



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

JUNE 8, 2006

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| 8:30 A.M. | EXECUTIVE SESSION | Conference Room "A", 4th Floor |
| 10:00 A.M. | MORNING PUBLIC SESSION
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 | City Council Chambers, Lobby |
| 12:00 Noon* | LUNCH | |
| 1:00 P.M.* | AFTERNOON PUBLIC SESSION
Planned Developments,
Special Use Permits,
Zoning Map Amendments
Zoning Text Amendments | 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 (Keith McGee, Jr.) and/or of Shelby County (John T. Fowlkes) 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.

John Fowlkes, 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 #1-9, 10-14

Agenda items # 1-9, 10-14 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 CASE

1. **CASE NUMBER:** **S 04-057 CC**
- DEVELOPMENT NAME:** **WINDCHASE FARMS SUBDIVISION**
- LOCATION:** West side of Collierville-Arlington Road; ±570 feet north of
 Preakness Avenue
- APPLICANT:** Windchase Farms, LLC
- REPRESENTATIVE:** Lon Hill
- EXISTING ZONING:** Agricultural (AG) District
- REQUEST:** Delete Condition #3 of the approved Subdivision, which
 requires improvements necessary to install a left turn lane on
 Collierville-Arlington Road for westbound Metz Place traffic
- AREA:** 66.73 Acres

2. **CASE NUMBER:** **S 06-002**
- DEVELOPMENT NAME:** **SAMANA AND KHAN SUBDIVISION**
- LOCATION:** Intersection of Bartlett Road and Summer Avenue
- APPLICANT:** Charles D. Lynch, Jr.
- REPRESENTATIVE:** Doveland Engineering – Frank Palumbo
- EXISTING ZONING:** Highway Commercial (C-H) District
- REQUEST:** Modification of Conditions 2, 3 & 4
- PROPERTY SIZE:** 0.343 Acre

NEW APPLICATIONS

3. **CASE NUMBER:** **S 06-011**

STREET NAME: **GALLAGHER’S HEIN PARK SUBDIVISION**

LOCATION: West side of Center Drive; ±325 feet south of Cross Drive

APPLICANT: Paul R.Gallagher/William Chandler

REPRESENTATIVE: William Chandler

EXISTING ZONING: Single Family Residential (R-S10) District

REQUEST: 2 Lot Preliminary Plat

PROPERTY SIZE: 1.465 Acres

4. **CASE NUMBER:** **S 06-018**

DEVELOPMENT NAME: **THE IVY AT SOUTH END SUBDIVISION, 1ST ADDITION**

LOCATION: ±644 feet north of the intersection of Front Street and Georgia Avenue

APPLICANT: R & F Ventures, LLC; Hedgepeth Const., LLC; Durbin Diversified, LLC

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: South Central Business Improvement (SCBID) & Bluffview Residential (R-B) Districts

REQUEST: 8 Lot Preliminary Plat

PROPERTY SIZE: 0.342 Acre

NEW APPLICATIONS

5. **CASE NUMBER:** **S 06-019**
- STREET NAME:** **TURNERSVILLE SUBDIVISION, RESUBDIVISION OF**
 LOT 27
- LOCATION:** South side of Hale Road; beginning ±475 feet west of Auburn
 Road
- APPLICANT:** Toni Turner
- REPRESENTATIVE:** McCaskill Consultants – Tim McCaskill
- EXISTING ZONING:** Single Family Residential (R-S10) District
- REQUEST:** 3 Lot Preliminary Plat
- PROPERTY SIZE:** 1.713 Acres
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6. **CASE NUMBER:** **S 06-020**
- STREET NAME:** **LAMAR SHOPPING CENTER SUBDIVISION,**
 RESUBDIVISION OF LOT 2
- LOCATION:** East side of Lamar Avenue @ the intersection of Southwall
 Street
- APPLICANT:** Lamar South, LLC
- REPRESENTATIVE:** Fisher & Arnold, Inc. – Jud TePaske
- REQUEST:** 2 Lot Preliminary Plat
- PROPERTY SIZE:** 9.52 Acres

NEW APPLICATIONS

7. **CASE NUMBER:** **S 06-022**
- STREET NAME:** **WESTWOOD MANOR SUBDIVISION,**
 RESUBDIVISION OF LOT 111, SECTION A
- LOCATION:** Northwest corner of Ardmore Street and Millbrook Avenue
- APPLICANT:** Gordon & Mary Sather
- REPRESENTATIVE:** Bray Davis Firm – David Bray
- REQUEST:** 2 Lot Preliminary Plat
- PROPERTY SIZE:** 19,166 square feet (0.44 acre)
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8. **CASE NUMBER:** **S 06-023 CO**
- STREET NAME:** **YOTAVILLE SUBDIVISION**
- LOCATION:** South side of Jack Bond Road; ±4,500 feet west of Brunswick
 Road
- APPLICANT:** Arthur Sharpe & Steffan Cimino
- REPRESENTATIVE:** Bray Davis Firm – David Bray
- REQUEST:** 2 Lot Preliminary Plat
- PROPERTY SIZE:** 1.506 Acres

