

**STAFF REPORT
ADDENDUM**

CASE NUMBER: P.D. 10-312 **L.U.C.B. MEETING:** August 12, 2010

DEVELOPMENT NAME: Frayser Business Center Planned Development, Amended

LOCATION: East side of Thomas Street, 260 feet north of Stage Road

COUNCIL DISTRICT: 1

SUPER DISTRICT: 8

APPLICANT: Memphis Wrecking Company – Steve Williamson

REPRESENTATIVE: ETI Corporation

REQUEST: Amend planned development to delete Condition VII.Q. so as to allow public use of the demolition and construction landfill facility

AREA: 24.4 Acres

EXISTING LAND USE & ZONING: Currently governed by the conditions of the Frayser Business Center Planned Development (P.D. 07-310), Plat Book 245, Page 29

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS**

Staff Planner: Sheila Pounder

E-mail Address: sheila.pounder@memphistn.gov

CONCLUSIONS:

- 1. This application was heard by the LUC Board at its July meeting as a correspondence item and received approval from both Staff and the Board.**
- 2. An appeal to the City Council was filed on behalf of a neighboring property owner requesting that the case be remanded back to the LUCB and that the case be heard as a planned development amendment instead of a correspondence item.**
- 3. After consulting with the applicant and the appellant, the decision was made to voluntarily convert the case to a PD amendment and submit as a new application with the required 500 foot public notification and sign posting. All new application submittal requirements have been met by this application (P.D. 10-312) and the appeal of the correspondence item for PD 07-310 has been withdrawn.**
- 4. No additional information or materials have been submitted or have there been any changes in the applicant's original request (see attached staff report) to warrant a change in the recommendation.**

**FRAYSER BUSINESS CENTER PLANNED DEVELOPMENT, AMENDED
OUTLINE PLAN CONDITIONS**

I. Permitted Uses:

A. Any use permitted by right in the C-H Highway Commercial District with the following exceptions:

1. Group Shelter
2. Transitional Home
3. Motel
4. Farm labor and management services
5. Adult entertainment
6. Amusements, commercial outdoor
7. Boat rental, sale, storage or repair
8. Campground, travel trailer park
9. Drive-in theaters
10. Mobile home sales
11. Motor vehicle sales
12. Motor vehicle service
13. Pawn shop
14. Sheet metal shop
15. Tavern, cocktail lounge, night club
16. Use goods, second hand sales
17. Taxicab dispatch station
18. Advertising signs – billboards

B. The following additional uses to the C-H Highway Commercial District shall also be permitted:

1. Class IV Landfill subject to the conditions contained herein
2. Office showroom
3. Warehouse
4. Frayser entrance signage
5. Storage, distribution of:
 - a. Fabricated metal products & machinery
 - b. Food and beverage products except animal slaughter, stockyards, rendering, and brewery
 - c. Furniture & fixtures
 - d. Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office, art supplies
 - e. Stone, clay, glass, and concrete products
 - f. Textile, apparel products, cotton factoring, grading
 - g. Wholesale establishment

II. Bulk Regulations:

- A.** Minimum building setback from Thomas Street –150 feet.
- B.** Maximum height of buildings— 40 feet.
- C.** Minimum building setback from east property line – 100 feet.
- D.** Minimum building setbacks from south property line – 100 feet.

III. Access, Circulation and Parking:

- A.** One curb cut shall be permitted on Thomas Street with the location as generally indicated on the Outline Plan.
- B.** The design of curb cuts shall be subject to the approval by the City Engineer.
- C.** Parking shall be provided in accordance with the Zoning Ordinance

IV. Landscaping and Screening:

- A.** All landscaping requirements and improvements shall meet or exceed the minimum standards specified by the Memphis and Shelby County Zoning Ordinance.
 - B.** All approved landscaping elements, including individual plants and plant species, shall be indicated in plan view on the final plan. Landscape plates should be used as needed for explanatory, but not determinative purposes.
 - C.** Landscaping along Thomas Street shall be in accordance with Landscape Plate as shown on the Outline Plan² including a four (4) foot high berm, and shall be irrigated.
 - D.** The berm and landscaping along Thomas Street shall be constructed and planted prior to any Class IV filling on site.
 - E.** A minimum 100-foot wide screen shall be provided along the east property line including a 20-foot high berm. Any reduction the height of the berm shall require a corresponding (one foot to one foot) reduction in the maximum height of the fill elevation as shown on the Outline Plan.
 - F.** Screening, as shown on the Outline Plan, shall be provided along the south property line on the existing berm.
 - G.** The height of the berm at each point shall be determined respectively in relation to the height of the nearest point on the property line.
-

- H.** Refuse containers shall be screened from view from adjacent property and from the public roads.
- I.** Air conditioning, heating, and other mechanical equipment shall be screened using architectural features, planting, fences, or other means.
- V.** Signs: Signs shall be permitted in accordance with the C-H District.

