



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
 ROBERT NORCROSS
 EMILY TRENHOLM
 LISA WILBANKS
 ROSLYN WILLIS

SCHEDULE

Thursday, November 8, 2012

- 9:00 A.M. EXECUTIVE SESSION Conference Room-‘A’ 4th Floor
- *10:00 A.M. MORNING PUBLIC SESSION County Commission Chambers-Lobby
 Subdivision Correspondence,
 Subdivisions, Street & Alley Closures,
 Street Dedications, Street Name Changes,
 Planned Development & Zoning Correspondence,
 Site Plan Reviews, Planned Developments,
 Special Use Permits, Zoning Map Amendments
 & Zoning Text Amendments, Comprehensive Plan Adoption

NOTE: *Time Approximate

Conflict of Interest Statement:

The adopted policy of the Land Use Control Board requires that any member of the Board recuse them self from any participation in the discussion or voting on any matter on the meeting’s agenda in which they may have direct or indirect personal interest. The member shall vacate their seat during deliberation on any matter from which they have recused themselves.

General Order in Which Public Hearings Will Proceed:

1. The Chairman will open the Public Hearing by calling the Agenda item number and application Case Number as it appears on the agenda.
2. The OPD staff will explain the nature of the application and will present an analysis of it and the staff recommendation.
3. The applicant and proponents will be heard for a period not exceeding five (5) minutes.
4. The opponents will be heard for a time period not exceeding five (5) minutes.
5. The applicant will be given a two (2) minute period for rebuttal.
6. Board members proceed to discuss the application amongst themselves and may request clarification of certain points from staff or persons in the audience who spoke previously.
7. The Land Use Control Board will then vote to approve, approve in modified form, deny, or continue (hold) the application until a subsequent meeting.
8. The Board Chairman will then inform the audience of the outcome of the Board’s action.

RIGHT TO APPEAL:

Any individual appearing or submitting written comments at the Land Use Control Board (LUCB) meeting, or any governmental body submitting comments may appeal the decision of the Land Use Control Board to the appropriate governing body (ies), i.e. Memphis City Council and/or Shelby County Commission.

Appeals should be submitted within 10 working days of the Land Use Control Board action to the Chief Administrative Officer of the City of Memphis (George Little) and/or of Shelby County (Harvey Kennedy) with a copy of same to Josh Whitehead, Director for the Office of Planning and Development (OPD). This applies only to preliminary subdivision and correspondence applications. The balance of all of the other items heard on today's agenda is automatically forwarded to the City Council and/or County Commission for final action.

If you choose to file an appeal please be aware of the following additional requirements in order to make your appeal valid. The request for an appeal shall: 1) indicate the name and case number of the application; 2) the date of the L.U.C.B. action; 3) the specific decision and/or conditions approved by the L.U.C.B. which are being appealed; 4) your suggested remedy; and 5) the name, address and phone number of the appellant.

Please note that public hearing notification fees of \$50.00 are required to be paid to the City Council Records Office and/or the County Minutes Office, and \$100 to OPD. The fees should accompany your letter of appeal copied to OPD.

Harvey Kennedy, CAO	George Little, CAO	Josh Whitehead, Director
Shelby County	City of Memphis	Office of Planning & Development
160 North Main Street	125 North Main Street	125 North Main Street-Suite 468
Memphis, TN 38103	Memphis, TN 38103	Memphis, TN 38103

MISSION STATEMENT:

The Memphis and Shelby County Land Use Control Board is the metropolitan area's authority for vision and leadership in land use and planning excellence.

Mission Statement

The Land Use Control Board, through its leadership, recommends long-term public policies consistent with Smart Growth Strategies and administers the Unified Development Code in order to:

- Protect the community's unique character and sense of place
- Encourage the development of great, vibrant, healthy urban streets, open spaces, public places, and neighborhood
- Establish and maintain a Unifying Civic Vision for Greater Memphis
- Promote economically, environmentally, and fiscally sustainable and responsible use of land in service to the common good.

