

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#15**

CASE NUMBER: SUP 13-224 CO **L.U.C.B. MEETING:** November 13, 2014

LOCATION: 8600 and 8610 Deadfall Road

COMMISSION DISTRICT: 4

OWNER OF RECORD: Edward Wayne and Standard Construction Company

APPLICANT: Standard Construction Company

REPRESENTATIVE: Nathan Bicks

REQUEST: Major modification to allow a time extension for a sand and gravel mining operation.

AREA: 6.75 Acres

EXISTING LAND USE & ZONING: A residential dwelling and farming operation in the Conservation Agricultural District (CA)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS

CONCLUSIONS

The request is for a time extension of the existing sand and gravel mining operations to the adjoining property. The infrastructure to handle this operation is already in place; therefore, the impact would be negligible due to the expanded operations.

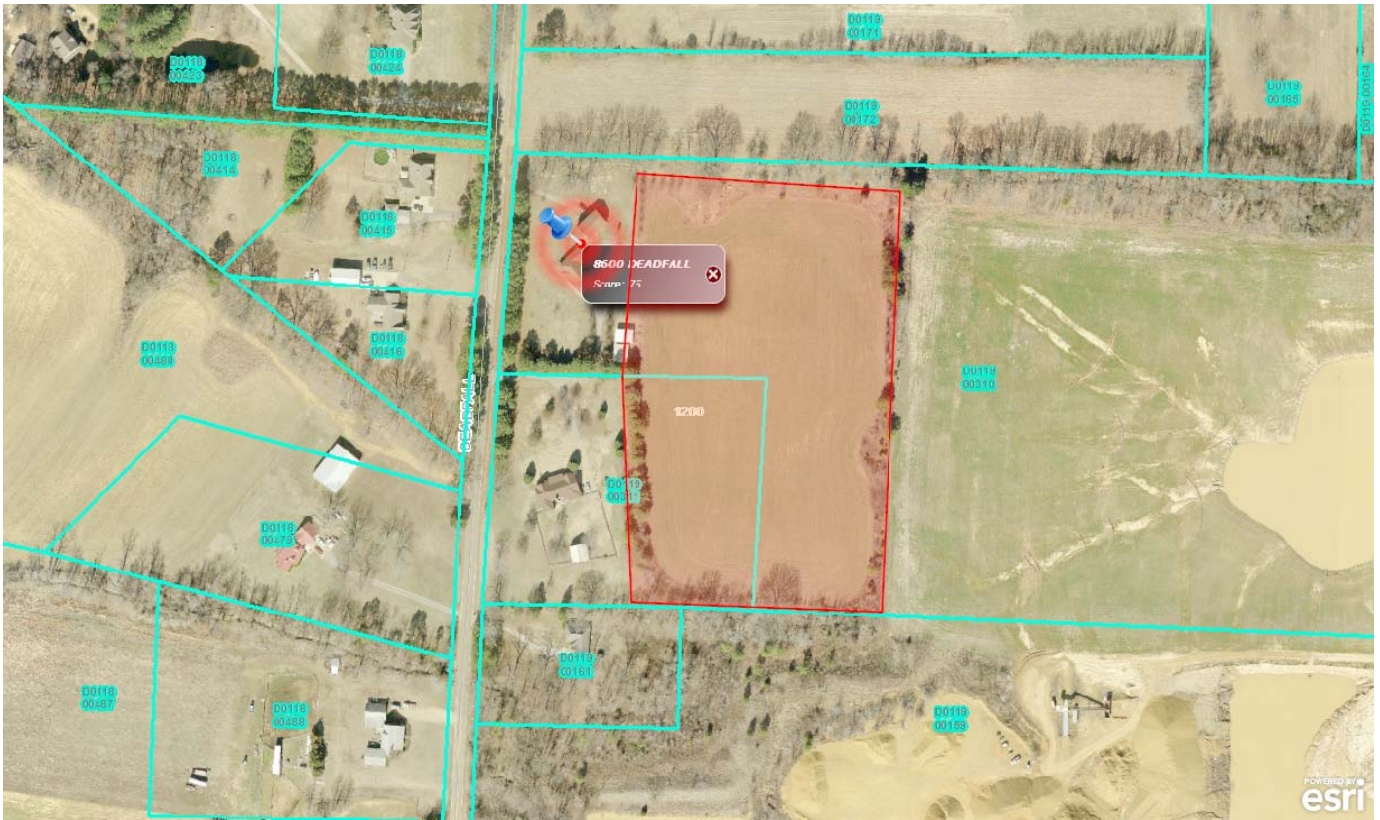
Staff finds the preponderance of the evidence demonstrates that the application meets the provisions for a time extension as outlined in the Unified Development Code.

More specifically, the request adheres to the special use permit and a currently approved hauling route with the proposal of the actual sand and gravel mining operation on the subject tract as well as the approved access route. The site meets several provisions of the UDC Subsections 9.6.9 "A through E".

