

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #19**

CASE NUMBER: Z 08-108

L.U.C.B. MEETING: August 14, 2008
(Redacted 8/9/2008)

LOCATION: West side of North Second Street, opposite the intersections of Pear Avenue and Plum Avenue

OWNER/ APPLICANT: Harbor View Properties, Inc.

REPRESENTATIVE: Cindy Reaves, *SR Consultants*

REQUEST: Mixed Use (MU) District

AREA: 8.40 acres

EXISTING LAND USE & ZONING: Vacant tract in the Heavy Industrial (I-H) District with the Floodplain [FP] and partially in the Airport Height Restriction – Noninstrument Approach Zone [AHR-NIAZ] Overlay Districts

SURROUNDING USES AND ZONING:

North: In the MU [FP] [AHR-NIAZ] District, owned by the applicant, two vacant tracts amounting to 8.5 acres

East: Across Second Street, a multiple-family residence and a credit union site, all in the MU District, and City Fire Station #4, in the MU and Light Industrial (I-L) District.

South: A large grain elevator, with direct rail and river barge access, in the (I-H) [FP] District

West: Wolf River Harbor, a navigable waterway channel directly accessible to the Mississippi River. *Southwestwardly, on the opposite side of Wolf River Harbor is the single-family residential Riverpoint Planned Development (PD 04-367)*

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval**

CONCLUSIONS

- 1. This proposed rezoning is consistent with a comprehensive rezoning plan drafted by the Center City Commission for the east bank of the Wolf River Harbor.**
- 2. Any adverse impacts from nearby industrial use can be ameliorated by the location and design of any proposed residential components, and in the long run, perhaps eliminated by appropriate rezoning of the industrial sites.**

Staff Planner: Dave Adams

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Figure 1: LOCATION OF SUBJECT PROPERTY
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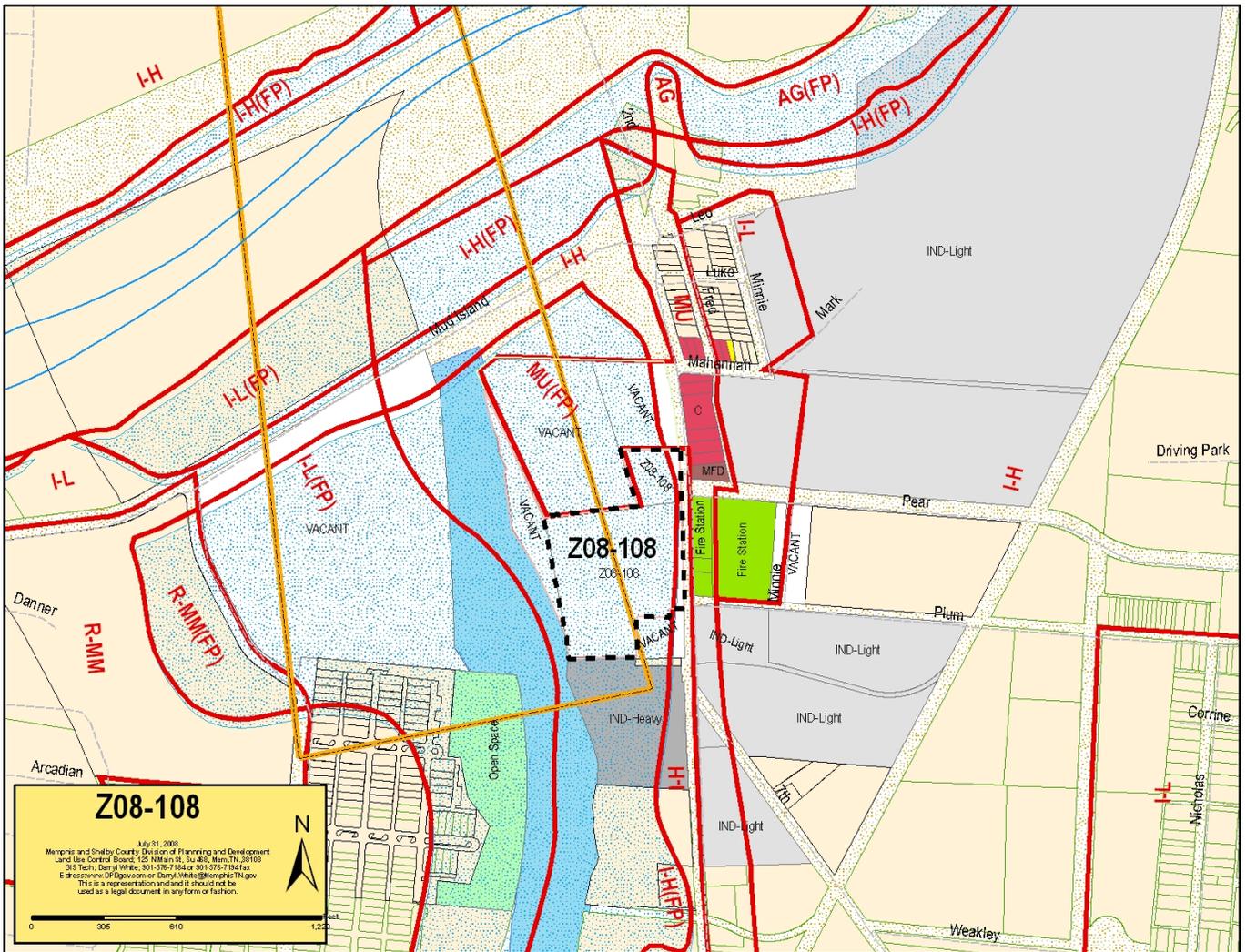


