

AGENDA

MUNICIPAL BOARD OF ZONING APPEALS

June 29, 2006

6:00 P.M.

- I. Call to Order
- II. Establishment of a Quorum
- III. Minutes: May 18, 2006
- IV. Old Business
 - A. A use on appeal petition filed by Memphis Stone and Gravel Company to operate a gravel mine at Bethel Road and Tracy Road
- V. New Business
 - A. A variance petition filed by Gordon S. Moore to operate a home business at 324 Ash Rene Drive.

TOWN OF ATOKA
Municipal and Regional Board of Zoning Appeals
Minutes

June 29, 2006

The Atoka Municipal and Regional Board of Zoning Appeals met with the following members present: Mr. Mark E. Johnson, Chairman; Mr. Bobby McDill

Absent: No one was absent.

I. Call to Order:

The meeting was called to order by Mr. Johnson at 6:10 p.m.

II. Establishment of a Quorum:

Mr. Johnson determined there was a quorum.

III. Minutes:

Mr. McDill made a motion to approve the May 18, 2006 minutes as presented. Mr. Johnson seconded the motion. All of the members approved of the minutes as presented.

IV. Old Business:

A. A use on appeal petition filed by Memphis Stone & Gravel Company to operate a gravel mine at Bethel Road near Tracy Road was discussed. No one in the audience made any new arguments for or against allowing Memphis Stone & Gravel Company to operate a mine at that location. The Board found Memphis Stone & Gravel Company met all of the requirements in the zoning ordinances to operate a gravel mine in an FAR district. Mr. Johnson made a motion to allow Memphis Stone & Gravel Company a use on appeal. Mr. McDill seconded the motion. All of the members present approved of the use on appeal.

V. New Business:

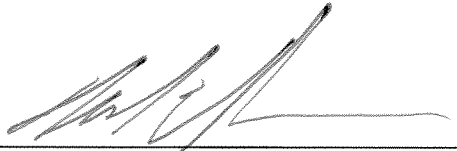
A. A variance petition filed by Gordon S. Moore to operate a home business at 324 Ash Rene Drive was discussed. No one in the audience spoke for or against the variance. Mr. Moore addressed the Board. He affirmed

them that he would not place any business signs in his yard, and his business would not create any additional vehicular traffic. Mr. McDill made a motion to approve the variance. Mr. Johnson seconded the motion. All of the members present approved of the variance.

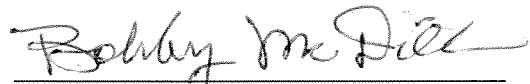
VI. Adjournment:

Mr. McDill made a motion to adjourn. Mr. Johnson seconded the motion. All of the members approved of the adjournment.

The meeting adjourned at approximately 6:44 p.m.



Mark E. Johnson, Chairman



Bobby McDill, Member

B.Z.A. Sign In Sheet

06-29-06 6:00 P.M.

	Name	Address	Telephone
1.	Mike Haskins	55 Quail Hollow Ct	837-6021
2.	Bill Hill	298 " " Dr	837-8621
3.	Wray + KAREN LOKEY	9473 Miller Rd 38004	829-3722
4.	Pamela Shivosky	50 Quail Hollow Cove	837-7584
5.	Margie Bush	10050 Santa Rosa	829-3354
6.	Lamin + Sandra Jinks	8827 ROSALEE RD	829-3401
7.	PAUL McCLendon	8765 ROSALIE	829-3841
8.	Carolyn Parrish	3128 Oak Forest	377-4955
9.	Wayne Smith	2772 W. Laurel Hollow 38139	850-5885
10.	Rick Moore	6489 Kings Ridge Ct. 38119	761-1001
11.	Hal Willifors	1111 Wilson St 38106	774-7874
12.	Alan Parks	"	"
13.	Bill Kellay	"	"
14.	Patrick Nelson	"	"
15.	Ray + Tonie Sigler	9432 Miller Rd	829-4846
16.	Kathleen McDunster	10091 Santa Rosa Dr 38004	829-6363
17.	Beverly + Tommy Sigler	9384 Miller Rd 38004	829-4072
18.	Melvin Prater	4642 Tracy Rd	837-0691
19.	Phil Smith	8162 N. Miller	603-7548
20.	Jeffrey Nichols	46 Quail Hollow	837-0339
21.	BORON + Rebecca Moore	324 Ashlene	837-7752
22.	Kathy Norman	38 Quail Hollow	837-1462
23.	Jessica D Ramey	9418 MILLER ROAD	331-1505
24.	ANTHONY R RAMEY	9418 MILLER ROAD	331-1504
25.	Charlie J Updiner	3859 Tracy Rd	837-1785
26.	Patrick Lancaster, Atty.	6897 Crumpler Blvd.	895-2996
27.	David Shepherd	3637 Tracy Rd.	837-4855
28.	Shelby M Smith	8736 Millb.-Art. Rd	829-4249
29.	Roski Ettehad	4220 Tracy Rd.	837-2300
30.	P. D Ettehad	4220 Tracy Rd.	837-2300
31.	Roger Ettehad	4220 Tracy Rd.	837-2300

EARL B. WILKINS 47508922057 A104A

Peter Motolenich	Shelby County Govt	379-4451
Carolyn Benson	Shelby County Govt	379-4410
STEVE ABEL	F County	837-1084
Dennis Cobble	Shelby County	829-2123
Leij W Ann Goldsby	" "	829-2123
Randy Clark	Shelby County	829-3163
Charles Wood	Shelby Co. Ref. Dept	379-4410
CHARLES TICKLE	SHELBY CO.	497-3760
Jerry Smith	Tipton Co.	837-8255

THE COVINGTON LEADER

Affidavit of Publication

State of Tennessee
Tipton County

Personally appeared before me, **Melinda Spitler**, a Notary Public, in and for said County and State, **Jay Albrecht**, Publisher of **The Covington Leader**, a newspaper published in Covington, Tipton County, Tennessee, who made oath in due form of law that the hereto attached copy of notice was published for _____ one issue in said newspaper, the first insertion being published in its edition of _____ 30 May 2006 _____, and the last insertion being published in its edition of _____ 30 May 2006 _____.

Signed _____
Publisher, The Covington Leader

Subscribed and sworn to before me,
this the 30th day of May 2006 _____

Notary Public

My commission expires _____ April 15, 2009

PUBLIC NOTICE

The Town of Atoka's Board of Zoning Appeals will meet on Thursday, June 29, 2006, at 6:00 p.m. The purpose of the meeting is to hear a use on appeal petition filed by Memphis Stone and Gravel Company to operate a gravel mine near Bethel Road and Tracy Road, and a variance petition filed by Gordon S. Moore to operate a home business at 324 Ash Rene Drive. The public is invited to attend and participate in the meeting. Contact Mark E. Johnson at (901) 837-5300 if you have any questions.

PETITION FOR CHANGE OR RELIEF UNDER THE REGIONAL ZONING ORDINANCE OR MAP OF THE ATOKA PLANNING REGION

1. Applicant Name Gordon S Moore
Address 324 ASH-RENE Millington TN 38053

2. Owner Name Gordon S Moore
Address SAME

3. Nature of Petition Rezoning _____ Use on Appeal Variance _____
Ordinance Amendment _____ Ordinance Interpretation _____

3. If requesting a Rezoning fill out the following section:

- a. Street Address: _____
- b. Tax Map Number _____ Parcel Number _____ Area in Acres _____
- c. Vicinity Roads _____
- d. Present Zoning Classification _____
- e. Requested Zoning Classification _____
- f. Available Utilities Water (yes) (no), Sewer (yes) (no), Electric (yes) (no)
- g. Attach Map of affected property

4. If requesting a Use on Appeal fill out the following section:

- a. Property address affected 324 ASH-RENE
- b. Present Zoning FAR
- c. Reason for request Acquire Business license to operate at SAID Address (Tax/denmy)
- d. Attach Site Plan of existing or proposed structure for the use on appeal

5. Any other request fill out the following section:

- a. Present Zoning: _____
- b. Reason for request: _____

I hereby certify that the statements made here in by me herein and the maps other accompanying data submitted herewith is true and correct. I will be responsible for the cost of publishing and filing this application.

Gordon S Moore
Signature of Applicant

901-837-7752 / 901-489-7793

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Gordon S Moore
Signature of Applicant

WAYNE L. SMITH
9772 W. Laurel Hollow Lane
Germantown, TN 38139

May 18, 2006

Memphis Stone & Gravel Company
1111 Wilson Street
P.O. Box 1683
Memphis, TN 38101

Attn: Mr. Hal Williford

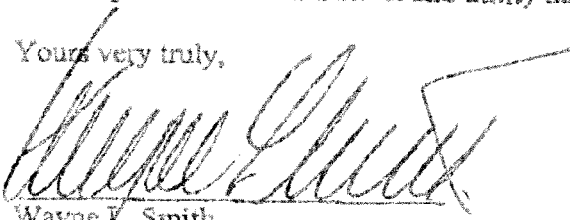
We, representing the property owners for the Smith family farm, are somewhat familiar with the requirements that are expected by the governmental subdivisions and agencies from the developer when property is developed, i.e. dedication of rights-of-way and utility easements and construction of streets, installation of utilities, etc.

But, we are not developing this property for building purposes at this time. We are just making the property available for mining of sand and gravel. So, it seems to us that it is premature for the County or the City to ask for any dedications at this time.

We will agree to work with MS&G, and MS&G has agreed to work with us and the City, to leave the reclaimed property in such a way that the relocation of a portion of Tracy Road approximately 1200 feet in length can be realized in the future without any major impediments. The actual alignment of such relocation has not yet been determined.

If we decide to develop the property for subdivision or building purposes at some time in the future, we expect to fully cooperate with the City and the County in meeting whatever their requirements are for street and utility development.

Yours very truly,



Wayne L. Smith

P.O. Box 1683
Memphis, TN 38101
901-774-4000
901-774-4028 Fax



Fax

To: Mark Johnson From: Alan Parks

Fax: 537-0028 Pages: 2

Phone: _____ Date: _____

Re: _____ CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:



**Environmental Testing & Consulting
of the Americas, Inc.**

751 E. Brookhaven Circle, Memphis, TN 38117 USA
Phone: (901) 685-2077 Fax: (901) 685-2261

May 17, 2006

568-2357

Chairman and Board Members
Atoka Board of Zoning Appeals
334 Atoka Munford Avenue
Atoka, TN 38004

Subject : Memphis Stone and Gravel Co. [MS&G]
Application to mine and process sand and gravel
on former Van Cleave Farm

Dear Chairman and Appeal Board Members,

Our environmental engineering firm was retained earlier today to review and comment upon MS&G's plans to establish a sand and gravel mining facility with washing and sizing capabilities. We were retained by a group of property owners in the Quail Hollow Subdivision and surrounding neighborhoods, even though we usually perform such evaluations for gravel mining firms. In fact, I have provided such services for MS&G at other locations in years past, but was not involved in the plans for this site.

Based upon that previous experience it is desirable that such mining operations be separated from neighboring residential areas by distance, attractive noise barriers and dust suppression measures as much as possible. Unfortunately, the planned facility is generally Southwest of the closest residential areas. Since the prevailing wind is from the Southwest, this means that noise barriers may need extra height and dust control, such as roadway water trucks and water sprays may be needed on exposed soil during dry periods.

For visual compatibility, a natural or planted vegetation screen of some significant width should be left between neighboring residential properties and the toe of all sound and sight barrier berms. Furthermore, the berms need to be seeded. The plans, which I have viewed, do not show dimensions, but proportionately it appears that the available screen width from the property line to the berm toes is inadequate. I recommend a minimum of 75 ft. with up to 150 ft. when possible.

