SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee: July 30, 2008

For Commission Action on: August 4, 2008

DESCRIPTION OF ITEM:

A Joint Resolution to authorize a planned development application located on the south side of Fite road; +800.6 feet east of North Watkins Street, known as Dr. Aguillard Planned Development, P.D. 08-313 CC.

CHECK ALL THAT APPLY BELOW:

X This Action does NOT require expenditure of funds.

_____ This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: $_____ ; County CIP Funds- $_____

State Grant Funds: $_____; State Gas Tax Funds: $_____

Federal Grant Funds: $_____

Other funds (Specify source and amount): $_____

Other pass-thru funds (Specify source and amount): $ _____

Originating Department: Office of Planning & Development-Land Use Control

APPROVAL:

Dept. Head:	Mary Baker, 576-6619	MB	7/10/08
	(Type your name & phone #.)	(Initials)	(Date)
Elected Official:			
	(Type your name & phone #.)	(Initials)	(Date)
Division Director:			
	(Type your name & phone #.)	(Initials)	(Date)
CIP – A&F Director:			
	(Type your name & phone #.)	(Initials)	(Date)
Finance Dept.			
	(Type your name & phone #.)	(Initials)	(Date)
County Attorney:	Robert Rolwing 545-4230	RDR	7/16/08.
	(Type your name & phone #.)	(Initials)	(Date)
CAO/Mayor:			
	(Type your name & phone #.)	(Initials)	(Date)

ITEM #: _____ PREPARED BY: SHEILA POUNDER

APPROVED BY: _____

A JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, TO AUTHORIZE A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF FITE ROAD; +800.6 FEET EAST OF NORTH WATKINS STREET, KNOWN AS DR. AGUILLARD PLANNED DEVELOPMENT, P.D. 08-313 CC.

WHEREAS, Application has been made for a planned development to permit the customizing, repairing, brokering and manufacturing of antique, sporting and collectible fire arms and their parts and accessories, identified as

CASE NO. P.D. 08-313 CC

PROPERTY LOCATION: South side of Fite Road; +800.6 feet east of North Watkins Street,

the property being more particularly described on the outline plan; and

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 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 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 is approved for property located on the south side of Fite Road; +800.6 feet east of North Watkins Street, 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: _____

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.

P.D. 08-313CC

Vicinity Map

Date: 03/26/08
Prepared By:
Property Research Data
PRD Job #08-028