



CITY OF MEMPHIS

COUNCIL AGENDA

December 6, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 15, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE - SECOND READING

1. **ORDINANCE** to establish meeting dates for City Council Meetings in 2006, up for S E C O N D reading.

Ford

Ordinance No. 5140

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

2. **ORDINANCE** rezoning the southeast corner of Young Avenue & Meda Street, containing 4,329 square feet in the Local Commercial (C-L) District, up for F I R S T reading.

Peete

Ordinance No. 5143

Case No. Z 05-124

Applicant: Robert Gordon
Robert Gordon – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING

3. **ORDINANCE** rezoning the south side of Walnut Grove Road, 480 feet west of Humphreys Boulevard, containing 1.78 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5141

Case No. Z 05-123

Applicant: Baptist Memorial Healthcare Systems
ETI Corporation – Representative

Request: Hospital (H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

- 4. **ORDINANCE** rezoning the northwest corner of Nonconnah Parkway and Ridgeway Road, containing 15.22 acres in Area B of the Ridgeway-Nonconnah Parkway Center Planned Development, up for S E C O N D reading.

Peete

Ordinance No. 5142

Case No. Z 05-125

(Companion Cases: SUP 05-219 & PD 05-357)

Applicant: Acheson Properties
Prime Development (Mike Fahy) – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

- 5. RESOLUTION accepting CONCORD ESTATES SUBDIVISION, 1ST ADDITION, and authorizing release of bond.

Case No. S 99-062cc

(Contract No. CR-4925)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Shelby Drive and Gertrude Drive. The standard improvement contract was approved on February 15, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$10,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION accepting LEVI P.D., and authorizing release of bond.

Case No. PD 99-367

(Contract No. CR-4769)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Horn Lake Road, north of Levi Road. The standard improvement contract was approved on August 8, 2003. Resolution also authorizes the release of the Letter of Credit (No. s023264) in the amount of \$75,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION accepting PEMBERTON MEADOWS PD, and authorizing release of bond.

Case No. PD 04-331cc

(Contract No. CR-4923)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Holmes Road, on the east side of Wemberley Drive. The standard improvement contract was approved on February 1, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$7,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 8. RESOLUTION accepting PEMBERTON MEADOWS PD SEWER EXTENSION, and authorizing release of bond.

Contract No. (CR-4952)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Holmes Road, on the east side of Wemberly Drive. The standard improvement contract was approved on June 21, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$53,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

9. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-347 – ANGEL PLANNED DEVELOPMENT

Located on the northwest corner of Cowden Avenue and Greer Street, containing 0.26 acre in the Single Family Residential (R-S6) District

Applicant: Jennifer Angel
SR Consulting (Cindy Reaves) – Representative

Request: Add a Second Residential Dwelling

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Details

B. Case No. PD 05-357 – AREA B, RIDGEWAY NONCONNAH CENTER PLANNED DEVELOPMENT
(Companion Cases: Z 05-125 & SUP 05-219)

Located on the northwest corner of Nonconnah Parkway and Ridgeway Road, containing 15.22 acres in the Area B of the Ridgeway Nonconnah Center Planned Development

Applicant: Acheson Properties LLC
Prime Development Group (Mike Fahy) – Representative

Request: Delete Area B from the Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 05-363

Located on the southeast corner of E. Carolina Avenue and Florida Street, containing 3.67 acres in the Bluffview Residential (R-B) District

Applicant: Southland Dev. Partners of Memphis
W.H. Porter Consultants, PLLC – Representative

Request: A planned development to create a residential development with 57 townhouse units

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 05-364

Located on the north and south side of Larkin Ave.; between Claybrook St. and Cleveland St., containing 3.53 acres in the Single Family Residential Historical Conservation (R-S6[HC]), Local Commercial (C-H), Light Industrial (I-L) and Parking (P) Districts

Applicant: Audubon Development Co., LLC
Davis Engineering Co., Inc. – Representative

