

STAFF REPORT

CASE NUMBER: Z 11-101 **L.U.C.B. MEETING:** March 10, 2011

LOCATION: East side of Airways Boulevard; +/-250 feet south of Kilraney Avenue

COUNCIL DISTRICT: 3

SUPER DISTRICT: 8

APPLICANT: William H. Thomas, Jr.

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

REQUEST: Warehouse & Distribution (WD) District

AREA: 58.74 Acres

EXISTING LAND USE & ZONING: Vacant land zoned in the Residential Single Family-8 (R-8) and Residential Urban-3 (RU-3) Districts.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL**

Staff Planner: Sheila Pounder

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

CONCLUSIONS:

1. Warehouses are developed to the north and south of the subject parcel in the Light Industrial District h in Memphis and a similar light industrial district in Southaven Mississippi.
2. This site is situated within the boundaries of the *Airport Land Use Study* adopted 1992 by both the Memphis City Council and Shelby County Commission. The Study recommended that future land uses for this site be Planned Business Park.
3. The property is located within an airport approach zone and the Memphis International Airport noise buy-out area where residential uses are discouraged based on the purpose and intent of the buy-out program.
4. The requested WD zoning to permit industrial warehouses is consistent with the existing development patterns, the adopted plan for the area and will not have a negative impact on surrounding properties.

SUBJECT PROPERTY



Existing warehouse
use adjacent to the
north of the site



Existing warehouse use
adjacent to the south of
the site within the city
limits of Southhaven, MS

Existing vacant lots directly
across from the subject
property on Airways Blvd.
and within the Airport buy-
out area.



VIEW FROM SITE LOOKING NORTH ALONG AIRWAYS FRONTAGE



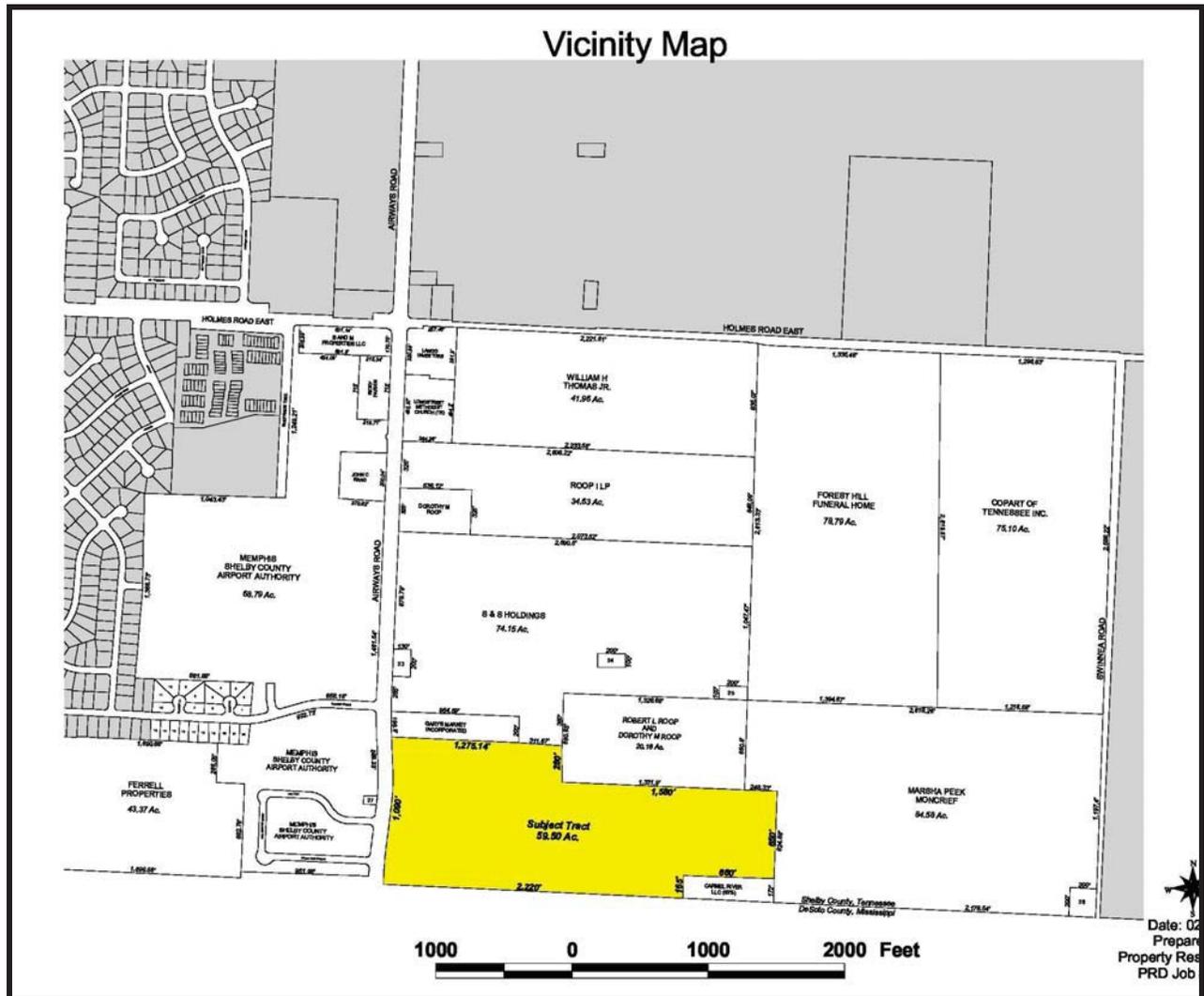
VIEW FROM SITE LOOKING SOUTH ALONG AIRWAYS FRONTAGE INTO MS



STAFF ANALYSIS:

Site Location and Description

The subject property lies along the east side of Airways Boulevard, an improved 6 lane major arterial; between Holmes Road and State Line Road, in the Whitehaven Community of Memphis. The site is currently situated within the R-8 and RU-3 (R-S8 or R-ML equivalents) Districts which dates to the adoption of the County-wide comprehensive zoning ordinance of 1960. The site is currently vacant land with approximately 652 feet of frontage along Airways Boulevard and is impacted in the northwest corner by both a TVA and Texas Gas Transmission easements. Surrounding the site on two sides, north and south are large warehouse facilities, with access to Airways Boulevard or Stateline Road in Mississippi. West of the site vacant land in the Airport buyout area and to the east is Airport owned and used property.

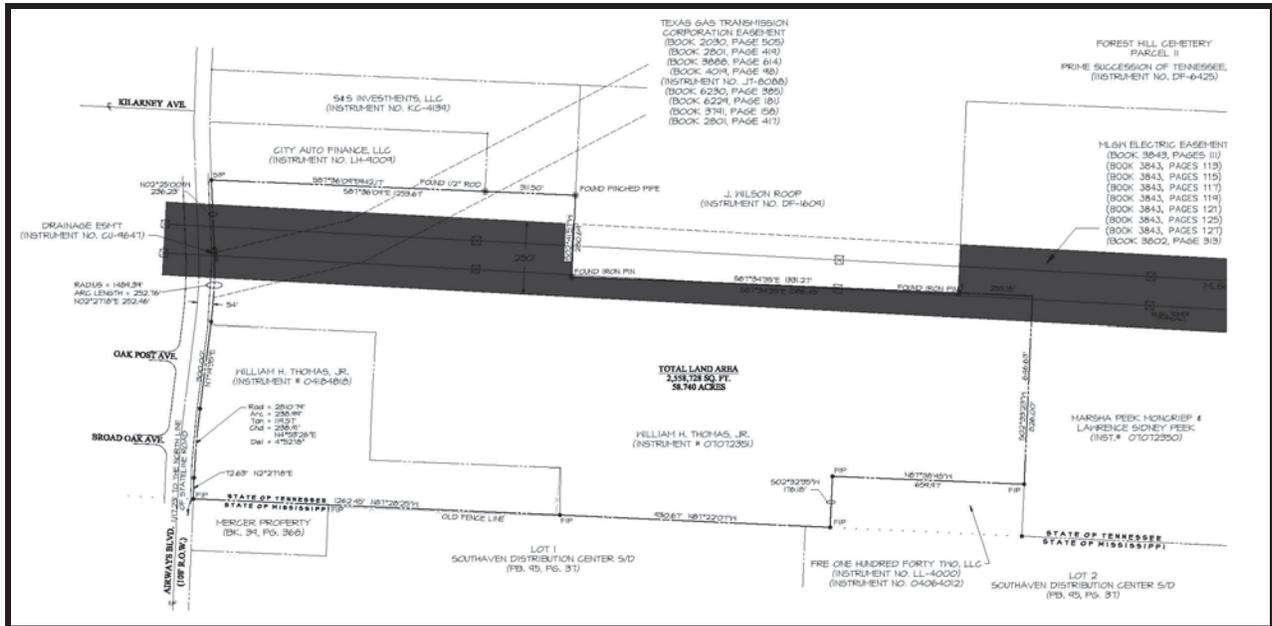


Applicant's Request

An application (Z 07-110) to rezone 52.74 acres of the subject property to the Light Industrial (I-L) District was recommended for approved by both OPD and the Land Use Control Board in 2007. Upon presentation to the Memphis City Council, the application was remanded back to OPD for conversion to a planned development with conditions added to prohibit adult entertainment and billboards uses on the property. The newly converted cases also recommended for approved by both OPD and the Land Use Control Board. However, the City Council rejected the planned development application at its May 6, 2008 meeting.

