

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: _____
DATE _____

PUBLIC SESSION: _____
DATE _____

ITEM (CHECK ONE)
 ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a planned development. The following item was heard and a recommendation made by the Memphis City Council to convert this item from a rezoning application to a planned development on 10/18/11

CASE NUMBER: **PD 11-321 (Converted from Z 11-107)**

CASE NAME: **LA CONECCION PLANNED DEVELOPMENT**

LOCATION: East side of Getwell Road; +/-510 feet north of Cochese Avenue

APPLICANT: LA Coneccion, Inc. (Archie Yousef)

EXISTING ZONING: Commercial Mixed Use-1 (CMU) District

REQUEST: A planned development to permit motor vehicle sales

AREA: 0.80 Acres

RECOMMENDATION: The Office of Planning and Development recommends
APPROVAL WITH CONDITIONS

RECOMMENDED COUNCIL ACTION: **Set date per Council: November 15, 2011**

PRIOR ACTION ON ITEM:

_____ APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

_____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
=====		
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Resolution approving a planned development, PD 11-321, to permit motor vehicle sales.

1. Resolution to approve a planned development for Archie Yousef, La Coneccion to permit motor vehicle sales to be located on the east side of Getwell Road; +/- 510 feet north of Chocese Avenue.
2. The Memphis and Shelby County Land Use Control Board held a public hearing on September 8, 2011 and recommended approving this application as a rezoning from CMU-1 to CMU-2 as recommended by the Office of Planning and Development.
3. The Memphis City Council's Planning and Zoning Committee held a committee hearing on October 18, 2011 and recommended that the rezoning application, Z 11-107, be converted to a planned development, PD 11-321.
4. Approval of this planned development will be reflected on the Memphis and Shelby County Zoning Atlas.
5. No contracts are affected by this item.
6. No expenditure of funds/budget amendments are required by this item.

RESOLUTION

WHEREAS, Section 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance-Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, An application has been made for a planned development for property located on the east side of Getwell Road; +/-510 feet north of Cochese Avenue; and

WHEREAS, A Memphis City Council's Planning and Zoning Committee hearing in relation to a rezoning application, Z 11-107, on the subject property was held on October 18, 2011 and said Council committee recommended to the City Council that the application be converted to a planned development based on 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; and

WHEREAS, The Planning and Zoning Committee also recommended to the City Council that the application not be remanded back to the Land Use Control Board for action but be held for 30 days to allow time for the application to be converted to a planned development and then placed on the proceeding Council agenda for final disposition by the Memphis City Council; and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 9.6.9 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Memphis City Council; and

WHEREAS, The Council of the City of Memphis has reviewed the recommendation of the Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

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 9.6.11 of the Zoning Ordinance-Regulations.

cc: Office of Construction Code Enforcement
City Engineer
OPD – LUC
OPD – LUC (East)

PD 11-321
La Coneccion Planned Development

OUTLINE PLAN CONDITIONS:

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use District-1 (CMU-1) District including the following:
 - 1. Motor Vehicle Sales
- B. Any use permitted by Special Use Permit in the Commercial Mixed Use District-1 (CMU-1) shall require an amendment to this plan development.

II. Bulk Regulations:

- A. As regulated by the Commercial Mixed Use District-1 (CMU-1) District including the following for any motor vehicle sales use:
 - 1. The building footprint, overall parking layout, to include the minimum required spaces for the proposed use, and access aisles shall be as shown on the recorded site plan.
 - 2. A 20 foot minimum front setback shall be provided along Getwell Road.
 - 3. All cars stored on this site (awaiting repair) shall not be visible from the public right-of-way or the adjacent residential properties.

III. Access and Circulation:

- A. No parking shall be located within the ingress-egress easement.
- B. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- E. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

- F.** Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G.** Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping and Screening:

- A.** An “S” series streetscape plate or an equivalent alternative shall be installed along the Getwell Road frontage of this site.
- B.** A detailed landscaping and screening plan shall be submitted with the final plat for the review and approval of the OPD and shall identify the species type and the materials used for fencing and screening.
- C.** Landscaping shall not interfere with any required easements.
- D.** The trash dumpsters shall be screened from public view with sigh-proof fencing and evergreen plantings.
- E.** All landscaping condition shall be complied with prior to a new Certificate of Occupancy being issued on any portion of the property within the boundaries of this site plan.
- F.** Required landscaping shall not be placed on sewer or drainage easements

V. Other:

- A.** No automobile shall be displayed on elevated ramps on the site.
- B.** No Banners, streamers, balloons, flags and outdoor speaker call systems shall be permitted on the site.
- C.** Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way
- D.** There shall be no dismantling of vehicles for salvage.
- E.** The storage of impounded vehicles shall not be permitted.