 - A.** A Frayser entrance sign shall be permitted as generally located on the Outline Plan; the size and height shall be subject to the Office of Planning and Development approval.
 - B.** Attached signage shall be in conformance with the C-H Highway Commercial District.
 - C.** No temporary or portable signs shall be permitted.
- VI.** Drainage:

 - A.** All drainage plans shall be submitted to the City Engineer for review.
 - B.** All drainage emanating on-site shall be private. Easements will not be accepted.
 - C.** Drainage improvements to be provided under contract in accordance with Subdivision Regulations, and the City of Memphis Drainage Design Manual including possible on-site detention.
 - D.** The following note shall be placed on all final plans. Common open space is reserved for the purpose of the conveyance of storm water in a natural drainage way. This C.O.S. shall not be used as a building site or filled without obtaining the written permission from the City and County Engineer. The drainage way system located with the C.O.S., except for those parts located in a public drainage easement, shall be owned and maintained by the property owners' association. Such maintenance shall be performed so as to assure that the drainage system operates 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.
- VII.** Class IV Landfill Requirements:

 - A.** The hours of operation shall be limited to daylight hours Monday through Saturday.
 - B.** The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells.

- C.** The final filled elevation shall be limited to a maximum elevation of 290 feet as determined from the datum plane used for the site plan elevations as shown on the landfill grading plan, which shall be recorded as part of the outline and final plan.
- D.** A layer of clean earth at least two and a half (2.5) feet thick shall be deposited and thoroughly compacted over all final fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application. The final fill and finished grade shall be stabilized, seeded, sodded or appropriately planted after completion.
- E.** The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method. No fires shall be permitted.
- F.** Access to the site shall be from Thomas Street.
- G.** Except for protective fences, no building or structure, other than a scale and entry gatehouse erected in connection with the operation, shall be located in any required front yard/side yard/rear yard or closer than one hundred (100) feet from any property line.
- H.** A security gate shall be provided at the main entrance as shown on the Outline Plan and which shall remain locked at all times when active operations are not taking place.
- I.** A minimum of 60 feet shall be provided between the public right-of-way and the entrance gate or guardhouse to provide adequate queuing spaces and maneuvering room.
- J.** To minimize the deposit of materials from the site onto the public road, the wheels of vehicles exiting from the site shall be kept free of gravel, dirt and debris. Wheel washing equipment shall be installed for the cleaning of vehicles exiting the site, and shall be setback from Thomas Street a minimum of 100 feet.
- K.** No excavation or demolition fill shall be permitted within 100 feet of any adjacent property or within 500 feet of any building used for residential purposes.
- L.** Equipment used in the landfill operation shall be operated in such a manner that noise and vibration are prevented, to the extent possible, from emanating beyond the boundaries of the site.
- M.** Backup alarms on vehicles and construction equipment shall emit a narrowly directed signal of white noise, as consistent with the latest technology, so as to eliminate the ambient warning noise activity as a significant nuisance for neighbors.

- N. No tires or shredded tires shall be permitted.
- O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on site except for the berms and landscaping as depicted on the Outline Plan and as conditioned herein.
- P. A six (6) foot high chain link fence shall be constructed along the south property line that will tie to the existing chain link fence; along the east property line to the 500 foot preservation area; along the preservation area to the railroad right-of-way; and, along the western property line including the entrance gate to the railroad right-of-way.
- Q. **(DELETE WITH PD 10-312 AMENDMENT)**
- R. The tree preservation area located in the northern portion of the property as shown on the Outline Plan shall be a non-disturbed area.
- S. The facility shall have clearly visible and legible signs at the point of public access that indicates the hours of operation, the general types of waste materials that either will or will not be accepted, emergency telephone numbers, and any other necessary information.
- T. Trained personnel shall always be present during operation hours to operate the facility.
- U. The facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site.
- V. The applicant shall submit to the Office of Planning & Development, and the Frayser Community Development Corporation a written report on the landscaping along Thomas Street on November 1st, and on April 30th of each year for three years to ensure that the landscaping is properly maintained. The Office of Planning & Development may require landscaping be replaced or additional landscaping be provided to maintain the integrity of the landscape plan as depicted on the Outline Plan.
- W. The hours of operation for this facility shall be from 7 a.m. until 5 p.m., Monday thru Saturday.

