

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #14**

CASE NUMBER: Z 10-108 L.U.C.B. MEETING: June 10, 2010

LOCATION: East bank of the Mississippi River, extending southward from Incline Bayou. (accessed through property at 486 Jack Carley Causeway)

COUNCIL DISTRICT: 6
SUPER DISTRICT: 8

OWNER: South of Fleet Street, LLC

APPLICANT: SCF Real Estate, LLC

REPRESENTATIVE: Burch, Porter & Johnson, LLC (Josh Lawhead)

REQUEST: Heavy Industrial (I-H) District*

AREA: 10.54 acres

EXISTING ZONING: Agricultural (AG) District*

**Note: Floodplain Overlay [FP] District will remain in effect.*

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval, with Conditions

CONCLUSIONS:

- 1. This request is to rezone a small tract of land bordering the Mississippi River to match the zoning of the property that separates it from the nearest point of access to a public street.**
- 2. The proposed change appears to be consistent with official land use policy as expressed in the South Memphis plan and in the official zoning map prior to 1994.**
- 3. This proposed change amends a cartographic interpretation made when the zoning district boundaries were drawn to conform to the parcel boundaries promulgated by the Assessor of Property for computer mapping applications.**



FIGURE 1: LOCATION MAP



FIGURE 2: BIRD'S EYE VIEW
Looking eastward as shown in Figure 1 arrow

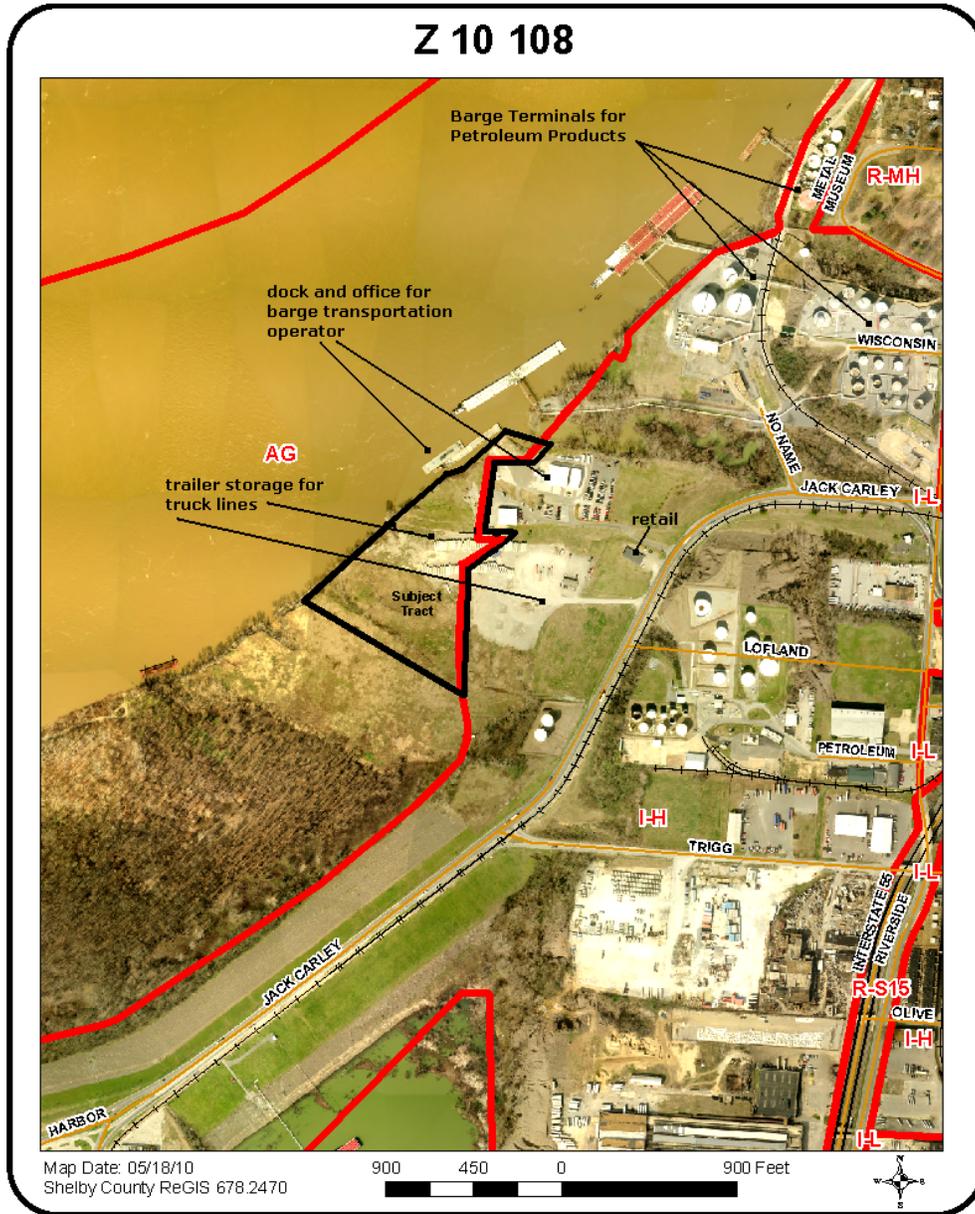


Figure 3: LAND USE & ZONING MAP

SURROUNDING USES AND ZONING:

- Site:** Barge terminal dock and office; drop lot for a trucking operation
