



Memphis and Shelby County Land Use Control Board

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619
(Please visit our web site at: www.dpdgov.com)

ADDENDUM AGENDA

JUNE 11, 2009

ZONING TEXT AMENDMENT

1A. **CASE NUMBER:** **ZTA 08-002**

COMPANION CASE #: **Z 08-104**

REQUEST:

- Adopt University District Comprehensive Plan
- Adopt University District Comprehensive Rezoning
- Adopt University District Overlay.



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SCHEDULE

JUNE 11, 2009

- 8:30 A.M. EXECUTIVE SESSION Conference Room A , 4th Floor
- 10:00 A.M. MORNING PUBLIC SESSION City Council Chambers, Lobby
- Subdivision Correspondence
 - Subdivisions, Street & Alley Closures
 - Street Dedications, Street Name Changes
 - Planned Development & Zoning Correspondence
 - Site Plan Reviews, Zoning Map Amendments & Zoning Text Amendments
 - Comprehensive Plan Adoption
 - Planned Developments,
 - Special Use Permits,
 - Zoning Map Amendments
 - Zoning Text Amendments

*Time Approximate

Conflict of Interest Statement:

The adopted policy of the Land Use Control Board requires that any member of the Board recuse himself / herself from any participation in the discussion or voting on any matter on the meeting agenda in which he / she has a direct or indirect personal interest. The member shall vacate his / her seat during deliberation on any matter from which he / she has recused himself / herself.

General Order in Which Public Hearings Will Proceed:

1. The Chairman will open the Public Hearing by calling the Agenda item number and application Case Number as it appears on the agenda.
2. The OPD staff will explain the nature of the application and will present an analysis of it and the staff recommendation.
3. The applicant and proponents will be heard for a period not exceeding five (5) minutes.
4. The opponents will be heard for a time period not exceeding five (5) minutes.
5. The applicant will be given a two (2) minute period for rebuttal.
6. Board members proceed to discuss the application amongst themselves and may request clarification of certain points from staff or persons in the audience who spoke previously.
7. The Land Use Control Board will then vote to approve, approve in modified form, deny, or continue (hold) the application until a subsequent meeting.
8. The Board Chairman will then inform the audience of the outcome of the Board's action.

RIGHT TO APPEAL:

Any individual appearing or submitting written comments at the Land Use Control Board (LUCB) meeting, or any governmental body submitting comments may appeal the decision of the Land Use Control Board to the appropriate governing body(ies), i.e. Memphis City Council and/or Shelby County Commission. Appeals should be submitted within 10 working days of the Land Use Control Board action to the Chief Administrative Officer of the City of Memphis (Keith McGee, Jr.) and/or of Shelby County (James Huntzicker) with a copy of same to Mary Baker, Deputy Director for the Office of Planning and Development (OPD). This applies only to preliminary subdivision and correspondence applications. The balance of all of the other items heard on today's agenda are automatically forwarded to the City Council and/or County Commission for final action.

If you choose to file an appeal please be aware of the following additional requirements in order to make your appeal valid:

The request for an appeal shall: 1) indicate the name and case number of the application, 2) the date of the L.U.C.B. action, 3) the specific decision and/or conditions approved by the L.U.C.B. which are being appealed, 4) your suggested remedy, and 5) the name, address and phone number of the appellant. Please note that public hearing notification fees of \$50.00 are required to be paid to the City Council Records Office and/or the County Minutes Office, and \$100 to OPD. These fees should accompany your letter of appeal copied to OPD.

James Huntzicker, CAO
Shelby County
160 North Main Street
Memphis, TN 38103

Keith McGee, Jr., CAO
City of Memphis
125 North Main Street
Memphis, TN 38103

Mary Baker, Deputy Director
Office of Planning & Development
125 North Main Street, Suite 468
Memphis, TN 38103

AGENDA

10:00 A.M. MORNING PUBLIC SESSION

- A. ROLL CALL
- B. SECRETARY'S REPORT
- C. CONSENT AGENDA Items # 1 & 2-3

Agenda items # 1 & 2-3 comprise the various applications pertaining to land subdivision and zoning to be heard this morning as part of the Consent Agenda. The Board will act on all of these items as a group with one vote subject to the recommendation of the Office of Planning and Development in its Staff Report--rather than vote on each item separately. This also applies to items which otherwise involve a public hearing where notice was sent to adjacent property owners. Such action satisfies the legal requirements for holding a public hearing so long as no one wishes to speak either for or against an item listed as being on the Consent Agenda.

