

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
MAJOR MODIFICATION STAFF REPORT #2**

CASE NUMBER: P.D. 09-306 **L.U.C.B. MEETING:** July 11, 2013

DEVELOPMENT NAME: Lamar-Davidson Planned Development (Amended)

LOCATION: West side of Lamar; +/-750 feet south of Davidson Road

COUNCIL DISTRICT: 3 **SUPER DISTRICT:** 8

OWNER OF RECORD/APPLICANT: William B. & Paula F. Crow

REPRESENTATIVE: SR Consulting, LLC - Cindy Reaves

REQUEST: Remove Condition I.A. that places a time limit on the use of the site for Tractor Trailer Parking to a period two years from the date of adoption by the Memphis City Council, (July 21, 2009)

AREA: 35.41 Acres

EXISTING LAND USE & ZONING: Vacant land governed by the approved conditions of the Lamar-Davidson Planned Development (P.D. 09-306)

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:
Approval with Conditions**

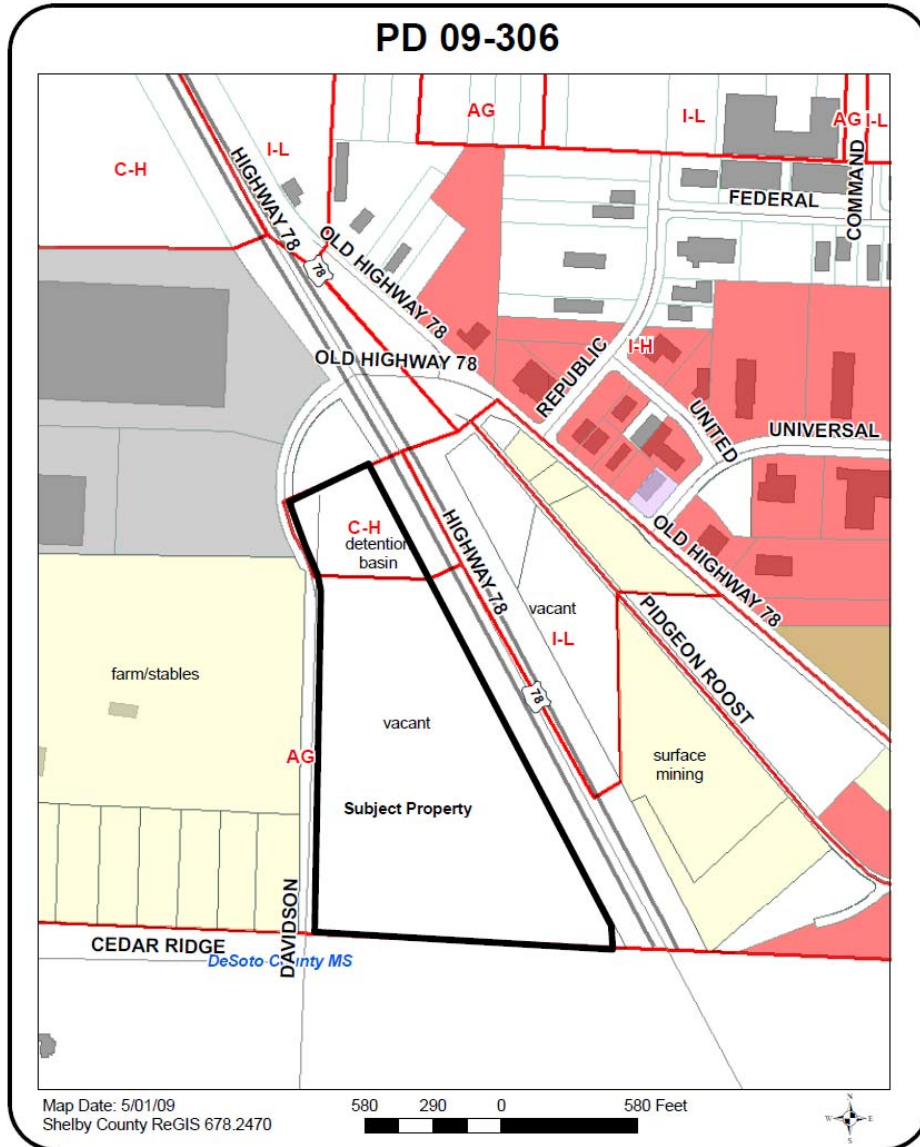
Staff: John D. (Don) Jones

E-Mail: john.jones@memphistn.gov

CONCLUSIONS

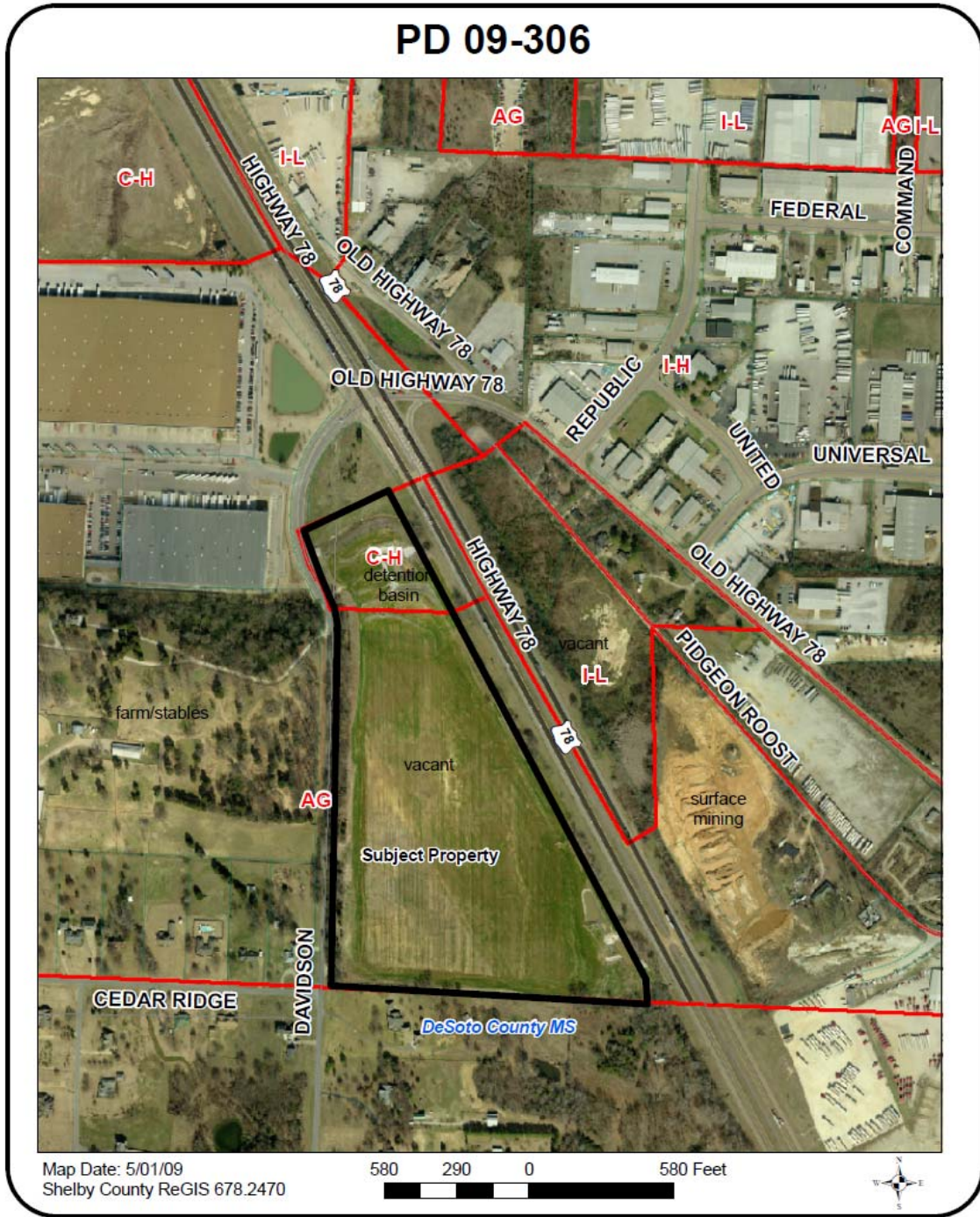
In retrospect, Staff concedes that there is not a great deal of difference between the requested temporary use, truck-trailer parking, and the intended future use, sales and maintenance of Tractor-Trailers, Large trucks.

What has not changed since the 2009 review, is the relationship to existing residential to the west and south of the site, and the condition of Davidson Road, a two-lane rural street. Changes to the conditions to further limit incompatible uses are recommended.



SURROUNDING LAND USES AND ZONING:

- North:** Vacant land in the Agricultural (AG) District and Warehousing regulated by the approved conditions of P.D. 96-332 CC
- East:** Predominately vacant land in the Light Industrial (I-L) and Agricultural (AG) Districts
- South:** Residential dwellings in DeSoto County, MS.
- West:** Horse stables and large lot residential in the Agricultural (AG) District



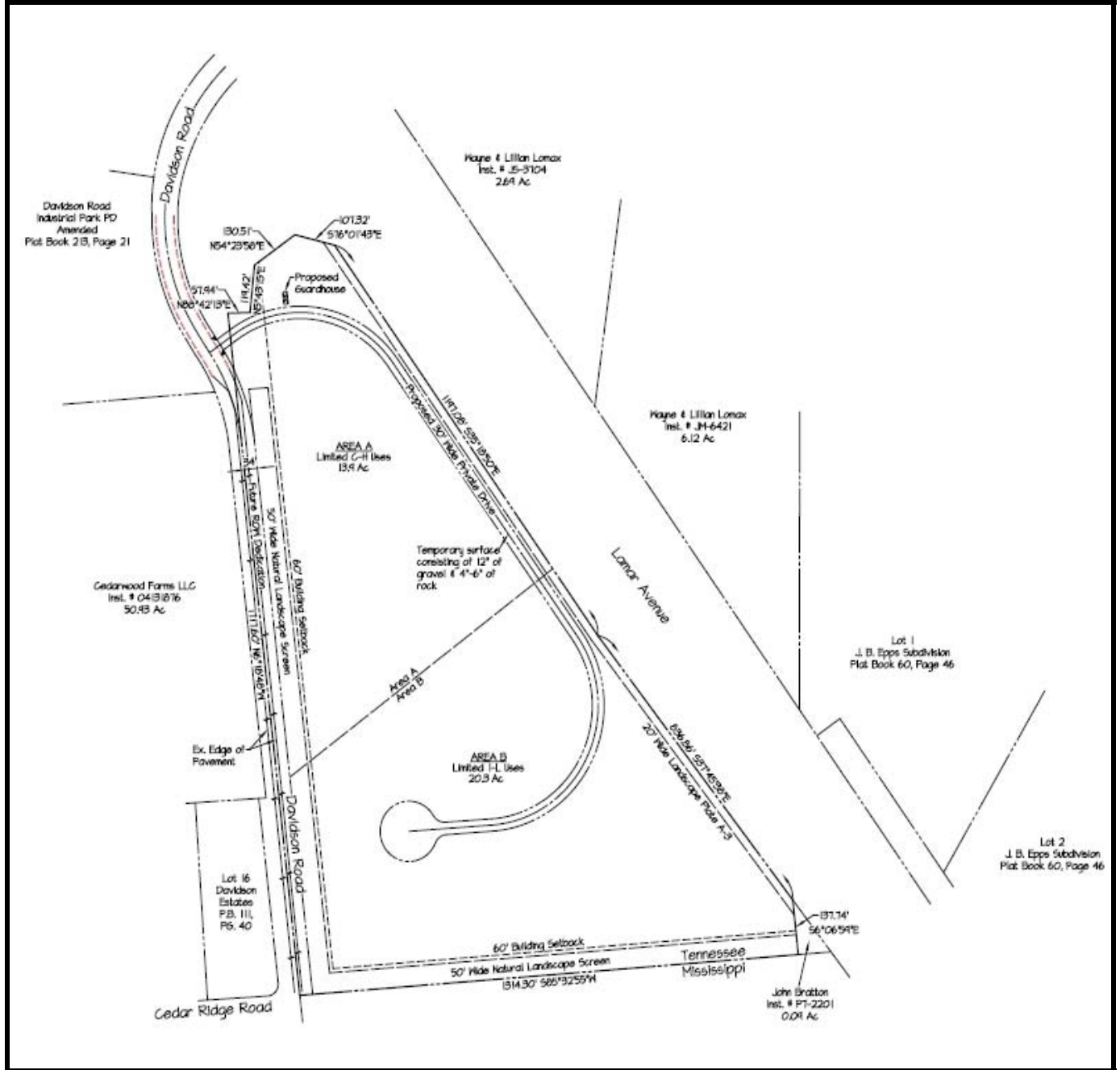
Views of Site



Main Entry

Area A – Parking Area





STAFF ANALYSIS

Background to Request:

On May 14, 2009, the Memphis and Shelby County Land Use Control Board (LUCB) reviewed an application to amend the Lamar-Davidson Planned Development to allow Tractor-Trailer Parking and Storage as a temporary use on this site. The requested use was termed a “temporary use” until such time as the applicant’s current location is purchased by the State of Tennessee as a part of right of way improvements to Lamar/Highway 70. When that occurs, the applicant will move his operations, Crow’s Truck Service, Inc, to this site.

At the hearing, the LUCB approved the request but added a condition that imposed a time limit of two years from the date of approval by the Memphis City Council. This application was approved by the Memphis City Council on July 21, 2009. The two year period expired on July 21, 2011.

Request:

The request herein is to eliminate the time period condition. Due to the economy, the applicant has not been able to secure a contract to use the property for a drop lot. Further, the applicant is somewhat in limbo with the State of Tennessee regarding a time frame for when they will condemn his property.

So, the use on this property is already in a temporary status. If he does not find someone who wishes to use the site for a drop lot, nothing will happen on the site. Second, when the State does condemn the applicant’s current property, he will be ready to move to this site quickly.

Review of Request:

At the 2009 hearing, Staff did not recommend in favor of the requested temporary use. The request was approved by both the LUCB and the Memphis City Council.

In retrospect, Staff concedes that there is not a great deal of difference between the requested temporary use, truck-trailer parking, and the intended future use, sales and maintenance of Tractor-Trailers, Large trucks.

What has not changed since the 2009 review, is the relationship to existing residential to the west and south of the site, and the condition of Davidson Road, a two-lane rural street. So, while the staff is willing to consider the request to remove the time limit condition some other changes to the P.D. need to be made.

First, it is clear in the record that the intended long term use of this site is for Large Truck Repair.

However, it is not clear under the Unified Development Code that Condition I A. will permit that use. This can be clarified.

Further, with respect to the proximity of residential and the type of road access, staff recommends adding the list of prohibited uses found in Condition I.B, items b. plus the list below to the Area A conditions:

Boardinghouse or rooming house, Hotel and/or Motel, Student Dormitory, Recreation Field with light, Pawn Shops, Title Loans and related activities, Outdoor Retail Sales, Flea Markets, Contractors Storage, Recycling Drop Off Facility.

RECOMMENDATION: Approval with Conditions

If approved, the plat shall be revised:

1. I. Uses Permitted, Area A: after (C-H) District, add “including repair of Tractor-Trailers and Heavy Truck, and”
2. A. Revise the sentence by deleting the word “exception” and inserting the words “additional prohibited uses”
3. Under A. 1. add the prohibited uses in Area B numbers 1 – 16 (see appendix) and then add the following additional uses as prohibited uses:
 19. Boardinghouse, Rooming House
 20. Hotel, Motel
 21. Recreation Field with lights
 22. Pawn Shops
 23. Outdoor Retail Sales, including Flea Markets
 24. Contractor’s-Outdoor Storage
 25. Recycling Drop Off Facility

GENERAL INFORMATION

Street Frontage: Lamar Avenue+/- 2,000 linear feet
Davidson Road+/- 1,700 linear feet

Planning District: Oakhaven-Parkview Village

Census Tract: 217.56

Zoning Atlas Page: 2545

Parcel ID: 094200 000287, 094200 000292

Zoning History:

July 21, 2009 – An amendment to the PD to permit Tractor Trailer Storage was approved by the Memphis City Council.

February 8, 2007 – A correspondence item was approved by the Memphis and Shelby County Land Use Control Board to modify the conditions related to access, III. A.

December 21, 2004 – A Planned Development was approved by the Memphis City Council to permit C-H uses with restrictions in Area A and I-L uses with restrictions in Area B.

DEPARTMENTAL COMMENTS

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

City Engineer:	No objection to the time extension
City Fire Division:	No comments received
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 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 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 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 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 Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application 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: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning: No comments received

Park Services: No comments received.

Neighborhood Associations: None Identified

Appendix Uses Permitted Section of the Planned Development

OUTLINE PLAN CONDITIONS

Lamar/Davidson Road Planned Development (Amended)
P.D. 09-306

I. USES PERMITTED:

A. Area A – Any use permitted by right, Administrative Site Plan Review or Special Use Permit within the Highway Commercial (C-H) District, including tractor trailer storage and parking which excludes over night stay in the vehicles or on the property by any person other than the designated security person, and the following additional exception:

1. Tractor-trailer fueling, truck travel center, truck stop or any facility or use that is customarily associated with travel center rest area accommodations other than the parking indicated above

B. Area B - Any use permitted by right, Administrative Site Plan Review or Special Use Permit within the Light Industrial (I-L) District, including tractor trailer storage and parking which excludes over night stay in the vehicles or on the property by any person other than the designated security person.

The uses below are specifically excluded.

1. Amusements, commercial outdoor or indoor
2. Campground, travel trailer park.
3. Drive-in theater
4. Lumberyard
5. Tavern, cocktail lounge or night club
6. Undertaking establishment
7. Brewery
8. Bus terminal or service facility
9. Garbage or refuse collection service
10. Taxi cab dispatch station
11. Airline terminal, freight, service, second hand sales
12. Adult entertainment
13. Chemicals manufacturing
14. Slaughtering businesses
15. Beverage recycling center
16. Truck terminals
17. Tractor-trailer fueling, truck travel center, truck stop or any facility for the overnight parking of tractor-trailers customary with travel

center rest area accommodations, except where permitted in B above.