ITEM #: _____ PREPARED BY: Brian S. Bacchus

MOVED BY: _____ APPROVED BY: _____

A JOINT RESOLUTION PURSUANT TO SECTION 9 OF THE ZONING ORDINANCE-REGULATIONS OF THE COUNTY OF SHELBY AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A SPECIAL USE PERMIT FOR LAND LOCATED AT THE SOUTH SIDE OF LOCKE-CUBA ROAD; +/-865 FEET WEST OF WOODSTOCK-CUBA ROAD KNOWN AS 'HABITAT FOR HOPE' SPECIAL PERMIT, CASE NO. S. U. P. 08-216 CC

WHEREAS, Section 9 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064 dated October 6, 1980, authorized the Shelby County Board of Commissioners and the Memphis City Council to grant a Special Use Permit for certain stated purposes subject to standards of general applicability and any additional standards applicable to Special Use Permits in the various zoning districts outside of but within five miles of the Memphis City limits; and

WHEREAS, Application has been made by ***'Habitat for Hope'*** for a Special Use Permit with respect to the property located at the ***'south side of Locke-Cuba Road; +/-865 feet west of Woodstock-Cuba Road'*** within the Agricultural(AG) District for the purpose of establishing a ***'philanthropic institution, including residential cottages, nature trail, horse and barn stables, resident managers' quarters and an open recreation field'***; and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the Special Use Permit provisions of the Zoning Ordinance-Regulations and reported its findings and recommendations 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 has studied and reported its recommendation to the Board of Commissioners and the City Council regarding the following potential effects of granting the Special Use Permit on:

A. The character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public safety and general welfare;

B. The compatibility of the existing buildings or uses within the immediate vicinity and the potential interference of said buildings or uses on the development or uses of adjacent property;

C. The adequacy of public facilities including existing streets, parking, drainage, refuse disposal, fire protection, water and sewer or that such facilities will be provided;

D. The destruction, loss or damage to features of significant natural, scenic or historic importance from the existing buildings or uses; and

WHEREAS, The Memphis and Shelby County Land Use Control Board and/or the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the Special Use Permit to reduce any potential adverse impacts of the existing buildings or uses on the neighborhood, adjacent property owners, public facilities and significant natural, scenic or historic features; and

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the existing buildings or uses complies with all additional standards imposed on it by the particular provision of Section 9 authorizing such particular Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND THE COUNCIL OF THE CITY OF MEMPHIS, That a Special Use Permit is granted for a ***'philanthropic institution, including residential cottages, nature trail, horse and barn stables, resident managers' quarters and an open recreation field'*** at the ***'south side of Locke-Cuba Road; +/-865 feet west of Woodstock-Cuba Road'*** in accordance with the site plan incorporated in the application, and ***subject to the attached conditions***, all within the above mentioned Agricultural(AG) District.

BE IT FURTHER RESOLVED, That this Special Use Permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Board of Commissioners and the City Council have been met.

BE IT FURTHER RESOLVED, That this Resolution take effect from and after the date it shall have been passed by this Board of County Commissioners and by the Memphis City Council, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of the separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the Council of the City of Memphis, the public welfare requiring same.

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

Date: _____

ATTEST:

_____
Clerk of the County Commission

ADOPTED: _____

S.U.P. 08-216 CC
'Habitat for Hope' Special Permit

SITE PLAN CONDITIONS:

A ***Special Use Permit*** is hereby authorized to ***'Habitat for Hope'*** to allow a ***'philanthropic institution, including residential cottages, nature trail, horse and barn stables, resident managers' quarters and an open recreation field'*** on property located at ***'2041 Locke-Cuba Road'*** at ***'south side of Locke-Cuba Road; +/-865 feet west of Woodstock-Cuba Road'*** in accordance with an approved ***'site plan'*** and the following supplemental conditions:

I. Uses Permitted: A philanthropic institution, including a maximum of eight(8) residential cottages, nature trails, horse and barn stables, resident managers' quarters and an un-lighted open recreation field with associated accessory uses for playgrounds, play houses and a picnic area.

II. Access, Circulation and Parking:

A Dedicate eighty(80') feet from centerline on an alignment approved by the City/County Engineer and/or the Metropolitan Planning Organization(MPO) in accordance with Subdivision Regulations.

B. The location and design of curb-cut and private drive 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. Adequate queuing spaces in accordance with the current ordinance shall be provided between any street right-of-way line and any gate.