NEW APPLICATIONS

9. **CASE NUMBER:** **S 06-024**
- STREET NAME:** **CONDRA SUBDIVISION**
- LOCATION:** Southeast corner of Mendenhall Road and Minden Avenue
- APPLICANT:** Jack Woods
- REPRESENTATIVE:** Jack Woods
- EXISTING ZONING:** Single Family Residential (R-S10) District
- REQUEST:** 2 Lot Preliminary Plat
- PROPERTY SIZE:** 23,522 square feet (0.54 acre)

PLANNED DEVELOPMENT CORRESPONDENCE APPLICATIONS

10. **CASE NUMBER:** **P.D. 04-383**
- DEVELOPMENT NAME:** **HOUSTON LEVEE TRAILS PLANNED DEVELOPMENT, 4TH AMENDMENT**
- LOCATION:** West side of Houston Levee Road; ±360 feet south of Highway 64
- APPLICANT:** Houston Levee Self Storage, LLC
- REPRESENTATIVE:** Fisher & Arnold, Inc.
- EXISTING ZONING:** Currently governed by P.D. 04-383
- REQUEST:** Modify Outline Plan Condition VII.C to permit a sign setback of 7 feet versus a required setback of 15 feet from the south property line
11. **CASE NUMBER:** **P.D. 94-322**
- DEVELOPMENT NAME:** **WOODCHASE EAST PLANNED DEVELOPMENT**
- LOCATION:** Intersection of Woodchase Glen Drive and Woodchase Drive
- APPLICANT:** Woodchase East Homeowners Association
- REPRESENTATIVE:** Donald Manley, AIA
- EXISTING ZONING:** Currently governed by P.D. 94-322
- REQUEST:** Variance to allow for a queuing space area measuring 30 feet in advance of automatic gates to provide secured access to the north end of Woodchase Glen Drive at Woodchase Drive

PLANNED DEVELOPMENT CORRESPONDENCE APPLICATIONS

12. **CASE NUMBER:** **P.D. 95-312**
- DEVELOPMENT NAME:** **LOWES HOME CENTERS PLANNED DEVELOPMENT**
- LOCATION:** South side of Summer Avenue; opposite Novarese Street
- APPLICANT:** Lowes Companies, Incorporated
- REPRESENTATIVE:** Brenda Solomito
- EXISTING ZONING:** Currently governed by P.D. 95-312
- REQUEST:** Increase height of current detached sign along Summer Avenue from 25 feet to 35 feet
13. **CASE NUMBER:** **P.D. 02-326**
- DEVELOPMENT NAME:** **DEXTER WAY PLANNED DEVELOPMENT, AREA B**
- LOCATION:** North side of Dexter Road; ±770 feet east of Appling Road
- APPLICANT:** Quality Life, LLC
- REPRESENTATIVE:** Brenda Solomito
- EXISTING ZONING:** Currently governed by P.D. 02-326
- REQUEST:** (1) Modify rear yard setbacks for Lots 21-29 and 32-35 from 20 feet to 10 feet; (2) Delete requirement for a walking trail; (3) Reduce the minimum permitted lot size from 10,000 square feet to 7,600 square feet
- PROPERTY SIZE:** 4.57 Acres

PLANNED DEVELOPMENT CORRESPONDENCE APPLICATIONS

14. **CASE NUMBER:** **Z 85-127**
- DEVELOPMENT NAME:** **MEMPHIS PIZZA INNS, INCORPORATED FINAL C-P PLAN**
- LOCATION:** Southeast corner of Frayser Boulevard and Denver Street
- APPLICANT:** Mark Utley
- REPRESENTATIVE:** Professional Inspections Group, Inc.
- EXISTING ZONING:** Currently governed by Z 85-127
- REQUEST:** Reduce minimum front yard building setback from Denver Street from 42 feet to 30 feet for construction of a O'Reilly's Auto Parts Store
- PROPERTY SIZE:** 0.88 Acre

1:00 P.M. AFTERNOON 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.

DEFERRED APPLICATIONS

15. **CASE NUMBER:** **P.D. 06-308**
- DEVELOPMENT NAME:** **THE DOMAIN ON HIGHLAND PLANNED DEVELOPMENT**
- LOCATION: Southeast corner of Highland Street and Mynders Avenue
- APPLICANT: Trammel Crow Company
- REPRESENTATIVE: Homer Branan
- EXISTING ZONING: Highway Commercial (C-H) District
- REQUEST: A planned development to create a multi-family residential 6 story high rise with 85 dwelling units
- PROPERTY SIZE: .89 Acre
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16. **CASE NUMBER:** **P.D. 06-313**
- DEVELOPMENT NAME:** **LAMAR CROSSING PLANNED DEVELOPMENT**
- LOCATION: Southwest corner of Dunn Avenue and Lamar Avenue (U.S. Hwy. 78)
- APPLICANT: Lamar Crossing Development, LLC
- REPRESENTATIVE: The Reaves Firm
- EXISTING ZONING: Highway Commercial (C-H) District
- REQUEST: Planned development to allow Highway Commercial (C-H) District retail and Multiple Dwelling Residential (R-ML) District apartment land uses within the Outline Plan
- PROPERTY SIZE: 13.5 Acres

NEW APPLICATIONS

17. **CASE NUMBER:** **P.D. 06-319**
- DEVELOPMENT NAME: **WHITE STATION PLANNED DEVELOPMENT, 2ND AMENDMENT**
- LOCATION: West side of White Station Road; ±925 feet north of Poplar Avenue
- APPLICANT: David Wolfe
- REPRESENTATIVE: ETI – Faith Weber
- EXISTING ZONING: White Station Planned Development (P.D. 93-315)
- REQUEST: Amend Plan to Permit a Bank with Drive-Thru Service
- PROPERTY SIZE: 2.44 Acres
18. **CASE NUMBER:** **P.D. 06-322**
- DEVELOPMENT NAME: **ALLENTOWN-SOUTH PLANNED DEVELOPMENT**
- LOCATION: East side of Raleigh-Millington Road; ±367-96 feet south of New Allen Road
- APPLICANT: United Mobile Homes
- REPRESENTATIVE: Farris-Matthews-Branan, PLC
- EXISTING ZONING: Agricultural (AG) & Multiple Dwelling Residential (R-ML) Districts
- REQUEST: Planned development to allow an expansion of a mobile home park with thirty-five (35) manufactured homes within the Outline Plan
- PROPERTY SIZE: 9.90 Acres

NEW APPLICATIONS

19. **CASE NUMBER:** **P.D. 06-323**
- DEVELOPMENT NAME: **EAST GWYNNE PLACE II PLANNED DEVELOPMENT**
- LOCATION: West side of Mendenhall Road @ western terminus of Barry Road
- APPLICANT: Mars Development
- REPRESENTATIVE: Bray Davis Firm – (David Bray)
- EXISTING ZONING: Single Family Residential (R-S10) District
- REQUEST: Two Single Family Lots (Minimum Lot Size 12,700 sq. ft.)
- PROPERTY SIZE: 0.61 Acre
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20. **CASE NUMBER:** **P.D. 06-324**
- DEVELOPMENT NAME: **ARBY'S PLANNED DEVELOPMENT**
- LOCATION: Southeast corner of Winchester Road and Malco Way
- APPLICANT: Arby's Development Corporation
- REPRESENTATIVE: Solomito Land Planning
- EXISTING ZONING: Agricultural (AG) District
- REQUEST: Planned development to allow a restaurant building within the Outline Plan
- PROPERTY SIZE: 0.993 Acre (43,255 sq. ft.)

NEW APPLICATIONS

21. **CASE NUMBER:** **Z 06-110**
- LOCATION:** Northeast side of Lamar Avenue (U.S. Highway 78) at Dunn Avenue
- APPLICANT:** Jatin Kumar
- REPRESENTATIVE:** Walter Bailey, Attorney
- EXISTING ZONING:** Highway Commercial (C-H) & Duplex Residential (R-D) Districts
- REQUEST:** Highway Commercial (C-H) District
- PROPERTY SIZE:** 3.70 Acres
-
22. **CASE NUMBER:** **S.U.P. 06-205 CC**
- LOCATION:** North side of Stateline Road; ±2,170 feet west of Hacks Cross Road
- APPLICANT:** Metro Wholesale Florist, Inc.
- REPRESENTATIVE:** McCaskill Consultants – Tim McCaskill
- EXISTING ZONING:** Agricultural (AG) District
- REQUEST:** Greenhouse and nursery
- PROPERTY SIZE:** 11.4 Acres

NEW APPLICATIONS

23. **CASE NUMBER:** **S.U.P. 06-206 CC**
- LOCATION: North side of Macon Road; ±1,500 feet west of Collierville-Arlington Road
- APPLICANT: Tower Ventures
- REPRESENTATIVE: Billy Orgel
- EXISTING ZONING: Agricultural (AG) District
- REQUEST: 199 foot monopole tower for commercial mobile communication system (cell tower).
- PROPERTY SIZE: 10,000 sq. ft. site in a 29 acre tract
24. **CASE NUMBER:** **U.V. 06-05**
- LOCATION: Southwest corner of Harvard Avenue and Merton Street
- APPLICANT: The Caritas Community, Inc.
- REPRESENTATIVE: Onie G. Johns
- EXISTING ZONING: Single Family Residential (R-S6) District
- REQUEST: Community Center
- PROPERTY SIZE: 0.3090 Acres

NEW APPLICATIONS

25. **CASE NUMBER:** **U.V. 06-06**

LOCATION: South side of Mosby Avenue; between Dunlap Street and Leath Street

APPLICANT: Lake Grove Baptist Church

REPRESENTATIVE: Delinor Smith

EXISTING ZONING: Single Family Residential (R-S6) District

REQUEST: Permit for church parking lot, as required when across the street from the church

PROPERTY SIZE: 1.95 Acres