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

CITY APPOINTEES
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BERLIN BOYD
RUSTY LINKOUS
MARGARET PRITCHARD
JAMES TOLES

COUNTY APPOINTEES
JON MCCREERY, CHAIR
ROBERT NORCROSS
EMILY TRENHOLM
LISA WILBANKS
ROSLYN WILLIS

MINUTES
May 10, 2012

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairman	Mary Sharp	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	
Member	Rosalyn Willis	X	
Alternate Member	Frank Colvett, Jr.		

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, Secretary of Land Use Control Board, Brian Bacchus, Don Jones, Gregory Love and Chip Saliba.

Others Present: Myron Applewhite, Homer Branan, David Bray, Gene Bryan, King Caldwell, Lee Davidson, Deborah Eizinger, Josh Kahane, Lou Katzerman, Jim Pritchard, Kathy Pritchard, Ralph Smith, Brenda Solomito, Ms. Strong, Walter Webster.

Chairman's Opening Remarks
Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Secretary's Report
There was none.

Approval of Minutes: April 12, 2012
Board Member Pritchard made a motion to approve the minutes with the noted corrections. Board Member Norcross seconded the motion. 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 and 6 were read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Robert Norcross to be the Subdivision Chair and to read the Consent Agenda Items.

Consent Agenda (Items 1and 6)

1. CASE NUMBER:	**SAC 12-602**
DEVELOPMENT NAME:	**MULBERRY ALLEY**
Request:	Close an existing alley 120 feet long by 5 feet wide
Staff's Recommendation:	Approval with conditions

2. CASE NUMBER:	**PD 88-347**
DEVELOPMENT NAME:	**HARBOR TOWN PLANNED DEVELOPMENT – PHASE I (LOT 129)**
Request:	Side yard setback reduction to permit construction of a lap pool to be located 2 feet from the south property line where 5 feet is required
Staff's Recommendation:	Approval of the side yard setback reduction and additional detached accessory structure setback reduction from 10 feet to 4 feet, 8 inches from the pool to the existing home.

3. CASE NUMBER:	**PD 03-359**
DEVELOPMENT NAME:	**TREZEVANT PLANNED DEVELOPMENT–PHASE I**
Request:	A screened-in porch on the west side of dwelling unit #10
Staff's Recommendation:	Approval

4. CASE NUMBER:	**PD 07-328**
DEVELOPMENT NAME:	**BILLY MAY PLANNED DEVELOPMENT**
Request:	To modify the existing Planned Development to allow outdoor sales in areas A and B and approval of a two (2) year time extension
Staff's Recommendation:	Approval with conditions

5. CASE NUMBER:	**Z 90-148**
LOCATION:	**East side of Covington Pike approximately 1,200 feet south of Stage Road**
Request:	To increase the maximum number of signs allowed within the Village on the Pike General Plan
Staff's Recommendation:	Approval with conditions

6. CASE NUMBER:	**SUP 10-208**
LOCATION:	**South side of E. Chelsea Ave.; +/-350 feet west of Walter St.**
Request:	CMCS (cell tower) time extension

Staff's Recommendation: Approval with conditions

Discussion Summary –Case #4 **PD 07-328** was requested to be pulled from the agenda for a 30-day "HOLD". Board Member Norcross made a motion to approve Consent Agenda Items 1-3, 5 and 6. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

PULLED CONSENT AGENDA ITEM 4

Item 4: CASE #: PD 07-328 **BILLY MAY PLANNED DEVELOPMENT**
Request to modify the existing Planned Development to allow outdoor sales in areas A and B and to approve of a two (2) year time extension.
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Josh Whitehead approached and stated that the applicant requested a 30-day hold and could vote to approve the hold.

Board member Pritchard made a motion to approve case **PD 07-328** be placed on "Hold" for 30 days at the applicant's request. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

REGULAR AGENDA ITEMS 7-15

Chairman McCreery introduced Board Member Libby Pritchard to serve as Zoning Chair.

Item 7: CASE #: SUP 12-210 **North side of Shelby Dr. East; +/-900 feet east of Tulane Road**
Request for a Cellular Tower.
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Gene Bryan approached and requested a friendly amendment. His amendment was to have the fencings to be site proof with either wood or slates in the chain-linked fence because of the environmental conditions of the site. Staff approved the friendly amendment.

Chairman McCreery asked for a motion.

Board member Pritchard made a motion to approve case **SUP 12-210** in accordance with staff's recommendation and the friendly amendment. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Item 8: CASE #: PD 12-301 **SWAN-WEBSTER PLANNED DEVELOPMENT.**
Request for Area A: Home for Mentally Handicapped, Area B: Retail Commercial, and Area C: Retail Commercial
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition but Chairman pointed out that there was a lot of discussion earlier.

Walter Webster approached and stated his name and address as 4877 Farmwood Drive. Don Jones pointed out that in addition, a friendly amendment was requested with conditions from the Developer, Ms. Strong, Area A: Home for Mentally Handicapped that was not reflected in the conditions. The friendly amendment included suggested language from the Memphis Board of Education staff.

Chairman McCreery asked for a motion.

Board member Pritchard made a motion to approve case **PD 12-301** in accordance with staff's recommendation and the friendly amendment for Area A: Home for Mentally Handicapped. The motion was seconded by Board Member Toles. The motion passed unanimously.

Item 9: CASE #: PD 12-303 CC **LION'S GATE RV PARK PLANNED DEVELOPMENT**
Request for A planned development for a Recreation Vehicle Park.
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Homer Branan approached and stated his name and address as 999 S. Shady Grove and that he agreed with staff's recommendation.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve Case #9 **PD 12-303 CC** in accordance with staff's recommendation. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 10: CASE #: PD 12-304 **TOURNAMENT CENTER PLANNED DEVELOPMENT (3RD AMENDMENT)**
Request for an Amendment to (Area B and C) the planned development to add a multi-family development on the south side of Tournament Drive
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was opposition.

Chairman McCreery asked staff to present the case for board review.

Don Jones gave a brief summary of the staff report which included the location of property site and the proposed plan for 251 multi-family units in 20 buildings as well as the various road networks. He showed aerial pictures, the boundaries, aerial and zoning maps of the property site which included other public and private owned properties, vacant and wooded areas. Don gave a brief history of the development which dated back to 1999 which was part of another development called Fieldstone Tournament Center. The Tournament Center area, at that time, was approved for single family homes. He also explained and gave reasons for staff's approval with conditions for the application along with letters of support.

Chairman McCreery asked the applicant or representative to come forward and give his comments.

Ralph Smith approached and stated his name and address as 6799 Great Oaks Rd. He stated that the proposed project was a quality apartment community compatible to the Winchester Hills Subdivision. He also gave a description of the units and parking areas. He added that the site plan along with the agreed upon conditions were designed to be sensitive to the Winchester Hills.

Chairman McCreery asked if those who were in opposition would come forward and state their names.

Deborah Eizinger approached and stated her name and address as 3614 Wincross Drive, 38119. She stated that she was the wife of the President of the Winchester Hills Neighborhood Assn. She noted that she had issues with the density of the 91 current homes compared to the possible 900 people that 271 units would bring into the area. Her other concerns were the harmful impact the proposed development would have on schools, traffic, increased crime and foot traffic. She added that it was not fair to constantly change the zoning in the area just to meet the needs of the developers.

Jim Pritchard approached and stated his name and address as 3485 Wincross Drive. He stated his opposition was also the increase in traffic in the area. He also stated the add'l network of the street Centennial Drive would not be built until years down the road and its contingent upon another development in the area. He felt that in a few years, they will all be back for another kind of development because the developers are going to have a very difficult time trying market and have built such "high end" apartment complex. Mr. Pritchard ended saying, they would just like for it to stay zoned as is.

Kathy Pritchard approached and stated her name and address as 3485 Wincross Drive. She stated her concerned was the impact the units would have on the ecosystem and overbearing of the apartment lighting.

Myron Applewhite approached and stated his name and address as 7879 Winoake Lane. He stated that his backyard was adjacent to the proposed site plan and if he had known the area would be rezoned, he never would have purchased property in the area. Mr. Applewhite listed several complexes that was once functioning great but now abandoned and became blighted for the neighborhood.

Chairman McCreery asked the applicant or representative to come forward and give his rebuttal comments.

Ralph Smith addressed the issues that were presented via email and/or from those present in opposition. He stated as far as the drainage concern, a retention area would be built; foot traffic and crime, he volunteered to build a chain-linked fence to separate the apts. from the single family homes and he added that currently office space generated more traffic than the apartments. He also added that lighting for an office space parking lot would be more than that of an apartment complex which would have no flood lighting on the side and rear of the site.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve Case **PD 12-304** in accordance with staff's recommendation and with the (3) three comments on handout from City Engineers Office. The motion was seconded by Board Member Sharp.

Chairman McCreery opened the floor for LUCB discussion.

Board Member Pritchard stated that she agreed with there being too many apartments in area as is, especially with the reasons the neighbors in opposition posed. She added that she could not vote to approve the application.

Chairman McCreery stated that Winchester Hills was an interesting dynamic. He classified the residential subdivision as "a piece that does not fit"; in regards to the past development of commercial offices and apartment uses that has taken place. He added that he did not see any impact traffic would cause for the area and he supports the application.

Board Member Boyd stated his dilemma with the proposed project was trying to figure out what could be the best re-adaptive reuse for the property. He acknowledged that people are turning to apartment homes due to the economy that has imposed the lack of residential buying throughout the US. He also agrees with applicant and supports the application.

Board Member Toles asked if there would be any single family homes within the PD or were all multi-family units. Don Jones stated, if approved, the option to develop would be for either office or multi-family.

Chairman McCreery asked for a vote on the motion. Since the motion was to approve, he explained that a "yes" approves the application and "no" rejects the application. The application was approved with a 6-4 vote. Chairman McCreery and Board Members Boyd, Norcross, Sharp, Toles and Wilbanks voted Yea. Board Members Linkous, Pritchard, Trenholm and Willis voted Nay.

