

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #17**

CASE NUMBER: S.U.P. 08-224

L.U.C.B. MEETING: September 11, 2008
[updated 10/13/2008]

LOCATION: ±4,300 feet westwardly from a point on Paul R. Lowry Road; roughly 2,100 feet north of the Nucor Steel Plant access drive

OWNER OF RECORD: Memphis & Shelby County Port Commission

APPLICANT/EQUITABLE OWNER: Metal Management Memphis, LLC.

REQUEST: Storage and processing of scrap metal

AREA: 30.6 ac

EXISTING LAND USE & ZONING: Vacant land in the Heavy Industrial (I-H) District

SURROUNDING USES AND ZONING:

North: MLGW electric transmission line right-of-way and cultivated cropland in the I-H District.

East: Part of the site of Nucor Steel manufacturing plant in the I-H District

South: Part of the site of Nucor Steel --- specifically a loading dock for barges with support facilities in the I-H District.

West: Dredged channel for barge access from the Mississippi River

REVISED OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval with Conditions

CONCLUSIONS

- 1. A remote location far from residences in the Heavy Industrial Zoning District is the most appropriate type of location for the proposed facility.*
- 2. The adjoining steel mill is a consumer of scrap metal.*
- 3. The Memphis and Shelby County Port Commission, as the public body responsible for developing this publicly owned industrial park, supports this application.*