VIII. Site Plan Review Except for Landfill Operations

- A.** A Site Plan shall be submitted for the review and comment of the Office of Planning and Development (OPD) and appropriate City agencies; and the approval of OPD prior to the approval of any Final Plan except for the landfill operation. The Frayser Neighborhood Association shall be mailed copies of all site plans 20 days prior to OPD approval. If OPD rejects the site plan an appeal may be filed with the Land Use Control Board and notification to the Frayser Neighborhood Association and applicant shall be mailed no later than 15 days prior to the Board's meeting.
- B.** Any Site Plan shall include the following information:
1. The location, dimensions, floor area and height of all buildings, structures, signs, lighting and parking areas.
 2. Specific plans for internal and perimeter landscaping and screening including plant material names and sizes at time of installation.
 3. Illustrations of the design, materials and colors of any proposed signs.
 4. A grading plan of the site including any retention or detention areas.
 5. Finished floor elevations.
 6. Any outdoor storage shall not be located less than 350 feet from Thomas Street and shall be screened from view of adjacent properties.
- C.** The Site Plan shall be reviewed based upon the following criteria:
1. Conformance with the Outline Plan and Conditions.
 2. Landscaping and adequacy of screening from residential areas including the preservation of trees.
 3. Building orientation and setback.
 4. Access and circulation providing a unified and continuous circulation pattern on the site and between phases.
 5. Parking spaces and design.
 6. Compatibility with adjacent properties as judged from the final elements of the site development including landscaping, screening and architectural design.
- D.** The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signs, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative bodies.
- E.** A Final Plat shall be recorded within five years of the date that this application shall have been approved by the appropriate legislative body(s). The Land Use Control Board may grant time extensions after filing a correspondence application with notice to abutting property owners and the associations identified in VIII above.

F. Any final plan shall include the following:

1. The Outline Plan conditions.
2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
3. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.
4. The number of parking spaces.
5. The location and ownership, whether public or private of any easement.
6. The Floodway District boundary, the 100-year flood elevation and any wetlands.
7. 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 operates 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.

**CORRESPONDENCE ITEM
STAFF REPORT**

CASE NUMBER: PD 07-310

L.U.C.B. MEETING: July 8, 2010

DEVELOPMENT NAME: Frayser Business Center Planned Development

LOCATION: East side of Thomas Street, 260 feet north of Stage Road

COUNCIL DISTRICT: 1

SUPER DISTRICT: 8

APPLICANT: Memphis Wrecking Company – Steve Williamson

REPRESENTATIVE: ETI Corporation

REQUEST: Deletion of Condition VII.Q. so as to allow public use of the demolition and construction landfill facility

AREA: 24.4 Acres

EXISTING LAND USE & ZONING: Currently governed by the conditions of the Frayser Business Center Planned Development (P.D. 07-310), Plat Book 245, Page 29

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval to delete Condition VII.Q. and add three supplemental conditions to the outline plan.

Staff Planner: Sheila Pounder

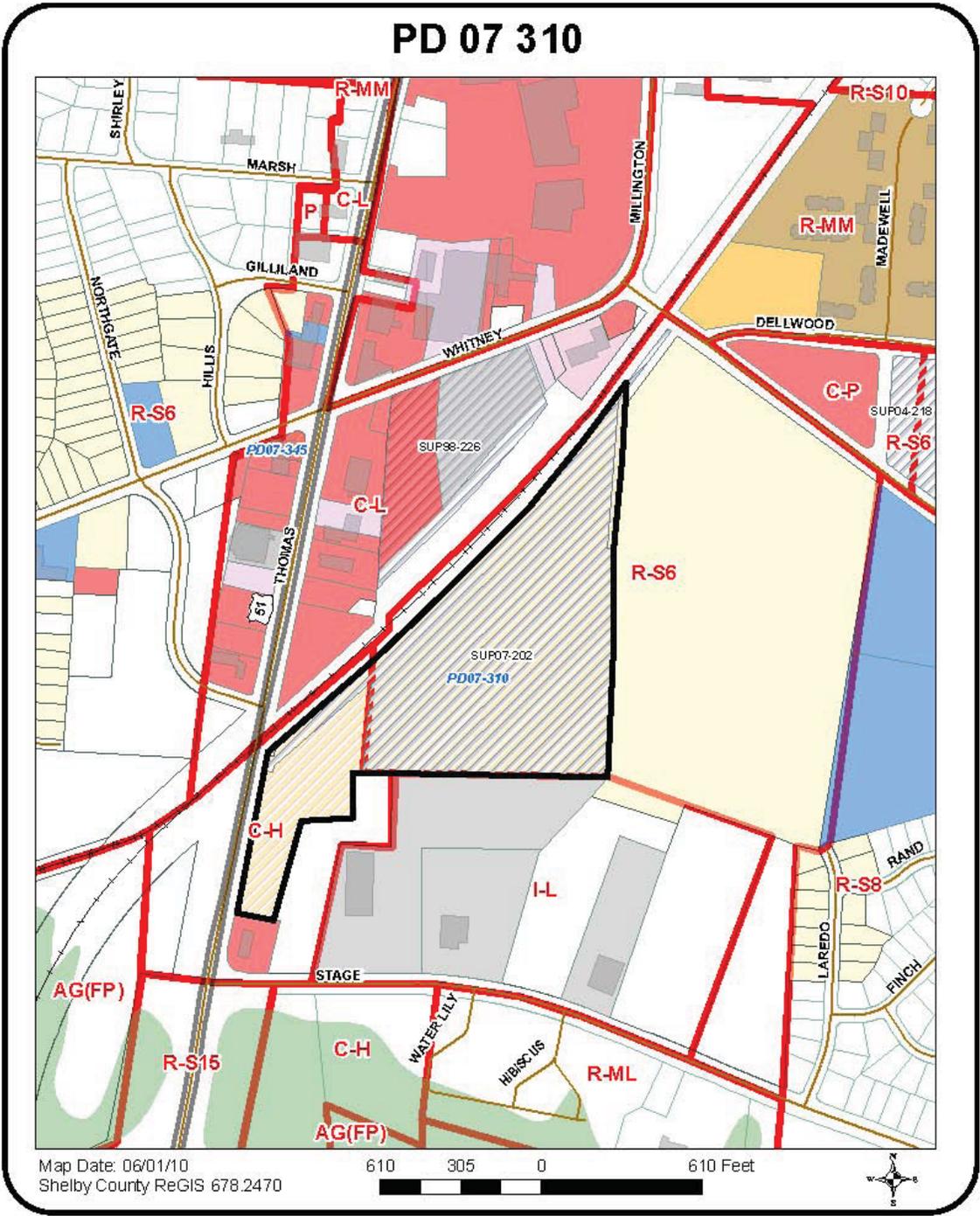
E-mail Address: sheila.pounder@memphistn.gov

CONCLUSIONS:

1. The Final Plat for the Frayser Business Center Planned Development in Plat Book 245, Page 29 was approved and recorded in 2008 to permit the operation of demolition/construction landfill for exclusive use by the applicant, Memphis Wrecking Company.
2. The request to delete Condition VII.Q is being made for two reasons, to provide an additional facility in the community and thereby reducing local hauling cost and in response to the impact of the decline in the economy for the company.
3. There is no objection to the request since the type and nature of the materials dumped in this landfill will not change with this amendment to the conditions subject to the revised final plat and the addition of several new conditions governing the operation of the facility.

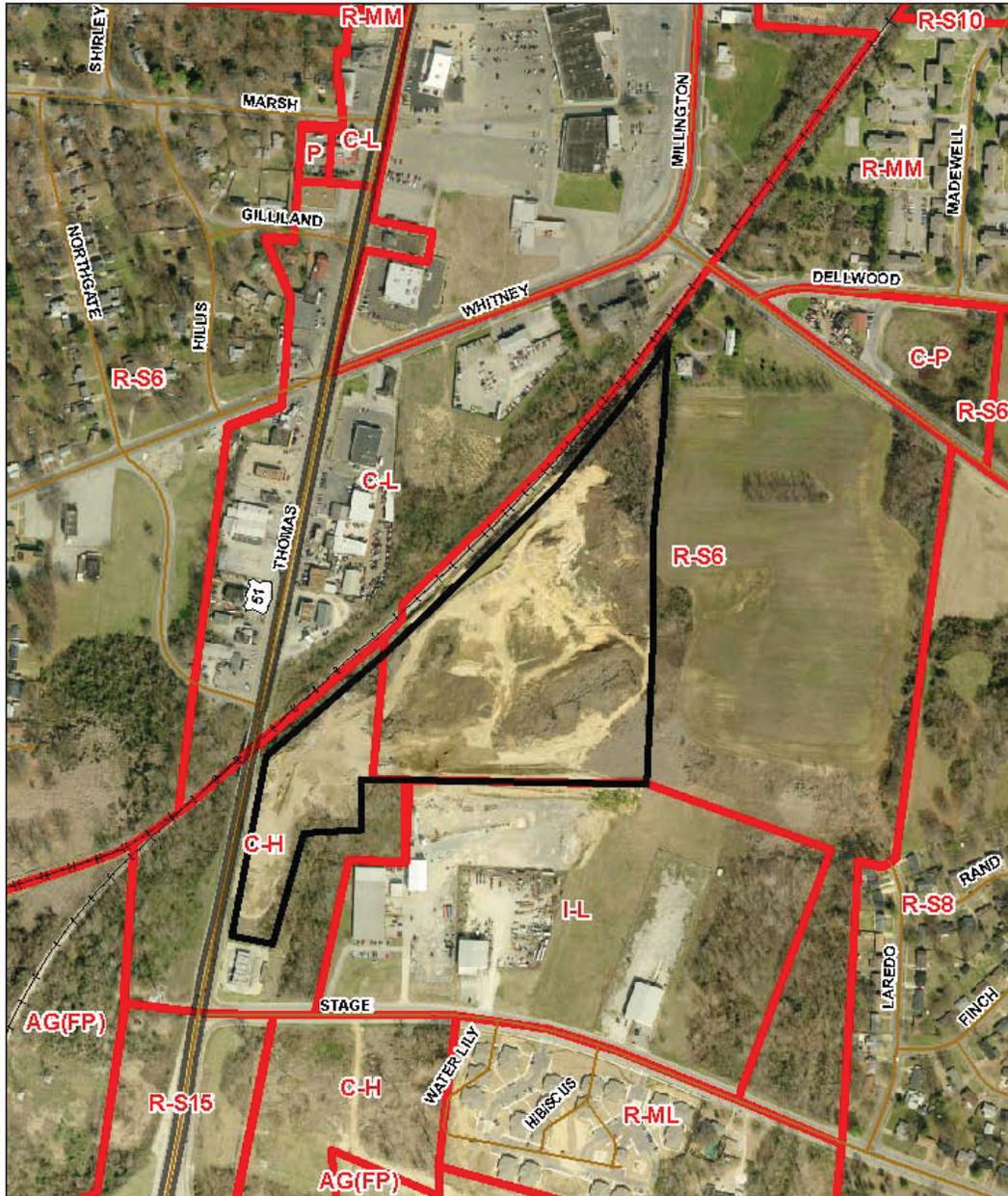
LAND USE AND ZONING MAP

PD 07 310



AERIAL MAP

PD 07 310

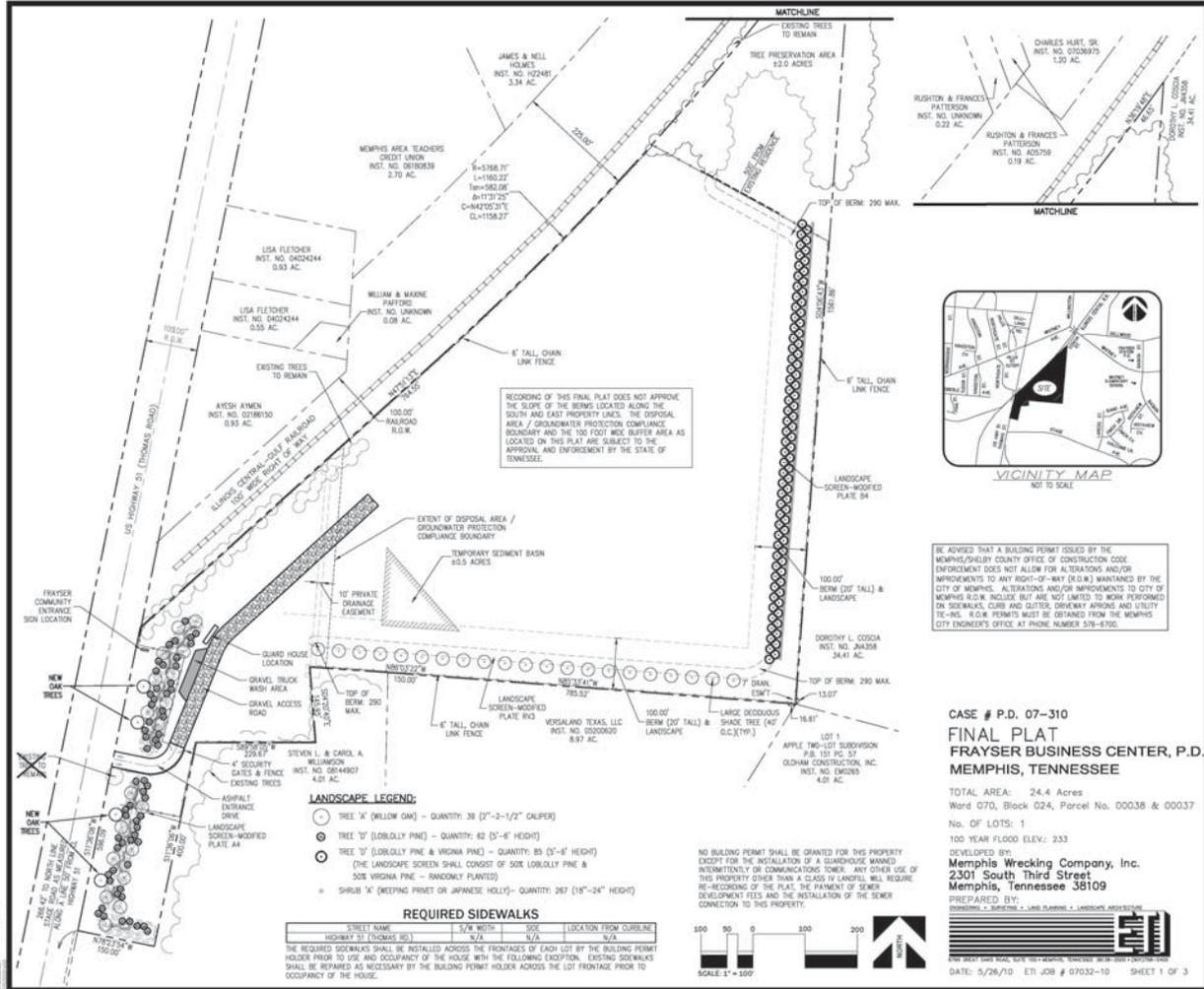


Map Date: 06/01/10
Shelby County ReGIS 678.2470

610 305 0 610 Feet



FINAL PLAT FRAYSER BUSINESS CENTER PLANNED DEVELOPMENT



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www.eti.com

Entrance of Subject Site along Thomas Street



Entrance Driveway & Gate of Site



VIEW OF LANDSCAPED AREAS NORTH AND SOUTH SIDE OF ENTRANCE DRIVE



STAFF ANALYSIS:

