



CITY OF MEMPHIS

COUNCIL AGENDA

March 6, 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 (February 20, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 31, Code of Ordinances, City of Memphis to Regulate the Rail Transportation of Hazardous Materials and Wastes, up for F I R S T reading.

Sammons

Ordinance No. 5205

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

2. **ORDINANCE** rezoning the north side of Frayser Boulevard; +522.02 feet west of New Allen road, containing 34.8 acres in the Highway Commercial (C-H) & Single Family Residential (R-S6) Districts, up for S E C O N D reading.

Lowery

Ordinance No. 5204

Case No. Z 06-132

Applicant: Belz Investco c/o Ron Belz
Ronald Harkavy – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

3. **RESOLUTION** approving final plat of MEDTRONIC SOFAMOR DANEK SUBDIVISION, 1ST ADDITION.

Case No. S 06-039

Resolution approves the final plat located on Nonconnah Blvd., 578.79 feet east of the R.O.W. line. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION approving final plat of SIMMONS INDUSTRIAL SUBDIVISION.
Case No. S 05-065

Resolution approves the final plat located on the southside of Democrat Road, west of Lamar Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

- 5. **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 06-365 – Townhomes of North Main P.D.

Located on the northwest corner of N. Second Street and Chelsea Avenue, extending westward to N. Main Street, containing 2.63 acres in the Mixed Use (MU) and Moderate Density Residential (MDR) Districts

Applicant: Greenmark, LLC
James Rasberry – Representative

Request: A maximum of 40 townhouse style residential units in seven, 3-story buildings

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Re-Design

- B. Case No. PD 06-367 – Kate Bond P.D.

Located on the east side of Kate Bond Road; +/-152.67 feet south of Educators Lane, containing 1.03 acres in the Agricultural (AG) District

Applicant: VCM, Inc.
Solomito Land Planning – Representative

Request: Planned development to allow a residential-styled office building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 20, 2007

GENERAL ITEM

- 6. RESOLUTION approving an honorary street name change of Kimball between Menager and Lyceum in honor of Pastor Leonard Dawson, Jr.

Ford &
Taylor

ACTION REQUESTED: Adopt the resolution



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125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

15. APPOINTMENTS

Taylor

Memphis Community Development Enterprise Incorporated

Appointment

Jesse H. Turner, Jr.

Memphis & Shelby County Port Commission

Reappointments

Pete Aviotti, Jr.

Thomas E. Fisher

Johnny B. Moore, Jr.

Memphis & Shelby County Sports Authority

Appointment

Margaret L. Coleman

Prevailing Wage Commission

Appointment

Michael E. Scoggins

Reappointment

Michael Eskridge

GENERAL ORDINANCE - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

16. RESOLUTION authorizing the sale of City owned property located a 0 Jefferson (01702100013) in the North Memphis Area to Tom Marsh in the amount of Seven Hundred Fifty Dollars (\$750.00). The lot alone is not build able for construction. Mr. Marsh owns the property adjoining to this lot.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION authorizes the sale of City owned property located at 3161 Princeton (04403100005) in the Binghampton area to Binghampton Development Corporation in the amount of One Dollar (\$1.00). This parcel of land will be used for the renovation of the existing home on this property.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION authorizes the sale of City owned property located at 1161 Walker (02600800004) in the South Memphis area to LeMoyné-Owen College CDC in the amount of Five Thousand Dollars (\$5,000.00). This lot will be for new construction.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION adopting Dixie Homes/Legends Park Urban Renewal Plan.

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 (None)

DIVISION OF PUBLIC WORKS

20. RESOLUTION appropriating \$19,830.00 funded by G.O. Bonds General in Fletcher Drainage Olive Bark, Project Number ST03089 for drainage repair.