Guiding Principles:

The Land Use Board's actions are guided by these principle-based values:

- Fairness
- Wise judgment
- Civic and diplomacy
- Integrity
- Humanity
- Consistency
- Respect for all Memphis and Shelby County Stakeholders

AGENDA

10:00 A.M. MORNING PUBLIC SESSION

- A. ROLL CALL**

- B. APPROVAL OF THE MINUTES**

Minutes from the October 11, 2012 Meeting

- C. SECRETARY'S REPORT**

- D. CONSENT AGENDA Agenda Items 1-4**

- E. REGULAR AGENDA**

Agenda Items # 1-4 comprise the various applications pertaining to land subdivision and zoning to be heard as part of the Consent Agenda. The Board will act on all of these items as a group with one vote subject to the recommendation of the Office of Planning and Development in its Staff Report--rather than vote on each item separately. This also applies to items which otherwise involve a public hearing where notice was sent to adjacent property owners. Such action satisfies the legal requirements for holding a public hearing so long as no one wishes to speak either for or against an item listed as being on the Consent Agenda.

If Board Members or persons in the audience wish to discuss any item, that item is pulled from the others for separate discussion and vote by the Board and the remaining items are voted on as a group. If you desire to speak in regard to an application listed as being part of the Consent Agenda, please come to the podium at the front of the chamber and notify the Board Chairman of the Agenda Item Number after the Consent Agenda and staff recommendation for this morning's applications have been read.

Please fill out an Attendance/Speaker's Card and hand it to an OPD staff member sitting behind the railing in the front of the chamber if you intend to address the Board in regard to any item found on today's Agenda. Cards may be found at the speaker's podium and at the Sergeant At Arms table. If you decide to speak, please start by giving your name and street address, then tell the Board of your concern. If there are several in your area with similar concerns, you may appoint a spokesperson. The Board is particularly interested in the specific reasons you are for or against a proposal.

If you are attending the meeting on a specific agenda item but do not wish to speak it is requested that you nonetheless fill out an Attendance/Speaker's Card so that your attendance may be recorded at the meeting. This is necessary in order to preserve your right to appeal the decision of the Land Use Control Board to the City Council and/or County Commission for applications regarding preliminary subdivision applications and most planned development and zoning correspondence applications on today's agenda.

CORRESPONDENCE CASES

- 1. CASE NUMBER:** **PD 84-319**

DEVELOPMENT NAME: **WALNUT BEND OFFICE CENTER PLANNED DEVELOPMENT**

LOCATION: Approximately 151 feet to the center line of Germantown Creek

APPLICANT: Salma Khan

REPRESENTATIVE: Solomito Land Planning (Brenda Solomito)

AREA: 1.38 Acres

REQUEST: Remove internal landscape islands to obtain more parking

- 2. CASE NUMBER:** **PD 09-324**

DEVELOPMENT NAME: **FIELDSTONE PLANNED DEVELOPMENT 4TH AMENDMENT PART OF PARCEL C**

LOCATION: South side of Hagen's Way; +/-315 feet west of Hacks Cross Road

APPLICANT: Candence Bank

REPRESENTATIVE: Michael J Fahy

AREA: 1.17 Acre

REQUEST: Site Plan Review for an addition to an existing Mini - Storage Facility

- 3. CASE NUMBER: PD 12-309**
- DEVELOPMENT NAME: 2506 POPLAR AVENUE PLANNED DEVELOPMENT**
- LOCATION: North side of Poplar Avenue, 92 feet west of Merton Street
- APPLICANT: South Bay Properties
- REPRESENTATIVE: SR Constulting, LLC
- AREA: 1.4 Acre
- REQUEST: Request to clarify the uses allowed under the “vehicle sales service and repair” category to include all vehicle sales, and leasing

