

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS |**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 1/13/2026
PUBLIC SESSION: 1/27/2026

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 6450 Kirby Gate, known as case number PD 2025-015

CASE NUMBER: PD 2025-015

DEVELOPMENT: Howard Road Outfall Planned Development

LOCATION: 6450 Kirby Gate

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

OWNER/APPLICANT: David Wills – Wills and Wills LP

REPRESENTATIVE: David Baker

REQUEST: Planned Development to allow a self-service mini-storage facility

AREA: +/- 7.02 acres

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

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(1) 12/11/2025

APPROVAL - (1) APPROVED (2) DENIED

DATE

(1) Land Use Control Board

ORGANIZATION - (1) BOARD / COMMISSION

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

FUNDING:

(2)

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

\$

AMOUNT OF EXPENDITURE

\$

REVENUE TO BE RECEIVED

\$

OPERATING BUDGET

\$

CIP PROJECT #

\$

FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

Mahsan C. S. Farh

DATE

Dec 17, 2025

POSITION

STAFF PLANNER

Brett R. Jones

12/22/25

DEPUTY ADMINISTRATOR

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTRROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2025-015

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 6450 KIRBY GATE, KNOWN AS CASE NUMBER PD 2025-015

- This item is a resolution with conditions to allow a self-service mini-storage facility 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, December 11, 2025**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2025-015
DEVELOPMENT:	Howard Road Outfall Planned Development
LOCATION:	6450 Kirby Gate
COUNCIL DISTRICT(S):	District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	David Wills – Wills and Wills LP
REPRESENTATIVE:	David Baker
REQUEST:	Planned Development to allow a self-service mini-storage facility
EXISTING ZONING:	Governed by PD 2022-011 Area A that allows uses permitted in the Office General (OG) District with certain restrictions
AREA:	+/-7.02 acres

The following spoke in support: None

The following spoke in opposition: None

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

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

Respectfully,

Mahsan Ostadnia

Planner II
Land Use & Development Services
Cc: Committee Members
File

PD 2025-015
CONDITIONS

Site Conditions

1. The applicant shall re-record the Kirby Gate Business Campus Planned Development Outline Plan (PD 2022-011) to remove this land from said planned development.

Outline Plan Conditions

I. Uses Permitted:

- A. Self-service mini-storage.
- B. The area identified on the Outline Plan as "Floodway" shall be understood to be unbuildable until such time as FEMA issues a Letter of Map Amendment or Revision (LOMA or LOMR). At that time, the area included in the FEMA amendment shall be subject to the conditions of this P.D. and a Final Plat shall be required.
- C. Any property located within the 100-year floodplain shall be subject to the regulations of the Floodplain (FP) District.

II. Bulk Regulations:

- A. All storage shall be contained within a fully-enclosed building. However, the storage of boats, Recreational Vehicles, or other similar vehicles may be permitted in accordance with the screening requirements of Chapter 4.8, Outdoor Storage and Display.
- B. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use. Any fencing adjacent to a residential use must be site-proof.
- C. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.
- D. A 100-foot buffer yard along the west boundary of the Kirby Gate Subdivision shall be retained for the retention and preservation of the existing trees.
- E. Kirby Gate Boulevard frontage shall be landscaped with streetscape landscaping as indicated on the final plat.
- F. Maximum building height of 25 feet.
- G. Minimum building setbacks shall be as follows, unless noted otherwise:
 1. Front: 20 feet
 2. Side/rear: 10 feet

III. Access, Circulation, and Parking:

- A. Dedicate Kirby Gate Blvd. 42 feet from centerline and improve in accordance with a standard improvement contract or right-of-way permit.
- B. A maximum of one curb cut is allowed onto Kirby Gate Blvd.
- C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

IV. Signs:

- A. A maximum of one attached sign shall be permitted with a maximum thirty-two (32) square feet.
- B. A maximum of one detached sign shall be permitted, and it shall be of the monument style with a maximum height of six (6) feet and a maximum sign area of thirty-two (32) square feet.

V. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Drainage improvements, including possible on-site detention, shall be provided under a standard improvement contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- D. 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.
- D. 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.

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

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 6450 KIRBY GATE, KNOWN AS CASE NUMBER PD 2025-015

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 Wills and Wills LP filed an application with the Memphis and Shelby County Division of Planning and Development to allow a self-service mini-storage facility planned development; 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 December 11, 2025, 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 site and 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.

Site Conditions

1. The applicant shall re-record the Kirby Gate Business Campus Planned Development Outline Plan (PD 2022-011) to remove this land from said planned development.

OUTLINE PLAN CONDITIONS

I. Uses Permitted:

A. Self-service mini-storage.

B. The area identified on the Outline Plan as “Floodway” shall be understood to be unbuildable until such time as FEMA issues a Letter of Map Amendment or Revision (LOMA or LOMR). At that time, the area included in the FEMA amendment shall be subject to the conditions of this P.D. and a Final Plat shall be required.

C. Any property located within the 100-year floodplain shall be subject to the regulations of the Floodplain (FP) District.

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A. All storage shall be contained within a fully-enclosed building. However, the storage of boats, Recreational Vehicles, or other similar vehicles may be permitted in accordance with the screening requirements of Chapter 4.8, Outdoor Storage and Display.

B. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use. Any fencing adjacent to a residential use must be site-proof.

C. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

D. A 100-foot buffer yard along the west boundary of the Kirby Gate Subdivision shall be retained for the retention and preservation of the existing trees.

E. Kirby Gate Boulevard frontage shall be landscaped with streetscape landscaping as indicated on the final plat.

F. Maximum building height of 25 feet.

G. Minimum building setbacks shall be as follows, unless noted otherwise:

1. Front: 20 feet
2. Side/rear: 10 feet

III. Access, Circulation, and Parking:

A. Dedicate Kirby Gate Blvd. 42 feet from centerline and improve in accordance with a standard improvement contract or right-of-way permit.

B. A maximum of one curb cut is allowed onto Kirby Gate Blvd.

C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

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V. Drainage:

A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

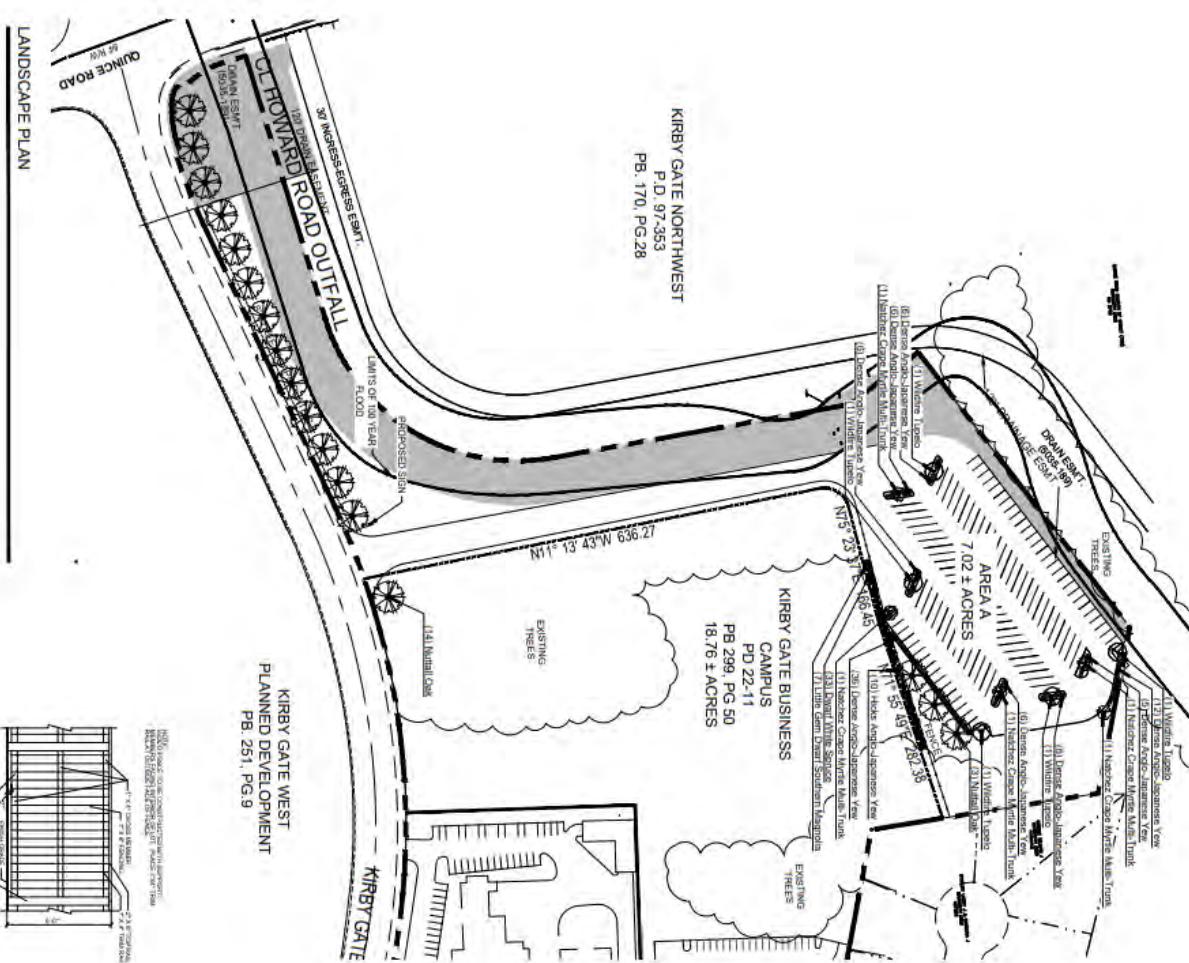
B. Drainage improvements, including possible on-site detention, shall be provided under a standard improvement contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

D. 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.

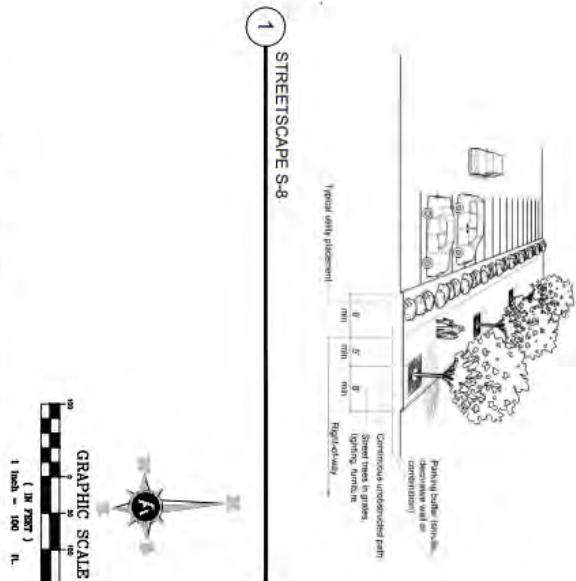
D. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

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

CONCEPT PLAN



SPECIES	COMMON NAME	BOTANICAL NAME	CONDITION	GA.	SIZE
•	Dwarf White Spruce	<i>Picea glauca</i> 'Conica'	B & B	6	4 ft.
○	Little Gem Dwarf Southern Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	B & B	2	Var.
○	Nature's Crepe Myrtle Multi-Trunk	<i>Lagerstroemia indica</i> x 'Bourbon' 'Natchez'	B & B	2	Var.
○	Nutall Oak	<i>Quercus nutallii</i>	B & B	2	Var.
○	Water Hyacinth	<i>Hyacinthus orientalis</i> 'Water'	B & B	2	Var.
SUBSHRUBS					
•	Dense Argentea Yew	<i>Taxus x media</i> 'Denseforma'	24" ft.		
○	Hebe Argentea 'Var'	<i>Hebe media</i> 'Hebe'	24" ft.		
○					
10					



OUTLINE PLAN HOWARD ROAD OUTFALL

**OUTLINE PLAN
HOWARD ROAD OUTFALL P.D.**

FORMER CASE NUMBERS:

P.D. 47.19, P.D. 43.32, P.D. 99.32, P.D. 99.31

111

111

4 AE.
PARCEL B
081083 08092

ENGINEERS: DIESNER & AGNEW, INC.

ENGINEER.
FISHER & KARNDL, INC.
9180 CRESTWYN HILLS DR.

MEMPHIS, TN 38125

FILE NUMBER: FEMA MAP DATE:

SEPTEMBER 29, 2007

SHEET 2 OF 4

100

2
SCALE: 1/4" = 1'-0"

NOTE: THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FEMA FIRM SPECIAL FLOOD HAZARD AREA ACCORDING TO BANE #31520 04555 DATED SEPTEMBER 28, 2007.

AMERICAN INSTITUTE OF PHYSICS, WOODBURY, NEW YORK 11794, SEPTEMBER 20, 2007.

ATTEST:

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

AGENDA ITEM:	6	L.U.C.B. MEETING:	December 11, 2025
CASE NUMBER:	PD 2025-015		
DEVELOPMENT:	Howard Road Outfall Planned Development		
LOCATION:	6450 Kirby Gate		
COUNCIL DISTRICT:	District 2 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	David Wills – Wills and Wills LP		
REPRESENTATIVE:	David Baker		
REQUEST:	Planned Development to allow a self-service mini-storage facility		
EXISTING ZONING:	Governed by PD 2022-011 Area A that allows uses permitted in the Office General (OG) District with certain restrictions		

CONCLUSIONS

1. The subject property is part of the larger Kirby Gate Business Campus Planned Development (PD 2013-321) and is currently a vacant portion of a larger parcel with frontage on both Kirby Gate Parkway and Quince Road. The site was later included in PD 2022-011, approved in July 2022. The applicant now seeks to establish a new Planned Development, PD 2025-015, to separate this portion from the previous PD with the purpose of boat and recreational-vehicle storage and related site improvements.
2. The site plan shows primary vehicular access from Kirby Gate Parkway, with no new curb cuts proposed along Quince Road. The plan provides approximately 129 parking spaces.
3. The landscape plan includes streetscape elements along Kirby Gate Parkway and supplemental plantings along the Howard Road Outfall. Species meet general UDC requirements. No new buildings are proposed, and open space near the drainage corridor remains largely undisturbed.
4. The request is generally consistent with the Mid-South Regional Resilience Master Plan, as all proposed development is located outside the mapped floodway and respects the required easement along the Howard Road Outfall. This request also aligns with the Memphis Area Climate Action Plan by increasing green infrastructure, mitigating heat-island effects, and enhancing carbon sequestration capacity. The western portion of the site remains environmentally sensitive due to its proximity to the floodway, and protection of this area, including retention of the 100-foot vegetative buffer, will be important for long-term site resilience.
5. 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.

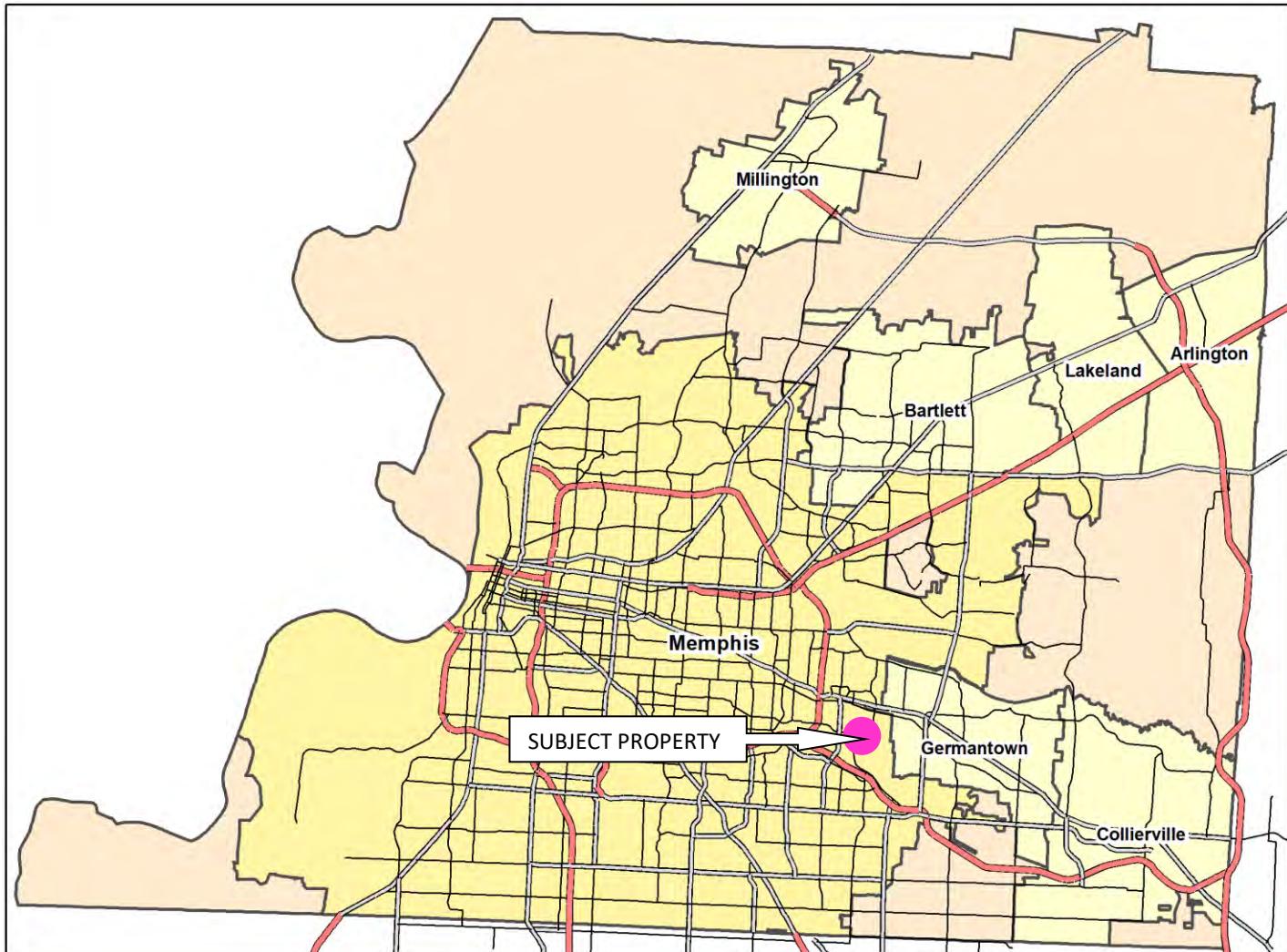
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria.

RECOMMENDATION:

Approval with conditions

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

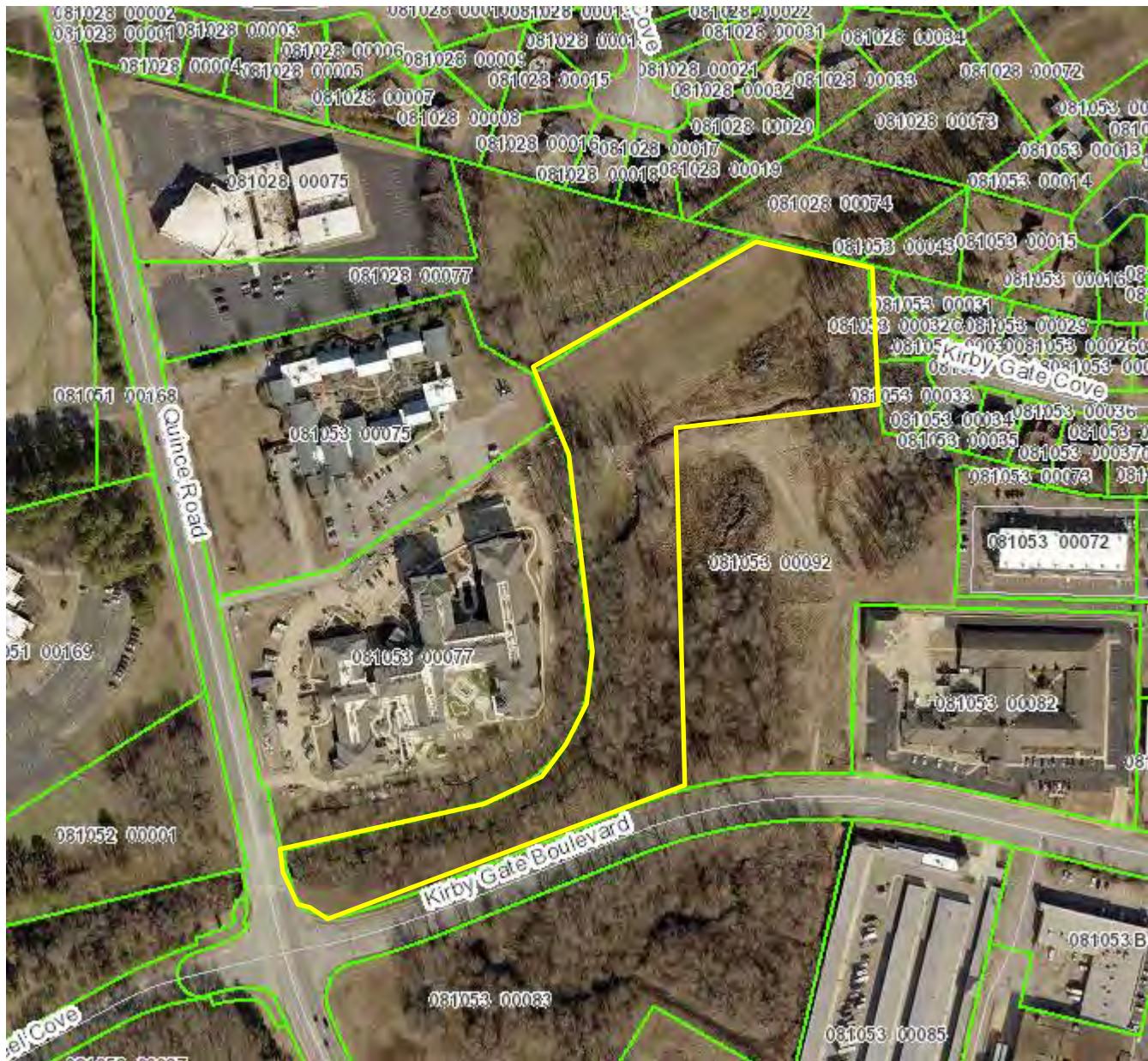
PUBLIC NOTICE DETAILS

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 92 notices were mailed on November 18, 2025. See page 30 of this report for a copy of said notice. Additionally, two signs were posted at the subject property. See page 31 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

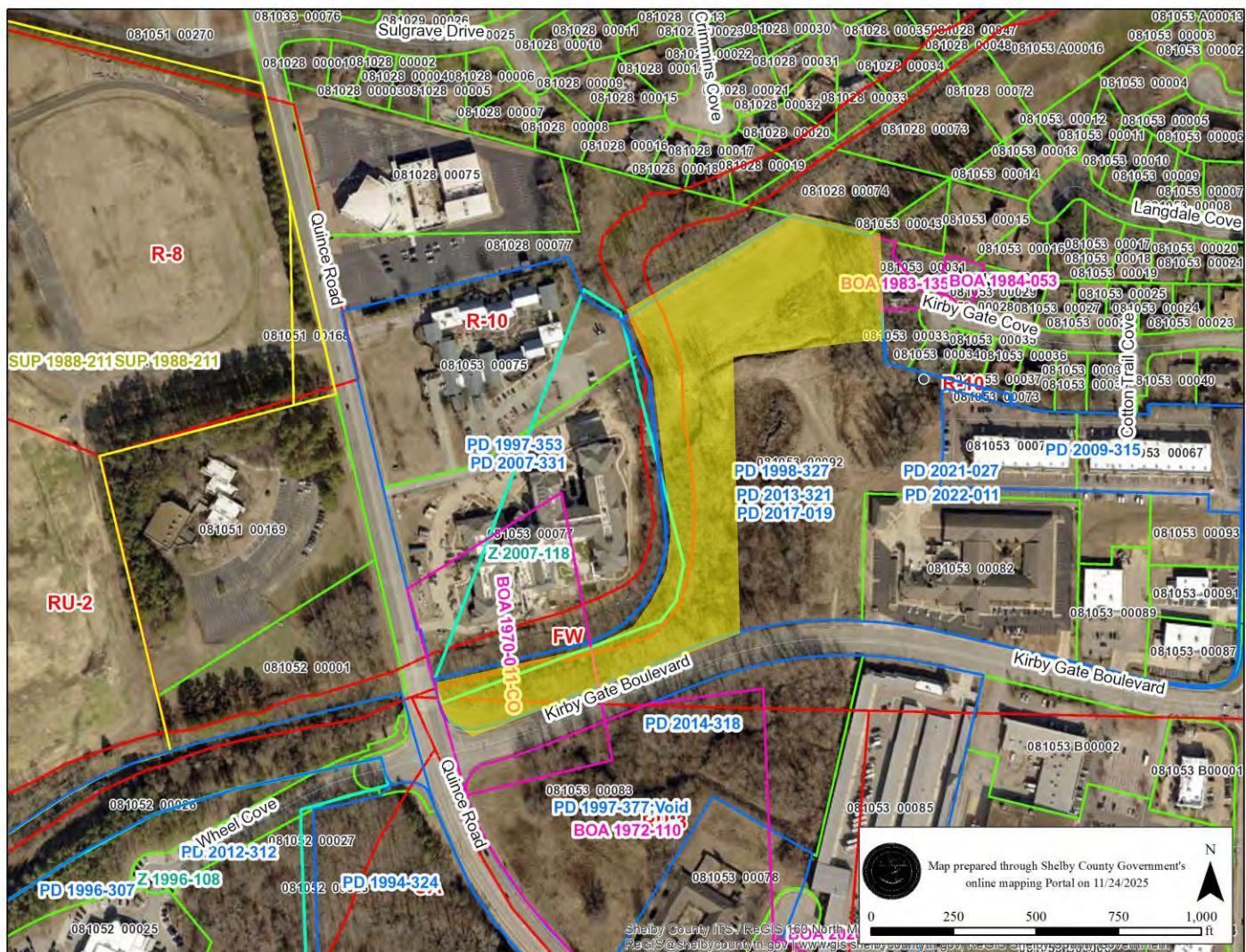
The meeting was held at 5:30 PM on Tuesday, November 18, 2025, at Balmore Baptist Church, 2676 Kirby Road, Memphis, TN 38119. See pages 32-33 of this report for a copy of the neighborhood meeting summary.

AE~~RIAL~~



Subject property outlined in yellow.

ZONING MAP



FEMA MAP



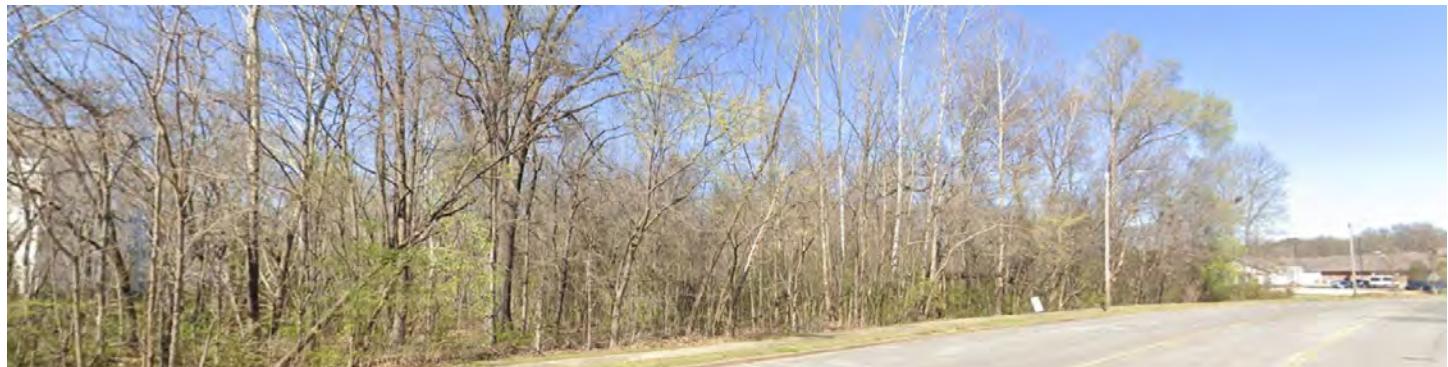
Subject property outlined in red.

LAND USE MAP



Subject property indicated by a pink star.

SITE PHOTOS



View of subject property from Kirby Gate Road.



View of subject property from Quince Road.



View of subject property from above.



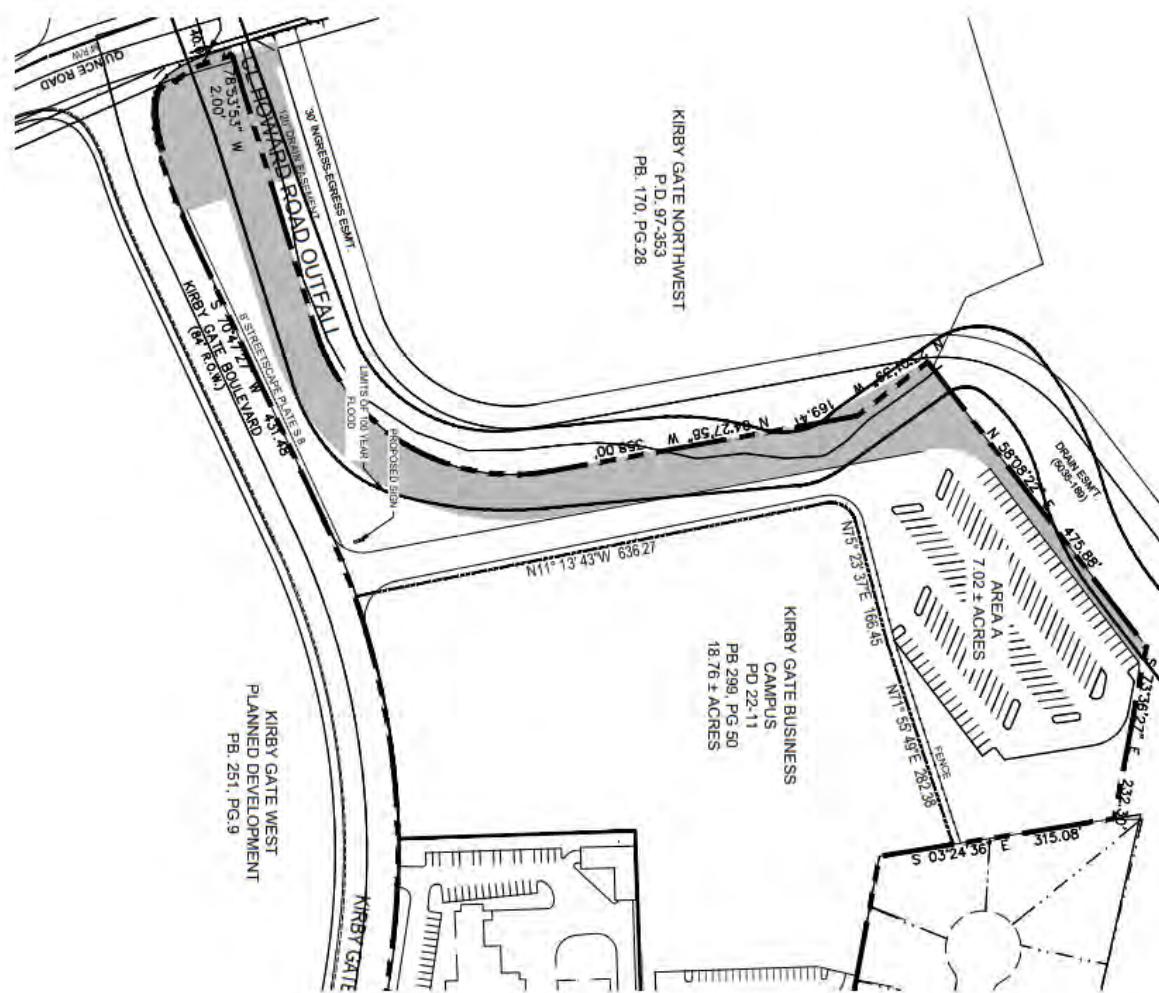
View of subject property from above (east).



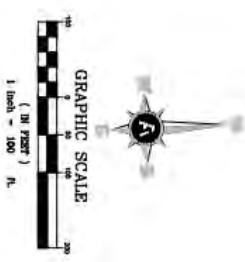
View of subject property from above (west).

OUTLINE PLAN

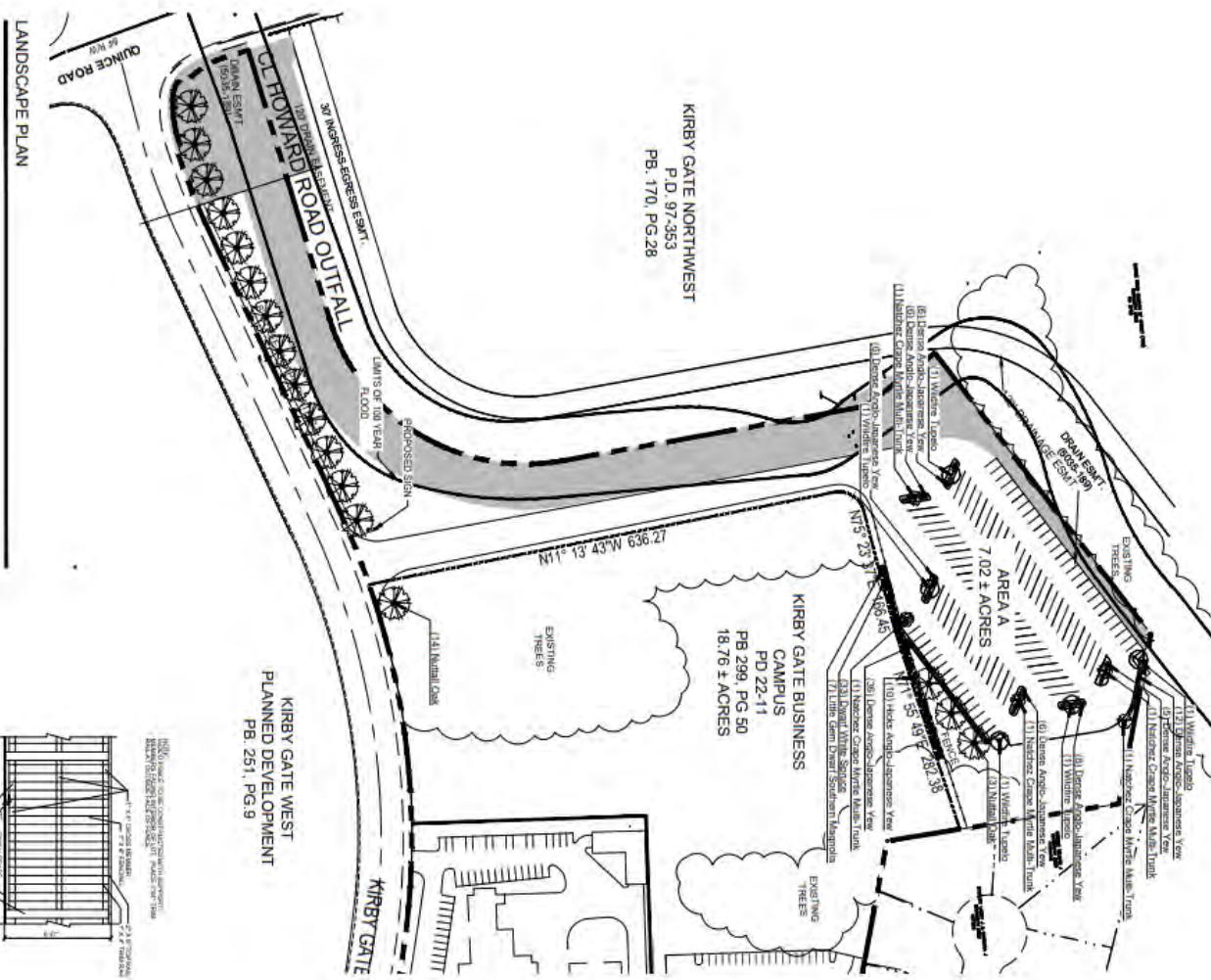
NOTE: THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FEMA FIRM SPECIAL FLOOD HAZARD AREA ACCORDING TO PANEL 475/C (ASOF, DATED SEPTEMBER 26, 2007).



OUTLINE PLAN HOWARD ROAD OUTFALL P.D.	
NUMBER OF LOTS: 1	ACREAGE: 3.24 A.C.
OWNER: WILLS AND MILLS, L.P. 2200 KIRBY PARKWAY SUITE 7 MEMPHIS, TENNESSEE 38119	FORMER CASE NUMBER: P.D. 17-19 P.D. 13-21 P.D. 65-238, PG. 9A, 45
TOP YEAR FLOOR ELEVATION: ELEV. 27.9 TO 28.9	ENGINEER: FISHER & ARNOLD, INC. 910 CHESTNUT HILLS DR. MEMPHIS, TN 38125
DATE: OCTOBER 2025	FEMA MAP PANEL NUMBER: FEMA MAP DATE: 475/C 0459
SCALE: 1" = 100'	SEPT/EMBER 20, 2001
	SHEET 1 OF 4



NOTE: THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FIRM FIVE SPECIAL FLOOD HAZARD AREA, ACCORDING TO FIRM 4715C 0455, DATED SEPTEMBER 26, 2007.



SYMBOL	CITY	COMMON NAME	BOTANICAL NAME	CONDITION	SPR.	HT.
3	Dwarf White Spruce	Picea glauca 'Conica'	B & B	6 ft.		
7	Little Gem Dwarf Southern Magnolia	Magnolia grandiflora 'Little Gem'	B & B	21' Cal		
5	Natchez Crape Myrtle Tree	Lagerstroemia indica x 'Natchez'	B & B	21' Cal		
14	Nutall Oak	Quercus nuttallii	B & B	21' Cal		
5	White Tupelo	Nyssa sylvatica Wherry	B & B	21' Cal		

2 WOOD PRIVACY FENCE

OUTLINE PLAN HOWARD ROAD OUTFALL P.D.		FORMER CASE NUMBERS: P.D. 97-19 P.D. 13-21 P.D. 95-338 P.D. 93-14	
NUMBER OF LOTS: 1		ACREAGE: 3.24 AC.	
OWNER: WILLS AND WILLS, L.P.	ENGINEER: FISHER & ARNOLD, INC.	PARCEL ID: 06103.00082	
2500 KIRBY PARKWAY SUITE 7 MEMPHIS, TENNESSEE 38119	9180 CRESTWOOD HILLS DR MEMPHIS, TN 38125		
100-YEAR FLOOD ELEVATION: ELEV 279 to 286	SEMA MAP DATE: SEPTEMBER 26, 2007	SCALE: 1" = 100'	SHEET 2 OF 2

CONCEPT PLAN



CONCEPT PLAN – MAGNIFIED



CASE REVIEW

Request

The request is a planned development to allow a self-service mini-storage facility.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the*

current development policies and plans of the City and County.

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

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

Approval Criteria

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

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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:
6450 Kirby Gate

Parcel ID:
081053 00092

Area:
+/-7.02 acres

Description:
The subject property is known as part of Area A within the Kirby Gate Business Campus Planned Development (PD 2022-011) which allows uses permitted in the Office General District with certain restrictions, see the outline plan on Plat Book 299 Page 50. Per the Assessor's website, the subject property is currently a vacant lot. Additionally, this lot has two street frontages.

Site Zoning History

On July 12, 2022, the Council of the City of Memphis approved PD 2022-011, see pages 34-36 of this report for said resolution and outline plan conditions.

Concept Plan Review

The site layout shows primary access from Kirby Gate Parkway, with no additional curb cuts proposed along Quince Road, consistent with existing circulation patterns. Internal drive aisles are designed to standard widths and allow for regular vehicular movement throughout the site. Sidewalks are present along Kirby Gate Parkway.

The site plan includes approximately 129 storage spaces arranged in a standard configuration with drive aisles shown at typical widths.

The landscape plan shows streetscape elements along Kirby Gate Parkway, including canopy trees and evergreen shrubs. Supplemental tree plantings are also shown along the Howard Road Outfall corridor. The plant schedule includes species that meet the general requirements of UDC for streetscape and perimeter landscaping.

No new buildings are proposed as part of this plan; instead, the improvements support existing development within the PD. The surrounding open space areas, particularly near the drainage corridor, remain largely undisturbed and will be complemented by additional plantings.

Analysis

The subject property is part of the larger Kirby Gate Business Campus Planned Development (PD 2013-321) and is currently a vacant portion of a larger parcel with frontage on both Kirby Gate Parkway and Quince Road. The site was later included in PD 2022-011, approved in July 2022. The applicant now seeks to establish a new Planned Development, PD 2025-015, to separate this portion from the previous PD with the purpose of boat and recreational-vehicle storage and related site improvements.

The site plan shows primary vehicular access from Kirby Gate Parkway, with no new curb cuts proposed along Quince Road. The plan provides approximately 129 parking spaces.

The landscape plan includes streetscape elements along Kirby Gate Parkway and supplemental plantings along the Howard Road Outfall. Species meet general UDC requirements. No new buildings are proposed, and open space near the drainage corridor remains largely undisturbed.

The request is generally consistent with the Mid-South Regional Resilience Master Plan, as all proposed development is located outside the mapped floodway and respects the required easement along the Howard Road Outfall. This request also aligns with the Memphis Area Climate Action Plan by increasing green infrastructure, mitigating heat-island effects, and enhancing carbon sequestration capacity. The western portion of the site remains environmentally sensitive due to its proximity to the floodway, and protection of this area, including retention of the 100-foot vegetative buffer, will be important for long-term site resilience.

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.

RECOMMENDATION

Staff recommends approval with outline plan conditions and site conditions.

Site Conditions

1. The applicant shall re-record the Kirby Gate Business Campus Planned Development Outline Plan (PD 2022-011) to remove this land from said planned development.

Outline Plan Conditions

- I. Uses Pe :
 - A. Self-service mini-storage.
 - B. The area identified on the Outline Plan as "Floodway" shall be understood to be unbuildable until such time as FEMA issues a Letter of Map Amendment or Revision (LOMA or LOMR). At that time, the area included in the FEMA amendment shall be subject to the conditions of this P.D. and a Final Plat shall be required.
 - C. Any property located within the 100-year floodplain shall be subject to the regulations of the Floodplain (FP) District.
- II. Bulk Regulations:
 - A. All storage shall be contained within a fully-enclosed building. However, the storage of boats, Recreational Vehicles, or other similar vehicles may be permitted in accordance with the screening requirements of Chapter 4.8, Outdoor Storage and Display.
 - B. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use. Any fencing adjacent to a residential use must be site-proof.
 - C. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.
 - D. A 100-foot buffer yard along the west boundary of the Kirby Gate Subdivision shall be retained for the retention and preservation of the trees.
 - E. Kirby Gate Boulevard frontage shall be landscaped with streetscape landscaping as indicated on the final plat.
 - F. Maximum building height of 25 feet.
 - G. Minimum building setbacks shall be as follows, unless noted otherwise:
 1. Front: 20 feet
 2. Side/rear: 10 feet
- III. Access, Circulation, and Parking:

- A. Dedicate Kirby Gate Blvd. 42 feet from centerline and improve in accordance with a standard improvement contract or right-of-way permit.
- B. A maximum of one curb cut is allowed onto Kirby Gate Blvd.
- C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

IV. Signs:

- A. A maximum of one attached sign shall be permitted with a maximum thirty-two (32) square feet.
- B. A maximum of one detached sign shall be permitted, and it shall be of the monument style with a maximum height of six (6) feet and a maximum sign area of thirty-two (32) square feet.

V. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Drainage improvements, including possible on-site detention, shall be provided under a standard improvement contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- C. The following note shall be placed on the final plat of any development requiring on-site storm water detention features: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or cleared without 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 in the City and/or County Engineer's care. 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.
- D. 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.

VII. A final plan shall be filed within two years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See pages 21-22.

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: See pages 23-25.

Office of Comprehensive Planning: See pages 26-29.

City Engineer

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

Sewers:

2. City sanitary sewer capacity is available to serve this development.

Roads:

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

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior

to recording of the final plat.

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

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.

Office of Sustainability and Resilience

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 generally 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.

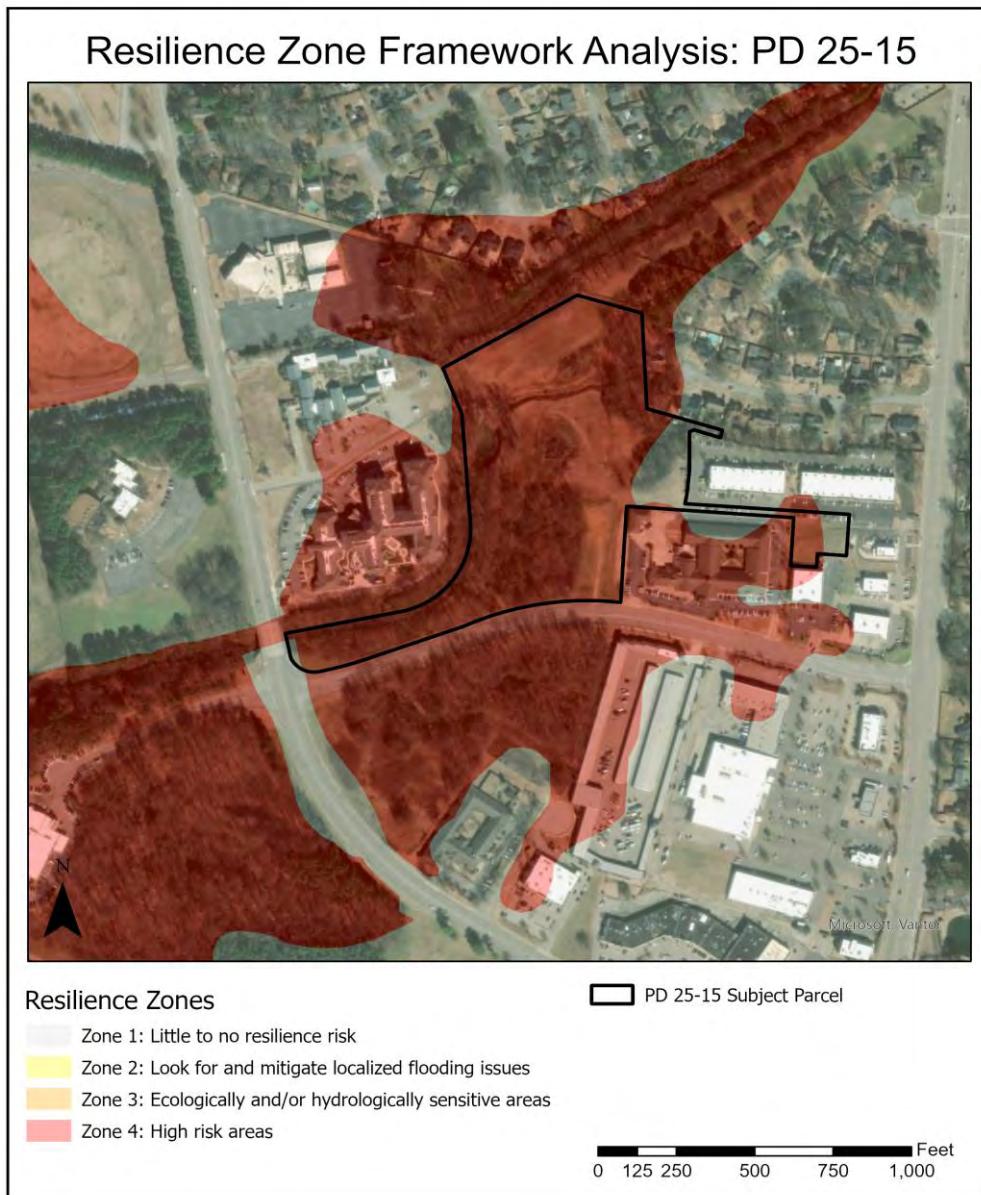
Zone 4 areas are high-risk locations, including riparian corridors, floodplains, drainage outfalls, and zones with higher seismic vulnerability. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through stormwater infrastructure and higher construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and prevent further development within Zone 4 to reduce exposure to flood and public-safety hazards.

The majority of the western portion of the Planned Development lies within Zone 4, due to the presence of the Howard Road Outfall drainage corridor, the mapped floodway, and areas within the 100-year and 500-year floodplain (0.2% annual chance of flooding) identified on FEMA Panel 47157C0455F. The developable portion, including the proposed mini-storage and associated site improvements, is located within Zone 1.

The Applicant is not proposing to build structures in or alter the floodway or drainage easement. However, the submitted outline plan does not delineate the FEMA floodway, only the 120-foot drainage easement. Based on GIS analysis, the drainage easement generally follows the floodway alignment, but it cannot be confirmed from this plan whether the easement fully encompasses the entire floodway. A revised outline plan showing both boundaries is needed for clarity.

The Applicant is not requesting changes to existing conditions regarding landscaping or drainage. The existing 100-foot buffer yard along the west boundary of the Kirby Gate Subdivision continues to protect existing trees and will serve as a vegetative buffer for the Howard Road Outfall. This buffer helps reduce erosion, improves ecological function, and supports long-term watershed resilience.

The proposed outline plan does show an increase in impervious surfaces associated with internal drives, access aisles, and paved storage areas. However, the landscape plan includes canopy trees, evergreen screening, and shrubs that will increase total leafy vegetation on the site and contribute to micro-climate cooling, visual buffering, and improved stormwater absorption.



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

This planned development amendment request is generally consistent with the Mid-South Regional Resilience Master Plan. The proposed site plan locates all development outside of the mapped floodway and maintains the required drainage easement along the Howard Road Outfall, which is consistent with Section 4.3 – Flood Smart Development. The landscape plan includes canopy trees, evergreen screening, and vegetative buffers that contribute to stormwater absorption, air-quality improvement, and enhanced ecological function. These plantings also support Section 5.7 – Trees, as the increased tree canopy will help reduce localized surface temperatures and provide long-term environmental benefits.

Overall, the applicant has limited all construction to the lower-risk Zone 1 portion of the site. However, the western portion of the PD remains a sensitive environmental area due to its proximity to the floodway and drainage corridor. Precautions should be taken to ensure that no future development encroaches into the floodway or increases runoff, particularly in areas adjacent to the Howard Road Outfall. Future development

phases should integrate additional flood-resilient design practices and preserve the existing 100-foot vegetative buffer to maintain the site's long-term resilience.

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

Increasing the green infrastructure through the planting of canopy trees, evergreen screening, and supplemental shrubs will expand the urban tree canopy (Priority Action E.7). These improvements support multiple climate goals by enhancing shade, reducing surface temperatures, and improving overall site-level cooling. In addition to the benefits mentioned above, expanding the tree canopy increases local carbon sequestration capacity and can help reduce energy demand for nearby buildings depending on tree placement, solar exposure, and the surrounding built environment. The landscape plan's inclusion of both deciduous and evergreen species provides year-round ecological value and aligns with the Climate Action Plan's recommendations for heat-island mitigation and green-infrastructure expansion.

Recommendations: Staff recommends the following condition:

- Applicant shall submit a revised outline plan showing both the drainage easement and the FEMA-mapped floodway.

Staff urges the developer to incorporate Low Impact Development (LID) techniques for stormwater management. Specific suggestions include grading the parking lot to direct stormwater toward landscaped islands or vegetated infiltration areas and utilizing a combination of asphalt and permeable paving materials. For example, drive aisles may remain conventional asphalt, while parking spaces, RV pads, or internal parking rows could utilize permeable pavers or other infiltration-friendly surfaces. These strategies will help reduce runoff, improve water quality, and support long-term site resilience adjacent to the Howard Road Outfall.

Office of Comprehensive Planning

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2025-015 EAST

Site Address/Location: 6450 Kirby Gate, Memphis 38119

Overlay District/Historic District/Flood Zone: In Flood zone but Not located in a Residential Corridor or Historic District

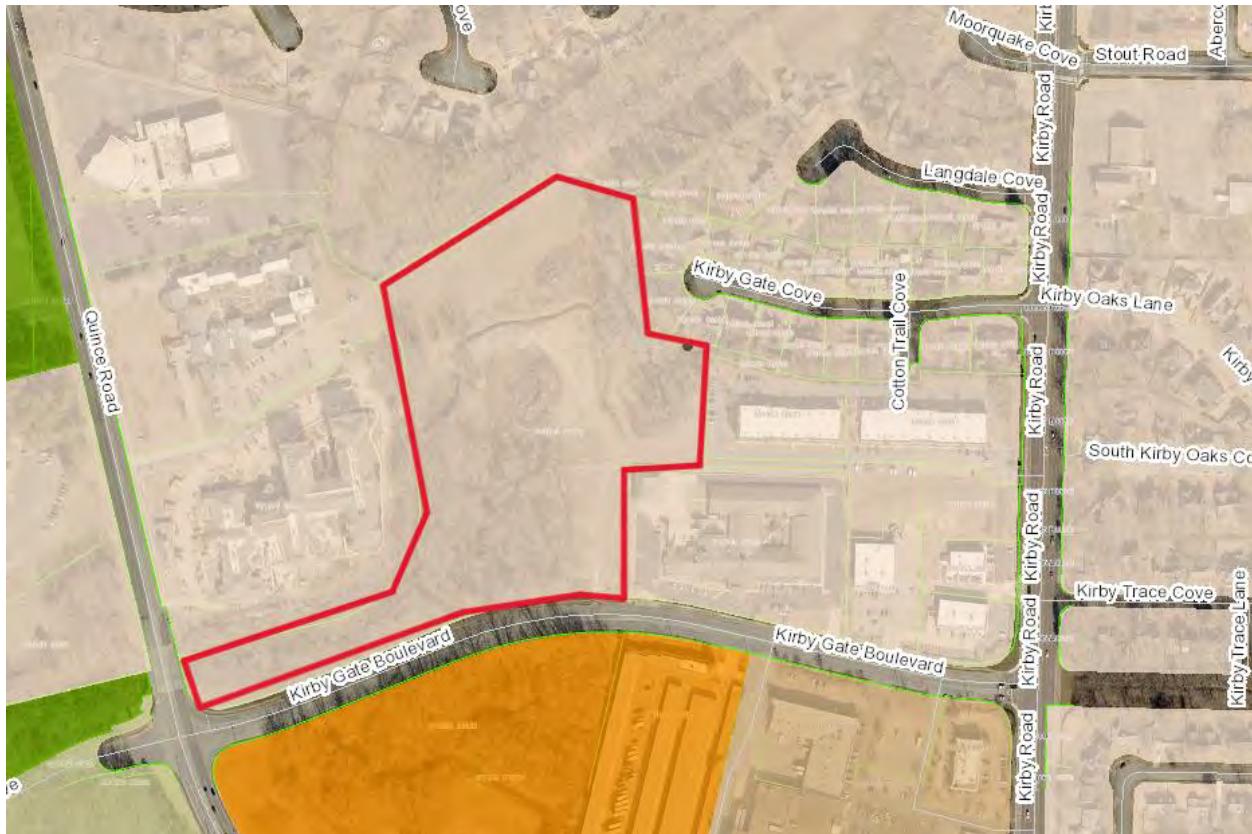
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Avenue and Parkway

The applicant is requesting a new planned development from the western portion of the Kirby Gate Business Campus.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



consisting
Graphic

“NS” Form & Location Characteristics

Primarily detached, House scale buildings, Primarily residential, 1 – 3 stories; Beyond $\frac{1}{2}$ mile from a Community Anchor

“NS” Zoning Notes

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

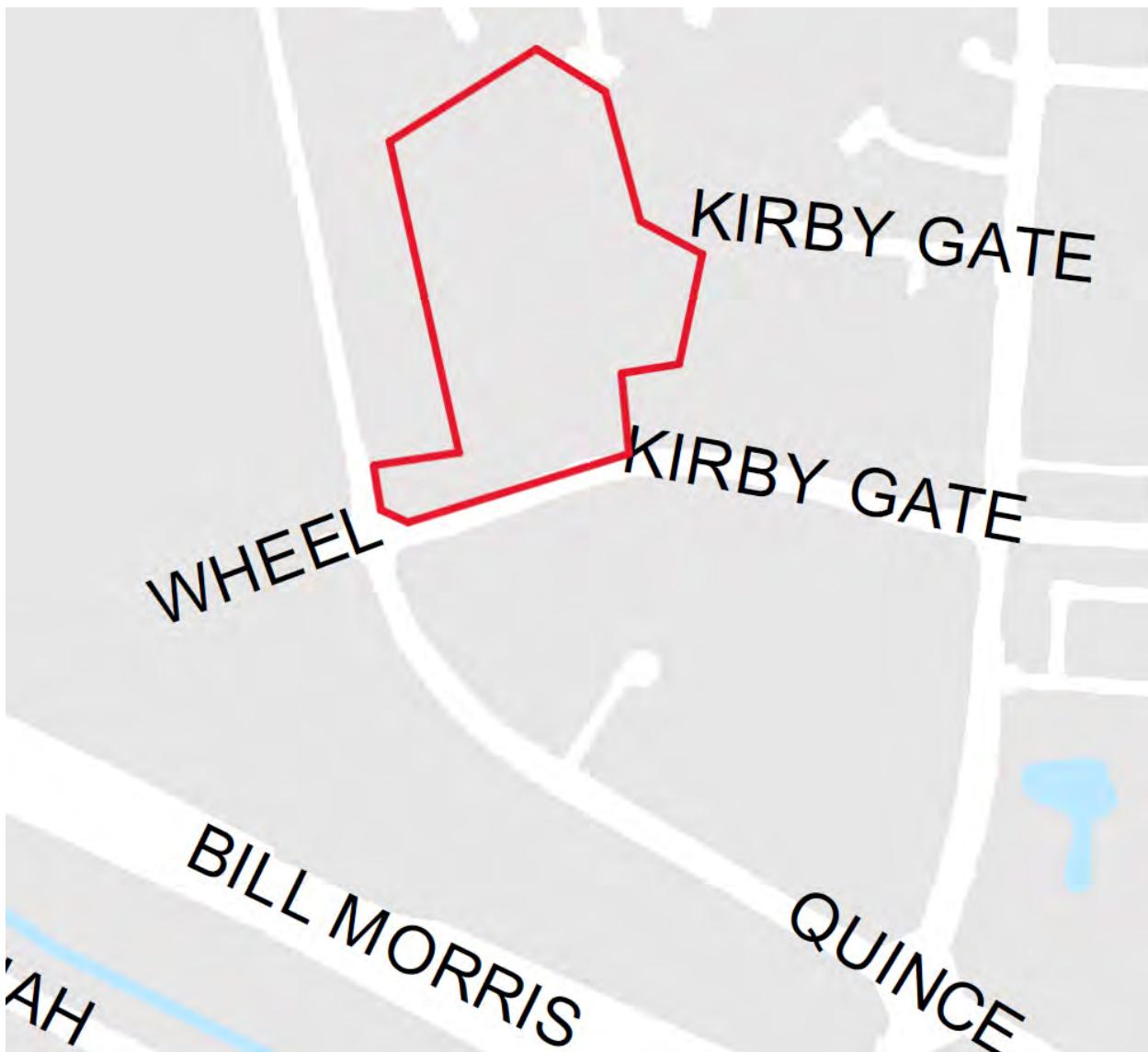
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; R-10

Adjacent Land Use and Zoning: Single-Family, Multi-family, Commercial, Vacant; R-10, RU-3, CMU-1, FW

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

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

There is no Degree of Change

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

NA

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

NA

Consistency Analysis Summary

The applicant is requesting a new planned development from the western portion of the Kirby Gate Business Campus. This requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

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, December 4, 2025 at 8 AM.

CASE NUMBER: PD 2025-015
ADDRESS: 6450 Kirby Gate Blvd
REQUEST: Amendment to PD 2022-011 to allow mini storage
APPLICANT: David Wills—Wills and Wills LP



MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

VICINITY MAP

Meeting Details

Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, December 11, 2025

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



Staff Planner Contact:
Mahsan Ostadnia
 mahsan.ostadnia@memphistn.gov
📞 (901) 636-7181

SIGN AFFIDAVIT

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee

I, Isobel Ritch, being duly sworn, deposes and says that at 1:00 pm on the 24th day of November, 2025, she posted Public Notice Signs pertaining to Case Number PD 2025-15 at the following address: north side of Kirby Gate Boulevard, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), photograph of said signs being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Isobel Ritch for David Baker
Owner, Applicant or Representative

Date: 11-24-2025

Subscribed and sworn to before me this 24th day of November, 2025.

Hope Rogers
Notary Public

My commission expires: 11/29/2027



Kirby Gate Boulevard at Quince Road



Kirby Gate Boulevard at east lot line

NEIGHBORHOOD MEETING SUMMARY

NEIGHBORHOOD MEETING SUMMARY

Case Number: PD 2025-15



Meeting Information

Location: Balmoral Baptist Church

Date: 11/18/25

Address: 2676 Kirby Rd, Memphis, TN 38119

Time: 17:30

Attendance

Attended on behalf of the applicant:

Role (Applicant, Engineer, Attorney, etc.):

David Baker Representative

Walter Willis, III Owner

Walter Willis, IV Owner

Number of Invitations Mailed: 409

Approx. Neighborhood Attendees: 15

Proceedings

Please provide a brief summary of the meeting. Identify the most commonly raised concerns, and if applicable, describe any application changes planned in response to resident feedback.

- Some residents not sure about the use near single family residences

-Discussions about what type of fencing and landscaping

-How is drainage being handled

-What type of vehicles are being stored there, hours of operation, people living in RV's

-Will there be security

-Type of Lighting

NEIGHBORHOOD MEETING SUMMARY

Case Number: PD 2025-15



Attachments

Also included in this submission are the following:

<input type="checkbox"/> Mailed Invitation	<input type="checkbox"/> Handouts Provided
<input type="checkbox"/> Invitation Mailing List	<input type="checkbox"/> Sign-in Sheet(s)
<input type="checkbox"/> Applicant's Presentation	<input type="checkbox"/> Photographs of Meeting
<input type="checkbox"/> Other: <u>site plan</u>	

Note: while these attachments will not be included in the staff report unless deemed particularly relevant, they will be part of the public record and available from the Division upon request.

Attestation

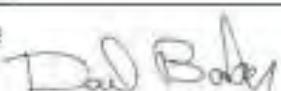
This meeting was: Required under Section 9.3.2 of the UDC

Optional/Additional

I hereby attest that I attended the subject neighborhood meeting, and that the preceding and attached information is, to the best of my knowledge, correct and represents an accurate account of the relevant proceedings. If this was a required neighborhood meeting, I also attest that the meeting, to the best of my knowledge, fulfilled the requirements outlined in Section 9.3.2 of the UDC, including, pursuant to Sub-Section 9.3.2C, that at least the required fifteen (15) minutes were reserved for community members, businesses, and/or neighborhood associations wishing to make a presentation regarding the development.

David Baker

Print Name

A handwritten signature in black ink that reads 'David Baker'.

Signature

12/1/2025

Date

Please submit to staff planner, alongside the indicated attachments, via email as soon as possible after the meeting.

ATTESTED RESOLUTION (PD 2022-011)

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING AN AMENDMENT TO THE KIRBY GATE BUSINESS CAMPUS PLANNED DEVELOPMENT AT THE WEST SIDE OF KIRBY RD., APPROXIMATELY 351' NORTH OF KIRBY GATE BLVD., KNOWN AS CASE NUMBER PD 22-11

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, Kirby Donuts Holdings, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development to allow a freestanding, drive-through donut shop; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and consistency of the design and amenities with the public interest; and has submitted its findings and recommendation 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 9 June 2022, and said Board has submitted its findings and recommendation 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.

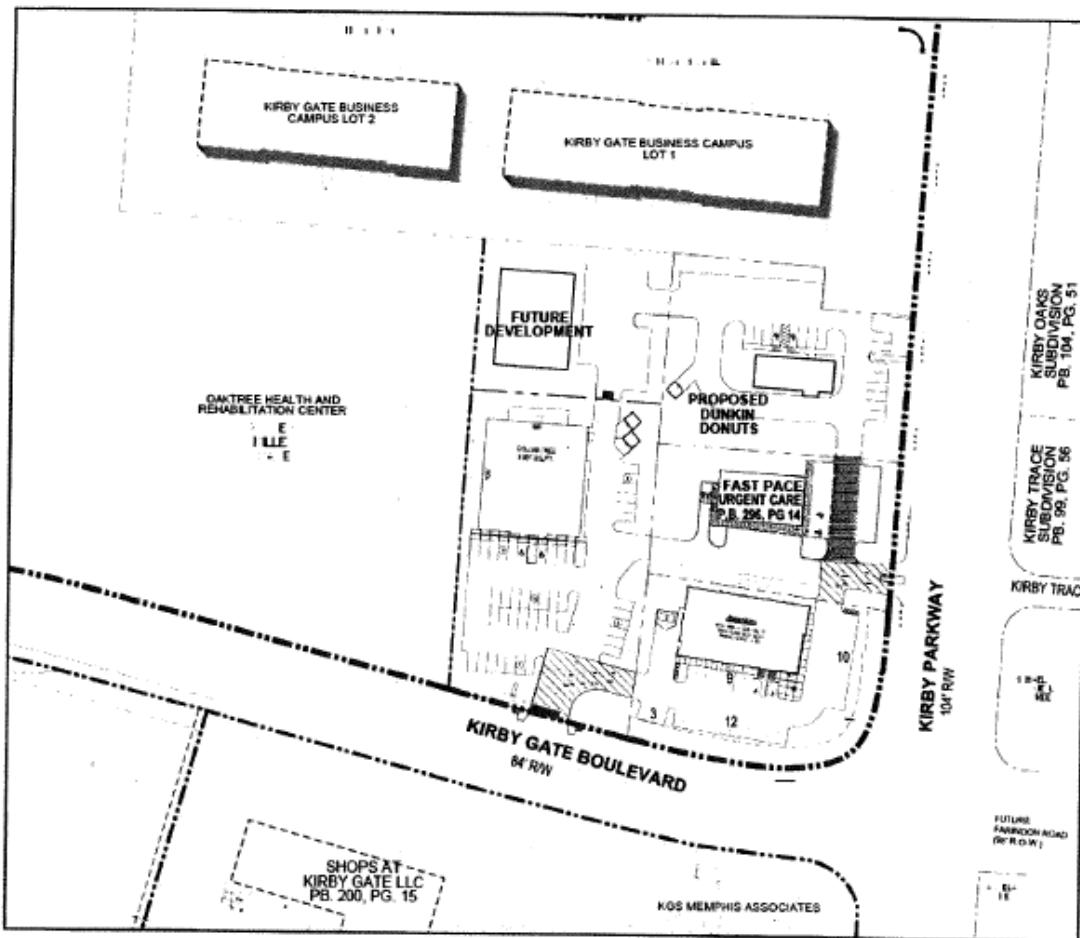
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development amendment as described on the following page is hereby granted.

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.

AUTHORIZED REVISIONS TO OUTLINE PLAN

1. Alter the boundaries of Area C such that said area subsumes the subject land.
2. Minor changes to the outline plan conditions as directed by staff in furtherance of the above modification.
3. Limit operation hours to 5:30 a.m. to 9 p.m.

CONCEPTUAL SITE PLAN (SUBJECT TO FINAL PLAN APPROVAL)



ATTEST:

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

Date JUL 12 2022

Valerie C. Squires
Deputy Comptroller-Council Records

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

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: Assignment

Opened Date: October 31, 2025

Record Number: PD 2025-015

Expiration Date:

Record Name: Howard Road Outfall PD

Description of Work: Creation of a new PD from the western portion of the Kirby Gate Business Campus PD. This new PD will have OG and mini storage with surface parking

Parent Record Number:

Address:

6450 KIRBY GATE, MEMPHIS 38119

Owner Information

Primary Owner Name

Y WILLS & WILLS L P

Owner Address

2900 KIRBY RD, MEMPHIS, TN 38119

Owner Phone

9017562744

Parcel Information

081053 00092

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

10/15/2025

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

PD 22-11, PD 17-19, PD 13-321

Medical Overlay / Uptown

No

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

N/A

GENERAL PROJECT INFORMATION

(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

No

-

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

the proposed use is located in an area that has a mix of office, commercial, assisted living, self storage and residential uses. Our proposal is consistent with the neighborhood and will not have an adverse effect on the adjacent properties.

Howard Road Outfall is located to the north and west of our property. We have designed the site to be buffered by the creek and a 100' buffer along the residential area to our east.

The existing public facilities are adequate to support this use

There aren't any historically significant features on the site. We have designed the project to have minimal impact to Howard Road Outfall

The project will comply with the requirements of the UDC

There is an existing self storage facility across the street that has surface parking. Our proposal is in character with adjacent properties.

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

the proposed use is located in an area that has a mix of office, commercial, assisted living, self storage and residential uses. Our proposal is consistent with the neighborhood and will not have an adverse effect on the adjacent properties.

There are existing public utilities in the vicinity and are adequate to serve our project.

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

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

Howard Road Outfall is located to the north and west of our property. We have designed the site to be buffered by the creek and a 100' buffer along the residential area to our east.

GENERAL PROVISIONS

- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest
- E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements
- F) Lots of record are created with the recording of a planned development final plan

The site is buffered by Howard Road Outfall and will be adjacent to future office uses. This design protects the neighborhood and public interests

This project will be part of the Kirby Gate Property Owners Association

This project is anticipated to be developed as a single lot that will be created by recording a final plan.

GIS INFORMATION

Case Layer

Central Business Improvement District

BOA1970-011-CO, PD13-321, PD98-327,
PD17-019, Z07-118

Class

No

Downtown Fire District

F

Historic District

No

Land Use

-

Municipality

VACANT
MEMPHIS

Overlay/Special Purpose District

-

Zoning

R-10

State Route

-

Lot

-

Subdivision

KIRBY GATE BUSINESS CAMPUS OUTLINE
PLAN

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Data Tables

AREA INFORMATION

Name:	Area A
Size (Acres):	7.02
Existing Use of Property:	Vacant
Requested Use of Property:	Self Storage Surface parking

Contact Information

Name
DAVID WILLS

Contact Type
APPLICANT

Address

Phone
(901)756-2744

Name
WALTER WILLS

Contact Type
PROPERTY OWNER OF
RECORD

Address

Phone
(901)756-2744

Name
DAVID BAKER

Contact Type
REPRESENTATIVE

Address

Phone
(901)210-7988

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1688002	Planned Development - each additional or fractional acres above 5	2	200.00	INVOICED	0.00	10/31/2025
1688002	Credit Card Use Fee (.026 x fee)	1	44.20	INVOICED	0.00	10/31/2025
1688002	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	10/31/2025

Total Fee Invoiced: \$1,744.20

Total Balance: \$0.00

Payment Information

Payment Amount
\$1,744.20

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.

Wills & Wills, LP
I, by Walter Wills Partner Walter Wills, 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)

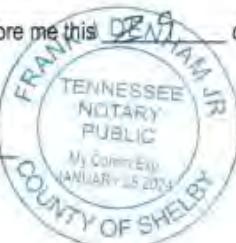
of the property located at West Side of Kirby Road 351'+- from the center line of Kirby Gate Blvd

and further identified by Assessor's Parcel Number 08105300088

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

Subscribed and sworn to (or affirmed) before me this 14 day of April in the year of 2022

Frank J. Dent
Signature of Notary Public



Jan 28, 2024
My Commission Expires

LETTER OF INTENT



October 31, 2025

Mr. Jeffrey Penzes, Deputy Administrator, Development Services
Memphis and Shelby County Office of Planning and Development
Land Use Controls
125 N Main Street, Suite 468
Memphis, TN 38104

**RE: HOWARD ROAD OUTFALL PD (FORMERLY WESTERN PORTION OF KIRBY GATE BUSINESS CAMPUS PD)
MEMPHIS, TENNESSEE**

Dear Jeffrey:

On behalf of Wills and Wills, LP we are pleased to submit this application for a new Planned Development in the Kirby Gate area of Memphis. The subject property is located on the east side of Kirby Parkway and north of Kirby Gate Blvd. The owner of the property would like to create this PD and keep the Bulk Requirements of Area A of the Kirby Gate Business Campus PD and add Self Storage Uses. This will allow the property to be utilized for recreational vehicle storage immediately while providing the flexibility to develop as office and medical uses when the demand arises.

As always, we look forward to working with the Division of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our proposal, please do not hesitate to contact me.

Sincerely



FISHER & ARNOLD, INC.

David Baker

Manager – Planning and Landscape Architecture

DBB/dbb

Z:HEARTSNG.0002PL\planning\documents\application cover letter.doc

9180 Crestwyn Hills Drive
Memphis, TN 38125

901.748.1811
Toll Free: 1.888.583.9724

www.fisherarnold.com

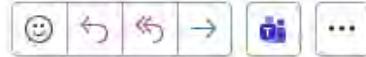
LETTERS RECEIVED

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

PD 2025-15 6450 Kirby Gate Blvd.



Bill Avens <bill.avens@gmail.com>
To: Ostadnia, Mahsan



Tue 11/25

You replied to this message on 11/25/2025 1:52 PM.
If there are problems with how this message is displayed, click here to view it in a web browser.

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. Ostadnia,

I live at 6642 Kirby Oaks Cv South Memphis, TN which is located across Kirby Parkway from the proposed development.

I am emailing you to voice my opposition to PD 2025-15, RV and boat storage. This proposed development is not a good blend with the residential character of the area. It will increase traffic and noise/air pollution with RV and boat traffic at all times of the day, 7 days a week.

The potential for gas, oil and waste water pollution from spillage/leakage exists with parked RV's and boats of unknown upkeep and maintenance. These contaminants would surface drain runoff into the creek and into the Nonconnah creek.

The proposed 6' high perimeter fence will be of insufficient height to screen the parked RV's and boats from view creating an unpleasant view.

Again, I am opposed to this development.

Thank you,
William G. Avens
6642 Kirby Oaks Cv South
Memphis, TN 38119
901/340-1010

Notice Of Public Hearing



Patricia Evans <evans9228@att.net>
To: Ostadnia, Mahsan



Mon 11/24

You replied to this message on 11/24/2025 2:22 PM.
If there are problems with how this message is displayed, click here to view it in a web browser.

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.

11/24/2025
Case Number: PD 2025-015

Hello Ms. Mahsan Ostadnia,

I received information about the Public Hearing. I would like to go on notice that I am against this application, which is listed above (case number).

Kind regards,
Patricia Evans
6459 Sulgrave Dr

November 16, 2025

**Land Use and Development Services
Division of Planning and Development
125 N Main, Ste 468
Memphis, TN 38103**

**RE: Case Number P.D. 2025-15
6450 Kirby Gate Road request for rezoning from RESIDENTIAL to
Office and RV/Vehicle Parking and Storage**

Dear Mahsan Ostadnia and Fellow Planners:

Thank you for sending Notice of the Hearing for the Land Use Control Board concerning the above named Case Number.

I am the owner of the building located at 2747 Kirby Road which is occupied by Fast Pace Urgent Health. Fast Pace chose this location due to the Residential Zoning in the neighborhood. Fast Pace is hopeful nothing will change to detract from Fast Pace Urgent Care clientele.

As owner of the building, I do not necessarily think this would be a negative impact IF it is just the single small area that is being requested to be rezoned for the mentioned purpose. (Not the entire area behind and surrounding Fast Pace).

Thank you,


**Richard Geernaert
707-975-3536**



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: Assignment

Opened Date: October 31, 2025

Record Number: PD 2025-015

Expiration Date:

Record Name: Howard Road Outfall PD

Description of Work: Creation of a new PD from the western portion of the Kirby Gate Business Campus PD. This new PD will have OG and mini storage with surface parking

Parent Record Number:

Address:

6450 KIRBY GATE, MEMPHIS 38119

Owner Information

Primary Owner Name

Y WILLS & WILLS L P

Owner Address

2900 KIRBY RD, MEMPHIS, TN 38119

Owner Phone

9017562744

Parcel Information

081053 00092

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

10/15/2025

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

PD 22-11, PD 17-19, PD 13-321

Medical Overlay / Uptown

No

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

N/A

GENERAL PROJECT INFORMATION

(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

No

-

UDC Sub-Section 9.6.9B

the proposed use is located in an area that has a mix of office, commercial, assisted living, self storage and residential uses. Our proposal is consistent with the neighborhood and will not have an adverse effect on the adjacent properties.

Howard Road Outfall is located to the north and west of our property. We have designed the site to be buffered by the creek and a 100' buffer along the residential area to our east.

UDC Sub-Section 9.6.9C

The existing public facilities are adequate to support this use

UDC Sub-Section 9.6.9D

There aren't any historically significant features on the site. We have designed the project to have minimal impact to Howard Road Outfall

UDC Sub-Section 9.6.9E

The project will comply with the requirements of the UDC

UDC Sub-Section 9.6.9F

There is an existing self storage facility across the street that has surface parking. Our proposal is in character with adjacent properties.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

the proposed use is located in an area that has a mix of office, commercial, assisted living, self storage and residential uses. Our proposal is consistent with the neighborhood and will not have an adverse effect on the adjacent properties.

There are existing public utilities in the vicinity and are adequate to serve our project.

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

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

Howard Road Outfall is located to the north and west of our property. We have designed the site to be buffered by the creek and a 100' buffer along the residential area to our east.

GENERAL PROVISIONS

- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest
- E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements
- F) Lots of record are created with the recording of a planned development final plan

The site is buffered by Howard Road Outfall and will be adjacent to future office uses. This design protects the neighborhood and public interests

This project will be part of the Kirby Gate Property Owners Association

This project is anticipated to be developed as a single lot that will be created by recording a final plan.

GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

Historic District

Land Use

Municipality

Overlay/Special Purpose District

Zoning

State Route

Lot

Subdivision

BOA1970-011-CO, PD13-321, PD98-327, PD17-019, Z07-118

No

F

No

-

VACANT

MEMPHIS

-

R-10

-

-

KIRBY GATE BUSINESS CAMPUS OUTLINE PLAN

-

No

-

-

-

Data Tables

AREA INFORMATION

Name:	Area A
Size (Acres):	7.02
Existing Use of Property:	Vacant
Requested Use of Property:	Self Storage Surface parking

Contact Information

Name
DAVID WILLS

Contact Type

APPLICANT

Address

Phone
(901)756-2744

Name
WALTER WILLS

Contact Type

PROPERTY OWNER OF
RECORD

Address

Phone
(901)756-2744

Name
DAVID BAKER

Contact Type

REPRESENTATIVE

Address

Phone
(901)210-7988

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1688002	Planned Development - each additional or fractional acres above 5	2	200.00	INVOICED	0.00	10/31/2025
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Total Fee Invoiced: \$1,744.20

Total Balance: \$0.00

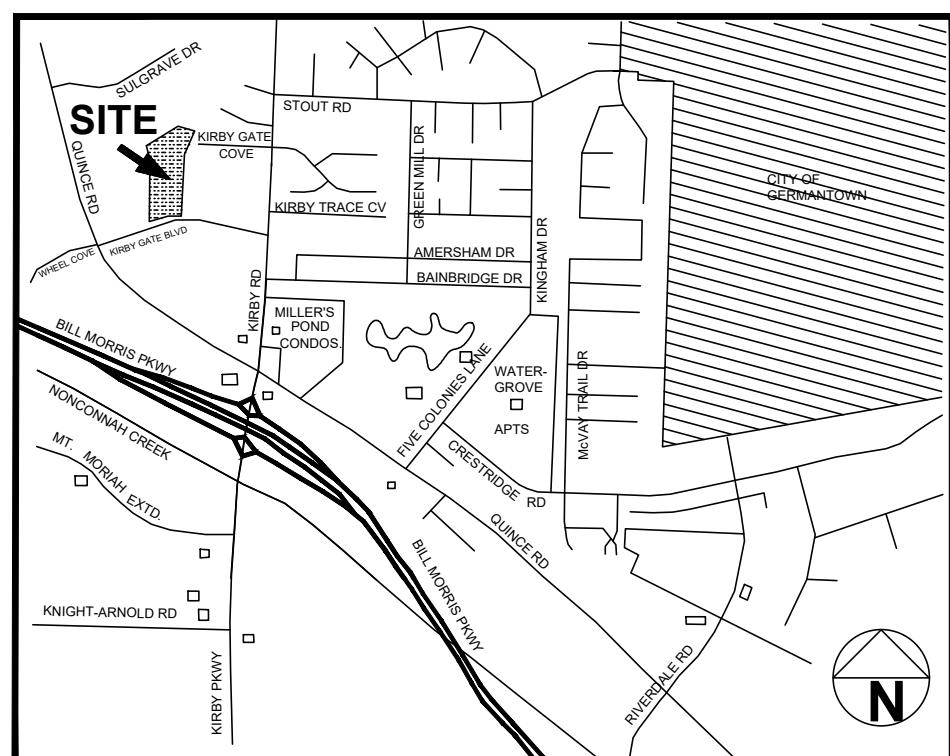
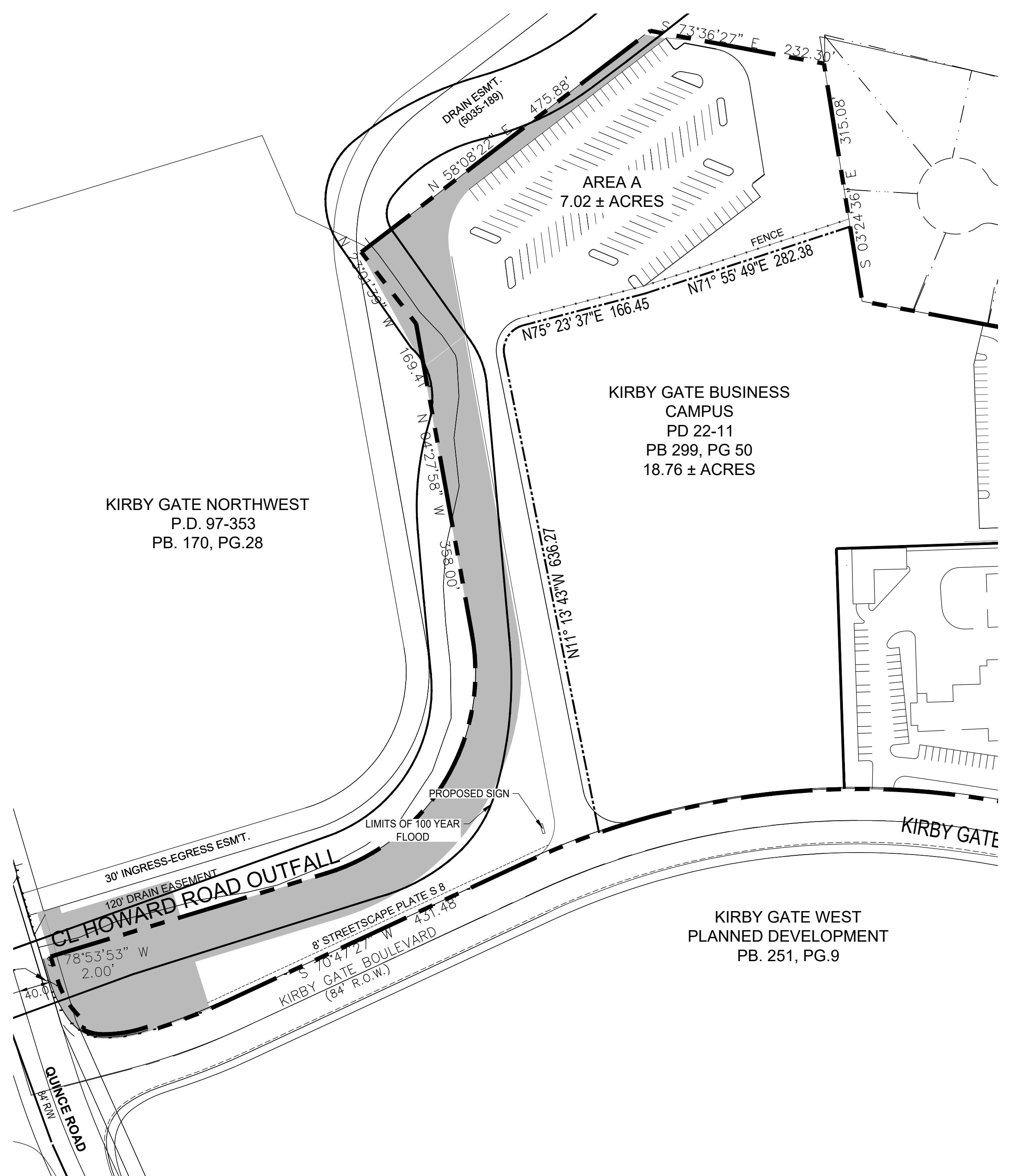
Payment Information