Staff:
Calvin Abram

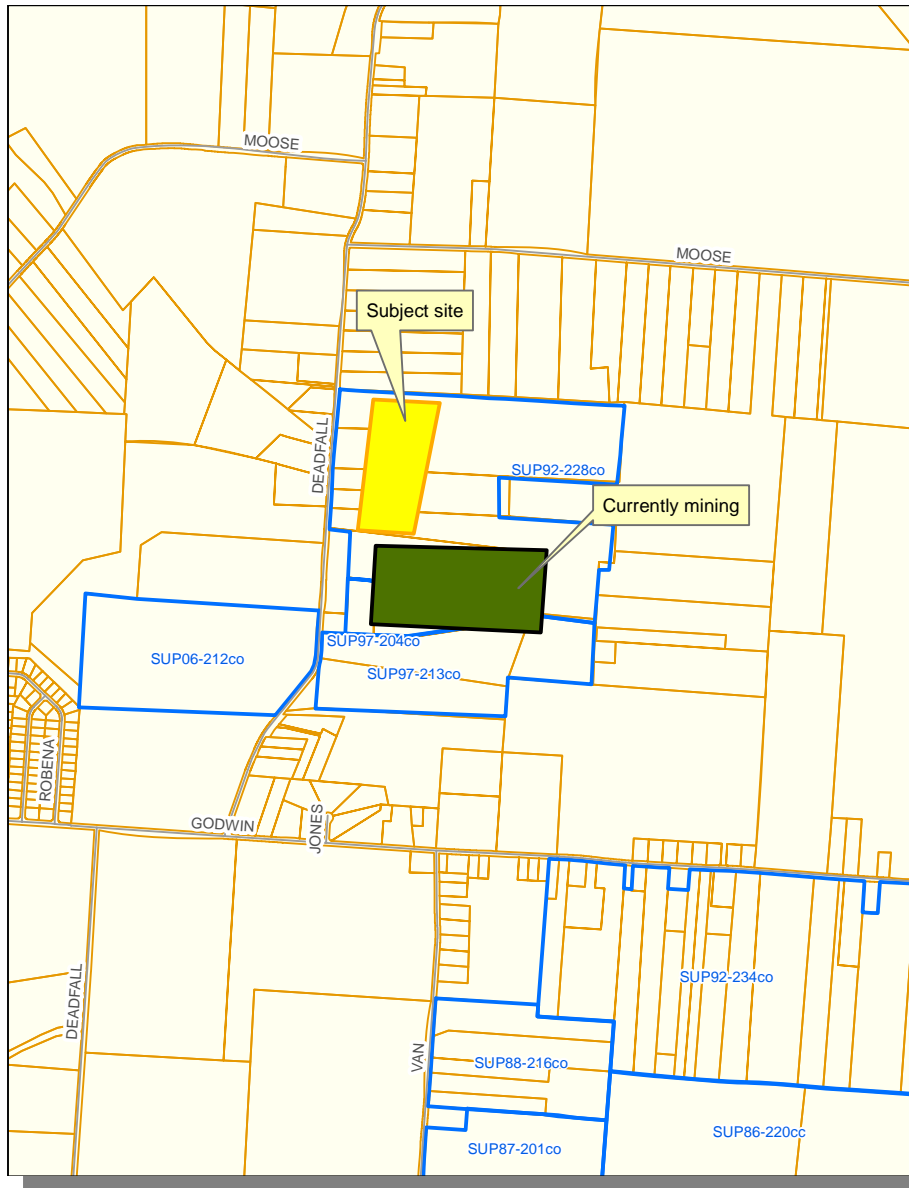
E-Mail:
calvin.abram@memphistn.gov

General Location Map



The subject site has frontage along Deadfall Road

LAND USE & ZONING MAP



SURROUNDING USES AND ZONING:

North: Single family homes on estate sized lots in in the Conservation Agriculture (CA) District

East: Large vacant tracts and single family homes on large tracts in the Conservation Agriculture (CA) District.

South: Mining operations allowed by SUP's 92-228 and 97-204 in the Conservation Agriculture (CA) District.

West: Single family homes on estate sized lots in in the Conservation Agriculture (CA) District

Site Description

The subject property is approximately 6.75 acres in the Shelby County Rural Area located north of an existing Gravel Pit being mined by Standard Construction Company (SUP92-228CO and SUP97-204CO). The site has frontage along Deadfall Road. This tract of land is currently being used as single-family residential with a mature stand of trees providing a sight buffer to the existing residence.

The subject property is located in the northeast portion of the county in the Arlington Planning District adjacent to multiple Standard Construction Company Gravel Pits (SUP92-228CO and SUP97-204CO) as the southern boundary and approximately 1.5 miles northwest of Arlington town line. The area is very rural in character with homes on large tracts. To the south of the subject property lies two, County approved, Standard Construction Company gravel mining operations, which were approved in 1992 and 1997 in the Agricultural (AG) District zoning.

There are large tracts of vacant farm land with mature trees through-out this rural area as well as open pasture land used for grazing. Also, north and southwest of the subject tract are single family homes on 4+ acre lots these homes have frontage along Deadfall Road.

