



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: <http://www.dpdgov.com>)

SCHEDULE

October 8, 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

*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

Jack Sammons, 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 # 1-5

Agenda Items # 1-5 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.

CORRESPONDENCE APPLICATIONS

1. **CASE NUMBER:** **S 58-01**

DEVELOPMENT NAME: **GLEN PARK SUBDIVISION – LOT 317 – SECTION E-4**

LOCATION: Southeast corner of Hayne Street and Timmons Avenue
(1556 Hayne Street)

APPLICANT: Joseph W. Johnson, Jr.

REPRESENTATIVE: Joseph W. Johnson, Jr.

EXISTING ZONING: Single Family Residential (R-S8) District

REQUEST: Reduce the front yard setback requirement of 40 feet to 31 feet along Hayne Street for a front porch extension to an existing home at 1556 Hayne Street

2. **CASE NUMBER:** **S 07-013**

DEVELOPMENT NAME: **YOUSEF SUBDIVISION**

LOCATION: Northeast corner of Raleigh Millington Road and St. Elmo Road

APPLICANT: Haitham Yousef

REPRESENTATIVE: Keith Chapman – J.P. Thomas & Associates

EXISTING ZONING: Local Commercial (C-L) District

REQUEST: 2-year time extension for the preliminary subdivision plan previously approved by the Land Use Control Board on 04/12/07

PROPERTY SIZE: .95 Acres

CORRESPONDENCE APPLICATIONS

3. **CASE NUMBER:** **P.D. 84-385**

DEVELOPMENT NAME: **VILLAGES OF BENNINGTON PLANNED
DEVELOPMENT – GLENEAGLES SHOPPING
CENTER**

LOCATION: East side of Riverdale Road, 500 feet south of Shelby Drive

APPLICANT: Gleneagles Station, LLC

REPRESENTATIVE: The Pickering Firm

EXISTING ZONING: Currently governed by P.D. 84-385

REQUEST: Site Plan approval for the construction of a Kroger retail fuel center in the existing parking lot along Riverdale Road

PROPERTY SIZE: 1.03 Acres

4. **CASE NUMBER:** **P.D. 86-322**

DEVELOPMENT NAME: **HUMPHREYS BOULEVARD PLANNED
DEVELOPMENT, PHASE IV (WYNFREY PLACE)**

LOCATION: South side of Shady Grove East, 280 feet southeast of Humphreys Boulevard

APPLICANT: Wynfrey Place Homeowners Association

REPRESENTATIVE: Bill Privette

EXISTING ZONING: Currently governed by P.D. 86-322

REQUEST: Erect electronic privacy gates at the two vehicular access points of Wynfrey Place with Shelby Grove Road East

CORRESPONDENCE APPLICATIONS

5. **CASE NUMBER:** **P.D 92-351**

DEVELOPMENT NAME: **SYCAMORE VIEW OFFICE PARK PLANNED DEVELOPMENT, PHASE III**

LOCATION: East side of Sycamore View Road, 680 feet south of Macon Road

APPLICANT: Steve Foree

REPRESENTATIVE: McCaskill & Associates

EXISTING ZONING: Currently governed by P.D. 92-351

REQUEST: Increase the minimum building floor area that can be constructed from 1,000 square feet to 6,000 square feet in Phase III

PROPERTY SIZE: .74 Acres

10:00 A.M. MORNING PUBLIC SESSION

Please fill out a 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 speaker's podium and at the Sergeant At Arms table.

DEFERRED APPLICATIONS

6. **CASE NUMBER:** **P.D. 09-318**

DEVELOPMENT NAME: **GRAY'S CREEK ROLAND ROAD PLANNED DEVELOPMENT**

LOCATION: East side of Cobb road; +/-614 feet south of Hwy. 64

APPLICANT: 64 Joint Venture & First Capital Bank – (Terry Edwards, Clair Vanderschaaf)

REPRESENTATIVE: Solomito Land Planning

EXISTING ZONING: Gray's Creek Business Park (Area C and D) Planned Development (P.D. 04-366CC); and Roland Estates Planned Development (P.D. 99-364CC)

REQUEST: Mixed use plan to include: Area A – Office, Area B – Nursing Home, Area C – Multi-Family Residential (8 units per building), Area D – Age-Restricted Residential

Housing

(4 units per building) and Area E – Single Family Residential (94 lots)

