

## **ZONING RESOLUTION**

**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 7, 1980, authorizes the Council of the City of Memphis to grant a Use Variation for certain stated purposes subject to standards of general applicability and any additional standards applicable to a Use Variation in the various zoning districts within the Memphis City Limits, and

**WHEREAS**, Application has been made by '*Robert L. Hale*' for a Use Variation to allow a '*motor vehicle service*' with respect to the property at '*1351 Fields Road*' at the '*south side of Fields Road; +/-218.64 feet west of Osceola Road*', and

**WHEREAS**, The Office of Planning and Development has reviewed the application in accordance with the Use Variation provisions of the Zoning Ordinance-Regulations and reported said 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, January 10, 2008*, and said Board has studied and reported its recommendation to 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 properties, 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 proposed building or use complies with all additional standards imposed on it by the particular provision of Section 8 authorizing such particular Use Variation.

**NOW, THEREFORE, BE IT RESOLVED** By the Council of the City of Memphis that a Use Variation is hereby granted in accordance with the Site Plan incorporated in the application, and, *subject to the attached conditions*.

**BE IT FURTHER RESOLVED** That this Use Variation authorizes the appropriate 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 City Council have been met.

**ATTEST:**

*cc: Construction Code Enforcement  
City Public works (AM.)  
Office of Planning and Development  
County Assessor*

**U.V. 07-13**  
**'Hale Use Variation'**

***SITE PLAN CONDITIONS:***

A Use Variance is hereby authorized to ***Robert L. Hale*** to allow ***motor vehicle service*** on the property located at ***1351 Fields Road*** at the ***south side of Fields Road; +218.64 feet west of Osceola Road*** in accordance with the ***approved site plan*** and the following supplemental conditions:

1. A motor vehicle service facility shall be permitted for a maximum of twenty(20) vehicles for outdoor storage to the rear of the building. All vehicles shall be enclosed in a sight-proof wood fence at least six(6') feet in height.
2. No parking or outdoor storage shall be permitted in the required front yard, except one(1) handicap space. All required parking and service drives shall be asphalt pavement. The vehicle storage area may be limestone gravel.
3. Any major vehicle service, excluding battery and tire service shall be prohibited and not performed at any time.
4. The centermost curb cut shall be re-constructed to meet City Standards and shall be 10' deep x 44' wide. The design, number and location of curb-cuts shall be subject to the approval of the City Engineer.
5. A Landscape Plate 'RV-2' (modified) to eleven(11') feet in width shall be installed and maintained along Fields Road. A landscape Plate 'B-2' ten(10') feet in width shall be installed along the east and west property lines.
6. Mature trees and shrubs shall be preserved and maintained. All landscaping, screening and fencing shall be installed prior to final Use and Occupancy.
7. External loud speakers and call systems shall be prohibited. No exterior lighting shall be permitted to glare onto adjacent properties or into public right-of-ways.
8. The site shall be allowed one(1) attached non-illuminated sign a maximum of twenty(20) square feet in area. Temporary, portable, flashing, traveling message and free-hand painted signs shall not be permitted. Streamers and banners shall also be prohibited.
9. A motor vehicle service facility shall be allowed for the above mentioned user if maintained in accordance with site plan conditions, including no zoning or code violations.

**U.V. 07-13**  
**'Hale Use Variance'**