



CITY OF MEMPHIS

COUNCIL AGENDA

January 16, 2007

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 (January 2, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

1. **ORDINANCE** providing for the transfer of the Permits Department from the Finance Division to the Law Division pursuant to Section 8 of the Home Rule Amendment to the Charter of the City of Memphis, up for S E C O N D reading.

Marshall

Ordinance No. 5203

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

2. **ORDINANCE** amending the text of the Subdivision Regulations, up for S E C O N D reading.

Lowery

Ordinance No. 5202

Case No. STA 06-001cc

Applicant: Office of Planning and Development

Request: Subdivision Text Amendment as follows: Amend Sections 300.2E: Names and Addresses and 404.3F: Adjacent Properties – to add requirements for interconnected streets

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

3. **RESOLUTION** approving final plat of HOLCOMB SUBDIVISION.

Case No. S 05-090

Resolution approves the final plat located on the west side of Winton Road, north of Sanderlin. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

4. **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 06-342

Located on the north and south sides of Winchester Road; west of Hacks Cross road, along both sides of Centennial Drive, containing 206 acres currently governed by the Winchester/Hacks Cross P.D. 05-383cc (Plat Book 228, Page 19)

Applicant: Michael Lightman, Sr.
ETI Corporation – Representative

Request: An amendment to include a portion of the property north of existing Area “A-1” within the boundary of the P.D. to be governed by bulk requirements of the C-P District and to permit hotels/motels as a permitted use within Areas “B”, “D”, & “E” of the P.D.

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 06-355 – Peabody P.D.

Located on the south side of Peabody Avenue; +165 feet west of Cooper Street, containing 0.61 acre in the General Office (O-G) District

Applicant: Martin Pantik
Buckner Wellford – Representative

Request: A maximum of 10 residential lots

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

C. Case No. PD 06-358 – Brown Planned Development

Located on the south side of U.S. Highway 64; +490 feet east of Chambers Chapel Road intersection, containing ±25.5 acres in the Agricultural (AG) and Floodway (FW) and Agricultural Flood Plain (AG[FP]) Districts

Applicant: Edmund Timothy Brown
John Colvin – Construction Eng. Services, Inc.- Representative

Request: On-site production of mulch and the storage and sale of various landscape materials and firewood

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 06-360

Located on the southeast corner of Germantown Parkway and Macon Road, containing 88.37 acres in the Agricultural (AG) District. The property is regulated for development by P.D. 97-367

Applicant: Gill Properties
Renaissance Group – Representative

Request: Permit mixed use development of commercial office and residential uses in buildings up to 60 feet in height on land generally between Macon Road and Cordova Station Road and east of Cordova Depot Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 6, 2007



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MLGW FISCAL CONSENT

5. RESOLUTION awarding 24-month contract for electric meter pedestals and sockets as follows:

H. D. Supply	\$ 737,035.25
The Durham Company	<u>\$ 140,627.00</u>
Total	\$ 877,662.25



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

6. APPOINTMENTS

Taylor

Fire Department Board of Appeals

Reappointments

Howard B. Glatstein

Willie Nelson

Healthcare Insurance Advisory Committee

Appointment

Addielene F. Gregory

Memphis & Shelby County Music Commission

Appointment

Larry Springfield

GENERAL ORDINANCE - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCES - THIRD AND FINAL READING

7. **ORDINANCE** rezoning the north side of Clementine Road; +200 feet west of Darlene Street, containing 2.39 acres in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading. (Held from 1/2/07)

Lowery

Ordinance No. 5199
Case No. Z 06-125

Applicant: ProUnited Realtors
Fisher & Arnold Engs. (Jud Te Paske) – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

80 NOTICES MAILED ON DECEMBER 21, 2006

8. **ORDINANCE** rezoning the west side of N. Second Street @ Mahannah Avenue, containing 9.88 acres in the Heavy Industrial (I-H) & Heavy Industrial Flood Plain (I-H[FP]) Districts, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5201
Case No. Z 06-126

Applicant: THM, Inc. & Harbor View Properties, LLC
SR Consulting, LLC – Representative

Request: Mixed Use (MU) & Mixed Use Flood Plain (MU[FP]) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

27 NOTICES MAILED ON JANUARY 5, 2007

DIVISION OF PLANNING & DEVELOPMENT

9. **RESOLUTION** approving a special use permit located on south side of Shelby Drive; +480 feet east of Tulane Street, containing 1.05 acres in the Local Commercial (C-L) District.