PROPERTY SIZE: 256.03 Acres

7. **CASE NUMBER:** **P.D. 09-320**

DEVELOPMENT NAME: **POPLAR/WEST SUGGS PLANNED DEVELOPMENT**

LOCATION: Northeast corner of Poplar Avenue and Estate Place

APPLICANT: Solberg Properties – (Ronald Solberg)

REPRESENTATIVE: Solomito Land Planning

EXISTING ZONING: Regulated by the approved conditions for PUD CO-62

REQUEST: Amendment to the existing planned development to permit limited commercial uses with a specific site plan for a Drive In Restaurant (Sonic)

PROPERTY SIZE: 0.40 Acres

DEFERRED APPLICATIONS

8. **CASE NUMBER:** **P.D. 09-321 (Held from September 10, 2009)**
- DEVELOPMENT NAME:** **BUILDER’S EXCHANGE PLANNED DEVELOPMENT**
- LOCATION:** Southeast corner of South Cooper Street and Cowden Avenue
- APPLICANT:** Memphis Builders’ Exchange
- REPRESENTATIVE:** Powers-Hill Design, LLC
- EXISTING ZONING:** Duplex Residential (R-D) and Highway Commercial (C-H) Districts
- REQUEST:** Planned development to combine two (2) adjacent parcels to allow additional parking at the east side of the building
- PROPERTY SIZE:** 0.47 Acre (29,430 sq. ft.)

NEW APPLICATIONS

9. **CASE NUMBER:** **P.D. 09-322**

DEVELOPMENT NAME: MEMPHIS COLLEGE OF ART PLANNED DEVELOPMENT

LOCATION: West side of Barksdale Street; +/-184.77 feet south of Poplar Avenue

APPLICANT: Memphis College of Art (Sherry Yelvington)

REPRESENTATIVE: Nathan Bicks

EXISTING ZONING: Planned Development (PUD R-114) and Multiple Dwelling Residential (R-MM) Districts

REQUEST: Construct a second residence hall to match the existing building

PROPERTY SIZE: 1.34 Acres

10. **CASE NUMBER:** **P.D. 09-323CC**

DEVELOPMENT NAME: VILLAGES OF BENNINGTON PLANNED DEVELOPMENT, 3RD AMENDMENT

LOCATION: East side of Riverdale Road; +/-395.66 feet north of Holmes Road

APPLICANT: Arnett Car Wash, LLC

REPRESENTATIVE: Prime Development Group, Inc.

EXISTING ZONING: Villages of Bennington Planned Development, 2nd Amendment (P.D. 02-332CC)

REQUEST: Plan amendment to allow outdoor vending for an ice house facility

PROPERTY SIZE: 0.74 Acre (32,234 sq. ft.)

NEW APPLICATIONS

11. **CASE NUMBER:** **U.V. 09-06**
- LOCATION:** South side of Faxon Avenue; +/-400 feet west of N. Highland Street to serve (3432 Summer Avenue)
- APPLICANT:** Tim E. Dacus
- REPRESENTATIVE:** Bill Fuller/Terry Neuenschwander
- EXISTING ZONING:** Duplex Residential (R-D) District
- REQUEST:** A use variation for a parking lot
- PROPERTY SIZE:** 0.23 Acres
-
12. **CASE NUMBER:** **Z 09-104**
- LOCATION:** South side of Frayser Boulevard, 150 feet west of Thomas Street
- APPLICANT:** Christ Community Health Services, Inc.
- REPRESENTATIVE:** ETI Corporation
- EXISTING ZONING:** Multiple Family Residential (R-MM) District
- REQUEST:** General Office (O-G) District
- PROPERTY SIZE:** 3.5 Acres

NEW APPLICATIONS

13. **CASE NUMBER:** **Z 09-106**
- LOCATION: Northeast corner of U.S. Highway 78 and Tuggle Road
- APPLICANT: Harbin Enterprises, GP
- REPRESENTATIVE: Philip Jones
- EXISTING ZONING: Highway Commercial (C-H) District
- REQUEST: Light Industrial (I-L) District
- PROPERTY SIZE: 18.77 Acres
-
14. **CASE NUMBER:** **S.U.P. 09-216**
- LOCATION: North side of W. Raines Road: ±330 feet east of Opportunity Road
- APPLICANT: Roy and Doris Heath d/b/a R&D Enterprises
- REPRESENTATIVE: Lorenzo Lester
- EXISTING ZONING: Heavy Industrial (I-H) & Single Family Residential (R-S6) Districts
- REQUEST: Cemetery
- PROPERTY SIZE: 31.80 Acres