III. Landscaping and Signs:

A. All existing mature trees and vegetation shall be preserved and maintained in a natural state along the east, west and internal to the site and designated 'Undisturbed Natural Area', including the natural buffers along Locke-Cuba Road.

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

IV. A philanthropic institution, including residential cottages, nature trails, horse and barn stables, resident managers' quarters and an open recreation field with associated accessory uses 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.

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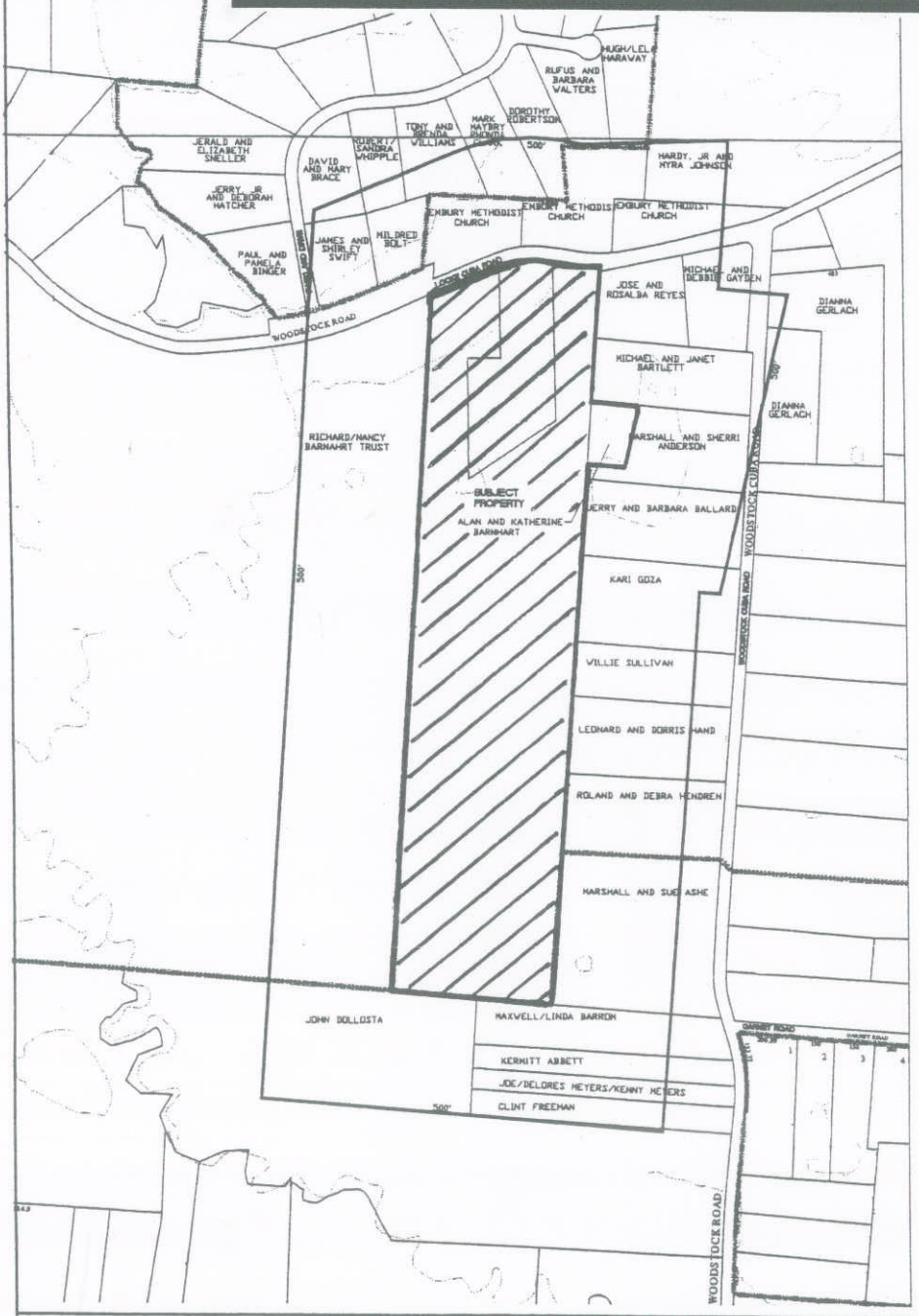
'Habitat for Hope' Special Permit

O.P.D. Case Number S.U.P. 08-216 CC



VICINITY MAP

N

SCALE: 1" = ±600'

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