



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

February 11, 2010

8:30 A.M.	EXECUTIVE SESSION	Conference Room A , 4th Floor
9:00 A.M.	Public Hearings on Planning and Zoning Amendments	City Council Chambers, Lobby
Until		
11:00 A.M.	Unified Development Code and the South Memphis Revitalization Action Plan	
11:00 A.M.	Public Hearings on Development Applications Subdivision Correspondence Subdivisions, Street & Alley Closures Street Dedications, Street Name Changes Planned Development & Zoning Correspondence Site Plan Reviews	City Council Chambers, Lobby

*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 (George Little.) 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

George Little, 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

11:00 A.M. MORNING PUBLIC SESSION

- A. ROLL CALL
- B. SECRETARY'S REPORT
- C. CONSENT AGENDA Items # 3-12

Agenda Items # 3-12 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.

02/11/10

BEGINNING AT 9:00 A.M.

1. **CASE NUMBER:** **ZTA 09-001CC**

REQUEST: Adoption of the Memphis and Shelby County Unified Development Code (as amended since May 28, 2009) and recommendation for final action by the Memphis City Council and Shelby County Commission.

2. Adoption of the South Memphis Revitalization Action Plan – SoMeRAP and recommendation for adoption by the Memphis City Council and Shelby County Commission.

11:00 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 speakers podium and at the Sergeant At Arms table.

CORRESPONDENCE APPLICATION

3. **CASE NUMBER:** **S 07-044**
- DEVELOPMENT NAME:** **MOSAIC SUBDIVISION (formerly GIFTED POINT SUBDIVISION)**
- LOCATION:** South side of Reese Road; 328 feet west Kate Bond Road
- APPLICANT:** Mario Roach to Mosaic Housing Corporation
- REPRESENTATIVE:** Frank P. Palumbo Jr.
- EXISTING ZONING:** Agricultural (AG) District
- PROPERTY SIZE:** 2.50 Acres
- REQUEST:** (1) Change ownership from Mario Roach to Mosaic Housing Corporation, (2) Re-figure the previously-approved two residential lots; (3) Two-year time extension for preliminary plan

NEW APPLICATION

4. **CASE NUMBER:** **S 09-014**

DEVELOPMENT NAME: **BEARWATER PARK SUBDIVISION**

LOCATION: West side of North Seventh Street, 100 feet south of Cedar Avenue

APPLICANT: Oasis of Hope, Inc.

REPRESENTATIVE: Terry Hoff

EXISTING ZONING: Moderate Density Residential (MDR) District

PROPERTY SIZE: 6.24 Acres

REQUEST: 42 lots for Single Family and Duplex Dwellings

CORRESPONDENCE ITEM APPLICATIONS

7. **CASE NUMBER:** **PD 90-312**
- DEVELOPMENT NAME:** **RIDGEWAY TRACE PLANNED DEVELOPMENT**
- LOCATION:** South side of Poplar Avenue, 131 feet west of Ridgeway Loop
- APPLICANT:** WRI Ridgeway, LLC
- REPRESENTATIVE:** Kimley Horn and Associates
- EXISTING ZONING:** Currently governed by P.D. 90-312
- PROPERTY SIZE:** 2.29 Acres
- REQUEST:** Site plan approval for liner buildings along Poplar Avenue directly west of a proposed Logan's Roadhouse Restaurant

CORRESPONDENCE ITEM APPLICATIONS

8. **CASE NUMBER:** **PD 97-333**
- DEVELOPMENT NAME:** **MEADOW CREEK PLANNED DEVELOPMENT,**
 PHASE 12
- LOCATION: West side of Cully Road, 253 feet north of Macon Terrace
 Road (1155 Cully Road)
- APPLICANT: Carlos and Cynthia Gonzales
- REPRESENTATIVE: Brenda Solomito, Solomito Land Planning
- EXISTING ZONING: Currently governed by PD 97-333
- PROPERTY SIZE: .30 Acres
- REQUEST: 10 foot rear yard building setback where 20 feet is required for
 a proposed building addition of a conference room and storage
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9. **CASE NUMBER:** **PD 99-306CO**
- DEVELOPMENT NAME:** **SPRING CREEK RANCH PLANNED DEVELOPMENT,**
 PHASE 3
- LOCATION: North side of Raleigh-LaGrange Road, 311 feet east of Rocky
 Joe Drive (12560 Raleigh LaGrange Road)
- APPLICANT: Bill Powell
- REPRESENTATIVE: Gary Thompson
- EXISTING ZONING: Currently governed by PD 99-306CO
- PROPERTY SIZE: 22,165 sq. ft.
- REQUEST: (1) Permit existing driveway access to Raleigh LaGrange
 Road for the existing residence at 12560 Raleigh
 LaGrange Road to remain in conjunction with the
 residence being added as Lot 78A to Phase 3 of the
 Spring Creek Ranch Planned Development;
 (2) Delete requirement for a reverse frontage
 landscaping screen on Lot 78A with the exception
 of the three-rail fence continuation along Raleigh-
 LaGrange Road