- Northeast:** Intermodal terminals (barge to truck) for petroleum products (*Zoned I-H*).
- East:** Continuation of on-site uses & auto parts retail store (*Zoned I-H*).
- Southwest:** Vacant land in the AG District
- West:** Mississippi River main channel (*Zoned AG*).



Figure 4: Sign at the northern entrance drive that provides access through the I-H (Heavy Industrial) District for about 850 ft. (1/6 of a mile) to the subject property



Figure 5: Sign at the southern entrance drive. This particular trucking company operates in the I-H area, in front of the subject property



Figure 6: The barge line office, partly visible at the far left side of this view, is in the I-H District just east of the subject AG-zoned property. The view of the river includes the superstructure of a towboat moored at a dock alongside the river bank in the AG District.



Figure 7: This view is mostly zoned I-H, but the row of truck trailers on the far left side appears to cross the boundary into the AG-zoned property.



Figure 8: A row of No Dumping signs follows, approximately, the southern boundary of the subject property through the AG District in an area of the site that is vacant and unused.



Figure 9: Looking southward from the Memphis-Arkansas Bridge, the towboat visible in Figure 6 may also be distinguished just beyond the fourth docking facility and nearly aligned with the large grain elevator on the horizon.



Figure 10: Approximation of subject property boundaries (in black) in relation to land parcels as mapped by the Assessor of Property.

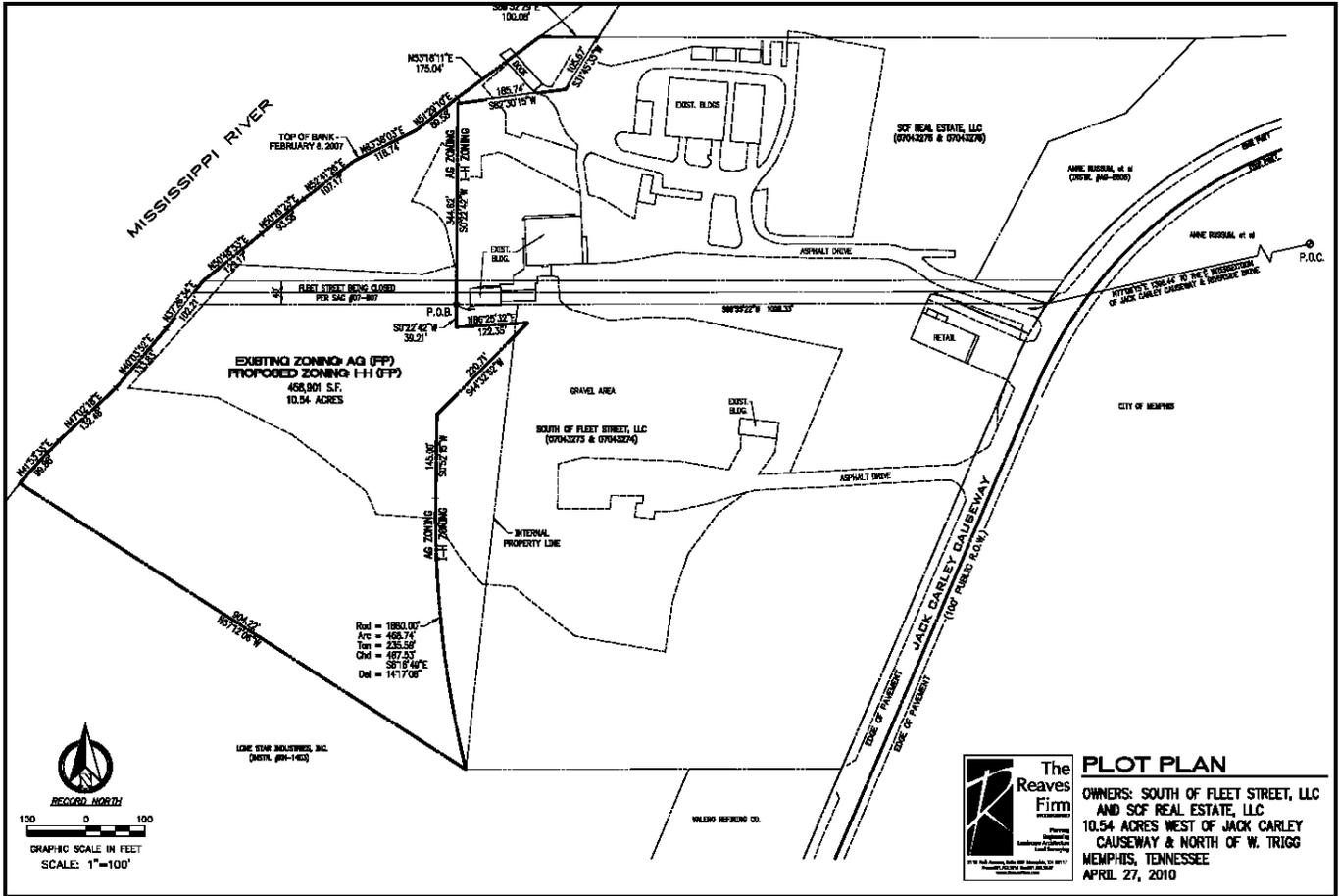


Figure 11: Applicant Drawing of Plot Plan

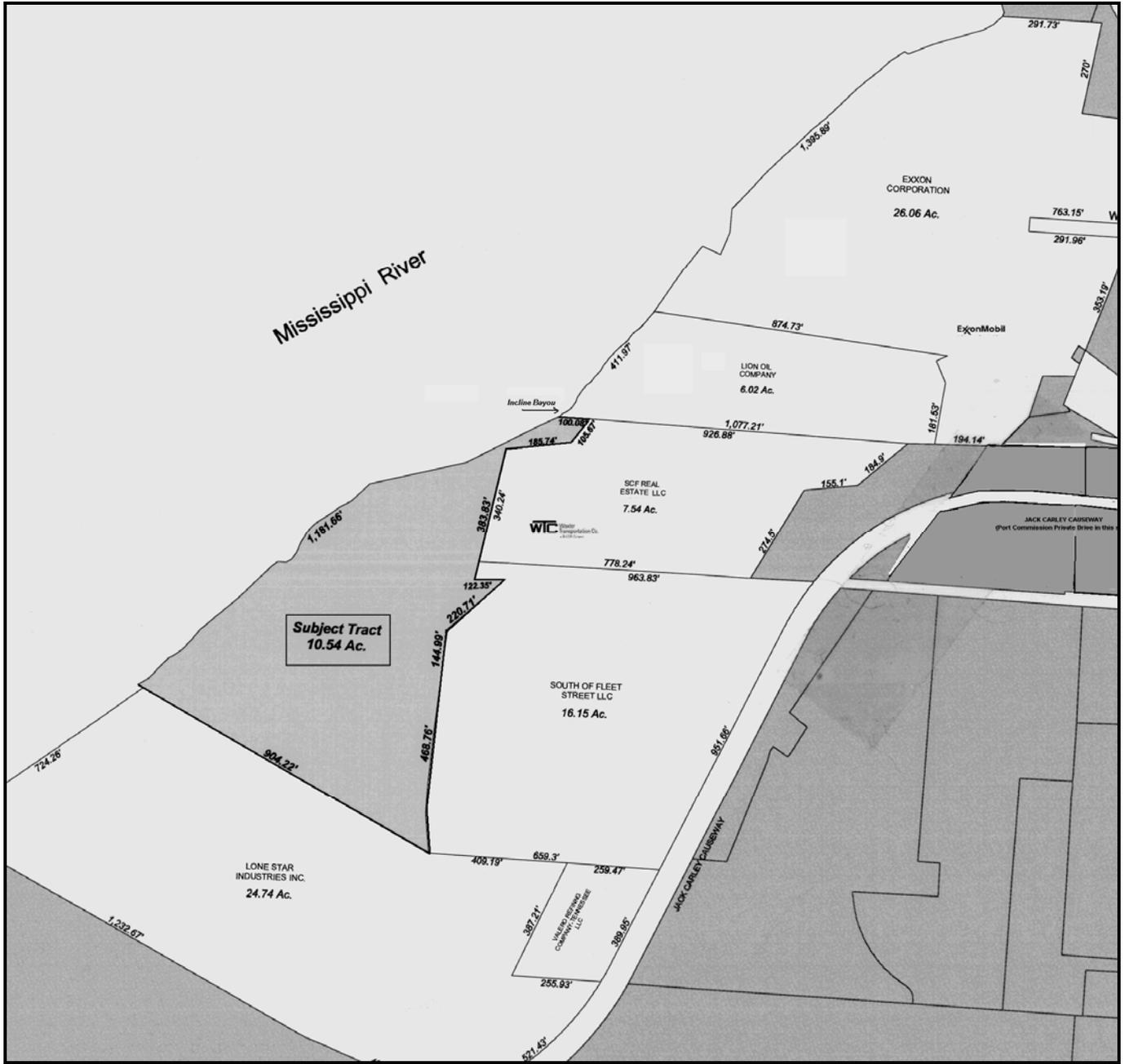


Figure 12: Vicinity Map with Property Owner Names as Used for Notices



Figure 13: Zoning District Map showing Floodplain [FP] Overlay in a green shade

STAFF ANALYSIS:

Site Characteristics

The subject property consists of the western portions of two large tracts of land currently used for industrial purposes as follows

Owners	Parcel Numbers	Total Area	Subject property	Land Use
SCF Real Estate, LLC	024001 00038 024001 00039	12.03 Ac.	2.16 Ac.	Barge line and truck terminal
South of Fleet Street, LLC	024001 00024C 050102 00018	24.14 Ac.	8.38 Ac.	Truck terminal (drop lot)

The total area of the subject property is listed as 10.54 acres in an irregular shape that is roughly triangular. The northwest side of the subject property borders the Mississippi River in a bend that brings the deeper part of the channel near the shore, conveniently for docking river craft.

The eastern boundary of the subject property follows a somewhat arbitrarily drawn zoning boundary that splits the above properties as currently defined by deed and or legal description. This arbitrary boundary is located considerably west of the frontage of the above tracts, and it runs roughly parallel to a segment of the Jack Carley Causeway, which is a major road connecting the President's Island industrial area with the McLemore Avenue exit on Interstate Highway 55. From where it winds past the above-referenced tracts to the I-55 (northbound only) entrance ramp is a distance of less than ½ mile.

The proposed rezoning would put the above-referenced tracts entirely in the Heavy Industrial (I-H) District, which now applies only to the eastern ¾ of the combined properties.

Planning Issues

There is no comprehensive plan, or zoning atlas prior to 1994, which shows anything other than an industrial designation between this section of Jack Carley Causeway and the Mississippi River. In particular, the South Memphis District Plan, adopted in 2000, shows the entire area as industrial use.

The zoning map shows the entire Mississippi River, by default, in the Agriculture (AG) zoning designation. (The default designation for Interstate Highway rights of way is R-S15.) The application of the AG District to certain riverfront parcels was likely an outgrowth of the conversion to a digital mapping system from one based on an earlier technology.

During the conversion of the zoning atlas to a digital mapping system, the base map compiled from a variety of older sources, was redrawn to conform to the very precise orthophotos which first became available in 1977. Subsequently, with State of Tennessee funding, a former

Assessor of Property undertook the conversion of the parcel maps to digital format as the basis for the system that currently exists. The appearance of additional land (in separate parcels) and their classification in the Agricultural (AG) Zoning District, seems have been the result of editorial decisions in response to an increase in the accuracy of the available base maps. Contributing to those decisions were the facts that: 1) the adjacent Mississippi River showed an AG designation; 2) these parcels were in the designated flood plain, as shown in Figure 13, and 3) the southern end of the area in question bordered property in the Agricultural AG district

Conclusion

Cumulative cartographic decisions by personnel of the Assessor's Office and OPD have led to a result that does not conform with the expressed intent of public policy. The requested rezoning is therefore an appropriate means of correcting those decisions.

RECOMMENDATION: *Approval*

GENERAL INFORMATION:

Coordinates:	35° 07' 02"N, 90° 04' 55"W
Parcel ID Numbers:	024001 00024C, -38, -39 & 050102 00018
Street Address:	(Nearest) 486 Jack Carley Causeway, 38106
Street Frontage:	Parcels have frontage on Jack Carley Causeway; subject properties do not.
Census Tract:	55
Planning District:	South Memphis
Zoning Atlas Panel:	2125
Annexation Date:	1899
Zoning History:	See page 11

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 comment.
City Real Estate:	No comments received.
City/County Health Department:	The Water Quality Branch & Septic Tank Program has no comments.
City Board of Education:	No comment.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	MLGW has no objection to the Zoning Request.
AT&T/Bell South:	AT&T Tennessee has no comment.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Plans Development:	No comments received.
Neighborhood Associations:	No comments received
<i>South Memphis Neighborhood Inc.:</i>	
<i>Creative Life, Inc.:</i>	
<i>South Memphis City Beautiful Club:</i>	



INTERNATIONAL
PORT OF MEMPHIS

Donald C. McCrory
Executive Director

June 1, 2010

Memphis & Shelby County Office of Planning & Development
City Hall
Room 477
125 North Main Street
Memphis, Tennessee 38103

Attn: Mr. Dave Adams

Re: Application for Zoning District Reclassification Approval \ South of Fleet Street,
LLC

Dear Mr. Adams:

This letter is to advise the Office of Planning & Development that the Memphis & Shelby County Port Commission fully support the referenced application and the request for zoning district reclassification therein.

Please contact the Port Commission if we can be of further service.

Sincerely,

Donald C. McCrory
Executive Director

c: Ken Gillum

EXHIBIT A-1 – Letter in Support – Port Commission



June 8, 2010

Tim Power, President
South of Fleet Street, LLC
727 North First Street
Suite 270
St. Louis, MO 63102

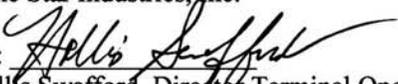
Re: Rezoning of East bank of Mississippi River
Case No. Z-10-108

Dear Mr. Power:

Lone Star Industries, Inc. ("LSI") has received notice of the rezoning hearing that is scheduled for June 10, 2010 relating to the 10.54 acres of land owned by South Fleet Street, LLC that is adjacent to property owned by LSI. This letter serves as confirmation that LSI has no objections to the rezoning of this property from Agricultural (AG) to Heavy Industrial (I-L).

If you should have any questions, please do not hesitate to contact me.

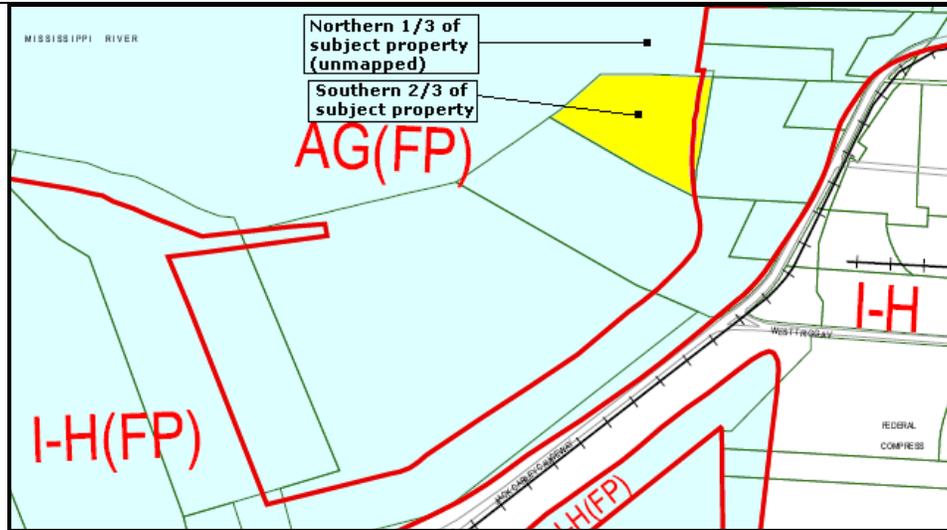
Very truly,
Lone Star Industries, Inc.

By: 
Hollis Swafford, Director Terminal Operations

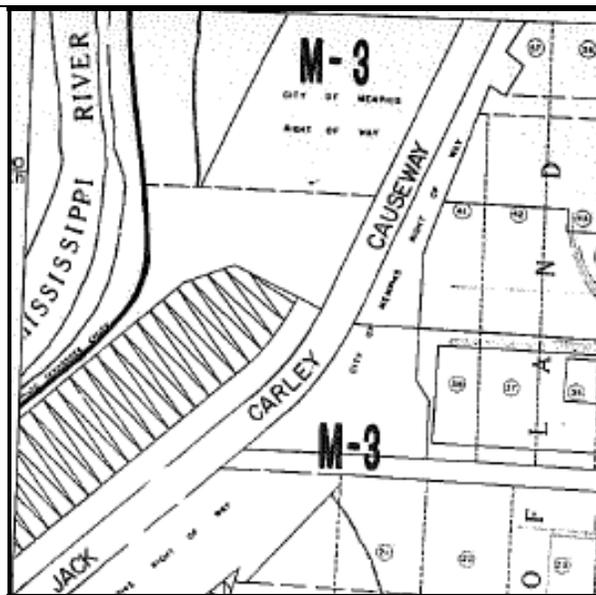
HS/sjd

Lone Star Industries, Inc.
100 Brodhead Road, Suite 230, Bethlehem, PA 18017

EXHIBIT A-2 – Letter in Support – Adjacent Property Owner



**Exhibit B.1 Clipping from 2003 Zoning Atlas
Showing Subject Property in the AG District, but Incompletely Represented**



**Exhibit B-2: Clipping from 1977 Zoning Atlas
Showing Heavy Industrial (M-3) Zoning Between the Causeway and the River**