



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. 488 - MEMPHIS, TENNESSEE 38103 - (901) 576-6610



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

**MINUTES**  
**August 9, 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.	X	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, Secretary of Land Use Control Board, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, and Chip Saliba.

**Others Present:** Sophia Atkins, Belinda Bodie, Mark Brown, Terry Emerick, William Ferguson, Rick McClanahan, Clarence McGee, Ed Morgan, W.C. "Bubba" Pleasant, Kaye Price, Cindy Reaves, Delinor Smith, and Mrs. Wilson (Rodgers)

**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: July 12, 2012**

Board Member Sharp made a motion to approve the minutes. Board Member Linkous 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 3 were read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items.

**Consent Agenda (Items 1 through 3)**

**1. CASE NUMBER:** S 12-007  
**LOCATION NAME:** North side of Trinity Road, opposite Trinity Creek Cove  
**Request:** Modify the approved conditions of the Land Use Control Board on June 14<sup>th</sup>, 2012 to permit the following changes: (1) Change the cross section design of the north-south street to a grass strip only on its west side; (2) Remove Condition 4 to permit the existing billboard on Lot 3 to be governed by the non-conforming sign regulations of the Unified Development Code; (3) Modify Condition 5 to clarify its use after the removal of the billboard on Lot 3; and (4) permit detention facilities on Lots 1 and 4 to be constructed when these lots are developed.

**Staff's Recommendation:** Approval of all requests

**2. CASE NUMBER:** SUP 92-228 CO/SUP 97-204 CO  
**LOCATION NAME:** East side of Deadfall Road, 1,400 feet south of Moose Road

**Request:** Two-year time extension to continue sand and gravel excavation operation

**Staff's Recommendation:** Approval with the previously-approved conditions for SUP 92-228 CO and SUP 97-204 CO.

**3. CASE NUMBER:** SAC 12-603  
**LOCATION NAME:** Between east/west section of Berryhill Road and Forest Hill-Irene Road

**Request:** Road Closure

**Staff's Recommendation:** Approval



He assured that the owner's intent is to maintain the residential character and that the traffic rate would not be affected by the increase in residents for the facility. Due to the age and illness of some of the residents, most, if not all of the residents will not drive.

Chairman McCreery asked those in opposition to approach the podium to give their comments.

Ed Morgan approached and stated his name and address as 4940 Brunswick Road. He stated that he would like to keep the area mostly residential.

Terry Emerick approached and stated his name and that he was the Dir. of Planning for the City of Bartlett, TN. He stated that by the end of Fall, Bartlett would have annexed the area of the proposed site and any institutional use on such a large site needed a well thought-out plan.

Rick McClanahan approached and stated his name and that he was from the City of Bartlett's Engineer's office. His list of concerns was as follows:

- ✓ The limited number of parking spaces for visitors on the site after staff
- ✓ The limited site distance with the existing driveway with the traffic volume increase
- ✓ Sprinkler system requirement do to the proposed residence/client increase
- ✓ The water and sewer tap size requirement due to the proposed residence/client increase
- ✓ Kitchen upgrade to commercial for the increase in meal preparation due to the proposed residence/client increase

Mark Brown approached and stated his name, address as 6400 Stage Rd. and the he was the CAO for Bartlett, TN. He stated that for the proposed project, there needed to be extensive licenses and approval of plans required for the proposed expansion, for which, none had been applied. He noted that after the annexation, the applicant could come and apply for a Special Use Permit with the City of Bartlett.

William Ferguson approached and stated his name and address as 4960 Brunswick Rd. He explained that since the last public meeting with the applicant in Nov. 2011, he thought it was understood there was major opposition to the proposed project until he received a neighbor notice from OPD. He stated that due to the increase from the initial 16 resident facility, in which they opposed, to now 18-24 residence, it had turned into a Commercial venture. He added that from the 45 notices sent out, 43 of the resident are in opposition and had a signed petition of 114 names in opposition. Mr. Ferguson then mentioned and showed pictures of his concern regarding the water from the rooftop flowing down Brunswick and flood damage caused to his property.