- 4. CASE NUMBER: PD 11-317**
- DEVELOPMENT NAME: OVERTON SQUARE PLANNED DEVELOPMENT**
- LOCATION: Northwest corner of Cooper Street and Monroe Avenue
- APPLICANT: Hattiloo Theatre
- REPRESENTATIVE: Tim Michael
- AREA: 0.499 Acres
- REQUEST:

Modifications to the Approved Conditions As Follows:

1. Required Building Setback, 2. Percentage of Building Located at the Required Building Setback, Required Transperancy, 3. Maximum Amount of Blank Wall (both streets), 4. Use of Building Materials

NEW CASES:

5. **CASE NUMBER:** **PD 12-316**

DEVELOPMENT NAME: **ENTERPRISE RENT-A-CAR PLANNED
DEVELOPMENT**

LOCATION: Northwest corner of Union Avenue and W Lauderdale
Street

APPLICANT: Enterprise Rent A Car

REPRESENTATIVE: Solomito Land Planning (Brenda Solomito)

AREA: .957 Acre

REQUEST: Expand Rent-A-Car to the property to the west
and construct a new building

6. **CASE NUMBER:** **PD 12-318**

DEVELOPMENT NAME: **PRIMACY OAKS OFFICE PARK, PD AMENDED**

LOCATION: North side of Stage Road, 563 feet east of
Covington Pike

APPLICANT: Sala Farsi & Clare McTeman

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

AREA: .56 Acre

REQUEST: Day Care Center within office park

7. CASE NUMBER: **SUP 12-219**

LOCATION: South side of Leroy Ave.; +/-138 feet west of Walter Cove

APPLICANTS: TelePak, Inc.

REPRESENTATIVE: Faulk & Foster

LEASED AREA: 5,625 sq. ft. of 1.04 Acre

REQUEST: Special permit to allow a communications tower one-hundred twenty (120) feet in height of concealed canister design with capacity to accommodate a minimum of three(3) antennae

8. CASE NUMBER: **SUP 12-220 CO**

LOCATION: West side of Quito Road; opposite of Cuba Millington Road

APPLICANT: Larry Silvey

REPRESENTATIVE: Belinda Bodie

AREA: 6.64 Acre

REQUEST: Construct a 160 foot tall monopole telecommunications tower

9. CASE NUMBER: SUP 12-221

DEVELOPMENT NAME: TV6-W, LLC

LOCATION: East side of Old Allen Road, +/-754 feet northeast of New Allen Road

APPLICANT: Shelby County, TN.

REPRESENTATIVE: Lou Katzerman

AREA: .49 Acre

REQUEST: Proposes to construct a one hundred seventy foot (138') CMCS tower at 3298 Old Allen Road

10. CASE NUMBER: SUP 12-223

LOCATION: East side of Woodlawn Terrace, 180' south of Portland Avenue

APPLICANT: LaToya Weaver

REPRESENTATIVE: LaToya Weaver

AREA: 0.251 Acre

REQUEST: Group Daycare

11. CASE NUMBER: Z 12-106

LOCATION: Northwest corner of New Frayser Blvd
and New Allen Road

APPLICANT: Belz Investco, GP

REPRESENTATIVE: Burch-Porter-Johnson, PLLC

AREA: 37.13 Acre

REQUEST: Employment (EMP) District

12. CASE NUMBER: Z 12-107 CC

APPLICANT: Memphis and Shelby County Office of Planning
and
Development

REPRESENTATIVE: Josh Whitehead, Planning Director

REQUEST: Adopt comprehensive zoning ordinance to revise the
Memphis and Shelby County Zoning Atlas to reflect
the new Floodway (FW) Zoning District and Flood-
plain (FP) Overlay District boundaries as shown on
FEMA Flood Insurance Rate Map (FIRM)

13. CASE NUMBER: ZTA 12-002 CC

APPLICANT: Memphis and Shelby County Office of Planning
and
Development

REPRESENTATIVE: Josh Whitehead, Planning Director

REQUEST: Amendments to the Unified Development Code
(Joint Ordinance Resolution 397 and 5367
Respectively.)