

STAFF REPORT

15

CASE NUMBER: P. D. 109-301 **L.U.C.B. MEETING:** February 11, 2010

DEVELOPMENT NAME: MEMPHIS DEPOT BUSINESS PARK PLANNED DEVELOPMENT, Am

LOCATION: Northwest corner of Airways Boulevard and Memphis Depot Parkway

COUNCIL DISTRICT(S): District 4-Super District 8-Positions 1, 2 & 3

OWNERS/APPLICANTS: Depot Redevelopment Corporation of Memphis & Shelby County, TN

REPRESENTATIVE: SR Consulting, LLC

REQUEST: Plan amendment to add a parcel for a new Area 'A-3' to allow office use; increase the Common Open Space in Area 'B-3' for future detention; including the location of a pump house in Area 'C-2' of the Outline Plan.

AREA: 11.02 Acres

EXISTING LAND USE & ZONING: Currently governed by Memphis Depot Business Park Planned Development (P.D. 04-378)

SURROUNDING LAND USES AND ZONING:

North: MLGW Transmission Easement, large warehouse in Memphis Depot Business Park(P.D. 04-378), office/warehouse, large manufacturing facility and truck service repair facilities in Light Industrial(I-L) District.

East: Light manufacturing and warehousing and motor vehicle service facilities, including office/warehouse in Light Industrial (I-L) District and cemetery in Duplex Residential(R-D) District.

South: Motor vehicle sales and service in Highway Commercial(C-H) District and governmental offices in Light Industrial I-L) District.

West: Large warehouse storage buildings in Memphis Depot Business Park Planned Development (P.D. 04-378).

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

Staff: *Brian Bacchus*

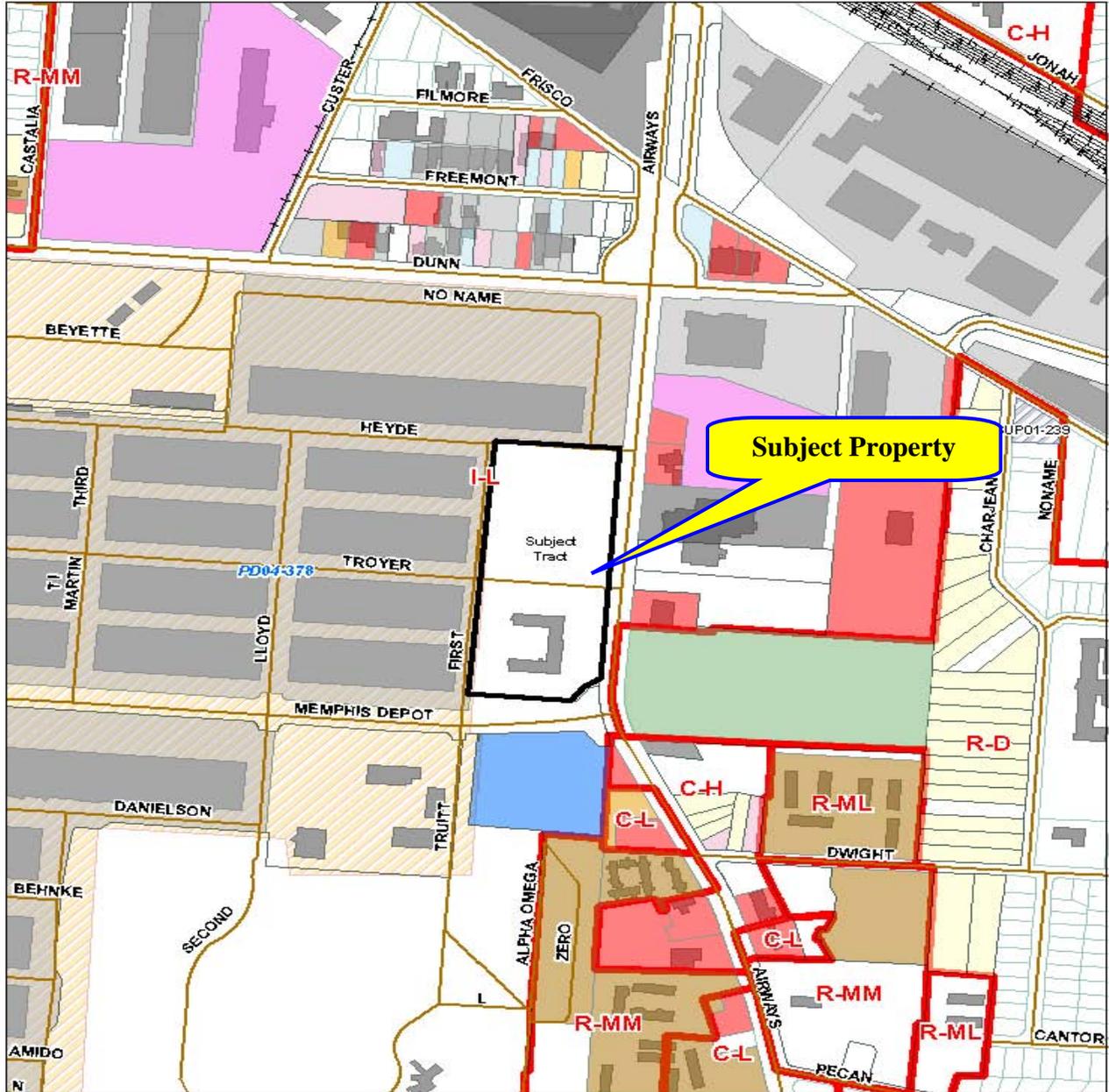
E-mail: brian.bacchus@memphistn.gov

CONCLUSIONS:

- 1. The sites consist of a four-story office building with associated parking at the north side of the building. The site is the former office headquarters for the Army Defense Depot currently used for office headquarters for a crane and rigging operation, including the governmental agency for the Depot Redevelopment Corporation.**
- 2. The immediate area is located just inside the beltway of I-240 along the west side of Airways Boulevard approximately three (3) miles north of Memphis International Airport and two (2) miles south of Liberty Bowl Memorial/Fairgrounds Area.**
- 3. This land use would not change the intent of the planned development, but simply to include a parcel within the overall master plan. However, if new construction is anticipated to the north of this building in lieu of parking, site plan review may be necessary to accommodate a change of use.**
- 4. The plan amendment to allow office land use and to incorporate an existing office building is a new dimension to the concept plan primarily approved for commercial and industrial land use.**
- 5. The additional common open space for future civil design, including the location of a life-safety facility is necessary for the future development of the Memphis Depot Business Park planned development.**

ZONING & LAND USE:

PD 10 301



Map Date: 02/02/10
Shelby County ReGIS 678.2470

AERIAL ZONING MAP

PD 10 301



Map Date: 02/02/10
Shelby County ReGIS 678.2470

640 320 0 640 Feet



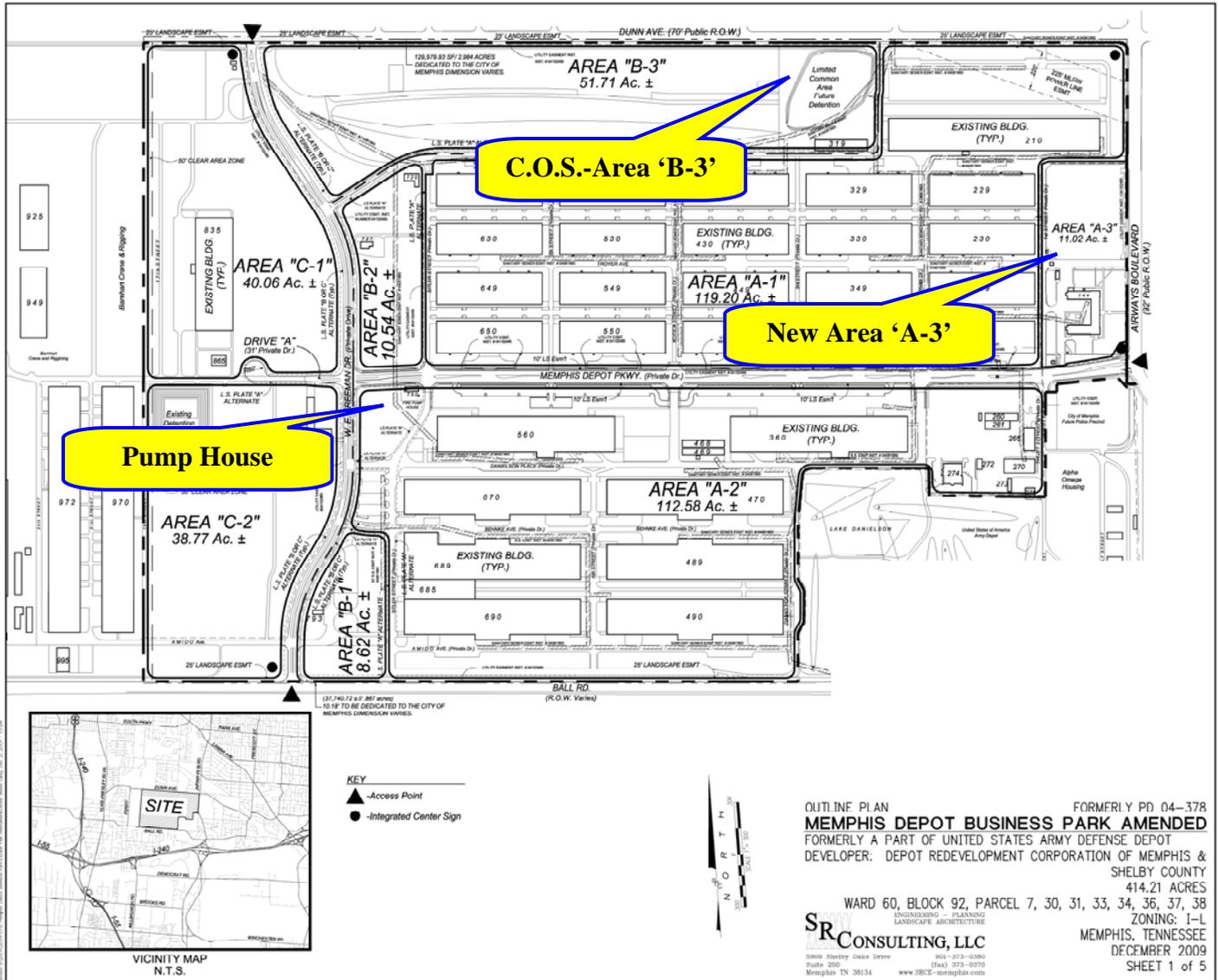
SUBJECT PROPERTY
(Aerial View)



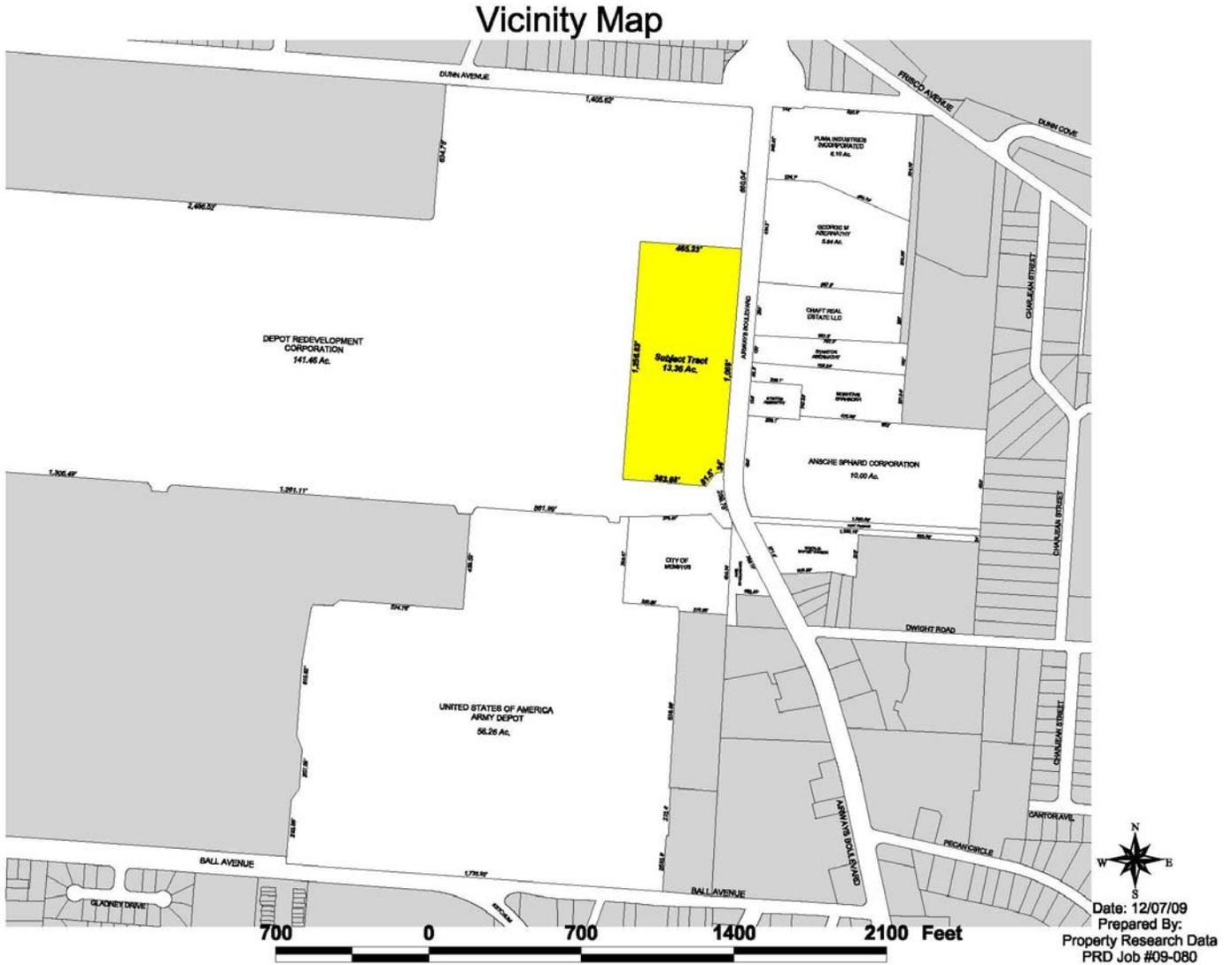
OFFICE BUILDING
(Bird's Eye View)



OUTLINE/CONCEPT PLAN



VICINITY & OWNERSHIP:



STAFF ANALYSIS:

Site Description

The subject property is 11.02 acres located at the northwest corner of Airways Boulevard and Memphis Depot Parkway approximately 660 feet south of Dunn Avenue in Depot Planning District. The sites consist of a four-story office building with associated parking at the north side of the building with mature trees in the front yard and mature shrubs along Airways Boulevard. The site is the former office headquarters for the Army Defense Depot currently used for office headquarters for a crane and rigging operation, including the governmental agency for the Depot Redevelopment Corporation. This office building is historic in construction and character and very well-maintained in its original state which serves as a benchmark for surrounding neighborhoods.

There is curb, gutter and sidewalk along the front of the subject property, including overhead power lines with pole lights on both sides of Airways Boulevard. The site has access via three(3) curb-cuts to Airways Boulevard and one curb-cut to Depot Parkway. The office building is setback from the street approximately 145 feet from the right-of-way with mature trees and shrubs in the front yard. There is a vast amount of parking at the north side of the building at the main entrance with parking fields extending to the north property line.

Area Overview

The immediate area is located just inside the beltway of I-240 along the west side of Airways Boulevard approximately three (3) miles north of Memphis International Airport and two (2) miles south of Liberty Bowl Memorial/Fairgrounds Area. The dominant zoning along this major road is Light Industrial with major manufacturing facilities for Kellogg to the north and Federal Express to the south. The land use surrounding this parcel is primarily commercial and light industrial land uses for motor vehicle sales and service facilities, including small warehouse and manufacturing facilities immediately south and east of the property.

The overall development plan for the Depot is located at the west side of Airways Boulevard, between Dunn Avenue and Ball Road in the Depot Planning District of Memphis. The entire site is composed of approximately 403 acres of land approved for primarily commercial and light industrial land uses in accordance with Light Industrial (I-L) District. There are single family homes in the immediate area south along Ball Road and Barnhart Crane and Rigging is located along the western boundary of the planned development. The land use north along Dunn Avenue consist of single family, commercial and small industrial warehouse facilities, including truck service and repair shops.

Land Use vs. Concept Plan

The request is for a planned development amendment to add a parcel for a new Area 'A-3' to allow office land use; increase the Common Open Space in Area 'B-3' for future storm water detention; including the location of a pump house in Area 'C-2' of the Outline Plan. The 11.02 acre parcel with the four-story office building and associated parking will be added to this planned development to continue to allow offices in the original Army Defense Depot headquarter building. This land use would not change the intent of the planned development, but simply to include a parcel within the overall master plan. However, if new construction is anticipated to the north of this building in lieu of parking, site plan review may be necessary to accommodate the change of use.

The applicant is also requesting an increase to Area 'B-3' to allow for future storm water detention and to include the location of a pump house in Area 'C-2' of the Outline Plan. The increase in 'Common Open Space' is a necessity with a vast amount of impervious surface, including large warehouses with high rates of storm water run-off. The location of the pump house is primarily a fire and life safety concern and the ability to connect and pump large amounts of water in the event of an emergency. However, any redevelopment should require Site Plan approval before the start of any new construction in Area 'A-3'. The plan amendment to allow office land use and to incorporate an existing office building is a new dimension to the concept plan primarily approved for commercial and industrial land use. The additional common open space for future civil design, including the location of a life-safety facility is necessary for the future development of the Memphis Depot Business Park planned development.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS: *[**Bold-Italic-Underlined-Blue: Indicates amendments**]*

I. Permitted Uses:

A. Any principal or accessory use shall be permitted as follows:

	A-1	A-2	B-1	B-2	B-3	C-1	C-2
HOUSING							
Accessory Dwelling Unit							
Hotel							
Motel							
INSTITUTIONS	A-1	A-2	B-1	B-2	B-3	C-1	C-2
Airport, Heliport							
Cemetery, Mausoleum							
Church							
Day Care Center							
Family Day Care Home							
Group Day Care Home							
Lodge, Club, Country Club							
Museum							
Nursing School							
Park							
Philanthropic Institution							
Public Building							
Recreation Field							
School, Public or Private, Grades K-12, Less than 5 Acres							
School, Public or Private, Grades K-12, 5 Acres or more							
AGRICULTURAL USES	A-1	A-2	B-1	B-2	B-3	C-1	C-2
Commercial Fishing							
Crop, Soil Preparation, Agricultural Services, Animal & Veterinary Services							
Farm Labor and Management Services							
Fish Hatcheries & Preserves							
Grain, Fruit, Field Crop and Vegetable Cultivation and Storage							
Hunting, Trapping and Game Propagation							
Livestock, Horse, Dairy, Poultry and Egg Products							
Timber Tracts, Forest Nursery Gathering of Forestry Products							
COMMERCIAL	A-1	A-2	B-1	B-2	B-3	C-1	C-2
Adult Entertainment							
Amusements, Commercial Indoor, Excluding Bingo Games							
Amusements Commercial Outdoor							

Automobile Service Station							
Art or Photo Studio or Gallery					•	•	•
Bakery, Retail							
Bank	•	•			•	•	•
Barber or Beauty Shop							
Beverage Container Collection Center							
Beverage Container Recycling Center			•	•		•	•
Boat Rental, Sale, Storage or Repair							
Business School	•	•	•	•	•	•	•
Campground, Travel Trailer Park							
Catering Establishment	•	•	•	•	•	•	•
Cleaning Establishment					•	•	•
Cleaning Pickup Station	•	•			•	•	•
Communication Towers							
Discount or Department Store							
Drive-in Theaters							
Financial Services							
Flower or Plant Store							
Garage Commercial							
Gasoline Sales							
General Service & Repair Shop							
Greenhouse or Nursery Commercial							
Laboratories	•	•	•	•	•	•	•
Lawn, Tree or Garden Service	•	•	•	•	•	•	•
Lumberyard							
Mobile Home Sales							
Motor Vehicle Sales							
Motor Vehicle Service							
Music or Dance Academy							
Offices	•	•	•	•	•	•	•
Pawn Shop							
Personal Service Establishment							
Photo Finishing							
Photo Finishing Pickup Station							
Plumbing Shop	•	•	•	•	•	•	•
Restaurant with Sale of Alcohol	•	•					
Private Sales							
Processing & Manufacture Incidental to Retail Establishment							
Radio or TV Studio							
Radio or TV Tower							
Restaurant & Carryout Restaurant	•	•					
Restaurant, Drive-in							
Retail Sales Outdoor							
Automobile Parking Lot							
Retail Shop, Other							
Sheet Metal Shop							
Services, Other Business & Personal							

Tavern, Cocktail Lounge, Night Club							
Undertaking Establishment							
Used Goods Second Hand Sales							
Vehicle Wash						•	•
Veterinary Clinic							
Wholesale Display							
INDUSTRIAL USES	A-1	A-2	B-1	B-2	B-3	C-1	C-2
Manufacture, storage, distribution of:							
Automobile dismantlers and recyclers							
Chemical, Cosmetics, Drug, Soap, Paints, Fertilizer & Abrasive Products (Storage)	•	•	•	•	•	•	•
Contractor's Storage, Indoor	•	•	•	•	•	•	•
Contractor's Yard or Storage, Outdoor	•	•	•	•	•	•	•
Electrical or Electronic Equipment, Appliances & Instruments	•	•	•	•	•	•	•
Fabricated Metal Products & Machinery	•	•	•	•	•	•	•
Food and Beverage Products Except Animal Slaughter, Stockyards, Rendering, and Brewery (Storage)	•	•	•	•	•	•	•
Brewery							
Furniture & Fixtures (Storage)	•	•	•	•	•	•	•
Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office, art supplies (Storage)	•	•	•	•	•	•	•
Leather & Leather Products except tanning and finishing (Storage)	•	•	•	•	•	•	•
Leather & Leather Products tanning and finishing							
Lumber and Wood Products	•	•	•	•	•	•	•
Paper Products Except Pulp Mills	•	•	•	•	•	•	•
Primary Metal Distribution & Storage	•	•	•	•	•	•	•
Printing & Publishing	•	•	•	•	•	•	•
Rubber & Plastic Products Except Rubber Manufacture	•	•	•	•	•	•	•
Stone, Clay, Glass & Concrete Products	•	•	•	•	•	•	•
Textile, Apparel Products, Cotton Factoring, Grading	•	•	•	•	•	•	•
Textile, Apparel Products	•	•	•	•	•	•	•
Tobacco Products	•	•	•	•	•	•	•
Transportation Equipment	•	•	•	•	•	•	•
Warehouse	•	•	•	•	•	•	•
TRANSPORTATION & PUBLIC UTILITIES	A-1	A-2	B-1	B-2	B-3	C-1	C-2
Airline Terminal, Freight, Service Facility							
Boat Dock, Storage, Repair							
Bus Terminal or Service Facility							
Garbage or Refuse Collection Service							

Gas, Electric, Water, Sewage; Production, Treatment Facility							
Sanitary Landfill							
Post office with Postal Facility							
Railroad Switching Yard Terminal, Piggyback Yard							
Telephone Service Center	•	•	•	•	•	•	•
Telephone Switching Center	•	•	•	•	•	•	•
Taxicab Dispatch Station							
Truck or Motor Freight Terminal, Service Facility	•	•	•	•	•	•	•
OTHER	A-1	A-2	B-1	B-2	B-3	C-1	C-2
Accessory Automobile Parking	•	•	•	•	•	•	•
Advertising Sign							
Bingo Games							
Metal, Sand, Stone, Gravel, Clay, Mining and other Related Processing							
Outdoor Trailer Parking	•	•	•	•	•	•	•
Planned Developments	•	•	•	•	•	•	•
OFFICE	A-3						
Offices	•						

B. All final plans shall be in substantial conformance with the approved master conceptual plan subject to approval by the Office of Planning and Development.

C. All Common Area shall be maintained by the Depot Owners Association, LLC.

II. Bulk Regulations:

The bulk regulations of the I-L District shall apply except for the following:

A. Maximum building height shall be 45.

B. Buildings shall be setback a minimum of: New Construction.

1. Front Yard Setbacks:

a. Areas A-1, A-2, B-1, B-3, C-1 and C-2 = 100' Front Yard Setback along Dunn Avenue and Ball Road. A 30 foot Front Yard setback shall be required along West Freeman Drive and all other drives.

b. Area B-2 = 100' Front Yard along Memphis Depot Parkway. A 30 foot Front Yard setback shall be required along West Freeman Drive and all other Drives.

2. Side Yard Setbacks: All Areas
 - a. 15' interior setback from any interior lot line as long as a minimum of 50' is maintained between buildings.
 - b. No Side Yard Setback is required for attached buildings on an interior property line.
 3. Rear Yard Setback - 15' from the rear property line.
 4. Clear Area Zone Setback: Areas C-1 and C-2: No building or structure shall be constructed within 50' of the entire Memphis Depot Business Park west boundary line.
- C. Existing Buildings: Setbacks shall be as graphically portrayed on the Outline Plan.

III. Access, Parking and Circulation:

- A. The City Engineer shall approve the design and location of curb cuts.
- B. One (1) access shall be permitted to Ball Road between Area B-1 & Area C-2.
- C. One (1) access shall be permitted to Dunn Avenue between Area B-3 & Area C-1.
- D. One landscaped island totaling 171 SF and containing one deciduous shade tree shall be located for each twenty (20) parking spaces.
- E. Common Area Accessory Parking Fields may be located to service multiple buildings throughout the Memphis Depot Business Park subject to site plan approval.
- F. The owner shall dedicate a strip of land from the face of curb on the south side of Dunn Avenue a distance of ten feet (10'). No additional improvements required on Dunn Avenue.
- G. Ball Road shall be dedicated 10.18' to the north back of curb.
- H. Vehicular access shall be provided to all Common Open Space Areas.
- I. The location of curb cuts shall be as generally indicated on the Outline Plan with the design subject to approval by the City Engineering Division.
- J. All private drives shall be constructed in accordance with the Subdivision Regulations and have a minimum width of twenty-two feet (22) exclusive of curb and gutter in accordance with the Subdivision Regulations.
- K. Internal circulation shall be provided between adjacent property and between phases/sections and/or lots depending on the required vehicular circulation patterns.
- L. 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.

- M. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping, Buffer Yards, Screening and Lighting:

- A. Areas C-1 and C-2: A 50' Clear Area Zone (Buffer Yard) shall be maintained along the entire Memphis Depot Business Park west boundary line in which no storage of any materials, equipment or other items of any sort will occur. Landscaping shall be permitted within the said 50' Clear Area Zone.
- B. Areas A-1, B-3, and C-1: A 25' Landscape Easement utilizing existing plant material (subject to the approval of OPD) shall be located along Dunn Avenue's south right-of-way line and maintained as Common Area.
- C. A 25' wide Landscape Easement utilizing existing plant material (subject to the approval of OPD) shall be located along Ball Road's north right-of-way line and maintained as Common Area.
- D. Landscape Plate Series "A" (subject to the approval of OPD) shall be implemented along both sides of each secondary drive or as shown on the Outline Plan.
- E. Landscape Plate Series "B" (subject to the approval of OPD) shall be implemented along both sides of West Freeman Drive where there is no parking adjacent to West Freeman Drive and maintained as Common Area.
- F. Landscape Plate Series "C" (subject to the approval of OPD) shall be implemented along both sides of West Freeman Drive where there is adjacent parking and maintained as common open space.
- G. Landscape Plate Series "D" (subject to the approval of OPD) shall be implemented to screen all proposed outdoor storage from view from all public and private drives.
- H. All construction and improvements shall be in compliance with erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.
- I. All lighting shall be directed away from any adjacent property used for residential purposes. Light standards within 150 feet of the south property line shall be a maximum height of 25 feet. Specifically, lights with no cut-off luminaires shall have maximum illumination, measured at the lot line ground level, of 0.30 candle power. Lights, beyond 150 feet, with a luminaire of less than 90 degree cut-off shall be no higher than 30 feet, with a maximum illumination, measured at the lot line at ground level, of 0.50 candlepower.

- J. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents and the design of lighting standards shall be of a type appropriate to the development and the city. For any building elevation adjacent to residential development the use of mercury vapor and high-pressure sodium lights for most outdoor uses is strongly discouraged. Use of low pressure sodium, or metal halide lamps which cast a white light is encouraged.
- K. Spotlights, if used, shall be placed on standards pointing toward the building and positioned so as not to glare onto residential property, rather than on buildings and directed outward which creates dark shadows adjacent to buildings.
- L. Refuse containers shall be completely screened from view from the public roads and adjacent residentially zoned or used property with architecturally equivalent materials.
- M. Air conditions, heating, ventilation or other mechanical equipment, including that located on roofs, which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.
- L. Utility features such as electrical wiring, conduit, and meters shall also be screened using architectural features or landscaping.

M. *The mature trees and shrubs in Area 'A-3' shall be preserved and maintained in accordance with the Tree Ordinance.*

- V. **Signs:** Signs shall conform to the sign regulations for the Light Industrial (I-L) District except as follows:

No sign shall be permitted within 50 feet of a R-TH, R-D, R-S or AG District or equivalent residential portion of a planned development.

VI. Drainage:

- A. Drainage improvements, including possible on-site detention, shall be provided under contract in accordance with Subdivision Regulations 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.
- B. The drainage plans to be submitted to the City Engineer must include a written determination from the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site. If an Aquatic Resources Alteration Permit (ARAP) is required by the State under the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et sec), a copy of the permit shall accompany the drainage plans submitted, and the plans shall comply with the requirements and conditions of the ARAP.

VII. Sanitary Sewer Utilities:

- A. The developer shall extend sanitary sewers through the site to serve upstream properties.
- B. All utility service meters, junction boxes, transformers and other utility appurtenances shall be screened from public streets.

VIII. Development Schedule:

A final plan for the construction of a use permitted in the planned development shall be filed within five years of the approval of the outline plan by the legislative bodies. Additional five year time extensions may be approved by the Land Use Control Board.

IX. Modification Of Paragraphs I, II, III, IV and V By Land Use Control Board:

The Land Use Control Board may modify setbacks, building height, access, circulation, signage, parking, landscaping and other site requirements if equivalent alternatives are presented provided any adjacent property owner who is dissatisfied with the modifications by the Land Use Control Board may, within ten (10) day of such action, file a written notice of appeal to the Director of Planning and Development to have such action reviewed by the appropriate governing bodies.

X Final Plans:

In addition to the outline conditions, the following shall be included on any final plan:

- A. The outline plan conditions.
- B. Standard improvement contract as defined by the Subdivision Regulations.
- C. The exact location and dimensions including height of all buildings, parking areas, lighting standards, driveways, street landscaping and screening.
- C. The number of parking spaces and common ingress/egress easements.
- D. Illustrations of attached and detached signs.
- E. The location and ownership of any private or public easements.
- F. The 100 year flood elevation.
- H. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

- I. 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 operated 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.

- J. *The Outline Plan for Memphis Depot Park Planned Development shall be recorded with the Office of Shelby County Register to reflect this amendment prior to recording of a final plan of development.*

P.D. 10-301(formerly P.D. 04-378)
Memphis Depot Business Park Planned Development

GENERAL INFORMATION:

East Frontage: Airways Boulevard-----+/-1,069 linear feet.
South Frontage: Memphis Depot Parkway-----+/-383.88 linear feet.

Planning District: Depot

Zoning Atlas Page: 2235

Parcel ID: 060092 00007

Zoning History: On March 1, 2005 the Memphis City Council approved an Outline Plan for Memphis Depot Business Park Planned Development (P.D.04-378) for seven (7) distinct Areas of land uses in accordance with Light Industrial(I-L) District zoning. Prior to date, the Light Industrial (I-L) District zoning of the site date to the adoption of the 1960 zoning map amendments.

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. City sanitary sewers are available at developer's expense.

Curb Cuts/Access:

2. The City Engineer shall approve the design, number and location of curb cuts.
3. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
4. 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,
5. No new curb cuts along the Airways Blvd. frontage will be permitted for Area A-3
6. 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.
7. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

Site Plan Notes:

8. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

9. The width of all existing off-street sewer easements shall be widened to meet current city standards.

10. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

11. Required landscaping shall not be placed on sewer or drainage easements.

Memphis Fire Services:

No comments received.

Memphis & Shelby 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 is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer 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.
5. For your convenience go to the following link in order to locate a Microsoft Word and PDF version of the demolition questionnaire for your use:

Memphis Board of Education:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

No comments received.

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

- **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 without prior approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.

- **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 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). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW Residential Engineer at 528-4855 for application of utility services.
 - All commercial developers must contact MLGW Builder Services line at 367-3343 to initiate the utility installation process.
- **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: AT&T Tennessee has no comment.

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

City Real Estate: None.

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments.

TN Dep't of Environment & Conservation:

Be advised, it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

Neighborhood Associations/Organizations:

Cane Sparks/Elliston & Defense Depot Concerned Citizens: No comments received as of 2/5/10.

Defense Depot Concerned Citizens: “ “

Imogene Heights Neighborhood Association: No comments received as of 2/5/10.

Magnolia Barksdale Civic Club: “ “

Staff: bb