LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P. D. 08-312 CC

At its regular meeting on ***Thursday, June 12, 2008***, 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:	**North side of E. Shelby Drive; +/-1,643 feet east of Riverdale Road**
OWNERS OF RECORD:	**Eulyse M Smith, et al**
APPLICANT:	**Mickell Lowery**
REPRESENTATIVE:	**ETI Corporation**
REQUEST:	**Planned development amendment to allow a Community Recreation Center**
AREA:	**6.42 Acres**
EXISTING LAND USE & ZONING:	**Vacant land currently governed by Shelby Drive/Germantown Road Planned Development(P.D. 05-353 CC).**

The following spoke in support of the application:

Rodney Joyner, representative; stated agreement with the recommendation of the staff and conditions of approval of the planned development amendment.

No one spoke in opposition of the application.

The Land Use Control Board viewed the application of ***'Mickell Lowery'***, requesting a planned development amendment and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion *passed* by unanimous vote of *7* 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: ***P & Z Committee Members***
File

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

Land Use Control Board
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 illumination 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.

Comments As Follows By: The Harvest Knoll Community Association. The Association and its members have deliberated on the planned amendment on ETI Project No. 08027-00 for a proposed Community Recreational Center. The homeowners in the community have no objections and endorse this project. Hopefully, this will be an enhancement to our community.

6 Date 10-08

James Williams

James Williams, President, Harvest Knoll Community Association

Or E-mail to: vicky.gaines@memphistn.gov or ann.lewis@memphistn.gov
Name of Person Reviewing Application

LAND USE OWNERSHIP DISCLOSURE

Please identify every person who has an ownership interest of 10% or more in the subject application whether they be the current owners, the contract buyers, or the lenders. If current owner or contract buyer are public corporations, please note the fact and list no other owners. Only lenders which are not institutions (banks, saving and loans or credit unions) need be listed.

	NAMES	ADDRESSES
CURRENT OWNERS	Mr. Eulys M. Smith	4917 William Arnold Road, Memphis, TN 38117
	Thomas W. Smith	4917 William Arnold Road, Memphis, TN 38117
	Lee R. Smith	4917 William Arnold Road, Memphis, TN 38117
	Margaret Cleo Smith Bence	4917 William Arnold Road, Memphis, TN 38117
	Callie Earnestine Smith Hutton	4917 William Arnold Road, Memphis, TN 38117
	Eugene L. Smith	4917 William Arnold Road, Memphis, TN 38117
CONTRACT OWNERS/BUYERS	Mickell Lowery	2035 Montreat Drive, Memphis, TN 38134
NON-INSTITUTIONAL LENDERS INCLUDING SELLERS(S) IF THE PENDING SALE IS OWNER FINANCED		

M:\08027\Planning\LAND USE OWNERSHIP DISCLOSURE.doc

Section 9

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

Mickell Lowery

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.**

Mickell Lowery
Signature

6/5/08
Date

Mickell Lowery
Print Name

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