Payment Amount

\$1,744.20

Method of Payment

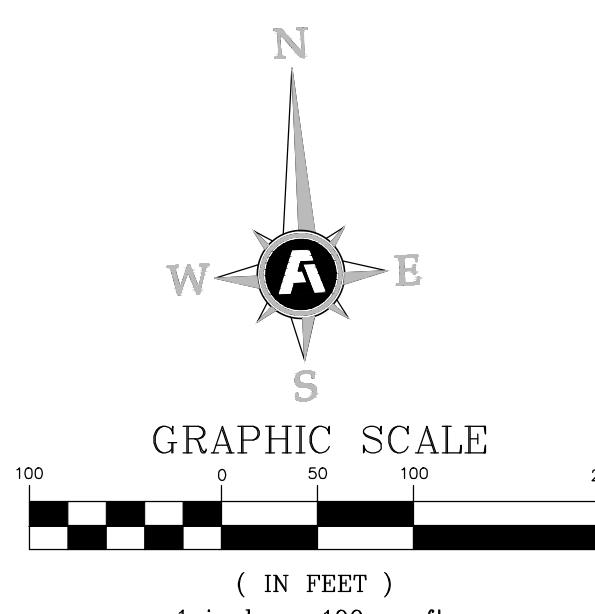
Credit Card



VICINITY MAP

PLAN DATA CHART:

TOTAL AREA..... 3.24 ACRES
PARKING PROVIDED..... 129 SPACES
PERVIOUS AREA..... 13,815 SF
IMPERVIOUS AREA..... 121,138 SF

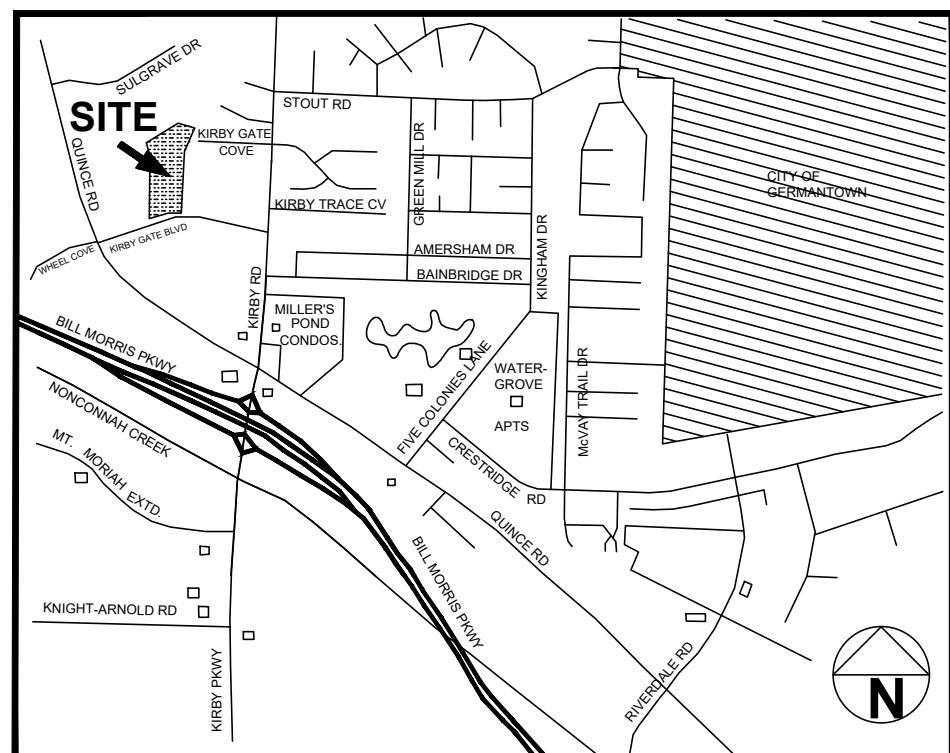
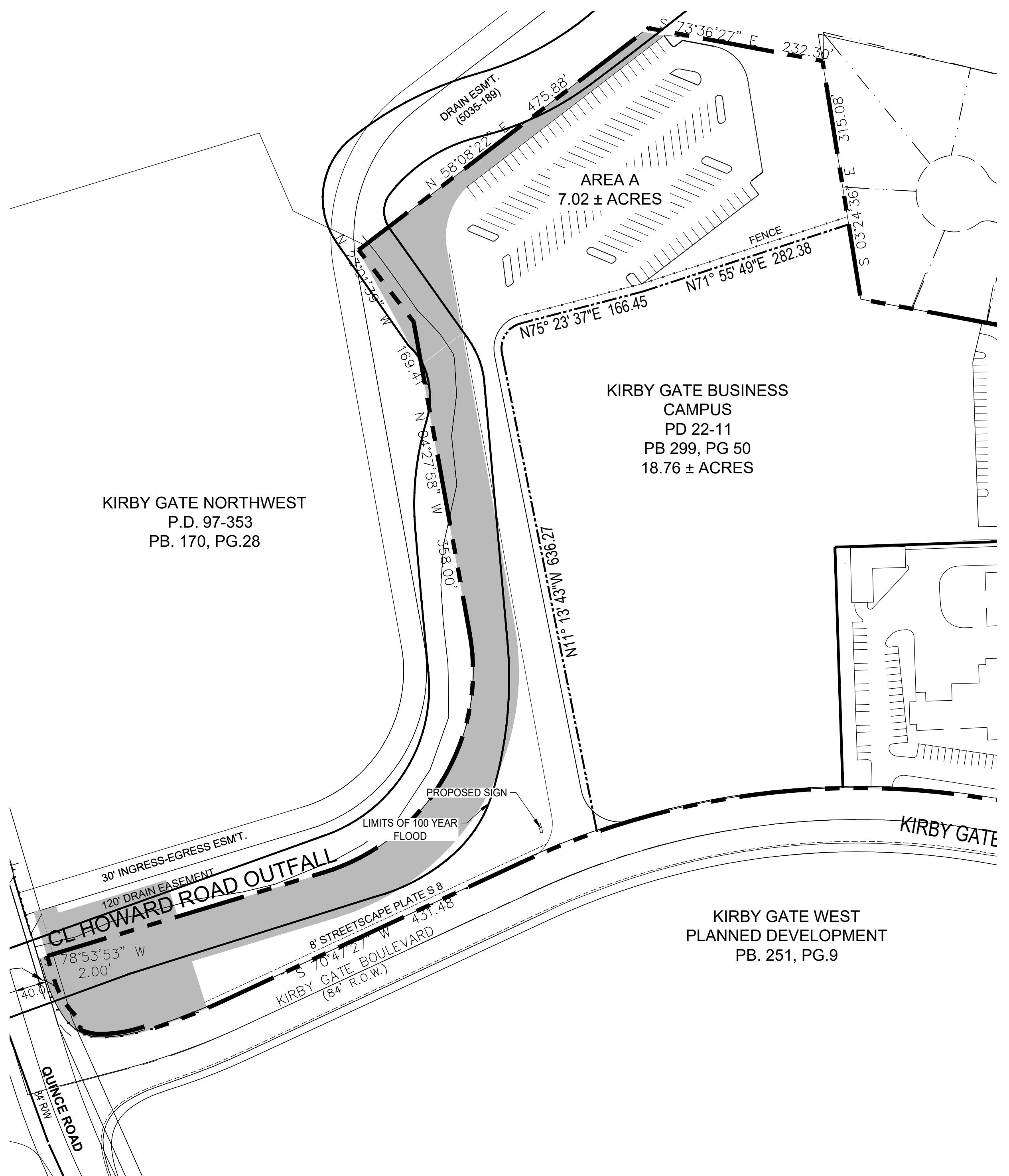


OUTLINE PLAN
HOWARD ROAD OUTFALL P.D.

FORMER CASE NUMBERS:
P.D. 17-19, P.D. 13-321, P.D. 99-338, P.D. 09-315

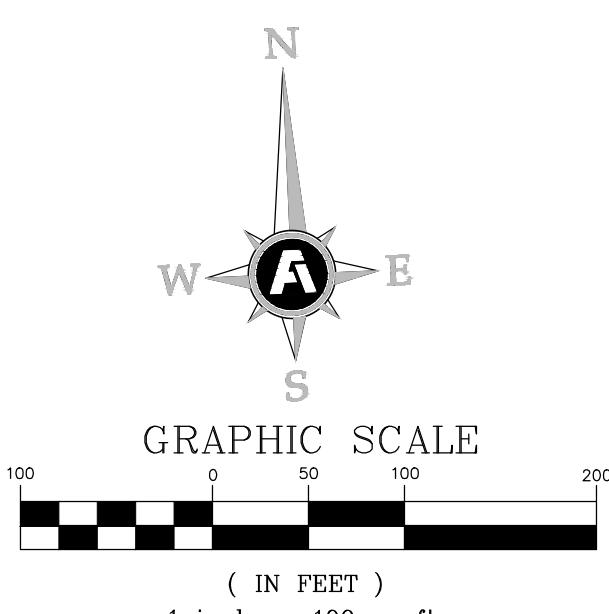
MEMPHIS, TENNESSEE

NUMBER OF LOTS: 1	ACREAGE: 3.24 AC.	PARCEL ID: 081053 00092
OWNER: WILLS AND WILLS, L.P. 2900 KIRBY PARKWAY, SUITE 7 MEMPHIS, TENNESSEE 38119	ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125	
100 YEAR FLOOD ELEVATION: ELEV. 279 TO 285	FEMA MAP PANEL NUMBER: 47157C 0455F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: OCTOBER 2025	SCALE: 1" = 100'	SHEET 1 OF 4 .



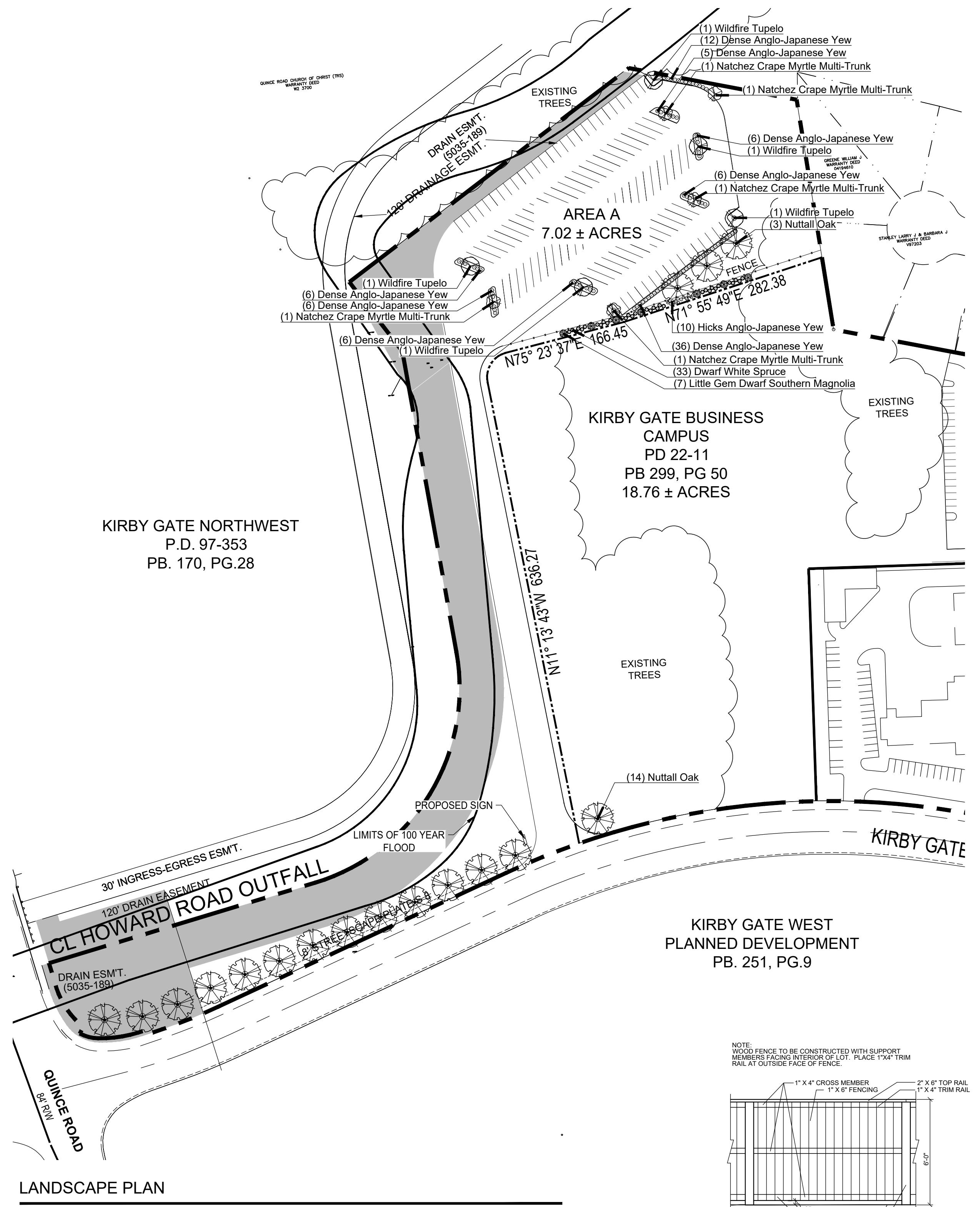
PLAN DATA CHART:

TOTAL AREA.....	3.24 ACRES
PARKING PROVIDED.....	129 SPACES
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OUTLINE PLAN HOWARD ROAD OUTFALL P.D.

FORMER CASE NUMBERS: P.D. 17-19, P.D. 13-321, P.D. 99-338, P.D. 09-315	
MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 1	ACREAGE: 3.24 AC.
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DATE: OCTOBER 2025	FEMA MAP DATE: SEPTEMBER 28, 2007
	SCALE: 1" = 100'
	SHEET 1 OF 4 .

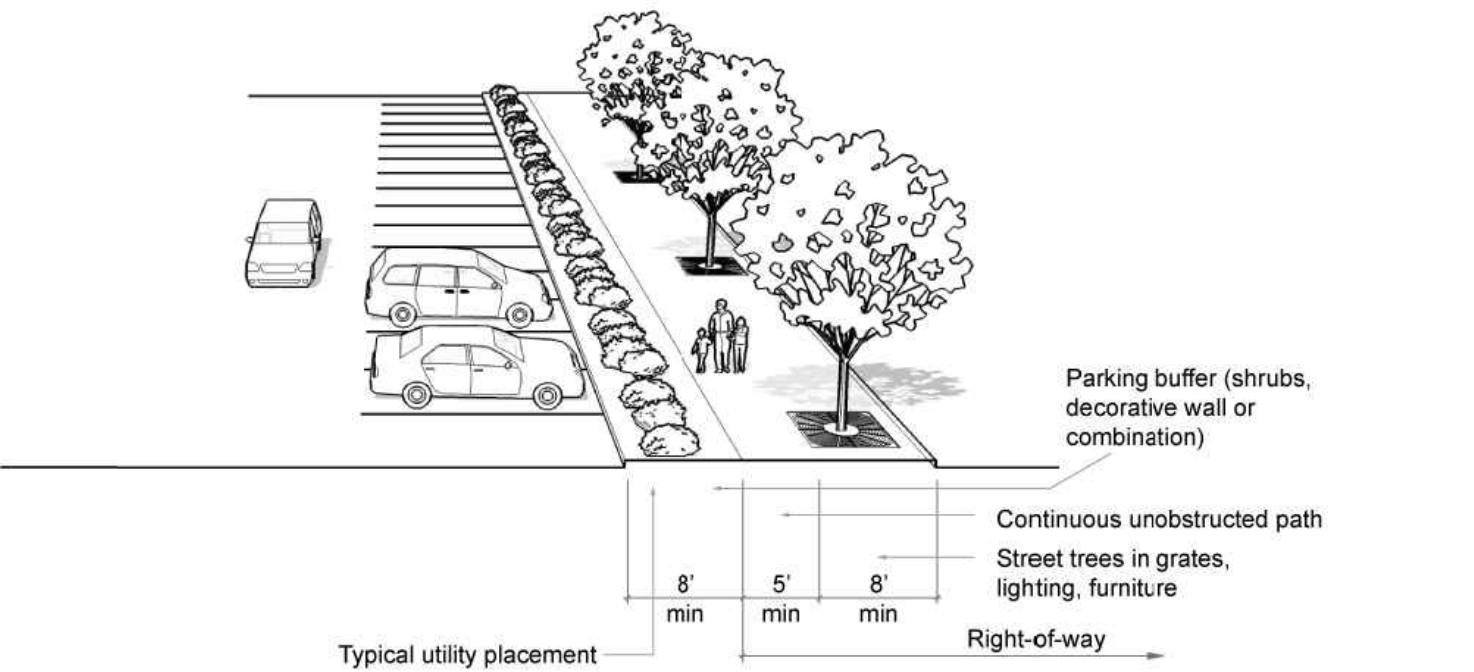


2 WOOD PRIVACY FENCE

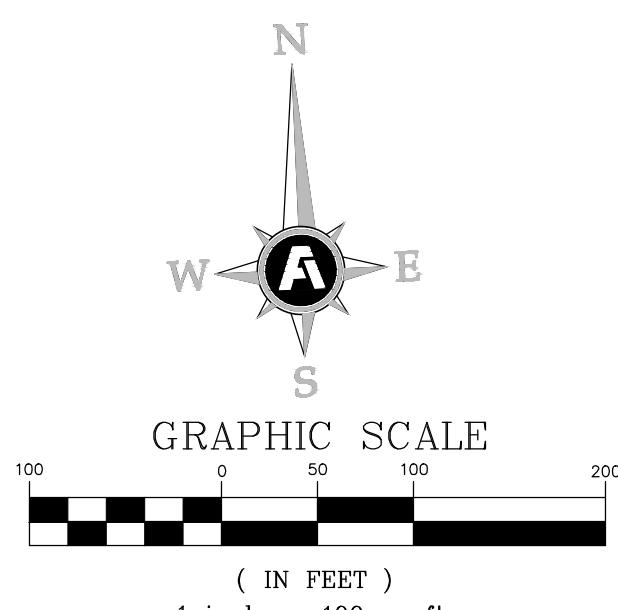
SCALE: 1/4" = 1'-0"

NOTE: THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FEMA FIRM SPECIAL FLOOD HAZARD AREA ACCORDING TO PANEL 47157C 0455F, DATED SEPTEMBER 28, 2007.

SYMBOL	QTY	COMMON NAME	BOTANICAL NAME	CONDITION	CAL	SIZE
TREES						
	33	Dwarf White Spruce	Picea glauca 'Conica'	B & B		6' ht.
	7	Little Gem Dwarf Southern Magnolia	Magnolia grandiflora 'Little Gem'	B & B	2.5"Cal	
	5	Natchez Crape Myrtle Multi-Trunk	Lagerstroemia indica x fauriei 'Natchez'	B & B	2.5"Cal	
	17	Nuttall Oak	Quercus nuttallii	B & B	2.5"Cal	
	5	Wildfire Tupelo	Nyssa sylvatica 'Wildfire'	B & B	2.5"Cal	
SYMBOL QTY COMMON NAME BOTANICAL NAME CONDITION SPR. HT.						
SHRUBS						
	84	Dense Anglo-Japanese Yew	Taxus x media 'Densiformis'	24" ht.		
	10	Hicks Anglo-Japanese Yew	Taxus x media 'Hicksii'	24" ht.		



1 STREETSCAPE S-8



OUTLINE PLAN
HOWARD ROAD OUTFALL P.D.

FORMER CASE NUMBERS:
P.D. 17-19, P.D. 13-321, P.D. 99-338, P.D. 09-315

MEMPHIS, TENNESSEE

NUMBER OF LOTS: 1 ACREAGE: 3.24 AC. PARCEL ID: 081053 00092

OWNER: WILLS AND WILLS, L.P. 2900 KIRBY PARKWAY, SUITE 7 MEMPHIS, TENNESSEE 38119 ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125

100 YEAR FLOOD ELEVATION: ELEV. 279 TO 285 FEMA MAP PANEL NUMBER: 47157C 0455F FEMA MAP DATE: SEPTEMBER 28, 2007

DATE: OCTOBER 2025 SCALE: 1" = 100' SHEET 2 OF 4



October 31, 2025

Mr. Jeffrey Penzes, Deputy Administrator, Development Services
Memphis and Shelby County Office of Planning and Development
Land Use Controls
125 N Main Street, Suite 468
Memphis, TN 38104

**RE: HOWARD ROAD OUTFALL PD (FORMERLY WESTERN PORTION OF KIRBY GATE BUSINESS CAMPUS PD)
MEMPHIS, TENNESSEE**

Dear Jeffrey:

On behalf of Wills and Wills, LP we are pleased to submit this application for a new Planned Development in the Kirby Gate area of Memphis. The subject property is located on the east side of Kirby Parkway and north of Kirby Gate Blvd. The owner of the property would like to create this PD and keep the Bulk Requirements of Area A of the Kirby Gate Business Campus PD and add Self Storage Uses. This will allow the property to be utilized for recreational vehicle storage immediately while providing the flexibility to develop as office and medical uses when the demand arises.

As always, we look forward to working with the Division of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our proposal, please do not hesitate to contact me.

Sincerely



FISHER & ARNOLD, INC.

David Baker

Manager – Planning and Landscape Architecture

DBB/dbb

Z:HEARTSNG.0002PL\planning\documents\application cover letter.doc

9180 Crestwyn Hills Drive
Memphis, TN 38125

901.748.1811
Toll Free: 1.888.583.9724

www.fisherarnold.com

OUTLINE PLAN CONDITIONS

Howard Road Outfall P.D.

P.D. _____

I. Uses Permitted:

A. Any use permitted by right or administrative site plan review in the General Office (O-G) Use District:

B. Mini-storage.

a. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with Chapter 4.8, Outdoor Storage and Display.

b. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use.

c. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

C. No freestanding commercial buildings shall be permitted.

D. The area identified on the Outline Plan as "Floodway" shall be understood to be FEMA issues a Letter of Map Amendment or Revision (LOMA or LOMR). At that time, FEMA amendment shall be subject to the conditions of this P.D. and a Final Plat shall be required.

E. Any property located within the 100-year floodplain shall be subject to the regulations of the Floodplain (FP) District.

F. Applicant shall demonstrate that the remaining land in this P.D. which is outside of this meets the exempt criteria of the Subdivision Regulations or it shall be added to this development. If the former condition is met, requirements for connections to the west and north boundary lines may be removed.

II. Bulk Regulations:

A. The development shall comply with the bulk regulations of the General Office (O-G) Use District, except as follows:

1. The minimum building setback adjacent to the residential property to the north shall be seventy-six (76) feet. A determination of what constitutes adjacency will be made By the staff at the time of final plat review.

2. Maximum building height shall be forty-two (42) feet, or three (3) stories whichever is less, with the following exception: the height of buildings located adjacent to the residential property to the north shall be limited to a maximum of one (1) story.
3. Setback from the west property line shall be 20 feet.
4. A 100-foot buffer yard along the west boundary of the Kirby Gate Subdivision shall Be retained for the retention and preservation of the existing trees.

III. Access, Circulation, and Parking:

- A. Dedicate Kirby Gate Blvd. 42 feet from centerline and improve in accordance with Subdivision Regulations.
- B. One curb cut is allowed onto Kirby Gate Blvd.
- C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. Any curb cut along the Kirby Gate Blvd frontage beginning closer than 300 feet from the centerline of either Quince Road or Kirby Parkway will be limited to right in/right access only.
- E. The design and location of curb cuts are subject to the approval of the City Engineer.
- F. All private drives shall be constructed to meet or exceed City Standards and provide a minimum pavement width of 22 feet, exclusive of curb and gutter. Internal circulation between all phases of development shall be provided.
- G. Provide internal circulation between adjacent phases, lots and sections. Common ingress/egress easements shall be shown on the final plats.
- H. No parking shall be permitted within the required setback from the existing residential property to the north.
- I. Provide a point of access to the remaining portion of this Outline Plan along the west and north boundaries of this P.D. amendment (PD 09-315).
- J. 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.**

- K. 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.**
- L. 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 of projected trips meets or exceeds the criteria listed in Section 210 - Traffic Impact Policy of Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual.**

IV. Landscaping and screening:

- A. The Kirby Gate Boulevard frontage shall be landscaped with Streetscape Plate S8.**
- B. A 30-foot wide landscape screen, (modified landscape Plate B-4) shall be provided and maintained adjacent to the single-family residential property to the east to create visual separation between the office and residential areas.**
- C. Internal parking lot 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) per every 20 parking spaces or fraction thereof. Required perimeter landscaping shall not be included when calculating internal landscaping. Specimen trees located within this parking area shall be preserved where feasible.**
- D. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.**
- E. Required landscaping shall not be placed on sewer or drainage easements.**
- F. Lighting shall be directed so as to not glare onto residential properties.**
- G. Refuse containers shall be completely screened from view from adjacent properties.**
- H. HVAC equipment shall be completely screened from view from adjacent properties through the use of landscaping, fencing, or architectural features such as a parapet. The method of screening shall be identified on the Final Plat.**

V. Signs:

- A. Signs shall be regulated by the General Office District with the following additional requirements.
 - 1. The maximum size for attached and detached signs shall be 100 square feet.
 - 2. All detached signs shall be set back a minimum of 10 feet from the right-of-way of all public streets.
 - 3. All detached signs shall be monument style signs with a maximum height of ten (10) feet.
 - 4. No detached signs shall be located nearer than 200 feet from the adjacent residential property located to the north.
 - 5. No attached signs shall face the residential property to the east.

VI. Drainage:

- A. Design and construction of the storm water conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the "City of Memphis Drainage Design Manual." Adequate non-buildable areas shall be provided on each final plan for required on-site storm water detention facilities as determined by drainage calculations performed in accordance with the Drainage Manual and approved by the City Engineer.
- B. This 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 (TA 69-3-101 et seq.).
- C. All drainage plans shall be submitted to the City Engineer's Office for review.
- D. All drainage emanating on site shall be private. No easements will be accepted.

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

VIII. A final plan shall be filed within five years of the approval 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:

- 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 dimension (including height) of all buildings, parking areas, utility easements, drives, curb cuts, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of parking spaces.
- E. The 100- year flood elevation
- F. The location and ownership, whether public or private of any easements.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes.
- H. 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 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 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.



Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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



23109076

12/28/2023 - 09:50:10 AM

1 PGS	
AVA	2655256 - 23109076
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

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

APPLICATION FOR GREENBELT ASSESSMENT
Forest Land

RECEIVED DEC 15 2023

STATE OF TENNESSEE COUNTY OF: _____

Control Map	Group	Parcel	Special Interest	Acres
081	053	000 92		15.3384

1. Name: WILLS & WILLS LP

2. Mailing Address: _____

3. Address of Property: 6450 KIRBY GATE BLVD

4. Total Acreage: 15.3384

5. Description of Timber: Oak and Mixed Hardwood

Type: _____ Current Amount: _____

Projected Harvest Date and Yield: _____

6. Do you own or have an ownership interest in other property in this county which has been approved for greenbelt? If so, please identify the parcel(s) using the assessor's descriptions(s). Attach additional pages if necessary.

Control Map	Group	Parcel	Special Interest	Acres

7. Source of Title: Deed Book: _____ Page: _____ Other: _____

ATTACH A MAP AND A COPY OF YOUR CURRENT FOREST MANAGEMENT PLAN. ALSO, ATTACH AERIAL PHOTOS, IF AVAILABLE.

I certify that I am an owner of the property described above, that the information I have supplied is true and correct to the best of my knowledge and belief, and that I am presently using said property as forest land. I have read and understand the requirements for greenbelt eligibility and agree to notify the assessor of any change in the use or ownership of the property which might affect its continued eligibility.

WILLS & WILLS LP

Dated: 12-7-23

Property Owner: by Walter Wills, managing partner

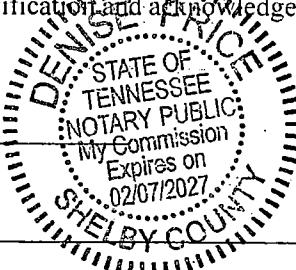
On this 7th day of December, 2023, before me personally appeared the above-named property owner, to me known to be the person described in and who executed the foregoing certification and acknowledged its execution as (his) (her) free act and deed.

Denise Price

Notary Public

January 7, 2027

My commission expires



This instrument was prepared by: Name: _____

Address: _____

*****Assessor's Use*****

*****Register of Deeds*****

Approved
 Denied

THIS APPLICATION MUST
 BE ACCOMPANIED BY THE
 CURRENT RECORDATION FEE.

Assessor of Property

*2024
 CAM*

081031 00022 - MANESS JOSEPH R
081033 00040 - KOVALSKY CHRISTOPHER & LAUREN
081033 00043 - HATZIGEORGIOU CATHERINE M
081033 00044 - BRATTON GARY R
081033 00045 - TISDALE JETHRO D
081030 00006 - BAGGETT JAMES M
081030 00005 - ADKISON CLAY & JENNIFER
081031 00017 - PEAN CARL F & MORIED
081033 00041 - KOESTER DONALD & RHONDA G
081030 00002 - SAIN BRENDA G AND LOIS I SHORES (RS)
081030 00001 - MOORE TOMMY L & CHERYL D
081030 00007 - WINTERS CAROLINE J
081028 00069 - PATRIKIOS DIONYSIOS G & ODETTE
081033 00051 - SIMPSON DAVID S
081030 00009 - WINSLOW WAREEN P & DEBORAH A
081033 00050 - COLETTA ELIZABETH A & FRANK P
081033 00064 - MAVRAGANIS GUS S LIVING TRUST
081029 00012 - LENAHAN PATRICE T
081033 00048 - STONE WILLIAM H & ANNA R
081030 00012 - WILLIAMS MACHERIQUE L
081029 00011 - WILLIAMS CARLOS & LATOYA
081028 00055 - FEATHERSTON JUDITH W
081029 00014 - SHEPHERD ORA L
081028 00054 - KROENER LISA A
081028 00058 - PHILLIPS JERRY L & F SHELLIE

081028 00040 - MEDEK SEAN O & ANGELA B
081028 00059 - CORRELL MICHAEL J & DEBORAH L CAMP
081029 00005 - BROMMER JOHN D SR & MARY A
081028 00052 - DUFFY BRIAN A & ERIN M
081054 00010 - MEIER ROGER W & ANN R
081029 00020 - MEDINA ARTURO E & ERIKA HERNANDEZ
081028 00051 - MILLER JULIE M
081028 00025 - CAMPBELL JOEL D & PAULA P
081029 00024 - SMITH ETHEL M
081033 00076 - BC MEMPHIS PROPERTY HOLDINGS LLC
081028 00036 - MICHAEL KRISTEN S
081054 00008 - SINK DAVID W JR REVOCABLE LIVING TRUST
081054 00006 - ANDREWS ROBERT L JR & TAMIKO A
081028 00001 - MILES DERRICK
081054 00016 - RODERICK MARITAL TRUST
081028 00005 - GRAHAM CHAD E & DONNA
081028 00015 - STAFFORD DANIELLE F L & KOEDY B HARPER
081028 00021 - GREEN REUBEN A & MERCY
081028 00008 - NGUYEN LYNN
081028 00020 - TAYLOR PAULA
081065 00004 - STOUT PROPERTIES LLC
081053 00008 - TAYLOR GREGORY S
081053 00019 - JOHNSON DEBRA L
081053 00020 - BLADES FORREST E & NORMA A
081053 00028 - MARMOLEJO JORGE AND MARCELA RODRIDGUEZ

081053 00027 - ATKINS CALVIN & ANCHERNYCE T
081053 00026 - PERRY ANTOINE P SR & TYRANY R
081065 B00056 - TERRY REGINALD D
081051 00169 - BALMORAL PRESBYTERIAN CHURCH
081065 B00020 - LANGSTON TITO & RHONDA
081065 B00021 - BRASLOW SAMUEL D & CAROL S
081065 B00022 - WALKER EVELYN & OLLIE R JR
081065 B00018 - STUKENBORG ALFRED J JR AND MARIE E
081065 B00053 - GALES JASON & EBONI
081065 B00051 - WHITE WILLIS
081065 B00028 - MACRE JUSTIN A & KRISTINA D
081065 B00029 - HOLT MARGO E
081065 B00031 - NOLEN KINCAID & BERTHA
081065 B00041 - HARRIS TAJUANA & ZACHARY
081065 B00040 - PERRY CLAY JR
081065 B00036 - PRICE DARRIN SR & TERESA
081065 A00006 - GORDON CHARLES & SYLVIA B
081065 A00011 - JILTSOV ALEXANDER & SVETLANA
081065 A00014 - HESTER PEGGY L
081065 A00028 - MCGHEE MICHAEL & CONNIE L
081065 A00026 - EDWARDS WILLIAM R
081065 A00024 - HOLMES ELVIN JR
081065 A00020 - JORDAN JAMES R & ELEANOR M
081066 00008 - MUSE ALFRED & PATRICIA D
081066 00003 - DENNIS LATASHA

081069 00002 - RUSSELL MARIE S
081069 00003 - PESTA RONALD C JR
081069 00005 - WILSON MATTHEW & SARA C
081069 00009 - HUDA FURQAN
081066 00002 - SIMS KATHY A AND CLENNON C SIMS
081069 00024 - DOSUMU LATIFU B & GANIAT
081069 00021 - JONES LONNIE L & DOROTHY C
081070 00001 - ZHANG JUAN M
081070 A00054 - WATSON BENNIE JR & DANA D
081070 D00008 - RUTH DANNY M
081069 00020 - FROST GARY & ROXANN
081069 00008 - BURKE TORI L
081033 00069 - HAGGERTY DANIEL L & TABITHA D
081053 00039 - PATTERSON JENNIFER
081053 00040 - CHERUKUPALLI NAGENDRA S TR
081065 B00001 - BANKHEAD JOSEPH L & SUSIE M
081065 A00002 - FLEISCHER JEANETTE R AND DONALD L
081065 A00003 - MONROE MARTI K
081053 00036 - MCKINNEY MICHAEL D & VALERIE O
081053 00032C - SHILO LIVING TRUST
081070 A00001 - NICHOLSON DONALD R JR
081070 A00005 - KNOX RACHEL
081070 A00006 - COOK BYRON K
081065 A00015 - DOUGLAS TONY L
081070 00005 - STITIAMS RICKEY R SR & MARCO M

081065 00030 - BALMORAL BAPTIST CHURCH TR
081065 B00011 - RUSCH REVOCABLE LIVING TRUST
081065 B00012 - LITTLE FELECIA AND TIERNEY D EARLS
081053 00075 - ALLIANCE HEALTH SERVICES INC
081028 00077 - QUINCE CHURCH OF CHRIST
081028 00022 - WILLER NATHAN B
081031 00023 - ROBBINS CRAIG & SUZANNE V ROBINSON
081031 00024 - GINGRAS NORMAN R & SANDRA W
081031 00025 - PORTERFIELD APRIL
081031 00026 - KEENEY PATRICIA AND ROBERT J STICE (RS)
081031 00018 - ORIANS SARAH K AND RALPH F HEDDEN
081033 00053 - VENDETTI CHRISTOPHER T & RACHEL J
081033 00052 - WARE JOHNATHAN M & PAMELA D
081051 00270 - BOARD OF EDUCATION OF THE MEMPHIS CITY
081033 00054 - MCGARITY EVELYN S AND VERNICE HUNTER
081033 00055 - JONES BRIAN M
081031 00016 - WAGNER EMILY R
081033 00065 - BREWER GAIL T
081030 00004 - GRANT MARCHE M
081030 00003 - COX JERRY A
081033 00042 - MCCRAY LILLIE R & POLK
081028 00068 - REESE SHMUEL & JESSICA M
081028 00067 - RATSTEDT STEVEN G & DOROTHEA
081030 00008 - FULLER ANDRE AND KIM FULLER
081033 00046 - GUNLOCK CHRISTINE W AND SHARON J GUNLOCK

081030 00010 - ALVARADO JESUS R
081028 00066 - CAPOCCIA NICHOLAS J & DIANE
081030 00013 - FERRELL LEIGH & JONATHAN
081033 00056 - KINSLEY JORDAN L
081030 00011 - SMITH BELINDA P
081029 00013 - ARIEMMA BRENT C
081033 00047 - BOND GEORGE E & LINDA D
081033 00057 - SPELL HUGH D & CAMERON C
081028 00056 - SMITH MARKUS D & WENDY N
081028 00065 - MENDIUS BEVERLY R
081033 00063 - ARCHIBALD DWIGHT AND SHALOTTIE ARCHIBALD
081033 00049 - FULLER GLENN AND DOROTHY REVOCABLE TRUST
081029 00010 - THOMPSON CAROLE & NORMAN
081033 00058 - CARTER BETTY
081033 00081 - CARMONA LUIS & MARIA S
081029 00009 - ALMALEM PATRICK M & MICHAL
081033 00062 - CIMBALO STEPHEN A JR AND KIMBERLY K
081028 00064 - STURDIVANT CHRISTOPHER R & JENNA L
081029 00015 - CLEMENTS TERRELL L & VENUS MORENTIN
081028 00042 - CAUDLE DAVID A & KATHERINE M
081029 00008 - SEAY ARTHUR E & ROSLYN PAYNE-SEAY
081028 00057 - MERWIN NATHANIEL I & COURTNEY
081033 00080 - BOLTON JAMES H JR
081033 00060 - HANSBROUGH JOANN
081029 00016 - BRICE MARYBETH N

081029 00007 - CRONE CLARA N AND ALBERT R DAWSON AND
081028 00041 - BARKER MARILYN K
081028 00063 - TRENTHEM TERRY S
081028 00053 - M & W REALTY
081029 00017 - SMITH SCOTT M & PATRICIA M
081033 00061 - BETTISON WILLIAM L & MARY A
081029 00006 - MALOTT DAVID A & AMY L
081029 00018 - FORBES GIGIA
081028 00043 - TOWNSEND J WILLIAM & ROSANN S
081028 00062 - BARTON LINDA K AND LAUREN BARTON (RS)
081029 00019 - MITCHELL JOSEPH R AND CAROL TOWNSHEND
081029 00004 - LINDSEY EDDIE J & ANGELA M
081029 00003 - BRACKENS SHEILA D P
081028 00039 - CAMPBELL SHARON C
081028 00027 - KELLY BENJAMIN S & KATHRYN S
081029 00002 - APODACA DELIA C
081029 00021 - RUSSELL GEORGIA
081028 00044 - MELVIN JONATHAN P
081028 00060 - MARTIN MARK W & SHARON
081029 00001 - BUSCH KRISTIN K
081028 00026 - FRAGALE WILLIAM J & DORIS A
081029 00022 - GIVENS ERIC JR & ASHLEY
081028 00050 - HEARON MARY F AND VIOLA MOORE (RS)
081028 00038 - ASPLUND D E & CAROLYN L
081028 00045 - WINTERS JOSHUA & KATHERINE

081029 00023 - TASONIS RICHARD J AND BEVERLY J QUIGLEY
081054 00009 - SULLIVAN LINDA K REVOCABLE TRUST
081028 00028 - JONES PERCY F III & FALANDARA
081029 00025 - BARNETT ELIZABETH C (71%) AND CAROLINE M
081028 00037 - HUGHES BILLY JR & ERICA BULLOCK
081028 00046 - EVANS KATHY D
081029 00026 - GENTRY MATTHEW R & LINSAY M
081033 00075 - KELLOUGH JESSICA
081028 00012 - EVANS PATRICIA A
081028 00049 - BALLENTINE EMILLIA G AND ANNE B
081054 00031 - KURZINSKY ROBERT S & HITOMI
081054 00002 - FAROOQ FAREEDUDDIN & SIRAJ
081028 00029 - COMBS KEVIN
081028 00024 - SNYDER MATTHEW R AND MADISON K WILLIAMS
081028 00047 - DALTON MICHAEL S & MARION B
081028 00011 - SANDERS AMORY AND LAURA PLUMB
081054 00015 - DEGAN MARY S B AND ALPHA BURNS
081028 00013 - YARBROUGH DANNY R & ESTELLA B
081028 00030 - SMITH CAROLYN H
081028 00010 - HOWELL STEVEN H & CHERYL
081028 00023 - KRAUCH ROBERT AND JANETTE KRAUCH LIVING
081054 00030 - ESMAIL MOHAMED S & FATMA
081028 00002 - MIDDLETON HAROLD & VALENCIA
081054 00007 - COOPWOOD IVA R
081028 00031 - KING-BLACKWELL SYLVIA

081028 00003 - WASHINGTON MONA C
081028 00014 - KILGORE CAROL J & JAMES
081028 00006 - TRIGG ELIZABETH C
081028 00004 - CRIM ALLAN B & DEBORAH S
081028 00009 - CUPP TED W
081028 00032 - COWAN KATHY M
081028 00033 - RODRIGUEZ MIGUEL H
081028 00075 - QUINCE CHURCH OF CHRIST
081054 00017 - UMEKWE NKIRU & NGOZI
081054 00018 - LYTTON JOHN F & JO A
081054 00019 - SPRING KEINO
081054 00020 - HENDERSON TONY
081028 00007 - OTAKE MINORU
081054 00021 - PROUSER ALAN L & JEAN B
081028 00016 - OLSON LISA H
081028 00017 - JOHNSON JUSTIN E
081028 00019 - FKH SFR PROPCO B-HLD LP
081028 00018 - FRANKLIN THELMA AND TAMARA HOLLINS
081065 00002 - NEW HORIZONS PREMIUM HOMES LLC
081065 00003 - GRAY WILLIAM G AND CYNTHIA R GRAY
081065 00005 - MCLEMORE RONNIE
081053 00007 - OLDHAM MILLARD L JR & ADA M
081051 00168 - MEMPHIS CITY OF
081053 00017 - THOMAS JEREMY Q & RASHEEMA J
081053 00018 - AJAMU OLORI

