ITEM #: _____ PREPARED BY: _____

APPROVED BY: _____

A JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY,TENNESSEE, TO UPHOLD THE APPEAL OF THE GRAY'S CREEK ASSOCIATION AND THEREBY REVERSE LAND USE CONTROL BOARD APPROVAL OF A SITE PLAN FOR A PROPOSED WAL-MART SUPERCENTER LOCATED AT THE NORTHWEST CORNER OF HOUSTON LEVEE ROAD AND MACON ROAD KNOWN AS LEE LINE FARMS PLANNED DEVELOPMENT, AREA F.

WHEREAS, Application has been made for site plan approval for a Wal-Mart Supercenter consisting of 151,908 square feet of floor area

CASE NO. PD 06-314CC

PROPERTY LOCATION: Northwest corner of Houston Levee Road and Macon Road

The property being more particularly described on the outline plan as Area F of the Lee Line Farms Planned Development.

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 the approved Outline Plan Conditions for the Lee Line Farms Planned Development, 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 a recommendation of rejection 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 July 10, 2008 and said Board approved the attached site plan, landscaping plan, building elevations, and detached signs as attached with the following conditions:

1. A minimum building setback of 270 feet shall be provided along the west property line with the exception that the drive-through canopy for the pharmacy shall be permitted a minimum setback of 245 feet.

2. A minimum building setback of 250 feet shall be provided from the north property line.

3. No outparcel shall have a curb cut to either Macon Road or Houston Levee Road. Each outparcel shall gain access through the internal drive system serving the Wal-Mart Supercenter.

4. All landscaping illustrated on the proposed landscaping plan including those planting areas around each outparcel shall be installed prior to the issuing of a Use and Occupancy Permit for the Wal-Mart Supercenter.

5. The north property line of Outparcel 5 shall be landscaped with the same landscaping pattern proposed along the north property line of the Wal-Mart Supercenter as part of the landscaping plan to be installed prior to the issuing of a Use and Occupancy Permit for the Wal-Mart Supercenter (30 feet wide/Modified Plate B4).

6. A landscaping screen subject to the approval of the Office of Planning and Development shall be installed along the west property line of Outparcel 1 as part of the landscaping plan to be installed prior to the issuing of a Use and Occupancy Permit for the Wal-Mart Supercenter (to be 80 feet in width except where approved for reduction by OPD due to existing utility installation).

7. Berming shall be used as part of the landscaping screen between the west property line and the Wal-Mart Supercenter Building and parking lot as illustrated by the landscaping plan subject to the approval of the Office of Planning and Development.

8. A detailed landscaping plan including the number, location, species type, and size at planting shall be included as part of the final plat.

9. The attached and detached signs illustrated in the site plan submittal plan set shall be permitted and shall be illustrated on the final plat including their size, color and building material construction.

10. The building elevations illustrated in the site plan submittal plan set shall be permitted and shall be illustrated on the final plat including colors, building materials, and certification of a minimum composition of 50% brick façade coverage.

11. Exterior pole lighting shall not exceed 30 feet in height and shall be a shoe-box design with full cut-off luminaries on all lights with house side shielding on lights adjacent to residential properties.

12. The finished floor elevation of the Wal-Mart Supercenter shall not exceed 331 feet.

13. The Outdoor Garden Center Sales Area as illustrated on the site plan submittal plan set shall be permitted.

14. All traffic signal modifications, including, but not limited to, signalization, fiber optic interconnections, the relocation of poles, cabinets, etc., shall be at the sole expense of the developer and shall be subject to the review and approval of the City and County Engineer.

15. Dedicate and improve Houston Levee Road 54 feet from the centerline along the entire frontage of the site including the outparcels and existing Trustmark National Bank frontage to Macon Road.

16. Dedicate and improve Macon Road 42 feet from the centerline along the entire frontage of the site including the outparcels and existing Trustmark National Bank frontage to Houston Levee Road.

17. Full off-site road improvements to a five-lane cross section shall be provided to all four legs of the Houston Levee Road/Macon Road intersection up to a distance of 1,000 feet subject to the approval of the County Engineer.

18. The drainage pipe outfall at the southwest corner of Houston Levee Road and Macon Road shall be modified to handle stormwater discharge at the developer's expense.

19. No outside container storage is permitted.

20. All other Outline Plan Conditions remain applicable unless modified by Conditions 1-19 above;

and

WHEREAS, An appeal of the decision of the Land Use Control Board was filed by the Gray's Creek Association on July 22, 2008, requesting the approval action of the Board be reversed.

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, the appeal of the Gray's Creek Association is upheld, the decision of the Land Use Control Board is reversed, and the site plan for the proposed Wal-Mart Supercenter is therefore denied.

Section 2. **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.

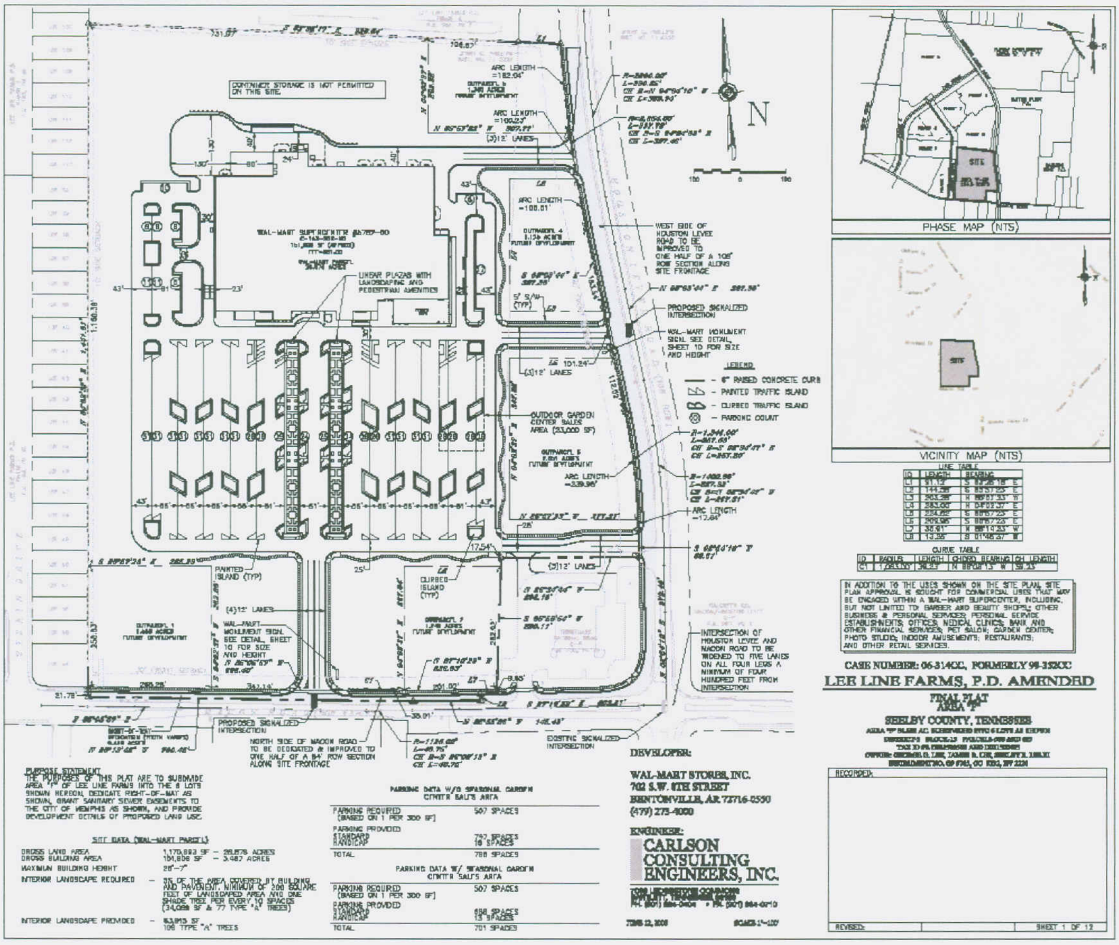
_____
A C Wharton, Jr. County Mayor

Date: _____

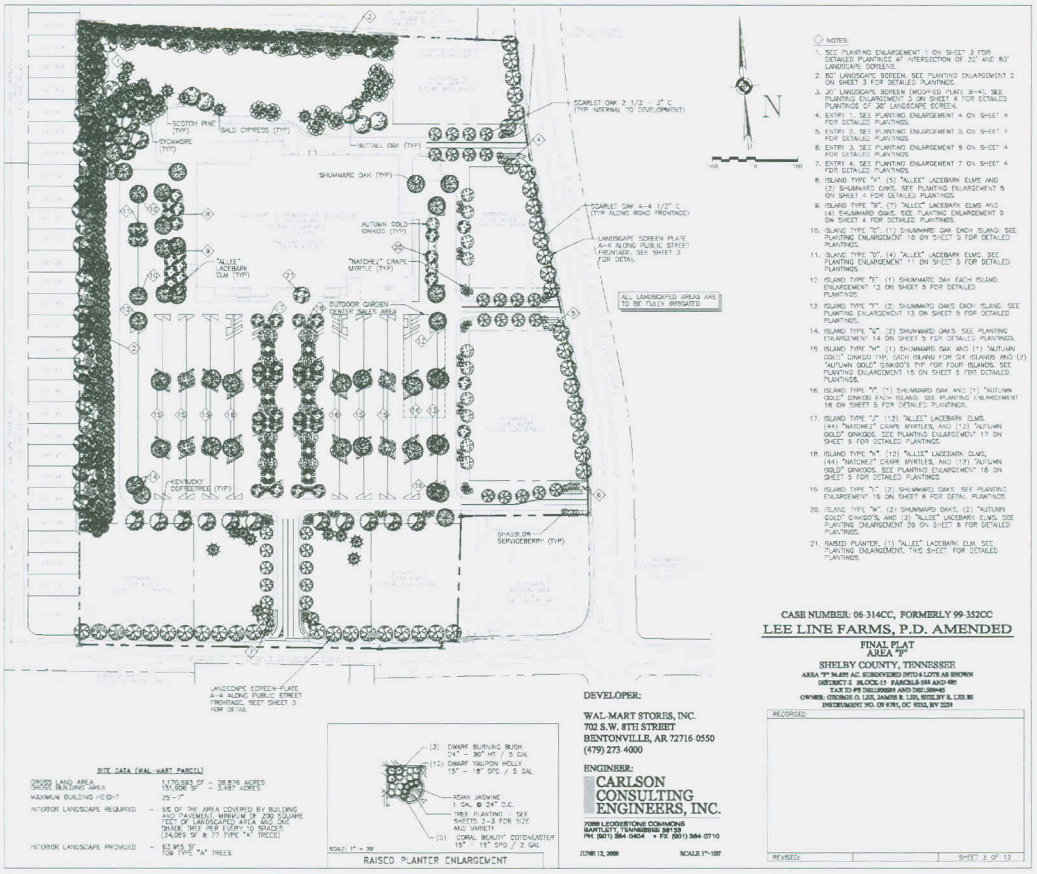
ATTEST:

_____
Clerk of the County Commission

ADOPTED: _____



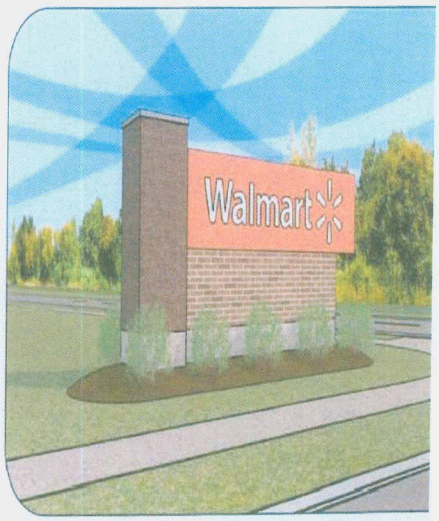
Proposed Site Plan approved by the Land Use Control Board on 07/10/08



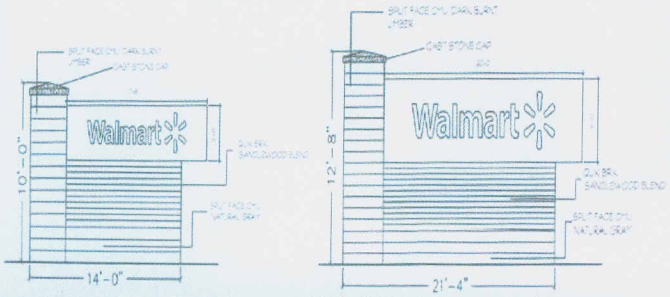
Proposed Landscaping Plan approved by the Land Use Control Board on 07/10/08

Proposed Building Elevations approved by the Land Use Control Board on 07/10/08

A) VIEW LOOKING S.E. ONTO HOUSTON LEVEE ROAD



B) VIEW LOOKING S.E. ONTO MACON



Proposed Detached Signs Approved by the Land Use Control Board on 07/10/08