LAND USE CONTROL BOARD RECOMMENDATION

CASE #: S.U.P. 08-205 CC

At its regular meeting on ***Thursday, April 10, 2008***, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of ***Collierville First Baptist Church***, requesting a Special Use Permit on the property described as follows:

LOCATION:	**West side of Collierville-Arlington Road; +/-5,600 feet south of Macon Road**
APPLICANTS:	**Collierville First Baptist Church**
PROPERTY SIZE:	**35.27 Acres**
EXISTING ZONING:	**Agricultural(AG) District**
REQUEST:	**Special use permit to allow recreational and sports field lighting**

The following spoke in support of the application:

Jud TePaske, representative; stated agreement with the recommendation of staff and conditions for approval.

No one spoke in opposition of the application.

The Land Use Control Board viewed the application for ***Collierville First Baptist Church***, requesting a Special Use Permit and the report of the staff. A motion was made and seconded to recommend approval of the application with conditions.

The motion *passed* by unanimous vote of *9 to 0.*

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Brian S. Bacchus, Principal
Mary L. Baker, Deputy Director
Office of Planning and Development

Cc: ***Committee Members***
File

SITE PLAN CONDITIONS:

A ***Special Use Permit*** is hereby authorized to ***'Collierville First Baptist Church'*** to allow ***'recreational and sports field lighting'*** on property located at the ***'west side of Collierville-Arlington Road; +/-5,600 feet south of Macon Road'*** in accordance with an approved ***'site plan'*** and the following supplemental conditions:

I. Uses Permitted:

A. Recreational sports fields for three(3) ball fields and (3)three soccer fields, including an unlighted open play area associated with the future church facility.

B. A concessions and maintenance building.

C. Associated required parking and accessory structures for dugouts and associated facilities, including spectator and concession stands and bathroom facilities.

D. Recreation sports field lighting, except within four-hundred twenty(420') feet of the west property line and 130 feet of the south property line.

II. Access, Circulation and Parking:

A Dedicate forty-two(42') feet from the centerline of Collierville-Arlington Road.

B. The location, design and number of any curb-cut shall be subject to review and approval by the City/County Engineer.

C. All on-site parking spaces shall be provided, including required handicap parking and facilities in accordance with the Zoning Ordinance-Regulations and the Americans with Disabilities Act.

D. The entrance shall have a security gate and the athletic fields shall be fenced with black or green vinyl coated fencing.

III. Landscaping and Signs:

A. A fifty(50') foot Landscape Buffer Plate 'N-1' (modified) shall be provided along the east and west property lines to supplement existing vegetation and shall be installed at the time of installation of the recreational fields and facilities.

B. The existing mature trees and vegetation within the fifty(50') foot wide Landscape Buffer shall be preserved and maintained in a natural state along the east and west property lines and designated 'Undisturbed Natural Area', including the natural buffers along the south property line and along Collierville-Arlington Road.

C. A detailed Site/Landscape Plan shall be submitted for review and approval prior to the forwarding of this application to the legislative bodies.

D. One(1) detached sign a maximum of twelve(12) square feet in area shall be permitted for the recreational fields and facilities.

IV. Miscellaneous:

A. The seasons for recreational sports shall start late March through Mid-July for baseball and soccer shall start Mid-August and runs through November.

B. The field usage shall be week nights, except for Wednesday and Saturday nights.

C. The hours of operation shall be from 5:00 P.M. to 10:00 P.M. weeknights and 9:00 A.M. to 5:00 P.M. on Saturdays.

D. All activities shall be for the use of church league play and not for major regional tournaments. All events shall be scheduled through the church ministry office. The recreational fields shall not be rented for non-church related activities.

E. All recreational sports field lighting shall be controlled manually by staff and a timer system shall be provided for shut-off at the required times.

F. A staff person shall be on-site during the hours of operation and shall be in attendance for all events.

G. No motorized off-road vehicles, except for maintenance vehicles shall be allowed on the premises.

H. No public address system shall be allowed.

I. The concession and restroom facilities' septic systems shall be approved in accordance with the Memphis & Shelby County Health Department.

J. The brand of the recreational field lighting shall be the Musco Light Structure Green System as submitted with the application.

V. Recreational and sports field lighting shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

S.U.P. 08-205 CC
Collierville First Baptist Church Special Permit

GRATUITY DISCLOSURE FORM

Shelby County Ethics Commission

INSTRUCTIONS: This form is for all persons receiving any Shelby County Government contract, land use approval or financial grant money to report any gratuity that has been given, directly or indirectly, to any elected official, employee or appointee (including their spouses and immediate family members) who is involved in the decision regarding the contract, land use approval, or financial grant of money.

1. NAME

   NONE

2. DATE OF GRATUITY

   N/A

3. NATURE AND PURPOSE OF THE GRATUITY

   N/A

4. NAME OF THE OFFICIAL, EMPLOYEE, APPOINTEE, OR FAMILY MEMBER WHO RECEIVED THE GRATUITY

   N/A

5. NAME OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY

   N/A

6. ADDRESS OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY

   N/A

7. DESCRIPTION OF THE GRATUITY

N/A

8. COST OF THE GRATUITY (If cost is unknown and not reasonably discernible by the person giving the gratuity, then the person giving the gratuity shall report a good faith estimate of the cost of the gratuity.)

N/A

9. The information contained in this Gratuity Disclosure Form, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief and affirm that I have not given, directly or indirectly, any gratuity to any elected official, employee or appointee (including spouse and immediate family members) that has not been disclosed and I affirm that I have not violated the provisions of the Shelby County Government Code of Ethics.

Samuel W. Nichols
Signature

12/27/07
Date

SAMUEL W. NICHOLS
Print Name

A copy of your completed form will be placed on the Shelby County Internet website.

From: Jackie Distretti [ibj56@comcast.net]
Sent: Saturday, February 02, 2008 12:27 PM
To: Bacchus, Brian
Subject: Case number SUP 08-205 CC

Hello, I am opposed to granting a permit to allow recreational and sports field lighting at this location. I live directly behing this property and DO NOT want field lighting in my back yard. It will definately decrease the value of my property and impact my enjoyment of my back yard which I have imvested many dollars and hours of labor to make into a wonderful garden. I am opposed to the increased amount of traffic this will also bring to the neighborhood. This is rural and residential. I moved to the country for a reason. It wasn't to be next door to a ball park. I vote NO!!!

Jackie Distretti, 586 Stable Creek Lane, Eads, Tn 38028
901-270-0077

From: Murry Nevil West [murrywest@comcast.net]
Sent: Saturday, February 02, 2008 5:22 PM
To: Bacchus, Brian
Subject: Special Land Use Permit...S.U.P. 08-205 cc.....73.55 acres

The request for 73.55 acres of field lighting is too much. With that much lighting the skies would be lit for miles. No one would want that much light, noise, and traffic near their home. If this request is granted, PLEASE restrict field lighting on tall poles to the south end of the property, along the creek and no more than 20 acres.
We are also in the Gray's Creek Preserve.

Thanks for considering this request,
Murry & Betty West
740N Collierville Arlington Rd.

Sent: Monday, February 04, 2008 7:28 PM
To: info@grayscreek.org
Subject: Spring Mill Farms

GC:

Please see the attached. Our association is adamantly opposed to Collierville Baptist Church being allowed recreational and sports field **lighting** adjacent to our neighborhood.

We request your help in this matter. Please call me at your earliest covenience.

Ronald W. Kim
Attorney at Law
Kim & Associates
An Association of Attorneys
241 Germantown Bend Cove
Cordova, Tennessee 38018
(901) 767-3520
(901) 755-3450 fax
1-877-859-3943 Toll Free
rwkimlaw@aol.com
www.ronkimlaw.com
Also Licensed in Alabama and Florida
**********IRS Circular 230 Notice:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Confidentiality Notice:

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

From: Greg Hall [greg_hall_2003@yahoo.com]
Sent: Tuesday, February 05, 2008 10:27 PM
To: Bacchus, Brian
Subject: SUP 08-205 CC

I am inquiring about the public hearing dated Feb. 14, 2008 regarding the special use permit for lighting. As I understand this is to allow for special use for lighting only.
As the property owner at 550 N. Collierville-Arlington Rd., across the street from the lighted fields, I am opposed to any special use which delineates from it's current allowed use. This is a residential area with very similar use to the one proposed. Please enter these comments into the public record.
Regards
Gregory J Hall
550 N. Collierville-Arlington Rd.
Fisherville, TN 38017
(901) 825-0054
(901) 861-1451

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

February 5, 2008

Mary Baker, Deputy Director
Memphis and Shelby County Land Use Control Board
125 North Main Street, Room 476
Memphis, TN 38103

Re: S.U.P. 08-205 CC

Dear Ms. Baker:

Yesterday, we received the Notice of Public Hearing regarding the above noted case which is located on the West side of Collierville-Arlington Road, approximately one mile south of Macon Road. It is my understanding that Collierville First Baptist Church is seeking to change the existing zoning to allow this property to be used for recreational activities including field lighting. This property is just across from our home at 544 and 546 N. Collierville-Arlington Road.