- F.** All outdoor lighting shall be directed downward to the extent possible and shall not glare onto residential property.
- G.** Signage shall be governed by the Commercial Mixed Use District-1 (CMU-1) District.
- H.** 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.

VI. Drainage:

Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

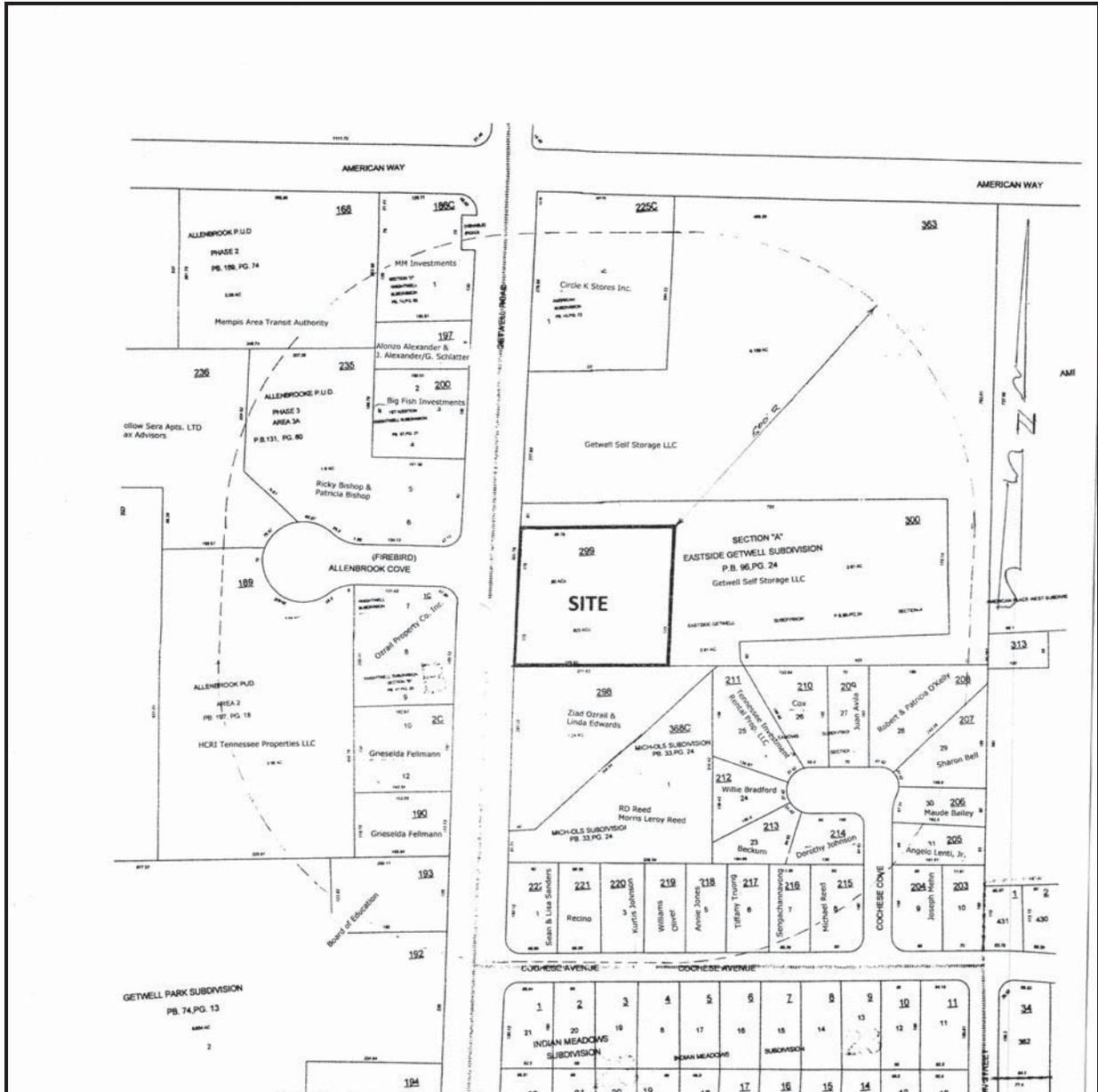
- VII.** The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

- VIII.** The Outline Plan shall be recorded 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.

IX. 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 exact location and dimensions including height, of buildings or buildable areas, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D.** Streets, lots, landscaping and all information required to review residential subdivisions in accordance with the Subdivisions Regulations.
- E.** The content of all landscaping and screening to be provided

- F.** The location and ownership, whether public or private of any easement,
- G.** If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity, for ownership and maintenance purposes,
- 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.



Bray-Davis Firm, LLC

2950 Stage Plaza North
 Bartlett, Tennessee 38134
 JULY 26, 2011

Telephone 901-383-8668
 Fax 901-383-8720
 E-Mail braydavisfirm01@aol.com

Scale 1"=200'±/-

