

## STAFF REPORT

**CASE NUMBER:** UV 10-01    **L.U.C.B. MEETING:** March 11, 2010

**LOCATION:** East side of Malone Road 900 feet south of Holmes and the southwest corner of Holmes Road and Pleasant Hill Road

**COUNCIL DISTRICT:** 3

**SUPER DISTRICT:** 8

**APPLICANT:** BFI Waste Systems of North America

**REPRESENTATIVE:** Homer Branan and John Harris Jr.

**REQUEST:** Time extension to continue to operate sanitary landfill

**AREA:** 475 Acres

**EXISTING LAND USE & ZONING:** Sanitary Landfill in the Agricultural (AG) District

### OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION APPROVAL, SUBJECT TO THREE (3) CONDITIONS

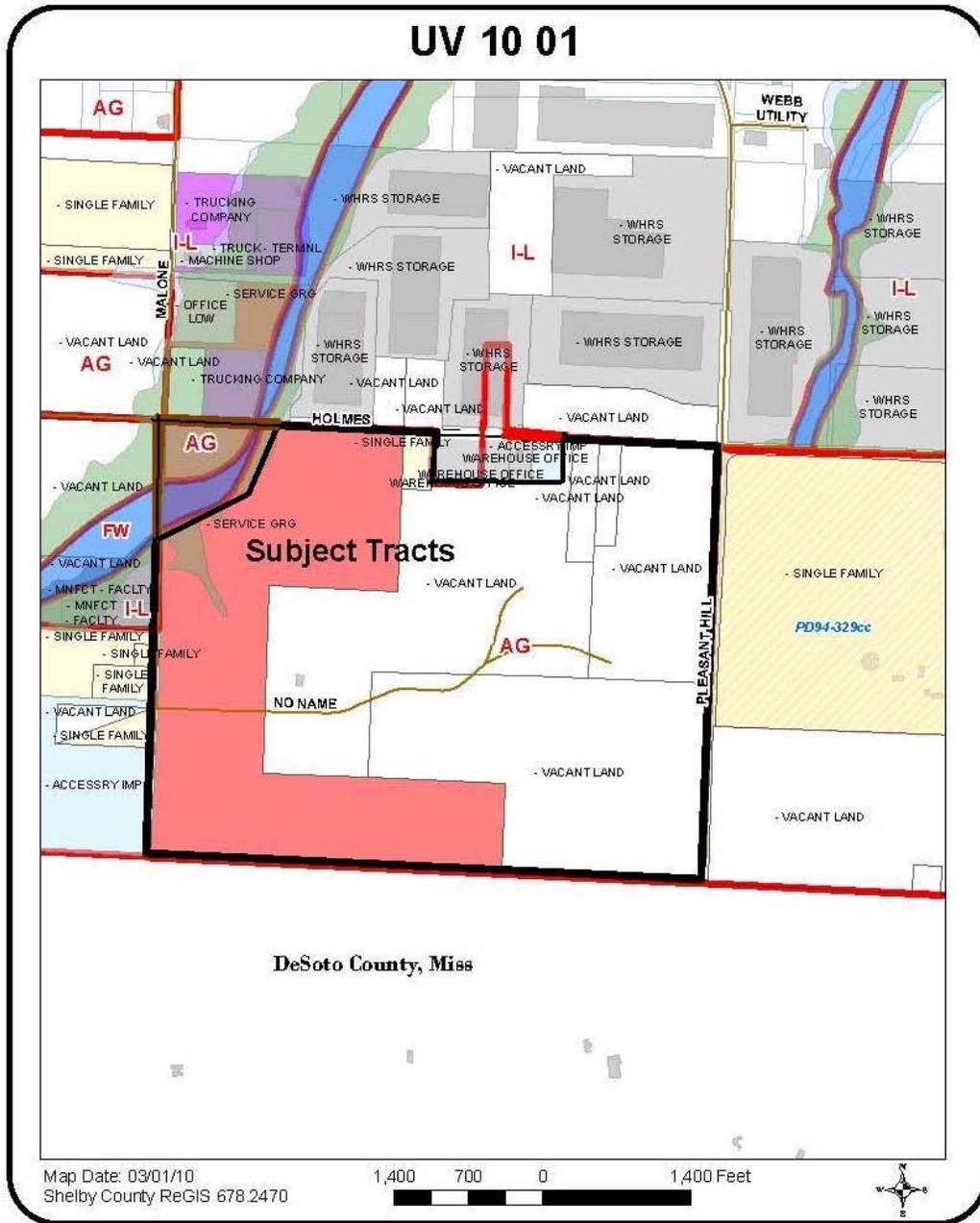
Staff Planner: Sheila Pounder

E-mail Address: [sheila.pounder@memphistn.gov](mailto:sheila.pounder@memphistn.gov)

#### CONCLUSIONS:

1. The subject site originally received approval of a use variation for a sanitary landfill in 1984 by the Memphis and Shelby County Board of Adjustment (BOA) and has had 5 time extensions in the past thirty (30) years with one of them being granted by the Memphis City Council and Shelby County Commission in 2002.
2. The applicant's request is based on the fact that TVA has agreed to relocate, at the applicant's expense, an existing 200 foot wide easement currently bisecting the site.
3. The relocation of the easement will allow the site additional years of operation by permitting higher height limits to be gained at this location.
4. Based on the history of operation at this location in Shelby County and the past findings of the BOA and the governing legislative bodies, there is no objection to granting the continued use of this site as a sanitary landfill.
5. This approval should be subject to the site plan (revised to show the new TVA easement alignment) previously approved by the BOA with the exception of the time limit for operation.

### LAND USE & ZONING MAP



#### SURROUNDING LAND USE & ZONING:

- North:** Industrial Warehouses in the Light Industrial (I-L) District
- East:** Single family and vacant land in the Agricultural (AG) District
- South:** Residential Estates in Desoto County, Mississippi
- West:** Industrial uses in the Light Industrial (I-L) District and single family and vacant land in the Agricultural (AG) District

**AERIAL MAP**

**UV 10 01**

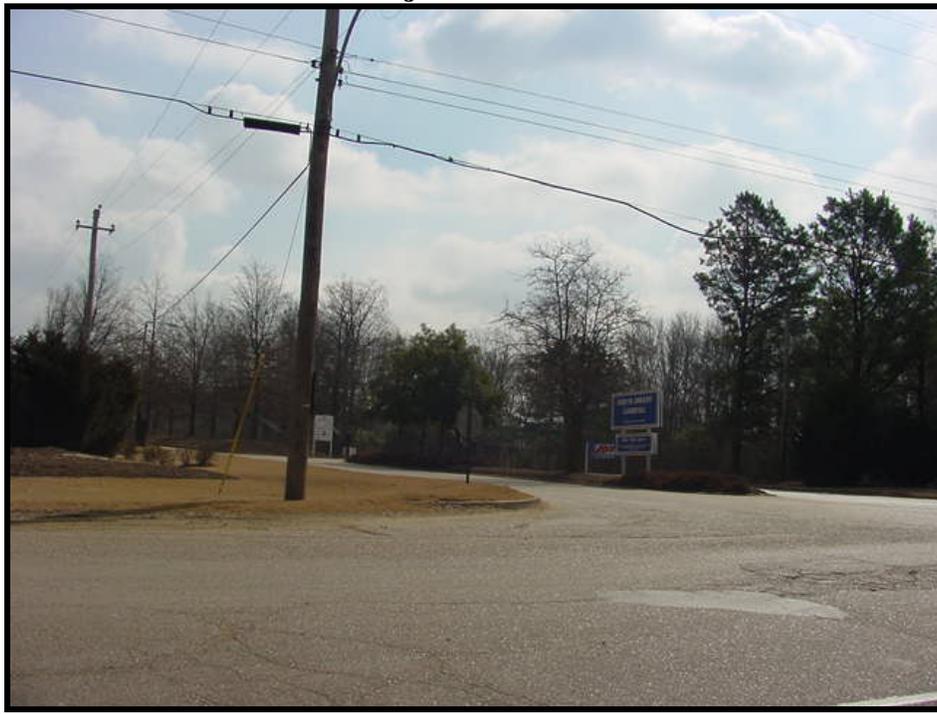


Map Date: 03/01/10  
Shelby County ReGIS 678.2470

1,400 700 0 1,400 Feet



**Entrance to subject site on Malone Road**



**Existing landscaping along north side of the entrance to site on Malone Road**



**Existing landscaping along south side of the entrance to site on Malone Road**



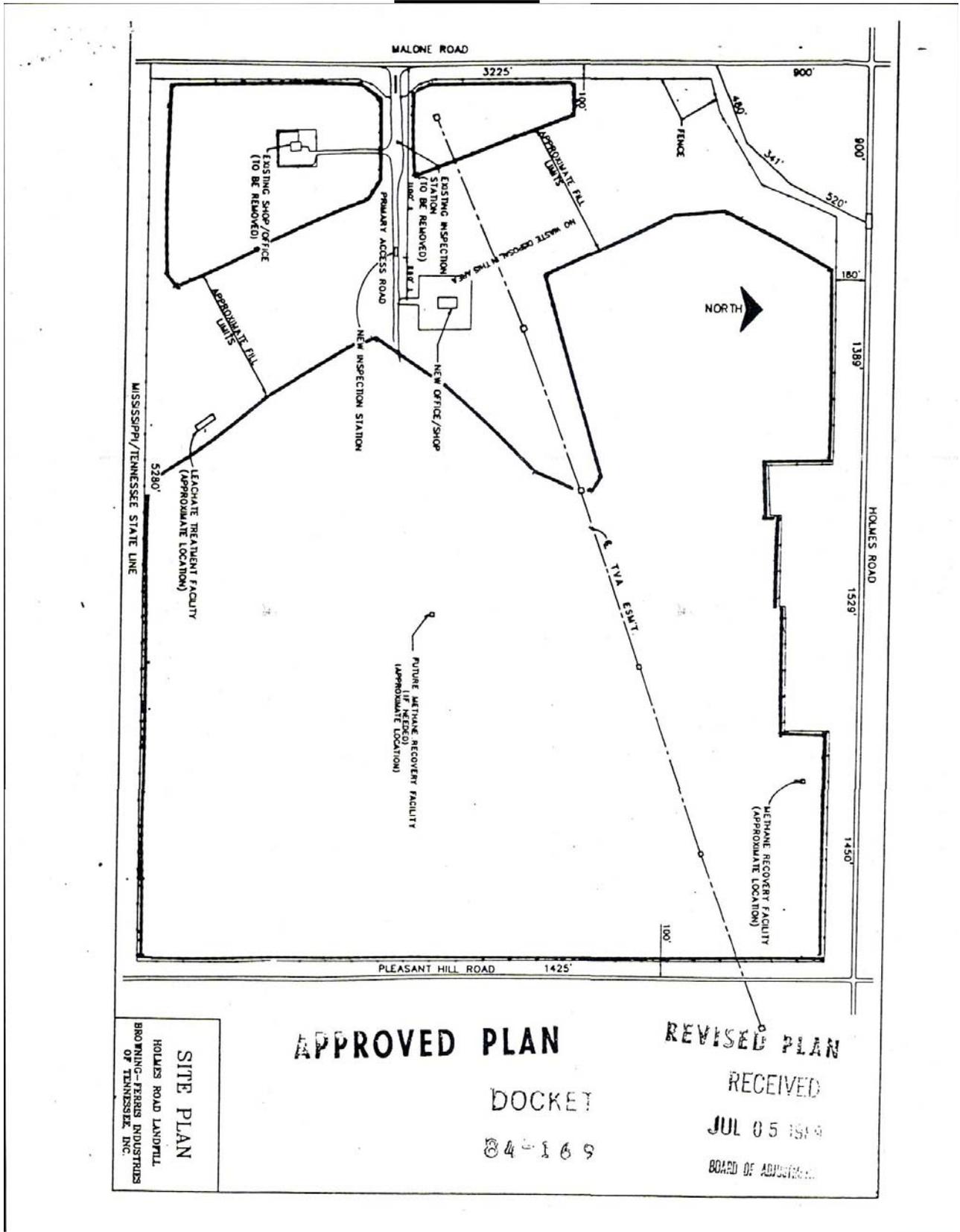
**Existing concrete mixing plant across from site on west side of Malone Road**



**West side of Malone Road, south of the concrete mixing plant**



### SITE PLAN



**SITE PLAN**  
HOLMES ROAD LANDFILL  
BROWNING-FERRIS INDUSTRIES  
OF TENNESSEE, INC.

**APPROVED PLAN**

DOCKET

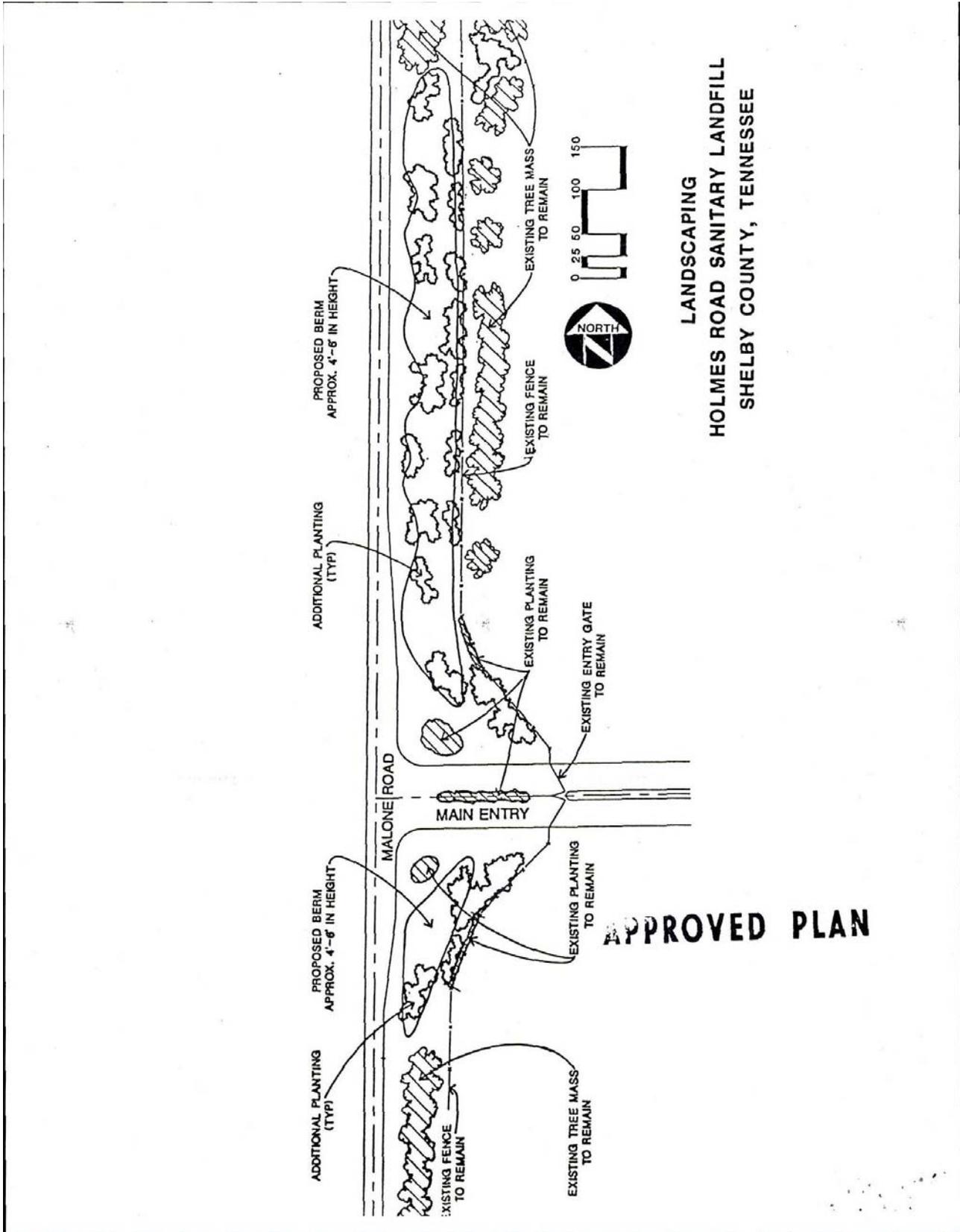
84-169

**REVISED PLAN**

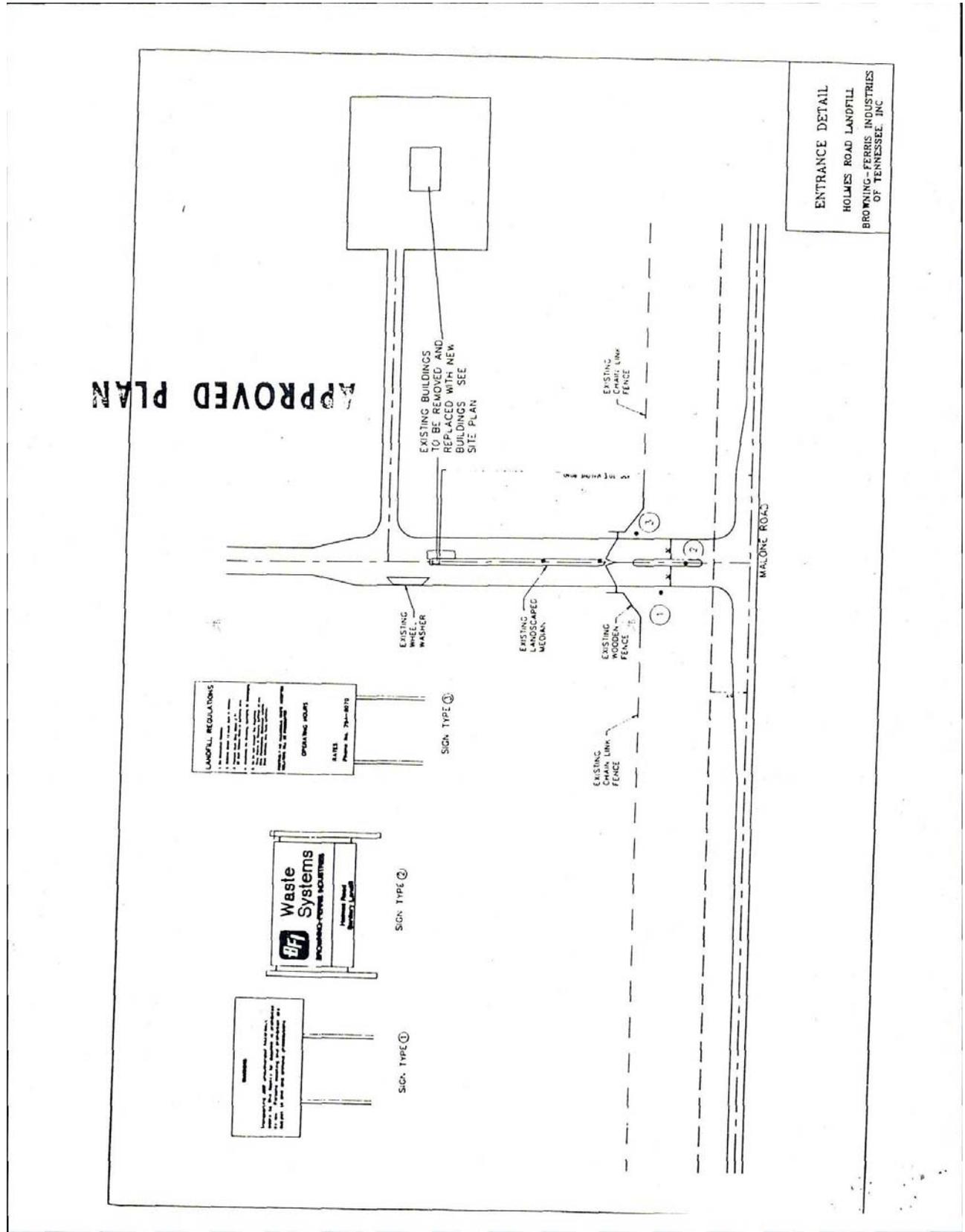
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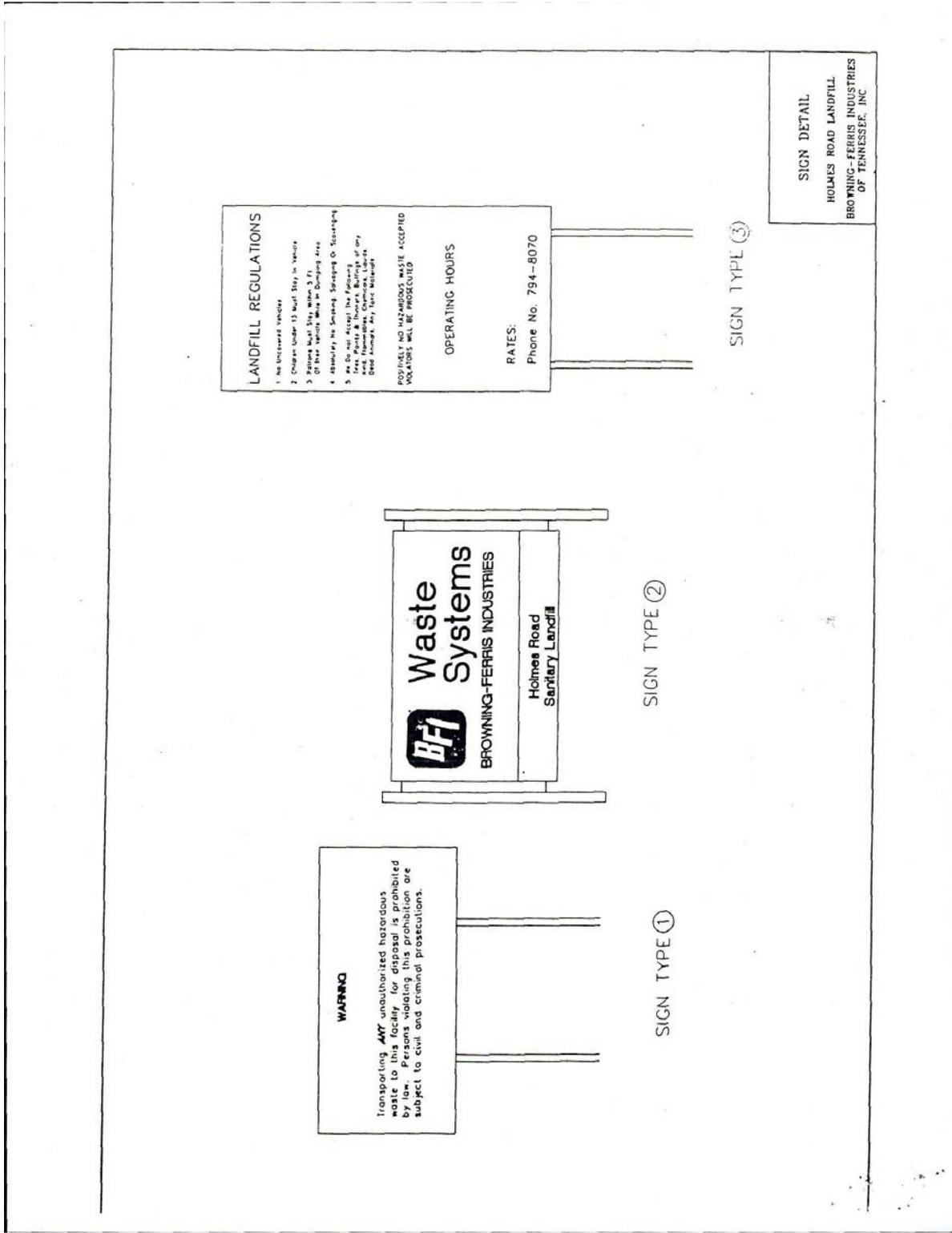
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BOARD OF ADJUSTERS



**LANDSCAPING  
HOLMES ROAD SANITARY LANDFILL  
SHELBY COUNTY, TENNESSEE**



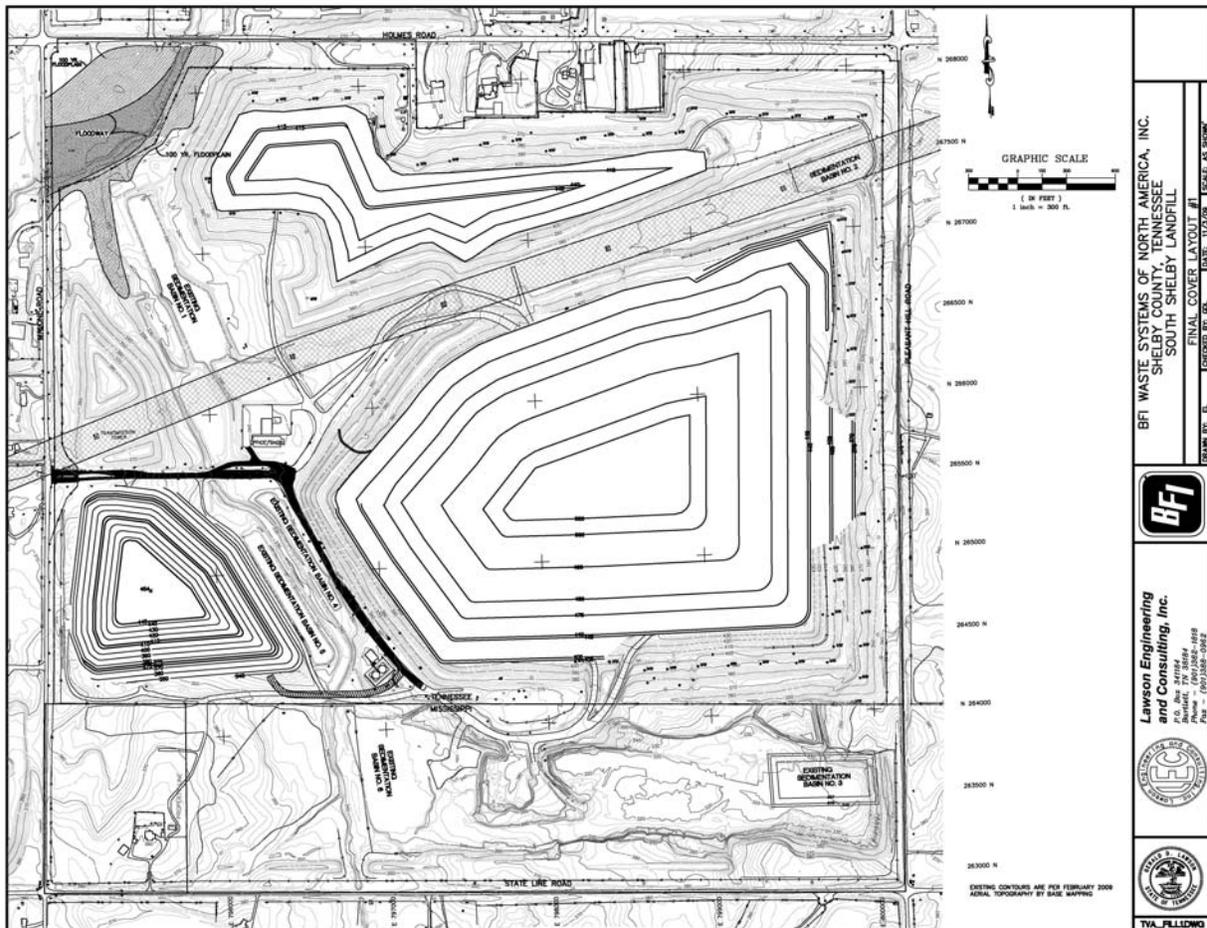


**STAFF ANALYSIS:**

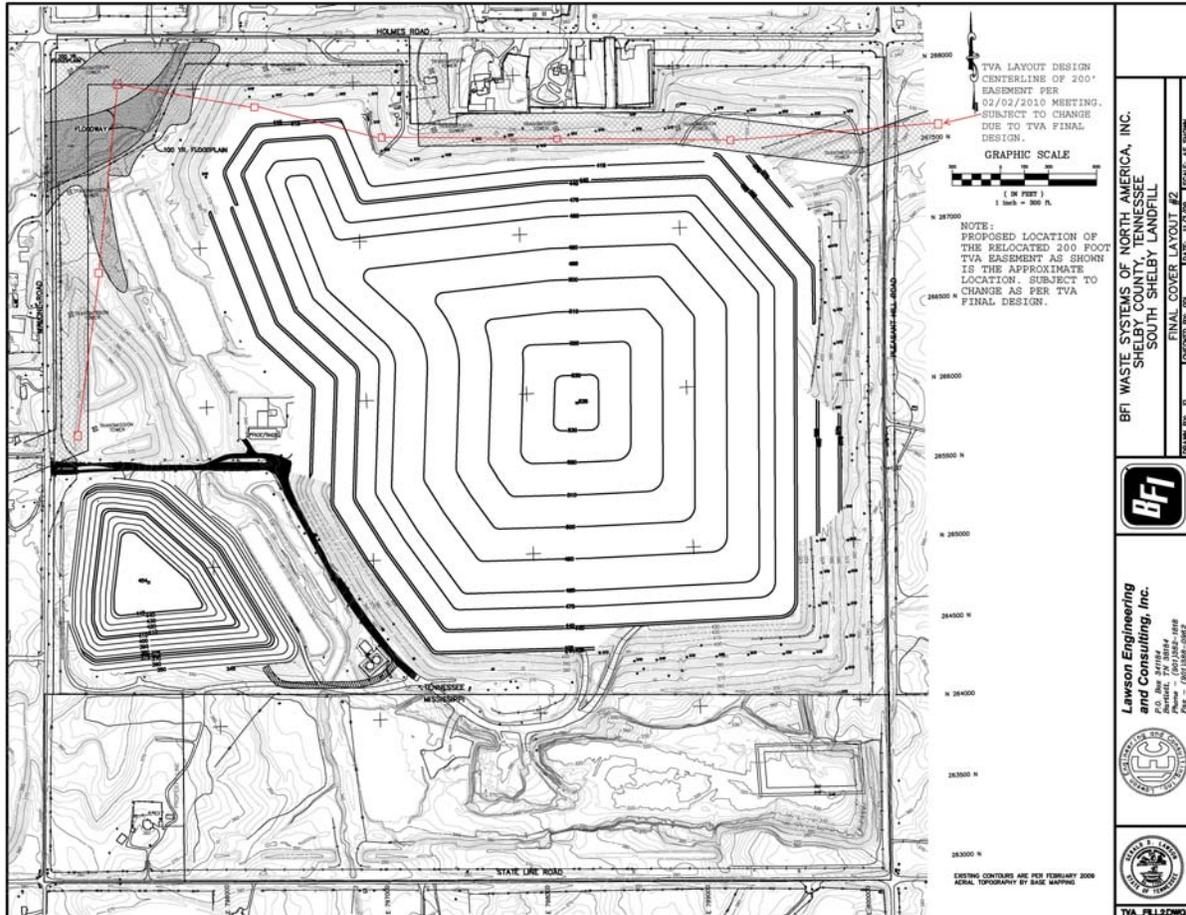
The subject site originally received approved of a use variation for a sanitary landfill in 1976 by the Memphis and Shelby County Board of Adjustment (BOA) and has received five time extensions over the past twenty-nine (29) years with one of the extensions being granted by the Memphis City Council and Shelby County Commission in 2002. The attached letter (Exhibit "A") from the applicant's representative gives a very detailed history (Exhibit "B" & "C") and discussion of the requested use variation on the subject site.

The applicant is requesting approval of a use variation to permit a time extension to continue to operate an existing sanitary landfill. The request is based on the fact that TVA has agreed to relocate at the applicant's expense an existing 200 foot wide TVA easement currently bisecting the landfill site. The relocation of the easement will allow the landfill site additional years of operation by permitting higher height limits to be gained at this location.

*The graphic below shows the location of the existing TVA easement crossing the site.*



*The graphic below shows in red relocation of the existing TVA easement closer to the north property lines of the site.*



Based on the history of operation at this location in Shelby County and the past findings of the Memphis and Shelby County Board of Adjustment (BOA), there is no objection to granting the continued use of this site as a sanitary landfill. This use variation approval should be subject to the site plan (revised to show the new TVA easement alignment) previously approved by the BOA with the exception of the time limit for operation. The time limit condition should be amended to permit the site to operate for the life of the site plus additional time for closure and post closure maintenance, monitoring and care as required by applicable federal, state, and local laws and regulations. Also a new condition should be added to provide for maintaining the landscape buffer at the site's entrance on Malone Road and natural screening that has occurred along the Holmes Road and Pleasant Hill Road frontages.

**RECOMMENDATION:**      **APPROVAL, SUBJECT TO THREE (3) CONDITIONS**

**CONDITIONS:**

1. This use variation approval is subject to the site plan (revised to show the new TVA easement alignment) as well as all applicable conditions previously approved by the BOA (BOA 84-169).See Exhibit “B”
2. This use variation is approved for the operational life of this sanitary landfill site including time for closure and post closure maintenance, monitoring and care as required by applicable federal, state, and local laws and regulations.
3. Any existing trees larger than 6 inches in diameter measured at 4 feet above ground level that is removed in the buffer areas along Pleasant Hill or Malone Road caused by the relocation of the TVA lines shall be mitigated in the vacated TVA easement or some other location subject to the approval of The Office of Planning and Development.

**GENERAL INFORMATION:**

**Roadway Frontages:** 3,145 feet along Malone Road  
1,950 feet along Holmes Road  
3,960 feet along Pleasant Hill Road

**Planning District:** Oakhaven-Parkway Village

**Census Tract:** 217.56

**Zoning Atlas Page:** 2540

**Parcel ID:** 094100 00063, 091100 00064, 094200 00143, 094200 0

**DEPARTMENTAL COMMENTS:**

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

**City Engineer:** No comment received.

**City Fire Division:** No comment

**City Real Estate:** No comment.

**City/County Health Department:** No comment for this extension of time at the BFI South landfill by the Water Quality Branch.

**City Board of Education:** No comments received.

**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 conditions:

- **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 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 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 MLGW 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). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
  - All commercial developers must contact MLGW's Builder Services at 901-367-3343 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/Bell South:**

AT&T Tennessee has no comment regarding this request.

**Memphis Area Transit Authority (MATA):**

No comments received.

**OPD-Regional Services:**

No comments received.

**OPD-Plans Development:**

No comments received.

**Memphis Park Commission:**

No comments received.

**Neighborhood Associations:**

None Found.