



CITY APPOINTEES
 MARY SHARP, VICE CHAIR
 BERLIN BOYD
 RUSTY LINKOUS
 MARGARET PRITCHARD
 JAMES TOLES

MEMPHIS AND SHELBY COUNTY
LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6619



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 CASSANDRA BELL-WARREN
 ROBERT NORCROSS
 EMILY TRENHOLM
 LISA WILBANKS

MINUTES
November 14, 2013

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairperson	Mary Sharp	X	
Member	Cassandra Bell-Warren	X	
Member	Berlin Boyd	X	
Member	Rusty Linkous	X	
Member	Margaret Pritchard	X	
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm		X
Member	Lisa Wilbanks	X	
Alt. Member	Frank Colvett, Jr.	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

LUCB Staff: Josh Whitehead, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, Burk Renner, Calvin Abram, and Chip Saliba.

Others Present: Ronny Ashbrooks, John Benson, Nathan Bicks, Terry Boyd, Takiyah Chew, Michael J. Fahy, Councilwoman Wanda Halbert, Lou Katzerman, Tamatha Leda, Tim McCaskill, Amanda Price, Zach Randolph, Lew Wardlaw, and Abraham Washington.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Secretary's Report

Josh Whitehead reported that the ZTA Case he withdrew from agenda during last meeting due to concerns from Steve Auterman is scheduled to be on the LUCB December's meeting. He added that they had a meeting, formed an Ad Hoc Advisory Committee, found compromising language and should have all issues/concerns resolved by December's meeting.

Approval of Minutes: October 10, 2013

Board Member Pritchard made a motion to approve LUCB minutes from October 10, 2013. The motion was seconded by Board Member Toles. The motion passed unanimously.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 through 4 was read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items.

Consent Agenda (Items 1-4)

- | | |
|--------------------------|---|
| 1. CASE NUMBER: | <u>S.D. 13-702</u> |
| CASE LOCATION: | <u>Looney Avenue Extension (between North Main Street to North Front Street)</u> |
| Request: | Looney Avenue public right-of-way dedication |
| Staff's Recommendation: | Approval with (2) two conditions |
| | |
| 2. CASE NUMBER: | <u>P.D. 05-370</u> |
| DEVELOPMENT NAME: | <u>MSM PLANNED DEVELOPMENT</u> |
| Request: | Site Plan Review |
| Staff's Recommendation: | Approval |
| | |
| 3. CASE NUMBER: | <u>P.D. 13-302</u> |
| DEVELOPMENT NAME: | <u>MEMPHIS COLLEGE PREPARATORY
ELEMENTARY SCHOOL PLANNED
DEVELOPMENT</u> |
| Request: | Outline plan major modification for building expansion |
| Staff's Recommendation: | Approval with conditions as amended |
| | |
| 4. CASE NUMBER: | <u>S.U.P. 97-200</u> |
| CASE LOCATION: | <u>2748 Emerald Street</u> |
| Request: | Time extension for used car dealership |
| Staff's Recommendation: | Approval with conditions |

Chairman McCreery asked if there were any items needed to removed/pulled for discussion. There were none. Chairman McCreery then asked the board members for a motion to approve Consent Agenda Items. Board Member Wilbanks made a motion to approve all Consent Agenda Items in agreement with staff's recommendations and as amended. The motion was seconded by Board Member Boyd. The motion passed unanimously.

REGULAR AGENDA ITEMS:

Chairman McCreery introduced Board Member Pritchard as Zoning Chair and she then called the first case. She noted that Agenda Item 5 (Withdrawn) and Agenda Item 8 (Hold for 30 days) would not be heard for the consideration of the general public who may have shown to hear either of those cases.

Item 5: CASE #: P.D. 13-320

**HIGHLAND STREET/SOUTHERN AVENUE
PLANNED DEVELOPMENT**

Request: Planned development to allow a restaurant with drive-thru lane in the University District Overlay (UDO) with a shop front designation.
Location: Southeast corner of Highland Street and Southern Avenue
Applicant: McDonald’s Corporation (Century Management, Inc.)
Representative for applicant: SR Consulting, LLC

Item 5 - WITHDRAWN

Item 6: CASE #: S.U.P. 13-220

Request: Construct a one hundred fifty foot (150’) CMCS Tower.
Location: 1226 S. Prescott (366 feet +/-south of Rhodes Avenue)
Applicant: Tower Ventures, LLC (Michael J. Fahy)
Representative for applicant: Michael Fahy, Prime Development Group, Inc., 7520 Capital Dr., Ste. 200, Germantown, TN 38138

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

- Abraham Washington, 3470 Barron Ave., Memphis, Tennessee 38111
- Wanda Halbert, 3506/3520 Barron Ave., Memphis, Tennessee 38111
- Takiyah Chew, 1231 Railton Rd., Memphis, Tennessee 38111
- John Benson, 3371 Barron Ave., Memphis, Tennessee 38111

MOTION: Approval with conditions according to staff’s recommendation.
MADE BY: Pritchard
SECOND: Toles
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Toles, Wilbanks, and Chairman McCreery
NAYS: Sharp

Item 6 – APPROVED

Item 7: CASE #: S.U.P. 13-322

Request: A Cellular Communications Tower, 150’ Tall, Monopole Design.
Location: North side Park Avenue; +/-717 feet west of Highland St.

Applicant: TV6 Signal Source Towers, LLC (Lou Katzerman)
Representative for applicant: Lou Katzerman, Tower Ventures, 4091 Viscount Ave,
Memphis, TN 38118

MOTION: Approval with conditions according to staff's recommendation.
MADE BY: Pritchard
SECOND: Boyd
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Sharp, Toles,
Wilbanks, and Chairman McCreery

Item 7 – APPROVED

Item 8: CASE #: P.D. 13-325

Request: LNG Fueling.
Location: East Mitchell Road and Gill Road
Applicant: Scott Smith
Representative for applicant:

Item 8 – HELD FOR 30 DAYS

Item 9: CASE #: P.D. 13-327

Request: Cell Tower, 192 feet Tall, Monopole Design.
Location: Ridgeway/Nonconnah
Applicant: Tower Ventures, LLC (Billy Orgel)
Representative for applicant: Michael Fahy, Prime Development Group, Inc., 7520
Capital Dr., Ste. 200, Germantown, TN 38138

MOTION: Approval with conditions according to staff's recommendation.
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Sharp, Toles,
Wilbanks, and Chairman McCreery

Item 9 – APPROVED

Item 10: CASE #: P.D. 13-328 CC

Request: Plan amendment to allow a title loan establishment
within one-quarter(1/4) mile(1,320 feet) of a residential
district.
Location: East side of Riverdale Road; +/-545.66 feet north of E.
Holmes Road
Applicant: City Storage East-West Connector, LLC
Representative for applicant: Zach Randolph, 3350 Players Club Pkwy., Ste. 130,

Memphis, TN 38125

MOTION: Approval with conditions according to staff's recommendation.
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Sharp, Toles,
Wilbanks, and Chairman McCreery

Item 10 – APPROVED

Item 11: CASE #: P.D. 13-329 CC

Request: Planned development to allow a residential treatment facility and limited General Office (OG) land uses within the Outline Plan.
Location: East side of Houston Levee Road; +/-568 feet south of Woodland Hills Drive
Applicant: Thomas & Teri McCann
Representative for applicant: Tim McCaskill, 7891 Stage Hills Blvd., Ste. 112, Memphis, TN 38133

MOTION: Approval with conditions as amended by staff.
MADE BY: Pritchard
SECOND: Boyd
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Sharp, Toles,
Wilbanks, and Chairman McCreery

Item 11 – APPROVED

Item 12: CASE #: S.U.P. 13-223 CC

Request: Construct a one hundred eighty-three foot (183') CMCS Tower.
Location: 779 Houston Levee Road (598 feet west of intersection with Humphrey Road)
Applicant: TV6-W, LLC (Lou Katzerman)
Representative for applicant: Lou Katzerman, Tower Ventures, 4091 Viscount Ave, Memphis, TN 38118

*Board Member Wilbanks recused herself from this case.

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Lew Wardlaw, 6410 Poplar Ave., Ste. 1000, Memphis, Tennessee 38119
Amanda Price, 10026 Humphrey Rd., Cordova, Tennessee 38018

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

Michael Fahy, Prime Development Group, Inc., 7520 Capital Dr., Ste. 200,
Germantown, TN 38138

MOTION: Approval w/conditions according to staff's recommendation as amended.
MADE BY: Pritchard
SECOND: Toles
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Toles, and
Chairman McCreery
NAYS: Sharp
RECUSED: Wilbanks

Item 12 – APPROVED

Item 13: CASE #: S.U.P. 13-224 CO

Request: To expand a Gravel Mining Operation.
Location: 8600 & 8610 Deadfall Road
Applicant: Standard Construction Company, LLC
Representative for applicant: Nathan Bicks, 130 N. Court, Memphis, TN 38103

MOTION: Approval with conditions as amended by staff and Board Member Colvett.
MADE BY: Pritchard
SECOND: Sharp
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Pritchard, Sharp, Toles,
Wilbanks, and Chairman McCreery

Item 13 – APPROVED

Item 14: CASE #: S.U.P. 13-227

Request: Convenience Store with Gasoline Sales.
Location: 4076 Jackson Ave; (Southeast corner of Jackson Avenue
Brighton Road)
Applicant: Terry Boyd
Representative for applicant: Terry Boyd, 4646 Poplar Ave., Ste. 302, Mphs., TN 38117

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Lew Wardlaw, 6410 Poplar Ave., Ste. 1000, Memphis, Tennessee 38119
Tamatha Leda, stated she lived directly behind case property.
Ronny Ashbrooks, 3962 Wales Ave., Memphis, TN 38108

Original MOTION: Approval with conditions according to staff's recommendation as amended with no sale of beer or alcohol of any kind.

MADE BY: Pritchard
SECOND: Wilbanks
AYES: Boyd, Toles, Colvett and Wilbanks
NAYS: Bell-Warren, Linkous, Norcross, Pritchard, Sharp and Chairman
McCreery

Item 14 – DENIED/REJECTED

2nd MOTION: For a Hold.
MADE BY: Linkous
SECOND: Colvett
AYES for Hold: Linkous, Sharp and Colvett,
NAYS for Hold: Bell-Warren, Boyd, Norcross, Pritchard, Toles, Wilbanks, and Chairman
McCreery

Item 14 for HOLD – DENIED/REJECTED

ADJOURNMENT:

There being no further business, the meeting there upon was adjourned.

MINUTES APPROVED: _____

CHAIRMAN

SECRETARY