No cross sections of berms were available for review. Minimum requirements should be spelled out for berm stability as well as noise reduction in terms of berm height, slope, compaction and seeding. The top of the berm should be higher than the top of the ridgeline of neighboring houses.

All of the items mentioned above are usually stipulated in local [city and county] permits which I presume to be within the domain of your Board. If action on this application is delayed, I would be willing to provide further specific recommendations to your staff professionals or MS&G, although I anticipate that the residential neighbors will remain in opposition regardless.

Sincerely yours
ETCA, Inc.

Edward F. Williams III
President,

**WAYNE L. SMITH
9772 W. Laurel Hollow Lane
Germantown, TN 38139**

May 19, 2006

Mr. Mark Johnson, Director of Planning
Town of Atoka
P.O. Box 70
Atoka, TN 38004

Re: Memphis Stone & Gravel Company
Application for Special Use Permit

As we were driving home last night after the meeting of the Board of Zoning Appeals, we naturally discussed the experience that we had all just had. We realize that this is not a matter that is decided by majority vote of the public but you must still be led somewhat by that which you deem to be the desires of the citizens of Atoka. As a landowner and taxpayer, I suppose I have a right to express my opinions, although I did not believe that would have been wise in the forum last evening.

As I listened to the statements and expressed concerns of the speakers, it was apparent to me that these people really just do not have any concept of what the gravel mining operation amounts to and how it might affect them. I believe if they would investigate other gravel mining areas and the effects on the other properties and people living in the area, the majority of their concerns would disappear.

When we were first approached by Memphis Stone & Gravel Company (MS&G), nearly two years ago now, for permission to drill and investigate for the possible presence of minable deposits, my first reaction was negative. However, my dad, A.T. Smith, thought we should let them see if there was anything there. Remember, Dad was born on that farm and he and Mother still lived there at the time. The farm has been in our family for nearly 100 years, since 1910, the same year that my dad was born, when my grandfather bought it and cleared it by hand to make it farmable. We wanted to be sure that whatever we decided to do would not be detrimental to ourselves, our neighbors or to Bethel Church.

It just so happened that I have known Bill Reid for thirty years or so and I thought MS&G was mining gravel on his property in DeSoto County, Mississippi. I called him and had a long discussion with him. He told me that MS&G has been working multiple gravel mines for him for about 8-10 years. I have visited with Bill in his home and had toured portions of the land that he owns where MS&G had mined and are presently mining. Bill assured me that MS&G was a much better neighbor than some of the people

Mr. Mark Johnson, Director of Planning
May 19, 2006
Page Two

that he had lived next to. He further assured me that they were people of integrity, "they do what they say they will do and they will treat you right".

During the past year, I have visited the MS&G operation on Millington-Arlington Road probably a half dozen times and I just do not find anything there that will be harmful to the people who live adjacent to our farm. On my very first visit, MS&G was just opening up a new mining cell right behind the landowner's home, within about 300 feet. This was a very nice home, recently built and comparable in size and value to the homes in Rosemark Estates. I called the landowner who lived in the house and talked with them by telephone and they had nothing but good things to say about MS&G. They were working with MS&G so that when the mining adjacent to their home was finished, they would have a half-moon shaped lake behind their house, about 300 feet away.

One remark that was made during the meeting last night struck me as being especially revealing. I failed to get the lady's name but she was standing in the rear of the room and said she worked for a chemical company. She said she had driven past the MS&G operation on Millington-Arlington Road a couple of times recently and there was nothing going on there any more—the mining operations had ceased. That is not so. MS&G is actively mining in two different places, conveying the material to the wash plant and operating at near full capacity, six days a week, 10-12 hours a day. I believe this is a good indication of exactly how this operation will affect the people in Atoka, if allowed to proceed as planned by MS&G. The neighbors will barely know that it is there, and people driving by on the adjacent roads surrounding the mining areas will not know anything is going on.

I do believe that the people are fearful of the unknown. If they would take the time and make the effort to investigate the impact that will actually result from the proposed MS&G operation, they will have no objection to allowing this operation within the community.

Yours very truly,



Wayne L. Smith