Staff Planner: Dave Adams

E-mail Address: david.adams@memphistn.gov

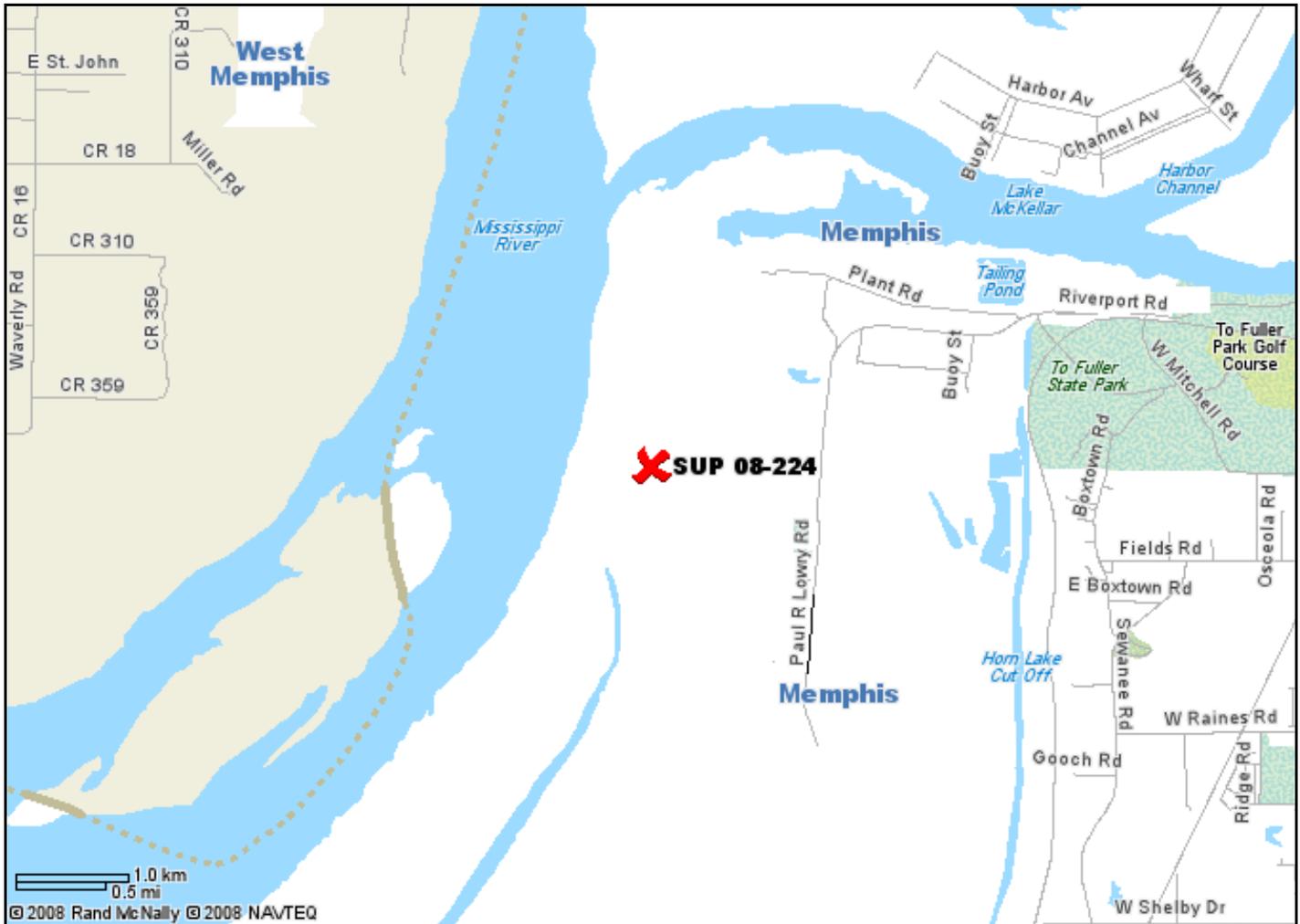
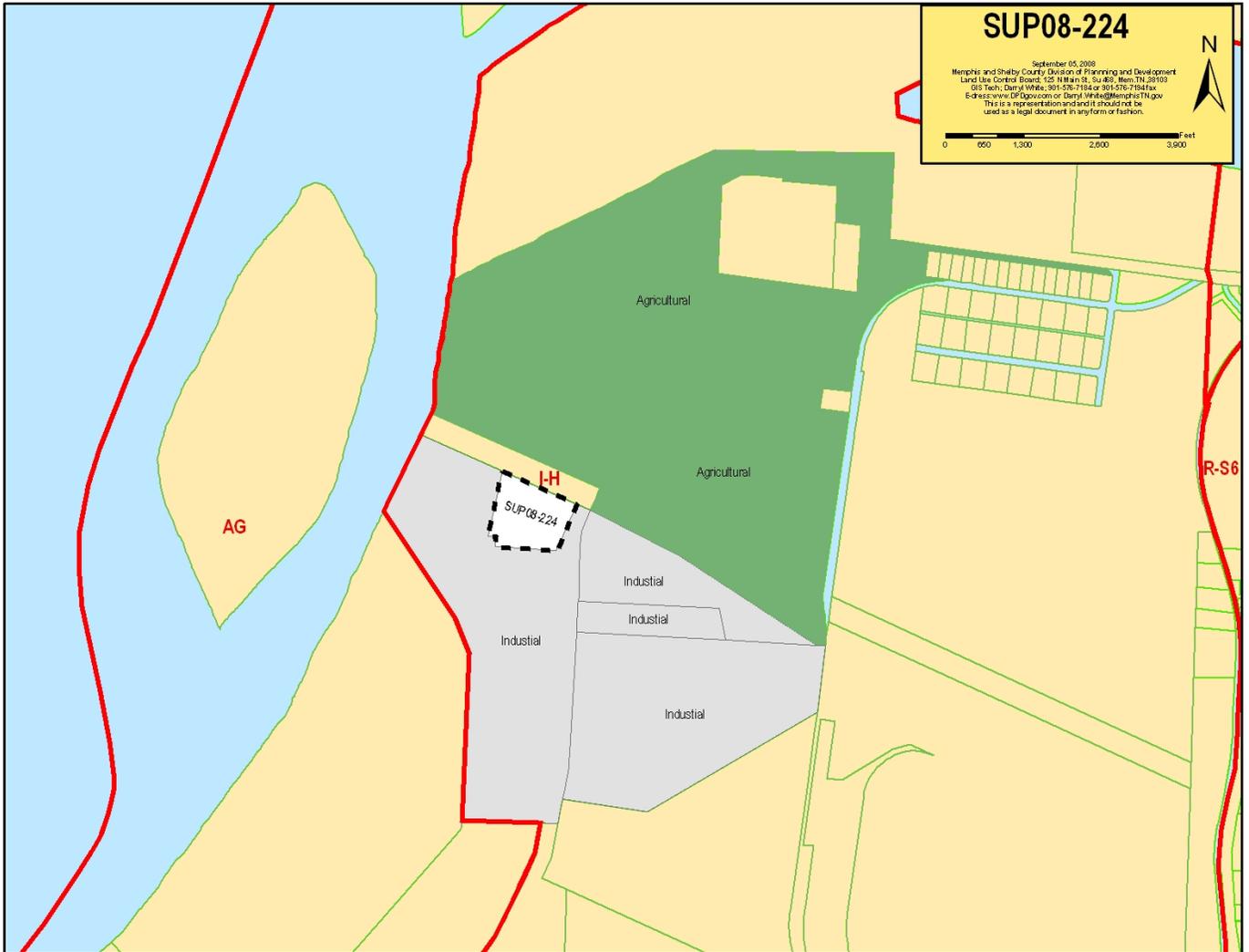


