SUMMARY SHEET

I. Description of Item

Applicant, an electrical contractor, requests a use variation to build an office / warehouse on Agriculture-zoned property at 475 N Collierville-Arlington Road (West side of Collierville-Arlington Road immediately north of Mary's Creek).

II. Source and Amount of Funding

NA

III. Contract Items

NA

IV. Additional Information Relevant to Approval of this Item

Variations for the use of property are approved by the County Commission. "Bulk variations" -- allowing changes in the technical requirements of the Zoning Code -- are approved by the Board of Adjustment. This is an application for a "use variation," since an office / warehouse is not allowed in an Agriculture-zoned district, and thus comes before you for approval.

SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee _____

For Commission Action on _____

DESCRIPTION OF ITEM:

A JOINT RESOLUTION PURSUANT TO SECTION 10 OF THE ZONING ORDINANCE-RESOLUTION OF THE COUNTY OF SHELBY, AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A USE VARIATION FOR LAND LOCATED ON THE WEST SIDE OF COLLIERVILLE-ARLINGTON ROAD, IMMEDIATELY NORTH OF MARY'S CREEK, KNOWN AS CASE NO. U.V. 08- 11 CC.

Application to OPD for a use variance.

CHECK ALL THAT APPLY BELOW:

_✓____ 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 and Development

APPROVAL:

Dept. Head:	Mary L. Baker, #576-7142 (Print your name & phone #.)	MLB (Initials)	\ (Date)
Elected Official:	(Print your name & phone #.)	\ (Initials)	\ (Date)
Division Director:	Richard S Copeland (by MLB) (Print your name & phone #.)	MLB (Initials)	\ (Date)
CIP – A&F Director:	(Print your name & phone #.)	\ (Initials)	\ (Date)
Finance Dept.	(Print your name & phone #.)	\ (Initials)	\ (Date)
County Attorney:	Robert B. Rolwing, # 5133 (Print your name & phone #.)	\ (Initials)	\ (Date)
CAO/Mayor:	(Print your name & phone #.)	\ (Initials)	\ (Date)

ITEM #: _____ PREPARED BY: Dave Adams, OPD

MOVED BY: _____ APPROVED BY: _____

A JOINT RESOLUTION PURSUANT TO SECTION 10 OF THE ZONING ORDINANCE-RESOLUTION OF THE COUNTY OF SHELBY, AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A USE VARIATION FOR LAND LOCATED ON THE WEST SIDE OF COLLIERVILLE-ARLINGTON ROAD, IMMEDIATELY NORTH OF MARY'S CREEK, KNOWN AS CASE NO. U.V. 08- 11 CC.

WHEREAS, Section 10 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, as amended, authorized the Shelby County Board of Commissioners and the Memphis City Council to grant a use variation under certain stated circumstances utilizing the procedures established for the issuance of use variations; and

WHEREAS, Section 8 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, as amended, 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 in the various zoning districts outside of but within five miles of the Memphis City limits; and

WHEREAS, Application has been made by John & Kristina Laiché for a use variation with respect to the property located on the west side of Collierville-Arlington Road, immediately north of Mary's Creek within the Agricultural (AG) District for the purpose of establishing a an office / warehouse for an electrical contractor; and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the use variation and use variation 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 March 12, 2009 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 use variation 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 proposed building or use with the immediate vicinity and the potential interference of said building or use on the development or use 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 proposed building or use; 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 use variation to reduce any potential adverse impacts of the proposed building or use on the neighborhood, adjacent property owners, public facilities and significant natural, scenic or historic features.

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 use variation is granted for the purpose of establishing an office / warehouse for an electrical contractor 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 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 _____

SITE PLAN CONDITIONS

U.V. 08- 11 CC

OFFICE / WAREHOUSE FOR ELECTRICAL CONTRACTOR AT 475 N Collierville-Arlington Road

As Based on Conditions Considered by the Land Use Control Board

March 12, 2009

A Use Variation is hereby approved to allow John Laiché to operate an office / warehouse as the primary location for an electrical contracting business on the property located at 475 N Collierville-Arlington Road *(Instrument # 06174610, Shelby County Register)* in accordance with the approved site plan and the following supplemental conditions:

1. No additions to the existing building or any expansion of the site area devoted to this use shall be permitted.

2. No signage shall be permitted that would be visible from off-site.

3. All on-site outdoor lighting to be screened or directed so as to prevent visibility from off-site at any season.

4. No trucking movements shall be permitted onsite or arriving or departing except between 5 AM and 7 PM. Mondays through Fridays. Light duty (pick-up) trucks shall be exempt from this prohibition.

5. Prior to the issuance of a use and occupancy permit, the site plan shall be optimized with respect to parking layout and landscape plans so as to insure no visibility of truck parking or transfer operations from off-site. The final site plan shall be subject to the approval of the Land Use Control Board as a correspondence item, with full notification and a right of appeal to the legislative bodies by either the applicant or any citizens in attendance at the Land Use Control Board hearing.

6. The site plan shall show base flood elevation and actual elevation of the warehouse floor. The culvert over the lateral stream branch shall be assessed with respect to possible floodway restrictions or encroachments, including the culvert installed along the access drive. All other requirements of FEMA for participation in the flood insurance program shall be complied with before a use and occupancy permit shall be granted, including any floodway encroachments

7. All regulations of the Memphis and Shelby County Health Department to be complied with in respect to approval of septic tank systems on the property.

8. If the County Engineer, finds that that this 7-acre parcel is not exempt from the requirement to subdivide due to drainage issues, final approval of the site plan shall not occur until a subdivision has been approved by the Land Use Control Board.

9. Certification is required from City and County Engineering with respect to the possible need for additional stream bank stabilization measures.