Item 11: CASE #: PD 12-305 **BERRYHILL PLANNED DEVELOPMENT, AMENDED**

Request for a Plan amendment to allow a cellular communications tower one-hundred sixty (160) feet in height of concealed canister monopole design with a capacity to accommodate a minimum of four (4) antennae

Staff's Recommendation: Approval with conditions

*Board Member Rusty Linkous recused himself from this case.

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and asked if there were any opposition. There was opposition.

Chairman McCreery asked staff to present the case for board review.

Brian Bacchus gave a brief summary of the staff report, noting it as being a Plan Amendment which included the location of the site for the cellular tower. He showed aerial pictures, the boundaries, aerial and zoning maps of the property site. He stated that procedure had been followed with notices of the proposed plan to the surrounding property owners. Brian gave a description of the applicant's intent to lease a portion of the seven acres site in the southeast corner which is a vacant parcel for a cellular tower as well as a description of the canister monopole. He also stated that the applicant had agreed to include a landscape Class C Buffer to buffer the Tower compound from the multi-family development and public roadway. Brian then stated that staff recommended a relocation of the tower but the applicant was not in agreement with the recommendation. He noted that staff was recommending approval with conditions for relocation of the tower near the retail drug store.

Chairman McCreery asked the applicant or representative to come forward and give his comments.

Brenda Solomito, a representative for the applicant, approached and stated her name and address as 2067 Kirby Parkway. She stated that she was in agreement with staff's recommendation, except for the relocation of the tower. She quoted stats that supported her initial location of the tower due to the accessibility, frequency/coverage needed for communication and emergency calls, and it has no negative affect on the area. She added that the applicant considered other locations on the property for the tower but felt for future development, the proposed site was more feasible. Brenda then mentioned an approved existing tower located at the Fieldstone Complex adjacent to a multi-family development.

Chairman McCreery asked if those who were in opposition would come forward and state their names.

Josh Kahane, representative for the owners/residents of Stonebridge Crossing Apts., approached and stated his name and address as 6000 Poplar Ave., Suite 400. He stated that he and his clients were in opposition of the application because of the location of the cellular tower being in such close proximity of two buildings (8 units) at Stonebridge Crossing. He requested either time to negotiate with the applicant on a new location, for the LUCB to adhere to the staff's recommendation or for the LUCB to deny the application because of the concerns he mentioned on behalf of his client/residents at Stonebridge Crossing Apartments.

Chairman McCreery asked the applicant's representative to come forward and give her rebuttal comments.

Brenda Solomito stated she had several discussions of other options and emails with Stonebridge Crossings owners and property management team but to no avail. She added that just recently Mr. Kahane was introduced as a representative of the owners and discussions had not been productive.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to amend staff's recommendation for Case **PD 12-305** and grant approval of application as submitted by the applicant with Tower being in the southeast corner. The motion was seconded by Board Member Toles.

Chairman McCreery opened the floor for LUCB discussion.
Board Member Boyd asked Mr. Kahane how the proposed location would affect the Stonebridge Crossing complex. Mr. Kahane stated that he's was not for sure even if it would but that was his reason for additional time since there is confusion and frustration from the owners and residents.

Chairman McCreery asked for a vote on the motion to approve the application as submitted with Tower being in the southeast corner. The motion passed unanimously.

Item 12: CASE #: PD 12-306 (formerly Z 12-104)
HADJI-BADJI PLANNED DEVELOPMENT
Request for Planned development to allow single offices and a beauty shop in residential structures.
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and asked if there were any opposition. There was no opposition.

David Bray approached and stated his name and address as 2950 Stage Plaza North and that he agreed with staff's recommendation and conditions.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve Case **PD 12-306 (formerly Z 12-104)** in accordance with staff's recommendation. The motion was seconded by Board Member Boyd. The motion passed unanimously.

Item 13: CASE #: S.U.P. 12-208 **West side of Thomas Street at the western terminus of Stage Road**
Request for special permit to allow a CMCS Tower
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Lou Katzerman approached and stated his name and address as 4091 Viscount Ave. and that he agreed with staff's recommendation and amended conditions.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve Case **S.U.P. 12-208** in accordance with staff's recommendation. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 14: CASE #: S.U.P. 12-209 **Northeast corner of Delp Street and Pilot Drive**
Request for a Special permit to allow a recycling drop-off facility.
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and asked if there were any opposition. There was no opposition.

Lee Davidson, representing the applicant, approached and stated his name, address as 5880 Ridge Bend Road. and that he agreed with staff's recommendation.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve Case **S.U.P. 12-209** in accordance with staff's recommendation. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Item 15: CASE #: S.U.P. 12-211 **South side of Lamar Avenue; +/-337 feet west of Snowden Circle**
Request for a special use permit to allow a realtor's office.
Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

King Caldwell, the applicant, approached and stated his name, address as 9005 Gandy Cv., Memphis, TN 38133 and that he agreed with staff's recommendation.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve Case **S.U.P. 12-211** in accordance with staff's recommendation. The motion was seconded by Board Member Norcross. The motion passed unanimously.

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

MINUTES APPROVED: 6-14-12

CHAIRMAN

SECRETARY