



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) 576-0018



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 ROBERT NORCROSS
 EMILY TRENHOLM
 LISA WILBANKS
 ROBLYN 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 14th, 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.

W.C. "Bubba" Pleasant, Alderman for the City of Bartlett, TN approached and stated his name and asked for Board to consider the residents in the community in opposition of the application for the fore-mentioned concerns and issues.

Chairman McCreery asked the applicant to re-approach for his rebuttal comments.

Delanor Smith approached and wanted to assure Bartlett that all State codes would be adhered to and that recommendations on upgrades by the Engineer's Office would be complied with. He also mentioned how the new facility would comfortably accommodate the additional residents. He added that there could be a drainage plan implemented.

Chairman McCreery asked for a motion to start Board discussion. Board Member Pritchard made a motion to approve case PD 12-310 CC in accordance with staff's recommendation. The motion was seconded by Board Member Toles.

Board Member Trenholm wanted clarity if the motion was for the increase of residents to be 18 or 24. Chairman McCreery stated the staff's recommendation was for only 18 but Mr. Smith asked for the consideration to be increased to 24. Chairman McCreery stated that without an amendment, the Board would be voting for the capacity of 18 residents. Chairman McCreery also stated that if there were a licensing process that needed to take place after LUCB vote, he felt that the application could wait until after Bartlett's Annexation. Chairman McCreery asked if there were any more Board discussion. There was none, so he asked for a vote on the motion. The motion was rejected with a vote of 8 to 1. Board member Trenholm voted in favor of the application.

REGULAR AGENDA ITEMS:

Item 5: CASE #: PD 12-311

CALVARY RESCUE MISSION PLANNED DEVELOPMENT

Request:

Planned Development to allow a philanthropic institution for homeless men, including 108 beds, education and training center, dining hall and supportive services.

Staff's Recommendation:

Approval with conditions

*Board Member Linkous recused himself from the case.

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation and if there was opposition. There was opposition. Chairman then asked staff to present a staff report.

Brian Bacchus gave a brief summary of the Staff Report which included the location of the property and proposed plan for CALVARY RESCUE MISSION Planned Development. He

Item #: 21

Moved by: BURGESS

Prepared by: Gregory Love

Seconded by: HARVEY

Approved by: Robert Rolwing

JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, TO AUTHORIZE A PLANNED DEVELOPMENT FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BAYLOR ROAD AND BRUNSWICK ROAD, KNOWN AS CARING ESTATES PLANNED DEVELOPMENT.

WHEREAS, Application has been made to allow a residential home for the elderly, assisted living facility within the R-10 (Residential Single-Family-10) District

CASE NO. P.D. 12-310 CC

PROPERTY LOCATION: 4965 Brunswick Road; southwest corner of Baylor Road and Brunswick Road

The property being more particularly described on the outline plan.

WHEREAS, Article 9.6 of the Unified Development Code of the City of Memphis and Shelby County, No. 5367 dated January 1, 2011, authorized the Shelby County Board of Commissioners and the Memphis City Council to grant a special use permit for certain stated purposes subject to standards of general applicability and any additional standards applicable to specific special uses in the various zoning districts outside of but within five miles of the Memphis City limits; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on *August 9, 2012*, and said Board reported its recommendation of rejection to the City Council and County Commission regarding the objectives, standards, and criteria, and the effect of granting the planned

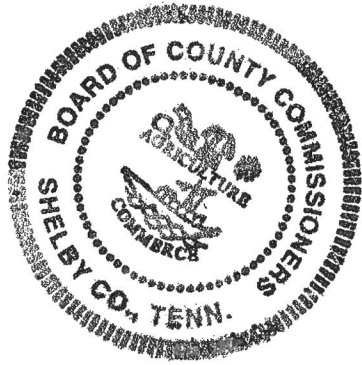
development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS:

Section 1. That pursuant to Section 14 of the Memphis and Shelby County Zoning Ordinance-Regulations, a Planned Development is approved for property located at the southwest corner of Baylor Road and Brunswick Road, subject to the attached conditions.

Section 2. BE IT FURTHER RESOLVED, That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

Section 3. BE IT FURTHER RESOLVED, That the Joint Zoning Resolution take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Joint Ordinance -Regulations by virtue of the joint, concurring, and separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis.



Mark H. Luttrell, Jr.

Mark H. Luttrell, Jr.
County Mayor

Date: 11-14-12

ATTEST:

Evelyns Gray

Clerk of County Commission

ADOPTED: November 5, 2012

Land Use Control Board
Caring Estates Planned Development
Outline Plan Conditions
PD12-310CC

I. USES PERMITTED:

Residential home for the elderly, assisted living facility.

II. ACCESS, PARKING AND CIRCULATION:

- A. Dedicate 34 feet from the centerline along Brunswick Road.
- B. Dedicate 25 feet from the centerline along Baylor Road.
- C. Dedicate 25 feet at the curved intersection (radius) of Brunswick Road and Baylor Road; more specifically from the center line of the southbound ramp from Baylor Road to Brunswick Road.
- D. Although dedication is required; as a result of both Brunswick Road and Baylor Road being rural cross section roads and the intensity of the proposed use being minimal, the Shelby County Engineering Department is in support of granting a waiver for public infrastructural improvements.
- E. The Land Use Control Board may modify the signage, parking and access requirements at the time of site plan review.
- F. The City Engineer shall approve the design, number and location of curb cuts.
- G. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.
- H. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- I. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

- J. An additional driveway along Brunswick Road or Baylor Road shall be constructed to offer relief from the existing driveway along Brunswick Road. This additional driveway shall result in two one-way drives, one dedicated as an entrance and the other as an exit.

This second ingress/egress point could be accomplished by creating a horse shoe shaped drive, with the appropriate turning radii, at the existing driveway.

III. LANDSCAPING, SCREENING, LIGHTING AND SIGNAGE

- A. All landscaping shall be irrigated.
- B. Equivalent Alternatives may be considered at Final Plat Review subject to the review and approval of the Office of Planning and Development. In the event there is disagreement that a revised landscape plan is an equivalent alternative, the applicant may file an appeal to the Land Use Control Board.
- C. Required landscaping shall not be placed on sewer or drainage easements
- D. Signage shall be governed by the underlying zoning district R-10 (Residential Single Family-10)
- E. All existing and any proposed lighting shall be illustrated on the final site plan prior to approval
- F. Vegetation along the subject site's Brunswick Road Frontage shall be cut back to allow appropriate sight clearance. The area north of the existing driveway extending northward to the intersection of Brunswick Road and Baylor Road shall be cut back 10-15 feet or as deemed appropriate by OPD. The site clearance shall be maintained by the property owner while the residential home for the elderly, assisted living facility is in operation.

IV. DRAINAGE

- A. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

IV. SITE PLAN REVIEW:

- A. A site plan shall be submitted to the Office of Planning and Development (OPD) for review and recommendation prior to or concurrent with the submittal of any final plan. The site plan is subject to approval by the Land Use Control Board. The Board shall consider the following factors:
 - 1. Landscaping
 - 2. Vehicular trips generated by the proposed use
 - 3. Access and circulation
 - 4. Parking spaces and design
 - 5. Outline Plan Conditions
- B. Final plans shall not be approved until the site plan for that phase is approved by the Land Use Control Board. The Board may approve, approve with conditions or reject the site plan. If necessary the Board may take the matter under advisement or defer the decision until the next regular meeting of the Board.
- C. The proposed improvements to the subject structure shall match the design and coincide with the color of the existing structure.

VI. SITE PLAN REQUIREMENTS

Any final plan shall include the following:

- A. The outline plan conditions,
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all building or buildable areas, parking areas, drives, required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance purposes.
- G. The location of the floodway and wetland boundaries.
- H. The 100 year flood elevation.

The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.