



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

MINUTES
January 10, 2013

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	

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, Calvin Abram, Norman Saliba and Keva Jackson.

Others Present: Alan Barner, Lloyd Barnett, Homer Branan, Carolyn Hardy, Harvey Marcom, Linda Mosley, Regina Ross, Brenda Solomito, and Adrienne Studaway.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement. He also noted the new Mission Statement on the Agenda and advised the Board to read it at their convenience.

Secretary's Report

Josh Whitehead did not have a Secretary's Report.

Approval of Minutes: December 13, 2012

Josh Whitehead reported that the LUCB would be voting on December's and January's minutes.

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 thru 6 was 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 1-6)

1. CASE NUMBER: S.A.C 12-608
DEVELOPMENT NAME: TILLMAN COVE

Request: Close & Vacate Street Right-Of-Way

Staff's Recommendation: Approval with conditions

2. CASE NUMBER: P.D. 98-319
DEVELOPMENT NAME: HUMPHREYS BLVD PLANNED DEVELOPMENT,
PHASE 24, PART OF PARCEL 1B

Request: An expansion to the existing Women's Hospital to accommodate a Pediatric Emergency Room including reconfiguration of parking and drive lanes and a connection to the adjacent property north

Staff's Recommendation: Approval

3. CASE NUMBER: P.D. 86-322
DEVELOPMENT NAME: HUMPHREYS BLVD. PLANNED DEVELOPMENT,
PHASE 5

Request: Site modifications to Phase 5 to construct a cancer clinic containing 149,252 square feet of floor area.

Staff's Recommendation: Approval

4. CASE NUMBER: P.D. 03-361
DEVELOPMENT NAME: SHELBY PARK PLANNED DEVELOPMENT
PHASE II

Request: (1) Front yard setback reduction on Lot 46 from 20 feet to 14.4 feet; and
(2) Revise Lots 49-55 from 107 feet in depth to 115 feet in depth with a corresponding rear yard setback change from 22 feet to 12 feet.

Staff's Recommendation: Approval

5. CASE NUMBER: P.D. 12-302
DEVELOPMENT NAME: CRESCENT CENTER PLANNED DEVELOPMENT

Request: Reduction of the front yard setback along Ridgeway Road for the Season 52 Restaurant from 20 feet to 15 feet.

Staff's Recommendation: Approval

6. CASE NUMBER: P.D. 12-305
DEVELOPMENT NAME: BERRYHILL PLANNED DEVELOPMENT:
PHASE 14 - PART OF PARCEL 'A'

Request: Site Plan Review for a 'Family Dollar' store, including a modification to reduce the required landscape screen along U.S. Highway 64.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked the board members for a motion since no cases were pulled for further discussion. Board Member Wilbanks made a motion to approve the Consent Agenda Items-Cases 1 through 6. The motion was seconded by Board Member Boyd. The motion passed unanimously.

REGULAR AGENDA ITEMS:

Chairman McCreery announced for the benefit of the general public that Agenda Item #9 and #10 would not be heard due to a mutual agreement with LUCB staff and the applicant for a 30 day "HOLD". He then introduced Board Member Pritchard to be the Zoning Chair and to read the Regular Agenda Items. She then called the first case.

Item 7: CASE #: P.D. 12-322 CLARKE ROAD INTERMODAL YARD PLANNED DEVELOPMENT

Request: Planned development to allow an intermodal yard for storage, maintenance and repair for a goods containment service and operations

Staff's Recommendation: Approval with conditions

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

Chairman McCreery then asked staff for the staff report.

Brian Bacchus gave a brief summary of the staff report which included the location of property site and the proposed plan for a planned development. He showed various aerial pictures, the boundaries, aerial and zoning maps of the property site, which included other public and private owned properties.

Chairman McCreery asked if the applicant would give their five (5) minutes of comments.

Carolyn Hardy, president and CEO of Chism-Hardy Enterprises LLC approached and stated her name and address as 9412 Forest Station Cove, Collierville, TN 38017. She gave a brief background of her work, entrepreneurship and the creation of jobs through the companies of Coors Brewery and Hardy Bottling Company. She explained her connection and network with The Marino Group to get them to come to Memphis, TN and the creation of jobs the development would create. She then stated that they were in agreement with everything LUCB staff has proposed for approval, but requested to have barbed wire atop the 8 ft fencing.

Kevin Ledford of Ledford Engineering & Planning, LLC approached and stated his name and address as 5567 Commander Drive-Suite 105, Arlington, TN 38002. He spoke in favor of Mrs. Hardy's application as well, and stated the reason for the barbed wire atop the 8 ft fencing is because of security reasons and also to place the fence along the property lines beyond the tree preservation areas in order to maintain the landscaping and buffer zones.

Chairman McCreery asked those in opposition to come forward and give their comments.

Adrienne Studaway (4459 Cedar Creek Cove) and Regina Ross (5705 E. Burnette Pl.) approached and gave comments of opposition. Their concerns regarding this development were the increase in noise level, pollution emission output, loss of greenery and the decrease in their property values. They were not in opposition of the intermodal yard, but just not at this location near their homes.

Chairman McCreery allowed the applicant to give two minutes of rebuttal comments if needed.

Mrs. Hardy re-approached and addressed the concerns from the opposition. She noted that the greenery that is there will remain plus some would be added. In addition, she pointed out the numerous industrial businesses in the area which already exists, so the proposed development would not be setting any precedence.

Chairman McCreery asked the board members for a motion. Board Member Pritchard made a motion to approve Case P.D. 12-322. The motion was seconded by Board Member Wilbanks. Chairman asked if there was any Board discussion.