If Board Members or persons in the audience wish to discuss any item, that item is pulled from the others for separate discussion and vote by the Board and the remaining items are voted on as a group. If you desire to speak in regard to an application listed as being part of the Consent Agenda, please come to the podium at the front of the chamber and notify the Board Chairman of the Agenda Item Number after the Consent Agenda and staff recommendation for this morning's applications have been read.

Please fill out an Attendance/Speaker's Card and hand it to an OPD staff member sitting behind the railing in the front of the chamber if you intend to address the Board in regard to any item found on today's Agenda. Cards may be found at the speakers podium and at the Sergeant At Arms table. If you decide to speak, please start by giving your name and street address, then tell the Board of your concern. If there are several in your area with similar concerns, you may appoint a spokesperson. The Board is particularly interested in the specific reasons you are for or against a proposal.

If you are attending the meeting on a specific agenda item but do not wish to speak it is requested that you nonetheless fill out an Attendance/Speaker's Card so that your attendance may be recorded at the meeting. This is necessary in order to preserve your right to appeal the decision of the Land Use Control Board to the City Council and/or County Commission for applications regarding preliminary subdivision applications and most planned development and zoning correspondence applications on today's agenda.

NEW APPLICATIONS:

1. **CASE NUMBER:** **S 09-005**

 DEVELOPMENT NAME: **SUMMER AVENUE BUSINESS PARK SUBDIVISION**

 LOCATION: South side of Summer Avenue; 442 feet west of Shelby Oaks Drive

 APPLICANT: Wolf River Investment Group, Inc.

 REPRESENTATIVE: Greg Russell, Pe, PLS

 EXISTING ZONING: Light Industrial (I-L); Light Industrial Flood Plain (I-L{FP}) District; Floodway (FW) District

 REQUEST: 2 Lots

 AREA: 31.50 Acres

CORRESPONDENCE APPLICATIONS

2. **CASE NUMBER:** **P.D. 02-339**
- STREET NAME:** **THE VILLAGE OF CORDOVA PLANNED DEVELOPMENT, PHASE 6**
- LOCATION:** Northeast corner of Macon Road and Dexter Lane
- APPLICANT:** VCM Real Estate
- REPRESENTATIVE:** Frank Balton & Company
- EXISTING ZONING:** Currently governed by P.D. 02-339
- REQUEST:** Increase the maximum size of an attached sign per business establishment from 12 square feet to 48 square feet for a day care center
-
3. **CASE NUMBER:** **P.D. 01-337**
- STREET NAME:** **MAISON PRIVEE PLANNED DEVELOPMENT, LOT 1**
- LOCATION:** 6336 Maison Privee Cove
- APPLICANT:** Scott Lansky
- REPRESENTATIVE:** Scott Lansky
- EXISTING ZONING:** Currently governed by P.D. 01-337
- REQUEST:** Permit the recently-constructed privacy wall at the rear of Lot 1 to encroach over an existing public drainage easement located at the northwest corner of Lot 1

10:00 A.M. MORNING PUBLIC SESSION

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NEW APPLICATIONS

4. **CASE NUMBER:** **P.D. 09-309CC**
- DEVELOPMENT NAME:** **STANSELL CROSSING PLANNED DEVELOPMENT (PHASE 9)**
- LOCATION:** Northeast corner of Lowrance Road; +/-331.38 feet east of Stansell Court
- APPLICANT:** Tower Ventures, LLC (Billy Orgell)
- REPRESENTATIVE:** Prime Development Group (Michael Fahy)
- EXISTING ZONING:** Governed by Parcel 9 of the Stansell Crossing Planned Development
- REQUEST:** Communication Tower (199 feet)
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5. **CASE NUMBER:** **P.D. 09-310**
- DEVELOPMENT NAME:** **MCDONALD PLANNED DEVELOPMENT, AMENDMENT**
- LOCATION:** North side of Summer Avenue; +1,230 feet east of Graham Street
- APPLICANT:** Charles McDonald
- REPRESENTATIVE:** Danny Tabrizi
- EXISTING ZONING:** Mostly regulated by P.D. 97-341 – McDonald Planned Development, Original; also one (1) lot in a Single Family Residential R-S8) District
- REQUEST:** Motor vehicle sales – approval for inclusion of a 4th lot
- PROPERTY SIZE:** 1.32 Acres