Unfortunately, we will be out of town on business on Thursday, February 14, 2008 when the public hearing is to be held. Therefore, I want to write and let you know that I am opposed to the rezoning of this property for the following reasons:

1. Recently a project to put a motorcycle track on Monterey Road was fortunately stopped. This project would have affected far fewer people than the one that is proposed, and was not going to require sports lighting.
2. There are already significant traffic concerns in this area and there is a wreck at least once a month in the curve where this property is located.
3. The placement of a sports and recreation center is not consistent with the surrounding property uses which are entirely residential and agricultural. This property would be used for neither.
4. This project would adversely affect property values in the near-by area because of the increased traffic, noise and environmental disruption caused by the lighting, etc.

We would suggest that if the church wants to put up a recreational sports park that they either utilize their current property, purchase property that is near their church, or put it in a neighborhood that is adjacent to their church. We have not interest in their being allowed to disrupt our property or agricultural environment with their lighted sports park.

Sincerely,

Thomas G. Stovall, MD Donna S. Stovall

Cc: Memphis and Shelby County Office of Planning and Development
125 North Main Street-Suite 468
Memphis, Tennessee 38103

From: George Moore [gwmoore@fedex.com]
Sent: Friday, February 08, 2008 10:06 AM
To: Bacchus, Brian
Subject: RE; S.U.P 08-205CC

Dear Mr. Bacchus,

In reference to the Public Hearing to the Memphis and Shelby County Land Use Control Board for a Special Use Permit for the Collierville Baptist Church (Thursday, February 14, 2008), I will not be able to attend.

I would however like it to be made known I "OPPOSE" this permit.
My house and property is the closest residence adjacent to this property located at 545 North Collierville Arlington Road.

1. There are already significant traffic concerns in this area and serious multiple accidents in the curve in front of my house and adjacent to where this property is located.

2. The placement of a sports and recreation center is not consistent with the surrounding property uses which are entirely residential and agricultural. This property would be used for neither.

3. This project would adversely affect the property values in the near-by area because of the increase in traffic, noise, and environmental disruption caused by lighting, etc.

4. According to the Tax assessors office this property was purchased by Collierville First Baptist Church 11/28/2006 for $1,434,255.00, fully knowing what they planned to use it far, and knowingly disregarded all adjacent home and property owners best interest.

We suggest if the church wants to put up a recreational sports part that they either utilize their current property, purchase property that is near their church, or put it in a neighborhood that is adjacent to their church. We have no interest in their being allowed to disrupt our property or agricultural environment with their lighted sports park.

I will however consider immediately selling my house and property to Collierville Baptist Church or anyone else "as-is" for a fair market value and rescind my opposition to their land use permit, once a transaction has been fully completed.

George Moore
Mailing Address
P. O. Box 651
Collierville, TN 38027-0651

Home Address
545 North Collierville-Arlington Road
Collierville, TN 38017

From: Alex Tartera [atartera@sparkscorp.com]
Sent: Thursday, February 14, 2008 9:57 AM
To: Bacchus, Brian
Cc: Alex Tartera
Subject: Case Number: S.U.P. 08-205 CC

Importance: High
Brian, due to a scheduling conflict, I will not be able to attend the Public Hearing for Case Number: S.U.P. 08-205 CC today at 1pm.

I am writing this email to communicate my opposition for this permit.

Being a connected neighbor (Alex & Angela Tartera Inst# 04201407), I feel the negative impact it will have on the surrounding areas will significantly decrease the property value and deter any additional development. This area is on a up rise for building permits and development, we do not need this negative development.

If Collierville First Baptist Church wants to build this facility, they should build it in Collierville. The reason they are trying this location is because Collierville's lighting restrictions will not allow this in the city limits of Collierville.

Alex Tartera
atartera@sparkscorp.com
901.766.4434
www.sparkscorp.com