The dominant land use abutting the subject property is single family homes. This special use permit application is to approve a time extension of the previously approved Memphis Stone and Gravel operation and it will use the currently approved Shelby County hauling routes as the primary access and haul road for truck traffic. The subject site was approved for sand and gravel mining by the LUCB on November 13, 2013 and by the Shelby County Board of Commissioners on December 16, 2013.



Tree line that provides a buffer from mining operations



Edge of tree line showing homes abutting mining operation



View from Deadfall Road

Area Overview

The subject property is located in the northeast portion of the county in the Arlington Planning District adjacent to multiple Memphis and Stone Gravel Pits (SUP09-217CO and SUP04-213CO) as the northeastern and northwestern boundary and approximately 1.5 miles northwest of Arlington city limits. The area is very rural in character with homes on large estate tracts. To the north of the subject property lies two, County approved, Memphis Stone and Gravel operations, which were approved in 2004 and 2009 in the Agricultural (AG) District zoning.

There are large tracts of vacant farm land with mature trees through-out this rural area as well as open pasture land used for grazing. Also, south of the subject tract are single family homes on estate lots these homes have frontage along the north and south sides of Pleasant Ridge Road.

The dominant land use abutting the subject property is single family homes. This special use permit application is to approve a time extension of the previously approved Memphis Stone and Gravel operation and it will use the currently approved Shelby County hauling routes as the primary access and haul road for truck traffic. The subject site was approved for sand and gravel mining by the LUCB on November 13, 2013 and by the Shelby County Board of Commissioners on December 16, 2013.

Special Use Permits in Shelby County

In conclusion, staff's recommendation of approval is based on the Shelby County's Unified Development Code. Specifically, Subsections 9.6.9(A through E); Subsections A through E outline the following five requirements that an applicant must show and the LUCB and Board of County Commissioners must find in a request for a special use permit:

1. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
2. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
3. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
4. The project will not result in destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.

5. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.

Based on the applicant's application materials, and its facilities in other sections of Shelby County, OPD has found sufficient evidence to recommend approval under the parameters of the above-cited section of the UDC.

RECOMMENDATION: APPROVAL WITH CONDITIONS

The applicant shall continue to meet the conditions of SUP's 92-228, 97-204 and SUP13-224 with the following revisions:

1. The applicant shall continue to comply with the site plan as approved and to the conditions as approved by the Shelby County Board of Commissioners.
2. This time extension shall lapse two (2) years from the approval date of the County Commission.

GENERAL INFORMATION

Street Frontage: Deadfall Road

Planning District: Arlington

Annexation Reserve Area: None

Zoning Atlas Page:

Parcel ID:

Zoning History: The Conservation Agriculture (CA) designation is replaced the Agricultural (AG) District with the adoption of the Unified Development Code in August 2010. The Agricultural (AG) District designation dates to the adoption of Zoning for Shelby County, circa 1960.

DEPARTMENTAL COMMENTS

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

Shelby County Engineer:

City/County Health Department:

- 1. All soil borings performed at this site to determine the geologic formation of sand and gravel deposits must be permitted by the Shelby County Health Department.*
- 2. Before the expansion of the mining operation at this location a series of monitoring wells **could** be installed around the property boundaries and samples collected to be analyzed for priority metals and total petroleum hydrocarbons gasoline range only (TPH/GRO) in order to determine the groundwater quality at the site prior to commencement of the mining operations.*
- 3. The Shelby County Health Department must permit any monitoring wells that are installed at the site.*
- 4. Sample analysis could then be done **annually** from the monitoring wells in order to determine what effect, if any, this operation could have on the groundwater quality at this location in the future.*
- 5. 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.*

Construction Code Enforcement: No comments received.

Shelby County Real Estate: No comments received

Memphis Light, Gas and Water:

- **Water Quality Issues:**
 - Generally, sand/gravel mining operations are potentially harmful to groundwater supplies. Any proposal in Shelby County should be recognized for this potential, and be required to comply with the most stringent of federal, state, and local laws and regulations, and state of the art technology to protect our water source.
 - This proposed site is/could be in, adjacent, or near the well field of a proposed future water treatment plant and pumping station at the southeast corner of Millington-Arlington and Osborn town Roads. Digging operations can provide a shortcut pathway from shallow to deeper aquifers. Consequently, this application would be of concern as a potential issue for neighboring private water supply wells.
 - Sand/gravel mining operations directly impact the shallow ground water aquifer, which is where most private wells are drilled. If there are private wells in the vicinity of this operation, the M/SC Health Department may consider requiring those well owners to abandon those wells and tie into the public water distribution system.
 - Prior to approval, it is recommended that the owner/applicant complete an Environmental Impact Statement (EIS).
 - Prior to approval, it is recommended those specific processes or systems would be identified in the application which will be put in place to protect and monitor the Alluvial and Memphis Sand Aquifers.
 - The owner/applicant may contact **MLGW- Water Production Engineering @ 901-528-4720.**
- **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.

Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning: No comments received.

Shelby County Fire Department: No comments received

Shelby County Board of Education: No comments received

Rosemark Civic Club/Rosemark United Group: