LAND USE CONTROL BOARD RECOMMENDATION

CASE #: **P.D. 08-313 CC**

At its regular meeting , the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a planned development on the property described as follows:

LOCATION:	South side of Fite Road; +800.6 feet east of North Watkins Street
APPLICANT:	Dr. Neal & Susan Aguillard
REPRESENTATIVE:	Homer Branan, Atty.
REQUEST:	A planned development to permit the customizing, repairing, brokering and manufacturing of antique, sporting and collectible firearms and their parts and accessories.
AREA:	5.79 Acres

EXISTING ZONING:

The following spoke in support of the application:

Homer Branan, Representative, One Commerce Square #2000, Memphis, TN 38103

One spoke in opposition of the application:

Fred Toye, 5704 N. Watkins Street, Memphis, TN 38127

The Land Use Control Board viewed the application of Dr. Neal & Susan Aguillard requesting planned development, the report of the staff, and heard the concerns of Mr. Toye pertaining to the location of a new entry driveway along the flag stem of the lot shown on the proposed site plan. Staff added a friendly amendment to the proposed conditions that would limit access to the site via the existing driveway of the adjacent property also owned by the applicant. The Board accepted the amendment as added. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote of 8 to 0.

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

Respectfully submitted,

Sheila Pounder

Sheila Pounder, Principal Planner for
Mary L. Baker, Deputy Director
Land Use Control

OUTLINE PLAN CONDITIONS:

I. USES PERMITTED:

A. Any use permitted in the Agricultural (AG) District.

B. The customizing, repairing, brokering and manufacturing of antique, sporting and collectible firearms and their parts and accessories by the current property owner, Dr. Neil Aguillard, only.

C. This planned development shall be contingent upon the applicant's yearly compliance with all federal firearms permitting law(s).

D. No gun shows, workshop meetings, seminars, swap meetings, conventions, etc. shall be permitted on this site.

II. BULK REGULATIONS: The bulk regulations shall conform with the Agricultural (AG) District.

III. ACCESS, PARKING AND CIRCULATION:

A. Dedicate 34 feet from centerline of Fite Road in accordance with Subdivision Regulations.

B. The County Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current County Standards or closed with curb, gutter and sidewalk.

C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

D. Access to this site shall be via the existing driveway of the adjacent property owned by the applicant.

IV. ALL SIGNS AND LIGHTING SHALL BE GOVERNED BY THE AGRICULTURAL (AG) DISTRICT

V. DRAINAGE & SEWER:

A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

B. Septic tank suitability is to be approved by the Memphis and Shelby County Health Department prior to the recording of the Final Plat.

VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

VII. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

VIII. Any final plan shall include the following:

A. The Outline Plan conditions.

B. The location and dimensions including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

C. The location and ownership, whether public or privates of any easement.

D. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

E. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.