Lowery

Case No. SUP 06-221

Applicant: Ernest P. Hatton, Jr.

Request: Permit for auto sales

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

10. **RESOLUTION** approving a planned development Located on the northeast corner of Pisgah Road and Houston Levee Road, containing 24.40 acres currently governed by Thomas Country Planned Development (P.D. 01-341).

Lowery

Case No. PD 06-348

Applicant: Davis Development Company
Burch-Porter-Johnson, PLLC – Representative

Request: Planned development amendment to allow Multiple Dwelling Residential (R-ML) District land use within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

6 NOTICES MAILED ON JANUARY 5, 2007

11. RESOLUTION approving a subdivision appeal located on the northside of Grove Park Circle; beginning 370 feet west of Grove Park, containing 1.01 acres in the Single Family Residential (R-S10) District. (Held from 1/17; 3/21; 4/11; 10/3)

Lowery

Case No. S 05-032

Appellant: David M. Dunlap

Request: Appeal to overturn the action of the Land Use Control Board approving the 2 Lot Preliminary Plat for the Resubdivision of Lot 127, Laurelwood Subdivision

LUCB and OPD recommendation: APPROVAL, with three (3) conditions and one (1) design modification

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES MAILED ON JANUARY 6, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

12. RESOLUTION celebrating the birth of Brodie Matthew Weaver on New Year's Day.

Taylor & Ford

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION recognizing Pamela Crislip for her outstanding service to the Memphis City Council.

Marshall

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

14. RESOLUTION accepting LOST CREEK PD and authorizing release of bond.

Consent

Case No. PD 04-381cc
(Contract No. CR-4964)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Dexter Grove Cove, 442 feet southwest of Appling Road. The standard improvement contract was approved on August 2, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$126,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting of ST. JAMES PLACE SEWER EXTENSION and authorizing release of bond.

Consent

(Contract No. CR-5039)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 443 feet north of Winchester Road, 1,167 feet west of Forest Hill Irene. The standard improvement contract was approved on September 19, 2006. Resolution also authorizes the release of the Letter of Credit (No. 785) in the amount of \$41,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. Election of the Interim Council Member for District 3.

Marshall

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving final plat of OLD ALLEN-RALEIGH SUBDIVISION.

Consent

Case No. S 06-010

Resolution approves the final plat located on the south side of Frayser Raleigh Road, 641.95 feet west of Windemere Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION appropriating \$2,449,567.00 funded by G.O. Bonds-General from Getwell to Malone, CIP Project Number PW01123 for a construction contract with Ferrell paving for road improvements.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION appropriating \$469,243.73 funded by FY 2006 CDBG Program Income funds within UP Phase II infrastructure within Development, Project Number CD90014.

Holt

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION to establish the use of \$1,600,000.00 in FY 2007 CDBG Entitlement/Program Income funds that will be used by the Division of Housing and Community Development for planned project activities.

Holt

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION authorizing the execution of certain amendments and estoppel agreements with SWH Belz Turley, LLC to facilitate sale of property on Mud Island as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on December 5, 2006.

Sammons

Contract No. CR-5047

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. Public Hearing Set for February 6, 2007
5. & 6 –Approved
7. Held until February 6, 2007
8. Through 10 – Approved
11. Held until June 19, 2007
12. Through 21 – Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 2, 2007 MEETING

Approved with the exception of item#36-S06-056 (This item is to go back to Committee on February 6, 2007)