



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 1978

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST. STE. 408 - MEMPHIS, TENNESSEE 38103 - (901) 576-6610



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

**MINUTES**  
**October 9, 2014**

**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:** Calvin Abram, Brian Bacchus, Troy Frazier, Don Jones, Terry Langlois, and Gregory Love.

**Others Present:** Nathan Bicks, Channa Boekhoff, Keith Chapman, Robert Estes, Cindy Reaves and Lee Wes.

**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 (2) two resignations of Board Member Linkous and Board Member Bell-Warren. He noted that they would be serving as Alternates until new appointees are made.

**Approval of Minutes: September 11, 2014**

Board Member Wilbanks made a motion to approve LUCB minutes from September 11, 2014. The motion was seconded by Board Member Sharp. 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 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, and 17 was read. He noted that Agenda Items 1 and 3 was mutually agreed 30-day HOLDS and Agenda Item 2 had been WITHDRAWN. 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 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, and 17)**

**4. CASE NUMBER:** P.D. 82-018  
**PROJECT NAME:** IDLEWILD PLANNED DEVELOPMENT  
Request: Add residential use to PD.  
Staff's Recommendation: Approval with Conditions

**5. CASE NUMBER:** P.D. 96-322  
**PROJECT NAME:** WINDYKE PARK PLANNED DEVELOPMENT-  
PHASE 5-AREA 'A'  
Request: Modification to allow an integrated center sign a maximum of 72.25 sq. ft. in area along Winchester Road and the west side of the entrance drive.  
Staff's Recommendation: Approval with (2) two Site Plan Conditions

**7. CASE NUMBER:** P.D. 06-306  
**PROJECT LOCATION:** 795 feet south of the south line of Overton Park Ave.  
Request: Major Modification to PD 06-306 that includes four (4) request.  
Staff's Recommendation: Approval with Conditions

**8. CASE NUMBER:** P.D. 14-314  
**PROJECT LOCATION:** 2246 GERMANTOWN PARKWAY  
Request: Planned Development to allow for a commercial use.  
Staff's Recommendation: Approval with Conditions

**9. CASE NUMBER:** P.D. 14-315 CC  
**LOCATION NAME:** THE CROSSINGS AT WOODLAND HILLS P.D.  
(AMENDED)

Request: Amend the P.D. to allow a Cellular Communication Tower, 180' tall, Cannister Design.  
Staff's Recommendation: Approval with the addition of the word "Canister" after slick-stick in Condition II, B.2.

**10. CASE NUMBER:** **P.D. 14-316 CC**  
**PROJECT NAME:** **APPLING LAGRANGE PLANNED DEVELOPMENT**  
Request: To allow a CMCS tower in a planned development.  
Staff's Recommendation: Approval with Conditions

**13. CASE NUMBER:** **S.U.P. 14-228**  
**PROJECT LOCATION:** **3695 AUSTIN PEAY HIGHWAY**  
Request: Permit to construct a 180' CMCS tower on a church property.  
Staff's Recommendation: Approval with Conditions

**14. CASE NUMBER:** **S.U.P. 14-229 CC**  
**PROJECT LOCATION:** **4475 Germantown Road. (1,940' north of Shelby Drive)**  
Request: Permit to construct a 160' CMCS tower on a church property.  
Staff's Recommendation: Approval with Conditions

**15. CASE NUMBER:** **S.U.P. 14-231**  
**PROJECT LOCATION:** **3510 ELVIS PRESLEY BLVD.**  
Request: To allow used auto sales within a CMU zoning district.  
Staff's Recommendation: Approval with Conditions

**16. CASE NUMBER:** **Z 14-104 (Companion Case S.U.P 14-232)**  
**PROJECT LOCATION:** **Southwest corner of Summer Avenue and Vaughn Road**  
Request: Commercial Mixed Use (CMU-3) District.  
Staff's Recommendation: Approval

**17. CASE NUMBER:** **S.U.P. 14-232 (Companion Case Z 14-104)**  
**LOCATION NAME:** **Southwest corner of Summer Avenue and Vaughn Road**  
Request: Special permit to allow motor vehicle (auto) sales.  
Staff's Recommendation: Approval with Conditions

Chairman McCreery asked if there were any items needed to be removed/pulled for discussion. Agenda Items 5, 7, 16, and 17 were pulled. Chairman McCreery then asked the board members

for a motion to approve Consent Agenda Items 1, 3, 4, 8, 9, 10, 13, 14, and 15. Board Member Wilbanks made a motion to approve Consent Agenda Items 1, 3, 4, 8, 9, 10, 13, 14, and 15 in agreement with staff's recommendations. The motion was seconded by Board Member Toles. The motion passed unanimously with Board Member Wilbanks abstaining from Agenda Item 9. Chairman McCreery then asked Board Member Wilbanks to read the Consent Agenda Items that were pulled for discussion as well as the Regular Agenda Items. She then read the case.