Applicant's Request

The subject site was approved as a demolition landfill facility in 2007 by the recording of the Final Plat for the Frayser Business Center Planned Development in Plat Book 245, Page 29. The facility was approved for exclusive use by the applicant, Memphis Wrecking Company. The applicant now seeks to delete Condition VII.Q in order to permit the facility to be open to use by the general public. The request is being made for two reasons. First, to allow not only general public access to the facility but also City and County Government which may assist in more rapid clean-up efforts of damage from weather related events by providing an additional facility in the community and reducing hauling costs. Secondly, the decline of the economy requires that new avenues of income be found to make this facility successful.

Review of Request

There is no objection to the applicant's request to allow the general public access to use this demolition landfill site since the type and nature of the materials dumped in this landfill will not change with this amendment to the conditions. However, to ensure that the public is aware of the rules and regulations governing the operation of the facility some additional conditions should be added to the outline/final plan.

Condition VII.Q was placed on the facility to limit the amount of traffic exiting the site due to questionable site distance on Thomas Street, south of the site's entrance. The site distance problem is due to both a steep uphill grade on Thomas Street and the presence of a large tree located within 10 feet of the right-of-way at the entrance/exit to the facility. The tree was saved on site due to it being one of a few trees of its size still existing along the eastern side of Thomas Street and because it was believed that its presence would not obstruct the view of large dump trucks entering and exiting the site.



Even though the entrance/exit to the facility was specifically located on the north side of the existing tree, the trucks leaving this site to turn south are experiencing site distance obstruction especially during the spring and summer months. The applicant is requesting to remove the tree and replace it with four new Oak Trees with a planting caliper of approximately two and half inches along street frontage. The proposed removal and replacement of the large tree is in accordance with the Memphis and Shelby County Tree Ordinance.



RECOMMENDATION: Approval to delete Condition VII.Q. and add three supplemental conditions to the outline plan.

CORRESPONDENCE ITEM CONDITIONS:

Delete of Condition VII.Q.

Conditions to be add to outline plan as follows:

1. The facility shall have clearly visible and legible signs at the point of public access that indicates the hours of operation, the general types of waste materials that either will or will not be accepted, emergency telephone numbers, and any other necessary information.
2. Trained personnel shall always be present during operation hours to operate the facility.
3. The facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site.

DEPARTMENTAL COMMENTS:

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

City Engineer:	No objections to this request.
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 comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	MLGW has no objection to the proposed amendment of the Conditions for the Planned Development.
AT&T/Bell South:	No comment.
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:	
<i>Frayser CDC:</i>	No comments received.
<i>Frayser Environmental Committee:</i>	No comments received.
<i>Frayser Citizens Alert:</i>	No comments received.

P.D. 10-312
Frayser Business Center
Planned Development, Amended

Letters of Opposition

Special permit for trucks loses

Land board rejects mining company

By Tom Bailey Jr.
baileytom@commercialappeal.com

In a border battle of sorts along the Tipton/Shelby county line, Shelby County's Land Use Control Board on Thursday sided unanimously with its North Shelby constituents.

A sand-and-gravel-mining company that does much of its mining in Tipton County's Atoka sought a special-use permit to allow mining on a large piece of property in Rosemark, mainly for logistical purposes.

Memphis Stone & Sand really needed the permit for a shorter, more direct route to get its dump trucks from the mines in Tipton County to Austin Peay Highway (Tenn. 14) at Rosemark in Shelby County.

The plan met with fierce opposition in Rosemark, whose residents told the board they don't want to be Tipton County's driveway for heavy trucks that will make Mulberry Road more dangerous and disturb their rural, bucolic way of life.

But Memphis Stone and Sand attorney Homer Branan said routing the trucks from the mines along Mulberry Road to Austin Peay is the "shortest, quickest, safest route."

The company can't use Atoka's Tracy Road because it's too unsafe, Branan said.

But Rosemark Civic Club's attorney, Lewis Wardlaw, said the 300 hundred daily truck trips through Rosemark will benefit Atoka financially while "we get the scraps. This is another county's problem."

If informal custom of the Office of Planning and Development is followed, the city of Millington has already made the issue moot.

The Millington mayor and aldermen have gone on record opposing the special-use permit. Rosemark is not in Millington, but is in the

city's annexation reserve area. County planners defer to the planning decisions of suburban cities regarding their reserve areas.

But Branan reminded the board Thursday that it doesn't have to follow the unwritten policy.

The Land Use Control Board also:

- Voted to let a demolition/construction landfill in Frayser allow the public to start using it. Memphis Wrecking Company has been operating the 24-acre landfill — on the east side of Thomas, just north of Stage Road — just for its own trucks. The change would mean other contractors would have less distance to haul their debris.

- One neighbor spoke vehemently against the proposal, saying it would draw more heavy trucks to stir up dust and make Thomas more dangerous.

- But landfill representative Ralph Smith said the nearest houses are 850 feet away, and construction waste should create no stench.

- Allowed a developer for CVS to delay its application for a new drugstore at the northeast corner of Park and Highland until a compromise can be worked out with community groups and the Office of Planning and Development.

- The planning staff recommended the board reject the proposal because it doesn't comply with the pedestrian-friendly zoning of the University District Overlay.

- CVS plans to set its building back about 75 feet from both Park and Highland, allowing three rows of parking on the Park side and two rows of parking on the Highland side.

- But the University District Overlay requires the building to be no more than two to seven feet from the sidewalk.

- Park and Highland don't have enough pedestrians to justify placing the building at the street corner, CVS attorney Ricky Wilkins told the board.

- And approved a planned development to allow a new seminary, Mid-South Christian College, on nine acres on the south side of E. Shelby Drive. The site is a mile west of Forest Hill Irene Road in southeast Shelby County. The seminary would include offices, chapel, library, classrooms, student center and dormitories.

— Tom Bailey Jr.: 529-2388

FRAYSER CITIZENS ALERT
1136 Finch Drive
358-3096
MEMPHIS, TN. 38127

Gladys D. Adams,
President
358-3096

MARY L. BAKER, DIR, OPD.

OUR ORGANIZATION IS OPPOSING OPD FROM ALLOWING THE FOLLOWING TO
MODIFY AN ORDER TO OPEN THE LANDFILL AT 2948 N. THOMAS ST. AND
STAGE ROAD TO THE ENTIRE CITY OF MEMPHIS TO DUMP THEIR TRASH, ETC.
AND GROVEL OF VARIOUS KINDS:

MEMPHIS WRECKING COMPANY
2301 SO. THIRD ST
MEMPHIS, TN. 38109

PUBLIC HEARING DATE WILL BE HELD:

DATE: THURSDAY, JULY 08, 2010
TIME: 10:00 A.M.
AT: City Hall Council Chambers, First Floor, 125 N. Main

DUE TO:

1. CLOSENESS: NORTH GATE SHOPPING CENTER AND BUSINESSES ON
N. THOMAS, WHITNEY AND STAGE AND OUR 60 HOME SUBDIVISION
2. 1 Block East of DUMP SITE THE ODOR AND FILTH, RATS AND NOISE.
3. THE KILLER TRAFFIC OFF THE I-40 RAMP TO COLLIDE WITH
4. THE BIG TRUCKS WOULD BE A MAJOR TRAFFIC HAZARD.
5. ALSO OUR PROPERTY VALUES WOULD BE DESTROYED ON STAGE,
LAREDO, RAND AND FINCH DR. AND WHOLE SOUTH WEST Frayser. (WIDOWS)
6. WE WERE NOT NOTIFIED IN TIME NOR TOLD THE TRUTH THAT OPD
7. AND/OR CITY COUNCIL GAVE ILLEGAL PERMISSION IN 2007 TO
BE WORKING THIS SITE FOR A LANDFILL FOR 3 YEARS.
8. WOULD YOU WANT THIS NEXT DOOR TO YOUR HOME?

ALL MEDIA WELCOME

WMC-ERICA, WREG-NEWS REPORTER, WHBQ-DREW
COMMERCIAL APPEAL-- MORISSA

DIR. MARY BAKER: ph; 5767197, FAX: 5766603
Ms. SHEILA POUNDERS:

WMC: PH.726-0416, FAX:278-7603 Erica
WREG: PH. 5432333 FAX: 3201366 Drew
WHBQ; PH. 320-1313 FAX: 3201366

Herb Nicholson - Re: Frayser Business Center Landfill - TDEC File No DML 79-0123

From: Herb Nicholson
To: Walsh, J. Kevin
Date: 8/5/2010 11:34 AM
Subject: Re: Frayser Business Center Landfill - TDEC File No DML 79-0123
CC: Boatright, John; Jeff Norman; Philip Davis

Kevin

As you know, John Boatright from our office is the case worker for this site. He has reviewed the State's permit pertaining to the type(s) of wastes permitted to be disposed at the facility. Based on this review, the following information is offered for your consideration:

1. The State permit document does not specifically restrict the site to a private fill.
2. However, the Operations Manual (included as part of the permit) does limit the waste to that generated by Memphis Wrecking.
3. The facility is restricted to construction and demolition waste only.

John (901-371-3011) also takes part in the approval process for permit modifications. He can assist you regarding the types of modifications approved by DSWM for this facility. If you need any more information regarding this site, please don't hesitate to contact me.