Request: A planned development to create a mixed use residential development consisting of 13 single family detached lots and 17 attached townhouses

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 05-365cc – WALNUT GROVE SOUTHEAST PLANNED DEVELOPMENT

Located on the southwest corner of Walnut Grove Road and Houston Levee Road, containing 35 acres and is currently governed by the conditions of the Walnut Grove Southeast Planned Development, P.D. 01-333CC (Plat Book 196, Page 97)

Applicant: TLW Joint Venture
The Reaves Firm, Inc. – Representative

Request: A planned development amendment to delete Condition I.A.13 from the list of excluded uses in Area “A” in order to permit a department or discount store to be located on this site

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 05-614 –WARREN ROAD

Location beginning on the north side of Clementine Road at its western terminus and proceeding northerly 386.78 feet therefrom, containing 0.355 acre in the Duplex Residential (R-D) and Multiple Dwelling Residential (R-ML) Districts

Applicant: ProUnited Realtors, LLC
Brunell Gooden – Representative

Request: Close & Vacate Unimproved Street right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SAC 05-615- VINTON AVENUE ALLEY CLOSURE

Located on the south side of Vinton Avenue; +/-188 feet west of Rozelle Street, containing 1,587.5 square feet (Area of R.O.W.) and 12’ X 127’(Length X Width of R.O.W.) in the Street/Alley ~ Single Family Residential (R-S8) Historic Conservation (HC) District

Applicant: James A. & Patricia T. Comella

Request: Close & Vacate Alley Street Right-Of-Way

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

H. Case No. SUP 05-219
(Companion Cases: Z 05-125 & PD 05-357)

Located on the northwest corner of Nonconnah Parkway and Ridgeway Road, containing 15.22 acres in the Planned Commercial (C-P) District

Applicant: Acheson Properties LLC
Prime Development Group (Mike Fahy) – Representative

Request: Motor Vehicle Sales

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SCBID 05-14 – MICROTEL INN & SUITES HOTEL

Located on the east side of South Second Street, 240 feet south of Vance Avenue

Appellant: Christine Wimbish-Diatta

Request: Approval of Microtel Inn & Suites Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 20, 2005

10. **GENERAL ITEM**

RESOLUTION approving temporary structures for December 30, 2005, from 2:30 p.m. until 6:00 p.m. for Auto Zone Liberty Bowl Association-Auto Zone Liberty Bowl Parade.

Jones

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

11. RESOLUTION awarding Contract No. 11042, Facilities Location Services, to Heath Consultants, Inc. in an estimated funded amount of \$773,550.00. (Held from 11/1; 11/15)
12. RESOLUTION awarding Contract No. 11062, Underground Construction, to A & L Underground, Inc. in an estimated funded amount of \$8,678,497.81. (Held from 11/1; 11/15)
13. RESOLUTION awarding Contract No. 11061, Wireless Telephone Service, to Cingular Wireless, Inc. in an estimated funded amount of \$168,000.00. (Held from 11/15)
14. RESOLUTION approving Change No. 4 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction Company, in the funded amount of \$40,012.91. (This covers reimbursement of costs, including labor, equipment, meals, lodging, transportation and other charges as a result of Distribution Support request for emergency aid for the August 30, 2005 storm).
15. RESOLUTION approving Change No. 5 to Contract No. 10903, Expanets Combined Maintenance Agreement, with Converged Solutions Group, LLC, in the funded amount of \$609,961.37 over a three-year period. (This closes Contract No. 10802 and combines it with Contract No. 10903 for one overall maintenance contract.)
16. RESOLUTION approving Change No. 7 to Contract No. 10919, Business Operations Center Telecommunications System, with Converged Solutions Group, LLC, in the funded amount of \$31,771.00. (This covers the purchase and installation of Cisco routing and switching equipment.)
17. RESOLUTION awarding contract for electric meters, as follows:

WESCO.....	\$866,835.20
Sensus Metering Systems.....	<u>129,510.80</u>
Total.....	\$996,346.00
18. RESOLUTION awarding contract for paper-insulated, lead-covered cable to The Okonite Company, in the amount of \$272,600.80.
19. RESOLUTION awarding contract for instrument transformers, as follows:

GEC/Durham Industries.....	\$ 81,251.40
Utilicor.....	35,411.52
Tennessee Valley Electric Supply Company.....	2,670.00
Ritz Instrument Transformers, Inc.....	<u>18,250.00</u>
Total.....	\$137,587.92
20. RESOLUTION awarding contract for Scada-Mate switches and controls to Hughes Supply d/b/a Tennessee Valley Electric Supply Company, in the amount of \$351,092.70.
21. RESOLUTION awarding contract for substation batteries, as follows

Saft America, Inc. c/o H V Sales Co., Inc.....	\$ 67,825.00
Alcad, Inc. c/o Weisler & Associates.....	<u>4,191.14</u>
Total.....	\$ 72,016.14
22. RESOLUTION awarding contract for anthracite filter media to Guthrie Sales and Service, in the amount of \$29,359.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

23. RESOLUTION promoting Project Blue Light during the month of December.

Holt

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION dedicating Peabody Avenue as "Dr. William Faulkner Avenue".

Brown, Ford
& Peete

ACTION REQUESTED: Adopt the resolution

25. APPOINTMENTS

Marshall

Memphis & Shelby County Board of Adjustment

Reappointments

David Andrews

David Goodwin

GENERAL ORDINANCES - THIRD AND FINAL READING

26. ORDINANCE amending Chapter 41, Code of Ordinances, City of Memphis, so as to update regulations for Wreckers and Towing Operators within the City of Memphis, up for T H I R D and F I N A L reading.(Held from 10/11; 10/25;11/1)

Sammons

Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

27. ORDINANCE amending Chapter 4, Article III, Division 2 of the Code of Ordinances regarding general restrictions on issuance of License to Sell Beer for Off-Premises Consumption, up for T H I R D and F I N A L reading.(Held from 11/1)

Sammons

Ordinance No. 5134

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION

28. RESOLUTION accepting grant funds in the amount of (\$2,158,816.50) Two Million, One Hundred Fifty-Eight Thousand Eight Hundred Sixteen Dollars and Fifty Cents from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Adult Services Training Grant. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Jones

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION accepting grant funds in the amount of (\$1,375,208.10) One Million, Two Hundred Eight Dollars and Ten Cents from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Worker Services Training Grant. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Jones

ACTION REQUESTED: Adopt the resolution

- 30. RESOLUTION accepting grant funds in the amount of (\$392,669.40) Three Hundred Ninety-Two Thousand, Six Hundred Sixty-Nine Dollars and Forty Cents from the State of Tennessee Department of Labor Division for WIA Title One Administration Services Grant. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Jones

ACTION REQUESTED: Adopt the resolution

- 31. RESOLUTION accepting grant funds in the amount of (\$33,000.00) Thirty-Three Thousand Dollars from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title one Incumbent Worker Services Training Grant. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Jones

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

- 32. RESOLUTION accepting an offer from Russell G. Houston III and wife, Margaret A. Houston to purchase City owned property in the amount of \$1,630.00 located on the north side of Vance Avenue and the west side of South Fourth Street; being approximately 41' X 75' and containing 3,075 square feet, more or less.

Brown

Resolution accepts an offer from Russell G. Houston III and wife, Margaret A. Houston to purchase property located in the City of Memphis, County of Shelby and State of Tennessee. All the property lying on the north side of Vance Avenue and the west side of South Fourth Street and described in Chancery Court Cause #9417-1 R.D., Exhibit #220, Tax Sale #4, and also identified as Ward 005, Block 016, Parcel 010, as described in Deed recorded as Instrument No. N7-3501, in the Shelby County Register's Office. The amount of the offer is \$1,630.00. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council meeting for an increase of bid. Therefore, resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

- 33. RESOLUTION approving conveyance of City owned property located on the west side of Fifth Street, south of Greenlaw Avenue, to the City of Memphis Division of Housing and Community Development.