**Item 5: CASE #: P.D. 96-322 CC WINDYKE PARK PLANNED DEVELOPMENT- PHASE 5-AREA 'A'**

Request: Modification to allow an integrated center sign a maximum of 72.25 sq. ft. in area along Winchester Road and the west side of the entrance drive.  
Location: South side of Winchester Road; +/-512.77 feet west of Champion Hills Drive  
Applicant: Belz Investco, GP  
Representatives for applicant: Cindy Reaves, SR Consulting LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38134.

MOTION: Approval with (2) Amended Site Plan Conditions  
MADE BY: Wilbanks  
SECOND: Sharp  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 5 – APPROVED AS AMENDED**

**Item 6: CASE #: P.D. 05-364**

Request: Major Modification for lot sizes and setbacks.  
Location: North and south sides of Larkin Avenue; between Claybrook Street and Cleveland Street  
Applicant: Audubon-Midtown; Citymark Construction & Dev., LLC  
Representatives for applicant: Robert Estes, Estes Parker & Associates, 3460 Ridge Meadow Parkway, Memphis, TN 38115.

\*Chairman McCreery had concerns with the Engineering's comments versus Staff's conditions regarding the sidewalks.

MOTION: Approval with the LUCB Condition that sidewalks be inspected in compliance with the City's Ordinance.  
MADE BY: Wilbanks  
SECOND: Norcross  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 6 – APPROVED W/ADDED LUCB CONDITION**

**Item 7: CASE #: P.D. 06-306**

Request: Major Modification to PD 06-306 that includes four (4) request.

Location: 795 feet south of the south line of Overton Park Ave.  
Applicant: Gilbert & Rebecca Callaway  
Representatives for applicant: Cindy Reaves, SR Consulting LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38134.

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Chris McAfee, 320 Hawthorne, Memphis, TN 38112.

MOTION: Approval with Conditions  
MADE BY: Wilbanks  
SECOND: Toles  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 7 – APPROVED**

**Item 11: CASE #: S.U.P. 00-236**

Request: Expand existing cell tower by 3 feet in height and expand the lease area from the existing 30' x 30' to 50' x 60'.  
Location: East side of New Allen Rd.; +/-380 feet north of Ridgemoor Rd.  
Applicant: Crown Castle (Jennifer Bawden)  
Representatives for applicant: Nathan Bicks, Burch, Porter & Johnson, PLLC, 130 North Court Ave., Memphis, TN 38103.

MOTION: Approval with Friendly Amendment of language change in Conditions  
MADE BY: Wilbanks  
SECOND: Colvett  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 11 – APPROVED AS AMENDED**

**Item 12: CASE #: S.U.P. 01-216**

Request: Expand the height of the Cell Tower from 150' to 167'.  
Location: Southeast corner of Oakland St. and Hernando Rd..  
Applicant: Crown Castle (Jennifer Bawden)  
Representatives for applicant: Nathan Bicks, Burch, Porter & Johnson, PLLC, 130 North Court Ave., Memphis, TN 38103.

MOTION: Approval with Friendly Amendment of language change in Conditions  
MADE BY: Wilbanks  
SECOND: Norcross  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 12 – APPROVED AS AMENDED**

**Item 16: CASE #: Z 14-104 (Companion Case S.U.P 14-232)**

Request: Commercial Mixed Use (CMU-3) District.  
Location: Southwest corner of Summer Avenue and Vaughn Road.  
Applicant: Tammy Nguyen  
Representatives for applicant: Keith Chapman, JP Thomas and Associates, 3440 Macon Cove., Memphis, TN 38134  
Lee Wes, 7311 Hunters Tree Dr., Memphis, TN 38125

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Channa Boekhoff, 588 Vaughn Road, Memphis, TN 38122.

MOTION: Approval  
MADE BY: Wilbanks  
SECOND: Norcross  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 16 – APPROVED**

**Item 17: CASE #: S.U.P. 14-232 (Companion Case Z 14-104)**

Request: Special permit to allow motor vehicle (auto) sales.  
Location: Southwest corner of Summer Avenue and Vaughn Road.  
Applicant: Tammy Nguyen  
Representatives for applicant: Keith Chapman, JP Thomas and Associates, 3440 Macon Cove., Memphis, TN 38134  
Lee Wes, 7311 Hunters Tree Dr., Memphis, TN 38125

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Channa Boekhoff, 588 Vaughn Road, Memphis, TN 38122.

MOTION: Approval with Conditions  
MADE BY: Wilbanks  
SECOND: Colvett  
AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 17 – APPROVED**

**REGULAR AGENDA ITEMS:**

**Item 18: CASE #: Z.T.A. 14-001 C.C. - Addendum**

Request: To amend the Unified Development Code to require the ~~issuance of a Special Use Permit~~ for any day care that serves at least five children.

Description: Amendments to the Unified Development Code (Joint Ordinance Resolution 397 and 5367 respectively)

Applicant: Josh Whitehead, Planning Director

MOTION: Approval with Conditions Amended

MADE BY: Wilbanks

SECOND: Norcross

AYES: Colvett, McCreery, Norcross, Sharp, Toles, Trenholm and Wilbanks

**Item 18 – APPROVED AS AMENDED**

**ADJOURNMENT:**

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

MINUTES APPROVED: 11-13-14

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CHAIRMAN

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SECRETARY