Herb Nicholson
PG, CHMM
Tennessee Department of Environment and Conservation
Division of Solid Waste Management
8383 Wolf Lake Drive
Bartlett, TN 38133

Phone: 901-371-3010
Fax: 901-371-3170
Email: herb.nicholson@tn.gov
>>> "J. Kevin Walsh" <jkwalsh@harrishelton.com> 7/28/2010 2:56 PM >>>

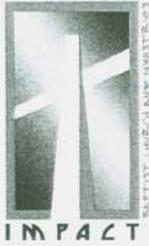
Mr. Nicholson:

I appreciate your meeting with me yesterday regarding the Frayser Business Center Landfill – TDEC File No. DML 79-0123. As I mentioned to you, we represent several property owners who either adjoin the landfill or are in the immediate area. Those property owners have requested an appeal of the approval by the Land Use Control Board ("LUCB") of a Correspondence Item concerning the Frayser Business Center Planned Development - PD 07-310 (the Frayser Business Center Landfill) at the July 8, 2010 hearing. The Frayser Business Center Landfill was approved by the Memphis City Council in June 2007 with the following Class IV Landfill Requirement condition limiting the use of the landfill to Memphis Wrecking Company:

P.D. 10-312

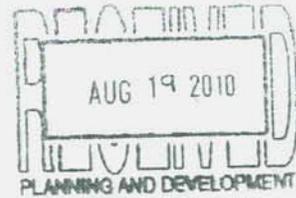
Frayser Business Center
Planned Development, Amended

Letters of Support



Impact Baptist Church
and Ministries

Dr. Michael C. Ellis, Sr., Pastor



August 2, 2010

Mr. Rick Copeland, Director
Ms. Mary Baker, Deputy Director
Office of Planning & Development
126 North Main Street
Memphis, TN 38103

Re: Frayser Business Center Planned Development
OPD File# PD 07-310

Dear Mr. Copeland and Ms. Mary Baker:

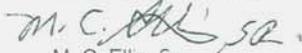
We have a congregation of approximately 500 members. We were previously located at 3160 North Thomas for approximately 3 years recently moved to 3759 North Watkins Street.

I recently became aware of Memphis Wrecking Company's request to change the use of their landfill from private to public use. I am in favor of this change and am requesting that it be allowed to pass.

I have been to the Memphis City Council Meetings to show my support for this project when it was first being approved and it still has my support.

I have been acquainted with the owner of Memphis Wrecking, Steve and Carol Williamson for approximately four years. During this time, they have greatly enhanced the entrance to Frayser and this community by all the improvements they have made to the property of this landfill. I believe that they will continue to carry out the same type of business practices in the future. Once this property has been filled, it will only further enhance our community.

Your Servant In Christ,


M. C. Ellis, Sr.

3759 North Watkins Street

Memphis, TN 38127

(901) 358-3391

Fax: (901) 358-4330

August 2, 2010

Mr. Rick Copeland, Director
Ms. Mary Baker, Deputy Director
Office of Planning & Development
126 North Main Street
Memphis, TN 38103

Re: Frayser Business Center Planned Development
OPD File# PD 07-310

My name is Dorothy Coscia and my family and I have been long time property owners of one of the largest parcels in the Frayser Community. I am currently President of the Alta Vista Neighborhood Association, a member of the Frayser Community Association as well as other community organizations. The Frayser Business Center property is located within these 2 neighborhood associations.

Around the middle of July, I was approached by a representative of Jimmy T. Woods who wanted to know if I would like them to represent me in opposing the above case. I understand that an appeal has been filed against the approval of this case even though it was passed unanimously.

I am in favor of the proposal and see no reason to oppose since the classification of the landfill will not change, and there will be no difference in the final analysis of what would have transpired if Memphis Wrecking Company was using the landfill exclusively.

Sincerely,

Dorothy Coscia
3086 CosciaStreet
Memphis, TN 38127

D.C.: I attended two public meetings in reference to the landfill and was in favor and see no reason to oppose it now. D.C.

8-2-10

To Whom It May Concern:

Memphis Wrecking Company has been an approved private class III/IV, construction/demolition landfill since 2007 and now wants to open as a public class III/IV, construction/demolition landfill.

The same debris will be deposited with no changes in debris material.

I have no objections to this change.

Sincerely,

My addresses are 2864 and 2980 Thomas.

Ayesh Abdallah ph: 901-870-1296

8-9-10

OWNER OF
Z GAS STATIONS
ON N + S OF MWC
ENTRANCE.

8-2-10

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The same debris will be deposited with no changes in debris material.

I have no objections to this change.

Sincerely,

OWNER - Larry Miller
 2989 Thomas
 2889 Thomas
 2989 - Thomas
 2989

FRAZIER Bait Shop
 FRAZIER maid

8-2-10

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I have no objections to this change.

Sincerely,

 ← Owner
Machine shop

BSSC Enterprises, Inc.

3013 Thomas St

Memph, Tenn.

78127

8-2-10

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I have no objections to this change.

Sincerely,



THOMAS BOLTON

BTW

DEMOLITION CONTRACTOR

2995 Thomas St.

8-2-10

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I have no objections to this change.

Sincerely,

*Robert L. Wardlaw - Wardlaw's Garage
3002 Thomas St.
CAR REPAIR SHOP.*