Board Member Linkous asked for a hold due to a concerned resident's email that stated he was unable to attend the public meeting and want the opportunity to meet with the owner/applicant and neighborhood stakeholders to discuss what was not explained in the public meeting before Christmas. Board Member Boyd stated (per staff) that proper notice was sent out to the residents in the area to meet and did not agree with a hold.

Board Member Pritchard made a motion to add two amendments to the motion on the floor. Her amendments are as follows: (1) to leave out the language/wording Japanese Cedar in Condition (IV; #D.-Landscaping) and (2) to allow the barbed wire in Condition (IV; #I.). Board Member Boyd seconded the motion for the first (1) amendment and Board Member Wilbanks seconded the motion for the second (2) amendment. The motions passed unanimously. Chairman noted the amendments would be a part of the original motion.

Board Member Linkous made a motion to hold the application for 30 days to allow time for the owners/applicants to meet with the residents/stakeholders to discuss the changes in the conditions. Board Member Sharp seconded the motion. There was a 4-4 tie on the vote for a hold and the motion failed.

Chairman McCreery asked the board members for a vote on the original motion as amended. The motion as amended by Board Member Pritchard passed unanimously.

Item 8: CASE #: P.D. 12-323 MEMPHIS PYRAMID PLANNED DEVELOPMENT

Request: Retail Store, Hotel, Outdoor Retail Sales and Storage

Staff's Recommendation: Approval with conditions

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

Alan Barner, senior project manager with O. T. Marshall Architects approached and stated his name and address as 5859 Ridge Bend, Memphis, TN 38120. He then made two friendly amendments on pages 8 (I. A. 4.) and 12 (4. D. - Landscaping) of the conditions that were agreed upon by LUCB and staff. Chairman asked if staff agreed and Don Jones agreed.

Chairman McCreery wanted clarity on the noted future out parcels that were shown on the site plan. After staff's explanation of the request which is the approval of Bass Pro's zoning entitlement for the Pyramid and its future uses. It was also clarified that Bass Pro would not sell any parcels at the site, only lease, ground lease or sublease out the individual parcels. Chairman McCreery then made a motion to amend a condition to include the following language, "each individual site out parcels will come back to the LUCB for site plan and use approval as an individual plat. The motion was seconded by Board Member Boyd. The motion passed unanimously.

Chairman McCreery asked the board members for a motion for the staff's recommendation along with the two friendly amendments and added condition. Board Member Pritchard made a motion to approve Case P.D. 12-323. The motion was seconded by Board Member Boyd. The motion passed unanimously.

Item 9: CASE #: P.D. 12-324 BERCLAIR ANIMAL HOSPITAL PLANNED DEVELOPMENT

Request: Veterinarian Clinic

Staff's Recommendation: HOLD

Board Member Pritchard announced again that this case was placed on HOLD.

Item 10: CASE #: R.C. 12-401 BERCLAIR ANIMAL HOSPITAL PD RESIDENTIAL CORRIDOR DELETION IN PART

Request: Deletion of residential corridor on the west side of White Station Road only

Staff's Recommendation: HOLD

Board Member Pritchard announced again that this case was placed on HOLD.

Board Member Pritchard made a motion to recall Agenda Item 8 to be opened for discussion due to an attendee who wanted to make comments regarding the case. The motion was seconded by Board Member Boyd. The motion passed unanimously.

Item 8: CASE #: P.D. 12-323 MEMPHIS PYRAMID PLANNED DEVELOPMENT

Request: Retail Store, Hotel, Outdoor Retail Sales and Storage

Staff's Recommendation: Approval with conditions

Chairman McCreery asked again if anyone from the general public who would like to speak to come forward with comments regarding Agenda Item 8: Case # P.D. 12-323.

Lloyd Barnett approached and stated his name and address as 493 N. Front St. He stated how much of an investment and involvement he has in Front Street. He was not in opposition of the development but had concerns regarding a proper streetscape plan for the site and the properties surrounding the site. Chairman McCreery reiterated the condition that was part of the approval for the applicant to return to the LUCB with a site and use plan for each of the out parcels.

Chairman McCreery resumed with the meeting agenda after all parties were satisfied with the contingent condition.

Item 11: CASE #: S.U.P. 12-225 IMPERIAL SUMMER AVENUE MARKET

Request: Outdoor retail in front of Imperial Bowl

Staff's Recommendation: Approval with conditions

*Board Member Linkous recused himself from this case.

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

Homer Branan approached and stated his name and address as 999 S. Shady Grove Road, Suite 500, Memphis, TN. He stated that he was in agreement with staff's recommendation but would like to address some issues.

Staff Member Terry Langlois stated (2) friendly amendments to be included in the conditions which were as follows: (1) Condition #6 - hours of operation on Thursday, Friday and Saturday would be from 8am until dusk and on Sunday from 12 noon until dusk; (2) Condition #8 - things not allowed for sale specifically noted was live animals or livestock.

Homer Branan requested an amendment per his client's request to change Sunday's hours from 11am until dusk and to add that no live animals or livestock would be given away also. Staff and LUCB agreed.

Chairman McCreery asked the board members for a motion. Board Member Pritchard made a motion to approve Case S.U.P. 12-225 with the agreed upon amendments. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Item 12: CASE #: S.U.P 12-226 THE HART-THE HEALING ARTS TRAINING CENTER

Request: Therapy facility/Rehabilitation Services

Staff's Recommendation: Approval with conditions

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

Brenda Solomito, Solomito Land Planning approached and stated her name and address as 2067 Kirby Parkway, Memphis, TN. Staff Member Greg Love stated a friendly amendment to be added to the conditions. She then stated that she agreed with staff's recommendation along with the friendly amendment.

Chairman McCreery asked the board members for a motion. Board Member Pritchard made a motion to approve Case S.U.P 12-226. The motion was seconded by Board Member Linkous.

The motion passed unanimously.