Kaye Price, President of Brunswick Community Assn. approached and stated her name and her opposition to the application. She was concerned about the association getting proper notification of meetings and the resident's safety when emergency vehicles are called.



noted the proposed site plan was 3.3 acres. He stated that one property owner (Mrs. Rodgers) adjacent to the subject property was present in opposition and had a concern about the future acquisition of their property. Brian stated that the primary zoning of the area was Single Family Residential homes, but property is located in a Residential Urban (RU-3) & Commercial Mixed Use (CMU-1) District. He gave an outline of architectural and floor plans of the proposed new construction and rehab work that would be done on the existing structure.

Chairman McCreery asked the applicant to approach the podium to give comments.

Cindy Reaves, representative for the applicant, approached and stated her name and address as 5909 Shelby Oaks Dr., Ste. 200. Ms. Reaves stated that Mrs. Wilson's (Rodgers) property was not included in the Planned Development.

Chairman McCreery asked the residents in opposition to approach the podium to give their comments.

Clarence McGee approached and stated his name and address as 245 LuCerne Place. He stated that he was representing his mother and her concern about being forced out of her home with the new development. He also stated that after being approached to sell, his mother's response as well as other neighbors were no. He added that they were not opposed to the project if it does not include them being forced off of their property.

Brian Bacchus and Ms. Reaves assured Mr. McGee that his mother's property was not a threat of being a part of the proposed development plan. Mr. McGee was satisfied and in favor of the project.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve case PD 12-311 in accordance with staff's recommendation. The motion was seconded by Board Member Norcross. The motion passed unanimously.

**Item 6: CASE #: PD 12-312                      KIRBY GATE SOUTH PLANNED DEVELOPMENT,  
5<sup>TH</sup> AMENDMENT**

Request:    Amend the List of Permitted Uses for Parcels I and IV to include medical facilities

Staff's Recommendation:                      Approval with conditions

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation and if there were any opposition. Ms. Reaves indicated that they were in agreement with the staff's recommendation, and that Mr. Jones is prepared to read some friendly amendments into the record. Ms. Reaves indicated that a representative of the Neighborhood Associations was present and may wish to address the Board on this application.

Chairman McCreery asked the association leader to approach the podium to give comments. It was noted that applicant and staff had met and had friendly amendments to present.

Sophia Atkins approached and stated her name and address as 6700 Kirby Trace Cove. She stated that her neighborhood association had met and decided that with the friendly amendments, they were in agreement with the staff report and wanted to make sure the applicant would adhere to the amendments.

Don Jones approached and presented the Friendly Amendments on pages 9 and 10 of the staff report and they were as follows:

Amendments on Page 9, I. A. 5.

Add j. – prohibits medical waste facility

Add k. – prohibits reproductive health clinics

Same amendments on Page 10, D. 7 (add c. and d.)

Chairman McCreery asked Ms. Reaves for the record if she was in agreement with the amendments and she was.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve case **PD 12-312** in accordance with staff's recommendation and friendly amendments. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

**Item 7: CASE #: SUP 12-216**

**Northwest corner of Whitney Avenue and Range Line Road**

Request:

Special permit to allow a communications tower one-hundred fifty (150) feet in height of concealed canister design with capacity to accommodate a minimum of four (4) antennae

Staff's Recommendation:

Approval with conditions

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation and if there was opposition. There was no opposition. Chairman then asked the applicant to approach the podium to give comments.

Belinda Bodie approached and stated her name and address as 1811 Auburn Monroe, LA and that she was representing C-Spire. She stated that they did hold a public meeting, but no one showed and no opposition had been made for the application.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve case **SUP 12-216** in accordance with staff's recommendation. The motion was seconded by Board Member Toles. The motion passed unanimously.

**ADJOURNMENT:**

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

MINUTES APPROVED: \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY