

STAFF REPORT

CASE NUMBER: S.U.P. 08-227 **L.U.C.B. MEETING:** October 9, 2008

LOCATION: Southwest side of U.S. Hwy 78(Lamar Avenue); +/-822.83 feet southeast of Pleasant Run Road

OWNER/APPLICANT: DACO Corporation

REPRESENTATIVE: McCaskill & Associates, Inc.

REQUEST: Special use permit to allow a Truck or Motor Freight Terminal, Service Facility

AREA: 28.95 Acres

EXISTING LAND USE & ZONING: Light Industrial(I-L), Light Industrial(I-L[FP]) & Floodway(FW) Districts

SURROUNDING USES AND ZONING:

North: Single family homes, diesel sales, motel, oil distribution company and warehouse development in Light Industrial(I-L), Flood Plain(FP) and Heavy Industrial(I-H) Districts.

East: Large warehouse developments and freight service garage in Highway Commercial(C-H), Light Industrial(I-L) and Heavy Industrial(I-H) Districts.

South: Large warehouse developments and tractor trailer service garage in Light Industrial (I-L) District.

West: Vacant parcels, contractor's office, cell tower, auto and tractor trailer service garages, including large warehouse developments in Light Industrial(I-L) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

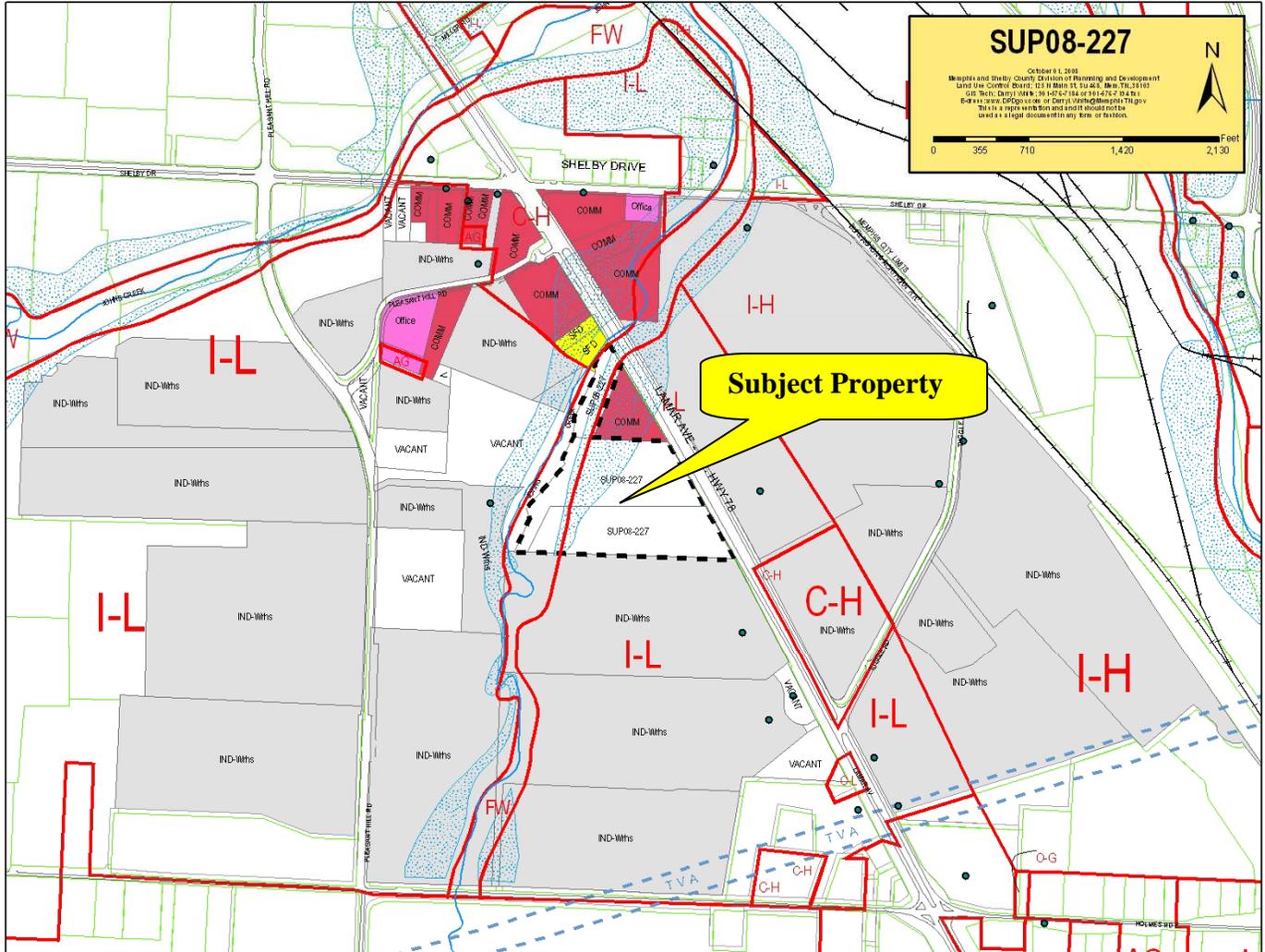
Staff: Brian Bacchus

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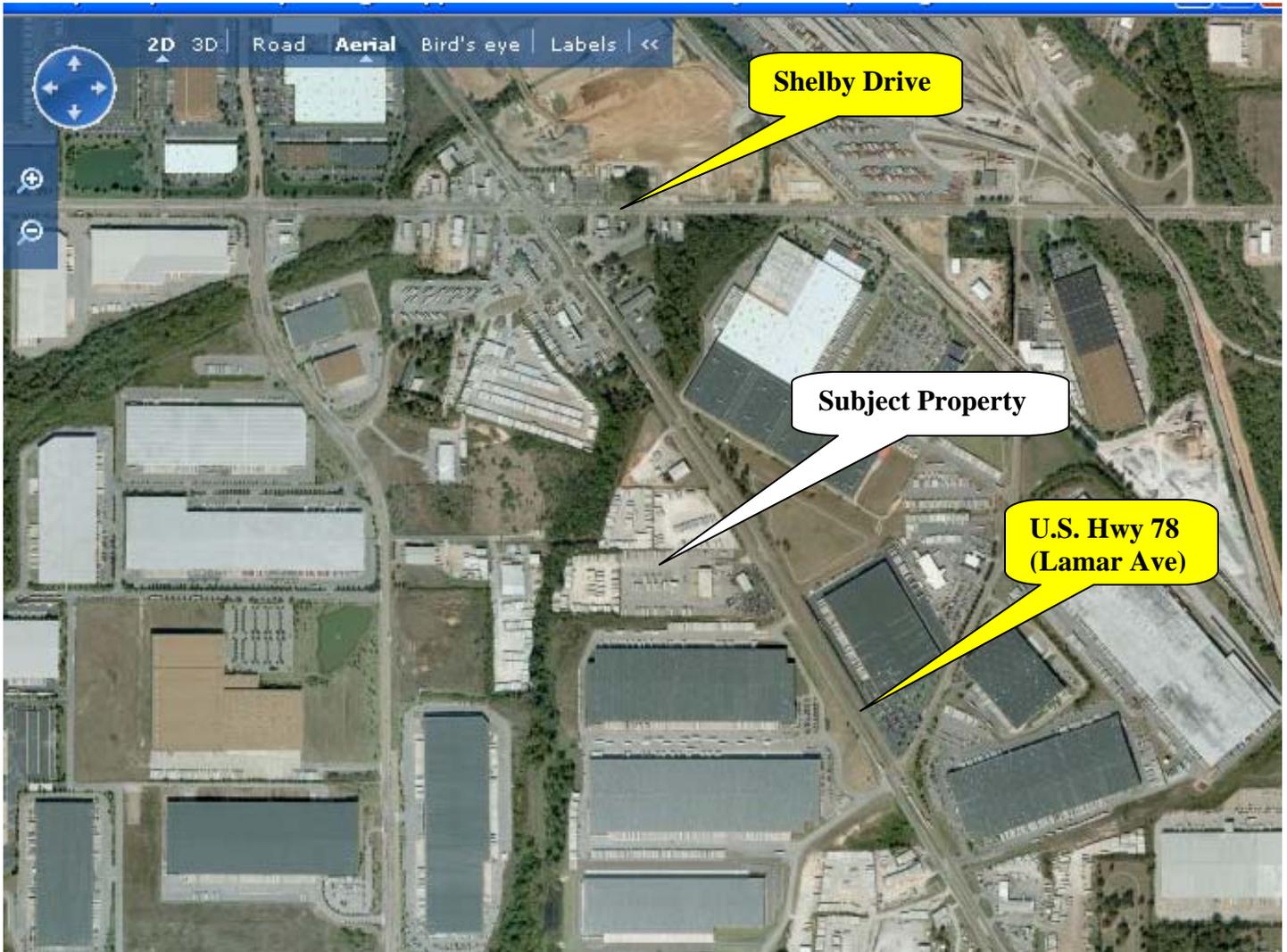
CONCLUSIONS:

- 1. The subject property is 28.95 acres located at the southwest side of a major road, U.S. Hwy 78—most commonly known as Lamar Avenue and southeast of Pleasant Run Road in Oakhaven-Parkway Village Planning District within a major distribution center.**
- 2. The request is to allow a truck or motor freight terminal, service facility on Parcel 2. The applicant, DACO Corporation does not load or unload supplies and materials at this location—only the maintenance, service and storage of associated fleet tractor trucks and trailers.**
- 3. The request is an intensive land use for parcels in Light Industrial(I-L) District zoning, but should be operated in a manner to not environmentally affect the natural drainage way and surrounding properties.**
- 4. The site plan reflects tractor trailer parking to the rear of Parcel 2 within the Floodway(FW) District. This floodway area should not be disturbed, because it is part of a major stream traversing the entire western boundary of the subject property.**
- 5. The current zoning permits tractor truck and trailer service and storage, but the transfer of trucks and trailers to the site puts it in a motor freight, service facility category. Therefore, a special permit is required and recommended for this parcel located in a major distribution center in Light Industrial(I-L) District zoning.**

LAND USE & ZONING MAP:



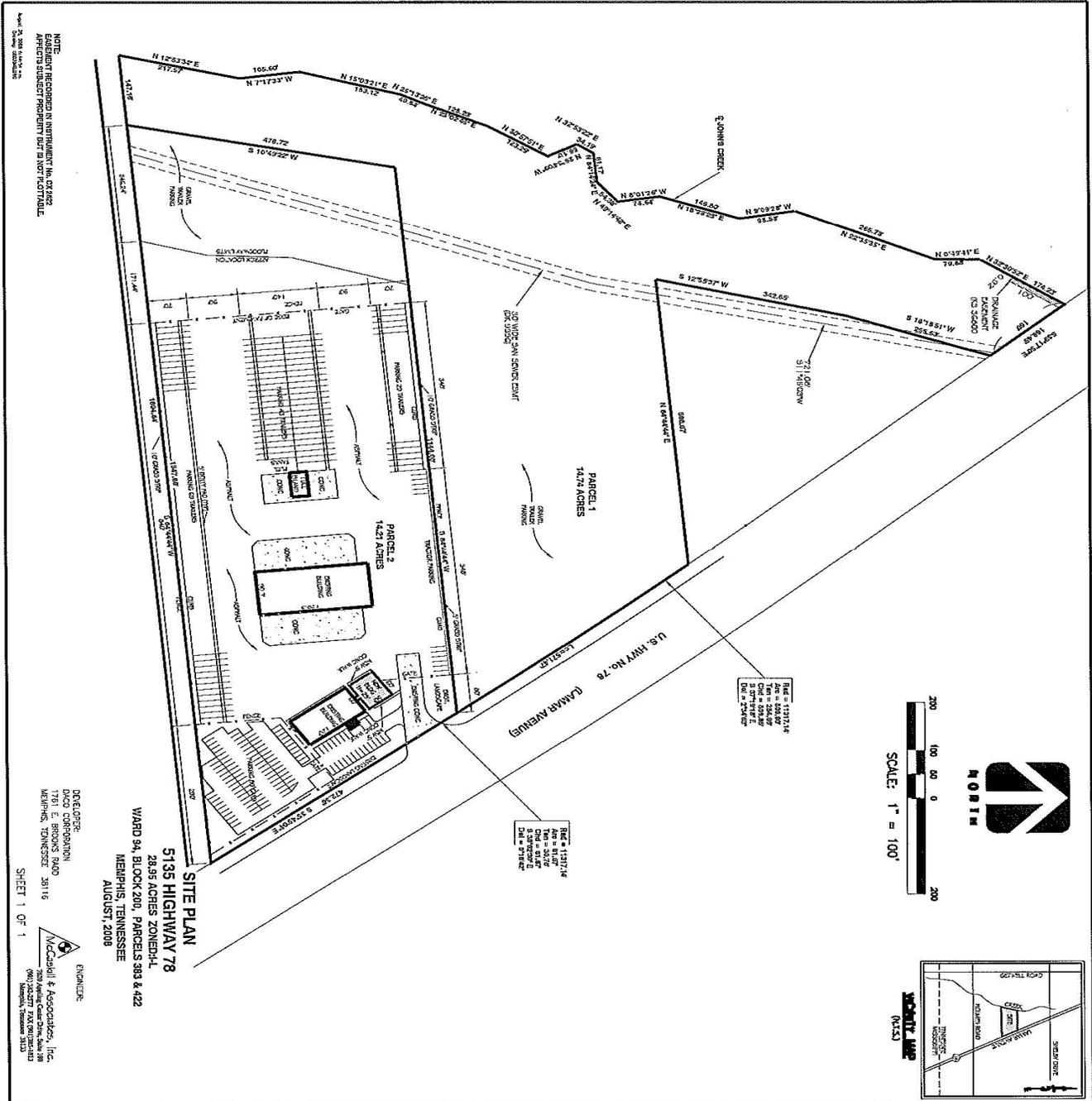
AERIAL VIEW



5135 U.S. Hwy 78 (Lamar Avenue)
(Bird's Eye View)



SITE PLAN



NOTES:
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
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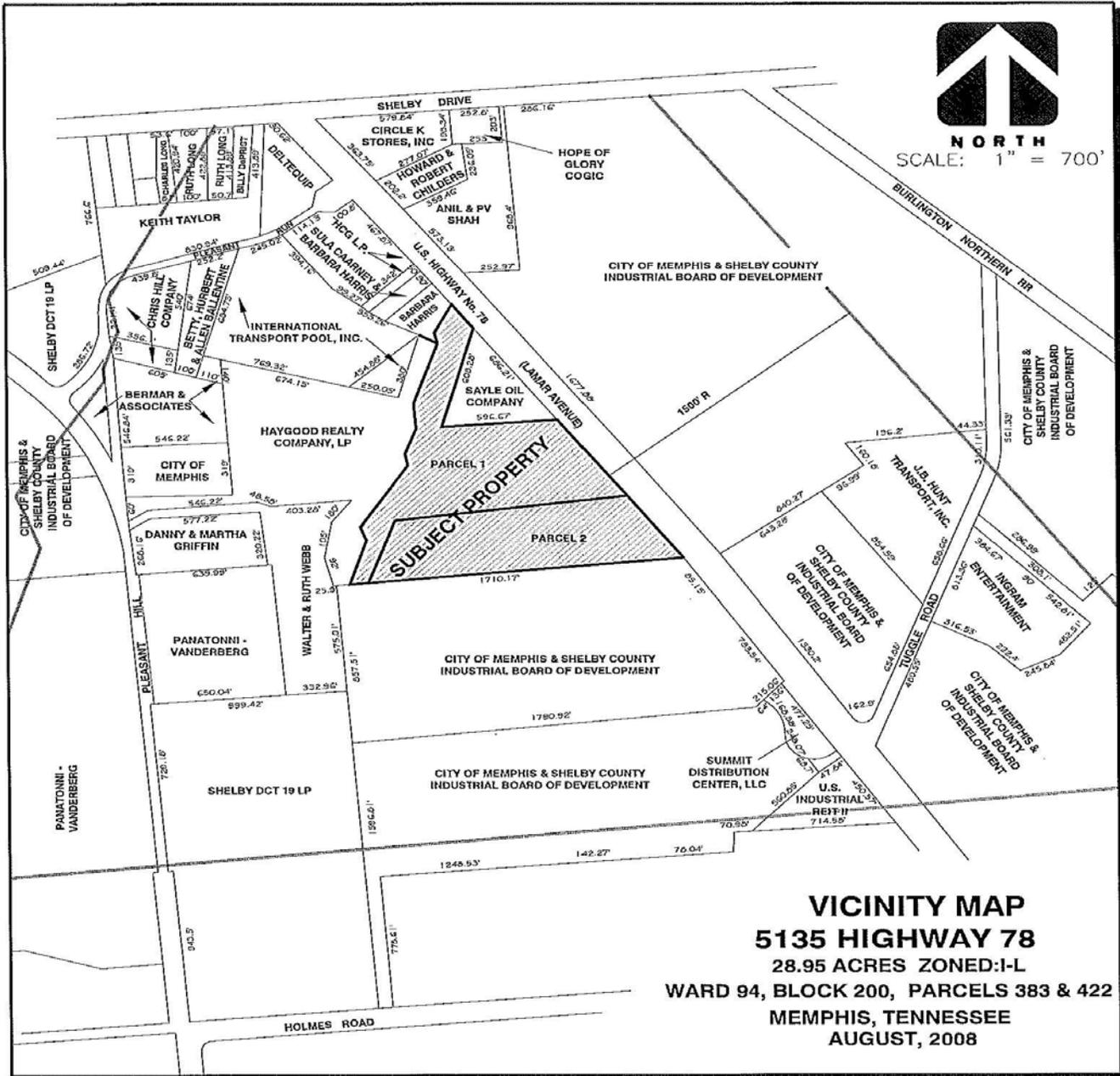
DEVELOPER:
PACO CORPORATION
1781 E. BROWN ROAD
MEMPHIS, TENNESSEE 38116

ENGINEER:
McCordell & Associates, Inc.
3000 Walnut Grove Drive, Suite 100
Memphis, Tennessee 38116
(901) 525-2777 FAX (901) 525-2773

5135 HIGHWAY 78
28.95 ACRES ZONED R-L
WARD 94, BLOCK 200, PARCELS 383 & 422
MEMPHIS, TENNESSEE
AUGUST, 2008

SHEET 1 OF 1

VICINITY & OWNERSHIP MAP:




McCaskill & Associates, Inc.
 Land Surveying Civil Design Mapping

7620 Appling Center Drive, Suite 108
 Memphis, Tennessee 38133
 E-Mail address: Temccaskill@AOL.com
 (901) 382-2577 FAX (901)385-1813

STAFF ANALYSIS:

Site Description

The subject property is 28.95 acres located at the southwest side of a major road, U.S. Hwy 78—most commonly known as Lamar Avenue and southeast of Pleasant Run Road in Oakhaven-Parkway Village Planning District. The site is located in the southeastern portion of the City of Memphis within a major industrial employment center.

The site is currently occupied by a one-story building used for office and an accessory building for motor vehicle service of tractor trucks, including a fuel island and tractor trailer parking. The parcel has over 1,000 feet of depth with a vast amount of parking and display area. The site has adequate space for the maneuvering of tractor trucks on the site with service bays and paved yard area enclosed in fencing, including a controlled access gate for vehicles to enter and exit from the rear of the property.

Area Overview

The large tract adjacent to the north and included in the application is vacant, except for storage of tractor trailer parking and an oil distribution company directly adjacent in Light Industrial(I-L) District zoning. The land use farther north of the site is gasoline and diesel fuel sales with convenience stores, motel and warehouse development in Light Industrial(I-L), Flood Plain(FP) and Heavy Industrial(I-H) Districts. The land use east of the site and directly across U.S. Hwy 78 is large warehouse developments and freight service garage in Highway Commercial(C-H), Light Industrial(I-L) and Heavy Industrial(I-H) Districts.

Along the northwest corner of the major roads, U.S. Hwy 78 and Holmes Road is a sales and display of open-air canopies, including a water tower and farther west is large warehouse development extending to Pleasant Hill Road and as far as Getwell Road. The land use immediately west along both sides of Pleasant Hill Road is vacant parcels, contractor's office, cell tower, auto and tractor trailer service garages, including large warehouse developments in Light Industrial(I-L) District zoning extending north to Shelby Drive. The land use at the southwest side of the major road intersection of U.S. Hwy 78 and Shelby Drive is primarily auto and tractor truck related land uses for gasoline sales, service and repair garages, including equipment rental/sales in Highway Commercial(C-H) and Light Industrial(I-L) District zoning.

Land Use vs. Distribution Center

The immediate area consists of large warehouse developments in industrial zoning districts that create an enormous amount of warehouse space for storage and distribution of products, supplies and materials within a major distribution center. The application is for a special permit for an existing office building 7,200 square feet in area and an accessory service building 18,000 square feet in area, including the storage of tractor trailers in Light Industrial(I-L) District zoning on Parcel 1.

The request is to allow a truck or motor freight terminal, service facility on Parcel 2. The applicant, DACO Corporation does not load or unload supplies and materials at this location—only the maintenance, service and storage of associated fleet tractor trucks and trailers. The application also includes an office expansion of 3,000 square feet to the north side of the principal building along U.S. Hwy 78 which triggered the special use permit.

This property is used primarily for vehicle service, maintenance and storage of tractor trucks and trailers for a distribution operation. The applicant is a contracting distribution transporter, but not from this location—only service and storage paramount to the operation. The operation will also include the overnight outdoor storage of tractor trucks and trailers without any transporting or transferring of supplies, materials or products. The site also serves as a dispatch station for long haul drivers employed by this company.

The request is an intensive land use for parcels in Light Industrial(I-L) District zoning, but should be operated in a manner to not environmentally affect the natural drainage way and surrounding properties. There is concern for oil and fuel spills, but local codes and ordinances regarding any health and fire hazard should be addressed at the time of inspections for use and occupancy permit.

The site plan reflects tractor trailer parking to the rear of Parcel 2 within the Floodway(FW) District. This area should not be disturbed in any manner, because it is a major stream traversing the entire western boundary of the subject property. The parcel north—Parcel 1 reflects gravel trailer parking, but a site plan illustrating a trailer parking plan is not included in the application for project review. The site plan should illustrate not only tractor trailer parking spaces, but internal access, circulation and required landscaping.

This portion of the application is primarily surplus temporary storage of tractor trailers or the drop lot for the operation. The current zoning permits tractor truck and trailer service and storage, but the transfer of trucks and trailers to the site puts it in a motor freight, service facility category. Therefore, a special permit is required and recommended for this parcel located in a major distribution center in Light Industrial(I-L) District zoning.

RECOMMENDATION: Approval with Conditions

SITE PLAN CONDITIONS:

A *Special Use Permit* is hereby authorized to *'DACO Corporation'* to allow a *'truck or motor freight terminal, service facility'* on property located at *'5135 U.S. Hwy 78(Lamar Avenue)'* at *'southwest side of U.S. Hwy 78(Lamar Avenue); +/-822.83 feet southeast of Pleasant Run Road'* in accordance with an approved *'site plan'* and the following supplemental conditions:

- I. Uses Permitted:
 - Parcel 1: A limestone gravel trailer parking(drop) lot for tractor trailers subject to Site Plan Review by the Land Use Control Board.
 - Parcel 2: A truck or motor freight terminal, service facility, including an addition to the principal building a maximum of 3,000 square feet in area.

- II. Bulk Regulations:
 - A. Maximum front yard setback – one-hundred(100') feet
 - B. Maximum side yard and rear yard setbacks – one-hundred ten(110') feet.
 - C. Maximum building height – fifty-five(55') feet.

- III. Access, Circulation and Parking:
 - A. Dedicate the right-of-way for U.S. Hwy 78(Lamar Avenue) in accordance with the plans on file with TDOT and the Subdivision Regulations.
 - B. The design and location of curb cuts shall be subject to review and approval by City Engineer.
 - C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - D. All private drives shall be constructed to meet the Subdivision Regulations, applicable City Standards, and provide a minimum a width of twenty-two (22) feet exclusive of curb and gutter.
 - E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader
 - F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
 - G. Parking shall be provided in accordance with the Zoning Ordinance.

IV. Landscaping and Screening:

- A. All landscaping requirements shall meet the Memphis and Shelby County Zoning Ordinance.
- B. A Landscape Plate 'A-1' shall be installed and maintained along U.S. Hwy 78(Lamar Avenue) and illustrated on the Site Plan.
- C. A detailed 'Landscape Plan' shall be included in the final Site Plan of development.
- D. Required landscaping shall not be placed on sewer or drainage easements.

V. Signs:

- A. The criteria and regulations for on-premise signs shall be in accordance with the requirements of the Light Industrial(I-L) District provided in Section 29 of the Memphis and Shelby County Zoning Ordinance.
- B. No temporary or portable signs shall be permitted.
- C. Minimum sign setback from the public right-of-way shall be ten(10) feet.

VI. A truck or motor freight terminal, service facility, including an addition to the principal building shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

GENERAL INFORMATION:

Street Frontage: U.S. Hwy 78(Lamar Avenue)-----+/-1,043.83 linear feet.
Planning District: Oakhaven-Parkway Village
Census Tract: 217.56
Zoning Atlas Page: 2540
Zoning History: The Light Industrial(I-L), Flood Plain(FP) & Floodway(FW) District zoning of the site date to the adoption of the 1980 zoning map amendments.

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.

Roads:

4. Lamar Avenue is designated as a Priority 1 on the MPO Major Road Plan.
5. Dedicate the right-of-way for Lamar Avenue in accordance with the plans on file with TDOT and the Subdivision Regulations.

Curbs Cuts/Access:

6. The City Engineer shall approve the design, number and location of curb cuts.
7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

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

10. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

11. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
12. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
13. The width of all existing off-street sewer easements shall be widened to meet current City standards.
14. Required landscaping shall not be placed on sewer or drainage easements.

Memphis Fire Division:

Supplemental use permit for 18-wheel trailer parking on Parcel 2 in I-L zone? Similar facilities in immediate area.

Memphis & Shelby 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.
3. Since this Special Use Permit appears that demolition of structures will occur at the site before any demolition the developer/consultant will need to fill out the attached questionnaire.
4. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

Memphis 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).

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:

Note: There are existing overhead and underground utilities within the plot plan.

- **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 clearance 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: No comments received.

Memphis Area Transit Authority(MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Plans Development: No comment.

Neighborhood Associations/Organizations: None registered.

Staff: bb