Figure 1: LOCATION OF SUBJECT PROPERTY
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**Figure 2: Land Use and Zoning in the Vicinity
[Draft Map --- Location of Property Corners Is Uncertain]**



Figure 3: Overhead View of Vicinity



Figure 5: Overhead View of Site

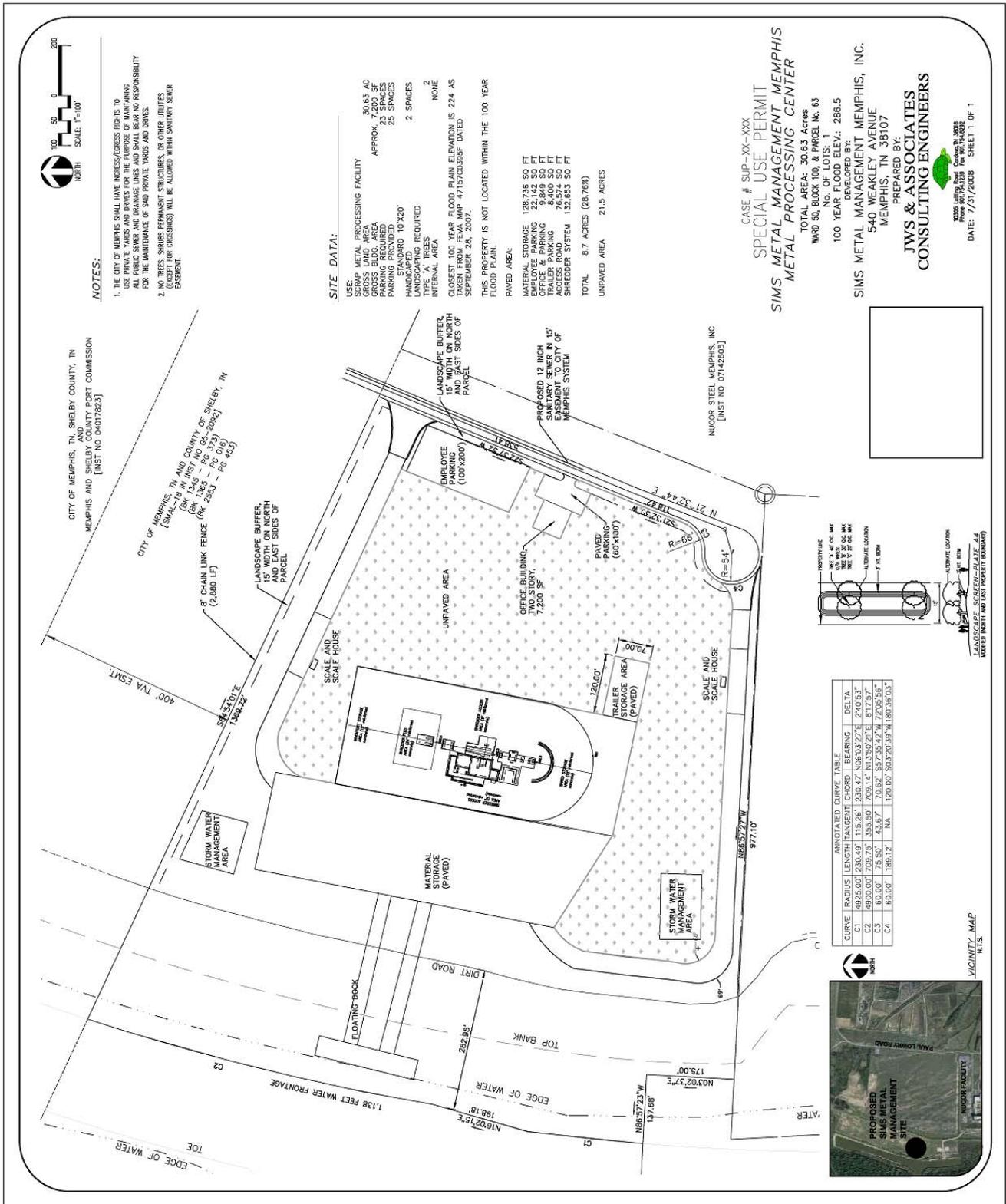


Figure 6: Complete Site Plan

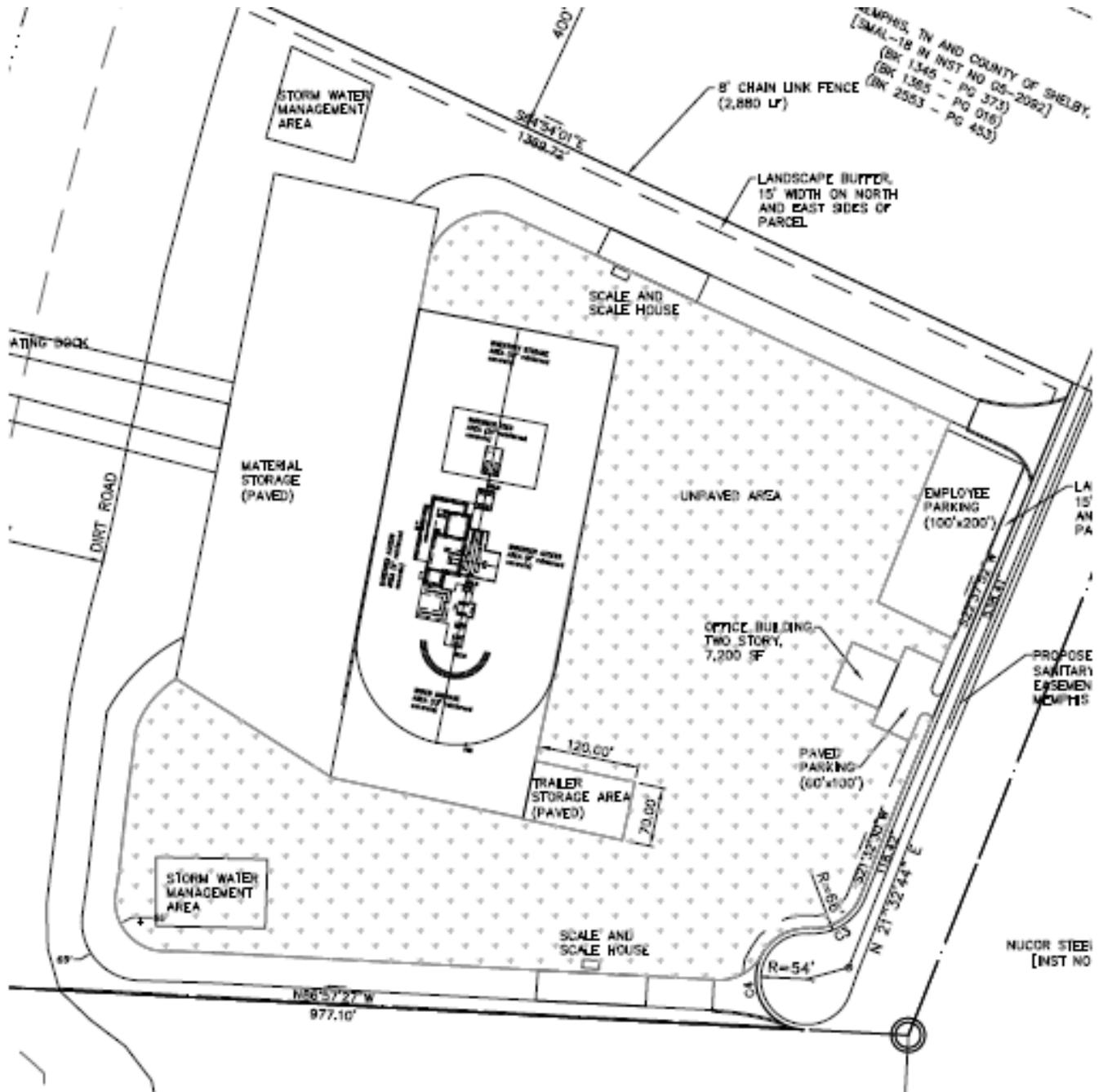


Figure 7: Site Plan Detail



Figure 6: Current access to the subject property is through the Nucor Plant site.



Figure 7: Looking southward along Paul R Lowry Drive from the Nucor Steel entrance, the Super terminal intermodal freight facility can be seen in the distance on the east (left) side of the road.



Figure 8: In the distance can be seen the electric transmission line corridor that marks the northern boundary of the subject property.



Figure 9: TVA's Allen Steam Plant provides a visual landmark for northbound traffic on Paul R. Lowry Drive

STAFF ANALYSIS

Site and Location

The subject property is an undeveloped 30.6 acre proposed site as shown in Figure 4 above. This property is to be carved out of the Memphis and Shelby County Port Commission's holdings in the Frank C. Pidgeon Industrial Park. This is a lowland area, formerly known as the Ensley Bottoms, which borders the Mississippi River and around which a levee has been constructed to make large-scale heavy industrial development possible. Since this industrial park was annexed in 1947, it has been zoned for Heavy Industrial use --- originally M-3 and now I-H.

The subject property extends over the levee to provide direct waterfront access along a channel dredged from the Mississippi River to provide barge access to a nearby steel manufacturing plant, where a barge terminal already exists. The subject property is located immediately north of that plant site, now operated by Nucor Steel; and the applicant would have access to it.

Currently the nearest vehicular access to the site of the proposed development is through the Nucor plant site. However the application proposes the construction of an access road, one mile in length, to connect with Paul R. Lowry Drive, which is a north-south industrial collector street that currently provides access to the Nucor steel plant and the "super terminal" intermodal freight yard.