CORRESPONDENCE ITEM APPLICATIONS

10. **CASE NUMBER:** **PD 07-301**
- DEVELOPMENT NAME:** **JACKSON AVENUE OPEN AIR MARKET PLANNED DEVELOPMENT**
- LOCATION:** Northwest side of Jackson Avenue, 479.8 feet south of Brighton Road South
- APPLICANT:** Forty Ten Jackson Holdings, LLC
- REPRESENTATIVE:** ETI Corporation
- EXISTING ZONING:** Currently governed by PD 07-301
- PROPERTY SIZE:** 2.24 Acres
- REQUEST:** Phasing Modification to the Outline Plan and Final Plat for Phase I to reduce the outdoor retails and no parking area
11. **CASE NUMBER:** **SUP 09-211**
- LOCATION:** West side of Tchulahoma Road, +/-453 feet south of East Shelby Drive
- APPLICANT:** Easthaven Community Development Corporation
- REPRESENTATIVE:** Jerry Johnson
- EXISTING ZONING:** Currently governed by SUP 09-211
- PROPERTY SIZE:** 9.89 Acres
- REQUEST:** (1) Change the occupancy minimum age from 55 years old to 62 years old; (2) Delete the requirement that at least one meal shall be prepared on site and provided to the occupants daily in a common dining area; (3) Increase the maximum number of independent living units from 30 to 35

DEFERRED APPLICATIONS

13. **CASE NUMBER:** **SUP 09-218**
- LOCATION:** East side of Cherry Road, opposite and south of intersection
 with Dunn Avenue
- APPLICANT:** Alan Parker, Jr.
- REPRESENTATIVE** Whit Gurkin
- EXISTING ZONING:** Local (C-L) District
- PROPERTY SIZE:** 0.482 sq. ft.
- REQUEST:** Motor vehicle service use
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14. **CASE NUMBER:** **Z 09-109**
- LOCATION:** East side of Ramill Road at the western terminus of
 Lansford Drive
- APPLICANT:** H & M Carter, Inc.
- REPRESENTATIVE:** Doveland Engineering Co.
- EXISTING ZONING:** Single Family Residential (R-S8) District
- PROPERTY SIZE:** 0.80 Acre (34,848 Sq. Ft.)
- REQUEST:** Neighborhood Commercial (C-N) District

NEW APPLICATIONS

15. **CASE NUMBER:** **PD 10-301**
- DEVELOPMENT NAME:** **MEMPHIS DEPOT BUSINESS PARK PLANNED DEVELOPMENT, AMENDED**
- LOCATION:** Northwest corner of Airways Boulevard and Memphis Depot Parkway
- APPLICANT:** Depot Redevelopment Corporation
- REPRESENTATIVE:** SR Consulting, LLC
- EXISTING ZONING:** Currently governed by Memphis Depot Business Park Planned Development (P.D. 04-378)
- PROPERTY SIZE:** 11.02 Acres
- REQUEST:** Plan amendment to add a parcel for a new Area ‘A-3’ to allow office use; increase the Common Open Space in Area ‘B-3’ for future detention; including the location of a pump house in Area ‘C-2’ of the Outline Plan.
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16. **CASE NUMBER:** **PD 10-303**
- DEVELOPMENT NAME:** **KIRBY GATE PLANNED DEVELOPMENT AMENDMENT**
- LOCATION:** Southside of Quince Road, beginning 600 feet west of Kirby Parkway and extending west to Wheels Cove
- APPLICANT:** KG Land, LLC – Walter Wills
- REPRESENTATIVE:** Fisher-Arnold, Inc. (David Baker)
- EXISTING ZONING:** Governed by the Approved Conditions for P.D. 05-355 (Kirby Gate South Planned Development, 3rd Amendment)
- PROPERTY SIZE:** 54.79 Acres
- REQUEST:** Amendment to Kirby Gate Planned Development to allow Automobile Service and Repair Facilities, Restaurants with Drive-Thru Windows, and Office Showroom as permitted uses

NEW APPLICATIONS

17. **CASE NUMBER:** **PD 10-304**
- DEVELOPMENT NAME:** **MEMPHIS DRUM SHOP CAMPUS**
- LOCATION:** Southwest corner of Blythe Street and Nelson Avenue
- APPLICANT:** MDS Realty, LLC. (Jim Pettit)
- REPRESENTATIVE:** David Milem
- EXISTING ZONING:** Single Family Residential (R-S6) District
- PROPERTY SIZE:** 0.45 Acres
- REQUEST:**
1. Re-use Church for Storage, Audio-Visual Recording Studio, Student Lessons, and Upstairs Apartment;
 2. Maintain existing Single Family Home;
 3. Provide Parking for Drum Shop Staff;
 4. Permit temporary tents (3 year) for Special Events.
18. **CASE NUMBER:** **Z 10-101**
- LOCATION:** Northwest side of S. Third Street; +/-191.93 feet northeast of W. Holmes Road
- APPLICANT:** Howard and Lawrence Lipman
- REPRESENTATIVE:** SR Consulting, LLC
- EXISTING ZONING:** Single Family Residential (R-S6) District
- PROPERTY SIZE:** 1.21 Acres
- REQUEST:** Highway Commercial (C-H) District

NEW APPLICATIONS

19. **CASE NUMBER:** **SUP 10-201**
- LOCATION:** Southeast side of Channel Avenue: +/-900.12 feet south of
 Jack Curley Causeway
- APPLICANT:** Progress Rail Services
- REPRESENTATIVE:** Todd Jones
- EXISTING ZONING:** Heavy Industrial (I-H) District
- PROPERTY SIZE:** 4 Acres
- REQUEST:** Scrap Metal Processing Yard
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20. **CASE NUMBER:** **SUP 10-202**
- LOCATION:** East side of Perkins Road Extended; ±150 ft. south of Poplar
 Avenue
- APPLICANT:** Tower Ventures V, LLC & TV6-W, LLC
- REPRESENTATIVE:** Billy Orgel
- EXISTING ZONING:** Highway Commercial (C-H) District
- PROPERTY SIZE:** Site: 2,500 sq. ft. on rooftop and a large ground-mounted
 pole above site to be leased area on a 28,417 sq. ft. (0.65
 acre) lot
- REQUEST:** Cell tower, 145 ft. monopole, canister-type design

NEW APPLICATIONS

21. **CASE NUMBER:** **SUP 10-203**
- LOCATION:** North side of Knight Arnold Road; ±150 ft. east of Mendenhall
- APPLICANT:** Tower Ventures V, LLC & TV6-W, LLC
- REPRESENTATIVE:** Billy Orgel
- EXISTING ZONING:** Local Commercial (C-L) District
- PROPERTY SIZE:** Site: 1,250 sq. ft. leased area on a 41,600 sq. ft. (0.95 acre) lot
- REQUEST:** Cell tower, 140 ft. monopole, “conventional” design
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22. **CASE NUMBER:** **SUP 10-204**
- LOCATION:** Southeast corner of Riverdale Road & Holmes
- APPLICANT:** Tower Ventures
- REPRESENTATIVE:** Mike Fahy, Prime Development
- EXISTING ZONING:** Planned Commercial (C-P) District
- PROPERTY SIZE:** 4,225 sq. ft. site on a 1.6 acre tract
- REQUEST:** Cell tower, 160 ft. monopole, “slick-stick” design

NEW APPLICATIONS

23. **CASE NUMBER:** **SUP 10-205 (formerly Z 09-108)**
- LOCATION:** West side of Ramill Road at Twin Lakes Drive
- APPLICANT:** H & M Carter, Inc.
- REPRESENTATIVE:** Doveland Engineering Co.
- EXISTING ZONING:** Single Family Residential (R-S8) District
- PROPERTY SIZE:** 1.30 Acres
- REQUEST:** Special use permit to allow a day care center

