ITEM NO.: _____ PREPARED BY: Brian S. Bacchus

MOVED BY: _____ APPROVED BY: _____

A JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, TO AUTHORIZE A PLANNED DEVELOPMENT AMENDMENT LOCATED AT THE NORTH SIDE OF EAST SHELBY DRIVE; +/-1,643 FEET EAST OF RIVERDALE ROAD, KNOWN AS SHELBY DRIVE/GERMANTOWN ROAD PLANNED DEVELOPMENT, 3RD AMENDMENT P.D. 08-312 CC.

WHEREAS, Application has been made for a planned development amendment to allow a Community Recreation Center.

CASE NO. **P.D. 08-312 CC**

PROPERTY LOCATION: North side of East Shelby Drive; +/-1,643 feet east of Riverdale Road

The property being more particularly described on the Outline Plan.

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for planned developments as set forth in Section 14 of the Joint Memphis and Shelby County Zoning Ordinance-Regulations, and has considered the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and whether the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on ***Thursday, June 12, 2008*** and said Board reported its recommendation of ***approval with conditions*** to the City Council and County Commission regarding the objectives, standards, and criteria, and the effect of granting the planned development amendment upon the character of the neighborhood and other matters pertaining to the public safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS:

Section 1. That pursuant to Section 14 of the Memphis and Shelby County Zoning Ordinance-Regulations, a Planned Development amendment is approved for property located at the north side of East Shelby Drive; +/-1,643 feet east of Riverdale Road, subject to the attached conditions.

Section 2. **BE IT FURTHER RESOLVED,** That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the Outline Plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said Outline Plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

Section 3. **BE IT FURTHER RESOLVED,** That the Joint Zoning Resolution take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Joint Ordinance-Regulations by virtue of the joint, concurring, and separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis.

_____
A C Wharton, Jr., *County Mayor*

Date: _____

ATTEST:

_____
Clerk of the County Commission

ADOPTED: _____

P.D. 08-312 CC (formerly P.D. 05-353 CC)
Shelby Drive/Germantown Road Planned Development, 3RD Amendment

P.D. 08-312 CC
Shelby Drive/Germantown Road Planned Development, 3RD Amendment

OUTLINE PLAN CONDITIONS: *[Amendments: Bold, Italic & Underlined]*

I. Uses Permitted:

A. Parcel 'A' is permitted the following uses:

1. Church
2. Day care center
3. Group day care
4. Hospital
5. Museum
6. Nursing home
7. Park
8. Philanthropic institution
9. School
10. Art/photo studio or gallery
11. Bank
12. Barber or beauty shop
13. Business school
14. Flower or plant store
15. Music or dance academy
16. Offices
17. Radio or television studio
18. Recording studio
19. Restaurant(excluding drive-ins)
20. One(1) department/retail store

B. Parcel 'B' is permitted the same uses as Parcel A, except a Master Concept Plan of development shall be submitted to and subject to review and approval by the Office of Planning & Development.

C. Parcel 'C' is permitted an out-patient surgery center and doctors' offices.

D. A Community Recreation Center shall be permitted in Parcels 'A', 'B' & 'C'.

II. Bulk Regulations:

In accordance with the Planned Commercial(C-P) District with the following exceptions:

A. The building setback from Shelby Drive shall be 60 feet.

B. The Community Recreation Center shall have a maximum Floor Area Ratio as shown on the Outline Plan.

III. Access:

A. Dedicate and improve Shelby Drive in accordance with the Subdivision Regulations.

B. A maximum of three (3) curb-cuts shall be permitted along Shelby Drive. The design and location of these curb-cuts shall be subject to the approval of County and City Engineering.

IV. Parking: Shall be as prescribed in Chart 4 of the Memphis and Shelby County Zoning Ordinance-Regulations.

V. Circulation: Internal circulation shall be required between all adjacent phases and areas. All private streets and common open space shall be owned and maintained by a Property Owners Association.

VI. Landscaping and Screening:

A. Property along Shelby Drive shall be screened using Landscape Plate 'A-3' modified to a width of fifteen(15) feet.

B. Existing vegetation shall be preserved along the northern property line and supplemented with Evergreen trees and shrubs subject to approval by the Office of Planning and Development.

C. Internal landscaping shall be required based on the number of parking spaces provided. Three-hundred(300) square feet of landscaping and one(1) Tree 'A' shall be provided per every ten(10) parking spaces or fraction thereof.

D. Required landscaping shall be located outside of all easements and overhead wires.

E. The content and placement of all landscaping shall be subject to the approval of the Office of Planning and Development.

F. Lighting shall be directed to minimize glare and/or reflection toward residential property. ***Lighting shall be prohibited on the north side of the building.***

G. Refuse containers and loading docks shall be screened from view from adjacent properties and from public roads.

H. All heating and air conditioning equipment, including that located on the roof shall be screened through the use of architectural features of the building.

I. Utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.

J. A detailed landscape and site lighting plan shall be approved by the Office of Planning and Development prior to the issuance of any building permit. Further, no final use and occupancy permit shall be issued without the express written certification by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plans.

K. A detailed 'Landscape Plan' shall be included in the final plan of development for the Community Recreation Center illustrating plant materials and an 'Undisturbed Natural Buffer' along the north property line.

VII. Signs:

A. Detached Signs:

Each parcel shall be permitted one(1) detached sign for a total of three(3) signs. These signs shall be ground mounted with a maximum height of seven (7) feet, and a maximum surface area of thirty-five (35) square feet. These signs shall be illuminated using light projected from ground mounted fixtures. Internal illuminating shall not be permitted.

B. Attached Signs:

Each establishment shall be permitted one(1) attached sign with a total surface area of thirty-five(35) square feet and shall be placed on the wall facing toward Shelby Drive.

VIII. Drainage:

A. All drainage improvements to be provided in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual and subject to the approval of the City and County Engineer.

B. This development must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

IX. Modifications:

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.

X. Other:

A. All buildings, signs and other structures shall be constructed in a complementary architectural style and use complementary building materials.

B. In Parcel 'C' the proposed out-patient surgery building shall be constructed using brick or brick with some concrete block in an earth tone color. The roof shall be green or dark gray in color.

C. A rendering of the exterior appearance of proposed buildings and signs with proposed siding and roof materials labeled shall be provided on any final plan subject to the approval of the Office of Planning and Development.

XI. Any final plan shall include the following:

A. The Outline Plan Conditions;

B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.

C. The location and dimensions of building footprints pedestrian and utility easements, service drives, trash receptacles, loading facilities and required landscaping and screening areas.

D. The content of all landscaping and screening to be provided.

E. The location and ownership whether public or private of any easements.

F. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity for ownership and maintenance purposes.

G. Building and sign illustrations as required by Condition X.

H. 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 or County Engineer, as applicable. 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/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.

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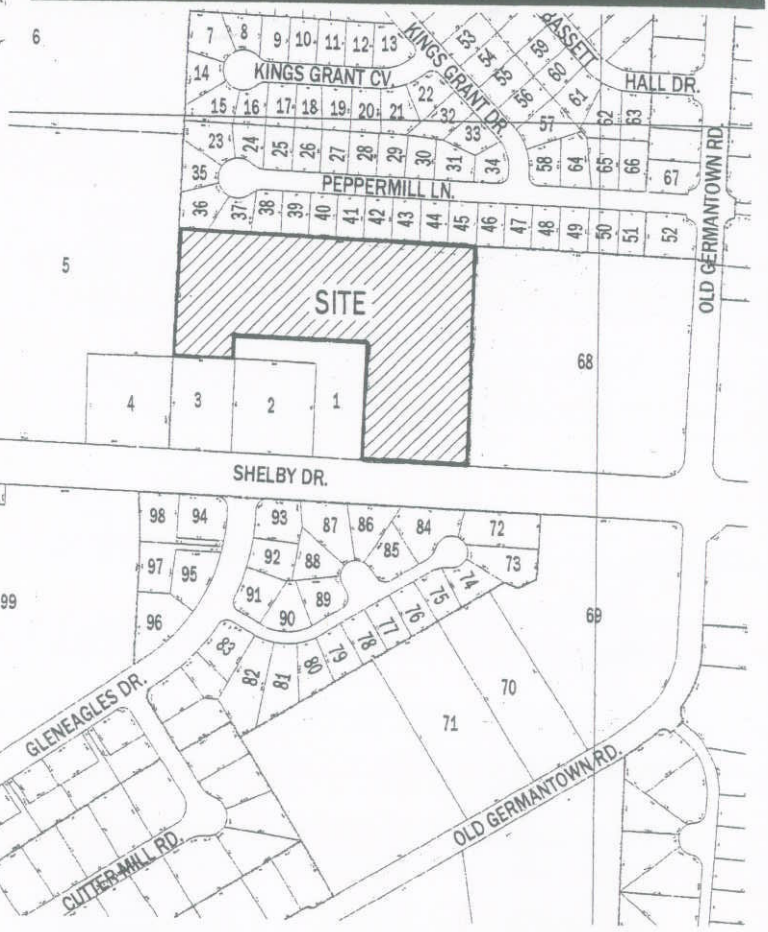

