POINT OF BEGINNING CONTAINING 1000109.02 SQUARE FEET OR 22.96 ACRES MORE OR LESS.



SHELBY COUNTY, TENNESSEE

- NOTES:
1. SURVEY PREPARED FOR PRENTISS MITCHELL.
 2. BEARINGS ARE RELATIVE ONLY.
 3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN 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.
 4. THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.
 5. ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE REGISTER'S OFFICE OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN TENNESSEE.
 6. THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE AE & ZONE X) PER FLOOD INSURANCE RATE MAP, MAP NO. 471570465F, EFFECTIVE DATE: SEPTEMBER 28, 2007.
 7. STRUCTURES VISIBLE ON THE DATE OF THIS SURVEY ARE SHOWN HEREON.
 8. ALL VISIBLE UTILITY STRUCTURES LOCATED ON THIS PROPERTY OF WHICH WE HAVE KNOWLEDGE ARE SHOWN HEREON.
 9. THERE MAY BE UNDERGROUND OR NON-VISIBLE UTILITIES, DRAIN AND/ OR SEWER LINES ACROSS THIS PROPERTY THAT ARE NOT SHOWN. THE PROPER UTILITY AUTHORITIES SHOULD BE CONTACTED FOR MORE SPECIFIC LOCATIONS AND INFORMATION ON UNDERGROUND UTILITIES.
 10. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.
 11. GOVERNMENTAL JURISDICTIONAL AREAS, IF ANY, WHICH MIGHT IMPACT ON THE USE OF THE PREMISES WERE NOT LOCATED. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THE PREMISES.
 12. SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR
 13. THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY, MEANS EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
 14. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR.

CERTIFICATE:
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF
PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER.

ASHWORTH ENGINEERING, PLLC

BY: JOHN W. ASHWORTH, III, RLS DATE
TENNESSEE CERTIFICATE NO. 1344

GPS NOTES:

1. GPS WAS USED FOR A PORTION OF THE CONTROL POINTS AND FOR A PORTION OF OTHER PHYSICAL LOCATIONS.
2. A TOPCON HYPER HR NETWORK ROVER WAS USED.
3. THE GPS SURVEY WAS PERFORMED USING REAL TIME KINEMATICS LINKED TO THE INET REFERENCE STATION NETWORK.
4. IT IS THE OPINION OF THIS SURVEYOR THAT THE PRECISION OF THE GPS SURVEY MEETS OR EXCEEDS THE RELATIVE POSITIONAL ACCURACY REQUIRED.



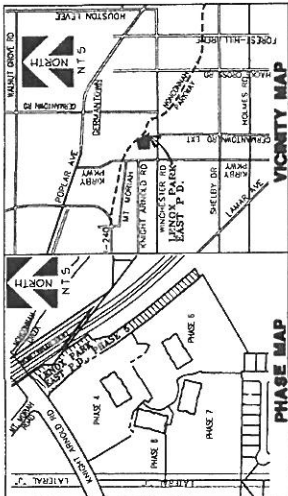
www.ashworthengineering.com

ASHWORTH ENGINEERING, PLLC
10815 COLLIERVILLE ROAD, COLLIERVILLE TN 38017
Ph. (901)414.8767

Plot Plan
0 MOUNT MORIAH
PARCEL ID#09350000627
MEMPHIS, SHELBY COUNTY
TENNESSEE

SCALE: 1" = 100' DATE: December 5, 2024

JOB No. 241118
SHEET NUMBER 1 OF 1



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C1	374.98'	132.31'	66.28'	070.31°
C2	450.00'	150.00'	75.00'	084.26°
C3	650.00'	109.35'	54.88'	063.74°

LINE TABLE

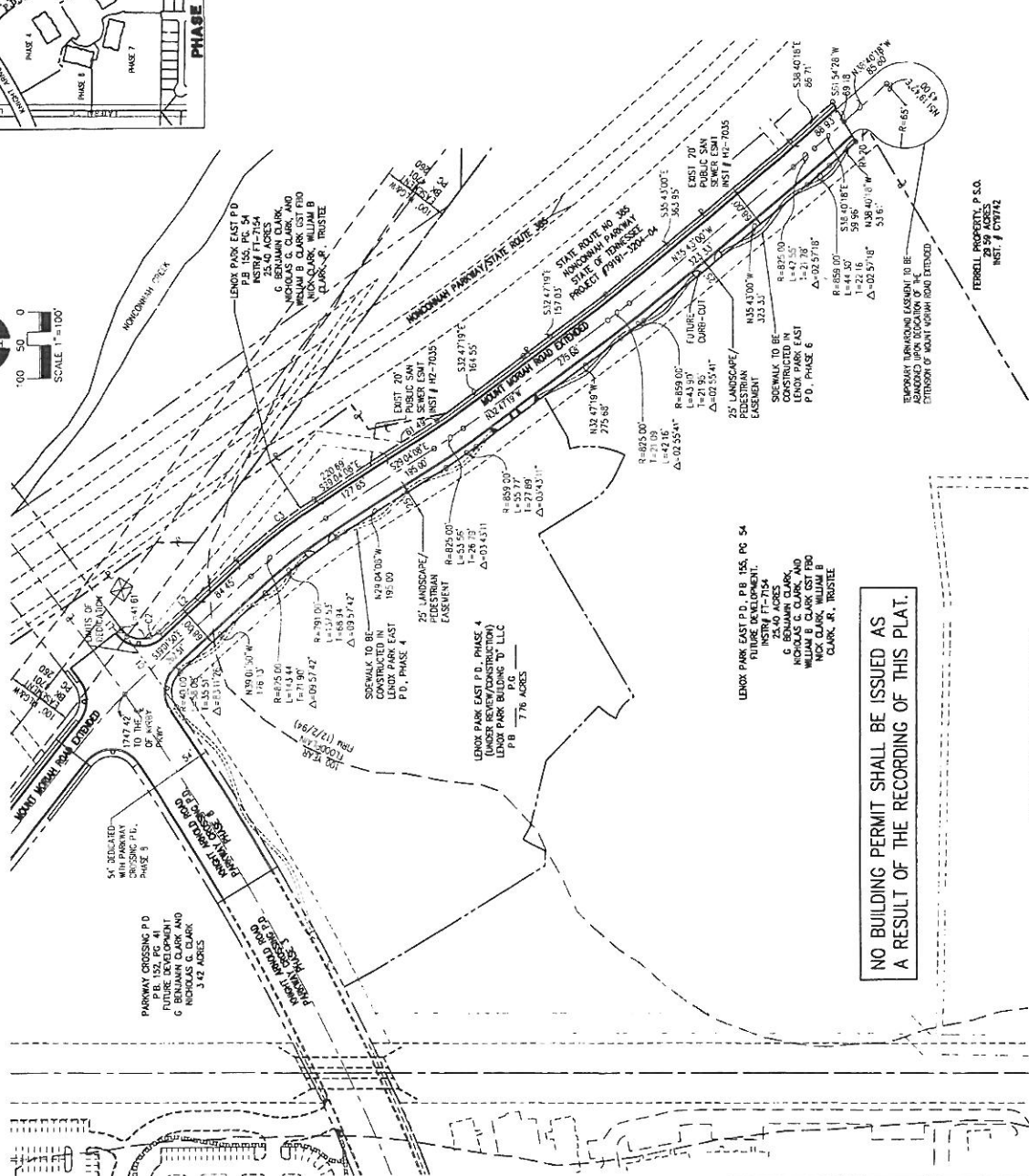
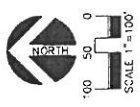
LINE	STATIONING	LENGTH
L1	1+00.00 TO 1+100.00	100.00'
L2	1+100.00 TO 1+200.00	100.00'

NO. 177,623
 PLAT BOOK 177,623
 RECORDING FEE
 BY FEE: \$10.00
 DATE: 1/31/2010
 PL: 173.00
 TOTAL: \$10.00

CASE # PD 95-318
FINAL PLAT
LENOX PARK EAST P.D.
PHASE 5 (DEDICATION OF
MT. MORIAH ROAD EXTENDED)
 MEMPHIS, TENNESSEE
 TOTAL AREA: 2.11 ACRES

WASD 2, BLOCK 30, PARCEL 222
 WASD 2, BLOCK 30, PARCEL 217, 203, 308
 100 YEAR FLOOD ELEV: 284.5
 OWNER/DEVELOPER
CLARK & CLARK
 5050 Poplar Avenue, Suite 2200
 Memphis, Tennessee 38157

PREPARED BY
CLARK & CLARK
 5050 Poplar Avenue, Suite 2200
 Memphis, Tennessee 38157
 DATE 11/5/98 ETI JOB # 95042-52 SHT 1 of 3



NOTES:
 1. ALL EASEMENTS AND SHOWN DOCUMENTS ARE PRIVATE IN SCOPE AND NOT SUBJECT TO GOVERNMENTAL APPROVAL OR ENFORCEMENT.
 2. THE OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL PRIVATE DRAINAGE, PRIVATE SANITARY, SEWER AND PRIVATE DRAINAGE.
 3. A PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS DESIGNATED BY FEMA. A COMMUNITY PANEL NUMBER 47570C 0250 IS DESIGNATED 2.184.
 4. 100 YEAR FLOOD ELEVATION = 284.50

REQUIRED SIDEWALKS

SHEET NAME	S/W WIDTH	SIZE	LOCATION FROM CURBLINE
MT. MORIAH ROAD EXTENDED	5'	4"	EAST
LENOX PARK EAST P.D.	5'	4"	EAST

NO BUILDING PERMIT SHALL BE ISSUED AS
 A RESULT OF THE RECORDING OF THIS PLAT.

THE SIDE WALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDINGS EXISTING SIDEWALKS SHALL BE REMOVED AND REPLACED BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDINGS.
 * SIDEWALKS ON MT. MORIAH WEST SIDE SHALL BE INSTALLED WITH THE BUILDING PERMIT.
 ** SIDEWALKS ON MT. MORIAH EAST SIDE SHALL BE INSTALLED BY THE DEVELOPER AS PART OF THE STANDARD IMPROVEMENT CONTRACT.

I. Uses Permitted

- Any use permitted by right in the General Office (O-G) District except the following uses:
 - Art or photo studio except within an Office Building
 - Barber or Beauty Shop except within an Office Building
 - Cleaning Establishment except within an Office Building
 - Flower or Plant Store except within an Office Building
- Outdoor storage or outdoor sales shall be prohibited
- The following additional uses shall be permitted:
 - Wholesale sales, service, storage and display of related to business for which offices within the development are maintained
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
 - Computer sales and service
- Property located in Floodway (FW) District shall be governed by the Floodway (FW) District Regulations

J. Bulk Regulations

- Maximum building height shall be one (1) story. The Land Use Control Board has the authority to approve an increase in height up to a maximum of four (4) stories during the site plan review process in accordance with Condition X.
- Minimum building setback from the south property line for any building greater than one story in height shall be 200 feet as shown on the Outline Plan.
- Minimum building setback from the south property line shall be 100 feet and from the west property line shall be 70 feet.
- All buildings shall be constructed with a coordinated exterior appearance, and all shall be constructed of brick or other similar material subject to the approval of the Office of Planning and Development.

K. Access, Parking and Circulation

- Denote 54 feet from the centerline of Knight Arnold Road and improve in accordance with the Subdivision Regulations.
- A maximum of two (2) car spaces shall be permitted to Knight Arnold Road, the design and location of which shall be subject to the approval of the City Engineer.
- A driveway shall be provided along the private drive through the site to provide transition access from Knight Arnold Road to the buildings and parking lots proposed to be developed on the site.
- Access to Barlow Drive shall be prohibited.
- Any loading docks shall be oriented away from the residential area located to the south of the site. The maximum height of overhead doors shall be twelve (12) feet with any variance subject to site plan approval by the Land Use Control Board in accordance with Condition X.
- Requires internal walkways shall be shown on any final plans.

IV. Landscaping, Screening and Lighting

- Minimum 25 foot wide landscape strip, Plate A-3 modified, shall be provided along Knight Arnold Road.
- Minimum 50 and 25 foot wide planting screens, Plate B-4 modified, shall be provided along the south property line. Plant materials shall be a mixture of plants such as White Pine, Virginia Pine, Savannah Holly and Foster Holly or a mixture which will provide an equivalent screen.
- Internal landscaping shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree (Tree A from the approved plant list of the Landscape Ordinance) for every 20 parking spaces. Required landscaped area shall not be less than 200 square feet in area in any single location.
- Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- All required landscaping and screening shall not conflict with any easement including overhead wires.
- All refuse dumpsters shall be completely screened from view from all adjacent properties and from public roads.
- All loading facilities shall be screened from view of the public roads and adjacent properties.
- Lighting standards shall have a maximum height of 30 feet, except that within 200 feet of the south property line adjacent to existing residential development, a maximum height of 12 feet shall be required.
- Lighting shall be directed so as not to glare into residential property.

V. Signs

- Signs shall be in accordance with the O-G District Regulations.
- Minimum sign setback shall be 15 feet from street right-of-ways.
- Portable and temporary signs and outdoor advertising signs shall be prohibited except for construction signs.

VI. Drainage

- All drainage plans shall be submitted to the City/County Engineer(s) for review.
- Drainage improvements including possible on-site detention shall be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- The project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, screening, and lighting standards and regulations. The Board may also modify the regulations of the Land Use Control Board hereinafter may, within ten days of such action, file a written appeal to the director or Office of Planning and Development, to have such action reviewed by the appropriate governing bodies.

- Final plan shall be filed within five years of the adoption of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- The outline plan conditions.
- A standard landscape contact as defined by the Subdivision Regulations for any needed public improvements.
- The exact location and dimensions including height of all buildings or bulidable areas, pedestrian and utility easements, service drives, parking areas, access, easements, loading facilities and required landscaping and screening areas.
- The exterior appearance of proposed buildings and signs.
- The content of all landscaping and screening to be provided.
- The proposed means of access and circulation of automobile and pedestrian traffic.
- The location and ownership, whether public or private of any easement.
- A statement concerning all common facilities and access to a property owners' association or other entity, for ownership and maintenance purposes.
- The following note shall be placed on the final plan of any development: "The final plan shall be subject to the approval of the City/County Engineer, as applicable. The storm water detention system located in these areas and planned for this site shall be installed and maintained by the property owner. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to, cleaning, repair of structures and repair of drainage structures."

The LUCB on May 14, 1998 approved a correspondence item for the Site Plan with the following conditions:

- The Outline Plan shall be re-recorded to amend the graphic depicting building footprints and access. The amended Outline Plan shall show four proposed buildings along with the extension of Mt. Moriah Road Extended as a public street proposed building elevations shall be provided as a part of the final plan and subject to the approval of the Office of Planning and Development.
- Detonate 68 feet of right-of-way and improve with 48 feet of easement Mt. Moriah Extended. Provide a temporary turnaround, subject to the approval of City/County Engineering, at the southeast corner of the property.
- The approved Landscape Plan shall be provided as a part of the "Final Plan".
- The final plan shall provide the finished floor elevation, the overall building height, and the elevation of Nonconformity pathway adjacent to the site. The overall building height shall not exceed 35 feet above the grade of Nonconformity Pathway.

NO EXHIBIT	NO EXHIBIT
PLAN BOOK 171, PAGE 2	RECORDING FILE
DATE DEC 3, 1998	BY FILE
TIME 11:36 AM	BY FILE
FILED	FILED

CASE # PD 95-318
FINAL PLAT
LENOX PARK EAST P.D.
PHASE 5 (DEDICATION OF
MT. MORIAH ROAD EXTENDED)
MEMPHIS, TENNESSEE

TOTAL AREA, 2.11 Acres

WARD 2, BLOCK 30, PARCEL 222
WARD 2, BLOCK 30, PARCEL 223
WARD 2, BLOCK 30, PARCEL 217, 205, 208

100 YEAR FLOOD ELEV. 284.5

OWNER/DEVELOPER
CLARK & CLARK
5050 Poplar Avenue, Suite 2200
Memphis, Tennessee 38157

PREPARED BY
CLARK & CLARK

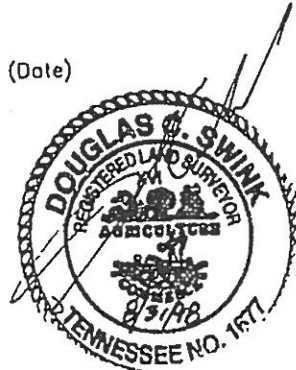


plat is in conformance with the survey prepared by me or under my individual supervision and conforms with applicable State Laws and local Zoning Ordinances, Subdivision Regulations and the specific conditions imposed on this development relating to the practice of surveying.

OLLAR SURVEYING CO.

By: *[Signature]* (Seal) (Date)
DOUGLAS C. SWINK, RLS
Tennessee Certificate No. 1677

Ollar Surveying Co.
3850 Viscount Avenue
Suite 1
Memphis, TN 38118



CASE #: PD 95-318

FINAL PLAT

**LENOX PARK EAST P.D.
PHASE 5 (DEDICATION OF
MT. MORIAH ROAD EXTENDED)**

MEMPHIS, TENNESSEE

TOTAL AREA: 2.11 Acres

WARD 2, BLOCK 30, PARCEL 222
WARD 2, BLOCK 41, PARCEL 404
WARD 2, BLOCK 30, PARCEL 217,305,308

100 YEAR FLOOD ELEV.: 284.5

OWNER/DEVELOPER:

CLARK & CLARK

**5050 Poplar Avenue, Suite 2200
Memphis, Tennessee 38157**

PREPARED BY:

ETI CORPORATION • ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE

NO	<u>446710</u>
PLAT BOOK	<u>174</u> PAGE <u>2</u>
RECORDING FEE	<u>4500</u>
DP FEE	<u>200</u>
DATE	<u>DEC 3 1998</u>
TIME	<u>1:36 PM</u>
STAT. OF TENNESSEE DECAT COUNTY	

[Signature]

DATE: 8/26/98 ETI JOB #: 95042-52 SHT 3 of 3

Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste. 477 Memphis, TN 38103

Delta Area Holdings LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 0 Mt Moriah, Memphis TN 38125

Department of Planning and Development,

Delta Area Holdings LLC is applying for Rezoning at 0 Mt Moriah, Memphis TN 38125
(parcel # 093500 00627).

Best Regards,

Delta Area Holdings LLC

This Instrument Prepared
by and Return to:
LeeAnne M. Cox
Burch, Porter & Johnson, PLLC
50 North Front, Suite 800
Memphis, TN 38103

HS 6059

4

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **A. DWIGHT FERRELL, KEITH W. FERRELL, AND JOHN P. FERRELL** (collectively, "Grantors"), in consideration of Ten and No/100 Dollars (\$10.00), hereby bargain, sell, remise, release, quit claim, and convey unto **G. BENJAMIN CLARK, NICHOLAS G. CLARK, AND WILLIAM B. CLARK, JR., AS TRUSTEE OF THE TESTAMENTARY TRUST FOR THE BENEFIT OF NICHOLAS G. CLARK CREATED UNDER THE LAST WILL AND TESTAMENT OF WILLIAM B. CLARK, DECEASED**, the following described real estate located in the city of Memphis, Shelby County, Tennessee, to-wit:

See Exhibit A attached hereto and made a part hereof.

This conveyance is made unto each grantee in the following percentages:

Nicholas G. Clark.....	18.37%
The Testamentary Trust for the benefit of Nicholas G. Clark created under the Last Will and Testament of William B. Clark, Deceased.....	31.63%
G. Benjamin Clark.....	50.00%
TOTAL.....	100.00%

This being part of the same property conveyed to Grantors by deed recorded as Instrument No. CY 9742 in the Register's Office of Shelby County, Tennessee.

IN TESTIMONY WHEREOF, the undersigned have executed this instrument this the 18th day of August, 1998.


A. Dwight Ferrell


Keith W. Ferrell


John P. Ferrell

STATE OF TENNESSEE
COUNTY OF SHELBY

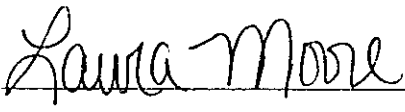
Personally appeared before me, a Notary Public in and for said county, **A. Dwight Ferrell**, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this 18th day of August, 1998.

NOTARY PUBLIC

My Commission Expires:

August 29, 2001


Laura Moore

HS 6059

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said county, **Keith W. Ferrell**, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this 18th day of August, 1998.

NOTARY PUBLIC

My Commission Expires:

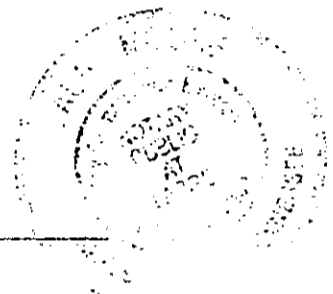
August 29, 2001Laura MooreSTATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said county, **John P. Ferrell**, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this 18th day of August, 1998.

NOTARY PUBLIC

My Commission Expires:

August 29, 2001Laura Moore

I, or we, hereby swear or affirm, that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 30,000.

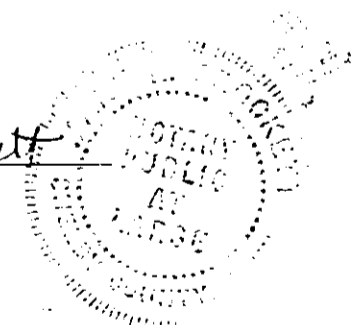
AFFIANT

Suzanne Clark

Subscribed and sworn to before me this 24 day of August, 1998.

NOTARY PUBLIC

My Commission Expires:

9-6-99Mary L. Crockett

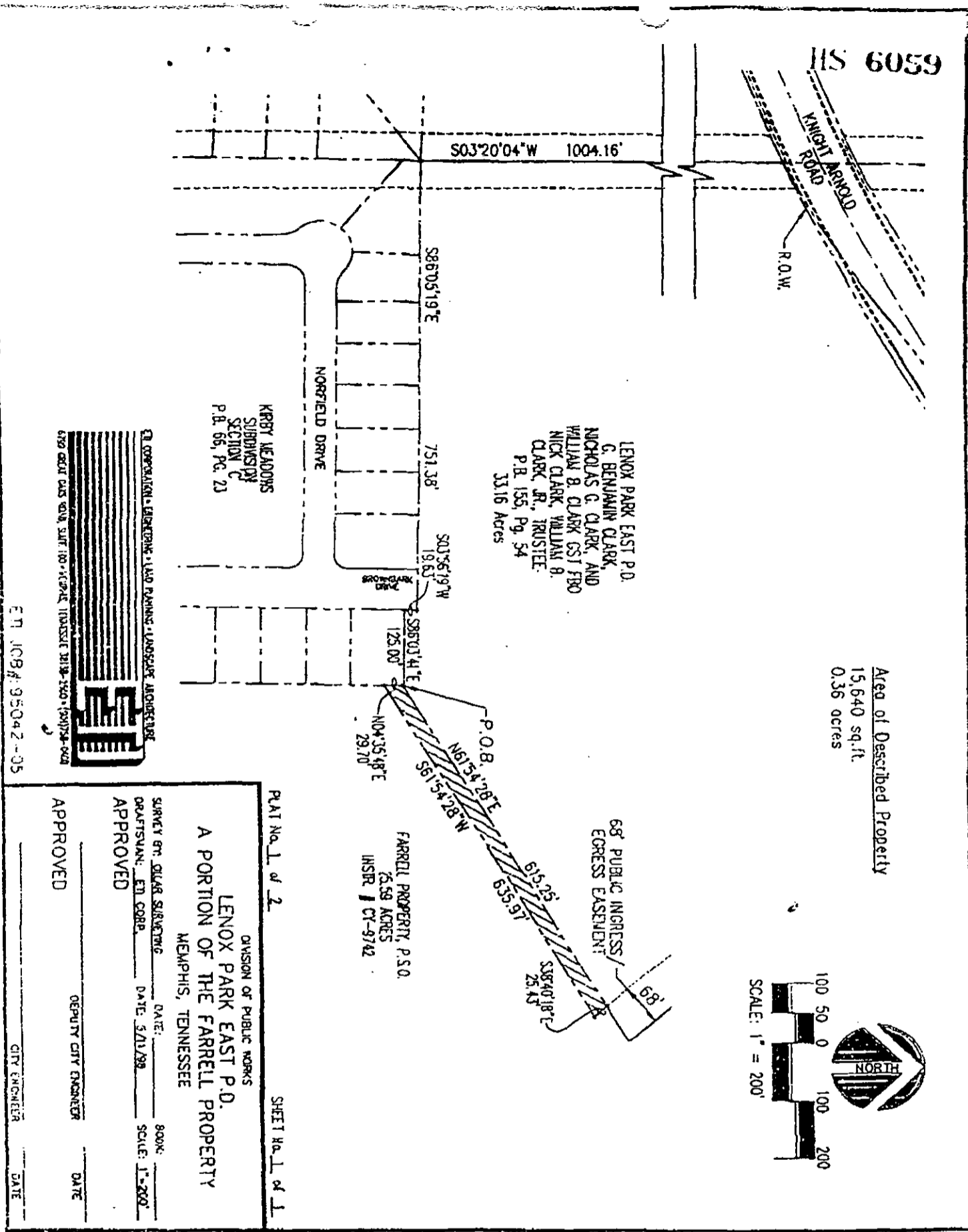
Property Address: vacant
Person or entity responsible for payment
of real property taxes:
Clark and Clark
5050 Poplar Ave. #2200
Memphis TN 38157

Tax parcel I.D. No.: Part of D02-041-146

© Inc. Clark & Co.
8/18/98

EXHIBIT A**HS 6059**

Commencing at the intersection of the south right-of-way line of Knight Arnold Road (108' right-of-way) and the common property line between Lenox Park East (P.B. 155, PG. 54) and Clark Realty (Instrument No. ET-3468); thence S 03° 20' 04" W along said common line, a distance of 1004.16' to a point, said point being the northwest corner of Kirby Meadows Subdivision, Section 'C' (P.B. 66, PG. 23); thence S 86° 05' 19" E along the north line of Kirby Meadows Subdivision, a distance of 751.38' to point in the east right-of-way line of Brownbark Drive; thence S 03° 56' 19" W along said right-of-way, a distance of 19.63' to a point; thence S 86° 03' 41" E along the north line of Kirby Meadows Subdivision, a distance of 125.00' to THE POINT OF BEGINNING; thence N 61° 54' 28" E along the common line of said Lenox Park East and Farrell Property, P.S.O. (Instrument No. CY-9742), a distance of 615.25' to a point in the west right-of-way line of proposed road (68' right-of-way); thence S 38° 40' 18" E along proposed R.O.W., a distance of 25.43' to a point; thence S 61° 54' 28" W, a distance of 635.97' to a point on the east property line of Kirby Meadows Subdivision; thence N 04° 35' 48" E along said east line, a distance of 29.70' to THE POINT OF BEGINNING, containing 15,640 square feet of land, 0.36 acres, more or less.



No. **HS 6059**

D/C **22**

Pgs. **2**

Vol. **30,000.00**

STATE TAX **111.00**

RECORD TAX **160.00**

REPORTING **200.00**

DATE **1/60**

TOTAL **1460.00**

HS 6059

SHS 6059

SHELBY COUNTY
REGISTER OF DEEDS
98 AUG 26 PM 12:22

Commencing at the intersection of the south right-of-way line of Knight Arnold Road (108' right-of-way) and the common property line between Lenox Park East (P.B. 155, PG. 54) and Clark Realty (Instrument No. ET-3468); thence S 03° 20' 04" W along said common line, a distance of 1004.16' to a point, said point being the northwest corner of Kirby Meadows Subdivision, Section 'C' (P.B. 66, PG. 23); thence S 86° 05' 19" E along the north line of Kirby Meadows Subdivision, a distance of 751.38' to point in the east right-of-way line of Brownbark Drive; thence S 03° 56' 19" W along said right-of-way, a distance of 19.63' to a point; thence S 86° 03' 41" E along the north line of Kirby Meadows Subdivision, a distance of 125.00' to THE POINT OF BEGINNING; thence N 61° 54' 28" E along the common line of said Lenox Park East and Farrell Property, P.S.O. (Instrument No. CY-9742), a distance of 615.25' to a point in the west right-of-way line of proposed road (68' right-of-way); thence S 38° 40' 18" E along proposed R.O.W., a distance of 25.43' to a point; thence S 61° 54' 28" W, a distance of 635.97' to a point on the east property line of Kirby Meadows Subdivision; thence N 04° 35' 48" E along said east line, a distance of 29.70' to THE POINT OF BEGINNING, containing 15,640 square feet of land, 0.36 acres, more or less.

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

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

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

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

of the property located at 0 Mount Moriah
and further identified by Assessor's Parcel Number 09350 00627
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 7th day of Oct in the year of 2024

[Signature]
Signature of Notary Public



My Commission Expires Aug 3, 2026
August 03, 2026

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, April 8, 2025 at 4:00 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 2024-009

LOCATION: 0 Mt. Moriah Ext., north of Kirby Terrace Drive

COUNCIL DISTRICTS: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Prentiss Mitchell

REPRESENTATIVE: N/A

REQUEST: Rezoning of +/-22.96 acres from Residential Single-Family – 8 (R-8), Residential Urban – 2 (RU-2), Conservation Agriculture (CA) and Residential Single-Family – 15 (R-15) to Commercial Mixed-Use – 3 (CMU-3)

RECOMMENDATIONS:

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

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

NOW, THEREFORE, you will take notice that on Tuesday, April 8, 2025, at 4:00 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

THIS THE _____, _____

FORD CANALE
CHAIRMAN OF COUNCIL

ATTEST:

KAMETRIS WYATT
CITY COMPTROLLER

TO BE PUBLISHED:

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

ANDERSON TERESA
6708 VALLEY PARK DR #
MEMPHIS TN 38115

HARPER JACQUELINE
6817 VALLEY PARK DR #
MEMPHIS TN 38115

STATE OF TENNESSEE
170 N MAIN ST #
MEMPHIS TN 38103

LOVE MARK
6790 VALLEY PARK DR #
MEMPHIS TN 38115

AO PROPCO 1 LLC
32 MERCER ST #4
NEW YORK NY 10013

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

FOREMAN DARRELL A AND STEPHANIE K WATSON
6868 VALLEY PARK DR #
MEMPHIS TN 38115

WILHITE KENNETH L & ANNA
6744 BROWNBARK CV #
MEMPHIS TN 38115

RA OAK LIINE LLC
11 S ORLEANS ST #
MEMPHIS TN 38103

TROTTER ORA
6882 VALLEY PARK DR #
MEMPHIS TN 38115

GASSAMA ABRAHAM
6808 KIRBY ARMS DR #
MEMPHIS TN 38115

HURLEY RONALD R
3385 BROWNBARK DR #
MEMPHIS TN 38115

SHAW STACEY
6723 VALLEY PARK DR #
MEMPHIS TN 38115

GONZALEZ FELICITO
6816 KIRBY ARMS DR #
MEMPHIS TN 38115

YOUNG MARCUS
6725 HALLSHIRE CV #
MEMPHIS TN 38115

FLOWERS BARON
6729 VALLEY PARK DR #
MEMPHIS TN 38115

MORENO FRANCISO J & GUILLERMINA LEBE
6711 BROWNBARK CV #
MEMPHIS TN 38115

BLACKMON LEON JR
3400 BROWNBARK DR #
MEMPHIS TN 38115

VILLALBA AURORA
3446 BROWNBARK DR #
MEMPHIS TN 38115

DORNING EDYTH
3467 KIRBY TERRACE DR #
MEMPHIS TN 38115

EQUITY TRUST CUST CO FBO
865 S MAIN ST #2
PLYMOUTH MI 48170

BUFORD ANDRE D
3448 HALLSHIRE DR #
MEMPHIS TN 38115

STEWART LAZE S JR
3468 KIRBY TERRACE DR #
MEMPHIS TN 38115

FKH SFR PROPCO B-HLD LP
1850 PARKWAY PL #900
MARIETTA GA 30067

AMADOR JORGE & ROSA HERNANDEZ
6781 VALLEY PARK DR #
MEMPHIS TN 38115

BARUTT AZIZA S
6739 BROWNBARK CV #
MEMPHIS TN 38115

MORRIS TERRY
3415 BROWNBARK DR #
MEMPHIS TN 38115

WINFREY JOHN T
PO BOX 192 #
EADS TN 38028

SIMMONS KENNETH L & JUDITH L
3476 BROWNBARK DR #
MEMPHIS TN 38115

HARRIS DAVID J & ELOISE R
6787 KIRBY ARMS DR #
MEMPHIS TN 38115

UNISON SOLUTION CAPITAL LLC
3611 CONNIE KAY WAY #
BLOOMINGTON IL 61704

WHITTED WINDELL M
3403 HALLSHIRE DR #
MEMPHIS TN 38115

PITTMAN ERIK L
6801 KIRBY ARMS DR #
MEMPHIS TN 38115

TURNER CHARLES D SR AND LOU A J TURNER
6786 GREENBARK DR #
MEMPHIS TN 38115

STRICKMAN-LEVITAS BRIAN K
3235 ROSWELL RD #619
ATLANTA GA 30305

COOPER TAMARA
6821 KIRBY ARMS DR #
MEMPHIS TN 38115

WRIGHT SANDRA
3490 BROWNBARK DR #
MEMPHIS TN 38115

BONDOC EDWARD
3803 169TH ST #
LYNNWOOD WA 98037

ROBINSON SHARON D
6829 KIRBY ARMS DR #
MEMPHIS TN 38115

SANCHEZ MARIA D
6794 GREENBARK DR #
MEMPHIS TN 38115

ARMM ASSET COMPANY 2 LLC
5001 PLAZA ON THE LK #200
AUSTIN TX 78746

JOHNSON WILLIE G
6855 KIRBY ARMS DR #
MEMPHIS TN 38115

JONES GIFTON H III & SANDRA D TURNER-
6870 GREENBARK DR #
MEMPHIS TN 38115

ROBINSON YVONNE
3373 HALLSHIRE DR #
MEMPHIS TN 38115

SANCHEZ SAMUEL H & MARIA MEJIA
3482 BROWNBARK DR #
MEMPHIS TN 38115

LOCKE JOHN N & kathryn d
1229 E 8220 #
SANDY UT 84094

LAKE CHRISTINE B R
6824 VALLEY PARK DR #
MEMPHIS TN 38115

ARMM ASSET CO 2 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

BEVERIDGE NANCY A
192 ATLANTIC AVE #
NORTH HAMPTON NH 03862

DOYLE BRITANI A
6832 VALLEY PARK DR #
MEMPHIS TN 38115

CABAHUG NEIL A & SOPHORN
19730 CAMPAIGN DR #
CARSON CA 90746

MILLBROOKS LAVERNE P S
3490 KIRBY TERRACE DR #
MEMPHIS TN 38115

COLLINS CLINTON
6838 VALLEY PARK DR #
MEMPHIS TN 38115

HULBERT MILLICENT C
1111 FALCON PARK DR #2102
KATY TX 77494

TAN WEI-EN
610 W 42ND AVE #
SAN MATEO CA 94403

WILKERSON JERRY & CHERYL D
6846 VALLEY PARK DR #
MEMPHIS TN 38115

DREAM HIGHER INVESTMENTS LLC
101 JULIA LOOP #
DANVILLE CA 94506

LENOX PARK MEMPHIS REALTY LP
1 WORLD TRADE CTR #83G
NEW YORK NY 10007

CAMARILO CAROLYN AND REGINALDO
6854 VALLEY PARK DR #
MEMPHIS TN 38115

MCGEE CINDY A
6721 NORFIELD DR #
MEMPHIS TN 38115

CANTU MARLENE
6750 NORFIELD DR #
MEMPHIS TN 38115

ALARCON MAURO & ROSANNE
2789 FOURTHPLAIN ST #
SAN JOSE CA 95121

PRATCHER RAY A
3373 BROWNBARK DR #
MEMPHIS TN 38115

STATE OF TENNESSEE
170 N MAIN ST #
MEMPHIS TN 38103

HOLLY TINA V
6726 HALLSHIRE CV #
MEMPHIS TN 38115

NOVEMBER ASSET MANAGEMENT LLC
2315 TOMPIRO DR #
ALBUQUERQUE NM 87120

RS RENTAL III-A LLC
3352 BROWNBARK DR #
MEMPHIS TN 38115

KONZELMAN DAVID E & MARY A AND MICHEAL A
3374 BROWNBARK #
MEMPHIS TN 38115

SAAVEDRA EDGAR E & AMALIA B
6789 VALLEY PARK DR #
MEMPHIS TN 38115

HILL JOHN L JR
6715 NORFIELD DR #
MEMPHIS TN 38115

WAKEFIELD TAURA M
6730 HALLSHIRE CV #
MEMPHIS TN 38115

CLARK VIRGINIA
6731 BROWNBARK CV #
MEMPHIS TN 38115

RIVERA CIPRIANO R
3360 BROWNBARK DR #
MEMPHIS TN 38115

VM MASTER ISSUER LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

STERN TOM
1528 TRENTWOOD PL #
ATLANTA GA 30319

BECKMAN FRED
6729 NORFIELD DR #
MEMPHIS TN 38115

BRANCH JOYCE V
3381 HALLSHIRE DR #
MEMPHIS TN 38115

VASQUEZ REINALDO O & ESPERANSA SUAREZ
3501 KIRBY TERRACE DR #
MEMPHIS TN 38115

EVANS SHONTANIQUE
6735 NORFIELD DR #
MEMPHIS TN 38115

BROWN LEIGHTON M
7662 BROOKBRIAR CV #
MEMPHIS TN 38125

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

BAILEY TIMOTHY
3365 BROWNBARK DR #
MEMPHIS TN 38115

MARTINEZ JULIO
3386 BROWNBARK DR #
MEMPHIS TN 38115

SHELBY COUNTY TAX SALE 89.2 EXH #11631
160 N MAIN ST #
MEMPHIS TN 38103

RANDOLPH DEBRA L
3366 BROWNBARK DR #
MEMPHIS TN 38115

PALMER-WILLIAMS PAMELA
6731 HALLSHIRE CV #
MEMPHIS TN 38115

CENTER HARBOR CHRISTIAN CHURCH
PO BOX 361 #
AMISSVILLE VA 20106

PAYNE BRIAN
P O BOX 1849 #
OLIVE BRANCH MS 38654

R COLE REAL ESTATE HOLDINGS GP
9753 GREEN SPRUCE DR #
LAKELAND TN 38002

LE ELVIS VAN & KATHY
6717 HALLSHIRE CV #
MEMPHIS TN 38115

GEORGE FLORENCE
3418 VALLEY PARK CV #
MEMPHIS TN 38115

P FIN VII MEM LLC
3525 PIEDMONT BLDG 5 RD #900
ATLANTA GA 30305

UPSHAW ALONDRIA
3393 BROWNBARK DR #
MEMPHIS TN 38115

WILLIAMS MILDRED
3425 VALLEY PARK CV #
MEMPHIS TN 38115

GUPTA GYAN
14757 HOLLY TREE LN #
FRISCO TX 75035

KRIDEL FAMILY TRUST
1019 PINE ST #
SANTA MONICA CA 90405

K & H REAL ESTATE LLC
3823 CUTTER CV #
ARLINGTON TN 38002

FKH SFR PROPCO B-HLD LP
1850 PARKWAY PL #900
MARIETTA GA 30067

VM PRONTO LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

CASTRO LEONARDO
3422 BROWNBARK DR #
MEMPHIS TN 38115

KCM INVESTMENTS LLC
PO BOX 280 #
CORDOVA TN 38088

BLANKS ASLEAN AND TRESSAN BLANKS (RS)
3399 BROWNBARK DR #
MEMPHIS TN 38115

RS RENTAL I LLC
1955 S VAL VISTA DR #126
MESA AZ 85204

EMIGDIO RODRIGO C
6890 VALLEY PARK DR #
MEMPHIS TN 38115

MARTINEZ JULIO
3415 VALLEY PARK CV #
MEMPHIS TN 38115

YOUNG DINA
3429 BROWNBARK DR #
MEMPHIS TN 38115

BANAH LLC
66 TIMBER RIDGE RD #
NORTH BRUNSWICK NJ 08902

FAMILY INVESTOR GROUP OF MEMPHIS
2524 OVERLOOK DR #
GERMANTOWN TN 38138

NOLASCO FULGENCIO AND EVARISTO SUAREZ
6774 VALLEY PARK DR #
MEMPHIS TN 38115

K & J INVESTMENTS USA LLC
11816 INWOOD RD #70506
DALLAS TX 75244

WILLIAMS MAE H
3412 VALLEY PARK CV #
MEMPHIS TN 38115

HOOD CONNIE
6782 VALLEY PARK DR #
MEMPHIS TN 38115

AT YOUR DOOR CAPITAL LLC
7303 BRISCOE LN #
LOUISVILLE KY 40228

HERNANDEZ LUIS D
3854 GIVEN AVE #
MEMPHIS TN 38122

COOK JERRI S
6796 VALLEY PARK DR #
MEMPHIS TN 38115

BANKS MINNISHA L
6745 VALLEY PARK DR #
MEMPHIS TN 38115

PROVIDENT TRUST GROUP LLC FBO ROBERT ABE
8880 W SUNSET RD #250
LAS VEGAS NV 89148

MEDINA IRIS V
6609 POLK ST #
WEST NEW YORK NJ 07093

AMOR ANTONIO
1904 CLINTONVILLE ST #
WHITESTONE NY 11357

LUMPKIN DIANNA M
3440 KIRBY TERRACE DR #
MEMPHIS TN 38115

LBJ HOLDINGS LLC
990 VIA GANDALFI #
HENDERSON NV 89011

HERNANDEZ ARIADNA
6788 KIRBY ARMS DR #
MEMPHIS TN 38115

WRIGHT SANDRA A
6795 VALLEY PARK DR #
MEMPHIS TN 38115

GONZALEZ TOMAS R
1407 GREEN AVE #1
BROOKLYN NY 11237

MURPHY JAMES H & LORETTA E
6796 KIRBY ARMS DR #
MEMPHIS TN 38115

COHRAN REGINALD AND SHERANDA GRANT AND
6809 VALLEY PARK DR #
MEMPHIS TN 38115

FLEMING WALTER J
3448 KIRBY TERRACE DR #
MEMPHIS TN 38115

GOMEZ CELINA
3454 KIRBY TERRACE DR #
MEMPHIS TN 38115

GRACE SOL JR
6823 VALLEY PARK DR #
MEMPHIS TN 38115

WEBB SANDRA T
3453 BROWNBARK DR #
MEMPHIS TN 38115

WALKER ANGELA R
6802 KIRBY ARMS DR #
MEMPHIS TN 38115

SULFRIDGE CLAYTON E & AIDA
6710 BROWNBARK CV #
MEMPHIS TN 38115

HAMPTON TARSHA C
3451 KIRBY TER #
MEMPHIS TN 38115

AO PROPCO 1 LLC
32 MERCER ST #4
NEW YORK NY 10013

LI JIAWEN
667 CONGRESS ST #201
PORTLAND ME 04101

HERRERA JESUS R
6722 BROWNBARK CV #
MEMPHIS TN 38115

BROAD ST LLC
2595 BROAD ST #
MEMPHIS TN 38112

DOBBINS SHERETTA L
6716 BROWNBARK CV #
MEMPHIS TN 38115

SMITH JANET L
6728 BROWNBARK CV #
MEMPHIS TN 38115

SUE ALAN
1 KEAHOLE PL #3308
HONOLULU HI 96825

FELTON DYNASTY A
3450 KIRBY VALLEY DR #
MEMPHIS TN 38115

COSBY CATHERINE O
6736 BROWNBARK CV #
MEMPHIS TN 38115

BOYD STELLA AND WENDY CURRY
3463 KIRBY VALLEY DR #
MEMPHIS TN 38115

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

ASEFUABA MAAME A
365 KNICKERBOCKER RD #
ENGLEWOOD NJ 07631

HAVENWOOD ALTI LLC
13217 JAMBOREE RD #215
TUSTIN CA 92782

MIRAGLIA PROPERTY MANAGEMENT LLC LLC
1 BROWN AVE #87
LAKEHURST NJ 08733

LEAVY ROBERT L & TERRESA
6784 KIRBY ARMS DR #
MEMPHIS TN 38115

SUMERALL KION AND TONYA SUMERALL
6862 KIRBY ARMS DR #
MEMPHIS TN 38115

WASHINGTON COURTNEY T SR &
3459 KIRBY TERRACE DR #
MEMPHIS TN 38115

ARROYO JOAQUIN
472 CROFT RD #
BYHALIA MS 38611

MORENO GLADYS M H
6772 GREENBARK DR #
MEMPHIS TN 38115

JONES KERESIA L
6780 KIRBY ARMS DR #
MEMPHIS TN 38115

OUR HOME TO YOUR HOME REALTY LLC
PO BOX 38252 #
GERMANTOWN TN 38183

TEJEDA INGRIS N T
6780 GREENBARK DR #
MEMPHIS TN 38115

KNIGHT CARLA
6870 KIRBY ARMS DR #
MEMPHIS TN 38115

REI NATION LLC
PO BOX 381887 #
GERMANTOWN TN 38183

THOMPSON CURTIS L
6800 GREENBARK DR #
MEMPHIS TN 38115

HENDERSON ELLA M
6874 KIRBY ARMS DR #
MEMPHIS TN 38115

411 INVESTMENTS LLC
5524 RIVERDALE RD #
MEMPHIS TN 38141

MATTHEWS TERESA M
6808 GREENBARK #
MEMPHIS TN 38115

STEWART LAZE JR
3462 KIRBY TERRACE DR #
MEMPHIS TN 38115

HERNANDEZ MIGUEL
6835 KIRBY ARMS DR #
MEMPHIS TN 38115

6814 GREENBARK TRUST
PO BOX 650715 #
STERLING VA 20165

GAINES MELONEE
3468 BROWNBARK DR #
MEMPHIS TN 38115

OUSLEY ARNEDTHA L
3476 KIRBY TERRACE DR #
MEMPHIS TN 38115

ORELLANA JOSE P
3489 KIRBY TERRACE DR #
MEMPHIS TN 38115

EMDL 401 K PLAN
867 38TH AVE #
SAN FRANCISCO CA 94121

MORGAN WAURINE C
6875 KIRBY ARMS DR #
MEMPHIS TN 38115

WILLIAMS GLORIA
6822 GREENBARK DR #
MEMPHIS TN 38115

ISBY PATRICIA M
6725 BROWNBARK CV #
MEMPHIS TN 38115

CASTILLO CANDELARIO
8090 CENTER HILL RD #
OLIVE BRANCH MS 38654

HARDY EDWARD & FREDDIE
6854 GREENBARK DR #
MEMPHIS TN 38115

QUINONEZ ROSA M
3477 BROWNBARK DR #
MEMPHIS TN 38115

SCHUMACHER FAMILY TRUST
26121 CALLE CRESTA #
MISSION VIEJO CA 92692

HENDERSON CHARLES
6862 GREENBARK DR #
MEMPHIS TN 38115

PHILLIPS JOYCE A
6783 KIRBY ARMS DR #
MEMPHIS TN 38115

DOTSON JAMES C & ROSE N
6724 GREENBARK DR #
MEMPHIS TN 38115

BRADSHAW NOEL
4701 SUMMER AVE #
MEMPHIS TN 38122

ROSALES-LOPEZ JUAN O & LORENA
3502 KIBRY TERRACE DR #
MEMPHIS TN 38115

BEVERIDGE NANCY
192 ATLANTIC AVE #
NORTH HAMPTON NH 03862

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

SPIRIT MASTER FUNDING X LLC
PO BOX 105842 #
ATLANTA GA 30348

CRAYTON JOSEPHINE
3416 BROWNBARK DR #
MEMPHIS TN 38115

GARICA DERON R
3344 BROWNBARK DR #
MEMPHIS TN 38115

LIU PEIXUAN & ALBERTINA WANG (RS) AND
20500 TOWN CENTER LN #270
CUPERTINO CA 95014

STEWART JESSICA D
3380 BROWNBARK DR #
MEMPHIS TN 38115

SMITH RAY M & CAROLYN S
6810 VALLEY PARK DR #
MEMPHIS TN 38115

LENOX PARK MEMPHIS REALTY LP
1 WORLD TRADE CTR #83G
NEW YORK NY 10007

KAWAI MAKOTO
#

FARRELL PROPERTIES (PSO)
2174 E PERSON AVE #
MEMPHIS TN 38114

AO PROPCO 1 LLC
32 MERCER ST #4
NEW YORK NY 10013

ASPEN MEMPHIS LLC AND AR REALTY GROUP
83 SOUTH ST #101
FREEHOLD NJ 07728

BARNES LARRY & LILLIE
6728 NORFIELD DR #
MEMPHIS TN 38115

LENOX LAND PARK MEMPHIS LAND LP
ONE WORLD TRADE CENTER #
NEW YORK NY 10007

ZAPATA VILMA M B
6734 NORFIELD DR #
MEMPHIS TN 38115

GOLDSTAR HOMES LLC
3840 WINCHESTER RD #
MEMPHIS TN 38118



Legend
polygonLayer
—Override 1
—Override 2
polygonLayer
—Override 1
—Roads
—Parcels

Map prepared through Shelby County Government's online mapping Portal on 3/7/2025

0 0.08 0.16 0.24 0.32 mi

N

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 03/25/25
DATE**

**PUBLIC SESSION: 04/08/25
DATE**

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on 7073, 7093, 7105 and 7117 Stage Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Commercial Mixed-Use – 2 (CMU-2) Use District, known as case number Z 2025-001

CASE NUMBER: Z 2025-001

LOCATION: 7073, 7093, 7105 and 7117 Stage Road

COUNCIL DISTRICTS: District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Greg Glaser, Franklin Land Association

REPRESENTATIVES: Brenda Shackelford, CSDG

REQUEST: Rezoning of +/-7.24 acres from Conservation Agriculture (CA) to Commercial Mixed-Use – 2 (CMU-2)

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 – March 18, 2025
Second reading – March 25, 2025
Third reading – April 8, 2025

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>02/13/2025</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Chloe Christian</u>	<u>3/10/2025</u>	PLANNER II
		DEPUTY ADMINISTRATOR
<u>Brett Repodale</u>	<u>3/10/2025</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2025-001

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON 7073, 7093, 7105 AND 7117 STAGE ROAD BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 2 (CMU-2) USE DISTRICT, KNOWN AS CASE NUMBER Z 2025-001

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 13, 2025** the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2025-001

LOCATION: 7073, 7093, 7105 and 7117 Stage Road

COUNCIL DISTRICT(S): District 1, Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Greg Glaser, Franklin Land Association

REPRESENTATIVE: Brenda Shackleford, CSDG

REQUEST: Rezoning of +/-7.26 acres from Conservation Agriculture (CA) to Commercial Mixed-Use – 2 (CMU-2)

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.

Respectfully,



Chloe Christion
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

[illegible]

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 7073, 7093, 7105 AND 7117 STAGE ROAD BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 2 (CMU-2) USE DISTRICT, KNOWN AS CASE NUMBER Z 2025-001.

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 2025-001**; 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 CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED-USE – 2 (CMU-2) USE DISTRICT.

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

BEGINNING AT A 1/2" IRON PIN FOUND IN THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 64, SAID IRON PIN BEING 393 FEET WEST OF VAN LEER DRIVE AND THE NORTHWEST CORNER OF PLAT BOOK 126, PAGE 80; THENCE LEAVING SAID RIGHT OF WAY LINE WITH SAID PLAT BOOK S 05°59'16" E A DISTANCE OF 444.50 FEET TO A 1/2" IRON PIN SET IN THE NORTH LINE OF PLAT BOOK 137, PAGE 86; THENCE WITH SAID

NORTH LINE, AS FOLLOWS: N 78°09'37" W A DISTANCE OF 371.75 FEET TO A 3/8" IRON PIN FOUND; THENCE N 82°03'36" W A DISTANCE OF 258.91 FEET TO A 5/8" IRON PIN FOUND; THENCE WITH THE NORTH LINE OF PLAT BOOK 127, PAGE 78 N 82°16'15" W A DISTANCE OF 106.63 FEET TO A 1/2" IRON PIN FOUND; THENCE WITH THE EAST LINE OF PLAT BOOK 134, PAGE 16 N 03°40'01" W A DISTANCE OF 189.89 FEET TO A 1/2" IRON PIN FOUND; THENCE WITH THE EAST LINE OF PLAT BOOK 167, PAGE 29 N 03°37'02" W A DISTANCE OF 275.34 FEET TO A 1/2" IRON PIN FOUND IN THE SOUTH LINE OF SAID U.S. HIGHWAY 64; THENCE WITH SAID SOUTH LINE S 78°09'50" E A DISTANCE OF 724.48 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 315,221 SQUARE FEET, 7.24 ACRES

SECTION 2:

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

SECTION 3:

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

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** February 13, 2025

CASE NUMBER: Z 2025-001

LOCATION: 7073 – 7117 Stage Road

COUNCIL DISTRICT: District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Greg Glaser, Franklin Land Association

REPRESENTATIVE: Brenda Shackleford, CSDG

REQUEST: Rezoning of +/-7.24 acres from Conservation Agriculture (CA) to Commercial Mixed-use – 2 (CMU-2)

CONCLUSIONS

1. The request is a rezoning of approximately 7.24 acres from Conservation Agriculture (CA) to Commercial mixed-use – 2 (CMU-2) to allow for the construction of a Tractor Supply Company location to service the Bartlett area.
2. Pending the approval of this request, the zoning of the subject property would now match the zoning of the properties directly adjacent to its eastern and western boundary lines.
3. The subject property is located along Stage Road, a principal arterial road which is defined as a street serving major metropolitan activity centers, highest traffic volume corridors, and high proportion of urban travel per UDC Paragraph 5.2.7B(2). Commercial zoning is intended to apply to properties with direct access to principal arterials, therefore staff recommends approval of this request.

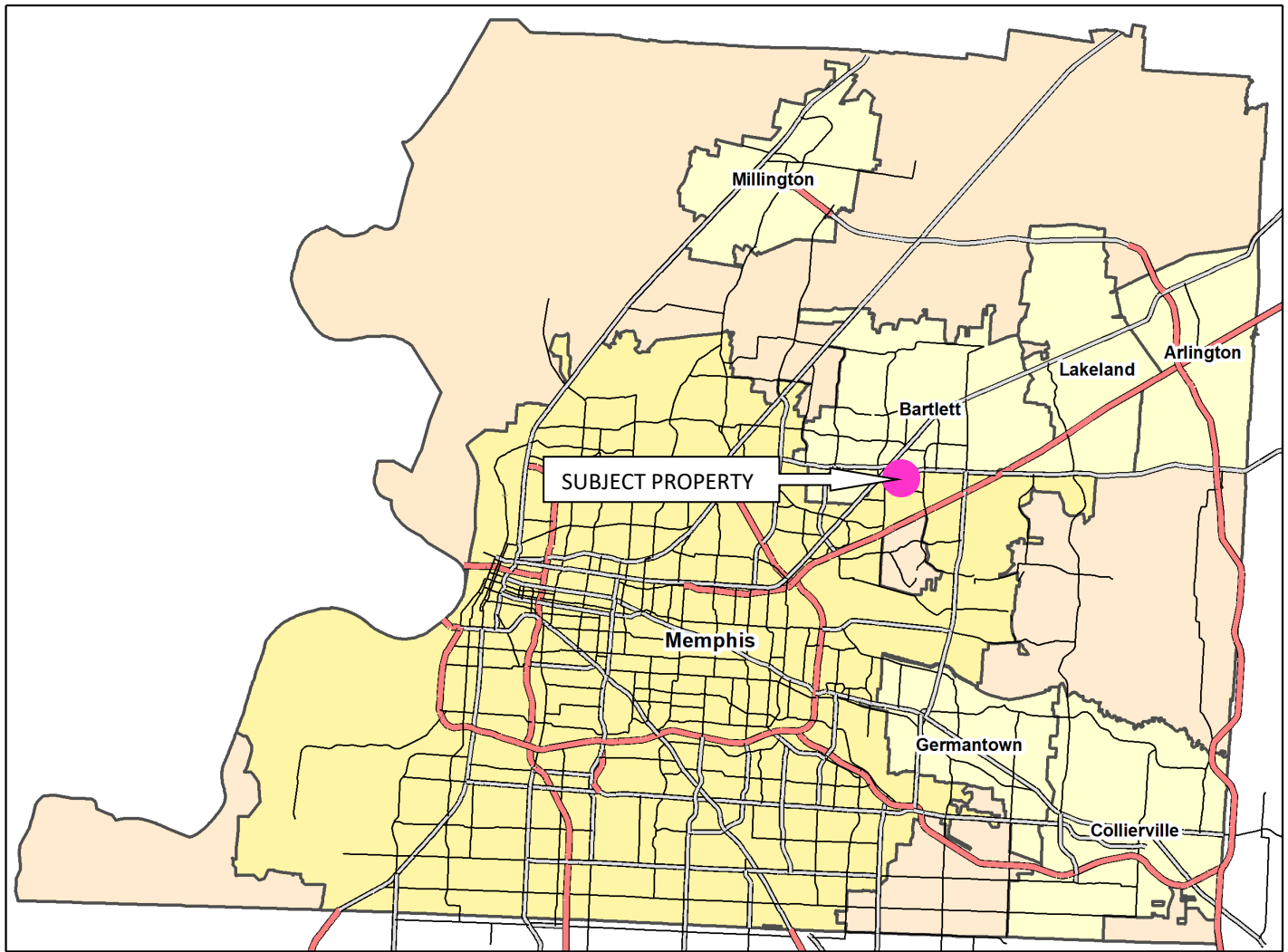
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 18-20 of this report.

RECOMMENDATION:

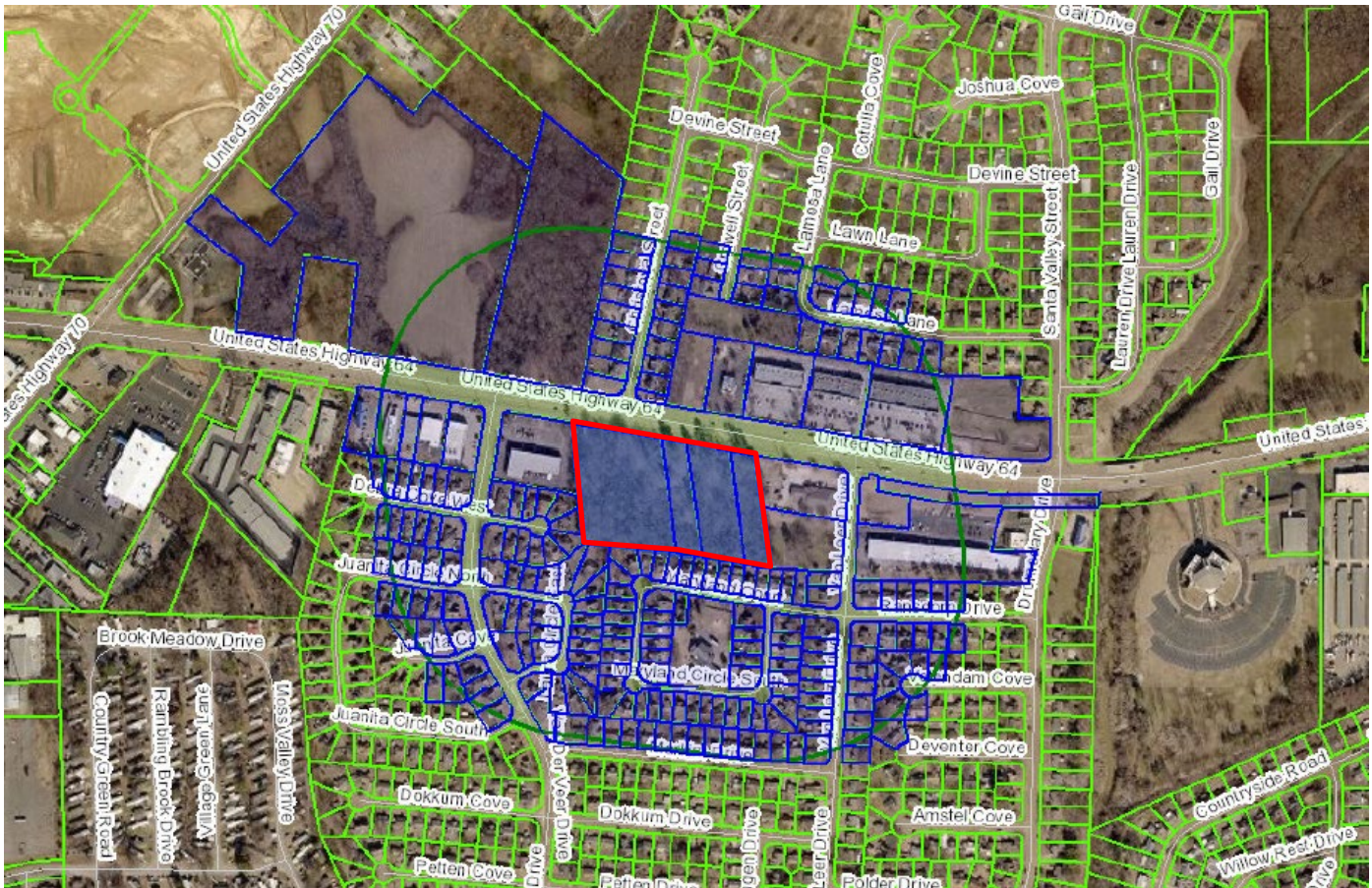
Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property outlined in red

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 228 notices were mailed on January 24, 2025, see pages 21-22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 11:00 AM on Monday, February 3, 2025, at the Raleigh Library, 3452 Austin Peay Highway.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Stage Road facing southwest.



View of existing access drive on subject property from Stage Road facing southwest.

NOTE:
INFORMATION WAS TAKEN FROM A SURVEY PREPARED BY
JONATHAN AND ASSOCIATES ON 12/17/2004. THERE IS NO
WARRANTY OR GUARANTEE OF THE ACCURACY OR
COMPLETENESS OF THE INFORMATION SHOWN
HEREON OR ANY ERRORS OR OMISSIONS RESULTING THEREFROM.

LEGEND

SECTION 16, T4N, R10E, S10W	SECTION 17, T4N, R10E, S10W
SECTION 18, T4N, R10E, S10W	SECTION 19, T4N, R10E, S10W
SECTION 20, T4N, R10E, S10W	SECTION 21, T4N, R10E, S10W
SECTION 22, T4N, R10E, S10W	SECTION 23, T4N, R10E, S10W
SECTION 24, T4N, R10E, S10W	SECTION 25, T4N, R10E, S10W
SECTION 26, T4N, R10E, S10W	SECTION 27, T4N, R10E, S10W
SECTION 28, T4N, R10E, S10W	SECTION 29, T4N, R10E, S10W
SECTION 30, T4N, R10E, S10W	SECTION 31, T4N, R10E, S10W
SECTION 32, T4N, R10E, S10W	SECTION 33, T4N, R10E, S10W
SECTION 34, T4N, R10E, S10W	SECTION 35, T4N, R10E, S10W
SECTION 36, T4N, R10E, S10W	SECTION 37, T4N, R10E, S10W
SECTION 38, T4N, R10E, S10W	SECTION 39, T4N, R10E, S10W
SECTION 40, T4N, R10E, S10W	SECTION 41, T4N, R10E, S10W
SECTION 42, T4N, R10E, S10W	SECTION 43, T4N, R10E, S10W
SECTION 44, T4N, R10E, S10W	SECTION 45, T4N, R10E, S10W
SECTION 46, T4N, R10E, S10W	SECTION 47, T4N, R10E, S10W
SECTION 48, T4N, R10E, S10W	SECTION 49, T4N, R10E, S10W
SECTION 50, T4N, R10E, S10W	SECTION 51, T4N, R10E, S10W
SECTION 52, T4N, R10E, S10W	SECTION 53, T4N, R10E, S10W
SECTION 54, T4N, R10E, S10W	SECTION 55, T4N, R10E, S10W
SECTION 56, T4N, R10E, S10W	SECTION 57, T4N, R10E, S10W
SECTION 58, T4N, R10E, S10W	SECTION 59, T4N, R10E, S10W
SECTION 60, T4N, R10E, S10W	SECTION 61, T4N, R10E, S10W
SECTION 62, T4N, R10E, S10W	SECTION 63, T4N, R10E, S10W
SECTION 64, T4N, R10E, S10W	SECTION 65, T4N, R10E, S10W
SECTION 66, T4N, R10E, S10W	SECTION 67, T4N, R10E, S10W
SECTION 68, T4N, R10E, S10W	SECTION 69, T4N, R10E, S10W
SECTION 70, T4N, R10E, S10W	SECTION 71, T4N, R10E, S10W
SECTION 72, T4N, R10E, S10W	SECTION 73, T4N, R10E, S10W
SECTION 74, T4N, R10E, S10W	SECTION 75, T4N, R10E, S10W
SECTION 76, T4N, R10E, S10W	SECTION 77, T4N, R10E, S10W
SECTION 78, T4N, R10E, S10W	SECTION 79, T4N, R10E, S10W
SECTION 80, T4N, R10E, S10W	SECTION 81, T4N, R10E, S10W
SECTION 82, T4N, R10E, S10W	SECTION 83, T4N, R10E, S10W
SECTION 84, T4N, R10E, S10W	SECTION 85, T4N, R10E, S10W
SECTION 86, T4N, R10E, S10W	SECTION 87, T4N, R10E, S10W
SECTION 88, T4N, R10E, S10W	SECTION 89, T4N, R10E, S10W
SECTION 90, T4N, R10E, S10W	SECTION 91, T4N, R10E, S10W
SECTION 92, T4N, R10E, S10W	SECTION 93, T4N, R10E, S10W
SECTION 94, T4N, R10E, S10W	SECTION 95, T4N, R10E, S10W
SECTION 96, T4N, R10E, S10W	SECTION 97, T4N, R10E, S10W
SECTION 98, T4N, R10E, S10W	SECTION 99, T4N, R10E, S10W
SECTION 100, T4N, R10E, S10W	SECTION 101, T4N, R10E, S10W
SECTION 102, T4N, R10E, S10W	SECTION 103, T4N, R10E, S10W
SECTION 104, T4N, R10E, S10W	SECTION 105, T4N, R10E, S10W
SECTION 106, T4N, R10E, S10W	SECTION 107, T4N, R10E, S10W
SECTION 108, T4N, R10E, S10W	SECTION 109, T4N, R10E, S10W
SECTION 110, T4N, R10E, S10W	SECTION 111, T4N, R10E, S10W
SECTION 112, T4N, R10E, S10W	SECTION 113, T4N, R10E, S10W
SECTION 114, T4N, R10E, S10W	SECTION 115, T4N, R10E, S10W
SECTION 116, T4N, R10E, S10W	SECTION 117, T4N, R10E, S10W
SECTION 118, T4N, R10E, S10W	SECTION 119, T4N, R10E, S10W
SECTION 120, T4N, R10E, S10W	SECTION 121, T4N, R10E, S10W
SECTION 122, T4N, R10E, S10W	SECTION 123, T4N, R10E, S10W
SECTION 124, T4N, R10E, S10W	SECTION 125, T4N, R10E, S10W
SECTION 126, T4N, R10E, S10W	SECTION 127, T4N, R10E, S10W
SECTION 128, T4N, R10E, S10W	SECTION 129, T4N, R10E, S10W
SECTION 130, T4N, R10E, S10W	SECTION 131, T4N, R10E, S10W
SECTION 132, T4N, R10E, S10W	SECTION 133, T4N, R10E, S10W
SECTION 134, T4N, R10E, S10W	SECTION 135, T4N, R10E, S10W
SECTION 136, T4N, R10E, S10W	SECTION 137, T4N, R10E, S10W
SECTION 138, T4N, R10E, S10W	SECTION 139, T4N, R10E, S10W
SECTION 140, T4N, R10E, S10W	SECTION 141, T4N, R10E, S10W
SECTION 142, T4N, R10E, S10W	SECTION 143, T4N, R10E, S10W
SECTION 144, T4N, R10E, S10W	SECTION 145, T4N, R10E, S10W
SECTION 146, T4N, R10E, S10W	SECTION 147, T4N, R10E, S10W
SECTION 148, T4N, R10E, S10W	SECTION 149, T4N, R10E, S10W
SECTION 150, T4N, R10E, S10W	SECTION 151, T4N, R10E, S10W
SECTION 152, T4N, R10E, S10W	SECTION 153, T4N, R10E, S10W
SECTION 154, T4N, R10E, S10W	SECTION 155, T4N, R10E, S10W
SECTION 15	

EXHIBIT "A"

LEGAL DESCRIPTION

1.72 acres, more or less, being part of the Mary McClanahan 24.60 acre tract, and being more particularly described as follows:

ORIGINAL MARY MCCLANAHAN 24.60 ACRE TRACT:

24.60 acres, being a part of the Simon Crawford west 80 acres of that part of the H. S. Williams tract lying south of the Memphis and Somerville Road, said 24.60 acres being Lot No. 7 of an unrecorded subdivision made by W. O. Crump of said Simon Crawford tract and said 24.60 acres, being more particularly described as follows:

Beginning in the south line of the Lee Highway (U.S. Highway No. 64) at the northeast corner of the Crawford tract, being the northwest corner of the Rock 107 acres; thence south 7 degrees east along the east line of the Crawford tract 2855.2 feet to a creek; thence west 371.6 feet; thence north 7 degrees west 2909 feet to the south line of Lee Highway; thence eastwardly with said south line 371.6 feet to the point of beginning, containing 24.60 acres according to survey by C.G. Richardson.

This same tract being conveyed to Mary McClanahan by E.W. Mathis and wife, Annie Mathis, b deed dated August 15, 1938, and filed of record in deed book No. 1584, Page 566, in the Register's Office of Shelby County, Tennessee.

LESS AND EXCEPT FIRST CONVEYANCE:

1.01 acres, more or less, conveyed by Mary McClanahan to W.E. McClanahan and wife, Bessie McClanahan, by deed dated August 15, 1938, and filed for record in deed book 1597, Page 328 and by deed of correction dated December 14, 1938, and filed for record in deed book 1606, Page 299, all in the Register's Office of Shelby County, Tennessee, said 1.01 acres being more particularly described as follows:

A one acre lot in the northwest corner of Lot 7 of the unrecorded subdivision made by W.O. Crump of the Simon Crawford 80 acre tract, beginning at a point in the south line of U.S. Highway #64, 271.6 feet west of the northeast corner of said lot 7; thence south and parallel with the east line of the said lot 7, 438.9 feet to a point; thence west and parallel with the south line of U.S. Highway #61, 100 feet to a point in the west line of the said lot 7; thence orth

with the west line of lot 7, 438.9 feet to a point in the south line of U.S. Highway #64; thence east with the south line of U.S. Highway #64, 100 feet to the point of beginning, containing one acre, more or less, and being the one acre lot excepted from the trust deed recorded at Book 1577, Page 299, in the Register's Office of Shelby County, Tennessee.

LESS AND EXCEPT SECOND CONVEYANCE:

20.61 acres, more or less, conveyed by Mary McClanahan to H.T. Edwards and wife, Ruth Edwards, by deed dated July 16, 1954, and filed for record in deed book 3303, page 360, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the west line of the Mary McClanahan 24.60 acres, 438.9 feet south of the south line of U.S. Highway No. 64, being the southwest corner of the W.E. McClanahan tract; running thence eastwardly with the W.E. McClanahan south line, passing his southeast corner on a straight line, approximately 371 feet to a point in the east line of the Mary McClanahan tract; thence south with the Mary McClanahan east line to her southeast corner approximately 24.70 feet; thence westwardly 371.6 feet to the Mary McClanahan southwest corner; thence northwardly with the north line of the Mary McClanahan tract 2416.3 feet to the point of beginning, containing in all 20.61 acres, more or less.

LESS AND EXCEPT THIRD CONVEYANCE:

A Temporary Construction Easement only on the Mary McClanahan McCreight 1.72 acre tract recorded in Book 1584, Page 566, in the Register's Office, Shelby County, Tennessee, being located on the South side of U.S. Highway No. 64, , 500 feet more or less East of Christoval Street, and being more particularly described as follows:

TEMPORARY CONTRUCTION EASEMENT

Being outside and adjacent to the present South right of way line of U.S. Highway No. 64, 33 feet from the center of the existing highway extending from the West line to the Ease line of the subject tract, being 170 feet more or less in the length and variable in width of from 5 feet more or less to 15 feet more or less as shown on the right of way Plan Sheet No. 6 of the subject project.

Containing 0.029 acres.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 11014755

By this instrument the grantor (Mary McClanahan) hereby conveys a temporary construction easement.

The title to the above described land remains vested in the grantor (Mary McClanahan) and is to be used by the State of Tennessee, its contractors or its assigns for a period of three (3) years.

The consideration mentioned herein included payment for all property rights taken, also payment for any and all incidental damages to the remainder compensable under eminent domain.

LESS AND EXCEPT FIRST DEVISE:

1.01 acres, more or less, devised to Margaret McClanahan by Decedent's Will admitted to probate on May 3, 1996, in the Probate Court of Shelby County, Tennessee, Docket Number B-27390, more particularly described as follows:

Part of Lot 7, W.O. Crump Subdivision of part of the Simon Crawford 80 acres, being more particularly described as follows:

Beginning at a stake in the south line of U.S. Highway #64, 171.6 feet westwardly from the northeast corner of said Lot 7, W.O. Crump Subdivision; thence westwardly along said south line of U.S. Highway #64, 100 feet to a point 100 feet eastwardly from the dividing line between Lots 6 and 7; thence southeastwardly parallel with said dividing line 438.9 feet to a point; thence eastwardly 438.9 feet to the point of beginning; being part of the same property conveyed to Mary McClanahan by warranty deed of record in book 1584, page 566, in the Register's Office of Shelby County, Tennessee.

Return To:
John P. Roberts, Attorney
6399 Stage Road
Bartlett, TN 38134

CASE REVIEW

Request

The request is a rezoning of +/-7.24 acres from Conservation Agriculture (CA) to Commercial Mixed-use – 2 (CMU-2).

Review Criteria

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

9.5.7B Review Criteria

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

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

Site Details

Address:

7073, 7093, 7105 & 7117 Stage Road

Parcel ID:

092002 00002, 092002 00003, 092002 00004 and 092002 00005

Area:

+/-7.24 acres

Description:

The subject properties are currently vacant with mature tree coverage throughout. There is one street frontage along Stage Road/US Highway 64. The surrounding land uses to the east and west of the property are commercial and office. Residential properties abut the southern and western boundary of the site.

Analysis

Pending the approval of this request, the zoning of the subject property would now match the zoning of the properties directly adjacent to its eastern and western boundary lines. If approved, the zoning of CMU-2 would be consistent among all properties facing Stage Road from the Dromedary Drive intersection to the edge of the US Highway 70 intersection. In this over ½ mile stretch, the subject properties are the only parcels with zoning inconsistent to the surrounding designation.

Additionally, Stage Road is a principal arterial road which is defined as a street serving major metropolitan activity centers, the highest traffic volume corridors, and high proportion of urban travel per UDC Paragraph 5.2.7B(2). Commercial zoning is intended to apply to properties with direct access to principal arterials,

therefore staff recommends approval of this request.

Considering potential impacts that development on this site raises going from an undeveloped status to one of buildings and parking, staff urges the applicant to consider incorporating Low Impact Development (LID) elements into the site plan to allow adequate filtration and groundwater recharge. Staff also encourages the applicant retain as much existing vegetation as possible during the development process pending approval of this request.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City Engineer:	See below.
City Fire Division:	No comments received.
City Real Estate:	No comments received.
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:	See below.
Office of Comprehensive Planning:	See below.

CASE 11: Z-25-001

NAME: 7073 Stage Road

BASIN/LOT/CD: YOUNG, 12-C /3.87AC /1

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

Sewers:

2. A sewer extension will be required to serve this development. Closest sewer is approximately 250' South of the intersection of Stage and Van Leer Dr.
3. In addition, this development is located in Fletcher Creek Sewer basin and any proposed development within the basin must be evaluated on a case-by-case basis, the developer's engineer has to contact the City Public Works and ask for the sewer connection permit.
4. If a sewer connection permit is approved by Public Works, on-site storage tank with off-peak discharge is required.
5. The developer must provide the proposed discharge rate to the Engineering Div/Sewer Design Dept for a hydraulic analysis of the sewer system.

General Notes:

6. Development is greater than 1 acre is located within a sensitive drainage basin.
7. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
8. All connections to the sewer shall be at manholes only.
9. 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.
10. Required landscaping shall not be placed on sewer or drainage easements.



Logan Landry
Planner I
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Logan.Landry@memphistn.gov

MEMORANDUM

To: Chloe Christion, Planner I

From: Logan Landry, Planner I

Date: January 20, 2025

Subject: OSR Comments on Z 2025-001: CORDOVA

General Comments & Analysis:

Located in Zone 3 of the Resilience Zone Framework:

Zone 3 areas contain resilience assets that could be compromised by certain kinds of development. These assets include wetlands, forests, meadows, and aquifer recharge areas. The loss of these assets makes the entire region less resilient. Context sensitive development could still occur in these areas to minimize its impact. Consider strategic investment in ecological assets through revitalization and preservation as well as the impacts on local and regional hydrology and methods to mitigate drainage impacts.

The applicant is requesting a rezoning of four parcels from Conservation Agriculture (CA) to Commercial Mixed Use – 2 (CMU-2) to allow the construction of a tractor supply retail store.

The Zone 3 designation is due to the parcels' location in the aquifer recharge zone. The site is currently largely undeveloped and has mature tree coverage across the lots meaning that the development of a tractor retail store would require clearing the trees and a substantial increase in impervious surfaces.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This application is generally inconsistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within ecologically sensitive areas, making this application inconsistent with the goals of the Plan. Additionally, the site of the application being in the aquifer recharge zone contradicts section 2.2.2 – Aquifer Conservation and Recharge. Increasing the amount of impervious surface on the lot would increase the amount of runoff produced and water diverted from recharging the aquifer. The current zoning of Conservation Agriculture is much more suitable for the location to ensure conservation and protection of the aquifer.

Consistent with the Memphis Area Climate Action Plan best practices: No

This application is generally inconsistent with the Memphis Area Climate Action Plan. The eventual clearing of the undeveloped parcels would lead to a reduction in the urban tree canopy which contradicts the goals of Action E.7: Nurture and Expand the Urban Tree Canopy. A robust urban tree canopy provides many benefits to the area including temperature regulation and improved stormwater management.

Recommendations: Staff recommends rejection. If development proceeds, staff urges the applicant to consider incorporating Low Impact Development (LID) elements into the site plan to allow adequate filtration and groundwater recharge. Staff also encourages the applicant retain as much existing vegetation as possible. Recommended LID techniques include bioretention areas in the parking lot and permeable pavement.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: **Z 2025-001**

Site Address/Location: 7073, 7093, 7105, 7117 Stage Rd.

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone—though is located in a sensitive Memphis Aquifer recharge zone.

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway/Highway

Applicant is requesting a rezoning from CA to allow for a new Tractor Supply retail store across four undeveloped parcels.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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, social service institutions, and occasional upper-story residential. 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: Vacant, Parking; CA

Adjacent Land Use and Zoning: Commercial, Residential, Office, Vacant; CMU-2, RU-2, R-6, OG.

Overall Compatibility: *The requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing adjacent land use and zoning. Although, the proposed rezoning is located in the Memphis aquifer, sensitivities associated with the aquifer are addressed in Office of Sustainability analysis of this case.*

Degree of Change Map



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

3. Degree of Change Description

N/A

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

N/A

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

While the request for rezoning the parcels in question are consistent with the existing surrounding land use Description/intent, form & location characteristics, and zoning notes; it is not consistent with *Objective 3.1—Improve health of environmental systems, Action 3.1.8—protect, preserve, and enhance precious surface water and groundwater resources, with special focus on the Memphis and Fort Pillow aquifers. The site in question is located within an ecologically and/or hydrologically sensitive area.*

Action 3.1.1—Encourage compact and infill development to reduce sprawl, limit the expansion of impervious cover, lower vehicle miles traveled, and increase the viability of active transportation, such as walking and biking, and improve air quality. The development would also not be consistent with Action

3.1.10—Protect critical watershed assets with specific emphasis on aquifer recharge areas and wetlands.

Consistency Analysis Summary

Applicant is requesting a rezoning from CA to allow for a new Tractor Supply retail store across four undeveloped parcels.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing adjacent land use and zoning. Although, the proposed rezoning is located in the Memphis aquifer, sensitivities associated with the aquifer are addressed in the Office of Sustainability analysis of this case.

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

Summary Compiled by: Grayson Vincent, Graduate Intern, Comprehensive Planning.

MAILED PUBLIC NOTICE

232 Notices Mailed on 1/24/2025



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: Z 2025-001
LOCATION: 7073 Stage Road
(SEE PLOT PLAN ON REVERSE SIDE)
APPLICANT: Tractor Supply Company
REQUEST: Rezoning from Conservation Agriculture (CA) to Commercial Mixed-Use – 1 (CMU-1)

THE PUBLIC MEETING WILL BE HELD:

DATE: Thursday, February 13, 2025
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christian at chloe.christian@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, February 5, at 8 AM**. **Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.**

[illegible]

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Brenda Shackelford, being duly sworn, ~~depose and say that at 11:22 am/pm~~
~~Under my direction, Tech Plus~~
on the 16th day of January, 2025, I posted 1 Public Notice Sign(s)
pertaining to Case No. Z 2025-001 at 7073 Stage Road, Memphis, TN 38133,
providing notice of a Public Hearing before the (check one):

☒ Land Use Control Board
☐ Board of Adjustment
☐ Memphis City Council
☐ Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being
attached hereon and a copy of the sign purchase receipt or rental contract attached
hereto.

Brenda Shackelford
Owner, Applicant or Representative
Brenda Shackelford, CSDG

February 1, 2025

Date

Subscribed and sworn to before me this 1st day of February, 2025.

Kelley A. Watts
Notary Public

My commission expires: 9/16/28



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: December 17, 2024

Record Number: Z 2025-001

Expiration Date:

Record Name: Rezoning for Tractor Supply Company, Stage Road

Description of Work: The proposed project consists of 4 parcels to be rezoned for future use as a Tractor Supply Company retail store. The 4 parcels are on the south side of Stage Road (7073, 7093, 7105, and 7117 Stage Road) directly across Highway 64, Stage Road, from Cristoval Street. Parcel ID's are 092002 00002, 092002 00003, 092002 00004, and 092002 00005.

Parent Record Number:

Address:

7073 STAGE RD, MEMPHIS 38133

Owner Information

Primary Owner Name

Y RJS TRUST AND JOHN D MCCLANAHAN

Owner Address

29 NORMANDY CIR, MEMPHIS, TN 38111

Owner Phone

Parcel Information

092002 00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Alexis Longstreet

Date of Meeting

11/25/2024

Pre-application Meeting Type

Virtual

GENERAL INFORMATION

Have you held a neighborhood meeting?

No

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

No

GENERAL INFORMATION

Letter?	
If yes, please provide additional information	N/A
GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
State Route	1
Lot	6
Subdivision	W O CRUMP
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-

Data Tables

ADDRESS AND PARCEL LIST

Property Address:	7073 Stage Road
Property Parcel Number:	092002 00002

Property Address:	7093 Stage Rd
Property Parcel Number:	092002 00003

Property Address:	7105 Stage Rd
Property Parcel Number:	092002 00004

Property Address:	7117 Highway 64
Property Parcel Number:	092002 00005

AREA INFORMATION

Name:	Area A
Size (Acres):	7.24
Existing Use of Property:	Vacant
Requested Use of Property:	Retail

Contact Information

Name
GREG GLASER

Contact Type
APPLICANT

Address

Phone
(615)370-0670

Name
BRENDA SHACKLEFORD

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone
(615)479-2427

Name
BRENDA SHACKLEFORD

Contact Type
REPRESENTATIVE

Address

Phone
(615)479-2427

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1615539	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	01/02/2025
1615539	Non-Residential Rezoning - each additional acre or fraction above 5	2	230.00	INVOICED	0.00	01/02/2025
1615539	Credit Card Use Fee (.026 x fee)	1	31.98	INVOICED	0.00	01/02/2025

Total Fee Invoiced: \$1,261.98

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,261.98	Credit Card

OWNER 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, WILLIAM R. McCLANAHAN [Signature], state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 7073 – 7117 Stage Road, Memphis, TN 38133
and further identified by Assessor's Parcel Number 092-002-00002, 092-002-00003, 092-002-00004, & 092-002-00005,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 9th day of December in the year of 2024.

[Signature]
Signature of Notary Public



May 5, 2027
My Commission Expires

LETTER OF INTENT



December 19, 2024

Memphis and Shelby County
Division of Planning and Development
Uploaded electronically through portal

RE: Letter of Intent
Tractor Supply Company
Rezoning of 4 parcels on Stage Road
CSDG Project #24-093-01

To whom it may concern:

On behalf of Tractor Supply Company (TSC) and GBT Realty, Inc., CSDG offers the following to serve as a letter of intent for the rezoning of the following parcels:

- 092002 00002 with an address of 7073 Stage Road
- 092002 00003 with an address of 7093 Stage Road
- 092002 00004 with an address of 7105 Stage Road
- 092002 00005 with an address of 7117 Highway 64

The parcels are currently zoned CA, which does not support the proposed Tractor Supply Company retail store. The proposed store is expected to be 21,930 sf with a fenced outdoor display area of approximately 20,000 sf, approximately 76 parking spaces for cars, and appurtenances associated with the retail store, including storm system and utilities. The site development is expected to span the four parcels.

From information provided by TSC "Tractor Supply Company (NASDAQ: TSCO), the largest rural lifestyle retailer in the United States, has been passionate about serving its unique niche, targeting the needs of recreational farmers, ranchers and all those who enjoy living the rural lifestyle, for more than 85 years."

Sincerely,
CSDG

Brenda Shackleford, PE (CA, TN, KY)
Associate | Civil Engineer

CSDG No. 24-093-01

LETTERS RECEIVED

Three (3) letters of opposition have been received at the time of the completion of this report and have subsequently been attached.



Z-2025-001: Letter Against Proposal

From Debbie Long <debinuna@gmail.com>
Date Sat 2/1/2025 1:42 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

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

Good Afternoon Chloe,

Thank you for the letter concerning the possible rezoning of Conservation Agricultural to Mixed Commercial use on the plot of 7073 Stage Rd.

I am unable to attend the public hearing but wanted to share my thoughts as a residential home owner in the area.

I am against this rezoning and the placement of commercial property on this plot. My primary concern is for traffic problems and area congestion. Traffic is heavy and congested enough in this area without an additional stop.

I also feel this change will have negative effects on the crime rate (attracting more opportunities for theft and break-ins stemming from the Wolfchase area), property values, and possible drainage issues from lack of natural ground.

Other plots in the area would be better suited for commercial use, but I do not feel this is a good location.

Thank you for your time and consideration of my concerns.

Have a wonderful day!
Deborah Long
2807 Maryland Cir W
901-493-1950



CASE # Z 2025-001

From JOHN STRANGE <jtsk@bellsouth.net>
Date Wed 1/29/2025 5:22 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

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

Hello, I am a resident of the neighborhood that borders to the South of the property that is being considered for rezoning at 7073 Stage Road. I am writing to express my opposition to this rezoning, as I feel it will devalue my property, and cause excessive traffic, which will be difficult to deal with considering the location of businesses on the North side of Stage Road in that area, and the side streets trying to access Stage Road. I feel it will also bring the opportunity for more crime into the area. Please record my opposition and reason, and give them due diligence and consideration.

thank you,
John Strange
2803 Maryland Cr. W.
Memphis, TN 38133
901-219-0138

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



Case Number Z 2025-001

From Shaun Strange <srstrange24@gmail.com>

Date Thu 1/30/2025 4:11 PM

To Christion, Chloe <Chloe.Christion@memphistn.gov>

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

My name is Shaun Strange. I received a Notice of Public Hearing involving rezoning a plot of land for Tractor Supply Company. I am a resident in the neighborhood directly behind the plot of land that is up for rezoning. I am writing to state my opposition to the change. I feel like it would bring more crime into the neighborhood, lower property values, cause more traffic issues, and a lot of noise pollution. I also believe that the area looks better with the trees and greenery. The city has too few areas where it is just green. The area is also a habitat to a lot of birds and squirrels. Thank you for accepting this letter of opposition and recording it for the hearing.



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

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Opened Date: December 17, 2024

Record Number: Z 2025-001

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Address:

7073 STAGE RD, MEMPHIS 38133

Owner Information

Primary Owner Name

Y RJS TRUST AND JOHN D MCCLANAHAN

Owner Address

29 NORMANDY CIR, MEMPHIS, TN 38111

Owner Phone

Parcel Information

092002 00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Alexis Longstreet

Date of Meeting

11/25/2024

Pre-application Meeting Type

Virtual

GENERAL INFORMATION

Have you held a neighborhood meeting?

No

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

No

GENERAL INFORMATION

Letter?

If yes, please provide additional information N/A

GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
State Route	1
Lot	6
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Property Parcel Number:	092002 00005

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Name:	Area A
Size (Acres):	7.24
Existing Use of Property:	Vacant
Requested Use of Property:	Retail

Contact Information

Name
GREG GLASER

Contact Type
APPLICANT

Address

Phone
(615)370-0670

Name
BRENDA SHACKLEFORD

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone
(615)479-2427

Name
BRENDA SHACKLEFORD

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Address

Phone
(615)479-2427

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Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$1,261.98

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,261.98	Credit Card

**MEMPHIS AND
SHELBY COUNTY**

**DIVISION OF PLANNING
AND DEVELOPMENT**

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, WILLIAM R. McCLANAHAN
(Print Name)

[Signature]
(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 7073 – 7117 Stage Road, Memphis, TN 38133
and further identified by Assessor's Parcel Number 092-002---00002, 092-002---00003, 092-002---00004, & 092-002---00005,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 9th day of December in the year of 2024.

[Signature]
Signature of Notary Public



May 5, 2027
My Commission Expires



THE RJS TRUST DATED MARCH 8, 1999

THIS AGREEMENT is hereby entered into by and between JOHN D. McCLANAHAN, SR., and MARGARETE HASEN McCLANAHAN, as Grantors, and WILLIAM RICHARD McCLANAHAN, as Trustee.

***** ARTICLE ONE *****
RECITALS

A. **Effective Date of Trust.** The effective date of this trust shall be March 8, 1999.

B. **Name of Trust.** This trust shall be referred to as the RJS TRUST DATED MARCH 8, 1999 (hereinafter referred to as this "Trust").

C. **Name of Trust Agreement.** This trust agreement shall be named for identification purposes the RJS TRUST AGREEMENT DATED MARCH 8, 1999 (hereinafter referred to as this "Agreement").

D. **Grantors.** The Grantors of this Trust are JOHN D. McCLANAHAN, SR., and MARGARETE HASEN McCLANAHAN (hereinafter referred to as the "Grantors" .) Grantors are residents of Memphis, Shelby County, Tennessee. The mailing address of the Grantors is: 7073 Highway 64 or Stage Road, Memphis, Tennessee 38133.

E. **Primary Trustee.** The Primary Trustee is Grantors' child, WILLIAM RICHARD McCLANAHAN (hereinafter referred to as the "Trustee."). The Trustee is a resident of Memphis, Shelby County, Tennessee. The mailing address of the Trustee is: 29 Normandy Circle, Memphis, Tennessee 38111.

F. **Successor Trustee.** The Successor Trustee is Grantors' son-in-law, JOHN ZACHRY (hereinafter referred to as the "Successor Trustee."). The Successor Trustee is a resident of Cheverly, Maryland. The mailing address of the Successor Trustee is: 2708 Belleview, Cheverly, Maryland 20785.

G. **First Alternate Successor Trustee.** The First Alternate Successor Trustee is FIRST TENNESSEE BANK, N.A., of Memphis, Tennessee (hereinafter referred to as the "First Alternate Successor Trustee."). The First Alternate Successor Trustee is a financial institution. The mailing address of the trust department of the First Alternate Successor Trustee is: 4385 Poplar Avenue, Memphis, Tennessee 38117.

H. **Beneficiaries.** This Trust is exclusively for the benefit of the Grantors' present and after-born natural children and issue (hereinafter referred to generically in the

LAND USE OWNERSHIP DISCLOSURE

Please identify every person who has an ownership interest of 10% or more in the subject application whether they be the current owners, the contract buyers, or the lenders. If current owner or contract buyer are public corporations, please note the fact and list no other owners. Only lenders which are not institutions (banks, saving and loans or credit unions) need be listed.

	NAMES	ADDRESSES
<u>CURRENT OWNERS</u>	<u>WILLIAM R. McCLANAHAN</u>	<u>29 NORMANDY CIRCLE MFS, TN. 38111</u>
	<u>SHIRLEY A. ZACHRY</u>	<u>57 THOMAS DR. CHELMSFORD MA. 01824</u>
	<u>RJS TRUST</u>	<u>29 NORMANDY CIRCLE MFS TN. 38111</u>
	<u>JOHN D. McCLANAHAN JR</u>	<u>6543 OAK PARK MFS TN. 38134</u>
<u>CONTRACT OWNERS/BUYERS</u>	_____	_____
	_____	_____
	_____	_____
	_____	_____
<u>NON-INSTITUTIONAL LENDERS INCLUDING SELLER(S) IF THE PENDING SALE IS OWNER FINANCED</u>	_____	_____
	_____	_____
	_____	_____
	_____	_____



December 19, 2024

Memphis and Shelby County
Division of Planning and Development
Uploaded electronically through portal

**RE: Letter of Intent
Tractor Supply Company
Rezoning of 4 parcels on Stage Road
CSDG Project #24-093-01**

To whom it may concern:

On behalf of Tractor Supply Company (TSC) and GBT Realty, Inc., CSDG offers the following to serve as a letter of intent for the rezoning of the following parcels:

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- 092002 00005 with an address of 7117 Highway 64

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Sincerely,
CSDG

Brenda Shackleford, PE (CA, TN, KY)
Associate | Civil Engineer

CSDG No. 24-093-01



Tom Leatherwood
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.

11007606	
01/21/2011 ~ 12:38 PM	
4 PGS	
MARYF	812849-11007606
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Return to:
FNTG

Chicago Title | Fidelity National Title | Lawyer's Title
6060 Poplar Avenue, Suite LL37
Memphis, TN 38119

PREPARED BY AND RETURN TO:
JOHN P. ROBERTS, ATTORNEY
6399 Stage Road
Bartlett, Tennessee 38134
(901) 382-8088

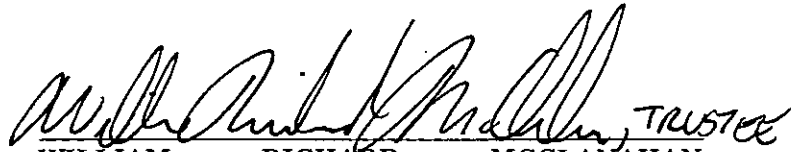
QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That WILLIAM RICHARD MCCLANAHAN, SUCCESSOR TRUSTEE FOR MARGARETE HASEN MCCLANAHAN UNDER AGREEMENT DATED DECEMBER 28, 1989, for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby bargain, sell, remise, quit claim and convey unto WILLIAM RICHARD MCCLANAHAN, TRUSTEE OF THE RJS TRUST DATED MARCH 8, 1999, the following described real estate, situated and being in the County of SHELBY, State of Tennessee:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

BEING all or a part of the same property and description as described in QUITCLAIM DEED of record in Instrument No. BL9218 in the Register's Office of SHELBY County, Tennessee.

IN TESTIMONY WHEREOF I (WE) have executed this instrument this the 17TH day of JANUARY, 2011.


WILLIAM RICHARD MCCLANAHAN,
SUCCESSOR TRUSTEE FOR MARGARETE
HASEN MCCLANAHAN UNDER AGREEMENT
DATED DECEMBER 28, 1989

THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR TITLE EXAMINATION. PREPARER MAKES NO REPRESENTATIONS CONCERNING THE ADEQUACY OR SUFFICIENCY OF TITLE.

TRUSTEE ACKNOWLEDGMENT

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Personally appeared before me, a Notary Public in and for said State and County, **WILLIAM RICHARD MCCLANAHAN, SUCCESSOR TRUSTEE FOR MARGARETE HASEN MCCLANAHAN UNDER AGREEMENT DATED DECEMBER 28, 1989** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged himself to be the **SUCCESSOR TRUSTEE FOR MARGARETE HASEN MCCLANAHAN UNDER AGREEMENT DATED DECEMBER 28, 1989**, the within named bargainer, a trust, and that he as such Trustee executed the within instrument for the purposes therein contained, by signing the name of the trust by himself as Trustee.

WITNESS my hand, at office, this 17TH day of JANUARY, 2011.

My Commission Expires: 03/20/2013


Notary Public



MAIL TAX STATEMENTS TO:

WILLIAM RICHARD MCCLANAHAN, TRUSTEE
THE RJS TRUST DATED MARCH 8, 1999
29 NORMANDY CIRCLE
MEMPHIS, TN 38111

PROPERTY ADDRESS:

7073 U.S. HIGHWAY 64
MEMPHIS, TN 38133

OWNER & ADDRESS:

WILLIAM RICHARD MCCLANAHAN, TRUSTEE
THE RJS TRUST DATED MARCH 8, 1999
29 NORMANDY CIRCLE
MEMPHIS, TN 38111

TAX PARCEL I.D.#:

092-002-00002

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief the actual consideration for this transfer is \$ 10.00.

TRANSFER TAX EXEMPT IN ACCORDANCE WITH T.C.A. § 67-4-409(a)(3)(F)


Affiant

Subscribed and sworn to before me this 17TH day of JANUARY, 2011


Notary Public

My Commission Expires: 03/20/2011

RETURN TO:

John P. Roberts, Attorney
6399 Stage Road
Bartlett, TN 38134
(901) 382-8088

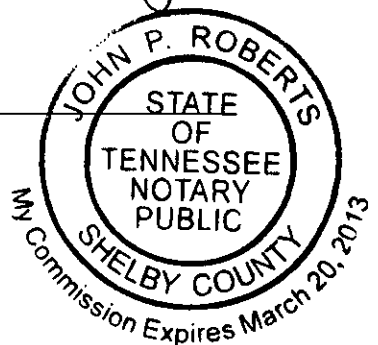


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Part of Lot 6 of the W.O. Crump Subdivision of the Crawford tract (unrecorded), and more particularly described as follows:

Beginning at a point in the south line of State Highway No. 15 (15) 2306.7 feet east of the center line of State Highway 1 (1), said point being the northeast corner of the said Lot No. 6 of the W.O. Crump Subdivision of the Crawford tract, running thence southeastwardly along the east line of the said Lot No. 6 of the said subdivision 940 feet to a stake; thence westwardly parallel to the south line of Highway 15, 185.8 feet to a stake; thence northwardly parallel to the east line of said Lot 6 of the W.O. Crump Subdivision 940 feet to a point in the south line of State Highway No. 15, 2120.9 feet east of the center line of State Highway No. 1; thence eastwardly along the said south line of state highway No. 15 185.8 feet to the northeast corner of Lot 6 of the W.O. Crump Subdivision, being the point of beginning, being 4 acres, more or less, and being the same property conveyed to the parties hereto.

LESS AND EXCEPT the following described property:

The south 470 feet of the north 940 feet of the east 185.5 feet of Lot 6 of the W.O. Crump Subdivision of the Crawford tract (unrecorded) the part conveyed hereby being more particularly described as follows:

Beginning at a point in the east line of Lot 6 of the W.O. Crump Subdivision of the Crawford tract, said point being 470 feet south of the south line of State Highway #15, as measured along the east side of said Lot 6; said point being also in the east line of a part of said Lot 6 conveyed to J.D. McClanahan et ux by Warranty Deed in Book 1969, Page 389; thence southwardly and along the east line of said Lot 6 and along the east line of the said J.D. McClanahan tract a distance of 470 feet at the southeast corner of the said J.D. McClanahan tract; thence west and parallel to the south line of said State Highway #15 a distance of 185.8 feet to a point at the southwest corner of the said J.D. McClanahan et ux tract;; thence north and along the west line of the said J.D. McClanahan et ux tract and parallel to the east line of said Lot 6 a distance of 470 feet to a point; thence eastwardly 185.8 feet to the point of beginning, being the same property conveyed to Malcolm Davie McClanahan and wife, Virginia B. McClanahan by Warranty Deed recorded in Plat Book 4079, Page 197, in the Register's Office of Shelby County, Tennessee.

PARCEL 2:

The north 470 feet of the west 185.8 feet of Lot 6, of the W.O. Crump Subdivision of the Crawford tract (unrecorded) the part conveyed hereby being more particularly described as follows:

Beginning at a point in the south line of State Highway 15 a distance of 1935.1 feet east of the center line of State Highway #1; running thence east with the south line of said State Highway 15 a distance of 185.8 feet to a point, the northwest corner of a part of said Lot 6 conveyed to J.D. McClanahan et ux by Warranty Deed in Book 1969, Page 389; thence

southwardly and along the east line of said J.D. McClanahan et ux tract a distance of 470 feet to a point; thence westwardly and parallel to the center line of said Highway 15 a distance of 185.8 feet to a stake in the west line of said Lot 6, said point being also in the west line of property conveyed to Malcolm Davie McClanahan et ux by Deed in Book 1981, Page 222; thence northwardly and along the west line of the aforesaid Lot 6, and along the west line of the said Malcolm David McClanahan tract a distance of 470 feet to the point of beginning, and being the same property conveyed to the parties hereto by Warranty Deed recorded in Plat Book 4079, Page 199, in the Register's Office of Shelby County, Tennessee.

LESS AND ESCEPT the following described property:

Part of Lot 6 of the W.O. Crump Subdivision of the Crawford tract (unrecorded) the part conveyed hereby being more particularly described as follows:

Beginning at an iron fence post in the east line of Lot 5 of the W.O. Crump Subdivision (unrecorded) said point being the southwest corner of a part Lot 6 conveyed to J.D. McClanahan et ux by Warranty Deed dated October 28, 1958, executed by Malcolm Davie McClanahan et ux; thence south 81 degrees 45 minutes east a distance of 371.6 feet to an iron stake in the dividing line between Lots 6 and 7 of the W.O. Crump Subdivision, said point being 470 feet south of the south line of State Highway 15 as measured along the east line of said Lot 6; thence north 7 degrees west and along the east line of said Lot 6 a distance of 31.1 feet to a stake 438.9 feet south of the south line of State Highway 15; thence north 7 degrees west a distance of 364.6 feet to the point of beginning, and containing .13 of an acre as shown on Plat of Survey by Ashley G. Wiles dated November 24, 1958, and being the same property conveyed by J.D. McClanahan and wife, Margarete H. McClanahan and R.T. Edwards and wife, Ruth I. Edwards by Warranty Deed of record in Book 4082, Page 307, in the Register's Office of Shelby County, Tennessee.

Return To:
John P. Roberts, Attorney
6399 Stage Road
Bartlett, TN 38134



Tom Leatherwood

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.

08095612	
07/21/2008 - 09:55 AM	
2 PGS : R - WARRANTY DEED	
MICHELLE 586020-8095612	
VALUE	130680.00
MORTGAGE TAX	0.00
TRANSFER TAX	483.52
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	496.52
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

THIS INSTRUMENT PREPARED BY:

JOHN P. ROBERTS, ATTORNEY
6399 Stage Road
Bartlett, Tennessee 38134
(901) 382-8088

WARRANTY DEED

THIS INDENTURE, made and entered into this 8TH day of JULY, 2008,

by and between

WILLIAM RICHARD MCCLANAHAN, SUCCESSOR TRUSTEE OF THE MARGARET MAYES MCCLANAHAN
TRUST DATED MARCH 23, 1998,

party of the first part,

and

WILLIAM R. MCCLANAHAN AND SHIRLEY A. ZACHRY, TENANTS IN COMMON,

party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of **Shelby**, State of Tennessee:

A ONE ACRE LOT IN THE NORTHWEST CORNER OF LOT 7 OF THE UNRECORDED SUBDIVISION MADE BY W.O. CRUMP OF THE SIMON CRAWFORD 80 ACRE TRACT, BEGINNING AT A POINT IN THE SOUTH LINE OF U.S. HIGHWAY #64, 271.6 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF U.S. HIGHWAY #64, 100 FEET TO A POINT IN THE WEST LINE OF THE SAID LOT 7; THENCE NORTH WITH THE WEST LINE OF LOT 7, 438.9 FEET TO A POINT IN THE SOUTH LINE OF U.S. HIGHWAY #64; THENCE EAST WITH THE SOUTH LINE OF U.S. HIGHWAY #64, 100 FEET TO THE POINT OF BEGINNING, CONTAINING ONE ACRE, MORE OR LESS, AND BEING THE ONE ACRE EXCEPTED FROM THE TRUST DEED RECORDED IN BOOK 1577, PAGE 299, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING all or a part of the same property and description as shown in Warranty Deed of record in Book 3438, Page 75 and Quit Claim Deed of record as Instrument No. HH 1390, in the Register's Office of **Shelby** County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has good right to sell and convey the same; that the same is unencumbered, except: any taxes not yet due and payable, but constituting a lien, which the party of the second part assumes and agrees to pay; all covenants, easements, restrictions, reservations, conditions and rights appearing of record against the abovescribed property, including:

any subdivision restrictions in Book 3892, Page 531;

and any easements of record in Book 2204, Page 1; Instrument No. U7 9322; Instrument No. W7 6161 and Instrument No. 04040767;

all of record in the Register's Office of **Shelby** County, Tennessee;

and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

Any reference to recorded instruments is reference to the Register's Office in said County.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature(s) of the party of the first part the day and year first above written.

THE MARGARET MAYES MCCLANAHAN TRUST
DATED MARCH 23, 1998

BY: 

WILLIAM RICHARD MCCLANAHAN
SUCCESSOR TRUSTEE

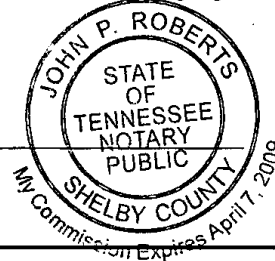
BY: _____

TRUSTEE ACKNOWLEDGMENT

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, WILLIAM RICHARD MCCLANAHAN, SUCCESSOR TRUSTEE OF THE MARGARET MAYES MCCLANAHAN TRUST DATED MARCH 23, 1998 with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged himself to be the Successor Trustee of THE MARGARET MAYES MCCLANAHAN TRUST DATED MARCH 23, 1998, the within named bargainer, a trust, and that he as such Successor Trustee executed the within instrument for the purposes therein contained, by signing the name of the trust by himself as Successor Trustee.

WITNESS my hand, at office, this 8th day of July, 2008.


Notary Public


My Commission Expires: 04/07/09

MAIL TAX BILLS TO:

WILLIAM R. MCCLANAHAN
29 NORMANDY CR
MEMPHIS, TN 38111

PROPERTY ADDRESS:

7093 HIGHWAY 64
MEMPHIS, TN 38133

PROPERTY OWNER'S NAME & ADDRESS:

WILLIAM R. MCCLANAHAN &
SHIRLEY A. ZACHRY
29 NORMANDY CR.
MEMPHIS, TN 38111

FILE #: 08-06164

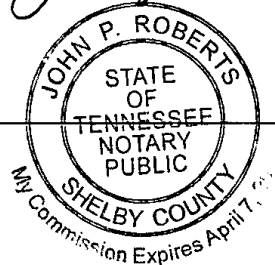
T.G.#:

TAX PARCEL I.D#: 92-2-3

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 \$ 130,680.00 which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.


Affiant

Subscribed and sworn to before me this 8TH day of JULY, 2008.


Notary Public


My Commission Expires: 04/07/09

RETURN TO:

John P. Roberts, Attorney
6399 Stage Road
Bartlett, Tennessee 38134
(901) 382-8088



Tom Leatherwood
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.

11007618	
01/21/2011 - 12:42 PM	
2 PGS	
MARYF 812857-11007618	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
OF FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Return to:

Chicago Title Insurance Company
6060 Poplar Avenue, Suite 200
Memphis, TN 38119

PREPARED BY AND RETURN TO:
JOHN P. ROBERTS, ATTORNEY
6399 Stage Road
Bartlett, Tennessee 38134
(901) 382-8088


QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That WILLIAM RICHARD MCCLANAHAN, TRUSTEE OF THE MARGARET MAYES MCCLANAHAN TRUST DATED MARCH 23, 1998, for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby bargain, sell, remise, quit claim and convey unto WILLIAM RICHARD MCCLANAHAN, TRUSTEE OF THE RJS TRUST DATED MARCH 8, 1999, the following described real estate, situated and being in the County of SHELBY, State of Tennessee:

A one acre lot in the northwest corner of lot 7 of the unrecorded subdivision made by W. O. Crump of the Simon Crawford 80 acre tract, beginning at a point in the south line of U.S. Highway 64 271.6 feet west of the northeast corner of said lot 7; thence south and parallel with the east line of the said lot 438.9 feet to a point; thence west and parallel with the south line of U.S. Highway 64 100 feet to a point in the west line of the said lot 7; thence north with the west line of lot 7 438.9 feet to a point in the south line of U.S. Highway 64; thence east with the south line of U.S. Highway 64 100 feet to the point of beginning, containing one acre, more or less, and being the one acre lot excepted from the trust deed recorded in Book 1577, Page 299, in the Register's Office of Shelby County, Tennessee.

BEING all or a part of the same property and description as described in QUITCLAIM DEED of record in Instrument No. HH1390 in the Register's Office of SHELBY County, Tennessee.

IN TESTIMONY WHEREOF I (WE) have executed this instrument this the 17TH day of JANUARY, 2011.


WILLIAM RICHARD MCCLANAHAN, TRUSTEE
OF THE MARGARET MAYES MCCLANAHAN
TRUST DATED MARCH 23, 1998

THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR TITLE EXAMINATION. PREPARER MAKES NO REPRESENTATIONS CONCERNING THE ADEQUACY OR SUFFICIENCY OF TITLE.

TRUSTEE ACKNOWLEDGMENT

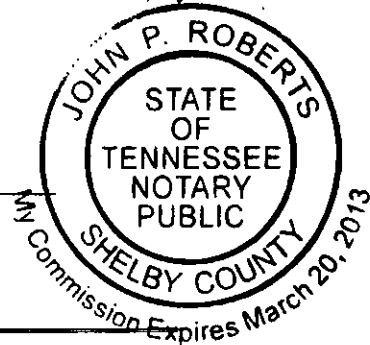
STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, **WILLIAM RICHARD MCCLANAHAN, TRUSTEE OF THE MARGARET MAYES MCCLANAHAN TRUST DATED MARCH 23, 1998** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged himself to be the **TRUSTEE OF THE MARGARET MAYES MCCLANAHAN TRUST DATED MARCH 23, 1998**, the within named bargainor, a trust, and that they as such Trustee executed the within instrument for the purposes therein contained, by signing the name of the trust by himself as Trustee.

WITNESS my hand, at office, this 17TH day of JANUARY, 2011.

My Commission Expires: 03/20/2013

Notary Public



MAIL TAX STATEMENTS TO:

WILLIAM RICHARD MCCLANAHAN, TRUSTEE
THE RJS TRUST DATED MARCH 8, 1999
29 NORMANDY CIRCLE
MEMPHIS, TN 38111

PROPERTY ADDRESS:

7105 HIGHWAY 64
MEMPHIS, TN 38133

OWNER & ADDRESS:

WILLIAM RICHARD MCCLANAHAN, TRUSTEE
THE RJS TRUST DATED MARCH 8, 1999
29 NORMANDY CIRCLE
MEMPHIS, TN 38111

TAX PARCEL I.D.#:

092-002-00004

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief the actual consideration for this transfer is \$ 10.00.

TRANSFER TAX EXEMPT IN ACCORDANCE WITH T.C.A. § 67-4-109(a)(3)(F)

Affiant

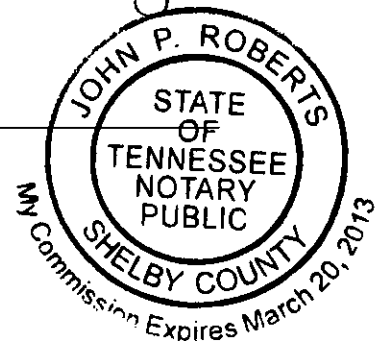
Subscribed and sworn to before me this 17TH day of JANUARY, 2011

Notary Public

My Commission Expires: 03/20/2011

RETURN TO:

John P. Roberts, Attorney
6399 Stage Road
Bartlett, TN 38134
(901) 382-8088





Tom Leatherwood

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.

11014755	
02/11/2011 - 08:59 AM	
5 PGS	
MAX	818233-11014755
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	27.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Return to:
FNTG
Chicago Title | Fidelity National Title | Lawyer's Title
6060 Poplar Avenue, Suite LL37
Memphis, TN 38119

PREPARED BY AND RETURN TO:
JOHN P. ROBERTS, ATTORNEY
6399 Stage Road
Bartlett, Tennessee 38134
(901) 382-8088

QUIT CLAIM DEED

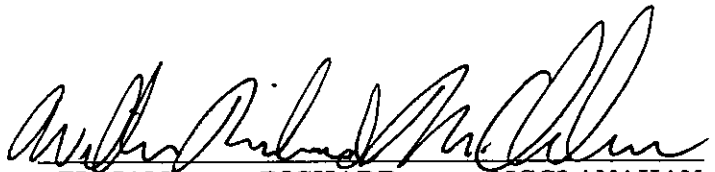
KNOW ALL MEN BY THESE PRESENTS, That **WILLIAM RICHARD MCCLANAHAN**, SUCCESSOR TRUSTEE FOR **JOHN D. MCCLANAHAN** UNDER AGREEMENT DATED **DECEMBER 28, 1989**, for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby bargain, sell, remise, quit claim and convey unto **WILLIAM RICHARD MCCLANAHAN, TRUSTEE OF THE RJS TRUST DATED MARCH 8, 1999**, his undivided 1/2 (One-half) interest in the following described real estate, situated and being in the County of **SHELBY**, State of Tennessee:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

Return to:
FNTG
Chicago Title | Fidelity National Title | Lawyer's Title
6060 Poplar Avenue, Suite LL37
Memphis, TN 38119

BEING all or a part of the same property and description as described in **QUITCLAIM DEED** of record in **Instrument No. JH7598** in the Register's Office of **SHELBY** County, Tennessee.

IN TESTIMONY WHEREOF I (WE) have executed this instrument this the **17TH** day of **JANUARY, 2011**.


WILLIAM RICHARD MCCLANAHAN,
SUCCESSOR TRUSTEE FOR JOHN D.
MCCLANAHAN UNDER AGREEMENT DATED
DECEMBER 28, 1989

THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR TITLE EXAMINATION. PREPARER MAKES NO REPRESENTATIONS CONCERNING THE ADEQUACY OR SUFFICIENCY OF TITLE.

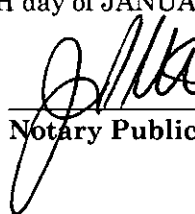
TRUSTEE ACKNOWLEDGMENT

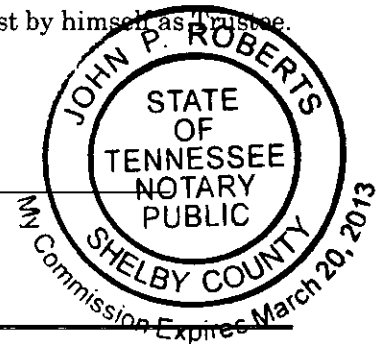
**STATE OF TENNESSEE
COUNTY OF SHELBY**

Personally appeared before me, a Notary Public in and for said State and County, **WILLIAM RICHARD MCCLANAHAN, SUCCESSOR TRUSTEE FOR JOHN D. MCCLANAHAN UNDER AGREEMENT DATED DECEMBER 28, 1989** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged himself to be the **SUCCESSOR TRUSTEE FOR JOHN D. MCCLANAHAN UNDER AGREEMENT DATED DECEMBER 28, 1989**, the within named bargainor, a trust, and that he as such Trustee executed the within instrument for the purposes therein contained, by signing the name of the trust by himself as Trustee.

WITNESS my hand, at office, this 17TH day of JANUARY, 2011.

My Commission Expires: 03/20/2013


Notary Public



MAIL TAX STATEMENTS TO:

**WILLIAM RICHARD MCCLANAHAN, TRUSTEE
THE RJS TRUST DATED MARCH 8, 1999
29 NORMANDY CIRCLE
MEMPHIS, TN 38111**

PROPERTY ADDRESS:

**7117 U.S. HIGHWAY 64
MEMPHIS, TN 38133**

OWNER & ADDRESS:

**WILLIAM RICHARD MCCLANAHAN, TRUSTEE
THE RJS TRUST DATED MARCH 8, 1999
29 NORMANDY CIRCLE
MEMPHIS, TN 38111**

TAX PARCEL I.D.#:

092-002-00005

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief the actual consideration for this transfer is \$ 10.00.

TRANSFER TAX EXEMPT IN ACCORDANCE WITH T.C.A. § 67-4-409(a)(3)(F)


Affiant

Subscribed and sworn to before me this 17TH day of JANUARY, 2011


Notary Public

My Commission Expires: 03/20/2011

RETURN TO:

**John P. Roberts, Attorney
6399 Stage Road
Bartlett, TN 38134
(901) 382-8088**

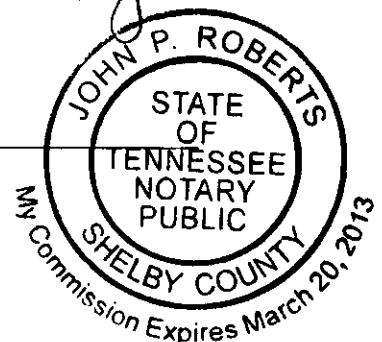


EXHIBIT "A"

LEGAL DESCRIPTION

1.72 acres, more or less, being part of the Mary McClanahan 24.60 acre tract, and being more particularly described as follows:

ORIGINAL MARY MCCLANAHAN 24.60 ACRE TRACT:

24.60 acres, being a part of the Simon Crawford west 80 acres of that part of the H. S. Williams tract lying south of the Memphis and Somerville Road, said 24.60 acres being Lot No. 7 of an unrecorded subdivision made by W. O. Crump of said Simon Crawford tract and said 24.60 acres, being more particularly described as follows:

Beginning in the south line of the Lee Highway (U.S. Highway No. 64) at the northeast corner of the Crawford tract, being the northwest corner of the Rock 107 acres; thence south 7 degrees east along the east line of the Crawford tract 2855.2 feet to a creek; thence west 371.6 feet; thence north 7 degrees west 2909 feet to the south line of Lee Highway; thence eastwardly with said south line 371.6 feet to the point of beginning, containing 24.60 acres according to survey by C.G. Richardson.

This same tract being conveyed to Mary McClanahan by E.W. Mathis and wife, Annie Mathis, b deed dated August 15, 1938, and filed of record in deed book No. 1584, Page 566, in the Register's Office of Shelby County, Tennessee.

LESS AND EXCEPT FIRST CONVEYANCE:

1.01 acres, more or less, conveyed by Mary McClanahan to W.E. McClanahan and wife, Bessie McClanahan, by deed dated August 15, 1938, and filed for record in deed book 1597, Page 328 and by deed of correction dated December 14, 1938, and filed for record in deed book 1606, Page 299, all in the Register's Office of Shelby County, Tennessee, said 1.01 acres being more particularly described as follows:

A one acre lot in the northwest corner of Lot 7 of the unrecorded subdivision made by W.O. Crump of the Simon Crawford 80 acre tract, beginning at a point in the south line of U.S. Highway #64, 271.6 feet west of the northeast corner of said lot 7; thence south and parallel with the east line of the said lot 7, 438.9 feet to a point; thence west and parallel with the south line of U.S. Highway #61, 100 feet to a point in the west line of the said lot 7; thence orth

with the west line of lot 7, 438.9 feet to a point in the south line of U.S. Highway #64; thence east with the south line of U.S. Highway #64, 100 feet to the point of beginning, containing one acre, more or less, and being the one acre lot excepted from the trust deed recorded at Book 1577, Page 299, in the Register's Office of Shelby County, Tennessee.

LESS AND EXCEPT SECOND CONVEYANCE:

20.61 acres, more or less, conveyed by Mary McClanahan to H.T. Edwards and wife, Ruth Edwards, by deed dated July 16, 1954, and filed for record in deed book 3303, page 360, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the west line of the Mary McClanahan 24.60 acres, 438.9 feet south of the south line of U.S. Highway No. 64, being the southwest corner of the W.E. McClanahan tract; running thence eastwardly with the W.E. McClanahan south line, passing his southeast corner on a straight line, approximately 371 feet to a point in the east line of the Mary McClanahan tract; thence south with the Mary McClanahan east line to her southeast corner approximately 24.70 feet; thence westwardly 371.6 feet to the Mary McClanahan southwest corner; thence northwardly with the north line of the Mary McClanahan tract 2416.3 feet to the point of beginning, containing in all 20.61 acres, more or less.

LESS AND EXCEPT THIRD CONVEYANCE:

A Temporary Construction Easement only on the Mary McClanahan McCreight 1.72 acre tract recorded in Book 1584, Page 566, in the Register's Office, Shelby County, Tennessee, being located on the South side of U.S. Highway No. 64, , 500 feet more or less East of Christoval Street, and being more particularly described as follows:

TEMPORARY CONTRUCTION EASEMENT

Being outside and adjacent to the present South right of way line of U.S. Highway No. 64, 33 feet from the center of the existing highway extending from the West line to the Ease line of the subject tract, being 170 feet more or less in the length and variable in width of from 5 feet more or less to 15 feet more or less as shown on the right of way Plan Sheet No. 6 of the subject project.

Containing 0.029 acres.

By this instrument the grantor (Mary McClanahan) hereby conveys a temporary construction easement.

The title to the above described land remains vested in the grantor (Mary McClanahan) and is to be used by the State of Tennessee, its contractors or its assigns for a period of three (3) years.

The consideration mentioned herein included payment for all property rights taken, also payment for any and all incidental damages to the remainder compensable under eminent domain.

LESS AND EXCEPT FIRST DEVISE:

1.01 acres, more or less, devised to Margaret McClanahan by Decedent's Will admitted to probate on May 3, 1996, in the Probate Court of Shelby County, Tennessee, Docket Number B-27390, more particularly described as follows:

Part of Lot 7, W.O. Crump Subdivision of part of the Simon Crawford 80 acres, being more particularly described as follows:

Beginning at a stake in the south line of U.S. Highway #64, 171.6 feet westwardly from the northeast corner of said Lot 7, W.O. Crump Subdivision; thence westwardly along said south line of U.S. Highway #64, 100 feet to a point 100 feet eastwardly from the dividing line between Lots 6 and 7; thence southeastwardly parallel with said dividing line 438.9 feet to a point; thence eastwardly 438.9 feet to the point of beginning; being part of the same property conveyed to Mary McClanahan by warranty deed of record in book 1584, page 566, in the Register's Office of Shelby County, Tennessee.

Return To:
John P. Roberts, Attorney
6399 Stage Road
Bartlett, TN 38134



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

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

February 14, 2025

Brenda Shackleford, CSDG
2305 Kline Avenue, Suite 300
Nashville, Tennessee 37211

Sent via electronic mail to: BrendaS@csdgtm.com

Case Number: Z 2025-001
LUCB Recommendation: Approval

Dear applicant,

On Thursday, February 13, 2025, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 7073-7117 Stage Road to be included in the Commercial Mixed-Use - 2 (CMU-2) Zoning District.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chloe.christion@memphistn.gov.

Letter to Applicant

Z 2025-001

Respectfully,

Chloe Christion

Chloe Christion

Planner II

Land Use and Development Services

Division of Planning and Development

Cc: Caleb Neal, CSDG

File

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, April 8, 2025 at 4:00 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 2025-001
LOCATION: 7073, 7093, 7105 and 7117 Stage Road
COUNCIL DISTRICTS: District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Greg Glaser, Franklin Land Association
REPRESENTATIVE: Brenda Shackleford, CSDG
REQUEST: Rezoning of +/-7.24 acres from Conservation Agriculture (CA) to Commercial Mixed-Use – 2 (CMU-2)

RECOMMENDATIONS:

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

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

NOW, THEREFORE, you will take notice that on Tuesday, April 8, 2025, at 4:00 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

THIS THE _____, _____

FORD CANALE
CHAIRMAN OF COUNCIL

ATTEST:

KAMETRIS WYATT
CITY COMPTROLLER

TO BE PUBLISHED: _____



Legend

polygonLayer


- Override 1
- Override 2

polygonLayer

- Override 1

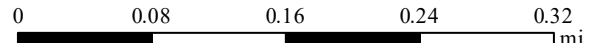

— Roads

▭ Parcels



Map prepared through Shelby County Government's
online mapping Portal on 1/22/2025

N



0 0.08 0.16 0.24 0.32 mi

WATTS DONALD P & KATHRYN A
2955 CHRISTOVAL ST #
MEMPHIS TN 38133

BROOKS DAVID B FAMILY TRUST
12057 CRANSTON DR #
ARLINGTON TN 38002

WELCH WILBUR L & RUBENA B REVOCABLE
2926 CHRISTOVAL ST #
MEMPHIS TN 38133

BROOKS LOUIS D & VIRGIE L
2953 CROWELL ST #
MEMPHIS TN 38133

SMITH WEI L
8659 MEMPHIS ARLINGTON DR #
BARTLETT TN 38133

MCELVAIN JONNY
7185 LAMESA LN #
BARTLETT TN 38133

MOORE DEBORAH L
2954 CHRISTOVAL ST #
MEMPHIS TN 38133

RODRIGUEZ ALFREDO E & MIRIAM J B MACIAS
7192 LAMESA LN #
MEMPHIS TN 38133

MALHOTRA SUHAIL
41 WALLER ST #205
AUSTIN TX 78702

RS RENTAL I LLC
1955 VAL VISTS DR #126
MESA AZ 85204

CHIN M BERNICE
7181 LAMESA LN #
MEMPHIS TN 38133

LOWRIGHT CHRISTOPHER J & JOHANNAH
2920 CHRISTOVAL ST #
MEMPHIS TN 38133

BIGGER TIMOTHY J & AGNES O
2941 CHRISTOVAL ST #
MEMPHIS TN 38133

LAMBERT CRAIG A
7196 LAMESA LN #
MEMPHIS TN 38133

BREWER JOANN L
7195 LAMESA LN #
MEMPHIS TN 38133

SOBCZAK JOHN R & SHERRI L
2946 CHRISTOVAL ST #
BARTLETT TN 38133

STAGECOACH COLLECTION BACELINE LLC
511 BROADWAY #
DENVER CO 80203

POWELL MATTHEW & JENNIFER HARDEE-POWELL
2907 CHRISTOVAL ST #
MEMPHIS TN 38133

POPE JOSEPH D & MADISON
2946 CROWELL ST #
MEMPHIS TN 38133

COOK GREGORY B AND DOUGLAS B COOK (RS)
7200 LAMESA LN #
MEMPHIS TN 38133

DUONG DUNG
7029 LAURA CIR #
BARTLETT TN 38133

GASKINS ARTHUR W
7174 LAMESA LN #
BARTLETT TN 38133

CGW ENTERPRISES LLC
2881 WHITTEN RD #
BARTLETT TN 38134

MASON HARRISON AND JARRARD ENT (50%) AND
PO BOX 751510 #
MEMPHIS TN 38175

DUNN KEVIN M
2939 CROWELL ST #
BARTLETT TN 38133

YU DIANE
3695 STONETRACE CIR #
BARTLETT TN 38135

HOME SFR BORROWER LLC
3505 KOGER BLVD #400
DULUTH GA 30096

THEISEN COLLEEN
2935 CHRISTOVAL ST #
MEMPHIS TN 38133

MONTOYA THERESA
2921 CHRISTOVAL ST #
MEMPHIS TN 38133

BRITTON DOUGLASS L
6988 DEBRA CV #
MEMPHIS TN 38133

CRUTCHFIELD CHRISTOPHER A &
6992 DEBRA CV #
MEMPHIS TN 38133

BANUELOS JONATHAN A L
6997 DEBRA CV #
MEMPHIS TN 38133

HESTER TRAVIS L
6982 JUANITA CIR #
MEMPHIS TN 38133

ODOM ROBERT K
6998 DEBRA CV #
MEMPHIS TN 38133

SOUTHERN PROPERTY INVESTORS
PO BOX 342707 #
MEMPHIS TN 38184

UTLEY CAROLYN L
6988 JUANITA CIR #
MEMPHIS TN 38133

BAPTIST MEMORIAL MEDICAL GROUP INC
350 N HUMPHREYS BLVD #
MEMPHIS TN 38120

MATA ROSA & CESAR L DOMINGUEZ
7003 DEBRA CV #
MEMPHIS TN 38133

VU HAI
2667 LAKESIDE DR #
MEMPHIS TN 38133

CRUZ IRMA B AND NANCY B CRUZ
142 TIMBER CREEK DR #
CORDOVA TN 38018

BAPTIST MEMORIAL MEDICAL GROUP INC
350 N HUMPHREYS BLVD #
MEMPHIS TN 38120

TRAN LIEM N & DO THI CAO
7048 LAURA CIR #
MEMPHIS TN 38133

COUNTRYSIDE CENTER LLC
PO BOX 491817 #
LOS ANGELES CA 90049

RAYFORD SHANIQUA
7021 DEBRA CV #
MEMPHIS TN 38133

WILLIAMS MOE CONSTRUCTION CO INC
7050 LAURA CIR #
MEMPHIS TN 38133

COUNTRYSIDE CENTER LLC
PO BOX 491817 #
LOS ANGELES CA 90047

HERNANDEZ FRANCISCO A
7025 DEBRA CV #
MEMPHIS TN 38133

LEFEVER BETH J
7002 JUANITA CIR #
MEMPHIS TN 38133

SEGERSON PERRI C
7040 DEBRA CV #
MEMPHIS TN 38133

MCDONALD-MARTIN DONNA
7031 DEBRA CV #
MEMPHIS TN 38133

CARTER STEVEN L
7086 MARYLAND CT #
MEMPHIS TN 38133

CONNOLLY THERESA N
6979 DEBRA CV #
MEMPHIS TN 38133

ZUANAZZI FLAVIA G & GIANNI M
7045 DEBRA CV #
MEMPHIS TN 38133

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

FLEMING JESSE K
6983 DEBRA CV #
MEMPHIS TN 38133

VATTER DAVID W AND KRISTY E SMITH (RS)
6978 JUANITA CIR #
MEMPHIS TN 38133

BREWER MAXINE V
7094 MARYLAND CT #
MEMPHIS TN 38133

NGUYEN MICHAEL A & TANIA T
6987 DEBRA CV #
MEMPHIS TN 38133

GOLDSTAR HOMES LLC
3840 WINCHESTER RD #
MEMPHIS TN 38118

JORDAN BRIANNA M
7020 LAURA CIR #
MEMPHIS TN 38133

PROGRESS RESIDENTIAL BORROWER 16 LLC
PO BOX 4090 #
SCOTTSDALE AZ 85261

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

MURPHY ANITA R (ESTATE OF)
7039 LAURA CIR #
MEMPHIS TN 38133

BELLE PROPERTIES GROUP LLC
PO BOX 341381 #
MEMPHIS TN 38184

PERLSEN NATHAN AND TERRANCE E DAVIS (RS)
2829 VAN LEER DR #
MEMPHIS TN 38133

SHORT MARZEE L
2819 MARYLAND CIR #
MEMPHIS TN 38133

MILLER JAMES A & DENA R
7028 LAURA CIR #
MEMPHIS TN 38133

SZIMANOUSS CHRISTOPHER
6991 JUANITA CIR #
MEMPHIS TN 38133

SHIELDS RICKY D
6988 JUANITA CV #
MEMPHIS TN 38133

PANYANOUVONG THRONGSAVANH & XAYPHONE
7112 MARYLAND CT #
MEMPHIS TN 38133

ERAZO WENDY Y & JUAN RODRIGUEZ
6999 JUANITA CIR #
MEMPHIS TN 38133

ALVARADO MARICELA
2814 LAURA CIR #
BARTLETT TN 38133

RILEY PEARLIE
7040 LAURA CIR #
MEMPHIS TN 38133

MULUPURU JAYARAM & SRIMANI
24127 NE 1ST PL #
SAMMAMISH WA 98074

HOME SFR BORROWER LLC
3505 KOGER BLVD #400
DULUTH GA 30096

MITCHELL BRUCE
39483 RIDGE PARK DR #
SEVERANCE CO 80610

SAETHIA AKE & ERIKA WONG
753 EHRHORN AVE #8
MOUNTAIN VIEW CA 94041

FKH SFR C2 LP
1850 PARKWAY PL #900
MARIETTA GA 30067

OROZCO JOSE D & YOLANDA
7120 MARYLAND CT #
MEMPHIS TN 38133

RUIZ EDUARDO S
7029 LAURA CIR #
MEMPHIS TN 38133

TOVAR JOSE S V & BERTHA R MIRANDA
7000 JUANITA CV #
MEMPHIS TN 38133

HENSLEY BILL AND REBA HENSLEY TRUST
784 ROCKY POINT RD #
CORDOVA TN 38018

RAYO JOSE O & PATRICIA VERGARA
7178 RANSDORP DR #
MEMPHIS TN 38133

ALLEN VICTOR A
2808 LAURA CIR #
MEMPHIS TN 38133

STARNES CHRISTOPHER K
7132 MARYLAND CT #
MEMPHIS TN 38133

RUIZ SANDRA
6183 GUFFIN CV #
BARTLETT TN 38135

CERVANTES JUAN J
2808 VAN LEER DR #
MEMPHIS TN 38133

EDINBURGH WANZY G
6985 JUANITA CV #N
MEMPHIS TN 38133

WALKER WILLIAM R
401 UTAH DR #H
PETALUMA CA 94952

ERAZO DAVID & SARAH FRIZZELL
7173 RANSDORP DR #
MEMPHIS TN 38133

FKH SFR PROPCO I LP
1850 PARKWAY PL #900
MARIETTA GA 30067

NOBLE FAMILY TRUST
2745 PARK CREST CV #
CORDOVA TN 38016

DIXON JOSEPH S & A CHRISTINE
2774 VAN LEER DR #
MEMPHIS TN 38133

KING DAVID JR & TANJA
2802 LAURA CIR #
MEMPHIS TN 38133

DUONG DUNG P
7029 LAURA CIR #
MEMPHIS TN 38133

RICE MARY L
2962 CHRISTOVAL ST #
BARTLETT TN 38133

FKH SFR PROPCO I LP
1850 PARKWAY PL #900
MARIETTA GA 30067

CHRISTIAN SOPHIA G AND YOHAN K RATHOD
2792 VAN LEER DR #
MEMPHIS TN 38133

HARDIN RANDLE D & LORENZA S
2947 CHRISTOVAL ST #
MEMPHIS TN 38133

GLASS KELLY
2801 LAURA CIR #
BARTLETT TN 38133

FLORES KIMBERLY D
7172 VOLENDAM CV #
MEMPHIS TN 38133

WHEETLEY NICOLE D
7187 LAMESA LN #
BARTLETT TN 38133

STRANGE JOHN R & TRISH RUTH LANDON
2803 MARYLAND CIR #
MEMPHIS TN 38133

GATERE SOPHIAH M
700 STONEFIELD CIR #727
MAUSTON WI 53948

SHOOK PATRICIA A
7189 LAMESA LN #
MEMPHIS TN 38133

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

FAUST LISA C
2776 VAN DER VEER DR #
MEMPHIS TN 38133

SUAREZ JOSE S
7199 LAMESA LN #
MEMPHIS TN 38133

ISOM LARRY E & PATRICIA A
1430 RABBIT RIDGE RD #
RED BANKS MS 38661

JACKSON LUTHER E & PEGGY J
2786 VAN LEER DR #
MEMPHIS TN 38133

LI XINGCHEN
743 E MANDEVILLA WAY #
AZUSA CA 91702

MENDEZ J SANTOS & CLARA
7003 JUANITA CV #
MEMPHIS TN 38133

HARRELL SHANNON D
7095 MARYLAND CIR #
MEMPHIS TN 38133

POWERS DAVID M
7209 LAMESA LN #
MEMPHIS TN 38133

GARCETE OSCAR & LIDA BAZAN
7178 VOLENDAM CV #
MEMPHIS TN 38133

AUTIN DONEL C JR
451 BAXTER RD #
LOVELAND OH 45140

SMITH KATELYN R AND ZACKERY B EVANS (RS)
2914 CHRISTOVAL ST #
BARTLETT TN 38133

CHU DANNY W
385 FARLEY CMN #
FREMONT CA 94539

KOPPE ROBERT W & CAROLYN
217 HERITAGE POINTE #
WILLIAMSBURG VA 23188

GOINSPLACES LLC
1519 UNION AVE #397
MEMPHIS TN 38104

DAVENPORT MARILYN
2906 CHRISTOVAL ST #
MEMPHIS TN 38133

SOLIMAN AHMED
7041 DEBRA CV #
MEMPHIS TN 38133

SPENCER STEPHANIE AND RICKY KING (RS)
7041 LAURA CIR #
MEMPHIS TN 38133

NNN REIT INC
450 S ORANGE AVE #900
ORLANDO FL 32801

LAVARIAS KAREN E
7034 LAURA CIR #
MEMPHIS TN 38133

KRUPINSKI ROBERT J
2815 MARYLAND CIR #
MEMPHIS TN 38133

SHERWIN-WILLIAM DEV CORP
101 W PROSPECT AVE #
CLEVELAND OH 44115

ELLIS OSCAR & KYOKO
7116 MARYLAND CT #
MEMPHIS TN 38133

PHILLIPS THELMA & TERRY
7010 JUANITA CV #
MEMPHIS TN 38133

STONE PROPERTIES GP
PO BOX 11553 PL #
MEMPHIS TN 38111

MILFORD ANNIE M
7136 MARYLAND CT #
MEMPHIS TN 38133

HOWELL WILLIAM W SR
2810 MARYLAND CIR #
MEMPHIS TN 38133

OROX LLC
PO BOX 1104 #
CULVER CITY CA 90232

BRADFORD JENNIFER AND JIMMY E BRADFORD A
2825 MARYLAND CIR #
MEMPHIS TN 38133

PEEPLS-DICOCCO LIVING TRUST
3455 COUNTY ROAD 751 #
JONESBORO AR 72405

RUSSELL DEDRICK D
6984 DEBRA CV #
MEMPHIS TN 38133

FIELDS ZANE
7003 JUANITA CIR #
MEMPHIS TN 38133

SLAUGHTER CHRISTOPHER L & DEMETRIA R
2811 MARYLAND CIR #
MEMPHIS TN 38133

HOME SFR BORROWER II LLC
3505 KOGER BLVD #400
DULUTH GA 30096

ORELLANA GISELLE E
7162 RANSDORP DR #
MEMPHIS TN 38133

WALKER SHIRLEY
7030 LAURA CIR #
MEMPHIS TN 38133

VONGPHRACHANH PHIENGMANH & SOMJIT
7032 DEBRA CV #
MEMPHIS TN 38133

COOPER ARNETTA AND JOHN E HUGHES (RS)
2820 MARYLAND CIR #
BARTLETT TN 38133

PARNELL BRUCE
7034 LAURA CIR #
MEMPHIS TN 38133

DAVIE WILLIAM S SR AND MARY A CHASTAIN
2869 ASPEN GLADE CV #
CORDOVA TN 38016

BOGEN DONALD
2823 VAN LEER DR #
MEMPHIS TN 38133

LINK MARGARET M
7179 RANSDORP DR #
MEMPHIS TN 38133

MURAYA JENNIFER M
6993 DEBRA CV #
MEMPHIS TN 38133

JOHNSON EQUITY GROUP INC AND ROBERT J
1661 INTERNATIONAL DR #400
MEMPHIS TN 38120

LONG DEBORAH L
2807 MARYLAND CIR #
MEMPHIS TN 38133

VM MASTER ISSUER LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

CEREZO SANDRA L
2768 VAN LEER DR #
MEMPHIS TN 38133

GALVAN REBECCA L
7116 MARKIM DR #
MEMPHIS TN 38133

REDD MARTHA M
2795 VAN DER VEER DR #
MEMPHIS TN 38133

SPECIALIZED IRA SERVICES FBO HARRIER
PO BOX 3587 #
ALBUQUERQUE NM 87190

HOME SFR BORROWER III LLC
3505 KOGER BLVD #400
DULUTH GA 30096

OLYMPUS BORROWER LLC
PO BOX 4090 #
SCOTTSDALE AZ 85261

HALE CAROLYN A
2760 VAN LEER DR #
MEMPHIS TN 38133

SCHULER INVESTMENTS LLC
1707 STILLWIND LN #
COLLIERVILLE TN 38017

BRYAN MATTHEW
6915 FOX CHASE DR #
SOUTHAVEN MS 38671

AG AIM MEMPHIS RE HOLDINGS LLC
7007 STAGE RD #
BARTLETT TN 38133

LAPUH ALLEN J
2803 VAN LEER DR #
MEMPHIS TN 38133

PARNELL BRYAN
7184 VOLENDAM CV #
MEMPHIS TN 38133

CARPENTER GENEKA J
7124 MARYLAND CT #
MEMPHIS TN 38133

JONES DESHONDA
2804 MARYLAND CIR #
MEMPHIS TN 38133

RODRIGUEZ JOAQUIN
2791 VAN DER VEER DR #
MEMPHIS TN 38133

DAVENPORT MARILYN A
2906 CHRISTOVAL ST #
MEMPHIS TN 38133

DAVIS LATONYA
2802 MARYLAND CIR #
MEMPHIS TN 38133

KING DAVID S & PENNY
7198 VOLENDAM CV #
MEMPHIS TN 38133

STAGECOACH COLLECTION BACELINE LLC
511 BROADWAY #
DENVER CO 80203

NAPA HOMES LLC
10023 NW 53RD CT #
CORAL SPRINGS FL 33076

ML GROUP PROPERTIE LLC
1741 TROON CV #
GERMANTOWN TN 38139

CRAIG TERRI L
7125 MARYLAND CIR #
BARTLETT TN 38133

EPPERSON CHARLIE L JR AND JANET M
PO BOX 11346 #
MEMPHIS TN 38111

IVY WILLIE F & TRACY M
2779 VAN DER VEER DR #
MEMPHIS TN 38133

WARD DERRICK
7102 MARKIM DR #
MEMPHIS TN 38133

COOPER SMORI P
2793 MARYLAND CIR #
MEMPHIS TN 38133

GODMAN SHERRY B AND ANTHONY ROGERS (RS)
7178 DEVENTER CV #
MEMPHIS TN 38133

LAM DANG H
7108 MARKIM DR #
MEMPHIS TN 38133

HAMMETT JAMES F III & SAMANTHA B
7083 MARYLAND CIR #
MEMPHIS TN 38133

STOLTZ ELIZABETH
500 WESTOVER DR #10747
SANFORD NC 27330

MCCLANAHAN JOHN D TRUST (1/2%) AND RJS
29 NORMANDY CIR #
MEMPHIS TN 38111

VSM FAMILY TRUST
PO BOX 1209 #
TRAVIS AFB CA 94535

CARIOTA DONALD J & JOANN
7185 VOLENDAM CV #
MEMPHIS TN 38133

RJS TRUST AND JOHN D MCCLANAHAN
29 NORMANDY CIR #
MEMPHIS TN 38111

CRUZ MARCOS I
2775 VAN LEER DR #
COLLIERVILLE TN 38017

STAGECOACH COLLECTION BACELINE LLC
511 BROADWAY #
DENVER CO 80203

MCCLANAHAN WILLIAM R AND SHIRLEY A
29 NORMANDY CIR #
MEMPHIS TN 38111

VRH MARKIM TRUST
75 CANYON RD #
SANDIA PARK NM 87047

NFH2 G P
5858 RIDGEWAY CENTER PKWY #
MEMPHIS TN 38120

RJS TRUST
29 NORMANDY CIR #
MEMPHIS TN 38111

CHAVES JORGE E & AMELIA M
7072 MARKIM DR #
MEMPHIS TN 38133

DAEDALUS INNOVATIONS
950 HARBOR VIEW DR #
MEMPHIS TN 38103

WOODARD GARY L AND AMY D CHRISTIAN (RS)
2954 CROWELL ST #
MEMPHIS TN 38133

REYES JOSE J
7078 MARKIM DR #
MEMPHIS TN 38133

HOOMAN OKTAEI INC
5644 BARFIELD RD #
MEMPHIS TN 38120

GEORGE JOSEPH A
7173 LAMESA LN #
BARTLETT TN 38133

TORRES ELIEZER & ROXANNA Y
7086 MARKIM DR #
MEMPHIS TN 38133

6975 STAGE ROAD LLC
2424 RIDGE RD #
ROCKWALL TX 75087

FKH SFR PROPCO B HLD LP
1850 PARKWAY PL #900
MARIETTA GA 30067

BELL KIMBERLY L
7092 MARKIM DR #
MEMPHIS TN 38133

SHAW LAWRENCE E & MARIE L
7004 DEBRA CV #
MEMPHIS TN 38133

WILKS KIMBERLY
7188 LAMESA LN #
MEMPHIS TN 38133

SMITH MATTHEW R & STEPHANIE
2771 VAN LEER DR #
MEMPHIS TN 38133

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

STAFFORD ROBIN
3554 BLUE SLATE CV #
BARTLETT TN 38133

HOME SFR BORROWER LLC
3505 KOGER BLVD #400
DULUTH GA 30096

VINCENT RONALD & ALISA
70 FOREST EDGE DR #
EADS TN 38028

WILSON CAROLYN D
8936 LUDGATE PL #
CORDOVA TN 38016

WITHERS CAROLYN REVOCABLE LIVING TRUST
7122 MARKIM DR #
MEMPHIS TN 38133

SEU MI AND HUNG PICH
7128 MARKIM DR #
MEMPHIS TN 38133

LE KIEN T
2806 MARYLAND CIR #
MEMPHIS TN 38133

MARTINEZ MARIA A
2791 MARYLAND CIR #
MEMPHIS TN 38133

FKH SFR PROPCO D LP
1850 PARKWAY PL #900
MARIETTA GA 30067

MUTCHLER PHILLIP E
2803 MARYLAND CIR #
MEMPHIS TN 38133

SALAS RUBEN A & CLAUDIA S
2790 MARYLAND CIR #
MEMPHIS TN 38133

COUNTRYSIDE CENTER LLC
PO BOX 491817 #
LOS ANGELES CA 90047

PINE GROVE RESIDENTIAL FUNDING I LLC
1999 BRYAN ST #13
DALLAS TX 75201

HARRIS LARESHA
7079 MARYLAND CIR #
MEMPHIS TN 38133

GASCA MARCO
7190 RANSDORP DR #
MEMPHIS TN 38133

PRYOR GEORGE L
1319 FAIRFIELD ST #
GLENDALE CA 91201

HEMENWAY JEFFREY N
3534 MARTIN DR #
SAN MATEO CA 94402

CHUANG FUKAI L & VICKY TSENG
20661 WALNUT CIR #
PORTER RANCH CA 91326

ALVARADO CALIXTO
7058 MARKIM DR #
BARTLETT TN 38133

STEPHENS DONALD O
7099 MARYLAND CIR #
MEMPHIS TN 38133

ROGERS GARRY & SYLVIA
7206 RANSDORP DR #
MEMPHIS TN 38133

EGBERT JAMES
7033 LAURA CIR #
MEMPHIS TN 38133

KOONCE RONALD D & IDALINA M
7103 MARYLAND CIR #
MEMPHIS TN 38133

CARROLL JACKIE
7115 MARYLAND CT #
MEMPHIS TN 38133

LEGOLVAN JOSEPH H
2424 S ORCHARD ST #
DENVER CO 80228

FKH SFR C2 LP
1850 PARKWAY PL #900
MARIETTA GA 30067

DEVILLE HOLLY Y & JACK M
2809 VAN LEER DR #
MEMPHIS TN 38133

PROGRESS RESIDENTIAL BORROWER 17 LLC
PO BOX 4090 #
SCOTTSDALE AZ 85261

LEYVA JOHN AND JOHN O LEYVA SR (RS)
7107 MARYLAND CIR #
MEMPHIS TN 38133

NAPA HOMES LLC
10023 NW 53RD CT #
CORAL SPRINGS FL 33076

ACENCIO JUAN J AND EMILIA PALMA
2794 MARYLAND CIR #
MEMPHIS TN 38133

RAMIREZ JESSICA M
2786 MARYLAND CIR #
MEMPHIS TN 38133

IGIELSKI JANICE
2808 MARYLAND CIR #
MEMPHIS TN 38133

HOME SFR BORROWER III LLC
3505 KOGER BLVD #400
DULUTH GA 30096

JEDI INVESTMENTS LLC
6388 HUNTINGTON DR #
CARLSBAD CA 92009

HOME SFR BORROWER LLC
3505 KOGER BLVD #400
DULUTH GA 30096

ARMM ASSET COMPANY 2 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

MAXWELL JOHN B JR (TR)
766 S WHITE STATION RD #2
MEMPHIS TN 38117

MAXWELL JOHN B JR (TR)
766 S WHITE STATION RD #2
MEMPHIS TN 38117

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 03/25/2025

DATE

PUBLIC SESSION: 04/08/2025

DATE

ITEM (CHECK ONE)

☒ **ORDINANCE** ☐ **RESOLUTION** ☒ **REQUEST FOR PUBLIC HEARING**

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize the designation of a new Historic (H) Overlay District to include 43 residential properties within the 2000 to 2100 block of Carr Avenue, known as case number HDD 2024-0001

CASE NUMBER: HDD 2024-0001

LOCATION: 43 properties within the 2000 to 2100 block of Carr Avenue between Diana Street and Cooper Street

COUNCIL DISTRICTS: District 4 and Super District 9 – Positions 1, 2 and 3

OWNER/APPLICANT: Hunter Oppenheimer and 41 others

REPRESENTATIVES: Hunter Oppenheimer

REQUEST: Designation of a new Historic (H) Overlay District

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – March 18, 2025
Second reading – March 25, 2025
Third reading – April 8, 2025

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
02/13/2025 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
Margaret F. Payne	3/10/25	URBAN DESIGN & PRESERVATION PLANNER
		DEPUTY ADMINISTRATOR
Brett R. R.	3/10/25	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

HDD 2024-0001

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE THE DESIGNATION OF A NEW HISTORIC (H) OVERLAY DISTRICT TO INCLUDE 43 RESIDENTIAL PROPERTIES WITHIN THE 2000 TO 2100 BLOCK OF CARR AVENUE BETWEEN DIANA STREET AND COOPER STREET, KNOWN AS CASE NUMBER HDD 2024-0001

- This item is an ordinance for establishment of a Historic (H) Overlay District at the aforementioned location; and
- Approval of this establishment of a historic overlay district will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE THE DESIGNATION OF A NEW HISTORIC (H) OVERLAY DISTRICT TO INCLUDE 43 PROPERTIES WITHIN THE 2000 TO 2100 BLOCK OF CARR AVENUE BETWEEN DIANA STREET AND COOPER STREET, KNOWN AS CASE NUMBER HDD 2024-0001.

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: HDD 2024-0001**; 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 PROPERTIES OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) AND COMMERCIAL MIXED USE – 1 (CMU-1) DISTRICTS AND INCLUDING THEM IN THE RESIDENTIAL SINGLE-FAMILY HISTORIC – 6 (R-6[H]) AND COMMERCIAL MIXED USE HISTORIC – 1 (CMU-1[H]) DISTRICTS.

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

FORTY-THREE PROPERTIES WITHIN THE 2000 TO 2100 BLOCK OF CARR AVENUE BETWEEN DIANA STREET TO THE WEST AND COOPER STREET TO THE EAST AS ILLUSTRATED ON THE BOUNDARY MAP ATTACHMENT.

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.

PARCEL NUMBERS

Carr Avenue Address	Parcel Number	Property Owner	Mailing Address
2035	01605800001	William Howard Sr & Linda Howard	2035 Carr Avenue, Memphis, TN 38104
2038	01606000050	Jean H Oppenheimer	2038 Carr Avenue, Memphis, TN 38104
2039	01605800002	Andrew Williams	2039 Carr Avenue, Memphis, TN 38104
2040	01606000049	Lauren Gates	2040 Carr Avenue, Memphis, TN 38104
2042	01606000048	Lindsey & Mark Neal	2042 Carr Avenue, Memphis, TN 38104
2044	01606000047	Haley C. Overcast	2044 Carr Avenue, Memphis, TN 38104
2046	01606000046	Kassey Pass	2046 Carr Avenue, Memphis, TN 38104
2047	01605800003	Delori Dever, Andra Allgood, Elliott Dever	2047 Carr Avenue, Memphis, TN 38104
2049	01605800004	Peter & Tina Sullivan	2049 Carr Avenue, Memphis, TN 38104
2052	01606000045	DJS Holdings, LLC	1900 Starling Drive, Jonesboro, AR 72401
2053	01605800005	Terri Harris	2053 Carr Avenue, Memphis, TN 38104
2054	01606000044	Ava Middleton	2054 Carr Avenue, Memphis, TN 38104
2060	01606000042C	Ronald Coleman	3406 Democrat Road, Memphis, TN 38118
2061	01605800006	Laurie Major Living Trust	2061 Carr Avenue, Memphis, TN 38104
2063	01605800007	William C & Sarah O'Daniel	2063 Carr Avenue, Memphis, TN 38104
2064	01606000041	Susan Brown	2064 Carr Avenue, Memphis, TN 38104
2065	01605800008	William G Gillespie & William P Gillespie II	2065 Carr Avenue, Memphis, TN 38104
2066	01606000040	Jamie Boller & Hugh Raup	2066 Carr Avenue, Memphis, TN 38104
2067	01605800009	Jake Hopkins	2067 Carr Avenue, Memphis, TN 38104
2068	01606000039	Amanda Bearden	2068 Carr Avenue, Memphis, TN 38104
2069	01605800010	David Carrier	2069 Carr Avenue, Memphis, TN 38104
2070	01606000038	Mary K Walton	2070 Carr Avenue, Memphis, TN 38104
2071	01605800011	James S Speed	2071 Carr Avenue, Memphis, TN 38104
2072	01606000037	Juana H McCoy	2072 Carr Avenue, Memphis, TN 38104
2073	01605800012	Hayden Malone	2073 Carr Avenue, Memphis, TN 38104
2074	01606000036	Gina Ritchey	2074 Carr Avenue, Memphis, TN 38104
2075	01605800013	Bettina Gaycken	2075 Carr Avenue, Memphis, TN 38104
2076	01606000035	David & Cynthia Hymel	2076 Carr Avenue, Memphis, TN 38104
2079	01605800014	Mary Marten	2079 Carr Avenue, Memphis, TN 38104
2080	01606000034	Wade Rhea	2080 Carr Avenue, Memphis, TN 38104
2085	01605800015	Justin & Mary Smith	2085 Carr Avenue, Memphis, TN 38104
2090	01606000033	Genesis Parker	2090 Carr Avenue, Memphis, TN 38104
2093	01605800016	Catherine Wilkinson	2093 Carr Avenue, Memphis, TN 38104
2094	01606000032	Amy G & Sophia Starks	2094 Carr Avenue, Memphis, TN 38104
2095	01605800017	Jeremiah & Gabrielle Littrice	2095 Carr Avenue, Memphis, TN 38104
2096	01606000031	Regan Hill & Glenn B Williams	2096 Carr Avenue, Memphis, TN 38104
2101	01605800046	Lindsey Medlin	2101 Carr Avenue, Memphis, TN 38104
2102	01606000030	Linda Walston	2102 Carr Avenue, Memphis, TN 38104
2103	01605800047	Marissa Actis	2103 Carr Avenue, Memphis, TN 38104
2105	01605800019	Jonathan & Courtney Brafford	6491 Kirby Woods Drive, Memphis, TN 38119
2107	01605800020	Galen Givens-Rowlin	2107 Carr Avenue, Memphis, TN 38104
2119	01605800021	Rodney Nash	2119 Carr Avenue, Memphis, TN 38104
2121	01605800022	Rodney Nash	2119 Carr Avenue, Memphis, TN 38104

ATTEST:

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 13, 2025**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	HDD 2024-0001
LOCATION:	43 properties within the 2000 to 2100 block of Carr Avenue between Diana Street and Cooper Street
COUNCIL DISTRICT(S):	District 4, Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Hunter Oppenheimer and 41 others
REPRESENTATIVE:	Hunter Oppenheimer
REQUEST:	Designation of a new Historic (H) Overlay District

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.

Respectfully,



Margot Payne
Urban Design & Preservation Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

HISTORIC (H) OVERLAY DISTRICT BOUNDARIES



PARCEL NUMBERS

Carr Avenue Address	Parcel Number	Property Owner	Mailing Address
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2044	01606000047	Haley C. Overcast	2044 Carr Avenue, Memphis, TN 38104
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2047	01605800003	Delori Dever, Andra Allgood, Elliott Dever	2047 Carr Avenue, Memphis, TN 38104
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2073	01605800012	Hayden Malone	2073 Carr Avenue, Memphis, TN 38104
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2075	01605800013	Bettina Gaycken	2075 Carr Avenue, Memphis, TN 38104
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2080	01606000034	Wade Rhea	2080 Carr Avenue, Memphis, TN 38104
2085	01605800015	Justin & Mary Smith	2085 Carr Avenue, Memphis, TN 38104
2090	01606000033	Genesis Parker	2090 Carr Avenue, Memphis, TN 38104
2093	01605800016	Catherine Wilkinson	2093 Carr Avenue, Memphis, TN 38104
2094	01606000032	Amy G & Sophia Starks	2094 Carr Avenue, Memphis, TN 38104
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2096	01606000031	Regan Hill & Glenn B Williams	2096 Carr Avenue, Memphis, TN 38104
2101	01605800046	Lindsey Medlin	2101 Carr Avenue, Memphis, TN 38104
2102	01606000030	Linda Walston	2102 Carr Avenue, Memphis, TN 38104
2103	01605800047	Marissa Actis	2103 Carr Avenue, Memphis, TN 38104
2105	01605800019	Jonathan & Courtney Brafford	6491 Kirby Woods Drive, Memphis, TN 38119
2107	01605800020	Galen Givens-Rowlin	2107 Carr Avenue, Memphis, TN 38104
2119	01605800021	Rodney Nash	2119 Carr Avenue, Memphis, TN 38104
2121	01605800022	Rodney Nash	2119 Carr Avenue, Memphis, TN 38104

AGENDA ITEM: 17 **L.U.C.B. MEETING:** February 13, 2025

CASE NUMBER: HDD 2024-0001

LOCATION: 43 properties within the 2000 to 2100 block of Carr Avenue.

COUNCIL DISTRICT: District 4 and Super District 9 – Positions 1, 2 and 3

REPRESENTATIVE: Hunter Oppenheimer

REQUEST: Designation of a new Historic (H) Overlay District

CONCLUSIONS

1. The request is to designate multiple properties to be included in a new Historic (H) Overlay District and to adopt design guidelines to apply within the proposed Carr Avenue Historic District. The proposed district includes 43 residential properties within the 200 to 2100 block of Carr Avenue, between Diana Street and Cooper Street, within the Idlewild National Register Historic District, listed on the National Register of Historic Places since 1999.
2. The Landmarks Commission reviewed and approved the proposed design guidelines and properties to be included in the district on January 23, 2025. The design guidelines will be used by the Memphis Landmarks Commission and the Land Use and Development Services staff to review projects within the district and for issuance of Certificates of Appropriateness. The review process will include new construction, exterior alterations, additions, site improvements, relocation, and demolition projects within the proposed district boundaries to preserve properties with historical, cultural, architectural, and geographic significance and promote historic preservation within the City of Memphis. The proposed historic overlay district will be an addition to the existing eighteen (18) local historic districts within the City.
3. This application is a recommendation for approval by the Landmarks Commission to the Land Use Control Board. The Land Use Control Board will review this application and make a recommendation to the Memphis City Council. The Memphis City Council will review the rezoning application and on the third (3rd) and final reading will hold a public hearing on whether this area is to be rezoned as a new Historic (H) Overlay District.

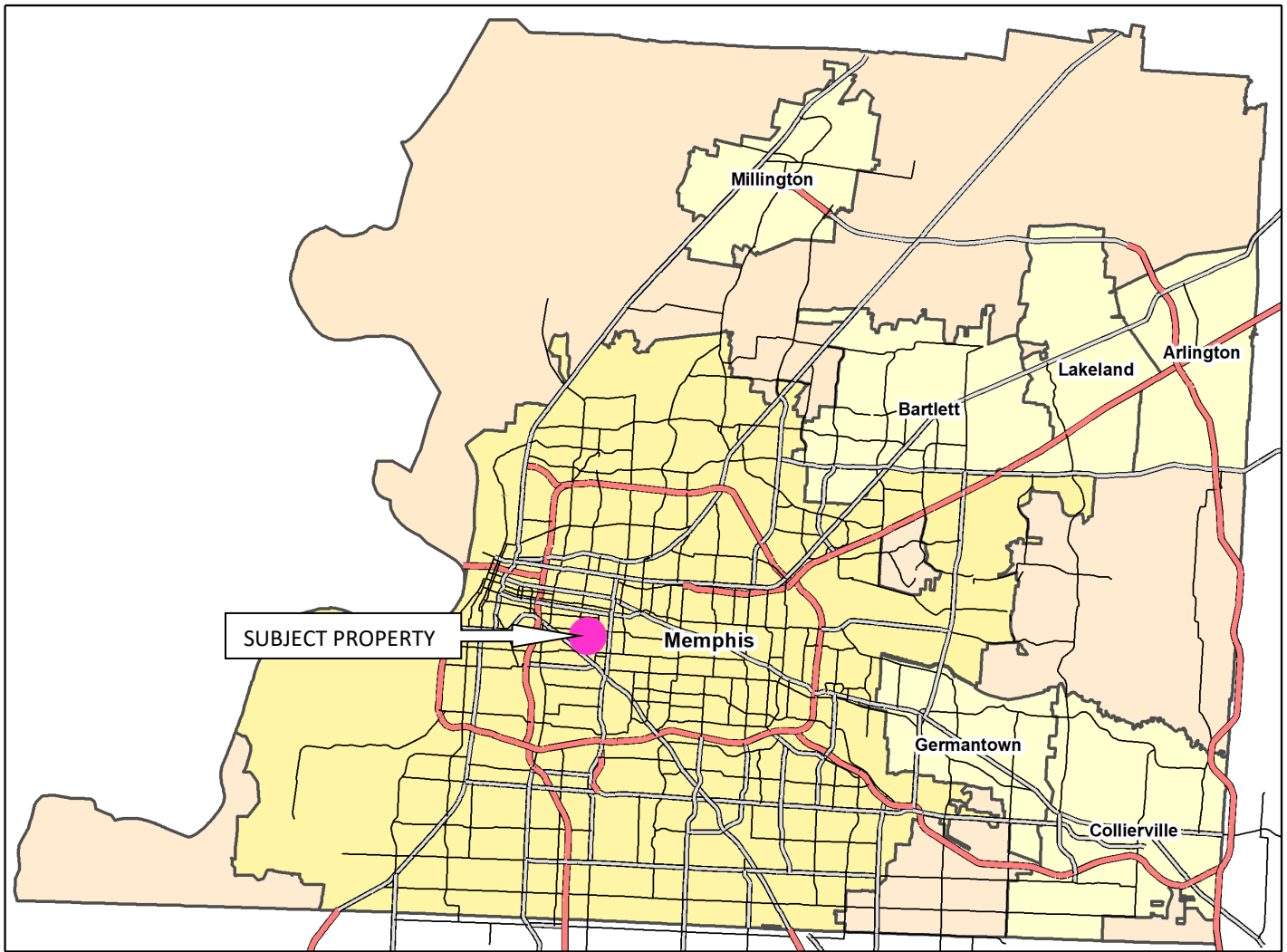
CONSISTENCY WITH MEMPHIS 3.0

Not Applicable - The Memphis 3.0 Plan does not make recommendations related to the creation of historic overlay districts.

RECOMMENDATION:

Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject properties highlighted in green

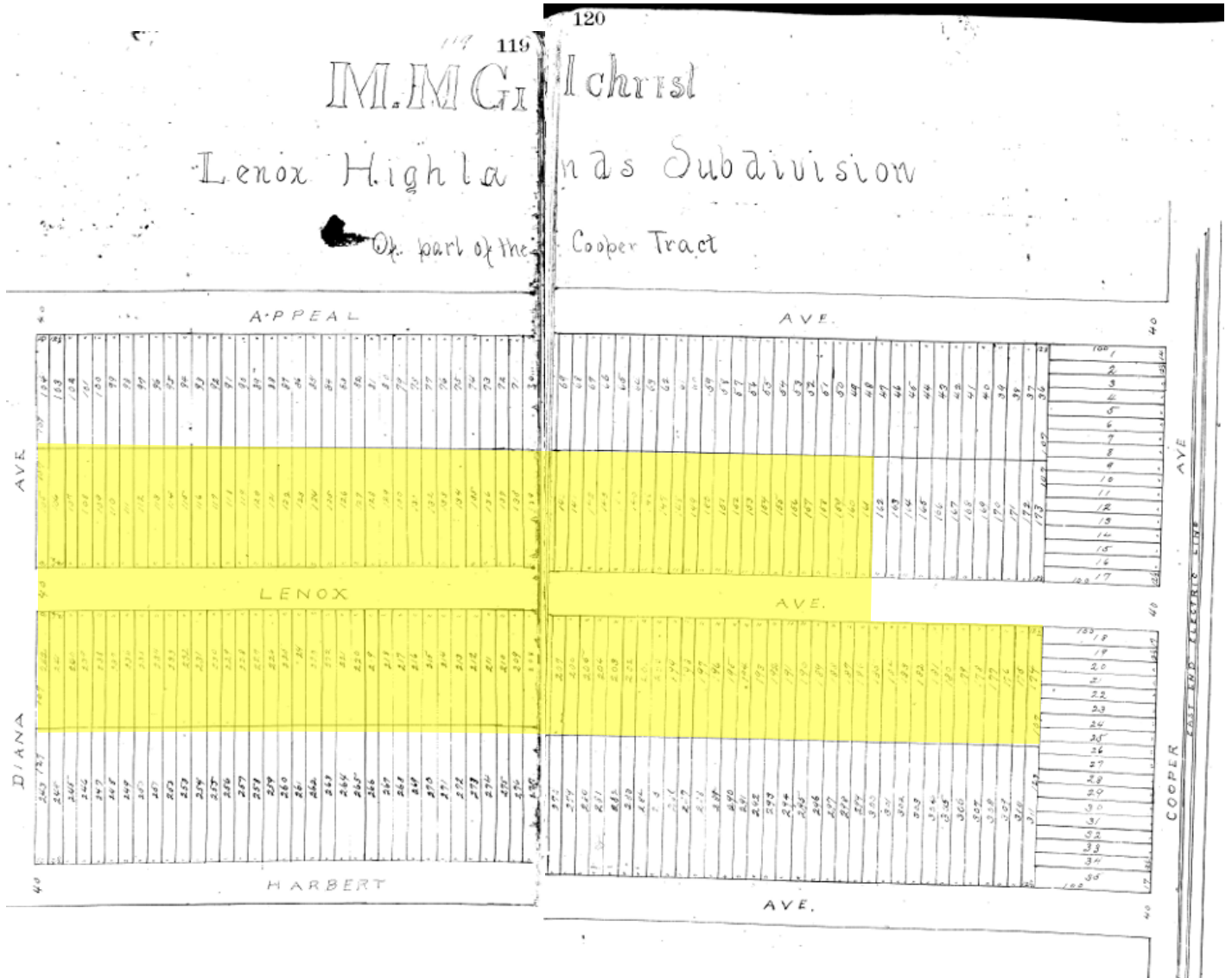
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 93 notices were mailed on January 23, 2025, see page 13 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 14 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

Two neighborhood meetings were held at 6:30 pm at the Park Avenue Masonic Lodge, 539 Cooper Street, on July 18 and August 29, 2024.

M. M GILCHRIST LENOX HIGHLANDS SUBDIVISION (1919) (PLAT BOOK 3 PAGES 119-120)



Subject properties highlighted in yellow, Lots 105-161 and 175-239

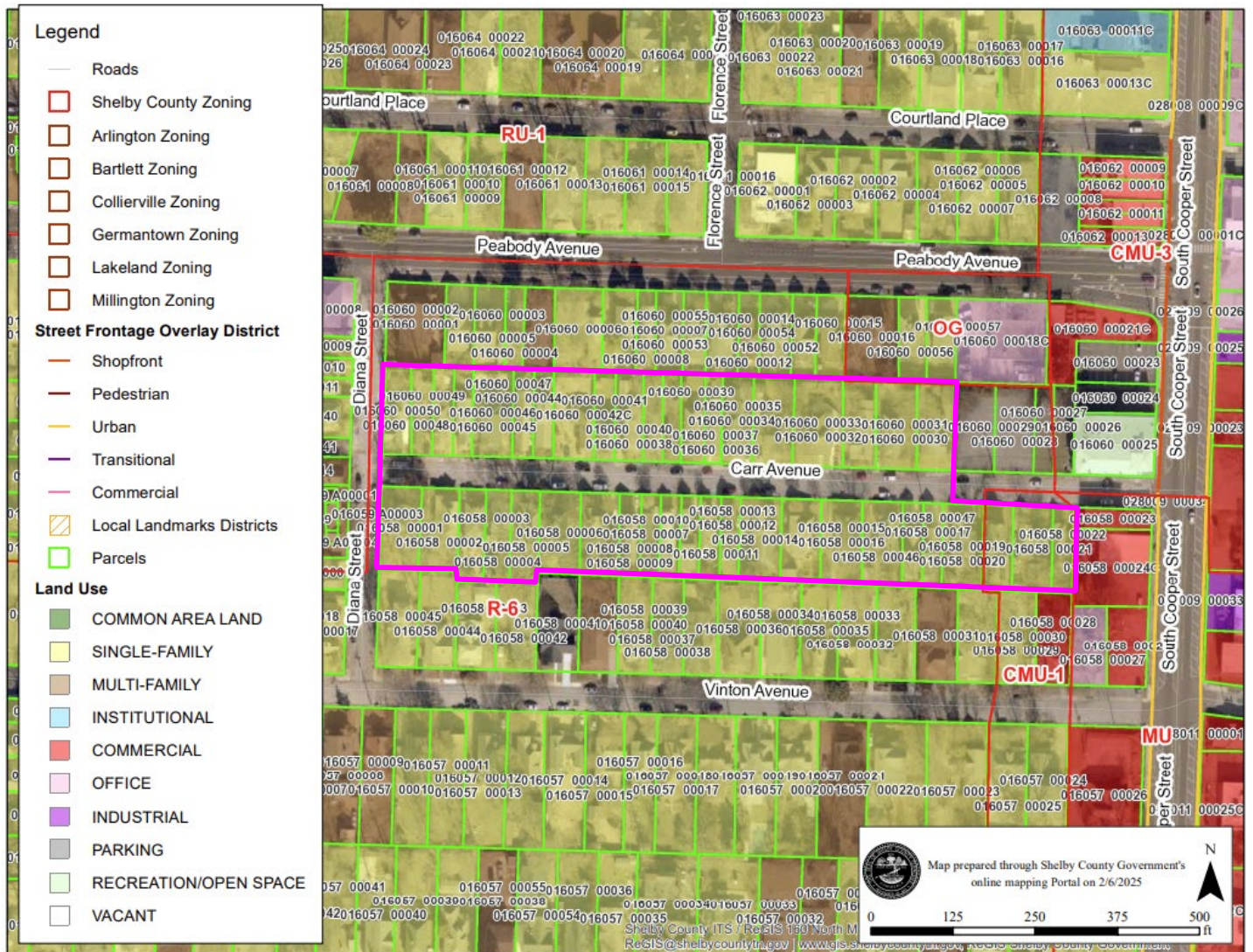
ZONING MAP



Subject properties outlined in yellow, imagery from 2017

Existing Zoning: Residential Single-Family - 6 (R-6) and Commercial Mixed Use – 1 (CMU-1)

LAND USE MAP

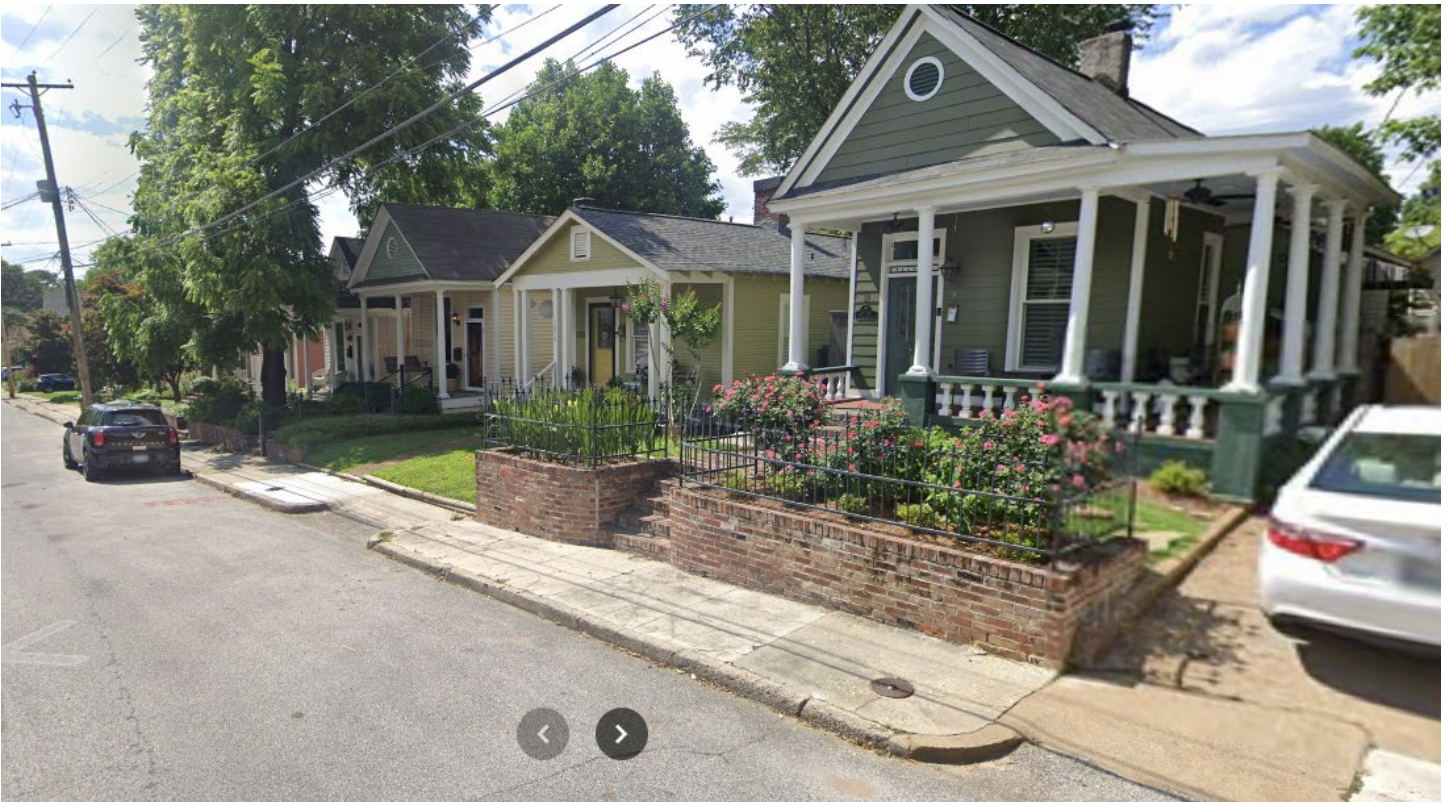


Subject properties outlined in pink.

SITE PHOTOS



View of subject properties from Cooper Street and Carr Avenue looking southwest



View of subject properties from Carr Avenue looking northwest



View of subject properties from Carr Avenue looking southeast.



View of subject properties from Carr Avenue looking northeast

CASE REVIEW

Request

The application has been added to this report. See pages 15 to 46 of this staff report for the application.

Designation of a new Historic (H) Overlay District of an area of 4.53 acres which contains 43 parcels with Residential Single-Family - 6 (R-6) and Commercial Mixed Use – 1 (CMU-1) zoning.

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B and Sub-Section 8.6.2E of the Unified Development Code are met.

9.5.7B Review Criteria

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

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

8.6.2E Criteria for Designation

Any use permitted in the underlying zoning district shall also be permitted in a Historic Overlay District. In addition to the zoning change criteria (see Chapter 9.5, Zoning Change), an application for a Historic Overlay District zoning change shall meet one or more of the following criteria, in that they are:

- 8.6.2E(1) Associated with events which have made a significant contribution to local, state or national history; or*
- 8.6.2E(2) Associated with persons significant in our past; or*
- 8.6.2E(3) Comprised of structures or groups of structures that embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master or possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- 8.6.2E(4) Likely to yield archaeological information; or*
- 8.6.2E(5) Listed in the National Register of Historic Places.*

Site Details

Address:

43 properties within the 2000 to 2100 block of Carr Avenue

Parcel IDs:

016060 00030 - 016060 00050

016058 00001 - 016058 00022

Area:

+/-4.53 acres

Site Description

The subject area is +/-4.53 acres and comprised of forty-three (43) parcels. The area includes multiple single-family properties and includes Residential Single-Family - 6 (R-6) and Commercial Mixed Use – 1 (CMU-1) zoning districts.

Analysis

The applicant's request is to designate multiple properties to be included in a new Historic (H) Overlay District and to adopt design guidelines to apply within the proposed Carr Avenue Historic District. The proposed district includes 43 residential properties within the Idlewild National Register Historic District, listed on the National Register of Historic Places since 1999.

The design guidelines will be used by the Memphis Landmarks Commission and the Land Use and Development Services staff to review projects within the district and for issuance of Certificates of Appropriateness. The review process will include new construction, exterior alterations, additions, site improvements, relocation, and demolition projects within the proposed district boundaries to preserve properties with historical, cultural, architectural, and geographic significance and promote historic preservation within the City of Memphis. The proposed historic overlay district will be an addition to the existing eighteen (18) local historic districts within the City. See pages 18 to 46 of this staff report for the Carr Avenue Design Guidelines.

The Landmarks Commission reviewed and approved the proposed design guidelines and properties to be included in the district on January 23, 2025. The Land Use Control Board will review this application and make a recommendation to the Memphis City Council. The Memphis City Council will review the rezoning application and on the third (3rd) and final reading will hold a public hearing on whether this area is to be rezoned as a new Historic (H) Overlay District.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer:	No comments received.
City/County Fire Division:	No comments received.
City Real Estate:	No comments received.
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:	No comments received.

MEMPHIS LANDMARKS COMMISSION LETTER TO THE APPLICANT



**MEMPHIS LANDMARKS COMMISSION
APPROVAL LETTER**

TO: Hunter Oppenheimer

DATE: January 23, 2025
DOCKET: HDD 2024-0001
Carr Avenue Historic District

Sent via electronic mail to: hunteropp@gmail.com

Congratulations- on Thursday, January 23, 2025, the Memphis Landmarks Commission approved your application to designate residential properties to be included in a Historic (H) Overlay District as illustrated on the boundary map and adopted the attached design guidelines to apply within the district.

A final draft copy shall be sent to this office for forwarding to the Memphis & Shelby County Land Use Control Board for consideration. The final draft copy shall include and list any proposed amendments to the design review guidelines for the district and/or boundary map.

If you have any objections, please be aware you have sixty (60) days to discuss alternatives with staff or if you need to make any changes to the design guidelines, please contact us by phone at (901) 636-6619. Thank you in advance for your cooperation in this matter.

Respectfully,



Margot Payne
Urban Design & Preservation Planner II
Land Use and Development Services
Division of Planning and Development

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is within or near a proposed new local historic (“Landmarks”) district to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, February 5, 2025**.

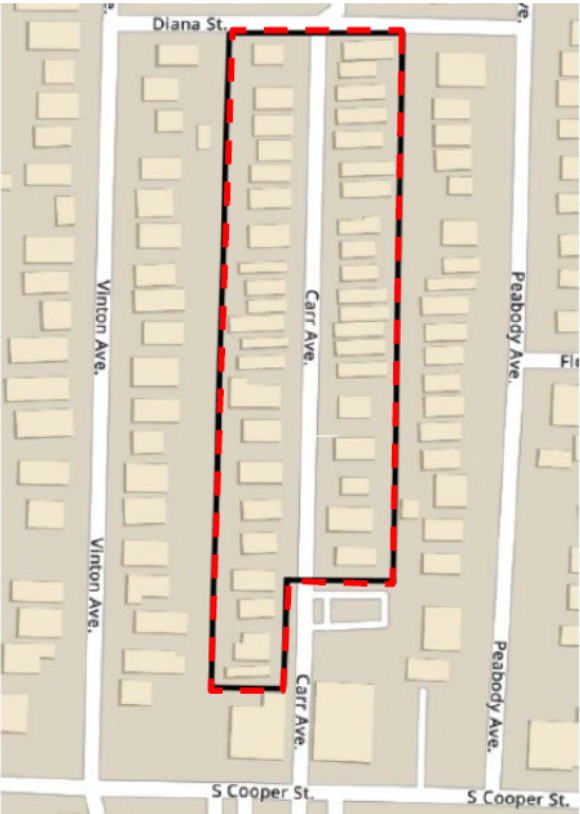
CASE NUMBER: HDD 2024-0001
LOCATION: Along Carr Ave. between Diana and S Cooper Streets
REQUEST: Establishment of a new Local Historic (“Landmarks”) District
APPLICANT: Hunter Oppenheimer

Meeting Details
Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, Feb. 13, 2025

Staff Planner Contact:
Margot Payne
✉ margot.payne@memphisstn.gov
☎ (901) 636-7184

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

PROPOSED DISTRICT MAP



The proposed Carr Avenue HD consists of 43 properties on the 2000 to 2100 block of Carr Ave between Diana St and S. Cooper St (included properties shown within the red and black lines).

To learn more about this proposal,
contact the staff planner or use the
QR code to view the full application.



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Mary Martha Bessen being duly sworn, depose and say that at 4:00 pm
on the 30 day of January, 2025 I posted Public Notice Sign(s)
pertaining to Case No. at
providing notice of a Public Hearing before the (check one):
☒ Land Use Control Board
☒ Board of Adjustment
☒ Memphis City Council
☒ Shelby County Board of Commissioners
for consideration of a proposed land use action, a photograph of said sign(s) being
attached hereon and a copy of the sign purchase receipt or rental contract attached
hereto.


Mary Martha Bessen
Owner, Applicant or Representative

Jan. 30, 2025
Date

Subscribed and sworn to before me this 30 day of January, 2025.

Cortney M. Royston
Notary Public

My commission expires: 08/09/28


My Commission Expires Aug. 9, 2028

STATEMENT OF HISTORICAL SIGNIFICANCE

A building is said to possess architectural significance if it well represents a specific type, period, or method of construction. A property can also have historical significance if it is considered contributing to the significance of an established historic district. Carr Avenue lies within the borders of the Idlewild National Historic District.

The historic structures found along the 2000-2100 block of Carr Avenue are significant as a collection of late-nineteenth and early twentieth century residential buildings. The housing types, styles, forms, and materials used in construction reflect the area's origin as an early streetcar suburb. The period of significance for the district spans between 1890 and 1915, with the beginning date corresponding with the establishment of the first Idlewild subdivision in the early 1890's.

The housing types along Carr Avenue reflect the origins of the district as an early streetcar suburb. Streetcar suburbs had a strong pedestrian orientation. Most people walked along the sidewalk to their homes from the streetcar stop and depended on the streetcar for transportation. The automobile did not yet have a major influence in the neighborhood and would not until the 1920's, and so few driveways or garages were present. The close spacing of the houses was governed by the fact that one walked home from the streetcar stop.*

The houses were built linearly on narrow lots (typically 25-50 ft. wide) with shallow side yards and front yard setbacks. Front porches were typical and a distinctive feature.

Carr Avenue, located within the town of Idlewild, was a desirable residential area that attracted a large cross section of mostly working-class families. The streetcar suburb opened up a world to these Americans where they could buy a house, and with the streetcar in close proximity, could easily escape the small walking radius in which they had previously lived and worked. The streetcar suburb introduced an entirely new kind of freedom that would soon be replaced by the automobile.

The Carr Avenue Historic Preservation District is a unique area in the City of Memphis. It is a place which can historically and physically demonstrate the experience of early suburban development in Memphis at the turn of the twentieth century. The street retains its sense of identity today, bolstered in part by its historic architectural character.

*Credit: *Field Guide to American Houses* by Virginia Savage McAlester

PHYSICAL DESCRIPTION OF PROPERTY

Carr Avenue Historic District consists of 43 properties on the 2000 to 2100 block of Carr Avenue in Midtown Memphis.

Like other edge developments in Memphis at the turn of the twentieth century, the simple single-family residential house types along Carr Avenue include the shotgun, the modified shotgun, the composite cottage, and variations of these forms. Architectural styles applied to these structures included Queen Anne, Colonial Revival, Craftsman, and vernacular.

The houses generally are grouped closely together and sit close to the street on lots as narrow as 25 feet wide. The consistent scale, mass, and form of the houses as well as the pattern of similar design elements and materials establish a sense of visual continuity.

The gently rolling topography of the subdivision development required the street to be cut into the slope. As a result, many of the houses along Carr Avenue have low terraces for the setting of the residences. Some of these terraces are retained by masonry walls while others slope gently to the street.

Architectural Types and Styles

Shotgun and Modified Shotgun

The term *Shotgun* refers to a housing form in which the floor plan arrangement consists of rooms of the house opening in modest in size and in detail, they were historically found grouped together along the shared street. Front gabled roofs are common on the shotgun house which often has a full or 3/4 length front porch built on a raised foundation.

Details of the Shotgun house reflect its architectural style and period of construction. Colonial Revival and Queen Anne are two of the most common architectural styles applied to shotgun houses within the district.

The term Queen Anne refers to a style featuring front porch columns that are typically wood, and may be turned, chamfered, or rounded. Post brackets, sawn wood attic vents, and spindle work balustrades can be found as features. Windows are typically 1/1 or 2/2 configuration. Exterior cladding is traditionally wood lap siding. Patterned wood shingles in the open gabled ends can be seen.

The term *Colonial Revival* refers to a style that typically features an accentuated front door, overhead fanlights, and a front porch supported by columns. Windows are usually 1/1 double hung. Exterior cladding is usually wood siding.

Composite Cottage with Craftsman Influence

The term *cottage* traditionally refers to a house form that is either 1 or 1 1/2 stories in height with a low to normal pitched gabled or hipped roof, a wide and unenclosed eave overhang, and a full or partial length front porch. The floor plan is usually a simple 4 unit. The most prevalent style in the district is the 1 story with *Craftsman* elements such as knee braces along the roof line, and columns, sometimes on pedestal bases or piers to support the porch roof. Exterior cladding is typically wood siding.

LIST OF ADDRESSES, PARCEL NUMBERS, PROPERTY OWNERS & PROPERTY OWNER'S MAILING ADDRESS

Carr Avenue Address	Parcel Number	Property Owner	Mailing Address
2035	01605800001	William Howard Sr & Linda Howard	2035 Carr Avenue, Memphis, TN 38104
2038	01606000050	Jean H Oppenheimer	2038 Carr Avenue, Memphis, TN 38104
2039	01605800002	Andrew Williams	2039 Carr Avenue, Memphis, TN 38104
2040	01606000049	Lauren Gates	2040 Carr Avenue, Memphis, TN 38104
2042	01606000048	Lindsey & Mark Neal	2042 Carr Avenue, Memphis, TN 38104
2044	01606000047	Haley C. Overcast	2044 Carr Avenue, Memphis, TN 38104
2046	01606000046	Kassey Pass	2046 Carr Avenue, Memphis, TN 38104
2047	01605800003	Delori Dever, Andra Allgood, Elliott Dever	2047 Carr Avenue, Memphis, TN 38104
2049	01605800004	Peter & Tina Sullivan	2049 Carr Avenue, Memphis, TN 38104
2052	01606000045	DJS Holdings, LLC	1900 Starling Drive, Jonesboro, AR 72401
2053	01605800005	Terri Harris	2053 Carr Avenue, Memphis, TN 38104
2054	01606000044	Ava Middleton	2054 Carr Avenue, Memphis, TN 38104
2060	01606000042C	Ronald Coleman	3406 Democrat Road, Memphis, TN 38118
2061	01605800006	Laurie Major Living Trust	2061 Carr Avenue, Memphis, TN 38104
2063	01605800007	William C & Sarah O'Daniel	2063 Carr Avenue, Memphis, TN 38104
2064	01606000041	Susan Brown	2064 Carr Avenue, Memphis, TN 38104
2065	01605800008	William G Gillespie & William P Gillespie II	2065 Carr Avenue, Memphis, TN 38104
2066	01606000040	Jamie Boller & Hugh Raup	2066 Carr Avenue, Memphis, TN 38104
2067	01605800009	Jake Hopkins	2067 Carr Avenue, Memphis, TN 38104
2068	01606000039	Amanda Bearden	2068 Carr Avenue, Memphis, TN 38104
2069	01605800010	David Carrier	2069 Carr Avenue, Memphis, TN 38104
2070	01606000038	Mary K Walton	2070 Carr Avenue, Memphis, TN 38104
2071	01605800011	James S Speed	2071 Carr Avenue, Memphis, TN 38104
2072	01606000037	Juana H McCoy	2072 Carr Avenue, Memphis, TN 38104
2073	01605800012	Hayden Malone	2073 Carr Avenue, Memphis, TN 38104
2074	01606000036	Gina Ritchey	2074 Carr Avenue, Memphis, TN 38104
2075	01605800013	Bettina Gaycken	2075 Carr Avenue, Memphis, TN 38104
2076	01606000035	David & Cynthia Hymel	2076 Carr Avenue, Memphis, TN 38104
2079	01605800014	Mary Marten	2079 Carr Avenue, Memphis, TN 38104
2080	01606000034	Wade Rhea	2080 Carr Avenue, Memphis, TN 38104
2085	01605800015	Justin & Mary Smith	2085 Carr Avenue, Memphis, TN 38104
2090	01606000033	Genesis Parker	2090 Carr Avenue, Memphis, TN 38104
2093	01605800016	Catherine Wilkinson	2093 Carr Avenue, Memphis, TN 38104
2094	01606000032	Amy G & Sophia Starks	2094 Carr Avenue, Memphis, TN 38104
2095	01605800017	Jeremiah & Gabrielle Littrice	2095 Carr Avenue, Memphis, TN 38104
2096	01606000031	Regan Hill & Glenn B Williams	2096 Carr Avenue, Memphis, TN 38104
2101	01605800046	Lindsey Medlin	2101 Carr Avenue, Memphis, TN 38104
2102	01606000030	Linda Walston	2102 Carr Avenue, Memphis, TN 38104
2103	01605800047	Marissa Actis	2103 Carr Avenue, Memphis, TN 38104
2105	01605800019	Jonathan & Courtney Brafford	6491 Kirby Woods Drive, Memphis, TN 38119
2107	01605800020	Galen Givens-Rowlin	2107 Carr Avenue, Memphis, TN 38104
2119	01605800021	Rodney Nash	2119 Carr Avenue, Memphis, TN 38104
2121	01605800022	Rodney Nash	2119 Carr Avenue, Memphis, TN 38104

PROPOSED DESIGN GUIDELINES

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I. Introduction

Purpose of District

This document will serve as the Design Guidelines for the Carr Avenue Historic District. The purpose of the Carr Avenue Historic District is to protect and preserve the historic structures within the district and to protect the designated area from changes that would diminish the historic character and architectural importance of the district.

Scope of Review

Design Guidelines are criteria and standards which the Memphis Landmarks Commission must consider when reviewing plans of proposed work to determine the appropriateness of proposed work within a designated Landmarks District.

In Historic Districts, the Memphis Landmarks Commission reviews and approves all zoning requests and project plans for new construction, relocation of structures, demolition, site improvements, and different types of exterior alterations.

The Memphis Landmarks Commission only reviews those proposed changes to a site or structure that are VISIBLE from the street or other public right-of-way. "Visibility from the public right of way" is determined by Memphis Landmarks Commission staff.

These design guidelines apply to proposed changes to a site or structure VISIBLE from the street or public right-of-way.

In all new construction, additions, and exterior alterations, the principal façades (including the front elevation and any street related elevations on corner lots) are reviewed more stringently than other elevations less visible from the public right-of-way.

The appropriateness of proposed work must be determined to accomplish the following goals of historic zoning:

- To preserve and protect the historical and architectural value of buildings or historically significant areas;
- To ensure compatibility and visual continuity within the Historic District by regulating exterior design, texture, and materials;
- To create an aesthetic appearance which complements the historic buildings or other structures;
- To stabilize and improve property values;
- To foster civic beauty and community pride;
- To strengthen the local economy;
- To establish criteria and procedures to regulate new construction, repair, rehabilitation, relocation, or other alteration of structures within any Historic District or zone;
- To promote the use of Historic Districts for the education, pleasure, and welfare of the present and future citizens of Memphis.

What are Design Guidelines?

The Carr Avenue Design Guidelines convey community policies about

alterations to existing structures, additions, demolition, new construction, rehabilitation, relocation, and other site improvements within the historic district.

The design guidelines provide a consistent basis for making decisions that may affect the historic character of the neighborhood. Generally, they apply to five basic areas:

- 1) **Alterations to existing structures visible from the street or other public right of way**
- 2) **Additions**
- 3) **Demolition and Relocation**
- 4) **New construction**
- 5) **Other site improvements.**

These 5 areas are the areas considered “reviewable work” by the Memphis Landmarks Commission. If one of these 5 reviewable project types is to be undertaken in the historic district, then the project plan will need to be reviewed by Memphis Landmarks Commission to obtain a Certificate of Appropriateness (COA). There is a fee schedule for this review. The fee schedule can be found at:

<https://www.develop901.com/landuse-developmentservices/MemphisLandmarksCommission>.

These design guidelines do not dictate decisions. They provide a range of historically appropriate and contextually sensitive options to guide design decisions when undertaking **reviewable** work within the district. The design guidelines also identify some design approaches which are inappropriate within the neighborhood due to the negative impact such an approach would have on the perceived historic

character and cohesiveness of the district.

These design guidelines reflect the basic philosophy:

- 1) that the preservation of historic buildings and resources within the district is of primary importance but should be balanced with the contemporary use of these structures.
- 2) that the historic character of a property should be retained and preserved and recognized as a physical record of its time, place, and use.
- 3) that most properties change over time; that those changes that have acquired historic significance in their own right should be retained and preserved.
- 4) that new additions, exterior alterations, or related new construction should not destroy the historic character of the property, but strike a balance between the old and new. The new work should be differentiated from the old and yet compatible in mass, scale, and feature with the old.

- 5) that new additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Note: There is no Landmarks review for paint color.

How to use this document

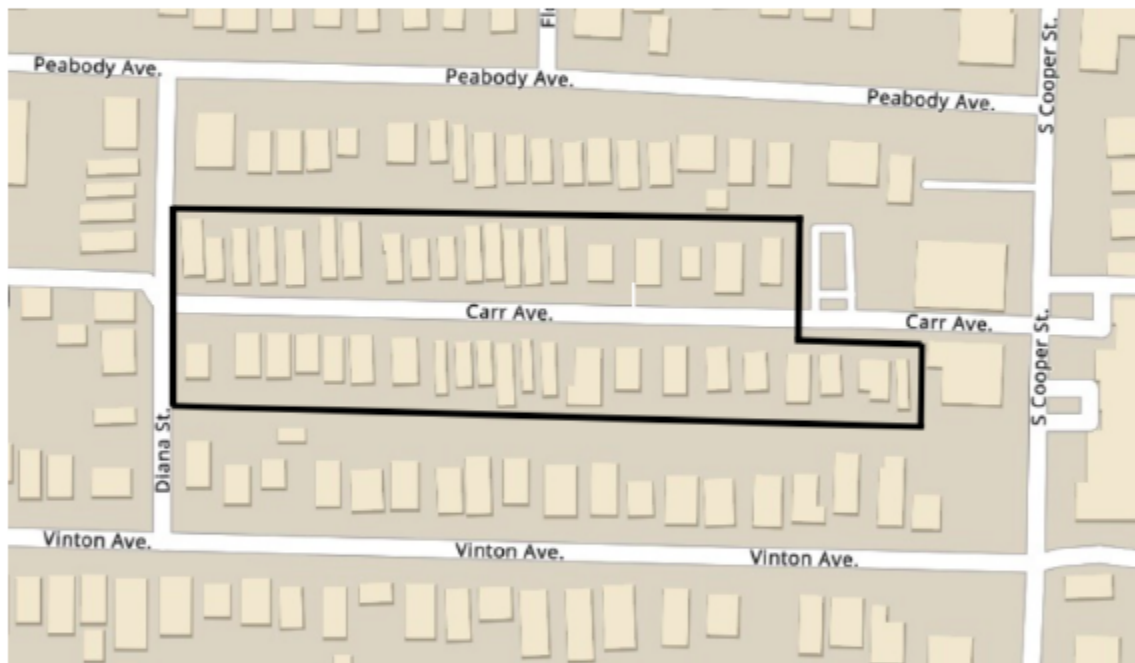
When beginning a project **that is subject to review** and a Certificate of Appropriateness (COA), the applicants should refer to the design guidelines to ensure that the final design is in accordance with the guidelines and is appropriate for the district.

The online COA application is available electronically at:
<https://www.develop901.com/landuse-developmentservices/MemphisLandmarksCommission>

See **Landmarks Approval Process, Appendix A, p.26**, for further information.

Map of Carr Avenue District:

The Carr Avenue Historic District consists of one block of Carr Avenue between Diana Street on the west and Cooper Street on the east.



Concept of Significance

A building is said to possess architectural significance if it well represents a specific type, period, or method of construction. A property can also have historical significance if it is considered contributing to the significance of an established historic district. Carr Avenue lies within the borders of the Idlewild National Historic District.

Period of Significance

The historic structures found along the 2000-2100 block of Carr Avenue are significant as a collection of late-nineteenth and early twentieth century residential buildings. The housing types, styles, forms, and materials used in construction reflect the area's origin as an early streetcar suburb. The period of significance for the district spans between 1890 and 1915, with the beginning date corresponding with the establishment of the first Idlewild subdivision in the early 1890's.



Typical streetscape in the District.

Concept of Integrity

In addition to dating to a historic period, a building must also have integrity to be considered historic or contributing to the historic district. A building is said to have integrity when the majority of the building's structural systems, original materials, and character defining features remain intact.

Character defining features include the building mass, form, and shape, as well as any architectural details that are characteristic of the style and period of construction.

A building that has integrity can be recognized as a product of its own time, and should be preserved to the maximum extent possible.

Historic Overview

The housing types along Carr Avenue reflect the origins of the district as an early streetcar suburb. Streetcar suburbs had a strong pedestrian orientation. Most people walked along the sidewalk to their homes from the streetcar stop and depended on the streetcar for transportation. The automobile did not yet have a major influence in the neighborhood and would not until the 1920's, and so few driveways or garages were present. The close spacing of the houses was governed by the fact that one walked home from the streetcar stop. The houses were built linearly on narrow lots (25-50 ft. wide) with shallow side yards and front yard setbacks. Front porches were typical and a distinctive feature.

Carr Avenue, located within the town of Idlewild, was a desirable residential area that attracted a large cross section of

mostly working class families. The streetcar suburb opened up a world to these Americans where they could buy a house, and with the streetcar in close proximity, could easily escape the small walking radius in which they had previously lived and worked. The streetcar suburb introduced an entirely new kind of freedom that would soon be replaced by the automobile.

The Carr Avenue Historic Preservation District is a unique area in the City of Memphis. It is a place which can historically and physically demonstrate the experience of early suburban development in Memphis at the turn of the twentieth century. The street retains its sense of identity today, bolstered in part by its architectural character.

Credit: *Field Guide to American Houses*
by Virginia Savage McAlester



Late 19th century shotgun for worker housing, Carr Avenue. Photograph by Judith Johnson for J. Johnson & Associates

Architectural Types and Styles

Like other edge developments in Memphis at the turn of the twentieth century, the simple single-family residential house types along Carr Avenue include the shotgun, the modified shotgun, the composite cottage, and variations of these forms. Architectural styles applied to these structures included Queen Anne, Colonial Revival, Craftsman, and vernacular.

The houses generally are grouped closely together and sit close to the street on lots as narrow as 25 feet wide. The consistent scale, mass, and form of the houses and the pattern of similar design elements and materials establish a sense of visual continuity.

The gently rolling topography of the subdivision development required the street to be cut into the slope. As a result, many of the houses along Carr Avenue have low terraces for the setting of the residences. Some of these terraces are retained by masonry walls while others slope gently to the street.

Shotgun and Modified Shotgun

The term *Shotgun* refers to a housing form in which the floor plan arrangement consists of rooms of the house opening in succession from the front to the rear without a separate hallway. Typically modest in size and in detail, they were historically found grouped together along the shared street. Front gabled roofs are common on the shotgun house which often has a full or $\frac{3}{4}$ length front porch built on a raised foundation.

Details of the Shotgun house reflect its architectural style and period of construction. Colonial Revival and Queen Anne are two of the most common architectural styles applied to shotgun houses within the district.



Typical Shotgun house with Colonial Revival style

The term *Colonial Revival* refers to a style that typically features an accentuated front door, overhead fanlights, and a front porch supported by columns. Windows are usually 1/1 double hung. Exterior cladding is usually wood siding.



Modified Shotgun with Queen Anne Style

The term Queen Anne refers to a style featuring front porch columns that are typically wood, and may be turned, chamfered, or rounded. Post brackets, sawn wood attic vents, and spindle work balustrades can be found as features. Windows are typically 1/1 or 2/2 configuration. Exterior cladding is traditionally wood lap siding. Patterned wood shingles in the open gabled ends can be seen.

Composite Cottage with Craftsman Influence

The term *cottage* traditionally refers to a house form that is either 1 or 1 1/2 stories in height with a low to normal pitched gabled or hipped roof, a wide and unenclosed eave overhang, and a full or partial length front porch. The floor plan is usually a simple 4 unit.



Craftsman Style Cottage

The most prevalent style in the district is the 1 story with *Craftsman* elements such as knee braces along the roof line, and columns, sometimes on pedestal bases or piers to support the porch roof. Exterior cladding is typically wood siding.

II. Design Guidelines for All Projects and New Construction

Streetscape

A.1 The established historic character of the streetscape should be maintained in a manner that reinforces the basic visual continuity of the street.

A.2 Sidewalks should be maintained where they currently exist.

A.3 New sidewalks should be similar in appearance, material, and dimensions to the existing sidewalks.

Private Yard

B.1: The traditional character and appearance of the front yard area should be preserved.

B.2: The visual connection from the front yard to the public street should remain unobscured. Enclosing a front yard such that it is not visible from the street should not be allowed.

B.3: The amount of hard surface in the front yard shall be minimized to 30%. Parking pads in front of the house are not appropriate.

Building Orientation

C.1: The front of the building should be oriented to face the public street with the front door clearly identified.

C.2: Use of a 1-story front porch to further define the entry is typical and appropriate.

C.3: Residences and other primary structures should typically be placed parallel to the lot lines.



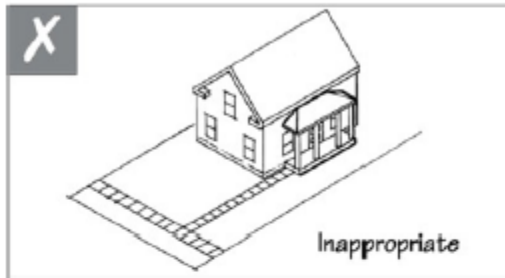
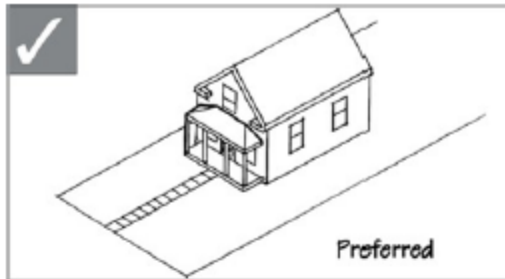
Streetscape on Carr Avenue.

Building Setbacks

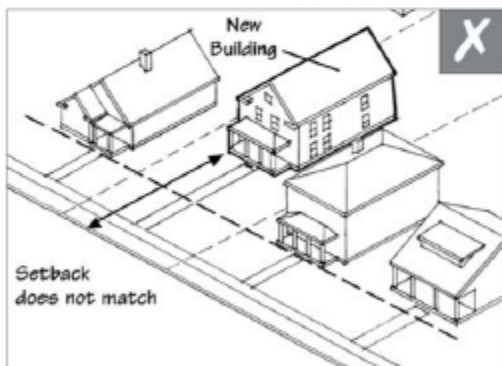
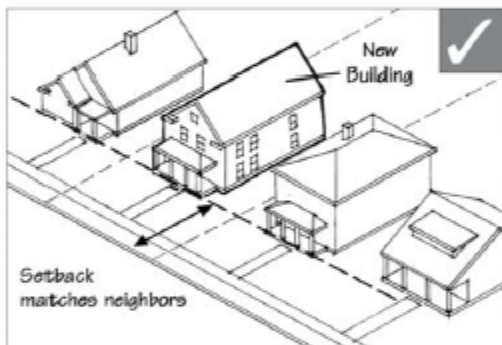
D.1: The building setbacks for new construction should align with the front edge of neighboring historic buildings.

D.2: Front yard setback should fit within the established range of nearby historic properties.

D.3: Side yard setbacks should appear similar to those of nearby historic houses.



In most cases, the historically sensitive design solution is to locate the primary entrance facing the street.



Building setbacks shall fit within the established pattern of the block.

Building Mass and Scale

The perceived mass and scale of new buildings are critical design issues. The traditional scale of single-family homes is consistent within the neighborhood and enhances the pedestrian-friendly character of the street. It is the intention of these design guidelines to encourage new construction that maintains this consistent human scale. While new buildings are often larger than older homes, new construction shall not be so large as to negatively impact the established character of the neighborhood.

E.1: A building should appear similar in mass and scale as those historic homes on the street.

E.2: The front elevation shall be similar in scale to those seen traditionally on the street.

E.3: Building materials should reflect traditional materials common in the district.

E.4: The solid-to-void ratio (of opaque surface v. transparent glass) should be similar to that seen traditionally in the district.

E.5: In order to minimize the perceived scale of a building, the height should step down gradually towards the street, neighboring structures, and the rear of the lot.

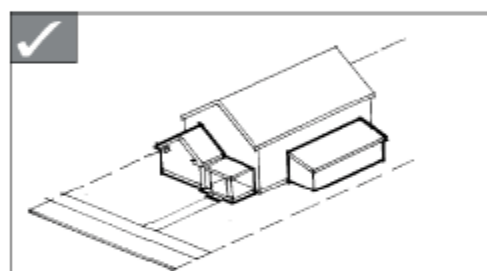
Building Height

Buildings significantly taller than adjacent historic properties should not be considered to be contextually appropriate design solutions. Building to an appropriate height is an important

step towards increasing a project's overall compatibility with the established historic character of the district.

F.1: The height of any new building should be similar to the heights of adjacent historic buildings. Buildings on the block are typically 1 or 1½ stories in height. New construction should be compatible in height with historic structures on the block.

F.2: If additional building height is needed, it may be possible for the rear of the building to be taller than the front and still have the structure appear compatible in terms of building height and scale.



Stepping down the height of a building towards the front, sides, and rear of the structure is one method of decreasing the perceived scale of the building. Where the immediate context dictates, the front should include a one-story element, such as a porch similar in size to those seen traditionally in the district.

Building Form

G.1: Simple rectangular building forms with sloping roofs are typical of the street, and are preferred.

G.2: Building forms not traditionally found in the district could detract from the visual continuity of the neighborhood and are discouraged.

Roofs and Roofing

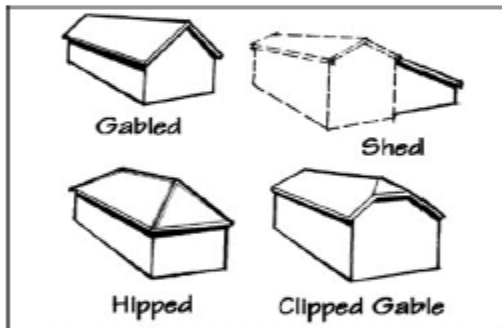
H.1: Roofing form and roofing materials should be consistent with the historical houses on the block.

H.2: Composite shingle roofs are typical of most structures in the district.

H.3: Roofing materials should employ use of earth tones, and have a matte, non reflective finish.

H.4: Metal roofing traditionally has been used within the district for porches and outbuildings.

H.5: The roof pitch of an addition or new construction should be consistent with the historic precedent of the district.



Sloping roof forms are typically appropriate for new construction and additions

Building Materials

The relationship and use of materials should be visually compatible with the district's historic buildings and should be appropriate for the architectural style of the structure.

I.1: Building materials, whether traditional or alternative materials, should be visually compatible with the traditional building materials common in the district and should not contrast conspicuously in terms of scale, proportion, texture, and finish.

I.2: The use of highly reflective materials is discouraged.

I.3: All wood siding is preferred and should have a weather protective, painted finish. Newer building materials such as fiber-cement are acceptable alternatives. Vinyl and aluminum siding are discouraged.

Architectural Elements and Details

J.1: Architectural elements are details such as windows, doors, porches, chimneys, columns, balusters, etc which add visual interest and contribute to an established sense of scale and historic character.

J.2: Architectural elements and details should be appropriate for the style of the structure, reflect the building's period of construction, and relate to those of the historical buildings on the block in terms of size, shape, and general character. Using contemporary interpretations of historic styles is strongly encouraged for new buildings and additions.

J.3: Decks should be located to the rear of the primary structure and not visible from the public right-of-way.

J.4: Porches: *The use of a front porch is considered an essential architectural element. All new construction shall incorporate a front porch. A porch depth of 8 ft. is typical.*

Windows and Doors

A strong sense of visual continuity is established in the historical houses by the similarities in door and window size and location in buildings in the district. In order to maintain this established sense of continuity, new buildings should incorporate traditional window and door proportions and placement locations and maintain the alignment of the horizontal elements as seen along the block.

K.1: New windows and doors should appear similar to those used traditionally within the district. Double-hung windows with traditional depth and trim are typical and are strongly encouraged. Wood windows are typical. Wood doors with traditional paneling and glazing patterns are preferred.

K.2: Windows typically have a vertical emphasis. New windows should reflect this pattern.

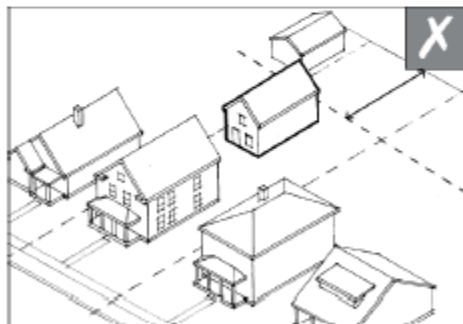
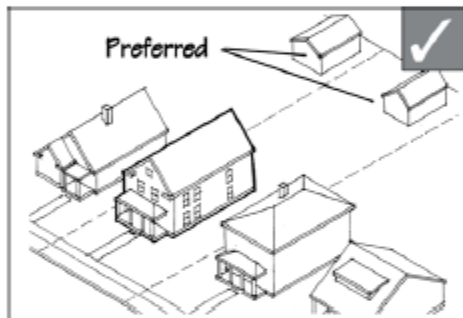
K.3: Security bars, if used, should be set within the window frame and not extend out.

Secondary Structures

L.1: Secondary structures and outbuildings should be located in the rear yard and be subordinate to the primary structure in terms of height, mass, and overall size.

L.2: Secondary structures should reflect the architectural style and character of the primary structure. Similarity of materials and details is preferred.

L.3: New secondary structures should be similar to those seen traditionally in the neighborhood and within the block in terms of materials, height, scale, and form.



Outbuildings are most appropriate when located at the rear of the lot, and subordinate to the primary structure in terms of overall height and size.

Parking

M.1: Policy: Minimize the visual impact of parking areas. Parking pads of the entire front yard shall *not* be allowed.

M.2: A carport/garage should be located to the rear of the property. Attached garages are prohibited on the front of the habitable space of the primary structure.

M.3: Driveways should be constructed of historic paving materials such as brick, stone, or concrete, preferably not asphalt.

M.4: A parking pad or other paved parking area shall not be located directly in front of a primary structure, but rather to the rear or side.

Mechanical Equipment and Service Areas

N.1 Minimize the visual impact of mechanical equipment and service areas within the district.

N.2: Locate mechanical equipment to the side or rear of buildings and to the extent feasible, out of sight. Screen the equipment from view using landscaping, a fence, or a wall consisting of historically appropriate materials.

N.3: Window AC units and condensers should not be located on the front façade of the building.

N.4: Antennas, satellite dishes, and other rooftop mechanical equipment should not be located on the front elevation of any building, and should be located in a way that will reduce the

visual impact as seen from the public right-of-way.

N.5: Solar panels, if necessary to be on the front of the house, should fit within the overall dimensions of the roof and not protrude further than the edge of the roofline or extend higher than the existing building.

Porches

Porches are an important character defining feature of the neighborhood. Perhaps no other element is more characteristic of the house on Carr Avenue than is the front porch. Front porches help create a sense of visual interest and are integral to the pedestrian friendly environment. Front porches are considered an essential element of the streetscape within the neighborhood.

III. Design Guidelines for Building Alterations

Replacement of Features

A.1 While restoration and repair of original features is the preferred preservation approach, when the original material or feature is deemed beyond the point where repair is feasible, care should be taken that the new material or feature should match or complement the original in general appearance, shape, scale, material, and finish.

A.2: Protecting and maintaining significant stylistic features and architectural elements wherever possible is of course preferred.

A.3: When window and door replacement is necessary, use windows and doors that match the originals in character, dimensions, and proportion as closely as possible.

Design of Alterations

B.1 Alterations should not negatively impact the historic integrity of the building. Alterations should still allow one the ability to interpret the original design character and form of the building or structure. Necessary alterations such as handicapped ramps and other code issues are included here.

B.2: The guidelines for alteration projects also apply to projects involving an existing non-contributing structure in the historic district.

B.3 Porches: Preserve an original porch. Missing elements such as posts, balusters, and railings should be

replaced with appropriate features and materials.

B.4: Avoid enclosing a porch. If a porch is enclosed, the enclosure design should preserve the sense of openness and transparency that is typical of the porches within the district. Glass might be considered as a transparent enclosure for a porch.

B5: If an entire porch is missing from a historic building, the porch should be reconstructed to be in character to those porches of the comparable historic structures on the street.



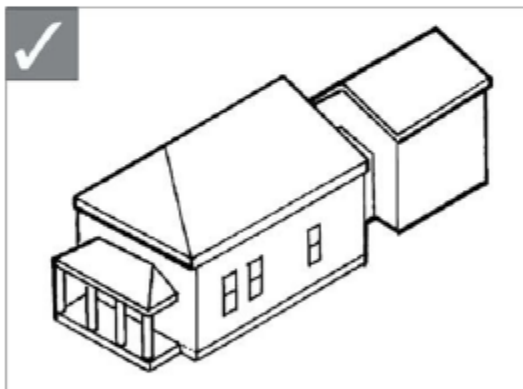
Example of addition that maintains stylistic features of original structure

IV. Design Guidelines for Additions

The overall design of an addition should be compatible with the design of the primary structure and be subordinate to the primary structure in terms of size and perceived visual impact. Minimizing the height and building footprint of an addition helps to reduce its visual impact. New additions to historic buildings should not obscure historic features and are typically most appropriate when placed at the rear of an existing structure.

Design Appropriateness

A.1 The design of an addition should be compatible with the existing building in materials and architectural details.



An addition should be located in a way that will minimize its perceived visual impact. Placing an addition to the rear of the existing structure, as shown in the diagram above, is often the most appropriate design solution.



Additions that change the perceived character of the original structure, such as the above example of a front addition, are inappropriate and are not allowed within the district.

Types of Additions

B.1 A design for a new addition should be consistent with the original character of the existing building.

B.2: Rear additions are typically the most historically sensitive design solution.

B.3: An addition to the front of a structure should be avoided.

B.4: Side additions should occur toward the rear of the structure, setback from the front a minimum of $\frac{1}{4}$ the depth of the house. Side additions are not typically appropriate for narrow lots or for areas of the district where a side addition would disrupt an established pattern of consistent side yard setbacks.

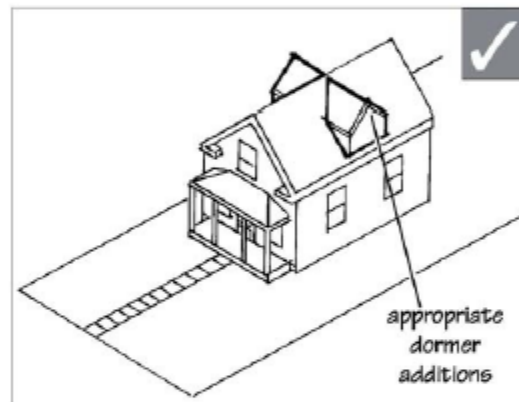
B.5: Dormer additions should be in character with the style and form of the existing structure and should be subordinate in size and scale to the overall roof mass.

B.6: A rooftop addition should be compatible with the existing structure in size, scale, and mass. The addition in many cases should be pulled back on each side to help preserve the appearance of the original building proportion and form.

B.7: If additional building height is needed, it may be possible for the rear of the building to be taller than the front and still have the structure appear compatible in terms of building height and scale.



The above example shows a dormer addition that is too large in relation to the size of the existing structure. The front porch enclosure is also inappropriate.



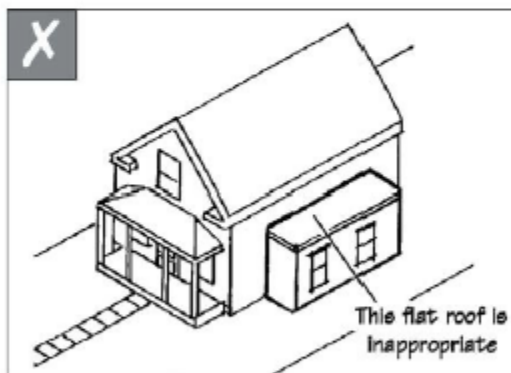
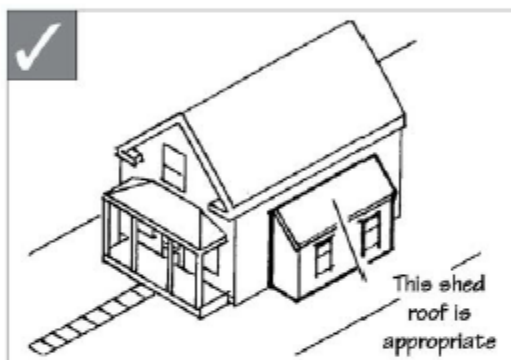
The dormer addition shown in the above diagram is appropriately sized and in character with the form of the existing structure.

Size, Scale, Mass, Materials

C.1: An addition to an existing building should be compatible with the existing building in terms of size, scale, mass, and height and clearly subordinate to that of the existing building. Building materials compatible with the primary structure should be used.

Roof Form

D.1: The roof form and roof pitch for an addition should be compatible with the existing building and be consistent with the historic precedent within the district.



Use roof forms for additions that are compatible with the primary structure and with other historic structures along the block.

V. Design Guidelines for Site Improvements

Fences and Walls

Fences and walls in the front yard are not typical along the street. Historically, privacy fences consisting of solid wood boards, if used, enclosed the side and rear yard. In the occurrence where a front yard fence is considered necessary, the fence should be not higher than 42". It should be made with a transparent quality in order not to obscure the view of the property from the street, and should be made with materials such as wood picket, cast iron, tubular steel, or aluminum.

A.1: Chain link, vinyl fencing, and split rail fences should not be used in areas that are visible from the public right-of-way. Barbed-wire and razor-wire are not permitted.

A.2: Side yard fencing that runs parallel to the front façade of the house should be set back a minimum of 6ft from the front of the house if of a transparent quality, and set back a minimum of ¼ the depth of the house if of a non-transparent quality.

A.3: Side yard fencing that runs perpendicular to the front façade of the house should not extend past the front façade of the house.

A.4: Materials for walls include brick, stone, concrete, and parged concrete block. Railroad ties, precast concrete panels, exposed concrete block, fiberglass, and other non-traditional materials should not be used in areas visible from the public right-of-way.

A.5: With the exception of required retaining walls, walls located in the front yard are generally not appropriate in the district.

Unenclosed Structures and Other Improvements

B.1: Greenhouses, storage sheds, and other site improvements should be located in the rear yard.

B.2: Carports should not be located in the front yard of a property, and are most compatible when located to the rear or side of the primary structure.

Parking

See **Parking** under **All Projects and New Construction**, p.15.

VI. Guidelines for the Relocation of Existing Structures

Overview

The “relocation” of a building or structure refers to moving a building or structure into the district, out of the district, or from one site to another within the district.

A.1: A building or structure should be retained at its historic location to the maximum extent feasible.

A.2: Moving an existing building which retains architectural and historic integrity and contributes to the architectural and historical character of the district should be avoided.

A.3: Moving a building which does not contribute to the historical and architectural integrity of the district or which has lost architectural significance due to deterioration, neglect, or significant alteration may be appropriate if its removal and replacement will result in a more appropriate visual effect on the district.

A.4: A building may be moved into the district if it maintains a sense of architectural unity in terms of style, height, massing, materials, texture, and setbacks with existing buildings in the vicinity of the proposed site.

A.5: Relocated buildings must be carefully rebuilt in order to retain and maintain all original architectural details and materials.

A.6: Buildings or other structures should be relocated only as a last resort after all alternatives have been examined.

Criteria

B.1: A building may be moved from one site to another in the district if:

- The integrity of location and setting of the building in its original location has been lost or is seriously threatened;
- The new location will be similar in setting, size, and character;
- The building will be compatible with the buildings adjacent to the proposed location in terms of height, mass, scale, style, materials, and setbacks; and
- The relocation of the building will not result in a negative visual effect on the site and surrounding buildings from which it will be removed.



The relocation of a structure is a complicated and potentially expensive undertaking that should be considered after all other options for preserving the structure in place have been explored.

VII. Guidelines for Demolition

Overview

A.1 An historic building or structure shall not be demolished unnecessarily.

A.2: Since the purpose of historic zoning is to protect historic structures and properties, the demolition of a building, or part of a building, that contributes to the character and significance of the district is inappropriate and shall be avoided.

Criteria

B.1: Demolition is inappropriate:

- If a building contributes to the architectural and/or historical significance of the district;
- If a building is of such old, unusual, or uncommon design and materials that it could not be reproduced or be replaced without great difficulty or expense;
- If the building is closely associated with significant historic events, persons, or trends such that the structure or site gains a unique and increased level of historic importance.

•

B.2: Demolition may be appropriate:

- If a building or structure has lost its architectural and historical integrity and importance such that its removal will not result in a more negative, less appropriate visual effect on the district;
- If the building or structure does not contribute to the historical or architectural character and importance of the district;
- If the building or structure has been inspected and a professional determination has been made that it is unsound, unsafe, or beyond the point where rehabilitation is feasible;

- If the proposed demolition is economically necessary and justified according to the established process for determining an Economic Hardship (see following section VIII on Economic Hardship).

Actions Following Approval

C1: At the Request of the Landmarks Commission, the applicant is required to thoroughly document the building prior to demolition and submit the documentation to the Landmarks Commission staff prior to the issuance of the COA for Demolition. Adequate documentation can include interior and exterior photographs, as well as measured drawings of all building elevations according to Historic American Building Survey Standards. This requirement may be waived by the Landmarks Commission for buildings or structures that are non-contributing to the district or that are non-historic.

C2: If a replacement structure is proposed on the site of the building or structure approved for demolition, the Landmarks Commission may require that final approval of the COA for demolition be contingent upon the applicant receiving a COA for the design of the replacement structure prior to demolition.

C3: If the site is to remain vacant for any length of time, the lot should be improved and maintained in a manner consistent with other open space in the neighborhood. The demolition of a contributing structure or building in order to provide space for parking is inappropriate and to be avoided

VIII. Design Guidelines for Economic Hardship

Overview

A.1 Policy: An applicant can seek approval of a previously denied COA based upon a real and demonstrable economic hardship in a subsequent application to the Commission.

A.2: In all cases, the burden of proof is on the applicant to demonstrate that the request is necessary and justified. In its deliberations the Landmarks Commission will consider, among other factors, the following factors:

- *Owner's Knowledge of Restrictions* at the time of purchasing the property. A relatively new owner is assumed to have investigated restrictions on the property at the time of purchase.
- *Current Economic Return:* "The reviewing body should therefore require an applicant...to produce information regarding the price originally paid for the property, potential rental or lease income, and the new profit derived from the landmarks, if any, over the past several years." *

*From A Handbook on Historic Preservation Law by Christopher J. Duerksen

- *Owner's Attempt to Rent or Sell the Property:* The Commission may require documentation of these efforts submitted as part of the application process.
- *Feasibility of Profitable Alternative Uses:* Property owner should investigate alternative strategies and be prepared to discuss findings

with the Commission.

Demolition

B.1: If the application to demolish a building or other structure is being made on the grounds of being economically necessary, the burden of proof is on the applicant to show the estimated cost of rehabilitating the structure versus demolishing the structure and building a replacement.

B.2: The applicant will be required to show that there are no alternatives to demolition. Other interested parties may also be given an opportunity to present alternatives.

Determination of Hardship

C.1: The Commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

- Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness.
- A report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

- Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition, or removal; after any changes recommended by the Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use.
- In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and the buyer.
- If the property is income producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- Any other information considered necessary by the commission to make a determination as to whether the property does yield or may yield a reasonable rate of

return to the owners. Request for consideration shall be taken up at a public hearing with reasonable notice and consideration given to all factors mentioned above.



Before & After. Although it had experienced significant deterioration, the cottage at 2040 Carr Avenue serves as an excellent example of the potential of rehabilitation

IX. Appendix

Appendix A: Landmarks Approval Process

What is the Memphis Landmarks Commission?

The Memphis Landmarks Commission (MLC) is responsible for preserving and protecting the historic, architectural, and cultural landmarks in the City of Memphis. As such, the MLC reviews zoning requests and work that is **visible from the street**, including **new construction, demolition, relocation of structures, and different types of exterior alterations in the historic districts**. Routine maintenance of a building/property that does not involve altering historic fabric does not need MLC approval unless it will change the exterior appearance.

What does the Memphis Landmarks Commission have to do with me?

If a property owner within a historic district seeks a building permit for **exterior** work that is **under the supervision of the MLC**, the owner must apply for a Certificate of Appropriateness (COA) for their planned work from the Memphis Landmarks Commission. To obtain the COA, the property owner will submit an application form with the required application materials and fee by the monthly application deadline to the Memphis Landmarks Commission, who will then review the proposed work.

Where do I find the paperwork I need to apply for a Certificate of Appropriateness?

For COA application forms, paperwork, and fee schedule information, go to this website:

develop901.com/landuse-developmentservices/MemphisLandmarksCommission

What if I have questions?

For general inquiries, email staff at landmarks@memphistn.gov.

See further explanation in the Introduction section under **Scope of Review, p.3** and **What Are Design Guidelines, p.3**, and **How to Use This Document, p.4**.

Appendix B: Glossary of Preservation Terms and Definitions

Alignment: The arrangement of objects along a straight line.

Association: As related to the determination of “integrity” of a property, *association* refers to a link of a historic property with a historic event, activity, or person. Also, the quality of integrity through which a historic property is linked to a particular past time and place.

Building Form: The overall shape of a structure.

Building Mass: The physical size and bulk of a structure.

Building Scale: The size of the structure as it appears to the pedestrian.

Column: A slender upright structure, generally consisting of a cylindrical shaft, a base, and a capital. It is usually a supporting or ornamental member in a building.

Design: As related to the concept of integrity of a property, design refers to the elements that create the physical form, plan, space, structure, and style of a property.

Dormer: A window set upright in a sloping roof. Also, a term to describe the roofed projection in which this window is set.

Elevation: A mechanically accurate “head on” drawing of the face of a building or object without any allowance for the effects of the laws of perspective.

Any measurement on an elevation will be in a fixed proportion, or scale, to the corresponding measurement on the real building.

Façade: Front or principal face of a building, any side of a building that faces a street or open space.

Feeling: As related to the determination of “integrity” of a property, *feeling* refers to how a historic property evokes the aesthetic or historic sense of a past time and place.

Fenestration: The arrangement of windows and other exterior openings on a building.

Floor Area Ratio: The relationship between the total floor area of a building and the total land area of its site.

Form: The overall shape of a structure. Most structures are rectilinear in form.

Frame: A window component.

Gable: The portion, above eave level, of an end wall of a building with a pitched or gambrel roof. In the case of a pitched roof, the gable takes the shape of a triangle. The term is also sometimes used to refer to the whole end wall.

Historic Conservation District: A significant concentration of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Also, a local historic district established by City Council through an overlay zone that

requires architectural design review guidelines for new construction, demolition, some site improvements, and some types of alteration to the exterior of a building as seen from the public right of way and within the boundaries of the historic preservation district.

Historic Preservation District: A significant concentration of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Also, a local historic district established by City Council through an overlay zone that requires architectural design review guidelines for construction, alteration, addition to or demolition of buildings, structures, sites, and objects in the public right of way and within the boundaries of the historic preservation district.

Historic Property: A building, site, structure, or object that is at least 50 years old or older, or is associated with significant people or events, and adds to the historic significance of a historic district.

In-Kind Replacement: To replace a feature of a building or site with materials of the same characteristics, such as material, placement, texture, color, etc.

Integrity: A property (or historic district) retains its integrity if a sufficient percentage of the structure (or district) dates from the period of significance. The majority of a building's structural system and materials should date from the period of significance and its character defining features should remain intact. These may include

architectural details such as dormers and porches, ornamental brackets and moldings, and materials, as well as the overall mass and form of the building.

Location: As related to the determination of "integrity" of a property, *location* refers to a historic property existing in the same place as it did during its period of significance.

Mass: The physical size and bulk of a structure.

Material: As related to the determination of "integrity" of a property, *material* relates to the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

National Register of Historic Places: The official national list of cultural resources worthy of preservation (Authorized under the National Historic Preservation Act of 1966). Individual historic buildings, neighborhoods (called historic districts), and collections of buildings with a shared history or building type (called a multiple property listing) can all gain National Register designation.

Non-Historic Property: A recent building and those fifty years old or older that have lost their integrity, and who do not add to the historic significance of a historic district.

Orientation: Generally, orientation refers to the way in which a building relates to the street. The entrance of the building plays a large role in the orientation of a building; therefore, it should face the street.

Period of Significance: Span of time in which a property attained historical significance.

Property: Area of land containing a single historic resource or a group of resources.

Preservation: The act or process of applying measures to sustain the existing form, integrity, and materials of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Protection: The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature, and anticipates future historic preservation treatment; in the case of archeological sites, the protective measures may be temporary or permanent.

“Recent Past” Architecture: Individual buildings, sites, collections of buildings, or building types that may or may not be 50 years old or older, but have historical significance unique to the 20th Century.

Reconstruction: The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or part thereof, as it appeared at a specific period of time.

Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, archeological, and cultural value.

Renovation: The act or process of returning a property to a state of utility through repair or alteration which makes possible a contemporary use.

Restoration: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Roof: The top covering of a building.

Scale: The size of a structure as it appears to the pedestrian.

Setting: As it relates to the concept of “integrity”, *setting* refers to the physical environment of a historic property.

Shape: The general outline of a building or its façade.

Size: The dimensions in height and width of a building's face.

Stabilization: The fact or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

Streetscape: Generally, the streetscape refers to the character of the street, or how elements of the street form a cohesive environment.

Traditional: Based on or established by the history of the area.

Vernacular: A building that may not have noticeable details associated with a specific architectural style, but is simple with modest detailing and form reflecting local culture and indigenous knowledge of construction. Historically, factors often influencing vernacular buildings were things such as available local materials, climate, and building forms used by successive generations.

Vicinity: A neighborhood, or the area surrounding a particular place. For the purpose of the *Idlewild Design Guidelines*, the term *vicinity* describes the area around a subject property

including any and all structures or sites within a distance of 500ft. This includes structures and sites on the same and on the opposite side of the street from the subject property.

Visual Continuity: A sense of unity or belonging together that elements of the built environment exhibit because of similarities among them.

Window Parts: The moving units of a window are known as sashes and move within the fixed frame. The sash may consist of one large pane of glass or may be subdivided into smaller panes by thin members called muntins or glazing bars. The heavy vertical wood members that divide windows placed side by side are referred to as mullions.

Workmanship: As related to the determination of "integrity" of a property, *workmanship* refers to the physical evidence of the crafts of a particular culture, people, or artisan.

LETTERS RECEIVED

28 letters of support and 0 letters of opposition were received at the time of completion of this report and have subsequently been attached.

LETTERS OF SUPPORT

Letter of support

From Bettina Gaycken <bgaycken@hotmail.com>

Date Thu 1/9/2025 8:51 AM

To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender bgaycken@hotmail.com

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

I support the application for the Carr Avenue Historic District.

Sincerely,
Bettina Gaycken, MD
2075 Carr Ave

Carr Avenue Historic District

From Josh Hankins <jhankins@collierville.tn.gov>
Date Thu 1/9/2025 11:16 AM
To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender jhankins@collierville.tn.gov

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

Good afternoon,

My name is Josh Hankins and I am a Planner with the Town of Collierville and live at 2069 Peabody Avenue, directly behind the proposed Carr Avenue Historic District. I received a mailer from the city and wanted to express my support of this case as those homes are very unique in Memphis and need to be preserved.

Thank you,

Josh Hankins

2074 Carr Avenue historical district application

From Gina Ritchey <carravenue@yahoo.com>
Date Fri 1/10/2025 2:32 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender carravenue@yahoo.com

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

Memphis landmarks commission,
My name is Gina M Ritchey I live at 2074 Carr Avenue I write this letter to express my approval for the historical district for my street.

Thank you,
Gina Ritchey

Carr Ave Historic District Application

From Amy Starks <astarks2@gmail.com>
Date Mon 1/13/2025 1:32 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender astarks2@gmail.com

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Hello,
My name is Amy Starks
My address is 2094 Carr Ave, Memphis, TN 38104
I approve the historic designation of our block due to its significant historical arch features
Thank you in advance,
Amy G Starks.

Letter of Approval Carr Avenue Historic District Application

From Dave Hymel <daveh40@me.com>

Date Mon 1/13/2025 4:52 PM

To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender daveh40@me.com

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

1/13/2025

I live at 2076 Carr Avenue

I am writing to express my support and approval for the Carr Avenue Historic District application.

Looking forward to the meeting on the 23rd of January.

Thank you,

Dave & Cindy Hymel

Letter of Approval, Carr Ave Historic District Application

From Tina Pierce Sullivan <tinapsullivan@gmail.com>
Date Tue 1/14/2025 10:34 AM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender tinapsullivan@gmail.com

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

Ms. Payne,

I would like to offer my support for the Historic District Application being pursued by residents of the 2000 block of Carr Avenue in Midtown Memphis. My address is 2049 Carr, and my husband and I have owned this house for 14 years. I manage the block's communal Facebook page, and have helped host our semi-annual block party ("Blocktoberfest") and I participate in many other neighborhood-organized endeavors.

The sense of community found on this block is palpable, and many of us are certain that the architecture of the homes here facilitates interaction between neighbors. Built in the early 1900's for (we believe) trolley workers installing the tracks along Peabody and Cooper, these tiny homes were built close together with front porches that allow you to speak to your neighbors several houses down. This kind of communal living encourages dialogue, constructive communication, and shared responsibility for the safety of the community (such as splitting expenses to care for trees with canopies that span several yards). It is a delicate ecology that deserves to be nurtured.

After the deadly 1995 Chicago heat wave, researchers discovered that there was a lower mortality rate in older, densely-packed neighborhoods with stoops, where neighbors were used to seeing each other regularly. By comparison, suburban neighborhoods where garages predominate and people rarely see each other experienced increased mortality rates. There is no doubt that architecture, particularly the historic architecture found on this block, can either contribute to or detract from the health of a community.

Our block is its own case study in good design, which has endured for over a century. We seek Historic District Status *not* to micromanage paint colors or landscaping or decorative trim, but to preserve the basic historic architecture that contributes to and facilitates a healthy community.

Thank you,
Tina Sullivan
2049 Carr Ave
Memphis, TN
38104

Carr Avenue Historic District LOA

From Hunter Oppenheimer <hunteropp@gmail.com>
Date Tue 1/14/2025 3:07 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

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

I approve of and support the application for Carr Avenue Historic District.
Thank you,
Hunter Oppenheimer
2038 Carr Avenue
901-485-6389

LOA Carr Avenue HD Application

From wade rhea <waderhea@hotmail.com>
Date Tue 1/14/2025 4:11 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender waderhea@hotmail.com

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

January 15, 2025

I live at 2080 Carr Ave, Memphis, TN 38104. I am writing to express my support and approval for the Carr Avenue Historic District application.

Thank you,
Wade Rhea

Carr Avenue Historic District

From Steve Redding <redding901@gmail.com>
Date Tue 1/14/2025 4:01 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

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

Margot & MLC Commissioners,

I am writing in support of creating the Carr Avenue Historic District. I am very pleased this block of Carr, with its numerous attractive and historic homes, has elected to pursue Landmarks status.

As a resident of Central Gardens, I appreciate the benefits afforded by local historic designation - and welcome our neighbors to the east in joining us in helping to enhance our neighborhoods and the greater community.

Thanks,
Steve

Steve Redding
1554 Harbert Avenue

To: Memphis Landmarks Commission
Re: [HDD 2024-0001 Carr Avenue Historic District](#)
Attn: margot.payne@memphistn.gov



Memphis Landmarks Commission:

We strongly support this application for a new Historic District.

A strong part of what defines Memphis is its vast swaths of period housing. Tourists come to Memphis and, because of the architectural preservation that has been so strong here, they can tour the city and feel its growth as if in an actual time travel machine.

Midtown may be best known for its housing stock, but it's true both west and east of there too.

While we are sorry that all of the Idlewild neighborhood could not get behind an Historical District, we applaud the effort of this block that recognizes the benefit and importance of preservation. We hope that this block will be an example for the others in Idlewild, and that soon, other blocks will want to join this Historic District. Letting one block set the example for others who may not understand the benefits of an Historic District is a very good plan.

We remind the Board of the recent study done by the City Council (attached) which confirms the benefits of Historic Districts to the city. It's not just us who know how preservation helps a city.

We look forward to your approval of this application.

Thank you,

Emily Bishop

A handwritten signature in black ink, appearing to read "Robert Gordon".

Emily Bishop Robert Gordon
President, MidtownMemphis.org P&D Committee Chair

CC: Hunter Oppenheimer, Idlewild resident, Carr Historic District

EXECUTIVE COMMITTEE

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66 S. Cooper St., Ste. 506

Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org



To: Councilman Ford Canale
Chairman
Planning and Zoning Committee

From: Josh Whitehead
Zoning Administrator

Date: December 7, 2021

Subject: Landmarks District review study

Mr. Chairman:

On August 17, 2021, the Memphis City Council approved a resolution authorizing the Division of Planning and Development to perform a review of the City's Landmarks Districts and report to the Council its findings by January 1, 2022. This study is the product of that initiation resolution, which requested the following information to be included in such a review (see Exhibit "A," attached to this study, for a copy of the initiation resolution):

1. Current and historic assessed value of residential properties within the Landmarks Districts relative to those throughout the City of Memphis;
2. Demographics of the Landmarks Districts;
3. Total value of residential building permits issued per year within the Landmarks Districts relative to those throughout the City of Memphis;
4. Current and historic homeownership rates within the Landmarks Districts; and
5. Processes for the creation of historic overlay districts in peer cities.

Please note that several Landmarks Districts are omitted from the individual tables in this report due to either their small size (making obtaining data from the Census Bureau impossible) and/or their non-residential nature. These include the Cotton Row, Gayoso Peabody, South Main and Victorian Village districts downtown and the Collins Chapel, Maxwellton and Withers Home districts, each of which consist of single sites.

1. Current and historic assessed value

The table below contains the median appraised value for single-family homes in each Landmarks District that were in existence in 2010 and shows the increase in value from that time to 2021. The values in these districts rose anywhere from 16% in Glenview to 74% for Annesdale-Snowden. On average, homes in all historic districts rose 59% in value from 2010 to 2021 compared with 18% for the City overall. This data

would suggest that, for the most part, values in Landmarks Districts grow faster than in neighborhoods outside of these districts. In [this Forbes article](#) by Adam A. Millsap, various published studies both support and reject this supposition.¹ The article also points out that there are additional costs to owning a home in a historic district; these can include the hiring of design professionals to draft drawings for historic commission review, construction delays to allow said review, etc.

District Name	Year Est.	Median Appraisal		% increase
		2010	2021	
Annesdale-Snowden	1989	\$120,050	\$208,900	74%
Annesdale Park	1988	\$234,500	\$306,400	31%
Central Gardens	1993	\$264,900	\$396,000	49%
Evergreen	1990	\$217,300	\$328,600	51%
Glenview	2000	\$62,850	\$72,600	16%
Lea's Woods	2004	\$124,500	\$190,200	53%
Rozelle-Annesdale	2005	\$39,850	\$60,050	51%
All Historic Districts that existed as of 2010		\$171,900	\$273,000	59%
City of Memphis		\$81,200	\$95,600	18%

2. Demographic of Landmarks Districts

The second set of data requested dealt with the demographic data of the Landmarks Districts. In total, about 27,000 residents live in these districts. The table below contains racial data for each district; four of the districts are predominantly African-American (Glenview, Rozelle-Annesdale, Speedway Terrace and Vollintine-Evergreen); six are predominantly non-Hispanic white (Annesdale-Snowden, Annesdale Park, Central Gardens, Evergreen, Lea's Woods and Cooper Young) and one (Crosstown) has no predominant racial group.

District Name	Year Est.	White	Black
		2020	2020
Annesdale-Snowden	1989	55%	39%
Annesdale Park	1988	64%	24%
Central Gardens	1993	81%	8%
Evergreen	1990	76%	11%
Glenview	2000	5%	89%
Lea's Woods	2004	54%	21%
Rozelle-Annesdale	2005	17%	74%
Cooper Young	2018	75%	16%
Crosstown	2021	27%	44%
Speedway Terrace	2018	24%	58%
Vollintine-Evergreen	2021	34%	57%
All Historic Districts as of 2021		52%	37%
City of Memphis		24%	61%

¹ Millsap, Adam A. "Historic Designations are Ruining Cities," *Forbes*, December 23, 2019.

The next table contains average income for all historic districts that existed in 2010 and the relative change between that time and 2019. While the median income increased 13% citywide, it increased 27% in the Landmarks Districts.

District Name	Year Est.	Median Income		increase
		2010	2019	
Annesdale-Snowden	1989	n/a	n/a	
Annesdale Park	1988	n/a	n/a	
Central Gardens	1993	\$71,625	\$83,234	
Evergreen	1990	\$57,547	\$100,072	
Glenview	2000	\$27,607	\$37,818	
Lea's Woods	2004	n/a	n/a	
Rozelle-Annesdale	2005	\$33,234	\$31,818	
Historic Districts with data as of 2010		\$51,964	\$66,037	27%
City of Memphis		\$36,473	\$41,228	13%

3. Value of Residential Building Permits

The table below contains the value of building permits in 2010 and in 2020, in both the Landmarks Districts and throughout the city. While the value of residential building permits increased by 91% citywide, they grew 232% in the Landmarks districts.

		Total Value of Residential Building Permits			
District Name	Year Est.	2010	2020	Increase from 2010 to 2020	Total for all years, 2010-2020
All Historic Districts as of 2021		\$1.9 M	\$6.3 M	232%	\$43.7M
City of Memphis		\$53.4 M	\$101.9 M	91%	\$748.6M

4. Homeownership Rates

The next table contains the homeowner and rental rates for those districts that existed in 2010 and the relative increases or decreases in those numbers between that time and 2019. Citywide, 66% of the single-family homes in Memphis are owned, compared to 70% for the Landmarks districts. And while single-family homeownership decreased in Central Gardens and Rozelle-Annesdale during this time, it increased in the other two districts with data available, Evergreen and Glenview. Citywide, it also decreased.

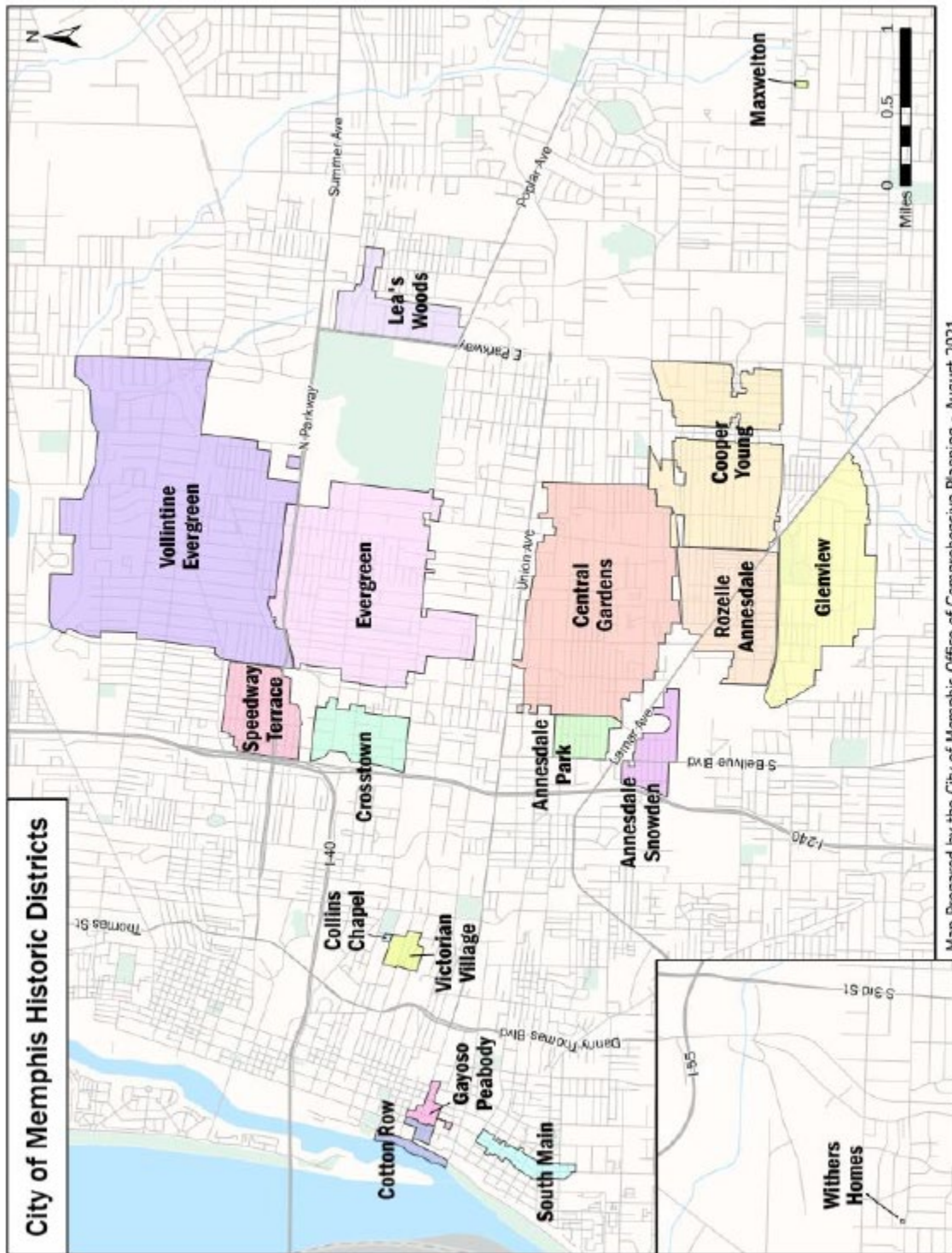
District Name	Year Est.	Own % - SFR		Rent% - SFR	
		2010	2019	2010	2019
Annesdale-Snowden	1989	n/a	n/a	n/a	n/a
Annesdale Park	1988	n/a	n/a	n/a	n/a
Central Gardens	1993	92%	84%	8%	16%
Evergreen	1990	81%	82%	19%	18%
Glenview	2000	67%	71%	33%	29%
Lea's Woods	2004	n/a	n/a	n/a	n/a
Rozelle-Annesdale	2005	57%	34%	43%	66%
All Historic Districts as of 2021		-	70%	-	30%
City of Memphis		75%	66%	25%	34%

5. Creating Landmarks Districts

Currently, there are 18 historic districts in Memphis with a total of nearly 12,000 parcels. The table below contains the number of parcels within each district and the date the district was created, and, where applicable, the district (or significant portions thereof) were placed on the National Register.

District Name	National Register Listed	Landmarks District Designation	Establishing Ordinance Number	No. of Parcels Within
Annesdale Park	12/22/78	11/20/89	3899	165
Annesdale-Snowden	10/25/79	9/23/88	3807	204
Central Gardens	8/9/83	5/14/93	4122	1,761
Collins Chapel	4/5/91	8/25/92	4123	5
Cooper Young	6/22/89	2/20/18	5681	1601
Cotton Row	8/1/79	9/23/88	3806	108
Crosstown	N/A	7/20/21	5783	188
Evergreen Historic	1/11/85	2/9/90	3929	1,722
Gayoso-Peabody	5/5/80	9/23/88	3809	89
Glenview Historic	10/7/99	12/1/00	4822	983
Lea's Woods	N/A	1/6/04	5023	261
Maxwelton	3/10/80	12/3/96	4464	1
Rozelle-Annesdale	N/A	7/10/05	5106	768
South Main Street	9/2/82	9/23/88	3808	198
Speedway Terrace	3/19/99	5/23/18	5687	378
Victorian Village	12/11/72	11/20/89	3900	29
Vollintine-Evergreen	4/12/96	7/20/21	5789	3351
Withers Home	N/A	7/5/16	5621	1
18 Local Landmarks districts			Total number of parcels 11,813	

These 18 districts are mapped below.



Under the original ordinance that created the Memphis Landmarks Commission in July of 1975, the approval of the affected owners was required. This changed in May of 1988 when the ordinance was amended to allow the creation of districts over owners' objections.² In 2006, during the deliberations to create a neighborhood conservation overlay district within The Village subdivision, a new policy was developed. Under that policy, all future neighborhood conservation and Landmarks Districts were to obtain the written approval of the same percentage of homeowners that require the installation of a speedbump, 72%. As an unwritten policy, it was eschewed with the Cooper-Young and Speedway Terrace neighborhoods underwent the establishment of their districts in 2018.

Other cities in Tennessee follow varying processes. According to Tim Walker, Executive Director of the Metropolitan Nashville Historic Zoning Commission, there is no formal process by which historic districts are created in that city. Most districts begin by a group of neighbors in a proposed district working with their district council member. Art. II, Sec. 10-14 (a) of the Chattanooga Code of Ordinances allows any property owner within the district, as well as the City Council, a neighborhood association or a "historic civic or professional society or group" to petition to create a historic district in that community. Lindsay Crockett, Historic Preservation Planner with the Knoxville and Knox County Planning Commission, cited Sec. 8.5F of the Knoxville zoning code, which covers the initiation process for local historic overlay districts. That community's code requires the City Council or Mayor initiation for districts containing multiple properties. In other words, property owners may only initiate single-property districts for properties they own.

As for the creation of historic zoning districts in cities outside of Tennessee, New York requires initiation by the Landmarks Commission; this is likely one of the justifications for its large staff.³ In Los Angeles, a historic district may be initiated by the City Council, the Director of Planning, the Cultural Heritage Commission the City Planning Commission or the property owners in question. If neighborhood-initiated, Los Angeles ordinance requires 75% owner or lessee approval.⁴ Boston follows a similar process where the City or at least ten property owners may initiate a district.⁵ In Denver, the City, property owners or any group of three residents may propose a historic district.⁶ Philadelphia mirrors Memphis' current situation where any property owner may nominate a district to what is known as the "Philadelphia Register of Historic Places."⁷ The same is true in Washington, DC, and Indianapolis.^{8,9} According to Kristina Harpst, Program Manager of Historic Districts with the City of Charlotte, they require at least 51% property owner approval to initiate a historic zoning district under a relatively recent state law. Savannah requires a petition signed by at least 50% of the owners affected by the historic district to approve its creation.¹⁰ The table below contains the present number of historic districts in each of these communities and their current staff complement.

² Hirschman, Dave. "Landmarks votes push development," *Commercial Appeal*, August 29, 1989.

³ <https://www1.nyc.gov/site/lpc/about/landmark-designation.page>

⁴ <https://planning.lacity.org/odocument/3133ef89-f08b-4b98-9458-28b4f763a4d5/Info%20Brief%20How%20to%20Establish%20an%20HPOZ.pdf>

⁵ <https://www.boston.gov/departments/landmarks-commission/designating-landmarks-boston>

⁶ <https://www.denvergov.org/Government/Agencies-Departments-Offices/Community-Planning-and-Development/Landmark-Preservation/Historic-Designation/Apply-for-Landmark-Designation>

⁷ <https://www.phila.gov/departments/philadelphia-historical-commission/philadelphia-register-of-historic-places/>

⁸ <https://planning.dc.gov/node/883602>

⁹ <https://citybase-cms-prod.s3.amazonaws.com/68f4332ed0d345bfadafb0271c09dc7f.pdf>

¹⁰ <https://www.thempc.org/docs/lit/Hist/2021/LBrochure.pdf>

	CITY	HISTORIC DISTRICTS	PARCELS	STAFF	PARCELS PER STFF. MEMBER
Tenn. cities					
	Memphis	18	11,813	2 ½	4725
	Chattanooga	4	1,564	2	782
	Knoxville	12	1,718	1	1718
	Nashville	30	9,284	7	1326
	Average (incl. Memphis)				2138
	Average (excl. Memphis)				1275
Other cities					
	New York	149	37,000	80	473
	Los Angeles	35	21,000	16	1313
	Philadelphia	31	10,000	7	1429
	Charlotte	6	5,038	4	1260
	Indianapolis	17	6,000	6	1000
	Washington, DC	50	23,600	18	1311
	Boston	9	8,000	8	1000
	Denver	57 ¹	15,779	9	1753
	Savannah	4		4	
	Average				1192
All cities	Average (incl. Memphis)				1508
	Average (excl. Memphis)				1215

¹ Although Denver has 57 local historic districts, the city engages two sets of guidelines for these 57 districts.

As the table above suggests, staffing levels for historic commission in Tennessee and around the country vary widely, ranging from seven professional planners in Nashville to one in Knoxville. On average, each of Memphis' staff planners assigned to the Landmarks Commission is responsible for 4725 properties; *this is about four times the number of properties each planner is responsible for in cities within and outside of Tennessee.*

Conclusion/Recommendation

While the Division of Planning and Development will monitor the incoming fees and budget personnel accordingly, an additional strategy should be employed to ensure the administration of the City's historic districts is effective and efficient. To that end, the Division has drafted amendments to the Bylaws of the Landmarks Commission for review by the Commission next year that allow more types of home improvements to be approved administratively. For instance, during Fiscal year 2020, 70% of the caseload of the Commission was handled administratively as minor Certificates of Appropriateness; this compares to 81% in Nashville and 82% in Denver. A draft amendment to the Bylaws that would effectuate this change is attached to this study as Exhibit B. Other options that could be explored in the future is to amend the Landmarks ordinance in such a way that would require some percentage of property owner approval,

as is the case in Charlotte and Savannah or, as is the case in Oregon, allow non-consenting owners to remove their property from the proposed district.¹¹

The maps below show the relative sizes of Memphis' 18 districts compared with other major cities, to scale. Local historic districts are highlighted in red.



¹¹ Oregon Revised Statutes, Sec. 197.772.

EXHIBIT A: Initiation Resolution

Resolution authorizing the Memphis and Shelby County Division of Planning and Development to perform a review of the City's Landmarks Districts.

WHEREAS, on July 20, 2021, the Memphis City Council approved two additional Landmarks Districts, also known as historic overlay districts: Vollintine-Evergreen and Crosstown; and

WHEREAS, during its deliberations on these two new districts, members of Council inquired as to certain metrics for the existing Districts; and

WHEREAS, the Division of Planning and Development administers the Landmarks Districts and staffs the Memphis Landmarks Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL does hereby authorize the Memphis and Shelby County Division of Planning and Development to perform a review of the City's Landmarks Districts. This review shall include, but shall not be limited to, the following metrics:

6. Current and historic assessed value of residential properties within the Landmarks Districts relative to those throughout the City of Memphis;
7. Demographics of the Landmarks Districts;
8. Total value of residential building permits issued per year within the Landmarks Districts relative to those throughout the City of Memphis;
9. Current and historic homeownership rates within the Landmarks Districts; and
10. Processes for the creation of historic overlay districts in peer cities.

BE IT FURTHER RESOLVED BY THE MEMPHIS CITY COUNCIL that the Memphis and Shelby County Division of Planning and Development shall report the findings of this review to the Council no later than January 1, 2022.

Sponsor: Worth Morgan

Frank Colvett, Jr., Chairman

EXHIBIT B:

Draft of potential amendment to the Bylaws of the Memphis Landmarks Commission
(new language indicated in bold, underline language and deleted language in ~~strikethrough~~)

Sec. VIII(I) Minor Certificates of Appropriateness

- (1) The Commission ~~authorizes staff to preliminarily approve~~ may approve expedited minor certificates of appropriateness for improvements that will not adversely affect any of the historic characteristics of properties within a historic district and will not diminish the integrity of a property's location, design, setting, materials or workmanship. ~~These improvements are as follows:~~
- ~~a. Demolition of non-historic accessory structures and appurtenances;~~
 - ~~b. Demolition of any structure that has become a major life-safety hazard and is requested to be demolished by another City department for that reason;~~
 - ~~c. Any court-ordered demolition;~~
 - ~~d. Demolition of non-contributing primary buildings that are less than 50 years old;~~
 - ~~e. New construction of accessory structures which meet the design guidelines and the bulk zoning requirements, if located behind the rear façade of the primary building and if less than 25% of its street-facing façade is visible from the street;~~
 - ~~f. Rear additions which are no wider and no taller than the primary building and no deeper than half the depth of the existing house and if less than 25% of the street-facing new facades are visible from the street;~~
 - ~~g. Side or rear roof additions such as dormers and skylights;~~
 - ~~h. Repairs and replacement exactly in-kind where a permit is required;~~
 - ~~i. Except for fencing along side streets on corner lots, fencing that starts at least five feet behind the front façade of a primary building, including backyard fencing, but such fencing must meet the district's design guidelines as to height, materials and any other related requirement;~~
 - ~~j. Permanent landscape features, such as hardscape, retaining walls and other landscaping borders of one foot in height or less;~~
 - ~~k. The Commission chair may extend the list of minor certificates of appropriateness in emergency situations; otherwise, all exterior work not included in the list of minor certificates of appropriateness in this subsection shall be reviewed exclusively by the Commission;~~
- (2) After review and preliminary approval by staff, those applications for the above-described certificates of appropriateness deemed as minor by the Executive Secretary or the Zoning Administrator shall be electronically disseminated to all members of the Commission and such

applications shall also be simultaneously disseminated to any applicable neighborhood association or neighborhood landmarks committee. Approval for minor certificates of appropriateness shall become final only if, three (3) business days after electronic notice, a minimum of four (4) Commissioners has not requested that the application be heard by the full Commission during its next meeting. All requests for full review by Commissioners regarding minor certificates of appropriateness shall be made directly to staff and not to other Commissioners in accordance with the Tennessee Open Meeting Act, T.C.A. 8-44-102. Those minor certificates of appropriateness that are not so held for Commission review shall ~~receive final approval by the Executive Secretary, and~~ be memorialized on the next available Commission meeting agenda.

- (3) All applications for certificates of appropriateness deemed to be minor shall be issued by Commission staff within 60 days of the date of application. If the applicant has not submitted necessary materials for the staff to act upon the application within this time period, the application shall be considered withdrawn.

LOA Carr Avenue HD Application

From jlittrice1@gmail.com <jlittrice1@gmail.com>
Date Tue 1/14/2025 4:51 PM
To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender jlittrice1@gmail.com

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

Date: January 14, 2024

I live at 2095 Carr Ave. I approve of the application for Carr Avenue Historic District.

Thank you,

Jeremiah & Gabrielle Littrice

LOA Carr Avenue HD Application 1/14/2025

From Lindsey Medlin <lindypop@gmail.com>
Date Tue 1/14/2025 6:35 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender lindypop@gmail.com

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

Greetings,

I live at 2101 Carr Ave, Memphis, TN 38104. I approve of the application for Carr Avenue Historic District.

Thank you, Lindsey Medlin

LOA Carr Avenue HD Application

From Jake Hopkins <jakehopkins428@gmail.com>
Date Tue 1/14/2025 8:27 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

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

Hello,

My name is Jake Hopkins, and I reside at 2067 Carr Avenue. As I won't be able to attend the Landmarks Hearing on the 23rd, I wanted to reach out and say that I approve of the application for Carr Avenue Historic District.

Thank you,

Jake Hopkins

Letter of Approval Carr Avenue Historic District Application

From Juana McCoy <zoememphis@gmail.com>
Date Wed 1/15/2025 2:30 PM
To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender zoememphis@gmail.com

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

Date:01/15/2025

I live at 2072 Carr Ave.

I am expressing my support and approval for the Carr Avenue Historic District application. Our small street contains small, shotgun houses not found in other parts of the city. They are one of a kind, unique and historic. Our street was voted most charming street in Memphis magazine. I would be devastated if anything happened to our charming neighborhood.

Thanks,
-Juana McCoy

LOA Carr Avenue HD application 1/23/2025

From james speed <jsspeed66@icloud.com>
Date Wed 1/15/2025 2:17 PM
To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender jsspeed66@icloud.com

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

I strongly approve of the application for Carr avenue historic district, Thank You!!
James speed
2071 Carr ave
Memphis tn 38104
Sent from my iPhone

In Support of Carr Avenue Historic District

From Emily Oppenheimer <emoppenheimer@gmail.com>
Date Wed 1/15/2025 7:24 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

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

Hi Margot,

I am reaching out to voice support for the Carr Avenue Historic District and to encourage votes in favor of its establishment. The block of Carr between Diana and Cooper is a charming stretch of historic homes that deserves historic designation and the protection afforded by it. Please vote in favor of the district. Thank you so much!

All my best,
Emily Oppenheimer

Letter of approval for Carr Ave historic district application

From Malone, Hayden <Hayden.Malone@STJUDE.ORG>

Date Thu 1/16/2025 8:45 AM

To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender Hayden.Malone@STJUDE.ORG

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

Good morning,

I own 2073 Carr Ave within the proposed Carr Ave historic district. I am expressing my support for the application to be designated as a historic district. Thank you for your time!

Best,

Hayden

Hayden Malone, MS

PhD Candidate

Laboratory of Dr. Charles Roberts

Division of Molecular Oncology

St. Jude Graduate School of Biomedical Sciences

Carr Ave historic district

From terence ryan <terry_ryan44@yahoo.com>

Date Fri 1/17/2025 6:35 PM

To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender terry_ryan44@yahoo.com

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

My name is terry Ryan and I live in Idlewild and am in favor of Carr getting a historic status.

Terry Ryan
901-471-9440

Carr Avenue Historic District

From Ava Middleton <ava.a.middleton@gmail.com>

Date Sat 1/18/2025 4:05 PM

To Payne, Margot <Margot.Payne@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender ava.a.middleton@gmail.com

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

I am a homeowner at 2054 Carr Avenue in Memphis. I am in favor of the Carr Avenue Historic District. If you have any questions, I can be reached at 901.488.5702.

Thanks,

Ava Middleton

Date: 1/30/25

Ms. Margot Payne
c/o Memphis Landmarks Commission
125 North Main Street, #443
Memphis, TN 38103

Hello,

My name is: OWEN C. WALLACE D.C.

I live at 2035 Carr Avenue.

I approve of and am in support of the application for Carr Avenue Historic District.

Thank you,

O C Wallace D.C.

1/30/25

Signature and Date

Email Address:

Margot.payne@memphistn.gov

Date: 2/1/25

Ms. Margot Payne
c/o Memphis Landmarks Commission
125 North Main Street, #443
Memphis, TN 38103

Hello,

My name is: Mary-Markha Bressentberger

I live at 2079 Carr Avenue.

I approve of and am in support of the application for Carr Avenue Historic District.

Thank you,

Mary-Markha Bressentberger Feb. 1, 2025
Signature and Date

Email Address:

Margot.payne@memphistn.gov

Date: Feb 1, 2025

Ms. Margot Payne
c/o Memphis Landmarks Commission
125 North Main Street, #443
Memphis, TN 38103

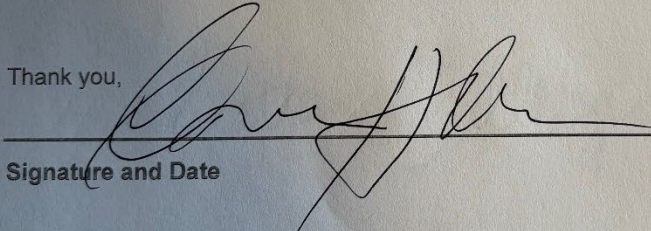
Hello,

My name is: Cynthia Hymel

I live at 2076 Carr Avenue.

I approve of and am in support of the application for Carr Avenue Historic District.

Thank you,

 2/1/2025
Signature and Date

Email Address:

Margot.payne@memphistn.gov

Date: JAN. 31, 2025

Ms. Margot Payne
c/o Memphis Landmarks Commission
125 North Main Street, #443
Memphis, TN 38103

Hello,

My name is: DELORI René Dever

I live at 2047 Carr Avenue.

I approve of and am in support of the application for Carr Avenue Historic District.

Thank you,

Delori René Dever

Signature and Date

Email Address:

Margot.payne@memphistn.gov

Date: 2/1/25

Ms. Margot Payne
c/o Memphis Landmarks Commission
125 North Main Street, #443
Memphis, TN 38103

Hello,

My name is: Heather Gillespie

I live at 2065 Carr Avenue.

I approve of and am in support of the application for Carr Avenue Historic District.

Thank you, Heather Gillespie

Signature and Date

Email Address:

Margot.payne@memphistn.gov

Date: February 2, 2025

Ms. Margot Payne
c/o Memphis Landmarks Commission
125 North Main Street, #443
Memphis, TN 38103

Hello,

My name is: KACKY WALTON

I live at 2070 Carr Avenue.

I approve of and am in support of the application for Carr Avenue Historic District.

Thank you,

Kelly Holt 2-2-2025
Signature and Date

Email Address:

Margot.payne@memphistn.gov

Carr Avenue Historic District Application

From Kacky Walton <kw Walton@wkno.org>
Date Sun 2/2/2025 3:28 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender kw Walton@wkno.org

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

Dear Ms. Payne,

I am writing to express my support for Carr Avenue's application to become an Historic District.

Buying a home is the biggest financial investment most of us will make in our lifetime. Not only do we look for a home that meets all of our expectations both practically and aesthetically, but we also want that home to be in a neighborhood that has qualities that offer a real sense of community.

After I got married, my late husband and I would drive all over Midtown hoping to find a house that we could imagine becoming a home where we could make memories and grow old. We always found ourselves on the block of Carr Avenue between Cooper and Diana streets. The block's charm was undeniable. The adorable shotgun houses gave off a New Orleans or Carolina vibe that was nowhere else to be found in Midtown. We knew this was where we wanted to live, and were elated when on one of our drives, we saw a "For Sale" sign in the one of the yards. Greg and I knew that no one ever moved once they bought a house on this street, and we couldn't believe our luck!

I have happily lived on this street since 2009. Carr Avenue really *is* a lovely little community all its own. We gather on front porches, we have street parties, and we're also so close that we look out for each other when a neighbor is in need. I don't know what I would have done had I not had the support of my friends on this street when my husband passed away.

A few years ago, a house was razed and replaced with two "tall skinny" houses. The architects completely ignored the aesthetics of our block. These (in my opinion) ugly houses stick out like a sore thumb, their design doesn't mesh with the others on the street, and they disrupt the overall charm of the block.

This is why I support the block of Carr Avenue between Cooper and Diana becoming an Historic District. It's a true gem in our community, and I, along with my neighbors, want to protect it.

The Memphis Flyer didn't name it "Best Street" for nothing!

I truly hope you will vote in our favor.

With sincere gratitude,

Kacky

Kacky Walton
Music Coordinator/Classical Music Host

WKNO • FM

NPR for the Mid-South

91.1
WKNO 91.1

Approval of Carr Avenue Landmarks designation

From Rodney Nash <rnash57@gmail.com>
Date Mon 2/3/2025 3:38 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

☐ The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender rnash57@gmail.com

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

Hello.

I am Rodney S Nash and I reside at 2119 Carr Avenue, Memphis TN, 38104.
I bought my house in 1996 because I love the neighborhood feel of this street. While I loved living in Cooper-Young, where I was very active in our Community Association and the Development Corporation, I was tired of living on the busy and noisy East Parkway.
I approve of this application and would love it if our block received local Landmarks historic designation to help preserve its cozy character.

Thank you.

Landmarks Application for Carr Avenue

From Rodney Nash <rnash57@gmail.com>
Date Mon 2/3/2025 3:55 PM
To Payne, Margot <Margot.Payne@memphistn.gov>

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

This is Rodney Nash. I purchased 2121 Carr in May of 2008 because it was seriously neglected and needed major restoration work, which is what I do for a living.
I heartily approve of our block of Carr Avenue, in the Idlewild National Historic District, receiving local Landmarks designation, to preserve its unique charm and one-of-a-kind character. Thank for your consideration.



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

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

February 13, 2025

Hunter Oppenheimer
2038 Carr Avenue
Memphis, TN 38104

Sent via electronic mail to: hunteropp@gmail.com

Case Number: HDD 2024-0001
LUCB Recommendation: Approval

Dear applicant,

On Thursday, February 13, 2025, the Memphis and Shelby County Land Use Control Board recommended **approval** of your request to designate a new Historic (H) Overlay District containing 43 properties within the 2000 to 2100 block of Carr Avenue.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at margot.payne@memphistn.gov.

Respectfully,



Margot Payne
Urban Design & Preservation Planner
Land Use and Development Services
Division of Planning and Development

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, April 8 at 4:00 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: HDD 2024-0001

LOCATION: 43 properties within the 2000 to 2100 block of Carr Avenue between Diania Street and Cooper Street

COUNCIL DISTRICTS: District 4 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Hunter Oppenheimer and 41 others

REPRESENTATIVE: Hunter Oppenheimer

REQUEST: Designation of a new Historic (H) Overlay District

RECOMMENDATIONS:

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

Memphis Landmarks Commission: *Approval*

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

NOW, THEREFORE, you will take notice that on Tuesday, April 8, 2025, at 4:00 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

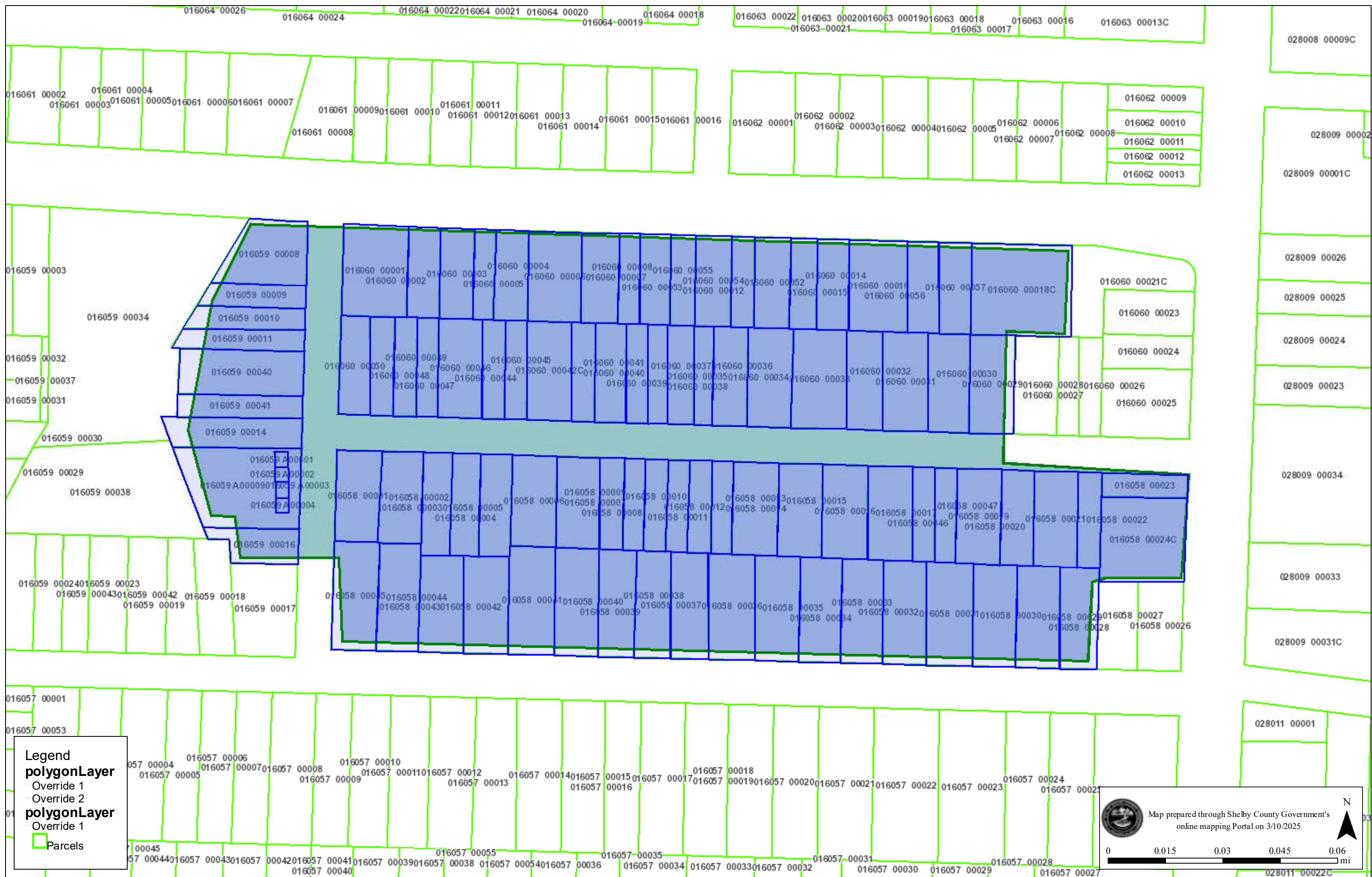
THIS THE 19th OF MARCH 2025

J. FORD CANALE
CHAIRMAN OF COUNCIL

ATTEST:

KAMETRIS WYATT
CITY COMPTROLLER

TO BE PUBLISHED: NO LATER THAN MARCH 28, 2025



ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

PASS KASSEY
2046 CARR AVE #
MEMPHIS TN 38104

HOWELL STEPHEN C
545 DIANA ST #
MEMPHIS TN 38104

ZANIN MARK AND SOOK-SAN WONG (RS)
2043 PEABODY AVE #
MEMPHIS TN 38104

COLEMAN RONALD
3406 DEMOCRAT RD #
MEMPHIS TN 38118

HOPKINS JAKE W
2067 CARR AVE #
MEMPHIS TN 38104

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

BROWN SUSAN B
2064 CARR AVE #
MEMPHIS TN 38104

CARRIER DAVID
2069 CARR AVE #
MEMPHIS TN 38104

BENSON SANDRA LIVING TRUST
2335 RIDGEWAY RD #
MEMPHIS TN 38119

BEARDEN AMANDA S
2068 CARR AVE #
MEMPHIS TN 38104

MALONE HAYDEN A
2073 CARR AVE #
MEMPHIS TN 38104

HANKINS JOSHUA & KATELYN KENT
2069 PEABODY AVE #
MEMPHIS TN 38104

PONGETTI MICHAEL D
533 DIANA ST #
MEMPHIS TN 38104

SUITE LANA D
547 DIANA ST #3
MEMPHIS TN 38104

ROBINSON LAURA O REVOCABLE LIVING TRUST
1517 VINTON AVE #
MEMPHIS TN 38104

HYMEL DAVID & CYNTHIA
2076 CARR AVE #
MEMPHIS TN 38104

WILKINSON CATHERINE S
2093 CARR AVE #
MEMPHIS TN 38104

CAMPBELL MICHAEL
1804 GARNET AVE #137
SAN DIEGO CA 92109

STARKS AMY G AND SOPHIA I STARKS (RS)
2094 CARR AVE #
MEMPHIS TN 38104

CARMER CHRISTINE
2095 CARR AVE #
MEMPHIS TN 38104

NEAL LINDSEY & MARK
889 OAKMONT PL #
MEMPHIS TN 38107

HILL REGAN AND GLENN B WILLIAMS
580 S BELVEDERE BLVD #
MEMPHIS TN 38104

KNOWLTON BONNIE AND HEATHER DONAHO
541 DIANA ST #4
MEMPHIS TN 38104

OVERCAST HALEY C
2044 CARR AVE #
MEMPHIS TN 38104

PARK AVENUE LODGE
539 S COOPER ST #
MEMPHIS TN 38104

AO PROPCO 1 LLC
32 MERCER ST #4
NEW YORK NY 10013

ROBINSON LAURA O REVOCABLE LIVING TRUST
1517 VINTON AVE #
MEMPHIS TN 38104

GANGWISH TODD T & CINDY H
11225 WHISPERING PINE DR #
OLIVE BRANCH MS 38654

ROBINSON AIMEE A AND WALTER J HUMANN JR
2050 VINTON AVE #
MEMPHIS TN 38104

HERRERA CHRISTINA S & BRIAN F
2060 CARR AVE #
MEMPHIS TN 38104

SWATZELL VICTORIA M
2065 PEABODY AVE #
MEMPHIS TN 38104

DJS HOLDINGS LLC
1900 STARLING DR #
JONESBORO AR 72401

SMITH MARGARET
2100 VINTON AVE #
MEMPHIS TN 38104

TEAGARDEN REBECCA R AND STEPHANIE D
2071 PEABODY AVE #
MEMPHIS TN 38104

MIDDLETON AVA
2054 CARR AVE #
MEMPHIS TN 38104

MCMAHAN CAYMAN & EMILY FULTZ
2102 VINTON AVE #
MEMPHIS TN 38104

SANTOS ANDRESSA N
2073 PEABODY AVE #
MEMPHIS TN 38104

BOLLER JAMIE N & HUGH J RAUP
2066 CARR AVE #
MEMPHIS TN 38104

ATKINS LOY K & SUSAN M
1765 N PARKWAY #
MEMPHIS TN 38112

WONGPRAPAN DON & SABRINA SIMPSON
2075 PEABODY AVE #
MEMPHIS TN 38104

WALTON MARY K
2070 CARR AVE #
MEMPHIS TN 38104

BINDER LANCE A AND FIONA L BINDER (RS)
2108 VINTON AVE #
MEMPHIS TN 38104

TERHORST TARA V
2085 PEABODY AVE #
MEMPHIS TN 38104

MCCOY JUANA H
2072 CARR AVE #
MEMPHIS TN 38104

2029 PEABODY LLC
653 S WILLETT ST #
MEMPHIS TN 38104

JACKSON RICHARD L
2089 PEABODY AVE #
MEMPHIS TN 38104

RITCHEY GINA
2074 CARR AVE #
MEMPHIS TN 38104

SISSMAN BEN G AND NANCY J SISSMAN
1497 PEABODY AVE #
MEMPHIS TN 38104

DAGEN BRETT M
2093 PEABODY AVE #
MEMPHIS TN 38104

RHEA WADE
2080 CARR AVE #
MEMPHIS TN 38104

BALTON CHRISTOPHER
2041 PEABODY AVE #
MEMPHIS TN 38104

ROBINSON LAURA O REVOCABLE LIVING TRUST
1517 VINTON AVE #
MEMPHIS TN 38104

PARKER GENESIS A
2090 CARR AVE #
MEMPHIS TN 38104

WOOD ANDREW R
1024 W 36TH ST #
NORFOLK VA 23508

OPPENHEIMER JEAN H H
2038 CARR AVE #
MEMPHIS TN 38104

MEMPHIS CENTER CITY REVENUE FINANCE
2330 UNIVERSITY AVE #
OXFORD MS 38655

BENSON SANDRA LIVING TRUST
2335 RIDGEWAY RD #
MEMPHIS TN 38119

GATES LAUREN A
2040 CARR AVE #
MEMPHIS TN 38104

LICK CREEK HOMEOWNERS ASSOC INC
541 DIANA ST #
MEMPHIS TN 38104

KNOWLTON BONNIE G AND HEATHER DONAHO
543 DIANA ST #
MEMPHIS TN 38104

GAYCKEN BETTINA A
2075 CARR AVE #
MEMPHIS TN 38104

MCMURTRAY MICHAEL L
3626 BICKERSTAFF RD #C
LAFAYETTE CA 94549

HOWARD WILLIAM G SR & LINDA M
2035 CARR AVE #
MEMPHIS TN 38104

MARTEN MARY J
2079 CARR AVE #
MEMPHIS TN 38104

COOK TONYA J
2559 WINDY OAKS DR #
GERMANTOWN TN 38139

WILLIAMS ANDREW J
2039 CARR AVE #
MEMPHIS TN 38104

SMITH JUSTIN R & MARY A
2085 CARR AVE #
MEMPHIS TN 38104

BRANAN WHITNEY F
2062 VINTON #
MEMPHIS TN 38104

DEVER DELORI R AND ANDRA C ALLGOOD AND
2047 CARR AVE #
MEMPHIS TN 38104

MIESSE CHRISTOPHER S & KATIE W
2101 CARR AVE #
MEMPHIS TN 38104

BROWN GEORGE J & KATHY L
2046 VINTON AVE #
MEMPHIS TN 38104

SULLIVAN PETER & CATRINA
2049 CARR AVE #
MEMPHIS TN 38104

BRAFFORD JONATHAN M & COURTNEY F
6491 KIRBY WOODS DR #
MEMPHIS TN 38119

D'AUNEY CARLA A
2068 VINTON AVE #
MEMPHIS TN 38104

HARRIS TERRI
2053 CARR AVE #
MEMPHIS TN 38104

GIVENS-ROWLIN GALEN
2107 CARR AVE #
MEMPHIS TN 38104

BEENE EMILY & RONALD S EDMONDS
2070 VINTON AVE #
MEMPHIS TN 38104

LAURIE MAJOR LIVING TRUST
2971 OAKSEDGE CV #
GERMANTOWN TN 38138

NASH RODNEY S
6383 RICKS RD #
ARLINGTON TN 38002

WINDSOR ALISTAIR J
2074 VINTON AVE #
MEMPHIS TN 38104

O'DANIEL WILLIAM C (1/3%) AND SARAH R
2063 CARR AVE #
MEMPHIS TN 38104

NASH RODNEY S
6383 RICKS RD #
ARLINGTON TN 38002

BALK PATRICK & LAURI
2080 VINTON AVE #
MEMPHIS TN 38104

GILLESPIE WILLIAM G AND
2065 CARR AVE #
MEMPHIS TN 38104

CAMMACK GLEN G & BETTY B
549 S COOPER ST #
MEMPHIS TN 38104

FRANTZ BARBARA M
2104 VINTON AVE #
MEMPHIS TN 38104

SPEED JAMES S
2071 CAR AVE #
MEMPHIS TN 38104

WURZBURG WARREN SR AND SHIRLEY LAPIDES
6000 WILD OAKS DR #
MEMPHIS TN 38120

RASBERRY JOSEPH F
2112 VENTON AVE #
MEMPHIS TN 38104

O'MALLEY JOHANNAH F
2116 VINTON AVE #
MEMPHIS TN 38104

WALSTON LINDA
2102 CARR AVE #
MEMPHIS TN 38104

RUSSELL WESLEY D
2105 PEABODY AVE #
MEMPHIS TN 38104

THOMPSON ROBERT L II
2103 PEABODY AVE #
MEMPHIS TN 38104

ACTIS MARISA
2103 CARR AVE #
MEMPHIS TN 38104

WISEMAN MATTHEW
559 DIANA ST #
MEMPHIS TN 38104



Memphis City Council Summary Sheet

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

This is a resolution to receive and appropriate a grant from ArtsMemphis in the amount of \$168,201.00.

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

Executive

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

This item does not require a change to an existing ordinance or resolution.

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

Executive

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

This item does not require a new contract.

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

This item will amend the budget to include this additional funding allocation.

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

N/A

RESOLUTION

WHEREAS, the City of Memphis has received grant funds in the amount of One Hundred Sixty-Eight Thousand Two Hundred One Dollars (\$168,201) from ArtsMemphis; and

WHEREAS, The City of Memphis received these funds to assist with the creation of the Office of Creative and Cultural Economy; and

WHEREAS, the Office is being created to enhance existing assets in Memphis and to bring additional resources into the City. The Office will further leverage Memphis' economic growth within the cultural sector; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2025 Operating Budget toward the establishment of the Office of Creative and Cultural Economy; and

WHEREAS, it is necessary to allocate and appropriate the FY2025 grant funds from ArtsMemphis in the amount of One Hundred Sixty-Eight Thousand Two Hundred One Dollars (\$168,201) to assist in the establishment of the Office of Creative and Cultural Economy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the grant funds from ArtsMemphis in the amount of One Hundred Sixty-Eight Thousand Two Hundred One Dollars (\$168,201) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2025 Operating Budget be and is hereby amended by allocating and appropriating the Revenues and Expenditures for the grant in the amount of One Hundred Sixty-Eight Thousand Two Hundred One Dollars (\$168,201) as follows:

REVENUES

ArtsMemphis	<u>\$168,201.00</u>
Total	\$168,201.00

EXPENDITURES

Office of Creative and Cultural Economy	<u>\$168,201.00</u>
Total	\$168,201.00

**CITY OF MEMPHIS
GRANT APPROPRIATION BUDGET
REQUEST FOR COUNCIL APPROPRIATION**

DIVISION: Executive

DATE: 02/19/25

PROJECT: Office of Creative & Cultural Economy

INITIATED BY: Michael Weaver

TITLE: Finance Manager

Finance Office Only

Fund	Fiscal Month	Trans. No.
0205	FEB-25	G078

REVENUE

Award Resource			Grant Project	AMOUNT	
				Revenue	
	13353	Grants Funds from ArtsMemphis	GA90007	\$ 168,201.00	


EXPENDITURE

Award Resource			Grant Project	AMOUNT	
					Expenditure
	13353	Full - Time Salaries	GA90007		168,201.00

TOTALS

\$ 168,201.00	\$ 168,201.00
---------------	---------------

COMMENTS:

APPROVED: 

2/19/25

Division Director

DATE

APPROVED:

Budget Manager or Comptroller

DATE

APPROVED:

Chief Financial Officer

DATE

Finance Only
EFFECTIVE DATE
/ /

RESOLUTION SUMMARY

1. Description of the Item

Resolution requesting the approval of the Board to authorize payment in the amount up to \$227,000.00 as matching funds with TVA's Community Care Funds to be distributed to a local 501(c)(3) organization for utility bill assistance.

2. Additional Information

Tennessee Valley Authority (TVA) has created a Community Care Fund providing matching grant funds to be distributed to local 501(c)(3) organizations to meet needs in our community to provide additional utility bill assistance. MLGW has been notified by TVA that up to \$227,000.00 will be available through the program for allocations to an organization in MLGW's service area. In order to access the TVA funds, MLGW will need to contribute funds in a like amount.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commission in their March 5, 2025 Meeting, approved payment in the amount up to \$227,000.00 as matching funds with Tennessee Valley Authority Community Care Funds to help meet the needs in our community to provide utility bill assistance to be sent to Neighborhood Christian Center in Shelby County, Tennessee, upon their approval by TVA through its application process.

WHEREAS, the Board of Light, Gas and Water is now recommending to the Council of the City of Memphis that it approves the contribution/payment of up to \$227,000.00 in matching funds for TVAs Community Care Funds.

NOW THEREFORE BE IT RESOLVED THAT, the payment/contribution listed above is hereby approved subject to the approval of Neighborhood Christian Center of Shelby County, Tennessee, through TVAs application process for the TVA Community Care Fund.

It is anticipated that TVA would make a matching contribution to the said organization listed above by doubling the actual payment/contribution to said organization.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The President and CEO informed the Board that the Tennessee Valley Authority (TVA) has created a Community Care Fund providing matching grant funds to be distributed to local 501(c)(3) organizations to meet needs in our community to provide additional utility bill assistance. MLGW has been notified by TVA that up to \$227,000 will be available through the program for allocations to an organization in MLGW's service area. In order to access the TVA funds, MLGW will need to contribute funds in a like amount. The President and CEO recommended that the Board authorize payment of up to \$227,000.00. Funds will be sent to Neighborhood Christian Center in Shelby County upon approval by TVA through its application process.

It is anticipated that TVA would make a matching contribution to that same organizations thereby doubling the actual contribution to the organization.

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 meeting held on 5th day of March, 2025, at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – Multiprotocol Label Switching (MPLS) Network Equipment
2. **Requested Funding:** \$406,979.11
3. **Award Duration:** One-Time Purchase
4. **Type of Bid:** Sealed Bid
5. **Awarded To:** Mobile Communications America, Inc
6. **LSB/MWBE Goal Assigned/Committed:** N/A
7. **Plain Language Description:** To purchase multiprotocol label switching (MPLS) equipment including routers, encryption licenses, control modules, and ethernet cards.
8. **Impact:** The existing multiprotocol label switching (MPLS) network equipment must be expanded to support the growing communication demands associated with ongoing grid modernization projects.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved a purchase order for multiprotocol label switching (MPLS) network equipment and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the existing multiprotocol label switching (MPLS) network equipment will be upgraded to support the growing communication needs for grid modernization projects. The multiprotocol label switching (MPLS) network equipment includes routers, encryption licenses, control modules, and ethernet cards;

WHEREAS, bids were opened on December 4, 2024. Notice to Bidders was advertised. Eight bids were solicited, and three bids were received with the lowest and best complying bidder being the firm of Mobile Communications America, Inc. 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 the purchase for multiprotocol label switching (MPLS) network equipment from Mobile Communications America, Inc. in the amount of \$406,979.11 chargeable to the MLGW 2025 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order for multiprotocol label switching (MPLS) network equipment to Mobile Communications America, Inc. in the amount of \$406,979.11.

The existing multiprotocol label switching (MPLS) network equipment will be upgraded to support the growing communication needs for grid modernization projects. The multiprotocol label switching (MPLS) network equipment includes routers, encryption licenses, control modules, and ethernet cards.

Bids were opened on December 4, 2024. Notice to Bidders was advertised. Eight bids were solicited, and three bids were received with the lowest and best complying bidder being the firm of Mobile Communications America, Inc. This award complies with all applicable laws and policies.

The 2025 budgeted amount for Telecommunication Network – Telecommunications Engineering is \$12,134,513.00; of which \$406,979.11 will be spent on this purchase order in 2025; leaving a balance available of \$11,727,533.89 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, awards a purchase order to Mobile Communications America, Inc. is approved for furnishing:

96 – RTU - 7705 SAR-8 Network Group Encryption for SAR 8 router. Allows end-to-end encryption of MPLS network. Part #3HE09259EA;

4 – RTU - 7705 SAR-18 Network Group Encryption for SAR 18 router. Allows end-to-end encryption of MPLS network. Part #3HE09259EA;

192 – RTU-8 PORT Gigabit Ethernet SFP CARD V3 Encrypt Part #3HE09302AA;

20 – 7705 SAR-8 SHELF V2 - SAR-8 Shelf V2 that accepts redundant DC-power feeds and up to 2 CSMs (V1 or V2) and up to 6 interface cards. Fan Module must be version associated with this V2 shelf. 6 Blanking plates included. Part #3HE06791AA;

45 – Control Switch Module (CSM) Version 2 (2 for redundancy) Part #3HE02774AB;

45 – Fan Module for SAR-8 V2 Shelf (Ext. TEMP-48VDC) Part #3HE06792EA;

1 – SAR-18 shelf that accepts up to 2 SAR-18 Control Switch Modules (CSMs) and up to 16 interface cards. Up to 12 SAR 8-type interface cards can be used. Other 4 slots are high speed interface cards specific to the SAR-18. Part #3HE04991AA;

2 – One port 10GE / 10 PORT 1GE 10G-CARD V2. Encryption capable. Supports 1 port at 10 gig or 10 ports at 1 gig. Part #3HE06153AC;

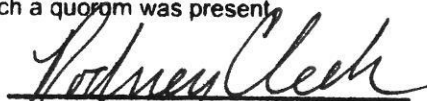
80 – NSP License Point Part #3HE16254AA;

80 – NSP Classic Management FP Part #3HE16001AA;

80 – NSP Network Infrastructure Management FP Part #3HE16003AA;

Totaling \$406,979.11; f.o.b. Memphis, Tennessee, our dock; transportation prepaid; said prices being firm; delivery in 12-16 weeks; terms net 30 days.

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 meeting
held on 5th day of March
2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** - Water Production Well Parts Thirty-Six-Month Purchase Order
2. **Requested Funding** - \$338,047.22
3. **Award Duration** - 36 Months
4. **Type of Bid** - Sealed Bid
5. **Awarded To** - Brighter Days and Nites, Inc.
6. **LSB/MWBE Goal Assigned/Committed** - Yes, Brighter Days and Nites, Inc. is a certified LSB and MBE.
7. **Plain Language Description** - To purchase well couplings and shafts of various sizes and lengths so that current well pump shafts can be repaired, and wells can be placed back in service. This bid was for a thirty-six-month purchase order, so that material can be ordered as needed over the next thirty-six months.

Line 1 - Qty. 200 - 1-11/16" diameter - 10 ft. long section, type 416 SS Lineshaft
Line 2 - Qty. 100 - 1-15/16" diameter - 10 ft. long section, type 416 SS Lineshaft
Line 3 - Qty. 200 - 1-11/16" diameter - 5 ft. long section, type 416 SS Lineshaft
Line 4 - Qty. 100 - 1-15/16" diameter - 5 ft. long section, type 416 SS Lineshaft
Line 5 - Qty. 250 - 1-15/16" diameter coupling, type 416 SS
Line 6 - Qty. 450 - 1-11/16" diameter coupling, type 416 SS
8. **Impact** - This allows us to have an active purchase order, for thirty-six months, to procure shafts and couplings for MLGW's wells, as needed. This will help us to repair current out of service wells, due to broken shafts, as well as quickly order shafts and couplings in the event a well is damaged in the future.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved a thirty-six-month purchase order for water production well parts and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the water production well parts are needed to replace damaged well pump shafts that are no longer serviceable to restore the wells network. The thirty-six-month purchase order will allow for the shafts and couplings to be ordered as needed for repairs; and

WHEREAS, bids were opened December 18, 2024. Notice to Bidders was advertised. Five bids were solicited, and three bids were received with the best complying and most responsive bidder being the firm of Brighter Days and Nites, Inc. 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 a thirty-six-month purchase order for water production well parts from Brighter Days and Nites, Inc. in the amount of \$115,000.00 chargeable to the MLGW 2025 fiscal year budget and the remaining balance of \$223,047.22 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a thirty-six-month purchase order for water production well parts to Brighter Days and Nites, Inc. in the amount of \$338,047.22.

The water production well parts are needed to replace damaged well pump shafts that are no longer serviceable to restore the wells network. The thirty-six-month purchase order will allow for the shafts and couplings to be ordered as needed for repairs.

Bids were opened on December 18, 2024. Notice to Bidders was advertised. Five bids were solicited, and three bids were received with the best complying and most responsive bidder being the firm of Brighter Days and Nites, Inc. This award complies with all applicable laws and policies.

The 2025 budgeted amount for Water – Planned Maintenance / Water Operations is \$3,338,000.00; the amount spent year-to-date is \$90,605.49; leaving a balance available of \$3,247,394.51; of which \$115,000.00 will be spent on this purchase order in 2025; leaving a balance available of \$3,132,394.51 after award; the remaining balance of \$223,047.22 to be spent in subsequent budget years as approved; 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, awards a thirty-six-month purchase order to Brighter Days and Nites, Inc. is approved for furnishing:

200 – 1-11/16" diameter - 10ft. long section. Type 416 SS Lineshaft;

100 – 1-15/16" diameter - 10ft. long section. Type 416 SS Lineshaft;

200 – 1-11/16" diameter - 5ft. long section. Type 416 SS Lineshaft;

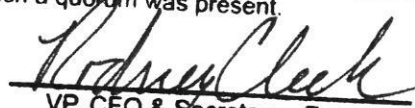
100 – 1-15/16" diameter - 5ft. long section. Type 416 SS Lineshaft;

250 – 1-15/16" diameter coupling. Type 416 SS;

450 – 1-11/16" diameter coupling. Type 416 SS;

Totaling \$338,047.22; f.o.b. Memphis, Tennessee, our dock; transportation prepaid; said prices being firm for the first year and a 7.5% increase for years two and three; delivery as requested; terms net 15 days.

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 meeting
held on 5th day of March
2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 11292 - Cashiering System Replacement
2. **Funded Amount** – \$53,076.00
3. **Award Duration** – May 1, 2025 to April 30, 2026
4. **Type of Bid** – Sole Source
5. **Awarded to** – System Innovators, Inc
6. **LSB/MWBE Goal Assigned/Committed** – No
7. **Plain Language Description** – Creditron Software and Opex Hardware used to process customer mailed payments received via the U.S. Postal Service in one (1) central system for efficiency.
8. **Impact** – Customer mail payments will not be processed and posted to our Customer Information system resulting in disconnection of utilities services and late fees.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting on March 5, 2025 approved Change No. 24 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$53,076.00, 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 upgrade the existing Cashiering System with new technology at all MLGW Community Offices as well as provide annual hardware, software maintenance, and support services. The Creditron Software and Opex Hardware are used to process customer mailed payments received via the U.S. Postal Service in one (1) central system for efficiency. The contract award was selected using the Sole Source process; and

WHEREAS, this change is to renew annual hardware, software maintenance, and support services for the Creditron Software and Opex Hardware (Item Age Express) for the period covering May 1, 2025 through April 30, 2026 in the amount of \$53,076.00, which reflects a negotiated 4% increase in rates from the previous renewal term. The yearly increase is warranted to offset reasonable labor costs incurred by System Innovators to perpetuate the delivery of consistent and effective support. MLGW is requesting continuous maintenance of the acquired systems, which can only be performed by System Innovators and the third-party providers. This sole source renewal complies with all applicable laws and policies. The new contract value is \$2,080,416.97.

and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 24 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$53,076.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 24 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$53,076.00.

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

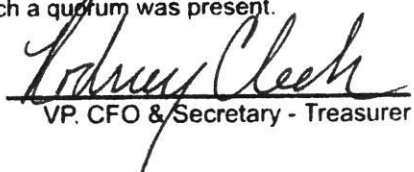
This change is to renew annual hardware, software maintenance, and support services for the Creditron Software and Opex Hardware (Item Age Express) for the period covering May 1, 2025 through April 30, 2026 in the amount of \$53,076.00, which reflects a negotiated 4% increase in rates from the previous renewal term. The yearly increase is warranted to offset reasonable labor costs incurred by System Innovators to perpetuate the delivery of consistent and effective support. MLGW is requesting continuous maintenance of the acquired systems, which can only be performed by System Innovators and the third-party providers. This sole source renewal complies with all applicable laws and policies. The new contract value is \$2,080,416.97.

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. 24 to Contract No. 11292, Cashiering System Replacement with System Innovators to renew the current contract in the funded amount of \$53,076.00, 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 meeting
held on 5th day of March
2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract 12543 – DataDomain Hardware Replacement
2. **Funded Amount** - \$1,140,396.06
3. **Award Duration** – Five (5) years
4. **Type of Bid** – Sealed Bid
5. **Awarded to** – Thomas Gallaway Corporation dba Technologent
6. **LSB/MWBE Goal Assigned/Committed** – WMBE participation is 100%.
7. **Plain Language Description** – The PureStorage hardware replaces the 10-year end-of-life Dell DataDomains used to backup both physical and virtual infrastructure.
8. **Impact** – The hardware provides extended retention for data recovery and restoration as needed.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting March 5, 2024 awarded Contract No. 12543, Data Domain Hardware Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,140,396.06, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope of work is to replace the out-of-support DataDomain 6300 appliances with PureStorage Flasharray//E with 5-year support for the following MLGW facilities: 1) Hansen Administration Building, 220 South Main Street, Memphis, TN 38103; and 2) Netters Business Center, 1665 Whitten Road, Memphis, TN 38134. The Contract award was selected based on the lowest and best bid using the Sealed Bid process.

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on November 20, 2024. MLGW solicited (11) bidders and received two (2) bids on January 7, 2025. The lowest bid received was from Thomas Gallaway Corporation DBA Technologent in the amount of \$1,140,396.06. The term of this contract is for a period of 60 months from the date of the Notice to Proceed. 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. 12543, Data Domain Hardware Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,140,396.06 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12543, Data Domain Hardware Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,140,396.06.

The project scope of work is to replace the out-of-support DataDomain 6300 appliances with PureStorage Flasharray//E with 5-year support for the following MLGW facilities: 1) Hansen Administration Building, 220 South Main Street, Memphis, TN 38103; and 2) Netters Business Center, 1665 Whitten Road, Memphis, TN 38134. The Contract award was selected based on the lowest and best bid using the Sealed Bid process.

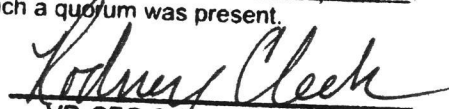
The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on November 20, 2024. MLGW solicited five (11) bidders and received two (2) bids on January 7, 2025. The lowest bid received was from Thomas Gallaway Corporation DBA Technologent in the amount of \$1,140,396.06. The term of this contract is for a period of 60 months from the date of the Notice to Proceed. 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. 12543, Data Domain Hardware Replacement to Thomas Gallaway Corporation DBA Technoligent in the funded amount of \$1,140,396.06, 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 meeting
held on 5th day of March
2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description:** Contract No. 12537 – VDI Storage Replacement
2. **Funded amount:** \$1,102,400.25
3. **Award Duration:** Five (5) years
4. **Type of Bid:** Sealed Bid
5. **Awarded to:** Thomas Gallaway Corporation dba Technologent
6. **LSB/MWBE Goal Assigned/Committed:** WMBE participation is 100%.
7. **Plain Language Description:** The PureStorage VDI Storage Replacement hardware replaces the end-of-life Dell Compellents and VMC-on-Dell hardware solutions at both the Netters and Hansen Data Centers to provide storage to the virtual desktop infrastructure.
8. **Impact:** The Virtual Desktops Infrastructure, provides workstations for over 1,100 users, administrators, and contractors across the MLGW Division.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting March 5, 2024 awarded Contract No. 12537, PureStorage VDI Upgrade Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,102,400.25, 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 purchase PureStorage hardware for the Virtual Desktop infrastructure (VDI) upgrades and/or replacement for VMare Cloud (VMC) -on- Dell and compellent(s) with 5-year support for the following MLGW facilities: 1) Hansen Administration Building, 220 South Main Street, Memphis, TN 38103; and 2) Netters Business Center, 1665 Whitten Road, Memphis, TN 38134. The contract award was selected based on the lowest and best bid received using the Sealed bid process.

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on November 26, 2024. MLGW solicited (11) bids; and received two (2) bids on January 7, 2025. The lowest bid received was from Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,102,400.25. The term of this contract is for a period of 60 months from the date of the Notice to Proceed. 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. 12537, PureStorage VDI Upgrade Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,102,400.25 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12537, PureStorage VDI Upgrade Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,102,400.25.

The project scope is to purchase PureStorage hardware for the Virtual Desktop infrastructure (VDI) upgrades and/or replacement for VMare Cloud (VMC) -on- Dell and compellent(s) with 5-year support for the following MLGW facilities: 1) Hansen Administration Building, 220 South Main Street, Memphis, TN 38103; and 2) Netters Business Center, 1665 Whitten Road, Memphis, TN 38134. The contract award was selected based on the lowest and best bid received using the Sealed bid process.

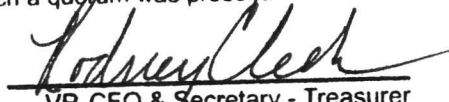
The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on November 26, 2024. MLGW solicited (11) bids; and received two (2) bids on January 7, 2025. The lowest bid received was from Thomas Gallaway Corporaion DBA Technologent in the funded amount of \$1,102,400.25. The term of this contract is for a period of 60 months from the date of the Notice to Proceed. 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. 12537, PureStorage VDI Upgrade Replacement to Thomas Gallaway Corporation DBA Technologent in the funded amount of \$1,102,400.25, 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 meeting
held on 5th day of March
2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – One-Ton Crew Cab Trucks with Service Bodies Ratification PO #7065961
2. **Requested Funding** – \$293,952.00
3. **Award Duration** – One-Time Purchase
4. **Type of Bid** – Sealed Bid
5. **Awarded To** – AutoNation Ford Memphis
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – To purchase four, one-ton trucks with service bodies that will be used by crews to maintain the electric, gas and water systems and for various customer service functions.
8. **Impact** – These trucks will replace existing one-ton crew cab trucks with service bodies that will be retired from service.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved the ratification of Purchase Order Number 7065961 for one-ton trucks with service bodies and is now recommending to the Council of the City of Memphis that it approves said ratification; and

WHEREAS, the one-ton crew cab trucks with service bodies will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs. Purchase Order Number 7065961 was issued to secure vehicles for immediate delivery and approval is needed to ratify the purchase order. 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 7065961 to AutoNation Ford Memphis in the amount of \$293,952.00 chargeable to the MLGW 2025 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

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 7065961 to AutoNation Ford Memphis for one-ton crew cab trucks with service bodies in the amount of \$293,952.00.

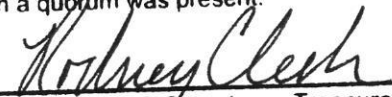
The one-ton crew cab trucks with service bodies will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs. Purchase Order Number 7065961 was issued to secure vehicles for immediate delivery and approval is needed to ratify the purchase order. This ratification complies with all applicable laws and policies.

The 2025 budgeted amount for Transportation – Vehicle Acquisition and Training is \$4,212,000.00; the amount spent to date is \$365,753.86; leaving a balance of \$3,846,246.14; of which \$293,952.00 will be spent on this purchase order in 2025; leaving a balance available of \$3,552,294.14 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 the ratification of Purchase Order Number 7065961 with AutoNation Ford Memphis for four, one-ton crew cab trucks with service bodies 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 meeting held on 5th day of March, 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – Single-Phase Pad-Mounted Distribution Transformers – Secondary Contract
2. **Requested Funding** – \$15,057,345.16
3. **Award Duration** – 60 Months
4. **Type of Bid** – Sealed Bid
5. **Awarded To** – Nexgen Power, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – To purchase up to 1,625 various size single-phase pad-mounted distribution transformers to manage the flow of electricity along the power grid.
8. **Impact** – The single-phase pad-mounted distribution transformers are critical to the electric system for service to new customers and to replace existing transformers as needed.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved a sixty-month purchase order for single-phase pad-mounted distribution transformers and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the single-phase pad-mounted distribution transformers are used to manage the flow of electricity along the power grid. This is a secondary contract to serve as a back up to the original contract to ensure we have multiple manufacturers due to the critical nature of the transformers to the Division's infrastructure; and

WHEREAS, bids were opened October 2, 2024. Notice to Bidders was advertised. Ten bids were solicited, and five bids were received with the best complying and most responsive bidder being the firm of Nexgen Power, Inc. 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 the purchase of single-phase pad-mounted distribution transformers from Nexgen Power, Inc. in the amount of \$3,011,469.03 chargeable to the MLGW 2025 fiscal year budget and the remaining amount \$12,045,876.13 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a sixty-month purchase order for single-phase pad-mounted distribution transformers to Nexgen Power, Inc. in the amount of \$15,057,345.16.

The single-phase pad-mounted distribution transformers are used to manage the flow of electricity along the power grid. This is a secondary contract to serve as a back up to the original contract to ensure we have multiple manufacturers due to the critical nature of the transformers to the Division's infrastructure.

Bids were opened on October 2, 2024. Notice to Bidders was advertised. Ten bids were solicited, and five bids were received with the best complying and most responsive bidder being the firm of Nexgen Power, Inc. This award complies with all applicable laws and policies.

The 2025 budgeted amount for Electric – Planned Maintenance is \$7,343,000.00; the amount spent to date is \$95,736.92; leaving a balance of \$7,247,263.08; of which \$3,011,469.03 will be spent on this purchase order in 2025; leaving a balance available of \$4,235,794.05 after award; the remaining balance of \$12,045,876.13 to be spent in subsequent budget years as approved; 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, awards a sixty-month purchase order to Nexgen Power, Inc. is approved for furnishing:

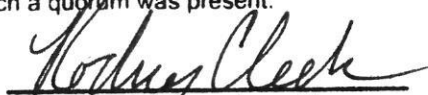
625 – Transformers M-50KVA PMD 1PH 23KV;

500 - Transformers N-75KVA PMD 1PH 23KV;

500 – Transformers P-100KVA PMD 1PH 23KV;

Totaling \$15,057,345.16; f.o.b. Memphis, Tennessee, our dock; transportation prepaid; said prices are subject to escalation / de-escalation for the sixty-month period; delivery in 36 weeks; terms net 30 days.

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 meeting
held on 5th day of March
2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – One-Ton Trucks with Service Bodies to Ratify PO #7064466
2. **Requested Funding** – \$391,606.75
3. **Award Duration** – One-Time Purchase
4. **Type of Bid** – Sealed Bid
5. **Awarded To** – AutoNation Ford Memphis
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – To purchase six, one-ton trucks with service bodies that will be used by crews to maintain the electric, gas and water systems and for various customer service functions.
8. **Impact** – These trucks will replace existing one-ton trucks with service bodies that will be retired from service.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved the ratification of Purchase Order Number 7064466 for one-ton trucks with service bodies and is now recommending to the Council of the City of Memphis that it approves said ratification; and

WHEREAS, the one-ton trucks with service bodies will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs. Purchase Order Number 7064466 was issued to secure vehicles for immediate delivery and approval is needed to ratify the purchase order. 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 7064466 to AutoNation Ford Memphis in the amount of \$391,606.75 chargeable to the MLGW 2024 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

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 7064466 to AutoNation Ford Memphis for one-ton trucks with service bodies in the amount of \$391,606.75.

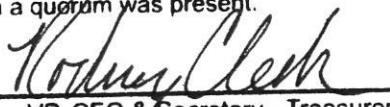
The one-ton trucks with service bodies will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs. Purchase Order Number 7064466 was issued to secure vehicles for immediate delivery and approval is needed to ratify the purchase order. This ratification complies with all applicable laws and policies.

The 2024 budgeted amount for Transportation – Vehicle Acquisition and Training is \$7,479,000.00; the amount spent to date was \$4,277,712.18; leaving a balance of \$3,201,287.82; of which \$391,606.75 was spent on this purchase order in 2024; leaving a balance of \$2,809,681.07 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 the ratification of Purchase Order Number 7064466 with AutoNation Ford Memphis for six, one-ton trucks with service bodies 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 meeting held on 5th day of March 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – Water Meter Registers
2. **Requested Funding** – \$367,132.50
3. **Award Duration** – One-Time Purchase
4. **Type of Bid** – Sole Source
5. **Awarded To** – Badger Meter Incorporated
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – To purchase 5,250 water meter registers to replace defective liquid crystal display (LCD) registers.
8. **Impact** – The analog registers will replace failing digital water meter registers.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved a purchase order to Badger Meter Incorporated for water meter registers in the amount of \$367,132.50 and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the water meter registers are needed to replace defective digital liquid crystal display (LCD) registers. Replacing the failed registers will allow customers to be billed monthly for their water consumption; and

WHEREAS, a bid was opened on September 18, 2024 for water meter registers from Badger Meter Incorporated in accordance with MLGW's Single / Sole Source Policy. Badger Meter Incorporated is the sole provider for the replacement meter parts. 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 the purchase of 5,250 water meter registers from Badger Meter Incorporated in the amount of \$367,132.50 chargeable to the MLGW 2025 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order for water meter registers to Badger Meter Incorporated in the amount of \$367,132.50.

The water meter registers are needed to replace defective digital liquid crystal display (LCD) registers. Replacing the failed registers will allow customers to be billed monthly for their water consumption.

A bid was opened on September 18, 2024, for water meter registers from Badger Meter Incorporated in accordance with MLGW's Single / Sole Source Policy. Badger Meter Incorporated is the sole provider for the replacement meter parts. This award complies with all applicable laws and policies.

The 2025 budgeted amount for Water Meter Shop is \$4,163,000.00; of which \$367,132.50 will be spent on this purchase order in 2025; leaving a balance of \$3,795,867.50 after award; and

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

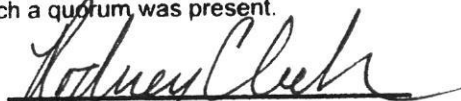
THAT, subject to the consent and approval of the Council of the City of Memphis, awards a purchase order to Badger Meter Incorporated is approved for furnishing:

5,000 - 5/8-inch x 3/4-inch Badger meter registers;

250 – One-inch Badger meter registers;

Totaling \$367,132.50; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said price being firm; delivery in four weeks; terms net 30 days.

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 meeting held on 5th day of March, 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 11740 - Claims Case Management
2. **Funded Amount** - \$2,500.00
3. **Award Duration** – April 1, 2021 through March 31, 2026
4. **Type of Bid** – RFP
5. **Awarded to** – American Technical Services, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – No goal assigned
7. **Plain Language Description** – This contract is for the software license and maintenance of MLGW's claims management software. This request is to account for an unforeseen required upgrade as well as contingency funds for the remainder of the contract.
8. **Impact** – The ATS software is used to manage MLGW's claims system for upkeep and management of MLGW claims including, but not limited to, claims data, collection/billing, and document generation.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 5, 2025 approved Change No. 6 to Contract No. 11740, Claims Case Management with American Technical Services, Inc. to increase the current contract in the funded amount of \$2,500.00; and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope of work is to provide a software solution and services for the implementation of Claims Case Management software. The contract provides for annual software maintenance, license, and support services. The contract award was based on the Request for Proposal ("RFP") evaluation process.

WHEREAS, this change is to increase the contract value in the amount of \$500.00 to cover an unexpected upgrade to the software required to recognize the company's reorganization. In addition, MLGW is requesting contingency funds in the amount of \$2,000.00 in the event another upgrade is required before the contract term ends. The total requested amount of this change is \$2,500.00. The term of the contract will remain April 1, 2021 through March 31, 2026. This change complies with all applicable laws and policies. The new contract value will be \$236,832.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be
and is hereby approved Change No. 6 to Contract No. 11740, Claims Case Management with American
Technical Services to change the current contract in the funded amount of \$2,500.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 5, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 6 to Contract No. 11740, Claims Case Management with American Technical Services, Inc. to increase the current contract in the funded amount of \$2,500.00.

The project scope of work is to provide a software solution and services for the implementation of Claims Case Management software. The contract provides for annual software maintenance, license, and support services. The contract award was based on the Request for Proposal (“RFP”) evaluation process.

This change is to increase the contract value in the amount of \$500.00 to cover an unexpected upgrade to the software required to recognize the company’s reorganization. In addition, MLGW is requesting contingency funds in the amount of \$2,000.00 in the event another upgrade is required before the contract term ends. The total requested amount of this change is \$2,500.00. The term of the contract will remain April 1, 2021 through March 31, 2026. This change complies with all applicable laws and policies. The new contract value will be \$236,832.00.

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. 6 to Contract No. 11740, Claims Case Management with American Technical Services, Inc. to increase the current contract in the funded amount of \$2,500.00, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true
copy of a resolution adopted by the Board of Light,
Gas and Water Commissioners at a regular meeting
held on 5th day of March
2025, at which a quorum was present


VP. CFO & Secretary - Treasurer

Ordinance No. _____

Ordinance Establishing an Elective Neighborhood Parking Permit Program

WHEREAS, in 2014, the City Council passed Ordinance No. 5550 that provided a pilot permit parking program near Overton Square for a one-year period; and

WHEREAS, this pilot permit parking program ordinance outlined an expiration date of 365 calendar days from the effective start date of said ordinance; and

WHEREAS, it has come to the attention of the City Council that citizens have identified issues with vehicles parked in front of owner-occupied residences, causing obstructed driveways and mailboxes, which is against existing ordinance provisions outlined in City of Memphis Code of Ordinances Sec. 21-136; and

WHEREAS, this issue has been exacerbated by adjacent multifamily residences that utilize street parking for residents and their guests due to the lack of sufficient designated parking lots or structures; and

WHEREAS, the Council desires to establish an elective neighborhood parking permit program that neighborhood residents can pursue through the process outlined in this ordinance.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Memphis that the Code of Ordinances shall be amended to add the following language in Section 21-136.1 to replace expired Ordinance No. 5550:

SECTION 1: Parking permit program for neighborhoods.

a) Definitions: For the purpose of this section, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

1. A non-resident vehicle shall mean a motor vehicle parked in a residential area which is not owned, leased or otherwise controlled by:

a. A resident who lives in the area designated as a permit parking district.

b. A guest visiting residents living in the area designated as a permit parking district.

2. Resident shall mean person who lives in a dwelling unit located in a permit parking district.

3. Absentee landlord shall mean an owner of residential property who does not live on the property. Such property shall be located in a permit parking district.

4. Guest shall mean a person who is visiting in a dwelling located in a permit parking district.

5. Permit parking district shall mean a residential area with streets and boundaries designated by a City Council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this section.

b) Designation of Permit Parking District: Permit parking districts may be designated or dissolved, including those created by ordinance, by a City Council resolution.

The City Council shall, upon recommendation of the City Engineer, consider for designation as permit parking districts those areas satisfying the criteria established in this section for said districts.

If the City Council determines that the criteria, rules and procedures required in this section have been met, it may establish, by resolution, permit parking districts with appropriate boundaries and parking restrictions. Motor vehicles displaying a valid parking permit may be parked exempt from the parking restrictions established pursuant to the authority of this section in the permit parking district for which the permit is issued.

c) Designation Process and Criteria: The City Engineer shall prepare Rules and Procedures for the designation of Permit Parking Districts setting forth the petition process (requiring approval by 75% of property owners), the hearing and notification processes, reporting requirements, criteria for designation of a permit parking district and for the implementation and administration of this section.

d) Issuance of Permits: Parking permits for Permit Parking Districts shall be issued by the City Engineer.

1. Each annual parking permit shall be designated to state or reflect thereon the particular Permit Parking District, the license number of the vehicle for which the permit is issued and the date on which the permit shall expire.

2. No more than two annual parking permits shall be issued to any one dwelling unit.

3. Parking permits may be issued only to residents of the permit parking district.

4. Year-long visitor permits shall be issued as provided in subsection (l).

5. Applicants for any parking permits are required to clear all unpaid parking citations prior to the issuance of new permits or renewals for annual or visitor permits.

e) Posting of Permit Parking Area: Upon designation of a Permit Parking District, the City Engineer shall cause appropriate signs to be erected in the district, indicating prominently thereon the parking limitation, period of the day for its application, and the fact that motor vehicles with valid permits shall be exempt therefrom. Parking restriction signs may be posted on school and church frontages located within the district.

f) Permit Parking Exemption:

1. A motor vehicle on which is displayed a valid Annual or Visitor parking permit, as provided for herein, shall be permitted to be parked on any block within the Permit Parking District for which it is issued without being limited by parking restrictions

established pursuant to this section. Except as provided below, all other motor vehicles parked within a Permit Parking District shall be subject to the parking restrictions adopted as provided in this section as well as the penalties provided for herein.

2. A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated Permit Parking District.

3. The following vehicles shall be exempt from parking restrictions established pursuant to this section:

a. A motor vehicle, identified as owned by or operated under contract to a utility, whether privately, municipally or publicly owned and when used in the construction, operation, removal, or repair of utility property or facilities or engaged in authorized work in the designated Permit Parking District.

b. A motor vehicle when identified as owned by or operated under contract to a governmental agency, when used in the course of official government business.

c. Vehicles parked directly adjacent to a property which has a primarily commercial use.

g) Exemption of Commercial Vehicles: No person shall without a permit therefore park or leave standing any commercial vehicle or trailer in a Permit parking district in excess of the parking restrictions authorized pursuant to this section, except

a) While loading or unloading property; or

b) When such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked.

h) Application for and Duration of Permit: Except as otherwise provided, each parking permit shall be valid for a period not to exceed one year. Permits may be renewed annually upon reapplication in the manner required by the City Engineer. Each application for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a Permit Parking District, the license number(s) of the motor vehicle(s) for which application is made, and such other information as may be deemed relevant by the City Engineer. Permits may be issued only for vehicles registered in the City of Memphis.

i) Annual Permit Fees: The fee for an Annual parking permit shall be fifty dollars. The fee for an Annual Parking Permit shall be prorated by the month for the unexpired period of the district, but in no case less than fifteen dollars. Upon the permittee's change of place of residence, change of vehicle or damaged permit, the permittee shall surrender the permit to the City Engineer before a replacement permit can be issued. If the permit is lost or stolen, the City Engineer shall be notified immediately. The City Engineer shall collect a fee of fifteen dollars for replacement of lost, stolen or transferred permits and the replacement permit shall expire on the same day as the original permit. In the event a permittee moves from one of the permit parking districts to another permit parking district, the City Engineer shall collect a fee of fifteen dollars for the transfer of the permit. The permits so transferred shall expire on the same day as do all permits in the new district. No refund shall be made for any unused portion of the permit's duration.

j) Rules and Regulations: The City Engineer shall have authority to promulgate and administer rules to implement and enforce the program and to implement the issuance of Permit Parking Districts and the collection of fees for these permits.

k) Penalty Provisions:

1. Unless exempted pursuant to this section, no person shall stand or park a motor vehicle in violation of any parking restrictions established pursuant to this section.

2. No person shall falsely represent himself or herself as eligible for a parking permit or furnish false information in an application for a parking permit to the City Engineer.

3. No permit issued pursuant to this section shall thereafter be assigned, transferred or used for any consideration, monetary or otherwise.

4. No person shall copy, produce or create a facsimile or counterfeit parking permit; nor shall any person use or display a facsimile or counterfeit Permit Parking District Permit.

5. The permit or permits of any person who after a hearing has been found by the City Engineer to have violated any of the provisions of this ordinance shall be revoked by the City Engineer and no new permit shall be issued to that person or household for a period of one year. Such person upon written notification of such revocation, shall surrender the permit or permits to the Department within fifteen days. Use of a revoked parking permit shall be subject to the penalty provisions of Subsection k(l).

l) Visitor Permits: Any resident eligible for an Annual parking permit and whose residence has frontage or side frontage on a block posted within the Permit Parking District may apply to the City Engineer for an annual Visitor Parking Permit for the use of visitors to the person's residence. The owners of a residence under construction and absentee landlords may purchase a maximum of four Visitor Permits for their personal use or for the use of construction service personnel. The City Engineer shall collect a fee of twenty-five dollars for each Visitor permit issued. No more than four Visitor permits shall be issued for any one dwelling at any one time. These permits shall be valid only on the block or blocks for which they are issued and for a period not to exceed one year. Visitor permits can be replaced at a prorated cost when lost or stolen if the applicant submits written documentation of actual loss to the City Engineer.

m) Budget Neutral Program Provisions: Fees will be revisited each year by the City Engineer and a recommendation for fee adjustment brought before City Council that will allow for the Permit Parking Program to be self-supporting and continue to operate without a shortfall.

SECTION 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:

CHAIRMAN

JB Smiley, Jr.

J. Ford Canale

SUPPLEMENTAL ADOPTING ORDINANCE
ORDINANCE NO. _____

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

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

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

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

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances adopted by the Council since September 1, 1985 for the

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

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

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Title 7—Alcoholic Beverages.

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

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of Title 7, and the errata thereto, is hereby adopted and enacted. Title 7 as proposed for adoption are attached hereto and incorporated herein by reference.

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

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

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

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

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

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

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

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

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

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

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

Section 11. Chapter 4 of the 1985 City Code is hereby expressly repealed and replaced. All other ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 12. Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held

unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 13. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:
Spinosa

J. FORD CANALE
CHAIRMAN

Title 7

ALCOHOLIC BEVERAGES¹

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¹State law reference(s)—Intoxicating liquor, T.C.A. § 57-1-101 et seq.

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CHAPTER 7-1. ALCOHOLIC BEVERAGES GENERALLY

Sec. 7-1-1. Alcoholic beverage and zoning districts defined.

"Alcoholic beverage" or "beverage," as used in this title, means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content of five percent by weight or less.

All zoning districts referenced in this title shall include those zoning districts reflected on the City of Memphis and Shelby County Zoning District Map, as well as the areas in approved planned developments that are designated for those zoning districts or their preceding equivalent zoning districts according to the Memphis and Shelby County Unified Development Code.

(Code 1967, § 5-1; Code 1985, § 4-1; Ord. No. 3507, § 1, 11-5-1985; Ord. No. 5459, § 4, 7-17-2012)

Sec. 7-1-2. Manufacture and sale legalized—Compliance with state law and chapter.

It shall be lawful to engage in the business of manufacturing, selling, storing, transporting, and distributing alcoholic beverages within the corporate limits of the city. The manufacture, sale, receipt, possession, storage, transportation, distribution, or in any manner dealing in alcoholic beverages within the corporate limits of the city shall be regulated in accordance with the provisions of T.C.A. title 57, the rules and regulations adopted by the Commissioner of Revenue of the state, and in accordance with the provisions of this title.

(Code 1967, § 5-2; Code 1985, § 4-2)

Sec. 7-1-3. Certificate of good moral character required of applicants for state license.

- A. Each applicant for the certificate of good moral character required prior to the issuance or renewal of a state alcoholic beverage license shall make application to the alcohol commission created by section 2-82-1 on forms to be approved by the mayor. Such applications shall be transmitted by the alcohol commission to the mayor for his or her approval or disapproval.
- B. The mayor shall have authority to prepare, in accordance with state law, and have printed a form of certificate to be issued in certifying to the Commissioner of Revenue of the state the good moral character of applicants for such certificate.

C. No such certificate of good moral character will be issued in any case where the location of the proposed retail liquor store has been disapproved by the mayor.

(Code 1967, § 5-7; Code 1985, § 4-3; Ord. No. 117, § 1, 2-20-1968)

State law reference(s)—Certificates of moral character, T.C.A. §§ 57-3-208, 57-4-201.

Sec. 7-1-4. Area within which retail sale permitted.

It shall be lawful to sell at retail any alcoholic beverages within the corporate limits of the city, provided the retail liquor store is located in compliance with section 7-1-5.

(Code 1985, § 4-4; Ord. No. 188, §§ 1, 2, 6-11-1968; Ord. No. 286, § 1, 9-17-1968)

Sec. 7-1-5. Manufacture and sale near churches, schools or other public or private institutions or residential areas.

A. No alcoholic beverages shall be manufactured, distilled, rectified, sold or stored on any premises located within one thousand five hundred (1,500) feet (as measured along the center line of the street or streets as defined further herein and applying to retail liquor stores located on either side of such street or streets) from any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor); school (defined as duly accredited public, private, or parochial school for grades one through twelve (12), or any other division of such grades); park (defined as public park upon which children usually play); library (defined as tax supported public library) or any other retail liquor store, or within a five hundred (500) foot radius in any other direction from any such church, school, park, library, or any other retail liquor store or in any area in violation of the zoning ordinances.

B. The one thousand five hundred (1,500) feet limitation shall be measured from a point in the center line of the public or private street (private street being defined to be a private passageway for vehicles in a multi-establishment commercial area of at least two (2) acres in size) on which the liquor store fronts, such point being directly opposite the center of the threshold of the wall of the liquor store if the threshold faces the street and if not, then at the midpoint of the liquor store building; thence along the center line of the street and the center line of intersecting street or streets to a point in the center line of the street opposite the nearest point to the property line of such church, school, park, library, or other liquor store which faces the public or private street. Such five hundred (500) foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such church, school, park, library, or other liquor store, it being the intent that no part of the property of such church, school, park, library, or other liquor store shall be within a radius of five hundred (500) feet from the point in the

center of the threshold of the liquor store. The measurements set forth herein shall apply only to liquor store locations after September 17, 1986. For clarification as to location and continuous use for liquor stores receiving a permit before September 17, 1968, such business may continue as long as:

- (1) The store remains at the same location;
- (2) It is a continuing business without any intervening use; and
- (3) Any transfer of ownership to subsequent or succeeding owners occurs within a one-day period (twenty-four (24) hours) without the depletion of inventories.

C. At any time a license is surrendered, all prior existing rights are nullified. In addition to the above set forth restrictions on location due to measurement to such school, church, park or library, or any other liquor store, no liquor store may be located where any part of any residential property zoned R-15, R-10, R-8, R-6, RU-1, or RU-2 shall be within a radius of 200 feet from the point in the center of the threshold of the wall of the liquor store if the threshold faces the street and if not, then at the midpoint of the liquor store building. Liquor stores having received permits before September 17, 1968 shall be allowed to remain so long as they otherwise meet the ordinances. The subsequent location of a church, school, park or library nearer to the liquor store than the prescribed distance shall not of itself cause the removal of the liquor store so long as the liquor store remains at the same location. Likewise, should any real property be already zoned or which is rezoned R-15, R-10, R-8, R-6, RU-1, or RU-2 within the radius of such 200 feet above described, such zoning or rezoning shall not of itself cause the removal of the liquor store as long as the liquor store remains in the same location.

D. The foregoing provisions of this section shall not apply to the relocation of any retail dealer who is compelled to relocate as the direct result of the actions of a governmental body or agency thereof, and such dealer can relocate his or her business within a radius of 1,500 feet as measured from the center of the front door of his or her business, provided the new location is approved by the alcohol commission subject to appeal to the council.

E. Upon a clear showing by a liquor dealer, whose property has been taken through governmental action so that it is impossible to relocate the store within the 1,500 feet prescribed distance, such liquor dealer shall be allowed to relocate within the prohibited distance from parks, playgrounds, churches, schools or libraries if such location is approved by the city council after a hearing and recommendation by the alcohol commission.

F. The location restriction (as defined in subsection A of this section) shall not apply to a qualified "retail food store wine license" applicant, that as of December 31, 2015, holds any off-premises beer permit, or upon application

for a retail food store wine license, qualifies for any off-premises beer sales permit under chapter 7-8, article 2.

(Code 1967, § 5-9; Code 1985, § 4-5; Ord. No. 188, § 3, 6-11-1968; Res. of 8-6-1968; Ord. No. 286, § 1, 9-17-1968; Ord. No. 649, § 1, 2-3-1970; Ord. No. 694, § 1, 5-12-1970; Ord. No. 836, § 1, 12-22-1970; Ord. No. 1683, § 1, 4-10-1973; Ord. No. 3606, § 1, 9-23-1986; Ord. No. 5615, § 2, 5-3-2016; Ord. No. 5459, § 5, 7-17-2012)

State law reference(s)—Location restrictions authorized, T.C.A. § 57-3-208.

Sec. 7-1-6. Relocation of liquor stores.

Owners of retail liquor licenses issued for a specific location shall not be allowed to relocate their liquor stores until at least 24 months have passed since the granting of the original license at that location, unless the location is lost through condemnation, loss of lease or unanticipated hardship.

(Code 1967, § 5-11; Code 1985, § 4-6)

Sec. 7-1-7. Limitation on number of retail outlets.

In no event shall the number of retail liquor stores, premises or outlets for the sale of alcoholic beverages exceed 177.

(Code 1967, § 5-10; Code 1985, § 4-6.1; Ord. No. 127, § 1, 5-8-1951; Ord. No. 96, § 1, 12-19-1980)

State law reference(s)—Numerical limitation on licenses authorized, T.C.A. § 57-3-208.

Sec. 7-1-8. Sale to certain persons prohibited—Drinking in or on premises of retail liquor stores prohibited—Penalty.

- A. No retailer shall sell any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is drunk.
- B. No retailer shall sell any alcoholic beverages to a person known to be a minor and no person under the age of 21 years old is allowed in a retail liquor store unless accompanied by a parent, legal guardian or spouse.
- C. No retail liquor package store operator, licensee, or his or her employee shall consume any alcoholic beverage nor permit any alcoholic beverage to be consumed within the licensed premises at any time, nor shall any licensee, operator, or his or her employee engage in the sale of alcoholic beverages while under the influence of intoxicants or drugs.
- D. It is unlawful for any other person to consume alcoholic beverages while upon the premises of a retail liquor package store or any parking lot under control of

the store. Retail liquor package store operators or licensees shall post a sign on painted wood or metal or on the glass show window with black lettering on white background, two feet by three feet in size, lettering not less than three inches in height, containing the following language:

"The consumption of alcoholic beverages upon these premises is prohibited by law."

These signs shall be posted in a conspicuous and readily visible place, and not less than one sign shall be posted within the sales area, and not less than one sign shall be posted within the parking area, if any.

(Code 1967, § 5-12(a)—(c); Code 1985, § 4-7; Ord. No. 1509, § 1, 11-14-1972; Ord. No. 5413, § 1, 9-20-2011)

State law reference(s)—Alcohol and underage persons, T.C.A. §§ 57-3-406, 57-3-412.

Sec. 7-1-9. Hours of sale at retail.

No retail liquor store or retail food store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of 8:00 a.m. and 11:00 p.m. Monday through Saturday and between 10:00 a.m. and 11:00 p.m. on Sunday.

(Code 1967, § 5-13; Code 1985, § 4-8; Ord. No. 5720, § 1(A.), 1-22-2019)

State law reference(s)—Hours of sale, T.C.A. § 57-3-406.

Sec. 7-1-10. Inducement to purchase prohibited.

No licensee under state law shall give away, sell, or in any manner whatsoever deal in premiums, tokens, or other articles by means of which inducements are held out to persons to purchase any alcoholic beverages.

(Code 1967, § 5-14; Code 1985, § 4-9)

Sec. 7-1-11. Inspection of sales premises.

The duly authorized representatives of the city shall have the right to inspect the premises of any business licensed for the sale of alcoholic beverages during the hours when such establishment is open for the conduct of business.

(Code 1967, § 5-16; Code 1985, § 4-10)

Sec. 7-1-12. Possession or consumption in Liberty Bowl Memorial Stadium.

- A. The possession or consumption of alcoholic beverages in Liberty Bowl Memorial Stadium shall be prohibited.
- B. The officials in charge at any event held in the Liberty Bowl Memorial Stadium shall be authorized by this section to eject, without refunding the admission

price, if any, any person present who possesses or consumes any alcoholic beverage whatsoever.

- C. Appropriate signs shall be publicly and conspicuously posted in the Liberty Bowl Memorial stadium, notifying all patrons that "the possession or consumption of alcoholic beverages is prohibited by ordinance of the City of Memphis," citing this section of the code.
- D. Nothing in this section shall prevent the sale of beer and other light beverages with an alcoholic content of not more than five percent by weight as hereinafter regulated and set forth in section 7-84-20.

(Code 1967, § 5-17; Code 1985, § 4-11; Ord. No. 2071, § 1, 6-25-1974)

Sec. 7-1-13. Time of appeal from alcohol commission to the city council.

Notice of appeals from the action of the alcohol commission to the city council shall be filed in writing with the comptroller no later than ten days after the final decision of the alcohol commission. Otherwise, such decision shall be deemed and considered to be final.

(Code 1967, § 5-18; Code 1985, § 4-12; Ord. No. 279, § 1, 9-10-1968)

Sec. 7-1-14. Investigations by city for violations under state law regarding sexual and pornographic conduct.

All regularly employed, full-time employees of the police services division, when assigned by the director or his or her designee, shall have authority to conduct investigations into alleged violations of T.C.A. § 57-4-204, relating to prohibited sexual or pornographic conduct, and upon completion of their investigation shall report any such violation to the city alcohol commission for their appropriate action. The commission shall have the power to suspend or revoke such licenses, upon determining such violations exist, relating to establishments selling beer and malt beverages, and the commission shall recommend to the state alcoholic beverage commission its findings as they relate to establishments selling liquor by the drink for on-premises consumption.

(Code 1967, § 5-21; Code 1985, § 4-13; Ord. No. 3029, § 1, 7-8-1980)

Sec. 7-1-15. Open containers and consumption of alcoholic beverages prohibited in certain public places.

- A. It is unlawful for any person or persons, while in or on any streets, sidewalks, alleyways, parking areas, bus and trolley stops and shelters, or other open areas operated and controlled by the city within the central business improvement district, defined in sections 12-32-2 and 12-44-2, to consume any alcoholic beverage as defined in section 7-1-1, or to possess for the purpose of

consumption any such alcoholic beverage, unless such beverage remains commercially sealed.

- B. Possession of any alcoholic beverage in an open container not permitted in subsection A of this section shall be prima facie evidence of having the beverage for the purpose of consumption.
- C. This section shall not apply to the following:
1. Patrons of premises licensed for on-premises consumption while the patrons are in or upon such premises;
 2. Patrons of premises licensed for on-premises consumption where attendance may be controlled by the owner or lessee;
 3. Patrons of premises that have been granted a special event permit as set forth in section 7-8-21 of this Code;
 4. The Beale Street Historic District as set forth in section 7-8-23, and other such districts within the Central Business Improvement District as may hereafter be designated by state or local authorities.
- D. Subsection C of this section may include outdoor areas.

(Code 1985, § 4-14; Ord. No. 4828, § 1, 11-21-2000)

State law reference(s)—Open containers of alcohol in motor vehicles, T.C.A. § 55-10-416.

CHAPTER 7-2. BEER AND LIGHT ALCOHOLIC BEVERAGES²

GENERAL PROVISIONS

Sec. 7-2-1. Application of chapter.

Except as otherwise specifically provided, the provisions of this chapter shall apply to beer with an alcoholic content of not more than five percent by weight and any other beverage of like alcoholic content.

(Code 1967, § 5-70; Code 1985, § 4-51)

Sec. 7-2-2. Transportation and sale legalized—Compliance required.

It is lawful to transport, store, sell, distribute, possess, receive or manufacture beverages mentioned in section 7-2-1 within the corporate limits of the city, subject to all of the regulations, limitations and restrictions provided by the laws of the state and this chapter, and subject to all of the laws of the state and this chapter,

²State law reference(s)—Beer and alcoholic beverages containing less than five percent alcohol, T.C.A. § 57-5-101 et seq.; local regulatory ordinances, T.C.A. § 57-5-101 et seq.

and subject to the rules and regulations enacted by authorized public officials or boards.

(Code 1967, § 5-71; Code 1985, § 4-52)

Sec. 7-2-3. Hours of sale.

No retail liquor store or retail food store governed by this article shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of 7:00 a.m. to 3:00 a.m. Monday through Saturday and between 10:00 a.m. and 11:00 p.m. on Sunday.

(Code 1967, § 5-72; Code 1985, § 4-53; Ord. No. 636, § 1, 1-27-1970; Ord. No. 2411, § 1, 6-8-1976; Ord. No. 5720, § 1(B.), 1-22-2019)

Sec. 7-2-4. Purchase by minors.

- A. It is unlawful for any minor to purchase or attempt to purchase any beer or other beverage governed by this chapter and it is unlawful for any minor to possess any such beverage upon the premises of an on-premises licensee.
- B. It is unlawful for any minor to present or offer to any licensee, or his or her agent or employee, any written evidence of his or her age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure any beverage governed by this chapter.
- C. Any minor who acts in violation of any one or more of the provisions of this section shall be guilty of a misdemeanor, and if 19 years of age, or more, shall upon conviction be subject to punishment as provided in section 1-24-1 of this Code; if 18 years of age, or less, he or she shall be taken before the juvenile court for appropriate disposition.

(Code 1967, § 5-73; Code 1985, § 4-54)

State law reference(s)—Alcohol and underage persons, T.C.A. §§ 57-3-406, 57-5-301.

Sec. 7-2-5. Wholesale beer tax.

Pursuant to the authority contained in T.C.A. § 57-6-103, there is imposed on the sale of beer at wholesale within the city a tax of 17 percent of the wholesale price.

(Code 1967, § 5-74; Code 1985, § 4-55)

LICENSES TO STORE, SELL, DISTRIBUTE OR MANUFACTURE

Sec. 7-2-6. Required.

No person shall engage in the storing, selling, distributing or manufacturing of beer or any other beverage referred to in section 7-2-1 within the corporate limits of the city until he or she receives approval from the alcohol commission and purchases a license from the city treasurer, or his or her designee.

(Code 1967, § 5-80; Code 1985, § 4-66; Ord. No. 117, § 1, 2-20-1968; Ord. No. 4352, § 1, 8-15-1995)

Sec. 7-8-7. Application—Generally.

Each applicant for a license under this article shall file with the alcohol commission a sworn petition in writing, establishing the following facts, which are made conditions of any license issued thereunder, and the violation of any such statements of fact shall be sufficient cause for the revocation of such license:

- A. That the applicant will not engage in the sale of such beverages except at the place for which the alcohol commission has issued a license to such applicant;
- B. That no sale of such beverages will be made except in accordance with the license granted;
- C. That, if the license is to sell for consumption on the premises, the licensee will make no sale except where meals, consisting of no less than one meat and a vegetable, are prepared on premises with adequate kitchen facilities, as provided in chapter 9-52, and are regularly served at tables with a menu provided for selection by the customers;
- D. That, if the application is for a license to sell at hotels, sales for consumption on the premises will be made only where meals or lunches are served at tables to persons seated at tables, and to persons in guests' rooms;
- E. That, if the application is for a license for a club or lodge, such applicant is a regularly incorporated club or lodge operating under a charter and by-laws, in which the officers were elected by a regular membership which is composed of persons who must pay a substantial initiation fee, and whose purpose of organization and existence is other than the sale of beverages covered by this chapter;
- F. That, if the application is for a license to sell, not for consumption on the premises, that no sales will be made for consumption on the premises, no consumption will be allowed on the premises or on the sidewalks, streets or property within the immediate premises (building and parking lot) of any off-premises location selling beer, and that no such beverages will be kept for sale in such premises except in the original packages or containers;

except that an off-premise licensee may offer complimentary samples of the products it sells for tastings to be held on the premises of the off-premise licensee. Such tastings shall be for sales, education and promotional purposes;

- G. That no sale shall be made to minors; and that applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of the liquor laws to loiter around or frequent his or her place of business; that applicant will not allow gambling or gambling devices on his or her premises; provided that, the provisions of this section relative to the frequenting of his or her place of business shall not apply to minors 18 years of age, who are under contract to provide entertainment in the field of music or vocal entertainment. This exception is in effect only during the actual hours of the minors' employment. Such minors must have the written consent of their parents or guardian, sworn to before a notary public. The owner or operator shall keep the written consent on file at all times during the employment of such minor, and same shall be available for inspection by officers of the city police department. A duplicate of such written consent shall be forwarded to the director of police of the city. The provisions herein shall not apply to disorderly or disreputable persons;
- H. That neither the applicant nor any persons employed or to be employed by him or her in such distribution or sale of such beverage has been convicted of any violation of the law against prohibition, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude, within the past ten years;
- I. That the applicant will conduct the business in person, for himself or herself, or, if he or she is acting as agent, the applicant shall state the person, firm, corporation, syndicate, association or joint stock company for whom, and only for whom, the applicant intends to act;
- J. That the applicant or licensee providing musical entertainment in his or her business establishment, including but not limited to jukeboxes, live bands, with or without vocalists, and utilizing amplifiers, loudspeakers or other equipment for the reproduction or amplification of sound, shall not permit the noise, sound or vibration created, emitted or transmitted by such jukeboxes, bands, vocalists or sound equipment to be audible to persons on any public street, highway or upon any adjoining residential or commercial premises, to the extent that it is detrimental to the life or health of any individual or disturbs the public peace and welfare.

(Code 1967, § 5-81; Code 1985, § 4-67; Ord. No. 2080, § 1, 7-18-1967; Ord. No. 117, § 1, 2-20-1968; Ord. No. 346, § 1, 12-26-1968; Ord. No. 1848, §§ 1—3, 10-2-1973; Ord. No. 2694, § 1, 2-13-1979; Ord. No. 3248, §§ 1, 2, 11-9-1982; Ord. No. 5472, § 1, 11-20-2012)

Sec. 7-2-8. Application—Citizens' certificate to accompany.

There shall be attached to each application for a license under this article a certificate signed by at least ten reputable citizens residing or doing business in the ward in which the petitioner seeks to do business, stating the residence or place of business of each person, and certifying the length of time that such persons have been acquainted with the petitioner, and if petitioner is a corporation or association, the length of time they have been acquainted with its officers or members, and that they have good reason to believe that all of the statements contained in the petition are true, and that they join in the prayer of the petitioner for the granting of the license prayed for.

(Code 1967, § 5-82; Code 1985, § 4-68)

Sec. 7-2-9. Prohibited sexual or pornographic conduct.

- A. In addition to the other duties imposed under this title, the city alcohol commission is authorized to enforce provisions of subsections B, C and D of this section, as same relates to selling beer and other beverages governed by this chapter; and upon violation of such subsections by any person, firm or corporation licensed under the provisions of this title, the commission shall revoke the privilege license of such violator.
- B. The following acts or conduct on licensed premises are deemed contrary to public policy, and therefore no license shall be held at any premises where such conduct or acts occur:
 - 1. To employ, use or allow any person in the sale or service of beer or other beverages governed by this chapter in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
 - 2. To employ, use or allow the services of any host, hostess or other person to mingle with the patrons while such host, hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (B)(1) of this section;
 - 3. For any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person;
 - 4. For any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- C. Additional acts prohibited.

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1. Acts or conduct on licensed premises in violation of this subsection are deemed contrary to public policy, and therefore no license shall be held at any premises where such conduct or acts occur.
 2. Live entertainment is permitted on any licensed premises, except that:
 - a. No person shall perform acts of or acts which simulate:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, flagellation or any sexual acts which are prohibited by law;
 - ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or
 - iii. The displaying of the pubic hair, anus, vulva or genitals.
 - b. Subject to the provisions of subsection (C)(2)(a) of this section, any entertainer who is employed in whole or in part, whether directly or as independent contractor or agent, by the licensee to dance at such licensee's premises shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least 12 inches from the nearest patron.
 3. No person shall use artificial devices or inanimate objects to depict any of the prohibited activities described above.
- D. The following acts or conduct on licensed premises are deemed contrary to public policy, and therefore no license shall be held at any premises where such conduct or acts occur:
1. Engaging in sexual activity or any sexual relations as a business or loitering at a licensed premises for the purpose of being hired to engage in sexual activity or any sexual relations;
 2. a. Soliciting or hiring another person with the intent that the other person engage in prostitution, defined as those activities described in subsection (D)(1) of this section, or
 - b. Soliciting a person to do those things described in subsection (C)(2)(a) of this section;
 3. Procuring a prostitute for a patron; or
 4. Soliciting, receiving, or agreeing to receive any benefit for engaging in any of the activities defined in subsections (D)(1) through (3) of this section.

(Code 1967, § 5-83; Code 1985, § 4-69; Ord. No. 3958, § 1(1), 5-8-1990)

Sec. 7-2-10. Issuance or refusal generally.

The alcohol commission shall consider all applications filed under this article and grant or refuse the license according to its best judgment under all of the facts

and circumstances, and the action of the commission in granting or refusing a license shall be final, except as same is subject to review at law.

(Code 1967, § 5-85; Code 1985, § 4-70; Ord. No. 117, § 1, 2-20-1968)

Sec. 7-2-11. General restrictions on issuance.

A. No license shall be issued to sell any beverage coming within the provisions of this chapter:

1. In violation of any provision of state law;
2. In violation of the Unified Development Code;
3. Where such sale will cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the alcohol commission on such matters shall be final, except as same is subject to review at law;
4. Unless it is necessary for the accommodation of the public that such place should be licensed, and the judgment of the alcohol commission on such matters shall be final except as same is subject to review at law; provided, however, that nothing herein contained shall prevent the issuance of a license for the sale of beer upon private property next and adjacent to regularly licensed and operated sandwich shops, eating houses or restaurants, or to prevent the sale of beer for consumption in automobiles or other vehicles parked upon such premises; provided that, such beverages shall be consumed while such automobiles are parked upon such premises, but no beer or such beverages shall be served or consumed while such automobiles are parked upon a public street, alley or other public place.

B. Where the sale shall be for on-premise, and food sales shall consist of less than 40 percent of gross sales, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets as defined further herein) or not less than within a 250-foot radius in any other direction from the property line of any single-family or duplex residential property zoned R-15, R-10, R-8, R-6, R-3, or RU-1, any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor) or school (defined as fully accredited public, private, or parochial school for grades one through 12 or any other division of such grades). The 500 feet shall be measured from a point in the center line of the public or private street adjacent to the threshold (private street being defined to be a private passageway for vehicles in a multi-establishment commercial area of at least two acres in size) on which the beer establishment fronts, such point being directly opposite the center of the threshold of the wall of the establishment if the threshold faces the street and if not, then at the midpoint of the establishment building; thence

along the intersecting street or streets to a point on the center line of the street opposite the nearest point to the property line of the residence, church or school. Such 250-foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such residence, church, or school, it being the intent of the restriction that no part of the property of such residence, church or school shall be within a radius of 250 feet from the point in the center of the threshold herein shall apply only to beer establishment locations after the effective date of this section. Further, T.C.A. § 57-5-103(5) states "a business can sell beer for both on-premises and off premises consumption at the same location pursuant to one (1) permit." Where the business establishment does not meet the distance requirements set above, percentage of food sales notwithstanding, sale of more than two 16-ounce sealed containers, for off-premise consumption, per customer is not permitted per this section. This section shall not prohibit the sale and transfer of the assets, goodwill, equipment and fixtures of any on-going business to a new owner to continue the operation of such business, however, such new owner must comply with all the provisions of this section.

- C. Where the sale shall be for off-premises consumption, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets and such measurement is defined further herein by reference to subsection B above) or not less than within a 250-foot radius in any other direction from the property line of any residential property zoned R-E, R-15, R-10, R-8, R-6, R-3 or RU-1, any church (as defined in subsection B above) or school (as defined in subsection B above) except establishments located along interstate, U.S. and state highways. Said 500 feet and 250-foot radius restrictions shall be measured in the same manner as that set out in subsection B above with regard to on-premise sales. This location restriction is intended to and shall apply only to new beer establishment locations that make application for off-premises sales after the effective date of this subsection. This location restriction shall apply to any existing beer establishment location licensed for off-premises sales that ceases to sell, distribute or manufacture beer at that location during any continuous six-month period after the effective date of this subsection. The distance requirements of this paragraph do not apply to an establishment where less than ten percent of its gross sales consists of alcohol sales.
- D. The location restriction (as defined in subsection C of this section) shall not apply to a qualified "retail food store wine license" applicant, that as of December 31, 2015, holds any off-premises beer permit, or upon application for a retail food store wine license, qualifies for any off-premises beer sales permit under chapter 7-2, [article 2](#).

(Code 1967, § 5-86; Code 1985, § 4-71; Ord. No. 117, § 1, 2-20-1968; Ord. No. 3246, § 1, 11-9-1982; Ord. No. 5000, 5-20-2003; Ord. No. 5134, § 1, 2005; Ord. No. 5223, § 1,

2007; Ord. No. 5343, 1-26-2010; Ord. No. 5615, § 3, 5-3-2016; Ord. No. 5459, §§ 6, 7, 7-17-2012).

Sec. 7-2-12. Issuance to specialty or convenience stores, service or filling stations.

A beer permit for off-premises consumption may be issued to any convenience store, grocery store, sundry store, service or filling station having a minimum inventory of \$2,000.00 in stock, not including equipment, fixtures or petroleum products, subject to the location restriction set out in section 7-2-11(C).

(Code 1967, § 5-87; Code 1985, § 4-72; Ord. No. 2410, § 1, 6-8-1976; Ord. No. 2507, § 1, 10-5-1976; Ord. No. 2694, § 2, 2-13-1979; Ord. No. 5000, 5-20-2003)

Sec. 7-2-13. Issuance to hotels and clubs.

It is lawful for the alcohol commission to issue licenses for the sale of any beverage coming within the provisions of this chapter in hotels, clubs or lodges, subject to all of the limitations and restrictions contained in the state law and the rules and regulations promulgated thereunder, and subject to all of the limitations and restrictions contained in the license and in this chapter.

(Code 1967, § 5-88; Code 1985, § 4-73; Ord. No. 117, § 1, 2-20-1968)

Sec. 7-2-14. Display.

The license required by this article shall be framed under glass and placed so that it is conspicuous and may be easily read at all times.

(Code 1985, § 4-74; Code 1967, § 5-89)

Sec. 7-2-15. Licensee's employees.

Before a person is employed to dispense beer, said person shall provide proof acceptable by the permits office of the City of Memphis that such person is not in violation of T.C.A. § 57-5-301.

(Code 1967, § 5-90; Code 1985, § 4-75; Ord. No. 3958, § 1(2), 5-8-1990; Ord. No. 4112, § 1, 6-16-1992; Ord. No. 5459, § 8, 7-17-2012)

Sec. 7-2-16. Revocation.

- A. All licenses issued under this article shall be revocable in the discretion of the alcohol commission, and whenever it shall be brought to the attention of the alcohol commission that any declaration of fact contained in the application is false, or that there has been any violation thereof, or that the limitations and conditions of the license have been violated, or that the licensee permits minors to frequent or loiter around his or her place of business or permits gambling or

gambling devices thereon, or permits drunken, disreputable or disorderly persons, or persons heretofore connected with the violation of liquor laws to make it a customary place of visitation or resort, or otherwise violates any of the provisions or restrictions of the state law or of this chapter, the alcohol commission shall revoke such license. Such revocation shall become final after five days, unless the licensee, within five days, demands a hearing before the alcohol commission, at which hearing the burden shall be upon the licensee to show that he or she has not violated the declaration of fact or statements contained in his or her application, or the limitations or restrictions upon his or her license, and that he or she has not violated the state law or the provisions of this chapter. The action of the alcohol commission at such hearing in affirming or setting aside the revocation of such license shall be final, except as same is subject to review at law.

- B. Three violations of the provisions or restrictions of state law or city ordinances during a two-year period by any licensee shall result in the automatic revocation of the licensee's license in accordance with the rules and procedures otherwise established by this ordinance and state law.
- C. Any licensee whose license is revoked shall not be eligible to receive a license for three years from the date of revocation.
- D. No permit for off-premises consumption will be issued for any subsequent applicant for a location where a license has been revoked under this chapter for three years from the date of revocation.

(Code 1967, §5-92; Code 1985, § 4-76; Ord. No. 117, § 1, 2-20-1968; Ord. No. 2694, § 3, 2-13-1979; Ord. No. 5223, § 2, 2007)

Sec. 7-2-17. Records to be kept—List of licenses to be filed with collector of licenses and privileges and director of police.

The secretary of the alcohol commission shall preserve a complete record of applications received and licenses granted and refused under this article and all protests and hearings held by the commission. Such secretary shall file with the collector of licenses and privileges and with the director of police a complete list of licenses issued by the commission, giving the name, place and nature of the license.

(Code 1967, § 5-93; Code 1985, § 4-77; Ord. No. 117, § 1, 2-20-1968)

Sec. 7-2-18. Beer or alcoholic beverage sales in McCarver Stadium—Park commission's authority to permit.

Notwithstanding any other provisions of this chapter to the contrary, the city park commission is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption on the premises in McCarver Stadium

at such times and events and under such terms, conditions, rules and regulations as such commission may establish for that facility.

(Code 1967, § 5-94; Code 1985, § 4-78; Ord. No. 322, § 1, 11-12-1968; Ord. No. 3066, § 1, 10-14-1980)

Sec. 7-2-19. Beer or alcoholic beverage sales in Coliseum—Board's authority to permit.

Notwithstanding any other provisions of this chapter to the contrary, the Coliseum board is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption on the premises in the Coliseum at such times and events and under such terms, conditions, rules and regulations as such board may establish for that facility.

(Code 1967, § 5-95; Code 1985, § 4-79; Ord. No. 323, § 1, 11-19-1968; Ord. No. 3066, § 1(2), 10-14-1980)

Sec. 7-2-20. Beer or alcoholic beverage sales in Liberty Bowl Memorial Stadium—Park commission's authority to permit.

Notwithstanding any other provisions of this chapter to the contrary, the city park commission is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption on the premises in Liberty Bowl Memorial Stadium at such times and events and under such terms, conditions, rules and regulations as such commission may establish for that facility.

(Code 1967, § 5-97; Code 1985, § 4-80; Ord. No. 2071, § 1, 6-25-1974; Ord. No. 3066, § 1(3), 10-14-1980)

Sec. 7-2-21. Permit for special event.

A beer permit for a special event may be issued for a specific location for a period not to exceed 30 days, upon the following conditions:

- A. Application is made stating the dates and time permit will be used during the 30-day period;
- B. Application is made setting out the purpose upon forms supplied by the secretary of the alcohol commission, the application to be approved at any regular or special meeting of the alcohol commission;
- C. Approval is received from the city and county health department, the city building department, the city fire department, the police services division, the board of supervisors of public solicitation of funds, and/or any other affected governmental agencies;

-
- D. Exemption has been granted by the city council of the conditions as set forth in section 12-84-20 of this Code;
 - E. The required business or other necessary licenses and permits have been issued for the event.

(Code 1967, § 5-98; Code 1985, § 4-81; Ord. No. 2694, § 4, 2-13-1979; Ord. No. 3067, § 1, 10-21-1980)

Sec. 7-2-22. Prohibited sexual or pornographic conduct—Penal provisions.

In any location holding a valid license to store, sell, distribute or manufacture beer or any beverage with an alcoholic content of not more than five percent by weight and any other beverage of like alcoholic content, the following acts or conduct on licensed premises are deemed contrary to public policy and shall be subject to all penal provisions provided by law:

- A. Live entertainment is permitted on any licensed premises, except that:
 - 1. No person shall perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, flagellation or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals; or
 - c. The displaying of the pubic hair, anus, vulva or genitals.
 - 2. Subject to the provisions of subsection A of this section, any entertainer who is employed in whole or in part, whether directly or as independent contractor or agent, by the licensee to dance at such licensee's premises shall perform only upon a stage at least 18 inches above the immediate floor level and the edge of the stage must be at least 12 inches from the nearest patron.
- B. No person shall use artificial devices or inanimate objects to depict any of the prohibited activities described in subsection A of this section.

(Code 1985, § 4-82; Ord. No. 4049, § 1, 7-2-1991)

Sec. 7-2-23. Sales in the Beale Street Historic District.

- A. Notwithstanding any other provisions of this chapter to the contrary, the alcohol commission is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption outside the clubs, but within the Beale Street Historic District at such times and events and under such terms, conditions, rules and regulations as such commission may establish for the district.

-
- B. Outside bars cannot be more than ten feet from the business establishments which use these bars for beverage sales.
 - C. No beverages, alcoholic or nonalcoholic, will be permitted in glass or metal containers outside of the business establishments within the Beale Street Historic District.

(Code 1985, § 4-83; Ord. No. 4187, § 1, 6-22-1993)

Sec. 7-2-24. Sales for off-premises consumption by beer manufacturers operating as restaurants.

Notwithstanding any other provisions of this chapter, or any rule or regulation of the City of Memphis Alcohol Commission to the contrary, any manufacturer of beer operating as a restaurant and licensed to sell beer for consumption therein shall have the right to sell beer to go, provided that such beer is manufactured within the premises of the restaurant and is sold unopened and in the original container.

(Ord. No. 5276, § 1, 10-21-2008)

Sec. 7-2-25. Caterer's permit.

Notwithstanding any other provisions of this chapter, or any rule or regulation of the City of Memphis Alcohol Commission to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant as defined in section 9-52-1 of this Code ("brewery"), shall be subject to the following provisions and restrictions:

- A. *Legislative intent.* The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage the growth of local business and tourism while protecting the public welfare and morals.
- B. *Permit required.* Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the City of Memphis Alcohol Commission in conformity with section 7-2-7 above. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.

-
- C. *On and off premises consumption allowed.* So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.
- D. *No food requirement—Restrictions.* No brewery with a tasting room shall be required to serve food, maintain kitchen facilities or conform to any requirement relating to the percentage of sales attributable to food so long as it:
1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises;
 2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises;
 3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.;
 4. Does offer water or other non-alcoholic beverages at no cost to its patrons;
 5. If located within a 500-foot radius or 250-foot radius of a church, *a school or certain enumerated residential zoning districts* as set forth in section 7-2-11(B) above, shall *not open to the public on Sundays before 12:00 p.m.* and shall close to the public each *Sunday* through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

(Ord. No. 5490, § 1, 1-22-2013; Ord. No. 5459, § 9, 7-17-2012; Ord. No. 5823, § 3, 7-17-2012).

CHAPTER 7-3. TAX ON RETAIL SALES OF ALCOHOL FOR ON-PREMISES CONSUMPTION

Sec. 7-3-1. Definitions.

As used in this chapter:

Club means a nonprofit corporation organized and existing under the laws of the State of Tennessee, which has been in existence at least two years prior to the application for a license hereunder having at least 100 members regularly paying dues, organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earning of which inures to the benefit of any shareholder or member and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests; provided that no member

or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of spirituous liquors, wines, champagnes or malt beverages beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body of the general revenue of the club. For the purpose of this section, tips which are added to the bills under club regulations shall not be considered as profits hereunder. The alcohol commission shall have specific authority through rules and regulations to define with specificity the terms used herein and to impose additional requirements upon applicants seeking a club license not inconsistent with this definition.

Common carrier includes any mode of transportation, by train, plane, ship, boat, or other vehicle operating under certificates of public convenience and necessity issued by the appropriate federal or state agency, with adequate facilities and equipment for serving passengers, on regular schedules, or charter trips, while moving through any county of the state, but not while any such common carrier is stopped in a county or municipality that has not legalized such sales.

Hotel (motel) means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 50 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least 75 at tables, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant on their premises and the holder of such franchise shall be included in the definition of hotel hereunder, and property contiguous to a hotel.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 75 people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

(Code 1967, § 5-111; Code 1985, § 4-116; Ord. No. 604, § 1, 12-16-1969)

Sec. 7-3-2. Tax imposed—Amount—Term.

A. There is levied and imposed a privilege tax to be paid to the collector of licenses and privileges of the city in the amounts and in accordance with the terms and conditions herein stated upon each person, firm, corporation, partnership or association who may be authorized to engage in the business of selling at retail alcoholic beverages for consumption on the premises within the city. The amount of privilege tax levied and imposed shall be as follows:

1. Private club \$300.00
2. Hotel and motel \$1,000.00
3. Restaurant, according to seating capacity, on licensed premises:

75—125 seats \$600.00

126—175 seats \$750.00

176—225 seats \$800.00

226—275 seats \$900.00

276 seats and over \$1,000.00

B. The amount of privilege tax aforesaid shall be for the period of one year commencing January 1 of each year and expiring on December 31 of each year, and shall be paid upon receipt of a license from the state authorizing the business of selling at retail alcoholic beverages for consumption on the premises. The original payment of the privilege tax shall be prorated for the remaining quarters or portions thereof, of that calendar year. This tax shall be effective from and after January 1, 1970.

(Code 1967, § 5-110; Code 1985, § 4-117; Ord. No. 604, § 2, 12-16-1969)

CHAPTER 7-4. INSPECTION FEES³

Sec. 7-4-1. Definitions.

For the purposes of this chapter the following definitions shall apply:

Alcoholic beverages shall have the same meaning as ascribed by section 7-1-1.

Retailer means a person who sells alcoholic beverages for consumption and not for resale.

Wholesaler means a person who sells alcoholic beverages to retailers, and shall include distributors, distillers, or any person making sales to retailers.

(Code 1985, § 4-131; Ord. No. 3508, § 2, 11-5-1985)

³State law reference(s)—Municipal inspection fees, T.C.A. § 57-3-501 et seq.

Sec. 7-4-2. Fee levied on retailers—Computation.

- A. For the purpose of providing a means of regulating the liquor business in the city and pursuant to the authority granted the city by Chapter 87 of the Public Acts of the General Assembly of Tennessee for 1969, there is levied and imposed against retailers an inspection fee at the rate of five percent on all purchases of alcoholic beverages made by such retailers from wholesalers. The fee shall be measured by the wholesale price of the alcoholic beverage sold by the wholesaler and paid by the retailer to the wholesaler, and shall be five percent of such wholesale price.
- B. The fee levied by this chapter shall be added by the wholesaler to each invoice for alcoholic beverages sold to each retailer within the city and shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(Code 1985, § 4-132; Ord. No. 3508, § 1, 11-5-1985)

Sec. 7-4-3. Wholesalers.

- A. *Monthly reports; collection and remittance of fee.* Each wholesaler making sales to retailers within the city, shall furnish to the city treasurer a report monthly which report shall contain a list of alcoholic beverages sold to each retailer within the city, the wholesale price of the alcoholic beverages sold to each retailer, the amount of tax due, and such other information as shall be required by the city treasurer. The monthly report shall be furnished to the city treasurer not later than the 20th day of the month following which the sales were made, and the inspection fees collected by the wholesaler from the retailer shall be paid to the city treasurer at the time the monthly report is made.
- B. *Reimbursement.* Wholesalers collecting and remitting the above inspection fee to the city shall be entitled to reimbursement for this collection service, a sum equal to five percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city treasurer.
- C. *Penalties.* Failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten percent of the fee due the city which shall be paid to the city treasurer.
- D. *Access to wholesalers' records.* The city treasurer and his or her authorized representative shall have access to the pertinent records and books of all wholesalers at reasonable times for the purpose of ascertaining and verifying the taxes due under the provisions of this chapter.

(Code 1985, § 4-133; Ord. No. 3508, § 3, 11-5-1985)

Sec. 7-4-4. Enforcement.

The city treasurer is authorized and empowered to take any and all steps necessary to enforce the payment of any inspection fees due under the provision of this chapter.

(Code 1985, § 4-134; Ord. No. 3508, § 4, 11-5-1985)

Resolution imposing a moratorium on the issuance of licenses or permits for the manufacture and sale of alcohol near churches, schools or other public or private institutions or residential areas within the City pursuant to Municode Section 7-4-5, subparagraph A for 180 days

WHEREAS, Municode Section 7-7-5, subparagraph A was amended by Ordinance 5459, §5 on August 12, 2012;

WHEREAS, Municode is a republication of the 1985 Memphis Code of Ordinances and amendatory legislation through November 1, 2011 (the "Republication"). The Municipal Code Corporation has updated the Republication since November 1, 2011 in paper and electronic formats;

WHEREAS, the Municode Republication and updates have not been formally adopted as the official code of ordinances pursuant to the requirements of the City's Charter; as such the Municode Republication and updates are not the Official Code of Ordinances of the City;

WHEREAS, the amendments to Municode Section 7-7-5, subparagraph A were not intended to be substantive but only intended to conform residential zoning designations contained in Municode Section 7-7-5, subparagraph A to be consistent with changes in those alphabetical references in the Unified Development Code, but inadvertently deleted the previously existing preceding paragraph of Municode Section 7-7-5, subparagraph A relating to distance restrictions contemplated by the title of the ordinance;

WHEREAS, Ordinance 5459, §5 explicitly amended Municode Section 7-7-5, subparagraph A but did not also amend Section 4-5 of the Official 1985 City Code;

WHEREAS, due this scrivener's error Section 4-5 of the Official 1985 City Code remains unaffected by the amendment;

WHEREAS, Council is in the process of adopting a new official code of ordinances in which the foregoing inconsistency between the Republication and the 1985 Code will be corrected; and

WHEREAS, the Council desires to establish a moratorium on the issuance of licenses or permits for the manufacture and sale of alcohol near churches, schools or other public or private institutions or residential areas within the City pursuant to Municode Section 7-4-5, subparagraph A for 180 days so that the public will be on notice that it will not be allowed to rely on any perceived "loop-hole" in Municode Section 7-4-5, subparagraph A due to the

scrivener's error in Ordinance 5459, §5 during the moratorium or until the Council takes further action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL does hereby impose a moratorium on the issuance of licenses or permits for the manufacture and sale of alcohol near churches, schools or other public or private institutions or residential areas within the City pursuant to Municode Section 7-4-5, subparagraph A for 180 days.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council does hereby declare that Section 4-5 of the Official 1985 City Code remain in full force and effect notwithstanding Ordinance 5459, §5 to the contrary until the City Council amends or repeals Section 4-5 of the Official 1985 City Code.

SPONSOR:
Ford Canale

FRANK COLVETT, JR.
CHAIRMAN

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

Date JUN 01 2021

Valerie C. Sipes
Deputy Comptroller-Council Records

**RESOLUTION TO ESTABLISH RULES OF PROCEDURE FOR MEMPHIS CITY
COUNCIL FISCAL YEAR 2026 BUDGET HEARINGS**

WHEREAS, the Memphis City Council recognizes the importance of maintaining order, efficiency, and transparency during the Budget Hearing process; and

WHEREAS, the Memphis City Council aims to streamline the budget process to improve the overall effectiveness of decision-making, reduce unnecessary delays, and ensure that public funds are allocated in a manner that best serves the citizens of Memphis; and

WHEREAS, the establishment of clear rules of procedure for Budget Hearings will enhance communication, foster mutual respect among all individuals, and create a more organized and productive environment for deliberations; and

WHEREAS, the Memphis City Council is committed to creating an orderly process for the review, discussion, and adoption of the City of Memphis' fiscal year budget.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council does hereby adopt the Rules of Procedure for Budget Hearings which is attached hereto as Attachment A; the template for the Resolution to amend the Fiscal Year 2026 Operating/Capital Improvement Program Budget to reallocate to the General Fund unassigned balance is attached hereto as Attachment B; the template for the Resolution to amend the Fiscal Year 2026 Operating/Capital Improvement Program Budget is attached hereto as Attachment C.

BE IT FURTHER RESOLVED, that these rules and procedures will be effective immediately upon adoption and will be communicated to all participants in the Budget Hearing process prior to the commencement of hearings.

Sponsor:

Chase Carlisle

Chairman:

J. Ford Canale

ATTACHMENT A

MEMPHIS CITY COUNCIL

RULES OF PROCEDURE FOR FISCAL YEAR 2026 BUDGET HEARINGS

CITY OF MEMPHIS, TENNESSEE

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RULES OF PROCEDURE FOR MEMPHIS CITY COUNCIL BUDGET HEARING

A. ORDER OF BUSINESS (1-6)

1. Budget Hearings shall be called to order at 10 a.m.
2. Roll Call.
3. Members shall have _____ minutes to bring any old or new business in the form of a written resolution before the Council. No motions or votes will be taken during this time.
 - a. Resolutions introduced reflecting additions to the budget shall indicate a cut of equal or greater value.
4. Each Chief and Deputy Chief, or Director and Deputy Director shall present their budget before the Council during their designated hearing time.
5. Following the end of each hearing, Council Members shall have the opportunity to ask any question relevant to the presentation.
6. Adjournment.
7. After the conclusion of the final Budget Hearing scheduled for the end of May, all resolutions that have been presented will be subject to a vote by Councilmembers according to the order in which they were received. All resolutions will be numbered according to the date and timestamp on which it was received.

B. BUDGET HEARING PRESENTATIONS (7-9)

8. The FY26 Budget Hearing schedule shall be released on _____
9. Each division shall submit their presentation in both digital and physical form one week prior to their scheduled hearing time.
 - a. Should a division not meet this deadline, the Presiding Officer/Budget Chairperson shall reserve the right to hold the division's hearing to a later date.
10. Each Chief and Deputy Chief, or Director and Deputy Director shall be requested to meet with Council Members the Thursday and Friday prior to the week their budget hearing is scheduled.
 - a. If they are not available to meet with Council Members they may send a representative from their division in their place.
 - b. During this period, divisions will engage in discussions, answer any questions, and provide necessary information to Council Members ahead of the budget

hearings. This time is dedicated to ensuring Council Members are thoroughly prepared, with a clear understanding of the budget details, key priorities, and any supporting data.

C. DECORUM IN BUDGET HEARINGS (10-11)

11. Budget Hearings shall be conducted in an orderly manner to ensure the deliberative process of the Council is retained at all times. The Presiding Officer/Budget Chairperson shall be responsible for maintaining decorum throughout the meeting. If a Councilmember feels that the Presiding Officer/Budget Chairperson has failed to address a breach of decorum, the Councilmember may, by motion, appeal to the Presiding Officer/Budget Chairperson to preserve decorum. [NOTE: This section is adapted from Memphis City Council Rules of Procedure]
 - a. Councilmembers. The members of the City Council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the budget hearings or disturb any other member while speaking and obey the orders of the Presiding Officer/Budget Chairperson. Councilmembers addressing Administrative Staff, Council Staff, or other Councilmembers shall do so in an orderly manner and shall not make personal, impertinent, slanderous, or profane remarks to any member of the Council, staff, or general public. Any Councilmember who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any hearing shall, at the discretion of the presiding officer, be asked to refrain from such behavior. If the behavior persists, the Presiding Officer/Budget Chairperson, with the approval or majority vote of the body, shall determine how to proceed with the meeting.
 - b. Employees. Employees of the City shall observe the same rules of order and decorum as those which apply to the members of the Council.
12. No member shall speak more than twice on the same subject, without permission from the Presiding Officer/Budget Chairperson; and Council Members who have spoken shall not speak again unless recognized by the Presiding Officer/Chairperson be entitled to the floor (except for the purpose of explanation), to the exclusion of another who has not spoken; and no member shall speak longer than ____ minutes in the first speech and ____ in the second speech on any question, without permission of the Presiding Officer/Budget Chairperson. Statements made may, at the discretion of the Presiding Officer/Budget Chairperson, be limited to ____ minutes duration. Such statements may be upon any subject of concern to the speaking Member but must

be offered under the last budget hearing. [NOTE: Adapted from Rules of Order of the Senate for the One Hundred Twelfth General Assembly State of Tennessee]

ATTACHMENT B

**RESOLUTION TO AMEND THE FISCAL YEAR 2026 OPERATING/CAPITAL
IMPROVEMENT PROGRAM BUDGET TO REALLOCATE TO THE GENERAL FUND
UNASSIGNED BALANCE**

WHEREAS, the Mayor submitted to the Council of the City of Memphis on April __, 2025, a proposed Operating Budget and Capital Improvement Program Budget for the Fiscal Year ending June 30, 2026; and

WHEREAS, the Budget Committee of the Council has held meetings and thoroughly reviewed the recommended Operating and Capital Improvement Program Budgets and will make approved revisions thereto; and

WHEREAS, the Council has identified a need for funds to be allocated to other projects/programs/initiatives that serve the City of Memphis and significantly contribute to its growth and development and ensuring the City of Memphis is financially sound; and

WHEREAS, it is the intent of the Council that any and all funds allocated to _____ (name of project or program) _____ (service center/line item) be reallocated to the General Fund Unassigned Balance.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the (Capital Improvement Program) _____ (Operating Budget) for Fiscal Year 2025 by reallocating and appropriating _____ (name of project or program) _____ (service center/line item) to the General Fund Unassigned Balance effective upon approval of this resolution and to be incorporated into the Fiscal Year 2026 Budget Ordinance.

Sponsor:

ATTACHMENT C

**RESOLUTION TO AMEND THE FISCAL YEAR 2026 OPERATING/CAPITAL
IMPROVEMENT PROGRAM BUDGET**

WHEREAS, the Mayor submitted to the Council of the City of Memphis on April __, 2025, a proposed Operating Budget and Capital Improvement Program Budget for the Fiscal Year ending June 30, 2026; and

WHEREAS, the Budget Committee of the Council has held meetings and thoroughly reviewed the recommended Operating and Capital Improvement Program Budgets and will make approved revisions thereto; and

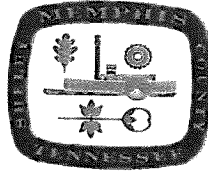
WHEREAS, the Council has identified a need for funds to be allocated to projects/programs/initiatives that serve the City of Memphis and significantly contribute to its growth and development; and

WHEREAS, the Memphis City Council hereby amends the (Capital Improvement Program/ Operating Budget) for Fiscal Year 2026 by making a reduction of \$_____ from the _____ (name of project or program) _____ (service center/line item) and increasing the _____ (name of project or program) _____ (service center/line item) by \$_____.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the (Capital Improvement Program/Operating Budget) for Fiscal Year 2025 by reducing \$_____ from the _____ (name of project or program) _____ (service center/line item) and increasing the _____ (name of project or program) _____ (service center/line item) by \$_____ effective upon approval of this resolution and to be incorporated into the Fiscal Year 2026 Budget Ordinance.

Sponsor:

T-260



Memphis City Council Summary Sheet

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

Resolution requesting the City of Memphis to transfer its ownership right and interest in a parcel located in Council District 7 to Citizen and adjoining property owner Erica Moore in Memphis, Shelby County, Tennessee 38108.

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

General Services Real Estate Service Center

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

This is not a change to an existing ordinance or resolution.

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

Council District 7 and Super district 8

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

New Contract

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

This does not require expenditure of funds nor a budget amendment.

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

N/A

T-260

Summary Notes for 3119 Mt. Olive Road

Notes for the sale of 3119 Mt. Olive Road

1 surplus parcel being sold at 3119 Mt. Olive Road, Memphis, TN 38108, Parcel ID: 043014 00003

Purchaser: Erica Moore wants to purchase the land from the City to ensure its regular maintenance and care. The City no longer has a need for the property.

The City of Memphis acquired the property on 9/19/2024.

Council District: 7/Dr. Michalyn Easter-Thomas

Super District: 8

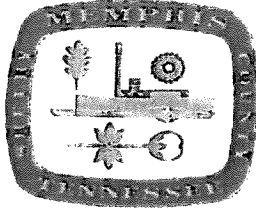
An analysis of comparable sales was performed to arrive at a sales price of \$4,000.00.

Parcel ID #	Sales Price	
043014 00003	\$4,000	

The total sale price for 3119 Mt. Olive Road is \$4,000.00.

The purchaser has deposited the earnest money of \$400 (10% of the Sales Price of \$4,000)

Requesting Council to approve the sale.



City Council Resolution

T-260

A Resolution requesting the approval for the sale of a city owned parcel located at 3119 Mt. Olive Road, Memphis, Shelby County, Tennessee and further described as Parcel ID #043014 00003

Whereas the City of Memphis is the owner of a surplus parcel known as 3119 Mt. Olive Road, further described as Parcel ID: 043014 00003; and

Whereas 3119 Mt. Olive Road has been under the ownership of the City of Memphis since 9/19/2024. Citizen Erica Moore, an adjoining property owner, would like to acquire the parcel to tend to its regular maintenance and care; and

Whereas Erica Moore submitted an offer of Four Thousand Dollars (\$4,000.00) for the Parcel along with a Four Hundred Dollars (\$400.00) Earnest Money deposit to the City of Memphis Real Estate Service Center

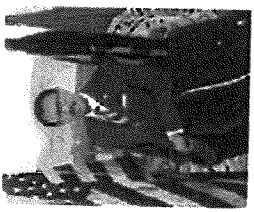
Whereas there are no further anticipated uses for the subject parcel; and

Whereas the City of Memphis hereby retains easements for any other existing utilities, sanitary sewer and drainage facilities, recorded and unrecorded, located in the above-described parcel of real property.

Now, therefore be it resolved that the City of Memphis has the authority to sale City owned property at reduced or no cost to adjacent property owners in accordance with Ordinance No. 2-16-1(G).

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.

T-260



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: CITY OF MEMPHIS

Parcel Address: 3119 MT OLIVER RD

Parcel ID: 043014 00003

2025 Appraisal: \$3,500

Tax District: MEMPHIS

Year Built:

Lot Number: 0423

Subdivision: BUNGALOW PARK

Plat BK & PG: UNKNOWN

Dimensions: 40X120

Total Acres: 0.11

Owner Address: 125 N MAIN ST

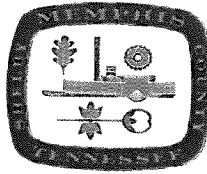
MEMPHIS TN

38103 2026

Map prepared on 2/3/2025



T-261



Memphis City Council Summary Sheet

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

Resolution requesting the City of Memphis to transfer its ownership right and interest in a parcel located in Council District 4 to adjoining property owner Debra Pigram in Memphis, Shelby County, Tennessee 38106.

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

General Services Real Estate Service Center

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

This is not a change to an existing ordinance or resolution.

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

Council District 4 and Super district 8

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

New Contract

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

This does not require expenditure of funds nor a budget amendment.

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

N/A

T-201

Summary Notes for 672 E. Trigg Ave

Notes for the sale of 672 E. Trigg Ave

1 surplus parcel being sold at 672 E. Trigg Ave, Memphis, TN 38106, Parcel ID: 025047 00018

Purchaser: Debra Pigram wants to purchase the land back from the City to ensure its regular maintenance and care. The City has no need for the property.

The City of Memphis acquired the property on 9/19/2024.

Council District: 4/Jana Swearengen-Washington

Super District: 8

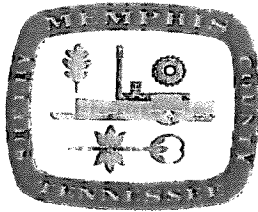
An analysis of comparable sales was performed to arrive at a sales price of \$6,000.00.

Parcel ID #	Sales Price	
025047 00018	\$6,000	

The total sale price for 672 E. Trigg Ave is \$6,000.00.

The purchaser has deposited the earnest money of \$600 (10% of the Sales Price of \$6,000)

Requesting Council to approve the sale.



City Council Resolution

T-261

A Resolution requesting the approval for the sale of a city owned parcel located at 672 E. Trigg Avenue, Memphis, Shelby County, Tennessee and further described as Parcel ID #025047 00018

Whereas the City of Memphis is the owner of a surplus parcel known as 672 E. Trigg Avenue, further described as Parcel ID: 025047 00018; and

Whereas 672 E. Trigg Ave has been under the ownership of the City of Memphis since 9/19/2024. Citizen Debra Pigram, an adjoining property owner and this parcels previous owner, would like to acquire the parcel to tend to its regular maintenance and care; and

Whereas Debra Pigram submitted an offer of Six Thousand Dollars (\$6,000.00) for the Parcel along with a Six Hundred Dollars (\$600.00) Earnest Money deposit to the City of Memphis Real Estate Service Center

Whereas there are no further anticipated uses for the subject parcel; and

Whereas the City of Memphis hereby retains easements for any other existing utilities, sanitary sewer and drainage facilities, recorded and unrecorded, located in the above-described parcel of real property.

Now, therefore be it resolved that the City of Memphis has the authority to sale City owned property at reduced or no cost to adjacent property owners in accordance with Ordinance No. 2-16-1(G).

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



Willie F. Brooks, Jr.
Shelby County Register of Deeds

CITY OF MEMPHIS

Owner:

Parcel Address: 672 E TRIGG AVE

Parcel ID: 025047 00018

2025 Appraisal: \$3,000

Tax District: MEMPHIS

Year Built:

Lot Number: 90

Subdivision: GILCHRIST & MARTINS

Plat BK & PG: UNKNOWN

Dimensions: 0.205AC 50 X 178.14/178.33

Total Acres: 0.205

Owner Address: 125 N MAIN ST

MEMPHIS TN

38103 2028



Map prepared on 2/24/2025

**A RESOLUTION TO IMPLEMENT FREE PARKING AT MUD ISLAND
PARKING GARAGE FOR ALL CITIZENS DURING CITY COUNCIL MEETINGS**

WHEREAS, the City Council acknowledges the importance of public participation in local governance and the need to encourage citizen engagement during City Council meetings; and

WHEREAS, access to affordable parking is a barrier that may discourage citizens from attending these important meetings where local issues are discussed and decided upon; and

WHEREAS, many municipalities have successfully implemented similar measures to increase attendance and engagement during public meetings;

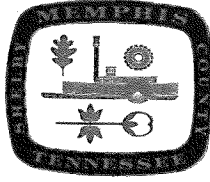
NOW, THEREFORE, BE IT RESOLVED that

1. Free Parking Initiative: The City Council hereby establishes a policy to provide free parking at Mud Island parking garage for all citizens on the days of City Council meetings.
2. Implementation: Memphis River Parks is instructed to facilitate the implementation of this initiative.
3. Promotion of Participation: The City Council will actively promote this initiative through social media, local newspapers, and community bulletin boards to ensure that citizens are informed about this opportunity to participate in local governance without the burden of parking fees.
4. Evaluation: The City Council will review the impact of this initiative after six months to assess its effectiveness in increasing citizen attendance and engagement during meetings and make necessary adjustments.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

Sponsor
Yolanda Cooper-Sutton
Jana Swearngen-Washington
Jeffery Warren, MD

Chairman
Ford Canale



Memphis City Council Summary Sheet

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

A resolution to amend the Accelerate Memphis: Invest in Neighborhoods Plan to reallocate funding within the Affordable Housing Investment Project (30A5000) in the amount of \$1.5 million.

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

The Division of Housing and Community Development Affordable Housing Program.

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

Yes, resolution is change to the February 2, 2021 approved Finance Resolution #24.

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

City Wide

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

New contracts and contract amendments will be required.

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

Expenditure of funds will be required.

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

Not applicable to MWBE.

Resolution-Division of Housing and Community Development



P089

A RESOLUTION TO AMEND THE ACCELERATE MEMPHIS: INVEST IN NEIGHBORHOODS PLAN TO REALLOCATE FUNDING WITHIN THE AFFORDABLE HOUSING INVESTMENT PROJECT (30A5000) IN THE AMOUNT OF \$1.5 MILLION.

WHEREAS, the Memphis City Council adopted the conceptual *Accelerate Memphis: Invest in Neighborhoods* plan with specific approvals beginning in the third quarter of FY2021, including the approval to issue a maximum of \$200 million in indebtedness consisting of capital appreciation bonds with a 25-year term through the Public Building Authority and current interest bonds with a 25-year term through EDGE on February 2, 2021 (*Finance Resolution #24*); and

WHEREAS, as part of the *Accelerate Memphis: Invest in Neighborhoods* initiative, the City of Memphis strategically leveraged the projected drop in debt service payments in 2026 to make an unprecedented \$200 million investment in catalytic community projects designed to:

- Improve quality of life,
- Promote equity and inclusion, and
- Enhance housing and connectivity through transformative, one-time investments in 62 capital projects; and

WHEREAS, the Affordable Housing Investment Project (30A5000), a critical component of this initiative, has a total funding allocation of \$7.5 million and requires an amendment to transfer \$1.5 million in Accelerate Memphis bond funds from the Architect & Engineering resource category to the Contract Construction resource category to ensure the efficient use of funds; and

WHEREAS, this reallocation is essential to continue funding the Northside Square Project, which supports the new construction and/or rehabilitation of multifamily units, further advancing the City's commitment to expanding affordable housing opportunities and revitalizing neighborhoods.

NOW, THEREFORE, BE IT RESOLVED, that the Memphis City Council hereby approves the reallocation of \$1.5 million within the Affordable Housing Investment Project (30A5000) by transferring funds from Architect & Engineering to Contract Construction to support the continued development of affordable housing under the *Accelerate Memphis: Invest in Neighborhoods* initiative.