Sammons

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$742,239.00 funded by Sewer Funds for Shaeffer Drive Sewer Extension, Project Number SW03009 for a construction contract with Encor, LLC to provide service to an unsewered subdivision.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION appropriating \$214,081.00 funded by G.O. Bonds for ADA Curb Ramp Group 30, Project Number PW04056 for a construction contract with Precise Concrete to install handicap ramps.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

23. ORDINANCE amending the text of the Subdivision Regulations, up for T H I R D and F I N A L reading. (Held from 2/6; 2/20)

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: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT

24. RESOLUTION approving a special use permit located on the southwest corner of Shelby Drive and Woodridge Drive.

Lowery

Case No. SUP 06-228

Applicant: Enterprise Car Rental
Brenda Solomito – Representative

Request: Car Rental

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

25. RESOLUTION approving a use variance on the northeast corner of Raleigh-LaGrange Road and Amberly Village Way.

Lowery

Case No. UV 06-15cc

Applicant: Steve and Kay Mistilis

Request: Continuation of an existing bed and breakfast establishment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

26. RESOLUTION approving a planned development 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. (Held from 2/6)

Lowery

Case No. PD 06-355

Applicant: Martin Pantik
Buckner Wellford – Representative

Request: A maximum of 10 residential lots

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

144 NOTICES MAILED ON JANUARY 19, 2007

27. RESOLUTION approving a street/alley closure located between Dunlap Street and Pauline Avenue, containing 43,124 square feet and 50' X 848' - Length X Width of R.O.W., in the Hospital (H) District.

Lowery

Case No. SAC 06-635

Applicant: Methodist Le Bonheur

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON FEBRUARY 23, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

28. RESOLUTION commemorating the life of Mr. Wilber Bond.

Brittenuum &
Cooper Taylor

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION congratulating Sara Hall on her position as Vice President and General Counsel at the Memphis-Shelby County Airport Authority and thanking her for her long-time commitment to the City of Memphis.

Marshall

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION thanking and commending The Honorable Russell B. Sugarmon, Jr., for his dedication to the Memphis community.

Brittenuum

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

31. RESOLUTION approving sewer plan for THE DOMAIN ON HIGHLAND PD SEWER EXTENSION.

Consent

Contract No. CR-5057

Resolution approves the sewer plan located on the southwest corner of Highland Street and Mynders Avenue. Cost of the required improvements to be shared between the City and the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving final plat of HACKS CROSS P.D., 2ND AMENDMENT, PHASE 9.

Consent

Contract No. CR-5058

Resolution approves the final plat located on the westside of Hacks Cross Road, south of Shelby 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. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION approving final plat of CORDOVA OAKS SUBDIVISION.

Consent

Contract No. CR-5059

Resolution approves the final plat located on the eastside of Blake Road, 168.75 feet north of Rocky Point Road. 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

34. RESOLUTION approving a taxicab fare increase and extending the \$2 fuel charge until April 21, 2007, when the new rates will be effective.

Sammons

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving final plat of INDIAN HILLS SUBDIVISION, SECTION F-1.

Consent

Case No. S 02-036

Contract No. CR-5060

Resolution approves the final plat located on the west side of Ford Road, 240 feet north of Gainsville Avenue. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ADD-ONS

- 36. RESOLUTION instructing the Office of Planning and Development to not accept any application for residential infill development in the Idlewild neighborhood for a period of six (6) months or until the Memphis Landmarks Commission has completed their study of a proposed historic designation.

Lowery

ACTION REQUESTED: Adopt the resolution

- 37. RESOLUTION that the City hereby establishes a Moratorium on the initiation of applications for subdivision, zoning text and/or map overlay amendments when the Office of Planning and Development is pursuing the change until official action is taken on the United Development Code.

Lowery

ACTION REQUESTED: Adopt the resolution

- 38. RESOLUTION approving final plat of 966 W. MITCHELL ROAD SPECIAL USE PERMIT.
Consent Case No. SUP 06-209
Contract No. CR-5061

Resolution approves the final plat located at 966 W. Mitchell Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 4 – Approved
- 5. Public Hearing Set for March 20, 2007
- 6. Through 18 – Approved
- 19. Sent Back to Committee for April 10, 2007
- 20. Through 22 – Approved
- 23. Held until May 1, 2007
- 24. Approved, as amended
- 25. Approved
- 26. Withdrawn
- 27. Through 38 – Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 20, 2007 MEETING

Approved