081053 00016 - JENNINGS THERESA B
081053 00021 - FKH SFR PROPCO B-HLD LP
081053 00030 - WESTBROOK LINDA M
081053 00029 - 9885 W 21ST AVE LLC
081053 00025 - RICHARDSON MARIO AND CALVIN RICHARDSON
081053 00024 - HOLLEY LEONARD L JR & BARBARA M
081053 00023 - KSOBIECH ALFONS C & JANICE J
081053 00022 - QUEEN JAMES W
081053 00033 - STANLEY LARRY J & BARBARA J
081053 00034 - ROBINSON MACK E & MARY L
081053 00035 - HARLEY CHAUNCEY
081065 B00057 - KIRBY OAKS HOMEOWNER'S ASSOCIATION INC
081053 00037 - MONTGOMERY JAMES T & ERMA L
081065 B00005 - JAMES HAZEL & AARON
081065 B00055 - PRICE VINCENT J & PAMELA A
081065 B00054 - JONES HERBERT
081065 B00023 - MAY FAMILY REVOCABLE TRUST
081065 B00019 - HARRIS ODELL AND MARIETA W HARRIS AND
081065 B00017 - DUGAN DENNIS & JANET M
081065 B00024 - RAY-WILLIAMS TONIE
081065 B00016 - BROWN WANDA B
081065 B00048 - SCOTT DANIAL B & LELA T
081065 B00049 - AVENS WILLIAM G & SANDRA F
081065 B00050 - WALKER KIMBERLY L AND NIKKI G WALKER
081065 B00025 - MORGAN STANLEY & RHOLEDIA

081065 B00052 - PETERS ROBERT R SR & SHARON S

081065 B00026 - FLEMING WILLIAM AND DOROTHY Y FLEMING

081065 B00027 - ODELL ROSALAND D

081065 B00030 - KING JOHN C & NORRIS T

081065 B00032 - FENTRESS RUBY P AND LORRI J FENTRESS (RS

081065 B00047 - PROGRESS RESIDENTIAL BORROWER 16 LLC

081065 B00033 - GRAY EARNEST & HELEN

081065 B00042 - TATE HERBERT C JR AND ANITA D TATE

081065 B00045 - WRIGHT MAMON L AND ROSALYN L WRIGHT

081065 B00044 - COBB TORIANO

081065 B00046 - ARCHIE RHONDA R

081065 B00043 - BRADFORD ANNA R & WILLIE J

081065 B00039 - ISON DONALD W & JOAN D

081065 B00038 - FOX JOSEPH D & ANGELA J

081065 B00034 - BURTON ANTHONY L & BONNIE

081065 B00037 - HENDERSON LEESA

081065 B00035 - MCBRIDE CALVIN & AURELIA

081065 A00004 - TSIRGIOTIS GEORGE A & CATHLYN C

081065 A00005 - BURRELL DEREK J

081065 A00007 - CHEN GRACE T W

081065 A00008 - BROOKS MARSHUN T

081065 A00009 - CROUCH RICHARD

081065 A00010 - CARTER JOYCE (ESTATE OF)

081065 A00012 - CRAWFORD EVELYN J & DARRYL

081065 A00013 - MEMPHIS REALTY PRO-INVESTMENT LLC

081065 A00027 - RS RENTAL II LLC

081065 A00025 - FLETCHER KATHERINE L

081065 A00023 - HILL TERRY D & ALLAN W

081065 A00022 - MELTON MARK C & BARBARA C

081065 A00021 - FKH SFR PROPCO I LP

081065 A00019 - QUARRELLS CLARENE AND CASSANDRA Q TURNER

081065 A00018 - COOPER DERYK AND JANICE COOPER

081065 A00017 - MORENO ELEAZAR & NORBERTA CASTILLO

081066 00004 - DOKES ANGELA

081066 00005 - AYANRU STEFANIE

081066 00006 - CHEN SAI JEN AND JUDY CHU

081066 00007 - MCSWAIN WILLIAM B III

081066 00009 - FUNG LEUNG P & JOANNA

081066 00010 - JOHNSON JOHN M

081066 00011 - PEARSON KEVIN A

081066 00012 - CSMA BLT LLC

081066 00013 - LEE LIVING TRUST

081066 00014 - ANDERSON KIRA M

081066 00015 - CSMA BLT LLC

081051 00170 - TEXAS GAS TRANSMISSION CORP

081069 00001 - HARRIS QUINCY E AND MOSES E HARRIS &

081069 00004 - FARNSWORTH FAMILY REVOCABLE TRUST

081069 00006 - RS RENTAL III A LLC

081069 00007 - LEMM DONALD M

081069 00010 - MANLEY DALLAS G

081066 00001 - CALISE DAVID
081069 00026 - GAURINO MARVIN
081069 00025 - FKH SFR PROPCO D LP
081069 00023 - SALCEDO CLAUDIA
081069 00022 - PETERSON STEPHANIE C
081069 00019 - BACIGALUPO CLAUDIA L
081069 00018 - BROOKS JERRY L & RUTH M
081070 00002 - BROWN TIMOTHY A & BARBARA L C
081070 00003 - POTTER BENNY D
081070 00004 - HOME SFR BORROWER IV LLC
081070 A00053 - STRAHAN TIARA N
081070 A00052 - KOVAR DEBBIE AND PATRICK KOVAR
081070 A00055 - TIFFANY THOMAS B & CLARE L
081070 D00001 - HAWES ALAN D & TERESA L
081070 D00002 - MGM SOLUTIONS LLC
081070 D00003 - BOSDORF MELISSA
081070 D00005 - GOPALSAMY GOVINDARAJAN
081070 D00006 - HARRIS LINDA B AND JOHNNIE M HARRIS III
081070 D00004 - JOHNSON FREDRICK
081070 D00007 - CONWAY THERESA AND DANIELLE CONWAY
081033 00074 - ROMER MARK E & KATHLEEN M
081033 00077 - PARKER TRACY A & SHERRI B
081033 00073 - GROSE HERBERT M
081033 00078 - MORGAN RASHAUNDRA
081033 00072 - MARTIN DAVID & CLAIRE

081033 00079 - OLIVER LASHUNDA
081033 00071 - SHAW ANDREW AND BRANDON ROBERTS (RS)
081033 00070 - NEWBORN CHARLES
081033 00059 - GRIMM GEORGE G & EVELYN R
081053 B00005 - WOODARD REVOCABLE LIVING TRUST
081027 00011 - CHABAD LUBAVITCH OF TENNESSEE INC
081052 00001 - BALMORAL PRESBYTERIAN CH TR
081051 00171 - CITY OF MEMPHIS
081054 00005 - TAGUE LAURALEE H
081054 00003 - ANDERSEN SHIRLEY A
081054 00001 - CHABAD LUBAVITCH OF TENNESSEE INC
081054 00004 - APPLING JOHN W AND MELANIE A DRENNING
081065 B00002 - PARTEE LAVERN
081065 B00003 - STEWART WINSTON A & JOHNNIE P
081065 B00004 - DONALD MARVA B
081065 A00001 - PRICE CHRISTOPHER
081053 00073 - SHELBY COUNTY TAX SALE 13.04
081053 00031 - DAVIS LAURIE AND JENNIFER DAVIS
081053 B00006 - WFC KIRBY GATE LLC
081053 A00005 - REESE MAGDALENA
081053 A00004 - BIRNEY WILLIAM L
081053 A00003 - REID MARY S N
081053 A00002 - CORNETT FORD & JOYCE
081053 A00001 - PHILLIPS DERRICK J
081053 A00006 - ARMUS MICHAEL A

081053 A00007 - CHAMNESS BRENDA Y

081053 A00008 - REESE ELISHEVA

081053 A00009 - HENDERSON SHIRLEY M (LE) AND KEITH MCBRI

081053 A00010 - VAANUNU REUT

081053 A00011 - GOODWIN DOUGLAS S & MARION C

081070 A00066 - ELKINGTON & KELTNER DEV INC

081070 00008 - HATCHELL EMILY A & CHRISTOPHER M

081070 00009 - DUDLEY KASHINA

081070 00010 - SHEGOG HENRY A & JANICE

081070 A00002 - HARRISON TYKISHA R

081070 A00003 - POTTER JOSHLYN L

081070 A00004 - JACKSON MARQUES D

081070 A00007 - JOHNSON TERRELL JR

081065 A00016 - MICHAEL RONALD C R & RUBY K

081070 00006 - BAF ASSETS LLC

081070 00007 - LEE JOHN

081028 00035 - DICKSON CHAD A AND PATRICIA A

081028 00034 - PEEPLES DEREK K SR & SHERONDA R

081065 00006C - CARLISLE VERNON H JR & BARBARA

081065 00007C - MCCULLAR MICHAEL D & CELESTE

081065 B00006 - COOPER CHRISTOPHER L REVOCABLE TRUST

081065 B00007 - LESS STANLEY AND VICKI LESS LIVING TRUST

081065 B00008 - JEFFCOATS CHRISTEL A

081065 B00009 - SHUMAKER JEFFREY L

081065 B00010 - MATHIS GREGORY & JUDY

081065 B00013 - HARMON JOSEPH E

081070 00088 - 2900 KIRBY PARKWAY LLC

081070 B00017C - ELKINGTON & KELTNER DEV INC

081070 00089 - MEADOW VILL-MILLERS POND PUD HMEOWN ASSN

081065 00001 - BALMORAL BAPTIST CHURCH

081052 00031 - REGINAL ONE RH MOB 1 SPE LLC

081052 00030 - REGIONAL MED PROPERTIES LLC

081052 00029 - WILLS WALTER D III

081053 B00007 - WFC KIRBY GATE LLC

081053 00072 - 3LS PROPERTIES INC

081053 B00001 - KRISTOVICH TRUST

081053 00038 - 510 SFR TN OPERATIONS I LLC

081053 B00003 - KROGER LIMITED PARTNERSHIP I

081051 00271 - MEMPHIS CITY OF

081053 00084 - WILLS & WILLS L P

081053 00079 - REALTY INCOME PROPERTIES 25 LLC

081052 00026 - REGIONAL MED PROPERTIES LLC

081052 00025 - WHEEL LLC

081053 00053 - GILL MARTIN & HERRING

081052 00028 - REGIONAL MED PROPERTIES LLC

081053 00005 - STEHLING NEAL A & PEGGY B

081053 00010 - PRITCHARD DONALD L REVOCABLE LIVING

081053 A00012 - NEEDHAM GARY W & MELINDA K

081053 00043 - STEFFEK JOHN

081051 00167 - MEMPHIS CITY OF

081028 00061 - WILLIAMS JOHN J SR & REGINA
081028 00048 - NIKIFOROVA DORYANA A
081053 00002 - LAWSON STEVE L
081053 00004 - DUCKWORTH TYRONE & MARY E
081053 00012 - SEFERS KEVIN & NATALIE R
081053 00011 - BARTELS REGINA M
081053 00013 - STEVENS RICHARD L II & STACY E
081053 00009 - HUDSON JACOB & HANNAH
081053 00014 - GREGORY ALBERT K REVOCABLE LIVING TRUST
081053 00015 - STEFFEK JOHN
081053 00041 - OGLETREE PAMELA K
081053 B00004 - ARLINE TOWNHOMES LLC
081052 00027 - REGIONAL MED PROPERTIES LLC
081053 00067 - 3LS PROPERTIES INC
081053 00077 - MEMPHIS SENIOR HOUSING PROPCO K6 LLC
081053 B00002 - WFC KIRBY GATE LLC
081053 00054 - GILL MARTIN & HERRING
081053 00083 - WILLS & WILLS L P
081053 00078 - 6480 QUINCE ROAD EAST HOLDINGS LLC
081053 00085 - SENTRY SELF STORAGE GP
081053 00087 - AUTOZONE DEVELOPMENT LLC
081028 00072 - STEVENS RICHARD L II & STACY E
081053 A00013 - FINNELL PATRICK S & VALERIE F
081053 00003 - LAWSON ALEXANDRA C AND RAFAEL A B ROMERO
081028 00073 - GREGORY ALBERT K REVOCABLE LIVING TRUST

081028 00074 - STEFFEK JOHN

081053 A00016 - SEFERS KEVIN & NATALIE R

081053 A00015 - COPPERFIELDS INC

081053 00006 - TAYLOR ANNIE

081053 00082 - 6500 KIRBY GATE BOULEVARD LLC

081053 00089 - DT RETAIL PROPERTIES LLC

081053 00091 - GEERNAERT RICHARD WARREN AND CHRISTIE

081053 00092 - WILLS & WILLS L P

081053 00093 - KIRBY LAND HOLDINGS LLC

MEDINA ARTURO E & ERIKA HERNANDEZ
6464 SULGRAVE DR #
MEMPHIS TN 38119

GRAHAM CHAD E & DONNA
6417 SULGRAVE DR #
MEMPHIS TN 38119

ATKINS CALVIN & ANCHERNYCE T
6572 KIRBY GATE CV #
MEMPHIS TN 38119

MILLER JULIE M
2598 SULGRAVE CV #
MEMPHIS TN 38119

STAFFORD DANIELLE F L & KOEDY B HARPER
2639 CRIMMINS CV #
MEMPHIS TN 38119

PERRY ANTOINE P SR & TYRANY R
6578 KIRBY GATE CV #
MEMPHIS TN 38119

CAMPBELL JOEL D & PAULA P
2610 CRIMMINS CV #
MEMPHIS TN 38119

GREEN REUBEN A & MERCY
2638 CRIMMINS CV #
MEMPHIS TN 38119

TERRY REGINALD D
6633 KIRBY OAKS LN #
MEMPHIS TN 38119

SMITH ETHEL M
6434 SULGRAVE DR #
MEMPHIS TN 38119

NGUYEN LYNN
6431 SULGRAVE DR #
MEMPHIS TN 38119

BALMORAL PRESBYTERIAN CHURCH
6413 QUINCE RD #
MEMPHIS TN 38119

BC MEMPHIS PROPERTY HOLDINGS LLC
PO BOX 17429 #
MEMPHIS TN 38187

TAYLOR PAULA
2642 CRIMMINS CV #
MEMPHIS TN 38119

LANGSTON TITO & RHONDA
6709 KIRBY OAKS CV #
MEMPHIS TN 38119

MICHAEL KRISTEN S
2620 INVERARY CV #
MEMPHIS TN 38119

STOUT PROPERTIES LLC
6697 STOUT RD #
MEMPHIS TN 38119

BRASLOW SAMUEL D & CAROL S
6703 KIRBY OAKS CV #
MEMPHIS TN 38119

SINK DAVID W JR REVOCABLE LIVING TRUST
2609 ABERCORN CV #
MEMPHIS TN 38119

TAYLOR GREGORY S
6604 LANGDALE CV #
MEMPHIS TN 38119

WALKER EVELYN & OLLIE R JR
6695 KIRBY OAKS CV #
MEMPHIS TN 38119

ANDREWS ROBERT L JR & TAMIKO A
6658 STOUT RD #
MEMPHIS TN 38119

JOHNSON DEBRA L
6591 LANGDALE CV #
MEMPHIS TN 38122

STUKENBORG ALFRED J JR AND MARIE E
6727 KIRBY OAKS CV #
MEMPHIS TN 38119

MILES DERRICK
6368 QUINCE RD #
MEMPHIS TN 38119

BLADES FORREST E & NORMA A
6599 LANGDALE CV #
MEMPHIS TN 38119

GALES JASON & EBONI
6665 KIRBY OAKS LN #
MEMPHIS TN 38119

RODERICK MARITAL TRUST
2618 ABERCORN CV #
MEMPHIS TN 38119

MARMOLEJO JORGE AND MARCELA RODRIGUEZ
6564 KIRBY GATE #
MEMPHIS TN 38119

WHITE WILLIS
6660 KIRBY OAKS CV #
MEMPHIS TN 38119

MACRE JUSTIN A & KRISTINA D 6710 KIRBY OAKS LN # MEMPHIS TN 38119	EDWARDS WILLIAM R 6655 KIRBY TRACE CV # MEMPHIS TN 38119	DOSUMU LATIFU B & GANIAT 6668 BAINBRIDGE DR # MEMPHIS TN 38119
HOLT MARGO E 6718 KIRBY OAKS LN # MEMPHIS TN 38119	HOLMES ELVIN JR 6679 KIRBY TRACE CV # MEMPHIS TN 38119	JONES LONNIE L & DOROTHY C 6696 BAINBRIDGE DR # MEMPHIS TN 38119
NOLEN KINCAID & BERTHA 6734 KIRBY OAKS LN # MEMPHIS TN 38119	JORDAN JAMES R & ELEANOR M 6715 KIRBY TRACE CV # MEMPHIS TN 38119	ZHANG JUAN M 2801 KIRBY RD #103 MEMPHIS TN 38119
HARRIS TAJUANA & ZACHARY 6683 KIRBY OAKS LN # MEMPHIS TN 38119	MUSE ALFRED & PATRICIA D 6668 AMERSHAM DR # MEMPHIS TN 38119	WATSON BENNIE JR & DANA D 6673 MILLERS POND CIR # MEMPHIS TN 38119
PERRY CLAY JR 6691 KIRBY OAKS LN # MEMPHIS TN 38119	DENNIS LATASHA 3769 FERN RIDGE RD # MEMPHIS TN 38115	RUTH DANNY M 6640 PONDSIDE CIR ## 2 MEMPHIS TN 38119
PRICE DARRIN SR & TERESA 6725 KIRBY OAKS LN # MEMPHIS TN 38119	RUSSELL MARIE S 6659 AMERSHAM DR # MEMPHIS TN 38119	FROST GARY & ROXANN 6704 BAINBRIDGE # MEMPHIS TN 38119
GORDON CHARLES & SYLVIA B 6676 KIRBY TRACE # MEMPHIS TN 38119	PESTA RONALD C JR 20 CAPTAINS WALK # BAY SHORE NY 11706	BURKE TORI L 6715 AMERSHAM DR # MEMPHIS TN 38119
JILTSOV ALEXANDER & SVETLANA 6718 KIRBY TRACE CV # MEMPHIS TN 38119	WILSON MATTHEW & SARA C 6687 AMERSHAM DR # MEMPHIS TN 38119	HAGGERTY DANIEL L & TABITHA D 2565 GLENLIVET DR # MEMPHIS TN 38119
HESTER PEGGY L 6744 KIRBY TRACE CV # MEMPHIS TN 38119	HUDA FURQAN 2526 CALKINS RD # GERMANTOWN TN 38139	PATTERSON JENNIFER 6583 KIRBY GATE CV # MEMPHIS TN 38119
MCGHEE MICHAEL & CONNIE L 6637 KIRBY TRACE CV # MEMPHIS TN 38119	SIMS KATHY A AND CLENNON C SIMS 6626 AMERSHAM DR # MEMPHIS TN 38119	CHERUKUPALLI NAGENDRA S TR 20408 HILL AVE # SARATOGA CA 95070

BANKHEAD JOSEPH L & SUSIE M 6632 KIRBY OAKS LN # MEMPHIS TN 38119	BALMORAL BAPTIST CHURCH TR 2676 KIRBY RD # MEMPHIS TN 38119	ORIANS SARAH K AND RALPH F HEDDEN 6560 SWARTHMORE DR # MEMPHIS TN 38119
FLEISCHER JEANETTE R AND DONALD L 6640 KIRBY TRACE CV # MEMPHIS TN 38119	RUSCH REVOCABLE LIVING TRUST 6716 KIRBY OAKS CV # MEMPHIS TN 38119	VENDETTI CHRISTOPHER T & RACHEL J 2544 STRATHSPEY CV # MEMPHIS TN 38119
MONROE MARTI K 6650 KIRBY TRACE CV # MEMPHIS TN 38119	LITTLE FELECIA AND TIERNEY D EARLS 6724 KIRBY OAKS CV # MEMPHIS TN 38119	WARE JOHNATHAN M & PAMELA D 2548 STRATHSPEY CV # MEMPHIS TN 38119
MCKINNEY MICHAEL D & VALERIE O 8893 VALLEY CREEK DR # ARLINGTON TN 38002	ALLIANCE HEALTH SERVICES INC 6400 SHELBY VIEW DR #101 MEMPHIS TN 38134	BOARD OF EDUCATION OF THE MEMPHIS CITY 2597 AVERY AVE # MEMPHIS TN 38112
SHILO LIVING TRUST 8615 E PEACH BLOSSOM # ANTELOPE CA 95843	QUINCE CHURCH OF CHRIST 6384 QUINCE RD # MEMPHIS TN 38119	MCGARITY EVELYN S AND VERNICE HUNTER 2542 STRATHSPEY CV # MEMPHIS TN 38119
NICHOLSON DONALD R JR 6670 MILLERS POND CIR # MEMPHIS TN 38119	WILLER NATHAN B 2634 CRIMMINS CV # MEMPHIS TN 38119	JONES BRIAN M 2549 STRATHSPEY CV # MEMPHIS TN 38119
KNOX RACHEL 6678 MILLERS POND CIR # MEMPHIS TN 38119	ROBBINS CRAIG & SUZANNE V ROBINSON 6530 SWARTHMORE DR # MEMPHIS TN 38119	WAGNER EMILY R 6584 LOCHOBER CV # MEMPHIS TN 38119
COOK BYRON K PO BOX 41225 # MEMPHIS TN 38174	GINGRAS NORMAN R & SANDRA W 6524 SWARTHMORE DR # MEMPHIS TN 38119	BREWER GAIL T 2558 GLENLIVET DR # MEMPHIS TN 38119
DOUGLAS TONY L 6750 KIRBY TRACE CV # MEMPHIS TN 38119	PORTERFIELD APRIL 6514 SWARTHMORE DR # MEMPHIS TN 38119	GRANT MARCHE M 6533 SWARTHMORE DR # MEMPHIS TN 38119
STITTIAMS RICKEY R SR & MARCO M 6667 BAINBRIDGE DR # MEMPHIS TN 38119	KEENEY PATRICIA AND ROBERT J STICE (RS) 6504 SWARTHMORE DR # MEMPHIS TN 38119	COX JERRY A 6525 SWARTHMORE DR # MEMPHIS TN 38119

MCCRAY LILLIE R & POLK 6480 STRATHSPEY DR # MEMPHIS TN 38119	ARIEMMA BRENT C 2555 INVERARY DR # MEMPHIS TN 38119	ALMALEM PATRICK M & MICHAL 6463 STRATHSPEY DR # MEMPHIS TN 38119
REESE SHMUEL & JESSICA M 6603 SULGRAVE DR # MEMPHIS TN 38119	BOND GEORGE E & LINDA D 6460 STRATHSPEY DR # MEMPHIS TN 38119	CIMBALO STEPHEN A JR AND KIMBERLY K 2580 GLENLIVET DR # MEMPHIS TN 38119
RATSTEDT STEVEN G & DOROTHEA 6585 SULGRAVE DR # MEMPHIS TN 38119	SPELL HUGH D & CAMERON C 2563 STRATHSPEY CV # MEMPHIS TN 38119	STURDIVANT CHRISTOPHER R & JENNA L 2570 PERTHSHIRE CV # MEMPHIS TN 38119
FULLER ANDRE AND KIM FULLER 6552 SULGRAVE DR # MEMPHIS TN 38119	SMITH MARKUS D & WENDY N 6561 SULGRAVE DR # MEMPHIS TN 38119	CLEMENTS TERRELL L & VENUS MORENTIN 6498 SULGRAVE DR # MEMPHIS TN 38119
GUNLOCK CHRISTINE W AND SHARON J GUNLOCK 6464 HAVERFORD CV # MEMPHIS TN 38119	MENDIUS BEVERLY R 2562 PERTHSHIRE CV # MEMPHIS TN 38119	CAUDLE DAVID A & KATHERINE M 6529 SULGRAVE DR # MEMPHIS TN 38119
ALVARADO JESUS R 3731 DEER FOREST DR # MEMPHIS TN 38115	ARCHIBALD DWIGHT AND SHALOTTIE ARCHIBALD 2572 GLENLIVET DR # MEMPHIS TN 38119	SEAY ARTHUR E & ROSLYN PAYNE-SEAY 6457 STRATHSPEY DR # MEMPHIS TN 38119
CAPOCCIA NICHOLAS J & DIANE 6577 SULGRAVE DR # MEMPHIS TN 38119	FULLER GLENN AND DOROTHY REVOCABLE TRUST 6440 STRATHSPEY DR # MEMPHIS TN 38119	MERWIN NATHANIEL I & COURTNEY 2573 PERTHSHIRE CV # MEMPHIS TN 38119
FERRELL LEIGH & JONATHAN 2556 INVERARY DR # MEMPHIS TN 38119	THOMPSON CAROLE & NORMAN 6467 STRATHSPEY DR # MEMPHIS TN 38119	BOLTON JAMES H JR 6342 QUINCE RD # MEMPHIS TN 38119
KINSLEY JORDAN L 2553 STRATHSPEY CV # MEMPHIS TN 38119	CARTER BETTY 2569 STRATHSPEY CV # MEMPHIS TN 38119	HANSBROUGH JOANN 6420 STRATHSPEY DR # MEMPHIS TN 38119
SMITH BELINDA P 6530 SULGRAVE DR # MEMPHIS TN 38119	CARMONA LUIS & MARIA S 6338 QUINCE RD # MEMPHIS TN 38119	BRICE MARYBETH N 6490 SULGRAVE DR # MEMPHIS TN 38119

CRONE CLARA N AND ALBERT R DAWSON AND 6451 STRATHSPEY DR # MEMPHIS TN 38119	MITCHELL JOSEPH R AND CAROL TOWNSHEND 6470 SULGRAVE DR # MEMPHIS TN 38119	FRAGALE WILLIAM J & DORIS A 6481 SULGRAVE DR # MEMPHIS TN 38119
BARKER MARILYN K 6515 SULGRAVE DR # MEMPHIS TN 38119	LINDSEY EDDIE J & ANGELA M 6429 STRATHSPEY DR # MEMPHIS TN 38119	GIVENS ERIC JR & ASHLEY 6450 SULGRAVE DR # MEMPHIS TN 38119
TRENTHEM TERRY S 2578 PERTHSHIRE CV # MEMPHIS TN 38119	BRACKENS SHEILA D P 6423 STRATHSPEY DR # MEMPHIS TN 38119	HEARON MARY F AND VIOLA MOORE (RS) 2610 SULGRAVE CV # MEMPHIS TN 38119
M & W REALTY 400 FAIROAKS DR # OAKLAND TN 38060	CAMPBELL SHARON C 2600 INVERARY CV # MEMPHIS TN 38119	ASPLUND D E & CAROLYN L 2608 INVERARY CV # MEMPHIS TN 38119
SMITH SCOTT M & PATRICIA M 6484 SULGRAVE DR # MEMPHIS TN 38119	KELLY BENJAMIN S & KATHRYN S 6489 SULGRAVE DR # MEMPHIS TN 38119	WINTERS JOSHUA & KATHERINE 2599 SULGRAVE CV # MEMPHIS TN 38119
BETTISON WILLIAM L & MARY A 6408 STRATHSPEY DR # MEMPHIS TN 38119	APODACA DELIA C 6417 STRATHSPEY DR # MEMPHIS TN 38119	TASONIS RICHARD J AND BEVERLY J QUIGLEY 6442 SULGRAVE DR # MEMPHIS TN 38119
MALOTT DAVID A & AMY L 6441 STRATHSPEY DR # MEMPHIS TN 38119	RUSSELL GEORGIA 6456 SULGRAVE DR # MEMPHIS TN 38119	SULLIVAN LINDA K REVOCABLE TRUST 2601 ABERCORN CV # MEMPHIS TN 38119
FORBES GIGIA 6476 SULGRAVE DR # MEMPHIS TN 38119	MELVIN JONATHAN P 2910 HIGHMEADOW DR # JONESBORO AR 72404	JONES PERCY F III & FALANDARA 2607 INVERARY CV # MEMPHIS TN 38119
TOWNSEND J WILLIAM & ROSANN S 2589 SULGRAVE CV # MEMPHIS TN 38119	MARTIN MARK W & SHARON 2595 PERTHSHIRE CV # MEMPHIS TN 38119	BARNETT ELIZABETH C (71%) AND CAROLINE M 6420 SULGRAVE DR # MEMPHIS TN 38119
BARTON LINDA K AND LAUREN BARTON (RS) 2586 PERTHSHIRE CV # MEMPHIS TN 38119	BUSCH KRISTIN K 5912 SE LAFAYETTE ST # PORTLAND OR 97206	HUGHES BILLY JR & ERICA BULLOCK 2616 INVERARY CV # MEMPHIS TN 38119

EVANS KATHY D 2607 SULGRAVE CV # MEMPHIS TN 38119	SANDERS AMORY AND LAURA PLUMB 6449 SULGRAVE DR # MEMPHIS TN 38119	WASHINGTON MONA C 6401 SULGRAVE DR # MEMPHIS TN 38119
GENTRY MATTHEW R & LINSAY M 6412 SULGRAVE DR # MEMPHIS TN 38119	DEGAN MARY S B AND ALPHA BURNS 2752 SCARLETT RD # GERMANTOWN TN 38139	KILGORE CAROL J & JAMES 2635 CRIMMINS CV # MEMPHIS TN 38119
KELLOUGH JESSICA 6394 SULGRAVE DR # MEMPHIS TN 38119	YARBROUGH DANNY R & ESTELLA B 2619 CRIMMONS CV # MEMPHIS TN 38119	TRIGG ELIZABETH C 6421 SULGRAVE DR # MEMPHIS TN 38119
EVANS PATRICIA A 6459 SULGRAVE DR # MEMPHIS TN 38119	SMITH CAROLYN H 2621 INVERARY CV # MEMPHIS TN 38119	CRIM ALLAN B & DEBORAH S 6409 SULGRAVE DR # MEMPHIS TN 38119
BALLENTINE EMILLIA G AND ANNE B 2616 SULGRAVE CV # MEMPHIS TN 38119	HOWELL STEVEN H & CHERYL 6439 SULGRAVE DR # MEMPHIS TN 38119	CUPP TED W 789 W 18TH ST #2A COSTA MESA CA 92627
KURZINSKY ROBERT S & HITOMI 2605 CAMROSE CV # MEMPHIS TN 38119	KRAUCH ROBERT AND JANETTE KRAUCH LIVING 5950 EVEN MIST CV # MEMPHIS TN 38120	COWAN KATHY M 2633 INVERARY CV # MEMPHIS TN 38119
FAROOQ FAREEDUDDIN & SIRAJ 2608 KIRBY RD # MEMPHIS TN 38119	ESMAIL MOHAMED S & FATMA 2609 CAMROSE CV # MEMPHIS TN 38119	RODRIGUEZ MIGUEL H 2637 INVERARY CV # MEMPHIS TN 38119
COMBS KEVIN 2615 INVERARY CV # MEMPHIS TN 38119	MIDDLETON HAROLD & VALENCIA 6393 SULGRAVE DR # MEMPHIS TN 38119	QUINCE CHURCH OF CHRIST 6384 QUINCE RD # MEMPHIS TN 38119
SNYDER MATTHEW R AND MADISON K WILLIAMS 2618 CRIMMINS CV # MEMPHIS TN 38119	COOPWOOD IVA R 2619 ABERCORN CV # MEMPHIS TN 38119	UMEKWE NKIRU & NGOZI 6676 STOUT RD # MEMPHIS TN 38119
DALTON MICHAEL S & MARION B 2611 SULGRAVE CV # MEMPHIS TN 38119	KING-BLACKWELL SYLVIA 2627 INVERARY CV # MEMPHIS TN 38119	LYTTON JOHN F & JO A 6686 STOUT RD # MEMPHIS TN 38119

SPRING KEINO 6696 STOUT RD # MEMPHIS TN 38119	MCLEMORE RONNIE 6711 STOUT RD # MEMPHIS TN 38119	HOLLEY LEONARD L JR & BARBARA M 6594 KIRBY GATE CV # MEMPHIS TN 38119
HENDERSON TONY 6704 STOUT RD # MEMPHIS TN 38119	OLDHAM MILLARD L JR & ADA M 6614 LANGDALE CV # MEMPHIS TN 38119	KSOBIECH ALFONS C & JANICE J 6604 KIRBY GATE CV # MEMPHIS TN 38119
OTAKE MINORU #	MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103	QUEEN JAMES W 6612 KIRBY GATE CV # MEMPHIS TN 38119
PROUSER ALAN L & JEAN B 6712 STOUT RD # MEMPHIS TN 38119	THOMAS JEREMY Q & RASHEEMA J 6575 LANGDALE CV # MEMPHIS TN 38119	STANLEY LARRY J & BARBARA J 6531 KIRBY GATE CV # MEMPHIS TN 38119
OLSON LISA H 2610 DIBRELL TRAIL DR # COLLIERVILLE TN 38017	AJAMU OLORI 6583 LANGDALE CV # MEMPHIS TN 38119	ROBINSON MACK E & MARY L 6543 KIRBY GATE CV # MEMPHIS TN 38119
JOHNSON JUSTIN E 2647 CRIMMINS CV # MEMPHIS TN 38119	JENNINGS THERESA B 6569 LANGDALE CV # MEMPHIS TN 38119	HARLEY CHAUNCEY 6551 KIRBY GATE CV # MEMPHIS TN 38119
FKH SFR PROPCO B-HLD LP 1850 PARKWAY PL #900 MARIETTA GA 30067	FKH SFR PROPCO B-HLD LP 1850 PARKWAY PL #900 MARIETTA GA 30067	KIRBY OAKS HOMEOWNER'S ASSOCIATION INC 6630 KIRBY OAKS LN # MEMPHIS TN 38119
FRANKLIN THELMA AND TAMARA HOLLINS 2651 CRIMMINS CV # MEMPHIS TN 38119	WESTBROOK LINDA M 6546 KIRBY GATE CV # MEMPHIS TN 38119	MONTGOMERY JAMES T & ERMA L 6565 KIRBY GATE CV # MEMPHIS TN 38119
NEW HORIZONS PREMIUM HOMES LLC 12271 BAJADA RD # SAN DIEGO CA 92128	9885 W 21ST AVE LLC 9521 BEAR CLAW DR # LITTLETON CO 80127	JAMES HAZEL & AARON 6664 KIRBY OAKS LN # MEMPHIS TN 38119
GRAY WILLIAM G AND CYNTHIA R GRAY 6685 STOUT RD # MEMPHIS TN 38119	RICHARDSON MARIO AND CALVIN RICHARDSON 6586 KIRBY GATE CV # MEMPHIS TN 38119	PRICE VINCENT J & PAMELA A 6645 KIRBY OAKS LN # MEMPHIS TN 38119

JONES HERBERT 6655 KIRBY OAKS LN # MEMPHIS TN 38119	PETERS ROBERT R SR & SHARON S 6673 KIRBYS OAKS LN # MEMPHIS TN 38119	ARCHIE RHONDA R 6641 KIRBY OAKS CV # MEMPHIS TN 38119
MAY FAMILY REVOCABLE TRUST 6681 KIRBY OAKS CV # MEMPHIS TN 38119	FLEMING WILLIAM AND DOROTHY Y FLEMING 6690 KIRBY OAKS LN # MEMPHIS TN 38119	BRADFORD ANNA R & WILLIE J 6663 KIRBY OAKS CV # MEMPHIS TN 38119
HARRIS ODELL AND MARIETA W HARRIS AND 6721 KIRBY OAKS CV # MEMPHIS TN 38119	ODELL ROSALAND D 6702 KIRBY OAKS LN # MEMPHIS TN 38119	ISON DONALD W & JOAN D 6699 KIRBY OAKS LN # MEMPHIS TN 38119
DUGAN DENNIS & JANET M 6735 KIRBY OAKS CV # MEMPHIS TN 38119	KING JOHN C & NORRIS T 6726 KIRBY OAKS CV # MEMPHIS TN 38119	FOX JOSEPH D & ANGELA J 6707 KIRBY OAKS LN # MEMPHIS TN 38119
RAY-WILLIAMS TONIE 6676 KIRBY OAKS LN # MEMPHIS TN 38119	FENTRESS RUBY P AND LORRI J FENTRESS (RS 6740 KIRBY OAKS LN # MEMPHIS TN 38119	BURTON ANTHONY L & BONNIE 6741 KIRBY OAKS LN # MEMPHIS TN 38119
BROWN WANDA B 6743 N KIRBY OAKS CV # MEMPHIS TN 38119	PROGRESS RESIDENTIAL BORROWER 16 LLC PO BOX 4090 # SCOTTSDALE AZ 85261	HENDERSON LEESA 6715 KIRBY OAKS LN # MEMPHIS TN 38119
SCOTT DANIAL B & LELA T 6636 KIRBY OAKS CV # MEMPHIS TN 38119	GRAY EARNEST & HELEN 6746 KIRBY OAKS LN # MEMPHIS TN 38119	MCBRIDE CALVIN & AURELIA 6733 KIRBY OAKS LN # MEMPHIS TN 38119
AVENS WILLIAM G & SANDRA F 6642 KIRBY OAKS CV # MEMPHIS TN 38119	TATE HERBERT C JR AND ANITA D TATE 6671 KIRBY OAKS CV # MEMPHIS TN 38119	TSIRGIOTIS GEORGE A & CATHLYN C 6658 KIRBY TRACE CV # MEMPHIS TN 38119
WALKER KIMBERLY L AND NIKKI G WALKER 6650 KIRBY OAKS CV # MEMPHIS TN 38119	WRIGHT MAMON L AND ROSALYN L WRIGHT 6647 KIRBY OAKS CV # MEMPHIS TN 38119	BURRELL DEREK J 6668 KIRBY TRACE CV # MEMPHIS TN 38119
MORGAN STANLEY & RHOLEDIA 6682 KIRBY OAKS LN # MEMPHIS TN 38119	COBB TORIANO 6657 S KIRBY OAKS CV # MEMPHIS TN 38119	CHEN GRACE T W 6684 KIRBY TRACE CV # MEMPHIS TN 38119

BROOKS MARSHUN T 6694 KIRBY TRACE CV # MEMPHIS TN 38119	QUARRELLS CLARENE AND CASSANDRA Q TURNER 6725 KIRBY TRACE CV # MEMPHIS TN 38119	CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067
CROUCH RICHARD 31939 RICHGROVE CT # WESTLAKE VILLAGE CA 91361	COOPER DERYK AND JANICE COOPER 6731 KIRBY TRACE CV # MEMPHIS TN 38119	LEE LIVING TRUST 155 EVENGIN STAR CT ## 153 MILPITAS CA 95035
CARTER JOYCE (ESTATE OF) 6710 KIRBY TRACE CV # MEMPHIS TN 38119	MORENO ELEAZAR & NORBERTA CASTILLO 6739 KIRBY TRACE CV # MEMPHIS TN 38119	ANDERSON KIRA M 6724 AMERSHAM DR # MEMPHIS TN 38119
CRAWFORD EVELYN J & DARRYL 6728 KIRBY TRACE CV # MEMPHIS TN 38119	DOKES ANGELA 6634 AMERSHAM DR # MEMPHIS TN 38119	CSMA BLT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067
MEMPHIS REALTY PRO-INVESTMENT LLC 3746 BONNER DR # OLIVE BRANCH MS 38654	AYANRU STEFANIE 3664 SPOTTSWOOD AVE # MEMPHIS TN 38111	TEXAS GAS TRANSMISSION CORP 3800 FREDERICA ST # OWENSBORO KY 42301
RS RENTAL II LLC 31 HUDSON YARDS #11 NEW YORK NY 10001	CHEN SAI JEN AND JUDY CHU 9347 DE ADALENA ST # ROSEMEAD CA 91770	HARRIS QUINCY E AND MOSES E HARRIS & 6649 AMERSHAM DR # MEMPHIS TN 38119
FLETCHER KATHERINE L 6661 KIRBY TRACE CV # MEMPHIS TN 38119	MCSWAIN WILLIAM B III 6660 AMERSHAM DR # MEMPHIS TN 38119	FARNSWORTH FAMILY REVOCABLE TRUST 6677 AMERSHAM DR # MEMPHIS TN 38119
HILL TERRY D & ALLAN W 6689 KIRBY TRACE CV # MEMPHIS TN 38119	FUNG LEUNG P & JOANNA 6678 AMERSHAM DR # MEMPHIS TN 38119	RS RENTAL III A LLC 32 MERCER ST #4 NEW YORK NY 10013
MELTON MARK C & BARBARA C 6697 KIRBY TRACE CV # MEMPHIS TN 38119	JOHNSON JOHN M 6688 AMERSHAM DR # MEMPHIS TN 38119	LEMM DONALD M 6705 AMERSHAM DR # MEMPHIS TN 38119
FKH SFR PROPCO I LP 1850 PARKWAY PL #900 MARIETTA GA 30067	PEARSON KEVIN A 6696 AMERSHAM DR # MEMPHIS TN 38119	MANLEY DALLAS G 6733 AMERSHAM DR # MEMPHIS TN 38119

CALISE DAVID 344 ABIES RD # RENO NV 89511	STRAHAN TIARA N 6675 MILLERS POND CIR # MEMPHIS TN 38119	ROMER MARK E & KATHLEEN M 2603 GLENLIVET DR # MEMPHIS TN 38119
GAURINO MARVIN 1324 FOOTHILL WAY # REDLANDS CA 92374	KOVAR DEBBIE AND PATRICK KOVAR 6677 MILLERS POND CIR # MEMPHIS TN 38119	PARKER TRACY A & SHERRI B 6354 QUINCE RD # MEMPHIS TN 38119
FKH SFR PROPCO D LP 1850 PARKWAY PL #900 MARIETTA GA 30067	TIFFANY THOMAS B & CLARE L 6680 PONDVIEW CV # MEMPHIS TN 38119	GROSE HERBERT M 2595 GLENLIVET DR # MEMPHIS TN 38119
SALCEDO CLAUDIA 6678 BAINBRIDGE # MEMPHIS TN 38119	HAWES ALAN D & TERESA L 6634 PONDSIDE CIR #1 MEMPHIS TN 38119	MORGAN RASHAUNDRA 6350 QUINCE RD # MEMPHIS TN 38119
PETERSON STEPHANIE C 6686 BAINBRIDGE DR # MEMPHIS TN 38119	MGM SOLUTIONS LLC 1575 EASTMORELAND AVE # MEMPHIS TN 38104	MARTIN DAVID & CLAIRE 2587 GLENLIVET DR # MEMPHIS TN 38119
BACIGALUPO CLAUDIA L 6714 BAINBRIDGE DR # MEMPHIS TN 38119	BOSDORF MELISSA 6325 GRAHAM ST # MEMPHIS TN 38111	OLIVER LASHUNDA 6346 QUINCE RD # MEMPHIS TN 38119
BROOKS JERRY L & RUTH M 6724 BAINBRIDGE DR # MEMPHIS TN 38119	GOPALSAMY GOVINDARAJAN 6156 W BRANCH RD # SAN RAMON CA 94582	SHAW ANDREW AND BRANDON ROBERTS (RS) 2581 GLENLIVET DR # MEMPHIS TN 38119
BROWN TIMOTHY A & BARBARA L C 6639 BAINBRIDGE DR # MEMPHIS TN 38119	HARRIS LINDA B AND JOHNNIE M HARRIS III 6636 PONDSIDE CIR #2 MEMPHIS TN 38119	NEWBORN CHARLES 2573 GLENLIVET DR # MEMPHIS TN 38119
POTTER BENNY D 6649 BAINBRIDGE DR # MEMPHIS TN 38119	JOHNSON FREDRICK 6640 PONDSIDE CIR #1 MEMPHIS TN 38119	GRIMM GEORGE G & EVELYN R 6428 STRATHSPEY DR # MEMPHIS TN 38119
HOME SFR BORROWER IV LLC 3505 KOGER BLVD #400 DULUTH GA 30096	CONWAY THERESA AND DANIELLE CONWAY 6638 PONDSIDE CIR #39 MEMPHIS TN 38119	WOODARD REVOCABLE LIVING TRUST 509 S MAIN ST # MEMPHIS TN 38103

CHABAD LUBAVITCH OF TENNESSEE INC
2570 KIRBY PKWY #
MEMPHIS TN 38119

PRICE CHRISTOPHER
6632 KIRBY TRACE CV #
MEMPHIS TN 38119

CHAMNESS BRENDA Y
2581 COPPERFIELD DR #
MEMPHIS TN 38119

BALMORAL PRESBYTERIAN CH TR
6413 QUINCE RD #
MEMPHIS TN 38119

SHELBY COUNTY TAX SALE 13.04
PO BOX 2751 #
MEMPHIS TN 38101

REESE ELISHEVA
2577 COPPERFIELD DR #
MEMPHIS TN 38119

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

DAVIS LAURIE AND JENNIFER DAVIS
6446 N OAK SHADOWS CIR #
MEMPHIS TN 38119

HENDERSON SHIRLEY M (LE) AND KEITH MCBRI
2575 COPPERFIELD DR #
MEMPHIS TN 38119

TAGUE LAURALEE H
6646 STOUT RD #
MEMPHIS TN 38119

WFC KIRBY GATE LLC
11440 SAN VICENTE BLVD #200
LOS ANGELES CA 90049

VAANUNU REUT
2573 COPPERFIELD DR #
MEMPHIS TN 38119

ANDERSEN SHIRLEY A
2616 KIRBY RD #
MEMPHIS TN 38119

REESE MAGDALENA
2597 COPPERFIELD DR #
MEMPHIS TN 38119

GOODWIN DOUGLAS S & MARION C
2569 COPPERFIELD DR #
MEMPHIS TN 38119

CHABAD LUBAVITCH OF TENNESSEE INC
2602 KIRBY RD #
MEMPHIS TN 38119

BIRNEY WILLIAM L
2595 COPPERFIELD DR #
MEMPHIS TN 38119

ELKINGTON & KELTNER DEV INC
PO BOX 17128 #
MEMPHIS TN 38187

APPLING JOHN W AND MELANIE A DRENNING
2628 KIRBY RD #
MEMPHIS TN 38119

REID MARY S N
2593 COPPERFIELD DR #
MEMPHIS TN 38119

HATCHELL EMILY A & CHRISTOPHER M
6695 BAINBRIDGE DR #
MEMPHIS TN 38119

PARTEE LAVERN
6644 KIRBY OAKS LN #
MEMPHIS TN 38119

CORNELL FORD & JOYCE
2591 COPPERFIELD DR #
MEMPHIS TN 38119

DUDLEY KASHINA
4566 TROUT VALLEY DR #
MEMPHIS TN 38141

STEWART WINSTON A & JOHNNIE P
6652 KIRBY OAKS LN #
MEMPHIS TN 38119

PHILLIPS DERRICK J
2589 COPPERFIELD DR #
MEMPHIS TN 38119

SHEGOG HENRY A & JANICE
6713 BAINBRIDGE DR #
MEMPHIS TN 38119

DONALD MARVA B
6658 KIRBY OAKS LN #
MEMPHIS TN 38119

ARMUS MICHAEL A
2583 COPPERFIELD DR #
MEMPHIS TN 38119

HARRISON TYKISHA R
6672 MILLERS POND CIR #
MEMPHIS TN 38119

POTTER JOSHLYN L 6674 MILLERS POND CIR # MEMPHIS TN 38119	COOPER CHRISTOPHER L REVOCABLE TRUST 6678 N KIRBY OAKS CV # MEMPHIS TN 38119	REGINAL ONE RH MOB 1 SPE LLC 3330 PRESTON RIDGE RD #380 ALPHARETTA GA 30005
JACKSON MARQUES D 6676 MILLERS POND CIR # MEMPHIS TN 38119	LESS STANLEY AND VICKI LESS LIVING TRUST 6686 KIRBY OAKS CV # MEMPHIS TN 38119	REGIONAL MED PROPERTIES LLC 877 JEFFERSON AVE # MEMPHIS TN 38103
JOHNSON TERRELL JR 6682 MILLERS POND CIR # MEMPHIS TN 38119	JEFFCOATS CHRISTEL A 6692 KIRBY OAKS CV # MEMPHIS TN 38119	WILLS WALTER D III 2900 KIRBY RD #7 MEMPHIS TN 38119
MICHAEL RONALD C R & RUBY K 6749 KIRBY TRACE CV # MEMPHIS TN 38119	SHUMAKER JEFFREY L 7828 WOODCHASE DR # CORDOVA TN 38016	WFC KIRBY GATE LLC 11440 SAN VICENTE BLVD #200 LOS ANGELES CA 90049
BAF ASSETS LLC 5001 PLAZA ON THE LAKE #200 AUSTIN TX 78746	MATHIS GREGORY & JUDY 6708 KIRBY OAKS CV # MEMPHIS TN 38119	3LS PROPERTIES INC 301 S PERIMETER DR #200 NASHVILLE TN 37211
LEE JOHN 231 E ALESSANDRO BLVD #A380 RIVERSIDE CA 92508	HARMON JOSEPH E 6732 KIRBY OAKS CV # MEMPHIS TN 38119	KRISTOVICH TRUST 21555 PROSPECT RD # SARATOGA CA 95070
DICKSON CHAD A AND PATRICIA A 2634 INVERARY CV # MEMPHIS TN 38119	2900 KIRBY PARKWAY LLC 2620 THOUSAND OAKS BLVD #4000 MEMPHIS TN 38118	510 SFR TN OPERATIONS I LLC 12906 TAMPA OAKS BLVD #100 TEMPLE TERRACE FL 33637
PEEPLES DEREK K SR & SHERONDA R 2636 INVERARY CV # MEMPHIS TN 38119	ELKINGTON & KELTNER DEV INC PO BOX 17128 # MEMPHIS TN 38187	KROGER LIMITED PARTNERSHIP I 1014 VINE ST # CINCINNATI OH 45202
CARLISLE VERNON H JR & BARBARA 6723 STOUT RD # MEMPHIS TN 38119	MEADOW VILL-MILLERS POND PUD HMEOWN ASSN 564 COLONIAL RD # MEMPHIS TN 38117	MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103
MCCULLAR MICHAEL D & CELESTE 6727 STOUT RD # MEMPHIS TN 38119	BALMORAL BAPTIST CHURCH 2676 KIRBY RD # MEMPHIS TN 38119	WILLS & WILLS L P 2900 KIRBY RD #7 MEMPHIS TN 38119

REALTY INCOME PROPERTIES 25 LLC
1430 E SOUTHLAKE BLVD #200
SOUTHLAKE TX 76092

WILLIAMS JOHN J SR & REGINA
2594 PERTHSHIRE CV #
MEMPHIS TN 38119

OGLETREE PAMELA K
578 AUTUMN MEADOWS AVE #
COLLIERVILLE TN 38017

REGIONAL MED PROPERTIES LLC
877 JEFFERSON AVE #
MEMPHIS TN 38103

NIKIFOROVA DORYANA A
6908 SILVER MAPLE CV #
MEMPHIS TN 38119

ARLINE TOWNHOMES LLC
6571 EL ROBLE ST #
LONG BEACH CA 90815

WHEEL LLC
6335 WHEEL CV #
MEMPHIS TN 38119

LAWSON STEVE L
6616 MOORQUAKE CV #
MEMPHIS TN 38119

REGIONAL MED PROPERTIES LLC
877 JEFFERSON AVE #
MEMPHIS TN 38103

GILL MARTIN & HERRING
PO BOX 1159 #
DEERFIELD IL 60015

DUCKWORTH TYRONE & MARY E
6599 MOORQUAKE CV #
MEMPHIS TN 38119

3LS PROPERTIES INC
301 S PERIMETER DR #200
NASHVILLE TN 37211

REGIONAL MED PROPERTIES LLC
877 JEFFERSON AVE #
MEMPHIS TN 38103

SEFERS KEVIN & NATALIE R
6574 LANGDALE CV #
MEMPHIS TN 38119

MEMPHIS SENIOR HOUSING PROPCO K6 LLC
1 TOWN CENTER RD #300
BOCA RATON FL 33486

STEHLING NEAL A & PEGGY B
6603 MOORQUAKE CV #
MEMPHIS TN 38119

BARTELS REGINA M
6580 LANGDALE CV #
MEMPHIS TN 38119

WFC KIRBY GATE LLC
11440 SAN VICENTE BLVD #200
LOS ANGELES CA 90049

PRITCHARD DONALD L REVOCABLE LIVING
6584 LANGDALE CV #
MEMPHIS TN 38119

STEVENS RICHARD L II & STACY E
6570 LANGDALE CV #
MEMPHIS TN 38119

GILL MARTIN & HERRING
8130 MACON STATION #114
CORDOVA TN 38018

NEEDHAM GARY W & MELINDA K
2565 COPPERFIELD DR #
MEMPHIS TN 38119

HUDSON JACOB & HANNAH
6594 LANGDALE CV #
MEMPHIS TN 38119

WILLS & WILLS L P
2900 KIRBY RD #7
MEMPHIS TN 38119

STEFFEK JOHN
6565 LANGDALE CV #
MEMPHIS TN 38119

GREGORY ALBERT K REVOCABLE LIVING TRUST
6566 LANGDALE CV #
MEMPHIS TN 38119

6480 QUINCE ROAD EAST HOLDINGS LLC
900 19TH ST #8
WASHINGTON DC 20006

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

STEFFEK JOHN
6565 LANGDALE CV #
MEMPHIS TN 38119

SENTRY SELF STORAGE GP
9075 FOREST CENTRE DR #
GERMANTOWN TN 38138

AUTOZONE DEVELOPMENT LLC
PO BOX 2198 #
MEMPHIS TN 38101

DT RETAIL PROPERTIES LLC
500 VOLVO PKWY #
CHESAPEAKE VA 23320

COMMISSIONER BRANDON MORRISON
160 N MAIN STREET
MEMPHIS, TN 38103

STEVENS RICHARD L II & STACY E
6570 LANGDALE CV #
MEMPHIS TN 38119

GEERNAERT RICHARD WARREN AND CHRISTIE
10223 N 103RD ST #
SCOTTSDALE AZ 85258

FINNELL PATRICK S & VALERIE F
2619 KIRBY RD #
MEMPHIS TN 38119

WILLS & WILLS L P
2900 KIRBY RD #7
MEMPHIS TN 38119

LAWSON ALEXANDRA C AND RAFAEL A B ROMERO
6602 MOORQUAKE CV #
MEMPHIS TN 38119

KIRBY LAND HOLDINGS LLC
1050 CAMBRIDGE SQ #
ALPHARETTA GA 30009

GREGORY ALBERT K REVOCABLE LIVING TRUST
6566 LANGDALE CV #
MEMPHIS TN 38119

COUNCIL WOMAN JERRI GREEN
125 N MAIN STREET RM 514
MEMPHIS, TN 38103

STEFFEK JOHN
6565 LANGDALE CV #
MEMPHIS TN 38119

COUNCIL MAN CHASE CARLISLE
125 N MAIN STREET RM 514
MEMPHIS, TN 38103

SEFERS KEVIN & NATALIE R
6574 LANGDALE CV #
MEMPHIS TN 38119

COUNCIL MAN J FORD CANALE
125 N MAIN STREET RM 514
MEMPHIS, TN 38103

COPPERFIELDS INC
3792 S MENDENHALL RD #
MEMPHIS TN 38115

COUNCILMAN DR JEFF WARREN
125 N MAIN STREET RM 514
MEMPHIS, TN 38103

TAYLOR ANNIE
6615 MOORQUAKE CV #
MEMPHIS TN 38119

6500 KIRBY GATE BOULEVARD LLC
6500 KIRBY GATE BLVD #
MEMPHIS TN 38119

**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.

Wills & Wills, LP
I, by Walter Wills Partner Walter Wills, 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):

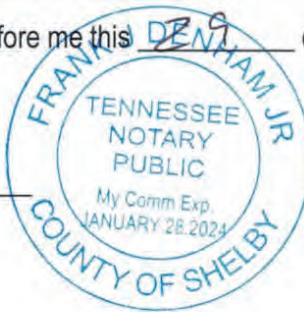
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in 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 West Side of Kirby Road 351+- from the center line of Kirby Gate Blvd
and further identified by Assessor's Parcel Number 08105300088,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29 day of APR. C in the year of 2022

Frank J. Denham Jr.
Signature of Notary Public



JAN 28, 2024
My Commission Expires



CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 12/2/2025
DATE
PUBLIC SESSION: 12/16/2025
DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 3021 East Shelby Drive, known as case number PD 2025-002

CASE NUMBER: PD 2025-002

DEVELOPMENT: Shelby Rail Service Planned Development

LOCATION: 3021 East Shelby Drive

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

OWNER/APPLICANT: Shelby Railroad Service, Inc.

REPRESENTATIVE: Cindy Reaves, SR Consulting, LLC

REQUEST: Amendment to PD 06-349 to add additional land for storage

AREA: +/-35.164 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 – December 16, 2025

PRIOR ACTION ON ITEM:

(2) _____
07/10/2025
(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
11/24/25 PLANNER

11/24/25 DEPUTY ADMINISTRATOR

11/24/25 ADMINISTRATOR

11/24/25 DIRECTOR (JOINT APPROVAL)

11/24/25 COMPTROLLER

11/24/25 FINANCE DIRECTOR

11/24/25 CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN

Planning & Development

DIVISION



Memphis City Council Summary Sheet

PD 2025-002

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 3021 EAST SHELBY DRIVE, KNOWN AS CASE NUMBER PD 2025-002

- This item is a resolution with conditions to allow an amendment to PD 06-349 to add additional land for storage; 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, July 10, 2025**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2025-002
DEVELOPMENT:	Shelby Rail Service Planned Development
LOCATION:	3021 East Shelby Drive
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Shelby Railroad Service, Inc.
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC
REQUEST:	Amendment to PD 06-349 to add additional land for storage
EXISTING ZONING:	Residential Single Family – 8 (R-8)
AREA:	+/-.35.164 acres

The following spoke in support: Cindy Reaves, Dedrick Brittenum

The following spoke in opposition: None

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 1-7-0 on the regular public hearing agenda.

Respectfully,



Alexis Longstreet
Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

PD 2025-002
CONDITIONS

Outline Plan Conditions

- I. USES PERMITTED:
 - A. Area A: Construction contractor with outdoor storage facility.
 - B. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.**
 - C. Area C: Uses permitted by right in the CMU-2 District
 - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
 - 1. Adult entertainment (excluded)
 - 2. Off-Premise Advertising Signs
 - 3. Amusements, Commercial outdoor
 - 4. Campground, Travel Trailer park
 - 5. Drive-in Theater
 - 6. Garage, Commercial
 - 7. Tavern, cocktail lounge, nightclub
 - 8. Brewery
 - 9. Bus terminal or Service Facility
 - 10. Taxicab Dispatch Station
 - 11. Garage or Refuse Collection Service
 - 12. Used Goods, Secondhand Sales
 - 13. Chemical Manufacturing
 - 14. Slaughtering Business
 - 15. Beverage Recycling Center
 - 16. **Tractor-Trailer or Container storage, drop lot**
- II. BULK REGULATIONS:
 - A. The minimum front yard setback shall be 50 feet.
 - B. The minimum side yard setbacks shall be 10 feet.
 - C. The maximum height of any outdoor storage shall be 15 feet.
- III. ACCESS, PARKING AND CIRCULATION:
 - A. Two curb cuts are permitted onto Shelby Drive.
 - B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
 - C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
 - D. The parking requirements of the EMP District shall apply.
 - E. All parking areas and driving aisles to be paved with asphalt or concrete.
 - F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
 - G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- A. **Any additional signs shall be in accordance with the CMU-2 District.**
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive **shall be** as shown on the proposed site plan, **shall be installed along the entire frontage** and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. **The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.**

VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

VII. SITE PLAN REVIEW:

- E. A site plan shall be submitted for the review, comment and recommendation of the **Division Office** of Planning and Development and appropriate City and County agencies. ~~for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.~~

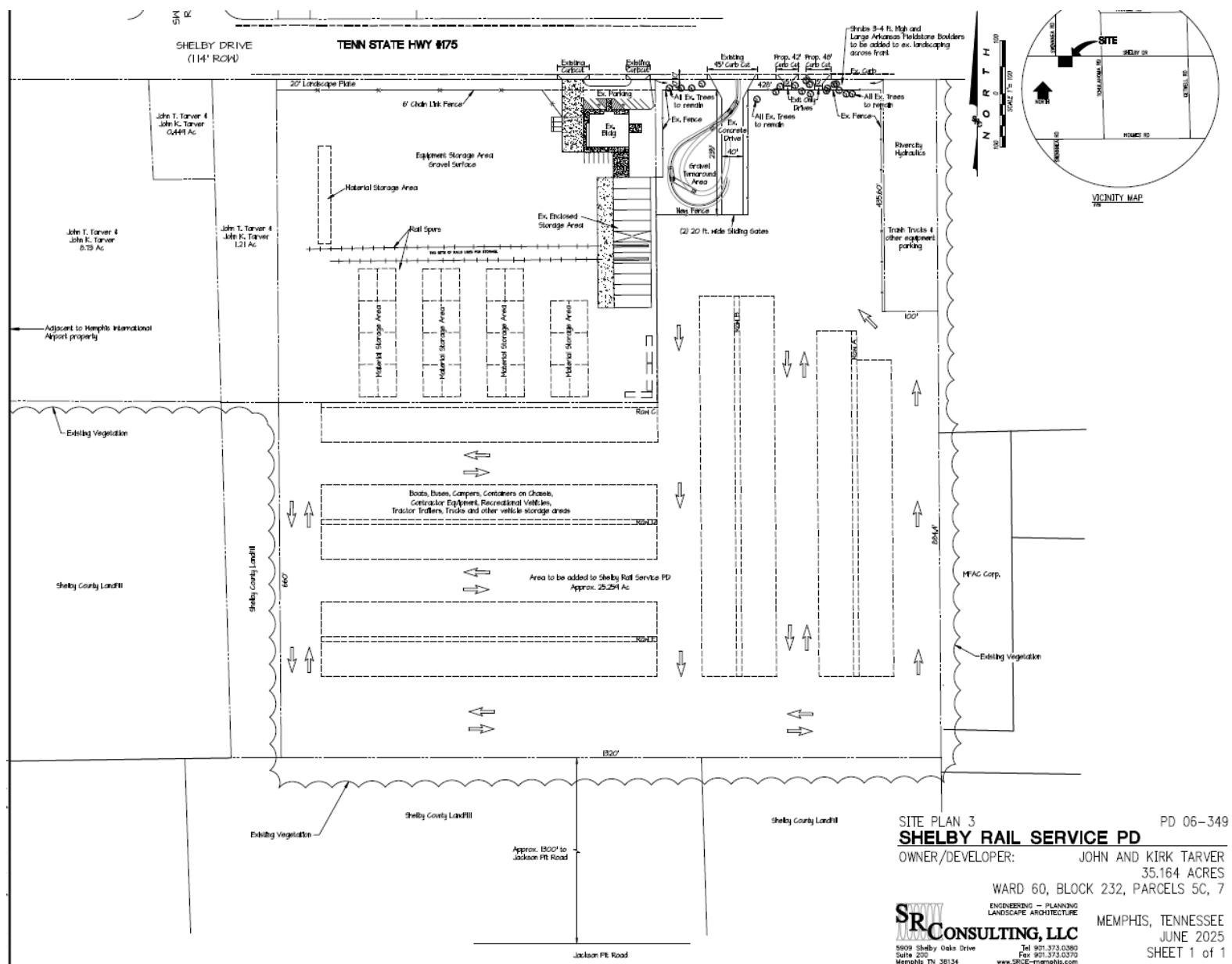
VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
 1. The outline plan conditions,
 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 3. The location and ownership, whether public or private, of any easement, and
 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required

landscaping and screening areas;

5. The content of all landscaping and screening is to be provided,
6. ~~If applicable, a statement conveying facilities and areas to a property owners' association or other entity for ownership and maintenance purposes,~~
7. ~~The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; 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 3021 EAST SHELBY DRIVE, KNOWN AS CASE NUMBER PD 2025-002

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 Shelby Railroad Service, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow an amendment to PD 06-349 to add additional land for storage; 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 July 10, 2025, 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

Outline Plan Conditions

- I. USES PERMITTED:
 - A. Area A: Construction contractor with outdoor storage facility.
 - B. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.**
 - C. Area C: Uses permitted by right in the CMU-2 District
 - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
 - 1. Adult entertainment (excluded)
 - 2. Off-Premise Advertising Signs
 - 3. Amusements, Commercial outdoor
 - 4. Campground, Travel Trailer park
 - 5. Drive-in Theater
 - 6. Garage, Commercial
 - 7. Tavern, cocktail lounge, nightclub
 - 8. Brewery
 - 9. Bus terminal or Service Facility
 - 10. Taxicab Dispatch Station
 - 11. Garage or Refuse Collection Service
 - 12. Used Goods, Secondhand Sales
 - 13. Chemical Manufacturing
 - 14. Slaughtering Business
 - 15. Beverage Recycling Center
 - 16. **Tractor-Trailer or Container storage, drop lot**
- II. BULK REGULATIONS:
 - A. The minimum front yard setback shall be 50 feet.
 - B. The minimum side yard setbacks shall be 10 feet.
 - C. The maximum height of any outdoor storage shall be 15 feet.
- III. ACCESS, PARKING AND CIRCULATION:
 - A. Two curb cuts are permitted onto Shelby Drive.
 - B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
 - C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
 - D. The parking requirements of the EMP District shall apply.
 - E. All parking areas and driving aisles to be paved with asphalt or concrete.
 - F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
 - G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- A. **Any additional signs shall be in accordance with the CMU-2 District.**
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive **shall be** as shown on the proposed site plan, **shall be installed along the entire frontage** and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. **The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.**

VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

VII. SITE PLAN REVIEW:

- E. A site plan shall be submitted for the review, comment and recommendation of the **Division Office** of Planning and Development and appropriate City and County agencies. ~~for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.~~

VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
 1. The outline plan conditions,
 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 3. The location and ownership, whether public or private, of any easement, and
 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;
 5. The content of all landscaping and screening is to be provided,

6. ~~If applicable, a statement conveying facilities and areas to a property owners' association or other entity for ownership and maintenance purposes,~~
7. ~~The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.~~

ATTEST:

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

AGENDA ITEM: 1 **L.U.C.B. MEETING:** July 10, 2025
CASE NUMBER: PD 2025-002
DEVELOPMENT: Shelby Rail Service Planned Development
LOCATION: 3021 East Shelby Drive
COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Shelby Railroad Service, Inc.
REPRESENTATIVE: Cindy Reaves, SR Consulting, LLC
REQUEST: Amendment to PD 06-349 to add additional land for storage
EXISTING ZONING: Residential Single Family – 8 (R-8)

CONCLUSIONS

1. The subject property is located +/-1,320 feet from the Jackson Pitt Dump.
2. The applicant is proposing to utilize the additional land for “construction contractor with outdoor storage facility”. There aren’t any proposed structures other storage containers that serve as stalls on the additional land to be added.
3. The proposed additional land has been excavated and replaced with gravel landscaping. See pages 9 – 12 for photos of the current conditions of the subject property.
4. The proposed uses permitted, as noted in the outline plan conditions, are that in which are permitted in the Employment (EMP) zoning district.
5. 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.

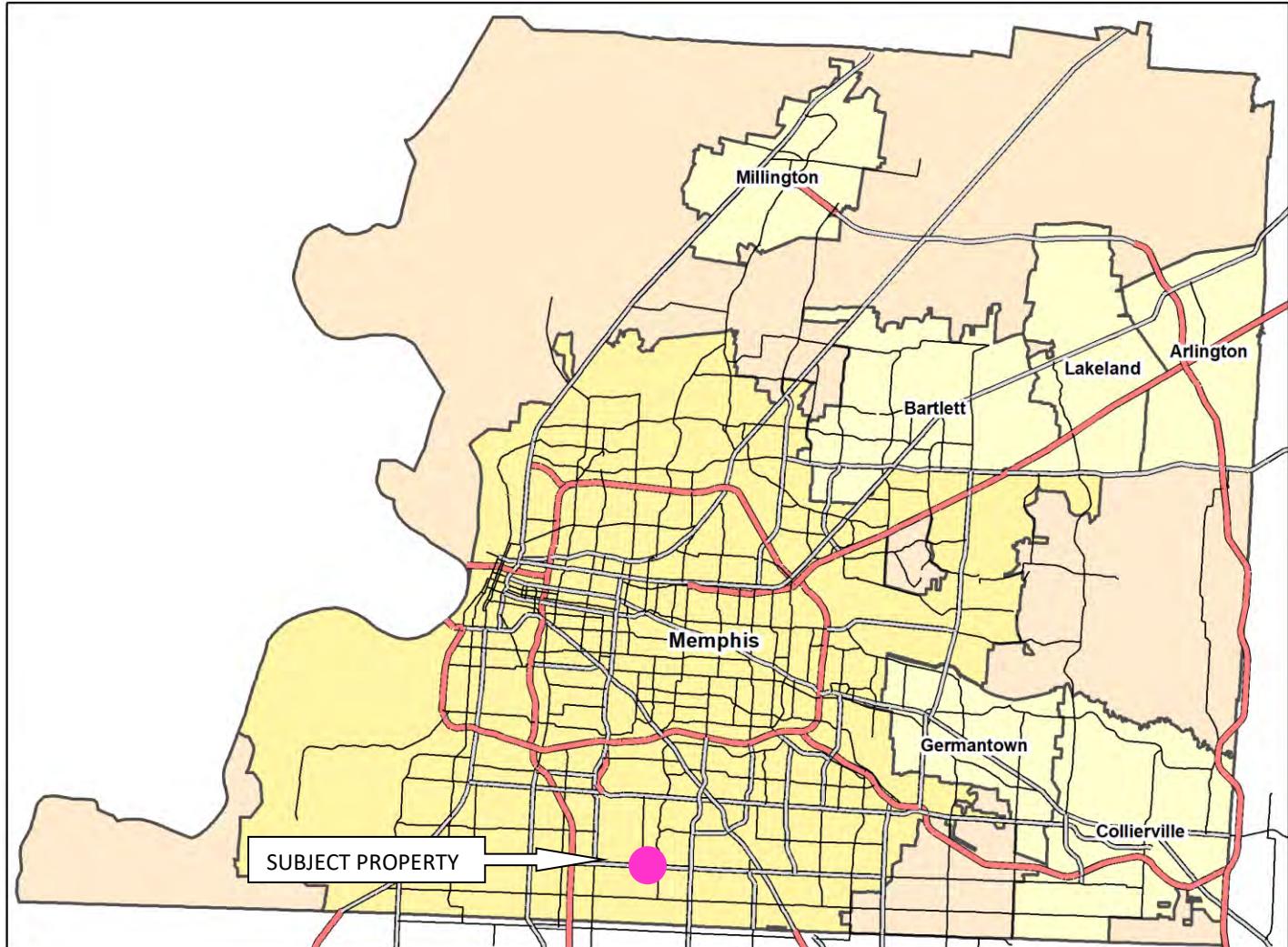
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 26 – 28 of this report.

RECOMMENDATION:

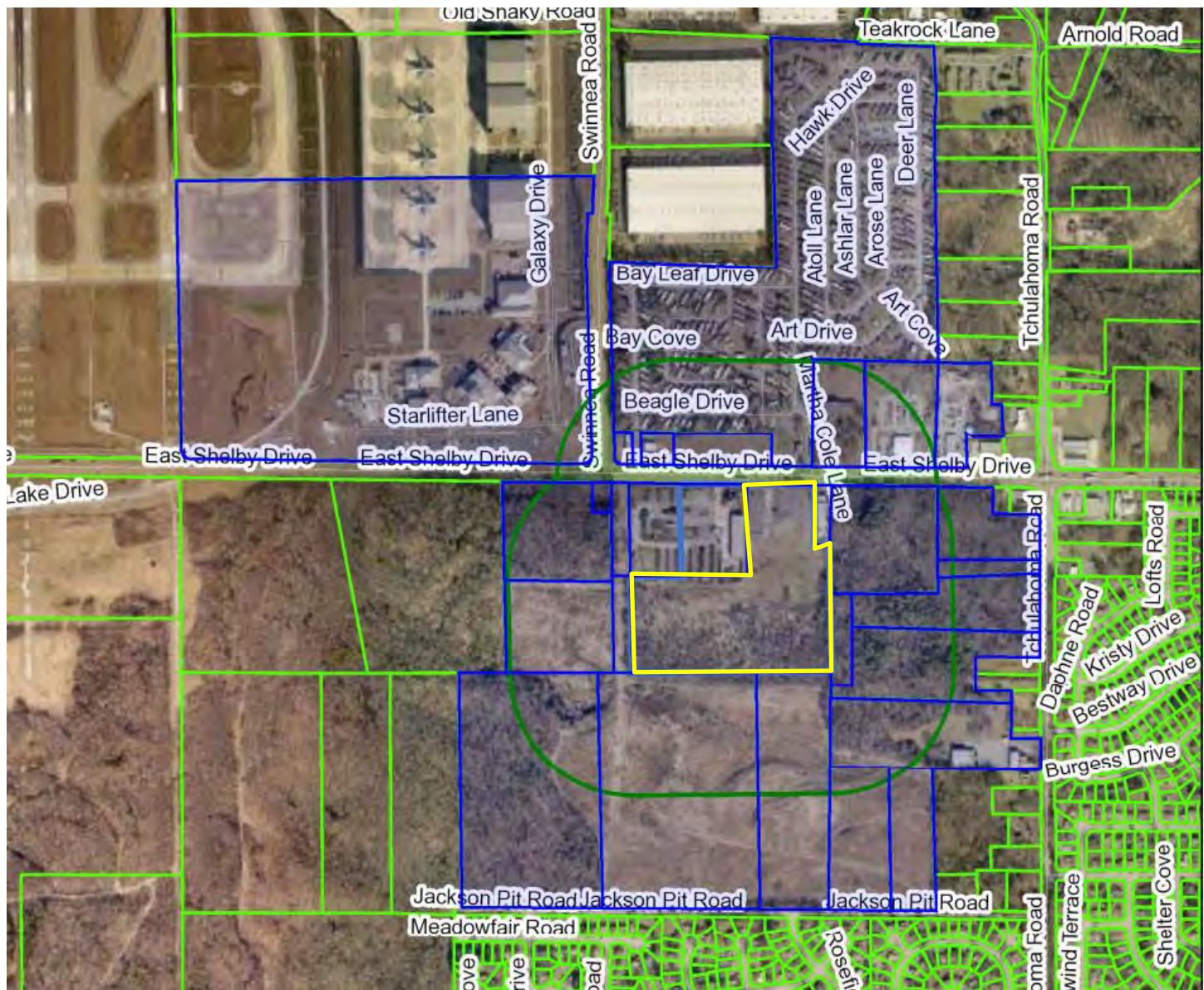
Rejection

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 22 notices were mailed on March 21, 2025, see page 28 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 29 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

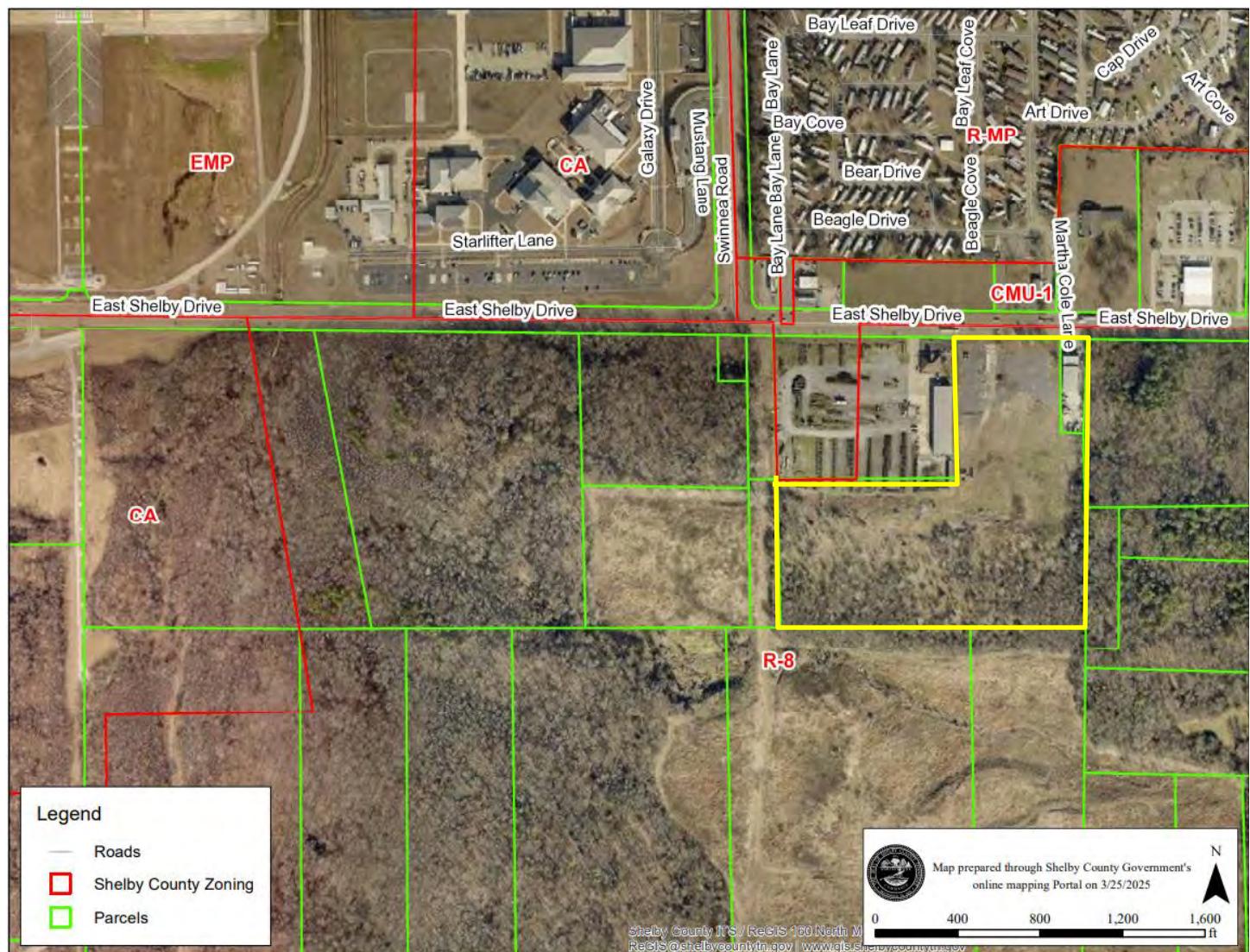
The meeting was held at 5:30 PM on Monday, March 31, 2025, at Shelby Railroad Services, 3021 East Shelby Drive.

AERIAL



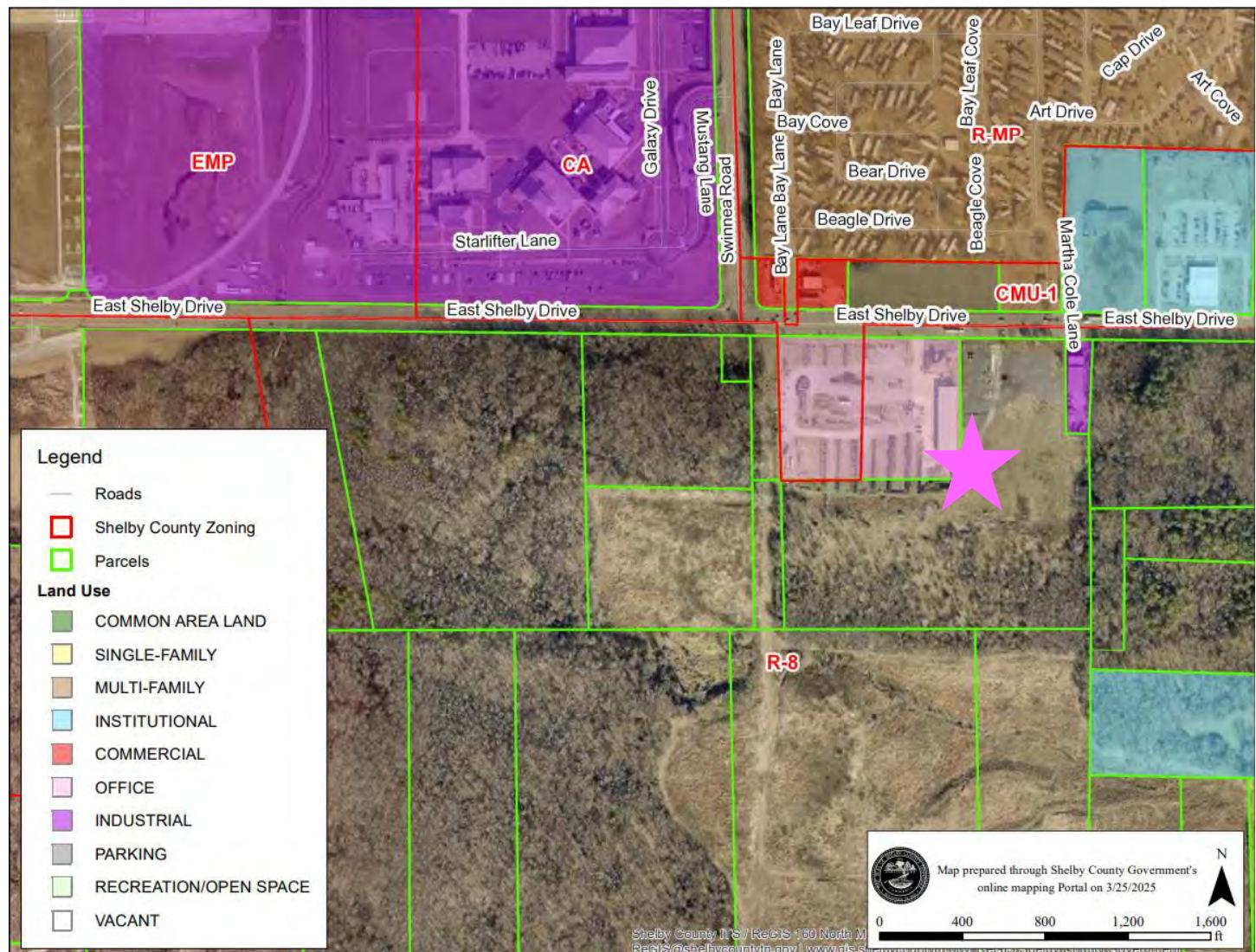
Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



SITE PHOTOS



View of subject property looking north.



View of subject property looking south.