On December 12, 2010, the applicant filed a new planned development application on the subject property, including an additional 6 acre tract, requesting the same industrial warehouse uses as the previous 2007 applications. After consultation with staff concerning the new Zoning Districts created by the adoption of the Unified Development Code (August, 2010), it was recommended and the applicant agreed to convert the case to a rezoning request for the Warehouse & Distribution (WD) District since it would prohibit adult entertainment and billboard uses which would continue to address the main concern of the City Council as previously discussed in 2007.

PLOT/SURVEY PLAN



Airport Land Use Study

This site is situated within the boundaries of the *Airport Land Use Study* adopted 1992 by both the Memphis City Council and Shelby County Commission. The Study recommended that future land uses for this site be Planned Business Park. It should be noted that none of the properties along Airways south of Holmes have developed as recommended by the Study. However, there have been warehouse developments approved in this area which is compatible to the applicant's rezoning request.

Review of Request

The applicant's request to develop industrial uses along Airway Boulevard is based on the close proximity of the site to the Memphis International Airport and the presence of other similar uses that are currently located along this eastern side of Airways Blvd.

This site is impacted by the presence of the airport and policies related to its location in this community. The site is located within the Airport Approach Zone of the west runway. While such location does not per se preclude the development of residential uses, non-residential developments are encouraged in this area of the City. The site is also located within the Memphis International Airport noise buy-out area. While the site was not directly impacted by that program, introduction of residential uses to this area would be in conflict with the purpose and intent of that program. Consequently, the proposed extension of warehouse uses within either the Warehouse & Distribution or Employment Districts are an acceptable use at this location.

This site is not suitable for residential development and adopted policies of the City of Memphis and the Memphis International Airport affirm that determination. The requested WD zoning for industrial warehouses is consistent with the existing development patterns, the adopted plan for the area and will not have a negative impact on surrounding properties

RECOMMENDATION: APPROVAL

GENERAL INFORMATION:

Planning District: Oakhaven Parkway Village
Census Tract: 219
Street Frontage: 1,090 feet along Airways Boulevard
Zoning Atlas Page: 2535
Parcel ID: 0944000 00100C, 094400 00111, 09400 00113, 094400 00153
Zoning History: The current Residential Single Family-8 (R-8) and Residential Urban-3 (RU-3) Zoning Districts of this site dates to the adoption of the County-wide comprehensive zoning ordinance of 1960.

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 comments received.
City Real Estate: No comments received.
City/County Health Department: No comments by the Water Quality Branch & Septic Tank Program.
City Board of Education: No comment.
Construction Code Enforcement: No comments received.
Bell South: No comments received.
Memphis Area Transit Authority (MATA): No comments received.
OPD-Regional Services: No comments received.
OPD-Plans Development: No comments received.

Memphis Light, Gas and Water:

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

- The subject property is encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by the **MLGW Right of Way Encroachment Policy**.
- **It is the responsibility of the owner/applicant**, prior to any development, to contact Ronnie Alberson, with MLGW – Property Management @ 528-4186 and obtain written approval for any improvements within the Easement.
- **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 easement or dedicated utility easement without prior MLGW approval.
- **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
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: <http://www.mlgw.com/images/waterpolicymanual.pdf>
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 528-4628 and submit proposed street names for review and approval.
- **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 line 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.

Memphis Airport Authority (Solomon Garrett, Jr.):

It remains the Airport Authority's primary concern that all land development adjacent to, or near airport owned property, not only be compatible with airport operations, but with the surrounding communities. We would request that new construction at this site incorporate proper building setbacks, building lighting, building heights, access parking, and landscaping standards necessary to reduce interior noise, and sign requirements be made conditions of the approval.

Neighborhood Associations:

Memphis Airport Area Development Corpora:

No comments received.

Whitehaven Community Development Co.:

No comments received.

South Memphis Neighborhood Inc.:

No comments received.