NEW APPLICATIONS

6. **CASE NUMBER:** **P.D. 09-311**
- DEVELOPMENT NAME:** **HARBERT AVENUE PLANNED DEVELOPMENT**
- LOCATION:** North side of Harbert Avenue; +/-310 feet east of South
 Bellevue Boulevard
- APPLICANT:** Brook & Marissa Lopez
- REPRESENTATIVE** Harkavy-Shainberg-Kaplan and Dunstan, PLC
- EXISTING ZONING:** Single Family Residential (R-S6) District
- REQUEST:** Planned development to allow renovation and use of the
 property as a triplex and obtain separate utility meters for the
 tenants .
- PROPERTY SIZE:** 0.21 Acre (9,147.60 sq. ft.)
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7. **CASE NUMBER:** **P.D. 09-312**
- DEVELOPMENT NAME:** **I-40/GERMANTOWN PARKWAY PLANNED
 DEVELOPMENT, AMENDED**
- LOCATION:** Southeast corner of Germantown Parkway and U.S. Hwy. 64
- APPLICANT:** Simon Properties, Inc.
- REPRESENTATIVE:** ETI Corporation
- EXISTING ZONING:** Governed by the approved conditions as amended by
 P.D. 06-336
- REQUEST:** Amend existing conditions to allow “Retail Sales Outdoor”
- PROPERTY SIZE:** 120.38 Acres

NEW APPLICATIONS

8. **CASE NUMBER:** **P.D. 09-313CC**
- DEVELOPMENT NAME:** **WOODLAND HILLS PLANNED DEVELOPMENT, 10TH**
 AMENDMENT
- LOCATION:** Southwest corner of Macon Road and Macon View Drive
- APPLICANT:** Ethridge Enterprises
- REPRESENTATIVE:** Harkavy-Shainberg-Kaplan and Dunstan, PLC
- EXISTING ZONING:** Woodland Hills Planned Development, 9th Amendment
 (P.D. 05-381CC)
- REQUEST:** Plan amendment to Parcel 5 to allow limited Planned
 Commercial (C-P) land uses
- PROPERTY SIZE:** 6.93 Acres
-
9. **CASE NUMBER:** **S.U.P. 09-209**
- LOCATION:** Southeast corner of Mallory Avenue and Lauderdale Street
- APPLICANT:** Forrest Bockersy
- REPRESENTATIVE:** Brenda Solomito
- EXISTING ZONING:** Local Commercial (C-L) District
- REQUEST:** Motor vehicle service with auto storage
- PROPERTY SIZE:** 0.34 Acres

NEW APPLICATIONS

10. **CASE NUMBER:** **S.U.P. 09-210**

LOCATION: North side of Lamar Avenue; +/-120 feet west of Airways
 Boulevard

APPLICANT: J. Wise Smith

EXISTING ZONING: Highway Commercial (C-H) District

REQUEST: Retail Sales - Outdoor- Ice Vending Machine

PROPERTY SIZE: 0.27 Acres

11. **CASE NUMBER:** **U.V. 09-02**

LOCATION: West side of North Second Street @ Plum and Pear Avenues

APPLICANT: Harbor View Properties, Inc.

REPRESENTATIVE: SR Consulting, LLC

EXISTING ZONING: Mixed Use (MU) District

REQUES: Use variance to allow an eighteen (18) bed hospital.

PROPERTY SIZE: 8.40 Acres

NEW APPLICATIONS:

12. **CASE NUMBER:** **U.V. 09-03**

LOCATION: West side of S. Bellevue, south of Linden Avenue

APPLICANT: Nyanday Oti

EXISTING ZONING: Hospital (H) District

REQUEST: Pharmacy

PROPERTY SIZE: 7144 square feet