Figure 2: Land Use and Zoning in the Vicinity

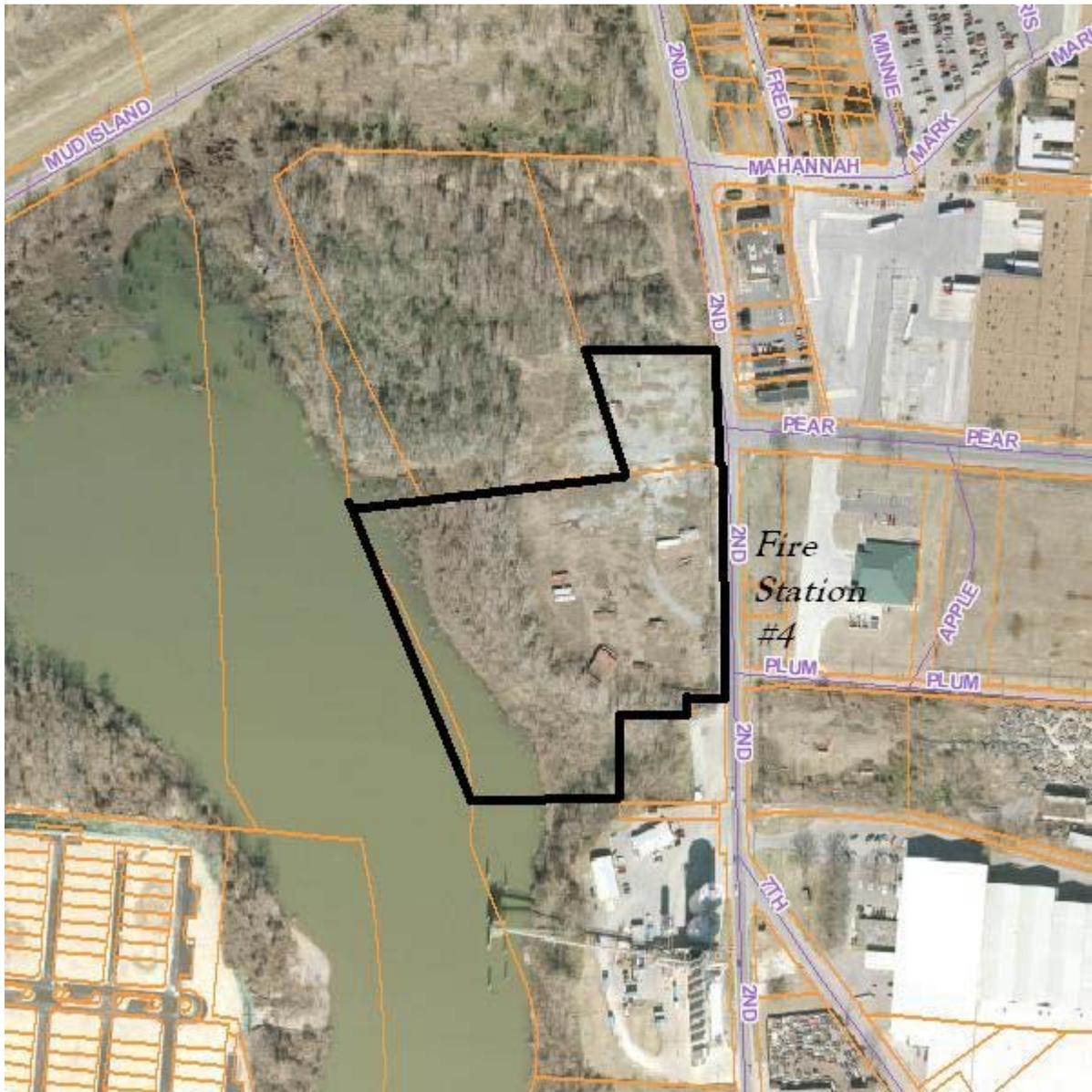