1 JACKSON HAROLD L, STEPHENS ROBERT S, SUMMERS LENA E, SMITH THOMAS W, SMITH LEE R, HUTTON CALLIE E, SMITH EULYSE M, BENCE MARGARET C & SMITH EUGENE L
2 THOMAS TYRONE & JEANETTE L
3 DOLGENCORP INC C/O DOLLAR GENERAL TAX
4 FTB NATIONAL ASSOCIATION REAL ESTATE DIV
5 BIRDSONG INC C/O GEORGE HOWELL
6 CITY OF MEMPHIS
7 JONES ANTHONY
8 POYNOR BRIAN H & THERESA A
9 JACKSON-BOBO CYNTHIA
10 HARPER BEVERLY
11 CORRIVEAU PETER V
12 RUIZ LIZARDO JR
13 SANDERS VERONICA
14 THOMAS CATHY V
15 COLEMAN JAMES A & ARNETTA D
16 GOLDEN GARY D & BETH E
17 GOODMAN CHRISTOPHER D
18 NASH CYNTHIA L
19 TATE PRENTICE D
20 WALLS LATONYA L
21 FERGUSON FREDDIE AND ASHLEY MARTIN
22 KIRK JAMES D & SHALONDA S
23 VAN NETTA DAVID W & ALICE H
24 ZAMORA DENIS A
25 BINGHAM MEREDITH A
26 COLEMAN CRISTINA A
27 HARRELL DONALD R
28 SIMELTON LARRY D
29 ROMO PEDRO F
30 MADRIGAL SALVADOR & MARIA F
31 WORTHY CAMILLE R
32 KELLEY ANGELA
33 HOPSON JIMMIE E JR & SHEILA M
34 WALTON CHARRON M
35 LENFEST GARY S SR & EVA H
36 BOSWELL JOSEPH A
37 ROBBINS TASHA D
38 ROBERTSON CAROLYN D
39 FREEMAN CONSTANCE L
40 TAYLOR FAEDRA L
41 RAMERIZ JUAN S & SONIA SANABRIA
42 SEC OF VETERANS AFFAIRS REGIONAL OFFICE
43 ERTZ JOHN C
44 DENTLEY RODNEY S
45 PRATCHER BELINDA
46 WRIGHT KEVIN D
47 HAYNES DEREK A AND TAMEKA A KEY
48 WACHOVIA BANK NA (TR)
49 MURPHY PATRICIA A
50 AMEZQUITA JOSE D & CECILIA ZAVALA
51 WALKER ANDRE E
52 GRANBERRY MARKEY
53 GUITERREZ JOSE L & SINTYA CHAPA
54 TENNESSEE INVESTMENT PROPERTY
55 COX PAUL & MARILEE
56 RUTHERFORD NAKIA & TREZA
57 SHORES LAMAR H & ALMEDIA
58 MCNEARY JEROME D
59 THOMAS DONALD J
60 SMITH JOHN B AND CAROL A BOYD
61 TUCKER VICKIE L
62 HAMPTON ELEANOR & TIM
63 WADDELL DENISE
64 COMBS MILDRED
65 NOWELL ANNIE L
66 NICKELBERRY DALTON JR & DANNETTE
67 DEAN LAWANDA
68 SHELBY COUNTY GOVERNMENT
69 GRACE FREE BAPTIST CHURCH
70 EAST MEMPHIS CHURCH OF CHRIST
71 MCGRUDER GARY & NEVA L B
72 THOMPSON FREDERICK A
73 PUTMAN DONALD L & SHARON L
74 MALONE MARSHALL D SR
75 SMITH RANDY & VIRGINIA A
76 LEEWYNN JANET
77 NELSON KEENE R & TIKITA S
78 HERROD ERIC & DIANE W
79 ALBEA JOHN R
80 CARMICHAEL ROBERT D & SHARRON E
81 PONCE JUAN B & OLIVIA GOMEZ
82 COVINGTON JAMES & TONYA
83 MOSS AMOS & MELISSA
84 GREGORY MARTINEZ II
85 BROWN RICHARD
86 MCCLANAHAN RUSSELL & NANCY
87 CROMEANS MARK S
88 MARTINEZ JUAN & MARIA A
89 HELMS ALBIAN & EDDIE
90 BREVARD KENNY L
91 DANG THANH VAN & CAM VAN THI HA
92 TATE BETTY W
93 FULLWILEY DIANE
94 BROWN RANDOLPH
95 WALTON ROBERT A
96 JONES CARL & RACHAEL F
97 ROSS HAZEL L
98 SIMON WILLIAM & DELORES R
99 CASCADES KR LLC PRIORITY PROPERTIES
100 CASCADES KR LLC PRIORITY PROPERTIES

400 200 0

NORTH

SCALE: 1" = 400'

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ETI Project No. 08027-20

Date: April 28, 2007