Brown

Resolution approves the conveyance of a 18.66' X 148.5' unbuildable remnant parcel located on the west side of Fifth Street, south of Greenlaw Avenue, acquired by the City of Memphis in 1983 as a gift. Property identified by the Shelby County Assessor's Office as Ward 001, Block 072, Parcel 005. The City of Memphis Division of Housing and Community Development requested said remnant parcel as part of the Uptown Redevelopment. Said Division to utilize the property to build affordable housing. Per ordinance, the sale of the subject parcel is NOT subject to being held over and resolution approval shall be deemed as

approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the conveyance.

Director of General Services and Housing and Community Development
recommend approval

ACTION REQUESTED: Adopt the resolution

- 34. RESOLUTION approving conveyance of City owned property located on the west side of Thomas Street, north of Looney Avenue, to the City of Memphis Division of Housing and Community Development

Brown

Resolution approves the conveyance of a 41'X 135' irregular shaped remnant parcel located on the west side of Thomas Street, north of Looney Avenue, acquired by the City of Memphis for the widening and improvement of Thomas Street. Property identified by the Shelby County Assessor's Office as Ward 001, Block 097, Parcel 010. The City of Memphis Division of Housing and Community Development requested said remnant parcel as part of the Uptown Redevelopment. Said Division to utilize the property to build affordable housing. Per ordinance, the sale of the subject parcel is NOT subject to being held over and Resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the conveyance.

Director of General Services and Housing and Community Development
recommend approval

ACTION REQUESTED: Adopt the resolution

- 35. RESOLUTION approving purchase of revised easement from Bryan Shelby Farms, L.P., 16.573 acres located on the north side of Gratitude Church Road and north of centerline of Pleasant ridge Road, for the sum of \$132,584.00. This supersedes and nullifies purchase of easement from Bryan Shelby Farms, L.P. for the sum of \$120,184.00, approved by the Board of Light, Gas and Water Commissioners on July 21, 2005, and further approved by the Council of the City of Memphis on September 20, 2005.

Brown

ACTION REQUESTED: Adopt the resolution

- 36. RESOLUTION updating the MLGW Retirement and Pension Plan to reflect the current language required by the IRS for pension plans.

Brown

ACTION REQUESTED: Adopt the resolution

- 37. RESOLUTION approving amendment to the MLGW Retirement and Pension Plan for actuarial funding. This is a revision of the resolution approved by the Board of Light, Gas and Water Commissioners at meeting held October 20, 2005.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 38. RESOLUTION transferring city owned lots to the Memphis Housing Authority for the development of affordable housing in association with the Uptown Revitalization Project.

Holt

ACTION REQUESTED: Adopt the resolution

- 39. RESOLUTION accepting grant funds in the amount of \$4,000,000.00 from the U.S. Department of Housing and Urban Development for the Lead Hazard Reduction Demonstration Program to contract with the Memphis and Shelby County Health Department (MSCHD) to perform blood lead testing of children under age six, assist in community outreach and education, perform final clearance testing on units where lead hazard control has been completed, and dust wipe and soil analysis. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES

40. RESOLUTION accepting grant funds in the amount of \$15,000.00 from the American Society for the Prevention of Cruelty to Animals for the Safe Steps Home grant to spay and neuter cats in low income homes. Resolution also amends the FY 2006 Operating Budget to establish and appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting grant funds in the amount of \$9,000.00 from the Tennessee Coalition Against Domestic and Sexual Violence for the Social Norms: Rape Prevention and Education Project to assist in a collaborative effort to develop, administer and analyze a survey of middle, high school and college students regarding the social norms related to sexual assault and sexual beliefs. Resolution also amends the FY 2006 Operating Budget to establish and appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

42. RESOLUTION amending the FY2006 Capital Improvement Budget by transferring a previous allocation of \$123,433.00 funded by G.O. Bonds General from Crumpler-Global to Shelby, Project Number PW01126 to Global Drive west to Hickory east to Crumpler, Project Number PW01129. Resolution also appropriates \$1,600,433.00 funded by G.O. Bonds General for Global Drive west to Hickory Hill east to Crumpler, Project Number PW01129 for a construction contract with Chancelor and Son, Inc. (Held from 11/1; 11/15)

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring and appropriating a previous allocation of \$20,000.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001 in Kimbrough Generator Wiring, project number SW02065.

Brittenuum

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

44. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15)

Peete

Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

45. **ORDINANCE** extending from the northern terminus of Hunter’s Glade Lane to the eastern terminus of Callie Manor Drive, containing 22.63 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading. (Held from 11/1)

Peete

Ordinance No. 5138
Case No. Z 05-114cc

Applicant: Hilliard, Boysen & Tribble
The Bray-Davis Firm, LLC – David Bray - Representative

Request: Single Family Residential (R-S15) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

204 NOTICES MAILED ON OCTOBER 21, 2005

46. **ORDINANCE** rezoning the northwest corner of Kimbrough Street and Eastmoreland Avenue, containing 1.09 acres in the Duplex Residential District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5139
Case No. Z 05-119

Applicant: Union Realty Company, GP
Ronald Harkavy – Representative

Request: Local Commercial (C-L) & Parking (P) Districts

LUCB recommendation: APPROVAL of Local Commercial (C-L) and Parking (P) Districts

OPD recommendation: REJECTION of Highway Commercial
APPROVAL of Local Commercial (C-L) and Parking (P) Districts

ACTION REQUESTED: Take whatever action Council deems advisable

72 NOTICES WERE MAILED ON NOVEMBER 18, 2005

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

47. **RESOLUTION** approving a planned development located on the southwest corner of Dexter Road and Dexter Lane, containing 8.06 acres in the Agricultural (AG) District. (Held from 11/1)

Peete

Case No. PD 05-325cc

Applicant: Tommy Thompson
Davis Engineering (Mark Davis) – Representative

Request: Parcel A – 28 Residential Lots
Parcel B – Commercial Uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

1009 NOTICES MAILED ON OCTOBER 21, 2005

48. RESOLUTION approving a planned development located on the north side of Poplar Avenue; +750 feet east of Belle Meade Lane, containing 1.08 acres in the Single Family Residential (R-S10) District. (Held from 9/20)

Peete

Case No. PD 05-328

Applicant: James Sheppard
ETI (Ralph Smith) – Representative

Request: Four (4) Single Family Detached Lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

49 NOTICES MAILED ON SEPTEMBER 9, 2005

49. RESOLUTION approving a planned development located on the west side of Mendenhall; at the western terminus of Barry Road, containing 1.36 acres in the Single Family Residential (R-S10) District.(Held from 9/20; 10/11; 10/25; 11/1)

Peete

Case No. PD 05-334

Applicant: MARS Development, LLC
Bray-Davis Firm (David Bray) – Representative

Request: Six Residential Lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

51 NOTICES MAILED ON SEPTEMBER 9, 2005

50. RESOLUTION approving a planned development located southeast of the intersection of Germantown Parkway and Woodchase Drive, ±75 feet south of the eastern terminus of Woodchase, containing 0.60 acre in the Single Family Residential (R-S8) District.

Peete

Case No. PD 05-324

Applicant: Briarwood Baptist Church, Inc.
Teck Tang, THY, Inc. – Representative

Request: Amend boundary of the planned development to exclude this tract

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

34 NOTICES MAILED ON NOVEMBER 18, 2005

51. RESOLUTION approving a planned development located on the north side of Shelby Drive at the northern terminus of Gleneagles Drive, containing 9.47 acres currently governed by Shelby Drive/Germantown Road Planned Development, Amended (PD 99-300cc).

Peete

Case No. PD 05-353cc

Applicant: Tyrone Thomas
ETI Corporation – Representative

Request: Planned development to allow a restaurant in Area ‘B’ of the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD for Thirty (30) days

ACTION REQUESTED: Take whatever action Council deems advisable

460 NOTICES MAILED ON NOVEMBER 18, 2005

52. RESOLUTION approving a planned development located on the east side of Stansell Court; +/-605 feet north of Lowrance Road, containing 1.85 acres currently governed by Stansell Crossing Planned Development, 4th Amendment (PD 01-307cc)
Case No. PD 05-360cc

Peete

Applicant: Marianne Lane Thompson
SR Consulting, LLC – Representative

Request: Planned development amendment to Parcels 9 & 10 to allow one (1) four (4)-story hotel building with associated accessory structures and uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

11 NOTICES MAILED ON NOVEMBER 18, 2005

53. RESOLUTION approving a use variance located on the south side of Dorothy Place; ± 70 feet west of Bellevue Blvd., containing 7,492 square feet in the Single Family Residential (RS-6) District.

Peete

Case No. UV 05-07

Applicant: Richard Liptock

Request: Expansion of a duplex (a non-conforming use in the R-S6 District)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

82 NOTICES MAILED ON NOVEMBER 18, 2005

GENERAL ITEM

54. CONSIDERATION of the MLGW- IBEW Impasse.

Brown

ADJOURNMENT

ADD-ONS

9. **NOTATIONS** from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

Consent

J. Case No. PD 05-362 – Poplar/Reddoch Planned Development
(Companion Case: SAC 05-618)

Located on the northwest corner of Poplar Avenue and Reddoch Street, containing 0.74 acre in the Single Family Residential (R-S10) District

Applicant: William H. Thomas, Jr.
ETI Corporation (Dan Graddy) – Representative

Request: Two-story office building, occupied by limited General Office (O-G) uses, including a bank

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

K. Case No. SAC 05-618 – Reddoch Street
(Companion Case: PD 05-362)

Located on Reddoch Street, a segment extending northward ±140 feet from Poplar Avenue, containing 2,651 square feet in the Single-Family Residential (R-S10) District and 1,933 square feet in the Multi-Family Residential (R-MM) District

Applicant: William H. Thomas, Jr.
ETI Corporation (Dan Graddy) – Representative

Request: Close and Vacate Street Right-of-Way

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

L. Case No. SAC 05-616 – Cochran Street Alley Closure

Located on the east side of Cochran Street; +/-190 feet north of Poplar Avenue, containing 2,100 square feet in the Multiple Family Residential (R-MM) District

Applicant: Harold E. Buehler, Sr.

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

M. Case No. S 05-059cc – Old Oaks Subdivision

Located on the north side of Monterey Road; beginning 3,174 feet west of Reed Hooker Road, containing 41.47 acres in Agricultural (AG) and Agricultural (AG[FP]) District

Applicant: Jerry McNeely Ellis
ETI Corporation – Ralph Smith – Representative

ADD-ONS

Request: Appeal to overturn Condition #1 requiring the installation of Dry Sanitary Sewer Lines, pertaining to the Land Use Control Board's approval of a 15 Lot Preliminary Plat and dedication of Walnut Grove Road

LUCB recommendation: APPROVAL, subject to 4 variances, 16 conditions and 3 design changes

OPD recommendation: APPROVAL, subject to 3 variances, 17 conditions and 3 design changes

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 20, 2005

55. RESOLUTION honoring Rev. Leon Louis Love for 77 years of Christian Service.
Consent

ACTION REQUESTED: Adopt the resolution

56. RESOLUTION approving final plat of CHRISTIE STONESCAPES PD.
Consent Case No. PD 04-366
Contract No. CR-4992

Resolution approves the final plat located on US Highway 64 and Gray's Creek Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

57. RESOLUTION accepting CORDOVA INDUSTRIAL PARK SUBDIVISION, 1ST ADDITION, and authorizing release of bond.
Consent Case No. S 98-007
(Contract No. CR-4463)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Big Orange Road, south of Macon Road. The standard improvement contract was approved on July 20, 1999. Resolution also authorizes the release of the bond in the amount of \$98,600.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

58. RESOLUTION accepting CORNERSTONE PD, and authorizing release of bond.
Consent Case No. PD 04-317
(Contract No. CR-4896)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Elmore Road, west of Whitten Road. The standard improvement contract was approved on October 19, 2004. Resolution also authorizes the release of the Letter of Credit (No. P-004274) in the amount of \$105,000.00.

ADD-ONS

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 59. RESOLUTION accepting HOPE PRESBYTERIAN CHURCH TRAFFIC SIGNAL, and authorizing release of bond.

Consent

(Contract No. CR-4916)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Walnut Grove Road, east of Walnut Trace Drive. The standard improvement contract was approved on January 4, 2005. Resolution also authorizes the release of the Letter of Credit (No.S043529) letter of credit in the amount of \$150,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 60. RESOLUTION approving final plat of BOCAGE PLANNED DEVELOPMENT.

Consent

Case No. PD 05-316

Resolution approves the final plat located on the east side of White Station Road, at Bendel Circle South. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 61. RESOLUTION approving final plat of THE OAKS at DEXTER PD.

Consent

Case No. PD 04-332

Contract No. CR-4993

Resolution approves the final plat located on the south side of Dexter Road, west of Germantown Parkway. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 62. **ORDINANCE** rezoning the northwest and southeast corners of Looney Avenue and N. Main Street; and the southwest corner of Keel Avenue and N. Main Street, containing 1.006 acres in the Mixed Use (MU) District, up for F I R S T reading.

Consent

Ordinance No. 5144

Case No. Z 05-132

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ADD-ONS

63. **ORDINANCE** rezoning the northwest corner of N. Third Street and Keel Avenue; east of N. Third Street; 74 feet north of Keel Avenue, containing 0.81 acre in the Mixed Use (MU) District, up for F I R S T reading.

Consent

Ordinance No. 5145
Case No. Z 05-133

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

64. **ORDINANCE** rezoning the northeast corner of N. Second Street and Looney Avenue, containing 2.088 acres in the Mixed Use (MU) District, up for F I R S T reading.

Consent

Ordinance No. 5146
Case No. Z 05-134

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

65. **ORDINANCE** rezoning the west side of N. Sixth Street, 36 feet north of Auction Avenue, containing 0.336 acre in the Mixed Use (MU) District, up for F I R S T reading.

Consent

Ordinance No. 5147
Case No. Z 05-135

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

66. **ORDINANCE** rezoning the northwest corner of N. Seventh Street and Mill Avenue, containing 0.569 acre in the Mixed Use (MU) District, up for F I R S T reading

Consent

Ordinance No. 5148
Case No. Z 04-141

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ADD-ONS

67. **ORDINANCE** to allow a Historic Conservation Overlay District over the present zoning (Single Family Residential R-10) within the Village Historic District area bounded by Poplar, Goodlett, Cherry and Southern Railroad, up for F I R S T reading.

Consent

Ordinance No. 5149

Case No. Z 05-120

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 8 – Approved
9. Public Hearing set for December 20, 2005
10. Approved
11. and 12 – Held to December 20, 2005
13. Through 25 – Approved
26. Held to January 3, 2006
27. Through 41 – Approved
42. Held to January 17, 2006
43. Approved
44. Held to December 20, 2005
45. Withdrawn
46. Approved
47. Held to January 3, 2006
48. Withdrawn
49. Approved, as amended
50. Approved
51. and 52 - Approved, as amended
53. Held to December 20, 2005
54. Dropped
55. Through 67 – Approved

ACTION TAKEN ON MINUTES OF NOVEMBER 15, 2005

Approved