Figure 3: Overhead View of Vicinity



Figure 4: Overhead View of Vicinity

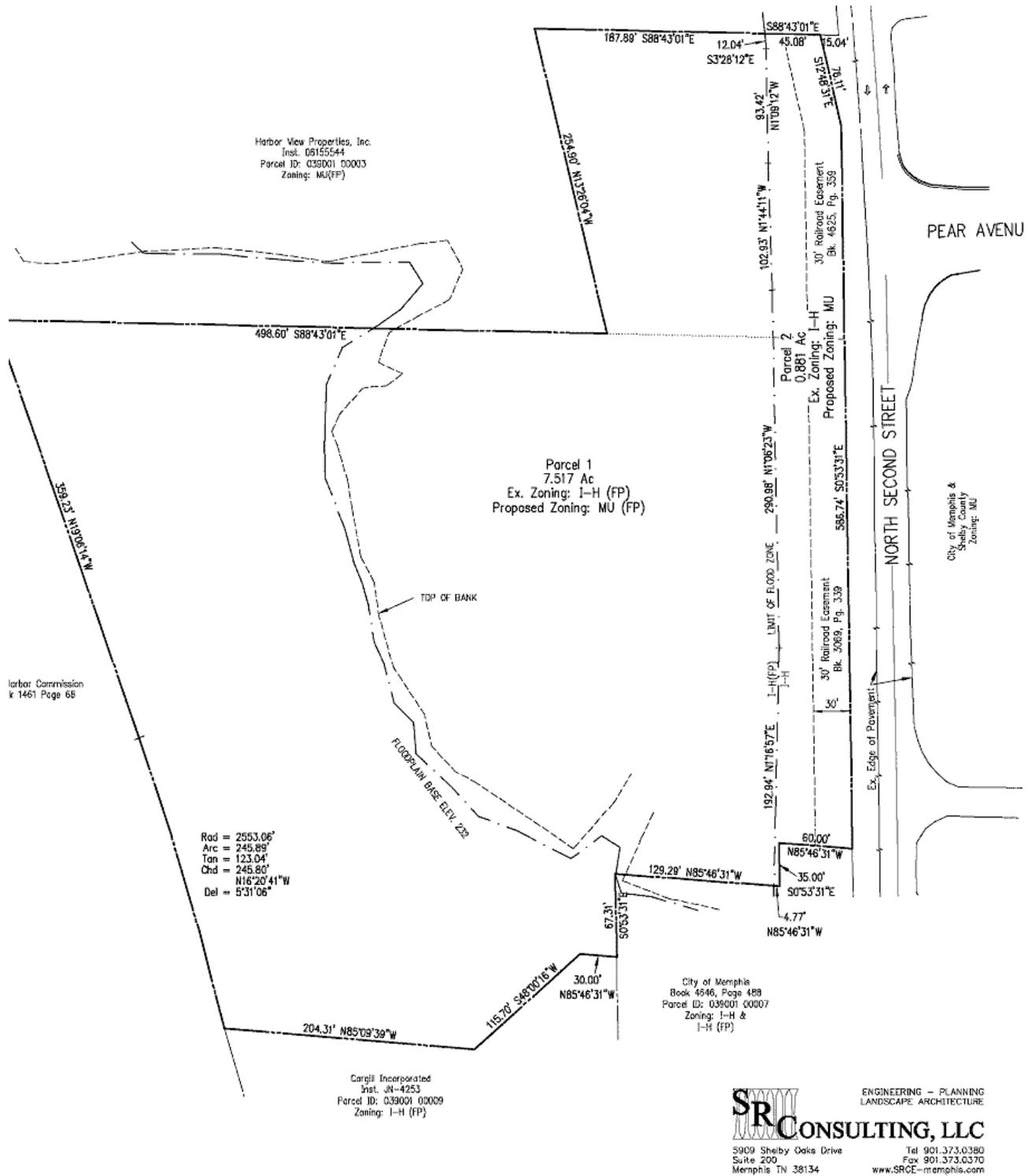
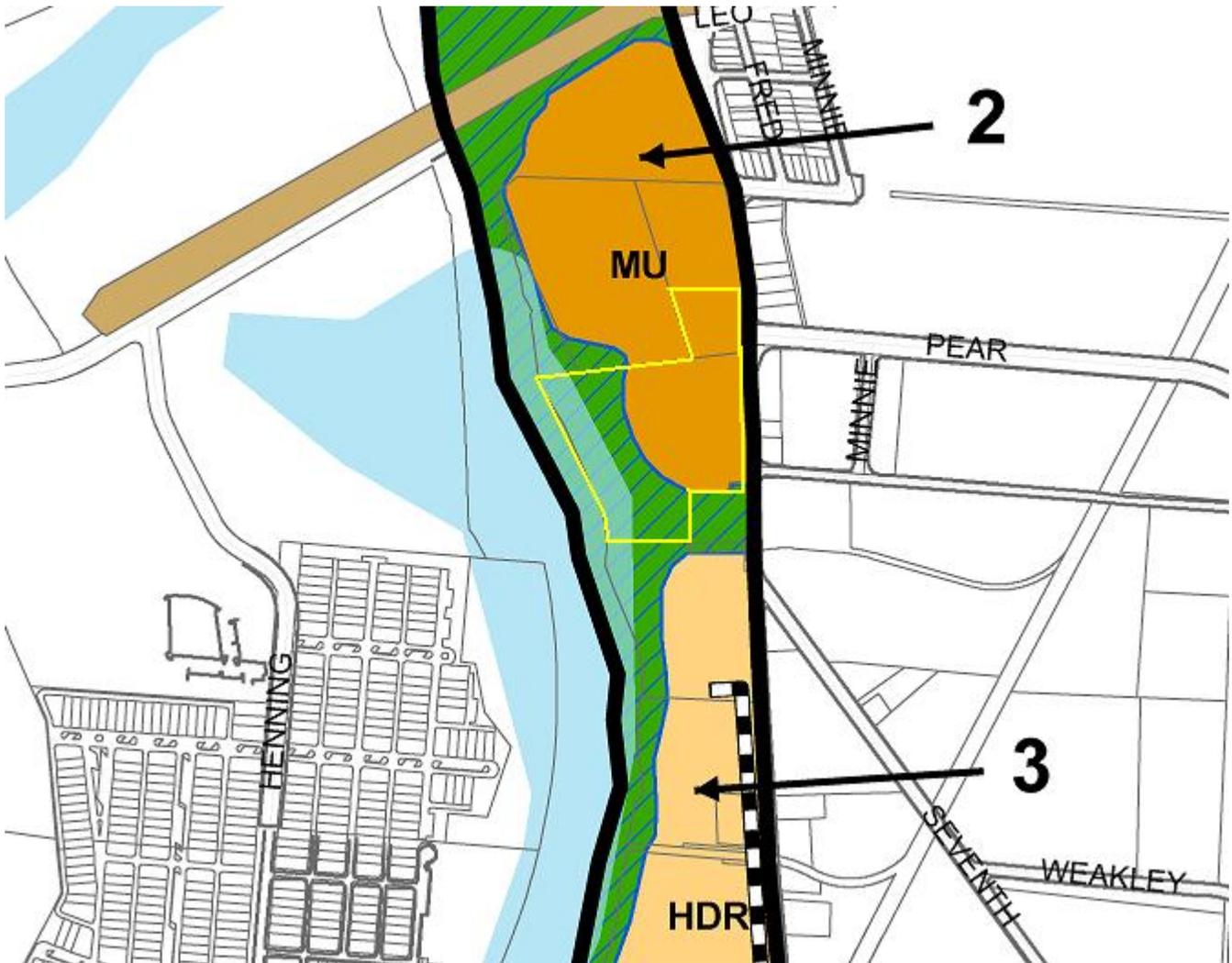


Figure 5: Plot Plan of Area Proposed for Rezoning



**Figure 6: Proposed Rezoning Pattern In the Vicinity of the Subject Property
According to Center City Commission Wolf River Harbor Plan**



**Figure 7: Subject property – viewed from Second Street
in this 1¼ year old photo**



**Figure 8: Cargill grain elevator / terminal
viewed from the direction of the adjoining subject property (i.e. from the north)**



Figure 9: Fire Station #4 on the east side of Second Street between Pear Ave and Plum Avenue



Figure 10: This credit union office is located near the southeast corner of Second and Mahannah; and its site has absorbed several lots to the south along Second Street



Figure 11: Another major traffic generator in the area is a paper products factory seen here along the north side of Pear Avenue

STAFF ANALYSIS

Site Characteristics

The subject property is an 8.40 acre tract of land, irregular in shape, located between North Second Street and the Wolf River Harbor. It has 586 feet of frontage on Second Street, and the average depth of the site is therefore approximately 624 feet. However, roughly 1/3 of the tract extends below the top bank along the Wolf River Harbor. On the plot plan "Parcel 2" identifies an area amounting to about 10% of the site which is above the flood plain as specified by federal regulations and identified by the Corps of Engineers, leaving 90% of the site regarded as currently subject to anticipated flood levels.

Direct access to the subject property is provided by North Second Street, a designated major thoroughfare in need of improvement from its current design (30' two-lane roadway in a 50' right of way) In addition to providing direct access to certain waterfront properties, Second Street provides an alternative to the north-south Thomas Street (US 51) route between Downtown & Uptown Memphis and the Frayser community.

Intersecting Second Street opposite the subject property are two east-west streets connecting to North Thomas Street. Pear Avenue, the more northerly of the two, would be considered an industrial collector street due to its width and the fact that it affords direct access to a large plant site used by a manufacturer of paper products. Plum Avenue is considerably narrower and has much less traffic.

The subject property is currently vacant. In the recent past it had been used for outdoor storage of various materials, including used tires.

Requested Zoning Change

The applicant is requesting a zoning map amendment that would designate this property for a mixture of residential and commercial uses under the Mixed Use District designed for use in the Uptown community directly north of downtown Memphis. The MU District, and other Uptown special districts, require that all building plans undergo a design review process to insure consistency with the design principles set forth in the plan and the accompanying zoning ordinance, which was adopted in 2002.

Community and Neighborhood Context

Currently the proposed development is in an area where the predominant land use is industrial. Immediately south of the subject property is a large grain elevator terminal where large truck loads of grain and soybeans are delivered for shipment in bulk via barge or rail. There are indeed rail sidings and a loading station for river barges on this 5¼ acre Cargill site. Several other somewhat less intensive industrial uses are located to the south along Second Street and along Seventh Street which branches from Second in a southeasterly direction. Slightly more distant are industrial uses located to the northeast, including the above-referenced factory along Pear Avenue best known

Street Frontage: North Second Street --- 586 feet on this unimproved major arterial street

Planning District: North Memphis

Census Tract: 01

City Council Districts: 7 & 8

Annexation Status: Annexed by Memphis in 1929.

Zoning Atlas Page: 1830

Zoning History: *1931 - In 1st^d Ordinance: 'E' Unrestricted District*
1955 - In 2nd Ordinance: Heavy Industrial "M-3" District
1981 - Converted to Heavy Industrial (I-H) District under the current ordinance

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer: City sanitary sewers are available at developer's expense.

City Fire Division: No comments received.

City/County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.

City Board of Education:

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:

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- 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.
- Landscaping 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).
- Fire Protection Water Services: It is the responsibility of the owner/applicant to contact MLGW - Water Engineering @ 528-4720 to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the MLGW Water Service Policy Manual, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - MLGW Engineering - Residential Development: 528.4858
 - MLGW Engineering - Commercial Development: 367.3343
- The owner/applicant will be responsible for 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 has no comment.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on July 23, 2008.

North Second Street is an existing major road with proposed improvements to widen the facility. The MPO recommends dedication and improvement of right of way on Second Street as deemed required by the City Engineer.

OPD-Plans Development:

This application is a request for a zoning change on two parcels from I-H (FP) and I-H to MU (FP) and MU. The site is located on the east side of the wolf river harbor on Second Street and south of Mud Island Drive. The parcel is in a heavy industrial area. Cargill [grain elevators] are directly south of the parcel. Heavy trucks delivering grain at many different times of year queue up along this parcel and continue down Pear Street. These trucks are there from very early morning until late at night. The noise, dust and pollution from the truck traffic would not be conducive to residential uses and would cause any business located on the parcel to have its access blocked.

This parcel was used recently to store used tires. There were two large freight containers located on the parcel that were buried on site. The contents, if any, are unknown. The potential for this site to be contaminated is high. The potential for the buried containers to cave in and cause structural damage is large. *DB*

[Note – The CCC rezoning plan was not referenced in this staff review. See the next comment]

Center City Commission

The Center City Commission along with the OPD, RDC and other stakeholders spearheaded a redevelopment plan for the Wolf River Harbor area. The Wolf River Harbor plan was recently approved by the Center City Commission board of directors. Attached is the recommended rezoning for the area. [The relevant portion may be found in Figure 7 on Page 7.] The entire harbor front is envisioned as a future mixed-use residential and commercial neighborhood with public access to the waterfront. Current conditions on the ground do not represent the community's future vision for the area.

The plan calls for mixed-use zoning for most of this parcel [i.e. the subject property]. The Wolf River Harbor Plan also recommends a waterfront conservation easement located west of the 100 year flood plain running the full length of the harbor. The Center City Commission recommends this portion of the parcel be dedicated as waterfront conservation easement as a condition of the rezoning. *AK*

[Note – The CCC comments were excerpted from an email message]

Neighborhood Associations:

Downtown Neighborhood Association	No comments received.
Harbortown Homeowners Association	No comments received.
North Memphis Civic Club	No comments received.
North Memphis CDC	No comments received.