At its north end, Lowry Drive transitions into an east-west road --- Riverport Road which extends northeastward, skirting McKellar Lake, to connect with the arterial street corridor known as Horn Lake Road to the south and Florida Street to the north. Access to I-55 (northbound only) can be had nearby at Exit 8. Access to southbound I-55 is available via Horn Lake Road and Brooks Road.

Site Characteristics and Proposed Development

The subject property is vacant land extending across the levee. The request is to construct a scrap metal processing and storage facility with access to river transportation. Scrap metals are a valuable commodity which is shipped from place to place. One major local consumer of scrap metal is the Nucor Steel plant, which will be adjacent to the subject property

Planning Issues

Scrap metal processing and storage is allowable in the I-H District with a special use permit authorized by the City Council. Special use permits are supposed to meet certain general standards of applicability^a as specified in the zoning regulations, and they are subject to a review

^a **General standards of applicability**

1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

based on the details of the proposal.

Analysis

In this case the current neighbors are few and in support of the project. The visual impact will be confined to the immediate neighbors and persons viewing the property from one side or the other of the barge channel. The applicants are proposing a 15-foot landscape buffer along the access road frontage with an A-4 landscape plate to include a 3-foot berm. The north side of the property will be protected with a 8-foot chain link fence 2,900 feet long and a 15 foot wide landscape buffer. OPD staff considers these measures generally adequate to insure an appropriate level of compatibility with this industrial environment, although additional screening may be desirable.

The Land Development Bureau staff of City Engineering had not had a chance to thoroughly review of this project with respect to the plans for infrastructure, the availability of services and traffic impact prior to the Land Use Control Board meeting. However, since the Civil Design bureau of City Engineering is familiar with the project, there would be little risk in proceeding with an approval recommendation, provided that the project undergoes a more broader in-house review prior to any final approval by the City Council.

RECOMMENDATION: Approval, with Conditions

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2. That the proposed building or use will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.
 3. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
 4. That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the legislative body to be of significant natural, scenic or historic importance.
 5. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

SITE PLAN CONDITIONS

S.U.P. 08-224

Sims Metal Processing Center West Of 3401 Paul R Lowry Road

As Proposed by the OPD Staff

September 11, 2008

A Special Use Permit is hereby granted to the applicant **Monte Panitz, dba. Metal Management Memphis, LLC.** to allow construction and operation of a scrap metal yard and processing facility on a 30.63 acre leased Memphis and Shelby County Port Commission tract at 35°03'26" N, 90°10'10" W in accordance with a site plan approved by the Office of Planning and Development and with the following supplemental conditions.

1. Access shall be provided by a public road to be designed, built and dedicated according to the established design standards of the City Engineer. Final approval of the site plan shall be accompanied by a dedication plat ready for recording. Any interim approvals of the site plan, for purposes of initiating this development, shall include a certification by the City Engineer.
2. The property owner and/or lessor shall be responsible for extending sewer service to the subject property from the current sewer line along Paul R Lowry Road. The completion and utilization of said extension shall be a requirement for the issuance of a final use and occupancy permit.
3. In accordance with the standards of the Federal Emergency Management Agency a delineation of the 100-year flood plan boundary and/or the operative base flood elevation shall be indicated on the site plan. All structures and uses shall be constructed so as to be one foot higher than said base flood elevation, as may be required by the current regulations for the Flood Plain overlay district, if or where the site is determined to be within the 100-year flood plain.
4. Landscaping and fencing shall be installed and maintained as indicated on the approved final site plan.

GENERAL INFORMATION

Parcel Number:	N/A
Coordinates:	35° 03' 26" N, 90° 10' 10" W
Street Address:	Unnamed Street to be constructed to provide access to Paul R. Lowry Drive, 38109

Street Frontage	Unnamed Street - ±770 ft. on this proposed industrial cul-de-sac street
Planning District:	Whitehaven-Levi
Census Tract:	76
Annexation Status:	Annexed by Memphis in 1947
City Council Districts:	6 & 8
Zoning Atlas Page:	2515
Zoning History:	<i>1947</i> - Designated <i>Heavy Industrial "M-3" District</i> when annexed <i>1981</i> -Converted to <i>Heavy Industrial (I-H) District</i> under the current ordinance

DEPARTMENTAL COMMENTS:

City Engineer:	Comments pending
City Fire Division:	No comments.
City/County Health Department:	The Water Quality Branch has no comments for OPD Case Number SUP 08-224 Paul Lowry.
City Board of Education:	The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. Thank you for the opportunity to comment.
Construction Code Enforcement:	No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development:** 528-4858
 - MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T/Bell South:

AT&T Tennessee has no comment regarding this new development.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on August 22, 2008. The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization.

OPD-Plans Development:

No comments.

City/County Port Commission:

On behalf of the Memphis & Shelby County Port Commission – Port of Memphis I want to submit to you our support for the Special Use Permit SUP 08-224. Metals Management Memphis, Inc. has been negotiating with the Port Commission on this site and the Port Commission is ready and willing to lease this property for their intended use; i.e. the storage and processing of scrap metal. The use is consistent with the operations on going in the Frank C. Pigeon Industrial Park. *Sincerely, Donald C. McCrory*

Neighborhood Associations:.

South Memphis Neighborhood Foundation

No comments received.