CURRENT CONDITION OF SUBJECT PROPERTY

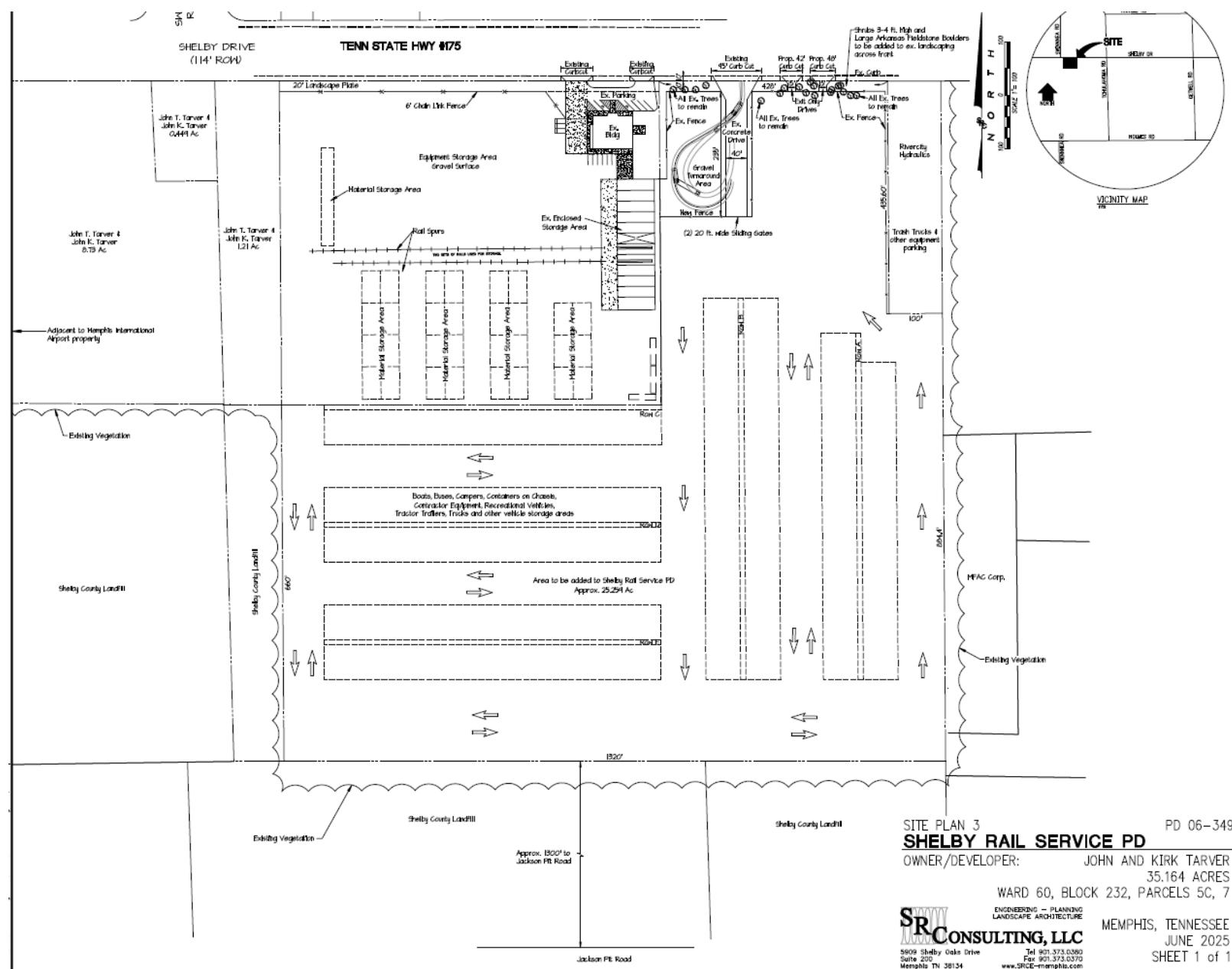




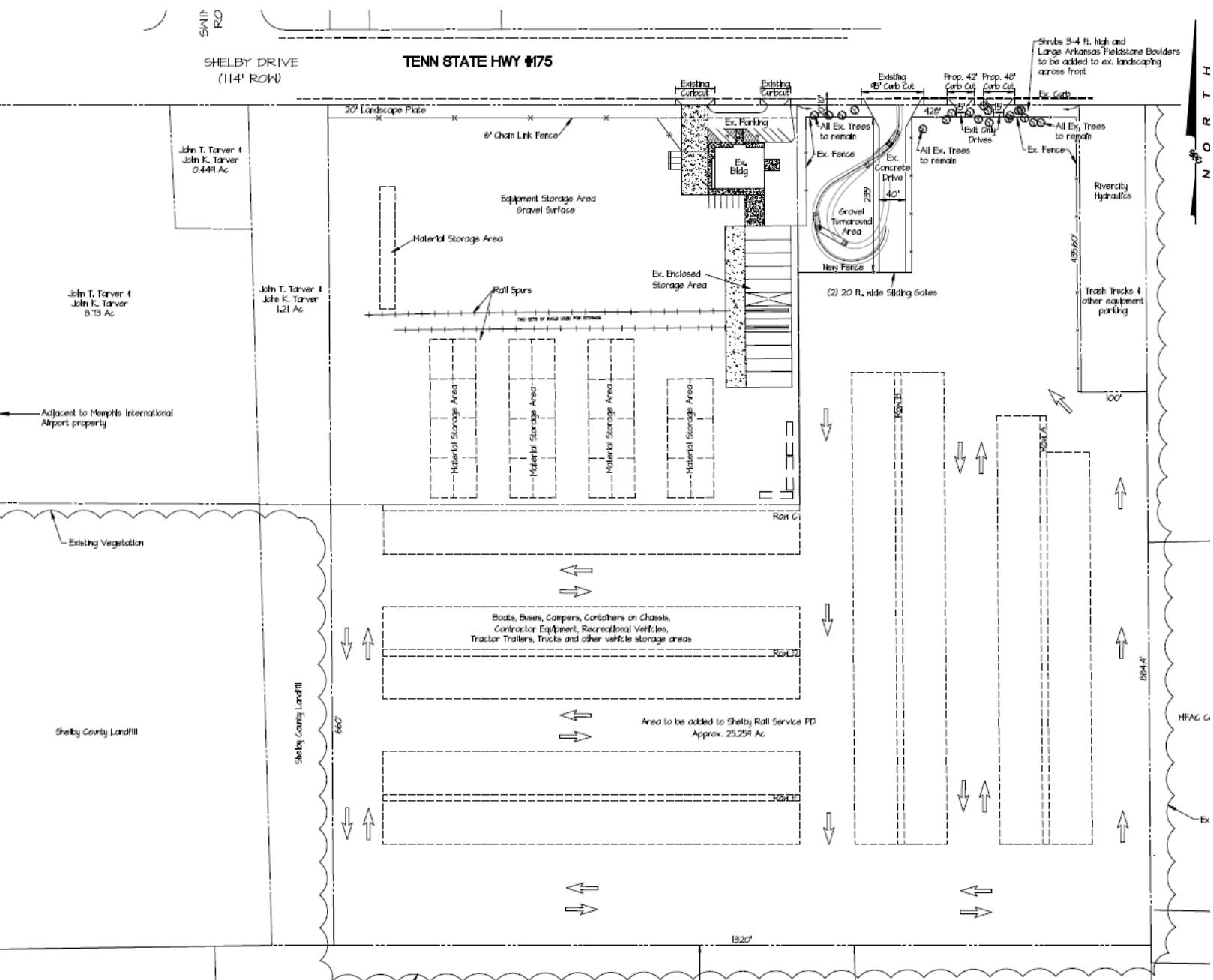




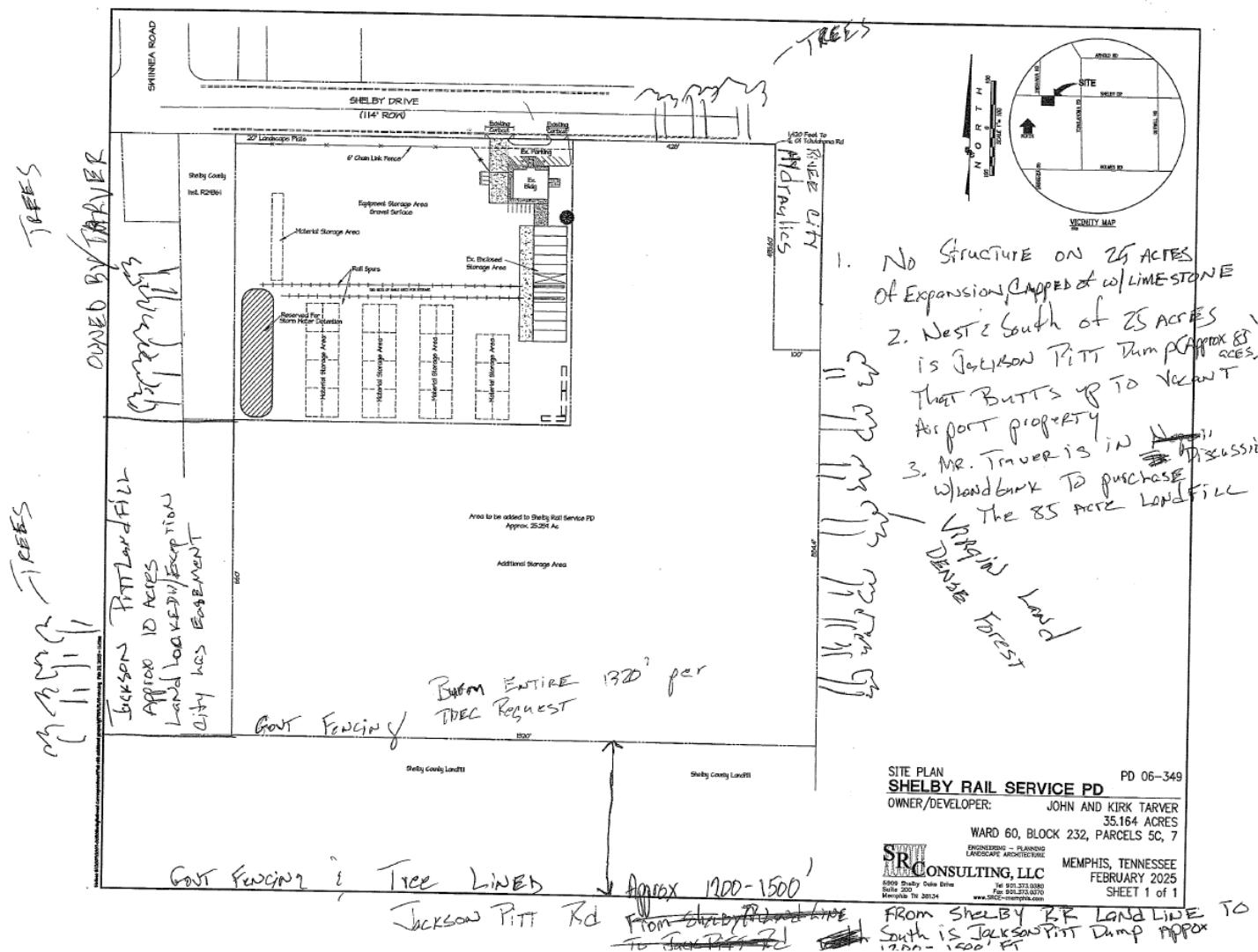
CONCEPT PLAN



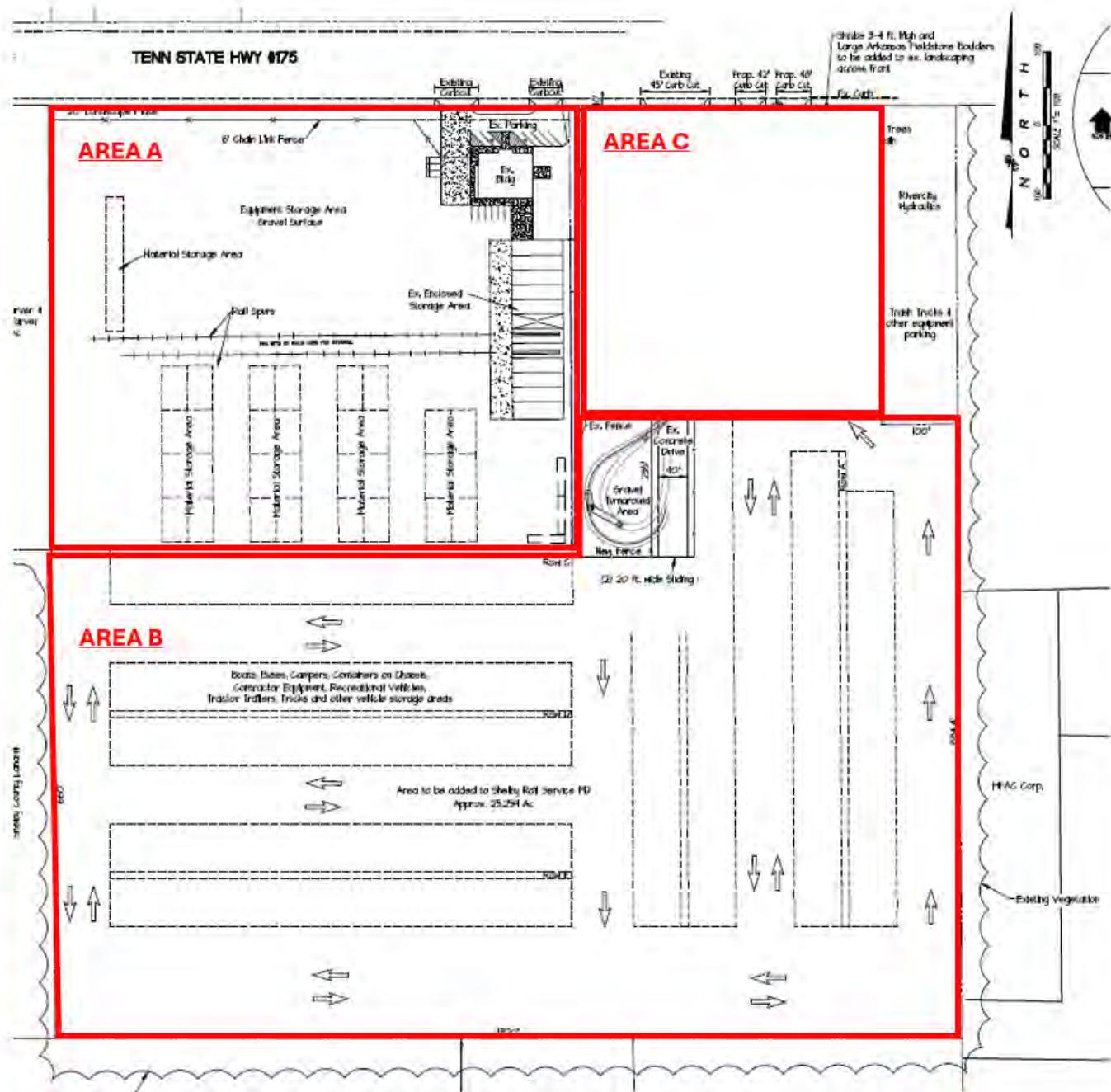
CONCEPT PLAN – MAGNIFIED



LANDSCAPE PLAN



CONCEPT PLAN – STAFF DESIGNED



CASE REVIEW

Request

The request is an amendment to PD 06-349 to add additional land for storage.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the*

current development policies and plans of the City and County.

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

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

Approval Criteria

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

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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:

3021 East Shelby Drive (Parcel ID: 060232 00005C), 0 East Shelby Drive (Parcel ID: 060232 00007)

Parcel ID:

060232 00005C, 060232 00007

Area:

+/-35.164 acres

Description:

The subject property, 3021 East Shelby Drive, is known as Parcel 5 and 6 of Shelby Rail Service Planned Development (PD 2006-349). Per the assessor's site, the subject property has an industrial classification. The subject property has an office land use classification. The subject property is currently operated by the Shelby Railroad Services, Inc. The proposed added land, 060232 00007, has a vacant land use classification and is landlocked between the Shelby Railroad Services, Inc. property and the Shelby County Landfill/Jackson Pit properties located south.

Site Zoning History

In May 1986, The Memphis City Council approved Ordinance No. 3553 for a zoning change from Residential Single Family – 8 (R-8) zoning to Commercial Mixed Use – 1 (CMU-1) formally known as Local Commercial (C-L) (Z 1986 – 100).

In May 1995, the Memphis and Shelby County Land Use Control Board approved the Cavalier Center Planned Development (PD 1995 – 315), a two-phase planned development that permitted commercial uses and a mini-warehouse.

In February 2006, the Memphis City Council approved the Shelby Rail Service, Inc. Planned Development (PD 2006-0349) to establish a planned development for construction contractor office with outdoor storage facility.

Concept Plan Review

- All existing facilities located at 3021 East Shelby Drive will remain.
 - o There are four (4) material storage areas designated along the south property line of 3021 East Shelby Drive.
 - o There is an existing enclosed storage area along the eastern property line.
- Approximately 25.25 acres being proposed to be added to the existing Shelby Railyard Planned Development.
- There is a total of three curb cuts serving the proposed vehicle self-storage area.
 - o One (1) existing 95-foot-wide curb cut with a 40-foot-wide drive
 - Entrance curb cut with a gravel turnaround area
 - o Two (2) proposed exit only curb cuts with a 15-foot-wide drive
 - One (1) 42-foot-wide curb cut
 - One (1) 48-foot-wide curb cut
- There are two (2) 20-foot-wide sliding gates
- A new fence is being proposed at the entrance of the vehicle self-storage area
- There is an existing fence along the east property line
- All existing landscaping along Shelby Drive will remain
- There are five (5) “rows” being proposed for vehicle self-storage with a total of nine (9) storage containers

Analysis

The applicant is proposing to amend the existing Shelby Rail Service Planned Development to add additional land for contractor storage of materials. The permitted uses in the area to be added will be governed by Employment zoning district regulations. The land to be added is currently landlocked between Shelby Railroad Service, Inc. (PD 06-349) located north, and the Shelby County Landfill/Jackson Pit Dump properties located south. The subject property is primarily surrounded by residential, institutional and multifamily land uses. There are a few properties with commercial land use designation at the intersection Tchulahoma Road and East Shelby Drive.

The applicant has already completed substantial work on the site, including a new curb cut on Shelby Drive and several feet of fill, without permits or approval.

Staff is not in support of the proposed use for this site given its proximity to the residential areas. There was recently a proposed Planned Development case (PD 2024-013) that was rejected at Memphis city council

approval to allow for a drop yard for the property located +/-499.6 feet east of 3021 East Shelby Drive. Aside from Comprehensive Planning finding this proposal incompatible with the land use and adjacent zoning. The proposal contradicts the Oakhaven neighborhood priority of preserving and protecting residential neighborhoods from industrial uses using natural buffers. The proposed project would aide in the expansion of commercial/industrial uses into the residential area nearby. Staff is proposing a revised concept plan, see page 16, that would alleviate the impact of expansion of commercial/industrial uses. Staff is proposing there be three (3) areas within the planned development; Area A, B, and C. The revised concept plan proposed by staff would relocate the entrance and turnaround area being proposed along Shelby Drive further into the site. This would prevent any heavy commercial/industrial operations operating along Shelby Drive.

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 conditions and outline plan conditions:

Conditions:

1. No additional permits shall be issued until the existing construction of the vehicle-storage facilities has been permitted, inspected, and approved.
2. No development activity may occur until the applicant obtains any permit, conducts any study, and allows any environmental review deemed necessary by City of Memphis Public Works or the Tennessee Department of Environment and Conservation Division of Remediation. Furthermore, the applicant must follow all practical and effective remedies to stabilize, remediate, contain, monitor, and maintain the site to minimize any threats to public health, safety, and the environment as deemed applicable and appropriate by said agencies—note that any development activity explicitly authorized by either agency related to the preceding remedies is permitted. The applicant must provide written confirmation from City of Memphis Public Works and the Tennessee Department of Environment and Conservation Division of Remediation verifying compliance with this condition after all practical and effective remedies, if deemed necessary, have been completed and provide it to the Division of Planning and Development. After the aforementioned written confirmation, the final plat may be recorded and then development activity may occur.

Outline Plan Conditions

- I. USES PERMITTED:
 - A. Area A: Construction contractor with outdoor storage facility.
 - B. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles , Trucks and other Vehicle Storage uses.**
 - C. Area C: Uses permitted by right in the CMU-2 District
 - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
 1. Adult entertainment (excluded)
 2. Off-Premise Advertising Signs
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 4. Campground, Travel Trailer park

5. Drive-in Theater
6. Garage, Commercial
7. Tavern, cocktail lounge, nightclub
8. Brewery
9. Bus terminal or Service Facility
10. Taxicab Dispatch Station
11. Garage or Refuse Collection Service
12. Used Goods, Secondhand Sales
13. Chemical Manufacturing
14. Slaughtering Business
15. Beverage Recycling Center
16. Trailer storage, drop off lot

II. BULK REGULATIONS:

- A. The minimum front yard setback shall be 50 feet.
- B. The minimum side yard setbacks shall be 10 feet.
- C. The maximum height of any outdoor storage shall be 15 feet.

III. ACCESS, PARKING AND CIRCULATION:

A. ~~Two curb cuts are permitted onto Shelby Drive.~~

- A. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- B. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- C. The parking requirements of the EMP District shall apply.
- D. All parking areas and driving aisles to be paved with asphalt or concrete.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- B. **Any additional signs shall be in accordance with the CMU-2 District.**
- C. No permanent off-premise advertising signs are permitted.
- D. No temporary or portable signs are permitted.
- E. All signs shall be set back a minimum of 10 feet from the right-of-way.

V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive shall be as shown on the proposed site plan and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.

- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.**

VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

VII. SITE PLAN REVIEW:

- ~~F. A site plan shall be submitted for the review, comment and recommendation of the Division Office of Planning and Development and appropriate City and County agencies for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.~~

VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
 1. The outline plan conditions,
 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 3. The location and ownership, whether public or private, of any easement, and
 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;
 5. The content of all landscaping and screening is to be provided,
 - ~~6. If applicable, a statement conveying facilities and areas to a property owners' association or other entity for ownership and maintenance purposes,~~
 - ~~7. The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; 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 Engineer:

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

Sewers:

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

Roads:

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

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

Traffic Control Provisions:

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

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

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

Curb Cuts/Access:

8. The City Engineer shall approve the design, number, and location of curb cuts.

9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Drainage:

10. 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.

11. 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.

12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

13. 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.

14. 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:

15. Development is greater than 1 acre and requires detention.

16. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

17. All connections to the sewer shall be at manholes only.

18. 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.

19. Required landscaping shall not be placed on sewer or drainage easements

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:	No comments received.
Office of Comprehensive Planning:	See pages 26 – 28.

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 2025-002: Oakhaven/Parkway Village

Site Address/Location: 3021 E Shelby

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

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

Street Type: N/A

The applicant is requesting a planned development to add additional land for storage.

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.

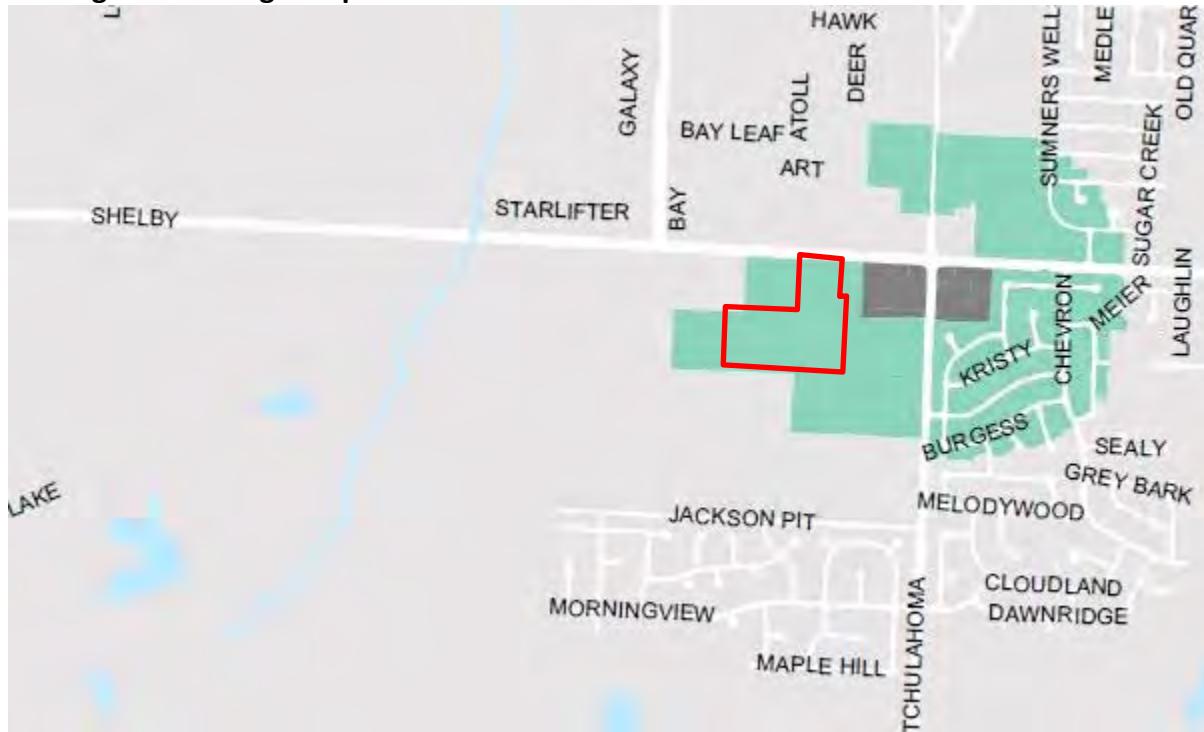
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; R-8

Adjacent Land Use and Zoning: Vacant, Industrial, Multi-Family, Commercial; CMU-1, R-8, CA, RMP

Overall Compatibility: *This request is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is for additional storage. Additionally, the proposed building conflicts with Oakhaven's priority of preserving and protecting residential neighborhoods from industrial uses using natural buffers.*

3. Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. 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.

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting a planned development to add additional land for storage.

This request is not compatible with the land use description/intent, form & location characteristics, zoning

notes, and existing, adjacent land use and zoning as the proposed building is for additional storage. Additionally, the proposed building conflicts with Oakhaven's priority of preserving and protecting residential neighborhoods from industrial uses using natural buffers.

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

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

Summary Compiled by: Negin Hamidi, 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, April 2, 2025 at 8 AM.**

CASE NUMBER: PD 2025-002
ADDRESS: 3021 East Shelby Drive
REQUEST: Planned Development: amendment to PD 06-349 to add additional land for storage
APPLICANT: Shelby Railroad Service, Inc.

Meeting Details

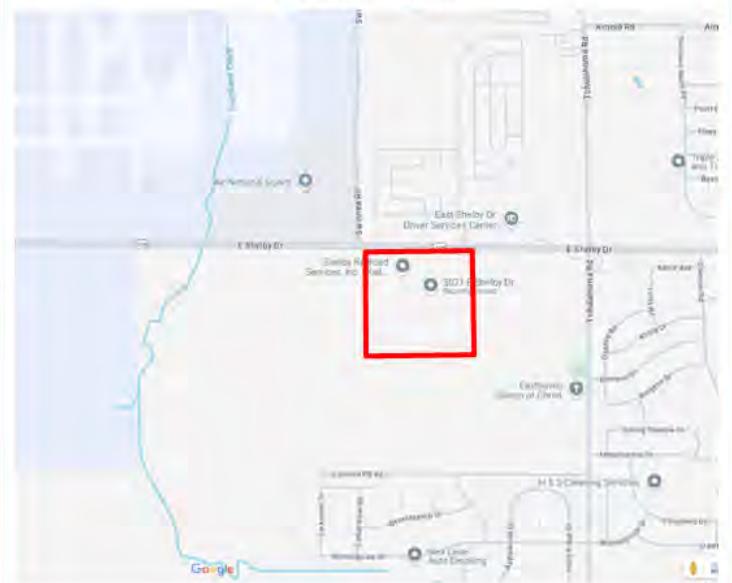
Location: Council Chambers
City Hall 1st Floor
125 N Main St. **Time:** 9:00 AM
Date: Thursday, April 10, 2025

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.



22 Notices Mailed 03/21/2025

SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Kristin Reaves, being duly sworn, depose and say that at 10:51am am/pm on the 28th day of March, 2025, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 2025-002 at 3021 E. Shelby Dr., 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.



Kristin Reaves
Owner, Applicant or Representative

3/31/25

Date

Subscribed and sworn to before me this 31 day of March, 2025.


Kristin Reaves
Notary Public

MY COMMISSION EXPIRES

My commission expires: 9/26/27

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: Pending

Opened Date: February 28, 2025

Record Number: PD 2025-002

Expiration Date:

Record Name: Shelby Rail Service PD

Description of Work: PD amendment to add adjacent property for additional storage.

Parent Record Number:

Address:

3021 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary Owner Name

Y TARVER JOHN T AND J KIRK TARVER (RS)

Owner Phone

Owner Address

2100 WOODCREEK DR, GERMANTOWN, TN 38138

Parcel Information

060232 00005C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL PROJECT INFORMATION

Planned Development Type

Amendment to Existing PD

Previous Docket / Case Number

PD 06-349

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

No

-

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

No affect to adjacent property.

UDC Sub-Section 9.6.9B

The development will be consistent with the existing PD property.

UDC Sub-Section 9.6.9C

If needed adequate facilities will be provided.

UDC Sub-Section 9.6.9D

No significant features on the site.

UDC Sub-Section 9.6.9E

The development will be consistent with the existing PD property.

UDC Sub-Section 9.6.9F

No affect to plans to be considered

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

No affect to surrounding property.

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

If needed adequate facilities will be provided.

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

The development will be consistent with the existing PD property.

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

The development will be consistent with the existing PD property.

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

The owner will maintain the property.

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

A Final Plat will be recorded.

GIS INFORMATION

Case Layer

-

Central Business Improvement District

No

Class

-

Downtown Fire District

No

GIS INFORMATION

Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name SHELBY RAILROAD SERVICE INC.	Contact Type APPLICANT
---	----------------------------------

Address

Phone

-

Name CINDY REAVES	Contact Type REPRESENTATIVE
-----------------------------	---------------------------------------

Address

Phone

(901)870-7003

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1628194	Planned Development - each additional or fractional acres above 5	21	2,100.00	INVOICED	0.00	03/03/2025
1628194	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	03/03/2025

Total Fee Invoiced: \$3,600.00

Total Balance: \$0.00

Payment Information

Payment Amount \$3,600.00	Method of Payment Check
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OWNER AFFIDAVIT

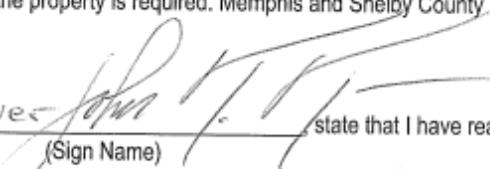
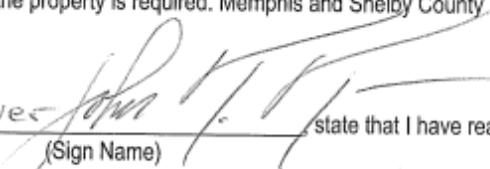


City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, John Taylor Farver 
(Print Name) 
(Sign Name) state that I have read the definition of

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

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

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

of the property located at 0, 3021 E Shelby Dr.

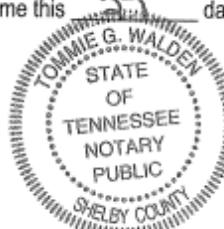
and further identified by Assessor's Parcel Number 060232 00005C, 7

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

Subscribed and sworn to (or affirmed) before me this 27 day of February in the year of 2025

Tommie G. Walden

Signature of Notary Public



8-21-2027

My Commission Expires

LETTER OF INTENT



Date: June 30, 2025

To: Division of Planning & Development
From: Cindy Reaves
Re: Shelby Rail Service PD

We have submitted a Planned Development Amendment application for Shelby Rail Service PD (PD 06-349), located at 3021 E. Shelby Drive. We are requesting the adjacent property be added to the Planned Development. The purpose for the boundary expansion of the approved Shelby Rail Services PD is the same use conditions permitted for the current EMP zoning district. The new area will be a dedicated vehicle self-storage facility use. The expanded property area is between existing Shelby Rail Services site and the Shelby County landfill/Jackson Pit property to the south.

TDEC has been working with the county to close the permit for the landfill which includes this property that is owned by my client. I have included a copy of the landfill areas they are working with. Since the property is not buildable due to the former landfill status, the highest and best use is surface storage, which will be a perfect fit for the site.

Although the Memphis 3.0 plan designates this land as residential, residential development is prohibited on a dormant landfill. The Memphis Aerotropolis Airport Area City Master Plan puts the subject site in the Shelby Drive intermodal transportation corridor to support logistic and distribution uses activity. The proposed vehicle storage facility use is consistent with the goals of the Airport City Plan.

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

LETTERS RECEIVED

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



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: Pending

Record Number: PD 2025-002

Expiration Date:

Record Name: Shelby Rail Service PD

Description of Work: PD amendment to add adjacent property for additional storage.

Parent Record Number:

Address:

3021 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary Owner Name

Y TARVER JOHN T AND J KIRK TARVER (RS)

Owner Address

2100 WOODCREEK DR, GERMANTOWN, TN 38138

Owner Phone

Parcel Information

060232 00005C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL PROJECT INFORMATION

Planned Development Type

Amendment to Existing PD

Previous Docket / Case Number

PD 06-349

Medical Overlay / Uptown

No

If this development is located in unincorporated

N/A

Shelby County, is the tract at least three acres?

(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

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

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

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

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

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

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

GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

No

-

No affect to adjacent property.

The development will be consistent with the existing PD property.

If needed adequate facilities will be provided.

No significant features on the site.

The development will be consistent with the existing PD property.

No affect to plans to be considered

No affect to surrounding property.

If needed adequate facilities will be provided.

The development will be consistent with the existing PD property.

The development will be consistent with the existing PD property.

The owner will maintain the property.

A Final Plat will be recorded.

-

No

-

No

GIS INFORMATION

Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
SHELBY RAILROAD SERVICE INC.

Contact Type
APPLICANT

Address**Phone**

-

Name
CINDY REAVES

Contact Type
REPRESENTATIVE

Address

Phone
(901)870-7003

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$3,600.00	Check

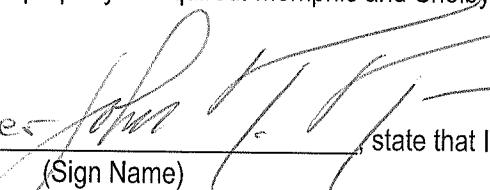
**MEMPHIS AND
SHELBY COUNTY** DIVISION OF PLANNING
AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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I, John Taylor Farver , 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, 3021 E Shelby Dr.

and further identified by Assessor's Parcel Number 060232 00005C, 7,

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

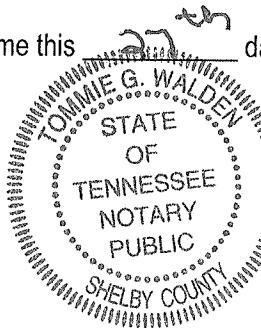
Subscribed and sworn to (or affirmed) before me this

27th

day of February in the year of 2025

Tommie G. Walden

Signature of Notary Public



8-21-2027

My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: February 27, 2025

To: Division of Planning & Development
From: Cindy Reaves
Re: Shelby Rail Service PD

LETTER OF INTENT

We are submitting a Planned Development Amendment application for Shelby Rail Service PD (PD 06-349), located at 3021 E. Shelby Drive. We are requesting to add the adjacent landlocked property to the Planned Development to be used for an expansion of the Shelby Rail property. The property is in between Shelby Rail Services and the Shelby County landfill/Jackson Pit property.

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

CONDITIONS:

I. USES PERMITTED:

- A. Construction contractor with outdoor storage facility.
- B. Uses permitted by right in the EMP district, except that the following uses shall be prohibited:
 - 1. Adult entertainment (excluded)
 - 2. Off-Premise Advertising Signs
 - 3. Amusements, Commercial outdoor
 - 4. Campground, Travel Trailer park
 - 5. Drive-in Theater
 - 6. Garage, Commercial
 - 7. Tavern, cocktail lounge, night Club
 - 8. Brewery
 - 9. Bus terminal or Service Facility
 - 10. Taxi Cab Dispatch Station
 - 11. Garage or Refuse Collection Service
 - 12. Used Goods, Second hand Sales
 - 13. Chemical Manufacturing
 - 14. Slaughtering Business
 - 15. Beverage Recycling Center

II. BULK REGULATIONS:

- A. The minimum front yard setback shall be 50 feet.
- B. The minimum side yard setbacks shall be 10 feet.
- C. The maximum height of any outdoor storage shall be 15 feet.

III. ACCESS, PARKING AND CIRCULATION:

- A. Two curb cuts are permitted onto Shelby Drive.
- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- D. The parking requirements of the EMP District shall apply.
- E. All parking areas and driving aisles to be paved with asphalt or concrete.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive shall be as shown on the proposed site plan and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- D. Outdoor lighting should be directed so that it does not glare onto nearby properties.

VI. DRAINAGE:

A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

VII. SITE PLAN REVIEW:

A. A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development and appropriate City and County agencies for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.

VIII. FINAL PLAN:

A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.

B. Any final plan shall include the following:

1. The outline plan conditions,

2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

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

4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;

5. The content of all landscaping and screening is to be provided,
6. If applicable, a statement conveying facilities and areas to a property owners' association or other entity for ownership and maintenance purposes,
7. The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.



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.



21089771

07/21/2021 - 10:22:06 AM

3 PGS

CHRISTINAM 2267248 - 21089771

VALUE	350000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1295.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	1313.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by: Austin Law Firm, P.A. 6928 Cobblestone Drive Suite 100 Southaven, MS 38672 662-890-7575 MS Bar #3412 File No:06-21-6648	Grantors Address: 1135 Smart Rd Holly Springs, MS 38635 Home: N/A Work: (662) 544-2750	Grantees Address: J. Tarver 3021 Shelby Drive Memphis, TN 38118 Home: N/A Work: (901) 365-1068
---	---	---

RETURN TO: Smith and Smith Law Firm, 4917 William Arnold Road, Memphis, TN 38117, (901) 683-0223

INDEXING INSTRUCTIONS: North Half (N 1/2) of the North Half (N 1/2) of Section Eight (8), Township One (1), Range Seven (7) West in Shelby County, Tennessee.

WARRANTY DEED

RAYMOND W. SMITH AND DOROTHY SMITH
GRANTORS

TO

J. TARVER,
GRANTEE

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, Raymond W. Smith and Dorothy Smith, do hereby sell, convey, and warrant unto J. Tarver, the land lying and being situated in Shelby County, Mississippi, described as follows, to-wit:

Parcel 1: A tract of land containing 20 acres, being a part of a 100 acre tract in the North Half (N 1/2) of the North Half (N 1/2) of Section Eight (8), Township One (1), Range Seven (7) West in Shelby County, Tennessee, and more particularly described as follows: BEGINNING at a point in the center line of the Whitehaven-Capleville road 1320 feet West of the center line of Tchulahoma Road; running thence South parallel with the center line of Tchulahoma Road 660 feet for a point of beginning; running thence West parallel with the center line of the Whitehaven-Capleville Road 1320 feet to a stake; thence South parallel with the center line of Tchulahoma Road 660 feet to the North line of a 159 acre tract of the Jackson Estate lands; thence East along said North Line and parallel to the Whitehaven-Capleville road 1320 feet to a stake; which point is 1320 feet West of the center line of the Tchulahoma Road; thence north parallel with the centerline of Tchulahoma

Road 660 feet to the point of beginning. Being the same property conveyed to Harrison Jackson by Deed recorded in Book 5959, Page 10, in the Register's Office of Shelby county, TN.

Parcel 2: Situated and being in Section 8, Township 1, Range 7 West, in Shelby County, Tennessee, and more particularly described as follows: A Certain tract of land containing 7 acres, more or less, more particularly described as follows: Commencing at a point in the center line of the Whitehaven-Capleville Road, 1420 feet West of the center line of the Tchulahoma Road; thence West with the center line of Whitehaven-Capleville Road 428 feet to a point; thence South parallel to Tchulahoma Road 660 feet to a point; thence East parallel to Whitehaven-Capleville road 528 feet to a point; thence North parallel to Tchulahoma Road 224.4 feet to a stake; thence West 100 feet to a stake; thence North parallel to Tchulahoma Road 435.60 feet to the point of beginning, and being the same property as conveyed to Harrison Jackson by Deed recorded in Book 5957, Page 316, in the Register's Office of Shelby County, Tennessee, LESS AND EXCEPT that property conveyed to the City of Memphis by Warranty Deed recorded as Instrument No. U5-8766 in said Register's Office.

Being the same property conveyed to the Grantor's herein by virtue of a Substitution of Trustee Deed, filed for record August 5, 2002 and recorded in Instrument No. 02128571

The warranty in this deed is subject to rights of ways and easements for public roads and public utilities, to building, zoning, subdivision and health department regulations in effect in Shelby County, Mississippi.

Taxes for 2021 have been prorated, and possession is given with this deed.

WITNESS our signature(s), this the 19th day of July, 2021.

Raymond W. Smith
Raymond W. Smith

Dorothy Smith
Dorothy Smith

STATE OF MISSISSIPPI:
COUNTY OF SHELBY:

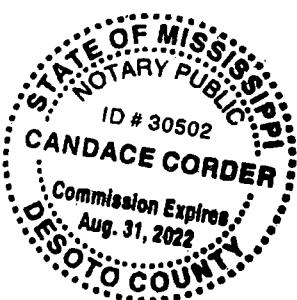
PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named RAYMOND W. SMITH AND DOROTHY SMITH, who acknowledged that they signed and delivered the above and foregoing Deed on the day and year therein mentioned, as their free act and deed, and for the purposed therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of July, 2021.

Call

Notary Public

My commission expires:



(FOR RECORDING DATA ONLY)

Property Address:
3090 East Shelby Drive
Memphis, TN 38118

Property Owner:
J. Tarver
3021 Shelby Drive
Memphis, TN 38118

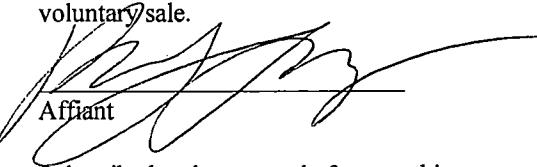
Ward, Block or Tax Parcel Number:
06023200007

Mail tax bills to:
J. Tarver
3021 Shelby Drive
Memphis, TN 38118

This instrument return to:
Smith and Smith Law Firm
4917 William Arnold Road
Memphis, TN 38117

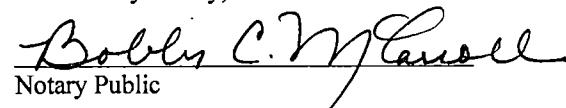
Smith and Smith Law Firm#: 210097

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 \$350,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



Affiant

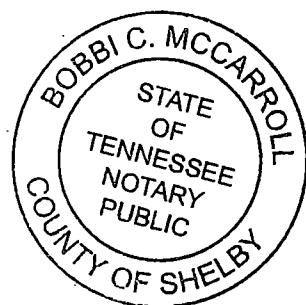
Subscribed and sworn to before me this
the 19th day of July, 2021.



Bobbi C. Carroll

Notary Public

My Commission Expires: **OCT 16 2021**





MEMPHIS AND SHELBY COUNTY

DIVISION OF PLANNING AND DEVELOPMENT

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

July 11, 2025

Sent via electronic mail to:

Shelby Rail Services Planned Development
Case Number: PD 2025-002
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, July 10, 2025, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your planned development amendment application for the Shelby Rail Services Planned Development, subject to the attached conditions.

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

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

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

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

Respectfully,

Alexis Longstreet

Alexis Longstreet
Planner
Land Use and Development Services
Division of Planning and Development

Cc:

File

Letter to Applicant

PD 2025-002

Outline Plan Conditions – Revisions

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

I. USES PERMITTED:

- A. Area A: Construction contractor with outdoor storage facility.
- B. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.**
- C. Area C: Uses permitted by right in the CMU-2 District
- D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
 - 1. Adult entertainment (excluded)
 - 2. Off-Premise Advertising Signs
 - 3. Amusements, Commercial outdoor
 - 4. Campground, Travel Trailer park
 - 5. Drive-in Theater
 - 6. Garage, Commercial
 - 7. Tavern, cocktail lounge, nightclub
 - 8. Brewery
 - 9. Bus terminal or Service Facility
 - 10. Taxicab Dispatch Station
 - 11. Garage or Refuse Collection Service
 - 12. Used Goods, Secondhand Sales
 - 13. Chemical Manufacturing
 - 14. Slaughtering Business
 - 15. Beverage Recycling Center
 - 16. **Tractor-Trailer or Container storage, drop lot**

II. BULK REGULATIONS:

- A. The minimum front yard setback shall be 50 feet.
- B. The minimum side yard setbacks shall be 10 feet.
- C. The maximum height of any outdoor storage shall be 15 feet.

III. ACCESS, PARKING AND CIRCULATION:

- A. Two curb cuts are permitted onto Shelby Drive.
- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- D. The parking requirements of the EMP District shall apply.
- E. All parking areas and driving aisles to be paved with asphalt or concrete.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

Letter to Applicant

PD 2025-002

IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- A. **Any additional signs shall be in accordance with the CMU-2 District.**
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive **shall be** as shown on the proposed site plan, **shall be installed along the entire frontage** and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. **The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.**

VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

VII. SITE PLAN REVIEW:

- E. A site plan shall be submitted for the review, comment and recommendation of the **Division Office** of Planning and Development and appropriate City and County agencies. ~~for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.~~

VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
 1. The outline plan conditions,
 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 3. The location and ownership, whether public or private, of any easement, and
 4. The exact locations and dimensions including height of buildings, parking

Letter to Applicant

PD 2025-002

areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;

5. The content of all landscaping and screening is to be provided,
6. ~~If applicable, a statement conveying facilities and areas to a property owners' association or other entity for ownership and maintenance purposes,~~
7. ~~The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.~~

RESOLUTION SUMMARY

- 1. Short Title Description - Approval of matching TVA Community Care funds for customer utility assistance.**
- 2. Requested Funding - \$227,000.00**
- 3. Award Duration - 1 year**
- 4. Type of Bid - N/A**
- 5. Awarded To - Neighborhood Christian Centers**
- 6. Plain Language Description - MLGW to match TVA Community Care funds awarded to Neighborhood Christian Centers for customer utility assistance.**
- 7. Impact - To assist MLGW customers in need of utility assistance.**

RESOLUTION

WHEREAS, the Board of Memphis Light, Gas and Water Commission in their January 21, 2026 Meeting, approved payment in the amount of \$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 Memphis Light, Gas and Water is now recommending to the Council of the City of Memphis that it approves the contribution/payment of \$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.

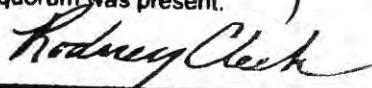
It is anticipated that TVA would make a matching contribution to the said organization listed above by doubling the actual payment/contribution to said organization.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 21, 2026

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 \$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. The President and CEO recommended that the Board authorize payment of \$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 21st day of January, 2021, at which a quorum was present.



VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12606 – Data Historian Replacement**
- 2. Requested Funding – \$710,857.00**
- 3. Award Duration – Five (5) years from the date of the Notice to Proceed with an option for annual maintenance and support.**
- 4. Type of Bid – RFP**
- 5. Awarded To – Open Systems International, Inc.**
- 6. Plain Language Description – This contract is to implement OSI's (Open System International) Chronos Data Historian. SCADA (Supervisory Control and Data Acquisition) utilizes a data historian to store electric, gas, and water data.**
- 1. Impact – MLGW's current data historian is end of life in 2026. This replacement is required to continue storing SCADA (Supervisory Control and Data Acquisition) data for the electric, gas, and water system.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 21, 2026 awarded Contract No. 12606, Data Historian Replacement to Open Systems International, Inc. in the funded amount of \$710,857.00, 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 replace MLGW's existing eDNA Data Historian System with a modern data historian solution to meet the evolving data management and analysis needs of MLGW; and

WHEREAS, The Request for Proposal was advertised using MLGW's Online Bid Notification System on August 22, 2025. MLGW solicited four (4) firms and two (2) proposals were received on October 6, 2025. The most responsive proposal received was from Open Systems International, Inc. which was evaluated based on the following criteria: 1) Vendor's Technical Qualifications; 2) Vendor's Experience and Project Team; 3) Quality of the Proposed Project Plan; 4) Vendor References for Similar Projects; and 5) Life Cycle Cost. The total amount for this award is \$710,857.00. The term of this contract is five (5) years from the date of the Notice to Proceed with an option for annual maintenance and support. 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. 12606, Data Historian Replacement to Open Systems International, Inc. in the funded amount of \$710,857.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 21, 2026

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12606, Data Historian Replacement to Open Systems International, Inc. in the funded amount of \$710,857.00.

The project scope is to replace MLGW's existing eDNA Data Historian System with a modern data historian solution to meet the evolving data management and analysis needs of MLGW.

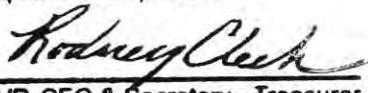
The Request for Proposal was advertised using MLGW's Online Bid Notification System on August 22, 2025. MLGW solicited four (4) firms and two (2) proposals were received on October 6, 2025. The most responsive proposal received was from Open Systems International, Inc. which was evaluated based on the following criteria: 1) Vendor's Technical Qualifications; 2) Vendor's Experience and Project Team; 3) Quality of the Proposed Project Plan; 4) Vendor References for Similar Projects; and 5) Life Cycle Cost. The total amount for this award is \$710,857.00. The term of this contract is five (5) years from the date of the Notice to Proceed with an option for annual maintenance and support. 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. 12606, Data Historian Replacement to Open Systems International, Inc. in the funded amount of \$710,857.00, as outlined in the above preamble, is approved and further,

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

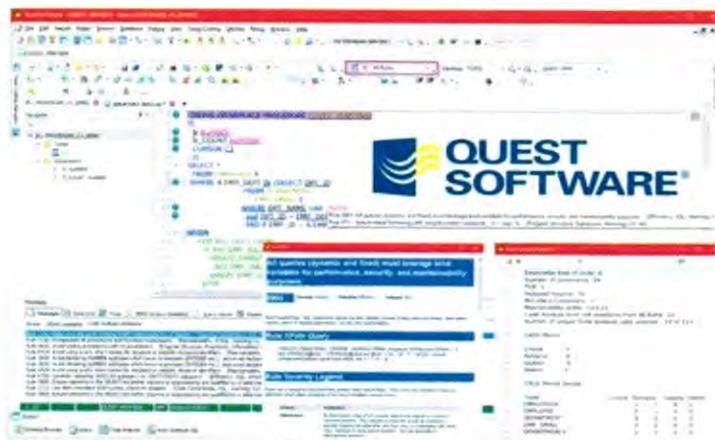
I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 21st day of Jan. 2026, at which a quorum was present.



VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description** – Quest Toad Software Licenses
- 2. Requested Funding** – \$461,065.29
- 3. Award Duration** – One-Time Purchase
- 4. Type of Bid** – Sealed Bid
- 5. Awarded To** – TechnoLogyx, Inc.
- 6. Plain Language Description** – Information Services application developers use the Tool for Oracle Application Developers (TOAD) to build and manage Oracle applications and simplify the work with the Oracle databases. This tool aids with code development and data extraction. The tool also aids in automating jobs versus manual submissions and checks the code to make sure it runs quickly and securely.
- 7. Impact** – Using Toad for Oracle Application Developers will continue to increase productivity, reduce errors, and optimize database performance, resulting in lower operational costs and with improved accessibility and reliability for our Oracle environment.



RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 21, 2026 approved the purchase of Quest Toad software licenses and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, Quest Tool for Oracle Application Developers (TOAD) is used to build and manage Oracle applications and simplify the work with the Oracle databases. This tool aids with code development and data extraction. The tool also aids in automating jobs versus manual submissions and checks the code to make sure it runs quickly and securely; and

WHEREAS, bids were opened on December 17, 2025. Notice to Bidders was advertised. Nine bids were solicited, and three bids were received with the lowest and best complying bidder being the firm of TechnoLogyx, Inc. The total includes a 10% contingency to account for unforeseen technical issues, including installation, setup challenges, or configuration changes. 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 Quest Toad software licenses from TechnoLogyx, Inc. in the amount of \$461,065.29 chargeable to the MLGW 2026 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 21, 2026

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order for Quest Toad software licenses to TechnoLogyx, Inc. in the amount of \$461,065.29.

Quest Tool for Oracle Application Developers (TOAD) is used to build and manage Oracle applications and simplify the work with the Oracle databases. This tool aids with code development and data extraction. The tool also aids in automating jobs versus manual submissions and checks the code to make sure it runs quickly and securely.

Bids were opened on December 17, 2025. Notice to Bidders was advertised. Nine bids were solicited, and three bids were received with the lowest and best complying bidder being the firm of TechnoLogyx, Inc. The total includes a 10% contingency to account for unforeseen technical issues, including installation, setup challenges, or configuration changes. This award complies with all applicable laws and policies.

The 2026 budgeted amount for Enterprise Infrastructure Services is \$696,938.00; of which \$461,065.29 will be spent on this purchase in 2026; leaving a balance available of \$235,872.71; and

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

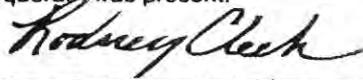
THAT, subject to the consent and approval of the Council of the City of Memphis, awards a purchase order to TechnoLogyx, Inc. is approved for furnishing:

1 – Quest Toad for Oracle software license renewal Xpert Edition Enterprise term license;

1 – Toad for DBA Edition Enterprise term license;

Totaling \$461,065.29; f.o.b. Memphis, Tennessee, our dock; transportation prepaid; said prices being firm; the quantities are for estimation purposes only and do not create a commitment for MLGW to purchase any specific minimum or maximum quantity, with actual purchases to be made according to operational needs, not to exceed the approved total expenditure; 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 21st day of Jan. 2026, at which a quorum was present.



VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – 12298 - Janitorial Services**
- 2. Requested Funding – \$360,484.38**
- 3. Award Duration – Fourth and the final Renewal (March 2, 2026 through March 1, 2027)**
- 4. Type of Bid – Sealed Bid**
- 5. Awarded To – Mason's Professional Cleaning Services, LLC**
- 6. Plain Language Description – This contract is for janitorial services for various MLGW facilities providing supplemental day workers.**
- 7. Impact – This contract is to assist with the cleanliness and sanitation of various MLGW facilities.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 21, 2026 approved the Renewal (*Change No. 4*) to Contract No. 12298, Janitorial Services to Mason's Professional Cleaning Services, LLC to renew the current contract in the funded amount of \$360,484.38, 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 furnish all material, labor, transportation, equipment, and supervision to provide janitorial services for the following MLGW facilities: Hickory Hill Service Center, 6012 Winchester Road; South Service Center, 3020 Gill Road; LNG Plant Capleville, 5101 Holmes Road East; Brunswick Service Center, 3773 Brunswick Road; and the Millington Community Office, 5131 Navy Road. The contract award was selected based on the lowest and best bid received using the Sealed Bid process; and

WHEREAS, this change is to renew the current contract for the fourth and final annual renewal term for the period covering March 2, 2026 through March 1, 2027 in the funded amount of \$360,484.38 with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$1,561,457.26; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved the Renewal (*Change No. 4*) to Contract No. 12298, Janitorial Services to Mason's Professional Cleaning Services, LLC to renew the current contract in the funded amount of \$360,484.38 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 21, 2026

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of the Renewal (*Change No. 4*) to Contract No. 12298, Janitorial Services to Mason's Professional Cleaning Services, LLC to renew the current contract in the funded amount of \$360,484.38.

The project scope is to furnish all material, labor, transportation, equipment, and supervision to provide janitorial services for the following MLGW facilities: Hickory Hill Service Center, 6012 Winchester Road; South Service Center, 3020 Gill Road; LNG Plant Capleville, 5101 Holmes Road East; Brunswick Service Center, 3773 Brunswick Road; and the Millington Community Office, 5131 Navy Road. The contract award was selected based on the lowest and best bid received using the Sealed Bid process.

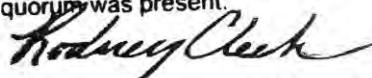
This change is to renew the current contract for the fourth and final annual renewal term for the period covering March 2, 2026 through March 1, 2027 in the funded amount of \$360,484.38 with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$1,561,457.26.

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 the Renewal (*Change No. 4*) to Contract No. 12298, Janitorial Services to Mason's Professional Cleaning Services, LLC to renew the current contract in the funded amount of \$360,484.38, 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 21st day of Jan.
2026, at which a quorum was present.



VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short title description – Contract No. 12253 – On-Call Consulting Services**
- 2. Requested Funding- \$500,000.00**
- 3. Award Duration – Third, fourth and the final renewal (March 15, 2026 through March 14, 2028)**
- 4. Type of Bid – RFQ**
- 5. Awarded to – Allen & Hoshall, Inc.**
- 6. Plain Language Description – This contract is for professional engineering services for various projects at MLGW on an as needed basis.**
- 7. Impact – This contract will provide engineering design consulting services for Facilities projects at MLGW. This will help ensure MLGW can carry on various construction projects in Facilities.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 21, 2026 approved the Renewal (*Change No. 3*) to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Inc. to renew the current contract in the funded amount of \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to renew the current contract for the third, fourth and final renewal terms covering the period of March 15, 2026 through March 14, 2028 in the amount of \$500,000.00 which reflects negotiated rate increases of 2.01% for year 2026 and 2.69% for year 2027 from the previous term. The rate increases account for the rise in labor costs and other business expenses such as rent, insurance and purchased items. This renewal complies with all applicable laws and policies. The new contract value is \$1,300,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved the Renewal (*Change No. 3*) to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Inc. to renew the current contract in the funded amount of \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 21, 2026

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the approval of the Renewal (*Change No. 3*) to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Inc. to renew the current contract in the funded amount of \$500,000.00.

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

This change is to renew the current contract for the third, fourth and final renewal terms covering the period of March 15, 2026 through March 14, 2028 in the amount of \$500,000.00 which reflects negotiated rate increases of 2.01% for year 2026 and 2.69% for year 2027 from the previous term. The rate increases account for the rise in labor costs and other business expenses such as rent, insurance and purchased items. This renewal complies with all applicable laws and policies. The new contract value is \$1,300,000.00.

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 the Renewal (*Change No. 3*) to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Inc. to renew the current contract in the funded amount of \$500,000.00, as outlined in the foregoing 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 21st day of JAN.
2026, at which a quorum was present.



VP, CFO & Secretary - Treasurer

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO SET LIMITS OF CONTRACTS AND SALARIES OR COMPENSATION FOR EMPLOYEES OR OTHERS REQUIRING CITY COUNCIL APPROVAL.

WHEREAS, Section 681 of the City's Charter, adopted by Private Act of the Tennessee Legislature in 1939 (the "Memphis City Charter"), reserved to the City Council authority to approve, in advance of execution, contracts entailing an obligation or expenditure in excess of Five Thousand Dollars (\$5,000.00) to be executed by the Board of Light, Gas & Water Commissioners of the City of Memphis ("MLGW Board"); and

WHEREAS, under the provisions of Ordinance No. 3054, dated September 2, 1980, to the City's Charter (the "Home Rule Amendment"), the City Council is authorized to increase by Ordinance the amount of contracts and salaries or compensation for employees or others requiring City Council approval; and

WHEREAS, Section 675 of the Memphis City Charter, as amended by Ordinance 3509, adopted on November 5, 1985, also reserved to the City Council authority to approve the setting of salaries or other compensation of any officers, executive management employees, or other employees for MLGW in excess of \$90,000.00 in advance of employment; and

WHEREAS, Ordinance 5046, adopted April 13, 2004, stated that all contracts (other than emergency purchases and spot market purchases of natural gas) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants, and others employed to render extraordinary services to MLG&W, in excess of \$25,000 shall require Council approval in advance of execution; and

WHEREAS, Ordinance 5383, adopted in 2010, amended Council's authority to approve contracts (other than exempt purchases) to an increased amount of \$50,000.00; and

WHEREAS, Ordinance 5819, adopted on March 22, 2022, amended Council's authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW to an increased amount of \$180,000.00, in advance of employment, and to approve all contracts (other than exempt purchases) in an increased amount of \$500,000.00; and

WHEREAS, Ordinance 5826, adopted on June 21, 2022, amended Council's authority to approve all contracts (other than exempt purchases) in a decreased amount of \$250,000.00; and

WHEREAS, Ordinance 5897 adopted on April 9, 2024, amended Council's authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW in a decreased amount of \$120,000.00, in advance of employment. and to approve all contracts (other than exempt purchases) in a decreased amount of \$150,000.00; and

WHEREAS, Ordinance 5897, per Section 5, was in full force and effect for sixth months and then to be reviewed by the Council six months after taking effect, and on October 14, 2024 a verbal motion was made to amend the Ordinance by deleting Section 5 and the Council voted to approve the motion; and

WHEREAS, from time to time, the City Council has amended its Code of Ordinances to adjust the limits of authority granted to the MLGW Board for the execution of contracts and the setting of salaries for employees hired as deemed appropriate; and

WHEREAS, in recognition of the requests for transparency requests from citizens regarding MLGW contracts and salaries, and to improve MLGW's fiscal and operational efficiency in hiring and completing work, the City Council desires to raise the limits requiring approval by the Council prior to execution.

NOW THEREFORE BE IT ORDAINED THAT,

SECTION 1. Section 1 of Ordinance No. 5897 is amended and restated as follows:

Notwithstanding Ordinance No. 5897 to the contrary, all contracts (other than emergency purchases, purchases of natural gas and other derivative products, and settlements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee, which shall not require City Council approval in advance of execution) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW, in excess of Five Hundred Thousand Dollars (\$500,000.00) shall require City Council approval in advance of execution. Furthermore, all interlocal agreements or contracts between MLGW and any municipality or division of government (other than the City of Memphis and its divisions) that involve the collection of any municipal, county or other government fee, tax or other charge not directly related to utility service (such as electricity, gas, or water utility service) shall require Council approval in advance of execution. In emergencies, MLGW may enter into emergency purchases as defined herein, for which emergency purchases shall be later ratified by the Council. MLGW may also purchase natural gas and other derivative instruments daily as long as the aggregate annual amount of these purchases are approved by the Council in the annual budget of MLGW.

For the purposes of this Ordinance, the term "emergency purchases" shall include, but shall not necessarily be limited to, any purchase orders and contracts in excess of Five Hundred Thousand Dollars (\$500,000.00) needed to: (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state agency; (ii) ensure continuous and reliable utility service to MLGW customers, or (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

SECTION 2.

Section 2 of Ordinance No. 5897 is amended and restated as follows:

Notwithstanding Ordinance No. 5897 to the contrary, any salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of One Hundred and Eighty-Thousand Dollars (\$180,000.00) shall require approval in advance of employment.

SECTION 3. Except to the extent inconsistent with the provisions hereof, the provisions of Ordinances Nos. 3509 5046, 5256, 5291, 5383, 5574, 5819, and 5897 are hereby ratified and shall remain in full force and effect.

SECTION 4. 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. 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 Council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law until repealed or amended.

Ford Canale, Chairman

Council Sponsors:
Ford Canale
Jana Swarengen-Washington
Philip Spinosa

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, AS AMENDED, TO REVISE THE ZONING AND SUBDIVISION REGULATIONS WITHIN THE CITY OF MEMPHIS, PERTAINING TO CORRECTIONAL FACILITIES, SPECIFICALLY DETENTION CENTERS, JAILS, AND PRISONS.

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

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

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

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

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

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

WHEREAS, the Unified Development Code (UDC) was adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulatory framework for zoning and subdivisions in the City of Memphis and unincorporated Shelby County; and

WHEREAS, the Memphis City Council is one of the entities authorized by the UDC to initiate amendments to the Code; and

WHEREAS, pursuant to the procedures set forth in the Unified Development Code and the underlying private acts, zoning amendments affecting only the jurisdictional boundaries of the City of Memphis and not the unincorporated areas of Shelby County do not require joint approval by both legislative bodies; and

WHEREAS, the Memphis City Council recognizes that correctional facilities have significant impacts on surrounding neighborhoods, infrastructure, and community safety, and therefore finds that requiring a Special Use Approval review will provide greater public oversight and ensure compatibility with adjacent land uses; and

WHEREAS, the City of Memphis finds it necessary to clarify the regulation of correctional facilities to ensure that detention centers, jails, and prisons shall not be permitted by right in any zoning district, but instead shall require a Special Use Approval review.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Memphis and Shelby County Unified Development Code, Section 2.5.2 under the use category "Light Industrial," is hereby amended to add the principal use of "Detention center, jail, prison (City of Memphis)" and this use shall be permitted in the Civic (CV), Commercial Mixed Use – 2 (CMU-2), Commercial Mixed Use – 3 (CMU-3), Employment (EMP), and Heavy Industrial (IH) districts only by approval of a Special Use Approval.

SECTION 2.9.4. SEVERABILITY CLAUSE

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 2.9.5. EFFECTIVE DATE CLAUSE

BE IT FURTHER ORDAINED that this Ordinance shall take effect after having been passed by the 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.

Cosponsors
Michalyn Easter-Thomas
Jerri Green

Chairwoman
Jana Swearengen-Washington

REFERENDUM ORDINANCE NO. 5966

A REFERENDUM ORDINANCE TO AMEND ARTICLE 34, SECTION 250 OF THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, RELATIVE TO THE CLASSIFICATION OF OFFICERS AND POSITIONS, EXEMPTIONS FROM ARTICLE; TO AMEND THE CLASSIFICATION OF EMPLOYEES OF THE MEMPHIS AND SHELBY COUNTY PUBLIC LIBRARY TO ALLOW CIVIL SERVICE STATUS

WHEREAS, under Article 34, Section 250 of the City of Memphis Charter, there are classifications of officers and employees who are exempt from the provisions of Article 34: Civil Service; and

WHEREAS, under Article 34: Civil Service, Sections 240 through 248 denote items such as the composition of the Civil Service Commission, the powers and duties of Commissioners, appeals to the Commission, hearings, etc.; and

WHEREAS, in Article 34, Section 250, several classifications of officers and employees are listed as exempt from civil service; among these exempt classifications of employees, Section 250(i) mentions “All officers and employees of the Memphis and Shelby County Public Library;” and

WHEREAS, it has been brought to the attention of the Memphis City Council by employees of the Library Division that there are employees in the division who wish to be subject to civil service status; and

WHEREAS, it is deemed advisable to allow the citizens of Memphis to decide whether to amend the Charter and allow employees of the City of Memphis Library Division civil service status.

Section 1. Proposed Amendment and Authorization.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the State General election, which shall be held in the City of Memphis on November 3, 2026, and which shall be held at least sixty (60) days after such publication.

BE IT FURTHER ORDAINED, That the proposed Charter Amendment of Article 34, Section 250 shall remove employees of the Memphis and Shelby County Public Library from exemption and read as follows:

“ARTICLE 34: CIVIL SERVICE

The Director of Personnel shall classify all offices and positions in the City service according to the duties and responsibilities of each position, provided, however, that the following officers and employees shall be exempted from the provisions of this article:

- a. Officers and judges who are elected by popular vote and their successors;
- b. Members of and employees of the Board of Education;
- c. Members of the board and employees of the Memphis Light, Gas and Water Division;
- d. Division directors who are either now or may be hereafter appointed by the Mayor and Council;
- e. All employees of the legal department;
- f. Members of the various boards and commissions now existing or hereafter created;
- g. All staff employees of the offices of the Mayor and Chief Administrative Officer;
- h. One executive secretary for each board, commission, division director, and for the administrative judge of the City court;
- i. All officers of the Memphis and Shelby County Public Library;
- j. All employees of the City Council office;
- k. Such other officers or employees whose positions, in the judgment of the Mayor, with the concurrence of the City Council, cannot be subject to the rules herein provided, and who shall not be affected by such rules and regulations. The provisions of this subsection (k) shall not allow removal of civil service protection from any employee whose position at that time is covered by this article.'

Section 2. Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

Section 3. Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the State General election on November 3, 2026, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on November 3, 2026, which question shall read as follows:

“Shall Article 34, Sec. 250 of the Home Rule Charter of the City of Memphis be amended to read as follows:

‘ARTICLE 34: CIVIL SERVICE

The Director of Personnel shall classify all offices and positions in the City service according to the duties and responsibilities of each position, provided, however, that the following officers and employees shall be exempted from the provisions of this article:

- a. Officers and judges who are elected by popular vote and their successors;
- b. Members of and employees of the Board of Education;
- c. Members of the board and employees of the Memphis Light, Gas and Water Division;
- d. Division directors who are either now or may be hereafter appointed by the Mayor and Council;
- e. All employees of the legal department;
- f. Members of the various boards and commissions now existing or hereafter created;
- g. All staff employees of the offices of the Mayor and Chief Administrative Officer;
- h. One executive secretary for each board, commission, division director, and for the administrative judge of the City court;
- i. All officers of the Memphis and Shelby County Public Library;
- j. All employees of the City Council office;
- k. Such other officers or employees whose positions, in the judgment of the Mayor, with the concurrence of the City Council, cannot be subject to the rules herein provided, and who shall not be affected by such rules and regulations. The provisions of this subsection (k) shall not allow removal of civil service protection from any employee whose position at that time is covered by this article.’

I, Walter Person, Director of Finance for the City of Memphis, do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES)
AGAINST THE AMENDMENT	(NO)

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on November 3, 2026, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. BE IT FURTHER ORDAINED, That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on November 3, 2026, and for the cost of seeking a declaratory judgment as to the enforceability of proposed amendment if approved by the qualified voters of the City.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

SPONSORS:

JB Smiley, Jr.
Jerri Green
Dr. Jeff Warren
J. Ford Canale
Yolanda Cooper-Sutton
Jana Swearengen-Washington
Pearl Eva Walker
Dr. Michalyn Easter-Thomas
Edmund Ford, Sr.
Philip Spinoso

CHAIRMAN

J. Ford Canale

AN ORDINANCE TO AMEND TITLE 12 - STREETS, SIDEWALKS, AND PUBLIC PLACES – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, TO ESTABLISH THE DOWNTOWN PARKING FACILITY REVITALIZATION AND SAFETY PROGRAM FOR THE CITY OF MEMPHIS

WHEREAS, the Memphis City Council acknowledges the essential role that publicly accessible downtown parking facilities—including surface lots and parking garages—play in supporting hospitality, enhancing accessibility, and meeting the needs of a growing and vibrant Downtown; and

WHEREAS, the Downtown Memphis Commission (DMC) and the Downtown Mobility Authority (DMA), through the adoption of the 2014 Advisory Guidelines for Downtown Memphis Parking Garages and Surface Parking Lots, have maintained high operational standards in cleanliness, lighting, security, signage, and maintenance within DMA-managed parking facilities; and

WHEREAS, according to the Downtown Memphis Parking Study, a study to evaluate the development of an implementable Parking Management Plan there are over 71,000 parking spaces across Downtown Memphis, of which approximately 59,000 are privately owned. The Downtown Mobility Authority owns just 8 percent of the total supply, but seeks to positively influence the broader parking ecosystem; and

WHEREAS, many other privately owned and operated parking garages and surface lots located in Downtown Memphis lack similar oversight, resulting in inconsistent standards that contribute to poor facility conditions, public safety concerns, and a diminished visitor experience; and

WHEREAS, the 2023 Downtown Safety Plan, published by the University of Memphis Public Safety Institute, identified specific deficiencies in parking facility operations, including inadequate lighting, insufficient surveillance, and poor maintenance—factors that increase the risk of crime and negatively impact public perception of safety in Downtown Memphis; and

WHEREAS, by Ordinance No. 5708, the City of Memphis adopted the 2015 International Property Maintenance Code (“IPMC”), as locally amended, which establishes minimum standards for the maintenance of existing residential and nonresidential structures and premises, including nonresidential structures such as parking garages and the exterior property areas associated with them; and

WHEREAS, Chapters 1–4 of the IPMC, as locally amended, including but not limited to Sections 101, 102, 103, 104, 106, 108, 109, 302 (Exterior Property Areas), 304 (Exterior Structure), 305 (Interior Structure), 308 (Rubbish and Garbage), 402 (Light), and 606 (Elevators, Escalators and Dumbwaiters), authorize the City’s Code Enforcement division to inspect and enforce minimum standards for structural integrity, safety, lighting, sanitation, and maintenance of nonresidential structures and premises; and

WHEREAS, the Memphis City Council finds that uniform minimum standards for all publicly accessible parking facilities are necessary to ensure the health, safety, and general welfare of residents, workers, and visitors in Downtown Memphis; and

WHEREAS, it is the intent of this ordinance to support economic development, enhance public confidence in Downtown infrastructure, and promote equity in the experience and accessibility of parking facilities throughout the district.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL that Title 12 - Streets, Sidewalks, and Public Places—Chapter 7, relating to Center City Area, of the Code of Ordinances of Memphis, Tennessee is hereby amended to create Section 7-70 – Downtown Parking Facility Revitalization and Safety Program reads as follows:

Section 1.

Sec. 12-7-70. Downtown Parking Facility Revitalization and Safety Program

A. Intent and Scope of the Ordinance.

This ordinance is intended to create a new section to establish the Downtown Parking Facility Revitalization and Safety Program. In addition, this ordinance designates Downtown parking facilities as a priority area for inspections and enforcement of existing minimum standards for property maintenance, safety, and sanitation; and provide a framework for coordination between the City's Code Enforcement division and other City divisions and partner entities in addressing conditions of Downtown parking facilities that may violate the IPMC or otherwise endanger public health, safety, and welfare.

B. Definitions.

1. *Downtown* means the geographic area defined by the Memphis 3.0 Comprehensive Plan, bounded generally by the Mississippi River to the west, A.W. Willis/North Parkway to the north, East Parkway to the east, and Crump Boulevard to the south.
2. *Parking Facility* means any structure, surface lot, or combination thereof, open to the public for vehicular parking, whether for hourly, daily, monthly, or event-based use.
3. *Downtown Public Parking Facility* means any Parking Facility located within Downtown that is available for use by the general public, whether operated on a paid or unpaid basis.
4. *Parking Garage* means any multi-level parking facility privately owned and managed that is accessible to the general public located in Downtown Memphis.
5. *Code Official* has the same meaning as in the IPMC as locally adopted, and includes any duly authorized representative or deputy of the code official acting within the scope of authority granted by the IPMC and City ordinances.
6. *Subject IPMC Provisions* means, for purposes of Downtown Public Parking Facilities, the provisions of the IPMC as locally adopted that apply to nonresidential structures and

related premises, including but not limited to Sections 101, 102, 103, 104, 106, 107, 108, 109, 302, 304, 305, 308, 402, and 606, as they may be amended from time to time.

7. *Facility Operators* means any individual, company, contractor, or entity responsible for managing, maintaining, or overseeing the daily operations of a parking facility.
8. *Program* means the Downtown Parking Facility Revitalization and Safety Program as established in this ordinance.

C. Program Objectives.

The Program shall aim to:

1. Identify Downtown Public Parking Facilities whose physical condition, structural elements, lighting, sanitation, or maintenance may constitute a violation of the Subject IPMC Provisions or otherwise render the facility unsafe, unfit for occupancy, or unlawful under the IPMC.
2. Encourage regular observation and, as resources allow periodic inspections of Downtown Public Parking Facilities by Code Enforcement, consistent with the authority granted by IPMC Sections 103 and 104, to determine compliance with the Subject IPMC Provisions.
3. Promote timely correction of conditions that violate the Subject IPMC Provisions, including but not limited to:
4. Unsafe structures or equipment, or structures unfit for human occupancy, as defined in IPMC Section 108;
5. Exterior property and premises that are not maintained in a clean, safe, and sanitary condition as required by IPMC Section 302;
6. Exterior and interior structural elements (including but not limited to walls, ceilings, stairways, railings, decks, ramps, roofs, and other structural components) that are not maintained in sound condition and good repair as required by IPMC Sections 304 and 305;
7. Accumulations of rubbish and garbage, spills, fluids, or other hazards in violation of IPMC Section 308;
8. Inadequate light and illumination of interior or enclosed areas, where such conditions render the structure unsafe or unfit for use under IPMC Section 402; and
9. Elevators, escalators, and dumbwaiters that are not maintained in compliance with IPMC Section 606 or applicable referenced codes.

D. Program Requirements.

1. Inspections.

- a. The Code Official is authorized to make inspections of Downtown Public Parking Facilities pursuant to IPMC Sections 103 and 104 and the City's property maintenance program, in order to determine compliance with the Subject IPMC Provisions.
- b. The Code Official may coordinate such inspections with other City divisions and with the Downtown Mobility Authority as appropriate, provided that Code Enforcement's actions are in accordance with the IPMC and any other applicable City ordinances.

2. Findings and Notices.

- a. Where a Downtown Public Parking Facility is found to be in violation of the Subject IPMC Provisions, the Code Official shall issue notices of violation, orders, or other remedies consistent with IPMC Sections 106 and 107.
- b. Notices shall describe the conditions observed, identify the specific IPMC sections alleged to be violated, and provide a reasonable time to abate or correct the violations as required by the IPMC.

3. Unsafe Structures and Emergency Measures.

- a. Where the condition of a Parking Garage or other Downtown Public Parking Facility constitutes an unsafe structure, unsafe equipment, or a structure unfit for human occupancy under IPMC Section 108, the Code Official may condemn the structure or equipment and take such actions as are authorized by IPMC Section 108, including placarding and requiring the structure to be vacated or secured.
- b. In cases of imminent danger, the Code Official may take emergency measures as authorized by IPMC Section 109, including ordering occupants to vacate, closing sidewalks or streets in coordination with the appropriate authorities, or taking temporary measures to secure the premises.

E. Reporting

- a. During the City's annual budget preparation and adoption process, the Administration shall make a presentation to the Memphis City Council detailing the effectiveness of more focused enforcement of the IPMC as it relates to parking garages; and, if necessary, the Administration shall, at that time, provide a detailed report that outlines any additional resources that may be beneficial in order to continue enforcement.

Section 2. Severability Clause.

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. Codification Clause.

BE IT FURTHER ORDAINED that this ordinance amends Title 12: Streets, Sidewalks, And Public Places To Create Section 12-7-70 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 4. Effective Date Clause

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(s)

Philip Spinoza, Jr.
Jana Swearengen- Washington
JB Smiley, Jr.
Jerri Green
Rhonda Logan

Chairman

J. Ford Canale

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS,
TENNESSEE REGARDING THE SMALL BUSINESS ENTERPRISE OPPORTUNITY
PROGRAM**

WHEREAS, from time to time it is necessary to amend the Code of Ordinances to meet the current needs of the citizens of Memphis and ensure our policies comply with local, state, and federal requirements.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the Code of Ordinances to add Article XI to Chapter 2 relative to the Small Business Enterprise Opportunity Program as follows:

Sec. 6-2-407. — Short Title.

This chapter shall be known as the "City of Memphis Small Business Enterprise Program."

Sec. 6-2-408. — Definitions.

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

Bid means a quotation, proposal, sealed bid or offer to perform or provide labor, materials, supplies or services to the city for a price on an eligible project, or for an eligible project that generates revenue for the City.

Bidder means any individual, sole proprietorship, partnership, joint venture, or corporation that submits a bid to the City.

Certification or recertification means official recognition and approval by the entity designated by the City of Memphis ("Certifying Entity") that a business meets the qualification criteria of a small business enterprise, as set forth in this chapter. Certification or recertification relates to qualifications regarding ownership, control, and not the quality of the service or product.

City means the City of Memphis.

Commercially useful function. To determine whether a business enterprise is performing a commercially useful function, the Certifying Entity shall consider all the facts in the record, viewed as a whole, including without limitation the following:

1. A small business enterprise (“SBE”) performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by performing, managing, and supervising the work involved.
2. To perform a commercially useful function, the SBE must be responsible, with respect to material and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.
3. To determine whether an SBE is performing a commercially useful function, the Certifying Entity will evaluate the amount of work subcontracted by the SBE, industry practices regarding subcontracting, whether the amount the SBE is to be paid under the contract is commensurate with the work it is performing, the SBE credit claimed for its performance of the work, and other relevant factors.
4. An SBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed to obtain the appearance of SBE participation. In determining whether an SBE is such an extra participant, the Certifying Entity will examine similar transactions, particularly those in which SBEs do not participate.

Contract means and includes any agreement between the City and a person or business enterprise to provide or procure labor, materials, equipment, supplies and services to, for or on behalf of the City. The term "contract" shall include an agreement between the City and a person or business enterprise to perform professional architectural and engineering services, construction related services or fund the performance of such services, non-professional services and/or goods. Except as otherwise specifically defined in this section, the term "contract" does not include:

1. Awards made by the City to a nonprofit entity which the City offers assistance, guidance, or supervision on a project or program and the recipient of the grant award uses the grant moneys to provide services to the community;
2. Sales transactions where the City sells its personal or real property;

3. A loan transaction where the City is acting as a debtor or a creditor;
4. Lease and franchise agreements;
5. Agreements to use City real property; or
6. Gifts of materials, equipment, supplies or services to the City.

Contractor means a prime contractor or vendor on a City contract.

Control or controlled. To determine whether the owner or owners of a potential SBE (as used in this definition, "SBE owner," which shall denote one or more owners) controls the potential SBE, the Certifying Entity shall consider all the facts in the record, viewed as a whole, including without limitation the following:

1. For a SBE owner to be deemed to control, the potential SBE must be independent. An independent business enterprise is a business whose viability does not depend on its relationship with another firm.
 - a. In determining whether a potential SBE is independent, the Certifying Entity will scrutinize affiliate relationships the SBE has with other firms, in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

The Certifying Entity will consider whether present or recent employer/employee relationships between the SBE owner and other firms or persons associated with other firms compromise the independence of the potential SBE.

- b. The Certifying Entity will examine the potential SBE's relationships with prime contractors to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the potential SBE.
 - c. In considering factors related to the independence of a potential SBE, the Certifying Entity will consider the consistency of relationships between the potential SBE and other firms with normal industry practice.
2. A potential SBE must not be subject to any formal or informal restrictions which

limit the customary discretion of the SBE owner. There can be no restrictions through corporate charter provisions, bylaw provisions, contracts or any other formal or informal devices (e.g., cumulative voting rights, voting powers attached to different classes of stock, employment contracts, requirements for concurrence by persons other than the SBE owner, conditions precedent or subsequent, executory agreements, voting trusts, restrictions on or assignments of voting rights) that prevent the SBE owner, without the cooperation or vote of any other individual, from making any business decision of the business enterprise. This subsection does not preclude a spousal co-signature on documents.

3. The SBE owner must possess the power to direct or cause the direction of the management and policies of the business enterprise and to make day-to-day as well as long-term decisions on matters of management, policy and operations.
 - a. An SBE owner must hold the highest officer position in the company (e.g., chief executive officer or president).
 - b. In a corporation, the SBE owner must control the board of directors.
 - c. In a partnership, the SBE owner must serve as a general partner, with control over all partnership decisions.
4. Individuals who are not the SBE owner may be involved in an SBE as owners, managers, employees, stockholders, officers, and/or directors. Such individuals must not, however, possess or exercise the power to control the business enterprise, or be disproportionately responsible for the operation of the business enterprise.
5. The SBE owner may delegate various areas of the management, policymaking, or daily operations of the business enterprise to other participants in the firm. Such delegations of authority must be revocable, and the SBE owner must retain the power to hire and fire any person to whom such authority is delegated. The managerial role of the SBE owner in the business enterprise's overall affairs must be such that the Certifying Entity can reasonably conclude that the SBE owner exercises control over the business enterprise's operations, management, and policy.
6. The SBE owner must have an overall understanding of, and managerial and

technical competence and experience directly related to the type of business in which the business enterprise is engaged and the business enterprise's operations. The SBE owner is not required to have experience or expertise in every critical area of the business enterprise's operations, or to have greater experience or expertise in a given field than managers or key employees. The SBE owner must have the ability to intelligently and critically evaluate information presented by other participants in the business enterprise's activities and to use this information to make independent decisions concerning the business enterprise's daily operations, management, and policymaking. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the business enterprise is insufficient to demonstrate control.

7. If state or local law requires the owner of a particular type of firm to have a particular license or other credential, then the SBE owner of that type of firm must possess the required license or credential to be deemed in control. If state or local law does not require an owner to have such a license or credential, the Certifying Entity will not deny certification solely on the ground that the SBE owner lacks the license or credential. However, the Certifying Entity may consider the absence of the license or credential as one factor in determining whether the SBE owner controls the firm.
8. The Certifying Entity may consider differences in remuneration between the SBE owner and other participants in the business enterprise in determining whether the SBE owner controls the business enterprise. Such consideration shall be in the context of the duties of the persons involved, normal industry practices, the business enterprise's policy and practice concerning reinvestment of income, and any other explanations for the differences proffered by the business enterprise. The Certifying Entity may determine that a business enterprise is controlled by its SBE owner although the SBE owner's remuneration is lower than that of some other participants in the business enterprise. In a case where someone other than the SBE owner formerly controlled the business enterprise, and the SBE owner now controls it, the Certifying Entity may consider a difference between the remuneration of the former and current owner of the business enterprise as a factor in determining who controls

the business enterprise, particularly when the former owner remains involved with the business enterprise and continues to receive greater compensation than the current SBE owner.

9. To be viewed as "controlling" a business enterprise, an SBE owner cannot engage in outside employment or other business interests that conflict with the management of the business enterprise or prevent the SBE owner from devoting sufficient time and attention to the affairs of the business enterprise to control its activities. For example, absentee ownership of a business and part-time work in a full-time firm are not viewed as constituting control. However, an SBE owner could be viewed as "controlling" a part-time business that operates only on evenings and/or weekends, if the SBE owner controls the business enterprise when it is operating.
10. An SBE owner may control a business enterprise even though one or more of the SBE owner's immediate family members participate in the business enterprise as a manager, employee, owner, or in another capacity. Except as otherwise provided in this subsection, the Certifying Entity must make a judgment about the control the SBE owner exercises vis-a-vis other persons involved in the business enterprise as it does in other situations, without regard to whether or not the other persons are immediate family members. If the Certifying Entity cannot determine that the SBE owner—as distinct from the family as a whole—controls the business enterprise, then the SBE owner has failed to carry her/his burden of proof concerning control, even though he/she may participate significantly in the business enterprise's activities.

Day or days refers to calendar days.

Eligible project means:

1. Any City contract with a participation goal attached as identified by the Division of Finance, through its Business Services department ("Business Services") or designee thereof, excluding sole source procurement, emergency procurement, and contracts governed by 49 CFR 23 and 26.
2. For purposes of this chapter, contract or project "value" shall mean either the

expenditure of funds by the City, or the generation of revenue for the City by a contractor as a direct result of a City contract.

Joint venture means an association of two or more persons, partnerships, corporations, or any combination of them, established to carry on a single business activity that is limited in scope and duration. The agreement establishing the joint venture, partnership or other multi-entity relationship shall be in writing. Further, participation in a joint venture shall be based on the sharing of real economic interest in the venture and shall include proportionate control over management, interest in capital acquired by the joint venture and interest in earnings.

Local business means that the vendor or contractor has a valid domestic type county and state business license, issued at least one year prior to the bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and the physical principal business address located within the city limits, in an area zoned for the conduct of such business, from which the vendor operates or performs the majority of its business on a day-to-day basis, and also from which the vendor conducts 100 percent of the necessary functions to maintain or fulfill the contract with the city. Post office boxes are not verifiable and shall not be used for the purpose of establishing said address.

Memphis MSA means the geographical area consisting of the following counties: Shelby, Fayette, Tipton, Desoto, Marshall, Tate, Tunica, and Crittenden.

Business Services means the Business Services Department of the Finance Division of the City of Memphis. The duties and functions of Business Services shall be defined and amended as needed by the Director of the City division in which the office operates.

Owned or ***ownership***. In determining whether a potential SBE is owned and operated by an individual or individuals, the Certifying Entity will consider all of the facts in the record, viewed as a whole, including, without limitation, the following:

1. The Certifying Entity shall deem the owner of a business enterprise to be whoever possesses at least 51 percent of the business enterprise. There may be more than one owner.
 - a. In the case of a corporation, such an individual must possess at least 51

percent of each class of voting stock outstanding and 51 percent of the aggregate of all stock outstanding.

- b. In the case of a partnership, such individual must possess at least 51 percent of each class of partnership interest. Such ownership must be reflected in the business enterprise's partnership agreement.
- c. In the case of a limited liability company, such individual must possess at least 51 percent of each class of member interest.

2. The Certifying Entity must find that the individual's ownership is real, substantial, and continuing, going beyond proforma ownership of the business enterprise as reflected in ownership documents. The individual must enjoy the customary incidents of ownership and share in the risks and profits commensurate with their ownership interests, as demonstrated by the substance, not merely the form, of arrangements.

Purpose and intent. The City shall give a local preference to local businesses within its geographical limits in awarding City contracts and making purchases whenever the application of such a preference is reasonable in light of the dollar value of the proposal received in relation to such expenditures.

SBE Status means whether a firm meets the qualification criteria of a small business enterprise, as set forth in this chapter.

Small Business Enterprise (SBE) means a firm with its headquarters and/or principal office located in the City and is an independent and continuing enterprise for profit, performing a commercially useful function which is owned and controlled by one or more persons and for which the gross revenues or number of employees averaged over the past three years, inclusive of any affiliates as defined by 13 CFR 121.103, does not exceed ten million dollars (\$10,000,000) or three hundred (300) employees.

Small Business Owner means a person who owns the business enterprise for which the owner is seeking SBE certification from the City or approved certifying agencies.

Supplier means a warehouse or manufacturer of materials, supplies or equipment which contracts directly with a bidder to provide such materials, supplies or equipment on an eligible project which involves a trade or service. For purposes of measuring the total contract dollars awarded or paid to suppliers on eligible projects, only amounts paid to

suppliers of goods customarily and ordinarily used based upon standard industry or trade practices shall be counted.

Sec. 6-2-409. — Statement of policy.

It is the purpose of this chapter to promote the economic welfare of the people of the City, to promote business opportunity for all persons doing business with the City, and to promote commerce by assisting SBEs to actively participate in the City's procurement process. SBEs represent 89 percent of the businesses in the United States and 30 percent of the business revenue nationwide, according to the United States Bureau of Census. Also, according to the United States Bureau of Census, in the Memphis metropolitan statistical area, 73 percent of establishments have less than ten employees and 94 percent of establishments have less than 50 employees.

The City, through Business Services, shall develop a policy and manual to detail the process, procedure, and methodology for setting SBE goals and utilization of the designated SBE sheltered market. Business Services shall set annually, at the beginning of each fiscal year, an aspirational SBE goal for certain designated categories of prime contracts. The annual aspirational SBE goal may be broken down by Division as outlined in the Business Services policy and manual. Additionally, Business Services shall set SBE subcontracting goals based on SBE availability for construction, architecture, engineering, surveying, commodities, and services in accordance with the Business Services policy and manual.

Sec. 6-2-410. — Duties of Business Services.

Under this chapter, Business Services shall have the following authority and duties for the implementation of the Small Business Enterprise program under this chapter:

1. Administration and enforcement of this chapter and of the federal disadvantaged business enterprise program as per 49 CFR parts 23 & 26.
2. Establishment of written policy, manual, procedures, informal guidelines, and forms as may be necessary to effectuate this chapter.
3. Monitoring compliance with the requirements of this chapter.

4. Accept valid and current proof of certification of businesses as SBEs from approved certifying entities in accordance with the standards set forth in this chapter.
5. Development of databases to be maintained as a public record of certified SBEs.
6. Investigation of alleged violations of this chapter, and the issuance of written statements following any determination of such investigation, stating the reasons therefor and any penalty to be imposed.
7. Collaborating with the various City divisions to ensure maximum outreach to SBEs.
8. Determination of whether any of the penalties set forth in Section 6-94-17 should be applied to a business.
9. Attendance at pre-bid, pre-proposal, pre-construction and pre-work conferences.
10. Provision to business entities of all forms, applications, documents and papers necessary to comply with this chapter.
11. Provision of information to potential bidders, upon request by the potential bidder, which shall include names and contact information of certified SBEs, to reinforce and support outreach efforts by potential bidders.
12. Notification by certified mail that a bidder who has bid on and who otherwise would have been awarded a contract has the right to appeal a determination of noncompliance with this chapter, with said appeal to be decided by Business Services within seven calendar days of receipt of the notice of noncompliance.
13. Notification by certified mail that an applicant who has been denied certification as an SBE has the right to appeal such determination, said appeal to be determined by Business Services within seven calendar days of receipt of the notice of such determination.
14. Notification to the purchasing agent of any determination of noncompliance with this chapter, and of any appeal from any such determination.
15. Monitoring, for data gathering and informational purposes, utilization of SBEs on eligible projects.
16. Maintenance of documents, forms, records or data regarding this program as provided

in this chapter including:

- a. Documents, forms, records or data regarding the dollar amounts subcontracted to or expended for services performed by subcontractors and suppliers on eligible projects, including the SBE status of each subcontractor and supplier; and
- b. Documents, forms, records or data regarding certified SBEs.

17. Development and implementation of outreach and assistance programs to promote contracting opportunities for all businesses that wish to do business with the City, regardless of SBE status.
18. Establishment of SBE citywide aspirational goals and project specific goals.
19. Identify targeted procurements for SBE-only competition, depended on SBE availability.

20. The duties of Business Services should include supporting the various City divisions in achieving their established Small Business Enterprise goals, as well as providing business development assistance to the local business community. This support should cover, but not be limited to, the following activities:
 - (a) Supply comprehensive resources, including informational materials, toolkits, and training sessions to assist divisions in meeting SBE goals.
 - (b) Offer expert advice and consulting services to help divisions understand and navigate SBE objectives effectively.
 - (c) Collaborate with divisions to develop strategic plans that align with SBE goals, ensuring a clear path to success.
 - (d) Facilitate the identification and establishment of partnerships with potential small businesses, promoting mutual benefits and collaboration.
 - (e) Organize and conduct training sessions and workshops focused on best practices for engaging with small businesses and achieving SBE objectives.
 - (f) Implement monitoring and evaluation processes to assess progress towards SBE goals and provide feedback for continuous improvement.

- (g) Create and promote networking events to encourage interaction among divisions and small business partners, enhancing collaboration and opportunities.
- (h) Maintain open lines of communication with all divisions to ensure they are informed about available resources and opportunities related to SBE initiatives.
- (i) Act as an advocate for small business interests within the organization, ensuring that their needs and contributions are recognized and valued.
- (j) Keep detailed records of activities, partnerships, and progress toward SBE objectives, providing regular reports to leadership on outcomes and areas for development.
- (k) Conduct research to identify trends, challenges, and opportunities in the small business landscape to inform strategies and support for divisions.
- (l) Establish a system for gathering feedback from divisions and small business partners to inform ongoing improvements and tailor support services accordingly.
- (m) Establish mentorship opportunities that connect new business owners with experienced entrepreneurs for guidance and support.
- (n) Provide resources and connections to funding sources, such as grants, loans, and investment opportunities.
- (o) Serve as a central resource for local entrepreneurs by offering access to information and tools that foster business growth.

Sec. 6-2-411. — Small business assistance.

Business Services shall act as a resource for information on small business enterprises and entrepreneurs.

Business Services shall also undertake to raise the consciousness of SBEs about City business opportunities and provide information on taking advantage of the program benefits. Further, the City shall provide the following assistance to small business enterprises:

1. Access to training; technical assistance. Business Services shall act as a resource for technical assistance. The office shall collect, organize and disseminate information

regarding available technical assistance providers in the Memphis market area.

2. Capital; financing assistance. Business Services shall act as a resource for financial assistance. The office shall collect, organize and disseminate information regarding available capital or financing sources in the Memphis market area.
3. Bonding assistance. Business Services shall provide SBEs with information regarding bonding including, providing a list of qualified service providers that supply bonding services.
4. Access to markets. Business Services will work to facilitate access to markets for SBEs, working with the office of planning and development (OPD) and other development entities to connect eligible businesses to City, state and federal programs that promote investment and encourage employment, including but not limited to the various hub zone, enterprise zone, and tax allocation districts. Business Services may monitor in conjunction with OPD SBE involvement in procurement opportunities generated by OPD.

Sec. 6-2-412. — City-maintained records and reports.

The effectiveness of the SBE Program will be measured by a review of data indicating prime, subcontractor and supplier awards to SBEs. Program effectiveness measurements will also include efforts by City staff to provide prime contracting opportunities for SBEs. In order to ensure the effective tracking of these efforts, the following shall be done:

1. Each contractor shall continuously maintain, compile, and provide to Business Services, monthly, information relating to its use of SBEs on the City project. This information shall include without limitation the following information for each of the SBE subcontractors and suppliers utilized by the contractor on the City project: a description of the categories of contracts awarded to SBEs; the dollar value of contracts awarded to SBEs; and contact information for the SBEs. Additionally, the contractor shall provide information regarding its progress toward attaining the SBE goal on the city project.
2. Within 30 days after the end of a contract in which there was an SBE goal, each contractor shall provide Business Services with a report that summarizes the

outcome of the project information, including without limitation: the identity of and contract information for each SBE to whom the contractor has awarded a subcontract or supplier agreement; the type of work performed or supplies provided by each subcontractor/supplier; the dollar value of each of the subcontracts/supplier agreements; and the total percentage of the value of the City contract subcontracted to SBE subcontractors and/or suppliers.

3. The purchasing department shall provide Business Services with information regarding every City contract on which the prime contractor is an SBE or on which an SBE is part of a joint venture or mentor protege team serving as the prime contractor. The information shall include the name and contact information of the SBE, the type of contract, and the dollar value of the contract.
4. Business Services shall prepare a consolidated report based on a compilation and analysis of the reports submitted by each contractor and information from the purchasing department regarding the City's use of SBEs as prime contractors. The consolidated report will identify and assess the awards to SBEs of City contracts, prime contractors' use of SBE subcontractors and suppliers, prime contractors' progress in achieving SBE subcontract goals, and other SBE development and contracting efforts. Specifically, Business Services will maintain records and prepare reports showing:
 - (a) Awards to SBE subcontractors and suppliers, including names of contractors and subcontractors, nature of the work/services performed, and the percentage of SBE participation per contract. The City will obtain regular reports from prime contractors on their progress in meeting contractual SBE commitments;
 - (b) Specific efforts by contractors to identify and award contracts to SBEs;
 - (c) Copies of direct mailings by contractors to SBEs;
 - (d) City contracts awarded to SBEs or prime contractors in which an SBE was a joint venture partner or part of a mentor protege team. This information shall include without limitation the name and contact information of the SBEs, the type of contract, and the dollar value of

the contract;

- (e) Pre-bid conference information as it relates to the SBE program;
- (f) Requests for assistance from SBEs interested in bidding/proposing on city contracts and subcontracts;
- (g) Workshops, seminars and training programs conducted for SBEs; and
- (h) Efforts to assist SBEs in acquiring bonding and insurance.

5. Business Services will submit annual SBE participation reports to the Council. These reports shall include a summary of the information described in this section, plus an analysis of the total dollar value of City contracts/subcontracts awarded to SBEs during the preceding year, categorized by prime contracting dollars, subcontracting dollars, and supplier dollars. The percentage of the total dollar value of these contracts that was awarded to SBEs during the preceding year shall also be provided.

Sec. 6-2-413. — Small business enterprise program goals and counting procedures.

- A. The Business Services Manager or appropriate designee in conjunction with the purchasing agent will set an SBE subcontracting goal based on the established goal-setting methodology in the Business Services policy and manual for each specific prime contract with subcontracting and/or supplier possibilities, but shall have the authority to reduce or eliminate such SBE goal on a contract-by-contract basis based upon the type of contract, the type of subcontracting work that will be required, and the availability of SBEs therefor. Every bidder on an eligible project shall be required to submit, with its bid submission, the names, address, certification numbers, if applicable, of certified SBEs or firms that have applied for SBE certification at the time of the bid submission, and any other information required by Business Services as set forth in the project's solicitation documents.
- B. SBE participation is counted as follows:
 - 1. The City will only give bidders credit toward the SBE goal(s) for those SBEs that

are certified as of the bid or proposal due date.

2. Once a firm is certified as an SBE, the total dollar value of the subcontractor or supplier contract awarded to the SBE by the contractor is counted toward the applicable SBE goal. However, if a firm who is listed on the contract as having its SBE certification pending has its certification denied, or if an SBE fails to be recertified during the term of the contract, or if an SBE is decertified during the term of the contract, the dollar value of the contract awarded to that SBE cannot be counted toward the applicable SBE goal.
3. The City will count toward its SBE goal a portion of the total dollar value of a contract with a joint venture equal to the percentage of the ownership and contractual commitment to the SBE partner in the joint venture.
4. The City will count toward the SBE goal a portion of the total dollar value of a contract with a mentor protege team equal to the percentage of the project self-performed by the SBE member of the team.
5. The City will count toward its SBE goal only expenditures to SBEs that perform a commercially useful function in the work of the contract.
6. The City will count toward its SBE goals the following expenditures to SBE firms that are not suppliers:
 - a. The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or commission is determined by the City to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - b. The fees charged for delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of, or a regular dealer in, the materials and supplies, provided that the fee is determined by the City to be reasonable and not excessive as compared with fees customarily allowed for similar services. The fees or

commissions charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by the City to be reasonable and not excessive as compared with fees customarily allowed for similar services.

C. Goal Setting Committee:

Each Goal Setting Committee or series of Goal Setting Committees is to be appointed and chaired by the Business Services Manager or designee. The committee shall include, at a minimum, the Purchasing Agent or designee, the Business Services Manager or designee, the Chief Financial Officer or designee, the Director or designee of the originating department. The committee will determine which goals will be applied to specific contracts based on various criteria.

D. Sheltered market.

1. Business Services, in consultation with the purchasing department will designate certain procurements as sheltered market procurement opportunities, which will only be open for competition by and between SBEs.
 - a. Contracts of \$2,500.00 to \$100,000.00. Under the sheltered market program, every acquisition of goods or services that has an anticipated dollar value between \$2,500.00 and \$100,000.00 is automatically reserved exclusively for small businesses, except for those contracts pertaining to street projects, as described in the CIP budget. The Business Services designee and the purchasing agent may agree to exclude any procurement in this category from the sheltered market at their joint discretion. The sheltered market procurement requirement will only apply when there is a reasonable expectation that offers will be obtained from three or more SBEs that are competitive in terms of market prices, quality, and delivery. If only one acceptable offer is received from a responsible SBE, the sheltered market procurement will be withdrawn and the product or service, if still needed, will be solicited on an unrestricted basis.
 - b. Contracts over \$100,000.00. In addition, the Business Services designee and purchasing agent may agree to designate any contract over \$100,000.00 for

SBEs, except for those contracts pertaining to street projects, pertaining to public works construction, or other projects for which a sheltered market would conflict with state law. The sheltered market designation shall be made only when there is a reasonable expectation that bids will be obtained from at least three responsible SBEs and that the award will be made at a fair market price.

2. Partial sheltered market procurements. A sheltered market procurement of a single acquisition or a class of acquisitions may be total or partial. The Business Services designee and the purchasing agent may designate a portion of an acquisition as sheltered market procurement, except for construction.
3. To obtain sheltered market procurement, an SBE must perform at least a given percentage of the contract. This provision limits the amount of subcontracting an SBE may enter into with other firms when performing these types of contracts. The provisions are as follows:
 - a. Construction. For general and heavy construction contractors, at least 15 percent of the cost of the contract, not including the cost of materials, must be performed by the SBE prime contractor with its own employees. For special trade construction, such as plumbing, electrical, or tile work, this requirement is 25 percent.
 - b. Manufacturing. At least 50 percent of the cost of manufacturing, not including the cost of materials, must be performed by the SBE prime contractor.
 - c. Services. At least 50 percent of the contract cost for personnel must be performed by the SBE prime contractor's own employees.

Sec. 6-2-414. — Certification as a Small Business Enterprise.

- A. A business seeking certification or recognition of certification from the City as an SBE must submit documentation as designated by the City on the prescribed form, affirming under penalty of perjury that the business qualifies as an SBE. In order to qualify as an SBE, the potential SBE owner must meet the following requirements:

1. Demonstrate that the firm's gross revenues or number of employees averaged over the past three years, inclusive of any affiliates as defined by 13 CFR 121.103 do not exceed ten million dollars (\$10,000,000) or three hundred (300) employees;
2. Demonstrate that the SBE owners listed on the certification application own and control the business;
3. Demonstrate that it is or will be performing a commercially useful function;
4. Demonstrate that it is located in the City; and
5. Demonstrate that the principal owner maintains a residence in the Memphis MSA.

B. Business Services or the Certifying Entity may also, if it deems it necessary, perform an on-site review of the potential SBE owner's business prior to approving an application for certification.

C. A firm that is denied certification may not reapply for certification for a period of 12 months from the date of the denial.

D. Firms certified by other government agencies will be required to be certified under this chapter regardless of previous certification.

E. When a firm which has previously been designated an SBE exceeds either the gross revenue or the number of employees provision, it will be deemed to have graduated from the SBE Program with no right of reentry.

1. *Graduation procedures.* Any interested party may request an evaluation of an SBE firm. That evaluation will be performed at the time of the recertification for the SBE. Upon recertification, a firm will be evaluated for graduation from the program. Once Business Services has been notified by the certifying agency that the firm has exceeded the size standards established by the NAICS, the following steps will be followed:
 - a. Notification. Business Services shall issue a letter of notification to the firm detailing its intent to graduate the firm from the program. The letter of notification shall set forth findings, based on the facts and in accordance with law and regulations, for every material issue relating to the basis of the program graduation with specific reasons for each

finding.

- b. Appeal. The firm will be allowed 45 days from the date of the letter to appeal the decision. To appeal the decision, the firm must submit in writing to Business Services, information which would explain why the proposed basis of graduation is not warranted. Upon receipt of the appeal, Business Services will notify the firm in writing of the receipt of the appeal.
- c. Review. If the firm appeals its graduation from the program within the requisite 45 days, the appeal will be reviewed by a committee composed of the director of finance, purchasing agent, and city engineer. Within 15 days of receipt of the appeal, a written decision will be issued to the firm by the committee via Business Services.

2. *Post graduation*. After the effective date of firm's graduation from the program as provided for herein, a firm is no longer eligible to participate in or receive assistance from the SBE program. However, such firm is obligated to complete previously awarded contracts and/or subcontracts, including any priced bids that may be exercised. Upon graduation there will be no right of reentry.

Sec. 6-2-415. — Recertification.

Once certified as an SBE by the City or approved certifying entities, the certification is valid for a period of one year from the date the City or approved certifying entity certified the applicant as an SBE. Prior to the expiration of the one-year period, a business that desires to be recertified by the City or approved certifying entity shall:

1. File an application to renew with the City or approved certification entity as designated by the City; and
2. Meet the requirements specified in this chapter for certification as an SBE.

Sec. 6-2-417. — Decertification of Small Business Enterprise.

A. The City or approved certifying entities may decertify the SBE for any of the following reasons:

1. Changes in the firm's circumstances since the certification of the firm that render the firm unable to meet the eligibility standards;
2. Information or evidence that was not available to the City at the time the firm was certified that, if available, would have resulted in a denial of certification;
3. Information that was concealed or misrepresented by the firm in connection with the certification application or review conducted by the City;
4. A change in the certification standard or requirements of the City since the certification of the firm;
5. Prior to taking formal action, Business Services staff shall provide the business with written notice of the proposed revocation. During the pendency of the proceeding, the SBE firm's certification shall remain valid. Business Services staff shall then prepare a recommendation regarding the proposed revocation for review and approval by the chief operating officer. If approved by the chief operating officer, Business Services shall issue an initial notice of decertification to the SBE owner by certified mail. The SBE may appeal the initial notice of decertification within seven days of the receipt of the initial notice of decertification. If the SBE owner fails to appeal the initial notice of decertification within the period set forth in this section, the decertification shall be final and take effect immediately.
6. If Business Services decertifies an SBE proposed to work, or currently working, on a contract, the decertified SBE's participation on the contract may no longer be counted toward fulfillment of the City's SBE goals. If the contractor no longer meets the City's SBE goals after the decertification of the former SBE, the contractor shall be required, within 30 days after notification by Business Services, to demonstrate good faith efforts to substitute the decertified SBE. Failure to demonstrate good faith efforts to substitute a decertified SBE will result in the bidder being declared

nonresponsive, if done prior to the award of the contract, or the contractor being held in default of the contact, if done after the award of the contract.

Sec. 6-2-418. — Certification reviews.

In addition to reviewing firms for cause, Business Services will conduct random certification reviews of certified SBEs by auditing them to verify that the information submitted by a business is accurate, and that the business remains eligible after certification has been granted. Certification is subject to revocation if it is determined that a business no longer qualifies as an SBE under the terms of this chapter. Certification reviews may be conducted for any business for which Business Services determines a certification review is warranted. Businesses subject to certification reviews must provide Business Services with any information requested to verify the certification eligibility of the business.

Sec. 6-2-419. — Appeals.

- A. *Determination of noncompliance.* A responsible bidder that is determined to be nonresponsive to the requirements of this chapter, and that otherwise would have been awarded a contract, as determined in consultation with the purchasing agent, shall receive a written determination by the Business Services designee, via certified mail, setting forth the reasons for the determination of nonresponsiveness.
- B. *Denial of certification as an SBE.* Upon a denial of certification as an SBE, Business Services shall notify the affected party in writing, via certified mail, setting forth the reasons for the denial of certification.
- C. *Time for filing notice of appeal.* Any business that has been denied certification as an SBE, or against whom a final determination of nonresponsiveness to the requirements of this chapter has been made by Business Services, may appeal the final determination of nonresponsiveness or denial of SBE certification by filing a notice of appeal with Business Services in writing within seven (7) calendar days of receipt of the notice of the final determination of noncompliance or denial of certification.
- D. *Posting of appeal security.* Any bidder that files an appeal to a final determination of

nonresponsiveness by Business Services must, at the time of filing, post security in the amount of one percent of the financial offer of the appellant. If the Business Services hearing officer upholds the determination of the office of contract compliance, he or she shall assess against the appellant reasonable attorneys' fees and other administrative costs incurred by the City in reviewing and responding to the appeal. If the City is represented by its law department, such fees and costs will be calculated at the hourly rate of each attorney participating in the review and response to the appeal set forth in each attorney's most recent City paycheck times the number of hours worked by such participating attorneys on the appeal. If the City is represented by outside counsel, such fees and costs will be calculated at the billing rates of the firm's attorneys, plus all out-of-pocket costs of the firm concerning the appeal. Within 15 days of ruling against the appellant, the Business Services hearing officer, in consultation with the City's law department and outside counsel, if any, will calculate the City's cost in reviewing and responding to the appeal and will apply the appellant's bond or certified check to the costs. Any remaining balance of the bond or certified check will be returned to the appellant.

- E. *Notice of hearing date and hearing.* Within three (3) calendar days of receipt of a notice of appeal from an aggrieved party, excluding official holidays, the Business Services designee shall forward the notice to the Business Services hearing officer.
- F. *Exhaustion of administrative remedies.* A protester shall be required to exhaust its administrative remedies before filing suit in any state or federal court based on a determination of nonresponsiveness or denial of certification by Business Services rendered pursuant to this chapter.
- G. *Duties of office of business services hearing officer.* The duties of the Business Services hearing officer shall be as follows::
 - 1. The Business Services hearing officer shall have exclusive jurisdiction to determine all appeals arising under this chapter.
 - 2. The Business Services hearing officer shall set a hearing date not more than seven (7) calendar days from the date of receipt of the notice of appeal from the Business Services designee, excluding official holidays. The hearing officer shall cause notice of the hearing to be served upon all parties by certified U.S. mail. Such notice shall set forth with particularity the decision being appealed by the aggrieved business and shall include the

hearing date, time and place.

3. At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence in either party's possession concerning the final determination of nonresponsiveness with the requirements of this chapter, or the denial of certification as an SBE.

H. *Decision.* Within seven (7) calendar days after conclusion of the hearing, excluding official holidays, the Business Services hearing officer shall make a written decision on the appeal, which decision shall affirm, alter or reverse the final determination of nonresponsiveness or the denial of certification by Business Services. The hearing officer shall decide whether the final determination of nonresponsiveness or the denial of certification being appealed was in accordance with the law in existence at the time that the bidder was found to be nonresponsive, at the time that certification was denied, or at the time the penalties were imposed.

I. *Notice of decision.* Within seven calendar days after conclusion of the hearing, excluding official holidays, the Business Services hearing officer shall issue written notice of the decision on the appeal to all parties. The notice of the decision shall be sent to all parties by certified U.S. mail and shall set forth the reasons for the decision.

J. *Appeal.* The decision of the hearing officer shall be binding on all parties, subject to the right of appeal to the chief operating officer or its designee.

Sec. 6-2-420. — Small business enterprise directory.

The City will create an SBE directory that lists SBEs categorized by types of firms to facilitate identifying businesses with capabilities relevant to a particular specification. Each business listing will contain the business name, contact person, address, phone number, legal structure of the business, and details concerning the company's business specialties. North American Industrial Classification System (NAICS) codes will be identified for each company. Business Services will develop and continuously maintain a database as a public record of certified SBE firms.. In compiling this directory, Business Services will identify and certify as many SBEs as possible that perform the types of work or provide the types of supplies needed by the City. The City will maintain and have available an updated SBE directory and source lists for each bid/proposal solicitation to facilitate identifying SBEs working in areas relevant to general

contracting requirements and to particular solicitations.

Sec. 6-2-421. — Procedures to ensure that SBEs have an equitable opportunity to compete for contracts and subcontracts.

A. Procedures to ensure opportunities. The City shall utilize the following measures to ensure maximum practicable opportunities for SBE participation on city contracts:

1. Assist SBE in obtaining insurance and surety bonds where necessary in the performance of contracts, including but not limited to:
 - a. Encouraging prime contractors to assist SBE subcontractors in obtaining bonding;
 - b. Encouraging staged bonding where feasible, when bonding is carried over from one project stage to the next; and
 - c. Relaxing bonding requirements for projects less than \$100,000.00.
2. Encourage the formation of joint ventures between SBEs. Business Services will also assist prime contractors in identifying interested SBEs for subcontracts;
3. Provide information on the City's organization and contractual needs and offer instructions on bid specifications, procurement policy, procedures, and general bidding requirements;
4. Provide specifications and requests for proposals to the SBE community in a timely manner to allow SBEs adequate time to develop responsible and responsive bids. In instances where the cost of obtaining specifications or requests for proposal is prohibitive, copies of the material will be made available at no charge to SBE development agencies;
5. Establish prorated payment and delivery schedules where feasible, to minimize cash flow problems faced by small firms. The City will provide guidance to SBE contractors regarding maintenance of positive flow in order that current obligations can be met;

6. Hold pre-bid conferences to explain SBE requirements as well as forms that must be submitted with a bid;
7. Permit bidders to review and evaluate successful bid documents of similar procurements and use debriefing sessions to explain why certain bids were unsuccessful;
8. Provide projected procurement information and contracting schedules through the office of contract compliance and other outreach efforts;
9. Conduct internal information workshops to inform and acquaint City staff with the goals and objectives of the City's small business enterprise program, and to sensitize them to the challenges faced by SBEs;
10. Maintain records showing specific efforts to identify and award contracts to SBEs and establish a monitoring system to ensure that all contractors, subcontractors, consultants, and vendors comply with contracts specifications related to SBE utilization; and
11. Inform SBEs of bid notices and specifications related to their capability by placing bid notices in major local newspapers and other periodicals. Bid notices will also be sent to local trade associations, technical assistance agencies, economic development groups, and SBEs with capabilities that may be relevant to the bid notice as identified by the City's SBE database. Bid specifications will be made available to SBE contractor associations and technical assistance agencies. Lists of potential firms bidding as primes will also be made available to SBEs.

B. *Direct assistance to SBEs.* In addition to the procedures set forth in subsection A of this section, Business Services shall also undertake special measures to assist SBEs in overcoming barriers to participation on City contracts. This assistance will be offered directly by the City, as well as by City referral to other assistance agencies with established, comprehensive, and continuous SBE development programs. Businesses requiring management and technical assistance will be identified through a questionnaire, through personal experience with these businesses, and through requests for assistance. Business Services will offer the following direct assistance to SBEs:

1. Provide counseling and training sessions for SBEs. City staff will be available to

interested business representatives to explain (in detail) instructions for preparation of bid specifications, the City's procurement policies, procedures and general bid requirements. The Business Services designee will coordinate and follow up on all requests for assistance to ensure that all necessary information was provided.

2. Provide coordination and referral to existing business development organizations.
3. Sponsor intensive workshops and training sessions on identified SBE problem areas (i.e., pricing and estimating, joint venture formation, accounting principles, marketing, etc.).

Sec. 6-2-422. — Methods by which the city will require contractors and subcontractors to comply with applicable SBE requirements.

The City's staff is available to assist contractors and subcontractors in implementing this program. As a standard procedure, such assistance includes:

1. Clearly set forth the City's SBE Program goals in all City solicitations.
2. Attend pre-proposal/bid conferences to explain the City's SBE Program.
3. Identify certified SBEs in the City's database and providing a list of available, certified SBEs upon request.
4. Provide plan holder lists and pre-bid sign-in sheets made available to interested SBEs upon request.
5. Assist bidders with developing their SBE Programs.
6. Monitor SBE participation levels on projects throughout the duration of a contract. Contractors violating contract provisions regarding SBE participation are subject to the sanctions set forth in Section 6-94-17.

Sec. 6-2-423. — Means to ensure that bidders make good faith efforts to meet SBE contract goals.

- A. For all contracts for which SBE contract goals have been established, the bidder shall be required to submit SBE participation information to the City and any other information

required by Business Services as set forth in the project's solicitation documents. The award of the contract will be conditioned upon satisfaction of the requirements established by the City. The bidder shall submit, with its bid submission, the following information:

1. The name, address and certification number, if applicable, of the SBE firms that will participate in the contract;
2. The description of the work each named SBE will perform; and
3. The dollar amount of participation by each named SBE firm.

B. If the SBE participation submitted by the bidder does not meet the SBE contract goals, the bidder must submit with its bid submission evidence demonstrating that good faith efforts were made to meet the goals. The City will review documents submitted at the time of the bid and make its determination of good faith efforts based on those submitted documents. Additional submissions will not be permitted. To determine sufficient good faith efforts to meet the SBE contract goal, a bidder/proposer shall document the steps it has taken to obtain SBE participation, including but not limited to the following:

1. Attendance at a pre-bid meeting, if any, scheduled by the City to inform SBEs of subcontracting opportunities under a given solicitation.
2. Provide copies of advertisements in general circulation media, trade association publications, and other media for at least 15 days before bids or proposals are due.
3. Copies of written notification sent to all City certified SBEs that perform the type of work to be subcontracted, in sufficient time to allow said SBEs to participate effectively, soliciting said SBEs' interest in working on the project and advising the SBEs:
 - a. Of the specific work the bidder intends to subcontract;
 - b. That their interest in the project is being solicited; and
 - c. How to obtain information for the review and inspection of the plans, specifications and requirements of the bid.

4. A written statement that economically feasible portions of work were selected to be performed by SBEs, including, where appropriate, segmenting elements of work or combining elements of work into economically feasible units. The ability of the bidder to perform the work with its own work force will not in itself excuse the bidder from making good faith efforts to meet participation goals.
5. A statement of the good faith efforts to negotiate with SBEs for specific subcontracts, including at a minimum:
 - a. The names, addresses, and telephone numbers of SBEs that were contacted.
 - b. A description of the information provided to SBEs regarding the plans and specifications for portions of the work to be performed.
 - c. A statement of why additional agreements with SBE were not reached.
 - d. Concerning each SBE, the SBE contacted but rejected as unqualified, and the reasons for the bidder's conclusion.
 - e. Efforts made to assist the SBEs contacted that needed assistance in obtaining bonding or insurance required by the competitor or the City.
6. Outreach efforts documentation. A statement describing the bidder's outreach efforts to identify, contact, contract with, or utilize businesses, including certified SBEs, as subcontractors or suppliers on the eligible project. Business Services shall set forth in the solicitation document the documents that a bidder may submit to demonstrate its outreach efforts, and such documentation may include, without limitation, evidence of the following:
 - a. The bidder contacted Business Services to identify available businesses to work on the eligible project, including certified SBEs, regardless of race, gender or ethnicity. Business Services will supply a letter to be included in the bid of the efforts rendered by the bidder as it relates Business Services recommendations.
 - b. The bidder placed notices of opportunities for qualified businesses to perform subcontracting work on the eligible project in newspapers, trade journals, and other relevant publications, including publications specifically

targeted to SBEs, or communicated such notices of opportunities via the Internet or by other available media or means.

- c. The bidder submitted invitations to bid for work on the eligible project to qualified businesses, including certified SBEs.
- d. The bidder included in such notices and invitations a full disclosure of the criteria upon which bids, proposals or quotes would be evaluated, and also included contact information for inquiries, submissions, or requests to review any necessary bid documents.
- e. The bidder promptly responded to inquiries, provided necessary physical access and time for interested businesses to fully review all necessary bid documents, and otherwise provided information, access and time necessary to allow all interested businesses to prepare bids and quotes.
- f. For each business which contacted or was contacted by the bidder regarding subcontracting or other services on the eligible project but was not contracted with or otherwise utilized on the eligible project, the bidder shall provide a written statement setting forth the dates of such contacts, the nature of such contacts, and the reasons why an agreement was not reached regarding work to be performed on the project. The bidder shall maintain all written documents reflecting such contacts, including bids, quotes and proposals.

7. To determine whether a bidder that has failed to meet SBE goals may be awarded the contract, the Business Services Manager, the director of finance and the purchasing agent, prior to the award of the project, will determine whether the efforts the bidder made to obtain SBE participation were good faith efforts. Efforts that are merely pro forma are not good faith efforts to meet the goals. In order to award a contract to a bidder that has failed to meet SBE contract goals, the Business Services Manager, the director of finance and the purchasing agent will determine whether the bidder actively and aggressively made efforts to meet the City's SBE goals. A bidder making a good faith effort would consider a number of factors in negotiating with subcontractors, including SBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that

there may be some additional costs involved in finding and using SBEs is not in itself sufficient reason for a bidder's failure to meet the contract SBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from SBEs if the price difference is excessive or unreasonable. In determining whether a bidder has made good faith efforts, the Office of Business Services will take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, the Office of Business Services may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal but meets or exceeds the average SBE participation obtained by other bidders, the City may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. Businesses that fail to meet SBE goals and fail to demonstrate good faith efforts shall be deemed nonresponsive to the City's SBE requirements and shall not be eligible to be awarded the contract.

8. To ensure that all obligations under contracts awarded to SBEs are met, the City shall review the contractor's SBE involvement efforts during the performance of the contract. The contractor shall bring to the attention of the City any situation in which regularly scheduled progress payments are not made to SBE subcontractors.
- C. Bidders shall not terminate, replace, or reduce the work of the SBE that the bidder has counted toward meeting the committed SBE goal unless:
 1. The SBE refuses to enter into a contract consistent with the Letter of Intent.
 2. The SBE's certification expires.
 3. The SBE materially breaches its contract with the bidder.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for SBE firms put forward by bidders.

Sec. 6-2-424. — Penalties for noncompliance.

A contractor who fails to comply with any portion of this chapter, and whose failure to comply continues for a period of 30 calendar days after the contractor receives written notice of such noncompliance from the director of Business Services, shall be subject to any or all of the following penalties:

1. Withholding of ten percent of all future payments for the eligible project until Business Services determines that the contractor is in compliance with this chapter.
2. Withholding of all future payments under the eligible project until it is determined that the contractor is in compliance with this chapter.
3. Cancellation of the eligible project.
4. Refusal of all future contracts or subcontracts with the City for a minimum of one year and a maximum of five years from the date upon which this penalty is imposed.

Sec. 6-2-425. — Outreach to SBEs.

The City considers information dissemination and communication with SBEs as an integral part of the city's SBE Program. As a part of its outreach program, Business Services will solicit input from representatives of SBEs, trade associations and community organizations. This input will serve several important functions, including:

1. Providing information to identify additional SBE firms;
2. Assisting in refining SBE Program goals and procedures; and
3. Providing an independent assessment of the effectiveness of the City's SBE program.

Sec. 6-2-426. — Procedures to require that participating SBEs are identified by name by competitors for contracts.

- A. The City shall indicate, in solicitations for contracts that provide opportunities for SBE participation, goals for the use of SBE firms. Solicitations shall require all bidders to submit a written assurance of meeting the goals in their bids or proposals. Bids must also include a proposed schedule of SBE participation that lists the names of SBE subcontractors, a description of the work each is to perform, and the dollar value of each proposed SBE subcontract. If the SBE participation does not meet the SBE contract goals, the bidders must submit sufficient information and evidence demonstrating that the bidder made good faith efforts to meet the goals.
- B. Bidders are required to submit this information with their bids and bidders are so informed at the time of solicitation. Agreements between a bidder and an SBE in which the SBE promises not to provide subcontracting quotations to other bidders shall be prohibited.

Sec. 6-2-427. — Local preference for award of city contracts.

Purpose and intent. The City shall give a local preference to local businesses in the city limits in awarding City contracts and making purchases whenever the application of such a preference is reasonable in light of the dollar value of the proposal received in relation to such expenditure.

1. Local preference.

- a. In order to be eligible for the local preference, the vendor must provide a copy of the domestic county and state business license and shall also provide proof that county personal property taxes and all other necessary local business operational taxes inherent to businesses whose principal base of operations is located within the city limits were appropriately paid and/or authorize the governing bodies of each agency to release such information to the city.
- b. In the bidding of, or letting contracts for procurement of supplies, materials, equipment and services, with a total price of \$10,000.00 or more, local preference shall mean that if the lowest responsive bidder is a regional or non-local business, then all bids received from responsive local businesses are decreased by five percent. The original bid is not changed; the five percent decrease is calculated only for the purposes of determining the local preference. The local preference cost differential is not to exceed \$100,000.00.
- c. In the case of a request for proposal, letters of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses, local businesses are assigned five percent of the total points of the total evaluation points up to a maximum of five points.
- d. In the event of a tie between a local business and one or more non-local business meeting specifications, the ties shall be broken in favor of the local business.

2. Local presence.

- a. In the event there is no local business preference designation, either due to non-participation or non-eligibility after the five percent differential or five-point

assignment, then local presence will be considered for the procurement of goods and services over the amount of \$2,000,000.00.

- b. Local presence will be demonstrated by the total number of individuals a business employs within the county. For procurements, a five percent differential, which is not to exceed \$200,000.00, shall be granted for the business that demonstrates the highest number of total employees located within the county at the time of the bid response. For request for proposals or matters for which factors are evaluated, local presence at the time of the response will be a weighted criterion. In no event shall the local presence designation be allowed for a business with less than 25 local employees at the time of the bid response.

3. *Exceptions.*

- a. The local business preference or presence criteria shall not apply to purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of the local preference, nor shall the local preference apply to purchases made or contacts let under emergency or noncompetitive situations.
- b. Application of the local preference or local presence criteria to a particular purchase, contract or category of contracts for which the city is the awarding authority may be waived upon written justification and recommendation of the city to compare qualification, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preference or presence criteria established herein in no way prohibit the right of the city from giving any other preference permitted by law in addition to the preference authorized herein.

Section 2. — Severability.

BE IT FURTHER ORDAINED, That if any provision of this chapter or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid

provisions or applications and are to this end declared to be severable.

Section 3. — Codification.

BE IT FURTHER ORDAINED, That this ordinance amends Chapter 2 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 4. —Effective Date.

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(s):

J. Ford Canale

CHAIRMAN